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TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 8]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of October 1952.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831–835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made a part thereof:

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend Commodity List (15 F. R. 8265, 8266, 8269, 8270, 8272, Dec. 2, 1950) (17 F. R. 1558, Feb. 20, 1952; 17 F. R. 4293, May 10, 1952; 17 F. R. 7279, Aug. 9, 1952) (49 CFR 72.5, 1950 Rev.) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Dimethylamine, anhydrous	F. G.	73.302, 73.308, 73,314, 73.315	Red Gas	300 pounds.
Engines, internal combustion	See § 73.120.			
Monomethylamine, anhydrous	F. G.	73.302, 73.308, 73.314, 73.315	Red Gas	300 pounds.
Motors, internal combustion	See § 73.120.			
‡ Nitrous oxide	Nonf. G.	73.302, 73.308, 73.315	Green	300 pounds.
Propellant explosives	Expl. B.	No exemption, 73.93	Red ‡	10 pounds.
Trimethylamine, anhydrous	F. G.	73.302, 73.308, 73.314, 73.315	Red Gas	300 pounds.
Add				
Bursters (explosive)	Expl. A.	No exemption 73.99		Not accepted.
Charged oil well jet perforating guns *(total explosive contents in guns exceeding 15 pounds per motor vehicle)*.	Expl. A.	No exemption 73.53 (u), 73.80.		Not accepted.
Charged oil well jet perforating guns *(total explosive contents in guns not exceeding 15 pounds per motor vehicle)*.	Expl. C.	No exemption 73.53 (u), 73.110.		Not accepted.
*Dichlorodifluoromethane-monofluorotrichloromethane mixture.	Nonf. G.	73.302, 73.314, 73.315	Green	300 pounds.
Monochloropentafluoroethane	Nonf. G.	73.302, 73.308	Green	300 pounds.
*Nickel catalyst, finely divided, activated or spent.	F. S.	No exemption, 73.233	Yellow	100 pounds.
Supplementary charges (explosive)	Expl. A.	No exemption, 73.99		Not accepted.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Amend § 73.29 introductory text of paragraph (a), and paragraph (d) (16 F. R. 5322, June 6, 1951) (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.29, 1950 Rev., 1951 Supp.) to read as follows:

§ 73.29 *Empty containers.* (a) Empty cylinders, barrels, kegs, drums, or other containers except carboys (see para-

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graph (c) of this section) previously used for the shipment of any explosive or other dangerous article, as defined in this part, if authorized for reuse must have all openings including removable heads, filling and vent holes, tightly closed before being offered for transportation. Small quantities of the material with which containers were loaded may remain in "empty" containers and when the vapors remaining therein are unstable, it is permissible to add sufficient inert gas to render the vapors stable.

* * * * *

(d) Empty bottles other than carboys previously used for the shipment of acids or other corrosive liquids must be securely stoppered.

* * * * *

2. Amend § 73.31 Note 1 and Note 2 to paragraph (g) and entire paragraph (h) (16 F. R. 9373, Sept. 15, 1951) (16 F. R. 11775, Nov. 21, 1951) (15 F. R. 8278, 8279, Dec. 2, 1950) (49 CFR 73.31, 1950 Rev., 1951 Supp.) to read as follows:

§ 73.31 *Qualification, maintenance and use of tank cars.* * * *

(g) * * *

NOTE 1: Periodic retests of metal tanks, safety valves, and heater systems of tank cars, except those in chlorine service, now required to be made as prescribed in paragraph (g) of this section, may be waived because of the present emergency and until December 31, 1953, or until further order of the Commission.

NOTE 2: Periodic retests of metal tanks, safety valves, and heater systems of ICC–103A, 103A–W, 103C, 103C–W, and 103C–AL tank cars (§§ 78.296, 78.281, 78.268, or 78.283 of this chapter), now required to be made as prescribed in paragraph (g) of this section, may be made at 5-year intervals up to 10 years of service, thereafter at 3-year intervals up to 22 years of service, and annually after 22 years of service until December 31, 1953, or until further order of the Commission.

(h) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized, as indicated on the certificate of construction. When a car is to be used for the transportation of a commodity other than those approved on the certificate of construction, it must be approved for such loading by the A. A. R. Tank Car Committee. Changes in fittings or commodity stenciling required to transfer a car from one service to another as authorized on the certificates of construction may be made only by the owner or owner's authorized agent; except, that where no change in fittings or other appurtenances is necessary, ICC–103, 103W, 103A, 103A–W, 103B, 103B–W, 103C, and 103C–W (§§ 78.265, 78.280, 78.266, 78.281, 78.267, 78.282, 78.268, and 78.283 of this chapter) tank cars may be transferred from one commodity service to another when authorized for the transportation of such commodity by this part.

NOTE 1: For qualification of cylinders and tank cars for compressed gases see §§ 73.34, 73.301 (g), and 73.314.

* * * * *

SUBPART B—EXPLOSIVES; DEFINITION AND PREPARATION

1. Amend § 73.53 paragraph (s), and add paragraph (u) (15 F. R. 8266, Dec. 2, 1950) (49 CFR 73.53, 1950 Rev.) to read as follows:

§ 73.53 *Definition of class A explosives.* * * *

(s) *Boosters, bursters, and supplementary charges.* Boosters and supplementary charges consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuze. Bursters consist of a casing containing a high explosive and are used to rupture a projectile or bomb to permit release of its contents.

* * * * *

(u) *Charged oil well jet perforating guns.* Charged oil well jet perforating guns are steel tubes or metallic strips into which are inserted shaped charges connected in series by primacord. Shaped charges must be of a type described in paragraph (h) (1) of this section, except that each shaped charge installed in the steel tube or metallic strip shall contain not over 35 grams of high explosive. Charged oil well jet perforating guns must not be transported with blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns.

2. Amend § 73.58 paragraph (b) (15 F. R. 8287, Dec. 2, 1950) (49 CFR 73.58, 1950 Rev.) to read as follows:

§ 73.58 *Ammunition for small arms.* * * *

(b) Each outside package must be plainly marked "AMMUNITION FOR SMALL ARMS WITH EXPLOSIVE BULLETS" or "AMMUNITION FOR SMALL ARMS WITH EXPLOSIVE PROJECTILES," as the case may be. * * * * *

3. Amend § 73.60 paragraph (e) (15 F. R. 8287, Dec. 2, 1950) (49 CFR 73.60, 1950 Rev.) to read as follows:

§ 73.60 *Black powder and low explosives.* • • •

(e) Each outside package must be plainly marked, stamped, or stenciled "BLACK POWDER" or "LOW EXPLOSIVES," and may also show "BLASTING," "RIFLE," etc., as "BLACK BLASTING POWDER," "BLACK RIFLE POWDER," "LOW BLASTING EXPLOSIVE" or "BLACK PELLET POWDER," as the case may be.

• • • • • •

4. Add paragraph (c) (2) to § 73.63 (15 F. R. 8288, Dec. 2, 1950) (49 CFR 73.63, 1950 Rev.) to read as follows:

§ 73.63 *High explosive with liquid explosive ingredient.* • • •

(c) • • •

(2) Spec. 14, 15A, or 16A (§§ 78.165, 78.168, or 78.185 of this chapter). Wooden boxes, or spec. 23F or 23H (§§ 78.214 or 78.219 of this chapter) fiberboard boxes, with inside containers which must be paraffined two-ply paper bags not exceeding 12½ pounds capacity, securely closed by folding the tops and securing the fold by tape, with not more than two such bags inserted into another two-ply paper bag which must be securely closed and dipped in paraffin after closing. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

• • • • • •

5. Amend entire § 73.69 (17 F. R. 7280, Aug. 9, 1952) (16 F. R. 11776, Nov. 21, 1951) (15 F. R. 8291, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp. 73.69) to read as follows:

§ 73.69 *Detonating fuzes, detonating fuze parts containing an explosive, boosters, bursters or supplementary charges.* (a) Detonating fuzes, detonating fuze parts containing an explosive, boosters, bursters or supplementary charges when shipped not assembled in projectiles, bombs, etc., must be packed and well secured in strong, tight wooden boxes.

(b) The gross weight of one outside package containing detonating fuzes must not exceed 190 pounds. Boosters, bursters and supplementary charges, without detonators, when shipped separately, must not exceed a gross weight of 300 pounds.

(c) Each outside package must be plainly marked "DETONATING FUZES, HANDLE CAREFULLY — DO NOT STORE OR LOAD WITH AND HIGH EXPLOSIVE," or "BOOSTERS (EXPLOSIVE)—HANDLE CAREFULLY," or "BURSTERS (EXPLOSIVE)—HANDLE CAREFULLY," or "SUPPLEMENTARY CHARGES (EXPLOSIVE) — HANDLE CAREFULLY," as the case may be.

(d) Detonating fuzes, boosters, bursters and supplementary charges must not be offered for transportation by rail express, except as provided in § 73.86 and § 75.675 of this chapter.

6. Add § 73.80 (15 F. R. 8292, Dec. 2, 1950) (49 CFR 73.80, 1950 Rev.) to read as follows:

§ 73.80 *Charged oil well jet perforating guns.* (a) Charged oil well jet perforating guns, when transported by motor vehicles operated by private carriers engaged in oil well operations in which the total weight of the explosive contents of shaped charges assembled to guns being transported does not exceed 15 pounds per such vehicle, are classed as class C explosives. See § 73.110.

(b) Charged oil well jet perforating guns of the steel tube type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns and transported in fully-enclosed specially-constructed bodies of motor vehicles operated by private carriers engaged in oil well operations. Shaped charges assembled in the steel tubes and connected in series by primacord must be of the type described in § 73.53 (h) (1), except that each shaped charge shall contain not over 35 grams of high explosive and each shaped charge if not completely enclosed in glass must be fully protected by a metal or other equally efficient cover after installation in the gun.

(c) Charged oil well jet perforating guns of the metallic strip type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns in steel tubes or pipes having wall thickness at least ¼ inch and of sufficient length and diameter to completely enclose each gun and transported in fully-enclosed specially-constructed bodies of motor vehicles operated by private carriers engaged in oil well operations. Shaped charges assembled in the metallic strips and connected in series by primacord must be of the type described in § 73.53 (h) (1), except that each shaped charge shall contain not over 35 grams of high explosive and each shaped charge if not completely enclosed in glass must be fully protected by a metal or other equally efficient cover after installation in the gun.

(d) The charged oil well jet perforating guns described in paragraphs (b) and (c) of this section and the bodies of motor vehicles transporting such guns must be so designed and constructed that accidental damage to guns or shaped charges will be avoided. The assembled gun or guns packed as required by paragraphs (b) or (c) of this section must be secured in the body of the motor vehicle in a fixed position so as to prevent movement relative to each other or in the body of the motor vehicle.

(e) Blasting caps, electric blasting caps, or other firing devices transported on any motor vehicle operated by private carriers engaged in oil well operations transporting charged oil well jet perforating guns shall be segregated; each kind from every other kind, and from jet perforating guns, tools or other supplies. Blasting caps, electric blasting caps, or other firing devices shall be carried in a container having individual pockets for each such device or by at least equally safe means. No greater number of blasting caps, electric blasting caps, or other firing devices shall be transported on the same motor vehicle transporting oil well jet perforating guns than is necessary for use on any particular trip.

(f) Charged oil well jet perforating guns must not be offered for transportation by carriers by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

7. Amend § 73.93 paragraph (f) (2) (17 F. R. 1561, Feb. 20, 1952) (49 CFR 73.93, 1950 Rev.) to read as follows:

§ 73.93 *Propellant explosives for cannon, small arms, or other devices.* • • •

(f) • • •

(2) *Label.* Each outside container of propellant explosives, when offered for transportation by rail express, must have securely and conspicuously attached to it a square red label as described in § 73.412.

8. Amend § 73.100 paragraphs (g) and (h) (15 F. R. 8295, Dec. 2, 1950) (49 CFR 73.100, 1950 Rev.) to read as follows:

§ 73.100 *Definition of class C explosives.* • • •

(g) Cartridge bags, empty, with black powder igniters consist of empty bags having attached thereto an igniter composed of black powder. (See § 73.93 (b), (c), and (d) when shipped with propellant explosives.)

(h) Igniters consist of fiberboard, plastic, paper or metal tubes containing a small quantity of igniting compound which is ignited by the action of a primer, pull wire or scratch composition.

• • • • • •

9. Add § 73.110 (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.110, 1950 Rev.) to read as follows:

§ 73.110 *Charged oil well jet perforating guns, total explosive content in guns not exceeding 15 pounds per motor vehicle.* (a) Charged oil well jet perforating guns transported by motor vehicles operated by private carriers engaged in oil well operations in which the total weight of the explosive contents of shaped charges assembled to guns being transported does not exceed 15 pounds per such vehicle must be packed as prescribed in § 73.80 (b), (c), (d) and (e).

(b) Charged oil well jet perforating guns must not be offered for transportation by carriers by rail freight, rail express, rail baggage, water, or by common or contract carriers by public highway.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

Amend § 73.140 paragraph (a) (1) (16 F. R. 9374, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.140) to read as follows:

§ 73.140 *Zirconium, metallic, solutions, or mixtures thereof, liquid.* (a) • • •

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with inside metal containers. Each inside container shall not contain more than 20 individual glass or porcelain jars, not exceeding 2-ounce capacity each, securely closed and completely cushioned in incombustible cushioning material in sufficient quantity to completely absorb the contents.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Add paragraph (c) (62) to § 73.153 (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(c) • • •

(62) Nickel catalyst, finely divided, activated or spent.

2. Add paragraph (a) (2) to § 73.157 (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.157, 1950 Rev.) to read as follows:

§ 73.157 *Benzoyl peroxide, chlorobenzoyl peroxide (para), lauroyl peroxide or succinic acid peroxide, wet.* (a) • • •

(2) Spec. 5, 5B, 6A, 6B, or 6C (§§ 78.80, 78.82, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums having liners of polyethylene or other suitable material. Not more than 4 vent holes of not to exceed ⅛-inch diameter may be provided in the drum near the top periphery. Gross weight not to exceed 350 pounds. Authorized only for benzoyl peroxide, wet.

3. Add paragraph (a) (4) to § 73.158 (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.158, 1950 Rev.) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) • • •

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside fiber containers securely closed by taping or gluing, not over 1 pound capacity each. Each inside container must be surrounded by asbestos or fire resistant cushioning material which will protect the contents with equal efficiency. Net weight in outside container must not exceed 50 pounds.

4. Amend § 73.162 paragraph (g) (1) (15 F. R. 8305, Dec. 2, 1950) (49 CFR 73.162, 1950 Rev.) to read as follows:

§ 73.162 *Charcoal.* • • •

(g) • • •

(1) Lump charcoal used for the preparation of ground, crushed, granulated, or pulverized charcoal must be stored subject to ventilation, and protected from the weather for not less than 20 days after its removal from the coolers before milling; or the ground, crushed, granulated or pulverized charcoal must be stored in bags, subject to ventilation and protected from the weather for not less than 20 days before shipment. Lump charcoal made from pine wood must be stored as above described for not less than 5 days before milling. Ground, crushed, or granulated charcoal made by the "Stafford" process must be stored subject to ventilation and protected from the weather for not less than 7 days before shipment in lieu of the 20-days' storage otherwise prescribed.

• • • • • •

5. Add paragraph (a) (2) to § 73.215 (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.215, 1950 Rev.) to read as follows:

§ 73.215 *Zirconium, metallic, dry.* (a) • • •

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers which must be securely closed glass bottles or metal containers not over 1 pound net weight each and enclosed in a securely closed metal can and sufficiently cushioned with incombustible material.

6. Amend § 73.229 paragraph (a), and paragraph (c) (17 F. R. 7281, Aug. 9, 1952) (49 CFR 73.229, 1950 Rev.) to read as follows:

§ 73.229 *Chlorate and borate mixtures and chlorate and magnesium chloride mixtures.* (a) Chlorate and borate mixtures and chlorate and magnesium chloride mixtures containing no other hazardous additives must be packed as follows:

• • • • • •

(c) Chlorate and borate mixtures and chlorate and magnesium chloride mixtures containing no other hazardous additives and containing less than 50 percent chlorate, packed in strong tight metal or fiber drums or in wooden boxes with tight inside metal containers are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight or highway.

7. Add § 73.233 (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.233, 1950 Rev.) to read as follows:

§ 73.233 *Nickel catalyst, finely divided, activated or spent.* (a) Nickel catalyst, finely divided, activated or spent must be wet with not less than 40 percent by weight of water or other equally suitable liquid and must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with airtight metal inside containers which must have closing device fastened by positive means (not friction).

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with airtight metal inside containers which must have closing device fastened by positive means (not friction).

(3) Spec. 5, 6A, 6B, or 6C (§§ 78.80, 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums not over 55 gallons capacity each.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.245 paragraph (a) (4) (17 F. R. 1561, Feb. 20, 1952) (49 CFR 73.245, 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • •

(4) Spec. 5A, 5C, or 5M (§§ 78.81, 78.83, or 78.90 of this chapter). Metal barrels or drums.

• • • • • •

2. Amend § 73.263 paragraph (a) (9) and add paragraph (a) (12) (15 F. R. 8317, Dec. 2, 1950) (49 CFR 73.263, 1950 Rev.) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric acid mixtures, and sodium chlorite solution.* (a) • • •

(9) Spec. 103B, 103B-W, 108, or 108A (§§ 78.267, 78.282, 78.278, or 78.279 of this chapter). Tank cars. Authorized for acid not over 38 percent strength by weight.

• • • • • •

(12) Spec. 103B100-W (§ 78.296 of this chapter). Tank cars. Authorized for acid not over 44½ percent strength by weight.

• • • • • •

3. Amend § 73.264 paragraph (b) (1) 16 F. R. 9375, Sept. 15, 1951) (49 CFR 73.264, 1950 Rev.) to read as follows:

§ 73.264 *Hydrofluoric acid.* • • •

(b) • • •

(1) Spec. 3,[1] 3A, 3AA, 3B, 3C, 3E, 4, 4A, 25,[1] or 38,[1] also spec. 4B, 4BA, or 4C if not brazed (§§ 78.36, 78.37, 78.38, 78.40, 78.42, 78.48, 78.49, also 78.50, 78.51, or 78.52 of this chapter). Cylinders. Filling density must not exceed 85 percent of the pounds water weight capacity of the cylinder.

• • • • • •

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.308 paragraph (a) Table (17 F. R. 7282, Aug. 9, 1952) (16 F. R. 9376, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.308) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

Kind of gas	Maximum permitted filling density (see Note 12)	Cylinders (see Note 11) marked or shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
	Percent	
Anhydrous ammonia	54	ICC-4; ICC-3AA480; ICC-3AA480; ICC-3A480X; ICC-4A480; ICC-3.
Carbon dioxide—nitrous oxide mixtures	68	ICC-3A1800; ICC-3AA1800; ICC-9.
Chlorine (see Note 6)	125	ICC-3AA480; ICC-3AA480; ICC-3E; ICC-3; ICC-3BN480.
Cyclopropane	55	ICC-3AA225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-7-300; ICC-3; ICC-3E1800.
Dichlorodifluoromethane	119	ICC-3AA225; ICC-3AA225; ICC-3B225; ICC-4A225; ICC-4B225; ICC-4BA225; ICC-9.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture)	(1)	ICC-3AA240; ICC-3AA240; ICC-3B240; ICC-4A240; ICC-4B240; ICC-4BA240; ICC-9.
Difluoroethane	79	ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225.
Difluoromonochloroethane	100	ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225.
Dimethylamine, anhydrous	59	ICC-3A150; ICC-3AA150; ICC-3B150; ICC-4B150; ICC-4BA225.

[1] § 73.304 (a) and (b).

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
	Percent	
Chlorine	125	ICC–105A300, 106A300X, Note 12.
Crude nitrogen fertilizer solution	125	ICC–105A300, 106A300X, 105A300, 105A300W.
Dichlorodifluoromethane	119	ICC–105A500, 106A500X, 110A500W, Note 12.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	125	ICC–105A300, 105A300W.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	Note 6	ICC–105A500, 106A500X, Note 12. ICC–105A300, 106A300X.
Difluoroethane	Note 16	ICC–105A500, 106A500X, 110A500W, Note 12.
Difluoromonochloroethane	79	ICC–105A500, 106A500X, Note 12.
Dimethylamine, anhydrous	160	ICC–105A300, 105A300W.
	62	ICC–105A300, 105A300W.
Dimethyl ether	59	ICC–105A500, 106A500X.
Dispersant gas, n. o. s.	62	ICC–105A300, 105A300W.
Fertilizer ammoniating solution containing free ammonia.	Note 18	ICC–105A500, 106A500X, Note 12.
Helium	Note 6	ICC–105A350, 106A350X, 105A300, 105A300W.
Hydrogen	Note 5	ICC–107A.
Hydrogen sulfide	Note 3	ICC–107A, Note 7.
Liquid carbon dioxide	68	ICC–105A300, 106A300X, Notes 12 and 17.
	Note 10	ICC–105A500, 106A500, 106A600, 106A600W, Note 11.
Liquid hydrocarbon gas	Note 6	Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6	ICC–104A, 104A–W, Note 9.
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.).	Note 3	ICC–105A300, 105A300W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 105° F.).	Note 3	ICC–105A400, 105A400W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 105° F.).	Note 3	ICC–105A500, 105A500W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 130° F.).	Note 4	ICC–106A500, 106A500X.
Liquefied petroleum gas (pressure not exceeding 450 pounds per square inch at 105° F.).	Note 3	ICC–105A600, 105A600W, Notes 5 and 9.
Methyl chloride	84	ICC–106A500, 106A500X, Note 12. ICC–105A-300, 105A300W.
Methyl mercaptan	80	ICC–106A500, 106A500X, Note 13.
Monochlorodifluoromethane	105	ICC–105A500, 106A500X, 110A500W, Note 12.
Monochlorotetrafluoroethane	125	ICC–106A500, 106A500X, Note 12.
Monochloropentafluoroethane	60	ICC–106A500, 106A500X.
Monomethylamine, anhydrous	62	ICC–105A300, 105A300W.
Nitrogen	Note 5	ICC–107A.
Nitrosyl chloride	124	ICC–105A300W, Note 15.
Oxygen	Note 5	ICC–107A.
Sulfur dioxide	125	ICC–106A500, 106A500X, Note 12.
	125	ICC–105A300, 105A300W.
Trimethylamine, anhydrous	59	ICC–105A300, 105A300W.
Vinyl chloride, inhibited	84	ICC–105A500, 106A500X, Note 12.
	87	ICC–105A300, 105A300W.

* * * * * * *

NOTE 12: Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter), containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) or dichlorodifluoromethane-monofluorotrichloromethane mixture, tanks complying with specification 110A500W or 106A500X (§ 78.276 of this chapter), containing hydrogen sulfide, or dichlorodifluoromethane, monochlorodifluoromethane, or dichlorodifluoromethane-monofluorotrichloromethane mixture, tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide, or tanks complying with specification 106A800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1) of this chapter, for rail freight-motor vehicle shipments.

* * * * * * *

NOTE 17: Safety vents must be of the fusible plug type and must function at a temperature of not exceeding 175° F. and be vapor tight at 130° F.

* * * * * * *

3. Amend § 73.315 paragraph (a) (1) Table, paragraph (h) Table, and paragraph (l) (2) Table (17 F. R. 7282, Aug. 9, 1952) (15 F. R. 8330, 8331, Dec. 2, 1950) (49 CFR 73.315, 1950 Rev.) to read as follows:

Kind of gas	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)	Maximum permitted filling density, Note 1
		Percent
Ethane	ICC–3A1800; ICC–3AA1800; ICC–3.	35.8
	ICC–3A2000; ICC–3AA2000.	36.8
Ethylene	ICC–3A1800; ICC–3AA1800; ICC–3.	31.0
	ICC–3A2000; ICC–3AA2000.	32.5
Hydrogen chloride	ICC–3A1800; ICC–3AA1800; ICC–3.	60
Hydrogen sulfide	ICC–3A1800; ICC–3AA1800; ICC–3; ICC–4A480; ICC–4B480; ICC–4BA480; ICC–26–480.	38
Insecticide, liquefied gas (see Note 9)	ICC–3A300; ICC–3AA300; ICC–4B300; ICC–4BA300; ICC–5; ICC–40.	(4)
Liquefied carbon dioxide (see Notes 3 and 5)	ICC–3A1800; ICC–3AA1800; ICC–3.	68
Liquefied nonflammable gases, liquids other than those classified as flammable, corrosive, or poisonous and mixtures of solids (finely divided) with liquids, nitrogen, carbon dioxide, or air (see Note 10).	ICC–3A300; ICC–3AA300; ICC–4B300; ICC–4BA300; ICC–4D300.	(5)
Methyl chloride (see Note 4)		84
Methyl mercaptan	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–5; ICC–4; ICC–25; ICC–26–150; ICC–38.	80
Monochlorodifluoromethane	ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4BA240.	105
Monochloropentafluoroethane	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225.	110
Monochlorotrifluoromethane	ICC–3A1800; ICC–3AA1800; ICC–3.	100
Monomethylamine, anhydrous	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.	50
Nitrosyl chloride	ICC–3A400 only.	110
Nitrous oxide (see Note 2)	ICC–3A1800; ICC–3AA1800; ICC–3.	68
Propylene	ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4A300; ICC–4B300; ICC–4BA300; ICC–5; ICC–4; ICC–25; ICC–26–300; ICC–38.	44
Sulfur dioxide	ICC–3A225; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4B225; ICC–4BA225; ICC–5; ICC–4; ICC–25; ICC–26–150; ICC–38.	125
Sulfur hexafluoride	ICC–3A1800; ICC–3AA1800; ICC–3.	110
Tetrafluoroethylene, inhibited	ICC–3A1200; ICC–3AA1200; ICC–3E1800.	90
Trifluorochloroethylene	ICC–3A1800; ICC–3AA1800; ICC–3B300; ICC–4A300; ICC–4B300; ICC–4BA300.	115
Trimethylamine, anhydrous	ICC–3A150; ICC–3AA150; ICC–3B150; ICC–4B150; ICC–4BA225.	57
Vinyl chloride, inhibited (see Note 7)	ICC–4B300, without brazed seams; ICC–4BA300, without brazed seams; ICC–4A300; ICC–4B300; ICC–4BA300.	84
Vinyl methyl ether, inhibited (see Note 7)	ICC–4B300, without brazed seams; ICC–4BA300, without brazed seams; ICC–3AA300; ICC–3B300; ICC–25.	68

[1] § 73.304 (a) and (b).
[2] § 73.304 (a) and (b) and the pressure in the container must not at 130° F. exceed 5/4 the marked service pressure of the container.

(No change in Notes.)

* * * * * * *

2. Amend § 73.314 paragraph (a) Table, Note 12, and add Note 17 (16 F. R. 9377, Sept. 15, 1951) (15 F. R. 8329, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp., 73.314) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) * * *

Kind of gas	Maximum permitted filling density, Note 1	Required type of tank car, Note 2
	Percent	
Anhydrous ammonia	50	ICC–106A500, 106A500X, Note 12.
Argon	57	ICC–105A300, 105A300W.
Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.)	Note 5	ICC–104A, 104A–W, Note 9.
	Note 3	ICC–104A, 104A–W, Note 9.

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) * * *

(1) * * *

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (p. s. i. g.)
Anhydrous ammonia	56	82 See Note 5	ICC–51, MC–330	265.
Anhydrous dimethylamine	59	See Note 7	ICC–51, MC–330	150.
Anhydrous monomethylamine	60	See Note 7	ICC–51, MC–330	150.
Anhydrous trimethylamine	57	See Note 7	ICC–51, MC–330	150.
Carbon dioxide	(1)	95	ICC–51, MC–330	200; see Note 3.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	(1)	See Note 7	MC–330	250.
Liquefied petroleum gas	(2)	(2)	ICC–51, MC–330	See subpar. (b) (1) of this section.
Nitrous oxide	(1)	95	ICC–51, MC–330	200; see Note 3.
Sulfur dioxide (tanks not over 1,200 gallons water capacity).	125	87.5	ICC–51, MC–330	150; see Note 4.
Sulfur dioxide (tanks over 1,200 gallons water capacity).	125	87.5	ICC–51, MC–330	125; see Note 4.
Sulfur dioxide (optional portable tank 1,000–2,000 pounds water capacity, fusible plug).	125	See Note 6	ICC–51	225.

[1] See par. (c) of this section.
[2] See par. (b) of this section.

* * * * * *

(h) * * *

Kind of gas	Permitted gaging device
Anhydrous ammonia	Rotary tube; fixed length dip tube.
Carbon dioxide	Rotary tube; adjustable slip tube; fixed length dip tube.
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	None.
Liquefied petroleum gases	Rotary tube; adjustable slip tube; fixed length dip tube.
Nitrous oxide	Rotary tube; adjustable slip tube; fixed length dip tube.
Sulfur dioxide	Fixed length dip tube.

* * * * * *

(l) * * *

(2) * * *

Kind of gas	Minimum start-to-discharge pressure (p. s. i. g.)
Anhydrous ammonia	265
Carbon dioxide	(1)
Dichlorodifluoromethane-monofluorotrichloromethane mixture.	250
Liquefied petroleum gases	(2)
Nitrous oxide	(1)
Sulfur dioxide:	
Up to 1,200 gal. water capacity tank	120
Over 1,200 gal. water capacity tank	110

[1] See par. (i) (1) of this section.
[2] 90 percent of the design working pressure of tank.

* * * * * *

SUBPART C—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Add paragraph (a) (2) to § 73.333 (15 F. R. 8333, Dec. 2, 1950) (49 CFR 73.333, 1950 Rev.) to read as follows:

§ 73.333 *Phosgene or diphosgene.* (a) * * *

(2) Spec. 106A500 or 106A500X (§ 78.275 of this chapter). Tank cars. Each container must be equipped with valve protection caps, gastight, which must be approved by the Bureau of Explosives; containers must not be equipped with safety devices of any type; containers must be filled so that they will not be liquid full at 130° F. Authorized only for phosgene.

* * * * * *

2. Amend § 73.346 paragraph (a) (1) (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.346, 1950 Rev.) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) * * *

(1) Spec. 5, 5A, 5B, or 5C (§§ 78.80, 78.81, 78.82, or 78.83 of this chapter). Metal barrels or drums, with openings not exceeding 2.3 inches in diameter.

* * * * * *

3. Add paragraph (a) (8) to § 73.359 (17 F. R. 4295, May 10, 1952) (49 CFR 73.359, 1950 Rev.) to read as follows:

§ 73.359 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophospate mixtures, and tetraethyl pyrophosphate mixtures, liquid.* (a) * * *

(8) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes as authorized by § 78.205–19 (a) of this chapter.

* * * * * *

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend items e and g vertical and horizontal columns, and add footnote d to chart in paragraph (a) of § 74.538 (15 F. R. 8349, 8350, Dec. 2, 1950) (49 CFR 74.538, 1950 Rev.) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

"e" Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive) bursters (explosive), or supplementary charges (explosive) without detonators.[c,d]

* * * * * *

"g" Detonating fuzes.

* * * * * *

[d] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 10, 11, 12, 13, 14, and 15.

* * * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

Amend entire § 77.806 (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.806, 1950 Rev.) to read as follows:

§ 77.806 *United States Government shipments.* (a) Shipments of explosives or other dangerous articles offered by or consigned to the Departments of the Army, Navy, and Air Force of the United States Government, must be packed, including limitations of weight, in accordance with the regulations in Part 73 of this chapter or in containers of equal or greater strength and efficiency as required by their regulations.

(b) Shipments of radioactive materials, made by the Atomic Energy Commission, or under its direction or supervision, which are escorted by personnel specially designated by the Atomic Energy Commission, are exempt from the regulations in Parts 71–78 of this chapter.

SUBPART B—LOADING AND UNLOADING

Amend § 77.840 paragraph (c) (16 F. R. 5327, June 6, 1951) (49 CFR 77.840, 1950 Rev., 1951 Supp.) to read as follows:

§ 77.840 *Compressed gases.* * * *

(c) Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter), containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), or dichlorodifluoromethane-monofluorotrichloromethane mixture, tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane, monochlorodifluoromethane, or dichlorodifluoromethane-monofluorotrichloromethane mixture, tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide, or tanks complying the specification 106A-800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1) of this chapter, for rail freight-motor vehicle shipments.

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend items e and g vertical and horizontal columns and add footnote d to

chart in paragraph (a) of § 77.848 (15 F. R. 8368, 8369, Dec. 2, 1950) (49 CFR 77.848, 1950 Rev.) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

"e" Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive bullets, or ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles; and boosters (explosive), bursters (explosive), or supplementary charges (explosive) without detonators. c, [4]

• • • • • •

"g" Detonating fuzes.

• • • • • •

[4] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy, and Air Force of the United States Government may be loaded with any of the articles named except those in columns c, d, 3, 9, 10, 11, 12, 13, 14, and 15.

• • • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. Amend entire § 78.205–19 (15 F. R. 8476, Dec. 2, 1950) (49 CFR 78.205–19, 1950 Rev.) to read as follows:

§ 78.205 *Specification 12B; fiberboard boxes.*

• • • • • •

§ 78.205–19 *Special box; authorized only for contents in 1-gallon rectangular metal cans or cylindrical metal cans of 26 gauge material.* (a) Must comply with this specification except as follows: Must be 1-piece type, of double-wall corrugated fiberboard at least 400-pound test with all three facings at least 135-pound test; to be marked "FOR 1-GAL. CYLINDICAL OR RECTANGULAR CANS ONLY" near the I. C. C. specification mark; authorized gross weight 84 pounds.

2. Amend § 78.219–5 paragraphs (a) and (b), and § 78.219–12 paragraph (a) (17 F. R. 1564, Feb. 20, 1952) (49 CFR 78.219–5, 78.219–12, 1950 Rev.) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

• • • • • •

§ 78.219–5 *Tape.* (a) Pressure sensitive, paper backed. The basic weight of the paper shall be not less than 70 pounds per ream after sizing and coating. Longitudinal tensile strength shall be not less than 50 pounds per inch of width and the latitudinal strength shall be not less than 11 pounds per inch of width, or for vertical application as provided by § 78.219–12 tape must be pressure sensitive, filament reinforced. Tape backing shall have a minimum longitudinal tensile strength of 160 pounds per square inch of width and a minimum elongation of 12 percent at break. The tape shall have sufficient transverse strength to prevent ravelling or separation of the filaments. Tape shall have an adhesion of 18 ounces per inch of width minimum when tested according to acceptable methods. Tape shall adhere immediately and firmly to fiberboard surface when applied with hand pressure in the temperature range of 0° to 120° F. No solvent or heat shall be necessary to activate the adhesive.

(b) The tape authorized by paragraph (a) of this section must be manufactured of material which will not separate or delaminate when submerged in water for 72 hours and which will not show any delamination or bleeding up to 160° F. and which will not lose its strength, delaminate or become brittle at 0° F.

• • • • • •

§ 78.219–12 *Closing for shipment.* (a) The upper and lower sections of the container shall be secured together by the application of one single strip of tape not less than 1 inch wide, exclusive of manufacturer's joint disposed entirely around the perimeter of the container and spaced approximately equally distant over each portion of the container at the seam of abutting covers. The ends of the tape around the perimeter of the container must overlap 1½ inches minimum. The container may alternately be closed by using tape as specified in § 78.219–5 (a) for vertical application. When closed by this method, the cover of the container shall be secured to the bottom by application of single strips of tape, not less than ½ inch wide, to the sides and in a vertical manner; two strips, one on each side for containers 18 inches in length or under; four strips, two on each side, minimum for containers over 18 inches in length. The taping shall start within 1 inch of the top-side score and extend to within 1 inch of the side-bottom score and in no case shall the strips be less than 4 inches in length.

• • • • • •

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Add Note 4 to paragraph (f) of § 78.259 (15 F. R. 8486, Dec. 2, 1950) (49 CFR 78.259, 1950 Rev.) to read as follows:

§ 78.259 *Specification changes.* • • •

(f) • • •

NOTE 4: For application for approval to make repairs by fusion welding for reconditioning of manway covers for Class ICC–104A and ICC–105A series tank cars, applicant should submit data as to original construction, application numbers, and class of car, with numbers of drawings used in original construction. Application also to contain drawings and detailed explanation of how repairs are to be made. As covers are repaired, the outer edge shall be stamped with letters at least 3/8 inch high, giving repair application number. Car number and initials to which reconditioned cover is applied must appear on certificate of construction.

• • • • • •

2. Amend § 78.265 paragraph ICC–19 (a) (15 F. R. 8490, Dec. 2, 1950) (49 CFR 78.265, 1950 Rev.) to read as follows:

§ 78.265 *Specification for tank cars having riveted steel tanks Class ICC–103.* • • •

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

• • • • • •

3. Amend § 78.269 paragraph ICC–19 (a) (15 F. R. 8494, Dec. 2, 1950) (49 CFR 78.269, 1950 Rev.) to read as follows:

§ 78.269 *Specification for tank cars having lagged riveted steel tanks, Class ICC–104.* • • •

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. If the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must again be subjected to the prescribed test. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

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4. Amend § 78.270 paragraph ICC–19 (a) (15 F. R. 8495, Dec. 2, 1950) (49 CFR 78.270, 1950 Rev.) to read as follows:

§ 78.270 *Specification for tank cars having lagged riveted steel tanks, Class ICC–104A.* • • •

ICC–19. *Retests of tanks and safety valves.* (a) Tanks must be retested, as prescribed for original tests in paragraph ICC–17, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. If the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must again be subjected to the prescribed test. Safety valves must be retested, as prescribed for original test in paragraph ICC–18, at intervals of 5 years or less after the original test. Reports must be rendered as prescribed in paragraph ICC–21.

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5. Amend § 78.271 paragraphs ICC–15 (a) and (b) (15 F. R. 8496, Dec. 2, 1950) (49 CFR 78.271, 1950 Rev.) to read as follows:

§ 78.271 *Specification for tank cars having lagged forged lapwelded steel tanks, Class ICC–105A300.* • • •

ICC–15. *Retests of tanks, anchor rivet covers, and safety valves.* (a) Tanks must be retested to a pressure of 300 pounds per square inch, as prescribed in paragraph ICC–13 (a), except that the anchor rivet covers must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet covers must be retested to a pressure of 100 pounds per square inch, as prescribed in paragraph ICC–13 (b); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested to a pressure as prescribed in paragraphs ICC–10 (b) and ICC–14.

ICC–15. (b) Retests of tanks must be made, except as prescribed in paragraph ICC–15 (c), at intervals of 10 years or less. Tanks must also be retested before being returned to service after any repairs requiring welding. Retests of safety valves must be made, except as prescribed in paragraph ICC–15 (c), at intervals of 5 years or less.

6. Amend § 78.272 paragraph ICC–15 (a) (15 F. R. 8498, Dec. 2, 1950) (49 CFR 78.272, 1950 Rev.) to read as follows:

§ 78.272 *Specification for tank cars having lagged forged lapwelded steel tanks, Class ICC–105A400.* • • •

ICC–15. *Retests of tanks, anchor rivet covers, and safety valves.* (a) Tanks must be retested to a pressure of 400 pounds per square inch, as prescribed in paragraph ICC–13 (a), except that the anchor rivet covers must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet covers must be retested to a pressure of 100 pounds per square inch, as prescribed in paragraph ICC–13 (b); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested to a pressure as prescribed in paragraphs ICC–10 (b) and ICC–14.

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7. Amend § 78.273 paragraph ICC–15 (a) (15 F. R. 8498, Dec. 2, 1950) (49 CFR 78.273, 1950 Rev.) to read as follows:

§ 78.273 *Specification for tank cars having lagged forged lapwelded steel tanks, Class ICC–105A500.* • • •

ICC–15. *Retests of tanks, anchor rivet covers, and safety valves.* (a) Tanks must be retested to a pressure of 500 pounds per square inch, as prescribed in paragraph ICC–13 (a), except that the anchor rivet covers must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet covers must be retested to a pressure of 100 pounds per square inch, as prescribed in paragraph ICC–13 (b); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested to a pressure as prescribed in paragraphs ICC–10 (b) and ICC–14.

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8. Amend § 78.274 paragraph ICC–15 (a) (15 F. R. 8498, Dec. 2, 1950) (49 CFR 78.274, 1950 Rev.) to read as follows:

§ 78.274 *Specification for tank cars having lagged forged lapwelded steel tanks, Class ICC–105A600.* • • •

ICC–15. *Retests of tanks, anchor rivet covers, and safety valves.* (a) Tanks must be retested to a pressure of 600 pounds per square inch, as prescribed in paragraph ICC–13 (a), except that the anchor rivet covers must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet covers must be retested to a pressure of 100 pounds per square inch, as prescribed in paragraph ICC–13 (b); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested to a pressure as prescribed in paragraphs ICC–10 (b) and ICC–14.

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9. Amend § 78.280 paragraph ICC–19 (a) (15 F. R. 8509, Dec. 2, 1950) (49 CFR 78.280, 1950 Rev.) to read as follows:

§ 78.280 *Specification for tank cars having fusion-welded steel tanks, Class ICC–103–W.* • • •

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

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10. Add paragraph ICC–6 (a) to § 78.282 (15 F. R. 8511, Dec. 2, 1950) (49 CFR 78.282, 1950 Rev.) to read as follows:

§ 78.282 *Specification for tank cars having rubber-lined fusion-welded steel tanks, Class ICC–103B–W.* • • •

ICC–6. *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Riveted patches whose efficiency is 70 percent or greater and which will provide a minimum bursting pressure of 300 pounds per square inch, may be applied provided the design is first submitted to the Committee on Tank Cars of the Association of American Railroads for their approval.

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11. Amend 78.284 paragraph ICC–19 (a) (15 F. R. 8514, Dec. 2, 1950) (49 CFR 78.284, 1950 Rev.) to read as follows:

§ 78.284 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–104–W.* • • •

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original tests. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. If the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must again be subjected to the prescribed test. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

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12. Amend § 78.285 paragraph ICC–19 (a) (15 F. R. 8515, Dec. 2, 1950) (49 CFR 78.285, 1950 Rev.) to read as follows:

§ 78.285 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–104A–W.* • • •

ICC–19. *Retests of tanks and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

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13. Amend § 78.286 paragraphs ICC–10 (b) and ICC–19 (a) (15 F. R. 8515, 8516, Dec. 2, 1950) (49 CFR 78.286, 1950 Rev.) to read as follows:

§ 78.286 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–105A300–W.* • • •

ICC–10. • • •

ICC–10. (b) Manhole cover must be of forged or rolled steel at least 2¼ inches thick (or nickel at least 2 inches thick when required by the lading), machined to approved dimensions. Manhole cover must be attached to manhole nozzle by through or stud bolts not entering tank.

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ICC–19. *Retests of tanks, anchor rivet housings, and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the anchor rivet housings must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet housings must be retested to a pressure as prescribed in paragraph ICC–17 (d); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

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14. Amend § 78.287 paragraph ICC–19 (a) (15 F. R. 8517, Dec. 2, 1950) (49 CFR 78.287, 1950 Rev.) to read as follows:

§ 78.287 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–105A400–W.* • • •

ICC–19. *Retests of tanks, anchor rivet housings, and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the anchor rivet housings must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet housings must be retested to a pressure as prescribed in paragraph ICC–17 (d); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

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15. Amend § 78.288 paragraph ICC–19 (a) (15 F. R. 8519, Dec. 2, 1950) (49 CFR 78.288, 1950 Rev.) to read as follows:

§ 78.288 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–105A500–W.* • • •

ICC–19. *Retests of tanks, anchor rivet housings, and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the anchor rivet housings must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet housings must be retested to a pressure as prescribed in paragraph ICC–17 (d); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

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16. Amend § 78.289 paragraph ICC–19 (a) (15 F. R. 8520, Dec. 2, 1950) (49 CFR 78.289, 1950 Rev.) to read as follows:

§ 78.289 *Specification for tank cars having lagged fusion-welded steel tanks, Class ICC–105A600–W.* * * *

ICC–19. *Retests of tanks, anchor rivet housings, and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the anchor rivet housings must not be removed and that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; anchor rivet housings must be retested to a pressure as prescribed in paragraph ICC–17 (d); interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

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17. Amend § 78.291 paragraph ICC–19 (a) (16 F. R. 5336, June 6, 1951) (49 CFR 78.291, 1950 Rev., 1951 Supp.) to read as follows:

§ 78.291 *Specification for tank cars having fusion-welded aluminum tanks, Class ICC–103–AL–W.* * * *

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs ICC–17 and ICC–18, at intervals of 10 years or less after the original test. Interior surface of tank heads must be inspected when periodic retests are made. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph ICC–21.

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18. Amend § 78.294 paragraph ICC–19 (a) (17 F. R. 7288, Aug. 9, 1952) (49 CFR 78.294, 1950 Rev.) to read as follows:

§ 78.294 *Specification for tank cars having fusion-welded aluminum tanks, Class ICC–104A–AL–W.* * * *

ICC–19. *Retests of tanks and safety valves.* (a) Tanks must be retested at intervals of 10 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; interior surface of tank heads must be inspected when periodic retests are made; and safety valves must be retested at intervals of 5 years or less to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

* * * * *

19. Add § 78.295 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.295, 1950 Rev.) to read as follows:

§ 78.295 *Specifications for tank cars having fusion-welded nickel-chromium-iron alloy tanks Class ICC–106A800NCI.* This specification covers Class ICC–106A-800NCI tank cars having fusion-welded nickel-chromium-iron alloy tanks to which have been added A. A. R. details which are not inconsistent therewith. Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

(a) *General requirements.* Tanks built under this specification must comply with all provisions of Specification ICC–106A500, except as modified in the following paragraphs (paragraph numbers refer to like numbers in § 78.275 Specification ICC–106A500).

ICC–1. *Type and general requirements.* (a) Tanks built under this specification must be cylindrical, with heads dished convex inward. The end forgings of the shell shall be flanged-in in such a manner that the heads are locked in independent of the strength of the fillet welds, as well as providing a chime to which handling hooks can be attached. These end forgings shall be seamless; and the thickness of the cylindrical portion into which the head is driven and the thickness of the flat flanged-in ends shall be at least equal to the head thickness, whereas the cylindrical portion next to the circumferential welds joining the end forgings to the shell shall be thinned down to the shell plate thickness. All openings must be located in the heads. Tanks must be securely attached to car structure in such a manner that they can be removed for filling by the consignor and emptying by the consignee. Each tank must have a capacity of at least 1,500 pounds of water and not more than 2,500 pounds of water.

ICC–2. *Material.* (a) All plates and forgings for tank and heads shall be annealed, uniform nickel-chromium-iron alloy of good welding quality, free from cracks, laminations, or other defects injurious to the finished tank, and shall have the following chemical composition and tensile properties:

Nickel (plus cobalt)	75.00 percent minimum.
Chromium	12.00 to 15.00 percent.
Iron	9.00 percent maximum.
Copper	0.50 percent maximum.
Manganese	1.00 percent maximum.
Carbon	0.15 percent maximum.
Silicon	0.50 percent maximum.
Sulfur	0.02 percent maximum.

Tensile strength 80,000 to 110,000 pounds per square inch. Yield point (0.2 percent offset) 30,000 to 60,000 pounds per square inch. Elongation in 2 in. 35 percent minimum.

A test specimen must be capable of being bent cold through 180° flat on itself without cracking on the outside of the bent portion. The tensile and bend specimens must be taken from the finished rolled or forged material after annealing, and there must be at least one tensile and one bend test on specimen from each heat.

ICC–2. (b) All plates and forgings must have their heat number and name or brand of manufacturer legibly stamped on them at the mill.

ICC–3. *Thickness of plates.* (a) The wall thickness of tanks must be at least $\frac{13}{32}$ inch and must be such that at the test pressure the calculated fiber stress in the wall of the tank or in the longitudinal weld seam will not be in excess of 25,000 pounds per square inch, as calculated by the following formula:

$$S = \frac{P\ (1.3D^2 + 0.4d^2)}{D^2 - d^2}$$

Where P is interior test pressure in pounds per square inch; D, outside diameter in inches; d, inside diameter in inches; and S, wall stress in pounds per square inch.

ICC–3. (b) Tank heads shall have a thickness equal to at least twice the shell thickness and must also be of sufficient thickness to provide for the threading of openings therein as prescribed in paragraph ICC–4 (b).

ICC–4. *Tank heads.* (a) The heads must be hot pressed, flanging and dishing being done in one heat, so as to make a flange at least 3 inches deep, a mean crown radius not greater than the inside diameter of the head and a mean knuckle radius equal to at least 3½ times the head thickness. They must be inserted into the tank shell and forgings with flange extending outward and have a snug driving fit into the shell.

ICC–5. *Welding and heat-treatment.* (a) All joints and seams shall be welded by qualified welders using approved methods of welding and approved filler rod having the same composition as the tank plate. Deposited metal must be fused smoothly and uniformly into plate surface at the top of the joint. All welds shall be free from voids or slag inclusions. Main longitudinal joint shall be double-welded butt joint made with a procedure insuring proper fusion and penetration. Heads shall be fillet welded to the end forgings with welds having a throat at least 25 percent greater than the head thickness. The circumferential welds joining the end forgings and shell shall be of the butt type with nickel-chromium-iron alloy backing strips to insure complete fusion. Welded joints shall be tested by specimens and radiographs in accordance with paragraphs AAR–6 (d–1) to (k–5) of § 78.280 Specification ICC–103W.

ICC–5. (b) Each finished tank, before being subjected to the hydrostatic test, must be uniformly and properly heat-treated by heating to a temperature of 1,400° F. for 1½ hours in a non-oxidizing furnace atmosphere so as to remove any undue strains due to processes of manufacture.

ICC–8. *Venting, and loading and discharging valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 800 pounds per square inch without leakage. The valves must be screwed directly into tank heads or attached to tank heads by other approved methods. Provision must be made for closing the pipe connections of the valves.

ICC–11. (b) Each tank must be tested to 800 pounds per square inch.

ICC–14. (b) ICC–106A800NCI.

20. Add § 78.296 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.296, 1950 Rev.) to read as follows:

§ 78.296 *Specification for tank cars having rubber-lined fusion-welded steel tanks, Class ICC–103B100–W.* This specification covers Class ICC–103B100–W tank cars having rubber-lined fusion-welded steel tanks to which have been added A. A. R. details which are not inconsistent therewith. Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e)—Procedure.

(a) *General requirements.* Tanks built under this specification must comply with all provisions of Specification ICC–103–W, except as modified in the following paragraphs (paragraph numbers refer to like number in § 78.280 Specification ICC–103–W):

ICC–1. *Type.* (a) Tanks built under this specification must be cylindrical with heads dished convex outward. The tank must be provided with an expansion dome, manhole nozzle and cover on top of tank of sufficient diameter to permit access to interior of tank and provide for proper mounting of venting, loading, unloading, gauging and air valves, and a protective housing and cover surrounding these devices. Other openings in tank prohibited.

ICC–2. *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint must be at least 495 pounds per square inch.

ICC–3. *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate steel of flange quality, the carbon content of which shall not exceed 0.30 per cent. The lining must be acid-resisting rubber, vulcanized or bonded directly or otherwise attached to the metal tank, to provide a non-porous laminated lining. No rubber shall be under tension when applied except that due to conformation over rivet heads. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

ICC–3. (d) This paragraph does not apply.

AAR–3. *Lining.* (b) See paragraphs ICC–3 (a) and ICC–4 (b).

AAR–3. (d) Rubber-lined tanks must be stenciled as prescribed in paragraph ICC–20 (e).

ICC–4. *Thickness and width of plates.* (a) The minimum thickness of plates must be as follows:

Inside diameter of tanks	Bottom sheet	Shell sheet	Tank head	Dome shell	Dome head
	Inch	*Inch*	*Inch*	*Inch*	*Inch*
87 inches or under	½	½	½	7/16	7/16
Over 87 to 96 inches	9/16	9/16	9/16	3/8	3/8

ICC–4. (b) The rubber lining must be at least $\frac{5}{32}$ inch thick except that over all rivets and seams formed by riveting attachments the lining must be double thickness. The lining must overlap at least 1½ inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. Directly under the dome, vulcanized to the lining on bottom of tank, must be applied a rubber reinforcement pad at least 4½ feet square and at least ½ inch thick, with edges of pad beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted.

ICC–4. (d) This paragraph does not apply.

AAR–4. (b) This paragraph does not apply.

AAR–4. (c) Car must have underframe.

AAR–4. (d) This paragraph does not apply.

AAR–5. (a) The tank head shape shall be an elipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be one-half of this.

ICC–6. (b) Manhole nozzle, sump, or other attachments must be attached to tank by fusion welding. Fusion welding for securing these attachments in place must be of the double-welded butt joint type or double full-fillet lap joint type. All projecting edges of plates and castings on inside of tank must be rounded and free from fins or other irregular projections. Castings must be free from porosity.

ICC–9. *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of the tank shell to top of manhole flange, of at least one percent of the capacity of tank and dome combined.

ICC–9. (b) The opening in manhole ring, before lining, must be at least 18 inches in diameter, and the opening in the tank shell at the dome shall be fully cut out or flued to the inside diameter of the dome, which shall not exceed 42 inches. The tank shell at the dome must be adequately reinforced.

ICC–9. (c) The dome head if of pressed steel must be dished convex outward. The entire dome with attachments, or dome head and manhole ring with attachments, made of cast steel or other malleable metal may be used in place of dished steel plate dome head.

AAR–9. (a) The entire dome must be of pressed, forged, or cast steel; if of forged or cast steel, integral attachments permissible. The dome head if separate must be of pressed, forged, or cast steel; if of forged or cast steel, integral attachments permissible.

AAR–9. (b) Dome head must be of approved contour. If dished, the knuckle radius shall be at least 6 percent of the spherical dish radius, and the thickness shall be not less than that calculated by the formula in paragraph AAR–2 (a) where "d" is twice the inside spherical radius, which radius shall not be in excess of the diameter of the dome. Dome heads may be flued for attachment of the manhole nozzle, in which case added reinforcement of the opening is not required.

AAR–9. (c) See Figure 14 for tank shell reinforcement at dome opening.

ICC–10. *Manhole nozzle, cover and protective housing.* (a) Manhole nozzle must be of cast, forged, or pressed steel at least 18 inches inside diameter having approved wall thicknesses and dimensions.

ICC–10. (b) Manhole cover must be of suitable metal of approved thickness, and must be attached to manhole nozzle by through bolts not entering tank. The top, bottom where exposed to lading, and edge of manhole cover must be covered with rubber as prescribed in paragraphs ICC–3 (a) and ICC–4 (b). Through bolt holes may be lined with rubber at least ⅛ inch in thickness. Cover made of metal not affected by lading need not be rubber covered. All rubber surfaces on outside of tank or fittings must be painted with an age-resisting paint to protect rubber from light rays. Manhole rings, welded to manhole nozzle, must be made of cast, forged, or fabricated metal and be of good weldable quality in conjunction with metal of nozzle.

ICC–10. (c) The shearing value of the bolts attaching the protective housing to manhole cover must not exceed 70 percent of shearing value of bolts attaching manhole cover to manhole nozzle.

ICC–10. (d) All joints between manhole cover and manhole nozzle, and between manhole cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

ICC–10. (e) Protective housing of cast or pressed steel must be bolted to manhole cover. Housing must be equipped with a steel cover that can be securely closed. Housing cover must have a suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved closure.

AAR–10. (a) Bolted type of manhole cover must be used.

ICC–11. *Venting, loading and unloading, gauging, and air inlet devices.* (a) These devices when installed must withstand a pressure of 100 pounds per square inch without leakage. They must be bolted to fittings or seatings on the manhole cover. Connections to valves must be closed with blind flanges bolted tightly over valve outlets, chained or otherwise fastened to prevent misplacement. Discharging (siphon) pipe must be securely anchored.

ICC–12. *Venting, loading and unloading, gauging, and air inlet devices.* (a) When installed, these devices must be of metal and have all surfaces in contact with the lading covered with rubber as prescribed in paragraphs ICC–3 (a) and ICC–4 (b) except that lining must be at least ⅛ inch thick. These devices when made of metal not affected by the lading need not have such surfaces rubber covered.

ICC–13. *Bottom discharge outlets.* (a) Bottom discharge outlet prohibited. Bottom sump of cast, pressed, or forged metal is permissible. If used and welded to tank, it must be of cast, pressed, or forged metal and be of good weldable quality in conjunction with metal of tank.

ICC–13. (b) This paragraph does not apply.

ICC–13. (c) This paragraph does not apply.

AAR–13. (a) This paragraph does not apply.

AAR–13. (b) This paragraph does not apply.

AAR—13. (c) This paragraph does not apply.

AAR–13. (d) This paragraph does not apply.

AAR–13. (e) This paragraph does not apply.

AAR–13. (f) This paragraph does not apply.

AAR–13. (g) This paragraph does not apply.

ICC–14. *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved type, made of metal not subject to rapid deterioration by lading and mounted on manhole cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 75 pounds per square inch.

ICC–14. (b) This paragraph does not apply.

ICC–14. (c) The safety valves must be set to open at a pressure of not exceeding 75 pounds per square inch. (For tolerance see par. ICC–18.)

ICC–14. (d) Tanks used for the transportation of corrosive liquids need not be equipped with safety valves, but may be equipped with one safety vent, lined with rubber of at least ⅛ inch thick, having an inside diameter of at least 1¾ inches after lining, closed with a frangible disc of material not affected by the lading and of a suitable thickness that will rupture at a pressure of 75 pounds per square inch plus or minus 5 percent. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

AAR–14. (a) Safety valve must be of approved design. See Appendix "A" for formula for calculating discharge capacity of valve and method of testing sample valve of a particular design to determine its actual discharge capacity, which must at least equal the capacity calculated as necessary to prevent building up pressure in the tank in excess of 75 pounds per square inch.

AAR–14. (b) Safety vent flanges, if welded to cover plate, must be of cast, forged, or pressed metal and be of good weldable quality in conjunction with metal of cover plate.

ICC–15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than the anchorage, sump, and those mounted on manhole nozzle and cover, are prohibited.

ICC–15. (b) This paragraph does not apply.

ICC–16. *Plugs for openings.* (a) Plugs prohibited. Closures must be effected with blind flanges bolted over openings. Flanges must have all surfaces exposed to the lading covered with rubber or be made of metal not affected by lading.

ICC–17. *Tests of tanks.* (a) Each tank must be tested, before rubber lining is applied, by completely filling tank and dome

with water, or other liquid having similar viscosity, of a temperature which must not exceed 100° F. during the test, and applying a pressure of 100 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves or vents, must be in place while test is made. After tank is rubber-lined, no further tests are required.

ICC–17. (c) This paragraph does not apply.

AAR–17. *Hammer test.* (a) The tank shall be subjected to a hydrostatic pressure of 100 pounds per square inch and while subject to this pressure shall be given a thorough hammer or impact test. This impact test shall consist of striking the plate at 6-inch intervals on both sides of the welded joint and for the full length of all welded joints. The weight of the hammer in pounds shall approximately equal thickness of the shell in tenths of an inch, but not to exceed 10 pounds. The plates shall be struck with a sharp swinging blow. The edges of the hammer shall be rounded so as to prevent defacing the plate. Following the impact test this pressure must be held for at least 10 minutes.

AAR–17. (b) This paragraph does not apply.

AAR–17. (c) See paragraph ICC–17 (a).

ICC–18. *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 75 pounds per square inch and be vapor tight at 65 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

AAR–18. (a) This paragraph does not apply.

ICC–19. *Retests of tanks and safety valves.* (a) Periodic retests of tanks are not required. Tanks must be retested before rubber lining is renewed. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting, or calking of rivets. Reports must be rendered as prescribed in paragraph ICC–21.

ICC–19. (b) Safety valves must be retested, as prescribed for original tests in paragraph ICC–18, at intervals of 5 years or less. Reports must be rendered as prescribed in paragraph ICC–21.

AAR–19. (a) This paragraph does not apply.

ICC–20. (b) ICC–103B100–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the tank or jacket, if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

ICC–20. (e) "Rubber-lined tank—pressure test not required," stenciled on tank, or jacket if lagged, instead of record of test of tank.

ICC–20. (g) This paragraph does not apply.

ICC–20. (h) This paragraph does not apply.

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on December 31, 1952 and that such regulations as herein amended shall thereafter be observed until further order of the Commission:

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order:

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11759; Filed, Oct. 31, 1952; 8:58 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 169]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.594 *Grapefruit Regulation 169*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 3, 1952. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 3, 1952, the recommendation and supporting information for continued regulation subsequent to November 2, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 3, 1952, and ending at 12:01 a. m., e. s. t., November 17, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193; 17 F. R. 7408).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 30th day of October 1952.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 52–11808; Filed, Oct. 31, 1952; 8:54 a. m.]

[Orange Reg. 224]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.593 *Orange Regulation 224*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 3, 1952. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 3, 1952; the recommendation and supporting information for continued regulation subsequent to November 2 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 28; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 3, 1952, and ending at 12:01 a. m., e. s. t., November 17, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2^{10}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Oranges (§ 51.302; 17 F. R. 7879): *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2^{10}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order, and the term "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.302; 17 F. R. 7879).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 30th day of October 1952.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 52–11809; Filed, Oct. 31, 1952; 8:55 a. m.]

[Tangerine Reg. 126]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.595 *Tangerine Regulation 126*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time, and good cause exists for making the provisions of this section effective not later than November 3, 1952. The committee held an open meeting on October 28, 1952, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangerines grown in the State of Florida, and this section, including the effective time of this section, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the State of Florida at the start of this marketing season; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 3, 1952, and ending at 12:01 a. m. e. s. t., November 17, 1952, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2}$ x $9\frac{1}{2}$ x $19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 30th day of October 1952.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 52–11810; Filed, Oct. 31, 1952; 8:55 a. m.]

[Lemon Reg. 459]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.566 *Lemon Regulation 459*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available informa-

tion, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on October 29, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 2, 1952, and ending at 12:01 a. m., P. s. t., November 9, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 225 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601)

Done at Washington, D. C., this 30th day of October 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Oct. 26, 1952]

DISTRICT NO. 2

[12:01 a. m. Nov. 2, 1952, to 12:01 a. m. Nov. 16, 1952]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.012
American Fruit Growers, Inc., Fullerton	.254
American Fruit Growers, Inc., Upland	.050
Eadington Fruit Co	.541
Ventura Coastal Lemon Co	5.036
Ventura Pacific Co	4.405
Glendora Lemon Growers Association	1.972
La Verne Lemon Association	.337
La Habra Citrus Association	.572
Yorba Linda Citrus Association, The	.482
Escondido Lemon Association	.964
Alta Loma Heights Citrus Association	.000
Etiwanda Citrus Fruit Association	.007
Mountain View Fruit Association	.045
Old Baldy Citrus Association	.220
San Dimas Lemon Association	.601
Upland Lemon Growers Association	2.505
Central Lemon Association	.263
Irvine Citrus Association	.238
Placentia Mutual Orange Association	.262
Corona Citrus Association	.016
Corona Foothill Lemon Co	.631
Jameson Co	.340
Arlington Heights Citrus Co	.144
College Heights Orange & Lemon Association	1.886
Chula Vista Citrus Association, The	.552
Escondido Cooperation Citrus Association	.066
Fallbrook Citrus Association	1.172
Lemon Grove Citrus Association	.156
Carpinteria Lemon Association	4.001
Carpinteria Mutual Citrus Association	4.825
Golita Lemon Association	6.997
Johnston Fruit Co	7.213
Hazeltine Packing Co	.130
North Whittier Heights Citrus Association	.094
San Fernando Heights Lemon Association	.575
Sierra Madre-Lamanda Citrus Association	.360
Briggs Lemon Association	2.472
Culbertson Lemon Association	1.500
Fillmore Lemon Association	.604
Oxnard Citrus Association	7.642
Rancho Sespe	.485
Santa Clara Lemon Association	5.409
Santa Paula Citrus Fruit Association	8.009
Saticoy Lemon Association	5.982
Seaboard Lemon Association	7.837
Somis Lemon Association	4.836
Ventura Citrus Association	1.484
Ventura County Citrus Association	.982

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—Continued

Handler	Prorate base (percent)
Limoneira Co	2.597
Teague-McKevett Association	.577
East Whittier Citrus Association	.236
Leffingwell Rancho Lemon Association	.426
Murphy Ranch Co	1.033
Chula Vista Mutual Lemon Association	.490
Index Mutual Association	.139
La Verne Cooperative Citrus Association	.711
Orange Belt Fruit Distributors	.126
Ventura County Orange & Lemon Association	3.445
Whittier Mutual Orange & Lemon Association	.007
Dunning Ranch	.000
Huarte, Joseph D	.000
Latimer, Harold	.031
Paramount Citrus Association, Inc	.016
Santa Rosa Lemon Co	.000

[F. R. Doc. 52-11830; Filed, Oct. 31, 1952; 8:56 a. m.]

PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, as amended, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, during June 25–27, 1952, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than November 1, 1952, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Cleveland, Ohio, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held June 25–27, 1952, and the decision having been executed by the Secretary on October 22, 1952. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Cleveland, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the determined representative period (August 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 975.51 (c) (1) delete the phrase "and skim milk or buttermilk disposed of for livestock feed;" and substituto therefor the following: "or accounted for as dumped milk or skim milk or as homogenized milk, flavored milk and milk drinks, skim milk, or buttermilk disposed of for livestock feed;"

2. Delete from each of paragraphs (a), (b), and (c) of § 975.53 the phrase "and as Class II milk if transferred as cream."

3. Delete from paragraphs (a) and (e) of § 975.56 the phrase "(other than butterfat in butter)".

4. In the first paragraph of § 975.60 change the phrase "pursuant to paragraphs (a), (b) and (c)" to read "pursuant to paragraphs (a) and (b)."

5. Delete § 975.60 (b).

6. Redesignate paragraph "(c)" of § 975.60 as paragraph "(b)" and change subparagraph (1) to read as follows:

(1) From the average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter for the delivery period as reported by the Department of Agriculture for the Chicago market, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5; and

7. Delete § 975.61 (a) and substitute therefor the following:

(a) Add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	Amount
April, May, and June	$1.00
February, March, and July	1.45
All others	1.90

and, effective July 1, 1953, add or subtract a "supply-demand adjustment" computed as follows:

(i) Divide the total quantity of milk received from producers during the first and second months preceding the delivery period by the gross quantity of milk utilized as Class I in the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage".

(ii) Compute a "deviation percentage" by subtracting from the current utilization percentage as computed in subdivision (i) of this subparagraph, the "standard utilization percentage" shown below:

Month for which the price is being computed:	Standard utilization percentage
January	117
February	121
March	125
April	132
May	142
June	158
July	168
August	156
September	141
October	132
November	128
December	120

(iii) Determine the amount of the supply-demand adjustment from the following schedule:

If deviation percentage is	Supply-demand adjustment for specified months is— January, February, March, August, and September	April, May, June, and July	October November, and December
	Cents	Cents	Cents
+18 or over	−37	−35	−37
+15 or +16	−31	−46	−31
+12 or +13	−25	−37	−25
+9 or +10	−19	−28	−19
+6 or +7	−13	−19	−13
+3 or +4	−7	−10	−7
+1 or −1	0	0	0
−3 or −4	+7	+7	+10
−6 or −7	+13	+13	+19
−9 or −10	+19	+19	+28
−12 or −13	+25	+25	+37
−15 or −16	+31	+31	+46
−18 or below	+37	+37	+55

When the deviation percentage does not fall within the tabulated brackets the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

Provided, That with respect to Class I milk in sweet or sour cream for fluid consumption, the amount added to the basic formula price shall be the amount set forth above in this paragraph less 45 cents.

8. Delete § 975.62 (a) and substitute therefor the following:

(a) The price of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60 multiplied by 120.

9. In § 975.63 (b) replace the colon preceding the word "*Provided*" with a period and delete all language appearing thereafter.

10. In § 975.70 replace the colon preceding the phrase "*And provided also*" with a period and delete all language appearing thereafter.

11. In § 975.71 change "17 cents per hundredweight" to read "18 cents per hundredweight", and change "an additional 1 cent for each additional 15 mile zone" to read "2 cents additional for each additional 15 mile zone".

12. In § 975.81 (b) change "not to exceed 17 cents" to read "not to exceed 18 cents" and change "an additional 1 cent for each additional 15 mile zone." to read "2 cents additional for each 15 mile zone."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 30th day of October 1952, to be effective on and after the 1st day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11833; Filed, Oct. 31, 1952; 11:59 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 5 to Supplementary Regulation 4]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 4—UNIFORM CEILING PRICES FOR BRANDED ARTICLES

MANUFACTURERS WHO HAVE CHANGED THEIR CHANNELS OF DISTRIBUTION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to Supplementary Regulation 4 to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits manufacturers who have changed their method of distribution since 1950 to apply for and receive uniform ceiling prices for sales of their products at retail provided they otherwise satisfy the requirements of SR 4 to CPR 7.

Prior to this amendment, Supplementary Regulation 4 to Ceiling Price Regulation 7 authorized the establishment of uniform ceiling prices for sales at retail of branded articles only if these ceiling prices reflected to resellers of that article the same percentage markups as they had in the base year 1950. This requirement made it impossible for a manufacturer who was no longer selling his articles through the same channels of distribution as he used in the base year to apply for uniform ceiling prices for sales at retail. Where a manufacturer in the base year sold directly to retailers exclusively and now sells through wholesalers, or where he sold exclusively through wholesalers and now sells through retailers, a proposed change in retailers' markups was not permitted under the regulation. However, such a proposed change in retailers' markups appears to be justified under certain circumstances.

To meet this situation this amendment permits such manufacturers who have changed their methods of distribution to qualify for an SR 4 authorization upon a showing that the ceiling prices proposed will reflect to the retailer markups which are in line with those of retailers purchasing from the manufacturer most competitive to the applicant like articles for which uniform retail ceiling prices under this regulation have already been established.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 4 to Ceiling Price Regulation 7 is amended as follows:

1. Section 3 (b) is amended to read:

(b) *Markups.* (1) except as provided in subparagraph (2) of this paragraph, an applicant's proposed ceiling price for each style or model of article must result in a percentage markup to a class of resellers which is the same as that which the same class of resellers had during the base period on the same style or model; or where the same style or model was not sold during the base period, for another style or model of the same article sold in the base period which then had a cost to a class of resellers closest to the current cost of the style or model to the same class of resellers for which a ceiling price is being proposed. If the current cost is halfway between two base period costs, you must use the markup for the higher cost.

(2) The proposed retail ceiling price for a branded article applied for by a manufacturer who during the base period sold his entire production of all his styles or models of that article:

(i) Directly to retailers, and who now sells or proposes to sell it exclusively through wholesalers; or

(ii) Through wholesalers, and who now sells or proposes to sell it exclusively directly to retailers,

must result in a percentage markup to retailers selling that article which is in line with that of retailers who purchase from the same class of supplier articles of the same type and price ranges manufactured by the applicant's most closely competitive seller and for which uniform ceiling prices have already been established under this regulation.

2. Section 4 (h) is amended to read:

(h) Except as provided in paragraph (j), markup schedules showing that your proposed ceiling prices result in markups for resellers which are in line with markups for resellers for your uniformly-priced branded articles during the base period. These schedules, that is a proposed uniform ceiling price schedule and a base-period markup schedule, are described in section 5.[4]

3. Section 4 is amended by adding the following paragraph:

(j) (1) With respect to articles to which the provisions of section 3 (b) (2) apply, you must prepare your base period markup schedule in accordance with section 5 (a) and, in lieu of the listing set forth in section 5 (b), your proposed uniform ceiling price schedule must list for each category:

(i) The brand name of each article as to which you are applying for a uniform retail ceiling price, and its style, model or lot number;

(ii) A description of each article;

(iii) Indicate any model not sold in the base period;

(iv) The OPS regulation under which you established your ceiling price for each article listed in (i);

(v) The price and the proposed terms of sale at which you are proposing to sell each article listed in (i) to the first of the following groups to which you sell:

GROUP 1. Your largest class of wholesalers.

GROUP 2. Your largest class of retailers.

(vi) The proposed markup or markup spread to retailers for whom you are proposing uniform ceiling prices;

(vii) The computed price which you arrive at for retailers, where you sell exclusively directly to retailers, by applying the proposed markup (Item vi) to your selling price to these retailers (Item v);

(viii) The computed price which you arrive at for retailers, where you sell through wholesalers, by applying the proposed markup spread to retailers (Item vi) to your selling price to wholesalers (Item v);

(ix) The uniform retail ceiling price you are proposing to the extent you have rounded the computed price under section 3 (c).

(2) In addition, with respect to articles to which the provisions of section 3 (b) (2) apply, you must state in your application:

(i) The manner in which you have changed your method of distribution from the method employed by you in the base period, and the extent of the changes in your own distributive function and that of your resellers.

(ii) The changes in selling or other costs resulting from the above changes in function and any other factors which justify any proposed change in the retailers' percentage markup from the retailers' percentage markup in the base period.

(iii) The name and address of your most closely competitive seller of articles of the same type and price ranges purchased by retailers from the same class of supplier, and for which uniform ceiling prices have already been established under this regulation, and your reason for selecting such seller.

4. Section 6 (a) is amended to read:

SEC. 6. *OPS approval and orders*—(a) *Approval of ceiling prices.* (1) Except as provided in subparagraph (2) of this paragraph, the ceiling prices which you propose for wholesalers or retailers if computed in accordance with this regulation shall be deemed authorized thirty days after written OPS acknowledgment of receipt of your application if the Office of Price Stabilization has not notified you to the contrary.

(2) With respect to articles to which the provisions of section 3 (b) (2) apply, your proposed ceiling prices are not authorized until you receive a letter order to this effect issued by the Director of Price Stabilization.

(3) The resellers' ceiling prices authorized are and remain your resellers' ceiling prices for so long as your own prices to resellers are the same as those authorized for articles to which those resellers' ceiling prices apply; except that those ceiling prices do not apply to sales at retail of articles received by retailers not marked or tagged in accordance with the provisions of section 9.

[4] Examples of proposed uniform ceiling price schedule and base-period markup schedule are contained in Appendix I. OPS does not supply these forms.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 1, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 31, 1952.

[F. R. Doc. 52-11863; Filed, Oct. 31, 1952; 2:00 p. m.]

[Ceiling Price Regulation 15, Amdt. 19]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

RECLASSIFICATION OF CERTAIN RETAIL STORES; ADDITION TO NET COST FOR WATER TRANSPORTATION; NEW SPECIALTY STORES; CLARIFICATION OF REPORTING PROCEDURE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 19 to Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to CPR 15 permits certain Group 3 stores to reclassify as Group 1 or Group 2 stores on the basis of their individual 1950 gross sales. Furthermore, this amendment permits the actual cost of water transportation to be included in the retailers' "net cost" when a combination of land and water transportation is required to deliver food products to retail stores from the company warehouse. Also, this amendment changes the present adjustment provision for "specialty" stores by permitting both old and new retailers who desire to operate as "specialty" stores to apply for permission to price under the General Ceiling Price Regulation. Finally, this amendment clarifies the reporting provision of section 2, paragraph (e).

Following are the considerations supporting the changes made by this amendment.

1. This amendment permits some Group 3 stores to apply for reclassification as Group 1 or 2 stores if they meet certain criteria.

Prior to the issuance of this amendment, any store whose 1950 sales were less than $375,000 and which was one of 4 or more stores under one ownership, all of whose combined annual sales in 1950 were $750,000 or more, was classified as a Group 3 store in spite of the fact that its individual sales volume would have put it in Group 1 or 2. It was assumed that any chain which had more than 4 stores but a total volume of less than $750,000 should have its stores classified as though they were independents because that chain must be a mere grouping of a few small service type stores and not a typical chain store operation. The OPS has now found that there are several chains of small service stores which had a total volume in 1950 of more than $750,000 because, instead of 5 or 6 stores, they consisted of 40 or 50 stores with an average sales volume per store of less than $75,000. Thus, most of the stores in these chains are as small or smaller than many Group 1 stores. Therefore, these chains should also have their stores classified on an individual basis.

Thus, this amendment provides that a chain which had 60 percent or more of its stores with 1950 gross sales per store of $75,000 or less, may apply to have its Group 3 stores reclassified as Group 1 or 2 stores.

2. It has come to the attention of the OPS that there are a small number of retail stores located on islands or otherwise accessible only by water and serviced by warehouses under the same ownership or control as the stores. The cost of water transportation for delivery to stores of this kind is considerable and was not considered in establishing the standard markups in CPR's 15 and 16.

Therefore, this amendment provides that where a combination of land and water transportation is required to deliver food products to a retail store from a warehouse under the same ownership or control, the actual cost of the water transportation, including any charges for loading and unloading the water carrier, may be used in figuring the retailer's "net cost".

3. Amendment 2 to CPR 15 provided an adjustment, upon specified conditions, to exempt certain stores or food departments selling mostly specialty foods from using the markups provided in this regulation. These conditions included a showing that the stores rendered certain services and that they received a markup on "net cost" of 40 percent or more in 1950 on all their food sales. Stores meeting these conditions have been permitted to fix their ceiling prices under the GCPR rather than under this regulation. Amendment 6 to CPR 15 set September 30, 1951, as the final date for filing an application to be classified as a "specialty" store.

On further consideration, it is the judgment of the Director of Price Stabilization that it is unfair and not required by the stabilization program that new retailers or those who did not apply in time or who wish to change their operation be prevented from being classified as "specialty" stores. Therefore, this amendment adds a new paragraph to section 26a, providing new criteria for previously unqualified retailers who now wish to be so classified. Any stores which estimate that 60 percent of their total dollar volume of sales will be of specialty food items may apply for this adjustment if they also furnish the same services as stores previously classified as "specialty" stores, i. e., clerks, delivery, telephone orders, and credit. They must also give a list of 25 or more of their "specialty" items as a sample to show what they have included in the 60 percent figure. Retailers applying for this adjustment will be able to price under the GCPR as soon as they have filed. After a four month's "trial period," an applicant must determine if he is still, on the basis of his four month's experience, eligible to continue operating as a specialty store. If he is, he may continue to price under the GCPR, but he must within 15 days make a statement to the Office of Price Stabilization, in writing, to the effect that all of the criteria have been met. He must also furnish a list of 25 or more of his best-selling "specialty" items, thus showing the "specialty" aspect of his store. Any retailer who fails to meet the criteria during this trial period must return to determining his ceiling prices under this regulation.

4. This amendment also clarifies the provisions of CPR 15 in connection with the reporting of group classification. It makes clear that sellers of food products not under this regulation are exempt from this reporting requirement.

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable, and has given full consideration to their recommendations. In his judgment, the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

CPR 15 is amended in the following respects:

1. A new section, 26c, is added after section 26b to read as follows:

SEC. 26c. *How some Group 3 stores may, under certain conditions, be reclassified as Group 1 or 2 stores.* (a) If, for the calendar year 1950, 60 percent or more of your stores had annual gross sales per store of $75,000 or less, you may apply to have your Group 3 stores reclassified as Group 1 or Group 2 stores on the basis of their individual 1950 sales volume.

(b) Your application for reclassification shall be filed with the Distribution Branch, Food and Restaurant Division, Office of Price Stabilization, Washington 25, D. C. This application must list all the stores in your chain, giving the name or number and gross sales for the calendar year 1950 for each store. You may consider your Group 3 stores reclassified as Group 1 or 2 stores as soon as you have submitted your application in accordance with this section. This reclassification may be disapproved if it is determined that you do not qualify under this section.

2. Section 4 (a) is amended to read as follows:

(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the item, based on its most recent delivery to you before May 14, 1951. Your "net cost" will be the amount you paid your supplier less all discounts except (1) discounts on items in Category #5, "Cookies, toast and crumbs" and Category #5A, "Crackers," (section 37 (b) (5) and (5A)), (2) the discount for prompt payment, and

(3) swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. This exception shall not apply to any shipments by water. In such cases, there may be added also as part of the cost of transportation the cost of moving the shipment from the place at which it was processed to the dock, the cost of unloading at that dock, wharfage, handling, tollage and usage charges, the cost of marine insurance, the cost of loading the goods on a car, truck or other conveyance at the port of discharge and the cost of transporting that shipment from the port of discharge to receiving point. However, cost of loading the shipment at the place at which it was processed, segregation charges, and cost of unloading at receiving point may not be added. If you are located on an island or otherwise accessible only by water, for any items delivered from a warehouse under the same ownership or control, where a combination of land and water transportation is required, you may include in your "net cost" the actual cost of the water transportation between the warehouse and your store, including any charges for loading and unloading the water carrier. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries."

3. Section 26a is amended by adding paragraphs (d) and (e) to read as follows:

(d) If you desire to operate as a "specialty" food store or food department, you may apply under this section to be excluded from using the markups of this regulation for the purpose of establishing your ceiling prices, provided your operation is planned to meet the following criteria:

(1) At least 51 percent of your dollar volume of sales will be made by sales clerks who assist customers in selecting, collecting, and wrapping or packaging merchandise.

(2) Your store or food department generally will offer to all of its customers the services of accepting and filling telephone orders, carrying charge accounts, and providing delivery.

(3) That the estimated dollar volume of sales of "specialty" food items of your store or food department (excluding restaurants) will constitute at least 60 percent of your total dollar volume of all sales.

You must file a statement signed by you or your authorized representative and forwarded by Registered Mail, return receipt requested, to the OPS District Office for your area, stating your trade name and address, and that you meet the above criteria, and including a list of 25 or more of the "specialty" food items which were considered in the 60 percent estimate of your total dollar volume of "specialty" food item sales.

You may, for a "trial period" of four months, consider your new operation a "specialty" food store or food department as soon as you have submitted the above statement, and may for that period figure your ceiling prices under the GCPR.

(e) At the end of your trial period, you must re-examine the operation of your store or food department to determine from actual records of four months' operation during that period that you have met the criteria listed in paragraph (d) of this section.

If you find that your trial period experience meets these criteria and you wish to continue to operate as a specialty store and price under the GCPR, you must, within 15 days after the end of the trial period, file with the OPS District Office for your area a statement containing your trade name and address and signed by you or your authorized representative to this effect. You must include as a part of your statement a list of 25 or more of the best-selling items you have included when re-examining your operation for compliance with paragraph (d) (3) of this section. You may then continue to operate as a "specialty store" unless you receive notice from the OPS District Office for your area that permission to operate as a "specialty store" under this section has been revoked because upon examination of the facts it has been determined that you have not met the criteria.

If you do not furnish this data within 15 days after the expiration of your trial period, or if you determine that your store or food department has not met the criteria as estimated in your application, you must, beginning the third Monday after the trial period, establish your ceiling prices under the provisions of CPR 15. You then may not re-apply under the provisions of paragraph (d) above for at least six months from the end of the trial period.

4. Section 2 paragraph (e) is amended by adding the following: "Even though you sell food products, if none of these products are subject to this regulation, you need not furnish this notification. In the event that this regulation is amended to cover one or more of the food products you sell, you must furnish the notification within 30 days of the effective date of the amendment."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 5, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 31, 1952.

[F. R. Doc. 52-11855; Filed, Oct. 31, 1952; 11:56 a. m.]

[Ceiling Price Regulation 16, Amdt. 19]

CPR 16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

ADDITION TO NET COST FOR WATER TRANSPORTATION; NEW SPECIALTY STORE; CLARIFICATION OF REPORTING PROCEDURE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 19 to Ceiling Price Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to CPR 16 permits the actual cost of water transportation to be included in the retailer's "net cost" when a combination of land and water transportation is required to deliver food products to retail stores from the company warehouse. Also this amendment changes the present adjustment provision for "specialty" stores by permitting both old and new retailers who desire to operate as "specialty" stores to apply for permission to price under the General Ceiling Price Regulation. Finally this amendment clarifies the reporting provision of section 2 paragraph (e).

Following are the considerations supporting the changes made by this amendment.

1. It has come to the attention of the OPS that there are a small number of retail stores located on islands or otherwise accessible only by water and serviced by warehouses under the same ownership or control as the stores. The cost of water transportation for delivery to stores of this kind is considerable and was not considered in establishing the standard markups in CPR's 15 and 16.

Therefore, this amendment provides that where a combination of land and water transportation is required to deliver food products to a retail store from a warehouse under the same ownership or control, the actual cost of the water transportation including any charges for loading and unloading the water carrier may be used in figuring the retailer's "net cost".

2. Amendment 2 to CPR 16 provided an adjustment upon specified conditions to exempt certain stores or food departments selling mostly specialty foods from using the markups provided in this regulation. These conditions included a showing that the stores rendered certain services and that they received a markup on "net cost" of 40 percent or more in 1950 on all their food sales. Stores meeting these conditions have been permitted to fix their ceiling prices under the GCPR rather than under this regulation. Amendment 6 to CPR 16 set September 30, 1951, as the final date for filing an application to be classified as a "specialty" store.

On further consideration, it is the judgment of the Director of Price Stabilization that it is unfair and not required by the stabilization program that new retailers or those who did not apply in time or who wish to change their operation be prevented from being classified as "specialty" stores. Therefore, this amendment adds a new paragraph to section 24a, providing new criteria for previously unqualified retailers who now wish to be so classified. Any stores which estimate that 60 percent of their total dollar volume of sales will be of specialty food items may apply for this adjustment if they also furnish the same services as stores previously classified as "specialty" stores, i. e., clerks, delivery, telephone orders, and credit. They must also give a list of 25 or more of their "specialty" items as a sample to show what they have included in the 60 percent figure. Retailers applying for this adjustment will be able to price under the GCPR as soon as they have filed. After a four month's "trial period" an applicant must determine if he is still, on the basis of his four month's experience, eligible to continue operating as a specialty store. If he is, he may continue to price under the GCPR, but he must within 15 days make a statement in writing to the Office of Price Stabilization to the effect that all of the criteria have been met. He must also furnish a list of 25 or more of his best-selling "specialty" items, thus showing the "specialty" aspect of his store. Any retailer who fails to meet the criteria during this trial period must return to determining his ceiling prices under this regulation.

3. This amendment also clarifies the provisions of CPR 16 in connection with the reporting of group classification. It makes clear that sellers of food products not under this regulation are exempt from this reporting requirement.

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable, and has given full consideration to their recommendations. In his judgment, the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

CPR 16 is amended in the following respects:

1. Section 4 (a) is amended to read as follows:

(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the item, based on its most recent delivery to you before May 14, 1951. Your "net cost" will be the amount you paid your supplier less all discounts except (1) discounts on items in Category No. 5, "Cookies, toast and crumbs" and Category No. 5A, "Crackers," (section 32 (b) (5) and (5A)), (2) the discount for prompt payment, and (3) swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. This exception shall not apply to any shipments by water. In such cases, there may be added also as part of the cost of transportation the cost of moving the shipment from the place at which it was processed to the dock, the cost of unloading at that dock, wharfage, handling, tollage and usage charges, the cost of marine insurance, the cost of loading the goods on a car, truck or other conveyance at the port of discharge and the cost of transporting that shipment from the port of discharge to receiving point. However, cost of loading the shipment at the place at which it was processed, segregation charges, and cost of unloading at receiving point may not be added. If you are located on an island or otherwise accessible only by water, for any items delivered from a warehouse under the same ownership or control, where a combination of land and water transportation is required, you may include in your "net cost" the actual cost of the water transportation between the warehouse and your store, including any charges for loading and unloading the water carrier. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries."

2. Section 24a is amended by adding paragraphs (d) and (e) to read as follows:

(d) If you desire to operate as a "specialty" food store or food department, you may apply under this section to be excluded from using the markups of this regulation for the purpose of establishing your ceiling prices, provided your operation is planned to meet the following criteria:

(1) At least 51 percent of your dollar volume of sales will be made by sales clerks who assist customers in selecting, collecting, and wrapping or packaging merchandise.

(2) Your store or food department generally will offer to all of its customers the services of accepting and filling telephone orders, carrying charge accounts, and providing delivery.

(3) That the estimated dollar volume of sales of "specialty" food items of your store or food department (excluding restaurants) will constitute at least 60 percent of your total dollar volume of all sales.

You must file a statement signed by you or your authorized representative and forwarded by Registered Mail, return receipt requested, to the OPS District Office for your area, stating your trade name and address, and that you meet the above criteria, and including a list of 25 or more of the "specialty" food items which were considered in the 60 percent estimate of your total dollar volume of "specialty" food item sales.

You may, for a "trial period" of four months, consider your new operation a "specialty" food store or food department as soon as you have submitted the above statement, and may for that period figure your ceiling prices under the GCPR.

(e) At the end of your trial period, you must re-examine the operation of your store or food department to determine from actual records of four months' operation that you have met the criteria listed in paragraph (d) of this section.

If you find that your trial period experience meets these criteria and you wish to continue to operate as a specialty store and price under the GCPR, you must, within 15 days after the end of the trial period, file with the OPS District Office for your area a statement containing your trade name and address and signed by you or your authorized representative to this effect. You must include as a part of your statement a list of 25 or more of the best-selling items you have included when re-examining your operation for compliance with paragraph (d) (3) of this section. You may then continue to operate as a "specialty store" unless you receive notice from the OPS District Office for your area that permission to operate as a "specialty store" under this section has been revoked because upon examination of the facts it has been determined that you have not met the criteria.

If you do not furnish this data within 15 days after the expiration of your trial period, or if you determine that your store or food department has not met the criteria as estimated in your application, you must, beginning the third Monday after the trial period, establish your ceiling prices under the provisions of CPR 16. You then may not re-apply under the provisions of paragraph (d) of this section for at least six months from the end of the trial period.

3. Section 2, paragraph (e) is amended by adding the following: "Even though you sell food products, if none of these products are subject to this regulation, you need not furnish this notification. In the event that this regulation is amended to cover one or more of the food products you sell, you must furnish the notification within 30 days of the effective date of the amendment."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 5, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 31, 1952.

[F. R. Doc. 52-11856; Filed, Oct. 31, 1952; 11:56 a. m.]

[Ceiling Price Regulation 22, Amdt. 57]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

EXCLUSION OF CERTAIN HAND TOOLS, METALLIC PARTS, SUBASSEMBLIES AND COMPONENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 57 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment excludes from the coverage of Ceiling Price Regulation 22 parts, subassemblies, and components, metallic, of any commodity covered by Ceiling Price Regulation 22 where such a part, subassembly, or component is sold by a manufacturer other than the manufacturer of the commodity of which it is a part, subassembly or component. There are certain specific exceptions to this general exclusion which are listed. In addition, this amendment excludes hand tools in general categories such as machinists' tools, carpenters' tools, miners' tools, cement workers' tools, logging tools, blacksmiths' tools and automotive tools.

This amendment is being issued concurrently with Amendments 39 to Ceiling Price Regulation 30 and 13 to Ceiling

Price Regulation 67. Those amendments add these parts and tools to Ceiling Price Regulation 30 and Ceiling Price Regulation 67, and this amendment is being issued to make it clear that the items are specifically excluded from Ceiling Price Regulation 22. The reasons for these actions are explained in the Statement of Considerations to Amendment 39 to Ceiling Price Regulation 30, and those reasons are equally applicable to this amendment.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is amended in the following respects:

1. Appendix A, paragraph (b) is amended by adding the following new subparagraph (6):

(6) Parts, subassemblies and components, metallic, of any commodity covered by this regulation, where such part, subassembly or component is sold by a manufacturer other than the manufacturer of the commodity covered by this regulation of which it is a part, subassembly or component, except the following which remain under this regulation:

Watch cases.
Metal watch bands.

2. Appendix A is further amended by adding the following new paragraph (ii):

(ii) Tools, hand, including, but not limited to the following:

Adzes.
Angle drivers.
Angles, cement workers'.
Auger bits.
Awls.
Axes.
Bars; crow, wrecking, pinch, claw, etc.
Bevels, dividers and squares.
Braces and bits.
Bung bores.
Caulking tools.
Chisels; hand.
Drills, hand.
Fire pots.
Flue cleaners.
Furnaces, plumbers'.
Gimlets.
Glass cutters.
Grease guns.
Hack saw frames.
Hammers and hatchets.
Ice tools (breakers, saws, tongs, and picks).
Ladles, melting.
Lanterns, except safety lamps.
Levels.
Level glasses.
Mallets (all types).
Mitre boxes.
Mortising tools.
Nail sets.
Oyster tools and tongs (except kitchen).
Packing tools.
Peavies, logging.
Pick and mattocks (except field and garden).
Pike poles.
Pike pullers.
Planes, carpenters'.
Pliers.
Plumb bobs.
Post hole augers and diggers.
Pulleys; wheel, gear and bearing.
Punches, hand (except office).
Ratchet drills and drivers.
Saws, hand (including frames, blades and accessories).
Screwdrivers.
Sheaves.
Shovels, other than garden and agricultural.
Sledges.
Snips and shears, metal cutting.
Soldering irons.
Spoke shavers.
Tampers, asphalt and cement.
Tool kits.
Tools, hand; machine, carpenters, miners, cement workers, logging, blacksmith, automotive and service.
Torches, blow.
Watchmakers' tools.
Wedges.
Wrenches.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 5, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 31, 1952.

[F. R. Doc. 52-11857; Filed, Oct. 31, 1952; 11:57 a. m.]

[Ceiling Price Regulation 30, Amdt. 39]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

INCLUSION OF CERTAIN HAND TOOLS, PARTS AND SUBASSEMBLIES IN APPENDIX A

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 39 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds certain hand tools to Appendix A to Ceiling Price Regulation 30. These tools fall into general categories such as machinists' tools, carpenters' tools, miners' tools, cement workers' tools, logging tools, blacksmiths' tools and automotive tools. These items are presently covered by Ceiling Price Regulation 22, but due to the general industrial nature of these items and the manner in which they are frequently distributed, that is, through industrial supply houses, automotive jobbers, etc., it has been determined that they should be covered by Ceiling Price Regulation 30 rather than Ceiling Price Regulation 22.

In addition to the change with respect to hand tools, this amendment adds a new provision to Appendix A to Ceiling Price Regulation 30 which is intended to clarify certain confusion which presently exists about various parts and subassemblies of completed products covered by Ceiling Price Regulation 22 and Ceiling Price Regulation 30. Most parts and subassemblies for completed commodities under Ceiling Price Regulation 30, as well as many parts and subassemblies of a general nature, are presently included in Appendix A to Ceiling Price Regulation 30. Other parts are covered by other specific ceiling price regulations, such as Ceiling Price Regulation 119 which covers screw machine products, springs and stampings. However, there are some parts and subassemblies for completed commodities covered by Ceiling Price Regulation 22 about which there is confusion. The parts are those which are manufactured by milling, grinding, or like processes by a manufacturer who is not the manufacturer of the completed commodity covered by Ceiling Price Regulation 22, and the subassemblies are those which are manufactured by a manufacturer other than the manufacturer of the completed commodity covered by Ceiling Price Regulation 22. The principal reason for including these parts and subassemblies in Ceiling Price Regulation 30 is that many manufacturers of these commodities produce the same part or subassembly for a completed item covered by either Ceiling Price Regulation 22 or Ceiling Price Regulation 30. Also many of these parts or subassemblies are custom fabricated for the purchaser and Ceiling Price Regulation 22 is not well adapted to the determination of ceiling prices for custom built commodities which are priced by a "formula" method, whereas Ceiling Price Regulation 30 contains special provisions for the determination of ceiling prices of such commodities.

The transfer of these hand tools, parts and subassemblies to Ceiling Price Regulation 30 will not change the price level of manufacturers affected and will not require manufacturers who have already filed the necessary forms in accordance with Ceiling Price Regulation 22 to refile under Ceiling Price Regulation 30. However, new manufacturers of these items, or manufacturers making these items for the first time, will be required to comply with Ceiling Price Regulation 30 rather than Ceiling Price Regulation 22.

In conjunction with this amendment to Ceiling Price Regulation 30, Ceiling Price Regulation 22 (Manufacturers' General Ceiling Price Regulation) and Ceiling Price Regulation 67 (Resellers of Machinery and Related Manufactured Goods) are being amended to conform with this action.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is amended in the following respects:

1. Section 44 (b) is amended by adding a new subparagraph (3), to read as follows:

(3) If you are a manufacturer of any commodity or commodities which have been added to Appendix A to this regulation subsequent to the issuance of this regulation (May 4, 1951), and for which you have properly determined your ceiling prices and filed the necessary form, report or reports in accordance with Ceiling Price Regulation 22 prior to the date on which such commodity or commodities were added to Appendix A, such a determination and filing will be considered a proper determination and filing pursuant to this regulation.

2. Appendix A to Ceiling Price Regulation 30 is amended by adding the following items: Tools, hand, including, but not limited, to the following:

Adzes.
Angle drivers.
Angles, cement workers'.
Auger bits.
Awls.
Axes.
Bars; crow, wrecking, pinch, claw, etc.
Bevels, dividers and squares.
Braces and bits.
Bung bores.
Caulking tools.
Chisels, hand.
Drills, hand.
Fire pots.
Flue cleaners.
Furnaces, plumbers'.
Gimlets.
Glass cutters.
Grease guns.
Hack saw frames.
Hammers and hatchets.
Ice tools (breakers, saws, tongs and picks).
Ladles, melting.
Lanterns, except safety lamps.
Levels.
Level glasses.
Mallets (all types).
Mitre boxes.
Mortising tools.
Nail sets.
Oyster tools and tongs (except kitchen).
Packing tools.
Peavies, logging.
Pick and mattocks (except field and garden).
Pike poles.
Pike pullers.
Planes, carpenters'.
Pliers.
Plumb bobs.
Post hole augers and diggers.
Pulleys; wheel, gear and bearing.
Punches, hand (except office).
Ratchet drills and drivers.
Saws, hand (including frames, blades and accessories).
Screwdrivers.
Sheaves.
Shovels, other than garden and agricultural.
Sledges.
Snips and shears, metal cutting.
Soldering irons.
Spoke shavers.
Tampers, asphalt and cement.
Tool kits.
Tools, hand; machine, carpenters, miners, cement workers, logging, blacksmith, automotive and service.
Torches, blow.
Watchmakers' tools.
Wedges.
Wrenches.

3. Appendix A to Ceiling Price Regulation 30 is further amended by adding the following items:

Parts, subassemblies, and components, metallic, of any commodity covered by Ceiling Price Regulation 22, where such part, subassembly or component is sold by a manufacturer other than the manufacturer of the commodity covered by Ceiling Price Regulation 22 of which it is a part, subassembly or component except the following which remain under CPR 22: watch cases and metal watch bands.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 5, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 31, 1952.

[F. R. Doc. 52-11858; Filed, Oct. 31, 1952; 11:57 a. m.]

[Ceiling Price Regulation 34, Amdt. 5]

CPR 34—SERVICES

BASE PERIOD CONTRACTS FOR DELIVERY AT INCREASED PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes the cut-off date for allowing recognition of contracts for increased prices under section 12 (a) of CPR 34. This section has provided, in part, that if in the base period a seller announced in writing an increase in his prices for a service to his classes of customers generally but did not deliver the service at the increased price to any of the purchasers supplied in the base period because he was bound under contracts made before the announcement in writing of the increase, then the seller could institute the increase at the expiration of each old contract if new contracts for future delivery of the service at the increased prices were entered into prior to December 19, 1950. This critical December 19, 1950 date is now changed to January 26, 1951.

The purpose of including this provision in section 12 (a) was to permit sellers to use increased prices at which they did not actually deliver during the base period but at which they would have delivered had they not been bound by contractual commitment. It is an exception to the pricing rules of section 5 of the regulation which require a seller to establish his ceiling prices for a service on the basis, generally, of the highest price at which he supplied the service during the December 19, 1950 through January 25, 1951 base period. At the time section 12 (a) was formulated the Director determined, in the light of the rapid raise of prices during the months of December, 1950 and January, 1951, that the section 12 (a) exception to the provisions of section 5 should be restricted by the requirement of the seller having made the contracts before December 19, 1950. This was to prevent the possibility of letting in under this exception any price increases which were announced by the seller in order to gain a price advantage in anticipation of the issuance of ceiling price regulations.

Experience under CPR 34 indicates, however, that the purpose of the section can be attained without rigidly excluding those sellers who entered into their future delivery contracts between December 19, 1950, and January 25, 1951, inclusive. There are many sellers who in good faith announced price increases during the base period, were not able to deliver at the higher price immediately because of prior contractual obligations, but did contract during the base period for future delivery at the increased prices. The Director has concluded that the provisions of section 12 (a) should be amended to permit the sellers who entered into such future delivery contracts prior to January 26, 1951, to use the increased prices for the services if they are able to meet the other conditions of the amended portion of section 12 (a).

In view of the nature of this amendment, consultation with industry representatives, including trade association representatives, has been impracticable.

AMENDATORY PROVISIONS

The last unnumbered paragraph of section 12 (a) of Ceiling Price Regulation 34 is amended to read as follows:

If, however, in the base period you announced in writing an increase in your prices for a service to your classes of purchasers generally, but you did not deliver the service at the increased price to any of the purchasers whom you supplied in the base period because you were bound under contracts made before the announcement in writing of that price increase, and you did enter into new contracts for future delivery of the service at the increased price prior to January 26, 1951, and all such new contracts provided for delivery at the increased price, then at the expiration of each old contract you may institute the announced price increase, adjusted to reflect the customary differential in prices among your classes of purchasers.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 5, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 31, 1952.

[F. R. Doc. 52-11859; Filed, Oct. 31, 1952; 11:57 a. m.]

[Ceiling Price Regulation 67, Amdt. 13]

CPR 67—RESELLERS OF MACHINERY AND RELATED MANUFACTURED GOODS

INCLUSION OF CERTAIN HAND TOOLS, PARTS AND SUBASSEMBLIES IN APPENDIX A

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 13 to Ceiling Price Regulation 67 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is issued concurrently with Amendment 39 to Ceiling Price Regulation 30 (Machinery and Related Manufactured Goods) and is intended to accomplish the same results with respect to resellers of the commodities included as Amendment 39 to Ceiling Price Regu-

lation 30 does with respect to manufacturers.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 67 is amended in the following respects:

1. Appendix A to Ceiling Price Regulation 67 is amended by adding the following items: Tools, hand, including, but not limited to, the following:

Adzes.
Angle drivers.
Angles, cement workers'.
Auger bits.
Awls.
Axes.
Bars: crow, wrecking, pinch, claw, etc.
Bevels, dividers and squares.
Braces and bits.
Bung bores.
Caulking tools.
Chisels, hand.
Drills, hand.
Fire pots.
Flue cleaners.
Furnaces, plumbers'.
Gimlets.
Glass cutters.
Grease guns.
Hack saw frames.
Hammers and hatchets.
Ice tools (breakers, saws, tongs and picks).
Ladles, melting.
Lanterns, except safety lamps.
Levels.
Level glasses.
Mallets (all types).
Mitre boxes.
Mortising tools.
Nail sets.
Oyster tools and tongs (except kitchen).
Packing tools.
Peavies, logging.
Pick and mattocks (except field and garden).
Pike poles.
Pike pullers.
Planes, carpenters'.
Pliers.
Plumb bobs.
Post hole augers and diggers.
Pulleys: wheel, gear and bearing.
Punches, hand (except office).
Ratchet drills and drivers.
Saws, hand (including frames, blades and accessories).
Screwdrivers.
Sheaves.
Shovels, other than garden and agricultural.
Sledges.
Snips and shears, metal cutting.
Soldering irons.
Spoke shavers.
Tampers, asphalt and cement.
Tool kits.
Tools, hand: machine, carpenters, miners, cement workers, logging, blacksmith, automotive and service.
Torches, blow.
Watchmakers' tools.
Wedges.
Wrenches.

2. Appendix A to Ceiling Price Regulation 67 is further amended by adding the following items:

Parts, subassemblies, and components, metallic, of any commodity covered by Ceiling Price Regulation 22, where such part, subassembly or component is made by a manufacturer other than the manufacturer of the commodity covered by Ceiling Price Regulation 22 of which it is a part, subassembly or component except the following which remain under the General Ceiling Price Regulation: watch cases and metal watch bands.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 5, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 31, 1952.

[F. R. Doc. 52-11860; Filed, Oct. 31, 1952; 11:57 a. m.]

[Ceiling Price Regulation 167, Amdt. 2]

CPR 167—COTTONSEED FEED PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 167 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes several changes in Ceiling Price Regulation (CPR) 167, in regard to ceiling prices for cottonseed feed products.

Under section 7 of CPR 167 a processor who purchases slab cake and converts it into meal, sized cake, pellets or cubes may reflect the cost of transporting the slab cake from his supplier's place of business in the ceiling prices for the resultant products. This amendment similarly permits the processor who produces slab cake and transports it for grinding to another production plant of his business to reflect the cost of transporting the cake in the ceiling prices for the meal and other products. This amendment adds a provision to section 3 to allow a processor who makes pellets or cubes from meal which he has either purchased or transferred from another production plant of his business to reflect the cost of transporting the meal in his ceiling prices.

This amendment provides new ceiling prices for slab cake, meal, sized cake, pellets and cubes produced in eastern Tennessee, which are two dollars higher than those originally established in CPR 167. Additional data and discussions with members of the industry indicate that the new ceiling prices for eastern Tennessee more closely reflect a proper differential in relation to those provided for adjacent areas.

CPR 167 defined sized cake as cracked cottonseed or whole pressed cottonseed cake which will not pass through a 1/16 inch screen. It did not require its separation into uniform sizes in order to qualify for the differential provided for sized cake. This amendment redefines sized cake to include nut-size cake, sheep-size cake, pea-size cake and pebble-size cake. Accordingly, sized cake must be separated into one of the various classes in order to qualify for the sized cake differential. The standards used in defining the various classes of sized cake, were, prior to this amendment, in common use in the industry.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all applicable standards of that act.

AMENDATORY PROVISIONS

CPR 167 is amended in the following respects:

1. Table I is amended to read as follows:

TABLE I

Point of production	Cake or flakes		Meal		Sized cake		Pellets or cubes	
	Cottonseed	Whole pressed cottonseed	Cottonseed	Whole pressed cottonseed	Cottonseed	Whole pressed cottonseed	Cottonseed	Whole pressed cottonseed
Mississippi	$78.00	$66.00	$80.00	$68.00	$81.00	$69.00	$82.25	$70.25
East Tennessee [1]	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25
West Tennessee [2]	78.00	66.00	80.00	68.00	81.00	69.00	82.25	70.25
East Arkansas [3]	78.00	66.00	80.00	68.00	81.00	69.00	82.25	70.25
West Arkansas [4]	79.00	67.00	81.00	69.00	82.00	70.00	83.25	71.25
Missouri	79.00	67.00	81.00	69.00	82.00	70.00	83.25	71.25
Illinois	79.00	67.00	81.00	69.00	82.00	70.00	83.25	71.25
Louisiana	79.00	67.00	81.00	69.00	82.00	70.00	83.25	71.25
Oklahoma	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25
Texas	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25
Alabama	79.00	67.00	81.00	69.00	82.00	70.00	83.25	71.25
Georgia	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25
Florida	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25
South Carolina	81.00	69.00	83.00	71.00	84.00	72.00	85.25	73.25
North Carolina	81.00	69.00	83.00	71.00	84.00	72.00	85.25	73.25
New Mexico	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25
Arizona	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25
California	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25

[1] East Tennessee consists of that portion of Tennessee east of and including the counties of Sumner, Davidson, Rutherford, Bedford, and Franklin.
[2] West Tennessee consists of all points not included in east Tennessee.
[3] East Arkansas consists of the following counties in Arkansas: Arkansas, Clay, Craighead, Crittenden, Jackson, Lawrence, Lee, Mississippi, Monroe, Phillips, Poinsett, Randolph, St. Francis, and Woodruff.
[4] West Arkansas consists of all points not included in east Arkansas.

2. Section 3 is amended by adding a new paragraph (e) to read as follows:

(e) *Cottonseed meal cubes or pellets produced from purchased or transferred meal.* (1) If you produce cubes or pellets from cottonseed or whole pressed cottonseed meal which you buy, you determine your ceiling price for such cubes or pellets by adding to your supplier's ceiling price for the meal from which the lot was produced, in bulk, in carload lots, f. o. b. your supplier's place of business, the following:

(i) Your "transportation cost", if any, from point of production of the meal to point of production of the cubes or pellets; and

(ii) $2.75 per ton; and

(iii) The applicable markup provided in section 6.

(2) If you produce in your production plant cubes or pellets from cottonseed or whole-pressed cottonseed meal produced at and transported from another production plant operated by you as a separate place of business, you determine your ceiling price for such cubes or pellets by adding to your f. o. b. mill ceiling price for the meal at point of production, in bulk, in carload lots the allowances provided in (i), (ii), and (iii) of subparagraph (1) of this paragraph (e).

3. Paragraph (a) of section 7 is amended to read as follows:

(a) *Sales of cottonseed or whole-pressed cottonseed meal, sized cake, cubes or pellets produced from domestic slab cake, f. o. b. mill.* If you are a grinder of domestic slab cake, your ceiling price for a sale of cottonseed or whole-pressed cottonseed meal, sized cake, cubes or pellets, in bulk, f. o. b. your mill, is determined by adding to (1) your supplier's ceiling price for the slab cake from which the lot is produced, f. o. b. your supplier's place of business, if you purchase the cake, or (2) your f. o. b. mill ceiling price for the slab cake at point of production if you grind at your production plant cake produced at and transported from another production plant operated by you as a separate place of business, the following:

(i) Your "transportation cost", if any, from point of production of the slab cake to point of production of the meal, sized cake, cubes, or pellets, and

(ii) (*a*) $2.50 per ton if you produce and sell meal; or

(*b*) $3.50 per ton if you produce and sell sized cake; or

(*c*) $4.75 per ton if you produce and sell cubes or pellets; and

(iii) A markup as provided in paragraph (d) of this section.

4. Subparagraph (3) of section 20 (a) is amended to read as follows:

(3) "Grinder" means, with respect to any lot, a person who (i) processes or procures the processing of meal, sized cake, pellets or cubes from cottonseed cake or whole pressed cottonseed cake which he buys, or (ii) a person who processes in his production plant meal, sized cake, pellets, or cubes from cottonseed cake or whole-pressed cottonseed cake produced at and transported from another production plant operated by him as a separate place of business.

"Grinder" includes a crusher who processes meal, sized cake, pellets, or cubes from cottonseed or whole-pressed cottonseed cake which he buys or which he produces at and transports from another production plant operated by him as a separate place of business.

5. Subparagraph (7) of section 20 (b) is amended to read as follows:

(7) "Cottonseed meal" is ground cottonseed cake (other than sized cake) including such cottonseed hull bran as is necessary to control the protein content. It does not contain less than 36 percent protein. "Cottonseed meal" includes "cottonseed cake screenings".

6. Subparagraph (12) of section 20 (b) is amended to read as follows:

(12) "Sized cake" means any one of the following products produced from cottonseed or whole-pressed cottonseed cake: "nut-size cake", "sheep-size cake", "pea-size cake", and "pebble-size cake".

(i) "Nut-size cake" means a product which will pass through 1½ inch round perforation and over 7/8 inch round perforation. It shall be free from meal (including cottonseed cake screenings), pea-size and pebble-size cake, and shall not contain in excess of 10 percent of sheep-size cake.

(ii) "Sheep-size cake" means a product which will pass through 7/8 inch round perforation and over 5/8 inch round perforation. It shall be free from meal (including cottonseed cake screenings), and pebble-size cake, and shall not contain in excess of a total of 10 percent of nut-size and pea-size cakes.

(iii) "Pea-size cake" means a product which will pass through 5/8 inch round perforation and over 3/8 inch round perforation. It shall be free from meal (including cottonseed cake screenings), and nut-size cake, and shall not contain in excess of a total of 10 percent of sheep-size and pebble-size cake.

(iv) "Pebble-size cake" means a product which will pass through 3/8 inch round perforation and over 3/16 inch round perforation. It shall be free from nut-size and sheep-size cake, and shall not contain in excess of a total of 10 percent of pea-size cake and meal (including cottonseed cake screenings).

(v) "Cottonseed cake screenings" means a product consisting of fine particles and small pieces of cottonseed or whole-pressed cottonseed cake which will pass through 3/8 inch round perforation.

7. Subparagraph (13) of section 20 (b) is amended to read as follows:

(13) "Whole-pressed cottonseed meal" is ground whole-pressed cottonseed cake, other than sized cake. It includes "cottonseed cake screenings".

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 5, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 31, 1952.

[F. R. Doc. 52-11861; Filed, Oct. 31, 1952; 11:57 a. m.]

[Ceiling Price Regulation 174, Correction]

CPR 174—PREPARED CONCRETE REINFORCING BARS AND REINFORCEMENT MATERIALS

CORRECTIONS

Due to typographical errors, CPR 174, Prepared Concrete Reinforcing Bars and Reinforcing Materials, issued October 13, 1952, contains misprints in sections 3 (b) (1), 3 (e) (3)—Table C (Light Bending), 3 (e) (9), and 13. Accordingly, these above mentioned sections are hereby corrected.

1. In section 3 (b) (1) *Monthly base cost*—(1) *First month*, The word "as" appearing in the seventh line of this paragraph is changed to "of", making the paragraph read as follows:

(1) *First month.* Your base cost for sales of prepared concrete reinforcing bars from the 15th day of the month in which this regulation becomes effective through the 14th day of the following month, is the average cost, per 100 pounds, of your inventory of hot rolled concrete reinforcing bars (as shown by inventory records or physical count) on the first day of the month in which this regulation becomes effective. You determine this average cost as follows:

2. In section 3 (e) (3) Table C "Light bending" the word "place" appearing in the fifth line of the definition is changed to "plane", making the definition read as follows:

This includes bending all No. 2 and No. 3 bars; No. 4 bars or larger bent as stirrups and column ties; bars of any size bent at more than 6 points; bars bent in more than one plane; bars bent to more than one radius or a combination of radius and pin bending.

3. Section 3 (e) (9) *Less than carload extras* the word "of" appearing in the sixth line of this paragraph is changed to "or" making the paragraph read as follows:

(9) *Less than carload extras.* If the quantity of prepared concrete reinforcing bars specified in a sale or contract made by you is less than a rail carload, you may include, in determining your ceiling price for such sale or contract, an amount equal to the difference between the lowest established less than carload and lowest established carload rail rate of freight in effect on the date you made shipment, for transporting concrete reinforcing bars from your nearest regular source of supply to your plant. "Regular source of supply", means the producing mill from which you received at your plant, during the calendar quarter preceding the date on which you make shipment, invoices cov-

ering the largest quantity of hot rolled concrete reinforcing bars invoiced to the plant during the quarter.

4. In section 13 *Transfers of business* the word "proposed" appearing in the fifth line of the paragraph is changed to read "prepared" and the word "an" appearing in the thirteenth line is changed to "and", making the paragraph read as follows:

SEC. 13. *Transfers of business.* If the business or assets of a preparer are sold after the issuance date of this regulation, and the transferee carries on the sale of prepared concrete reinforcing bars in the plant or plants, included in such transfer, the ceiling price of the transferee for prepared concrete reinforcing bars produced in such plant or plants, shall be the same as those to which his transferor would have been subject if no transfer had taken place and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of the transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

OCTOBER 31, 1952.

[F. R. Doc. 52-11862; Filed, Oct. 31, 1952; 11:58 a. m.]

Chapter XI—Defense Electric Power Administration, Department of the Interior

[DEPA Order EO-4A, Correction]

EO-4A—LIMITATION OF CONSUMPTION AND DELIVERIES OF ELECTRIC ENERGY IN PACIFIC NORTHWEST

Paragraph (j) of section 2 of DEPA Order EO-4A is corrected to read as follows:

(j) "Weekly energy base" for any consumer means seven times the average daily base period consumption. The weekly energy base for any consumer may be adjusted by the electric utility serving the consumer to reflect such other weekly proration of base period consumption as may accord with the consumer's method of operation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interprets or applies sec. 101, 64 Stat. 799, as amended; 50 U. S. C. App. 2071; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; DPA Del. 1, Jan. 24, 1951, as amended Nov. 3, 1951, 16 F. R. 11245; Dept. of Interior Order No. 2605, as amended Sept. 10, 1952, 17 F. R. 8366)

JAMES F. FAIRMAN,
Administrator,
Defense Electric Power Administration.

OCTOBER 30, 1952.

[F. R. Doc. 52-11840; Filed, Oct. 31, 1952; 9:58 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 85 to Schedule A]

[Rent Regulation 2, Amdt. 83 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA

Effective November 1, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 29th day of October 1952.

J. WALTER WHITE,
Acting Director of Rent Stabilization.

Schedule A, Item 102, is amended to describe the counties in the defense-rental area as follows:

Lake County, except the Cities of Crown Point, East Chicago, Hammond, Hobart and Whiting, the Towns of East Gary, Griffith, Highland and Munster, and the Townships of Cedar Creek, Eagle Creek, Hanover, West Creek and Winfield.

Ditto.

In Lake County, the Townships of Hanover and Winfield.

This decontrols the Towns of Griffith and Highland both in Lake County, Indiana, portions of the Gary-Hammond, Indiana Defense-Rental Area, based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-11781; Filed, Oct. 31, 1952; 8:58 a. m.]

[Rent Regulation 3, Amdt. 89 to Schedule A]

[Rent Regulation 4, Amdt. 33 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

Effective November 1, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 29th day of October 1952.

J. WALTER WHITE,
Acting Director of Rent Stabilization.

Schedule A, Item 102, is amended to describe the counties in the defense-rental area as follows:

Lake County, except the Cities of Crown Point, East Chicago, Hammond, Hobart and Whiting, the Towns of East Gary, Griffith, Highland and Munster, and the Townships of Cedar Creek, Eagle Creek and West Creek.

This decontrols the Towns of Griffith and Highland both in Lake County, Indiana, portions of the Gary-Hammond, Indiana Defense-Rental Area, based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-11780; Filed, Oct. 31, 1952; 8:58 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulations

PART 406—CONTRACT CLAUSES AND FORMS

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

1. *Disputes clause.* For the purpose of relieving Government Contractors from the effect of the decision in the case of Wunderlich v. United States (342 U. S. 98) and in order to comply with section 635, Department of Defense Appropriation Act, 1953, the disputes clause (32 CFR 406.103-12) has been changed to permit review by the courts of Contracting Officers' decisions which are found to be "fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith." In addition, Contractors under construction contracts which obligate funds appropriated in the above mentioned Appropriation Act are afforded such relief by way of appeal as is granted by section 635, supra.

§ 406.103-12 *Disputes.*

DISPUTES

Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. Within 30 days from the date of receipt of such copy, the Contractor may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Secretary, and the decision of the Secretary or his duly authorized representative for the hearing of such appeals shall, unless determined by a court of competent jurisdiction to have been fradulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, be final and conclusive: *Provided*, That, if no such appeal is taken, the decision of the Contracting Officer shall be final and conclusive. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

In addition to the above clause, construction contracts obligating funds appropriated in the Department of Defense Appropriations Act, 1953, Public Law 488, 82d Congress, will also contain the following sentence at the end of the Disputes clause:

Notwithstanding the provisions of this clause, the Contractor shall have such right of appeal to the Court of Claims as is provided by section 635; Public Law 488, 82d Congress.

In accordance with Department procedures, the foregoing clause may be modified to provide for intermediate appeal to the head of the procuring activity concerned. The decision of the Contracting Officer referred to in the above clause shall, if mailed, be sent by registered mail, return receipt requested.

(R. S. 161, 5 U. S. C. 22. Interprets or applies 62 Stat. 21; 41 U. S. C. 151-161)

J. D. SMALL,
Chairman, Munitions Board.

[F. R. Doc. 52-11700; Filed, Oct. 31, 1952; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

RECAPITULATION OF REGULATIONS

Because of the number of outstanding amendments to Part 2 since it was last recapitulated in the FEDERAL REGISTER (February 28, 1951, at page 1845) there follows a recapitulation of Part 2 as revised to and including the Commission's action of July 30, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Basis and purpose. These rules are issued pursuant to Final Acts of the International Telecommunication and Radio Conferences, Atlantic City, 1947, ratified by the United States on June 18, 1948, and Title III of the Communications Act of 1934, as amended. In order to effectuate the purposes of that act and in particular to make available a rapid, efficient, nationwide, and worldwide wire and radio communication service the rules provide for allocations and terms of assignment and use of frequencies and call letters, and distress, disaster, and emergency radio communication common to all radio stations.

SUBPART A—DEFINITIONS

Sec.
2.1 Definitions.

SUBPART B—ALLOCATION ASSIGNMENT AND USE OF RADIO FREQUENCIES

2.101 Station symbols.
2.102 Nomenclature of frequencies.
2.103 Assignment of frequencies.
2.104 Frequency allocations.

SUBPART C—EMISSIONS

2.201 Emission, modulation and transmission characteristics.
2.202 Bandwidths.

SUBPART D—IDENTIFICATION OF RADIO COMMUNICATION AND ALLOCATION AND USE OF CALL SIGNS

2.301 Identification of transmissions.
2.302 Table of allocation of call signs.
2.303 Table of geographic assignment of call signs.

SUBPART E—DISTRESS, DISASTER AND EMERGENCY COMMUNICATIONS

Sec.
2.401 Distress messages.
2.402 Control of distress traffic.
2.403 Retransmission of distress message.
2.404 Resumption of operation after distress.
2.405 Operation during emergency.
2.406 National defense; free service.
2.407 National defense; emergency authorization.

APPENDIX A

Appendix A—Laws, treaties, agreements and arrangements relating to radio.

AUTHORITY: §§ 2.1 to 2.407 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART A—DEFINITIONS

§ 2.1 *Definitions.* The following definitions are issued:

Aeronautical advisory station (FAA). An aeronautical station used for advisory and civil defense communications with private aircraft stations.

Aeronautical fixed service. A fixed service intended for the transmission of information relating to air navigation, preparation for, and safety of flight.

Aeronautical fixed station (FXA). A station in the aeronautical fixed service.

Aeronautical marker beacon station (RLA). A radionavigation land station in the aeronautical radionavigation service which provides a signal to designate a small area above the station.

Aeronautical mobile service. A mobile service between aircraft stations and aeronautical stations, or between aircraft stations.

Aeronautical radionavigation service. A radionavigation service intended for the benefit of aircraft.

Aeronautical station (FA). A land station in the aeronautical mobile service, carrying on a service with aircraft stations. In certain instances an aeronautical station may be placed on board a ship.

Aeronautical utility land station (FLU). A land station located at airdrome control towers and used for control of ground vehicles and aircraft on the ground at airdromes.

Aeronautical utility mobile station (MOU). A mobile station used for communication, at airdromes, with the aeronautical utility land station, ground vehicles, and aircraft on the ground.

Aircarrier aircraft station (MAA). An aircraft station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire.

Aircraft station (MA). A mobile station installed on board any type of aircraft and continuously subject to human control.

Airdrome control station (FAC). An aeronautical station providing communication between an airdrome control tower and aircraft.

Altimeter station (ROA). A radio navigation mobile station, in the aeronautical radionavigation service, the emissions of which are intended to determine the altitude of the aircraft, aboard which the altimeter station is located, above the earth's surface.

Amateur service. A service of self training, intercommunication and technical investigations carried on by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

Amateur station (AR). A station in the amateur service.

Authorized frequency. The frequency assigned to a station by the Commission and specified in the instrument of authorization.

Authorized power. The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the Bureau of the International Telecommunications Union.

Aviation services. Aviation services are primarily for the safe, expeditious and economical operation of aircraft. They include the aeronautical fixed service, aeronautical mobile service, aeronautical radionavigation service, and secondarily, the handling of public correspondence to and from aircraft.

Base station (FB). A land station in the land mobile service carrying on a service with land mobile stations.

Broadcasting service. A radiocommunication service of transmissions to be received directly by the general public.

This service may include transmissions of sounds or transmissions by television, facsimile or other means.

Broadcasting station (BC). A station in the broadcasting service.

Carrier. In a frequency stabilized system, the sinusoidal component of a modulated wave whose frequency is independent of the modulating wave; or

The output of a transmitter when the modulating wave is made zero; or

A wave generated at a point in the transmitting system and subsequently modulated by the signal; or

A wave generated locally at the receiving terminal which when combined with the side bands in a suitable detector produces the modulating wave.

Carrier frequency. The frequency of the carrier.

Citizens radio service. A radiocommunication service of fixed, land, or mobile stations, or combinations thereof, intended for use by citizens of the United States for private or personal radiocommunication (including radio signaling, control of objects by radio, and other purposes).

Civil Air Patrol Land Station (FLV). A land station used exclusively for communications of the Civil Air Patrol.

Civil Air Patrol Mobile Station (MOV). A mobile station used exclusively for communications of the Civil Air Patrol.

Coast station (FC). A land station in the maritime mobile service carrying on a service with ship stations.

Common carrier fixed station (FXC). A fixed station open to public correspondence.

Contract developmental station (EXG). An Experimental Station operated by a manufacturer of radiocommunication equipment for the sole and express purpose of developing equipment or a technique to be employed by stations belonging to and operated by the United States.

Developmental fixed station (FXJ). A fixed station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government fixed service which has been specifically allocated the authorized frequency of the developmental fixed station.

Developmental land station (FLA). A land station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency of the developmental land station.

Developmental mobile station (MOA). A mobile station operated for the express purpose of developing equipment or a technique solely for use only in that portion of the non-government mobile service which has been specifically allocated the authorized frequency of the developmental mobile station.

Disaster Communications Service. A service of fixed, land, and mobile stations licensed or authorized to provide essential communications incident to or in connection with disaster or other incidents which involve loss of communications facilities normally available or which require the temporary establishment of communications facilities beyond those normally available.

Distance measuring equipment. A radionavigation aid in the aeronautical radionavigation service that determines the distance of an interrogator from a transponder by measuring the time of transmission to and from the transponder.

Domestic fixed service. A fixed service intended for the transmission of information between points, all of which lie within the 48 states and the District of Columbia, except for the domestic haul of international traffic.

Domestic fixed public service. A fixed service, the stations of which are open to public correspondence, for radiocommunication between points all of which lie within: (a) the 48 states and the District of Columbia, or (b) within a single territory or possession of the United States.

Domestic public radiocommunication services. The land mobile and domestic fixed public services the stations of which are open to public correspondence.

Experimental station (EX). A station utilizing Hertzian waves in experiments with a view to the development of science or technique. This definition does not include amateur stations.

Export developmental station (EXE). An experimental station operated by a manufacturer of radiocommunication equipment for the sole and express purpose of developing equipment or a technique to be employed by stations under the jurisdiction of a foreign government.

Facsimile. A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

Facsimile broadcasting station (BCM). A broadcasting station utilizing facsimile primarily.

Fixed public control service. A fixed service carried on for the purpose of transmitting intelligence between transmitting or receiving stations in the Public Radiocommunication Services and the message centers or control points associated therewith.

Fixed service. A service of radiocommunication between specified fixed points.

Fixed station (FX). A station in the fixed service.

Flight test station (FAT). An aeronautical station used for the transmission of essential communication in connection with the testing of aircraft or major components of aircraft.

Flying school station (FAS). An aeronautical station used for radiocommunication pertaining to instructions to students or pilots while actually operating aircraft.

FM broadcast STL station (FXF). A fixed station utilizing telephony to transmit from a studio of an FM broadcasting station to the transmitter of that broadcasting station, programs to be broadcast by that station.

FM broadcasting station (BCF). A broadcasting station utilizing telephony by means of frequency modulation.

Glide path station (RLG). (This term will be defined at a later date.)

Harmful interference. Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in this part.

Hertzian waves. Electromagnetic waves of frequencies between 10 kc and 3,000,000 Mc.

Industrial radio services. Any service of radiocommunication essential to, operated by, and for the sole use of, those enterprises which for purposes of safety or other necessity require radiocommunication in order to function efficiently, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

Industrial, scientific, and medical equipment. Devices which use Hertzian waves for industrial, scientific, medical, or any other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radiocommunication.

Instrument landing system. A system of radionavigation, intended to facilitate aircraft in landing, which provides lateral and vertical guidance, including indications of distance from the optimum point of landing.

Interim FM relay station (FXM). A fixed station used for the transmission of FM broadcasting programs from one FM broadcasting station to other FM broadcasting stations to provide simultaneous network FM broadcasting and operated only by FM broadcast licensees.

International broadcasting station (BCI). A broadcasting station employing frequencies allocated to the broadcasting service between 5950 kc and 26100 kc, whose transmissions are intended to be received directly by the general public in foreign countries.

International control station (FXI). A fixed station in the fixed public control service associated directly with the international fixed public radiocommunication service.

International fixed public radiocommunication service. A fixed service, the stations of which are open to public correspondence and which is intended to provide radiocommunication between the United States and its territories and foreign or overseas points.

Interzone station (FXY). A fixed station in the public safety (police) radio service using radiotelegraphy (A1 emission) for communication with zone stations within the zone and with interzone stations in other zones.

Kc (kilocycle). A kilocycle (kc) means one kilocycle per second and is equal to one thousand cycles per second.

Land mobile service. A mobile service between base stations and land mobile stations, or between land mobile stations.

Land mobile station (ML). A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

Land Radiopositioning station (PL). *A station in the radiolocation service,* other than a radionavigation station, not intended for operation while in motion.

Land station (FL). A station in the mobile service not intended for operation while in motion.

Land transportation radio services. Any service of radio communication operated by, and for the sole use of certain land transportation carriers, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

Localizer station (RLL). A radionavigation land station in the aeronautical radionavigation service which provides signals for the lateral guidance of aircraft with respect to a runway center line.

Loran station (RLN). A long distance radionavigation land station transmitting synchronized pulses. Hyperbolic lines of position are determined by the measurement of the difference in the time of arrival of these pulses.

Marine radio beacon station (RLM). A radionavigation land station, the emissions of which are intended to enable a ship station to determine its bearing or its direction in relation to the marine radio beacon station.

Maritime mobile service. A mobile service between ship stations and coast stations, or between ship stations.

Maritime radionavigation service. A radionavigation service intended for the benefit of ships.

Mc (megacycle). A megacycle (Mc) means one thousand kilocycles.

Meteorological aids service. A service of emissions of special radio signals intended solely for meteorological, including hydrological, observations and exploration.

Meteorological radar station (WXD). A station in the meteorological aids service, employing radar, not intended for operation while in motion.

Mobile, except television pickup, station (MOZ). Any mobile station other than a television pickup station.

Mobile radiopositioning station (PO). A station in the radiolocation service, other than a radionavigation station, intended to be used while in motion or during halts at unspecified points.

Mobile service. A service of radiocommunication between mobile and land stations, or between mobile stations.

Mobile station (MO). A station in a mobile service intended to be used while in motion or during halts at unspecified points.

Modulation. The process of producing a wave some characteristic of which varies as a function of the instantaneous value of another wave, called the modulating wave.

Omni directional range station (RLO). A radionavigation land station in the aeronautical radionavigation service providing direct indication of the bearing (omni bearing) of that station from an aircraft.

Operational fixed station (FXO). A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Service.

Primary standard of frequency. The primary standard of frequency for radio frequency measurements shall be the national standard of frequency maintained by the National Bureau of Standards, Department of Commerce, Washington, D. C. The operating frequency of all radio station[s] will be determined by comparison with this standard or the standard signals of station WWV of the National Bureau of Standards.

Private aircraft station (MAP). An aircraft station on board an aircraft not operated as an air carrier.

Public correspondence. Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

Public radiocommunication services. The land mobile and fixed services the stations of which are open to public correspondence.

Public safety radio service. Any service of radiocommunication essential to either the discharge of non-federal governmental functions relating to public safety responsibilities or the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

Racon. A radionavigation system transmitting, automatically or in response to a predetermined received signal, a pulsed radio signal with specific characteristics.

Racon station (RLC). A radionavigation land station which employs a racon.

Radar. Radiolocation system where transmission and reception are carried out at the same location, and which utilizes the reflecting or retransmitting properties of objects in order to determine their positions.

Radio. A general term applied to the use of Hertzian waves.

Radiobeacon station. A radionavigation station the emissions of which are intended to enable a mobile station to determine its bearing or its direction in relation to the radiobeacon station.

Radiocommunication. Any telecommunication by means of Hertzian waves.

Radio direction finding. Radiolocation in which only the direction of a station is determined by means of its emissions.

Radio direction finding station (RG). A radiolocation station intended to determine only the direction of other stations by means of transmissions from the latter.

Radiolocation. Determination of a position or of a direction by means of the constant velocity or rectilinear propagation properties of Hertzian waves.

Radiolocation service. A service involving the use of radiolocation.

Radiolocation station. A station in the radiolocation service.

Radionavigation. Radiolocation intended solely for the determination of position or direction or for obstruction warning, in navigation.

Radionavigation land station (RL). A station in the radionavigation service not intended for operation while in motion.

Radionavigation mobile station (RO). A station in the radionavigation service intended to be used while in motion or during halts at unspecified points.

Radionavigation service. A radiolocation service involving the use of radionavigation.

Radionavigation station. A station in the radionavigation service.

Radio range station (RLR). A radionavigation land station in the aeronautical radionavigation service providing radial equisignal zones.

Radiosonde. An automatic radio transmitter in the meteorological aids service usually carried on an aircraft, free balloon, kite or parachute, which transmits meteorological data.

Radiosonde station (WXR). A station in the meteorological aids service employing a radiosonde.

Remote pickup broadcast base station (FBR). A base station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

Remote pickup broadcast mobile station (MLR). A land mobile station, licensed for the transmission of program material from remote points of origination to a broadcasting station for simultaneous or delayed broadcasting and for the transmission of orders pertaining to such programs.

Ship station (MS). A mobile station in the maritime mobile service located on board a vessel which is not permanently moored.

Standard broadcast station (BCS). A broadcasting station operated on a frequency in the band 535–1605 kilocycles.

Standard frequency service. A radiocommunication service for the transmission of standard and specified frequencies of known high accuracy, intended for general reception.

Standard frequency station (SS). A station in the standard frequency service.

Surveillance radar station (RLS). A radionavigation land station in the aeronautical radionavigation service employing radar to display the presence of aircraft within its range.

Telecommunication. Any transmission, emission or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems.

Telegraphy. A system of telecommunication for the transmission of written matter by the use of a signal code.

Telemetering. Automatic radiocommunication, in a fixed or mobile service intended to indicate or record a measurable variable quantity at a distance.

Telemetering fixed station (FXE). A fixed station, the emissions of which are used for telemetering.

Telemetering land station (FLE). A land station, the emissions of which are used for telemetering.

Telemetering mobile station (MOE). A mobile station, the emissions of which are used for telemetering.

Telephony. A system of telecommunication set up for the transmission of speech, or in some cases, other sounds.

Television. A system of telecommunication for transmission of transient images of fixed or moving objects.

Television broadcasting station (BCT). A broadcasting station utilizing both television and telephony to provide combination and simultaneous visual and aural programs intended to be received directly by the general public.

Television inter-city relay station (FXN). A fixed station used for inter-city transmission of television program material and related communications for use by television broadcast stations.

Television pickup station (MLT). A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

Television STL station (studio-transmitter link) (FXT). A fixed station used for the transmission of television program material and related communications from a studio to the transmitter of a television broadcast station.

Zone station (FXZ). A fixed station in the public safety (police) radio service using radiotelegraph (A1 emission) for communication with other similar stations in the same zone and with an interzone station.

SUBPART B—ALLOCATION ASSIGNMENT AND USE OF RADIO FREQUENCIES

§ 2.101 *Station symbols.* The following symbols shall be used to designate the several classes of stations:

Symbol	Class of station
AR	Amateur station.
BC	Broadcasting station.
BCF	FM broadcasting station.
BCI	International broadcasting station.
BCM	Facsimile broadcasting station.
BCS	Standard broadcast station.
BCT	Television broadcasting station.
EX	Experimental station.
EXE	Export developmental station.
EXG	Contract developmental station.
FA	Aeronautical station.
FAA	Aeronautical advisory station.
FAC	Airdrome control station.
FAS	Flying school station.
FAT	Flight test station.
FB	Base station.
FBR	Remote pickup broadcast base station.
FC	Coast station.
FL	Land station.
FLA	Developmental land station.
FLE	Telemetering land station.
FLU	Aeronautical utility land station.
FLV	Civil air patrol land station.
FX	Fixed station.
FXA	Aeronautical fixed station.
FXC	Common carrier fixed station.
FXE	Telemetering fixed station.
FXF	FM broadcast STL station.
FXI	International control station.
FXJ	Developmental fixed station.
FXM	Interim FM relay station.
FXN	Television inter-city relay station.
FXO	Operational fixed station.
FXY	Interzone station.
FXZ	Zone station.
FXT	Television STL station.
MA	Aircraft station.
MAA	Air carrier aircraft station.
MAP	Private aircraft station.
ML	Land-mobile station.
MLR	Remote pickup broadcast mobile station.
MLT	Television pickup station.
MO	Mobile station.
MOA	Developmental mobile station.
MOE	Telemetering mobile station.
MOU	Aeronautical utility mobile station.
MOV	Civil air patrol mobile station.
MOZ	Mobile (except television pickup) station.
MS	Ship station.
PL	Land radiopositioning station.
PO	Mobile radiopositioning station.
PL	Land radiopositioning station.
PO	Mobile radiopositioning station.
RG	Radio direction-finding station.
RL	Radionavigation land station.
RLA	Aeronautical marker beacon station.
RLC	Racon station.
RLG	Glide Path (slope) station.
RLL	Localizer station.
RLM	Marine radio beacon station.
RLN	Loran station.
RLO	Omnidirectional range station.
RLR	Radio range station.
RLS	Surveillance radar station.
RO	Radionavigation mobile station.
ROA	Altimeter station.
SS	Standard frequency station.
WXD	Meteorological radar station.
WXR	Radiosonde station.

§ 2.102 *Nomenclature of frequencies.* Frequencies shall be expressed in kilocycles per second (kc) at and below 30,000 kilocycles per second and in megacycles per second (Mc) above this frequency.

Frequency subdivision	Frequency range
VLF (very low frequency)	Below 30 kc.
LF (low frequency)	30 to 300 kc.
MF (medium frequency)	300 to 3,000 kc.
HF (high frequency)	3,000 to 30,000 kc.
VHF (very high frequency)	30,000 kc. to 300 Mc.
UHF (ultra high frequency)	300 Mc. to 3,000 Mc.
SHF (super high frequency)	3,000 Mc. to 30,000 Mc.
EHF (extremely high frequency)	30,000 Mc. to 300,000 Mc.

§ 2.103 *Assignment of frequencies.* (a) Except as otherwise provided in this section the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kc. and 30,000 Mc., and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the table of frequency allocations herein, except that in individual cases the Commission may, without rule-making proceedings, authorize, on a temporary basis only, the use of a frequency or frequencies not in accordance with the table below for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization: *Provided,* That no such authorization will be granted where harmful interference would be caused thereby to any service operating in accordance with the table of frequency allocations: *And provided further,* That such authorizations are not intended to develop a service to be operated on frequencies other than those allocated such service in the table of frequency allocations.[1]

(b) Experimental stations, for the development of techniques or equipment to be employed by services or classes of stations set forth in columns 8 and 9 of the table of frequency allocations in § 2.104 (a), may be authorized to use frequencies allocated to those services or classes of stations: *Provided,* That no harmful interference will be caused to the services or stations to which these frequencies are regularly assigned.

(c) The use of frequencies allocated exclusively to Government stations in columns 5 and 6 of § 2.104 (a) may be authorized to non-Government stations in those instances where the Commission finds, after consultation with the appropriate Government agency or agencies, that such assignment is necessary for intercommunication with Government stations or where such use by non-Government stations is required for coordination with Government activities.

§ 2.104 *Frequency allocations*—(a) *Table of frequency allocations.* (1) In the table of frequency allocations below 25 Mc, the authority extended to stations in the fixed service, unless otherwise specified, extends only to those stations in the following categories of service:

(i) Aeronautical fixed;

(ii) Fixed (in Territories);

(iii) International fixed public;

(iv) Fixed service which, as of January 1, 1952, has station assignments on the frequencies 2848, 4245, 5365, 7625, and 7690 kc.

(2) In the table of frequency allocations between 5000 and 25,000 kc, the authority extended to stations in the mobile service, unless otherwise specified, extends only to those stations in the following categories of service:

(i) Aeronautical mobile;

(ii) Maritime mobile.

(3) In the table of frequency allocations below 25,000 kc (25 Mc):

(i) Stations in the service(s) shown in columns 2 or 3 which are not in the service(s) shown in column 8, may continue to be authorized to use the frequencies in the bands indicated in column 1 only until the Atlantic City table of frequency allocations comes into force.

(ii) Stations in the service(s) shown in column 8, which are not in the services shown in column 2 or 3 may be authorized to use the frequencies shown in column 7 prior to the date upon which the Atlantic City table of frequency allocations comes into force on the condition that the provisions with respect to non-interference contained in paragraph 79 of the Cairo, 1938 Radio Regulations are observed.

(iii) The Commission may authorize on a temporary basis only, the use of a frequency not in accordance with the table below for the special purpose of assisting the implementation of the Atlantic City, 1947 Radio Regulations. Stations which may be so authorized shall observe the non-interference conditions of paragraph 79 of the Cairo, 1938 Radio Regulations or paragraph 88 of the Atlantic City, 1947, Radio Regulations, depending upon which international allocation is in effect for the frequency so authorized.[2]

(4) The effective dates of the Atlantic City table of frequency allocations are as follows:

Frequency band (kc):	Effective date
14–55	Aug. 15, 1952
55–150	Aug. 15, 1952
150–200	Dec. 1, 1952
200–535	Nov. 1, 1952
535–1605	Dec. 1, 1952
1605–2000	Jan. 1, 1952
2000–25,000	(1)

[1] Date to be determined.

[1] From time to time when the Commission moves a service from one band to another it provides that existing stations may continue on the old band for a certain length of time, usually in order to provide for the amortization of equipment. Nothing in this section shall be construed as inconsistent with such authorizations.

[2] The provisions of this section do not apply for the authorization of frequencies within the following frequency bands: 14,350–14,400 kc, 20,000–25,000 kc.

(5) The following is the table of frequency allocations.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2		Band (kc)	Service	Class of station	Frequency (kc)	Nature of services of stations
	Service	Service	Service	Service	Service					
1	2	3	4	5	6 (a)	7	8	9	10	11
10–14	Fixed.		Radionavigation.		Radionavigation.	10–14	Radionavigation.	a. Radionavigation land. b. Radionavigation mobile.		RADIONAVIGATION.
14–70	Fixed.		a. Fixed. b. Maritime mobile. (110)			14–70 (NG1)	Fixed. (NG27)	Fixed.		INTERNATIONAL FIXED PUBLIC.
70–90	Fixed.			a. Fixed. b. Maritime mobile. (110)		70–90 (NG1)	Fixed. (NG27)	Fixed.		INTERNATIONAL FIXED PUBLIC.
90–100	Fixed.		a. Fixed. b. Maritime mobile. (110) c. Radionavigation. (112)			90–100	a. Fixed. (NG27) b. Maritime mobile. c. Radionavigation.	a. Coast. b. Fixed. c. Radionavigation land. d. Radionavigation mobile.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy). d. RADIONAVIGATION.
100–110	a. Fixed. b. Mobile.		a. Fixed. b. Maritime mobile. (110) c. Radionavigation. (112)			100–110	a. Fixed. (NG27) b. Maritime mobile. c. Radionavigation.	a. Coast. b. Fixed. c. Radionavigation land. d. Radionavigation mobile.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy). d. RADIONAVIGATION.
110–125	Mobile.			a. Fixed. b. Maritime mobile.		110–125 (NG1)	a. Fixed. (NG27) b. Maritime mobile.	a. Coast. b. Fixed. c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
125–130	Maritime mobile. (C94)			a. Fixed. b. Maritime mobile.		125–130 (NG1)	a. Fixed. (NG27) b. Maritime mobile.	a. Coast. b. Fixed. c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
130–150	Maritime mobile. (C94)			a. Fixed. (116) b. Maritime mobile.		130–150 (NG1)	a. Fixed. (NG27) b. Maritime mobile.	a. Coast. b. Fixed. c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
150–160	Mobile.		a. Fixed. b. Maritime mobile.	a. Fixed. b. Maritime mobile.		150–160 (NG1)	a. Fixed. (NG27) b. Maritime mobile.	a. Coast. b. Fixed. c. Ship.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC. c. MARITIME MOBILE (telegraphy).
160–200		a. Aeronautical. b. Fixed. c. Mobile.	Fixed. (124)	Fixed. (124) (AR1)		160–200 (NG1)	Fixed. (NG27)	Fixed.		a. FIXED (in Alaska). b. INTERNATIONAL FIXED PUBLIC.
200–285		a. Aeronautical. b. Mobile except commercial ship stations.	a. Aeronautical mobile. b. Aeronautical radionavigation. (125)	a. Aeronautical mobile. b. Aeronautical radionavigation. (125)		200–285 (NG1)	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31) (NG36)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
285–200		Radiobeacons (Maritime radiobeacons shall have priority). (C100)	Maritime radionavigation (Radiobeacons). (127)	Maritime radionavigation (Radiobeacons). (127)		285–200	Maritime radionavigation. (US31)	Radionavigation land.		MARITIME RADIONAVIGATION.

(110) Limited to coastal telegraph stations using unmodulated emission (A1 only).

(112) The development of long distance radionavigation systems is authorized in this band which will become exclusively allocated wholly or in part for the use of any one such system as soon as it is internationally adopted. Other considerations being equal, preference should be given to the system requiring the minimum bandwidth for world-wide service and causing the least harmful interference to other services. If a pulse radionavigation system is employed, the pulse emissions nevertheless must be confined within the band, and must not cause harmful interference outside the band to stations operating in accordance with the Regulations.

During the experimental period prior to the international adoption of any long distance radionavigation system in this band, the rights of existing stations operating in this band will continue to be recognized.

(116) The fixed service is authorized, provided no harmful interference is caused to ship telegraphy in the North Atlantic and the Mediterranean areas.

(124) Priority is given to the aeronautical fixed service in northern areas which are subject to auroral disturbances.

(125) Priority is given to the aeronautical radionavigation service in Region 2, China, India and Pakistan.

(127) In Region 2, the aeronautical radionavigation service is permitted in the band 283–325 kc provided that no harmful interference is caused to the maritime radionavigation service.

(C94) The frequency of 143 kc is the calling frequency of mobile stations using long continuous waves.

(C100) A band of 30 kc of width, included between the limits of 285 and 320 kc, shall be allocated in each region to the radiobeacon service. In the European region, this band shall be reserved solely for maritime radiobeacons.

(AR1) The aeronautical fixed service shall have priority in the areas subject to auroral disturbances.

(US31) Navigation aids in U. S. and possessions between 200 and 415 kc are normally operated by the U. S. Government. However, authorizations may be made by the Commission for nongovernment operation in this band subject to the conclusion of appropriate arrangements between the Commission and the government agencies concerned and upon special showing of need for service which the government is not yet prepared to render.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contest developmental stations, and (3) export developmental stations.

(NG27) In cases where adequate land line facilities are not available and where radio propagation characteristics do not permit the use of frequencies above 25,000 kc, fixed stations in the Domestic Fixed Service may be authorized to use frequencies in this band only on the condition that the communications concern the safety of life or property.

(NG36) Stations in the fixed service in Alaska may continue to be authorized the use of frequencies in this band on the condition that the provisions of Paragraph 88 of the Atlantic City, 1947, Radio Regulations are observed.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2		Band (kc)	Service	Class of station	Frequency (kc)	Nature OF SERVICES of stations
	Service	Service	Service	Service	Service					
1	2	3	4	5	6 (a)	7	8	9	10	11
290–315	Radiobeacons. (C100)	(Maritime radiobeacons shall have priority).		Maritime radionavigation (Radiobeacons). (127)	Maritime radionavigation (Radiobeacons). (127)	290–315	Maritime radionavigation. (US31) (US28)	Radionavigation land.		MARITIME RADIONAVIGATION.
315–320		Aeronautical. (C100)		Maritime radionavigation (Radiobeacons). (127)	Maritime radionavigation (Radiobeacons). (127)	315–320	Maritime radionavigation. (US31) (US28)	Radionavigation land.		MARITIME RADIONAVIGATION.
320–325		a. Aeronautical. b. Mobile (not open to public correspondence).		Maritime radionavigation (Radiobeacons). (127)	Maritime radionavigation (Radiobeacons). (127)	320–322	Maritime radionavigation. (US31) (US28)	Radionavigation land.		MARITIME RADIONAVIGATION.
325–345	Aeronautical. (C102)		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)	325–345 (NG1)	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
345–365		a. Aeronautical. b. Mobile (not open to public correspondence).	a. Aeronautical mobile. b. Aeronautical radionavigation. (129)		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)	345–365 (NG1)	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
365–380	a. Mobile (provided it does not interfere with radio direction finding). b. Radio direction finding.		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)	365–380 (NG1)	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
380–385		a. Mobile (provided it does not interfere with direction finding). b. Radio direction finding.	a. Aeronautical mobile. b. Aeronautical radionavigation. (129)		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)	380–385	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
385–400		a. Aeronautical. b. Mobile (maritime services shall have priority).	a. Aeronautical mobile. b. Aeronautical radionavigation. (129)		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)	385–400	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
400–405		Mobile.	a. Aeronautical mobile. b. Aeronautical radionavigation. (129)		a. Aeronautical mobile. b. Aeronautical radionavigation. (129)	400–405	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land.		a. AERONAUTICAL MOBILE. b. AERONAUTICAL RADIONAVIGATION.
405–415		Mobile.		a. Aeronautical. b. Aeronautical radionavigation. c. Maritime radionavigation (radiodirection finding). (133) (137)	a. Aeronautical mobile. b. Aeronautical radionavigation. c. Maritime radionavigation (radiodirection finding). (137) (AR2)	405–415	a. Aeronautical mobile. b. Aeronautical radionavigation. (US31) c. Maritime radionavigation (radio direction finding). (US31)	a. Aeronautical. b. Aircraft. c. Radionavigation land. d. Radionavigation mobile.	410	Radio direction finding.

(127) In Region 2, the aeronautical radionavigation service is permitted in the band 285–325 kc provided that no harmful interference is caused to the maritime radionavigation service.

(129) The aeronautical radionavigation service has priority except in New Zealand.

(133) The frequency 410 kc is designated for the maritime radionavigation service (radio direction-finding). Other services shall not cause harmful interference to radio direction finding.

(137) In Region 2, in addition to the provisions of Note 133, the aeronautical radionavigation service has priority over the aeronautical mobile service.

(AR2) The radionavigation service (radio direction finding) shall have priority for emissions confined to the carrier frequency 410 kc with a band of emission not to exceed 2.1A2. The aeronautical radionavigation and aeronautical mobile services shall not cause harmful interference to such direction finding.

(C100) A band of 30 kc of width, included between the limits of 285 and 320 kc, shall be allocated in each region to the radiobeacon service. In the European region, this band shall be reserved solely for maritime radiobeacons.

(C102) The frequency of 333 kc is the general calling frequency for the aircraft stations working within the band 325–345 kc, except where regional agreements provide otherwise.

(US28) Airdrome control stations may continue to be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

(US31) Navigation aids in U. S. and possessions between 200 and 415 kc are normally operated by the U. S. Government. However, authorizations may be made by the Commission for non-government operation in this band subject to the conclusion of appropriate arrangements between the Commission and the government agencies concerned and upon special showing of need for service which the government is not yet prepared to render.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2		Band (kc)	Service	Class of station	Frequency (kc)	Nature OF SERVICES of stations
	Service	Service	Service	Service	Service					
1	2	3	4	5	6 (a)	7	8	9	10	11
415–460	Mobile.		Maritime mobile. (139)		Maritime mobile. (139)	415–460 (NG1)	Maritime mobile.	a. Coast. b. Ship.		MARITIME MOBILE (telegraphy).
460–485	Mobile (A1 and A2 only) (except aeronautical).		Maritime mobile. (139)		Maritime mobile. (139)	460–485 (NG1)	Maritime mobile.	a. Coast. b. Ship.		MARITIME MOBILE (telegraphy).
485–490	Mobile (distress, calling, etc.). (C106)		Maritime mobile. (139)		Maritime mobile. (139)	485–490 (NG1)	Maritime mobile.	a. Coast. b. Ship.		MARITIME MOBILE (telegraphy).
490–510	Mobile (distress, calling, etc.). (C106)		Mobile (distress and calling). (140)		Mobile (distress and calling).	490–510	Mobile.	a. Coast. b. Mobile.	500	Distress and Calling.
510–515	Mobile (distress, calling, etc.). (C106)			Mobile.	Mobile.	510–515 (US26)				
515–535	(Not open to public correspondence, A1 and A2 only).			Mobile.	Mobile.	515–535 (US26)				
535–550	(Not open to public correspondence, A1 and A2 only).		Broadcasting.		Broadcasting. (AR4)	535–550 (US27) (NG24)	Broadcasting.	Broadcasting.		Standard Broadcast.
550–1500	Broadcasting. (C109)		Broadcasting.		Broadcasting. (AR4)	550–1500 (NG24)	Broadcasting.	Broadcasting.		Standard Broadcast.
1500–1600		a. Fixed. b. Mobile. c. Broadcasting.	Broadcasting.		Broadcasting. (AR4)	1500–1600 (NG24)	Broadcasting.	Broadcasting.		Standard Broadcast.
1600–1605		a. Fixed. b. Mobile.	Broadcasting.		Broadcasting. (AR4)	1600–1605 (NG24)	Broadcasting.	Broadcasting.		Standard Broadcast.
1605–1715		a. Fixed. b. Mobile.		a. Aeronautical radionavigation. b. Fixed. c. Mobile.	a. Aeronautical radionavigation. b. Fixed. c. Mobile.	1605–1715 (NG1)	a. Aeronautical radionavigation. (NG25) b. Fixed (NG27) c. Land mobile. d. Maritime mobile.	a. Base. b. Mobile. c. Fixed. d. Land mobile. e. Radionavigation land.	1638 1708	a. AERONAUTICAL FIXED. b. AERONAUTICAL RADIONAVIGATION. Radionavigation land. Do. c. FIXED (in Alaska). d. INDUSTRIAL. e. INTERNATIONAL FIXED PUBLIC. f. MARITIME MOBILE. g. PUBLIC SAFETY. h. Remote pickup broadcast base. i. Remote pickup broadcast mobile.
1715–1750		a. Amateur. b. Fixed. c. Mobile.		a. Aeronautical radionavigation. b. Fixed. c. Mobile.	a. Aeronautical radionavigation. b. Fixed. c. Mobile.	1715–1750 (NG1)	a. Fixed. (NG27) b. Land mobile. c. Maritime mobile.	a. Base. b. Mobile. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.

(139) Limited to telegraphy.

(140) The frequency 500 kc is the international distress and calling frequency. The conditions for its use are prescribed in Article 33 (of the Radio Regulations, Atlantic City, 1947).

(C106) The frequency of 500 kc shall be the international calling and distress frequency. The use of this frequency is defined in articles 19, 22 and 30.

(C109) The mobile services may use the band of 550 to 1,300 kc on the condition that they will not interfere with the services of a country which uses that same band exclusively for broadcasting.

(AR4) In order to do everything possible to protect the safety of life at sea and in the air, broadcasting stations, particularly those assigned the frequency 540 kc, shall not cause harmful interference to the services which utilize the international distress and calling frequency 500 kc. Broadcasting stations shall use frequencies so separated from the limits of this band as not to cause harmful interference to the services to which the frequency bands immediately adjoining are allocated.

(US26) This frequency band is not available to non-government stations.

(US27) The use of the frequency 540 kc is subject to the conditions that no harmful interference is caused to the services operating on 500 kc, and in the band 510–535 kc.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band. (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

(NG24) For conditions which apply to the use of this band, refer to the North American Regional Broadcasting Agreement.

(NG25) The aeronautical radionavigation service may be authorized the use of the frequencies 1638 kc and 1708 kc only.

(NG27) In cases where adequate land line facilities are not available and where radio propagation characteristics do not permit the use of frequencies above 25,000 kc, fixed stations in the Domestic Fixed Service may be authorized to use frequencies in this band only on the condition that the communications concern the safety of life or property.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2		Band (kc)	Service	Class of station	Frequency (kc)	Nature of services (of stations)
	Service	Service	Service	Service	Service					
1	2	3	4	5	6 (a)	7	8	9	10	11
1750–1800		a. Amateur. b. Fixed. c. Mobile.		a. Aeronautical radionavigation. b. Fixed. c. Mobile.	a. Fixed. b. Mobile.	1750–1800 (NG21) (NG221)	a. Fixed. b. Mobile. c. Radiolocation.	a. Fixed. b. Land. c. Mobile.		a. DISASTER. b. RADIOLOCATION.
1800–2000		a. Amateur. b. Fixed. c. Mobile.		a. Amateur. b. Fixed. c. Mobile except aeronautical mobile. d. Radionavigation. (147)	a. Amateur. b. Fixed. c. Mobile except aeronautical mobile. d. Radionavigation. (147)	1800–2000 (NG23)	a. Amateur. b. Radionavigation.	a. Amateur. b. Loran.		a. Amateur. b. Loran.
2000–2035		a. Fixed. b. Mobile.		a. Fixed. b. Mobile.	a. Fixed. b. Mobile.	2000–2035 (NG1)	Maritime mobile.	a. Coast. b. Ship.		MARITIME MOBILE.
2035–2065		a. Fixed. b. Mobile.		a. Fixed. b. Mobile.	a. Fixed. b. Mobile.	2035–2065 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
2065–2105		a. Fixed. b. Mobile.		Maritime mobile. (115, 260)	Maritime mobile. (AR 5)	2065–2105 (NG1)	Maritime mobile.	Ship.	2091	Ship (telegraphy) calling frequency.
2105–2107		a. Fixed. b. Mobile.		a. Fixed. b. Mobile. (151)	a. Fixed. b. Mobile.	2105–2107 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
2107–2170		a. Fixed. b. Mobile.		a. Fixed. b. Mobile. (151)	a. Fixed. b. Mobile.	2107–2170 (NG1)	a. Fixed. (NG26) b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.
2170–2194		a. Fixed. b. Mobile.		a. Fixed. b. Mobile. (148, 151)	a. Fixed. b. Mobile.	2170–2194 (NG1)	Maritime mobile.	a. Coast. b. Ship.	2182	MARITIME MOBILE. (telephony) Distress and Calling frequency.
2194–2300		a. Fixed. b. Mobile.		a. Fixed. b. Mobile. (151)	a. Fixed. b. Mobile.	2194–2300 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.

(115) Limited to ship stations (telegraphy exclusively).

(147) In any particular area the Loran system of radionavigation operates either on 1850 or 1950 kc, the band occupied being 1800–1900 kc or 1900–2000 kc. Any of the authorized services may employ whichever of these two bands is not required for Loran on the condition that they do not cause harmful interference to Loran.

(148) The frequency 2182 kc is the distress and calling frequency for the maritime mobile service (telephony). The interested administrations will insure by special arrangement where necessary, that an adequate guard-band is provided. The conditions for the use of this frequency are prescribed in article 34 of the Radio Regulations, (Atlantic City, 1947).

(151) In Region 2, provision will be made for coastal telegraphy in the maritime mobile service by special arrangement.

(260) In Region 2, the frequency band 2088.5–2093.5 kc is reserved exclusively for calling (telegraphy only).

(AR5) The frequency 2091 kc is designated as the calling frequency assignable to ship radio telegraph stations operating in this band.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio. (2) contract developmental stations, and (3) export developmental stations.

(NG21) For radiolocation activities of the petroleum industry only, land radiopositioning stations and mobile radiopositioning stations may be authorized to use frequencies in this band, provided that such use (a) shall be limited to locations within 150 miles of the shoreline of the Gulf of Mexico, (b) shall be subject, internationally, to the provisions of paragraph ss of the Atlantic City, 1947, Radio Regulations and to the use-in-derogation provisions of Article 7 of the Cairo General Radio Regulations, (c) shall not cause harmful interference to stations in the Disaster Communications Service between the times at New Orleans of sunset and sunrise or at any time during an actual or imminent disaster in any area. Stations in the Disaster Communications Service shall not cause harmful interference to radiopositioning stations between the times at New Orleans of sunrise and sunset except during an actual or imminent disaster in any area.

(NG23) (a) The amateur service may use, in any area, whichever bands, 1800–1825 and 1875–1900 kc, or 1900–1925 and 1975–2000 kc, are not required for Loran in that area, in accordance with the following conditions:

(i) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service;

(ii) The amateur service shall not cause harmful interference to the radionavigation (Loran) service;

(iii) Only types A1, A3, emission shall be employed;

(iv) Amateur operation shall be limited to:

Area	Band, (kc)	DC plate input Power (watts)	
		Day	Night
Mississippi River to East Coast U. S. (except Florida and states bordering Gulf of Mexico).	1800–1825	500	200
	1875–1900		
Mississippi River to West Coast U. S. (except States bordering Gulf of Mexico).	1900–1925	* 500	* 200
	1975–2000		
Florida and States bordering Gulf of Mexico	1800–1825	200	(1)
	1875–1900		
Puerto Rico and the Virgin Islands	1900–1925	500	50
	1975–2000		
Hawaiian Islands	1900–1925	500	200
	1975–2000		

* Except in State of Washington where daytime power limited to 200 watts and night time power to 50 watts.

1 No operation.

(b) The provisions of (a), above, shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

(NG26) In cases where adequate land line facilities are not available, and where radio propagation characteristics do not permit the use of frequencies above 25,000 kc, fixed stations in the Domestic Fixed Service the communications of which concern the safety of life or property, and fixed stations the communications of which are with coast station facilities authorized in the fixed service on a secondary basis, may be authorized to use frequencies in this band.

Band (kc)	Cairo		Atlantic City		FIAR	Band (kc)	Federal Communications Commission			
	World wide	Region 2	World wide	Region 2			Service	Class of station	Frequency (kc)	Nature of services (of stations)
	Service	Service	Service	Service	Service					
1	2	3	4	5	6 (a)	7	8	9	10	11
2300–2335		a. Broadcasting. b. Fixed. c. Mobile.		a. Broadcasting. (150) b. Fixed. c. Mobile. (151)	a. Fixed. b. Mobile.	2300–2335 (NG1)	a. Fixed. (NG26) b. Land mobile. c. Maritime mobile. (NG33)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.
2335–2495		a. Broadcasting. b. Fixed. c. Mobile.		a. Broadcasting (150) b. Fixed. c. Mobile. (151)	a. Broadcasting inside Tropical Zone. (AR6, AR8) b. Fixed outside Tropical Zone. (AR7) c. Mobile ontside Tropical Zone. (AR7)	2335–2495 (NG1)	a. Fixed (NG26) b. Land mobile. c. Maritime mobile. (NG33)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska) c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.
2495–2500		a. Broadcasting. b. Fixed. c. Mobile.		Standard frequency. (152)	Standard frequency.	2495–2505 (NG1)	Standard frequency.	Standard frequency.	2500	Standard frequency.
2500–2505		a. Fixed. b. Mobile.		Standard frequency. (152)	Standard frequency.					
2505–2850		a. Fixed. b. Mobile.		a. Fixed. b. Mobile.	a. Fixed. b. Mobile (AR9)	2505–2850 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.	2638 2738 2804 2808 2812	a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. Intership (telephony). f. PUBLIC SAFETY Zone and interzone police. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.
2850–3025		a. Fixed. b. Mobile.	Aeronautical mobile (R) (149)			2850–3025 (NG1)	Aeronautical mobile (R)	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
3025–3155		a. Fixed. b. Mobile.	Aeronautical mobile (OR) (149)			3025–3155 (NG1)	Aeronautical mobile (OR)	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
3155–3200		a. Fixed. b. Mobile.	a. Fixed. b. Mobile except aeronautical mobile (R) (149)		a. Fixed. b. Mobile except aeronautical mobile (R)	3155–3200 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska and Puerto Rico). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 256 and 257.

(150) For the conditions of use of this band by the broadcasting service see 243, 244 and 250–254 (in article 5 of the Radio Regulations, Atlantic City, 1947).

(151) In Region 2, provision will be made for coastal telegraphy in the maritime mobile service by special arrangement.

(152) The standard frequency is 2500 kc.

(AR6) See paragraphs 90, 243, 244, 250, 251, 252 and 254 of the Radio Regulations (Atlantic City, 1947).

(AR7) See paragraphs 90 and 254 of the Radio Regulations (Atlantic City, 1947).

(AR8) The administrations of the countries in the Tropical Zone as defined in Chapter III of the Radio Regulations (Atlantic City, 1947) shall make assignments for broadcasting within this band as follows:

Kc	Kc	Kc	Kc	Kc
2340	2370	2400	2430	2460
2350	2380	2410	2440	2470
2360	2390	2420	2450	2480
				2490

(AR9) The frequencies 2638 and 2738 kc are designated for communications in the maritime mobile (telephony) service, primarily for intership working. The frequencies 2804, 2808 and 2812 kc are designated for interzone police communications.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental.

(NG26) In cases where adequate land line facilities are not available, and where radio propagation characteristics do not permit the use of frequencies above 25,000 kc, fixed stations in the Domestic Fixed Service the communications of which concern the safety of life or property, and fixed stations the communications of which are with coast station facilities authorized in the fixed service on a secondary basis, may be authorized to use frequencies in this band.

(NG33) As a special condition placed upon the use of frequencies in this band, the authority contained in 2.104 (a) (3) does not extend to stations in the broadcasting service.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2	Service	Band (kc)	Service	Class of station	Frequency (kc)	Nature of services (of stations)
1	Service 2	Service 3	Service 4	Service 5	6 (a)	7	8	9	10	11
3200–3230		a. Fixed. b. Mobile.	a. Broadcasting (150) b. Fixed. c. Mobile except aeronautical mobile (R) (149)		a. Fixed. b. Mobile except aeronautical mobile (R)	3200–3230 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.
3230–3240		a. Fixed. b. Mobile.	a. Broadcasting (150) b. Fixed. c. Mobile except aeronautical mobile.		a. Fixed. b. Mobile except aeronautical mobile.	3230–3240 (NG1)	a. Fixed. (NG27) b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.
3240–3300		a. Fixed. b. Mobile.	a. Broadcasting. (150) b. Fixed. c. Mobile except aeronautical mobile.		a. Broadcasting inside Tropical Zone. (AR6, AR10) b. Fixed outside Tropical Zone. (AR7) c. Mobile outside Tropical Zone. (AR7)	3240–3300 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile.	a. Base. b. Coast. c. Fixed d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.
3300–3400		a. Broadcasting. b. Fixed. c. Mobile.	a. Broadcasting. (150) b. Fixed. c. Mobile except aeronautical mobile.		a. Broadcasting inside Tropical Zone. (AR6, AR10) b. Fixed outside Tropical Zone. (AR7) c. Mobile outside Tropical Zone. (AR7)	3300–3400 (NG1)	a. Fixed. b. Land mobile. c. Maritime mobile. (NG33)	a. Base. b. Coast. c. Fixed. d. Land mobile. e. Ship.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC. e. MARITIME MOBILE. f. PUBLIC SAFETY. g. Remote pickup broadcast base. h. Remote pickup broadcast mobile.
3400–3500		a. Broadcasting. b. Fixed. c. Mobile.	Aeronautical mobile. (R) (149)			3400–3500 (NG1)	Aeronautical mobile. (NG33)	a. Aeronautical b. Aircraft.		AERONAUTICAL MOBILE.
3500–4000		a. Amateur. b. Fixed. c. Mobile.		a. Amateur. b. Fixed. c. Mobile except aeronautical mobile. (R) (149)		3500–4000	Amateur.			AMATEUR.
4000–4063		a. Fixed. b. Mobile.	Fixed.			4000–4063 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 256 and 257.

(150) For the conditions of use of this band by the broadcasting service, see 243, 244 and 250–254 (in article 5 of the Radio Regulations, Atlantic City, 1947).

(AR6) See paragraphs 90, 243, 244, 250, 251, 252 and 254 of the Radio Regulations (Atlantic City, 1947).

(AR7) See paragraphs 90 and 254 of the Radio Regulations (Atlantic City, 1947).

(AR10) The administrations of the countries in the Tropical Zone as defined in Chapter III of the Radio Regulations (Atlantic City, 1947) shall make assignments for broadcasting as follows:

Kc	Kc	Kc	Kc
3245	3285	3325	3365
3255	3295	3335	3375
3265	3305	3345	3385
3275	3315	3355	3395

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

(NG27) In cases where adequate land line facilities are not available and where radio propagation characteristics do not permit the use of frequencies above 25,000 kc, fixed stations in the Domestic Fixed Service may be authorized to use frequencies in this band only on the condition that the communications concern the safety of life or property.

(NG33) As a special condition placed upon the use of frequencies in this band, the authority contained in § 2.104 (a) (3) does not extend to stations in the broadcasting service.

Band (kc)	Cairo		Atlantic City		Service	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2		Band (kc)	Service	Class of station	Frequency (kc)	Nature of services (of stations)
1	Service 2	Service 3	Service 4	Service 5	6	7	8	9	10	11
4063–4438		a. Fixed. b. Mobile. (C180)	Maritime mobile. (155) (239)			4063–4133 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						4133–4177 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						4177–4187 (NG1)	Maritime mobile.	Ship.		Ship Calling (telegraphy).
						4187–4238 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						4238–4308 (NG1)	Maritime mobile.	Coast		Coast (telegraphy).
						4308–4438 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
4438–4650		a. Fixed. b. Mobile. (C180)		a. Fixed. b. Mobile except aeronautical mobile. (R) (149)		4438–4650 (NG1)	a. Fixed. b. Mobile.	a. Base. b. Fixed. c. Mobile.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INDUSTRIAL. d. INTERNATIONAL FIXED PUBLIC.
4650–4700		a. Fixed. b. Mobile.	Aeronautical mobile. (R) (149)			4650–4700 (NG1)	Aeronautical mobile.	a. Aeronautical, b. Aircraft.		AERONAUTICAL MOBILE.
4700–4750		a. Fixed. b. Mobile.	Aeronautical mobile. (OR) (149)			4700–4750 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
4750–4770		a. Fixed. b. Mobile.		a. Broadcasting. (150) b. Fixed.		4750–4770 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4770–4850		a. Broadcasting. b. Fixed. c. Mobile.		a. Broadcasting. (150) b. Fixed.		4770–4850 (NG1)	Fixed. (NG33)	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4850–4965		a. Broadcasting. b. Fixed. c. Mobile.		a. Broadcasting. (150) b. Fixed. c. Land mobile.		4850–4965 (NG1)	Fixed. (NG33)	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4965–4995		a. Fixed. b. Mobile.		a. Broadcasting. (150) b. Fixed. c. Land mobile.		4965–4995 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
4995–5005		a. Fixed. b. Mobile.	Standard frequency. (156)			4995–5005	Standard frequency.	Standard frequency.	5000	Standard frequency.
5005–5060		a. Fixed. b. Mobile.	a. Broadcasting. (150) b. Fixed.			5005–5060 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
5060–5250		a. Fixed. b. Mobile.	Fixed.			5060–5250 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC. d. Zone and interzone police.
5250–5450		a. Fixed. b. Mobile.		a. Fixed. b. Land mobile.		5250–5450 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
5450–5480		a. Fixed. b. Mobile.		Aeronautical mobile. (R) (149)		5450–5480 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 256 and 257.

(150) For the conditions of use of this band by the broadcasting service see 243, 244, and 250–254 (in article 5 of the Radio Regulations, Atlantic City, 1947).

(155) The band 4063–4438 kc may be used, exceptionally and on the essential condition that harmful interference is not caused to the maritime mobile service, by fixed stations of mean power not exceeding 50 watts communicating only within the national boundaries of the countries concerned. At the time of notification of these cases the attention of the International Frequency Registration Board is drawn to the above condition.

(156) The standard frequency is 5000 kc/s.

(239) In certain cases, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City, 1947), aircraft stations are authorized to use frequencies in the maritime mobile bands between 4000 and 23,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(C180) See paragraphs 180 through 189 (General Radio Regulations, Cairo, 1938) for conditions of use of the band by the maritime mobile service.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

(NG33) As a special condition placed upon the use of frequencies in this band, the authority contained in § 2.104 (a) (3) does not extend to stations in the broadcasting service.

Band (kc)	Cairo		Atlantic City		Service	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2		Band (kc)	Service	Class of station	Frequency (kc)	Nature of stations
	Service	Service	Service	Service						OF SERVICES
1	2	3	4	5	6	7	8	9	10	11
5480–5500		a. Fixed. b. Mobile.	Aeronautical mobile. (R) (149)			5480–5500	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5500–5640	Mobile.		Aeronautical mobile. (R) (149)			5500–5640	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5640–5680	Aeronautical.		Aeronautical mobile. (R) (149)			5640–5680	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5680–5700	Aeronautical.		Aeronautical mobile. (OR) (149)			5680–5700 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5700–5730	Fixed.		Aeronautical mobile. (OR) (149)			5700–5730 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
5730–5950	Fixed.		Fixed.			5730–5950 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
5950–6000	Fixed.		Broadcasting.			5950–6000 (NG1)	Broadcasting.	International broadcasting		International Broadcasting.
6000–6200	Broadcasting.		Broadcasting.			6000–6200	Broadcasting.	International broadcasting.		International Broadcasting.
6200–6525	Mobile. (C123, C124, C180)		Maritime mobile. (157, 239)			6200.0–6263.5 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						6263.5–6281.5 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						6281.5–6357.0 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						6357–6525 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
6525–6675	Mobile (C123, C124, C180)		Aeronautical mobile (R). (149)			6525–6675 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
6675–6685	Fixed.		Aeronautical mobile (R). (149)			6675–6685 (NG1)	Aeronautical mobile.	a. Aeronautical b. Aircraft.		AERONAUTICAL MOBILE.
6685–6765	Fixed.		Aeronautical mobile (OR) (149)			6685–6765	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE
6765–7000	Fixed.		Fixed.			6765–7000 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
7000–7100	Amateur.		Amateur.			7000–7100	Amateur.			AMATEUR.
7100–7200	Amateur.			Amateur.		7100–7200	Amateur.			AMATEUR.
7200–7300	a. Amateur. b. Broadcasting.			Amateur.		7200–7300	Amateur.			AMATEUR.
7300–8195	Fixed.		Fixed.			7300–8195 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC. d. Zone and interzone police
8195–8200	Fixed.		Maritime mobile. (239, 277)			8195–8200 (NG1)	Maritime mobile.	Ship.		Ship (telephony).

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile(OR)" see 256 and 257.

(157) The band 6200–6525 kc/s may be used, exceptionally and on the essential condition that harmful interference is not caused to the maritime mobile service by fixed stations of mean power not exceeding 50 watts communicating only within the national boundaries of the countries concerned. At the time of notification of these cases the attention of the International Frequency Registration Board is drawn to the above condition.

(239) In certain cases, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City, 1947), aircraft stations are authorized to use frequencies in the maritime mobile bands between 4000 and 23,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(277) The frequency 8364 kc is designated for the use of survival craft equipped to transmit on frequencies between 4000 and 23,000 kc and wishing to establish, with stations of the maritime mobile service, communications relating to search and rescue.

(C123) For use of this band by the Aeronautical Services see paragraphs 149 through 150 of the General Radio Regulations, Cairo Revision 1938.

(C124) The frequency 6210 kc shall be the general calling frequency for aircraft stations working in the band included between 6000 and 25,000 kc except where regional agreements provide otherwise.

(C180) For use of this band by the maritime mobile service see paragraphs 180 through 189 of the General Radio Regulations, Cairo Revision 1938.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use the frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

Band (kc)	Cairo		Atlantic City		FIAR	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2	Service	Band (kc)	Service	Class of station	Frequency (kc)	Nature of stations
	Service	Service	Service	Service						OF SERVICES
1	2	3	4	5	6 (a)	7	8	9	10	11
8200–8550	Mobile. (C123, C180)		Maritime mobile. (239, 277)			8200–8265 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						8265–8354 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						8354–8374 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						8374–8476 (NG1)	Maritime mobile	Ship		Ship (telegraphy).
						8476–8550 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
8550–8815	a. Fixed. b. Mobile. (C123, C180)		Maritime mobile. (239, 277)			8550–8745 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						8745–8815 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
8815–8965	a. Fixed. b. Mobile. (C123, C180)		Aeronautical mobile (R). (149)			8815–8965 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
8965–9040	Fixed.		Aeronautical mobile (R). (149)			8965–9040 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
9040–9500	Fixed.		Aeronautical mobile (OR). (149)			9040–9500 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
			Fixed.			9040–9500 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. FIXED (in Alaska). c. INTERNATIONAL FIXED PUBLIC.
9500–9700	Broadcasting.		Broadcasting.			9500–9700	Broadcasting.	International broadcasting.		International Broadcasting
9700–9775	Fixed.		Broadcasting.			9700–9775 (NG1)	Broadcasting.	International broadcasting.		International Broadcasting
9775–9995	Fixed.		Fixed.			9775–9995 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
9995–10005	Fixed.		Standard frequency. (161)			9995–10005	Standard frequency.	Standard frequency.	10000	Standard frequency.
10005–10100	Fixed		Aeronautical mobile (R). (149)			10005–10100 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
10100–11000	Fixed.		Fixed.			10100–11000 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
11000–11175	Mobile. (C123, C180)		Fixed.			11099–11175 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
11175–11275	Mobile. (C123, C180)		Aeronautical mobile (OR). (149)			11175–11275 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
11275–11400	Mobile. (C123, C180)		Aeronautical Mobile (R). (149)			11275–11400 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
11400–11700	Fixed.		Fixed.			11400–11700 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 256 and 257.

(161) The standard frequency is 10,000 kc.

(239) In certain cases, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City 1947), aircraft stations are authorized to use frequencies in the maritime mobile bands between 4000 and 23,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(277) The frequency 8364 kc is designated for the use of survival craft equipped to transmit on frequencies between 4000 and 23,000 kc and wishing to establish, with stations of the maritime mobile service, communications relating to search and rescue.

(C123) For use of this band by the Aeronautical Services see paragraphs 149 through 150 of the General Radio Regulations, Cairo Revision 1938.

(C180) For use of this band by the Maritime mobile service see paragraphs 180 through 189 of the General Radio Regulations, Cairo Revision 1938.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

Band (kc)	Cairo: World wide Service	Cairo: Region 2 Service	Atlantic City: World wide Service	Atlantic City: Region 2 Service	Service	Federal Communications Commission: Band (kc)	Service	Class of station	Frequency (kc)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
11700–11900	Broadcasting.		Broadcasting.			11700–11900	Broadcasting.	International broadcasting.		International broadcasting.
11900–11975	Fixed.		Broadcasting.			11900–11975 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
11975–12300	Fixed.		Fixed.			11975–12300 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
12300–12330	Mobile. (C123, C180)		Fixed.			12300–12330 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
12330–12825	Mobile. (C123, C180)		Maritime mobile. (163) (239)			12330–12400 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						12400–12431 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						12431–12461 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						12461–12714 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						12714–12825 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
12825–13200	a. Fixed. b. Mobile. (C123, C180)		Maritime mobile. (163) (239)			12825–13120 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						13120–13230 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
13200–13260	a. Fixed. b. Mobile. (C123, C180)		Aeronautical mobile (OR). (149)			13200–13260 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
13260–13350	a. Fixed. b. Mobile. (C123, C180)		Aeronautical mobile (R). (149)			13260–13350 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
13350–13360	Fixed.		Aeronautical mobile (R). (149)			13350–13360 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
13360–14000	Fixed.		Fixed. (164)			13360–14000 (NG1)	Fixed.	Fixed.	13560	a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC. c. Industrial, scientific and medical equipment.
14000–14350	Amateur.		Amateur.			14000–14350	Amateur.			AMATEUR.
14350–14400	Amateur.		Fixed.			14350–14400 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
14400–14990	Fixed.		Fixed.			14400–14990 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
14990–15010	Fixed.		Standard frequency. (166)			14990–15010	Standard frequency.	Standard frequency.	15000	Standard frequency.
15010–15100	Fixed.		Aeronautical mobile (OR). (149)			15010–15100 (NG1)	Aeronautical mobile.	a. Aeronautical b. Aircraft.		AERONAUTICAL MOBILE.
15100–15350	Broadcasting.		Broadcasting.			15100–15350	Broadcasting.	International broadcasting.		International broadcasting.

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 256 and 257.

(163) Between 12,925 and 13,200 kc the U. S. S. R. will meet their special requirements for the fixed service with due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference with the maritime mobile service. Coast stations in the maritime mobile service will also have due regard to technical provisions (power, location, antenna, etc.), with a view to minimizing the possibility of harmful interference with the fixed service in the U. S. S. R. The International Frequency Registration Board will be consulted regarding these arrangements.

(164) The frequency 13,560 kc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05% of this frequency. Radiocommunication services operating within these limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(166) The standard frequency is 15,000 kc.

(239) In certain cases, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City, 1947), aircraft stations are authorized to use frequencies in the maritime mobile bands between 4000 and 25,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(C123) For use of this band by the Aeronautical Services see paragraphs 149 through 160 of the General Radio Regulations, Cairo Revision, 1938.

(C180) For use of this band by the Maritime mobile service see paragraphs 180 through 189 of the General Radio Regulations, Cairo Revision, 1938.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

Band (kc)	Cairo: World wide Service	Cairo: Region 2 Service	Atlantic City: World wide Service	Atlantic City: Region 2 Service	Service	Federal Communications Commission: Band (kc)	Service	Class of station	Frequency (kc)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
15350–15450	Fixed.		Broadcasting.			15350–15450 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
15450–16460	Fixed.		Fixed.			15450–16460 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
16460–16460	Mobile. (C180)		Fixed.			16460–16460 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
16460–17100	Mobile. (C180)		Maritime mobile. (167, 239)			16460–16530 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						16530–16708 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						16708–16748 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						16748–16952 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						16952–17100 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
17100–17360	a. Fixed. b. Mobile. (C123, C180)		Maritime mobile. (167, 239)			17100–17290 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						17290–17360 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
17360–17700	a. Fixed. b. Mobile. (C123, C180)		Fixed.			17360–17700 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
17700–17750	a. Fixed. b. Mobile. (C123, C180)		Broadcasting.			17700–17750 (NG1)	Broadcasting.	International broadcasting.		International broadcasting.
17750–17850	Broadcasting.		Broadcasting.			17750–17850	Broadcasting.	International broadcasting.		International broadcasting.
17850–17900	Fixed.		Broadcasting.			17850–17900 (NG1)	Broad casting.	International broadcasting.		International broadcasting.
17900–17970	Fixed.		Aeronautical mobile. (R) (149)			17900–17970 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
17970–18030	Fixed.		Aeronautical mobile. (OR) (149)			17970–18030 (NG1)	Aeronautical mobile.	a. Aeronautical. b. Aircraft.		AERONAUTICAL MOBILE.
18030–19990	Fixed.		Fixed.			18030–19990 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
19990–20010	Fixed.		Standard frequency. (168)			19990–20010	Standard frequency.	Standard frequency.		Standard frequency.
20010–21000	Fixed.		Fixed.			20010–21000 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
21000–21450	Fixed.		Amateur.			21000–21450	Amateur.			AMATEUR.
21450–21750	Broadcasting.		Broadcasting.			21450–21750	Broadcasting.	International broadcasting.		International broadcasting

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 256 and 257.

(167) Between 17,160 and 17,360 kc, the U. S. S. R. will meet their special requirements for the fixed service with due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference with the maritime mobile service. Coast stations in the maritime mobile service will also have due regard to technical provisions (power, location, antenna, etc.) with a view to minimizing the possibility of harmful interference with the fixed service in the U. S. S. R. The International Frequency Registration Board will be consulted regarding these arrangements.

(168) The standard frequency is 20,000 kc.

(239) In certain cases, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City, 1947), aircraft stations are authorized to use frequencies in the maritime mobile bands between 4,000 and 23,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(C123) For use of this band by the Aeronautical Services see paragraphs 149 through 160 of the General Radio Regulations, Cairo Revision 1938.

(C180) For use of this band by the maritime mobile service see paragraphs 180 through 189 of the General Radio Regulations, Cairo Revision 1938.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

Band (kc)	Cairo		Atlantic City		Service	Federal Communications Commission				
	World wide	Region 2	World wide	Region 2		Band (kc)	Service	Class of station	Frequency (kc)	Nature of services (of stations)
	Service	Service	Service	Service						
1	2	3	4	5	6	7	8	9	10	11
21750-21850	Mobile. (C180)		Fixed.			21750-21850 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
21850-22000	Mobile. (C180)		a. Aeronautical fixed. b. Aeronautical mobile.			21850-22000 (NG1)	a. Aeronautical fixed. b. Aeronautical mobile.	a. Aeronautical. b. Aeronautical fixed. c. Aircraft.		a. AERONAUTICAL FIXED. b. AERONAUTICAL MOBILE.
22000-22300	Mobile. (C180)		Maritime mobile. (239)			22000-22070 (NG1)	Maritime mobile.	Ship.		Ship (telephony).
						22070-22220	Maritime mobile.	Ship.		Ship (telegraphy).
						22220-22270 (NG1)	Maritime mobile.	Ship.		Ship calling (telegraphy).
						22270-22300 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
22300-22720	a. Fixed. b. Mobile. (C123)		Maritime mobile. (239)			22300-22400 (NG1)	Maritime mobile.	Ship.		Ship (telegraphy).
						22400-22650 (NG1)	Maritime mobile.	Coast.		Coast (telegraphy).
						22650-22720 (NG1)	Maritime mobile.	Coast.		Coast (telephony).
22720-23200	a. Fixed. b. Mobile. (C123)		Fixed.			22720-23200 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
23200-23350	a. Fixed. b. Mobile. (C123)		a. Aeronautical fixed. b. Aeronautical mobile. (OR) (149)			23200-23350 (NG1)	a. Aeronautical fixed. b. Aeronautical mobile.	a. Aeronautical. b. Aeronautical fixed. c. Aircraft.		a. AERONAUTICAL FIXED. b. AERONAUTICAL MOBILE.
23350-24000	a. Fixed. b. Mobile. (C123)		a. Fixed. b. Land mobile. (169)			23350-24000 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.
24000-24990	Mobile.		a. Fixed. b. Land mobile. (169)			24000-24990 (NG1)	Fixed.	Fixed.		a. AERONAUTICAL FIXED. b. INTERNATIONAL FIXED PUBLIC.

(149) For the explanation of the terms "Aeronautical mobile (R)" and "Aeronautical mobile (OR)" see 256 and 257.

(169) Inter-ship telegraphy in the maritime mobile service is permitted in the band 23350-24000 kc.

(239) In certain cases, for which provision is made in articles 33 and 34 (of the Radio Regulations, Atlantic City, 1947), aircraft stations are authorized to use frequencies in the maritime mobile bands between 4000 and 23,000 kc for the purpose of entering into communication with stations of the maritime mobile service.

(C123) For use of this band by the Aeronautical Services see paragraphs 149 through 160 of the General Radio Regulations, Cairo Revision 1938.

(C180) For use of this band by the Maritime mobile service see paragraphs 180 through 189 of the General Radio Regulations, Cairo Revision 1938.

(NG1) On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
24.99-25.01 (170)	Standard frequency.			24.99-25.01 (US17)	G.					
25.01-25.60	a. Fixed. b. Mobile except aeronautical mobile.			25.01-25.33	NG.	25.01-25.33 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	25.02	INDUSTRIAL.
									25.04	Do.
									25.06	Do.
									25.08	Do.
									25.10	Do.
									25.12	Do.
									25.14	Do.
									25.16	Do.
									25.18	Do.
									25.20	Do.
									25.22	Do.
									25.24	Do.
									25.26	Do.
									25.28	Do.
									25.30	Do.
									25.32	Do.
25.6-26.1	Broadcasting.			25.33-25.85 (US17)	G.					
				25.85-26.48	NG.	25.85-26.10 (NG1)	Broadcasting.	International broadcasting.		
26.1-27.5 (172)	a. Fixed. b. Mobile except aeronautical mobile.					26.10-26.48 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	26.11	Remote pickup broadcast base; remote pickup broadcast mobile.
									26.13	Do.
									26.15	Do.
									26.17	Do.
									26.19	Do.
									26.21	Do.
									26.23	Do.
									26.25	Do.

(170) The standard frequency is 25 Mc.

(172) In Region 2, Australia, New Zealand, the Union of South Africa, and the territory under mandate of Southwest Africa, the amateur service will operate within the band 26.96-27.23 Mc.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services (or stations)
1	2	3	4	5	6	7	8	9	10	11
26.1-27.5 (172) (Con.)	a. Fixed. b. Mobile except aeronautical mobile. (Con.)			25.85-26.48 (Con.)	NG. (Con.)	26.10-26.48 (NG1, 22) (Con.)	Land mobile. (Con.)	a. Base. b. Land mobile. (Con.)	26.27 26.29 26.31 26.33 26.35 26.37 26.39 26.41 26.43 26.45 26.47	Remote pickup broadcast base; remote pickup broadcast mobile. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
				26.48-26.95 (US17)	G.					
(171)		27.5-28.0	a. Fixed. b. Mobile.	26.95-27.54	NG.	26.95-26.96 (NG1)	Fixed.	Fixed.	26.955	INTERNATIONAL FIXED PUBLIC.
						26.96-27.23 (NG2)	Amateur. (US1)		27.12	Industrial, scientific, and medical equipment.
						27.23-27.28 (NG1, 2)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		
						27.28-27.54 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	27.29 27.31 27.33 27.35 27.37 27.39 27.41 27.43 27.45 27.47 27.49 27.51 27.53	INDUSTRIAL. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
27.5-28.0				27.54-28.00 (US17)	G.					
28.0-29.7	Amateur.			28.0-29.7	Amateur (US1)	28.0-29.7	Amateur.			
29.7-88.0		29.7-44.0	a. Fixed. b. Mobile.	29.70-29.89	NG.	29.70-29.80 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	29.71 29.73 29.75 29.77 29.79	INDUSTRIAL. Do. Do. Do. Do.
						29.80-29.89 (NG1)	Fixed.	Fixed.	29.81 29.82 29.83 29.84 29.85 29.86 29.87 29.88	AERONAUTICAL FIXED; INTERNATIONAL FIXED PUBLIC. Do. Do. Do. Do. Do. Do. Do.
				29.89-29.91 (US17)	G.					
				29.91-30.00	NG.	29.91-30.00 (NG1)	Fixed.	Fixed.	29.92 29.93 29.94 29.95 29.96 29.97 29.98 29.99	AERONAUTICAL FIXED; INTERNATIONAL FIXED PUBLIC. Do. Do. Do. Do. Do. Do. Do.
				30.00-30.56 (US17)	G.					
				30.56-32.00	NG.	30.56-32.00 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	30.58 30.62	INDUSTRIAL. Do.
									30.66 30.70 30.74 30.78 30.82	INDUSTRIAL; LAND TRANSPORTATION. Do. Do. Do. Do.

(171) The frequency 27.12 Mc is designated for industrial, scientific, and medical purposes. Emissions must be confined within the limits of ±0.6 percent of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

(172) In Region 2, Australia, New Zealand, the Union of South Africa, and the territory under mandate of Southwest Africa, the amateur service will operate within the band 26.96–27.23 Mc.

US1 Pulsed emissions prohibited.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG2 Emissions from industrial, scientific, and medical equipment using the frequency 27.12 Mc must be confined to the band 26.96–27.28 Mc.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services (or stations)
1	2	3	4	5	6	7	8	9	10	11
29.7-88.0 (Con.)		29.7-44.0 (Con.)	a. Fixed. b. Mobile. (Con.)	30.56-32.00 (Con.)	NG. (Con.)	30.56-32.00 (NG1, 22) (Con.)	Land mobile. (Con.)	a. Base. b. Land mobile. (Con.)	30.86 30.90 30.94 30.98 31.02 31.06 31.10 31.14	LAND TRANSPORTATION; PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do.
									31.18 31.22 31.26 31.30 31.34 31.38 31.42 31.46 31.50 31.54 31.58 31.62 31.66 31.70 31.74 31.78 31.82 31.86 31.90 31.94 31.98	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
				32-33 (US17)	G.					
				33-34	NG.	33-34 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	33.02 33.06 33.10	PUBLIC SAFETY. Do. Do.
									33.14 33.18 33.22 33.26 33.30 33.34 33.38	INDUSTRIAL. Do. Do. Do. Do. Do. Do.
									33.42 33.46 33.50 33.54 33.58 33.62 33.66 33.70 33.74 33.78 33.82 33.86 33.90 33.94 33.98	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
				34-35 (US17)	G.					
				35-36	NG.	35.00-35.04 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	35.02	INDUSTRIAL.
						35.04-35.20 (NG1, 22)	a. Maritime mobile. b. Land mobile.	a. Coast. b. Ship. c. Base. d. Land mobile.	35.06 35.10 35.14 35.18	INDUSTRIAL; MARITIME MOBILE. Do. Do. Do.
						35.2-36.0 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	35.22 35.26 35.30 35.34 35.38 35.42 35.46 35.50 35.54 35.58 35.62 35.66	DOMESTIC PUBLIC. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									35.70 35.74 35.78 35.82 35.86 35.90 35.94 35.98	LAND TRANSPORTATION. Do. Do. Do. Do. Do. Do. Do.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
29.7–88.0 (Con.)		29.7–44.0 (Con.)	a. Fixed. b. Mobile. (Con.)	36–37 (US17)	G.					
				37–38	NG.	37–38 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	37.02 37.06 37.10 37.14 37.18 37.22 37.26 37.30 37.34 37.38 37.42	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									37.46 37.50 37.54 37.58 37.62 37.66 37.70 37.74 37.78 37.82 37.86	INDUSTRIAL. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									37.90 37.94 37.98	PUBLIC SAFETY. Do. Do.
				38–39 (US17)	G.					
				39–40	NG.	39–40 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	39.02 39.06 39.10 39.14 39.18 39.22 39.26 39.30 39.34 39.38 39.42 39.46 39.50 39.54 39.58 39.62 39.66 39.70 39.74 39.78 39.82 39.86 39.90 39.94 39.98	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
(176)				40–42 (US2) (US17)	G.				40.68	Industrial, scientific and medical equipment.
				42–44	NG.	42–43 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	42.02 42.06 42.10 42.14 42.18 42.22 42.26 42.30 42.34 42.38 42.42 42.46 42.50 42.54 42.58 42.62 42.66 42.70 42.74 42.78 42.82 42.86 42.90 42.94	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									42.98	INDUSTRIAL.

(176) The frequency 40.68 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±0.05% of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

US2 Emissions from industrial, scientific and medical equipment using the frequency 40.68 Mc must be confined to the band 40.66–40.70 Mc.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
29.7–88.0 (Con.)		29.7–44.0 (Con.)	a. Fixed. b. Mobile. (Con.)	42–44 (Con.)	NG. (Con.)	43.0–43.2 (NG1, 22)	a. Maritime mobile. b. Land mobile.	a. Coast. b. Ship. c. Base. d. Land mobile.	43.02 43.06 43.10 43.14 43.18	INDUSTRIAL; MARITIME MOBILE. Do. Do. Do. Do.
						43.2–44.0	Land mobile.	a. Base. b. Land mobile.	43.22 43.26 43.30 43.34 43.38 43.42 43.46 43.50 43.54 43.58 43.62 43.66	DOMESTIC PUBLIC. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									43.70 43.74 43.78 43.82 43.86 43.90 43.94 43.98	LAND TRANSPORTATION. Do. Do. Do. Do. Do. Do. Do.
		44–50	a. Broadcasting. b. Fixed. c. Mobile.	44–50	NG.	44.0–50.0 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	44.02 44.06 44.10 44.14 44.18 44.22 44.26 44.30 44.34 44.38 44.42 44.46 44.50 44.54 44.58	LAND TRANSPORTATION. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									44.62 44.66 44.70 44.74 44.78 44.82 44.86 44.90 44.94 44.98 45.02 45.06 45.10 45.14 45.18 45.22 45.26 45.30 45.34 45.38 45.42 45.46 45.50 45.54 45.58 45.62 45.66 45.70 45.74 45.78 45.82 45.86 45.90 45.94 45.98 46.02 46.06 46.10 46.14 46.18 46.22 46.26 46.30 46.34 46.38 46.42 46.46 46.50 46.54 46.58 46.62	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do

World wide		Region		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
29.7-88.0 (Con.)		44-50 (Con.)	a. Broadcasting. b. Fixed. c. Mobile. (Con.)	44-50 (Con.)	NG. (Con.)	44.0-50.0 (NG1, 22) (Con.)	Land mobile. (Con.)	a. Base. b. Land mobile. (Con.)	46.66	PUBLIC SAFETY
									46.70	Do.
									46.74	Do.
									46.78	Do.
									46.82	Do.
									46.86	Do.
									46.90	Do.
									46.94	Do.
									46.98	Do.
									47.02	Do.
									47.06	Do.
									47.10	Do.
									47.14	Do.
									47.18	Do.
									47.22	Do.
									47.26	Do.
									47.30	Do.
									47.34	Do.
									47.38	Do.
									47.42	Do.
									47.46	Do.
									47.50	Do.
									47.54	Do.
									47.58	Do.
									47.62	Do.
									47.66	Do.
									47.70	INDUSTRIAL
									47.74	Do.
									47.78	Do.
									47.82	Do.
									47.86	Do.
									47.90	Do.
									47.94	Do.
									47.98	Do.
									48.02	Do.
									48.06	Do.
									48.10	Do.
									48.14	Do.
									48.18	Do
									48.22	Do.
									48.26	Do.
									48.30	Do.
									48.34	Do.
									48.38	Do.
									48.42	Do.
									48.46	Do.
									48.50	Do.
									48.54	Do.
									48.58	Do.
									48.62	Do.
									48.66	Do.
									48.70	Do.
									48.74	Do.
									48.78	Do.
									48.82	Do.
									48.86	Do.
									48.90	Do.
									48.94	Do.
									48.98	Do.
									49.02	Do.
									49.06	Do.
									49.10	Do.
									49.14	Do.
									49.18	Do.
									49.22	Do.
									49.26	Do.
									49.30	Do.
									49.34	Do.
									49.38	Do
									49.42	Do.
									49.46	Do.
									49.50	Do.
									49.54	Do.
									49.58	Do.
									49.62	Do.
									49.66	Do.
									49.70	Do.
									49.74	Do.
									49.78	Do.
									49.82	Do.
									49.86	Do.
									49.90	Do.
									49.94	Do.
									49.98	Do.
50-54	Amateur.	50-54	Amateur.	50-54 (US1)	Amateur.	50-54	Amateur.			
54-72	a. Broadcasting. b. Fixed. c. Mobile.	54-72	NG.	54-72 (NG1)	Broadcasting.	Television broadcasting.			55.25 59.75	Video Sound } Channel 2.
									61.25 65.75	Video Sound } Channel 3.
									67.25 71.75	Video Sound } Channel 4.

US1 Pulsed emissions prohibited.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
29.7-88.0 (Con.)		72-76	a. Fixed. b. Mobile.	72-76	NG.	72.0-76.0 (NG1)	Fixed. (NG3) (NG5)	Operational fixed.	72.02	Operational fixed.
									72.06	Do.
									72.10	Do.
									72.14	Do.
									72.18	Do.
									72.22	Do.
									72.26	Do.
									72.30	Do.
									72.34	Do.
									72.38	Do.
									72.42	Do.
									72.46	Do.
									72.50	Do.
									72.54	Do.
									72.58	Do.
									72.62	Do.
									72.66	Do.
									72.70	Do.
									72.74	Do.
									72.78	Do.
									72.82	Do.
									72.86	Do.
									72.90	Do.
									72.94	Do.
									72.98	Do.
									73.02	Do.
									73.06	Do.
									73.10	Do.
									73.14	Do.
									73.18	Do.
									73.22	Do.
									73.26	Do.
									73.30	Do.
									73.34	Do.
									73.38	Do.
									73.42	Do.
									73.46	Do.
									73.50	Do.
									73.54	Do.
									73.58	Do.
									73.62	Do.
									73.66	Do.
									73.70	Do.
									73.74	Do.
									73.78	Do.
									73.82	Do.
									73.86	Do.
									73.90	Do.
									73.94	Do.
									73.98	Do.
									74.02	Do.
									74.06	Do.
									74.10	Do.
									74.14	Do.
									74.18	Do.
									74.22	Do.
									74.26	Do.
									74.30	Do.
									74.34	Do.
									74.38	Do.
									74.42	Do.
									74.46	Do.
									74.50	Do.
									74.54	Do.
									74.58	Do.
(184)				(US4)					75.42	Operational fixed.
									75.46	Do.
									75.50	Do.
									75.54	Do.
									75.58	Do.
									75.62	Do.
									75.66	Do.
									75.70	Do.
									75.74	Do.
									75.78	Do.
									75.82	Do.
									75.86	Do.
									75.90	Do.
									75.94	Do.
									75.98	Do.
		76-88	a. Broadcasting. b. Fixed. c. Mobile.	76-88	NG.	76-88 (NG1, 28)	Broadcasting.	Television broadcasting.	77.25 81.75	Video Sound } Channel 5.
									83.25 87.75	Video Sound } Channel 6.

(184) The frequency 75 Mc is designated for aeronautical marker beacons. In Region 1, the guardband is ±0.2 Mc; in Regions 2 and 3, ±0.4 Mc.

US4 The use of the frequency 75 Mc by aeronautical marker beacons is temporary and may be authorized until they are moved to a frequency band allocated for the aeronautical radionavigation service, or until they are no longer required. (See notes 216 and US12).

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG3 Operational fixed stations may be authorized to use frequencies in this band in accordance with columns 10 and 11 of the table of frequency allocations, on the condition that harmful interference will not be caused to the reception of television stations on channels 4 or 5. In any area in the continental United States, the Aviation service and Marine service may each be authorized to use four of the frequencies in the band 72-76 Mc listed in column 10 for operational fixed stations in these services.

NG5 Fixed stations in the Domestic Fixed Public service may be authorized to use any of the frequencies in the band 72-76 Mc indicated in column 10, on the conditions that (a) harmful interference will not be caused to the reception of television stations on channels 4 or 5 and (b) that harmful interference will not be caused to operational fixed stations.

NG28 In the Territory of Hawaii, the frequency bands 76-88 Mc and 98-108 Mc are allocated exclusively to the fixed service for use by common carrier fixed stations for inter-island communications only.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
88–100	Broadcasting.			88–108	NG.	88–108 (NG1, 28)	Broadcasting.	FM broadcasting. (NG4)	88.1	FM channel 201.
									88.3	FM channel 202.
									88.5	FM channel 203.
									88.7	FM channel 204.
									88.9	FM channel 205.
									89.1	FM channel 206.
									89.3	FM channel 207.
									89.5	FM channel 208.
									89.7	FM channel 209.
									89.9	FM channel 210.
									90.1	FM channel 211.
									90.3	FM channel 212.
									90.5	FM channel 213.
									90.7	FM channel 214.
									90.9	FM channel 215.
									91.1	FM channel 216.
									91.3	FM channel 217.
									91.5	FM channel 218.
									91.7	FM channel 219.
									91.9	FM channel 220.
									92.1	FM channel 221.
									92.3	FM channel 222.
									92.5	FM channel 223.
									92.7	FM channel 224.
									92.9	FM channel 225.
									93.1	FM channel 226.
									93.3	FM channel 227.
									93.5	FM channel 228.
									93.7	FM channel 229.
									93.9	FM channel 230.
									94.1	FM channel 231.
									94.3	FM channel 232.
									94.5	FM channel 233.
									94.7	FM channel 234.
									94.9	FM channel 235.
									95.1	FM channel 236.
									95.3	FM channel 237.
									95.5	FM channel 238.
									95.7	FM channel 239.
									95.9	FM channel 240.
									96.1	FM channel 241.
									96.3	FM channel 242.
									96.5	FM channel 243.
									96.7	FM channel 244.
									96.9	FM channel 245.
									97.1	FM channel 246.
									97.3	FM channel 247.
									97.5	FM channel 248.
									97.7	FM channel 249.
									97.9	FM channel 250.
									98.1	FM channel 251.
									98.3	FM channel 252.
									98.5	FM channel 253.
									98.7	FM channel 254.
									98.9	FM channel 255.
									99.1	FM channel 256.
									99.3	FM channel 257.
									99.5	FM channel 258.
									99.7	FM channel 259.
									99.9	FM channel 260.
									100.1	FM channel 261.
									100.3	FM channel 262.
									100.5	FM channel 263.
									100.7	FM channel 264.
									100.9	FM channel 265.
									101.1	FM channel 266.
									101.3	FM channel 267.
									101.5	FM channel 268.
									101.7	FM channel 269.
									101.9	FM channel 270.
									102.1	FM channel 271.
									102.3	FM channel 272.
									102.5	FM channel 273.
									102.7	FM channel 274.
									102.9	FM channel 275.
									103.1	FM channel 276.
									103.3	FM channel 277.
									103.5	FM channel 278.
									103.7	FM channel 279.
									103.9	FM channel 280.
									104.1	FM channel 281.
									104.3	FM channel 282.
									104.5	FM channel 283.
									104.7	FM channel 284.
									104.9	FM channel 285.
									105.1	FM channel 286.
									105.3	FM channel 287.
									105.5	FM channel 288.
									105.7	FM channel 289.
									105.9	FM channel 290.
									106.1	FM channel 291.
									106.3	FM channel 292.
									106.5	FM channel 293.
									106.7	FM channel 294.
									106.9	FM channel 295.
									107.1	FM channel 296.
100–108		100–108	Broadcasting.							

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG4 Facsimile broadcasting stations may be authorized in the band 88–108 Mc.

NG28 In the Territory of Hawaii, the frequency bands 76–88 Mc and 98–108 Mc are allocated exclusively to the fixed service for use by common carrier fixed stations for inter-island communications only.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
108–118 (Con.)		100–108 (Con.)	Broadcasting. (Con.)	88–108 (Con.)	NG. (Con.)	88–108 (NG1, 28) (Con.)	Broadcasting. (Con.)	FM Broadcasting. (NG4) (Con.)	107.3	FM channel 297.
									107.5	FM channel 298.
									107.7	FM channel 299.
									107.9	FM channel 300.
108–118	Aeronautical radionavigation.			108–132 (US5)	G, NG.	108–118	Aeronautical radionavigation.	Radionavigation land.	108.1	Localizer.
									108.2	Omni-directional radio range.
									108.3	Localizer.
									108.4	Omni-directional radio range.
									108.5	Localizer.
									108.6	Omni-directional radio range.
									108.7	Localizer.
									108.8	Omni-directional radio range.
									108.9	Localizer.
									109.0	Omni-directional radio range.
									109.1	Localizer.
									109.2	Omni-directional radio range.
									109.3	Localizer.
									109.4	Omni-directional radio range.
									109.5	Localizer.
									109.6	Omni-directional radio range.
									109.7	Localizer.
									109.8	Omni-directional radio range.
									109.9	Localizer.
									110.0	Omni-directional radio range.
									110.1	Localizer.
									110.2	Omni-directional radio range.
									110.3	Localizer.
									110.4	Omni-directional radio range.
									110.5	Localizer.
									110.6	Omni-directional radio range.
									110.7	Localizer.
									110.8	Omni-directional radio range.
									110.9	Localizer.
									111.0	Omni-directional radio range.
									111.1	Localizer.
									111.2	Omni-directional radio range.
									111.3	Localizer.
									111.4	Omni-directional radio range.
									111.5	Localizer.
									111.6	Omni-directional radio range.
									111.7	Localizer.
									111.8	Omni-directional radio range.
									111.9	Localizer.
									112.0	Omni-directional radio range.
									112.1	Omni directional range; radio range.
									112.2	Do.
									112.3	Do.
									112.4	Do.
									112.5	Do.
									112.6	Do.
									112.7	Do.
									112.8	Do.
									112.9	Do.
									113.0	Do.
									113.1	Do.
									113.2	Do.
									113.3	Do.
									113.4	Do.
									113.5	Do.
									113.6	Do.
									113.7	Do.
									113.8	Do.
									113.9	Do.
									114.0	Do.
									114.1	Do.
									114.2	Do.
									114.3	Do.
									114.4	Do.
									114.5	Do.
									114.6	Do.
									114.7	Do.
									114.8	Do.
									114.9	Do.
									115.0	Do.
									115.1	Do.
									115.2	Do.
									115.3	Do.
									115.4	Do.
									115.5	Do.
									115.6	Do.
									115.7	Do.
									115.8	Do.
									115.9	Do.
									116.0	Do.
									116.1	Do.
									116.2	Do.
									116.3	Do.
									116.4	Do.
									116.5	Do.
									116.6	Do.
									116.7	Do.
									116.8	Do.
									116.9	Do.

US5 The frequency assignment plan in effect for both government and nongovernment stations in the band 108–132 Mc is indicated in columns 10 and 11.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG4 Facsimile broadcasting stations may be authorized in the band 88–108 Mc.

NG28 In the Territory of Hawaii, the frequency bands 76–88 Mc and 98–108 Mc are allocated exclusively to the fixed service for use by common carrier fixed stations for inter-island communications only.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
108–118 (Con.)	Aeronautical radionavigation. (Con.)			108–132 (US5) (Con.)	G, NG. (Con.)	108–118 (Con.)	Aeronautical radionavigation. (Con.)	Radionavigation land. (Con.)	117.0 117.1 117.2 117.3 117.4 117.5 117.6 117.7 117.8 117.9	Omni directional range; radio range. Do. Do. Do. Do. Do. Do. Do. Do. Do.
118–132	Aeronautical mobile (R). (149) (256)			108–132 (US5)	G,NG.	118–132 (US6)	Aeronautical mobile.	a. Aeronautical. b. Aircraft	118.1 118.2 118.3 118.4 118.5 118.6 118.7 118.8 118.9 119.0 119.1 119.2 119.3 119.4 119.5 119.6 119.7 119.8 119.9 120.0 120.1 120.2 120.3 120.4 120.5 120.6 120.7 120.8 120.9 121.0 121.1 121.2 121.3	Airdrome control. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
(195)									121.5	AERONAUTICAL MOBILE.
									121.7 121.9	Aeronautical utility land; Aeronautical utility mobile. Do.
									122.1 122.3 122.5 122.7 122.8 122.9	Private aircraft. Do. Do. Do. Aeronautical Advisory Station. Private aircraft.
									123.1 123.3 123.5	Flight test; Flying school. Do. Do.
									123.7 123.9 124.1 124.3 124.5 124.7 124.9 125.1 125.3 125.5 125.7 125.9 126.1 126.3 126.5 126.7 126.9 127.1 127.3 127.5 127.7 127.9 128.1 128.3 128.5 128.7 128.9 129.1 129.3 129.5 129.7 129.9 130.1	AERONAUTICAL MOBILE. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.

(149) For the explanation of the term "Aeronautical mobile (R)" see 256.
(195) The frequency 121.5 Mc is the aeronautical emergency frequency in this band.
(256) Frequencies in any band allocated to the aeronautical mobile (R) service are reserved for communications between any aircraft and those aeronautical stations primarily concerned with the safety and regularity of flight along national or international civil air routes.

US5 The frequency assignment plan in effect for both governmental and nongovernmental stations in the band 108–132 Mc is indicated in columns 10 and 11.
US6 Public correspondence in the frequency bands allocated exclusively to the aeronautical mobile service is not permitted.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
118–132 (Con.)	Aeronautical mobile (R). (149) (256) (Con.)			108–132 (US5) (Con.)	G, NG (Con.)	118–132 (US6) (Con.)	Aeronautical mobile. (Con.)	a. Aeronautical. b. Aircraft. (Con.)	130.3 130.5 130.7 130.9 131.1 131.3 131.5 131.7 131.9	AERONAUTICAL MOBILE. Do. Do. Do. Do. Do. Do. Do. Do.
132–144		132–144	a. Fixed. b. Mobile.	132–144 (US17)	G.					
144–146	Amateur.			144–148	Amateur. (US1)	144–148	Amateur.			
146–235		146–148	Amateur.							
		148–174	a. Fixed. b. Mobile.	148–152 (US17,21)	G.				148.14	Civil Air Patrol land. Civil Air Patrol mobile.
				152–162	NG.	152.00–156.25 (NG1, 22)	Land mobile	a. Base. b. Land mobile.	152.03 152.09 152.15 152.21	DOMESTIC PUBLIC. Do. Do. Do.
									152.27 152.33 152.39 152.45	LAND TRANSPORTATION. Do. Do. Do.
									152.51 152.57 152.63 152.69 152.75 152.81	DOMESTIC PUBLIC. Do. Do. Do. Do. Do.
									152.87 152.93 152.99 153.05 153.11 153.17 153.23 153.29 153.35 153.41 153.47 153.53 153.59 153.65 153.71	INDUSTRIAL. (NG6) Do. (NG6) Do. (NG6) Do. (NG6) Do. (NG6) Do. (NG6) Do. (NG6) Do. (NG6) Do. (NG6) Do. Do. Do. Do. Do. Do.
									153.77 153.83 153.89 153.95 154.01 154.07 154.13 154.19 154.25 154.31 154.37 154.43	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									154.49 154.57	INDUSTRIAL. Do.
									154.65 154.71 154.77 154.83 154.89 154.95 155.01 155.07 155.13 155.19 155.25 155.31 155.37 155.43 155.49 155.55 155.61	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.

(149) For the explanation of the term "Aeronautical mobile (R)" see (256).
(256) Frequencies in any band allocated to the aeronautical mobile (R) service are reserved for communications between any aircraft and those aeronautical stations primarily concerned with the safety and regularity of flight along national or international civil air routes.
US1 Pulsed emissions prohibited.
US5 The frequency assignment plan in effect for both governmental and nongovernmental stations in the band 108–132 Mc is indicated in columns 10 and 11.
US6 Public correspondence in the frequency bands allocated exclusively to the aeronautical mobile service is not permitted.
US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.
US21 The use of the frequency 148.14 Mc may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to government stations in the band 148–152 Mc.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.
NG6 The use of the frequencies in the block 152.87–153.35 Mc may be authorized, in any area, to Remote Pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to the Industrial Radio services.
NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
146–235 (Con.)		148–174 (Con.)	a. Fixed. b. Mobile. (Con.)	152–162 (Con.)	NG. (Con.)	152.00–156.25 (NG1, 22) (Con.)	Land mobile. (Con.)	a. Base. b. Land mobile. (Con.)	155.67 155.73 155.79 155.85 155.91 155.97 156.03 156.09 156.15 156.21	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do.
(198)				(US20)		156.25–157.45 (NG1)	Maritime mobile.	a. Coast. b. Ship.	156.3 156.4 156.5 156.6 156.7 156.8 156.9 157.0	MARITIME MOBILE. (NG7, 8) Do. (NG7, 31) Do. (NG7, 31) Do. (NG7, 9) Do. (NG7) Do. (NG10) Do. (NG7) Do. (NG7, 31)
									157.1 157.2	GOVERNMENT. Do.
									157.3 157.4	MARITIME MOBILE. (NG7) Do. (NG7)
						157.45–161.85 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	157.53 157.59 157.65 157.71	LAND TRANSPORTATION. Do. Do. Do.
									157.77 157.83 157.89 157.95 158.01 158.07	DOMESTIC PUBLIC. Do. Do. Do. Do. Do.
									158.13 158.19 158.25 158.31 158.37 158.43	INDUSTRIAL. Do. Do. Do. Do. Do.
									158.49 158.55 158.61 158.67	DOMESTIC PUBLIC. Do. Do. Do.
									158.73 158.79 158.85 158.91 158.97 159.03 159.09 159.15 159.21 159.27 159.33 159.39 159.45	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do. Do.
									159.51 159.57 159.63 159.69 159.75 159.81 159.87 159.93 159.99 160.05 160.11 160.17 160.23 160.29 160.35	LAND TRANSPORTATION. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11) Do. (NG11)

(198) The frequency 156.80 Mc is designated for world-wide use for safety, calling and intership and harbor control communications in the maritime mobile service (simplex telephony). Any other use of this frequency should be avoided in areas where such other use is liable to cause harmful interference to the maritime mobile service. The interested administrations will ensure, by special arrangements where necessary, that an adequate guard-band is provided. In Region 2, its use for this purpose will be restricted to the frequency modulated type of transmission (F3) and it is strongly recommended that the same type of transmission be adopted for this purpose in Regions 1 and 3.

US20 In order to provide for inter-communication for safety purposes between government and non-government stations in the maritime mobile service, the frequencies 157.1 and 157.2 Mc are allocated exclusively in all areas, to government stations in the fixed and mobile services, and the frequencies 173.225, 173.275, 173.325, 173.375 Mc are allocated exclusively, in all areas, to non-government stations in the fixed and land mobile services.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG7 The use of the frequencies 156.27, 156.33, 156.39, 156.45, 156.51, 156.57, 156.63, 156.69, 156.75, 156.87, 156.93, 156.99, 157.05, 157.11, 157.29, 157.35, 157.41, 157.47, 161.85, 161.91, and 161.97 Mc may be authorized to base and land mobile stations in the Public Safety Radio Services on the condition that no harmful interference will be caused to the Maritime Mobile Service except that on the frequencies 157.05 and 157.11 Mc this authority may be extended only to those stations authorized prior to April 28, 1952. Public Safety Service operations at points within 150 statute miles of coastal areas and navigable gulfs, bays, rivers, and lakes may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

NG8 The international intership service has priority on this frequency.

NG9 The international port operational service, on a simplex basis, has priority on this frequency.

NG10 The frequency 156.80 Mc has been designated for world-wide use for safety, calling and intership and harbor control communications in the maritime mobile service.

NG11 The use of the frequencies in the block 159.51–161.79 Mc may be authorized to base and land mobile stations in the Public Safety Radio Services, in any area, on the condition that harmful interference will not be caused to stations in the Railroad Radio Service.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG31 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, land stations authorized and used primarily as coast stations (not open to public correspondence) and associated land mobile stations may be authorized to use, on a secondary basis, the frequencies 156.4, 156.5, and 157.0 Mc: *Provided*, That, in each case, the frequency assignment will be common to the maritime mobile and land mobile services and that the maritime mobile service shall, at all times, have priority.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
146–235 (Con.)		148–174 (Con.)	a. Fixed. b. Mobile. (Con.)	152–162 (Con.)	NG. (Con.)	157.45–161.85 (NG1, 22) (Con.)	Land mobile. (Con.)	a. Base. b. Land mobile. (Con.)	160.41 160.47 160.53 160.59 160.65 160.71 160.77 160.83 160.89 160.95 161.01 161.07 161.13 161.19 161.25 161.31 161.37 161.43 161.49 161.55 161.61 161.67 161.73 161.79	LAND TRANSPORTATION. (NG11) Do. (NG11)
				(US24)		161.85–162.00 (NG1)	Maritime mobile.	Coast.	161.90 162.00	Coast. (NG7, 19, 37) Do. (NG7)
				162–174 (US17) (US19) (US22) (US25)	G.				166.25 170.15	PUBLIC SAFETY; Remote pickup. Do.
									170.425 170.475 170.575 171.425 171.475 171.575 172.225 172.275 172.375	PUBLIC SAFETY. Do. Do. Do. Do. Do. Do. Do. Do.
				(US20)		173.2–173.4 (NG1)	a. Fixed. b. Land mobile.	a. Base. b. Fixed. c. Land mobile.	173.225 173.275 173.325 173.375	INDUSTRIAL. Do. Do. Do.
		174–216	a. Broadcasting. b. Fixed. c. Mobile.	174–216	NG.	174–216 (NG1)	Broadcasting.	Television broadcasting.	175.25 176.75 181.25 185.75 187.25 191.75 193.25 197.75 199.25 203.75 205.25 209.75 211.25 215.75	Video } Channel 7. Sound } Video } Channel 8. Sound } Video } Channel 9. Sound } Video } Channel 10. Sound } Video } Channel 11. Sound } Video } Channel 12. Sound } Video } Channel 13. Sound }

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

US19 The use of the frequencies 170.475, 171.425, 171.575 and 172.275 Mc east of the Mississippi River and 170.425, 170.575, 171.475, 172.225 and 172.375 Mc west of the Mississippi River may be authorized to fixed, land and mobile stations operated by non-Federal forest fire fighting agencies. In addition, land stations operated by non-Federal conservation agencies for mobile relay operation only, may be authorized to use the frequency 172.275 Mc east of the Mississippi River and the frequency 171.475 Mc west of the Mississippi River. The use of any of the foregoing nine frequencies shall be on the condition that no harmful interference will be caused to Government Stations.

US20 In order to provide for inter-communication for safety purposes between government and non-government stations in the maritime mobile service, the frequencies 157.2 and 157.3 Mc are allocated exclusively in all areas, to government stations in the fixed and mobile services, and the frequencies 173.225, 173.275, 173.325, 173.375 Mc are allocated exclusively, in all areas, to non-government stations in the fixed and land mobile services.

US22 The use of the frequencies 166.250 and 170.150 Mc may be authorized to non-government Remote Pickup broadcast base and land mobile stations and to non-government base, fixed, and land mobile stations in the Public Safety Radio services (the sum of the band width of emission and tolerance not to exceed 60 kc) in Continental U. S. only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30′ N., and on the east and south by that arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Ala., subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to government stations present or future in the government band 162–174 Mc. The use of these frequencies by Remote Pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and the use of these frequencies by the Public Safety radio services will not be authorized except for locations within 150 miles of New York City.

US24 The use of the frequency 162.0 Mc may be authorized to non-government coast stations only.

US25 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the federal government, the following frequencies may be authorized to non-government fixed stations on the condition that harmful interference will not be caused to government stations:

Mc.	Mc.	Mc.	Mc.
169.425	170.325	171.825	406.250
169.475	170.375	171.875	406.350
169.525	171.025	171.925	412.450
169.575	171.075	171.975	412.550
170.225	171.125	406.050	412.650
170.275	171.175	406.150	412.750

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG7 The use of the frequencies 156.27, 156.33, 156.39, 156.45, 156.51, 156.57, 156.63, 156.69, 156.75, 156.87, 156.93, 156.99, 157.05, 157.11, 157.29, 157.35, 157.41, 157.47, 161.85, 161.91, and 161.97 Mc may be authorized to base and land mobile stations in the Public Safety Radio Services on the condition that no harmful interference will be caused to the Maritime Mobile Service except that on the frequencies 157.05 and 157.11 Mc this authority may be extended only to those stations authorized prior to April 28, 1952. Public Safety Service operations at points within 150 statute miles of coastal areas and navigable gulfs, bays, rivers, and lakes may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

NG11 The use of the frequencies in the block 159.51–161.79 Mc may be authorized to base and land mobile stations in the Public Safety Radio Services, in any area, on the condition that harmful interference will not be caused to stations in the Railroad Radio Service.

NG19 In the Chicago area only, the frequency 161.85 Mc may be authorized to base and land mobile stations only for train communications in the Railroad Radio Service.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG37 Transmission on the frequency 161.9 Mc by coast stations at Chicago, Illinois, may be authorized on condition that harmful interference is not caused to the Land Transportation Radio Services on 161.85 Mc.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
146–235 (Con.)		216–220	a. Fixed. b. Mobile.	216–220 (US 8, 17)	G.				217.425	Telemetering land; Telemetering mobile.
									217.475	Do.
									217.525	Do.
									217.550	Do.
									217.575	Do.
									217.625	Do.
									217.675	Do.
									219.325	Telemetering land; Telemeter ing mobile.
									219.375	Do.
									219.425	Do.
									219.450	Do.
									219.475	Do.
									219.525	Do.
									219.575	Do.
		220–225	Amateur. (207)	220–225	Amateur. (US1)	220–225 (NG20)	Amateur.			
		225–235	a. Fixed. b. Mobile. (207)	225.0–328.6 (US10, 17)	G.					
235.0–328.6	a. Fixed. b. Mobile.									
328.6–335.4 (259)	Aeronautical radionavigation.			328.6–335.4	G, NG.	328.6–335.4	Aeronautical radionavigation.	Radionavigation land.		Glide path.
335.4–420.0	a. Fixed. b. Mobile. (208)			335.4–400.0 (US10, 17)	G.					
				400–406	G, NG.	400–406	Meteorological aids.	Radiosonde.		
				406–420 (US17, 25)	G.					
420–450	a. Aeronautical radionavigation. b. Amateur. (210) (211)			420–450 (US11)	Amateur. (US1) (US18)	420–450	Amateur.			
450–460		450–460	a. Aeronautical radionavigation. b. Fixed. c. Mobile. (210) (211)	450–960 (US11)	NG	450–460 (NG1, 22)	Land mobile.	a. Base. b. Land mobile.	450.05	Remote pickup broadcast base. Remote pickup broadcast mobile.
									450.15	Do.
									450.25	Do.
									450.35	Do.
									450.45	Do.
									450.55	Do.
									450.65	Do.
									450.75	Do.
									450.85	Do.
									450.95	Do.
									451.05	Do.
									451.15	Do.
									451.25	Do.
									451.35	Do.
									451.45	Do.
									451.55	Do.
									451.65	Do.
									451.75	Do.
									451.85	Do.
									451.95	Do.

(207) In Region 2, distance measuring equipment in the aeronautical radionavigation service may be operated in the band 220–231 Mc until the 1st January 1952 in accordance with appropriate bilateral or multilateral arrangements.

(208) The meteorological aids service (radiosonde) may be operated in the band 400–420 Mc.

(210) In the band 420–460 Mc the aeronautical radionavigation service has priority. The other services are admitted to this band only on condition that harmful interference is not caused to the aeronautical radionavigation service.

(211) In Region 2, the allocation for the aeronautical radionavigation service in the band 420–460 Mc is temporary and is exclusively for altimeters.

(259) The band 328.6–335.4 Mc, is for the use of the Instrument Landing System (glide path).

US1 Pulsed emissions prohibited.

US8 In the government band 216–220 Mc, the frequencies 217.425 through 217.675 Mc and 219.325 through 219.575 Mc, inclusive, may be authorized for use by non-government telemetering mobile stations aboard aircraft and telemetering land stations, for telemetering to and from aircraft in flight, when an engineering study indicates that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

US10 This band is designated for government stations, with adequate channels to be reserved for civil aviation.

US11 The aeronautical radionavigation service will not be permitted to use the band 420–460 Mc after Feb. 15, 1953.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

US18 Amateur peak power to be limited to 50 watts until Feb. 15, 1953.

US25 For the specific purpose of transmitting hydrological and meteorological data in cooperation with agencies of the federal government, the following frequencies may be authorized to non-government fixed stations on the condition that harmful interference will not be caused to government stations:

Mc.	*Mc.*	*Mc.*	*Mc.*
169.425	170.325	171.825	406.250
169.475	170.375	171.875	406.350
169.525	171.025	171.925	412.450
169.575	171.075	171.975	412.550
170.225	171.125	406.050	412.650
170.275	171.175	406.150	412.750

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG20 In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53′ N., on the east by longitude 103°40′ W., on the north by parallel 33°24′ N., and on the west by longitude 106°40′ W., the frequency band 220–225 Mc. is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday inclusive of each week. However, the entire frequency band 220–225 Mc. shall be available in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of stations
1	2	3	4	5	6	7	8	9	10	11
450–460 (Con.)		450–460 (Con.)	a. Aeronautical radionavigation. b. Fixed. c. Mobile. (210) (211) (Con.)	450–960 (US11) (Con.)	NG. (Con.)	450–460 (NG1, 22) (Con.)	Land mobile. (Con.)	a. Base. b. Land mobile. (Con.)	452.05	LAND TRANSPORTATION.
									452.15	Do.
									452.25	Do.
									452.35	Do.
									452.45	Do.
									452.55	Do.
									452.65	Do.
									452.75	Do.
									452.85	Do.
									452.95	Do.
									453.05	Do.
									453.15	Do.
									453.25	Do.
									453.35	Do.
									453.45	Do.
									453.55	Do.
									453.65	Do.
									453.75	Do.
									453.85	Do.
									453.95	Do.
									454.05	PUBLIC SAFETY.
									454.15	Do.
									454.25	Do.
									454.35	Do.
									454.45	Do.
									454.55	Do.
									454.65	Do.
									454.75	Do.
									454.85	Do.
									454.95	Do.
									455.05	Do.
									455.15	Do.
									455.25	Do.
									455.35	Do.
									455.45	Do.
									455.55	Do.
									455.65	Do.
									455.75	Do.
									455.85	Do.
									455.95	Do.
									456.05	INDUSTRIAL.
									456.15	Do.
									456.25	Do.
									456.35	Do.
									456.45	Do.
									456.55	Do.
									456.65	Do.
									456.75	Do.
									456.85	Do.
									456.95	Do.
									457.05	Do.
									457.15	Do.
									457.25	Do.
									457.35	Do.
									457.45	Do.
									457.55	Do.
									457.65	Do.
									457.75	Do.
									457.85	Do.
									457.95	Do.
									458.05	DOMESTIC PUBLIC.
									458.15	Do.
									458.25	Do.
									458.35	Do.
									458.45	Do.
									458.55	Do.
									458.65	Do.
									458.75	Do.
									458.85	Do.
									458.95	Do.
									459.05	Do.
									459.15	Do.
									459.25	Do.
									459.35	Do.
									459.45	Do.
									459.55	Do.
									459.65	Do.
									459.75	Do.
									459.85	Do.
									459.95	Do.
460–470	a. Fixed. b. Mobile.					460–470 (NG1)	a. Fixed. b. Mobile.	a. Fixed. b. Land. c. Mobile.		CITIZENS RADIO.
470–585	Broadcasting.					470–500 Mc (NG 1)	Broadcasting.	Television. Broadcasting.		

(210) In the band 420–460 Mc the aeronautical radionavigation service has priority. The other services are admitted to this band only on condition that harmful interference is not caused to the aeronautical radionavigation service.

(211) In Region 2, the allocation for the aeronautical radionavigation service in the band 420–460 Mc is temporary and is exclusively for altimeters.

US11 The aeronautical radionavigation service will not be permitted to use the band 420–460 Mc after Feb. 15, 1953.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG22 Fixed stations in services in column 11, allocated frequencies in this band, may use the frequencies in column 10 allocated to such services on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

World wide		Region 2		United States		Federal Communications Commission					
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature	OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11	
585–610		585–610	Broadcasting.	450–960 (Con.)	NG. (Con.)	500–890 (NG1)	Broadcasting.	Television broadcasting.			
610–940 (212)	Broadcasting. (214)					890–940 (NG1)	a. Broadcasting. b. Fixed.		915	Industrial, scientific and medical equipment.	
940–960		940–960	Fixed.			940–952 (NG1, 13)	Fixed.	FM broadcast STL. (NG14)			
						952–960 (NG1, 15)	Fixed.	a. International control. b. Operational fixed.			
960–1215	Aeronautical radionavigation.			960–1215 (US12)	G, NG.	960–1215	Aeronautical radionavigation.				
1215–1300	Amateur.			1215–1300	Amateur. (US1)	1215–1300	Amateur.				
1300–1700	(216)	1300–1660	Aeronautical radionavigation. (218)	1300–1700 (US13) (US14)	G, NG.	1300–1365	Aeronautical radionavigation.	Surveillance radar. (Pulsed emission only.)			
						1365–1660	Aeronautical radionavigation.	Radionavigation (including altimeter).			
		1660–1700	Meteorological aids (radiosonde).			1660–1700	Meteorological aids (radiosonde).		1680	Radiosonde.	
1700–2300	a. Fixed. b. Mobile.			1700–1850 (US17)	G.						
				1850–2200	NG.	1850–1990 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.			
						1990–2110 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG 16)			
						2110–2200 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.			
				2200–2300 (US17)	G.						
2300–2450 (230)	Amateur.			2300–2450	Amateur.	2300–2450	Amateur.		2450	Industrial, scientific and medical equipment.	
2450–2700 (220)	a. Fixed. b. Mobile.			2450–2700	NG.	2450–2500 (NG1)	a. Fixed. b. Mobile. (NG17)				
						2500–2700 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.			
2700–2900	Aeronautical radionavigation. (222)			2700–3300	G, NG.	2700–2900	a. Aeronautical radionavigation. b. Meteorological aids.				

(212) In Region 2, the frequency 915 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±25 Mc of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(214) In Region 2, the fixed service may operate in the band 890–940 Mc.

(216) In Region 2, the band 1300–1660 Mc is intended for an integrated system of electronic aids to air navigation and traffic control. Administrations of the other Regions should envisage the possibility of the future application of such a system on a worldwide basis.

(218) In Region 2 and the United Kingdom, the use of the band 1300–1365 Mc is restricted to surveillance radar.

(220) In Region 2, Australia, New Zealand, Northern Rhodesia, Southern Rhodesia, the Union of South Africa, the territory under mandate of Southwest Africa, and the United Kingdom, the frequency 2450 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±50 Mc of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(222) The meteorological aids service may be operated in the band 2700–2900 Mc.

US1 Pulsed emissions prohibited.

US12 The band 960–1215 Mc is for distance measuring and other functions related to those performed in the band 1365–1660 Mc.

US13 The fixed and mobile services which were operating in the band 1300–1600 Mc on April 2, 1948, may be authorized to continue to use such frequencies until December 31, 1952, on the condition that harmful interference will not be caused to the aeronautical radionavigation service.

US14 In non-military aviation, it is not anticipated that the altimeter function will be performed in the band 1365–1660 Mc except in coordination with other functions required for an aeronautical radionavigation system.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG13 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG14 Interim FM relay stations may be authorized to use the band 940–952 Mc on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

NG15 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the highest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG16 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

NG17 Land radiopositioning stations and mobile radiopositioning stations, including speed measuring devices, may be authorized to use frequencies in the band 2450–2500 Mc on the condition that harmful interference will not be caused to the fixed and mobile services.

World wide		Region 2		United States		Federal Communications Commission					
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature	OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11	
2900–3300	Radionavigation. (223, 224)			2700–3300 (Con.)	G, NG. (Con.)	2900–3246 (NG18)	Radionavigation.				
						3246–3266	Radionavigation.	Racon.	3256	Racon.	
						3266–3300 (NG18)	Radionavigation.				
3300–3900		3300–3500	Amateur.	3300–3500	Amateur.	3300–3500	Amateur.				
		3500–3900	a. Fixed. b. Mobile.	3500–4200	NG.	3500–3700 (NG1)	Mobile.	a. Land. (NG12) b. Mobile (except television pickup).			
3900–4200	a. Fixed. b. Mobile.					3700–4200 (NG1)	Fixed.	Common carrier fixed.			
4200–4400 (260)	Aeronautical radionavigation.			4200–4400	G, NG.	4200–4400	Aeronautical radionavigation.	Altimeter.			
4400–5000	a. Fixed. b. Mobile.			4400–5000 (US17)	G.						
5000–5250 (261)	Aeronautical radionavigation.			5000–5650	G, NG.	5000–5250	Aeronautical radionavigation.				
5250–5650	Radionavigation. (226, 227)					5250–5440 (NG18)	Radionavigation.				
						5440–5460	Radionavigation.	Racon.	5450	Racon.	
						5460–5650 (NG18)	Radionavigation.				
5650–5850 (228)	Amateur.			5650–5925	Amateur.	5650–5925	Amateur.		5850	Industrial, scientific, and medical equipment.	
5850–5925 (228)		5850–5925	Amateur.								
5925–8500	a. Fixed. b. Mobile.			5925–7125	NG.	5925–6425 (NG1)	Fixed.	Common carrier fixed.			
						6425–6575 (NG1)	Mobile.	a. Land. (NG12) b. Mobile (except television pickup).			
						6575–6875 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.			
						6875–7125 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG16)			
				7125–8500 (US17)	G.						
8500–9800	Radionavigation. (230, 231)			8500–9800	G, NG.	8500–9000	Radionavigation.				
						9000–9300 (NG18)	Radionavigation.				
						9300–9320	Radionavigation.	Racon.	9310	Racon.	
						9320–9500 (NG18)	Radionavigation.				
						9500–9800	Radionavigation.				

(223) The band 3246–3266 Mc is designated for racons.

(224) In the band 2900–3500 Mc shipborne radar in merchant ships is confined within the band 3000–3246 Mc.

(226) The band 5440–5460 Mc. is designated for racons.

(227) In the band 5250–5650 Mc shipborne radar in merchant ships is confined within the band 5460–5650 Mc.

(228) In Region 2, Australia, New Zealand, Northern Rhodesia, Southern Rhodesia, the Union of South Africa, the territory under mandate of Southwest Africa, and the United Kingdom the frequency 5850 Mc is designated for industrial, scientific and medical purposes. Emissions must be confined within the limits of ±75 Mc of that frequency. Radiocommunication services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

(230) The band 9300–9320 Mc is designated for racons.

(231) In the band 8500–9800 Mc shipborne radar in merchant ships is confined within the band 9320–9500 Mc.

(260) The band 4200–4400 Mc is for the use of radio altimeters.

(261) The band 5000–5250 Mc is for the use of instrument landing systems.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG12 Only those land stations which communicate with mobile (except television pickup) stations, are authorized to use frequencies in this band.

NG13 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG16 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

NG18 Land radiopositioning stations and mobile radiopositioning stations, excluding speed measuring devices, may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to the radionavigation service.

World wide		Region 2		United States		Federal Communications Commission				
Band Mc	Service	Band Mc	Service	Band Mc	Allocation	Band Mc	Service	Class of station	Frequency Mc	Nature of services
1	2	3	4	5	6	7	8	9	10	11
9800–10000	a. Fixed. b. Radionavigation.			9800–9900	NG.	9800–9900 (NG1)	Fixed.	Fixed.		
				9900–10000 (US17)	G.					
10000–10500	Amateur.			10000–10500	Amateur.	10000–10500	Amateur.			
				10500–10700 (US15)	G, NG.				10600	Industrial, scientific and medical equipment.
				10700–13200	NG.	10700–11700 (NG1)	Fixed.	Common carrier fixed.		
						11700–12200 (NG1)	Mobile.	a. Land (NG12) b. Mobile (except television pickup).		
						12200–12700 (NG1, 13)	Fixed.	a. International control. b. Operational fixed.		
						12700–13200 (NG1)	a. Fixed. b. Mobile.	a. Television pickup. b. Television STL. (NG16)		
				13200–16000 (US17)	G.					
				16000–18000 (US16)	NG.	16000–18000 (NG1)	a. Fixed. b. Mobile.		18000	Industrial, scientific and medical equipment.
				18000–21000 (US16) (US17)	G.					
				21000–22000	Amateur.	21000–22000	Amateur.			
				22000–26000 (US17)	G.					
				26000–30000	NG.	26000–30000 (NG1)	a. Fixed. b. Mobile.			
				Above 30000	G, NG.			a. Amateur. b. Experimental.		

Above 10500 not allocated.

US15 Emissions from industrial, scientific and medical equipment using the frequency 10600 Mc must be confined to the band 10500–10700 Mc. Sharing by radiocommunication services is to be determined at a later date.

US16 Emissions from industrial, scientific and medical equipment using the frequency 18000 Mc must be confined to the band 17850–18150 Mc. Radiocommunication services operating within the band 17850–18150 Mc must accept any harmful interference that may be experienced from the operation of industrial, scientific and medical equipment.

US17 Contract developmental stations and export developmental stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.

NG1 On the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations, the following classes of stations may be authorized to use frequencies in this band: (1) Experimental stations engaged solely in scientific or technical radio experiments not related to an existing or proposed service nor intended to develop a proposed service or specific use of radio, (2) contract developmental stations, and (3) export developmental stations.

NG12 Only those land stations which communicate with mobile (except television pickup) stations, are authorized to use frequencies in this band.

NG13 Frequencies in this band will be selected for assignment in such a manner that, on an engineering basis, the lowest frequency in the band is assigned which will not cause harmful interference to stations in that area already assigned frequencies in accordance with the table of frequency allocations.

NG16 Television inter-city relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

(b) *Stipulation regarding frequencies below 27.5 Mc.* The international table of frequency allocations below 27.5 Mc in force is stipulated by the provisions of paragraphs 1076 and 1077 of the Atlantic City, 1947 Radio Regulations.

(c) *Explanation and instructions regarding use of table.* (1) (i) Below 25 Mc, columns 2 and 3 of the table of frequency allocations are those stipulated in the Cairo Revision of the General Radio Regulations (1938), columns 4 and 5 of the table of frequency allocations are those stipulated in the Atlantic City Radio Regulations (1947) and column 6 (a) of the table of frequency allocations is that stipulated in the Inter-American Radio Agreement of Washington (1949).

(ii) Above 25 Mc, columns 1, 2, 3 and 4 of the table of frequency allocations

are those stipulated in the Atlantic City Radio Regulations.

(2) In column 6 (above 25 Mc) the letter G means Federal Government radio stations, i. e., those belonging to and operated by the United States. The symbol NG means other than Federal Government radio stations, i. e., those whose frequencies are assigned by the Commission.

(3) Column 10 lists frequencies available for assignment to stations which conform to the nature of service or station listed in column 11 opposite the assignable frequency. The assignment and use of the frequencies listed in column 10 is limited to those stations which, by definition, are included in the services and classes of stations (columns 8 or 9) to which the frequency band (column 7) is allocated.

(4) In column 11 "Services" are in large block print and "Stations" in small print.

(5) The following symbols are used to designate footnotes in the table of frequency allocations.

(i) Any footnote consisting only of digits, e. g. (170), denotes a paragraph in the Atlantic City (1947) Radio Regulations.

(ii) Any footnote consisting of the letter C followed by three digits, e. g. (C102) denotes a paragraph in the Cairo Revision, General Radio Regulations (1938).

(iii) Any footnote consisting of the letters AR followed by one or more digits, e. g. (AR2), denotes a stipulation of the allocation table notes in the Inter-American Radio Agreement of Washington (1949).

(iv) Any footnote consisting of the letters US followed by one or more digits, e. g., US1, denotes a stipulation the application of which is not limited to non-government stations.

(v) Any footnote consisting of the letters NG followed by one or more digits, e. g., NG1, is a stipulation applicable to the use of a band by non-Government stations.

SUBPART C—EMISSIONS

§ 2.201 *Emission, modulation and transmission characteristics.* The following system of designating emission, modulations and transmission characteristics shall be employed.

(a) The emission characters used in connection with frequency assignments express:

(1) Necessary bandwidth.
(2) Type of modulation or emission.
(3) Type of transmission.
(4) Supplementary characteristics authorized.

(b) Types of modulation and emission are symbolized according to the following letters:

(1) Amplitude modulation	A
(2) Frequency (or phase) modulation	F
(3) Pulsed emission	P

(c) Types of transmission are symbolized according to the following numbers:

(1) Absence of any modulation intended to carry information	0
(2) Telegraphy without the use of modulating audio frequency	1
(3) Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission)	2
(4) Telephony	3
(5) Facsimile	4
(6) Television	5
(7) Composite transmissions and cases not covered by the above	9

(d) Supplementary characteristics are symbolized in accordance with the following letters:

(1) Double sideband, full carrier	(None)
(2) Single sideband, reduced carrier	a
(3) Two independent sidebands, reduced carrier	b
(4) Other emissions, reduced carrier	c
(5) Pulse, amplitude modulated	d
(6) Pulse, width modulated	e
(7) Pulse, phase (or position) modulated	f

(e) The classification of emissions is tabulated below:

Type of modulation or emission	Type of transmission	Supplementary characteristics	Symbol
1. Amplitude	Absence of any modulation		A0
	Telegraphy without the use of modulating audio frequency (on-off keying).		A1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission).		A2
	Telephony	Double sideband, full carrier	A3
		Single sideband, reduced carrier.	A3a
		Two independent sidebands, reduced carrier.	A3b
	Facsimile		A4
	Television		A5
	Composite transmissions and cases not covered by the above.		A9
	Composite transmissions	Reduced carrier	A9c
2. Frequency (or phase) modulated.	Absence of any modulation		F0
	Telegraphy without the use of modulating audio frequency (frequency shift keying).		F1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed emission modulated by audio frequency).		F2
	Telephony		F3
	Facsimile		F4
	Television		F5
	Composite transmissions and cases not covered by the above.		F9
3. Pulsed emissions	Absence of any modulation intended to carry information.		P0
	Telegraphy without the use of modulating audio frequency.		P1
	Telegraphy by the keying of a modulating audio frequency or audio frequencies, or by the keying of the modulated pulse (special case: an unkeyed modulated pulse).	Audio frequency or audio frequencies modulating their pulse in amplitude.	P2d
		Audio frequency or audio frequencies modulating the width of the pulse.	P2e
		Audio frequency or audio frequencies modulating the phase (or position) of the pulse.	P2f
	Telephony	Amplitude modulated pulse	P3d
		Width modulated pulse	P3e
		Phase (or position) modulated pulse.	P3f
	Composite transmissions and cases not covered by the above.		P9

(f) Type B emission. As an exception to the above principles, damped waves are symbolized in the Commission's rules and regulations as type B emission.

§ 2.202 *Bandwidths* — (a) *Necessary bandwidths.* The necessary bandwidth is the width of the frequency band which is necessary in the over-all system, including both transmitter and receiver, for the proper reproduction at the receiver of the desired information, and does not necessarily indicate the interfering characteristics of an emission. For the determination of this necessary bandwidth, the following table may be considered as a guide. In the formulation of the table, the following working terms have been employed:

B = Telegraph speed in bauds.

$\frac{N}{T}$ = Maximum possible number of black plus white elements to be transmitted per second, in facsimile television.

M = Maximum modulation frequency expressed in cycles per second.

D = Half the difference between the maximum and minimum values of the instantaneous frequencies; D being greater than $2M$, greater than $\frac{N}{T}$ or greater than B, as the case may be. Instantaneous frequency is the rate of change of phase.

t = Pulse length expressed in seconds.

K = An over-all numerical factor which differs according to the emission and depends upon the allowable signal distortion, and, in television, the time lost from the inclusion of a synchronizin, signal.

(b) *Table of necessary bandwidths.*

I. Amplitude Modulation

Description and class of emission.	Necessary bandwidth in cycles per second	Examples: Details	Examples: Designation of emission
Continuous wave telegraphy: A1.	BK $K=5$ for fading circuits. $K=3$ for non-fading circuits.	Morse code at 25 words per minute, $B=20$, bandwidth: 100 c/s. Four channel multiplex, 7 unit code, 60 words per minute per channel, $B=170$, $K=5$, bandwith: 850 c/s.	0.1A1 0.85A1
Telegraphy modulated at audio frequency: A2.	$BK+2M$ $K=5$ for fading circuits. $K=3$ for non-fading circuits.	Morse code at 25 words per minute with 1,000-cycle tone, $B=20$ bandwidth: 2,100 c/s.	2.1A2
Commercial telephony: A3.	M, for single sideband..... $2M$, for double sideband.....	For ordinary single sideband telephony, $M=3,000$. For high-quality single sideband telephony, $M=4,000$.	3A3a 4A3a
Broadcasting: A3	$2M$	M may vary between 4,000 and 10,000 depending upon the quality desired.	8A3 to 20A3
Facsimile: Carrier modulated by tone and by keying: A4.	$\frac{KN}{T}+2M$ $K=1.5$	The total number of picture elements (black and white) transmitted per second = the circumference of the cylinder (height of picture) × number of lines per unit length × speed of rotation of cylinder in revolutions per second. Diameter of cylinder = 70 mm. Number of lines per mm = 3.77. Speed of rotation 1 turn per second. Frequency of modulation = 1,800 c/s. Bandwidth: 3,600+1,242 = 4,842 c/s.	4.84A4
Television: A5	$\frac{KN}{T}$ $K=1.5$ (this allows for synchronization and filter shaping). NOTE: This band can be appropriately reduced when asymmetrical transmission is employed.	The total number of picture elements (black and white) transmitted per second = the number of lines forming each image × number of elements per line × number of pictures transmitted per second. Number of lines = 500. Number of elements per line = 500. Number of pictures per second = 25. Bandwidth: approximately 9 Mc/s.	9.000A5

II. Frequency Modulation

Frequency-shift telegraphy: F1.	$BK+2D$ $K=5$ for fading circuits. $K=3$ for non-fading circuits.	Four-channel multiplex with 7-unit code, 60 words per minute per channel: $B=170$. $K=5$. $D=425$. Bandwidth: 1,700 c/s.	1.7F1
Commercial telephony and broadcasting: F3.	$2M+2DK$ For commercial telephony, $K=1$. For high-fidelity transmission higher values of K may be necessary.	For an average case of commercial telephony with: $D=15,000$. $M=3,000$. Bandwidth: 36,000 c/s.	36F3
Facsimile: F4.	$\frac{KN}{T}+2M+2D$ $K=1.5$	(See facsimile, amplitude modulation). Cylinder diameter = 70 mm. Lines per mm = 3.77. Cylinder speed = 1 r. p. s. Modulation tone = 1,800 c/s. $D=10,000$ c/s. Bandwidth: 25,000 c/s (approximately).	25F4

III. Pulsed Emissions

Unmodulated pulse: P0	$2\frac{K}{t}$ K varies from 1 to 10 according to the permissible deviation in each particular case from a rectangular pulse shape. In many cases the value of K does not need to exceed 6.	$t=3\times10^{-6}$ $K=6$ Bandwidth: 4×10^{6} c/s.	4.000P0
Modulated pulse: P2 or P3.	The bandwidth depends upon the particular types of modulation used, many of these being still in the development stage.	----------	

SUBPART D—IDENTIFICATION OF RADIO COMMUNICATION AND ALLOCATION AND USE OF CALL SIGNS

§ 2.301 *Identification of transmissions.* For the purpose of identifications, with a view to the elimination of harmful interference and the general enforcement of applicable radio treaties, conventions, regulations, arrangements and agreements in force, and the enforcement of the Communications Act of 1934, as amended, and the Commission's rules, each station using radio frequencies shall identify its transmissions as prescribed by the rules governing the class of station to which it belongs.

§ 2.302 *Table of allocation of call signs.* The table which follows indicates the composition and blocks of international call signs available for assignment when such call signs are required to be transmitted for station identification by the rules pertaining to particular classes of stations. Assignments will be made in each block beginning with the lowest alphabetic and numerical combination available in each call sign district and increasing until requirements are met. When stations operating in two or more classes are authorized to the same licensee, for the same location, the Commission will assign a separate call sign to each station in a different class, according to the following table:

Col. 1 Class of station	Col. 2 Composition of call sign	Col. 3 Call sign blocks available
Coast [1]	3 letters	KAA thru KZZ. WAA thru WZZ.
Aeronautical [1]	3 letters, 1 digit	KAA2 thru KZZ9. WAA2 thru WZZ9.
Fixed,[2] coastal telephone in Alaska [2]	3 letters, 2 digits	KAA20 thru KZZ99. WAA20 thru WZZ99.
Land (other than aeronautical and coast)[2]	3 letters, 3 digits	KAA200 thru KZZ999. WAA200 thru WZZ999.
Mobile telegraph (other than ship and aircraft).	4 letters, 1 digit	KAAA2 thru KZZ9. WAAA2 thru WZZ9.
Mobile telephone (other than ship and aircraft).	2 letters, 4 digits	KA2000 thru KZ9999.
Ship telegraph	4 letters	KAAA thru KZZZ. WAAA thru WZZZ.
Ship telephone [3]	2 letters, 4 digits	WA2000 thru WZ9999.
Ship telegraph and telephone	Same as for ship telegraph	
Ship radar [3]	Same as ship telephone	
Ship radar and telegraph	Same as for ship telegraph	
Ship radar and telephone	Same as for ship telephone	
Aircraft telegraph	5 letters	KAAAA thru KYZZZ. WAAAA thru WZZZZ.
Aircraft telephone	Registration Number	
Aircraft telegraph and telephone	Same as for Aircraft telegraph	
Lifeboats, liferafts and other survival craft	Call sign of parent ship or Aircraft plus 2 digits from 20 to 99 inclusive. The parent call sign must in such cases be a 5 letter call, if aircraft, or a 4 letter call, if a ship. See Parts 8 and 9 of the rules.	
Broadcasting [4] (standard)		KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (FM)	4 letters	KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (FM) (where the last 2 letters are FM).	5 letters [5]	KAA-FM thru KZZ-FM. WAA-FM thru WZZ-FM.
Do	6 letters	KAAA-FM thru KZZZ-FM. WAAA-FM thru WZZZ-FM.
Broadcasting (television)	4 letters	KAAA thru KZZZ. WAAA thru WZZZ.
Broadcasting (television) (where the last 2 letters are TV).	5 letters [5]	KAA-TV thru KZZ-TV. WAA-TV thru WZZ-TV.
Do	6 letters	KAAA-TV thru KZZZ-TV. WAAA-TV thru WZZZ-TV.
Experimental (where the letter "X" follows the digit).	(2 letters, 1 digit, 3 letters)	KA2XAA thru KZ0XZZ. WA2XAA thru WZ9XZZ.
Amateur (letter X may not follow digit).	(1 letter, 1 digit, 2 letters)	K1AA thru KØZZ. W1AA thru WØZZ.
Do	(1 letter, 1 digit, 3 letters)	K1AAA thru KØZZZ. W1AAA thru WØZZZ.
Do	(2 letters, 1 digit, 2 letters)	KA1AA thru KZØZZ. WA1AA thru WZØZZ.
Do	(2 letters, 1 digit, 3 letters)	KA1AAA thru KZØZZZ. WA1AAA thru WZØZZZ.
Standard frequency		WWV and WWVH

[1] Except for coastal telephone stations in the Territory of Alaska.
[2] Assignment shall be made according to the call sign district in which the station is located.
[3] See Part 8 of Commission's rules for assignment of call signs to ships documented by the Customs Bureau of the Treasury Department and provided with distinguishing signals for visual and aural signaling.
[4] Any three letter call sign now authorized for use by a licensee of a standard broadcast station may continue to be available to such licensee for use by the station to which it now is authorized.
[5] Available only to licensees of Standard broadcast stations already assigned a three-letter call sign.

§ 2.303 *Table of geographic assignment of call signs.* The following geographic allocation of call signs will be used for all fixed, land, and radionavigation land stations except coast stations (other than coastal telephone stations in Alaska.)

Call sign area	*Call sequence* [1] [2]
Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.	KAA-KBZ WAA-WBZ
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.	KCA-KDZ WCA-WDZ
New Jersey, New York	KEA-KFZ WEA-WFZ
Delaware, District of Columbia, Maryland, Pennsylvania	KGA-KHZ WGA-WHZ
Alabama, Georgia, Florida, Kentucky, North Carolina, South Carolina, Tennessee, Virginia.	KIA-KJZ WIA-WJZ
Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, Texas	KKA-KLZ WKA-WLZ
California	KMA-KNZ WMA-WNZ
Arizona, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming	KOA-KPZ WOA-WPZ
Michigan, Ohio, West Virginia	KQA-KRZ WQA-WRZ
Illinois, Indiana, Wisconsin	KSA-KTZ WSA-WTZ
Pacific areas	KUA-KVZ
Alaska	KWA-KZZ
Atlantic-Caribbean areas	WWA-WWZ

[1] Broadcasting station calls do not follow the sequence of this table.
[2] The first two letters of Experimental Station calls will follow the sequence of this table.

SUBPART E—DISTRESS, DISASTER AND EMERGENCY COMMUNICATIONS

§ 2.401 *Distress messages.* Each station licensee shall give absolute priority to radiocommunications or signals relating to ships or aircraft in distress; shall cease all sending on frequencies which will interfere with hearing a radiocommunication or signal of distress and except when engaged in answering or aiding the ship or aircraft in distress, shall refrain from sending any radiocommunications or signals until there is assurance that no interference will be caused with the radiocommunications or signals relating thereto; and shall assist the ship or aircraft in distress, so far as possible, by complying with its instructions.

§ 2.402 *Control of distress traffic.* The control of distress traffic is the responsibility of the mobile station in distress or of the mobile station which, by the application of the provisions of § 2.403, has sent the distress call. These stations may, however, delegate the control of the distress traffic to another station.

§ 2.403 *Retransmission of distress message.* Any station which becomes aware that a mobile station is in distress may transmit the distress message in the following cases:

(a) When the station in distress is not itself in a position to transmit the message.

(b) In the case of mobile stations, when the master or the person in charge of the ship, aircraft, or other vehicles carrying the station which intervenes believes that further help is necessary.

(c) In the case of other stations, when directed to do so by the station in control of distress traffic or when it has reason to believe that a distress call which it has intercepted has not been received by any station in a position to render aid.

§ 2.404 *Resumption of operation after distress.* No station having been notified to cease operation shall resume operation on frequency or frequencies which may cause interference until notified by the station issuing the original notice that the station involved will not interfere with distress traffic as it is then being routed or until the receipt of a general notice that the need for handling distress traffic no longer exists.

§ 2.405 *Operation during emergency.* The licensee of any station, except amateur, may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in communicating in a manner other than that specified in the instrument of authorization; *Provided:* (a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D. C., and to the Engineer in Charge of the district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) That the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and (c) That the Commission at Washington, D. C. and the Engineer in Charge shall be notified immediately when such special use of the station is terminated: *Provided further,* (d) That in no event shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law. *And provided further,* (e) That the Commission may, at any time, order the discontinuance of any such emergency communication undertaken under this section.

§ 2.406 *National defense; free service.* Any common carrier subject to the Communications Act may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this rule, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for all such communications had been collected at the published tariff rates.

§ 2.407 *National defense; emergency authorization.* The Federal Communications Commission may authorize the licensee of any radio station during a period of national emergency to operate its facilities upon such frequencies, with such power and points of communication, and in such a manner beyond that specified in the station license as may be requested by the Army, Navy, or Air Force.

APPENDIX A—LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO
(As of May 15, 1952)

[Unless otherwise indicated, copies of these documents may be obtained from the Government Printing Office, Washington 25, D. C.]

1. For informational purposes the applicable Federal Laws, international treaties, agreements, and arrangements in force relating to radio and to which the United States is a party, are listed below.

Date	Series [1]	Subject
1910	----------	Ship Act of 1910 as amended July 23, 1912. (Those provisions relating to required radiocommunication for ships navigating the Great Lakes.)
1925	T. S. 724-A	Arrangements between the United States of America, Great Britain, Canada, and Newfoundland effected by exchange of notes September and October 1925, providing for the prevention of interference by ships off the coast of these countries with radio broadcasting. (Not available at the Government Printing Office.)
1928 and 1929	T. S. 767-A	Arrangement effected by exchange of notes between the United States of America and Dominion of Canada governing radio communications between Private Experimental Stations. Signed Oct. 2, 1928, Dec. 29, 1928, and Jan. 12, 1929.
1929	T. S. 777-A	Arrangement between the United States of America, Canada, Cuba, and Newfoundland relating to assignment of high frequencies on the North American continent effected by exchange of notes signed at Ottawa Feb. 26 and 28, 1929. (Cuba ceased to be party by virtue of notice to Canadian Government of Oct. 5, 1932, effective Oct. 5, 1933. Arrangement still in force with respect to United States of America, Canada and Newfoundland.) (Not available at the Government Printing Office.)

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Act Series.

APPENDIX A—LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO—Continued

[Unless otherwise indicated, copies of these documents may be obtained from the Government Printing Office, Washington 25, D. C.]

Date	Series[1]	Subject
1947	TIAS 1901	International Telecommunication Convention, Final Protocol and Radio Regulations. Signed at Atlantic City, N. J., Oct. 2, 1947. Supersedes Radio Regulations effective Jan. 1, 1949, except for Regulations enumerated in Article 47. However, the effective date provisions of Article 47 have been superseded by the provisions of the Agreement signed at the Extraordinary Administrative Radio Conference, Geneva, 1951 (see below). Administrative Regulations and additional Radio Regulations since the United States is not a party thereto. Copies of the final acts of the Atlantic City conferences which include the Additional Radio Regulations are available only from the International Telecommunication Union, Geneva, Switzerland.
1947	TIAS 1652	Telecommunications—Measuring Equipment. Agreement between the United States of America and the United Kingdom of Great Britain and Northern Ireland. Signed at Washington Oct. 13, 1947.
1947	TIAS 1676	Agreement between the United States of America and the United Nations. Signed at Lake Success June 28, 1947; brought into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary-General of the U.N. (The provisions of this agreement were also made applicable to the Specialized Agencies by the notification procedure established in the NARBA (T. S. 777-A, T. S. 962, E. A. S. 227 and TIAS 1553) and under the Inter-American Radio Communications Convention (T. S. 950). (Not available at the Government Printing Office).
1947	TIAS 1676	Telecommunication Agreement between the United States of America and Canada. Effective April 1, 1948. (Not available at the Government Printing Office).
1948	TIAS 1802	Telecommunication Agreement between the United States of America and the United Kingdom. Signed at London, August 12, 1949. Effective February 24, 1950. (Not available as of July 21, 1950, but to be published shortly by Government Printing Office.)
1949		Inter-American Radio Agreement between the United States and other American Republics (Fourth Inter-American Radio Conference). Signed at Washington, July 9, 1949. Entered into force April 13, 1952, subject to provisions of Article 13. (Not available from Government Printing Office. Available from International Telecommunication Union, Geneva, Switzerland.)
1949		Telecommunications—Radio Frequency Channel Arrangements, Final Revision, 1949, annexed to the International Telecommunication Convention (Atlantic City, 1947) and Final Protocol to the Telegraph Regulations. Signed at Paris, August 5, 1949. Effective July 1, 1950. Instruments of ratification of the United States deposited with the International Telecommunication Union July 1, 1950.
1950	TIAS 2223	Radio communications between amateur stations on behalf of third parties. Arrangement between U. S. A. and Ecuador. Effective March 17, 1950. (Not available as of July 21, 1950, but to be published shortly by Government Printing Office.)
1951		Radio communications between amateur stations on behalf of third parties. Agreement between U. S. A. and Liberia effective January 11, 1951.
1951	TIAS 2369	Agreement between the United States of America and Mexico which assigns television frequency channels to other within 250 miles of the United States-Mexican border. Signed at Mexico City, Aug. 10, 1951, and Sept. 26, 1951. (Not available from Government Printing Office.)
1951		Agreement signed at the Extraordinary Administrative Radio Conference to bring into force the Table of Frequency Allocations and other portions of the Radio Regulations revised by the Conference. Signed at Geneva, Dec. 3, 1951. Entered into force Mar. 1, 1952. (Not available at Government Printing Office. Expected to be available from International Telecommunication Union, Geneva, Switzerland, at an early date.)
1952		Radio communications between amateur stations on behalf of third parties. Agreement between U. S. A. and Cuba effective Apr. 14, 1952. (Not yet available but to be published by Government Printing Office as a TIAS document.)
1952		Treaty with Canada effective May 15, 1952, relating to mutual recognition between the United States and Canada of certain types of radio operator licenses issued by either country. Not available from the Government Printing Office.

[1] In addition, certain Resolutions and Recommendations were adopted by a number of countries, members of the International Telecommunication Union Radcon 2 at Washington, July 9, 1949. (Not available from Government Printing Office. Available from International Telecommunication Union, Geneva, Switzerland.)

APPENDIX A—LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO—Continued

[Unless otherwise indicated, copies of these documents may be obtained from the Government Printing Office, Washington 25, D. C.]

Date	Series[1]	Subject
1929	T. S. 910	Safety of Life at Sea Convention with Regulations between the United States of America and Other Powers, signed at London May 31, 1929.
1930	T. S. 921	Amendment to Regulation XIX of Annex I to the Safety of Life at Sea Convention, Dec. 31, 1929.
1934		Communications Act of 1934, as amended.
1934	E. A. S. 62	Radio communications between experimental stations and between amateur stations. Arrangement between the United States of America and the Dominion of Canada (continuing arrangement effected by exchange of notes signed Oct. 2, 1928, Dec. 29, 1928, and Jan. 12, 1929) effected by exchange of notes signed Apr. 23 and May 2 and 4, 1934. Effective May 4, 1934. (Not available at the Government Printing Office.)
1934	E. A. S. 66	Radio communications between amateur stations on behalf of third parties. Arrangement between the United States of America and Peru. Effective May 23, 1934.
1934	E. A. S. 72	Radio communications between amateur stations on behalf of third parties. Arrangement between the United States of America and Chile. Effected by exchange of notes signed Aug. 2 and 17, 1934.
1937	E. A. S. 109	Exchange of information concerning issuance of radio licenses. Agreement between the United States of America and Canada. Effected by exchange of notes signed Mar. 2 and 3, 1937, and Apr. 30 and May 3, 1937. This agreement was largely superseded by the notification procedure established in the NARBA (T. S. 777-A, T. S. 962, E. A. S. 227 and TIAS 1553) and under the Inter-American Radio Communications Convention (T. S. 950). (Not available at the Government Printing Office.)
1937	T. S. 962	North American Regional Broadcasting Agreement between the United States of America, Cuba, Dominican Republic, Haiti, and Mexico. Signed at Habana, Dec. 13, 1937. Note: See E. A. S. 227 and TIAS 1553 which supplement this agreement. (Not available at the Government Printing Office.)
1937	T. S. 968	Inter-American Radio Communications Convention between the United States of America and Other Powers. Signed at Habana, Dec. 13, 1937. (First Inter-American Conference.)
1938	E. A. S. 142	Radio Communications between Alaska and British Columbia. Agreement between United States of America and Canada effected by exchange of notes June, July, August, September, October, November, December 1938.
1938	T. S. 949	Regional Radio Convention between the United States of America (in behalf of the Canal Zone) and the Governments of Latin American States. Signed at Habana, Dec. 13, 1937. (Not available at the Government Printing Office.)
1938	E. A. S. 136	Radio Broadcasting Arrangement between the United States of America and Canada. Effected by exchange of notes signed Oct. 28 and Dec. 10, 1938. (Not available at the Government Printing Office.)
1939	E. A. S. 143	United States of America and Canada. Arrangement between the United States of America and Canada. Effective Feb. 20, 1939. (Not available at the Government Printing Office.)
1940	E. A. S. 196	Agreement between United States of America and Mexico with regard to broadcasting effected by an exchange of notes signed Aug. 24 and 28, 1939, and Mar. 29, 1941. (Not available at the Government Printing Office.)
1941	E. A. S. 227	Supplementary North American Regional Broadcasting Agreement signed at Washington, Jan. 30, 1941. (See T. S. 962 and TIAS 1553.)
1944	E. A. S. 400	Agreement with Canada Regarding Construction and Operation of Radio Facilities on Certain Routes in Canada. Effected by exchange of notes signed at Ottawa, Nov. 5 and 25, 1943 and Jan. 12, 1944. This Agreement is to "cease with termination of the war." (Not available at the Government Printing Office.)
1946	TIAS 1553	North American Regional Broadcasting Interim Agreement between the United States of America, Cuba, Haiti, and Mexico. Signed at Washington, February 25, 1946. Note: See T. S. 962 and E. A. S. 227. Amended by TIAS 1802.
1946	TIAS 1527	Agreement between the United States of America and Union of Soviet Socialist Republics on organization of Commercial Radio Teletype Circuit. Signed at Moscow, May 24, 1946.
1947	TIAS 1726	Agreement between United States of America and Canada providing for frequency modulation broadcasting in channels in the r. f. band 88-106 Mc. Effected by exchange of notes signed at Washington, Jan. 24 and Oct. 15, 1947. (Not available at the Government Printing Office.)
1947	TIAS 1670	International Telecommunication Union Radio Regulations, Atlantic City, 1947. Effected by Exchange of Notes, signed at Washington June 25 and Aug. 20, 1947.

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Act Series.

2. In addition, the United States is bound by certain other treaties and agreements which are generally considered as superseded because certain of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound to the original document with respect to our relations with those particular countries. These include the following:

Date	Series[1]	Subject
1912	T. S. 581	International Radiotelegraph Convention, Final Protocol and Service Regulations. Signed at London, July 5, 1912. (Not available at the Government Printing Office.)
1927	T. S. 767	International Radiotelegraph Convention and General Regulations. Signed at Washington Nov. 25, 1927.
1932	T. S. 867	International Telecommunications Convention; General Radio Regulations annexed to the International Telecommunications Convention, signed at Madrid, Dec. 9, 1932. (Not available at the Government Printing Office.)
1937	E. A. S. 200	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Habana Dec. 13, 1937. This arrangement was replaced by Inter-American Agreement concerning Radiocommunications signed at Santiago, Jan. 26, 1940, E. A. S. 231. Countries which approved the 1937 arrangement but which have not yet approved the 1940 arrangement are Dominican Republic, Haiti, Mexico, Panama, and Peru. (Not available at the Government Printing Office.)
1938	TS 948	General Radio Regulations (Cairo Revision, 1938) and Final Radio Protocol (Cairo Revision, 1938) annexed to the International Telecommunication Convention of Madrid, 1932. Superseded by Radio Regulations annexed to the International Telecommunication Convention, Atlantic City, 1947.
1940	EAS 231	Inter-American Radio Communications Agreement between the United States, Canada and other American Republics. (Second Inter-American Radio Conference), signed at Santiago, Chile, Jan. 26, 1940.

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Act Series.

3. The following treaties, agreements and arrangements have been signed by the United States and are included for informational purposes because of their importance or the imminence of their effective dates:

Date	Subject
1948	International Convention for the Safety of Life at Sea and annexed Regulations. Signed at London, June 10, 1948. Enters into Force Nov. 19, 1952, subject to the provisions of Article II of the Convention.
1950	North American Regional Broadcasting Agreement between the United States of America, Canada, Cuba, Dominican Republic, United Kingdom of Great Britain and Northern Ireland for the Territories in the North American Region (Bahama Islands and Jamaica). Signed at Washington, D. C., November 15, 1950. Agreement will enter into force subsequent to ratification of at least three of these four countries, in accordance with Part III, paragraph I, of the Agreement: Canada, Cuba, Mexico and the United States of America, subject to ratification procedure in the United States. (Not available from Government Printing Office. Available through the International Telecommunication Union, Geneva, Switzerland.)

4. There are, in addition to the foregoing, certain treaties, agreements or arrangements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission insofar as they involve communications. Among the most important of these are the following:

Date	Series[1]	Subject
1944	TIAS 1591	International Civil Aviation Convention. Signed at Chicago, Dec. 7, 1944. Effective April 4, 1947.
1946		Special Radio Technical Meeting (COT), Montreal.[2]
1946		ICAO Regional Air Navigation Meetings, Communications Committee, Final Reports.[2]
1947		
1948		
1949		
1950		
1946		ICAO Communication Division, Second Session, Montreal.[2]
1949		ICAO Communication Division, Third Session, Montreal.[2]
1951		ICAO Communication Division, Fourth Session, Montreal.[2]

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and Other International Act Series.

[2] Not available from Government Printing Office. Available from Secretary General of ICAO, International Aviation Building, 1080 University Street, Montreal, Canada.

APPENDIX B—DATE AND METHOD OF ENTRY INTO FORCE OF THE ITU RADIO REGULATIONS (ATLANTIC CITY, 1947) LISTED IN ARTICLE 47 THEREOF AS NOT ENTERING INTO FORCE ON JANUARY 1, 1949, BASED ON PROVISIONS OF THE GENEVA AGREEMENT (AGREEMENT OF THE EXTRAORDINARY ADMINISTRATIVE RADIO CONFERENCE, GENEVA, 1951)

NOTE: Appendix B not filed with the Federal Register Division. Copies may be obtained from the Federal Communications Commission.

[F. R. Doc. 52-11709; Filed, Oct. 31, 1952; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs. Serial No. SR-389]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

SPECIAL CIVIL AIR REGULATION; EMERGENCY EXITS FOR AIRPLANES CARRYING PASSENGERS FOR HIRE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of October 1952.

Special Civil Air Regulation SR-387, effective October 27, 1952 (17 F. R. 8613), contained inadvertent errors in the table with respect to the number of exits authorized by the Civil Aeronautics Administration for passenger use. These errors are being corrected in this Special Civil Air Regulation. Accordingly, the CV-240, CV-340, and M-202 which were listed in SR-387 with seven approved exits are listed herein with six exits, and the M-404 which was listed in SR-387 with eight approved exits is listed herein with seven exits.

Civil Air Regulations Amendment 4b-4, effective December 20, 1951, prescribes emergency exit provisions for new type transport category airplanes. The amendment was not made applicable to airplane types currently in operation. Nevertheless the Board considers that more stringent rules should apply to all large airplanes carrying passengers for hire. A study of current type airplanes indicates that in some instances the exit facilities have become marginal for the number of occupants carried and that further increases in occupancy must be more strictly related to the number of exits available. The study further reveals that even in some of the airplane types which are not considered marginal in this respect further increases in occupancy should not be permitted without the installation of additional exits.

The regulation herein adopted requires on all large airplanes (above 12,500 pounds maximum certificated take-off weight) compliance with either § 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b-4, effective December 20, 1951, or with the listed values of maximum number of occupants, except that the listed values can be adjusted for the number of exits installed in the ratio of not more than eight additional occupants for each additional exit. The type, size, and location of such additional exits are being made dependent upon the presently installed exit facilities on the individual airplane types. The listed values of maximum number of occupants and the corresponding number of exits reflect in most instances the arrangement presently approved. In a few cases, upward adjustments from the presently approved arrangement have been made where the number of exits so warrants.

Special Civil Air Regulation SR-387 is hereby superseded. It is, however, set out in its entirety in this regulation, including the reasons for its adoption, so that all pertinent information may be available in one document. Since the errors being corrected by this regulation are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and the regulation may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective October 27, 1952:

Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (above 12,500 pounds maximum certificated take-off weight) while carrying passengers for hire shall be operated with occupants in excess of the number permitted by applying the provisions of § 4b.362 (a), (b), and (c) of Part 4b of the Civil Air Regulations as amended by Amendment 4b-4, effective December 20, 1951, except that airplane types listed in the following table may be operated with the listed maximum number of occupants (including all crew members) and the listed corresponding

number of exits (including emergency exits and doors) heretofore approved by the Administrator for emergency egress of passengers. Additional occupants above the values listed in the table may be carried if additional exits are provided, except that in no case shall more than eight additional occupants be carried for any one additional exit. The type, size, and location of such additional exits shall be approved by the Administrator. For airplanes which have a ratio of maximum number of occupants to number of exits (as listed in the following table) greater than 14:1 and for airplanes which do not have installed at least one full-size door-type exit in the side of the fuselage in the rearward portion of the cabin, the first additional exit approved by the Administrator for increased occupancy shall be a floor-level exit not less than 24 inches wide by 48 inches high located in the side of the fuselage in the rearward portion of the cabin. In no case shall an occupancy greater than 115 be allowed unless there are two full-size door-type exits in the rearward portion of the cabin, one on each side of the fuselage.

Airplane type	Maximum number of occupants including all crew members	Corresponding number of exits authorized for passenger use
B-307	61	4
B-377	96	9
C-46	67	4
CV-240	53	6
CV-340	53	6
DC-3	35	4
DC-3 (Super)	39	5
DC-4	86	6
DC-6	87	7
DC-6B [1]	112	11
L-18	17	3
L-049, L-649, L-749	87	7
L-1049	96	9
M-202	53	6
M-404	53	7

[1] The DC-6A, if converted to a passenger transport configuration, will be governed by the maximum number applicable to the DC-6B.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-11784; Filed, Oct. 31, 1952; 8:58 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 943]

[Docket No. AO 231-A 3]

HANDLING OF MILK IN NORTH TEXAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Junior Ball Room, Jefferson Hotel, 312 South Houston Street, Dallas, Texas, beginning at 10:00 a. m., c. s. t., November 18, 1952, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the North Texas marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the North Texas marketing area were proposed as enumerated below. Proposals relative to enlargement of the marketing area raise the issue as to whether the provisions of the present order would tend to effectuate the declared policy of the act if applied to the marketing area, as proposed to be extended, and if not, what modifications of the provisions of the order, as amended, are appropriate to effectuate the declared policy of the act.

Amendments to the order, as amended, have been proposed as follows:

With respect to definitions:

By North Texas Producers Association, Arlington, Texas:

1. Re-define the definition of "Producer" in § 943.10, so as to restrict this definition of a "Producer" so as to require that such a person hold a Grade A Health Department Permit, or rating, issued by a local, State or Federal health authority having jurisdiction within the marketing area, and to provide that a producer whose milk is diverted to an unapproved plant for more than five days during any one month shall not retain his status as a producer (when his milk is so diverted), except when such diversion occurs during the delivery periods of March through August of each year.

2. Amend the provisions of § 943.6, to add to the North Texas marketing area all territories including all municipal corporations, Federal military reservations, facilities and installations, and State institutions within Wichita County, Texas.

3. Amend the provisions of § 943.7 (a) to read as follows:

(a) A milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream labelled Grade A is disposed of for fluid consumption in the marketing area on wholesale or retail routes, except deliveries to the approved plant of a handler (including plant stores, vendors, peddlers or independent contractors), or:

4. Re-define that part of § 943.7 (b) relating to a receiving station qualifying as an approved plant, so as to require that the operator of such a receiving station dispose of not less than 75 percent of his Grade A receipts as Class I during each of the delivery periods of September through March, in order to qualify as a Pool Plant during such delivery periods, and to require that such operator of a receiving station dispose of not less than 50 percent of his total Grade A receipts as Class I during the preceding delivery periods of September through March, in order to qualify as a Pool Plant during the delivery periods of April through August.

5. Insert a new definition of a pool plant, which will require that a handler dispose of not less than 15 percent of his total Grade A receipts as Class I on regular wholesale and retail routes within the marketing area, in order to qualify as a pool plant.

By Hugo Swan, Dallas, Texas, on behalf of certain handlers:

6. Amend § 943.6 entitled "North Texas Marketing Area" so as to include the following counties:

Franklin.	Navarro.
Titus.	Harrison.
Camp.	Red River.
Morris.	Bowie.
Upshur.	Van Zandt.
Wood.	McLennan.
Rains.	Hill.
Smith.	Bell.
Gregg.	Falls.
Rusk.	Somervell.
Henderson.	Hood.

By Malsby's, Mineral Wells, Texas:

7. That Palo Pinto County, Texas, be included in the marketing area.

With respect to classification of milk:

By North Texas Producers Association:

8. Amend the provisions of § 943.44 (b) and (c) to extend the mileage limitations contained in these paragraphs to 250 miles, and to provide that said mileage limitations be computed on an airline mile basis from the nearest point of the marketing area.

By Hugo Swan on behalf of certain handlers:

9. Delete from § 943.41 entitled "Classes of Utilization" paragraph (a) (1) the following word, "Buttermilk."

10. Amend § 943.41 paragraph (b) by adding the following subparagraphs:

(5) Dumped or destroyed in accordance with regulations to be determined by the Administrator.

(6) Sold to bakeries and other food product manufacturers permitted to use ungraded milk products.

11. Amend § 943.44 entitled "Transfers" so that paragraph (c) shall read as follows:

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk from an approved plant to an unapproved plant more than 200 air miles distant from the nearest boundary of the North Texas Marketing area and/or located in the counties of Lawrence, Barry, Cedar, Newton, McDonald, Jasper, Dade, Greene, St. Clair and Polk in Missouri and/or located in the counties of Benton, Carroll, Washington, Madison and Boone in Arkansas.

12. Amend § 943.44 *Transfers* by adding the following paragraph:

As Class II milk, all skim milk contained in a product transferred or diverted as cream.

13. Add to § 943.44 the following paragraph:

As Class II milk without certification if transferred or diverted to a plant that does not handle Class I products providing the Administrator has the right to verify uses.

By Producers Creamery Company of Springfield, Springfield, Missouri:

14. Delete § 943.44 (c), (d), and (e) and substitute in lieu thereof the following:

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk from an approved plant to an unapproved plant located outside the following area (referred to in this subpart as "surplus milk manufacturing area"), to wit: 200 airline miles from the nearest point on the outer edge of the marketing area and the counties of Barry, Cedar, Greene, Lawrence, in the State of Missouri; and the county of Benton in the State of Arkansas.

(d) As Class I milk, if transferred in the form of cream under Grade A certification from an approved plant to an unapproved plant located outside the surplus milk manufacturing area, and as Class II milk, if so transferred, without Grade A certification.

(e) As Class I milk, if transferred or diverted in the form of milk, skim milk, or cream from an approved plant to an unapproved plant located within the surplus milk manufacturing area, unless:

(1) The handler claims classification as Class II milk on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the unapproved plant and the handler on or before the 7th day after the end of the month within which such transfer occurred; and

(2) The operator of the unapproved plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification: *Provided*, That if the Class I utilization of skim milk and butterfat in such plant exceeds receipts at such plant of skim milk and butterfat, respectively, in milk direct from dairy farmers who the market administrator determines constitutes the regular source of supply for fluid usage of such unapproved plant in markets supplied by it, an amount of skim milk and butterfat equal to such excess shall be classified as Class I milk.

By Dairy Branch, Production and Marketing Administration:

15. Amend § 943.41 (b) to provide that shrinkage of skim milk and butterfat prorated to other source milk be classified as Class II milk.

With respect to minimum prices:

By North Texas Producers Association:

16. Amend the provisions of § 943.51 (a) (1) to provide that the supply-demand adjustment factor included in this subparagraph be amended, so as to provide that the moving factor of 2½ cents provided in that subparagraph shall be changed so as to provide for a moving factor of 2 cents up and 4 cents down during April, May and June, 4 cents up and 2 cents down during October through January, and 3 cents in each direction during all other months of the year.

17. Amend the provisions of § 943.51 (a) to read as follows:

(a) Class I Milk: The basic formula price for the preceding month plus $2.30, for each of the months of April, May and June and plus $2.65, for all other months of the year, subject to the following:

18. Amend the provisions of § 943.51 (b) to provide that the Class II price for the months of July through March shall be computed by adding 20 cents to the higher of the prices determined pursuant to § 943.50 (b) or (c) for the current month and for all other months, the price computed pursuant to (c) for the current month.

19. Add to the provisions of § 943.52 (a) the following: "*Provided*, That the Class I butterfat differential shall in no event be less than the Class II butterfat differential provided in paragraph (b) of this section."

20. Amend the provisions of § 943.51 and 943.52, so as to specify the exact number of decimal points to be used in the prices therein provided.

21. Add a new § 943.53 to read as follows:

§ 943.53 *Location adjustment credit to handlers.* For milk classified as Class I milk which is received from producers at an approved plant, or is diverted to an unapproved plant, located at the following airline distances from the nearest point in the marketing area, the prices specified in § 943.51 (a) shall be subject to a location adjustment credit to the handler in the amount per hundredweight specified below:

Miles:	*Rate per hundredweight*
151–200	$0.50
201–250	.60
251–300	.70
301–350	.80
351–400	.90
401–450	1.00
451 or more	1.10

By Hugo Swan on behalf of certain handlers:

22. Delete § 943.51 (a) (1).

23. Amend § 943.50 paragraph (c) to read as follows:

(c) The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Hawk Dairy, Tulsa, Okla.
Gilt Edge, Norman, Okla.
Kraft Foods Co., Sulphur, Okla.

and one of the following three plants:

Carnation Co., Sulphur Springs, Tex.
The Borden Co., Mount Pleasant, Tex.
Lamar Creamery, Paris, Tex.

24. Amend the first paragraph of § 943.51 to read as follows:

§ 943.51 *Class prices.* Subject to the provisions of § 943.52, the minimum prices per hundredweight to be paid by each handler for milk received at his processing plant from producers during the months shall be as follows:

25. Delete the words "Carnation Company, Jefferson, Wisconsin" from § 943.50 (a).

With respect to payments on base ratings:

By North Texas Producers Association:

26. Amend the provisions of § 943.90 (a) and (b), to provide that each handler shall make a partial payment to producers at not less than the Class II price of the preceding month, without adjustment to tests and without reference to any deductions on the 25th of the current month, and the 5th of the following month for milk received during the first 10 days and the second 10 days of the month respectively, with the final payment for the preceding month to be made not later than the 15th day after the end of the month.

27. Amend the provisions of § 943.14 *base milk*, to add to the definition of base milk the months of July and August, and amend the provisions of § 943.80 to add to the months used for the computation of the average base for each producer the months of July and August, and amend the provisions of § 943.73 and any other required sections to conform with these changes.

28. Amend the provisions of § 943.90 (a) to provide that payments made to producers shall be made in accordance with the arithmetic average of the butterfat tests made on the producers milk, during the months for which the payments are being computed.

29. Insert a new paragraph as § 943.90 (d) to read as follows:

(d) In making payments pursuant to § 943.90 (a), there shall be deducted from the uniform price, or the base price, whichever is applicable for milk received in the approved plant of a handler or diverted to an unapproved plant located more than the following airline miles from the nearest point of the marketing area, the following amounts:

Miles:	*Amount*
151–200	$0.50
201–250	.60
251–300	.70
301–350	.80
351–400	.90
401–450	1.00
451 or more	1.10

30. Amend the provisions of § 943.91 to provide that in making payments pursuant to § 943.90, there shall be added to, or deducted from, the uniform price

for each $\frac{1}{10}$ of 1 percent that the average butterfat content of the milk received from producers is above or below, 4 percent, an amount computed by the Market Administrator from the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A 92-score bulk creamery butter at Chicago, as reported by the Department during the month, according to the following table:

Butter price:	*Butterfat differential (cents)*
20–30 cents	3
30–40 cents	4
40–50 cents	5
50–60 cents	6
60–70 cents	7
70–80 cents	8
80–90 cents	9
90 cents–$1.00	10
$1.00–$1.10	11

31. Delete § 943.80 (a) and substitute the following:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through December, immediately preceding by the number of days of such producer's delivery in such period: *Provided*, That in the case of any producer who delivers milk on an every-other-day basis, the number of days to be used in computing such producers base shall be the same as though such producer delivered such milk every day.

32. Delete § 943.81 (b) and substitute the following:

(b) The entire base of a producer may be transferred to another producer by notifying the Market Administrator in writing, on or before the 1st day of the month to which such transfer becomes effective. Such notice shall be signed by both the transferor and the transferee.

By Hugo Swan on behalf of certain handlers;

33. Delete and/or amend § 943.90 paragraphs (b) and (c) so as to insure advance payments being made on a uniform basis so as to keep the cost of auditing producer payrolls at a minimum.

34. Amend § 943.97 *Expenses of administration* by adding the following paragraph:

Each handler who makes advance payments to more than 30 percent of his producers on a basis at variance with § 943.90, as amended, setting forth the basis whereby advance payments are to be made, shall pay an additional 2 cents per hundredweight to take care of the additional auditing expense thus incurred.

35. Amend § 943.90 by adding paragraph (d) as follows:

(d) Notwithstanding the other provisions of this order, the payments due producers during the month of December of each year shall be determined on the basis of two accounting periods, namely, from December 1 to December 15, inclusive, and from December 16 to December 31, inclusive. Payments to producers as thus determined shall be in accordance with the provisions elsewhere set forth in this subpart.

By Dairy Branch, Production and Marketing Administration:

36. Amend the order to provide that interest be charged on payments required under the order which are not made by the date specified therefor.

With respect to miscellaneous provisions:

By North Texas Producers Association:

37. Amend the definition of "producer", § 943.10; the definition of "handler," § 943.9; the definition of "approved plant," § 943.7; the reporting provisions of § 943.30, and any and all other sections which may be required to be amended, as a result of the installation of a farm-tank pickup system.

38. Add a new § 943.62 to provide that a handler who has purchased, or received, other source milk from a producer-handler, or from any source other than a producer or other handler, and has been allocated to Class I pursuant to § 943.46, the Market Administrator in determining the net pool obligation of such handler shall add an amount equal to the difference between the value of such other source milk at the applicable Class I and Class II prices, unless such handler can prove to the satisfaction of the Market Administrator that such other source milk was utilized only to the extent that producer milk was not made available to such handler at his plant, at the Class prices provided pursuant to this order by a cooperative producers association, or at the Class prices provided pursuant to this order plus a receiving, handling and cooling charge of not more than 40 cents per hundredweight by another handler.

39. Insert a new § 943.63, to require that the operator of a non-pool plant pay to the Market Administrator for deposit into the producer-settlement fund, the difference between the value of his Class I sales within the marketing area at the applicable Class I price, and the value of such sales at the applicable Class II price.

40. Delete § 943.70 and substitute the following:

§ 943.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the Market Administrator as follows:

(a) Multiply the pounds of milk in each class, pursuant to § 943.46 (a) (6) and (b) by the applicable class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 943.46 by the applicable class prices; and

(c) Add an amount computed by multiplying the pounds of Class I milk which are in excess of such handlers' receipts of producer milk and other source milk, approved by the applicable health authority for sale as Grade A milk in the marketing area, by the difference between the Class II and Class I prices for such milk.

41. Make such other changes in the order as may be required to make the entire marketing agreement and order conform with any amendments that may result from this amendment hearing.

By Hugo Swan on behalf of certain handlers:

42. Amend definitions of producer, approved plant, handler, the reporting provisions and any other necessary provisions in the order so as to put tank pick up of milk on the same basis as other producer milk received in producer cans at platform of an approved processing plant.

43. Amend § 943.33 *Records and facilities* by adding paragraph (e) as follows:

(e) The title and responsibility for milk picked up by tanks.

44. Amend § 943.30 so that reporting by handlers shall be limited to the transactions pertaining to skim milk and butterfat having to do with producer milk and other source milk purchased for use in Class I products and cottage cheese, and the disposition of such products.

45. Amend § 943.22 so as to confine the auditing and reporting duties of the market administrator to the operations of handlers in the purchase, processing and distribution of milk and butterfat in the handlers' operations pertaining to Class I products and cottage cheese.

By Producers Creamery Company of Springfield:

46. Delete § 943.61 (b).

By Dairy Branch, Production and Marketing Administration:

47. Amend § 943.22 (h) by deleting the words "within 10 days."

48. Amend § 943.70 by adding the following proviso: *"And provided further*, That there shall be added any plus amounts resulting from the reclassification of skim milk and butterfat pursuant to § 943.43 (b)."

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 6619 Denton Drive, Dallas, Texas, or the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: October 29, 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator.

[F. R. Doc. 52-11788; Filed, Oct. 31, 1952; 8:59 a. m.]

[7 CFR Part 949]

[Docket No. AO 232–A1 RO1]

HANDLING OF MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the reopening of the public hearing held at San Antonio, Texas, August 26, 1952, on proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the San Antonio marketing area.

The purpose of the reopened hearing is to afford interested parties opportunity to introduce additional evidence with respect to emergency and other economic conditions which relate to the handling of milk in the San Antonio, Texas, marketing area, and to the proposed amendments, and to receive evidence concerning the additional proposals for amendment hereinafter set forth, or appropriate modifications thereof. Neither the proposals set forth below nor those contained in the original Notice of Hearing have been approved by the Secretary of Agriculture.

The reopened hearing will be held in the Non Jury Court Room (#371), U. S. Post Office and Court House, San Antonio, Texas, beginning at 10:00 a. m., c. s. t., November 5, 1952.

The following additional amendments have been proposed:

By Producers Association of San Antonio, Inc.

1. Amend § 949.51 as follows:

a. Change § 949.51 (a) to read:

(a) Multiply the formula index computed pursuant to § 942.52 by $5.74 and divide by 100; to the resultant amount add 46¢ through the month of March 1953.

b. In § 949.51 (c), add a period after 110 and delete *"Provided*, That in no case shall more than 60 cents be added to or subtracted from the price because of the provisions of this paragraph."

c. In § 949.51 (d), delete the comma following the word Department and add a period. Delete the remainder of the sentence "divided by 3.5 and multiplied by 4.0."

2. Amend § 949.53 as follows:

a. In § 949.53 (a), delete the figure "4.0" and substitute therefor the figure "3.5."

b. In § 949.53 (b), delete the figure "8.16" and substitute therefor the figure "8.20."

3. Amend § 949.54, by deleting the phrase "4.0 percent" wherever it occurs and substituting therefor the phrase "3.5 percent."

4. Amend § 949.71 by deleting the phrase "4.0 percent" wherever it occurs and substitute therefor the phrase "3.5 percent."

5. Amend § 949.81 by deleting the phrase "4.0 percent" wherever it occurs and substituting therefor the phrase "3.5 percent" and by deleting the figure "1.2" and substituting therefor the figure "1.1."

By Committee of San Antonio Handlers:

6. That a base-surplus plan of payments to producers be included in the order.

By Milam Creamery:

7. That milk "dumped out," down the drain or otherwise be Class II milk.

By Tennessee Dairies:

8. Delete and/or amend §§ 949.51 and 949.52 and substitute therefor a formula for Class I price based upon the price of ungraded skim milk and butterfat plus a proper differential added thereto pegged to the prices applicable to the North Texas market.

9. Delete and/or amend § 949.53 so as to provide a Class II price for milk based upon the price that ice cream manufacturers in the San Antonio market pay for skim milk solids and butterfat used in the manufacture of ice cream.

10. Delete from § 949.41 *Classes of utilization* paragraph (a) (1) the following word "Buttermilk."

11. Amend § 949.41 (b) by adding the following subparagraphs:

(6) Dumped or destroyed in accordance with regulations to be determined by the Administrator.

(7) Sold to bakeries and other food product manufacturers permitted to use ungraded milk products.

12. Amend § 949.80 by adding paragraph (d) as follows:

(d) Notwithstanding the other provisions of this order, the payments due producers during the month of December of each year shall be determined on the basis of two accounting periods, namely, from December 1 to December 15, inclusive, and from December 16, to December 31, inclusive. Payments to producers as thus determined shall be in accordance with the provisions elsewhere set forth in this subpart.

13. Amend § 949.44 entitled "Transfers" by adding the following paragraph:

As Class II milk, all skim milk contained in a product transferred or diverted as cream.

14. Amend the first paragraph of § 949.50 to read as follows:

§ 949.50 *Minimum prices.* Subject to the appropriate butterfat differential computed pursuant to § 949.54 each handler shall pay in the manner set forth in §§ 949.70 through 949.85 for milk received at his processing plant from producers at no less than the prices per hundredweight set forth in §§ 949.51 and 949.53.

15. Amend definitions of producer, approved plant, handler, the reporting provisions and any other necessary provisions in the order so as to put tank pick up of milk on the same basis as other producer milk received in producer cans at platform of an approved processing plant.

16. Amend § 949.33 *Records and facilities* by adding paragraph (e) as follows:

(e) The title and responsibility for milk picked up by tanks.

17. Amend § 949.30 so that reporting by handlers shall be limited to the transactions pertaining to skim milk and butterfat having to do with producer milk and other source milk purchased for use in Class I products and cottage cheese, and the disposition of such products.

18. Amend § 949.22 so as to confine the auditing and reporting duties of the market administrator to the operations of handlers in the purchase, processing and distribution of milk and butterfat in the handlers' operations pertaining to Class I products and cottage cheese.

By Dairy Branch, Production and Marketing Administration:

19. Amend § 949.8 to provide that a person who sells Class I milk of his own production on routes wholly outside the marketing area shall not be defined as a producer.

20. Delete the parenthetical statement appearing in § 949.30 (c).

21 Amend § 949.44 (a) to read as follows:

(a) At the class mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred, otherwise as Class I milk, if transferred to the approved plant of another handler (except a producer-handler) in the form of milk, skim milk, or cream, subject in either event to the following conditions:

(1) The receiving handler has utilization in such class of an equivalent amount of skim milk and butterfat, respectively; and

(2) Such skim milk or butterfat shall be classified so as to allocate to producer milk the greatest possible Class I utilization in the two plants.

22. In § 949.53 provide for rounding the price for Class II milk to the nearest cent.

23. In § 949.52, provide for using data available on the 5th day of the current month instead of that available on the 28th day of the preceding month.

Copies of this notice of reopening of hearing, and the order now in effect, may be procured from the Market Administrator, 1204 North Main Avenue, San Antonio, Texas, or from the Hearing Clerk, United States Department of Agriculture, Room 1353 South Building, Washington 25, D. C., or may be there inspected.

Dated: October 29, 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator.

[F. R. Doc. 52-11789; Filed, Oct. 31, 1952; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 6, 10, 11, 1o]

[Docket No. 10315]

OPERATIONAL FIXED STATIONS AND FIXED STATIONS IN DOMESTIC FIXED PUBLIC SERVICE

ORDER EXTENDING TIME TO FILE COMMENTS

In the matter of a new policy to govern the assignment of frequencies in the band 72–76 Mc to operational fixed stations and fixed stations in the domestic fixed public service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of October 1952;

The Commission having under consideration its notice of proposed rule making adopted September 3, 1952 in this proceeding and petitions filed by Philco Corporation, Sylvania Electric Products, Inc., the National Committee for Utilities Radio, and the National Association of Radio and Television

Broadcasters requesting postponement of the final date for filing comments upon the proposed amendment of the rules; and

It appearing, that a postponement of the final date for filing comments for a reasonable time will enable the petitioners and perhaps other interested parties to submit comments based upon more thorough consideration which may be valuable to the Commission in determining the matter; and

It further appearing, that an extension of sixty (60) days from the present date in which to file comments on the said notice of proposed rule making will afford approximately fourteen weeks from the date of adoption of the said Notice in which to submit comments, and the Commission believing this to constitute a reasonable period under the circumstances:

It is ordered, That the period in which any interested party, who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth in the notice of proposed rule making adopted September 3, 1952 in this proceeding, may file a written statement or brief setting forth his comments is hereby extended to December 22, 1952.

Released: October 28, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11778; Filed, Oct. 31, 1952; 8:58 a. m.]

[47 CFR Part 3]

[Docket No. 10331]

RADIO BROADCAST SERVICES

TABLE OF TELEVISION CHANNEL ASSIGNMENTS

In the matter of amendment of § 3.606, table of assignments, rules governing television broadcast stations, Docket No. 10331.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In accordance with a petition filed by M. R. Lankford, on October 1, 1952, and now made part of this docket, and it appearing that the petition complies with § 3.609 of the Commission's rules in that it proposes an assignment of a television channel in a community which is not listed in the table and is not within 15 miles of a city so listed nor would the proposed assignment require any other changes in the table, it is proposed to amend § 3.606, table of assignments, rules governing television broadcast stations, as follows:

Add to table of assignments under the State of Indiana:

	Channel No.
Princeton	52+

3. The purpose of the proposed amendment is to provide a television channel assignment in the community named in paragraph 2 above not otherwise available under the rules.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before December 2, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: October 23, 1952.

Released: October 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11779; Filed, Oct. 31, 1952; 8:58 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WASHINGTON

SMALL TRACT CLASSIFICATION ORDER NO. 4, CORRECTION

OCTOBER 23, 1952.

On August 25, 1952, the Assistant Regional Administrator issued Small Tract Classification Order No. 4, affecting certain lands in the State of Washington. The order was published in the FEDERAL REGISTER of September 10, 1952. Paragraph 1 of the classification order cited paragraph b-3 of Order No. 319 of July 19, 1948, as authority for the classification; whereas authority contained in section 1-1-b of Redelegation Order No. 100, dated August 20, 1951, should have been cited.

JAMES F. DOYLE,
Assistant Regional Administrator, Region I.

[F. R. Doc. 52-11702; Filed, Oct. 31, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

NEWMAN GROVE SALE CO.

DEPOSTING OF STOCKYARD

It has been ascertained that the Newman Grove Sale Company, Newman Grove, Nebraska, originally posted on March 3, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer meets the area requirements. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a stockyard which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 29th day of October 1952.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 52-11787; Filed, Oct. 31, 1952; 8:58 a. m.]

Rural Electrification Administration

[Administrative Order 3821]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 29, 1952.

Pursuant to section 3 (c) of the Rural Electrification Act of 1936 and upon information and data in the files of the Rural Electrification Administration, I hereby determine that the number of farms not receiving central station electric service for each state and the number of such farms for the United States at the beginning of the current fiscal year are as set forth in the following schedule, and I hereby allot from the sum of $25,000,000, being fifty per centum of the total sum made available for the current fiscal year, the respective sums for loans in the several States as hereinafter set forth.

	Farms without central station electric service July 1, 1952	Allotment for loans during the fiscal year ending June 30, 1953
United States	641,285	$25,000,000
Alabama	41,137	1,603,694
Arizona	1,249	48,691
Arkansas	35,509	1,384,799
California	8,208	319,983
Colorado	6,792	264,742
Connecticut	946	36,879
Delaware	734	28,614
Florida	11,814	460,560
Georgia	25,593	998,554
Idaho	1,797	70,055
Illinois	12,287	478,969
Indiana	3,420	133,326
Iowa	5,830	227,278
Kansas	15,346	598,252
Kentucky	36,078	1,406,473
Louisiana	18,333	714,698
Maine	3,971	154,805
Maryland	3,172	123,658
Massachusetts	1,817	70,834
Michigan	1,738	67,755
Minnesota	13,872	540,769
Mississippi	83,792	3,268,007
Missouri	33,523	1,306,898
Montana	7,413	288,990
Nebraska	8,465	330,060
Nevada	1,088	42,415
New Hampshire	847	33,028
New Jersey	1,019	39,725
New Mexico	7,909	308,299
New York	6,082	237,140
North Carolina	27,667	1,079,130
North Dakota	12,557	489,525
Ohio	7,982	311,172
Oklahoma	30,327	1,182,275
Oregon	3,443	134,223
Pennsylvania	8,960	349,299
Rhode Island	157	6,121
South Carolina	23,174	903,420
South Dakota	12,481	486,759
Tennessee	31,086	1,211,854
Texas	46,116	1,797,797
Utah	1,692	65,991
Vermont	1,258	48,262
Virginia	11,325	441,496
Washington	2,446	95,355
West Virginia	10,924	425,861
Wisconsin	7,702	300,257
Wyoming	1,901	74,109

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11711; Filed, Oct. 31, 1952; 8:49 a. m.]

[Administrative Order 3822]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 88R Nueces	$385,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11712; Filed, Oct. 31, 1952; 8:49 a. m.]

[Administrative Order 3823]

ALABAMA

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alabama 22V Butler	$100,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11713; Filed, Oct. 31, 1952; 8:50 a. m.]

[Administrative Order 3824]

LOUISIANA

LOAN ANNOUNCEMENT

SEPTEMBER 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 7T Grant	$765,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-11714; Filed, Oct. 31, 1952; 8:50 a. m.]

[Administrative Order 3825]

IOWA

LOAN ANNOUNCEMENT

OCTOBER 2, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 79R Clarke	$271,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11715; Filed, Oct. 31, 1952; 8:50 a. m.]

[Administrative Order 3826]

ARKANSAS

LOAN ANNOUNCEMENT

OCTOBER 3, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 30W Arkansas	$25,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11716; Filed, Oct. 31, 1952; 8:51 a. m.]

[Administrative Order 3827]

WISCONSIN

LOAN ANNOUNCEMENT

OCTOBER 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 14S Oconto	$497,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11717; Filed, Oct. 31, 1952; 8:51 a. m.]

[Administrative Order 3828]

OREGON

LOAN ANNOUNCEMENT

OCTOBER 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 4P Lincoln	$160,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11718; Filed, Oct. 31, 1952; 8:51 a. m.]

[Administrative Order 3829]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 13, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 99P Jones	$278,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11719; Filed, Oct. 31, 1952; 8:51 a. m.]

[Administrative Order 3830]

MONTANA

LOAN ANNOUNCEMENT

OCTOBER 13, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Ad-

ministrator of the Rural Electrification Administration:

Loan designation:	Amount
Montana 21L, P Big Horn	$380,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11720; Filed, Oct. 31, 1952; 8:51 a. m.]

[Administrative Order 3831]

ARIZONA

LOAN ANNOUNCEMENT

OCTOBER 13, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arizona 14U Cochise	$100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11721; Filed, Oct. 31, 1952; 8:52 a. m.]

[Administrative Order 3832]

INDIANA

LOAN ANNOUNCEMENT

OCTOBER 13, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Indiana 40H Knox	$530,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11722; Filed, Oct. 31, 1952; 8:52 a. m.]

[Administrative Order 3833]

MICHIGAN

LOAN ANNOUNCEMENT

OCTOBER 13, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Michigan 20P Delta	$15,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11723; Filed, Oct. 31, 1952; 8:52 a. m.]

[Administrative Order 3834]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 14, 1952.

Inasmuch as Delta Electric Power Association and Blue Ridge Electric Membership Corporation have each transferred certain of their properties and assets to Northcentral Mississippi Electric Power Association, and Northcentral Mississippi Electric Power Association has assumed in part the indebtedness to United States of America of Delta Electric Power Association and Blue Ridge Electric Membership Corporation, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 678, dated March 2, 1942, as amended by Administrative Order No. 3648, dated April 16, 1952, by changing the project designation appearing therein as "Mississippi 34 Leflore (Wisconsin 2025F1 Monroe)" in the amount of $8,000 to read "Mississippi 34 Lefiore (Wisconsin 2025F1 Monroe)" in the amount of $4,500, and Mississippi 48TP1 De Soto (Mississippi 34 Leflore [Wisconsin 2025F1 Monroe])" in the amount of $3,500; and

(b) Administrative Order No. 1083, dated June 5, 1946, by changing the project designation appearing therein as "North Carolina 23V Caldwell" in the amount of $360,000 to read "North Carolina 23V Caldwell" in the amount of $344,000 and "Mississippi 48TP2 De Soto (North Carolina 23V Caldwell)" in the amount of $16,000.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11724; Filed, Oct. 31, 1952; 8:53 a. m.]

[Administrative Order 3835]

ALABAMA

LOAN ANNOUNCEMENT

OCTOBER 14, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alabama 27R Conecuh	$100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11725; Filed, Oct. 31, 1952; 8:53 a. m.]

[Administrative Order 3836]

WASHINGTON

LOAN ANNOUNCEMENT

OCTOBER 14, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Washington 36K Adams	$1,260,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11726; Filed, Oct. 31, 1952; 8:53 a. m.]

[Administrative Order 3837]

GEORGIA

LOAN ANNOUNCEMENT

OCTOBER 15, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 86R Seminole	$52,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11727; Filed, Oct. 31, 1952; 8:53 a. m.]

[Administrative Order 3838]

IOWA

LOAN ANNOUNCEMENT

OCTOBER 15, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 81E Union	$2,318,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11728; Filed, Oct. 31, 1952; 8:53 a. m.]

[Administrative Order 3839]

NORTH CAROLINA

LOAN ANNOUNCEMENT

OCTOBER 17, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Carolina 10U Haywood	$100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11729; Filed, Oct. 31, 1952; 8:54 a. m.]

[Administrative Order 3840]

INDIANA

LOAN ANNOUNCEMENT

OCTOBER 20, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Indiana 60P Morgan	$165,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11730; Filed, Oct. 31, 1952; 8:54 a. m.]

[Administrative Order 3841]

NEW MEXICO

LOAN ANNOUNCEMENT

OCTOBER 21, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 15D Rio Arriba	$80,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11731; Filed, Oct. 31, 1952; 8:54 a. m.]

[Administrative Order 3842]

NEW MEXICO

LOAN ANNOUNCEMENT

OCTOBER 21, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 14G Mora	$320,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11732; Filed, Oct. 31, 1952; 8:54 a. m.]

[Administrative Order 3843]

KANSAS

LOAN ANNOUNCEMENT

OCTOBER 21, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 28N Norton	$575,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11733; Filed, Oct. 31, 1952; 8:54 a. m.]

[Administrative Order T-209]

MINNESOTA

LOAN ANNOUNCEMENT

OCTOBER 3, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Gardonville Cooperative Telephone Association, Minnesota 512-B	$162,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11734; Filed, Oct. 31, 1952; 8:54 a. m.]

[Administrative Order T-210]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

OCTOBER 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Citizens Telephone Co., Inc. South Carolina 505-B	$83,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11735; Filed, Oct. 31, 1952; 8:54 a. m.]

[Administrative Order T-211]

CALIFORNIA

LOAN ANNOUNCEMENT

OCTOBER 10, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Colfax Telephone Exchange, California 508-A	$120,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11736; Filed, Oct. 31, 1952; 8:55 a. m.]

[Administrative Order T-212]

KANSAS

LOAN ANNOUNCEMENT

OCTOBER 10, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Cimarron Valley Telephone Association, Inc., Kansas 542-A	[1] $360,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11737; Filed, Oct. 31, 1952; 8:55 a. m.]

[Administrative Order T-213]

NORTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 10, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Bowman-Slope Rural Telephone Mutual Aid Corp., North Dakota 520-A	[1] $839,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11738; Filed, Oct. 31, 1952; 8:55 a. m.]

[Administrative Order T-214]

WISCONSIN

LOAN ANNOUNCEMENT

OCTOBER 13, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Fountain City Telephone Co., Wisconsin 530-A	[1] $196,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-11739; Filed, Oct. 31, 1952; 8:55 a. m.]

[Administrative Order T-215]

VIRGINIA

LOAN ANNOUNCEMENT

OCTOBER 13, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as

amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Scott County Telephone Cooperative, Virginia 510–B---------- $60,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11740; Filed, Oct. 31, 1952; 8:55 a. m.]

[Administrative Order T–216]

LOUISIANA

LOAN ANNOUNCEMENT

OCTOBER 21, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
East Ascension Telephone Co., Inc., Louisiana 501–B---------- $206,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11741; Filed, Oct. 31, 1952; 8:56 a. m.]

[Administrative Order T–217]

MISSOURI

LOAN ANNOUNCEMENT

OCTOBER 21, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Green Hills Telephone Corp., Missouri 534–A---------- [1] $253,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–11742; Filed, Oct. 31, 1952; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List No. 152]

MEXICAN BROADCAST STATIONS

NOTIFICATION OF LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 13, 1952.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power	Schedule	Class	Probable date to commence operation
		580 kilocycles			
XEDZ	Cordoba, Veracruz (New)	1 kw/D 450 w/N	U	III–B	Mar. 1, 1953
XEAV	Guadalajara, Jalisco (increase in power)	25 kw DA	U	III–A	Sept. 1, 1952
XEXB	Jalapa, Veracruz (change to 1400 kc)	500 w/D 250 w/N	U	IV	Dec. 1, 1952
XEAL	La Paz, Baja California (change to 1310 kc)	500 w	U	III–B	Do.
		610 kilocycles			
XEJA	Jalapa, Veracruz (change in frequency—previously 1400 kc)	1 kw/D 500 w/N	U	III–B	Sept. 1, 1952
		670 kilocycles			
XEGZ	Ciudad Lerdo, Durango (New)	250 w/D	D	II	Mar. 1, 1953
		760 kilocycles			
XEST	Saltillo, Coahuila ((New)	5 kw/D	D	III–B	Do.
XEPA	Gomez Palacio, Durango	250 w DA	U	IV	Do.
		820 kilocycles			
XEJZ	Cordoba, Veracruz (change in call letters from XEDZ).	1 kw/D	D	II	Sept. 1, 1952
		910 kilocycles			
XEMW	Monclova, Coahuila (New)	500 w/D	D	III–B	Mar. 1, 1953
		1150 kilocycles			
XEJP	Mexico, D. F. (change in class—formerly III–B).	10 kw DA–N	U	III–A	Sept. 1, 1952
		1240 kilocycles			
XETC	Torreon, Coahuila (new)	250 w	U	IV	Mar. 1, 1953
		1310 kilocycles			
XEAL	La Paz, Baja California (change in frequency—previously 580 kc).	500 w	U	III–B	Dec. 1, 1952
		1400 kilocycles			
XEXB	Jalapa, Veracruz (change in frequency—previously 580 kc).	500 w/D 250 w/N	U	IV	Do.
XEJA	Jalapa, Veracruz (change to 610 kc)	1 kw/D 500 w/N	U	III–B	Sept. 1, 1952
		1450 kilocycles			
XESZ	Zihuatanejo, Guerrero (new)	250 w	U	IV	Mar. 1, 1953
		1490 kilocycles			
XESH	Sabinas, Coahuila (new)	1 kw/D	D	III–B	Do.
		1490 kilocycles			
XEGU	Huauchinango, Puebla (change in frequency—previously 1580 kc).	250 w/D	D	III–B	Dec. 1, 1952
		1580 kilocycles			
XEGU	Huauchinango, Puebla (change to 1490 kc).	250 w/D	D	III–B	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–11777; Filed, Oct. 31, 1952; 8:58 a. m.]

[Docket Nos. 9895, 10234, 10235]

JOHN G. POMEROY ET AL.

ORDER SCHEDULING HEARING

In re applications of John G. Pomeroy, Pontiac, Michigan, Docket No. 9895, File No. BP–7811; William R. Reed, Pontiac, Michigan, Docket No. 10234, File No. BP–8510; for construction permits; Southern Michigan Broadcasters (WSTR), Sturgis, Michigan, Docket No. 10235, File No. BML–1489; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 10, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., November 17, 1952, in Washington, D. C.

Released: October 28, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–11769; Filed, Oct. 31, 1952; 8:58 a. m.]

[Docket Nos. 10268, 10269]

WJR, THE GOODWILL STATION, INC., AND TREBIT CORP.

ORDER SCHEDULING HEARING

In re applications of WJR, The Goodwill Station, Inc., Flint, Michigan, Docket No. 10268, File No. BPCT–967; Trebit Corporation, Flint, Michigan, Docket No. 10269, File No. BPCT–968; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., November 17, 1952, in Washington, D. C.

Released: October 27, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–11770; Filed, Oct. 31, 1952; 8:58 a. m.]

[Docket Nos. 10286, 10287, 10288]

ENTERPRISE CO., ET AL

ORDER SCHEDULING HEARING

In re applications of the Enterprise Company, Beaumont, Texas, Docket No. 10286, File No. BPCT–743; Beaumont Broadcasting Corporation, Beaumont, Texas, Docket No. 10287, File No. BPCT–762; KTRM, Inc., Beaumont, Texas, Docket No. 10288, File No. BPCT–971; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., November 17, 1952, in Washington, D. C.

Released: October 27, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–11771; Filed, Oct. 31, 1952; 8:58 a. m.]

[Docket Nos. 10289, 10290]

HEAD OF THE LAKES BROADCASTING CO. AND RED RIVER BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re applications of Head of the Lakes Broadcasting Co., Duluth, Minnesota, Docket No. 10289, File No. BPCT–621; Red River Broadcasting Company, Inc., Duluth, Minnesota, Docket No. 10290, File No. BPCT–903; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., November 17, 1952, in Washington, D. C.

Released: October 27, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–11772; Filed, Oct. 31, 1952; 8:58 a. m.]

[Docket Nos. 10291, 10292]

RIDSON, INC., AND LAKEHEAD TELECASTERS, INC.

ORDER SCHEDULING HEARING

In re applications of Ridson, Inc., Superior, Wisconsin, Docket No. 10291, File No. BPCT–728; Lakehead Telecasters, Inc., Duluth, Minnesota, Docket No. 10292, File No. BPCT–981, for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., November 17, 1952, in Washington, D. C.

Released: October 27, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–11773; Filed, Oct. 31, 1952; 8:58 a. m.]

[Docket Nos. 9013, 10298]

MCCLATCHY BROADCASTING CO., AND SACRAMENTO TELECASTERS, INC.

ORDER SCHEDULING HEARING

In re applications of McClatchy Broadcasting Company, Sacramento, California, Docket No. 9013, File No. BPCT–450; Sacramento Telecasters, Inc., Sacramento, California, Docket No. 10298, File No. BPCT–976; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., November 17, 1952, in Washington, D. C.

Released: October 27, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–11774; Filed, Oct. 31, 1952; 8:58 a. m.]

[Docket Nos. 10294, 10295]

KORA, INC., AND HARMCO, INC.

ORDER SCHEDULING HEARING

In re applications of Kora, Inc., Sacramento, California, Docket No. 10294, File No. BPCT–669; Harmco, Inc., Sacramento, California, Docket No. 10295, File No. BPCT–975; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., November 17, 1952, in Washington, D. C.

Released: October 27, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–11775; Filed, Oct. 31, 1952; 8:58 a. m.]

[Docket Nos. 10299, 10300, 10301]

NORTHEASTERN INDIANA BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Northeastern Indiana Broadcasting Co., Fort Wayne, Indiana, Docket No. 10299, File No. BPCT–516; News Sentinel Broadcasting Company, Inc., Fort Wayne, Indiana, Docket No. 10300, File No. BPCT–979; Fort Wayne Television Corporation, Fort Wayne, Indiana, Docket No. 10301, File No. BPCT–987; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1952:

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., November 17, 1952, in Washington, D. C.

Released: October 27, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11776; Filed, Oct. 31, 1952; 8:58 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 87]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

OCTOBER 31, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Osceola, Wisconsin, Area. (The area consists of Osceola Village and the towns of Osceola and Farmington in Polk County, Wisconsin.)

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-11842; Filed, Oct. 31, 1952; 10:37 a. m.]

[CDHA 88]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

OCTOBER 31, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Antigo, Wisconsin, Area. (The area consists of the city of Antigo and the towns of Antigo and Rolling in Langlade County, and the town of Harrison in Marathon County, all in Wisconsin.)

HENRY H. FOWLER,
Director of Defense Mobilization.

F. R. Doc. 52-11843; Filed, Oct. 31, 1952; 10:37 a. m.]

[CDHA 89]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

OCTOBER 31, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Rockville, Indiana, Area. (The area consists of Adams Township, including Rockville Town, in Parke County, Indiana.)

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-11844; Filed, Oct. 31, 1952; 10:37 a. m.]

[CDHA 90]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

OCTOBER 31, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Oak Ridge, Tennessee, area. (The area consists of all of Anderson and Roane Counties, and Civil Districts 1 and 10 in Morgan County, all in Tennessee.)

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-11845; Filed, Oct. 31, 1952; 10:37 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1756]

CHIO FUEL GAS CO.

ORDER POSTPONING HEARING

OCTOBER 28, 1952.

On October 6, 1952, the Commission issued an order setting the above-entitled matter for hearing commencing on November 17, 1952, concerning the lawfulness of the rates, charges and classifications contained in FPC Gas Tariff, First Revised Volume No. 1 and First Revised Sheet No. 6 thereto, heretofore filed by the Ohio Fuel Gas Company (Ohio Fuel).

On October 17, 1952, Ohio Fuel filed a motion whereby it seeks a postponement of said hearing to January 5, 1953.

The Commission finds: Good cause exists for postponing the date of hearing as hereinafter provided.

The Commission orders: The hearing in this matter now set to commence on November 17, 1952, be and the same hereby is postponed to commence on January 5, 1953, at 10:00 a. m. e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: October 28, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11764; Filed, Oct. 31, 1952; 8:58 a. m.]

[Docket No. G-1984]

TREASURE STATE PIPE LINE CO.

ORDER FIXING DATE OF HEARING

OCTOBER 28, 1952.

On June 27, 1952, Treasure State Pipe Line Company (Applicant), a Montana corporation having its principal place of business at Great Falls, Montana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a valve and meter at a point on its existing pipe-line facilities along the international boundary of the United States and Canada for the exportation of natural gas from the United States into the Dominion of Canada.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 17, 1952 (17 F. R. 6572).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 14, 1952, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: October 28, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11765; Filed, Oct. 31, 1952; 8:58 a. m.]

[Docket No. G-2063]

NORTHERN NATURAL GAS CO.

NOTICE OF SUPPLEMENTED APPLICATION

OCTOBER 29, 1952.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with its principal office at 2223 Dodge Street, Omaha, Nebraska, filed on September 12, 1952, supplemented September 29 and October 27, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas transmission pipeline facilities:

(I) PROPOSED TO BE CONSTRUCTED PRIOR TO JAN. 1, 1954

	Diameter (inches)	Length (miles)
(A) Main pipeline additions:		
(1) Skellytown, Tex., North (Second Line)	30	29.7
(2) Texas Valve No. 5, North (Second Line)	30	20.4
(3) Beaver, Kans., North (Second Line)	30	15.8
(4) Sublette, Kans., East (Third Line)	26	9.4
(5) Bushton, Kans., North (Fourth Line)	30	8.9
(6) Clifton, Kans., North (Fifth Line)	30	10.6
(7) Palmyra, Nebr., Northeast (Third Line)	30	33.3
(8) Oakland, Iowa, North (Third Line)	30	39.2
(9) Ogden, Iowa, North (Third Line)	30	31.6
(10) South Sioux City, Iowa, North (Second Line)	24	15.9
(11) Paullina, Iowa, North (Second Line)	24	10.7
Total		226.5

	Number of units	Horsepower unit	Total horsepower
(B) Compressor additions:			
(1) Skellytown, Tex., Second Station	3	1,600	4,800
(2) Beaver, Okla., Second Station	1	1,600	1,600
(3) Mullinville, Kans., Station	2	1,600	3,200
(4) Midpoint Station No. 1 (Pawnee County, Kans.)	3	5,000	15,000
(5) Midpoint Station No. 2 (Ottawa County, Kans.)	3	5,000	15,000
(6) Palmyra, Nebr., Station	2	1,600	3,200
Total			42,800

	Diameter (inches)	Length (miles)
(C) Branch pipeline and other additions:		
(1) Coldwater, Kans., Line Loop	3	2.96
(2) Greensburg, Kans., Line Replacement	3	4.8
(3) Claflin, Kans., Line Loop	3	2.0
(4) Dolphos, Kans., Line Loop	3	2.0
(5) Auburn-Pawnee City, Nebr., Line Loop	6	6.79
(6) Auburn, Nebr., Line Loop	6	4.8
(7) Pawnee City, Nebr., Line Loop	6	4.8
(8) Oakland, Iowa, Line Loop	3	1.4
(9) Perry, Iowa, Line Loop	6	2.41
(10) Des Moines, Iowa, Line Loop	16	18.6
(11) Marshalltown, Iowa, Line Loop	10	5.0
(12) Webster City, Iowa, Line Loop	4	5.0
(13) Mason City, Iowa, Line Loop	12	13.75
(14) Kensett, Iowa, Line Loop	4	2.4
(15) Owatonna, Minn., Line Loop	4	1.67
(16) Rochester, Minn., Line Loop	12	15.0
(17) Columbus, Nebr., Line Loop	10	28.02
(18) Arlington, Nebr., Line Loop	3	5.0
(19) Oakland, Nebr., Line Loop	4	1.0
(20) Wayne, Nebr., Line Loop	6	11.0
(21) Yankton, S. Dak., Line Loop	8	10.83
(22) Le Mars, Iowa, Line Loop	6	3.0
(23) Cherokee, Iowa, Line Loop	10	8.1
(24) Sioux Falls, S. Dak., Second Line	24	64.5
(25) Worthington, Minn., Line Loop	6	12.0
(26) Le Center, Minn., Second Line	3	1.64
(27) Chaska, Minn., Line Loop	8	11.0
(28) Bellevue, Nebr., Town Border station Addition		
Total		248.92
(D) Branch lines and town border stations to serve new communities:		
(1) Carroll, Iowa	6	15.8
(2) Bayard, Iowa	2	.25
(3) Scranton, Iowa	4	7.8
(4) Ralston, Iowa	2	3.25
(5) Glidden, Iowa	4	4.0
(6) Cedar Falls, Iowa	8	1.88
(7) Ankeny, Iowa	2	.4
(8) Mitchellville, Iowa	3	2.64
(9) Colfax, Iowa	4	3.12
(10) Waterloo, Iowa	20	28.0
	16	63.7
(11) Newton, Iowa	16	7.0
	10	28.0

(I) PROPOSED TO BE CONSTRUCTED PRIOR TO JAN. 1, 1954—Continued

	Diameter (inches)	Length (miles)
(D) Branch lines and town border stations to serve new communities—Continued.		
(12) Castle Hill, Iowa	3	1.4
(13) Klemme, Iowa	2	1.2
(14) Red Wing, Minn	12	10.0
	10	20.5
(15) Cannon Falls, Minn	3	2.0
(16) Eagle, Nebr	2	.25
(17) Waverly, Nebr	2	.36
(18) North Bend, Nebr	2	.13
(19) Harrisburg, S. Dak	2	.37
(20) Storm Lake, Iowa	8	19.9
(21) Aurelia, Iowa	3	.5
(22) Alta, Iowa	3	.25
(23) Savage, Minn	2	2.8
Total		225.0

(II) PROPOSED TO BE CONSTRUCTED PRIOR TO JAN. 1, 1955

	Diameter (inches)	Length (miles)
(A) Main pipeline additions:		
(1) Sunray, Tex., East (Second Line)	16	37.3
(2) Beaver, Okla., North (Third Line)	30	28.0
(3) Mullinville, Kans., North Fourth Line)	30	14.2
(4) Bushton, Kans., North (Fourth Line)	30	10.9
(5) Midpoint Compressor Station No. 2, Kans., North (Fourth Line)	20	19.3
(6) Clifton, Kans., North (Fifth Line)	30	21.1
(7) Beatrice, Nebr., North (Fourth Line)	30	10.7
(8) Palmyra, Nebr., Northeast (Third Line)	30	16.5
(9) Oakland, Iowa, North (Third Line)	30	18.4
(10) Ogden, Iowa, North (Third Line)	30	11.3
(11) Ventura, Iowa, North (Third Line)	30	16.9
(12) South Sioux City, Iowa, North (Second Line)	24	10.5
Total		215.1

	Number of units	Horsepower, unit	Total horsepower
(B) Compressor additions:			
(1) Skellytown, Tex., No. 2 Station	4	1,600	6,400
(2) Beaver, Okla., No. 2 Station	4	1,600	6,400
(3) Mullinville, Kans., Station	3	1,600	4,800
(4) Midpoint Station No. 1, Kans.	1	5,000	5,000
(5) Midpoint Station No. 2, Kans.	1	5,000	5,000
(6) Palmyra, Nebr., Station	2	1,600	3,200
Total	15		30,800

The installation of the proposed facilities, according to the application, will provide the added facilities required by Applicant to receive peak day volumes of 200 MMcf in 1954, and 300 MMcf in 1955, from Permian Basin Pipeline Company, as proposed to be supplied by that company under its application now pending before the Commission in Docket No. G-1928. The application states that installation of the G-2063 facilities, upon receipt of 200 MMcf of natural gas from Permian in 1954, will increase Applicant's daily system salable capacity from

818 MMcf [1] to 1,019 MMcf, and upon receipt of the additional 100 MMcf from Permian in 1955, will increase such capacity to 1,112 MMcf.

Applicant states that the proposed capacity increase resulting from the facilities proposed will be adequate to supply the additional contract demand volumes, beyond those to be received under Applicant's Docket No. G–1618 capacity, which Applicant's gas utility customers have requested for the presently-served communities for use during the 1953–1954 heating season, and, in addition, will provide approximately 17 MMcf per day for certain new communities not presently served natural gas.

The estimated cost of the facilities total $45,570,000 for 1953 and $24,256,000 for 1954. Applicant proposes to finance the proposed facilities through the issuance and sale of additional common stock and debentures.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of November 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–11761; Filed, Oct. 31, 1952; 8:58 a. m.]

[Docket Nos. ID–138, ID–158, ID–885, ID–943, ID–945, ID–1139]

EDWARD W. BROWN ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

OCTOBER 28, 1952.

In the matters of Edward W. Brown, Docket No. ID–138; Walter C. Beckjord, Docket No. ID–158; Ernest S. Fields, Docket No. ID–885; William H. Zimmer, Docket No. ID–943; Walter H. Sammis, Docket No. ID–945; G. L. Furr, Docket No. ID–1139.

Notice is hereby given that on October 28, 1952, the Federal Power Commission issued its orders entered October 21, 1952, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–11762; Filed, Oct. 31, 1952; 8:58 a. m.]

[Docket Nos. ID–1160, ID–1170, ID–1185, ID–1186, ID–1188]

H. A. KAMMER ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

OCTOBER 28, 1952.

In the matters of H. A. Kammer, Docket No. ID–1160; J. Lee Rice, Jr., Docket No. ID–1170; E. Wallace Wilkinson, Docket No. ID–1185; Louis B. Round, Docket No. ID–1186; Howard S. Fitch, Docket No. ID–1188.

Notice is hereby given that on October 28, 1952, the Federal Power Commission issued its orders entered October 21, 1952, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–11763; Filed, Oct. 31, 1952; 8:58 a. m.]

[1] The application states that Applicant assumes, in its G–2063 application, that the facilities involved in Docket No. G–1618 will be constructed and placed in service prior to January 1, 1954.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2791]

STANDARD POWER AND LIGHT CORP.

ORDER PERMITTING ACQUISITION BY PARENT OF PORTFOLIO SECURITIES OF SUBHOLDING COMPANY AS A PART OF LATTER'S LIQUIDATION

OCTOBER 28, 1952.

Standard Power and Light Corporation ("Power"), a registered holding company and the parent of Standard Gas and Electric Company ("Standard"), also a registered holding company, having filed an application and an amendment thereto pursuant to sections 9, 10, and 12 of the act and Rule U–46 promulgated thereunder with respect to the following transactions:

On October 1, 1952, this Commission issued its findings, opinion and order (Holding Company Act Release No. 11510), approving Steps I and I–A of a plan for the liquidation of Standard filed pursuant to section 11 (e) of the act. An application by the Commission for court enforcement of such Steps is now pending in the United States District Court for the District of Delaware. Under Step I the Prior Preference Stock of Standard is to be retired by the distribution of common stocks of subsidiaries held by Standard. Power, as the holder of 40,843 shares of Standard's $7 Prior Preference Stock, is entitled under Step I to receive in exchange therefor 118,444.7 shares of common stock of Oklahoma Gas and Electric Company ("Oklahoma"), 191,962.1 shares of common stock of Wisconsin Public Service Corporation ("Wisconsin"), and 85,770.3 shares of common stock of Duquesne Light Company ("Duquesne"), all of which companies are public utility subsidiaries of Standard. Under the instant application Power proposes to acquire such securities. Such acquisition would result in Power's holding 4.91 percent of the common stock of Oklahoma, 8.65 percent of the common stock of Wisconsin, and, together with 31,000 shares of common stock of Duquesne to be received by Power pursuant to Step I–A of the aforesaid plan, 1.97 percent of the common stock of Duquesne presently outstanding.

In the Commission's aforesaid findings, opinion and order approving Step I of the Standard plan, reference was made to the instant application and the Commission stated that the application would be processed separately pursuant to Rule U–23 and that the Commission's order to be entered on such application would contain a specific condition that the securities to be acquired by Power are to be held subject to the Commission's order dated June 19, 1942, requiring Power to liquidate and dissolve. It was further stated that under the circumstances surrounding the proposed acquisition by Power the requirements of section 10 would be satisfied.

In connection with the instant application Power has requested that the Commission make appropriate tax recitals conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U–23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application, as amended, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted forthwith subject to the terms and conditions set forth below and deeming it appropriate to grant Power's request for tax recitals:

It is ordered, Pursuant to Rule U–23 and the applicable provisions of the act, that said amended application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U–24 and to the further condition that the securities to be acquired pursuant to the instant application shall be held subject to the Commission's order dated June 19, 1942, requiring Power to liquidate and dissolve.

It is further ordered and recited, That the transfer and delivery by Power to Standard of 40,843 shares of the $7 Prior Preference stock of Standard in exchange for 118,444.7 shares of common stock of Oklahoma, 191,962.1 shares of common stock of Wisconsin, 85,770.3 shares of common stock of Duquesne, together with cash and scrip certificates in lieu of fractional shares, are necessary or appropriate to the integration or simplification of the holding company system of which Standard and Power are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52–11703; Filed, Oct. 31, 1952; 8:46 a. m.]

[File No. 70–2938]

GRANITE STATE ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING ISSUANCE AND SALE BY SUBSIDIARY OF CAPITAL STOCK AND ACQUISITION THEREOF BY PARENT COMPANY

OCTOBER 28, 1952.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, Granite State Electric Company ("Granite"), having filed with this Commission an application-declaration, pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("the act") and Rules U–23 and U–42 (b) (2) promulgated thereunder, with respect to the following proposed transactions:

Granite proposes to issue and sell, for cash, 5,500 shares of additional capital stock, $100 par value, at a price of $100 per share. NEES, the sole stockholder of Granite, proposes to acquire such additional shares and will use available cash for such purchase.

The instant application-declaration, which was filed on September 24, 1952, states that, pursuant to a bank loan agreement with the First National Bank of Boston, Granite had outstanding $450,000 principal amount of note indebtedness. Pursuant to this Commission's order dated October 1, 1952, making effective an earlier declaration filed by Granite (File No. 70–2928), Granite has authority to increase such note indebtedness by the issuance of $100,000 of additional promissory notes. The instant application-declaration further states that the proceeds from the proposed issuance and sale of capital stock will be used by Granite for the payment of its then outstanding note indebtedness, and the balance, if any, will be used to pay for construction costs or to reimburse its treasury for prior construction expenditures. At the time of the sale of the capital stock, the amount of authorized but unissued promissory notes will be reduced by the amount, if any, by which the proceeds of $550,000 from the sale of the capital stock exceeds the amount of Granite's then outstanding note indebtedness.

The application-declaration further states that the total expenses to Granite and to NEES in connection with the proposed transactions, including services rendered by New England Power Service Company, an affiliated service company, at the actual cost thereof, are estimated at $1,405 and $300, respectively.

The New Hampshire Public Utilities Commission has expressly authorized the proposed issuance and sale of capital stock and the application-declaration states that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective upon issuance.

Notice of the filing of the application-declaration having been given in the manner and form provided by Rule U–23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U–23 and the applicable provisions of the act, that said application-declaration be, and hereby is, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U–24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52–11704; Filed, Oct. 31, 1952; 8:46 a. m.]

[File No. 70–2942]

GAS SERVICE CO.

ORDER AUTHORIZING PROPOSED ISSUANCE OF NOTES

OCTOBER 28, 1952.

The Gas Service Company ("Gas Company"), a gas utility subsidiary of Cities Service Company, a registered holding company, having filed a declaration and an amendment thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following proposed transactions:

Gas Company proposes to enter into a Credit Agreement with the Chase National Bank of the City of New York and Commerce Trust Company whereby Gas Company may borrow from time to time on or prior to November 1, 1954, sums not to exceed $7,500,000 in aggregate amount. Each loan will be evidenced by a promissory note payable on June 1, 1956, and bearing interest at the rate of 3 percent per annum up to January 1, 1954, and at the rate of 3¼ percent per annum thereafter. The agreement provides that Gas Company will pay a commitment fee of ¼ of 1 percent per annum on the daily average unused amount of the commitments from October 1, 1952, which commitments may be terminated or reduced by the Company upon five days' written notice, and that the notes may be prepaid without premium, unless such prepayment is made before June 1, 1955, and is made from proceeds of bank loans.

The declaration states that the net proceeds from the loans will be used by Gas Company for construction purposes and to reimburse the treasury, in part, for construction work heretofore completed. This construction program is estimated to require the expenditure of approximately $13,619,000 during the years 1952 to 1954, inclusive, and Gas Company expects to use approximately $6,119,000 of Company funds in addition to the proposed loans to finance such construction.

The declarant states that no finder's fee, commission or remuneration will be paid in connection with the issuance of the proposed notes and estimates its expenses at $10,500, including legal fees of $7,500, fees and expenses in connection with applications to State Commissions of $1,500, expenses of Gas Advisers, Inc., a mutual service company, of $500, and printing and miscellaneous expenses of $1,000.

The State Corporation Commission of Kansas, the Public Service Commission of Missouri and the Nebraska State Railway Commission have authorized the proposed issuance and sale of said notes and the declaration states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Said declaration having been filed on October 2, 1952, and an amendment thereto having been filed on October 27, 1952, and notice of said filing having been given in the form and manner required by Rule U–23 promulgated pursuant to said act, and the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the said declaration, as amended, satisfies the requirements of the applicable provisions of the act and the rules thereunder, and finding no basis for making adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration, as amended, be permitted to become effective:

It is ordered, Pursuant to Rule U–23 and the applicable provisions of the act, that said declaration, as amended, be and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U–24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52–11705; Filed, Oct. 31, 1952; 8:47 a. m.]

[File No. 70–2943]

COLUMBIA GAS SYSTEM, INC.

ORDER REGARDING ISSUANCE AND SALE OF 3 PERCENT NOTES TO CERTAIN BANKS

OCTOBER 28, 1952.

The Columbia Gas System, Inc ("Columbia"), a registered holding company, having filed a declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 and 7 thereof, regarding certain transactions therein set forth, which may be summarized as follows:

Columbia proposes to borrow an aggregate of $25,000,000 ($12,500,000 on or before November 15, 1952, and $12,500,000 on or before January 15, 1953) from certain banking institutions and to issue

notes in evidence thereof. The proposed borrowings will be made in the indicated amounts from the following banks:

Name of bank	Maximum participation
Guaranty Trust Co	$8,530,000
Bankers Trust Co	2,500,000
Chemical Bank & Trust Co	2,500,000
Irving Trust Co	2,500,000
Mellon National Bank & Trust Co. (Pittsburgh, Pa.)	2,500,000
The Hanover Bank	1,000,000
Brown Bros., Harriman & Co	1,000,000
The First National Bank of the City of New York	1,000,000
J. P. Morgan & Co., Inc	1,000,000
National City Bank of New York	1,000,000
Manufacturers Trust Co	1,000,000
The Ohio National Bank (Columbus, Ohio)	250,000
The Kanawha Valley Bank (Charleston, W. Va.)	100,000
The Charleston National Bank	100,000
First National Bank of Binghamton	20,000
Total	25,000,000

The bank notes to be issued by Columbia in evidence of such borrowings will be dated as of the date the money is borrowed and will mature on October 31, 1953. The rate of interest will be 3 percent per annum and the notes may be prepaid at any time prior to the date of maturity.

Columbia states that the proposed borrowings are necessary in order to provide the Columbia system with funds to continue its construction program. Columbia further represents that it is the intention of the Company to sell common stock in the Spring of 1953, unless at that time there should be any unusual adverse market conditions. In addition, Columbia also proposes to sell additional debentures during 1953, and the proceeds to be derived from the sale of additional common stock and debentures will be used to repay the bank loans which are the subject of this declaration and to provide additional funds to finance its 1953 construction program.

The declaration further states that no State Commission or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice of the filing of said declaration having been duly given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate that said declaration, as amended, be permitted to become effective without the imposition of terms and conditions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24, that said declaration, as amended, be, and the same hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11706; Filed, Oct. 31, 1952; 8:47 a. m.]

[File No. 70-2946]

FEDERAL LIQUIDATING CORP.

NOTICE OF FILING IN RESPECT OF PROPOSED FINAL LIQUIDATING DIVIDEND

OCTOBER 28, 1952.

Notice is hereby given that Federal Liquidating Corporation ("Liquidating Corporation"), a subsidiary of Cities Service Company, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). Declarant designates section 12 (c) of the act and Rule U-42 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any person may, not later than November 10, 1952, at 5:30 p. m., e. s. t., request that a hearing be held in respect of the proposed transactions, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 10, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Liquidating Corporation was organized in order to facilitate the liquidation of Federal Light and Traction Company ("Federal"), formerly a holding company subsidiary of Cities Service Company. In furtherance of such objective Liquidating Corporation acquired certain assets of Federal not distributed to its stockholders and assumed the remaining liabilities of Federal for the sole purpose of discharging such liabilities and distributing any net proceeds of such assets in liquidation to the stockholders of Liquidating Corporation.

In December 1950, the company, pursuant to the order of the Commission dated December 15, 1950 (File No. 70-2528), effected its dissolution under the law of Delaware, the state of incorporation of the company, and paid over to The New York Trust Company, as liquidating agent, the sum of $918,580 to be distributed in partial liquidation at the rate of $1.75 per share to the stockholders of the company upon surrender by them of their stock certificates representing the shares of common stock of the company. Under the law of Delaware the company has continued in existence for the purpose of winding up its affairs; all assumed and direct liabilities, including fees and expenses in connection with Federal's reorganization proceeding under section 11 (e), have been discharged; and the company has on hand approximately $466,687.42, and is now in a position to make the final distribution to its stockholders.

It is proposed to effect the payment to its stockholder-recipients of the $1.75 per share liquidating dividend a final liquidating dividend of 88.8 cents per share, aggregating $466,113.86, leaving approximately $573.56 to defray miscellaneous expenses, including $250 to be paid to the New York Trust Company for services as liquidating agent in making the final liquidating distribution.

Declarant requests that the Commission's order herein become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11707; Filed, Oct. 31, 1952; 8:47 a. m.]

[File No. 812-804]

EQUITY CORP. ET AL.

NOTICE OF APPLICATION

OCTOBER 28, 1952.

In the matter of the Equity Corporation, the Morris Plan Corporation of America, Planning & Service Corporation, and James W. Nankervis; File No. 812-804.

Notice is hereby given that Planning & Service Corporation (Pasco), a Delaware corporation, having its principal place of business at 103 Park Avenue, New York, New York, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission granting an exemption from the provisions of section 17 (a) (3) of the act so as to permit the loan or advance of money by Pasco to James W. Nankervis, an employee of Pasco.

The Equity Corporation (Equity), a registered investment company, is the owner and holder of a majority of the voting stock of the Morris Plan Corporation of America (Morris Plan). Equity and Morris Plan, located at 103 Park Avenue, New York, New York, each owns 50 percent of the capital stock of Pasco, a company which furnishes services to the Morris Plan group and the Equity group of companies. James W. Nankervis, now residing at "Springwood Village", Hyde Park, New York, is an employee, but not an officer, of Pasco and is not affiliated with Equity or Morris Plan in any other capacity. Under these circumstances, Nankervis is an affiliated person of an affiliated person of Equity and under the provisions of section 17 (a) (3) it is unlawful for him to borrow money from Pasco unless an exemption is granted by the Commission pursuant to the authority vested in it by section 17 (b) of the act.

Nankervis, Pasco's district manager for the Poughkeepsie area, has arranged to purchase a dwelling which will cost approximately $12,000, upon terms requiring a down payment of $1,150 and the balance on a 4 percent VA mortgage which will require payments of approximately $64 monthly over a period of twenty years. He desires to obtain the sum of $1,150 from his employer for the purpose of making the required down payment and Pasco desires to make an unsecured loan or advance to him in that amount with interest at 4 percent per annum. The loan, if the application is granted, will be repaid at a rate of not less than $20 per month for the first year and $30 per month thereafter until paid, with interest at the rate aforesaid on declining principal balances.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after November 14, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than November 12, 1952, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11708; Filed, Oct. 31, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 7]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the St. Louis-San Francisco Railway Company, account derailment on the Ashdown Division, is unable to transport traffic routed over this line.

It is ordered, That: (a) Rerouting traffic: The St. Louis-San Francisco Railway Company, account derailment on the Ashdown Division, is unable to transport traffic in accordance with shippers' routing, and is hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4:00 p. m., October 24, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., October 31, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 24, 1952.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 52-11757; Filed, Oct. 31, 1952; 8:58 a. m.]

[4th Sec. Application 27483]

FOREIGN WOODS FROM HANOVER, PA., TO NORTH CAROLINA

APPLICATION FOR RELIEF

OCTOBER 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-911.

Commodities involved: Lumber, logs, and flitches of foreign woods, veneers and built-up woods of such foreign woods, carloads.

From: Hanover, Pa.

To: Points in North Carolina.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-911, Supp. 54.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11744; Filed, Oct. 31, 1952; 8:56 a. m.]

[4th Sec. Application 27484]

RUBBER TIRES FROM BUFFALO AND HARRIET, N. Y., TO ORLANDO, FLA.

APPLICATION FOR RELIEF

OCTOBER 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-911.

Commodities involved: Tires, artificial, guayule, natural, neoprene, or synthetic rubber, pneumatic, and parts, carloads.

From: Buffalo and Harriet, N. Y.

To: Orlando, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-911, Supp. 54.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other

than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11745; Filed, Oct. 31, 1952; 5:56 a. m.]

[4th Sec. Application 27485]

WALLBOARDS FROM MERIDIAN, MISS., TO RUTHERFORD AND EAST RUTHERFORD, N. J.

APPLICATION FOR RELIEF

OCTOBER 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, on behalf of the Erie Railroad Company and the Illinois Central Railroad Company.

Commodities involved: Wall or insulating boards, carloads.

From: Meridian, Miss.

To: Rutherford and East Rutherford, N. J.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11746; Filed, Oct. 31, 1952; 8:56 a. m.]

[4th Sec. Application 27486]

VARIOUS COMMODITIES, BETWEEN POINTS IN THE SOUTH

APPLICATION FOR RELIEF

OCTOBER 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to tariffs named in exhibit A of the application, filed pursuant to fourth-section order No. 17220.

Commodities involved: Automobile parts, bakery goods, etc., carloads.

From: Points in southern territory, including Memphis, Tenn., and Cincinnati, Ohio.

To: Specified points in southern and official territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11747; Filed, Oct. 31, 1952; 8:56 a. m.]

[4th Sec. Application 27487]

LUMBER FROM MISSOURI RIVER CITIES TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

OCTOBER 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3791 and 3948.

Commodities involved: Lumber and related articles, carloads.

From: Atchison and Leavenworth, Kans., and Kansas City and St. Joseph, Mo.

To: Points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3791, Supp. 70; F. C. Kratzmeir, Agent, I. C. C. No. 3948, Supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11748; Filed, Oct. 31, 1952; 8:57 a. m.]

[4th Sec. Application 27488]

PETROLEUM AND ITS PRODUCTS FROM TUSCALOOSA, ALA., TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

OCTOBER 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 408.

Commodities involved: Petroleum and its products, carloads.

From: Tuscaloosa, Ala.

To: Points in western trunk-line territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 408, Supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11749; Filed, Oct. 31, 1952; 8:57 a. m.]

[4th Sec. Application 27489]

COTTON PIECE GOODS FROM PENSACOLA AND GONZALEZ, FLA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

OCTOBER 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 856.

Commodities involved: Rayon fibre and related articles, carloads.

From: Pensacola and Gonzalez, Fla.

To: Points in official territory.

Grounds for relief: Rail and motor competition, circuity, grouping, market competition, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 856, Supp. 158.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11750; Filed, Oct. 31, 1952; 8:57 a. m.]

[4th Sec. Application 27490]

GRAIN AND ITS PRODUCTS FROM KANSAS CITY, MO.-KANS., TO IOWA AND NEBRASKA

APPLICATION FOR RELIEF

OCTOBER 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3866.

Commodities involved: Grain and its products including seeds, carloads.

From: Kansas City, Mo.-Kans.

To: Council Bluffs, Iowa, Omaha and South Omaha, Nebr.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3866, Supp. 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11751; Filed, Oct. 31, 1952; 8:57 a. m.]

[4th Sec. Application 27491]

FINE COAL FROM MINES IN THE SOUTH TO PINOPOLIS JUNCTION, S. C.

APPLICATION FOR RELIEF

OCTOBER 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed on attached sheet.

Commodities involved: Fine coal, carloads.

From: Mines in Alabama, Kentucky, Tennessee, Virginia, and West Virginia.

To: Pinopolis Junction, S. C.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with fuel oil, and to maintain grouping.

Schedules filed containing proposed rates:

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Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11752; Filed, Oct. 31, 1952; 8:57 a. m.]

[4th Sec. Application 27492]

COKE AND ITS PRODUCTS FROM INDIANAPOLIS, IND., TO MAPLE GROVE AND BURGOON, OHIO

APPLICATION FOR RELIEF

OCTOBER 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Pennsylvania Railroad Company.

Commodities involved: Coke, coke breeze, coke dust, and coke screenings, carloads.

From: Indianapolis, Ind.

To: Maple Grove and Burgoon, Ohio.

Grounds for relief: Rail competition, circuity, grouping, additional origins and destinations, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Penn. RR. tariff I. C. C. No. 3104, Supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-11753; Filed, Oct. 31, 1952; 8:58 a. m.]

[4th Sec. Application 27493]

ANHYDROUS AMMONIA FROM CERTAIN POINTS TO RESERVE, LA., AND POINTS TAKING SAME RATES

APPLICATION FOR RELIEF

OCTOBER 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, carloads.

From: Points in Arkansas, Kansas, Louisiana, and Texas.

To: Reserve, La., and points taking same rates.

Grounds for relief: Rail competition, circuitous routes, additional destinations, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 98.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11754; Filed, Oct. 31, 1952; 8:58 a. m.]

[4th Sec. Application 27494]

CLASS RATES FROM AND TO P&SF MCCAMEY, TEX., GROUP

APPLICATION FOR RELIEF

OCTOBER 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his schedules listed below.

Involving: Class rates.

Between: P&SF Ry. stations Mertzon to Chancellor, Tex., inclusive, on the one hand, and stations east of the Rocky Mountains, on the other.

Grounds for relief: Rail competition, circuity, grouping, short or weak line carriers, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3997, Supp. 12; F. C. Kratzmeir, Agent, I. C. C. No. 3998, Supp. 10; F. C. Kratzmeir, Agent, I. C. C. No. 3999, Supp. 14; F. C. Kratzmeir, Agent, I. C. C. No. 3940, Supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11755; Filed, Oct. 31, 1952; 8:58 a. m.]

[4th Sec. Application 27495]

EXCEPTIONS TO CLASS RATES FROM AND TO MCCAMEY, TEX., GROUP

APPLICATION FOR RELIEF

OCTOBER 29, 1952.

The Commission is in receipt of the above entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3552, 3571, 3974, 3987, and 4020.

Involving: Class rates governed by exceptions to the Classification.

Between: P&SF Ry. stations Concho to McCamey, Tex., inclusive, on the one hand, and points in southwestern, western trunkline, southern, Illinois, central, trunk-line, and New England territories, on the other.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11756; Filed, Oct. 31, 1952; 8:58 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19083]

I. G. FARBENINDUSTRIE A. G.

In re: Trade-marks of I. G. Farbenindustrie A. G.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and, pursuant to law, after investigation, it is hereby found:

1. That I. G. Farbenindustrie A. G., the last known address of which is Frankfort-on-the-Main, Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: The Trade-Marks registered in the United States Patent Office identified as follows:

Registration No., Date, and Registrant

229,096; 6-21-27; I. G. Farbenindustrie A. G.
247,656; 10-2-28; I. G. Farbenindustrie A. G.
259,038; 7-23-29; I. G. Farbenindustrie A. G.
261,913; 9-24-29; I. G. Farbenindustrie A. G.
264,832; 12-10-29; I. G. Farbenindustrie A. G.
265,569; 12-31-29; I. G. Farbenindustrie A. G.
266,704; 1-28-30; I. G. Farbenindustrie A. G.
267,281; 2-18-30; I. G. Farbenindustrie A. G.
267,538; 2-25-30; I. G. Farbenindustrie A. G.
268,859; 3-18-30; I. G. Farbenindustrie A. G.
273,164; 7-22-30; I. G. Farbenindustrie A. G.

together with

(i) The respective goodwill of the business in the United States and all its possessions to which said trade-marks are appurtenant

(ii) any and all indicia of such goodwill (including but not limited to formulae, secret processes, customers' list, labels, machines and other equipment)

(iii) any interest of any nature whatsoever in and rights and claims of every character and description under the statutory or common law to said business, goodwill and trade-marks and registrations thereof, and

(iv) all accrued royalties payable or held with respect to such trade-marks and all damages and profits recoverable at law or equity from any persons, firms, corporations or governments for past infringement thereof,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by I. G. Farbenindustrie A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that said I. G. Farbenindustrie A. G. be treated as a person which is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-11782; Filed, Oct. 31, 1952; 8:58 a. m.]

[Vesting Order 19050]

S. P. A. SORENSEN

In re: Estate of S. P. A. Sorensen, deceased. File No. 017-27704.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Jens Jorgen Sorensen, Anna Gertrud Birthe Sorensen, Emma Elisabeth Drewitz and Kurt Erik Sorensen, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof; and each of them, in and to the estate of S. P. A. Sorensen, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ben H. Brown, Public Administrator of Los Angeles County, as administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

and it is hereby determined:

4. That the national interest of the United States requires that the persons named in subparagraph 1 hereof, and each of them, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 28, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11783; Filed, Oct. 31, 1952; 8:58 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 17 NUMBER 216

Washington, Tuesday, November 4, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10402

ENFORCEMENT OF THE CONVENTION FOR SAFETY OF LIFE AT SEA, 1948

WHEREAS under Article I of the International Convention for Safety of Life at Sea, signed at London on June 10, 1948, ratified by the United States of America, and proclaimed by the President on September 10, 1952 (Treaties and Other International Acts, Series 2495), the Government of the United States of America, together with the governments of the other countries which have become parties to the Convention, undertakes to give effect to the provisions of the said Convention and of the Regulations annexed thereto, to promulgate all laws, decrees, orders, and regulations, and to take all other steps which may be necessary to give the Convention full and complete effect, so as to insure that, from the point of view of safety of life, a ship is fit for the service for which it is intended; and

WHEREAS it is expedient and necessary, in order that the Government of the United States of America may give full and complete effect to the said Convention, that several departments and agencies of the executive branch of the said Government perform functions and duties thereunder; and

WHEREAS in accordance with Article XI of the Convention it has been determined that the Convention will come into force on November 19, 1952:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me as President of the United States of America, it is ordered as follows:

1. The Department of State, the Department of the Treasury (Coast Guard), the Department of Commerce (Weather Bureau), and the Federal Communications Commission, respectively, are hereby directed, in relation to the fulfillment of the obligations undertaken by the Government of the United States of America under the said Convention, to perform the functions and duties therein prescribed and undertaken which appertain to the functions and duties which they severally are now directed or authorized by law to perform. Each of the said departments and the said commission shall cooperate and assist the others in carrying out the duties imposed by the Convention and by this order.

2. The Department of the Treasury (Coast Guard), or such other agency as may be authorized by law so to do, shall issue certificates as required by the said Convention, and in any case in which a certificate is to include matter which appertains to the functions and duties directed or authorized by law to be performed by any department or agency other than the issuing agency, the issuing agency shall first ascertain from such other department or agency its decision with respect to such matter, and such decision shall be final and binding.

3. Whenever the Coast Guard operates as a part of the Navy, the functions to be performed by the Department of the Treasury (Coast Guard) under this order shall vest in and be performed by the Department of the Navy (Coast Guard).

4. This order supersedes Executive Order No. 7548 of February 5, 1937, entitled "Enforcement of the Convention for Safety of Life at Sea, 1929", to the extent that the said International Convention for Safety of Life at Sea signed at London on June 10, 1948, replaces and abrogates the International Convention for Safety of Life at Sea signed at London on May 31, 1929.

5. This order shall be effective as of September 10, 1952.

HARRY S. TRUMAN

THE WHITE HOUSE,
October 30, 1952.

[F. R. Doc. 52-11864: Filed, Oct. 31, 1952; 2:56 p. m.]

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FEDERAL REGISTER

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OCTOBER 1952–MARCH 1953 EDITION

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

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Chapter VI (NPA):
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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS

U. S. STANDARDS FOR GRADES OF FROZEN MIXED VEGETABLES[1]

On May 20, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 4576) regarding the issuance of proposed United States Standards for Grades of Frozen Mixed Vegetables. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Mixed Vegetables are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1037; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952):

§ 52.715 *Frozen mixed vegetables.* Frozen mixed vegetables consist of three or more succulent vegetables, properly prepared and properly blanched; may contain vegetables (such as, small pieces of sweet red peppers or sweet green peppers) added as garnish; and are frozen and maintained at temperatures necessary for the preservation of the product.

(a) *Kinds and styles of basic vegetables.* It is recommended that frozen mixed vegetables, other than small pieces of vegetables added as garnish, consist of the following kinds and styles of vegetables as basic vegetables:

(1) Beans, green or wax: Cut style, predominantly of ½ inch to 1½ inch cuts;
(2) Beans, lima: Any single varietal type;
(3) Carrots: Diced style, predominantly of ⅜ inch to ½ inch cubes;
(4) Corn, sweet: Golden (or Yellow) in whole kernel style;
(5) Peas: Early type or sweet type.

(b) *Proportions of ingredients.* It is recommended that frozen mixed vegetables consist of three, four, or five basic vegetables in the following proportions:

(1) *Three vegetables.* A mixture of three basic vegetables in which any one vegetable is not more than 40 percent by weight of all the frozen mixed vegetables.

(2) *Four vegetables.* A mixture of four basic vegetables in which none of the vegetables is less than 8 percent by weight nor more than 35 percent by weight of all the frozen mixed vegetables.

(3) *Five vegetables.* A mixture of five basic vegetables in which none of the vegetables is less than 8 percent by weight nor more than 30 percent by weight of all the frozen mixed vegetables.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(c) *Grades of frozen mixed vegetables.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a good color, are practically free from defects, possess a good character, possess a good flavor and odor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a reasonably good color, are reasonably free from defects, possess a reasonably good character, possess a fairly good flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen mixed vegetables that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(d) *Ascertaining the grade.* (1) The grade of frozen mixed vegetables is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(i) Color	20
(ii) Absence of defects	40
(iii) Character	40
Total score	100

(3) The scores for the factors of color, absence of defects, and character (with respect to each individual vegetable prior to cooking) are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units; and representative samples of the product are cooked to ascertain tenderness of the frozen mixed vegetables, collectively, before final evaluation of the score for character. Flavor and odor are also ascertained on the cooked product.

(4) "Good flavor and odor" means that the product and each basic vegetable after cooking has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* The factor of color refers to the general brightness of all the combined vegetables.

(i) Frozen mixed vegetables which possess a good color may be given a score of 17 to 20 points. "Good color" means that the combined basic vegetables as a mass are bright and characteristic of reasonably young or reasonably tender mixed vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish are reasonably bright; and that none of the individual vegetables are off color for any reason.

(ii) If the frozen mixed vegetables possess a reasonably good color, a score of 14 to 16 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the combined basic vegetables as a mass are reasonably bright and characteristic of fairly young or fairly tender mixed vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish may be only fairly bright but are not off color for any reason; and that none of the individual vegetables are off color for any reason.

(iii) If the frozen mixed vegetables fail to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 13 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous vegetable materials, slightly damaged units, moderately damaged units, seriously damaged units, and any other defects which detract from the appearance or edibility of the product.

(i) "Harmless extraneous vegetable material" means any vegetable substance other than from any of the basic vegetables or garnish and any portions of the basic vegetables which are normally removed in preparation for processing. Such materials include, but are not limited to, "Small pieces" and "large pieces" as follows:

(*a*) A "small piece of harmless extraneous vegetable material" is any piece or unit of such material similar in shape and the equivalent in size or smaller than $^{3}/_{16}$ square inch of leafy material or loose pieces of pods from peas or lima beans, tough or woody stems of any size other than unstemmed units of green or wax beans, ¼-inch cube of corn cob material, ½ square inch of corn husk, and $^{3}/_{8}$-inch diameter thistle buds;

(*b*) A "large piece of harmless extraneous vegetable material" is any piece or unit of such material similar in shape and larger in size than the equivalent of an applicable kind of "small piece of harmless extraneous vegetable material."

(ii) "Slightly damaged unit" means any unit of the basic vegetable or garnish that is affected by slight blemishes, slight discoloration, or similar injury that are noticeable but do not materially affect the appearance or edibility of the unit, and includes, but is not limited to, light discoloration of the hilum of lima beans or other light discoloration of the skin which does not penetrate into the cotyledon of lima beans.

(iii) "Moderately damaged unit" means any unit of a basic vegetable or garnish that is affected by blemishes, discoloration, or any other similar injury that materially affects the appearance or edibility of the unit and has the following specific meanings for the respective vegetables:

(*a*) *Beans, green or wax.* Any unit blemished by scars, by pathological injury, by insect injury, or by other means which in the aggregate exceeds the area of a circle ⅛ inch in diameter.

(*b*) *Beans, lima.* A bean or portion thereof that is spotted or otherwise definitely discolored or that is blemished by pathological injury, by insect injury, or by other means other than light discoloration.

(*c*) *Carrots.* Any unit possessing an unpeeled area greater than the area of a circle ⅛ inch in diameter; and any unit blemished by internal or external discoloration, by sunburn or green color, by pathological injury, by insect injury, or by other means.

(*d*) *Corn.* Any kernel or portion thereof that possesses serious brown or black discoloration.

(*e*) *Peas.* Any spotted pea or any off-colored pea (such as brown, gray, cream, or yellow-white) that is abnormally defective and that definitely lacks any tinge of green color.

(*f*) *Garnish.* Any piece blemished by discoloration, by pathological injury, by insect injury, or by other means which in the aggregate exceeds the area of a circle ⅛ inch in diameter.

(iv) "Seriously damaged unit" means any unit of the basic vegetable or garnish, other than damaged corn kernels, that is damaged to the extent that the appearance and edibility of the unit is seriously affected and includes, but is not limited to, "shriveled" lima beans that are materially wrinkled and not of normal plumpness; "sprouted" lima beans that show an external shoot protruding beyond the cotyledon or skin; and any unit with brown or very black or very dark spots and serious insect injury regardless of the area affected.

(v) "Other defects" means any defects not specifically mentioned that affect the appearance or edibility of the product, and includes, but is not limited to the following:

(*a*) *Beans, green or wax.* Loose seeds and portions thereof; and pod sections with very ragged edges that are partially cut or split into two parts, or that are markedly shorter or longer than the predominating lengths of the cut units;

(*b*) *Beans, lima.* Mashed beans, broken beans, loose cotyledons, loose skins, and any portions thereof;

(*c*) *Carrots.* Crushed, broken, cracked, or irregularly shaped units; units with excessively frayed edges and surfaces; and units markedly smaller than one-half the volume of, or markedly larger than, the predominating size of cubes;

(*d*) *Corn.* Crushed kernels, ragged kernels, loose skins, and dark and objectionable pieces of silk more than ½ inch in length; and

(*e*) *Peas.* Mashed peas, broken peas, loose cotyledons, loose skins, and any portions thereof.

(vi) Frozen mixed vegetables that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present no more than the following defects within the limits stated:

(*a*) No large pieces of harmless extraneous vegetable material; but 1 small piece of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided*, That the combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

(*b*) 2 moderately damaged units for each 3 ounces of frozen mixed vegetables and 1 seriously damaged unit for each 4 ounces of frozen mixed vegetables: *Provided*, That slightly damaged, moderately damaged, and seriously damaged units, either singly or in combination, do not materially affect the appearance or edibility of the frozen mixed vegetables; and

(*c*) Other defects, individually or collectively, do not materially affect the appearance of the frozen mixed vegetables.

(vii) If the frozen mixed vegetables are reasonably free from defects, a score of 28 to 33 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present no more than the following defects within the limits stated:

(*a*) 1 large piece of harmless extraneous vegetable material and 2 small pieces of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided*, That the combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

(*b*) 4 moderately damaged units for each 3 ounces of frozen mixed vegetables and 1 seriously damaged unit for each 2 ounces of frozen mixed vegetables: *Provided*, That slightly damaged, moderately damaged, and seriously damaged units, either singly or in combination, do not seriously affect the appearance or edibility of the frozen mixed vegetables; and

(*c*) Other defects, individually or collectively, do not seriously affect the appearance of the frozen mixed vegetables.

(viii) If the frozen mixed vegetables fail to meet the requirements of subdivision (vii) of this subparagraph, a score of 0 to 27 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* The factor of character refers to the texture, the maturity, and the degree of development of the pods and seeds in green beans or wax beans; the tenderness of lima beans; the tenderness and the degree of freedom from stringy or coarse fibers in carrots; the tenderness and maturity or starchiness of the corn; the tenderness or maturity of the peas; and to the tenderness of the combined frozen mixed vegetables after cooking.

(i) Frozen mixed vegetables which collectively and individually possess a good character may be given a score of 34 to 40 points. "Good character" means that the combined vegetables after cooking are tender and that the individual vegetables prior to cooking meet the following requirements:

(*a*) *Beans, green or wax.* The bean pods are full-fleshed and tender, the seeds are in the earlier stages of maturity, and both the bean pods and seeds are the equivalent of frozen green beans or wax beans that would score not less than 36 points for the factor of "Texture and Maturity" as outlined in the "United States Standards for Grades of Frozen Snap Beans."

(*b*) *Beans, lima.* The lima beans, except for an occasional bean that may be white, are tender.

(*c*) *Carrots.* The units are tender and are the equivalent of frozen diced carrots that would score not less than 26 points for the factor of "Texture" as outlined in the "United States Standards for Grades of Frozen Diced Carrots" (§ 52.218).

(*d*) *Corn.* The kernels are at least in the cream stage of maturity, have at least a reasonably tender texture, and are the equivalent of frozen whole-grain corn that would score not less than 43 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Whole Kernel (or Whole Grain) Corn" (§ 52.271).

(*e*) *Peas.* The peas are at least reasonably tender and are the equivalent of frozen peas that would score not less than 34 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(ii) If the frozen mixed vegetables, collectively and individually, possess a reasonably good character, a score of 28 to 33 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the combined vegetables after cooking are reasonably tender and practically free from tough fibers and that the individual vegetables prior to cooking meet the following requirements:

(*a*) *Beans, green or wax.* The bean pods are at least fairly tender and are the equivalent of frozen green beans or wax beans that would score not less than 30 points for the factor of "Texture and Maturity" as outlined in the "United States Standards for Grades of Frozen Snap Beans."

(*b*) *Beans, lima.* The lima beans are at least fairly tender and not more than 10 percent by count of all the lima beans may be white.

(*c*) *Carrots.* The units are at least reasonably tender and are the equivalent of frozen diced carrots that would score not less than 24 points for the factor of "Texture" as outlined in the "United States Standards for Grades of Frozen Diced Carrots" (§ 52.218).

(*d*) *Corn.* The kernels are at least fairly tender and are the equivalent of frozen whole-grain corn that would score not less than 38 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Whole Kernel (or Whole Grain Corn" (§ 52.271).

(*e*) *Peas.* The peas are at least fairly tender and are the equivalent of frozen peas that would score not less than 30 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(iii) If the frozen mixed vegetables, collectively or individually, fail to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 27 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms and analyses.* (1) The "proportion of ingredients" are determined on the thawed vegetables by the following procedure:

(i) Separate and assemble from all the containers in the sample each of the basic vegetables;

(ii) Weigh each basic vegetable thus composited to obtain the "aggregate weight" of each basic vegetable from all the containers in the sample;

(iii) Add the aggregate weights of all the basic vegetables to obtain the "grand total weight" of all the basic vegetables from all containers in the sample; and then

(iv) Calculate the percentage of each basic vegetable in the sample by dividing the "aggregate weight" of each basic vegetable by the "grand total weight" of all the basic vegetables.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen mixed vegetables, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for frozen mixed vegetables.*

Size and kind of container			
Container mark	Packages		
or Identification	Cases		
Label (list of ingredients, etc.)			
Net weight (ounces)			
Kinds (styles) of ingredients		Aggregate weight (nearest gram)	Proportion (nearest whole gram)
Garnish			
Beans—Cut: ( ) green; ( ) wax		...ozs	...
( ) to ( ); ( ) round; ( ) Baby Lima beans		...ozs	...
Carrots—Diced (approx. ( ) cubes)		...ozs	...
Corn—whole-kernel—Golden		...ozs	...
Peas: ( ) sweet; ( ) early		...ozs	...
Grand total, weight		...ozs	100
( ) Meets proportions; ( ) Fails proportions			
Factors	Score		
I. Color	20	(A) 17–20 (B) 14–16 (SSB) 0–13	
II. Absence of defects	40	(A) 34–40 (B) 28–33 (SSB) 0–27	
III. Character	40	(A) 34–40 (B) 28–33 (SSB) 0–27	Thawed: Beans, Lima; Carrots, Corn, Peas.
All vegetables after cooking: ( ) tender; ( ) reasonably tender, etc.			
Flavor and odor after cooking: ( ) good; ( ) fairly good; ( ) off.			
Total score			
Grade			

[1] Indicates limiting rule.

(i) *Effective time.* The United States Standards for Grades of Frozen Mixed Vegetables (which is the first issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(60 Stat. 1087, as amended; 7 U. S. C. 1621)

Issued at Washington, D. C., this 29th day of October 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-11811; Filed, Nov. 3, 1952; 8:48 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061(53)-1, Supp. 2]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1953

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended,

the 1953 National Agricultural Conservation Program, issued July 28, 1952 (17 F. R. 6995), as amended July 28, 1952 (17 F. R. 7110), is further amended as follows:

In § 701.483 *Deduction*, paragraph (a) is amended by revising the second sentence to read as follows: "The deduction shall be the sum of the credit value of the conservation materials and services furnished and any amount of small payment increase advanced to the producer, except that (1) where the cost to the ACP Branch is less than the credit rate, the deduction shall be equal to the cost; (2) where the increase in small payment was advanced to the producer under a previous program and the material or service was transferred to the 1953 program, the amount of the increase in small payment to be deducted shall be determined on the 1953 credit value; and (3) where the material or service was transferred or carried over to the 1953 program from a previous program and the practice for which furnished is not offered in the county under the 1953 program, or was not an approved practice for the farm under § 701.412, the producer may be relieved of the above deductions upon determination by the county committee that the material or service was used in performing the practice for which the material or service was furnished."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 30th day of October 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11831; Filed, Nov. 3, 1952; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket Nos. AO-233 and AO-233-RO1]

PART 963—MILK IN STARK COUNTY, OHIO, MARKETING AREA

ORDER REGULATING HANDLING

Sec.
963.0 Findings and determinations.

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963.2 Secretary.
963.3 Marketing area.
963.4 Handler.
963.5 Pool plant.
963.6 Nonpool plant.
963.7 Producer.
963.8 Producer milk.
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963.10 Producer-handler.
963.11 Route.
963.12 Person.
963.13 Department of Agriculture.
963.14 Cooperative Association.

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963.21 Powers.
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963.90 Agent.
963.91 Separability of provisions.

AUTHORITY: §§ 963.0 through 963.91 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 963.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and order regulating the handling of milk in the Stark County, Ohio, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) The necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro-rata share of such expenses 3 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to (i) all receipts of producer milk (including such handler's own production), (ii) all other source milk received at a pool plant and classified as Class I, and (iii) all other source milk on which payment is made pursuant to § 963.72 (b).

(b) *Additional findings.* In view of the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the provisions relating to prices and payments to producers, in order that handlers may have opportunity to make necessary adjustments in their accounting and other operational procedures to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. It is hereby found and determined, in view of the aforesaid facts and circumstances, that good cause exists for making all of the terms and provisions of this order except §§ 963.22 (h), 963.50 through 963.74, and 963.76 thereof effective on November 1, 1952, and that it would be contrary to the public interest to delay such effective date beyond that specified.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order which is marketed within the Stark County, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1952), were engaged in the production of milk for sale in the said marketing area.

Order Relative to Handling

It is therefore ordered that on and after the effective date hereof the handling of milk in the Stark County, Ohio, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 963.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 963.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employees of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 963.3 *Marketing area.* "Stark County, Ohio, marketing area," hereinafter referred to as "marketing area," means all territory geographically located within (a) Stark County, Ohio, except (1) Paris Township, (2) Sugar Creek Township, and (3) Sections 6 and 7 of Lake Township; (b) Smith Township of Mahoning County, Ohio, except Great Lot 35 thereof; (c) Knox Township of Columbiana County, Ohio; (d) Sections 1, 2, 3, 10, 11, and 12 in Sugar Creek Township of Wayne County, Ohio; (e) Sections 25, 26, 27, 34, 35, and 36 in Green Township of Summit County; (f) Lots 1, 2, 9, 10, 11, 12, 19, 20, 21, 22, 29, 30, 31, 32, 39, and 40 in Suffield Township of Portage County; and (g) Lots 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 25, 26, 27, 28, 29, 30, 35, 36, 37, 38, 39, and 40 in Randolph Township of Portage County

§ 963.4 *Handler.* Any person, other than a producer-handler, who operates a milk handling plant (hereinafter referred to as a "plant") shall be a "handler" with respect to all skim milk and butterfat received at such plant or caused to be diverted from producers' farms to a nonpool plant by such person in any month in which a route(s) is operated wholly or partially within the marketing area from such plant. Any cooperative association shall be a "handler" with respect to the milk of any producer which it causes to be diverted from producers' farms to a nonpool plant for the account of such cooperative association.

§ 963.5 *Pool plant.* A plant, except a plant of a producer-handler, shall be a "pool plant" in any month in which a route(s) is operated wholly or partially within the marketing area from such plant if such plant is (a) located in the marketing area; or (b) located outside the marketing area and 10 percent or more of the total combined amount of skim milk and butterfat in Class I milk at such plant is disposed of on a route(s) operated wholly or partially within the marketing area: *Provided*, That a plant located either in or outside the marketing area shall not be a pool plant in any month in which the total combined amount of skim milk and butterfat in Class I milk at such plant which is disposed of on a route(s) operated wholly or partially within the marketing area is less than 18,000 pounds.

§ 963.6 *Nonpool plant.* A plant other than a plant operated by a producer-handler shall be a "nonpool plant" in any month in which it is not a pool plant.

§ 963.7 *Producer.* "Producer" means any person, other than a producer-handler, with respect to milk produced by him which milk is moved directly from his farm to a pool plant or is diverted by the operator of the pool plant or by a cooperative association to a nonpool plant.

§ 963.8 *Producer milk.* "Producer milk" means skim milk and butterfat contained in milk received from producers.

§ 963.9 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in milk, skim milk, or cream, or used to produce all other milk products received from all sources other than producers and pool plants.

§ 963.10 *Producer - handler.* "Producer-handler" means any person (a) who produces milk; (b) receives no producer milk or other source milk; and (c) operates a plant from which a route(s) is operated wholly or partially within the marketing area.

§ 963.11 *Route.* "Route" means a sale or delivery (including a sale from a plant or a store) of Class I milk to a wholesale or retail stop(s), including the sale or consignment of such products by a handler to wholesale or retail outlets owned, leased, or controlled, directly or indirectly, by such handler.

§ 963.12 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 963.13 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 963.50.

§ 963.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association: (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 963.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 963.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 963.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Pay out of the funds provided by § 963.75, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses, except those incurred under § 963.76, necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made reports pursuant to §§ 963.30 or 963.31 or payments pursuant to §§ 963.70, 963.72, 963.74, 963.75, 963.76, or 963.77;

(f) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(h) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate:

(1) On or before the 5th day of each month the minimum class prices for skim milk and butterfat for the preced-

ing month as computed pursuant to §§ 963.51 and 963.52;

(2) On or before the 13th day of each month the uniform prices for the preceding month computed pursuant to § 963.61, the butterfat differential for the preceding month computed pursuant to § 963.74, and the name of each handler who received producer milk during the preceding month and the percentages of such milk which was classified as Class I milk and as Class II milk.

REPORTS, RECORDS, AND FACILITIES

§ 963.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator; (a) the quantities of butterfat and the quantities of skim milk contained in all milk, skim milk, or cream and used to produce all milk products received from all sources during the preceding month; (b) the quantities of butterfat and the quantities of skim milk contained in all frozen cream which were formerly classified pursuant to § 963.41 (b) (2) and which were removed from storage or received during the preceding month; (c) the quantities of all milk or milk products and the quantities of skim milk and butterfat contained in or used to produce such milk or milk products moved from such handlers plant during the preceding month or on hand at such plant at the end of the preceding month; and (d) such other information with respect to such receipts and utilization as the market administrator may request.

§ 963.31 *Other reports.* Other reports shall be submitted to the market administrator as follows:

(a) Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 25th day of each month each handler who operated a pool plant at which producer milk was received in the preceding month shall submit such handler's producer payroll for the preceding month which shall show (1) the total pounds and the butterfat content of milk received from each producer, (2) the amount and date of payment to each producer or cooperative association pursuant to § 963.70, and (3) the nature and amount of each deduction or charge made by the handler.

§ 963.32 *Records and facilities.* Each handler and producer-handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of any of his operations including those of nonpool plants to which any producer milk is diverted and such facilities as in the opinion of the market administrator are necessary to verify or to establish the correct data with respect to: (a) The receipts of skim milk and butterfat contained in or used to produce all producer milk and other source milk received by such handler or producer-handler; (b) the removal from storage or the receipts of all frozen cream and the quantities of butterfat and skim milk contained in such frozen cream; (c) the disposition and inventories of milk and milk products and the quantities of skim milk and butterfat contained in or used to produce such milk and milk products; (d) the weights, samples, and tests for butterfat and other contents of (1) all producer milk and other source milk received by such handler or producer-handler, and (2) all milk and milk products disposed of or in inventories held by such handler or producer-handler; and (e) all payments required to be made by such handler pursuant to §§ 963.70, 963.72, 963.74, 963.75, 963.76 and 963.77.

§ 963.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler or producer-handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler or producer-handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler or producer-handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler or producer-handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 963.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream or used to produce milk products received during each month from all sources by each handler shall be classified pursuant to §§ 963.41 through 963.46.

§ 963.41 *Classes of utilization.* Subject to the conditions set forth in § 963.43 and § 963.44 skim milk and butterfat shall be classified separately as follows:

(a) Class I milk shall be all skim milk including reconstituted skim milk and all butterfat:

(1) Moved from a plant during the month or on hand at a plant at the end of the month in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream including sour cream, or any mixture of cream and milk or skim milk, except skim milk and butterfat which is classified as Class II milk pursuant to paragraph (b) (1), (2), or (3) of this section;

(2) Used to produce concentrated milk for fluid consumption which was moved from a plant during the month or was on hand at a plant at the end of the month; or

(3) In shrinkage of producer milk as computed pursuant to § 963.42 (b) which is in excess of such shrinkage classified as Class II milk pursuant to paragraph (b) (4) of this section.

(b) Class II milk shall be all skim milk including reconstituted skim milk and all butterfat:

(1) Contained in skim milk which is dumped or fed to livestock by the handler or is moved from a plant and disposed of to farmers or livestock feeders for livestock feeding;

(2) Contained in cream which was moved from a plant during the month to a cold storage warehouse in the form of frozen cream or in the form of cream to be frozen, or which was on hand at a plant at the end of the month in the form of frozen cream;

(3) In shrinkage of skim milk and butterfat contained in producer milk in amounts equal to either the amounts of skim milk and butterfat, respectively, computed pursuant to § 963.42 (b) or amounts equal to 2 percent of the skim milk and butterfat, respectively, contained in producer milk, whichever amounts are smaller;

(4) In shrinkage of skim milk and butterfat contained in other source milk as computed pursuant to § 963.42 (b); or

(5) Used to produce or contained in ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); eggnog; butter; butter oil; cheese, including cottage cheese; bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; yogurt; aerated products; or any other products other than those specified in paragraph (a) of this section which products are moved from a plant during the month or are on hand at a plant at the end of the month.

§ 963.42 *Shrinkage.* Shrinkage of skim milk and butterfat contained in producer milk and in other source milk shall be computed each month as follows:

(a) Combine into separate totals for skim milk and butterfat all skim milk and butterfat contained in all milk, skim milk, and cream or used to produce all milk products received during the month from all sources, and deduct therefrom all skim milk and butterfat, respectively, contained in or used to produce all milk, skim milk, cream, and all milk products moved from a plant during the month or on hand at a plant at the end of the month: *Provided*, That producer milk transferred or diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the transferring or diverting handlers pool plant shall be included in the receipts at the pool plant to which such milk was transferred or diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the transferring or diverting handler's pool plant for such purpose.

(b) Prorate the total shrinkage of skim milk and butterfat computed pursuant to paragraph (a) of this section to skim milk and butterfat, respectively, contained in or used to produce all producer milk and all other source milk.

§ 963.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat contained in producer milk and in other source milk received

by a handler shall be classified as Class I milk unless the handler proves to the market administrator that such skim milk and butterfat or a portion thereof should be classified as Class II milk. Any skim milk or butterfat which is classified in one class shall be reclassified to the other class if subsequent to the original classification such skim milk or butterfat is handled in such a manner as to justify its reclassification.

§ 963.44 *Transfers.* Skim milk or butterfat transferred (including skim milk and butterfat in milk which was diverted) from a pool plant in the form of milk, skim milk or cream to:

(a) Another pool plant or a nonpool plant from which a route is operated wholly or partially within the marketing area shall be classified as Class I milk unless utilization in Class II is indicated by the operators of both plants in their reports filed pursuant to § 963.30 for the month during which such transfer was made. If the two operators indicate a Class II utilization of all or part of the transferred skim milk and butterfat and the pounds of skim milk or butterfat remaining in Class II milk after the allocation of skim milk and butterfat in other source milk pursuant to § 963.46 (e) for the plant to which such transfer was made are greater than the pounds of skim milk and butterfat, respectively, so mutually indicated to be classified as Class II milk, then all such skim milk or butterfat transferred shall be classified as Class II milk. If the pounds of skim milk or butterfat remaining in Class II milk after the allocation of skim milk and butterfat in other source milk pursuant to § 963.46 (e) for the plant to which such transfer was made are less than the pounds of skim milk or butterfat, respectively, so mutually indicated to be classified as Class II milk, then an amount of such transferred skim milk or butterfat, respectively, equal to the pounds remaining in Class II in the plant to which such transfer was made shall be classified as Class II milk and the remainder of such skim milk or butterfat so transferred shall be classified as Class I milk.

(b) To a producer-handler shall be classified as Class I milk.

(c) To a nonpool plant from which no route is operated within the marketing area shall be classified as Class I milk unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 8th day of the month following that within which such transfer was made and the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at his plant and makes such books and records available to the market administrator, upon his request, for the verification of such utilization. If the above conditions are met the market administrator shall classify all skim milk and butterfat received at the nonpool plant and the skim and butterfat so transferred shall be allocated in series beginning with any skim milk and butterfat, respectively, remaining in Class I milk after allocating skim milk and butterfat in milk received from dairy farmers who the market administrator determines constitute the regular source of milk for Class I uses at such plant in series beginning with Class I milk.

§ 963.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler pursuant to § 963.30 and shall compute separately the pounds of skim milk and butterfat in each class.

§ 963.46 *Allocation of skim milk and butterfat.* Skim milk and butterfat to be classified pursuant to § 963.40 shall be separately allocated to skim milk and butterfat classified pursuant to §§ 963.41 through 963.44 in sequence as follows:

(a) Plant shrinkage of skim milk and butterfat contained in producer milk as computed pursuant to § 963.42 (b) shall be allocated to skim milk and butterfat, respectively, classified pursuant to § 963.41 (a) (3) and (b) (4).

(b) Skim milk and butterfat contained in or used to produce products other than milk, skim milk, or cream received in such form shall be allocated to skim milk and butterfat contained in or used to produce products moved from a plant during the month or on hand at a plant at the end of the month in like form.

(c) Skim milk and butterfat contained in any frozen cream which was classified in a previous month as Class II milk pursuant to § 963.41 (b) (2) and which was removed from storage or received from another handler during the month for which classification is being determined shall be allocated to skim milk and butterfat used to produce ice cream or other frozen desserts or mixes for such ice cream or other frozen desserts moved from a plant during such month or on hand at a plant at the end of such month.

(d) Remaining skim milk and butterfat contained in or used to produce other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act shall be allocated to remaining skim milk and butterfat, respectively, in Class II milk, and if such remaining skim milk or butterfat contained in or used to produce such other source milk exceeds the remaining skim milk or butterfat, respectively, in Class II milk, such excess of skim milk or butterfat shall be allocated to skim milk or butterfat, respectively, in Class I milk.

(e) Remaining skim milk and butterfat contained in or used to produce other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act shall be allocated to remaining skim milk and butterfat, respectively, in Class II milk, and if such remaining skim milk or butterfat contained in or used to produce such other source milk exceeds the remaining skim milk or butterfat, respectively, in Class II milk, such excess of skim milk or butterfat shall be allocated to the skim milk and butterfat in Class I milk.

(f) Skim milk and butterfat transferred and classified pursuant to § 963.44 shall be allocated to skim milk and butterfat, respectively, pursuant to such classification.

(g) Add to the remaining skim milk and butterfat in each class the skim milk and butterfat, respectively, allocated pursuant to paragraph (a) of this section.

(h) If the then remaining skim milk or butterfat in all classes exceeds the skim milk or butterfat contained in producer milk received by such handler, subtract such excess of skim milk or butterfat from remaining skim milk or butterfat, respectively, in Class II milk, and if the remaining skim milk or butterfat in Class II milk is less than such excess of skim milk or butterfat, respectively, subtract the difference of skim milk or butterfat from remaining skim milk or butterfat, respectively, in Class I milk. The resulting volumes of skim milk and butterfat in each class are the volumes of skim milk and butterfat in producer milk in each class.

MINIMUM PRICES

§ 963.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I and Class II milk price pursuant to § 963.51 and § 963.52 shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Present Operator and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Bellsville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed;

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month; and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(c) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average price of butter as computed in paragraph (b) (1) of this section, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5.

(2) From the simple average as computed by the market administrator, of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

§ 963.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in producer milk received by such handler during the month which is classified as Class I milk shall be computed by the market administrator as follows:

Provided, That in each month from the effective date of this section through July 1953 the price per hundredweight for producer milk received by a handler at a pool plant for which the handler holds a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and classified as Class I milk shall be the Class I price for such month as computed pursuant to § 975.61 (a), exclusive of the proviso contained therein, of the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (7 CFR, Part 975) less 15 cents, and the price for producer milk received by a handler at a pool plant for which the handler does not hold a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and classified as Class I milk shall be such Cleveland Class I less 40 cents.

(a) Add to the basic formula price the following amount for the month indicated:

Month	*Amount*
May and June	$0.90
March, April, July, and August	1.30
All others	1.70

Provided, That in computing the price to be paid by any handler for butterfat and skim milk contained in producer milk which was received by such handler during the month at a pool plant for which the handler does not hold a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and which is classified as Class I milk, the amounts to be added to the basic formula price pursuant to this paragraph shall be 25 cents less in each month than the amounts indicated above.

(b) Add or subtract from the result computed pursuant to paragraph (a) of this section a "supply-demand adjustment" computed as follows:

(1) Compute a "current utilization percentage" by dividing the total volume of producer milk and other source milk received by all handlers in the first and second months preceding the month for which a price is being computed which was classified as Class I milk pursuant to §§ 963.41 (a), 963.43, and 963.44 by the total volume of producer milk received by all handlers during the same months, multiplying the result by 100, and rounding to the nearest whole number;

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage computed pursuant to subparagraph (1) of this paragraph the appropriate "standard utilization percentage" shown below:

Month for which a price is being computed:	*Standard utilization percentage*
January	84
February	80
March	78
April	75
May	71
June	64
July	61
August	64
September	67
October	70
November	76
December	82

(3) The amount of the supply-demand adjustment shall be as follows:

[Cents per hundredweight]

If the net utilization percentage is—	Supply-demand adjustment for specified month is—		
	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, and July	Oct., Nov., and Dec.
+12 or over	+38	+25	+50
+9 or +10	+28	+19	+38
+6 or +7	+20	+13	+26
+3 or +4	+10	+7	+14
+1 to −1	0	0	0
−2 or −1	−10	−14	−7
−6 or −7	−20	−26	−13
−9 or −10	−28	−38	−19
−12 or −13	−38	−50	−25
−15 or −16	−38	−50	−31
−18 or −19	−38	−50	−37
−21 or −22	−38	−50	−43
−21 or under	−38	−50	−50

When the net utilization percentage does not fall within one of the above tabulated brackets, the supply-demand adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month. If in the first month this supply-demand adjustment is in effect the net utilization percentage does not fall within one of the above tabulated brackets the supply-demand adjustment shall be determined by the adjacent bracket which would result in the higher supply-demand adjustment.

(c) Divide the price computed pursuant to § 963.50 (c) into the amount computed pursuant to § 963.50 (c) (1).

(d) Multiply the price computed pursuant to paragraphs (a) and (b) of this section by the result obtained pursuant to paragraph (c) of this section.

(e) Divide the result obtained pursuant to paragraph (d) of this section by 0.035. This result shall be the price per hundredweight of butterfat classified as Class I milk.

(f) From the price computed pursuant to paragraph (a) and (b) of this section, subtract the amount computed pursuant to paragraph (d) of this section, and divide the remainder by 0.965. The result shall be the price per hundredweight of skim milk classified as Class I milk.

§ 963.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in producer milk received by such handler during the month which is classified as Class II milk shall be computed by the market administrator as follows:

(a) Multiply the basic formula price computed pursuant to § 963.50 by the result obtained pursuant to § 963.51 (c).

(b) Divide the result obtained pursuant to paragraph (a) of this section by 0.035. The result shall be the price per hundredweight of butterfat classified as Class II milk.

(c) From the basic formula price computed pursuant to § 963.50 subtract the amount computed pursuant to paragraph (a) of this section, and divide the remainder by 0.965. The result shall be the price per hundredweight of skim milk classified as Class II milk.

DETERMINATION OF UNIFORM PRICE

§ 963.60 *Value of producer milk.* The value of producer milk received by each handler during the month shall be computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class as computed pursuant to § 963.46 by the applicable class prices and adding together the resulting amounts: *Provided*, That if after the allocation of skim milk and butterfat pursuant to paragraphs (a) through (g) of § 963.46 the remaining amount of skim milk or butterfat exceeds the amount of skim milk or butterfat, respectively, in producer milk received by such handler, there shall be added to the value of the producer milk received by such handler a further amount computed by multiplying the hundredweight of skim milk or butterfat as subtracted pursuant to § 963.46 (h) by the applicable class price.

§ 963.61 *Computation of uniform prices.* For each month the market administrator shall compute a uniform price per hundredweight of milk containing 3.5 percent of butterfat to be paid to producers delivering milk to any pool plant for which the handler operating such plant holds a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio and a uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers delivering to any pool plant for which the handler operating such plants does not hold a permit for such plant from any of such health authorities as follows:

(a) Combine into one total the value of producer milk for each handler as computed pursuant to § 963.60 for all handlers who reported pursuant to § 963.30 for such month, except those in default in payments required pursuant to § 963.72 for the preceding month;

(b) Add the total amount of all payments made pursuant to § 963.72 (b), (c), and (d);

(c) Add any amounts paid into the producer-settlement fund and subtract any amounts paid out of the producer-settlement fund pursuant to § 963.77;

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund exclusive of the amounts added or subtracted pursuant to paragraphs (b) and (c) of this section;

(e) Subtract, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 963.74 multiplied by 10;

(f) Subtract an amount computed by multiplying by 25 cents the hundredweight of producer milk which was (1) received during the month for which uniform prices are being computed at all pool plants for which the handler operating such plant holds a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and (2) classified as Class I milk;

(g) Divide the resulting amount by the total hundredweight of producer milk received by all handlers during the month for which uniform prices are being computed;

(h) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed to any pool plant for which the handler operating such plant holds a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio.

§ 963.62 *Notification.* On or before the 13th day of each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 963.30 of:

(a) The classification pursuant to § 963.46 of skim milk and butterfat contained in producer milk received by such handler during the preceding month and the value of such milk computed pursuant to § 963.60;

(b) The uniform prices for the preceding month computed pursuant to § 963.61; and

(c) The amount due such handler pursuant to § 963.73 and the amount to be paid by such handler pursuant to §§ 963.72, 963.75, and 963.76.

PAYMENTS FOR MILK

§ 963.70 *Payments to producers or cooperative associations.* Subject to §§ 963.74 and 963.76, each handler who is not a cooperative association shall make payments to producers or cooperative associations pursuant to either paragraph (a) or (b) of this section:

(a) On or before the 16th day of each month such handler shall pay to a cooperative association which requests such payment for producer milk received in the preceding month from producers who have given such cooperative association written authorization to collect payment for their milk a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (b) of this section. In making such payments to a cooperative association, the payments shall be accompanied with a statement showing the name of each producer for whose milk payment is being made to the cooperative association, the volume and average butterfat content of milk received from each such producer, and the amount of and reason for any deductions which the handler has withheld from the amount due such producer.

(b) On or before the 18th day of each month such handler shall pay each producer (other than those for who a cooperative association collects pursuant to paragraph (a) of this section) for milk received from him during the preceding month at not less than the appropriate uniform price computed pursuant to § 963.61 (h) or (k) for such month, adjusted by the butterfat differential computed pursuant to § 963.74 for such month, and less any deductions authorized by such producer: *Provided*, That if the payments made to a handler pursuant to § 963.73 have been reduced pursuant to the proviso contained therein, such handler may reduce payments to producers or cooperative associations by the same amount per hundredweight of milk and such handler shall complete payments to producers or cooperative associations as required by this section or before the next date for making payments pursuant to this section following the date upon which such handler receives payment in full for amounts due him pursuant to § 963.73.

§ 963.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to §§ 963.72 and 963.77 and out of which he shall make all payments pursuant to §§ 963.73 and 963.77.

§ 963.72 *Payments to the producer-settlement fund.* On or before the 14th day of each month handlers shall make payments to the market administrator as follows:

(a) If the value of producer milk received by a handler in the preceding month as computed pursuant to § 963.60 exceeds the amount which such handler is required to pay to all producers pursuant to § 963.70, such handler shall pay the difference between the two amounts.

(b) Any handler who during the preceding month operated a nonpool plant from which a route extending into the marketing area was operated shall pay an amount computed by determining the value at the Class I price which would be applicable at such plant if it were a pool plant of all Class I milk disposed of on routes operated wholly or partially within the marketing area during the preceding month and by deducting from such value the value of such milk at the Class II price: *Provided*, That if such handler received at his nonpool plant during the preceding month skim milk and butterfat from a pool plant which was classified as Class I milk pursuant to § 963.44 (c) a payment shall be made pursuant to this section only if the volume of Class I milk so disposed of on routes operated wholly or partially within the marketing area is in excess of the volume of Class I milk received from a pool plant and shall be computed only on such excess.

(c) Any handler who during the preceding month operated a pool plant shall pay an amount computed by determining the value of other source milk which was received during the preceding month and allocated to Class I milk pursuant to § 963.46 (d) at the Class I price applicable to such plant and by deducting from such value the value of such milk at the Class II price.

(d) Any handler who received other source milk in the preceding month which was allocated to Class I milk pursuant to § 963.46 (e) shall pay any amount by which the value of such milk at the Class I price applicable to the plant at which such other source milk was received exceeded the value of such milk computed pursuant to the other marketing agreement or order.

§ 963.73 *Payments out of the producer-settlement fund.* On or before the 16th day of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler for the preceding month pursuant to § 963.70 is greater than the total value of the milk of such handler computed pursuant to § 963.60 for such preceding month, less any unpaid obligations of the handler to the market administrator pursuant to § 963.72: *Provided*, That if the balance in the producer-settlement fund is in-

sufficient to make payments to all handlers pursuant to this paragraph, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 963.74 *Producer butterfat differential.* In making payments pursuant to § 963.70 the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the next high half-cent) computed as follows: Divide the average price of butter as computed pursuant to § 963.50 (b) (1) by 10 and, if the result is not an even whole or half cent, round to the next higher whole or half cent.

§ 963.75 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 963.22 (c), each handler shall pay the market administrator on or before the 14th day of each month 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to (a) all receipts within the preceding month of producer milk (including such handler's own production), (b) all other source milk received at a pool plant in the preceding month and classified as Class I, and (c) all other source milk on which payment is made pursuant to § 963.72 (b).

§ 963.76 *Marketing services.* In making payments to producers or cooperative associations pursuant to § 963.70 a handler shall make deductions and dispose of amounts so deducted as follows:

(a) Except as set forth in paragraph (b) of this section a handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk for which payment is being made pursuant to § 963.70 and shall pay the total amount of such deductions to the market administrator on or before the 16th day after the end of the month in which such producer milk was received. Such amount shall be expended by the market administrator to verify weights and tests of milk of producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, a handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 963.70 (b) for producer milk received in the preceding month as may be authorized by such producers, and pay such deductions on or before the 16th day after the end of the month in which such producer milk was received to the cooperative association rendering such services.

§ 963.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors or whenever skim milk or butterfat is reclassified pursuant to § 963.43 resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to § 963.70 the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice. In computing amounts due pursuant to this section Class prices, the appropriate uniform price, the butterfat differential, the rate of administration assessment pursuant to § 963.75, and the rate of marketing service deduction pursuant to § 963.76 which were applicable in the month for which the original calculations of amounts due were made shall be used.

§ 963.78 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within that applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 963.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

§ 963.81 *Suspension or termination.* Whenever the Secretary finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision of this subpart.

§ 963.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 963.83 *Liquidation.* Upon the suspension of the provisions of the subpart, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 963.90 *Agent.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 963.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 30th day of October 1952 to be effective as follows:

Sections 963.0 through 963.22 (g), 963.30 through 963.46, 963.75, and 963.77 through 963.91 of this order shall be effective on and after November 1, 1952; and all of the remaining terms and provisions of this order (§§ 963.22 (h), 963.50 through 963.74, and 963.76) shall be effective on and after December 1, 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11832; Filed, Nov. 3, 1952; 8:52 a. m.]

PART 967—MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than November 1, 1952, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the market of an adequate supply of milk. Accordingly any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the South Bend-La Porte, Indiana, marketing area. The provisions of the said amendatory order are well known to handlers. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the South Bend-La Porte, Indiana, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (September 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the South Bend-La Porte, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 967.50 (b) (2) and substitute therefor the following:

(2) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand cheddars in cars or truckloads, f. o. b. Wisconsin assembling points, as reported by the Department for the trading days during the delivery period, subtract 1.3 cents, and multiply by 2.4:

2. Delete § 967.51 in its entirety and substitute therefor the following:

§ 967.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class I milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: May and June, $0.70; July through January, inclusive, $1.30; and February through April, inclusive, $0.90: *Provided*, That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 72 percent.

(b) Add together the amount computed pursuant to § 967.50 (c) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (c), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated: May and June, $8.25; July through January, inclusive, $13.75; and all others, $11.00: *Provided*, That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the proviso of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class I milk.

(d) On or before the last day of each delivery period the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 12-month period.

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 12-month period and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period.

(3) Divide the amount obtained in subparagraph (2) of this paragraph by

the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio."

(4) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Order 41 and former Order 69 (Suburban Chicago, Illinois, marketing area) when it is necessary to use data for delivery periods prior to July 1, 1951.

3. Delete § 967.52 (c) and substitute therefor the following:

(c) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department by the companies listed below: *Provided*, That in the case of any such plant for which prices are reported on a biweekly basis, the simple average of the two most recent price quotations applicable to milk received during the delivery period at such plant shall be used in computing the average price for the four plants.

Present Operator and Location

Goshen Milk Condensing Co., Goshen, Indiana.
New Paris Creamery Co., New Paris, Indiana.
Schlosser Brothers Creamery, Plymouth, Indiana.
Elgin Milk Products Co., Galien, Michigan.

4. Delete § 967.60 (c) and substitute therefor the following:

(c) On or before the 4th day after the end of such delivery period each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on or before the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section:

When the uniform price for the preceding delivery period is:	*The amount of the partial payment shall be*
Under $1.00	$0.00
$1.00–$1.99	1.00
$2.00–$2.99	2.00
$3.00–$3.99	3.00
$4.00–$4.99	4.00
$5.00–$5.99	5.00
$6.00–$6.99	6.00
$7.00– and over	7.00

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 30th day of October 1952, to be effective on and after the 1st day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-11834; Filed, Nov. 3, 1952; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 594—INTERDEPARTMENTAL PROCUREMENT

PART 596—CONTRACT CLAUSE AND FORMS

PART 602—GOVERNMENT PROPERTY

ARMY PROCUREMENT PROCEDURE; MISCELLANEOUS AMENDMENTS

1. In paragraph (d) of § 590.807, subparagraph (2) is revised, and subparagraph (5) is added as follows:

§ 590.807 *Procurement actions to be reported.* • • •

(d) • • •

(2) All oversea procurement actions involving MSA funds.

• • • • • •

(5) All amendments involving price redetermination.

2. In § 590.808, the heading of paragraph (g) is changed, paragraphs (p) and (x) (3) are revised to read as follows:

§ 590.808 *Instructions for preparation of DD Form 350 (Individual Procurement Action Report).* • • •

(g) *Item 6; place of manufacture.* • • •

(p) *Item 9g; DDCP No.* A notation will be made in item 9g showing the Department of Defense Claimant Program Number (Applicable to use of DO ratings); this may be abbreviated as DDCP A4 etc.

• • • • • •

(x) *Item 17;* • • •

(3) *Price differential.* If more than one location has been entered in Item 6, "Place of performance," an entry will be shown in Item 24, "Remarks," to show the actual dollar value to be performed in the labor surplus area.

• • • • • •

3. In § 590.809, the last sentence of paragraph (d) (7), and the first sentence of paragraph (d) (29) are changed to read as follows:

§ 590.809 *Instructions for preparation of procurement action report;* • • •

(d) • • •

(7) *Technical service or command.* • • • The total of Column A will equal Columns C and D.

• • • • • •

(29) *Remarks.* Enter the DD Form 350 report numbers of the actions which are included in line 8, Columns D and G. • • •

4. Paragraph (a) of § 591.102 is rescinded and the following substituted therefor:

§ 591.102 *Use of formal advertising—*(a) *Policy.* During a period of national emergency declared by the President or by the Congress, procurement by formal advertising will continue to be used, as the preferred method of purchasing, except when procurement by negotiation is authorized pursuant to §§ 402.201 and 592.201 of this title. "However, as to procurement in the interest of standardization of equipment and interchangeability of parts, see § 591.201 (j)."

• • • • • •

5. Paragraph (c) of § 594.101 is rescinded and the following substituted therefor:

§ 594.101 *Statement of policy.* • • •

(c) *Economy.* In any case when, pursuant to paragraph (a) (2) of this section, it is determined that a saving will be effected by the purchase of mandatory items listed in the Federal Supply Schedule from sources other than those listed in such Schedule, the voucher submitted to the General Accounting Office shall contain a finding stating the reason for purchase from other than Federal Supply Schedule, and citing the amount of the savings effected. In arriving at such a saving, a percentage of 5 percent will be added to the actual price of the items to offset the administrative cost resulting from purchase, receiving, storing, issuing, etc., due to purchase outside the Schedule. The authority to make such a finding is vested in the Heads of the Procuring Activities. This authority will not be construed as authorization to disregard the requirements of the Federal Supply Schedule.

6. A new § 596.104–12a is added as follows:

§ 596.104–12a *Military security requirements, research and development contracts.* The following clause is approved for use in contracts with educational or non-profit institutions, as a deviation from the Armed Services Procurement Regulation (see Chapter IV of this title) pending inclusion in a future revision of the Armed Services Procurement Regulation:

MILITARY SECURITY REQUIREMENTS; RESEARCH AND DEVELOPMENT

(a) The provisions of the following paragraphs of this clause shall apply only if and to the extent that this contract involves access to security information or other matter classified "Top Secret," "Secret," "Confidential," or "Restricted."

(b) Except as otherwise provided in this clause, the Contractor agrees to provide and maintain a system of security controls within its or his own organization in accordance with (i) the requirements of the Department of Defense Industrial Security Manual for Safeguarding Classified Matter, dated December 13, 1951, as in effect on date of this contract, which Manual is hereby incorporated by reference and made a part of this contract, and (ii) any amendments to said Manual required by the demands of national security as determined by the Government and made after the date of this contract, notice of which has been furnished to the Contractor.

(c) The Government agrees that it shall indicate, when necessary, by a security information classification ("Top Secret," "Secret," "Confidential," or "Restricted"), the degree of importance to the national defense of information pertaining to supplies, services, and other matter to be furnished by the Contractor in complying with the requirements of the terms and the Government shall give written notice of such classification to the Contractor and of any subsequent changes thereof. The Contractor is authorized to rely on any letter or other written instrument signed by the Contracting Officer changing the classification of security information or other matter.

(d) Designated representatives of the Government responsible for inspection pertaining to industrial plant security shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the requirements of the terms and conditions of this clause. Should the Government, through its authorized representative, determine that the Contractor's security methods, procedures, or facilities do not conform to such requirements, it shall submit a written report to the Contractor advising him of the proper action to be taken in order to effect compliance with such requirements.

(e) In the event the Contracting officer notifies the Contractor of (i) a change in the classification of this contract or any part thereof from a nonclassified status to a classified status or from a lower classification to a higher classification or (ii) a change in military security requirements which results in more restrictive areas controls than previously required, the Contractor shall exert every reasonable effort compatible with its established policies to continue the performance of work under the contract in compliance with such change in classification or in military security requirements. If, despite such reasonable efforts, the Contractor determines that the continuation of work under this contract is not practicable because of such change in classification or military security requirements it shall so notify the Contracting Officer in writing.

(f) After receiving such written notification, the Contracting Officer shall explore the circumstances surrounding the proposed change in classification or in military security requirements and shall endeavor to work out a mutually satisfactory method whereby the Contractor can continue performance of the work under this contract.

(g) If, upon the expiration of fifteen (15) days after receipt of the notification by the Contracting Officer of the Contractor's stated inability to proceed, (i) the application to this contract of such change in classification or in military security requirements has not been withdrawn and (ii) a mutually satisfactory method for continuing performance of work under this contract has not been agreed upon, the Contractor may request the Contracting Officer to terminate the contract in whole or in part. Thereupon, the Contracting Officer shall terminate the contract in whole or part, as may be appropriate, and such termination shall be deemed a termination under the provisions of the clause of this contract entitled "Termination for the Convenience of the Government."

(h) Any disagreement concerning a question of fact arising under this clause shall be considered a dispute within the meaning of the clause of this contract entitled "Disputes."

(i) The Contractor agrees to insert in all subcontracts hereunder which involve access to classified security information or other matter, provisions shall conform substantially to the language of this clause, including this paragraph (i), but excluding paragraphs (c), (f), (g) and (h) of this clause.

7. Section 596.151–1 is rescinded and the following substituted therefor:

§ 596.151–1 *Price escalation (labor and materials).*—(a) The escalation clause set forth in this section is authorized for use in formally advertised or negotiated contracts for the procurement of supplies under conditions wherein it is desired to effect one or more possible price adjustments, during the life of the contract, solely upon the basis of rates of pay for certain specified types of labor and/or costs of certain specified types of materials. The clause is not to be used in those instances wherein it is desired to adjust contract prices upon the basis of changes in the original estimates of hours of labor or quantities of materials. The clause may be used in the procurement of items other than those of a standard commercial nature in those instances where adequate cost experience has been obtained on previous contracts and where the design of the supplies has been stabilized.

(b) Paragraph (b) of the clause provides that prices may be adjusted only if the change results in an increase or decrease of at least three percent of the aggregate contract price. Authority is granted to deviate from his percentage to provide for a lesser percentage if it is deemed that the value of the contract warrants the administration of price adjustments involving a smaller percentage change.

(c) The percentage increase to be specified in subparagraph (d) (3) of the clause shall not exceed fifteen percent.

(d) When it is planned to include this clause in contracts to be awarded as a result of formal advertising, the invitations for bid will clearly so state, and will further state that all bids will be evaluated after applying the maximum amount of escalation.

PRICE ESCALATION

(Labor and Materials)

(a) The Contractor represents and warrants that the prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increases in either (1) the Contractor's rates of pay for labor or (2) the prices which the Contractor is required to pay for materials, as set forth in detail in paragraph (b) hereunder. The Contractor further represents and warrants that the net price or prices paid or to be paid by the Government under this contract do not and shall not exceed those paid by any other purchaser or consignee for like quantities of the same or similar supplies.

(b) In the event that, at any time during the performance of this contract, the Contractor is required to pay rates of pay for the types of labor specified below, or is required to pay prices for the materials specified below, in excess of, or less than the following rates and/or prices upon which the contract unit price for _____

_____

(Insert name or reference to end item) is based:

Type of labor or material	Unit of measure	Rate of pay or price per unit

then in such event the contract unit price may be adjusted upward or downward in accordance with the provisions of paragraph (c). Such adjustment shall apply to the units completed subsequent to the effective date of any such increase or decrease and shall be by an amount equivalent to the increase or decrease in cost per uncompleted unit occasioned by the increase or decrease in rates of pay for the labor or prices for material specified above. No adjustment shall be made, however, that does not result in an increase or decrease of at least three percent (3%) of the then aggregate contract price of the uncompleted units of the contract.

(c) Not later than twenty (20) days after the effective date of any increase or decrease as referred to in paragraph (b) hereof, the Contractor shall notify the Contracting Officer of any such increase or decrease, and with such notification shall submit a supporting cost breakdown. Such cost breakdown will—

(1) Be prepared in accordance with recognized commercial accounting principles;

(2) Indicate changes in estimated labor and/or material costs resulting from any increase or decrease as referred to in paragraph (b) hereof; and

(3) Be signed by a responsible official of the Contractor. Upon the basis of such notification and cost breakdown, and such other data as may be available to the Contracting Officer or as shall be furnished to him upon request to the Contractor, a price adjustment to reflect the increase or decrease in costs as referred to in paragraph (b) hereof shall be determined by mutual agreement between the Contractor and the Contracting Officer, and shall be set forth in an amendment to this contract. In the event that the Contractor fails to give notice of any decrease as required herein, a downward adjustment shall be later effected with respect to the units completed subsequent to the effective date of any such decrease. The Contracting Officer or any person authorized by him may examine any or all of the Contractor's records and information available to the Contractor relating to rates paid for labor and prices paid for materials specified in paragraph (b) hereof.

(d) Price adjustments may be agreed upon at any time and from time to time during the performance of this contract in accordance with the provisions of this clause. In no event, however, shall any price adjustment be made:

(1) For any increases or decreases in costs other than those for the types of labor and materials specified in paragraph (b) hereof.

(2) For increased or decreased costs resulting from an increase or decrease as related to the original contract estimates in number of hours of labor or in amounts of materials.

(3) For increases or accumulated increases in unit prices in excess of ____ percent (____%) of the original contract unit price.

(4) For rates of pay for labor or prices for materials in excess of those established by the Economic Stabilization Agency or other authorized Government Agency.

(e) Pending a determination of any price adjustment under this clause the Contractor shall continue deliveries hereunder. Failure of the parties to agree upon a price adjustment pursuant to the provisions of this clause shall be deemed to be a dispute as to a question of fact within the meaning of the clause of this contract entitled "Disputes."

8. In § 596.152–1, paragraphs (b) (1) and (d) are amended to read as follows:

§ 596.152–1 *Form II–B price redetermination clause.* • • •

(b) *Conditions for use.* • • •

(1) The contract is a fixed-price contract for supplies, the quantity being procured is large, no accurate forecast of the cost of production is feasible, and the contract covers a period of at least nine months.

• • • • •

(d) *Contract clause.* The following Form II–B price redetermination clause may be used in negotiated fixed-price contracts in accordance with the instructions set forth in the preceding paragraphs and is approved for use in accordance with § 592.403 of this subchapter.

PRICE REDETERMINATION
(Form II–B)

(a) The prices stated herein may be increased or decreased in accordance with this clause. In no event shall the revised price exceed $_____.

(b) *Times for negotiation.* (1) Upon completion of delivery of __ percent of the (*here specify the principal items to be furnished under the contract*) to be furnished under this contract or upon expenditure of (*here specify the percentage of the total contract amount*), whichever shall occur last, the parties shall negotiate to revise the prices of all items theretofore and thereafter to be delivered. Within ____ (not to exceed 45) days after the completion of delivery or expenditure of funds referred to above, the Contractor shall furnish to the Contracting Officer the statements and data referred to in paragraph (c) of this clause. At any time and from time to time after the completion of delivery or expenditure of funds referred to above, subject to the limitations specified in this clause, either the Government or the Contractor may deliver to the other a written demand that the parties negotiate to adjust the prices under this contract. No demand shall be made prior to 90 days after completion of delivery or expenditure of funds referred to above, and thereafter neither party shall make a demand having an effective date within 90 days of the effective date of any prior demand. Each demand shall specify a date (identical with or subsequent to the date of the delivery of the demand) as of which the revised prices shall be effective as to the deliveries made thereon and thereafter. This date is hereinafter referred to as "the effective date of the price redetermination." For the purposes of the first negotiation contemplated by this paragraph, the date of execution of this contract shall be deemed to be the effective date of the price redetermination. Any demand under this clause, if made by the Contractor, shall state briefly the ground or grounds therefor and shall be accompanied by the statements and data referred to in paragraph (c) of this clause. If the demand is made by the Government, such statements and data will be furnished by the Contractor within ____ (*not to exceed 45*) days of the delivery of the demand.

(2) In the event all remaining work under this contract, as it may from time to time be amended, shall be terminated pursuant to the clause of this contract entitled "Termination for Convenience of the Government," no demand shall then or thereafter be made and any demand the effective date of which is less than 30 days before the effective date of such termination shall be void and of no effect.

(c) *Submission of data.* At the time or each of the times specified or provided for in paragraph (b) of this clause the Contractor shall submit (1) a new estimate and breakdown of the unit cost and the proposed prices of the items remaining under this contract after the effective date of the price redetermination, itemized so far as is practicable in the manner prescribed by WD Form 105; (ii) an explanation of the differences between the original (or last preceding) estimate and the new estimate; (iii) such relevant shop and engineering data, cost records, overhead absorption reports and accounting statements as may be of assistance in determining the accuracy and reliability of the new estimate; (iv) a statement of experienced costs of production hereunder to the extent that they are available at the time or times of the negotiation of the revision of prices hereunder; and (v) any other relevant data usually furnished in the case of negotiation of prices under a new contract. The Government may make such examination of the Contractor's accounts, records and books as the Contracting Officer may require and may make such audit thereof as the Contracting Officer may deem necessary.

(d) *Negotiations.* (1) Upon the filing of the statements and data required by paragraph (c) of this clause, the Contractor and the Contracting Officer will negotiate promptly in good faith to agree upon prices for items to be delivered on and after the effective date of the price redetermination. Negotiations for price redetermination under this clause shall be conducted on the same basis, employing the same types of data (including, without limitation, comparative prices, comparative costs, and trends thereof) as in the negotiation of prices under a new contract.

(2) After each negotiation the agreement reached will be evidenced by a supplemental agreement stating the redetermined prices to be effective with respect to deliveries on and after the effective date of the price redetermination (or such other later date as the parties may fix in such supplemental agreement).

(e) *Disagreements.* If within _____ (*not to exceed 45*) days after the date on which the statements and data are required pursuant to paragraph (b) of this clause to be filed (or such further period as may be fixed by written agreement) the contracting Officer and the Contractor fail to agree to redetermined prices (which term, for the purpose of this clause, shall include direct costs, indirect costs, and profit), the failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the prices so fixed shall remain in effect for the balance of the contract notwithstanding any other provision of this clause.

(f) *Payments.* Until new prices shall become effective in accordance with this clause, the prices in force at the effective date of the price redetermination shall be paid upon all deliveries, subject to appropriate later redetermination made pursuant to paragraph (d) or (e) or (g) (2) (B) of this clause. It is mutually understood that where the Contractor fails to submit cost data required by paragraph (b) (1) of this clause within the time specified, payment of all invoices shall be suspended by the Contracting Officer until such time as the required statements and data are furnished by the Contractor.

(g) *Termination provisions.* For any of the purposes of the clause of this contract entitled "Termination for Convenience of the Government" (including, without limitation, the computation of "the total contract price" and "the contract price of work not terminated"), the contract price of delivered articles shall be deemed to be:

(1) For all items delivered prior to the effective date of the price redetermination, the contract price (giving effect to any prior revisions under this clause) applicable to each such item.

(2) For all items delivered on or after the effective date of the price redetermination.

(A) The contract price as revised in accordance with this clause if such revision shall have been agreed upon.

(B) If such revision shall not have been agreed upon, then such estimated prices as the Contractor and the Contracting Officer may agree upon as reasonable under all the circumstances and in the absence of such agreement such reasonable prices as may be determined in accordance with the clause of this contract entitled "Disputes."

(h) *Termination during the initial period.* In the event that this contract is terminated pursuant to the clause of this contract entitled "Termination for Convenience of the Government," or the Contractor's right to deliver is terminated pursuant to the clause of this contract entitled "Default," so that the last delivery under the contract as terminated is made prior to the completion of the initial period as specified in paragraph (b) of this clause, the Contractor within ____ days after such last delivery shall furnish the data required by paragraph (c) of this clause and thereupon the parties shall negotiate in good faith to agree upon revised prices under this contract. The agreement reached shall be evidenced by a supplemental agreement to this contract stating the revised prices under the contract. Any disagreement as to the revised prices will be disposed of as a question of fact in accordance with the clause of this contract entitled "Disputes." The following is authorized as an optional paragraph (e) in the Form II–B price redetermination clause:

(e) *Disagreements.* (1) If within _____ (*not to exceed 45*) days after the date on which the statements and data are required pursuant to paragraph (b) of this clause to be filed (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to redetermined prices (which term, for the purpose of this clause, shall include direct costs, indirect costs and profit), the Contractor, if he has substantially complied with the requirements of this clause as to the furnishing of statements and data, may give written notice to the Contracting Officer requiring the Government to pay the prices set forth in such notice from the time at which the price redetermination was to be effective under the provisions of this clause.

(2) If the Contracting Officer and the Contractor fail to agree, the Contracting Officer within 30 days after the delivery of the Contractor's notice may serve upon the Contractor a written election by which the Government agrees to pay to the Contractor fair and just compensation from the time at which such price redetermination was to be effective under the provisions of this clause. The written election shall specify the amount which the Contracting Officer deems to be fair and just compensation. If no written election is served upon the Contractor, the prices set forth in the Contractor's notice shall be incorporated in an appropriate supplemental agreement. If a written election is served upon the Contractor as above provided, the contract shall continue in effect as modified by such written election and the Contractor (a) shall be paid currently the amount specified by the Contracting Officer in such written election for all deliveries affected thereby and (b) may recover from the United States, by suit brought within six months after the delivery of such written election or after the completion of deliveries under this contract, whichever shall last occur, the amount, if any, by which such fair and just compensation exceeds the amount so specified.

(3) If the Contracting Officer and the Contractor fail to agree and no notice has been given by the Contractor as contemplated in paragraph (e) (1) of this clause, the Contractor shall be entitled to receive, from the time at which such price redetermination was to be effective under the provisions of this clause, fair and just compensation the amount which shall be determined as a question of fact pursuant to the clause of this contract entitled "Disputes."

9. A new § 602.810 is added as follows:

§ 602.810 *Reports and inspection.* (a) The Property Administrator shall secure from the Contractor (at such intervals and at times appropriate to the particular contract concerned, as determined by the Contract Administrator) reports showing the Contractor's program for the maintenance, repair, protection and preservation of Government Property in the possession of the Contractor and also showing the extent to which the Contractor is following and adhering to said program. Where the Contractor has a well established maintenance and protection schedule for his own equipment, and such schedule is approved by the Property Administrator, the requirements of this paragraph shall be deemed met by a written statement to the effect that Government Property will receive the same treatment as that received by the Contractors' own equipment.

(b) The Property Administrator shall conduct periodic inspections of the physical condition of such property to determine the adequacy of the Contractor's performance of the scheduled program. He shall report promptly in writing to the Contract Administrator any noncompliance by the Contractor with the requirement that he shall properly care for Government Property. [201]

[Proc. Cir. 20, Sept. 30, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–11817; Filed, Nov. 3, 1952; 8:49 a. m.]

Chapter XI—National Guard and State Guard, Department of the Army

PART 1102—STATE GUARD REGULATIONS

REVOCATION

Part 1102, including §§ 1102.1 through 1102.12, is hereby revoked.

(Cir. 90, Oct. 16, 1952) (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–11818; Filed, Nov. 3, 1952; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 167, Amdt. 3]

CPR 167—COTTONSEED FEED PRODUCTS

CONTRACTS FOR FUTURE DELIVERY OF MIXES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 167 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 1 to Ceiling Price Regulation (CPR) 167 established new ceiling prices for mixes based upon cottonseed feed products. It provided that the new ceiling prices would not apply to deliveries of mixes made no later than October 31, 1952 under contracts entered into prior to October 3, 1952 for delivery prior to November 1, 1952. Deliveries before November 1 under such contracts could be made under the ceiling prices in effect prior to the amendment.

In issuing Amendment 1, the Director intended to afford sellers of mixes based on cottonseed feed products treatment substantially equivalent to that given sellers of mixes based on flaxseed feed products. In view of his decision to extend the cutoff date for former ceiling sales of flaxseed feed products mixes, the Director deems it appropriate to take equivalent action in respect to cottonseed feed product mixes. Accordingly, this amendment changes section 2 (c) of CPR 167 to provide that the new ceiling prices for mixes based on cottonseed feed products do not apply to deliveries made no later than November 30, 1952 on contracts entered into prior to October 3, 1952 for delivery before December 1, 1952.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all applicable standards of that act.

AMENDATORY PROVISIONS

Section 2 (c) of Ceiling Price Regulation 167 is amended to read as follows:

(c) Deliveries of mixes made no later than November 30, 1952, under "firm contracts" entered into prior to October 3, 1952, for delivery before December 1, 1952. A "firm contract" means a contract which is not subject to adjustment or renegotiation of price or month of delivery.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 31, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 31, 1952.

[F. R. Doc. 52–11875; Filed, Oct. 31, 1952; 5:00 p. m.]

[General Ceiling Price Regulation, Amdt. 3 to Supplementary Regulation 95, Rev. 1]

GCPR, SR 95—CEILING PRICES FOR PROCESSORS AND DISTRIBUTORS OF FLAXSEED FEED PRODUCTS

CONTRACTS FOR FUTURE DELIVERY OF MIXES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Supplementary Regulation 95, Revision 1, to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 2 to Supplementary Regulation (SR) 95, Revision 1, to the General Ceiling Price Regulation (GCPR) established new ceiling prices for flaxseed feed products mixes. It provided that the new ceiling prices would not apply to deliveries of mixes made no later than October 31, 1952 under contracts entered into prior to October 3, 1952 for delivery prior to November 1, 1952. Deliveries before November 1 under such contracts could be made under the ceiling in effect prior to the amendment. This action was taken in order to afford to sellers of mixes based on flaxseed feed products treatment substantially equivalent to that given to sellers of mixes based on soybean products. Information which has become available to the Director since amendment 1 was issued indicates that in order to achieve this objective it is appropriate to extend the cutoff date by one month. Accordingly, this amendment changes section 2 (c) of SR 95 Revision 1, to the GCPR to provide that the new ceiling prices for flaxseed feed products mixes do not apply to deliveries made no later than November 30, 1952 on contracts entered into prior to October 3, 1952 for delivery before December 1, 1952.

In the formulation of this amendment there has been consultation with industry representatives to the extent practicable and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all applicable standards of that act.

AMENDATORY PROVISIONS

Section 2 (c) of Supplementary Regulation 95, Revision 1, to the General Ceiling Price Regulation is amended to read as follows:

(c) This supplementary regulation does not apply to deliveries of mixes made no later than November 30, 1952, under "firm contracts" entered into prior to October 3, 1952, for delivery before December 1, 1952. A "firm contract" means a contract which is not subject to adjustment or renegotiation of price or month of delivery.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective October 31, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 31, 1952.

[F. R. Doc. 52–11876; Filed, Oct. 31, 1952; 5:00 p. m.]

[Ceiling Price Regulation 121, Amdt. 3]

CPR 121—Printing, Printed Products, Allied Products and Certain Paper Products

Church Offering Envelopes

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 121 is hereby issued.

Statement of Considerations

This amendment adds church offering envelopes to the list of printed commodities covered by Ceiling Price Regulation 121. A church offering envelope is a small envelope upon which is printed a number, a date, the name of some religious or charitable institution, and other printed matter, the purpose of which is to accommodate the giving of offerings to the religious or charitable institution concerned. These envelopes are packaged in numbered sets so that each contributor, or his family, may have a group of envelopes for offerings over a period of time, usually one year.

There are 19 printers of church offering envelopes. More than 50% of the total production is produced by 14 printers who purchase envelopes and then do the printing on them. The remaining 5 printers manufacture their own envelopes and then print them.

The intention of CPR 121 was to cover manufacturers and printers of envelopes used for greeting cards, social stationery, and related products. Church offering envelopes are similar to such envelopes and should have been included in the list of printed commodities covered by the regulation.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives of the envelope industry to the extent practicable, and consideration has been given to their recommendations.

Amendatory Provisions

Ceiling Price Regulation 121 is amended in the following respects:

1. Paragraph (e) of Appendix A is amended by adding a fifth commodity as follows:

(5) Church offering envelopes.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Ceiling Price Regulation 121 shall become effective November 3, 1952.

Tighe E. Woods,
Director of Price Stabilization.

November 3, 1952.

[F. R. Doc. 52-11903; Filed, Nov. 3, 1952; 12:01 p. m.]

[Ceiling Price Regulation 146, Amdt. 1]

CPR 146—Ceiling Prices for Sales of Wool Grease and Lanolin by Manufacturers and Processors

Maintenance of Customary Price Discounts

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 146 is hereby issued.

Statement of Considerations

CPR 146 does not now require the maintenance of discounts or allowances based on terms of sale or differences in classes of purchasers. It has come to the attention of the Director that manufacturers and processors of wool grease customarily allowed discounts to wholesalers, distributors and other resellers of wool grease and lanolin, which resulted in lower prices than those charged to consuming purchasers. Accordingly, this amendment brings CPR 146 into conformance with industry practice by requiring manufacturers and processors to maintain discounts and allowances based on terms of sale or differences in classes of purchasers if they customarily offered them during the GCPR base period. Manufacturers and processors of wool grease and lanolin, prior to the effective date of CPR 146, were under the GCPR which required the maintenance of such discounts.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Amendatory Provisions

Section 2 of Ceiling Price Regulation 146 is amended by adding a new paragraph designated (c) to read as follows:

(c) The ceiling prices set forth in paragraph (a) or determined under paragraph (b) shall be subject to the same discounts and allowances, based on terms of sale or difference in classes of purchasers, as those which you customarily offered or maintained during the period December 19, 1950 to January 25, 1951, inclusive.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 146 is effective November 3, 1952.

Tighe E. Woods,
Director of Price Stabilization.

November 3, 1952.

[F. R. Doc. 52-11904; Filed, Nov. 3, 1952; 12:01 p. m.]

[General Disallowance Order 1]

GDO 1—Fines in Criminal Cases and Payments in Satisfaction or Settlement of Civil Liabilities Arising From Violation of Ceiling Price Regulations by Sellers

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, as amended, and Economic Stabilization Agency General Orders Nos. 2 and 15, this General Disallowance Order 1 is hereby issued.

Statement of Considerations

Section 409 (d) of the Defense Production Act of 1950, as amended, provides that the President shall prescribe the extent to which any payment of a fine pursuant to section 409 (b) or any payment made to the United States or to any buyer in compromise or satisfaction of any liability or of any right of action, suit, or judgment, authorized pursuant to section 409 (c) for selling any material or service, in violation of a regulation or order establishing a ceiling price, shall be disregarded by the executive departments and other governmental agencies in determining, for the purpose of any other law or regulation, the costs or expenses of any person violating such regulation or order. By appropriate delegations, the Director of Price Stabilization is now vested with such authority. The purpose of this order is to prescribe the extent to which such payments by sellers shall be disregarded for the purposes indicated.

The pertinent language of section 409 (c) of the act is substantially the same as that contained in the corresponding provisions of the Emergency Price Control Act of 1942, as amended. A considerable body of court decisions has grown up concerning the tax deductibility and treatment for other purposes of fines and damage payments made by violators of the maximum price regulations issued under that act. In the formulation of this order, consideration has been given to such court decisions; and the provisions of this order are designed to conform to the prevailing judicial opinion in such matters.

Fines imposed under section 409 (b) are criminal penalties for willful violations of ceiling price regulations. Basic public policy affirmed by court decisions would clearly be violated and the value, as an effective enforcement sanction, of the provisions of section 409 (b) would be greatly impaired if a payment of such a fine could be deducted, as an "ordinary and necessary business expense" or otherwise, for tax purposes; or if a person making such a payment were permitted to gain therefrom advantage of any other kind in connection with any other matter within the jurisdiction of the United States. Accordingly, this order provides that any payment of such a fine shall be wholly disregarded by the executive departments and other governmental agencies in determining the violator's costs or expenses for the purpose of any other law or regulation.

The treatment of payments made in compromise or satisfaction of the civil liability created by section 409 (c) presents a somewhat more complex problem. In providing for the so-called "treble damage" action, section 409 (c) states that the amount of any judgment rendered "shall be the amount of the overcharge if the defendant proves that the violation of the regulation or order in question was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation." The clear Congressional intent is that only if the seller can make such a showing is the full measure of the treble damage claim to be mitigated as indicated; and that, even upon such a showing, the seller is to be required to repay the amount of the overcharge thus innocently received.

It is therefore reasonable to infer that the entry of judgment for an amount not in excess of the overcharge is based upon a finding, by court or jury, that such violation was neither willful nor the result of failure to take practicable precautions against the occurrence thereof. In the decisions above referred to, the courts ruled that payments of this kind were deductible for tax purposes. The provisions of this order conform to such judicial determinations.

On the other hand, the entry of a judgment in an amount exceeding the amount of the overcharge or overcharges should reflect a finding (or at least a failure of proof to the contrary) that the violation was attributable, in some degree, either to willfulness or to a failure by the seller to take practicable precautions to avoid the violation. The reasons which dictate the disallowance, for tax or other purposes, of fines paid consequent to criminal proceedings under section 409 (c) apply with equal force to payments made in satisfaction of such judgments. To permit such a payment, even that portion thereof which represents simply the amount of the overcharge, to be treated as a legitimate business expense would, by permitting the violator to gain a tax or similar benefit from any portion of such payment, greatly mitigate the sanction which was intended to be imposed by section 409 (c) of the Act. This position is supported by court decisions. This order, therefore, provides that any such payments, whether made to the United States or to the buyer, shall be wholly disregarded by the executive departments and other governmental agencies in determining the violator's costs or expenses for the purposes of any other law or regulation.

In practice, most of such "treble damage" claims against sellers are disposed of by settlements with the United States. The criteria formulated by the OPS Office of Enforcement for the compromise settlement of such matters reflect the provisions of section 409 (c) above described. Consequently, the effecting of a settlement of such a claim for simply the amount of the overcharge or overcharges indicates a finding by OPS that the violation involved was neither willful nor the result of the seller's failure to take practicable precautions against the occurrence thereof. And, similarly, the effecting of a settlement for more than the overcharge or overcharges indicates that such a finding could not be made. The considerations discussed above therefore apply as well in the case of such settlements and, accordingly, this order provides that all payments resulting from settlements with the United States, including any payments made to the buyer as a result of such settlements, shall be wholly disregarded by the executive departments and other governmental agencies in determining the violator's costs or expenses for the purposes of any other law or regulation except where the settlement is simply for the amount of the overcharge.

In the formulation of this order special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Payments to be disregarded.
3. Reports by OPS.
4. Applicability of this order to past as well as future payments.

Authority: Sections 1 to 4 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

Section 1. *What this order does.* This order prescribes the extent to which any payment by a seller made by way of fine pursuant to section 409 (b) of the Defense Production Act of 1950, as amended (hereinafter referred to as the "act"), or any payment by a seller made to the United States or to any buyer in compromise or satisfaction of any liability or of any right of action, suit or judgment, authorized pursuant to section 409 (c) of said act for selling any material or service in violation of a regulation or order providing a ceiling or ceilings, shall be disregarded by the executive departments and other governmental agencies in determining, for the purposes of any other law or regulation, the costs or expenses of any person so in violation.

Sec. 2. *Payments to be disregarded.* The following payments shall be wholly disregarded by the executive departments and other governmental agencies in determining, for the purposes of any other law or regulation, the costs or expenses of any person making such payment:

(a) Any payment made by way of fine pursuant to section 409 (b) of the act shall be wholly disregarded.

(b) Any payment made to the United States or to any buyer in compromise or satisfaction of any liability or of any right of action, suit, or judgment, authorized pursuant to section 409 (c) of the act, for selling any material or service in violation of a regulation or order providing a ceiling or ceilings, shall be wholly disregarded: *Provided, however,* That the amount so paid to the United States or to any buyer shall not be disregarded for any purposes or to any extent if the total of the amount so paid (exclusive of attorney's fees, court costs or interest, if any) does not exceed the total amount of the overcharge or overcharges upon which such liability, right of action, suit, or judgment was based. If, in connection with the entry of any such judgment or the effecting of any such compromise, there shall be clear and express indication that only a portion of the violations so reflected were attributable, in any degree, either to willfulness or failure to take practicable precautions, then only that portion of the amount of any payment made pursuant to such judgment or compromise as may be so specified shall be disregarded.

(c) If any matter involving a violation of any such regulation or order providing a ceiling or ceilings shall finally have been disposed of, by way of settlement or suit, in such a manner as to require payments both to the United States and to a buyer or buyers and if the amount of such payments shall, in the aggregate, exceed the amount of the overcharge or overcharges involved, the total amount of such payments shall be wholly disregarded.

(d) If in any matter involving a violation of an order or regulation providing a ceiling or ceilings, there has been or shall have been instituted a criminal proceeding pursuant to section 409 (b) of the act as well as the institution or the assertion of a claim, by either the United States or by any buyer, pursuant to section 409 (c) of the act, and if the violating seller has been or shall be adjudged guilty in such criminal proceeding, the amount of any payment made in connection with the disposition of any such claim under section 409 (c) of the act (as well as the amount of any fine which may be assessed and paid in such criminal proceeding) shall be wholly disregarded.

(e) If any payment made pursuant to the provisions of section 409 (c) is a partial payment on account of a total liability fixed by compromise or judgment, such partial payment shall be disregarded if the total amount of such liability, if it had been paid in one sum, would have been disregarded under the criteria hereinabove stated.

Sec. 3. *Reports by OPS.* The Director of Enforcement of the Office of Price Stabilization or such person or persons as may be designated by him are hereby authorized to and, pursuant to procedures to be promulgated by the Director of Enforcement, shall forward to the Commissioner of Internal Revenue and to all other appropriate governmental agencies, a statement indicating any payment of the kind above described which, pursuant to the foregoing provisions of this order, should be disregarded by the executive departments and other governmental agencies for the purposes above indicated.

Sec. 4. *Applicability of this order to past as well as future payments.* The provisions of this order shall apply to all payments of the kind above described which have been made prior to the effective date of this order, and after April 5, 1952, as well as to payments made on or after such effective date.

Effective date. This order shall become effective as of October 24, 1952.

Tighe E. Woods,
Director of Price Stabilization.

November 3, 1952.

Approved: October 24, 1952.

Roger L. Putnam,
Economic Stabilization Administrator.

[F. R. Doc. 52-11906; Filed, Nov. 3, 1952; 12:02 p. m.]

[Price Procedural Regulation 1, Revision 2, Amdt. 1]

PPR 1—General Price Procedures

Compulsory Orders To Obtain Information for Incorporation in the Record of Protest Proceedings

Pursuant to the Defense Production Act of 1950, as amended, Executive Order

10161, and Economic Stabilization Agency General Orders Nos. 2 and 5, this amendment to Price Procedural Regulation 1, Revision 2, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment clarifies sections 66 and 67 (b) of the regulation with respect to the methods by which the Director of Price Stabilization may obtain material to be incorporated into the record of protest proceedings. It also adds a new section relating to compulsory orders issued by the Director under sections 66 or 67 (b). This amendment applies to protest proceedings instituted prior to the effective date of this amendment, as well as to those instituted on or after that date.

Section 66 authorizes the Director to incorporate into the record of any protest proceeding evidence in support of the provisions against which the protest is filed. Section 67 (b) authorizes the Director to incorporate into the record of protest proceedings statements submitted in support of the provisions of the regulation or order protested. This amendment clarifies these sections by adding language to state explicitly that such evidence and information may be obtained by voluntary methods such as orders providing an opportunity to present further evidence, or by compulsory methods such as subpenas, interrogatories, and similar orders issued pursuant to the authority of section 705 (a) of the Defense Production Act of 1950, as amended.

In addition, a new section 105 is added to the regulation concerning compulsory orders issued by the Director under sections 66 or 67 (b). It is required that every such order shall contain a statement setting forth the scope and purpose of the order. Such an order shall be issued only after a determination that the evidence sought is not available from any Federal or other responsible agency. Persons subject to such orders are provided an opportunity to file a motion to modify or vacate the order within fifteen days after the receipt of the order. Such a motion must be in affidavit form and must detail the objections to the order and the grounds upon which its vacation or modification is sought. The Director will grant or deny the motion within a reasonable time.

The new section 105 also specifies the procedure to be followed when the privilege against self-incrimination and the right to immunity are sought by a person subject to a compulsory order.

Section 705 (b) of the act provides:

> No person shall be excused from complying with any requirement under this section or from attending and testifying or from producing books, papers, documents, and other evidence in obedience to a subpena before any grand jury or in any court or administrative proceeding based upon or growing out of any alleged violation of this Act on the ground that the testimony or evidence,* documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture in any court, for or on account of any transaction, matter, or thing concerning which he is so compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such natural person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying: * * *

Pursuant to the language of section 705 (b) which states that no person shall be prosecuted for any transaction, matter, etc., which he is compelled to produce by a compulsory administrative order "after having claimed his privilege against self-incrimination," this new section provides that, to obtain immunity, any person subject to such order must first refuse to comply with the order and claim the privilege. He may not claim the privilege and claim the right to immunity at the same time as he complies with the order. The Director must first be granted an opportunity to decide whether he will require that the order be complied with and thereby grant the right to immunity or whether he will not proceed further in requiring the response.

Because of the wide coverage of this procedural regulation and the nature of its provisions, the Director has found it impracticable to consult formally with industry or trade association representatives.

AMENDATORY PROVISIONS

1. Section 66 of Price Procedural Regulation 1, Revision 2, is amended by the addition of the following sentences to begin immediately following the end of the first sentence of the section: "The Director may obtain such evidence from the protestants or any other persons by the use of voluntary methods, such as orders providing an opportunity to present further evidence, and similar orders. He may also obtain such evidence by the use of compulsory methods, such as subpenas, interrogatories and similar orders."

2. Section 67 (b) is amended by the addition of the following sentences to follow immediately after the end of the first sentence of that section: "The Director may obtain such evidence from the protestant or any other persons by the use of voluntary methods, such as orders providing an opportunity to present further evidence, and similar orders. He may also obtain such evidence by the use of compulsory methods, such as subpenas, interrogatories and similar orders."

3. Sections 105, 106, 107, 108, 109, and 110 are renumbered and redesignated as sections 106, 107, 108, 109, 110, and 111, respectively. The following new section is added and is designated as section 105:

SEC. 105. *Compulsory orders: Issuance; motions to modify or vacate; self-incrimination and immunity; violations.* This section applies to subpenas, interrogatories or similar compulsory orders of the Director issued under section 66 or 67 (b) of this regulation.

(a) *Issuance.* Every compulsory order, such as an interrogatory, subpena, etc., issued under sections 66 and 67 (b) shall set forth its scope and the purpose for its issuance. Such orders shall be utilized only if the data sought is not available in adequate and authoritative form from any federal or other responsible agency and shall contain a statement that such data is not so available.

(b) *Motions to modify or vacate.* Any person subject to such order may file with the Recording Secretary of the Office of Price Stabilization a motion to modify or vacate the order. Such motion must be filed no later than fifteen (15) days after the date of his receipt of the order, unless this period is extended by order of the Director, for cause shown. Such motion shall be in affidavit form and shall set forth in detail the objections to the order and the grounds upon which its modification or vacation is sought. Within a reasonable time after receipt of this motion, the Director shall issue an order granting or denying the motion.

(c) *Self-incrimination and immunity.* Persons subject to such orders may, under the provisions of section 705 (b) of the Defense Production Act of 1950, as amended, claim their constitutional privilege against self-incrimination, and seek immunity from prosecution if the privilege is legally existent and applicable, only by complying with the following procedures:

(1) Within the time for response set forth in such order, the person to whom the order is addressed must file a statement with the Recording Secretary of the Office of Price Stabilization to the effect that response to the order or any portion thereof is refused on the grounds that such response might incriminate such person.

(2) Upon the filing of such a statement, such order insofar as it applies to the person filing such statement, is automatically suspended.

(3) The Director will then advise within a reasonable time whether such order is reinstated and thereby immunity granted to such person and the refusal to answer rejected, or whether the Director will accept the refusal and will not proceed further in requiring the response.

(4) Any person to whom such order is directed may not comply therewith and at the same time claim the privilege against self-incrimination or immunity. Any such response and simultaneous claim of privilege or immunity will be considered a voluntary response and a waiver of the privilege of self-incrimination and a rejection of immunity.

(d) *Violations.* Failure to comply with orders covered by this section will render the violator subject to the penalties outlined in sections 705 and 706 of the Defense Production Act of 1950, as amended. In addition, if the violator has filed a protest, other action such as the denial of the violator's protest may be taken where, in the judgment of the Director, such action is deemed reasonable and appropriate.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 3, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 3, 1952.

[F. R. Doc. 52-11907; Filed, Nov. 3, 1952; 12:02 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 2, Revised]

INT. 2—CHRISTMAS AND YEAR-END BONUSES

This interpretation, issued pursuant to a resolution of the Salary Stabilization Board, applies to the payment of Christmas and year-end bonuses not directly related to profits paid by companies which had a practice of paying such bonuses in 1950. Such bonuses are permissible under the salary stabilization regulations to the extent set forth in this interpretation. If Christmas or year-end bonuses are paid under this interpretation, bonuses of a similar nature paid in prior years may not be included as part of the "base period bonus fund" authorized by the Bonus Regulation (General Salary Stabilization Regulation 2, as amended).

1. Q. A company in 1950 paid a week's salary to each of its employees as a Christmas or year-end bonus. Payment of the bonus was not directly related to the company's profits. May the practice be continued in any year?

A. Yes. However, the employer must follow his 1950 practice as to the groups of employees among whom such bonuses were paid and may not pay such bonuses to a group of employees to whom such bonuses were not paid in 1950. If the practice was to pay a stated portion of salary, the employer may pay the same portion but no more. If the practice was to pay a specific sum, the same sum may be paid.

2. Q. If the salary of an employee has increased since 1950 may his Christmas or year-end bonus be based upon the increased salary?

A. Yes; provided, of course, that the increase did not violate salary stabilization regulations.

3. Q. A company had a practice in effect in 1950 of paying 2 percent of annual earnings as Christmas bonuses. May it pay such Christmas bonuses in any year based upon 2 percent of annual earnings?

A. Only subject to the limitations and provisions of the Bonus Regulation. Such a bonus is directly related to profits and is not covered by this interpretation.

4. Q. A company's practice in 1950 was to pay as a Christmas or year-end bonus 1 percent of salaries to employees with one year of service and an additional 1 percent of salaries for each additional year of service. May the same practice be followed in any year?

A. Yes.

5. Q. Upon the facts stated in the foregoing questions, may Christmas or year-end bonuses be paid to a new employee?

A. Yes; provided Christmas or year-end bonuses were paid in 1950 to new employees in the group into which the particular employee is hired.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.)

Approved by the Office of Salary Stabilization, October 30, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-11869; Filed, Oct. 31, 1952; 3:04 p. m.]

[Interpretation 15, Amdt. 1]

INT. 15—EXCLUSION FROM SALARY STABILIZATION OF CERTIFIED PUBLIC ACCOUNTANTS EMPLOYED IN A PROFESSIONAL CAPACITY

CERTIFICATE TO PRACTICE

The purpose of this amendment to Interpretation 15 is to define the extent to which certified public accountants employed in a professional capacity by a firm of certified public accountants are excluded from salary stabilization under section 402 (e) (ii) of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISION

1. Paragraph 1 is amended to read as follows:

1. *Certified public accountants licensed to practice as such.* To be exempt, an accountant must have a certificate to practice as a certified public accountant in a State, Territory, or possession of the United States or in the District of Columbia.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization, October 31, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-11868; Filed, Oct. 31, 1952; 3:03 p. m.]

[General Salary Order 14]

GSO 14—EXEMPTION OF EMPLOYEES IN THE PRIBILOF ISLANDS

SUPERSEDURE

CROSS REFERENCE: For supersedure of General Salary Order 14, see General Salary Stabilization Regulation 1, Amended, Amdt. 2, *infra*.

[General Salary Order 15]

GSO 15—CHRISTMAS OR YEAR-END BONUSES NOT EXCEEDING $40 IN VALUE

STATEMENT OF CONSIDERATIONS

The purpose of this order is to authorize the payment of "Christmas or year-end bonuses," not exceeding $40 in value, by employers whether or not a similar distribution was made in prior years.

ORDER

Christmas or year-end distributions not exceeding $40. An employer may distribute, at Christmas or the year-end, to any of his employees subject to the jurisdiction of the Salary Stabilization Board an amount, either in cash or in kind, not exceeding $40, even though no similar distribution was made in any previous year. Such a distribution shall not be considered salary or bonus for the purpose of any salary stabilization regulation.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, September 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.)

By order of the Salary Stabilization Board, October 30, 1952.

JUSTIN MILLER,
Chairman.

Approved:

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-11867; Filed, Oct. 31, 1952; 3:03 p. m.]

[General Salary Stabilization Regulation 1, Amended, Amdt. 2]

GSSR 1—STABILIZATION AND GENERAL ADJUSTMENTS OF SALARIES AND OTHER COMPENSATION

STATEMENT OF CONSIDERATIONS

The Office of Salary Stabilization has previously exempted from salary stabilization employees who are bona fide residents of and actually employed in Puerto Rico, the Virgin Islands, the Panama Canal Zone, or the Pribilof Islands for the reasons set forth in the statements of considerations of superseded General Salary Orders 2 and 3 (now superseded by section 3 (h) of General Salary Stabilization Regulation 1, Amended), as well as General Salary Order 14 (to be superseded by this amendment).

The Wage Stabilization Board has by General Wage Regulation Nos. 16 and 16A, Revised, extended the exemption from wage stabilization to employees in all United States territories (except Hawaii and Alaska), possessions, trust territories, off-shore bases and militarily occupied areas. The major part of the employment in the additional areas exempted arises from the needs of various government agencies, and of contractors with these agencies. It is estimated that between 4,000 and 5,000 persons recruited from the United States are currently engaged on construction projects in the areas under consideration. Other types of civilian employment are negligible in these areas.

Official data indicate that the employment needs of such projects do not interfere with employment in the construction industry in the continental United States, Alaska and Hawaii; and it is the judgment of the Construction Industry Commission and Wage Stabilization Board, that this exemption will not have an unstabilizing effect upon construction rates in the continental United States under present circumstances. In the judgment of the Wage Stabilization Board, there would follow no unstabilizing effect from exempting also the extremely small number of other civilian employees in the areas to which the exemption is now being extended.

After considering the foregoing, the Salary Stabilization Board on the merits has found that the application of salary stabilization to employees in the areas covered by this amendment is unnecessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended. This amendment is therefore issued to permit such exemption.

In the formulation of this amendment, due consideration has been given to the standards and procedures set forth in Titles IV and VII of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Section 3 (h) of General Salary Stabilization Regulation 1, Amended, is amended to read as follows:

(h) Employees who are bona fide residents of and actually employed in any territory (except Hawaii and Alaska apart from the Pribilof Islands), possession, trust territory or off-shore base of the United States or in any area occupied by the Armed Forces of the United States.

2. General Salary Order 14 is superseded as of the effective date of this amendment.

3. The amendment shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Adopted by the Salary Stabilization Board, October 30, 1952.

JUSTIN MILLER,
Chairman.

Approved: October 30, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-11886; Filed, Nov. 3, 1952; 10:27 a. m.]

Subchapter B—Wage Stabilization Board

[General Wage Regulation 14, Amdt. 4]

GWR 14—BONUSES

1952 CHRISTMAS OR YEAR-END BONUS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, and Pub. Law 429, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10377 (17 F. R. 6891), and Executive Order 10390 (17 F. R. 7995), and General Order No. 16, Economic Stabilization Administrator (17 F. R. 6925), the Wage Stabilization Board has formulated and recommended to the Economic Stabilization Administrator, for promulgation, and the Administrator has promulgated this amendment to General Wage Regulation No. 14 relating to 1952 Christmas or year-end bonuses.

REGULATORY PROVISIONS

Section 5 (b) of General Wage Regulation 14, as amended, is hereby further amended to read as follows:

(b) Any employer, without prior Board approval, may pay any of his employees a 1952 Christmas or year-end bonus either in cash or in kind not exceeding $40.00 in value, even though a lesser bonus or no bonus was paid in the preceding bonus year. Such bonus payments need not be offset against the amount permissible under any other regulation or resolution. If a Christmas or year-end bonus greater than $40.00 was paid in the preceding bonus year, such bonus may continue to be paid subject to the provisions of this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10390, 17 F. R. 7995)

ROGER L. PUTNAM,
Economic Stabilization Administrator.

OCTOBER 28, 1952.

[F. R. Doc. 52-11865; Filed, Oct. 31, 1952; 3:03 p. m.]

[General Wage Regulation 16, Revision]

GWR 16—EXEMPTIONS FOR GEOGRAPHIC AREAS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Laws 96 and 429, 82d Cong.), Executive Orders 10161 (15 F. R. 6105) and 10377 (17 F. R. 6891) and General Order No. 16, Economic Stabilization Administrator (16 F. R. 6925), this revision of General Wage Regulation 16 and supersedure of General Wage Regulation 16A is hereby promulgated.

STATEMENT OF CONSIDERATIONS

General Wage Regulation No. 16 exempted from wage stabilization regulations employees in Puerto Rico and the Virgin Islands. General Wage Regulation No. 16A exempted from wage stabilization regulations employees in the Panama Canal Zone. The purpose of this revision is to extend the exemption from wage stabilization regulations to employees in all United States territories (except Alaska and Hawaii), possessions, trust territories, off-shore bases, and militarily occupied areas.

In additional areas which this revision exempts from wage stabilization regulations, the major part of the employment arises from the needs of various government agencies, primarily the Army, Navy, Air Force and the Atomic Energy Commission, and of contractors with these agencies. Most of the employment involved is on construction projects. These agencies and contractors generally recruit their unskilled labor from the local areas and their skilled and semi-skilled labor from the United States, and, in some cases, from Hawaii. It is estimated that approximately 4,000 persons recruited from the United States are currently engaged on construction projects in the areas under consideration. Other types of civilian employment are negligible in these areas.

Although each governmental agency concerned has its own independent procedure for establishing wage rates on overseas projects, the wage rates for the particular skill involved are, in general, based on the prevailing rates in the area in which workers are recruited or on the national average of going rates in all the areas in which recruiting is done for the skill involved. In addition, various forms of bonuses or incentive differentials are given.

Data made available by the Bureau of Employment Security indicates that, in general, the present supply of manpower in the construction industry is sufficient to meet the current modest needs of overseas projects with little interference with mainland construction, and in the judgment of the Construction Industry Stabilization Commission, in which the Wage Stabilization Board concurs, this exemption will not have an unstabilizing effect upon construction rates in the continental United States under present circumstances.

In the Board's judgment also no unstabilizing effect will follow from also exempting the extremely small number of other civilian employees in the areas to which the exemption is now being extended.

In view of the foregoing considerations, it is the unanimous judgment of the Board that, under the present circumstances, continued application of wage stabilization regulations to employees in areas covered by this revised Regulation is unnecessary to effectuate the purposes of the Defense Production Act of 1950, as amended. The Wage Stabilization Board has accordingly recommended that the Administrator supersede Regulation 16A and promulgate this revised Regulation 16.

The Administrator concurs in the judgment of the Wage Stabilization Board and hereby promulgates this revised Regulation 16 and supersedure of Regulation 16A. Due consideration has been given to the standards and procedures of Titles IV and VII of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

SEC. 1. *Exemption.* The wages, salaries and other compensation of employees in the U. S. territories (except Alaska and Hawaii), possessions, trust territories, off-shore bases, and militarily occupied areas are exempted from wage stabilization regulations.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended, 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, 15 F. R. 6105, E. O. 10377, 17 F. R. 6891)

Effective date. This revision of GWR 16 and supersedure of GWR 16A is effective upon publication in the FEDERAL REGISTER.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-11866; Filed, Oct. 31, 1952; 3:03 p. m.]

[General Wage Regulation 16A]

GWR 16A—EXEMPTION FOR PANAMA CANAL ZONE

SUPERSEDURE

CROSS REFERENCE: For supersedure of General Wage Regulation 16A, see General Wage Regulation 16, Revision, *supra.*

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 16 as Amended Nov. 3, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 16—THIRD AND FOURTH QUARTER AUTHORIZED CONTROLLED MATERIAL ORDERS

This direction as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

EXPLANATORY

Direction 16, as last amended August 29, 1952, to CMP Regulation No. 1 is further amended by revising sections 3 and 4 thereof.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Third quarter authorized controlled material orders.
3. Fourth quarter authorized controlled material orders.
4. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to permit the placement and acceptance of certain third quarter 1952 and fourth quarter 1952 authorized controlled material orders even though they call for delivery after the end of such quarters.

SEC. 2. *Third quarter authorized controlled material orders.* (a) The provisions of this section apply to all authorized controlled material orders for the third calendar quarter of 1952 which are placed on and after the effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the third calendar quarter of 1952 which contains the quarterly identification 3Q52, or an authorized controlled material order for steel placed pursuant to self-authorization (for example, Direction 1 to CMP Regulation No. 1) or quota (for example, CMP Regulation No. 5) for the third calendar quarter of 1952 which does not contain a quarterly identification, may call for delivery at any time up to November 30, 1952: *Provided, however,* That such order is placed pursuant to lead time requirements. A steel controlled materials producer or a steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 3Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, shall accept and fill such order in preference to an authorized controlled material order which bears the quarterly identification 4Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, notwithstanding the sequence of order placement.

SEC. 3. *Fourth quarter authorized controlled material orders.* (a) The provisions of this section apply only to authorized controlled material orders for the fourth calendar quarter of 1952 which do not bear a program identification A, B, C, or E, and a digit (including the suffix B-5), or Z-2, and which are placed on and after July 29, 1952, the original effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the fourth calendar quarter of 1952 which contains the quarterly identification 4Q52, or an authorized controlled material order for steel placed pursuant to self-authorization (for example, Direction 1 to CMP Regulation No. 1) or quota (for example, CMP Regulation No. 5) for the fourth calendar quarter of 1952 which does not contain a quarterly identification, may call for delivery at any time from October 1, 1952, to February 28, 1953.

(c) A steel controlled materials producer who, during the 15-day period immediately preceding the commencement of the lead time for January 1953, receives an authorized controlled material order for steel which bears the quarterly identification 4Q52 and which calls for delivery during January 1953 shall accept and fill such order in preference to an order which bears the quarterly identification 1Q53 and which calls for delivery during January 1953, notwithstanding the sequence of order placement. A steel controlled materials producer who, between November 17, 1952, and November 28, 1952, receives an authorized controlled material order for an item of steel with a lead time of 45 or 60 days, which order bears the quarterly identification 4Q52 and calls for delivery during February 1953, shall accept and fill such order in preference to an order which bears the quarterly identification 1Q53 and which calls for delivery during February 1953, notwithstanding the sequence of order placement. Authorized controlled material orders for steel which bear the quarterly identification 4Q52 and which call for delivery between January 1, 1953, and February 28, 1953, but which are not placed during the periods specified in the preceding two sentences, shall have equal preferential status at the mill level with authorized controlled material orders for steel which bear the quarterly identification 1Q53. Orders which bear the quarterly identification 1Q53 and which are replaced in mill schedules for January or February 1953 by orders which bear the quarterly identification 4Q52 shall be rescheduled for delivery at the earliest date possible.

(d) A steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 4Q52 and which calls for delivery between January 1, 1953, and February 28, 1953, shall accept and fill such order in preference to an order which bears the quarterly identification 1Q53 and which calls for delivery between January 1, 1953, and February 28, 1953, notwithstanding the sequence of order placement.

SEC. 4. *Applicability of other regulations and orders.* The provisions of CMP Regulations Nos. 1 and 4, Revised CMP Regulation No. 6, NPA Orders M-1 and M-6A, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect. Section 8 of NPA Order M-1 gives steel controlled materials producers the option to determine which authorized controlled material orders not bearing a program identification A, B, C, or E, and a digit (including the suffix B-5), or Z-2, they will accept and schedule prior to the 15-day period immediately preceding the commencement of the lead time. This option shall be superseded by section 3 (c) of this direction only with respect to the placement between November 17, 1952, and November 28, 1952, of authorized controlled material orders for items of steel with a lead time of 45 or 60 days which bear the quarterly identification 4Q52 and which call for delivery during February 1953. This direction does not supersede the provisions of section 8 (a) (2) of NPA Order M-1, which limits the quantity of orders which steel controlled material producers may accept for shipment during any one month.

This direction as amended shall take effect November 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUKIER,
Executive Secretary.

[F. R. Doc. 52-11901; Filed, Nov. 3, 1952; 11:36 a. m.]

TITLE 47—TELECOMMUNICATIONS

Chapter I—Federal Communications Commission

[Docket No. 10221]

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Subpart A, Part 3 of the Commission's rules, sections 1 and 9 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, and of title of said standards, to provide for the incorporation of the frequency 540 kilocycles in the standard broadcast band; Docket No. 10221.

1. These proceedings were instituted by a notice of proposed rule making issued by the Commission on June 18, 1952, in the above-entitled matter. The purpose of the proposed amendments is to make the frequency 540 kc available for domestic use in the broadcast service.

2. The Atlantic City Radio Regulations, among other things, provided that the frequency band 535–550 kc might be included in the broadcast band in Region 2 (which includes the North American Region) on or after January 1, 1949, in accordance with special arrangements between countries in the Region. No agreement was reached by that date for a new assignment plan for the fixed and mobile radio services operating within the band 415–545 kc. However, as a result of the Extraordinary Administrative Radio Conference, Geneva, 1951, agreement was reached for the implementation of a considerable portion of the frequency allocation table below 4000 kc; and, with respect to the broadcast use of 540 kc, agreement was reached for the reassignment of the fixed and mobile radio stations operating in the band 535–550 kc. The Agreement brings into force on December 1, 1952, the provisions for use of the band of frequencies 535–1605 kc—made in the Atlantic City Radio Regulations.

3. The Commission's notice of proposed rule making in these proceedings provided that interested persons could file comments thereon until July 28, 1952. It was further provided that comments or briefs in reply to the original comments could be filed within 10 days from that date. Comments were filed by three parties: The National Association of Radio and Television Broadcasters and Midland Broadcasting Company, Kansas City, Missouri (KMBC and KFRM) and the National Federation of American Shipping.

4. In its comments the National Association of Radio and Television Broadcasters stated that:

> The Association takes cognizance of the proximity of 540 kilocycles to the frequencies used in other radio services, such as the Government and marine services. As stated by the Commission in its Public Notice 77020, June 18, 1952, the marine services have been on notice since 1947 that 540 kilocyles was intended for broadcast purposes. In view of the fact that this five-year period is ample time in which to take necessary action in preparation for the use of 540 kilocycles for broadcast purposes, and since the Safety of Life at Sea Convention, which comes into force next November (the month proceeding the date set by the E. A. R. C. for bringing into force the broadcast band 535–1605), provides higher standards for shipboard auto-alarms, the Association respectfully submits that no meritorious objections to the use of 540 kilocycles for broadcast purposes could be made by these services.

It was also stated by the Association that the frequency 540 kc is subject to U. S. 27, NG 24 and AR 4[1] which appear in Columns 7 and 6 (a) of the Table of Frequency Allocations, § 2.104 (a) of the Commission's rules, and that it would be "appropriate to reference those footnotes also in the listing of 540 kc in § 3.25 (c) of the rules."

5. In its comments Midland Broadcasting Company stated that:

> The proposal of the Commission to provide for the use of 540 kilocycles as a Class II channel is eminently suited to the best utilization of the frequency to areas of the United States still without primary broadcast service. By permitting the use of the frequency with powers of 250 watts to 50 kilowatts sufficient flexibility is provided to permit of the variable use of the frequencies in ways best suited to the needs of such unserved areas.

6. The National Federation of American Shipping filed a comment in which it stated that in view of the possible interference to ship autoalarm by broadcasting stations operating on 540 kc that the provisions of footnotes AR 4 and U. S. 27, referred to above "• • • • continue to be carried in the frequency allocations table and that appropriate examination of the interference factor be considered by FCC prior to the granting of each or any specific authorization for broadcasting on the frequency 540 kc."

7. On August 8, 1952, the National Association of Radio and Television Broadcasters filed a reply to the comments of the National Federation of American Shipping.[2] In the reply it was stated that in view of European operation on 529 kc without intolerable interference to marine radio services and in view of the significant engineering advances made in the last decade, it is unlikely that standard broadcast operation on 540 kc will create a menace to the safety of life and property at sea.

8. None of the parties to this proceeding has raised any objection to the proposal to make the frequency 540 kc available for domestic use in the broadcast service, provided such use is subject to the provisions of AR4, U. S. 27, and N. G. 24, as set forth above. And it is our view that there is no objection to the use of the frequency for this purpose subject to the foregoing condition. We are of the opinion, therefore, that the amendments proposed in the notice of proposed rule making in this proceeding should be adopted as modified by the addition of the suggested footnote.

9. It is therefore ordered that effective 30 days after publication in the FEDERAL REGISTER, Part 3 of the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations (550–1600 kc) is amended as set forth below.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303. Interprets or applies sec. 307, 48 Stat. 1084, 47 U. S. C. 307)

Adopted: October 23, 1952.

Released: October 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Sections 3.1, 3.2, and 3.3 are amended to read as follows

1. Sections 3.1, 3.2, and 3.3 of the Commission's rules and regulations are amended to read as follows:

§ 3.1 *Standard broadcast station.* The term "standard broadcast station" means a broadcasting station licensed for the transmission of radiotelephone emissions primarily intended to be received by the general public and operated on a channel in the band 535–1605 kilocycles.

§ 3.2 *Standard broadcast band.* The term "standard broadcast band" means the band of frequencies extending from 535 to 1605 kilocycles.

§ 3.3 *Standard broadcast channel.* The term "standard broadcast channel" means the band of frequencies occupied by the carrier and two side bands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. The 107 carrier frequencies assigned to standard broadcast stations shall begin at 540 kilocycles and be in successive steps of 10 kilocycles.

2. Section 3.25 (c) is amended to read as follows:

§ 3.25 *Clear channels: Class I and II stations.* • • •

(c) For Class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point on the Canadian border and provided that such stations operating nighttime (i. e., sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest Canadian border, 540,[4] 690, 740, 860, 990, 1010,[5] and 1580 kilocycles.

3. The Commission's Standards of Good Engineering Practice Concerning Standard Broadcast Stations (550–1600 kc) are amended as follows:

a. The title is amended to read: "Standards of Good Engineering Practice Concerning Standard Broadcast Stations (535–1605 kc)."

b. In section 1 *Engineering standards of allocation* the first sentence of the second paragraph to read as follows: "Sections 3.21 to 3.34, inclusive, govern allocation of facilities in the standard broadcast band of 535 to 1605 kc."

c. In section 9 *Requirements for approval of power rating of vacuum tubes,* subparagraph (2) of paragraph 4 is amended to read as follows: "On the frequencies 535 to 1605 kc in the standard broadcast band."

[F. R. Doc. 52-11792; Filed, Nov. 3, 1952; 8:45 a. m.]

[1] AR 4. In order to do everything possible to protect the safety of life at sea and in the air, broadcasting stations, particularly those assigned the frequency 540 kc shall not cause harmful interference to the services which utilize the international distress and calling frequency 500 kc. Broadcasting stations shall use frequencies so separated from the limits of this band as not to cause harmful interference to the services to which the frequency bands immediately adjoining are allocated. U. S. 27. The use of the frequency 540 kc is subject to the conditions that no harmful interference is caused to the service operating on 500 kc and in the band 510–535 kc NG24. For conditions which apply to the use of this band, refer to the North American Regional Broadcasting Agreement.

[2] The reply filed on August 8, 1952, by the National Association of Radio and Television Broadcasters was submitted one day subsequent to the expiration of the time allocated by the Commission for the submission of such replies. It filed therewith a petition requesting an extension of time for the submission of its reply in these proceedings. This request is granted and the reply is accepted.

[4] See § 2.104 (a).

[5] A station on 1010 kilocycles shall also protect a Class 1–B station at Havana, Cuba.

[Docket No. 10314]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast station; Docket 10314.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 52–986) issued in the above-entitled proceeding on September 2, 1952, proposing the amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations, so as to assign Channel 4 to Irwin, Pennsylvania.[1] Since the assignment of Channel 4 to Irwin, Pennsylvania, would require changes of the offset carrier designations of other assignments, other changes in the Table of Assignments, § 3.606 of the rules were also proposed. The Table of Assignments, § 3.606 was proposed to be amended to read as follows:

City	Channel number
District of Columbia: Washington	4–, 5, 7+, 9–, 20+, *26–,
Ohio, Columbus	4–, 6+, 10+, *24, 40–.
Pennsylvania: Irwin	4+.

2. The Commission's proposed rule making provided that comments or briefs either opposing or supporting the proposed changes in the Table of Assignments could be filed on or before September 19, 1952, and that comments and briefs in reply could be filed within 10 days from the last date for filing original comments or briefs.

3. Allegheny Broadcasting Corporation, Pittsburgh, Pennsylvania, and Mon-Yough Broadcasting Company, McKeesport, Pennsylvania, filed timely comments supporting the proposed amendments of the Assignment Table. In these comments it was asserted that the assignment of Channel 4 to Irwin as proposed by the Commission would afford opportunity for greater television service to cities in the Pittsburgh metropolitan area; that the proposal is consistent with the objectives of sections 1 and 307 (b) of the Communications Act of 1934, as amended; that the proposal would cure the present inefficient utilization of spectrum space which now exists under the Commission's Table; and that the demand for local television facilities in cities other than Pittsburgh in the area requires the assignment of Channel 4 to Irwin as proposed.

4. WWSW, Inc., Pittsburgh, Pennsylvania, filed a timely comment, and thereafter a supplemental comment, opposing the proposed assignment of VHF Channel 4 to Irwin. The objections raised by WWSW, Inc., to the Notice of Proposed Rule Making in this proceeding are premised on the contention that VHF Channel 4 should be assigned to Pittsburgh or to Braddock. In the Sixth Report and Order (FCC 52–294) we denied counterproposals which requested the assignment of Channel 4 to these communities. Petitions for reconsideration of the denial of these counterproposals were filed by WCAE, Inc., and Matta Broadcasting Company.[2] In our Memorandum Opinion and Order (FCC 52–988) of September 2, 1952, the petition for reconsideration of WCAE, Inc., seeking assignment of Channel 4 to Pittsburgh, was denied. On the same date, we also issued a Memorandum Opinion (FCC 52–987) in which we pointed out that we were taking no action on the pending petition of Matta Broadcasting Company for reconsideration of our decision denying the requested assignment of Channel 4 to Braddock. We stated that:

> In the event that the proposal to assign Channel 4 to Irwin, Pa., is made final that channel will be available, in accordance with § 3.607 of the Rules, for application in the City of Braddock as well as other cities.

We believe that our decision denying the petition for reconsideration of WCAE, Inc., which requested the assignment of Channel 4 to Pittsburgh, and our decision deferring action on the petition for reconsideration of Matta Broadcasting Company which requested the assignment of Channel 4 to Braddock, are correct and we now reaffirm these decisions on the grounds stated therein.

5. The particular objections raised by WWSW, Inc., to the proposal to put Channel 4 in Irwin in this proceeding are without merit. Petitioner assumes that the assignment of Channel 4 to Braddock instead of to Irwin would constitute the assignment of that channel to Pittsburgh under the Commission's rules. Even were this assumption of petitioner correct, Channel 4 nevertheless could not be assigned to Braddock, in view of the resulting substandard separation to WLWC, Columbus, Ohio. Moreover, petitioner's assumption that the assignment of Channel 4 to Braddock would constitute an assignment of that channel to Pittsburgh rests upon a misconstruction of the Commission's rules. Section 3.607 (b) of the Commission's rules provides in part that "A channel assigned to a community listed in the Table is available upon application in any unlisted community which is located within 15 miles of the listed community." Thus, since Pittsburgh is within 15 miles of Braddock, the assignment of Channel 4 to Braddock would make that channel available as a Pittsburgh channel if no channels were assigned to Pittsburgh. However, since channels have been assigned to Pittsburgh and it is therefore a community "listed in the Table", the assignment of Channel 4 to Braddock would obviously not constitute an assignment of that channel to Pittsburgh under the "15 mile rule."

6. Petitioner also asserts that "Since the plain purpose of Mayor Lawrence's petition (pursuant to which the notice of proposed rule making to assign Channel 4 to Irwin was issued) is to increase television to the Pittsburgh area, the issue should be met directly and not in such a way as to make the Commission appear guilty of subterfuge." The charge that the Irwin assignment is a subterfuge is patently false. We recognize the desirability of additional service in the Pittsburgh area, but find that we cannot assign Channel 4 to Pittsburgh without violating the minimum cochannel assignment separation standards. The assignment of Channel 4 to Irwin complies with those standards, brings a first television station to that community, and, in addition, provides additional service to the Pittsburgh area. Our decision to assign Channel 4 to Irwin in order to achieve a more efficient utilization of the channel is not a subterfuge.

7. It is asserted by WWSW, Inc., that "• • • The Commission should not become involved in any contrivance which will give unmerited preference to Matta Broadcasting Company over other Pittsburgh area applicants. • • •" This contention is clearly ill-founded. The argument that Matta Broadcasting Company would receive an "unmerited preference" is presumably addressed to the question whether, and to what extent, local residence should constitute a basis for preference among competing applicants for television facilities. That question is not before us. We are concerned here only with the rule making question of assignment of channels in accordance with the Commission's separation standards and in accordance with good assignment principles. We are not concerned here with the bases for selecting among competing applicants in adjudicatory licensing proceedings.

8. In the Supplement to its comments WWSW, Inc., offers an additional argument designed to show that the assignment of Channel 4 to Irwin rather than Braddock would be erroneous. Petitioner recognizes that the assignment of Channel 4 to Braddock would not comply with the minimum co-channel assignment separations since Braddock is less than 170 miles from WLWC, Columbus, Ohio, to which Channel 4 is assigned.[3] WWSW, Inc., argues that since Crosley Broadcasting Corporation filed an application in which it proposed to operate Station WLWC with a tower height of 436 feet that "it is obvious that a reduction in height of only a few feet below the 1,000 feet permissible would make the allocation of Channel 4 to Braddock

[1] This notice of proposed rule making was published in the FEDERAL REGISTER on September 9, 1952 (17 F. R. 8125).

[2] WWSW, Inc., has not requested reconsideration of the Sixth Report and Order but has filed a petition for review with the Court of Appeals, Third Circuit.

[3] Crosley Broadcasting Corporation is licensee of WLWC, Columbus, Ohio, WLWT, Cincinnati, Ohio, and WLWD, Dayton, Ohio. In a letter dated September 17, 1952, the Commission advised the licensee that the operation of these stations proposed by Crosley in its applications to change channels in accordance with Commission show cause orders, and to increase power, appeared to result in overlaps of the stations' signals in contravention of the Commission's multiple ownership rules.

entirely within the Commission's standards as regarding interference." The Sixth Report and Order (FCC 52-294) and our Memorandum Opinion and Order (FCC 52-988) dated September 2, 1952, set forth the reasons for denying requests for operation with less than maximum height or power at substandard separations. The reasons there set forth are a full and adequate reply to the contention now raised by petitioner in this proceeding. Furthermore, it should be pointed out that petitioner's proposal would place a permanent limitation on the antenna height of a station operating on Channel 4 in Columbus. Such a limitation would frustrate one of the basic purposes intended to be served by the standards of heights and powers adopted in the Sixth Report. The standards there adopted were designed to permit the authorization of all stations to use maximum heights and powers in order to achieve wide service areas, consistent with a minimum of interference. The proposal of Crosley Broadcasting Corporation, at this time, to operate WLWC with an antenna height of 436 feet is neither a necessary nor a permanent limitation on the utilization of Channel 4. In any event the operation proposed by any applicant cannot and should not be relied upon to effect enduring limitations on the utilization of the channel by all potential licensees of the same facilities. The transitory questions presented by the immediate circumstances or inclinations of particular licensees should not be confused with basic problems presented by the establishment of a nation-wide Table of Assignments which will determine the course of television for the foreseeable future.

9. In view of the foregoing, it is ordered that, effective 30 days from the date of publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended to read as follows:

City	Channel number
District of Columbia: Washington	4-, 5, 7+, 9-, 20+, *26-.
Ohio: Columbus	4-, 6+, 10+, *34, 40-.
Pennsylvania: Irwin	4+.

By the Commission: Commissioners Webster, Hennock and Bartley not participating.

(Sec. 4, 48 Stat. 1066 as amended. 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 50 Stat. 191, as amended; 47 U. S. C. 303)

Adopted: October 23, 1952.

Released: October 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-11793; Filed, Nov. 3, 1952; 8:46 a. m.]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 8 of the Commission's rules for temporary implementation of the radio provisions of the Safety of Life at Sea Convention, London, 1948.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of October 1952;

The Commission having under consideration the matter of amendment of Part 8 of its rules for the purpose of implementing the radio provisions of the Safety of Life at Sea Convention, London, 1948:

It appearing, that the Safety of Life at Sea Convention, London, 1948, will come into force on November 19, 1952, and on that date the radio provisions thereof will become applicable to certain United States ships; and

It further appearing, that substantial detailed changes in Part 8 of the Commission's rules, in addition to certain amendments heretofore proposed, are necessary for the purpose of clearly establishing radio requirements which, in accordance with the Convention, are to be determined by each Administration, and to incorporate the Convention requirements in the Commission's rules in an orderly manner; and

It further appearing, that a period of time beyond November 19, 1952, will be required to complete rule making procedures to incorporate the above-mentioned substantial changes in Part 8 of the Commission's rules; and

It further appearing, that it is necessary that certain minimum changes to the Commission's rules be made immediately for the temporary guidance of those who will be affected by the coming into force of the 1948 Convention and the Commission's inspection engineers; and

It further appearing, that the rule amendments herein ordered are temporary in nature and, for the most part, merely reflect the minimum provisions of the Safety of Life at Sea Convention, London, 1948; and

It further appearing, that in view of the foregoing it is impracticable to comply with the notice and public procedure provided by section 4 of the Administrative Procedures Act and for the same reason the amendments herein ordered may be made effective immediately:

It is ordered, That, effective immediately, and pursuant to the authority contained in section 303 (r) of the Communications Act of 1934, as amended, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: October 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 8.501 is amended to read as follows:

§ 8.501 *Inspection of installation.*[1] (a) In accordance with paragraph (a) of § 8.101 and pursuant to section 360 of the Communications Act, every ship of the United States, subject to Part II of Title III of the Communications Act, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission. The issuance of an appropriate certificate[1] in behalf of any vessel of the United States concerning the radio particulars provided for in the Safety Convention is subject to a finding by the Commission that such vessel complies in an efficient manner with the applicable radio and communication provisions of that Convention or that, pursuant to the provisions of the Safety Convention, such vessel is exempt from those provisions of that Convention.

(b) In accordance with the Safety Convention, every ship of the United States holding a Safety Certificate, Safety Radiotelegraphy Certificate, Safety Radiotelephony Certificate or Exemption Certificate is subject when in a port of a foreign country which is a party to the Safety Convention, to control by officers duly authorized by the government of that country, insofar as that control is directed towards verifying that there is on board a valid convention certificate and, if necessary, that the conditions of the vessel's seaworthiness correspond substantially with the particulars of that certificate.[1]

2. Amend footnote [1] to § 8.501 to read as follows:

[1] The privileges of the Convention may not be claimed in favor of any ship unless it holds appropriate valid certificates. In the event of control giving rise to intervention of any kind in a foreign port, the officer carrying out the control is required to notify the United States Consul in writing forthwith of all the circumstances in which intervention was deemed to be necessary.

3. Part 8 is amended by adding a new Subpart U to read as follows:

SUBPART U—TEMPORARY RULES TO GOVERN UNITED STATES SHIPS SUBJECT TO THE SAFETY OF LIFE AT SEA CONVENTION, LONDON, 1948

Sec.
8.701 Application of Subpart U.
8.702 Interior communications systems.
8.703 Radio station clock.
8.704 Spare antenna.
8.705 Separate emergency receiver.
8.706 Separate emergency power supply and transmitter.
8.707 Antenna connections.
8.708 Sensitivity of receivers.
8.709 Storage batteries.
8.710 Direction finder.
8.711 Radio log.
8.712 Convention certificates for cargo vessels of less than 1600 gross tons.

AUTHORITY: §§ 8.701 to 8.712 issued under sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART U—TEMPORARY RULES TO GOVERN UNITED STATES SHIPS SUBJECT TO THE SAFETY OF LIFE AT SEA CONVENTION, LONDON, 1948

§ 8.701 *Application of Subpart U.* A United States passenger vessel, or a United States cargo vessel of 1600 or more gross tons, subject to the radio requirements of the Safety of Life at Sea Convention, London, 1948, shall be considered to meet those requirements if:

(a) It complies with the applicable requirements of Title III, Part II of the Communications Act of 1934, as amended, as set forth in the act and related rules contained in other subparts of this part, and;

(b) It complies with the specific requirements set forth in this subpart.

§ 8.702 *Interior communications systems.* If a ship is navigated from a place or places other than the bridge, the interior communication system between the bridge and the radio room provided under §§ 8.513 and 8.514 shall include in the system a point of communication at one of such other places in the same manner as it does the bridge.

§ 8.703 *Radio station clock.* A radio station clock which meets the requirements of §§ 8.114 and 8.515 shall be installed. If a ship is provided with a separate emergency radio operating room, such a clock shall also be installed in the emergency operating room. Notwithstanding the provisions of § 8.515 no deviation from the requirements of said section which is contrary to the Safety Convention may be authorized.

§ 8.704 *Spare antenna.* If a cargo ship is not provided with an emergency antenna meeting the requirements of § 8.504 (a) (2), it shall be provided with a spare antenna consisting of a single wire transmitting antenna (including suitable insulators), of the same linear dimensions as the main transmitting antenna completely assembled for immediate replacement.

§ 8.705 *Separate emergency receiver.* A cargo ship shall be provided with a separate emergency receiver meeting the requirements of this part applicable to emergency receivers. However, in lieu of the frequency band specified in § 8.504 (a) (4), the frequency band 405 to 535 kc may be provided.

§ 8.706 *Separate emergency power supply and transmitter.* In the case of new installations[1] on cargo ships a separate emergency power supply independent of the main power supply and a separate emergency transmitter meeting the requirements of this part applicable to emergency power supplies and transmitters shall be provided.

§ 8.707 *Antenna connections.* The main and emergency or reserve installations shall be capable of being quickly connected with either the main antenna or the emergency antenna if installed.

§ 8.708 *Sensitivity of receivers.* The main and emergency receivers shall have sufficient sensitivity to effectively operate a head receiver or a loudspeaker when the receiver input is as low as 100 microvolts.

[1] For the purposes of this section, a new installation is an installation which replaces an existing installation or one installed on a ship on or after November 19, 1952. An existing installation is one installed on a ship prior to November 19, 1952.

§ 8.709 *Storage batteries.* While at sea, storage batteries forming part of the main installation or the emergency installation, shall be brought up to the normal full charged condition daily.

§ 8.710 *Direction finder.* In addition to the requirements of § 8.516, each cargo ship of 5000 or more gross tons shall be equipped with an efficient direction-finder properly adjusted, in operating condition and meeting the requirements of § 8.517. The provisions of §§ 8.513 and 8.514 relating to fitting of an interior communication system between the direction-finding apparatus and the bridge shall apply to ships equipped with a direction-finder in accordance with this rule.

§ 8.711 *Radio log.* (a) The radio log shall, in addition to the entries required by § 8.330 (b), include the following:

(1) A daily statement as to compliance with § 8.709.

(2) A statement of when each storage battery used as the power supply for the main and emergency installations is placed on charge or off charge.

(3) Details of maintenance of lifeboat radio equipment, including a record of charging of any storage batteries supplying power to such equipment. The record of charging shall show when such storage battery is placed on charge and when it is taken off charge.

§ 8.712 *Convention certificates for cargo vessels of less than 1600 gross tons.* Cargo vessels of less than 1600 gross tons subject to the radio requirements of the Safety of Life at Sea Convention shall be provided with a Safety Radiotelephony Certificate or a Safety Radiotelegraphy Certificate prior to November 19, 1953: *Provided, however*, That each such ship which is first put in service subsequent to November 19, 1952, shall be provided with a Safety Radiotelegraphy, Safety Radiotelephony, or Exemption Certificate when it is put in service.

[F. R. Doc. 52-11794; Filed, Nov. 3, 1952; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[Docket No. 3666; Order 7; Ex Parte MC-13]

PARTS 71-78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Subchapter B—Carriers by Motor Vehicle

[Docket Ex Parte MC-3]

PART 190-197—SAFETY REGULATIONS

MISCELLANEOUS AMENDMENTS

In the matter of regulations for transportation of explosives and other dangerous articles, Docket 3666.

In the matter of regulations governing the transportation of explosives and other dangerous articles by motor vehicle, Docket Ex Parte MC-13.

In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers, Docket Ex Parte MC-3.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of October 1952.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831-835 of title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that it is now desirable to vacate that portion of the orders of the Commission of April 20, 1943 (8 F. R. 6479) (8 F. R. 6481), as amended and extended by subsequent orders, which made Parts 71-78 of the regulations governing the transportation of explosives and other dangerous articles applicable to every common, contract, and private carrier by motor vehicle engaged in intrastate commerce and also made Parts 190-196 of the Motor Carrier Safety Regulations, Revised, applicable to such carriers to the extent that the vehicles of such carriers were engaged in such transportation, with the exception that private carriers of property were not made subject to regulations governing the reporting of accidents.

It is ordered, That, the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended, as follows:

PART 73—SHIPPERS

Amend first paragraph appearing under authority citation for Part 73 (15 F. R. 8275, Dec. 2, 1950) (15 F. R. 8824, Dec. 13, 1950) (49 CFR Part 73, 1950 Rev.) to read as follows:

[The regulations in Parts 71-78 of this chapter are applicable to every common, contract, and private carrier of property subject to the regulatory provisions of section 835, Public Law 772, 80th Congress (62 Stat. 738), and/or Part II of the Interstate Commerce Act.]

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

Amend § 73.312 paragraph (a) (1) including Notes 1 and 2 (15 F. R. 9376, Sept. 15, 1951) (49 CFR 73.312, 1950 Rev., 1951 Supp.) to read as follows:

§ 73.312 *Liquefied petroleum gas.* (a) • • •

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4B, 4BA (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.50, 78.51 of this chapter), 4B240X[1] (see appendix A to Subpart C of Part 78 of this chapter), 4B240FLW or 9 (§§ 78.54 or 78.63 of this chapter), 25,[1] 26,[1] or 38.[1] Cylinders authorized under § 73.34 (a) to (e) may be used.

NOTE 1: Because of the present emergency and until further order of the Commission, cylinders marked as complying with I. C. C. Spec. 4B240FLW (§ 78.54 of this chapter) bearing manufacturer's symbol WCO and serial numbers 47A-1 to 47A-59200, inclusive, varying from the specification requirements as to physical properties of steel, are authorized for the transportation of liquefied petroleum gases.

• • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

Amend § 73.332 entire paragraph (a) (15 F. R. 8333, Dec. 2, 1950) (16 F. R. 9378, Sept. 15, 1951) (49 CFR 73.332, 1950 Rev., 1951 Supp.) to read as follows:

§ 73.332 *Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied.* (a) Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied, must be packed in specification containers as follows:

(1) As prescribed in § 73.328.

(2) Spec. 3A480 or 3AA480 (§ 78.36 or § 78.37 of this chapter). Metal cylinders of not over 125 pounds water capacity (nominal), minimum wall thickness 0.147 inch, and in no case shall the wall stress exceed 24,000 pounds per square inch when calculated by the formula in § 78.36–10 (b) of this chapter; valve protection cap must be used and be at least $\frac{3}{16}$ inch thick, gas-tight, with $\frac{3}{16}$ inch faced seat for gasket and with United States standard form thread; the cap must be capable of preventing injury or distortion of the valve when it is subjected to an impact caused by allowing cylinder, prepared as for shipment, to fall from an upright position with side of cap striking a solid steel object projecting not more than 6 inches above floor level.

* * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Amend second paragraph appearing under authority citation for Part 77 (15 F. R. 8361, Dec. 2, 1950) (15 F. R. 8824, Dec. 13, 1950) (49 CFR Part 77, 1950 Rev.) to read as follows:

[The regulations in Parts 71–78 of this chapter are applicable to every common, contract, and private carrier of property subject to the regulatory provisions of section 835 Public Law 772, 80th Congress (62 Stat. 738), and/or Part II of the Interstate Commerce Act.]

(Sec. 204, 49 Stat. 546, as amended; sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

PART 197—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY MOTOR VEHICLE

Amend entire § 197.01 (15 F. R. 8120, Nov. 28, 1950) (49 CFR 197.01, 1951 Supp.) to read as follows:

§ 197.01 *Application of regulations.* (a) The regulations in this part shall be applicable to every common carrier by motor vehicle, contract carrier by motor vehicle, and private carrier of property by motor vehicle engaged in interstate or foreign commerce, with respect to the transportation by motor vehicle of explosives and other dangerous articles, as defined in regulations for transportation of explosives and other dangerous articles by land and water in rail freight, express, and baggage services, and by motor vehicle (highway), and water including specifications for shipping containers.

(b) Parts 190 to 196, inclusive, of this chapter, shall be applicable to all motor carriers designated in paragraph (a) of this section, whether or not operating wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities, to the extent that the motor vehicles and drivers of the aforesaid carriers are engaged in the transportation of explosives and other dangerous articles: *Provided, however,* That Part 194 of this chapter relating to the reporting of accidents shall not apply to any private carrier of property.

(Sec. 204, 49 Stat. 546, as amended; sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835)

It is further ordered, That the following orders be vacated to the extent that they made the Commission's regulations relating to the transportation of explosives and other dangerous articles applicable to motor common, contract, and private carriers engaged in intrastate commerce:

Order of April 20, 1943 (8 F. R. 6479),
Order of April 20, 1943 (8 F. R. 6481),
Order of June 14, 1943 (8 F. R. 8277),
Order of August 27, 1943 (8 F. R. 12143),
Order of December 31, 1943 (9 F. R. 540),
Order of June 24, 1944 (9 F. R. 7528),
Order of December 5, 1944 (9 F. R. 15006),
Order of December 30, 1944 (10 F. R. 120),
Order of October 8, 1945 (10 F. R. 12967),
Order of December 20, 1945 (11 F. R. 33),
Order of December 17, 1946 (11 F. R. 14729),
Order of May 6, 1947 (12 F. R. 3198),
Order of December 15, 1947 (12 F. R. 8868),
Order of December 28, 1948 (13 F. R. 9574),
Order of December 30, 1949 (15 F. R. 94),
Order of November 14, 1950 (15 F. R. 8120), and
Order of July 19, 1950 (15 F. R. 8261) (15 F. R. 8823).

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on October 28, 1952, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec 204, 49 Stat. 546, as amended; sec 835, 62 Stat 739; 49 U. S. C. 304, 18 U. S. C., Sup., 835)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F R. Doc. 52–11758; Filed, Oct. 31, 1952, 8:58 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[481.39]

DOWELS, ROUGH DOWELS, AND ROUGH ROUNDS

TARIFF CLASSIFICATION

OCTOBER 27, 1952.

The Bureau by its letter to the collector of customs at New York, dated October 27, 1952, ruled that dowels, rough dowels, and rough rounds are properly classifiable as wood, unmanufactured, not specially provided for, under paragraph 405, Tariff Act of 1930.

This decision will be effective as to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption after the expiration of 90 days after the date of publication of an abstract thereof in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] FRANK DOW, *Commissioner of Customs.*

[F. R. Doc. 52–11820; Filed, Nov. 3, 1952; 8:50 a. m.]

United States Coast Guard

[CGFR 52–53]

MANUFACTURERS

RENEWAL OF CERTIFICATIONS FOR SHIPS' STORES AND SUPPLIES OF A DANGEROUS NATURE

1. The Commandant, United States Coast Guard, on January 12, 1943, waived the requirements in 46 CFR 147.03–9, regarding ships' stores and supplies of a dangerous nature, to the extent that for the duration of World War II and six months thereafter it was not necessary for the manufacturers to submit applications for renewal of certification for their products during the month of January of each year.

2. The President by Proclamation No. 2974 dated April 28, 1952, and published in the FEDERAL REGISTER dated Wednesday, April 30, 1952 (17 F. R. 3813), proclaimed the war was terminated. Therefore, the waiver by the Commandant, United States Coast Guard, dated January 12, 1943, by its own terms expires October 28, 1952, and is hereby canceled effective October 28, 1952. A letter to this effect has been sent to all known manufacturers of approved ships' stores and supplies of a dangerous nature.

3. All certifications of ships' stores and supplies of a dangerous nature made subject to the above waiver are continued in effect until February 1953. Manufacturers desiring to have certifications renewed must submit applications in accordance with the provisions of 46 CFR 147.03–9 for receipt by the Commandant, United States Coast Guard, during the month of January 1953. Each application shall contain a sworn statement affirming that the characteristics of the approved product or article have not been altered or changed in any respect and it is the manufacturer's intention to continue to market the product. Upon receipt of such statement the records of the Commandant of the Coast Guard will be endorsed, indicating that the certification continues active and in force. Failure to submit such applications during January 1953 shall automatically serve to cancel the certificates and the appropriate notice will be published in the U. S. Coast Guard's "Proceedings of the Merchant Marine Council" regarding the cancellations.

Dated: October 24, 1952.

[SEAL] A. C. RICHMOND, *Rear Admiral, U. S. Coast Guard, Acting Commandant.*

[F. R. Doc. 52–11819; Filed, Nov. 3, 1952; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA AND SOUTH DAKOTA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In schedule A, under Nebraska, in alphabetical order, add the counties "Greeley," and "Knox"; under South Dakota, in alphabetical order, add the counties "Douglas," and "Yankton."

In schedule B, under Nebraska, delete the counties "Greeley," and "Knox"; under South Dakota, delete the counties "Douglas," and "Yankton."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 31st day of October 1952.

[SEAL] K. T. HUTCHINSON, *Acting Secretary of Agriculture.*

[F. R. Doc. 52–11900; Filed, Nov. 3, 1952; 11:36 a. m.]

COMMUNICABLE DISEASE OF SHEEP

FINDING OF EMERGENCY OUTBREAK

Whereas, the disease of sheep known as scrapie has appeared in this country in the State of California, and

Whereas, the existence of this disease constitutes a real danger to producers, shippers and others concerned with the sheep industry as well as to the national economy,

Now, therefore, in accordance with the provisions of the appropriation item in the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., 2d sess.) entitled "Eradication of Foot-and-Mouth Disease and Other Contagious Diseases of Animals and Poultry", and section 11 of the act of May 29, 1884 (21 U. S. C. 114a), I find an emergency arising out of the existence and spread of scrapie, which in my opinion threatens the livestock industry of the country, and I authorize the transfer of funds to the said appropriation item and the use thereof for all proper purposes in a program conducted in cooperation with States and political subdivisions thereof, farmers associations, and similar organizations and individuals, to arrest and eradicate the disease wherever found.

Issued this 31st day of October 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52–11902; Filed, Nov. 3, 1952; 11:40 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[No. M–56]

S. C. T. T., INC.

ALLEGED VIOLATION OF GENERAL ORDER 70; ORDER TO SHOW CAUSE AND NOTICE OF HEARING

On October 27, 1952, the Administrator entered the following order:

It appearing, from information before the Maritime Administrator that S. C. T. T., Inc., is registered as an American freight forwarder pursuant to General Order 70; and

It further appearing, that the Administrator is in receipt of a formal complaint filed by the New York Foreign Freight Forwarders and Brokers Association alleging, inter alia, that S. C. T. T., Inc., is not a citizen of the United States within the meaning of 46 U. S. C. 802; and

It further appearing, that an investigation conducted on behalf of the Administrator casts doubt upon the citizenship of S. C. T. T., Inc.; and

It further appearing, that S. C. T. T., Inc., is in violation of General Order 70 by failing to submit certain information requested by the Administrator;

It is ordered, That the Administrator, on his own motion, order an administrative hearing to determine whether S. C. T. T., Inc., at the time of its registration under General Order 70, or at any time since, was or is a citizen of the United States within the meaning of 46 U. S. C. 802;

It is further ordered, That S. C. T. T., Inc., be, and it is hereby, made the respondent in this proceeding, and that said respondent be, and is required in said proceeding to appear at a public hearing to be held before an examiner of this agency at a date and place to be announced by the Chief Examiner, and to show cause why an order should not be entered pursuant to § 243.2 (h) of General Order 70 (46 CFR Part 243) striking S. C. T. T., Inc., from the list of freight forwarders eligible to service cargoes shipped under the Foreign Assistance Act of 1948 and other relief and rehabilitation cargoes;

It is further ordered, That a copy of this order be served upon the respondent;

It is furthered ordered, That this order be published in the FEDERAL REGISTER;

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in the proceeding should notify the Maritime Administrator within five days after the date of publication.

Pursuant to the above order notice is hereby given that a public hearing will be held at Washington, D. C., before Examiner A. L. Jordan, beginning at 10 o'clock a. m., November 18, 1952, in Room 4823, Department of Commerce Building. The hearing will be conducted pursuant to the Board's Rules of Procedure (12 F. R. 6076), and the examiner will issue a recommended decision.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to participate in the hearing should notify the Maritime Administrator accordingly on or before November 10, 1952.

Dated: October 27, 1952.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52–11835; Filed, Nov. 3, 1952; 8:53 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR, Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951,

16 F. R. 12043; and June 2, 1952, 17 F. R. 3818).

Associated Garment Co., Assumption, Ill., effective 10-23-52 to 10-22-53; 10 learners (dresses).

Associated Garment Co., Shelbyville, Ill., effective 10-30-52 to 10-29-53; 10 learners (dresses).

Athens Garment Co., Athens, Ala., effective 10-24-52 to 10-23-53; 10 learners (work shirts).

Barre Apparel Co., 66 Plymouth Street, Edwardsville, Pa., effective 10-24-52 to 10-23-53; five learners (ladies' and misses' dresses).

Baumel Dress Co., Willow and Grant Streets, Olyphant, Pa., effective 10-23-52 to 10-22-53; 10 percent of the productive factory force (ladies' dresses).

Michael Berkowitz Co., Inc., Uniontown, Pa., effective 10-28-52 to 10-27-53; 10 percent of the productive factory force (men's, ladies' and children's pajamas).

E. H. Blum, 1521 Canal Street, New Orleans, La., effective 10-21-52 to 10-20-53; 10 percent of the productive factory force (men's and boys' pants and shorts).

J. H. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La., effective 10-26-52 to 10-25-53; 10 percent of the productive factory force (sport, dress and work shirts).

Boonville Manufacturing Corp., 302-316 North Second Street, Boonville, Ind., effective 10-22-52 to 10-21-53; 10 percent of the productive factory force engaged in the manufacture of woven pajamas (not including office and sales personnel) (men's woven pajamas).

Carbondale Children's Dress Co., 30 7th Avenue, Carbondale, Pa., effective 10-23-52 to 10-22-53; 10 percent of the productive factory force (children's and girls' dresses and play suits).

Carlton Shirt Co., Inc., 701 Whaley Street, Columbia, S. C., effective 10-22-52 to 4-21-53; 25 learners for expansion purposes (sport shirts).

Center Manufacturing Inc., 520 Main Street, Gallitzin, Pa., effective 10-24-52 to 10-23-53; five learners (boy's and Junior gabardine sport jackets).

Chester Manufacturing Co., Inc., 1 Brookside Avenue, Chatham, N. Y., effective 10-22-52 to 10-21-53; five learners; learners to be engaged in the manufacture of ladies' and children's blouses and ladies' and children's inexpensive and moderately priced dresses only (ladies' and children's blouses and dresses).

Dury Clothing Co., Inc., 330 Philadelphia Ave., W. Pittston, Pa., effective 10-29-52 to 4-28-53; 10 learners for expansion purposes (men's trousers).

Dury Clothing Co., 330 Philadelphia Avenue, West Pittston, Pa., effective 10-29-52 to 10-28-53; 10 percent of the productive factory force (men's trousers).

Eureka Pants Manufacturing Co., Shelbyville, Tenn., effective 10-27-52 to 10-26-53; 10 percent of the productive factory force (cotton work pants).

Fields Manufacturing Co., 250 West Clayton Street, Athens, Ga., effective 10-22-52 to 10-21-53; 10 learners (men's and boys' cotton work shirts).

Fly Manufacturing Co., Shelbyville, Tenn., effective 10-27-52 to 10-26-53; 10 percent of the productive factory force (overalls and jackets).

Forest City Manufacturing Co., Mascoutah, Ill., effective 10-31-52 to 10-30-53; 10 learners (dresses).

Forest City Manufacturing Co., Wayne City, Ill., effective 11-8-52 to 11-7-53; 10 percent of the productive factory force (dresses).

The Garment Manufacturing Co., Inc., Hicks Street, Lawrenceville, Va., effective 10-23-52 to 10-22-53; five learners (children's wearing apparel).

Harrisburg Children's Dress Co., Fourteenth and Howard Streets, Harrisburg, Pa., effective 10-23-52 to 10-22-53; 10 percent of the productive factory force (children's and girls' dresses and playsuits).

Jett Sportswear, Inc., Curwensville, Pa., effective 10-22-52 to 18-21-53; 10 learners (men's jackets).

Joyner-Fields, Inc., Sherman, Miss., effective 10-27-52 to 4-26-53; 10 learners for expansion purposes (sport shirts).

Joyner-Fields, Inc., Sherman, Miss., effective 10-27-52 to 10-26-53; 10 learners (sport shirts).

The Juvenile Manufacturing Co., Inc., 327 North Flores Street, San Antonio, Tex., effective 10-24-52 to 10-23-53; 10 percent of the productive factory force (slacks, short pants, boxer shorts, jackets and overalls).

L'Aiglon Apparel, Inc., Hagerstown, Md., effective 10-27-52 to 10-26-53; 10 percent of the productive factory force (dresses).

L'Aiglon Apparel, Inc., 128 Water Street, Northumberland, Pa., effective 10-27-52 to 10-26-53; 10 percent of the productive factory force (dresses).

McTague Manufacturing Co., Inc., Fifteenth and Pine Streets, Phillipsburg, Pa., effective 10-23-52 to 10-22-53; 10 learners (sport jackets).

Middletown Children's Dress Co., 143 South Union Street, Middletown, Pa., effective 10-21-52 to 10-20-53; five learners (children's and girls' dresses and play suits).

Penn Children's Dress Co., 831 Lackawanna Avenue, Mayfield, Pa., effective 10-23-52 to 10-22-53; 10 percent of the productive factory force (children's dresses).

Perfection Garment Co., Inc., Martinsburg, Keyser, and Ranson, W. Va., effective 10-24-52 to 10-23-53; 10 percent of the productive factory force (cotton dresses).

Powellville Shirt Co., Powellville, Md., effective 11-1-52 to 10-31-53; 10 percent of the productive factory force (work shirts).

Princess Peggy, Inc., Chillicothe, Ill., effective 10-23-52 to 10-22-53; 10 percent of the productive factory force (dresses).

Princess Peggy, Inc., 1001 South Adams Street, Peoria, Ill., effective 10-27-52 to 10-26-53; 10 percent of the productive factory force engaged in the production of women's cotton dresses (dresses).

Rice-Stix Factory No. 10, Boone Terre, Mo., effective 11-1-52 to 10-31-53; 10 percent of the productive factory force (sport shirts).

Sea Craft Sportswear, Inc., Grassflat, Pa., effective 10-27-52 to 10-26-53; five learners (trousers).

Standard Garments, Inc., 123 Fayette Street, Martinsville, Va., effective 10-20-52 to 10-19-53; 10 percent of the productive factory force (men's and boys' pants).

Vernon Manufacturing Co., Inc., Vernon, Tex., effective 10-27-52 to 4-26-53; 20 learners for expansion purposes (men's and boys' cotton trousers).

Walterboro Manufacturing Corp., Sanders Street, Walterboro, S. C., effective 10-25-52 to 10-24-53; 10 percent of the productive factory force (ladies' cotton wash dresses).

Walterboro Manufacturing Corp., Sanders Street, Walterboro, S. C., effective 10-25-52 to 4-24-53; 25 learners for expansion purposes (ladies' cotton wash dresses).

The Warner Bros. Co., Thomasville, Ga., effective 10-27-52 to 10-26-53; 10 percent of the productive factory force (corsets and brassieres).

The Warner Bros. Co., Massena, N. Y., effective 10-22-52 to 10-21-53; 10 percent of the productive factory force (corsets and brassieres).

Washington Overall Manufacturing Co., Inc., Scottsville, Ky., effective 10-24-52 to 10-23-53; 10 percent of the productive factory force (work pants).

Williamson-Dickie Manufacturing Co., Eagle Pass, Tex., effective 10-27-52 to 4-26-53; 45 learners for expansion purposes (work clothing and dungarees).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

The Boss Manufacturing Co., 105 Elm Street, Chillicothe, Mo., effective 10-25-52 to 10-24-53; 10 percent of the productive factory force engaged in the learner occupations (work gloves).

The Boss Manufacturing Co., 105 Elm Street, Chillicothe, Mo., effective 10-25-52 to 4-24-53; 20 learners for expansion purposes (work gloves).

Fairfield Glove Co., Bonaparte, Iowa, effective 10-28-52 to 10-27-53; 10 learners (work gloves).

Montpelier Glove Co., Inc., 129 North Main Street, Montpelier, Ind., effective 10-24-52 to 10-23-53; 10 percent of the productive factory force engaged in the learner occupations (leather and leather palm work gloves).

Wells Lamont Corp., Barry, Ill., effective 10-27-52 to 10-26-53; two learners (work gloves).

Wells Lamont Corp., 516 East Main Street, Brownsville, Tenn., effective 10-31-52 to 10-30-53; 10 percent of the productive factory force engaged in the learner occupations (knit fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Barber Hosiery Mills, Inc., Mount Airy, N. C., effective 10-24-52 to 6-23-53; 10 learners for expansion purposes.

Infants Socks, Inc., Eufaula, Ala., effective 10-27-52 to 10-26-53; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Abingdon Manufacturing Corp., Abingdon, Va., effective 10-29-52 to 10-28-53; 5 percent of the productive factory force (men's woven pajamas and shorts).

Boonville Manufacturing Corp., Boonville, Ind., effective 10-22-52 to 10-21-53; 5 percent of the productive factory force in the manufacture of shorts and union suits (men's woven underwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Fairfield Shoe Co., Dillsburg Division, Dillsburg, Pa., effective 10-24-52 to 10-23-53; 10 percent of the productive factory force.

Fairfield Shoe Co., Main Street, Fairfield, Pa., effective 10-24-52 to 10-23-53; 10 percent of the productive factory force.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Palm Beach Co., Roanoke, Ala., effective 10-28-52 to 10-27-53; 7 percent of the productive factory force; machine operators (except cutting), pressers, handsewers; 480 hours each; 65 cents per hour for the first 240 hours and 70 cents per hour for the remaining 240 hours (men's palm beach suits).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

El Mundo, Inc., San Juan, P. R., effective 10-17-52 to 4-16-53; eight learners; teletype operators; 200 hours at 65 cents per hour (daily newspaper).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 27th day of October 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-11812; Filed, Nov. 3, 1952; 8:48 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 15—DPAV-45]

REQUEST TO EXECUTE AND PARTICIPATE IN DEFENSE WAREHOUSEMEN'S ASSOCIATION AGREEMENT OF CHICAGO

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to execute and participate in the Defense Warehousemen's Association Agreement of Chicago was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

This voluntary agreement provides for the formation of a warehousemen's association in the Chicago area, to be known as the "Defense Warehousemen's Association of Chicago," the sole purpose of which is to furnish public warehousing services and public storage facilities to the Government pursuant to the terms of a contract to be negotiated with the Department of Defense and the Executive Committee of the Association. This voluntary agreement has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to execute and participate in the voluntary agreement, a copy of which is enclosed.

In my opinion, such participation will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and representatives of the Administrator of the Defense Production Administration, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary agreement and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that your participation therein is within the limits set forth in the voluntary agreement.

Your cooperation in this matter will be appreciated.

HENRY H. FOWLER,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

North Pier Terminal, 444 North Lake Shore Drive, Chicago, Ill.

Expressways Terminal, Inc., 361 North Sangamon Street, Chicago, Ill.

Currier-Lee Warehouses, Inc., 427 West Erie Street, Chicago, Ill.

Storit Warehouse, Inc., 3300 West Cermak Road, Chicago, Ill.

General Warehouse & Transportation Co., 884 North Halsted Street, Chicago, Ill.

Crooks Terminal Warehouse, Inc., 5967 West Sixty-fifth Street, Chicago, Ill.

Anchor Storage Co., 215-315 East Grand Avenue, Chicago 11, Ill.

Bonded Storage & Liquidators, Inc., 1375 North Branch, Chicago, Ill.

Midland Warehouses, Inc., 1500-24 South Western Avenue, Chicago, Ill.

Wakem & McLaughlin, Inc., 225 East Illinois Street, Chicago, Ill.

Sykes Terminal Warehouse Co., 931 West Nineteenth Street, Chicago, Ill.

Packers Terminal & Warehouse Corp., 4000 Packers Avenue, Chicago, Ill.

C & A Terminal Co., 3636 South California Avenue, Chicago, Ill.

Great Lakes Warehouse Corp., Plummer Avenue and State Line, Hammond, Ind.

Western Warehousing Co., 323 West Polk Street, Chicago, Ill.

Soo Terminal Warehouse, 519 West Roosevelt Road, Chicago 7, Ill.

Goose Island Warehouse, 1127 West Division Street, Chicago, Ill.

Kelmer Terminal Warehouse, 2237 LaSalle Street, Chicago, Ill.

Griswold & Bateman Warehouse Co., 1525 South Newberry Avenue, Chicago, Ill.

Calumet Harbor Terminals, Inc., One Hundred and Thirtieth and Stony Island Avenue, Chicago, Ill.

Bridgeport Warehouse Corp., 4000 Packers Avenue, Chicago, Ill.

General Forwarding Co., Inc., 1213 West Carroll Street, Chicago, Ill.

K & R Warehousing Co., 1647 West Walnut Street, Chicago, Ill.

Wacker Warehouse Corp., 430 East Wacker Drive, Chicago, Ill.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: October 30, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-11848; Filed, Oct. 31, 1952; 11:30 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 77]

DISTRICT ENFORCEMENT DIRECTORS AND ACTING DISTRICT ENFORCEMENT DIRECTORS

REDELEGATION OF AUTHORITY WITH RESPECT TO DISALLOWANCE FUNCTIONS

By virtue of the authority vested in me as Assistant Director of Price Stabilization for Enforcement (Director of Enforcement) by General Disallowance Order 1 this Delegation of Authority 77 is hereby issued.

The authority contained in section 3 of General Disallowance Order 1 to forward to the Commissioner of Internal Revenue and to all other appropriate governmental agencies, a statement indicating any payment of the kind described in said order which, pursuant to the provisions of said order, should be disregarded by the executive departments and other governmental agencies for the purposes indicated in said order is hereby redelegated to the several District Enforcement Directors or Acting District Enforcement Directors of the Office of Price Stabilization, to be exercised by each of them within their respective jurisdictions.

This delegation of authority shall be effective as of October 24, 1952.

LAMBERT S. O'MALLEY,
Assistant Director of Price Stabilization for Enforcement.

NOVEMBER 3, 1952.

[F. R. Doc. 52-11905; Filed, Nov. 3, 1952; 12:01 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1618]

NORTHERN NATURAL GAS CO.

NOTICE OF OPINION NO. 230-A AND ORDER ON REHEARING

OCTOBER 29, 1952.

Notice is hereby given that on October 28, 1952, the Federal Power Commission issued its Opinion No. 230-A and Order on Rehearing, entered October 23, 1952, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11813; Filed, Nov. 3, 1952; 8:48 a. m.]

[Docket Nos. ID-1032, ID-1040, ID-1058, ID-1127, ID-1187]

GEORGE R. ARMSTRONG, ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

OCTOBER 29, 1952.

In the matters of George R. Armstrong, Docket No. ID-1032; Philip Sporn, Docket No. ID-1040; W. J. Rose, Docket No. ID-1058; C. V. Sorenson,

Docket No. ID–1127; A. B. Brown, Docket No. ID–1187.

Notice is hereby given that on October 29, 1952, the Federal Power Commission issued its orders entered October 21, 1952, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–11790; Filed, Nov. 3, 1952; 8:45 a. m.]

[Project No. 1223]

PUGET SOUND POWER AND LIGHT CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE

OCTOBER 29, 1952.

Notice is hereby given that on October 28, 1952, the Federal Power Commission issued its order entered October 28, 1952, accepting surrender of license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–11791; Filed, Nov. 3, 1952; 8:45 a. m.]

[Project No. 1899]

NORTHERN PENNSYLVANIA POWER CO.

NOTICE OF ORDER APPROVING REVISED EXHIBIT DRAWINGS

OCTOBER 29, 1952.

Notice is hereby given that on October 29, 1952, the Federal Power Commission issued its order entered October 28, 1952, approving revised exhibit drawings in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–11814; Filed, Nov. 3, 1952; 8:48 a. m.]

[Project No. 2000]

POWER AUTHORITY OF THE STATE OF NEW YORK

NOTICE OF EXTENSION OF TIME

OCTOBER 30, 1952.

Notice is hereby given that the time for filing protests or requests for hearing, specified by the Notice of Amendment to Application, dated October 1, 1952 (17 F. R. 8966), in the above-designated matter is hereby extended to and including December 1, 1952.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–11815; Filed, Nov. 3, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27496]

DRUGS AND CHEMICALS FROM BUFFALO, N. Y., TO ATLANTA, GA., AND POINTS GROUPED THEREWITH

APPLICATION FOR RELIEF

OCTOBER 30, 1952.

The Commission is in receipt of the above entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A–911, pursuant to fourth-section order No. 9800.

Commodities involved: Drugs, medicines, chemicals or toilet preparations, carloads.

From: Buffalo, N. Y.

To: Atlanta, Ga., and other Georgia points in Atlanta group.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–11795; Filed, Nov. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27497]

MOLASSES FROM CERTAIN POINTS IN ALABAMA AND LOUISIANA TO CHICAGO, ILL.

APPLICATION FOR RELIEF

OCTOBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 395.

Commodities involved: Blackstrap molasses and distillery molasses residuum, carloads.

From: Mobile, Ala., New Orleans, La., and other points in Louisiana assigned group 1 rates in above tariff.

To: Chicago, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional route.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 395, Supp. 86.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–11796; Filed, Nov. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27498]

CLASS RATES BETWEEN POINTS EAST OF ROCKY MOUNTAINS

APPLICATION FOR RELIEF

OCTOBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers respondents in Class Rate Investigation 1939, 281 I. C. C. 213, and other carriers parties to Agent Geo. H. Dumas' tariff I. C. C. No. A–1.

Commodities involved: Various commodities, carloads and less than carloads, subject to class rates governed by the uniform freight classification.

Territory: Between points in the U. S., generally east of the Rocky Mountains other than those included in fourth-section applications Nos. 27113 and 27279.

Grounds for relief: Rail competition, grouping, and to maintain higher column rates from and to intermediate points subject to ratings in tariffs of exceptions to consolidated classification.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–11797; Filed, Nov. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27499]

PROPORTIONAL RATES ON CORN FROM CERTAIN POINTS IN ILLINOIS TO CHICAGO, ILL.

APPLICATION FOR RELIEF

OCTOBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

Commodities involved: Corn, in carloads.

From: Steward Junction, Scarboro, Roxbury, Welland, and Mendota, Ill.

To: Chicago, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: CMStP&P RR. tariff I. C. C. No. B–7377, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–11798; Filed, Nov. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27500]

PETROLEUM PRODUCTS FROM ARCADIA, LA., TO CERTAIN POINTS IN ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

OCTOBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum, its products, and related articles, carloads.

From: Arcadia, La.

To: Points in southwestern, southern, official, Illinois, and western trunk-line territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3585—Supp. 526, I. C. C. No. 3802—Supp. 125, I. C. C. No. 3825—Supp. 154, I. C. C. No. 3651—Supp. 390, I. C. C. No. 3724—Supp. 159, I. C. C. No. 3494—Supp. 255.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–11799; Filed, Nov. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27501]

DOORS, FRAMES, SASH, AND RELATED ARTICLES BETWEEN CERTAIN POINTS IN THE SOUTH AND SOUTHWEST

APPLICATION FOR RELIEF

OCTOBER 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3949.

Commodities involved: Building material, wooden, viz: doors, frames, sash, and related articles, carloads.

Territory: From points in the Southwest to Laurel, Miss., and South Jacksonville, Fla., and from Dierks, Ark., and Wright City, Okla., to points in the Southwest.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3949, Supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–11800; Filed, Nov. 3, 1952; 8:48 a. m.]

SMALL DEFENSE PLANTS ADMINISTRATION

[S. D. P. A. Pool Request No. 5]

ADDITIONAL COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE OPERATIONS OF THE WOODWORKING DEFENSE PRODUCTION POOL OF NEW YORK AREA

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies which have accepted the request to participate in the operations of the Woodworking Defense Production Pool of New York Area are herewith published. The original list of companies accepting such request was published on June 3, 1952, in 17 F. R. 4990:

Bienenfeld Glass Works, Inc., 1539–1549 Covert Street, Brooklyn 27, New York.

Brickote Electric Corp., 14 Weyman Avenue, New Rochelle, New York.

Ram Electronics, Inc., Empire State Building, New York 1, New York.

Western Woodworking Co., Inc., 1095 Rockaway Avenue, Brooklyn 12, New York.

(Sec. 708, 64 Stat. 818, Pub. Law 96, as amended by Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: October 29, 1952.

JOHN E. HORNE,
Administrator.

[F. R. Doc. 52–11816; Filed, Nov. 3, 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19051]

CHARLES F. GEIGER, ET AL.

In re: Rights of Charles F. Geiger and others under Insurance Contract. File No. D–28–3187–H–1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Execu-

tive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Charles F. Geiger, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Charles F. Geiger, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. WS–118841 issued by the California-Western States Life Insurance Company, Sacramento, California, to Charles F. Geiger, together with the right to demand, enforce, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the person named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 29, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52–11821; Filed, Nov. 3, 1952; 8:50 a. m.]

[Vesting Order 19052]

FELIX STRAUSS

In re: Trust under Will of Felix Strauss, deceased. File No. F–28–12368; E. T. sec. 16870.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82nd Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Klara Stehle (Stenle) and Mina Winkler (formerly Philomina Strauss), whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, in and to the trust created under the Fifth paragraph of Felix Strauss, deceased, and in and to the estate of Felix Strauss, deceased, is property which is and prior to January 1, 1947, was payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Felix Ferdinand Strauss as trustee and executor acting under the judicial supervision of the Probate Court, District of Norwich, Connecticut;

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 29, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52–11822; Filed, Nov. 3, 1952; 8:51 a. m.]

[Vesting Order 19053]

OLGA W. HAEGER

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Olga W. Haeger, deceased.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Olga W. Haeger, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That forty (40) shares of $10.00 par value capital stock of The Emma H. Woltersdorf Company, Chicago, Illinois, together with all declared and unpaid dividends thereon, which corporation is organized under the laws of the State of Illinois, and is a business enterprise within the United States, said shares represented by Certificate No. 2, registered in the name of Olga W. Haeger, are and prior to January 1, 1947, were owned by the personal representatives, heirs, next of kin, legatees and distributees of Olga W. Haeger, deceased, nationals of a designated enemy country (Germany), are a substantial part of the issued and outstanding capital stock of The Emma H. Woltersdorf Company, and are evidence of control of The Emma H. Woltersdorf Company,

and it is hereby determined:

3. That The Emma H. Woltersdorf Company is and prior to January 1, 1947, was controlled by the personal representatives, heirs, next of kin, legatees and distributees of Olga W. Haeger, deceased, or is and prior to January 1, 1947, was acting for or on behalf of a designated enemy country (Germany), or persons within such country, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

4. That the national interest of the United States requires that the personal representatives, heirs, next of kin, legatees and distributees of Olga W. Haeger, deceased, and The Emma H. Woltersdorf Company be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States, the property described in subparagraph 2 hereof to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The direction, management, supervision and control of The Emma H. Woltersdorf Company and of all property of any nature whatsoever situated in the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to The Emma H. Woltersdorf Company is hereby undertaken, to the extent deemed necessary or advisable from time to time. This order shall not be deemed to limit the power to vary the extent of or terminate such direction, management, supervision or control.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 29, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52–11823; Filed, Nov. 3, 1952; 8:51 a. m.]

[Vesting Order 19054]

EMILIO LANDENBERGER

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Emilio Landenberger, deceased. F–28–32009–E–1.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Emilio Landenberger, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the property described as follows:

That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of a current checking account, entitled Emilio Landenberger, Bogota, Colombia, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Emilio Landenberger, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 29, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52–11824; Filed, Nov. 3, 1952; 8:51 a. m.]

[Vesting Order 19055]

N. V. ANTON GUNTHER'S EXPEDITIE MAATSCHAPPIJ

In re: Debt owing to N. V. Anton Gunther's Expeditie Maatschappij.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That F. A. Jorgens and J. H. W. Busch, each of whose last known address is Bremen, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That N. V. Anton Gunther's Expeditie Maatschappij, the last known address of which is Burg. Hofmanplein 75, Rotterdam, The Netherlands, is a corporation, partnership, association or other business organization, which on or since December 11, 1941, and prior to January 1, 1947, was controlled by or a substantial part of the stock of which was owned or controlled, directly or indirectly, by the aforesaid F. A. Jorgens and J. H. W. Busch, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

3. That the property described as follows:

That certain debt or other obligation of Pape Williams & Company, 820 Union Street, New Orleans, Louisiana arising out of an account on the books of the aforesaid Pape Williams & Company, in the name of N. V. Anton Gunther's Expeditie Maatschappij, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, N. V. Anton Gunther's Expeditie Maatschappij, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That N. V. Anton Gunther's Expeditie Maatschappij is and prior to January 1, 1947, was controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

5. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 29, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52–11825; Filed, Nov. 3, 1952; 8:51 a. m.]

...erence Room

FEDERAL REGISTER

VOLUME 17 NUMBER 217

Washington, Wednesday, November 5, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENTS OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

U. S. PUBLIC HEALTH SERVICE

1. Effective November 1, 1952, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended by the addition of the following:

§ 27.2 *Maximum stipends prescribed.*

* * *

Student practical nurse—U. S. Public Health Service Hospital, New Orleans, Louisiana: Approved training during clinical affiliation, per month, $42.

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION

[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 52-11871; Filed, Nov. 4, 1952; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5924]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RAINBOW GIRL COAT COMPANY, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce of girls' coats or other wool products, as defined in and subject to the Wool Products Labeling Act of 1939, which contain, purport to contain, or in any way are represented as containing "wool", "reprocessed", or "reused wool", as those terms are defined in said act, misbranding such products by (1) falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers therein; (2) failing to securely affix or to place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; or by, (3) failing to separately and distinctly set forth on the required stamp, tag, label, or other means of identification affixed to or placed on any such product, the character and amount of the constituent fibers appearing in the linings thereof which purport to contain, or in any manner are represented as containing wool, reprocessed wool, or reused wool; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 4, 68d. Interprets or applies sec. 5, 38 Stat. 719, as amended, sec. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) [Cease and desist order, Rainbow Girl Coat Com-

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FEDERAL REGISTER

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pany, Inc. et al., Springfield, Mass., Docket 5924, August 9, 1952.]

In the Matter of Rainbow Girl Coat Company, Inc., a Corporation, and Arnold Freed and Harold Freed, Individually and as Officers of Said Corporation

This proceeding was heard by Earl J. Kolb, hearing examiner, upon the complaint of the Commission, and a stipulation whereby it was stipulated and agreed that a statement of facts executed by counsel supporting the complaint and counsel for respondents might be taken as the facts in the proceeding and in lieu of evidence in support of and in opposition to the charges stated in the complaint, and that such statement of facts might serve as the basis for findings as to the facts and conclusion based thereon and an order disposing of the proceeding without presentation of proposed findings and conclusions or oral argument.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and stipulation as to the facts, which also provided that upon appeal to or review by the Commission such stipulation might be set aside by it and the matter remanded for further proceedings under the complaint, and which had been approved by him ,and said examiner, having duly considered the record, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 9, 1952.

The said order cease and desist is as follows:

It is ordered, That the respondent, Rainbow Girl Coat Company, Inc., a corporation, and its officers, and the respondents, Arnold Freed and Harold Freed, individually and as officers of said respondent corporation, and said respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the aforesaid act, of girls' coats or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers therein;

2. Failing to securely affix or to place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939;

3. Failing to separately and distinctly set forth on the required stamp, tag, label, or other means of identification affixed to or placed on any such product, the character and amount of the constituent fibers appearing in the linings thereof which purport to contain, or in any manner are represented as containing wool, reprocessed wool, or reused wool.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission and order file report of compliance", Docket 5924, August 8, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 8, 1952.

By the Commission.

[SEAL] WM. P. GLENDENING, JR., *Acting Secretary.*

[F. R. Doc. 52-11870; Filed, Nov. 4, 1952; 8:49 a. m.]

[1] Filed as part of the original document.

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn]

PART 601—GRAINS AND RELATED COMMODITIES

SUPPORT—1952 CORN LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

Correction

In the table of support rates under § 601.1611 in F. R. Doc. 52-11393, appearing at page 9547 of the issue for Tuesday, October 21, 1952, the following changes should be made:

1. Under "Kentucky", the rates per bushel for Floyd, Robertson, and Rockcastle Counties should read "1.78", "1.72", and "1.78", respectively.

2. Under "Missouri", the rate per bushel for Barry County should read "1.65".

3. Under "Oklahoma", the rates per bushel for Cleveland and Texas Counties should read "1.65" and "1.64", respectively, and the county listed between "Tillman" and "Wagoner" should read "Tulsa" instead of "Texas" and its rate per bushel should read "1.65".

4. Under "Texas", "Bandora" County should read "Bandera".

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Federal Security Agency

[Regs. No. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

EXTENSION FOR FILING APPLICATIONS FOR LUMP-SUM DEATH PAYMENTS

Section 403.701 (g) of Regulations No. 3, as amended (20 CFR 403.701 (g)) is amended to read as follows:

§ 403.701 *Filing of application and other forms.* • • •

(g) *Time of filing applications for lump sums.* An application for a lump sum must be filed within 2 years after the date of the death of the individual upon the basis of whose wages such lump sum is claimed (see § 403.408 (a) (3)) with the following exceptions:

(1) As provided in paragraph (j) of this section; or

(2) Where the death of such individual occurred outside the forty-eight States and the District of Columbia after December 6, 1941, and before August 10, 1946, such application may be filed prior to September 1952; or

(3) Where the death of such individual occurred outside the forty-eight States and the District of Columbia on or after June 25, 1950, and prior to September 1950 and while he was in the active military or naval service of the United States and where he is returned to any of such States, the District of Columbia, Alaska, Hawaii, Puerto Rico, or the Virgin Islands for interment or reinterment, such application may be filed prior to the expiration of 2 years after the date of such interment or reinterment, but only if it is filed by or on behalf of the person equitably entitled to the lump-sum death payment (see § 403.408 (b) (2)).

(Sec. 1102, 49 Stat. 647, as amended; 42 U. S. C. 1302. Interprets or applies sec. 205, 53 Stat. 1368, as amended, sec. 101, 64 Stat. 402, Pub. Law 590, 82d Cong.; 42 U. S. C. and Sup. 402, 405)

[SEAL] W. L. MITCHELL, *Acting Commissioner for Social Security.*

Approved: October 29, 1952.

JOHN L. THURSTON, *Acting Federal Security Administrator.*

[F. R. Doc. 52-11847; Filed, Nov. 4, 1952; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter C—Claims and Accounts

PART 836—CLAIMS AGAINST THE UNITED STATES

REIMBURSEMENT TO OWNERS AND TENANTS OF LAND ACQUIRED BY THE DEPARTMENT OF THE AIR FORCE PURSUANT TO PUBLIC LAW 534, 82D CONGRESS

Sections 836.121 to 836.128 are added to Part 836 as follows:

Sec
836.121 Statutory provisions.
836.122 Definitions of terms [illegible] used in §§ 836.121 to 836.128.
836.123 Scope.
836.124 Delegation.
836.125 Filing of application.
836.126 Limitation of amount of payment.
836.127 Conditions of reimbursement.
836.128 Payment.

AUTHORITY: §§ 836.121 to 836.128 issued under Pub. Law 534, 82d Cong.

§ 836.121 *Statutory provisions.* The Secretary of the Air Force is authorized, to the extent he determines to be fair and reasonable, under regulations approved by the Secretary of Defense, to reimburse the owners and tenants of land to be acquired for any public works project of the Department of the Air Force for expenses and other losses and

damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, which reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquisition as may otherwise be authorized by law: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of the fair value of such parcel of land as determined by the Secretary of the Air Force. No payment in reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages so incurred, shall have been submitted to the Secretary of the Air Force within one year following the date of such acquisition. The authority for reimbursement of owners and tenants for moving costs conferred by this subsection shall be in addition to but not in duplication of authority contained in subsection 501 (b) of the act of September 28, 1951 (65 Stat. 365) for the reimbursement to owners and tenants of land acquired pursuant to authorization in said act.

NOTE: Regulations implementing subsection 501 (b) of the act of September 28, 1951 (65 Stat. 365) are contained in §§ 836.131 to 836.138 (17 F. R. 5391).

§ 836.122 *Definitions of terms as used in §§ 836.121 to 836.128*—(a) *The act.* Public Law 534, 82d Congress, approved July 14, 1952.

(b) *Owner.* Any owner of land who moves himself, his family, or his possessions because of acquisition of his land for any public works project of the Department of the Air Force.

(c) *Tenant.* One who under proper authority uses or occupies land and who moves himself, his family, or his possessions because of acquisition of such land for any public works project of the Department of the Air Force.

(d) *Land to be acquired for any public works project.* Acquisition by the Department of the Air Force of any interest in land required for military purposes, except industrial installations not within the boundaries of an authorized multiple ownership project being acquired under circumstances similar to those involved in the normal acquisition of property for an airfield, camp or reservoir.

(e) *Industrial installations.* Any unit of real property which when acquired by the United States is being used or is useful for the production of matériel, munitions and supplies or for industrial research and development.

(f) *Date of acquisition.* The date on which title to land being acquired vests in the United States or the date on which the temporary term commences if a possessory interest only is being acquired.

(g) *Fair value.* The value of the land as determined in accordance with Department of the Air Force appraisal procedure.

§ 836.123 *Scope.* Pursuant to the provisions of the act, reimbursement may only be made to the extent determined fair and reasonable for items of expense and other losses and damages incurred by owners or tenants in the process and as a direct result of the moving of themselves and their families and possessions. The types of reimbursable items and non-reimbursable items described in paragraphs (a) and (b) of this section are not intended to be exclusive.

(a) *Types of reimbursable items.* (1) Moving expenses, such as costs of transportation, insurance, crating and uncrating.

(2) Temporary storage expenses.

(3) Expenditures for obtaining new site or land such as cost of appraisals, surveys, and title searches, where such expenses are normally borne by the purchaser. This does not include any part of the purchase price for the new site or any expenditures for the purpose of adding to the value or utility of the new site.

(b) *Types of non-reimbursable items.* (1) Costs of conveying property to the Government.

(2) Consequential damages or losses, such as loss of good will, loss of profits, loss of trained employees, or expenses of sales and losses because of such sales.

§ 836.124 *Delegation.* Authority is delegated to the Chief of Engineers, Department of the Army, and such of his officers or employees in the Office, Chief of Engineers, as he may designate and are approved by the Secretary of the Air Force to perform all functions and make all determinations which are authorized to be performed by the Secretary of the Air Force with respect to reimbursement under the provisions of section 401 (b) of the act.

§ 836.125 *Filing of application.* All applications for reimbursement will be filed with the appropriate Division or District Engineer, Corps of Engineers, Department of the Army, for forwarding to the Chief of Engineers for final action. Such applications must be delivered to or mailed to such Division or District Engineer within one year from the date of acquisition and must be supported by an itemized statement of the expenses, and the losses and damages incurred and for which reimbursement is requested.

§ 836.126 *Limitation of amount of payment.* The act provides that the total amount of reimbursement to all owners and tenants of any parcel of land shall not exceed 25 per centum of the fair value of such parcel of land. In the event that the approved amount of reimbursement for all owners and tenants exceeds 25 per centum of the fair value of the land, each applicant will receive the same proportion of the 25 per centum of the fair value as the approved amount for each application is of the total amount approved for all applications.

§ 836.127 *Conditions of reimbursement.* In determining whether reimbursement will be made and the extent and amount thereof, consideration will be given to the following:

(a) Reimbursement shall not be made unless and until reasonable proof of the expenses or other losses and damages incurred, in the form of receipts therefor or the next best evidence thereof when receipts are not available, have been submitted.

(b) Reimbursement shall not be made to the extent the applicant's negligence or wrongful act has contributed to the amount of the expenses, losses or damages.

(c) Reimbursement shall not be made for any expenses, losses or damages which were allowed in establishing the compensation paid or to be paid for the interest acquired in the land.

§ 836.128 *Payment.* Appropriate action will be taken to accomplish payment in accordance with prescribed procedure and regulations. Reimbursement will be made from funds appropriated to the Department of the Air Force pursuant to any act authorizing military public works projects for the Department of the Air Force, to the extent available.

[SEAL] H. B. HOHMAN,
Colonel, U. S. Air Force,
Acting Air Adjutant General.

[F. R. Doc. 52-11836; Filed, Nov. 4, 1952; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 24—UNIFORM SYSTEM OF ACCOUNTS FOR PERSONS FURNISHING CARS OR PROTECTIVE SERVICES AGAINST HEAT AND COLD

REPAIRS TO REFRIGERATING DEVICES IN CARS AND REPAIRS OF DAMAGE TO CARS CAUSED BY TOP OR BODY ICE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 27th day of October A. D. 1952.

The matter of modifying the "Uniform System of Accounts for Persons Furnishing Cars or Protective Services against Heat or Cold," being under consideration pursuant to section 20 of the Interstate Commerce Act, as amended (54 Stat. 917, 49 U. S. C. 20 (6)); and

It appearing, that a notice dated September 18, 1952, was served on all persons which furnish cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company subject to provisions of section 20 (6) of the act, to the effect that certain modifications had been approved, such notice also being published in the FEDERAL REGISTER on September 30, 1952 (17 F. R. 8669) pursuant to the provisions of section 4 of the Administrative Procedure Act; and,

It further appearing, that, although the notice provided that objections to such modifications could be filed by any interested party on or before October 22, 1952, no representations of any kind were received during the prescribed period: It is ordered, That:

Modifications. Effective December 1, 1952 the following modifications shall be observed:

1. In § 24.310, *Car repairs*, add the following as a note to the text of the account:

NOTE: The cost of repairs to refrigerating devices in cars and repairs of damage to cars caused by top or body ice shall be charged to account 410, "Repairs—Refrigeration service facilities."

2. In § 24.410 *Repairs; refrigeration service facilities*, add the following as the last sentence of the text: "It shall also include the cost of repairs to refrigerating devices in cars and repairs of damage to cars caused by top or body ice."

Notice. A copy of this order shall be served on the companies subject to accounting regulations prescribed for persons which furnish cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company and notice of the order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11841; Filed, Nov. 4, 1952; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 29, Revision 1]

CPR 29—PURE NICKEL SCRAP, MONEL METAL SCRAP, STAINLESS STEEL SCRAP, AND OTHER SCRAP MATERIALS CONTAINING NICKEL AND CHROME, ETC.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 to Ceiling Price Regulation 29 is hereby issued.

STATEMENT OF CONSIDERATIONS

This revision accomplishes a number of changes, the need for which has arisen since the issuance of the nickel scrap regulation on May 3, 1951. In operating under the regulation for more than one year, the industry has encountered a number of problems which have indicated the need for the clarification and changes accomplished by this revision.

This revision extends the coverage of Ceiling Price Regulation 29 to include steel scrap with a nickel content exceeding 6.99 percent or a chrome content exceeding 10.99 percent. Preparation services which are defined as the services performed in preparing the commodities covered by the regulation for direct industrial consumption are also now included in the coverage of CPR 29. To avoid the possible application of this regulation to certain items intended to be covered in CPR 46, copper nickel solids and borings, and nickel silver solids and borings meeting the specifications set out in CPR 46 are specifically excluded from this regulation. A number of provisions have been added to enable the industry to operate more easily under the regulation. Other provisions have been modified to more nearly conform with industry practices and a basic definition of stainless steel has been added.

To aid the industry to operate more easily under the regulation Table A has been broadened in several respects. In order to avoid the pricing of certain stainless steel grades under Table A, which table is not intended to price these grades, the item in that table of ferro-nickel-chrome-iron scrap containing from 20 percent to 90 percent nickel has been revised to specifically except standard AISI stainless steel grades which must be priced under Table B as stainless steel grades. The category covering monel clippings and rods is considered too limited in that it does not include other standard shapes similarly priced. In order to correct this shortcoming sheet, skeleton and rods which are standard shapes have been added to the category. Table A also lacked a category covering grades of miscellaneous nickel bearing scrap, including grindings, spent catalyst, sludges, and mud and filter cakes. A category has been added to Table A covering these materials and the ceiling price of 32 cents a pound for miscellaneous nickel copper and nickel copper iron scrap containing less than 40 percent nickel has been made applicable.

It has also been determined that for the type of material covered by Table A, more than one dealer often participates in preparing the material for direct industrial consumption by a consumer. CPR 29 as issued permitted payment of the preparation premium only to the dealer selling directly to the consumer. In view of the fact that this provision is too restrictive and does not conform to industry practice, this revision permits the preparation fee set forth in Table A to be divided by the dealer selling directly to the consumer, with another dealer who participates in the preparation, to an extent not greater than 50 percent of the preparation fee.

Prior to this revision the regulation contained no definition of "stainless steel." This created some confusion and certain difficulties in distinguishing between some of the materials covered by Table A and certain grades of nickel bearing stainless steel which were intended to be covered by Table B. Stainless steel is now defined in this revision as heat and corrosion resistant steel containing 50 percent or more iron and 11 percent or more chromium with or without nickel, molybdenum or other elements. Material meeting this definition and also containing 1 percent or more nickel is now defined as "nickel bearing stainless steel." For the purposes of this regulation and establishing ceiling prices these definitions are considered to conform more nearly with present industry concepts.

The ceiling prices of the volume grades of nickel bearing stainless steel scrap remain unchanged. These are $130 per gross ton for sheets, clippings and solids, and $110 per gross ton for turnings and borings containing 16 to 20 percent chrome and 7 to 10 percent nickel. The regulation as originally issued also established ceiling prices for nickel bearing stainless steel scrap containing over 20 percent chrome and 10 percent nickel. This was found to be too limited, in that ceiling prices for nickel bearing stainless steel containing less than 16 percent chrome and 7 percent nickel were not established. Hence for all grades or types of "nickel bearing stainless steel" scrap the revision establishes a ceiling price for sheets, clippings and solids of 40 cents per pound of nickel contained and 12 cents per pound of chrome contained; and for turnings and borings establishes a ceiling price of 15 percent less than the applicable price per gross ton for sheets, clippings and solids.

This does not apply, however, to nickel bearing stainless steel scrap with a nickel content of 3 percent or less which is to be priced as a straight chrome grade under Table B. This conforms to historical practice in the industry and results in a higher and fairer ceiling price than if the scrap were priced on the basis of the nickel and chrome contained at 40 cents and 12 cents per pound, respectively. To further conform with historical industry practice a differential of $5.00 per ton less than the carload price is established on sales of less than carload lots of the straight chrome grades of stainless steel. A similar pricing pattern of $10.00 per ton less for less-than-carload lots was established by the regulation as originally issued for the nickel bearing grades of stainless steel.

Controversies have arisen under CPR 29 both as to the proper interpretation of the preparation premium provision for stainless steel scrap and the type of material for which a preparation premium was payable. In some instances consumers in order to obtain stainless steel scrap, have had to pay the preparation premium for unsuitable material, and pay an additional preparation premium to another for a suitable preparation. The revision corrects this problem by setting forth the exact forms in which stainless steel scrap must be prepared or generated before a premium becomes payable. Before the premium becomes payable the scrap must also be suitable without further preparation for direct charging into an electric furnace. This means that if the consumer is required to have the scrap further prepared prior to charging it into its electric furnace the premium may not be paid. This change conforms to industry practice.

The brokerage commission provision has been eliminated from the regulation. In its place a provision has been substituted providing for payment of a premium to a seller of stainless steel scrap other than the generator who sells to a consumer, and in addition meets the other conditions specified in the regulation. Further to more nearly conform with industry practice and because of the smaller volume in which stainless steel scrap moves, a seller other than the generator who sells to a consumer is permitted to accumulate less than carload lots and charge the consumer a premium on the basis of the carload price.

A provision has been added permitting the intransit preparation of stainless steel scrap sold for shipment in rail carload lots or in a minimum quantity of 30,000 pounds for shipment by truck. This conforms with industry practice and provides a flexibility that will facilitate the movement of stainless steel scrap. There has also been added a provision for application for establishment of ceiling prices for unlisted grades and for special preparations, such as for use in a small electric furnace of 500 pounds to two tons capacity.

"Carload" as defined in the original regulation means the minimum quantity required to obtain the carload freight rate from the point of shipment to destination. This definition is realistic insofar as solid materials are concerned which do not in some cases occupy the full capacity of a freight car. However, bulky material like turnings and borings in most cases will occupy a full car without aggregating the minimum weight necessary to obtain the carload rate on a shipment of solids. In addition, freight cars throughout the country vary in size causing further confusion. Therefore, in order to provide a fair standard of uniform applicability, the definition of a "carload" has been changed to mean the shipment by rail of a minimum quantity of 30,000 pounds from the point of shipment to destination, or the minimum quantity required to load a car to visible capacity and so certified on the railroad bill of lading. If delivery is made by truck, a carload shall consist of a minimum quantity of 30,000 pounds if complete delivery is made in three calendar days exclusive of Saturdays, Sundays, and legal holidays.

In the judgment of the Director of Price Stabilization the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director, the ceiling prices established in this regulation are not below the lower of the prices prevailing just before the issuance of this regulation or the prices prevailing during the period January 25, 1951, to February 24, 1951, inclusive.

In formulating this regulation three Industry Advisory Committee meetings were held, the Director consulted with other industry representatives, including trade association representatives, and has given full consideration to their recommendations.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling prices for sales of pure nickel scrap, ferro-nickel-chrome-iron scrap, monel metal scrap, cupro-nickel alloy scrap and certain other scrap materials containing nickel.
3. Ceiling prices for stainless steel scrap.
4. Premiums on sales of stainless steel scrap.
5. Ceiling delivered prices.
6. Intransit preparation of stainless steel.
7. Application for establishment of ceiling prices.
8. Petitions for amendment.
9. Adjustable pricing.
10. Excise, sales or similar taxes.
11. Transfers of business.
12. Record-keeping requirements.
13. Interpretations.
14. Prohibitions.
15. Evasions.
16. Supplementary Regulations.
17. Definitions.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SEC. 1. *What this regulation does—*(a) *Commodities and services covered.* (1) This regulation establishes ceiling prices for pure nickel scrap, monel metal scrap, stainless steel scrap and other scrap materials containing nickel or chrome with or without any other alloy or any combination of alloys.

(2) This regulation also establishes ceiling prices for preparation services. As used in this regulation the term "preparation service" means the service performed by you in preparing the commodities covered by this regulation for direct industrial consumption.

(3) This regulation does not apply to the following commodities:

(i) Brass mill nickel scrap suitable for brass mill use. For the purposes of this regulation brass mill nickel scrap includes new cupro-nickel scrap containing a maximum of 31 percent nickel, and new nickel-silver scrap which is the waste or by-product of any fabrication of new sheet, tube, rod or other brass mill product. Brass mill nickel scrap also includes any unused sheet, tube, rod, or other brass mill product sold for remelting whether such products are in the form originally sold by the brass mill or have been further fabricated, processed, altered or assembled. Any material described in this paragraph which is unsuitable for brass mill use is covered by this regulation.

(ii) Steel scrap with a nickel content up to 6.99 percent, or a chrome content up to 10.99 percent, ceiling prices for which are set forth in Ceiling Price Regulation 5—Iron and Steel Scrap.

(iii) Any scrap materials meeting the specifications of "copper nickel solids and borings" or "nickel silver solids and borings" as set out in Ceiling Price Regulation 46, Table A, the ceiling prices of which are set forth in that regulation.

(b) *Persons and transactions covered.* (1) This regulation applies to any person located in the United States or Alaska, Guam, Hawaii, Puerto Rico or the Virgin Islands who sells any of the commodities, or furnishes any of the preparation services, or any person who in the regular course of trade or business buys or receives any of the commodities or preparation services covered by this regulation.

(2) This regulation applies to sales for export, export sales and sales by an importer.

SEC. 2. *Ceiling prices for sales of pure nickel scrap, ferro-nickel-chrome-iron scrap, monel metal scrap, cupro-nickel alloy scrap and certain other scrap materials containing nickel—*(a) *Ceiling prices for unprepared material.* Your ceiling price for the kind and grade of scrap material described in column 1 of Table A is the applicable price set forth in column 2 of Table A:

TABLE A

Column 1 Kind or grade of scrap material	Column 2 Price f. o. b. point of shipment	Column 3 Preparation fee
Pure nickel scrap: Containing 95 percent or more nickel and not more than ½ percent copper.	40½ cents per pound of material	4 cents per pound of material.
Containing from 90 up to 98 percent nickel	40½ cents per pound of nickel contained, no payment for any other metals contained.	4 cents per pound of material.
Premiums on shipments of 2,000 pounds or more of pure nickel scrap at one time.	½ cent per pound of material.	
Ferro-nickel-chrome-iron scrap containing from 20 up to 90 percent nickel except standard AISI stainless steel grades which shall be priced as stainless steel grades.	40½ cents per pound of nickel contained; 12 cents per pound of chrome contained; no payment for any other metals contained.	2½ cents per pound of material.
Premiums on shipments of 10,000 pounds or more of ferro-nickel-chrome-iron scrap.	½ cent per pound of material	
Ferro-nickel-iron scrap containing from 14 up to 50 percent nickel and no chrome.	40½ cents per pound of nickel contained; no payment for any other metals contained.	2½ cents per pound of material.
Premium on shipments of 10,000 pounds or more of ferro-nickel-iron scrap at one time.	½ cent per pound of material	
Edison batteries A and B free of wood cases and lugs, containing a minimum of 18 percent nickel.	5 cents per pound of material	2½ cents per pound of material.
Premium on shipments of 2,000 pounds or more of Edison batteries A and B at one time.	½ cent per pound of material	
Monel metal scrap, standard grades, new monel metal clippings, rods, sheet, skeleton and punchings.	33 cents per pound of material	4 cents per pound of material.
Old and soldered monel metal sheet	28 cents per pound of material	4 cents per pound of material.
No. 1 grade monel castings and turnings, containing a minimum of 60 percent nickel, 30 percent copper, and not more than 3 percent free iron, clean and dry.	27 cents per pound of material	4 cents per pound of material.

TABLE A—Continued

Column 1 Kind or grade of scrap material	Column 2 Price f. o. b. point of shipment	Column 3 Preparation fee
K and S grades of new monel metal scrap: Clippings, rods, sheet, skeleton, and punchings	31 cents per pound of material	4 cents per pound of material.
Turnings	24 cents per pound of material	4 cents per pound of material.
Premium on shipments of 2,000 pounds or more of monel metal scrap, standard and K and S grades, at one time.	½ cent per pound of material	
Cupro-nickel alloy scrap, containing 90 percent or more of combined nickel and copper.	37 cents per pound of nickel contained; 12 cents per pound of copper contained; no payment for any other metals contained.	4 cents per pound of material.
Miscellaneous nickel copper or nickel copper iron scrap containing not less than 40 percent nickel: 40 to 49.99 percent nickel	32 cents per pound of nickel contained; no payment for any other metals contained.	4 cents per pound of material.
50 to 59.99 percent nickel	36 cents per pound of nickel contained; no payment for any other metals contained.	4 cents per pound of material.
60 percent and over nickel	40 cents per pound of nickel contained; no payment for any other metals contained.	4 cents per pound of material.
Premium on shipments of 20,000 pounds or more at one time of miscellaneous nickel copper or nickel copper iron scrap containing not less than 40 percent nickel.	½ cent per pound of material	
All grades of miscellaneous nickel copper or nickel copper iron scrap containing less than 40 percent nickel and all grades of miscellaneous nickel bearing residues, including grindings, spent catalyst, sweepings, mesh, and filter cakes.	32 cents per pound of nickel contained; no payment for any other metals contained.	None.

(3) *Ceiling prices for prepared material.* Your ceiling price for the kind and grade of scrap material described in column 1 of Table A when prepared in accordance with paragraph (c) of this section is the applicable price set forth in column 2, plus the applicable preparation fee set forth in column 3 of Table A.

(c) In order to consider material prepared and to charge the preparation fees set forth in column 3, the seller must be other than the generator of the scrap and must perform all of the following:

(1) Sells the scrap for which he proposes to charge a premium directly to the consumer thereof;

(2) Determines, by chemical test or assay, the metal constituents of the scrap;

(3) On the basis of such test or assay sorts, grades, treats, packages, or briquettes by power press, and otherwise prepares, the scrap so that it is suitable for direct industrial consumption;

(4) Guarantees the delivery of scrap in an agreed amount and analysis.

(d) If a person other than the generator participates in preparing the material as provided in paragraph (c) of this section, the seller may divide the preparation fee with such person to an extent not greater than 50 percent.

(e) Payment of the ceiling prices set forth in Table A shall be based on:

(1) A standard analysis made in accordance with established industry practice.

(2) Weight of the material determined at the buyers receiving point.

SEC. 3. *Ceiling prices for stainless steel scrap.* (a) (1) Your ceiling price f. o. b. point of shipment for carload quantities of the grades of stainless steel scrap listed in column 1 of Table B is the applicable price set forth in column 2 or 3. Payment of these ceiling prices must be based upon a standard analysis made in accordance with established industry practice, and the weight of the material determined at the buyer's receiving point.

TABLE B

Column 1 Kind of grade of scrap material	Column 2 Sheets, clippings and solids	Column 3 Turnings and borings
Nickel bearing: Containing 16–20 percent chrome and 7–10 percent nickel.	$130 per gross ton	$110 per gross ton.
All other grades or types of nickel-bearing stainless steel scrap.	40 cents per pound of nickel contained; 12 cents per pound of chrome contained; no payment for any other metals contained.	15 percent less than the applicable prices for sheets, clippings and solids.
Straight chrome:		
Containing 11–14 percent chrome	$72.50 per gross ton	12.5 percent per gross ton.
Containing 14–18 percent chrome	$77.50 per gross ton	10 percent per gross ton.
Containing over 18 percent chrome	$77.50 per gross ton plus 12 cents per pound for each pound of chrome in excess of 18 percent.	$10 per gross ton less than the applicable price for sheets, clippings and solids.

Any nickel bearing stainless steel scrap with a nickel content of 3 percent or less shall be priced as a straight chrome grade

(2) In addition to the ceiling prices set forth in paragraph (1) of this section a premium not exceeding $12.00 per gross ton may be charged for stainless steel scrap prepared or generated in the forms and meeting the criteria set forth in paragraph (b) of this section.

(3) A carload shipment may be made up of chrome nickel and straight chrome grades, if properly separated as to grade or analysis, so as not to be physically mixed when received at buyer's receiving point.

(4) If less than a carload shipment is made your ceiling price for the nickel bearing grades is $10.00 per gross ton less and for the straight chrome grades $5.00 per gross ton less than the applicable price set forth in Column 2 or 3 of Table B.

(b) *Preparation services.* (1) Your ceiling price for preparation services of stainless steel scrap is $12.00 per gross ton when prepared or generated in the following forms:

(i) Busheling consisting of material 1/10 inch and over in thickness and not exceeding 12 inches in any dimension.

(ii) Bundles, bales or briquettes mechanically or hydraulically compressed and suitable without further preparation for direct charging into an electric furnace.

(iii) Mandrel wound bundles tightly secured and suitable without further preparation for direct charging into an electric furnace.

(iv) Plate, bar or heavier material ¼ inch or more in thickness and not exceeding 18 inches in width and 36 inches in length.

(2) No premium or fee for preparation services may be paid unless the material is suitable without further preparation for direct charging into an electric furnace, and no further preparation is required by the consumer prior to charging the scrap into an electric furnace.

SEC. 4. *Premiums on sales of stainless steel scrap.* (a) In addition to the applicable ceiling prices set forth in section 3, a seller of stainless steel scrap other than the generator, who sells to a consumer, may charge the consumer a premium not exceeding the followins:

(1) For nickel bearing grades. Five percent of the applicable ceiling price set forth in Table B.

(2) For straight chrome grades. $5.00 per gross ton.

(b) Such premium may be paid and received only if:

(1) The seller guarantees the grade and delivery of a specific tonnage of scrap;

(2) The scrap is purchased by the consumer at a price no higher than the ceiling price established by this regulation;

(3) The scrap is sold in carload lots to the consumer at the same price with the same discounts and allowances, at which he purchased it. However, if the seller purchases less than carload lots of stainless steel scrap and accumulates and sells the scrap in carload shipments the premium may be charged on the basis of the carload shipment price;

(4) The seller does not include in the shipping point price any cost, fee, or charge incurred in placing the scrap at its shipping point;

(5) The premium is shown as a separate item in invoicing and billing;

(6) The seller does not split or divide the premium with the consumer or the generator from whom he purchased the scrap, and does not split or divide the

premium with a sub-seller to an extent greater than 50 percent; and

(7) The seller does not hold a substantial financial interest in the generator of the scrap, directly or indirectly, and the generator does not hold such an interest, directly or indirectly, in the seller.

(c) No premium is payable on preparation fees.

SEC. 5. *Ceiling delivered prices.* (a) When any of the scrap covered by this regulation is sold on a delivered basis, the ceiling price is the applicable ceiling price, f. o. b. point of shipment, determined in accordance with sections 2, 3 and 4 of this regulation, plus whichever of the following charges is applicable:

(1) When delivery is made to the buyer's receiving point by way of a public (common or contract) carrier, an amount not in excess of the actual charge (including transportation taxes) made by such carrier;

(2) When delivery is made to the buyer's receiving point by a vehicle owned or controlled by the seller, or by private carrier not owned or controlled by the buyer, an amount, not in excess of the published and applicable motor common carrier charge (not including transportation taxes) for transporting the material being priced from the point of shipment to the buyer's receiving point.

SEC. 6. *Intransit preparation of stainless steel.* (a) Where stainless steel scrap is sold to a consumer for shipment in rail carload lots, or sold in a minimum quantity of 30,000 pounds for shipment by truck and for complete delivery within three consecutive calendar days exclusive of Saturdays, Sundays and legal holidays, after the first shipment is picked up by truck, a consumer may designate a dealer or dealers to prepare stainless steel scrap on a preparation fee basis.

(b) No fee may be paid to the person preparing scrap intransit pursuant to the provisions of this section if the scrap originates in the preparer's yard, unless such scrap is allocated by the National Production Authority. Nor may a fee be paid if the preparation does not meet the conditions specified in sections 3 and 7.

(c) Whenever intransit preparation of stainless steel scrap is permissible pursuant to the provisions of this section, the ceiling delivered price shall be the ceiling shipping point price, plus the premium on sales to a consumer when permitted by this regulation, plus the rail transportation or trucking charges to the point of preparation, plus the applicable ceiling preparation fee as provided in section 3 or 7, plus the permissible transportation charges from the preparation yard to the point of delivery.

(d) (1) When in the course of an intransit preparation delivery is made to the preparer's yard or buyer's receiving point by way of a public (common or contract) carrier, the delivery charge for either may not exceed the actual charge (including transportation taxes) made by such carrier.

(2) When in the course of intransit preparation delivery is made to the preparer's yard or buyer's receiving point by a vehicle owned or controlled by the seller, or after preparation of the material delivery is made to the buyer's receiving point by a vehicle owned or controlled by the preparer; or if delivery is made to either point by a private carrier not owned or controlled by the buyer, the charge for any type delivery may not exceed the published and applicable motor common carrier charge (not including taxes) for transporting the material from the point of shipment to the preparer's yard and from the preparer's yard to the buyer's receiving point.

SEC. 7. *Application for establishment of ceiling prices*—(a) *Ceiling prices for unlisted grades.* (1) Your ceiling price for any grade of pure nickel scrap, monel metal scrap, stainless steel scrap, and other scrap materials containing nickel or chrome with or without any other alloy or any combination thereof, not listed in Tables A and B is the price established by OPS upon application by the seller.

(b) *Ceiling prices for specially prepared material and special preparations.* A consumer desiring to purchase scrap specially prepared to his specifications, or to have scrap owned by him specially prepared to his specifications, such as for use in a small electric furnace of 500 pounds to two tons capacity, must apply to OPS for the establishment of a ceiling price.

(c) Any application pursuant to this section must be signed by an authorized person and filed by registered mail, return receipt requested, with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information: Your name and address; a statement of the reasons why you are unable to determine a ceiling price under the provisions of this regulation; and a proposed ceiling price.

(2) If your application is to have a ceiling price established for an unlisted grade it must contain the following additional information.

(i) A complete description of the material including analysis, shape and size.

(ii) Trade name of the material, if any.

(iii) Name and address of purchaser.

(3) If your application is to have a ceiling price established for the purchase of specially prepared stainless steel scrap, or for specially prepared pure nickel scrap, monel metal scrap, and other scrap materials containing nickel or chrome with or without any other alloy or any combination thereof, such as for use in a small electric furnace of 500 pounds to two tons capacity, it must contain the following additional information:

(i) The nature of your business.

(ii) Your reasons for requiring the material specially prepared.

(iii) Name and address of the person from whom you will buy the specially prepared material.

(iv) A description of the specially prepared material including analysis, shape and size.

(v) If you have previously purchased similar specially prepared material the fee last paid by you prior to the issuance of this regulation.

(4) If your application is to have a ceiling fee established for the special preparation of stainless steel scrap, pure nickel scrap, monel metal scrap, or other scrap materials owned by you containing nickel or chrome with or without any other alloy or any combination thereof, for such use as in a small electric furnace of 500 pounds to two tons capacity, it must contain the additional information requested under paragraph 3 with the exception of item (ii).

(d) Any ceiling price established by OPS pursuant to this section will be in line with the ceiling prices otherwise established in this regulation.

(e) After receipt of an application pursuant to this section OPS may approve or disapprove your proposed ceiling price, establish a different ceiling price or request additional information. Pending any such action, the product or service covered by your application may be sold at your proposed ceiling price provided an agreement is made for refund of the amount, if any, by which such price exceeds the ceiling price established by OPS. If OPS has not acted on your application within 30 days of the receipt thereof, your proposed ceiling price shall be deemed to be established for all deliveries made between the date of receipt of your application by OPS and the date of any order issued by OPS disposing of your application.

(f) If you are required to file an application pursuant to paragraph (a) of this section and do not do so, OPS may issue an order establishing a ceiling price for you. Any ceiling price provided for by such order will be in line with the ceiling prices otherwise established in this regulation and will apply to all deliveries for which a ceiling price was not otherwise established by this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve you of your obligation to comply with the requirements of this regulation or of the various penalties for your failure to do so.

SEC. 8. *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised.

SEC. 9. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit any person making a contract or offering to sell a commodity or service covered by this regulation at (a) the ceiling in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at time of delivery. No person, however, may deliver or agree to deliver such commodity or service at a price to be adjusted upward in accordance with an increase in a ceiling price after delivery.

SEC. 10. *Excise, sales or similar taxes.* Any person may collect, in addition to the ceiling prices established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sale of any commodity or service covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling prices the amount of the tax collected.

SEC. 11. *Transfers of business.* If the business, assets, or stock in trade of any person are sold or otherwise transferred after January 25, 1951, and the transferee carries on the business or continues to manufacture the commodities or perform the services covered by this regulation in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 12. *Record-keeping requirements.* You must prepare and keep for inspection by the Director of Price Stabilization for a period of two years records of each sale of the commodities or services covered by this regulation, showing: The date of sale; the name and address of the seller and buyer; a description of the commodity or service sold using the nomenclature employed in this regulation; if steel scrap is prepared intransit the name of the preparer, whether railroad or truck transportation was used, the freight charges made and how computed; the shipping point and destination; the quantity sold; the price charged; the terms of sale; and the amount of any other factor pertinent to a determination of your ceiling price.

SEC. 13. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of the proper OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 14. *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such act. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell or deliver, and no person in the regular course of trade or business shall buy or receive from you any of the commodities or services at a price higher than the ceiling price established by this regulation, and you shall keep, make and preserve true and accurate records and reports, required by this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 15. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to means or devices making use of commissions, service, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements and trade understandings, as well as the omission from records of true data, and the inclusion in records of false data.

SEC. 16. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying this regulation as he deems appropriate.

SEC. 17. *Definitions.* When used in this regulation, the term:

(a) "AISI" means American Institute of Iron and Steel.

(b) "Carload" means the shipment by rail of a minimum quantity of 30,000 pounds from the point of shipment to destination, or the minimum quantity required to load a car to visible capacity and so certified on the railroad bill of lading. If delivery is made by truck a carload shall consist of a minimum quantity of 30,000 pounds if complete delivery is made to the buyer within three calendar days exclusive of Saturdays, Sundays and legal holidays.

(c) "Consumer" means any person whose business consists in whole or in part of smelting, refining, melting, or otherwise processing any of the scrap materials covered by this regulation into a form other than scrap or of having such scrap so processed for his account by another person under a toll or conversion agreement.

(d) "Export sale." This term means the sale of a commodity to a person located outside the continental United States or a territory or possession of the United States and which is shipped to the purchaser outside the continental United States or a territory or possession of the United States, regardless of where the invoicing is done.

(e) "Importer" means a person who first sells scrap covered by this regulation which is transported from a point outside of the United States, its territories, or possessions to a point inside thereof.

(f) "Generator" means any manufacturer, fabricator, or other person who as an incident to, or in the course of, a manufacturing process, fabrication, or other industrial operation, produces any of the scrap materials covered by this regulation and any person who, as an incident to, or in the course of, his business demolishes or dismantles structures, machinery, vehicles or equipment, and thereby obtains scrap covered by this regulation.

(g) "Nickel bearing stainless steel" means stainless steel as defined in paragraph (m) of this section, containing 1 percent or more nickel.

(h) "OPS" means the Office of Price Stabilization.

(i) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representatives of any of the foregoing; the United States or any agency thereof; and any other government or its political subdivision or agencies.

(j) "Point of shipment" means the actual point at which the material is loaded for shipment to the buyer. In the case of scrap sold by an importer and delivered into the Continental United States, its Territories, or Possessions by water, the point of shipment shall be deemed to be the place within the limits of the Continental United States, its Territories and Possessions where the material is loaded on a conveyance for transportation directly to the buyer, and in the case of scrap sold by an importer and transported directly to the buyer overland from Mexico or Canada, it shall be deemed to be the freight station in the United States at or nearest to the point on the boundary between the United States and Mexico or Canada, as the case may be at which the shipment first enters the United States.

(k) "Sale for Export." This term means a sale to a buyer located in the continental United States or a territory or possession of the United States of a commodity destined for export and subsequent shipment, without resale, to any place outside the continental United States or a territory or possession of the United States.

(l) "Scrap" and "scrap materials" mean all materials which are the waste or by-product of any kind of metal working as well as materials which have been discarded on account of obsolescence, failure, or any other reason. It does not include articles which are useful in their existing state when sold and purchased for re-use in such state, and not for the immediate or ultimate use of a consumer as defined in paragraph (c) of this section.

(m) "Stainless steel" means heat and corrosion resistant steel containing 50 percent or more iron and 11 percent or more chromium with or without nickel, molybdenum or other elements.

(n) "You" means any seller or consumer subject to this regulation. "You" shall be construed accordingly.

Effective date. This revision to Ceiling Price Regulation 20, is effective November 8, 1952.

NOTE: The record-keeping requirements of this revision have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 4, 1952.

[F. R. Doc. 52-11650; Filed, Nov. 4, 1952, 4:06 p. m.]

[General Ceiling Price Regulation, Amdt. 37]

GENERAL CEILING PRICE REGULATION

EFFECT OF MANUFACTURER'S EXCISE TAXES ON CEILING PRICES OF WHOLESALERS AND RETAILERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 37 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 37 to the General Ceiling Price Regulation (GCPR) removes malt beverages and tobacco products from the list of products contained in section 20 (e) of the GCPR. Since the issuance of CPR 117 and Revision 1 thereof, malt beverages have not been covered by the GCPR, and therefore the reference to these products contained in section 20 (e) is inappropriate.

Under the GCPR, prior to this amendment, distributors of tobacco products were allowed to increase their ceiling prices to reflect manufacturer's excise tax increases only by an amount equal to the amount of increase in such manufacturer's excise taxes. This was the situation which existed prior to November 1, 1951, under the provisions of section 11 of the GCPR, and this exact pass-through provision has continued unchanged until this amendment. When changes were made in the tax section of the GCPR (section 20) by Amendment 23, which became effective on November 1, 1951, it was made clear that the other amendments to the tax section of the GCPR which then became effective and permitted a markup on Federal excise tax increases did not apply to tobacco products. Section 402 (k) of the Defense Production Act of 1950, as amended, now requires that this section of the GCPR be amended to permit tobacco distributors to apply their customary percentage markups on any increase in the manufacturer's excise tax and, therefore, this amendment makes the required change.

When, as originally enacted, section 402 (k) (the so-called Herlong Amendment) became law on July 31, 1951, it prohibited OPS after that date from making any change in its then existing regulations and orders which would deny to sellers of materials at wholesale or retail their customary percentage margins over costs of the materials. The original Herlong Amendment did not require OPS to change any regulations issued prior to the passage of that Amendment.

Prior to the issuance of Amendment 23 to the GCPR, the regulation did not permit resellers of products other than processed agricultural commodities to pass on any increase in the excise taxes which they paid and which were not separately stated. On the other hand, section 11 of the GCPR provided for a dollar-and-cent pass-through of any increase in excise tax not separately stated for all distributors of processed agricultural commodities. Thus, when the changes in Federal excise taxes became effective on November 1, 1951, it was necessary for OPS to take new regulatory action to provide adjustments for the distributors of products not processed from agricultural commodities and as to such adjustments it was necessary for OPS to comply with the requirements of the Herlong Amendment. Amendment 23, with reference to distributors of tobacco products, made no change in the pass-through adjustments already permitted these distributors by section 11 of the GCPR, and was therefore not a change in OPS regulations after July 31, 1951. Accordingly, Amendment 23, insofar as tobacco products are concerned, was not subject to the Herlong Amendment. Moreover, the limited data available to OPS on October 31, 1951, indicated that customary percentage markups were not applied by distributors of tobacco products to the manufacturer's excise tax.

The Defense Production Act Amendments of 1952 broadened the Herlong Amendment by deleting the word "hereafter," so that the Amendment became applicable to all regulatory action whenever taken by OPS.

In view of this change in the statute and of protests submitted prior to this change by wholesalers and retailers of cigarettes, OPS made a further study and analysis to determine whether groups of sellers (as distinguished from individual sellers) of tobacco products at wholesale and retail did have customary percentage margins over costs of materials or customary charges. Data submitted in the protest proceeding were inconclusive, but results of a margin study based on data which became available to the OPS after the change in the Herlong Amendment and a further analysis by OPS of a survey made by OPA in 1942 now indicate the existence of customary percentage markups over costs of materials including the manufacturer's excise tax.

Under these circumstances, it is clear that distributors of tobacco products may not be prevented from marking up the manufacturer's excise tax increase. This amendment therefore deletes tobacco products from section 20 (e) and permits distributors of these products to add their customary markups to manufacturer's excise tax increases in accordance with Supplementary Regulation 29. The GCPR base period is used in SR 29 because of the large number of small sellers in both the wholesale and retail trades who do not have pre-Korean records. It is believed that the margins of these sellers in the GCPR base period approximate their pre-Korean markups.

The special circumstances which led to the formulation of this amendment have rendered consultation with industry representatives, including trade association representatives, impracticable. In the judgment of the Director the provisions of this amendment are generally fair and equitable, are necessary to effectuate the provisions of Title IV of the Defense Production Act, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respects:

1. Section 20 (d) is amended to read as follows:

(d) *Where net cost includes changed or new excise tax.* If you are a wholesaler or retailer and the net invoice cost of a commodity purchased by you for resale is changed by reason of the imposition or elimination of or increase or decrease in a manufacturer's excise tax, you recalculate your ceiling price under Supplementary Regulation 29, except for photographic apparatus, film, and equipment (excluding private brands) as covered by paragraph (e) of this section.

2. Section 20 (e) is amended to read as follows:

(e) *Commodities for which only exact change in excise tax may be reflected in ceiling price.* If you are a wholesaler or retailer of photographic apparatus, film, and equipment (except private brands), you may increase your ceiling price by the exact amount of any increase in or new manufacturer's excise tax reflected on the invoice to you; and you must decrease your ceiling price by the exact amount of the decrease in or elimination of any such tax reflected on the invoice to you. You must in all such cases, on sales to sellers for resale, state separately the amount of the tax.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C App. Sup. 2154)

Effective date. This Amendment 37 to the General Ceiling Price Regulation is effective November 8, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 4, 1952.

[F. R. Doc. 52-11949; Filed, Nov. 4, 1952; 4:00 p. m.]

PROPOSED RULE MAKING

FEDERAL SECURITY AGENCY

Social Security Administration

[20 CFR Part 401]

DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

DISCLOSURE OF INFORMATION FOR ADMINISTRATION OF STATE PROGRAMS FOR AID TO THE PERMANENTLY AND TOTALLY DISABLED

Notice is hereby given pursuant to the Administrative Procedure Act approved June 11, 1946, that the amendments to regulation set forth in tentative form below are proposed to be prescribed by the Commissioner for Social Security with the approval of the Federal Security Administrator as amendments to present Regulation No. 1 as amended (20 CFR 401.1 et seq.). It is proposed to amend the existing Regulation No. 1 by authorizing disclosure of certain types of information to officers and employees of State agencies lawfully charged with administration of programs receiving aid under title XIV of the Social Security Act where such information is necessary to enable the agency to determine the eligibility of, or the amount of benefits to be paid to, an applicant for benefits under such a program.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner for Social Security, Federal Security Agency, Federal Security Building, North, Washington 25, D. C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 205 (a), 1102, and 1106 of the Social Security Act (53 Stat. 1368, 49 Stat. 647, 64 Stat. 559) and 45 CFR 1.21.

[SEAL] W. L. MITCHELL,
Acting Commissioner for Social Security.

Approved: October 29, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

Section 401.3 (g) of Regulation No. 1, as amended (20 CFR 401.3 (g)) is further amended to read:

§ 401.3. *Information which may be disclosed and to whom.* Disclosure of any such file, record, report, or other paper, or information, is hereby authorized in the following cases and for the following purposes:

* * * * * *

(g) To any officer or employee of an agency of a State Government lawfully charged with the administration of a program receiving aid under the Vocational Rehabilitation Act or Titles I, IV, V, X, or XIV of the Social Security Act, information regarding benefits paid or entitlement to benefits under Title II of the Social Security Act and, if it has been determined, the date of birth of a recipient or applicant, where such information is necessary to enable the agency to determine the eligibility of or the amount of benefits or services due such recipient or applicant.

[F. R. Doc. 52-11846; Filed, Nov. 4, 1952; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42]

MINIMUM ECONOMIC STRENGTH REQUIREMENTS FOR AIR CARRIERS

NOTICE OF PROPOSED RULE-MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of proposed amendments to Parts 40, 41 and 42 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by December 15, 1952. Copies of such communications will be available after December 18, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Ever since the initial promulgation of Part 40 of the Civil Air Regulations, there has been a requirement for minimum economic strength applicable to those seeking air carrier operating certificates for interstate scheduled operations within the continental limits of the United States. No similar showing has been required of air carriers operating under Part 41 in scheduled overseas or foreign air transportation, nor of irregular carriers or air taxi operators operating under the provisions of Part 42. Although § 40.6 has been in the regulations for a number of years, it has not, because of its generality, proved of great value to the Administrator in determining a carrier's fitness to engage in air carrier operations. Moreover, in the case of air carriers operating under Part 40, financial fitness, willingness and ability to operate as an air carrier are demonstrated in detail in the proceedings for a certificate of public convenience and necessity and the fact that they have been issued such a certificate by the Board has been deemed almost conclusive by the Administrator as their ability to meet this provision.

Recent accident investigations conducted by the Board have demonstrated that regardless of the number of specific safety rules in effect, a carrier may not be able to conduct his operations with the high degree of safety expected from air carriers if the finances of the carrier are in such precarious condition that he must rely upon the income of the next few days of operations to meet his current obligations. It has been found that the tendency is to cut corners on maintenance, and otherwise to conduct operations under conditions which prudent judgment would have avoided in order to bring in the revenue needed to keep the operation going.

The Board believes that, when the finances of an air carrier become so imperiled that there is neither cash nor credit available for the next two weeks' operating expenses, the economic compulsion to operate becomes so great that a hazardous situation is created. The Board is therefore of the opinion that as the very minimum, every air carrier should have sufficient cash on hand or readily available credit to meet the expected current operating expenses of the next ensuing two weeks, without regard to the income to be derived from those operations. If this amount is kept on hand, or such credit is readily available, the temptation to cut corners will be curtailed. This requirement is proposed not only as a condition for the original issuance of the air carrier operating certificate, but also as continuing condition on the right of the holder to continue to operate under this certificate. The Board envisions that any air carrier whose financial position becomes such that he cannot meet the standards herein proposed, will become immediately subject to an emergency certificate suspension proceeding by the Administrator under section 609 of the act.

Accordingly, it is proposed to amend Parts 40, 41 and 42 by inserting therein a provision to read substantially as follows:

Minimum economic strength requirements. Applicant shall show sufficient cash on hand or credit available to him to insure that for a period of at least two weeks all current operating expenses will be met as they come due without regard to income received during such period. No air carrier shall carry passengers or property for hire at any time when his economic strength falls below the level herein set forth.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule-making.

(Sec. 205 (a), 52 Stat. 984, U. S. C. 425 (a). Interpret or apply secs. 601, 604, 609, 52 Stat. 1007, 1010, 1011; 49 U. S. C. 551, 554, 559)

Dated October 30, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-11874; Filed, Nov. 4, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 52-52]

TERMINATIONS OF APPROVALS OF EQUIPMENT

BUOYANT CUSHIONS FILLED WITH TYPHA (PROCESSED CATTAIL FLOSS)

The buoyant cushions filled with typha (processed cattail floss) were originally approved during World War II due to the fact that under War Production Order No. M-85 kapok was restricted to use in lifesaving devices for vessels engaged in the war effort and there was no kapok available for use in buoyant cushions for pleasure motorboats. Under the provisions of 46 CFR 28.4-1 then in effect and later under the provisions of 46 CFR 160.008-3, the use of buoyant cushions filled with typha (processed cattail floss) was accepted as a substitute for buoyant cushions filled with kapok. The approvals were limited for the duration of the Unlimited National Emergency proclaimed by the President on May 27, 1941, and six months thereafter. This time limitation was one of the conditions on which the approvals were granted and was contained in each approval when published in the FEDERAL REGISTER. The President, by Proclamation 2974 dated April 28, 1952, and published in the FEDERAL REGISTER of April 30, 1952 (17 F. R. 3813), terminated the Unlimited National Emergency proclaimed on May 27, 1941.

All the manufacturers of buoyant cushions filled with typha (processed cattail floss) have been advised of the expiration of their approvals under the terms on which granted and that such approvals will not be extended. Therefore, the approvals for buoyant cushions filled with typha (processed cattail floss) shall be terminated effective upon October 29, 1952. Notwithstanding this termination of approval on any buoyant cushion filled with typha (processed cattail floss), such buoyant cushions manufactured before the effective date of termination of approval may be used on pleasure motorboats so long as they are in good and serviceable condition, but in no case later than October 29, 1953.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals for buoyant cushions filled with typha (processed cattail floss) are terminated effective October 29, 1952:

BUOYANT CUSHIONS, NON-STANDARD

Termination of Approval No. 160.008/1/0, 15" x 15" x 2" buoyant cushion filled with 24-ounce Typha (processed cattail floss) Specification dated March 15, 1944, and dwg. dated April 17, 1944, manufactured by Acme Products, Inc., 152 Brewery Street, New Haven, Conn. (Approved FEDERAL REGISTER dated July 31, 1947, extension of approval effective July 31, 1952, published in FEDERAL REGISTER dated October 1, 1952.)

Termination of Approval No. 160.008/9/0, 15" x 15" x 2" buoyant cushion filled with 24 ounces of Typha (processed cattail floss), dwg. dated August 12, 1943, manufactured by The American Pad & Textile Co., Greenfield, Ohio. (Approved FEDERAL REGISTER dated July 31, 1947, extension of approval effective July 31, 1952, published in FEDERAL REGISTER dated Oct. 1, 1952.)

Termination of Approval No. 160.008/108/0, 15" x 15" x 2" buoyant cushion filled with 24-ounce Typha (processed cattail floss), dwg. No. 4644, dated April 6, 1944, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y. (Approved FEDERAL REGISTER dated July 31, 1947, extension of approval effective July 31, 1952, published in FEDERAL REGISTER dated October 1, 1952.)

Termination of Approval No. 160.008/151/0, 15" x 15" x 2" buoyant cushion filled with 24-ounce Typha (processed cattail floss), manufactured by W. L. Dumas Manufacturing Co., 14 A Street NW., Miami, Okla. (Approved FEDERAL REGISTER dated July 31, 1947, extension of approval effective July 31, 1952, published in FEDERAL REGISTER dated October 1, 1952.)

Termination of Approval No. 160.008/153/0, 15" x 15" x 2" buoyant cushion filled with 24-ounce Typha (processed cattail floss), Specification dated December 19, 1944, manufactured by Flamingo Textiles, Inc., 1700 Northwest, Seventeenth Avenue, Miami 35, Fla. (Approved FEDERAL REGISTER dated July 31, 1947, extension of approval effective July 31, 1952, published in FEDERAL REGISTER dated October 1, 1952.)

Termination of Approval No. 160.008/159/0, 15" x 15" x 2" buoyant cushion filled with 24-ounce Typha (processed cattail floss), Specification dated February 26, 1944, manufactured by Old Town Canoe Co., Old Town, Maine. (Approved FEDERAL REGISTER dated July 31, 1947, extension of approval effective July 31, 1952, published in FEDERAL REGISTER dated October 1, 1952.)

Termination of Approval No. 160.008/164/0, 15" x 15" x 2" buoyant cushion filled with 24-ounce Typha (processed cattail floss), manufactured by Elvin Salow Co., 31-33 South Street, Boston 11, Mass. (Approved FEDERAL REGISTER dated July 31, 1947, extension of approval effective July 31, 1952, published in FEDERAL REGISTER dated October 1, 1952.)

Termination of Approval No. 160.008/166/0, 15" x 15" x 2" buoyant cushion filled with 24-ounce Typha (processed cattail floss), dwg. No. SMBC44, dated April 6, 1944, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La. (Approved FEDERAL REGISTER dated July 31, 1947, extension of approval effective July 31, 1952, published in FEDERAL REGISTER dated October 1, 1952.)

Termination of Approval No. 160.008/175/0, 15" x 15" x 2" buoyant cushion filled with 24-ounce Typha (processed cattail floss), manufactured by Wilber and Son, 580 Howard Street, San Francisco, Calif. (Approved FEDERAL REGISTER dated July 31, 1947, extension of approval effective July 31, 1952, published in FEDERAL REGISTER dated Oct. 1, 1952.)

Termination of Approval No. 160.008/442/0, 15" x 15" x 2" rectangular buoyant cushion, 32-ounce Typha (processed cattail floss), dwg. No. 105B2, dated July 24, 1951, manufactured by H. S. White Manufacturing Co., Inc., Sixth and Rosabel Streets, St. Paul 1, Minn. (Approved FEDERAL REGISTER dated October 4, 1951.)

Termination of Approval No. 160.008/501/0, 15" x 15" x 2" rectangular buoyant cushion, 24-ounce Typha (processed cattail floss), dwg. dated January 21, 1952, manufactured by The Safegard Corp., Box 66, Station B, Cincinnati 22, Ohio. (Approved FEDERAL REGISTER dated April 3, 1952.)

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526s, 526t; 46 CFR 25.4-1, 160.008)

Dated: October 30, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 52-11872; Filed, Nov. 4, 1952; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 65, CORRECTION

OCTOBER 28, 1952.

Alaska Small Tract Classification Order No. 65 of October 23, 1952, is hereby corrected as follows:

The land description contained in paragraph 1 is corrected by inserting the words "Sec. 34" which were inadvertently omitted, so that the description now reads as follows:

NINILCHIK AREA—NINILCHIK UNIT NO. 1

FOR HOME SITES

Seward Meridian

T. 1 S., R. 14 W.:
Sec. 34: $NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$.

Containing 23 tracts aggregating [illegible] acres.

FOR HOME OR BUSINESS SITES

Seward Meridian

T. 1 S., R. 14 W.:
Sec. 34: $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$.

Containing 10 tracts aggregating [illegible] acres.

FRED J. WEILER,
Chief, Division of Land Planning.

[F. R. Doc. 52-11839, Filed Nov. 4, 1952; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 66, CORRECTION

OCTOBER 28, 1952.

Alaska Small Tract Classification Order No. 66 of October 23, 1952, is hereby corrected as follows:

That portion of the land description which refers to lands in T. 5 S., R. 15 W., Section 23, is corrected by substituting, in the third line, "$W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$", so that this description now reads as follows:

T. 5 S., R. 15 W.:
Sec. 23: $NE\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$.

FRED J. WEILER,
Chief, Division of Land Planning.

[F. R. Doc. 52-11839, Filed, Nov. 4, 1952; 8:46 a. m.]

[Misc. 63722]

ARIZONA

RESERVING CERTAIN PUBLIC LANDS WITHIN KAIBAB NATIONAL FOREST IN CONNECTION WITH PROPOSED AIRPORT

OCTOBER 30, 1952.

Pursuant to the authority contained in section 2 of the act of March 18, 1950 (64 Stat. 28; 16 U. S. C. 7b), and upon the recommendation of the Department of Agriculture, and in accordance with the authority contained in Departmental Order No. 2583 section 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas within the Kaibab National Forest in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved pending survey and definite location of a site for an airport to be constructed under the provisions of said act of March 18, 1950:

GILA AND SALT RIVER MERIDIAN

T. 30 N., R. 2 E.,
Sec. 23, $SE\frac{1}{4}$;
Sec. 24, $SW\frac{1}{4}$;
Sec. 25, $W\frac{1}{2}$;
Sec. 26;
Sec. 27, $SE\frac{1}{4}$;
Secs. 34 and 35.

The areas described, including both public and nonpublic lands, aggregate 2,720 acres.

MARION CLAWSON,
Director.

[F. R. Doc. 52-11854; Filed, Nov. 4, 1952; 8:49 a. m.]

Geological Survey

MONTANA, NEW MEXICO AND WYOMING

DEFINITIONS OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown:

Name of Field, Effective Date, and Acreage

(4) MONTANA

Frannie Field (additional), May 26, 1949, 171.

(5) NEW MEXICO

Teas Field, May 3, 1952, 440.

(9) WYOMING

Bonanza Field, October 11, 1951, 1,160.
Frannie Field (additional), May 26, 1949, 2,609.
Happy Springs Field (additional), August 5, 1952, 2,200.
Little Sand Draw Field, August 29, 1951, 830.
Pine Mountain Field, November 19, 1948, 920.
Shoshone Field, July 2, 1951, 1,119.
Silver Tip Field, January 17, 1952, 1,762
South Elk Basin Field (additional), April 12, 1951, 1,400.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 52-11837; Filed, Nov. 4, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5657]

CARIBBEAN AMERICAN LINES, INC., ENFORCEMENT PROCEEDING

NOTICE OF RE-ASSIGNMENT OF DATE OF HEARING

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding which was previously assigned to be held on November 13, 1952, is now assigned to be held on November 20, 1952, at 10:00 a. m., e. s. t., in Room 5040, Commerce Building, Fourteenth and Constitution Avenues NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., October 31, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-11873; Filed, Nov. 4, 1952; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 34, as amended, Section 20 (c), Special Order 18]

LELAND ELECTRIC CO.

COMMISSION CEILING PRICES FOR THE SALE OF 20 FRAME MOTORS, ALTERNATORS, GENERATORS AND MOTOR GENERATORS

Statement of considerations. The commission ceiling prices for the sales of 20 frame motors alternators, generators, and motor generators for the Leland Electric Company, Dayton 1, Ohio, by its sales representatives are adjusted by this Special Order pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended.

This section authorizes the Director of Price Stabilization to adjust ceiling prices of sellers of an essential non-retail service as to which there is a limited supply available. In order to obtain an adjustment under this section, the buyer must demonstrate that he is purchasing an essential non-retail service as to which there is a limited supply available from sellers thereof who are too numerous to make recourse by them to section 20 (b) of Ceiling Price Regulation 34, as amended, practicable. The purchaser must further demonstrate that these sellers are threatening to discontinue supplying him with such service, and in addition, the applicant must agree to absorb any price increase over his sellers' existing ceiling prices, and must so state in his application. The buyer may not apply for or obtain an increase in his suppliers 'ceiling prices for the service supplied to him, which would bring the proposed increased ceiling prices in excess of the price he would be required to pay to other suppliers of the same service. The buyer's application must also show the nature and extent of the sellers' direct labor and material cost increases incurred by them since their ceiling prices for that service were established. These cost increases will be considered by the Office of Price Stabilization in determining the amount of price increase which may be granted. Where practicable the purchaser must state the names and addresses of the sellers and the ceiling prices of each seller.

It appears from information submitted in the application that the applicant sells, in addition to other sizes, 20 frame motors, alternators, generators and motor generators throughout the United States through the services of 17 sales representatives. The Director of Price Stabilization has determined that the supply of such service is limited; that the increased ceiling prices for commissions will not exceed the prevailing prices at which the applicant could purchase the same service; that the applicant's suppliers are threatening to discontinue supplying such service because their ceiling prices are below prevailing rates; that the applicant has agreed to absorb any price increases and will not pass on such increases in the form of increased prices to others; and that the sellers of 20 frame unit sales representative service to the applicant are too numerous to make recourse to paragraph 20 (b) of Ceiling Price Regulation 34, as amended, practicable. The increased ceiling prices reflect the direct labor and material cost increases incurred by these sellers since their ceiling prices for the service were established, and such increases will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended, this Special Order is hereby issued.

1. The application of the Leland Electric Company, Dayton 1, Ohio, (hereinafter referred to as Leland) for

an adjustment of the ceiling prices which sellers of 20 frame motors, alternators, generators and motor generators (hereinafter referred to as 20 frame units) may charge applicant for commissions for sales representative service is granted as follows:

(a) On and after the effective date of this Special Order, the ceiling price for commission for sales representative services supplied to Leland on sales of 20 frame units by the following firms shall be 3 percent:

Power Transmission Sales, 25 Huntington Avenue, Boston 16, Mass.
Samuel E. Shea, Elliott Square Building, Buffalo 3, New York
Walter A. Juergens, 802 Times Star Tower, Cincinnati 2, Ohio
Koehler-Pasmore Co., 11833 Hamilton Avenue, Detroit 3, Michigan
H. J. Druhot, Inc., 1325 Lincoln Bank Bldg., Fort Wayne, Indiana
R. E. Hatfield Co., Fulton Building, Lancaster, Pennsylvania
Albert N. Dorsch, 739 Broadway, Milwaukee, Wisconsin

(b) On and after the effective date of this Special Order, the ceiling price for commission for sales representative services supplied to Leland on sales of 20 frame units by the following firms shall be 4 percent.

Samuel G. Boyd, Walton Bldg., Room 316, Atlanta 3, Georgia
Butler and Land, 5533 Dyer Street, Dallas 5, Texas
Johnson-Pellmounter, 315 First Federal Building, Davenport, Iowa
H. R. Harris Co., 708 Portland Avenue, South Minneapolis, Minn.
The Hubert Koub & Co., 1025 Santa Fe Drive, Denver, Colorado.
Johnson-Pellmounter, 903 McGee Street, Kansas City, Missouri.
Gates Co., 200 South Main Street, Salt Lake City, Utah
John F. Cady, 955 Market Street, San Francisco, California
John W. Elder Co., 134 South Boston, Tulsa, Oklahoma
Engineering Sales Co., 411 South Wall Street, Los Angeles, California

2. Leland may pay to the sellers listed therein the prices determined under paragraph 1, subparagraphs (a) and (b) respectively of this Special Order provided that it shall absorb the increase over the former ceiling price and shall not pass on such increase in rates in the form of increased prices to others.

3. Copies of this order shall be provided by Leland to the firms listed above. A copy of this order shall be kept at the place of business of each of these firms and another copy shall be filed by each seller of sales representative service with the appropriate District Office of the Office of Price Stabilization with which each of the firms has filed or is required to file a statement of its ceiling prices under section 18 of Ceiling Price Regulation 34.

4. This order does not authorize an increase in commission or other compensation to be paid to any employee of the Leland Electric Company.

5. This order does not authorize an increase in the commission rates to be paid by the sellers to any employees if such an increase is in contravention of the orders or regulations of the Salary Stabilization or Wage Stabilization Board.

6. All provisions of Ceiling Price Regulation 34, as amended, except as changed by the pricing provisions of this Special Order shall remain in effect.

7. This Special Order or any provisions thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This order shall become effective October 31, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 30, 1952.

[F. R. Doc. 52-11828; Filed, Oct. 30, 1952; 4:48 p. m.]

[Ceiling Price Regulation 34, as amended, Supplementary Regulation 3, as amended, section 5, Special Order 4]

CHRYSLER CORP., DESOTO DIVISION

APPROVAL OF REVISIONS ATTACHED TO LETTER TO DEALERS, DATED OCTOBER 22, 1952

Statement of considerations. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain modifications and supplements to time allowances which appear in the DeSoto Service Operation Time Schedule pertaining to Model S-17 Fire Dome only, to be used in conjunction with Service Operation Time Schedule Book D-13884.

The Director of Price Stabilization has determined from the data submitted by the publisher of the DeSoto Service Operation Time Schedule pertaining to Model S-17 Fire Dome only, to be used in conjunction with Service Operation Time Schedule Book D-13884, that the approval of these modifications and supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. 1. On and after the effective date of this order, the modifications and supplements to the DeSoto Service Operation Time Schedule pertaining to Model S-17 Fire Dome only, to be used in conjunction with Service Operation Time Schedule Book D-13884, as covered in DeSoto Application #549 are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS October 31, 1952, by Special Order No. 4 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective October 31, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 30, 1952.

[F. R. Doc. 52-11827; Filed, Oct. 30, 1952; 4:47 p. m.]

[Ceiling Price Regulation 34, as amended, Supplementary Regulation 3, as amended section 5, Special Order 5]

KAISER-FRAZER SALES CORP.

APPROVAL OF REVISIONS ATTACHED TO LETTER TO DEALERS, DATED OCTOBER 20, 1952

Statement of considerations. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain modifications and supplements to time allowances which appear in the Kaiser-Frazer Time Schedule No. X-19505 and the Henry J Time Schedule No. X-19513.

The Director of Price Stabilization has determined from the data submitted by the publisher of Kaiser-Frazer Time Schedule No. X-19505 and the Henry J Time Schedule No. X-19513, that the approval of these modifications and supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. 1. On and after the effective date of this order, the modifications and supplements to the Kaiser-Frazer Time Schedule No. X-19505 and the Henry J Time Schedule No. X-19513 as covered in Kaiser-Frazer Sales Corporation Application #365 are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS October 31, 1952, by Special Order No. 5 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective October 31, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 30, 1952.

[F. R. Doc. 52-11826; Filed, Oct. 30, 1952; 4:47 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 39, Section 5, Special Order 1]

UNITED PARCEL SERVICE OF NEW YORK, INC. ET AL.[1]

ADJUSTMENT OF RATES PURSUANT TO EXISTING PRICING METHOD

Statement of considerations. The various companies covered by this order are affiliated companies, each of which acts as the consolidated delivery department of, and handles all the deliveries for, leading department stores and specialty shops in a single metropolitan area. They provide delivery service throughout their respective retail trading areas pursuant to contract carrier permits granted by the appropriate State regulatory bodies and, where necessary, by the Interstate Commerce Commission. Rates charged for the services afforded by the companies covered by this order are subject to the provisions of the General Ceiling Price Regulation and may be adjusted under the provisions of Supplementary Regulation 39 to the General Ceiling Price Regulation. On March 28, 1952, the subject companies filed with the National Office, among other things, a request for such administrative relief as would enable them to continue the pricing system then in effect.

The affiliated United Parcel Service companies, each of which operates in a substantially similar manner, have long-term contracts with retail department stores and specialty shops. Under the initial contract between a United Parcel Service company and any of the larger stores served, the company customarily purchases all of the trucks, equipment, and other delivery facilities of the store, leases the space formerly used by the store for garage or warehouse purposes, takes over all its delivery employees and consolidates and pools all its deliveries with those of other stores served. By virtue of the integration of department store delivery service with specialty shop service, delivery costs per unit are reduced and the volume necessary to an economical operation is furnished the delivery companies. Each company performs for the stores all of the services previously performed by their own delivery departments. Service is performed under an adjustable rate contract, protecting each company against increases in costs during the term of the contract and providing for an incentive arrangement whereby both the United Parcel Service company and the store benefit by reduced costs and are penalized by increased costs. Under the adjustable rate contract, tentative rates are established for each fiscal quarter of the contract, but these rates are subject to retroactive adjustment at the beginning of each succeeding fiscal quarter.

In a typical contract, the provisions for readjustment operate as follows:

All costs are converted to a cost per count or unit of service. Such cost per count or unit for the previous quarter becomes the base rate for the current quarter. This base rate plus a stated allowance per count becomes the tentative weekly billing rate for the current contract quarter. At the end of the quarter, a readjustment is made whereby increases or decreases in cost are shared equally by the company and the store. The cost per unit in turn becomes the base rate for the following quarter.

For the various types of service such as package delivery and furniture delivery, the amount of the retroactive rate adjustment is determined at the end of each fiscal quarter by the relation between the particular base rate and the average cost per package unit. If the average cost exceeds the base rate, one-half of the excess is charged to the store. If the average cost is less than the base rate, one-half of the saving is refunded to the store. In either event, the amount of the adjustment is equal to one-half the difference between base rate and average cost, multiplied by the number of units handled for the store.

The contracts with the smaller stores are similar in form and content to those with the larger stores. The volume and type of business of the smaller stores do not require the same detail and the intricate contractual provisions as in the case of the larger stores. Usually, no takeover of equipment or personnel is involved. Inasmuch as it would be impracticable to include an adjusted rate formula in the contracts with smaller stores, such contracts are made for a much shorter term, usually one year, and contain a flat rate. However, the general method by which the flat rate is arrived at, and the considerations determining the amount, are similar to those used in arriving at the formula. Actually, the smaller store's rate is based on unit cost just as is the larger store's. Annual adjustments in flat rate contracts are based upon the same factors as those affecting application of the adjustable rate formula.

In order to be eligible for adjustment under the provisions of Supplementary Regulation 39, a motor carrier must establish that the adjustment is necessary to permit the continuance of an essential service for which there is no adequate substitute available at a rate equivalent to or lower than the ceiling rate requested, and that the carrier will suffer substantial financial hardship in his overall operations unless the adjustment is granted. The nature of the adjustable rate formula under which both company and store gain directly as costs decrease, and lose directly as costs increase, and the entire relationship between each United Parcel Service company and each store served is founded upon the proposition that the same service at equivalent or lower rates is not available elsewhere. The only alternative to the service provided by the various United Parcel Service companies is the operation by a store of its own delivery department. The operating ratios of the various companies covered by this order reveal that the pricing formulas described above substantially achieve the ends contemplated by Supplementary Regulation 39 and that rate adjustments required by the formula are within permissible bounds. Furthermore, the preparation of individual orders adjusting rates charged under the hundreds of contracts executed by the various United Parcel Service companies would be impracticable.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 (b) of Supplementary Regulation 39, *It is ordered:*

(a) That the ceiling rates for the contract carrier delivery services rendered by United Parcel Service of New York, Inc., United Parcel Service of Pennsylvania, Inc., United Parcel Service of Illinois, Inc., United Parcel Service of Milwaukee, United Parcel Service of Cincinnati, Inc., United Parcel Service of Detroit, Inc., United Parcel Service of Minnesota, Inc., United Parcel Service of Los Angeles, Inc., United Parcel Service Bay District, United Parcel Service of Portland, United Parcel Service of Seattle, shall be no higher than those resulting from the application of the appropriate pricing method set forth below:

(1) Where charges are determined by formula and adjusted quarterly.

The ceiling rates and charges for furniture delivery service, package delivery and other contract carrier service rendered by the carriers covered by this order for any department store or specialty shop shall at no time exceed the highest charges which would be produced by application, on a quarterly basis, of any formula in effect during the base period, December 19, 1950 to January 25, 1951, inclusive, for the particular service.

(2) Where charges are determined by fixed price per unit and adjusted annually.

The rate per unit charged to any department store or specialty shop for contract carrier service shall at no time exceed the price per unit for such service for such department store or specialty shop during the base period, December 19, 1950 to January 25, 1951, inclusive, increased by a percentage computed as follows: the price per unit resulting from application of the pricing formula discussed above to the deliveries of such department store or specialty shop during the quarter immediately preceding the beginning of a particular contract year shall be compared with the price per unit resulting from application of the pricing formula to the deliveries of such department store or specialty shop during the quarter immediately preceding the effective date of the contract in effect during the base period, and the percentage of increase, if any, shall be determined.

(b) Beginning with the quarter ending on September 30, 1952, each of the companies covered by this order shall submit individual profit and loss statements quarterly and a statement of all adjustments in ceiling rates made as a result of the application of the appropriate formula, to the Director of the Services, Transportation and Foreign Trade Division, Office of Price Stabili-

[1] This order applies to United Parcel Service of New York, Inc., United Parcel Service of Pennsylvania, Inc., United Parcel Service of Illinois, Inc., United Parcel Service of Milwaukee, United Parcel Service of Cincinnati, Inc., United Parcel Service of Detroit, Inc., United Parcel Service of Minnesota, Inc., United Parcel Service of Los Angeles, Inc., United Parcel Service Bay District, United Parcel Service of Portland, and United Parcel Service of Seattle.

zation, Washington, D. C. Adjustments in ceiling rates must be reported within 30 days of the date that they are determined by formula.

(c) All provisions of the General Ceiling Price Regulation and Supplementary Regulation 39, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the services covered by this order.

(d) This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective as of March 28, 1952.

NOTE: The record-keeping and reporting requirements of this special order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

OCTOBER 30, 1952.

[F. R. Doc. 52-11629; Filed, Oct. 30, 1952; 4:48 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-66, 59-61, 59-35]

FEDERAL WATER AND GAS CORP. ET AL

NOTICE AND ORDER REGARDING APPLICATION FOR AUTHORITY TO ENTER INTO CLOSING AGREEMENT

OCTOBER 30, 1952.

On September 18, 1951, the Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), issued its findings and opinion and order approving a plan of liquidation of Federal Water and Gas Corporation ("Federal"), a registered holding company. Said order reserved jurisdiction to entertain such further proceedings and to make such supplemental findings and orders and to take such further action as the Commission might deem appropriate in connection with the enforcement of section 11 (b) of the act and in connection with the plan, the transactions incident thereto, and the consummation thereof.

Upon application of the Commission said plan was approved by the United States District Court for the District of Delaware by order entered on October 16, 1951, and ordered enforced. The order of the United States District Court enforcing said plan also reserved to the Court jurisdiction to entertain such further proceedings, to make such further findings, to enter such supplemental orders, and to take such further action as it might deem appropriate in connection with the claims asserted against Federal, or in connection with the plan, the transactions incident thereto and the consummation thereof.

At the time of filing said plan and at the time said orders approving the plan were entered, the principal liability of Federal was with respect to a claim by the United States for unpaid income taxes for the year 1947. In determining the amount of the cash reserve which should be set aside to meet all claims against Federal, it was estimated that there might be due for income taxes for the year 1947, $361,190.75, against which there had been paid at the filing of the return the sum of $93,153.77, leaving $268,036.98 as the maximum claim which, it was estimated, could be asserted against Federal for unpaid income taxes for the year 1947, with interest. At that time however, Federal took the position that its income taxes due the United States for the year 1947, including interest to December 15, 1951, amounted to $122,785.31, which amount has been paid.

Subsequent to Court enforcement of said plan the Commissioner of Internal Revenue has taken the position that the income taxes due the United States by Federal for the year 1947, including interest to September 15, 1952 amounts to $1,319,703.60 in addition to the amount already paid.

Federal has submitted to the Commissioner of Internal Revenue a proposal to settle its income tax liability for the year 1947 by paying an additional amount of $145,251.67 plus interest, which computed to September 15, 1952, will amount to $65,844.65.

Federal has now filed an application with the Commission requesting that the Commission determine pursuant to section 11 (e) of the act that the proposed settlement of Federal's income tax liability for the year 1947, is fair and equitable to the parties affected by the settlement and that the Commission apply to the United States District Court for the District of Delaware pursuant to section 11 (e) of the act for an order approving and enforcing said settlement.

Notice is hereby given that any interested person may, not later than November 14, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 14, 1952, said application, as filed or as amended, may be granted or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 of the rules and regulations promulgated under the act or the Commission may take such other action as may appear appropriate.

It is ordered, That copies of this notice be sent by registered mail to Federal, to the Commissioner of Internal Revenue for the United States and to all parties to this proceeding, that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the persons on the mailing list for releases under the act, and that further notice shall be given to all other persons by publication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-11853; Filed, Nov. 4, 1952; 8:49 a. m.]

[File No. 54-173]

PHILADELPHIA CO. AND STANDARD GAS AND ELECTRIC CO.

ORDER APPROVING TERMS AND PROVISIONS OF SALE OF PORTFOLIO SECURITIES

OCTOBER 29, 1952.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard") and Standard Power and Light Corporation ("Power"), both registered holding companies, having filed a certificate of notification pursuant to Rule U-44 (c) under the act with respect to the sale by Philadelphia of $6,354,000 principal amount of Twenty-Year 3⅜ Percent Sinking Fund Debentures due March 1, 1970, of Equitable Gas Company ("Equitable"), a former public utility subsidiary of Philadelphia, and the Commission having thereafter found and determined that it was not necessary for Philadelphia to file a declaration with the Commission regarding the proposed sale of the debentures;

Said notification, among other things, having set forth the form and manner in which Philadelphia would solicit bids for such debentures and stating that before the acceptance of any bid Philadelphia would notify the Commission of the terms and provisions of the proposed sale and seek an order of the Commission approving such terms and provisions;

Philadelphia having informed the Commission that it has offered the debentures of Equitable for sale in the manner outlined in its certificate of notification and that pursuant to this solicitation it received the following bids:

Bidder:	Price as percent of principal amount
Blyth & Co., Inc.	94.47
Halsey, Stuart & Co., Inc.	94.31
Eidder, Peabody & Co., Merrill Lynch, Pierce, Fenner & Beane, and White, Weld & Co.	93.571

Philadelphia having indicated that it proposes to accept the bid of Blyth & Co., Inc., and that the debentures will be offered by the purchaser for sale to the public at a price of 94.636 percent of the principal amount thereof resulting in an underwriter's spread of 0.166 percent of the principal amount, aggregating $10,547.64; and

It being represented that the fees and expenses applicable to the proposed sale will not exceed $6,000 of which $3,000 represents the fee of Reed, Smith, Shaw & McClay, Pittsburgh, Pennsylvania, attorneys for Philadelphia, $3,000 represents the fees of Beekman & Boque, and Sullivan, Donovan, Heeneman & Hanrahan, in the amounts of $2,000 and $1,000 respectively, as counsel to the purchasers and the balance is for necessary expenses.

The Commission having examined these data and having determined that the proposed sale may appropriately be made and that the fees and expenses applicable thereto do not appear unreasonable:

It is ordered, That Philadelphia be and hereby is, authorized and directed to effectuate the sale of the Equitable debentures in the manner and form proposed, subject to the requirements contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-11852; Filed, Nov. 4, 1952; 8:49 a. m.]

[File No. 70-2717]

CONSUMERS GAS CO.

ORDER GRANTING REQUEST FOR EXTENSION OF TIME WITHIN WHICH TO PURCHASE STOCK OF READING GAS COMPANY

OCTOBER 30, 1952.

Consumers Gas Company, a subsidiary of the United Gas Improvement Company, a registered holding company, having requested a one-year extension to November 16, 1953, of the time fixed by our order of November 16, 1951 (Holding Company Act Release No. 10890), within which Consumers Gas Company may purchase a maximum of 1,000 additional shares of capital stock of Reading Gas Company from non-affiliated interests as shares become available for purchase; and

Consumers Gas Company having stated that to date 317 shares of the capital stock of Reading Gas Company have been purchased under the permission granted by the above order, and that an additional one-year extension is desired in order to consummate the remainder of said purchase program; and

It appearing to the Commission that the requested extension of time is not unreasonable or detrimental to the public interest or the interests of investors or consumers:

It is ordered, That Consumers Gas Company be, and hereby is, granted an additional period of one year from November 16, 1952, within which to consummate the proposed purchase program covered by our order of November 16, 1951, subject, however, to the same conditions and reservations of jurisdiction as are imposed by said order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-11951; Filed, Nov. 4, 1952; 8:48 a. m.]

[File No. 70-2944]

NORTH AMERICAN CO.

ORDER GRANTING APPLICATION REGARDING PROPOSED STABILIZATION

OCTOBER 29, 1952.

The North American Company ("North American"), a registered holding company, having filed an application, and an amendment thereto, pursuant to the act and certain rules promulgated thereunder, concerned with the following proposed transactions:

Pursuant to a plan of liquidation and dissolution of North American Utility Securities Corporation ("NAUS"), heretofore approved by order dated July 23, 1952, under section 11 (e) of the act and ordered enforced by the United States District Court for the District of Maryland, North American will receive, inter alia, 78,684 shares of the common stock of Pacific Gas & Electric Company ("PG&E"), a former public utility subsidiary of North American. This Commission by order dated April 14, 1942, directed North American to divest itself of all of its direct and indirect interests in PG&E.

North American notified this Commission, pursuant to Rule U-44 (c), that upon receipt of the same it intends to sell the 78,684 shares of common stock of PG&E to non-affiliated interests pursuant to a public invitation for sealed written competitive bids and the Commission determined that no declaration need be filed in connection with the proposed sale.

North American in the instant application seeks permission to acquire common stock of PG&E by purchases on the New York Stock Exchange, the San Francisco Stock Exchange and the Los Angeles Stock Exchange, if, in the judgment of North American's officers, such purchases are necessary or advisable to facilitate the intended sale by stabilizing the market price thereof. Purchases by North American will be made only during the period beginning on the day of the opening of bids for the purchase of the common stock and ending at the time of the acceptance of a bid. The filing states that all common stock acquired through these stabilization operations will be promptly disposed of by North American after the sale of the 78,684 shares of common stock of PG&E.

It is represented in the application that customary brokerage fees and commissions will be paid by North American in connection with purchases made by it for stabilization purposes. It is stated that other expenses incurred in connection with such stabilization operations are not separable from the fees and expenses to be incurred in connection with all the transactions enumerated above and that the aggregate fees and expenses in connection with such transactions are estimated at $14,500 of which $5,500 represents fees and expenses of counsel. The record is not complete however with respect to the nature and extent of the services of counsel.

North American has requested that with respect to its receipt of the 78,684 shares of PG&E common stock the Commission's order herein contain the finding, recital and order hereinafter set forth.

The Commission having issued a notice of filing pursuant to Rule U-23 and not having received a request for a hearing thereon within the period specified in said notice or otherwise, and not having ordered a hearing thereon;

It appearing to the Commission that the proposed transactions meet all applicable standards of the act and the rules and regulations thereunder and that it is appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted forthwith;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions of Rule U-24, that the application, as amended, be, and the same hereby is, granted forthwith, except, however, with respect to the fees to be paid counsel by North American, as to which matter jurisdiction be, and the same hereby is, reserved;

It is further ordered and recited and the Commission finds, That the transfer and delivery by NAUS or its nominee, Noxid & Co., to North American (in its own name or that of its nominee, Burntull & Co.) of 78,684 shares of the common stock of Pacific Gas and Electric Company, $25 par value, (being comprised of certificates for 9,800 shares numbered NC193929 to 194026 inclusive; a certificate for 56,900 shares numbered NF184234; a certificate for 5,690 shares numbered NF317251; a certificate for 6,259 shares numbered NF388155; and a certificate for 35 shares numbered NF461258) in connection with and as a part of the final liquidation and dissolution of NAUS and as authorized and permitted by the order of this Commission dated July 23, 1952, and in obedience thereto, is necessary and appropriate to the integration of the holding company system of which North American and NAUS are members and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That jurisdiction be and hereby is, reserved to enter such other or further orders, conforming to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, as may appear to the Commission to be appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-11850; Filed, Nov. 4, 1952; 8:48 a. m.]

[File No. 70-2948]

MILWAUKEE ELECTRIC RAILWAY AND TRANSPORT CO. AND WISCONSIN ELECTRIC POWER CO.

NOTICE OF FILING REGARDING ACQUISITION OF SECURITIES IN CONNECTION WITH SALE OF TRANSPORTATION PROPERTIES

OCTOBER 29, 1952.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Wisconsin Electric Power Company ("WEPCO"), a registered holding company and a public utility company, and its non-utility subsidiary the Milwaukee Electric Railway and Transport Company ("Transport"). The filing has designated sections 9, 10, and 12 of the act and Rules U-42, 43, 44, and 45 promulgated thereunder as being applicable to the transactions described therein.

All interested persons are referred to said application-declaration, which is on file in the offices of this Commission, for

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a statement of the transactions therein proposed which are summarized as follows:

Transport is engaged in the passenger transportation business in and about the City of Milwaukee, Wisconsin, and also operates a terminal rail carrier principally for hauling coal to certain of WEPCO's power plants. It also owns all the outstanding securities of a company rendering automobile parking and garage services.

The application-declaration states that Transport has made repeated efforts in the past to sell its passenger transportation properties, including a public invitation for competitive bids for the sale of such properties during 1947 and, since that time, by negotiations with approximately ten different groups or individuals and the City of Milwaukee. Such efforts were unsuccessful.

Subject to obtaining the approval of the necessary regulatory authorities, including the Public Service Commission of Wisconsin and this Commission, Transport has entered into an agreement with Milwaukee and Suburban Transport Company ("New Transit Company") to sell Transport's passenger transportation properties for a consideration of $10,000,000, which amount is subject to adjustment for changes in property, materials and supplies.

The filing seeks authority for the acquisition by Transport of promissory notes and preferred stock of New Transit Company constituting part of the consideration for the sale of the passenger transportation properties, and as an incident to such sale, the acquisition by Transport of certain of its own outstanding securities all of which are held by WEPCO. The consideration for the sale of the passenger transportation properties will consist of $4,000,000 in cash, $3,000,000 principal amount of 5 percent Secured Promissory Notes, and $3,000,000 par or stated value of 5 percent Cumulative Preferred Stock of New Transit Company. The promissory notes will be secured by a second mortgage which will provide for a fixed sinking fund of $300,000 per year beginning after the retirement of $4,000,000 of first mortgage serial bonds to be issued by New Transit Company. Such serial bonds will mature serially until 1962, but under the provisions of the indenture may be retired earlier. In addition, the notes will have the benefit of a contingent annual sinking fund beginning in 1954, in an amount equal to one-half of New Transit Company's net income, as defined in said mortgage. Under the terms of the preferred stock there will be redeemed in each year after the retirement of the first mortgage bonds and notes, 3,000 shares of such preferred stock plus an additional amount equivalent to one-half of New Transit Company's net income, as defined in the company's charter.

Transport also proposes to acquire from WEPCO and to retire (i) all of Transport's $3,000,000 principal amount of First Mortgage 4 percent Bonds by purchase for cash at the principal amount thereof plus accrued interest, (ii) 55,000 shares of its capital stock of a par value of $100 per share by purchase for cash at par value, and (iii) not in excess of 45,000 additional shares of such capital stock by surrender by WEPCO.

Transport will obtain funds for the purchase of its bonds and capital stock from the proceeds of the proposed sale of its properties and from other treasury funds which will not be needed by it in operating the businesses which it will conduct after consummation of such sale. Such businesses will be that of a terminal rail carrier and the holding of securities.

It is stated that the proposed sale will result in a net book loss to Transport estimated at approximately $7,800,000 as of July 31, 1952, which loss, in turn, will result in a surplus deficit of Transport of between $4,000,000 and $5,000,000. The surplus deficit is proposed to be eliminated by the retirement without consideration of the smallest number of shares of capital stock of Transport, not exceeding 45,000, as will be necessary for such purpose.

WEPCO proposes to make the transfers to Transport described above, to adjust the carrying value of its investment in Transport to the aggregate par value of that company's capital stock which will be outstanding after the above-mentioned transactions, and to make related adjustments in its accounts to reflect the various transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the proposed transactions and that said application-declaration should not be granted and permitted to become effective except pursuant to the further order of this Commission:

It is ordered, That a hearing on said application-declaration be held on November 10, 1952, at 10:00 a. m., at the office of the Commission, 425 Second Street NW., Washington 25, D. C. On such date, the Hearing Room Clerk in Room 193 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings, is directed to file with the Secretary of the Commission at or before the time of the hearing, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration, and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the proposed sale of the passenger transportation properties by Transport is necessary or appropriate to effectuate the provisions of section 11 (b) (1) of the act, and is not otherwise detrimental to the public interest or the interest of investors;

(2) Whether the proposed acquisition by Transport of the securities of New Transit Company meets the applicable requirements of section 10 of the act;

(3) Whether the proposed retirement of its securities by Transport may be permitted under the standards of section 12 (c) of the act;

(4) Whether any affiliation exists between New Transit Company and the WEPCO holding company system;

(5) Whether the accounting entries proposed to be made are in accordance with sound accounting principles;

(6) What terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors and consumers;

(7) Generally, whether the proposed transactions comply with the applicable provisions of the act and the rules and regulations and orders promulgated or issued thereunder;

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to Transport, WEPCO, New Transit Company, the Interstate Commerce Commission, the Wisconsin Public Service Commission and the Mayor of the City of Milwaukee, Wisconsin; that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the persons on the mailing list of this Commission for releases under the act, and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11849; Filed, Nov. 4, 1952; 8:48 a. m.]

Reference Room

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — 1934

VOLUME 17 NUMBER 218

Washington, Thursday, November 6, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

COUNSELING PSYCHOLOGIST

Section 24.114 is hereby added as follows:

§ 24.114 *Counseling Psychologist (Vocational Rehabilitation and Education) GS-180-11/12.*—(a) *Educational requirements.* Applicants must meet the requirements stated in subparagraph (1) or (2) of this paragraph, as follows:

(1) Completion in an accredited college or university of two years graduate study (60 semester hours or 2 years of graduate credit as defined by the institution attended) including subdivisions (i), (ii), and (iii) of this subparagraph:

(i) Thirty-six semester hours distributed as follows:

(*a*) Personality organization and dynamics (9 semester hours) including courses such as abnormal psychology, mental hygiene, clinical psychology, and theories of personality: *Provided*, That at least one course was in theories of personality.

(*b*) Counseling theory and techniques (9 semester hours) including courses such as interviewing, case study method, theory and methods of counseling, principles of counseling, or practicum in counseling.

(*c*) Psychological tests and measurements (12 semester hours) including 6 semester hours in statistics and/or research method or theory of measurement and 6 semester hours in tests and measurements, of which at least 3 semester hours shall be in individual testing other than projective techniques.

(*d*) Occupations and their socio-economic setting (6 semester hours) including such courses as occupational information, job analysis, industrial sociology, sociology of occupations, labor problems, provided at least one course was in occupational information.

In meeting the requirements of this subdivision, up to 9 semester hours of advanced undergraduate courses, not more than six of which may be in any one area, may be offered in lieu of graduate courses: *Provided*, That an equivalent additional number of graduate credits is offered in other areas of this subdivision and/or subdivision (ii) of this subparagraph.

(ii) Twelve semester hours in any combination of additional courses in the areas mentioned above and/or courses in psychology, such as general, educational, experimental, child, adolescent, social, comparative, industrial, personnel, physiological, systematic, applied or learning theory.

(iii) The remaining courses may be in any combination of additional courses in the areas mentioned in subdivisions (i) and (ii) of this subparagraph and/or courses related to psychology, counseling or vocational rehabilitation, such as courses in rehabilitation of the handicapped, disabilities and their vocational implications, field work in rehabilitation principles, practices and problems of vocational rehabilitation, research in rehabilitation, personnel management or administration, personnel research, community organization and resources, education, economics, sociology, social work, and cultural anthropology.

(2) Satisfactory completion of all the requirements for the doctoral degree from an accredited college or university, based upon a graduate course of study with major emphasis in the field of psychology or counseling and guidance.

(b) *Duties.* Counseling psychologists (Vocational Rehabilitation and Education) apply psychological principles and appropriate counseling techniques in assisting eligible veterans in selecting and attaining suitable educational or occupational goals. They determine whether disabled veterans are in need of vocational rehabilitation to prepare them for suitable employment. They apply professionally recognized therapeutic counseling techniques in assisting the veteran with personal problems or conflicts which interfere with his vocational choice or

(Continued on p. 9973)

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with his progress in training. They detect those veterans with serious mental or emotional disturbances and refer them to Veterans Administration Mental Hygiene Clinics or other mental hygiene or medical services. They conduct research concerning the objectives, methods, and results of counseling.

(c) *Knowledge and training requisite for performance of duties.* (1) In order to adequately counsel veterans in selecting and attaining suitable educational and/or occupational goals the counseling psychologist (VR&E) must have had a specialized background of education and experience in the field of psychology, with particular emphasis upon counseling, and in other fields related to vocational and educational guidance. This background should have provided a thorough knowledge of the principles underlying behavior and of psychological and counseling techniques. The counseling psychologist (VR&E) must have the ability to apply professionally recognized therapeutic counseling techniques in assisting the veteran with personal problems or conflicts which interfere with his vocational choice or with his progress in training. Since counseling psychologists (VR&E) function without professional direction from psychiatrists, they must have sound preparation in order to be able to detect those veterans with serious mental or emotional disturbances and refer them to mental or hygiene clinics for more intensive and extensive treatment.

(2) The counseling psychologist (VR&E) must have a comprehensive knowledge of occupations and their varied demands and opportunities, an understanding of scientific method and of theory of measurement and be thoroughly familiar with a wide array of psychological tests used in assessment of interests, personality traits, mental abilities, achievements and special aptitudes. He must be able to interpret test results to the veterans. The counseling psychologist (VR&E) should have had sufficient training and experience to enable him to conduct research concerning the objectives, methods and results of counseling in order to improve the professional quality of counseling.

(3) In dealing with seriously disabled veterans the counseling psychologist (VR&E) must have a comprehensive background of information concerning the nature of, and common inter-relationships among various types of disabilities. This knowledge must be sufficiently thorough to enable him to determine whether disabled veterans are in need of vocational rehabilitation to prepare them for suitable employment, to understand and use medical terminology, and to interpret and apply medical information and advice concerning physical capacities and limitations in relation to specific occupations. He must be able to recognize the psychological effects of severe physical disabilities upon the veteran and apply counseling techniques which will fully develop the veteran's residual capacities through his choice of a vocational and/or educational goal.

(4) The only way that these knowledges can be acquired is through a balanced program of study in an accredited college or university in the courses listed in paragraph (a) of this section.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 853)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 52–11897; Filed, Nov. 5, 1952; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1952 TOBACCO LOAN PROGRAM

Set forth below are schedules of advance rates, by grades, for the 1952 crop of types 21, 22, 23, 31, 35, 36, and 37 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published May 22, 1952 (17 F. R. 4643).

Sec.

664.415 1952 crop; Virginia fire-cured tobacco, Type 21, advance schedule.
664.416 1952 crop; Tennessee and Kentucky fire-cured tobacco, Type 22, advance schedule.
664.417 1952 crop; Kentucky and Tennessee fire-cured tobacco, Type 23, advance schedule.
664.418 1952 crop; Burley tobacco, Type 31, advance schedule.
664.419 1952 crop; dark air-cured tobacco, Types 35 and 36, advance schedule.
664.420 1952 crop; Virginia sun-cured tobacco, Type 37, advance schedule.

AUTHORITY: §§ 664.415 to 664.420 issued under sec. 4, 62 Stat. 1070; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 2, 59 Stat. 506, sec. 101, 63 Stat. 1051; 15 U. S. C. Sup. 714c, 7 U. S. C. 1312 note, 7 U. S. C. Sup. 1441.

§ 664.415 *1952 crop; Virginia fire-cured tobacco, Type 21, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	53.12	54.12	
A2F	51.12	52.12	51.12
A3F	48.12	49.12	48.12
A1D	53.12	54.12	
A2D	51.12	52.12	51.12
A3D	48.12	49.12	48.12
B1F	50.12	51.12	50.12
B2F	48.12	49.12	48.12
B3F	44.12	45.12	44.12
B4F	40.12	41.12	40.12
B5F	36.12	37.12	36.12
B1D	50.12	51.12	50.12
B2D	48.12	49.12	48.12
B3D	44.12	45.12	44.12
B4D	40.12	41.12	40.12
B5D	36.12	37.12	36.12
B3M	40.12	41.12	40.12
B4M	38.12	39.12	38.12
B5M	34.12	35.12	34.12
B3G	40.12	41.12	40.12
B4G	38.12	39.12	38.12
B5G	34.12	35.12	34.12
C1L	52.12	53.12	52.12
C2L	50.12	51.12	50.12
C3L	44.12	45.12	44.12
C4L	40.12	41.12	40.12
C5L	35.12	36.12	35.12
C1F	52.12	53.12	52.12
C2F	50.12	51.12	50.12
C3F	44.12	45.12	44.12
C4F	40.12	41.12	40.12
C5F	35.12	36.12	35.12
C2D	39.18	40.12	39.12
C3D	34.12	35.12	34.12
C4D	33.12	34.12	33.12
C5D	30.12	31.12	30.12
C3M	34.12	35.12	34.12
C4M	33.12	34.12	33.12
C5M	31.12	32.12	31.12
C3G	34.12	35.12	34.12
C4G	33.12	34.12	33.12
C5G	28.12	29.12	28.12

Grade:		Grade—Continued	
T3F	39.12	X2F	36.12
T4F	37.12	X3F	34.12
T5F	35.12	X4F	31.12
T3D	39.12	X5F	26.12
T4D	37.12	X1D	39.12
T5D	33.12	X2D	36.12
T3M	37.12	X3D	34.12
T4M	34.12	X4D	31.12
T5M	29.12	X5D	26.12
T3G	37.12	X3M	30.12
T4G	34.12	X4M	28.12
T5G	29.12	X5M	24.12
X1L	38.12	X3G	30.12
X2L	35.12	X4G	28.12
X3L	33.12	X5G	23.12
X4L	31.12	N1L	17.12
X5L	26.12	N1R	17.12
X1F	39.12	N1G	17.12

[1] The Cooperative Associations through which the loans are made for Virginia fire-cured, Type 21; Burley, Type 31; and Virginia sun-cured, Type 37, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against the overhead costs to the associations of the loan operations. Tobacco can be placed under loan only by the original producer and at these rates only if produced on a cooperating farm. Tobacco graded "W" (doubtful keeping order), "U" (unsound), DAM (damaged), N2L, N2R, N2G, N-K, botched, nested, off-type, or decayed will not be accepted, except in Types 22, 23, 35, and 36, where the tobacco graded "W" (doubtful keeping order) will be accepted at an advance rate of 10 percent below the regular grade advance rate. Tennessee and Kentucky fire-cured, Types 22 and 23, grades marked with special factor "OS" and dark air-cured, Type 35, grades marked with special factor "BL" in addition to the regular grade symbols shall have an advance rate 20 percent below the advance rate for the regular grades without such special factor.

§ 664.416 *1952 crop; Tennessee and Kentucky fire-cured tobacco, Type 22, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44
A1F	60	
A2F	56	49
A3F	49	46
A1D	60	
A2D	56	49
A3D	50	47
B1F	54	50
B2F	49	46
B3F	45	42
B4F	40	38
B5F	42	41
B3FV	41	41
B4FV	37	35
B5FV	30	28
B1D	55	51
B2D	50	47
B3D	47	44
B4D	41	39
B5D	32	30
B3M	43	40
B4M	37	35
B5M	28	26
B3G	43	40
B4G	37	35
B5G	28	26
C1L	51	48
C2L	47	44
C3L	44	41
C4L	39	37
C5L	32	30
C1F	51	48
C2F	47	44
C3F	44	41
C4F	39	37
C5F	32	30
C3FV	40	37
C4FV	35	33
C5FV	30	28
C2D	45	42
C3D	41	38
C4D	35	33
C5D	29	27
C3M	39	36
C4M	34	32
C5M	28	26
C3G	37	34
C4G	31	29
C5G	25	21

Grade:		Grade—Continued	
T3F	35	X4F	28
T4F	32	X5F	23
T5F	29	X3FV	29
T3D	35	X4FV	25
T4D	32	X5FV	20
T5D	26	X1D	39
T3M	33	X2D	36
T4M	29	X3D	30
T5M	23	X4D	25
T3G	32	X5D	18
T4G	28	X3M	27
T5G	22	X4M	21
X1L	39	X5M	17
X2L	36	X3G	27
X3L	32	X4G	21
X4L	28	X5G	16
X5L	23	N1L	14
X1F	39	N1R	14
X2F	36	N1G	14
X3F	32		

§ 664.417 *1952 crop; Kentucky and Tennessee fire-cured tobacco, Type 23, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	58	58	
A2F	55	55	48
A3F	47	48	45
A1D	58	58	
A2D	55	55	48
A3D	48	49	46
B1F	52	53	49
B2F	47	48	45
B3F	44	44	41
B4F	39	39	37
B5F	32	32	30
B3FV	41	42	39
B4FV	36	36	34
B5FV	30	29	28
B1D	53	54	50

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
B2D	48	49	46
B3D	46	46	43
B4D	40	40	38
B5D	32	32	30
B3M	41	41	38
B4M	36	36	34
B5M	28	28	26
B3G	42	42	39
B4G	36	36	34
B5G	28	28	26
C1L	49	50	47
C2L	45	45	43
C3L	42	43	40
C4L	38	38	36
C5L	32	32	30
C1F	49	50	47
C2F	46	46	43
C3F	42	43	40
C4F	38	38	36
C5F	32	32	30
C3FV	38	39	35
C4FV	34	34	32
C5FV	30	30	28
C2D	43	44	41
C3D	39	40	37
C4D	33	33	31
C5D	28	28	26
C3M	37	37	34
C4M	33	33	31
C5M	28	28	26
C3G	36	36	33
C4G	31	31	29
C5G	25	25	21

Grade:		Grade—Continued	
T3F	34	X3F	27
T4F	31	X2F	23
T5F	25	X3FV	28
T3D	34	X4FV	23
T4D	31	X5FV	20
T5D	25	X1D	38
T3M	32	X2D	35
T4M	28	X3D	29
T5M	22	X4D	24
T3G	31	X5D	18
T4G	27	X3M	26
T5G	21	X4M	20
X1L	38	X5M	15
X2L	35	X3G	26
X3L	31	X4G	20
X4L	27	X5G	15
X5L	22	N1L	14
X1F	38	N1R	14
X2F	35	N1G	14
X3F	31		

§ 664.418 *1952 crop; Burley tobacco, Type 31, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade:	Advance Rate	Grade:	Advance Rate
B1F	63.12	M1R	35.12
B2F	62.12	N-KR	30.12
B3F	58.12	T3F	45.12
B4F	53.12	T4F	40.12
B5F	46.12	T5F	33.12
B3FV	52.12	T3FV	40.12
B4FV	48.12	T4FV	34.12
B3MF	49.12	T3FR	39.12
B4MF	45.12	T4FR	31.12
B5MF	38.12	T5FR	28.12
B3FR	48.12	T3R	29.12
B4FR	43.12	T4R	26.12
B1FR	53.12	T5R	22.12
B2FR	51.12	T3RV	27.12
B3FR	46.12	T4RV	24.12
B4FR	42.12	T4D	21.12
B5FR	35.12	T5D	18.12
B1R	42.12	T4GF	25.12
B2R	40.12	T5GF	20.12
B3R	35.12	T4GR	20.12
B4R	32.12	T5GR	18.12
B5R	29.12	C1L	70.12
B3RV	30.12	C2L	69.12
B4RV	26.12	C3L	68.12
B3MR	30.12	C4L	66.12
B4MR	26.12	C5L	61.12
B5MR	22.12	C1F	69.12
B4D	24.12	C2F	68.12
B5D	21.12	C3F	67.12
B3GF	36.12	C4F	65.12
B4GF	33.12	C5F	60.12
B5GF	28.12	C4FV	63.12
B3GR	27.12	C5FV	61.12
B4GR	24.12	C1MF	58.12
B5GR	20.12	C5MF	48.12
M3F	50.12	C3FK	57.12
M4F	45.12	C4FK	55.12
M5F	40.12	C3R	61.12
M3R	40.12	C4R	57.12

[Dollars per hundred pounds, farm sales weight]

Grade:	Advance Rate	Grade:	Advance Rate
C5R	50.12	X4F	62.12
C3RV	53.12	X5F	54.12
C4RV	50.12	X4MF	54.12
C4MR	47.12	X5MF	45.12
C5MR	40.12	X3R	59.12
C4G	37.12	X4R	54.12
C5G	30.12	X5R	44.12
X1L	66.12	X4MR	45.12
X2L	68.12	X5MR	37.12
X3L	67.12	X4G	40.12
X4L	63.12	X5G	30.12
X5L	55.12	N1L	40.12
X1F	68.12	N1D	28.12
X2F	67.12	N1R	17.12
X3F	66.12	N1G	16.12

§ 664.419 *1952 crop; dark air-cured tobacco, Types 35 and 36, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Lengths 46 and 45	Length 44
A1F	52	
A2F	50	48
A3F	47	45
A1R	52	
A2R	50	48
A3R	47	45
B1F	52	50
B2F	48	46
B3F	47	45
B4F	42	40
B5F	36	34
B3FV	43	41
B4FV	40	38
B5FV	36	34
B1R	52	50
B2R	48	46
B3R	46	44
B4R	42	40
B5R	36	34
B1D	52	50
B2D	48	46
B3D	44	42
B4D	41	39
B5D	35	33
B3M	42	40
B4M	38	36
B5M	32	30
B3G	42	40
B4G	38	36
B5G	32	30
C1L	48	46
C2L	46	44
C3L	45	43
C4L	41	39
C5L	32	30
C1F	48	46
C2F	46	44
C3F	44	42
C4F	40	38
C5F	32	30
C3FV	41	39
C4FV	38	36
C5FV	30	28
C1R	46	44
C2R	44	42
C3R	43	41
C4R	39	37
C5R	30	28
C3M	40	38
C4M	36	34
C5M	28	26
C4G	36	34
C5G	27	25

Grade:		Grade—Continued	
T3F	35	X4F	28
T4F	30	X5F	23
T5F	24	X3FV	31
T3R	35	X4FV	25
T4R	30	X5FV	20
T5R	24	X1R	39
T3D	35	X2R	35
T4D	30	X3R	31
T5D	24	X4R	26
T3M	34	X5R	19
T4M	29	X3D	31
T5M	23	X4D	26
T3G	34	X5D	18
T4G	29	X3M	30
T5G	23	X4M	23
X1L	39	X5M	17
X2L	36	X3G	30
X3L	32	X4G	22
X4L	28	X5G	15
X5L	23	N1L	15
X1F	39	N1R	15
X2F	36	N1G	14
X3F	32		

§ 664.420 *1952 crop; Virginia sun-cured tobacco, Type 37, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Length 45	Length 44
A1F	49.12	
A2F	47.12	45.12
A3F	44.12	42.12
A1R	49.12	
A2R	47.12	45.12
A3R	44.12	42.12
B1F	47.12	45.12
B2F	44.12	42.12
B3F	41.12	39.12
B4F	38.12	36.12
B5F	33.12	31.12
B1R	47.12	45.12
B2R	44.12	42.12
B3R	41.12	39.12
B4R	38.12	36.12
B5R	33.12	31.12
B1D	47.12	45.12
B2D	43.12	41.12
B3D	40.12	38.12
B4D	36.12	34.12
B5D	31.12	29.12
B3M	38.12	36.12
B4M	34.12	32.12
B5M	31.12	29.12
B3G	38.12	36.12
B4G	34.12	32.12
B5G	31.12	29.12
C1L	43.12	41.12
C2L	41.12	39.12
C3L	39.12	37.12
C4L	37.12	35.12
C5L	31.12	29.12
C1F	43.12	41.12
C2F	41.12	39.12
C3F	39.12	37.12
C4F	37.12	35.12
C5F	31.12	29.12
C1R	42.12	40.12
C2R	40.12	38.12
C3R	36.12	34.12
C4R	33.12	31.12
C5R	29.12	27.12
C3M	34.12	32.12
C4M	31.12	29.12
C5M	27.12	25.12
C4G	31.12	29.12
C5G	27.12	25.12

Grade:		Grade—Continued	
T3F	34.12	X2F	35.12
T4F	31.12	X3F	32.12
T5F	24.12	X4F	29.12
T3R	34.12	X5F	22.12
T4R	31.12	X1R	38.12
T5R	24.12	X2R	35.12
T3D	32.12	X3R	32.12
T4D	28.12	X4R	28.12
T5D	21.12	X5R	21.12
T3M	32.12	X3D	30.12
T4M	28.12	X4D	27.12
T5M	21.12	X5D	20.12
T3G	32.12	X3M	30.12
T4G	28.12	X4M	26.12
T5G	20.12	X5M	20.12
X1L	38.12	X3G	29.12
X2L	35.12	X4G	24.12
X3L	32.12	X5G	19.12
X4L	29.12	N1L	15.12
X5L	22.12	N1R	15.12
X1F	38.12	N1G	15.12

Issued this 3d day of November 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-11932; Filed, Nov. 5, 1952; 8:55 a. m.]

See footnote 1 on page 9974.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5948]

PART 474—EXTENSIONS OF TIME FOR PAYMENT OF TAXES BY CORPORATIONS EXPECTING CARRY-BACKS, AND TENTATIVE CARRY-BACK ADJUSTMENTS

MISCELLANEOUS AMENDMENT

On September 6, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 8078) to conform the regulations prescribed by Treasury Decision 5498, approved February 27, 1946 (26 CFR Part 474), to sections 3779 and 3780 (a) of the Internal Revenue Code, as amended by section 304 (a), (b), and (g) of the Excess Profits Tax Act of 1950, approved January 3, 1951. No objection to the rules proposed having been received within the 30 days following such publication, the amendments set forth below are hereby adopted.

PARAGRAPH 1. The paragraph which reads "Pursuant to the above-quoted provisions of the Tax Adjustment Act of 1945, the following regulations are hereby prescribed:", which paragraph immediately precedes § 474.0, is stricken and there is inserted in lieu thereof the following:

SEC. 304. TECHNICAL AMENDMENTS (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

(a) Section 3779 of the Internal Revenue Code (relating to extensions of time for payment of taxes by corporations expecting carry-backs) is hereby amended by striking "710 (c) (3)" where it appears in subsection (b) and inserting in lieu thereof "432 (c)", and by striking the words "four equal" where they appear in subsections (f), (g) and (l).

(b) Section 3780 (a) of such code (relating to tentative carry-back adjustments) is hereby amended by striking "710 (c) (3)" and inserting in lieu thereof "432 (c)".

* * * * *

(g) The amendments made by this section shall be applicable with respect to taxable years ending after June 30, 1950.

Pursuant to the above-quoted provisions of law, the following regulations are hereby prescribed:

PAR. 2. Section 474.2 is amended by inserting "711 (a) (2) (L) and 433 (a) (1) (J)" in lieu of "and 711 (a) (2) (L)" in the last sentence of paragraph (c) thereof, so that such sentence will read as follows: "In determining the net operating loss deduction, the adjustments required by sections 122 (c), 711 (a) (1) (J), 711 (a) (2) (L), and 433 (a) (1) (J) are likewise to be made."

PAR. 3. Section 474.4 is amended by striking "four equal installments." from the first sentence thereof and inserting in lieu thereof "installments as provided in section 56 (b).", so that such sentence will read as follows: "If an ex-

tension of time relates to only part of the tax, the time for payment of the remainder of the tax shall be considered to be the dates on which payments would have been required if such remainder had been the tax and the taxpayer had elected to pay the tax in installments as provided in section 56 (b)."

PAR. 4. Section 474.8 is amended by striking from the second sentence thereof the words "four equal", so that such sentence will read as follows: "The time for payment of such amount shall be the dates on which payments would have been required if there had been no extension with respect to such amount and the taxpayer had elected under section 56 (b) to pay the tax in installments."

PAR. 5. Section 474.9 is amended by striking the words "four equal" from the second sentence thereof, so that the part of such sentence which precedes (a) thereof will read as follows: "The interest, which is to be collected as part of such amount, is to be computed from the dates on which payments would have been required if there had been no extension, and the taxpayer had elected under section 56 (b) to pay the tax in installments, at the following rates:".

PAR. 6. Section 474.11 is amended by inserting "711 (a) (2) (L), and 433 (a) (1) (J)" in lieu of "and 711 (a) (2) (L)" in the last sentence of paragraph (b) thereof, so that such sentence will read as follows: "In computing the net operating loss deduction for purposes of determining any such increase or decrease, proper adjustments as required by sections 122 (c), 711 (a) (1) (J), 711 (a) (2) (L), and 433 (a) (1) (J) are to be made."

(53 Stat. 367; 26 U. S. C. 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: October 31, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-11923; Filed, Nov. 5, 1952; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53135]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

AUTOMOBILES ENTERED UNDER 6-MONTHS' BOND

The following amendments of the Customs Regulations of 1943 will authorize the use of informal entries, customs Form 5119, supported by a bond with surety or with a cash deposit in lieu thereof, for the entry of automobiles under section 308 (5), Tariff Act of 1930, as amended, regardless of value, in those cases in which the procedure relating to touring certificates, § 10.41, Customs Regulations of 1943, is not followed. This regulation will not result in the taking of formal entries, touring permits, invoices, bonds, or any other documents which are not being taken under existing practices.

1. Section 8.51 *Informal entries.* Customs Regulations of 1943 (19 CFR 8.51), as amended, is hereby further amended by the addition after the fourth sentence of paragraph (a) of a new sentence reading "This form may also be used for the entry of automobiles under section 308 (5), Tariff Act of 1930, as amended, regardless of value, when the provisions of § 10.41 (a) of this chapter are inapplicable."

(Sec. 498 (a), 46 Stat. 728; 19 U. S. C. 1498 (a))

2. Section 10.31 *Entry; bond,* Customs Regulations of 1943 (19 CFR 10.31), as amended, is hereby further amended by changing the period at the end of the first sentence of paragraph (a) to a comma and adding thereafter: "and except that the entry of automobiles under section 308 (5), Tariff Act of 1930, as amended, may be made on customs Form 5119, regardless of value, when the provisions of § 10.41 (a) are inapplicable."

(Secs. 498, 624, 46 Stat. 728, 759; 19 U. S. C. 1498, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: October 20, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-11917; Filed, Nov. 5, 1952; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 713—NAVAL RESERVE

MISCELLANEOUS AMENDMENTS

1. Section 713.6301 is amended to read as follows:

§ 713.6301 *Honorary retired list defined.* The honorary retired list of the Naval Reserve is authorized by the Naval Reserve Act of 1938. This act specifies the eligibility requirements for transfer to the honorary retired list as outlined in §§ 713.6302, 713.6303, and 713.6304. Except as provided in § 713.7401, members of the honorary retired list will not be entitled to any pay or allowances while in an inactive duty status.

2. Section 713.6302 is amended to read as follows:

§ 713.6302 *Involuntary transfer.* Members of the Naval Reserve not previously transferred to the honorary retired list without pay shall be so transferred on the first day of the month after date on which they attain the age of 64 years.

3. Section 713.6303 is amended to read as follows:

§ 713.6303 *Transfer on request.* Members of the Naval Reserve after twenty years' service in the Naval Reserve shall be transferred to the honorary retired list upon their request. Service in the Army, Navy, Marine Corps, Coast Guard, Air Force, Naval Auxiliary Service, Naval Reserve Force, Naval Militia, National Naval Volunteers, Naval Reserve, Marine Corps Reserve Force, and Marine Corps Reserve shall be counted as service in the Naval Reserve under the provisions of this section.

4. Section 713.6304 is amended to read as follows:

§ 713.6304 *Transfer within the discretion of the Secretary of the Navy.* Naval Reserve officers may be transferred to the honorary retired list within the discretion of the Secretary of the Navy if they are found not physically qualified for active service or have attained the following ages in grade:

Commander	58
Lieutenant Commander	52
Lieutenant	46
Lieutenant (junior grade)	40
Ensign	40

Officers not physically qualified for active service or over age in grade must meet at least one of the following requirements in order to be eligible for consideration for transfer to the honorary retired list.

(a) Have had honorable service on active duty in any of the services enumerated in § 713.6308 between April 6, 1917 and November 11, 1918, inclusive, or during any other war, or during any time of national emergency declared by the Congress or proclaimed by the President.

(b) Have at least 10 years honorable Military-Naval Service (active or inactive).

(c) Hold a combat award.

(d) Have qualifications that could be usefully employed on active duty in a capacity consistent with their disability.

(e) Have other extraordinary considerations which would justify such transfer.

5. Section 713.6308 is amended to read as follows:

§ 713.6308 *Transfers to honorary retired list, by whom effected.* (a) Transfers of officers to the honorary retired list will be effected by the Secretary of the Navy or by the Chief of Naval Personnel with the prior approval of the Secretary of the Navy.

(b) Transfers of enlisted personnel to the honorary retired list will be effected by the Chief of Naval Personnel.

(Sec. 9, 52 Stat. 1177, as amended; 34 U. S. C. 853g)

DAN A. KIMBALL,
Secretary of the Navy.

OCTOBER 30, 1952.

[F. R. Doc. 52-11894; Filed, Nov. 5, 1952; 8:50 a. m.]

PART 713—NAVAL RESERVE

HONORARY RETIRED LIST

1. The following section is hereby revoked:

§ 713.6305 *Compulsory transfer of officers and enlisted personnel to honorary retired list.*

2. The following section is hereby revoked:

§ 713.6307 *Members of the honorary retired list, pay of.*

(Sec. 9, 52 Stat. 1177, as amended; 34 U. S. C. 853g)

DAN A. KIMBALL,
Secretary of the Navy.

OCTOBER 30, 1952.

[F. R. Doc. 52-11895; Filed, Nov. 5, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter II—Economic Stabilization Agency

[General Order 15, Amdt. 1]

GO 15—POLICY AND PROCEDURE WITH RESPECT TO DISALLOWANCES FOR VIOLATIONS OF TITLE IV OF THE DEFENSE PRODUCTION ACT, AS AMENDED

MISCELLANEOUS AMENDMENT

General Order 15 of the Economic Stabilization Agency, issued April 3, 1952 (17 F. R. 2994), as set forth in the FEDERAL REGISTER, is hereby amended as follows:

1. The first sentence of section 3 of said General Order 15 is hereby amended to read as follows: "The National Enforcement Commission, created by General Order 18 of the Economic Stabilization Agency, issued July 28, 1952 (17 F. R. 6925), has authority, with respect to persons within the jurisdiction of the Wage Stabilization Board, the Salary Stabilization Board and the Office of Salary Stabilization, and the Railroad and Airline Wage Board, to determine whether any wage, salary, or other compensation has been paid or accrued, at any time, in violation of any provision of the Defense Production Act of 1950, as amended, or any regulation or order or directive heretofore or hereafter promulgated under the act, or any regulation or order or directive heretofore or hereafter promulgated into the act, and further to determine the amount of payments or accruals to be disregarded and disallowed for the purposes enumerated in section 4 (a) below. Such determination shall be made by the Commission after any of the foregoing named constituent organizations of this Agency have instituted an enforcement proceeding before it or after any such organization has submitted a settlement proposal to the Commission for its approval."

2. Section 4 (a) (4) of said General Order 15 is amended by adding the words "whether heretofore or hereafter promulgated" immediately following the word "regulation," so that subparagraph (4) of section 4 (a) shall read as follows:

(4) Determining the costs or expenses of any person for the purpose of any other law or regulation, whether heretofore or hereafter promulgated.

3. Section 4 (b) (1) of said General Order 15 is hereby amended to read as follows:

(1) The amount paid or accrued in violation of the act or regulations, orders or determinations made thereunder which may be disallowed and disregarded shall be the entire amount of the wage, salary or other compensation paid or accrued, or the entire amount of the payment either in money or property or other consideration, and not merely the amount paid or accrued in excess of the legal maximum of such wage, salary, other compensation, or payment. Where extenuating and mitigating circumstances exist, of the character described in the following paragraph, less than the entire amount of such payments or accruals may be disregarded and disallowed; provided that the usual and general policy shall be to disallow an amount at least equal to that portion of any payment or accrual in excess of whatever payment was permissible under the governing regulation, order or determination.

4. The first sentence of section 6 of said General Order 15 is hereby amended to read as follows: "The Director of Price Stabilization and the National Enforcement Commission shall certify and forward their final determination in each case to the appropriate governmental agency or agencies."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

Issued at Washington, D. C., November 4, 1952.

ROGER L. PUTNAM,
Administrator.

[F. R. Doc. 52-11990; Filed, Nov. 5, 1952; 11:13 a. m.]

[General Order 18, Amdt. 1]

GO 18—ORGANIZATION AND FUNCTIONS OF THE NATIONAL ENFORCEMENT COMMISSION

MISCELLANEOUS AMENDMENTS

General Order 18 of the Economic Stabilization Agency, issued July 28, 1952 (17 F. R. 6925) as set forth in the FEDERAL REGISTER is hereby amended as follows:

1. Section 3 (a) of said General Order 18 is hereby amended to read as follows:

(a) *National Enforcement Commission.* The National Enforcement Commission is hereby established within the Economic Stabilization Agency. The Commission shall consist of three public members and two alternate public members appointed by the Administrator. One of the three public members shall be designated as Chairman. The Chairman shall be assisted by a Counsel to the Commission, who may be one of the two alternate public members and who shall be in charge of the administrative functions of the Commission in the absence of the Chairman.

2. The second sentence in section 8 of said General Order 18 is hereby amended by adding the Railroad and Airline Wage Board to the constituent organizations listed in that sentence so that the second sentence of section 8 shall read as follows: "However, nothing contained herein shall be construed to limit the prosecution and investigative functions of the Wage Stabilization Board, the Salary Stabilization Board and the Office of Salary Stabilization, and the Railroad and Airline Wage Board relating to enforcement, delegated in General Order 15, as amended, 16, and 8, Revised."

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

Issued at Washington, D. C., November 4, 1952.

ROGER L. PUTNAM,
Administrator.

[F. R. Doc. 52-11991; Filed, Nov. 5, 1952; 11:14 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 30, Supplementary Regulation 8, Amdt. 1]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SR 8—ADJUSTMENT OF PRICING FORMULAS UNDER SECTION 402 (d) (4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

EXTENSION OF CERTAIN DATE

Extension of date on and after which manufacturers covered by Supplementary Regulation 8 to Ceiling Price Regulation 30 may not sell formula priced commodities or services at ceiling prices established either under Supplementary Regulation 4 or 5 to Ceiling Price Regulation 30.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Supplementary Regulation 8 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment extends the deadline date (November 6, 1952) on and after which manufacturers of formula priced commodities and services covered by Supplementary Regulation 8 to Ceiling Price Regulation 30 may not sell these commodities or services at ceiling prices determined under Supplementary Regulations 4 or 5 to CPR 30. The reason for this amendment is that the method described in the statement of considerations to SR 8 to CPR 30 to permit the computation of an average overhead adjustment factor, in those cases in which formula priced commodities are in the same product line or category as stock items, which was to be incorporated into SR 4 to CPR 30 has been delayed. Accordingly this amendment extends the November 6, 1952 date to December 31, 1952, in order to provide time for filing reports and obtaining the necessary authorization.

In view of the technical nature of the changes made by this amendment, and the desirability of immediate action, the Director of Price Stabilization has found

that special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Subparagraph (2) of section 9 (b) of Supplementary Regulation 8 to Ceiling Price Regulation 30 is amended to read as follows:

(2) *Relation to Supplementary Regulations 4 and 5 to CPR 30.* This supplementary regulation supersedes and replaces SR 4 and SR 5 to CPR 30 with respect to the establishment of adjusted ceiling prices for formula priced commodities and services covered by this supplementary regulation. On and after December 31, 1952, you may not sell any formula priced commodity or service covered by this supplementary regulation at a ceiling price established either under SR 4 or SR 5 to CPR 30. In addition, your application for adjustment under this supplementary regulation may be made separately from your application for adjustment under SR 4 or SR 5 to CPR 30, and your adjusted ceiling prices determined under this supplementary regulation may be made effective separately from your adjusted ceiling prices determined under SR 4 or SR 5 to CPR 30.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 5, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 5, 1952.

[F. R. Doc. 52-12001; Filed, Nov. 5, 1952; 4:00 p. m.]

[Ceiling Price Regulation 161, Interpretation 1]

CPR 161—CONSUMER DURABLE GOODS REGULATION

INT. 1—OPTICAL AND OPHTHALMIC GOODS (APPENDIX A)

The following commodities are included under heading number 26 of Appendix A to CPR 161, entitled "Optical and Ophthalmic Goods," and are therefore covered by that regulation:

Metallographs and metalloscopes
Polarimeters and saccharimeters
Photometers
Refractometers
Projection apparatus, including shadowgraphs, except photographic apparatus
Spectrometers, spectroscopes, spectrophotometers and spectrographs
Photomicrographic apparatus
Interferometers and comparators
Laboratory research and testing instruments and apparatus, optical, not elsewhere classified
Compound microscopes
Stereoscopic microscopes
Petrographic and chemical microscopes
Magnifying instruments, not elsewhere classified
Objectives, except photographic
Optical reflectors and mirrors
Optical elements and assemblies, except photographic and projection, not elsewhere classified
Periscopes
Polarizers

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C., App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 5, 1952.

[F. R. Doc. 52-11996; Filed, Nov. 5, 1952; 11:37 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 2 to Area Milk Price Regulation 1]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 1—NEW YORK METROPOLITAN MILK MARKETING AREA, NEW YORK

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Area Milk Price Regulation 1, of Region 2, District 1 (16 F. R. 11077) to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued. Delegation of Authority No. 41 (16 F. R. 12679).

STATEMENT OF CONSIDERATIONS

Area Milk Price Regulation 1, issued on October 29, 1951, in Amendment 1 provided that the ceiling price of cottage cheese would be related to the producer price of Class II milk as announced by the Milk Marketing Administrator on the fifth day of each month. Upon further study of the operations of the cheese industry under the regulation, it has been found that the past practice of the major part of the industry has been to relate changes in such cheese prices to the fluctuations in price of Class III milk, rather than Class II. Following the established policy of OPS to conform as nearly as possible with the established customs of industry, and particularly since the fluctuations in price of Class III milk have in the past conformed closely with those of Class II milk, the Director has decided to base the changes in cheese prices now provided for in AMPR 1, as amended, upon the fluctuations in the price of Class III milk.

Area Milk Price Regulation 1 provided among other things that each change in the ceiling prices of soft cheeses would become effective on the first of the month following that month on the fifth of which the milk price change, upon which the cheese ceiling price change was based, became effective. Experience of the members of the trade operating under the regulation indicates that the effective date of such prices can and should be made much earlier in each case. It has been learned that the accounting practices of the great bulk of the distributors best lend themselves to the setting of the effective date as of the Monday following the week in which falls the fifth day of the month, the date on which the Milk Marketing Administrator announces the change in skim milk price.

All of the prices enumerated in this amendment have been issued after careful and intensive consideration of all data found to be representative of the operation of all segments of the milk industry in this marketing area.

Every effort has been made to conform this amendment to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in business practices, or methods, such provisions are found by the Regional Director of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In formulating this amendment, the Office of Price Stabilization in Region II, has consulted with representatives of the industry to the extent practicable, and has given consideration to industry's recommendations.

In the judgment of the Regional Director of the Office of Price Stabilization this amendment is generally fair and equitable and will effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Area Milk Price Regulation 1, as amended, issued under Supplementary Regulation 63, as amended, to the General Ceiling Price Regulation is hereby amended in the following respects:

1. Section 4 (c) is deleted and a new section 4 (c) is added to read as follows:

Section 4 (c). Specific Producer Price on Which the Ceiling Prices of Products of Skim Milk are Based:

(1) In accordance with section 8 of SR 63, processors and distributors of soft cheeses will adjust their cheese ceiling prices in any month in accordance with changes in the Class III producer milk price and in the butterfat differential for Class III milk, from both of which the skim value is derived, as announced by the Milk Marketing Administrator on the 5th day of that month for such milk received at country plants in an area extending not more than 201–210 miles from New York City.

For example: The Class III producer milk price and the butterfat differential for Class III milk announced by the Milk Marketing Administrator on the fifth day of November 1952, will govern the ceiling price for cheese products for November 1952, commencing with the Monday following the fifth of November 1952.

(2) The adjustment of ceiling prices must be accomplished on the first Monday following the fifth day of each month.

(3) The specific producer price on which the prices of products processed from skim milk are based is 66.29 cents, the value of skim milk per 100 lbs. of whole milk of 3.5 percent butterfat, as announced by the Milk Marketing Administrator in January 1952, and is determined in accordance with the provisions of section 927.40 (f) Page 16 of Federal Order No. 27, as amended. However, the amount to be subtracted in making this computation shall be 48 cents instead of 80 cents, as mentioned in section 927.40 (f) of said Federal Order, as amended, this amount (48 cents) being the historical allocation for handling skim milk.

2. A new subsection to section 4 (d) is added to read as follows:

(e) Fractions will be rounded as follows:

Increase or decrease in producer price (cents per 8-oz. cup)	*Increase or decrease in ceiling price (cents per 8-oz. cup)*
0–0.250	0
0.251–0.750	½
0.751 and over	1

Effective date. This amendment is effective the 10th day of November, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JAMES G. LYONS,
Regional Director,
Region II.

NOVEMBER 5, 1952.

[F. R Doc. 52-11997; Filed, Nov. 5, 1952; 11:37 a. m.]

[General Overriding Regulation 14, Amdt. 26]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

EXEMPTION OF BOAT REPAIRS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

In accord with the policy of the Office of Price Stabilization to concentrate its efforts within major areas materially affecting the cost of living of the average American family, business costs, or the defense program, this amendment extends the coverage of GOR 14 to exempt from price control charges made for repair and conversion of all boats and ships. This service does not enter significantly into the cost of living of the average American family, business costs, or the defense program, and the continuance of control involves administrative difficulties for OPS and the suppliers concerned which are disproportionate in relationship to the value of such control to the price stabilization program.

All repair and conversion services on boats over 65 feet in length have already been suspended from price control. Since boatyards perform similar services upon boats regardless of the length, the continued control of repair services and conversion of boats 65 feet and under in length present numerous administrative difficulties for the sellers of these services. Many boats 65 feet and under in length are pleasure craft, luxury items, the repair and conversion of which have no effect upon the cost of living of the average American family. In addition, sales of all boats and ships have already been suspended from price control by GOR 9, Amendment 24. Inasmuch as the major areas of the boat and ship industry have already been removed from control the exemption from control of repair and conversion services for all boats and ships will not affect the price stabilization program and will be of substantial benefit to the sellers of the services.

In the formulation of this amendment, the Director has consulted with industry representatives including trade association representatives, and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Paragraph (a) of section 3 is amended by adding at the end thereof the following subparagraph:

(113) Charges made for repair and conversion services to any boat, ship, barge, canal boat, lighter or tug.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment to General Overriding Regulation 14 is effective November 5, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 5, 1952.

[F. R. Doc. 52-11998; Filed, Nov. 5, 1952; 11:37 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-43, as amended Nov. 5, 1952]

M-43—CONSTRUCTION MACHINERY: DISTRIBUTION

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as amended, consultation with industry representatives has been rendered impracticable because of the need for immediate action.

EXPLANATORY

This order as amended affects NPA Order M-43 as amended September 4, 1952, by transferring from the Department of Defense to the Civilian Requirements Division of NPA, responsibility for sponsoring applications for priority assistance for construction machinery for programs of the Department of Defense.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Required delivery dates.
4. Rejection of rated orders.
5. Limitation for acceptance of rated orders.
6. Limitation on use of ratings.
7. Effect of this order on NPA Reg. 2.
8. NPA assistance in placing rated orders.
9. Scheduled programs.
10. Request for adjustment or exception.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order applies particularly to producers of construction machinery and equipment, as hereinafter defined, and provides rules for placing, accepting, and scheduling rated orders for such machinery and equipment. The purpose of this order is to provide for equitable distribution of such rated orders among producers, in order to reduce to a minimum the disruption of normal distribution. This order affects NPA Reg. 2 in various respects as hereinafter set out.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "Construction machinery" means any type of construction machinery and equipment as listed and described in List A of this order, and includes parts of such machinery or equipment.

(c) "Producer" means a person engaged in the business of manufacturing construction machinery for sale as such.

(d) "Claimant agency" is a Government agency or NPA division shown in List B of this order.

(e) "NPA" means the National Production Authority.

SEC. 3. *Required delivery dates.* A rated order for construction machinery must specify delivery on a particular date or during a particular month, which in no case may be earlier than required by the person placing the order. The producer shall schedule the order for delivery within the requested month as close to the requested delivery date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders.* A producer need not accept a rated order which he receives less than 45 days prior to the first day of the month in which delivery is requested unless specifically directed to accept the order by NPA.

SEC. 5. *Limitation for acceptance of rated orders.* Unless specifically directed by NPA, no producer shall be required to accept rated orders for delivery in any one month for any one model of any type of construction machinery including parts, in excess of (a) 50 percent of his production schedule of that model for that month or (b) 50 percent of his average monthly shipments of that model during the 6-month period from January 1, 1950, through June 30, 1950, whichever is greater.

SEC. 6. *Limitation on use of ratings.* (a) On and after September 4, 1952, no person shall apply or extend a rating to obtain any item of construction machinery listed in Part 1 of List A of this order, but not including parts of such items, unless the rating bears a program identification consisting of the letter A, B, C, or E, and one digit, or the program identification Z–1 or Z–2. The rating limitation contained in the

preceding sentence shall not apply to the items in Part 2 of List A of this order.

(b) Any person unable to obtain any item of construction machinery listed in Part 1 of List A of this order at the time he requires it, and who is not authorized to use an A, B, C, E, or Z–2 rating for the purpose, may apply to NPA in accordance with this paragraph for the right to use a Z–1 rating. He shall apply to NPA through the appropriate claimant agency as shown in List B of this order or, if he is unable to determine the appropriate claimant agency, he may apply directly to NPA which will route the application to the appropriate claimant agency. Except as otherwise provided in this paragraph, application shall be made on Form NPAF–138C. Applicants whose appropriate claimant agency is the Canadian Division of NPA shall file on Canadian Department of Defence Production Form 57–3. Applicants whose appropriate claimant agency is the Office of International Trade or the Mutual Security Agency shall file on Form IT–835. Each application shall state the amounts, makes, models, sizes, and values of the machinery required, the end use to which the machinery will be put, the name of the prospective supplier, and the justification showing why the use of a rating is in the public interest, or in the interest of the national defense, and what efforts, if any, have been made to obtain the machinery without a rating.

(c) No applicant shall, within 1 year of his acquisition of any construction machinery obtained pursuant to an application granted in accordance with this section, sell or otherwise dispose of that machinery without written approval of NPA or of the claimant agency through which application was made: *Provided, however,* That the provisions of this paragraph shall not apply to machinery acquired as the result of any application filed on Form IT–835.

(d) No producer of construction machinery shall treat as a rated order any order received by him after the effective date of this amendment for any item of construction machinery listed in Part 1 of List A of this order, but not including parts of such items, unless it bears a rating permitted by this section.

SEC. 7. *Effect of this order on NPA Reg. 2.* To the extent that the provisions of this order, and particularly the provisions of sections 4 and 5 hereof, are in conflict with the provisions of NPA Reg. 2, the provisions of this order shall prevail. Otherwise, the provisions of NPA Reg. 2 shall continue to apply to the construction machinery industry.

SEC. 8. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for construction machinery due to the limitations imposed by section 5 of this order should apply to NPA, Ref.: M–43, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

SEC. 9. *Scheduled programs.* NPA may from time to time approved scheduled programs calling for the production and delivery of one or more types of construction machinery over specified periods of time. Upon approval of any such program, a supplement or supplements to this order will be issued, describing the program and specifying the manner in which it shall be carried out by persons affected thereby.

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–43.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect November 5, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

LIST A OF NPA ORDER M–43

PART 1

Bituminous equipment:
- Asphalt plants.
- Distributors.
- Heaters.
- Kettles.
- Mixers.
- Pavers.
- Spreaders, aggregate.

Catch basin cleaners.
Concrete equipment:
- Batchers and batch plants.
- Bins.
- Curb and gutter machines.
- Cutting machines, except masonry.
- Dryers, aggregate.
- Finishers.
- Forms, metal, re-usable.
- Graders, sub and fine.
- Heaters.
- Jacks, slab-raising.
- Mixers, including mortar.
- Pavers.
- Spreaders.
- Towers.
- Vibrators.

Cranes, shovels, and draglines:
- Cranes, construction.
- Cranes, locomotive and rail-truck mounted.
- Cranes, railway, wrecking.
- Crane, shovel, and dragline attachments (not including items in Part 2 below).
- Draglines, construction.
- Draglines, walking.
- Pile drivers and hammers.
- Shovels, power.

Crushing, screening, and washing equipment (portable):
- All types, except food.

Derricks, except oil and gas well.
Discs, wheel-mounted or harrow, construction.
Dredging machinery, except dredge pipe.
Drilling equipment:
- Augers, earth, power-driven.
- Pipe pushers, power-driven.
- Tools, air, contractors.

Flushers, street.
Graders:
- Elevating.
- Pull-type.
- Self-propelled.
- Maintainers.

Grader-mounted equipment.
Haulage units, off-highway:
- Rear-dump trucks.
- Wheel tractors 70 h. p. and over.

Hoists, contractors.
Loaders:
- Bucket, elevating.
- Elevating, shoulder-type.
- Tractor-mounted.

Rollers and compactors, all types.
Rippers, rooters, and scarifiers, drawn.
Scrapers, self-propelled and pull.
Snow plows, all types.
Sweepers and leaf collectors, self-propelled and drawn.
Tractors, crawler.
Tractor-mounted equipment:
- Dozers, power-control units, cranes, shovels, side-booms, back-hoes, loaders, scarifiers, winches, and draglines.

Traffic line marking equipment.
Trailers, construction, off-highway:
- Bottom, rear, and side dump, crawler or wheel-type.
- Logging arches.

Trenchers, all types.
Bits, air-drill, removable.
Blades (cutting edges): grader, dozer, scraper, snow plow.
Buckets, concrete equipment.
Buckets and dippers for cranes, shovels, or draglines.
Chutes, concrete equipment.
Grapples, crane.
Hoppers, concrete equipment.
Placers, concrete equipment.
Rock drills, air, including drifters and stopers.
Teeth: bucket, ripper, and scarifier.
Well points, construction.
Wheels, crawler.

LIST B OF NPA ORDER M–43

CLAIMANT AGENCIES AND RESPONSIBILITIES

PART 2

Agency (a)	Address (b)	Programs and areas of responsibilities (c)
1. National Production Authority.	Civilian Requirements Division, National Production Authority, Washington 25, D. C.	State and local governments, general contractors and subcontractors (including general contractors under other programs of the Department of Defense), and industrial and rental contractors, unless the construction machinery is to be used only in connection with a program or programs under the jurisdiction of another claimant agency listed herein.
2. Department of the Army, Corps of Engineers, Panama Canal Co.	District Office, District Engineer, Corps of Engineers.	Civil construction projects under the Department of the Army, except projects having electric power generating capacity or facilities for the production, processing, and distribution of the products listed in Appendix A of NPA Delegation 9 (but not filling stations). Domestic transportation, except programs designated by the Secretary of Commerce, storage, and port facilities.
3. Atomic Energy Commission	Appropriate operations office of the Atomic Energy Commission.	The Atomic Energy Commission with respect to the programs of that agency, including programs for the account of or sponsored by that agency.
4. Federal Civil Defense Administration.	Federal Civil Defense Administration, Washington 25, D. C.	Buildings, structures, or projects which are to be used exclusively for civil defense purposes, except such structures which are federally owned on Federal property under the control of the Atomic Energy Commission.
5. Federal Security Agency	Federal Security Agency, Washington 25, D. C.	All school, museum, and library construction; hospital and health facility housing; college and educational institution housing; all hospital and health facility construction other than hospitals of the Veterans' Administration and mental institutions and training and rehabilitation programs including refuse disposal systems and freestanding incinerators (but not water supply and sewer construction programs), and including such types of construction which are owned on Federal property under the control of the Atomic Energy Commission, and such types of construction on military reservations.
6. General Services Administration.	General Services Administration, Washington 25, D. C.	Requirements for the needs of all Federal Government agencies (except as otherwise provided for in Schedule B of NPA Delegation 1) for items listed in the GSA Stock Catalog, or procured under Federal Supply Schedule contracts, or otherwise designated as common-use items by the Administrator of General Services, and for construction of facilities solely dedicated to the storage and distribution of the foregoing items, and for construction of facilities for the Secretariat of Defense and the Administrative and requirements for Federal buildings not elsewhere designated.
7. Defense Materials Procurement Agency.	Defense Materials Procurement Agency, Washington 25, D. C.	Programs for the procurement of materials for the national stockpile and the expansion of productive capacity therefor, and for the disposal of such materials, as authorized by the Defense Production Act of 1950, as amended.
8. Veterans' Administration	Veterans' Administration, Washington 25, D. C.	The hospital program of the Veterans' Administration.

LIST B OF NPA ORDER M–43—Continued

CLAIMANT AGENCIES AND RESPONSIBILITIES—Continued

Agency (a)	Address (b)	Programs and areas of responsibilities (c)
9. Housing and Home Finance Agency.	Housing and Home Finance Agency, Washington 25, D. C.	All public and private housing not specifically covered above in this table, including housing under Public Law 2[illegible], 81st Congress (Wherry Act), except (1) Housing under military housing con. (2) Food and fiber production, construction of farm ponds and lakes and clearing, draining, replanting and conserving land for agricultural purposes, and (3) Food processing and marketing facilities under the jurisdiction of the Secretary of Agriculture.
10. Department of the Interior.	County Office, Production and Marketing Administration, Department of Agriculture.	Facilities for Department-assisted or supervised agricultural programs of the Department of the Interior.
11. Department of the Interior.	Department of the Interior, Washington 25, D. C.	Facilities for the production, preparation, and processing of solid fuels.
12. Department of the Interior.	Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C.	
13. Department of the Interior.	Defense Fisheries Administration, Department of the Interior, Washington 25, D. C.	Facilities for the production and processing of fishery products.
14. Department of the Interior.	Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.	Facilities for the generation, transmission, and distribution of electric power.
15. Department of the Interior.	Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C.	Facilities for the production, processing, refining, and distribution of petroleum, gas, and gas products, except facilities for the production, processing, and distribution of the products listed in Appendix A of NPA Delegation 9 (but not filling stations).
16. Defense Transport Administration.	Defense Transport Administration, Washington 25, D. C.	Domestic transportation, except programs designated by the Secretary of Commerce, storage, and port facilities.
17. Department of Commerce.	Department of Commerce, Washington 25, D. C.	Maritime Administration programs for coastwise, inter-coastal, and overseas shipping, and merchant ship construction and repair; other transportation programs, except Office of International Trade; and National Production Authority programs.
18. Department of Commerce, Bureau of Public Roads.	State Highway Department, Office Reports to District Engineer, Bureau of Public Roads).	Bureau of Public Roads programs for highway construction and maintenance of all rural and primary roads, [illegible] highway equipment, tires, and accessories, [illegible] and fuels, and appurtenant installations, publicly owned parking facilities incident to a highway or street, regardless of financing, but not gasoline filling stations, restaurants, or other commercial facilities, navigation facilities, civil airports, shipyards.
19. Department of Commerce.	Civil Aeronautics Administration, Department of Commerce, Washington 25, D. C.	Civil aviation programs for which the Civil Aeronautics Administration and the Civil Aeronautics Board are responsible, including airport and airway facilities and equipment, [illegible] civil aircraft, and equipment, stores, for air carrier and nonair carrier aircraft, and maintenance, repair, and operation of equipment and facilities.
		All [illegible] not elsewhere designated.
20. Department of Commerce.	Office of International Trade, Department of Commerce, Washington 25, D. C.	Requirements for all nonmilitary exports to NSA countries, except for additional military [illegible] Mutual Security Agency. Trade and commodity controls [illegible] Act. Program and commodity controls under other approved military programs.
21. Mutual Security Agency.	Mutual Security Agency, Washington 25, D. C.	Programs for State and local community facilities not elsewhere specifically [illegible] administration, [illegible] and industrial facilities not elsewhere designated, and private social recreational activities.

LIST B OF NPA ORDER M-43—Continued

CLAIMANT AGENCIES AND RESPONSIBILITIES—continued

Agency (a)	Address (b)	Programs and areas of responsibilities (c)
23. National Production Authority.	Canadian Division, National Production Authority, Washington 25, D. C.	Canadian programs.
24. National Production Authority.	Water Resources Division, National Production Authority, Washington 25, D. C.	Facilities for ground and surface water supplies: transmission, pumping, treatment, storage, and distribution, for domestic and industrial use; facilities for domestic and industrial liquid, water, sewage collection, transmission, pumping, treatment, and disposal.
25. National Production Authority.	National Production Authority, Washington 25, D. C.	Facilities for the manufacture of the particular products assigned to each division as shown in the Official Product Assignment Directory published by NPA.

[F. R. Doc. 52-11989; Filed, Nov. 5, 1952; 11:04 a. m.]

[NPA Order M-69, Revocation]

M-69—SULFUR

REVOCATION

NPA Order M-69 as amended August 19, 1952 (17 F. R. 7591) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-69, nor deprive any person of any rights received or accrued under that order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect November 5, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-11987; Filed, Nov. 5, 1952; 11:04 a. m.]

[NPA Order M-80, Amdt. 4, November 5, 1952]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

CERTIFICATION REQUIREMENT

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects NPA Order M-80 of March 12, 1952, as last amended by Amendment 3 of October 21, 1952, by redesignating the present section 13 as paragraph (a) and adding another paragraph designated (b) to said section. Section 13 as amended will now read as follows:

SEC. 13. *Prohibited uses of alloy products or processed products.* (a) Separate schedules lettered alphabetically may be issued under this order from time to time covering additional classes of alloy or processed products. Each schedule will contain specific prohibitions or restrictions as to specific classes of alloy products or processed products and additional requirements that are not now covered in this order. No person shall use or manufacture any alloy product or processed product in violation of the provisions of any schedule issued or which may be issued by NPA from time to time under this order.

(b) Any person who orders any alloy product or processed product from a melter or processor shall endorse on his purchase order, or deliver with such purchase order, the following certification which shall be signed as provided in section 8 of NPA Reg. 2:

Certified under NPA Order M-80

This certification constitutes a representation by the purchaser to the melter or processor and to NPA that the alloy product or processed product ordered will not be used by the purchaser in violation of any provision of NPA Order M-80 or of any schedule thereto.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect November 5, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-11988; Filed, Nov. 5, 1952; 11:04 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.220 establishing and governing the use of a naval aircraft bombing target area in Tomales Bay, California, is hereby revoked, and paragraph (a) of § 204.15 establishing and governing the use of an antiaircraft artillery firing range in the Atlantic Ocean off Montauk, New York, is hereby revised as follows:

§ 204.15 *Atlantic Ocean off Camp Hero Military Reservation, Montauk, N. Y.; antiaircraft artillery firing range, first Army*—(a) *The danger zones*—(1) *90 mm. gun area.* A fan-shaped area southeast, south, and southwest of Montauk Point, New York, described as follows: Beginning at a point on the east shore of Montauk Point at latitude 41°04'27", thence southeasterly to latitude 41°03'48", longitude 71°50'12"; thence southeasterly to latitude 40°58'25", longitude 71°38'47"; thence southwesterly to latitude 40°53'58", longitude 71°42'24"; thence southwesterly to latitude 40°51'52", longitude 71°54'28"; thence northwesterly to latitude 40°54'38", longitude 72°00'15"; thence northeasterly to latitude 41°01'03", longitude 71°55'00"; thence northeasterly to a point on the southeast shore of Long Island at longitude 71°53'36"; and thence northeasterly along the shore to the point of beginning.

(2) *120 mm. gun area.* An area which includes the 90-mm. gun area and extends that area 6,275 yards to the southeast, south and southwest, the additional area being described as follows: Beginning at latitude 40°58'25", longitude 71°38'47"; thence southeasterly to latitude 40°56'45", longitude 71°35'18"; thence southwesterly to latitude 40°51'14", longitude 71°39'51"; thence southwesterly to latitude 40°48'33", longitude 71°55'12"; thence northwesterly to latitude 40°52'00", longitude 72°02'24"; thence northeasterly to latitude 40°54'38", longitude 72°00'15"; and thence southeasterly and northeasterly along the boundary of the 90-mm. gun area to the point of beginning.

(3) *Navigation lane.* That portion of the danger zones between the shore and a line connecting the following points: Latitude 41°03'48", longitude 71°50'12"; latitude 41°02'18", longitude 71°51'38"; and latitude 41°01'03", longitude 71°55'00".

* * * * *

§ 204.220 *Tomales Bay, Calif.; naval aircraft bombing target area.* [Revoked]

[Regs., Oct. 21, 1952, 800.2121-ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-11877; Filed, Nov. 5, 1952; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

HARMLESS LIVE CREATURES

In § 35.25 *Harmless live creatures,* make the following changes:

1. Amend the text by striking out the words "baby terrapin, baby turtles," in the first sentence and inserting in lieu thereof the words "baby terrapins or baby turtles not exceeding 2½ inches in length,".

2. Designate the present text as paragraph (a).

3. Add new paragraph (b) to read as follows:

(b) Live creatures described in paragraph (a) of this section, except soft crabs, shall be properly prepared for mailing so as to withstand handling inside of sacks or pouches, if size of parcel permits, during period from October 1 to May 31, of each year. Such parcels weighing over eight ounces will be dispatched as outside matter from June 1 to September 30, of each year, but parcels weighing eight ounces or less shall be sacked or pouched all year.

4. Add new paragraph (c) to read as follows:

(c) Laboratory animals such as hamsters, white mice, rats, guinea pigs, or rabbits; as well as kittens, puppies, snakes, chickens, and the like, are nonmailable.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-11882; Filed, Nov. 5, 1952; 8:47 a. m.]

PART 150—PROCEDURES OF THE POST OFFICE DEPARTMENT

SUBPART A—PROCEDURES BEFORE THE POSTMASTER GENERAL UNDER THE ADMINISTRATIVE PROCEDURE ACT

MISCELLANEOUS AMENDMENTS

In Subpart A of Part 150 (39 CFR Part 150; 16 F. R. 6682), make the following changes:

1. Amend § 150.402 *Informal proceedings* to read as follows:

§ 150.402 *Informal dispositions.* The provisions of this subpart hereinafter appearing shall not preclude the informal disposition of any matter within the scope of this subpart (§ 150.400), either before or after the filing of a complaint (§ 150.403), where time, the nature of the proceeding, and the public interest permit.

2. Amend § 150.403 *Formal proceedings; Complaints,* by deleting paragraph (b).

3. Amend paragraph (a) of § 150.405 *Service of complaint and notice of hearing* to read as follows:

(a) The Chief Hearing Examiner shall cause a duplicate original of the notice of hearing and a copy of the complaint to be transmitted to the postmaster at any office of address of the respondent or to the Inspector in Charge of any Division in which the respondent is doing business which shall be delivered to the respondent or his agent by said postmaster or a supervisory employee of his post office or a post office inspector. A receipt acknowledging delivery of the notice shall be secured from the respondent or his agent, which receipt shall be forwarded to the Docket Clerk, and shall become a part of the record in the case.

4. Amend § 150.408 *Formal documents* to read as follows:

§ 150.408 *Filing documents for the record.* (a) All pleadings, motions, orders and other documents filed for the record shall be delivered to the Docket Clerk, who shall cause the same to be recorded and filed, and copies thereof delivered to the assigned hearing examiner and to all parties to the proceeding.

(b) Four copies of all such documents must be submitted, except as otherwise provided in this subpart, or as ordered by the hearing examiner. One copy shall be signed as the original.

(c) Such documents shall be dated and shall state the docket number and title of the proceeding. Any pleading or other document required by order of the Chief Hearing Examiner, or the assigned hearing examiner, to be submitted or filed by a specified date, shall be delivered to the Docket Clerk on or before such date. The date of filing shall be entered thereon by the Docket Clerk.

5. Amend paragraph (b) of § 150.409 *Answers,* to read as follows:

(b) If the respondent fails to deliver his answer to the Docket Clerk within the time specified in the notice of hearing, he shall be deemed to be in default, to have admitted the allegations of the complaint, and to have waived hearing and further procedural steps. The hearing examiner shall then make and file a decision upon the basis of the admitted allegations of the complaint; and the Postmaster General may thereafter issue the order recommended in the complaint without further notice to the respondent.

6. Amend § 150.410 *Compromise,* to read as follows:

§ 150.410 *Compromises.* (a) Where time, the nature of the proceeding, and the public interest permit, respondents may, prior to the time specified for the filing of the answer, make application to the Solicitor for a compromise or settlement of any proceeding instituted under this subpart. The making of such application shall not affect the requirement that the answer be filed within the time specified.

(b) In proceedings wherein the complaint recommends the issuance of an order under sections 255, 259, or 259 (a) of Title 39, U. S. Code, respondents, may, pursuant to the provisions of paragraph (a) of this section, make application to the Solicitor specifically for the suspension of further proceedings by the filing of an affidavit providing for the discontinuance and abandonment of the use of the mails in the conduct of the enterprise alleged in the complaint to be unlawful.

7. Amend § 150.412 *Continuances,* to read as follows:

§ 150.412 *Continuances.* Applications for continuances should be made to the hearing examiner or to the Chief Hearing Examiner. A continuance will be granted only for substantial cause shown, and then only for a short period.

8. In § 150.415 *Evidence,* make the following changes:

1. Amend paragraph (i) to read as follows:

(i) Objections to the admission of evidence shall include a brief statement of the grounds thereof. Formal exceptions to the rulings of the hearing examiner are unnecessary.

2. Add new paragraph (j) to read as follows:

(j) At any time prior to the filing of his initial decision, the hearing examiner may, for good cause shown, reopen the case for the reception of further evidence.

9. Amend paragraph (a) of § 150.418 *Depositions,* to read as follows:

(a) Not later than the date fixed in the notice of hearing for the filing of respondent's answer, application may be filed with the Docket Clerk by any party to a proceeding for the taking of testimony by deposition. In support of such application the applicant shall submit under oath or affirmation a statement setting out the reasons why such testimony should be taken by deposition; the time when, the place where, and the name and address of the witness whose deposition is desired; the subject matter concerning which the witness is expected to testify; the relevancy thereof; and the name and address of the person before whom the deposition is to be taken.

10. Amend § 150.419 *Transcript,* to read as follows:

§ 150.419 *Transcript.* (a) Hearings shall be stenographically reported by a contract reporter of the Post Office Department under the supervision of the assigned hearing examiner. No oral argument upon any matter shall be included in the transcript unless ordered by the hearing examiner. A transcript of said report shall be a part of the record and the sole official transcript of the proceeding. Copies of the transcript shall be supplied to the parties to the proceeding by the reporter at rates not to exceed the maximum rates fixed by contract between the Post Office Department and the reporter. Copies of parts of the official record other than the transcript may be obtained by the respondent from the reporter upon the payment to him of a reasonable price therefor.

(b) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. No physical changes shall be made in or upon the official transcript, or copies thereof, which have been filed with the record. Within 10 days after the receipt by any party of a copy of the official transcript, or any part thereof, he may file a motion requesting correction of the transcript. Four copies of said motion shall be delivered to the Docket Clerk, who shall cause same to be recorded and filed. Opposing counsel shall notify the hearing examiner in writing of his concurrence or disagreement with the requested corrections. Thereafter, the hearing examiner shall by order specify the corrections to be made in the transcript. The hearing examiner on his own initiative may order corrections to be made in the transcripts with prompt

notice to the parties of the proceeding. Any changes ordered by the hearing examiner other than by agreement of the parties shall be subject to objection and exception.

(c) In proceedings in which the respondent, having made answer, fails to appear at and participate in the hearing, the hearing examiner may, in lieu of a verbatim transcript, prepare and certify a summary of the proceedings and the testimony of the witnesses appearing for the Government, identifying therein documentary evidence received.

11. Amend § 150.420 *The record*, to read as follows:

§ 150.420 *The record.* The transcript of testimony or summary of proceedings and testimony together with all pleadings, orders, exhibits, briefs and other documents filed in the proceeding, shall constitute the official record of the proceeding.

12. Amend § 150.421 *Proposed findings and conclusions*, by deleting paragraph (e).

13. Amend § 150.422 *Hearing examiner's initial decision*, to read as follows:

§ 150.422 *Hearing examiner's decision.* (a) Where the respondent having filed answer, fails to appear at the hearing, the hearing examiner shall receive such proof as he may deem proper in support of the allegations of the complaint, and shall make and file a decision from which no appeal may be taken by the respondent to the Postmaster General, and the Postmaster General may thereafter issue the order recommended in the complaint without further notice to the respondent.

(b) The hearing examiner may render an oral initial decision at the close of the hearing if the nature of the case and the public interest so warrant. Otherwise, he may render such initial decision at a later date as hereinafter provided.

(c) After the date specified by order of the hearing examiner for the filing of proposed findings of fact, conclusions of law and supporting reasons pursuant to the provisions of § 150.421, the hearing examiner shall make and file an initial decision which shall become the final decision unless an appeal therefrom is perfected in the manner provided in § 150.423.

(d) The initial decision of the hearing examiner shall include (1) findings and conclusions with the reasons therefor upon all the material issues of fact, law or discretion presented on the record; and (2) an appropriate order for execution by the Postmaster General or a denial of the order requested in the complaint.

(e) A copy of the hearing examiner's initial decision shall be served upon each party who participated in the hearing.

14. Amend paragraphs (d) and (e) of § 150.423 *Appeal from initial decision*, to read as follows:

(d) Where proposed findings of fact, conclusions of law and supporting reasons have been submitted to the hearing examiner in the manner provided in § 150.421, appeals shall be based on and limited to matters which have been presented to the hearing examiner therein.

(e) The brief on appeal shall be filed within the time specified therefor by the hearing examiner. Opposing brief shall be filed within the time allowed therefor by the hearing examiner. If the respondent fails to file the notice of appeal within the time specified therefor, or, having filed notice of appeal, fails to file the appeal brief within the time specified therefor, the Postmaster General may thereafter issue the order found in the hearing examiner's initial decision to be appropriate for issuance upon the basis of the record.

15. Amend paragraph (a) of § 150.424 *Postmaster General's orders*, to read as follows:

(a) Copies of the Postmaster General's decision and order shall be incorporated in the record of the proceeding. The order shall be published in the Postal Bulletin and transmitted to such postmasters and other officers and employees of the postal service as may be required to put the provisions of said order into effect.

16. Amend § 150.425 *Application for modification or revocation of orders* to read as follows:

§ 150.425 *Applications for modification or revocation of orders.* (a) Any party against whom an order has been issued by the Postmaster General may file with the Docket Clerk an original and three copies of an application for modification or revocation thereof. Said application shall set forth the grounds upon which it is based; must contain a statement to the effect that the unlawful enterprise against which the order is directed is no longer being conducted under the name or names specified in the order or any other name and that the unlawful scheme will not be resumed in the future under such names or any other names; and it must be sworn to by the applicant.

(b) The Docket Clerk shall deliver a copy of such application to the Solicitor. The Chief Hearing Examiner shall assign the matter to a hearing examiner who shall set a date for the filing of the Solicitor's reply to such application.

(c) A copy of the Solicitor's reply to such application shall be delivered to the applicant by the Docket Clerk. Thereafter the hearing examiner may either enter an order denying such application or transmit the application, together with his recommendation that it be granted in whole or in part, to the Postmaster General for final decision and action.

17. Rescind § 150.426 *Supplementary orders.*

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

The foregoing amendments shall be effective upon publication in the FEDERAL REGISTER.

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-11916; Filed, Nov. 5, 1952; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

DEER HUNTING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of conservation agents of the North Dakota Game and Fish Department, it has been determined that there is a general surplus of deer in many parts of North Dakota and that periodic reductions of the population, in accordance with basic game management practices, are necessary to assure the maintenance of a proper balance between the deer population and available food and cover. The harvest of this surplus will be facilitated by opening certain national wildlife refuges to the public hunting of deer from time to time, when such action is determined to be necessary and desirable by the Commissioner of the North Dakota Game and Fish Department and the Director of the Fish and Wildlife Service. The public hunting of deer will not interfere with the primary purpose for which the affected refuges were established.

Since the following regulations are relaxations of existing regulations applicable to the affected refuges, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, §§ 33.6, 33.75, 33.97, 33.103, and 33.322 are amended to read as hereinafter indicated, and §§ 33.10, 33.80, 33.95, 33.100, 33.109, 33.201, and 33.330 are added:

1. In Subpart—Arrowwood National Wildlife Refuge, North Dakota; Deer Hunting, amend § 33.6 and add § 33.10 to read as follows:

§ 33.6 *Routes of travel.* Persons entering the refuge for the purpose of fishing or deer hunting shall follow such routes of travel as may be designated by the officer in charge of the refuge.

§ 33.10 *Deer hunting permitted.* Deer may be taken in accordance with the applicable laws of the State of North Dakota on such lands, if any, of the Arrowwood National Wildlife Refuge as may be designated by suitable posting by the refuge officer in charge, subject to the conditions and restrictions of Parts 18 and 21 of this subchapter and to § 33.6.

2. In Subpart—Des Lacs National Wildlife Refuge, North Dakota; Deer Hunting, amend § 33.75 and add § 33.80 to read as follows:

§ 33.75 *Routes of travel.* Persons entering the refuge for the purpose of fishing or deer hunting shall follow such routes of travel as may be designated by the officer in charge of the refuge.

§ 33.80 *Deer hunting permitted.* Deer may be taken in accordance with the applicable laws of the State of North Dakota on such lands, if any, of the Des Lacs National Wildlife Refuge as may be designated by suitable posting by the refuge officer in charge, subject to the conditions and restrictions of Parts 18 and 21 of this subchapter and to § 33.75.

3. In Subpart—Long Lake National Wildlife Refuge, North Dakota; Deer Hunting, add § 33.95 and amend § 33.97 to read as follows:

§ 33.95 *Deer hunting permitted.* Deer may be taken in accordance with the applicable laws of the State of North Dakota on such lands, if any, of the Long Lake National Wildlife Refuge as may be designated by suitable posting by the refuge officer in charge, subject to the conditions and restrictions of § 33.97.

§ 33.97 *Entry.* Entry on and use of the refuge for any purpose are governed by the regulations in Parts 18 and 21 of this subchapter, and strict compliance therewith is required. All fishermen and deer hunters must comply with all applicable laws and regulations of the State of North Dakota and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations, which license shall serve as a Federal permit for fishing or deer hunting within the refuge.

4. In Subpart—Lostwood National Wildlife Refuge, North Dakota; Deer Hunting, add § 33.100 to read as follows:

§ 33.100 *Deer hunting permitted.* Deer hunting is permitted, subject to the conditions and restrictions of Parts 18 and 21 of this subchapter, during the State season and in accordance with all applicable State laws, on such lands, if any, of the Lostwood National Wildlife Refuge as may be designated by suitable posting by the refuge officer in charge, and by such routes of access as may be designated by posting by said refuge officer.

5. In Subpart—Lower Souris National Wildlife Refuge, North Dakota; Deer Hunting, amend § 33.103 and add § 33.109 to read as follows:

§ 33.103 *Routes of travel.* Persons entering the refuge for the purpose of reaching waters thereof for fishing or for the purpose of deer hunting shall follow such routes of travel as shall be designated from time to time by the officer in charge of the refuge.

§ 33.109 *Deer hunting permitted.* Deer may be taken in accordance with the applicable laws of the State of North Dakota on such lands of the Lower Souris National Wildlife Refuge, if any, as may be designated by suitable posting by the refuge officer in charge, subject to the conditions and restrictions of Parts 18 and 21 of this subchapter and to § 33.103.

6. In Subpart—Slade National Wildlife Refuge, North Dakota; Deer Hunting, add § 33.201 to read as follows:

§ 33.201 *Deer hunting permitted.* Deer hunting is permitted, subject to the conditions and restrictions of Parts 18 and 21 of this chapter, during the State season and in accordance with all applicable State laws, on such lands, if any, of the Slade National Wildlife Refuge as may be designated by suitable posting by the refuge officer in charge, and by such routes of access as may be designated by posting by said refuge officer.

7. In Subpart—Upper Souris National Wildlife Refuge, North Dakota; Deer Hunting, amend § 33.322 and add § 33.330 to read as follows:

§ 33.322 *Entry.* Entry on and use of the refuge for any purpose are governed by Parts 18 and 21 of this subchapter and strict compliance therewith is required. Persons entering the refuge for the purpose of fishing or deer hunting must follow such routes of travel within the refuge as are designated by posting by the officer in charge.

§ 33.330 *Deer hunting permitted.* Deer may be taken in accordance with the applicable laws of the State of North Dakota on such lands, if any, of the Upper Souris National Wildlife Refuge as may be designated by suitable posting by the refuge officer in charge, subject to the conditions and restrictions of Parts 18 and 21 of this subchapter and to § 33.322.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715 i)

Dated: November 3, 1952.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 52-11898; Filed, Nov. 5, 1952; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to sections 309 and 342 of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as set forth below:

PARAGRAPH 1. Section 29.23 (m)-1 (g), as amended by Treasury Decision 5458, approved June 15, 1945, is further amended by changing the term "development costs properly charged to expense" appearing in the first sentence to read as follows: "development costs properly charged to expense or allowable as deductions under section 23 (cc)".

PAR. 2. Section 29.23 (m)-2, is amended as follows:

(A) By amending the first sentence of paragraph (a) and the bracketed matter immediately following that sentence to read as follows: "The basis upon which depletion, other than discovery depletion or percentage depletion, is to be allowed in respect of any property is the basis provided for in section 113 (a), adjusted as provided in section 113 (b) for the purpose of determining the gain upon the sale or other disposition of such property, except that with respect to taxable years ending after December 31, 1950, the amount of expenditures treated as deferred expenses under sections 23 (cc) (2) and 23 (ff) (2) shall be disregarded in determining such adjusted basis (see §§ 29.113 (a)-1 to 29.114-1 inclusive, and §§ 29.23 (cc)-1 and 29.23 (ff)-1); and".

(B) By inserting immediately after the word "depreciation" in paragraph (d) the following: ", through deferred expenses,".

PAR. 3. Section 29.23 (m)-15 is amended as follows:

(A) By adding a headnote to paragraph (a) so that the headnotes to section and paragraph read: "§ 29.23 (m)-15 *Allowable capital additions in case of mines*—(a) *General.*"

(B) By deleting the letter (b) which immediately precedes the beginning of the second paragraph; and

(C) By adding immediately following the second paragraph the following new paragraph (b).

(b) *Special rules for taxable years ending after December 31, 1950.* Sections 23 (cc) and 23 (ff) contain special provisions for treatment of expenditures for certain exploration and development costs (other than for acquisition or improvement of depreciable property) with respect to ores and minerals other than oil or gas. See §§ 29.23 (cc)-1 and 29.23 (ff)-1.

PAR. 4. Section 29.23 (m)-17 is amended by adding at the end thereof the following new paragraph (h):

(h) For taxable years ending after December 31, 1950, sections 23 (cc) and 23 (ff) provide special rules for treatment of depreciation allowances with respect to the exploration and development of a mine or other natural deposit other than oil or gas. See §§ 29.23 (cc)-1 and 29.23 (ff)-1.

PAR. 5. There is inserted immediately following § 29.23 (bb)-1 the following:

SEC. 309. EXPENDITURES IN THE DEVELOPMENT OF MINES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Deduction of expenditures.* Section 23 (relating to deductions from gross income) is hereby amended by adding at the end thereof the following new subsection:

(cc) *Development of Mines*—(1) *In general.* Except as provided in paragraph (2), all expenditures paid or incurred during the taxable year for the development of a mine or other natural deposit (other than an oil or gas well) if paid or incurred after December 31, 1950, and after the existence of ores or minerals in commercially marketable quantities has been disclosed. This subsection shall not apply to expenditures for the acquisition or improvement of property of a character which is subject to the allowance for depreciation provided in section 23 (l), but allowances for depreciation shall be considered, for the purposes of this subsection, as expenditures.

(2) *Election of taxpayer.* At the election of the taxpayer, made in accordance with regulations prescribed by the Secretary, expenditures described in paragraph (1) paid or incurred during the taxable year shall be treated as deferred expenses and shall be deductible on a ratable basis as the units of produced ores or minerals benefited by such expenditures are sold. In the case of such expenditures paid or incurred during the development stage of the mine or deposit, the election shall apply only with respect to the excess of such expenditures during the taxable year over the net receipts during the taxable year from the ores or minerals produced from such mine or deposit. The election under this paragraph, if made, must be for the total amount of such expenditures, or the total amount of such excess, as the case may be, with respect to the mine or deposit, and shall be binding for such taxable year.

(3) *Adjusted basis of mine or deposit.* The amount of expenditures which are treated under paragraph (2) as deferred expenses shall be taken into account in computing the adjusted basis of the mine or deposit, except that such amount and the adjustments to basis provided in section 113 (b) (1) (J), shall be disregarded in determining the adjusted basis of the property for the purpose of computing a deduction for depletion under section 114.

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(d) *Effective date.* The amendments made by this section shall be applicable to taxable years ending after December 31, 1950.

§ 29.23 (cc)–1 *Mine development expenditures*—(a) *Allowance of deduction.* (1) Effective only with respect to taxable years ending after December 31, 1950, section 23 (cc) (1) provides for a deduction from gross income of all expenditures for the development of a mine or other natural deposit (other than an oil or gas well) paid or incurred by the taxpayer after December 31, 1950, and after the existence of ores or minerals in commercially marketable quantities has been disclosed subject to this section. The deduction is not allowable with respect to expenditures for the acquisition or improvement of property of a character subject to allowance for depreciation under section 23 (l). However, allowances for depreciation shall be considered for the purposes of this section as expenditures for development to the extent allocable to development. Expenditures are deductible under section 23 (cc) (1) (notwithstanding the provisions of § 29.23 (m)–15) whether paid or incurred by the taxpayer while the mine is in the development or while in the production stage.

(2) For the purposes of this section, expenditures for development of a mine or other natural deposit do not include expenditures paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral. For treatment of certain exploration expenditures see section 23 (ff) and § 29.23 (ff)–1. In general, the provisions of this section are applicable only to costs paid or incurred by the taxpayer in respect of development undertaken (directly or through a contract) by the taxpayer and do not apply, for example, to such costs of development undertaken by other persons as may be reflected in the acquisition cost paid or incurred by the taxpayer for wholly or partially developed property.

(3) As to the deductibility of expenditures attributable to a grant or loan made to a taxpayer by the United States for the encouragement of the exploration, development, or mining of critical and strategic minerals, see section 22 (b) (15).

(b) *Election to defer.* (1) A taxpayer entitled to the deduction under section 23 (cc) (1) may, in lieu of taking such deduction in the year when the expenditures for development were paid or incurred, elect under section 23 (cc) (2) to treat such expenditures as deferred expenses to be deducted ratably as the units of the produced ore or minerals benefited by the expenditures are sold. In the case of such expenditures paid or incurred while the mine or deposit is in the development stage, the election is applicable only in respect of the excess of such expenditures paid or incurred during the taxable year over the net receipts during the taxable year from the ore or minerals produced from the mine or deposit. The amount of such expenditures not in excess of net receipts from the ore or mineral for the taxable year while the mine or deposit is in the development stage shall be deductible in full. (See § 29.23 (m)–15 (a) for description as to when a mine will be considered to have passed from a development to a production stage.)

(2) The amount of the deduction allowable during the taxable year is an amount A, which bears the same ratio to B (the total development expenditures deferred reduced by the amount of such expenditures deducted in prior taxable years) as C (the number of units of the ore or mineral benefited by such expenditures sold during the taxable year) bears to D (the number of units of ore or mineral benefited by such expenditures remaining as of the taxable year). For the purposes of this proportion, the "number of units of ore or mineral benefited by such expenditures remaining as of the taxable year" is the number of units of ore or mineral benefited by the deferred development expenditures remaining at the end of the year to be recovered from the property (including units benefited by such expenditures recovered but not sold) plus the number of units benefited by such expenditures sold within the taxable year. The principles outlined in § 29.23 (m)–9 are applicable in estimating the number of units remaining as of the taxable year and the number of units sold during the taxable year. The estimate is subject to revision in accordance with § 29.23 (m)–9 in the event it is ascertained as the result of operations or development that the remaining units are materially greater or less than the number of units remaining from a prior estimate.

(3) If the taxpayer has paid or incurred expenditures of the character described in this paragraph, has made the election to defer such expenditures, and thereafter leases the developed property retaining a royalty interest therein, he shall be allowed the ratable deduction indicated in subparagraph (2) of this paragraph.

(4) The election referred to in this paragraph shall be made for each mine or deposit by a statement attached to the taxpayer's return for the taxable year to which such election is applicable. If such an election is made by the taxpayer, such election must be for the total amount of all such expenditures during the taxable year while the mine is in the producing stage. If the mine or deposit is in the development stage, such election must be for all of the excess of such expenditures over the net receipts during the taxable year from the ore or mineral produced. The election shall be binding for the taxable year in respect to which the election was made.

PAR. 6. There is inserted immediately following section 23 (ee) which follows § 29.23 (bb)–1, the following:

SEC. 342. DEDUCTION OF EXPENDITURES FOR MINE EXPLORATION [REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951].

(a) *Deduction of mine exploration expenditures.* Section 23 (relating to deductions from gross income) is hereby amended by adding at the end thereof the following new subsection:

(ff) *Deduction of exploration expenditures*—(1) *In general.* In the case of expenditures paid or incurred during the taxable year for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral, and paid or incurred prior to the beginning of the development stage of the mine or deposit, so much of such expenditures as does not exceed $75,000. This subsection shall apply only with respect to the amount of such expenditures which, but for this subsection, would not be allowable as a deduction for the taxable year. This subsection shall not apply to expenditures for the acquisition or improvement of property of a character which is subject to the allowance for depreciation provided in section 23 (l), but allowances for depreciation shall be considered, for the purposes of this subsection, as expenditures paid or incurred. In no case shall this subsection apply with respect to amounts paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas.

(2) *Election of taxpayer.* If the taxpayer elects, in accordance with regulations prescribed by the Secretary, to treat as deferred expenses any portion of the amount deductible for the taxable year under paragraph (1), such portion shall not be deductible under paragraph (1) but shall be deductible on a ratable basis as the units of produced ores or minerals discovered or explored by reason of such expenditures are sold. An election made under this paragraph for any taxable year shall be binding for such year.

(3) *Limitation.* This subsection shall not apply to any amounts paid or incurred in any taxable year if in any four preceding years the taxpayer, or any individual or corporation who has transferred to the taxpayer any mineral property under circumstances which make the provisions of paragraph (7), (8), (11), (13), (15), (17), (20), or (22) of section 113 (a) applicable to such transfer, has either (A) been allowed a deduction under paragraph (1) of this subsection or (B) made the election provided under paragraph (2) of this subsection.

(4) *Adjusted basis of mine or deposit.* The amount of expenditures which are treated under paragraph (2) as deferred expenses shall be taken into account in computing the adjusted basis of the mine or deposit, but such amounts, and the adjustments to basis provided in section 113 (b) (1) (M) shall be disregarded in determining the adjusted basis of the property for the purpose of computing a deduction for depletion under section 114.

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(c) *Effective date.* The amendments made by this section shall be applicable to taxable years ending after December 31, 1950.

§ 29.23 (ff)–1 *Discovery or exploration expenditures*—(a) *Allowance of deduction.* (1) Subject to the limitation prescribed in paragraph (c) of this section, section 23 (ff)–1 provides with respect to taxable years ending after December 31, 1950, for a deduction from gross income of expenditures for ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (other than oil or gas) paid or incurred by the taxpayer after December 31, 1950, but prior to the beginning of the development stage. The expenditures thus described include only those which, except for this section, would not qualify as a deduction for the taxable year and do not include expenditures for the acquisition or improvement of property of a character which is subject to the allowance for depreciation provided for in section 23 (l). However, allowances for depreciation shall be considered for the purposes of this section as expenditures paid or incurred. For the purposes of this section, such expenditures do not include expenditures paid or incurred after the existence of ores or minerals in commercially marketable quantities has been disclosed. For treatment of development expenditures see section 23 (cc) and § 29.23 (cc)–1. In general, the provisions of this section are applicable only to costs paid or incurred by the taxpayer in respect of exploration or discovery undertaken (directly or through contract) by the taxpayer and do not apply, for example, to such costs of exploration or discovery undertaken by other persons as may be reflected in the acquisition cost paid or incurred by the taxpayer for the property.

(2) As to the deductibility of expenditures attributable to a grant or loan made to a taxpayer by the United States for the encouragement of the exploration, development or mining of critical and strategic minerals, see section 22 (b) (15).

(b) *Election to defer.* (1) A taxpayer entitled to the deduction under section 23 (ff) (1) may, in lieu of taking such deduction to which he is entitled in the year when the expenditures for discovery or exploration were paid or incurred, elect under section 23 (ff) (2) to treat any portion of such deductible expenditures as deferred expenses to be deducted ratably as the units of produced ores or minerals discovered or explored by reason of such expenditures are sold.

(2) The amount of the deduction allowable during the taxable year is an amount A, which bears the same ratio to B (the total discovery or exploration expenditures deferred reduced by the amount of such expenditures deducted in prior taxable years) as C (the number of units of the produced ore or mineral sold during the taxable year) bears to D (the number of units of ore or mineral remaining as of the taxable year). For the purposes of this proportion, the "number of units of ore or mineral remaining as of the taxable year" is the number of units of ore or mineral remaining at the end of the year to be recovered from the property (including units recovered but not sold) plus the number of units sold within the taxable year. The principles outlined in § 29.23 (m)–9 are applicable in estimating the number of units remaining as of the taxable year and the number of units sold during the year. The estimate is subject to revision in accordance with that section in the event it is ascertained as the result of further discovery, development or operations that the remaining units are materially greater or less than the units remaining from a prior estimate.

(3) If the taxpayer has paid or incurred expenditures of the character described in this section, has made the election to defer such expenditures and thereafter leases the property retaining a royalty interest therein, he shall be allowed the ratable deduction in subparagraph (2) of this paragraph.

(4) The election referred to in this paragraph shall be made by a statement attached to the taxpayer's return for the taxable year to which such election is applicable. In such statement, the taxpayer shall disclose the amount to be deferred, and the name, location, extent and nature of the mineral deposit to which the election relates. The election shall be binding for the taxable year in respect to which the election was made.

(c) *Limitation.* The deduction described in paragraph (a) of this section is allowable only for the amount of all such expenditures paid or incurred by the taxpayer in the taxable year as does not exceed $75,000. Amounts otherwise allowable as deductions without reference to this section (except allowances for depreciation) are not to be taken into account in determining this limitation. The limitation applies to all such described expenditures of the taxpayer and is not a total amount allowable with respect to each mine or deposit. No deduction under section 23 (ff) (1) or election under section 23 (ff) (2) may be taken or exercised if in any four preceding years (not necessarily consecutive years) the taxpayer, or any individual or corporation who has transferred to the taxpayer any mineral or ore property under circumstances which make the provisions of paragraph (7), (8), (11), (13), (15), (17), (20), or (22) of section 113 (a) applicable to such transfer, has been allowed a deduction or elected to treat such expenditures as deferred expenses under section 23 (ff) (1) or section 23 (ff) (2), respectively. Thus, under such circumstances, no deduction under section 23 (ff) (1) or election under section 23 (ff) (2) may be taken or exercised after the combined deductions and elections so taken or exercised by one or more transferors and the taxpayer equal four.

Example (1). Assume that a taxpayer who has never claimed the benefits of section 23 (ff) received in 1956 a mineral deposit from X corporation upon a distribution in complete liquidation of the latter under conditions which would make the provisions of section 113 (a) (15) applicable in determining the basis of the property in the hands of the taxpayer, and that during the year 1955 X corporation expended $60,000 for exploration expenditures which X corporation elected to treat as deferred expenses. On the basis of these facts the taxpayer may deduct or defer for any three (not necessarily consecutive) subsequent taxable years similar expenditures made in those years not to exceed $75,000 in any year. Where the amount expended in any taxable year is less than $75,000 the difference, if any, may not be carried over or back to other taxable years.

Example (2). Assume the same facts stated in example (1) except that, prior to acquisition by the taxpayer of the deposit from corporation X in 1956, corporation X had acquired the deposit in 1954 in a similar distribution from Y corporation which, in the years 1952 and 1953, deducted exploration costs paid in respect of an entirely different deposit in the amounts of $30,000 and $50,000 respectively. Under these circumstances, the taxpayer may deduct or defer exploration expenditures paid or incurred for only one taxable year in an amount not in excess of $75,000.

PAR. 7. There is inserted immediately preceding § 29.24–1 the following:

SEC. 309. EXPENDITURES IN THE DEVELOPMENT OF MINES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(c) *Technical amendment.* Section 24 (a) (2) (relating to items not deductible) is hereby amended by adding after the word "estate" the following: ", except expenditures for the development of mines or deposits deductible under section 23 (cc)".

(d) *Effective date.* The amendments made by this section shall be applicable to taxable years ending after December 31, 1950.

PAR. 8. Section 29.24–2, as amended by Treasury Decision 5513, approved May 16, 1946, is further amended as follows:

(A) By inserting immediately after the section heading the following headnote designating the first paragraph as (a): "(a) *Expenditures except non-depreciable mine development expenditures.*"

(B) By adding at the end thereof the following new paragraph (b):

(b) *Non-depreciable expenditures for mine development.* Section 23 (cc) provides that certain expenditures (not subject to depreciation allowance under section 23 (l)) paid or incurred by the taxpayer for mine development after December 31, 1950, may be deducted or treated as deferred expenses. For the rules governing treatment of such expenditures see section 23 (cc) and § 29.23 (cc)–1.

PAR. 9. There are inserted immediately preceding § 29.113 (b) (1)–1 the following:

SEC. 309. EXPENDITURES IN THE DEVELOPMENT OF MINES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(b) *Adjusted basis for determining gain or loss upon sale or exchange.* Section 113 (b) (1) (relating to adjusted basis of property) is hereby amended by adding at the end thereof the following subparagraph:

(J) For amounts allowed as deductions as deferred expenses under section 23 (cc) (2) (relating to certain expenditures in the development of mines) and resulting in a reduction of the taxpayer's taxes under this

chapter, but not less than the amounts allowable under such section for the taxable year and prior years.

• • • • •

(d) *Effective date.* The amendments made by this section shall be applicable to taxable years ending after December 31, 1950.

SEC. 342. DEDUCTION OF EXPENDITURES FOR MINE EXPLORATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(b) *Adjusted basis for determining gain or loss upon sale or exchange.* Section 113 (b) (1) (relating to adjusted basis of property) is hereby amended by adding at the end thereof the following:

(M) for amounts allowed as deductions as deferred expenses under section 23 (ff) (2) (relating to certain exploration expenditures) and resulting in a reduction of the taxpayer's taxes under this chapter, but not less than the amounts allowable under such section for the taxable year and prior years.

(c) *Effective date.* The amendments made by this section shall be applicable to taxable years ending after December 31, 1950.

PAR. 10. Section 29.113 (b) (1)–1, as amended by Treasury Decision 5873, approved December 7, 1951, is further amended by adding at the end thereof the following new paragraph (k):

(k) With respect to taxable years ending after December 31, 1950, the basis shall also be adjusted to take into account the amount of expenditures for development and exploration of mines or mineral deposits treated as deferred expenses under sections 23 (cc) (2) and 23 (ff) (2). The basis so adjusted shall be reduced by the amount of such expenditures allowed as deductions under such sections which results in a reduction of the taxpayer's liability for income tax but not less than the amounts allowable under such sections for the taxable year and prior years. For example, if a taxpayer purchases unexplored and undeveloped mining property for $1,000,000 and at the close of the development stage has incurred exploration and development costs of $9,000,000 treated as deferred expenses, the basis of such property at such time for computing gain or loss will be $10,000,000. Assuming that the taxpayer in this example has operated the mine for several years and has deducted allowable percentage depletion in the amount of $2,000,000 and has deducted allowable deferred exploration and development expenditures of $2,000,000, the basis of the property in the taxpayer's hands for purposes of determining gain or loss if sold will be $6,000,000.

[F. R. Doc. 52-11924; Filed, Nov. 5, 1952; 8:54 a. m.]

[26 CFR Part 40]

EXCESS PROFITS TAXES; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

BASE PERIOD CATASTROPHE

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 130 (26 CFR Part 40) to section 517 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended by inserting immediately after § 40.458–8 the following:

SEC. 517. BASE PERIOD CATASTROPHE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 459, as added by section 516 of this Act, is hereby amended by adding after subsection (a) thereof the following new subsection:

(b) *Base period catastrophe*—(1) *Eligibility requirements.* A taxpayer shall be entitled to the benefits of this subsection only if it was engaged throughout its base period primarily in manufacturing and if—

(A) The taxpayer suffered during the last thirty-six months of its base period a catastrophe by fire, storm, explosion, or other casualty which destroyed or rendered inoperative a production facility constituting a complete plant or plants having in the hands of the taxpayer immediately prior to the catastrophe an adjusted basis equal to 15 per centum or more of the adjusted basis of all the taxpayer's production facilities at such time;

(B) As a result of such catastrophe the taxpayer's normal production or operation was substantially interrupted for a period of more than twelve consecutive months; and

(C) The taxpayer, prior to the end of its base period, replaced such production facility with a production facility which at the end of its base period had in its hands an adjusted basis not less than the adjusted basis immediately prior to the catastrophe of the production facility destroyed or rendered inoperative.

(2) *Computation.* The taxpayer's base period net income determined under this subsection shall be the amount computed under subparagraph (A) or the amount computed under subparagraph (B), whichever results in the lesser tax under this subchapter for the taxable year for which the tax is being computed:

(A) The amount computed under section 435 (d) by substituting for the excess profits net income for each month in the taxable year in which the catastrophe described in paragraph (1) occurred an amount equal to the aggregate, divided by the number of months in the base period preceding such taxable year, of the excess profits net income for each month (computed under section 435 (d) (1)) in the base period preceding such taxable year. The average base period net income computed under this subparagraph shall, for the purpose of section 435 (a) (1) (B), be considered an average base period net income determined under section 435 (d).

(B) The amount computed under section 435 (e) (2) (G) (i) and (ii).

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title (including sec. 517) shall be applicable only with respect to taxable years ending after June 30, 1950.

§ 40.459 (b)–1 *Base period catastrophe.* (a) A corporation which was engaged throughout its base period primarily in manufacturing, which suffered a catastrophe by fire, storm, explosion, or other casualty during the last 36 months of its base period, and which satisfies all the requirements provided in subparagraphs (A), (B), and (C) of section 459 (b) (1) may compute its average base period net income, for the purpose of computing its excess profits tax for any taxable year ending after June 30, 1950, under the provisions of section 459 (b) (2) and of paragraph (b) of this section instead of under any other applicable provisions of the Code and regulations.

(b) *Computation of average base period net income under section 459 (b).* If a taxpayer may compute its average base period net income under section 459 (b), its average base period net income as computed under section 459 (b) (2) shall be whichever of the following two amounts results in the lesser excess profits tax for the taxable year for which such tax is being computed:

(1) The amount computed under section 435 (d) and § 40.435–1 (d) determined by substituting for the excess profits net income for each month in the taxable year in which the catastrophe described in section 459 (b) (1) occurred an amount equal to the aggregate of the excess profits net income for each month (computed under section 435 (d) (1) and § 40.435–1 (d) (1)) in the base period preceding such taxable year divided by the number of months in the base period preceding such taxable year.

(2) The amount computed under section 435 (e) (2) (G) (i) and (ii) and under §§ 40.435–5 (a) (7) (i) and (ii) and 40.435–5 (b).

An average base period net income computed under section 459 (b) (2) (A) and under subparagraph (1) of this paragraph shall be considered, for the purpose of section 435 (a) (1) (B), to be an average base period net income determined under section 435 (d). If the average base period net income is computed under section 459 (b) (2) (A) and under subparagraph (1) of this paragraph for the purpose of determining the excess profits tax for any taxable year, the base period capital addition, provided in section 435 (f), will be allowed in computing the excess profits tax for such taxable year. If, in determining the excess profits tax for any taxable year, the average base period net income is computed under section 459 (b) (2) (B) and under subparagraph (2) of this paragraph, however, the base period capital addition will not be allowed in computing the excess profits tax for such taxable year since such average base period net income is not considered to be an average base period net income computed under either section 435 (d) or under section 442. The amount computed under section 459 (b) (2) (A) and subparagraph (1) of this paragraph or the amount computed under section 459 (b) (2) (B) and subparagraph (2) of this paragraph, depending on which results in the lesser excess profits tax for the taxable year, is to be the average base period net income computed under section 459 (b).

[F. R. Doc. 52-11922; Filed, Nov. 5, 1952; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Ch. I]

IMMIGRATION AND NATIONALITY REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance by the Attorney General, on the recommendation of the Commissioner of Immigration and Naturalization, of the following rules which implement the Immigration and Nationality Act (66 Stat. 163) and amend Chapter I, Title 8 of the Code of Federal Regulations. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1060, Temporary Federal Office Building X, Nineteenth and East Capitol Streets NE., Washington 25, D. C., written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 30 days following the date of publication of this notice will be considered.

JAMES P. MCGRANERY,
Attorney General.

NOVEMBER 3, 1952.

Recommended:

BENJAMIN G. HABBERTON,
Commissioner of Immigration and Naturalization.

Chapter I, Title 8 of the Code of Federal Regulations, is hereby amended to read as follows:

Subchapter A—General Provisions

Part
1. General.
2. Service records: fees.
3. Immigration bonds.
4. Lawful admission for permanent residence: special classes: when presumed.
5. Revocation of certificates, documents, or records issued or made by administrative officers.
6 Board of Immigration Appeals: appeals; reopening and reconsideration.
7. Assistant Commissioner, Inspections and Examinations Division; appeals.
8. Reopening and reconsideration.
9. Authority of Commissioner and Assistant Commissioners.
10. Applications and petitions.

Subchapter B—Immigration Regulations

204. Petition for immigrant status as a minister or as a person whose services are needed urgently.
205. Petition for immigrant status as relative of United States citizen or lawful resident alien.
206. Revocation of approval of petitions.
211. Documentary requirements: immigrants; waivers.
212. Documentary requirements for nonimmigrant: admission of certain inadmissible aliens; parole.
212a. Admission of certain aliens to perform skilled or unskilled labor.
213. Admission of aliens on giving bond or cash deposit.
214. Admission of nonimmigrants: general.
214a. Admission of nonimmigrants: foreign government official.
214b. Admission of nonimmigrants: temporary visitor for business or pleasure.
214c. Admission of nonimmigrants: transit aliens.
214d. Admission of nonimmigrants: crewmen.
214e. Admission of nonimmigrants: treaty trader.
214f. Admission of nonimmigrants: students.
214g. Admission of nonimmigrants: foreign government representatives to international organizations.
214h. Admission of nonimmigrants: temporary services, labor or training.
214i. Admission of nonimmigrants: representatives of information media.
214j. Admission of nonimmigrants: exchange aliens.
221. Disposition of entry documents of aliens other than crewmen.
223. Reentry permits.
231. Lists of aliens and citizen passengers arriving or departing.
232. Detention of aliens for observation and examination.
233. Temporary removal for examination upon arrival.
235. Inspection of aliens applying for admission.
236. Exclusion of aliens.
237. Deportation of excluded aliens.
238. Entry through or from foreign contiguous territory and adjacent islands.
239. Special provisions relating to aircrafts; designation of ports of entry for aliens arriving by civil aircraft.
242. Aliens: apprehension, custody and determination of deportability.
243. Deportation of aliens in the United States.
244. Suspension of deportation and voluntary departure.
245. Adjustment of status of nonimmigrant to that of a person admitted for permanent residence.
246. Rescission of adjustment of status.
247. Adjustment of status of certain resident aliens.
248. Change of nonimmigrant classification.
249. Correction of record of lawful admission for permanent residence.
250. Removal of aliens who have fallen into distress.
251. Crewmen: lists of; reports of illegal landings.
252. Landing of alien crewmen.
252a. Seamen or airmen: special classes.
253. Hospital treatment of afflicted crewmen.
254. Control of alien crewmen.
256. Payoff or discharge of alien crewmen.
262. Registration of aliens in the United States.
263. Registration of aliens in the United States: provisions governing special groups.
264. Registration of aliens in the United States; forms and procedure.
265. Registration of aliens in the United States: notices of address.
280. Imposition and collection of fines.
282. Printing of reentry permits: forms for sale to public.
287. Field officers; powers and duties.
292. Enrollment and disbarment of attorneys and representatives.

Subchapter C—Nationality Regulations

306. Special classes of persons who may be naturalized: Virgin Islanders.
310. Requisition of forms by clerks of court.
312. Educational requirements for naturalization.
316. Good moral character.
316a. Residence, physical presence and absence.
317. Temporary absence of persons performing religious duties.
319. Special classes of persons who may be naturalized: spouses of United States citizens.
322. Special classes of persons who may be naturalized: children of citizen parent.
323. Special classes of persons who may be naturalized: children adopted by United States citizens.
324. Special classes of persons who may be naturalized: women who have lost United States citizenship by marriage.
325. Special classes of persons who may be naturalized: nationals but not citizens of the United States.
327. Special classes of persons who may be naturalized: persons who lost United States citizenship through service in armed forces of foreign country during World War II.
328. Special classes of persons who may be naturalized: persons with three years service in armed forces of the United States.
329. Special classes of persons who may be naturalized: veterans of the United States armed forces who served during World War I or World War II.
330. Special classes of persons who may be naturalized: seamen.
331. Special classes of persons who may be naturalized: alien enemies.
332. Preliminary interrogation of applicants for naturalization and witnesses.
332a. Official forms.
332b. Instruction and training in citizenship responsibilities: textbooks, schools, organizations.
332c. Photographic studios.
332d. Designation of employees to administer oaths and take depositions.
333. Photographs.
334. Petition for naturalization.
334a. Declaration of intention.
335. Preliminary examination on petitions for naturalization.
335a. Transfer, withdrawal or failure to prosecute petition for naturalization.
335b. Proof of qualifications for naturalization: witnesses: depositions.
335c. Investigations of petitioners for naturalization.
336. Proceedings before naturalization court.
337. Oath of allegiance.
338. Certificate of naturalization.
339. Functions and duties of clerks of naturalization courts.
340. Revocation of naturalization.
341. Certificate of citizenship under section 341 of the Immigration and Nationality Act.
341a. Certificate of citizenship—Hawaiian Islands.
343. Certificate of naturalization or repatriation; persons who resumed citizenship under section 323 of the Nationality Act of 1940, as amended, or section 4 of the Act of June 29, 1906.
343a. Naturalization and citizenship papers lost, mutilated, or destroyed; new certificate in changed name; certified copy of repatriation proceedings.
343b. Special certificate of naturalization for recognition by a foreign state.
343c. Certifications from records.
344. Fees collected by clerks of court.
344a. Copies of and information from records.
402. Special classes of persons who may be naturalized: persons who lost United States citizenship by voting in Italy.

Part
402a. Special classes of persons who may be naturalized: aliens enlisted in the United States armed forces under Act of June 30, 1950, as amended by section 402 (e) of the Immigration and Nationality Act.

Subchapter D—Immigration and Naturalization Forms

450. Forms.

Subchapter E—Miscellaneous Provisions

475. Admission of agricultural workers under special legislation.

Subchapter A—General Provisions

PART 1—GENERAL

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
1.1 Definitions.
1.2 Prior regulations.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 1.1 and 1.2 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 332, 66 Stat. 166, 252.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 1.1 *Definitions*—(a) *Terms used in this chapter.* (1) The terms defined in section 101 of the Immigration and Nationality Act have the same meanings ascribed to them in that section and as supplemented, explained, and further defined in this chapter.

(2) The term "Act" means the "Immigration and Nationality Act" (66 Stat. 163).

(3) The term "attorney" means a person licensed to practice law in the Federal, State, territorial, or insular courts.

(4) Unless the context otherwise requires, the term "case" means any proceeding arising under the immigration laws, Executive orders and Presidential proclamations, except that for the purposes of Part 292 of this chapter, a proceeding under Part 332 of this chapter shall not be regarded as a case.

(5) The term "Central Office" means the headquarters office of the Service at Washington, D. C.

(6) The term "day," when computing the period of time provided in this chapter for the taking of any action, means any day other than a Sunday or a legal holiday.

(7) The term "district" or "immigration district" when used in a geographical sense means that portion of the territory of the United States comprising each of the various major subdivisions of the Service defined and delineated in the section of Notices pertaining to the organizational structure of the Service.

(8) The term "district director" means the officer duly appointed to the titular position as the Service officer in charge of a district, whose appointment has not terminated, and includes the officer or employee of the Service who has been designated to act as district director in the absence of the district director.

(9) The term "immigration officer" means—

(i) Any officer or employee of the Service who, on December 24, 1952, was serving under appointment theretofore made to the position of immigrant inspector, patrol inspector, investigator, naturalization examiner, or any other officer of the Service of a higher grade, whose appointment has not terminated, or who hereafter is appointed to such position; and

(ii) Any person designated by the Commissioner to perform the duties and exercise the powers of an immigration officer as set forth in the Immigration and Nationality Act.

(10) The term "officer in charge" means the Service officer in charge of the Service office having administrative jurisdiction over a case. It does not include a district director.

(11) The term "practice" means the act of an attorney or representative in appearing in any case, either in person or through the filing of a brief or other document, paper, application or petition on behalf of a client before an officer of the Service or the Board.

(12) The term "representative" means a person representing a religious, charitable, social service or similar organization established in the United States and recognized as such by the Board, or a person described in § 292.1 (b) (2) and (3) of this chapter.

(b) *Terms used in Subchapter B of this chapter.* (1) The terms—

"arriving at ports of the United States" as used in sections 232, 234, and 235 of the Immigration and Nationality Act; and

"arrival at a port of the United States" as used in section 233 of the Immigration and Nationality Act; and

"arrival in a port of the United States" as used in section 253 of the Immigration and Nationality Act,

mean any coming to any port of the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States, except:

(i) That any person (including a crewman) coming to a port in the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, and the Virgin Islands of the United States, by vessel or aircraft, whose examination under sections 234 and 235 of the Immigration and Nationality Act is not completed at the first port of call in the United States of such vessel or aircraft shall be considered as coming from a foreign port or place, an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, and the Virgin Islands of the United States at each subsequent port of call in the United States of such vessel or aircraft until such examination is completed;

(ii) That any person (including a crewman) passing through the Canal Zone on board a vessel which does not enter and clear at any port in the Canal Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, shall not be regarded as coming from a foreign port or place solely by reason of such passage through the Canal Zone.

(2) The terms—

"arriving in the United States" as used in section 256 of the Immigration and Nationality Act; and

"bringing an alien to, or providing a means for an alien to come to, the United States" as used in section 271 of the Immigration and Nationality Act; and

"bring to the United States" as used in section 272 of the Immigration and Nationality Act,

mean any coming from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States to or into the United States or the territorial waters or overlying airspace thereof, except:

(i) That any person (including a crewman) coming to the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, and the Virgin Islands of the United States, by vessel or aircraft, whose examination under sections 234 and 235 of the Immigration and Nationality Act is not completed at the first port of call in the United States of such vessel or aircraft shall be considered as coming from a foreign port or place, an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, and the Virgin Islands of the United States at each subsequent port of call in the United States of such vessel or aircraft until such examination is completed;

(ii) That any person (including a crewman) passing through the Canal Zone on board a vessel which does not enter and clear at any port in the Canal Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, shall not be regarded as coming from a foreign port or place solely by reason of such passage through the Canal Zone;

(3) The terms—

"arrival of any person by water or by air at any port within the United States from any place outside the United States" as used in section 231 of the Immigration and Nationality Act; and

"bring to the United States from any place outside thereof" as used in section 273 (a) of the Immigration and Nationality Act,

mean any coming from a foreign port or place or from an outlying possession of the United States to any port of the United States, except:

(i) That any person (including a crewman) coming from a foreign port or place or from an outlying possession of the United States to a port in the United States, by vessel or aircraft, whose examination under sections 234 and 235 of the Immigration and Nationality Act is not completed at the first port of call in the United States of such vessel or aircraft shall be considered as coming from a foreign port or place or from an outlying possession of the United States at each subsequent port of call in the United States of such vessel or aircraft until such examination is completed;

(ii) That any person (including a crewman) passing through the Canal Zone on board a vessel which does not enter and clear at any port in the Canal Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, shall not be regarded as coming from a foreign port or place or from an outlying possession of the United States or the territorial waters or overlying airspace thereof, except:

(i) That if the examination under sections 234 and 235 of the Immigration and Nationality Act of any person (including a crewman) on board such vessel or aircraft is not completed at the first port of call in the United States of such vessel or aircraft, the vessel or aircraft shall be regarded as coming from a foreign port or place, or an outlying possession of the United States, at each subsequent port of call in the United States of such vessel or aircraft until such examination is completed;

(ii) That a vessel not otherwise within this definition shall not be regarded as falling within the terms thereof solely by reason of passage through the Canal Zone: *Provided*, That if in connection with such passage any vessel enters and clears at any port in the Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, it shall be regarded as arriving in the United States from a place outside thereof;

(iii) Solely for the purposes of section 251 (a) of the Immigration and Nationality Act, with respect to any coming which is established to the satisfaction of the district director or the officer in charge having administrative jurisdiction over the place of arrival to have been wholly involuntary, not reasonably to be expected, or not intended;

or aircraft until such examination is completed;

(ii) That any person (including a crewman) passing through the Canal Zone on board a vessel which does not enter and clear at any port in the Canal Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, shall not be regarded as coming from a foreign port or place solely by reason of such passage through the Canal Zone;

(iii) Solely for the purposes of section 231 of the Immigration and Nationality Act, if it is established to the satisfaction of the district director or officer in charge having administrative jurisdiction over the place of arrival that the coming of any vessel or aircraft to a port of the United States was wholly involuntary, not intended, or not reasonably to be expected, no person on board such vessel or aircraft shall be regarded as arriving from any place outside the United States.

(4) The terms—

"arrival of any vessel or aircraft in the United States from any place outside the United States" as used in section 251 of the Immigration and Nationality Act; and

"arriving in the United States from any place outside thereof" as used in section 254 of the Immigration and Nationality Act; and

"arriving at the United States from any place outside thereof" as used in section 273 (d) of the Immigration and Nationality Act,

mean any coming from a foreign port or place or from an outlying possession of the United States to or into the United States or the territorial waters or overlying airspace thereof, except:

(i) That if the examination under sections 234 and 235 of the Immigration and Nationality Act of any person (including a crewman) on board such vessel or aircraft is not completed at the first port of call in the United States of such vessel or aircraft, the vessel or aircraft shall be regarded as coming from a foreign port or place, or an outlying possession of the United States, at each subsequent port of call in the United States of such vessel or aircraft until such examination is completed;

(ii) That a vessel not otherwise within this definition shall not be regarded as falling within the terms thereof solely by reason of passage through the Canal Zone: *Provided*, That if in connection with such passage any vessel enters and clears at any port in the Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, it shall be regarded as arriving in the United States from a place outside thereof;

(iii) Solely for the purposes of section 251 (a) of the Immigration and Nationality Act, with respect to any coming which is established to the satisfaction of the district director or the officer in charge having administrative jurisdiction over the place of arrival to have been wholly involuntary, not reasonably to be expected, or not intended;

(iv) Solely for the purposes of section 251 (a) of the Immigration and Nationality Act, with respect to aircraft coming directly to the continental United States or Alaska on a trip which originated in Canada or the French Islands of St. Pierre or Miquelon.

(5) The term "beneficiary" means an alien in whose behalf a petition is filed under sections 204, 205 or 214 (c) of the Immigration and Nationality Act.

(6) The term "Board" means the Board of Immigration Appeals.

(7) The term "continental United States" means the 48 States and the District of Columbia.

(8) The term "immediate family" means a close alien relative by blood or by marriage who is regularly residing in the household of the person in whose family membership is alleged.

(9) The term "passport"—

(i) When used with reference to the documentation of immigrant aliens, means a document defined in section 101 (a) (30) of the Immigration and Nationality Act which is unconditionally valid for the bearer's entry into a foreign country at least 60 days beyond the expiration date of his immigrant visa.

(ii) When used with reference to the documentation of a nonimmigrant alien, means a document defined in section 101 (a) (30) of the Immigration and Nationality Act, which document is valid for a minimum period of 6 months from the date of the expiration of the initial period of the bearer's admission or contemplated initial period of stay authorizing the bearer to return to the country from which he came or to proceed to and enter some other country during such period, except that in the case of a nonimmigrant who is applying for admission as a member of any of the classes described in section 102 of the Immigration and Nationality Act, the period of such validity shall not be required to extend beyond the date of the application of such nonimmigrant for admission to the United States if he is admitted in that status.

(10) The term "permit to enter" includes an Immigrant Visa, Nonimmigrant Visa, Border Crossing Identification Card and a Reentry Permit, but does not include a Passport.

(11) The term "special inquiry officer" means any immigration officer who has been designated and appointed a special inquiry officer in accordance with the provisions of § 9.1 (b) of this chapter and who has a certificate of designation and appointment issued under that section.

(12) The term "western hemisphere" means North, Central, and South America and the islands immediately adjacent thereto including the places named in section 101 (b) (5) of the Immigration and Nationality Act.

(c) *Terms used in section 101 (a) (30) of the Immigration and Nationality Act.* (1) The term "competent authority" means an official duly authorized by the national governments of his own or some other country to issue passports or to authenticate other documents which are cognizable as passports.

(d) *Terms used in chapter 2 of Title II of the Immigration and Nationality Act and Parts 262 to 266 inclusive of this chapter.* (1) The term "alien" includes, but is not limited to, any person who, because of doubt as to the applicability of the registration requirement, applies for registration or is registered as a matter of precaution, and any person who is registered upon the application of another person acting in his behalf under the provisions of chapter 7 of Title II of the Immigration and Nationality Act.

(2) The term "registration" or "register" or "registered" includes fingerprinting in the case of aliens 14 years of age or over.

(3) The term "alien registration receipt card" means any card, certificate or document issued to an alien pursuant to the registration requirements of chapter 7 of Title II of the Immigration and Nationality Act or Title III of the Alien Registration Act, 1940.

§ 1.2 *Prior regulations.* Regulations under Chapter I of this title, which were in effect on the effective date of the promulgation of these regulations, shall continue to be effective insofar as may be applicable and necessary under the provisions of section 405 of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 2—SERVICE RECORDS: FEES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
2.1 Authority of officers to release information and to certify records.
2.2 Certification of nonexistence of record.
2.3 Remittance of fees.
2.4 Copies of Service records and information; fees.
2.5 Fees for service, documents, papers, and records, not specified in the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 2.1 to 2.5 issued under sec. 501, 65 Stat. 290, sec. 103, 66 Stat. 173; 5 U. S. C., Sup., 140. Interpret or apply secs. 281, 332, 343, 344, 405, 66 Stat. 230, 252, 263, 264, 280.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 2.1 *Authority of officers to release information and to certify records.* The Commissioner, the General Counsel of the Service, District Directors, or such other officers of the Service as may be designated by the Commissioner, upon application, may furnish to any person entitled thereto, copies of immigration and naturalization records, or for information therefrom, and may certify that any official file, document, or record in the custody or control of the Service is a true file, document, or record, or that a copy of such file, document or record is a true copy.

§ 2.2 *Certification of nonexistence of record.* The chief of the Records Administration Branch of the Central Office may certify the nonexistence in the records of the Service of an official file, document, or record pertaining to a specified person or subject.

§ 2.3 *Remittance of fees*—(a) *When submitted.* Fees required to be submitted with, or on account of, any of the various applications or petitions prescribed in this chapter shall be attached to and submitted with such application or petition and shall be in the amount prescribed by the Immigration and Nationality Act or other applicable statute or regulation. All remittances shall be accepted subject to collection, and no receipt issued by an officer of the Service for any such remittance shall be binding if the instrument of remittance is found uncollectible. Such fees shall not be accepted in the form of postage stamps.

(b) *Payee.* Remittances shall be made payable to the "Treasurer of the United States", except that in the case of applicants residing in the Virgin Islands of the United States, the remittances shall be made payable to the "Commissioner of Finance of the Virgin Islands," and except that in the case of applicants residing in Guam, the remittances shall be made payable to the "Treasurer, Guam". The address of the payee shall not be included in that part of the form of remittance intended solely for the designation of the payee. Whenever it shall be necessary to indicate on a form of remittance the place at which the remittance is collectible or payable, there shall be used the name of the city or town and the State in which is located the Service office to which the application is to be sent.

§ 2.4 *Copies of Service records and information; fees.* (a) Except as otherwise provided by law or regulations, there shall be paid in advance for furnishing any person or agency (other than an officer or agency of the United States or of any State or any subdivision thereof for official use in connection with the official duties of such officers or agencies) copies, certified or uncertified, of any part of, or information from, the records of the Service, a fee of 25 cents per folio of one hundred words or fraction thereof, with a minimum fee of 50 cents for any such service. Application for the desired service shall be made on Form N-585 and submitted to the Service in accordance with the instructions contained therein. The applicant shall be advised if any fee in addition to the minimum is required for the requested service.

(b) Whenever the information requested in an application is contained in several files relating to one person, group, or thing, the furnishing of such information to one party shall be regarded as one service, and the information may be furnished in one letter or statement at the said rate per folio; but whenever the information requested in cases of this character is to be furnished to two or more persons, the furnishing of each letter or statement shall be regarded as a separate and distinct service, and an additional fee, or fees, shall be charged for each such additional service.

(c) Whenever the information requested in an application is contained in one or more files relating, respectively, to two or more persons, groups, or things the furnishing of such information from the file or files relating, respectively, to each such person, group, or thing, shall, in each instance, be regarded as a separate and distinct service, and separate letters or statements, each embodying collectively the information requested as to each person, group, or thing, shall be prepared, and an additional fee or fees shall be charged for each such additional service.

(d) Whenever additional uncertified copies of documents or written information from the record are applied for in order to meet the needs of applicants, the fees for such additional copies or advices or statements shall be at the rate of 25 cents per folio of one hundred words or fraction thereof, with a minimum of 50 cents for each such additional copy.

(e) Whenever it is desired that a copy of a document or written information from the records be officially certified under seal, a fee of $1.00 shall be charged for each such certification, in addition to the fees hereinabove provided.

§ 2.5 *Fees for service, documents, papers, and records, not specified in the Immigration and Nationality Act.* In addition to the fees enumerated in sections 281 and 344 of the Immigration and Nationality Act, the following fees and charges are fixed and established:

(1) For filing application for United States citizen border crossing identification card	$5.00
(2) For filing application for nonresident alien border crossing identification card	3.00
(3) For filing application for verification of entry of an alien for use in connection with issuance of Immigration Visa to relatives	3.00
(4) For filing application for the benefits of secs. 316 (b) or 317 of the Immigration and Nationality Act	10.00
(5) For filing an appeal from a decision in an exclusion or deportation proceeding	25.00
(6) For filing an appeal from any decision under the Immigration and Nationality Act, except from a decision in an exclusion or deportation proceeding	10.00
(7) For filing a motion to reopen or a motion to reconsider in any case arising under the Immigration and Nationality Act	5.00
(8) For filing application for Alien Registration Receipt Card in lieu of one lost, mutilated, or destroyed, or in changed name	5.00
(9) For filing application for approval of school	25.00
(10) For filing application for permission to reapply in the case of excluded or deported aliens or those who departed voluntarily at government expense	5.00
(11) For filing application for discretionary relief under sec. 212 (c) of the Immigration and Nationality Act	25.00
(12) For filing application for discretionary relief under sec. 212 (d) (3) of the Immigration and Nationality Act, except in emergency cases	25.00
(13) For preparation of delivery and departure bonds by the Service	[1]
(14) For filing application for Alien Laborer's Identification Card in lieu of one lost, mutilated or destroyed	1.00
(15) For filing application for waiver of passport or visa of an individual alien at time he applies for temporary admission to the United States	[2] $10.00
(16) For a special search of an arrival record where information is for personal benefit	3.00
(17) For a copy of "The Road to Citizenship"	.30
(18) For filing application for Certificate of Citizenship—Hawaiian Islands	5.00
(19) For annual subscription for "Passenger Travel Reports via Sea and Air"	10.00
(20) For annual tables on "Passenger Travel Reports via Sea and Air"	[3] .20
(21) Annual reports—Immigration and Naturalization Service	3.00
(22) For special statistical tabulations	5.00
(23) For filing application for waiver of grounds for exclusion contained in sec. 212 (a) (14) of the Immigration and Nationality Act	10.00

[1] 2 percent of amount of bond.

[2] Plus special communication costs.

[3] Per table or $1 per set of 6.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 3—IMMIGRATION BONDS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
3.1 Immigration bonds.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 3.1 *Immigration bonds*—(a) *Acceptable sureties.* In cases other than those in which cash or postal money orders are deposited pursuant to this chapter, the following shall be the only acceptable sureties on a bond furnished in connection with the administration of the Immigration and Nationality Act:

(1) A company holding a certificate from the Secretary of the Treasury under Title 6, Sections 6–13, United States Code, as an acceptable surety on Federal bonds;

(2) A surety who deposits United States bonds or notes of the class described in section 15 of Title 6, United States Code, and Treasury Department regulations issued pursuant thereto, which bonds or notes are not redeemable within one year from the date on which they are offered for deposit; or

(3) Sureties shall be two in number, each of whom shall justify separately in real property not exempted from levy and sale upon execution, which real property is actually valued, over and above all encumbrances, at double the amount of the bond, and each of whom shall, in addition to making such justification, satisfactorily establish to the immigration officer authorized to approve the bond that his net worth, over and above all obligations and liabilities of any kind, secured or unsecured, is equal to double the amount of the bond.

(b) *Approval; extension agreements; consent of surety; collateral security.* Regardless of the section of law or regulations under which a bond is required, district directors and officers in charge are authorized, either directly or through officers or employees designated by them to approve bonds which are prepared on a form approved by the Commissioner, provided no substantial change is made in the conditions printed on such form. Such officers are also authorized to approve formal agreements by which a surety consents to an extension of his liability on any such bond and to approve any power of attorney executed on Form I–312 or Form I–313 which purports to authorize the delivery after its release of collateral deposited to secure the performance of any such bond to some person or concern other than the depositor thereof. Unless otherwise specifically provided in this chapter or by the Commissioner in any case or class of cases, bonds prepared on forms approved by the Commissioner, all agreements of extension of liability relating thereto, and all powers of attorney for delivery of collateral security deposited in connection therewith shall be retained at the office of the Service where approved. Bonds prepared on any form other than one approved by the Commissioner, or bonds prepared on any such forms in which the conditions have been materially altered, agreements of extension of liability relating thereto, and any powers of attorney to receive back collateral deposited in connection therewith, shall be submitted to the Commissioner for approval. Regardless of the form on which the bond is prepared, any power of attorney not executed on Form I–312 or Form I–313, purporting to authorize the delivery after its release of any deposit of collateral security to some person or concern other than the depositor thereof, shall be forwarded, together with the bond and all appurtenant documents, to the Commissioner for approval. In the same manner, all requests for delivery of collateral security to a person other than the depositor or his approved attorney in fact shall be forwarded to the Commissioner for approval. Instruments and other papers forwarded to the Commissioner under the provisions of this paragraph shall be handled by the General Counsel.

(c) *Violation of conditions; cancellation.* (1) Whenever it shall appear that a condition of a bond executed in connection with the administration of the immigration laws may have been violated, the bond, all appurtenant documents, and a full report of the circumstances, shall be forwarded to the district director having administrative jurisdiction over the office where the bond is retained for decision as to whether the conditions of the bond have been met so that it may be cancelled, or whether any condition of the bond has been violated so that liability thereunder should be enforced, or whether the circumstances are such that the bond should be continued in effect. If the obligors are adversely affected by the decision of the district director, they shall be notified by the district director in writing on Form I–323 of his decision and of their right to appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with Part 7 of this chapter, by filing a Notice of Appeal, Form I–290B, at the office of the district director within 10 days from the receipt of notification of such decision. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

(2) If all the conditions of a bond executed in connection with the administration of the immigration laws have been complied with and the obligation has thereby been discharged by its own terms, the district director shall so notify the obligors on Form I–391. Similar notice shall be given if all the conditions of the bond have been complied with and—

(i) The alien has departed from the United States;

(ii) The alien has died;

(iii) The alien has been naturalized as a citizen of the United States;

(iv) A new bond has been furnished to replace the existing bond; or

(v) In the case of a delivery bond, the warrant of arrest or deportation has been cancelled, or the alien's application for suspension of deportation has been approved, or the alien has been imprisoned, or inducted into the armed forces of the United States.

(Sec. 103, 66 Stat. 173)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 4—LAWFUL ADMISSION FOR PERMANENT RESIDENCE: SPECIAL CLASSES: WHEN PRESUMED

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
4.1 Chinese person; definition.
4.2 Presumption of lawful admission.
4.3 Applicability of travel restrictions imposed by section 212 (d) (7) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 4.1 to 4.3 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 212, 66 Stat. 166, 182.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 4.1 *Chinese person; definition.* For the purposes of this part an alien who is of as much as one-half Chinese blood and is not of as much as one-half blood of a race or races which were ineligible for naturalization under section 303 of the Nationality Act of 1940, as amended, shall be regarded as a Chinese person.

§ 4.2 *Presumption of lawful admission.* An alien of any of the following-described classes shall be presumed to have been lawfully admitted for permanent residence within the meaning of the Immigration and Nationality Act (even though no record of his admission can be found, except as otherwise provided in this part) unless the alien abandoned his status as a lawful permanent resident, or lost such status by operation of law, at any time subsequent to such admission:

(a) *Aliens who entered prior to June 30, 1906.* An alien who establishes that he entered the United States prior to June 30, 1906.

(b) *Aliens who entered across land borders of the United States.* An alien who establishes that, while a citizen of Canada or Newfoundland, he entered the United States across the Canadian border prior to October 1, 1906, and an alien who establishes that while a citizen of Mexico he entered the United States across the Mexican border prior to July 1, 1908.

(c) *Aliens preexamined in Canada prior to July 1, 1924.* An alien in whose case no record exists of his actual admission to the United States but who establishes that he gained admission to the United States prior to July 1, 1924 pursuant to preexamination at a United States immigration station in Canada and that a record of such preexamination exists.

(d) *Aliens who entered the Virgin Islands.* An alien who establishes that he entered the Virgin Islands of the United States prior to July 1, 1938, even though a record of his admission as a non-immigrant under the Immigration Act of 1924, prior to July 1, 1938, exists.

(e) *Aliens within the Asiatic barred zone.* An alien who establishes that he is of a race indigenous to, and a native of a country within, the Asiatic zone defined in section 3 of the Act of February 5, 1917, as amended, that he was a member of a class of aliens exempted from exclusion by the provisions of the said section, and that he entered the United States prior to July 1, 1924, provided that a record of such entry exists.

(f) *Chinese persons.* (1) A Chinese person in whose case there exists a record of his admission to the United States prior to July 1, 1924, under the provisions of the laws, orders, rules or regulations applicable to Chinese and who establishes that at the time of his admission he was a member of one or more of the following-described classes:

Merchants.
Teachers.
Students.
Sons or daughters under 21 years of age and wives, accompanying or following to join such merchants, teachers, and students.
Travelers for curiosity or pleasure.
Accompanying sons or daughters under 21 years of age and accompanying wives of such travelers.
Wives of United States citizens.
Returning laborers.
Persons admitted as United States citizens under section 1993 of the Revised Statutes of the United States, as amended, but who were admitted in error for the reason that their fathers had not resided in the United States prior to their birth.

(2) A Chinese person in whose case there exists a record of his admission to the United States as a member of one of the following classes, and who establishes that he was, at the time of his admission, a member thereof:

Aliens readmitted between July 1, 1924, and December 16, 1943, inclusive, as returning Chinese laborers who acquired lawful permanent residence prior to July 1, 1924.

Persons admitted between July 1, 1924 and June 6, 1927, inclusive, as United States citizens under section 1993 of the Revised Statutes of the United States, but who were admitted in error for the reason that their fathers had not resided in the United States prior to their birth.

Aliens admitted at any time after June 30, 1924, under subsections (b) or (d) of section 4 of the Immigration Act of 1924.

Alien wives admitted between June 13, 1930, and December 16, 1943, inclusive, and after August 9, 1946, under subsection (a) of section 4 of the Immigration Act of 1924.

Aliens admitted on or after December 17, 1943, under subsection (f) of section 4 of the Immigration Act of 1924.

Aliens admitted on or after December 17, 1943, under section 317 (c) of the Nationality Act of 1940, as amended.

Aliens admitted on or after December 17, 1943, as preference or non-perference quota immigrants pursuant to section 2 of the act of that date.

Aliens admitted between July 1, 1924, and December 28, 1952, both dates inclusive, as the wives or minor sons or daughters of treaty merchants, admitted before July 1, 1924.

(g) *Citizens of the Philippine Islands*—(1) *Who entered United States before May 1, 1934.* An alien who establishes that he entered the United States prior to May 1, 1934, and that he was on the date of such entry a citizen of the Philippine Islands: *Provided*, That, for the purpose of petitioning for naturalization under title III of the Immigration and Nationality Act, such alien shall not be regarded as having been lawfully admitted to the United States for permanent residence unless he was a citizen of the Commonwealth of the Philippines on July 2, 1946.

(2) *Who entered Hawaii between May 1, 1934 and July 3, 1946.* An alien who establishes that he entered Hawaii between May 1, 1934 and July 3, 1946, inclusive, under the provisions of the last sentence of section 8 (a) (1) of the act of March 24, 1934, as amended, that he was on the date of such entry a citizen of the Philippine Islands, and that a record of such entry exists.

(3) *Travel restrictions.* Notwithstanding the provision of this paragraph, an alien of the class described in subparagraph (2), and an alien of the class described in subparagraph (1) who entered the United States at Hawaii prior to May 1, 1934, shall be subject to the travel restriction imposed by the proviso to section 212 (d) (7) of the Immigration and Nationality Act.

(h) *Aliens temporarily admitted to the United States.* Aliens in any of the following-described classes, who on their admission expressed an intention to remain in the United States temporarily or to pass in transit through the United States, of whose admission a record exists, but who remained in the United States:

(1) Aliens admitted prior to June 3, 1921, except aliens admitted temporarily under the 9th proviso to section 3 of the Immigration Act of 1917, aliens admitted as accredited officials of foreign governments, their suites, families, or guests, and seamen admitted in pursuit of their calling.

(2) Aliens admitted under the act of May 19, 1921, as amended, who were admissible for permanent residence under that act notwithstanding the quota limitations thereof.

(3) An accompanying wife or unmarried son or daughter under 21 years of age of an alien admitted under the act of May 19, 1921, as amended, who was admissible for permanent residence under that act notwithstanding the quota limitations thereof.

(4) Aliens admitted under the act of May 19, 1921, as amended, who were charged under that act to the proper quota at time of their admission or subsequently and who remained so charged.

§ 4.3 *Applicability of travel restrictions imposed by section 212 (d) (7) of the Immigration and Nationality Act.* Nothing in this part shall be construed as exempting any person or class of persons enumerated herein from the application of section 212 (d) (7) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 5—REVOCATION OF CERTIFICATES, DOCUMENTS, OR RECORDS ISSUED OR MADE BY ADMINISTRATIVE OFFICERS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
5.1 Certificates, documents, and records subject to cancellation.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

5.11 Report and notice.
5.12 Failure to answer or allegations admitted.
5.13 Answer filed; personal appearance; notice.
5.14 Action by Assistant Commissioner, Inspections and Examinations Division, and district director.

AUTHORITY: §§ 5.1 to 5.14 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 341, 342, 54 Stat. 1161, 1162, as amended, secs. 332, 342, 343, 344, 66 Stat. 252, 263, 264; 8 U. S. C. 741, 742.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 5.1 *Certificates, documents, and records subject to cancellation.* The cancellation of certificates, documents, or records referred to in section 342 of the Immigration and Nationality Act shall apply to a certificate of naturalization, certificate of repatriation, certificate of citizenship, certificate of derivative citizenship, certificate of lawful entry or certificate of registry issued prior to December 24, 1952, special certificate of naturalization for recognition by a foreign state, copies of the foregoing, exception from the classification of alien enemy, and certifications of the records of the Service made or issued under section 341 (e) and 342 (b) (8) of the Nationality Act of 1940, or section 343 (e) or 344 (b) (6) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 5.11 *Report and notice.* Except as otherwise provided in this chapter, whenever evidence becomes available that any certificate, document, or record referred to in § 5.1 was illegally or fraudulently obtained from, or was created through illegality or by fraud practiced upon, the issuing officer, a complete report shall be submitted to the district director having administrative jurisdiction over the subject's last known place of residence in the United States. If the district director is satisfied that a prima facie showing has been made that such certificate, document, or record was obtained or granted through illegality or fraud, he shall cause to be served a written notice on the person to whom the certificate or document was issued or in whose behalf the record was granted, at such person's last known address. The notice shall inform such person of intention to cancel the certificate, document, or record, and the grounds upon which it is intended to base such cancellation. The notice shall also inform the person to whom it is addressed that he may submit, within 60 days from the date of service of the notice, an answer in writing under oath, setting forth reasons why such certificate, document, or record should not be cancelled. The notice shall also advise the person to whom it is addressed that he may, within such period and upon his request have an opportunity to appear in person, in support or in lieu of his written answer, before such immigration officer as may be designated for that purpose. The person to whom the notice is addressed shall further be advised therein that he may have the assistance of counsel, without expense to the government of the United States, in the preparation of his answer or in connection with such personal appearance, and shall have opportunity to examine, at the appropriate office of the Service, the evidence upon which it is proposed to base such cancellation.

§ 5.12 *Failure to answer or allegations admitted.* If the person against whom such proceeding has been instituted fails to file written answer within the time allowed therefor, or if the answer admits the allegations in the notice irrespective of whether a personal appearance is requested, the district director shall cancel the certificate, document or record. No appeal shall lie from such cancellation.

§ 5.13 *Answer filed; personal appearance; notice.* Upon receipt of an answer asserting a defense to the allegations in the notice, the district director shall designate an officer of the Service to consider and, if a request for a personal appearance was made, to interview the party affected. If a personal appearance was requested, such officer shall notify the subject of the time, date and place, to appear for interview and of the subject's right to be represented by counsel or representative at no expense to the Government. At the conclusion of the interview, the subject or his attorney or representative shall be given a reasonable time not to exceed 10 days for the submission of briefs. The officer designated shall, after consideration of the case if no personal appearance was requested, or after completion of the interview and the consideration of any brief submitted, prepare a report summarizing the evidence and containing his findings and a recommendation. The report shall be forwarded to the district director, with the record in the case. If the district director finds that the certificate, document or record was not obtained through illegality or fraud, he shall order the proceedings terminated and the subject shall be notified thereof. If the district director finds that the certificate, document or record was obtained or created through illegality or fraud, he shall order that it be cancelled *ab initio*. Notice of such action and the reasons therefor shall be given to the subject or his attorney or representative, at the last known address, with advice that he has 10 days from the date of receipt of notification in which he may appeal to

the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter.

§ 5.14 *Action by Assistant Commissioner, Inspections and Examinations Division, and district director.* The Assistant Commissioner's decision shall be transmitted to the district director, who shall advise the subject of the decision and take such action as is required by the decision. Upon the cancellation of any document under this part, the subject shall be requested by the district director, in writing, to surrender the document to the district director. No appeal shall lie from the decision of the Assistant Commissioner.

PART 6—BOARD OF IMMIGRATION APPEALS: APPEALS; REOPENING AND RECONSIDERATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
6.1 Board of Immigration Appeals.
6.2 Reopening or reconsideration.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

6.11 Notice of appeal.
6.12 Withdrawal of appeal.
6.13 Forwarding of record on appeal.
6.14 Stay of execution of decision.
6.15 Notice of certification.
6.16 Fees.
6.21 Motion to reopen or motion to reconsider.

AUTHORITY: §§ 6.1 to 6.21 issued under sec. 103, 66 Stat. 173.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 6.1 *Board of Immigration Appeals*—(a) *Organization.* There shall be in the office of the Attorney General a Board of Immigration Appeals. It shall be under the supervision and direction of the Attorney General and shall be responsible solely to him. The Board shall consist of a chairman and four other members and shall have attached to it an executive assistant-chief examiner who shall have authority to act as an alternate member. It shall also have attached to it such number of attorneys and other employees as the Attorney General upon recommendation of the Board, shall from time to time direct. In the absence of the chairman, a member designated by him shall act as chairman.

(b) *Appellate jurisdiction.* Appeals shall lie to the Board of Immigration Appeals from the following:

(1) Decisions of special inquiry officers in exclusion cases, as provided in §§ 236.21 and 236.32 of this chapter;

(2) Decisions of special inquiry officers in deportation cases, as provided in § 242.61 of this chapter;

(3) Decisions of district directors on applications for the advance exercise of the discretionary authority contained in section 212 (c) of the Immigration and Nationality Act, as provided in § 212.72 of this chapter;

(4) Decisions of district directors involving administrative fines and penalties, including mitigation thereof, as provided in § 280.13 of this chapter;

(5) Decisions of district directors on petitions filed in accordance with section 205 of the Immigration and Nationality Act or decisions revoking the approval of such petitions in accordance with section 206 of the Immigration and Nationality Act, as provided in §§ 205.12 and 206.21 respectively, of this chapter;

(6) Decisions of the Assistant Commissioner, Inspections and Examinations Division, on applications for the advance exercise of the discretionary authority contained in section 212 (d) (3) of the Immigration and Nationality Act, as provided in § 212.83 of this chapter.

(c) *Jurisdiction by certification.* The Assistant Commissioner, Inspections and Examinations Division, or the Board may in any case arising under subparagraphs (1) through (6) of paragraph (b) of this section require certification of such case to the Board.

(d) *Powers of the Board*—(1) *Generally.* Subject to any specific limitation prescribed by this chapter, in considering and determining cases before it as provided in this part the Board shall exercise such discretion and authority conferred upon the Attorney General bylaw as is appropriate and necessary for the disposition of the case, except that the Board shall have no authority to consider or determine the manner, at whose expense, or to which country an alien shall be deported.

(2) *Finality of decision.* The decision of the Board shall be final except in those cases reviewed by the Attorney General in accordance with paragraph (h) of this section. The Board may return a case to the Service for such further action as may be appropriate to the case, without entering a final decision on its merits.

(3) *Admission to practice.* The Board shall have authority, with the approval of the Attorney General, to promulgate rules of practice governing the proceedings before it, and to determine the admission, conduct, and disbarment, of attorneys, representatives, and other persons authorized to practice before the Board or the Service.

(e) *Oral argument.* Oral argument shall be heard by the Board upon request, in any case over which the Board acquires jurisdiction by appeal or certification as provided in this part. If an appeal has been taken, request for oral argument if desired shall be included in the Notice of Appeal. The Board shall have authority to fix any date or change any date upon which oral argument is to be heard. The Service may be represented in argument before the Board by any officer designated by the Assistant Commissioner, Inspections and Examinations Division. The Board shall convene for the purpose of hearing oral argument at its offices in Washington, D. C., at 2:00 p. m. or such other time as it may designate on every day except Saturdays, Sundays, and legal holidays.

(f) *Service of Board decisions.* The decision of the Board shall be in writing and copies shall be transmitted by the Board to the Service and a copy served upon the alien or party affected as provided in §§ 292.11 and 292.12 of this chapter.

(g) *Board's decisions as precedents.* Except as they may be modified or overruled by the Board or the Attorney General, decisions of the Board shall be binding on all officers and employees of the Service in the administration of the Immigration and Nationality Act, and selected decisions designated by the Board shall serve as precedents in all proceedings involving the same issue or issues.

(h) *Referral of cases to the Attorney General.* (1) The Board shall refer to the Attorney General for review of its decision all cases which:

(i) The Attorney General directs the Board to refer to him.

(ii) The chairman or a majority of the Board believes should be referred to the Attorney General for review.

(iii) The Assistant Commisioner, Inspections and Examinations Division requests be referred to the Attorney General for review.

(2) In any case in which the Attorney General shall review the decision of the Board, his decision shall be stated in writing and shall be transmitted to the Board for transmittal and service as provided in paragraph (f) of this section.

§ 6.2 *Reopening or reconsideration.* Reconsideration or reopening of any case in which a decision has been made by the Board, whether requested by the Assistant Commissioner, Inspections and Examinations Division, or by the party affected by the decision, shall be only upon written motion to the Board. A motion to reopen or a motion to reconsider shall not be made by or in behalf of a person who is the subject of deportation proceedings subsequent to his departure from the United States. Any departure of such person from the United States occurring after the making of a motion or a motion to reconsider shall constitute a withdrawal of such motion. For the purposes of this section, any final decision made by the Commissioner prior to the effective date of the Immigration and Nationality Act and of this chapter with respect to any case within the classes of cases enumerated in paragraphs (1), (2), (3), (4), and (5) of § 6.1 (b) shall be regarded as a decision by the Board.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 6.11 *Notice of appeal*—(a) *Written decision.* Whenever an alien or other party affected by a written decision is entitled under this chapter to appeal to the Board, he shall be given written notice that he may appeal from such decision; that such appeal may be taken by filing with the district director or officer in charge having administrative jurisdiction over the case two copies of Notice of Appeal, Form I-290A; and that such appeal must be taken within the number of days provided for in the particular section of this chapter relating to such appeal. The Forms I-290A shall be enclosed with the notice. The party taking the appeal may file with the Notice of Appeal a brief in support of his appeal. The party affected may waive the submission of such brief. The district director, the officer in charge, or the Board, in their discretion, for good cause shown, may extend the time within

which the brief may be submitted. One copy of the Notice of Appeal shall be retained in the office where the proceedings are pending and one copy placed in the file relating to the case. The certification of a case as provided in this part shall not relieve the party affected from compliance with the provisions of this section in the event such party is entitled, and desires, to appeal from an initial decision, nor shall it serve to extend the time specified in the applicable parts of this chapter for the taking of an appeal. The departure from the United States of a person who is the subject of deportation proceedings, prior to the taking of an appeal from a decision in his case, shall constitute a waiver by such person of the right to appeal.

(b) *Oral decision.* Whenever an alien or other party affected by an oral decision is entitled under this chapter to appeal to the Board, such appeal shall be taken as provided in the particular section of this chapter relating to such appeal.

§ 6.12 *Withdrawal of appeal.* In any case in which an appeal has been taken, the party taking the appeal may file a written withdrawal of such appeal with the officer with whom the notice of appeal was filed. If the record in the case has not been forwarded to the Board on appeal in accordance with § 6.13 the decision made in the case shall be final to the same extent as though no appeal had been taken. If the record has been forwarded on appeal, the withdrawal of the appeal shall be forwarded to the Board and, if no decision in the case has been made on the appeal, the record shall be returned to the officer in charge and the initial decision shall be final to the same extent as though no appeal had been taken. If a decision on the appeal was made by the Board in the case, further action shall be taken in accordance therewith. Departure from the United States of a person who is the subject of deportation proceedings subsequent to the taking of an appeal but prior to a decision thereon shall constitute a withdrawal of the appeal and the initial decision in the case shall be final to the same extent as though no appeal had been taken.

§ 6.13 *Forwarding of record on appeal.* If an appeal is taken from a decision, either written or oral, as provided in this chapter, the entire record of the proceeding shall be forwarded to the Board by the district director or the officer in charge having administrative jurisdiction over the case:

(a) Upon receipt of the Notice of Appeal and brief in support thereof if the decision appealed from was in writing; or

(b) Upon receipt of the brief in support of an appeal taken orally if the decision appealed from was oral; or

(c) Upon expiration of the time allowed for the submission of the brief; or

(d) Upon receipt of a written waiver of the right to submit a brief.

§ 6.14 *Stay of execution of decision.* The decision in any proceeding under this chapter from which an appeal to the Board may be taken shall not be executed during the time allowed for the filing of an appeal unless a waiver of the right to appeal is filed, nor shall such decision be executed while an appeal is pending or while a case is before the Board by way of certification.

§ 6.15 *Notice of certification.* Whenever in accordance with the provisions of § 6.1 (c) a case is required to be certified to the Board, the alien or other party affected shall be given notice of certification. A case shall not be certified until an initial decision has been made and no appeal has been taken. If it is known at the time of making the initial decision that the case will be certified, the notice of certification shall be included in such decision and no further notice of certification shall be required. If it is not known until after the initial decision was made that the case will be certified, the district director or the officer in charge having administrative jurisdiction over the case shall cause a Notice of Certification (Form I–290C) to be served upon the party affected. In either case the notice shall inform the party affected that the case is required to be certified to the Board and of the right to make representation before the Board, including oral argument and submission of brief, if desired. The brief shall be submitted to such district director or officer in charge for transmittal to the Board within 10 days from receipt of the notice of certification, unless for good cause shown the district director, officer in charge or the Board extends the time within which the brief may be submitted. The party affected may waive the submission of such brief. The case shall be certified and forwarded to the Board by the district director or officer in charge upon receipt of the brief, or the expiration of the time within which the brief may be submitted, or upon receipt of a written waiver of the right to submit a brief.

§ 6.16 *Fees.* A notice of appeal or a motion filed under this part by any person other than an officer of the Service shall be accompanied by the fee specified in Part 2 of this chapter which fee shall be remitted in accordance with the provisions of Part 2. The Board may, in its discretion, authorize the prosecution of any such appeal or motion without prepayment of fees by an alien or other party affected who makes affidavit that he is unable to pay such fees. Such affidavit shall state the nature of the motion or appeal, and the affiant's belief that he is entitled to redress. An appeal may not be taken in forma pauperis, nor may a motion be filed in forma pauperis if the officer of the Service from whose decision the appeal is taken or with respect to whose decision the motion is addressed certifies in writing that the appeal or motion is not taken or made in good faith.

§ 6.21 *Motion to reopen or motion to reconsider—(a) Form.* Motions to reopen and motions to reconsider shall be submitted in triplicate. A request for oral argument if desired shall be incorporated in the motion. The Board in its discretion may grant or deny oral argument. Motions to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. Motions to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. The filing of a motion to reopen or a motion to reconsider shall not serve to stay the execution of any decision made in the case. Execution of such decision shall proceed unless a stay of execution is specifically granted by the Board, the district director or the officer in charge having administrative jurisdiction over the case.

(b) *Distribution of motion papers when alien is moving party.* In any case in which a motion to reopen or a motion to reconsider is made by the alien or other party affected, the three copies of the motion papers shall be submitted to the district director or the officer in charge having administrative jurisdiction over the place where the proceedings were conducted, who shall retain one copy, forward one copy to the officer of the Service who made the initial decision in the case, and submit the third copy with the case to the Board.

(c) *Distribution of motion papers when Assistant Commissioner, Inspections and Examinations Division, is the moving party.* (1) Whenever a motion to reopen or a motion to reconsider is made by the Assistant Commissioner, Inspections and Examinations Division, two copies of the motion shall be forwarded to the district director or officer in charge having administrative jurisdiction over the place where the proceedings were conducted. The district director shall cause one copy to be served on the alien or other party affected. Such alien or party shall have a period of 10 days from the date of the service upon him of the motion within which to submit in triplicate to the district director or officer in charge a brief in opposition to the motion. The submission of such brief may be waived. The district director, officer in charge, or the Board, in their discretion, for good cause shown may extend the time within which such brief may be submitted. Such district director or officer in charge shall transmit to the Assistant Commissioner, Inspections and Examinations Division, proof of service of the motion and two copies of any brief submitted in opposition to such motion and the record of the proceeding:

(i) Upon receipt of the brief in opposition to the motion; or

(ii) Upon expiration of the time allowed for the submission of such brief; or

(iii) Upon receipt of a written waiver of the right to submit such brief.

(2) Upon receipt of the foregoing, the Assistant Commissioner, Inspections and Examinations Division, shall transmit to, and file with, the Board the motion, proof of service of the motion, brief, and the record in the case.

(d) *Ruling on motion.* Rulings upon motions to reopen or motions to reconsider shall be by written order. If the order directs a reopening, the record shall be returned to the district director having administrative jurisdiction over the place where the reopened proceedings are to be conducted. If the motion to reconsider is granted, the decision upon such reconsideration shall affirm, modify, or reverse the original decision made in the case.

PART 7—ASSISTANT COMMISSIONER, INSPECTIONS AND EXAMINATIONS DIVISION: APPEALS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
7.1 Assistant Commissioner, Inspections and Examinations Division.
7.2 Reopening or reconsideration.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

7.11 Notice of appeal.
7.12 Withdrawal of appeal.
7.13 Forwarding of record on appeal.
7.14 Stay of execution of decision.
7.15 Notice of certification.
7.16 Fees.

AUTHORITY: §§ 7.1 to 7.16 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 332, 66 Stat. 252.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 7.1 *Assistant Commissioner, Inspections and Examinations Division—(a) Appellate jurisdiction.* Appeal shall lie to the Assistant Commissioner, Inspections and Examinations Division, from the following:

(1) Decisions of district directors determining that a condition of a bond has been violated, as provided in § 3.1 (c) of this chapter;

(2) Decisions of district directors on petitions filed in accordance with section 204 or 214 (c) of the Immigration and Nationality Act or from decisions revoking the approval of such petitions in accordance with section 206 of that Act, as provided in §§ 204.11, 214h.41 and 206.21 of this chapter;

(3) Decisions of district directors on applications for consent to reapply for admission to the United States under section 212 (a) of the Immigration and Nationality Act, as provided in § 212.61 of this chapter;

(4) Decisions of district directors on applications for permission for aliens to enter the United States notwithstanding section 212 (a) (14) of the Immigration and Nationality Act, as provided in § 212a.12 of this chapter;

(5) Decisions of district directors on applications for the approval of schools or from decisions of district directors revoking the approval of schools, in accordance with section 101 (a) (15) (F) of the Immigration and Nationality Act, as provided in §§ 214f.51 and 214f.61 of this chapter;

(6) Decisions of district directors on applications for reentry permits under section 223 of the Immigration and Nationality Act, as provided in § 223.11 of this chapter;

(7) Decisions of district directors on applications for adjustment of status under section 245 of the Immigration and Nationality Act, as provided in § 245.17 of this chapter;

(8) Decisions of district directors rescinding adjustment of status under section 246 of the Immigration and Nationality Act, as provided in § 246.13 of this chapter;

(9) Decisions of district directors adjusting status under section 247 of the Immigration and Nationality Act, as provided in § 247.13 of this chapter;

(10) Decisions of district directors on applications to change status under section 248 of the Immigration and Nationality Act, as provided in § 248.16 of this chapter;

(11) Decisions of district directors on applications for the creation of a record of admission under section 249 of the Immigration and Nationality Act, as provided in § 249.16 of this chapter;

(12) Decisions of district directors on applications filed under §§ 316a.21 and 317.21 of this chapter for residence or physical presence benefits for naturalization purposes;

(13) Decisions of district directors on applications for exception from the classification of alien enemy as provided in § 331.13 of this chapter;

(14) Decisions of district directors on applications for certificates of citizenship under section 341 of the Immigration and Nationality Act, as provided in § 341.16 of this chapter;

(15) Decisions of district directors revoking certificates, documents or records under section 342 of the Immigration and Nationality Act, as provided in § 5.13 of this chapter;

(16) Decisions of district directors on applications for certificates of naturalization or repatriation under § 343.13 of this chapter;

(17) Decisions of district directors on applications for replacement of certificates of naturalization or citizenship under § 343a.14 of this chapter;

(18) Decisions of district directors on applications for special certificates of naturalization under section 343 of the Immigration and Nationality Act, as provided in § 343b.13 of this chapter;

(19) Decisions of the district director, Honolulu, on applications for Certificate of Citizenship, Hawaiian Islands, under § 314a.14 of this chapter.

(b) *Jurisdiction by certification.* The Assistant Commissioner, Inspections and Examinations Division, may direct that any case or class of cases be certified to him. If the case is one of a class enumerated in § 6.1 (b) of this chapter, the Assistant Commissioner, Inspections and Examinations Division may certify the case to the Board in accordance with § 6.1 (c) of this chapter. In any other case, he may enter such decision as he deems appropriate, and further action shall be taken in accordance with such decision.

(c) *Powers of the Assistant Commissioner, Inspections and Examinations Division.* In considering and determining cases appealed or certified to him and in which he has jurisdiction to enter a decision, the Assistant Commissioner, Inspections and Examinations Division, shall exercise such discretion and authority conferred upon the Attorney General by the Immigration and Nationality Act as is appropriate and necessary for the disposition of the case.

(d) *Decision of Assistant Commissioner, Inspections and Examinations Division.* The decision of the Assistant Commissioner, Inspections and Examinations Division, shall be in writing. The alien or other party affected by the decision shall be informed of the decision made in the case.

§ 7.2 *Reopening or reconsideration.* Motions to reopen and motions to reconsider made in any proceeding over which the Assistant Commissioner, Inspections and Examinations Division, obtains jurisdiction shall be governed by the provisions of Part 8 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 7.11 *Notice of appeal.* Whenever an alien or other party affected by a written decision is entitled under this chapter to appeal to the Assistant Commissioner, Inspections and Examinations Division, he shall be given written notice that he may appeal from such decision; that such appeal may be taken by filing with the district director or with the officer in charge having administrative jurisdiction over the case, three copies of Notice of Appeal, Form I–290B; and that such appeal must be taken within the number of days provided for in the particular section of this chapter relating to such appeal. The forms I–290B shall be enclosed with the written notice to the alien. The party taking the appeal may file with the Notice of Appeal a brief in support of his appeal. The party affected may waive the submission of such brief. The district director, officer in charge or the Assistant Commissioner, Inspections and Examinations Division, in his discretion, if good cause shown, may extend the time within which the brief may be submitted. One copy of the Notice of Appeal shall be retained in the office where the proceedings are pending and two copies shall be placed in the file relating to the case. The certification of a case as provided in this part shall not relieve the party affected from compliance with the provisions of this section in the event such party is entitled, and desires, to appeal from an initial decision, nor shall it serve to extend the time specified in the applicable parts of this chapter for the taking of an appeal.

§ 7.12 *Withdrawal of appeal.* In any case in which an appeal has been taken, the party taking the appeal may file a written withdrawal of such appeal with the officer with whom the Notice of Appeal was filed. If the record in the case has not been forwarded to the Assistant Commissioner, Inspections and Examinations Division, on appeal in accordance with § 7.13, the decision made in the case shall be final to the same extent as though no appeal had been taken. If the record in the case has been forwarded on appeal, the withdrawal of the appeal shall be forwarded to the Assistant Commissioner, Inspections and Examinations Division, and if no decision in the case has been made on the appeal, the record shall be returned to the office in which the proceedings are pending and the decision in the case shall be final to the same extent as though no appeal had been taken. If a decision on the appeal was made in the case, further action shall be taken in accordance therewith.

§ 7.13 *Forwarding of record on appeal.* If an appeal is taken from a decision, either written or oral, as provided in this chapter, the entire record of the proceedings shall be forwarded by the district director or the officer in charge having administrative jurisdiction over the case to the Assistant Commissioner, Inspections and Examinations Division:

(a) Upon receipt of the Notice of Appeal and brief in support thereof if the decision appealed from was in writing; or

(b) Upon receipt of the brief in support of an appeal taken orally if the decision appealed from was oral; or

(c) Upon expiration of the time allowed for the submission of the brief; or

(d) Upon receipt of a written waiver of the right to submit a brief.

§ 7.14 *Stay of execution of decision.* The decision of any proceeding under this chapter from which an appeal to the Assistant Commissioner, Inspections and Examinations Division, may be taken shall not be executed during the time allowed for the filing of an appeal unless a waiver of the right to appeal is filed, nor shall such decision be executed while an appeal is pending or while a case is before the Assistant Commissioner, Inspections and Examinations Division, by way of certification.

§ 7.15 *Notice of certification.* When the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of § 7.1 (b) directs that a case (other than one falling within the classes enumerated in § 6.1 (b) of this chapter) be certified to him for review, the alien or other party affected shall be given notice of such certification. Except as otherwise provided in this chapter, a case shall not be certified until an initial decision has been made and no appeal has been taken. If it is known at the time of making the initial decision that the case will be certified, the notice of certification shall be included in such decision and no further notice of certification shall be required. If it is not known until after the initial decision was made that the case will be certified, the district director or the officer in charge having administrative jurisdiction over the case shall cause a notice of certification (Form I–290D) to be served upon the party affected. In either case the notice shall inform the party affected that the case is required to be certified to the Assistant Commissioner, Inspections and Examinations Division, and of the right to submit a brief, if desired, for consideration by the Assistant Commissioner. The brief shall be submitted to such district director or officer in charge for transmittal to the Assistant Commissioner, Inspections and Examinations Division, within ten days from receipt of the notice of certification, unless, for good cause shown, the district director, officer in charge, or the Assistant Commissioner, Inspections and Examinations Division, extends the time within which the brief may be submitted. The party affected may waive the submission of such brief. The record of the case shall be certified and forwarded to the Assistant Commisisoner, Inspections and Examinations Division, by the district director or the officer in charge upon receipt of the brief, or the expiration of the time within which the brief may be submitted, or upon receipt of a written waiver of the right to submit a brief.

§ 7.16 *Fees.* A notice of appeal filed under this part shall be accompanied by a fee of $10 as prescribed by, and remitted in accordance with, the provisions of Part 2 of this chapter. The Assistant Commissioner, Inspections and Examinations Division, in his discretion, may authorize the prosecution of any such appeal without prepayment of fees by an alien or other party affected who makes affidavit that he is unable to pay such fees. Such affidavit shall state the nature of the appeal and the affiant's belief that he is entitled to redress. An appeal may not be taken in forma pauperis if the officer from whose decision the appeal is taken certifies in writing that the appeal is not taken in good faith.

PART 8—REOPENING AND RECONSIDERATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
8.1 Reopening and reconsideration.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

8.11 Motion to reopen or reconsider.

AUTHORITY: §§ 8.1 and 8.11 issued under sec. 103, 66 Stat. 173.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 8.1 *Reopening and reconsideration.* Except as provided in § 6.2 of this chapter, a hearing or examination in any proceeding provided for in this chapter may be reopened or the decision made therein reconsidered for proper cause at the instance of, or upon motion made by the party affected and granted by:

(a) The Assistant Commissioner, Inspections and Examinations Division, if the decision in the case was made by him, or if the case is before him for review; or

(b) The district director, if the decision in the case was made by such officer, unless the record in the case previously was forwarded to the Board or to the Assistant Commissioner, Inspections and Examinations Division; or

(c) The special inquiry officer, if the decision in the case was made by him, unless the record in the case previously was forwarded to the Board or to the Assistant Commissioner, Inspections and Examinations Division.

A motion to reopen or a motion to reconsider shall not be made by or in behalf of a person who is the subject of deportation proceedings subsequent to his departure from the United States. Any departure of such person from the United States occurring after the making by him of a motion to reopen or a motion to reconsider shall constitute a withdrawal of such motion.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 8.11 *Motion to reopen or reconsider*—(a) *Filing.* A motion to reopen or a motion to reconsider shall be filed in triplicate with the district director or officer in charge having administrative jurisdiction over the place where the proceedings were conducted, for transmittal to the officer having jurisdiction to act on the motion as provided in § 8.1. Motions to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. Motions to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. Motions not complying fully with this section shall not be accepted and shall be returned to the moving party with a brief statement of the reason for its return. The filing of a motion to reopen or a motion to reconsider under this part shall not serve to stay the execution of any decision made in the case. Execution of such decision shall proceed unless a stay is specifically granted by the district director or the officer in charge having administrative jurisdiction over the case.

(b) *Ruling on motion.* Rulings upon motions to reopen or motions to reconsider shall be by written decision. If the decision directs a reopening, the record shall be returned to the district director having administrative jurisdiction over the place where the reopened proceedings are to be conducted. If the motion to reconsider is granted, the original decision shall be reconsidered at the time of, and by the officer, granting such motion. The decision upon such reconsideration shall affirm, modify, or reverse the original decision made in the case.

(c) *Notice of reopened hearing or examination.* In any case in which a hearing or examination is reopened as provided in Part 6 or this part, a notice of hearing or examination shall be served on the party affected in the same manner and form as the notice required for the original hearing or examination.

(d) *Reopened hearing or examination.* The reopened hearing or examination shall be conducted and further action taken in the proceedings as provided in this chapter for the conduct of the original hearing or examination.

(e) *Appeal.* The decision upon a motion to reopen or a motion to reconsider shall be final subject to the limitations imposed by paragraph (c) of § 242.61 of this chapter.

(f) *Fees.* A motion filed under this part shall be accompanied by a fee of $5 as prescribed by, and remitted in accordance with, the provisions of Part 2 of this chapter. The district director having administrative jurisdiction over the office in which the motion is filed may, in his discretion, authorize the prosecution of any such motion, without prepayment of fees by an alien or other party affected who makes affidavit that he is unable to pay such fees. Such affidavit shall state the nature of the motion and the affiant's belief that he is entitled to redress. A motion may not be filed in forma pauperis if the officer of the Service with respect to whose decision the motion is addressed certifies that the motion is not made in good faith.

PART 9—AUTHORITY OF COMMISSIONER AND ASSISTANT COMMISSIONERS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
9.1 Authority of Commissioner.
9.2 Authority of Assistant Commissioner, Inspections and Examinations Division.
9.3 Authority of Assistant Commissioner, Investigations Division.
9.4 Authority of Assistant Commissioner, Border Patrol, Detention and Deportation Division.
9.5 Reservation of authority.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 9.1 to 9.5 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 103, 332, 66 Stat. 173, 252.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 9.1 *Authority of Commissioner*—(a) *General.* Under the general direction of the Attorney General the Commissioner shall supervise and direct the administration of the Service and, subject to such limitations as are contained in section 103 of the Immigration and Nationality Act and Part 6 of this chapter, the Commissioner is charged with the administration and enforcement of the Immigration and Nationality Act and all other laws relating to immigration and naturalization, and shall exercise any powers, authority, privileges, or duties conferred upon the Attorney General, and with respect to which the Attorney General and the Commissioner have concurrent and coexistent powers, authority, privileges or duties. The powers, authority, privileges, and duties conferred on the Commissioner by this section are in addition to and not in substitution for any delegation to any other officer or employee of the Service of any such powers, authority, privileges and duties made under any other provision of this chapter.

(b) *Designation and appointment of special inquiry officer.* The Commissioner shall designate, select, and appoint as special inquiry officer any immigration officer whom he deems specially qualified to exercise the powers and perform the duties of a special inquiry officer as set forth in the Immigration and Nationality Act and this chapter. He shall issue to such designated and appointed officer a certificate under his signature bearing the seal of the Service. Such certificate shall be accepted in any proceeding as evidence that the holder thereof has the authority to exercise the powers and perform the duties of a special inquiry officer as provided in the Immigration and Nationality Act and in this chapter.

§ 9.2 *Authority of Assistant Commissioner, Inspections and Examinations Division.* The powers, authority, privileges and duties conferred upon officers or employees of the Service under this chapter with respect to the following matters are hereby conferred upon the Assistant Commissioner, Inspections and Examinations Division:

(a) Petitions for immigrant status pursuant to the provisions of sections 204 and 205 of the Immigration and Nationality Act and Parts 204, 205 and 206 of this chapter.

(b) Applications to import nonimmigrants pursuant to the provisions of section 214 of the Immigration and Nationality Act and Parts 214h and 206 of this chapter.

(c) Nonresident aliens' border crossing identification cards as provided by section 101 (a) (6) of the Immigration and Nationality Act and Part 212 of this chapter.

(d) Applications for permission to reapply for admission after arrest and deportation, exclusion and deportation, removal because alien fell into distress, removal as alien enemy, or removal at government expense in lieu of deportation as provided by section 212 (a) (16) and (17) of the Immigration and Nationality Act and Part 212 of this chapter.

(e) Applications for waiver of ground of inadmissibility of certain resident or nonresident aliens as provided in section 212 (c) or (d) (3) of the Immigration and Nationality Act and Part 212 of this chapter.

(f) Parole of aliens into the United States, and the conditions thereof as provided in section 212 (d) (5) of the Immigration and Nationality Act and Part 212 of this chapter.

(g) Admission on bond of aliens excludable because likely to become public charges or because of certain physical defects as provided in section 213 of the Immigration and Nationality Act and Part 213 of this chapter.

(h) Determinations as to the time for which, and conditions under which, nonimmigrants may be admitted to the United States, and on applications for extension of their temporary stay, as provided in section 214 (a) of the Immigration and Nationality Act, Title V of the Agricultural Act of 1949, as amended, and section 201 of the United States Information and Educational Exchange Act of 1948, as amended, and Parts 214 to 214j, inclusive, and 475 of this chapter.

(i) Petitions for approval of schools and the withdrawal of such approval as provided in section 101 (a) (15) (F) of the Immigration and Nationality Act and Part 214f of this chapter.

(k) Applications for waiver of ground of inadmissibility for certain immigrant laborers as provided in section 212 (a) (14) of the Immigration and Nationality Act and Part 212a of this chapter.

(l) Applications for reentry permits, and the extension of such permits, as provided in section 223 of the Immigration and Nationality Act and Part 223 of this chapter.

(m) Exclusion of aliens on grounds relating to safety and security of the United States and determinations in connection with such cases, as provided in section 235 (c) of the Immigration and Nationality Act and Part 235 of this chapter.

(n) Voluntary departure of aliens prior to issuance of warrant of arrest, or after issuance of warrant of arrest and prior to hearing as provided in sections 242 (b) and 244 (e) of the Immigration and Nationality Act and Parts 242 and 244 of this chapter.

(o) Adjustment of status from nonimmigrant to immigrant, as provided in section 245 of the Immigration and Nationality Act and Part 245 of this chapter.

(p) Recision of adjustment of status as provided in section 246 of the Immigration and Nationality Act and Part 246 of this chapter.

(q) Adjustment of status of lawful permanent resident aliens to that of certain nonimmigrant classes, as provided in section 247 of the Immigration and Nationality Act and Part 247 of this chapter.

(r) Change of status of alien from one nonimmigrant class to another nonimmigrant class as provided by section 248 of the Immigration and Nationality Act and Part 248 of this chapter.

(s) Creation of record of lawful admission for permanent residence, as provided by section 249 of the Immigration and Nationality Act and Part 249 of this chapter.

(t) Removal of aliens who have fallen into distress, as provided in section 250 of the Immigration and Nationality Act and Part 250 of this chapter.

(u) Designation of certain Great Lakes vessels as international ferries, as provided in section 251 (a) of the Immigration and Nationality Act and Part 251 of this chapter.

(v) Consent to discharge or paying off of alien crewmen in the United States, as provided in section 256 of the Immigration and Nationality Act and Part 256 of this chapter.

(w) Applications for residence and physical presence benefits for naturalization under section 316 of the Immigration and Nationality Act and Parts 316a and 317 of this chapter.

(x) Applications for exception from the classification of alien enemy under section 331 of the Immigration and Nationality Act and Part 331 of this chapter.

(y) Applications for waiver of the 90 days notice in alien enemy cases under Part 331 of this chapter.

(z) Applications for transfer of petitions for naturalization under section 335 (i) of the Immigration and Nationality Act and Part 334 of this chapter.

(aa) Consent to the withdrawal of a petition for naturalization or dismissal for want of prosecution under section 335 (e) of the Immigration and Nationality Act and Part 334 of this chapter.

(b) Designation of employees of the Service to conduct preliminary examinations under petition for naturalization under section 335 (b) of the Immigration and Nationality Act and Part 335 of this chapter.

(cc) Assignment of examining officers at preliminary examinations upon petitions for naturalization under Part 335 of this chapter.

(dd) Waivers of personal investigation of petitioners for naturalization under section 335 (a) of the Immigration and Nationality Act and Part 335c of this chapter.

(ee) Applications for corrections of certificates of naturalization under Part 338 of this chapter.

(ff) Applications for certificates of citizenship under section 341 of the Immigration and Nationality Act and Parts 341 and 341a of this chapter.

(gg) Applications for certificates of naturalization and repatriation under

section 343 (a) of the Immigration and Nationality Act and Part 343 of this chapter.

(hh) Applications for naturalization and citizenship papers replaced under section 343 (b) of the Immigration and Nationality Act and Part 343a of this chapter.

(ii) Applications for special certificates of naturalization under section 343 (c) of the Immigration and Nationality Act and Part 343b of this chapter.

(jj) Admission of immigrants pursuant to the provisions of sections 211 (c), and (d) of the Immigration and Nationality Act.

§ 9.3 *Authority of Assistant Commissioner, Investigations Division.* The powers, authority, privileges and duties conferred upon officers or employees of the Service under this chapter with respect to the following matters are hereby conferred upon the Assistant Commissioner, Investigations Division: (a) Issuance of warrants of arrest, and cancellation of warrants of arrest prior to commencement of a hearing thereunder as provided in section 242 of the Immigration and Nationality Act and Part 242 of this chapter.

§ 9.4 *Authority of Assistant Commissioner, Border Patrol, Detention and Deportation Division.* The powers, authority, privileges and duties conferred upon officers or employees of the Service under this chapter with respect to the following matters are hereby conferred upon the Assistant Commissioner, Border Patrol, Detention and Deportation Division:

(a) Authority to detain and designate the place of detention of aliens as provided by sections 232 and 233 of the Immigration and Nationality Act and Parts 232 and 233 of this chapter.

(b) Determinations whether an attendant is required for the care and attention of aliens as provided in section 235 of the Immigration and Nationality Act and Part 235 of this chapter.

(c) Determinations whether an admitted alien may remain at an immigration station as provided in section 235 of the Immigration and Nationality Act and Part 235 of this chapter.

(d) Authority to stay the deportation of excluded aliens as provided in section 237 of the Immigration and Nationality Act and Part 237 of this chapter.

(e) Authority to continue in, detain or release aliens from custody as provided in section 242 of the Immigration and Nationality Act and Part 242 of this chapter.

(f) Detention, conditions of release and revocation of bond or parole of aliens as provided in section 242 of the Immigration and Nationality Act and Part 242 of this chapter.

(g) Designation of the countries to which and at whose expense aliens shall be deported and whether an attendant is required as provided in section 243 of the Immigration and Nationality Act and Part 243 of this chapter.

(h) Stay of execution of warrants and orders of deportation as provided in section 243 of the Immigration and Nationality Act and Part 243 of this chapter.

(i) Removal from the United States of aliens who have fallen into distress as provided in section 250 of the Immigration and Nationality Act and Part 250 of this chapter.

(j) The fixing of boundary distances as provided in section 287 of the Immigration and Nationality Act and Part 287 of this chapter.

(k) Determinations whether escorts shall accompany aliens in transit through the United States as provided in section 214 of the Immigration and Nationality Act and Part 214c of this chapter.

§ 9.5 *Reservation of authority.* The powers, authority, privileges and duties conferred upon the Assistant Commissioner, Border Patrol, Detention and Deportation Division, the Assistant Commissioner, Inspections and Examinations Division, and the Assistant Commissioner, Investigations Division, by this part is in addition to and not in substitution for any delegation to any other officer or employee of any such powers, authority, privileges and duties conferred under any other provision of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 10—APPLICATIONS AND PETITIONS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
10.1 Applications and petitions under Subchapter B of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 10.1 *Applications and petitions under Subchapter B of this chapter—(a) General requirements.* An application or petition provided for in Subchapter B shall be completed, and submitted to the Service with any required fee, photographs, and supporting evidence, in accordance with the instructions contained in the form prescribed for such application or petition.

(b) *Improper or incomplete execution.* Applications or petitions provided for by any section of Subchapter B shall not be accepted and shall be returned to the applicant together with any attached documents if improperly or incompletely executed or if required documents are not attached.

(c) *Separate application or petition.* Except as otherwise provided in this chapter, a separate application or petition shall be filed for each applicant or beneficiary, and shall be accompanied by a separate fee.

(d) *Applicant under 14 years of age.* A person or guardian may file an application or a petition on behalf of a son, daughter, or ward under 14 years of age.

(e) *Oaths.* Any oath required in the execution of an application or a petition may be administered in the United States by an immigration officer or by any other person authorized generally to administer oaths.

(f) *Modification of application or petition.* Any allegations made in addition to, or in substitution for, any of those contained in the original application or petition shall be made under oath and filed in the same manner as the original application or petition or noted on the original application or petition and acknowledged under oath thereon.

(g) *Photographs.* Every person required to furnish photographs of himself shall submit two identical photographs which shall be 2 x 2 inches in size, unmounted, printed on a thin paper, have a light background, clearly show a full front view of the features (with head bare, unless the person is wearing a headdress as required by a religious order of which he is a member), with the distance from the top of the head to point of chin approximately 1¼ inches, and which shall have been taken within 30 days of the date they are furnished. Except in the case of a person incapable of signing his name, the person shall sign each copy of the photograph with his full true name in such manner as not to obscure the features. The photographs shall be signed when submitted with an application or petition if the instructions accompanying the application or petition so require. If the instructions do not so require, the photographs shall be submitted without being signed and shall be signed during the consideration of the application or petition. Snapshot, group or full-length portraits shall not be accepted.

(h) *Date of receipt.* Applications or petitions which are delivered in person or by mail to offices of the Service authorized to receive them, shall be stamped to show the time and date of their actual receipt. Unless returned as provided in paragraph (b) of this section, they shall be regarded as accepted as of the date of receipt.

(Sec. 103, 66 Stat. 173)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

Subchapter B—Immigration Regulations

NOTE: *Explanation of numbering system utilized in this subchapter.* Each part of this subchapter has been given the same number as the section of the Immigration and Nationality Act to which it relates. For example, Part 242 concerns only section 242 of the Immigration and Nationality Act. Each part of this subchapter is divided into two subparts: Subpart A—Substantive Provisions and Subpart B—Procedural and Other Nonsubstantive Provisions. Each section of Subpart A bears a number consisting of the part number followed by a decimal point and by a single digit beginning with "1" and continuing to "9", using as many as required. For example, § 242.1 is the first substantive section of Part 242 and § 242.9 is the ninth substantive section of Part 242, assuming there existed nine substantive sections in Part 242. When a substantive section is required to be implemented by one or more procedural sections, the relating procedural section or sections bear the same number as the substantive section to which it relates plus one additional digit to the right of the decimal point beginning with "1" for the first procedural section and continuing to "9", if that many are required. For example, § 242.11 is the first procedural section implementing the first substantive section of Part 242 and § 242.87 is the seventh procedural section implementing the eighth substantive section of Part 242. If a substantive section does not require procedural sections, no procedural section numbers will appear for that particular substantive section.

PART 204—PETITION FOR IMMIGRANT STATUS AS A MINISTER OR AS A PERSON WHOSE SERVICES ARE NEEDED URGENTLY

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
204.1 Definition.
204.2 Petition.
204.3 Petitions; date of filing.
204.4 Petitions; additional requirements.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

204.11 Disposition of petition.

AUTHORITY: §§ 204.1 to 204.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 203, 204, 66 Stat. 166, 178, 179.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 204.1 *Definition.* As used in section 101 (a) (27) (F) of the Immigration and Nationality Act and this part, the term "minister of a religious denomination" means a person duly authorized by a recognized religious sect or denomination to conduct religious worship, and to perform other duties usually performed by a regularly ordained pastor or clergymen. Lay preachers not authorized to perform the duties usually performed by a regularly ordained pastor or clergymen, and cantors, or nuns, do not come within this definition.

§ 204.2 *Petition.* The petition required by section 204 (b) of the Immigration and Nationality Act shall be filed in duplicate by the person, institution, firm, organization, or governmental agency for whom the work, labor or services are to be performed (a) on Form I–129A for nonquota classification under section 101 (a) (27) (F) (i) of the Immigration and Nationality Act as a minister of a religious denomination and (b) on Form I–129 for quota classification under section 203 (a) (1) (A) of the Immigration and Nationality Act as an alien whose services are needed urgently in the United States.

§ 204.3 *Petitions; date of filing.* A petition which has been accepted as provided in § 10.1 (h) of this chapter shall be deemed to have been filed within the meaning of sections 203 and 204 of the Immigration and Nationality Act on the date and time of its receipt as shown thereon in accordance with § 10.1 (h) of this chapter.

§ 204.4 *Petitions; additional requirements—(a) For petitioners filing Form I–129.* A petitioner filing a petition on Form I–129 shall comply with the following additional requirements:

(1) The petitioner shall attach to the petition 3 copies of a clearance order bearing a statement from the United States Employment Service that qualified persons are not available within the United States to perform the work, labor, or services which are to be performed by the beneficiary. In applying for such clearance order, the petitioner shall describe the position sought to be filled by him and the terms, conditions, and place of employment.

(2) If a labor organization, trade organization, guild, professional society, educational or research institution, is active in the field of the work, labor or services in which the beneficiary is to be employed or engaged, the petitioner shall request such organization, by registered mail return receipt requested, to furnish a written statement showing whether such organization can supply persons capable of performing the work, labor or services which are to be performed by the beneficiary. The petitioner's request to such organization for such statement shall set forth a description of the position sought to be filled and the terms, conditions and place of employment. A copy of the request and the reply shall be attached to the petition. In the event petitioner does not receive a reply to such request, a copy of the letter sent to such organization and the receipt returned by the Post Office Department showing that the letter was delivered, shall be attached to the petition.

(3) The petitioner shall attach to the petition affidavits of persons having special knowledge or information in the field of work, labor, or services which the beneficiary is to perform, showing the approximate length of time required for a person to become skilled or proficient in the performance of such work, labor, or services.

(4) The petitioner shall attach to the petition, as a part thereof, a statement of efforts made by him or on his behalf to secure persons in the United States to perform the work, labor, or services to be performed by the beneficiary, including clippings of advertisements placed in newspapers, trade journals, professional and similar publications in the field of such work, labor, or services and copies of all correspondence, reports, replies, and responses received or obtained as a result of such advertisement. If no reply, response, or report was received, the petitioner shall so indicate.

(5) The petitioner shall attach to the petition, as a part thereof, a statement setting forth a full, complete, and detailed analysis establishing in what manner the services of the beneficiary will be substantially beneficial prospectively to the national economy, cultural interests or welfare of the United States.

(6) The petitioner shall attach to the petition, as a part thereof, a full, complete, and detailed description of the high education, technical training, specialized experience, or exceptional ability of the beneficiary on the basis of which the beneficiary's services are alleged to be urgently required in the United States. Allegations of high education or technical training shall be supported by original, certified, or photographic copies of diplomas, school certificates, or equivalent documents or affidavits attesting to such education or technical training executed by the person in charge of the records of the educational or other institution, firm, or establishment wherein such education or training was acquired, improved, or perfected. Allegations of specialized experience or exceptional ability shall be supported by affidavits attesting to and describing the degree and extent of special experience or ability, executed by the appropriate officer of the firms, organizations, establishments, or other institutions wherein the beneficiary acquired, improved, or perfected such experience or ability.

(b) *For petitioners filing Form I–129A.* A petitioner filing a petition on Form I–129A shall attach to the petition, as a part thereof, a statement, preferably on official stationery, regarding ordination of the beneficiary or other authorization to act as minister, showing the name of each religious denomination or sect with which the beneficiary has been affiliated, the periods of service, and the addresses, for whom, when and where the service as a minister was performed by the beneficiary during the two years immediately preceding the date of the petition. The statement shall be signed by the appropriate official having knowledge of the prospective immigrant's religious service during such two year period, and shall state the source of the official's knowledge of such service.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 204.11 *Disposition of petition—(a) Action by district director or officer in charge.* The district director or the officer in charge having administrative jurisdiction over the office receiving a petition properly executed and adequately supported by documentary evidence shall cause such investigation to be conducted as he deems necessary to the proper disposition of the petition. If it appears to the district director or the officer in charge receiving the petition that the beneficiary would be inadmissible to the United States even if the petition were approved, the petitioner shall be advised of this possibility and given an opportunity to withdraw his petition should he so desire. If the petition is withdrawn, no further action thereon shall be taken and the fee shall be retained as though final action had been taken on the petition. If the petitioner does not withdraw the petition, further action thereon shall be taken in accordance with the provisions of this part. If the investigation is made by an office of the Service other than a district office, the petition and all accompanying papers shall, upon completion of such investigation, be forwarded to the district director having administrative jurisdiction over the office that made the investigation with a report and transcript of the investigation and the recommendation of the officer in charge.

(b) *Action by district director.* The determination as to whether a petition filed under this part shall be approved shall be limited to a consideration as to whether the eligibility of the beneficiary to the classification requested has been established. If the district director, receiving a petition either directly from the petitioner or from the officer in charge, is satisfied after consultation with appropriate agencies of the government, if any, that the beneficiary is eligible for the classification requested, he shall approve the petition and note his decision thereon accordingly. If the district director is not satisfied that the petition should be approved, he shall disapprove the petition and note his decision thereon accordingly. The petitioner shall be notified of the decision and, if the petition is disapproved, of the reasons therefor, and of his right to appeal to the Assistant Commissioner, Inspections and

Examinations Division, within ten days from the receipt of such notification.

PART 205—PETITION FOR IMMIGRANT STATUS AS RELATIVE OF UNITED STATES CITIZEN OR LAWFUL RESIDENT ALIEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
205.1 Petition; form.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

205.11 Petition.
205.12 Disposition of petition.

AUTHORITY: §§ 205.1 to 205.12 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 205, 66 Stat. 180.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 205.1 *Petition; form.* A petition by a United States citizen under section 205 (b) of the Immigration and Nationality Act shall be filed on Form I–133. A petition by an alien under section 205 (b) of the Immigration and Nationality Act shall be filed on Form I–133A.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 205.11 *Petition*—(a) *Where filed.* If the petitioner is in the United States at the time of the filing of a petition under this part, the petition shall be filed with the district director or the officer in charge having administrative jurisdiction over the petitioner's place of residence in the United States. If the petitioner is not in the United States, the petition shall be executed before a consular officer in accordance with the provisions of this part and the applicable consular regulations, and the petitioner shall transmit the completed petition directly to the Commissioner. If such petitioner has a place of residence in the United States, the Commissioner shall transmit the completed petition and all accompanying documents to the district director having administrative jurisdiction over such place of residence. If such petitioner does not have a place of residence in the United States, the Commissioner shall transmit the completed petition with all accompanying documents to the district director having administrative jurisdiction over the place in the United States wherein the beneficiary intends to reside, as shown in the petition.

(b) *Documents in support of petition.* The petition shall be supported by documentary evidence establishing the qualifications and eligibility of the beneficiary for the classification requested and shall include the information required by the Form I–133, if the petitioner is a citizen of the United States, or the information required by the Form I–133A, if the petitioner is a lawful resident alien.

§ 205.12 *Disposition of petition*—(a) *Action by district director or officer in charge.* The district director or the officer in charge having administrative jurisdiction over the office receiving a petition properly executed and adequately supported by documentary evidence shall cause such investigation to be conducted as he deems necessary to the proper disposition of the petition. If it appears to the district director or the officer in charge receiving the petition that the beneficiary would be inadmissible to the United States even if the petition were approved, the petitioner shall be advised of this possibility and given an opportunity to withdraw his petition should he so desire. If the petition is withdrawn, no further action thereon shall be taken and the fee shall be retained and processed as though final action had been taken on the petition. If the petitioner does not withdraw the petition, further action thereon shall be taken in accordance with the provisions of this part. If the petition is filed in an office of the Service other than a district office, upon completion of such investigation, the petition and all accompanying papers shall be forwarded to the district director having administrative jurisdiction over the office in which the petition was filed with the recommendation of the officer in charge, the report and transcript of any investigation made.

(b) *Action by district director.* In determining whether a petition filed under this part shall be approved, the sole issue for consideration by the district director shall be the eligibility of the beneficiary for the classification requested. If the district director receiving a petition either directly from the petitioner or from the Commissioner or an officer in charge is satisfied that the petition should be approved, he shall approve the petition and note his decision thereon. If the district director is not satisfied that the petition should be approved, he shall disapprove the petition and note his decision thereon. The petitioner shall be informed of the decision and, if the petition is disapproved, of the reasons therefor, and of his right to appeal to the Board of Immigration Appeals, within ten days from the receipt of notification of such decision.

PART 206—REVOCATION OF APPROVAL OF PETITIONS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
206.1 Automatic revocation.
206.2 Revocation on notice.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

206.11 Notice of revocation.
206.21 Revocation on notice; procedure.
206.22 Notice of revocation.

AUTHORITY: §§ 206.1 to 206.22 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 204, 205, 214, 66 Stat. 179, 180, 189.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 206.1 *Automatic revocation.* The approval of a petition made under section 204, 205 or 214 (c) of the Immigration and Nationality Act and in accordance with Part 204, 205, or 214 of this chapter is revoked as of the date of approval in any of the following circumstances:

(a) As to a petition approved under section 204 or 214 (c) of the Immigration and Nationality Act:

(1) The beneficiary is not issued a visa under the classification approved within one year of the date on which the petition was approved.

(2) The petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary arrives in the United States to apply for admission under the classification approved.

(b) As to a petition approved under section 205 of the Immigration and Nationality Act:

(1) The beneficiary does not within one year after the date of the approval of the petition file a formal application for an immigrant visa or arrange with the consular officer to have his name placed on a registration or waiting list for such visa.

(2) The petitioner loses his United States citizenship or his status as an alien lawfully admitted for permanent residence, whichever was applicable to the approval of the petition, or dies, before the beneficiary arrives in the United States to apply for admission under the classification approved.

(3) As to a spouse beneficiary, the marriage of the petitioner to the beneficiary terminates by death, divorce or annulment before the beneficiary arrives in the United States to apply for admission under the classification approved.

(4) As to a child beneficiary:

(i) The beneficiary is married before he arrives in the United States to apply for admission under the classification approved.

(ii) The beneficiary reaches the 21st anniversary of his birth before he arrives in the United States to apply for admission under the classification approved.

§ 206.2 *Revocation on notice.* The approval of a petition made under section 204, 205, or 214 (c) of the Immigration and Nationality Act and in accordance with Part 204, 205, or 214 of this chapter may be revoked on any ground other than those specified in § 206.1 by any officer authorized to approve such petition when the propriety of such revocation is brought to the attention of the Service, including request for revocation or reconsideration made by consular officers.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 206.11 *Notice of revocation.* In any case in which it shall appear to a district director that a petition approved under section 204, 205, or 214 (c) of the Immigration and Nationality Act has been automatically revoked under and by virtue of § 206.1, such district director shall cause a notice of such revocation to be sent promptly to the Visa Office of the Bureau of Security and Consular Affairs, Department of State, and a copy of such notice to be mailed to the petitioner's last known address.

§ 206.21 *Revocation on notice; procedure.* Revocation of an approved petition under § 206.2 shall be made only upon notice to the petitioner who shall be given an opportunity to offer evidence in support of the petition and in opposition to the grounds alleged for revocation of the approval. If upon reconsideration, the approval previously granted is revoked, the petitioner shall be informed of the decision with the reasons therefor and shall have ten days from the receipt of notification of the decision within which to appeal to the Board as provided in Part 6 of this chapter if the petition initially was approved for classification under section 205 of the Immigration and Nationality Act, or to the Assistant Commissioner, Inspections and Examinations Division, as provided in Part 7 of this chapter if the petition initially was approved for classification under section 204 or 214 (c) of the Immigration and Nationality Act.

§ 206.22 *Notice of revocation.* In any case in which a petition is revoked under §§ 206.2 and 206.21, the district director having administrative jurisdiction over the office in which the proceeding is pending shall cause notice of such revocation to be sent promptly to the Visa Office of the Bureau of Security and Consular Affairs, Department of State.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
211.1 Documentary requirements for immigrants.
211.2 Immigrants not required to present visas or passports.
211.3 Immigrants required to present passports but not visas.
211.4 Immigrants required to present visas but not passports.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

211.11 Resident Alien's Border Crossing Identification Card.

AUTHORITY: §§ 211.1 to 211.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 211, 212, 222, 235, 66 Stat. 181, 183, 193, 198.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 211.1 *Documentary requirements for immigrants.* Except as otherwise provided in the Immigration and Nationality Act and this chapter, an immigrant (including an alien crewman) applying for admission to the United States must present a valid unexpired immigrant visa and a valid unexpired passport.

§ 211.2 *Immigrants not required to present visas or passports.* Immigrants of the following classes applying for admission to the United States are not required to present visas or passports:

(a) An alien immigrant child born subsequent to the issuance of an immigrant visa to an accompanying parent and who arrives in the United States to apply for admission during the period of validity of such visa.

(b) An alien immigrant child born during the temporary visit abroad of a mother who is a lawful permanent resident alien, or a national, of the United States: *Provided*, (1) That the child is accompanying a parent who is admissible into the United States and who is entering the United States for permanent residence upon the first return of the parent to the United States after the child's birth, and (2) that application for admission into the United States is made within a period of two years of the child's birth.

(c) The following aliens (including alien crewmen) who have been lawfully admitted for permanent residence, who are otherwise admissible, and who are returning after a temporary absence:

(1) An alien who is returning to the United States after a temporary absence of not more than six months in Canada or Mexico only, and who presents a valid unexpired resident alien's border crossing identification card.

(2) An alien who is returning from a temporary visit abroad and who presents a valid unexpired reentry permit.

(3) An alien who goes in transit through foreign contiguous territory from one part of the continental United States or Alaska to another part of the continental United States or Alaska by means of a transportation line which runs through the territory or waters of both the United States and Canada or Mexico.

(4) An alien who is proceeding from one port of the United States to another, without stopover, although touching a foreign port.

(5) An alien who reenters from a journey beginning in a port of the United States in the Western Hemisphere without transshipment from the original vessel or aircraft, such vessel or aircraft not having proceeded outside of the Western Hemisphere.

(6) An alien who is returning to the United States from a visit not exceeding 30 days to Canada, Mexico, Cuba, Haiti, or the Dominican Republic, having departed to one of such countries under actual emergency conditions which prevented him from obtaining a reentry permit, or, with respect to such visit to Canada or Mexico only, a resident alien's border crossing identification card prior to departure from the United States.

(7) An alien resident of the Virgin Islands returning after a temporary visit to the British Virgin Islands or the French island of St. Bartholomew.

(8) An alien who resides in a remote section of Alaska returning after a temporary visit to Canada.

(9) An alien who has been shipwrecked or castaway and who has been rescued by, or transferred at sea to, a vessel or aircraft bound to a port in the United States.

(10) An alien who is returning within 48 hours from a visit to Mexico and who presents satisfactory evidence showing his previous lawful entry into the United States for permanent residence.

(11) Any alien in whose particular case a waiver of the passport and visa requirements is granted by (i) the Assistant Commissioner, Inspections and Examinations Division, either during or after the alien's application for admission to the United States, or (ii) at the time of the alien's application for admission and prior to the submission of the case to a special inquiry officer by the district director or officer in charge having administrative jurisdiction over the port at which the alien applied for admission, or (iii) by the special inquiry officer in determining a case referred to him for further inquiry as provided in section 235 of the Immigration and Nationality Act, upon a determination by the respective officers enumerated above that such presentation is impracticable because of emergent circumstances over which the alien had no control and that undue hardship will result to such alien if such presentation is required: *Provided*, That during the time any case is pending before the Board, a waiver under this subparagraph may be granted only by the Board.

§ 211.3 *Immigrants required to present passports but not visas.* Aliens of the following classes (including alien crewmen) who are otherwise admissible, who have been lawfully admitted for permanent residence, who are not within the provisions of § 211.2, and who are applying for admission to the United States after a temporary absence, are required to present valid unexpired passports (unless exempt under § 211.4) but are not required to present visas:

(a) An alien crewman whose name appears on the visaed crew list of the vessel or aircraft on which he arrived in the United States or presents a Form I–151 duly issued to him, if the alien is returning on the same vessel or aircraft on which he departed and without transshipment, or, if the alien is returning on an aircraft of the same transportation line within 30 days of his discharge in a foreign port.

(b) An alien who departed from the United States as a member of the crew of a vessel or aircraft which has been sold and delivered abroad, if the laws of the United States or the contract of employment provide for the return of the crew to the United States, whether returning as a passenger or as a crewman.

(c) An alien who departed from the United States as a member of the crew of a vessel or aircraft and who is returning to the United States as a passenger in accordance with the terms of the articles of the vessel or the aircraft on which he formerly served and who presents a Form I–151 duly issued to him.

(d) An alien crewman who departed from the United States as a member of the crew of a vessel or aircraft and who is a consular passenger, or is repatriated after and in accordance with the terms of his discharge in a foreign port before a consular officer, but who, for any reason, cannot be considered as serving as a crewman on the vessel or aircraft on which he arrives at a port in the United States.

(e) Any alien in whose particular case a waiver of the visa requirement is granted by (1) the Assistant Commissioner, Inspections and Examinations Division, either during or after the alien's application for admission to the United States or (2) at the time of the alien's application for admission and prior to the submission of the case to a special inquiry officer, by the district director or the officer in charge having administrative jurisdiction over the port at which the alien applied for admission, or (3) by the special inquiry officer in determining the case referred to him for further inquiry as provided in section 235 of the Immigration and Nationality Act, upon a determination by the respective officers enumerated above that such presentation is impracticable because of emergent circumstances over which the alien had no control and that undue

hardship would result to such alien if such presentation is required: *Provided*, That during the time any case is pending before the Board a waiver under this subparagraph may be granted only by the Board.

§ 211.4 *Immigrants required to present visas but not passports.* Aliens of the following classes (including alien crewmen) who apply for admission to the United States as immigrants, who are otherwise admissible, and who are not within the provisions of § 211.2, are required to present valid unexpired immigrant visas (unless they are aliens within the provisions of paragraph (b) or (c) of this section and who are exempt under § 211.3) but are not required to present passports:

(a) An alien who has been lawfully admitted for permanent residence and who is returning after a temporary absence and who presents a valid unexpired nonquota immigrant visa issued pursuant to the provisions of section 101 (a) (27) (B) of the Immigration and Nationality Act.

(b) Any alien in whose particular case a waiver of the passport requirement is granted by (1) the Assistant Commissioner, Inspections and Examinations Division, either during or after the alien's application for admission to the United States, or (2) at the time of the alien's application for admission and prior to the submission of the case to a special inquiry officer, by the district director or the officer in charge having administrative jurisdiction over the port at which the alien applied for admission, or (3) by the special inquiry officer in determining the case referred to him for further inquiry as provided in section 235 of the Immigration and Nationality Act, upon a determination by the respective officers enumerated above that such presentation is impracticable because of emergent circumstances over which the alien had no control and that undue hardship would result to such alien if such presentation is required: *Provided*, That during the time any case is pending before the Board, a waiver under this subparagraph may be granted only by the Board.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 211.11 *Resident Alien's Border Crossing Identification Card*—(a) *Form.* For the purposes of sections 211 (b) and 212 (a) (20) of the Immigration and Nationality Act and this part, Form I–151 (Alien Registration Receipt Card) or any outstanding valid Form I–187 (Resident Alien's Border Crossing Identification Card) shall be accepted as a Resident Alien Border Crossing Identification Card when in possession of and presented by the rightful holder thereof during the period of its validity.

(b) *Use.* The presentation of such card shall not relieve the holder from establishing his admissibility to the United States under the applicable provisions of the immigration laws and regulations. A Resident Alien's Border Crossing Identification Card may be used by an alien who has been lawfully admitted to the United States for permanent residence for the purpose of (1) facilitating determination of his status as such when applying for admission at any land or water port of entry or international airport in the continental United States or Alaska as a returning legal resident after an absence from the United States of not more than 6 months, during which absence he visited no foreign country other than Canada, Mexico or both, and (2) to satisfy the documentary requirements of sections 211 (b) and 212 (a) (20) of the Immigration and Nationality Act and this part.

(c) *Form I–151; who may apply.* Any alien lawfully admitted to the United States for permanent residence who is not in possession of a Form I–151 may apply for such form in accordance with the provisions of § 264.5 of this chapter.

(d) *Form I–187.* Outstanding Forms I–187 in the possession of aliens who do not have a Form I–151 may upon application in person by the proper holder be revalidated at any Service office in the continental United States or Alaska, either before or after their expiration for an additional period or periods not exceeding 6 months each. No such revalidation shall extend beyond June 30, 1954 at which date all outstanding Forms I–187 shall be retired. An expired or unexpired Form I–187 may also be revalidated if the rightful holder applies for admission to the United States at a port of entry or for preexamination at a United States immigration station in Canada, is found admissible, satisfactorily establishes that he has not abandoned his residence in the United States, and that he has not been absent from the United States for more than 60 days. Each additional period of validity shall commence on the date of revalidation. No card issued before November 14, 1941 shall be revalidated notwithstanding any revalidation thereof which may have been granted previously. Any Form I–187 issued prior to November 14, 1941 which comes to the attention of an officer of the Service shall be obtained from the holder and returned to the original issuing office for destruction. Any Form I–187, whether valid or expired, issued on or after November 14, 1941 and which is found in the possession of an alien who is making improper use thereof shall be obtained from the holder and returned to the original issuing office for destruction. An alien in possession of a Form I–187 and a Form I–151 shall surrender the Form I–187 to any immigration officer which shall be forwarded to the office of issuance for destruction.

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANT: ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
212.1 Documentary requirements for nonimmigrants.
212.2 Period of validity of passports for certain nonimmigrants.
212.3 Nonimmigrants not required to present visas, border crossing identification cards, or passports.
212.4 Additional class of nonimmigrants not required to present visas, border crossing identification cards or passports.
212.5 Nonimmigrants required to present passports but not visas.
212.6 Aliens previously deported or removed, or who departed at Government expense; consent to reapply for admission.
212.7 Advance request by certain resident aliens for permission to reenter the United States.
212.8 Advance request by certain nonimmigrant aliens for permission to enter the United States temporarily.
212.9 Parole of aliens into the United States.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

212.11 Nonresident alien's border crossing identification card.
212.61 Application for consent to reapply.
212.71 Application for permission to reenter the United States.
212.72 Disposition of application.
212.81 Application for temporary admission of nonimmigrant; form and execution.
212.82 Application for temporary admission of nonimmigrant; filing of application.
212.83 Application for temporary admission of nonimmigrant; disposition of application.
212.91 Return of paroled alien.

AUTHORITY: §§ 212.1 to 212.91 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 212, 214, 236, 238, 66 Stat. 167, 182, 189, 200, 203.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 212.1 *Documentary requirements for nonimmigrants.* Except as otherwise provided in the Immigration and Nationality Act and this chapter, an alien (including an alien crewman) applying for admission to the United States as a nonimmigrant shall present a valid unexpired nonimmigrant visa issued to him under the nonimmigrant classification in which he seeks admission and an unexpired passport valid for at least the period set forth in section 212 (a) (26) of the Immigration and Nationality Act: *Provided*, That a valid nonresident alien's border crossing identification card shall be acceptable in lieu of a nonimmigrant visa when presented in accordance with the provisions of § 212.11.

§ 212.2 *Period of validity of passports for certain nonimmigrants.* An alien, not within the provisions of § 212.3, applying for admission to the United States as a nonimmigrant under section 101 (a) (15) (A) (i), or (ii) of the Immigration and Nationality Act or under section 101 (a) (15) (G) (i), (ii), (iii), or (iv) of that act and who presents a valid unexpired nonimmigrant visa issued to him under the nonimmigrant classification in which he seeks admission, shall present a passport which is valid and unexpired on the date of the bearer's application for admission to the United States at a port of entry.

§ 212.3 *Nonimmigrants not required to present visas, border crossing identification cards, or passports.* The documentary requirements of section 212 (a) (26) of the Immigration and Nationality Act and § 212.1 are hereby waived for aliens of the following classes (including alien crewmen), applying for admission to the United States as nonimmigrants under section 101 (a) (15) of the Immigration and Nationality Act: *Provided*, That such aliens, except those described in paragraph (a) of this section, are nationals of foreign contiguous territory or adjacent islands or residents of such territory or islands having a common nationality with such nationals and that they are otherwise admissible:

(a) An alien member of the armed forces of the United States who is (1) in the uniform of, or who bears documents identifying him as a member of, such armed forces, (2) not a lawful permanent resident of the United States, and (3) coming to the United States under official orders or permit of such armed forces;

(b) A Canadian citizen who has his residence in Canada, is coming to the United States from foreign contiguous territory or from adjacent islands, and is seeking admission for a period of less than 6 months. This waiver shall not apply to any nonimmigrant defined in section 101 (a) (15) (H) of the Immigration and Nationality Act unless the petition provided for by section 214 (c) of that act and Part 214h of this chapter shall have been approved.

(c) A British subject who has his residence in Canada, is coming to the United States from foreign contiguous territory or from adjacent islands, and is seeking admission for a period of less than thirty days. This waiver shall not apply to any nonimmigrant defined in section 101 (a) (15) (H) of the Immigration and Nationality Act unless the petition provided for by section 214 (c) of that act and Part 214h of this chapter shall have been approved.

(d) A Canadian citizen irrespective of his place of residence or a British subject who has his residence in Canada, lawfully admitted to the United States as a nonimmigrant, who is proceeding from one part of the United States to another, without stopover, although touching at a foreign port. This waiver shall not apply to any nonimmigrant defined in section 101 (a) (15) (H) of the Immigration and Nationality Act unless the petition provided for by section 214 (c) of that act and Part 214h of this chapter shall have been approved.

(e) An alien within any of the following classes who is seeking admission into the Virgin Islands of the United States for a period of not more than 29 days on any one occasion: (1) A British subject who has his residence in the British Virgin Islands or in the British Islands of Anguilla, St. Kitts, Nevis, Antigua, Montserrat, Redonda, Barbuda or St. Lucia; (2) a French citizen who has his residence in the island of St. Bartholomew or in the French portion of the island of St. Martin; or (3) a Netherlands subject who has his residence in the islands of St. Eustatius or Saba, or in the Netherlands portion of the island of St. Martin;

(f) A national of Mexico who (1) has his residence in Mexico; (2) holds identifying documents establishing that he is a military or civilian official of Mexico or an employee of the Government of Mexico or of any political subdivision thereof and (3) seeks to enter the United States for a period of less than 30 days in connection with his official duties;

(g) A national of Mexico holding identifying documents establishing that he is a military or civilian official of Mexico, and members of his family or suite, who are residents of Mexico and who seek to enter the United States from Mexico for a period of less than 30 days for personal business or pleasure;

(h) A national of Mexico passing in continuous transit through the United States from one place in Mexico to another by means of a transportation line which crosses the border;

(i) A national of Mexico who has his residence in Mexico and who is a member of a fire-fighting group entering the United States in connection with fire-fighting activities.

§ 212.4 *Additional class of nonimmigrants not required to present visas, border crossing identification cards or passports.* An alien who is being transported in immediate and continuous transit through the United States directly from one part of Canada to another or directly from one part of Mexico to another, in accordance with the terms of a contract, including a bonding agreement, entered into by the transportation line or lines and the Commissioner in accordance with section 238 (d) of the Immigration and Nationality Act shall not be required to present a visa, border crossing identification card or passport if he is otherwise admissible to the United States.

§ 212.5 *Nonimmigrants required to present passports but not visas.* The provisions of section 212 (a) (26) of the Immigration and Nationality Act relating to the requirement of visas for nonimmigrants are hereby waived for an alien not otherwise inadmissible to the United States and not within the provisions of § 212.4, who is in possession of documentation authorizing his entry into some foreign country and who is being transported in immediate and continuous transit through the United States from one foreign place to another in accordance with the terms of a contract, including a bonding agreement, entered into by the transportation line or lines with the Commissioner in accordance with section 238 (d) of the Immigration and Nationality Act and § 238.4 of this chapter.

§ 212.6 *Aliens previously deported or removed, or who departed at Government expense; consent to reapply for admission.* Except as provided in § 236.16 (c) of this chapter, an alien who is inadmissible to the United States under paragraph (16) or (17) of section 212 (a) of the Immigration and Nationality Act and who desires to apply for admission to the United States shall file an application for consent to reapply for admission to the United States with the district director having administrative jurisdiction over the office in which the proceedings were held which resulted in the alien's deportation, removal, or departure at Government expense.

§ 212.7 *Advance request by certain resident aliens for permission to reenter the United States.* An alien who has been lawfully admitted for permanent residence and who is or believes himself to be inadmissible to the United States under any paragraph of section 212 (a) of the Immigration and Nationality Act other than paragraph (27), (28) or (29), may, prior to or after his temporary departure from the United States and prior to his application for readmission to the United States, apply for permission to reenter under the authority contained in section 212 (c) of the Immigration and Nationality Act notwithstanding any such ground of inadmissibility.

§ 212.8 *Advance request by certain nonimmigrant aliens for permission to enter the United States temporarily.* An alien who desires to enter the United States temporarily as a nonimmigrant and who is or believes himself to be inadmissible under any paragraph of section 212 (a) of the Immigration and Nationality Act other than paragraph (27) and (29), may, prior to his application for admission at a port of the United States, apply for permission to enter the United States temporarily under the authority contained in section 212 (d) (3) of the Immigration and Nationality Act notwithstanding any such ground of inadmissibility.

§ 212.9 *Parole of aliens into the United States.* Subject to the provisions of section 212 (d) (5) of the Immigration and Nationality Act, the district director or the officer in charge having administrative jurisdiction over the port of entry, in his discretion, may parole into the United States temporarily any alien applying for admission to the United States at such port, under such terms and conditions, including the exaction of a bond on Form I–324, as such officer shall deem appropriate. Such district director or officer in charge shall determine when, in his opinion, the purpose of the parole shall have been served so that such paroled alien shall return or be returned to the custody from which he was paroled in accordance with section 212 (d) (5) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 212.11 *Nonresident alien's border crossing identification card*—(a) *Form.* For the purposes of section 212 (a) (26) of the Immigration and Nationality Act and this part, Form I–186 (Nonresident Alien's Border Crossing Identification Card) shall be accepted as a nonresident alien's border crossing card when in possession of and presented by the rightful holder thereof during the period of its validity.

(b) *Use.* The rightful holder of a valid nonresident alien's border crossing identification card may present such card in lieu of a nonimmigrant visa, if such visa is required, when arriving direct from Canada or Mexico and applying for admission to the United States at any land or water port of entry or an international airport in the continental United States or Alaska. The presentation of

such card shall not otherwise relieve the holder from establishing his admissibility to the United States under the applicable provisions of the Immigration and Nationality Act.

(c) *Form 186; who may apply.* A nonresident alien's border crossing identification card may be issued to any alien who, upon application therefor, submits satisfactory evidence that he (1) is a Canadian citizen or a British subject, domiciled or residing in Canada, or a native-born citizen of Mexico domiciled or residing therein, (2) presents a valid unexpired passport required of nonimmigrants, unless a passport is not required to be presented under the provisions of this part, (3) desires temporary admission into the continental United States for a period or periods of not more than 72 hours each, and (4) is admissible to the United States: *Provided, however,* That no such card shall be issued unless the applicant is known or shown to be a person who has complied fully with all provisions applicable to him of laws, regulations, Executive orders, or other governmental requirements regulating the entry of aliens to the United States; and *Provided further,* That such card may be issued to an applicant who desires temporary admission into the United States for more than 72 hours if such applicant desires such card to facilitate admission, is (1) a citizen of and has his residence in, Canada, and is entitled under § 212.3 (b) to enter the United States for less than six months without presenting a visa, border crossing identification card, or passport, or (2) a British subject having his residence in Canada, and is entitled under § 212.3 (c) to enter the United States for less than 30 days without presenting a visa, border crossing identification card or passport.

(d) *Application.* Application for a nonresident alien's border crossing identification card shall be made on Form I–190 at any office of the Service located at any land or water port of entry or international airport in the continental United States or Alaska or at any office of the Service located in Canada. The applicant shall appear in person, shall execute his application under oath before an immigration officer, and shall be fingerprinted. The applicant shall furnish a photograph prepared in accordance with the provisions of Part 10 of this chapter. If, because of unusual circumstances, it would be a hardship for the applicant to obtain a photograph, the officer considering the application, in his discretion, may waive the furnishing of the photograph.

(e) *Disposition of application.* If the applicant is found to have the qualifications specified in paragraph (c) of this section, the identification card shall be issued to him by the examining immigration officer. Entries on the card shall be made by typewriter, if practicable, or in ink. The applicant shall sign his full name to the card in ink, unless unable to sign his name. The applicant's photograph shall be fastened on the card unless the furnishing of the photograph is waived, in which case his right index finger print shall be placed on the card in lieu of his photograph. The card shall be valid for an initial period of two years, unless in the discretion of the issuing officer a shorter period of validity is desired because of special circumstances. The period of validity shall be noted on the card and on the application. The issuing officer in his discretion or upon direction of his superior officer may issue the card subject to such conditions as the circumstances of the case indicate to be proper and such conditions shall be noted on the card and on the application. The identification card shall be delivered to the applicant on his personal appearance in the office where the application is filed, except that where justified by unusual circumstances, the card may be delivered to him by mail prior to his application for admission to the United States. If the examining immigration officer, in his discretion, determines that a nonresident alien border crossing card should not be issued, he shall deny the application. No appeal shall lie from a denial of the application but such denial shall be without prejudice to the alien's applying for admission to the United States under applicable provisions of the Immigration and Nationality Act.

(f) *Extension.* The rightful holder of a nonresident alien's border crossing identification card issued for a fixed period, who meets the eligibility requirements of paragraph (c) of this section, may apply to have such card extended during the period of the validity of such card, or, if the period of validity has expired, may apply to have such card revalidated. In no event shall such card be extended or revalidated beyond a date six years from the date of its original issuance.

(g) *Surrender.* Any nonresident alien's border crossing identification card issued prior to November 14, 1941, which comes to the attention of an officer of the Service shall be surrendered by the holder and returned to the original issuing office. Any nonresident alien's border crossing identification card which is presented by a person who does not have the qualifications set forth in paragraph (c) of this section, or who is making improper use of the card, or is not the rightful holder thereof, shall be surrendered by the holder and returned to the original issuing office, with a report of the reasons therefor: *Provided, however,* That no card shall be required to be surrendered if found in the possession of an alien applying for admission to the United States unless and until the holder has been excluded by a special inquiry officer. If a nonresident's border crossing identification card has been lost, mutilated or destroyed the person to whom such card was issued may make a new application in accordance with the provisions of this section and any mutilated card shall be attached to such application for return to the office of issuance.

§ 212.61 *Application for consent to reapply*—(a) *Form.* The application for consent to reapply for admission to the United States shall be submitted on Form I–212. In stating the reasons for his desire to enter the United States, the applicant shall include a statement of facts establishing whether:

(1) Unusual hardship would result to persons lawfully in the United States if the application were denied.

(2) There is need for the services of the applicant in the United States.

(3) The applicant is a bona fide crewman who has no means of earning his livelihood other than by pursuing such calling which necessitates his coming to the United States.

(4) It is necessary for the applicant to enter the United States frequently across the international land border to purchase the necessities of life, or in connection with the business in which he is engaged, or for some other urgent reason.

(b) *Disposition.* The district director receiving an application for consent to reapply for admission, in his discretion, may grant or deny such application. He shall note the Form I–212 to show his decision and his reason for denial if the application is denied. The applicant shall be given written notice of the decision. The decision shall be final except that an appeal therefrom may be taken by the applicant to the Assistant Commissioner, Inspections and Examinations Division, within 10 days from receipt of notification of decision, in accordance with the provisions of Part 7 of this chapter.

§ 212.71 *Application for permission to reenter the United States*—(a) *Form and execution.* Application for the advance exercise of discretion under the provisions of section 212 (c) of the Immigration and Nationality Act shall be submitted on Form I–191, executed under oath by the applicant. If the applicant is mentally incompetent the application shall be executed by his parent or guardian. If the applicant is not in the United States, the application shall be executed before a consular officer in accordance with applicable consular regulations.

(b) *Where filed.* The application shall be filed with the district director or the officer in charge having administrative jurisdiction over the applicant's place of residence in the United States.

§ 212.72 *Disposition of application*—(a) *Action by officer with whom application is filed.* The officer with whom the application is filed shall cause such investigation to be conducted as he deems necessary for the proper disposition of the application. If this action is taken in an office of the Service other than a district office, upon completion of such investigation, the application and all pertinent papers shall be forwarded to the district director having administrative jurisdiction over the office in which the application was filed, with the recommendation of the officer in charge.

(b) *Action by the district director.* The district director, in his discretion, may grant or deny the application. The applicant shall be given written notice of the decision and if the application is denied, of the reasons therefor and of his right to appeal to the Board in accordance with the provisions of part 6 of this chapter within 10 days from the receipt of notification of such decision.

(c) *Conditions.* If the application is granted, it shall be under such terms and conditions, including exaction of bond, as may be deemed appropriate to the district director or to the Board when granting the application.

§ 212.81 *Application for temporary admission of nonimmigrant; form and execution.* Application for the advance exercise of discretion under the provisions of section 212 (d) (3) shall, except as hereinafter provided, be submitted on Form I–192, executed under oath before a consular officer in accordance with applicable consular regulations. When Form I–192 is not readily available and the case is one of unforeseen emergency, the application shall be in writing and shall contain all the information required by such form. When it is impracticable for the alien seeking the said benefits to execute the application, said application may be executed by his parent, guardian, attorney or representative, and in such cases, the application need not be under oath and need not be executed before a consular officer.

§ 212.82 *Application for temporary admission of nonimmigrant; filing of application.* If the alien seeking the benefits of section 212 (d) (3) of the Immigration and Nationality Act is not in possession of a nonimmigrant visa required for admission to the United States and is not exempt from the presentation of such visa, the executed application shall be filed with the consular officer before whom the alien is required to apply for his nonimmigrant visa. In all other cases, the executed application shall be filed with the Assistant Commissioner, Inspections and Examinations Division.

§ 212.83 *Application for temporary admission of nonimmigrant; disposition of application.* If the Secretary of State or the consular officer recommends that an alien be admitted temporarily to the United States despite his inadmissibility, the application with such recommendation shall be forwarded to the Assistant Commissioner, Inspections and Examinations Division, who, in his discretion, may grant or deny such application. The Assistant Commissioner, Inspections and Examinations Division, in his discretion, may grant or deny any application which is authorized by this part to be filed directly with him. The applicant and the Secretary of State shall be given written notice of the decision and, if the application is denied, of the reasons therefor and of the right of the alien to appeal to the Board in accordance with the provisions of Part 6 of this chapter, within ten days from the receipt of notification of such decision. If the application is granted, it shall be under such terms and conditions, including exaction of bond on Form I–331, I–332, or I–337 as the Assistant Commissioner, Inspections and Examinations Division, or the Board, when granting the application, deems appropriate to the case, as provided in section 212 (d) (6) of the Immigration and Nationality Act.

§ 212.91 *Return of paroled alien.* If the district director or officer in charge who has paroled an alien into the United States determines that the purpose of the parole has been served, the paroled alien shall be taken into custody by an immigration officer under the order of such district director or officer in charge and shall thereupon forthwith be returned to the custody from which such alien was paroled.

PART 212a—ADMISSION OF CERTAIN ALIENS TO PERFORM SKILLED OR UNSKILLED LABOR

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
212a.1 Aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor; application for permission to enter United States.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

212a.11 Application.
212a.12 Disposition of application.

AUTHORITY: §§ 212a.1 to 212a.12 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 203, 212, 66 Stat. 166, 178, 183.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 212a.1 *Aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor; application for permission to enter United States.* An alien of any of the classes described in section 101 (a) (27) (C), (D), or (E), of the Immigration and Nationality Act, and any alien described in the non-preference category of section 203 (a) (4) of that Act, who is ineligible to receive an immigrant visa and is subject to exclusion from the United States under section 212 (a) (14) of that Act may apply, or the person, institution, firm, organization or governmental agency for whom the alien will perform skilled or unskilled labor may apply in his behalf, for permission for such alien to enter the United States under the authority contained in section 212 (a) (14) of the Immigration and Nationality Act notwithstanding such ground of inadmissibility.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 212a.11 *Application*—(a) *Form.* An application for permission to enter the United States pursuant to this part and section 212 (a) (14) of the Immigration and Nationality Act shall be submitted in duplicate on Form I–129C. The executed application shall be filed at the office of the Service nearest the residence or principal operating office in the United States of the person filing this application if filed by a person other than the prospective immigrant. If the person filing this application is the prospective immigrant, he shall transmit the completed application directly to the Commissioner who shall transmit the application to the district director having administrative jurisdiction over the place in the United States wherein the prospective immigrant intends to reside as shown in the application.

(b) *Documents in support of application.* A person filing an application on Form I–129C shall comply with the following requirements:

(1) If a labor organization, trade organization, guild, professional society, educational or research institution, is active in the field of the work, labor or services in which the prospective immigrant is to be employed or engaged, the person filing the application shall request such organization, by registered mail return receipt requested, for a written statement showing whether such organization can supply persons capable of performing the work, labor or services which are to be performed by the prospective immigrant. The request to such organization for such statement shall set forth a description of the position sought to be filled and the terms, conditions and place of employment. A copy of the request and reply shall be attached to the application. In the event no reply is received to such request, a copy of the letter sent to such organization and the receipt returned by the Post Office Department showing that the letter was delivered, shall be attached to the application.

(2) The person filing the application shall attach affidavits of persons having special knowledge or information in the field of work, labor or services which the prospective immigrant is to perform, showing the approximate length of time required for a person to become skilled or proficient in the performance of such work, labor or services.

(3) If the person filing the application is not the prospective immigrant, the applicant shall attach as a part thereof, a statement of efforts made by him or in his behalf to secure persons in the United States to perform the work, labor or services to be performed by the prospective immigrant, including clippings of advertisements placed in newspapers, trade journals, professional and similar publications in the field of such work, labor or services and copies of all correspondence, reports, replies, and responses received or obtained as a result of such advertisement. If no reply, response, or report was received, the applicant shall so indicate.

(4) The person filing the application shall attach as a part thereof, a statement setting forth a full, complete and detailed analysis establishing in what manner the services of the prospective immigrant will be substantially beneficial prospectively to the national economy, cultural interest or welfare of the United States.

(5) The person filing the application shall attach as a part thereof, a full, complete description of the services to be performed by the prospective immigrant in the United States.

(6) The person filing the application shall attach as a part thereof a full, complete and detailed description of the high education, technical training, specialized experience, or exceptional ability of the prospective immigrant on the basis of which the prospective immigrant's services are alleged to be urgently required in the United States. Allegations of high education or technical training shall be supported by original, certified, or photographic copies of diplomas, school certificates, or equivalent documents or affidavits attesting to such education or technical training executed by the person in charge of the records of the educational or other institution, firm, or establishment wherein such education or

training was acquired, improved, or perfected. Allegations of specialized experience or exceptional ability shall be supported by affidavits attesting to and describing the degree and extent of special experience or ability, executed by the appropriate officer of the firms, organizations, establishments, or other institutions wherein the prospective immigrant acquired improvement or perfected such experience or ability.

§ 212a.12 *Disposition of application*—(a) *Investigation.* The district director or officer in charge having administrative jurisdiction over the office receiving an application properly executed and adequately supported by documentary evidence shall cause such investigation to be conducted as he deems necessary to the proper disposition of the application. If the investigation is made in an office of the Service other than a district office, the application and all accompanying papers shall, upon completion of such investigation, be forwarded to the district director having administrative jurisdiction over the office that made the investigation with a report and transcript of the investigation and the recommendation of the officer in charge.

(b) *Action by district director.* If the district director receiving an application either directly from the person filing the application or from the officer in charge is satisfied that the application should be approved he shall approve the application and note his decision thereon accordingly. If the district director is not satisfied that the application should be approved he shall disapprove the application and note his decision thereon accordingly. The person filing the application shall be informed of the decision and, if the application is disapproved, of the reasons therefor, and of his right to appeal to the Assistant Commissioner, Inspections and Examinations Division within 10 days from receipt of notification of decision.

PART 213—ADMISSION OF ALIENS ON GIVING BOND OR CASH DEPOSIT

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

213.1 Authority to admit under bond or cash deposit.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

213.11 Form of public charge bond.

AUTHORITY: §§ 213.1 and 213.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 213, 235, 66 Stat. 188, 198.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 213.1 *Authority to admit under bond or cash deposit.* An alien applying for admission to the United States for permanent residence whose case is referred to the district director or officer in charge having administrative jurisdiction over the place where the examination for admission is being conducted, as provided in § 235.12 of this chapter, may be admitted to the United States in the discretion of such officer upon the furnishing of a bond on Form I–354 in the sum of not less than $1,000, or, in lieu of such bond, upon depositing cash in the sum of not less than $1,000 for the same purposes and subject to the same conditions as those set forth in Form I–354. If such officer does not so admit the alien, the special inquiry officer to whom the case is referred, as provided in § 235.12 of this chapter, in his discretion, may admit the alien upon the furnishing of such bond or the depositing of such cash described in the previous sentence.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 213.11 *Form of public charge bond.* All bonds, including agreements covering cash deposits, given as a condition of admission of an alien under section 213 of the Immigration and Nationality Act shall be executed on Form I–354. If cash is deposited, the depositor shall give his power of attorney and agreement on Form I–304, authorizing the officers designated thereon to collect, assign, or transfer such deposit, in whole or in part, in case of any violation of the conditions of the bond; and the officer accepting such deposit shall give his receipt therefor on Form I–305.

PART 214—ADMISSION OF NONIMMIGRANTS: GENERAL

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

214.1 Time for which nonimmigrants may be admitted.
214.2 Conditions of nonimmigrant status.
214.3 Bonds.
214.4 Extension of period of temporary admission.
214.5 Change of status as affecting period of admission.
214.6 Limitation.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

214.31 Bonds; referral of case by examining officer.
214.41 Extension of period of admission.

AUTHORITY: §§ 214.1 to 214.41 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 3, 4, 43 Stat. 154, as amended, 155 as amended, secs. 501–508, 65 Stat. 119–121, secs. 101, 102, 212, 214, 235, 66 Stat. 166, 173, 182, 189, 198; 8 U. S. C. 203, 204, 7 U. S. C., Sup., 1461–1468.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214.1 *Time for which nonimmigrants may be admitted.* The maximum period for which a nonimmigrant may be admitted initially to the United States shall be whatever period the admitting officer deems appropriate to accomplish the intended purpose of the alien's temporary stay in the United States, except that

(a) Such period in no event shall exceed any limit fixed by any of the other provisions of this chapter relating to particular nonimmigrant classes; and

(b) Except as provided in section 102 of the Immigration and Nationality Act, such period shall be subject to the provisions of section 212 (a) (26) of the Immigration and Nationality Act in the case of a nonimmigrant required to present a passport; and

(c) In the case of a nonimmigrant admitted to the United States upon a waiver of the passport requirement, he shall not be admitted beyond a date six months prior to the end of the period during which he will be eligible for readmission to the country whence he came or for admission to some other country.

§ 214.2 *Conditions of nonimmigrant status.* An alien found admissible as a nonimmigrant under the Immigration and Nationality Act shall be admitted to the United States, and an alien after admission to the United States as a nonimmigrant or after acquisition of a nonimmigrant status under the Immigration and Nationality Act or any prior act shall be permitted to remain in the United States, only upon the following conditions:

(a) That while in the United States he will maintain the particular nonimmigrant status under which he was admitted or such other status as he may acquire in accordance with the provisions of the Immigration and Nationality Act or which he may have acquired in accordance with the provisions of any prior law.

(b) That he will depart from the United States within the period of his admission or any authorized extension thereof.

(c) That while in the United States he will not engage in any employment or activity inconsistent with and not essential to the status under which he is in the United States unless such employment or activity has first been authorized by the district director or the officer in charge having administrative jurisdiction over the alien's place of temporary residence in the United States.

(d) That he will not remain in the United States beyond a date six months, or in the case of a nonimmigrant admitted prior to the effective date of the Immigration and Nationality Act, two months, prior to the end of the period during which he will be eligible for readmission to the country whence he came or for admission to some other country, as evidenced by a valid passport or other travel document.

(e) That he fulfills such other conditions as the admitting immigration officer, in his discretion, may impose or may have imposed to insure that he shall depart from the United States at the expiration of the time for which admitted, and that he will maintain the status under which admitted or which he may have lawfully acquired subsequent to admission.

§ 214.3 *Bonds.* Except as may be otherwise specifically provided by the Immigration and Nationality Act and by any of the other provisions of this chapter relating to particular classes of nonimmigrants, in the discretion of the district director or the officer in charge having administrative jurisdiction over the port of entry or the special inquiry officer, or, pursuant to an order entered on appeal from the decision of a special inquiry officer, an alien applying for admission to the United States as a nonimmigrant may be required to post a bond in the sum of not less than $500 as a condition precedent to his admission to the United States to insure that he will depart from the United States at the expiration of the time for which admitted and that he will maintain the status under which admitted or which may be acquired subsequently under the Immigration and Nationality Act: *Provided*, That no such bond shall be required as a condition to the admission of any alien within the classes described in section 102 of the Immigration and Nationality Act. Bond shall be furnished on such form as is prescribed for the particular nonimmigrant classification under which the alien seeks to enter the United States.

§ 214.4 *Extension of period of temporary admission.* An alien (other than one admitted in transit under section 101 (a) (15) (C) of the Immigration and Nationality Act or section 3 (3) of the Immigration Act of 1924, whose temporary admission may not be extended) who is maintaining the nonimmigrant status under which he is permitted to be in the United States and whose period of admission has not expired, may apply for and may be granted an extension or extensions of the period of his temporary admission, subject to the following limitations and conditions:

(a) All extensions shall be subject to the time limitations provided for in § 214.1.

(b) The alien shall establish that he has fulfilled, and agrees that he will continue to fulfill, all the conditions set forth in § 214.2 and such other conditions as may be imposed as a condition precedent to the granting of the extension, including, in the case of an alien admitted as a nonimmigrant or as a nonquota immigrant student prior to December 24, 1952, the condition that he shall present a passport or other travel document valid for readmission to the country whence he came or some other country for six months beyond the period he seeks extension of stay.

(c) If the initial admission was for 29 days or less, an extension may be granted only in emergent or other extraordinary cases.

(d) In any case in which the grant of the extension would authorize the alien to remain in the United States for a period not exceeding one year after arrival, the officer deciding the application, in his discretion, may require as a condition precedent to the granting of the extension that the alien furnish bond or to continue to furnish bond or to furnish bond in different sum, on the form and for the purposes stated in § 214.3.

(e) No extension which will authorize the alien to remain in the United States for a period exceeding one year after arrival shall be granted unless there has been furnished, or is furnished, a bond on the form, for the purposes, and in the sum provided in § 214.3, unless the district director authorizes the granting of such extension without bond or with bond in less sum.

(f) Such other conditions and limitations as may be prescribed in the other provisions of this chapter relating to particular classes of nonimmigrants.

§ 214.5 *Change of status as affecting period of admission.* An alien admitted to the United States under the Immigration and Nationality Act or any prior act as a nonimmigrant, whose status is subsequently changed in accordance with the provisions of the Immigration and Nationality Act, shall be permitted to remain in the United States for such period of time as shall have been fixed in the decision changing his status or any authorized extension thereof, in no event to exceed the time he continues to maintain the status so acquired.

§ 214.6 *Limitation.* The provisions of this part shall not be applicable to a nonimmigrant agricultural worker applying for admission, or admitted, to the United States in accordance with the provisions of Title V of the Agricultural Act of 1949, as amended. The case of such alien shall be governed by the provisions of Part 475 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 214.31 *Bonds; referral of case by examining officer.* If the examining immigration officer is satisfied that an alien would be admissible to the United States as a nonimmigrant provided a bond was furnished in accordance with the provisions of § 214.3, he shall refer the case to the district director or the officer in charge having administrative jurisdiction over the port of entry. If the district director or officer in charge is satisfied that the alien would be admissible provided such bond were furnished, he may admit the alien upon the furnishing of such bond. If the district director or the officer in charge is not so satisfied or if the bond is not furnished when required, the case of the alien shall be disposed of as provided in section 235 of the Immigration and Nationality Act.

§ 214.41 *Extension of period of admission*—(a) *Form of application; place and time of filing; accompanying documents; fee.* Application by an alien for an extension of the period of temporary admission shall be made on Form I–539. The application shall be submitted as soon as the alien is aware that he will not be able to complete the purpose of his temporary stay within the period for which he has been authorized to remain, but not less than 15 nor more than 30 days prior to the end of such period. The application shall be accompanied by the applicant's passport, any Form 257a or I–94C issued to him at the time of his admission to the United States or at the time of any prior extension, any fee required by Part 2 of this chapter, and such other documents as may be required by the other provisions of this chapter relating to particular nonimmigrant classifications.

(b) *Disposition of application.* The district director or the officer in charge receiving an application for an extension of temporary admission shall cause such investigation to be made as he deems necessary to the proper disposition of the application. In his discretion and subject to the provisions of § 214.4 he may grant or deny such application or may grant such application upon such terms and conditions, including the furnishing of bond, as he deems appropriate to the case. No appeal shall lie from his decision. If the application is granted, the officer granting the application shall note the application form and the Form 257a or I–94C submitted by the applicant or prepared for him as provided in § 221.3 (c) of this chapter to show the data to which the alien is permitted to remain in the United States and any additional conditions which may have been imposed as a condition precedent to the granting of the application. If the application is denied, the officer denying the application shall note the application form and such Form 257a or I–94C to show the denial. Notwithstanding any of the provisions of this paragraph, the Assistant Commissioner, Inspections and Examinations Division, may require any classes of cases or individual cases to be submitted to him for initial decision. No appeal shall lie from the decision of the Assistant Commissioner.

(c) *Notice of decision.* The Form 257a or I–94C noted as provided in this part shall be sent to the applicant together with any passport submitted and shall constitute notice of the decision in the case. If the application is denied, the applicant shall also be informed that his departure from the United States is required within the period determined by the officer making the decision.

PART 214a—ADMISSION OF NONIMMIGRANTS: FOREIGN GOVERNMENT OFFICIAL

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

214a.1 Acceptance of classification.
214a.2 Limitation on time for which admitted.
214a.3 Bond.
214a.4 Failure to maintain status.
214a.5 Additional documents required in support of application for an extension of temporary stay.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 214a.1 to 214a.5 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 3, 43 Stat. 154, as amended, secs. 101, 214, 235, 66 Stat. 166, 189, 198; 8 U. S. C. 203.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214a.1 *Acceptance of classification.* If an alien who applies for admission to the United States as a nonimmigrant of one of the classes described in section 101 (a) (15) (A) of the Immigration and Nationality Act presents to the examining immigration officer at a port of entry in the United States a valid unexpired nonimmigrant visa duly issued to him by a consular officer under such classification, the immigration officer shall accept the consular officer's classification of the alien and admit the alien, if he is admissible to the United States, unless specifically directed to the contrary by the Assistant Commissioner, Inspections and Examinations Division, after consultation with the Department of State. In the case of such direction, the examining immigration officer shall take further action as provided in section 235 of the Immigration and Nationality Act. With respect to the question of classification as used in section 101 (a) (15) (A) of the Immigration and Nationality Act, the term "immediate family" means close relatives who are members of the immediate family by blood, marriage, or adoption, and who will reside regularly in the household of the principal alien from whom they derive their subsidiary status.

§ 214a.2 *Limitation on time for which admitted.* An alien's admission to the United States as a nonimmigrant of the class described in section 101 (a) (15) (A) (i) or (ii) of the Immigration and Nationality Act shall not exceed such time as the Secretary of State continues to recognize him as entitled to such status. An alien of the class described in clause (iii) of section 101 (a) (15) (A) of the Immigration and Nationality Act shall not be admitted initially to the United States for more than one year.

§ 214a.3 *Bond.* Nonimmigrants of a class described in section 101 (a) (15) (A) (iii) of the Immigration and Nationality Act who are required to furnish bond under § 214.3 or § 214.4 of this chapter shall furnish bond on Form I–325.

§ 214a.4 *Failure to maintain status.* At such time as any official or employee described in clause (i) or (ii) of section 101 (a) (15) (A) of the Immigration and Nationality Act, or at such time as an official of a foreign government as described in section 3 (1) of the Immigration Act of 1924, as amended, is ineligible under the Immigration and Nationality Act and this chapter to remain in the United States in the status of such official or employee, any alien member of the immediate family of such official or employee, and the attendant, servant, or personal employee of any such official or employee, and the member of the immediate family of such attendant, servant, or personal employee, who has nonimmigrant status pursuant to section 101 (a) (15) (A) of the Immigration and Nationality Act or section 3 (1) of the Immigration Act of 1924, as amended, shall be regarded as having failed to maintain such status. This section shall not be construed as setting forth the sole ground on which the persons herein described may be regarded as having failed to maintain status.

§ 214a.5 *Additional documents required in support of application for an extension of temporary stay.* An alien having the status of a nonimmigrant of the class described in section 101 (a) (15) (A) (iii) of the Immigration and Nationality Act or having the status of an attendant, servant, or personal employee of any official of a foreign government pursuant to the provisions of section 3 (1) of the Immigration Act of 1924, as amended, who applies for an extension of his temporary stay in such status shall attach to his application a written statement from the employing foreign government official describing the current and intended employment of the applicant.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 214b—ADMISSION OF NONIMMIGRANTS: TEMPORARY VISITOR FOR BUSINESS OR PLEASURE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214b.1 Limitation on time for which temporary visitors are admitted.
214b.2 Bonds.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 214b.1 and 214b.2 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 214, 66 Stat. 166, 189.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214b.1 *Limitation on time for which temporary visitors are admitted.* An alien admitted to the United States as a nonimmigrant of the class described in section 101 (a) (15) (B) of the Immigration and Nationality Act shall be admitted initially for a period not to exceed six months unless such alien intends to sojourn in the United States in more than one immigration district, in which event the period of initial admission shall not exceed three months.

§ 214b.2 *Bonds.* Nonimmigrants of the class described in section 101 (a) (15) (B) of the Immigration and Nationality Act who are required to furnish bond, shall furnish bond on Form I–337 or I–317, as the admitting officer shall determine.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 214c—ADMISSION OF NONIMMIGRANTS: TRANSIT ALIENS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214c.1 Special prerequisites for admission.
214c.2 Limitation on time for which admitted.
214c.3 Bonds.
214c.4 Special conditions of admission.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 214c.1 to 214c.4 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 214, 66 Stat. 166, 189.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214c.1 *Special prerequisites for admission.* An alien applying for admission to the United States as a nonimmigrant in immediate and continuous transit through the United States under section 101 (a) (15) (C) of the Immigration and Nationality Act shall not be eligible for admission to the United States in such nonimmigrant classification unless:

(a) He has arranged for transportation to the country of his destination and is also in possession of sufficient funds to enable him to carry out the purpose of his transit journey through the United States or has such funds available to him in the United States, and

(b) He is in possession of a valid visa or other form of valid authority assuring his entry into the country of his destination if he is destined to a country other than the one from which he came.

§ 214c.2 *Limitation on time for which admitted.* An alien admitted to the United States as a nonimmigrant of the classes described in section 101 (a) (15) (C) of the Immigration and Nationality Act shall be admitted for a period of time fixed by the admitting officer, not to exceed 29 days.

§ 214c.3 *Bonds.* Nonimmigrants of the classes described in section 101 (a) (15) (C) of the Immigration and Nationality Act who are required to furnish bond under § 214.3 or § 214.4 of this chapter shall furnish bond on Form I–336 unless within the terms of a bond furnished in accordance with the provisions of § 238.4 of this chapter: *Provided*, That in his discretion the district director or the officer in charge having administrative jurisdiction over the port of entry, in lieu of bond on Form I–336, may require that the alien be accompanied while in transit by such number of immigration officers, guards, or attendants as will insure the alien's passage through and out of the United States without unnecessary delay, and that the expenses of such accompanying persons be borne by or on behalf of the alien or the transportation line which brought the alien to the United States, which expenses shall include the cost of transportation of the accompanying persons from the port of arrival to the port of departure and return.

§ 214c.4 *Special conditions of admission.* An alien of the class described in section 101 (a) (15) (C) of the Immigration and Nationality Act whose nonimmigrant visa by its own terms is limited to transit to and from the United Nations Headquarters District, if otherwise admissible under the immigration laws, shall be admitted on the following additional conditions:

(a) That such alien will proceed directly to New York City and will remain continuously in that city during his sojourn in the United States, departing therefrom only if required in connection with his departure from the United States.

(b) That such alien be in possession of a valid visa or other form of valid authority assuring his entry into the country whence he came or to some other foreign country following his sojourn in the United Nations Headquarters District.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 214d—ADMISSION OF NONIMMIGRANTS; CREWMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214d.1 Applicable provisions.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214d.1 *Applicable provisions.* The provisions of Parts 252 and 253 of this chapter shall control and regulate the landing of crewmen as nonimmigrants of the class described in section 101 (a) (15) (D) of the Immigration and Nationality Act.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 101, 214, 66 Stat. 166, 189)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 214e—ADMISSION OF NONIMMIGRANTS; TREATY TRADER

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214e.1 Definitions.
214e.2 Limitations on time for which admitted.
214e.3 Bond.
214e.4 Failure to maintain status.
214e.5 Additional documents required in support of application for an extension of temporary admission.
214e.6 Maintenance of status report.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

214e.61 Maintenance of status report.

AUTHORITY: §§ 214e.1 to 214e.61 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 3, 10, 43 Stat. 154, as amended, 158, as amended, secs. 101, 214, 223, 66 Stat. 166, 189, 194; 8 U. S. C. 203, 210.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214e.1 *Definitions.* As used in this part, the term:

(a) "Trader" means (1) an alien admitted to the United States under the provisions of section 101 (a) (15) (E) of the Immigration and Nationality Act; or (2) an alien admitted to the United States under the provisions of section 3 (6) of the Immigration Act of 1924; or (3) an alien who after admission lawfully acquires a status under (1) or (2); or (4) an alien who is readmitted to the United States on the basis of a re-entry permit lawfully issued under the provisions of paragraphs (a) (2) and (b) of section 223 of the Immigration and Nationality Act; or (5) an alien who was readmitted to the United States on the basis of a re-entry permit lawfully issued under the provisions of section 10 (g) of the Immigration Act of 1924, as amended.

(b) "Dependent" means a trader's alien spouse or alien child admitted under (1), (2), (3), (4), or (5) of paragraph (a) of this section.

§ 214e.2 *Limitations on time for which admitted.* An alien admitted to the United States as a nonimmigrant of the class described in section 101 (a) (15) (E) of the Immigration and Nationality Act shall be admitted for a period of time fixed by the admitting officer, not to exceed one year.

§ 214e.3 *Bond.* Traders and dependents who are required to furnish bond under § 214.3 or § 214.4 of this chapter shall furnish bond on Form I–338.

§ 214e.4 *Failure to maintain status.* A trader or dependent shall be deemed to have failed to maintain status upon the occurrence of any one of the following events, which are not exclusive as to what shall constitute failure to maintain status:

(a) In the case of a trader:

(1) The termination of the treaty on which the status of trader was based; or

(2) A change by a trader from the activities specified in clause (i) to the activities specified in clause (ii) of section 101 (a) (15) (E) of the Immigration and Nationality Act or vice versa unless, prior to making such change, he obtains consent to do so from the district director having administrative jurisdiction over the district in which the trader resides.

(b) In the case of a dependent:

(1) When the trader no longer is eligible to remain in the United States as a trader; or

(2) When the trader dies; or

(3) In the case of the dependent spouse, when the marriage to the trader terminates; or

(4) In the case of the dependent child, when such child marries or reaches the 21st anniversary of his birth;

unless at the time of the happening of any such event after the effective date of the Immigration and Nationality Act, the dependent in his own right would be entitled to the status of a nonimmigrant of the class described in section 101 (a) (15) (E) of the Immigration and Nationality Act were he applying for admission to the United States in such status in possession of appropriate documents; or unless at the time of the happening of any such event prior to December 24, 1952, the dependent in his own right at that time would have been entitled to the status of a nonimmigrant of the class described in section 3 (6) of the Immigration Act of 1924 as it then existed were he applying for admission to United States in such status in possession of appropriate documents. Such dependent entitled to nonimmigrant status in his own right may be permitted to remain in the United States subject to the provisions of the Immigration and Nationality Act and this part. If the dependent spouse establishes such eligibility, the child of such spouse may also be permitted to remain in the United States subject to the applicable provisions of the Immigration and Nationality Act and this part. The fact that the dependent child establishes such eligibility shall not authorize the parent of such child to remain in the United States.

(c) Failure to submit a maintenance of status report required by § 214e.6.

§ 214e.5 *Additional documents required in support of application for an extension of temporary admission.* A trader or dependent who applies for an extension of temporary admission shall attach to his application a properly executed Form I–126 and such supporting documents required by such form.

§ 214e.6 *Maintenance of status report.* A trader or dependent authorized to remain in the United States without limitation as to time, or who was authorized to remain in the United States in excess of two years, shall make a report annually to the district director or officer in charge having administrative jurisdiction over the place where the alien resides in the United States showing that he:

(a) Continues to be eligible for readmission to the country whence he came or for admission to some other country; and

(b) Has fulfilled and will continue to fulfill all the conditions of nonimmigrant status prescribed by § 214.2 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 214e.61 *Maintenance of status report.*—(a) *Form.* The annual report required by § 214e.6 shall be submitted on Form I–126, fully executed, and shall be accompanied by the alien's passport and by any Form 257a or I–94C issued to him at the time of his admission to the United States. All available data specified in Form I–126 shall be furnished by the alien.

(b) *Disposition of report.* After examination of the report on Form I–126 and accompanying documents and after making such investigation as may be necessary, the district director or the officer in charge receiving the report shall determine whether the alien is complying with the conditions set forth in § 214.2 of this chapter. The decision of such officer shall be final and no appeal shall lie therefrom. If the alien is found to be complying with such conditions, the district director or the officer in charge shall note the Form I–126 and the Form 257a or I–94C submitted by the alien or prepared for him as provided in § 221.3 (c) of this chapter with the words "Status maintained" and the date of such determination. If the alien is found not to be complying with such conditions, such officer shall note such forms with the words "Status not maintained" and the date of such determination.

(c) *Notice of decision.* The noted Form 257a or I–94C shall be sent to the alien together with any passport submitted and shall constitute notice of the decision in the case. If the alien is found not to have maintained status, he shall also be informed that his departure from the United States within the time set forth in such notice is required.

PART 214f—ADMISSION OF NONIMMIGRANTS; STUDENTS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214f.1 Special prerequisites for admission.
214f.2 Limitation on time for which admitted.
214f.3 Bond.
214f.4 Employment.
214f.5 Petition for approval.
214f.6 Approval of elementary schools.
214f.7 Withdrawal of approval.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

214f.51 Disposition of petition.
214f.61 Withdrawal of approval; procedure.

AUTHORITY: §§ 214f.1 to 214f.61 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 4, 43 Stat. 155, as amended, secs. 101, 214, 66 Stat. 166, 189; 8 U. S. C. 204.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214f.1 *Special prerequisites for admission.* An alien, otherwise admissible to the United States as a nonimmigrant of the class described in section 101 (a) (15) (F) of the Immigration and Nationality Act, shall not be eligible for admission to the United States in such nonimmigrant classification unless he establishes that:

(a) He has been accepted by and has definitely arranged to enter an estab-

lished institution of learning or other recognized place of study in the United States as described in section 101 (a) (15) (F) of the Immigration and Nationality Act;

(b) He seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study in the institution or recognized place of study designated by him and approved pursuant to law;

(c) He will carry a course of studies consisting of a minimum of 12 semester hours or the equivalent thereof if he is an undergraduate student, or consisting of a full program of study of the size and nature required by such institution or place of study if he is a graduate student;

(d) He has sufficient scholastic preparation and knowledge of the English language to enable him to undertake his intended course, as indicated by the institution or place of study to which he is to be admitted;

(e) He is or will be financially able, subject to the provisions of this part, to pursue such course of study; and

(f) He agrees that while in the United States he will not enroll in any institution or place of study other than the one he is authorized to attend without prior consent of the district director having administrative jurisdiction over the place in which is located the institution or place of study the alien is authorized to attend.

§ 214f.2 *Limitation on time for which admitted.* An alien's admission to the United States as a nonimmigrant of the class described in section 101 (a) (15) (F) of the Immigration and Nationality Act may be initially for a period not to exceed one year.

§ 214f.3 *Bond.* A nonimmigrant of the class described in section 101 (a) (15) (F) of the Immigration and Nationality Act who is required to furnish a bond under § 214.3 or § 214.4 of this chapter shall furnish bond on Form I–374.

§ 214f.4 *Employment.* (a) An alien admitted as a nonimmigrant of the class described in section 101 (a) (15) (F) of the Immigration and Nationality Act or as a nonquota immigrant of the class described in section 4 (e) of the Immigration Act of 1924 shall not be permitted to work during a school term either for wages or for board or lodging unless he has insufficient means to cover his necessary expenses. If such alien wishes to accept employment, he shall apply on Form I–24 prior to acceptance of such employment to the district director having administrative jurisdiction over the place in which is located the approved institution or place of study attended by the applicant. If such district director is satisfied that the alien is meeting all the conditions and requirements of his status, that he does not have sufficient means to cover his expenses, and that the employment requested will not interfere with his carrying successfully a course of study of the required amount, he may grant permission to the alien to accept such employment.

(b) In cases in which employment for practical training is required or recommended by the school, the district director having administrative jurisdiction over the place in which is located the approved institution or place of study attended by the applicant may permit employment for a six-month period subject to extension for not over two additional six-month periods, but any such extension shall be granted only upon certification by the school and the training agency that the practical training cannot be accomplished in a shorter period of time.

§ 214f.5 *Petition for approval.* Any institution of learning or other recognized place of study desiring the approval provided by section 101 (a) (15) (F) of the Immigration and Nationality Act may file with the district director having administrative jurisdiction over the place in which the institution or place of study is located a petition on Form I–17 executed by the principal officer of such institution or place of study authorized to execute contracts. Such district director, after consultation with the Office of Education of the United States, may approve the petition if he is satisfied that:

(a) The petitioning institution or place of study is a bona fide institution of learning or recognized place of study; and

(b) It possesses the necessary facilities and is otherwise qualified for the instruction of students in recognized courses; and

(c) If it is engaged in the field of secondary education, that it qualifies graduates for acceptance to accredited schools of higher education; or

(d) If the institution or place of study is engaged in the field of higher education, that it

(1) Confers upon its graduates recognized bachelor, master, doctor, professional, or divinity degrees; or

(2) Does not confer such degrees but its credits are recognized by and transferable to an instiution or place of study which does confer such degrees.

§ 214f.6 *Approval of elementary schools.* Any school, institution, or place of study in the United States, which is recognized or accredited by the appropriate urban, county, or state educational agency, and which agrees to report in writing to the district director having administrative jurisdiction over the place where such institution or place of study is located the enrollment and termination of attendance of each nonimmigrant student, is hereby approved in accordance with section 101 (a) (15) (F) of the Immigration and Nationality Act for the attendance of nonimmigrant students to and including the eighth grade or its equivalent.

§ 214f.7 *Withdrawal of approval.* Approval granted under section 101 (a) (15) (F) of the Immigration and Nationality Act or section 4 (e) of the Immigration Act of 1924 to an institution or place of study which fails, neglects, or refuses to comply with all the terms of its agreement or with the provisions of § 214f.5 and section 101 (a) (15) (F) of the Immigration and Nationality Act may be revoked by the district director having administrative jurisdiction over the place in which such institution or place of study is located.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 214f.51 *Disposition of petition.* A district director receiving a petition, after consultation with the Office of Education of the United States, may approve the petition if he is satisfied that the conditions specified in § 214f.5 exist. If the district director is not so satisfied, he shall deny the petition. The petitioner shall be notified in writing of the decision and, if the petition has been denied, the reasons therefor and that the petitioner has 10 days from receipt of notification of decision in which it may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter.

§ 214f.61 *Withdrawal of approval; procedure.* When a district director having administrative jurisdiction over the place in which an approved institution of learning or place of study is located has reason to believe that such institution or place of study fails, neglects, or refuses to comply with all the terms of its agreement and with the provisions of § 214f.5, he shall cause a notice to be sent to such institution or place of study that it is proposed within 30 days of the delivery of the notice to enter a decision withdrawing the approval previously granted and setting forth the reasons for such proposed action. Within such 30-day period the institution or place of study may submit to the district director written representations, under oath and supported by documentary evidence, as to why the approval should not be withdrawn. The period within which such representations may be submitted may be extended in the discretion of the district director upon timely request for such extension. After consideration of the facts presented, the district director shall notify the institution or place of study in writing of his decision and, if said decision is to withdraw the approval previously granted, the reasons therefor and that the institution or place of study has 10 days from receipt of notification of decision in which it may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter. If a decision withdrawing approval is made, the officer making such decision simultaneously shall make such provision as he deems appropriate with regard to the case of any alien attending such institution or place of study under section 101 (a) (15) (F) of the Immigration and Nationality Act or section 4 (e) of the Immigration Act of 1924.

PART 214g—ADMISSION OF NONIMMIGRANTS; FOREIGN GOVERNMENT REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214g.1 Acceptance of classification.
214g.2 Limitation on time for which admitted.
214g.3 Bond.

Sec.
214g.4 Failure to maintain status.
214g.5 Additional documents required in support of application for an extension of temporary stay.

SUBPART B—FROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 214g.1 to 214g.5 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 3, 43 Stat. 154, as amended, secs. 101, 214, 235, 66 Stat. 163, 189, 198; 8 U. S. C. 203.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214g.1 *Acceptance of classification.* If an alien who applies for admission to the United States as a nonimmigrant of one of the classes described in section 101 (a) (15) (G) of the Immigration and Nationality Act presents to the examining immigration officer at a port of entry to the United States a valid unexpired nonimmigrant visa duly issued to him by a consular officer under such classification, the immigration officer shall accept the consular officer's classification of the alien and admit the alien, if he is otherwise admissible to the United States, unless specifically directed to the contrary by the Assistant Commisisoner, Inspections and Examinations Division, after consultation with the Department of State. In the case of such direction, the examining immigration officer shall take further action as provided in section 235 of the Immigration and Nationality Act. With respect to the question of classification as used in section 101 (a) (15) (G) of the Immigration and Nationality Act, the term "immediate family" means close relatives who are members of the immediate family by blood, marriage, or adoption and who will reside regularly in the household of the principal alien from whom they derive their subsidiary status.

§ 214g.2 *Limitation on time for which admitted.* An alien's admission to the United States as a nonimmigrant of the class described in section 101 (a) (15) (G) (i), (ii), (iii), or (iv) of the Immigration and Nationality Act shall not exceed such time as the Secretary of State continues to recognize him as entitled to such status. An alien of the class described in clause (v) of section 101 (a) (15) (G) of the Immigration and Nationality Act shall not be admitted initially to the United States for more than one year.

§ 214g.3 *Bond.* Nonimmigrants of the class described in section 101 (a) (15) (G) (v) of the Immigration and Nationality Act who are required to furnish bonds under § 214.3 or § 214.4 shall furnish bond on Form I–325.

§ 214g.4 *Failure to maintain status.* At such time as any representative, officer, or employee described in clauses (i) to (iv) inclusive of section 101 (a) (15) (G) of the Immigration and Nationality Act, or at such time as any representative, officer, or employee of an international organization as described in section 3 (7) of the Immigration Act of 1924, as amended, is ineligible under the Immigration and Nationality Act and this chapter to remain in the United States in the status of such representative, officer or employee, any alien member of the immediate family of such representative, officer or employee, as the attendant, servant or personal employee of any such representative, officer or employee, and the member of the immediate family of such attendant, servant, or personal employee, who has nonimmigrant status pursuant to section 101 (a) (15) (G) of the Immigration and Nationality Act or section 3 (7) of the Immigration Act of 1924, as amended, shall be regarded as having failed to maintain such status. This section shall not be construed as setting forth the sole ground on which the persons herein described may be regarded as having failed to maintain status.

§ 214g.5 *Additional documents required in support of application for an extension of temporary stay.* An alien having the status of a nonimmigrant of the class described in section 101 (a) (15) (G) (v) of the Immigration and Nationality Act or having the status of an attendant, servant, or personal employee of any representative, officer or employee of an international organization pursuant to the provisions of section 3 (7) of the Immigration Act of 1924, as amended, who applies for an extension of his temporary stay in such status shall attach to his application a written statement from the representative, officer or employee of the international organization describing the current and intended employment of the applicant.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 214h—ADMISSION OF NONIMMIGRANTS: TEMPORARY SERVICES, LABOR OR TRAINING

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214h.1 Limitation of time for which admitted.
214h.2 Bond.
214h.3 Special prerequisites for admission.
214h.4 Petition.
214h.5 Additional documents required in support of an application for an extension of temporary admission.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

214h.41 Application to import.
214h.51 Application for extension of temporary admission; form and procedure.

AUTHORITY: §§ 214h.1 to 214h.51 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 214, 66 Stat. 168, 189.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214h.1 *Limitation of time for which admitted.* An alien of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall be admitted to the United States for such period, not to exceed one year, as may be authorized by the district director or the Assistant Commissioner, Inspections and Examinations Division, in granting a petition to import such alien.

§ 214h.2 *Bond.* Nonimmigrants of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act who are required to furnish bonds under § 214.3 or § 214.4 shall furnish bond on Form I–337, I–320, or I–320A whichever is appropriate in the opinion of the district director or the Assistant Commissioner, Inspections and Examinations Division, and shall be in an amount specified by such officer.

§ 214h.3 *Special prerequisites for admission.* An alien of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall not be admitted to the United States unless he establishes to the satisfaction of the admitting officer that he is destined in good faith to the petitioner who, in advance of the alien's arrival, has sucessfully petitioned for such alien's importation, such petition having been filed and approved in accordance with the provisions of section 214 (c) of the Immigration and Nationality Act and this part, and that he is in good faith entering the United States to perform the services, labor, or training specified in the petition.

§ 214h.4 *Petition.* The petition required by section 214 (c) of the Immigration and Nationality Act shall be filed in triplicate on Form F–129B under oath.

§ 214h.5 *Additional documents required in support of an application for an extension of temporary admission.* The temporary stay of an alien in the United States as a nonimmigrant of any of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act may be extended on application filed by the employer or trainer of such alien.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 214h.41 *Application to import—(a) Form and procedure.* A petition to import an alien as a nonimmigrant of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall be submitted by the employer or trainer with such documentary or other evidentiary matter establishing the alien's classification as a nonimmigrant of the classes described in section 101 (a) (15) (H) and, if the alien is to enter under clause (ii) of that section of the act, the following additional described documents shall be attached to, and made a part of, the application:

(1) Three copies of a clearance order bearing a statement from the United States Employment Service, that (i) qualified workers of the kind proposed to be imported are not available within the United States, and (ii) the Employment Service policies have been observed: *Provided*, That such clearance card issued by the Employment Service of the Territory of Guam shall be accepted in lieu of that issued by the United States Employment Service in connection with an application to import laborers for employment in Guam.

(2) The original or a certified copy of a statement by the appropriate representative of any labor organization that may be active in the field of labor or service in which the alien is to be employed, showing (i) whether the labor organization is in a position to supply persons ready, able and willing at the then prevailing wage to perform labor or services of a like nature as that to

be performed by the alien, and (ii) whether the labor organization has any objections to the proposed importation of the alien, and if so, the nature of such objections. If the prospective employer fails to receive a reply to a request submitted to such labor organization for such a statement, a copy of the letter sent to the labor organization by registered mail and the receipt returned by the Post Office Department showing that the letter was delivered shall be attached to the application in lieu of the statement from the labor organization.

(3) The original or a certified copy of such other evidence as the importer may have showing his efforts to procure persons in the United States to perform the labor or service to be done by the alien to be imported.

(b) *Petition to import more than one alien.* An employer who desires to import more than one alien may file a single petition on Form I–129B and include thereon all of the prospective nonimmigrants. If more than one nonimmigrant is included on a single petition form, the petition shall be regarded as a separate petition for each such nonimmigrant for the purposes of Part 2 of this chapter, and a fee in an amount equal to $10 for each such nonimmigrant shall be submitted with the petition.

(c) *Disposition.* The provisions of § 204.11 of this chapter shall govern the disposition of petitions filed under the provisions of this part.

§ 214h.51 *Application for extension of temporary admission; form and procedure.* Application for extension of temporary stay of an alien having a nonimmigrant classification described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall be made in writing by the alien's employer or trainer under oath and shall include a statement describing the current and intended employment or training of the alien and, where originally required by section 214h.41, clearance from the United States Employment Service and any interested labor organization establishing that the facts which justified the importation of the alien under the Immigration and Nationality Act continue to exist. An employer who desires an extension of temporary stay for more than one alien may file a single application and include therein all of the nonimmigrants. If more than one nonimmigrant is included on a single application, it shall be regarded as a separate application for each such nonimmigrant for the purposes of Part 2 of this chapter, and a fee in an amount equal to $10 for each such nonimmigrant shall be submitted with the application.

PART 214i—ADMISSION OF NONIMMIGRANTS: REPRESENTATIVES OF INFORMATION MEDIA

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214i.1 Limitation on time for which admitted.
214i.2 Bonds.
214i.3 Special conditions of admission.
214i.4 Failure to maintain status.
214i.5 Additional documents required in support of application for an extension of temporary admission.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 214i.1 to 214i.5 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 214, 66 Stat. 168, 189.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214i.1 *Limitation on time for which admitted.* An alien admitted to the United States as a nonimmigrant of the class described in section 101 (a) (15) (I) of the Immigration and Nationality Act shall be admitted initially for a period not to exceed six months unless such alien intends to sojourn in the United States in more than one immigration district, in which event the period of his initial admission shall not exceed three months.

§ 214i.2 *Bonds.* Nonimmigrants of the class described in section 101 (a) (15) (I) who are required to furnish bond under § 214.3 or § 214.4 of this chapter shall furnish bond on Form I–337.

§ 214i.3 *Special conditions of admission.* A nonimmigrant of the class described in section 101 (a) (15) (I) of the Immigration and Nationality Act shall be admitted on condition that (a) he will continue to be accredited as a representative of the same information medium and by the same employer he had upon his admission to the United States unless prior to changing the information medium or his employer the alien obtains consent to do so from the district director having administrative jurisdiction over the district in which the alien resides in the United States, and (b) the alien will depart from the United States at such time as the Secretary of State determines that reciprocity required by section 101 (a) (15) (I) of the Immigration and Nationality Act ceases to exist. For the purposes of that section of the Act and this part, reciprocity shall be deemed to exist when the alien is accredited by a foreign information medium having its home office in a foreign country, the government of which grants similar privileges to representatives of such information medium with home offices in the United States, except that when the information medium is owned, operated, subsidized, or controlled by a foreign government, directly or indirectly, the reciprocity required shall be accorded by such foreign government.

§ 214i.4 *Failure to maintain status.* At such time as an alien of the class described in section 101 (a) (15) (I) of the Immigration and Nationality Act is ineligible under the Act and this chapter to remain in the United States the members of such alien's family having nonimmigrant status as such under section 101 (a) (15) (I) of the Immigration and Nationality Act shall be regarded as having failed to maintain such status. This section shall not be construed as setting forth the sole ground on which the persons herein described may be regarded as having failed to maintain status.

§ 214i.5 *Additional documents required in support of application for an extension of temporary admission.* An alien admitted to the United States as a nonimmigrant of the class described in section 101 (a) (15) (I) of the Immigration and Nationality Act who applies for an extension of his temporary admission shall attach to his application written evidence from his employer establishing that the alien is a representative of foreign information medium in the United States and setting forth the alien's current and intended activities and the reasons for the extension.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 214j—ADMISSION OF NONIMMIGRANTS: EXCHANGE ALIENS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214j.1 Definition.
214j.2 Limitation on time for which admitted.
214j.3 Bonds.
214j.4 Special condition of admission.
214j.5 Employment.
214j.6 Extension of temporary admission; additional documents required in support of application.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 214j.1 to 214j.6 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 3, 43 Stat. 154, sec. 201, 62 Stat. 7, secs. 101, 214, 248, 402, 66 Stat. 167, 189, 218, 275; 8 U. S. C. 203, 22 U. S. C. 1446, 18 U. S. C. 1546.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214j.1 *Definition.* As used in this part the term "exchange alien" means (a) an alien admitted to the United States prior to December 24, 1952, pursuant to section 201 of the United States Information and Educational Exchange Act of 1948 as a nonimmigrant under section 3 (2) of the Immigration Act of 1924 or, (b) an alien admitted or seeking admission to the United States pursuant to section 201 of the United States Information and Educational Exchange Act of 1948, as amended, as a nonimmigrant under section 101 (a) (15) of the Immigration and Nationality Act.

§ 214j.2 *Limitation on time for which admitted.* An alien applying for admission to the United States as a nonimmigrant under section 201 of the United States Information and Educational Exchange Act of 1948, as amended, whose visa by its own terms shows issuance under that Act, and who is otherwise admissible to the United States, may be admitted for the period indicated in a written agreement, commitment, guarantee or similar paper made by such alien's approved sponsor or intended employer and presented by such alien at the port where he applies for admission to the United States, not to exceed one year.

§ 214j.3 *Bonds.* Exchange aliens shall not be required to furnish bond under § 214.3 or § 214.4 of this chapter.

§ 214j.4 *Special condition of admission.* A nonimmigrant of the class described in this part shall be admitted on the condition that he agrees not to apply for a change of the nonimmigrant status under which he is admitted to any other class or classes of nonimmigrant pursuant to section 248 of the Immigration and Nationality Act.

§ 214j.5 *Employment.* An exchange alien may accept remunerative employment in the United States consistent with the purpose of the United States Information and Educational Exchange Act of 1948, as amended.

§ 214j.6 *Extension of temporary admission; additional documents required in support of application.* An exchange alien who applies for an extension of his temporary admission, in addition to the documents required by § 214.41, shall submit with his application written evidence from his approved sponsor or employer showing the period of extension desired, the terms of the alien's present and intended work or employment in behalf of his sponsor or employer and the reasons for the extension.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 221—DISPOSITION OF ENTRY DOCUMENTS OF ALIENS OTHER THAN CREWMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
221.1 Forms 256a and I–132.
221.2 Nonimmigrant visa Forms 257a.
221.3 Form I–94.
221.4 Form I–419; disposition.
221.5 Immigrants; surrender of documents upon departure.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 221.1 to 221.5 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 214, 221, 231, 238, 252, 289, 66 Stat. 189, 191, 195, 203, 220, 234.

CROSS REFERENCE: For disposition of entry documents of alien crewmen see Parts 251 and 252 of this chapter.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 221.1 *Forms 256a and I–132.* An alien applying for admission to the United States for permanent residence in possession of a Form 256a or I–132 shall present such form to the examining immigration officer.

§ 221.2 *Nonimmigrant visa Forms 257a.*—(a) *Action at time of entry.* An alien applying for admission to the United States in possession of a set of Forms 257 shall surrender such forms to the examining immigration officer. If the alien is admitted, the Form 257a shall be returned to the alien by the admitting officer noted to show the data as to the admission.

(b) *Action at time of departure.* Except as specifically provided in this paragraph, at the time of the departure from the United States of an alien admitted upon presentation of a set of Forms 257, the alien shall surrender the Form 257a in his possession to the representative of the transportation company as provided in §§ 231.23 (a) and 231.24 (c) of this chapter; or, if those sections do not apply and the alien is departing to Canada, to the Canadian Immigration Officer for delivery to the appropriate United States Immigration Officer; or in any other case to the United States Immigration Officer at the port of departure. The Form 257a need not be surrendered:

(1) Until the departure from the United States of the last of the persons named thereon, if more than one person is included on the same Form 257a and all persons named thereon do not depart from the United States at the same time or at the same port;

(2) In the case of any alien (including a citizen or resident of Mexico) who during his temporary visit in the United States proceeds to Mexico for a visit of not more than 30 days, after which visit he intends to reenter the United States for the remainder of the period of his original temporary admission;

(3) In the case of an alien departing as a cruise passenger as defined in § 231.1 (c) of this chapter;

(4) In any other case in which the Commissioner has instructed immigration officers to waive or defer the surrender of such form.

(c) *Form 257a returned to alien.* If the Form 257a surrendered by an alien at the time of his departure from the United States bears a passport visa valid for more than one entry to the United States and with enough of the period of validity remaining to enable the alien to use the visa for an additional entry or reentries to the United States, he may request the Commissioner in writing to return the Form 257a to him. If the Commissioner deems it appropriate and proper, he may grant the request and return the Form 257a to such alien.

§ 221.3 *Form I–94.*—(a) *Action at time of entry; preparation and presentation.* An alien applying for admission to the United States in possession of a set of Forms I–94 shall surrender these forms to the examining immigration officer. A person applying for admission to the United States in possession of a Form I–94F shall surrender such form to the examining immigration officer. Except as provided in paragraph (b) of this section, immigration officers at all ports of entry shall prepare a set of Forms I–94 for each alien applying for admission to the United States as a nonimmigrant who does not present a full set of Forms 257 or a full set of Forms I–94 without regard to whether the applying alien is admitted or held for further inquiry before a special inquiry officer. If the alien is admitted, the Form I–94C noted to show the data as to the admission shall be returned to the alien by the admitting officer.

(b) *When not prepared by immigration officer.* Immigration officers shall not prepare a set of Forms I–94 if:

(1) A Canadian citizen or a British subject domiciled, residing, or stationed in Canada, is admitted to the United States under a waiver of documents unless:

(i) Admitted for more than 29 days; or

(ii) Bond is required; or

(iii) Verification of departure is desired; or

(iv) The facts of the particular case are such that a record on Form I–94 is deemed advisable.

(2) An alien applying for admission presents a nonimmigrant alien's border crossing identification card, whether he is admitted or held for further inquiry before a special inquiry officer;

(3) An alien applies for admission at a seaport of entry, is held for further inquiry before a special inquiry officer, and is not admitted;

(4) A Form I–94F was prepared for the alien in connection with preexamination and he is admitted upon presentation of that form;

(5) Members of the armed forces of the United States or of any country allied with the United States, travelling under orders, are admitted to the United States under the auspices of, and under advance arrangements made with, the Department of Defense, provided a nominal roll or list of such aliens is furnished to, or obtained by, the examining immigration officer;

(6) An alien (including a citizen or resident of Mexico) during his temporary visit in the United States, proceeds to Mexico for a visit of not more than 30 days, returns to the United States from Mexico within such period, and presents the Form 257a or the I–94C which he was permitted to retain at the time of his visit to Mexico;

(7) Aliens who are residents, but are not citizens, of Canada or Mexico are permitted to retain Form I–94C on departing from the United States, and continue to use that form for re-entry to the United States for the period of the validity of the nonimmigrant visa or such shorter period fixed in their case;

(8) An alien American Indian born in Canada who is within the scope of section 289 of the Immigration and Nationality Act, is admitted temporarily unless it appears that a record of his admission will be required at a later date;

(9) An alien returns to the United States as a cruise passenger as defined in § 231.1 (c) of this chapter.

(c) *Issued upon application for extension of temporary admission or with report of maintenance of status.* A set of Forms I–94 shall be prepared for each alien applying for an extension of temporary admission or submitting a report of maintenance of status under § 214e.6 of this chapter, who does not submit a Form 257a or I–94C with his application or report because he claims to have lost such form issued to him previously or because such form had not been issued to him previously. The set of forms shall be prepared in the office of the Service receiving the application or report without regard to the action taken on the application or report. The Form I–94C appropriately noted shall be delivered to the alien as his notice of the decision on such application or report.

(d) *Action at time of departure.* Except as otherwise specifically provided in this paragraph, at the time of departure from the United States of an alien who is in possession of a Form I–94C, the alien shall surrender such form to the representative of the transportation company as provided in §§ 231.23 (a) and 231.24 (c) of this chapter, or, if those sections do not apply and the alien is departing to Canada to the Canadian

Immigration Officer for delivery to the appropriate United States immigration officer; or in any other case to the United States immigration officer at the port of departure. If a departing alien is in possession of a Form 257a and a Form I–94C both forms shall be surrendered. The Form I–94C need not be surrendered:

(1) Until the departure from the United States of the last of the persons named thereon, if more than one person is included on the same Form I–94C and all persons named thereon do not depart from the United States at the same time or at the same port;

(2) In the case of any alien (including a citizen or resident of Mexico) who, during his temporary visit to the United States proceeds to Mexico for a visit of not more than 30 days, after which visit he intends to reenter the United States for the remainder of the period of his original temporary admission;

(3) In the case of an alien departing as a cruise passenger as defined in § 231.1 (c) of this chapter;

(4) In any other case in which the Commissioner has instructed immigration officers to waive or defer the surrender of such form.

(e) *Visa application number.* If the alien for whom a set of Forms I–94 is prepared as provided in this section presents a nonimmigrant visa, the visa application number (including any letters which are a part thereof) shall be noted on all copies of the Form I–94 in the box entitled "Travel Documents Presented".

§ 221.4 *Form I–419; disposition.* For each alien applying for the privilege of direct transit through the United States under section 238 (d) of the Immigration and Nationality Act, the master or commanding officer of the vessel or aircraft on which the alien arrives shall surrender to the examining immigration officer at the port of arrival in the United States the set of Forms I–419 prepared for the alien by the transportation line. If the alien is found qualified to pass through the United States in transit, the examining immigration officer shall note on the Forms I–419 the date and place of the alien's arrival in the United States, and deliver the Forms I–419a and I–419b to the representative of the transportation line which brought the alien to the United States. Those forms shall be retained by the person in charge of the conveyance on which the alien is to be conveyed to the port of departure and such person shall surrender them to the immigration officer at such port. The immigration officer shall note thereon the facts of the departure of the alien and shall return the Form I–419b to the person presenting it or to the transportation line he represents.

§ 221.5 *Immigrants; surrender of documents upon departure.* When an alien in possession of Form I–151 or any other form of alien registration receipt card, or in possesison of an immigrant identification card, resident alien's border cossing identification card (Form I–187) certificate of registry or certificate of lawful entry, departs permanently from the United States, he shall surrender such cards and certificates to an immigration officer at the time of departure.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 223—REENTRY PERMITS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
223.1 Issuance and extension of reentry permits.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

223.11 Application.
223.12 Reentry permit.
223.13 Disposition of reentry permit.

AUTHORITY: §§ 223.1 to 223.13 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 223, 66 Stat. 194.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 223.1 *Issuance and extension of reentry permits.* Subject to the provisions of this part, district directors shall issue reentry permits under section 223 of the Immigration and Nationality Act, and shall grant extensions of the period of validity of such permits.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 223.11 *Application—(a) Contents, form; submission.* An application for a reentry permit under the provisions of section 223 of the Immigration and Nationality Act shall be executed under oath and be submitted on Form I–131, in duplicate, with two photographs of the applicant. An application for a reentry permit shall not be accepted from an applicant who is not within the United States. An application for a reentry permit shall be submitted to the district director having administrative jurisdiction over the applicant's place of residence in the United States. In emergent cases, the application may be submitted to the office of the district director having administrative jurisdiction over the place where the applicant may be at the time of his application, and may be acted upon by that district director even though he may not have administrative jurisdiction over the applicant's place of residence. The application shall include, but shall not be limited to, the following information with respect to the applicant: (1) Name currently used; (2) address in the United States; (3) place and date of birth; (4) alien registration number; (5) occupation and description of business activities in the United States; (6) date, place and manner of lawful admission to the United States for permanent residence, or admission to the United States as a treaty merchant; (7) name used at time of arrival; (8) father's name and mother's maiden name; (9) name and address of person to whom destined at time of admission to the United States; (10) by whom accompanied at time of such admission; (11) country of which applicant is a citizen, subject, or national; (12) date, place, and manner of last arrival in the United States; (13) name used at the time of last arrival; (14) marital status on the date of filing application, and if married the name and address of spouse; (15) present personal description; (16) name of employer; (17) port and date of proposed departure, name of vessel or other means of transportation on which departing, length of proposed absence, and reasons for going abroad; (18) what temporary address abroad will be.

(b) *When filed.* An application for a reentry permit should be filed at least 30 days before the proposed date of departure.

(c) *Action on application.* If the district director is satisfied (1) that the applicant meets the eligibility requirements contained in section 223 of the Immigration and Nationality Act, (2) that the application is made in good faith, and (3) that the alien's proposed departure from the United States would not be contrary to the interests of the United States, he shall grant the application and issue the permit which shall be valid for the time thereon specified, not to exceed one year. If the district director is not satisfied that the application should be granted he shall deny the application. The applicant shall be notified in writing of the decision with the reasons therefor, unless the disclosure of the reasons would, in the opinion of the district director, be prejudicial to the public interest, safety or security, in which event the reasons shall not be stated. At that time, the applicant shall be advised that he has 10 days from the date of receipt of notification of the decision in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division. If on such appeal the application is granted, the Assistant Commissioner shall notify the district director and the permit shall be issued by that officer. The notice to an applicant to call for the delivery of the permit shall constitute notice to him of the favorable decision made in the case, either initially or on appeal. If the application is denied and no appeal is taken, or is denied on appeal, the fee shall be returned to the applicant.

§ 223.12 *Reentry permit—(a) Form.* Reentry permits shall be issued on Form I–132, shall indicate whether issued under paragraph (a)(1) or (a) (2) of section 223 of the Immigration and Nationality Act, and the period of its validity. In any case in which the reentry permit is valid for readmission only to Hawaii, such limitation shall be endorsed conspicuously on the face of the Form I–132.

(b) *Period of validity; extensions.* A reentry permit shall be valid for such period as the district director granting the application shall authorize, not to exceed one year from the date of issuance. An application for extension of a reentry permit shall be addressed to and filed with the district director having administrative jurisdiction over the applicant's place of residence in the United States. Such application shall be in writing and shall state (1) the applicant's name and address in the United States; (2) when, where and the manner in which he departed from the United States; (3) port of landing and date of his arrival abroad; (4) countries visited by him in the order visited; (5) his reasons for requesting an extension and period for which the extension is desired; and (6) his address to which the permit is to be returned. The application shall be executed under oath and shall be accompanied by the reentry permit sought to be extended. If executed in the United States it may be sworn to before any officer generally authorized to administer oaths, or before an immigration officer without fee. If executed abroad it shall be executed before a consular officer. If the district director is satisfied that the period of validity should be extended he may grant an extension for such period as to him shall appear appropriate, in no event, however, to exceed one year from the original expiration date. The extended period shall be endorsed on the permit which shall be returned to the applicant in person or by mail. If the district director concludes that the requested extension should not be granted, he shall forward the application for the extension and all relating papers to the Assistant Commissioner, Inspections and Examinations Division for decision. If the extension is granted by the Assistant Commissioner, the application and related papers shall be returned to the office of origin. The district director shall thereupon appropriately endorse the permit and forward it to the applicant. If the extension is denied, the fee shall be refunded, and the permit shall be returned to the applicant if the remaining period of its validity permits its use for return to the United States. Any number of extensions may be granted provided the period of validity does not exceed beyond one year from the date of original expiration.

(c) *Delivery.* The reentry permit shall be forwarded to the office of the Service designated by the applicant in the application and the applicant shall obtain it from that office in person prior to his departure from the United States, except as provided in paragraph (d) of this section. The officer effecting delivery of the permit shall be satisfied that the person calling for it is the applicant and, in the event minor discrepancies have been noted by the issuing officer, the officer effecting delivery shall obtain satisfactory explanation from the applicant as to such discrepancies. The applicant shall sign his name to the permit in the presence of the officer. The officer making delivery shall endorse his signature in such manner as to cover part of the photograph and part of the permit. If for any reason it is concluded that the permit should not be delivered, it shall be returned to the district office of origin with a report of the facts for non-delivery. In the event it is then determined on the basis of such report or upon reconsideration of the application that the permit should not be issued, the application shall be denied in the same manner as though it had not been granted previously and the applicant shall have the same right to appeal.

(d) *Emergent cases.* If the applicant satisfactorily establishes that a bona fide emergency exists requiring his departure from the United States before a permit can be issued and delivered, the permit, if issued, may be forwarded to a consular officer abroad for delivery to the applicant in the manner prescribed in paragraph (c). The applicant shall be informed that the acceptance of his application does not assure the issuance of the permit.

(e) *Registrants under Selective Service Act.* No reentry permit or extension thereof shall be issued or granted to any alien who is legally subject to registration for service in the armed forces in the United States unless the applicant shall present a permit from his local Selective Service Board to depart from the United States. A reentry permit issued to such an alien may be made valid for a period which will coincide with the period of absence authorized by the local board, except that in no instance shall the period exceed one year. For reasons which may appear appropriate to the issuing district director, the period of validity of the reentry permit may be for a lesser period than the period of absence authorized by the local board.

§ 223.13 *Disposition of reentry permit—(a) Upon application for admission.* The holder of a reentry permit applying for readmission into the United States shall present the permit to the examining immigration officer at the port of arrival who, if he finds the alien to be the rightful holder of the permit, that the permit has not expired, and that the alien is otherwise admissible, shall endorse thereon the disposition of the alien's application for readmission. If the alien is admitted and the period of validity of the permit has not expired the permit shall be returned to the alien. If the alien is not admitted, the reentry permit shall be retained in the custody of the Service pending final disposition of the alien's application for admission. If the alien is ultimately excluded the permit shall be returned to the issuing office for appropriate disposition.

(b) *Upon expiration.* Upon the expiration of the period of validity of a reentry permit it shall be surrendered by the holder to the issuing office. If any such expired permit has not been surrendered to the Service, no subsequent reentry permit shall be issued to the same alien unless he shall first surrender the previous permit, or satisfactorily account for his failure so to do.

PART 231—LISTS OF ALIENS AND CITIZEN PASSENGERS ARRIVING OR DEPARTING

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
231.1 Definitions.
231.2 Arrival manifests and lists for vessels.
231.3 Departure manifests and lists for vessels.
231.4 Arrival manifests for aircraft.
231.5 Departure manifests for aircraft.
231.6 Ports of entry for aliens arriving by vessel or by land transportation.
231.7 Ports of entry for aliens arriving by aircraft.
231.8 Immigration stations in Canada.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

231.21 Arrival manifests and lists for vessels; general directions for preparation.
231.22 Arrival manifests and lists for vessels; delivery.
231.23 Landing card.
231.31 Departure manifest and lists for vessels.
231.41 Arrival manifests for aircraft.
231.42 Departure manifests for aircraft.

AUTHORITY: §§ 231.1 to 231.42 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 231, 238, 239, 66 Stat. 167, 195, 203.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 231.1 *Definitions.* As used in this part:

(a) The term "through passenger" means a passenger, whether alien or a national of the United States, (1) who has engaged through passage from one foreign country to another or to the same foreign country on a vessel which enroute calls at one or more ports of entry of the United States, (2) who may desire to visit ashore at one or more of such ports of call while the vessel is in port, (3) who will leave such port on the same vessel, (4) who presents whatever document or documents are required for such admission, and (5) who is admissible to the United States.

(b) The term "shore leave" means the permission that is granted by the examining immigration officer to an alien through passenger to go ashore only for the time the vessel on which such passenger arrives remains in port, conditioned upon such passenger departing from such port on the same vessel at the time of its departure.

(c) The term "cruise passenger" means a passenger, whether alien or a national of the United States, who has engaged passage on a vessel which does not proceed outside the Western Hemisphere and whose journey originates and terminates at the same United States port on the same vessel and without stopover at any foreign port beyond the time the vessel is in such port.

§ 231.2 *Arrival manifests and lists for vessels—(a) Forms.* Forms I–415 and I–416 shall be used to manifest passengers arriving by vessel at a port of the United States. Except as hereinafter provided for members of a family, the Form I–415 shall be used to manifest alien passengers and Form I–416 shall be used to manifest passengers who are citizens or nationals of the United States. On Forms I–415 and I–416 the heading shall show the manifest or list number, number or other designation of class, port and date of embarkation, name of vessel, and port and date of arrival. Each form shall show the title or position of the person preparing it and the name and address of the local agent of the vessel.

(1) *Form I–415—Manifest of Inbound Passengers (Aliens).* The heading for column 1 shall be "Family Name—Given name"; column 2, "Travel Document No.; Nationality"; column 3, "Number and Description of Pieces of Baggage"; column 4, "This column for use of Master, Surgeon, and U. S. Officers".

(2) *Form I–416—List of Inbound Passengers (U. S. Citizens and Nationals).* The heading for column 1 shall be "Family Name—Given name"; column 2, "U. S. Passport No.—Place of Birth"; column 3, "Number and Description of Pieces of Baggage"; column 4, "This

column for use of Master, Surgeon and U. S. Officers".

(b) *Waiver.* Arrival passenger manifest or list shall not be required for a vessel:

(1) On a trip solely between Canada and the continental United States or Alaska; or

(2) While being used exclusively in the Government service of the United States or any foreign country and not engaged in carrying persons or property for commercial purposes.

§ 231.3 *Departure manifests and lists for vessels*—(a) *Forms.* Except as provided in this part for through passengers, Forms I–434 and I–435 shall be used to manifest passengers departing on vessels from ports of the United States. Form I–434 shall be used to manifest alien passengers and I–435 shall be used to manifest passengers who are citizens or nationals of the United States. On Forms I–434 and I–435 the heading shall show the manifest or list number, port and date of sailing from the United States, name of steamship, and foreign port of destination.

(1) *Form I–434—Manifest of Outward-Bound Passengers (Aliens).* The heading for column 1 shall be "Family Name—Given Name"; column 2, "Travel Document No."; no heading for column 3 is prescribed.

On the back of the form there shall be the following affidavit:

I, ---------- (Name) ---------- (Title)
of the S. S. ---------- bound for ----------
do solemnly swear that, according to the best of my knowledge and belief, all passengers who departed on the said vessel, numbering ---------, are listed in the foregoing lists Nos. ------ to ------ and manifests Nos. ------- to --------, that concerning each the information recorded is correct, full, and complete in every respect; and that for each alien passenger listed there is, when required by regulations, attached to the said manifests and made a part thereof either a Foreign Service Form 257a or a Form I–94, I–424, or I–100a.

---------- (Name)
---------- (Title)

Sworn to before me this ------ day of ----------, 19----, at ----------.

(2) *Form I–435—List of Outward-Bound Passengers (U. S. Citizens and Nationals).* The heading for column 1 shall be "Family Name—Given Name"; column 2, "U. S. Passport No."; column 3, "Place of Birth; Date and Place of Naturalization"; column 4, "Length of Time Passenger Intends to Remain Abroad and Country of Destination".

On the back of Form I–435 there shall be the same affidavit as is prescribed for Form I–434.

(b) *Waiver.* Departure passenger manifest or list shall not be required for a vessel:

(1) On a trip solely between Canada and the continental United States or Alaska; or

(2) While being used exclusively in the Government service of the United States or any foreign country and not engaged in carrying persons or property for commercial purposes.

§ 231.4 *Arrival manifests for aircraft*—(a) *Forms.* Forms I–466 and I–437 shall be used to manifest passengers arriving by aircraft except that whenever the number of such passengers does not exceed the number that can be listed in the space provided for the manifesting of passengers on Customs Form 7507, such passengers may be manifested on such form in lieu of Form I–466 but in accordance with all other provisions of § 231.41.

(1) *Form I–466—Air passengers manifest.* The heading shall show the name of the owner or operator, aircraft registration marks and nationality, flight number, date, port of embarkation, and port of disembarkation. Each form shall show the title or position of the person preparing it. The heading for column 1 shall be, "Surname—Given name—Middle initial"; column 2, "For use of owner; operator only"; and column 3, "For official use only".

(2) *Form I–437—Embarkation/Disembarkation Card.* Form I–437 shall show the following information: Family name, given name, middle initial; address in the United States; nationality; place of birth; date of birth; if naturalized, Naturalization Certificate Number or date and place of Naturalization; Passport or travel document number; signature of Immigration officer; date and port of arrival.

(b) *Waiver.* Arrival passenger manifests shall not be required for an aircraft:

(1) Arriving directly in the continental United States or Alaska on a trip which originated in Canada or the French Islands of St. Pierre or Miquelon; or

(2) While it is being used exclusively in the Government service of the United States or any foreign country and not engaged in carrying persons or property for commercial purposes.

§ 231.5 *Departure manifests for aircraft*—(a) *Forms.* Forms I–466 and I–437 shall be used to manifest passengers departing by aircraft.

(1) *Form I–466—Air passenger manifests.* The air passenger manifest shall be on the same form and shall contain the same information as prescribed in § 231.41.

(2) *Form I–437—Embarkation/disembarkation card.* The embarkation/disembarkation card shall be on the same form and contain the same information as required by § 231.42 and shall show the length of intended stay abroad and country of destination.

(b) *Waiver.* Departure air passenger manifest shall not be required for an aircraft:

(1) Departing directly from the continental United States or Alaska for Canada or the French Islands of St. Pierre or Miquelon; or

(2) While it is being used exclusively in the Government service of the United States or any foreign country and not engaged in carrying persons or property for commercial purposes.

§ 231.6 *Ports of entry for aliens arriving by vessel or by land transportation.* Subject to the limitations prescribed in this section, the following places are hereby designated as ports of entry for aliens arriving by any means of travel other than aircraft. Such ports are listed according to location by districts. The designations of such ports are divided into three classes—Class A, Class B, and Class C. Class A means that the port is a designated port of entry for all aliens. Class B means that the port is a designated port of entry only for aliens who at the time of applying for admission are lawfully in possession of valid and unexpired resident aliens' border crossing identification cards or valid nonresident aliens' border crossing cards, or are admissible without documents under the waiver of documents contained in this chapter. Class C means that the port is a designated port of entry only for aliens who are arriving in the United States as crewmen as that term is defined in section 101 (a) (10) of the Immigration and Nationality Act with respect to vessels.

DISTRICT NO. 1—ST. ALBANS, VT.

CLASS A

Bridgewater, Maine.
Calais, Maine (includes Ferry Point, Union and Milltown Bridges).
Coburn Gore, Maine.
Eastport, Maine.
Fort Fairfield, Maine.
Fort Kent, Maine.
Houlton, Maine.
Jackman, Maine.
Limestone, Maine.
Lubec, Maine.
Madawaska, Maine.
Van Buren, Maine.
Vanceboro, Maine.
Connecticut Lakes, N. H.
Alexandria Bay, N. Y.
Cape Vincent, N. Y.
Champlain, N. Y.
Chateaugay, N. Y.
Clayton, N. Y.
Fort Covington, N. Y.
Malone, N. Y.
Mooers, N. Y.
Morristown, N. Y.
Ogdensburg, N. Y.
Rooseveltown, N. Y.
Rouses Point, N. Y.
Thousand Island Bridge, N. Y.
Trout River, N. Y.
Waddington, N. Y.
Alburg, Vt.
Alburg Springs, Vt.
Beebe Plain, Vt.
Beecher Falls, Vt.
Canaan, Vt.
Derby Line, Vt.
East Richford, Vt.
Highgate Springs, Vt.
Newport, Vt.
North Troy, Vt.
Norton, Vt.
Richford, Vt.
St. Albans, Vt.
West Berkshire, Vt.

CLASS B

Boundary Cottage, Maine.
Daaquam, Maine.
Easton, Maine.
Estcourt, Maine.
Forest City, Maine.
Four Falls Road, Maine.
Hamlin, Maine.
Hodgdon, Maine.
Knoxford Line Road (Mars Hill), Maine.
Lake Frontier, Maine.
Littleton, Maine.
Monticello, Maine.
Munson Mills Road, Maine.

Orient, Maine.
Robbinston, Maine.
St. Francis, Maine.
St. Pamphile, Maine.
Cannons Corners, N. Y.
Churubusco, N. Y.
Hogansburg, N. Y.
Jamison's Line, N. Y.
Thousand Island Park, N. Y. (June, July, and August only).
Morses Line, Vt.

CLASS C

Bangor, Maine (the port of Bangor includes, among others, the port facilities at Bar Harbor, Belfast, Brewer, Bucksport, Jonesport, Northeast Harbor, Prospect Harbor, Sandypoint, Seal Harbor, Searsport, and South West Harbor, Maine.

DISTRICT NO. 2—BOSTON, MASS.

CLASS A

Portland, Maine.
Boston, Mass. (the port of Boston includes, among others, the port facilities at Braintree, Cambridge, Chelsea, Everett, Medford, Quincy, Somerville, and Weymouth, Mass.).
Gloucester, Mass.
New Bedford, Mass.
Providence, R. I.

CLASS C

Bridgeport, Conn.
New Haven, Conn.
New London, Conn. (includes the port facilities at Groton, Conn.).
Stamford, Conn.
Bath, Maine.
Boothbay Harbor, Maine.
Rockland, Maine.
Beverly, Mass.
Buzzards Bay, Mass.
Danvers, Mass.
Fairhaven, Mass.
Fall River, Mass.
Lynn, Mass.
Marblehead, Mass.
Nantucket, Mass.
Newburyport, Mass.
Oak Bluffs, Mass.
Plymouth, Mass.
Provincetown, Mass.
Salem, Mass.
Scituate, Mass.
Somerset, Mass.
Woods Hole, Mass.
Portsmouth, N. H.
Davisville, R. I.
Melville, R. I.
Newport, R. I.
Quonset Point, R. I.

DISTRICT NO. 3—NEW YORK, N. Y.

CLASS A

New York, N. Y. (the port of New York includes, among others, the port facilities at Bayonne, Carteret, Elizabeth, Elizabethport, Guttenberg, Hoboken, Jersey City, Linden, Newark, Perth Amboy, Port Newark, Sayreville, Sewaren, and Weehawken, N. J.; and at Poughkeepsie and Yonkers, N. Y.).

DISTRICT NO. 4—PHILADELPHIA, PA.

CLASS A

Philadelphia, Pa. (the port of Philadelphia includes, among others, the port facilities at Delaware City, Lewes, New Castle, and Wilmington, Del.; at Artificial Island, Billingsport, Camden, Deepwater Point, Gibbstown, Gloucester City, Paulsboro, and Trenton, N. J.; and at Chester, Essington, Fort Mifflin, and Marcus Hook, Pa.).

DISTRICT NO. 5—BALTIMORE, MD.

CLASS A

Baltimore, Md.
Morehead City, N. C.
Wilmington, N. C.
Newport News, Va.
Norfolk, Va.

CLASS C

Piney Point, Md.
Alexandria, Va.
Old Point Comfort, Va.
Richmond, Va.
U. S. Navy Mine Depot, Cheatham Annex, Va.

DISTRICT NO. 6—MIAMI, FLA.

CLASS A

Mobile, Ala.
Apalachicola, Fla.
Bocagrande, Fla.
Fernandina, Fla.
Fort Pierce, Fla.
Jacksonville, Fla.
Key West, Fla.
Miami, Fla.
Panama City, Fla.
Pensacola, Fla.
Port Everglades, Fla.
St. Augustine, Fla.
Tampa, Fla.
West Palm Beach, Fla.
Brunswick, Ga.
Savannah, Ga.
Lake Charles, La.
New Orleans, La. (the port of New Orleans includes, among others, the port facilities at Avondale, Bell Chasse, Braithwaite, Chalmette, Destrahan, Gretna, Harvey, Marrero, Norco, Port Sulphur, St. Rose, and Westwego, La.).
Gulfport, Miss.
Aguadilla, P. R.
Ensenada, P. R.
Fajardo, P. R.
Humacao, P. R.
Jobos, P. R.
Mayaguez, P. R.
Ponce, P. R.
San Juan, P. R.
Charleston, S. C.
Georgetown, S. C.
Christiansted, St. Croix, V. I.
Frederiksted, St. Croix, V. I.
Cruz Bay, St. John, V. I.
Charlotte Amalie, St. Thomas, V. I.

CLASS C

Carrabelle, Fla.
Port St. Joe, Fla.
St. Petersburg, Fla.
Baton Rouge, La.
Morgan City, La.

DISTRICT NO. 7—BUFFALO, N. Y.

CLASS A

Buffalo, N. Y.
Lewiston, N. Y.
Niagara Falls, N. Y.
Oswego, N. Y.
Rochester, N. Y.
Youngstown, N. Y.
Cleveland, Ohio.
Erie, Pa.

CLASS C

Dunkirk, N. Y.
Sodus Point, N. Y.
Ashtabula, Ohio.
Conneaut, Ohio.
Fairport, Ohio.
Lorain, Ohio.

DISTRICT NO. 8—DETROIT, MICH.

CLASS A

Algonac, Mich.
Detroit, Mich.
Marine City, Mich.
Marysville, Mich.
Port Huron, Mich.
Roberts Landing, Mich.
St. Clair, Mich.
Sault Ste. Marie, Mich.
Sandusky, Ohio.
Toledo, Ohio.

CLASS B

Detour, Mich.
Mackinac Island, Mich.

CLASS C

East Chicago, Ind.
Gary, Ind.
Michigan City, Ind.
Alpena, Mich.
Baraga, Mich.
Bay City, Mich.
Benton Harbor, Mich.
Charlevoix, Mich.
Copper Harbor, Mich.
Detour, Mich.
Eagle River, Mich.
Escanaba, Mich.
Frankfort, Mich.
Grand Haven, Mich.
Holland, Mich.
Houghton, Mich.
Kipling, Mich.
L'Anse, Mich.
Ludington, Mich.
Mackinac Island, Mich.
Mackinaw City, Mich.
Manistee, Mich.
Manistique, Mich.
Marquette, Mich.
Munising, Mich.
Muskegon, Mich.
Northport, Mich.
Ontonagon, Mich.
Port Island, Mich.
Petoskey, Mich.
Rogers City (Calcite), Mich.
Saginaw, Mich.
South Haven, Mich.
Traverse City, Mich.
Huron, Ohio.
Marblehead, Ohio.

DISTRICT NO. 9—CHICAGO, ILL.

CLASS A

Chicago, Ill.
Isle Royale, Mich.
Baudette, Minn.
Duluth, Minn. (the port of Duluth includes, among others, the port facilities at Superiod, Wis.).
International Falls, Minn.
Lancaster, Minn.
Noyes, Minn.
Pigeon River, Minn.
Pine Creek, Minn.
Ranier, Minn.
Roseau, Minn.
Warroad, Minn.
Winton, Minn.
Ambrose, N. Dak.
Antler, N. Dak.
Carbury, N. Dak.
Dunseith, N. Dak.
Fortuna, N. Dak.
Hannah, N. Dak.
Hansboro, N. Dak.
Maida, N. Dak.
Neche, N. Dak.
Noonan, N. Dak.
Northgate, N. Dak.
Pembina, N. Dak.
Portal, N. Dak.
St. John, N. Dak.
Sarles, N. Dak.
Sherwood, N. Dak.
Walhalla, N. Dak.
Westhope, N. Dak.
Green Bay, Wis.
Milwaukee, Wis.

CLASS B

Crane Lake, Minn.
Gunflint Lake, Minn.
Indus, Minn.
Oak Island, Minn.
Lake Metegoshe, N. Dak.

CLASS C

Menominee, Mich.
Grand Marais, Minn.
Two Harbors, Minn.

Algoma, Wis.
Ashland, Wis.
Bayfield, Wis.
Kenosha, Wis.
Kewaunee, Wis.
Manitowoc, Wis.
Marinette, Wis.
Oconto, Wis.
Peshtigo, Wis.
Port Washington, Wis.
Racine, Wis.
Sheboygan, Wis.
Sturgeon Bay, Wis.
Washburn, Wis.

DISTRICT NO. 12—SEATTLE, WASH.

CLASS A

Boundary, Alaska.
Eagle, Alaska.
Haines, Alaska.
Juneau, Alaska.
Ketchikan, Alaska (the port of Ketchikan includes, among others, the port facilities at Sitka and Wrangell, Alaska; Ketchikan proper).
Skagway, Alaska.
Tok Junction, Alaska.
Eastport, Idaho.
Porthill, Idaho.
Babb, Mont.
Chief Mountain, Mont. (May–October).
Del Bonita, Mont.
Coathaunt Camp, Mont. (May–October).
Havre, Mont.
Loring, Mont.
Opheim, Mont.
Raymond, Mont.
Roosville, Mont.
Scobey, Mont.
Sweetgrass, Mont.
Turner, Mont.
Whitetail, Mont.
Astoria, Oreg.
Coos Bay, Oreg.
Portland, Oreg.
Aberdeen, Wash.
Anacortes, Wash.
Bellingham, Wash.
Blaine, Wash.
Danville, Wash.
Edmonds, Wash.
Everett, Wash.
Ferry, Wash.
Friday Harbor, Wash. (the port of Friday Harbor includes, among others, the port facilities at Roche Harbor, Wash.).
Laurier, Wash.
Longview, Wash.
Lynden, Wash.
Metaline Falls, Wash.
Neah Bay, Wash.
Northport, Wash.
Olympia, Wash.
Oroville, Wash.
Port Angeles, Wash.
Port Townsend, Wash.
Seattle, Wash.
South Bend, Wash.
Sumas, Wash.
Tacoma, Wash.

CLASS B

Trail Creek, Mont.
Whitlash, Mont.
Nighthawk, Wash.
Point Roberts, Wash.

CLASS C

Pelican, Alaska.
Bangor, Wash.
Blake Island, Wash.
Bremerton, Wash.
DuPont, Wash.
Houghton, Wash.
Kingston, Wash.
Mukilteo, Wash.
Orchard Point, Wash.
Point Wells, Wash.
Port Gamble, Wash.
Port Orchard, Wash.
Shuffleton, Wash.
Winslow, Wash.

DISTRICT NO. 13—SAN FRANCISCO, CALIF.

CLASS A

San Francisco, Calif.

CLASS C

Eureka, Calif.

DISTRICT NO. 14—SAN ANTONIO, TEX.

CLASS A

Beaumont, Tex.
Brownsville, Tex. (the port of Brownsville includes, among others, the port facilities at Port Isabel, Tex.).
Corpus Christi, Tex. (the port of Corpus Christi includes, among others, the port facilities at Harbor Island and Ingleside, Tex.).
Del Rio, Tex.
Eagle Pass, Tex.
Freeport, Tex.
Galveston, Tex. (the port of Galveston includes, among others, the port facilities at Port Bolivar and Texas City, Tex.).
Hidalgo, Tex.
Houston, Tex. (the port of Houston includes, among others, the port facilities at Baytown, Tex.).
Laredo, Tex.
Los Ebanos, Tex.
Port Arthur, Tex. (the port of Port Arthur includes, among others, the port facilities at Orange and Sabine, Tex.).
Rio Grande City, Tex.
Roma, Tex.
Thayer, Tex.
Zapata, Tex.

CLASS B

Dolores, Tex.
San Ygnacio, Tex.

DISTRICT NO. 15—EL PASO, TEX.

CLASS A

Douglas, Ariz.
Lukeville, Ariz.
Naco, Ariz.
Nogales, Ariz.
Sasabe, Ariz.
Columbus, N. Mex.
El Paso, Tex.
Fabens, Tex.
Presidio, Tex.
Ysleta, Tex.

CLASS B

Lochiel, Ariz.
Antelope Wells, N. Mex.
Monument No. 67, near Cloverdale, N. Mex.
Boquillas, Tex.
Candelaria, Tex.
Castolon, Tex.
Chinati, Tex.
Fort Hancock, Tex.
Hot Springs, Tex.
Lajitis, Tex.
Polovo, Tex.
Porvenir, Tex.
Ruidosa, Tex.

DISTRICT NO. 16—LOS ANGELES, CALIF.

CLASS A

San Luis, Ariz.
Andrade, Calif.
Calexico, Calif.
San Diego, Calif.
San Luis Obispo, Calif. (the port of San Luis Obispo includes, among others, the port facilities at Avila, Calif.).
San Pedro, Calif. (this is the port of Los Angeles and includes, among others, the port facilities at El Segundo, Long Beach Harbor Area, and Redondo Beach, Calif.).
San Ysidro, Calif.
Tecate, Calif.
Ventura, Calif. (the port of Ventura includes, among others, the port facilities at Port Hueneme and Elwood, Calif.).

CLASS B

Campo, Calif.

DISTRICT NO. 17—HONOLULU, T. H.

CLASS A

Agana, Guam, M. I. (including the port facilities at Apra Harbor, Guam).
Honolulu, T. H.

CLASS B

Hilo, T. H.

CLASS C

Kahului, T. H.
Port Allen, T. H.

§ 231.7 *Ports of entry for aliens arriving by aircraft.* (a) The following international airports are hereby designated as ports of entry for aliens arriving by aircraft:

Agana, Guam, Marianas Islands, Agana Field.
Akron, Ohio, Municipal Airport.
Albany, N. Y., Municipal Field.
Baudette, Minn., Baudette Municipal Airport.
Bellingham, Wash., Bellingham Airport.
Brownsville, Tex., Rio Grande Valley International Airport at Brownsville, Tex.
Buffalo, N. Y., Municipal Airport.
Burlington, Vt., Burlington Municipal Airport.
Calexico, Calif., Calexico Municipal Airport.
Caribou, Maine, Caribou Municipal Airport.
Cleveland, Ohio, Cleveland Hopkins Airport.
Cut Bank, Mont., Cut Bank Airport.
Detroit, Mich., Detroit Municipal Airport.
Detroit, Mich., Wayne County Airport.
Douglas, Arizona, Bisbee-Douglas Airport.
Duluth, Minn., Duluth Municipal Airport.
Eagle Pass, Tex., Eagle Pass Airport.
El Paso, Tex., International Airport.
Fort Yukon, Alaska, Fort Yukon Airfield.
Fort Lauderdale, Fla., Broward County Airport.
Grand Forks, N. Dak., Grand Forks Municipal Airport.
Great Falls, Mont., Gore Field.
Havre, Mont., Havre-Hill County Airport.
International Falls, Minn., International Falls Municipal Airport.
Juneau, Alaska, C. A. A. Field.
Juneau, Alaska, Juneau Airport.
Ketchikan, Alaska, Ketchikan Airport.
Key West, Fla., Meacham Field.
Laredo, Tex., Laredo Municipal Airport.
Malone, N. Y., Malone Dufort Airport.
Massena, N. Y., Massena Airport.
Miami, Fla., Chalks Flying Service Seaplane Base.
Miami, Fla., Miami International Airport.
Nogales, Arizona, Nogales International Airport.
Ogdensburg, N. Y., Ogdensburg Harbor.
Ogdensburg, N. Y., Ogdensburg Municipal Airport.
Oroville, Wash., Dorothy Scott Municipal Airport.
Oroville, Wash., Dorothy Scott Seaplane Base.
Pembina, N. Dak., Fort Pembina Airport.
Portal, N. Dak., Portal Airport.
Port Townsend, Wash., Port Townsend Airport.
Put in Bay, Ohio, Put in Bay Airport.
Rochester, N. Y., Rochester Municipal Airport.
Rouses Point, N. Y., Rouses Point Seaplane Base.
San Diego, Calif., San Diego Municipal Airport (Lindbergh Field).
Sandusky, Ohio, John G. Hinde Airport.
San Juan, P. R., Isla Grande Airport.
Sault Ste. Marie, Mich., Sault Ste. Marie Airport.
Seattle, Wash., Boeing Municipal Air Field.
Seattle, Wash., Lake Union.
Skagway, Alaska, Skagway Municipal Airport.
Spokane, Wash., Felts Field.
Swanton, Vt., Warren R. Austin Airport.
Tampa, Fla., Tampa International Airport.
Watertown, N. Y., Watertown Municipal Airport.
West Palm Beach, Fla., Palm Beach International Airport.
Wrangell, Alaska, Wrangell Seaplane Base.

(b) In addition to the places named in paragraph (a) of this section, other places where permission for certain aircraft to land officially has been given, and places where emergency or forced landings are made under the provisions of Part 239 of this chapter, shall be regarded as designated for the entry of aliens arriving by such aircraft.

§ 231.8 *Immigration stations in Canada.* The following United States immigration stations are located in Canada and are within the organization of the districts indicated.

DISTRICT NO. 1—ST. ALBANS, VT.

Halifax, Nova Scotia.
St. John, New Brunswick.
Montreal, Quebec.
Quebec, Province of Quebec.

DISTRICT NO. 2—BOSTON, MASS.

Yarmouth, Nova Scotia (May–September)

DISTRICT NO. 7—BUFFALO, N. Y.

Toronto, Ontario.

DISTRICT NO. 9—CHICAGO, ILL.

Winnipeg, Manitoba.

DISTRICT NO. 12—SEATTLE, WASH.

Sidney, British Columbia.
Victoria, British Columbia.
Vancouver, British Columbia.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 231.21 *Arrival manifests and lists for vessels; general directions for preparation*—(a) *Alien manifests.* Separate Form or Forms I–415 shall be prepared prior to the vessel's arrival at a port in the United States on which the surname of the passengers will appear so far as practicable in alphabetical order:

(1) For alien immigrant passengers who embarked at the same port abroad and who are destined to disembark at the same port in the United States;

(2) For alien nonimmigrant passengers who embarked at the same port abroad and who are destined to disembark at the same port in the United States;

(3) For alien through passengers without regard to their port of embarkation abroad or the foreign country to which destined. Manifests for through passengers shall be submitted in duplicate. The headings of Forms I–415 covering through passengers shall be properly filled in to show the facts of arrival of the vessel, with the added notation "and proceed foreign via ----------" (inserting the names of the other ports of call to be made in the United States on the voyage with the final port of call shown last). This notation shall be entered under the words "Arriving at port of ----------," appearing directly above columns 3 and 4 of the Form I–415. In manifesting passengers under (1), (2), and (3), if the number of passengers does not exceed the number that can be manifested on one Form I–415, such passengers shall be grouped according to class of travel and manifested on one Form I–415 according to class, with the designation of the class noted in the body of the form at the head of each class group. If the number of such passengers exceeds the maximum number that can be listed on one Form I–415, the passengers shall be grouped according to class of travel and a separate Form I–415 shall be used to manifest the passengers in each class, the designation of the class being shown in the heading of each form used.

(b) *Citizen or national manifests.* The foregoing procedure for the manifest grouping of alien passengers shall apply, so far as it is applicable, to the manifest grouping of passengers who are citizens or nationals of the United States, and in respect of through passengers who are citizens or nationals of the United States, the same notation prescribed in paragraph (a) (3) of this section shall be added directly above columns 3 and 4 of the Form I–416.

(c) *Numbering of manifests.* Manifest Forms I–415 and I–416 shall be numbered consecutively in the indicated space in the upper right-hand corner of the form commencing with number "1" for each voyage, all the Forms I–416, if any, to be numbered before assigning number to any Forms I–415.

(d) *Family members.* Notwithstanding any other provisions of this section as to class groupings and use of separate manifests, all passengers being members of one family, who embark at the same port abroad and are destined to disembark at the same port in the United States, shall be manifested on the same manifest sheet. If they are traveling in different classes, they shall be shown under the class of the head of the family; if some are aliens and others United States citizens or nationals, they shall all be shown on the alien manifest Form I–415 with the notation "USC" or "USN" entered after the names of the citizen or national members.

(e) *Stowaways.* Any stowaway shall be manifested on the last numbered form, the notation "stowaway" being shown in the last column opposite the name of each stowaway.

(f) *Listing documents.* In column (2) of Form I–415 shall be shown the serial number and letter of any Foreign Service Form 256 or 257, or immigration Form I–100a, which the passenger is required to present for admission to the United States. The notation "WOV–419" shall be shown in column (2) if the alien is to pass through the United States under the provisions of section 238 (d) of the Immigration and Nationality Act. In the case of each alien passenger who does not have a Form 256, 257, or I–100a, the persons responsible for the delivery of the manifest, and as a part thereof, shall prepare a set of immigration Forms I–94 and shall deliver them to such passenger. The serial number of such Form I–94 shall be noted in column (2) of Form I–415 opposite the name of each passenger for whom such set of forms is prepared. Whenever a set of Forms I–94 is prepared for a passenger who has a nonimmigrant visa, the visa application number and letter shall be noted on all copies of the Form I–94 in the box entitled "Travel documents presented". The Form 256, 257 or I–100a, is required to be surrendered by the passenger to the United States immigration officer at the port of arrival in the United States where he is examined for admission.

§ 231.22 *Arrival manifests and lists for vessels; delivery.* (a) Immediately upon the arrival at the first port in the United States of a vessel required to prepare a manifest, one legible copy of manifest Forms I–415 and I–416 prepared as provided in § 231.21 (a) (1) and (2) and two legible copies of manifest Forms I–415 and I–416 prepared as provided in § 231.21 (a) (3), fully executed as provided in this part and assembled in numerical order, covering all of the passengers on board without regard to the port to which ultimately destined, shall be delivered to the immigration officer boarding the vessel at such port of first arrival. To facilitate inspection, an advance copy of manifest Forms I–415 and I–416 may be delivered to the officer in charge of the first port of arrival prior to the arrival of the vessel. The furnishing of such advance copy will not, however, relieve the vessel of the responsibility of furnishing a complete manifest to the immigration officer at the first port of call which shall indicate any changes or corrections which differ from the advance copy. If an arriving vessel is to touch at more than one United States port, the inspection of all passengers shall, if practicable, be completed at the first port of arrival. If the inspection of all passengers at the first port of arrival is impracticable, the inspection of passengers destined to subsequent ports of arrival shall be deferred in the discretion of the examining immigration officer. In such event, the manifest of those passengers not inspected at the first port of arrival shall be returned to the master for presentation at the subsequent ports of arrival. The procedure followed at the first port of arrival, as prescribed by this paragraph, shall also be followed at any subsequent ports of arrival. When any passenger desires regularly to land at any port in the United States other than the one to which he is manifested, his name shall be stricken by the ship's officer from the manifest upon which it was originally recorded and transferred to the manifest intended for the port where he wishes to land. Such change on the manifest shall be made only with the prior knowledge of the immigration officer and shall be attested by his signature and title placed opposite each entry. On the manifest to which the name is transferred; he will note: "Transferred from manifest of passengers for ----------, ---------- dated ----------, ----------
Immigration Officer."

(b) With respect to through passengers, both copies of the manifests shall be delivered to the immigration officer boarding the vessel at the first port of call in the United States. The passengers listed thereon shall be inspected as to their eligibility for shore leave as provided in this part.

(c) Both copies of such manifests shall be noted to indicate which through passengers are eligible for shore leave and which are not eligible. The original copy of such manifests shall be returned to the master of the vessel who shall present them at each subsequent port of

call to the immigration officer boarding the vessel who shall return them to the master after examination of such manifests. Prior to the departure of the vessel from its last port of call in the United States, the original copies of such manifests shall be delivered to an immigration officer with Forms 257a, I–94C, relating to such departing passengers. Such delivery shall be in lieu of the delivery of departure manifests relating to such passengers required by § 231.3: *Provided however*, That all of the procedural requirements for departure manifests set forth in § 231.31 shall be observed. Departure manifests at the intermediate ports of call shall not be required for through passengers.

§ 231.23 *Landing card.* To facilitate examination of passengers and for convenience of identification on arrival, there may be given to each passenger listed on Form I–415 or I–416 a ticket or "landing card" showing his name and the number of the manifest and line number thereof on which his name appears.

§ 231.31 *Departure manifest and lists for vessels*—(a) *General directions for preparation.* (1) Separate Form or Forms I–434 or I–435 shall be used:

(i) For each port in the United States covering persons embarking at such port.

(ii) For passengers destined to each port of foreign debarkation, except (*a*) if all of the alien passengers boarding at the same port of embarkation in the United States can be recorded on one Form I–434, they shall be grouped according to the port of debarkation which shall be noted in the body of the Form I–434 at the head of each group, and (*b*) if all citizen and national passengers boarding at the same port of embarkation in the United States can be recorded on one Form I–435, they shall be grouped according to the port of embarkation which shall be noted in the body of the Form I–435 at the head of each group.

(2) Forms I–434 and I–435 shall be numbered consecutively in the indicated space in the upper right-hand corner of the heading, commencing with No. 1 for each voyage, all the Forms I–435, if any, to be numbered before assigning numbers to any Forms I–434. In column 2 of Form I–434 opposite the name of each passenger there shall be shown the serial number and letter of any Foreign Service Form 257a, immigration Form I–94C, or immigration Form I–100a in his possession which was last used by such passenger to enter the United States, as evidenced by the Service notation thereon. Unless such form is not required to be surrendered by the departing alien, such form shall be surrendered by the passenger to the representative of the transportation company who shall note thereon by printing in ink, rubber stamp, or typewriter, the name of the port of embarkation, the date of departure therefrom, and the name of the vessel, and attach such form to, and make it a part of the Form I–434 relating to the passenger whose form it is. If an alien has been permitted to pass through the United States under the provisions of section 238 (d) of the Immigration and Nationality Act, the notation "WOV–419" shall be posted in column 2 of Form I–434 opposite the name of the alien. Whenever a departing alien passenger does not surrender Form 257a, I–94C or I–100a, the persons responsible for the delivery of the departure manifest as a part thereof shall cause to be executed an immigration Form I–424 for each such alien passenger; shall place the notation "I–424" in column 2 opposite the name of each such passenger; and shall attach the Form I–424 to, and make it a part of, the departure manifest.

(3) The term "Deportee" shall be noted in column 2 of Form I–434 opposite the name of each passenger who has been arrested within the United States and is being deported or who has been excluded from the United States and is being deported pursuant to such exclusion. Any Form 257a, I–94C, or I–100a surrendered by or in behalf of such deportee, or in the absence of any such form, the I–424 prepared for such deportee, shall be conspicuously marked "Deportee".

(b) *Delivery.* Except as otherwise provided in this paragraph, Forms I–434 and I–435 and attached documents fully executed in accordance with this part and assembled in numerical order, shall be delivered to the immigration official at each port of embarkation in the United States prior to the departure of the vessel therefrom with respect to all passengers boarding the vessel at that port who are destined to a place outside the United States. If more than one Form I–434 or I–435 is used at a port of embarkation, the affidavit on the last numbered form only need be executed. Vessels making voyages to and from the United States at regular or periodic intervals according to a published schedule of which there is sufficient notice to all concerned may deliver the Form or Forms I–434 and I–435, together with the documents required to be attached, to the district director or officer in charge of the office having administrative jurisdiction over the respective ports of embarkation subsequent to the departure of the vessel therefrom but within such time as to be received by each such officer within 30 days following the departure of the vessel from its last port of embarkation in the United States on that voyage. Notwithstanding the foregoing exception, clearance shall not be granted to any vessel unless the Forms I–434 and I–435, and attached documents, are delivered prior to departure if the district director or officer in charge having administrative jurisdiction over the post of departure knows or has reason to believe that the vessel will not return to a port in the United States within 30 days of its departure from its last port of embarkation in the United States or that the Form or Forms I–434 and I–435 and attached documents will not be delivered so as to be received within the 30 day period herein provided.

(c) *Debarkation of passenger prior to departure foreign.* In any case in which a passenger originally destined to a place outside the United States leaves the vessel either at the initial port of embarkation or at any other port of call in the United States and prior to the departure of the vessel from the United States, the persons responsible for the delivery of the departure manifest shall notify the Service of such debarkation upon acquiring knowledge thereof. If such knowledge is acquired prior to the departure of the vessel from the United States but subsequent to the delivery of the manifest covering such passenger, the notification shall be given by delivering prior to the departure of the vessel, a supplemental Form I–434 if the debarking passenger is an alien, or a supplemental Form I–435, if a citizen or national of the United States, to the immigration officials at the port where the vessel is then located. The supplemental form shall contain the complete heading as on the original but only the information as to the passenger who debarked with a notation in the last column as to the date and port of such disembarkation. If knowledge of such disembarkation is acquired subsequent to the departure of the vessel from the United States and subsequent to the delivery of the manifest covering such passenger, the notification shall be given by wireless or radio to the district director or officer in charge having administrative jurisdiction over the port where such passenger initially embarked and, in addition, the supplemental form previously referred to herein shall be prepared and mailed promptly to such officer. If the departure manifest covering such passenger is not delivered prior to the departure of the vessel from the United States as provided in paragraph (c) of this section, the notification shall be made by striking out the name and information relating to such debarking passenger on the manifest on which it appears and by noting in the last column thereof the date and port of disembarkation in the United States. Any document surrendered by such passenger still in the possession of the transportation company shall be forwarded with the manifest.

(d) *Waiver in certain cases*—(1) *Through passengers.* As provided in § 231.22, the original copy of the arrival manifests covering through passengers shall be accepted in lieu of departure manifests required to be prepared by this section.

(2) *Cruise passengers.* The district director or officer in charge having administrative jurisdiction over the office in which is located the United States port of origin and termination of the voyage of cruise passengers, on written request of the transportation company made in advance of the departure of the vessel, may waive the filing of Forms I–434 and I–435 for cruise passengers and the other documents required to be submitted on condition (i) that Forms I–415 and I–416 are delivered to the examining immigrant officer immediately upon the return of the vessel to the port in the United States from which the cruise started and prior to the debarkation of any passenger; and (ii) that a Form I–424 be executed and attached to the Form I–415 for each alien passenger who failed to return with the vessel to such port indicating on such form the place where such alien left the vessel; and (iii) that a Form I–435 be executed and delivered, listing such citizen or national passengers who failed to return with the vessel to such port, indicating on such form the place where such passenger left the vessel.

§ 231.41 *Arrival manifests for aircraft*—(a) *General directions for preparation.* (1) Except as otherwise provided in this part, Forms I–466 and I–437 shall be used for manifesting passengers arriving in the United States by aircraft. When more than one Form I–466 is required they shall be numbered consecutively in the indicated space in the upper right-hand corner of the form starting with number 1 for each flight to or from the United States. If all of the passengers manifested on a single Form I–466 are destined to disembark at the same port in the United States, the name of such port of debarkation shall be shown in the heading of the form in the space provided. Otherwise, the passengers shall be grouped according to their respective ports of debarkation in the United States, the name of the port of debarkation noted in the body of the form at the head of each group, and the heading for port of debarkation marked "As Noted Below". Members of a family embarking at the same port abroad and destined to disembark at the same port in the United States shall be listed consecutively within the group to which they belong. Any stowaway aboard shall be manifested on the last form prepared, the notation "stowaway" being shown in the second column opposite the name of each stowaway.

(2) In the case of each alien passenger who does not have a Foreign Service Form 256 or 257, or an immigration Form I–100a or I–132, the persons responsible for the delivery of the manifest and as a part thereof shall execute a set of immigration Forms I–94 and shall deliver them to such passenger for surrender by him to the United States immigration officer at the port where examined for admission to the United States. Whenever a set of Forms I–94 is prepared for a passenger who has a nonimmigrant visa, the visa application number and letter shall be noted on all copies of the Form I–94 in the box entitled, "Travel documents presented".

(3) In the case of each passenger who is a citizen or national of the United States, the persons responsible for the delivery of the manifest and as a part thereof shall cause to be executed a Form I–437 and shall deliver it to such passenger so that he may be able to surrender it to the United States immigration officer at the port where inspected for admission to the United States.

(b) *Delivery.* (1) Immediately upon the arrival at the first port in the United States of an aircraft required to deliver a passenger manifest, three legible copies of such manifest fully executed as provided in this part and assembled in numerical order covering all of the passengers on board, without regard to the port to which ultimately destined shall be delivered to the immigration officer who is to inspect the aircraft at that port.

(2) If an arriving aircraft is to touch at more than one United States port, the inspection of all passengers shall, if practicable, be completed at the first port of arrival. If the inspection of all passengers at the first port of arrival is impracticable, the inspection of passengers destined to subsequent ports of arrival shall be deferred in the discretion of the examining immigration officer. In such event the manifest of those passengers not inspected at the first port of arrival shall be returned to the commander of the aircraft for presentation at the subsequent ports of arrival. The procedure followed at the first port of arrival, as prescribed by this paragraph, shall also be followed at any subsequent ports of arrival.

§ 231.42 *Departure manifests for aircraft*—(a) *General directions for preparation.* (1) The name of the foreign port of debarkation shall be shown in the heading of the Form I–466 in the space provided if all of the pasengers who are manifested on a single Form I–466 are destined to disembark at the same foreign port. Otherwise, the passengers shall be grouped according to their respective foreign ports of debarkation, the name of the port of debarkation noted in the body of the form at the head of each group, and the heading on the form for port of debarkation marked, "As Noted Below". Members of a family destined to the same port of debarkation shall be listed consecutively within the group to which they belong.

(2) Each alien passenger shall surrender to the representative of the transportation company any Foreign Service Form 257a, immigration Form I–94C, or immigration Form I–100a in his possession which was last used by such passenger to enter the United States as evidenced by the Service notation thereon, unless such form is not required to be surrendered. The representative of the transportation company shall note on each such surrendered form by printing in ink, rubber stamp or typewriter, the name of the port of embarkation in the United States, the date of departure therefrom, and the registration marks of the aircraft, and shall attach such form to, and make it a part of, the Form I–466 relating to the passenger whose form it is. If an alien has been permitted to pass through the United States under the provisions of section 238 (d) of the Immigration and Nationality Act, the notation "WOV–419" shall be posted in column 2 opposite the name of the alien. Whenever a departing alien passenger does not surrender Form 257a, I–94C or I–100a, the persons responsible for the delivery of the departure manifest as a part thereof shall cause to be executed an immigration Form I–424 for each such alien passenger; shall place the notation "I–424" in column 2 opposite the name of each such passenger; and shall attach the Form I–424 to, and make it a part of, the departure manifest.

(3) In the case of each alien passenger who has been arrested in the United States and is being deported from the United States or has been excluded from the United States and is being deported pursuant to such exclusion, any Form 257a, I–94C, or I–100a surrendered by or in behalf of such deportee, or in the absence of any such form the I–424 prepared for such deportee, shall be marked conspicuously "Deportee". In the case of each passenger who is a citizen or national of the United States, the persons responsible for the delivery of the manifest and as a part thereof shall cause to be executed a Form I–437 which shall be attached to the Form I–466 relating to such passenger.

(b) *Delivery.* Except as otherwise specifically provided in this paragraph, Forms I–466 together with the documents required to be attached thereto, fully executed in accordance with the provisions of this part and assembled in numerical order, shall be delivered prior to departure to the immigration officials at the port in the United States from which the aircraft will proceed to a place outside the United States. Aircraft making flights to and from the United States at regular or periodic intervals according to a published schedule of which there is sufficient notice to all concerned may deliver the Form or Forms I–466 together with the documents required to be attached thereto subsequent to the departure of the aircraft but within such time as to be received by the immigration officer in charge of the port from which the aircraft proceeded foreign within 4 days following the departure of such aircraft. Notwithstanding the foregoing exception, clearance shall not be granted any aircraft unless the Forms I–466 and attached documents are delivered prior to departure, if the district director or officer in charge having administrative jurisdiction over the port of departure knows or has reason to believe that the aircraft will not return to a port in the United States within 30 days of its departure or that the forms and documents attached will not be delivered so as to be received by him within the 4-day period herein provided.

(c) *Debarkation of passenger prior to departure foreign.* In any case in which a passenger originally destined to a place outside the United States leaves the aircraft prior to its departure foreign, the persons responsible for the delivery of the manifest shall notify the Service of such debarkation upon acquiring knowledge thereof. If such knowledge is acquired prior to the departure of the aircraft from the United States but subsequent to the delivery of the manifest, the notification shall be given by delivering, prior to the departure of the aircraft, a supplemental Form I–466 to the immigration official at the port from which the aircraft is to proceed foreign. The supplemental form shall contain the complete heading as on the original but only the information as to the passenger who left the aircraft with a notation in column 2 as to the debarkation of the passenger prior to departure. If knowledge of such debarkation is acquired subsequent to the departure of the aircraft and subsequent to the delivery of the manifest, the notification shall be given by wireless or radio to the district director or officer in charge having administrative jurisdiction over the port from which the aircraft departed foreign, in addition, the supplemental form pre-

viously referred to shall be prepared and mailed promptly to such officer via air mail. If the departure manifest is not delivered prior to the departure of the aircraft from the United States as provided in paragraph (b) of this section, the notification shall be made by striking out the name and information relating to such debarking passenger on the Form I–466 on which it appears and by noting in the second column of that form the facts of such debarkation of the passenger prior to the departure of the aircraft. Any document surrendered by such passenger in the possession of the transportation company shall be forwarded with the manifest, as corrected.

PART 232—DETENTION OF ALIENS FOR OBSERVATION AND EXAMINATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
232.1 Definitions.
232.2 Authority to detain and designate place of detention of aliens for observation and examination.
232.3 Responsibility for safekeeping of aliens ordered removed from vessel or airport of arrival for observation and examination.
232.4 Place of detention.
232.5 Liability for detention expenses.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

232.11 Removal and detention of aliens.
232.51 Collection of detention expenses.
232.52 Reimbursement of transportation line for detention expenses in certain cases.

AUTHORITY: §§ 232.1 to 232.52 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 3, 63 Stat. 166, sec. 232, 66 Stat. 196, as amended; 8 U. S. C., Sup., 836.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 232.1 *Definitions.* For the purposes of this part the term "transportation line" means a vessel, aircraft, transportation line, transportation company, steamship company, or the master, commanding officer, authorized agent, owner, charterer, or consignee of a vessel or aircraft, and the term "alien" means any alien as defined by the Immigration and Nationality Act and any person applying for admission to the United States as a citizen or national of the United States.

§ 232.2 *Authority to detain and designate place of detention of aliens for observation and examination.* The authority to detain aliens and to designate the place of detention, if detention is required other than on board a vessel or at the airport of arrival, under the provisions of section 232 of the Immigration and Nationality Act may be exercised by the examining immigration officer, or by the district director or officer in charge having administrative jurisdiction over the port at which such aliens arrived.

§ 232.3 *Responsibility for safekeeping of aliens ordered removed from vessel or airport of arrival for observation and examination.* The responsibility for the safekeeping during the removal and subsequent detention of an alien (including an alien crewman), who has been ordered removed from a vessel or airport of arrival and detained pursuant to section 232 of the Immigration and Nationality Act and this part shall be upon the transportation line bringing the alien to the United States, except that such transportation line shall be relieved of that responsibility during such time as the alien is detained on premises owned or controlled by the United States.

§ 232.4 *Place of detention.* Any alien who is ordered removed or detained pursuant to section 232 of the Immigration and Nationality Act and this part shall, unless treatment in a hospital is necessary, be kept in custody in a facility operated by the Service if such a facility exists at the port of arrival or if at a nearby port there is such a facility which can be utilized. If no such facility is available such alien may, with the approval of the district director or officer in charge having administrative jurisdiction over the port of arrival, be detained at a place to be arranged for by the transportation line bringing him to the United States.

§ 232.5 *Liability for detention expenses.* In any case in which an alien (including alien crewman) is removed from a vessel or airport of arrival and detained for observation and examination under section 232 of the Immigration and Nationality Act and this part, the transportation line bringing such alien to the United States shall be responsible initially for the payment of detention expenses if the district director or officer in charge having administrative jurisdiction over the port of arrival has reason to believe from the facts presented that such detention expenses may properly be assessed against the transportation line. In any such case the transportation line, at the option of the district director or officer in charge, shall be required to obligate itself in a manner satisfactory to such officer for the payment of the expenses referred to herein, and may be required to make payment in advance, or deposit security, with respect to each alien so detained.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 232.11 *Removal and detention of aliens.* Whenever the district director, officer in charge or examining immigration officer, in his discretion, determines that an alien should be removed from a vessel or airport of arrival for detention elsewhere for the purpose of observation and examination, such officer shall serve or cause to be served on the transportation line bringing such alien to the United States a notice, on Form I–259, directing such removal. The notice shall specify the date and time the alien is to be removed, the place at which he is to be detained, and the reasons for the removal.

§ 232.51 *Collection of detention expenses.* In all cases in which the Government has initially paid the detention expenses and expenses incident thereto of an alien detained pursuant to section 232 of the Immigration and Nationality Act, bills pertaining to the detention expenses shall be presented monthly or oftener, at the option of the district director or officer in charge, to the responsible transportation line as soon as liability therefor is established to the satisfaction of the district director or officer in charge. Such expenses shall include, but shall not be limited to, expenses of maintenance, medical treatment in hospital or elsewhere, and burial in the event of death. At ports where the Service maintains hospitals, the hospital expenses shall be such as are fixed by the Service and at other hospitals they shall be such as are fixed by the authorities thereof.

§ 232.52 *Reimbursement of transportation line for detention expenses in certain cases.* A transportation line which has paid the detention expenses referred to in § 232.5 shall, upon presentation of itemized receipts, be reimbursed from the applicable appropriation of the Service if it is finally determined that the transportation line should not be assessed for the payment of such expenses. The reimbursement shall cover only reasonable amounts actually expended for such expenses, but the reimbursement for the cost of maintenance shall not, except in unusual circumstances and unless the expense was incurred with the prior approval of the district director or officer in charge having administrative jurisdiction over the port, exceed the maximum per diem allowance prescribed in section 836 of Title 5 of the United States Code in lieu of subsistence. No reimbursement shall be made for detention expenses incurred after the alien has been offered for deportation to the transportation line which brought him to the United States.

PART 233—TEMPORARY REMOVAL FOR EXAMINATION UPON ARRIVAL

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
233.1 Definitions.
233.2 Assumption of responsibility.
233.3 Expenses of removal; payment.
233.4 Burial expenses.
233.5 Liability for detention expenses.
233.6 Termination of Government liability for detention expenses.
233.7 Place of detention.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

233.31 Collection of removal expenses.
233.51 Collection of detention expenses.
233.52 Reimbursement of transportation line for detention expenses in certain cases.

AUTHORITY: §§ 233.1 to 233.52 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 1, 2, 46 Stat. 1467, as amended, 54 Stat. 858, sec. 3, 63 Stat. 166, as amended, secs. 233, 237, 66 Stat. 197, 201; 8 U. S. C. 109a–109c, 5 U. S. C., Sup., 836.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 233.1 *Definitions.* For the purposes of this part the term "transportation line" means a vessel, aircraft, transportation line, transportation company, steamship company, or the master, commanding officer, authorized agent, owner, charterer, or consignee of a vessel or aircraft, and the term "alien" means any alien as defined by the Immigration and

Nationality Act and any person applying for admission to the United States as a citizen or national of the United States.

§ 233.2 *Assumption of responsibility.* Whenever a transportation line, in accordance with the provisions of section 233 (a) of the Immigration and Nationality Act and this part, desires to assume responsibility for the safekeeping of an alien during his removal to a designated place for examination and inspection, it shall submit a request therefor to the district director or officer in charge having administrative jurisdiction over the port of arrival. If the request is approved by the district director or officer in charge, the transportation line shall execute an agreement on Form I–259A, and the district director or officer in charge shall cause a notice to detain and remove, on Form I–259, to be served upon the transportation line. Such notice shall specify the date and time the alien is to be removed, the place to which such removal shall be made, and the reason therefor. If such agreement is executed, the removal of the alien shall not be made by an immigration officer.

§ 233.3 *Expenses of removal; payment.* Whenever an alien (including an alien crewman) is removed for examination and inspection by an immigration officer under section 233 (a) of the Immigration and Nationality Act and this part, the expenses of removal to be borne by the transportation line shall include payment for the salary of such officer for the time consumed in the removal, including travel time of the officer from and to the office at which he is stationed. The hourly rate of pay for such officer shall be based upon his gross annual salary. For the purposes of this section any fraction of an hour consumed in the removal of the alien shall be considered as a full hour. Any portion of such services which is performed after 5 p. m. or before 8 a. m., or on Sundays or holidays, shall be compensated for at the rate specified in the act of March 2, 1931, as amended by the act of August 22, 1940 (8 U. S. C. 109a–109c). The expenses to be borne by the transportation line shall also include, but shall not be limited to the costs of transportation of the officer and alien, meals, cost of matrons, nurses, attendants, guards, ambulances, and similar costs for any accompanying alien whose protection or guardianship is required if the alien being removed for inspection and examination is helpless by reason of sickness or mental or physical disability or infancy.

§ 233.4 *Burial expenses.* For the purposes of section 233 of the Immigration and Nationality Act the burial expenses referred to therein shall include the payment of an amount not exceeding $10.00 in any case for the services of a minister of any religious denomination.

§ 233.5 *Liability for detention expenses.* In any case in which an alien (including alien crewmen) is removed from a vessel or aircraft and detained for examination and inspection under section 233 or 237 of the Immigration and Nationality Act and this part, the transportation line bringing such alien to the United States shall be responsible initially for the payment of detention expenses if the district director or officer in charge having administrative jurisdiction over the port of arrival has reason to believe from the facts presented that such detention expenses may properly be assessed against the transportation line. In any such case the transportation line, at the option of the district director or officer in charge, shall be required to obligate itself in a manner satisfactory to such officer for the payment of the expenses referred to herein, and may be required to make payment in advance or deposit security, with respect to each alien so detained.

§ 233.6 *Termination of Government liability for detention expenses.* Any detention expenses and expenses incident thereto which are required to be borne by the Government under section 233 or 237 of the Immigration and Nationality Act shall continue to be borne by the Government until the alien is offered for deportation to the transportation line which brought him to the United States. Thereafter all detention expenses and expenses incident thereto shall be borne by such transportation line.

§ 233.7 *Place of detention.* Any alien who arrives in the United States by vessel or aircraft and who is ordered removed temporarily therefrom pending final decision as to his admissibility shall be detained at such appropriate place as shall be designated for that purpose by the district director or officer in charge having administrative jurisdiction over the port of arrival.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 233.31 *Collection of removal expenses.* Bills pertaining to removal expenses of an alien removed pursuant to section 233 of the Immigration and Nationality Act and this part shall be presented monthly or oftener, at the option of the district director or officer in charge, to the responsible transportation line.

§ 233.51 *Collection of detention expenses.* In all cases in which the Government has initially paid the detention expenses and expenses incident thereto and the deportation expenses of a detained alien, pursuant to sections 233 or 237 of the Immigration and Nationality Act, bills pertaining to the detention and deportation expenses shall be presented monthly or oftener, at the option of the district director or officer in charge, to the responsible transportation line as soon as liability therefor is established to the satisfaction of the district director or officer in charge. Such expenses shall include, but shall not be limited to, expenses of maintenance, medical treatment in hospital or elsewhere, burial in the event of death and transfer to the vessel or aircraft in the event of deportation. At ports where the Service maintains hospitals, the hospital expenses shall be such as are fixed by the Service, and at other hospitals they shall be such as are fixed by the authorities thereof.

§ 233.52 *Reimbursement of transportation line for detention expenses in certain cases.* A transportation line which has paid the detention expenses referred to in § 233.5 shall, upon presentation of itemized receipts be reimbursed from the applicable appropriation of the Service if it is finally determined that the transportation line should not be assessed for the payment of such expenses. The reimbursement shall cover only reasonable amounts actually expended for such expenses, but the reimbursement for the cost of maintenance shall not, except in unusual circumstances and unless the expense was incurred with the prior approval of the district director or officer in charge having administrative jurisdiction over the port, exceed the maximum per diem allowance prescribed in section 836 of Title 5 of the United States Code in lieu of subsistence. No reimbursement shall be made for detention expenses incurred after the alien has been offered for deportation to the transportation line which brought him to the United States.

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
235.1 General qualifications and requirements for the admission of aliens.
235.2 Examination postponed.
235.3 Detention of aliens.
235.4 Admitted alien assisted.
235.5 Preexamination in certain parts of the United States; who may apply.
235.6 Pre-inspection in certain parts of the United States.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

235.11 Notice of referral to Special Inquiry Officer.
235.12 Referral of certain cases to district director or officer in charge.
235.13 Reading test.
235.14 Notation of passports.
235.15 Temporary exclusion.
235.51 Preexamination procedure.

AUTHORITY: §§ 235.1 to 235.51 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 212, 213, 221, 235, 236, 237, 242, 252, 66 Stat. 167, 184, 185, 186, 188, 191, 198, 200, 201, 208, 220.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 235.1 *General qualifications and requirements for the admission of aliens.* The following general qualifications and requirements shall be met by an alien in order that he may enter the United States lawfully and properly regardless of whether he seeks to enter for permanent, indefinite, or temporary stay, and regardless of the purpose for which he seeks to enter:

(a) The alien shall apply in person at a place designated as a port of entry for aliens.

(b) The alien shall apply for admission at a time when the immigration office at the port is open for the inspection of applicants for admission.

(c) The alien shall make his application in person to an immigration officer.

(d) The alien shall present whatever documents are required.

(e) The alien shall establish to the satisfaction of the immigration officer that he is not subject to exclusion under the immigration laws, executive orders,

or Presidential Proclamations and that he is entitled under all of the provisions of the immigration laws and this chapter applicable to him, to enter the United States.

§ 235.2 *Examination postponed—(a) Alien and members of family.* When an alien upon arrival or pending the determination of his right to admission to the United States is found or believed to be suffering from a disability which in the opinion of the examining immigration officer or special inquiry officer renders it impracticable to proceed with the examination under the Immigration and Nationality Act, the facts shall be reported to the district director or officer in charge having administrative jurisdiction over the port of arrival who shall determine whether the examination is to proceed or be postponed. If the examination is postponed and the testimony of such alien is required to determine the admissibility of members of his family, the determination of such cases may be postponed in the discretion of such district director or officer in charge until the examination of such alien becomes practicable. If such alien's testimony is not so required, and if the alien is in no manner necessary to the financial support of the remaining family members and he presumably appears to be eligible for admission provided he recovers from the disability or such disability is found not to exist, the family members may be examined forthwith and, if found eligible for admission to the United States, admitted:

(1) Upon the deposit of a sum of money (or transportation ticket and money) sufficient to defray the expenses of conveying the alien whose case is postponed to final destination; and

(2) Upon the deposit of a further sum of money (or transportation ticket and money) sufficient to cover the cost of the service and transportation of a proper attendant from the port of arrival to the point of destination or deportation and return, where it appears to the officer in charge that such attendant is or may be necessary for the proper care and attention of the alien.

(b) *Accompanying alien.* If it appears to the examining immigration officer that an alien not found to be admissible is likely to be certified by the examining medical officer as helpless from sickness or mental or physical disability or infancy pursuant to section 237 (e) of the Immigration and Nationality Act, the examination of any accompanying alien, whose protection or guardianship will be required by the alien not found admissible, shall be postponed pending decision of the case of the alien likely to be excluded.

§ 235.3 *Detention of aliens.* All aliens (including alien crewmen) arriving at a port in the United States by vessel or aircraft shall be detained aboard the vessel or at the airport of arrival by the master, commanding officer, purser, person in charge, agent, owner, or consignee of such vessel or aircraft until admitted or otherwise permitted to land by an officer of the Service. Notice or order to so detain shall not be required.

§ 235.4 *Admitted alien assisted.* Notwithstanding admission, and for reasons satisfactory to the district director or officer in charge, where facilities are available, any alien may remain a few days at an immigration station upon payment of the actual cost of such maintenance. If in such a case the delay in leaving the immigration station is due to accident or other unavoidable circumstances and the alien is without sufficient means to defray the expenses incident thereto, the district director or the officer in charge, in his discretion, may authorize such expense, reporting the case promptly to the Central Office with full reasons for his action and requesting that the authorization be ratified.

§ 235.5 *Preexamination in certain parts of the United States; who may apply.* When an office of the Service is located in Hawaii, Alaska, Guam, Puerto Rico, the Virgin Islands of the United States, or any outlying possession of the United States, a person (whether an alien or claiming United States nationality) who is residing, and is entitled under the immigration laws to reside permanently, in any of the places enumerated herein, who intends to travel by vessel and to apply for temporary or permanent admission to any other part of the United States or outlying possession of the United States without transhipment, may appear before the district director or the officer in charge having administrative jurisdiction over such office to be examined as to his admissibility to the United States.

§ 235.6 *Pre-inspection in certain parts of the United States.* In the case of any aircraft proceeding from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States destined directly and without touching at a foreign port or place to any other of such places or to the continental United States, the examination required by the Immigration and Nationality Act of the passengers and crew may be made prior to the departure of the aircraft, and in such event, final determination of admissibility shall be made immediately prior to such departure. The examination shall be conducted in accordance with sections 235, 236, and 237 of the Immigration and Nationality Act and this part and Parts 236 and 237 of this chapter, except that if it appears to the examining immigration officer that any person in the United States being examined under this section is *prima facie* deportable from the United States, further action with respect to his examination shall be deferred and an application for a warrant of arrest shall be made and further proceedings conducted as provided in section 242 of the Immigration and Nationality Act and Part 242 of this chapter. When the inspection procedure described above is applied to any aircraft, persons examined and found admissible shall be placed aboard the aircraft, or kept at the airport separate and apart from the general public until they are permitted to board the aircraft. No other person shall be permitted to depart on such aircraft until and unless found admissible as provided in this section.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 235.11 *Notice of referral to Special Inquiry Officer.* If, in accordance with the provisions of section 235 (b) of the Immigration and Nationality Act, the examining immigration officer detains an alien for further inquiry before a special inquiry officer, he shall immediately sign and deliver to the alien a Notice To Alien Detained For Hearing By Special Inquiry Officer, (Form I–122). If the alien is unable to read or understand the notice, it shall be read and explained to him by an employee of the Service, through an interpreter, if necessary, prior to the further inquiry before the special inquiry officer.

§ 235.12 *Referral of certain cases to district director or officer in charge.* The immigration officer conducting the preliminary examination in the case of an alien who is applying for admission to the United States for permanent residence and who is liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis, leprosy, or a dangerous contagious disease shall refer the question of admission to the district director or officer in charge having administrative jurisdiction over the place where the examination is being conducted. The district director or officer in charge may in his discretion admit the alien on primary inspection, if otherwise admissible, in accordance with Part 213 of this chapter. If the district director or officer in charge does not so admit the alien, the question of admission shall be referred to a special inquiry officer, and the special inquiry officer may, in his discretion, admit the alien, if otherwise admissible, in accordance with the provisions of Part 213 of this chapter.

§ 235.13 *Reading test.* Aliens who are subject to the provisions of section 212 (a) (25) of the Immigration and Nationality Act shall be required to demonstrate their ability to read and understand matter printed in plainly legible type and in a language or dialect designated by the alien at the time of examination. When applying the reading test immigration officers shall use the printed and numbered test slips supplied by the Service for that purpose, and a record shall be made upon the manifest or hearing record of the special inquiry officer showing both the class and serial number of the slip used in each case and the language or dialect designated by the applicant and actually used in the examination. No two aliens listed upon the same manifest sheet shall be examined at seaports by the use of the same slip. If the examining immigration officer is unable to speak and understand the language or dialect in which the alien is examined, the services of an interpreter shall be used for interpreting into spoken English the printed matter as read by the alien, so that the examining officer may compare such interpretation with the slip of corresponding serial number containing the English translation of the same reading matter. In all cases in which, because of lack of the qualified interpreters necessary for

the observance of the general method prescribed herein, or for any reason, it is impracticable to adopt said general method, immigration officers may employ such other means as will clearly demonstrate the alien's ability, or lack of ability, to read and understand.

§ 235.14 *Notation of passports.* When an alien admitted temporarily to the United States is issued a form 257a or I–94C, the admitting officer shall stamp the passport presented by the alien to show the word "Admitted" and the date and place of admission. There shall be inscribed in the passport as a part of such notation the visa application number (including any letters that are part thereof) appearing on the form 257a, if such number does not appear in the passport visa, or the serial number (including any letters that are part thereof) of the form I–94C. When an alien is admitted permanently to the United States, the admitting immigration officer shall stamp any passport presented by the alien to show the word "Admitted," the date and place of admission, and the section of law under which admitted. Immigration officers shall not endorse passports in cases other than as prescribed by this section and § 252.1(c) of this chapter, and shall not in any case place their signatures or titles in passports.

§ 235.15 *Temporary exclusion—(a) Report.* Any officer who temporarily excludes an alien under the provisions of section 235(c) of the Immigration and Nationality Act shall report such action promptly to the district director having administrative jurisdiction over the port at which such alien arrived. If the subject of the report is an alien who seeks to enter the United States other than under section 101(a)(15)(D) of the Immigration and Nationality Act, the report shall be forwarded by the district director to the Commissioner and further action shall be taken thereon as provided in paragraph (c) of this section.

(b) *Action in cases of alien crewmen.* If the subject of the report is an alien crewman who seeks to land as a nonimmigrant pursuant to section 101 (a) (15) (D) of the Immigration and Nationality Act, the district director shall determine whether the crewman is inadmissible to the United States under paragraph (27), (28), or (29) of section 212 (a) of that Act. If the district director is satisfied that the crewman is excludable under any of such paragraphs on the basis of information of a confidential nature, the disclosure of which the district director, in the exercise of his discretion, concludes would be prejudicial to the public interest, safety, or security, he shall direct the examining immigration officer not to grant such crewman a conditional permit to land, and the reasons for taking such action shall not be disclosed to the crewman. Otherwise, the case shall be returned by the district director to an examining immigration officer to determine whether a conditional permit to land should be granted such crewman pursuant to section 252 of the Immigration and Nationality Act.

(c) *Action by Commissioner.* If the Commissioner is satisfied that the alien is inadmissible to the United States under paragraph (27), (28), or (29) of section 212 (a) of the Immigration and Nationality Act and if the Commissioner, in the exercise of his discretion, concludes that such inadmissibility is based on information of a confidential nature the disclosure of which would be prejudicial to the public interest, safety, or security, he may (1) deny any hearing or further hearing by a special inquiry officer and order such alien excluded and deported; or (2) enter such other order in the case as he deems appropriate. In any other case the Commissioner shall direct that the alien be given a hearing or further hearing before a special inquiry officer.

(d) *Finality of decision.* The decision of the district director or the Commissioner provided for in paragraphs (b) and (c) of this section respectively shall be final and no appeal may be taken therefrom. The decision of the Commissioner shall be in writing, signed by him and, unless it contains confidential matter, a copy shall be served on the alien. If the decision contains confidential matter, a separate order showing only the ultimate disposition of the case shall be signed by and served on the alien.

(e) *Hearing by special inquiry officer.* In any case in which the Commissioner directs that an alien temporarily excluded be given a hearing or further hearing before a special inquiry officer, such hearing and all further proceedings in the case shall be conducted in accordance with the provisions of section 236 and other applicable sections of the Immigration and Nationality Act to the same extent as though the alien had been referred to a special inquiry officer by the examining immigration officer; except, that if confidential information, not previously considered in the case, is adduced supporting the exclusion of the alien under paragraph (27), (28), or (29) of section 212 (a) of the Immigration and Nationality Act, the disclosure of which, in the discretion of the special inquiry officer, may be prejudicial to the public interest, safety, or security, the special inquiry officer may again temporarily exclude the alien under the authority of section 235 (c) of the Immigration and Nationality Act and further action shall be taken as provided in this section.

§ 235.51 *Preexamination procedure—(a) action by district director or officer in charge—(1) applicant eligible for permanent residence.* The district director or officer in charge shall cause such investigation to be conducted as he deems necessary. If such officer is satisfied (i) that the person is eligible to apply under § 235.5; (ii) that any claim to United States nationality has been established; (iii) that the person is clearly and beyond a doubt admissible for permanent residence without a visa and passport to the place to which destined, he shall cause to be prepared and issued to such person a Form I–94F noting the reverse side to show the place and date of the preexamination and the words "Issued under 8 CFR 235.5" followed by the signature of the issuing officer in the space provided. The names and ages of children under 14 may be included in the Form I–94 prepared in the case of an accompanying parent or guardian.

(2) *Applicant eligible for temporary admission only.* The district director or officer in charge shall cause such investigation to be conducted as he deems necessary. If the applicant is within the purview of the proviso to section 212 (d) (7) of the Immigration and Nationality Act and is eligible under that Act for temporary admission only, without a visa and passport, the district director or officer in charge shall cause to be prepared and issued a complete set of Forms I–94 if he is satisfied that the applicant is clearly and beyond a doubt admissible to the place to which destined. The Forms I–94 shall be noted as provided above for the Form I–94F. The names and ages of children under 14 may be included in the Form I–94 prepared in the case of the accompanying parent or guardian.

(b) *Action at port of arrival.* If the person to whom a Form I–94 has been issued in accordance with the previous paragraph applies for admission within 30 days of the notation of the preexamining officer and there has been no change in the person's immigration status since such endorsement, he may be admitted upon identification. Upon admission, the form or forms presented shall be surrendered as provided in § 221.3 of this chapter. If the examining immigration officer at the port of entry is not satisfied of the person's admissibility notwithstanding the determination made on preexamination, further action in the case shall be taken as provided in sections 235, 236, and 237 of the Immigration and Nationality Act, this part, and Parts 236 and 237 of this chapter, unless it appears *prima facie* to such examining immigration officer that such person would be deportable under the Immigration and Nationality Act from that part of the United States or possession of the United States from which he came, in which event application for a warrant of arrest shall be made, and further proceedings conducted, as provided in Part 242 of this chapter. Further action on the application for admission shall be deferred until disposition of the deportation proceedings.

(c) *Aliens not eligible.* If the district director or officer in charge is not satisfied that the alien is eligible for temporary or permanent admission under this section he shall not issue a Form I–94. No appeal shall lie from the decision of the district director or officer in charge, but a refusal to issue a Form I–94 under this part shall be without prejudice to a subsequent application for admission at the place of intended destination.

PART 236—EXCLUSION OF ALIENS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
236.1 Authority of special inquiry officers.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

236.11 Conduct of hearing.
236.12 Decision of special inquiry officer.
236.13 Advice to alien found excludable.

Sec.
236.14 Finality of decision.
236.15 Appeal by alien.
236.16 Appeal by district director or officer in charge.
236.17 Fingerprinting of excluded aliens; photographs.

AUTHORITY: §§ 236.1 to 236.17 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 212, 221, 235, 236, 263, 66 Stat. 183, 191, 198, 200, 224.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 236.1 *Authority of special inquiry officers.* Subject to any specific limitation prescribed by this chapter and the Immigration and Nationality Act, in determining cases referred to them for further inquiry as provided in section 235 of the Immigration and Nationality Act, special inquiry officers shall exercise such discretion and authority conferred upon the Attorney General by that Act as is appropriate and necessary for the disposition of the case.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 236.11 *Conduct of hearing*—(a) *General provisions; duties of special inquiry officers.* At the commencement of the hearing the special inquiry officer shall enter of record as an exhibit in the case a copy of the Form I–122 previously delivered to the alien by the examining immigration officer as provided in Part 235 of this chapter. The special inquiry officer shall rule upon objections, introduce material and relevant evidence in behalf of the Government and the alien, and otherwise regulate the course of the hearing and exercise such other powers and authority as are conferred upon him by the Immigration and Nationality Act and this chapter. If the alien has a relative or a friend present at the hearing and that person is a witness in the case, his testimony shall be completed before he is permitted to remain at the hearing, unless, in the discretion of the special inquiry officer, his presence before testifying will not be prejudicial to a proper determination of the case. During the course of the hearing the alien's attorney or representative shall be permitted to examine the alien and he, or the alien, shall be permitted to examine any witnesses offered in the alien's behalf, to cross examine any witnesses called by the Government, to offer evidence material and relevant to any matter in issue, and to make objections which shall be stated succinctly and entered on the record. Argument in support of objections and any irrelevant material or unduly repetitious matter shall be excluded from the record. If the alien is not represented by an attorney or representative, the special inquiry officer shall advise the alien of his rights, as described in this section, and shall assist the alien in the presentation of his case to the end that all of the material and relevant facts may be adduced.

(b) *Development of facts relating to penalties incurred by transportation company.* In all cases in which there is any reason for believing that any administrative fine prescribed may have been incurred, the special inquiry officer shall develop in the course of the hearing all facts and circumstances material to a determination of liability to such fine.

(c) *Medical examiner as witness.* Whenever the certificate of the examining surgeon fails to describe particularly the nature, character, and extent of the physical defect which it is certified may affect the ability of the alien to earn a living and the alien has not affirmatively established that he will not have to earn a living, the special inquiry officer shall call such examining surgeon as a witness and interrogate him fully as to the particular nature, character and extent of the defect, disease or disability certified. Such testimony shall be made a part of the record.

(d) *Record in illiteracy cases.* In all cases in which the reading test is applied and aliens are rejected as unable to read and understand, the record shall, in addition to the card number, clearly set forth (1) that the alien designated the particular language used in the test, (2) the complete English text appearing on the card, (3) a definite finding by the special inquiry officer as to the degree to which the alien failed to read and understand, and (4) if the alien claims to be within any class exempted from the test, a definite finding by the special inquiry officer as to the validity of such claim.

§ 236.12 *Decision of special inquiry officer.* If an alien is excluded by a special inquiry officer he shall be advised of the decision of such officer and the reasons therefor and, if entitled to appeal to the Board, he shall be so advised. If the special inquiry officer at the conclusion of the hearing admits the alien, he shall so state for the record and, if no appeal is taken from such decision, shall take further action as provided in Part 221 of this chapter with respect to notation and disposition of documents.

§ 236.13 *Advice to alien found excludable*—(a) *Return voyage.* An excluded alien shall be informed that the return voyage is at the expense of the transportation company which brought him and that such transportation company must return him in the same class in which he came. If the alien is entitled to refund of passage money that information shall also be furnished to him.

(b) *Permission to reapply.* The special inquiry officer excluding an alien shall advise him of the provisions of the Immigration and Nationality Act and of this chapter relating to the necessity of obtaining permission to reapply for admission to the United States should he desire to reapply within one year from his deportation under the excluding decision. The fact of that notification shall be entered on the record together with the alien's foreign address. In cases in which the alien is excluded for causes which can readily be removed or overcome, he may be advised by the special inquiry officer that the application for permission to reapply for admission may then and there be made. If the alien does not appeal from the excluding decision and desires to make such application, the special inquiry officer in his discretion may grant him permission to reapply for admission. Written notification of such permission shall be furnished to the alien for his use in subsequent proceedings. If the application for permission to reapply is denied by the special inquiry officer no appeal shall lie from such denial, but it shall be without prejudice to any further application made by the applicant pursuant to § 212.6 of this chapter. If an appeal is taken from a decision of the special inquiry officer as provided in section 236 (b) of the Immigration and Nationality Act, the decision on appeal, if adverse to the alien, may grant him permission to reapply for admission within one year.

(c) *Alien certified for mental condition; right of medical appeal.* An alien certified for insanity or mental defect shall be advised of his right to appeal to a board of medical officers of the United States Public Health Service, and that he may introduce before such board one expert medical witness at his own cost and expense. In the event the alien desires to appeal to such medical board, the district director or officer in charge having administrative jurisdiction over the office in which the proceedings are pending, in conformity with regulations prescribed by the United States Public Health Service, shall make such arrangements with the office of the Surgeon General as may be necessary for the convening of such medical board.

(d) *Notice of possible appeal by officer in charge.* In any case falling within the purview of § 236.16 in which the decision of the special inquiry officer is to admit the alien, the special inquiry officer shall advise the alien at the conclusion of the hearing that the decision is not final and is subject to possible appeal by the district director or officer in charge having administrative jurisdiction over the office in which the hearing was conducted, and that such appeal may be taken within a period of 5 days after a transcript of the record is made available to such district director or officer in charge.

(e) *Contents of record.* The exact language employed in conveying information to an alien in accordance with this section, and the alien's replies or acknowledging statements, shall be made a part of the record in the case.

§ 236.14 *Finality of decision.* The decision of the special inquiry officer shall be final except when:

(a) The case has been certified to the Assistant Commissioner, Inspections and Examinations Division, as provided in § 7.1 (b) of this chapter, or certified to the Board as provided in § 6.1 (c) of this chapter; or

(b) The alien takes an appeal as provided in § 236.15; or

(c) The district director or officer in charge takes an appeal as provided in § 236.16.

§ 236.15 *Appeal by alien.* If the alien desires to take an appeal from a decision of a special inquiry officer he shall be required to state for the record immediately following the decision of the special inquiry officer (a) whether or not he takes an appeal from the decision and, (b) whether or not he desires to file a brief in support of his appeal. If the alien desires to appeal, he shall thereupon be required to submit a completed Form I–290A. If the alien desires to file a brief, he shall be allowed 5 days from the date of the decision within which to submit his brief to the district director or officer in charge having administrative jurisdiction over the office in which the proceeding was conducted. Upon good cause shown, such district director or officer in charge, or the special inquiry officer who presided at the hearing, or the Board, in their discretion, may extend the time within which the brief may be submitted. In any case in which the alien stated that he desires to submit a brief, he may, within the period allowed for the submission of such brief, file with the district director or officer in charge a written waiver thereof.

§ 236.16 *Appeal by district director or officer in charge.* The district director or officer in charge having administrative jurisdiction over the office in which the hearing was conducted may require any case or classes of cases to be referred to him for review if the decision of the special inquiry officer is to admit the alien. Within 5 days after the transcript of the record in any such case has been made available to the district director or officer in charge, he shall determine whether or not he desires to appeal to the Board. If an appeal is taken, written notice thereof shall be delivered to the alien and the alien shall be advised that he may make such representations to the Board as he may desire, including the filing of a brief. If the alien desires to file a brief, he shall be allowed 5 days from receipt of notification of appeal within which to file a brief with the district director or officer in charge for transmittal to the Board with the record in the case. The filing of such brief may be waived by the alien. Upon good cause shown, such district director, officer in charge, or the special inquiry officer who presided at the hearing, or the Board, in their discretion, may extend the time within which the brief may be submitted.

§ 236.17 *Fingerprinting of excluded aliens; photographs.* Every alien 14 years of age or older who is excluded from admission to the United States by a special inquiry officer shall be fingerprinted, unless during the preceding year he has been fingerprinted at an American consular office. Any alien so excluded, regardless of his age, shall be photographed if a photograph is required by the district director or officer in charge having administrative jurisdiction over the office in which the proceeding was conducted.

PART 237—DEPORTATION OF EXCLUDED ALIENS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
237.1 Stay of deportation of excluded alien.
237.2 Cost of maintenance not assessed.
237.3 Imposition of penalty.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

237.11 Request for stay of deportation; detention expenses.
237.12 Notice to transportation line of alien's exclusion.
237.13 Notice to district director of proposed departure.
237.14 Aliens rejected at ports outside the United States.
237.15 Excluded aliens requiring special care and attention.
237.21 Submission of proof by transportation line.

AUTHORITY: §§ 237.1 to 237.21 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 233, 237, 238, 243, 280, 66 Stat. 197, 201, 202, 214, 230.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 237.1 *Stay of deportation of excluded alien.* The immediate deportation of an excluded alien as provided in section 237 (a) of the Immigration and Nationality Act may be stayed in the discretion of district directors, upon a determination that immediate deportation is not practicable or proper, or if the district director believes that the alien's testimony is necessary in behalf of the United States as provided in section 237 (d) of that Act.

§ 237.2 *Cost of maintenance not assessed.* Whenever the owner or owners of a vessel or aircraft, in order to exempt the transportation line from liability for the cost of the alien's maintenance, seek to establish that the ground of exclusion could not have been ascertained by the exercise of due diligence prior to the alien's embarkation as provided in section 237 (a) (2) (B) of the Immigration and Nationality Act, such claim shall be established to the satisfaction of the district director having administrative jurisdiction over the port of arrival. No appeal shall lie from a decision adverse to such claim.

§ 237.3 *Imposition of penalty.* Penalties for violation of sections 233 and 237 of the Immigration and Nationality Act shall be imposed in accordance with the provisions of Part 280 of this chapter. A bond or undertaking submitted to obtain clearance as provided in section 237 (b) of that Act shall be on Form I–310.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 237.11 *Request for stay of deportation; detention expenses.* A stay of deportation may be authorized by the district director having administrative jurisdiction over the place where the alien is located on his own instance, or upon a written request of the alien filed with the district director setting forth under oath the reasons for the request for the stay. The district director in his discretion may grant or deny the alien's request. No appeal shall lie from a denial of a request for a stay. In case the alien is detained, whether at the expense of the Government or the transportation line, the request of the alien for a stay shall not be granted unless the alien or someone in his behalf deposits sufficient cash to defray the cost of his continued detention and expenses incident thereto for the period of time deportation is requested to be stayed, or, in lieu of cash, a bond acceptable to the district director guaranteeing the payment of all such expenses. In any case in which the stay is granted under section 237 (d) of the Immigration and Nationality Act and the alien is detained by the Service, the district director, in his discretion, may authorize the alien's release under bond on Form I–324 as provided in section 237 (d) of that Act and under such terms and conditions as the district director may, in his discretion, prescribe.

§ 237.12 *Notice to transportation line of alien's exclusion.* Whenever it is determined that an alien shall be excluded and deported the alien shall be offered for deportation to the master, commanding officer, purser, person in charge, agent, owner or consignee of the vessel or aircraft by which the alien is to be deported, immediately or as promptly as the circumstances permit as determined by the district director, with a notice specifying the cause of exclusion and the class of travel in which such alien arrived and in which the alien is to be deported.

§ 237.13 *Notice to district director of proposed departure.* At least 24 hours' notice of the time of sailing of every vessel which has brought aliens to the United States shall be given the district director or officer in charge having administrative jurisdiction over the port at which such vessel arrived: *Provided,* That such district director or officer in charge may, in his discretion, accept advance notice that is given less than 24 hours in advance of sailing whenever it appears to such officer that it was impossible or impracticable for the transportation line to furnish such information earlier.

§ 237.14 *Aliens rejected at ports outside the United States.* Any alien destined to the United States, arriving at a port in foreign contiguous territory or adjacent islands, having been brought there by a transportation line signatory to a contract made pursuant to section 238 (a) of the Immigration and Nationality Act, who is there excluded from admission to the United States, shall be returned to the country whence he came by the transportation line bringing him unless, upon examination by officials of such territory or island, such alien is admitted to such territory or island.

§ 237.15 *Excluded aliens requiring special care and attention.* The provisions of § 243.11 of this chapter shall apply to the deportation of aliens under this part.

§ 237.21 *Submission of proof by transportation line.* A transportation line claiming exemption from liability for the cost of the alien's maintenance in accordance with the provisions of § 237.2 shall be afforded a reasonable period of time, as determined by the district director, within which to submit to the district director affidavits and briefs in support of a claim to exemption.

PART 238—ENTRY THROUGH OR FROM FOREIGN CONTIGUOUS TERRITORY AND ADJACENT ISLANDS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
238.1 Inspection outside the United States.
238.2 Contracts with transportation lines.
238.3 Contracts and bonding agreement for certain transit aliens.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
238.11 Preexamination outside the United States.

AUTHORITY: §§ 238.1 to 238.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 221, 235, 236, 237, 238, 66 Stat. 192, 198, 200, 201, 202.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 238.1 *Inspection outside the United States.* All inspections and medical examinations which may be conducted in foreign contiguous territory or adjacent islands under the provisions of section 238 of the Immigration and Nationality Act, shall be in all respects similar to those conducted at ports of entry in the United States, and all necessary facilities shall be provided the proper officials of the United States to enable them to make the inspections and examinations required under the immigration laws of the United States.

§ 238.2 *Contracts with transportation lines.* The contracts with transportation lines including bonding agreements, referred to in section 238 of the Immigration and Nationality Act, shall be made by the Commissioner in behalf of the government, and shall be in such form as the Commissioner shall prescribe.

§ 238.3 *Contracts and bonding agreement for certain transit aliens.* Transportation lines desiring to bring to the United States aliens in direct and continuous transit through the United States en route to foreign destinations in accordance with the provisions of section 238 (d) of the Immigration and Nationality Act shall apply to the Commissioner for the privilege of entering into a contract, including a bonding agreement. Such contract, if agreed to by the Commissioner shall be on Form I–426 or I–426A in duplicate, whichever the Commissioner deems appropriate, and shall require the transportation line to furnish a bond on Form I–318 or I–318A, as designated by the Commissioner, containing such terms and conditions as the Commissioner shall require and guaranteeing that any aliens permitted to pass through the United States pursuant to the agreement will proceed and depart in accordance with the terms and conditions of the agreement.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 238.11 *Preexamination outside the United States*—(a) *Who may apply.* Subject to the limitations hereinafter provided, whenever officers of the Service are stationed in foreign contiguous territory or adjacent islands, persons (whether citizens or nationals of the United States or aliens) who intend to apply for admission to the United States may appear before such officer to be preexamined as to admissibility to the United States. Persons required by the Immigration and Nationality Act and this chapter to be in possession of a permit to enter or a passport shall not be preexamined unless such permit to enter or passport is presented.

(b) *Preparation of Form I–94.* A full set of Forms I–94 shall be prepared by an immigration officer for an alien presenting himself for preexamination if such set of forms would be required to be prepared under the provisions of § 221.3 of this chapter were the alien applying at a port of entry for admission to the United States. If a full set of Forms I–94 would not be so required and if the applicant is an alien not in possession of a permit to enter, or if the applicant is a citizen or a national of the United States, the immigration officer shall prepare a Form I–94F for the applicant. The names and ages of children under 14 years of age may be included in the Form I–94 prepared for an accompanying parent or guardian.

(c) *Procedure when applicant found admissible.* If the examining officer determines that the applicant being preexamined is admissible to the United States he shall note the I–94E, I–94F, I–132, 256a or 257d prepared for or presented by the applicant to show that determination, and return the form so noted (attached to any other pertinent immigration documents) to the applicant for presentation and surrender at the actual port of entry in the United States. If the applicant applies for admission to the United States at a port of entry in the United States within 30 days of the notation of the preexamining officer and there has been no change in immigration status since such notation, the applicant may be admitted upon identification, provided however that he presents valid, unexpired documents required by the Immigration and Nationality Act and this chapter to the same extent as in the case of a person applying for admission without having been preexamined. The port of entry into the United States shall be the "record" port of entry for all purposes. If the examining immigration officer at the port of entry is not satisfied of the applicant's admissibility notwithstanding the determination on preexamination, further action in the case shall be taken as provided in sections 235, 236, and 237 of the Immigration and Nationality Act and Parts 235, 236, and 237 of this chapter to the same extent as though the alien had not been preexamined.

(d) *Procedure when applicant not found admissible.* If the examining immigration officer is not satisfied that the applicant being preexamined is admissible to the United States, further action in the case shall be taken as provided in sections 235, 236, and 237 of the Immigration and Nationality Act and Parts 235, 236, and 237 of this chapter to the same extent as though the applicant were applying for admission at a port of entry, except that if the applicant is found admissible by the special inquiry officer or on appeal, the provisions of paragraph (c) of this section shall govern the further disposition of the case.

PART 239—SPECIAL PROVISIONS RELATING TO AIRCRAFT; DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARRIVING BY CIVIL AIRCRAFT

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
239.1 Definitions.
239.2 Landing requirements.
239.3 Aircraft; how considered.
239.4 International airports for entry of aliens.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 239.1 to 239.4 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 231, 239, 66 Stat. 195, 203.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 239.1 *Definitions.* As used in this part, the term "scheduled airline" means any individual, partnership, corporation, or association engaged in air transportation upon regular schedules to, over, or away from the United States, or from one place to another in the United States, and holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity issued pursuant to the Civil Aeronautics Act of 1938.

§ 239.2 *Landing requirements*—(a) *Place of landing.* Aircraft carrying passengers or crew required to be inspected under the Immigration and Nationality Act shall land at international airports of entry enumerated in § 231.7 of this chapter unless permission to land elsewhere shall first be obtained from the Commissioner of Customs in the case of aircraft operated by scheduled airlines, and in all other cases from the Collector or other Customs officer having jurisdiction over the airport of entry nearest the intended place of landing. Whenever such permission is granted, the owner, operator, or person in charge of the aircraft shall pay any additional expenses incurred in inspecting passengers or crew on board such aircraft, except that when permission is granted to a scheduled airline to land an aircraft operating on a schedule no inspection charge shall be made for overtime service performed by immigration officers if the aircraft arrives substantially in accordance with the schedules on file with the Service.

(b) *Advance notice of arrival.* Aircraft carrying passengers or crew required to be inspected under the Immigration and Nationality Act, except aircraft of a scheduled airline arriving in accordance with the regular schedule filed with the Service at the place of landing, shall not land unless notice of the intended flight has been furnished to the immigration officers at or nearest the intended place of landing. Such notice shall specify the type of aircraft, the registration marks thereon, the name of the aircraft commander, the place of last departure, the airport of entry, or other place at which landing has been authorized, number of alien passengers, number of citizen passengers, and the estimated time of arrival. The notice shall be sent in sufficient time to enable the officers designated to inspect the aircraft to reach the airport of entry or such other place of landing prior to the arrival of the aircraft.

(c) *Permission to discharge or depart.* Aircraft carrying passengers or crew required to be inspected under the Immigration and Nationality Act shall not discharge or permit to depart any passenger or crewman without permission from an immigration officer.

(d) *Emergency or forced landing.* Should any aircraft carrying passengers or crew required to be inspected under the Immigration and Nationality Act make a forced landing in the United States, the commanding officer or person in command shall not allow any passenger or crewman thereon to depart from the landing place without permission of an immigration officer, unless such departure is necessary for purposes of safety or the preservation of life or property. As soon as practicable, the commanding officer or person in command, or the owner of the aircraft, shall communicate with the nearest immigration officer and make a full report of the circumstances of the flight and of the emergency or forced landing.

§ 239.3 *Aircraft; how considered.* Except as otherwise specifically provided in the Immigration and Nationality Act and this chapter, aircraft arriving in or departing from the continental United States or Alaska directly from or to foreign contiguous territory or the French islands of St. Pierre or Miquelon shall be regarded for the purposes of the Immigration and Nationality Act and this chapter as other transportation lines or companies arriving or departing over the land borders of the United States.

§ 239.4 *International airports for entry of aliens.* International airports for the entry of aliens shall be those airports designated as such by the Commissioner. Application for designation of an airport as an international airport for the entry of aliens shall be made to the Commissioner and shall state whether the airport (a) has been approved by the Secretary of Commerce as a properly equipped airport, (b) has been designated by the Secretary of the Treasury as a port of entry for aircraft arriving in the United States from any place outside thereof and for the merchandise carried thereon, and (c) has been designated by the Federal Security Administrator as a place for quarantine inspection. An airport shall not be designated by the Commissioner without such prior approval and designation, and unless it appears to the satisfaction of the Commissioner that conditions render such designation necessary or advisable, and unless adequate facilities have been or will be provided at such airport without cost to the Federal Government for the proper inspection and disposition of aliens, including office space and temporary detention quarters found necessary. The designation of an airport as an international airport for the entry of aliens may be withdrawn whenever, in the judgment of the Commissioner, there appears just cause for such action.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 242—ALIENS: APPREHENSION, CUSTODY AND DETERMINATION OF DEPORTABILITY

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
242.1 Warrant of arrest.
242.2 Detention or release of aliens from custody.
242.3 Release.
242.4 Voluntary departure prior to the issuance of a warrant of arrest; authority.
242.5 Hearing.
242.6 Authority of special inquiry officers.
242.7 Reinstatement of prior order of deportation; authority.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

242.11 Investigations.
242.12 Applications for warrants of arrest.
242.13 Issuance of warrants of arrest.
242.14 Execution of warrants of arrest.
242.21 Report to district director of continued detention.
242.31 Release prior to entry of order of deportation; conditions.
242.32 Release after order of deportation; conditions.
242.33 Warning of penal provision.
242.34 Institution cases.
242.35 Cost of maintenance pending deportation.
242.41 Voluntary departure prior to commencement of hearing; procedure.
242.42 Revocation of grant of voluntary departure.
242.51 Hearing; time for.
242.52 Notice of hearing.
242.53 Conduct of hearing.
242.54 Contents of record; evidence.
242.61 Decision of special inquiry officer.
242.71 Apprehension of alien.
242.72 Release from custody.
242.73 Conduct of hearing; decision; finality of order.
242.74 Relief from deportation.
242.75 Scope of hearing.
242.76 Scope of decision.
242.77 Appeal.

AUTHORITY: §§ 242.1 to 242.77 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 242, 244, 287, 292, 66 Stat. 208, 214, 233, 235.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 242.1 *Warrant of arrest*—(a) *Issuance.* Subject to the limitations provided in this part, district directors, district enforcement officers, district officers and the assistant district officers who are in charge of investigations, and officers in charge of suboffices may issue warrants of arrest.

(b) *Cancellation; termination of proceedings.* In any case in which a warrant of arrest has been issued by any of the officers described in paragraph (a) of this section, the district director having administrative jurisdiction over the case may (1) cancel the warrant of arrest if it has not been served, or (2) prior to the actual commencement of the hearing under a served warrant of arrest, terminate proceedings thereunder, if in either case, he is satisfied clearly and beyond a doubt on the evidence then before him that the alleged alien is actually a national of the United States, or is not deportable under the immigration laws, or is deceased, or has departed from the United States subsequent to the issuance of the warrant of arrest.

§ 242.2 *Detention or release of aliens from custody.* District directors, district enforcement officers, or officers in charge may exercise the authority contained in section 242 of the Immigration and Nationality Act to continue in, detain in, or release aliens from, custody.

§ 242.3 *Release*—(a) *Prior to final order.* Except as provided in § 242.72 of this part, pending final determination of deportability, an alien taken into or continued in custody under a warrant of arrest in a deportation proceeding may be detained, released under bond on Form I–353, or released on conditional parole, in the discretion of the district director, the district enforcement officer, or the officer in charge having administrative jurisdiction over the place where the alien is detained. Such bond or parole may be revoked at any time in the discretion of any such officers.

(b) *After final order of deportation; within six months' period*—(1) *Alien detained.* Except as provided in § 242.72, at any time during the period of six months immediately following the date of the making of the final order of deportation as determined under section 242 (c) of the Immigration and Nationality Act, the alien, if then in custody of the Service, may be released under bond on Form I–353, or on conditional parole, in the discretion of the district director, district enforcement officer, or officer in charge having administrative jurisdiction over the place where the alien is detained. Such bond or parole may be revoked at any time in the discretion of any of such officers.

(2) *Alien previously released under bond.* During the period of 6 months following the date of the making of a final order of deportation as determined under section 242 (c) of the Immigration and Nationality Act, in the discretion of the district director, district enforcement officer, or officer in charge having administrative jurisdiction over the office which authorized the alien's release, an alien previously released under bond pending final determination of deportability pursuant to paragraph (a) of this section may be (i) continued at liberty under such bond, (ii) continued at liberty under such bond but with such other or additional conditions as then are deemed appropriate, (iii) continued at liberty under conditional parole in lieu of bond, in which event the outstanding bond shall be revoked and canceled, or (iv) taken into physical custody and detained, in which event, unless a breach has occurred, the outstanding bond shall be revoked and canceled.

(3) *Alien previously released on conditional parole.* During the period of six months following the date of the making of a final order of deportation as determined under section 242 (c) of the Immigration and Nationality Act, in the discretion of the district director, district enforcement officer, or officer in charge having administrative jurisdiction over the office which authorized the alien's release, an alien previously released on conditional parole pending final determination of deportability pursuant to paragraph (a) of this section may be (i) continued at liberty under such parole, (ii) continued at liberty under such parole but with such other or additional terms as then are deemed appropriate, (iii) continued at liberty under bond in lieu of conditional parole, in which event the outstanding conditional parole order shall be revoked and canceled, or (iv) taken into physical custody and detained, in which event the outstanding conditional parole order shall be revoked and canceled.

(c) *Release; supervision after six month's period has expired; warning of penal provisions.* An alien against whom an order of deportation has been outstanding for more than six months shall, pending deportation, be placed under supervision by the district director, district enforcement officer, or officer in charge having administrative jurisdiction over the office in which the detention or release of such alien was authorized. An alien placed under supervision pursuant to this paragraph shall be advised of the penal provisions of section 242 (d) of the Immigration and Nationality Act. Aliens placed under such supervision shall, among other things, be required to:

(1) Appear from time to time at specified times or intervals before an officer of the Service for identification;

(2) Submit, if necessary, to medical and psychiatric examination at government expense;

(3) Give information under oath as to his nationality, circumstances, habits, associations and activities, and other information whether or not related to the foregoing as may be deemed fit and proper; and

(4) Conform to such reasonable written restrictions on his conduct or activities as may be prescribed.

§ 242.4 *Voluntary departure prior to the issuance of a warrant of arrest; authority.* Subject to the limitations contained in § 242.41, the authority contained in section 242 (b) of the Immigration and Nationality Act to permit aliens to depart voluntarily from the United States may be exercised by district directors and officers in charge.

§ 242.5 *Hearing.* The person against whom a warrant of arrest has been issued and upon whom it has been served shall be referred to as the respondent. The proceedings before a special inquiry officer under section 242 (b) of the Immigration and Nationality Act shall be termed a hearing.

§ 242.6 *Authority of special inquiry officers.* In determining cases submitted for hearing, special inquiry officers shall exercise the authority contained in section 242 (b) of the Immigration and Nationality Act to order deportation, and the authority contained in section 244 of the Immigration and Nationality Act to suspend deportation and to authorize voluntary departure, subject to the limitations contained in this part and in Parts 6 and 7 of this chapter.

§ 242.7 *Reinstatement of prior order of deportation; authority.* Subject to the limitations hereinafter provided, the authority contained in section 242 (f) of the Immigration and Nationality Act to find that an alien has unlawfully reentered the United States after having previously departed or been deported pursuant to an order of deportation shall be exercised by special inquiry officers.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 242.11 *Investigations—(a) Persons believed to be subject to deportation.* The case of every person believed to be subject to arrest and deportation shall be investigated by such officer as may be designated for that purpose.

(b) *Purpose of investigation.* The purpose of the investigation shall be to discover whether or not a prima facie case for deportation exists; that is, whether there is credible evidence reasonably establishing that the person investigated is an alien and that he is subject to deportation.

(c) *Recorded statements.* Whenever, in the course of an investigation, information is obtained which indicates that the person investigated is subject to arrest and deportation, and it is desired to use such information as evidence in support of an application for a warrant of arrest, such information shall be reduced to writing either in narrative or question-and-answer form and signed by the person furnishing the information. Whenever such recorded statement is to be obtained from any person, the investigating officer shall (1) identify himself to such person, (2) warn the person that any statement made by him may be used as evidence against him in any subsequent proceeding, and (3) place the person under oath or affirmation.

(d) *Refusal to make, or refusal or inability to sign a statement.* Whenever, in the course of an investigation, admissions or statements are obtained from the person under investigation or statements are made by any other person which indicate that the person investigated may be subject to arrest and deportation, but there is a refusal to make a statement under oath or affirmation, or a refusal or inability to sign the statement by name or by mark, the investigating officer shall make a report setting forth the facts admitted or stated. Such report, with any unsigned or unsworn statement which has been reduced to writing, may be used in support of an application for a warrant of arrest if the investigating officer certifies that no other evidence to establish the facts stated in the report can readily be obtained.

§ 242.12 *Applications for warrants of arrest.* If, after preliminary investigation, the investigating officer determines that a prima facie case for deportation of an alien exists, he shall apply for a warrant of arrest to an officer having authority to issue warrants of arrest.

§ 242.13 *Issuance of warrants of arrest.* Any officer mentioned in § 242.1 (a) who receives an application for a warrant of arrest may issue such warrant in any case in which he determines that a prima facie case for deportation has been established.

§ 242.14 *Execution of warrants of arrest—(a) Service.* Except as provided in § 242.34, an alien against whom a warrant of arrest has been issued shall be taken into custody under the authority of the warrant of arrest, or if previously taken into custody without a warrant of arrest under the authority contained in section 287 of the Immigration and Nationality Act, shall be continued in custody under the warrant of arrest subsequently issued unless his release is authorized. In either case a copy of the warrant of arrest shall be served upon the alien, and he shall then be fully advised of the cause of his arrest. If the alien is confined in a penal or mental institution but is competent to understand the nature of the proceedings, a copy of the warrant of arrest shall be served upon him and upon the person in charge of the institution. The alien shall then be fully advised of the charges against him but he shall not be taken into physical custody of the Service until released from confinement. If such alien is not competent to understand the nature of the proceedings, a copy of the warrant of arrest shall be served only upon the person in charge of the institution in which the alien is confined, and such service shall be deemed service upon the alien. In cases of mental incompetency, whether or not confined in an institution, and in cases of children under 16 years of age, an additional copy of the warrant of arrest shall be served upon such alien's guardian, near relative, or friend, whenever possible.

(b) *Notice of right to counsel and release from custody.* Upon service of the warrant of arrest, the alien shall be advised of his right to representation by counsel, at no expense to the Government, at the hearing to be held under the warrant of arrest. When taken into physical custody of the Service he shall be informed whether he is to be continued in custody or, if release from custody has been authorized, of the amount and conditions of bond or terms of conditional parole under which he may be released. Similar advice shall be given to the guardian, near relative, or friend in cases involving mentally incompetent aliens, whether or not confined in institutions, and in cases of aliens under 16 years of age.

(c) *Fingerprints; photographs.* Every alien 14 years of age or older who is arrested under a warrant of arrest in accordance with the provisions of paragraph (a) of this section, or without a warrant of arrest under the authority of section 287 of the Immigration and Nationality Act, shall be fingerprinted. Any alien so arrested, regardless of his age, shall be photographed if a photograph is required by the district director or the officer in charge having administrative jurisdiction over the case.

§ 242.21 *Report to district director of continued detention.* In any case in which a district enforcement officer or officer in charge has exercised the authority to continue or detain an alien in custody, the facts and a report of the action taken shall be promptly transmitted to the district director having administrative jurisdiction over the office in which the proceedings were instituted. Further action shall be taken in the case, with respect to the alien's detention or release, as the district director shall direct.

§ 242.31 *Release prior to entry of order of deportation; conditions.* The conditions of any bond or terms of parole authorized by § 242.3 (a) shall include but shall not be limited to:

(a) A condition that the alien be produced, or will produce himself

(1) When required to do so for the purpose of defending himself against the charge or charges under which he was taken into custody and any other charges which subsequently may be lodged against him,

(2) For deportation, if an order of deportation is made,

(3) When the alien's detention is ordered as provided in § 242.3,

(4) For the purpose of furnishing additional information necessary to the final disposition of the case; and

(b) Such other conditions or terms as are otherwise directed, or which the officer granting the release deems appropriate in the case. If a bond is required and accepted, it shall be executed on Form I–353 and shall be in an amount not less than $500.

§ 242.32 *Release after order of deportation; conditions.* The conditions of any bond or terms of parole authorized by § 242.3 (b) shall include but shall not be limited to:

(a) A condition that the alien be produced, or will produce himself

(1) When required to do so for deportation,

(2) For the purpose of furnishing additional information necessary to the final disposition of his case,

(3) When the alien's detention is ordered as provided in § 242.3; and

(b) Such other conditions or terms as are otherwise directed, or which the officer granting the release deems appropriate in the case. If a bond is required and accepted, it shall be executed on Form I–353 and shall be in an amount not less than $500.

§ 242.33 *Warning of penal provision.* An alien against whom a final order of deportation is outstanding by reason of his being a member of any of the classes described in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the Immigration and Nationality Act shall be advised of the penal provisions of section 242 (e) of the said Act.

§ 242.34 *Institution cases.* In the absence of special instructions, an alien confined in an institution shall not be accepted into physical custody by the Service until an order of deportation has been made and the Service is ready to deport the alien.

§ 242.35 *Cost of maintenance pending deportation.* The cost of maintaining aliens in custody after arrest and pending deportation may be borne by the Government, except that when an alien is an inmate of a public or private institution at the time of the commencement of deportation proceedings, no expense shall be incurred by the Government until he is taken into physical custody by the Service.

§ 242.41 *Voluntary departure prior to commencement of hearing; procedure.* Any alien, other than an alien prima facie deportable under section 242 (f) of the Immigration and Nationality Act, who believes himself to be eligible for voluntary departure under section 242 (b) of the said act may apply therefor at an office of the Service at any time prior to the commencement of the hearing under a warrant of arrest in his case. The district director or officer in charge having administrative jurisdiction over the office receiving an application for voluntary departure may cause such investigation to be conducted as he deems necessary to determine whether the relief requested should be granted. If such officer is satisfied that:

(a) The alien is subject to deportation upon any ground other than those set forth in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the Immigration and Nationality Act,

(b) The alien is willing and able to depart promptly from the United States,

(c) The alien apparently will be admitted to the country of his destination, and

(d) The application should be granted, he shall grant the application and shall inform the alien of the time within which and under what conditions the departure shall be effected. If such officer is not so satisfied that the application should be granted, he shall deny the application and shall take further action as is provided by the Immigration and Nationality Act and this chapter for the ultimate disposition of the case. No appeal shall lie from such denial, but the denial shall be without prejudice to the alien's right to apply for relief from deportation under any provision of the said act.

§ 242.42 *Revocation of grant of voluntary departure.* If, subsequent to the granting of an application for voluntary departure under § 242.41 it is ascertained prior to the alien's actual departure from the United States that the alien should not be permitted to depart voluntarily under that section, the grant of voluntary departure may be revoked by any district director or officer in charge without notice. Thereupon, further proceedings shall be taken under this chapter and the Immigration and Nationality Act as are warranted by the facts in the case.

§ 242.51 *Hearing; time for.* The respondent shall have a reasonable period of time after the service of the warrant of arrest within which to arrange for the presentation of his case, including, if desired, representation by counsel. The district director or the officer in charge having administrative jurisdiction over the office in which the proceedings are pending shall assign the case to a special inquiry officer for hearing.

§ 242.52 *Notice of hearing.* The respondent shall be given notice, reasonable under all the circumstances, of the nature of the charges against him and of the time and place at which the proceedings will be held. Notice of hearings shall be prepared on Form I–226. A copy of such notice shall be served upon the respondent, and, in any case in which the respondent has been released on bond, upon the surety on the bond. The notice of hearing shall inform the respondent of the nature of the charges, the time and place at which the hearing will be held, and the respondent's privilege of being represented, at no expense to the Government by such counsel, authorized to practice in such proceedings, as he shall choose. Notice of hearing may be waived by the respondent and such waiver shall be made a part of the record of the case.

§ 242.53 *Conduct of hearing—(a) Special inquiry officer; general powers.* The special inquiry officer assigned to conduct the hearing under this part shall have authority to:

(1) Administer oaths and affirmations;

(2) Issue, during the course of a hearing, any subpenas authorized by law;

(3) Conduct the hearing, present and receive evidence, and rule upon all objections to the introduction of evidence or motions made during the course of the hearing;

(4) Take or cause depositions to be taken;

(5) Make decisions in accordance with § 242.61 or § 242.76; and

(6) Take any further action consistent with applicable provisions of law and regulation.

(b) *Special inquiry officers; general duties.* The special inquiry officer shall conduct a fair and impartial hearing. No decision of deportability shall be valid unless based upon reasonable, substantial and probative evidence. He shall exclude from the record any evidence that is irrelevant, immaterial, or unduly repetitious. In his discretion, he may exclude from the record any argument in support of objections, but in such event, the respondent may submit a brief in support of such objections. If the testimony is transcribed, the special inquiry officer shall certify that to the best of his knowledge and belief the transcript is a true and correct report of everything that was stated during the course of the hearing, including oaths administered and rulings on objections, but excluding statements made off the record.

(c) *Special inquiry officers; specific duties.* At the commencement of the hearing under this part, the special inquiry officer shall (1) place the respondent under oath or affirmation, (2) advise the respondent of his right to representation, at no expense to the Government, by counsel authorized to practice in such proceedings, as he shall choose, and require him to state then and there for the record whether he desires such representation, (3) enter of record a copy of the warrant of arrest and explain to the respondent in simple, understandable language the nature of the charges contained therein, (4) advise the respondent that he will have a reasonable opportunity to examine the evidence against him, to present evidence in his own behalf, and to cross-examine witnesses presented by the Government, and (5) present the evidence, including the interrogation, examination, and cross-examination of the respondent and witnesses to the extent necessary, as to (i) alienage, (ii) date, place and manner of entry of the respondent into the United States, (iii) grounds for deportation, (iv) factors bearing upon the respondent's eligibility for discretionary relief if application therefor has been made, and (v) such other matter as may be pertinent to the issues in the case. Except

in the case of an alien prima facie deportable under section 242 (f) of the Immigration and Nationality Act, the special inquiry officer, in such cases and at such time during the hearing as he deems appropriate, may advise the respondent concerning application for the privilege of suspension of deportation or voluntary departure under the provisions of section 244 of the said Act, and shall further advise the respondent of his right to specify the country to which his deportation is to be directed in the event such deportation is required by law and request the respondent to specify such country for the record.

(d) *Special inquiry officers; additional charges.* If it appears during the hearing that the respondent may be deportable on grounds other than or in addition to those stated in the warrant of arrest, the special inquiry officer, except as provided in § 242.75, may lodge additional charges against the respondent and shall develop evidence upon such charges in like manner as on the charges specified in the warrant of arrest. When additional charges are lodged, the special inquiry officer shall explain these charges to the respondent in simple, understandable language and shall advise him, if he is not represented by an attorney or other qualified representative, that he may be so represented if he desires, and require him to state then and there for the record whether he desires such representation. The special inquiry officer shall also inform the respondent that he may have a reasonable period of time within which to meet the additional charges, if he desires, and require him to state then and there whether he desires such additional time.

(e) *Withdrawal and substitution of special inquiry officer.* The special inquiry officer assigned to conduct the hearing may at any time withdraw if he deems himself disqualified. If a special inquiry officer becomes unavailable to complete his duties within a reasonable time, another special inquiry officer shall be assigned to complete the case. In such event, the new special inquiry officer shall familiarize himself with the record in the case and shall state for the record that he has done so.

(f) *Assignment of examining officer in addition to special inquiry officer; duties of examining officer.* Prior to the commencement of a hearing, or during the course of a hearing upon the request of the special inquiry officer presiding at such hearing, the district director or the officer in charge having administrative jurisdiction over the place where the proceedings are pending, in his discretion, may assign an immigration officer to act at the hearing as the examining officer. The examining officer shall in such case conduct any required interrogation of the respondent and of the witnesses in behalf of the Government, examine or cross-examine the respondent's witnesses and present evidence bearing upon the question whether the respondent is subject to deportation. Except as provided in §§ 242.74 and 242.75, he shall lodge such additional charges as he may find to be applicable and, if the respondent has applied for relief from deportation, inquire thoroughly into the respondent's eligibility for the relief requested, and develop such other information as may be pertinent to the proper disposition of the case. The assignment of an examining officer shall not impair the authority conferred by the Immigration and Nationality Act or this chapter upon the special inquiry officer presiding at such hearing.

(g) *Representation by counsel.* If the respondent is represented at the hearing by an attorney or other qualified representative, the attorney or representative shall be permitted to be present during the entire hearing, to introduce evidence in behalf of the respondent and to cross-examine witnesses. The attorney or representative shall be permitted to state his objections succinctly, and they shall be entered on the record. If representation is waived, the respondent shall be permitted to introduce evidence in his own behalf, to cross-examine witnesses, and to make objections which shall be entered on the record.

(h) *Interpreters.* If the services of an interpreter are found necessary in the conduct of a hearing, the special inquiry officer, if qualified, may act as interpreter with the consent of the respondent, or he may request the district director or the officer in charge having administrative jurisdiction of the office in which the proceedings are pending to furnish an interpreter, who shall be sworn to interpret and translate accurately, unless the interpreter is an employee of the Service, in which event, no such oath shall be required.

(i) *Postponement and adjournment of hearings.* Prior to the commencement of a hearing, the district director or the officer in charge having administrative jurisdiction of the office wherein the case is pending, may grant a reasonable postponement for good cause shown, at his own instance upon notice to the respondent, or upon request of the respondent. After the commencement of the hearing, the special inquiry officer presiding at the hearing may grant a reasonable adjournment for good cause shown, at his own instance upon notice to the respondent or upon request of the respondent. A continuance of the hearing for the purpose of allowing the alien to obtain representation, shall not be granted more than once, unless sufficient cause for the granting of more time is shown. The file or the record of hearing shall reflect the action taken with respect to any postponement or adjournment of hearing. Exceptions to a ruling on a request for a postponement or an adjournment of hearing may be taken by the respondent and, if taken, shall be noted on the record.

(j) *Consolidation.* Whenever two or more cases pending in the same district involve common questions of law or fact, the district director or the officer in charge having administrative jurisdiction of the office wherein the cases are pending, may order a joint hearing of any or all matters and issues common to the cases, he may order all such hearings consolidated, and may make such further orders as may tend to avoid unnecessary cost and delay.

§ 242.54 *Contents of record; evidence*—(a) *Record.* The testimony, the exhibits, the decision of the special inquiry officer, and all written motions and other papers and requests filed in the proceeding, shall constitute the record in the case.

(b) *Use of prior statements.* The special inquiry officer may enter of record any statement, oral or written, which is material and relevant to any issue in the case, previously made by the respondent or any other person during any investigation, examination, or hearing. If objection thereto is made by the alien or his counsel or representative, the reasons for the objection, as well as the ruling thereon by the special inquiry officer, shall be made a part of the record.

(c) *Stipulation.* Whenever any facts or other matters at issue in the case have been stipulated in writing prior to the hearing, upon agreement between an officer of the Service and the respondent and his attorney or representative, and the stipulation has been signed by such persons, the special inquiry officer may enter the stipulation as an exhibit of record. Nothing in this paragraph shall preclude an oral or written confession or admission of any fact during a hearing under this part.

(d) *Application for discretionary relief.* Except in the case of an alien who is prima facie deportable under section 242 (f) of the Immigration and Nationality Act, at any time during the hearing the respondent may apply on Form I–256A for suspension of deportation or for voluntary departure, under section 244 of the said Act. The burden of establishing that he meets the statutory requirements for discretionary relief shall be upon the respondent. He may submit any evidence in support of his application which he believes should be considered by the special inquiry officer.

§ 242.61 *Decision of special inquiry officer*—(a) *Preparation of written decision.* Except as provided in paragraph (b) of this section and § 242.76, the special inquiry officer shall, as soon as practicable after the conclusion of the hearing, prepare a written decision signed by him which shall set forth a summary of the evidence adduced and his findings of fact and conclusions of law as to deportability, unless such findings and conclusions are waived by the respondent orally during the hearing or by written waiver filed with the special inquiry officer after the conclusion of the hearing. If the respondent has applied for discretionary relief in accordance with the provisions of § 242.54 (d), the decision shall also contain a discussion of the evidence relating to the alien's eligibility for such relief and the reasons for granting or denying such application. The decision shall be concluded with the order of the special inquiry officer as provided in paragraph (c) of this section.

(b) *Oral decision.* In any case in which he deems such action appropriate, the special inquiry officer may, after conclusion of the hearing, state for the record in the presence of the respondent or his counsel or representative his decision, which shall include the summary,

findings, conclusions, discussion, and order referred to in paragraph (a) of this section. The respondent shall thereupon state for the record whether he desires to be served with a written decision as provided in paragraph (d) of this section. If he then and there waives service of a written decision, the respondent shall thereupon state for the record and submit on Form I–290A any exception enumerated in paragraph (e) (2) of this section taken by him. If such exception is taken, the respondent shall be required to state whether he desires to submit to the district director or officer in charge, having administrative jurisdiction of the office in which the hearing was held, a brief in support of such exception for consideration by the Board. If he desires to submit a brief, the respondent shall be allowed ten days from the date of the oral decision within which to submit his brief to such district director or officer in charge. For good cause shown, such district director or officer in charge or the special inquiry officer presiding at the hearing, or the Board, in their discretion, may extend the time within which the brief may be submitted. In any case in which the respondent states for the record that he desires to submit a brief, he may, within the period allowed for the submission of such brief, file with the district director or the officer in charge a written waiver thereof.

(c) *Order of special inquiry officer.* The order of the special inquiry officer shall be (1) that the alien be deported, or (2) that the proceedings be terminated, or (3) that the alien's deportation be suspended, or (4) that the alien be granted voluntary departure at his own expense in lieu of deportation within such period of time or authorized extension thereof and under such conditions as the district director or officer in charge having administrative jurisdiction of the office in which the case is pending shall direct, with the further order that, if he fails to depart, he be deported, or (5) that such other action be taken in the proceedings as may be required for the appropriate disposition of the case. The special inquiry officer shall not have authority to designate at whose expense or to which country the alien shall be deported.

(d) *Notice of decision.* In any case in which the respondent has not waived service of a written decision, the district director or the officer in charge having administrative jurisdiction of the office in which the proceeding is pending shall cause a signed copy of the decision of the special inquiry officer to be served on the respondent, with the notice referred to in § 6.11 of this chapter.

(e) *Finality of order.* The order of the special inquiry officer shall be final except when:

(1) The case has been certified to the Assistant Commissioner, Inspections and Examinations Division, as provided in § 7.1 (b) of this chapter, or certified to the Board as provided in § 6.1 (c) of this chapter;

(2) The respondent takes specific exception to:

(i) Any finding of fact or conclusion of law as to deportability; or

(ii) A denial of an application for suspension of deportation; or

(iii) A finding that the alien has failed to establish statutory eligibility for voluntary departure; or

(iv) A denial of an application for voluntary departure in a case in which the respondent has been in the United States for a period of 5 years or more at the time the warrant of arrest in deportation proceedings is served upon him.

(f) *Appeal.* The taking of exceptions and the submission of Form I–290A in accordance with paragraph (b) of this section shall constitute the taking of an appeal referred to in Part 6 of this chapter and this part. In any other case, a respondent may appeal from a decision of a special inquiry officer by taking exceptions to any of the actions enumerated in paragraph (e) (2) of this section on Form I–290A within ten days of the receipt of the written decision in the case.

§ 242.71 *Apprehension of alien.* An alien within the purview of section 242 (f) of the Immigration and Nationality Act shall be taken into custody in accordance with §§ 242.1, and 242.11 to 242.14, inclusive. The warrant of arrest shall charge the alien with deportability only under section 242 (f) of the said Act. The prior order of deportation, properly identified, shall constitute prima facie cause for deportation under section 242 (f) of the said Act.

§ 242.72 *Release from custody.* The provisions of § 242.3 (a) and (b) shall not be applicable to the case of any alien apprehended under § 242.71 unless specific authority to release thereunder has been granted by the Commissioner or the Assistant Commissioner, Detention, Deportation, and Border Patrol Division. The provisions of § 242.3 (c) shall apply to such case.

§ 242.73 *Conduct of hearing; decision; finality of order.* Except as hereafter provided in §§ 242.74 to 242.76 inclusive, all of the provisions of §§ 242.5, 242.51 to 242.54, 242.6 and 242.61 shall apply to the case of an alien apprehended in accordance with § 242.71.

§ 242.74 *Relief from deportation.* An alien who is prima facie deportable under the provisions of section 242 (f) of the Immigration and Nationality Act shall not be permitted to apply for voluntary departure in lieu of deportation or for suspension of deportation and shall not be granted such relief.

§ 242.75 *Scope of hearing.* The hearing referred to in § 242.73 shall be limited solely to a consideration and determination of the following issues:

(a) Identity of respondent, i. e., whether respondent is in fact a person who was previously deported or departed pursuant to an order of deportation.

(b) Whether the respondent was previously deported as a member of any of the classes described in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the Immigration and Nationality Act.

(c) Whether the respondent unlawfully reentered the United States. If during the course of such hearing it is ascertained that the respondent is not deportable under section 242 (f) of the said Act, the special inquiry officer shall if appropriate, lodge additional charges against the respondent, and further proceedings shall continue as provided in this part.

§ 242.76 *Scope of decision.* If, on the basis of the evidence presented, the special inquiry officer has determined that the respondent is deportable under section 242 (f) of the Immigration and Nationality Act, he shall state for the record at the conclusion of the hearing and in the presence of the respondent his decision in the case, which shall consist of (a) a summary of the evidence adduced; (b), unless waived by the respondent, his findings of fact and conclusions of law as to the issues described in § 242.75; and (c) an order that the respondent be deported under the previous order of deportation in accordance with section 242 (f) of the Immigration and Nationality Act.

§ 242.77 *Appeal.* The order of the special inquiry officer that the respondent be deported under the previous order of deportation in accordance with section 242 (f) of the Immigration and Nationality Act may be appealed by the respondent to the Board in accordance with the provisions of § 242.61 (f).

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
243.1 Issuance of warrants of deportation; country to which alien shall be deported; cost of detention; care and attention of alien.
243.2 Finality of decision.
243.3 Execution of warrants of deportation.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

243.11 Special care and attention for aliens.
243.12 Deportation of lepers.
243.13 Aliens discharged from United States Narcotic Farm.
243.14 Notice to transportation line.
243.15 Deportation to foreign contiguous territory.

AUTHORITY: §§ 243.1 to 243.15 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 242, 243, 66 Stat. 208, 212.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 243.1 *Issuance of warrants of deportation; country to which alien shall be deported; cost of detention; care and attention of alien*—(a) *Issuance.* In any case in which an order of deportation becomes final a warrant of deportation shall be issued. District directors shall issue warrants of deportation.

(b) *Determination of place and cost of deportation, and necessity for attendants.* District directors shall exercise the authority contained in section 243 of the Immigration and Nationality Act to designate the country to which, and at whose expense an alien in the United States shall be deported, and to determine when an alien's mental or physical condition requires the employment of a person to accompany the alien.

§ 243.2 *Finality of decision.* No appeal shall lie from the decision of the

district director in the exercise of the authority described in § 243.1.

§ 243.3 *Execution of warrants of deportation*—(a) *Taking alien into custody.* Upon the issuance of a warrant of deportation or as soon thereafter as the circumstances of the case require, the alien, if not in the physical custody of the Service, shall be taken into such custody under the authority of such warrant of deportation and deported.

(b) *Stay of deportation.* Except as otherwise provided herein, the district director having administrative jurisdiction over the place where the alien is located, in the exercise of his discretion, may stay the execution of a warrant and order of deportation for such time and under such conditions as he may deem appropriate, upon a showing of good and substantial cause. He may grant such stay upon his own instance or upon request of the alien. A request for a stay by the alien shall be in writing, shall be filed with such district director, and shall be supported by an affidavit setting forth the reasons for the request with such other evidentiary matter as may support the request. In any case in which the request for a stay of deportation is predicated upon a claim by the alien that he would be subject to physical persecution if deported to the country designated by the district director, the office receiving the request shall transmit it to the Commissioner for decision. Notice of disposition of the alien's request shall be served upon him but neither the making of the request nor the failure to receive notice of decision thereon shall relieve or excuse the alien from presenting himself for deportation at the time and place designated for his deportation. No appeal shall lie from a denial of a request for a stay of deportation, but such denial shall not preclude the Board from granting a stay in connection with a motion to reopen or a motion to reconsider as provided in § 6.21 (a) of this chapter.

(c) *Voluntary departure under order of deportation.* Subject to the limitations and provisions of sections 242 (g) and 243 of the Immigration and Nationality Act, the district director having administrative jurisdiction over the place where the alien is located, in his discretion, may permit an alien who has been ordered deported to depart voluntarily from the United States under the order of deportation.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 243.11 *Special care and attention for aliens*—(a) *Duty of transportation line.* When it is determined by the district director that an alien about to be deported requires special care and attention, the transportation line responsible for the expense of the alien's deportation shall provide for such care and attention as may be required by the alien's condition not only during the voyage from the United States to the foreign country to which deported but also during the foreign inland journey as hereinafter provided. Such alien shall be delivered to the master, commanding officer, or the officer in charge of the vessel or aircraft on which the alien is to be deported, who shall be given Form I–287 and duplicate carbon sheets A, B, and C thereof. The receipt and sheet A shall be filled out except as to signature by an immigration officer. The receipt attached to sheet A shall be signed by the officer of the vessel or aircraft to whom the alien has been delivered and returned forthwith to the immigration officer making delivery. Sheets B and C shall be retained by the receiving officer and in due course filled out by the agents or persons therein designated and by them returned by mail as herein provided.

(b) *Procedure at foreign port of disembarkation.* From the foreign port of disembarkation the transportation line shall at its own expense forward the alien to his destination in charge of a proper attendant except only in cases where the foreign public officials decline to allow such attendant to proceed and themselves take charge of the alien, which fact must be shown by signing the form provided in the lower half of sheet C of Form I–287. If the foreign public officials do not take charge of the alien at the port of disembarkation, but at an interior frontier, both forms on sheet C must be filled out, the former in relation to the inland journey as far as such frontier.

(c) *Failure of transportation line to provide special care.* Whenever a transportation line responsible for the expenses of the alien's deportation fails, refuses, or neglects to provide personal care and attention for such alien requiring such care and attention, or when such line fails, refuses, neglects to return sheets B and C of Form I–287 properly executed within 90 days after the departure of such alien, or otherwise fails, refuses, or neglects to comply with the provisions of this section, the district director shall thereafter and without notice employ suitable persons, at the expense of the transportation line, to accompany aliens requiring personal care and attention when deported on any vessel or aircraft of such line.

§ 243.12 *Deportation of lepers.* Cases of aliens afflicted with leprosy shall be handled in accordance with the governing regulations and instructions issued by the Surgeon General, United States Public Health Service, Federal Security Agency.

§ 243.13 *Aliens discharged from United States Narcotic Farm.* Any alien who has been sentenced to imprisonment and has been ordered deported and who has been transferred as an alien addict to a United States Narcotic Farm provided for in the act of January 19, 1929, shall be taken into custody upon his discharge from such narcotic farm and deported without requiring his return to the penal institution from which he came to such narcotic farm.

§ 243.14 *Notice to transportation line.* If an alien's deportation is to be effected by vessel or aircraft, notice of the proposed deportation shall be given to the transportation line concerned, together with a brief description of the alien and any other appropriate data, including the cause of deportation, the alien's physical and mental condition, and the place to which the alien is to be taken by such line. Any request from such line to defer the delivery of the alien for deportation shall be accompanied by a written agreement from the line that it will be responsible for all detention expenses resulting from such deferment.

§ 243.15 *Deportation to foreign contiguous territory.* Aliens ordered deported to foreign contiguous territory shall be returned across the border at the nearest port unless humanitarian or other reasons make it advisable to effect deportation through some other port. Deportation to a seaport in such foreign territory shall be authorized when that appears advisable or more economical than deportation across the land boundary.

PART 244—SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
244.1 Voluntary departure after issuance of warrant of arrest.
244.2 Suspension of deportation.
244.3 Use of confidential information.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

244.11 Voluntary departure after issuance of warrant of arrest and prior to commencement of hearing.
244.12 Application for voluntary departure subsequent to commencement of hearing; disposition.
244.13 Revocation of grant of voluntary departure.
244.14 Verification of departure; cancellation of delivery bond.

AUTHORITY: §§ 244.1 to 244.14 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 241, 242, 244, 66 Stat. 204, 208, 214.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 244.1 *Voluntary departure after issuance of warrant of arrest prior to commencement of hearing.* Prior to the commencement of the hearing provided for in Part 242 of this chapter and subject to the provisions of this part, district directors and officers in charge may authorize voluntary departure in lieu of deportation in the case of an alien under deportation proceedings.

(b) *Subsequent to commencement of hearing.* Subject to the provisions of Part 242 of this chapter, subsequent to the commencement of the hearing provided for in that part a special inquiry officer may grant voluntary departure in lieu of deportation in the case of any alien who is the subject of deportation proceedings before that officer.

§ 244.2 *Suspension of deportation.* An application for suspension of deportation shall be submitted in accordance with, and subject to, the provisions of § 242.54 (d) of this chapter and shall be determined and disposed of in accordance with the provisions of this part and § 242.61 of this chapter.

§ 244.3 *Use of confidential information.* In the case of an alien qualified for voluntary departure or suspension of deportation under section 242 or 244 of the Immigration and Nationality Act

the determination as to whether the application for voluntary departure or suspension of deportation shall be granted or denied (whether such determination is made initially or on appeal) may be predicated upon confidential information without the disclosure thereof to the applicant, if in the opinion of the officer or the Board making the determination the disclosure of such information would be prejudicial to the public interest, safety, or security.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 244.11 *Voluntary departure after issuance of warrant of arrest and prior to commencement of hearing*—(a) *Application.* At any time subsequent to the issuance of a warrant of arrest and prior to the commencement of the hearing the alien, if he believes that he is eligible for voluntary departure under section 244 (e) of the Immigration and Nationality Act, may apply therefor by filing an application with the district director or officer in charge having administrative jurisdiction over the office in which the deportation proceedings against such alien are pending.

(b) *Disposition of application.* The district director or officer in charge may cause such investigation to be conducted as he deems necessary to determine whether the relief requested should be granted. If such officer is satisfied that:

(1) The alien is subject to deportation upon any ground other than those set forth in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the Immigration and Nationality Act,

(2) The alien is willing and able to depart promptly from the United States,

(3) The alien apparently will be admitted to the country of his destination,

(4) The alien is and has been a person of good moral character for at least 5 years immediately preceding his application for voluntary departure, and

(5) That the application should be granted,

he shall grant the application and shall inform the alien of the time within which and under what conditions the departure shall be effected. If such officer is not so satisfied, or if it appears that applicant is or may be subject to deportation upon any ground set forth in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the Immigration and Nationality Act, the district director or officer in charge shall refer the application for voluntary departure with the case of the alien to a special inquiry officer for hearing and determination in accordance with § 242.61 of this chapter and § 244.12.

§ 244.12 *Application for voluntary departure subsequent to commencement of hearing; disposition.* If the special inquiry officer is satisfied that:

(a) The alien is willing and able to depart promptly from the United States,

(b) The alien apparently will be admitted to the country of his destination,

(c) The alien, if deportable upon any ground set forth in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17) or (18) of section 241 (a) of the Immigration and Nationality Act, is within the classes of persons who are eligible for suspension of deportation under paragraphs (4) or (5) of section 244 (a) of the Immigration and Nationality Act,

(d) The alien is and has been a person of good moral character for at least 5 years immediately preceding his application for voluntary departure, and

(e) That the relief requested should be granted,

he shall enter an order as provided in § 242.61 (c).

§ 244.13 *Revocation of grant of voluntary departure.* If, subsequent to the granting of voluntary departure under this part by a district director or officer in charge, it is ascertained prior to the alien's actual departure from the United States that the alien should not be permitted to depart voluntarily, the grant of voluntary departure may be revoked by any district director or officer in charge without notice. Thereupon further proceedings shall be taken in the case under this chapter and the Immigration and Nationality Act as are warranted by the facts.

§ 244.14 *Verification of departure; cancellation of delivery bond.* An alien's voluntary departure from the United States authorized in accordance with the provisions of this part, verified to the satisfaction of the district director or officer in charge having administrative jurisdiction over the office in which the application for voluntary departure was made, shall serve to terminate further proceedings in the case and to cancel any outstanding delivery bond.

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
245.1 Authority to adjust status.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

245.11 Who may apply.
245.12 Application.
245.13 Attorneys.
245.14 Procedure upon acceptance of application.
245.15 Evidence; burden of proof.
245.16 Examination and investigation.
245.17 Disposition of case.

AUTHORITY: §§ 245.1 to 245.17 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 4, 43 Stat. 155, as amended, secs. 101, 234, 245, 247, 66 Stat. 167, 168, 198, 217, 218; 8 U. S. C. 204.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 245.1 *Authority to adjust status.* Subject to the provisions of this part, district directors may adjust the status of a nonimmigrant to that of a person admitted for permanent residence under section 245 of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 245.11 *Who may apply.* Any alien (including one admitted under section 4 (e) of the Immigration Act of 1924) who entered the United States in good faith as a nonimmigrant, and who believes that he meets the eligibility requirements set forth in section 245 of the Immigration and Nationality Act, may apply for adjustment of status: *Provided,* That no alien who (a) has a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a) of the Immigration and Nationality Act, or (b) has an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under any of such paragraphs of section 101 (a) of the Immigration and Nationality Act, shall be eligible to apply for adjustment of status without first executing and submitting with his application the written waiver required by section 247 (b) of the Immigration and Nationality Act and Part 247 of this chapter: *And provided further,* That no alien whose status as a permanent resident has been terminated under the provisions of section 247 of the Immigration and Nationality Act shall be eligible to apply for adjustment of status under this part.

§ 245.12 *Application.* Application for adjustment of status under this part shall be made on Form I–507, in duplicate. The application shall be completed in accordance with the instructions appearing thereon and shall be accompanied by (a) two photographs as described in part 10 of this chapter, (b) the Form I–257a, I–94 (c) or other document issued to the applicant at the time of his entry as, or adjustment of status to, a nonimmigrant or as a student under section 4 (e) of the Immigration Act of 1924, and (c) documentary evidence establishing that the applicant meets the eligibility requirements set forth in section 245 of the Immigration and Nationality Act and § 245.11. Such documents shall include but shall not be limited to (1) any available official document showing the alien's police record, (2) any available official document showing the alien's prison record and military record in the United States or abroad, (3) record of the alien's birth, (4) a statement from the United States Department of State showing that a visa would be available to the alien on the date of his application for adjustment under this part, (5) if claiming nonquota status or preference quota status by reason of relationship to a United States citizen or alien lawfully admitted for permanent residence, official certifications establishing such relationship, including records of marriage, birth, and citizenship of the person with whom such relationship is claimed, (6) a financial statement of the alien's net worth including employment records, bank records, copies of income tax returns or other evidence satisfactorily establishing that the alien is not likely to become a public charge, (7) statements from any institutions in which the alien may have been treated for a mental disease or disorder at any time, showing the nature and duration of such disorder and the result of the treatment, (8) documentary evidence, such as school records, employment records, business records, and the like, showing that the alien has continued to main-

tain his nonimmigrant status. If desired by the applicant, he may submit photographic or typewritten copies of such documents, if such copies are by law permitted to be made, but in such case the original documents must be presented at the examination provided for in § 245.16.

§ 245.13 *Attorneys.* Attorneys or other persons authorized to practice before the Service who represent applicants shall be permitted to be present during the examination of the alien and the witnesses, to submit briefs and to review the record, either before it is forwarded to the district director, or thereafter, and prior to final decision.

§ 245.14 *Procedure upon acceptance of application.* Upon acceptance of an application, the applicant shall be notified to submit to an examination by a medical officer of the United States Public Health Service, whose report setting forth the findings of the mental and physical condition of the applicant shall be incorporated into the record. If an examination before such officer is impracticable and compliance therewith would cause the applicant undue hardship, a certificate from a civil surgeon of not less than four years professional experience, preferably one designated by the United States Public Health Service or Veterans' Administration, may, in the discretion of the district director, be accepted. Any applicant certified for insanity or mental defect may appeal to the Board of Medical Officers of the United States Public Health Service as provided in section 234 of the Immigration and Nationality Act. The applicant shall also be given timely notice of the date and place of the examination provided for in § 245.16, and the case shall be assigned to an immigration officer for the purpose of conducting such examination.

§ 245.15 *Evidence; burden of proof.* All evidence adduced during an examination under this part may be used at any other proceeding, and the alien shall be duly informed of this fact. The burden of proof shall be upon the applicant. In presenting his proof he shall be entitled to the benefit of any disclosable records concerning him which are in the custody of the Service.

§ 245.16 *Examination and investigation*—(a) *Examination of applicant and witnesses.* The immigration officer shall orally review the application with the applicant, or, in the case of a child under 14 years of age, with his parent or guardian. Any necessary changes shall be consecutively numbered by such officer and acknowledged in writing by the applicant, or, in the case of a child, by the parent or guardian, on the application form. The applicant shall at that time produce the original documents, copies of which were submitted, or which he desires to be considered, in support of his application. Such copies or excerpts therefrom as are found to be pertinent shall be verified by the immigration officer from the originals, shall be appropriately marked and numbered for identification and made a part of the application. When no longer required the original documents shall be returned to the applicant. The immigration officer shall then administer the oath or affirmation contained in Form I–507 and obtain the applicant's signature in the appropriate place on that Form. In cases in which the examining officer deems it necessary he shall conduct a further examination of the applicant, or the parent or guardian by interrogation, under oath or affirmation. If the application, supporting documentary evidence, records of the Service, and the testimony adduced, established the applicant's eligibility for adjustment of status, no other witnesses shall be required. Otherwise, such number of credible witnesses preferably citizens of the United States, as may be deemed necessary, shall be questioned under oath or affirmation by the officer concerning the facts of the applicant's eligibility for adjustment. If such witnesses cannot appear because of remoteness, physical disability, or any other cause which the officer deems satisfactory, their affidavits may be accepted in lieu of their personal appearance. The oral testimony given by the applicant, the parent or guardian, or the witnesses, shall not be reduced to writing in verbatim form or stenographically or mechanically recorded, but a résumé thereof shall be prepared and certified as true and correct by the immigration officer and made a part of the record. A verbatim record may be made of such testimony in any case in which the examining officer deems it advisable. If such verbatim record is made stenographically or mechanically recorded, it shall not be transcribed unless the district director denies the application.

(b) *Investigations.* Necessary investigations in other districts may, when feasible, be conducted by correspondence. If deemed necessary by the immigration officer, further investigations may be conducted by interview or by correspondence. The replies to such correspondence, and the reports of the investigation may be made a part of the record by the immigration officer.

§ 245.17 *Disposition of case*—(a) *Record, recommendation, and review.* Upon completion of the examination the immigration officer shall prepare a report of his findings as to each of the essential facts prescribed by section 245 of the Immigration and Nationality Act and § 245.11 together with his recommendation. If the officer is satisfied that the application should be granted, he shall so recommend. If the immigration officer is not satisfied that the application should be granted he shall recommend denial of the application. In any case he shall make a brief summary of the evidence and shall include a statement as to the grounds and reasons for the recommendation. The application, record, supporting documents, photographs, and the report of the immigration officer shall then be transmitted to the district director having administrative jurisdiction over the office in which the examination was conducted. The district director shall approve or disapprove the recommendation of the immigration officer. If he disapproves the recommendation, the district director shall state his reasons in writing.

(b) *Application denied.* If the district director denies the application, the applicant shall be notified in writing of such decision and of the reasons therefor and, at the same time, shall be advised of his right to appeal to the Assistant Commisisoner, Inspections and Examinations Division, by filing a notice of appeal Form I–290B. The notice of appeal shall be filed at the office of such district director within 10 days from the receipt of notification of such decision as provided in Part 7 of this chapter. The applicant may waive his right to appeal within the 10-day period. If an appeal is taken, the record shall be forwarded to the Assistant Commissioner, Inspections and Examinations Division for review and decision in accordance with Part 7 of this chapter. If appeal is waived or no appeal is taken within the time permitted, the decision of the district director shall thereupon become final.

(c) *Decision by Assistant Commissioner, Inspections and Examinations Division.* On appeal, the Assistant Commissioner, Inspections and Examinations Division may grant or deny the application for adjustment. The case shall then be returned to the office of origin. If the application has been denied, the district director shall so inform the applicant in writing. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

(d) *Application granted; delivery of alien registration receipt card.* In any case in which the application for adjustment of status is granted, an alien registration receipt card, Form I–151, showing that the applicant has acquired the status of an alien lawfully admitted for permanent residence, shall be issued to the applicant. If the alien is in possession of any other documents evidencing compliance with the Alien Registration Act, 1940, or Chapter 7 of the Immigration and Nationality Act, he shall be required to surrender it.

(e) *Application denied; further action.* If no appeal is taken from the decision of the district director denying the application, or if the Assistant Commissioner on appeal denies the application, the district director shall take such action as is necessary under existing law and regulations to effect the alien's departure from the United States.

PART 246—RESCISSION OF ADJUSTMENT OF STATUS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
246.1 Rescission of adjustment of status.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

246.11 Investigation and report.
246.12 Notice.
246.13 Disposition of case.
246.14 Decision by Assistant Commissioner, Inspections and Examinations Division.
246.15 Surrender of Form I–151.

AUTHORITY: §§ 246.1 to 246.15 issued under section 103, 66 Stat. 173. Interpret or apply sec. 19, 39 Stat. 889, as amended, secs. 244, 246, 66 Stat. 214, 217; 8 U. S. C. 155.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 246.1 *Rescission of adjustment of status.* Subject to the limitations provided in this part, the authority contained in section 246 (a) of the Immigration and Nationality Act may be exercised by district directors.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 246.11 *Investigation and report.* If, at any time within five years after the status of a person has been adjusted under any provision of law to that of an alien lawfully admitted for permanent residence, evidence becomes available that such person was not eligible for such adjustment, a complete report shall be submitted to the district director having administrative jurisdiction over such person's last known place of residence in the United States.

§ 246.12 *Notice.* If on the basis of the evidence presented the district director receiving the report is satisfied that a prima facie showing has been made that the person was not in fact eligible for the adjustment of status made in his case, he shall cause notice to be served on such person informing him that it is intended to rescind the adjustment of status, and of the grounds upon which it is intended to base such rescission. The notice shall also inform the person to whom it is addressed that he may submit, within 30 days from the date of service of the notice, an answer in writing under oath, setting forth reasons why such rescission should not be made. The notice shall also advise the person to whom it is addressed that he may, within such period and upon his request have an opportunity to appear in person, in support or in lieu of his written answer, before such immigration officer as may be designated for that purpose. The person to whom the notice is addressed shall further be advised therein that he may have the assistance of counsel, without expense to the government of the United States, in the preparation of his answer or in connection with such personal appearance, and shall have opportunity to examine, at the appropriate office of the Service, the evidence upon which it is proposed to base such rescission.

§ 246.13 *Disposition of case*—(a) *Allegations admitted or no answer filed.* If the answer admits the allegations in the notice, or if no answer is filed within the 30-day period, and the status of permanent resident was acquired through suspension of deportation under section 19 (c) of the Immigration Act of February 5, 1917 or under section 244 of the Immigration and Nationality Act, the district director shall forward the file and all of the papers to the Assistant Commissioner, Inspections and Examinations Division, for further action in accordance with section 246 of the Immigration and Nationality Act. If the answer admits the allegations in the notice, or if no answer is filed within the 30-day period, and the status of permanent resident was acquired through adjustment of status other than through suspension of deportation, the district director shall rescind the adjustment of status previously granted and no appeal shall lie from such decision.

(b) *Answer filed; personal appearance not requested.* Upon receipt of an answer asserting defense to the allegations in the notice, without request for an interview the case shall be assigned to an immigration officer for consideration. The immigration officer shall prepare a report of his findings and make a recommendation as to whether the adjustment of status should be rescinded. The record in the case, the report and recommendation of the immigration officer shall be forwarded to the district director who caused the notice to be served. The district director shall note the report of the immigration officer indicating whether he approves or disapproves the recommendation of the immigration officer. If the decision of the district director is that the matter be terminated, the party affected shall be informed of such decision. If the decision of the district director is that the adjustment of status should be rescinded, the following action shall be taken:

(1) If the status of permanent resident was acquired through suspension of deportation under section 19 (c) of the Immigration Act of 1917 or under section 244 of the Immigration and Nationality Act, the district director shall forward the party's file and all of the papers in the matter to the Assistant Commissioner, Inspections and Examinations Division, for further action in accordance with section 246 of the Immigration and Nationality Act.

(2) If the status of permanent resident was acquired through adjustment of status other than through suspension of deportation, the district director shall enter a decision rescinding the adjustment of status previously granted. The party affected shall be informed in writing of the decision of the district director and of the reasons for such decision. From the decision of the district director an appeal may be taken to the Assistant Commissioner, Inspections and Examinations Division, within 10 days from the receipt of notification of the decision, as provided in Part 7 of this chapter. The party affected may waive an appeal. If no appeal is taken, or if the appeal is waived, the decision of the district director shall be final.

(c) *Answer filed; personal appearance requested or directed.* If the party requests a personal appearance, or if at any time the district director or the Assistant Commissioner, Inspections and Examinations Division, so directs, the party shall be given an opportunity to be interviewed by an immigration officer. The party may be represented at the interview by counsel of his own choice at no expense to the government. All evidence pertinent to the case, including the testimony of any witnesses, shall be incorporated into the record of the interview. At the conclusion of the interview the immigration officer shall prepare a report setting forth a summary of the evidence and findings of fact and conclusions of law based on such evidence. The report shall conclude with a recommendation which shall be either (i) that the adjustment of status be rescinded, or (ii) that the matter be terminated. The complete record, including the report and recommendation of the immigration officer shall be forwarded to the district director. The district director shall note the report of the immigration officer indicating whether the recommendation is approved or disapproved. If the decision of the district director is that the matter be terminated, the party affected shall be informed of such decision. If the decision of the district director is that the adjustment of status should be rescinded, the following action shall be taken:

(1) If the status of permanent resident was acquired through suspension of deportation under section 19 (c) of the Immigration Act of 1917 or under section 244 of the Immigration and Nationality Act, the district director shall forward the party's file and all of the papers in the matter to the Assistant Commissioner, Inspections and Examinations Division, for further action in accordance with section 246 of the Immigration and Nationality Act.

(2) If the status of permanent resident was acquired through adjustment of status other than through suspension of deportation, the district director shall enter a decision rescinding the adjustment of status previously granted. The party affected shall be informed in writing of the decision of the district director and of the reasons for such decision. From the decision of the district director an appeal may be taken to the Assistant Commissioner, Inspections and Examinations Division, within 10 days from the receipt of notification of the decision, as provided in Part 7 of this chapter. The party affected may waive an appeal. If no appeal is taken, or if the appeal is waived, the decision of the district director shall be final.

§ 246.14 *Decision by Assistant Commissioner, Inspections and Examinations Division.* If the decision of the Assistant Commissioner, Inspections and Examinations Division, is that the adjustment of status be rescinded and such status was acquired through suspension of deportation, he shall cause further action to be taken as provided in section 246 of the Immigration and Nationality Act to present the case to the Congress. In any other case, the file and all of the papers in the matter shall be returned to the district director who shall inform the party affected of the decision. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

§ 246.15 *Surrender of Form I–151.* An alien whose status as a permanent resident has been rescinded or withdrawn in accordance with section 246 of the Immigration and Nationality Act and this part, shall, upon demand, promptly surrender to the district director having administrative jurisdiction over the office in which the action under this part was taken the Form I–151 issued to him at the time of the grant of permanent resident status.

PART 247—ADJUSTMENT OF STATUS OF CERTAIN RESIDENT ALIENS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
247.1 Adjustment of status of resident aliens to nonimmigrant status; authority.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

247.11 Investigation and report.
247.12 Notice.
247.13 Disposition of case.
247.14 Decision by Assistant Commissioner, Inspections and Examinations Division.

AUTHORITY: §§ 247.1 to 247.14 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 247, 66 Stat. 167, 218.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 247.1 *Adjustment of status of resident aliens to nonimmigrant status; authority.* Subject to the limitations provided in this part, the authority contained in section 247 of the Immigration and Nationality Act to adjust the status of certain resident aliens to nonimmigrant status may be exercised by district directors.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 247.11 *Investigation and report.* If at any time evidence becomes available that an alien who was lawfully admitted for permanent residence has an occupational status which, if he were seeking admission to the United States, would entitle him to a nonimmigrant status under paragraph 15 (A), 15 (E), or 15 (G), of section 101 (a) of the Immigration and Nationality Act, a complete report shall be submitted to the district director having administrative jurisdiction over such alien's place of residence.

§ 247.12 *Notice.* If on the basis of the evidence presented, the district director receiving the report is satisfied that a prima-facie showing has been made that the alien has an occupational status described in § 247.11 he shall cause notice to be served on such alien that it is proposed to adjust his status, unless (a) the alien requests that he be permitted to retain his status as a resident alien and executes and files with such district director a Form I–508 in duplicate (Waiver of all Rights, Privileges, Exemptions and Immunities) within 10 days from receipt of the notice; or (b) the alien, within such 10 day period, files with the district director a written answer under oath setting forth reasons why his status should not be adjusted. The notice shall also advise the person to whom it is addressed that he may, within such period and upon his request have an opportunity to appear in person, in support or in lieu of his written answer, before such immigration officer as may be designated for that purpose. The person to whom the notice is addressed shall further be advised therein that he may have the assistance of counsel, without expense to the government of the United States, in the preparation of his answer or in connection with such personal appearance, and shall have opportunity to examine, at the appropriate office of the Service, the evidence upon which it is proposed to base such adjustment.

§ 247.13 *Disposition of case—(a) Allegations admitted or no answer filed.* If Form I–508 is not filed by the alien within the time prescribed, and (1) the answer admits the allegations in the notice, or (2) no answer is filed, the district director shall place a notation on the notice showing the nonimmigrant status to which the alien has been adjusted and shall cause a set of Forms I–94 to be prepared evidencing the nonimmigrant classification to which the alien has been adjusted. The Form I–94C shall be delivered to the alien and shall constitute notice to him of such adjustment. The nonimmigrant status shall be for such time, under such conditions, and subject to such regulations as are applicable to the particular nonimmigrant status granted and shall be subject to such other terms and conditions, including the exaction of bond, which the district director deems appropriate to the case.

(b) *Answer filed; personal appearance not requested.* Upon receipt of an answer asserting a defense to the allegations in the notice, without request for a personal appearance, the matter shall be assigned to an immigration officer for consideration. The immigration officer shall prepare a report of his findings and make a recommendation as to whether the status should be adjusted. The record and the report and recommendation of the immigration officer shall be forwarded to the district director who caused the notice to be served. The district director shall note the report of the immigration officer indicating whether he approves or disapproves the recommendation of the immigration officer. If the decision of the district director is that the matter be terminated, the party affected shall be informed of such decision. If the district director determines that the status of the alien should be adjusted to that of a nonimmigrant, his decision shall provide that unless the alien, within 10 days of receipt of notification of such decision, requests permission to retain his status as an immigrant and files with the district director Form I–508 in duplicate, the alien's immigrant status be adjusted to that of a nonimmigrant. The alien shall be informed of such decision, the reasons therefor, and that he has 10 days from the receipt of notification of such decision within which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with Part 7 of this chapter. The party affected may waive an appeal. If the appeal is waived or if no appeal is taken within the time allowed, the decision of the district director shall be final. If the alien does not request that he be permitted to retain status and file the Form I–508 within the period provided therefor, the district director, without further notice to the alien, shall cause a set of Forms I–94 to be prepared evidencing the nonimmigrant classification to which the alien has been adjusted. The Form I–94C shall be delivered to the alien. The nonimmigrant status shall be for such time, under such conditions, and subject to such regulations as are applicable to the particular nonimmigrant status created and shall be subject to such other terms and conditions, including the exaction of bond, which the district director deems appropriate to the case.

(c) *Answer filed; personal appearance requested or directed.* If the party affected has filed an answer asserting a defense to the allegations in the notice and containing a request for a personal appearance, or if at any time the district director or the Assistant Commissioner, Inspections and Examinations Division, so directs, the party shall be given an opportunity to be interviewed by an immigration officer for the purpose of presenting evidence as to whether his status shall be adjusted to that of an immigrant. The party may be represented at the interview by counsel of his own choice at no expense to the Government. All evidence pertinent to the matter, including the testimony of any witnesses, shall be incorporated into the record. At the conclusion of the interview the immigration officer shall prepare a report setting forth a summary of the evidence and findings of fact and conclusion of law based on such evidence. The report shall conclude with a recommendation which shall be either (1) that the status be adjusted, or (2) that the matter be terminated. The complete record, including the report and recommendation of the immigration officer, shall be forwarded to the district director. The district director shall note the report of the immigration officer indicating whether the recommendation is approved or disapproved. If the decision of the district director is that the matter be terminated, the party affected shall be informed of such decision. If the district director determines that the status of the alien should be adjusted to that of a nonimmigrant, his decision shall provide that unless the alien, within 10 days of receipt of notification of such decision, requests permission to retain his status as an immigrant and files with the district director Form I–508 in duplicate, the alien's immigrant status be adjusted to that of a nonimmigrant. The alien shall be informed of such decision, the reasons therefor, and that he has 10 days from the receipt of notification of such decision within which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with Part 7 of this chapter. The party affected may waive an appeal. If the appeal is waived or if no appeal is taken within the time allowed, the decision of the district director shall be final. If the alien does not request that he be permitted to retain status and file the Form I–508 within the period provided therefor, the district director, without further notice to the alien, shall cause a set of Forms I–94 to be prepared evidencing the nonimmigrant classification to which the alien has been adjusted. The Form I–94C shall be delivered to the alien. The nonimmigrant status shall be for such time, under such conditions, and subject to such regulations as are applicable to the particular nonimmigrant status created and shall be subject to such other terms and conditions, including the exaction of bond, which the district director deems appropriate to the case.

§ 247.14 *Decision by Assistant Commissioner, Inspections and Examinations Division.* The Assistant Commissioner's decision shall be transmitted to the district director who shall advise the party affected of the decision. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division. If the Assistant Commissioner determines that the status of the alien should be adjusted to that of a nonimmigrant, his decision shall provide that unless the alien, within 10 days of receipt of notification of such decision, requests permission to retain his status as an immigrant and files with the district director Form I–508 in duplicate, the alien's immigrant status be adjusted to that of a nonimmigrant, his decision shall provide that unless the alien, within 10 days of receipt of notification of such decision, requests permission to retain his status as an immigrant and files with the district director Form I–508 in duplicate, the alien's immigrant status be adjusted to that of a nonimmigrant. The alien shall be informed of such decision, the reasons therefor, and that he has 10 days from the receipt of notification of such decision within which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with Part 7 of this chapter. The party affected may waive an appeal. If the appeal is waived or if no appeal is taken within the time allowed, the decision of the district director shall be final. If the alien does not request that he be permitted to retain status and file the Form I–508 within the period provided therefor, the district director, without further notice to the alien, shall cause a set of Forms I–94 to be prepared evidencing the nonimmigrant classification to which the alien has been adjusted. The Form I–94C shall be delivered to the alien. The nonimmigrant status shall be for such time, under such conditions, including the exaction of bond, which the district director deems appropriate to the case.

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
248.1 Change of nonimmigrant classification.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

248.11 Application.
248.12 Attorneys.
248.13 Procedure upon acceptance of application.
248.14 Evidence; burden of proof.
248.15 Examination and investigation.
248.16 Disposition of case.

AUTHORITY: §§ 248.1 to 248.16 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 238, 247, 248, 66 Stat. 167, 168, 203, 218.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 248.1 *Change of nonimmigrant classification—(a) Authority.* Subject to the limitations provided in this part, the authority contained in section 248 of the Immigration and Nationality Act to authorize a change in nonimmigrant classification may be exercised by district directors.

(b) *Eligibility for change of nonimmigrant classification.* Except as otherwise provided in this section, any alien lawfully admitted to the United States as a nonimmigrant (including an alien who acquired such status pursuant to section 247 of the Immigration and Nationality Act) who is continuing to maintain his nonimmigrant status, may apply to have his nonimmigrant classification changed to any other nonimmigrant classification for which he may be qualified. This section shall not apply to an alien classified as a nonimmigrant under section 101 (a) (15) (D) of the Immigration and Nationality Act, or to an alien classified as a nonimmigrant under section 101 (a) (15) (C) who is within the purview of section 238 (d) of that act. Any eligible alien classified as a nonimmigrant under section 101 (a) (15) (C) may apply only for a change to a classification under paragraph (15) (A) or (15) (G) of section 101 (a) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 248.11 *Application—(a) General requirements.* Application for change of nonimmigrant classification shall be made on Form I–506 (Application for Change of Nonimmigrant Status). There shall be submitted with the application the Form 257, I–94 or other document issued to the applicant at the time of his admission as, or adjustment of status to, a nonimmigrant, and documentary evidence establishing that the applicant is maintaining his nonimmigrant classification and is eligible for the reclassification requested. If the applicant desires, he may submit photographic or typewritten copies of documents, if such copies are permitted to be made by law, but in such event the original documents must be presented at the examination provided for in § 248.15.

(b) *Change of nonimmigrant classification to that under section 101 (a) (15) (H) of the Immigration and Nationality Act; additional requirements.* Notwithstanding any other provisions of this part, an application for a change of an alien's nonimmigrant classification to that described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall be accompanied by an application executed under oath in duplicate on Form I–129B made by the alien's prospective employer or trainer. There shall be attached thereto the supporting evidence required by the Form I–129B.

§ 248.12 *Attorneys.* Attorneys or other persons authorized to practice before the Service, who represent applicants, shall be permitted to be present during the examination of the alien and witnesses, to submit briefs and to review the record, either before it is forwarded to the district director, or thereafter, and prior to final decision.

§ 248.13 *Procedure upon acceptance of application.* Upon acceptance of an application, the applicant shall be given timely notice of the date and place of the examination provided for in § 248.15, and the case shall be assigned to an immigration officer for the purpose of conducting such examination.

§ 248.14 *Evidence; burden of proof.* All evidence adduced at an examination under this part may be used in any other proceeding, and the alien shall be duly informed of this fact. The burden of proof shall be upon the applicant. In presenting his proof he shall be entitled to the benefit of any disclosable records concerning him which are in the custody of the Service.

§ 248.15 *Examination and investigation—(a) Examination of applicant and witnesses.* The immigration officer shall orally review the application with the applicant, or, in the case of a child under 14 years of age, with the parent or guardian. Any necessary changes shall be consecutively numbered by such officer and acknowledged in writing by the applicant, or, in the case of a child, by the parent or guardian, on the application form. The applicant shall at that time produce the original documents, copies of which were submitted, or which he desires to be considered, in support of his application. Such copies or excerpts therefrom as are found to be pertinent shall be verified by the immigration officer from the originals, shall be appropriately marked and numbered for identification, and made a part of the application. When no longer required, the original documents shall be returned to the applicant. The immigration officer shall then administer the oath or affirmation contained in Form I–506 and obtain the applicant's signature in the appropriate place on that form. In cases in which the examining officer deems it necessary he shall conduct a further examination of the applicant, or the parent or guardian, by interrogation under oath or affirmation. If the application, supporting documentary evidence, records of the Service, and the testimony adduced, establish the applicant's eligibility for a change of his nonimmigrant classification, no other witnesses shall be required. Otherwise, such number of credible witnesses preferably citizens of the United States, as may be deemed necessary, shall be questioned under oath or affirmation by the officer concerning the facts of the applicant's eligibility for reclassification. If such witnesses cannot appear because of remoteness, physical disability, or any other cause which the officer deems satisfactory, their affidavits may be accepted in lieu of their personal appearance. The oral testimony given by the applicant, the parent or guardian, or the witnesses, shall not be reduced to writing in verbatim form or stenographically or mechanically recorded, but a résumé thereof shall be prepared and certified as true and correct by the immigration officer and made a part of the record. A verbatim record may be made of such testimony in any case in which the examining officer deems it advisable. If such verbatim record is made stenographically or mechanically recorded, it shall not be transcribed unless the district director denies the application.

(b) *Investigations.* Necessary investigations in other districts may, when feasible, be conducted by correspondence. If deemed necessary by the immigration officer, further investigations may be conducted by interview or by correspondence. The replies to such correspondence, and the reports of the investigation, may be made a part of the record by the immigration officer.

§ 248.16 *Disposition of case—(a) Record, recommendation and review.* Upon completion of the examination the immi-

gration officer shall prepare a report of his findings as to each of the essential facts prescribed by section 248 of the Immigration and Nationality Act and § 245.1 of this chapter, together with his recommendation. If the officer is satisfied that the application should be granted he shall so recommend. If the immigration officer is not satisfied that the application should be granted he shall recommend denial of the application. In any case he shall make a brief summary of the evidence and shall include a statement as to the grounds and reasons for the recommendation. The application, record, supporting documents, and the report of the immigration officer shall then be transmitted to the district director having administrative jurisdiction over the office in which the examination was conducted. The district director shall approve or disapprove the recommendation of the immigration officer. If he disapproves the recommendation, the district director shall state his reasons in writing. Notwithstanding any other provisions of this section, the Assistant Commissioner, Inspections and Examinations Division, may direct the district director to transmit to the Assistant Commisisoner any case or class of cases arising under this part for initial decision. If the Assistant Commissioner's decision is that the application shall be denied, the district director shall inform the applicant in writing of such decision and of the reasons therefor. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

(b) *Application denied by district director.* If the district director denies the application, the applicant shall be notified in writing of such decision and of the reasons therefor, and, at the same time shall be advised of his right to appeal to the Assistant Commissioner, Inspections and Examinations Division, by filing a notice of appeal Form I–290B. The notice of appeal shall be filed at the office of such district director within 10 days from the receipt of notification of such decision, in accordance with Part 7 of this chapter. The applicant may waive an appeal. If an appeal is taken, the record shall be forwarded to the Assistant Commissioner, Inspections and Examinations Division, for review and decision in accordance with Part 7 of this chapter. If appeal is waived or no appeal is taken within the time permitted, the decision of the district director shall become final.

(c) *Decision on appeal by Assistant Commissioner, Inspections and Examinations Division.* On appeal, the Assistant Commissioner, Inspections and Examinations Division may grant or deny the application for reclassification. The case shall then be returned to the office of origin. If the application has been denied, the district director shall so inform the applicant in writing. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

(d) *Application granted.* In any case in which the application for change of nonimmigrant classification is granted, the alien's nonimmigrant status under such reclassification shall be subject to the terms and conditions applicable generally to such classification and to such other additional terms and conditions, including the exaction of bond, which the district director deems appropriate to the case. The district director shall cause a new set of Forms I–94 to be prepared and the Form I–94C shall be delivered to the applicant.

PART 249—CORRECTION OF RECORD OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE.

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
249.1 Creation of record of lawful admission for permanent residence.

SUBPART B—PRECEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

249.11 Application.
249.12 Attorneys.
249.13 Procedure upon acceptance of application.
249.14 Evidence; burden of proof.
249.15 Examination and investigation.
249.16 Disposition of case.

AUTHORITY: §§ 249.1 to 249.16 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 249, 66 Stat. 219.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 249.1 *Creation of record of lawful admission for permanent residence—*(a) *Authority.* Subject to the provisions of this part, the authority contained in section 249 of the Immigration and Nationality Act to create a record of lawful admission for permanent residence may be exercised by district directors.

(b) *Eligibility to make application; scope of part.* Any alien who believes that he meets the eligibility requirements enumerated in section 249 (a) of the Immigration and Nationality Act may apply for the creation of a record of lawful admission for permanent residence. No such record shall be created in behalf of any alien who entered the United States prior to July 1, 1924 and as to whom a record of admission for permanent residence as an alien prior to that date does not exist, except in accordance with the provisions of section 249 of the Immigration and Nationality Act, this part, or other statutory authority.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 249.11 *Application.* An application under this part shall be made on Form N–105 (Application to Create Record of Admission for Permanent Residence). The application shall be accompanied by 2 photographs as described in Part 10 of this chapter. There shall also be submitted with the application such documentary evidence, or pertinent excerpts therefrom (if the documents are lengthy or bulky), as the applicant may have showing his continuous residence in the United States since prior to July 1, 1924, and his good moral character. If the applicant desires, he may submit photographic or typewritten copies of such documents, if such copies are permitted to be made by law, but in such case the original documents must be presented at the examination as provided for in § 249.15.

§ 249.12 *Attorneys.* Attorneys or other persons authorized to practice before the Service, who represent applicants, shall be permitted to be present during the examination of the alien and the witnesses, to submit briefs and to review the record, either before it is forwarded to the district director or thereafter, and prior to final decision.

§ 249.13 *Procedure upon acceptance of application.* Upon acceptance of an application the applicant shall be given timely notice of the date and place of the examination provided for in § 249.15, and the case shall be assigned to an immigration officer for the purpose of conducting such examination.

§ 249.14 *Evidence; burden of proof.* All evidence adduced during an examination under this part may be used at any other proceeding and the alien shall be duly informed of this fact. The burden of proof shall be upon the applicant. In presenting his proof he shall be entitled to the benefit of any disclosable records concerning him which are in the custody of the Service. The applicant shall submit the affidavits of such number of credible witnesses, preferably citizens of the United States, concerning the moral character, continuity of residence of the applicant, and any other matter bearing on the applicant's eligibility for the benefits of section 249 of the Immigration and Nationality Act. Where practicable such affidavits shall be made on Form N–120 (Affidavit of Witness in Proceeding to Create Record of Admission for Permanent Residence). Documentary evidence such as bank books, leases, deeds, licenses, receipts, letters, and birth, marriage, church, school, employment and police records, or similar evidence shall, so far as possible, be used in establishing the essential facts to which documentary evidence is relevant. Where by reason of conditions known or shown to exist it is reasonable to believe that such evidence is not obtainable, other relevant evidence may be considered.

§ 249.15 *Examination and investigation—*(a) *Examination of applicant and witnesses.* The immigration officer shall orally review the application with the applicant. Any necessary changes shall be consecutively numbered by such officer and acknowledged in writing by the applicant. The applicant shall at that time produce the original documents, copies of which were submitted, or which he desires to be considered in support of his application. Such copies or excerpts therefrom as are found to be pertinent shall be certified by the immigration officer from the originals, shall be appropriately marked and numbered for identification, and made a part of the application. When no longer required the original documents shall be returned to the applicant. The immigration officer shall then administer the oath or affirmation contained in Form N–105 and obtain the applicant's signature in the appropriate place on that form. In cases in which the examining officer deems it necessary he shall conduct a further examination of the applicant under oath or affirmation. Witnesses

shall be examined orally under oath or affirmation in accordance with the interrogatories of Form N–120. Should additional statements be deemed necessary, the witnesses shall be interrogated under oath or affirmation. Witnesses located within a reasonable distance of the place of examination shall be required to appear in person to execute Form N–120, and for oral examination. If witnesses cannot appear because of remoteness, physical disability, or any other cause the officer deems satisfactory, the affidavits may be accepted in lieu of their personal appearance. The oral testimony given by the applicant and the witnesses shall not be reduced to writing in verbatim form or stenographically or mechanically recorded, but a résumé thereof shall be prepared and certified as true and correct by the immigration officer and made a part of the record. A verbatim record may be made of such testimony in any case in which the examining officer deems it advisable. If such verbatim record is made stenographically or mechanically recorded, it shall not be transcribed unless the district director denies the application.

(b) *Investigations.* Necessary investigations in other districts may, when feasible, be conducted by correspondence. If deemed necessary by the immigration officer, further investigations may be conducted by interview or by correspondence. The replies to such correspondence, and the reports of the investigation may be made a part of the record by the immigration officer.

§ 249.16 *Disposition of case—*(a) *Record, recommendation and review.* Upon completion of the examination the immigration officer shall prepare a report of his findings on Form N–125 (Findings on Application for Creation of Record of Admission for Permanent Residence) as to each of the essential facts prescribed by section 249 of the Immigration and Nationality Act and § 249.11, together with his recommendation. If the officer is satisfied that the application should be granted he shall so recommend. If the immigration officer is not satisfied that the application should be granted he shall recommend denial of the application. In any case he shall make a brief summary of the evidence and shall include a statement as to the grounds and reasons for the recommendation. The application, record, supporting documents, photographs and the report of the immigration officer shall then be transmitted to the district director having administrative jurisdiction over the office in which the examination was conducted. The district director shall approve or disapprove the recommendation of the immigration officer and shall note Form N–120 in accordance with his decision. If he disapproves the recommendation, the district director shall state his reasons in writing.

(b) *Application denied.* If the district director denies the application, the applicant shall be notified in writing of such decision and of the reasons therefor and, at the same time, shall be advised of his right to appeal to the Assistant Commissioner, Inspections and Examinations Division, by filing a notice of appeal Form I–290B (Appeal to Central Office). The notice of appeal shall be filed at the office of such district director within 10 days from the receipt of notification of such decision in accordance with Part 7 of this chapter. The applicant may waive an appeal. If an appeal is taken the record shall be forwarded to the Assistant Commissioner, Inspections and Examinations Division, for review and decision in accordance with Part 7 of this chapter. If appeal is waived or no appeal is taken within the time permitted, the decision of the district director shall become final.

(c) *Decision by Assistant Commissioner, Inspections and Examinations Division.* On appeal, the Assistant Commissioner, Inspections and Examinations Division, may grant or deny the application. The case shall then be returned to the office of origin. If the application has been denied, the district director shall so inform the applicant in writing. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

(d) *Application granted; delivery of alien registration receipt card.* In any case in which the application is granted, an alien registration receipt card Form I–151, showing that the applicant has acquired the status of an alien lawfully admitted for permanent residence, shall be issued to the applicant. If the alien is in possession of any other documents evidencing compliance with the Alien Registration Act, 1940, or chapter 7 of the Immigration and Nationality Act, he shall be required to surrender it.

PART 250—REMOVAL OF ALIENS WHO HAVE FALLEN INTO DISTRESS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
250.1 Removal of aliens who have fallen into distress; authority.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

250.11 Why may apply.
250.12 Application.
250.13 Procedure upon acceptance of application.
250.14 Evidence; burden of proof.
250.15 Examination and investigation.
250.16 Disposition of case.
250.17 Action subsequent to granting of application.

AUTHORITY: §§ 250.1 to 250.17 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 250, 66 Stat. 219.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 250.1 *Removal of aliens who have fallen into distress; authority.* Subject to the limitations provided in this part, the authority contained in section 250 of the Immigration and Nationality Act to remove from the United States any alien who falls into distress or who needs public aid from causes arising subsequent to entry may be exercised by district directors.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 250.11 *Who may apply.* Any alien who meets the eligibility requirements contained in section 250 of the Immigration and Nationality Act and who desires to be removed from the United States may apply for the benefits of that section of the Act.

§ 250.12 *Application.* Application for removal shall be made in duplicate on Form I–243 (Application for Removal). The application of a child under 14 years of age may be included in the application of a parent. The application in the case of a child under the age of 14 years shall be signed by his parent or guardian. If the applicant has received aid from a public or charitable institution or association, the application shall be accompanied by a certificate by an accredited representative of such association or institution indicating the nature and extent of the aid furnished to the alien. In the case of an alien who has not received public aid, the application shall show the causes and conditions by reason of which the alien claims to need public aid. The application shall be accompanied also by any document which was issued to the alien at the time of his admission to the United States.

§ 250.13 *Procedure upon acceptance of application.* Upon acceptance of an application, the applicant shall be given timely notice of the date and place of the examination provided for in § 250.15, and the case shall be assigned to an immigration officer for the purpose of conducting such an examination.

§ 250.14 *Evidence; burden of proof.* All evidence adduced at an examination under this part may be used in any other proceeding, and the alien shall be duly informed of this fact. The burden of proof shall be upon the applicant. In presenting his proof he shall be entitled to the benefit of any disclosable records concerning him which are in the custody of the Service.

§ 250.15 *Examination and investigation—*(a) *Examination of applicant and witnesses.* The immigration officer shall orally review the application with the applicant, or, in the case of a child under 14 years of age, with the parent or guardian. Any necessary changes shall be consecutively numbered by such officer and acknowledged in writing by the applicant or, in the case of a child, by the parent or guardian, on the application form. The applicant shall at that time produce the original documents, copies of which were submitted or which he desires to be considered, in support of his application. Such copies or excerpts therefrom as are found to be pertinent shall be verified by the immigration officer from the originals, shall be appropriately marked and numbered for identification, and made a part of the application. When no longer required, the original documents shall be returned to the applicant. The immigration officer shall then administer the oath or affirmation contained in Form I–243 and obtain the applicant's signature in the appropriate place on that form. During the examination the applicant shall be informed that if he is removed from the United States he will be ineligible to apply for or receive a visa or other documentation for readmission, or to apply for admission to the United

States except with the prior approval of the Attorney General. The application form shall be noted to show that such advice was given to the applicant by the examining officer and the applicant's response thereto. If the applicant has a mental or serious physical disability, a medical certificate shall be obtained showing whether the applicant is in condition to be removed from the United States without danger to life or health and whether alien will require special care and attention in case of removal. If accessible, near relatives of the applicant shall be interviewed to determine whether they are financially able and willing or legally obligated to support or assist the applicant. In cases in which the examining officer deems it necessary he shall conduct a further examination of the applicant, or the parent or guardian, by interrogation under oath or affirmation. If the application, supporting documentary evidence, records of the Service, and the testimony adduced, establish the applicant's eligibility for removal, no other witnesses shall be required. Otherwise, such number of credible witnesses preferably citizens of the United States, as may be deemed necessary, shall be questioned under oath or affirmation by the officer concerning the facts of the applicant's eligibility for removal. If such witnesses cannot appear because of remoteness, physical disability, or any other cause which the officer deems satisfactory, their affidavits may be accepted in lieu of their personal appearance. The oral testimony given by the applicant, the parent or guardian, or the witnesses, shall not be reduced to writing in verbatim form or stenographically or mechanically recorded, but a résumé thereof shall be prepared and certified as true and correct by the immigration officer and made a part of the record. A verbatim record may be made of such testimony in any case in which the examining officer deems it advisable. If such verbatim record is made stenographically or mechanically recorded, it shall not be transcribed unless the district director denies the application.

(b) *Investigations.* Necessary investigations in other districts may, when feasible, be conducted by correspondence. If deemed necessary by the immigration officer, further investigations may be conducted by interview or by correspondence. The replies to such correspondence, and the reports of the investigation may be made a part of the record by the immigration officer.

§ 250.16 *Disposition of case.* Upon completion of the examination the immigration officer shall prepare a report on Form I–273 of his findings as to the essential facts prescribed by section 250 of the Immigration and Nationality Act and § 250.11, together with his recommendation. If the officer is satisfied that the application should be granted he shall so recommend. If the immigration officer is not satisfied that the application should be granted he shall recommend denial of the application. In any case he shall make a brief summary of the evidence and shall include a statement as to the grounds and reasons for the recommendation. The application, record, supporting documents, and the report of the immigration officer shall then be transmitted to the district director having administrative jurisdiction over the office in which the examination was conducted. The district director shall approve or disapprove the recommendation of the immigration officer. The applicant shall be notified in writing of the decision of the district director and, if the decision is that the application be denied, of the reasons therefor. No appeal shall lie from the decision of the district director.

§ 250.17 *Action subsequent to granting of application.* If the district director grants the application he shall issue authorization on Form I–202 for the alien's removal. Upon issuance of the authorization for removal, or as soon thereafter as practicable, the alien may be removed from the United States at government expense.

PART 251—CREWMEN: LISTS OF; REPORTS OF ILLEGAL LANDINGS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

251.1 Definitions.
251.2 Imposition of penalty.
251.3 Listing of crewmen who are nationals of the United States.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

251.31 Arrival crew lists for vessels other than Great Lakes vessels.
251.32 Arrival crew lists for Great Lakes vessels.
251.33 Arrival crew lists for aircraft.
251.34 Arrival crew list for certain aircraft not required.
251.35 Illegal landing of alien crewman; notice.
251.36 Listing of change in crew of vessel or aircraft.

AUTHORITY: §§ 251.1 to 251.36 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 231, 251, 252, 280, 66 Stat. 195, 219, 220, 230.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 251.1 *Definitions.* As used in chapter 6 of the Immigration and Nationality Act and this part, the term—

(a) "Great Lakes vessel" means a vessel, including a designated international ferry, of United States, Canadian, or British registry, enrollment, or license engaged solely in traffic between the United States and Canada and travelling solely over one or more of the following waterways: Great Lakes, waterways connecting the Great Lakes, St. Lawrence River, St. Croix River, Passamaquoddy Bay, Lake Memphremagog, Lake Champlain, Rainy Lake, Rainy River, Lake of the Woods, Bay of Fundy (from, but not including, Yarmouth, N. S.).

(b) "Great Lakes crewman" means an alien who—

(1) Is a native born or naturalized citizen of Canada or a British subject, and

(2) Is domiciled or permanently residing in Canada, and

(3) Is employed as a crewman on a Great Lakes vessel, and

(4) Is seeking to land in the United States under section 252 of the Immigration and Nationality Act.

(c) "International ferry" means a Great Lakes vessel which has been designated as such by the district director of the St. Albans, Buffalo, Detroit or Chicago districts of the Service.

(d) "Master" means the captain or other person in charge of a vessel.

(e) "Full time immigration officer" means a regular employee of the Service duly appointed or designated as an immigration officer.

(f) "Immigration officer (excepted)" means a person other than a full time immigration officer who has been designated to perform the duties of an immigration officer in accordance with the provisions of this chapter.

§ 251.2 *Imposition of penalty.* The provisions of Part 280 of this chapter shall govern the imposition of penalties provided for in section 251 (d) of the Immigration and Nationality Act.

§ 251.3 *Listing of crewmen who are nationals of the United States.* In every case in which a crew list is required to be delivered upon arrival, crewmen of vessels or aircraft who are nationals of the United States shall be listed on the same form and the same information noted thereon as in the cases of alien crewmen.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 251.31 *Arrival crew lists for vessels other than Great Lakes vessels.* The lists required by section 251 (a) of the Immigration and Nationality Act and § 251.3 for vessels other than Great Lakes vessels shall be submitted on Form I–480 and shall be delivered to the immigration officer boarding the vessel at the first port of arrival in the United States who, in the event the vessel is to call at any other port in the United States, shall give the master of the vessel a receipt therefor. In the case of each alien crewman who arrives in the United States, who for any reason does not have a valid immigration Form I–95A issued to him, the persons responsible for the delivery of the alien crew list and as a part thereof shall complete a full set of immigration Forms I–95 and shall deliver them to such crewman for presentation by him, together with any Foreign Service Form 256 or 257 or immigration Form I–132 in his possession, to the United States immigration officer at the first port of arrival in the United States. If the crewman for whom a set of Forms I–95 is prepared has an immigrant or nonimmigrant visa the visa number shall be noted on all copies of Form I–95 in the box entitled, "Visa or Alien Registration Number". If he is a returning resident alien crewman his alien registration receipt number shall be noted on all copies of the Form I–95 in the box entitled, "Visa or Alien Registration Number."

§ 251.32 *Arrival crew lists for Great Lakes vessels—(a) International ferries.* On the first arrival of an international ferry in the United States after the opening of the navigation season, or, if operating year-round, on the first arrival after January 1, each year, a crew list shall be delivered to a full-time immigration officer. Thereafter during the same calendar year a crew list shall not be required unless there is a change in the crew of the vessel, either by increase, decrease, or substitution. If any such change occurs, there shall be submitted on its first arrival after the change occurs a supplemental crew list containing only information relative to crewmen who have left the crew or who were engaged since the crew list was furnished. The provisions of this section are in addition to and not in substitution for the requirements of § 251.36. Except as otherwise specifically provided in this part, all of the provisions of the Immigration and Nationality Act and of this chapter applicable to vessels and crewmen generally shall apply to Great Lakes vessels and crewmen.

(b) *Great Lakes vessels other than international ferries.* On every arrival in the United States of a Great Lakes vessel other than an international ferry, a crew list shall be delivered to an immigration officer.

(c) *Crew list; prescribed form.* The master of a Great Lakes vessel shall prepare and submit the crew list on Form I–481. In the case of each alien crewman who arrives in the United States who for any reason does not have a valid immigration Form I–95A issued to him subsequent to December 23, 1952, the persons responsible for the delivery of the alien crew list and as a part thereof shall execute a full set of immigration Forms I–95, and shall deliver them to such crewman for presentation by him, together with any Foreign Service Form 256 or 257 or immigration Form I–132 in his possession, to the United States immigration officer at the first port of arrival in the United States. If the crewman for whom a set of Forms I–95 is prepared has an immigrant or nonimmigrant visa the visa number shall be noted on all copies of the Form I–95 in the box entitled, "Visa or Alien Registration Number". If he is a returning resident alien crewman his alien registration receipt number shall be noted on all copies of the Form I–95 in the box entitled, "Visa or Alien Registration Number".

(d) *Notification of arrivals.* The master of Great Lakes vessels shall immediately notify the officer in charge of the office having administrative jurisdiction over the port of arrival in the United States of every arrival of his vessel at such port except where such arrival is pursuant to a published schedule.

(e) *Designation of international ferries.* The district director of each of the districts of the Service having jurisdiction over ports of entry located on the bodies of water listed in § 251.1 (a) may in his discretion designate a Great Lakes vessel as an international ferry in his district. The district director may revoke the designation of international ferry with respect to vessels so designated by him. The district director shall notify the company or master by letter of such designation and of any revocation thereof. Request for designation as an international ferry shall be made by letter addressed to the district director having administrative jurisdiction over the port or ports at which the vessel is to arrive in the United States. Designation as an international ferry may be granted for such time and under such conditions as the district director deems appropriate.

§ 251.33 *Arrival crew lists for aircraft.* The lists required by section 251 (a) of the Immigration and Nationality Act and § 251.3 shall be submitted on Customs Form 7507 in the space provided for the listing of the crew, shall contain the information indicated on the form and shall be delivered to the immigration officer inspecting the aircraft at the international airport or other place of first landing in the United States. In the case of each alien crewman who arrives in the United States who for any reason does not have a valid immigration Form I–95A issued to him subsequent to December 23, 1952, the persons responsible for the delivery of the alien crew list and as a part thereof shall execute a full set of immigration Forms I–95 and shall deliver them to such crewman for presentation by him, together with any Foreign Service Form 256 or 257 or immigration Form I–132 in his possession, to the United States immigration officer at the international airport or other place of first landing in the United States. If the crewman for whom a set of Forms I–95 is prepared has an immigrant or nonimmigrant visa the visa number shall be noted on all copies of the Form I–95 in the box entitled, "Visa or Alien Registration Number". If he is a returning resident alien crewman his alien registration receipt number shall be noted on all copies of the Form I–95 in the box entitled, "Visa or Alien Registration Number".

§ 251.34 *Arrival crew list for certain aircraft not required.* Aircraft coming directly to the continental United States or Alaska on a trip which originated in Canada or the French islands of St. Pierre or Miquelon shall not be regarded as arriving in the United States from any place outside the United States for the purposes of section 251 (a) of the Immigration and Nationality Act and § 251.3, and the provisions of those sections and of § 251.33 shall not apply to such aircraft. Nothing in this section shall be regarded as exempting any crewman from any of the applicable documentary requirements of the Immigration and Nationality Act or of this chapter.

§ 251.35 *Illegal landing of alien crewman; notice.* The notice required by section 251 (b) of the Immigration and Nationality Act to be furnished regarding any alien crewman who may have landed illegally in the United States from a vessel or aircraft shall be in writing, shall contain the information required by that section of the Immigration and Nationality Act, and shall be delivered promptly by mail or in person to the officer in charge of the port where the illegal landing occurred. The notice shall also contain the alien's name, number of any document issued to him, nationality, description, and any photograph or other available documents which might aid in locating and apprehending such crewman.

§ 251.36 *Listing of change in crew of vessel or aircraft.* The list required by section 251 (c) of the Immigration and Nationality Act shall be submitted on Form I–489. Except with respect to international ferries, if no change in crew occurs, that fact shall be noted on Form I–489. For the purposes of section 251 (c) of the Immigration and Nationality Act and this section, aircraft shall not be regarded as departing from a port in the United States if such aircraft departs from the continental United States or Alaska and is destined directly to Canada or the French Islands of St. Pierre or Miquelon. The persons responsible for the delivery of Form I–489 shall attach to and make a part of the Form I–489 all Forms 257a and I–95A surrendered to the master or commanding officer by departing members of the crew, as provided in § 252.11 of this chapter, after recording thereon the name or identification marks of the vessel or aircraft, respectively, and the date and port of its departure from the United States.

PART 252—LANDING OF ALIEN CREWMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

252.1 Conditional permit to land.
252.2 Arrest and deportation of certain crewmen landed under section 252 (a) (1) of the Immigration and Nationality Act.
252.3 Arrest and deportation of crewmen not within the purview of § 252.2.
252.4 Request for change of period of landing.
252.5 Crewmen seeking admission other than in pursuit of calling.
252.6 Special provisions applicable to Great Lakes crewmen.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

252.11 Forms 257a and I–95A; action upon departure.
252.21 Procedure for arrest and deportation of certain crewmen landed under section 252 (a) (1) of the Immigration and Nationality Act.
252.41 Change in period of landing; procedure by immigration officer.

AUTHORITY: §§ 252.1 to 252.41 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 221, 241, 242, 251, 252, 66 Stat. 166, 191, 204, 208, 219, 220.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 252.1 *Conditional permit to land—(a) Conditions.* An immigration officer in his discretion may grant an alien crewman a conditional permit to land temporarily in the United States whenever such officer determines in accordance with section 252 of the Immigration and Nationality Act and this part that the crewman is eligible for such a permit. Such a permit shall be granted subject to the following conditions:

(1) The crewman agrees that while in the United States he will not pursue any employment or engage in any activity inconsistent with his temporary landing as a crewman or not related to the purpose for which he was permitted to land; and

(2) The crewman agrees to leave the United States within the period for which he was permitted to land; and

(3) If admitted under section 252 (a) (1) of the Immigration and Nationality Act, the crewman agrees to leave the United States and each port of the United States at which permitted to land on board the vessel or aircraft which brought him to the United States.

(b) *Period of time allowed.* The period of time for which an immigration officer may permit the temporary landing of a crewman who is qualified therefor under the provisions of paragraph (a) of this section is the applicable period provided in section 252 (a) (1) or in section 252 (a) (2) of the Immigration and Nationality Act.

(c) *Landing under section 252 (a) (1) of the Immigration and Nationality Act.* If landing is granted under section 252 (a) (1) of the Immigration and Nationality Act, the immigration officer shall appropriately note the crewman's immigration Form I–95 to show the date and port of landing, and the name or identification marks of the vessel or aircraft on which the crewman arrived. Form I–95A shall be placed in the crewman's passport and shall constitute his conditional permit to land. Any Foreign Service Form 257a which bears a valid nonimmigrant visa issued to the alien as a crewman pursuant to section 101 (a) (15) (D) of the Immigration and Nationality Act shall be appropriately noted and returned to the crewman for presentation on subsequent arrivals.

(d) *Landing under section 252 (a) (2).* No alien crewman shall be permitted to land under section 252 (a) (2) of the Immigration and Nationality Act unless he presents a set of forms 257 or, whenever such forms are not required, a set of Forms I–95 prepared by the transportation line on whose vessel or aircraft the crewman came to the United States, as provided in §§ 251.31 and 251.33 of this chapter. If landing is granted under section 252 (a) (2) of the Immigration and Nationality Act, the Form 257a or I–95A, when noted and placed in the crewman's passport, is his conditional permit to land.

§ 252.2 *Arrest and deportation of certain crewmen landed under section 252 (a) (1) of the Immigration and Nationality Act*—(a) *Violation of landing privilege.* An alien permitted to land conditionally as a crewman under section 252 (a) (1) of the Immigration and Nationality Act shall, within the period for which he was permitted to land, be taken into custody by an immigration officer without a warrant of arrest and made the subject of further proceedings under the provisions of section 252 (b) of the Immigration and Nationality Act and § 252.21 if:

(1) It is determined that such alien crewman is not a bona fide crewman; or

(2) Such alien crewman does not intend to depart on the vessel or aircraft which brought him to the United States.

(b) *When not considered a bona fide crewman.* For the purposes of this section, an alien crewman shall be considered not to be a bona fide crewman if:

(1) He violates or fails to fulfill any of the conditions of his admission imposed at the time of his landing; or

(2) He evidences in any way an intention to violate or fail to fulfill any of the conditions of his admission imposed at the time of his landing; or

(3) He engages in any activity inconsistent with the status of a crewman; or

(4) He was not entitled under the Immigration and Nationality Act to land as a crewman at the time of such landing.

(c) *When deemed not to intend to depart.* For the purposes of this section an alien crewman shall be deemed not to intend to depart on the vessel or aircraft which brought him to the United States if:

(1) He evidences orally, by writing, or by conduct an intention not to depart on the vessel or aircraft on which he arrived; or

(2) He is found at such a distance from the port of landing that it is not possible for him to return to the vessel or aircraft prior to its departure from such port; or

(3) By reason of his own conduct it is or will be impossible for him to depart on the vessel or aircraft on which he arrived.

(d) *Other grounds for deportation.* Nothing in this section shall be construed as setting forth the sole grounds on which it may be determined that an alien crewman is not a bona fide alien crewman or that an alien crewman does not intend to depart on the vessel or aircraft which brought him to the United States or to depart on a vessel or aircraft within the period for which he was permitted to land temporarily, or as setting forth the sole grounds of deportation.

§ 252.3 *Arrest and deportation of crewmen not within the purview of § 252.2*—(a) *Violation of status; determination of deportability.* The question of the deportability of an alien crewman not within the purview of § 252.2 who is believed to be subject to deportation shall be determined in accordance with the procedure set forth in section 242 of the Immigration and Nationality Act and Part 242 of this chapter. Such an alien crewman shall, within the meaning of section 241 (a) (9) of the Immigration and Nationality Act, be deemed to have failed to maintain his nonimmigrant status under sections 101 (a) (15) (D) and 252 of the Immigration and Nationality Act and under this part if:

(1) It is determined that he is not a bona fide crewman; or

(2) He does not intend to depart on a vessel or aircraft within the period for which he was permitted to land.

(b) *When not considered bona fide.* For the purposes of this section, an alien crewman shall be considered not to be a bona fide crewman under any of the circumstances listed and described in § 252.2 (b).

(c) *When deemed not to intend to depart.* For the purposes of this section, an alien crewman shall be deemed not to intend to depart on a vessel or aircraft within the period for which he was permitted to land temporarily if:

(1) He evidences orally, by writing, or by conduct an intention not to depart on a vessel or aircraft within the period of time for which he was permitted to land temporarily; or

(2) By reason of his own conduct it is or will be impossible for him to depart on a vessel or aircraft within the period for which he was permitted to land; or

(3) He remains in the United States after the expiration of the time for which he was permitted to land.

(d) *Other grounds for deportation.* Nothing in this section shall be construed as setting forth the sole grounds on which it may be determined that an alien crewman is not a bona fide alien crewman, or that an alien crewman does not intend to depart on the vessel or aircraft which brought him to the United States or to depart on a vessel or aircraft within the period for which he was permitted to land temporarily, or as setting forth the sole grounds of deportation.

§ 252.4 *Request for change of period of landing.* An alien crewman permitted to land for the period set forth in section 252 (a) (1) of the Immigration and Nationality Act who is maintaining his status but who desires to depart as a member of the crew of a vessel or aircraft other than the one on which he arrived, may, within the period for which permitted to land, apply in person to an immigration officer to have his landing changed to that authorized under section 252 (a) (2) of the Immigration and Nationality Act.

§ 252.5 *Crewmen seeking admission other than in pursuit of calling.* An alien crewman applying for admission to the United States in a status other than that described in section 101 (a) (15) (D) of the Immigration and Nationality Act shall be required to comply with all of the provisions of the immigration laws to the same extent as though he were a passenger. Nothing in this section shall be deemed to exempt the transportation line on whose vessel or aircraft such alien crewman arrived in the United States from any of the responsibilities or liabilities imposed upon it by the immigration laws with respect to alien crewmen.

§ 252.6 *Special provisions applicable to Great Lakes crewmen*—(a) *Definitions.* The definitions of the terms contained in § 251.1 of this chapter shall apply to this section.

(b) *Applicability of this part.* The provisions of § § 252.1 (c), (d), 252.2, 252.4, 252.11, 252.21 and 252.41 shall not be applicable to a Great Lakes crewman who applies for admission or has been admitted to the United States as such under section 252 of the Immigration and Nationality Act.

(c) *Crew inspections; first trip of vessel of year or season*—(1) *By whom conducted.* A full time immigration officer shall conduct the immigration examination of the crew of every Great Lakes vessel on the occasion of its first arrival each year or season in the United States. Such immigration officer shall undertake insofar as time permits to issue an immigration Form I–186 to each Great Lakes crewman whom he finds eligible to land in the United States under the provisions of section 252 of the Immigration and Nationality Act and who does not already hold such form. The Form I–186 shall be issued in accordance with the provisions of § 212.11 of this chapter and may be used for the ordinary border crossing purposes described in that section. If a Great Lakes crewman is found eligible to land as such on the first arrival of his vessel after the opening of the year or season and if he does not have or has not been issued a Form I–186 but is in possession of a valid unexpired British or Canadian passport, the following notation shall be placed in his passport by the examining immigration officer:

Found eligible to land as a Great Lakes crewman.

To this notation the immigration officer shall add his signature and title and the date and place where the notation was made. Immigration officers (excepted) shall not place such notations in passports or issue Forms I–186.

(2) *Extent of immigration examination.* Great Lakes crewmen shall be examined in accordance with the provisions of the immigration laws applicable to crewmen generally upon their vessels' first arrival of the year or season.

(3) *Medical examination.* At the time of the immigration examination of the crew of a Great Lakes vessel arriving for the first time during a year or season, the medical examination required by the Immigration and Nationality Act shall be given every Great Lakes crewman in the crew. The immigration officer shall not issue a Form I–186, make any notation on the crewman's passport, or permit the crewman to land until and unless he has been medically examined and passed. The medical officer shall place on the Form I–186 or the passport, if no Form I–186 has been issued, an appropriate dated notation stating that the alien has been medically examined and passed, if that is the case.

(d) *Crew inspection; subsequent arrival of vessel during year or season*—(1) *By whom conducted.* Whenever an international ferry operating year-round makes its second or later arrival after January 1 each year, or whenever any other Great Lakes vessel operating seasonally makes its second or later arrival after the season's opening, the examination of the crew shall be conducted by a full-time immigration officer if one can conveniently be assigned; otherwise the examination of the crew shall be conducted by an immigration officer (excepted). An immigration officer (excepted) shall have authority only to permit a Great Lakes crewman to land for the period set forth in section 252 of the Immigration and Nationality Act, if the crewman presents a valid Form I–186 or a valid passport bearing the notation prescribed in paragraph (c) of this section dated within the current year or season and then only if he has no reason to believe that such crewman is inadmissible to the United States. A Great Lakes crewman making his first arrival of the year or season in the United States aboard a Great Lakes vessel which is making its second or later arrival shall not be permitted to land until he is examined by a full-time immigration officer. The provisions of paragraph (c) shall be applicable to such a crewman.

(2) *Extent of subsequent immigration examination.* A Great Lakes crewman shall be examined as provided in the Immigration and Nationality Act and paragraph (c) of this section each time he arrives from Canada, except that in the case of international ferries the crew examination after the initial trip of the year or season shall consist only of whatever inquiry is necessary to determine that there has been no unreported change in crew and that all members of the crew have been properly documented for landing. A Great Lakes crewman shall meet whatever documentary requirements apply to his case each time he applies for permission to land in the United States.

(3) *Medical examination.* A Great Lakes crewman who has been given a medical examination during the navigation season, or during the calendar year if employed on an international ferry operating year-round, and whose documents bear the medical notation, shall not be subject to medical reexamination during the same year or season unless the examining immigration officer believes that such reexamination might disclose grounds for exclusion. Whenever an arriving Great Lakes crewman presents a Form I–186 lacking the medical notation, or a passport bearing an immigration but not a medical notation, the crewman shall be examined by a medical officer in accordance with paragraph (c) (3) of this section. If any medical examination or reexamination results in certification which renders the alien inadmissible, the medical officer shall invalidate any favorable medical endorsement recorded on the Form I–186 or the passport. If such medical examination or reexamination fails to disclose a ground of inadmissibility, the medical officer shall place on Form I–186 or passport the notation prescribed by paragraph (c) (3) of this section.

(4) *Revocation of Form I–186 or passport endorsement.* If a Great Lakes crewman holding a Form I–186 or a passport bearing a current notation made in accordance with paragraph (c) (1) of this section is found to be inadmissible to the United States, an immigration officer shall take up the Form I–186 or invalidate the passport notation.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 252.11 *Forms 257a and I–95A; action upon departure.* (a) An alien crewman who has been issued a conditional permit to land in the United States under the provisions of section 252 (a) (1) of the Immigration and Nationality Act on Form I–95A and who departs in accordance with the terms of his admission shall not be required to surrender such form to the master or commanding officer of the vessel or aircraft on which he departs and such forms shall, provided the crewman is found otherwise admissible under the immigration laws, constitute his conditional permit to land upon subsequent arrivals at the same port and upon the same vessel or, in the case of an aircraft upon the same or another aircraft of the same line, during the period of the validity of his conditional permit to land, not to exceed the period of validity of his visa. If such a crewman for any reason fails to depart in accordance with the terms of his admission he shall surrender the Form I–95A to the master or commanding officer of the vessel or aircraft upon which he departs who shall cause such form to be attached to Form I–489, if the alien departs as a crewman, or to Form I–434 or I–466, if the alien departs as a passenger.

(b) An alien crewman issued a permit to land under section 252 (a) (2) of the Immigration and Nationality Act shall surrender such document to the master or commanding officer of the vessel or aircraft on which he departs, who shall cause it to be attached to Form I–489, if the alien departs as a crewman, or to Form I–434 or I–466, if the alien departs as a passenger. Such alien shall not be required to surrender any Foreign Service Form 257a in his possession which bears a valid nonimmigrant visa issued to him as a crewman pursuant to section 101 (a) (15) (D) of the Immigration and Nationality Act.

§ 252.21 *Procedure for arrest and deportation of certain crewmen landed under section 252 (a) (1) of the Immigration and Nationality Act.* If, after investigation, an immigration officer determines that under § 252.2 (a) an alien crewman should be arrested and deported, he shall, if the alien is not confined in a penal or mental institution, and without obtaining a warrant of arrest, take such alien into custody and shall then and there fully advise him of the cause of his apprehension. If the alien is confined in a penal or mental institution he shall not be taken into physical custody until released from confinement, whether on parole or otherwise, but in such case the institution shall be advised of the interest of the Service in the case so that the Service may be informed prior to any release of the alien. Immediately upon taking the alien into custody the immigration officer shall satisfy himself as to (a) the identity, (b) alienage, and (c) deportability of the alien as a member of any of the classes enumerated in § 252.2 (a). If the immigration officer determines that the person apprehended is an alien crewman within one of the classes enumerated in § 252.2 (a), he shall revoke the crewman's conditional permit to land by writing thereon the word "Revoked" and the date of revocation, and, if the conditional permit to land is a Form 257a or Form I–95A, such form shall be taken up by such officer. If prosecution under section 252 (c) of the Immigration and Nationality Act is not contemplated, the alien crewman shall be returned immediately to the vessel or aircraft on which he came to the United States and deported thereon. If prosecution is contemplated, or, if the crewman is confined in a penal or mental institution, the crewman shall not be so returned for deportation until after trial, imprisonment (if sentenced thereto), or until release from the penal or mental institution, respectively. If it is not practicable to deport a crewman on the vessel or aircraft on which he came to the United States, he shall be deported on another vessel or aircraft of the same transportation line. If that is

not practicable, the crewman shall be deported in any other manner at the expense of the transportation line which brought him to the United States. A notice to detain and deport on Form I–259 shall be served on the master or commanding officer of the vessel or aircraft on which the alien crewman is to be deported. The procedure prescribed by section 242 of the Immigration and Nationality Act and Part 242 of this chapter shall not apply to an alien crewman who is within the purview of § 252.2. No appeal by an alien crewman shall lie from the revocation of his conditional permit to land and his deportation under this part.

§ 252.41 *Change in period of landing; procedure by immigration officer.* If the immigration officer to whom an alien crewman applies for change of his landing is satisfied that the alien will depart as a member of the crew of a vessel or aircraft other than the one on which he arrived, he may, in his discretion, grant him to remain in the United States for such period as the immigration officer shall determine, not to exceed twenty-nine days from the date of the crewman's arrival in the United States. The immigration officer shall endorse the Form I–95A issued to the crewman as his conditional permit to land at the time of arrival to show the date to which the crewman has been granted permission to land, sign his name thereto, and return the form to the crewman as his conditional permit to land.

PART 252a—SEAMEN OR AIRMEN: SPECIAL CLASSES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
- 252a.1 Seamen or airmen returned by American consuls.
- 252a.2 Shipwrecked or castaway seamen or airmen.
- 252a.3 Aliens returned pursuant to terms of contract of voyage.
- 252a.4 Disabled crewmen; condition for passing in transit.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

- 252a.11 Seamen or airmen returned by American consuls.
- 252a.21 Shipwrecked or castaway seamen or airmen.
- 252a.31 Aliens returned pursuant to terms of contract of voyage.

AUTHORITY: §§ 252a.1 to 252a.31 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 212, 251, 252, 255, 66 Stat. 166, 182, 219, 220, 222.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 252a.1 *Seamen or airmen returned by American consuls.* Whenever a vessel or aircraft arrives in the United States from any place outside the United States having on board an alien seaman or airman returned by a United States consular official in accordance with the navigation laws and American consular regulations, the master, commanding officer, purser, or other responsible officer of the vessel or aircraft, or such alien, shall present to the examining immigration officer documentary or other satisfactory evidence indicating that such alien is being returned under such laws and regulations. Such alien shall be subject to the provisions of § 252a.11.

§ 252a.2 *Shipwrecked or castaway seamen or airmen.* A shipwrecked or castaway alien seaman or airman who is rescued by or transferred at sea to a vessel or aircraft destined directly for the United States, and who is brought to the United States on such vessel or aircraft shall be subject to the provisions of § 252a.21.

§ 252a.3 *Aliens returned pursuant to terms of contract of voyage.* An alien seaman or airman who was a member of the crew of an American vessel or aircraft which has been sold or delivered abroad, who returns to the United States in accordance with the terms of the contract of employment of the outbound voyage or under the laws of the United States, shall be subject to the provisions of § 252a.31.

§ 252a.4 *Disabled crewmen; condition for passing in transit.* A disabled alien crewman, who does not intend to relinquish his calling, but whom the master or commanding officer of the vessel or aircraft is obliged, under the laws of the country under which the vessel or aircraft is registered, licensed, documented, or enrolled, to return to the country where he embarked, may, under such terms and conditions as the district director or the officer in charge having administrative jurisdiction over the port of arrival deems necessary (including the depositing by the master or commanding officer of a satisfactory bond or other undertaking guaranteeing the departure of such crewman, if deemed appropriate by such district director or officer in charge) be paroled into the United States solely to pass through the United States in transit to the country where such alien crewman embarked by the most expeditious and direct route. Whenever such an alien is afflicted with any of the disabilities or diseases specified in section 255 of the Immigration and Nationality Act or in such physical or mental condition as to make him a person likely to become a public charge, such alien may not be paroled into the United States until the master or commanding officer has made arrangements for the alien's proper care while in transit and has furnished a sum of money sufficient to defray the expenses of such care.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 252a.11 *Seamen or airmen returned by American consuls*—(a) *Admission.* The case of an alien returned to the United States by a United States consular official who arrives as a member of a crew, shall be disposed of in the same manner as that of any other arriving alien crewman, except as provided in paragraphs (b) and (c) of this section. An alien so returned whose occupational status as a seaman or airman is found by the examining immigration officer to be bona fide, and who seeks to enter the United States solely in pursuit of his calling as a seaman or airman but who arrives other than a member of a crew, may be admitted, if found to be otherwise admissible, as a nonimmigrant visitor for business for a period not to exceed 29 days and under the conditions enumerated in § 252.1 (a) (2) and (3) of this chapter. An alien so returned who applies for admission other than in pursuit of his calling as a seaman or airman shall comply with all of the provisions of the Immigration and Nationality Act applicable to passengers generally.

(b) *Procedure when seaman or airman is afflicted.* Whenever any such returned alien, regardless of the manner of his arrival, is found to be afflicted with any of the disabilities or diseases specified in section 255 of the Immigration and Nationality Act, the master, commanding officer, or other responsible officer, shall deliver the alien to authorities of the United States Public Health Service for medical treatment in a Marine hospital at the expense of the appropriation for the maintenance of such hospitals. The immigration examination of any such hospitalized alien shall be deferred until his discharge from the hospital at which time his admissibility to the United States shall be determined in accordance with the provisions of paragraph (a) of this section.

(c) *Carriers' exemption from liability; immigration appropriation not available for hospital treatment.* Vessels and aircraft transporting an alien returned to the United States by a United States consular official shall be exempt from the payment of hospital and maintenance expenses and liability for the penalties prescribed by the immigration laws with respect to such returned alien, if the transportation line furnishes satisfactory proof that the alien was accepted on board and transported at the request of a United States consular official. Under no circumstances shall hospital bills incurred on account of such a returned alien be paid from the appropriation for the enforcement of the immigration laws. Maintenance expenses incurred pending final determination of the status of such alien may be paid from said appropriation.

§ 252a.21 *Shipwrecked or castaway seamen or airmen*—(a) *Admission.* An alien whose occupational status as a seaman or airman is found by the examining immigration officer to be bona fide, who is brought to the United States under the circumstances described in § 252a.2, and who arrives as a member of the crew, shall be examined in the same manner as any other arriving crewman. An alien so brought to the United States whose occupational status as a seaman or airman is found by the examining immigration officer to be bona fide, who seeks to enter the United States solely in pursuit of his calling as a seaman or airman, but who arrives other than as a member of the crew, may be admitted, if found to be otherwise admissible, as a nonimmigrant visitor for business for a period not to exceed 29 days and under the conditions enumerated in § 252.1 (a) (2) and (3) of this chapter. An alien so brought who applies for admission other than in pursuit of his calling as a seaman or airman, shall be required to comply with all of

the provisions of the Immigration and Nationality Act applicable to passengers generally.

(b) *Payment of expenses.* If expenses are incurred in connection with the detention and deportation of a seaman or airman described in § 252a.2, such expenses shall be collected from the appropriate foreign consul or from the owners, agents, or consignees, of the wrecked vessel or aircraft, if practicable, otherwise such expenses shall be paid from the appropriation for the enforcement of the immigration laws.

(c) *Procedure when seaman or airman is afflicted.* Whenever an alien seaman or airman brought to the United States under the circumstances described in § 252a.2, regardless of the manner of his arrival, is found to be afflicted with any of the disabilities or diseases specified in section 255 of the Immigration and Nationality Act, and is found to be entitled to treatment in a Marine hospital at the expense of the appropriation for the maintenance of such hospitals, the master, commanding officer, or other responsible officer shall deliver the alien to authorities of the United States Public Health Service for medical treatment in a Marine hospital at the expense of the appropriation for the maintenance of such hospitals. Any such afflicted alien who is found not to be entitled to treatment at such expense may be given treatment at the expense of the wrecked vessel or aircraft if the appropriate foreign consul or other responsible person satisfactorily guarantees payment of the expense thereof to the satisfaction of the district director or the officer in charge having administrative jurisdiction over the port of arrival, otherwise, the alien may be hospitalized at the expense of the appropriation for the enforcement of the immigration laws only if his condition is such as to require emergency treatment. The immigration examination of any such hospitalized alien shall be deferred until his discharge from the hospital at which time his admissibility to the United States shall be determined in accordance with the provisions of paragraph (a) of this section.

§ 252a.31 *Aliens returned pursuant to terms of contract of voyage*—(a) *Admission.* An alien seaman or airman, who returns to the United States as a member of the crew of a vessel or aircraft under the circumstances described in § 252a.3, shall be treated in the same manner as any other arriving alien crewman. Such an alien seaman or airman who returns other than as a member of the crew of a vessel or aircraft whose occupational status as a seaman or airman is found to be bona fide by the examining immigration officer, and who seeks to enter the United States solely in pursuit of his calling as a seaman or airman, may be admitted, if found to be otherwise admissible, as a nonimmigrant visitor for business for a period not to exceed 29 days and under the conditions enumerated in § 252.1 (a) (2) and (3) of this chapter. Any such alien who applies for admission other than in pursuit of his calling as a seaman or airman shall comply with all of the provisions of the Immigration and Nationality Act applicable to passengers generally.

(b) *Procedure when seaman or airman is afflicted.* Whenever an alien seaman or airman returns to the United States under the circumstances described in § 252a.3, regardless of the manner of his arrival, and is found to be afflicted with any of the disabilities or diseases specified in section 255 of the Immigration and Nationality Act and such alien seaman or airman is found to be entitled to treatment in a Marine hospital at the expense of the appropriation for the maintenance of such hospitals, the master, commanding officer, or other responsible officer shall deliver such alien to authorities of the United States Public Health Service for medical treatment in a Marine hospital at the expense of the appropriation for the maintenance of such hospitals. Any such afflicted alien who is found not to be entitled to treatment at such expense may be given hospital treatment if the payment of the expenses thereof are guaranteed to the satisfaction of the district director or the officer in charge having administrative jurisdiction over the port of arrival. The immigration examination of any such hospitalized alien shall be deferred until his discharge from the hospital at which time his admissibility to the United States shall be determined in accordance with the provisions of paragraph (a) of this section.

PART 253—HOSPITAL TREATMENT OF AFFLICTED CREWMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
- 253.1 Afflicted crewmen.
- 253.2 Crewmen suspected of being afflicted.
- 253.3 Clearance withheld; procedure.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

- 253.11 Notice to remove.
- 253.12 Afflicted crewmen; procedure.
- 253.21 Crewmen suspected of being afflicted; procedure.

AUTHORITY: §§ 253.1 to 253.21 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 252, 253, 254, 255, 66 Stat. 220, 221, 222.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 253.1 *Afflicted crewmen.* An alien crewman afflicted with any of the disabilities or diseases enumerated in section 255 of the Immigration and Nationality Act and in whose case a cure reasonably can be expected within 30 days, shall be ordered by the examining immigration officer immediately removed for hospital treatment to a designated hospital at the expense of the persons enumerated in section 253 of the Immigration and Nationality Act: *Provided*, That in the event appropriate facilities for treatment are not available, removal from the vessel or, in the case of an aircraft, from the specified place of detention, shall not be ordered (except in emergent cases so certified by a Public Health Surgeon) and the district director or the officer in charge having administrative jurisdiction of the port of arrival shall notify the district director or the officer in charge having administrative jurisdiction of first port of call possessing such facilities (if the vessel or aircraft is proceeding to other ports of call in the United States) of the presence of said alien on such vessel or aircraft. The latter officer shall proceed in the manner hereinbefore provided upon the arrival of the vessel or aircraft at such port of call to have the alien removed for hospital treatment. If the vessel or aircraft having such afflicted alien on board arrives at a port at which there are no proper facilities for hospitalization, if no arrangements elsewhere therefor are practicable and the vessel or aircraft is not proceeding to another port of call in the United States possessing such facilities or is proceeding directly to a foreign port, or if the disability or disease is one in which a cure cannot reasonably be expected within 30 days, an order to deport shall be served as provided in Part 254 of this chapter.

§ 253.2 *Crewmen suspected of being afflicted.* An alien crewman suspected of being afflicted with any of the disabilities or diseases mentioned in section 255 of the Immigration and Nationality Act shall be ordered by the examining immigration officer immediately removed for observation to an immigration station or other appropriate place at the expense of the persons enumerated in section 253 of the Immigration and Nationality Act: *Provided*, That in the event appropriate facilities for observation are not available, removal from the vessel or, in the case of an aircraft, from the specified place of detention, shall not be ordered (except in emergent cases so certified by a Public Health Surgeon) and the district director or the officer in charge having administrative jurisdiction of the port of arrival shall notify the district director or the officer in charge having administrative jurisdiction of first port of call possessing such facilities (if the vessel or aircraft is proceeding to other ports of call in the United States) of the presence on said vessel or aircraft of said alien. The latter officer shall proceed in the manner hereinbefore provided upon the arrival of the vessel or aircraft at such port of call to have the alien removed for observation. If the vessel or aircraft having such alien suspected of being afflicted on board arrives at a port at which there are no proper facilities for observation, if no arrangements elsewhere therefor are practicable and the vessel or aircraft is not proceeding to another port in the United States possessing such facilities or is proceeding directly to a foreign port, an order to deport shall be served as provided in Part 254 of this chapter.

§ 253.3 *Clearance withheld; procedure.* The guaranty of payment of expenses provided for in section 253 of the Immigration and Nationality Act may be accepted by the district director or officer in charge having administrative jurisdiction of the port, if submitted by guarantors satisfactory to him, and shall be submitted on Form I–510. In the event the persons named in section 253 of the Immigration and Nationality Act fail to pay such expenses or fail to furnish such guaranty, such officer shall immediately request the collector of customs to withhold clearance of the vessel or aircraft. Such request, if made informally, shall be confirmed promptly in writing.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 253.11 *Notice to remove.* In any case in which an immigration officer in his discretion determines that an alien crewman shall be removed from the vessel or aircraft on which he arrived for hospital treatment or observation as provided in section 253 of the Immigration and Nationality Act and this part, such officer shall serve or cause to be served on any of the persons enumerated in section 253 of the Immigration and Nationality Act a notice to remove on Form I–259. Such notice shall specify the date when, and the place to which, the alien crewman shall be removed, and the reason for such removal.

§ 253.12 *Afflicted crewmen; procedure.* Prior to the expiration of 30 days from date of hospitalization (or at any time thereafter if the crewman's hospitalization is continued at the request of any of the persons enumerated in section 253 of the Immigration and Nationality Act), the appropriate surgeon of the Public Health Service shall submit to the district director or the officer in charge having administrative jurisdiction over the place where the hospital is located a certification indicating whether or not the alien is cured, or if not cured, whether or not his mental and physical condition is such that he may resume his calling without danger to himself and others. If the alien is cured or if he may resume his calling as aforesaid, the district director or the officer in charge shall cause the alien to be discharged from the hospital, following which his admissibility shall be determined and his case disposed of in the same manner as that of arriving alien crewmen generally, as provided in section 252 of the Immigration and Nationality Act and Part 252 of this chapter. If the certification indicates that the alien is not cured and that his mental and physical condition is such that he cannot resume his calling without danger to himself or others, the district director or officer in charge shall cause the alien to be discharged from the hospital, if the alien's condition permits, and shall return the alien crewman to the vessel or aircraft on which he arrived: *Provided*, That said vessel or aircraft is promptly going to a foreign port and a certificate is issued by the Public Health surgeon that the alien can be placed on board and removed from the United States thereon without danger to his life. If for any reason it is impossible or impracticable to return the crewman to a foreign port on board such vessel or aircraft, then he shall be returned on board another vessel or aircraft of the same transportation line destined for a foreign port and which carries a ship's surgeon, or if that is impracticable, then such alien shall be returned as a passenger on any passenger vessel or aircraft carrying a ship's surgeon: *Provided*, That in every case in which such a crewman is returned, the transportation line on which he came shall furnish a guaranty satisfactory to such district director or officer in charge that the crewman will receive proper medical treatment and be segregated from members of the crew and passengers, and that every precaution will be employed to prevent the spread of contagion during the voyage and, if removal is effected by the vessel or aircraft which brought the alien, or by one of the same line, that the alien will not be returned to the United States by the vessel or aircraft on which he departs or on another one of the same line, unless and until he is cured: *Provided further*, That, if the vessel or aircraft on which an afflicted crewman arrived is not going to a foreign port at the time of the crewman's discharge from the hospital, said afflicted crewman may be permitted, upon written request of any of the persons named in section 253 of the Immigration and Nationality Act or other acceptable guarantor, and the promise of such persons to assume all expenses involved, to remain in the hospital until such vessel or aircraft departs for a foreign port.

§ 253.21 *Crewman suspected of being afflicted; procedure.* The case of an alien crewman removed for observation as provided in §§ 253.2 and 253.11 who, after such observation, is found to be afflicted with any of the disabilities or diseases enumerated in section 255 of the Immigration and Nationality Act, shall be disposed of in accordance with the provisions of §§ 253.1 and 253.12. The admissibility of an alien crewman removed for observation as provided in §§ 253.2 and 253.11 who, after such observation, is found not to be afflicted with any of the disabilities or diseases enumerated in section 255 of the Immigration and Nationality Act, shall be determined and his case disposed of in the same manner as that of arriving alien crewman generally, as provided in section 252 of the Immigration and Nationality Act and Part 252 of this chapter.

PART 254—CONTROL OF ALIEN CREWMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
254.1 Deportation of alien crewman.
254.2 Order to deport alien crewman.
254.3 Detained crewman; when removal permitted.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

254.21 Order to deport alien crewman; form.

AUTHORITY. §§ 254.1 to 254.21 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 212, 253, 66 Stat. 166, 182, 221.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 254.1 *Deportation of alien crewman.* Subject to the limitations hereinafter provided in this part, the district director having administrative jurisdiction over the place where the case is pending shall exercise the authority contained in section 254 (a) of the Immigration and Nationality Act to select the port from which and the vessel or aircraft on which an alien crewman's deportation is to be effected.

§ 254.2 *Order to deport alien crewman.* Whenever an immigration officer finds upon examination that an alien applying for temporary landing as a crewman (a) is not a nonimmigrant under paragraph (15) (D) of section 101 (a) of the Immigration and Nationality Act, or (b) is excludable under any of the provisions of section 212 (a) of the Immigration and Nationality Act, or (c) does not agree to accept a conditional permit to land, or (d) in the discretion of the immigration officer, should not be granted a conditional permit to land, or (e) is not permitted to land temporarily under section 212 (d) (5) or section 253 of the Immigration and Nationality Act the immigration officer shall order the owner, agent, consignee, charterer, master, or commanding officer of the vessel or aircraft on which such alien arrived to deport him in the manner provided by law.

§ 254.3 *Detained crewman; when removal permitted*—(a) *Vessels.* An alien crewman, employed on a vessel, who is required to be detained or who is ordered deported, shall not be removed to an immigration station or other place for safekeeping at the request of the transportation line except in case of emergency as determined by the district director or officer in charge having administrative jurisdiction over the place in the United States where the vessel is then located, and in such case, only when the owner, agent, consignee, charterer, master, or commanding officer, of the vessel involved shall give guarantee satisfactory to such district director or officer in charge that all costs of such removal, including maintenance charges, and damage done by such crewman to the place to which he is removed, including damage to equipment, shall be paid by such owner, agent, consignee, charterer, master, or commanding officer.

(b) *Aircraft.* An alien crewman, employed on an aircraft, who is required to be detained or who is ordered deported shall be detained at the expense of the airline at a place specified by the district director or the officer in charge having administrative jurisdiction over the place in the United States where the aircraft is then located.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 254.21 *Order to deport alien crewman; form.* The order to deport provided for by section 254 (a) of the Immigration and Nationality Act shall be on Form I–259. The order shall be addressed to any or all of the following persons named in section 254 (a) of the Immigration and Nationality Act: owner, agent, consignee, charterer, master, or commanding officer of the vessel or aircraft on which the crewman arrived. The order shall be served by mail or by personal service upon each of the persons to whom it is addressed or upon such other person as may be authorized to receive it. Every person upon whom the order is served shall be charged with the duty of deporting the alien or aliens named thereon. The names of more than one alien crewman may be included on the same order to deport. An order to deport shall not be issued in the case of an alien crewman who has been permitted by the Service to leave the vessel or aircraft until such alien crewman is returned to such vessel or aircraft or is offered for deportation by the Service to the person or persons to whom the order is addressed.

PART 256—PAY OFF OR DISCHARGE OF ALIEN CREWMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
256.1 Consent to pay off or discharge alien crewmen.
256.2 Consent to pay off or discharge alien crewmen admitted under section 252 (a) (1) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 256.1 and 256.2 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 252, 256; 66 Stat. 220, 223.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 256.1 *Consent to pay off or discharge alien crewmen.* Except in the case of an alien crewman granted a conditional permit to land under section 252 (a) (1) of the Immigration and Nationality Act, the notation by an immigration officer on an alien crewman's Form 257 or Form I–95 evidencing his admission as a nonimmigrant, shall constitute the consent to pay off or discharge such alien crewman required under section 256 of the Immigration and Nationality Act.

§ 256.2 *Consent to pay off or discharge alien crewman admitted under section 252 (a) (1) of the Immigration and Nationality Act.* An alien crewman landed temporarily under section 252 (a) (1) of the Immigration and Nationality Act shall not be paid off until consent to do so has first been obtained from the district director or officer in charge having administrative jurisdiction over the place where the vessel or aircraft is then located. Request for such consent shall be made by letter and the consent, if granted, shall be in writing addressed to the person making the request. An alien crewman landed under section 252 (a) (1) of the Immigration and Nationality Act shall not be discharged from the vessel or aircraft unless such alien's landing is subsequently changed under § 252.4 of this chapter to that authorized under section 252 (a) (2) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 262—REGISTRATION OF ALIENS IN THE UNITED STATES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
262.1 Scope.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 262.1 *Scope.* Persons otherwise subject to the provisions of chapter 7 of the Immigration and Nationality Act and parts 262 to 265, inclusive, of this chapter shall not be exempt from any of those provisions solely for the reason that they were admitted to the United States as:

(a) Alien members of the armed forces of the United States as provided in section 284 of the Immigration and Nationality Act; or

(b) American Indians born in Canada as provided in section 289 of the Immigration and Nationality Act; or

(c) Aliens lawfully admitted for permanent residence who reside in foreign contiguous territory and who, while continuing such residence, enter the United States to engage in any existing employment or to seek employment in this country.

(Sec. 103, 66 Stat. 173. Interpret or apply secs. 261–265, 284, 289, 66 Stat. 223–225, 232, 234)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 263—REGISTRATION OF ALIENS IN THE UNITED STATES: PROVISIONS GOVERNING SPECIAL GROUPS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
263.1 Foreign government officials, representatives to international organizations and similar classes.
263.2 Canadian citizen visitors.
263.3 Aliens confined in institutions within the United States.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 263.1 to 263.3 issued under sec. 103, 66 Stat. 173. Interpret or apply 54 Stat. 673 secs. 211, 221, 262, 263, 66 Stat. 181, 191, 224; 8 U. S. C. 451.

SUBPART A—SUSTANTIVE PROVISIONS

§ 263.1 *Foreign government officials, representatives to international organizations and similar classes*—(a) *Registration not required.* Any alien in the United States on the effective date of the Immigration and Nationality Act shall not be required to register under section 262 of the Immigration and Nationality Act if (1) on that date he was exempt from the requirements of the Alien Registration Act, 1940 under the regulations promulgated under that act (12 F. R. 5130), and (2) he were now outside the United States applying for a visa in the status and classification he presently is maintaining in the United States, he would be exempt from the registration requirements of section 262 of the Immigration and Nationality Act under the regulations promulgated by the Department of State in accordance with the authority contained in section 221 (b) of the Immigration and Nationality Act.

(b) *Registration required.* Any person exempt from the registration requirements of section 262 of the Immigration and Nationality Act who remains in the United States for 30 days or longer after having ceased to be within the classification which entitled him to the exemption, shall apply for registration in accordance with the provisions of the Immigration and Nationality Act before the expiration of 30 days following the date when he ceased to be entitled to such classification.

§ 263.2 *Canadian citizen visitors.* The duty imposed on aliens in the United States by section 262 of the Immigration and Nationality Act to apply for registration shall not be applicable to Canadian citizens admitted to the United States under the provisions of § 212.3 (b) of this chapter who depart from the United States within 6 months of admission. If his stay in the United States is to exceed 6 months, an application for registration in accordance with the provisions of section 262 of the Immigration and Nationality Act shall be made prior to the expiration of the 6 months period.

§ 263.3 *Aliens confined in institutions within the United States*—(a) *Detained by reason of deportation proceedings.* No alien detained pending the conclusion of deportation proceedings need be registered under section 262 of the Immigration and Nationality Act otherwise than by means of the fingerprints taken and the record made in such deportation proceeding and need not be issued an alien registration receipt card, so long as he continues in custody or is deported or departs from the United States immediately upon release from such custody.

(b) *Aliens confined in penal or other institutions or who are incapacitated.* The district director in his discretion shall make such special arrangements as he deems necessary for the registration of aliens confined in institutions within his district.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 264—REGISTRATION OF ALIENS IN THE UNITED STATES: FORMS AND PROCEDURE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
264.1 Alien registration receipt card.
264.2 Registration officers.
264.3 Place of registration.
264.4 Registration records confidential.
264.5 Replacement of alien registration receipt cards; aliens lawfully admitted for permanent residence.
264.6 Reregistration; aliens other than those lawfully admitted for permanent residence whose alien registration receipt cards have been lost, mutilated or destroyed.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

264.11 Form of registration.
264.12 Manner of registration.
264.51 Replacement of alien registration receipt cards; procedure.

AUTHORITY: §§ 264.1 to 264.51 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 30, 54 Stat. 673, secs. 221, 261–265, 66 Stat. 191, 223–225.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 264.1 *Alien registration receipt card*—(a) *Receipt cards or other evidence of alien registration issued prior to the effective date of the Immigration and Nationality Act.* Every receipt card, certificate, or other document or paper which was issued to any registered alien prior to the effective date of the Immigration and Nationality Act and which, under any regulation in effect immediately prior to the effective date of the Immigration and Nationality Act was or constituted evidence of alien registration under any of the provisions of Title III of the Alien Registration Act, 1940, is hereby declared to be issued and is hereby issued as an alien registration

receipt card pursuant to section 264 (d) of the Immigration and Nationality Act with the same force and effect as though issued on or after the effective date of the Immigration and Nationality Act. Such evidence of alien registration includes:

Form AR 103: "Alien Registration Receipt Card."
Form AR-3: "Alien Registration Receipt Card."
Form I-151: "Alien Registration Receipt Card."
Form AR-103 S: "Alien Registration Receipt Card" (Seamen Form).
Form I-151 (Rev. 1-3-50): (Certifying to Alien Registration.)
Foreign Service Form 257A: Showing Alien Registration.
Form I-94: (Noted to show alien registration.)
Form I-100a: Alien Laborer's Permit and Identification Card.

(b) *Aliens registered prior to effective date of the Immigration and Nationality Act who have not received evidence of registration.* Except as otherwise provided in this part, any alien in the United States who was registered under Title III of the Alien Registration Act, 1940, who for any reason has not been issued an alien registration receipt card or in whose case such card remains undelivered, shall be furnished with an alien registration receipt card on the appropriate form prescribed in this part as soon as practicable. If the identity of any such alien or the mailing address is unknown, such action shall be initiated upon the receipt of that information from any source.

(c) *Forms constituting alien registration receipt cards under the Immigration and Nationality Act.* In addition to any form specifically stated elsewhere in this chapter to be an alien registration receipt card issued pursuant to section 264 (d) of the Immigration and Nationality Act, the forms listed in this subsection shall, under the conditions specified, also constitute alien registration receipt cards.

(1) *Form I-151.* When an alien with an unexpired immigrant visa is lawfully admitted to the United States as an immigrant for permanent residence he shall be issued Form I-151 as an alien registration receipt card and as evidence of such immigration status. Any alien who in any manner becomes a lawful permanent resident of the United States and who is registered in the United States also shall be furnished such Form I-151. An alien who re-registers in the United States within 30 days after attaining his 14th birthday shall be entitled to and shall be issued a new Form I-151 bearing his photograph if the Form I-151 originally issued to him was without such photograph.

(2) *Form 257A.* In the case of an alien who, in connection with his visa application, has been registered under section 261 of the Immigration and Nationality Act or section 30 of the Alien Registration Act, 1940, any form 257A returned to him and endorsed by the admitting officer, pursuant to § 221.2 of this chapter, to show the data as to admission shall constitute an alien registration receipt card.

(3) *Form I-94.* Except as otherwise provided in this part, an alien registered on Forms I-94, I-94-AR and (when applicable) AR-4 as provided in § 264.11 shall be given Form I-94 (C) endorsed to show such registration and that form shall then be the alien's registration receipt card.

(d) *Prohibition against issuance of more than one alien registration receipt card; requirement of surrender of receipt card.* An alien registration receipt card shall not be issued to any person who previously has obtained one unless he surrenders such previously issued card which is in his possession. No person shall use an alien registration receipt card relating to any other person except in behalf of his minor child or ward. If an alien is naturalized, dies permanently departs, or is deported from the United States, or an alien registration receipt card is found by a person other than the one to whom it was issued, the person in possession of the card shall surrender it to an immigration officer or it shall be lifted by an immigration officer, and such officer shall forward the card to the office of the Service maintaining the file of the alien to whom the card was issued with a brief statement for its submission. If doubt arises as to the location of the alien's file, the alien registration receipt card shall be forwarded to the Central Office for appropriate disposition.

(e) *Carrying and possession of proof of alien registration.* The provisions of section 264 (e) of the Immigration and Nationality Act shall be applicable to every receipt card, certificate, or other document or paper referred to in § 264.1 as constituting evidence of alien registration.

(f) *Limited effect of issuance of alien registration receipt card.* The issuance of an alien registration receipt card or its equivalent shall not relieve the alien, or his parent or guardian, from full compliance with any and all laws and regulations of the United States now existing or hereafter made concerning aliens; nor shall it be construed to confer upon the alien or his parent or guardian immunity from any liability, penalty or punishment incurred by the alien or his parent or guardian for violation of any law of the United States occurring either before or after the issuance of such card.

§ 264.2 *Registration officers.* Immigration officers and any officer or employee of the United States selected by the Commissioner are designated registration officers and authorized to register aliens under chapter 7 of the Immigration and Nationality Act. Any registration officer may prepare any registration form required to be executed by an alien upon the basis of information furnished by such alien.

§ 264.3 *Place of registration.* Any alien in the United States who is required to apply for registration under the provisions of section 262 of the Immigration and Nationality Act shall do so at any office in which any person designated in § 264.2 as a registration officer is serving as such, except as otherwise indicated in § 263.3 of this chapter, and except that the district director may make such special arrangements as he deems necessary for the registration of aliens in his district who are aged, infirm, or incapacitated.

§ 264.4 *Registration records confidential.* All registration and fingerprint records made under the provisions of Title III of the Alien Registration Act, 1940, or under chapter 7 of the Immigration and Nationality Act shall be confidential. Information from such records shall be made available only to such persons or agencies as may be designated by the Commissioner. Persons or agencies designated to receive such information prior to the effective date of the Act whose designation was outstanding and unrevoked upon that date are hereby designated to continue to receive such information under the authority contained in 264 (b) of the Immigration and Nationality Act.

§ 264.5 *Replacement of alien registration receipt cards; aliens lawfully admitted for permanent residence.* Any alien lawfully admitted to the United States for permanent residence whose alien registration receipt card has been lost, mutilated, or destroyed, shall immediately apply for a new alien registration receipt card, and upon approval of his application shall be issued a new alien registration receipt card. Any alien lawfully admitted to the United States for permanent residence whose name has been changed after registration by order of court or marriage, or who is in possession of an alien registration receipt card that does not constitute prima facie evidence of his lawful admission for permanent residence (such as Forms AR-3 and AR-103) may apply for a new alien registration receipt card. In either case, the application shall be made and disposed of as provided in § 264.51.

§ 264.6 *Reregistration; aliens other than those lawfully admitted for permanent residence whose alien registration receipt cards have been lost, mutilated or destroyed.* Any alien other than one within the provisions of § 264.5 whose alien registration receipt card has been lost, mutilated, or destroyed immediately shall report that fact to the nearest office of the Service. If it is determined that the alien will remain in the United States more than 29 days after the loss, destruction, or mutilation of the card came to his attention, the alien shall be re-registered as if he were being initially registered under the provisions of this part and a new alien registration receipt card shall be issued to him as provided in § 264.1 (c) (3).

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 264.11 *Form of registration.* Any alien required to be registered in the United States shall except as otherwise provided in this chapter be registered on Forms I-94 and I-94-AR except that an alien who is a lawful permanent resident shall be registered on Form AR-2 and in an appropriate case on Form AR-2 (a) [supplemental information to be made a part of Form AR-2]. Except as provided in § 263.3 (a) of this chapter, in either instance, the alien shall be fingerprinted on Form AR-4 and when the alien is registered on Form AR-2, the registration officer shall take an imprint of the alien's right index finger in the space provided therefor on Form AR-2.

§ 264.12 *Manner of registration*—(a) *Duties of registration officers.* The registration officer shall complete the registration forms prescribed by this part in the English language from information furnished by the alien and all fingerprints shall be taken by such officer. When an alien is registered on Forms I-94 and I-94-AR, the registration officer shall endorse the Form I-94 (C) to show that the alien has registered under the Immigration and Nationality Act.

(b) *Information required for registration.* The information which the alien or his parent or legal guardian must furnish under oath shall be such as is required by the forms prescribed in this part or as may be required hereafter under the authority of the Immigration and Nationality Act. Name or names shall be given in the English alphabet and the date of birth shall be stated by giving the month, day and year in that sequence.

(c) *Persons who believe themselves not subject to registration.* If any person indicates to the registration officer that he does not believe himself subject to registration under the Immigration and Nationality Act but is registering for his own protection, the registration officer shall make the following notation on the margin of the registration form at the conclusion of the registration: "Applicant doubts need for registration."

(d) *Registration in behalf of insane or incompetent aliens.* Any alien who is insane or otherwise incompetent or of unsound mind may be registered by his legal guardian, trustee, or committee or by such other person as may be charged by law with his care and custody. Any person registering in behalf of an alien herein described, shall answer to the best of his knowledge and ability the questions required to be put to the registering alien and shall swear or affirm to the best of his knowledge and belief that such alien is incompetent. Such alien, if 14 years of age or older, shall be fingerprinted if possible.

(e) *Signing of registration forms.* Except as otherwise provided in this part the registration forms provided for herein must be signed and sworn to before a registration officer by the alien in person or by his parent or legal guardian. The alien being registered or his parent or guardian or the person furnishing the information in behalf of an incompetent alien, if unable to write, shall make his mark in the signature space on the registration forms and his mark shall be witnessed by a witness other than the registration officer. The witness shall sign his name and address on the registration forms near the mark made and the words "witnessed by" shall precede the witness' signature.

§ 264.51 *Replacement of alien registration receipt cards; procedure*—(a) *Form of application.* Application for a new alien registration receipt card shall be made on Form AR-16 under oath or affirmation. If the alien is under 14 years of age, the application shall be made by his parent or legal guardian. If a parent or legal guardian is not available the matter should be reported to the district director of the district in which the alien resides who shall take such steps as he deems necessary with regard to the issuance of a new card.

(b) *Disposition of application.* An application for a new alien registration receipt card shall be submitted to the officer in charge of the office of the Service having administrative jurisdiction over the applicant's place of residence. The application shall be accompanied by two photographs of the alien as described in Part 10 of this chapter and by a fee of $1.00 and, if the application is for the issuance of a new receipt card in a changed name, by appropriate documentary evidence of such change including any court order effecting such change. If the applicant is in possession of an immigration identification card, a mutilated receipt card, a form AR-3 or AR-103 receipt card, or any other alien registration receipt card, such card must be surrendered before a new receipt card may be issued to him. The officer in charge receiving an application shall cause such investigation and inquiry to be conducted as he deems necessary to determine whether the application should be granted. Such officer in charge shall submit the application and the accompanying documents to the district director together with a report in writing and his recommendation as to whether the application should be granted or denied. If after consideration of the application and the record the district director is satisfied that the applicant was lawfully admitted for permanent residence and that the original receipt card has been lost, mutilated, or destroyed he shall issue a new receipt card on Form I-151. If after such consideration he is satisfied that the applicant was so admitted and that (1) the applicant's name has been changed after registration by order of court or by marriage, or that (2) the applicant's original receipt card is not prima facie evidence of his lawful admission for permanent residence (such as Form AR-3 or AR-103), the district director may issue a new receipt card on Form I-151. The new card shall bear the alien's registration number, the alien's photograph and notation that it is a replacement of a prior receipt card. The new receipt card Form I-151 shall be mailed directly to the alien or if the alien is less than 14 years of age, to his parent or legal guardian. If the district director is not satisfied that the application should be granted, he shall deny the application and take whatever action he deems appropriate to the case. Upon the denial of any application, the fee accompanying the application shall be refunded to the applicant. No appeal may be taken from the decision of the district director.

PART 265—REGISTRATION OF ALIENS IN THE UNITED STATES; NOTICES OF ADDRESS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
265.1 Notices of address.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
265.11 Form of notification.
265.12 Notification in behalf of insane or incompetent aliens.

AUTHORITY: §§ 265.1 to 265.12 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 265, 66 Stat. 225.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 265.1 *Notices of address.* The notices of address, change of address, and new address required by the Immigration and Nationality Act shall be furnished to the Commissioner on, and in accordance with, the forms prescribed in this part, which shall be made available without cost at post offices and at offices of the Service in the United States.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 265.11 *Form of notification.* The notification of current address required by section 265 of the Immigration and Nationality Act shall be furnished on Form I-53 and shall include the alien's name, residence in the United States, alien registration number, name under which registered, immigration status in the United States, country and date of birth, sex, place and date of entry to the United States, and country of which a subject or citizen. The entry on the form shall be typewritten or printed in ink or with an indelible pencil except that the signature shall be in writing in ink or with an indelible pencil. The card shall not be bent, folded, creased, torn, or mutilated in any manner. The card shall be signed by the alien or his parent or guardian and upon completion, handed to a postal clerk at any United States post office who will forward it to the Commissioner. The notification of change of address and new address which is required to be made by section 265 of the Immigration and Nationality Act shall be made by filling out and mailing post card Form AR-11. Form AR-11 shall also be used by an alien residing in the United States pursuant to a lawful temporary admission when reporting his address at the expiration of each three-month period as required by section 265 of the Immigration and Nationality Act.

§ 265.12 *Notification in behalf of insane or incompetent aliens.* The notification of address of an alien who is insane or otherwise incompetent or of unsound mind may be furnished by his legal guardian, trustee, or committee, or by any person who is charged by law with his care and custody.

PART 280—IMPOSITION AND COLLECTION OF FINES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
280.1 Notice of intention to fine; administrative proceedings not exclusive.
280.2 Special provisions relating to aircraft.
280.3 Departure of vessel or aircraft prior to denial of clearance.
280.4 Data concerning cost of transportation.
280.5 Mitigation or remission of fines.
280.6 Bond to obtain clearance; form.

Sec.
280.7 Approval of bonds or acceptance of cash deposit to obtain clearance.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

280.11 Notice of intention to fine; procedure.
280.12 Answer and request or order for interview.
280.13 Disposition of case.
280.14 Record.
280.15 Notice of final decision to collector of customs.
280.21 Seizure of aircraft.
280.51 Application for mitigation or remission.

AUTHORITY: §§ 280.1 to 280.51 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 231, 233, 237, 239, 243, 251, 253, 254, 255, 256, 272, 273, 280, 66 Stat. 195, 197, 201, 203, 212, 219, 221, 222, 223, 226, 227, 230.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 280.1 *Notice of intention to fine; administrative proceedings not exclusive.* Whenever a district director or officer has reason to believe that any person has violated any of the provisions of the Immigration and Nationality Act and has thereby become liable to the imposition of an administrative fine under the Immigration and Nationality Act, he shall cause a Notice of Intention to Fine, Form I–79, to be served as provided in this part. Nothing in this subchapter shall affect, restrict, or prevent the institution of a civil suit, in the discretion of the Attorney General, under the authority contained in section 280 of the Immigration and Nationality Act.

§ 280.2 *Special provisions relating to aircraft.* In any case in which the imposition of a fine is predicated upon an alleged violation of a regulation promulgated under authority of section 239 of the Immigration and Nationality Act, the procedure prescribed in this part shall be followed, and the aircraft involved shall not be granted clearance pending determination of the question of liability to the payment of any fine, or while the fine remains unpaid; but clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine or of a bond with sufficient surety to secure the payment thereof, approved by the collector of customs. If the alleged violation was by the owner or person in command of the aircraft, the penalty provided for shall be a lien against the aircraft, which, except as provided in § 280.21, shall be seized by the district director or officer in charge, or by an immigration officer designated by the district director or officer in charge, and placed in the custody of the customs officer who is in charge of the port of entry or customs station nearest the place of seizure. If the owner or owners of the airport at which such aircraft is located are the owners of the seized aircraft, the aircraft shall be removed to another suitable place for storage if practicable. Bonds deposited to obtain the release of seized aircraft, as provided in section 239 of the Immigration and Nationality Act, shall be filed on Form I–315 and shall be subject to the approval of and acceptance by the collector of customs.

§ 280.3 *Departure of vessel or aircraft prior to denial of clearance.* If any vessel or aircraft which is subject to the imposition of a fine shall have departed from the United States prior to the denial of clearance by the collector of customs and such vessel or aircraft is subsequently found in the United States, a Notice of Intention to Fine, Form I–79, shall be served as provided in this part, if such form has not been previously served for the same violation. Clearance of such vessel or aircraft shall be withheld by the collector of customs, and the procedure prescribed in this part shall be followed to the same extent and in the same manner as though the vessel or aircraft had not departed from the United States. Aircraft subject to the provisions of § 280.2, which shall have departed from the United States prior to the time seizure could be effected, shall be subject to all of the provisions of this part, if susequently found in the United States, to the same extent as though it had not departed from the United States.

§ 280.4 *Data concerning cost of transportation.* Within 5 days after request therefor, transportation companies shall furnish to the district director or officer in charge the original transportation contract of all rejected aliens whose cases are within the purview of any of the provisions of the Immigration and Nationality Act relating to refund of passage monies, and shall indicate the exact amounts paid for transportation from the initial point of departure (which point shall be stated) to the foreign port of embarkation, fro. the latter to the port of arrival in the United States and from the port of arrival to the inland point of destination, respectively, and also the amount paid for headtax, if any.

§ 280.5 *Mitigation or remission of fines.* In any case in which mitigation or remission of a fine is authorized by the Immigration and Nationality Act, the party served with Notice of Intention to Fine may apply in writing to the district director for such mitigation or remission.

§ 280.6 *Bond to obtain clearance; form.* A bond to obtain clearance of a vessel or aircraft under sections 231, 233, 237, 243, 251, 253, 254, 255, 256, 272 or 273 of the Immigration and Nationality Act shall be filed on Form I–310.

§ 280.7 *Approval of bonds or acceptance of cash deposit to obtain clearance.* The collector of customs is authorized to approve the bond, or accept the sum of money which is being offered for deposit under any provision of the Immigration and Nationality Act or by this chapter for the purpose of obtaining clearance of a vessel or aircraft.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 280.11 *Notice of intention to fine; procedure.*—Notice of Intention to Fine, Form I–79, shall be prepared in triplicate, with one additional copy for each additional person on whom the service of such Notice is contemplated. The Notice shall be addressed to any or all of the available persons subject to fine. A copy of the Notice shall be served on each such person by (a) delivering it to him in person, or (b) leaving it at his office, or (c) mailing it to him at his office whenever the district director or officer in charge ascertains that the other two methods of service are inconvenient or impossible. If the Notice is served personally, the person upon whom it is served shall be requested to acknowledge such service by signing his name to the duplicate and triplicate copies. The officer effecting such service shall attest to the service by signing his name thereon and shall indicate thereon the date and place of service. If the person so served refuses to acknowledge service, or if service is made by leaving it at an office or mailing it, the person making such service shall indicate the method and date on the duplicate and triplicate copies of Form I–79, and shall sign his name upon such copies. The duplicate copy shall be retained by the district director or officer in charge and the triplicate copy shall be delivered directly to the collector of customs for the district in which the vessel or aircraft is located, and the collector shall withhold clearance until deposit is made or bond furnished as provided in the Immigration and Nationality Act. If the vessel or aircraft is located in a customs district which is outside the jurisdiction of the office of the Service having jurisdiction over the matter, the triplicate copy shall be forwarded to the office of the Service nearest such customs district for delivery to the collector of customs.

§ 280.12 *Answer and request or order for interview.* Within 30 days following the service of the Notice of Intention to Fine (which period the district director or officer in charge may extend for an additional period of 30 days upon good cause being shown), any person upon whom a notice under this part has been served may file with the district director or officer in charge a written defense, in duplicate, under oath setting forth the reasons why a fine should not be imposed, or if imposed, why it should be mitigated or remitted if permitted by the Immigration and Nationality Act, and stating whether a personal appearance is desired. Documentary evidence shall be submitted in support of such defense and a brief may be submitted in support of any argument made. If a personal interview is requested, the evidence in opposition to the imposition of the fine and in support of the request for mitigation or remission may be presented at such interview. An interview shall be conducted if requested by the party as provided hereinabove or, if directed at any time by the Board, the Commissioner, or the district director.

§ 280.13 *Disposition of case*—(a) *Allegations admitted or no answer filed.* If a request for personal appearance is not filed and (a) the answer admits the allegations in the Notice, or (b) no answer is filed, the district director shall enter such order in the case as he deems appropriate and no appeal from his decision may be taken.

(b) *Answer filed; personal appearance not requested.* Upon receipt of an answer asserting a defense to the allegations in the Notice without request for a personal appearance, the case shall be assigned to an immigration officer for consideration. The immigration officer shall prepare a report of his findings and make a recommendation as to whether a fine has been incurred and if so, what mitigation or remission, if any, should be granted if an application therefor has been made. The record in the case and the report and recommendation of the immigration officer shall be forwarded to the district director. The district director shall endorse the report indicating whether he approves or disapproves the recommendation of the immigration officer. The party affected shall be informed in writing of the decision of the district director and, if his decision is that a fine shall be imposed or that the requested mitigation or remission shall not be granted, of the reasons for such decision. From the decision of the district director an appeal may be taken to the Board within 10 days of the receipt of notification of the decision, as provided in Part 6 of this chapter. If no appeal is taken the decision shall be final and the fine imposed shall be collected.

(c) *Interview requested or directed.* If the party affected requests a personal appearance, or if at any time the district director, the Commissioner, or the Board so directs, the party shall be given an opportunity to be interviewed by an immigration officer for the purpose of presenting evidence concerning the alleged violation and, where the particular section of law provides for mitigation or remission of the penalty, evidence of any mitigating circumstances. The party may be represented by counsel at the interview. All evidence pertinent to the case, including the testimony of any witnesses, shall be incorporated into the record. At the conclusion of the interview the immigration officer shall prepare a report setting forth a summary of the evidence adduced as to imposition of fine, mitigation or remission, and findings of fact and conclusions of law based on such evidence. The decision shall conclude with a recommendation which shall be either (1) that a fine has been incurred, or (2) that the matter be terminated. If a fine has been incurred, there shall be a further recommendation with respect to any application for remission or mitigation which shall be either (i) that the application be denied, or (ii) that it be granted, the amount of the fine which is to be remitted or mitigated, and the amount of the remaining fine which is to be collected. The complete record, including the recommendation of the immigration officer shall be forwarded to the district director. The district director shall endorse the report of the immigration officer indicating whether his recommendations are approved or disapproved. The party affected shall be informed in writing of the decision of the district director and, if his decision is that a fine shall be imposed or that the requested mitigation or remission shall not be granted, of the reasons for such decision. From the decision of the district director an appeal may be taken to the Board within 10 days of receipt of notification of the decision as provided in Part 6 of this chapter. If an appeal is not taken, the decision shall be final and the fine imposed shall be collected.

§ 280.14 *Record.* The record made under § 280.13 shall include the request for the interview or a reference to the order directing the interview; the medical certificate, if any; a copy of any record of hearing before a Board of Special Inquiry, Hearing Examiner, Hearing Officer, or Special Inquiry Officer which is relevant to the fine proceedings; the duplicate copy of the Notice of Intention to Fine; the evidence upon which such Notice was based; the duplicate of any notices to detain, deport, deliver, or remove aliens; notice to pay expenses; evidence as to whether any deposit was made or bond furnished in accordance with the Immigration and Nationality Act; reports of investigations conducted; documentary evidence and testimony adduced at the interview; the original of any affidavit or brief filed in opposition to the imposition of fine; the application for mitigation or remission; and any other relevant matter.

§ 280.15 *Notice of final decision to collector of customs.* At such time as the decision under this part is final, the collector of customs who was furnished with a copy of the Notice of Intention to Fine shall be informed by the district director of the final decision made in the case. Such information need not be furnished in any case in which the district director has been previously furnished with a notice of collection of the amount of the penalty by the collector of customs.

§ 280.21 *Seizure of aircraft.* Seizure of an aircraft under the authority of section 239 of the Immigration and Nationality Act, and § 280.2 will not be made if such aircraft is damaged to an extent that its value is less than the amount of the fine which may be imposed. Immediately upon the seizure of an aircraft, or prior thereto, if circumstances permit, a full report of the facts in the case shall be submitted by the district director to the United States Attorney for the district in which the seizure was made. The report shall include the cost incurred in seizing and guarding the aircraft and an estimate of the further additional cost likely to be incurred.

§ 280.51 *Application for mitigation or remission*—(a) *When application may be made.* An application for mitigation or remission shall be filed (a) within 30 days after the service of the Notice of Intention to Fine and, if an answer is filed as provided in § 280.12, with such answer, for consideration in the event a fine is found to have been incurred, or (b) within 30 days after receipt of the final decision with respect to the fine.

(b) *Form and contents of application.* An application for mitigation or remission shall be filed in duplicate under oath and shall include information, supported by documentary evidence, as to the basis of the claim to mitigation or remission, and as to the action, if any, which may have been taken by the applicant, or as to the circumstances present in the case which, in the opinion of the applicant, justified the granting of his application.

(c) *Disposition of application.* The application, if filed with the answer, shall be disposed of as provided in § 280.13. In any other case, the application shall be considered and decided by the district director from whose decision an appeal may be taken to the Board within 10 days from receipt of notification of such decision, as provided in Part 6 of this chapter.

PART 282—PRINTING OF REENTRY PERMITS: FORMS FOR SALE TO PUBLIC

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
282.1 Reentry permits; quality of paper.
282.2 Forms available from the Public Printer upon prepayment.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 282.1 to 282.2 issued under sec. 103 (a), 66 Stat. 173. Interpret or apply secs. 223, 282, 66 Stat. 194, 231.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 282.1 *Reentry permits; quality of paper.* Form I–132, Permit to Enter the United States, and Form I–132a, Report of Departure of Alien with Reentry Permit, shall be printed on distinctive safety paper. Such permits to enter the United States shall be prepared and issued in accordance with section 223 of the Immigration and Nationality Act and Part 223 of this chapter.

§ 282.2 *Forms available from the Public Printer upon prepayment.* The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by subchapter D of this chapter: Forms I–94, I–415, I–416, I–419, I–424, I–434, I–435, I–437 and I–466, I–480, I–481, I–489. Supplies of such forms may be obtained, upon pre-payment, from the Superintendent of Documents, Government Printing Office, Washington, D. C.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 287—FIELD OFFICERS; POWERS AND DUTIES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
287.1 Definitions.
287.2 Criminal violations; investigation and action.
287.3 Disposition of cases of aliens arrested without warrant.
287.4 Subpena.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 287.1 to 287.4 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 235, 236, 242, 287, 66 Stat. 198, 200, 208, 233.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 287.1 *Definitions*—(a) *Reasonable distance from the United States.* The phrase "within a reasonable distance from any external boundary of the United States" as used in section 287 of the Immigration and Nationality Act

means within a distance of not exceeding 100 air miles from any external boundary of the United States or any shorter distance which may be fixed by the district director, or, so far as the power to board and search aircraft is concerned, any distance fixed pursuant to paragraph (b) of this section.

(b) *Reasonable distance; fixing by district directors.* In fixing reasonable distances of less than 100 air miles pursuant to paragraph (a) of this section, district directors shall take into consideration topography, confluence of arteries of transportation leading from external boundaries, density of population, possible inconvenience to the traveling public, types of conveyances used, and reliable information as to movements of persons effecting illegal entry into the United States: *Provided,* That whenever in the opinion of a district director a distance in his district of more than 100 air miles from any external boundary of the United States would because of unusual circumstances be reasonable, such district director shall forward a complete report with respect to the matter to the Commissioner of Immigration and Naturalization, who may, if he determines that such action is justified, declare such distance to be reasonable.

(c) *Powers of immigration officers.* The term "officer or employee of the Service" as used in section 287 of the Immigration and Nationality Act means an immigration officer.

(d) *Patrolling the border.* The phrase "patrolling the border to prevent the illegal entry of aliens into the United States" as used in section 287 of the Immigration and Nationality Act means conducting the customary activities reasonable and necessary to prevent the illegal entry of aliens into the United States.

§ 287.2 *Criminal violations; investigation and action.* Whenever a district director or an officer in charge has reason to believe that there has been a violation punishable under any criminal provision of the laws administered or enforced by the Service, he shall cause an investigation to be made immediately of all the pertinent facts and circumstances and shall take or cause to be taken such further action as the results of such investigation warrant.

§ 287.3 *Disposition of cases of aliens arrested without warrant.* An alien arrested without a warrant of arrest under the authority contained in section 287 (a) (2) of the Immigration and Nationality Act shall be examined as therein provided by an officer other than the arresting officer, unless no other qualified officer is readily available and the taking of the alien before another officer would entail unnecessary delay, in which event the arresting officer, if the conduct of such examination is a part of the duties assigned to him, may examine the alien. If such examining officer is satisfied that there is prima facie evidence establishing that the arrested alien was entering or attempting to enter the United States in violation of the immigration laws, he shall refer the case to a special inquiry officer for further inquiry in accordance with Parts 235 and 236 of this chapter or take whatever other action may be appropriate or required under the laws or other regulations applicable to the particular case. If the examining officer is satisfied that there is prima facie evidence establishing that the arrested alien is in the United States in violation of the immigration laws, further action in the case shall be taken as provided in Part 242 of this chapter.

§ 287.4 *Subpena*—(a) *Who may issue.* Except as provided in § 335.11 of this chapter, subpenas requiring the attendance of witnesses or the production of documentary evidence, or both, may be issued upon his own volition by a district director, officer in charge, or special inquiry officer in any proceeding pending before him, or upon application of an officer of the Service, or upon written application of the alien or other party affected. If an alien or other party affected by a proceeding before the Service requests that a witness be subpenaed to testify or to produce books, papers or documents in such proceeding before the Service, he shall be required as a condition precedent to the issuance of the subpena to state in writing what he expects to prove by such witness or the books, papers, or documents and to show affirmatively that the proposed evidence is relevant and material and that he has made diligent efforts without success to produce the same. Upon determining that a witness whose evidence is desired either by the Service officer or the alien or other party affected will not appear and testify or produce documentary evidence unless commanded to do so and that the testimony and evidence of such witness is essential, the district director, officer in charge, or a special inquiry officer in any proceeding pending before him, shall issue a subpena. If the witness is at a distance of more than 100 miles from the place of hearing, the subpena shall provide for the witness' appearance at the field office nearest to him to respond to oral or written interrogatories, unless the Service indicates that there is no objection to bringing the witness the distance required to enable him to testify in person at the hearing.

(b) *Form.* Every subpena issued under the provisions of this section shall state the title of the proceeding and shall command the person to whom it is directed to attend and give testimony at a time and place therein specified. A subpena may also command the person to whom it is directed to produce the books, papers or documents designated therein. A subpena may also direct the making of a deposition before an officer of the Service. Subpenas shall be issued on Form I–138.

(c) *Service.* A subpena issued under this section may be served by any person over 18 years of age not a party to the case designated to make such service by the district director or officer in charge having administrative jurisdiction over the office in which the subpena is issued. Service of the subpena shall be made by delivering a copy thereof to the person named therein and by tendering to him the fee for one day's attendance and the mileage allowed by law by the United States District Court for the district in which the testimony is to be taken. When the subpena is issued on behalf of the Service, fee and mileage need not be tendered at the time of service. A record of such service shall be made and attached to the original copy of the subpena.

(d) *Invoking aid of court.* If a witness neglects or refuses to appear and testify as directed by the subpena served upon him in accordance with the provisions of this section, the district director issuing the subpena shall request the United States Attorney for the proper district to report such neglect or refusal to the appropriate United States District Court and to request such court to issue an order requiring the witness to appear and testify and to produce the books, papers or documents designated in the subpena. If the subpena was issued by an officer in charge or a special inquiry officer, the officer issuing the subpena shall request the district director having administrative jurisdiction over such officer to take the action referred to in the previous sentence in the event the witness neglects or refuses to appear and testify as directed by the subpena served upon him.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 292—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
292.1 Admission to practice required.
292.2 Qualifications for admission to practice.
292.3 Applications for admission to practice; decision.
292.4 Roster of attorneys.
292.5 Appearances; availability of records.
292.6 Suspension and disbarment.
292.7 Admission to practice prior to December 24, 1952.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

292.11 Service upon and action by attorney, representative, or alien.
292.12 Service of decision and other papers.
292.61 Procedure for suspension or disbarment; effect.

AUTHORITY: §§ 292.1 to 292.61 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 292, 66 Stat. 235.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 292.1 *Admission to practice required.* (a) No person shall be permitted to practice before the Service or the Board until he has been admitted to practice by the Board in accordance with § 292.3.

(b) Notwithstanding paragraph (a) of this section:

(1) A district director, an officer in charge, the Commissioner, any other officer of the Central Office authorized by the Commissioner to do so, or the Board may permit an attorney or representative to file an appearance in behalf of a party in any case prior to the approval of his application for admission if such attorney or representative files the application concurrently with filing his appearance in the case. If the application is subsequently denied, such attorney or representative shall not

thereafter be permitted to practice, in that or any other case, unless and until his admission to practice has been authorized by the Board and subject to such conditions as the Board shall direct.

(2) In any case in which, under the Immigration and Nationality Act, a party is entitled to be represented by counsel, he may be represented by any reputable individual of good moral character, whether or not admitted to practice in accordance with § 292.3, if such individual is appearing without monetary or other material remuneration and files a written declaration to that effect, and if such representation is permitted by the Special Inquiry Officer having the case under consideration, the district director or the officer in charge having administrative jurisdiction over the office in which the case is pending, the Commissioner, or the Board.

(3) Any alien may be represented by an accredited official, in the United States, of the government to which the alien owes allegiance, if such official appears solely in his official capacity, and with the consent of the alien.

(4) An attorney, other than one described in § 1.1 (a) (3) of this chapter, residing outside the United States and licensed to practice law and in good standing in a court or courts of the country in which he resides and who is engaged in such practice may be permitted by any district director or officer in charge, the Commissioner, or any officer of the Central Office designated by him, or the Board, to file his appearance and be heard in any individual case. The district director shall have authority to withhold granting permission to such attorney to appear before an officer under his jurisdiction, and may refer the application for permission to appear to the Board for its decision.

(5) No person who is a party to a case shall be denied the privilege of presenting oral argument in his own behalf before the Board if it has his case under consideration.

(6) Any person desiring to be heard as amicus curiae shall apply therefor to the Board; and the Board may grant such application if it deems it to be in the public interest.

(c) No person previously in the employ of the Department of Justice may be permitted to practice in a case in which he participated during the period of such employment.

§ 292.2 *Qualifications for admission to practice.* (a) Admission to practice shall be limited to persons who are citizens of the United States, who are of good moral character, and who are attorneys in good standing in the court or courts in which they are licensed to practice, or who are representatives of organizations of the character described in § 1.1 (a) (12) of this chapter.

(b) No person within any category set forth in § 292.6 may be admitted to practice.

§ 292.3 *Applications for admission to practice; decision.* (a) Applications for admission to practice may be filed with a district director, the Commissioner, or the Chairman of the Board, at the option of the applicant. Such application shall be made in triplicate upon Form G–27. An application by an attorney shall be supported by a current certificate from a judge or clerk of the court in which the applicant is licensed to practice, or by a written statement of the district director or officer in charge of the local office of the Service certifying that upon inquiry he has ascertained and has personal knowledge that the applicant is so licensed. An application by the representative of an organization shall be supported by a statement of the appropriate officer or officers thereof, certifying that the applicant is its accredited representative and authorized to appear in its behalf in any case.

(b) The original application shall be transmitted to the Board by the district director or the Commissioner, if filed with them, and shall be permanently retained in the files of the Board. The duplicate shall be retained in the files of the Commissioner, and the triplicate in the files of the district director having jurisdiction over the applicant's place of residence.

(c) As soon as practicable after receipt of the application the Board shall give consideration thereto. If the application is approved, written notation to that effect shall be made on the application and a certificate of admission to practice shall be issued to the licensee. If the conclusion is that the application shall be denied, the Board shall prepare a proposed order of denial, in which shall be stated the reasons for denying the application. The Board shall serve the proposed order on the applicant, either personally or by registered mail and obtain a return receipt therefor. The applicant shall be allowed a reasonable time, not less than ten days, in which to file exceptions to the proposed order and to submit a brief if desired. After receipt of the exceptions, or if none are received within three days after expiration of the period specified for filing of exceptions, the Board shall make such order as it may then determine appropriate. If no exceptions are filed, the order of the Board shall be final, subject to review by the Attorney General under any of the circumstances described in § 6.1 (h) of this chapter. If exceptions have been filed and the order of the Board is that the application shall be denied, the Board shall refer the record to the Attorney General for review of its order. The order of the Attorney General shall be the final determination of the application.

(d) Admission of a representative shall terminate upon discontinuance of his authority to represent the organization named in his application.

§ 292.4 *Roster of attorneys.* The Board shall maintain an alphabetical roster of attorneys and of representatives of organizations. A copy of the roster shall be supplied to the Commissioner, and he shall be advised from time to time of changes therein.

§ 292.5 *Appearances; availability of records.* (a) An appearance shall be filed in writing on Form G–28 by attorneys or representatives appearing in each individual case. When an appropriate appearance has been filed in a case, substitution of attorneys or representatives may be permitted upon the written withdrawal of the attorneys or representatives of record or upon notice by the party to the case of his designation of new attorneys or representatives. If any attorney or representative of record authorizes another attorney or representative to act for him as an associate in a case, the latter will be heard if satisfactory evidence of his authorization is presented and if he has been admitted to practice under this part.

(b) During the time a case is pending, the attorney or representative of record, or his associate, shall be permitted to review the record and, upon request, be lent a copy of the testimony adduced. The attorney or representative shall give his receipt for such copy and pledge that no copy thereof will be made, that he will retain it in his possession and under his control, and that it will be surrendered upon final disposition of the case, or upon demand by the Service or the Board.

§ 292.6 *Suspension and disbarment.* With the approval of the Attorney General, the Board may suspend or bar from further practice an attorney or representative, if it shall find that suspension or disbarment is in the public interest. The suspension or disbarment of an attorney or representative who is within one or more of the following categories shall be deemed to be in the public interest, for the purpose of this part, but the enumeration of such categories herein shall not be construed as establishing the exclusive grounds for suspension or disbarment in the public interest:

(a) Who charges or receives, either directly or indirectly, any fee or compensation for services which may be deemed to be grossly excessive in relation to the services performed by him in the case;

(b) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Service or Board, to commit an act or to refrain from performing an act in connection with any case;

(c) Who wilfully misleads, misinforms, or deceives an officer or employee of the Department of Justice concerning any material and relevant fact in connection with a case;

(d) Who wilfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(e) Who solicits practice in any unethical or unprofessional manner, including, but not limited to, the use of runners, or advertising his availability to handle immigration, naturalization, or nationality matters;

(f) Who represents, as an associate, an attorney who, known to him, solicits practice in any unethical or unprofessional manner, including, but not limited to, the use of runners, or advertising his availability to handle immigration, naturalization, or nationality matters;

(g) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in any court, Federal, State (in-

cluding the District of Columbia), territorial, or insular;

(h) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in a representative capacity before any executive department, board, commission, or other governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(i) Who, by use of his name, personal appearance, or any device, aids and abets an attorney to practice during the period of his suspension or disbarment, such suspension or disbarment being known to him;

(j) Who wilfully made false and material statements in his application for admission to practice, or in his appearance in any case;

(k) Who engages in contumelious or otherwise unprofessional conduct with respect to a case in which such attorney acts in a representative capacity, which in the opinion of the Board, would constitute cause for suspension or disbarment were the case pending before a court, or which, in such a judicial proceeding, would constitute a contempt of court;

(l) Who, having been furnished with a copy or copies of any portion of the record in any case, wilfully fails to surrender such copy or copies upon final disposition of the case or upon demand, or wilfully and without authorization makes and retains a copy or copies of the material furnished;

(m) Who has been convicted of a felony, or, having been convicted of any crime is sentenced to imprisonment for a term of more than one year;

(n) Who no longer possesses the qualifications required by § 292.2 for admission to practice;

(o) Who is the representative of an organization which is no longer recognized by the Board as being of the character described in § 1.1 (a) (12) of this chapter.

§ 292.7 *Admission to practice prior to December 24, 1952.* Any person who immediately prior to the effective date of the regulations in this chapter and of the Immigration and Nationality Act was authorized to practice before the Service and the Board may continue to practice before the Service and the Board without making a new application for admission in accordance with the provisions of this part. Any such person shall be subject to the provisions of this part regulating the practice of attorneys and representatives.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 292.11 *Service upon and action by attorney, representative, or alien.* Except where specific provision is otherwise made in this chapter, whenever a person is required by any of the provisions of this chapter (a) to give or be given notice; (b) to serve or be served with any paper other than a warrant of arrest or a subpoena; (c) to make a motion; (d) to file or submit an application or other document; or (e) to perform or waive the performance of any act, such notice, service, motion, filing, submission, performance, or waiver shall be given by or to, served by or upon, made by, requested of (1) the attorney or representative who has filed an appearance in the case as provided in § 292.5, or (2) the person himself, if there is no attorney or representative in the case.

§ 292.12 *Service of decision and other papers.* Except where specific provision is otherwise made in this chapter, whenever a decision, notice or other paper is required to be given or served, it shall be done by personal service or registered mail upon the person designated in § 292.11.

§ 292.61 *Procedure for suspension or disbarment; effect.* (a) The Commissioner may cause to be investigated any complaint or circumstance which establishes a prima facie case for the suspension or disbarment of any enrolled attorney or representative. If such investigation establishes to the satisfaction of the Commissioner that suspension or disbarment proceedings should be instituted, he shall cause written charges to be preferred. A copy of such charges shall be served upon the respondent, either personally or by registered mail, with notice to show cause within a specified time, not less than 30 days, why he should not be suspended or disbarred from further practice. Such notice shall also advise the respondent that after answer has been made and the matter is at issue, if he so requests he will be given opportunity for a hearing before a representative of the Commissioner. If hearing is requested, the Commissioner will specify the time and place therefor and specially designate the officer who shall preside and the officer who shall present the evidence in support of the charges. The nonreceipt of answer within three days after expiration of the period prescribed to show cause shall be held a waiver of defense to the charges. If no hearing is requested in the answer, the Commissioner may conduct any further required investigation to complete the record, and without the necessity of any additional notice to the respondent, forward the completed record to the Board with his recommendation.

(b) The respondent, either with or without counsel, and the Commissioner, or any officer designated by him for the purpose, shall have the privilege of appearing before the Board for oral argument at a time specified by the Board.

(c) The Board shall consider the record as presented by the Commissioner as soon as practicable after its receipt and render its decision thereon. The order of the Board shall constitute the final disposition of the proceeding: *Provided, however*, That if the order would suspend or disbar the respondent, or if any one of the circumstances described in § 6.1 (h) of this chapter be present, the Board shall refer the record to the Attorney General for review of its decision and in such case the order of the Attorney General shall be the final determination of the proceeding.

(d) In case the final order against the respondent is for suspension or disbarment, the attorney or representative shall not thereafter be permitted to practice unless and until authorized so to do by the Board; and if disbarred, he shall surrender the certificate of his admission to the Board for cancellation.

Subchapter C—Nationality Regulations

NOTE: *Explanation of numbering system utilized in this subchapter.* Each part of this subchapter has been given the same number as the section of the Immigration and Nationality Act to which it relates. For example, Part 330 concerns only section 330 of the Immigration and Nationality Act. Each part of this subchapter is divided into two subparts: Subpart A—Substantive Provisions, and Subpart B—Procedural and Other Nonsubstantive Provisions. Each section of Subpart A bears a number consisting of the part number followed by a decimal point and by a single digit beginning with "1" and continuing to "9", using as many as required. For example, § 330.1 is the first substantive section of Part 330 and § 330.9 is the ninth substantive section of Part 330, assuming there existed nine substantive sections in Part 330. When a substantive section is required to be implemented by one or more procedural sections, the relating procedural section or sections bear the same number as the substantive section to which it relates plus one additional digit to the right of the decimal point beginning with "1" for the first procedural section and continuing to "9", if that many are required. For example, § 330.11 is the first procedural section implementing the first substantive section of Part 330 and § 330.87 is the seventh procedural section implementing the eighth substantive section of Part 330. If a substantive section does not require procedural sections, no procedural section numbers will appear for that particular substantive section.

PART 306—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VIRGIN ISLANDERS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
306.1 Persons eligible.
306.2 United States citizenship: when acquired.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

306.11 Preliminary application form: filing: examination.
306.12 Renunciation forms; disposition.

AUTHORITY: §§ 306.1 to 306.12 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 1, 44 Stat. 1234, as amended, secs. 306, 332, 66 Stat. 237, 252; 8 U. S. C. 601 note.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 306.1 *Persons eligible.* Any Danish citizen who resided in the Virgin Islands of the United States on January 17, 1917, and in those Islands, Puerto Rico, or the United States on February 25, 1927, and who had preserved his Danish citizenship by making the declaration prescribed by Article VI of the treaty entered into between the United States and Denmark on August 4, 1916, and proclaimed January 25, 1917, may renounce his Danish citizenship before any court of record in the United States irrespective of his place of residence, in accordance with the provisions of this part.

§ 306.2 *United States citizenship; when acquired.* Immediately upon making the declaration of renunciation as described in § 306.12 the declarant shall be deemed to be a citizen of the United States. No certificate of naturalization or of citizenship shall be issued by the clerk of court to any person obtaining, or who has obtained citizenship solely under section 306 (a) (1) of the Immigration and Nationality Act or under section 1 of the act of February 25, 1927.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 306.11 *Preliminary application form; filing; examination.* A person of the class described in § 306.1 shall submit to the Service on Form N-350 preliminary application to renounce Danish citizenship, in accordance with the instructions contained therein. The applicant shall be notified in writing when and where to appear before a representative of the Service for examination as to his eligibility to renounce Danish citizenship and for assistance in filing the renunciation.

§ 306.12 *Renunciation forms; disposition.* The renunciation shall be made and executed by the applicant under oath, in duplicate, on Form N-351 and filed in the office of the clerk of court. The usual procedural requirements of the Immigration and Nationality Act shall not aply to proceedings under this part. The fee shall be fixed by the court or the clerk thereof in accordance with the law and rules of the court, and no accounting therefor shall be required to be made to the Service. The clerk shall retain the original of Form N-351 as the court record and forward the duplicate to the district director exercising administrative naturalization jurisdiction over the area in which the court is located.

PART 310—REQUISITION OF FORMS BY CLERKS OF COURT

§ 310.11 *Application for official forms.* See §§ 332a.11 and 332a.12 of this chapter.

PART 312—EDUCATIONAL REQUIREMENTS FOR NATURALIZATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
312.1 Educational examination of petitioners for naturalization.
312.2 Ability to read, write, and speak English; exemption.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 312.1 and 312.2 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 312, 332, 66 Stat. 239, 252.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 312.1 *Educational examination of petitioners for naturalization.* A person applying for naturalization upon his own petition shall, before being naturalized, demonstrate a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States. To this end the petitioner shall be questioned as to (a) the principal historical facts concerning the development of the United States as a republic, (b) the organization and principal functions of the Government of the United States, and of the States and local units of government, (c) his understanding of and attachment to the fundamental principles of the Constitution of the United States, and (d) the relation of the individual to the government—national, state, and local—the rights and privileges arising from that relationship, and the duties and responsibilities which result from it. The examination shall be conducted in simple language and shall avoid technical and extremely difficult questions.

§ 312.2 *Ability to read, write, and speak English; exemption.* A person who on December 24, 1952 was over fifty years of age and had been living in the United States for periods totaling at least twenty years, is exempt from demonstrating an understanding of the English language, as provided in section 312 (1) of the Immigration and Nationality Act, even though the periods totaling twenty years did not follow lawful admissions for permanent residence.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 316—GOOD MORAL CHARACTER

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
316.1 Good moral character; exceptions.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 316.1 *Good moral character; exceptions.* The requirement of section 316 of the Immigration and Nationality Act that no person shall be naturalized unless he is and has been during the periods referred to in that section a person of good moral character shall not apply to:

(a) Persons who acquire United States citizenship through the naturalization of a parent or parents under section 320 or 321 of the Immigration and Nationality Act.

(b) Danish citizens who make application to renounce their citizenship under section 306 (a) (1) of the Immigration and Nationality Act.

(c) Former United States citizens who make application to regain citizenship under section 324 (c) of the Immigration and Nationality Act or under Public Law 114, Eighty-second Congress, first session, as amended by section 402 (j) of the Immigration and Nationality Act.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 316, 320, 321, 324, 332, 335, 402, 66 Stat. 242, 245, 247, 252, 255, 278)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
316a.1 Absence for which benefits of section 307 (b) or 308 of the Nationality Act of 1940 have been granted; effect on continuous residence requirement.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

316a.21 Application for benefits with respect to absences; appeal.

AUTHORITY: §§ 316a.1 and 316a.21 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 307, 308, 54 Stat. 1142, 1143, secs. 316, 317, 332, 405, 66 Stat. 242, 243, 252, 280.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 316a.1 *Absence for which benefits of section 307 (b) or 308 of the Nationality Act of 1940 have been granted; effect on continuous residence requirement.* No absence from the United States which commenced prior to the effective date of the Immigration and Nationality Act, whether or not it continued beyond that date, in connection with which an application for exemption from the usual residence requirements under the naturalization laws was made under sections 307 (b) or 308 of the Nationality Act of 1940 and acted upon favorably by the Attorney General, shall be regarded as having broken the continuity of residence required by section 316 (a) of the Immigration and Nationality Act, provided that satisfactory proof that the absence was for a purpose described in sections 307 (b) or 308 of the Nationality Act of 1940, is presented to the court, and provided that the provisions of section 316 (a) of the Immigration and Nationality Act are otherwise complied with.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 316a.21 *Application for benefits with respect to absences; appeal.* (a) An application for the residence benefits of section 316 (b) of the Immigration and Nationality Act to cover an absence from the United States for a continuous period of one year or more shall be submitted to the Service on Form N-470 in accordance with the instructions contained therein. The application shall be filed before the applicant has been absent from the United States for a continuous period of one year or more, and prior to the period of employment abroad for which the benefits are requested. There shall be submitted with the application a fee of $10.

(b) An application for the residence and physical presence benefits of section 317 of the Immigration and Nationality Act to cover any absences from the United States, whether before or after December 24, 1952, shall be submitted to the Service on Form N-470 in accordance with the instructions contained therein, either before or after the absence from the United States, or the performance of the functions or the services described in that section. There shall be submitted with the application a fee of $10.00. The application shall be filed at any time after the applicant has been physically present and residing in the United States for an uninterrupted period of at least one year.

(c) If the district director is satisfied that favorable action should be taken, he shall grant the application. If he is not satisfied that the application should be granted, he shall deny it. The applicant shall be notified in writing of the denial, with the reasons therefor, and at the same time shall be advised that he has ten days from the date of receipt of notification in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division,

in accordance with the provisions of Part 7 of this chapter. The Assistant Commissioner's decision shall be transmitted to the district director, who shall advise the applicant in writing of the decision.

PART 317—TEMPORARY ABSENCE OF PERSONS PERFORMING RELIGIOUS DUTIES

§ 317.1 *Absence for which benefits of section 308 of the Nationality Act of 1940 have been granted.* See § 316a.1 of this chapter.

§ 317.21 *Application for benefits of section 317 of the Immigration and Nationality Act.* See § 316a.21 of this chapter.

PART 319—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SPOUSES OF UNITED STATES CITIZENS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
319.1 Person living in marital union with United States citizen spouse.
319.2 Person whose United States citizen spouse is employed abroad.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

319.11 Procedural requirements.

AUTHORITY: §§ 319.1 to 319.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 319, 332, 66 Stat. 244, 252.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 319.1 *Person living in marital union with United States citizen spouse.* A person of the class described in section 319 (a) of the Immigration and Nationality Act shall establish his good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition to the good order and happiness of the United States for the period of three years immediately preceding the date of filing the petition and from that date to the time of admission to citizenship.

§ 319.2 *Person whose United States citizen spouse is employed abroad.* A person of the class described in section 319 (b) of the Immigration and Nationality Act shall establish an intention in good faith, upon naturalization, to reside abroad with the United States citizen spouse and to take up residence in the United States immediately upon the termination of the employment abroad of such spouse. It shall be established that at the time of filing of the petition for naturalization such person was in the United States pursuant to a lawful admission for permanent residence, and that he is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States. In any case in which the United States citizen spouse is employed by an American institution of research, the Assistant Commissioner, Inspections and Examinations Division, shall determine whether the employer shall be recognized as an American institution of research.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 319.11 *Procedural requirements.* A person described in §§ 319.1 and 319.2 shall submit to the Service an application to file a petition for naturalization on Form N-400 in accordance with the instructions contained therein. The petition for naturalization of such person shall be filed on Form N-406, in duplicate.

PART 322—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN OF CITIZEN PARENT

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
322.11 Procedural requirements.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 322.11 *Procedural requirements.* An application to file a petition for naturalization in behalf of a child under section 322 or 323 of the Immigration and Nationality Act shall be submitted to the Service on Form N-402, in accordance with the instructions contained therein, by the United States citizen parent or parents or adoptive parent or parents. Such application shall be submitted in time to permit the naturalization of the child prior to its eighteenth birthday anniversary. The petition for naturalization shall be filed on Form N-407 in duplicate, in a naturalization court within whose jurisdiction the petitioning parent or parents and the child reside. There shall be included in the petition the affidavits of two credible witnesses, citizens of the United States, stating (a) the length of time the witnesses have known the petitioning parent or parents and the child, (b) that to the best of the witnesses' knowledge and belief the child is, and during the applicable period has been, a person of good moral character, attached to the principles of the Constitution, and well disposed to the good order and happiness of the United States, (c) that the child is qualified in all respects to become a citizen of the United States, (d) that the child is permanently residing with the petitioning parent or parents in the United States and the period of such residence and (e) in the case of an adopted child, the period of time they have known the child to be in the legal custody of the petitioning parent or parents and to be physically present in the United States. At the hearing on the petition the qualifications described in sections 322 and 323 of the Immigration and Nationality Act shall be proven by the oral testimony of witnesses in the manner provided in Part 335b of this chapter. A child under this part is not required to establish any particular period of residence in a State.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 322, 323, 332, 335, 66 Stat. 246, 252, 255)

PART 323—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN ADOPTED BY UNITED STATES CITIZENS

§ 323.11 *Procedural requirements.* See Part 322 of this chapter.

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: WOMEN WHO HAVE LOST UNITED STATES CITIZENSHIP BY MARRIAGE

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
324.11 Former citizen at birth or by naturalization; procedural requirements.
324.12 A woman, citizen of the United States at birth, who lost or is believed to have lost citizenship by marriage and whose marriage has terminated; procedural requirements.
324.13 Women restored to United States citizenship by the act of June 25, 1936, as amended by the act of July 2, 1940.

AUTHORITY: §§ 324.11 to 324.13 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 324, 332, 337, 405, 66 Stat. 246, 252, 258, 280.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 324.11 *Former citizen at birth or by naturalization; procedural requirements.* A former citizen of the United States of the class described in section 324 (a) of the Immigration and Nationality Act shall submit to the Service an application to file a petition for naturalization, on Form N-400 and Supplemental Form N-400A, in accordance with instructions contained therein. The petition for naturalization of such person shall be filed on Form N-405, in duplicate, in any naturalization court, regardless of the petitioner's residence, and need not aver that it is the intention of the petitioner to reside permanently in the United States. The petition shall be verified by at least two United States citizen witnesses as provided in § 334.21 of this chapter. At the hearing on the petition the qualifications described in sections 324 (a) and (b) of the Immigration and Nationality Act shall be proven in the manner provided in Part 335b of this chapter. The petition may be heard immediately, provided a certificate of examination on Form N-440, in duplicate, is attached thereto, as provided in § 332.12 of this chapter. If the final hearing on the petition is held within sixty days preceding the holding of a general election within the territorial jurisdiction of the naturalization court, the petitioner shall not be permitted to take the oath prescribed in Part 337 of this chapter prior to the tenth day next following such general election. There shall be inserted after averment 1e of Form N-405 at the time of the filing thereof an averment of the petitioner's loss of citizenship, as follows:

I was formerly a citizen of the United States by _____
_____
(Indicate whether by birth or naturalization)
on _____ and lost my citizenship by marriage on _____
(Month day year) (Month day year)
to _____, a citizen of _____
(Name of husband) (Name of foreign country)
not acquired any other nationality by an affirmative act other than by marriage.

§ 324.12 *A woman, citizen of the United States at birth, who lost or is believed to have lost citizenship by marriage and whose marriage has terminated; procedural requirements.* A woman, formerly a citizen of the United States at birth, who applies in the United States to regain her citizenship under section 324 (c) of the Immigration and Nationality Act, shall submit to the Service a preliminary application to take the oath of allegiance, on Form N-401, in accordance with the instructions contained therein. The oath may be taken before the judge or clerk of any naturalization court, regardless of the applicant's place of residence. The applicant shall establish that it is her intention, in good faith, to assume and discharge the obligations of the oath of allegiance and that her attitude toward the Constitution and laws of the United States renders her capable of fulfilling the obligations of such oath. The applicant shall not be naturalized if, within the period of ten years immediately preceding the filing of the application to take the oath of allegiance or after such filing and before taking such oath she is, or has been found to be within any of the classes of persons described in section 313 of the Immigration and Nationality Act. The eligibility of the applicant to take the oath shall be investigated by a member of the Service who shall make an appropriate recommendation to the naturalization court. The application to the court shall be made on Form N-408, in triplicate. The original shall be retained as a part of the court record and numbered consecutively in a separate series, and the duplicate forwarded to the appropriate district director with duplicates of other naturalization papers. After the applicant has taken the oath of allegiance, the clerk of court shall furnish the applicant, upon demand, the triplicate copy of Form N-408, properly certified, for which a fee not exceeding $5.00 may be charged. No charge shall be made by the clerk of court for the filing of Form N-408. In case the applicant does not demand the triplicate Form N-408, it shall be transmitted to the appropriate district director with the duplicate of said form. The oath of allegiance may be taken before any diplomatic or consular officer of the United States abroad, in accordance with such regulations as may be prescribed by the Secretary of State.

§ 324.13 *Women restored to United States citizenship by the act of June 25, 1936, as amended by the act of July 2, 1940.* A woman who was restored to citizenship by the act of June 25, 1936, as amended by the act of July 2, 1940, but who failed to take the oath of allegiance prescribed by the naturalization laws prior to December 24, 1952, may take the oath of allegiance prescribed by Part 337 before any naturalization court on or after December 24, 1952. Such woman shall comply with the procedural requirements of § 324.12 except that a fee not exceeding $1.00 may be charged if the woman demands the triplicate copy of Form N-408, properly certified.

PART 325—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: NATIONALS BUT NOT CITIZENS OF THE UNITED STATES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
325.1 Residence and physical presence in the United States.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 325.1 *Residence and physical presence in the United States.* A national of the United States who is not a citizen thereof and who is otherwise qualified for naturalization may, if he becomes a resident of any State, be naturalized upon compliance with the applicable provisions of the Immigration and Nationality Act. In the case of such a person, residence and physical presence within the United States or residence and physical presence within any of the outlying possessions of the United States for the period during which continuous residence and physical presence are required to be established under Chapter 2 of Title III of the Immigration and Nationality Act shall be regarded as residence and physical presence within the United States pursuant to lawful admission for permanent residence, within the meaning of section 316 (a) of the Immigration and Nationality Act. Such person shall, unless otherwise exempted therefrom, established six months' residence within the State in which the petition for naturalization is filed, as required by section 316 (a) of the Immigration and Nationality Act.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 316, 325, 332, 66 Stat. 242, 248, 252)

SUBPART B—PROCEDURAL AND OTHER NONSUBTANTIVE PROVISIONS [RESERVED]

PART 327—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WHO LOST UNITED STATES CITIZENSHIP THROUGH SERVICE IN ARMED FORCES OF FOREIGN COUNTRY DURING WORLD WAR II

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
327.1 Period of service in armed forces.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

327.11 Procedural requirements.

AUTHORITY: §§ 327.1 and 327.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 327, 332, 338, 344 (h), 66 Stat. 248, 252, 259, 265.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 327.1 *Period of service in armed forces.* A former citizen of the United States of the class described in section 327 of the Immigration and Nationality Act, who during World War II served in the armed forces of any country at war with a country with which the United States was at war after December 7, 1941, and before September 2, 1945, may be naturalized under this part if such service was on or after September 1, 1939, and before September 2, 1945, even though the United States was not at war during the period of his service, provided that such country was not at war with the United States during any period of his service. Such person is not subject to the provisions of section 318 of the Immigration and Nationality Act barring from naturalization a person against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 327.11 *Procedural requirements.* A former citizen of the United States of the class described in section 327 of the Immigration and Nationality Act shall submit to the Service an application to file a petition for naturalization on Form N-400 and Supplemental Form N-400A, in accordance with the instructions contained therein. The petition for naturalization of such person shall be filed on Form N-405, in duplicate, with supplemental Form N-405A in triplicate, in any naturalization court. The original of Form N-405A shall be retained as part of the court record. After the oath of allegiance has been taken by the petitioner, the duplicate and triplicate copies of Form N-405A, bearing a copy of the oath duly attested and certified by the clerk, shall be forwarded by the clerk of court to the appropriate district director. The district director shall file the duplicate copy with the Service record and transmit the triplicate copy to the Department of State. The petitioner shall pay to the clerk of the court of the naturalization court at the time of filing the petition a fee of $10, unless exempted therefrom under section 344 (b) of the Immigration and Nationality Act.

PART 328—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WITH THREE YEARS SERVICE IN ARMED FORCES OF THE UNITED STATES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
328.1 Where service is continuous.
328.2 Whenever service is not continuous; petition filed while still in service or within six months after termination of service.
328.3 Whenever service terminates more than six months before petition is filed.
328.4 Proof of qualifications.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

328.11 Procedural requirements.

AUTHORITY: §§ 328.1 to 328.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 318, 328, 332, 334 and 335, 66 Stat. 244, 249, 252, 254, 255.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 328.1 *Whenever service is continuous—(a) Petition filed while still in service.* A person of the class described in section 328 (a) of the Immigration and Nationality Act, whose service in the armed forces of the United States aggregating three years has been continuous may, if his petition for naturalization is filed while still in the service, be

naturalized, subject to the provisions of this part, upon compliance with the provisions of Chapter 2 of Title III of the Immigration and Nationality Act, except that no particular period of residence or physical presence in the United States or any State or within the jurisdiction of the naturalization court shall be required, and except that such person shall not be subject to the provisions of section 318 of the Immigration and Nationality Act barring from naturalization a person against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest. Such person shall establish that he is in the United States pursuant to a lawful admission for permanent residence occurring prior to the filing of the petition for naturalization, whether or not it occurred before or after the service in the armed forces.

(b) *Petition filed within six months after termination of service.* A person of the class described in paragraph (a) of this section, who has been separated from the service described therein prior to filing his petition for naturalization but who files his petition within six months after the termination of such service may be naturalized under the conditions and with the exemptions set forth in paragraph (a) of this section, except that he shall establish his residence in the United States, good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States, for the period from the date of his separation from such service to the date of the filing of his petition for naturalization and from the latter date to the date of his admission to citizenship, by affidavits and testimony of at least two United States citizen witnesses, in the manner provided in § 334.21 and Part 335b of this chapter.

§ 328.2 *Whenever service is not continuous; petition filed while still in service or within six months after termination of service.* A person of the class described in § 328.1 whose service aggregating three years was not continuous and who files a petition for naturalization while still in such service or within six months after the termination of such service may be naturalized under the conditions and with the exemptions set forth in paragraph (a) of § 328.1, except that he shall establish his residence in the United States and State, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition to the good order and happiness of the United States, during the period or periods within five years immediately preceding the date of filing the petition and to the date of admission to citizenship, when not serving in the armed forces, by the affidavits and testimony of at least two United States citizen witnesses, for each such period, in the manner provided in § 334.21 and Part 335b of this chapter.

§ 328.3 *Whenever service terminates more than six months before petition is filed.* A person of the class described in §§ 328.1 or 328.2, whose service aggregating three years terminated more than six months preceding the date of filing his petition for naturalization shall comply with the applicable provisions of Chapter 2 of Title III of the Immigration and Nationality Act except that service during the five years immediately preceding the date of filing the petition shall be considered as residence and physical presence within the United States.

§ 328.4 *Proof of qualifications.* A petitioner under this part shall establish his residence and physical presence in the United States and in the State in which his petition is filed, his good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States during the periods of service referred to in §§ 328.1, 328.2, and 328.3 by the production of duly authenticated copies of the records of the executive departments having custody of the records of such service, which copies shall show the period or periods of such service, and that it was performed honorably or under honorable conditions. The petitioner shall also produce a certified statement from the appropriate executive department showing that he has never been discharged from the armed forces of the United States under other than honorable conditions. Such copies shall be accepted in lieu of the affidavits and testimony or depositions of witnesses for the period or periods of such service.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 328.11 *Procedural requirements.* A person of the class described in §§ 328.1, 328.2, or 328.3 shall submit to the Service an application to file a petition for naturalization on Form N–400, in accordance with the instructions contained therein. The duly authenticated copies of the records and the certified statements of the executive departments described in § 328.4 shall be requested by the applicant on Form N–426, in triplicate, and submitted to the Service with Form N–400. A person of the class described in §§ 328.1 or 328.2 may file his petition for naturalization in any naturalization court, regardless of his place of residence; a person described in § 328.3 shall file his petition in a court having jurisdiction over his place of residence. The petition for naturalization shall be filed on Form N–405 in duplicate. There shall be inserted after averment 10 of Form N–405, at the time of the filing thereof, a description of the petitioner's service, as follows:

I entered the _____
(Branch of service)
on _____ under Serial No. _____
(Month, day, year)
and am now serving honorably (was honorably discharged on _____).
(Month, day, year)

The petitioner may be naturalized immediately, if he is still in the armed services, and a certificate of such examination on Form N–440, in duplicate, is attached to his petition, in accordance with § 332.12 of this chapter. The petition shall be verified by at least two United States citizen witnesses, as provided in § 334.21 of this chapter.

PART 329—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES WHO SERVED DURING WORLD WAR I OR WORLD WAR II

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
329.1 World War I; definition.
329.2 Proof of character, attachment, and disposition.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

329.21 Procedural requirements.

AUTHORITY: §§ 329.1 to 329.21 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 329, 332, 334, 335, 402 (e), 66 Stat. 250, 252, 254, 255, 276.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 329.1 *World War I; definition.* For the purposes of section 329 of the Immigration and Nationality Act, World War I shall be deemed to have commenced on April 6, 1917, and to have ended on November 11, 1918.

§ 329.2 *Proof of character, attachment, and disposition.* A person of the class described in sections 329 (a) or 402 (e) of the Immigration and Nationality Act, shall establish that he is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, in the manner provided by § 334.21 and Part 335b of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 329.1 *Procedural requirements.* A person of the class described in section 329 or 402 (e) of the Immigration and Nationality Act shall submit to the Service an application to file a petition for naturalization on Form N–400 in accordance with the instructions contained therein. The certification required by section 329 (b) (4) of the Immigration and Nationality Act to prove service shall be requested by the applicant on Form N–426, in triplicate, and submitted to the Service with Form N–400. The petition for naturalization shall be filed on Form N–418, in duplicate, in any naturalization court, regardless of the residence of the petitioner. The petition shall be verified by at least two United States citizen witnesses as provided in § 334.21 of this chapter. The petitioner may be naturalized immediately if a certificate of such examination is filed with the petition in accordance with § 322.12 of this chapter.

PART 330—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SEAMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
330.1 Service on vessels after lawful admission for permanent residence; when deemed residence and physical presence in the United States.
330.2 Service on vessels prior to September 23, 1950; when deemed residence and physical presence in the United States and State.
330.3 Proof of qualifications.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

330.11 Procedural requirements.

AUTHORITY: §§ 330.1 to 330.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 316, 330, 332, 334, 335, 66 Stat. 242, 251, 252, 254, 255.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 330.1 *Service on vessels after lawful admission for permanent residence; when deemed residence and physical presence in the United States.* Service at any time after lawful admission for permanent residence, whether before or after the effective date of the Immigration and Nationality Act, on board vessels of the classes described in section 330 (a) (1) of the Immigration and Nationality Act, shall under the conditions specified in that section be deemed residence and physical presence within the United States within the meaning of section 316 (a) of the Immigration and Nationality Act.

§ 330.2 *Service on vessels prior to September 23, 1950; when deemed residence and physical presence in the United States and State*—(a) *Service aggregating five years.* Service at any time prior to September 23, 1950, for periods aggregating five years, whether or not there has been a lawful admission for permanent residence, shall be deemed residence and physical presence within the United States and residence within the State during the five-year period next preceding the filing of the petition for naturalization, within the meaning of section 316 (a) of the Immigration and Nationality Act, if (1) such service was performed honorably or with good conduct, on board any vessel of the United States Government, other than in the United States Navy, Marine Corps or Coast Guard, or on board vessels of more than twenty-tons' burden, whether or not documented under the laws of the United States, and whether public or private, which are not foreign vessels and the home port of which is in the United States, and (2) a petition for naturalization is filed on or before December 24, 1953.

(b) *Service aggregating less than five years.* Service at any time prior to September 23, 1950, aggregating less than five years, shall be deemed residence and physical presence within the United States, equivalent to that of the period of service, during the earliest portion of the five-year period next preceding the filing of the petition for naturalization within the meaning of section 316 (a) of the Immigration and Nationality Act, if (1) such service was performed honorably or with good conduct, on board vessels of the classes described in paragraph (a) of this section, (2) the person was so serving on September 23, 1950, and is residing in the United States pursuant to a lawful admission for permanent residence occurring at any time prior to filing the petition for naturalization, and (3) the petition for naturalization is filed on or before September 23, 1955.

§ 330.3 *Proof of qualifications*—(a) *Residence and physical presence in the United States.* Except as otherwise provided in this part, a person having the service described in this part shall prove that he has complied with all the applicable provisions of Chapter 2, Title III of the Immigration and Nationality Act, except that proof of residence and physical presence within the United States for the periods of such service shall be made by duly authenticated copies of the records of the executive departments or agencies having custody of the records covering the person's service on vessels of the United States Government, or by certificates from the masters of the vessels if service was on other than vessels of the United States Government, which records or certificates shall describe the vessels and the periods of service, and shall attest that during those periods the person served honorably or with good conduct.

(b) *Character, attachment, and disposition; State residence.* (1) The records or certificates described in paragraph (a) of this section shall be accepted also as proof of good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States for that portion of the service performed within the period of five years immediately preceding the date of the petition, and, in the cases of persons of the classes described in § 330.2 (a), as proof of residence within the State in which the petition is filed.

(2) A person claiming the benefits of § 330.2 (b) shall establish his good moral character, attachment to the principles of the Constitution and favorable disposition toward the good order and happiness of the United States during the five-year period next preceding the date of filing the petition, and from that date to the date of admission to citizenship, when not serving on such vessels, by the testimony or depositions of witnesses, in the manner described in Part 335b of this chapter. Such person shall establish also six months' State residence, as required by section 316 (a) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 330.11 *Procedural requirements.* A person claiming the benefits of § 330.1 or § 330.2 shall submit to the Service an application to file a petition for naturalization, together with Supplemental Form N–400–B, in accordance with the instructions contained therein. The petition for naturalization shall be filed on Form N–405 in duplicate in a naturalization court having jurisdiction over the petitioner's place of residence. There shall be attached to, and made a part of the original and duplicate of, the petition for naturalization at the time of filing an affidavit of the petitioner sworn to before the clerk of court or an officer of the Service, on Form N–421, in duplicate, fully describing the vessel or vessels on which the petitioner has served and the periods of service. The petition shall be verified by at least two United States citizen witnesses, as provided in § 334.21 of this chapter.

PART 331—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIEN ENEMIES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
331.1 Alien enemy defined.
331.2 Termination of status of alien enemy.
331.3 Revocation of exception from classification of alien enemy.
331.4 Naturalization under special provisions of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
331.11 Petition for naturalization pending; notice of and objection to final hearing on petition.
331.12 Waiver of 90-day notice.
331.13 Exception from classification of alien enemy.

AUTHORITY: §§ 331.1 to 331.13 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 306, 324, 329, 331, 332, 342, 402, 66 Stat. 237, 247, 250, 252, 263, 278.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 331.1 *Alien enemy defined.* An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war shall be considered an alien enemy for the purposes of the naturalization laws. A native of such an enemy country, state, or sovereignty, who subsequent to birth has become stateless or who has become a citizen, subject or denizen of a nation with which the United States is not at war shall nevertheless be considered an alien enemy.

§ 331.2 *Termination of status of alien enemy.* An alien enemy as defined in § 331.1 shall cease to be an alien enemy within the meaning of this part upon the official determination in the manner prescribed by section 331 (d) of the Immigration and Nationality Act that hostilities between the United States and the enemy country, state, or sovereignty have ended.

§ 331.3 *Revocation of exception from classification of alien enemy.* If subsequent to the filing of a petition for naturalization, and prior to admission to citizenship, evidence becomes available to the Service that exception from the classification of alien enemy was illegally or fraudulently obtained from or was granted through illegality or by fraud practiced upon the district director or the Commissioner, or a Deputy Commissioner, or Assistant Commissioner, action to cancel the exception granted may be taken in accordance with the provisions of Part 5 of this chapter, in which case a motion shall be made to the court to defer final hearing until such proceedings have been concluded. If the exception is cancelled by the district director or the Commissioner, or a Deputy Commissioner, it shall be considered a nullity from the date of the granting thereof, and the petitioner shall be subject to all the provisions of this part to the same extent as though the exception had never been granted. Written notice of the cancellation shall

be furnished by the district director to the clerk of the naturalization court for inclusion in the naturalization record.

§ 331.4 *Naturalization under special provisions of the Immigration and Nationality Act.* An alien enemy, as defined in § 331.1, who is applying for naturalization under the provisions of sections 306 (a) (1), 324 (c), 329, or 402 (j) of the Immigration and Nationality Act may be naturalized, if otherwise qualified, notwithstanding the provisions of this part.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 331.11 *Petition for naturalization pending; notice of and objection to final hearing on petition.* Subject to the conditions stated in this section, an alien enemy, as defined in § 331.1, whose petition for naturalization was pending at the beginning of the state of war, may, if otherwise eligible, be naturalized after his loyalty has been fully established upon investigation by the appropriate district director. The petition for naturalization shall not be called for a hearing or heard, except after ninety-days' notice by the clerk of court to the appropriate district director or officer in charge. Such notice shall be given on Form N–435, in duplicate, and the ninety-day period shall commence on the date of its receipt. The district director or officer in charge shall mail a receipted copy of Form N–435 to the clerk of court within two business days after receipt. The district director or officer in charge may, at any time prior to final hearing, object to such hearing. Such objection shall be made on Form N–434, in duplicate, and filed with the clerk of court. The filing of such objection shall cause the petition to be continued until such time as the objection is withdrawn. The clerk of court shall mail a receipted copy of Form N–434 to the district director or officer in charge within two business days after receipt.

§ 331.12 *Waiver of 90-day notice.* A petitioner for naturalization embraced within this part may request the district director or officer in charge, in writing, to waive the ninety-day notice referred to in § 331.11. Such waiver may be granted at any time after the petition has been filed and either before or after the clerk's notice has been given and the ninety-day period has commenced. The district director or officer in charge shall cause a full and complete investigation to be conducted and if such investigation satisfactorily establishes the petitioner's loyalty to the United States the district director or officer in charge may, in his discretion, grant the waiver. If the waiver is granted, notice thereof shall be given to the clerk of court by the district director or officer in charge on Form N–424, in duplicate, a copy of which shall be retained in the Service file.

§ 331.13 *Exception from classification of alien enemy.* An alien enemy, as defined in § 331.1, who did not have a petition for naturalization pending at the beginning of the state of war, shall not be eligible to file a petition for naturalization, unless and until the district director has excepted such alien from the classification of alien enemy. Application for such exception shall be made on Form N–436 and submitted to the Service with the application to file a petition for naturalization. The district director shall thereupon cause a full and complete investigation to be made of the loyalty of such applicant. If, after such investigation, the district director is satisfied as to the applicant's loyalty to the United States, he may, in his discretion, except the applicant from the classification of alien enemy by the execution of Form N–438, in duplicate, the original of which shall be filed with the clerk of the naturalization court at the time of or prior to the filing of the petition for naturalization, and the copy retained in the Service file. The exception so granted on Form N–438 shall not be effective for the purpose of filing a petition for naturalization unless and until such form is filed with the clerk of court. Form N–438 need not be filed with and made a part of the petition but shall be filed with the naturalization record by the clerk of court. If the district director is not satisfied as to the applicant's loyalty, he shall deny the application. The applicant shall be notified in writing of the denial of his application with the reasons therefor and, at the same time, shall be advised that he has ten days from the date of the notification in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7. If the Assistant Commissioner approves the application, the district director shall except the applicant from the classification of alien enemy, in the manner provided in this section. An applicant who has been excepted from the classification of alien enemy under this section shall be entitled to a hearing upon his petition for naturalization without regard to the provisions of § 331.11.

PART 332—PRELIMINARY INTERROGATION OF APPLICANTS FOR NATURALIZATION AND WITNESSES

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
332.11 Interrogation preliminary to filing petition for naturalization.
332.12 Certificate by examiner whenever petitioner is entitled to immediate hearing.
332.13 Use of record of preliminary interrogation.
332.14 Notice of proposed recommendation of denial; findings, conclusion, and recommendation.

AUTHORITY: §§ 332.11 to 332.14 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 335, 66 Stat. 252, 255.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 332.11 *Interrogation preliminary to filing petition for naturalization—(a) Scope of interrogation.* Whenever practicable, each applicant for naturalization and his witnesses shall appear in person before an officer of the Service authorized to administer oaths, prior to the filing of a petition for naturalization, and give testimony under oath concerning the applicant's mental and moral qualifications for citizenship, attachment to the principles of the Constitution, and disposition to the good order and happiness of the United States, the qualifications of the witnesses, and any other matter touching or in any way affecting his eligibility for naturalization. The interrogation shall be uniform throughout the United States.

(b) *Conduct of interrogation.* The Service officer, prior to the beginning of the interrogation, shall make known to the applicant and the witnesses the official capacity in which he is conducting the interrogation. The applicant and each witness shall be questioned under oath separately and apart from one another and apart from the public. The applicant shall be interrogated as to each assertion made by him in his application to file a petition and in any supplemental form. Whenever necessary, the written answers in the forms shall be corrected by the officer to conform to the oral statements made under oath. The examining officer, in his discretion, may have a stenographic transcript made, or prepare affidavits covering testimony of the applicant or witnesses. The questions to the applicant and the witnesses shall be repeated in different form and elaborated if necessary, until the officer conducting the interrogation is satisfied that the person being interrogated fully understands them. At the conclusion of the interrogation all corrections made on the application form and supplements thereto shall be consecutively numbered and recorded in the space provided therefor in the applicant's affidavit contained in the form. The affidavit shall then be subscribed and sworn to by the applicant and signed by the examining officer. The witnesses shall be questioned to develop their own credibility and competency as well as the extent of their personal knowledge of the applicant's qualifications to become a naturalized citizen. If the applicant is exempted from the requirement of reading and writing, and speaking English, the interrogation, including the examination of the applicant's knowledge and understanding of the Constitution, history, and form of Government of the United States, may be conducted through an interpreter.

§ 332.12 *Certificate by examiner whenever petitioner is entitled to immediate hearing.* The officer or employee conducting the preliminary interrogation shall execute a certificate of examination on Form N–440 in duplicate, for attachment to the original and duplicate petitions for naturalization, in any case in which the petitioner, under the provisions of the Immigration and Nationality Act applicable to his case, is entitled to an immediate hearing following examination by a representative of the Service.

§ 332.13 *Use of record of preliminary interrogation.* The record of the preliminary interrogation, including the executed and corrected application form and supplements thereto, affidavits, transcripts of testimony, documents and other evidence, and the reports of any investigations conducted, shall, in those cases in which a preliminary examination is to be held under Part 335 of this chapter, be submitted to the examiner designated to conduct such examination, for his use in examining the petitioner and witnesses. In those cases in which no preliminary examination is held the recommendation to the naturalization court shall be based upon the record of the preliminary interrogation and such other evidence as may be available.

§ 332.14 *Notice of proposed recommendation of denial; findings, conclusion, and recommendation.* In those cases in which the recommendation to the court is for denial of the petition, and no preliminary examination under Part 335 of this chapter is held, an officer of the Service shall, as soon as practicable after the preliminary interrogation and investigations have been concluded, prepare a memorandum in behalf of the Service in the manner described in § 335.12, and subject to review by the Commissioner, for presentation to the court at the final hearing. The petitioner shall be given written notice on Form N–429 advising him of the recommendation which will be made to the court and the specific reasons therefor. The notice and a copy of the memorandum shall be sent the petitioner by registered mail, return receipt requested, after review of the recommendation by the Commissioner, if made, and at least thirty days prior to final hearing. The hearing before the court may be held less than thirty days after such notification, if the petitioner agrees thereto.

PART 332a—OFFICIAL FORMS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
332a.1 Official forms essential to exercise of jurisdiction.
332a.2 Official forms prescribed for use of clerks of naturalization courts.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

332a.11 Initial application for official forms.
332a.12 Subsequent application for official forms.
332a.13 Alteration of forms of petitions or applications for naturalization.

AUTHORITY: §§ 332a.1 to 332a.13 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 310, 332, 66 Stat. 239, 252.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 332a.1 *Official forms essential to exercise of jurisdiction.* Before exercising jurisdiction in naturalization proceedings, the naturalization court shall direct the clerk of such court upon written application to obtain from the Service, in accordance with section 310 (c) of the Immigration and Nationality Act, proper forms, records, books, and supplies required in naturalization proceedings. Such jurisdiction may not be exercised until such official forms, records, and books have been supplied to such court. Only such forms as are supplied shall be used in naturalization proceedings. Where sessions of the court are held at different places, the judge of such court may require the clerk to obtain a separate supply of official forms, records and books for each such place.

§ 332a.2 *Official forms prescribed for use of clerks of naturalization courts.* The following described forms only shall be used by clerks of courts having naturalization jurisdiction, in the exercise of such jurisdiction:

Form No.	Title and description
N–3	Requisition for Forms and Binders.
N–4	Monthly Report—Naturalization Papers forwarded.
N–5	Continuation Sheet of Monthly Report—Naturalization Papers forwarded.
N–6	Jacket for Naturalization Papers.
N–7	Quarterly Abstract of Collections of Naturalization Fees.
N–11	Penalty Envelope (addressed to the Central Office of Service).
N–12	Penalty Envelope (to be addressed to any office of Service).
N–13	Penalty Envelope (large—to be addressed to any office of Service).
N–50	Receipt for Duplicate Petitions.
N–300	Application to File Declaration of Intention.
N–315	Declaration of Intention.
N–350	Application to Renounce Danish Citizenship.
N–351	Renunciation of Danish Citizenship.
N–400	Application to File Petition for Naturalization.
N–400A	Supplement to Application to File Petition for Naturalization (under section 324 (a) or 327, Immigration and Nationality Act).
N–400B	Supplement to Application to File Petition for Naturalization (by a seaman, under section 330 of the Immigration and Nationality Act).
N–400C	Supplement to Application to File Petition for Naturalization (for use with editions prior to December 24, 1952).
N–401	Preliminary Form to take Oath of Allegiance (by a woman formerly a citizen, under section 324 (c) of the Immigration and Nationality Act, or the act of June 25, 1936, as amended).
N–402	Application to File Petition for Naturalization in Behalf of a Child (under sections 322 or 323, Immigration and Nationality Act).
N–403	Request to have Petition for Naturalization marked "Void".
N–404	Request for Withdrawal of Petition for Naturalization.
N–405	Petition for Naturalization (under general provisions of the Immigration and Nationality Act).
N–405A	Affidavit in Support of Petition for Naturalization (by a former citizen, under section 327 of the Immigration and Nationality Act).
N–406	Petition for Naturalization (of a married person, under section 319 (a) or (b), Immigration and Nationality Act).
N–407	Petition for Naturalization (in behalf of a child, under section 322 or 323, Immigration and Nationality Act).
N–408	Application to take Oath of Allegiance and Form of such Oath (by a woman formerly a citizen, under section 324 (c), Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N–410	Motion for Amendment of Petition (application).
N–414	Acknowledgment of Filing Petition for Naturalization.
N–418	Petition for Naturalization (active duty in the armed forces, under section 329 of the Immigration and Nationality Act).
N–421	Affidavit in Support of Petition for Naturalization (by a seaman, under section 330, Immigration and Nationality Act).
N–435	Notice of Final Hearing by Clerk of Court (alien enemies).
N–435–1	Continuation Sheet—Form N–435.
N–442	Preliminary Form to take Oath of Allegiance (by former citizen, under Public Law 114, 82nd Congress, as amended).
N–443	Application to take the Oath of Allegiance and Form of Such Oath (by former citizen, under Public Law 114, 82nd Congress, as amended).
N–450	Notice of Intention to Substitute Witnesses.
N–451	Affidavits of Witnesses (to Petition for Naturalization).
N–455	Application for Transfer of Petition for Naturalization.
N–458	Application to Correct Certificate of Naturalization.
N–480	Naturalization Petitions Recommended to be Granted.
N–480A	Order of Court (granting petitions).
N–481	Naturalization Petitions Recommended to be Granted (continuation sheet).
N–483	Naturalization Petitions Recommended to be Continued (and Order of Court).
N–484	Naturalization Petitions Recommended to be Denied.
N–484A	Order of Court (denying petitions).
N–485	Naturalization Petitions Recommended to be Granted (on behalf of children).
N–486	Naturalization Petitions Recommended to be Denied (on behalf of children).
N–489	Certification by Clerk of Court of the taking of Oath of Allegiance.
N–490	Order of Court Granting Petitions for Naturalization.
N–491	Order of Court Denying Petitions for Naturalization.
N–492	Commissioner's Recommendation that Petition be Granted (and Order of Court).
N–493	Commissioner's Recommendation that Petitions be Denied (and Order of Court).
N–550	Certificate of Naturalization.
N–580	Application for a Certificate of Naturalization or Repatriation (under section 343 (a) of the Immigration and Nationality Act or 12th subdivision, section 4, of Act of June 29, 1906).

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 332a.11 *Initial application for official forms.* Whenever the initial application for forms, records, books, and supplies is made by a State court of record, it shall be accompanied by a certificate of the Attorney General of the State, certifying that the said court is a court of record, having a seal, a

clerk, and jurisdiction in actions at law or in equity, or at law and in equity, in which the amount in controversy is unlimited.

§ 332a.12 *Subsequent application for official forms.* Included with the initial supply of official forms, records, and books furnished to the various courts by the Service shall be Form N–3 entitled "Requisition for Forms and Binders," and thereafter such forms shall be used by clerks of courts in making requisition for forms, records, books, and supplies for use in naturalization proceedings in their respective courts.

§ 332a.13 *Alteration of forms of petitions or applications for naturalization.* The official forms for petitions or applications for naturalization to the court shall be altered by the clerk of court as follows:

(a) *Deletion of inapplicable acts or sections of acts.* Whenever the petition form is designed for use under more than one act or more than one section of an act, by striking from the title of the form the reference to the inapplicable act or section.

(b) *Exemption from residence in United States and State.* Whenever residence in the United States and State residence for any specified period is not required, by striking out allegations 10 and 16 on Form N–406, allegations 12 and 13 on Form N–407, allegation 16 on Form N–405, and the statements in the affidavits of witnesses as to the period of United States and State residence on Forms N–405 and N–406.

(c) *Exemption from physical presence in the United States.* Whenever physical presence in the United States for any specified period is not required, by striking out allegation 14 on Form N–407, and allegation 16 on Form N–405.

(d) *Exemption from lawful admission for permanent residence.* Whenever lawful admission for permanent residence is not required, by striking out allegation 9 on Forms N–405 and N–418.

(e) *Exemption from intention to reside permanently in the United States.* Whenever intention to reside permanently in the United States is not required by striking out allegation 12 on Form N–405.

(f) *Supplemental affidavits filed with petition for naturalization.* Whenever a supplemental affidavit is filed with the petition by adding to allegation 18, on Form N–405 "and supplemental affidavit on Form No. ------."

(g) *Oath of allegiance.* Whenever a petitioner or applicant for naturalization is exempt from taking the oath of allegiance prescribed in Part 337 in its entirety, by striking from the oath of allegiance the inapplicable clauses.

PART 332b—INSTRUCTION AND TRAINING IN CITIZENSHIP RESPONSIBILITIES: TEXTBOOKS, SCHOOLS, ORGANIZATIONS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
332b.1 Public school instruction and training in citizenship responsibilities of applicants for naturalization.
332b.2 Sending names of candidates for naturalization to the public schools.
332b.3 Federal citizenship textbooks.
332b.4 Public school certificates as evidence of petitioner's educational progress.
332b.5 Cooperation with official National and State organizations.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 332b.1 to 332b.5 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 346, 66 Stat. 253, 266.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 332b.1 *Public school instruction and training in citizenship responsibilities of applicants for naturalization.* The Central Office and the field offices of the Service shall cooperate with appropriate authorities or organizations in the establishment and maintenance of classes within or under the supervision of the public schools for the preparation of naturalization applicants for their citizenship duties and responsibilities. Field officers shall visit such classes when practicable. Should applicants for naturalization who desire such preparation live in remote localities where the establishment of a class is impracticable, field officers shall communicate with the appropriate representative of the public schools for the purpose of making other suitable arrangements, if possible, for their instruction.

§ 332b.2 *Sending names of candidates for naturalization to the public schools.* Arrangements shall be made with the public schools by which the names and addresses of applicants for naturalization will be made available to such schools for the purpose of interesting applicants in attending public school classes in preparation for citizenship duties and responsibilities.

§ 332b.3 *Federal citizenship textbooks.* Citizenship textbooks, for the free use of applicants for naturalization receiving instruction in or under the supervision of the public schools in preparation for citizenship, shall be prepared and distributed by the Service to the appropriate representatives of the public schools upon their signed requisitions therefor.

§ 332b.4 *Public school certificates as evidence of petitioner's educational progress.* Public school certificates attesting the attendance and progress records of petitioners for naturalization in citizenship classes shall be given weight by naturalization officers in determining the petitioner's knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States, and his ability to read, write, and speak English, provided that approval of the courses of instruction, teaching, and examinations of the public schools issuing such certificates is given by the district director and the naturalization courts.

§ 332b.5 *Cooperation with official National and State organizations.* The Central Office and the field offices shall take steps to obtain the aid of and to cooperate with official National and State organizations in the Service's program of promoting instruction and training of applicants for naturalization for their citizenship duties and responsibilities. Similar action shall be taken in relation to duly accredited unofficial educational, social service, welfare, and other organizations having as one of their objects the preparation of applicants for naturalization for their citizenship duties and responsibilities.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 332c—PHOTOGRAPHIC STUDIOS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
332c.1 Establishment of welfare photographic studios.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 332c.1 *Establishment of welfare photographic studios.* District directors shall, after investigation, make reports and recommendations to the Commissioner concerning the desirability of the establishment and operation by welfare organizations, without profit, of photographic studios, solely for the benefit of persons seeking to comply with the requirements of the immigration and naturalization laws. Quarters for such purpose must be in a building occupied by the Service, and be conducted under the supervision of the Commissioner. Such welfare organizations shall submit an annual accounting to the Commissioner of the conduct of such studio.

(Sec. 103, 66 Stat. 173. Interprets or applies sec. 332, 66 Stat. 253)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 332d—DESIGNATION OF EMPLOYEES TO ADMINISTER OATHS AND TAKE DEPOSITIONS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
332d.1 Designation of employees to administer oaths and take depositions.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 332d.1 *Designation of employees to administer oaths and take depositions.* All immigration officers and other officers or employees of the Service of an equal or higher grade are hereby designated to administer oaths and take depositions in matters relating to the administration of the naturalization and citizenship laws.

(Sec. 103, 66 Stat. 173. Interprets or applies sec. 332, 66 Stat. 252)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 333—PHOTOGRAPHS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
333.1 Description of required photographs.
333.2 Attachment of photographs to documents.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 333.1 and 333.2 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 333, 334, 66 Stat. 252, 253, 254.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 333.1 *Description of required photographs.* Every applicant required to furnish photographs of himself under this subchapter shall submit three identical photographs which shall be 2 by 2 inches in size, unmounted, printed on a thin paper, have a light background, clearly show a full front view of the features of the applicant with head bare (unless the applicant is wearing a headdress as required by a religious order of which he is a member), with the distance from the top of the head to point of chin approximately 1¼ inches, and which shall have been taken within 30 days of the date they are furnished. The applicant, except in the case of a child or other person physically incapable of signing his name, shall sign each copy of the photograph with his full true name, in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to sign his name. If the applicant is a prospective petitioner for naturalization, the photographs shall be signed by him in the English language, unless the applicant is of the class exempted from signing a petition for naturalization in the English language, as provided by § 334.13 of this chapter, in which case the photographs may be signed in any language. In the case of a child unable to sign its name, the photographs shall be signed by the parent, parents, or guardian as may be appropriate, and the signature shall read "(insert name of parent, parents, or guardian) in behalf of (insert name of child)." The photographs shall be signed when submitted with an application if the instructions accompanying the application so require. If the instructions do not so require the photographs shall be submitted without being signed and shall be signed at such later time during the processing of the application as may be appropriate.

§ 333.2 *Attachment of photographs to documents.* There shall be securely and permanently attached to each original and duplicate certificate of naturalization and to each duplicate and triplicate declaration of intention issued by any clerk of court, and to each copy of a declaration of intention, certificate of naturalization or certificate of citizenship issued by the Service, a signed photograph of the applicant. In each case in which a seal is affixed, the imprint of a part of the seal shall be affixed so as to extend over the lower portion of the photograph in such manner as not to obscure the features of the applicant.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 334—PETITION FOR NATURALIZATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
334.1 Right to file petition or application for naturalization.
334.2 Oath or affirmation of petitioner and witnesses.
334.3 Petitions for naturalization; numbering, indexing, binding.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

334.11 Petition for naturalization and preliminary application.
334.12 Notification to appear for preliminary interrogation and to file petition for naturalization.
334.13 Filing of petition for naturalization.
334.14 Investigation and report if applicant is sick or disabled.
334.15 Spoiled petitions for naturalization.
334.16 Amendment of petition or application for naturalization.
334.17 Transfer of petition for naturalization.
334.18 Withdrawal of petition and failure to prosecute.
334.21 Verification of petition for naturalization: administration of oath.

AUTHORITY: §§ 334.1 to 334.21 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 334, 335, 66 Stat. 252, 254, 256, 257, 259, 265.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 334.1 *Right to file petition or application for naturalization.* No person shall be denied the right to apply for naturalization in accordance with the procedure prescribed in this subchapter to any court authorized to exercise naturalization jurisdiction.

§ 334.2 *Oath or affirmation of petitioner and witnesses.* The petition for naturalization shall be executed under the following oath (or affirmation): "You do swear (affirm) that you know the contents of this petition for naturalization subscribed by you, and that the same are true to the best of your knowledge and belief."

The following oath (or affirmation) shall be administered to each of the witnesses who verify the petition: "You do swear (affirm) that the statements of fact you have made in the affidavits to this petition for naturalization subscribed by you are true to the best of your knowledge and belief."

§ 334.3 *Petitions for naturalization; numbering, indexing, binding.* Petitions for naturalization shall be numbered consecutively in the order in which they are filed, shall be filed chronologically in separate volumes, indexed, and made a part of the records of the naturalization court. Each such volume shall, upon completion, be permanently bound by an employee of the Service. Whenever a petitioner's name has been changed by order of court the original and the changed name shall be entered by the clerk of court in the index of petitions for naturalization.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 334.11 *Petition for naturalization and preliminary application.* Except as otherwise provided in this subchapter, a person who has attained the age of eighteen years and who desires to apply for naturalization, shall make and file, in accordance with the provisions of this part, a sworn petition for naturalization, in duplicate. Such person shall, before filing the petition for naturalization, execute and submit to the Service preliminary application to file a petition for naturalization, Form N–400, in accordance with the instructions contained therein.

§ 334.12 *Notification to appear for preliminary interrogation and to file petition for naturalization.* Following the submission of the preliminary application, the applicant shall be notified when and where to appear with his witnesses for preliminary interrogation, as described in Part 332 of this chapter, and to file the petition for naturalization.

§ 334.13 *Filing of petition for naturalization.* The petition for naturalization and the duplicate copy thereof shall be filed by the petitioner, in person, with the clerk of the court or his authorized deputy and only in the office of the clerk, except that an applicant for naturalization who satisfactorily establishes that he is prevented by sickness or other disability from appearing in the office of the clerk, may file the petition for naturalization at such other place as may be designated by the clerk of court or his authorized deputy. Except as otherwise provided in this subchapter, the petition shall be on Form N–405 and shall contain an averment that it is the intention of the petitioner to reside permanently in the United States. The petition shall be signed by the petitioner in the English language, if physically able to write, unless the petitioner on December 24, 1952 was over fifty years of age and had been living in the United States for at least twenty years, in which case the petitioner may sign his name in any language. When the petition has been so filed, the clerk shall furnish to the petitioner an acknowledgment of the filing of the petition on Form N–414. The petitioner shall pay the clerk of the naturalization court, at the time the petition is filed, a fee of $10, unless the petitioner is exempt therefrom by section 344 (h) of the Immigration and Nationality Act.

§ 334.14 *Investigation and report if applicant is sick or disabled.* Whenever it appears that an applicant for naturalization may be unable, because of sickness or other disability, to present himself in the office of the clerk of a naturalization court to file a petition for naturalization, the district director or officer in charge shall cause an investigation to be conducted to determine the circumstances, and shall report the condition of the applicant to the clerk of court for the purpose of aiding the court to determine whether the clerk of court shall designate another place to file a petition for naturalization. The report shall show whether the sickness or disability is of a nature which so incapacitates the applicant as to prevent him from appearing personally in the office of the clerk of court.

§ 334.15 *Spoiled petitions for naturalization.* If a petition for naturalization filed with the clerk of court is materially defective on its face, it shall nevertheless remain a part of the records of the court and the duplicate thereof disposed of, and the fee accounted for, in accordance with the provisions of Part 339 of this chapter. The Service shall inform the petitioner of the defect and the desirability of having the petition marked "Void" in order that the fee may be refunded or credited to the filing of another

petition. If the petitioner desires to have the defective petition submitted to the court for a judicial ruling in lieu of having it marked "Void", no refund of the fee shall be made. A request by the petitioner that his petition be marked "Void" shall be made on Form N–403, in duplicate, and submitted to the district director. If the request is approved by the district director the original shall be furnished the clerk of court for attachment to the petition and the clerk of court shall mark the petition "Void". The duplicate shall be retained in the field office file.

§ 334.16 *Amendment of petition or application for naturalization*—(a) *During pendency of petition or application.* An application to amend a petition or application for naturalization, while such application or petition is pending, shall be made by the petitioner or applicant on Form N–410, with copies thereof equal to the number of copies of the petition or application for naturalization, and presented to the court at the hearing on the petition or application for naturalization. When the court orders the petition or application amended, the original order shall be filed with the original petition or application and the copies attached to the respective copies of the petition or application.

(b) *After final action on petition or application.* Whenever an application is made to the court to amend a petition or application for naturalization after final action thereon has been taken by the court, a copy of the application shall be served upon the district director or officer in charge having administrative jurisdiction over the territory in which the court is located, in the manner and within the time provided by the rules of court in which application is made. A representative of the Service may appear at the hearing upon such application and be heard in favor of or in opposition thereto. When the court orders the petition amended, the clerk of court shall transmit a copy of the order to the district director or officer in charge for inclusion in the Service file.

§ 334.17 *Transfer of petition for naturalization*—(a) *Application for transfer.* A petitioner for naturalization who removes from the jurisdiction of the court in which his petition for naturalization is pending, may make application to the court on Form N–455, in quadruplicate, for transfer of the petition to a naturalization court having jurisdiction over his place of residence, or, if the petition was not required to be filed in a naturalization court having jurisdiction over his place of residence, to any other naturalization court exercising naturalization jurisdiction. The application shall be submitted, in accordance with the instructions contained therein, to the district director or officer in charge exercising administrative jurisdiction over the place where the court in which the petition is filed is located.

(b) *Action by district director or officer in charge.* If the district director or officer in charge consents to the transfer, he shall so indicate on each copy of Form N–455, which shall be filed with the clerk of court in which the petition is pending. If the district director or officer in charge does not consent to the transfer he shall so indicate on each copy of Form N–455 which shall be filed with the clerk of court, with a memorandum of the district director or officer in charge setting forth the reasons for the denial. The applicant shall be notified by the district director or officer in charge of the filing of Form N–455 with the clerk of court, and whether consent has been given by the district director or officer in charge.

(c) *Action by court in which petition is filed.* The court in which the petition is filed shall enter an order on Form N–455, in quadruplicate, approving or disapproving the application. If the application is approved, the original Form N–455 shall be filed with the naturalization record in the office of the clerk of court, the duplicate and triplicate copies transmitted to the court to which the petition is to be transferred, and the quadruplicate transmitted to the district director or officer in charge. If the application is disapproved, the original Form N–455 shall be filed with the naturalization record in the office of the clerk of court and the remaining copies transmitted to the district director or officer in charge, who shall notify the applicant of the disapproval.

(d) *Action by court to which petition is transferred.* The court to which the petition is to be transferred shall enter an order on the duplicate and triplicate copies of Form N–455, approving or disapproving the transfer. The duplicate copy shall be filed with the clerk of the court to which the petition is to be transferred, and the triplicate transmitted to the clerk of the court in which the petition is filed. If the application is disapproved, the clerk of court receiving the triplicate copy shall notify the district director or officer in charge of the disapproval.

(e) *Transfer of petition and record.* If the court to which the petition is to be transferred approves the transfer, the clerk of court in which the petition is filed shall file the triplicate copy of Form N–455 with the naturalization record and forward a certified copy of the petition, and the originals of all documents filed relating thereto, to the court to which the petition is being transferred, and notify the district director having administrative jurisdiction over the place in which the petition is filed, of the action taken. Upon receipt of the certified copy and record, the clerk of court to which the petition is transferred shall index it, number it consecutively in the order in which it is received, prefixed by the letters TR, and in a series separate from petitions originally filed in the court. The petition shall be made a part of the record of the naturalization court. No fee shall be charged by the clerk of the court to which the petition is transferred for the filing of the transferred petition or the issuance of a certificate of naturalization.

§ 334.18 *Withdrawal of petition and failure to prosecute.* (a) A petitioner who desires to withdraw his petition for naturalization after the filing thereof shall make request for withdrawal on Form N–404, in duplicate. The original shall be filed with the clerk of court and the duplicate with the office of the Service exercising administrative jurisdiction over the district in which the court is located. At the final hearing upon the petition, the officer in attendance shall inform the court whether the district director or officer in charge consents to the withdrawal of the petition. In cases in which such officer does not consent to the withdrawal, the court shall determine the petition on its merits.

(b) At the final hearing upon a petition for naturalization which the petitioner has failed to prosecute, the officer in attendance shall inform the court whether the district director or officer in charge consents to dismissal of the petition for lack of prosecution. In cases in which such officer does not move that the petition be dismissed for lack of prosecution, the court shall determine the petition on its merits.

§ 324.21 *Verification of petition for naturalization; administration of oath.* Every petition for naturalization shall, before it is filed, be verified by the petitioner, and by the affidavits of two credible witnesses, citizens of the United States, who shall appear in person either before a designated examiner or before the clerk of the court or his authorized deputy. Any such officer shall administer the required oaths to the petitioner and the witnesses. The witnesses shall sign the affidavits. The witnesses shall have and aver knowledge of the petitioner as to each place of his residence in the State where he is residing during the period of at least six months immediately prior to the filing of the petition unless the petitioner is exempted from the usual State residence requirement. If the petitioner has resided at two or more places in the State during the required six-month period and for this reason two witnesses cannot be procured to verify the petition as to all such residence, additional witnesses may be used and their affidavits shall be executed, in duplicate, on Form N–451, one copy of which shall be attached to the original petition and the other to the duplicate petition at the time of filing the petition. The witnesses shall state in their affidavits that they personally know that the petitioner is and has been a resident at such place for such period and that the petitioner is and has been during all such time a person of good moral character, attached to the principles of the Constitution of the United States, well disposed to the good order and happiness of the United States, and in all respects qualified to become a citizen of the United States. If the petitioner is exempted from the usual State residence requirement, the witnesses shall state in their affidavits the period of time that they have personally known the petitioner to have been a resident of the United States, and that such petitioner is, and, for the period required by the naturalization provisions applicable to the case, has been, a person of good moral character, attached to the principles of the Constitution of the United States, well disposed to the good order and happiness of the United States, and in all respects qualified to become a citizen of the United States.

PART 334a—DECLARATION OF INTENTION

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
334a.11 Preliminary form for declaration of intention.
334a.12 Notification to applicant.
334a.13 Filing of declaration of intention.
334a.14 Execution and fee.
334a.15 Disposition.
334a.16 Declaration of intention; numbering, indexing, binding.

AUTHORITY: §§ 334a.11 to 334a.16 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 334, 339, 344, 66 Stat. 252, 254, 259, 264.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 334a.11 *Preliminary form for declaration of intention.* Each prospective declarant shall, before making and filing a declaration of intention, submit to the Service an application therefor on Form N–300 in accordance with the instructions contained therein. The application may be submitted at any time after the applicant has been lawfully admitted for permanent residence and has attained the age of eighteen years.

§ 334a.12 *Notification to applicant.* Following approval of the application by the Service, the applicant shall be notified when and where to appear to make and file the declaration of intention.

§ 334a.13 *Filing of declaration of intention.* A clerk of court or his authorized deputy shall not accept a declaration of intention for filing, unless and until there shall have been received from the Service the applicant's approved Form N–300 authorizing the issuance of the declaration and showing that the applicant is residing in the United States pursuant to a lawful admission for permanent residence.

§ 334a.14 *Execution and fee.* The declaration of intention shall be executed by the alien on Form N–315, in triplicate, before the clerk of any court exercising naturalization jurisdiction or his authorized deputy, regardless of the place of residence of the applicant, and only in the office of said clerk. The applicant may sign the declaration and the photographs affixed thereto in any language, or by mark if unable to write. The declarant shall pay the clerk of court, at the time the declaration of intention is filed, the statutory fee of $5.

§ 334a.15 *Disposition.* The original declaration of intention shall be retained and filed of record by the clerk of court, and the triplicate delivered forthwith to the alien. The duplicate, with Form N–300, shall be forwarded to the appropriate district director or officer in charge on the first day of the month following the month in which the declaration is filed, in accordance with § 339.2 of this chapter for inclusion in the declarant's file.

§ 334a.16 *Declaration of intention; numbering, indexing, binding.* Declarations of intention shall be numbered consecutively in the order in which they are filed in a series separate from petitions. They shall be filed chronologically in separate volumes, indexed, and made a part of the records of the naturalization court. Each declaration volume shall upon completion be permanently bound by an employee of the Service in accordance with § 339.4 of this chapter.

PART 335—PRELIMINARY EXAMINATION ON PETITIONS FOR NATURALIZATION

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
335.11 Preliminary examination pursuant to section 335 (b) of the Immigration and Nationality Act.
335.12 Recommendations of the designated examiner and the Commissioner; notice.
335.13 Notice of recommendation of designated examiner.

AUTHORITY: §§ 335.11 to 335.13 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 335, 66 Stat. 252, 255.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 335.11 *Preliminary examination pursuant to section 335 (b) of the Immigration and Nationality Act*—(a) *When held.* Preliminary examinations shall be open to the public, and shall, where practicable, be held immediately after the petition for naturalization is filed with the clerk of the court unless, in the opinion of the district director or officer in charge, the interests of good administration would be better served by holding such examinations prior to the filing of the petition in the office of the clerk of court, but in no event shall such examinations be held before the petition has been properly executed by the petitioner and his verifying witnesses.

(b) *Conduct of examination.* Preliminary examinations shall be held before an employee of the Service, designated by the district director to conduct such proceedings and to make findings and recommendations thereon to the naturalization court, who shall be known as the "designated examiner." The petitioner and his witnesses and the witnesses produced on behalf of the Government shall be present. The designated examiner shall, prior to the commencement of the examination, make known to the petitioner his official capacity and that of any other officer of the Service who may participate in the proceeding. The designated examiner shall have before him the entire record of the preliminary interrogation, including the petitioner's application to file a petition for naturalization (Form N–400) and any other evidence or data that may be revelant or material to the inquiry. All testimony taken at the examination shall be under oath or affirmation administered by the designated examiner. The designated examiner may interrogate the petitioner and witnesses produced in behalf of the petitioner or the Government, and present evidence touching upon the petitioner's admissibility to citizenship. He shall regulate the course of the examination, rule upon applications for the issuance of subpenas and issue such subpenas in proper cases, grant or deny continuances, and rule on all objections to the introduction of evidence, which rulings shall be entered on the record. Evidence held by the designated examiner to be inadmissible shall nevertheless be received into the record subject to the ruling of the court. The petitioner and the Government shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. If the petitioner is not represented by an attorney or representative, the designated examiner shall assist the petitioner in the introduction of all evidence available in his behalf. All documentary or written evidence shall be properly identified and introduced into the record as exhibits by number, unless read into the record.

(c) *Assignment of examining officer at preliminary examination.* The district director or officer in charge may in his discretion assign an employee of the Service to act as examining officer at the preliminary examination. Such employee shall examine and cross-examine witnesses produced in behalf of the Government or the petitioner and present evidence pertinent to the petitioner's admissibility to citizenship. The designated examiner may take such part in the interrogation of the petitioner and witnesses and the introduction of evidence as he may deem necessary.

(d) *Stenographic reporting of proceedings; mechanical recording equipment.* A stenographer shall be in attendance whenever, in the opinion of the designated examiner, such attendance is desirable, and in every case to which an examining officer is assigned. The stenographer shall record verbatim the entire proceedings, including the oaths administered and rulings on objections, but shall not record arguments in support of objections, or statements made off the record with the consent of the petitioner. The stenographer shall certify that the transcribed minutes constitute a complete and accurate record of the examination. Whenever, in the opinion of the designated examiner the use of mechanical recording equipment in lieu of a stenographer is deemed desirable, the proceedings may be recorded by such equipment.

(e) *Issuance of subpenas; attendance and mileage fees.* Subpenas requiring the attendance of witnesses or the production of documentary evidence, or both, may be issued by the designated examiner, upon his own volition or upon written application of the petitioner or his attorney or representative, the examining officer, or the Service. Such written application shall specify, as nearly as may be, the relevance, materiality, and scope of the testimony or documentary evidence sought and show affirmatively that the testimony or documentary evidence cannot otherwise be produced. Subpenas shall be issued on Form I–138 and due record shall be made of their

service. The subpena may be served by any person over 18 years of age, not a party to the case, designated to make such service by the district director or officer in charge. Mileage and fees for witnesses subpenaed under this section shall be paid by the party at whose instance the subpena is issued at rates allowed and under conditions prescribed by the naturalization court in which the petition is pending. Before issuing a subpena the designated examiner may require a deposit of an amount adequate to cover the fees and mileage involved. If the witness subpenaed neglects or refuses to testify or produce documentary evidence as directed by the subpena, the district director or the officer in charge shall request the United States Attorney for the proper district to report such neglect or refusal to any court exercising naturalization jurisdiction and to file a motion in such court for an order directing the witness to appear and testify and to produce the documentary evidence described in the subpena.

(f) *Briefs.* At the conclusion of the preliminary examination the petitioner or his attorney or representative, and the examining officer if one was assigned, may submit briefs in support of arguments made or issues raised at the examination.

(g) *Representation by attorney or representative; absence of representative; advice to petitioner.* The petitioner may be represented by an attorney or a representative who has, where required, been admitted to practice before the Service in accordance with Part 292 of this chapter. If at any stage of the preliminary examination it appears to the designated examiner that he may recommend denial of the petition, or granting thereof with the facts to be presented to the court, he shall advise the petitioner of his right to be represented by an attorney or representative. A continuance of the examination shall be granted upon the petitioner's motion for the purpose of obtaining an attorney of representative. The petitioner's attorney or a representative shall be permitted to be present at all times during the preliminary examination or at any subsequent examinations and the petitioner shall not in any such examination or subsequent examinations be interrogated in the absence of his attorney or representative, unless the petitioner waives such appearance. The attorney or a representative shall be permitted to offer evidence to meet any evidence presented or adduced by the Government or the designated examiner. A petitioner who is not represented by an attorney or a representative shall be entitled to all the benefits and the privileges provided for in this section.

§ 335.12 *Recommendations of the designated examiner and the Commissioner; notice.* The designated examiner shall, as soon as practicable after conclusion of the preliminary examination, prepare an appropriate recommendation thereon for the court. If the designated examiner is of the opinion (a) that the petition should be denied, or (b) that the petition should be granted but the facts should be presented to the court, he shall prepare a memorandum containing a summary of the evidence adduced at the examination, findings of fact and conclusions of law, and his recommendation as to the final disposition of the petition by the court, and shall before final hearing, in those cases designated by the Commissioner, submit the memorandum to him for his views and recommendation. No evidence dehors the record or evidence that would not be admissible in judicial proceedings under recognized rules of evidence shall be considered in the preparation of the memorandum. The Commissioner shall return the designated examiner's memorandum, the record, and any memorandum prepared by the Commissioner containing his own views and recommendation for presentation to the court.

§ 335.13 *Notice of recommendation of designated examiner—(a) Recommendation that petition be denied.* When the designated examiner proposes to recommend denial of the petition, the petitioner or his attorney or representative shall be notified thereof, on Form N-425, and furnished a copy of the designated examiner's memorandum. The notice shall be sent by registered mail, with return receipt requested, after any review made by the Commissioner and at least thirty days prior to final hearing. The petitioner shall inform the Service in writing within thirty days from the date of the notice whether he desires a hearing before the court.

(b) *Recommendation that petition be granted.* When the designated examiner proposes to recommend granting of the petition and to present the facts and issues to the court, the petitioner or his attorney or representative shall be notified of the recommendation and furnished a copy of the designated examiners' memorandum prior to the date of the hearing, and after any review made by the Commissioner.

(c) *Disagreement between recommendations of designated examiner and Commissioner.* In those cases reviewed by the Commissioner in which his views and recommendation do not agree with those of the designated examiner, the notice required by paragraphs (a) and (b) of this section shall also advise the petitioner of the recommendation of the Commissioner and that both recommendations will be presented to the court. There shall also be enclosed with such notice a copy of the Commissioner's memorandum.

PART 335a—TRANSFER, WITHDRAWAL OR FAILURE TO PROSECUTE PETITION FOR NATURALIZATION

§ 335a.11 *Transfer of petition; procedure.* See § 334.17 of this chapter.

§ 335a.12 *Withdrawal of or failure to prosecute petition; procedure.* See § 334.18 of this chapter.

PART 335b—PROOF OF QUALIFICATIONS FOR NATURALIZATION: WITNESSES: DEPOSITIONS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
335b.1 Proof of residence and other qualifications.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
335b.11 Substitution of witnesses; procedure.
335b.12 Depositions; procedure.

AUTHORITY: §§ 335b.1 to 335b.11 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 307, 54 Stat. 1142, secs. 287, 316, 332, 335, 336, 405, 66 Stat. 233, 242, 252, 255, 257, 258.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 335b.1 *Proof of residence and other qualifications.*—(a) *Whenever State residence is required.* At the preliminary examination upon the petition for naturalization before a designated examiner, or if no preliminary examination is held, at the final hearing before the court, residence in the State in which the petitioner resides at the time of filing the petition, for at least six months immediately preceding the date of filing the petition and the other qualifications required by section 316 (a) of the Immigration and Nationality Act during such residence, shall be proved only by the oral testimony of two credible witnesses, citizens of the United States. Residence and other qualifications required by section 316 (a) of the Immigration and Nationality Act, for the period prior to such six-month period shall be proved either by depositions taken in accordance with § 335b.12 or by the oral testimony of at least two credible witnesses, citizens of the United States. If oral testimony is taken from witnesses who did not verify the petition, affidavits on Form N-451 shall be executed by such other witnesses, in duplicate, before the clerk of the court or the designated examiner, one copy of which shall be attached to the original petition and the other to the duplicate petition.

(b) *Whenever State residence is not required.* In any case in which State residence is not required to be established, the petitioner shall, at the preliminary examination before the designated examiner, or if no preliminary examination is held, at the final hearing before the court, prove his residence within the United States and the other qualifications required by section 316 (a) of the Immigration and Nationality Act, for such period as they have known the petitioner, by the oral testimony of two credible witnesses, citizens of the United States. That portion of the time during which the petitioner is required to establish residence within the United States and the other qualifications required by section 316 (a) of the Immigration and Nationality Act, which is not covered by the oral testimony of such witnesses, shall be proved either by depositions taken in accordance with § 335b.12, or by the oral testimony of at least two credible witnesses, citizens of the United States. If oral testimony is taken from witnesses who did not verify the petition, affidavits on Form N-451 shall be executed by them and filed in the manner described in paragraph (a) of this section.

(c) *Whenever petitioner is absent from the United States.* A petitioner who has been granted the benefits of section 316 (b) of the Immigration and Nationality Act or section 307 (b) of the Nationality Act of 1940 to cover his absence from the United States for the purposes specified in that section shall not be required to establish his qualifications under section 316 (a) of the Immigration and Nationality Act for the period of his absences by the testimony of witnesses, as required by this part. The qualifications during such period may be established by any evidence satisfactory to the naturalization court.

(d) *Witnesses excused from final hearing.* If the testimony of the witnesses is heard at a preliminary examination under Part 335 of this chapter the witnesses may be excused by the designated examiner from appearance before the court at the final hearing, unless the petitioner otherwise demands or the court otherwise requires.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 335b.11 *Substitution of witnesses; procedure.* If the witnesses who verified the petition have not been excused from appearance at the final hearing and the petitioner is unable to produce such witnesses, other witnesses may be presented in their stead, upon notice given by the petitioner on Form N-450 to the district director or officer in charge, within a reasonable time in advance of the date set for final hearing. If any of the verifying witnesses appear to be incompetent and the petitioner has acted in good faith in producing such witnesses, other witnesses may be substituted upon notice on Form N-450 given in the manner described in this section. In no case shall a final hearing be held until after the substitute witnesses have been examined by the representative of the Service and an affidavit on Form N-451 has been executed in duplicate by the witnesses before such representative or the clerk of the court in the manner described in § 335b.1 (a).

§ 335b.12 *Depositions; procedure—(a) In the United States.* Depositions may be used to prove compliance with the requirements for naturalization during any period except the minimum period of State residence. A request to take depositions shall be made by the petitioner on Form N-460. Such depositions shall be taken only upon written interrogatories on Form N-462. Except as otherwise provided in this section they shall be made in the United States before an employee of the Service authorized to administer oaths and take depositions under Part 332d of this chapter, unless there is a likelihood of unusual delay or hardship, in which case the district director or officer in charge may authorize such depositions to be taken before a postmaster, without charge, or before a notary public or other person authorized to administer oaths for general purposes, and the authorization to take such depositions shall be filed in the naturalization court with the depositions. In cases in which the depositions are taken other than before an employee of the Service or a postmaster, the alien shall be informed of the name and title of the officer designated to take the depositions and the petitioner shall arrange with him independently of the Service to defray all costs and expenses incident thereto. When depositions are taken by the Service, the time and place shall be fixed so as to be as convenient as possible to all concerned, consistent with good administration. The petitioner or his attorney or representative may be present when the depositions are taken. Depositions taken under this section shall be sent to the officer in charge having administrative supervision over the territory in which the petition is pending and by him forwarded to the clerk of the naturalization court prior to the final hearing, for filing with the petition.

(b) *Outside the United States.* Petitioners for naturalization who, under sections of the Immigration and Nationality Act applicable to their cases, are exempt from the usual requirement of residence and physical presence in the United States, but who are required to establish good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States for the period applicable to their cases, and who were absent from or were not residents of the United States during such period, may establish their qualifications during the periods of absence by depositions taken outside the United States in the manner described in paragraph (a) of this section. Such depositions shall be taken before any employee of the United States designated for that purpose by the Commissioner. The petitioner shall be informed that he will be required to defray all costs and expenses of the person taking the depositions, as may be authorized by law and that the petitioner shall arrange with the deponents for the payment of such costs and expenses independently of the Service.

PART 335c—INVESTIGATIONS OF PETITIONERS FOR NATURALIZATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
335c.1 Investigations; waivers of.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 335c.1 *Investigations; waivers of.* District directors are authorized to waive the personal investigations required by section 335 (a) of the Immigration and Nationality Act in any case in which there is no information available from any source indicating the need for such investigations to determine the admissibility to citizenship of the petitioner for naturalization.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 316, 319, 322, 323, 328, 332, 335, 66 Stat. 242, 244, 246, 249, 252, 255)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
336.11 Notice to Service; personal representation of Government at naturalization proceedings.
336.12 Written report in lieu of personal representation.
336.13 Preparation of recommendations and orders of court for presentation at final hearing.
336.14 Presentation of designated examiner's and Commissioner's recommendation at final hearing.
336.15 Final hearing; sickness or disability of petitioner; investigation.
336.16 Final hearing; waiver of 30 day period.
336.17 Substitution of witnesses; procedure.

AUTHORITY: §§ 336.11 to 336.17 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 335, 336, 337, 66 Stat. 252, 255, 257, 258.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 336.11 *Notice to Service; personal representation of Government at naturalization proceedings.* At least thirty days prior to the holding of any naturalization proceedings referred to in section 336 (d) of the Immigration and Nationality Act, the clerk of the naturalization court shall give written notice to the appropriate district director or officer in charge of the time, date, and place of such proceedings. Such notice may be waived by the district director or officer in charge. Final naturalization hearings or other naturalization proceedings shall, whenever practicable, be attended personally by naturalization examiners or other members of the Service, who shall present to the court the views and recommendations of the designated examiner and the Commissioner, as appropriate. In those cases in which the recommendation of the Commissioner does not agree with that of the designated examiner, a member of the Service other than the person who conducted the preliminary examination shall, whenever practicable, represent the Service before the court. Such representative may cross-examine the petitioner and his witnesses and may call other witnesses and produce evidence concerning any matter affecting the petitioner's eligibility for naturalization. In cases in which it appears to be necessary, the representative in attendance at the proceedings, shall have a stenographic report made of the testimony given in the proceedings.

§ 336.12 *Written report in lieu of personal representation.* In any case in which a preliminary interrogation or preliminary examination has been conducted pursuant to Part 332 or Part 335 of this chapter, and it is impracticable thereafter for a representative of the Service to be present at the final naturalization hearing, written notice of that fact shall be given by the Service to the court. The petitions set down for hearing shall be listed on the appropriate form prescribed by § 336.13. The grounds for objection, if any, shall be supported by the memoranda required by §§ 335.12 and 332.14 of this chapter. If continuance of the petition is desired, the basis therefor shall be set forth. The forms and memoranda shall be transmitted to the clerk of court, who shall submit the appropriate lists and orders to the court, in accordance with the procedure described in § 336.13.

§ 336.13 *Preparation of recommendations and orders of court for presentation at final hearing.* Prior to the final hearing referred to in section 336 of the Immigration and Nationality Act, the representative attending the final hearing shall have prepared, in duplicate, lists of petitions on Form N–480, Form N–481, Form N–485, or Form N–490, as appropriate, for those recommended to be granted; on Form N–483 for those recommended to be continued; and on Form N–484, Form N–486, or Form N–491, as appropriate, for those recommended to be denied. Such forms, except Forms N–490 and Forms N–491, shall be signed by the representative attending the final hearing. The forms shall be submitted to the court at or before such hearing. In any case in which the Commissioner's recommendation differs from that of the designated examiner, the Commissioner's list shall be prepared in duplicate, on Form N–492 for petitions recommended to be granted, and on Form N–493 for petitions recommended to be denied, shall be signed by the district director or officer in charge, and submitted by the representative to the court at or before the final hearing. After the final hearing has been held, an order of court, in duplicate, on Form N–480A for petitions recommended to be granted by the designated examiner; on Form N–483 for petitions recommended to be continued; on Form N–490 for petitions granted; on Form N–491 for petitions denied on Form N–492 for petitions recommended to be granted by the Commissioner, and on Form N–493 for petitions recommended to be denied by the Commissioner, as appropriate, shall be presented to the judge who presided at the final hearing, for his signature. In any case in which the petitioner is not permitted to take the oath of allegiance required by section 337 (a) of the Immigration and Nationality Act until a date following a general election referred to in section 336 (c) of the Immigration and Nationality Act, the order of court on Forms N–480A, N–484A, N–490, and N–492 shall be amended by striking therefrom the words, "and each having taken the oath of allegiance required by the naturalization laws and regulations," and inserting immediately following the word "America" in the order of admission, the words "as of the date of and upon the taking of the oath of allegiance required by the naturalization laws and regulations at a date subsequent to ----------, 19----." Following the taking of the oath of allegiance after a general election pursuant to such amended order, the clerk of court shall prepare a list, in duplicate, on Form N–489, certifying that such oath was taken. The originals of all court orders and lists specified herein shall be filed permanently in the court, and the duplicates forwarded by the clerk of court to the appropriate field office of the Service for retention by such office. The same disposition shall be made of any list presented to, but not approved by, the court.

§ 336.14 *Presentation of designated examiner's and Commissioner's recommendation at final hearing.* At the final hearing or prior thereto, in addition to the lists prepared under § 336.13, there shall be presented to the court and made a part of the record in the case, the memoranda of the designated examiner and the Commissioner, prepared pursuant to provisions of Part 332 or Part 335 of this chapter.

§ 336.15 *Final hearing: sickness or disability of petitioner; investigation.* Whenever it appears that a petitioner for naturalization may be unable, because of sickness or other disability, to appear in open court for final hearing upon his petition for naturalization, the district director or officer in charge shall cause an investigation to be conducted to determine the circumstances and shall report the condition of the petitioner to the clerk of court for the purpose of aiding the court to determine whether another place for the final hearing shall be designated. The report shall show whether the sickness or other disability is of a nature which so incapacitates the person as to prevent him from appearing in open court.

§ 336.16 *Final hearing; waiver of 30-day period.* A petitioner for naturalization may request the district director or officer in charge, in writing, to waive the thirty-day period following the filing of the petition referred to in section 336 (c) of the Immigration and Nationality Act. Such request may be made at any time prior or subsequent to the filing of the petition. The district director or officer in charge shall cause a full and complete investigation to be conducted and if such investigation satisfactorily establishes that such waiver will be in the public interest and will promote the security of the United States, he may, in his discretion, grant the waiver. Notice of granting of the waiver shall be given to the clerk of court in writing.

§ 336.17 *Substitution of witnesses; procedure.* See § 335b.11 of this chapter.

PART 337—OATH OF ALLEGIANCE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
337.1 Oath of allegiance.
337.2 Persons naturalized by judicial action; effective date.
337.3 Renunciation of title or order of nobility.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

337.11 Oath of renunciation and allegiance; sickness or disability of petitioner.

AUTHORITY: §§ 337.1 to 337.11 issued under sec. 103, 66 Stat. 173. Interpret or applies secs. 322, 323, 332, 337, 66 Stat. 246, 252, 258.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 337.1 *Oath of allegiance.*—(a) *Form of oath.* Except as otherwise provided in the Immigration and Nationality Act, a petitioner or applicant for naturalization shall, before being admitted to citizenship, take in open court the following oath of allegiance:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; or that I will perform noncombatant service in the armed forces of the United States when required by the law; or that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God. In acknowledgement whereof I have hereunto affixed by signature.

(b) *Alteration of form of oath.* In those cases in which a petitioner or applicant for naturalization is exempt from taking the oath prescribed in paragraph (a) of this section in its entirety, the inapplicable clauses shall be deleted and the oath shall be taken in such altered form.

(c) *Obligations of oath.* A petitioner or applicant for naturalization shall, before being naturalized, establish that it is his intention, in good faith, to assume and discharge the obligations of the oath of allegiance, and that his attitude toward the Constitution and laws of the United States renders him capable of fulfilling the obligations of such oath.

§ 337.2 *Persons naturalized by judicial action; effective date.* Any person who was or shall hereafter be admitted to citizenship by the written order of a naturalization court, shall be deemed to be a citizen of the United States as of the date of taking the prescribed oath of allegiance. Whenever a waiver of such oath is granted by the court in the case of a child naturalized under sections 322 or 323 of the Immigration and Nationality Act, the child shall become a citizen of the United States as of the date of such waiver.

§ 337.3 *Renunciation of title or order of nobility.* A petitioner for naturalization who has borne any hereditary title or has been of any of the orders of nobility in any foreign state, shall, in addition to taking the oath of allegiance prescribed by § 337.1, make under oath in open court an express renunciation of such title or order of nobility, in the following form:

I further renounce the title of ---------- (give title or ---------- which I have heretofore held; or titles)
I further renounce the order of nobility ---------- to which I (Give the order of nobility) have heretofore belonged.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 337.11 *Oath of renunciation and allegiance; sickness or disability of petitioner.* Whenever it appears that a petitioner for naturalization may be unable because of sickness or other disability to take the oath of allegiance in open court, the district director or officer in charge shall cause an investigation to be conducted to determine the circumstances, and shall report the condition of the petitioner to the naturalization court for the purpose of aiding the court to determine whether the oath may be taken at another place. The report shall show whether the sickness or other disability is of a nature which so incapacitates the person as to prevent him from appearing in open court.

PART 338—CERTIFICATE OF NATURALIZATION

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
338.11 Execution and issuance.
338.12 Endorsement in case name is changed.
338.13 Spoiled certificates.
338.14 Delivery of certificates; surrender of alien registration receipt card.
338.15 Signing of certificate.
338.16 Correction of certificates.

AUTHORITY: §§ 338.11 to 338.16 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 322, 323, 332, 333, 336, 338, 339, 66 Stat. 246, 252, 253, 258, 259.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 338.11 *Execution and issuance.* When a petitioner for naturalization has duly taken and subscribed to the oath of allegiance and a final order admitting petitioner to citizenship has been duly signed by the court, a certificate of naturalization shall be issued by the clerk of the court on Form N–550, in duplicate. The certificates and the stub of the original thereof shall be signed by the petitioner. The certificate shall show under "former nationality" the name of the country of which the petitioner was last a citizen, as shown in the petition, even though petitioner may have been stateless at the time of admission to citizenship. The clerk or a deputy clerk shall sign the certificate in his own handwriting and enter on the stub thereof all the essential facts set forth in the certificate. Both copies of the certificate, including the stubs, shall be prepared in one operation on a typewriter with the use of carbon paper. Photographs shall be affixed to the original and duplicate certificates in the manner provided by Part 333 of this chapter. The stub of the original shall be removed and retained by the clerk of court and filed in an upright card file, or in a three by five inch card drawer by trimming the stub to that size. The original certificate shall be delivered to the petitioner. The duplicate copies of the certificates shall not be separated from their stubs and shall be forwarded to the appropriate office of the Immigration and Naturalization Service with all other duplicate papers in accordance with Part 339 of this chapter.

§ 338.12 *Endorsement in case name is changed.* Whenever the name of a petitioner has been changed by order of court as a part of a naturalization, the clerk of court shall make, date, and sign the following endorsement on the reverse side of the original and duplicate of the certificate of naturalization: "Name changed by decree of court from ----------, as a part of the naturalization," inserting in full the original name of the petitioner. A similar notation shall be made on the stubs of the original and duplicate certificate. The certificate of naturalization shall be issued and the stub of the original thereof signed by the petitioner in the name as changed.

§ 338.13 *Spoiled certification.* Whenever a certificate of naturalization is damaged, mutilated, defaced or otherwise spoiled before delivery by the clerk, the original and duplicate, with stubs intact, shall be marked "Spoiled" and transmitted to the appropriate immigration and naturalization office, in the manner described in § 339.2 of this chapter, with the monthly report of the clerk on Form N–4.

§ 338.14 *Delivery of certificates; surrender of alien registration receipt card.* No certificate of naturalization shall be delivered by the clerk of court unless and until the naturalized person has surrendered his Alien Registration Receipt Card, unless the district director or officer in charge authorizes delivery without the card. The number of the card shall be endorsed by the clerk on the stubs of the original and duplicate certificate. The clerk shall forward the receipt card to the appropriate immigration and naturalization office with the duplicate certificate in accordance with § 339.2 of this chapter.

§ 338.15 *Signing of certificate.* If a child, who has been admitted to citizenship under section 322 or section 323 of the Immigration and Nationality Act is unable to sign his name, the certificate of naturalization shall be signed by the petitioning parent or parents, whether natural or adoptive, as may be appropriate, and the signature shall read "(insert name of petitioning parent or parents) in behalf of (insert name of naturalized child)." A naturalized person whose petition was signed by him in a foreign language may sign his certificate of naturalization in the same manner.

§ 338.16 *Correction of certificates.* Whenever a certificate of naturalization has been delivered which does not conform to the facts shown on the petition for naturalization, or a clerical error was made in preparing the certificate, an application on Form N–458 may be made by the naturalized person to the district director exercising jurisdiction over the place in which the court is located to authorize the correction of the certificate. If the district director finds that a correction is justified and can be made without mutilating the certificate, he shall authorize the clerk of the issuing court on Form N–459, in duplicate, to make the necessary correction and to place a dated endorsement on the reverse of the certificate, over his signature and the seal of the court, explaining the correction. The authorization shall be filed with naturalization record, the corrected certificate returned to the naturalized person and the duplicate Form N–459 shall be endorsed to show the date and nature of the correction and endorsement made, and returned to the district director. No fee shall be charged the naturalized person for the correction. The district director shall forward such duplicate to the Central Office. When a correction would or does result in mutilation of the certificate, the district director may authorize the clerk of court on Form N–459, in duplicate, with the consent of the naturalized person, to issue without fee a new certificate from his supply, upon surrender of the incorrect certificate and submission of photographs. The surrendered certificate shall be marked "Spoiled" and transmitted to the district director with the duplicate copy of the new certificate and the duplicate Form N–459 appropriately endorsed, with the monthly report of the clerk on Form N–4. The original of the new certificate shall be delivered to the naturalized person. Objection shall be made by the Service to any application to the court for the alteration of a certificate of naturalization which would cause it to vary from the record on which the naturalization was granted.

PART 339—FUNCTIONS AND DUTIES OF CLERKS OF NATURALIZATION COURTS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
339.1 Administration of oath to declarations of intention and petitions for naturalization.
339.2 Monthly reports.
339.3 Relinquishment of naturalization jurisdiction.
339.4 Binding of naturalization records.
339.5 Numbering and indexing and filing of petitions for naturalization and declarations of intention.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§339.1 to 339.5 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 339, 344, 66 Stat. 252, 259, 265.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 339.1 *Administration of oath to declarations of intention and petitions for naturalization.* It shall be the duty of every clerk of a naturalization court to administer the required oath to each applicant for a declaration of intention. The clerk shall receive and file petitions and administer the required oaths to each petitioner and the witnesses to each petition, unless such petitioner and witnesses have executed the petition before a designated examiner.

§ 339.2 *Monthly reports.* Clerks of court shall on the first day of each month submit to the district director, or officer in charge, having administrative jurisdiction over the place in which the court is located, a report on Form N–4, in duplicate, listing all declarations of intentions, all petitions for naturalization, and all certificates of naturalization issued during the preceding month, in accordance with the instructions contained in Form N–4. When at any time during the month the aggregate number of petitions and declarations filed reaches 100 the clerk shall on request of the district director or officer in charge forthwith forward such reports in accordance with the provisions of this section. The report shall be accompanied by all duplicate copies of declara-

tions of intention and applications therefor on Forms N–300; by all duplicates of petitions for naturalization not theretofore delivered to a representative of the Service, and all duplicates of certificates of naturalization with stubs intact and surrendered alien registration receipt cards attached thereto. The clerk of court shall show opposite the number of each petition in which the petitioner is exempt from payment of a naturalization fee under section 344 (h) of the Immigration and Nationality Act the letter "M". Opposite the name of each such case and at the bottom of the petition, the notation "No fee" shall be inserted. Void petitions shall be listed separately on Form N–4 and on Form N–7 and so indicated on such forms.

§ 339.3 *Relinquishment of naturalization jurisdiction.* Whenever a court relinquishes naturalization jurisdiction, the clerk of court shall, within ten days following the date of relinquishment, furnish the district director or officer in charge having administrative jurisdiction over the place in which the court is located, a certified copy of the order of court relinquishing jurisdiction. A representative of the Service shall thereafter examine the naturalization records in the office of the clerk of court and shall bind and lock them. The clerk of court shall return all unused forms and blank certificates of naturalization to the district director or officer in charge with his monthly report on Form N–4.

§ 339.4 *Binding of naturalization records.* Whenever a volume of petitions for naturalization, applications to take the oath of allegiance, declarations of intention, orders of court, or other documents affecting or relating to the naturalization of persons is completed, it shall be bound and locked in the office of the clerk of court by a representative of the Service. It shall be the duty of the clerk of court to notify the district director or officer in charge as soon as a volume is ready for binding and locking and to request such officer to arrange to have the volume bound and locked.

§ 339.5 *Numbering and indexing and filing of petitions for naturalization and declarations of intention.* See §§ 334.3 and 334a.16 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 340—REVOCATION OF NATURALIZATION

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
340.11 Investigation and report.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 340.11 *Investigation and report.* Whenever it appears that any grant of naturalization may have been procured by concealment of a material fact or by wilful misrepresentation, the facts shall be reported to the district director having jurisdiction over the naturalized person's last known place of residence. If the district director is satisfied that a prima facie showing has been made that grounds for revocation exist, he shall cause an investigation to be made and report the facts in writing to the Commissioner with a recommendation as to whether revocation proceedings should be instituted. If it appears that naturalization was procured in violation of section 1425 of Title 18 of the United States Code, the facts in regard thereto may be presented by the district director to the appropriate United States Attorney for possible criminal prosecution.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 332, 340, 66 Stat. 252, 260)

PART 341—CERTIFICATE OF CITIZENSHIP UNDER SECTION 341 OF THE IMMIGRATION AND NATIONALITY ACT

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
341.1 Persons eligible.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

341.11 Application and fee.
341.12 Supporting documents and copies.
341.13 Notice and examination of applicant and witnesses.
341.14 Burden of proof; benefit of Service records.
341.15 Report and recommendation.
341.16 Final disposition.
341.17 Attorneys.

AUTHORITY: §§ 341.1 to 341.17 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 333, 337, 341, 344, 66 Stat. 252, 254, 258, 263, 264.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 341.1 *Persons eligible.* A person who claims to have derived United States citizenship through the naturalization of a parent or parents or through the naturalization or citizenship of a husband, or who claims to be a citizen at birth outside the United States under the provisions of any of the statutes or acts specified in section 341 of the Immigration and Nationality Act, may apply for a certificate of citizenship.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 341.11 *Application and fee.* Application for a certificate of citizenship under this part shall be submitted to the Service on Form N–600, in accordance with the instructions contained therein. The application shall be signed by the applicant, or in the case of a child under the age of eighteen years by his parent or guardian, but shall not be subscribed or sworn to or affirmed until the applicant appears before an officer of the Service for examination. The application shall be accompanied by the statutory fee of $5.

§ 341.12 *Supporting documents and copies.* The originals of such documentary evidence, or pertinent excerpts therefrom if the documents are lengthy or bulky, as the applicant may have or be able to obtain relating to the date and place of his birth, the date and place of the marriage of his parents, the date and place of marriage of the applicant if the applicant be a woman, the identity of any person involved, or any other documents tending to establish the claimed citizenship, shall be submitted with the application. The applicant shall not be required to furnish a translation of any such documents written in a foreign language. If the applicant desires any such documents returned to him after final action has been taken in his case, the application shall be accompanied also by photostatic, photographic, or typewritten copies of such documents, except that no copy may be made of any original or copy of a declaration of intention or certificate of naturalization or citizenship or any part thereof. If the applicant has made reasonable effort to obtain official copies of public or church records of such documentary evidence without success or cannot obtain such copies without undue hardship, other evidence may be submitted.

§ 341.13 *Notice and examination of applicant and witnesses.* The applicant shall be notified when and where to appear in person before an officer of the Service for examination upon the application and shall be requested to produce witnesses in support of his application. The examining officer shall orally review the application with the applicant, or in the case of a child under the age of eighteen years, with its parent or parents, or guardian, before administering the oath to the applicant. Any necessary changes in the application shall be consecutively numbered and acknowledged in writing by the applicant or the parent or guardian. The applicant and the person or persons through whom applicant claims to have derived or acquired citizenship shall then be carefully questioned under oath concerning the identity and relationship of the applicant to the person or persons through whom citizenship is claimed to ascertain whether the applicant or such person or persons ever lost such citizenship, the applicant's immigration status, if pertinent, and any other matter touching upon the applicant's eligibility for a certificate of citizenship. If the person or persons through whom the applicant claims citizenship are deceased or otherwise not available, the testimony customarily required of such person or persons shall be furnished by qualified witnesses. If the sworn application form, supporting documentary evidence, records of the Service, the testimony of the person or persons through whom citizenship is claimed, and the testimony of the applicant, or the parent or guardian if the applicant is a child under the age of eighteen years, establish applicant's claim to citizenship, no other witnesses shall be required. Otherwise, such number of credible witnesses, preferably citizens of the United States, as may be deemed necessary, shall be questioned under oath by the examiner concerning the facts of the applicant's citizenship. The testimony heard shall not be reduced to writing in verbatim form except in cases in which neither primary nor secondary documentary evidence is available to establish an essential fact concerning applicant's citizenship, and except in cases in which it appears that criminal proceedings might be instituted as a result of false testimony.

§ 341.14 *Burden of proof; benefit of Service records.* The burden of proof to establish his citizenship and eligibility for the certificate shall at all times be upon the applicant. In presenting his proof, the applicant shall be entitled to the benefit of any pertinent records pertinent to the issue, concerning him which are in the custody of the Service and which are not regarded by the Commissioner as confidential. Copies thereof, or information from such records, may be made available to the officer of the Service passing upon the application, without payment of fee by the applicant.

§ 341.15 *Report and recommendation.* Upon completion of the examination, the examining officer shall prepare a report of his findings on Form N–635 as to each of the essential facts to be established in the proceedings, together with his recommendation and any comment he deems necessary. If any issue of law or fact is raised by the evidence, or if denial of the application is recommended, the examining officer shall summarize the evidence, the issues involved, and the reasons for denial, in a separate report to accompany Form N–635. If a recommendation to grant the application is based principally on documentary evidence, that fact shall be stated; if not, a brief statement of the facts and circumstances in evidence considered sufficient to justify the action recommended shall be made. The recommendation of the examining officer and the record shall then be forwarded to the district director for decision.

§ 341.16 *Final disposition*—(a) *Issuance of certificate.* If the district director grants the application he shall issue the certificate on Form N–560, in duplicate. If the applicant has assumed, or is known by, a name other than his true name, but has not changed his name in accordance with the law of the jurisdiction where he assumed it the certificate of citizenship, shall be issued in the applicant's true name followed by the words "also known as" followed by the assumed name, but in such case the applicant shall be required to sign only his true name on the certificate and on the photographs submitted with his application. The certificate shall be signed by the applicant unless he is a child unable to sign his name, in which case the certificate shall be signed by the parent or guardian, and the signature shall read "(Insert name of parent or guardian) in behalf of (insert name of child)." The applicant shall, unless he is too young to understand the meaning thereof, take and subscribe to, before a member of the Service, the oath of renunciation and allegiance prescribed by Part 337 of this chapter. Thereafter personal delivery of the original of the certificate shall be made to the applicant, or to his parent or guardian, who shall sign a receipt therefor.

(b) *Applications denied.* If the district director denies the application, the applicant shall be notified in writing as promptly as possible of such denial with the reasons therefor and, at the same time, shall be advised that he has ten days from the date of receipt of notification in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter.

(c) *Review by Assistant Commissioner, Inspections and Examinations Division.* Upon review of a record received under this section, the Assistant Commissioner, Inspections and Examinations Division, shall enter an order granting or denying the application, which order shall be final. The Assistant Commissioner's decision shall be sent to the district office of origin with the return of the file relating to the applicant. If the application is granted by the Assistant Commissioner, the district director shall issue the certificate in the manner described in paragraph (a) of this section. The district director shall advise the applicant in writing of the Assistant Commissioner's decision.

§ 341.17 *Attorneys.* Attorneys and other persons qualified to practice before the Service who represent applicants for certificates of citizenship under section 341 of the Immigration and Nationality Act, shall be permitted, upon completion of the application and examination of the applicant and his witnesses, to submit briefs and to review the record, either before it is forwarded to the district director or thereafter and prior to final decision. When final decision is made in a case, the attorney or other person representing the applicant shall be notified.

PART 341a—CERTIFICATE OF CITIZENSHIP—HAWAIIAN ISLANDS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
341a.1 Persons eligible.
341a.2 Certificate of Citizenship—Hawaiian Islands; effect of.
341a.3 Certificate of Citizenship—Hawaiian Islands; improper use.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

341a.11 Application; fee.
341a.12 Notice; examination.
341a.13 Report and recommendation.
341a.14 Disposition of application.
341a.21 Certificate lost, mutilated or destroyed.

AUTHORITY: §§ 341a.1 to 341a.21 issued under sec. 103, 66 Stat. 173. Interpret or apply Title V, 65 Stat. 290, secs. 332, 333, 343, 66 Stat. 252, 253, 264; 8 U. S. C. 140.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 341a.1 *Persons eligible.* A citizen of the United States who is a bona fide resident of Hawaii, who intends to depart temporarily from that territory, and who desires to establish his United States citizenship for the purpose of facilitating his readmission to the United States, may apply for a "Certificate of Citizenship—Hawaiian Islands." The burden of proof to establish his eligibility for the certificate shall be upon the applicant.

§ 341a.2 *Certificate of Citizenship—Hawaiian Islands; effect of.* Certificates of Citizenship—Hawaiian Islands, issued pursuant to this part may be presented to an immigration officer at any port of entry, as evidence to prove United States citizenship. The certificate shall not be required to be surrendered to the immigration officer, but may be retained by the proper holder thereof.

§ 341a.3 *Certificate of Citizenship—Hawaiian Islands; improper use.* Whenever it is ascertained that a Certificate of Citizenship—Hawaiian Islands is in the possession of a person to whom it was not issued, the certificate shall be taken up and forwarded with a report of the circumstances to the district director at Honolulu by the district director having administrative jurisdiction over the place where the certificate was presented. No appeal shall lie from any action taken under this section.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 341a.11 *Application; fee.* Application for the issuance of a "Certificate of Citizenship—Hawaiian Islands" shall be submitted to the office of the Service at Honolulu, T. H. on Form N–108, in accordance with the instructions contained therein. The application shall not be signed or sworn to until the applicant appears before an officer of the Service for examination in accordance with the requirements of § 341a.12. The application shall be accompanied by a fee of $5.00, by three photographs of the applicant as prescribed in Part 333 of this chapter, and by documentary evidence or pertinent excerpts therefrom, as described in § 341.12 of this chapter, tending to establish the applicant's citizenship. Pertinent documents in the custody of the Service shall be made available to the applicant under the conditions described in § 341.14 of this chapter.

§ 341a.12 *Notice; examination.* The applicant shall be required to appear in person before an officer of the Service for examination upon the application. The examining officer shall orally review the application with the applicant, before administering the oath to the applicant. Any necessary changes shall be consecutively numbered and acknowledged in writing by the applicant. The applicant shall then be questioned under oath concerning his citizenship and eligibility for the certificate. If the application, supporting documentary evidence, records of the Service and the testimony of the applicant establish the applicant's eligibility for the certificate, no witnesses shall be required. Otherwise, such number of credible witnesses, preferably citizens of the United States, as may be deemed necessary, shall be questioned under oath concerning the applicant's eligibility for the certificate. If such witnesses are, for good cause shown, unable to appear in person, their affidavits may be accepted in the discretion of the examining officer in lieu of their oral testimony. The testimony of the applicant and witnesses shall not be reduced to writing in verbatim form except when documentary evidence is not available to establish an essential fact concerning the applicant's citizenship, and except in cases in which it

appears that criminal proceedings might be instituted as a result of false testimony.

§ 341a.13 *Report and recommendation.* Upon completion of the examination, the examining officer shall prepare a report of his findings on Form N–110 as to each of the essential facts to be established, together with his recommendation and any comment he deems necessary. If any issue of law or fact is raised by the evidence, or if denial of the application is recommended, the examining officer shall summarize the evidence and prepare a report thereon to accompany Form N–110. If a recommendation to grant the application is based principally on evidence other than documentary evidence, a brief statement of the facts and circumstances in evidence considered sufficient to justify such recommendation shall be made. If such recommendation is based principally on documentary evidence that fact shall be stated. The record, supporting documents, and the Form N–110 shall then be forwarded to the district director, Honolulu, T. H., for decision.

§ 341a.14 *Disposition of application*—(a) *Issuance of certificates; delivery.* If the district director is satisfied that the applicant is entitled to receive a certificate of citizenship, he shall so indicate on the Form N–110 and issue the certificate on Form N–109, in duplicate. The original certificate shall be delivered personally to the applicant, and the duplicate filed in the office of the district director at Honolulu, T. H.

(b) *Application denied.* If the district director is not satisfied that the application shall be granted, he shall so indicate on the Form N–110 and deny the application. The applicant shall be notified in writing as promptly as possible of such denial with the reasons therefor and, at the same time shall be advised that he has ten days from the date of receipt of notification in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter.

(c) *Review by Assistant Commissioner, Inspections and Examinations Division.* Upon review of a record received under this section, the Assistant Commissioner, Inspections and Examinations Division, shall enter an order granting or denying the application, which order shall be final. The Assistant Commissioner's decision and the record shall be sent to the district director at Honolulu, T. H., who shall advise the applicant of the decision. If the application is granted by the Assistant Commissioner, the certificate shall be issued by the district director in the manner described in paragraph (a) of this section.

§ 341a.21 *Certificate lost, mutilated or destroyed.* A United States citizen whose Certificate of Citizenship—Hawaiian Islands, has been lost, mutilated or destroyed may apply for a new certificate in lieu thereof. The application shall be made on Form N–565 and submitted to the district director, Honolulu, T. H., in accordance with the instructions contained therein, accompanied by a fee of $5.00. The applicant shall be interrogated, and action upon his application taken in accordance with the provisions of §§ 343a.13 and 343a.14 of this chapter.

PART 343—CERTIFICATE OF NATURALIZATION OR REPATRIATION; PERSONS WHO RESUMED CITIZENSHIP UNDER SECTION 323 OF THE NATIONALITY ACT OF 1940, AS AMENDED, OR SECTION 4 OF THE ACT OF JUNE 29, 1906

SUBPART A—SUBSTANTIVE PROVISIONS
[RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
343.11 Application.
343.12 Issuance of certificate.
343.13 Denial of application.

AUTHORITY: §§ 343.11 to 343.13 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 323, 54 Stat. 1149, secs. 332, 343, 344, 405, 66 Stat. 252, 263, 264, 280; 8 U. S. C. 723.

SUBPART A—SUBSTANTIVE PROVISIONS
[RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 343.11 *Application.* A person who lost citizenship of the United States incidental to service in one of the Allied armies during World War I or II, or by voting in a political election in a country not at war with the United States during World War II, and who was naturalized under the provisions of section 323 of the Nationality Act of 1940, as amended, or a person who, before January 13, 1941, resumed United States citizenship under the twelfth subdivision of section 4 of the act of June 29, 1906, may obtain a certificate evidencing such citizenship by making application therefor on Form N–580, and submitting it to the Service in accordance with the instructions contained therein. The application shall be accompanied by two photographs of the applicant, and the statutory fee of $5.

§ 343.12 *Issuance of certificate.* The field office shall forward the properly executed application with any supporting documents to the district director having jurisdiction over the applicant's place of residence, for decision. The applicant shall be interrogated by an officer of the Service with respect to his eligibility for the certificate, at any time prior to delivery of the certificate. The examining officer shall prepare a report as to the applicant's eligibility to receive the certificate. Every applicant for a certificate of naturalization or repatriation under this part shall be required to satisfy the district director that he has not, since the naturalization or repatriation, become expatriated. If it shall appear to the satisfaction of the district director that the applicant is a citizen, and that he has been naturalized or repatriated as claimed, a certificate of naturalization on Form N–582 or a certificate of repatriation on Form N–581, as appropriate, shall be issued by the district director and forwarded to the field office for delivery to the applicant in person, in the United States only, upon his signed receipt therefor.

§ 343.13 *Denial of application.* If the district director is not satisfied that an application under this part should be granted, he shall deny the application. The applicant shall be notified in writing of such denial with the reasons therefor and, at the same time, shall be advised that he has ten days from the date of receipt of notification in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter. The Assistant Commissioner's decision shall be transmitted to the district director, who shall advise the applicant in writing of the decision and take such action as is required by the decision. If the application is granted by the Assistant Commissioner, the district director shall issue the appropriate document.

PART 343a—NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME: CERTIFIED COPY OF REPATRIATION PROCEEDINGS

SUBPART A—SUBSTANTIVE PROVISIONS
[RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
343a.11 Applications for replacement of or for new naturalization or citizenship paper.
343a.12 Submission of application; fees and documents.
343a.13 Interrogation of applicant.
343a.14 Action upon application.

AUTHORITY: §§ 343a.11 to 343a.14 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 317, 54 Stat. 1146, secs. 324, 332, 343, 344, 405, 66 Stat. 247, 252, 264, 265, 280.

SUBPART A—SUBSTANTIVE PROVISIONS
[RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 343a.11 *Applications for replacement of or for new naturalization or citizenship paper*—(a) *Lost, mutilated, or destroyed naturalization papers.* A person whose declaration of intention, certificate of naturalization, citizenship, or repatriation, or whose certified copy of proceedings under the act of June 25, 1936, as amended, or under section 317 (b) of the Nationality Act of 1940, or under section 324 (c) of the Immigration and Nationality Act, has been lost, mutilated, or destroyed, may apply on Form N–565 for a new paper in lieu thereof.

(b) *New certificate in changed name.* A naturalized citizen whose name has been changed after naturalization by order of court or by marriage, may apply on Form N–565 for a new certificate of naturalization, or of citizenship, in the changed name.

§ 343a.12 *Submission of application; fees and documents.* An application under § 343a.11 shall be submitted to the Service in accordance with the instructions contained therein. Applications under § 343a.11 (a) and (b) shall be accompanied by the statutory fee of $5 (unless the applicant is exempted from the payment of a fee by section 344 (b) (7) of the Immigration and Nationality Act), except that an application for a certified copy of proceedings under the act of June 25, 1936, as amended, shall be accompanied by the statutory fee of $1.50. The applications shall be accompanied by all mutilated naturalization, citizenship or repatriation papers. An application for a new certificate in a changed name shall be accompanied by documentary evidence of such change and the original certificate.

§ 343a.13 *Interrogation of applicant.* The field office shall forward the applications and all supporting documents to the district director having jurisdiction over the applicant's place of residence, for decision. The applicant shall be interrogated by an officer of the Service with respect to his eligibility to receive a new paper at any time prior to delivery of such paper. Every applicant under this part shall satisfy the district director that he has not become expatriated subsequent to the date he claims to have acquired United States citizenship.

§ 343a.14 *Action upon application*—(a) *New certificates issued.* If an application for a new certificate of naturalization, citizenship, or repatriation is approved, the new certificate shall be issued by the district director, in duplicate, and transmitted to the appropriate field office for personal delivery to the applicant, who shall sign a receipt therefor. The new certificate shall be numbered to correspond to the number of the paper which it replaces. Certificates issued to evidence naturalization which occurred prior to September 27, 1906, shall be consecutively numbered, the number in each instance being preceded by the letters "OL". New certificates issued under this part shall be on the following forms: Form N–570 to replace a certificate of naturalization or repatriation, and Form N–561 to replace a certificate of citizenship issued by the Service. When a new certificate of naturalization is issued in a changed name, the district director shall notify the clerk of the naturalization court, on Form N–240, of the action taken.

(b) *New declarations issued.* If an application for a new declaration of intention is approved, the new declaration of intention shall be issued by the district director on Form N–321 or Form N–325, in duplicate, as appropriate, the original delivered to the applicant upon his signed receipt therefor, and the duplicate retained in the declarant's Service file.

(c) *New certified copy of repatriation proceedings issued.* If an application for a new certified copy of the proceedings under the act of June 25, 1936, as amended, or under section 317 (b) of the Nationality Act of 1940, or under section 324 (c) of the Immigration and Nationality Act is approved, there shall be issued by the district director a certified, positive photocopy of the record of the proceedings filed in the Central Office, whether such record be a duplicate of the court proceedings or a copy of the proceedings conducted at an embassy, legation, or consulate. If subsequent to the naturalization or repatriation the applicant's name has been changed by marriage, and if appropriate documentary evidence of such change is submitted with the application, the certification of the positive photocopy shall show both the name in which the proceedings were had and the changed name. The new certified copy shall be transmitted to the appropriate field office for personal delivery to the applicant, who shall sign a receipt therefor.

(d) *Denial of application.* If the district director is not satisfied that an application under this part should be granted, he shall deny the application. The applicant shall be notified in writing of such denial with the reasons therefor and, at the same time, shall be advised that he has ten days from the date of receipt of notification of the decision in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter. The Assistant Commissioner's decision shall be transmitted to the district director, who shall advise the applicant in writing of the decision and take such action as is required by the decision. If the application is granted by the Assistant Commissioner, the district director shall issue the appropriate document.

PART 343b—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

SUBPART A—SUBSTANTIVE PROVISIONS
[RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
343b.11 Application and fee.
343b.12 Investigation; certificate; disposition.
343b.13 Denial of application.

AUTHORITY: §§ 343b.11 to 343b.13 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 343, 344, 66 Stat. 252, 264.

SUBPART A—SUBSTANTIVE PROVISIONS
[RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 343b.11 *Application and fee.* A naturalized citizen who desires to obtain recognition as a citizen of the United States by a foreign state shall submit to the Service an application on Form N–577, in accordance with the instructions contained therein and with the statutory fee of $5.

§ 343b.12 *Investigation; certificate; disposition.* The field office shall forward a properly executed application to the district director for decision. If it shall appear to the satisfaction of the district director that the application should be granted, a special certificate of naturalization on Form N–578 shall be issued by the district director in duplicate, the original of which shall be forwarded to the Secretary of State for transmission to the proper authority of the foreign state. The duplicate shall be retained in the Service file of the naturalized person. The district director shall advise the applicant of the action taken. If the applicant is within the United States, an officer of the Service shall interrogate the applicant at any time before the certificate is forwarded to the Secretary of State and shall prepare a report as to the applicant's eligibility for the certificate. If the applicant is outside the United States, the certificate shall be transmitted to the Secretary of State, who shall designate an employee of the Department of State in the foreign country in which the applicant is residing to interrogate the applicant before delivery of the certificate to the proper authority in the foreign state. Every applicant under this part shall satisfy the district director that he has not, since naturalization, lost his United States citizenship.

§ 343b.13 *Denial of application.* If the district director is not satisfied that the application should be granted, he shall deny the application. The applicant shall be notified in writing of such denial with the reasons therefor, and, at the same time, shall be advised that he has ten days from the date of receipt of notification of the decision in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter. The Assistant Commissioner's decision shall be transmitted to the district director, who shall advise the applicant in writing of the decision and take such action as is required by the decision. If the application is granted by the Assistant Commissioner, the district director shall issue the special certificate, as provided in § 343b.12.

PART 343c—CERTIFICATIONS FROM RECORDS

SUBPART A—SUBSTANTIVE PROVISIONS
[RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
343c.11 Application for certification of naturalization record of court or certificate of naturalization or citizenship.

SUBPART A—SUBSTANTIVE PROVISIONS
[RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 343.11 *Application for certification of naturalization record of court or certificate of naturalization or citizenship.* Applications for certification of a naturalization record of any court, or of any part thereof, or of any certificate of naturalization, repatriation, or citizenship, under section 343 (e) of the Immigration and Nationality Act for use in complying with any statute, Federal or State, or in any judicial proceeding, shall be made on Form N–585 in accordance with the instructions contained therein and submitted to the Service with a fee as provided in Part 2 of this chapter. If the certification is desired for use in complying with a statute, the date and citation of the statute concerned shall be stated in the application. If it is desired for use in a judicial proceeding, the application shall set forth the title and character of the proceedings and the court in which it is pending. The application shall state the name, title and address of the public official to whom,

or the court to which, the certification should be sent.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 332, 333, 343, 344, 66 Stat. 252, 254, 264)

PART 344—FEES COLLECTED BY CLERKS OF COURT

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
344.1 Division of the year for accounting for naturalization fees.
344.2 Fees in United States courts; remittance.
344.3 Fees in other than United States courts; United States District Courts in Alaska; remittance.
344.4 Fees in the District Courts at the Virgin Islands and Guam: remittance.
344.5 Time for report of and accounting for fees collected.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 344.1 to 344.5 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 344, 66 Stat. 252, 264, 265.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 344.1 *Division of the year for accounting for naturalization fees.* For the purpose of accounting for and reporting naturalization fees quarterly by clerks of courts, the fiscal year shall end on June 30 of any given calendar year and shall be divided as follows: the first quarter shall end September 30; the second quarter ends December 31; the third quarter ends March 31; and the fourth quarter ends June 30.

§ 344.2 *Fees in United States courts; remittance.* All naturalization fees collected by clerks of United States district courts (except in Alaska, and the District Courts of Guam and the Virgin Islands of the United States) shall be forwarded quarterly to the district director having administrative jurisdiction over the place in which the court is located, by a remittance payable to the order of the "Treasurer of the United States."

§ 344.3 *Fees in other than United States courts; United States District Courts in Alaska; remittance.* One-half of all naturalization fees collected by clerks of courts other than United States courts, and one-half of all naturalization fees collected by the clerks of the United States district courts in Alaska, up to $6,000 in any one fiscal year shall be similarly remitted to the district director in the manner provided in § 344.2. Where the collections during the first quarter of any fiscal year equal or exceed $1,500, the clerk shall remit all in excess of $750; and whenever such collections for the first and second quarters equal or exceed $3,000, the clerk shall remit all in excess of $1,500; and whenever the collections for the first three quarters of the fiscal year equal or exceed $4,500, the clerk shall remit all in excess of $2,250; and whenever the total collections for any fiscal year equal or exceed $6,000, the clerk shall remit all fees or moneys so collected in excess of $3,000.

§ 344.4 *Fees in the District Courts at the Virgin Islands and Guam; remittance.* All naturalization fees collected by the clerk of the District Court of the Virgin Islands of the United States shall be paid into the Treasury of Virgin Islands. All naturalization fees collected by the clerk of the District Court of Guam shall be paid into the Treasury of Guam. However, such clerks shall report the fees collected to the district director having administrative jurisdiction over the place in which the court is located, in accordance with § 344.5.

§ 344.5 *Time for report of and accounting for fees collected.* The accounting for naturalization fees collected and the payment of fees turned over to the district director as provided in §§ 344.2, 344.3 and 344.4 shall be made on Form N-7 within thirty days from the close of each quarter of each and every fiscal year.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 344a—COPIES OF AND INFORMATION FROM RECORDS

§ 344a.1 *Copies of and information from records.* See Part 2 of this chapter.

PART 402—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WHO LOST UNITED STATES CITIZENSHIP BY VOTING IN ITALY

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
402.1 Persons eligible.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

402.11 Procedural requirements.

AUTHORITY: §§ 402.1 and 402.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 402, 66 Stat. 252, 278.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 402.1 *Persons eligible.* A former citizen of the United States of the class described in Public Law 114, 82d Congress, approved August 16, 1951, as amended by section 402 (j) of the Immigration and Nationality Act, shall, before being naturalized, establish that (a) he can truthfully take the oath required by said Public Law that he has done nothing to promote the cause of communism, (b) it is his intention, in good faith, to assume and discharge the obligations of the oath of allegiance, (c) his attitude toward the Constitution and laws of the United States renders him capable of fulfilling the obligations of the oath of allegiance, and (d) he is not, and within the period of ten years immediately preceding the filing of the application to take the oath of allegiance or after such filing and before taking such oath, has not been, within any of the classes of persons described in section 313 of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 402.11 *Procedural requirements.* A person of the class described in § 402.1 who applies in the United States to take the oath of allegiance shall submit to the Service a preliminary application to take such oath on Form N-442, in accordance with the instructions contained therein. The oath shall be taken prior to August 16, 1953, and may be taken before any naturalization court regardless of the applicant's place of residence. The eligibility of the applicant to take the oath shall be investigated by a member of the Service, who shall make an appropriate recommendation to the naturalization court. The application to the court to take the oath of allegiance shall be on Form N-443, in triplicate, the original of which shall be retained as a part of the court record, and the duplicate and triplicate forwarded by the clerk of court to the district director or officer in charge. The district director or the officer in charge shall retain the duplicate and forward the triplicate to the Department of State. No certificate of naturalization or other evidence of citizenship shall be issued by the clerk of court to any person naturalized under this part. No fee shall be charged by the clerk of court for the filing of Form N-443. The oath of allegiance may be taken before any diplomatic or consular officer of the United States abroad, in accordance with such regulations as may be prescribed by the Secretary of State.

PART 402a—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIENS ENLISTED IN THE UNITED STATES ARMED FORCES UNDER ACT OF JUNE 30, 1950, AS AMENDED BY SECTION 402 (E) OF THE IMMIGRATION AND NATIONALITY ACT

§ 402a.1 *Proof of character, attachment and disposition.* See § 329.2 of this chapter.

§ 402a.11 *Procedural requirements.* See § 329.21 of this chapter.

Subchapter D—Immigration and Naturalization Forms

PART 450—FORMS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
450.1 Prescribed forms.
450.2 Forms available from the Superintendent of Documents.
450.3 Reproduction of forms by private parties.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 450.1 to 450.3 issued under sec. 103, 66 Stat. 173.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 450.1 *Prescribed forms.* The following forms are hereby prescribed by the Attorney General for use in compliance with the provisions of this chapter:

Form No.	Title and description
AR-2	Alien Registration Form.
AR-2a	Supplemental Sheet, Alien Registration Form.
AR-4	Fingerprint Card.
AR-11	Alien's Change of Address Card
Customs 7507	General Declaration.
FS 256a	Immigration Visa and Alien Registration.
FS 257a	Temporary Entry Permit.
FS 257b	Application for Nonimmigrant Visa and Alien Registration.
FS 257c	Application for Nonimmigrant Visa and Alien Registration.
FS 257d	Manifest Record of Alien Admitted for Temporary Stay.
G-24	Certification.
G-27	Application for Admission to Practice Before the Board of Immigration Appeals and the Immigration and Naturalization Service.
G-28	Notice of Entry of Appearance as Attorney or Representative.
G-234	Receipt for Fee.
G-241	Receipt for Fee (general).
G-440	Credential Card.
I-17	Petition for Approval of School.
I-24	Application by Alien Student for Permission to Accept Employment.
I-28	Application to Return an Excluded Alien to Country Whence He Came Pending Decision on Appeal.
I-29	Application of Excluded Alien To Be Returned by Transportation Line to Country Whence Alien Came Pending Decision on Appeal.
I-53	Address Report Card.
I-73	Fingerprint Record Card.
I-79	Notice of Intention To Fine Under Immigration and Nationality Act.
I-90	Application for New Alien Registration Receipt Card in a Changed Name or in Lieu of One Lost, Mutilated, Destroyed or on Form AR-3 or AR-103.
I-94	Alien Registration Supplement.
I-94C	Examination Record.
I-94D	Examination Record (C. O. Record).
I-94D-D	Examination Record (C. O. Statistics).
I-94E	Examination Record (Port Record).
I-94F	Examination Record.
I-95A	Crewman's Landing Permit.
I-95B	Crewman's Landing Permit (C. O. Record).
I-95C	Crewman's Landing Permit (Port Record).
I-100	Alien Laborer's Permit and Identification Card.
I-114	Hospital Designation or Request for Medical Service.
I-122	Notice to Alien Detained for Hearing by Special Inquiry Officer.
I-123	To All Alien Visitors to the United States.
I-124	To All Students Entering the United States.
I-126	Annual Report of Status by Treaty Trader.
I-129	Petition for Classification of Quota Immigrant for Alien Whose Services Are Needed Urgently in the United States.
I-129A	Petition for Classification as Nonquota Immigrant for Minister of a Religious Denomination.
I-129B	Application for Permission to Import Nonimmigrant Aliens.
I-129C	Application for Waiver of Excludability and Ineligibility To Secure Visa Under Section 212 (a) (14) of the Immigration and Nationality Act.
I-131	Application for Permit To Reenter the United States.
I-131A	Instructions for Executing Application for Permit to Reenter the United States.
I-132	Permit to Reenter the United States.
I-132B	Information Concerning Permits to Reenter.
I-133	Petition by United States Citizen for Issuance of Immigrant Visa.
I-133A	Petition by Permanent Resident Alien for Issuance of Immigrant Visa.
I-134	Affidavit of Support (for use in connection with immigration visa).
I-137	To All Alien Treaty Traders or Dependents of Treaty Traders Entering the United States.
I-138	Subpena.
I-141	Medical Certificate.

Form No.	Title and description
I-142	Medical Certificate (concerning ability of alien to travel).
I-151	Alien Registration Receipt and Border Crossing Card.
I-186	Nonresident Alien's Border Crossing Identification Card.
I-187	Resident Alien's Border Crossing Identification Card.
I-190	Application for Nonresident Alien's Border Crossing Identification Card.
I-191	Application for Advance Permission to Return to Unrelinquished Domicile.
I-192	Application for Advance Permission to Enter as Nonimmigrant.
I-200	Warrant for Arrest of Alien.
I-200A	Warrant for Arrest of Alien.
I-202	Authorization for Removal.
I-205	Warrant—Deportation of Alien.
I-212	Application for Permission to Reapply for Admission Into the United States After Deportation or Removal.
I-220	Order of Parole.
I-220A	Order of Conditional Parole.
I-220B	Order of Supervision.
I-226	Notice to Alien to Appear for Warrant Hearing.
I-234	Certification as to Alien Becoming a Public Charge.
I-243	Application for Removal.
I-247	Notice of Detainer.
I-248	Letter Transmitting Order of Deportation.
I-256	Application for Voluntary Departure.
I-256A	Application for Suspension of Deportation.
I-259	Notice to Detain, Deport or Remove Aliens.
I-259A	Request by Transportation Line to Assume Responsibility for Removal of Aliens.
I-265	Application for Warrant of Arrest.
I-287A	Particulars Concerning Alien Requiring Special Care and Attention.
I-287B	Record of Land Trip and Delivery at Final Destination.
I-287C	Record of Ocean Voyage.
I-290A	Notice of Appeal (to Board of Immigration Appeals).
I-290B	Notice of Appeal (to Assistant Commissioner).
I-290C	Notice of Certification (to Board of gration Appeals).
I-290D	Notice of Certification (to Assistant Commissioner).
I-290E	Notice to Alien of Decision and Order (Appealable to Board of Immigration Appeals).
I-290F	Notice to Alien of Decision and Order (Appealable to Assistant Commissioner).
I-291	Designation of Special Inquiry Officer.
I-300	Receipt of Officer of the Immigration and Naturalization Service for U. S. Bonds or Notes Accepted as Security.
I-302	Power of Attorney.
I-303	Receipt of Obligor on Return of Bonds or Notes.
I-304	Power of Attorney for Immigration Bond Where Cash Deposited as Security.
I-305	Receipt of Officer of Immigration and Naturalization Service for Cash Accepted as Security on Immigration Bond.
I-306	Receipt of Obligor on Return of Cash Accepted as Security on Immigration Bond.
I-310	Bond for Payment of Sums and Fines Imposed Under Immigration and Nationality Act.
I-312	Designation of Attorney in Fact.
I-313	Designation, Coupled With Interest, of Attorney in Fact.
I-315	Bond for Payment of Fines and Sums Imposed on Aircraft Under the Immigration Laws and Regulations (for term or single entry).
I-317	Blanket Bond for Departure of Aliens in Transit or Temporarily Admitted as Visitors for Business or Pleasure.
I-318	Blanket Bond for Departure of Aliens in Continuous Transit Through the United States.
I-318A	Blanket Bond for Departure of Aliens in Continuous Transit Through the United States.
I-320	Bond for Maintenance of Status and Departure of Aliens Admitted for Temporary Services, Labor, or Training.
I-323	Notice of Violation of Conditions of Bond.
I-324	Bond for the Release of an Alien Under Exclusion Proceedings.
I-325	Bond for Maintenance of Status and Departure of Attendants, Servants and Personal Employees of Officials.
I-331	Bond for Alien Admitted for Medical Treatment.
I-332	Bond for Hospital Treatment or Institutional Care of Aliens.
I-333	Notice That Alien Is To Be Charged to Blanket Bond.
I-334	Form letter stating alien is no longer charged against a bond.
I-336	Bond for Alien or Aliens in Transit.
I-337	Bond Conditioned for Departure of an Alien Temporarily Admitted as a Visitor for Business or Pleasure.
I-338	Bond That an Alien Admitted in Pursuance of a Treaty to Carry on Trade Shall Depart Upon Failure to Maintain Status.
I-353	Bond Conditioned for the Delivery of an Alien.
I-354	Bond That an Alien Shall Not Become a Public Charge.
I-374	Bond Conditioned for Departure of an Alien Temporarily Admitted Under the Immigration and Nationality Act as a Student.
I-391	Notice of Cancellation of Bond.
I-407	Land Border Departure Record.
I-415	Manifest of In-bound Passengers (arriving aliens).
I-416	List of In-bound Passengers (United States Citizens and Nationals).
I-419	Record of Alien's Arrival and Departure Under Special Direct
I-419a	Transit Procedure.
I-419b	
I-420	Agreement Between a Transportation Line and the United States of America (Land-Border).
I-420A	Supplemental Agreement.
I-421	Agreement (Overseas) Between a Transportation Line and the United States of America.
I-424	Report of Departure of Nonimmigrant Alien.
I-426	Agreement Between a Transportation Line and the Commissioner of Immigration and Naturalization (special direct transit procedure).
I-426A	Agreement Between a Transportation Line and the Commissioner of Immigration and Naturalization (aliens in transit through United States from and to Canada or Mexico).
I-434	Manifest of Outward Bound Passenger (Aliens).
I-435	List of Outward Bound Passengers (United States Citizens and Nationals).
I-437	Embarkation and Disembarkation Card.
I-466	Air Passenger Manifest.
I-480	List or Manifest of Persons Employed on the Vessel as Members of Crew.

Form No.	Title and description
I-481	Crew List for Great Lakes Vessels.
I-489	Report of Changes in Crew.
I-502	Notification by Sponsor to the Immigration and Naturalization Service Relating to Exchange Visitors.
I-505	Notice of interview on application for adjustment of status from nonimmigrant to person lawfully admitted for permanent residence.
I-506	Application for Change of Nonimmigrant Status.
I-507	Application for Status as Permanent Resident (by nonimmigrant).
I-508	Waiver of Rights, Privileges, Exemptions, and Immunities.
I-509	Notice of Proposal to Change Status (from alien admitted for permanent residence, to nonimmigrant).
I-510	Guarantee of Payment (of Medical Expenses).
I-539	Application to Extend Time of Temporary Stay.
N-3	Requisition for Forms and Binders.
N-4	Monthly Report Naturalization Papers Forwarded.
N-5	Continuation Sheet of Monthly Report Naturalization Papers Forwarded.
N-7	Quarterly Abstract of Collections of Naturalization Fees.
N-14	Letter returning application form for correction.
N-17	U. S. A. Citizenship—Naturalization Requirements and Procedure—a brief summary.
N-18	Special Naturalization Benefits for Veterans and Women Married to U. S. Citizens.
N-30	Examination of Court Records.
N-50	Receipt for Duplicate Petitions.
N-105	Application to Create Record of Admission for Permanent Residence.
N-108	Application for Certificate of Citizenship—Hawaiian Islands.
N-109	Certificate of Citizenship (Hawaiian Islands).
N-110	Examiner's Report—Certificate of Citizenship—Hawaiian Islands.
N-120	Affidavit of Witness in Proceeding to Create Record of Admission for Permanent Residence.
N-125	Findings in Application for Creation of Admission for Permanent Residence.
N-240	Form letter concerning issuance of new certificate of naturalization.
N-300	Application to File Declaration of Intention.
N-305	Form letter notifying alien that Form N-300 has been forwarded to the clerk of the court.
N-315	Declaration of Intention.
N-321	Declaration of Intention (in lieu of old edition lost, mutilated or destroyed).
N-325	Declaration of Intention (in lieu of one lost, mutilated or destroyed).
N-350	Application to Renounce Danish Citizenship.
N-351	Renunciation of Danish Citizenship.
N-400	Application to File Petition for Naturalization.
N-400A	Supplement to Application to File Petition for Naturalization (under sec. 324 (a) or 327, Immigration and Nationality Act).
N-400B	Supplement to Application to File Petition for Naturalization (by a seaman, under sec. 330 of the Immigration and Nationality Act).
N-400C	Supplement to Application to File Petition for Naturalization (for use with editions prior to Dec. 24, 1952).
N-401	Preliminary Form to take Oath of Allegiance (by a woman formerly a citizen, under sec. 324 (c) of the Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N-402	Application to File Petition for Naturalization in Behalf of a Child (under sec. 322 or 323, Immigration and Nationality Act).
N-403	Request to have Petition for Naturalization marked "Void".
N-404	Request for Withdrawal of Petition for Naturalization.
N-405	Petition for Naturalization (under general provisions of the Immigration and Nationality Act).
N-405A	Affidavit in Support of Petition for Naturalization (by a former citizen, under sec. 327 of the Immigration and Nationality Act).
N-406	Petition for Naturalization (of a married person, under sec. 319 (a) or (b), Immigration and Nationality Act).
N-407	Petition for Naturalization (in behalf of a child, under sec. 322 or 323, Immigration and Nationality Act).
N-408	Application to take Oath of Allegiance and Form of Such Oath (by a woman formerly a citizen, under sec. 324 (c), Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N-410	Motion for Amendment of Petition (application).
N-414	Acknowledgment of Filing Petition for Naturalization.
N-418	Petition for Naturalization (active duty in the armed forces, under sec. 329 of the Immigration and Nationality Act).
N-421	Affidavit in Support of Petition for Naturalization (by a seaman, under sec. 330, Immigration and Nationality Act).
N-422	Form letter requesting information from Selective Service file.
N-424	Notice to Clerk of Court of Waiver of 90 Days' Notice.
N-425	Notice to Petitioner of Proposed Recommendation of Denial of Petition for Naturalization.
N-426	Certification of Military or Naval Service.
N-429	Notice to Petitioner of Proposed Recommendation of Denial of Petition.
N-433	Withdrawal of Objection to Final Hearing.
N-434	Notice of Objection to Final Hearing.
N-435	Notice of Final Hearing by Clerk of Court (alien enemies).
N-435-1	Continuation Sheet—Form N-435.
N-436	Application for Exception From Classification of Alien Enemy.
N-437	Report and Recommendation on Application for Exception From the Classification of Alien Enemy.
N-438	Exception From Classification of Alien Enemy.
N-440	Certificate of Examination.
N-442	Preliminary Form to Take Oath of Allegiance (by former citizen, under Public Law 114, 82d Congress, as amended).
N-443	Application to Take the Oath of Allegiance and Form of Such Oath (by former citizen, under Public Law 114, 82d Congress, as amended).
N-450	Notice of Intention to Substitute Witnesses.
N-451	Affidavits of Witnesses (to Petition for Naturalization).
N-452	Statement of Witness.
N-455	Application for Transfer of Petition for Naturalization.
N-458	Application to Correct Certificate of Naturalization.
N-459	Authorization to Clerk of Court to Correct Certificate of Naturalization.
N-460	Notice to Take Depositions.
N-462	Interrogatories in Depositions of Witnesses.
N-463	Letter Requesting Postmaster to Take Deposition in a Naturalization Proceeding.
N-470	Application for the benefits of section 316 (b) or 317, Immigration and Nationality Act.
N-471	Report of Reentry After Absence from the United States.
N-475	Designation of Member of the Immigration and Naturalization Service under section 335 (b) of the Immigration and Nationality Act.
N-476	Examiner's Docket List.
N-480	Naturalization Petitions Recommended To Be Granted.
N-480A	Order of Court (granting petitions).
N-481	Naturalization Petitions Recommended To Be Granted (continuation sheet).
N-483	Naturalization Petitions Recommended To Be Continued (and Order of Court).
N-484	Naturalization Petitions Recommended To Be Denied.
N-484A	Order of Court (denying petitions).
N-485	Naturalization Petitions Recommended To Be Granted (on behalf of children).
N-486	Naturalization Petitions Recommended To Be Denied (on behalf of children).
N-489	Certification by Clerk of Court of the Taking of Oath of Allegiance.
N-490	Order of Court Granting Petitions for Naturalization.
N-491	Order of Court Denying Petitions for Naturalization.
N-492	Commissioner's Recommendation That Petitions Be Granted (and Order of Court).
N-493	Commissioner's Recommendation That Petitions Be Denied (and Order of Court).
N-510	Notice to State Department Notifying Surrender of Canadian Certificate.
N-550	Certificate of Naturalization.
N-560A	Certificate of Citizenship.
N-560 AA	Certificate of Citizenship.
N-561	Certificate of Citizenship.
N-565	Application for a New Naturalization or Citizenship Paper.
N-567	Request for Search of Military or Naval Files for Naturalization Certificate.
N-568	Notice of Approval to Alien for Special Certificate of Naturalization.
N-570	Certificate of Naturalization.
N-570 OL	Certificate of Naturalization.
N-576	Supplemental Affidavit To Be Submitted With Applications of Japanese Renunciants.
N-577	Application for a Special Certificate of Naturalization To Obtain Recognition as a Citizen of the United States by a Foreign State.
N-578	Special Certificate of Naturalization.
N-580	Application for a Certificate of Naturalization or Repatriation (under sec. 343 (a) of the Immigration and Nationality Act or 12th subdivision, sec. 4, of Act of June 29, 1906).
N-581	Certificate of Repatriation.
N-582	Certificate of Naturalization.
N-585	Application for Information From or Copies of Immigration and Naturalization Records.
N-600	Application for Certificate of Citizenship.
N-640	Oath of Allegiance.

§ 450.2 *Forms available from the Superintendent of Documents.* (a) The following forms required for compliance with the provisions of this chapter may be obtained, upon prepayment, from the Superintendent of Documents, Government Printing Office, Washington, D. C.: I-94, I-95, I-129, I-129A, I-129B, I-131, I-131A, I-133, I-133A, I-134, I-415, I-416, I-419, I-424, I-434, I-435, I-437, I-466, I-480, I-489 and I-539.

(b) A small supply of the forms described in paragraph (a) of this section shall be set aside by immigration officers for free distribution and official use.

§ 450.3 *Reproduction of forms by private parties.* (a) The following forms required for compliance with the provisions of this chapter may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense: I-94, I-95, I-415, I-416, I-419, I-424, I-434, I-435, I-437, I-466, I-480 and I-489.

(b) Forms printed or reproduced by private parties shall conform to the officially printed forms currently in use with respect to size, wording, arrangement, style and size of type, and paper specifications. Such forms and all entries required to be made thereon shall be printed, duplicated, dittoed, or otherwise duplicated in the English language with ink or dye that will not fade or "feather" within 20 years.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

Subchapter E—Miscellaneous Provisions

PART 475—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
475.1 Definitions.
475.2 Period for which admitted.
475.3 Conditions of admission.
475.4 Compliance by employer.
475.5 Extension of stay; conditions.
475.6 Readmission after temporary visits to Mexico.
475.7 Previous removal, deportation; permission to reapply.
475.8 Arrest and deportation of agricultural workers.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

475.21 Recruitment centers; preliminary inspection.
475.22 Immigration inspection at reception centers; authority to admit; hearings before special inquiry officer.
475.23 Recontracting in the United States.
475.24 Duplicate identification cards.
475.51 Extension of period of admission.

AUTHORITY: §§ 475.1 to 475.51 issued under sec. 103, 66 Stat. 173. Interpret or apply Title V, 65 Stat. 119, secs. 101, 212, 235, 241, 242, 264, 405, 66 Stat. 168, 184, 186, 199, 206, 209, 224, 281; 7 U. S. C. 1461-1468.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 475.1 *Definitions.* As used in this part:

(a) The term "agricultural worker" means a native-born citizen of Mexico who is and has been a bona-fide resident of Mexico for at least one year immediately preceding the date of application for admission and who seeks to enter the United States temporarily under the provisions of Title V of the Agricultural Act of 1949, as amended (63 Stat. 1051, Pub. Law 78, 82nd Cong.), for the sole purpose of engaging in agricultural employment as defined herein, and who is legally admitted to the United States for temporary employment in agriculture in accordance with the terms of the Migrant Labor Agreement of 1951, as amended, entered into between the Governments of the United States and Mexico.

(b) The term "agricultural employment" means:

(1) Cultivation and tillage of the soil, planting, production, cultivation, growing, and harvesting of any agricultural or horticultural commodities and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage, or to market, or to a carrier for transportation to market; or

(2) The maintenance of a farm and its tools and equipment, or salvaging of timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm; or

(3) The maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit and used exclusively for supplying or storing water for farming purposes, and cotton ginning; or

(4) Handling, drying, packing, packaging, processing, freezing, grading or storing, in its unmanufactured state any agricultural or horticultural commodity for the operator of a farm; but only if such operator produced more than one-half of the commodity with respect to which the service is performed; or

(5) All of the activities described in subparagraph (4) of this paragraph for a group of operators of farms but only if such operators produced the commodities with respect to which such activities are performed: *Provided*, That the provisions of this subparagraph and subparagraph (4) of this paragraph shall not be applicable with respect to services performed in connection with commercial canning or commercial freezing, or in connection with any agricultural or horticultural commodities, after their delivery to a terminal market for distribution or consumption.

(c) The term "employer" means:

(1) The operator of agricultural property who is engaged in agricultural employment, as defined in this section;

(2) An association or other group of employees but only if those of its members for whom Mexican workers are being obtained are bound, in the event of its default, to carry out the obligations undertaken by it pursuant to the provisions of the Migrant Labor Agreement of 1951, as amended, unless the Secretary of Labor of the United States determines that such individual liability is not necessary to assure performance of such obligations; or

(3) A processor, shipper or marketer of agricultural products when the Mexican workers whom he obtains are employed by him in agriculture or crops purchased by him.

§ 475.2 *Period for which admitted.* An agricultural worker may be admitted to the United States as a nonimmigrant pursuant to section 101 (a) (15) (H) of the Immigration and Nationality Act: *Provided:*

(a) That the initial period of admission shall not extend beyond December 31, 1953, nor shall any extension be granted which would permit such worker to remain in the United States beyond December 31, 1953;

(b) That no maintenance-of-status or departure bond shall be required; and

(c) That the period of temporary admission shall be subject to immediate revocation, without notice, by the district director of the district having jurisdiction over the place of the alien's employment upon—

(1) Failure of the agricultural worker to maintain his status as such by accepting any employment or engaging in any activities not specifically authorized at the time of his recruitment and temporary admission;

(2) Withdrawal of the employer's certification because of violation of Title V of the Agricultural Act of 1949, as amended, or the Migrant Labor Agreement of 1951, as amended, or individual work contract made thereunder, as specified in § 475.4 (b); or

(3) Determination and notification by the Secretary of Labor that sufficient domestic workers who are able, willing, and qualified are available at the time and place needed to perform the work for which such workers are employed, or that the employment of such workers is adversely affecting the wages and working conditions of domestic agricultural workers similarly employed, or that reasonable efforts have not been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers; or

(4) Termination of the Migrant Labor Agreement of 1951, as amended, prior to December 31, 1953.

§ 475.3 *Conditions of admission.* Any alien who applies for admission into the United States under the provisions of Title V of the Agricultural Act of 1949, as amended, and the provisions of this part, must:

(a) Establish that he is an agricultural worker as defined in § 475.1 (a);

(b) Establish that he is in all respects admissible under the provisions of the immigration laws;

(c) Have been regularly recruited by the Secretary of Labor as an agricultural worker; and

(d) Establish to the satisfaction of the examining immigration officer that, if admitted, he will comply with all of the conditions of such admission.

§ 475.4 *Compliance by employer.* (a) No agricultural workers shall be made available to, nor shall any such workers made available be permitted to remain in the employ of, any employer who has in his employ any Mexican alien when such employer knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such Mexican alien is not lawfully within the United States. Whenever it shall appear that a Mexican alien not lawfully in the United States is so employed, an investigation shall be made and a report submitted to the district

director having jurisdiction over the place of the alien's employment.

(b) Upon notification from the Secretary of Labor that an employer fails or refuses to comply with the provision of Title V of the Agricultural Act of 1949, as amended, or the Migrant Labor Agreement of 1951, as amended, or individual work contract made thereunder, the temporary admission of all agricultural workers employed by such employer may be revoked in the same manner as provided in § 475.2 (c).

(c) If a Mexican agricultural worker leaves his employment without proper authorization, the employer shall report such departure immediately or within five days thereof to the district director having jurisdiction over the reception center at which the worker was recruited. Such notification shall contain (1) the individual worker's name, as shown in the employer's copy of the contract; (2) the worker's Form I–100 number; (3) the location of the reception center at which the worker was originally contracted, and (4) the date the worker left the employer.

§ 475.5 *Extension of stay; conditions.* After an alien has been admitted to the United States as an agricultural worker under the provisions of this part or of prior regulations pertaining to Title V of the Agricultural Act of 1949, as amended, he may be granted an extension or extensions of the period of his temporary admission by the district director having jurisdiction over the place of the alien's employment, subject to the same limitations as are placed on original admission by § 475.2.

§ 475.6 *Readmission after temporary visits to Mexico.* (a) An agricultural worker who has been admitted to the United States under the provisions of this part may be readmitted after temporary visits to Mexico on presentation of Form I–100, Alien Laborer's Permit and Identification Card, if he is still maintaining the status of an agricultural worker in the United States.

(b) An agricultural worker who is granted a furlough shall be furnished by the employer with a letter stating the time for which the furlough is granted and that all contractual obligations will be reassumed upon the alien's return to his employment after the furlough. The letter shall be appropriately endorsed to show approval of the furlough by a representative of the United States Employment Service and the appropriate Mexican Consul if the furlough:

(1) Is for more than 15 days, or

(2) Is to take place during the last 15 days of a six-week contract, or

(3) Is to take place during the last 30 days of a contract of more than six weeks.

§ 475.7 *Previous removal, deportation; permission to reapply.* An alien who established that he is in all respects entitled to admission as an agricultural worker under the provisions of this part, except that he has been previously removed at Government expense pursuant to section 242 (b) of the Immigration and Nationality Act, or excluded or arrested and deported, on not more than one occasion solely because of illegal entry or absence of required documents, is hereby granted permission to reapply for admission to the United States as an agricultural worker: *Provided*, That in the case of such an alien who has been so removed or arrested and deported, such permission to reapply shall not become effective unless and until the alien has resided outside the United States for at least one year after deportation.

§ 475.8 *Arrest and deportation of agricultural workers.* (a) An alien admitted to the United States as an agricultural worker shall be deemed to have failed to maintain his nonimmigrant status within the meaning of section 241 (a) (9) of the Immigration and Nationality Act if:

(1) He remains in the United States after the expiration of the time for which he was temporarily admitted or after the expiration of any authorized extension of such period; or

(2) He violates or fails to fulfill any of the other conditions of his admission to or extended stay in the United States; or

(3) He evidences orally or in writing or by conduct an intention to violate or to fail to fulfill any of the conditions of his temporary admission to or extended stay in the United States; or

(4) He remains in the United States after the period of his temporary admission or extended stay is revoked pursuant to § 475.2 (c).

(b) Any alien to whom paragraph (a) of this section is applicable shall be subject to being taken into custody and made the subject of further proceedings under the applicable provisions of the Immigration and Nationality Act and the regulations in this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 475.21 *Recruitment centers; preliminary inspection.* To the extent possible under the circumstances, all immigration inspections and medical examinations of the agricultural workers at recruitment centers in Mexico shall be similar to those regularly conducted at ports of entry on the border. If the immigration officer at the recruitment center in Mexico determines that the alien is admissible as an agricultural worker he shall so note and initial the conditional permit which is issued to the alien by the Secretary of Labor when the alien is recruited. Such endorsement shall not be construed as a guarantee that the alien will be admitted to the United States nor shall the alien be entitled to accept employment in the United States unless and until he has been issued Form I–100 as prescribed in § 475.22. Aliens who have been issued conditional permits, which have been noted by immigration officers, will be conveyed directly from the recruitment center to a reception center at or near a port of entry under the supervision of representatives of the Secretary of Labor for completion of immigration inspection and registration pursuant to Chapter 7 of Title II of the Immigration and Nationality Act. The conveyance of an agricultural worker to a reception center shall not constitute an admission to the United States. Such alien shall be considered to have been admitted to the United States only after he has been inspected and issued Form I–100 as prescribed in § 475.22. If the immigration officer at the recruitment center in Mexico determines that the alien is inadmissible as an agricultural worker, he shall refuse to note the alien's conditional permit and such decision by the immigration officer shall not be subject to appeal to a special inquiry officer.

§ 475.22 *Immigration inspection at reception centers; authority to admit; hearings before special inquiry officer.* (a) Any alien who presents the conditional permit described in § 475.21, duly noted by an immigration officer at a recruitment center, who is found to be admissible under this part as an agricultural worker may be so admitted by the examining immigration officer, at which time he shall—

(1) Be fingerprinted as follows:

(i) By placing the rolled impression of the right index finger on the reverse [illegible] of the original Form I–100, Alien Laborer's Permit and Identification Card, which shall be prepared in duplicate in each such case;

(ii) By placing complete fingerprints of both hands on one copy of Form AR–4; and

(iii) By executing the obverse of Form AR–4 and placing thereon the serial number of the Form I–100 and a stamped notation reading "Admitted as agricultural worker"; the executed form shall be mailed direct to the Federal Bureau of Investigation, Washington 25, D. C.

(2) Be given the Form I–100a bearing his photograph and stating his name, place of birth and citizenship, duly noted by an immigration officer to show the date, place, and period of his admission into the United States and signed by said immigration officer across the bottom of the photograph, partly on the photograph and partly on the card. Such noted card shall constitute an alien registration receipt card pursuant to section 264 (d) of the Immigration and Nationality Act and shall be the sole documentation required for admission to the United States under the provisions of this part. The Form I–100 shall be forwarded to and retained by the district director of the district having jurisdiction over the port of the alien's entry.

(3) The foregoing shall be deemed to be in compliance with the provisions of Chapter 7 of Title II of the Immigration and Nationality Act relating to the registration of aliens.

(b) Any alien seeking admission under this part in whose case the examining immigration officer at the reception center is not satisfied that such alien is admissible, shall be held for hearing before a special inquiry officer, and the procedure applicable to aliens seeking admission to the United States under the general provision of the immigration laws shall be followed: *Provided, however*, That the case of an alien believed to be inadmissible to the United States under the provisions of paragraphs (27), (28) or (29) of section 212 (a) of the Immigration and Nationality Act shall be handled in accordance with the provisions of section 235 (c) of the said act and § 235.15 of this chapter.

§ 475.23 *Recontracting in the United States.* During the period for which he is admitted, or any authorized extension thereof, an agricultural worker may, with the approval of the district director having jurisdiction over the place of the alien's employment, be recontracted by the same or another employer. When an agricultural worker is so recontracted, his Form I–100 shall be appropriately noted and the officer in charge having administrative jurisdiction over the port of the alien's entry notified.

§ 475.24 *Duplicate identification cards.* Duplicate Form I–100a may be issued in the discretion of the district director or the officer in charge having jurisdiction over the place of alien's employment where the original has been lost, mutilated, or destroyed. The officer in charge having administrative jurisdiction over the port of the alien's entry shall be notified of the issuance of such a duplicate Form I–100.

§ 475.51 *Extension of period of admission.* Extension of the temporary admission of an alien admitted to the United States as an agricultural worker under Title V of the Agricultural Act of 1949, as amended, and regulations pursuant thereto or under this part may be granted by the district director or the officer in charge having jurisdiction over the place of the alien's employment only upon determination and certification by the Secretary of Labor that:

(a) Sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed;

(b) The employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and

(c) Reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

[F. R. Doc. 52–11951; Filed, Nov. 5, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53134]

SEAS SHIPPING CO., INC.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

OCTOBER 31, 1952.

The Commissioner of Customs, by virtue of the authority vested in him by law and in accordance with § 3.81 (a), Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered the house flag and funnel mark of the Seas Shipping Company, Inc., as described below:

(a) *House flag.* The following description of the house flag is as though viewed from a point at which the hoist appears at the viewer's left. The flag is rectangular in shape; the hoist is 4 feet and the fly is 6 feet. The field is navy blue with a design centered between the upper and lower edges of the flag which design is composed of a white ellipse with a red letter "R" of condensed Gothic type centered therein, from which ellipse three horizontal white stripes of varying lengths extend toward the fly. The major axis of the ellipse, which is slanted 20 degrees from vertical with the lower end nearer the hoist, is 27 inches in length and the minor axis is 16 inches. The extreme left edge of the ellipse is 8 inches from the hoist at a point 2 feet from the lower edge of the flag. The letter "R" is 16 inches in height and 8 inches in width, with a 2¼-inch stroke and is similarly slanted 20 degrees from vertical. The three white stripes are cut off on a diagonal 35 degrees from vertical; the upper edges of the stripes, respectively 45¾, 37½, and 22¼ inches; and all stripes are 4¼ inches in width, spaced 1¼ inches apart. The top of the upper stripe is 14 inches from the top of the flag.

(b) *Funnel mark.* The funnel mark is to appear on a light platinum gray funnel elliptical in shape, the major axis of which is 32 feet 6 inches in a fore-and-aft direction and the minor axis of which is 20 feet. The funnel markings consist of three contiguous horizontal stripes of varying lengths, each 26 inches wide, the upper edge of the top stripe being 24 inches from the top of the stack. The stripes in descending order are painted blue, white, and red, respectively, each having a black border at the bottom 2 inches wide. The stripes appear on each side of the funnel and extend around the forward portion. Each stripe is cut off on a diagonal 35 degrees from vertical, the upper edge being the longer. The projected length of the upper edge of the red stripe on either side of the funnel is 17 feet, the white stripe 21 feet 3 inches, and the blue stripe 30 feet 3 inches.

Colored drawings of the house flag and funnel mark described above are on file with the Federal Register Division.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52–11918; Filed, Nov. 5, 1952; 8:53 a. m.]

Bureau of Internal Revenue

[Commissioner's Reorganization Order Hdq–7]

ASSISTANT COMMISSIONER (TECHNICAL)

DELEGATION OF FUNCTION RELATING TO CHANGES IN ACCOUNTING PERIODS AND METHODS

Pursuant to the authority vested in me as Commissioner of Internal Revenue, it is directed that:

1. The function of granting or denying permission to change accounting periods and methods of accounting, and the terms of such rulings, is hereby delegated to the Assistant Commissioner (Technical).

2. The function delegated by this order to the Assistant Commissioner (Technical) may be delegated by him to any other officer or employee of the Bureau of Internal Revenue performing functions under his general supervision and control.

3. The specific function delegated by this order supplements Commissioner's Reorganization Order No. Hdq–1 and Exhibit C attached thereto.

4. This order shall be effective as of August 11, 1952.

Dated: August 21, 1952.

[SEAL] JOHN B. DUNLAP,
Commissioner.

[F. R. Doc. 52–11919; Filed, Nov. 5, 1952; 8:53 a. m.]

[Technical Reorganization Order 6]

HEAD OF TECHNICAL RULINGS DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO CHANGES IN ACCOUNTING PERIODS AND METHODS OF ACCOUNTING

1. Commissioner's Reorganization Order No. Hdq–7 delegates to the Assistant Commissioner (Technical) the function of granting or denying permission to change accounting periods and methods of accounting and the terms of such rulings, with authority to delegate such function to any other officer or employee of the Bureau of Internal Revenue performing functions under his general supervision and control.

2. The function of granting or denying permission to change accounting periods and methods of accounting and the terms of such rulings is hereby delegated to the Head of the Technical Rulings Division.

3. The function delegated by this order to the Head of the Technical Rulings Division may be delegated by him to any other officer or employee of the Bureau of Internal Revenue performing functions under his general supervision and control.

4. The specific function delegated by this order supplements the functions of the Technical Rulings Division as described in Exhibit C attached to Commissioner's Reorganization Order No. Hdq–1.

5. This order shall be effective as of August 11, 1952.

Dated: August 22, 1952.

[SEAL] NORMAN A. SUGARMAN,
Assistant Commissioner.

[F. R. Doc. 52-11921; Filed, Nov. 5, 1952; 8:53 a. m.]

[Technical Reorganization Order 6, Supplement 1]

HEAD OF SPECIAL TECHNICAL SERVICES DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO CHANGES IN ACCOUNTING PERIODS AND METHODS OF ACCOUNTING

1. Technical Reorganization Order No. 6 dated August 22, 1952 is amended to provide that the function of granting or denying permission to change accounting periods and methods of accounting, and the terms of such rulings, with respect to depreciation and depletion is hereby delegated to the Head of the Special Technical Services Division.

2. The function delegated by this order to the Head of the Special Technical Services Division may be delegated by him to any other officer or employee of the Bureau of Internal Revenue performing functions under his general supervision or control.

3. The specific function delegated by this order supplements the functions of the Special Technical Services Division as described in Exhibit C attached to Commissioner's Reorganization Order No. Hdq-1.

4. This order shall be effective as of August 11, 1952.

[SEAL] NORMAN A. SUGARMAN,
Assistant Commissioner.

SEPTEMBER 30, 1952.

[F. R. Doc. 52-11920; Filed, Nov. 5, 1952; 8:53 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARY OF THE ARMY

DELEGATION OF AUTHORITY WITH RESPECT TO MILITARY PERSONNEL CLAIMS ACT OF 1945, AS AMENDED

Pursuant to the authority vested in me by section 1 of the Military Personnel Claims Act of 1945, 59 Stat. 225, as amended by Public Law 439, 82d Congress, 2d session, July 3, 1952, and pursuant to section 202 (f) of the National Security Act of 1947, as amended, 5 U. S. C. 171a, the following designation and delegation of authority is effective this date.

1. The Secretary of the Army, in addition to his authority with respect to claims of civilian employees of the Department of the Army under the Military Personnel Claims Act of 1945, as amended, is hereby authorized to exercise all of the powers conferred upon the Secretary of Defense by section 1 of that act, as amended, with respect to claims of civilian employees of the Department of Defense who are not civilian employees of the Department of the Army, Navy, or Air Force.

Dated: October 31, 1952.

ROBERT A. LOVETT,
Secretary of Defense.

[F. R. Doc. 52-11878; Filed, Nov. 5, 1952; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19056]

JOHANNA K. RUPP

In re: Trust under the will of Johanna K. Rupp, deceased. File No. D-28-13124: E. T. sec. 17233.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anna Seitz Zimmerman and Louisa Seitz Trefz, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Johanna K. Rupp, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The Lawrence-Cedarhurst Bank, as Trustee, acting under the judicial supervision of the Surrogate's Court of Nassau County, New York.

and it is hereby determined:

4. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 31, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-11926; Filed, Nov. 5, 1952; 8:54 a. m.]

[Vesting Order 19057]

AMANDA THOMSEN

In re: Debts owing to Amanda Thomsen. F-28-32008.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Amanda Thomsen, whose last known address is Innere Mission, Wester Street 13, Hamburg, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: An undivided one-half (½) interest in that certain debt or other obligation, matured or unmatured, evidenced by a Deposit Receipt Numbered 144, for one (1) $1,000.00 Hugh A. Marti Company Secured 6½ percent Sinking Fund Gold Bond, numbered 315, said Deposit Receipt issued by the California Trust Company of Los Angeles, California, and presently in the possession of Mr. Karl L. Ratzer, 1015 Black Building, 357 South Hill Street, Los Angeles, California, together with an undivided one-half (½) interest in any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under an undivided one-half interest in the aforesaid Deposit Receipt and Bond,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Amanda Thomsen, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 31, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-11927; Filed, Nov. 5, 1952; 8:54 a. m.]

[Vesting Order 19058]

KURT REUTER

In re: Debt owing to Kurt Reuter. F-28-31948-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Kurt Reuter, whose last known address is Mulhauser, Strasse 5, Munich, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by a check numbered R 72675, dated December 7, 1942, in the amount of $20.28, drawn on the National Bank of Detroit, Detroit, Michigan, in the name of Kurt Reuter, and representing the Sixth (Final) Dividend on Claim No. 16-8721, against the First National Bank, Detroit, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said check,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kurt Reuter, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 31, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-11928; Filed, Nov. 5, 1952; 8:54 a. m.]

[Vesting Order 16573, Amdt.]

TSUGIO YAMAMOTO ET AL.

In re: Rights of Tsugio Yamamoto et al., under insurance contract. File No. D-39-19008-H-1.

Vesting Order No. 16573, executed December 18, 1950, is hereby amended to read as follows and not otherwise:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tsugio Yamamoto and Yoshino Yamamoto, whose last known address is Hiura-Mura, Asa-gun, Hiroshima-Ken, Honshu, Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, assigns, next of kin, legatees and distributees, names unknown, of Hiroji Yamamoto, deceased, who there is reasonable cause to believe, are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1438079 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Tsugio Yamamoto, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid Sun Life Assurance Company of Canada, together with the right to demand, enforce, receive and collect the same (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 31, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-11929; Filed, Nov. 5, 1952; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 492

OCTOBER 20, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90 day preference right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284), as amended, the 80-rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order.

ANCHORAGE LAND DISTRICT

A tract of land located on Turnagain Arm, Alaska, identified as Lot 9, U. S. Survey No. 2757, containing approximately 4.48 acres (Homesite application of Donald DeWitte Rucker, Anchorage 018152).

A tract of land located on Tongass Narrows, Alaska, identified as Lots 4 and 5, U. S. Survey No. 2678 containing approximately 1.51 acres (Homesite application of Lloyd A. Balcom, Anchorage 018405).

A tract of land located on Ida Lake, Alaska, identified as Lot 3, Section 33, T. 20 N., R. 5 E., S. M., containing approximately 35.79

acres (Homestead application of Miles Morris Crocker, Anchorage 014792).

A tract of land located on Jamestown Bay, Alaska, more particularly described as follows:

Commencing at corner No. 1 of cancelled U. S. Survey No. 2364, located at approximate latitude 57°02'45" N., longitude 135°37' W., thence in a southerly direction following the meanders of the south right-of-way boundary of the Sitka Highway for approximately 594 feet to corner No. 2; thence in a southwesterly direction approximately 363 feet to corner No. 3; thence in a northwesterly direction for approximately 462 feet to corner No. 4 located on the north shore of Jamestown Bay; thence in a northerly direction following the meanders of the north shore of Jamestown Bay approximately 594 feet to corner No. 1, the point of beginning, containing approximately five acres (Homesite application of Afton M. Coon, Anchorage 012825).

A tract of land located on Funter Bay, Alaska, identified as U. S. Survey No. 3149, containing approximately 4.50 acres (Homesite application of Harvey J. Smith, Anchorage 018515).

FRED J. WEILER,
Chief, Division of Land Planning.

[F. R. Doc. 52-11880; Filed, Nov. 5, 1952; 8:46 a. m.]

TOWN SITE OF CLAYTON, IDAHO

SALE OF TOWN LOTS

OCTOBER 28, 1952.

1. *Authority.* Pursuant to the authority delegated by section 2.78 of Bureau of Land Management Order No. 427 (15 F. R. 5639, 5642) lots in the Town Site of Clayton, Idaho, will be disposed of under the provisions of sections 2382 to 2386, Revised Statutes. The plat of survey of this town site was approved on April 5, 1939.

2. *Area and price.* The area and minimum price of the lots which will be offered for sale are shown in the attached schedule.

3. *Preemption claims.* Preemption rights to purchase at the minimum price and not exceeding two lots were extended by Circular No. 1472, approved May 29, 1940 to actual residents and claimants for a period of 90 days, following the date of the circular. Such preemption claimants were required to file in the Land Office within the 90 day period, proof of their preemption claims and failure to do so worked a forfeiture of such rights. Therefore the notice announcing the public sale contains no provision pursuant to which preemption claims may be filed for any of the lots listed.

4. *Public sale.* The lots listed will be offered for sale at public auction by the Regional Administrator, or his designated representative, and will be sold to the highest bidder at the Court House, Challis, Idaho, starting at 10:00 a. m., July 15, 1953, and continuing until all lots are offered. Any qualified person may purchase any number of lots for which he is the highest bidder.

5. *Payment.* No lot will be sold for less than the appraised price. Payment for lots must be made at the time of sale, unless the total sum due from any purchaser exceeds the amount of $500.00. If the total sum due from any purchaser exceeds the amount of $500.00, he may elect to pay one-half of the total amount in cash on the sale date, and pay the balance within one year from the date of sale, plus interest at four per cent per annum to the date of payment. Any deferred payments must be made to the Manager, Idaho Land and Survey Office, Boise, Idaho. Failure to make full payment of any deferred installments, with interest, within the time allowed will cause an automatic forfeiture of all payments made, and of all interest under the sale, and the cancellation of the memorandum certificate of sale issued to the purchaser.

6. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States, or that he has declared his intention to become a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in Idaho.

7. *Manner of sale.* Bids and payments may be made in person or by agent, but may not be made by mail nor at any time or place other than that fixed by this notice.

8. *Authority of officer conducting the sale.* The officer conducting the sale is hereby authorized to reject any and all bids for any lot and to suspend, adjourn, or postpone the sale of any lot or lots. After all the lots to be sold have been offered, the sale will be adjourned or closed as the officer conducting the sale may deem proper; and if the sale is closed, said officer shall reappraise any unsold lots as a basis for private entry whenever he shall find that the amounts bid or the appraised prices are inadequate.

9. *Disposal of lots after sale has been closed.* Lots remaining unsold at the close of the sale shall be subject to private entry for cash at the price fixed by any reappraisal pursuant to paragraph 8 hereof, or if not reappraised, then at their appraised price, and said lots may be purchased from the Manager, Idaho Land and Survey Office, Boise, Idaho.

10. *Reservations.* Patents for lots, when issued, will contain a reservation of fissionable source materials and the conditions and limitations as provided by the act of August 1, 1946 (60 Stat. 755), and a reservation of rights-of-way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391).

11. *Warning.* All persons are warned against bargaining in a manner, forming any combinations, or ordering any agreements, which will prevent any lot from selling advantageously or which will, in any way, hinder or prevent this sale. Any person so offending will be subject to prosecution under 18 U. S. C. 1860.

JAMES F. DOYLE,
Assistant Regional Administrator.

SCHEDULE OF APPRAISEMENTS

VALUATION OF LOTS AND BLOCKS IN THE TOWN SITE OF CLAYTON, IDAHO

Block	Lot	Square feet	Appraised price
1	3	4,668	$40
1	5	3,703	30
1	6	3,879	40
1	7	7,481	60
1	15	5,676	50
1	16	5,663	50
1	18	6,442	60
1	19	8,030	70
1	20	7,784	60
2	4	3,471	40
2	5	5,041	50
2	7	5,178	50
5	3	6,208	50
5	4	7,452	60
5	5	9,711	70

[F. R. Doc. 52-11881; Filed, Nov. 5, 1952; 8:46 a. m.]

Geological Survey

UTAH

NONOIL-SHALE CLASSIFICATION

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and to the provisions of applicable regulations (30 CFR Part 201), the following described land, insofar as title thereto remains in the United States, is hereby classified as nonoil-shale land:

SALT LAKE MERIDIAN

T. 7 S., R. 19 E., all (fractional).
T. 7 S., R. 20 E., all (fractional).
T. 8 S., R. 20 E., all (fractional).
Ts. 7 and 8 S., R. 21 E., inclusive; all.

UINTA SPECIAL MERIDIAN

T. 4 S., R. 3 E., all (fractional).

The area described aggregates approximately 86,800 acres.

Dated: October 31, 1952.

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 52-11879; Filed, Nov. 5, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 3844]

INDIANA

LOAN ANNOUNCEMENT

OCTOBER 23, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 18H Rush	$100,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11933; Filed, Nov. 5, 1952; 8:55 a. m.]

[Administrative Order 3845]

GEORGIA

LOAN ANNOUNCEMENT

OCTOBER 23, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 83S Jackson	$515,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11934; Filed, Nov. 5, 1952; 8:55 a. m.]

[Administrative Order 3846]

NEW MEXICO

LOAN ANNOUNCEMENT

OCTOBER 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 17G Sierra	$50,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11935; Filed, Nov. 5, 1952; 8:56 a. m.]

[Administrative Order 3847]

MISSOURI

LOAN ANNOUNCEMENT

OCTOBER 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 55S Cedar	$750,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11936; Filed, Nov. 5, 1952; 8:56 a. m.]

[Administrative Order 3848]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 27, 1952.

Inasmuch as Sho-Me Power Corporation has transferred certain of its properties and assets to Intercounty Electric Cooperative Association and Se-Ma-No Electric Cooperative, respectively, and Intercounty Electric Cooperative Association and Se-Ma-No Electric Cooperative have each assumed a part of the total indebtedness of Sho-Me Power Corporation to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 713, dated June 19, 1942, as amended by Administrative Order No. 1868, dated February 17, 1949, Administrative Order No. 2145, dated June 2, 1949, Administrative Order No. 2338, dated October 12, 1949, and Administrative Order No. 3623, dated March 15, 1952, by changing the project designation appearing therein as "Missouri 2059GT1 Cole" in the amount of $2,416,771.23 to read "Missouri 2059GT1 Cole" in the amount of $2,254,235.22 and "Missouri 18TP1 Texas (Missouri 2059GT1 Cole)" in the amount of $4,340 and "Missouri 67TP2 Wright (Missouri 2059GT1 Cole)" in the amount of $158,196.01.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11937; Filed, Nov. 5, 1952; 8:56 a. m.]

[Administrative Order T-218]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 22, 1952.

I hereby amend:

(a) Administrative Order No. T-72, dated October 3, 1951, by rescinding the loan of $235,000 therein made for "Independent Telephone Company of Pilot Rock—Oregon 507-A."

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11938; Filed, Nov. 5, 1952; 8:56 a. m.]

[Administrative Order T-219]

GEORGIA

LOAN ANNOUNCEMENT

OCTOBER 22, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Pineland Telephone Cooperative, Inc., Georgia 539-B	$110,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11939; Filed, Nov. 5, 1952; 8:57 a. m.]

[Administrative Order T-220]

KENTUCKY

LOAN ANNOUNCEMENT

OCTOBER 23, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Foothills Rural Telephone Cooperative Corp., Inc., Kentucky 522-A	[1] $398,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11940; Filed, Nov. 5, 1952; 8:57 a. m.]

[Administrative Order T-221]

FLORIDA

LOAN ANNOUNCEMENT

OCTOBER 24, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Molino Telephone Co., Inc., Florida 503-B	$43,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11941; Filed, Nov. 5, 1952; 8:57 a. m.]

[Administrative Order T-222]

MONTANA

LOAN ANNOUNCEMENT

OCTOBER 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Northeastern Montana Telephone Cooperative Association, Montana 511-A	$1,987,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-11942; Filed, Nov. 5, 1952; 8:57 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation No. 18]

ADMINISTRATOR OF GENERAL SERVICES

DELEGATION OF AUTHORITY TO SELL MINERALS AND METALS

1. Pursuant to the authority vested in me as Defense Materials Procurement Administrator by Executive Order No. 10281, August 28, 1951 (16 F. R. 8789), I hereby delegate to the Administrator of General Services the authority to sell minerals and metals purchased under the purchase programs established pursuant to the provisions of the Defense

Production Act, as amended, and administered by the Administrator of General Services pursuant to authority heretofore delegated by me.

2. The authority herein delegated shall be exercised in accordance with the provisions of section 303 (a) of the Defense Production Act, as amended, and in accordance with such policies as may be established by the Defense Materials Procurement Administrator.

3. The authority hereby delegated may be redelegated to officers and employees of the General Services Administration.

4. This delegation is effective as of July 7, 1952.

Dated: November 3, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-12002; Filed, Nov. 5, 1952; 11:38 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority No. 78]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 2 AND 3 OF GOR 25

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Delegation of Authority is hereby issued.

1. *Authority to act under sections 2 and 3 of GOR 25.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization:

(a) To disapprove or reduce under Section 2 any ceiling price proposed, reported, or established under any ceiling price regulation, in connection with which the Regional Director is authorized to act on an individual price determination or authorization, so as to bring it in line with the level of ceiling prices otherwise established by that ceiling price regulation;

(b) To issue an order, under Section 3 of GOR 25, fixing an in-line ceiling price for any person subject to a ceiling price regulation, in connection with which the Regional Director is authorized to act on an individual price determination or authorization, who fails to prepare or keep any record or file any report required in connection with the establishment of his ceiling price, or who fails to establish a ceiling price or to apply to the Office of Price Stabilization for the establishment of a ceiling price if such action is required by the applicable regulation.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on November 6, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 5, 1952.

[F. R. Doc. 52-11999; Filed, Nov. 5, 1952; 11:37 a. m.]

FEDERAL POWER COMMISSION

[Docket No. DI-151-Wisconsin]

WISCONSIN VALLEY IMPROVEMENT CO.

NOTICE OF ORDER DISMISSING DECLARATION OF INTENTION

OCTOBER 31, 1952.

Notice is hereby given that on October 29, 1952, the Federal Power Commission issued its order entered October 28, 1952, dismissing declaration of intention under section 23 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11888; Filed, Nov. 5, 1952; 8:49 a. m.]

[Docket No. G-1710]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER PROVIDING FOR FURTHER HEARING

OCTOBER 30, 1952.

By order issued on June 14, 1951, as amended by order issued July 9, 1951, in Docket No. G-1710, the Commission instituted an investigation for the purpose of determining whether any rate, charge or classification demanded, observed, charged or collected by Transcontinental Gas Pipe Line Corporation (Transcontinental) in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, pursuant to the provisions of Transcontinental's Rate Schedule EM-1, or Rate Schedule EX-1, on file with the Commission, or any rule, regulation, practice or contract affecting such rate, charge or classification, is unjust, unreasonable, unduly discriminatory or preferential. Rate Schedule EM-1 provides for the sale of natural gas on an emergency basis at a price of 31.6 cents per Mcf, and Rate Schedule EX-1 applies to the exchange of natural gas with a 31.6 cents per Mcf price for any deliveries not returned within 60 days.

The order of June 14, 1951, recites that Transcontinental has on file with the Commission its Rate Schedule E, containing a rate of 22 cents per Mcf for gas deliveries which appear to be substantially the same in character as provided for in Rate Schedules EM-1 and EX-1.

On December 14, 1951, the Commission issued an order consolidating said proceeding Docket No. G-1710 for hearing with a proceeding, Docket No. G-1842, wherein the Commission had suspended certain proposed rate schedules filed by Transcontinental and had ordered a public hearing concerning the lawfulness of the rates, charges, classifications and services therein set forth.

The consolidated proceeding came on for hearing commencing January 28, 1952. On January 28 and January 29, during the presentation of Transcontinental's case respecting Docket No. G-1710, the Presiding Examiner rejected certain evidence offered by Transcontinental; and Transcontinental appealed to the Commission, under § 1.28 of the Commission's rules of practice and procedure, from such ruling of the Presiding Examiner. The Presiding Examiner prescribed that the proceeding in Docket No. G-1710 should remain open subject to the introduction of further evidence if directed by the Commission. Thereupon, Transcontinental proceeded with the presentation of evidence respecting the issues in the rate proceeding, Docket No. G-1842. On May 29, 1952, the Commission issued an opinion and order dismissing and terminating Docket No. G-1842.

On October 6, 1952, Transcontinental filed a motion for receipt of further evidence and other or further relief, to which motion were attached proposed new rate schedules as follows:

A new Rate Schedule E (Transcontinental FPC Gas Tariff, Original Volume No. 1, Second Revised Sheets Nos. 27 and 28, superseding Original Sheets Nos. 27 and 28, and Second Revised Sheet No. 28-A, superseding Original Sheets Nos. 28-A and 28-B); and

A new Rate Schedule EX-1 (Transcontinental FPC Gas Tariff, Original Volume No. 1, Third Revised Sheet No. 28-C, superseding First Revised Sheet No. 28-C, and First Revised Sheet No. 28-D, superseding Original Sheet No. 28-D).

Said motion recites that the proposed rate Schedule E would have the effect of supplanting Transcontinental's presently effective Rate Schedules EM-1 and E and consolidating certain features of each of said schedules into a single schedule and, among other things, would substitute a single price of 28 cents per Mcf in lieu of the price of 31.6 cents per Mcf, contained in presently effective Rate Schedule EM-1, and in lieu of the price of 22 cents per Mcf contained in presently effective Rate Schedule E; that the proposed Rate Schedule EX-1, among other things, so greatly increases the penalty for failure of the receiving company to return exchange gas delivered by Transcontinental as virtually to insure such return and substantially guarantee the operation of such schedule as an unquestionably straight exchange vehicle.

In said motion, Transcontinental prays that an appropriate order be issued to provide for further hearing in this matter and to permit Transcontinental to show of record that its proposals are justified.

The Commission finds: Good cause exists for further hearing in this proceeding as prayed for by Transcontinental.

The Commission orders: This proceeding be and the same hereby is set for further public hearing to be held on November 12, 1952, at 10:00 a. m., e. s. t., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: October 31, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11883; Filed, Nov. 5, 1952; 8:47 a. m.]

[Docket No. G-2020]

LONE STAR GAS CO.

ORDER FIXING DATE OF HEARING

OCTOBER 30, 1952.

On August 1, 1952, Lone Star Gas Company (Applicant), a Tennessee corporation having its principal place of business at Knoxville, Tennessee, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 22, 1952 (17 F. R. 7709).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 18, 1952, at 9:45 a. m., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance, October 31, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11884; Filed, Nov. 5, 1952; 8:48 a. m.]

[Docket No. G-2025]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDER

OCTOBER 31, 1952.

Notice is hereby given that on October 30, 1952, the Federal Power Commission issued its order entered October 28, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11887; Filed, Nov. 5, 1952; 8:49 a. m.]

[Docket No. G-2065]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

OCTOBER 30, 1952.

Take notice that on September 12, 1952, Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a line tap and metering and regulating facilities at a point on Applicant's Calhoun lateral line near Rome, Georgia, for the sale and delivery of up to 7,450 Mcf of natural gas per day to Chattahoochee Natural Gas Company for resale and delivery to the communities of Summerville, Trion, Lafayette, and Dalton, Georgia.

The estimated cost of the proposed facilities is $31,000, to be financed out of funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 19th day of November 1952. The application is on file with the Commission and open for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11889; Filed, Nov. 5, 1952; 8:49 a. m.]

[Docket No. G-2075]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER FIXING DATE OF HEARING

OCTOBER 30, 1952.

On September 17, 1952, Transcontinental Gas Pipe Line Corporation (Transcontinental), filed with the Commission Second Revised Sheets Nos. 5, 9, 12, 17, 19 and 24, Third Revised Sheet No. 16, First Revised Sheets Nos. 39, 40, and 41, and Original Sheet No. 41-A to its FPC Gas Tariff, Original Volume No. 1, proposed to become effective October 18, 1952, increasing the effective rates and charges to Transcontinental's interstate wholesale customers. On October 15, 1952, the Commission issued an order suspending such proposed tariff sheets until March 18, 1953, and until such further time thereafter as the same might be made effective in the manner prescribed by the Natural Gas Act; and providing for a public hearing to be held at a date and place thereafter to be fixed concerning the lawfulness of the rates, charges, classifications and services, subject to the jurisdiction of the Commission, as set forth in said tariff sheets filed by Transcontinental on September 17, 1952.

The Commission finds: It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest, that this proceeding be set for hearing and that the procedure hereinafter prescribed shall be followed at such hearing.

The Commission orders:

(A) A public hearing be held commencing on December 1, 1952, at 10:00 a. m., e. s. t., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications and services, subject to the jurisdiction of the Commission, as set forth in the aforesaid Second Revised Sheets Nos. 5, 9, 12, 17, 19 and 24, Third Revised Sheet No. 16, First Revised Sheets Nos. 39, 40 and 41, and Original Sheet No. 41-A to FPC Gas Tariff Original Volume No. 1, filed by Transcontinental Gas Pipe Line Corporation.

(B) The order of procedure at the public hearing referred to in paragraph (A) hereof shall be:

(i) Pursuant to the provisions of section 4 (e) of the Natural Gas Act, Transcontinental shall go forward with the burden of proof imposed upon it, presenting its justification with respect to the issues referred to in paragraph (A) hereof;

(ii) After Transcontinental has so presented its justification, other parties and participants, including Commission staff counsel, may conduct as much of their cross-examination with respect to Transcontinental's justification as they are then prepared to undertake. Thereupon, if request therefor is made, the Presiding Examiner shall recess the hearing to a date to be fixed by further order of the Commission, in order to permit such preparation for the remainder of such cross-examination as the facts and circumstances may warrant.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: October 31, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-11885; Filed, Nov. 5, 1952; 8:48 a. m.]

[Docket No. G-2076]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

OCTOBER 30, 1952.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation with its princi-

pal place of business in Pittsburgh, Pennsylvania, filed on October 16, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a natural gas regulating station at a point near Phelps, Ontario County, New York, between the transmission systems of Tennessee Gas Transmission Company and New York State Electric & Gas Corporation.

The application recites that it is necessary for Applicant to install the gas regulating station between the pipe line and gas measurement facilities that Tennessee Gas Transmission Company is installing for the delivery of gas at Phelps, New York, to New York State Electric & Gas Corporation (Docket No. G–1573) and the facilities being installed by New York State Electric & Gas Corporation to receive gas delivered to it by Tennessee Gas Transmission Company, for the sole purpose of regulating the pressure of gas which may be delivered on peak days or during emergency periods by Tennessee Gas Transmission Company, for the account of Applicant to New York State Electric & Gas Corporation.

The application further recites that Applicant is obligated to deliver gas to New York State Electric & Gas Corporation at a uniform pressure of 75 psig and Tennessee Gas Transmission Company makes delivery to Applicant at the point of delivery at a minimum pressure of 200 psig, with no obligation to meet the pressure requirements of New York State Electric & Gas.

The total over-all cost of facilities described is estimated to be $33,150, which Applicant proposes to defray from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 19th day of November 1952.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–11890; Filed, Nov. 5, 1952; 8:49 a. m.]

[Docket No. G–2077]

BLACKSTONE VALLEY GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

OCTOBER 30, 1952.

Take notice that Blackstone Valley Gas and Electric Company (Applicant), a Rhode Island corporation having its principal place of business at Pawtucket, Rhode Island, filed on October 17, 1952, an application for an order pursuant to section 7 (a) of the Natural Gas Act, ordering Northeastern Gas Transmission Company (Northeastern), to extend its transportation facilities and to establish physical connection between them and the facilities of Blackstone and to sell and deliver natural gas to Blackstone.

Applicant proposes to purchase up to 10,600 Mcf per day from Northeastern, to meet Applicant's requirements within its franchise area, pursuant to an agreement entered into between Applicant and Northeastern.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 19th day of November 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–11891; Filed, Nov. 5, 1952; 8:50 a. m.]

[Docket No. G–2083]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER SUSPENDING PROPOSED RATE SCHEDULES AND PROVIDING FOR HEARING

OCTOBER 30, 1952.

On October 1, 1952, Natural Gas Pipeline Company of America (Natural), pursuant to Part 154 of the Commission's regulations under the Natural Gas Act (18 CFR Part 154), filed with this Commission proposed First Revised Sheet Nos. 5, 6, and 7 to its FPC Gas Tariff, First Revised Volume No. 1 proposed to become effective November 1, 1952. Natural's aforesaid gas tariff became effective December 1, 1951, under bond, by order issued December 5, 1951, In the Matter of Natural Gas Pipeline Company of America, Docket No. G–1697.

The proposed rate schedules would increase the presently effective rates and charges to 16 of Natural's 17 wholesale customers by approximately $3,511,489, based on estimated sales for the year ending October 31, 1953, or an increase of approximately 13 percent, distributed among customers in the amounts set out in Appendix A hereto.

Natural proposes to increase the demand and commodity components of the first block of its Rate Schedule CD–1 from $1.35 to $1.40 per Mcf per month and from 6.67 cents to 8.37 cents per Mcf, respectively. No change is proposed in the demand and commodity components for the second block of its Rate Schedule CD–1. Initially, Revised Sheet No. 7 proposed a change in the rates and charges for gas taken in excess of the total contract demand of Block 1 and Block 2 volumes. Subsequently, on October 20, 1952, Natural withdrew such proposed change by filing a substitute Revised Sheet No. 7.

The first block of the billing demand is different for each of Natural's customers. Such block is equal to any customer's allocated portion of Natural's capacity prior to December 1, 1951. The second block of billing demand is also different for each of Natural's customers. Such block is equal to the difference between any customer's total contract volume and the Block 1 volume. In effect, such blocking arrangement appears to result in the establishment of separate rates for each of Natural's customers. By its aforesaid rate schedules Natural continues in effect the block form of rate first proposed in its filing at Docket No. G–1697, and which form of rate is in issue at that proceeding.

The cost studies submitted by Natural do not appear to support the proposed increase in rates and charges. Its claimed costs include increases in the cost of gas purchased not now incurred but anticipated to become effective at various future dates up to February 1953; the Texas gas gathering tax which has been declared unconstitutional by a State District Court but which decision has been stayed pending appeals; a rate of return of 6½ percent without submitting financial facts in support thereof; income taxes associated with such rate of return; and increased wage rates now effective but subject to approval by the appropriate governmental agency. Also, data are not available from the rate increase application to properly evaluate a claimed increase in depreciation expense and rental expense.

Copies of the proposed rate schedules, together with copies of material submitted by Natural to this Commission pursuant to § 154.63 of the Commission's regulations under the Natural Gas Act (18 CFR 154.63) were served upon each of Natural's wholesale customers and State commissions concerned. Several of the customers and the Wisconsin and Illinois commissions oppose the proposed rate increase. Two customers, including the Peoples Gas Light and Coke Company, parent of Natural, indicate that the proposed rate increase is satisfactory to them.

The rates, charges, and classifications set forth in Natural's proposed First Revised Sheet Nos. 5, 6, and 7 to its FPC Gas Tariff, First Revised Volume No. 1 may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful, and may place an undue burden upon ultimate consumers of natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Natural's FPC Gas Tariff, First Revised Volume No. 1, as amended by proposed First Revised Sheet Nos. 5, 6, and 7, and that said proposed First Revised Sheet Nos. 5, 6, and 7 be suspended pending hearing and decision thereon.

The Commission orders:

(A) A public hearing to be held at a date and place hereinafter to be fixed by the Commission concerning the lawfulness of the rates, charges, and classifications, subject to the jurisdiction of the Commission; as set forth in Natural Gas Pipeline Company of America's FPC Gas Tariff, First Revised Volume No. 1, as amended by proposed First Revised Sheet Nos. 5, 6 and 7.

(B) Pending such hearing and decision, said proposed First Revised Sheet Nos. 5, 6, and 7 tendered for filing by Natural Gas Pipeline Company of America, be and the same hereby are suspended and the use thereof is deferred until April 1, 1953, and until such further time as the such proposed revised tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: October 31, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

APPENDIX A

NATURAL GAS PIPELINE COMPANY OF AMERICA DISTRIBUTION OF PROPOSED RATE INCREASE ESTIMATED FOR 12 MONTHS ENDING OCTOBER 31, 1952

Customer	Revenues		Increase	Percent
	Present	Proposed		
Allied Gas Co.	$49,161	$51,373	$2,212	4.50
Central Illinois Electric & Gas Co.	1,220,252	1,311,515	91,263	7.48
Illinois Power Co.	320,111	346,658	26,547	8.29
Interstate Power Co.	237,753	237,753	[1] 0	0
Iowa Electric Light & Power Co.	543,606	600,341	56,345	10.36
Iowa-Illinois Gas & Electric Co.	5,221,690	5,591,175	369,485	7.08
Iowa Power & Light Co.	372,811	410,299	37,488	10.06
Iowa Southern Utilities Co.	108,451	110,356	1,905	1.76
City of Nebraska City	137,095	154,345	17,250	12.59
Northern Indiana Public Service Co.	1,490,043	1,705,091	245,048	16.78
North Shore Gas Co.	1,144,738	1,241,847	97,109	8.48
Princeton Gas Service Co.	36,107	39,495	3,388	8.48
Public Service Co. of Northern Illinois	6,578,819	7,580,413	1,021,594	15.58
The Peoples Gas Light & Coke Co.	9,055,714	10,575,593	1,519,879	16.78
United Gas Service Co.	15,943	17,439	1,496	9.38
Wilson Gas Co.	15,689	17,640	1,951	12.44
Wisconsin Southern Gas Co.	182,487	201,316	18,829	10.32
Industrials	250,131	250,131	0	0
Total	26,931,261	30,442,780	3,511,489	13.04

[1] Interstate is billed only under second block of rate which is not proposed to be changed.

[F. R. Doc. 52–11886; Filed, Nov. 5, 1952; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DEFENSE HOUSING PROGRAMS IN CRITICAL DEFENSE HOUSING AREAS

On October 27, 1951, there was published in the FEDERAL REGISTER at 16 F. R. 10962, under the caption "Notice of Housing Programs and Relaxation of Credit Controls in Critical Defense Housing Areas" a "General Statement" designated as "Part I" preceding the actual listing of the Defense Housing Programs (Part II). In the third paragraph of that statement (16 F. R. 10963) reference was made to the manner in which applications to construct defense housing (and to receive exceptions from credit controls) were to be made. In setting forth the eligibility requirements for obtaining the approval of an application for the construction of programmed defense housing (with exceptions from residential credit controls) the General Statement (Part I) provided that applications must be submitted pursuant to HHFA Regulation CR 2 with respect to housing in the three Atomic Energy Installation Areas known as the Savannah River, Paducah (Kentucky), and Idaho Reactor Testing Station installations or pursuant to HHFA Regulation CR 3 with respect to all other critical defense housing areas listed in Part II.

On April 12, 1952, there was published in the FEDERAL REGISTER (17 F. R. 3244) an additional statement announcing that with respect to the programmed defense housing set out in additional new defense housing programs and supplemental programs the aids authorized by the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong.), including a new and more liberal form of Federal Housing Administration mortgage insurance under Title IX of the National Housing Act, as amended, were available. The approval of an application however, under HHFA Regulation CR 2 or CR 3, was required as a condition to the approval by the FHA of an application for mortgage insurance under the provisions of Title IX of the National Housing Act, as amended.

On September 15, 1952, following certification by the Secretary of Labor that new non-farm housing starts had been below an annual rate of 1,200,000 units for three consecutive months, the Board of Governors of the Federal Reserve System and Housing and Home Finance Administrator, acting simultaneously announced, respectively, the suspension of restrictions on residential real estate credit imposed by Regulation X and a relaxation of related credit restrictions in the regulations of the Federal Housing Commissioner and the Administrator of Veterans' Affairs. This action was taken pursuant to the Defense Production Act Amendments of 1952.

On October 10, 1952, an amendment to CR 3 was published in the FEDERAL REGISTER (17 F. R. 9034) which provided that no further application would be accepted under the provisions of CR 3 and that applications relating to the construction of programmed defense housing may thereafter be filed with the local office of the Federal Housing Administration serving the particular defense housing area in which the proposed defense housing is to be located. A similar amendment with respect to defense housing authorized under HHFA Regulation CR 2 was published in the FEDERAL REGISTER of October 11, 1952 (17 F. R. 9073). This amendment similarly prevents the filing of further applications for defense housing under the provisions of CR 2. As a result of the foregoing changes, the caption and the text of "Part I—General Statement" referred to in the first part of this note is amended to read as follows:

PART I—GENERAL STATEMENT

Pursuant to section 102 (a) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong.), the Housing and Home Finance Administrator is required to announce and to publish in the FEDERAL REGISTER certain information with respect to permanent dwelling units needed for defense workers and military personnel in critical defense housing areas. The Director of Defense Mobilization, under Executive Order 10296 dated October 2, 1951 (16 F. R. 10103), is authorized to determine that certain areas are critical defense housing areas under section 101 of that act. The Director of Defenses Mobilization, acting under such authority, has determined that the areas listed in Part II (Defense Housing Programs) are critical defense housing areas within the meaning of section 101 of said act. Part II hereof contains area programs for each of the critical defense housing areas so designated by the Director of Defense Mobilization setting forth, as required by said act, information with respect to the number of permanent dwelling units (including information as to type of dwellings, rentals and sales price and general location of such housing) needed for defense workers and military personnel in each such area.

Under section 102 (d) of said act, no permanent housing may be constructed by the Federal Government under Title III of said act except to the extent that private builders or eligible mortgagees have not, within a period of at least ninety days after public announcement of the availability of insurance aids under Title IX of the National Housing Act, as amended, indicated (by filing bona fide applications for mortgage insurance or guaranty under programs of the Federal Housing Administration or the Veterans Administration or otherwise) that they will provide the defense housing determined to be needed in the area and publicly announced pursuant to section 102 (a). Such bona fide applications must meet the requirements as to types, rentals or sales prices and general locations specified in the Area Programs in Part II hereof.

With respect to the needed housing set out in Part II of this notice and with respect to any additional housing programs published under Part II, applications relating to the construction of such defense housing may be filed with the local FHA office serving the particular critical defense housing area in which the proposed defense housing is located under appropriate regulations of the FHA; and in connection with such housing, the aids authorized by the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong.) are available. These aids include the more liberal form of Federal Housing Admin-

istration mortgage insurance under Title IX of the National Housing Act, as amended, and the special benefits provided in Title III of that act in connection with commitments by the Federal National Mortgage Association for the purchase of mortgages covering defense housing programmed by the Housing and Home Finance Administrator. To be eligible for these special aids all applicable requirements, conditions and restrictions imposed by or pursuant to said Title III or Title IX of the National Housing Act, as amended, must be complied with. Information concerning such requirements, conditions and restrictions may be obtained from the local FHA and FNMA offices.

The critical defense housing areas listed in Part II hereof indicate the areas in connection with which defense housing has been programmed. In order to be eligible for the special aids authorized, the housing must be located within the designated critical defense housing area. However, more specific information with respect to the location of housing (serving such areas) may be found in the individual area programs set forth in Part II hereof.

Applications for construction of housing will be approved in accordance with the needs indicated in the area programs listed in Part II hereof and in accordance with certain standards, including the location and desirability of the sites, to be announced by the local FHA office.

PART II—DEFENSE HOUSING PROGRAMS

Amendments to defense housing programs previously published:

Amendment 1. Area program numbered 1 (AEC, Savannah River Installation, S. C. and Ga.) appearing in the FEDERAL REGISTER of October 27, 1951 (16 F. R. 10962) is amended by changing the number of 2 bedroom rental units from 2,220 to 2,167, and by changing the maximum rental for any of such units from $65.00 per month to $70.00 per month except that 240 of such 2 bedroom rental units must be reserved for a rental not to exceed $60.00 per month and 1,827 of such units at a rental not to exceed $65.00 per month. The area program is further amended by changing the maximum rental of 3 bedroom rental units from $75.00 a month to $80.00 a month except that 100 of such rental units must be reserved for a rental not to exceed $70.00 per month and 790 of such rental units at a rental not to exceed $75.00 per month; the total number of sales units in area program numbered 1 is changed from 280 units to 333.

Amendment 2. Area program numbered 22 (Hanford-Kennewick-Pasco, Washington) appearing in the FEDERAL REGISTER of October 27, 1951 (16 F. R. 10962) is amended by deleting 500 rental units from the total of 650 rental units in the area program intended to be located in Richland, Washington. As thus amended, there are 150 rental and 150 sales units for the other areas specified in the program.

Amendment 3. Area program numbered 103 (Herlong, California) appearing in the FEDERAL REGISTER of January 24, 1952 (17 F. R. 740) is amended by changing the number of 2 bedroom rental units from 90 to 75, and the number of 3 bedroom rental units from 55 to 45; and the program is further amended by changing the number of 2 bedroom sale units from none to 15 at a sales price not to exceed $8,500.00, and the number of 3 or more bedroom sale units from none to 10 at a sales price not to exceed $9,500.00. The total number of units for sale and rent, 150, remains the same as in the original program.

Amendment 4. Area program numbered 7 (Star Lake, New York) appearing in the FEDERAL REGISTER of October 27, 1951 (16 F. R. 740) is amended by reducing the number of sales units from 75 to 25 with 13 two bedroom sales units and 12 three or more bedroom units at a price not to exceed $9,000.00.

Amendment 5. Area program numbered 70 (Gulfport-Biloxi-Pascagoula, Mississippi) appearing in the FEDERAL REGISTER of November 28, 1951 (16 F. R. 11980) is amended by reducing the number of one bedroom rental units from 100 to 80, the number of 2 bedroom rental units from 400 to 305, and the number of 3 or more bedroom rental units from 200 to 183. As thus reduced, the total of all rental units in such program is reduced from 700 to 568.

Amendment 6. Area program numbered 87 (Corona, California) appearing in the FEDERAL REGISTER of December 19, 1951 (16 F. R. 12731) is amended by reducing the number of sales units appearing therein from 100 to 41.

Amendment 7. The critical defense housing area in the defense housing program numbered 149 and designated as Bedford, Massachusetts, published at 17 F. R. 3244 (April 12, 1952), is amended to read as follows:

149. Bedford, Massachusetts, Area. (The cities of Waltham and Woburn, and the Towns of Bedford, Billerica, Burlington, Carlisle, Concord, Lexington, Lincoln, and Wilmington, all in Middlesex County.)

AMENDMENT ADDING NEW DEFENSE HOUSING PROGRAMS AND SUPPLEMENTAL DEFENSE HOUSING PROGRAMS

181. Butte, Montana.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedroom	75	$60.00	50	$9,000	125
3 or more bedrooms	25	65.00	50	10,000	75
Total	100		100		200

LIST OF DEFENSE ACTIVITIES

Anaconda Copper Mining Company.
Victor Chemical Works.
B. A. and P. Railroad Company.
North Butte Copper Company.
Hooligan Cans, Inc.
Coronado Mining Company.
Atomic Energy Commission.
Western Boiler and Machinery Company.

CRITICAL DEFENSE HOUSING AREA

Silver Bow County.

193. Elizabeth City, North Carolina.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedroom	25	$65.00			25
3 or more bedrooms	25	75.00			25
Total	50				50

LIST OF DEFENSE ACTIVITIES

Naval Air Facility.
Coast Guard Air Station.
Coast Guard Aircraft Repair and Supply Base.

CRITICAL DEFENSE HOUSING AREA

Pasquotank County, including Elizabeth City town.

NOTE: Programs numbered 195 and 196 are reserved for the Opheim, Montana and Kinross Air Force Base Areas, respectively. When programs are developed and prepared for these areas, such programs will be published in the FEDERAL REGISTER as additional new defense housing programs.

199. Canton-Massillon, Ohio.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedroom	550	$75.00			550
3 or more bedrooms	200	85.00			200
Total	750				750

LIST OF DEFENSE ACTIVITIES

Hess-Snyder Company.
Massillon Steel Castings.
Enterprise Aluminum Company.
Tyson Bearing Company.
Republic Steel Corporation.
Union Drawn Steel.
Ekco Products Company.
Griscom-Russell Company.
Bliss Company.
Hoover Company.

CRITICAL DEFENSE HOUSING AREA

All of Stark County.

200. Columbus, Ohio.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	250	$65.00			250
2 bedroom	625	75.00			625
3 or more bedrooms	375	85.00			375
Total	1,250				1,250

LIST OF DEFENSE ACTIVITIES

North American Aviation Corporation.
Westinghouse Electric Company.
Fort Hayes.
Lockbourne Air Force Base.
Columbus General Depot.
U. S. Naval Air Station.

CRITICAL DEFENSE HOUSING AREA

Franklin County; the townships of Circleville, Harrison, Madison, Walnut and Washington in Pickaway County; and the townships of Amanda, Bloom, Clear Creek and Violet in Fairfield County.

197. Milwaukee, Wisconsin.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedroom	600	$75.00			600
3 or more bedrooms	400	85.00			400
Total	1,000				1,000

LIST OF DEFENSE ACTIVITIES

Allis Chalmers Manufacturing Company.
Nordberg Manufacturing Company.
Kearney & Trecker Corporation.
Cutler Hammer, Incorporated.
General Electric X-Ray.
Nash-Kelvinator (Seaman).
Harley Davidson Company.
A–P Controls.
Ladish Company.
Wisconsin Telephone Company.
International Harvester Company.
Bucyrus Erie Company.
Koehring Company.
Globe Union, Incorporated.
A. O. Smith, Corporation.
Heil Company.
Perfex Corporation.
Cudahy Brothers Company.
Wisconsin Electric Power Company.

CRITICAL DEFENSE HOUSING AREA

Milwaukee County.

198. Portsmouth-Chillicothe, Ohio.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	50	$65.00			50
2 bedroom	450	75.00	100	$10,500	550
3 or more bedrooms	250	85.00	150	11,500	400
Total	750		250		1,000

LIST OF DEFENSE ACTIVITIES

AEC Plant.

CRITICAL DEFENSE HOUSING AREA

All of Scioto, Pike, Ross, and Jackson Counties.

201. Honolulu, T. H.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed[1]	Number	Price not to exceed[2]	
1 bedroom	100	$60.00	200	$8,500	100
2 bedroom	250	70.00	200	9,500	450
3 or more bedrooms	150		100		450
Total	500		500		1,000

[1] The shelter rent shown may be increased by not to exceed $15 per month if the dwelling unit is on a leasehold or not to exceed $25 per month if the dwelling unit is on land to be owned in fee simple by the applicant.
[2] The maximum price shown is for dwelling units sold under leaseholds. For units on land to be sold in fee simple by the applicant the maximum prices may be increased by not to exceed $4,000 per unit. No maxima on owner-applicants.

LIST OF DEFENSE ACTIVITIES

All Installations of the Departments of the Army, Navy and Air Force.

CRITICAL DEFENSE HOUSING AREA

Island of Oahu, Territory of Hawaii.

202. Ramey Air Force Base, Aguadilla, Puerto Rico.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	10	$55.00	10	$7,000	20
2 bedroom	20	65.00	10	8,000	30
3 or more bedrooms					
Total	30		20		50

LIST OF DEFENSE ACTIVITIES

Ramey Air Force Base and allied operations.

CRITICAL DEFENSE HOUSING AREA

Municipalities of Aguadilla and Isabella in the northwest corner of the Island of Puerto Rico.

203. Hutchinson, Kansas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	75	$75.00	25	$8,500	100
2 bedroom	35	85.00	15	9,500	50
3 or more bedrooms					
Total	110		40		150

[1] At least 10 of these units, at a rental not to exceed $55.00 per month.
[2] At least 10 of these units, at a sales price not to exceed $7,000.

LIST OF DEFENSE ACTIVITIES

Northwestern Steel and Wire Company.

CRITICAL DEFENSE HOUSING AREA

Sterling and Colma Townships, including the cities of Sterling and Rock Falls in Whiteside County.

3 (A). Arco-Blackfoot-Idaho Falls, Idaho.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedroom					
3 or more bedrooms					
Total			100		[1] 100

[1] This quota, authorized pursuant to Regulation CR 2, as amended, is in addition to the 150 sales units and the 350 rental units previously approved under program No. 3, as amended, in the press release of the Housing Expediter, dated January 24, 1952 (17 F. R. 740), for this area. This supplemental sales quota is for the purpose of permitting the Atomic Energy Commission to issue certificates of eligibility to industrial employees and those of its contractors and service-supporting activities who wish to buy or build for their own occupancy without restrictions as to price.

LIST OF DEFENSE ACTIVITIES

National Reactor Testing Station, Atomic Energy Commission.
Federal, state or local governments and agencies, including school districts.
Local utility and transportation companies and hospitals.
Palisades Dam Project, including the Bureau of Reclamation and its contractors and sub-contractors on said project.

CRITICAL DEFENSE HOUSING AREA

Butte County, Bingham County except Sterling, Aberdeen 1 and Aberdeen 2 precincts, and Bonneville County except Poplar, Antelope, Ocona, Palisade, Grays, Blowout, and Jackknife precincts, all in Idaho.

75 (A). Fort Bragg, North Carolina.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedroom	100	$50.00			100
3 or more bedrooms					
Total	100				[1] 100

[1] This quota is in addition to the 350 units of rental housing authorized November 20, 1951, in program No. 75.

LIST OF DEFENSE ACTIVITIES

Fort Bragg.

CRITICAL DEFENSE HOUSING AREA

Cumberland and Hoke Counties.

117 (A). Kinston, North Carolina.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedroom	15	$65.00	10	$7,500	25
3 or more bedrooms	10	75.00	15	8,500	25
Total	25		25		[1] 50

[1] This quota is in addition to the 265-unit rental housing quota authorized on December 28, 1951, in program No. 117.

LIST OF DEFENSE ACTIVITIES

Kingston Air Force Flying School.

CRITICAL DEFENSE HOUSING AREA

All of Lenoir County and the Town of Grifton in Pitt County.

70 (B). Gulfport-Biloxi-Pascagoula, Mississippi.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	40	$60.00	[1] 100	$8,000	140
2 bedroom	75	70.00	[2] 85	9,500	160
3 or more bedrooms					
Total	115		185		[3] 300

[1] 65 of these units at a sales price not to exceed $7,000.
[2] 50 of these units at a sales price not to exceed $8,500.
[3] This quota is in addition to the 700 rental units authorized in program No. 70.

LIST OF DEFENSE ACTIVITIES

Ingalls Shipyard.

CRITICAL DEFENSE HOUSING AREA

Jackson and Harrison Counties.

NOVEMBER 6, 1952.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-11899; Filed, Nov. 5, 1952; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27502]

DENATURED ALCOHOL AND RELATED ARTICLES FROM PORT ARTHUR, TEX., TO ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Denatured alcohol and related articles, carloads.

From: Port Arthur, Tex.

To: Points in Illinois and western trunk-line territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3721, Supp. 239.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11909; Filed, Nov. 5, 1952; 8:51 a. m.]

[4th Sec. Application 27503]

IMPORT AND EXPORT RATES BETWEEN MOREHEAD CITY, N. C., AND POINTS IN CENTRAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4058 and Agent H. M. Engdahl's tariff I. C. C. No. 114.

Involving: Export and import class and commodity rates.

Between: Morehead City, N. C., on the one hand, and points in central and Illinois territories, on the other.

Grounds for relief: Rail competition, circuity, grouping, and to maintain port rate relations.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11910; Filed, Nov. 5, 1952; 8:52 a. m.]

[4th Sec. Application 27504]

YARN BETWEEN SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Cotton, Woolen, and Knitting Factory Products, 211 I. C. C. 692, 220 I. C. C. 189, etc.

Commodities involved: Yarn, made of jute, and cotton and jute mixed, any quantity.

Between: Points in southern territory and points in official (including Illinois) territory.

Grounds for relief: Rail competition, circuity, grouping, and analogous commodity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11911; Filed, Nov. 5, 1952; 8:52 a. m.]

[4th Sec. Application 27505]

COAL TAR AND PITCH FROM MINNEQUA, COLO., TO ANADARKO, OKLA.

APPLICATION FOR RELIEF

NOVEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3904.

Commodities involved: Coal tar and coal tar pitch, carloads.

From: Minnequa, Colo.

To: Anadarko, Okla.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3904, Supp. 92.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11912; Filed, Nov. 5, 1952; 8:52 a. m.]

[4th Sec. Application 27506]

CLAY FROM CERTAIN POINTS IN WYOMING TO MINNEAPOLIS, AND ST. PAUL, MINN.

APPLICATION FOR RELIEF

NOVEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to Agent L. E. Kipp's tariff I. C. C. No. A-3614.

Commodities involved: Crude or ground clay, carloads.

From: Bentley Spur, Casper, Clay Spur, Colloid Spur, Moorcroft, New Castle, and Upton, Wyo.

To: Minneapolis, Minnesota Transfer, and St. Paul, Minn.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3614, Supp. 148.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11913; Filed, Nov. 5, 1952; 8:52 a. m.]

[4th Sec. Application 27507]

DENATURED ALCOHOL FROM ATCHISON, KANS., KANSAS CITY, MO.-KANS., AND OMAHA, NEBR., TO THE EAST

APPLICATION FOR RELIEF

NOVEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to Agent L. E. Kipp's tariff I. C. C. No. A-3589.

Commodities involved: Denatured alcohol, carloads.

From: Atchison, Kans., Kansas City, Mo.-Kans., and Omaha, Nebr.

To: Specified eastern ports and inland cities in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Virginia.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3589, Supp. 150.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11914; Filed, Nov. 5, 1952; 8:52 a. m.]

[4th Sec. Application 27508]

FURFURAL RESIDUE FROM CEDAR RAPIDS, IOWA, TO HOPE, IND.

APPLICATION FOR RELIEF

NOVEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to Agent L. E. Kipp's tariff I. C. C. No. A-3589.

Commodities involved: Furfural residue, carloads.

From: Cedar Rapids, Iowa.

To: Hope, Ind.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3589, Supp. 150.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11915; Filed, Nov. 5, 1952; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2932]

STANDARD GAS AND ELECTRIC CO. ET AL.

ORDER WITH RESPECT TO ISSUANCE AND SALE OF COMMON STOCK OF SUBSIDIARY TO PARENT, AMENDMENTS OF CHARTER AND BY-LAWS OF SUBSIDIARY, AND TAX AGREEMENT AMONG PARENT AND SUBSIDIARIES

OCTOBER 31, 1952.

In the matter of Standard Gas and Electric Company, Wisconsin Public Service Corporation, Menominee & Marinette Light & Traction Company; File No. 70-2932.

Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, Wisconsin Public Service Corporation ("Wisconsin"), a public utility subsidiary of Standard, and Menominee & Marinette Light & Traction Company ("Menominee"), a public utility subsidiary of Wisconsin, having filed a joint application-declaration as amended pursuant to sections 6 (a) 9 (a) and 12 (f) of the act and Rules U-43 and U-45 (b) (6) promulgated thereunder with respect to the following transactions:

On October 1, 1952, the Commission approved Steps I and I-A of a plan of liquidation of Standard, filed pursuant to section 11 (e) of the act. (Holding Company Act Release No. 11510). Step I involves the retirement of the Prior Preference Stock of Standard through the distribution of portfolio stocks of Standard, including common stock of Wisconsin. An application by the Commission for court enforcement of Steps I and I-A is now pending in the United States District Court for the District of Delaware. Standard presently holds 2,000,000 shares, representing all of the outstanding $10 par value common stock of Wisconsin. Under Step I of the Standard plan it is proposed that Standard will purchase 218,070 additional shares of such common stock for $2,600,000 in cash and will distribute to the Prior Preference stockholders all but 46,834.8 shares of its total holdings of Wisconsin common stock. The instant application-declaration proposes, among other things, the issuance and sale of the said 218,070 additional shares of common stock by Wisconsin to Standard.

It is also proposed under Step I of the aforementioned plan that Standard, Wisconsin and Menominee will enter into an agreement whereby (a) the latter two companies will pay to Standard four separate installments aggregating $2,100,000, which, according to Standard's tax counsel, is the approximate net maximum liability of the two companies for Federal income and excess profits taxes for the period 1944 through 1950 for which period they joined in consolidated Federal tax returns as part of the Standard holding company system; (b) Standard will indemnify Wisconsin and Menominee for any unpaid liability or future assessment for such taxes for all periods ending on or prior to December 31, 1950; and (c) Standard will be entitled to receive any refunds of such taxes otherwise applicable to Wisconsin and Menominee and to retain any portion of the $2,100,000 not required to be paid on behalf of Wisconsin and Menominee. In its findings and opinion approving Step I of the aforesaid Standard plan, this Commission found that the proposed agreement would be fair and equitable to Standard's security holders and to Wisconsin and Menominee. In the present application-declaration specific approval is sought as to the execution of the proposed agreement by the three companies (Wisconsin and Menominee were not parties to the proceeding involving Step I of the Standard plan) and the carrying out of that portion of the agreement relating to the payment of $2,100,000 by Wisconsin to Standard. Wisconsin proposes, in this regard, (a) to pay $525,000 in cash to Standard when this application-declaration is permitted to become effective or on the last business day prior to the effective date of the said Step I (whichever date is later), and (b) to issue three unsecured non-interest bearing promissory notes, payable to Standard or order, each in the amount of $525,000 and maturing on the first days of March, June and September, 1953, respectively, provided that if the effective date of Step I is postponed beyond October 31, 1952, the dates for the payment of each note shall be postponed an equal length of time. Menominee will reimburse Wisconsin in the amount of $61,000 in cash or on open account as the financial position of Menominee shall warrant.

It is also proposed in the instant filing to amend the articles of incorporation and by-laws of Wisconsin, in order to bring them into conformity with the standards of this Commission, prior to the distribution of the Wisconsin common stock to the Prior Preference stockholders of Standard pursuant to Step I of the said plan. The proposed amendments will:

(a) Provide preemptive rights to the holders of the common stock of Wisconsin to purchase pro rata any additional common stock offered for sale for cash, other than by a public offering of such shares, prior to any sale of such stock to others;

(b) Provide that Wisconsin shall not merge or sell all or substantially all of its assets without the affirmative vote of the holders of at least two-thirds of the outstanding shares entitled to vote;

(c) Provide that a quorum at a meeting of stockholders shall be the holders of a majority of the outstanding shares entitled to vote;

(d) Place limitations on the authority of the Board of Directors of Wisconsin to adopt or alter the by-laws of the company without the affirmative vote of the holders of a majority of shares entitled to vote; and

(e) Provide that the holders of one-tenth of the outstanding common stock may request that a special meeting of stockholders be called.

Wisconsin and Menominee estimate that the total fees and expenses to be incurred by them in connection with the proposed transactions will not exceed $18,000, including counsel fees of $14,500 to the firm of Froelich, Grossman, Teton and Tabin. Standard estimates its expenses will not exceed $200, and its counsel states that they will make application for fees for services with respect to the instant application-declaration in connection with the pending reorganization of Standard under section 11 of the act.

The Public Service Commission of Wisconsin has authorized the aforesaid issuance of common stock by Wisconsin and has also authorized the tax agreement among Standard, Wisconsin and Menominee.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application-declaration as amended that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, that the estimated fees and expenses are not unreasonable and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration as amended be granted and permitted to become effective forthwith and deeming it appropriate to grant applicants' request for tax recitals conforming to the requirements of Supplement R and section 1808 (f) of the Internal Revenue Code:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and the same hereby is,

erence Room

granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered and recited, That the issuances, sales, exchanges, expenditures, investments, acquisitions, distributions and receipts hereinafter described and recited in subparagraphs I and II below, which are proposed herein, by Standard, Wisconsin and Menominee are hereby authorized and approved and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of Supplement R of the Internal Revenue Code, as amended, and section 1808 (f) thereof, the stock and other securities and other property to be issued, sold, exchanged, acquired, distributed and received upon such transactions, and the expenditures and investments to be made, being specified and itemized as follows:

I. The issuance and sale by Wisconsin to Standard of 218,070 shares of common stock of Wisconsin (one certificate, No. 1072 to be issued for 171,266 shares, and another, No. 1073, to be issued for 46,804 shares) and the payment by Standard to Wisconsin, as consideration therefor, of the sum of $2,600,000 in cash.

II. The execution and delivery by and between Wisconsin and Menominee, on the one hand, and Standard, on the other, of an agreement relating to Federal income and excess profits taxes for the periods in which Wisconsin and/or Menominee were included in consolidated Federal tax returns filed for Standard and other companies in the Standard system, in the form filed as an amended exhibit in this proceeding and heretofore approved in this order, the payment by Wisconsin and Menominee, respectively, to Standard of the sums provided therein by the initial cash payment of $525,000 therein provided and by the execution by Wisconsin and delivery by it to Standard of the promissory notes provided for by said agreement, namely, three non-interest bearing promissory notes, payable to Standard or order, each in the amount of $525,000 and payable on the first days of March, June and September, 1953, respectively (provided that if the distribution of the common stock of Wisconsin to the holders of $7 and $6 Prior Preference Stock of Standard pursuant to Step I of the Standard Plan is postponed beyond October 31, 1952, the dates for the payment of each of said notes shall be postponed an equal length of time), the distribution to Standard by Wisconsin and Menominee of such rights as Standard may acquire under said agreement to receive any refunds of consolidated Federal income and excess profits taxes and the performance by Wisconsin, Menominee and Standard of the acts and obligations on their parts to be performed under said agreement.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-11892; Filed, Nov. 5, 1952; 8:50 a. m.]

[File No. 70-2951]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

NOTICE OF FILING REQUESTING AUTHORITY TO ISSUE AND SELL SHORT-TERM NOTES

OCTOBER 31, 1952.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company. Applicant has designated the first sentence of section 6 (b) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than November 18, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 18, 1952, said application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

New Hampshire proposes to issue and renew, from time to time, up to and including June 30, 1953, notes having a maturity of three months or less up to the maximum amount of $6,500,000 at any one time outstanding (including notes presently outstanding in the amount of $1,825,000). Each such note, including the renewal notes, will be made payable to the First National Bank of Boston and will bear interest at the rate of 3 percent per annum, subject to change in interest rates for prime paper. It is stated at the present time that the interest rate for prime paper is 3 percent per annum. In case the interest rate should exceed 3¼ percent on any note, the company will file an amendment to its application stating the interest rate and other details of the note or notes at least five days prior to the execution and delivery thereof, and asks that such amendment become effective without further order of the Commission at the end of the five day period unless the Commission shall have notified the contrary within said period.

The proceeds from the sale of the notes will be used for construction and other purposes. The application states that the company's construction program for the nine months ending June 30, 1953, calls for the expenditures of approximately $5,050,000. It is also stated that it is the present intention of the company to issue approximately $5,000,000 principal amount of First Mortgage Bonds in May or June 1953 and in the latter part of 1953 to issue a sufficient number of shares of common stock to raise approximately $4,000,000. However, it is stated that market conditions, among other things, may require some variation of the proposed financing.

It is represented that no State commission or any other Federal commission has jurisdiction over the proposed transactions, and that legal fees and expenses in connection with the application will amount to approximately $100. The applicant requests that the Commission's order herein become effective upon the issuance thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-11893; Filed, Nov. 5, 1952; 8:50 a. m.]

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THE NATIONAL ARCHIVES

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10403

RESERVING CERTAIN LANDS COMPRISING A PART OF THE FORT MISSOULA MILITARY RESERVATION AS AN ADDITION TO THE FORT MISSOULA DISTRICT OF THE LOLO NATIONAL FOREST

By virtue of the authority vested in me by the provisions of section 9 of the act of Congress approved on June 7, 1924, entitled "An Act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of National Forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor" (43 Stat. 655), and as President of the United States, the following-described lands, which comprise a part of the Fort Missoula Military Reservation in the State of Montana, and which, in the opinion of the Secretary of the Army and the Secretary of Agriculture, are suitable for the production of timber, are hereby reserved as an addition to the Fort Missoula District of the Lolo National Forest, formerly the Missoula National Forest, established by Executive Order No. 4503 of September 2, 1926:

MONTANA PRINCIPAL MERIDIAN

T. 12 N., R. 20 W.,
Secs. 3, 4, and 5 (Fractional);
Sec. 6: S½, S½NE¼, Lot 2 (NW¼NE¼), SE¼NW¼;
Sec. 7: Fractional N½ and N½SE¼;
Sec. 8;
Sec. 9: S½, NW¼, S½NE¼ and NW¼NE¼.
T. 13 N., R. 20 W.,
Sec. 32: SE¼;
Sec. 33: S½;
Sec. 34: SW¼, S½SE¼, and that part of N½SE¼ lying West of Bitterroot River;
Sec. 35: S½SW¼, SW¼SE¼;

Containing 4,850.34 acres, more or less, according to U. S. Government Survey thereof.

T. 12 N., R. 19 W.,

Sections 1 and 2: Beginning at corner Number 5 of the survey of the Fort Missoula Wood and Timber Reservation, thence N. 39° E. 40 chains; thence N. 85° E. 65 chains; thence S. 14° E. 10 chains; thence S. 48° W. 44 chains; thence West 35 chains; thence S. 65° W. 4 chains; thence N. 72° W. 20 chains to the place of beginning.

Containing 239.66 acres, more or less, according to U. S. Government Survey thereof.

The lands hereby reserved as an addition to the Fort Missoula District of the Lolo National Forest shall be administered by the Secretary of Agriculture under such rules and regulations and in accordance with such general plans as may be jointly approved by the Secretary of Agriculture and the Secretary of the Army for the use, occupation, and protection of such lands and for the sale of products therefrom: *Provided*, that such lands shall remain subject to the unhampered use of the Department of the Army for purposes of national defense.

The rules and regulations applicable to the military establishment shall continue in full force and effect at all times and under all conditions upon all lands hereby added in the Fort Missoula District of the Lolo National Forest except as otherwise provided by agreement between the Secretary of the Army and the Secretary of Agriculture.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 5, 1952.

[F. R. Doc. 52-12011; Filed, Nov. 5, 1952; 3:34 p. m.]

EXECUTIVE ORDER 10404

RESTORING CERTAIN LAND RESERVED FOR MILITARY PURPOSES TO THE TERRITORY OF HAWAII AND TRANSFERRING TITLE TO SUCH LAND AND TO CERTAIN OTHER LANDS TO THE TERRITORY

WHEREAS certain land on the Island of Oahu, Territory of Hawaii, which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, was reserved for military purposes as the Fort Shafter Military Reservation, as described by Executive Order No. 2521 of January 26, 1917; and

WHEREAS certain parcels of the said land were restored to the Territory of Hawaii by Executive Order No. 5521 of December 26, 1930, for use in the proposed extension of a certain public highway; and

WHEREAS the realignment and widening of such public highway re-

(Continued on p. 10101)

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FEDERAL REGISTER

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quires the restoration to the Territory of Hawaii of an additional parcel of such land, more particularly described hereinafter; and

WHEREAS it is deemed desirable and in the public interest that the possession, use, and control of the said additional parcel be restored to the Territory of Hawaii, and that title thereto and to the three parcels of land described in the said Executive Order No. 5521 as *Parcel 1, Parcel 2,* and *Parcel 4–B,* respectively, be transferred to the said Territory:

NOW, **THEREFORE**, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

1. The possession, use, and control of the following-described tract of land comprising a portion of the Fort Shafter Military Reservation, Honolulu, Oahu, Territory of Hawaii, is hereby restored to the Territory of Hawaii, and title to such tract is hereby transferred to the said Territory:

Beginning at the Northeast corner of this piece of land, and the South corner of Parcel 128, the same being also the South corner of Lot 2–C, Map 2 of Land Court Application 748, and the initial point of Parcel 2 described in Executive Order No. 5521 of December 26, 1930, and on the present Northwest side of Middle Street, thence running by azimuths measured clockwise from True South:

1. 48° 42' 500.49 feet along the present Northwest side of Middle Street; along Parcel 2 of Executive Order No. 5521; Thence along the seaward toe of the Well Fish Pond wall (recently covered with dredged material) along land owned by the Territory of Hawaii, for the next three (3) courses, the direct azimuths and distances between points on said seaward toe of Well Fish Pond wall being:
2. 77° 20' 24.53 feet;
3. 102° 40' 50.00 feet;
4. 115° 40' 50.00 feet;
5. Thence on a curve to the left with a radius of 578.38 feet, along the remainder of the Fort Shafter Military Reservation, the chord azimuth and distance being: 241° 39' 40'' 259.45 feet;
6. 228° 42' 362.00 feet along the remainder of the Fort Shafter Military Reservation;
7. 356° 15' 33.99 feet along Parcel 128, along Lot 2–C, Map 2 of Land Court Application 748;
8. 19° 15' 26.56 feet along same, to the point of beginning and containing an AREA OF 26,162 SQUARE FEET or 0.601 ACRE.

2. Title to the three parcels of land described in Executive Order No. 5521 of December 26, 1930, as *Parcel 1, Parcel 2,* and *Parcel 4–B,* respectively, is hereby transferred to the Territory of Hawaii.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 5, 1952.

[F. R. Doc. 52–12010; Filed, Nov. 5, 1952; 3:34 p. m.]

RULES AND REGULATIONS

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 20]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

MISCELLANEOUS AMENDMENTS

This supplement reinstates rules regarding the approval of materials, parts, processes, and appliances; adds policies regarding the application of Technical Standard Orders—C Series; alters a reference regarding alternate standards for water loads; recodifies policies regarding water-solution-type hand fire extinguishers; and adds interpretations regarding the approval of hand fire extinguishers.

The rules adopted in this supplement were in effect until recently when they were eliminated as a result of the Board's recision of its section on the approval of materials, parts, processes, and appliances, and subsequent adoption of a new section on the same subject bearing a different number. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be unnecessary, and is not required.

1. Section 4b.18–1 and § 4b.18–2 are adopted to read:

§ 4b.18–1 *Approval of aircraft materials, parts, processes and appliances (CAA rules which apply to § 4b.18).* Aircraft materials, parts, processes and appliances made the subject of Technical Standard Orders shall be approved upon the basis and in the manner prescribed in Part 514,[1] "Technical Standard Orders—C Series—Aircraft Components", of this title.

§ 4b.18–2 *Application of Technical Standard Orders—C Series (CAA policies which apply to § 4b.18).*—(a) *Purpose of Technical Standard Orders.* Technical Standard Orders are a means by which the Administrator adopts and publishes the specifications for which authority is provided in § 4b.18 (a).

(b) *Applicability of Technical Standard Order requirements.* (1) The applicability of and effective dates for TSO'd items are set forth in each TSO.

(2) Each Technical Standard Order sets forth the conditions under which materials, parts, processes and appliances approved by the Administrator prior to establishment of an applicable TSO, may continue to be used in aircraft.

(3) The establisment of a Technical Standard Order for any product does not preclude the possibility of establishing the acceptability of a similar product as part of an aircraft, engine or propeller, under the type certification or modification procedures, if there is established a level of safety equivalent to that provided in the Civil Air Regulations as implemented by the appropriate Technical Standard Order and the product is identified as a part of the airplane, engine or propeller.

(c) *Administration of the Technical Standard Order (TSO) system.* The principles which apply in administering the Technical Standard Order system are as follows:

(1) Technical Standard Orders will reference performance provisions of recognized government specifications, or established industry specifications which have been found acceptable by the CAA. If no satisfactory specification exists, the orders will include criteria prepared by the Administrator. In preparing criteria of this type, the Administrator will give consideration to recommendations made by the industry.

(2) Minimum performance requirements established by the Civil Aeronautics Administration and published in Technical Standard Orders will serve as a means by which materials, parts, processes, and appliances intended for use in certificated aircraft will be accepted.

(3) TSO's set forth the minimum requirements for safety. Every effort will be made by the CAA to keep the requirements at the minimum levels of safety, and TSO's will not be used to set forth "desirable" standards.

(4) It will be the responsibility of the person submitting a statement of conformance to the CAA, certifying that his product meets the requirements of the TSO, to conduct the necessary tests demonstrating compliance therewith. This person will be held responsible for maintaining quality control adequate to assure that products which he guarantees to meet the requirements of a TSO do, in fact, meet these standards. The CAA will not formally approve such products as meeting the requirements of TSO's nor exercise direct inspection control over them. The statement of conformance with the provisions of a Technical Standard Order normally will be accepted by the CAA as sufficient indication that the applicable requirements have been fulfilled. Any TSO'd item which is modified must continue to comply with the requirements of the TSO, and the person authorizing the modification will be responsible for such compliance.

(d) *Numbering of Technical Standard Orders.* Each Technical Standard Order will be assigned a designation consisting of the letters "TSO," a series code letter "C", indicating aircraft materials, parts, processes or appliances and a serial number to be assigned in sequence for each of the TSO's issued in the "C" series, e. g., TSO–C–1, "Smoke Detectors." Re-

[1] Part 514 is available only through the FEDERAL REGISTER where it appeared on October 12, 1951, 16 F. R. 10403. Copies of individual TSO's contained therein are available upon application to the Aviation Information Staff, Civil Aeronautics Administration, Department of Commerce, Washington 25, D. C.

visions are indicated by the addition of letters a, b, c, etc., after the number.

2. Section 4b.250–1, published on February 16, 1951, in 16 F. R. 1630 is amended by substituting "§ 4b.250" for "§ 4b.252, 4b.253, and 4b.257."

3. Sections 4b.380–1 and 4b.380–2 are adopted to read:

§ 4b.380–1 *Water-solution type hand fire extinguishers (CAA policies which apply to § 4b.380 (a)—(a) General.* It has been established that water-solution-type hand fire extinguishers are more suitable for controlling and extinguishing Class A fires (fires in seat upholstery, curtains, floor coverings, clothing, paper, etc.) than are other types designed primarily for extinguishing Class B fires (fires in inflammable liquids, greases, etc.), or Class C fires (electrical fires, which require non-conducting extinguishing agents).

(b) *Installation.* Water-solution-type hand fire extinguishers which comply with the provisions of Technical Standard Order TSO–C19 (a), the performance requirements for which are based on SAE Aeronautical Standard AS245, dated November 1, 1948, may be used to meet the minimum requirements of this part for fuselage fire protection in civil aircraft on the following basis:

(1) The hand fire extinguisher required for use by the pilot or copilot in the cockpit should continue to be of the carbon dioxide, carbon tetrachloride, dry chemical, or an equivalent type since Class B or Class C fires are considered to be the primary hazard in pilot compartments. Such an extinguisher should have a minimum capacity of carbon tetrachloride, of 1 quart, or, if carbon dioxide, of 2 pounds.

(2) Other hand fire extinguishers may be of the water-solution-type, unless the primary hazard is considered to require Class B or Class C extinguishing equipment, e. g., possible grease fires in the galley (Class B fires), fires in the electrical or radio installations, etc. (Class C fires).

(3) When substitution of hand water-solution-type fire extinguishers for other types of extinguishers is contemplated in the design of new aircraft or as a replacement in aircraft already in service, it should be on a minimum basis of one 1¾-quart water-solution-type fire extinguisher conforming to SAE Aeronautical Standard AS245 for each 1-quart capacity carbon tetrachloride unit, each 2-pound-capacity carbon dioxide extinguisher, or for each 2 pounds of dry-chemical extinguishing agent.

(c) There is no objection to installation of hand water-solution-type fire extinguishers in addition to those required in this part.

§ 4b.380–2 *Approval of hand fire extinguishers (CAA Interpretations which apply to § 4b.380 (a).* An approved hand fire extinguisher is,

(a) One approved by Underwriter's Laboratories, Factory Mutual Laboratories, or other agencies deemed qualified by the Administrator; or,

(b) One meeting the standards of an appropriate CAA Technical Standard Order.

4. Section 4b.641–1, published on February 6, 1951, in 16 F. R. 1057, is hereby rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009 as amended; 49 U. S. C. 551, 553)

These rules and policies shall become effective October 31, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–11945; Filed, Nov. 6, 1952; 8:46 a. m.]

Subchapter C—Procedural Regulations

[Reg., Serial No. PR–20]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

TIME FOR FILING ANSWERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 31st day of October 1952.

The Board's revised rules of practice (Part 302 of the Procedural Regulations) provide specific time limitations for the filing of answers to various documents covered by the rules. However, with respect to certain types of documents, such as applications for change of service pattern and for suspension, a question has arisen as to what time limitations are applicable in the case of answers thereto. It therefore appears that some clarifying amendment is necessary.

This will be accomplished by adding to § 302.6, which deals with answers generally, a provision that the time for filing answers to any document filed with the Board shall be seven (7) days except where otherwise specifically provided in the rules.

Since this amendment is not a substantive rule but one of agency procedure, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302), as follows, effective October 31, 1952, to be applicable to documents filed with the Board on or after such date:

1. By adding the following sentence to § 302.6 to read: "Answers to any document shall be filed within seven (7) days except where otherwise specifically provided. It is not hereby intended to give a right to answer documents where the rules or any other provisions of the Economic Regulations do not specifically so provide."

(Sec. 205, 52 Stat. 934, 49 U. S. C. 425. Interpret or apply sec. 1001, 52 Stat. 1017, 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52–11979; Filed, Nov. 6, 1952; 8:54 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 19]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable.

Part 610 is amended as follows:

1. The footnote to § 610.5 *Minimum en route IFR altitudes along particular routes* is amended as follows:

a. The Clarksville intersection is altered to read:

Clarksville intersection: The intersection of the Detroit, Michigan, 143° true radial and the west course Wellington, Ohio (VAR).

b. The South Bass intersection is altered to read:

South Bass intersection: The intersection of the Detroit, Michigan, 143° true radial and the Toledo, Ohio, 070° true radial.

c. The Sycamore intersection is altered to read:

Sycamore intersection: The intersection of the Findlay, Ohio, 097° true radial and the Columbus, Ohio, 342° true radial.

d. The Tiffin intersection is altered to read:

Tiffin intersection: The intersection of the Findlay, Ohio, 067° true radial and the Toledo, Ohio, 155° true radial.

e. The West Lodi intersection is altered to read:

West Lodi intersection: The intersection of the Toledo, Ohio, 127° true radial and the Findlay, Ohio, 067° true radial.

2. Section 610.12 *Green Civil Airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Ephrata, Wash. (LFR). Harrington, Wash. (FM).	Spokane, Wash. (LFR). Ephrata, Wash. (LFR) (westbound only).	5,000 4,000

3. Section 610.14 *Green Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Gage, Okla. (LFR)..... Danville (INT), Kans..	Danville (INT), Kans. Wichita, Kans. (LFR).	3,000 3,000

4. Section 610.237 *Red Civil Airway No. 37* is amended by adding:

From—	To—	Minimum altitude
Hainesville (INT), Tex.	Int, N ers. Tyler, Tex. (LFR) and W ers. Texarkana, Ark. (LFR).	1,700

5. Section 610.297 *Red Civil Airway No. 97* is amended to read:

From—	To—	Minimum altitude
Lakehead, Ont. (LFR)[1]	Int, N ers. Houghton, Mich. (LFR).[1]	2,800
Int, N ers. Houghton, Mich. (LFR).[1]	Sault Ste. Marie, Mich. (LFR).[1]	2,500
Sault Ste. Marie, Mich. (LFR).[1]	Wiarton, Ont. (LFR)[1].	2,100

[1] For that airspace over United States territory.

6. Section 610.1001 *Direct routes; Northeast United States* is amended to read in part:

From—	To—	Minimum altitude
Wilkes-Barre, Pa. (LFR).	Newark, N. J. (LFR).	4,000

7. Section 610.1002 *Direct routes; Southeast United States* is amended to read in part:

From—	To—	Minimum altitude
Birmingham, Ala. (LFR).	Int, S ers. Muscle Shoals, Ala. (LFR), and direct course between Birmingham, Ala. (LFR), and Memphis, Tenn. (LFR).	2,500
Int, S ers. Muscle Shoals, Ala. (LFR), and direct course between Birmingham, Ala. (LFR), and Memphis, Tenn. (LFR).	Memphis, Tenn. (LFR).	2,000

8. Section 610.6004 *VOR Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Denver, Colo. (VOR)[1].	Laramie, Wyo. (VOR).[2]	11,500

[1] 10,500'—Minimum crossing altitude at Denver (VOR), northwest-bound.
[2] 10,500'—Minimum crossing altitude at Laramie (VOR), southeast-bound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–11944; Filed, Nov. 6, 1952; 8:45 a. m.]

[Amdt. 18]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable.

Part 610 is amended as follows:

1. Section 610.6004 *VOR Civil Airway No. 4* is amended by adding:

From—	To—	Minimum altitude
Denver, Colo. (VOR)..	Thurman, Colo. (VOR).	6,600
Denver, Colo. (VOR)[1].	Laramie, Wyo. (VOR)[2].	11,000

[1] 10,500'—Minimum crossing altitude at Denver (VOR), northwest-bound.
[2] 10,500'—Minimum crossing altitude at Laramie (VOR), southeast-bound.

2. Section 610.6008 *VOR Civil Airway No. 8* is amended by adding:

From—	To—	Minimum altitude
Denver, Colo. (VOR) via dir. or N. alternate.	Akron, Colo. (VOR) via dir. or N. alternate.	6,600

3. Section 610.6019 *VOR Civil Airway No. 19* is amended by adding:

From—	To—	Minimum altitude
Denver, Colo. (VOR) via dir. or E. alternate.	Cheyenne, Wyo. (VOR) via dir. or E. alternate.	7,500

4. Section 610.6066 *VOR Civil Airway No. 66* is amended to read in part:

From—	To—	Minimum altitude
Douglas, Ariz. (VOR)..	Int, Douglas, Ariz. (VOR), rad. 50 and Columbus, N. Mex. (VOR), rad. 264.	13,000
Int, Douglas, Ariz. (VOR), rad. 50 and Columbus, N. Mex. (VOR), rad. 264.	Columbus, N. Mex. (VOR).	12,000

5. Section 610.6066 *VOR Civil Airway No. 66* is amended to eliminate:

From—	To—	Minimum altitude
Douglas, N. Mex. (VOR).	Int, Douglas, N. Mex. (VOR), rad. 50 and Columbus, N. Mex. (VOR), rad. 264.	13,000
Int, Douglas, N. Mex. (VOR), rad. 50 and Columbus, N. Mex. (VOR), rad. 264.	Columbus, N. Mex. (VOR).	12,000

6. Section 610.109 *Amber Civil Airway No. 9* is amended to read in part:

From—	To—	Minimum altitude
Myrtle Beach, S. C. (VAR).	Wilmington, N. C. (VAR).	1,400

7. Section 610.109 *Amber Civil Airway No. 9* is amended to eliminate:

From—	To—	Minimum altitude
Myrtle Beach, N. C. (LFR).	Wilmington, N. C. (LFR).	1,400

8. Section 610.210 *Red Civil Airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Dallas, Tex. (LFR)..... Hainsville (INT), Tex.	Hainsville (INT), Tex Shreveport, La. (LFR).	2,000 1,800

9. Section 610.237 *Red Civil Airway No. 37* is amended by adding:

From—	To—	Minimum altitude
Tyler, Tex. (LFR).....	Hainsville (INT), Tex	1,700

10. Section 610.237 *Red Civil Airway No. 37* is amended to eliminate:

From—	To—	Minimum altitude
Wills Point (INT), Tex. Tyler, Tex. (LFR).....	Tyler, Tex. (LFR)..... Hawkins (INT), Tex.	1,800 1,700

11. Section 610.248 *Red Civil Airway No. 48* is amended to read in part:

From—	To—	Minimum altitude
Missoula, Mont. (LFR).[1]	Craig (INT), Mont ..	11,500

[1] 9,000'—Minimum crossing altitude at Missoula (LFR), northeast-bound.

12. Section 610.268 *Red Civil Airway No. 68* is amended by adding:

From—	To—	Minimum altitude
Duncanville, Tex. (RBN).	Tyler, Tex. (LFR).....	2,000

13. Section 610.605 *Blue Civil Airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Pilot Point (INT), Tex.	Marietta (INT), Okla.	2,100

14. Section 610.205 *Blue Civil Airway No. 5* is amended to eliminate:

From—	To—	Minimum altitude
Pilot Point (INT), Tex.	Marietta (INT), Tex..	2,100

15. Section 610.1002 *Direct routes; Southeast United States* is amended by adding:

From—	To—	Minimum altitude
Richmond, Va. (LFR).	Wilmington, N. C. (LF/RBN).	1,500

16. Section 610.1003 *Direct routes; Southwest United States* is amended to eliminate:

From—	To—	Minimum altitude
Las Vegas, N. Mex. (VOR), via rad. 216.	Otto, N. Mex. (VOR), via rad. 36.	9,600

17. Section 610.221 *Blue Civil Airway No. 21*, is amended to read in part:

From—	To—	Minimum altitude
Parkersburg, W. Va. (VAR).	Int. NE crs. Parkersburg, W. Va. (VAR), and W. crs. Pittsburgh, Pa. (LFR).	6,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11943; Filed, Nov. 6, 1952; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5844]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MINK TRADERS ASSOCIATION, INC., ET AL.

Subpart—*Coercing and intimidating:* § 3.370 *Suppliers and sellers—To adopt desired marketing practice.* Subpart—*Combining or conspiring:* § 3.397 *To control marketing methods, practices and conditions:* § 3.475 *To restrict competition in buying.* Subpart—*Cutting off competitors' or others' access to customers or market:* § 3.560 *Interfering generally with distributive outlets.* In, or in connection with, the offering for sale, sale and distribution in interstate commerce of "mink fur pelts" in commerce, and on the part of respondent Association, its directors, officers and members, and their respective officers, representatives, etc.; and on the part of all other members as represented by the member respondents named, etc.; entering into, cooperating in, carrying out or continuing any planned common course of action, understanding, agreement or combination between and among any two or more said respondents, or between any one or more said respondents and others not parties, to (1) hold, attend, or participate in meetings, or agree upon, arrive at or adopt any plan, device or program for the purpose or with the effect of reducing the number of mink pelt auction sales or postponing or cancelling any such sales; (2) hold, attend, or participate in meetings, or agree upon, arrive at or adopt any plan, device or program for the purpose or with the effect of controlling the size of individual mink pelt bundles or auction lots of mink pelts; (3) hold, attend, or participate in meetings, or agree upon, arrive at or adopt any plan, device or program for the purpose or with the effect of eliminating dressed mink pelts from auction sales or in any way to reduce the number of such pelts offered at such sales; (4) hold, attend, or participate in meetings, or agree upon, arrive at or adopt any plan, device or program for the purpose or with the effect of eliminating "private treaty" selling by mink ranchers, the members of mink breeders associations and auction houses to the members of respondent Association or others; or, (5) hinder or prevent by intimidation, coercion, persuasion, withdrawal or threatened withdrawal of patronage, or custom, or by boycotting, or threatening to boycott, expressly or impliedly, the sale of mink pelts by any auction house, mink rancher or mink breeders association; prohibited.

(Sec. 6, 38 Stat. 722, 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45). [Cease and desist order, Mink Traders Association, Inc., et al., New York, N. Y., Docket 5844, August 28, 1952]

In the Matter of Mink Traders Association, Inc., a Corporation, and Its Officers, Directors and Members: Joseph Liebergall, President, Jack Levine, Vice-President, Barney Wollman, Vice-President, Sidney Ziskind, Treasurer, Martin Schwarz, Secretary, Al Weinig, Murray Schulman, Morris Greenbaum, Sam Cherny, Joe Feirstein, Arthur Margolyes, Henry Bild, Mannie Lederberg, Jack Farmer, Jack Klein, S. B. Levin, Philip Lieberman, Henry Mechutan, E. J. Pager and A. S. Gold, Directors, Individually, and as the Above Officers and Directors, Respectively; Joseph Liebergall and Sophie Liebergall, Trading as Joseph Liebergall & Company; Arthur B. Margolyes, Inc., a Corporation; Samuel B. Levin, Irene Levin, and Edith Falick, Trading as S. B. Levin Fur Company; B. Wollman and Bros., Inc., a Corporation; Jack Levine Fur Company, Inc., a Corporation; Joseph Schwarz and Martin Schwarz, Trading as Joseph Schwarz & Son; Samuel Cherny and Joseph Cherny, Trading as Cherny Fur Company; as Above Members, Respectively, and as Representatives of the Entire Membership of Mink Traders Association, Inc.

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission, respondents' answers, and hearings at which testimony and other evidence in support of the complaint were introduced before said examiner, theretofore duly designated by the Commission, and at the conclusion of which hearings, in October 1951, attorneys in support of the complaint closed their case in chief and respondents moved to dismiss the complaint.

Thereupon said examiner heard oral argument on said motion which was later denied, and thereafter testimony and other evidence in opposition to the allegations of the complaint were introduced before said examiner, and on January 31, 1952, the taking of testimony before him was closed. Subsequently proposed finding were submitted by attorneys in support of the complaint, counsel for the respondents having waived the filing of proposed findings and conclusions, oral argument was heard before said examiner on March 31, 1952, and on April 14, the proceeding before him was closed.

Thereafter the proceeding came on for final consideration by said examiner upon the complaint, the answers thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel in support of the complaint, and oral arguments of counsel, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusions drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 28, 1952.

The said order to cease and desist is as follows:

It is ordered, That respondents, Mink Traders Association, Inc., an incorporated trade association, its directors and officers individually and as such directors and officers, Joseph Liebergall, Jack Levine, Barney Wollman, Sidney Ziskind, Martin Schwartz, Al Weinig, Murray Schulman, Morris Greenbaum, Sam Cherny, Joe Feirstein, Arthur Margolyes, Henry Bild, Mannie Lederberg, Nathan Farber, Jack Klein, S. B. Levin, Philip Lieberman, Henry Mechutan, E. J. Pager, and A. S. Gold, individually and in their capacities as officers, members, representatives and agents of other respondents; Arthur B. Margolyes, Inc., a corporation, B. Wollman & Bros., Inc., a corportation, Jack Levine Fur Company, Inc., a corporation; their respective officers, representatives, agents and employees; Joseph Liebergall and Sophie Liebergall trading under the name and style of Joseph Liebergall & Company, a partnership, their representatives, agents and employees; Samuel B. Levine, Irene Levin and Edith Falick trading under the name and style of S. B. Levin Fur Company, a partnership, their representatives, agents and employees; Joseph Schwartz and Martin Schwartz trading under the name and style of Joseph Schwartz & Son, a partnership, their representatives, agents and employees; and Samuel Cherny and Joseph Cherny, trading under the name and style of Cherny Fur Company, a partnership, their representatives, agents and employees; all other members of said Association, as representatives for whom the said members named above were made respondents herein; individually and in their capacities as members, representatives and agents of other respondents in, or in connection with, the offering for sale, sale and distribution in inter-state commerce of "mink fur pelts" in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, cooperating in, carrying out or continuing any planned common course of action, understanding, agreement or combination between and among any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts and things:

1. Holding, attending, or participating in meetings, or agreeing upon, arriving at or adopting any plan, device or program for the purpose or with the effect of reducing the number of milk pelt auction sales or postponing or cancelling any such sales;

2. Holding, attending, or participating in meetings, or agreeing upon, arriving at or adopting any plan, device or program for the purpose or with the effect of controlling the size of individual mink pelt bundles or auction lots of mink pelts;

3. Holding, attending, or participating in meetings, or agreeing upon, arriving at or adopting any plan, device or program for the purpose or with the effect of eliminating dressed mink pelts from auction sales or in any way to reduce the number of such pelts offered at such sales;

4. Holding, attending, or participating in meetings, or agreeing upon, arriving at or adopting any plan, device or program for the purpose or with the effect of eliminating "private treaty" selling by mink ranchers, the members of mink breeders associations and auction houses to the members of respondent Association or others;

5. Hindering or preventing by intimidation, coercion, persuasion, withdrawal or threatened withdrawal of patronage, or custom, or by boycotting, or threatening to boycott, expressly or impliedly, the sale of mink pelts by any auction house, mink rancher or mink breeders association.

By "Decision of the Commission and order to file report of compliance", Docket 5844, August 28, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 28, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-11961; Filed, Nov. 6, 1952; 8:49 a. m.]

[Docket 5891]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BENJAMIN BIELER ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections—Producer status of dealer or seller—Manufacturer;* § 3.70 *Fictitious or misleading guarantees.* Subpart—*Concealing or obliterating law required and informative marking:* § 3.1325 Source or origin—*Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic;* § 3.1905 *Terms and conditions.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1980 *Guarantee, in general.* In connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, (1) offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof; (2) representing, directly or by implication, that respondents' sewing machine heads or sewing machines are fully guaranteed, or that they are otherwise guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; or, (3) representing, through the use in advertising of the word "factory", or any other word or term of similar import or meaning, or in any other manner, that said respondents are the manufacturers of the sewing machine heads or sewing machines sold by them, unless and until such respondents actually own and operate, or directly and absolutely control, a factory wherein said products are manufactured by them; prohibited.

(Sec. 6, 38 Stat. 722, 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Bieler and Rabinowitz, etc., Brooklyn, N. Y., Docket 5891, August 28, 1952]

In the Matter of Benjamin Bieler and Louis Rabinowitz, Copartners Doing Business as Bieler and Rabinowitz and Sew-Easy Products Company

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission, respondents' answer, and hearings, at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to the allegations of said complaint were introduced before said examiner, theretofore duly designated by the Commission, respondents offering no witnesses in their behalf nor any other evidence except two exhibits.

Thereafter the proceeding regularly came on for final consideration by said hearing examiner on the complaint, answer thereto, testimony and other evidence, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusions drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on August 28, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Benjamin Bieler and Louis Rabinowitz, individually and as copartners doing business as Bieler and Rabinowitz and as Sew-Easy Products Company, or trading under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof.

2. Representing, directly or by implication, that their sewing machine heads or sewing machines are fully guaranteed, or that they are otherwise guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

3. Representing, through the use in advertising of the word "factory," or any other word or term of similar import or meaning, or in any other manner, that said respondents are the manufacturers of the sewing machine heads or sewing machines sold by them, unless and until such respondents actually own and operate, or directly and absolutely control, a factory wherein said products are manufactured by them.

By "Decision of the Commission and order to file report of compliance",

[1] Filed as part of the original document.

[1] Filed as part of the original document.

Docket 5891, August 28, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 28, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-11963; Filed, Nov. 6, 1952; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

SUBCONTRACTS RELATED TO EXEMPT PRIME CONTRACTS AND SUBCONTRACTS

This part is amended by deleting § 1455.7 *Subcontracts related to exempt prime contracts and subcontracts* in its entirety and inserting in lieu thereof the following:

§ 1455.7 *Subcontracts related to exempt prime contracts and subcontracts.* The Board has exempted all subcontracts related to the prime contracts and subcontracts exempted pursuant to the authority of section 106 (d) of the act, except (a) subcontracts related to prime contracts and subcontracts exempted in § 1455.2 and (b) other subcontracts, when the Board, in exempting prime contracts or subcontracts, determines that the exemption will not extend to some or all of the subcontracts related to such prime contracts or subcontracts.

(Sec. 109, Pub. Law 9, 82d Cong.)

Dated: October 30, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-11962; Filed, Nov. 6, 1952; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 6, Revision 1, Interpretation 1]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 6—CEILING PRICES FOR MANUFACTURERS FOR THE SALE OF PAINTS, VARNISHES, AND LACQUERS

INT. 1—REFILING UNDER REVISION (SECTION 8)

Revision 1 of SR 6 to CPR 22 (ceiling prices for manufacturers of paints, varnishes and lacquers) was issued August 13, 1952, to become mandatorily effective on November 13, 1952. The revision is designed primarily to permit additional optional methods of establishing ceiling prices alternative to those found in CPR 22 and the original SR 6. The mandatory effect of the revision also operates to remove, as of November 13, 1952, the option now afforded by SR 12 to CPR 22, to continue under the GCPR.

Some manufacturers established ceiling prices under the original SR 6 or, as permitted thereby, under CPR 22. They have complied with applicable reporting requirements. The question now arises whether such manufacturers must refile under the revision even though they do not establish new ceiling prices under one of the added optional methods therein provided.

If, prior to issuance of the revision, a manufacturer established ceiling prices under a method which is continued in the revision and has complied with applicable filing requirements he has done everything required of him by the revision and need not refile. Thus, where a manufacturer under SR 6 unrevised filed the information required by section 32 of CPR 22 where he priced by the comparison method provided under section 5(d) of the unrevised regulation, he need not file Public Form No. 150 as required of sellers using this method under section 5(c) of the revised regulation inasmuch as that form requires, in substance, the information already supplied.

New reports or filings are only required where a manufacturer reestablishes ceiling prices under a method provided by the revision which was not previously available, or which he did not previously elect to use. In that event, he need file only those reports prescribed by the revision for the method he elects.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 6, 1952.

[F. R. Doc. 52-12044; Filed, Nov. 6, 1952; 11:48 a. m.]

[Ceiling Price Regulation 34, Amdt. 6]

CPR 34—SERVICES

ACQUIRING A BUSINESS OR SUPPLYING SERVICES PREVIOUSLY SUPPLIED BY ANOTHER PERSON AT THE SAME BUSINESS ESTABLISHMENT; MOVING OF BUSINESS; CHAINS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 13 (a) is being amended to clarify its scope and purposes. As the section was previously written it was clear that where there had been a voluntary transfer of a previously established service business such a transfer was subject to the provisions of section 13 (a), and the transferee was therefore governed by the ceiling prices applicable to the transferor. Section 13 (a), which deals with the acquisition of a previously established service business establishment, thus generally preserved to the classes of purchasers at that establishment the same services without any increase in their ceiling prices. It was also recognized that a mere formal break in the chain of direct transfer should not be allowed to become an easy way for bringing about an increase in those ceiling prices. Accordingly, the section also was considered to apply to a seller who acquired such a business by means other than by way of direct transfer from its previous owner. For example: Landlord A rented a vacant lot to tenant B for a period from January 1, 1950, to December 31, 1951. During the base period of December 19, 1950, to January 25, 1951, inclusive, B operated this lot as a parking lot and established ceiling prices for his parking lot services under section 5 of this regulation. On the expiration of this lease Landlord A rented the lot, effective January 1, 1952, to tenant C. Under such or similar circumstances C was considered to have acquired B's parking lot business and B's ceiling prices for parking lot services. Because, however, of questions raised as to the reasonableness of applying the language of section 13 (a) to such a situation, that section is now amended to make plain that acquisitions of a previously established business whether with or without privity of contract are governed by the section.

Section 13 (a), however, does not apply under circumstances which demonstrate that there is no substantial continuity in the operation of substantially the same kind of service business at the establishment. For example, purchaser X buys a parking lot business from Y on May 1, 1952. Between May 1, 1952, and October 13, 1952, X operates an open air fruit and vegetable market at this parking lot location. Thereafter if X discontinues the operation of this market and establishes a parking lot business, his ceiling prices for parking services will be determined by the applicable sections of this regulation other than section 13 (a).

This amendment also clarifies the regulation by expressly stating the method of establishing new ceiling prices if the ceiling prices of the previously established service business are not on file in the OPS district office, and the person carrying on the business has not obtained the records necessary to establish the ceiling prices of the previously established service business.

In the judgment of the Director of Price Stabilization this amendment is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 34, as amended, is further amended as follows:

1. The title of section 13 is amended to read as follows:

SEC. 13. *Acquiring a business or supplying services previously supplied by another person at the same business establishment; moving of business; chains.*

2. Paragraph (a) of section 13, as amended, is further amended to read as follows:

(a) *Acquiring a business or supplying services previously supplied by another person at the same business establishment.* (1) If, after January 25, 1951, you acquire a previously established service business and you carry on such business in an establishment separate from an establishment previously owned or operated by you, or if, after January 25, 1951, you carry on a service business, at such a separate establishment, similar to a service business which within a reasonable period prior thereto had been carried on by another person at such a separate establishment, your ceiling prices for the services you supply at such a separate establishment shall be the same as those previously in effect for such services at that establishment, and your obligation to keep records sufficient to verify such prices shall also be the same. You must further prepare and preserve (if that has not already been done for this establishment) and keep up to date the statement required under section 18 of this regulation. The person from whom you acquire the business or the last person that carried on such a previously established business shall preserve and turn over to you all records of transactions he may have with respect to that business which are necessary to enable you to comply with the records provisions of this regulation.

(2) If you cannot obtain such records, and if the ceiling prices of the previously established service business are not on file in your OPS district office, you may apply for new ceiling prices under section 7 of this regulation. In addition to the information otherwise required by that section, your application must contain the trade name and address of the previously established service business and a statement that you cannot obtain such records. If your ceiling prices are established under section 7 of this regulation for the reason stated above, OPS may change them to the ceiling prices of the previously established service business when ascertained.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 6 to Ceiling Price Regulation 34 is effective November 12, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 6, 1952.

[F. R. Doc. 52-12045; Filed, Nov. 6, 1952; 11:48 a. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 9]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

EXEMPTION OF FLOOR BROOMS AND WHISK BROOMS, MADE OF BROOM CORN

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 9 to General Overriding Regulation 5, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

In line with the need for focusing the interests and energies of the Office of Price Stabilization on major areas of commodities and services affecting the cost of living and business costs, this amendment to General Overriding Regulation 5, Revision 1, exempts floor brooms and whisk brooms made of broom corn from price control. Remaining under control for the present are brooms made of synthetic filaments, or of vegetable fibres, and all types of brushes.

Brooms made of broom corn are no longer a major component in living cost. For some years the broom corn broom industry has been a declining industry. Over a period of ten years production of broom corn brooms has declined twenty percent. The competition of mechanical sweepers and of brooms made of other materials has been largely responsible for this decline. These competing products have made serious inroads on the broom corn broom market. Administration and enforcement of price controls for these brooms place an increasingly serious burden on the Office of Price Stabilization, while the benefits of ceiling prices for these brooms have tended to dwindle.

The broom corn broom industry has been in large part decontrolled by previous regulations. Brooms made by institutions for the blind were decontrolled by GOR 1, on April 4, 1951. Brooms made by Federal and District of Columbia penal institutions were decontrolled by GOR 19 on October 13, 1951. Sales of brooms by State agencies were decontrolled by GOR 11 on July 21, 1952. Sales of brooms by manufacturers whose gross sales do not exceed $25,000 per year were exempted by amendments to the General Ceiling Price Regulation and CPR 22 on August 20, 1952. These exempted sellers make from one-third to one-half of all broom corn brooms sold in the United States.

Although the reduced volume and consequent high prices for this year's crop of broom corn make it probable that decontrol of this industry will result in somewhat higher prices in the immediate future, the availability of many other types of sweeping and dusting tools will tend to moderate the extent of such increases. Since the industry has as its major material broom corn (60 to 70 percent of the materials cost of a broom is for broom corn), and since sales of broom corn by producers are not controlled, it is believed that higher prices would result under OPS standards even if broom corn brooms were to remain subject to price control.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 5, Revision 1, is hereby amended by adding the following paragraph to section 7 immediately following "Cork Stoppers":

Floor brooms and whisk brooms, made of broom corn.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 5, Revision 1, is effective November 6, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 6, 1952.

[F. R. Doc. 52-12046; Filed, Nov. 6, 1952; 11:49 a. m.]

[General Overriding Regulation 5, Revision 1, Interpretation 2]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

INT. 2—PACKAGES OR SETS

Where a given commodity has been exempted or suspended from price control under GOR 5, Revision 1, such exemption or suspension does not apply or extend to a package or set composed of the exempted or suspended commodity and one or more commodities which are neither exempted nor suspended, unless the entire package or set itself is included within the terms of the exemption or suspension.

For example, if upholstered studio couches are suspended whereas upholstered chairs are not, a combination of these two items offered for sale as a set is not suspended unless such sets are independently included in the suspension.

Similarly, the exemption or suspension of a package or set as such does not extend to an independent and separate sale of one of the items included in the described package or set, unless such separate commodity has been exempted or suspended from control.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 6, 1952.

[F. R. Doc. 52-12047; Filed, Nov. 6, 1952; 11:49 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 5, Revised]

INT. 5—AUTHORIZED ADJUSTMENTS IN SALARIES AND OTHER COMPENSATION UNDER SECTION 41 OF GENERAL SALARY STABILIZATION REGULATION 1, AMENDED

AUTHORIZED PERCENTAGE INCREASES (SEC. 41 (a))

EDITORIAL NOTE: Federal Register Document 52-11668, appearing at page 9735 of the issue for Wednesday, October 29, 1952, has been corrected as follows:

In paragraph (f) of section 2.2, "paragraph (e)" has been changed to "section 2.2", so that the last phrase of paragraph (f) now reads: "listed in this section 2.2 or in section 2.3".

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-47B, as Amended November 6, 1952]

M-47B—USE OF CONTROLLED MATERIALS IN CERTAIN CONSUMER DURABLE GOODS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the order affects many different trades and industries.

EXPLANATORY

This order, as amended, affects NPA Order M-47B, as last amended August 4, 1952, as follows: Section 3 is amended to specify that the order applies to any prime consumer who obtains controlled material pursuant to Directions 1, 17, and 18 to CMP Regulation No. 1. Former paragraph (c) of section 4 is deleted and new paragraphs (c), (d), (e), and (f) are inserted in lieu thereof. Such new paragraphs (c) and (d) extend the principle of flexibility in connection with the production of repair and replacement parts. Paragraphs (e) and (f) place certain restrictions upon the use of controlled materials obtained in the manner referred to therein and make clear that nothing in section 4 modifies Direction 1 to this order. The section number and title of the former section 5, which was deleted August 4, 1952, is reinserted only because of the reference to "section 5" of this order in paragraph (b) of section 3 of NPA Order M-47A. Sections 5, 6, 7, and 8 are renumbered sections 6, 7, 8, and 9, respectively. Paragraph (c) of the renumbered section 7 is deleted and paragraph (d) thereof is redesignated paragraph (c).

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Definitions.
3. Application of this order.
4. Authority to use allotments of controlled material to produce other products, repair and replacement parts, and authority to provide flexibility in the production of repair and replacement parts.
5. Prohibited use of copper and aluminum (Deleted August 4, 1952).
6. Request for adjustment or exception.
7. Records and reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Purpose.* The purpose of this order is to provide for a degree of flexibility in the production of certain consumer durable goods, by permitting a CMP allotment received for the production of one product to be used, subject to certain limitations, in the production of a different product.

SEC. 2. *Definitions.* The following terms shall have the same meanings as given for such terms in section 2 of CMP Regulation No. 1.

(1) Person.
(2) Controlled material.
(3) Industry division.
(4) Prime consumer.
(5) Allotment.
(6) Class A product.
(7) Class B product.

SEC. 3. *Application of this order.* This order applies to any producer of any Class B product in Schedule I of this order, including any prime consumer who obtains any controlled material as provided by Directions 1, 17, or 18 to CMP Regulation No. 1 or by allotment from an industry division. This order does not apply to the production of controlled materials.

SEC. 4. *Authority to use allotments of controlled material to produce other products, repair and replacement parts, and authority to provide flexibility in the production of repair and replacement parts.* (a) Notwithstanding the provisions of any CMP regulation, any prime consumer, who has received from an industry division an allotment of any iron and steel, copper, or aluminum in the controlled material forms and shapes listed in Schedule I to CMP Regulation No. 1 for the production, during any calendar quarter, of any Class B product in Schedule I of this order, may, during such quarter, use all or part of such allotment, and the rating authorized for use in connection therewith, for the production of any other Class B product or products included in Schedule I if each of the other Class B products which the allotment is used to produce is either (1) one for which he also received an allotment for such quarter from an industry division, or (2) one which he has produced, for purpose of sale, on or after July 1, 1949. In all other respects, the provisions of CMP regulations shall apply to such production.

(b) Nothing in this section shall be deemed to increase or to serve as a basis for increasing the amount of any controlled material allotted to any person for production of all products in Schedule I of this order, or for all production.

(c) Any prime consumer, who obtains in the manner set forth in section 3 of this order any iron and steel, copper, or aluminum in the controlled material forms and shapes listed in Schedule I to CMP Regulation No. 1 for the production during any calendar quarter of any Class B product included in Schedule I of this order may, subject, however, to the same restrictions as are contained in paragraph (a) of this section, use all or a part of such CMP allotment in the production of repair or replacement parts of any product listed in Schedule I of this order.

(d) Any prime consumer, who obtains in the manner set forth in section 3 of this order any iron and steel, copper, or aluminum in the controlled material forms and shapes listed in Schedule I to CMP Regulation No. 1 for the production during any calendar quarter, of repair or replacement parts of any Class B product listed in Schedule I of this order may, subject, however, to the same restrictions as are contained in paragraph (a) of this section, use all or a part of such CMP allotment in the production of repair or replacement parts of a different product listed in Schedule I of this order.

(e) Nothing in paragraphs (c) and (d) of this section permits the use for production of any Class B product listed in Schedule I of this order, of any CMP allotment received for the production of repair or replacement parts of any such product, or authorizes any action contrary to Direction 1 to this order, as amended.

(f) Controlled material obtained by any prime consumer under the authorizations provided by Directions 1, 17, or 18 of CMP Regulation No. 1 for the production of any new product designated in Schedule I of this order, or for repair or replacement parts for any such new product shall be subject to the provisions of Direction 1 to this order, as amended. For the purpose of this paragraph, the term "new product" shall have the meaning defined in section 2 (a) of Direction 1 to this order, as amended.

SEC. 5. *Prohibited use of copper and aluminum* (Deleted August 4, 1952).

SEC. 6. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 7. *Records and reports.* (a) Each person participating in any transaction covered by this order, or who relies on section 4 of this order, shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 8. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-47B.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Order M-47B as so amended shall take effect November 6, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

SCHEDULE I OF NPA ORDER M-47B

(Note: Listings are in accordance with the official CMP Class B Product List of May 1, 1952)

Product class code	Products
2342091	Corset and allied garment accessories.
2392	Housefurnishings, fabric (containing controlled materials).
23940	Canvas products.
24930	Frames for mirrors and pictures.
2511	Wood household furniture, except upholstered.
2512091	Dual-purpose sleeping equipment.
2512092	Wood household furniture, upholstered, n. e. c.
25130	Reed and rattan furniture (including bassinets).
2514	Metal household furniture.
2531092	Public building furniture, n. e. c.
25412	Cases, cabinets, counters, and other fixtures.
25620	Window shades and accessories.
2563	Venetian blind parts and accessories.
25910	Restaurant furniture.
2599092	Furniture and fixtures, n. e. c.
3421191	Cutlery, scissors, shears, and trimmers.
34292	Furniture hardware.
3429391	Vacuum bottles and jugs, 1-quart and over.
3429691	Specialized hardware, fireplace equipment only.
3429694	Harness and saddlery hardware.
34396	Domestic cooking stoves, ranges, and cooking appliances, except electric.
34611	Vitreous-enameled cooking and kitchen utensils, except hospital utensils.
3463794	Ice cube trays and lunch boxes, metal; aluminum ice cube trays only.
3463795	Stamped or pressed metal end products, n. e. c.
34639	Stamped and spun cooking and kitchen utensils, except commercial cooking, kitchen, and hospital utensils, and commercial baking pans.
34712	Incandescent portable lamps.
3471591	Fluorescent portable lamps.
3489695	Wire products, n. e. c.
3499292	Fabricated metal products, n. e. c.
3499294	Bed rails, metal.
35227	Lawn mowers and lawn sweepers.
35811	Household mechanical washing machines.
3581291	Household ironers.
3581292	Household laundry equipment, n. e. c.
3583091	Sewing machines, household.
35841	Vacuum cleaners, household.
35851	Household refrigerators.
35852	Home and farm freezers.
3585395	Dehumidifiers with complete refrigeration cycle.
3589292	Household machines, n. e. c.
36211	Electric fans, except industrial-type.
3621393	Electric razors and dry shavers.
3621394	Small household electric appliances, except fans.
36214	Household ranges, electric.
3699392	Electrical products, n. e. c., Christmas tree lighting outfits only.
37511	Motorcycles, bicycles, and motorcycle and bicycle parts, except repair parts.
39120	Jewelers' findings and materials.
3914091	Flatware, commercial and domestic.
3914092	Silverware, hollow ware and plated ware.

SCHEDULE I OF NPA ORDER M-47B—Continued

Product class code	Products
39310	Pianos.
39320	Organs.
39410	Games and toys, except dolls and children's vehicles.
39420	Dolls and stuffed toy animals.
3943092	Children's vehicles and parts.
3949091	Sporting and athletic goods.
3949092	Commercial fishing equipment (except water craft).
39510	Pens, mechanical pencils, and pen points.
39520	Lead pencils.
39540	Artists' materials and equipment.
39610	Costume jewelry and novelties, except precious metal.
39630	Metal buttons and parts, civilian-type.
3964093	Apparel fasteners.
3964094	Household needles, pins, similar notions, n. e. c., civilian-type.
39860	Jewelry cases and instrument cases.
39950	Umbrellas, parasols, and canes.
39960	Tobacco pipes and cigarette holders.
39970	Soda fountain and beer-dispensing equipment.
3999494	Miscellaneous fabricated products, n. e. c.
5012	Specialty products, n. e. c.
8921	Religious goods, n. e. c.

[F. R. Doc. 52-12038; Filed, Nov. 6, 1952; 11:15 a. m.]

[NPA Order M-47B, Direction 1 as Amended November 6, 1952]

M-47B—USE OF CONTROLLED MATERIALS IN CERTAIN CONSUMER DURABLE GOODS

DIR. 1—EXCLUSION OF NEW PRODUCTS FROM FLEXIBILITY PROVISION

This direction as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, in the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

Sec.
1. Purpose.
2. Definitions.
3. New product limitation.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Purpose.* The purpose of this direction is to prohibit allotments

granted for the production of a new product from being immediately diverted to the production of a different product. In cases in which NPA authorizes production of a new product, this direction provides that allotments granted for such new production are excluded from the flexibility provision of NPA Order M–47B, until the applicant has actually produced the new product to a substantial extent.

SEC. 2. *Definitions.* As used in this direction:

(a) "New product" means a Class B product produced by a person who, prior to July 1, 1950, produced for sale neither that product nor any other Class B product listed in the same Product Code Classification in the Official CMP Class B Product List.

(b) "Initial authorization from NPA for the production of a new product" means an official action by NPA, either by adjustment or exception to NPA Order M–47A, or by the granting of an authorized production schedule and an allotment of controlled materials, which for the first time specifically authorizes a person to produce a new product. It does not apply, however, to any such official action taken with respect to a product for which an adjustment or exception was previously granted to the same person by NPA under NPA Order M–7, M–12, or M–47.

(c) "Principal controlled material" means whichever controlled material (either steel, copper, or aluminum) a person is authorized to use in the largest amount by his initial authorization from NPA for the production of a new product.

(d) "NPA" means the National Production Authority.

SEC. 3. *New product limitation.* (a) No primary consumer who has heretofore or hereafter received initial authorization from NPA for the production of a new product may treat such product as included in any group in Schedule I of NPA Order M–47B until he has used in the production of such product an amount of his principal controlled material equal to the amount which he was authorized to use for such production in the calendar quarter for which the initial authorization was granted, plus the amount of such material authorized for use in the succeeding calendar quarter.

(b) Under paragraph (a) of this section:

(1) Allotments of controlled materials voluntarily returned to NPA shall not be deducted in determining the amount permitted to be used in any calendar quarter.

(2) Authorization to use material in inventory shall be disregarded in determining the amount authorized to be used in any calendar quarter.

(3) Amounts allotted by a primary consumer to others and used for production of Class A product components for such new product on and after October 1, 1951, shall be included to determine use of controlled materials in the production of the new product.

(4) No prime consumer who obtains controlled material pursuant to the self-authorization provisions of Direction 1 or 17 to CMP Regulation No. 1 for use in the manufacture of a new product may, at the end of the period specified in paragraph (a) of this section, divert during any succeeding calendar quarter from the production of such new product to the production of any other Class B product in Schedule I of this order an amount of any controlled material which exceeds the greatest amount of such controlled material which he used in either calendar quarter of such period in the production of such new product.

This direction as amended shall take effect November 6, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–12039; Filed, Nov. 6, 1952; 11:15 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 86 to Schedule A]

[Rent Regulation 2, Amdt. 84 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE RENTAL AREAS

CERTAIN STATES

Effective November 5, 1952, Schedules A of Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. The following items of Schedules A of Rent Regulation 1 and Rent Regulation 2 are amended to read as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Alabama				
(1) Anniston	A	Calhoun County	Oct. 1, 1950	Jan. 3, 1952
(3) Dothan-Ozark	A	Coffee, Dale and Houston Counties	Sept. 1, 1950	Nov. 7, 1951
(9) Huntsville	A	Madison County	Jan. 1, 1951	Oct. 1, 1951
Arizona				
(13) Fort Huachuca	A	In Cochise County, district 1	June 1, 1951	Jan. 21, 1952
(15) Flagstaff	A	In Coconino County, that part of supervisorial district 1, south of 36° latitude, and that part of supervisorial district 2, north of 35° latitude	Sept. 1, 1950	Feb. 4, 1952
(17) Yuma	A	That part of Yuma County, lying west of 114° longitude and south of 33° latitude	June 1, 1951	Apr. 7, 1952
Arkansas				
(19b) Camden	A	Calhoun and Ouachita Counties	Sept. 1, 1950	Nov. 30, 1951
(23) Benton	A	Saline County	July 1, 1951	Do.
(25) Pine Bluff	B	In Jefferson County, the city of Pine Bluff, and Vaugine Township	Mar. 1, 1942	Aug. 1, 1942
	C	do	Feb. 1, 1951	Jan. 9, 1952
	A	Jefferson County, except the city of Pine Bluff, and Vaugine Township	do	Do.
California				
(26a) Southern Alameda County	A	In Alameda County, the townships of Eden, Murray, and Pleasanton	Nov. 1, 1951	Jan. 11, 1952
(29) Lancaster-Mojave	A	In Kern County, judicial township No. 11; and in Los Angeles County, Antelope Township	May 1, 1951	Feb. 28, 1952
(31) Marysville-Chico	B	In Sutter County, the township of Yuba; and Yuba County, except the cities of Marysville and Wheatland, and the portion of Yuba County described as follows: All north and east of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of T. 17 N., R. 6 E. MDB and M and running thence west along said township line to the SW. corner of said township; then north along the west line of T. 17 N., R. 6 E. and T. 18 N., R. 6 E. to the point where said line intersects the line between Butte County and Yuba County	Mar. 1, 1942	Oct. 1, 1942
	C	In Sutter County, the township of Yuba; and Yuba County, except the cities of Marysville and Wheatland, and the portion of Yuba County described as follows: All north and east of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of T. 17 N., R. 6 E. MDB and M and running thence west along said township line to the SW. corner of said township; then north along the west line of T. 17 N., R. 6 E. and T. 18 N., R. 6 E. to the point where said line intersects the line between Butte County and Yuba County	June 1, 1951	Dec. 27, 1951
	A	In Nevada County, the townships of Grass Valley and Nevada; and in Yuba County, the cities of Marysville and Wheatland, and the portion of Yuba County described as follows: All north and east of a line beginning at a point on the line between Nevada County and Yuba County where said line is intersected by the south line of T. 17 N., R. 6 E. MDB and M and running thence west along said township line to the SW. corner of said township; then north along the west line of T. 17 N., R. 6 E. and T. 18 N., R. 6 E. to the point where said line intersects the line between Butte County and Yuba County	do	Do.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Connecticut—Con.				
(8) Hartford-New Britain—Continued	B	In Hartford County, the towns of Avon, Canton, East Granby, Enfield, Granby, and Simsbury, and all unincorporated localities except those in Hartford, East Windsor, Ellington, Glastonbury, Manchester, New Britain, Rocky Hill, Southington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Wethersfield, Windsor, Windsor Locks, in Tolland County, the towns of Bolton, Stafford, and Willington	Apr. 1, 1941	July 1, 1942
	C	In Hartford County, the towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Manchester, Newington, West Hartford, Wethersfield, South Windsor, West Hartford, Wethersfield, and Windsor; and in Tolland County, the town of Bolton	July 1, 1951	Nov. 7, 1951
	B	In Hartford County, the towns of Windsor Locks	do	Do.
(19) New Haven	C	In New Haven County, the city of Ansonia, Derby and New Haven, the towns of Hamden, East Haven, Hamden, Milford, North Branford, North Haven, Orange, Seymour, West Haven, and Woodbridge and all unincorporated localities in the towns of Ansonia, Derby, Guilford, Madison, and New Haven	Apr. 1, 1941	Sept. 15, 1952
	B	In New Haven County, the town of Milford	July 1, 1951	July 1, 1942
(50) New London	C	New London County, in Windham County, the city of Willimantic, and the towns of Thompson	July 1, 1951	Jan. 24, 1952
	B	New London.	Apr. 1, 1941	July 1, 1942
(51) Waterbury	C	In Litchfield County, the towns of Thomaston and Watertown and all unincorporated localities in the town of Plymouth; in New Haven County, the city of Naugatuck, the towns of Beacon Falls, Cheshire, the Bridgeport Naugatuck and all unincorporated localities in the towns of Middlebury, Naugatuck, Prospect, Waterbury, and Wolcott;	July 1, 1951	Sept. 30, 1952
	B	In Litchfield County, the towns of Torrington and Winsted, the towns of New Milford and all unincorporated localities other than those in the towns of Plymouth, Thomaston, New Milford, and Watertown; in New Haven County, all unincorporated localities in the towns of Bethany, Oxford and Southbury	Apr. 1, 1941	July 1, 1942
Delaware				
(52) Dover	A	Kent County, and in Sussex County, that portion included in the town of Milford located therein	Aug. 1, 1950	Nov. 1, 1951
(53) Wilmington, Delaware	B	In New Castle County, the city of Newark, New Castle, and Wilmington, and the towns of Elsmere, and Newport, and all unincorporated localities in said county except those in the town of Delaware City, and that portion of the county south of the Chesapeake & Delaware Canal	Mar. 1, 1942	Nov. 1, 1942
Florida				
(55) Cocoa-Melbourne	A	Brevard	Dec. 1, 1950	Nov. 30, 1951
(58) Key West	A	Monroe	Oct. 1, 1941	Oct. 1, 1942
(60a) Putnam County	C	Putnam	Sept. 1, 1950	Jan. 7, 1952
	A		Sept. 1, 1951	Feb. 26, 1952
(33) Merced County	B	In Merced County, the cities of Gustine City and Los Banos, and all unincorporated localities; and in Stanislaus County, the cities of Newman and Riverbank	Dec. 1, 1942	Dec. 1, 1942
(33c) Riverbank-Newman	B		do	Do.
(36) Barstow	A	In San Bernardino County, the township of Mojave	Nov. 15, 1951	Nov. 15, 1951
	A	In San Bernardino County, the U. S. Marine Corps Depot Military Reservation outside the township of Barstow	Mar. 14, 1952	Mar. 14, 1952
	A	In San Bernardino County, that part of Yermo Township outside the U. S. Marine Corps Depot Military Reservation and that part of Daggett Township outside the U. S. Marine Corps Depot Military Reservation, bounded on the east by the eastern limit of Range 5 East, on the south by the southern limit of T. 9 North, and on the west and north by the Inyokern Township line	Sept. 15, 1952	Sept. 15, 1952
(37) San Diego	A	In San Diego County, that portion lying west of the San Bernardino meridian	Oct. 1, 1951	Oct. 1, 1951
(38) San Francisco	B	San Francisco County	July 1, 1942	July 1, 1942
(39) San Luis Obispo	B	San Luis Obispo County	Sept. 1, 1951	Do.
	C	do	Dec. 1, 1942	Sept. 27, 1951
(40) Santa Maria	B	In Santa Barbara County, judicial townships Numbers 4, 5, 8, and 9	July 1, 1941	Dec. 7, 1942
(40a) Ventura	C	Ventura County, except the cities of Fillmore, Ojai, San Buenaventura and Santa Paula, and all unincorporated localities	Aug. 1, 1950	Sept. 27, 1951
	A		Nov. 1, 1950	Jan. 7, 1952
Colorado				
(42) Colorado Springs	A	El Paso County, except the town of Green Mountain Falls	Jan. 1, 1951	Dec. 10, 1951
(43) Denver	B	Adams County, except that portion of the city of Aurora located therein; Arapahoe County, except that portion of the city of Aurora located therein and the towns of Englewood and Littleton; Denver County; Jefferson County, except the city of Golden and the town of Morrison	Mar. 1, 1942	Aug. 1, 1942
(46) Pueblo	B	In Pueblo County, Townships 20 and 21 South, Ranges 64 and 65, west of sixth principal meridian	Nov. 1, 1942	Nov. 1, 1942
Connecticut				
(47) Bridgeport	B	In Fairfield County, the towns of Bridgeport, Easton, Fairfield, Shelton (including the city of Shelton), Stratford, and Trumbull, and all unincorporated localities in the towns of Bethel, Danbury, Norwalk and Stamford, the towns of Bethel, Greenwich and Monroe, and all unincorporated localities in the town of Redding except those in the town of Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport	June 1, 1942	June 1, 1942
	A	In Fairfield County, the towns of Bridgeport, Easton, Fairfield, Shelton (including the city of Shelton), Stratford, and Trumbull, and all unincorporated localities in the towns of Danbury, Norwalk and Stamford, the towns of Bethel, Greenwich and Monroe, and all unincorporated localities in the town of Redding except those in the town of Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport	July 1, 1941	July 1, 1942
	C	In the County of Fairfield, the towns of Bridgeport, Easton, Fairfield, Monroe, Stratford, and Trumbull	July 1, 1951	Jan. 24, 1952
(48) Hartford-New Britain	C	In the county of Fairfield, the town of Shelton	do	Aug. 28, 1952
	B	In Hartford county, the cities of Bristol and New Britain, the towns of Berlin, Bloomfield, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Newington, New Hartford, Rocky Hill, South Windsor, Wethersfield, Windsor, and Windsor Locks, and all unincorporated localities in the towns of Bristol, New Hartford, Plainville, and Southington; in all unincorporated localities in the town of Cromwell, Middlefield, Middletown, and Portland; in New Haven County, the city of Meriden, the borough of Wallingford, and all unincorporated localities in the towns of Meriden and Wallingford	Apr. 1, 1941	June 1, 1942

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Florida—Continued				
(62) Panama City	B	In Bay County, the cities of Cedar Grove and Panama City, and all unincorporated localities, except (1) the portion bounded on the north by the line beginning at the western boundary of Bay County at the Northwest corner of section 31, Township 2 South, Range 17 West, and running thence east along section lines to the water's edge of West Bay, bounded on the east and northeast by West Bay and Saint Andrews Bay, bounded on the south by the Gulf of Mexico, and bounded on the west by Walton County, and (2) the portion described as follows: Beginning at the east boundary line of said Bay County at the southeast corner of section 25, Township 6 South, Range 12 West and running thence north along the east boundary line of Bay County to the northeast corner of section 24, thence west along north section lines of sections 24, 23, and 22, to the Gulf of Mexico water's edge, and thence in a southeasterly direction meandering along the water's edge of said Gulf of Mexico to the point of beginning.	Mar. 1, 1942	Sept. 1, 1942
	B	In Gulf County, all unincorporated localities except the portion described as follows: Beginning at the shore line of St. Joseph's Bay and south section line of section 22, Township 7 South, Range 11 west, in Gulf County, Fla., and thence west along said section line of section 22 to the southeast corner of section 22, thence northwest to the southwest corner of section 15, involving the southwest half of section 22, thence north along the west section line of sections 15 and 10 to the southeast corner of section 4, thence northwest to the southeast corner of section 32, involving the southeast half of section 4, thence northwest to the southeast corner of section 30, Township 6 South, Range 11 West, thence northwest to the northwest corner of section 30 and Bay County line, then south along Bay County line to water's edge of the Gulf of Mexico, thence in a southeasterly direction meandering along the water's edge of said Gulf of Mexico and St. Joseph's Bay to the point of beginning.	....do....	Dec. 1, 1942
(63) Pensacola	B	Escambia County, except the city of Pensacola	....do....	Sept. 1, 1942
	B	In Okaloosa County, the city of Niceville	....do....	Oct. 1, 1942
	B	Santa Rosa	....do....	May 1, 1943
	C	Escambia County, except the city of Pensacola; Rosa County.	June 1, 1951	Jan. 16, 1952
	A	In Escambia County, the City of Pensacola	....do....	Do.
(64a) Seminole County	A	Seminole	May 1, 1951	Jan. 24, 1952
(64b) Clay County	B	Clay	Jan. 1, 1941	Aug. 1, 1942
	C	Clay	Sept. 1, 1950	Jan. 17, 1950
Georgia				
(67a) Americus	B	In Sumter County, the city of Americus and all unincorporated localities.	Mar. 1, 1942	Nov. 1, 1943
(68) Albany	B	In Dougherty County, the city of Albany and all unincorporated localities.	....do....	Nov. 1, 1942
(69) Athens	B	In Clarke County, the cities of Athens and Winterville, and all unincorporated localities.	....do....	Dec. 1, 1942
(70a) Marietta	A	Cobb	Sept. 1, 1951	Dec. 10, 1951
(71) Augusta	A	Richmond	July 1, 1950	Sept. 20, 1951
	A	Columbia and McDuffie Counties; and in Jefferson County, district 81, Wrens.	Jan. 1, 1951	Apr. 15, 1952
(72) Bainbridge	B	In Decatur County, the city of Bainbridge	Mar. 1, 1942	Oct. 1, 1942
(75) Hinesville	A	Liberty and Long	Aug. 1, 1950	Dec. 4, 1951
	A	Wayne and Tattnall	....do....	Mar. 3, 1952
(76) Macon	B	In Bibb County, the city of Macon and all unincorporated localities in said county; Houston County.	Apr. 1, 1941	July 1, 1942
	C	Houston County	Feb. 1, 1951	July 11, 1952
(77) Colquitt County	A	Colquitt	May 1, 1951	Feb. 11, 1952
(80) Valdosta	A	Lowndes	Apr. 1, 1951	Sept. 27, 1951
	A	Lanier	....do....	Jan. 15, 1952
Idaho				
(80a) Mountain Home	A	In Elmore County, Mountain Home precincts 1 and 2.	May 1, 1951	Dec. 12, 1951
(80c) Arco-Blackfoot-Idaho Falls.	A	Butte County; Bingham County, except the precincts of Sterling, Aberdeen 1, and Aberdeen 2; and Bonneville County, except the precincts of Antelope, Blowout, Grays, Jackknife, Ozone, Palisade, and Poplar.	July 1, 1950	Sept. 20, 1951
Illinois				
(83) Chicago	B	In Cook County, the city of Chicago and the villages of Posen, River Grove, Robins, and Skokie and all unincorporated localities; and in Kane County, the villages of Montgomery and all unincorporated localities; and Lake County, except the city of Lake Forrest, the villages of Deerfield, Grayslake, and Lake Bluff and that portion of the village of Barrington located therein.	Mar. 1, 1942	July 1, 1942
(83b) Crab Orchard	B	In Jackson County, the city of Carbondale; and in Williamson County, the cities of Herrin and Marion.	....do....	Nov. 1, 1946
(85) Dixon	B	In Lee County, the city of Amboy	....do....	Sept. 1, 1942
(85a) Freeport	B	In Stephenson County, the city of Freeport and all unincorporated localities.	Mar. 1, 1944	June 1, 1945
(86) Joliet	B	Will County, except the village of Crete and that portion of the village of Steger located therein.	Apr. 1, 1941	July 1, 1942
	C	Will County, except the village of Crete and that portion of the village of Steger located therein.	July 1, 1951	Dec. 10, 1951
(88) La Salle County	B	In La Salle County, the cities of Earlville, La Salle, Oglesby, and Ottawa, and the villages of Cedar Point, Kangley, Leland, North Utica, Ransom, and Rutland.	Mar. 1, 1942	May 1, 1943
(89) East Moline-Silvis	B	Rock Island County, except the cities of Moline and Rock Island, and all unincorporated localities; Scott County, Iowa, except the cities of Battendorf, and Davenport, the towns of Buffalo, LeClaire, Long Grove, Princeton, and Wolcott, and all unincorporated localities.	....do....	Sept. 1, 1942
	C	....do....	Oct. 1, 1950	Sept. 20, 1951
	A	In Scott County, Iowa, the towns of Buffalo, LeClaire, Long Grove, Princeton, and Wolcott.	....do....	Do.
(91b) Paxton	B	In Ford County, the city of Paxton and all unincorporated localities in Paxton Township.	Jan. 1, 1946	Nov. 1, 1946
(94) Springfield-Decatur	B	In Macon County, the city of Decatur and all unincorporated localities; in Sangamon County, the cities of Auburn and Springfield, the villages of Dawson, Grandview, Loami, Riverton, Southern View, and Williamsville and all unincorporated localities.	Mar. 1, 1942	Aug. 1, 1942
(94a) Woodstock	B	In McHenry County, the city of Harvard, and the village of Lakemoor.	Oct. 1, 1943	Nov. 1, 1944
Indiana				
(97) Columbus	B	Bartholomew	Mar. 1, 1942	Sept. 1, 1942
	B	Jackson	....do....	Dec. 1, 1942
	C	Bartholomew and Jackson	Aug. 1, 1950	Oct. 15, 1951
	A	Brown, Johnson, and Shelby	....do....	Do.
	A	Morgan	Jan. 1, 1952	July 17, 1952
	B	In Posey County, the city of Mount Vernon	Oct. 1, 1943	Mar. 1, 1945
(97a) Mount Vernon	B	In Indiana: Vanderburgh County. In Kentucky: Henderson and Union Counties.	Mar. 1, 1942	Sept. 1, 1942
(100) Evansville-Henderson.	C	Henderson and Union Counties	Aug. 1, 1950	Nov. 7, 1951
	C	Vanderburgh County	Aug. 1, 1952	Oct. 30, 1952
(102) Gary	B	Lake County, except the cities of Crown Point, East Chicago, Hammond, Hobart, and Whiting, the towns of East Gary, Griffith, Highland and Munster, and the townships of Cedar Creek, Eagle Creek, Hanover, West Creek, and Winfield.	Mar. 1, 1942	Oct. 1, 1942
	C	Lake County, except the cities of Crown Point, East Chicago, Hammond, Hobart, and Whiting, the towns of East Gary, Griffith, Highland and Munster, and the townships of Cedar Creek, Eagle Creek, Hanover, West Creek, and Winfield.	Jan. 1, 1951	June 12, 1952
	A	In Lake County, the townships of Hanover and Winfield.	....do....	Do.
(103) Indianapolis	B	Marion County, except the towns of Speedway and Woodruff Place.	July 1, 1941	July 1, 1942
	B	Hancock	Apr. 1, 1951	June 1, 1951

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Indiana—Continued				
(103) Indianapolis—Con.	C	Hancock County; and Marion County, except the towns of Speedway and Woodruff Place.	Apr. 1, 1951	Nov. 5, 1951
	A	Hamilton County; and in Marion County, the towns of Speedway and Woodruff Place.	....do....	....do....
(105) La Porte—Michigan City	B	In La Porte County, the cities of La Porte and Michigan City, the towns of Kingsbury and La Crosse, and all unincorporated localities except those, if any, in the town of Long Beach.	Apr. 1, 1941	July 1, 1942
(108) South Bend	B	In St. Joseph County, the cities of Mishawaka and South Bend, the towns of Lakeville, New Carlisle, North Liberty, Roseland and Walkerton, and all unincorporated localities; in Elkhart County, the city of Goshen, and all unincorporated localities.	....do....	June 1, 1942
(109) Terre Haute	B	In Vigo County, the city of Terre Haute and the towns of Riley, Seelyville, and West Terre Haute, and all unincorporated localities.	Mar. 1, 1942	Nov. 1, 1942
Iowa				
(110a) Dubuque	B	In Dubuque County, the city of Dubuque	May 1, 1945	Apr. 1, 1946
(112) Burlington	B	In Des Moines County, the city of Burlington and the town of West Burlington and all unincorporated localities in the townships of Burlington, Concordia, Flint River, and Danville.	Jan. 1, 1941	June 1, 1942
(113) Cedar Rapids	B	In Linn County, the city of Cedar Rapids	Mar. 1, 1942	Dec. 1, 1942
(113b) Fort Dodge	B	In Webster County, the city of Fort Dodge	July 1, 1945	Sept. 1, 1946
(114b) Sioux City	B	In Woodbury County, the city of Sioux City and the townships of Sioux City and Woolbury, except the town of Sergeant Bluff.	July 1, 1943	June 1, 1944
Kansas				
(117) Lawrence—Olathe	A	Douglas County; in Johnson County, the city of Olathe and the townships of Gardner, Lexington, McCamish, Monticello, Olathe, and Spring Hill; in Wyandotte County, the city of Bonner Springs, and Delaware township.	Aug. 1, 1951	Apr. 14, 1952
(120) Labette County	A	Labette County	Jan. 1, 1952	May 26, 1952
(120a) Pratt	B	In Pratt County, the city of Pratt, and all unincorporated localities.	Mar. 1, 1943	June 1, 1944
(121) Saline	A	Saline	Mar. 1, 1951	May 26, 1952
(122) Topeka	A	Shawnee	Feb. 1, 1951	Nov. 7, 1951
(123) Wichita	A	Sedgwick	Mar. 1, 1951	Dec. 14, 1951
Kentucky				
(123c) Ashland-Catlettsburg-Raceland.	B	In Boyd County, the cities of Ashland and Catlettsburg; in Greenup County, the city of Raceland.	Mar. 1, 1942	Nov. 1, 1942
(124) Fort Knox	B	In Hardin County, magisterial districts 1, 4, 5, and 6; and that portion of Meade County known as Garnettsville Precinct, adjacent to Fort Knox.	....do....	Do.
	C	....do....	Sept. 1, 1950	Nov. 26, 1951
	A	In Meade County, magisterial districts 1, 2, 3, and 4, except that portion known as Garnettsville Precinct, adjacent to Fort Knox, Ky.; and in Bullitt County, magisterial districts 1 and 4.	....do....	Do.
(125) Louisville	B	In Kentucky: In Jefferson County, the cities of Audubon Park, Jefferson, Louisville, Richlawn, and Seneca Vista, and all unincorporated localities.	July 1, 1941	Aug. 1, 1942
	B	In Indiana: In Clark County, the cities of Charlestou and Jeffersonville, the town of Clarksville, and all unincorporated localities; in Floyd County, the town of Greenville and all unincorporated localities.	....do....	Do.
(126a) Owensboro	B	In Daviess County, the city of Owensboro and all unincorporated localities in magisterial district No. 1.	Mar. 1, 1943	June 1, 1944
(127) Paducah	B	McCracken	Mar. 1, 1942	Nov. 1, 1942
	C	McCracken	Jan. 1, 1951	Oct. 17, 1951
	A	Ballard	....do....	Do.
	A	Massac County, Illinois, and in Johnson County, Ill., the township of Vienna, including the city of Vienna.	....do....	Do.
	A	In Graves County, magisterial districts 5, 6, 7, and 8.	....do....	Jan. 15, 1952
(128) Hopkinsville	B	Christian County; in Todd County, the cities of Allensville, Elkton, Guthrie, and Trenton.	Mar. 1, 1942	Sept. 1, 1942
	C	Christian County	Oct. 1, 1950	Nov. 30, 1951
Louisiana				
(129) Leesville-De Ridder.	B	In Beauregard Parish, wards 1, 2, 3, 4, 5, 6, 7, and 8; and Vernon Parish.	Jan. 1, 1941	July 1, 1942
	C	In Beauregard Parish, wards 2, 3, 4, 5, 7, and 8; Vernon Parish.	Aug. 1, 1950	Nov. 7, 1951
	C	In Beauregard Parish, wards 1 and 6	....do....	July 10, 1952
(130c) Hammond	B	In Tangipahoa Parish, the city of Hammond	Jan. 1, 1946	Nov. 1, 1946
(132) Minden	B	In Webster Parish, the city of Minden	July 1, 1941	July 1, 1942
Maine				
(135) Bangor	B	In Penobscot County, the cities of Bangor, Brewer, and Old Town, the towns of Carmel, Charleston, Corinna, Dexter, East Millinocket, Hermon, Levitrange, Lincoln, Mattawamkeag, Millinocket, Newport, Orono, Orrington, and Veazie, and all unincorporated localities.	Mar. 1, 1942	Dec. 1, 1942
(137) Lewiston	B	In Androscoggin County, the city of Lewiston	....do....	Aug. 1, 1942
(137a) Biddeford-Saco-Sanford	B	In York County, the cities of Biddeford, and Saco and the town of Sanford.	....do....	Dec. 1, 1942
(138) Presque Isle	B	In Aroostook County, the city of Presque Isle, and the towns of Ashland, Caribou, Easton, Fort Fairfield, Limestone, Mapleton, Mars Hill, Van Buren, Washburn, and Westfield, and the plantations of Caswell and Hamlin.	....do....	Do.
	C	....do....	Jan. 1, 1951	Dec. 10, 1951
	A	In Aroostook County, the town of Castle Hill	....do....	Do.
Maryland				
(139) Baltimore	B	In Anne Arundel County, election districts 4 and 5 and all unincorporated localities except those, if any, in election districts 1, 7, and 8; in Baltimore County, the city of Baltimore and all unincorporated localities; in Cecil County, election district 3, containing the city of Elkton; Harford County; in Howard County, all unincorporated localities except those, if any, in election districts 3, 4, and 5.	Apr. 1, 1941	July 1, 1942
	C	Harford County; in Cecil County, election district 3 containing the city of Elkton.	Jan. 1, 1951	Nov. 7, 1951
	C	In Anne Arundel County, election districts 4 and 5	....do....	Mar. 6, 1952
	A	Cecil County, except election district 3 containing the city of Elkton.	....do....	Nov. 7, 1951
(139d) Frederick	B	In Frederick County, the city of Frederick and the towns of Brunswick, Thurmont, and Walkersville and all unincorporated localities.	July 1, 1943	June 1, 1944
(139b) Cumberland	B	In Allegany County, the city of Cumberland	Mar. 1, 1944	Apr. 1, 1945
(141) Indian Head-Patuxent River.	B	In Charles County, the town of Indian Head	Mar. 1, 1942	Nov. 1, 1942
	B	In St. Marys County, Leonardtown District No. 3.	....do....	Nov. 1, 1943
	C	In St. Marys County, Leonardtown District No. 3.	Jan. 1, 1951	Feb. 1, 1952
	A	St. Marys County, except Leonardtown District No. 3.	....do....	Do.
(142) Montgomery-Prince Georges.	B	In Montgomery County, the city of Rockville and the towns of Brentwood, Gaithersburg, Glen Echo, and Kensington, and the unincorporated area of said county; in Prince Georges County, the cities of Greenbelt, Hyattsville, North Brentwood, Mt. Rainier, and Seat Pleasant, the towns of Cottage City, Fairmount Heights, and Riverdale, and election districts 10 and 11.	Jan. 1, 1941	July 1, 1942
	C	In Prince Georges County, election districts 10 and 11.	Jan. 1, 1951	Mar. 6, 1952
Massachusetts				
(143) Boston	B	In Norfolk County, the towns of Avon, Bellingham, Braintree, Brookline, Canton, Dedham, Foxborough, Franklin, Holbrook, Medfield, Medway, Millis, Norfolk, Norwood, Plainville, Randolph, Sharon, Stoughton, Walpole, Westwood, and Wrentham; in Suffolk County, the cities of Boston, Cambridge, Chelsea, Everett, Quincy, Revere, and Somerville, the towns of Milton, Stoneham, Weymouth, and Winthrop; and all unincorporated localities in both of said counties.	Mar. 1, 1942	Nov. 1, 1942

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Massachusetts—Con.				
(143a) Cambridge	B	In Middlesex County, the cities of Lowell, Malden, Marlborough, Medford, Melrose, Newton, Waltham, and Woburn, the towns of Acton, Arlington, Ashland, Ayer, Bedford, Belmont, Billerica, Burlington, Carlisle, Chelmsford, Concord, Dracut, East Pepperell, Framingham, Groton, Holliston, Hopkinton, Hudson, Lexington, Littleton, Maynard, Natick, North Reading, Pepperell, Reading, Shirley, Tewksbury, Townsend, Tyngsboro, Wakefield, Watertown, Wayland, Westford, Wilmington, and Winchester, and the unincorporated localities.	Mar. 1, 1942	Nov. 1, 1942
(143b) Fall River-Brockton	B	In Barnstable County, the towns of Dennis, Falmouth, Mashpee, Provincetown, and Sandwich and the unincorporated localities in Barnstable County, except those in the towns of Brewster, Eastham, and Orleans; in Bristol County, the cities of Attleboro, New Bedford, Fall River and Taunton, the towns of Acushnet, Berkley, Dartmouth, Dighton, Easton, Fairhaven, Mansfield, North Attleborough, Norton, Raynham, Rehoboth, Seekonk, Somerset, Swansea, and Westport, and the unincorporated localities; in Plymouth County, the city of Brockton, the towns of Abington, Bridgewater, East Bridgewater, Mattapoisett, Middleborough, Plymouth, Rockland, West Bridgewater, and Whitman, and the unincorporated localities in the town of Hingham.	do	Do.
(144) Essex County	B	In Essex County, the cities of Beverly, Gloucester, Haverhill, Lawrence, Lynn, Newburyport, Peabody, and Salem, the towns of Amesbury, Andover, Danvers, Essex, Georgetown, Groveland, Hamilton, Ipswich, Manchester, Marblehead, Merrimac, Methuen, Middleton, Nahant, Newberry, North Andover, Rockport, Rowley, Salisbury, Saugus, Swampscott, and Wenham, and the unincorporated localities.	do	Sept. 1, 1942
(144a) Greenfield	B	In Franklin County, the town of Greenfield and all unincorporated localities, if any, in the town of Greenfield.	Jan. 1, 1945	May 1, 1946
(145) Pittsfield	B	In Berkshire County, the cities of North Adams and Pittsfield, the towns of Adams, Beckett, Cheshire, Clarksburg, Dalton, Great Barrington, Hinsdale, Lanesborough, Lee, Lenox, Sandisfield, Sheffield, Stockbridge, Washington, and Williamstown, the village of West Stockbridge, and all unincorporated localities.	Mar. 1, 1942	Nov. 1, 1942
(146) Springfield	B	In Hampden County, the cities of Chicopee, Holyoke, Springfield, and Westfield, the towns of Agawam, East Longmeadow, Granville, Hampden, Ludlow, Monson, Palmer, Russell, Southwick, Wales, West Springfield, and Wilbraham, and all unincorporated localities in Hampden County; in Hampshire County, the city of Northampton, the towns of Amherst, Belchertown, Easthampton, Granby, Hadley, Hatfield, Huntington, South Hadley, Southampton, Ware, and Williamsburg, and all unincorporated localities.	do	July 1, 1942
(147) Worcester	B	In Worcester County, the cities of Fitchburg, Gardner, Leominster, and Worcester, the towns of Ashburnham, Athol, Auburn, Barre, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, East Brookfield, Grafton, Hardwick, Holden, Hopedale, Hubbardston, Lancaster, Leicester, Mendon, Milford, Millbury, Millville, Northborough, Northbridge, North Brookfield, Oxford, Paxton, Petersham, Phillipston, Princeton, Royalston, Rutland, Shrewsbury, Spencer, Southborough, Southbridge, Sterling, Sturbridge, Sutton, Templeton, Upton, Uxbridge, Warren, Webster, West Boylston, West Brookfield, Westborough, Westminster, and Winchendon.	do	Sept. 1, 1942
(149) Royal Oak-Warren-St. Clair Shores	B	In Macomb County, the city of St. Clair Shores, the township of Warren; in Oakland County, the township of Royal Oak.	Apr. 1, 1941	June 1, 1942
(152) Battle Creek	B	In Calhoun County, the cities of Albion and Marshall.	Mar. 1, 1942	Oct. 1, 1942
	A	In Calhoun County, the city of Battle Creek, and the townships of Battle Creek, Bedford, Emmett, and Pennfield; in Kalamazoo County, the Fort Custer Military Reservation, the city of Galesburg and the townships of Charleston and Ross.	Jan. 1, 1952	Oct. 27, 1952
(155) Benton Harbor-St. Joseph	B	In Berrien County, the cities of Benton Harbor, Caloma, and St. Joseph, the villages of Baroda, New Buffalo, Stevensville, and Three Oaks.	Apr. 1, 1941	July 1, 1942
(157) Saginaw-Bay City	B	In Midland County, the city of Midland; and in Bay County, the cities of Bay City and Essexville and the townships of Bangor and Hampton.	Mar. 1, 1942	Do.
Minnesota				
(158a) Brainerd	B	In Crow Wing County, the city of Brainerd, and all unincorporated localities.	Jan. 1, 1945	Feb. 1, 1946
(158b) Austin	B	In Mower County, the city of Austin	May 1, 1945	Aug. 1, 1946
(158c) Albert Lea-Faribault	B	In Freeborn County, the city of Albert Lea; in Rice County, the city of Faribault; and in Steele County, the city of Owatonna.	Jan. 1, 1946	Nov. 1, 1946
(159) Duluth	B	In Carlton County, the city of Cloquet and all unincorporated localities; in St. Louis County, the cities of Biwabik, Chisholm, Duluth, Ely, Eveleth, Gilbert, Tower, and Virginia, the township of Royal, the villages of Aurora, Buhl, Hibbing, Mt. Iron, and Proctor and all unincorporated localities and all of the territory north of the southern boundary of Township 52, including any of the localities previously mentioned which might be located therein.	Mar. 1, 1942	Nov. 1, 1942
(159a) Mankato	B	In Blue Earth County, the city of Mankato; in Nicollet County, the city of North Mankato.	Mar. 1, 1945	Feb. 1, 1946
(159b) International Falls	B	In Koochiching County, the city of International Falls and all unincorporated localities in the following portion of said county: All of Township 71, Range 23, including Ranier, all of Township 70, Range 24, including South International Falls, all of Township 71, Range 24, including International Falls.	July 1, 1945	Mar. 1, 1946
(160) Minneapolis-St. Paul	B	In Anoka County, the city of Columbia Heights, the villages of Centerville and Circle Pines, and all unincorporated localities; in Dakota County, the cities of Hastings and South St. Paul and all unincorporated localities; in Hennepin County, the cities of Hopkins, Minneapolis, and Robbinsdale, the villages of Brooklyn Center, Champlin, Golden Valley, and Osseo, and all unincorporated localities; in Ramsey County, the city of St. Paul and the village of Falcon Heights, and all unincorporated localities, except those, if any, in the towns of White Bear, and the village of New Brighton; in Washington County, the villages of Mahtomedi, Newport, and St. Paul Park, and all unincorporated localities, except those, if any, in the village of Bayport.	May 1, 1942	Nov. 1, 1942
(160b) St. Cloud	B	In Benton County, the portion of St. Cloud City located therein and all unincorporated localities, if any, in Sauk Rapids village and that portion of Sartell village in Benton County; in Sherburne County, the portion of St. Cloud City located therein; in Stearns County, the portion of St. Cloud City located therein, Waite Park, and all unincorporated localities, if any, in the portion of Sartell village located in Stearns County.	Jan. 1, 1945	Jan. 1, 1946
Mississippi				
(162) Biloxi-Pascagoula	B	In Harrison County, the city of Biloxi	Apr. 1, 1941	July 1, 1942
	C	In Harrison County, the city of Biloxi	Sept. 1, 1950	Dec. 14, 1951
	A	Harrison County, except the city of Biloxi; and Jackson County.	do	Do.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Missouri				
(168d) Cape Girardeau	B	In Cape Girardeau County, the city of Cape Girardeau.	Jan. 1, 1946	Nov. 1, 1946
(169a) Jefferson City	B	In Cole County, the city of Jefferson City and unincorporated localities.	July 1, 1945	May 1, 1946
(170) Kansas City	B	In Clay County, the townships of Gallatin and Liberty; Jackson County; in Platte County, Pettis Township.	Mar. 1, 1942	Sept. 1, 1942
(172) Rolla-Waynesville	B	Laclede, Phelps, and Pulaski	Apr. 1, 1941	July 1, 1942
	C	do	Aug. 1, 1950	Sept. 27, 1951
(173) Sedalia	B	Johnson and Pettis	Mar. 1, 1942	Dec. 1, 1942
	C	do	Jan. 1, 1952	Feb. 11, 1952
	A	In Henry County, the township and city of Windsor.	do	Mar. 3, 1952
(173b) St. Joseph	B	In Buchanan County, the city of St. Joseph and all unincorporated localities.	Jan. 1, 1941	Feb. 1, 1945
(174) St. Louis	B	In Missouri: The city of St. Louis; in St. Louis County, the cities of Beverly Hills, Brentwood, Clayton, Ferguson, Flordell Hills, Florissant, Jennings, Kinloch, Maplewood, Overland, Pagedale, Pine Lawn, Richmond Heights, Rock Hill, St. Ann, University City, Valley Park, Webster Grove, Wellston, the Villages of Bel-Ridge, Country Club Hills, Elmsdale, Hillsdale, Manchester, Marvin Terrace, Pasadena Park, Velda Village Hills and Vinita Terrace; in Jefferson County, the cities of Crystal City and Festus, the town of Kimmswick; and all unincorporated localities in the following counties: Jefferson, St. Charles, and St. Louis, except the cities of Glendale and Ladue.	Mar. 1, 1942	July 1, 1942
	B	In Illinois: In Madison County, the cities of Alton, Collinsville, Edwardsville, Granite City, Madison, and Venice, and the villages of Bethalto, Hartford, Livingston, and Williamson; in St. Clair County, the cities of East St. Louis and O'Fallon, and the villages of Cahokia, East Carondelet, Fairmont City, Marissa, Summerfield, and Washington Park; and all the unincorporated localities in the following counties: Madison and St. Clair, except the village of Freeburg.	do	do
Montana				
(175) Great Falls	B	In Cascade County, school districts 1, 5, 8, 9, 10, 17, 24, 25, 29, 48, 50, 52, 71, 72, 73, 74, 85, and 93, and the unincorporated area of Cascade County.	do	Nov. 1, 1942
	C	In Cascade County, school districts 1, 5, 8, 9, 10, 17, 24, 25, 29, 48, 50, 52, 71, 72, 73, 74, 85, and 93.	Sept. 1, 1950	Feb. 14, 1952
(175c) Missoula	B	In Missoula County, the city of Missoula and all unincorporated localities.	July 1, 1945	Aug. 1, 1946
(175d) Deer Lodge County	A	Deer Lodge County	Jan. 1, 1952	Sept. 4, 1952
(175e) Havre	B	In Hill County, the city of Havre and all unincorporated localities.	Jan. 1, 1946	Nov. 1, 1946
Nebraska				
(182) Sidney	A	Cheyenne	Aug. 1, 1950	Nov. 5, 1951
Nevada				
(184a) Hawthorne	A	In Mineral County, Hawthorne Township	do	Jan. 28, 1952
New Hampshire				
(185c) Coos County	B	In Coos County, the city of Berlin, the towns of Gorham, Lancaster, Northumberland, and Whitefield, and all unincorporated localities.	Jan. 1, 1946	Nov. 1, 1946
(186) Manchester	B	In Hillsboro County, the city of Manchester and all unincorporated localities.	Mar. 1, 1942	Nov. 1, 1942
New Hampshire—Con.				
(187) Portsmouth, New Hampshire; Kittery, Maine.	B	In Maine: In York County, the town of Kittery	Mar. 1, 1942	Dec. 1, 1942
	C	do	Mar. 1, 1952	Oct. 6, 1952
	A	In Maine: In York County, the towns of Berwick, Eliot, North Berwick, South Berwick, and York. In New Hampshire: In Rockingham County, the city of Portsmouth, and the towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton, and Stratham; Strafford County, except the towns of Middleton and New Durham.	do	Do.
New Jersey				
(187a) Atlantic County	B	In Atlantic County, the cities of Atlantic City, Egg Harbor City, Lenwood, Margate City, Pleasantville, Somers Point, and Ventnor City, the town of Hammonton, the township of Hamilton, the Borough of Longport and the unincorporated localities.	Sept. 1, 1943	June 1, 1944
(188a) Southern New Jersey	B	In Camden County, the cities of Camden and Gloucester City, the townships of Berlin, Gloucester, Haddon, Voorhees, and Winslow, the Boroughs of Audubon Park, Bellmawr, Berlin, Brooklawn, Chesilhurst, Collingswood, Gibbsboro, Hi-Nella, Lawnside, Lindenwold, Magnolia, Mount Ephraim, Oaklyn, Pine Hill, Runnemede and Woodlynne and all unincorporated localities in Camden County except those in the Boroughs of Audubon, Haddonfield, Haddon Heights, and Merchantville, and the township of Pennsauken; in Gloucester County, the city of Woodbury, the townships of Elk, Deptford, Greenwich, and West Deptford, the Boroughs of Clayton, Glassboro, National Park, Paulsboro, Swedesboro, and Wenonah and all unincorporated localities.	Mar. 1, 1942	July 1, 1942
	B	In Cumberland County, the cities of Millville and Vineland and all unincorporated localities in the Borough of Vineland and township of Landis in Cumberland County.	do	Dec. 1, 1942
(189) Paterson	B	In Bergen County, the cities of Englewood, Garfield, and Hackensack, the townships of Lyndhurst, Rochelle Park, South Hackensack, Teaneck, Wyckoff, the Boroughs of Alpine, Bergenfield, Bogota, Carlstadt, Cliffside Park, Cresskill, Demarest, Dumont, East Rutherford, Edgewater, Emerson, Fair Lawn, Fairview, Fort Lee, Hasbrouck Heights, Hillsdale, Leonia, Little Ferry, Lodi, Maywood, Midland Park, Montvale, Moonachie, New Milford, North Arlington, Northvale, Oradell, Palisades Park, Paramus, Ridgefield, River Edge, Tenafly, Waldwick, Wallington, Wood-Ridge, and the village of Ridgefield Park; Morris County, except the township of Jefferson; in Passaic County, the cities of Clifton, Passaic, and Paterson, the townships of Little Falls and Wayne, the Boroughs of Hawthorne, North Haledon, Pompton Lakes, Prospect Park, and West Paterson, and all unincorporated localities in Passaic County, and in Bergen County, except in the Boroughs of Allendale, Hohokus, Ramsey, Rutherford, and Saddle River, the village of Ridgewood, and the township of Mahawah.	do	July 1, 1942

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
New Jersey—Con.				
(189) Paterson—Con	C	Morris County, except the township of Jefferson	Sept. 1, 1950	Feb. 11, 1952
	A	In Morris County, the township of Jefferson	do	do
(190) Northeastern New Jersey.	B	In Essex County, the cities of East Orange, Newark, and Orange, the townships of Caldwell, Cedar Grove, Livingston, and Millburn, the towns of Belleville, Bloomfield, Irvington, Montclair, Nutley, West Orange, the Boroughs of Caldwell and Verona, and the village of South Orange; in Hudson County, the cities of Bayonne, Hoboken, Jersey City, and Union City, the townships of North Bergen and Weehawken, the towns of Harrison, Guttenberg, Kearny, Secaucus, West New York, and the Borough of East Newark; in Middlesex County, the cities of New Brunswick, Perth Amboy, and South Amboy, the townships of Cranbury, East Brunswick, Monroe, North Brunswick, Piscataway, Raritan, South Brunswick, and Woodbridge, the Boroughs of Carteret, Dunellen, Highland Park, Jamesburg, Metuchen, Middlesex, Sayreville, South Plainfield, and South River; Monmouth County, except the Borough of Allentown and the townships of Millstone and Upper Freehold; in Somerset County, the townships of Bridgewater, Franklin, and the Boroughs of Bound Brook, Manville, Raritan, Somerville, and South Bound Brook; and in Union County, the cities of Elizabeth, Linden, and Rahway, the townships of Cranford, Hillside, and Union, the town of Westfield, the Boroughs of Garwood, Roselle, and Roselle Park; and all unincorporated localities in Essex, Hudson, Middlesex, Monmouth, Somerset, and Union Counties.	Mar. 1, 1942	July 1, 1942
(191) Trenton	B	In Warren County, the town of Phillipsburg, the Borough of Alpha and all unincorporated localities in Warren County, except the townships of Blairstown, Franklin, Frelinghausen, Greenwich, Hardwick, Hope, Independence, Lopatcong, Mansfield, Oxford, Pahaquarry, Pohatcong, Washington, and White, the towns of Belvidere and Hackettstown, and the Borough of Washington.	do	Sept. 1, 1942
	B	In Hunterdon County, the city of Lambertville, the townships of Alexandria, Bethlehem, and Kingwood, the town of Clinton, and the Boroughs of Califon, Frenchtown, and Milford, and all unincorporated localities; In Mercer County, the city of Trenton, the townships of East Windsor, Ewing, Hamilton, and Lawrence, the Boroughs of Hopewell, Pennington, Princeton, and all unincorporated localities.	do	Nov. 1, 1942
New Mexico				
(193) Albuquerque	B	In Bernalillo County, the city of Albuquerque and all unincorporated localities.	do	Dec. 1, 1942
(193b) Lea County	A	Lea County	Feb. 1, 1952	July 1, 1952
(194) Clovis	A	Curry County; in Roosevelt County, election precincts 1, 3, 7, and 13.	Nov. 1, 1951	Jan. 14, 1952
(197) Roswell	B	In Chaves County, the city of Roswell, the town of Lake Arthur and all unincorporated localities.	Mar. 1, 1942	Oct. 1, 1942
	B	In Otero County, precincts 1, 2, and 3 and all unincorporated localities.	do	Dec. 1, 1942
	C	In Otero County, precincts 1, 2, and 3	Oct. 1, 1950	Nov. 1, 1951
(197a) San Juan	A	San Juan County	July 1, 1951	June 12, 1952
(197b) Espanola	B	In Rio Arriba County, the village of Espanola in precinct No. 28.	July 1, 1944	Sept. 1, 1946
North Carolina				
(213) Durham	B	In Durham County, the city of Durham and all unincorporated localities.	Mar. 1, 1942	Dec. 1, 1942
(214) Elizabeth City-Edenton.	B	In Pasquotank County, the city of Elizabeth City and all unincorporated localities.	do	Oct. 1, 1942
	B	In Chowan County, the town of Edenton and all unincorporated localities.	do	Aug. 1, 1943
North Carolina—Con.				
(215) Fayetteville	B	Cumberland and Hoke	Apr. 1, 1941	July 1, 1942
	C	do	Oct. 1, 1950	Dec. 27, 1951
(215b) Lenoir County	B	In Lenoir County, the cities of Kinston and La Grange.	Mar. 1, 1942	Oct. 1, 1942
	C	do	Aug. 1, 1951	Feb. 25, 1952
	A	Lenoir County, except the cities of Kinston and La Grange.	do	Do.
(216) Goldsboro	B	In Wayne County, the city of Goldsboro	Mar. 1, 1942	Oct. 1, 1942
(218) Jacksonville	B	Onslow	do	Nov. 1, 1942
	C	do	July 1, 1950	Oct. 15, 1951
(221) New Bern	B	Carteret and Craven	Mar. 1, 1942	Oct. 1, 1942
	C	do	July 1, 1950	Oct. 15, 1951
	A	Jones	do	Do.
(221a) Rocky Mount	B	In Edgecomb County, the city of Rocky Mount; all unincorporated localities in the townships of Rocky Mount and Stoney Creek in Nash County and No. 12 Township in Edgecomb County.	Mar. 1, 1943	Feb. 1, 1944
(221c) Plymouth	B	In Washington County, the towns of Plymouth	Jan. 1, 1944	Mar. 1, 1945
(221d) Fuquay Springs-Garner.	B	In Wake County, the towns of Fuquay Springs and Garner.	Mar. 1, 1944	Do.
(221e) Spencer	B	In Rowan County, the city of Spencer and the town of East Spencer.	July 1, 1945	Nov. 1, 1946
(223) Wilmington	B	In New Hanover County, the city of Wilmington and all unincorporated localities except those in the portion consisting of Wrightsville Beach and Harbor Island, which are situated approximately one mile east of the U. S. Inland Waterway, Carolina Beach, Kure Beach, Wilmington Beach, and Ft. Fisher Beach, which are within the territory bounded on the north by the U. S. Inland Waterway, on the east by the Atlantic Ocean, on the west by the Cape Fear River, and on the south by old Ft. Fisher remains.	Apr. 1, 1941	June 1, 1942
North Dakota				
(223d) Grand Forks	B	In Grand Forks County, the city of Grand Forks	Oct. 1, 1944	Jan. 1, 1946
	B	All unincorporated localities, if any, in the city of East Grand Forks in Polk County, Minn.	do	Do.
(223e) Bismarck-Mandan.	B	In Burleigh County, the city of Bismarck; and in Morton County, the city of Mandan.	Mar. 1, 1945	May 1, 1946
(223f) Jamestown	B	In Stutsman County, the city of Jamestown	Jan. 1, 1946	Nov. 1, 1946
(223g) Williston	A	Williams County; and that part of McKenzie County north of the south line of township No. 150.	Apr. 1, 1951	Aug. 14, 1952
Ohio				
(224) Akron	B	Summit County, except the villages of Hudson, Silver Lake, and Tallmadge and the city of Cuyahoga Falls.	Apr. 1, 1941	June 1, 1942
(226) Canton	B	Stark County, except the city of Massillon and the villages of Canal Fulton, Louisville, and North Canton, and that portion of the village of Minerva located in Stark County.	do	Do.
(226b) Chillicothe	B	In Ross County, the city of Chillicothe	Jan. 1, 1946	Nov. 1, 1946
(227) Cincinnati	B	In Ohio: In Butler County, the city of Hamilton, the villages of Jacksonburg and Seven Mile; and all unincorporated localities; in Clermont County, the villages of Amelia and Bethel, and all unincorporated localities; in Hamilton County, the cities of Cincinnati, Lincoln Heights, Lockland, and St. Bernard, and the villages of Addyston, Mariemont, Sharonville, and Terrace Park, and all unincorporated localities except those, if any, in the villages of Golf Manor, Harrison, Indian Hill, Mount Healthy, and Wyoming.	Mar. 1, 1942	Nov. 1, 1942
	B	In Kentucky: In Campbell County, the cities of Bellevue, Dayton, and Newport and all unincorporated localities, if any, in the city of Fort Thomas; in Kenton County, the cities of Ludlow and Winston Park, and all unincorporated localities.	do	

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Ohio—Continued				
(228) Cleveland	B	In Cuyahoga County, the cities of Brooklyn, Cleveland, and East Cleveland, the villages of Brook Park, Cuyahoga Heights, and Linndale, and all unincorporated localities except those, if any, in the cities of Bedford, Berea, Shaker Heights, and University Heights, and the villages of Bay, Beachwood, Bentleyville, Bratenahl, Brecksville, Brooklyn Heights, Chagrin Falls, Gates Mills, Highland Heights, Hunting Valley, Independence, Lyndhurst, Mayfield Heights, Moreland Hills, North Olmsted, North Royalton, Oakwood, Orange, Parkview, Pepper Pike, Seven Hills, Solon, Strongsville, Valley View, Warrensville Heights, Westlake, and West View.	July 1, 1941	June 1, 1942
(228a) Coal Grove-Hanging Rock-Chesapeake.	B	In Lawrence County, the cities of Coal Gove and Hanging Rock and the village of Chesapeake.	Mar. 1, 1942	Nov. 1, 1942
(229) Columbus	B	Franklin County, except the city of Upper Arlington, the villages of Riverlea, Westerville, and Worthington, and that part of the village of Canal Winchester located in Franklin County.	do	Do.
	B	In Licking County, the city of Newark and all unincorporated localities in the townships of Madison and Newark.	do	May 1, 1943
(230) Dayton	B	In Greene County, the village of Yellow Springs; in Montgomery County, the cities of Dayton and Oakwood, and all unincorporated localities.	Apr. 1, 1941	July 1, 1942
(233) South Amherst	B	In Lorain County, the village of South Amherst	July 1, 1941	Do.
(236a) Portsmouth	B	Scioto County, except the townships of Brush Creek, Madison, Raridan, and Vernon.	Jan. 1, 1946	Oct. 1, 1946
(237) Brady Lake-Windham.	B	In Portage County, the villages of Brady Lake and Windham and that portion of the village of Mogadore located therein.	Apr. 1, 1941	June 1, 1942
(238) Erie County-Oak Harbor.	B	Erie County, except the village of Milan and those islands in Lake Erie which are part of Erie County; in Ottawa County, the village of Oak Harbor.	Mar. 1, 1942	Oct. 1, 1942
(239) Sidney	B	In Shelby County, the city of Sidney and all unincorporated localities in Clinton Township.	do	Nov. 1, 1942
(241) Youngstown-Warren.	B	Mahoning and Trumbull	Apr. 1, 1941	June 1, 1942
(241a) Washington Courthouse.	B	In the township of Washington in Fayette County, the city of Washington and all unincorporated localities.	Oct. 1, 1943	Dec. 1, 1944
(241b) Zanesville	B	In Muskingum County, the city of Zanesville and all unincorporated localities in Springfield Township.	Mar. 1, 1945	May 1, 1946
(241c) Orrville	B	In Wayne County, the city of Orrville	July 1, 1945	Oct. 1, 1946
Oklahoma				
(242b) Ardmore	B	In Carter County, the cities of Ardmore and Wilson and all unincorporated localities.	July 1, 1943	Oct. 1, 1944
(243c) Maysville-Stratford.	B	In Garvin County, the city of Maysville and the town of Stratford.	July 1, 1945	Nov. 1, 1946
Oregon				
(252a) Condon	A	In Gilliam County, the election precincts of East Condon and West Condon.	July 15, 1951	July 1, 1952
(255) Umatilla County.	B	In Umatilla County, precincts 28, 29, 30, 31, 32, 32-A, 33, 33-A, 34, 37, 38, and 41.[1]	Mar. 1, 1942	Oct. 1, 1942
	C	In Umatilla County, precincts 28, 29, 31, 32, 32-A, 33, 33-A, 34, 37, 38, and 41.	Dec. 1, 1950	Feb. 11, 1952
	C	In Umatilla County, precinct 30	do	Mar. 18, 1952
Pennsylvania				
(257) Allentown-Bethlehem.	B	Lehigh County, except the townships of Heidelberg, Lower Macungie, Lower Milford, Lowhill, Lynn, Upper Macungie, Upper Milford, Washington, and Weisenberg, and the boroughs of Alburtis, Macungie and Slatington; and Northampton County, except the townships of Bushkill, Lehigh, Lower Mount Bethel, Moore, Plainfield, Upper Mount Bethel, and Washington, and the boroughs of Bangor, Chapman, East Bangor, Pen Argyl, Portland, Roseto, Walnutport, and Wind Gap.	Mar. 1, 1942	Sept. 1, 1942
Pennsylvania—Con.				
(258) Altoona-Johnstown.	B	In Blair County, the city of Altoona, the Borough of Duncansville, and all unincorporated localities, if any, in the townships of Allegheny, Antis, Blair, Frankstown, Logan, and Snyder, and the boroughs of Bellwood, Hollidaysburg, Newry and Tyrone; in Cambria County, the city of Johnstown, the townships of Barr, Cambria, Conemaugh, Elder, Lower Loder, Richland, Stonycreek, Susquehanna, and West Carroll, and the boroughs of Ashville, Barnesboro, Brownstown, Cresson, Dale, East Conemaugh, Ferndale, Franklin, Gallitzin, Geistown, Hastings, Lorain, Lilly, Nanty-Glo, Patton, Scalp Level, South Fork, Spangler, Summerhill, and all unincorporated localities; in Somerset County, the township of Jenner, the boroughs of Benson, Boswell, Central City, Hooversville, Jennerstown, Paint, Stoystown, and Windber, and all unincorporated localities, if any, in the townships of Black, Conemaugh, Lincoln, Ogle, Paint, Shade, Somerset, Summit, and Quemahoning, and in the boroughs of Garrett, Myersdale, and Rockwood.	Mar. 1, 1942	Nov. 1, 1942
(258a) Sayre-South Waverly.	B	In Bradford County, the boroughs of Sayre and South Waverly	Jan. 1, 1944	May 1, 1945
(261) Erie	B	In Erie County, the city of Erie	Mar. 1, 1942	July 1, 1942
(262) Harrisburg	B	Cumberland County, except the townships of Hopewell, Lower Mifflin, North Newton, Shippensburg, Southampton, South Newton and Upper Mifflin, and the boroughs of Lemoyne, Newburg, Newville, and Shippensburg; Dauphin County; and in Perry County, the townships of Penn, Rye, and Wheatfield, and the boroughs of Duncannon and Marysville.	do	Nov. 1, 1942
	B	In Franklin County, the township of Hamilton and the borough of Waynesboro.	do	Dec. 1, 1942
(262b) Lebanon	B	Lebanon County, except the borough of Richland	do	Nov. 1, 1942
	C	do	Mar. 1, 1951	Dec. 27, 1951
	A	In Lebanon County, the borough of Richland	do	do
(263) Lancaster-York	B	In Berks County, the township of Pike, and the boroughs of Birdsboro, Fleetwood, Hamburg, Kenhorst, Mohnton, Mt. Penn, Topton, and Womelsdorf; in Lancaster County, the city of Lancaster, the township of East Cocalico, and the boroughs of Columbia, East Petersburg, Elizabethtown, Manheim, Marietta, and Quarryville; in York County, the city of York, the townships of Fairview, Newberry, Springettsbury, Springfield, and the boroughs of Glen Rock and Red Lion.	Mar. 1, 1942	Nov. 1, 1942
(266) Philadelphia	B	In Bucks County, the townships of Bensalem, Bristol, Falls, Lower Makefield, Middletown, Newton, Nockamixon, Northampton, Upper Makefield, Wrightstown, the boroughs of Bristol, Hulmeville, Langhorne, Langhorne Manor, Morrisville, Newton, Penndel, Quakertown, Riegelsville, Sellersville, South Langhorne, Tullytown, and Yardley, and all unincorporated localities; in Chester County, the city of Coatesville, the townships of East Whiteland, Tredyffrin, West Caln, and Willistown, the boroughs of Atglen, Phoenixville, and West Chester, and all unincorporated localities; in Delaware County, the city of Chester, the townships of Darby, Lower Chichester, Marple, Radnor, Ridley, Tinicum, and Upper Darby, the boroughs of Clifton Heights, Collingdale, Colwyn, Edgystone, Folcroft, Glenolden, Lansdowne, Marcus Hook, Millbourne, Trainer, Upland, and Yeadon, and all unincorporated localities except those in the townships of Concord, the boroughs of Media, Rose Valley, and Swarthmore; in Montgomery County, the townships of Cheltenham, Lower Merion, and Lower Pottsgrove, the boroughs of Ambler, Bridgeport, Conshohocken, Hatboro, Jenkintown, Narberth, Norristown, Pottstown, Souderton, Telford, and West Conshohocken, and all unincorporated localities, except those in the borough of North Wales; and Philadelphia County.	do	July 1, 1942

[1] That which was designated under the 1940 U. S. Census in Umatilla County, Oreg., as precincts 28, 29, 31, 32, 33, and 34 is the equivalent in territory to that which is designated under the 1950 U. S. Census as precincts 28, 29, 31, 32, 32-A, 33, 33-A, 34, 37, 38, and 41.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania—Con.				
(266) Philadelphia—Con.	C	In Bucks County, the townships of Bensalem, Bristol, Falls, Lower Makefield, Middletown, Newton, Northampton, Upper Makefield, and Wrightstown, and the boroughs of Bristol, Hulmeville, Langhorne, Langhorne Manor, Morrisville, Newton, Penndell, South Langhorne, Tullytown, and Yardley.	Mar. 1, 1951	Nov. 5, 1951
(267) Pittsburgh	B	In Allegheny County, the cities of Clairton, Duquesne, McKeesport and Pittsburgh, the townships of Aleppo, Baldwin, Elizabeth, Forward, Harmar, Harrison, Indiana, Leet, Neville, Richland, Sewickley, South Fayette, South Versailles, Springdale, Stowe, West Deer, and Wilkins, the boroughs of Aspinwall, Baldwin, Blawnox, Breckenridge, Braddock, Braddock Hills, Brentwood, Bridgefield, Carnegie, Coraopolis, Dravosburg, East McKeesport, East Pittsburgh, Etna, Glassport, Glenfield, Heidelbert, Homestead, Leetsdale, McKees Rocks, Millvale, Munhall, North Braddock, Pitcairn, Port Vue, Rankin, Sharpsburg, Springdale, Swissvale, Tarentum, Turtle Creek, Verona, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin, White Oak, and Wilmerding, and all unincorporated localities in Allegheny County, except those in the townships of Crescent, Franklin, Mount Lebanon, Ohio, Penn, and Shaler, and the boroughs of Bethel, Churchill, Elizabeth, Ingram, Rosslyn, Farms, and Wilkinsburg; in Armstrong County, the township of Pine, the boroughs of Ford City, Kittanning, North Apollo, and West Kittanning, and all unincorporated localities; in Beaver County, the townships of Center, Hanover, Harmony, and Potter, the boroughs of Aliquippa, Baden, and Monaca, and that part of Beaver County north and east of the Ohio River (except the townships of Economy and Brighton and the boroughs of Ambridge, Beaver, and Conway), and all unincorporated localities in Beaver County, except those in the township of Brighton and the borough of Beaver.	Mar. 1, 1942	July 1, 1942
		In Fayette County, the cities of Connellsville and Uniontown, the townships of Dunbar, German, Perry, Redstone, and Washington, the boroughs of Belle Vernon, Brownsville, Dawson, Dunbar, Everson, Fairchance, Fayette City, Masontown, South Connellsville, and Vanderbilt, and all unincorporated localities except those in the townships of Henry Clay, Stewart, and Wharton; in Lawrence County, the boroughs of Bessemer and Elwood City, and all unincorporated localities except those in the borough of New Wilmington; in Washington County, the cities of Monongahela and Washington, the townships of Canton, East Pike Run, North Strabane, Smith, and South Strabane, the boroughs of Allenport, Beallsville, Bentleyville, California, Canonsburg, Centreville, Charleroi, Coal Center, Cokeburg, Donora, Dunlevy, Ellsworth, McDonald, New Eagle, North Charleroi, Roscoe, West Brownsville, and all unincorporated localities except those in the townships of East Finley, Morris, South Franklin, and West Finley; in Westmoreland County, the cities of Arnold, Jeannette, Monessen, and New Kensington, the townships of East Huntingdon, Rostraver, Unity, and Upper Burrell, the towns of East Vandergrift and Oklahoma, the boroughs of Export, Irwin, Mount Pleasant, North Belle Vernon, North Irwin, Penn, Scottdale, Trafford, Vandergrift, and West Newton, and all unincorporated localities.		
	C	That part of Beaver County north and east of the Ohio River, except the townships of Brighton, Economy, and Harmony, and the boroughs of Ambridge, Baden, Beaver, and Conway, and that part of the borough of Ellwood City which lies in Beaver County.	Oct. 1, 1950	Feb. 28, 1952
(269a) Scranton-Wilkes-Barre	B	In Carbon County, the townships of Franklin, Mahoning, and Packer, the boroughs of Bowmanstown, East Mauch Chunk, Lansford, Lehighton, Mauch Chunk, Palmerton, Parryville, Summit Hill, and Weissport; in Lackawanna County, the cities of Carbondale and Scranton, the townships of Carbondale, Ransom, and Spring Brook, the town of Olyphant, the boroughs of Archbald, Blakely, Dickson City, Dunmore, Jermyn, Mayfield, Moosic, Old Forge, Taylor, Throop, Vandling, and Winton, and the village of Thornhurst; in Luzerne County, the cities of Hazelton, Nanticoke, Pittston, and Wilkes-Barre, the townships of Conyngham, Dallas, Fairview, Foster, Jenkins, Newport, Plains, Plymouth, and Wilkes-Barre, the boroughs of Ashley, Avoca, Dupont, Duryea, Edwardsville, Exeter, Freeland, Hughestown, Kingston, Laflin, Larksville, Luzerne, Plymouth, Pringle, Sugar Notch, Swoyersville, Warrior Run, West Hazleton, West Pittston, West Wyoming, White Haven, and Wyoming; in Schuylkill County, the city of Pottsville, the townships of Barry, Blythe, Kline, and North Manheim, the towns of Mount Carbon and Schuylkill Haven, and the boroughs of Ashland, Coaldale, Cressona, Frackville, Gilberton, Girardville, Mahanoy City, Meadow, Middleport, Minersville, New Philadelphia, Pine Grove, Port Carbon, Ringtown, Saint Clair, Shenandoah, and Tamaqua.	Mar. 1, 1946	June 1, 1946
(269b) Port Matilda	B	In Centre County, the borough of Port Matilda	Jan. 1, 1946	Sept. 1, 1946
(270) Sharon-Farrell	B	In Mercer County, the cities of Farrell and Sharon, the townships of Coolspring, Findley, Hempfield, Hickory, Pine, Pymatuning, Shenango, South Pymatuning, Springfield, and West Salem, and the boroughs of Clarksville, Greenville, Grove City, Mercer, Sharpsville, Wheatland, and West Middlesex.	Apr. 1, 1941	July 1, 1942
(270a) Youngsville	B	In Warren County, the borough of Youngsville	Mar. 1, 1942	Oct. 1, 1942
(272) Williamsport	B	In Lycoming County, the city of Williamsport, the townships of Armstrong, Clinton, Loyalsock, and Old Lycoming, the boroughs of Duboistown, Montgomery, Montoursville, and South Williamsport.	do	Nov. 1, 1942
	C	do	Jan. 1, 1952	Sept. 29, 1952
	A	In Lycoming County, the townships of Anthony, Bastress, Brady, Eldred, Fairfield, Hepburn, Limestone, Lycoming, Mifflin, Mill Creek, Muncy, Muncy Creek, Nippenose, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf, and Woodward, and the boroughs of Hughesville, Jersey Shore, Muncy, Picture Rocks, and Salladasburg.	do	Do.
	B	In Northumberland County, the city of Sunbury and the borough of Northumberland; in Snyder County, the borough of Selinsgrove; and in Union County, the borough of Lewisburg.	Mar. 1, 1942	Dec. 1, 1942
	B	In Clinton County, the borough of Renovo	do	Feb. 1, 1944
Rhode Island				
(273) Newport	B	In Newport County, the city of Newport, the towns of Little Compton, Middletown, Portsmouth, and Tiverton.	do	Oct. 1, 1942
	C	In Newport County, the city of Newport, the towns of Middletown, Portsmouth, and Tiverton.	Nov. 30, 1951	May 26, 1952
(274) Providence	B	In Bristol County, the towns of Barrington, Bristol, and Warren, and all unincorporated localities; in Kent County the city of Warwick, the towns of Coventry, East Greenwich, and West Warwick, and all unincorporated localities; in Providence County, the cities of Central Falls, Cranston, Pawtucket, Providence, and Woonsocket, the towns of Burrillville, Cumberland, East Providence, Johnston, Lincoln, North Providence, North Smithfield, and Smithfield, and all unincorporated localities.	Mar. 1, 1942	Nov. 1, 1942

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Rhode Island—Con.				
(275) Westerly-North Kingstown.	B	In Washington County, the towns of North Kingstown and Westerly.	Mar. 1, 1942	Nov. 1, 1942
South Carolina				
(276) Beaufort	B	Beaufort	do	Apr. 15, 1943
	C	do	Sept. 1, 1950	Jan. 16, 1952
	A	In Hampton County, that part of the town of Yemassee located therein.	do	do
(276a) Aiken	A	Aiken	July 1, 1950	Sept. 20, 1951
	A	Allendale and Barnwell	May 1, 1951	do
(277) Charleston County.	B	All unincorporated areas in Charleston County except those in the town of Mount Pleasant and the township of Folly Island.	Mar. 1, 1942	Aug. 1, 1942
(278) Sumter	B	Sumter	do	Dec. 1, 1942
	C	do	Feb. 1, 1951	May 15, 1952
(280b) Orangeburg	A	Bamberg County and Orangeburg County, except the townships of Ellloree, Eutaw, Holly Hill, Providence, and Vance.	Jan. 1, 1952	Aug. 11, 1952
South Dakota				
(280a) Aberdeen	B	In Brown County, the city of Aberdeen	Oct. 1, 1944	Jan. 1, 1946
(281c) Huron	B	In Beadle County, the city of Huron	July 1, 1945	Nov. 1, 1946
(284) Rapid City-Sturgis.	B	In Meade County, Township 5 North, Range 5 East of the Black Hills Meridian, and the city of Sturgis; and in Pennington County, Township 1 North and Township 2 North, Ranges 7 East to 9 East, both inclusive, and Township 1 South, Range 7 East and the city of Rapid City.	Mar. 1, 1942	Oct. 1, 1942
	C	do	July 1, 1950	Nov. 7, 1951
	A	In Meade County, that portion lying west of the Black Hills guide meridian, except Township 5 North, Range 5 East of the Black Hills meridian, and the city of Sturgis; and in Pennington County, Township 1 South, Range 8 East.	do	Do.
(285) Sioux Falls	B	In Minnehaha County, the city of Sioux Falls, and all unincorporated localities, if any, in the city of South Sioux Falls, and the township of Sioux Falls.	Mar. 1, 1942	Nov. 1, 1942
Tennessee				
(288) Clarksville	B	Montgomery	do	Sept. 1, 1942
	C	do	Oct. 1, 1950	Nov. 30, 1951
(292b) Oak Ridge	B	In Anderson and Roane Counties, the community known as Oak Ridge	Mar. 1, 1942	Aug. 1, 1943
(293) Memphis	B	In Shelby County, the cities of Memphis and Millington, and all unincorporated localities	do	Oct. 1, 1942
(295) Nashville	B	In Rutherford County, civil districts 1, 2, 3, 4, 5, 6, 7, 9, 13, 15, 16, 17, 19, 21, and 22.	do	Dec. 1, 1942
	C	do	Jan. 1, 1951	Feb. 25, 1952
(297) Waverly-Camden	A	Benton and Humphreys	Oct. 1, 1951	Oct. 1, 1952
Texas				
(303) Howard County	A	Howard	Dec. 1, 1951	Jan. 22, 1952
(305) Borger	A	Hutchinson	Feb. 1, 1951	Sept. 20, 1951
(308) Calhoun County	A	Calhoun	Jan. 1, 1952	May 22, 1952
(309) Kingsville	A	In Kleberg County, precincts 1, 2, and 3; precincts 3, 4, 5, and 8 in Nueces County, except the city of Agua Dulce.	Apr. 1, 1951	Jan. 10, 1952
(319c) Brazoria	A	Brazoria	Sept. 1, 1950	Sept. 20, 1951
(320) Florence-Killeen	A	Bell County, except the city of Temple; Coryell County; and in Williamson County, precincts 4 and 5.	July 1, 1950	Oct. 23, 1951
(321) Laredo	A	That portion of Webb County within a 10-mile radius of the Administration Building of the Laredo Air Force Base, including the city of Laredo.	Apr. 1, 1952	Apr. 15, 1952
(323a) Mineral Wells	A	Palo Pinto and Parker	Mar. 1, 1951	Nov. 1, 1951
(323b) Hondo	A	Medina County, except the city of Devine	July 1, 1951	Jan. 10, 1952
(324) Mount Pleasant-Dangerfield.	A	Camp County; in Cass County, precincts 1, 2, and 8; in Marion County, precincts 1, 2, and 6; Morris County; and in Titus County, precincts 1, 4, 5, 6, and 7.	Apr. 1, 1951	Nov. 26, 1951
	A	In Marion County, precinct 3	do	Jan. 15, 1952
	A	In Upshur County, precincts 2, 6, and 8	do	Mar. 6, 1952
(324a) Milam County	A	Milam	Jan. 1, 1952	May 1, 1952
(328) San Marcos	A	Caldwell, Comal, Guadalupe, and Hays	Mar. 1, 1951	Jan. 10, 1952
(333) Wichita Falls	A	Wichita	Sept. 1, 1950	Jan. 14, 1952
Utah				
(336) Tooele	A	In Tooele County, that portion lying east of the Great Salt Lake Desert; and in Salt Lake County, precinct 4.	July 1, 1950	Oct. 1, 1951
Vermont				
(337a) Burlington	B	In Chittenden County, the cities of Burlington and Winooski, and all unincorporated localities in the town of South Burlington.	Mar. 1, 1943	Nov. 1, 1943
(337c) Montpelier	B	In Washington County, the cities of Barre and Montpelier.	Jan. 1, 1946	Oct. 1, 1946
Virginia				
(339) Arlington County	B	The unincorporated area of Arlington County	Aug. 1, 1952	Sept. 29, 1952
(340) Blackstone	A	In Brunswick County, the magisterial districts of Red Oak, Sturgeon, and Totaro; in Dinwiddie County, the magisterial district of Darvills; Lunenburg County; and Nottoway County.	Aug. 1, 1950	Nov. 7, 1951
(341c) Fredericksburg-Stafford County.	A	Independent city of Fredericksburg; and Stafford County.	Jan. 1, 1951	Jan. 17, 1952
(342) Norfolk	A	Independent cities of Norfolk, South Norfolk, and Virginia Beach; the County of Princess Anne; and in Norfolk County, the magisterial districts of Butts Road, Tanners Creek, and Washington.	July 1, 1951	Nov. 1, 1951
(342a) Portsmouth	A	Independent city of Portsmouth; and in Norfolk County, the magisterial districts of Deep Creek, Pleasant Grove and Western Branch.	do	Do.
(342e) Newport News	A	Independent cities of Hampton and Newport News; the counties of Warwick, Elizabeth City, and York.	Apr. 1, 1951	Nov. 15, 1951
(343a) Quantico	A	Prince William	Jan. 1, 1951	Jan. 17, 1952
Washington				
(348) Snohomish County.	B	In Snohomish County, the city of Arlington, towns of Gold Bar, Index, and Monroe, and the unincorporated areas of said county, except those, if any, in the cities of Edmonds, Granite Falls, and Snohomish, and in the towns of East Stanwood, Marysville, Stanwood, and Sultan.	Mar. 1, 1942	Oct. 1, 1942
(348a) Whidbey Island	B	Island	do	Dec. 1, 1942
	B	In Skagit County, the city of Anacortes, the precincts of Conway, Dewey, Fidalgo, Fir, Harmony, Milltown, North Avon, North La Connor, South Avon, South La Connor, Swinomish, and Whitney, and Mount Vernon precincts 1, 2, 3, 4, 5, 6, 7, 8, and 9, except the city of Mount Vernon.	do	Nov. 1, 1943
	C	Island County; and in Skagit County, the city of Anacortes, the precincts of Conway, Dewey, Fidalgo, Fir, Harmony, Milltown, North Avon, North La Connor, South Avon, South La Connor, Swinomish, and Whitney, and Mount Vernon precincts 1, 2, 3, 4, 5, 6, 7, 8, and 9, except the city of Mount Vernon.	Feb. 1, 1951	Jan. 23, 1952
	A	In Skagit County, the city of Mount Vernon	do	Do.
(340) Othello	A	In Adams County, Othello election precinct	Nov. 1, 1950	Jan. 9, 1952
(351) Port Townsend	A	In Jefferson County, the precincts of Center, Chimacum, Coyle, Gardiner, Hadlock, Irondale, Leland, Nordland, Port Discovery, Port Ludlow, Quilcene, Tarboo, Woodman, and all Port Townsend precincts.	Feb. 1, 1951	Feb. 13, 1952
(352a) Republic-Curlew	A	In Ferry County, Census County Divisions 2 and 3, including the village of Curlew and the town of Republic.	do	July 1, 1952
(352b) Bremerton	A	Kitsap	May 1, 1951	Oct. 15, 1951
(353a) Wenatchee	A	In Chelan County, the election precincts of Appleyard, Canyon, Lewis and Clark, Lincoln, Malaga, Millerdale, Monitor, Sunnyslope, Suburban, and Wenatchee city election precincts; in Douglas County, the election precincts of Cascade, East Wenatchee, Highline, Majestic, North Bridge, Rock Island, South Bridge, and Valley.	Jan. 1, 1952	June 16, 1952
(353b) Bridgeport	A	In Douglas County, census division 2; in Okanagon County, census division 8.	Apr. 1, 1952	Do.
(354) Walla Walla	B	In Walla County, the city of Walla Walla, and all unincorporated localities except those in the precincts of Attalia, Burbank, and Wallula.	Mar. 1, 1942	Oct. 1, 1942
	B	In Franklin County, the town of Connell, and all unincorporated localities except those in the precincts of Eltopia, Ringold, Fishhook, Riverview, and Pasco 1, 2, 3, 4, 5, 6, and 7.	do	Nov. 1, 1942

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Washington—Con.				
(354a) Kennewick-Pasco-Richland.	B	In Benton County, the precincts of Finley, Kennewick, Kennewick Gardens, Kennewick Valley, Richland, and South Kennewick.	Mar. 1, 1942	Jan. 1, 1943
	B	Benton County, except the precincts of Finley, Kennewick, Kennewick Gardens, Kennewick Valley, Richland, and South Kennewick.	Mar. 1, 1943	Apr. 1, 1944
	B	In Franklin County, the precincts of Eltopia, Fishhook, Ringold, Riverview, and Pasco 1, 2, 3, 4, 5, 6, and 7.	Mar. 1, 1942	Nov. 1, 1942
	B	In Walla Walla County, the precincts of Attalia, Burbank, and Wallula.	do	Oct. 1, 1942
	C	Benton County; in Franklin County, the precincts of Eltopia, Fishhook, Ringold, Riverview and Pasco 1, 2, 3, 4, 5, 6, and 7; and in Walla Walla County, the precincts of Attalia, Burbank, and Wallula.	Apr. 1, 1951	Nov. 5, 1951
	A	In Yakima County, the precincts of Belma, Byron, Mabton, Mabton Rural, North Grandview, South Grandview, Sunnyside 1, 2, and 3, Sunnyside Rural 1, 2, 3, and 4, Wanita, and Wendell Phillips.	do	Do.
West Virginia				
(354b) Bluefield	B	In Mercer County, the cities of Bluefield, and Princeton, the town of Bramwell, the townships of Matoaka and Oakvale and the unincorporated area.	Jan. 1, 1945	Apr. 1, 1946
	B	In McDowell County, the cities of War, Welch, the town of Northfork, the townships of Anawalt, Davy, Iaeger, Keystone, and Kimball, and the unincorporated area; in Raleigh County, the town of Sophia, the township of Rhodell, and and the unincorporated area.	do	May 1, 1946
(355) Kanawha County-Nitro.	B	In Kanawha County, the cities of Clendenin and St. Albans, and that portion of the city of Nitro located therein, the towns of Cedar Grove, Chesapeake, East Bank, Glasgow, Marmet, Montgomery, and Pratt, and the unincorporated area of Kanawha County.	Mar. 1, 1942	Dec. 1, 1942
	B	In Putnam County, that portion of the city of Nitro located therein.	do	Aug. 1, 1943
(355a) Clarksburg	B	In Harrison County, the cities of Anmore, Clarksburg, and Stonewood, the town of West Milford, and the unincorporated area of the county except that in the town of Lumberport.	June 1, 1944	June 1, 1945
(356) Ceredo-Wayne-Kenova.	B	In Wayne County, the cities of Kenova and Wayne, and the town of Ceredo.	Mar. 1, 1942	Nov. 1, 1942
(356b) Logan	B	In Logan County, the city of Logan, the town of Mitchell Heights, the township of West Logan, and the unincorporated area.	Oct. 1, 1943	May 1, 1945
(356c) Ridgeley	B	In Mineral County, the town of Ridgeley	Oct. 1, 1944	Mar. 1, 1946
(357) Marion-Monongalia Counties.	B	In Marion County, the city of Farmington, the towns of Grant Town and Monongah; in Monongalia County, the city of Westover, the towns of Granville and Star City, and the unincorporated area.	Apr. 1, 1941	July 1, 1942
(357a) Parkersburg	B	In West Virginia: In Wood County, the cities of Parkersburg and Vienna, and all unincorporated localities in the magisterial districts of Parkersburg, Lubeck, and Tygart.	Mar. 1, 1945	Apr. 1, 1946
	B	In Ohio: In Washington County, all unincorporated localities in the townships of Marietta and Muskingum.	do	Do.
(359) Steubenville, Ohio-Panhandle, West Virginia.	B	In West Virginia: In Brooke County, the cities of Bethany and Follansbee and that part of the city of Weirton located therein; in Hancock County, the city of Chester, and that part of the city of Weirton located therein, and the town of New Cumberland, and all unincorporated localities; in Marshall County, the cities of Benwood, Glen Dale, McMechen, and Moundsville.	Mar. 1, 1942	Nov. 1, 1942
	B	In Ohio: In Belmont County, the cities of Bellaire, Flushing, Holloway, Martins Ferry, and that part of the city of Yorkville located therein, the villages of Barnesville, Belmont, Bridgeport, and Powhatan Point; in Columbiana County, the cities of East Liverpool and East Palestine and that part of the village of Washingtonville located therein; in Jefferson County, the cities of Adena, Amsterdam, Bergholz, Smithfield, Steubenville, Toronto, and that portion of the city of Yorkville located therein, and the villages of Mingo Junction, Mount Pleasant, Rayland, and Tiltonsville.	Mar. 1, 1942	Nov. 1, 1942
Wisconsin				
(364) Milwaukee	A	Milwaukee	Nov. 1, 1951	Oct. 27, 1952
(366) Sparta	A	Monroe	Sept. 1, 1950	Jan. 8, 1952
Wyoming				
(368) Casper	B	In Natrona County, the city of Casper	Sept. 30, 1952	Oct. 8, 1952
Alaska				
(370) Alaska	B	In the Territory of Alaska, the cities of Douglas, Juneau, and Sitka, the towns of Petersburg and Skagway, and all the area within a 20-mile radius surrounding the post office of each of the following localities: the city of Anchorage, the city of Fairbanks, Eielson Air Force Base, Elmendorf Air Force Base, Ladd Air Force Base, and Fort Richardson.	Mar. 1, 1942	Nov. 1, 1942
	C	In the Territory of Alaska, all the area within a 20-mile radius surrounding the post offices of each of the following localities: the city of Anchorage, the city of Fairbanks, Eielson Air Force Base, Elmendorf Air Force Base, Ladd Air Force Base, and Fort Richardson.	July 1, 1950	Oct. 1, 1951
	C	In the Territory of Alaska, Kodiak Island	do	Jan. 21, 1952
Puerto Rico				
(371) Puerto Rico	B	In Puerto Rico, the city of San Juan, and all municipalities except Rio Piedras.	Oct. 1, 1942	Feb. 1, 1944

2. The following items of Schedule A of Rent Regulation 1 are amended to read as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
California				
(34) Richmond-Vallejo	B	In Contra Costa County, the cities of Richmond and San Pablo, the town of Pinole, townships 5, 6, 8, 9, 13, 16, and 17 (except the city of Brentwood); and all unincorporated localities except those, if any, in the cities of Brentwood, El Cerrito, Martinez, and Walnut Creek; and Solano County.	Jan. 1, 1941	Aug. 1, 1942
	C	In Contra Costa County, townships 5, 6, 8, 9, 13, 16, and 17, except the city of Brentwood.	Sept. 1, 1950	Jan. 14, 1952
	C	Solano	do	Oct. 23, 1951
	A	In Contra Costa County, the city of Brentwood	do	Jan. 14, 1952
Illinois				
(91) Champaign-Vermilion.	B	In Champaign County, the village of Rantoul, and all unincorporated localities except those, if any, in the cities of Champaign and Urbana and in the village of St. Joseph.	Mar. 1, 1942	Sept. 1, 1942
Louisiana				
(131) Lake Charles	B	Parish of Calcasieu	do	Apr. 15, 1943
	C	Parish of Calcasieu	Aug. 1, 1951	July 10, 1952

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Maryland				
(140) Hagerstown	B	In Washington County, the city of Hagerstown, the towns of Boonsboro and Williamsport, and the unincorporated localities in Washington County, except those in election districts 1, 8, 9, 11, 12, 14, and 20.	Mar. 1, 1942	Sept. 1, 1942
New Jersey				
(190a) Mount Holly-Lakehurst	B	Burlington County, except the townships of Bass River, Medford, Shamong, Tabernacle, Washington, and Woodland, and the borough of Medford Lakes in Medford Township.	do	July 1, 1942
	B	In Ocean County, the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted, and the boroughs of Beachwood, Island Heights, Lakehurst, Ocean Gate, Pine Beach, and South Toms River.	Feb. 1, 1944	Apr. 1, 1945
	C	Burlington County, except the townships of Bass River, Medford, Shamong, Tabernacle, Washington, and Woodland, and the borough of Medford Lakes in Medford Township; in Ocean County, the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted, and the boroughs of Beachwood, Island Heights, Lakehurst, Ocean Gate, Pine Beach, and South Toms River.	Aug. 1, 1950	Nov. 7, 1951

3. The following items of Schedule A of Rent Regulation 2 are amended to read as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
California				
(34) Richmond-Vallejo	B	In Contra Costa County, the cities of Richmond and San Pablo, the town of Pinole, townships 5, 6, 8, 9, 13, 16, and 17 (except the city of Brentwood); and all unincorporated localities except those, if any, in the cities of Brentwood, El Cerrito, Martinez, and Walnut Creek.	Jan. 1, 1941	Aug. 1, 1942
	C	In Contra Costa County, townships 5, 6, 8, 9, 13, 16, and 17, except the city of Brentwood.	Sept. 1, 1950	Jan. 14, 1952
	A	In Contra Costa County, the city of Brentwood	do	Oct. 23, 1951
Illinois				
(91) Champaign-Vermilion.	B	In Champaign County, the village of Rantoul and all unincorporated localities except those, if any, in the cities of Champaign and Urbana and in the village of St. Joseph.	Mar. 1, 1942	Sept. 1, 1942
Louisiana				
(131) Lake Charles	A	Parish of Calcasieu	Aug. 1, 1951	July 10, 1952
New Jersey				
(190a) Mount Holly-Lakehurst.	B	Burlington County, except the townships of Bass River, Medford, Shamong, Tabernacle, Washington, and Woodland, and the borough of Medford Lakes in Medford Township.	Mar. 1, 1942	July 1, 1942
	C	do	Aug. 1, 1950	Nov. 7, 1951
	A	In Ocean County, the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted, and the boroughs of Beachwood, Island Heights, Lakehurst, Ocean Gate, Pine Beach, and South Toms River.	do	Do.

4. Schedule A of Rent Regulations 1 and 2 are further amended by adding at the end thereof the following:

Notwithstanding the previous provisions of this Schedule A, this regulation remains in effect for class B housing accommodations in any locality in which rent control was continued beyond September 30, 1952, under the provisions of section 204 (f) (1) of the act, until such locality is decontrolled under the provisions of the act.

For such housing accommodations the maximum rent dates and effective dates of regulation remain the same as were in effect on September 30, 1952.

[F. R. Doc. 52-11930; Filed, Nov. 5, 1952; 8:55 a. m.]

[Rent Regulation 1, Amdt. 87 to Schedule A]

[Rent Regulation 2, Amdt. 85 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

OHIO, NEW JERSEY, MINNESOTA AND WYOMING

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective November 6, 1952, Schedules A of Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 4th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. The items of Schedule A of Rent Regulation 1 and Rent Regulation 2 set forth below are amended to read as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Ohio				
(236a) Portsmouth-Chillicothe.	B	In Ross County, the city of Chillicothe	Jan. 1, 1946	Nov. 1, 1946
	C	do	Aug. 1, 1952	Nov. 6, 1952
	B	Scioto County, except the townships of Brush Creek, Madison, Rarden, and Vernon.	Jan. 1, 1946	Oct. 1, 1946
	C	do	Aug. 1, 1952	Nov. 6, 1952
	A	Ross County, except the city of Chillicothe; in Scioto County, the townships of Brush Creek, Madison, Rarden, and Vernon; Jackson and Pike Counties.	do	Do.
New Jersey				
(190) Northeastern New Jersey.	B	In Essex County, the cities of East Orange, Newark, and Orange, the townships of Caldwell, Cedar Grove, Livingston, and Millburn, the towns of Belleville, Bloomfield, Irvington, Montclair, Nutley, West Orange, the boroughs of Caldwell and Verona, and the village of South Orange; in Hudson County, the cities of Bayonne, Hoboken, Jersey City, and Union City, the townships of North Bergen and Weehawken, the towns of Harrison, Guttenberg, Kearney, Secaucus, West New York, and the borough of East Newark; in Middlesex County, the cities of New Brunswick, Perth Amboy, and South Amboy, the townships of Cranbury, East Brunswick, Monroe, North Brunswick, Piscataway, Raritan, South Brunswick, and Woodbridge, the boroughs of Carteret, Dunellen, Highland Park, Jamesburg, Metuchen, Middlesex, Sayreville, South Plainfield, and South River; Monmouth County, except the borough of Allentown and the townships of Millstone and Upper Freehold; in Somerset County, the townships of Bridgewater, Franklin, and the boroughs of Bound Brook, Manville, Raritan, Somerville, and South Bound Brook; in Union County, the cities of Elizabeth, Linden, and Rahway, the townships of Cranford, Hillside, and Union, the town of Westfield, the boroughs of Garwood, Roselle, and Roselle Park; and all unincorporated localities in Essex, Hudson, Middlesex, Monmouth, Somerset, and Union Counties.	Mar. 1, 1942	July 1, 1942

2. Item 89 of Schedule A of Rent Regulation 4 is amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(89) East Moline-Silvis	Illinois	Rock Island County, except the cities of Moline and Rock Island, and all unincorporated localities	Oct. 1, 1950	Sept. 20, 1951
	Iowa	Scott County except the cities of Bettendorf and Davenport, and all unincorporated localities.	do	Do.

[F. R. Doc. 52-11931; Filed, Nov. 5, 1952; 8:55 a. m.]

[Rent Regulation 3, Amdt. 91 to Schedule A]
[Rent Regulation 4, Amdt. 35 to Schedule A]

RR 3—HOTELS
RR 4—MOTOR COURTS
SCHEDULE A—DEFENSE-RENTAL AREAS
MINNESOTA, NEW JERSEY, OHIO AND WYOMING

These amendments are issued as a result of Joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective November 6, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 4th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(189) Duluth	Minnesota	All of St. Louis County lying north of the southern boundary of township 52, and all of Itasca County lying east of the third guide meridian.	Aug. 1, 1952	Nov. 6, 1952
(190) Northeastern New Jersey	New Jersey	Monmouth County, except the boroughs of Allentown and Roosevelt, and the townships of Upper Freehold, Millstone and Upper Freehold.	do	Do.
(236a) Portsmouth-Chillicothe	Ohio	Scioto, Pike, Ross and Jackson Counties	do	Do.
(368) Casper	Wyoming	Natrona County	do	Do.

[F. R. Doc. 52-11966; Filed, Nov. 6, 1952; 8:51 a. m.]

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
New Jersey—Con.				
(190) Northeastern New Jersey—Con.	C	Monmouth County, except the boroughs of Allentown and Roosevelt, and the townships of Millstone and Upper Freehold.	Aug. 1, 1952	Nov. 6, 1952
Minnesota				
(189) Duluth	B	In Carlton County, the city of Cloquet and all unincorporated localities; in St. Louis County, the cities of Biwabik, Chisholm, Duluth, Ely, Eveleth, Gilbert, Tower, and Virginia, the township of Fayal, the villages of Aurora, Buhl, Hibbing, Mt. Iron, and Proctor and all unincorporated localities in the area bounded by the northern boundary of Township 52, including any of the localities previously mentioned which might be located therein.	Mar. 1, 1942	Nov. 1, 1942
	C	All of St. Louis County lying north of the southern boundary of Township 52.	Aug. 1, 1952	Nov. 6, 1952
	A	All of Itasca county lying east of the third guide meridian.	do	Do.
Wyoming				
(368) Casper	B	In Natrona County, the city of Casper	Sept. 20, 1952	Oct. 8, 1952
	C		Aug. 1, 1952	Nov. 6, 1952
	A	Natrona County, except the city of Casper	do	Do.

2. All of item (226b) is deleted. This eliminates the Chillicothe, Ohio, Defense-Rental Area as a separate defense-rental area. By this amendment, it has been made a part of the Portsmouth-Chillicothe, Ohio, Defense-Rental Area, Item (236a).

[F. R. Doc. 51-11965; Filed, Nov. 6, 1952; 8:51 a. m.]

[Rent Regulation 3, Amdt. 90 to Schedule A]
[Rent Regulation 4, Amdt. 34 to Schedule A]

RR 3—HOTELS
RR 4—MOTOR COURTS
SCHEDULE A—DEFENSE-RENTAL AREAS
CERTAIN STATES

Effective November 5, 1952, Schedules A of Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. Rent Regulation 3 and Rent Regulation 4 are amended so that the following items of Schedule A thereof read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(102) Gary	Indiana	Lake County, except the cities of Crown Point, East Chicago, Hammond, Hobart, and Whiting, the towns of East Gary, Griffith, Highland, and Munster, and the townships of Cedar Creek, Eagle Creek, and West Creek.	Jan. 1, 1951	June 12, 1952
(128) Hopkinsville	Kentucky	In Christian County	Oct. 1, 1950	Nov. 30, 1951
(129) Leesville-De Ridder	Louisiana	In Beauregard Parish, wards 2, 3, 4, 5, 7, and 8; and Vernon Parish.	Aug. 1, 1950	Nov. 7, 1951
(288) Clarksville	Tennessee	In Montgomery County, the city of Trenton	Aug. 1, 1951	July 10, 1952
(320) Florence-Killeen	Texas	Bell, Coryell, and Williamson Counties, precincts 4 and 5.	July 1, 1950	Nov. 10, 1951 Oct. 24, 1951

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[412.6]

DARTHRONOL AND HEPTUNA CAPSULES

PROSPECTIVE TARIFF CLASSIFICATION

OCTOBER 31, 1952.

It appears probable that darthronol and heptuna capsules composed in part of niacinamide and riboflavin derived from coal tar are properly classifiable under the provision in paragraph 28 (a), Tariff Act of 1930, for "all mixtures, including solutions, consisting in whole or in part of any of the articles or materials provided for in this paragraph, excepting mixtures of synthetic odoriferous or aromatic chemicals," at a rate of duty higher than that heretofore assessed under a uniform practice established as a result of the United States Customs Court's decision published as C. D. 1313.

Pursuant to § 16.10a (d), Customs Regulations of 1943, notice is hereby given that the existing uniform practice of classifying such merchandise under the provisions of paragraph 23 as medicinal substances in capsules is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-11970; Filed, Nov. 6, 1952; 8:51 a. m.]

[461.161]

WHEAT UNFIT FOR HUMAN CONSUMPTION

PROSPECTIVE TARIFF CLASSIFICATION

NOVEMBER 3, 1952.

Paragraph 729, Tariff Act of 1930, provided for a rate of duty of 10 per centum ad valorem on "wheat, unfit for human consumption." This rate was reduced to 5 per centum on January 1, 1939, under the authority of section 350, Tariff Act of 1930, as amended.

Following the passage of the Tariff Act of 1930 it was concluded after appropriate inquiry that it was not generally practicable under then existing conditions to use in the milling of products for human consumption wheat containing 30 per centum or more of damaged kernels, as determined in accordance with the official grain standards of the United States. Wheat damaged to such an extent was accordingly held to be "wheat, unfit for human consumption" within the meaning of paragraph 729.

This decision was published in 1935 as Treasury Decision 47577 in order to insure uniformity of action by customs officers and to make public the procedure followed in determining what wheat was properly classifiable as "wheat, unfit for human consumption" under paragraph 729.

In the last two years certain foreign wheat crops have suffered extensive damage as a result of weather conditions. Substantial quantities of this wheat have been imported. Its availability for use in the milling of products for human consumption has been intensively explored by the industry, with the result that it appears to have been conclusively established that substantial quantities of grades which it has been the practice to classify under paragraph 729 as wheat unfit for human consumption are commercially usable, after blending with higher grade wheat, in the milling of products for human consumption. There are indications that these developments are due to a combination of technological advances and economic factors.

Investigations have established that wheat classified under paragraph 729 as wheat unfit for human consumption has been used to a significant extent in the milling of three classes of flour for human consumption: (1) So-called family flour, milled from a blend of wheat containing 3 to 5 per centum of damaged wheat; (2) so-called bakery flour, milled from a blend containing not over 5 per centum of damaged wheat; (3) so-called institutional flour, milled from a blend containing as much as 50 per centum of damaged wheat.

Industrial flour, which is used in the United States in the manufacture of pastes, molds, paints, industrial alcohol, etc., but not for human consumption, is made entirely from damaged wheat.

In the circumstances, it appears that the presence of 30 per centum or more of damaged kernels can no longer be accepted as the sole criterion in determining when wheat is classifiable under paragraph 729 as wheat unfit for human consumption.

Pursuant to § 16.10a (d), Customs Regulations of 1943 (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying as wheat, unfit for human consumption, at the rate of 5 per centum ad valorem under paragraph 729, as modified, wheat which contains 30 per centum or more of damaged kernels is under review in the Bureau of Customs, with a view to determining what classes of wheat are now entitled to that classification.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-11969; Filed, Nov. 6, 1952; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 8, Region II]

CALIFORNIA AND NEVADA

AIR NAVIGATION SITE WITHDRAWALS NOS. 99 AND 103 REDUCED

OCTOBER 31, 1952.

In accordance with the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U. S. C. 214), and pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (2) of Order No. 427 dated August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Departmental Orders No. 99 of September 27, 1935, and No. 103 of January 31, 1936, withdrawing certain lands in California and Nevada, among others, for use by the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, are hereby revoked so far as they affect the lands described below, and these lands are hereby restored to entry and disposition under the applicable public land laws, subject to valid existing rights.

MOUNT DIABLO MERIDIAN, NEVADA

T. 22 S., R. 60 E.,
Sec. 18, N½SW¼NW¼.
T. 23 S., R. 58 E.,
Sec. 23, SE¼NW¼NE¼, SE¼NE¼NE¼.
Sec. 24, SW¼NE¼NW¼ containing 30 acres.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 6 N., R. 13 E.,
Sec. 32, NE¼SE¼SW¼, NW¼SW¼SE¼, containing 20 acres.

Formerly beacon sites, the tracts of rocky, broken land are nonagricultural in character and will not be subject to occupancy or disposition under the homestead, desert land, small tract, or any other nonmineral public land laws until it has been classified.

This order shall become effective immediately as to grazing use under the administration of the Bureau of Land Management but shall not otherwise become effective to change the status of such land until 10:00 a. m., P. s. t., on the 31st day after publication in the FEDERAL REGISTER. At that time this land shall become subject to valid existing rights, provisions of existing withdrawals, the requirements of the applicable law, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager, Land and Survey Office, Bureau of Land Management, 322 Post Office Building, Reno, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52-11968; Filed, Nov. 6, 1952; 8:51 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

FIELD OFFICE LOCATIONS AND BOUNDARIES

ORGANIZATIONAL STATEMENT

Pursuant to section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 223; 5 U. S. C. 1002), the Organizational Statement (17 F. R. 675) as amended (17 F. R. 7515, 8937) is further amended in the following respects:

The description of the location and area of Regions X and XII contained in Article III, section 33 *Locations of Field Offices*, is amended to read as follows:

REGION 10—DALLAS, TEXAS

Regional Office. Dallas, Texas.

District Offices. District Offices will continue to be located at—

Little Rock, Arkansas, servicing the entire State of Arkansas;

New Orleans, Louisiana, servicing the entire State of Louisiana; this area was formerly serviced by the New Orleans and Shreveport, Louisiana, District Offices; a branch office will be located at Shreveport, Louisiana;

Oklahoma City, Oklahoma, servicing the entire State of Oklahoma; this area was formerly serviced by the Oklahoma City and Tulsa, Oklahoma, District Offices; a branch office will be located at Tulsa, Oklahoma;

San Antonio, Texas, servicing that part of the State of Texas comprising the counties of Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brewster, Brooks, Burnet, Caldwell, Calhoun, Cameron, Comal, Culberson, De Witt, Dimmit, Duval, Edwards, El Paso, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Llano, McMullen, Mason, Maverick, Medina, Nueces, Pecos, Presidio, Real, Reeves, Refugio, San Patricio, Starr, Terrell, Travis, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zapata, and Zavala;

Houston, Texas, servicing that part of the State of Texas comprising the counties of Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Madison, Maragorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, Washington, and Wharton; and

Dallas, Texas, servicing that part of the State of Texas comprising the counties of Anderson, Andrews, Archer, Armstrong, Bailey, Baylor, Bell, Borden, Bosque, Bowie, Briscoe, Brown, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ector, Ellis, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Howard, Hunt, Hutchinson, Irion, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Lampasas, Limestone, Lipscomb, Loving, Lubbock, Lynn, McCulloch, McLennan, Marion, Martin, Menard, Midland, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Regan, Red River, Roberts, Rockwall, Runnels, Rusk, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Upshur, Upton, Van Zandt, Ward, Wheeler, Wichita, Wilbarger, Winkler, Wise, Wood, Yoakum, and Young; this area was formerly serviced by the Dallas, Ft. Worth, and Lubbock, Texas, District Offices; branch offices will be located at Ft. Worth and Lubbock, Texas.

REGION XII—SAN FRANCISCO, CALIFORNIA

Regional Office. San Francisco, California.

District Offices. District Offices will continue to be located at—

Phoenix, Arizona, servicing the entire State of Arizona;

Reno, Nevada, servicing the entire State of Nevada and that part of the State of California comprising the counties of Alpine, Lassen, Modoc, Mono, Plumas, and Sierra, and those portions of the counties of Nevada, Placer, and El Dorado which lie east of the crest of the Sierra Nevada;

Los Angeles, California, servicing that part of the State of California comprising the counties of Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura; this area was formerly serviced by the Los Angeles and San Diego, California, District Offices; a branch office will be located at San Diego, California; and

San Francisco, California, servicing that part of the State of California comprising the counties of Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Fresno, Glenn, Humboldt, Kings, Lake, Madera, Marin, Mariposa, Mendocino, Merced, Monterey, Napa, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba, and those portions of the counties of Nevada, Placer, and El Dorado which lie west of the crest of the Sierra Nevada; this area was formerly serviced by the San Francisco, Fresno, and Sacramento, California, District Offices; branch offices will be located at Fresno and Sacramento, California.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 6, 1952.

[F. R. Doc. 52-12048; Filed, Nov. 6, 1952; 11:49 a. m.]

[Ceiling Price Regulation 17, Section 11 (d), Special Order 1]

OLYMPIA-TENINO MARKETING AREA

ADJUSTMENT OF TANK WAGON CEILING PRICES

Statement of considerations. This special order adjusts the ceiling prices for sales of heating oils (kerosene, No. 1 and 2 oils, furnace oil, range oil and stove oil) by tank wagon distributors in the Olympia-Tenino marketing area.

The Office of Price Stabilization was requested by distributors in the Olympia-Tenino marketing area to conduct a survey to determine whether increased costs have reduced the net margins in the area below a point sufficient to maintain the level of earnings in the year ending May 31, 1950. The results of that survey show that an upward adjustment is necessary to bring earnings to that level.

There are hundreds of heating oil sellers at the tank wagon level in this region and the need for relief is not uniform but varies from marketing area to marketing area. Thus it is concluded that the adjustment must be on a marketing area basis, rather than on a region-wide basis. For the purpose of this special order the market area has been defined as the area of reseller competition, which is the same as the area of the free delivery zones.

The adjustment granted by this order does no more than bring earnings to the level of the year ending May 31, 1950. It is therefore consistent with the provisions of Section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 11 (d) of Ceiling Price Regulation 17 and Delegation of Authority 72, *It is ordered:*

1. That the ceiling price of heating oil distributors in the Olympic-Tenino marketing area for tank wagon sales of heating oils (kerosene, Nos. 1 and 2 oils, furnace oil, range oil and stove oil) to consumers shall be increased by $0.004 per gallon. The Olympia-Tenino marketing area is defined as the Olympia-Tenino free delivery zone.

2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this order shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified, or revoked at any time.

Effective date. This special order shall become effective on November 5, 1952.

HAROLD WALSH,
Regional Director,
Office of Price Stabilization,
Region XII.

NOVEMBER 4, 1952.

[F. R. Doc. 52-11948; Filed, Nov. 4, 1952; 10:50 a. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, section 5, Special Order 6]

NASH MOTORS, DIVISION OF NASH-KELVINATOR CORP.

APPROVAL OF REVISIONS ATTACHED TO LETTER TO DEALERS, DATED OCTOBER 23, 1952

Statement of considerations. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain modifications and supplements to time allowances which appear in the Nash Flat Rate Schedule 1952.

The Director of Price Stabilization has determined from the data submitted by the publisher of the Nash Flat Rate Schedule 1952, that the approval of these modifications and supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. 1. On and after the effective date of this order, the modifications and supplements to the Nash Flat Rate Schedule 1952, as covered in Nash Motors, Division of Nash-Kelvinator Corporation Application # USE 52-4 and USD 52-4 are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position of the publication "Approved by OPS November 4, 1952, by Special Order No. 6 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective November 4, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 2, 1952.

[F. R. Doc. 52-11925; Filed, Nov. 3, 1952; 4:27 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1319]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF ORDER DISMISSING APPLICATION

NOVEMBER 3, 1952.

Notice is hereby given that on October 31, 1952, the Federal Power Commission issued its order entered October 29, 1952, dismissing for lack of jurisdiction the application for temporary certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-11952; Filed, Nov. 6, 1952; 8:46 a. m.]

[Docket Nos. G-1319, G-1568, G-1012, G-1554, G-1558, G-1559, G-1560, G-1576, G-1584, G-1655, G-2077]

ALGONQUIN GAS TRANSMISSION CO. ET AL.

ORDER REOPENING AND CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

OCTOBER 31, 1952.

In the matters of Algonquin Gas Transmission Company, Docket No. G-1319; Northeastern Gas Transmission Company, Docket No. G-1568; Texas Eastern Transmission Corporation, Docket No. G-1012; Portland Gas Light Company, Docket No. G-1554; Biddeford and Saco Gas Company, Docket No. G-1558; Gas Service, Incorporated, Docket No. G-1559; Allied New Hampshire Gas Company, Docket No. G-1560; Greenfield Gas Light Company, Docket No. G-1576; Gardner Gas Fuel and Light Company, Docket No. G-1584; Athol Gas Company, Docket No. G-1655; Blackstone Valley Gas and Electric Company, Docket No. G-2077.

On January 24, 1950, Algonquin Gas Transmission Company (Algonquin) filed an application in Docket No. G-1319, as amended on May 1, 1950, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a natural-gas pipeline system extending from an interconnection with the pipeline system of Texas Eastern Transmission Corporation (Texas Eastern), near Lambertville, New Jersey, to a point near Boston, Massachusetts, and to sell natural gas to distributing companies and communities in New Jersey, Connecticut, Rhode Island, and Massachusetts. Algonquin stated, in its application, that it would obtain its gas requirements from Texas Eastern.

Texas Eastern had theretofore filed an application for a certificate on March 10, 1948, in Docket No. G-1012, as amended on November 14, 1949, which it further amended on May 5, 1950, to seek authority to construct and operate pipeline facilities for the sale and delivery of natural gas to Algonquin.

Hearings on Algonquin's application in Docket No. G-1319 were held in Boston, Massachusetts, between June 12, 1950, and July 3, 1950, and were subsequently reconvened in Washington, D. C., on July 24, 1950. Thereafter, hearings were held in Washington between July 24, 1950, and August 5, 1950, at which time they were recessed.

Hearings on Texas Eastern's application in Docket No. G-1012 were held in August, September, and December 1950, being recessed in December.

On December 21, 1950, while the hearings in Docket No. G-1319 were in recess, Northeastern Gas Transmission Company (Northeastern), an intervener in the Docket No. G-1319 proceedings, filed an application, in Docket No. G-1568, for a certificate authorizing it to construct and operate natural-gas facilities necessary for it to sell and deliver natural gas to "all of the towns and communities which Algonquin • • • has applied to this Commission for authority to serve and to a number of additional communities in Massachusetts, eastern New Hampshire, and Maine, to whom natural-gas service has not heretofore been proposed."

On December 29, 1950, Northeastern filed a "Supplement to Petition to Intervene" in Docket No. G-1012, in which it was an intervener, requesting that "any certificate issued to Texas Eastern" be conditioned so "as to require Texas Eastern to sell to Northeastern 60,000 Mcf of natural gas per day in the event" its application filed December 21, 1950, in Docket No. G-1568, was granted.

On January 10, 1951, the Commission adopted an order (issued January 17, 1951), dismissing Northeastern's application in Docket No. G-1568 so far as said application sought authority to serve market areas which Algonquin proposed to serve in Docket No. G-1319.

By a second order adopted by the Commission on January 10, 1951 (issued January 12, 1951), the Commission dismissed Northeastern's "Supplement to Petition to Intervene" filed in Docket No. G-1012, on the grounds that, among other things, it had not been timely filed.

By a third order adopted by the Commission on January 10, 1951 (issued January 12, 1951), on motion of Algonquin, Northeastern was dismissed from further participation as an intervener in Docket No. G-1319.

On February 27, 1951, the Commission issued Opinion No. 206, and accompanying order. In Paragraph B of said order the Commission issued a certificate, in Docket No. G-1012, to Texas Eastern authorizing it, among other things, to sell and deliver natural gas to Algonquin. In Paragraph C of said order the Commission issued a certificate, in Docket No. G-1319, to Algonquin authorizing it to construct and operate a natural-gas system, and to sell natural gas to certain customers in the States of New Jersey, Connecticut, Rhode Island, and Massachusetts.

On March 3, 1951, Northeastern filed a petition for review of said Opinion No. 206 and accompanying order granting Algonquin a certificate, and for review of the three orders adopted January 10, 1951, aforementioned, in the United States Court of Appeals for the Third Circuit, alleging, among other things, that as a competitor of Algonquin it had, by virtue of said three orders, been denied due process. Upon judicial review, said opinion and accompanying order, and the three orders adopted January 10, 1951, were set aside by order of the Court of Appeals, Northeastern Gas Transmission Co. et al. v. Federal Power Commission, 195 F. 2d 872 (CA 3, 1952). Issuance of the mandates of the Court of Appeals to this Commission was stayed, first by order of the Court, and later by the filing of petitions for writ of certiorari with the Supreme Court of the United States by Algonquin, Texas Eastern, and this Commission.

On October 13, 1952, the Supreme Court denied the petitions for a writ of certiorari to the Court of Appeals, Algonquin and Texas Eastern thereupon filed an "Application for Stay" in the Supreme Court requesting that Court to stay the issuance of its order denying the petitions for a writ of certiorari until the Supreme Court should have acted upon Algonquin's petition for rehearing of the Supreme Court's denial. On October 20, 1952, the Supreme Court denied the aforementioned Application for Stay. Algonquin and Texas Eastern filed with the Supreme Court a petition for rehearing on October 24, 1952.

The mandates of the Court of Appeals were received by this Commission on October 23, 1952. The mandates provide:

• • • It is now here ordered and adjudged by this Court that the following orders of the Federal Power Commission be and they are hereby set aside:

1. The order entered in the Commission's Docket G-1568 on January 10, 1951.

2. The order entered in the Commission's Docket G-1319 on January 10, 1951.

3. The order entered in the Commission's Docket G–1012 on January 10, 1951.

4. Paragraph C of the Commission's opinion and order No. 206 issued February 27, 1951.

Paragraph B of the Commission's opinion and order No. 206 issued February 27, 1951 is hereby modified by eliminating from the certificate of public convenience and necessity issued to Texas Eastern Transmission Corporation by said paragraph any authorization to Texas Eastern to sell and deliver natural gas to Algonquin Gas Transmission Company.

The cause is remanded to the Commission for further proceedings not inconsistent with the opinion of this Court.

On October 10, 1952, the Commission adopted an order, issued October 14, 1952, accepting Algonquin's FPC Gas Tariff, Original Volume No. 1, tendered for filing on October 7, 1952. The mandate of the United States Court of Appeals setting aside Paragraph C of the Commission's Opinion No. 206 and accompanying order, in which paragraph the Commission issued a certificate to Algonquin, renders the aforesaid order issued October 14, 1952 a nullity.

In addition to the matters set forth above, certain gas distributing companies in certain New England states have each filed an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Northeastern to establish physical connection with, and to sell and deliver natural gas to each applicant. Such companies are:

Portland Gas Light Company, Docket No. G–1554.

Biddeford and Saco Gas Company, Docket No. G–1558.

Gas Service, Incorporated, Docket No. G–1559.

Allied New Hampshire Gas Company, Docket No. G–1560.

Greenfield Gas Light Company, Docket No. G–1576.

Gardner Gas Fuel and Light Company, Docket No. G–1584.

Athol Gas Company, Docket No. G–1655.

Blackstone Valley Gas and Electric Company, Docket No. G–2077.

In each of the matters set forth in the heading hereof due "Notice of Application" was given, and published in the FEDERAL REGISTER. Opportunity for the filing of protests or petitions to intervene was given. Many persons filed petitions to intervene, and by order of the Commission were permitted to intervene, in one or more of the above-docketed proceedings. Such interveners shall have the same rights and status as interveners in the proceedings, as hereinafter reopened, as in any of the above-docketed proceedings in which they were, by order of the Commission, permitted intervention.

The Commission finds:

(1) In accordance with the mandates, and consistent with the opinion of the United States Court of Appeals for the Third Circuit, aforementioned, the proceedings in Docket Nos. G–1319, G–1568, and G–1012 should be reopened for the purpose of determining whether each of the applicants in said docketed proceedings is able and willing properly to do the acts and to perform the service proposed in their respective applications, and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder, and further, whether the service, sale, operation, construction, extension, and acquisition to the extent proposed in each of the aforementioned applications, is or will be required by the present or future public convenience and necessity.

(2) Good cause exists and it is in the public interest to consolidate the above-docketed proceedings for purpose of hearing.

(3) It is in the public interest that at the hearing in the proceedings, consolidated for purpose of hearing as hereinafter ordered, testimony and evidence shall be proffered as follows, except for such deviation and additions as the Presiding Examiner may determine to be required in the interest of expedition and due process:

(a) (i) Testimony and evidence by Algonquin in support of its application in Docket No. G–1319; cross-examination of witnesses for Algonquin.

(ii) Testimony and evidence by any party other than Algonquin in support of Algonquin's application in Docket No. G–1319; cross-examination of witnesses offered by such parties.

(iii) Testimony and evidence by any party in opposition to Algonquin's application in Docket No. G–1319; cross-examination of witnesses offered by such parties.

(b) (i) Testimony and evidence by Texas Eastern in support of its application in Docket No. G–1012, so far as such application seeks authority to deliver and sell natural gas to Algonquin, cross-examination of witnesses for Texas Eastern.

(ii) Testimony and evidence by any party other than Texas Eastern in support of Texas Eastern's application in Docket No. G–1012, as limited in (b) (i) above; cross-examination of witnesses offered by such parties.

(iii) Testimony and evidence by any party in opposition to Texas Eastern's application in Docket No. G–1012, as limited in (b) (i) above; cross-examination of witnesses for Northeastern.

(c) (i) Testimony and evidence by Northeastern in support of its application in Docket No. G–1568; cross-examination of witnesses for Northeastern.

(ii) Testimony and evidence by any party other than Northeastern in support of Northeastern's application in Docket No. G–1568, or in support of applications filed pursuant to section 7 (a) of the Natural Gas Act, for orders directing Northeastern to make physical connection with, and deliver and sell natural gas to the respective applicants; cross-examination of witnesses offered by such parties.

(iii) Testimony and evidence by any party in opposition to Northeastern's application in Docket No. G–1568 or the foregoing section 7 (a) application; cross-examination of witnesses offered by such parties.

The Commission orders:

(A) The proceedings in Docket Nos. G–1319, G–1568, and G–1012 be and they are hereby reopened for further hearing for the purposes as set forth in Finding (1) of this order, and in the manner and procedure set forth in Finding (3) of this order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the proceedings in Docket Nos. G–1319, G–1012, G–1568, G–1554, G–1558, G–1559, G–1560, G–1576, G–1584, G–1655, and G–2077 be and they are hereby consolidated for purpose of hearing; said hearing to commence on November 24, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforementioned applications.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: October 31, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52–11946; Filed, Nov. 6, 1952; 8:46 a. m.]

[Docket Nos. G–1694, G–1695, G–1699, G–1749, G–1777]

CITY GAS CO. OF PHILLIPSBURG, N. J., ET AL.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 3, 1952.

In the matters of City Gas Company of Phillipsburg, New Jersey, Docket No. G–1694; the Manufacturers Light and Heat Company, Docket No. G–1695; Texas Eastern Transmission Corporation, Docket No. G–1699; Penn-Jersey Pipe Line Company, Docket No. G–1749; Allentown-Bethlehem Gas Company, Docket No. G–1777.

Notice is hereby given that on October 31, 1952, the Federal Power Commission issued its order entered October 28, 1952, in the above-entitled matters, issuing certificates of public convenience and necessity to the Manufacturers Light and Heat Company, Docket No. G–1695; Texas Eastern Transmission Corporation, Docket No. G–1699, and Penn-Jersey Pipe Line Company, Docket No. G–1749, and authorizing and approving abandonment of facilities by Allentown-Bethlehem Gas Company, Docket No. G–1777, and providing for service of natural gas to City Gas Company of Phillipsburg, New Jersey, Docket No. G–1694.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52–11953; Filed, Nov. 6, 1952; 8:46 a. m.]

[Docket No. G–1907]

SOUTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 3, 1952.

Notice is hereby given that on October 31, 1952, the Federal Power Commission issued its order entered October 30, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52–11954; Filed, Nov. 6, 1952; 8:47 a. m.]

[Docket No. G–2069]

PHILADELPHIA ELECTRIC CO.

ORDER FIXING DATE OF HEARING

OCTOBER 31, 1952.

On September 12, 1952, Philadelphia Electric Company (Applicant), a Pennsylvania corporation having its principal place of business at Philadelphia, Pennsylvania, filed an application pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been timely filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on October 7, 1952 (17 F. R. 8966).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on November 17, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 3, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52–11947; Filed, Nov. 6, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27509]

SUGAR IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to schedules listed on attached sheet.

Commodities involved: Sugar, beet or cane, carloads.

Territory: From north Atlantic ports and points taking same rates to points in trunk-line, border of trunk-line and central, central, Illinois, and northwest territories; also from, to and between points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional analogous commodity.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
C. W. Boin, Agent	A–848	264
Do	A–874	25
I. N. Doe, Agent	573	16
Do	593	95
B&O RR	23877	3
B&M RR	A–3180	50
NYC RR	1171	10

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11955; Filed, Nov. 6, 1952; 8:47 a. m.]

[4th Sec. Application 27510]

PETROLEUM NAPTHA AND SUGAR BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

NOVEMBER 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 807.

Involving: Petroleum naptha, less-than-carloads, between points in Texas. Sugar, beet, cane, corn or sorghum grain, carloads, from Corpus Christi, Tex., to Paris, Tex.

Grounds for relief: Rail competition, circuitous routes, to meet intrastate rates, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 807, Supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–11956; Filed, Nov. 6, 1952; 8:47 a. m.]

[4th Sec. Application 27511]

CATALOGUES FROM CHICAGO AND MT. MORRIS, ILL., TO ENID, OKLAHOMA CITY, AND TULSA, OKLA.

APPLICATION FOR RELIEF

NOVEMBER 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3919.

Commodities involved: Catalogues, carloads.

From: Chicago and Mt. Morris, Ill.

To: Enid, Oklahoma City, and Tulsa, Okla.

Grounds for relief: Rail and motor competition and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3919, Supp. 128.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their in-

terest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11957; Filed, Nov. 6, 1952; 8:48 a. m.]

[4th Sec. Application 27512]

PIPE FROM CANEY, KANS., AND PAWNEE AND TERLTON, OKLA., TO HOUSTON, TEX.

APPLICATION FOR RELIEF

NOVEMBER 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3982.

Commodities involved: Steel or wrought iron pipe and related articles, carloads.

From: Caney, Kans., Pawnee and Terlton, Okla.

To: Houston, Tex., and points grouped therewith.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3982, Supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11958; Filed, Nov. 6, 1952; 8:48 a. m.]

[4th Sec. Application 27513]

MIXED CARLOADS OF MERCHANDISE FROM LENOIR, N. C., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

NOVEMBER 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1305.

Commodities involved: Merchandise, in mixed carloads.

From: Lenoir, N. C.

To: Chicago, Ill., and points in the Chicago switching district.

Grounds for relief: Rail and motor competition and circuity.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1305, Supp. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11959; Filed, Nov. 6, 1952; 8:48 a. m.]

[4th Sec. Application 27514]

LIQUEFIED PETROLEUM GAS FROM DRAGON, MISS., TO WEST VIRGINIA

APPLICATION FOR RELIEF

NOVEMBER 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1253.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Dragon, Miss.

To: Specified points in West Virginia.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-11960; Filed, Nov. 6, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19059]

WILHELMINE L. BAYERDORFER

In re: Estate of Wilhelmine L. Bayerdorfer, deceased. File No. F 28-3852.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40) Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anna Voelker, whose last known address is Germany, and on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the sum of $174.82 was paid to the Attorney General of the United States by Phil C. Katz, Public Administrator of the City and County of San Francisco, California, as administrator of the estate of Wilhelmine L. Bayerdorfer, deceased, acting under the judicial supervision of the Superior Court in and of the City and County of San Francisco, California;

3. That said sum of $174.82 was accepted by or on behalf of the Attorney General of the United States on October 15, 1952, pursuant to the Trading With the Enemy Act, as amended;

4. That said sum of $174.82 is presently in the possession of the Attorney General of the United States and on October 15, 1952, and prior to January 1, 1947, was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which was evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all actions required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11971; Filed, Nov. 6, 1952; 8:52 a. m.]

LOUIS GIARETTA, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Louis Giaretta, Zuliano, Italy; Maria Giaretta, Zuliano, Italy; Alessandro Giaretta, Zuliano, Italy; Rosa Giaretta, Zuliano, Italy; Claim No. 45030; the following cash amounts in the Treasury of the United States: $233.69 to Louis Giaretta, $233.69 to Maria Giaretta, $233.69 to Alessandro Giaretta, $233.69 to Rosa Giaretta.

Executed at Washington, D. C., on November 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11972; Filed, Nov. 6, 1952; 8:52 a. m.]

GERMAINE BARKI AND ROLAND DAVID IDZKOWSKI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Germaine Barki, in behalf of Roland David Idzkowski, Paris, France, Claim No. 41681; $4,205.44 in the Treasury of the United States. Ten (10) shares of Hardman, Peck & Company (New York) capital stock stamped PV $1.00. This stock is presently in custody of the Safekeeping Department of the Federal Reserve Bank of New York, New York, New York. One pair of pearl shirt studs. These studs are presently in custody of the Office of Alien Property, Custody and Clearance Section, New York, New York.

Executed at Washington, D. C., on November 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11973; Filed, Nov. 6, 1952; 8:52 a. m.]

YOSHIYE OGAWA AND MITSUO HOSAKA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Yoshiye Ogawa, nee Hosaka, Tokyo, Japan, Claims Nos. 21488 & 42688; Mitsuo Hosaka, San Francisco, California, Claim No. 21488; $45,838.65 in the Treasury of the United States in equal shares to the claimants.

Real property located in the City and County of San Francisco, California, known as 1632-34-36 Post Street, 1737-39 Sutter Street and 1421-23 California Street to the claimants as joint tenants.

A certain deed of trust executed by the California Street Laundry Company of San Francisco, California, on May 27, 1935, in favor of Mitsuo Hosaka, as beneficiary, and any and all obligations secured by said deed of trust to Mitsuo Hosaka individually.

A certain deed of trust executed by the California Street Laundry Company of San Francisco on February 9, 1937, in favor of Mitsuo Hosaka, as beneficiary, and any and all obligations secured by said deed of trust to Mitsuo Hosaka individually.

Executed at Washington, D. C., on November 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11974; Filed, Nov. 6, 1952; 8:53 a. m.]

ENRICHETTA GRIMALDI VED. RAMOGNINO, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Enrichetta Grimaldi ved. Ramognino, Maria Ramognino ved. Pavesi, Sandro, also known as Sandrino, Pontremoli, Milan, Italy; Claim No. 39838; $9.34 in the Treasury of the United States and stock of the De Nobili Cigar Company, a New York corporation, consisting of 5 shares, common capital stock, par value $50 per share, Certificate No. 275, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; to Enrichetta Grimaldi ved. Ramognino, Mario Ramognino ved. Pavesi and Sandro, also known as Sandrino, Pontremoli.

Executed at Washington, D. C., on November 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11975; Filed, Nov. 6, 1952; 8:53 a. m.]

BICE OTTOLENGHI VED. LATTES AND EDILIA VERGA VED. LATTES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bice Ottolenghi ved. Lattes, Edilia Verga ved. Lattes, Rome, Italy; Claim No. 39655; $196.77 in the Treasury of the United States and stock of the De Nobili Cigar Company, a New York corporation, consisting of 35 shares, third preferred capital stock, par value $25 per share, Certificate No. 157, and 14 shares, common capital stock, par value $50 per share, Certificate No. 104, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; one-fourth thereof to Bice Ottolenghi ved. Lattes, and three-fourths thereof to Edilia Verga ved. Lattes.

Executed at Washington, D. C., on November 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11976; Filed, Nov. 6, 1952; 8:53 a. m.]

TERUKO IMAMURA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Teruko Imamura, 52 Kitahiyochicho, Imakumano, Higashiyama, Kyoto, Japan; Claim No. 45046; $4,007.50 in the Treasury of the United States.

Executed at Washington, D. C., on November 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11977; Filed, Nov. 6, 1952; 8:54 a. m.]

SACHIKO KAWAOKA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Sachiko Kawaoka, 874, 3-Chome, Matsubara-cho, Setagaya-ku, Tokyo, Japan; Claim No. 45529; $2,143.56 in the Treasury of the United States.

Executed at Washington, D. C., on November 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-11978; Filed, Nov. 6, 1952; 8:54 a. m.]

Reference Room

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10405

EXEMPTION OF THEODORE MARKS FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS Theodore Marks, Associate Chief of the Veterans Employment Service, Department of Labor, during the month of November 1952 will become subject to compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, unless exempted therefrom by Executive order; and

WHEREAS, in my judgment, the public interest requires that the said person be exempted from such compulsory retirement as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), I hereby exempt the said Theodore Marks from compulsory retirement for age for an indefinite period of time.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 6, 1952.

[F. R. Doc. 52-12058; Filed, Nov. 6, 1952; 4:14 p. m.]

EXECUTIVE ORDER 10406

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE UNITED AIR LINES, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the United Air Lines, Inc., a carrier, and certain of its employees represented by the Flight Engineers' International Association, UAL Chapter, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The Board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the United Air Lines, Inc., or its employees in the conditions out of which the said dispute arose.

In performing its functions under this order the Board shall comply with the requirements of section 502 of the Defense Production Act of 1950, as amended.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 6, 1952.

[F. R. Doc. 52-12059; Filed, Nov. 6, 1952; 4:14 p. m.]

EXECUTIVE ORDER 10407

WITHHOLDING OF STATE OR TERRITORIAL INCOME TAXES BY FEDERAL AGENCIES

By virtue of the authority vested in me by section 1 of the act of July 17, 1952, 66 Stat. 765, section 301 of title 3 of the United States Code (as added by section 10 of the act of October 31, 1951, 65 Stat. 712), and as President of the United States, I hereby prescribe the following regulations governing agreements to be entered into between the Secretary of the Treasury and any State or Territory, pursuant to the provisions of the said act of July 17, 1952, with respect to the withholding of State or Territorial income taxes from the compensation of employees of the United States:

1. Such an agreement shall be entered into by the Secretary of the Treasury within 120 days of the receipt of a request therefor by the Secretary from the Governor or any other proper official

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FEDERAL REGISTER

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of any State or Territory, where (a) the law of such State or Territory provides for the collection of a tax by imposing upon employers generally the duty of withholding sums from the compensation of employees and making returns of such sums to the authorities of such State or Territory, and (b) the duty to withhold is imposed generally with respect to the compensation of employees who are residents of such State or Territory: *Provided*, that each such agreement shall be consistent with the provisions of the said act of July 17, 1952, and of rules and regulations issued thereunder, and shall be subject to any amendments of any of such provisions, including amendments occurring after the effective date of any such agreement.

2. Each such agreement (a) shall provide that the head of each agency of the United States shall comply with the requirements of such law of the State or Territory concerned with respect to employees of such agency who are subject to such tax and whose regular place of federal employment is within the State or Territory with which such agreement is entered into, (b) shall specify when the withholding of tax shall commence, and (c) shall provide for procedures for the withholding, the filing of the returns, and the payment of the tax to the State or Territory which conform, in so far as practicable, to the usual fiscal practices of agencies of the United States.

3. No such agreement (a) shall apply with respect to compensation for service as a member of the Armed Forces of the United States, or (b) shall require collection by agencies of the United States of delinquent tax liabilities of federal employees.

4. The head of each agency shall designate, or provide for the designation of, the officers or employees whose duty it shall be to withhold taxes, file required returns, and direct the payment of such taxes withheld, in accordance with the terms of agreements entered into between the Secretary of the Treasury and the States or Territories.

5. Nothing in this order, or in rules or regulations issued hereunder, or in any agreement entered into pursuant thereto, shall be deemed to consent to the application of any provision of law of any State or Territory which has the effect of imposing more burdensome requirements upon the United States than it imposes upon other employers, or which has the effect of subjecting the United States or any of its officers or employees to any penalty or liability.

6. As used in this order—

(a) The term "agency" means each department, commission, authority, administration, board, or other independent establishment of the Government of the United States, including any wholly-owned instrumentality of the United States, but such term does not include governments of the possessions or units of the legislative or judicial branches of the United States except to the extent that any such units may by specific statutory provision be subject to laws relating generally to the executive branch of the Government;

(b) The term "Armed Forces of the United States" includes all regular and reserve components of the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.

(c) The term "employees" as applied to employees of the United States includes officers and means individuals appointed by a federal officer and engaged in the performance of federal functions in an agency as defined in paragraph (a), above, under authority of an act of Congress or an Executive order, who in the performance of their duties are supervised and directed by a federal officer, but the term does not include retired personnel, pensioners, annuitants, or similar beneficiaries of the federal government, whether their status is civilian or in the Armed Forces of the United States, who are not performing active service, or persons receiving remuneration for services on a contract-fee basis.

(d) The term "regular place of federal employment" means the place where an employee actually performs his services, irrespective of his residence, except when such services are performed in a travel or temporary duty status, in which case his "regular place of federal employment" will be the place to which he will normally be expected to proceed for the purpose of performing further services in connection with his federal employment on the termination of travel or temporary duty status.

7. I hereby delegate to the Secretary of the Treasury authority to prescribe such rules and regulations not inconsistent herewith as may be necessary further to effectuate the provisions of the act of July 17, 1952, or of this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 6, 1952.

[F. R. Doc. 52-12066; Filed, Nov. 7, 1952; 10:58 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

INDIAN SCHOOLS

1. The headnote to § 24.14 and paragraph (a) (1) of that section are amended to read as follows:

§ 24.14 *Teacher and Substitute (Temporary) Teacher, GS–1710–5–7, in Indian Schools*—(a) *Educational requirement*—(1) *Elementary.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 24 semester hours in education, 12 of which must be in elementary education.

NOTE: For temporary appointment of substitute elementary teacher, this educational requirement may be modified to require only two full years of study in the education department of an accredited college or university.

2. Sections 24.115, 24.116, 24.117, and 24.118 are hereby added as follows:

§ 24.115 *Principal (Day School), GS–1710–9–11, Principal (Boarding School), GS–1710–9–12, Reservation Principal, GS–1710–9–13, School Superintendent, GS–1710–12–13, in Indian Schools*—(a) *Educational requirement.* Completion of a full four-year course, leading to a degree from an accredited college or uni-

versity, including or supplemented by 18 semester hours in education.

(b) *Duties.* Principals and Superintendents are responsible for planning an educational program to meet the special need of the students, which includes development of curricula and standards of instructions, evaluation of teacher performance, integration of school and community programs, supervision of the staff, and administration of the school plant.

(c) *Knowledge and training requisite for performance of duties.* The duties to be performed require a knowledge of principles, philosophy, and techniques of education; the ability to recognize special instructional problems that arise in teaching situations; and the ability to develop curricula and analyze effectiveness of the teaching program. This knowledge, understanding and ability can be gained only through a directed course of study as shown in paragraph (a) of this section, in an accredited college with well equipped libraries and thoroughly trained instructors, where guidance is expertly given and the student's progress is carefully evaluated.

§ 24.116 *Department Head (Academic, Agriculture, Guidance, Home Economics, Vocational Subjects, and General), GS–1710–9, in Indian Schools*—(a) *Educational requirement.* Completion of a full four-year course leading to a degree from an accredited college or university with a major in a subject matter area in which the duties are to be performed, including or supplemented by 18 semester hours of education.

(b) *Duties.* Department Heads are responsible for organizing a subject matter department and supervising its activities so that the knowledge and skills of the field of specialization will be efficiently taught. Department Heads establish overall course objectives and collaborate with the staff on preparation of instructional material and teaching techniques. They keep pertinent records for the departments.

NOTE: The Department Head (Academic) is responsible for organizing instruction either in the elementary grades or in one of the subject matter fields taught at the secondary level, other than agriculture, home economics, guidance, and vocational subjects.

The Department Head (General) is responsible for the organization of two subject matter fields in any combination of elementary grades, agriculture, home economics, guidance, vocational subjects or any of the other subjects taught at the secondary level.

(c) *Knowledge and training requisite for performance of duties.* The duties to be performed require a knowledge of principles, philosophy, and techniques of education; the ability to recognize special instructional problems that arise in teaching situations; thorough knowledge of one or more subject matter fields being taught, ability to integrate the department program with remainder of school program. This knowledge, understanding, and ability can be gained only through a directed course of study as shown in paragraph (a) of this section, in an accredited college with well-equipped libraries and thoroughly trained instructors, where guidance is expertly given and the student's progress is carefully evaluated.

§ 24.117 *Director of Schools, GS–1710–12–13–14, in Indian Schools*—(a) *Educational requirement.* Completion of a full four-year course leading to a degree from an accredited college or university, including or supplemented by major study in education.

(b) *Duties.* The Director of Schools is responsible for planning and developing an educational program to meet the special needs of the students; giving technical assistance to the staff in the development of curricula, course materials and teaching aids; for reviewing teaching methods and techniques; and also for recruitment, supervision, training and management of educational personnel.

(c) *Knowledge and training requisite for performance of duties.* The duties to be performed require a knowledge of the professional principles and philosophy of education, its theories, practices and techniques; comprehensive knowledge of educational and child psychology and the demonstrated ability to utilize this knowledge to facilitate learning; outstanding ability to evaluate the educational and vocational needs of the area and to plan a program to meet these needs. This knowledge and training can be obtained only through a directed course of study in an accredited college with well equipped libraries and thoroughly trained instructors, where guidance is expertly given and student progress is competently evaluated.

§ 24.118 *Principal-Teacher, GS–1710–7–9, in Indian Schools*—(a) *Educational requirement.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 24 semester hours in education, 12 of which must be in elementary education.

(b) *Duties.* Principal-Teachers are responsible for the administration and development of the school and community programs; for the guidance and supervision of the teachers and custodial employees assigned to the school; for teaching in the elementary grades; for all school property, records, reports and correspondence; and for issuing supplies and equipment.

(c) *Knowledge and training requisite for performance of duties.* The duties to be performed require a knowledge of teaching principles and techniques and philosophy of education; the ability to recognize special instructional problems that arise in teaching situations; and the ability to integrate the school program with community activities as educative factors. This knowledge, understanding, and ability can be gained only through a directed course of study as shown in paragraph (a) of this section, in an accredited college with well-equipped libraries and thoroughly trained instructors, where guidance is expertly given and the student's progress is carefully evaluated.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 853)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52–12012; Filed, Nov. 7, 1952; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTA FOR BURLEY TOBACCO FOR 1953–54 MARKETING YEAR AND APPORTIONMENT OF THE QUOTA AMONG THE SEVERAL STATES

§ 725.403 *Basis and purpose.* (a) Sections 725.403 and 725.404 are issued (1) to announce the reserve supply level and the total supply of Burley tobacco for the marketing year beginning October 1, 1952, and to establish the amount of the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1953; and (2) to apportion the national marketing quota among the several States. The findings and determinations by the Secretary contained in §§ 725.403 and 725.404 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views and recommendations received from Burley tobacco producers and others as provided in a notice (17 F. R. 8922) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of Burley tobacco producers within 30 days after the issuance of the proclamation of the national marketing quota to determine whether such producers favor marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamation and apportionment of the Burley tobacco national marketing quota contained herein shall become effective upon the date of filing with the Federal Register.

§ 725.404 *Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1953* [1]—(a) *Reserve supply level.* The reserve supply level for Burley tobacco is 1,569,000,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 520,000,000 pounds and a normal year's exports of 39,000,000 pounds.

[1] Rounded to the nearest million pounds.

(b) *Total supply.* The total supply of Burley tobacco for the marketing year beginning October 1, 1952, is 1,674,000,000 pounds consisting of carry-over of 1,063,000,000 pounds and estimated 1952 production of 611,000,000 pounds.

(c) *Carry-over.* The estimated carry-over of Burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1953, is 1,114,000,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1952, of 560,000,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Burley tobacco which will make available during the marketing year beginning October 1, 1953, a supply of Burley tobacco equal to the reserve supply level of such tobacco is 455,000,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 455,000,000 pounds would result in undue restriction of marketings during the 1953–54 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1953, is 546,000,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State Acreage allotments in accordance with section 313 (g) of the Act as follows:

State:	Acreage allotment
Alabama	47
Arkansas	77
Georgia	109
Illinois	9
Indiana	10,700
Kansas	167
Kentucky	281,283
Missouri	4,676
North Carolina	12,231
Ohio	13,810
Oklahoma	5
Pennsylvania	2
South Carolina	5
Tennessee	83,589
Virginia	13,987
West Virginia	3,651
Reserve [1]	2,133

[1] Acreage reserved for establishing allotments for farms upon which no Burley tobacco has been grown during the past five years.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 5th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–12016; Filed, Nov. 7, 1952; 8:52 a. m.]

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTA FOR VIRGINIA SUN-CURED TOBACCO FOR 1953–54 MARKETING YEAR, AND APPORTIONMENT OF THE QUOTA AMONG THE SEVERAL STATES

§ 726.401 *Basis and purpose.* (a) Sections 726.401 and 726.402 are issued (1) to announce the reserve supply level and the total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1952, and to establish the amount of the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1953; and (2) to apportion the quota among the several States. The findings and determinations contained in §§ 726.401 and 726.402 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from Virginia sun-cured tobacco producers and others as provided in a notice (17 F. R. 8922) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of Virginia sun-cured tobacco producers within 30 days after the issuance of the proclamation of the national marketing quota to determine whether such producers favor marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators prior to the date of the referendum, it is hereby found that with respect to the proclamation and apportionment of the quota for Virginia sun-cured tobacco compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamation and apportionment of the Virginia sun-cured tobacco national marketing quota contained herein shall become effective upon the date of filing with the Federal Register.

§ 726.402 *Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1953* [1]—(a) *Reserve supply level.* The reserve supply level for Virginia sun-cured tobacco is 8,249,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 2,600,000 pounds and a normal year's exports of 428,000 pounds.

(b) *Total supply.* The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1952, is 6,995,000 pounds consisting of a carry-over of 2,900,000 pounds and estimated 1952 production of 4,095,000 pounds.

(c) *Carry-over.* The estimated carry-over of Virginia sun-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1953, is 3,355,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1952, of 3,600,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1953, a supply of Virginia sun-cured tobacco equal to the reserve supply level of such tobacco is 4,854,000 pounds and a national marketing quota of such amount is hereby proclaimed.

(e) *Apportionment of the quota.* Since Virginia sun-cured tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota proclaimed in paragraph (d) of this section, less 24,000 pounds reserved for establishing allotments for farms upon which no Virginia sun-cured tobacco has been grown within the past five years, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313 (g) of the act into a State acreage allotment of 4,929 acres. Likewise, the reserve of 24,000 pounds for establishing allotments for farms upon which no Virginia sun-cured tobacco has been grown within the past five years is hereby converted into 24 acres.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 5th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–12018; Filed, Nov. 7, 1952; 8:52 a. m.]

[1] Rounded to nearest thousand pounds.

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 460]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.567 *Lemon Regulation 460*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the

public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 5, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 9, 1952, and ending at 12:01 a. m., P. s. t., November 16, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 210 carloads;

(iii) District 3: 15 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 459 (17 F. R. 9845) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 6th day of November 1952.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-12060; Filed, Nov. 7, 1952; 8:57 a. m.]

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

CHANGES IN REPORTING DATES

Pursuant to authorization contained in § 994.6 (b) (4) of the marketing agreement and order (7 CFR, 1951 Supp., Part 994), regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina, which program is effective under the Agricultural Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of a recommendation and information furnished by the Pecan Administrative Committee and other available information, the changes set forth below are being made with respect to the day of the week on which pecan handlers must furnish certain reports with respect to price information on pecans.

It is now required in § 994.6 (b) (2) of the aforementioned regulatory program that each pecan handler "shall furnish to the Secretary each Friday during the period October 15 through January 31 of each fiscal period the following price information for the then current week: Prices paid by the handler to growers for orchard-run pecans by varieties as specified by the Committee." It is also now required in § 994.6 (b) (3) of said regulatory program that each pecan handler "shall furnish to the Secretary each Friday during the periods October 15 through January 31 and August 15 through September 30 of each fiscal period the following price information for the then current week: Prices received by the handler by grade, pack, and size on basis of either f. o. b. shipping point or delivered destination."

These reports on prices from individual pecan handlers provide the bases for the summaries of grower prices and f. o. b. prices in respect to pecans for each week of the prescribed reporting periods which is made available to interested parties upon request. The present requirement as to the day of the week on which such reports must be furnished, however, results in a situation where the summary for a week cannot be made available for distribution before Tuesday of the following week. This means that such summaries do not come into the hands of pecan growers and handlers until the following Wednesday at the earliest and, in many instances, not until the following Thursday or Friday. Because of this time lag, the value of these summaries to pecan growers and handlers is reduced substantially.

With a view to making these summaries available as soon as practicable and thereby enhancing their value to the pecan industry, the Pecan Administrative Committee, at its meeting in Albany, Georgia, on October 2, 1952, by unanimous vote adopted a recommendation that pecan handlers be required to furnish the aforementioned reports on Wednesday, instead of Friday, of each week during the periods of each fiscal year when such reports are required by the provisions of said § 994.6 (b) (2) and (3). The making of such a change in these circumstances is authorized in § 994.6 (b) (4) of this regulatory program.

The proposed change in the day of the week (i. e., to Wednesday instead of Friday) will enable each price summary to be compiled and issued not later than Friday of the particular week for which such report is furnished. This earlier reporting date will enable growers and handlers to receive more timely price information than is now practicable.

In view of the proposed change in the day of reporting prices from Friday to Wednesday, the price information should cover the seven (7) day period ending on Wednesday.

Therefore, after consideration of all relevant matters, it is hereby ordered as follows:

§ 994.501 *Day of week for filing reports as to prices.* Effective on and after November 8, 1952, the day of each week for the filing of the weekly reports as to prices prescribed in § 994.6 (b) (2) and (3) shall be Wednesday, rather than Friday.

It is hereby found that it is unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or postpone the effective date of this order later than the date of its publication in the FEDERAL REGISTER for the following reasons: (1) The handling of the 1952 crop of pecans has already begun, the filing of such reports is now required, and the current reports should reflect the change at the earliest date practicable; (2) pecan handlers are generally aware of the actions taken by the Pecan Administrative Committee in recommending the changes; (3) handlers will not be required to change their methods of keeping price records or be subjected to additional expense as a result of the change in the day of reporting prices; and (4) the pecan industry, including both handlers and growers, are generally desirous of having such change made, as evidenced by the unanimous vote on the matter by the Pecan Administrative Committee, and its subsidiary body, the Handlers Advisory Council.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D .C., this 5th day of November 1952, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12015; Filed, Nov. 7, 1952; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 16]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASE

CHANGES IN AREAS QUARANTINED BECAUSE OF VASICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.10 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.10 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California, except Modoc and Siskiyou Counties;
St. Clair County, Jarvis Township in Madison County; Columbia Township in Monroe County, in Illinois;
Bristol County in Massachusetts;
Thetford, Forest, Genesee and Richfield Townships in Genesee County; Green Oak Township in Livingston County; Lyon and Novi Townships in Oakland County; Ann Arbor, Dexter, Lima, Northfield, Salem, Scio, Superior and Webster Townships in Washtenaw County; and Canton and Northville Townships in Wayne County, in Michigan;
St. Louis County in Missouri;
Burlington, Camden, Gloucester, Hudson, Morris, and Ocean Counties in New Jersey;
New York County and Clarkstown Township in Rockland County, in New York;
Council Grove, Mustang, Oklahoma and Greeley Townships in Oklahoma County, in Oklahoma;
York County in Pennsylvania;
Dallas County, Tarrant County, and that part of Parker County lying north of U. S. Highway 180 and east of State Highway No. 51, in Texas.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition Bergen, Essex, and Union Counties in New Jersey.

Effective date. This amendment shall become effective upon issuance. This amendment includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established.

Bristol County in Massachusetts;
Thetford, Forest, Genesee and Richfield Townships in Genesee County; Green Oak Township in Livingston County; Lyon and Novi Townships in Oakland County; Ann Arbor, Dexter, Lima, Northfield, Salem, Scio, Superior and Webster Townships in Washtenaw County; and Canton and Northville Townships in Wayne County, in Michigan.
Camden County in New Jersey;
York County in Pennsylvania;
Dallas County in Texas.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 9553) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established.

Pulaski County in Arkansas;
Modoc and Siskiyou Counties in California;
Honor Farm of the Federal Penitentiary, in DeKalb County, in Georgia;
Aurora Township in Kane County, in Illinois;
Wabash Township in Tippecanoe County, in Indiana;
Oshtemo Township in Kalamazoo County, in Michigan;

This amendment also removes Hunterdon County in New Jersey from designation as a quarantined area.

Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 9553) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 5th day of November 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12014; Filed, Nov. 7, 1952; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4307]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

INTERNATIONAL SALT CO. AND EASTERN SALT CO.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Price discrimination under 2 (a):* § 3.715 *Charges and price differentials;* § 3.725 *Cumulative quantity discounts and schedules;* § 3.770 *Quantity rebates or discount: Payments for services or facilities for processing or sale under 2 (d):* § 3.325 *Allowances for services or facilities.* I. In the sale of table salt in commerce, discriminating, directly or indirectly, in the price of such products of like grade and quality, (1) by selling such table salt to any wholesaler thereof at prices different from the prices charged any other wholesaler who in fact competes with said wholesaler in the sale or distribution of such table salt; (2) by selling such table salt to any retailer thereof at prices different from the prices charged any other retailer who in fact competes with said retailer in the sale or distribution of such table salt; and, (3) by selling such table salt to any retailer thereof at prices lower than prices charged any wholesaler whose customers compete with such retailer in the sale or distribution of such table salt; it being understood that for the purpose of comparison, the term "price" as used in the order takes into account discounts, rebates, allowances, and other terms and conditions of sale; and, II. in the aforesaid connection, (1) paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer for advertising or display services or facilities furnished by or through such customer in connection with the sale or offering for sale of said table salt, unless such payment or consideration is made available on proportionally equal terms to all of its other customers competing with said favored customer in the resale of such table salt; or, (2) paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, processing, sale, or offering for sale of said table salt, unless such payment or consideration is available on proportionally equal terms to all of its other customers competing with said favored customer in the sale or distribution of such table salt; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, International Salt Company et al., Scranton, Pa., Docket 4307, August 22, 1952]

Pursuant to the provisions of an act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914

(the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act), and by virtue of the authority vested in the Federal Trade Commission by the aforesaid act, the Federal Trade Commission, on September 9, 1940, issued and subsequently served its original complaint in this proceeding upon the respondents named in the caption hereof, together with two other named corporations, charging each of them with violation of the provisions of subsection (a) of section 2 of the aforesaid Clayton Act, as amended. On April 2, 1942, the Commission issued and subsequently served its first amended complaint charging the same respondents as named in the original complaint with violation of the provisions of subsections (a) and (d) of section 2 of the aforesaid Clayton Act, as amended. After the issuance of the first amended complaint and the filing of respondents' answers thereto, testimony and other evidence in support of the allegations of said complaint were taken before a hearing examiner of the Commission duly designated by it. Thereafter, on June 5, 1943, the Commission issued and subsequently served its second amended complaint upon the respondents named in the caption hereof, charging each of them with violation of the provisions of subsections (a) and (d) of section 2 of the aforesaid Clayton Act, as amended. After the filing of respondents' answers to the second amended complaint, testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before the hearing examiner of the Commission previously designated by it. All of the testimony and other evidence introduced before said hearing examiner were duly recorded and filed in the office of the Commission. Thereafter, this proceeding, regularly came on for final hearing before the Commission upon the second amended complaint, the answers thereto, testimony and other evidence, the recommended decision of the hearing examiner and respondents' exceptions thereto, and briefs and oral argument of counsel; and the Commission, having duly considered the matter and having entered its order disposing of the exceptions to the hearing examiner's recommended decision and being now fully advised in the premises, makes this its findings as to the facts [1] and its conclusion drawn therefrom:[1]

This proceeding having been heard by the Federal Trade Commission upon an amended complaint of the Commission, the respondents' answers thereto, testimony and other evidence in support of and in opposition to the allegations of said amended complaint introduced before a hearing examiner of the Commission, theretofore duly designated by it, the hearing examiner's recommended decision and exceptions thereto, and briefs and oral argument of counsel, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of subsection (a) of section 2, and that respondent International Salt Company has violated subsection (d) of section 2, of the act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act):

It is ordered, That respondent International Salt Company, a corporation, and respondent Eastern Salt Company, a corporation, and their respective officers, representatives, agents, and employees, directly or through any corporate or other device, in the sale of table salt in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality:

1. By selling such table salt to any wholesaler thereof at prices different from the prices charged any other wholesaler who in fact competes with said wholesaler in the sale or distribution of such table salt.

2. By selling such table salt to any retailer thereof at prices different from the prices charged any other retailer who in fact competes with said retailer in the sale or distribution of such table salt.

3. By selling such table salt to any retailer thereof at prices lower than prices charged any wholesaler whose customers compete with such retailer in the sale or distribution of such table salt.

For the purpose of comparison, the term "price" as used in this order takes into account discounts, rebates, allowances, and other terms and conditions of sale.

It is further ordered, That respondent International Salt Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale of table salt in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

1. Paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer for advertising or display services or facilities furnished by or through such customer in connection with the sale or offering for sale of said table salt, unless such payment or consideration is made available on proportionally equal terms to all of its other customers competing with said favored customer in the resale of such table salt.

2. Paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the handling, processing, sale, or offering for sale of said table salt, unless such payment or consideration is available on proportionally equal terms to all of its other customers competing with said favored customer in the sale or distribution of such table salt.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have compiled with this order.

By the Commission, Commissioner Carretta not participating for the reason that oral argument on the merits was heard prior to his appointment to the Commission.

Issued: August 22, 1952.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 52-12009; Filed, Nov. 7, 1952; 8:51 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 52-11680, appearing at page 9807 of the issue for Friday, October 31, 1952, the following changes should be made:

1. The headnote of § 141.5 should read:

§ 141.5 *Sodium penicillin, calcium penicillin, potassium penicillin.*

2. In the first sentence of § 141.112 (b) (1) (iii), "weight" should read "weigh" and "unit per milliter" should read "units per milliliter".

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5943]

PART 474—EXTENSIONS OF TIME FOR PAYMENT OF TAXES BY CORPORATIONS EXPECTING CARRY-BACKS, AND TENTATIVE CARRY-BACK ADJUSTMENTS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 52-11923, appearing on page 9975 of the issue for Thursday, November 6, 1952, the bracket heading should read as set forth above.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 39]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.41, the Bogue Sound, North Carolina, areas (D-118, D-119 and D-120), published on July 16, 1949 in 14 F. R. 4294, and revised by adding area (3) on June 13, 1951 in 16 F. R. 5616, are deleted.

2. In § 608.41, the Brant Island, North Carolina, area (D-379), published on September 22, 1951 in 16 F. R. 9680, and amended on October 31, 1951 in 16 F. R. 11068, is deleted.

3. In § 608.41, the Cherry Point, North Carolina, areas (D-123 and D-125), published on August 16, 1950 in 15 F. R. 5429, and amended on April 17, 1952 in 17 F. R. 3405, are revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
Cherry Point (Norfolk Chart).	1. (D-123): Beginning at a point 3 statute miles E of Amber Civil Airway No. 9 at lat. 35°46'15" N, long. 76°44'00" W; clockwise along the arc of a circle with a radius of 60 statute miles centered at lat. 34°54'30" N, long. 76°23'00" W to a point 3 nautical miles from the shoreline at lat. 35°06'15" N, long. 75°51'05" W; southwesterly paralleling the shoreline at a distance of 3 nautical miles to lat. 34°02'50" N, long. 77°37'35" W; clockwise along the arc of a circle with a radius of 60 statute miles centered at lat. 34°54'30" N, long. 76°23'00" W to a point 3 statute miles E of Amber Civil Airway No. 9 at lat. 34°06'20" N, long. 77°41'30" W; northeasterly paralleling the E edge of Amber Civil Airway No. 9 at a distance of 3 statute miles to lat. 35°46'15" N, long. 76°44'00" W, point of beginning.	Surface to unlimited.	Continuous.	U. S. Marine Corps, Cherry Point MCAS, North Carolina.
	2. (D-125): Beginning at a point 3 statute miles E of Amber Civil Airway No. 9 at lat. 35°46'15" N, long. 76°44'00" W; southwesterly paralleling the E edge of Amber Civil Airway No. 9 at a distance of 3 statute miles to lat. 34°06'20" N, long. 77°41'30" W; clockwise along the arc of a circle with a radius of 60 statute miles centered at lat. 34°54'30" N, long. 76°53'00" W to lat. 35°46'15" N, long. 76°44'00" W, point of beginning.	From 11,000 feet to 45,400 feet, excluding the airspace over Amber Civil Airway No. 9 between 16,000 feet and 21,000 feet.	Sunset to sunrise, daily.	U. S. Marine Corps, Cherry Point MCAS, North Carolina.

4. In § 608.41, the Core Sound, North Carolina, area (D-179), published on July 16, 1949 in 14 F. R. 4294, is deleted.

5. In § 608.41, the Hog Island, North Carolina, area (D-121), published on July 16, 1949 in 14 F. R. 4294 is deleted.

6. In § 608.41, the Point of Marsh, North Carolina, area (D-380), published on September 22, 1951 in 16 F. R. 9680, and amended on October 31, 1951 in 16 F. R. 11068, is deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 11, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-11985; Filed, Nov. 7, 1952; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulations

PART 407—TERMINATION OF CONTRACTS

MISCELLANEOUS AMENDMENTS

The following additions and amendments are made to Part 407—Termination of Contracts (17 F. R. 1791, February 29, 1952), all of which refer to the termination for convenience of nonprofit research and development contracts with educational and other nonprofit institutions. Additional §§ 407.307 (c) and 407.402 (e), and amended § 407.501 adopt a system of cost principles applicable to a fund system of accounting as normally used by educational institutions. Amended § 407.522-6 eliminates the requirement that the above-mentioned contractors pay interest on overpayments made by the government, if such overpayments are repaid within 30 days after demand. Amended § 407.608-3 provides for a simplified procedure for the disposition of government-owned scientific equipment to contractors having custody thereof. Additional § 407.704 prescribes a uniform termination clause for the contracts mentioned above.

SUBPART C—TERMINATION FOR CONVENIENCE

In § 407.307 *Settlement agreements* the following paragraph (c) is added:

(c) Under a terminated cost contract (without fixed-fee) if the Contractor elects to cost out on "1034 vouchers" no settlement agreement will be required. Under terminated cost-plus-fixed-fee contracts where the negotiated settlement is limited to the fixed fee the settlement agreement should cover only the fixed fee.

SUBPART D—GENERAL PRINCIPLES APPLICABLE TO THE SETTLEMENT OF TERMINATED FIXED-PRICE CONTRACTS

1. Paragraph (e) *Research and development contracts*, is added to § 407.402 *Statement of Principles for consideration of costs*, and follows paragraph (d) *Limitation on certain costs:*

(e) *Research and development contracts.* This section (except for the general policies contained in the paragraph (a) of this section) and §§ 407.403, 407.404, 407.405 are not applicable to nonprofit research and development contracts with educational and other nonprofit institutions provided such contracts incorporate, or are negotiated on the basis of, the cost principles set forth in Part 414, Subpart C, of this subchapter. Cost principles relating to the settlement of such contracts are as set forth in § 407.406.

2. Section 407.406 *Cost principles applicable to the settlement of certain terminated research and development contracts* is added to Part 407, Subpart D:

§ 407.406 *Cost principles applicable to the settlement of certain terminated research and development contracts.* In considering cost data as a basis for negotiation or determination of settlements under research and development contracts (whether fixed-price or cost-type) with educational or nonprofit institutions, the following items of costs shall be considered for reimbursement, subject to the general policies set forth in the first paragraph of § 407.402, provided such contracts incorporate, or were negotiated on the basis of, the cost principles set forth in Part 414, Subpart C, of this subchapter, and provided further such contracts are placed on a no-fee or no-profit basis:

(a) Costs incurred in the performance of the work terminated, determined on the basis of the principles set forth in Part 414, Subpart C, of this subchapter, entitled respectively "Contract Cost Principles" and "Research Contracts with Nonprofit Institutions."

(b) Subject to the general principles set forth in paragraph (a) of this section, and irrespective of whether particular costs are treated by the Contractor as direct or indirect, the costs described below shall be included to the extent that they are allocable to the terminated portion of the contract or the part thereof under consideration:

(1) Common claims of Subcontractors: The claims of Subcontractors which are common to the contract and to other work of the Contractor.

(2) Costs continuing after termination: If in a particular case it is impossible to discontinue certain costs and expenses immediately after the effective date of termination, such costs and expenses occurring after the termination date may be considered.

(3) Subcontracted services.

(4) Settlement expenses: Reasonable accounting, legal, clerical, and other expenses necessary in connection with the termination and settlement of the contract and subcontracts and purchase orders thereunder, including expenses incurred for the purpose of obtaining payment from the Government but only to the extent reasonably necessary for the preparation and presentation of settlement proposals and cost evidence in connection therewith. (Settlement expenses include reasonable storage,

transportation, and other costs incurred for the protection of properly acquired or produced for the contract or in connection with the disposition of such property.)

(5) Special leases: Rental under a bona fide lease clearly shown to have been reasonably necessary for the performance of the terminated contract, less the residual value of such lease, may be considered: *Provided*, That (i) the amount of such rental which may be considered shall not exceed the reasonable use value of the premises leased for the period of the contract and such further period as may be reasonable, and (ii) the Contractor makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease. (Subject to the foregoing limitations, there may also be considered the cost of reasonable alterations of premises so leased, provided such alterations were necessary for the performance of the contract, and reasonable restoration costs to the extent required by the provisions of the lease.)

(6) Severance pay to the extent required by law, employer-employee agreement or by the Contractor's established policy and which is reasonably allocable to the terminated portion of the contract.

(7) Costs arising under specific contract provisions.

(8) Property damage: The direct cost of property damage which has resulted from the removal of a Government-owned or Contractor-owned special facility for delivery to the Government or other disposition at the direction of the Contracting Officer.

SUBPART E—SETTLEMENT OF CONTRACTS TERMINATED FOR CONVENIENCE

GENERAL

Section 407.501 *Methods of settlement* is amended to read as follows:

§ 407.501 *Methods of settlement.* Settlement of contracts terminated for the convenience of the Government may be effected by (a) negotiated agreement, (b) determination by the Contracting Officer, (c) in the case of cost-type contracts costing out under "1034 vouchers," or (d) a combination of these methods. The negotiated agreement is the most expeditious and most satisfactory method of settling termination claims. This method will be used for settlement whenever feasible. Other methods of settlement should be resorted to only when a termination claim cannot be fairly settled by agreement.

COST-TYPE CONTRACTS

Section 407.522–6 *Limitation on total amount; effect of overpayment* is amended to read as follows:

§ 407.522–6 *Limitation on total amount; effect of overpayment.* The total amount of any partial payment or payments made under this section shall not exceed the amount which will in the opinion of the Contracting Officer, become due to the Contractor by reason of the termination. If the total of partial payments made to the Contractor should exceed the amount finally determined to be due to the Contractor on its termination claim, the excess shall be repayable to the Government on demand, together with interest computed at the rate of 6 percent per annum from the date such excess payment was made to the date of repayment: *Provided, however*, That no interest shall be charged with respect to any such excess payment attributable to a reduction in the contract termination claim by reason of retention or other disposition of termination inventory: *And provided, further*, That no interest shall be charged with respect to overpayments when in connection with research and development contracts which provide for performance at cost (without profit or fee to the Contractor) if such overpayments are repaid to the Government within 30 days after demand. Where credits for disposition of termination inventory reduce the amount of the termination claim below the total amount of partial payments previously made, the difference shall be repayable to the Government without interest within 10 days after notice to Contractor that such payments have become excessive. If not repaid within such time, the Government may demand repayment, with interest, computed at the rate of 6 percent per annum from the date such payments became excessive.

SUBPART F—TERMINATION INVENTORY

Section 407.608–3 *Other sales*, is amended to read as follows:

§ 407.608–3 *Other sales.* (a) Acquisitions or sales, other than those under paragraph (b) of this section, may be authorized without competitive bids only in exceptional or unusual cases. Such sales to the Contractor at market price may be approved by the Contracting Officer. Any other such sales without competitive bids under this paragraph shall be at a price which is fair and reasonable as set forth in § 407.608–2 (b).

(b) After such appropriate screening as may be provided by the regulations of the various departments, scientific equipment allocated to terminated research and development contracts with educational institutions may be sold to the Contractor in possession for use in educational or research pursuits without obtaining competitive bids. Prices under which such equipment is transferred shall be based upon negotiations between the Contractor and the Contracting Officer, provided that such prices shall be fair and reasonable and not less than the proceeds that could reasonably be expected to be obtained if the property were offered for competitive sale at such time. Such sales to the Contractor at market price may be approved by the Contracting Officer.

(c) Any sales made under paragraphs (a) and (b) of this section, without competitive bids, except at market price as provided in paragraphs (a) or (b) of this section, in which the original acquisition cost of the materials involved exceeds $1,000 shall be subject to the prior approval of a property disposal board, or such other reviewing agency as may be designated by Departmental Procedures, in addition to the required approval of the Contracting Officer under § 407.608–1. Where time is of the essence, such approvals as are required may be obtained orally by the Contracting Officer.

SUBPART G—FORMS

The following §§ 407.704 (formerly Reserved) and 407.704–1 are added to Part 407, Subpart G:

§ 407.704 *Termination clause for research and development contracts with educational and other nonprofit institutions.* The following standard clause shall be used in any research or development contract (whether fixed-price or cost-type) with an educational or nonprofit institution, provided such contract incorporates, or was negotiated on the basis of, the cost principles set forth in Part 414, Subpart C, of this subchapter, and provided further such contract is placed on a no-fee or no-profit basis.

TERMINATION FOR THE CONVENIENCE OF THE GOVERNMENT

(a) The performance of work under this contract may be terminated, in whole or from time to time in part, by the Government whenever for any reason the Contracting Officer shall determine that such termination is in the best interests of the Government. Termination of work hereunder shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated and the date upon which such termination becomes effective.

(b) After receipt of the Notice of Termination the Contractor shall cancel its outstanding commitments hereunder covering the procurement of materials, supplies, equipment and miscellaneous items. In addition the Contractor shall exercise all reasonable diligence to accomplish the cancellation or diversion of its outstanding commitments covering personal services and extending beyond the date of such termination to the extent that they relate to the performance of any work terminated by the notice. With respect to such cancelled commitments the Contractor agrees to (i) settle all outstanding liabilities and all claims arising out of such cancellation of commitments, with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final for all purposes of this clause, and (ii) assign to the Government, in the manner, at the time, and to the extent directed by the Contracting Officer, all of the right, title and interest of the Contractor under the Orders and Subcontracts so terminated.

(c) The Contractor shall submit its termination claim to the Contracting Officer promptly after receipt of a Notice of Termination, but in no event later than two years from the effective date thereof, unless one or more extensions in writing are granted by the Contracting Officer upon written request of the Contractor within such two year period or authorized extension thereof. Upon failure of the Contractor to submit its termination claim within the time allowed, the Contracting Officer may determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the Termination and shall thereupon pay to the Contractor the amount so determined.

(d) Any determination of costs under paragraph (c) shall be governed by the cost principles set forth in § 407.406 of Part 407 of the Armed Services Procurement Regulation, as in effect on the date of this contract.

(e) Subject to the provisions of paragraph (c) above, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the termination under this clause, which amount or amounts may include any reasonable cancellation charges thereby incurred by the Contractor and any reasonable loss upon outstanding commitments for personal services which it is unable to cancel: *Provided, however*, That in connection with any outstanding commitments for personal services which the Contractor is unable to cancel, the Contractor shall have exercised reasonable diligence to divert such commitments to its other activities and operations. Any such agreement shall be embodied in an amendment to this contract and the Contractor shall be paid the agreed amount.

(f) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments against costs incurred by the Contractor in connection with the terminated portion of this contract whenever, in the opinion of the Contracting Officer, the aggregate of such payments is within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, *Provided*, That if such excess is not so paid upon demand, interest thereon shall be payable by the Contractor to the Government at the rate of 6% per annum, beginning 30 days from the date of such demand.

(g) The Contractor agrees to transfer title and deliver to the Government, in the manner, at the time and to the extent, if any, directed by the Contracting Officer, such information and items which, if the contract had been completed, would have been required to be furnished to the Government, including (i) completed or partially completed plans, drawings and information, and (ii) materials or equipment produced or in process or acquired in connection with the performance of the work terminated by the notice. Other than the above any termination inventory resulting from the termination of the contract may, with the written approval of the Contracting Officer, be sold or acquired by the Contractor under the conditions prescribed by and at a price or prices approved by the Contracting Officer. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of work covered by this contract or paid in such other manner as the Contracting Officer may direct. Pending final disposition of property arising from the termination, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

(h) Any disputes as to questions of fact which may arise hereunder shall be subject to the "Disputes" clause of this contract.

§ 407.704–1 *Suggested clause for subcontracts.* The clause in § 407.704 suitably altered to indicate the relationship between the prime contractor and subcontractor, is suggested for use in subcontracts placed with educational or non-profit institutions provided such subcontracts incorporate, or are negotiated on the basis of, the cost principles set forth in Part 414, Subpart C, of this subchapter, and provided further such subcontracts are placed on a no-fee or no-profit basis.

(R. S. 161; 5 U. S. C. 22)

J. D. SMALL,
Chairman, Munitions Board.

NOVEMBER 4, 1952.

[F. R. Doc. 52–11980; Filed, Nov. 7, 1952; 8:46 a. m.]

Chapter V—Department of the Army

Subchapter F—Personnel

PART 571—RECRUITING AND ENLISTMENTS

RECRUITING FOR THE REGULAR ARMY

Sections 571.2 (c) (2), (f) (1), and (h) (12), and § 571.4 (b) are revoked and the following substituted therefor:

§ 571.2 *Qualifications for enlistment.* * * *

(c) *Educational requirements for female applicants.* * * *

(2) *Prior service.* Female applicants with prior military service must have completed a minimum of 2 years of high school or present substantiating data that they have successfully completed the high school level GED test.

* * * * *

(f) *Enlistments of persons with dependents.* (1) Applicants with dependents, except those individuals who reenlist the day following discharge or release from the active military service, are authorized to enlist only if entitled to enlistment in grade E–4 or higher, or if entitled to temporary promotion on date of enlistment to grade E–4 or higher, or if promised grade E–4 upon completion of reception processing and training. In especially meritorious cases of personnel with long periods of honorable service (normally 6 years or more) who do not meet these requirements, waivers may be granted by major commanders.

* * * * *

(h) *Classes ineligible for enlistment.* * * *

(12) *Applicants having venereal diseases or a history of venereal disease.* No waivers will be granted. (i) Male applicants who have an active or chronic venereal disease.

(ii) Female applicants who have a history of any venereal disease.

* * * * *

§ 571.4 *Choice of assignment.* * * *

(b) *Females.* Women who enlist or reenlist in the Regular Army will be enlisted for WAC unassigned only, with no choice of initial assignment, except as authorized by special regulations.

[C1, SR 615–105–1, Oct. 16, 52] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–12004; Filed, Nov. 7, 1952; 8:50 a. m.]

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 881—PERSONNEL REVIEW BOARDS

AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

The following §§ 881.1 to 881.11 supersede §§ 881.1 to 881.13 (14 F. R. 891, 6946; 15 F. R. 6252; 32 CFR 881.1 to 881.13). Sections 881.1 to 881.11 are effective September 29, 1952.

Sec.
881.1 Purpose.
881.2 Establishment, function, and jurisdiction of the Board.
881.3 Application for correction.
881.4 Entitlement to hearing, notice, counsel, witnesses, and access to records.
881.5 Hearing.
881.6 Action by the Board.
881.7 Action by the Secretary of the Air Force.
881.8 Staff action.
881.9 Reconsideration.
881.10 Settlement of claims.
881.11 Miscellaneous.

AUTHORITY: §§ 881.1 to 881.11 issued under R. S. 161, sec. 202, 63 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 207, 60 Stat. 837, as amended; 5 U. S. C. 191a.

DERIVATION: AFR 31–3, Nov. 3, 1952.

§ 881. *Purpose.* The regulations contained in §§ 881.1 to 881.11 establish procedures for making application, and the consideration of applications, for the correction of military records by the Secretary of the Air Force acting through the Air Force Board for the Correction of Military Records (hereinafter referred to as the Board).

§ 881.2 *Establishment, function, and jurisdiction of the Board*—(a) *Establishment and composition*—(1) *Establishment.* Pursuant to the provisions of section 207 of the Legislative Reorganization Act of 1946, as amended (60 Stat. 837, as amended; 5 U. S. C. 191a) the Board is established in the Office of the Secretary of the Air Force.

(2) *Composition.* The Board will consist of civilian officers or employees of the Department of the Air Force in such number, not less than three, as may be appointed by the Secretary of the Air Force. Three members present shall constitute a quorum of the Board. The Secretary of the Air Force will designate one member as the Chairman. In the event of absence or incapacity of the Chairman, an Acting Chairman chosen by the Board shall act as Chairman for all purposes.

(b) *Function.* The function of the Board is to consider all applications properly before it for the purpose of determining the existence of an error or an injustice and to make appropriate recommendations to the Secretary of the Air Force.

(c) *Jurisdiction.* The Board shall have jurisdiction to review and determine all matters properly brought before it, consistent with the existing law.

§ 881.3 *Application for correction*—(a) *General requirements*—(1) *Submission.* The application for correction

should be submitted on DD Form 149, "Application for Correction of Military or Naval Records", or exact facsimile thereof, and should be addressed to the Air Adjutant General, Headquarters United States Air Force, Attention: Personnel Records Service Division, Washington 25, D. C., DD Form 149 and explanatory matter may be obtained from the Air Adjutant General, Headquarters United States Air Force, Attention: Personnel Records Service Division, Washington 25, D. C.

(2) *By whom signed.* Except as provided in subparagraph (3) of this paragraph, the application shall be signed by the person requesting corrective action with respect to his record and will either be sworn to or will contain a provision to the effect that the statements submitted in the application are made with full knowledge of the penalty provided by law for making a false statement or claim (sec. 1, 62 Stat. 698, 749; 18 U. S. C. 287, 1001).

(3) *When person is unable to submit application himself.* When the record in question is that of a person who is incapable of making application himself, or whose whereabouts are unknown, or when such person is deceased, for the purpose of bringing the matter before the Board the application may be made (except where compliance with the provisions of the law with respect to time limitations for filing an application may require otherwise) by such person as the Board shall determine to be competent and suitable and to have a proper interest therein, including but not limited to, a spouse, a parent, or relative. Such proof of suitability and proper interest shall be submitted as may be required by the Board.

(b) *Time limit for filing application.* The claimant, his heirs at law, or legal representatives, must file a request for correction of a record with the Secretary of the Air Force prior to October 25, 1961, or within three years of discovery of the alleged error or injustice, whichever be the later. The failure to file such request within the time prescribed may be excused by the Board on its finding that it is in the interest of justice to do so.

(c) *Exhaustion of other remedies.* No application will be considered until the applicant has exhausted all effective administrative remedies afforded him by existing law or regulations, and such legal remedies as the Board shall determine are practical and appropriately available to the applicant.

(d) *Other proceedings not stayed.* The application to the Board for correction of a record shall not operate as a stay of any proceedings being taken with respect to the person involved.

(e) *Denial of application.* It shall be adequate ground for denial of any application that a sufficient basis for review has not been established or that effective relief cannot be granted.

§ 881.4 *Entitlement to hearing, notice, counsel, witnesses, and access to records*—(a) *Entitlement to hearing.* When an application has been found to be within the jurisdiction of the Board and sufficient evidence has been presented indicating probable error or injustice, the applicant will be entitled to a hearing before the Board either in person or by counsel of his own selection or in person with counsel.

(b) *Notice*—(1) *To applicant and counsel.* In each case in which a hearing is authorized, the Board will transmit to the applicant and counsel, if any, a written notice stating the time and place of hearing. The notice will be mailed to the applicant and counsel, if any, at least 30 days prior to the date of hearing, except that an earlier date may be set where the applicant waives his right to such notice in writing.

(2) *Notifying Board.* Upon receipt of notice of hearing, the applicant will notify the Board in writing at least 15 days prior to the date set for hearing as to whether he will be present at the hearing and will indicate to the Board the name of counsel, if represented by counsel, and the names of such witnesses as he may intend to call in his behalf. Cases in which the applicant notifies the Board that he does not desire to be present at the hearing, will be considered in accordance with § 881.5 (b) (2).

(c) *Definition of counsel.* As used in the regulations contained in §§ 881.1 to 881.11, the term "counsel" will be construed to include members in good standing of the Federal Bar or the Bar of any State, accredited representatives of veterans organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (49 U. S. C. 2031, as amended; 38 U. S. C. 101), and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the request of the applicant for correction, unless barred by law.

(d) *Witnesses.* The applicant will be permitted to present witnesses in his behalf at hearings before the Board. It will be the responsibility of the applicant to notify his witnesses and to arrange for their appearance at the time and place set for hearing.

(e) *Access to records*—(1) *Official records.* The applicant shall have access to such official records as are deemed necessary to an adequate presentation of his case. It will be the responsibility of the applicant to procure such evidence not contained in the official records of the Department of the Air Force as he desires to present in support of his case.

(2) *Classified or privileged matter.* Classified or privileged matter shall not be disclosed or made available without express finding of the Chairman that such disclosure is required in the case and is not detrimental to the public interest. Such disclosure shall not be contrary to existing law and departmental regulations concerning the security of classified material. When appropriate, the applicant may be supplied only with a summary or extract of classified matter.

§ 881.5 *Hearing*—(a) *Convening the Board.* The Board will be convened at the call of the Chairman and will recess or adjourn at his order.

(b) *Conduct of hearing*—(1) *By Chairman.* The hearing shall be conducted by the Chairman, and shall be subject to his rulings so as to insure a full and fair hearing. The Board shall not be limited by legal rules of evidence but shall maintain reasonable bounds of competency, relevancy, and materiality.

(2) *When applicant is not present or represented at hearing.* If the applicant, after being duly notified, has indicated to the Board that he does not desire to be present or to be represented by counsel at the hearing, the Board will consider the case on the basis of all the material before it, including, but not limited to, the application for correction filed by the applicant, any documentary evidence filed in support of such application, any brief submitted by or in behalf of the applicant, and all available pertinent records.

(3) *When applicant fails to appear at time and place set for hearing.* If the applicant, after being duly notified, has indicated to the Board that he will be present or be represented by counsel at the hearing, and without good cause and timely notice to the Board, he or his representative fails to appear at the time and place set for the hearing, the Board may consider the case in accordance with the provisions of subparagraph (2) of this paragraph, or will make such other disposition of the case as is indicated under the circumstances.

(4) *Testimony.* All testimony before the Board shall be given under oath or affirmation. The proceedings of the Board and the testimony given before it will be recorded verbatim.

(c) *Continuance.* The Board may continue a hearing on its own motion. A request for continuance by or in behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

§ 881.6 *Action by the Board*—(a) *Deliberations, findings, decisions, and recommendations*—(1) *Deliberations.* Only members of the Board and its staff shall be present during the deliberations of the Board.

(2) *Further information.* Whenever, during the course of its review of the case, it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed by the records or by the testimony and other evidence before the Board, the Board may require the applicant to obtain, or the Board may obtain, such further information as it may consider essential to a complete and impartial determination of the facts and issues.

(3) *Findings, decisions, and recommendations.* Following a hearing, the Board will make written findings, decisions, and recommendations. A majority vote of the members present on any matter before the Board will constitute the action of the Board and shall be so recorded.

(4) *Separate communication.* Where the Board deems it necessary to submit comments or recommendations to the Secretary of the Air Force as to matters arising from but not directly related to the issues of any case, such comments and recommendations shall be the subject of separate communication.

(b) *Minority report.* In case of a disagreement between members of the Board a minority report may be submitted, either as to the findings, decisions, or the recommendations or to all, including the reasons therefor.

(c) *Record of proceedings.* When the Board has completed its proceedings, a record thereof shall be prepared. Such record shall indicate whether or not a quorum was present at the hearing and at the Board's deliberations. The record shall include the application for relief, a transcript of any testimony, affidavits, papers, and documents considered by the Board, briefs and written arguments filed in the case, the findings, decision and recommendations of the Board and all other papers, documents, and reports necessary to reflect a true and complete history of the proceedings. The record so prepared will be certified by the Chairman or his designee as being true and complete.

(d) *Withdrawal.* The Board may permit an applicant to withdraw his application without prejudice at any time before its proceedings are forwarded to the Secretary of the Air Force.

§ 881.7 *Action by the Secretary of the Air Force.* The record of proceedings of the Board will be forwarded to the Secretary of the Air Force who will direct such action in each case as he determines to be appropriate, which may include the return of the record to the Board for further consideration when deemed necessary.

§ 881.8 *Staff action*—(a) *Returning case to Board.* Upon final action by the Secretary of the Air Force, the complete record in each case will be returned to the Board. The Board will transmit the decision of the Secretary of the Air Force to the Chief of Staff, United States Air Force, for appropriate action.

(b) *Communicating decision to applicant and counsel.* Upon receipt of the record of proceedings after final action by the Secretary of the Air Force, the Board will communicate the decision to the applicant and counsel, if any.

(c) *Informing applicant when administrative action has been completed.* When all necessary administrative action has been completed by the Air Staff, the applicant will be informed of such action by the Air Staff office designated by the Chief of Staff, United States Air Force.

(d) *Written notice to Chairman of Board.* Written notice specifying the action taken and the date thereof will be transmitted to the Chairman of the Board.

(e) *Filing record of decision of the Secretary of the Air Force.* The record of the decision of the Secretary of the Air Force will not be filed in the military records of the subject of the application where the effect of such action would be to nullify the relief granted or in those cases wherein the application is denied.

(f) *Applicant not entitled to copies of record of proceedings.* The applicant shall not be entitled to copies of the record of proceedings, but such record shall be made available for his inspection except where, in the discretion of the Chairman, it is detrimental to the public interest.

§ 881.9 *Reconsideration.* After final adjudication, further hearing before the Board will be granted only upon presentation by the applicant of newly discovered relevant evidence not previously considered by the Board and then only upon recommendation of the Board and approval by the Secretary of the Air Force.

§ 881.10 *Settlement of claims*—(a) *Authority*—(1) *Claims authorized to be settled and paid.* The Department of the Air Force is authorized to settle and pay claims for amounts paid as fines or forfeitures or for losses of pay (including retired or retirement pay), allowances, compensation, emoluments, or other monetary benefits as the case may be which are found to be due, under applicable provisions of law, on account of military service, and as the result of action heretofore or hereafter taken under section 207 of the Legislative Reorganization Act of 1946, as amended (60 Stat. 837, as amended; 5 U. S. C. 191a), except as provided in subparagraph (2) of this paragraph.

(2) *Claims not authorized to be paid.* The Department of the Air Force is not authorized to pay any claim heretofore compensated by Congress through enactment of a private law, or to pay any amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Administrator of Veterans' Affairs.

(b) *Application for settlement*—(1) *Filing claim.* Settlement and payment of claims shall be made only upon a claim of the person whose record has been corrected or of his legal representative, his heirs at law, or his beneficiaries. Such claim for settlement and payment may be filed as a separate part of the application for correction of the record.

(2) *To whom payments will be made if person is deceased.* In case the person whose record has been corrected is deceased, and where no demand is presented by a duly appointed legal representative of the estate, payments otherwise due shall be made to the decedent's widow, widower, legal heirs, or beneficiaries, in the order of precedence or succession as may be prescribed by the applicable provisions of law relating to the kind of payment involved and when not otherwise so provided, in the order of precedence as set forth in the act of February 25, 1946 (60 Stat. 30; 10 U. S. C. 868), or as may be prescribed by the applicable provisions of law relating to the kind of payment involved.

(3) *Determining status as proper parties to claim.* Upon request, the applicant or applicants shall be required to furnish requisite information to determine their status as proper parties to the claim for purposes of payment under applicable provisions of law.

(c) *Settlement*—(1) *Basis for settlement.* Settlement of claims shall be upon the basis of the decision and recommendations of the Board, as approved by the Secretary of the Air Force. Computation of the amounts due shall be made by the Deputy Chief of Staff, Comptroller. In no case will the amount found due exceed the amount which would otherwise have been paid or have become due under applicable laws had no error or injustice occurred. To the extent authorized by law and regulations, amounts found due may be reduced by the amount of any existing indebtedness to the Government, arising from military service.

(2) *Advising as to nature and amounts of benefits.* Prior to or at the time of payment, the person or persons to whom payments are to be made shall be advised by the Deputy Chief of Staff, Comptroller as to the nature and amount of the various benefits represented by the total settlement, and shall be advised further that acceptance of such settlement shall constitute a complete release by the claimants involved of any claim against the United States on account of the correction of the record.

(d) *Report of settlement*—(1) *To Chairman of the Board.* In every case where payment is made, the amount of such payment and the names of the payee or payees, shall be reported to the Chairman of the Board.

(2) *To the Secretary of the Air Force.* The Chairman of the Board shall make a semiannual report to the Secretary of the Air Force of all claims paid during the period covered by the report, including a statement of the amount paid, the names of the payee or payees and a brief description of the claim in each case.

§ 881.11 *Miscellaneous*—(a) *Staff assistance*—(1) *Assembling and transmitting available military records.* At the request of the Board, the appropriate staff office will assemble the original or certified copies of all available military records pertinent to the corrective action requested. Such records together with the application and all supporting papers will be transmitted to the Board with a certification from the staff office designated by the Chief of Staff, that the corrective action requested cannot be granted through administrative action by any staff office.

(2) *Facilities of staff offices.* The facilities of all staff offices will be made available as required to assist the Board in the accomplishment of its function. Upon request of the Board, personnel of the Air Staff will be made available for presentation before the Board of matters within their functional areas and which relate to the issues under consideration.

(b) *Expenses.* No expenses of any nature whatsoever voluntarily incurred by the applicant, his counsel, his witnesses, or by any other person in his behalf, will be paid by the Government.

(c) *Changes in procedures.* The Board may initiate recommendations for such changes in procedures as established herein as may be considered necessary for the proper functioning of the Board. Such changes will be subject to the approval of the Secretary of the Air Force and of the Secretary of Defense.

The regulations contained in §§ 881.1 to 881.11 and any amendments thereto will be published in the FEDERAL REGISTER.

[SEAL] H. B. HOHMAN,
Colonel, U. S. Air Force,
Acting Air Adjutant General

[F. R. Doc. 52-11981; Filed, Nov. 7, 1952; 8:46 a. m.]

[Rent Regulation 3, Amdt. 92 to Schedule A]
[Rent Regulation 4, Amdt. 36 to Schedule A]

RR 3—HOTELS
RR 4—MOTOR COURTS
SCHEDULE A—DEFENSE-RENTAL AREAS
NEW JERSEY AND PENNSYLVANIA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective November 7, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 4th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(191) Trenton	New Jersey	In Warren County, the townships of Greenwich, Lopatcong, and Pohatcong, the borough of Alpha, and the town of Phillipsburg	Aug. 1, 1952	Nov. 7, 1952
(257) Allentown-Bethlehem	Pennsylvania	Northampton and Lehigh Counties	do	Do.

[F. R. Doc. 52-11967; Filed, Nov. 7, 1952; 8:45 a. m.]

TITLE 39—POSTAL SERVICE
Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS

The following parts are amended as follows:

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

In § 35.16 *Motion-picture films* make the following changes:

1. Amend paragraph (b) to read as follows:

(b) *Further packing provisions.* Motion-picture films may also be packed in outside wooden boxes complying with Specification No. 15C of the Interstate Commerce Commission regulations for the transportation of dangerous articles, provided each reel is placed in a tightly closed inside metal container. Marking on boxes to indicate compliance with the specification is:

I. C. C.—15C•••

the stars being replaced by figures indicating the maximum gross weight for which the box is authorized. The letters and figures in this symbol shall be at least one-half inch high.

2. Amend paragraph (c) by striking out the words "to be dispatched outside of mail bags," in the second sentence and inserting a period in lieu thereof.

3. Amend paragraph (e) to read as follows:

(e) *Noninflammable films.* Noninflammable motion-picture films shall be accepted without other restriction when packed in sufficiently strong containers to bear safe transmission in the mails. Such containers shall be plainly marked as to contents such as "Motion-picture film—Not dangerous;" "Motion-picture film—Safety base," or "Business Microfilm—Safety base."

4. Amend paragraph (g) (1) by striking out the phrase "shall be handled outside of mail bags;".

5. Amend paragraph (k) by inserting in the first sentence after the words "or railroad employee" the words "wherever possible," and by striking out the words "outside of mail bags" in the last sentence.

6. Redesignate present paragraph (l), (17 F. R. 2184), as paragraph (m), and add a new paragraph (l) to read as follows:

(l) *Label required.* Sacks or pouches containing inflammable motion-picture film or other mailable inflammable solids bearing an approved yellow caution label shall have an inflammable parcel post (yellow) tag (Form 5136-Revised March 1952) attached to the label holder.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, 62 Stat. 781, as amended; 5 U. S. C. 22, 369; 18 U. S. C. 1716)

PART 97—STAR, STEAMSHIP, AND STEAMBOAT ROUTES, AND VEHICLE SERVICE IN CITIES

In § 97.60 *Compensation for additional service* amend paragraph (c) to read as follows:

(c) *Report of change in travel distance.* In all cases where the regular line of travel becomes impassable from any cause, the carrier must use the most available road in order to perform full service. He should immediately report the matter to the proper General Superintendent, Postal Transportation Service, and to the postmaster at the head of the route or to the postmaster at the office first named in the statement of service. The postmaster shall forward a special report to the proper General Superintendent, Postal Transportation Service, stating the manner in which it is necessary for the carrier to travel, the increase in distance involved, the date on which the detour began, and the probable date on which regular service may be resumed.

(R. S. 161, 396, 3951, as amended; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; 39 U. S. C. 434)

PART 98—EXAMINATION OF REPORTS OF SERVICE PERFORMED; DEDUCTIONS AND FINES

Rescind § 98.3 *Reports of mail service.*

(Sec. 3 (a) (3), 60 Stat. 238; 5 U. S. C. 1002 (a) (3))

PART 107—RAILWAY POST OFFICES

In § 107.23 *Smoking* amend paragraph (b) to read as follows:

(b) *In storage cars and trucks prohibited.* No person shall smoke or carry lighted cigars, cigarettes, or pipes in mail storage cars or trucks while same are being loaded, unloaded, or while in transit. Postal transportation clerks, transfer clerks and postal employees shall prevent any violation of this regulation.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-11984; Filed, Nov. 7, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY
Bureau of Internal Revenue
[26 CFR Part 29]

INCOME TAX TREATMENT OF EXEMPT COOPERATIVES FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 314 (a), (b), and (d) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.101 (12)-1 (26 CFR 29.101 (12)-1) the following:

SEC. 314. INCOME TAX TREATMENT OF EXEMPT COOPERATIVES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 101 (12).* Section 101 (12) is hereby amended as follows:

(1) By inserting after "(12)" the following: "(A)".

(2) By inserting after such paragraph the following:

(B) An organization exempt from taxation under the provisions of subparagraph (A) shall be subject to the taxes imposed by sections 13 and 15, or section 117 (c) (1), except that in computing the net income of such an organization there shall be allowed as deductions from gross income (in addition to other deductions allowable under section 23)—

(i) Amounts paid as dividends during the taxable year upon its capital stock, and

(ii) Amounts allocated during the taxable year to patrons with respect to its income not derived from patronage (whether or not such income was derived during such taxable year) whether paid in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the dollar amount allocated to him. Allocations made after the close of the taxable year and on or before the fifteenth day of the ninth month following the close of such year shall be considered as made on the last day of such taxable year to the extent the allocations are attributable to income derived before the close of such year.

Patronage dividends, refunds, and rebates to patrons with respect to their patronage in the same or preceding years (whether paid in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the dollar amount of such dividend, refund, or rebate) shall be taken into account in computing net income in the same manner as in the case of a cooperative organization not exempt under subparagraph (A). Such dividends, refunds, and rebates made after the close of the taxable year and on or before the 15th day of the ninth month following the close of such year shall be considered as made on the last day of such taxable year to the extent the dividends, refunds, or rebates are attributable to patronage occurring before the close of such year.

(b) *Technical amendments.* (1) Section 101 is hereby amended by striking out "Except as provided in supplement U" and inserting in lieu thereof the following: "Except as provided in paragraph (12) (B) and in supplement U".

(2) The last sentence of section 101 is hereby amended by striking out "Notwithstanding supplement U" and inserting in lieu thereof "Notwithstanding paragraph (12) (B) and supplement U".

• • • • •

(d) *Effective date.* The amendments made by subsection (a) and (b) of this section shall be applicable only with respect to taxable years beginning after December 31, 1951 • • •

PAR. 2. There is inserted immediately following § 29.101 (12)-1 the following new sections:

§ 29.101 (12)-2 *Farmers' cooperative marketing and purchasing associations; taxable years beginning after December 31, 1951*—(a) *In general.* (1) For taxable years beginning after December 31, 1951, section 101 (12) is applicable to farmers, fruit growers', or like associations organized and operated on a cooperative basis in the manner prescribed in section 101 (12) (A). Although such an association is subject to both normal tax and surtax, as in the case of corporations generally, certain special rules for the computation of net income are provided in section 101 (12) (B) and § 29.101 (12)-3. For the purpose of any law which refers to organizations exempt from income taxes such an association shall, however, be considered as an organization exempt under section 101. Thus, under section 454 (a) such an association is not subject to the excess profits tax. Similarly, the provisions of section 26 (b), providing a credit for dividends received from a domestic corporation subject to taxation, are not applicable to dividends received from a cooperative association subject to 101 (12) (B). The provisions of section 141, relating to consolidated returns, are likewise not applicable.

(2) Rules governing the manner in which amounts allocated as patronage dividends, rebates, or refunds are to be taken into account in computing the net income of such an association are set forth in § 29.101 (12)-4. For the tax treatment, as to patrons, of amounts received during the taxable year as patron-

TITLE 32A—NATIONAL DEFENSE, APPENDIX
Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 88 to Schedule A]
[Rent Regulation 2, Amdt. 86 to Schedule A]

RR 1—HOUSING
RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS
SCHEDULE A—DEFENSE-RENTAL AREAS
NEW JERSEY AND PENNSYLVANIA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective November 7, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 4th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
New Jersey				
(191) Trenton	B	In Warren County, the town of Phillipsburg, the Oxford Furnace, all unincorporated localities in Warren County, except the townships of Hairstown, Franklin, Frelinghuysen, Greenwich, Hardwick, Hope, Independence, Lopatcong, Mansfield, Oxford, Pahaquarry, Pohatcong, Washington, and White, and the boroughs of Hackettstown and the borough of Washington.	Mar. 1, 1942	Sept. 1, 1942
	B	In Hunterdon County, the city of Lambertville, the townships of Alexandria, Bethlehem, and Kingwood, the town of Clinton, and the boroughs of Califon, Flemington, and Milford, and all unincorporated localities in Mercer County, the city of Trenton, the townships of East Windsor, Ewing, Hamilton, and Lawrence, the boroughs of Hopewell, Pennington, Princeton, and all unincorporated localities in Monmouth County, the town of Phillipsburg and the borough of Alpha, the town of Phillipsburg and the	Nov. 1, 1942	Nov. 7, 1952
	C	In Warren County, the townships of Greenwich, Lopatcong, and Pohatcong.	Aug. 1, 1952	Nov. 7, 1952
	A		do	Do.
Pennsylvania				
(257) Allentown-Bethlehem	B	Lehigh County, except the townships of Heidelberg, Lower Macungie, Lower Milford, Lowhill, Lynn, Upper Macungie, Upper Milford, Washington, and Weisenberg, and the boroughs of Alburtis, Macungie, and Slatington, and the unincorporated localities in the townships of Bushkill, Lehigh, Lower Mount Bethel, Moore, Plainfield, Upper Mount Bethel, and Washington, and the boroughs of Bangor, Chapman, East Bangor, Pen Argyl, Portland, Roseto, Wind Gap, Nazareth, Northampton, Tatamy, Walnutport, and Wind Gap.	Mar. 1, 1942	Sept. 1, 1942
	C	In Lehigh County, the townships of Heidelberg, Lower Macungie, Lower Milford, Lowhill, Lynn, Upper Macungie, Upper Milford, Washington, and Weisenberg, and the boroughs of Alburtis, Macungie, and Slatington, and the unincorporated localities in the townships of Bushkill, Lehigh, Lower Mount Bethel, Moore, Plainfield, Upper Mount Bethel, and Washington, and the boroughs of Bangor, Chapman, East Bangor, Pen Argyl, Portland, Roseto, Walnutport, and Wind Gap.	Aug. 1, 1952	Nov. 7, 1952
	A		do	Do.

[F. R. Doc. 52-11964; Filed, Nov. 7, 1952; 8:45 a. m.]

age dividends, rebates, or refunds see § 29.22 (a)–23.

(b) *Meaning of terms.* For purposes of §§ 29.101 (12)–2 to 29.101 (12)–4, inclusive, §§ 29.148–4, and 29.22 (a)–23, the following terms shall have the meaning ascribed below:

(1) *Cooperative association.* The term "cooperative association" includes any corporation operating on a cooperative basis and allocating amounts to patrons on the basis of the business done with or for such patrons, except that the term does not include any cooperative or nonprofit corporation (including any cooperative or nonprofit corporation engaged in rural electrification) exempt from taxation under section 101 (10) or (11) or any corporation subject to a tax imposed by Supplement G (relating to insurance companies).

(2) *Patron.* The term "patron" includes any person with whom or for whom the cooperative association does business on a cooperative basis, whether a member or a nonmember of the cooperative association, and whether an individual, a trust, estate, partnership, company, corporation, or cooperative association.

(3) *Allocation.* The term "allocation" includes distributions in cash or merchandise made by a cooperative association to a patron, the issuance by such association of capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, similar documents, or any other act by a cooperative association whereby there is disclosed to a patron the apportionment on the books of such association of the dollar amount of its assets for the account of such patron. Thus, a mere credit to the account of a patron on the books of the cooperative association, without disclosure to the patron is not an allocation.

(4) *Patronage dividends, rebates, and refunds.* The term "patronage dividend, rebate, or refund" includes any amount allocated (whether in cash, merchandise, capital stock, revolving fund certificate, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the amount of such dividend, refund, or rebate) by a cooperative association, to the account of a patron on the basis of the business done with or for such patron. The following are not patronage dividends, rebates, or refunds:

(i) Amounts distributed in redemption of capital stock, or in redemption or satisfaction of certificates of indebtedness, revolving fund certificates, retain certificates, letters of advice, or other similar documents;

(ii) In the case of a cooperative association marketing the products of members or other patrons, the amount paid in cash or merchandise by the association for such products to the extent such amount is fixed without reference to the earnings of the cooperative association. For this purpose, the term "earnings" includes the excess of amounts retained by the association to cover expenses or other items over the amount of such expenses or other items.

§ 29.101 (12)–3 *Manner of taxation of cooperative associations subject to 101 (12).*—(a) *In general.* For taxable years beginning after December 31, 1951, farmers, fruit growers, or like associations, organized and operated in compliance with the requirements of section 101 (12) (A) and § 29.101 (12)–1 shall be subject to the taxes imposed by sections 13 and 15 or section 117 (c) (1), except that there shall be allowed as deductions from gross income, in addition to the other deductions allowable under section 23, certain special deductions provided in section 101 (12) (B) (i) and (c) below, section 101 (12) (B) (ii) and paragraph (d) of this section. Amounts allocated as patronage dividends, rebates, or refunds, whether in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or other similar documents, with respect to patronage for the taxable year or for preceding taxable years, shall be taken into account in the manner provided in section 101 (12) (B) and in § 29.101 (12)–4.

(b) *Cooperative associations exempt from tax before January 1, 1952.* (1) In the case of a cooperative association exempt from tax for taxable years beginning prior to January 1, 1952, the taxable year (fiscal year or calendar year, as the case may be) shall be determined without regard to the fact that such association may have been exempt from tax during any prior period. See sections 41 and 48 and the regulations thereunder. Similarly in computing net income, the determination of the taxable year for which an item of income or expense is taken into account shall be made under the provisions of sections 41, 42 and 43 and the regulations prescribed thereunder, whether or not the item arose during a taxable year beginning before, on, or after December 31, 1951. For the purpose of determining the method of accounting of the cooperative association under section 41, the method of accounting utilized in the return of such association filed for the first taxable year beginning after December 31, 1951, shall be deemed to constitute the method of accounting regularly employed by the cooperative association.

(2) For the purpose of computing, under section 122, the net operating loss deduction provided in section 23 (s), the terms "preceding taxable year" and "preceding taxable years", as used in section 122, shall not include any taxable year for which such association was not subject to the provisions of section 101 (12) (B). Thus, if the cooperative association was not subject to the provisions of 101 (12) (B) for the immediately preceding taxable year, the net operating loss is not a carry-back to any preceding taxable year, and the net operating loss carry-over to succeeding taxable years is not reduced by the net income for any preceding taxable year. No net operating loss carry-back or carry-over shall be allowed from a taxable year beginning prior to January 1, 1952. The adjustments to the cost or other basis of property provided in section 113 (b) and §§ 29.113 (b) (1)–1 to 29.113 (b) (1)–3, inclusive, are applicable although such an association was exempt from tax for taxable years beginning prior to January 1, 1952. Proper adjustment to basis must be made under section 113 (b) for the entire period since the acquisition of the property. Thus, adjustment to basis must be made for depreciation allowable for all prior taxable years although such an association was exempt from tax during such period. Similarly, in the case of tax exempt and partially taxable bonds purchased at a premium and subject to amortization under section 125, proper adjustment to basis must be made to reflect amortization with respect to such premium from the date of acquisition of the bond. (For principles governing the method of computation, see the example in § 29.113 (b)–1 (4) relating to mutual savings banks, building and loan associations, and cooperative banks.) The basis of a fully taxable bond purchased at a premium shall be adjusted from the date of the election to amortize such premium in accordance with the provisions of section 125 in the same manner as if the institution were subject to tax from the date of acquisition of the bond.

(3) In the case of a mortgage acquired at a premium where the principal of such mortgage is payable in installments, adjustments to the basis for the premium must be made for all taxable years (whether or not the institution was exempt from tax during such years) in which installment payments are received. Such adjustment shall be an amount which is equal to the proportion of the premium which each installment payment on principal bears to the face value of the mortgage loan. For the purpose of this adjustment, the term "premium" includes the amount of cash paid in excess of the face amount of the loan, including attorneys' fees, brokerage commissions, and all other costs directly attributable to the acquisition of the mortgage.

(4) The elective method of inventorying goods may be adopted by the cooperative association for any taxable year beginning after December 31, 1951, in accordance with the requirements of section 22 (d) and the regulations issued under that section. In order to use such method for such a taxable year, the cooperative association must exercise the election provided in section 22 (d) (2) (A) and § 29.22 (d)–8 even though it may have utilized such method for accounting purposes for taxable years beginning prior to January 1, 1952.

(5) The cooperative association may select either of the alternative methods for treating bad debts provided in § 29.23 (k)–1 (a) in the return for its first taxable year beginning after December 31, 1951. The method selected shall be subject to the approval of the Commissioner upon examination of the return. Any change in the method so selected and approved may be made only if permission is granted as provided in § 29.23 (k)–1 (a).

(c) *Deduction for dividends paid.* There is allowable as a deduction from the gross income of a cooperative association operated in compliance with the requirements of section 101 (12) (A) and § 29.101 (12)–3, amounts paid as dividends during the taxable year upon the capital stock of the cooperative association. For the purpose of the preceding sentence, the term "capital stock" includes common stock (whether voting or nonvoting) preferred stock, capital retain certificates, revolving fund certificates, letters of advice, or other documentary evidence of a proprietary interest in a cooperative association. Such deduction is applicable only to the taxable year in which the dividends are actually or constructively paid to the shareholders of the cooperative association. If a dividend is paid by check and the check bearing a date within the taxable year is deposited in the mail, in a cover properly stamped and addressed to the shareholder at his last known address, at such time that in the ordinary handling of the mails the check would be received by the shareholder within the taxable year, a presumption arises that the dividend was paid to the shareholder in such year. The determination of whether a dividend has been paid to the shareholder by the corporation during its taxable year is in no way dependent upon the method of accounting regularly employed by the corporation, in keeping its books, or upon the method of accounting upon the basis of which the net income of the corporation is computed. For further rules as to the determination of the right to a deduction for dividends paid, under certain specific circumstances, see §29.27 (b)–2.

(d) *Deduction for income not derived from patronage.* There is allowable as a deduction from the gross income of a cooperative association operated in compliance with the requirements of section 101 (12) (A) and § 29.101–(12)–1 amounts allocated during the taxable year to patrons with respect to its income not derived from patronage (whether or not such income was derived during such taxable year) whether such amounts are paid in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the dollar amount allocated to him. For this purpose, allocations made after the close of the taxable year and on or before the 15th day of the ninth month following the close of the taxable year shall be considered as made on the last day of such taxable year to the extent that such allocations are attributable to income derived during the taxable year or during years prior to the taxable year. As used in this paragraph, the term "income not derived from patronage" includes incidental income derived from sources not directly related to the marketing, purchasing, or service activities of the cooperative association. For example, income derived from the lease of premises, from temporary investment in securities, from the sale or exchange of capital assets, constitutes income not derived from patronage. Business done with the United States shall constitute income not derived from patronage. In order that the deduction for income not derived from patronage may be applicable it is necessary that the amount sought to be deducted be allocated on a patronage basis in proportion, insofar as is practicable, to the value of the patrons' interest in such non-patronage income. Thus, if capital gains are realized from capital assets acquired and disposed of during the taxable year such income must be allocated to patrons of such year in proportion to the amount of business done by such patrons during the taxable year.

§ 29.101 (12)–4 *Patronage dividends, rebates, or refunds; treatment as to cooperative associations entitled to tax treatment under section 101 (12) (B).*—(a) *General rule.* For taxable years beginning after December 31, 1951, patronage dividends, rebates, or refunds, allocated by a cooperative association entitled to tax treatment under section 101 (12) (B) to a patron shall be taken into account in computing the gross income of such association for the taxable year, as an increase in its cost of goods sold in the case of an association marketing products for patrons, or as a reduction in its gross receipts, in the case of an association purchasing supplies and equipment or performing services for patrons, as the case may be, if:

(1) The allocation is made in fulfillment and satisfaction of a valid obligation of such association to the patron, which obligation was in existence prior to the receipt by the cooperative association of the amount allocated, and

(2) The allocation, whether in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or similar documents, is made on or before the 15th day of the ninth month following the close of the taxable year in which the amounts allocated were received by the cooperative association.

For the purpose of subparagraph (1) of this paragraph, amounts allocated by a cooperative association entitled to tax treatment under section 101 (12) (B) will be deemed allocated in fulfillment and satisfaction of a valid enforceable obligation, if made pursuant to provisions of the by-laws, articles of incorporation, or other contract, whereby the association is obligated to make such allocation after the retention of "reasonable reserves". Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, amounts allocated as patronage dividends, rebates, or refunds during the taxable year, or on or before the 15th day of the ninth month following the close of such year, with respect to patronage for years preceding the taxable year, shall be taken into account as an increase in the cost of goods sold, or as a reduction in gross receipts for the taxable year, as the case may be, where retention as "reasonable reserves" of the amounts so allocated beyond the year in which earned was proper in accordance with the provisions of section 101 (12) and where the allocation is made to the patron to whose account the retained amount was apportioned on the books of the cooperative association.

(b) *Illustrations.*

Example 1. E, a cooperative association entitled to tax treatment under section 101 (12) (B), organized without capital stock, is engaged in the business of marketing products for its patrons on a non-pool basis. The by-laws of cooperative E provide that there shall be allocated to patrons as patronage dividends within a reasonable time following the close of the year all of the gross returns from sales, less expenses of operation for the year and amounts retained as "reasonable reserves" necessary to the operation of cooperative E. At the close of the taxable year, 1952, it is determined that from the gross returns from sales less operating expenses for such year, $5,000 is to be retained as "reasonable reserves" for various necessary purposes of cooperative E. It is assumed that the retention of such amount is proper in accordance with the provisions of section 101 (12). Such $5,000 is apportioned on the books of cooperative E to patrons of 1952 on a patronage basis. On March 1, 1953, pursuant to the terms of the by-laws $200,000, the balance of the gross returns for the taxable year, is allocated to patrons of 1952 on the basis of patronage. $100,000 of such $200,000 is allocated in cash. The remaining $100,000 is allocated in "retain certificates", bearing no interest and redeemable in the discretion of the Board of Directors of cooperative E.

There may be added to the cost of goods sold by cooperative E for 1952, $200,000 ($100,000 in cash, $100,000 in retain certificates), the total amount allocated as patronage dividends, rebates or refunds in fulfillment and satisfaction of the obligation of the by-laws, on March 1, 1953, before the 15th day of the ninth month following the close of 1952. There may not be added to the cost of goods sold by cooperative E for 1952, $5,000, the amount retained as reserves apportioned on the books, but not allocated as patronage dividends, rebates, or refunds.

Example 2. The facts are the same as example 1, it additionally appearing that at the close of 1953 it is determined by cooperative E to allocate as cash patronage dividends, rebates, or refunds to patrons of 1952, $5,000, the amount retained as "reasonable reserves" for 1952 and apportioned on the books of cooperative E to patrons of such year. On March 1, 1954, such amount is allocated.

There may be added to the cost of goods sold by cooperative E for 1953, $5,000, the amount allocated with respect to patronage of a preceding year, 1952, properly maintained as a reserve under section 101 (12) and previously apportioned to the account of patrons of cooperative E for 1952.

PAR. 3. There is inserted immediately after § 29.22 (a)–22 the following:

§ 29.22 (a)–23 *Patronage dividends, rebates, or refunds; treatment as to patrons.*—(a) *In general.* Amounts allocated by a cooperative association, whether or not entitled to tax treatment under section 101 (12) (B), as patronage dividends, rebates, or refunds, whether in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice or in other documentary form disclosing to the patron the dollar amount allocated shall be included in the computation of the gross income of such patron for the taxable year in which received to the extent prescribed in paragraph (b) of this section. The determination of the extent of taxability of such patronage dividends, rebates, or refunds is in no way dependent upon the method of accounting employed by the patron or upon the basis, cash, accrual or otherwise, upon which the net income of such patron is computed.

(b) *Extent of taxability.* (1) Patronage dividends allocated by a cooperative association to a patron with respect to products marketed for such patron, with respect to supplies, equipment, or services for the trade or business of such patron or with respect to supplies, equipment or services the cost of which was deductible by the patron under section 23, shall be included in the computation of the gross income of such patron to the following extent:

(i) If the allocation is in cash, in the amount of cash received.

(ii) If the allocation is in merchandise, to the extent of the fair market value of such merchandise at the time of receipt by the patron.

(iii) If the allocation is in the form of capital stock, revolving fund certificates, letter of advice, retain certificates or similar documents:

(*a*) To the extent of the face amount of such documents, if the allocation was made in fulfillment and satisfaction of a valid obligation of such association to the patron, which obligation was in existence prior to the receipt by the cooperative association of the amount allocated. For this purpose, it is immaterial whether such allocation was made within the time required by § 29.101 (12)–4 (a) (ii).

(*b*) To the extent of the face amount of such documents, if the allocation was made with respect to patronage of a year preceding the taxable year from amounts retained as "reasonable reserves" under § 29.101–4 (a).

(*c*) To the extent of the cash or merchandise received in redemption or satisfaction of such documents at the time of receipt of such cash or merchandise by the patron, where such allocation was not made in pursuance of the valid obligation referred to in subdivision (*a*) of this subparagraph or from amounts retained as "reasonable reserves" under § 29.101 (12)–4 (a), referred to in subdivision (*b*) of this subparagraph.

(2) Patronage dividends, rebates, or refunds allocated by a cooperative association with respect to supplies, equipment, or services not obtained for the trade or business of a patron or with respect to supplies, equipment, or services the cost of which was not deductible by the patron under section 23, are not includible in the computation of the gross income of such patron.

PAR. 4. Section 29.143–4 is amended by striking subparagraphs (1), (2), (3), and (4) of paragraph (d) thereof and inserting in lieu thereof the following: "The terms, 'cooperative association,' 'patron,' 'patronage dividends, rebates, and refunds,' and 'allocation' are defined, for the purpose of this section, in § 29.101 (12)–2 (b)."

[F. R. Doc. 52–12053; Filed, Nov. 7, 1952 8:55 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Ch. I]

IMMIGRATION AND NATIONALITY REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 52–11951, appearing at page 9989 of the issue for Thursday, November 6, 1952, the title of Benjamin G. Habberton should read: "*Acting Commissioner of Immigration and Naturalization.*"

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

BURLEY TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for Burley tobacco for the marketing year beginning October 1, 1953.[1] A referendum of farmers who were engaged in the production of the 1952 crop of Burley tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations, to determine whether such farmers are in favor of or opposed to such quota and to determine whether such farmers are in favor of or opposed to Burley tobacco marketing quotas for the 3-year period beginning October 1, 1953.

Registration. The operator on each farm on which Burley tobacco was produced in 1952 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1952 crop of Burley tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1952 crop of Burley tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1952.

2. If several members of the same family participate in the production of the 1952 crop of Burley tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1952 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of Burley tobacco in 1952.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of Burley tobacco in 1952 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1952 not later then the closing hour on the date of the referendum.

4. There shall be no voting by mail (except as provided in paragraph 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1952 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1952 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1952.

7. In the event two or more persons were engaged in producing tobacco in 1952 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

Place for balloting. The Burley tobacco marketing quota referendum will be held on Saturday, November 22, 1952. The place of voting and the hours which the polls will be open for voting in each community will be announced by the County PMA Committee.

Done at Washington, D. C., this 5th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52–12017; Filed, Nov. 7, 1952; 8:52 a. m.]

[1] See title 7, Chapter VII, Part 725, *supra.*

VIRGINIA SUN-CURED TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for Virginia Sun-cured tobacco for the marketing year beginning October 1, 1953.[1] A referendum of farmers who were engaged in the production of the 1952 crop of Virginia Sun-cured tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations, to determine whether such farmers are in favor of or opposed to such quota and to determine whether such farmers are in favor of or opposed to Virginia Sun-cured tobacco marketing quotas for the 3-year period beginning October 1, 1953.

Registration. The operator on each farm on which Virginia Sun-cured tobacco was produced in 1952 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. 1. All persons engaged in the production of the 1952 crop of Virginia Sun-cured tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1952 crop of Virginia Sun-cured tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1952.

2. If several members of the same family participate in the production of the 1952 crop of Virginia Sun-cured tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1952 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of Virginia Sun-cured tobacco in 1952.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of Virginia Sun-cured tobacco in 1952 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1952 not later than the closing hour on the date of the referendum.

4. There shall be no voting by mail (except as provided in paragraph 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1952 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1952 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1952.

7. In the event two or more persons were engaged in producing tobacco in 1952 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

Place for balloting. The Virginia Sun-cured tobacco marketing quota referendum will be held Saturday, November 22, 1952. The place of voting and the hours the polls will be open for voting in each community will be announced by the County PMA Committee.

Done at Washington, D. C., this 5th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52–12019; Filed, Nov. 7, 1952; 8:52 a. m.]

[1] See Title 7, Chapter VII, Part 726, *supra.*

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF JAVA–PACIFIC RATE AGREEMENT ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 191–2 between the Member Lines of the Java-Pacific Rate Agreement, modifies the basic agreement of that Conference (No. 191) by substituting the designation "Indonesia" for the obsolete designation "Dutch East Indies"; by removing provision for observance of rates fixed by the Java-New York Rate Agreement on cargo to U. S. Gulf ports transported direct or with transshipment at U. S. Pacific Coast ports; by providing for a more complete admission provision; to clarify and amplify several provisions relating to the internal functioning of the Conference; and to provide for furnishing the Federal Maritime Board with tariffs, minutes of meetings and other records of actions taken by the Conference and with advice of membership changes, loss and restoration of members voting rights and denial of membership.

(2) Agreement No. 7530–3 between the Member Lines of the North Atlantic Red Sea and Gulf of Aden Freight Conference, modifies the basic agreement of said Conference (No. 7530) by changing the name of the Conference to "Atlantic and Gulf Red Sea and Gulf of Aden Freight Conference."

(3) Agreement No. 7875 between Shinnihon Steamship Co., Ltd and Waterman Steamship Corporation covers the transportation of cargo under through bills of lading from Japan, Korea, Formosa, Manchuria (Manchukuo), Siberia, China, Hong Kong, Siam, Indo-China, Kwantung, and Philippine Islands to ports of San Juan, Ponce or Mayaguez, Puerto Rico with transshipment at Seattle, Portland, San Francisco, Los Angeles Harbor or Long Beach.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: October 5, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52–12020; Filed, Nov. 7, 1952; 8:53 a. m.]

Office of International Trade

[Case No. 140]

GEORGE BLUDS AND CAYMEX CORP.

ORDER DENYING LICENSE PRIVILEGES

In the matter of George Bluds, individually and as President, Caymex Corporation, 50 Broad Street, New York, New York, Caymex Corporation, 50 Broad Street, New York, New York, respondents; Case No. 140.

This proceeding was instituted on August 6, 1952, by the transmission of a charging letter issued by the Investigation Staff, Office of International Trade, to Caymex Corporation and George Bluds, individually and as president of said corporation. After receiving the charging letter, respondents requested an oral hearing and a date for such hearing was set, but before the proceeding could go to hearing respondents elected to waive such hearing and conferred with officials of the Office of International Trade regarding a consent order. Following such conferences with said officials and with the Compliance Commissioner, respondents submitted to the Office of International Trade a statement dated October 10, 1952, in which they admitted for the purpose of this compliance proceeding only the charges in said charging letter, waived all rights to a hearing thereon, and consented to

the entry of an order, the terms of which are set forth below.

The charges, which respondents have admitted and to which they have entered their consent, are, in substance, that respondents, acting by and through respondent George Bluds, violated the Export Control Act of 1949, as amended, and the regulations issued thereunder by applying for and obtaining a validated export license in December 1951, to export a quantity of copper sulphate to France through false and untrue representations and statements and that, in effecting exportation of the copper sulphate pursuant to said license, respondents failed and omitted to place or cause to have placed upon the shipping documents relating to said exportation the legend required by § 381.4 (c) of the regulations that the commodity was licensed by the United States for the ultimate destination of France and that diversion contrary to United States law was prohibited.

The record herein shows that the Office of International Trade issued a regulation on November 8, 1951, whereby copper sulphate was added to the Positive List of Commodities requiring validated licenses for exportation to all foreign destinations, except Canada, effective 12:01 a. m., November 13, 1951. By provision of said regulation, shipments of copper sulphate which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders prior to 12:01 a. m., November 13, 1951, could be exported under general license provisions previously applicable to copper sulphate, up to and including December 8, 1951. While this regulation was in effect, respondent George Bluds, acting for and in behalf of respondent Caymex Corporation, on or about December 11, 1951, applied to the Office of International Trade to issue, on grounds of hardship, a validated license authorizing exportation by respondents of 290,000 pounds of copper sulphate to France.

In support of said application, respondents falsely represented to the Office of International Trade that said 290,000 pounds of copper sulphate had been in transit to the docks of a steamship line in New York City prior to 12:01 a. m., November 13, 1951, but could not be exported on or before December 8, 1951, under the previously applicable general license in accordance with the aforesaid regulation, because of a dock strike in New York; and further, falsely represented and stated that evidence of this in-transit status had been submitted by respondents to the Collector of Customs at the port of New York.

In reliance on respondents' representations and statements, the Office of International Trade, under date of December 19, 1951, issued to respondent Caymex Corporation a validated license to export said 290,000 pounds of copper sulphate to France, conditioned upon respondents' representation and promise to furnish the Office of International Trade within 30 days of December 14, 1951, shipping and other pertinent documents to establish that prior to 12:01 a. m., November 13, 1951, said 290,000 pounds of copper sulphate was in transit to the port of New York, but respondents failed to furnish such documentary evidence as, in fact, at the time respondents made the aforesaid representations and promises to the Office of International Trade, they knew same were wholly false in that said 290,000 pounds of copper sulphate were not in transit to the port of New York prior to 12:01 a. m., November 13, 1951.

The record further shows that, in making the exportation of said copper sulphate to France, respondents did not place upon the shipping documents the statement required to be placed thereon by the regulations, as follows: "These commodities licensed by U. S. for ultimate destination France. Diversion contrary to U. S. law prohibited."

The charging letter and above-stated proposal for a consent order were submitted to the Compliance Commissioner for review and consideration, and the Commissioner also informally reviewed the evidence presented by the Investigation Staff in support of the charges. Upon the basis of such review and upon the unsworn statements of George Bluds made to the Commissioner in the course of their conferences, the Commissioner concluded that the charges applicable to respondents are substantiated by the evidence and that the proposed consent order is just and fair and should be approved.

The findings and recommendations of the Compliance Commissioner have been carefully considered together with the above evidentiary material, the charging letter, and the proposal for a consent order, and it appears that such findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered, as follows:

(1) Caymex Corporation and George Bluds, individually and as president of said corporation, are hereby denied and declared ineligible to exercise the privileges of exporting, receiving, or otherwise participating directly or indirectly in any exportation to any foreign destination of any commodity on the Positive List of Commodities, as such list may be constituted at the time of any proposed shipment. Such denial of export privileges is deemed to include and prohibit the participation by said respondents, and each of them, directly or indirectly, in any manner or capacity, (a) in the obtaining or using of validated or general export licenses, (b) as a party or as a representative of a party to any validated export license application, (c) in the receiving of any exportation from the United States exported pursuant to any validated or general export license, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States pursuant to any validated or general export license for any commodity on the Positive List of Commodities, as such list may be constituted at the time of any proposed shipment.

(2) Such denial of export privileges shall extend not only to the named respondents, and each of them, but also to Bel Export Company and Caymex Trading Company (two companies owned by George Bluds and his wife), and to any person, firm, corporation, or other business organization with which said respondents or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports under validated or general export licenses from the United States or services connected therewith.

(3) This order shall extend for a period of twelve (12) months from the date hereof: *Provided, however,* That upon the expiration of six (6) months from the date of this order, the order shall be suspended for the balance of the six (6) months remaining and the export privileges denied herein shall be restored to said respondents. In the event, however, that said respondents, or any of them, shall at any time during the twelve (12)-month period covered by this order knowingly violate any of the provisions of the order or any of the Office of International Trade regulations, the Office of International Trade may summarily, at such time as it determines such violation occurred, issue an order which denies to the respondent or respondents who have violated, all export privileges for the full six (6) months which have been suspended, without limiting thereby the Office of International Trade from instituting any other and further action it may deem appropriate based on such violation.

(4) No person, firm, corporation, or other business organization, whether situated in the United States or abroad, shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States of any commodity on the Positive List of Commodities under validated and general export licenses, to or for the named respondents or any of them, or any person, firm, corporation, or other business organization covered by paragraph (2) hereinabove, without prior disclosure of such facts to, and specific authorization from, the Office of International Trade.

Dated: November 3, 1952.

JOHN C. BORTON,
Assistant Director
for Export Supply.

[F. R. Doc. 52-11986; Filed, Nov. 7, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1732, G-2028]

MANUFACTURERS LIGHT AND HEAT CO. AND CUMBERLAND AND ALLEGHENY GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

NOVEMBER 3, 1952.

In the matters of the Manufacturers Light and Heat Company, Docket No. G-1732; the Manufacturers Light and Heat Company, and Cumberland and Allegheny Gas Company, Docket No. G-2028.

On August 14, 1952, the Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, and Cumberland and Allegheny Gas Company (Cumberland), a West Virginia corporation (sometimes referred to hereinafter as Applicants), both of which have their principal place of business at Pittsburgh, Pennsylvania, filed a joint application in Docket No. G-2028, for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities, and for permission and approval, pursuant to section 7 (b) of the Natural Gas Act, to abandon certain natural-gas transmission facilities in connection therewith, all as more fully described in said application.

On October 7, Manufacturers filed a petition for modification of the Commission's order issued on October 4, 1951, in Docket No. G-1732, issuing a certificate of public convenience and necessity to construct and operate certain natural-gas transmission facilities and authorizing and approving the abandonment of certain natural-gas transmission facilities in connection therewith.

Manufacturers, in its petition filed in Docket No. G-1732, has requested that the Commission delete from the certificate issued therein certain natural-gas facilities to increase deliveries of natural gas to Weirton, West Virginia, described in its application in said proceeding as Job 16. Manufacturers, in its application in Docket No. G-2028 proposes to substitute for said Job 16, a project described as Job 1 in said application. It appears that these proceedings are interrelated and that they involve common questions of law and fact.

The Commission finds: (1) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for consolidating the above proceedings for purpose of hearing.

(2) These proceedings are proper ones for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that the application filed in Docket No. G-2028 be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application in Docket No. G-2028, including publication in the FEDERAL REGISTER on August 30, 1952 (17 F. R. 7952).

The Commission orders:

(A) The aforesaid proceedings in Docket Nos. G-1732 and G-2028 be and the same hereby are consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on November 21, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application and petition: *Provided, however,* That the Commission may after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 4, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-11983; Filed, Nov. 7, 1952; 8:47 a. m.]

[Project No. 137]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

NOVEMBER 4, 1952.

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a–825r), that the Pacific Gas and Electric Company, of San Francisco, California, has made application for amendment of license for major Project No. 137 to include revised exhibits to reflect the West Point and Electra developments (on Mokelumne River) as actually constructed and to show as parts of the project a tap line, a control circuit, and certain roads.

Any protest against approval of this application or request for action thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before December 15, 1952, to the Federal Power Commission at Washington 25, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-11982; Filed, Nov. 7, 1952; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO LEASE OF WATER ISLAND, VIRGIN ISLANDS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, (hereinafter referred to as "the act") I hereby authorize the Secretary of the Interior to determine that the property known as Water Island in the Virgin Islands is not required for the needs and responsibilities of Federal Agencies and to dispose of such property by negotiated lease upon such terms as may be deemed advantageous to the United States.

2. Prior to such determination and disposal of the property, the Secretary of the Interior shall take such steps as may be appropriate to determine whether any Federal Agency has need therefor, and, if so, shall transfer the property to such agency upon such terms as to reimbursement as may be prescribed in accordance with the provisions of section 202 (a) of the act, as amended by section 1 (f) of Public Law 522, 82d Congress.

3. The Secretary of the Interior shall submit to the appropriate Committees of Congress an explanatory statement of the type required by section 203 (e) of the act, as amended by section 1 (i) of Public Law 522, 82d Congress, at least fifteen (15) days prior to the consummation of any lease negotiated hereunder. A copy of each such statement shall be furnished to this Administration.

4. The authority herein delegated may be redelegated to any officer or employee of the Department of the Interior.

5. This delegation of authority shall be effective as of the date hereof.

Dated: November 3, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-12003; Filed, Nov. 7, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-146]

PORTLAND GAS & COKE CO.

ORDER DIRECTING PAYMENT OF FINAL ALLOWANCES OF FEES AND EXPENSES

OCTOBER 31, 1952.

Portland Gas & Coke Company ("Portland"), a gas utility subsidiary of American Power & Light Company ("American"), a registered holding company, having heretofore filed a plan and amendments thereto for compliance with section 11 (b) of the Public Utility Holding Company Act of 1935, pursuant to section 11 (e) of the act, and the Commission having entered its findings and opinion and order approving said plan, as amended (Holding Company Act Release Nos. 10740 and 10812, dated August 29, 1951, and October 10, 1951, respectively), and said plan, as amended, having provided that Portland would pay such fees and expenses as the Commission should determine, subject to the right of Portland to seek judicial review of any such determination, and said plan having since been consummated and carried out in accordance with its terms; and

The Commission having, by said order of October 10, 1951, reserved jurisdiction to determine the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred in connection with said plan, as amended; and

Applications for allowances of fees and reimbursements of expenses having been filed; and

The Commission having considered the record and having this day filed its memorandum opinion herein; on the basis of said memorandum opinion:

It is ordered, That the payment by Portland of the following fees and disbursements, less such amounts as have heretofore been paid, be, and hereby is, approved and Portland be, and hereby is, directed to make payment of such

amounts herein authorized as have not already been paid.

	Fees	Expenses
Laing Gray & Smith	$40,000.00	$4,641.12
Reid & Priest	50,000.00	4,761.50
John Jugal	20,000.00	7,570.53
The Bank of California, N. A.	2,364.30	590.84
Ebasco Services Inc	16,381.85	
Klug, Wood, Miller, Anderson & Nash	56,773.00	7,461.24
Edward R. Bunting	16,000.00	1,743.72
L. L. Quigley	4,000.00	2,232.48
Paul E. Gurske	1,000.00	
Roy B. Early	1,000.00	
Preferred stockholder committee expenses		563.67

It is further ordered, That the application of American for reimbursement from Portland for expenses incurred by American in the reorganization proceedings of Portland be, and the same hereby is, denied, and that in so far as any claimants for services rendered to American make claim against Portland for such services such applications be, and the same hereby are, denied.

It is further ordered, That the payment by American to Root, Ballantine, Harlan, Bushby & Palmer of $26,290 fees and $1,989.27 reimbursement of expenses, and the payment by American for services of W. Howard Miller of $3,125 fees and $314.29 reimbursement of expenses, be, and the same hereby are, approved, and American be, and hereby is, directed to make payment of such amounts herein authorized as have not already been paid.

It is further ordered, That the payment by Electric Bond and Share Company to Simpson Thacher & Bartlett of $4,750 fees and $505 reimbursement of expenses be, and the same hereby is, approved and Electric Bond and Share Company be, and hereby is, directed to make payment of such amounts herein authorized as have not already been paid.

It is further ordered, That to the extent the applications herein exceed the amounts approved as payment of fees and reimbursement of expenses, such applications be, and the same hereby are, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11995; Filed, Nov. 7, 1952; 8:49 a. m.]

[File No. 70-2860]

NORTHERN STATES POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION HERETOFORE RESERVED WITH RESPECT TO FEES AND EXPENSES OF SUBSCRIPTION AGENTS AND SERVICE COMPANY

NOVEMBER 4, 1952.

In the matter of Northern States Power Company, a Minnesota Corporation; File No. 70-2860.

The Commission by order dated May 23, 1952, having permitted the declaration as amended filed herein by Northern States Power Company, a registered holding company and an operating utility company, to become effective regarding the issue and sale at competitive bidding of 1,108,966 additional shares of its common stock (with subscription warrants) and $21,500,000 principal amount of its First Mortgage Bonds, subject to reservations of jurisdiction with respect to the results of competitive bidding and with respect to all fees and expenses; and

The Commission by order dated June 11, 1952, having released such reserved jurisdiction with respect to the results of competitive bidding and with respect to all fees and expenses except those of the subscription agents and the service company, as to which the reservation of jurisdiction was continued; and

The record being now further amended with respect to the fees and expenses of the subscription agents and the service company, as follows:

Subscription agents	Fees	Expenses
Guaranty Trust Co. of New York	$18,450.00	$618.68
Continental Illinois National Bank & Trust Co. of Chicago	8,403.00	201.57
Northwestern National Bank of Minneapolis	12,200.00	506.75
First National Bank of Minneapolis	11,215.62	229.37
First Trust Co. of St. Paul	7,045.00	295.54
	58,333.62	1,851.91
Service company (nonaffiliate), Pioneer Service & Engineering Co.	32,673.87	7,514.38
Total	91,007.49	9,366.29

The Commission having considered the record herein, and it appearing to the Commission that the aforesaid fees and expenses are not unreasonable and that jurisdiction over same should now be released:

It is ordered, That the jurisdiction heretofore reserved over the fees and expenses of the subscription agents and the service company in this matter be and is hereby released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11994; Filed, Nov. 7, 1952; 8:49 a. m.]

[File No. 70-2947]

INDIANA & MICHIGAN ELECTRIC CO.

NOTICE OF FILING REGARDING PROPOSED CHARTER AMENDMENTS

NOVEMBER 4, 1952.

Notice is hereby given that Indiana & Michigan Electric Company ("Indiana"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 and 7 thereof and Rule U-62 of the rules and regulations promulgated thereunder as applicable to the following transactions:

Indiana proposes to amend its Articles of Acceptance so as (1) to modify the present provisions limiting the amount of unsecured debt, so as to increase the amount of such unsecured debt which may be issued without the consent of a majority of the preferred stockholders from 10 percent to 20 percent of the sum of secured debt, capital stock and surplus, as more specifically summarized hereafter; and (2) to increase the number of its authorized shares of common stock, without par value, from 1,250,000 shares to 2,500,000 shares.

The proposed provision modifying the present unsecured debt provisions would allow Indiana to issue unsecured debt in a total amount not exceeding 20 percent, of which short-term unsecured debt could not exceed 10 percent, of the sum of secured debt, capital stock and surplus. Under this provision, long-term unsecured debt would be unsecured debt having maturities of 10 years or more, except that where a single maturity or a final instalment matures 10 or more years from time of issuance it will be considered long-term unsecured debt until the date of its maturity is less than 5 years from time of computation. This amendment to the Articles of Acceptance requires the affirmative vote of the holders of at least two-thirds of the outstanding preferred stock of Indiana, and the company will solicit proxies from its preferred stockholders with respect to such amendment.

The proposed amendments are designed to afford greater flexibility to Indiana for the raising of capital to finance its construction program, expenditures for which, for the years 1952 to 1954 inclusive, are estimated to total approximately $87,700,000. The Company represents that it contemplates the sale of additional common stock in order to finance its construction program and to preserve an adequate equity ratio, and that for this purpose additional authorization of stock is necessary.

Notice is further given that any interested person may, not later than November 12, 1952 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with this Commission for a full statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-11993; Filed, Nov. 7, 1952; 8:49 a. m.]

VETERANS' ADMINISTRATION

STATEMENT OF ORGANIZATION

CENTRAL OFFICE; OFFICE OF THE ASSISTANT ADMINISTRATOR FOR INSURANCE

The Veterans' Administration Statement of Organization (15 F. R. 7851, 16 F. R. 2450, 16 F. R. 5029, and 17 F. R. 4590) is further amended as follows:

In section 2, paragraph (h) is amended to read as follows:

SEC. 2. *Central Office.* • • •

(h) *Office of the assistant administrator for insurance*—(1) *Mission.* Formulates plans, policies, methods, procedures, and organization for conducting the insurance program of the Veterans' Administration; exercises direct supervision over insurance operations performed in Washington, D. C.; and maintains supervision over activities located in the district offices.

(2) *Major functions.* The office of the assistant administrator for insurance performs the following major functions:

(i) Administers all laws relating to insurance granted under the War Risk Insurance Act, as amended; the World War Veterans' Act, 1924, as amended; the National Service Life Insurance Act of 1940, as amended; article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, and the amendments thereto; subsection 6 (d) of the Armed Forces Leave Act of 1946, the Servicemen's Indemnity and Insurance Act of 1951, and those provisions of the World War Adjusted Compensation Act applicable to the Veterans' Administration, excluding the loan provisions. Excepted from the foregoing functions is the adjudication of death claims and awarding or disallowing of death benefits.

(ii) Conducts studies of insurance experience and practices on a broad scale throughout the field of commercial life insurance as well as within the Government; and develops over-all policy in connection with the Government insurance program.

(iii) Formulates policies, standards, and procedures for granting or making changes in contracts for life and disability insurance.

(iv) Formulates policies, standards, and procedures for making determinations for total or total permanent disability for insurance purposes and awarding and terminating such benefits.

(v) Conducts actuarial functions and maintains necessary accounts and records.

(vi) Formulates policies, standards, and procedures for the collection and disposition of insurance premiums and the maintenance of insurance premium accounts.

(3) *Organization.* The office of the assistant administrator for insurance consists of the general assistant for insurance, the insurance counsel, the insurance underwriting service, the insurance accounts service, the disability insurance claims service, the insurance actuarial service, and the insurance methods and standards service.

[SEAL] H. V. STIRLING, *Deputy Administrator.*

[F. R. Doc. 52-12013; Filed, Nov. 7, 1952; 8:52 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following Orders under General Overriding Regulation were filed with the Division of the Federal Register on October 31, 1952.

REGION I

Providence Order 1-G1-1, Amendment 2, changes certain food items for retail sales in the Rhode Island area, filed 1:51 p. m.

Providence Order 1-G1-1, Amendment 3, changes certain food items for retail sales in the Rhode Island area, filed 1:54 p. m.

Providence Order 1-G2-1, Amendment 2, changes certain food items for retail sales in the Rhode Island area, filed 1:51 p. m.

Providence Order 1-G2-1, Amendment 3, changes and adds certain food items for retail sales in the Rhode Island area, filed 1:54 p. m.

Providence Order 1-G3-1, Amendment 3, changes certain food items for retail sales in the Rhode Island area, filed 1:52 p. m.

Providence Order 1-G3-1, Amendment 4, changes and adds certain food items for retail sales in the Rhode Island area, filed 1:54 p. m.

Providence Order 1-G4-1, Amendment 3, changes certain food items for retail sales in the Rhode Island area, filed 1:52 p. m.

Providence Order 1-G4-1, Amendment 4, changes and adds certain food items for retail sales in the Rhode Island area, filed 1:55 p. m.

Manchester Order 1-G1-1, Amendment 3, adds and deletes certain food items and changes the ceiling price for retail sales in the Manchester area, filed 1:52 p. m.

Manchester Order 1-G1-1, Amendment 4, adds and deletes certain food items and changes the ceiling price for retail sales in the Manchester area, filed 1:55 p. m.

Manchester Order 1-G2-1, Amendment 3, adds and deletes certain food items and changes the ceiling price for retail sales in the Manchester area, filed 1:53 p. m.

Manchester Order 1-G2-1, Amendment 4, adds and deletes certain food items and changes the ceiling price for retail sales in the Manchester area, filed 1:55 p. m.

Manchester Order 1-G3-1, Amendment 3, adds and deletes certain food items and changes the ceiling price for retail sales in the Manchester area, filed 1:53 p. m.

Manchester Order 1-G3-1, Amendment 4, adds and deletes certain food items and changes the ceiling price for retail sales in the Manchester area, filed 1:56 p. m.

Manchester Order 1-G4-1, Amendment 3, adds and deletes certain food items and changes the ceiling price for retail sales in the Manchester area, filed 1:53 p. m.

Manchester Order 1-G4-1, Amendment 4, adds and deletes certain food items and changes the ceiling price for retail sales in the Manchester area, filed 1:56 p. m.

Manchester Order 1-G4A-1, Amendment 3, adds and deletes certain food items and changes the ceiling price for retail sales in the Manchester area, filed 1:53 p. m.

Manchester Order 1-G4A-1, Amendment 4, adds and deletes certain food items and changes the ceiling price for retail sales in the Manchester area, filed 1:56 p. m.

Boston Order 1-G1-1, Amendment 3, changes and deletes certain food items for retail sales in certain Eastern Massachusetts areas, filed 1:57 p. m.

REGION II

New York Order 1-G1-1, Amendment 3, changes certain food items for retail sales in several counties in the State of New York, filed 1:57 p. m.

New York Order 1-G2-1, Amendment 3, changes certain food items for retail sales in several counties in the State of New York, filed 1:57 p. m.

New York Order 1-G3-1, Amendment 3, changes certain food items for retail sales in several counties in the State of New York, filed 1:58 p. m.

New York Order 1-G4-1, Amendment 3, changes certain food items for retail sales in several counties in the State of New York, filed 1:58 p. m.

Newark Order 1-G1-1, Amendment 2, changes and deletes certain food items for retail sales in several counties in the State of New Jersey, filed 1:58 p. m.

Newark Order 1-G2-1, Amendment 2, changes and deletes certain food items for retail sales in several counties in the State of New Jersey, filed 1:59 p. m.

Newark Order 1-G3-1, Amendment 2, changes and deletes certain food items for retail sales in several counties in the State of New Jersey, filed 1:59 p. m.

Newark Order 1-G4-1, Amendment 2, changes and deletes certain food items for retail sales in several counties in the State of New Jersey, filed 2:01 p. m.

REGION IV

Charleston Order 1-G3-1, Amendment 2, changes and deletes certain food items for retail sales in the Charleston area, filed 2:01 p. m.

Charleston Order 1-G4-1, Amendment 2, changes and deletes certain food items for retail sales in the Charleston area, filed 2:01 p. m.

Charlotte Order 1-G1-1, Amendment 3, changes certain food items for retail sales in the Charlotte area, filed 2:02 p. m.

Charlotte Order 1-G2-1, Amendment 3, changes certain food items for retail sales in the Charlotte area, filed 2:02 p. m.

Charlotte Order 1-G3-1, Amendment 2, changes certain food items for retail sales in the Charlotte area, filed 2:02 p. m.

Charlotte Order 1-G3A-1, Amendment 1, changes certain food items for retail sales in the Charlotte area, filed 2:07 p. m.

Baltimore Order 1-G1-1, Amendment 2, changes and deletes certain food items for retail sales in the Baltimore area, filed 2:07 p. m.

Baltimore Order 1-G2-1, Amendment 2, changes and deletes certain food items for retail sales in the Baltimore area, filed 2:08 p. m.

Baltimore Order 1-G3-1, Amendment 2, changes and deletes certain food items for retail sales in the Baltimore area, filed 2:08 p. m.

Baltimore Order 1-G4-1, Amendment 2, changes and deletes certain food items for retail sales in the Baltimore area, filed 2:08 p. m.

Baltimore Order 1-G4A-1, Amendment 2, changes and deletes certain food items for retail sales in the Baltimore area, filed 2:09 p. m.

Washington, D. C. Order 1-G1-1, Amendment 2, changes and deletes certain food items for retail sales in the Washington, D. C. area, filed 2:09 p. m.

Washington, D. C. Order 1-G2-1, Amendment 2, changes and deletes certain food items for retail sales in the Washington, D. C. area, filed 2:09 p. m.

Washington, D. C. Order 1–G4–1, Amendment 2, changes and deletes certain food items for retail sales in the Washington, D. C. area, filed 2:10 p. m.

REGION V

Nashville Order 1–G1–1, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:10 p. m.

Nashville Order 1–G2–1, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:10 p. m.

Nashville Order 1–G3–1, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:11 p. m.

Nashville Order 1–G3A–1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:11 p. m.

Nashville Order 1–G4–1, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:11 p. m.

Nashville Order 1–G4A–1, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:12 p. m.

Columbia Order 1–G3A–1, covering retail prices for certain dry grocery items sold by retailers in the Columbia area, filed 2:14 p. m.

Columbia Order 1–G4A–1, covering retail prices for certain dry grocery items in the Columbia area, filed 2:14 p. m.

Columbia Order 1–G1–1, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 2:12 p. m.

Columbia Order 1–G2–1, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 2:12 p. m.

Columbia Order 1–G3–1, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 2:13 p. m.

Columbia Order 1–G4–1, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 2:13 p. m.

Atlanta Order 1–G3–1, Amendment 4, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:13 p. m.

Atlanta Order 1–G4–1, Amendment 4, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:13 p. m.

REGION VI

Cleveland Order 1–G1–1, Amendment 2, changes and deletes certain food items for retail sales in the Northeastern Ohio area, filed 2:15 p. m.

Cleveland Order 1–G1–1, Amendment 3, changes and deletes certain food items for retail sales in the Northeastern Ohio area, filed 3:46 p. m.

Cleveland Order 1–G2–1, Amendment 2, changes and deletes certain food items for retail sales in the Northeastern Ohio area, filed 2:15 p. m.

Cleveland Order 1–G2–1, Amendment 3, changes and deletes certain food items for retail sales in the Northeastern Ohio area, filed 3:47 p. m.

Cleveland Order 1–G3–1, Amendment 2, changes and deletes certain food items for retail sales in the Northeastern Ohio area, filed 2:16 p. m.

Cleveland Order 1–G3–1, Amendment 3, changes and deletes certain food items for retail sales in the Northeastern Ohio area, filed 3:47 p. m.

Cleveland Order 1–G4–1, Amendment 2, changes and deletes certain food items for retail sales in the Northeastern Ohio area, filed 2:16 p. m.

Detroit Order 1–G1–1, Amendment 3, changes and deletes certain food items for retail sales in the Detroit area, filed 2:16 p. m.

Detroit Order 1–G1–1, Amendment 4, changes and deletes certain food items for retail sales in the Detroit area, filed 2:17 p. m.

Detroit Order 1–G2–1, Amendment 3, changes and deletes certain food items for retail sales in the Detroit area, filed 2:16 p. m.

Detroit Order 1–G2–1, Amendment 4, changes and deletes certain food items for retail sales in the Detroit area, filed 2:17 p. m.

Detroit Order 1–G3–1, Amendment 3, changes and deletes certain food items for retail sales in the Detroit area, filed 2:17 p. m.

Detroit Order 1–G3–1, Amendment 4, changes and deletes certain food items for retail sales in the Detroit area, filed 2:18 p. m.

Detroit Order 1–G4–1, Amendment 3, changes and deletes certain food items for retail sales in the Detroit area, filed 2:17 p. m.

Detroit Order 1–G4–1, Amendment 4, changes and deletes certain food items for retail sales in the Detroit area, filed 2:18 p. m.

REGION VII

Milwaukee Order 1–G1–1, Amendment 3, changes and deletes certain food items for retail sales in the Milwaukee area, filed 2:29 p. m.

Milwaukee Order 1–G1–1, Amendment 4, changes and deletes certain food items for retail sales in the Milwaukee area, filed 2:27 p. m.

Milwaukee Order 1–G2–1, Amendment 3, changes and deletes certain food items for retail sales in the Milwaukee area, filed 2:29 p. m.

Milwaukee Order 1–G2–1, Amendment 4, changes and deletes certain food items for retail sales in the Milwaukee area, filed 2:27 p. m.

Milwaukee Order 1–G3–1, Amendment 3, changes and deletes certain food items for retail sales in the Milwaukee area, filed 2:30 p. m.

Milwaukee Order 1–G3–1, Amendment 4, changes and deletes certain food items for retail sales in the Milwaukee area, filed 2:28 p. m.

Milwaukee Order 1–G4–1, Amendment 3, changes and deletes certain food items for retail sales in the Milwaukee area, filed 2:30 p. m.

Milwaukee Order 1–G4–1, Amendment 4, changes and deletes certain food items for retail sales in the Milwaukee area, filed 2:28 p. m.

Chicago Order 1–G3–1, Amendment 3, changes and deletes certain food items for retail sales in the Chicago area, filed 2:28 p. m.

Chicago Order 1–G4–1, Amendment 3, changes and deletes certain food items for retail sales in the Chicago area, filed 2:29 p. m.

REGION VIII

Minneapolis Order 1–G1–1, Amendment 2, changes, adds and deletes certain food items for retail sales in the Minneapolis-St. Paul area, filed 2:30 p. m.

Minneapolis Order 1–G2–1, Amendment 2, changes, adds and deletes certain food items for retail sales in the Minneapolis-St. Paul area, filed 2:31 p. m.

Minneapolis Order 1–G3–1, Amendment 2, changes, adds and deletes certain food items for retail sales in the Minneapolis-St. Paul area, filed 2:31 p. m.

Minneapolis Order 1–G4–1, Amendment 2, changes, adds and deletes certain food items for retail sales in the Minneapolis-St. Paul area, filed 2:31 p. m.

Fargo Order G3–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 2:32 p. m.

Fargo Order G4–18, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 2:33 p. m.

Fargo Order IV–G1–1, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 3:04 p. m.

Fargo Order IV–G2–1, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 3:05 p. m.

Fargo Order IV–G3–1, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 3:06 p. m.

Fargo Order IV–G4–1, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 3:06 p. m.

REGION IX

Kansas City Order 1–G1–1, Amendment 3, changes and adds certain food items for retail sales in the Kansas City area, filed 3:07 p. m.

Kansas City Order 1–G2–1, Amendment 3, changes and adds certain food items for retail sales in the Kansas City area, filed 3:07 p. m.

Kansas City Order 1–G3–1, Amendment 2, changes and adds certain food items for retail sales in the Kansas City area, filed 3:07 p. m.

Kansas City Order 1–G4–1, Amendment 2, changes and adds certain food items for retail sales in the Kansas City area, filed 3:08 p. m.

Wichita Order 1–G1–1, Amendment 3, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 3:09 p. m.

Wichita Order 1–G2–1, Amendment 3, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 3:09 p. m.

Wichita Order 1–G3–1, Amendment 3, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 3:09 p. m.

Wichita Order 1–G4–1, Amendment 3, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 3:09 p. m.

St. Louis Order 1–G1–1, Amendment 1 changes certain food items for retail sales in the St. Louis area, filed 3:10 p. m.

St. Louis Order 1–G3–1, Amendment 1, changes certain food items for retail sales in the St. Louis area, filed 3:10 p. m.

St. Louis Order 1–G3–1, Amendment 1, changes certain food items for retail sales in the St. Louis area, filed 3:10 p. m.

St. Louis Order 1–G4–1, Amendment 1, changes certain food items for retail sales in the St. Louis area, filed 3:10 p. m.

Des Moines Order 1–G1–1, Amendment 3, changes the price, adds and deletes certain food items for retail sales in the Des Moines area, filed 3:11 p. m.

Des Moines Order 1–G1–1, Amendment 4, changes the price, adds and deletes certain food items for retail sales in the Des Moines area, filed 3:14 p. m.

Des Moines Order 1–G2–1, Amendment 3, changes the price, adds and deletes certain food items for retail sales in the Des Moines area, filed 3:12 p. m.

Des Moines Order 1–G2–1, Amendment 4, changes the price, adds and deletes certain food items for retail sales in the Des Moines area, filed 3:14 p. m.

Des Moines Order 1–G3–1, Amendment 4, changes the price, adds and deletes certain food items for retail sales in the Des Moines area, filed 3:12 p. m.

Des Moines Order 1–G3–1, Amendment 5, changes the price, adds and deletes certain food items for retail sales in the Des Moines area, filed 3:15 p. m.

Des Moines Order 1–G4–1, Amendment 4, changes the price, adds and deletes certain food items for retail sales in the Des Moines area, filed 3:13 p. m.

Des Moines Order 1–G4–1, Amendment 5, changes the price, adds and deletes certain food items for retail sales in the Des Moines area, filed 3:15 p. m.

Omaha Order 1–G1–1, Amendment 3, changes, adds and deletes certain food items for retail sales in the Omaha area, filed 3:16 p. m.

Omaha Order 1–G2–1, Amendment 3, changes, adds and deletes certain food items for retail sales in the Omaha area, filed 3:16 p. m.

Omaha Order 1–G3–1, Amendment 3, changes, adds and deletes certain food items for retail sales in the Omaha area, filed 3:16 p. m.

Omaha Order 1–G4–1, Amendment 3, changes, adds and deletes certain food items for retail sales in the Omaha area, filed 3:17 p. m.

REGION X

San Antonio Order 1–G1–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 3:17 p. m.

San Antonio Order 1–G2–1, Amendment 3, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 3:18 p. m.

San Antonio Order 1–G3–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 3:18 p. m.

San Antonio Order 1–G3A–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 3:18 p. m.

San Antonio Order 1–G4–1, Amendment 3, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 3:18 p. m.

San Antonio Order II–G1–1, Amendment 3, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 3:18 p. m.

San Antonio Order II–G2–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 3:19 p. m.

San Antonio Order II–G3–1, Amendment 3, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 3:19 p. m.

San Antonio Order II–G4–1, Amendment 3, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 3:19 p. m.

Little Rock Order 1–G1–1, Amendment 5, changes certain food items for retail sales in the Little Rock area, filed 3:19 p. m.

Little Rock Order 1–G1–1, Amendment 6, changes certain food items for retail sales in the Little Rock area, filed 3:20 p. m.

Little Rock Order 1–G2–1, Amendment 5, changes certain food items for retail sales in the Little Rock area, filed 3:19 p. m.

Little Rock Order 1–G2–1, Amendment 6, changes certain food items for retail sales in the Little Rock area, filed 3:20 p. m.

Little Rock Order 1–G3–1, Amendment 3, changes certain food items for retail sales in the Little Rock area, filed 3:20 p. m.

Little Rock Order 1–G3–1, Amendment 4, changes certain food items for retail sales in the Little Rock area, filed 3:20 p. m.

Little Rock Order 1–G4–1, Amendment 3, changes certain food items for retail sales in the Little Rock area, filed 3:20 p. m.

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Seattle Order 1–G1–1, Amendment 4, changes certain food items for retail sales in the Western Washington area, filed 3:46 p. m.

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Boise Order 1–G1–1, covering retail prices for certain dry grocery items sold by retailers in the Boise area, filed 3:44 p. m.

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Boise Order 1–G4–1, covering retail prices for certain dry grocery items sold by retailers in the Boise area, filed 3:45 p. m.

Boise Order 1–G4A–1, covering retail prices for certain dry grocery items sold by retailers in the Boise area, filed 3:45 p. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–12000; Filed, Nov. 5, 1952; 11:37 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27515]

IMPORT RATES ON ABRASIVES FROM NEW YORK, N. Y., AND POINTS GROUPED THEREWITH TO WESTFIELD, MASS.

APPLICATION FOR RELIEF

NOVEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for The New York Central Railroad Company.

Commodities involved: Abrasives, viz: emery or corundum, crude, carloads.

From: New York, N. Y., and points grouped therewith.

To: Westfield, Mass.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12005; Filed, Nov. 7, 1952; 8:50 a. m.]

[4th Sec. Application 27516]

AUTOMOBILE PARTS FROM CREIGHTON AND FORD CITY, PA., TO MEMPHIS, TENN., AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

NOVEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A–911, pursuant to fourth-section order No. 16101.

Commodities involved: Automobile parts, viz; automobile bodies or seat cabs, freight or passenger, and parts thereof, and other articles, carloads.

From: Creighton and Ford City, Pa.

To: Memphis, Tenn., and New Orleans, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12006; Filed, Nov. 7, 1952; 8:50 a. m.]

[4th Sec. Application 27517]

GASOLINE FROM HUBBALL, W. VA., TO CERTAIN POINTS IN MICHIGAN, OHIO, AND WEST VIRGINIA

APPLICATION FOR RELIEF

NOVEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to Agent L. C. Schuldt's tariff I. C. C. No. 4446, pursuant to fourth-section order No. 17220.

Commodities involved: Gasoline, including blended gasoline, in tank-car loads.

From: Hubball, W. Va.

To: Specified points in Michigan, Ohio, and West Virginia.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12007; Filed, Nov. 7, 1952; 8:50 a. m.]

[4th Sec. Application 27518]

CATALOGUES FROM CHICAGO, ILL., TO THE EAST

APPLICATION FOR RELIEF

NOVEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to Agent L. C. Schuldt's tariff I. C. C. No. 3758, pursuant to fourth-section order No. 17220.

Commodities involved: Catalogues and catalogue sections, carloads.

From: Chicago, Ill.

To: Specified points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12008; Filed, Nov. 7, 1952; 8:51 a. m.]

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Washington, Tuesday, November 11, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2995

ESTABLISHMENT OF THE CORONADO NATIONAL MEMORIAL

ARIZONA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 1 of the act of August 18, 1941, 55 Stat. 630 (16 U. S. C. 450y), as amended by Public Law 478, 82nd Congress, approved July 9, 1952, provides that for the purpose of permanently commemorating the explorations of Francisco Vasquez de Coronado the President of the United States may declare, by proclamation, any lands within the area therein described to be established as the Coronado National Memorial; and

WHEREAS it appears that the public interest would be promoted by the establishment of the said Memorial on certain of the said lands as hereinafter provided:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 1 of the said act of August 18, 1941, as amended, do proclaim and declare that, subject to all valid existing rights, the following-described public lands in the State of Arizona are hereby established as the Coronado National Memorial:

GILA AND SALT RIVER MERIDIAN

T. 24 S., R. 20 E.,
Sec. 10, S½SW¼, S½SE¼;
Sec. 11, S½SW¼;
Sec. 13, SW¼NW¼, S½;
Sec. 14, NW¼, S½, NW¼NE¼, S½NE¼;
Sec. 15, all;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
T. 24 S., R. 21 E.,
Sec. 17, lots 5 and 6;
Sec. 18, lots 3, 4, 8, 9, 10 and SE¼SW¼;
Sec. 19, all;
Sec. 20, lots 3 and 4.

The areas described aggregate approximately 2,745.33 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this Memorial or to settle upon any of the lands thereof as hereby established.

Subject to the provisions of the said act of August 18, 1941, the Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the lands constituting the Coronado National Memorial in accordance with the act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U. S. C. 1–3), and acts supplementary thereto or amendatory thereof so far as the provisions of such acts may be applicable.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of November in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52–12094; Filed, Nov. 7, 1952; 2:17 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Farm Housing Loans and Grants

[FHA Instruction 451.7]

PART 307—FARM AND HOME MANAGEMENT; YEAR-END SERVICING

SUBPART A—ANNUAL CHECKOUT FOR SECTION 503 BORROWERS

CONTRIBUTIONS ON FARM HOUSING LOANS

Subpart A, Part 307, Subchapter A, Chapter III, Title 6, Code of Federal Regulations (16 F. R. 11795), is revised to read as follows:

Sec.
307.1 General.
307.2 Use of income.

(Continued on p. 10159)

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FEDERAL REGISTER

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Sec.
307.3 Determining amount of contribution.
307.4 Preparation and distribution of Form FHA–449.

AUTHORITY: §§ 307.1 to 307.4 issued under sec. 510 (g), 63 Stat. 438; 42 U. S. C. 1480 (g). Interpret or apply sec. 503, 63 Stat. 434; 42 U. S. C. 1473.

§ 307.1 *General.* The County Supervisor is responsible for determining the amount of contribution, if any, to which each section 503 borrower may be entitled. This determination will be made at the time of the analysis of the annual farm and home business of the borrower and will be based on the facts recorded on Form FHA–14, "Farm and Home Plan," for each loan closed before December 16 of the payment year.

(a) The term "payment year" as used in this subpart means the 12-month period ending the December 31 on which the payment is due.

(b) Each section 503 borrower whose loan was closed prior to December 16 of the payment year must submit a statement of his income and expenses on Form FHA–14, which will be prepared with the assistance of the County Supervisor. For each section 503 loan closed during the period from December 16 of the payment year to January 1 of the succeeding year, the borrower need not prepare Form FHA–14. Such a borrower will remit, at the time of loan closing, the amount of the first installment or as much thereof as he is able to pay. If the County Supervisor determines that such a borrower is unable to pay his first installment in full at the time of loan closing, he will credit the borrower with a contribution equal to that portion of the first installment which he is unable to pay.

(c) For each section 503 borrower whose loan was closed prior to December 16 of the payment year and who has not paid in full before that date the amount due as of December 31, the County Supervisor will determine whether the borrower is, in fact, unable to pay all or part of the installment due and, therefore, is entitled to a contribution, or whether the borrower had income sufficient to pay but failed to do so. This determination will be based on an analysis of the information on Form FHA–14. The borrower is entitled to contribution credit on his installment only to the extent that he is actually unable to pay. Any part of the indebtedness due which it is determined he can pay or could have paid but which remains unpaid as of December 31 of the payment year will constitute a delinquency.

(d) A contribution will not be made if a borrower whose loan was closed prior to December 16 does not complete Form FHA–14 and execute Form FHA–449, "Declaration of Borrower and Contribution Determination," or if Form FHA–14 shows that he had income sufficient to pay the installment in full if the income had been used in accordance with the policies established in § 307.2. Any amount due that is unpaid and is not covered by a contribution will be considered as a delinquency.

(e) The record book year for section 503 borrowers will end as of November 30. The analysis on Form FHA–14 will be prepared on the basis of the borrower's records for the year ending November 30. For section 503 borrowers who do not have record books for all of the first payment year, contributions will be determined on the basis of the best information available.

§ 307.2 *Use of income.* During the first five years a section 503 Farm Housing borrower's cash income should be used as follows to determine whether or not he is entitled to a contribution.

(a) First, to pay farm operating and family living expenses, including debts incurred for these purposes and all interest charges for the year payable by the borrower except interest on the Farm Housing loan. These should be kept in reasonable control by conformance to approved farm and home plans.

(b) Second, the next priority for the use of cash income is for the following purposes in the order listed:

(1) To pay on chattel debts an amount equal to the scheduled installment for the year as shown on the chattel notes. If the Farm Housing mortgage is subject to a prior lien on which there are amounts overdue or soon to become due and the borrower's cash income is insufficient to make payments with respect to chattels as specified in the preceding sentence and also to pay in full the amounts overdue or soon to become due on the prior lien, the prior lienholder's consent to letting delinquencies remain or occur should be obtained in order to avoid foreclosure.

(2) To pay principal amounts due on prior real estate liens.

(3) To pay an amount equivalent to 50 percent of the principal due on the scheduled annual installment for the year on the Farm Housing loan.

(4) To pay the balance of the scheduled annual installment on his note and other charges on his Farm Housing debt.

(5) To pay additional amounts on chattel debts to the extent necessary to remove delinquencies.

(c) Third, the remaining income should be used for the following pur-

poses, depending on the circumstances of the individual case:

(1) To get the borrower ahead of schedule on his Farm Housing loan and other real estate debts.

(2) To speed up retirement of the chattel debts and to pay unsecured debts.

(3) To build up cash-operating capital so that less money will have to be borrowed for this purpose.

(4) To make capital investments that will result in sound and justifiable expansion of operations and improve living conditions.

§ 307.3 *Determining amount of contribution*—(a) *Borrowers with first installment due December 31 of the payment year.* Included in this group are all section 503 borrowers whose loan checks (notes) are dated within the period January 1 and December 31 of the first payment year. Since the first installment is equal to the interest on the loan from the date of the note to the first succeeding December 31, a borrower may qualify for a contribution up to the full amount of the first installment on the note.

(1) A contribution equal to the full amount of the first installment will be made only in those cases where Form FHA–14 for a borrower whose loan is closed prior to December 16 of the first payment year indicates that the income for his first payment year, when used in accordance with the policies established in § 307.2, was actually insufficient to pay any part of his first installment and no part of the installment has been paid. A contribution equal to the full amount of the first installment also may be made to a borrower whose loan is closed after December 15 of his first payment year and before January 1 of the succeeding year, and who is unable at the time of loan closing to pay any part of his first installment.

(2) A contribution equal to a part of the first installment may be made in those cases where Form FHA–14 indicates that the borrower's income for his first payment year, when used in accordance with the policies established in § 307.2, was actually insufficient to pay the first installment in full, but was adequate to pay a part of the first installment, except that no contribution will be made to cover any amount the borrower has actually paid on the first installment. In such cases, a contribution may be made equal to the portion of the first installment that the borrower is unable to pay. A contribution equal to a part of the first installment also may be made to a borrower whose loan was closed after December 15 of the first payment year and before January 1 of the succeeding year, provided at the time of loan closing he was able to pay a part but not all of his first installment.

(b) *Borrowers with second installment due December 31 of payment year.* This group is composed of all section 503 borrowers whose second installment (first regular amortized installment) is due December 31 of the payment year. The maximum contribution authorized for this group is an amount equal to all of the interest and one half of the principal of the scheduled annual installment due for the second payment year. The maximum contribution to any borrower in this group is 86.3 percent of the scheduled annual installment due December 31 of his second payment year. Thus, each borrower in this group must pay at least 13.7 percent of a scheduled annual installment, since this is equal to 50 percent of the principal of the installment due for his second payment year.

(1) A contribution equal to 86.3 percent of the scheduled annual installment due may be made only in those cases where:

(i) Form FHA–14 indicates that the borrower's income for the payment year, when used in accordance with the policies established in § 307.2, was actually insufficient to pay more than 13.7 percent of the scheduled annual installment due December 31 of his second payment year.

(ii) Any amount the borrower has actually paid on his scheduled annual installment due December 31 of his second payment year plus any amount he was ahead of schedule on his loan as of December 31 of the preceding payment year does not exceed 13.7 percent of the scheduled annual installment.

(2) A contribution equal to less than 86.3 percent of the scheduled annual installment may be made in those cases where:

(i) Form FHA–14 indicates that the borrower's income, when used in accordance with the policies established in § 307.2, was actually insufficient to pay in full the scheduled annual installment due December 31 of his second payment year, but was adequate to pay more than 13.7 percent of such installment.

(ii) The borrower has not actually paid the full amount due December 31 of his second payment year.

(iii) The borrower was not ahead of schedule as of December 31 of the preceding payment year in an amount equal to or greater than the amount he is actually unable to pay on his installment due December 31 of his second payment year. If the borrower was ahead of schedule as of December 31 of the preceding payment year in an amount equal to or greater than the amount he is unable to pay for his second payment year, he would not be entitled to a contribution.

(c) *Borrowers with third installment due December 31 of payment year.* This group is composed of all section 503 borrowers whose third installment (second regular amortized installment) is due December 31 of the third payment year. The contributions for this group of borrowers will be determined in accordance with paragraph (b) of this section, except that the maximum contribution to any borrower is 85.75 percent of the scheduled annual installment due, and the minimum payment required of each borrower is 14.25 percent of such installment.

(d) *Borrowers with fourth installment due December 31 of payment year.* This group is composed of all section 503 borrowers whose fourth installment (third regular amortized installment) is due December 31 of the fourth payment year. The contributions for this group of borrowers will be determined in accordance with paragraph (b) of this section, except that the maximum contribution to any borrower is 85.19 percent of the scheduled annual installment due, and the minimum payment required of each borrower is 14.81 percent of such installment.

(e) *Borrowers with fifth installment due December 31 of payment year.* This group is composed of all section 503 borrowers whose fifth installment (fourth regular amortized installment) is due December 31 of the payment year. The contribution for this group of borrowers will be determined in accordance with paragraph (b) of this section, except that the maximum contribution to any borrower is 84.59 percent of the scheduled annual installment due, and the minimum payment required of each borrower is 15.41 percent of such installment.

(1) In determining the amount of any contribution to which a borrower may be entitled on his fifth installment, the County Supervisor will analyze the borrower's records for the record book year ending November 30 and also will consider his estimated income and expenses for the following month of December.

(2) For those cases in which a contribution is made on the fifth installment, the County Supervisor, within 30 days after December 31, will review with the borrower his actual income and expenses for the month of December. If the County Supervisor determines that the borrower's income actually was sufficient to pay all or a part of the contribution he received on his fifth installment, the County Supervisor will:

(i) Collect the additional amount he determines that the borrower can pay on his Farm Housing loan, and

(ii) Advise the Area Finance Office by memorandum to reduce the amount of the contribution made on the fifth installment by the additional amount that the borrower is able to pay.

§ 307.4 *Preparation and distribution of Form FHA–449.* Form FHA–449 will be prepared for each section 503 Farm Housing borrower to whom a contribution will be made.

(a) The borrower will be required to sign the "Declaration of Borrower," section of Form FHA–449. No contribution will be made to any borrower unless he signs this statement.

(b) The County Supervisor will, after he has determined the amount of contribution to which a section 503 borrower is entitled, complete the "Contribution Determination" section of Form FHA–449 and give one copy to the borrower. The contribution will be applied the same as a regular payment namely: first to any accrued and unpaid interest shown on Form FHA–473, "Area Guide Card," and any remainder will be applied to principal.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

OCTOBER 30, 1952.

Approved: November 6, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12040; Filed, Nov. 10, 1952; 8:50 a. m.]

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

REMOVAL OF TEMPORARY CREDIT RESTRICTIONS

With the approval of the Housing and Home Finance Administrator given pursuant to Executive Order 10161 of September 9, 1950 (3 C. F. R., 1950 Supp. p. 123), § 311.8, Title 6, Code of Federal Regulations (16 F. R. 10305, 17 F. R. 5852), is hereby revoked, effective as of September 16, 1952.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

OCTOBER 31, 1952.

Approved: November 6, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12041; Filed, Nov. 10, 1952; 8:50 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

REPUBLICATION OF REGULATIONS

The regulations of the War Claims Commission are hereby republished in their entirety and contain all amendments to date including the amendment of October 8, 1952, 17 F. R. 8979. In this republication, paragraph (a) of § 508.2 has been corrected to read as set forth herein.

DANIEL F. CLEARY,
Chairman.

SUBCHAPTER A—RULES OF PRACTICE

Part
501. Practice before the Commission.
502. Subpoenas, depositions and oaths.

SUBCHAPTER B—RECEIPT, ADJUDICATION AND PAYMENT OF CLAIMS

505. Filing of claims and procedures therefor.
506. Provisions of general application.
507. Entitlement to award.
508. Payment.

SUBCHAPTER C—APPEALS AND HEARINGS

515. Appeals.
516. Investigational hearings.

SUBCHAPTER D—REPORT FOR THE CONGRESS REGARDING WAR CLAIMS ARISING OUT OF WORLD WAR II

520. Preparation and submission of the report to the Congress.

Subchapter A—Rules of Practice

PART 501—PRACTICE BEFORE THE COMMISSION

Sec.
501.1 Appearance.
501.2 Authorized representatives.
501.3 Attorneys at law.
501.4 Agents.
501.5 Acredited organizations.
501.6 Rules governing representatives and cancellation of authorization.
501.7 Schedule of fees.
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501.9 Rules of procedure.
501.10 Negotiations.
501.11 Statement of charges.
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501.13 Answer.
501.14 Content of answer.
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501.16 Complaining witness.
501.17 Reply to answer.
501.18 Supplemental charges.
501.19 Sufficiency of the pleadings.
501.20 Immaterial mistakes.
501.22 Testimony.
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501.24 Proof; partial.
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501.26 Decision.
501.27 Decision.
501.28 Notice of decision.
501.29 Effect of censure, suspension of revocation of right to practice.
501.30 Reconsideration.

AUTHORITY: §§ 501.1 to 501.30 issued under sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup., 2001.

§ 501.1 *Appearance.* Any person may appear in proceedings relating to a claim before the Commission in his own behalf or through his authorized representative.

§ 501.2 *Authorized representatives.* The Commission will recognize three categories of authorized representatives: (a) An attorney at law authorized to practice before the Commission, (b) an agent authorized to practice before the Commission, or (c) an accredited organization. The Office of the General Counsel shall be the custodian of the records relating to authorized representatives.

§ 501.3 *Attorneys at law.* An attorney at law shall be deemed authorized to practice before the Commission, who after first filing a petition (WCC Form 1002, Petition For Admission To Practice As Attorney Practitioner) requesting enrollment shall be approved and placed upon the approved attorneys' roll by the Commission. The petition for enrollment shall state, among other things, the name and address of the petitioner, the place or places and dates of admission to practice law, a statement that the petitioner is in good standing as a member of the bar, a statement of employment if any by the government and dates; that he is familiar with section 10 of the War Claims Act of 1948, as amended, and the regulations of the Commission fixing fees thereunder and stating that he will comply with such rules of the Commission. Such petition should be supported by a certificate of court of record in the state, territory, or District of Columbia, in which such attorney practices that he is a person of good moral character and a member of the bar in good standing. After examination of such petition and supporting evidence and such investigation as the Commission deems necessary the Commission in its discretion will allow or deny the petition for enrollment.

§ 501.4 *Agents.* An agent shall be deemed authorized to practice before the Commission who after first filing a petion. (WCC Form 1003, Petition For Admission To Practice As Agent Practitioner) requesting enrollment shall be approved and placed upon the approved agents' roll by the Commission. The petition of enrollment shall state the name and address of petitioner, his usual business, experience in representing persons before the government, employment by the government if any with dates; said petition shall also contain a statement that the agent is familiar with section 10 of the act and the fees fixed by the Commission thereunder and that the agent intends to comply with such scheduled fees and other regulations of the Commission. Corporations may be recognized as agent representatives in appropriate cases. Any such corporate agent must present in its petition facts with reference to its organization, charter, purposes and business and also state its intention to observe the regulations of the Commission and the act with reference to fees. After examination of such petition and supporting evidence and such investigation as the Commission deems necessary, the Commission in its discretion will allow or deny the petition for enrollment.

§ 501.5 *Accredited organizations.* (a) Persons designated by veterans', service, and other organizations to appear before the Commission in a representative capacity on behalf of claimants shall be deemed duly authorized to practice before the Commission when the designating organization shall have been issued a letter of accreditation by the Commission.

(b) Petitions for accreditation shall be in writing, executed by duly authorized officer or officers, addressed to the War Claims Commission, Washington 25, D. C.

(c) Upon receipt of a petition setting forth pertinent facts as to the organization's history, purpose, number of posts or chapters and their locations, approximate number of paid-up membership, statements that the organization will not charge any fee for services rendered by its designates in behalf of claimants and that it will not refuse on the grounds of non-membership to represent any claimant who applies for such representation if he has an apparently valid claim; accompanied by a copy of the organization's constitution or charter, by-laws, and its latest financial statement, the Commission in its discretion will consider and in appropriate cases issue or deny letters of accreditation.

§ 501.6 *Rules governing representatives and cancellation of authorization.* No attorney or agent authorized to practice before the Commission shall either directly or indirectly charge or accept any fee or other remuneration in excess of the amount of such fee fixed by the Commission in each class of cases. No person shall attempt to represent any claimant or person acting in behalf of the claimant until a power of attorney in the form prescribed by the Commission or substantially similar to such form has been duly executed and filed with the Commission. Any violation of this part or other rules of the Commission by attorneys, agents, or organizations shall constitute cause for revocation of authority to practice before the Commission. In the event there is brought to the attention of the Commission information that any person authorized to practice before the Commission has been disbarred, indicted, or found guilty of acts which in the judgment of the Commission renders such person unsuitable to represent claimants before it, the Commission may revoke the authority of such person to practice before it. Whenever the Commission is informed that fees in excess of those fixed by it are being charged, collected, received or paid directly or indirectly, the Commission shall initiate appropriate procedures to invoke penal provisions of the act.

§ 501.7 *Schedule of fees.* The schedule of fees is set forth as follows:

For assisting internees or evaders in the preparation and filing of an application for detention benefits • • • not in excess of 1 percent of the total amount awarded.

For assisting prisoners of war in the preparation and filing of an application for compensation • • • not in excess of 1 percent of the total amount awarded.

For assisting survivors of internees, evaders, or prisoners of war in the preparation and filing of an application for either detention benefits or compensation • • • not in excess of 2 percent of the total amount awarded.

For securing additional oral or written testimony, or in the preparation and presentation of an appeal under sections 5 and 6 of the act the Commission may authorize an additional fee, but said additional fee plus the fee previously allowed will not exceed 10 percent of the total amount awarded.

For assisting religious organizations or the personnel of religious organizations in the preparation and filing of an application for reimbursement under section 7 (a) of the act, not in excess of:

10 percent on the first $1,000 awarded.
7½ percent on the next $9,000 awarded.
5 percent on the next $40,000 awarded.
1 percent on all over $50,000 awarded.

For services rendered to religious organizations or the personnel of religious organizations in presenting a claim for compensation under section 7 (b) through (g) of the act, a fee agreed upon by the parties, but not in excess of:

10 percent on the first $100,000 awarded.
6 percent on the next $400,000 awarded.
4 percent on all over $500,000 awarded.

§ 501.8 *Suspension of attorneys.* The Commission may censure, suspend or revoke the right of any attorney to appear before the Commission in any claim proceeding if it finds that such attorney has concealed any material facts with reference to his legal qualifications, professional standing, character or integrity, has failed to conform to recognized standards of professional conduct, has conducted himself in a contumacious, contemptuous or unethical manner before the Commission, or any board or unit thereof, or has violated the provisions of section 10 of the act.

§ 501.9 *Rules of procedure.* The Commission may, where it has cause to believe that any attorney has violated any provision of the law or of § 501.6, § 501.7, or § 501.8, institute proceedings to censure, suspend or revoke the right of such attorney, hereinafter called the respondent, to appear before the War Claims Commission. Such proceedings shall be governed by the rules in this part, Part 502 of this subchapter, and Part 516 of this chapter.

§ 501.10 *Negotiations.* At any time prior to hearing the Commission may, in its discretion, informally review submissions made by the respondent for the purpose of determining the propriety of continuing the authorization of the respondent to practice. The parties may at any time prior to or during the hearing limit the issues by stipulation. Such stipulations if any shall be entered in the record.

§ 501.11 *Statement of charges.* The statement of charges shall contain a plain and concise statement of the facts which it has claimed constitute grounds for censure, suspension or revocation of the right of the respondent to appear before the Commission. A statement of charges which fairly informs the respondent of the charges against him so that he is able to prepare his defense shall be deemed sufficient.

§ 501.12 *Bill of particulars.* If, in order to prepare for defense, the respondent desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may present a motion in writing to the Commission asking that the statement of charges be made more specific, stating further in such motion in specific manner in which respect the statement of charges leaves him in doubt and describing the particular language of the statement of charges as to which additional information is required. If in the opinion of the Commission such information is reasonably necessary to enable the respondent to prepare his defense, the Commission shall furnish the respondent with a bill of particulars.

§ 501.13 *Answer.* The respondent's answer shall be filed in writing within the time specified in the original notice unless on application the time is extended pursuant to § 502.7 (b) of this subchapter. The answer shall be made under oath before an officer authorized to administer oaths and shall be filed in duplicate with the Commission.

§ 501.14 *Content of answer.* In his answer the respondent should specifically admit or deny every material allegation in the statement of charges. Every allegation in the statement of charges not denied shall be deemed admitted, unless the respondent shall state in his answer that he has no knowledge thereof sufficient to form a belief, which statement shall be considered a denial. In answer to a statement of charges, the respondent shall not deny a material allegation of fact which he knows to be true, or state in such answer that he is without sufficient information to form a belief when in fact he possesses such information.

§ 501.15 *Affirmative defense.* In his answer the respondent may also state affirmatively special matters of defense, and shall not give in evidence any matters in avoidance or of defense, consistent with the truth of the allegation of the statement of charges, unless in his answer he states such matters specifically.

§ 501.16 *Complaining witness.* The Commission may, in its discretion, furnish a complaining witness with a copy of the answer if in its opinion such action will aid in ascertaining the truth or falsity of the charges. The term "complaining witness" for the purposes of this provision shall include any officer or employee of the Commission or any attorney who may have reported the alleged misconduct to the Commission or any other person upon whose information the Commission has instituted the proceedings.

§ 501.17 *Reply to answer.* If the answer contains affirmative matter in avoidance, consistent with the truth of the material allegations in the statement of charges, a reply by the Commission admitting or denying the new matter set forth in the answer shall be served upon the respondent.

§ 501.18 *Supplemental charges.* If it appears that a denial of a material allegation of fact in the statement of charges, or a statement that the respondent has no knowledge sufficient to form a belief; was made in bad faith in the answer; or that the respondent has knowingly introduced false testimony during proceedings against him pursuant to the provisions of this part the Commission may thereupon file supplemental charges which charges may be tried with the other charges in the case, provided the respondent shall be given due notice thereof and afforded an opportunity for preparing a defense.

§ 501.19 *Sufficiency of the pleadings.* The Commission shall have authority to pass upon the sufficiency of the statement of charges, the answer, and all other pleadings. The parties may be heard upon the sufficiency of any pleadings whenever, in the opinion of the Commission, a hearing thereon is necessary or desirable.

§ 501.20 *Immaterial mistakes.* The Commission need not observe strict rules as to pleadings and may disregard immaterial misnomers of third persons, immaterial mistakes in description of any person, thing or place or the ownership of any property, a failure to prove immaterial allegations in the description of the respondent's conduct, or any other immaterial matters occurring at any point in the proceedings.

§ 501.21 *Hearings.* All evidence shall be presented before the Commission, decisions on procedure and final determinations may be taken by majority vote. Subject to its regulations in these respects the Commission may determine the time, place, and manner in which hearings shall be conducted; the form in which evidence shall be received, and may adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of disciplinary cases. Written notice of the time and place of all hearings shall be given the respondent in the manner provided in Part 502 of this subchapter for the service of papers. No hearing shall be held without reasonable notice thereof to the respondent, except that the Commission may postpone or adjourn hearings when necessary or desirable, on notice to the parties.

§ 501.22 *Testimony.* Unless the Commission shall otherwise direct, the testimony of witnesses at all hearings will be taken under oath and stenographically recorded and transcribed.

§ 501.23 *Documents.* Whenever any book, document or paper is introduced as an exhibit in a proceeding the Commission may authorize, upon such conditions as it may be deemed proper, the withdrawal of such exhibit upon the request of such party.

§ 501.24 *Proof; partial.* If the Commission finds that a part of the charges in the statement of charges is not sufficiently proved but that the residue thereof is so proved, it may base its determination on such charges as are so proved.

§ 501.25 *Proof; variance.* In the case of variance between the allegations in the statement of charges and the evidence, the Commission shall have power to base its findings on any facts established by the evidence which are grounds for censure, suspension of revocation and to order the amendment to the statement of charges to conform to the evidence: *Provided*, That the respondent has had or is given reasonable opportunity to present his defense to such amended charges, with such postponements of the hearings as may be reasonably necessary to permit the respondent to present such defense.

§ 501.26 *Decision.* After the parties rest, the Commission shall make its decision which decision may include (a) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, and law, presented on the record and (b) an order to censure, suspend or revoke the right of the respondent to appear before the Commission or order to dismiss the charges as the case may require. If at any hearing upon issue of fact raised by the record in the case the respondent fails to put in any evidence the Commission may base its findings upon the record before it.

§ 501.27 *Decision.* The decision of the Commission, in the absence of a request for reconsideration pursuant to § 501.32, shall without further proceedings become the final decision of the agency.

§ 501.28 *Notice of decisions.* Each decision shall promptly be filed in the record, and the Commission shall thereupon give notice thereof to the parties in the manner prescribed for the service of papers.

§ 501.29 *Effect of censure, suspension or revocation of right to practice.* After the right of an attorney to appear before the Commission has been suspended or revoked, such person will not thereafter be recognized during the period of suspension or revocation as an attorney in any matter before the Commission.

§ 501.30 *Reconsideration.* An attorney who has been censured, suspended, or whose right to appear has been revoked may make written application to the Commission to have the order of suspension vacated or modified upon the ground (a) of newly discovered evidence or (b) that important evidence is now available which the applicant was unable to produce at the original hearing by the exercise of due diligence. Every application for reinstatement shall be filed with the Commission in duplicate. Such application must set forth specifically the precise character of the evidence to be relied upon in its support and shall state the reasons why the applicant was unable to produce it when the original charges were heard. If the Commission after due consideration of the application shall deem it sufficiently meritorious to warrant reopening, the Commission shall set a time and place for a hearing on the application and give due notice thereof to the applicant. Upon the conclusion of the hearing in the event that the Commission shall issue an order vacating or revoking the prior order to censure, suspend or revoke the right of an attorney to appear before the Commission, notice thereof shall be given by the Commission to all those to whom the original order of censure, suspension, or revocation of the right to appear before the Commission was sent.

PART 502—SUBPOENAS, DEPOSITIONS AND OATHS

Sec.
502.1 Extent of authority.
502.2 Subpoenas.
502.3 Service.
502.4 Witnesses.
502.5 Depositions.
502.6 Documentary evidence.
502.7 Time.

AUTHORITY: §§ 502.1 to 502.7 issued under sec. 2, 62 Stat. 1240, as amended; 50 U. S. C., App. Sup. 2001.

§ 502.1 *Extent of authority—*(a) *Subpoenas, oaths and affirmations.* The Commission or any member thereof may issue subpoenas, administer oaths and affirmations, take affidavits, conduct investigations, and examine witnesses in connection with any hearing, examination, or investigation within its jurisdiction.

(b) *Certification.* The Commission or any member thereof may, for the purpose of any such hearing, examination, or investigation, certify the correctness of any papers, documents, and other matters pertaining to the administration of any laws relating to the functions of the Commission.

§ 502.2 *Subpoenas—*(a) *Issuance.* A member of the Commission or a designated employee may, on his own volition or upon written application by any party and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring persons to appear and testify or to appear and produce documents. Applications for the issuance of subpoenas duces tecum shall specify the books, records, correspondence, or other documents sought. The subpeona shall show on its face the name and address of the party at whose request the subpoena was issued.

(b) *Deposit for costs.* The Commission or designated employee, before issuing any subpoena in response to any application by an interested party, may require a deposit in an amount adequate to cover the fees and mileage involved.

(c) *Motion to quash.* If any person subpoenaed does not intend to comply with the subpoena, he shall, within 15 days after the date of service of the subpoena upon him, petition in writing to quash the subpoena. The basis for the motion must be stated in detail. Any party desiring to file an answer to a motion to quash must file such answer not later than 15 days after the filing of the motion. The Commission shall rule on the motion to quash, duly recognizing any answer thereto filed. The motion, answer, and any ruling thereon shall become part of the official record.

(d) *Appeal from interlocutory order.* An appeal may be taken to the Commission by the interested parties from the denial of a motion to quash or from the refusal to issue a subpoena for the production of documentary evidence.

(e) *Order of court upon failure to comply.* Upon the failure or refusal of any person to comply with a subpoena, the Commission may invoke the aid of the United States District Court within the jurisdiction of which the hearing, examination, or investigation is being conducted, or wherein such person resides or transacts business. Such court, pursuant to the provisions of Public Law 696, 81st Congress, approved August 16, 1950, 50 U. S. C. App. Sup., 2001 (d), may issue an order requiring such person to appear at the designated place of hearing, examination, or investigation, then and there to give or produce testimony or documentary evidence concerning the matter in question. Any failure to obey such an order may be punished by the court as a contempt thereof. All processes in any such case may be served in the judicial district wherein such person resides or transacts business or wherever such person may be found.

§ 502.3 *Service—*(a) *Service by registered mail.* Subpoenas, orders, rulings, and other processes of the Commission, may be served by delivering in person or by registered mail addressed to the person, partnership, or corporation to be served at his or its residence, principal office or place of business, except when service by another method shall be specifically ordered by the Commission.

(b) *Personal service.* Service by delivering in person may be accomplished by:

(1) Delivering a copy of the document to the person to be served, to a member of the partnership to be served, to an executive officer, or a director of the corporation to be served, or to a person competent to accept service; or

(2) By leaving a copy thereof at the residence, principal office or place of business of such person, partnership, or corporation.

(c) *Proof of service.* The return post office registered receipt for said order, other process or supporting papers, or the verification by the person serving, setting forth the manner of said service, shall be proof of the service of the document.

(d) *Service upon attorney or agent.* When any party has appeared by an authorized attorney or agent, service upon such attorney or agent shall be deemed service upon the party.

(e) *Date of service.* The date of service shall be the day upon which the document is deposited in the United States mail or delivered in person, as the case may be.

§ 502.4 *Witnesses—*(a) *Examination of witnesses.* Witnesses shall appear in person and be examined orally under oath, except that for good cause shown, testimony may be taken by deposition.

(b) *Witness fees and mileage.* Witnesses summoned by the Commission on its own behalf or on behalf of a claimant or interested party shall be paid the same fees and mileage that are allowed and paid witnesses in the District Courts of the United States. Witness fees and mileage shall be paid by the Commission

or by the party at whose request the witness appears.

(c) *Transcript of testimony.* Every person required to attend and testify or to submit documents or other evidence shall be entitled to retain or, on payment of prescribed costs, procure a copy or transcript of his testimony or the documents produced.

§ 502.5 *Depositions*—(a) *Application to take.* An application to take a deposition shall be in writing setting forth the reason why such deposition should be taken, the name and address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition, together with the name and address of the person before whom it is desired that the deposition be taken. If such deposition is being offered in connection with a hearing or examination, the application for deposition shall be made to the Commission at least 15 days prior to the proposed date of such hearing or examination.

Application to take a deposition may be made during a hearing or examination, or, subsequent to a hearing or examination only where it is shown for good cause that such testimony is essential and that the facts as set forth in the application to take the deposition were not within the knowledge of the person signing the application prior to the time of the hearing or examination.

The Commission or its representative shall, upon receipt of the application and a showing of good cause, make and cause to be served upon the parties an order which will specify the name of the witness whose deposition is to be taken, the time, the place, and where practicable the designation of the officer before whom the witness is to testify. Such officer may or may not be the one specified in the application. The order shall be served upon all parties at least 10 days prior to the date of the taking of the deposition.

(b) *Who may take.* Such deposition may be taken before the designated officer or, if none is designated, before any officer authorized to administer oaths by the laws of the United States. If the examination is held in a foreign country, it may be taken before a secretary of an embassy or legation, consul general, consul, vice consul, or consular agent of the United States.

(c) *Examination and certification of testimony.* At the time and place specified in said order the officer taking such deposition shall permit the witness to be examined and cross-examined under oath by all parties appearing, and his testimony shall be reduced to writing by, or under the direction of, the presiding officer. All objections to questions or evidence shall be deemed waived unless made in accordance with paragraph (d) of this section. The officer shall not have power to rule upon any objections but he shall note them upon the deposition. The testimony shall be subscribed by the witness in the presence of the officer who shall attach his certificate stating that the witness was duly sworn by him, that the deposition is a true record of the testimony and exhibits given by the witness, and that said officer is not counsel or attorney to any of the interested parties. The officer shall immediately seal and deliver an original and two copies of said transcript, together with his certificate, by registered mail to the War Claims Commission, Washington 25, D. C., or the field office designated.

(d) *Admissibility in evidence.* The deposition shall be admissible in evidence, subject to such objections to the questions and answers as were noted at the time of taking the deposition, or within ten (10) days after the return thereof, and would be valid were the witness personally present at the hearing.

(e) *Errors and irregularities.* All errors or irregularities occurring shall be deemed waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

(f) *Scope of use.* The deposition of a witness, if relevant, may be used if the Commission finds: (1) That the witness has died since the deposition was taken; or (2) that the witness is beyond a distance greater than 100 mile radius of Washington, D. C., the designated field office or the designated place of the hearing; or (3) that the witness is unable to attend because of other good cause shown.

(g) *Interrogatories and cross-interrogatories.* Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examinations. When a deposition is taken upon interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, and his representative or attorney, a stenographic reporter and the presiding officer, shall be present at the examination of the witness, which fact shall be certified by such officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

(h) *Fees.* A witness whose deposition is taken pursuant to the regulations in this part and the officer taking the deposition, shall be entitled to the same fees and mileage allowed and paid for like service in the United States District Court for the district in which the deposition is taken. Such fees shall be paid by the Commission or by the party at whose request the deposition is being taken.

§ 502.6 *Documentary evidence.* Documentary evidence may consist of books, records, correspondence or other documents pertinent to any hearing, examination, or investigation within the jurisdiction of the Commission. The application for the issuance of subpoenas duces tecum shall specify the books, records, correspondence or other documents sought. The production of documentary evidence shall not be required at any place other than the witness' place of business. The production of such documents shall not be required at any place if, prior to the return date specified in the subpoena, such person either has furnished the issuer of the subpoena with a properly certified copy of such documents or has entered into a stipulation as to the information contained in such documents.

§ 502.7 *Time*—(a) *Computation.* In computing any period of time prescribed or allowed by the regulations in this part, by order of the Commission, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday. When the period of time prescribed or allowed is less than 7 days, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

(b) *Enlargement.* When by the regulations in this part or by a notice given thereunder or by order of the Commission an act is required or allowed to be done at or within a specified time, the Commission for cause shown may, at any time in its discretion (1) with or without motion or notice, previous order or (2) upon motion permit the act to be done after the expiration of the specified period where the failure to act was the result of excusable neglect.

Subchapter B—Receipt, Adjudication and Payment of Claims

PART 505—FILING OF CLAIMS AND PROCEDURES THEREFOR

Sec.
505.1 Claim defined.
505.2 Time within which claims may be filed.
505.3 Official forms.
505.4 Official certificate of dependency.
505.5 Place of filing claims.
505.6 Documents to accompany forms.
505.7 Language for forms and documents.
505.8 Receipt of claims.
505.9 Failure to note change of address.

AUTHORITY: §§ 505.1 to 505.9 issued under sec. 2, 62 Stat. 1240; 50 U. S. C., App. Sup. 2001.

§ 505.1 *Claim defined.* (a) A properly completed and executed application made on an official form provided by the Commission for such purpose constitutes a claim and will be adjudicated under laws administered by the Commission.

(b) Any communication, letter, note or memorandum from a claimant, or his duly authorized representative, or a person acting as next friend of a claimant who is not sui juris, setting forth sufficient facts to apprise the Commission of an intent to apply under the provisions of sections 5 (a) through (e), 6 and 7 (a) of the act shall be deemed to be an informal claim. When an informal claim is received and an official form is forwarded for completion and execution by the applicant, such official form shall be considered as evidence necessary to complete the initial claim, and unless such official form is received within six months from the date it was transmitted for execution, the claim will be disallowed.

(c) Any communication, letter, note or memorandum from a claimant, or his duly authorized representative setting forth sufficient facts to apprise the Commission of an intent to apply under the provisions of section 7 (b) and (c) of the act shall be deemed to be an informal claim. When an informal claim is received and an official form is forwarded for completion and execution by the applicant, such official form shall be considered as evidence necessary to complete the initial claim, and unless such official form is received within two months from the date it was transmitted for execution, the claim will be disallowed.

§ 505.2 *Time within which claims may be filed.* (a) Claims made under sections 5 (a) through (e) of the act will be received by the Commission during the period from January 3, 1950, to March 31, 1952, inclusive, in accordance with notice given pursuant to the provisions of section 2 (d) of the act, as amended. Claims to be accepted must be postmarked before midnight March 31, 1952, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight March 31, 1952.

(b) Claims made under sections 6 (a) through (c) of the act will be received by the Commission during the period from January 3, 1950, to March 31, 1952, inclusive, in accordance with notice given pursuant to the provisions of section 2 (d) of the act, as amended. Claims to be accepted must be postmarked before midnight March 31, 1952, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight March 31, 1952.

(c) Claims made under section 6 (d) of the act will be received by the Commission during the period from April 9, 1952, to midnight April 9, 1953, in accordance with the notice given pursuant to the provisions of section 2 (d) of the act, as amended, and section 3 of Pub. Law 303, 82d Cong., approved April 9, 1952. Claims to be accepted must be postmarked before midnight April 9, 1953, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight April 9, 1953.

(d) Claims made under section 7 (a) of the act will be received by the Commission during the period from January 3, 1950, to March 31, 1952, inclusive, in accordance with notice given pursuant to the provisions of section 2 (d) of the act, as amended. Claims to be accepted must be postmarked before midnight March 31, 1952, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight March 31, 1952.

(e) Claims made under section 7 (b) and (c) of the act will be received by the Commission during the period from April 9, 1952, to October 1, 1952, inclusive, in accordance with notice given pursuant to the provisions of section 2 (d) of the act, as amended, and section 2 (f) of Pub. Law 303, 82d Cong., approved April 9, 1952. Claims to be accepted must be postmarked before midnight October 1, 1952, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight October 1, 1952.

§ 505.3 *Official forms.* Official forms are provided for use in the preparation of claims for submission to the Commission for adjudication and such forms are available as prescribed in section 7 of the description of organization (14 F. R. 7819). An official form is provided for each type of claim that may be made under the provisions of sections 5 (a) through (e), 6 (a) through (c), 6 (d), as added by Public Law 303, 82d Congress, 7 (a), or 7 (b), or (c) of the act, as amended, and each such official form is accompanied by printed instructions which explain its proper use, preparation, and execution. The official forms provided for use with respect to each type of claim adjudicable under said sections 5(a) through (e), 6 (a) through (c), 6 (d) as added by Public Law 303, 82d Congress, 7 (a) or 7 (b) or (c) of the act, are designated and identified as follows:

(a) For compensation by living prisoners of war, WCC Form 601—Application for Living Ex-Prisoner of War Benefits.

(b) For compensation by living Philippine prisoners of war, or their survivors, WCC Form 602—Application for Ex-Prisoner of War Allowance.

(c) For compensation by living prisoners of war, arising out of inhumane treatment or forced labor, WCC Form 611—Application for Living Ex-Prisoner of War Compensation for Compulsory Labor and/or Inhumane Treatment.

(d) For compensation by living Philippine prisoners of war, arising out of inhumane treatment or forced labor, WCC Form 612—Application for Living Ex-Prisoner of War Compensation for Compulsory Labor and/or Inhumane Treatment.

(e) For compensation by survivors of deceased prisoners of war, WCC Form 650—Application for Prisoner of War Benefits by Survivors of Deceased Prisoners of War.

(f) For compensation by survivors of deceased prisoners of war, for inhumane treatment and forced labor, WCC Form 660—Application for Survivors of Deceased Ex-Prisoners of War for Compensation for Compulsory Labor and or Inhumane Treatment.

(g) For detention benefits by living civilian American citizens, WCC Form 501—Application for Living Civilian Detention Benefits.

(h) For detention benefits by survivors of deceased civilian American citizens, WCC Form 550—Application for Detention Benefits by Survivors of Deceased Civilian Prisoners, Internees, Etc.

(i) For reimbursement by a religious organization or the personnel of a religious organization, WCC Form 701—Application for Reimbursement by Religious Organizations or Religious Personnel.

(j) For compensation to any religious organizations or personnel of a religious organization for loss or damage sustained to facilities as a consequence of the war, WCC Form 711—Application by Religious Organization for Compensation for Loss and Damage to Property as a Consequence of World War II.

§ 505.4 *Official certificate of dependency.* Claims submitted to the Commission for adjudication by a dependent husband as a survivor of a deceased prisoner of war or as a survivor of a deceased civilian American citizen (as defined in section 5 of the act) shall be accompanied by a certificate of dependency prepared on an official form designated and identified as WCC Form 551—Husband's Certificate of Dependency.

§ 505.5 *Place of filing claims.* Claims submitted to the Commission for adjudication under the provisions of section 5 (a) through (e), 6 or 7 of the act, shall be filed at the offices of the Commission at Washington, D. C., at any field office thereof, or with any person or agency authorized by the Commission to receive claims on its behalf.

§ 505.6 *Documents to accompany forms.* (a) All claims filed pursuant to the provisions of sections 5 (a) through (e), 6 and 7 (a) of the act shall be accompanied by all the evidentiary documents, instruments and records prescribed in the instructions which accompany each type of official form (see § 505.3). If such evidentiary documents, instruments, and records do not accompany the claim and are not furnished within six months following the date of request, the claim may be deemed to have been abandoned and be disallowed.

(b) All claims filed pursuant to the provisions of sections 7 (b) and (c) of the act shall be accompanied by all the evidentiary documents, instruments and records prescribed in the instructions which accompany the official form (see § 505.3). If such evidentiary documents, instruments, and records do not accompany the claim and are not furnished within one month following the date of request, the claim may be deemed to have been abandoned and be disallowed.

§ 505.7 *Language for forms and documents.* Official forms shall be prepared in accordance with the instructions which accompany each type of official form and in the English language, but evidentiary documents, instruments or records, or authenticated copies thereof, shall be submitted in the language in which originally written.

§ 505.8 *Receipt of claims*—(a) *Claims deemed received.* A claim shall be deemed to have been received by the Commission on the date postmarked, if mailed, or if delivery is made in person, on the date when delivered, either at the office of the Commission in Washington, D. C., at any field office thereof, or with any person or agency authorized

by the Commission to receive claims on its behalf.

(b) *Claims developed.* In the event that a claim has been so prepared as to preclude adjudication thereof, the Commission may request the claimant to furnish whatever supplemental evidence, including the completion and execution of an official form, as may be essential to the adjudication thereof. If the evidence or official form requested is not received within the time limitations set forth in §§ 505.1 and 505.6 the claim may be deemed to have been abandoned and be disallowed.

§ 505.9 *Failure to note change of address.* If any communication mailed to the claimant at the last address furnished to the Commission is returned unclaimed, the claim may be disallowed for failure of the claimant to keep the Commission informed of current address. Such claims shall thereupon be sent to the closed files.

PART 506—PROVISIONS OF GENERAL APPLICATION

Sec.
506.1 Persons eligible to file claims.
506.2 Persons under legal disability.
506.3 Definitions.

AUTHORITY: §§ 506.1 to 506.3 issued under sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup., 2001.

§ 506.1 *Persons eligible to file claims.* Persons eligible to submit claims to the Commission for adjudication under the provisions of sections 5, 6, or 7 of the act, are:

(a) Prisoners of war or the survivors of deceased prisoners of war under the provisions of section 6 of the act,

(b) Civilian American citizens or the survivors of deceased civilian American citizens for detention benefits under the provisions of section 5 of the act,

(c) Religious organizations or the personnel of religious organizations for reimbursement under the provisions of section 7 of the act.

§ 506.2 *Persons under legal disability.* (a) Claims may be submitted for adjudication on behalf of persons who, being otherwise eligible to make claims under the provisions of sections 5 (a) through (e), and 6 of the act, are incompetent or otherwise under any legal disability, by the natural or legal guardian, committee, conservator, curator, or any other person including the spouse of such claimant, whom the Commission may determine is vested with the care of the claimant or his estate.

(b) In the event the Commission has before it satisfactory evidence that a member of the armed forces of the United States on active duty in Korea or captured by the forces of aggression fighting in Korea or elsewhere or reported missing in action, interned or beleaguered may be eligible to file a claim for compensation under Pub. Law 303, 82d Cong., and is unable to file a claim because of inaccessibility to forms and mailing facilities, the Commission may file an informal claim in behalf of such person.

§ 506.3 *Definitions*—(a) *Widow.* A "widow" is the surviving female spouse of a deceased prisoner of war or a deceased civilian American citizen who was married to the deceased at the time of his death by a marriage valid under the applicable law of the place where entered into.

(b) *Dependent husband.* A "dependent husband" is the surviving male spouse of a deceased prisoner of war or of a deceased civilian American citizen who was married to the deceased at the time of her death by a marriage valid under the applicable law of the place where entered into, and who was then dependent upon the deceased.

(c) *Child.* (1) A "child" is a natural or adopted son or daughter of a deceased prisoner of war or a deceased civilian American citizen, including any posthumous son or daughter of such deceased person.

(2) Any son or daughter of such deceased person born out of wedlock will be deemed to be a child of such deceased for the purposes of this act if, (i) legitimated by a subsequent marriage of the parents, (ii) recognized as a child of the deceased by his or her admission, or (iii) so declared by an order or decree of any court of competent jurisdiction.

(d) *Parent.* (1) A "parent" is the natural or adoptive father or mother of a deceased prisoner of war, or any person standing in loco parentis to a deceased prisoner of war for a period of not less than one year immediately preceding the date of his entry into active service and during at least one year of his minority. Not more than one mother and/or father as defined shall be recognized in any case. A person will not be recognized as standing in loco parentis if the natural parents or adoptive parents are living, unless there is affirmative evidence of abandonment and renunciation of parental duties and obligations by the natural or adoptive parent or parents prior to entry into active service by the deceased prisoner of war.

An award in the full amount allowable had the deceased prisoner of war survived may be made to only one parent when it is shown that the other parent has died or if there is affirmative evidence of abandonment and renunciation of parental duties and obligations by the other parent.

(2) The father of an illegitimate child will not be recognized as such for purposes of the act unless evidence establishes that (i) he has legitimated the child by subsequent marriage with the mother; (ii) recognized the child as his by written admission prior to enlistment of the deceased in the armed forces; (iii) or prior to death of the child he has been declared by decree of a court of competent jurisdiction to be the father.

(e) *Dependent.* A husband of a deceased prisoner of war or of a deceased civilian American citizen will be deemed to be dependent if, at the time of the capture or the death of the prisoner of war or of the civilian American citizen, the deceased contributed substantially to the support of such husband.

(f) *Natural guardian.* The father and mother shall be deemed to be the natural guardians of the person of their minor children. If either dies or is incapable of acting, the natural guardianship of the person shall devolve upon the other. In the event of death or incapacity of both parents then such blood relative, paternal or maternal, standing in loco parentis to the minor shall be deemed the natural guardian.

PART 507—ENTITLEMENT TO AWARD

SUBPART A—PRISONER OF WAR COMPENSATION

Sec.
507.1 Persons entitled to award of compensation.
507.2 Rate of and basis for award of compensation.
507.3 Membership in the military or naval forces of the United States.
507.4 Military or naval forces of the United States.
507.5 Enemy government.
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SUBPART B—INTERNED CIVILIAN AMERICAN CITIZENS DETENTION BENEFITS

507.20 Persons entitled to award of detention benefits.
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507.29 Rate of detention benefits.
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507.32 Survivors entitled to award of detention benefits.
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507.59 Definitions of "compensated".
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507.64 American citizens substantially composed the administrative staff.
507.65 At the time of the outbreak of the war.

Sec.
507.66 Postwar.
507.67 Cost of replacement.
507.68 In an amount sufficient to enable such organization to replace.
507.69 The hospital's facilities and capacity.
507.70 Equal to.

SUBPART A—PRISONER OF WAR COMPENSATION

AUTHORITY: §§ 507.1 to 507.12 issued under sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup., 2001.

§ 507.1 *Persons entitled to award of compensation.* Any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States who was held as a prisoner of war for any period of time subsequent to December 7, 1941, by a government of any nation with which the United States has been at war subsequent to December 7, 1941, and, with respect to whom the enemy government by which he was held as a prisoner of war (a) violated its obligation to furnish him the quantity and quality of food to which he was entitled as a prisoner of war under the terms of the Geneva Convention of July 27, 1929; or (b) violated its obligation relating to the treatment to be accorded a prisoner of war and the rules governing labor of prisoners of war, who makes claim is a person entitled to an award of compensation as a prisoner of war.

§ 507.2 *Rate of and basis for award of compensation.* (a) Compensation allowed a prisoner of war under sections 6 (a) through (c) of the act will be paid at the rate of $1 per each day that he was held as a prisoner of war on which the enemy government failed to furnish him such quantity or quality of food required to be furnished prisoners of war under the terms of the Geneva Convention of July 27, 1929.

(b) Compensation allowed a prisoner of war under the terms of section 6 (d) of the act, as added by Pub. Law 303, 82d Cong., will be paid at the rate of not to exceed $1.50 for each day that he was held as a prisoner of war on which the enemy government subjected him to inhumane treatment and/or compelled him to engage in labor contrary to the provisions of the Geneva Convention of July 27, 1929.

§ 507.3 *Membership in the military or naval forces of the United States.* Regular appointment, enrollment, enlistment or induction in the military or naval forces of the United States shall be established by certification of the Department of Defense.

§ 507.4 *Military or naval forces of the United States.* "Military or naval forces of the United States" means the United States Army, Navy, Marine Corps and Coast Guard; commissioned officers of the United States Public Health Service who were detailed for active duty with the Army, Navy, Marine Corps or Coast Guard; commissioned officers of the United States Coast and Geodetic Survey who were assigned to duty during World War II on projects of the War and Navy departments outside the continental United States; members of the organized Philippine Army of the government of the Commonwealth of the Philippines and other units who were called or ordered into service of the armed forces of the United States in valid orders by the General, United States Army, designated by the Secretary of War, pursuant to and in compliance with the Military Order of the President of the United States, dated July 26, 1941 (6 F. R. 3825; 3 CFR, 1943 Cum. Supp.).

§ 507.5 *Enemy government.* "Enemy government" means any government of any nation with which the United States has been at war subsequent to December 7, 1941; and, "any government of any nation with which the United States has been at war" means any government which declared war on the United States on or after December 7, 1941, or with which, as respects the United States, a state of war existed subsequent to that date.

§ 507.6 *Subsequent to December 7, 1941.* "Subsequent to December 7, 1941," means any time following 12:00 o'clock midnight, December 7, 1941.

§ 507.7 *The Geneva Convention.* The Geneva Convention is the "Convention of July 27, 1929, Relative To The Treatment Of Prisoners Of War" entered into between the United States and other powers at Geneva, Switzerland, on July 27, 1929, to the observance of which, among other signatory powers, the United States, Germany, Italy, Hungary, Bulgaria, Thailand, and Japan subsequently became bound.

§ 507.8 *Obligation of the Geneva Convention.* For the purposes of this part, the obligation of the Geneva Convention is the responsibility assumed by the contracting parties thereto, with respect to prisoners of war within the meaning of the Convention, to comply with and to fully observe the provisions of the Convention, and particularly those articles relating to food ration of prisoners of war, humane treatment, protection, and labor of prisoners of war.

§ 507.9 *Equal in quantity and quality.* "Equal in quantity and quality" means food that is equal in amount and volume, and in edibility, palatability, and nutritional value to a standard ration prescribed by the detaining power for issue to its own military or naval personnel at its own base camps.

§ 507.10 *Base camp.* "Base camp" means a permanent military establishment used by the detaining power to provide quarters for components of its own regularly established military or naval forces, and for the purposes of this part, shall be deemed to include only camps at which a standard ration or standard quarters were prescribed by the detaining power for issue or allotment to its own regularly established military or naval forces.

§ 507.11 *Violation of the obligation of the Geneva Convention.* For the purposes of this part, the obligation of the Geneva Convention shall be deemed to have been violated by the enemy government each day:

(a) That it did not furnish prisoners of war within the meaning of this act and the Geneva Convention with food of like quantity or quality as that prescribed by the detaining power as a standard ration for issue to its own regularly established military or naval forces at its own base camps.

(b) That it compelled prisoners of war to perform labor and failed to comply with the standards prescribed in the labor provisions of the Geneva Convention of July 27, 1929, including those listed in subparagraphs (1) to (13) of this paragraph but not excluding any provision which may be appropriately applied.

(1) The labor of able prisoners of war, if utilized, should have been utilized by the detaining power only in accordance with their rank and aptitude, officers and persons of equivalent status excepted.

(2) Non-commissioned officers should have been required to do only supervisory work, unless they expressly requested remunerative work.

(3) Prisoners of war who were victims of accidents in connection with their work were entitled to the provisions applicable to laborers of the same class according to the legislation of the detaining power, and if no such legislation existed, all proper measures to equitably indemnify the victims should have been taken.

(4) The detaining power had full responsibility for the maintenance, care, treatment and payment of wages of prisoners of war working for private persons.

(5) No prisoner of war should have been employed at labor for which he was physically unfit.

(6) The length of a day's work of prisoners of war, including the trip going and returning, should not have been excessive and should not, in any case, have exceeded that customary for civilian workers in the region employed at the same work.

(7) Every prisoner of war should have been allowed a rest period of 24 consecutive hours every week.

(8) Labor furnished by prisoners of war should not have had any direct relation with war operations, especially in manufacturing or transporting arms or munitions of any kind, or in transporting material intended for combat units.

(9) Prisoners of war should not have been employed at unhealthful or dangerous work; the conditions of labor should not have been aggravated by disciplinary measures.

(10) Labor detachments should have worked only under conditions similar to the standards fixed for prisoner of war camps, particularly with respect to sanitary conditions, food, attention in case of accident or sickness, correspondence and the receipt of packages.

(11) Prisoners of war were not entitled to receive wages for work connected with the administration, management and maintenance of prisoners of war camps.

(12) Prisoners of war utilized for other work were entitled to wages in amounts prescribed through agreement between belligerents.

(13) Such agreements should have specified the portion which was to be retained by the camp administration, the amount

which was to be paid to the prisoner of war, and the manner in which that amount was to be put at his disposal during the period of his captivity.

(ii) In the absence of such agreement, work done for the detaining power should have been paid for in accordance with the rates in force for soldiers of the national army doing the same work, or if none existed, according to a rate in harmony with the work performed.

(iii) Work performed for the account of other public administrations or for private persons, should have been paid for as regulated by agreement with the military authority.

(13) The proceeds of wages remaining to the credit of a prisoner of war should have been delivered to him at the end of his captivity, and in the event of his death, should have been forwarded through diplomatic channels to his heirs.

(c) That it failed to accord to prisoners of war humane treatment as required by the standards prescribed in the provisions of the Geneva Convention of July 27, 1929, including those listed in subparagraphs (1) to (14) of this paragraph but not excluding any provisions relating to humane treatment which may be appropriately applied.

(1) Prisoners of war should at all times have been humanely treated and protected, particularly against acts of violence, insults and public curiosity. Measures of reprisal against them should have been prohibited.

(2) Prisoners of war should have had their person and their honor respected. Women should have been treated with all the regard due to their sex. Prisoners were entitled to retain their full civil status.

(3) Prisoners of war should have been evacuated within the shortest possible period after their capture, to depots located in regions far enough from the zone of combat for them to be out of danger.

(i) Only those prisoners who, because of wounds or sickness, would have been exposed to greater risks by such evacuation than by remaining may have been temporarily kept in a dangerous zone.

(ii) Prisoners of war should not have been needlessly exposed to danger while awaiting their evacuation from a combat zone.

(iii) Evacuation of prisoners on foot should normally have been effected only in stages of 20 kilometers per day, unless the necessity for reaching water and food depots required longer stages.

(4) Prisoners of war should have been lodged in buildings or in barracks affording all possible guarantees of hygiene and healthfulness.

(i) The quarters of prisoners of war should have been fully protected from dampness, sufficiently heated and lighted. All precautions should have been taken against fire hazards.

(ii) If dormitories were used, the total surface minimum cubic amount of air, arrangement, material of bedding, and other conditions, should have met the standards established for troops at base camps of the detaining power.

(5) Clothing, linens and footwear should have been furnished to prisoners of war by the detaining power. Replacement and repair of such effects should have been accomplished regularly. In addition, laborers should have received work clothes wherever required by the nature of the work.

(6) Canteens should have been installed in all camps where prisoners of war could obtain, at the local market price, food products and ordinary objects. Profits made by such canteens for camp administrations should have been used for the benefit of prisoners.

(7) The detaining powers should have taken all sanitary measures necessary to insure the cleanliness and healthfulness of the camps and to prevent epidemics.

(i) Prisoners of war were entitled to have at their disposal, day and night, installations conforming to sanitary rules and constantly maintained in a state of cleanliness.

(ii) Without prejudice to baths and showers, with which the camp should have been as well provided as possible, prisoners should have been furnished sufficient quantity of water for the care of their own bodily cleanliness.

(iii) Provisions should have been made for prisoners of war to take physical exercise and to enjoy the open air.

(8) Officers and persons of equivalent status as prisoners of war should have been treated with due regard to their rank and age.

(9) In order to insure service in officers camps, soldiers of the same army who were prisoners of war and, wherever possible, who spoke the same language, should have been assigned thereto, in sufficient numbers, considering the rank of the officers and persons equivalent in status.

(10) With respect to arrest of a prisoner of war for disciplinary punishment the duration of a single punishment should not have exceeded 30 days.

(i) The maximum of 30 days should not have been exceeded in the case of several acts for which the prisoner was required to undergo discipline at the time when it was ordered for him whether or not such acts were connected.

(ii) When, during, or after the end of the period of arrest, the prisoner had a new disciplinary punishment imposed on him, a space of at least 3 days should have separated each of the periods of arrest, if any one of them was for a period of 10 days or more.

(11) In no case should prisoners of war have been transferred to penitentiary establishments for the purpose of disciplinary punishment.

(12) The quarters in which prisoners of war were subjected to disciplinary punishment should have conformed to sanitary requirements set out in the Convention.

(13) Prisoners subjected to disciplinary punishment should have been afforded the opportunity to keep themselves clean and should have been allowed to exercise or stay in the open air for a period of at least two hours during each day under such punishment.

(14) Prisoners of war subjected to disciplinary punishment should have been allowed to read and write as well as to send and receive letters. Packages and money for prisoners of war subjected to disciplinary punishment may have been withheld until the expiration of such punishment.

§ 507.12 *Survivors entitled to award of compensation.* In the case of the death of a prisoner of war who would have been entitled to an award of compensation under section 6 of the act, such compensation shall be awarded to, and if claim is made only to, the following persons: (a) Widow or dependent husband if there is no child or children of the deceased; (b) widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children of the deceased in equal shares; (c) child or children of the deceased (in equal shares) if there is no widow or dependent husband; and (d) parents (in equal shares) if there is no widow, dependent husband, or child.

SUBPART B—INTERNED CIVILIAN AMERICAN CITIZENS DETENTION BENEFITS

AUTHORITY: §§ 507.20 to 507.38 issued under sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup., 2001.

§ 507.20 *Persons entitled to award of detention benefits.* Any civilian American citizen who, being then a citizen of the United States, was captured by the Imperial Japanese government on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or any Territory or possession of the United States attacked or invaded by such government, or while in transit to or from any such place (referred to in this subpart as "internee") or who went into hiding at any such place in order to avoid capture or internment (referred to in this subpart as an "evader"), by such government and who makes claim is a person entitled to an award of detention benefits.

§ 507.21 *Term "being then" defined.* "Being then" as used in the phrase "being then a citizen of the United States" means (a) in the case of an internee, the date upon which he was captured by the Imperial Japanese government (b) in the case of an evader, the date upon which he initiated a course of conduct intended to effect an evasion of capture or internment by such government, or (c) in the case of a child born of an evader or internee on or after December 7, 1941, the date of birth of such child.

§ 507.22 *Citizen of the United States.* "Citizen of the United States" means a person who under applicable law acquired citizenship of the United States by birth, by naturalization, or by derivation.

§ 507.23 *Captured by the Imperial Japanese government.* A civilian American citizen shall be deemed to have been captured by the Imperial Japanese government at the time when, by reason of any act of such government or any agent thereof, he was taken into actual or constructive custody by such government, whether by forceable seizure and detention or by his compliance with any order of such government, however published, directing him to restrict his freedom of movement.

§ 507.24 *On or after December 7, 1941.* "On or after December 7, 1941," means any time subsequent to 12:00 o'clock midnight of December 6, 1941.

§ 507.25 *Any such place.* "Any such place" means Midway, Guam, Wake Island, the Philippine Islands, Alaska, or any other Territory or possession of the United States attacked or invaded by such government.

§ 507.26 *In transit to or from.* A civilian American citizen shall be deemed to have been in transit to or from any such place when he was travelling by sea or by air aboard a public, private, or government carrier in any capacity, the destination of which carrier was, or the itinerary of which included calls at Midway, Guam, Wake Island, the Philippine Islands, Alaska, or any other Territory or possession of the United States attacked or invaded by such government, or which had taken a departure from any such place.

§ 507.27 *Went into hiding.* A civilian American citizen shall be deemed to have entered into hiding to avoid capture or internment by the Imperial Japanese government when he initiated a course of conduct consistent with an intention to evade such capture or detention.

§ 507.28 *Subsequent to December 6, 1941.* "Subsequent to December 6, 1941" means any time subsequent to 12:00 o'clock midnight of December 6, 1941.

§ 507.29 *Rate of detention benefits.* Detention benefits awarded a civilian American citizen will be paid at the rate of $60.00 for each calendar month of internment during which such person was at least eighteen years of age and at the rate of $25.00 for each calendar month of internment during which such person was less than eighteen years of age. Awards shall take account of fractional parts of a calendar month.

§ 507.30 *Calendar month.* "Calendar month" means the period of time between a designated day of any given month and the date preceding a similarly designated day of the following month.

§ 507.31 *Less than eighteen years of age.* A civilian American citizen shall be deemed to have been less than eighteen years of age at any time prior to 12:01 a. m. of the date on which such person would have attained his eighteenth birthday.

§ 507.32 *Survivors entitled to award of detention benefits.* In the case of the death of a civilian American citizen who would have been entitled to detention benefits under the act, such benefits shall be awarded if claim is made only to the following persons: (a) Widow or dependent husband if there is no child or children of the deceased; (b) widow or dependent husband and child or children of the deceased, one half to the widow or dependent husband and the other half to the child or children in equal shares; and (c) child or children of the deceased (in equal shares) if there is no widow or dependent husband.

§ 507.33 *Persons not entitled to award of detention benefits.* Certain persons are disqualified for an award of detention benefits as follows:

(a) A person who at any time voluntarily gave aid to, collaborated with, or in any manner served the Imperial Japanese government, or

(b) A person who at the time of capture or entrance into hiding was:

(1) A person within the purview of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended and extended, (39 Stat. 742, as amended; 5 U. S. C. 751 et seq.), or

(2) A person within the purview of the act entitled "An act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes," approved December 2, 1942, as amended, (56 Stat. 1028, as amended; 42 U. S. C. and Sup., 1701 et seq.), or

(3) A person within the purview of the Missing Persons Act of March 7, 1942, as amended (56 Stat. 143; 50 U. S. C. App. Sup., 1001 et seq.), or

(4) A regularly appointed, enrolled, enlisted, or inducted member of any military or naval force.

§ 507.34 *Such government.* "Such government" means the Imperial Japanese government or any agent or employee thereof who, in the Philippine Islands or other such place subsequent to December 7, 1941, engaged in any military or civil activities designed to further the prosecution of its war against the United States.

§ 507.35 *Voluntarily.* "Voluntarily" means to have acted freely and willingly, without coercion, duress or constraint and without imminent peril of substantial punitive action against the person.

§ 507.36 *Collaborated with.* A civilian American citizen shall be deemed to have collaborated with such government when he so acted as to give aid or assistance to such government whether military, political, intellectual or economic in nature, with or without adherence to such government, and when such acts were not such as to be within the duty of obedience which inhabitants of occupied territory owe the military occupant, under recognized international law.

§ 507.37 *Gave aid to.* A civilian American citizen shall be deemed to have given aid to such government when by an overt act on his part he furthered the hostile designs of such government or strengthened or tended to strengthen such government in the prosecution of its war against the United States.

§ 507.38 *In any manner served.* A civilian American citizen shall be deemed to have in some manner served such government when he performed any service for such government which aided or tended to aid it, or which anticipated its desires, or which furthered or implemented its ends and purposes, and which was beyond services to which such government was entitled to demand or require as transactions in the ordinary course of civil society as a military occupant.

SUBPART C—REIMBURSEMENT TO RELIGIOUS ORGANIZATIONS AND PERSONNEL THEREOF

AUTHORITY: §§ 507.50 to 507.70 issued under sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. Sup., 2001.

§ 507.50 *Religious organization functioning in the Philippine Islands.* (a) A "religious organization functioning in the Philippine Islands" for purposes of section 7 (a) of the act, means any church, sect, denomination, religious order or congregation, or any group, body, corporation, association or other entity formed for religious purposes, professing and adhering to the tenets of some particular religious faith or form of worship and which maintained under its auspices in the Philippine Islands, on or after December 7, 1941, a church, chapel, or other place of divine worship or a religious house, community, mission, convent or facilities for divine worship, or operated a school, dormitory, hospital, dispensary, orphanage or other like institutions under religious auspices; or any part, division or association of such churches, sects, denominations, religious orders, congregations, groups, bodies, corporations or entities.

(b) Within the contemplation of section 7 (b) of the act the term "such religious organization" shall be deemed to include a religious organization as defined in paragraph (a) of this section, but restricted to the religious organization which owned and operated the schools, colleges, universities, scientific observatories, hospitals, dispensaries, orphanages, and other property or facilities connected with their educational, medical, or welfare work at the time loss or damage was sustained.

(c) Within the contemplation of section 7 (c) of the act the term "such [affiliated] organization"[1] shall be deemed to mean a religious organization as defined in paragraph (a) of this section.

§ 507.51 *Affiliated with a religious organization in the United States.* A religious organization functioning in the Philippine Islands will be deemed to have been affiliated with a religious organization in the United States when (a) by its charter or articles of association, incorporation or its rules, regulations or constitution it was a branch, part or division of a religious organization operating in the United States; or (b) by its rules, regulations or customs was subject to the control or directions of the duly constituted authorities of a church, sect, or religious order operating in the United States; or (c) it was directly supported financially, in whole or in part, by a church, sect, or religious organization operating in the United States; or, furnished or exchanged personnel with such organizations under conditions determined by the Commission to be consistent with the intent and purpose of section 7 (a), (b), and (c) of the act.

§ 507.52 *Personnel—(a) Personnel of any such Philippine organization within the meaning of section 7 (a) of the act.* The personnel of such Philippine organization for purposes of section 7 (a) shall

[1] Bracket supplied.

be deemed to include any person who held office therein by reason of appointment, ordination, consecration, profession, religious vows or other form of ceremonial admission to ministerial religious status, and any duly authorized representative, agent or employee of such organization.

(b) *Personnel of any such religious organization within the meaning of section 7 (b) of the act.* The term personnel of a religious organization for purposes of section 7 (b) of the act shall include only a person, group of persons (e. g. trustees, vestrymen or deacons, etc.), or any other individual or legal entity in whom legal title to that portion of the property for which claim is made is vested pursuant to the customs, practices, or usages of a religious organization as defined in § 507.50, for the beneficial use of such organization.

§ 507.53 *Reimbursement.* Reimbursement or repayment of expenditures incurred shall be made whenever possible in dollars, the amount of the award to be computed on the basis of the rate of exchange applicable at the date such expenditures were incurred.

§ 507.54 *Expenditures incurred.* An expenditure shall be deemed to have been incurred by such Philippine organization or the personnel thereof, when money or any other article of calculable value which was the property of, or for which such organization or personnel was obliged to make repayment or restitution, was voluntarily spent, paid over, donated, contributed, used or consumed, or which, after being designated for use in accordance with the terms of section 7 of the War Claims Act of 1948, was lost, confiscated, or destroyed, while held for delivery or during delivery, to, or in behalf of the persons described in §§ 507.57 and 507.58: *Provided,* That the aforesaid expenditures were not incurred in accordance with an agreement with the Japanese authorities which provided for compensation.

§ 507.55 *Fair value of supplies used.* The fair value of supplies used means the original cost of such supplies or the present replacement value, whichever is greater. In the event the supplies have already been replaced at a cost in excess of either the original cost or the present replacement price, the actual amount thus expended shall constitute the fair value. If such amount expended for replacement is less than the present replacement price then the original cost or the actual amount expended in replacing such supplies, whichever is greater, shall constitute the fair value. The fair value of services furnished in accordance with the provisions of section 7 means either the fee, price or rental charge prevailing in the Philippine Islands at the time such services were furnished or such fixed or standard valuation as the Commission shall establish. In computing the fair value of supplies used or services furnished any compensation received by the claimant, in pursuance thereof, whether at the time of the delivery or use of the supplies, at the time of performance of the service, or subsequent thereto, shall be deducted. Whenever the claimant is unable to adduce relevant, reliable and probative evidence which tends to establish fair value, the Commission will establish as the fair value of the supplies used or the services performed, an amount which, being consistent with the intent and purpose of section 7 of the act, it deems equitable and reasonable.

§ 507.56 *Furnishing shelter, food, clothing, hospitalization, medicines, and medical services and other relief.* A religious organization functioning in the Philippines will be deemed to have furnished shelter, food, clothing, hospitalization, medicines and medical aid in the Philippines when such organization or its personnel voluntarily, either directly or indirectly, provided refuge for, fed, clothed, provided hospital, medical, and nursing services to, or supplied medicines, drugs, religious articles and the like, or furnished such other services and supplies determined by the Commission to be consistent with the intent and purpose of section 7 of the act, or provided funds or other means whereby such things were provided, or where items of supply after being designated for such use were confiscated, or destroyed while held for delivery or during delivery, to or in behalf of the persons described in §§ 507.57 and 507.58: *Provided,* That such shelter, food, clothing, hospitalization, medicines, and medical aid, and the like were not furnished in accordance with an agreement with Japanese authorities which provided for compensation.

§ 507.57 *Members of the armed forces of the United States.* Members of the armed forces of the United States shall mean any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States Army, Navy, Marine Corps and Coast Guard; commissioned officers of the United States Public Health Service who were detailed for active duty with the Army, Navy, Marine Corps or Coast Guard; commissioned officers of the United States Coast and Geodetic Survey who were assigned to duty during World War II on projects of the War and Navy departments outside the continental United States; members of the organized Philippine Army of the government of the Commonwealth of the Philippines and other units who were called or ordered into service of the armed forces of the United States in valid orders by the General, United States Army, designated by the Secretary of War, pursuant to and in compliance with the Military Order of the President of the United States, dated July 26, 1941 (3 CFR, 1943 Cum. Supp.).

§ 507.58 *Civilian American citizen (as defined in section 5 of the act).* The term "civilian American citizen" means any person who, being then a citizen of the United States, was captured by the Imperial Japanese Government on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or any Territory or possession of the United States attacked or invaded by such government, or while in transit to or from any such place, or who went into hiding at any such place in order to avoid capture or internment by such government.

§ 507.59 *Definitions of "compensated".*—(a) *Compensated.* (1) The word "compensated" as employed in section 7 (b) of the act shall be deemed to include a computation of the loss or damage sustained, deducting therefrom any amounts which such religious organization or its personnel, as defined in §§ 507.50 (b) and 507.52 (b) or any person or entity, has heretofore received from, or which have been expended by, the Philippine War Damage Commission or any other agency of the United States on account of the same loss or damage.

(2) In any case in which a claim may properly be filed under section 7 (c) of the act, no compensation for the same loss or damage may be authorized under section 7 (b).

(b) *"Compensated" within the meaning of section 7 (c) of the act.* Within the contemplation of section 7 (c) of the act, the term "compensated" shall be deemed to include a computation of the loss or damage sustained deducting therefrom any amounts which the Philippine War Damage Commission or any other agency of the United States has heretofore awarded and paid or expended on account of the same loss or damage.

§ 507.60 *Loss or damage sustained as a consequence of the war.* (a) Within the contemplation of section 7 (b) of the act, "loss or damage sustained as a consequence of the war" shall be deemed to include any such loss or damage which resulted directly from one or more of the following perils subsequent to December 6, 1941, and prior to August 15, 1945:

(1) Enemy attack;

(2) Action taken by or at the request of the military, naval, or air forces of the United States to prevent such property from coming into the possession of the enemy;

(3) Action taken by enemy representatives, civil or military, or by the representatives of any government cooperating with the enemy;

(4) Action by the Armed Forces of the United States in opposing, resisting, or expelling the enemy from the Philippines;

(5) Looting, pillage, or other lawlessness or disorder accompanying the collapse of civil authority determined by the Commission to have resulted from any of the other perils enumerated in this section or from control by enemy forces.

(b) Any award made pursuant to the provisions of section 7 (c) of the act shall be authorized only for loss or damage sustained as a consequence of the war as defined in paragraph (a) of this section.

§ 507.61 *"Other property or facilities connected with" within the meaning of section 7 (b) of the act.* The term "other property or facilities connected with" within the meaning of section 7 (b) of the act shall be deemed to include any property, both real and personal, owned by such religious organization or its personnel, as defined in §§ 507.50 (b) and 507.52 (b), which was substantially

used and necessarily maintained in the operation of its schools, colleges, universities, scientific observatories, hospitals, dispensaries, and orphanages in the furtherance of its work in the fields of education, medicine and welfare.

§ 507.62 *Educational, medical and welfare work within the meaning of section 7 (b) of the act.* Educational, medical and welfare work shall be deemed to include those programs, curricula and other duly constituted procedures and services essential to the functioning of educational, medical and welfare institutions, and which were regularly offered by such schools, colleges, universities, scientific observatories, hospitals, dispensaries and orphanages.

§ 507.63 *Any interest in.* The term "any interest in" as used in section 7 (c) of the act shall mean less than a freehold ownership but shall include substantial participation in the management and operation of a hospital by furnishing the equipment, teachers, nurses, or personnel by which such institutions were operated.

§ 507.64 *American citizens substantially composed the administrative staff.* The administrative staff of any hospital described in section 7 (c) of the act will be deemed to be substantially composed of American citizens where it is determined that persons, who are citizens of the United States, mainly, and for the most part, comprised or made up the personnel engaged in the management, conduct, direction or superintendence of the application of things, or functions of persons, in connection with and directly related to the operation of such hospital. Where a hospital within the purview of section 7 (c) has ceased operations, qualifications relating to the composition of the administrative staff will be determined as of December 7, 1941.

§ 507.65 *At the time of the outbreak of the war.* The phrase "at the time of the outbreak of the war" as used in section 7 (c) of the act, means December 7, 1941.

§ 507.66 *Postwar.*—(a) *Real property.* (1) "Postwar" as used in the term "postwar cost of replacement" for purposes of section 7 (d) of the act is defined to mean, in cases where buildings, structures, installations, etc., have not been replaced or restored, the twelve-month period extending from October 1, 1951, to October 1, 1952.

(2) In cases where real property has been fully replaced or restored at the expense of an eligible claimant, "postwar" as used in the term "postwar cost of replacement" for purposes of section 7 (d) of the act is defined to mean the actual date on which the obligation was incurred or the calendar year during which the obligation was incurred.

(3) In cases where real property has been partially replaced or restored, "postwar" as used in the term "postwar cost of replacement" for purposes of section 7 (d) of the act, for that portion which has been replaced or restored shall be determined in accordance with subparagraph (2) of this paragraph, and as to that portion which has not been replaced or restored in accordance with subparagraph (1) of this paragraph.

(b) *Personal property.* "Postwar" as used in the term "postwar cost of replacement" for purposes of section 7 (d) of the act is defined to mean, in relation to personal property lost or damaged as a consequence of the war, the twelve-month period extending from October 1, 1951, to October 1, 1952.

§ 507.67 *Cost of replacement.* The term "cost of replacement" as used in the phrase "postwar cost of replacement" for purposes of section 7 (d) of the act shall be the amount determined to be fair and equitable within the limitations set forth in § 507.66, required to restore the property lost or damaged as defined in § 507.60 to the same actual functional capacity or degree of usefulness as existed immediately prior to the loss or damage.

§ 507.68 *In an amount sufficient to enable such organization to replace.* The term "in an amount sufficient to enable such organization to replace" as used in section 7 (c) of the act shall be construed in relation to both real and personal property in accordance with the formulae and limitations set forth in §§ 507.66 and 507.67: *Provided, however,* That the date to be used in determining the actual functional capacity or degree of usefulness shall be December 7, 1941.

§ 507.69 *The hospital's facilities and capacity.* The term "the hospital's facilities and capacity" as used in section 7 (c) of the act shall be deemed to be restricted to property, both real and personal, which was substantially used and necessarily maintained in the operation of such hospital as of December 7, 1941.

§ 507.70 *Equal to.* The term "equal to" as used in section 7 (c) of the act means the same actual functional capacity and degree of usefulness as existed on December 7, 1941.

PART 508—PAYMENT

Sec.

508.1 The War Claims Fund.
508.2 Payments under the War Claims Act.
508.3 Payment of awards to certain members of religious organizations.
508.4 Payment of fees.

AUTHORITY: §§ 508.1 to 508.4 issued under sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup., 2001.

§ 508.1 *The War Claims Fund.* There is created on the books of the Treasury of the United States, a trust fund known as the War Claims Fund, which consists of all sums covered into the Treasury pursuant to the provisions of section 39 of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, the monies of which fund are available for expenditure as provided in other sections of the War Claims Act.

§ 508.2 *Payments under the War Claims Act.*—(a) *Living prisoners of war or living civilian American citizens.* Any award made to a living prisoner of war for compensation, or to a living civilian American citizen for detention benefits will be certified to the Secretary of the Treasury for payment to the person entitled thereto, except that as to persons under legal disability payment will be made as specified in paragraph (c) of this section.

(b) *Survivors of deceased prisoners of war or deceased civilian American citizens.* Awards made to the survivors of deceased prisoners of war, or to the survivors of deceased civilian American citizens, will be certified to the Secretary of the Treasury for payment to the individual members of the class or classes of survivors entitled thereto in the full amount of the share to which each survivor is entitled, except that as to persons under any legal disability payment will be made as specified in paragraph (c) of this section.

(c) *Payments to persons under legal disability.* Any award or any part of an award payable pursuant to sections 5 (a) through (e), or 6 of the act to any person under legal disability may, in the discretion of the Commission, be paid for the use of the claimant to the natural or legal guardian, committee, conservator, or curator, or if there is no such natural or legal guardian, committee, conservator or curator then, in the discretion of the Commission, to any person, including the spouse of such person, or the Chief Officer of the hospital in which the claimant may be a patient, whom the Commission may determine is vested with the care of the claimant or of his estate. In the case of a minor, any part of the amount payable may, in the discretion of the Commission, be paid to such minor.

(d) *Religious organizations.* (1) Any award made to a religious organization under the provisions of section 7 (a) of the act will be certified to the Secretary of the Treasury for payment in the full amount to such organization in its corporate name, or to such officer or officers thereof as are properly and lawfully designated by the organization.

(2) Any award made to a religious organization under the provision of section 7 (b) or (c) of the act will be certified to the Secretary of the Treasury in accordance with subparagraph (1) of this paragraph, or upon request of such religious organization will be authorized to be paid to its properly designated affiliate in the United States: *Provided,* That such affiliate certifies to the War Claims Commission that all money paid on said claim and received by the named affiliate will be used for the purpose of restoring the educational, medical and welfare facilities described in the claim and located in the Philippines.

§ 508.3 *Payment of awards to certain members of religious organizations.* Pursuant to the provisions contained in section 14 of the act, when an award is made to any person who is prevented from accepting such money by the rules, regulations or customs of the church, religious order or organization of which he is a member, certification for the payment of such award to such church, religious order or organization will be made by the Commission to the Secretary of the Treasury upon the written request of such person.

§ 508.4 *Payment of fees.* Fees of attorneys or agents will not be deducted in whole or in part from the amount awarded to any claimant. The Commis-

sion reserves the right to withhold certification for payment of any award to any claimant represented by an attorney or agent until it is satisfied that the provisions of the act, relative to fees for services rendered, or any rule or regulation adopted by the Commission have been or will be complied with.

Subchapter C—Appeals and Hearings

PART 515—APPEALS

SUBPART A—FILING OF, AND COMMISSION ACTION ON APPEALS

Sec.
515.1 Basis for appeal.
515.2 Form of request.
515.3 Appeal proceedings.
515.4 Appeals calendar.
515.5 Action by Commission on Appeals.
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SUBPART B—HEARING PROCEDURES

515.20 Pre-hearing conference.
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515.22 Motions.
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SUBPART C—FINDINGS AND CONCLUSIONS

515.30 Decisions of Appeals Board.
515.31 Notice of findings.
515.32 Rehearing and reargument.

AUTHORITY: §§ 515.1 to 515.32 issued under sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup., 2001.

SUBPART A—FILING OF, AND COMMISSION ACTION ON APPEALS

§ 515.1 *Basis for appeal.* Any claimant whose claim is denied or is approved for less than the full allowable amount may appeal to the Commission from such determination.

§ 515.2 *Form of request.* (a) An appeal shall be made in writing on WCC Form 1105. Such form, to be acceptable, must be filed with the Commission within six months from the date of the award or disallowance letter informing the claimant of the original determination.

(b) Upon failure to file such an appeal within six months, the claimant will be deemed to have waived his right to appeal and the decision of the Commission shall constitute a full and final disposition of the case.

(c) Upon proper cause shown, the Commission may, in its discretion, extend the time within which an appeal may be filed.

§ 515.3 *Appeal proceedings.* Appeal proceedings may consist of:

(a) A review of the original determination and the material in support thereof, plus any additional supporting evidence or briefs which the claimant or his authorized representative may submit.

(b) A hearing before an Appeals Board for the purpose of considering the original determination and the material in support thereof, plus any additional supporting evidence or briefs which the claimant or his authorized representative may submit. The claimant will be permitted to appear personally, or through an authorized representative before the Commission, and to present the testimony of other witnesses.

(c) The Commission may, in its discretion, require a hearing in any proceeding and shall give to the parties to the proceeding at least thirty (30) days notice of the time and place of such hearing.

§ 515.4 *Appeals calendar.* Upon receipt of WCC Form 1105 the case shall be entered on the Appeals and Hearings Docket. Each appealed claim shall be assigned an appeal number in the order of its receipt. This number shall govern the order in which appealed claims are considered.

§ 515.5 *Action by Commission on Appeals.* (a) If the claimant has specified on WCC Form 1105 that he does not wish to make a personal appearance, his claim, when reached on the appeals calendar, will be reviewed by an Appellate Attorney. The Appellate Attorney will present the claim and a summary of the evidence to an Appeal Board, with his recommendation as to whether the Commission's original determination should be affirmed, modified or reversed.

(b) If the claimant in executing WCC Form 1105 has requested a personal appearance, the claim will be assigned to an Appellate Attorney who will set the case for hearing. He will notify the claimant, his authorized representative, and all witnesses of the time and place of the hearing thirty (30) days in advance. The Appellate Attorney will then review the claim preparatory to presenting it to the Appeals Board.

(c) Personal appearance may be waived by the interested parties at any time and the case submitted to an Appeals Board on briefs.

§ 515.6 *Appeals Boards.* An Appeals Board shall consist of three members. One of the Commissioners shall act as Chairman of the Board; the other two members of the Board shall consist of such officers or employees as the Commission may designate.

SUBPART B—HEARING PROCEDURES

§ 515.20 *Pre-hearing conference.* At the request of the claimant or by an order of an Appeals Board, at any time prior to the hearing, the Chairman of the Appeals Board, or the Appellate Attorney assigned to the claim may arrange for a conference at a designated time and place to consider, among other things, simplification of the issues and any other matter which would tend to expedite the disposition of the proceedings.

§ 515.21 *Conduct of hearings.* (a) Unless otherwise ordered by the Commission, hearings on appeals shall be closed. The hearing shall be stenographically reported and the transcript shall be a part of the record.

(b) The Chairman of an Appeals Board, or any employee of the Commission designated by him, may administer oaths and examine witnesses. The Chairman of an Appeals Board may, in accordance with Part 502, Subchapter A of the Commission's regulations, require by subpoena the attendance and testimony of witnesses, as well as the production of all necessary books, papers, documents, records, correspondence, and other evidence.

(c) The claimant shall have the burden of proof on all issues involved in the claim proceeding.

(d) The claimant, his authorized representative, or the Appellate Attorney, shall have the right and power to call, examine and cross-examine witnesses and to introduce for the record documentary or other evidence.

(e) The rules of evidence prevailing in courts of law and equity shall not be controlling. Any testimony or other evidence having probative value shall be received. However, it shall be the policy to exclude irrelevant, incompetent, immaterial or unduly repetitious evidence.

(f) In the discretion of the Chairman of an Appeals Board the hearing or prehearing may be adjourned from day to day, postponed to a later date, or to a different place by announcement thereof at the hearing, or by reasonable notice to the interested parties.

§ 515.22 *Motions.* (a) A motion by the Appellate Attorney to dismiss a hearing may be granted by the Appeals Board when the claim on its face is not allowable or when it appears that the appeal has been abandoned. Such a motion shall be made in writing and shall state the reasons in support thereof. The motion shall be filed with the Appeals Board, and a copy shall be served upon all interested parties by the Appellate Attorney.

(b) Hearing on the motion shall be held at a time and place as ordered by the Chairman of the Appeals Board.

(c) Briefs may be submitted before the hearing, at the hearing, or within a time fixed by the Chairman of the Appeals Board after the close of the hearing.

(d) The decision of the Appeals Board upon the motion shall be final and shall be the decision of the Commission. The rehearing and reargument provisions of § 515.32 shall apply to decisions of the Appeals Board upon such a motion.

§ 515.23 *Oral argument at close of hearing.* Any party shall be entitled upon request, at the close of the hearing, to such time as may be fixed by the Chairman of the Appeals Board for oral argument. Oral argument made with the consent of the Appeals Board shall be included in the stenographic report of the hearing.

§ 515.24 *Proposed findings and conclusions.* At the close of the reception of evidence, or within a reasonable time thereafter, to be fixed by the Appeals Board, any party may submit proposed findings and conclusions, together with a brief in support thereof. Such proposal shall be in writing and shall contain appropriate references to the record. Copies thereof shall be furnished to all parties. Reply briefs may be filed with the permission of and within a reasonable time to be fixed by the Appeals Board.

SUBPART C—FINDINGS AND CONCLUSIONS

§ 515.30 *Decisions of Appeals Board.* The Appeals Board, as soon as practicable after receipt of the complete transcript and all exhibits, shall render a decision which shall become a part of the record and shall include a statement of the reasons and grounds therefor. Each decision by the Appeals Board, when concurred in by two or more of the Commissioners, shall constitute a full and final disposition of the case.

§ 515.31 *Notice of findings.* Notice of the final decision of the Appeals Board shall be delivered in person to all interested parties, or shall be sent by regular mail to such parties.

§ 515.32 *Rehearing and reargument.* Any party desiring a rehearing, reargument or any relief not specifically covered by this Part may file a petition with the Commission within ten (10) days after notice of the decision of the Appeals Board, stating the relief sought and the reasons in support thereof. The Commission may allow the petition, in whole or in part, as it deems proper.

PART 516—INVESTIGATIONAL HEARINGS

Sec.
516.1 Type of hearings.
516.2 Purpose of hearings.
516.3 Conduct of hearings.

AUTHORITY: §§ 516.1 to 516.3 issued under sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup., 2001.

§ 516.1 *Type of hearings.* Investigational hearings, as distinguished from appeals, shall be held only as ordered by the Commission, and shall be held before the Commission, one or more of its members, or a duly authorized and designated representative.

§ 516.2 *Purpose of hearings.* Such hearings shall be conducted for the purpose of receiving the testimony of witnesses, documents and other data relating to subjects within the jurisdiction of the Commission.

§ 516.3 *Conduct of hearings.* (a) Unless otherwise ordered by the Commission, such hearings shall be public. Hearings shall be stenographically reported and a transcript thereof shall be a part of the record of the study, investigation, or claim.

(b) The rules of evidence prevailing in courts of law and equity shall not be controlling. Any testimony or other evidence having probative value shall be received. However, it shall be the policy to exclude irrelevant, incompetent, immaterial or unduly repetitious evidence.

Subchapter D—Report for the Congress Regarding War Claims Arising Out of World War II

PART 520—PREPARATION AND SUBMISSION OF THE REPORT TO THE CONGRESS

Sec.
520.1 General provisions.
520.2 Inquire into.
520.3 War claims.
520.4 National of the United States.
520.5 Arising out of.
520.6 World War II.
520.7 Claims which may be received and adjudicated under the preceding sections of this act.
520.8 International agreements.
520.9 Domestic or foreign laws.
520.10 The report of the Commission.
520.11 Who may submit information.
520.12 How information is to be submitted.
520.13 Where to send information.
520.14 Time information must be received.

AUTHORITY: §§ 520.1 to 520.14 issued under sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup., 2001. Interpret or apply sec. 8, 62 Stat. 1245; 50 U. S. C. App. Sup., 2007.

§ 520.1 *General provisions.* Pursuant to the provisions of section 8 of the War Claims Act of 1948, as amended, the War Claims Commission initiated an inquiry and prepared and submitted an initial report to the President and the Congress on March 31, 1950, with respect to war claims arising out of World War II other than claims which may be received and adjudicated under the act. The preliminary report of the Commission presented initial estimates of the numbers, types, categories, and amounts of such claims and suggested certain priorities and limitations for consideration in connection with its initial recommendations as to the recognition and payment of such claims. The War Claims Commission is now required to complete its inquiry and to report further under the terms applicable to its preliminary report.

§ 520.2 *Inquire into.* "Inquire into" means that the Commission shall accept information voluntarily submitted and shall, in its discretion, request information concerning war claims arising out of World War II from any person, firm, or organization, or from any agency or department of the Government of the United States, or of any foreign nation, by means of requests for information, interviews, investigations, correspondence, public or closed hearings, or by use of appropriate official questionnaire forms.

§ 520.3 *War claims.* Shall include any loss, injury, or damage suffered or sustained by a person or business entity or organization, who, at the time of such loss, injury, or damage was:

(a) A national of the United States, as hereafter defined, who did not give aid or comfort to, or collaborate with any enemy or ally of enemy of the United States; or a branch or agency of the United States Government; or a regularly appointed, enrolled, enlisted or inducted member of the military or naval forces of the United States; or an alien to whom the United States owes protection, such as an alien seaman signed on a United States vessel. Such loss, injury, or damage must be the result of action by a branch or agency, civil or military, of any sovereign power who, by declaration of war or by military activity of its regular forces, was at war during World War II, such loss, injury, or damage being one which would not have occurred, but for the existence of a state of war; or

(b) Not a national of the United States and not an enemy, or ally of enemy, as defined in section 2 of the Trading With the Enemy Act of 1917 (50 U. S. C. Appendix, sec. 2): *Provided*, That such definition shall not apply to a person who, after September 1, 1939, being resident within enemy or ally of enemy territory, or being a citizen or subject of such enemy or ally of enemy nation, was deprived of liberty, or did not enjoy full rights of citizenship under the laws of such enemy or ally of enemy nation, as a consequence of any law, decree or regulation, of the nation within which he resided, or of which he was a citizen or subject, discriminating against political, racial, or religious groups. Such loss, injury, or damage must be the result of an action by the Government of the United States or one of its civil or military agencies. Such action must arise out of World War II and the loss, injury, or damage must be one which would not have occurred but for the existence of a state of war.

§ 520.4 *National of the United States.* (a) In the case of an individual, the provisions of the Nationality Act of 1940 (8 U. S. C. 501 et seq.) shall apply;

(b) In the case of a business entity or organization, incorporated or unincorporated, such entity or business organization must be organized under the applicable laws of the United States or one or more of the States of the United States, its territories or possessions; and its owners, participants, members or shareholders representing at least 50 percent of the ownership or control of such business entity or organization, must be nationals of the United States; or in the case of a business entity or organization, incorporated or unincorporated, not organized under the applicable laws of the United States or one or more of the States of the United States, its territories or possessions, its owners, participants, members or shareholders representing at least that percentage of control necessary under the laws of that State or territory, where such business entity or organization is organized, to effect the liquidation of such business entity or organization, must be nationals of the United States.

§ 520.5 *Arising out of.* "Arising out of" means originating from, or springing out of, the activities of a branch or agency, civil or military, of any sovereign power which, by declaration of war or by military action of its regular forces, was at war during World War II, which activities are directly related to such power's preparation for, and participation in World War II.

§ 520.6 *World War II.* World War II shall be deemed to have commenced September 1, 1939, and ending:

(a) In the case of actions taking place within the United States, its territories and possessions, or on the high seas, on the date to be proclaimed by the President of the United States as the date of termination of World War II;

(b) In the case of actions taking place in enemy territory or in territory of an ally of an enemy of the United States, on the effective date of a treaty of peace between the United States or its allies and the former enemy;

(c) In the case of actions taking place in territories formerly occupied by enemy forces and subsequently occupied by forces of the United States or its allies, on the date of the withdrawal of United States or allied occupation forces, or on the date of the return of the territory to the control of a sovereign power, other than a former enemy, or to a trustee, or to a controlling power deriving its au-

thority from an act of the United Nations, whichever date is earlier; or

(d) In the case of actions taking place in the territories of allies of the United States, on the date proclaimed or determined by the executive or legislative branches of the sovereign power to be the date of termination of World War II.

§ 520.7 *Claims which may be received and adjudicated under the preceding sections of this act.* Claims which may be received and adjudicated under the preceding sections of this act include claims by prisoners of war or their survivors; civilian American citizens or their survivors; religious organizations or the personnel of such organizations, which claims are paid or payable under the provisions of sections 5, 6, or 7 of the act, as amended.

§ 520.8 *International agreements.* An "international agreement" is any treaty, convention, executive agreement, agreement on a military level, agreement resulting from action by the United Nations and its agencies, and an agreement arising from a diplomatic exchange of notes.

§ 520.9 *Domestic or foreign laws.* (a) "Domestic laws" means any statute, act, or resolution of the Congress of the United States, any executive order or proclamation of the President of the United States, and any statute, act, or resolution of the Legislature of a State of the United States, or of its territories or possessions, and any proclamation or order of the Governor of a State of the United States or its territories or possessions;

(b) "Foreign laws" means any act, having the force of law, of the executive or legislative branches of a sovereign power or any of its subdivisions or territories other than the United States, its individual States, territories or possessions.

§ 520.10 *The report of the Commission.* The report of the Commission to the President, for submission to the Congress, shall include:

(a) A statement of results of research—presented in narrative form, together with such supporting evidence as the Commission deems applicable;

(b) A recital of the types and categories of claims—including all claims considered reportable by the Commission on the basis of information obtained and facts found by the Commission with respect to such claims;

(c) The estimated number and amount of claims—to be shown in tabular form;

(d) A statement, when ascertainable, outlining the extent of satisfaction available under international agreements and foreign and domestic laws;

(e) Recommendations for recognition and allowance of claims in order of priority;

(f) A discussion of the legal or equitable bases of claims recommended to be received and considered;

(g) The recommended administrative method by which claims should be received and considered;

(h) Recommendations concerning limitations as to payment of fees for assistance in filing and procesucting claims in the recommended categories and suggested limitations as to the time in which claims may be accepted after the passage of any proposed legislation;

(i) Other miscellaneous recommendations which the Commission may deem appropriate; and

(j) Such proposals for legislation as the Commission deems appropriate to carry out the recommendations made in the report.

§ 520.11 *Who may submit information.* Any person, business entity, organization, or any agency or department of the Government of the United States or of any foreign nation, as well as any authorized representative or agent of such person, firm, organization, or governmental department may file a statement of information concerning a war claim arising out of World War II.

§ 520.12 *How information is to be submitted*—(a) *Questionnaires.* For the purpose of uniformity in submitting statements of loss, injury, or damage, official questionnaires of the Commission should be used. Such questionnaires are:

(1) WCC Form–801—Report of Loss or Damage to Real or Personal Property Arising out of World War II.

(2) WCC Form–802—Report of Personal Injury, Detention, Death, etc., Arising out of World War II.

(b) *Letters.* If an official questionnaire is not available, the statement of loss, injury, or damage may be submitted by letter. This statement should be carefully checked to include all data and information necessary for full consideration of the case and should include:

(1) Name and address of claimant.

(2) Nationality of claimant at time claim arose.

(3) Type of loss, injury, or damage.

(4) Estimate of damage, including the date as of when the estimate is made and the monetary basis.

(5) Government against which claim lies.

(6) Date and place of injury or loss on which claim is based.

(7) Statement as to whether claimant was a member of the military or naval forces of the United States, dates, branch of service, and serial or service number.

(8) Statement as to dates and places of government employment, if any.

(9) Brief account of the circumstances surrounding the loss, injury, or damage.

(10) Name of any agency of any government to which such loss or injury has been reported previous to submission of this information to the War Claims Commission.

(11) Results of any such prior submission showing allowance, disallowance, or compensation in whole or in part.

(12) Statement concerning any tax deduction taken as a result of such loss or injury or any other form of relief granted, such as compensation, insurance, etc.

(c) *Availability of questionnaires and general information.* Questionnaires and general information concerning potential claims to be considered in the report of the Commission are available at the Washington Office of the Commission. Questionnaires will be forwarded upon request and will also be distributed through such governmental, public, and private agencies as the Commission shall designate.

§ 520.13 *Where to send information.* All questionnaires and statements of loss, injury, or damage must be sent to the War Claims Commission, Attention: Legislation and Opinions Service, Washington 25, D. C.

§ 520.14 *Time information must be received.* All questionnaires and statements of loss, injury, or damage must be received by the Commission on or before June 30, 1951. Consideration cannot be given to any questionnaires or statements received after that date.

[F. R. Doc. 52-12103; Filed, Nov. 10, 1952; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53136]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

EFFECTS AND TOOLS OF TRADE

It has been concluded that customs clearance without requirement of an entry may be extended, in the discretion of the collectors of customs, to certain non-commercial shipments in addition to those for which such clearance is now provided for in the customs regulations (see § 10.20).

1. Since an entry may not be required for certain shipments of household effects, § 10.11 (a), Customs Regulations of 1943 (19 CFR 10.11), is hereby amended by deleting "in connection with the entry" and substituting therefor "to support the claim for free entry".

(Sec. 201 (par. 1632), 46 Stat. 675, sec. 624, 46 Stat. 759; 19 U. S. C. 1201 (par. 1632), 1624)

2. To eliminate an implication that an individual entitled to the privilege provided for in the second proviso to paragraph 1798, Tariff Act of 1930, as amended, must be the actual owner of the articles to which the privilege applies, and since an entry may not be required for certain shipments of such articles, § 10.15, Customs Regulations of 1943 (19 CFR 10.15), is amended to read as follows:

§ 10.15 *Tools of Trade.* When professional books, implements, instruments, or tools of trade, occupation, or employment are claimed to be free of duty under the first clause of paragraph 1747, Tariff Act of 1930," or under the second proviso to paragraph 1798, Tariff Act of 1930, as amended," a declaration of the emigrant or returning individual shall be required to support the claim for free entry. The declaration shall be on customs Form 3299 if the declarant is an emigrant or nonresident returning from abroad, and on customs Form 3297 if the declarant is a returning resident of the United States, except that, as to any such articles claimed to be free of duty under the said second proviso to paragraph 1798, an oral declaration of the returning individual may be accepted in lieu of a written declaration.

(Sec. 201 (par. 1747, 1798), 46 Stat. 680, 683, as amended, sec. 624, 46 Stat. 759; 19 U. S. C. 1201 (pars. 1747, 1798), 1624)

3. Footnotes 17 and 19 appended to § 10.15 are amended by deleting the reference numbers, so that each such note will become a second paragraph of the immediately preceding footnote.

4. To broaden the provision for clearance of certain duty-free noncommercial shipments without requiring that an entry be filed, § 10.20, Customs Regulations of 1943 (19 CFR 10.20), as amended, is further amended as follows:

a. Paragraph (a) is amended to read:

(a) *Effects and tools of trade.* When effects claimed to be free of duty under the first clause of paragraph 1798 or the second proviso to paragraph 1798, Tariff Act of 1930, as amended, do not accompany the importer on his arrival in the United States or are forwarded in bond, a declaration of the importer on customs Form 3299 in the case of a nonresident, or on customs Form 3297 in the case of a returning resident, shall be required to support the claim for free entry, except that as to effects which are free of duty under the said second proviso to paragraph 1798, an oral declaration of the importer may be accepted in lieu of a written declaration on Form 3297. If the collector is satisfied that an entry would serve no good purpose, none need be required, but evidence of ownership for customs purposes, such as a carrier's certificate or properly endorsed bill of lading, shall be required in connection with the declaration. Such exemption from entry may also be applied with respect to household effects or tools of trade entitled to free entry (see §§ 10.11 and 10.15 respectively) which are unaccompanied or forwarded in bond.

b. Paragraph (b) is deleted and paragraphs (c) and (d) are redesignated as paragraphs (b) and (c).

(Secs. 498, 624, 46 Stat. 728, 759; 19 U. S. C. 1498, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: October 28, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-12052; Filed, Nov. 10, 1952; 8:51 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

[General Order 76]

PART 236—STEAMSHIP CONFERENCES USING CONTRACT/NON-CONTRACT RATES

Whereas, the Federal Maritime Board published in the FEDERAL REGISTER on July 31, 1952 (17 F. R. 7020) a notice of proposed rule of procedure pertaining to the use of contract/non-contract rates by steamship conferences to become effective as of a date to be specified in such rule if adopted by the Board; and

Whereas, the Board granted interested parties an opportunity to submit written statements and comments on said rule within 30 days of the publication of said notice, and thereafter at the request of interested parties extended the time therefor until September 19, 1952; and

Whereas, the Board granted interested parties, at their request, an opportunity to be heard at an oral argument before the Board on October 16, 1952; and

Whereas, after consideration of the written statements and comments submitted and oral argument as aforesaid, and in the light thereof, the Board has adopted the rule of procedure hereinafter set forth; and

Whereas, in view of the time and opportunity to be heard afforded all interested parties, and the necessity for prompt and uniform treatment of steamship conferences using contract/non-contract rates, the Board finds that it is in the public interest to make said rule effective upon the publication thereof.

Now, therefore, it is hereby ordered, that pursuant to section 15 of the Shipping Act, 1916 (46 U. S. C. 814), section 204 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1114), and sections 3 and 4 of the Administrative Procedure Act (5 U. S. C. 1002, 1003), the following rule of procedure shall be effective as of the date of publication in the FEDERAL REGISTER:

1. Steamship freight conferences having in effect contract/non-contract rates on the effective date of this rule shall file with the Federal Maritime Board within 90 days after the effective date of this rule a statement containing:

(a) The date when contract/non-contract rates were first established by the conference;

(b) The amount of the spread or differential between current contract/non-contract rates stated in terms of percentages or dollars and cents;

(c) The reasons for the use of the current contract/non-contract rates in the particular trade involved, and the basis for the current spread or differential between such rates; and

(d) Copies of the form of all contracts pertaining to such current rates.

2. Steamship freight conferences now or hereafter having in effect contract/non-contract rates shall file with the Federal Maritime Board at least 30 days prior to initiating any increase in the spread or differential between such rates, a statement containing:

(a) The amount of increase in the spread or differential and the total proposed spread or differential in terms of percentages or dollars and cents;

(b) The effective date;

(c) The reasons for the increase in the spread or differential; and

(d) Copies of the form of any changed contract provisions relating to such increase in spread or differential.

As used in this paragraph 2, an "increase in the spread or differential" shall be deemed only to mean an increase in the percentage of a spread or differential between rates if such spread or differential has been established in terms of percentages, or an increase in the dollars and cents amount of the spread or differential if such spread or differential has been established in terms of dollars and cents.

3. Steamship freight conferences proposing to establish contract/non-contract rates to become effective after the effective date of this rule shall file with the Federal Maritime Board at least 30 days prior to the initiation of such rates, a statement containing:

(a) The amount of the spread or differential in terms of percentages or dollars and cents;

(b) The effective date;

(c) The reasons for the use of contract/non-contract rates in the particular trade involved, and the basis for the spread or differential between such rates; and

(d) Copies of the form of all contracts pertaining thereto.

Contract/non-contract rates for a commodity as to which such rates have previously been in effect and discontinued shall not be deemed to be newly established contract/non-contract rates within the meaning of this paragraph 3 if such contract/non-contract rates are again made effective by the conference without increase in spread or differential and within 12 months after discontinuance.

4. Upon a showing of good and sufficient cause, the time within which to file the foregoing statements may be shortened or extended, or such other action taken with respect thereto, as the Board may consider to be in the public interest and not detrimental to the commerce of the United States.

5. The information referred to in the above paragraphs shall be submitted to the Federal Maritime Board in the form of a verified original statement duly executed by an authorized official of the conference, together with 15 conformed copies thereof. Conferences complying with this rule may from time to time amend or amplify statements submitted pursuant thereto in a manner not inconsistent with prior compliance therewith.

6. All information filed pursuant to this rule shall be available for inspection by interested parties at the Regulation Office of the Board. A notice of the filing of the statement required under paragraphs 2 and 3 above will be published in the FEDERAL REGISTER as soon as practicable. Except as may be otherwise provided in cases arising under paragraph 4 above, interested parties shall have twenty (20) days after the date of such publication within which to submit written comments relating to the information filed with the Board pursuant to this rule. Said comments may include a statement of position with respect to approval, disapproval or modification, together with a request for hearing, should such hearing be desired.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interprets or applies sec. 15, 39 Stat. 733, as amended; 46 U. S. C. 814)

Dated: November 10, 1952.

By the Federal Maritime Board.

[SEAL] A. J. WILLIAMS
Secretary.

[F. R. Doc. 52-12137; Filed, Nov. 10, 1952; 12:04 p. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

REVISION OF REGULATIONS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 15th day of August A. D. 1952.

The matter of accounting regulations for carriers by railroad, which are not independently operated as electric lines, being under consideration pursuant to provisions of section 20 of the Interstate Commerce Act, as amended (24 Stat. 386, 41 Stat. 493, 54 Stat. 916, 49 U. S. C. 20 (3)); and,

It appearing, that by orders dated May 19, 1914, the "Classification of Investment in Road and Equipment of Steam Roads, Issue of 1914," the "Classification of Operating Revenues and Operating Expenses of Steam Roads, Issue of 1914," the "Classification of Income, Profit and Loss, and General Balance Sheet Accounts for Steam Roads, Issue of 1914," and the "Classification of Train-miles, Locomotive-miles, and Car-miles for Steam Roads, Issue of 1914," were all and severally prescribed, certain provisions of all of which orders having been modified subsequently by supplemental orders and the regulations prescribed by those orders subsequently reissued in revised form, and good cause appearing:

It is ordered, That the four orders dated May 19, 1914, as above referred to and as subsequently modified, be and they are hereby vacated and set aside effective October 1, 1952, and that the accounting rules and regulations of permanent effect which were promulgated by those orders as modified, be and they are hereby, reissued in the codified form which is attached hereto and made a part hereof to be known as the "Uniform System of Accounts for Railroad Companies, Issue of 1952;" and,

It is further ordered, That effective October 1, 1952, all carriers by railroad subject to provisions of Part I of the Act and not independently operated as electric lines, shall comply with the said "Uniform System of Accounts for Railroad Companies, Issue of 1952;" and,

It is further ordered, That a copy of this order with the attached regulations shall be served on all railroad companies subject to its provisions, and on every receiver, trustee, executor, administrator, or assignee of any such railroad company, and that notice shall be given to the general public by depositing a copy of the order with attached regulations in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

PART 10—UNIFORM SYSTEM OF ACCOUNTS FOR STEAM ROADS

INVESTMENT IN ROAD AND EQUIPMENT

Sec.
10.01 General instructions.
10.01-1 Accounts for investment in road and equipment.
10.01-2 Items to be charged.
10.01-3 Basis of charges.
10.01-4 Cost of construction.
10.01-5 Excavated material.
10.01-6 Items to be credited.
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10.01-9 Equipment retired.
10.01-10 Land retired.
10.01-11 Adjustment for converted property.
10.01-12 Expenses in connection with additions and betterments.
10.01-13 Interpretation of item lists.
10.01-14 Submission of questions.

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10.7 Elevated structures.
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10.9 Rails.
10.10 Other track material.
10.11 Ballast.
10.12 Track laying and surfacing.
10.13 Fences, snowsheds, and signs.
10.16 Station and office buildings.
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10.18 Water stations.
10.19 Fuel stations.
10.20 Shops and enginehouses.
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10.74 Stationery and printing.
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10.02 General instructions.
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10.02-2 Unaudited items affecting operating accounts.
10.02-3 Delayed items.
10.02-4 Miscellaneous operations.
10.02-5 Submission of questions.
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OPERATING REVENUES

10.03 Special instructions.
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10.03-2 Interpretation of item lists.
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REVENUE ACCOUNTS

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AUTHORITY: §§ 10.01 to 10.825 issued under sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20.

NOTE: In this part the numbers assigned to sections thereof include as a whole number, following the decimal point, the number of the prescribed account. Where references throughout the regulations are to an account, as such, only the account number portion of the section number is used. For example: Account 101, "Freight," may be mentioned in the instructions or in the text of another account, and will be found as § 10.101 under operating revenues. Sections devoted to instructions, as distinguished from the texts of the prescribed accounts, are numbered serially § 10.01 to § 10.08, inclusive, with appropriate sub-numbers following a dash.

INVESTMENT IN ROAD AND EQUIPMENT

§ 10.01 *General instructions.* The carrier's records shall be kept with sufficient particularity to show fully the facts pertaining to all entries made in the accounts provided in this part for investment in road and equipment. Where the full information is not recorded in the general books, the entries therein shall be supported by other records in which the full details shall be shown. Such general book entries shall contain sufficient reference to the detail records to permit ready identification, and the detail records shall be filed in such manner as to be readily accessible for examination by representatives of the Interstate Commerce Commission.

§ 10.01–1 *Accounts for investment in road and equipment.* The accounts prescribed in this classification, except in connection with the acquisition of transportation property as provided in accounts 702½A, "Acquisition adjustment," and 702½B, "Donations and grants," are designed to show the investment of the carrier in property devoted to transportation service. The carrier's investment in physical property other than transportation property is provided for in balance-sheet account 705, "Miscellaneous physical property." "The carrier" means the accounting carrier, except when otherwise specifically indicated. The carrier's records shall be kept in such form that expenditures for additions and betterments may be reported separately from those for original road, original equipment, and road extensions, and shall show separately the expenditures under each authorized addition and betterment project. (See balance-sheet account 701, "Road and equipment property," and 702, "Improvements on leased property.") When a building or structure is used primarily for transportation purposes it is not contemplated that parts of such buildings or structures rented to others will be carried in account 705; nor is it contemplated that irregular parcels of land acquired in connection with acquisition of right-of-way which have no value as commercial property shall be transferred to account 705, either for the purpose of making right-of-way boundaries run more or less regular or for the purpose of eliminating from account 701 the cost of unoccupied lands between tracks in yards and terminals.

§ 10.01–2 *Items to be charged.* To these accounts shall be charged the cost of original road, original equipment, road extensions, additions, and betterments; also the estimated values at time of acquisition of right of way and other road and equipment property donated to the carrier, except that unless authorized by the Commission no charges shall be made to these accounts after July 1, 1914, for donations received previously to that date. Applications to the Commission for including such items in the road and equipment accounts shall contain full information concerning the source and character of the donations.

(a) When the property change involves: (1) the acquisition of units and minor items of road property (other than land or tracks) such as defined in paragraphs (e) and (c) of § 10.01–7 *Road property retired* the cost of which is less than $500.00; (2) the betterment of road property (see "Betterments" under paragraph (c) of this section), the betterment cost of which is less than $500.00, the cost of the units and minor items of road property acquired under (1) and betterment costs under (2) shall be charged to operating expenses.

The retirement of units and minor items of road property shall be accounted for in accordance with § 10.01–7 *Road property retired.*

(b) The carrier shall not parcel expenditures or retirements under a general plan for the purpose of bringing the accounting therefor within this rule, neither shall it combine unrelated items of property for the purpose of excluding the accounting therefor from the rule.

(c) The carrier is permitted to adopt for the purpose of its accounting a limit of less than the aforesaid amounts provided it first files with the Commission the maximum amount which it proposes to adopt and makes no subsequent change in this amount except by authority of the Commission, except that when the carrier adopts a limit of less than $500 in reporting property changes to the Bureau of Valuation for valuation purposes it shall adopt a like minimum for accounting purposes in order to coordinate the original cost with the physical property included in the inventory.

"Construction" includes all processes connected with the acquisition and construction of original road and equipment, road extensions, additions, and betterments.

"Original road" means the land and road property provided and arranged for in the original plan for the construction of a new road. When the acquisition of any road property under the original plan is deferred, such property when acquired, shall be considered an addition. Original road shall not include road property which, under the original plans for the road, it is proposed to substitute at some time subsequent to the beginning of commercial operations, for the property originally installed and used for transportation operations, such as steel bridges substituted for trestles.

"Original equipment" means equipment provided and arranged for under the original plan for the construction of a new road. When the acquisition of such equipment under the original plan is deferred, such equipment, when acquired, shall be considered as additions.

"Road extensions" means the land and road property provided and arranged for in the original plan for the construction of extensions of existing main lines, additional branch lines, and extensions of existing branch lines. When the acquisition of any road property under the original plan is deferred, such property, when acquired, shall be treated as an addition. Road extensions shall not include road property which, under the original plan for the extensions, it is proposed to substitute, at some time subsequent to the beginning of commercial operations for the property originally installed and used for transportation in connection with the commercial operations, such as steel bridges substituted for trestles.

"Equipment" means the rolling stock, boats, highway vehicles, horses, and harness devoted to transportation service, the cost of which is includible in the equipment accounts.

"Road property" means transportation property other than equipment.

"Additions" are additional facilities, such as additional equipment, tracks (including timber and mine tracks), buildings, bridges, and other structures; additions to such facilities, such as extensions to tracks, buildings, and other structures; additional ties laid in existing tracks; and additional devices applied to facilities, such as air brakes applied to cars not previously thus equipped. When a unit of property is retired from service and replaced with property of like purpose, the newly acquired property shall, for the purpose of this classification, be considered as an addition, and the cost thereof accounted for accordingly. (See § 10.01–7 *Road property retired.*)

"Betterments" are improvements of parts (minor items) of existing facilities through the substitution of superior parts for inferior parts replaced. The cost chargeable to the accounts of this classification is the excess cost of new parts over the cost at current prices of new parts of the kind replaced.

"Cost" shall be actual money costs to the carrier. Where a portion of the funds expended by or for the carrier has been obtained by grants from governmental agencies, or by donations from individuals or others, the accounting shall be in accordance with paragraphs (1), (2), or (3) of this section as may be applicable.

(1) *Donations from individuals or others.* The entire cost of constructing transportation property to which the carrier acquires exclusive title and exclusive right of use shall be included in these accounts without deduction on account of contributions received from others. The money value of donations shall be credited to account 702½B, "Donations and grants."

NOTE: Amounts billed against a lessee company for a proportion of the cost of constructing facilities under a contract which covers the joint use of such facilities but does not transfer title, shall be credited by the owning company to account 508, "Joint facility rent income," and charged by the lessee to account 541, "Joint facility rents." The entire cost of the facilities shall be charged by the owning company to the appropriate accounts of this classification.

(2) *Joint projects.* Contributions by governmental agencies, or individuals toward construction of projects involving joint use of facilities by the carrier and others after completion of the project shall not be considered donations and only the cost borne by the carrier in connection with the construction of these projects shall be included in these accounts. In accounting for the cost to the carrier of projects involving joint use of facilities by the carrier and others, such costs shall be first applied to the cost of construction of railway facilities includible in accounts other than 2½, "Other right-of-way expenditures," or 39, "Public improvements—Construction," any remaining balance to be included in account 2½, or account 39, as appropriate.

Illustrations of joint projects referred to are:

(i) Jointly owned tracks, interlockers, etc.;

(ii) Construction or widening of highways, spillways, drainage canals, farm and other private passes, pipe lines, drains, and other facilities across the carrier's right of way;

(iii) Construction of overhead or undergrade crossings;

(iv) Installation of warning signals to protect highway traffic.

(3) *Public improvement projects other than joint projects.* In connection with public improvement projects which do not involve joint use by the carrier and others of the facilities after completion of the projects such as reconstruction and relocation of tracks and appurtenant facilities at the expense of governmental agencies, the ledger value of the property retired shall be credited and the cost of constructing the new property shall be charged to the appropriate accounts of this classification. The sum contributed by the governmental agencies unless contract specifies otherwise shall be applied first to reduce or cancel the amount that otherwise would be charged to operating expenses or depreciation reserve in accounting for the retirements, and the remainder, if any, representing cost of railroad property only, shall be credited to account 702½B, "Donations and grants." The projects here referred to are those such as occur in connection with the carrying out of flood control, reclamation and other public projects where it becomes necessary to abandon a part of the line of road and relocate it.

§ 10.01–3 *Basis of charges.* The charges to the accounts of this classification shall be based upon the cost of the property acquired. When the consideration given for the purchase or the improvement of property the cost of which is chargeable to the accounts of this classification is other than money, the money value of the consideration at the time of the transaction shall be charged to these accounts, and the actual consideration shall be described in the record in sufficient detail to identify it. The carrier shall be prepared to furnish the Commission, upon demand, the particulars of its determination of the actual cash value of the consideration, if other than money.

§ 10.01–4 *Cost of construction.* It is intended that the accounts for road property and equipment shall include the cost of construction of such property. The cost of construction shall include the cost of labor, materials and supplies, work-train service, special machine service, transportation, contract work, pro-

tection from casualties, injuries and damages, privileges, and other analogous elements in connection with such work. The several items of cost here referred to are defined as follows:

(a) "Cost of labor" includes the amount paid for labor expended by the carrier's own employees, including the cost of labor expended for preliminary work, such as sinking test holes or making soundings for tunnels, grading, buildings, and other structures; and cost of labor expended in laying and taking up tracks for temporary use in construction, except the cost of labor expended on tracks provided for the protection of traffic during the progress of addition and betterment work. Office expenses and traveling and other personal expenses of employees, when borne by the carrier, shall be considered a part of the cost of the labor, as shall also the cost of fidelity bonds and employers' liability insurance premiums. When officers or employees are specially assigned to construction work, their pay and their traveling and incidental expenses while thus engaged shall be included in the cost of the work. No charge shall be made against road and equipment accounts for the pay of officers and employees who merely render services incidentally in connection with extensions, additions, or betterments, although traveling and incidental expenses incurred by such officers and employees solely on account of such work shall be included in the account to which the cost of the work is chargeable.

(b) "Cost of materials and supplies" includes the purchase price of materials and supplies, including small tools, at the point of free delivery, plus the cost of inspection and loading assumed by the carrier; also a suitable proportion of store expenses. (See § 10.04–16 *Material store expenses* and § 10.04–17 *Stationery store expenses.*) In calculating the cost of materials used, proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc.; for the value of the material recovered from temporary tracks, scaffolding, cofferdams, and other temporary structures used in construction; and for the value of small tools recovered and used for other purposes.

(c) "Cost of work-train service" includes amounts paid to others for rent and maintenance of equipment used; cost of labor of enginemen, trainmen, and enginehousemen, including wages of engine crews and train crews held in readiness for such service; and cost of fuel and other supplies consumed in connection with the operation of work trains. It shall also include the cost of maintaining the carrier's own equipment used in construction service. However, no rent or return upon the investment in such equipment shall be included as a part of the cost of work-train service.

(d) "Cost of special machine service" includes the cost of labor expended and of materials and supplies consumed in maintaining and operating steam shovels, scrapers, rail unloaders, ballast unloaders, pile drivers, dredges, ditchers, weed burners, and other labor-saving machines; also rents paid for use of such machines. (See Note A under account 37, "Roadway machines," and tenth paragraph of general account 50, "Equipment.")

(e) "Cost of transportation" includes the amounts paid to other companies or individuals for the transportation of men, materials and supplies, special machine outfits, appliances, and tools in connection with construction. Freight charges paid foreign lines for the transportation of construction material to the carrier's line shall be included, so far as practicable, as a part of the cost of the material.

(f) "Cost of contract work" includes amounts paid for work performed under contract by other companies, firms, or individuals, and costs incident to the award of the contract.

(g) "Cost of protection from casualties" includes expenditures for protection against fire, such as payments for discovery or extinguishment of fires, cost of detecting and prosecuting incendiaries, witness fees in relation thereto, amounts paid to municipal corporations and others for fire protection, and other analogous items of expenditure in connection with construction work.

(h) "Cost of injuries and damages" includes expenditures on account of injuries to persons or damage to property when incident to construction projects, and shall be included in the cost of the work in connection with which the injury or damage occurs. It also includes that portion of premiums paid for insuring property applicable to the period prior to the completion or coming into service of the property insured. Insurance recovered on account of compensation paid for injuries to persons incident to construction shall be credited to the accounts to which such compensation is charged, and insurance recovered on account of damages to property incident to construction shall be credited to the accounts chargeable with the expenditures necessary for restoring the damaged property. The cost of injuries and damages incident to the removal of old structures, or parts thereof, shall be charged to operating expenses, except that such costs in connection with the removal of old structures which are incumbrances on newly acquired lands shall be included in account 2, "Land for transportation purposes," or 3, "Grading," as may be appropriate. (See § 10.01–7 *Road property retired.*)

(i) "Cost of privileges" includes compensation for temporary privileges, such as the use of public property or streets, in connection with the construction of the property of the carrier.

§ 10.01–5 *Excavated material.* The cost of disposing of material excavated in connection with construction shall be considered as a part of the cost of the work, except that when such material is used for filling, the cost of removal and dumping shall be equitably apportioned between the work in connection with which the removal occurs and the work in connection with which the material is used.

§ 10.01–6 *Items to be credited.* To these accounts shall be credited the ledger value of property retired.

"Ledger value of property" is the value at which the property is carried in the property investment account in the general ledger of the carrier. In case the value of any item of property is not shown separately in the ledger the ledger value of that item shall be its proportionate share of the value of the entire group in which the particular property is included.

"Property retired" means a unit of property whether replaced or not and a minor item not replaced, which is sold, abandoned, demolished, dismantled, or otherwise withdrawn from transportation service.

§ 10.01–7 *Road property retired.* (a) When a unit of road property, other than land, is retired from service, or a minor item is retired and not replaced, the ledger value of the unit or minor item shall be credited to the appropriate road accounts of this classification at the time of retirement from service. The amount of this credit shall be charged concurrently as follows:

(1) *For depreciable property.* The service value (ledger value less value of salvage) shall be charged, and insurance recovered, if any, shall be credited to account 702½C, "Accrued depreciation—Road." The charge for the salvage shall be in accordance with the disposition of the material recovered. The cost of dismantling or demolishing the property, if borne by the carrier, shall be charged to account 270, "Dismantling retired road property," or account 306, "Dismantling retired shop and power plant machinery," as may be appropriate.

NOTE: When property included in the depreciable accounts but excluded from the depreciation base is retired, the service value (including engineering expenditures assignable to the retired property but not included in the depreciation base) shall be charged to operating expenses.

(2) *For nondepreciable property.* The service value (ledger value less value of salvage) shall be charged to account 267, "Retirements; Road." The cost of dismantling or demolishing the property, if borne by the carrier, shall be charged to account 270, "Dismantling retired road property." The charge for the salvage shall be in accordance with the disposition of the material recovered.

An equitable proportion of any balances carried in accounts 72 to 77, inclusive, applicable to the road property retired, shall be credited thereto concurrently and charged to account 267, "Retirements; Road."

NOTE: For parts (minor items) of road property retired and replaced for both depreciable and nondepreciable accounts the cost of replacement including cost of removal, shall be charged to the accounts in operating expenses appropriate for the cost of repairing such property.

(b) The term "service value" as applied to road property means the ledger value thereof less the value of the salvage recovered therefrom.

(c) The term "minor item" as applied to road property means the associated parts of which units of road property are composed.

(d) The term "value of salvage" means the amount received for property retired, or for the material salvaged therefrom if sold; or if retained, the value at which the property or the material salvaged therefrom is chargeable to account 716, "Material and supplies," or other accounts of this system of accounts. When such material is retained and again used by the carrier, the value shall be determined by deducting a fair allowance for depreciation from current prices of the material as new. If the retired property is held without being torn down the estimated value of the salvage therefrom shall be included in account 722, "Other deferred assets," until the salvage is recovered.

(e) The term "unit of road property" means any structure or item of property that is physically distinct or separate, or any substantial part of a composite or continuous structure (except tracks) such as a bridge, a trestle, a snowshed, or right-of-way fence, the original cost of which can be readily ascertained with reasonable accuracy. With respect to buildings it means the entire structure including component parts. The foregoing is intended as a guide in determining what is a unit of road property and should be regarded as representative only.

(f) *Leased property.* When a unit of road property used but not owned, other than land, the rent for which is includible in account 542, "Rent for leased roads and equipment," is retired from service, or a minor item is retired and not replaced, the service value of nondepreciable property shall be charged to account 267, "Retirements; Road," by the lessee and the service value of depreciable property shall be charged to the depreciation reserve account by either the lessee or lessor, as appropriate. If under terms of the lease the lessor is obligated to reimburse the lessee for additions and betterments and is credited with the ledger value of retired property, the lessor shall credit the ledger value of the retired property to account 701, "Road and equipment property." If under terms of the lease the lessee bears the cost of additions and betterments without reimbursement and is not obligated to reimburse the lessor for the ledger value of retired property, the lessee shall credit the ledger value to account 702, "Improvements on leased property." The salvage shall be accounted for by the company that has title thereto and charged in accordance with the disposition of the material recovered.

When the lessee makes settlement with the lessor currently for retirements of property leased, the lessee shall credit to account 706, "Investments in affiliated companies," or 707, "Other investments," as applicable, the service value of nondepreciable property charged to account 267, "Retirements; Road," and the lessor shall make corresponding charge to account 757, "Amounts payable to affiliated companies," or other liability accounts, as may be appropriate.

The lessee shall furnish the lessor such information as is required to perform the necessary accounting.

§ 10.01–9 *Equipment retired.* The instructions for accounting for equipment retired are contained in the text of general account 50, "Equipment."

§ 10.01–10 *Land retired.* When any land, the cost of which is included in the accounts of this classification, is retired, the ledger value shall be credited to account 2, "Land for transportation purposes." If the land is retained by the carrier, its estimated value shall be charged to balance-sheet account 705, "Miscellaneous physical property," the necessary adjustment of the difference between the ledger value and the estimated value on acount of the loss in the property due to its retirement from transportation service shall be made through account 621, "Miscellaneous debits". If sold, the difference between the ledger value credited to account 2 and the amount received for the land shall be adjusted through accounts 607, "Miscellaneous credits," or 621, "Miscellaneous debits," as appropriate.

§ 10.01–11 *Adjustment for converted property.* If a unit of equipment by its transfer from one class of service to another, with or without physical conversion, becomes includible in a primary investment account other than that in which it has been carried, it shall be accounted for as retired. (See the text of general account 50, "Equipment.")

In accounting for the retirement of such a unit the retirement accounting should be on a basis consistent with the accounting which would be proper if the carrier were to make no further use of it, as in the case of demolition or sale. Following this principle, the salvage value to be used in arriving at the service value shall be the ledger value of the unit less an allowance to reflect consumed, expired or lost usefulness and in no case shall it be less than the estimated value of the scrap and reusable parts which would be recovered if the unit were dismantled. In arriving at this salvage value, the amount which would have been paid, had the old unit in its second-hand condition been purchased from another company, and the further use which it is contemplated will be made of the unit after conversion, are factors to be given consideration.

In accounting for the unit as converted, its ledger value shall be the estimated salvage value used in the retirement accounting less any salvage recovered and not used in the conversion process plus all expenditures for labor and material necessary to fit the unit for its future use, but not in excess of the cost (at current market prices of labor and material) of a new unit of equal capacity and equal expectation of life in service, less a suitable allowance on account of the second-hand portions remaining therein.

NOTE: The procedure outlined in the foregoing with regard to the transfer of equipment from one class of service to another shall be followed in accounting for fixed property when by its transfer from one class of service to another it becomes includible in a primary investment account other than that in which it has been carried.

§ 10.01–12 *Expenses in connection with additions and betterments.* The cost of removing old material from equipment and from buildings, bridges, wharves, tracks, and other fixed improvements, shall be charged to the appropriate operating expense accounts. Such charges shall include the cost of removing old foundations and filling old excavations, and restoring condition of grounds after addition and betterment work; and maintaining or protecting traffic during the progress of addition and betterment work, including the cost of constructing, maintaining, and removing temporary tracks required for maintaining traffic during the progress of the work.

§ 10.01–13 *Interpretation of item lists.* Lists of "items," "details," etc., have been given as a part of this classification for the purpose of clearly indicating the application of the accounting rules in specific cases. The lists in every case are to be considered as merely representative, and not as excluding from any account analogous items which happen to be omitted from the list appended. On the other hand, the appearance of an item in a list warrants the inclusion of the item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list. The item of boilers, for example, will be found under accounts 18, 27, 37, 44, and 45, and the proper charge in any one instance must be determined by the text of the account.

§ 10.01–14 *Submission of questions.* To the end that uniformity of accounting may be maintained from year to year, carriers shall submit all questions of doubtful interpretation of the accounting rules to the Commission for consideration and decision.

PROPERTY ACCOUNTS

ROAD

§ 10.0 *Road.* The several primary accounts included in this general account are designed to show the cost of land and road property owned by the carrier and devoted to transportation service.

§ 10.1 *Engineering.* This account shall include the pay and expenses of engineers, assistants, and clerks engaged in the survey and construction of new lines and extensions, or in making additions to and betterments of the carrier's road, including wharves and docks.

LIST OF OFFICERS AND EMPLOYEES

Chief engineer.
Assistant engineers.
Bridge engineer.
Signal engineer.
Architects.
Chief clerk.
Draftsmen.
Clerks.
Transitmen.
Levelmen.
Rodmen.
Chainmen.
Axmen.
Messengers.
Cooks on business cars.
Porters on business cars.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Axes.
Barometers.
Books for office use.
Boxes for materials and instruments.
Business car service.
Cameras.
Camp equipage.
Chains for surveyors.
Compasses.
Curves.
Drawing boards.
Drawing instruments.
Field glasses.
Field notebooks.
Furniture repairs and renewals.
Hatchets.
Heating and lighting.
Levels.
Magnets.
Magnifiers.
Marking chalk.
Official train service.
Oilstones.
Paper, blue-print.
Parallel rules.
Periodicals and newspapers.

Photographic supplies.
Plane tables.
Planimeters.
Plummets.
Printing and stationery.
Protractors.
Provisions for business cars.
Ranging poles.
Reading glasses.
Rent of offices.
Repairs of rented offices.
Rods for surveyors.
Scales.
Section liners.
Sextants.
Slide rules.
Stakes.
Straightedges.
Tally registers.
Tape lines.
Tee-squares.
Telegraph service.
Telephone service.
Telescopes.
Thermometers.
Thumb tacks.
Tracing linen.
Transits.
Traveling expenses.
Traverse tables.
Triangles.
Tripods.
Verniers.
Water and ice.

NOTE A: When employers designated above are engaged in the maintenance of the road, their pay and expenses while thus employed shall be charged to operating expenses.

NOTE B: Expenditures for tentative or preliminary surveys shall be carried in a suspense account until it is determined whether or not to continue the work. If the project is continued, expenditures for all surveys in connection therewith shall then be transferred to this account, and, if abandoned, to operating expenses, income, or profit and loss, as may be appropriate.

NOTE C: The cost of designing, making plans and specifications, and supervising the construction of equipment shall be included in the cost of the equipment.

NOTE D: The cost of stationery and printing supplies used for accounting purposes in connection with engineering work shall be included in account 74, "Stationery and printing," when not directly assignable to specific road or equipment accounts.

NOTE E: Fees and expenses of architects specially employed for designing or supervising the construction of buildings shall be included in the accounts appropriate for the cost of the buildings constructed.

§ 10.2 *Land for transportation purposes.* This account shall include the cost of land of necessary width acquired for roadway; the cost of land for station, office, shop, and other grounds; for ingress to or egress from such grounds; for borrow pits, waste banks, snow fences, sand fences, and other railway appurtenances; and for storage of material adjoining the right of way; the cost of land for wharves and docks and the cost of riparian or water rights necessary therefor; the cost of removing from the right of way and locating elsewhere the property of others, and the cost of the necessary land for relocation of the property, when such costs are assumed by the accounting carrier.

The carrier's records shall be kept in such manner as to show separately the cost of land purchased by it and the estimated values at time of acquisition of lands donated.

Proceeds from the sale of timber or of improvements purchased with right of way, less any cost of removal, shall be credited to this account.

ITEMS OF EXPENSE

Abstracts.
Appraisals.
Arbitrators in condemnation cases.
Commissions paid to others.
Condemnation expenses, including court costs and special counsel fees.
Damages to property of others.
Deferred payments for right of way.
Ditches for waterways when part of consideration.
Judgments and decreed costs to clear or defend titles.
Notarial fees.
Plats.
Premiums on condemnation bonds.
Recording deeds.
Payments for relinquishment of cattle passes and other rights.
Removal and relocation of buildings and other structures not purchased.
Rent of land when part of consideration for purchase.
Right-of-way agents' compensation (engaged solely in acquiring right of way).
Taxes accrued and assumed at time of purchase.

NOTE: The cost of land acquired in excess of that necessary for transportation operations shall be included in balance-sheet account 705, "Miscellaneous physical property." When the purchase of land acquired for transportation operation involves the purchase of land not used for such purposes the charges to this account shall be based upon the estimated cost of only that portion which is used for such purposes, and the cost of the remaining land shall be included in account 705, "Miscellaneous physical property." Only the actual cost borne by the carrier for right of way and other lands acquired through vacation of streets and highways shall be included in this account. No donations should be considered as involved in the acquisition of such property.

§ 10.2½ *Other right-of-way expenditures.* This account shall include the cost (in excess of cost of railway facilities installed, if any) actually borne by the carrier of improvement projects (other than public improvement projects), such as the construction of canals, farm and other private passes, pipe lines, drains, and other facilities across the carrier's right of way.

§ 10.3 *Grading.* This account shall include the cost of clearing and grading the roadway, and of constructing protection for the roadway, tracks, embankments, and cuts.

When a part of a bridge or trestle, or the entire structure, is converted by filling into an earth embankment, and the bridge is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such temporary trestle shall be included in the cost of the filling, and charged to this account. (See Note A, under account 6, "Bridges, trestles, and culverts.")

When a tunnel is converted into an open cut, the cost of clearing, grubbing, and excavating shall be included in this account.

DETAILS OF ROADBED AND ITEMS OF EXPENSE

Advertising for contractors' bids.
Berm ditches.
Blasting.
Breakwaters.
Bulkheading.
Clearing land.
Cribbing.
Dikes (including those of earthern construction which are intended to function indefinitely).
Ditches (not required by right-of-way agreement).
Dressing slopes.
Excavation for conversion of tunnels into open cuts.
Filling bridges, trestles, and culverts.
Grading outfits.
Grubbing land.
Material taken from borrow pits.
New channels for streams.
Operation of steam shovels.
Payments for privilege of wasting material on the property of others.
Payments for waste banks off the right-of-way.
Retaining walls.
Revetments.
Riprap.
Spoil banks.
Temporary trestling for fills.
Tools for grading.
Wing dams.

§ 10.5 *Tunnels and subways.* This account shall include the cost of tunnels and subways for the passage of trains, including apparatus for ventilating and lighting, and safety devices therein, other than signals.

NOTE A: The cost of tracks, including guard rails, in tunnels shall not be charged to this account.

NOTE B: Station subways not highway crossings are includible in account 16, "Station and office buildings."

NOTE C: If a tunnel be converted into an open cut the accounting shall be in accordance with § 10.01–11 *Adjustment for converted property.*

§ 10.6 *Bridges, trestles, and culverts.* This account shall include the cost of the substructure and superstructure of bridges, trestles, and culverts which carry the tracks of the carrier over watercourses, ravines, public and private highways, and other railways.

DETAILS OF BRIDGE STRUCTURES

Abutments.
Bridge signs.
Cofferdams.
Concrete and masonry ends for culverts.
Cribs.
Decking, including gravel for fire protection.
Dike protection.
Drainage systems.
Draw protection.
Drawbridge engines and machinery.
False work.
Guard timbers.
Ice breakers.
Painting (except repainting).
Pier protection.
Piers and foundations.
Pipe culverts.
Retaining walls.
Riprap around abutments.
Riprap at culvert ends.
Supports.
Water channels.
Waterproofing.
Wing dams.
Wing walls.

NOTE A: When a part of the entire structure of a bridge or trestle is converted, by filling, into an earth embankment, the ledger value of the structure, or of the portion thereof filled, shall be credited to this account. In case the bridge or trestle is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such temporary trestle shall be charged to account 3, "Grading." The ledger value of the structure or portion thereof, filled, less the value of the salvage and the estimated cost of trestle charged to account 3, shall be charged to account 702½C.

NOTE B: The cost of bridges to carry the carrier's tracks over undergrade crossings, including the necessary piers and abutments to sustain them shall be included in this account. (See "*Cost*" in paragraph (c) of § 10.01–2 *Items to be charged.*)

§ 10.7 *Elevated structures.* This account shall include the cost of elevated structures and foundations of elevated railway systems.

This account is applicable to structures other than earthwork, which are for the purpose of elevating tracks above the grade of streets, and which are not properly classable as bridges or trestles.

NOTE: The cost of stations and other structures built on elevated structures shall be accounted for according to the class of the structure thus superimposed and not in this account.

§ 10.8 *Ties.* This account shall include the cost of cross, switch, bridge, and other track ties used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), and the cost of additional ties subsequently laid in such tracks; also the excess cost of metal ties used in repairs of track over the cost to replace in kind wooden ties removed.

The cost of handling ties in general supply and storage yards shall be included as store expenses apportioned to this account when the ties are used for construction purposes.

NOTE A: The cost of labor for unloading, distributing, and placing the ties in tracks, and the cost of train service in connection with the distribution of ties laid shall be charged to account 12, "Track laying and surfacing."

NOTE B: The cost of ties used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of ties used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

§ 10.9 *Rails.* This account shall include the cost of rails used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), and the cost of the excess in weight of heavier rails laid in replacement of lighter rails.

The cost of handling rails in general supply and storage yards shall be included as store expenses apportioned to this account when the rails are used for construction purposes.

To this account shall be credited the cost (at current prices at time of removal) of the excess weight of heavier rails replaced with lighter rails.

NOTE A: The cost of labor for unloading, distributing, and placing the rails in tracks, and of train service in connection with the distribution of the rails, shall be charged to account 12, "Track laying and surfacing."

NOTE C: The cost of rails used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of rails used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

§ 10.10 *Other track material.* This account shall include the cost of material used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shops, fuel stations, supply yards, etc.), except ballast and material chargeable to foregoing accounts; also the excess cost of heavier or improved "other track material" used in repairs of tracks over the cost of replacing in kind such material removed.

The cost of handling "other track material" in general supply and storage yards shall be included as store expenses apportioned to this account when such material is used in the construction of new tracks.

ITEMS OF OTHER TRACK MATERIAL

Angle bars.
Anticreepers.
Bumping posts.
Compromise joints.
Connecting rods.
Crossings for steam and electric railways, including foundations or bases.
Derails.
Frog blocking.
Frogs.
Guard-rail blocking.
Guard-rail clamps.
Guard-rail fasteners.
Guard rails, switch and other.
Main rods.
Nut locks.
Nuts.
Offset bars.
Rail braces.
Rail chairs.
Rail clips.
Rail joints.
Rail rests.
Rail shims.
Rail splices.
Splice bars.
Step chairs.
Switch chairs.
Switch crossings.
Switch lamps.
Switch locks and keys.
Switch points.
Switch stands.
Switch targets.
Switches.
Tie plates.
Tie plugs.
Tie rods.
Track bolts.
Track insulators.
Track spikes.

NOTE A: The cost of labor and train service for distributing, unloading, and applying "other track material" shall be charged to account 12, "Track laying and surfacing."

NOTE B: No entry is required in this account with respect to improved "other track material" unless installed under a definite plan of changing standards, such as increasing the weight of rail.

NOTE C: The cost of "other track material" used in the construction of car floats shall be included in the cost of such floating equipment, and the carrier cost of such track material used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

§ 10.11 *Ballast.* This account shall include the cost of gravel, stone, slag, cinders, sand, and like material used in ballasting tracks (including tracks in shops, fuel stations, supply yards, etc.) not previously ballasted, including cost of work-train service and of unloading; cost of ballast applied in excess of ballast required to restore to its maximum height and width the ballast previously put on the roadbed; and the excess cost of improved ballast used in renewals over the cost to replace in kind to the original height and width the ballast removed. Charges to this account shall not exceed the cost of ballast applied to a depth of 24 inches beneath the tie, unless otherwise authorized by the Commission. (§ 10.04–11 *Gravel and sand pits and quarries* applies to the accounting for pits from which ballast material is obtained either for construction work or for maintenance, or for both.)

NOTE A: The cost of ballast used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

NOTE B: Earth placed to form a crown in the middle of the track is not to be considered as ballast.

NOTE C: The cost of ballast material placed on the decking of bridges solely for fire-protection purposes shall be included in account 6, "Bridges, trestles, and culverts."

NOTE D: No charge shall be made to the accounts of this classification representing the value of cinders accumulated by the carrier.

§ 10.12 *Track laying and surfacing.* This account shall include the cost of distributing (including train service), laying, and adjusting ties, rails, and other track material used in the construction of tracks for the movement or storage of locomotives or cars, including repair tracks, but not tracks on car floats or temporary tracks the cost of which is chargeable to clearing accounts. It shall also include the cost of the labor expended in placing ballast in tracks not previously ballasted.

NOTE A: The cost of distributing and adjusting ties, rails, ballast, and other track material for repairs shall be charged to operating expenses, both when such materials are replaced in kind and when replaced with improved and heavier material.

NOTE B: The cost of work-train service in delivering ballast and of unloading such material is provided for in account 11, "Ballast."

§ 10.13 *Fences, snowsheds, and signs.* This account shall include:

(a) *Fences.* The cost of right-of-way fences and snow and sand fences, farm gates, cattle guards, wing fences, aprons, and hedges, on property not previously fenced, excluding those around stockyards, fuel stations, station and shop grounds, and building sites.

(b) *Snowsheds.* The cost of snowsheds, including initial cost of planting trees for protecting tracks from snow.

(c) *Signs.* The initial cost of signs other than those for identification of bridges, signals, stations, and other structures.

SIGN ITEMS

Boundary signs.
Bridge-caution signs.
Crossing signs.
Curve and elevation markers.
Division-limit signs.
Mileposts.
Monuments.
Safety-first signs at crossings.
Section-limit signs.
Slow or stop signs.
Tunnel-caution signs.
Water-station signs.
Water-trough signs.
Whistle signs.
Yard-limit signs.

NOTE A: The cost of fences (other than right-of-way boundary fences) around stock yards, fuel and water stations, and other building sites, shall be charged to the accounts appropriate for the cost of the structures.

NOTE B: The cost of signs for identifying bridges, signals, stations, and other structures shall be included in the account appropriate for the cost of the structures.

NOTE C: The cost of crossing signals, including crossing gates, shall be included in account 27, "Signals and interlockers."

NOTE D: It shall also include the cost of replacing units of such property or substantial parts of fences or snowsheds the original cost of which were charged to this account.

§ 10.16 *Station and office buildings.* This account shall include the cost of station and office structures, their fixtures, appurtenances, and furniture necessary first to equip the buildings for use.

STATION AND OFFICE STRUCTURES AND DETAILS

Baggage rooms.
Breakwaters for protection of buildings.
Buildings and rooms for trainmen.
Buildings on piers.
Call bells.
Coal bins.
Coal transferring machinery (not on coal and ore wharves).
Coal trestles (not at fuel stations).
Commissarial buildings.
Drainage and sewerage systems.
Dwellings.
Eating houses.
Electric wiring.
Elevators and machinery.
Express buildings.
Fences
Fire-engine houses.
Freight cranes.
Freight derricks.
Freight handling machinery.
Freight houses.
Garages.

Gas-supply systems.
General office buildings.
Grain cribs.
Grain elevators.
Grain warehouses.
Greenhouses.
Hay houses.
Heating plants.
Hedges.
Hoisting engines, for handling freight.
Hose houses.
Ice houses.
Lighting plants.
Mail cranes.
Milk stands.
Office buildings.
Ore-transferring machinery.
Outhouses.
Pavement within ground limits.
Platforms, freight.
Platforms, passenger, including planking between tracks.
Power distribution systems, interior.
Reading rooms.
Rooms for Y. M. C. A.
Scale houses.
Sidewalks.
Stables.
Station footbridges (not highway crossings).
Station intertrack fences.
Station platforms.
Station signs.
Station stairways.
Station subways (not highway crossings).
Station power houses.
Stations, freight.
Stations, passengers.
Stock pens.
Storehouses.
Telegraph offices.
Telpher systems.
Track scales.
Transfer houses.
Transfer platforms.
Waiting rooms.
Warehouses.
Washrooms.
Water-supply systems.
Yard offices.

NOTE A: Office buildings used exclusively in connection with maintenance of way shall be included in account 17, "Roadway buildings." Those used exclusively in connection with maintenance of equipment shall be included in account 20, "Shops and enginehouses."

NOTE B: The cost of grading and preparing grounds, both before and after the construction of station and office buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.17 *Roadway buildings.* This account shall include the cost of roadway shops and other roadway buildings, including drainage, water, gas, and sewer pipes and connections; and all machinery, fixtures, and furniture to equip the building ready for use.

LIST OF ROADWAY BUILDINGS

Bins for material.
Blacksmith shops.
Boarding houses.
Breakwaters for protection of buildings.
Carpenter shops.
Dwellings.
Fire-engine houses.
Frog shops for repair of track material.
Hand-car houses.
Lighting plants.
Lumber sheds.
Offices.
Outhouses.
Planing mills.
Rail shops for repair of track material.
Repair shops.
Scrap bins.
Section dwelling houses.
Stables.
Storehouses.
Tool houses.
Watch houses.

NOTE: The cost of grading and preparing grounds both before and after the construction of roadway buildings, and the cost of constructing sidewalks, driveways, and fences thereon shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.18 *Water stations.* This account shall include the cost of structures, facilities, and appliances necessary to equip for service, stations for supplying water. The cost of analyses of water preliminary to the establishment of water stations shall be included in this account.

WATER STATION STRUCTURES AND DETAILS

Boilers.
Breakwaters for protection of buildings.
Buildings on piers.
Cisterns.
Dams.
Fences.
Outhouses.
Penstocks.
Pump houses.
Pumps.
Purifying plants.
Reservoirs.
Settling basins.
Stationary engines.
Steam pipes.
Tanks and foundations.
Test wells.
Track tanks.
Tubs.
Water cranes.
Water pipe lines.
Water-treating plants.
Wells.
Windmills.

NOTE A: The cost of water stations used solely for supplying water to shops, power plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B: The cost of a temporary water station established only for use during the construction period shall be included in the primary accounts to which is charged the cost of the work in connection with which the water station is used.

NOTE C: The cost of grading and preparing grounds both before and after the construction of water station buildings, and the cost of constructing sidewalks, driveways, and fences thereon shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.19 *Fuel stations.* This account shall include the cost of structures, facilities other than tracks, and appliances necessary to equip for service, stations for supplying fuel to locomotives and floating equipment.

FUEL STATION STRUCTURES AND DETAILS

Breakwaters for protection of buildings.
Buckets.
Buildings on piers.
Coal buckets.
Coal buggies.
Coal hoists.
Coal pockets and chutes.
Dumping machinery.
Elevating machinery.
Fences.
Fuel houses or stations.
Fuel-oil columns.
Fuel-oil plants.
Fuel-oil pumps.
Fuel-oil sumps.
Fuel-oil tanks.
Fuel platforms.
Fuel wharves.
Indlines.
Outhouses.
Scales.
Sheds.
Stationary engines.
Tipple cars.
Weighing apparatus.
Wood racks.

NOTE A: The cost of fuel stations, coal houses, etc., used solely for supplying fuel to shops, power plants, stations, hotels, tenement houses, or section houses shall be charged to the appropriate accounts relating to the property so supplied.

NOTE B: The cost of a temporary fuel station established only for use during the construction period shall be included in the primary accounts to which is charged the cost of the work in connection with which the fuel station is used.

NOTE C: The cost of grading and preparing grounds both before and after the construction of fuel station buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.20 *Shops and enginehouses.* This account shall include the cost of buildings to be used as shops, enginehouses, and storehouses for material for maintenance of equipment; foundations, except those special to particular machines and other apparatus; furniture and fixtures other than equipment chargeable to account 44, "Shop machinery"; drainage, sewerage, and water-supply systems; and plants for heat and light.

SHOP AND ENGINEHOUSE STRUCTURES AND DETAILS

Air-compressor houses.
Ash pits and pockets.
Ash plants.
Bins for material.
Blacksmith shops.
Breakwaters for protection of buildings.
Buildings on piers.
Car sheds.
Car shops.
Carpenter shops.
Cinder pits.
Cinder pockets.
Drop pits.
Dry houses.
Electric-power distribution systems within buildings.
Enginehouses.
Fire-engine houses.
Footbridges (not public highways).
Foundries.
Gas-compressor houses.
Heating plants.
Hose houses.
Ice houses.
Laboratories.
Lighting plants.
Lumber sheds.
Machine shops.
Material and supply truck tracks.
Motor-crane tracks.
Offices, shop.
Oil houses.
Outhouses.
Paint shops.
Pipe lines, air, interior.
Pipe lines, car-heating.
Pipe lines, gas, interior.
Planing mills.
Platforms, shop and yard.
Repair shops.
Sand houses.
Scale houses.
Scrap bins.
Sidewalks.
Stables.
Steam-distribution systems, interior.
Storehouses.
Tanks, gas.
Tanks, oil.
Test rooms.
Tin shops.
Tool houses.
Track scales.
Transfer tables.
Turntables.
Upholstering shops.
Warehouses.
Wash rooms.
Watch houses.

NOTE A: The cost of distinct power plant buildings for shop purposes shall be included in account 29, "Power plants." The cost of distribution systems leading from such power plants to shops and enginehouses shall be included in account 31, "Power-transmission systems."

NOTE B: The cost of grading and preparing grounds both before and after the construction of shop and enginehouse buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE C: The cost of shop buildings devoted solely to the maintenance of way and structures shall be included in account 17, "Roadway buildings."

§ 10.21 *Grain elevators.* This account shall include the cost of structures, including the cost of conveyors, machinery, and fixtures which the railway companies operate for the transfer, treatment, and storage of grain.

The buildings referred to in this account are not small storage elevators at stations where grain is received for shipment, etc., but large elevators in which grain is stored for various owners.

NOTE A: Small storage elevators at way stations are classed as station buildings.

NOTE B: The cost of grading and preparing grounds both before and after the construction of grain-elevator buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE C: The cost of grain elevators leased to noncarriers shall be included in account 705, "Miscellaneous physical property."

§ 10.22 *Storage warehouses.* This account shall include the cost of storage warehouses, including machinery and fixtures therein.

The buildings herein referred to are not the ordinary freight warehouses or stations where freight is received for shipment, etc., but warehouses in which merchandise is stored and which the railway companies operate as storage warehouses.

NOTE A: The cost of grading and preparing grounds both before and after the construction of storage warehouse buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

NOTE B: The cost of warehouses leased to noncarriers shall be charged to account 705, "Miscellaneous physical property."

§ 10.23 *Wharves and docks.* This account shall include the cost of wharves, docks, dry docks, slips, float bridges, and other landings for vessels, including the cost of necessary dredging, and the cost of float-bridge machinery; also the cost of piling, pile protection, cribs, cofferdams, walls, and other necessary devices and apparatus for the operation or protection of wharves and docks.

DETAILS OF WHARVES AND DOCKS

Bridge pontoons.
Bulkheads.
Caissons.
Cribwork.
Dry docks.
Ferry-bridge machinery.
Ferry bridges.
Ferry racks.
Ferry slips.
Jetties.
Jetty inclines.
Transfer-bridge machinery.
Transfer bridges.

NOTE A: The cost of coal and ore wharves and docks shall be included in account 24, "Coal and ore wharves."

NOTE B: The cost of the land on which wharves are built and cost of riparian or water rights for wharves and docks shall be charged to account 2, "Land for transportation purposes."

NOTE C: The cost of buildings located on wharves shall be included in the accounts appropriate for the class of buildings.

NOTE D: The cost of grading and preparing grounds both before and after the construction of wharves (other than coal and ore wharves) and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the wharves, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the wharves.

§ 10.24 *Coal and ore wharves.* This account shall include the cost of wharves and docks for the transfer, treatment, blending, or storage of coal or ore, including the cost of necessary dredging and of conveyors, machinery, and fixtures.

NOTE A: The structures referred to in this account do not include small transfer or storage trestles or wharves at stations where coal is stored or delivered, such trestles being classed as station buildings.

NOTE B: The cost of grading and preparing grounds both before and after the construction of coal and ore wharves, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the wharves, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the wharves, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the wharves.

§ 10.26 *Communication systems.* This account shall include the cost of telegraph, telephone, radio, radar, inductive train communication, and other communication systems, including terminal equipment.

Details of telegraph and telephone terminal equipment:

Batteries.
Cables and wires, interior.
Carrier terminating equipment.
Conduits, interior.
Connecting wires.
Current-controlling instruments.
Electric generators and motors.
Electric meters.
Engines, stationary.
Fuses and mechanical protectors.
Rectifiers.
Rheostats.
Sending and receiving instruments.
Switchboards.
Telegraph repeaters.
Telephone repeaters.
Teletypewriters.
Testing outfits.
Transformers.

Details of telegraph and telephone outside plant:

Aerial attachments.
Braces.
Brackets.
Cable boxes and appurtenances.
Cables and wires, aerial.
Conduits and appurtenances.
Cross arms.
Gas and associated facilities for cables.
Guy grubs.
Guy wires.
Insulators.
Load coils.
Poles.
Submarine cables and connections.
Telephone pole boxes.
Towers.
Underground cables and connections.

Details of radio, radar, and inductive train communication equipment:

Aerials or antenna, and attachments.
Buildings or towers used exclusively for wireless.
Control units.
Power generating, converting, or supply equipment.
Radar console and associated equipment.
Roadwide or office equipment for all wireless systems operated on special channels between train and train, train and tower or office, or between ship and shore.
Specialized testing and repair equipment.
Transmitters and receivers, including mobile units.

NOTE A: Radio, radar or trainphone equipment (except portable apparatus) which is permanently attached to locomotives, cars, work equipment, or other rolling stock or floating equipment shall be included in the same accounts as the equipment on which installed. Wireless sets for instruction, advertising, or entertainment shall be included in the same accounts as the building in which located.

NOTE B: Communication systems of limited extent, not connected with other systems, used for special purposes and usually installed within a single building, group of buildings, or within the limits of a station or shop layout or yard, shall be included in the same account as the building in which located or in the account appropriate for the service with which associated.

ITEMS

Buzzers, bells, dictaphones or other interoffice communication systems in an office or group of buildings.
Loud speakers, bells, or whistles in shop and other yards.
Loud speakers, public address devices, press button control lights, telautograph or other systems in stations or on platforms.
Whistles, klaxons, or horns operated from signal towers.

NOTE C: Test sets shall be classified as tools and included in the account appropriate for their use.

§ 10.27 *Signals and interlockers.* This account shall include the cost of interlocking and other signal apparatus for governing the movements of locomotives, cars, and trains, and for the protection of traffic at crossings, including towers and other buildings, furniture, fixtures, and machinery in connection therewith; roadway installations for train control and remote control including the cost of the initial tests of such installations; also the cost of buildings and machinery of power plants used primarily for the production of power for the operation of signals and interlockers.

ITEMS

Air compressors.
Automatic-train control devices other than on equipment.
Batteries.

Battery wells and houses.
Boilers.
Call-bell systems along track to call in flagmen.
Call boxes, electric.
Car-retarder systems.
Centralized traffic control.
Conduits for pipe and wire.
Crossing flasher-light signals.
Crossing gates, highway and railway.
Crossing signal bells.
Crossing warning signals.
Distant signals.
Dynamos.
Engines, stationary.
Home signals.
Impedance bonds.
Interlocker buildings.
Interlocker machinery.
Interlocker mechanism.
Levers.
Power apparatus primarily for the operation of signals and interlockers.
Power-distribution lines primarily for the operation of signals and interlockers.
Rail bonds.
Railway crossing signals.
Relays.
Semaphores.
Signal and switch levers.
Signal arms.
Signal blades.
Signal bridges.
Signal buildings.
Signal cables.
Signal-lamp brackets and connections.
Signal lamps.
Signal machinery.
Signal poles and foundations.
Signal pulleys and foundations.
Special appliances.
Station signals.
Train-order signals.
Wiring.

NOTE A: When signal or interlocking apparatus is located in a station building, only the cost of the signal or interlocking apparatus shall be charged to this account. The entire cost of the building shall be included in account 16, "Station and office buildings."

NOTE B: The cost of track material, such as switches, special rail braces, special rods, special track fastenings, split rails, derails, derail stands, and frogs, used in connection with interlockers, shall be included in account 10, "Other track material."

NOTE C: When derails are arranged so as to be thrown from switch stands, the cost of labor expended in the installation of the connections between the switch stand and derail and the devices for throwing the derail shall be included in account 12, "Track laying and surfacing." The cost of the material shall be included in account 10, "Other track material."

NOTE D: The cost of grading and preparing grounds both before and after the construction of signal and interlocker buildings, and the cost of constructing sidewalks, driveways, and fences thereon, shall be included in the cost of the buildings, as shall also the fees and expenses of architects specially employed for designing or supervising the construction of the buildings, but the cost of restoring the grounds after addition and betterment work shall be included in the appropriate operating expense accounts. The cost of permanent water rights shall also be included in the cost of the buildings.

§ 10.29 *Power plants.* This account shall include the cost of power-plant and substation buildings (housing machinery provided for in account 45, "Power-plant machinery"); all foundations other than those special to particular machines and apparatus; and also dams, canals, pipe lines, and accessories devoted to the utilization of water for power. Gas and sewer pipes and their connections, fixtures (including wiring) for lighting and heating, and furniture and miscellaneous fixtures, shall be considered as a part of the power-plant buildings.

POWER-PLANT STRUCTURE ITEMS

Buildings.
Coal pockets and trestles.
Coal bunkers.
Fences (other than right-of-way boundary fences).
Fixtures for lighting (including wiring) and heating power-plant buildings.
Foundations (except special foundations for machines and other apparatus).
Fuel-oil tanks.
Furniture.
Hose and appliances for protecting buildings against fire.
Pavement within ground limits.
Permanent rights in water supply.
Platforms.
Smoke stacks and chimneys and their foundations when distinct from and not resting on boilers.
Water, sewer, gas, and drainage pipes and connections.
Wells (but not pumps).

DAM, CANAL, AND PIPE-LINE ITEMS

Aqueducts.
Bridges.
Fences (Other than right-of-way boundary fences).
Footbridges.
Forebays.
Gates.
Grids.
Inlet valves.
Penstocks.
Reservoirs.
Roadways.
Sluices.
Valves.
Water rights.

NOTE A: The cost of power-plant machinery, including stacks resting on boilers, and special foundations for machines, shall be included in account 45, "Power-plant machinery."

NOTE B: The cost of the buildings and of the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE C: Investment in buildings and machinery of detached plants for furnishing power both for operating purposes and for sale shall be included in this account and in account 45, "Power-plant machinery," respectively. When plants are intended and used primarily for generating power for sale to other than common carriers, the investment shall be included in account 705, "Miscellaneous physical property."

§ 10.31 *Power-transmission systems.* This account shall include the cost of systems for conveying electricity, steam, and compressed air from producing plants to place or building where used; also the cost of conduits and of poles, cross arms, insulator pins, brackets, and other pole fixtures, and of other structures for power-transmission and distribution systems, including those for electric railway operation, and lighting systems for general lighting purposes.

POWER-TRANSMISSION SYSTEM ITEMS

Air pipe-lines in car yards.
Cables.
Compressed air pipe-lines.
Compressed air storage tanks (not at power houses or shops).
Cut-outs (not at power houses and substations).
Feed wires.
Guard wires.
Insulators and connections.
Overhead trolley wires.
Rail-bond plugs.
Rail bonds.
Rail-insulating devices.
Span wires.
Steam-heating pipe-lines in car yards.
Steam pipe-lines.
Switchboards (not at power houses and substations).
Third rail.
Third-rail braces.
Third-rail insulation and protection.
Third-rail supports.
Transformers (not at power houses and substations).
Underground power tubes.

POLE-LINE AND CONDUIT ITEMS

Braces and other supports for holding poles in position.
Brackets and other pole fixtures.
Conduits for wires and cables.
Cross arms.
Cutting and trimming trees.
Guy stubs.
Guy wires.
Insulator pins.
Manholes.
Poles.
Sewer traps.
Stenciling or painting letters or numbers on poles.
Towers.

NOTE A: The cost of wire and pipe-distribution systems located within shop buildings and in stations and office buildings shall be included in the cost of the buildings, except that lateral service lines to equipment-shop machines shall be included in account 44, "Shop machinery." The cost of distribution systems used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE B: The cost of conduits and of poles and fixtures for telegraph and telephone, or signal lines shall be included in account 26, "Communication systems," or account 27, "Signals and interlockers," as appropriate. The cost of poles and conduits used for telegraph and telephone or signal lines and for power-distribution lines shall be included in the account appropriate according to their predominant use.

§ 10.35 *Miscellaneous structures.* This account shall include the cost of all permanent structures not provided for elsewhere, including all fixtures and furniture to equip them for use.

§ 10.37 *Roadway machines.* This account shall include the cost of the initial outfit of roadway machines provided for the maintenance of roadway and structures at the time the road is opened for commercial traffic, and the cost of additional roadway machines acquired subsequently.

LIST OF ROADWAY MACHINES

Boilers, portable.
Cars, hand.
Cars, lever.
Cars, motor inspection.
Cars, push.
Cars (small), crane, for supply yards and general use.
Concrete mixers.
Ditching machines.
Dredging machines.
Engines, portable.
Grading outfits.
Hydraulic outfits.
Jacks, hydraulic.
Log loaders.
Pile drivers.
Plows, unloading.
Rail unloaders.
Rock crushers.
Steam rollers.
Timber trucks.
Velocipedes.

NOTE A: When an important addition and betterment project or the construction of a new line necessitates the purchase of roadway machines to be used exclusively thereon, the cost shall be included in the accounts to which the cost of the work is charged. The amount realized from any subsequent sale, or the appraised value of the machines retained after the completion of the special work for which they were purchased, shall be credited to the accounts charged with the cost thereof. The appraised value of such machines retained shall be debited to this account and thereafter considered as the cost of such property.

NOTE B: The cost of machines for the equipment of roadway shops shall be included in account 17, "Roadway buildings," as provided for therein.

NOTE C: The cost of roadway machines, such as pile drivers, log loaders, hoist engines, and concrete mixers, when permanently mounted for movement on the carrier's tracks, shall be included in account 57, "Work equipment."

§ 10.38 *Roadway small tools.* This account shall include the cost of the initial outfit of roadway and track small tools provided for the maintenance of way and structures at the time the road is opened for commercial traffic; also the initial outfit of such tools provided for the maintenance of extensions of such road.

LIST OF ROADWAY TOOLS

Adzes.
Anvils.
Augers.
Axes.
Ballast forks.
Bars, claw.
Bars, crow.
Bars, lining.
Bars, pinch.
Bars, raising.
Bars, tamping.
Braces and bits.
Brooms.
Brush hooks.
Cable stretchers.
Cables.
Cans, oil.
Cans, water.
Cant hooks.
Chains.
Chisels, track.
Chisels, wood.
Curbing hooks.
Dippers.
Drawing knives.
Drill bits.
Drills, portable.
Flags, signal.
Furnaces, portable.
Grindstones.
Hammers, napping.
Hammers, paving.
Hammers, spiking.
Handles for tools.
Hatchets.
Hoes.
Jack levers.
Jacks, ratchet.
Jacks, screw.
Jacks, track.
Kegs, water.
Ladders.
Lanterns and fixtures.
Lawn mowers.
Levels.
Lines for ditching.
Nippers.
Oilstones.
Padlocks.
Pails, water.
Paint brushes.
Picks, clay.
Picks, tamping.
Pike poles.
Post-hole diggers.
Post-hole tampers.
Punches.
Rail benders.
Rail tongs.
Rakes.
Rope.
Saws, crosscut.
Saws, hand.
Scrap boxes.
Scythes.
Shovels.
Sickles.
Sledges.
Spades.
Spike mauls.
Spike pullers.
Spot boards.
Squares.
Straightening machines.
Tape lines.
Thermometers for laying rail.
Tongs.
Tool boxes.
Torches.
Track gauges.
Track levels.
Vises.
Weed spuds.
Wheelbarrows.
Whetstones.
Wood mallets.
Wrenches, monkey.
Wrenches, track.

NOTE: The cost of roadway and track small tools of which no specific record is kept shall be charged when acquired to an appropriate materials and supplies account, from which they shall be charged as issued to the appropriate road and equipment, operating expense, or other accounts. When such tools are used both for construction and maintenance work the cost shall be equitably apportioned among the accounts provided for the two classes of work.

§ 10.39 *Public improvements; construction.* This account shall include amounts assessed on carrier property by governmental authority (by mutual agreement or otherwise) to cover the cost of constructing public improvements, when such assessments are made against property within defined areas of taxing districts. It shall also include the cost borne by the carrier of public improvements constructed by it under governmental requirements.

The entire amount of each assessment for public improvements shall be included in this account as soon as it is determined.

ITEMS

Cost of land outside carrier's right of way to provide for the relocation of streets or highways or providing slopes therefor.
Cost of removal and relocation of buildings and other structures in connection with the construction of streets and highways.
Curbing streets and highways.
Damage to property of others when incidental to highway construction.
Drainage systems.
Engineering—When such costs apply to items chargeable to this account.
Flood protection.
Grading streets and highways.
Guttering streets and highways.
Irrigation systems.
Levees.
Overhead highway bridges, including approaches.
Paving streets and highways, including such pavings at crossings.
Planking, highway crossings.
Sewer systems.
Sidewalks.
Street-lighting systems.
Water works.

NOTE A: The cost of railway facilities installed in connection with joint public improvement projects if not in excess of total costs borne by the carrier shall be included in accounts other than account 39, "Public improvements—Construction," appropriate for the class of property installed. Any costs borne by the carrier in excess of the cost of railway facilities shall be charged to this account.

NOTE B: The cost to the carrier of maintaining public improvements shall be included in Operating Expenses.

NOTE C: Any portion of the cost of public improvements which is included in the general tax levy for a regular taxing district shall be included in the account appropriate for taxes.

NOTE D: The amount of the deferred payments of assessments for public improvements if payments are to be made within one year, shall be included in account 768, "Other current liabilities." If the payments are spread over a longer period they shall be credited to account 770, "Other deferred liabilities." The interest paid on such assessments shall be included in account 547, "Interest on unfunded debt."

NOTE E: Interest and penalties imposed, on basis of monthly or annual percentage rates, for failure to pay assessments within the allotted time shall be charged to account 547, "Interest on unfunded debt."

NOTE F: Assessments on noncarrier property for the cost of constructing public improvements shall be charged to account 705, "Miscellaneous physical property."

§ 10.40 *Revenues and operating expenses during construction.* This account shall include the cost of operating a piece of road during the period before the regular operation of revenue trains, including rent and repairs of equipment used in commercial service during such period. It includes the cost of running construction trains over such section of road when the cost of operating such trains can not properly be charged to any specific account.

To this account shall be credited amounts collected for rents of buildings and other properties and for the transportation of commercial freight or of passengers on construction trains; also the net profits from boarding and commissarial outfits, and other sources of operating revenue.

Carriers which wish to subdivide this account shall use appropriate subaccounts corresponding to accounts prescribed for operating revenue, operating expense, or income accounts.

§ 10.42 *Reconstruction of road property acquired.* When road property acquired is in such physical condition that it is necessary to substantially rebuild the road in order to bring it up to the standard required by the carrier, the accounting for such reconstruction including retirements in connection therewith shall be presented to the Commission for approval before being entered in the accounts.

NOTE: A comprehensive statement of the estimated amount necessary to reconstruct a road in accordance with the above provision shall be made to the Commission as soon as the estimate is made.

§ 10.43 *Other expenditures; road.* This account shall include items which can not properly be included in any of the foregoing accounts as a part of the cost of any specific work, amounts paid for rent and repairs of equipment and for injuries to persons incident to and in connection with original road, road extensions, or additions and betterments; and analogous items. When assignable, such expenditures shall be included in the cost of the property in connection with which the expenditure occurs.

NOTE: Rents paid for and repairs made to equipment used in commercial operations during the period before the regular operation of revenue trains shall be charged to account 40, "Revenues and operating expenses during construction."

§ 10.44 *Shop machinery.* This account shall include the cost of machinery and other apparatus in shops and engine houses, including the cost of special foundations and installation, and cost of small hand tools necessary first to equip a shop.

LIST OF SHOP MACHINERY

Air compressors.
Ash conveyors.
Belting.
Blowers.
Boilers for furnishing power.
Boring machines.
Cars, motor.
Cars, push.
Cranes.
Drill presses.
Drilling machines.
Drop tables.
Forges.
Framing machines.
Furnaces.
Grinding and polishing machines.
Hoists.
Hydraulic jacks.
Lathes.
Lifting magnets.
Metal chimneys.
Milling machines.
Motors.
Pipe cutting and threading machines.
Planers.
Pneumatic hammers.
Power equipment.
Punches.
Riveters.
Saws.
Shafting.
Shapers.
Slotters.
Stationary engines.
Steam hammers.
Vises.
Welding machines.
Woodworking machines.

NOTE A: The cost of power plant machinery and other apparatus for shop purposes, when located in distinct buildings, shall be included in account 45, "Power plant machinery."

NOTE B: The cost of foundations other than those special to particular machines

and other apparatus shall be included in the cost of the building, and not in this account.

§ 10.45 *Power-plant machinery.* This account shall include the cost of machinery and other apparatus in power plants and substations for generating and transforming power used for the operation of trains and cars or to furnish power, heat, and light for stations, shops, and general purposes, and also the cost of foundations special to particular machines or other apparatus including the cost of installation.

ITEMS

Air compressors.
Ammeters.
Ash-conveying machinery.
Batteries.
Battery-charging apparatus.
Belting.
Boiler-room appliances and tools.
Boilers and fittings.
Boosters.
Cables, interior.
Circuit breakers.
Clutches.
Coal-conveying machinery.
Condensers.
Conductors.
Cranes.
Cut-outs.
Draft machinery.
Dynamos.
Economizers.
Engine-room appliances and tools.
Feed water heaters.
Furnaces.
Generators.
Hangers.
Hoists.
Ice - manufacturing machinery and apparatus.
Insulators.
Lubricating devices.
Machinery.
Mechanical stokers.
Metal stacks on boilers.
Piping.
Pumps.
Purifiers.
Refrigerating - machinery and apparatus.
Rheostats.
Rotary convertors.
Sewer connections for machinery.
Shafting.
Special foundations for machines.
Stationary engines.
Steam - distribution systems within the plant.
Steam fittings.
Switchboards.
Switches.
Tanks.
Tractors, trailers, and trucks, permanently assigned to power plants.
Transformers.
Turbines.
Voltmeters.
Water meters.
Waterwheels.
Well pumps.
Wires from generators or transformers to switchboard.

NOTE A: The cost of power machinery and other apparatus installed in a shop as part of the shop equipment shall be included in account 44, "Shop machinery."

NOTE B: The cost of power machinery and other apparatus installed in station and office buildings shall be included in account 16, "Station and office buildings."

NOTE C: The cost of the buildings and the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 27, "Signals and interlockers."

NOTE D: The cost of foundations other than those special to particular machines and other apparatus shall be included in the cost of the building and not in this account.

NOTE E: The cost of machinery and buildings of detached plants for producing power both for operating purposes and for sale shall be included in this account and in account 29 "Power plants," respectively. When plants are intended and used primarily for generating power for sale to non-carriers the investment shall be included in account 705, "Miscellaneous physical property."

§ 10.47 *Unapplied construction material and supplies.* This account shall include the cost of material and supplies located at the point of use which have been purchased for projected new roads and road extensions.

The purpose of this account is to exclude from the current assets the cost of supplies and unapplied material which are located for use on projected new roads and road extensions, under the condition that the material will not be used for other purposes.

NOTE A: Material and supplies designed for projected new roads and road extensions which are carried in storehouses and store yards and included in the general stock of an operating company shall be included in balance-sheet account 716, "Material and supplies."

NOTE B: The cost of unapplied materials and supplies on hand at the completion of construction work shall be transferred to balance-sheet account 716, "Material and supplies."

EQUIPMENT

§ 10.50 *Equipment.* The several primary accounts included in this general account are designed to show the cost of the several classes of equipment owned by the carrier, or held under equipment trust agreements for purchase.

To the appropriate primary accounts in this general account shall be charged the cost of all equipment, such as steam locomotives, electric locomotives, passenger-train cars, freight-train cars, work equipment, floating equipment, and the necessary appurtenances, furniture, and fixtures first to equip for service, including the cost of inspection, setting up, and trying out, and transportation over foreign lines; also the cost of additions, such as headlights, mechanical stokers, power brakes, vestibules, machinery for self-propulsion, heating and lighting apparatus, and the like; and the excess cost of betterments, such as improved appliances, parts, or appurtenances, over the cost at current prices (as new) of the appliances, parts, or appurtenances removed. The cost of removing the old appliances and applying the improved shall be charged to operating expenses.

The ledger value of each unit of equipment shall be credited to the appropriate equipment account when it is permanently retired from service. (See Note A which follows.)

The service value (see Note B which follows) of the unit shall be charged to account 702½D, "Accrued depreciation—Equipment." An equitable proportion of any balances carried in accounts 72 to 77, inclusive, applicable to the equipment retired, shall be credited thereto concurrently and charged to account 330, "Retirements—Equipment."

The value of the salvage (see Note C which follows) from the unit shall be charged to account 716, "Material and supplies," or to other account appropriate according to the disposition thereof. In case the retired equipment is held without being torn down, the estimated value of the salvage therefrom shall be included in account 722, "Other deferred assets," until the salvage is recovered.

The cost of tearing down the retired unit and recovering the salvage shall be charged to account 329, "Dismantling retired equipment."

The ledger value (estimated if not known) of all parts of equipment retired and not replaced shall be credited to the property investment account and the service value thereof charged to account 702½D, "Accrued depreciation—Equipment."

When equipment of one class is converted so as to be includible in another class, the accounting shall be as provided in § 10.01–11 *Adjustment for converted property.*

When an important addition and betterment project or the construction of new lines necessitates the purchase of equipment to be used exclusively therein, the cost of such equipment shall be included in the accounts representing the cost of the work, and no charge shall be made to operating expenses for depreciation on such equipment while the cost remains so charged. The amount realized from any subsequent sale, or the appraised value of the equipment retained after the completion of the special work for which it was purchased, shall be credited to the accounts charged with its cost. The appraised value of such equipment retained shall be debited to the appropriate primary account herein, and thereafter, for the purposes of accounting, such appraised value shall be considered as the cost of the equipment.

When second-hand equipment acquired is in such physical condition that it is necessary to make extensive repairs to it to bring it up to the standard required by the carrier, the cost of such repairs shall be included in the account appropriate for the cost of the equipment. A comprehensive statement of the amount estimated to be necessary to rebuild second-hand equipment in accordance with the above provision shall be furnished to the Commission as soon as the estimate is made.

When equipment is rebuilt in order to modernize and create an expectation of life fairly comparable with new units of similar type and capacity, the units shall be accounted for as retired from service and their cost as rebuilt shall be charged to the appropriate equipment account. Units of equipment accounted for as rebuilt shall conform to the requirements of the A. A. R. Code of Rules for rebuilt units. The cost of the rebuilt equipment shall be the sum of:

(a) Cost of new material applied.

(b) Current market price new of secondhand parts applied or remaining therein less allowance for secondhand condition.

(c) Cost of labor constructing rebuilt units. *Provided,* That such costs shall not be in excess of the cost (at current market prices of labor and material) of a new unit of equal capacity and equal expectancy of life in service, less a suitable allowance on account of the secondhand portions remaining therein.

The accounting for leased equipment retired shall be in accordance with provisions in § 10.01–7 *Road property retired* relating to leased road property retired.

NOTE A: The term "retired from service" as applied to equipment means equipment which has been permanently withdrawn from transportation service. The dismantling or tearing down of a unit of equipment in order to replace parts thereof with improved parts, when it does not constitute rebuilding such unit, shall be accounted for as repairs. In accounting for such repairs due consideration shall be given to the instructions with respect to accounting for additions and betterments.

NOTE B: The term "service value" as applied to equipment means the ledger value thereof less the value of the salvage therefrom.

NOTE C: The term "value of salvage" means the amount received for property retired, or for the material salvaged therefrom, if sold; or if retained, the value at which the property or the material salvaged therefrom is chargeable to account 716, "Material and supplies," or other account of this system of accounts.

The following list of units of equipment is prescribed for the purpose of designating items of equipment, the ledger value of which shall be credited to the property investment account at the time of retirement:

51. Steam locomotives.
A complete locomotive.
A locomotive, exclusive of tender.
A tender.
A locomotive booster.
52. Other locomotives.
A complete locomotive.
A complete motor equipment.
A propulsion motor.
A generator for propulsion power.
53. Freight-train cars.
A complete car.
A complete motor equipment.
A freight container, complete.
A propulsion motor.
A generator for propulsion power.
54. Passenger-train cars.
A complete car.
A complete motor equipment.
A propulsion motor.
A generator for propulsion power.
56. Floating equipment.
A complete vessel or boat.
A boiler.
A steam engine.
An electric generator.
A motor.
57. Work equipment.
(a) Rail equipment:
(1) A complete car or machine.
(2) A boiler.
(3) A steam engine.
(4) A motor.
(5) Machinery equipment (with or without tractive machinery) such as concrete mixer, snow plow, derrick, steam shovel, or pile driver.
(6) A complete motor equipment.
(7) A generator for propulsion power.
(b) Floating equipment—Work:
(1) A complete vessel or boat.
(2) A boiler.
(3) A steam engine.
(4) A motor.
(5) An electric generator.
58. Miscellaneous equipment.
A horse.
A wagon.
An automobile vehicle.

§ 10.51 *Steam locomotives.* This account shall include the cost of steam locomotives and tenders, purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including the cost of inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air-brake equipment and hose.
Arm rests.
Awnings.
Brake fixtures.
Cab cushions.
Cab lamps.
Clocks.
Coal boards.
Fire - extinguishing apparatus.
Gongs.
Head lamps.
Metallic packing.
Pneumatic sanding equipment.
Seat boxes.
Signal lamps.
Speed recorders.
Steam-gauge lamps.
Steam-heat equipment and hose.
Storm doors.
Tool boxes.
Train-signal equipment and hose.

§ 10.52 *Other locomotives.* This account shall include the cost of locomotives other than steam, purchased or built by the carrier, and of appurtenances, furniture, and fixtures necessary to equip them for service, including inspection, setting up, and trying out after receipt from builders, and transportation charges to the carrier's line.

NOTE: Cars with motor equipment are not to be classed as locomotives.

§ 10.53 *Freight-train cars.* This account shall include the cost of freight-train cars of all classes, including motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and the cost of inspection and transportation charges to the carrier's line.

LIST OF FREIGHT-TRAIN CARS

Ballast (commercial).
Beer.
Box.
Cabin.
Caboose.
Charcoal.
Coal.
Coke.
Dump (commercial).
Flat.
Fruit.
Furniture.
Gondola.
Gondola (hopper).
Gondola (long).
Gun truck.
Hay.
Lime.
Logging.
Oil tank.
Ore.
Platform.
Poling.
Poultry.
Produce.
Rack.
Refrigerator.
Stock.
Tank and water (when used as commercial cars).

LIST OF APPURTENANCES TO FREIGHT-TRAIN CARS

Air-brake equipment, including hose.
Cooking equipment and utensils.
Cushions.
Heating equipment.
Ice boxes.
Lamps and fixtures.
Seats.
Speed recorders.
Train-signal equipment, including hose.
Water tanks.

§ 10.54 *Passenger-train cars.* This account shall include the cost of passenger-train cars of all classes, including motor-driven cars, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip them for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF PASSENGER-TRAIN CARS

Baggage.
Baggage-express.
Baggage-mail.
Baggage-mail-express.
Buffet.
Café.
Chair.
Club.
Colonist.
Dining.
Express.
Immigrant.
Library.
Mail.
Milk.
Observation.
Parlor.
Parlor-baggage.
Passenger.
Passenger-baggage.
Passenger - baggage-mail.
Postal.
Refrigerator-express.
Sleeping.
Smoking.
Tourist.

LIST OF APPURTENANCES TO PASSENGER-TRAIN CAR

Air-brake equipment, including hose.
Bedding.
Chairs.
Coat hooks.
Curtains and fixtures.
Cushions.
Electric bells.
Floor coverings.
Heating equipment.
Ice boxes.
Ice tanks.
Kitchen equipment and utensils.
Lighting equipment.
Mail catchers.
Parcel racks.
Ranges and boilers.
Seats.
Speed recorders.
Steam-heat hose.
Table china.
Table glassware.
Table linen.
Table silver.
Toilet equipment.
Train-signal equipment, including hose.
Water tanks.

§ 10.56 *Floating equipment.* This account shall include the cost of marine or floating equipment of all kinds except work equipment, purchased or built by the carrier, including all appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF FLOATING EQUIPMENT

Barges.
Canal boats.
Car and other floats.
Ferryboats.
Lighters.
Power launches.
Power lighters.
Scows.
Steamboats.
Steamships.
Transfer boats.
Tugboats.

LIST OF APPURTENANCES TO FLOATING EQUIPMENT

Anchors.
Axes.
Barometers.
Beds and bedding.
Binnacle lamps.
Blocks and tackle.
Boilers and foundations.
Cables.
Capstan bars.
Carpets.
Charts.
China, crockery, and glassware.
Chronometers.
Clocks.
Compasses.
Counters.
Desks.
Engines and foundations.
Fire buckets.
Fire extinguishers.
Floor coverings.
Flue cleaners.
Furniture.
Gangplanks.
Hatchets.
Heating equipment.
Hoisting equipment.
Hooks.
Keys.
Kitchen equipment.
Life preservers.
Lighting equipment.
Linen.
Lines.
Logs.
Machinery and foundations.
Masts.
Oilcans.
Pianos and other musical instruments.
Pumps.
Racks.
Railings.
Rakes.
Rigging.
Safes.
Sails.
Scales.
Seats, chairs, and cushions.
Shovels.
Slice bars and pokers.
Spyglasses.
Steam distribution systems.
Steering equipment.
Telescopes.
Ticket cases.
Tool boxes.
Tools, miscellaneous.
Tracks on car floats.
Ventilating equipment.
Wrenches.

§ 10.57 *Work equipment.* This account shall include the cost of work equipment, including motor-driven equipment, purchased or built by the carrier; cost of appurtenances, furniture, and fixtures necessary to equip it for service, and cost of inspection and transportation charges to the carrier's line.

LIST OF RAIL WORK EQUIPMENT

Air-brake instruction cars.
Ballast cars.
Ballast unloader cars.
Boarding cars.
Bridge cars.
Business cars.
Camp cars.
Cinder cars.
Concrete mixers (mounted).
Derrick cars.
Dirt spreaders (mounted).
Ditching cars.
Dump cars.
Dynamometer cars.
Gas tank cars.
Grading cars.
Gravel cars.
Indicator cars.
Locomotive tanks used permanently as water cars.
Locomotives.
Officers' cars.
Outfit cars.
Painters' cars.
Pay cars.
Pile drivers (mounted).
Rail saws (mounted).
Salt cars.
Sanding cars.
Scale test cars.
Scraper cars.
Snow dozers.
Snow drags.

Snow plows (moved by but not attached to locomotives).
Sprinkling cars.
Steam shovels.
Steam wrecking derricks.
Supply cars.
Sweeper cars.
Tool cars.
Tool and block cars.
Water cars.
Weed burners (mounted).
Wrecking cars.

LIST OF FLOATING WORK EQUIPMENT

Derricks.
Dredges.
Pile drivers.

APPURTENANCES TO FLOATING WORK EQUIPMENT

Anchors.
Axes.
Barometers.
Beds and bedding.
Blocks and tackle.
Boilers and foundations.
Cables.
China, crockery, and glassware.
Compasses.
Cushions.
Desks.
Engines and foundations.
Fire extinguishers.
Fire buckets.
Floor coverings.
Flue cleaners.
Gangplanks.
Hatchets.
Heating equipment.
Hoisting equipment.
Hooks.
Keys.
Life preservers.
Lighting equipment.
Linen.
Lines.
Machinery and foundations.
Masts.
Oil cans.
Pumps.
Rakes.
Rigging.
Sails.
Seats and chairs.
Shovels.
Slice bars and pokers.
Steam distribution systems.
Steering equipment.
Tool boxes.
Tools, miscellaneous.
Wrenches.

§ 10.58 *Miscellaneous equipment.* This account shall include the cost of horses and harness; and cost of wagons, automobiles, and other highway vehicles.

§ 10.59 *Unapplied material and supplies; equipment.* This account shall include the cost of unapplied material and supplies located at the point of use which have been purchased specifically for the construction of new railroad equipment.

NOTE A: If material and supplies designated for new railroad equipment are carried in storehouses and storeyards as part of the general stock of the company, their cost shall be included in balance sheet account 716, "Material and supplies."

NOTE B: The cost of unapplied material and supplies on hand at the completion of construction work shall be transferred to balance sheet account 716, "Material and supplies."

GENERAL EXPENDITURES

§ 10.70 *General expenditures.* The primary accounts of this general account are designed to include expenditures made in connection with the acquisition and construction of original road and equipment, and with extensions, additions, and betterments to road and equipment property, when such expenditures can not properly be included in any of the foregoing accounts as a part of the cost of any specific work. When assignable, such expenditures shall be included in the cost of the property in connection with which the expenditures occur.

§ 10.71 *Organization expenses.* This account shall include all fees paid to governments for the privilege of incorporation, and office and other expenditures incident to organizing the corporation and putting it in readiness to do business; cost of preparing and distributing prospectuses; costs of soliciting subscriptions for stock; cash fees paid to promoters, and the actual cash value (at the time of the organization) of securities paid to promoters for their services in organizing the enterprise; special counsel fees; cost of preparing and issuing certificates of stock; cost of procuring the necessary certificates from State authorities; and other like costs.

NOTE: Cost of soliciting for loans or for the sale of bonds or other evidences of indebtedness shall be charged to balance-sheet account 725, "Discount on funded debt."

§ 10.72 *General officers and clerks.* This account shall include the pay and expenses of executive and general officers and of general office clerks engaged exclusively in connection with the construction of new road and extensions.

NOTE: The salaries and expenses of executive and general officers and of general office clerks engaged in connection with the conduct of commercial operations during the period before the regular operation of revenue trains shall be included in account 40, "Revenues and operating expenses during construction."

§ 10.73 *Law.* This account shall include specific and distinct expenditures, not provided for elsewhere, for law service in connection with the acquisition of new road, road extensions, additions, and betterments, such as pay and expenses of counsel, solicitors, and attorneys, their clerks and attendants, and expenses of their offices.

ITEMS OF EXPENSES

Arbitrators' services in settlement of disputed questions.
Cost of taking depositions.
Cost of testimony.
Costs of suits.
Court bonds.
Court expenses.
Express charges.
Fees and retainers of attorneys not regularly employed.
Law books.
Legal forms.
Legal reports.
Notarial fees not provided for elsewhere.
Office expenses.
Printing of briefs, testimony, etc.
Rent of offices.
Special fees.
Telegraph service.
Telephone service.
Traveling expenses.
Witness fees not provided for elsewhere.

NOTE: Court costs and special counsel fees in connection with the acquisition of land for transportation operations shall be included in account 2, "Land for transportation purposes."

§ 10.74 *Stationery and printing.* This account shall include the cost of stationery, stationery supplies, postage, office devices, and printed matter used by any class of employees in connection with construction and not provided for elsewhere.

ITEMS OF STATIONERY AND PRINTING

Adding machines.
Addressographs and supplies.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cross-section books.
Cross-section paper.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Drawing paper.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes.
Forms, blank and printed.
Fuel tickets.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Parchment paper.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches (not conductors' or bagagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand note books.
Sponge cups.
Sponges.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Time-tables.
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Waybills.
Wrapping paper.
Wringers for copying presses.

NOTE A: The cost of printing bonds, etc., in connection with the carrier's funded debt shall be included in balance-sheet account 725, "Discount on funded debt."

NOTE B: The cost of stationery and printing, when assignable, shall be included in the cost of the property in connection with the acquirement or construction of which the expenditure occurs.

§ 10.75 *Taxes.* This account shall include State, county, township, city, school, road, annual franchise, and all other taxes and assessments levied and paid on property belonging to the carrier during construction and before the facilities are used for commercial operations, except special assessments for street and other improvements chargeable to account 39, "Public improvements—Construction."

NOTE: Taxes during construction, when assignable, shall be included in the cost of the property acquired or constructed.

§ 10.76 *Interest during construction.* When any bonds, notes, or other evidences of indebtedness are sold, or any interest-bearing debt is incurred for acquisition and construction of original road and equipment, extensions, additions, and betterments, the interest accruing on the part of the debt representing the cost of property chargeable to road and equipment accounts (less interest, if any, allowed by depositaries on unexpended balances) after such funds become available for use and before the receipt or the completion or coming into service of the property so acquired shall be charged to this account.

When such securities are sold at a premium the proportion of such premium assignable to the time between the date of the actual issuance of the securities and the time when the property acquired or the improvement made becomes available for service shall be credited to this account.

This account shall also include such proportion of the discount and expense on funded debt issued for the acquisition of original road, original equipment, road extensions, additions, and betterments, as is equitably assignable to the period between the date of the actual issuance of securities and the time when the property acquired or the improvement made becomes available for the service for which it is intended. The proportion of discount and expense thus chargeable shall be determined by the ratio between the period prior to the completion or coming into service of the facilities or improvements acquired and the period of the entire life of the securities issued.

NOTE A: Interest on bonds, notes, or other evidences of indebtedness accruing before the proceeds from the sale of the securities become available for use shall not be included in this account, nor shall there be included any interest accruing after the property with respect to which the proceeds are expended is received or becomes available for use in connection with commercial service.

NOTE B: If any securities which have been issued or assumed by the carrier are sold or exchanged by or for the carrier for a consideration the actual money value of which at the time of such sale or exchange is less than the value of the securities at par and the accrued interest thereon, if any, the difference between the money value of the consideration received and the par value of the securities plus the accrued interest shall be deemed a discount. In no case (except as provided in the third paragraph of this account) shall discounts be included as part of the cost of anything charged to any account prescribed in this classification.

NOTE C: For definition of securities actually issued, see Note B, under general balance-sheet account 755, "Funded debt unmatured."

NOTE D: Whenever interest, premium, or discount assignable to the construction period is incurred in connection with an expenditure covered by some specific road and equipment account or accounts, such interest, premium, or discount shall be charged directly to the specific accounts to which it is related.

NOTE E: This account shall not include interest during the construction period on the carrier's own funds expended in connection with the acquisition or construction of original road and equipment, extensions, additions, and betterments.

§ 10.77 *Other expenditures; general.* This account shall include all expenditures of a special and incidental nature in connection with the acquisition and construction of original road and equipment, road extensions, additions, and betterments which cannot properly be included in any other account in this classification.

OPERATING REVENUES AND OPERATING EXPENSES

§ 10.02 *General instructions.* The carrier's records shall be kept with sufficient particularity to show fully the facts pertaining to all entries made in the accounts provided herein for railway operations. Where the full information is not recorded in the general books, the entries therein shall be supported by other records in which the full details shall be shown. Such general book entries shall contain sufficient reference to the detail records to permit ready identification, and the detail records shall be filed in such manner as to be readily accessible for examination by representatives of the Interstate Commerce Commission.

§ 10.02–1 *Operating accounts.* The accounts of this classification are designed to show the revenues and expenses (including the maintenance of the facilities used) of the carrier's railway operations, including rail-line transportation, water-line transportation, if any, and services incident to transportation.

"Transportation" includes the receipt, conveyance, and delivery of traffic.

"Rail-line transportation" includes not only the conveyance of traffic over tracks, but also the necessary conveyance by water transfers (ferriage, lighterage, and floatage) either between track terminals or between track terminals and points not reached by tracks.

Carriers are at liberty to subdivide the general and primary accounts here given, but if this option be exercised a statement of the accounts adopted shall be filed in the office of the Bureau of Accounts and Cost Finding of the Interstate Commerce Commission.

"The carrier" means the accounting carrier, except when otherwise specifically indicated.

§ 10.02–2 *Unaudited items affecting operating accounts.* When it is known that a transaction has occurred which affects operating revenues or operating expenses, but the amount involved and its effect upon the accounts cannot be determined with absolute accuracy, the amount thereof shall be estimated and included in the appropriate operating and balance-sheet accounts. Any such estimate shall be revised whenever and at the time a substantial change is indicated and shall be finally adjusted as soon as the exact amount is determined. The carrier is not required to anticipate items which would not appreciably affect the operating accounts.

Any change in practice of accounting for accruals or any unusual accruals involving substantial amounts shall be reported promptly to the Commission. Accruals shall not be recorded for purely speculative items, but shall be limited to reasonable estimates on reliable information of transactions that will be consummated.

§ 10.02–3 *Delayed items.* Delayed items and adjustments, except adjustments pertaining to accounts 702½C, "Accrued depreciation — Road," and 702½D, "Accrued depreciation—Equipment," arising during the current year which are applicable to prior years, shall be included in the same account which would have been charged or credited if the item had been taken up or adjusted in the year to which it pertained. When the amount of the delayed item is relatively so large that its inclusion in the appropriate account for the current year would seriously distort the revenues, expenses or income of the current year, the amount of the delayed item may be credited to account 520, "Delayed income credits," or charged to account 557, "Delayed income debits," as may be appropriate.

When the amount of a delayed item is relatively so large that its inclusion in the accounts for a single month will seriously distort those accounts it may be distributed in equal monthly charges to the remaining months of the calendar year.

"Delayed items" are items representing transactions which occurred before the calendar year.

§ 10.02–4 *Miscellaneous operations.* The revenues and expenses of miscellaneous operations involving the use of such facilities as hotels, restaurants, grain elevators, storage warehouses, power plants, cold storage plants, etc., shall not be included in the accounts of this classification unless the operation of the facilities is conducted by the railway companies in connection with furnishing transportation services.

[12 F. R. 4452, as amended at 12 F. R. 6576]

§ 10.02–5 *Submission of questions.* To the end that uniformity of accounting may be maintained from year to year, carriers shall submit all questions of doubtful interpretation of the accounting rules to the Commission for consideration and decision.

§ 10.02–6 *Stockyards.* The revenues and expenses arising from the operation of stockyards shall not be included in operating revenue or operating expense accounts unless the operation of the facilities is conducted in connection with the transportation of livestock. It is not intended, however, that revenues and expenses arising from incidental public stockyards service rendered by stockyards primarily devoted to transportation services shall be excluded from operating revenues and expenses.

OPERATING REVENUES

§ 10.03 *Special instructions.*

§ 10.03–1 *Accounts for operating revenues.* The accounts provided for operating revenues are designed to show amounts of money which a carrier becomes entitled to receive from transportation and from operations incident thereto.

Credits to the revenue accounts shall as nearly as practicable be upon the basis of accruals of revenue.

Uncollected tariff charges on unclaimed and refused shipments of freight, such refused shipments having been transported in accordance with the contract of shipment, shall be charged to the appropriate revenue account to which shall be credited the proceeds derived from the sale of such unclaimed and refused freight.

The carrier's tariff charges on lost, destroyed, or damaged shipments, for which charges neither consignees nor consignors are liable, shall be charged to the revenue accounts previously credited.

Except as otherwise provided in this section, the revenue accounts shall include collections in excess of proper charges, such collections being subject

to refund, and there shall be charged to the revenue accounts uncollectible revenue charges determined after the service has been rendered.

§ 10.03–2 *Interpretation of item lists.* Lists of items to be credited and of items to be charged have been given as a part of the text of this classification for the purpose of clearly indicating the application of the accounting rules. They are not to be considered as comprising all the items creditable or chargeable to the several accounts, but merely as representative of them.

The items contained in the lists of items to be charged to the respective accounts are chargeable only when such items have been, through oversight, included in the credits to the accounts, or they are items of revenue payable to others for service to be rendered in accordance with the tariff provisions applicable to the rates upon which the credits to the several accounts have been based.

§ 10.03–3 *Accruals of revenues.* In order that operating revenue accounts may as nearly as practicable include the full amount of revenues accruing to the carrier each month, the carrier shall accrue currently in the appropriate revenue and balance-sheet accounts estimates of unaudited items affecting revenues. If these estimates are not fully adjusted in the following month, the balances in the balance-sheet accounts shall be kept separately by months until each is adjusted. The carrier is not required to anticipate items which would not appreciably affect the revenue accounts.

§ 10.03–5 *Delayed items.* Cancellation of entries recorded in balance-sheet accounts relating to operating revenues of former years shall be recorded in accordance with § 10.02–3 *Delayed items.*

Revenue Accounts

TRANSPORTATION

§ 10.100 *Transportation; rail line.* The primary accounts included in this general account are designed to show amounts of money which the carrier becomes entitled to receive or which accrue to its benefit from service rendered in transporting property or persons by rail line. (See § 10.02 *General instructions.*)

§ 10.101 *Freight.* This account shall include revenue from the transportation of freight and from transit, stop, and reconsigning privileges, upon the basis of lawful tariff rates.

ITEMS TO BE CREDITED

(a) Revenue upon the basis of local freight tariff rates, regardless of class of train in which the freight is transported.
(b) The carrier's proportion of revenue upon the basis of through freight tariff rates, regardless of class of train on which the freight is transported.
(c) Revenue from transportation of mail matter, and empty mail pouches, at freight tariff rates.
(d) Revenue from transportation of freight on special trains at rates based on weights of shipments.
(e) Revenue on basis of classifications and freight tariffs from transportation of caretakers of freight shipments.
(f) Revenue from reconsigning privileges.
(g) Revenue from stop privileges.
(h) Revenue from transit privileges.
(i) Revenue upon the basis of arbitraries out of freight rates for water transfers (ferriage, lighterage, and floatage).

ITEMS TO BE CHARGED

Amounts paid as bridge and ferry arbitraries on freight.
Amounts paid for completing a haul.
Amounts paid for elevation of freight.
Amounts paid for switching services, in connection with the transportation of freight, on the basis of switching tariffs, and allowances out of through rates, including amounts paid for switching empty cars in connection with a freight revenue movement.
Amounts paid for transferring freight between stations.
Arbitraries and allowances to others for lighterage and wharfage.
The carrier's proportion of overcharges resulting from the use of erroneous rates, weights, classifications or computations.
The carrier's proportion of refunds on account of errors in routing and billing.
The carrier's proportion of uncollected revenue on freight lost or destroyed in transit.
The carrier's proportion of uncollected tariff charges on damaged shipments for which charges neither shipper nor consignee is liable.
Amounts paid on basis of tariff rates for loading and unloading livestock.

NOTE A: Amounts paid for switching empty cars otherwise than in connection with loaded movements shall be charged to operating expense account 411, "Other expenses," except that amounts paid for switching equipment for repairs shall be included in the appropriate equipment repair accounts.

NOTE B: Other carriers' proportion of revenue and of uncollectible undercharges paid by the carrier on account of its errors in routing and billing shall be charged to operating expense account 411, "Other expenses."

NOTE C: Other carriers' proportion of revenue paid by the carrier on freight lost, destroyed, or damaged in transit, for which neither consignees nor consignors are liable shall be charged to operating expense accounts 418, "Loss and damage—Freight."

NOTE D: When a lessee company transports freight over the tracks of another carrier on the basis of a proportion of revenues under a joint arrangement, it shall include the entire compensation in its revenues and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company, and the lessor company shall credit the corresponding accounts.

The accounting in connection with transportation train service operated under a joint arrangement for the benefit of two or more carriers shall be as provided in the second paragraph of § 10.04–9 *Joint facility accounts.*

NOTE E: The accrued revenue derived from the transportation of cream, sweet milk, etc., on a basis of lawful tariffs at rates per package, regardless of weights, shall be included in account 109, "Milk."

NOTE F: Revenue from the transportation of caretakers of freight shipments, when not included as a part of the freight charges on the waybill covering the freight shipments, shall be credited to account 102, "Passenger."

NOTE G: This account shall be maintained so as to show separately payments and allowances (a) to railway express agencies, (b) to motor truck companies and others, and (c) to shippers and consignees, for terminal collection and delivery services when performed in connection with line haul transportation of freight on the basis of freight tariff rates; also (d) payments for switching services when performed in connection wih line haul transportation of freight on the basis of switching tariffs and allowances out of freight rates, including the switching of empty cars in connection with a revenue movement, and (e) payments on basis of tariff rates for loading and unloading livestock.

§ 10.102 *Passenger.* This account shall include the revenue from transportation of passengers at passenger tariff fares; from the transportation of passengers at special fares as provided by law, and from incidental charges in connection therewith.

ITEMS TO BE CREDITED

(a) Revenue from local passenger fares.
(b) The carriers' proportion of revenue from interline passenger fares.
(c) Revenue from extra fares.
(d) Revenue from additional fares or charges for exclusive use of a passenger car, drawing room, compartment, bedroom, etc.
(e) Revenue from mileage and scrip coupons honored for all services covered by this account.
(f) Revenue from transportation of passengers in special cars or on special trains when charge is based on passenger fare per capita, regardless of the number of passengers actually transported.
(g) Revenue from a guaranteed minimum amount not based on per capita fare, for transportation of passengers on special or chartered trains.
(h) Cash fare penalty collections.
(i) Unclaimed collections and deposits for transportation of passengers.
(j) Passenger fare overcharges.
(k) Revenue from transportation of corpses, based on passenger fares.
(l) Revenue from water transfers (ferriage), bridge tolls, and transfers between railway stations or between railway stations and docks, received as arbitraries in division of passenger fares.

ITEMS TO BE CHARGED

(a) Amounts paid as bridge tolls, and also for ferry, depot to depot and depot to dock passenger transfer service.
(b) Amounts paid for switching in completing a passenger transportation movement.
(c) Amounts paid for switching empty passenger-train cars in connection with transportation of passengers. (See Note C.)
(d) Redemptions of unused and partially unused local tickets and redemptions of carrier's proportions of unused and partially unused interline tickets.
(e) Refund of extra fares, cash fare penalty collections, and overcharges in excess of tariff fares.
(f) Uncollectible undercharges.

NOTE A: Gross receipts from the sale of mileage tickets, and scrip books shall be credited to a suspense account. The suspense account shall be charged and this account credited with the value of coupons as honored, in connection with any of the services provided for in "Items To Be Credited."

NOTE B: When a lessee company transports passengers over the tracks of another company under a joint arrangement upon the basis of a proportion of the passenger revenue, it shall include the entire compensation in its passenger revenue and statistics, charging the appropriate joint facility expense and rental accounts with the amounts paid the lessor company and the lessor company shall credit the corresponding joint facility accounts.

The accounting in connection with transportation train service operating under a joint arrangement for the benefit of two or more carriers shall be as provided in the second paragraph of § 10.04–9 *Joint facility accounts*, and Case 297, Accounting Bulletin No. 15.

NOTE C: Amounts paid for switching empty passenger-train cars otherwise than in connection with loaded movements, shall be charged to account 411, "Other expenses," except that when switched for repairs, the amounts paid shall be included in account 317, "Passenger-train cars—Repairs."

NOTE D: Revenue from the transportation of automobiles, with or without trailers, in freight service, in connection with the transportation of passengers, also revenue from loading and unloading automobiles at point of origin, destination, or enroute, shall be credited to account 101, "Freight."

§ 10.103 *Baggage.* This account shall include the revenue from the transportation of baggage, packages, baby carriages, bicycles, household pets, dogs, etc., on passenger trains at other than freight or express tariff rates.

LIST OF ITEMS

(a) Revenue from transportation of baggage in excess of free allowances.
(b) Revenue from transportation of packages, baby carriages, bicycles, household pets, dogs, etc., at baggage tariff rates.
(c) Revenue from transportation of baggage or other articles based upon excess value.
(d) Revenue from transportation of baggage when passenger does not make corresponding trip.
(e) Revenue from excess weight of corpses based on baggage tariff charges and from special charges for transferring corpses between depots.
(f) Revenue from scrip coupons honored for any of the above-mentioned services. (See Note B.)
(g) Overcharges on baggage transactions.
(h) Revenue from transportation of emergency shipments and articles based on double gross weight, etc.
(i) Amounts received specifically to cover movement of special or chartered baggage cars including transportation of attendants regardless of whether the charge is based upon passenger tariff fares, a stated minimum, or any other basis. This includes box cars when used for baggage service.
(j) Revenue from issuing duplicate baggage checks.

NOTE A: Revenue derived from transportation of shipments of silk, fish, etc., in passenger trains at freight rates, shall be included in account 101, "Freight."

NOTE B: Amounts of refunds, uncollectible undercharges, etc., involved in these credits, shall be charged to this account.

NOTE C: Gross receipts from the sale of baggage scrip books shall be credited to a suspense account. The suspense account shall be charged and this account credited with the value of the coupons as honored for any of the services covered by this account.

§ 10.104 *Sleeping car.* This account shall include the revenue from berth and seat accommodations furnished in sleeping cars on the basis of berth or seat rates for the space occupied.

§ 10.105 *Parlor and chair car.* This account shall include the revenue from seat accommodations furnished in parlor, observation, chair, and other special passenger cars when operated in passenger-train service or in special-train service at seat rates for space occupied.

§ 10.106 *Mail.* This account shall include the revenue from the transportation of mail at established rates for specified routes; from the use of railway post-office cars when in carrier's service transporting mails; from the use of special mail facilities; and from bonuses for special mail transportation.

To this account shall be charged fines and penalties imposed by the Government when not collected from agents or employees.

NOTE: The revenue from the transportation of mail matter and empty mail pouches on freight trains at freight tariff rates shall be included in account 101, "Freight."

§ 10.107 *Express.* This account shall include the revenue from transportation of express matters and from use of facilities on trains and at stations incident to such transportation.

When a railway company transacts an express business through its regular railway organization, the revenue therefrom shall be credited to this account.

NOTE: When contracts for express privileges provide specific amounts for the rent of facilities at stations, such amounts shall be included in revenue account 142, "Rents of buildings and other property."

§ 10.108 *Other passenger-train.* This account shall include the revenue derived from the operation of passenger trains not provided for elsewhere.

LIST OF ITEMS

(a) The carrier's proportion of contract revenue derived from the operation over its line of sleeping, parlor, chair, observation, and other special passenger-train cars, owned and operated by companies other than The Pullman Company.
(b) Value of portions of mileage tickets or coupons, scrip books or coupons, including baggage, circus and show scrip, unpresented and unredeemed.
(c) Revenue from transportation of newspapers at local tariff rates or at proportions of interline tariff rates.

§ 10.109 *Milk.* This account shall include the revenue from the transportation of cream, sweet milk, skim milk, sour milk, buttermilk, condensed milk, butterfat, and smearcase or pot cheese, upon the basis of lawful tariffs at rates per package, regardless of weights.

NOTE: The revenue from the transportation of milk upon the basis of lawful tariffs at rates per specified weights shall be included in revenue account 101, "Freight."

§ 10.110 *Switching.* This account shall include the revenue from switching service upon the basis of lawful tariff rates.

To this account shall be credited the carrier's revenue upon the basis of tariff rates, or the carrier's allowance out of through rates, from the switching of cars of all kinds, loaded or empty, either locally at a station or within a switching district, between connecting lines, between local industries, or between connecting lines and local industries; revenue upon the basis of distinct tariff rates for "trap-car" and "ferry-car" service and for spotting cars; also the revenue from interwork switching at industrial plants, and the revenue from "penalty switching" incident to the improper delivery of cars by other carriers.

To this account shall be charged amounts paid others for switching when such switching service is provided for in the switching rate charged by the carrier.

NOTE: "Penalty switching" charges paid by the carrier shall be included in expense account 411, "Other expenses."

§ 10.113 *Water transfers; freight.* This account shall include the revenue from the transfer of freight by water transfers (ferriage, lighterage, and floatage) upon the basis of lawful tariff rates for local service.

NOTE: No revenue shall be included in this account upon the basis of arbitraries out of rates for transportation involving rail line haul.

§ 10.114 *Water transfers; passenger.* This account shall include the revenue from the transfer of passengers by water transfers (ferriage) upon the basis of lawful tariff rates for local service.

NOTE: No revenue shall be included in this account upon the basis of arbitraries out of rates for transportation involving rail line conveyance.

§ 10.115 *Water transfers; vehicles and livestock.* This account shall include the revenue from the transfer by water transfers upon the basis of lawful local tariff rates, of vehicles of all classes; horses, cattle, and other animals; and Government artillery and equipment.

NOTE: No revenue shall be included in this account upon the basis of arbitraries out of rates for transportation involving rail line haul.

§ 10.116 *Water transfers; other.* This account shall include the revenue from water transfers not otherwise provided for, such as the revenue from towing beyond lighterage limits and all other towing for which an extra charge is made; insurance of freight afloat when billed out at other than cost; storage of freight afloat; grain overage in boats; pumping performed for outside parties; and from other similar sources.

To this account shall be charged amounts payable to other companies or individuals for extra lighterage, extra towing, and for all other service when such payments represent revenue collected and credited to this account and not a direct expense.

INCIDENTAL

§ 10.130 *Incidental.* The primary accounts included in this general account are designed to show the amounts which the carrier becomes entitled to receive from services rendered incidentally with rail-line and water-line transportation, for the use of facilities of which the expenses for operation and maintenance are not separable from railway expenses, and from incidental sources not provided for elsewhere.

§ 10.131 *Dining and buffet.* This account shall include the revenue from dining and buffet service on trains and transfer boats.

ITEMS TO BE CREDITED

(a) Revenue from lunches furnished.
(b) Revenue from meals furnished.
(c) Revenue from liquors furnished.
(d) Revenue from tobacco furnished.
(e) Revenue from cigars and cigarettes furnished.

§ 10.132 *Hotel and restaurant.* This account shall include the revenue from hotels, restaurants, and station lunch

counters. (See § 10.02–4 *Miscellaneous operations.*)

ITEMS TO BE CREDITED

(a) Revenue from the rent of rooms.
(b) Revenue from the use of baths.
(c) Revenue from the use of billiard tables.
(d) Revenue from the use of bowling alleys.
(e) Revenue from lunches furnished.
(f) Revenue from meals furnished.
(g) Revenue from liquors furnished.
(h) Revenue from tobacco furnished.
(i) Revenue from cigars furnished.
(j) Revenue from cigarettes furnished.
(k) Revenue from newspapers furnished.
(l) Revenue from periodicals furnished.
(m) Revenue from tonsorial service.
(n) Revenue from laundry work.

NOTE: This account shall not include the revenues from hotels and restaurants which are entirely distinct from the carrier's transportation plant and the cost of which is included in balance-sheet account 705, "Miscellaneous physical property."

§ 10.133 *Station, train, and boat privileges.* This account shall include revenue from weighing, vending, and other automatic machines located at stations; from advertising at stations and on trains and on transfer boats; from the privilege of operating news stands at stations and selling papers, periodicals, fruit, etc., on trains and on transfer boats; from telephone companies for the privilege of installing and operating commercial telephones at stations; from the operation of eating houses and dining and buffet service on trains and transfer boats when such operation is conducted by individuals or companies other than railway companies and when the expenses incurred by the carrier in connection therewith are not separable from its regular operating expenses; and from similar sources.

§ 10.134 *Parcel room.* This account shall include the revenue from the operation of parcel rooms.

§ 10.135 *Storage; freight.* This account shall include the revenue from the storage of freight.

§ 10.136 *Storage; baggage.* This account shall include the revenue from the storage of baggage.

§ 10.137 *Demurrage.* This account shall include the revenue from the detention of cars incident to loading, unloading, reconsigning, and stops in transit upon the basis of lawful tariffs for demurrage.

§ 10.138 *Communication.* This account shall include the revenue from commercial operation of telegraph, telephone, radio, and all other forms of communication systems. It shall also include amounts received from commercial operators of such systems, whether as a proportion of earnings or otherwise, for the privilege of transacting business in offices along the carrier's lines, but only when the carrier furnishes some service of employees whose pay is included in its operating expenses.

NOTE: When a commercial operator rents a communication system belonging to the carrier and pays all expenses incident to its maintenance and operation, the rent so received shall be credited to income account 510, "Miscellaneous rent income."

§ 10.139 *Grain elevator.* This account shall include the revenue from the operation of grain elevators. (See § 10.02–4 *Miscellaneous operations.*)

ITEMS TO BE CREDITED

(a) Revenue from the elevation of grain.
(b) Revenue from the storage of grain.
(c) Revenue from bagging grain.
(d) Revenue from screening grain.
(e) Revenue from blowing grain.
(f) Revenue from cooling grain.
(g) Revenue from clipping grain.
(h) Revenue from cleaning grain.
(i) Revenue from mixing grain.
(j) Revenue from transferring grain in elevators.
(k) Revenue from loading grain into and unloading grain from boats not covered by elevation charges.
(l) Revenue from trimming grain in boats when performed by elevator employees.
(m) Revenue from the sale of screenings and sweepings.
(n) Revenue from inspecting grain in elevators.

§ 10.141 *Power.* This account shall include the revenue from the sale of electric current and other power. (See § 10.02–4 *Miscellaneous operations.*)

§ 10.142 *Rents of buildings and other property.* This account shall include the revenue from the exclusive use of buildings and other property or portions thereof, such as depot and station grounds and buildings, general and other offices, wharves, ferry landings, elevators, stockyards, fuel yards, enginehouses, repair shops, and section and other houses, when the property is operated and maintained in connection with the property used in the carrier's transportation operations and the expenses of maintaining and operating the rented portion cannot be separated from the expenses of that portion used by the carrier. (See § 10.02–4 *Miscellaneous operations.*)

NOTE: When the expenses of maintaining and those of operating property rented to others are separable, the rents received shall be credited and the expenses of maintenance and operation shall be charged to appropriate income accounts.

§ 10.143 *Miscellaneous.* This account shall include the revenue from railway operations not provided for elsewhere. (See § 10.02–4 *Miscellaneous operations.*)

LIST OF ITEMS

(a) Amounts received for privilege of cutting hay along the right of way.
(b) Commissions received for collecting premiums on insurance policies from employees and installment payments for books, watches, etc., sold by dealers to employees.
(c) Profit from jobbing and installing electric power lines for others.
(d) Revenue from boat demurrage.
(e) Revenue from freight and passenger privileges over a carrier's wharves and docks.
(f) Revenue from garnishee fees.
(g) Revenue from operation of coal and ore wharves, cold-storage plants, coal-storage plants, cotton-compress plants, and wood-preserving plants.
(h) Revenue from privilege of mooring and anchoring boats at wharves and docks.
(i) Revenue from the sale of cinders produced by carrier.
(j) Revenue from use of carrier's bridges by pedestrians, streetcar lines, vehicles, etc.
(k) Revenue from temporary use of carrier's tracks for detouring trains, etc.
(l) Revenue from use of tracks incident to delays in loading or removing freight.
(m) Revenue from water furnished boats from water stations operated by the carrier.
(n) Revenue from weighing cars.
(o) The carrier's proportion of gross revenue from operation of clergy bureaus.
(p) The carrier's proportion of gross revenue from operation of ticket validation agencies.
(q) Collections made by station ushers (Red Caps) for the handling of passengers' baggage.
(r) Revenue from loading and unloading livestock in transit by railroad, and from feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for such stock.

NOTE: When a bridge of one carrier is jointly used by itself and another carrier and such use is paid for on the basis of flat rent or charge per train-mile or toll per passenger, per ton, or per car, the compensation therefor shall be credited to the appropriate joint facility, operating expense, and income accounts.

JOINT FACILITY

§ 10.150 *Joint facility.*

§ 10.151 *Joint facility—Cr.* This account shall include the carrier's proportion of revenue collected by others in connection with the operation of joint tracks, yards, terminals, and other facilities, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A: The purpose of this account is to show the amounts of revenue from the operation of joint tracks, yards, terminals, and other facilities operated by other companies, which under existing contracts or agreements are credited by the operating company to the tenant companies which participate therein. The bill rendered by any creditor company against a debtor company for the latter's proportion of the expense of maintenance and operation of joint facilities, which includes also a credit covering a proportion of the revenue to be paid over, shall show the distribution of the credit for such proportion of the revenue separately from the distribution of the expense of operation.

NOTE B: No credits shall be made to this account representing amounts creditable by the operating company to primary accounts 101 to 109, 113 to 116, and 131, except as provided in Case 297, Accounting Bulletin No. 15.

§ 10.152 *Joint facility—Dr.* This account shall include that proportion of revenue from the operation of joint tracks, yards, terminals, and other facilities, which is creditable to other companies, including revenue from hotels, restaurants, grain elevators, sale of power, and other miscellaneous operations.

NOTE A: The purpose of this account is to show the amount of revenue from operation of a terminal company or other carrier which, under the terms of existing contracts or agreements covering the joint use of tracks, yards, and other facilities, is credited to other carriers that participate in the benefits from such joint use. The bill rendered by a creditor company against a debtor company for the latter's proportion of expense of maintaining and operating joint facilities, which includes a credit covering the debtor company's proportion of the revenues from operation of such joint facilities, shall indicate separately the proper distribution of both the revenues and the expenses included in the bill, and such distribution shall be adhered to by the debtor.

NOTE B: No debits shall be made to this account representing amounts creditable by the operating company to primary accounts 101 to 109, 113 to 116, and 131, except as provided in Case 297, Accounting Bulletin No. 15.

OPERATING EXPENSES

§ 10.04 *Special instructions.*

§ 10.04–1 *Accounts for operating expenses.* The accounts prescribed for operating expenses are designed to show expenses of furnishing transportation service including the expense of maintenance and depreciation of the plant used in the service. The accounting shall be, as nearly as practicable, upon the basis of accruals.

"Road property" means transportation property other than equipment.

Following the texts of the primary operating expense accounts, there are provided condensed groupings of the same accounts to be used by Class II and Class III carriers. For the purpose of these condensed classifications, Class II carriers shall be those having annual operating revenues of $100,000 to $1,000,000 and Class III those having annual operating revenues less than $100,000. Small carriers which elect to use the primary accounts for large railroads shall include in annual reports the group totals required by the condensed classifications for their class.

§ 10.04–2 *Maintenance expenses.* The accounts provided for maintenance of road property and of equipment are designed to show the cost of repairs and also the loss through depreciation of the property used in operations, including all such expenses resulting from ordinary wear and tear of service, exposure to the elements, inadequacy, obsolescence, or other depreciation, or from accident, fire, flood, or other casualty.

The cost of repairs which has been provided for in the several repair accounts shall include the cost of inspecting to determine the repairs necessary, and of adjusting or repairing parts, both of road property and of equipment, such as the repairing of locomotives, cars, frogs, switches, rails, etc.; the cost of inspecting and testing after repairs have been made, such as the testing of locomotives after repairs to determine whether the repairs have been properly made, and the running of repaired locomotives light in order to break them in for regular service; incidental costs of repairs, such as the construction or removal of false work in connection with maintenance, cost of demolishing retired road property and disposing of the wreckage therefrom when the property is dismantled by or for the carrier; cost of maintaining or protecting traffic during the progress of construction work, including the cost of constructing, maintaining and removing temporary tracks required for maintaining traffic during the progress of the work; cost of mowing and beautifying grounds around buildings; repairing fences, sidewalks, driveways, and streets within or adjacent to such grounds; cost of removing snow from roofs of buildings when not removed by those employed in the buildings); cost of periodical restoration of seasonal features, such as gardens, shrubbery, and lawns; cost of operating hothouses in connection with the work of beautifying grounds; and cost of clearing and removing casual incumbrances, such as ice, snow, and fallen timber.

Distinct maintenance accounts have been provided for expenses of a general character, such as superintendence, stationery and printing, and injuries to persons, which, on account of established practice, it is deemed advisable to segregate.

§ 10.04–3 *Cost of repairs.* It is intended that the repair accounts of this classification shall include the cost of labor, materials and supplies, work-train service, floating equipment work service, special machine service, contract work, privileges, protection from casualties, and other analogous items of expense in connection with the maintenance of the plant used in railway service. The several items of cost here referred to are defined as follows:

(a) "Cost of labor" includes amounts paid for the labor of the carrier's own employees. Except where otherwise specified in the text of the accounts, the cost of boarding, traveling, and other incidental expenses of employees shall be included in the accounts to which the pay of the employees is chargeable.

(b) "Cost of materials and supplies" includes the cost of materials and supplies, including small tools, at the point of free delivery, plus freight charges of foreign lines, and the costs of inspection and loading assumed by the carrier; also a proportion of store expenses (see § 10.04–16 *Material store expense*). It should not, however, include expenses of transportation over the carrier's line. In calculating the cost of materials used proper allowance shall be made for the value of unused portions and of cuttings, turnings, borings, etc., and for the value of the material recovered from property repaired and from temporary tracks, scaffolding, cofferdams, and other temporary structures used in repair work.

(c) "Cost of work-train service" includes cost of labor of enginemen, trainmen, and enginehouse men, including the wages of engine crews and train crews held in readiness for such service; and the cost of fuel and other supplies consumed in connection with the operation of work trains.

(d) "Cost of floating equipment work service" includes cost of labor of crews, including wages of crews held in readiness for service; and the cost of fuel and other supplies consumed in connection with the operation of floating equipment work service.

(e) "Cost of special machine service" includes the cost of labor expended and of materials and supplies consumed in operating steam shovels, scrapers, rail unloaders, ballast unloaders, pile drivers, dredges, ditchers, weed burners, and other labor-saving machines; also rents paid for use of such machines.

(f) "Cost of contract work" includes amounts paid for work performed under contract by other companies, firms, or individuals and specific expenses incident to the award of the contract.

(g) "Cost of privileges" includes amounts paid for special privileges, such as the temporary use of public property or streets, in connection with the repairs of the property of the carrier. (Periodical payments for such privileges in connection with permanent use of public property for railway operations shall be included in the income accounts.)

(h) "Cost of protection from casualties" includes expenditures for protection against damage by fire, flood, etc., such as payments for discovery or extinguishment of fires, cost of detecting and prosecuting incendiaries, expense for witnesses in relation thereto, amounts paid to municipal corporations and others for fire protection, and other analogous items of expense in connection with repair work, but does not include insurance premiums paid to assure reimbursement for prospective losses.

§ 10.04–4 *Royalties on appliances.* The royalties for patent rights on mechanical appliances used in repairs of equipment shall be included in the cost of the repairs.

§ 10.04–5 *Road property retired.* The service value (ledger value less salvage and insurance recovered, if any) of road property retired and replaced with property of like purpose, together with the cost of demolishing and removing the retired property, shall be accounted for in accordance with § 10.01–7 *Road property retired.*

§ 10.04–6 *Distribution of charges for nondepreciable road property retired.* In case the amount chargeable to operating expenses for nondepreciable property retired, as provided in § 10.01–7 *Road property retired*, is relatively large and its inclusion would seriously distort the expenses for the year, the carrier, if so authorized by the Commission, may charge the amount thereof to account 726, "Property retired chargeable to operating expenses," and distribute it thereafter in accordance with the provisions of that account to operating expenses of the current and succeeding years.

§ 10.04–7 *Adjustment for converted property.* When a unit of equipment or fixed property by its transfer from one class of service to another, with or without physical conversion, becomes includible in a primary investment account other than that in which it has been carried, the procedure outlined in § 10.01–11 *Adjustment for converted property* shall be followed.

§ 10.04–8 *Depreciation accounting; road property.* (a) There shall be charged monthly to operating expenses or other appropriate accounts and credited to account 702½C, "Accrued depreciation—Road," during the service life of depreciable road property amounts which will approximate the loss in service value not restored by current repairs or covered by insurance. The charges for currently accruing depreciation shall be computed in conformity with the group plan by applying to the original cost or the estimated original cost of the road property as found by the Bureau of Valuation such percentage rates as will distribute the service value by the

straight-line method in equal annual charges to operating expenses or other accounts during the estimated life of the property. Pending the compilation of the original cost figures to a current date by the Bureau of Valuation, the carrier shall use as a depreciation base that bureau's figures as far as they have been summarized and add thereto the cost for the subsequent years as recorded in its Order No. 3 records and accounts. Such adjustment of original cost figures as may be necessary after the original cost figures have been summarized by the Bureau of Valuation to a current date shall be made at that time.

NOTE: If a carrier submits proof that the actual cost to it of the depreciable road property which it owns or the actual cost to the owner of the depreciable road property which it uses and for which depreciation accounting is required, was substantially different from the original cost figures of the Bureau of Valuation, with the approval of the Commission, such carrier may use such actual cost figures as the depreciation base.

(b) As soon as the information can be assembled the carrier shall file with the Commission composite annual percentage rates estimated to be applicable to the original cost or estimated original cost of the property in each primary account covering depreciable road property owned or used by it. These percentage rates shall be based on the estimated service values and service lives of the road property developed by a study of the carrier's history and experience and such engineering and other information as may be available with respect to future conditions. Such percentage rates shall, for each primary account comprised of more than one class of road property, produce a charge for depreciation based on the original cost or estimated original cost of the depreciable property included in such account equal to the sum of the amounts that would otherwise be chargeable as depreciation for each of the various classes of property included in such account. The annual percentage rates when filed shall be accompanied by a sworn statement showing the bases therefor and the methods employed in their computation.

(c) The carrier shall keep such records of depreciable property and property retirements as will reflect the service life of property which has been retired, or will permit the determination of service life indications by mortality, turnover, or other appropriate methods; also such records as will reflect the percentage of value of the salvage for property retired from each class of depreciable property. The carrier shall be prepared at any time, upon direction of the Commission, to compute and submit for its approval revised percentage rates in cases where existing rates are deemed inapplicable.

(d) A separate composite annual percentage rate for each account covering depreciable property shall be used in computing depreciation charges. Such composite rates shall be those which are from time to time prescribed by the Commission except, that where no rates for any class of property have previously been prescribed for the carrier's use by the Commission, the carrier's estimate of composite annual percentage rates computed in accordance with paragraph (b) of this instruction shall be used prior to the date such rates are prescribed by the Commission.

NOTE: Until such time as the carrier's estimates of composite annual percentage rates have been computed, the carrier shall base its depreciation charges upon the percentage rates obtained from the Bureau of Valuation which is prepared to furnish such rates upon request.

(e) In computing monthly charges the annual percentage rates shall be applied to the depreciation base as of the first of each month and the result divided by twelve.

(f) In the event annual percentage rates prescribed by the Commission, in the judgment of the carrier, become no longer currently applicable, it shall in like manner file revised annual percentage rates which in its judgment should be established. Where property is acquired for which no rates have been prescribed the carrier shall immediately compile and submit to the Commission appropriate estimates developed in accordance with the provisions of paragraph (b) of this instruction.

(g) For the purpose of the group plan of depreciation accounting for road property the following primary accounts under § 10.0 *Road*, are classed as depreciable accounts:

1. Engineering (as appropriately assigned, but not distributed, to the other depreciable accounts in arriving at the amounts used as the depreciation base).
2½. Other right-of-way expenditures.
3. Grading (depreciable property recorded in this account).
5. Tunnels and subways.
6. Bridges, trestles and culverts.
7. Elevated structures.
13. Fences, snowsheds, and signs.
16. Station and office buildings.
17. Roadway buildings.
18. Water stations.
19. Fuel stations.
20. Shops and enginehouses.
21. Grain elevators.
22. Storage warehouses.
23. Wharves and docks.
24. Coal and ore wharves.
26. Communication systems.
27. Signals and interlockers.
29. Power plants.
31. Power-transmission systems.
35. Miscellaneous structures.
37. Roadway machines.
39. Public improvements—construction.
44. Shop machinery.
45. Power-plant machinery.

NOTE: With respect to accounts 2½, 3, 5, and 39, carriers may confine the accruals to the depreciable property recorded therein by applying the percentage rates furnished by the Bureau of Valuation to the aggregate cost of such property (emitting nondepreciable property), in computing depreciation charges, or they may request the Bureau of Accounts to prescribe percentage rates covering obsolescence due to the premature retirement of certain nondepreciable property, in which case the composite percentage rates will be applied to the total amount recorded in each of the accounts in computing depreciation charges.

(h) The accounting for depreciation on road property leased from others shall be in accordance with § 10.05–2 *Leased road and equipment; depreciation.* The depreciation on road property includible in operating expenses by the lessee under that instruction shall be computed and stated under the group plan in accordance with the foregoing instructions pertaining to the carrier's own road property.

(i) The term "group plan" means the plan under which depreciation charges are accrued upon the basis of the original cost of depreciable road property for each primary road account using the service lives of the individual depreciable units in the accounts and properly weighting to determine the composite annual rate of depreciation. Upon the retirement of a unit of property, its full service value is chargeable to account 702½C, "Accrued depreciation—Road," whether or not the particular item has attained the average service life.

(j) The owning carrier shall include in the depreciation accounts in operating expenses the charges for depreciation on units of depreciable property jointly used with one or more other carriers. The owning carrier shall credit and each using carrier shall charge the appropriate joint facility accounts in operating expenses with the amounts billed by the owning carrier against each using carrier for its proportion of the service loss on property retired from service whether billed currently as depreciation or when retirements occur as the loss in service value. The using carriers shall be required to account for depreciation or retirement of units of road property jointly used but not owned only to the extent of their contract liability. The same principle shall apply to terminal companies and their nonowner tenants in accounting for depreciation accruals or retirement charges recorded in the accounts of the terminal companies.

(k) If the cause of the retirement of the unit or units of road property is not a recognized factor in depreciation and the loss is not covered by insurance, the carrier may upon proof that the charge will result in unduly depleting the depreciation reserve, and with the approval of the Commission, charge all or a part of the service value of the property, less the estimated depreciation accrued thereon, to account 726, "Property retired chargeable to operating expenses," and distribute it from that account to account 267, "Retirements—Road."

§ 10.04–9 *Joint facility accounts.* Accounts thus designated have been provided for the joint users of tracks, bridges, yards, wharves, stations, and other facilities to indicate the proper accounting for settlements which cover income and operating expenses in connection with the use of such facilities, and for settlement covering cost of yard service. When the compensation for the use of facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned by the operating company among the joint facility operating expense and income accounts. The creditor shall show the distribution of these charges upon its bills, and such distribution shall be adhered to by the debtor.

Train service in connection with the line haul of traffic, including that operated under a joint arrangement for the benefit of two or more carriers is not considered a joint facility operation and the settlements between carriers covering items chargeable to accounts 392 to 403, inclusive, shall not be included in the joint facility accounts. (See Case 297, Accounting Bulletin No. 15.)

§ 10.04–10 *Clearing accounts.* In recognition of the fact that certain expenditures incident to the construction and the operation of property are not chargeable directly to any particular property investment or expense account, clearing accounts have been provided for the purpose of securing an equitable distribution of such items to the proper primary accounts, as hereinafter set forth.

§ 10.04–11 *Gravel and sand pits and quarries.* When a gravel or sand pit or quarry is opened for operations likely to extend over a long period, an account shall be set up designated "Operations of gravel pit at ---------," or "Operations of quarry at ---------," as the case may be. To this account shall be charged:

(a) That part of the cost of the land in excess of its estimated value after the gravel, sand, or stone has been removed, the amount thus charged being concurrently credited to the property account in which the cost of the land is included.

(b) Amounts paid for the right to enter upon and remove ballast from land not owned by the carrier.

(c) The cost of sinking test holes.

(d) The expenses for clearing, stripping, draining, and ditching the land, and of moving and changing fences and buildings preparatory to opening the pit or quarry.

(e) The cost, in excess of the estimated salvage value, of rails and fastenings used in constructing tracks to and in the gravel pit or quarry, the estimated salvage being carried in an appropriate suspense account.

(f) The cost, in excess of the estimated salvage value, of ties and other material, and of labor expended on such tracks.

(g) The cost of labor and train service employed in producing, quarrying, and loading ballast, including the cost of operation, repairs, and depreciation of stationary engines, steam shovels, stone crushers, and other similar machinery, and the pay and expenses of watchmen.

(h) The cost of explosives and hand tools, and miscellaneous expenses.

(i) The cost of installing, operating, and maintaining signals and interlockers at gravel pits.

Credit to these accounts shall be made each month to cover the cost of ballast material produced during the month. The cost of production shall include the expenses directly assignable to the monthly output, plus a proportion of the expenses not directly assignable, such as cost of land, tracks, machinery, and interlockers. This latter amount shall be computed upon the basis of the ratio which the monthly output bears to the total estimated yardage to be taken from the pit.

When any portion of the product of such pits or quarries is sold, the cost thereof shall be credited to this clearing account, and the profit thereon, if any, shall be credited to revenue account 143, "Miscellaneous."

§ 10.04–12 *Power plant operations.* The accounting for the expenses of maintaining and operating an electric, steam, or other power plant (both building and machinery) shall be determined by the purpose for which the power produced is used.

When the power plant is intended and used for producing power solely for the carrier's own operations and the cost of operating the plant is chargeable to clearing account "Shop expenses," or to any one specific account for operating expenses the expenses of maintenance shall be charged to the appropriate maintenance accounts, and the cost of operation to the account appropriate according to the use of the power.

When the power from such a plant is properly chargeable to more than one account, the expenses of maintaining and operating the plant shall be included in clearing account "Power plant operations." The expense of maintenance shall be cleared from that account to the appropriate maintenance accounts for operating expenses. The expenses of operation shall be apportioned to the appropriate accounts upon the basis of quantity of power used for the various purposes.

When a part of the power produced by a power plant is sold and the remainder is used in the carrier's own operations, the cost of maintaining and operating the plant shall be charged to a clearing account. The expense of maintenance shall be cleared from that account to the appropriate maintenance account in operating expenses. The proportion of the expenses of operation assignable to the power sold, on the basis of ratio of quantity of power sold to total quantity of power produced, shall be credited to this clearing account and charged to account 445, "Producing power sold." The remainder of the cost of operation shall be distributed to the appropriate expense accounts for the carrier's own operations, in the manner indicated in the preceding paragraphs.

When power plants are intended and used solely for furnishing power to others, the investment therein shall be included in balance sheet account 705, "Miscellaneous physical property," and the operation shall not be included in the accounts of this classification. (See § 10.02–4 *Miscellaneous operations* and income account 534, "Expenses of miscellaneous operations.")

§ 10.04–14 *Maintaining transmission and distribution systems.* The accounting for the maintenance of transmission systems and distribution systems shall be in accordance with instructions pertaining to power plant operations.

§ 10.04–15 *Shop expenses.* A clearing account entitled "Shop expenses" shall be kept, to which shall be charged items of expense at shops, enginehouses, repair tracks, and other places at which mechanical work is done, not assignable directly to specific accounts. Such expenses shall be apportioned among the various accounts affected. The basis of distribution shall be the relative proportion which the total amount of charges to "Shop expenses" bears to the total of the directly distributed labor. To avoid monthly fluctuations in the ratio of shop expenses to the total of distributed labor, carriers are permitted to make the monthly apportionment on the basis of a percentage of the distributed labor, provided the shop expense account be adjusted and closed out at the end of each year. The expenses assignable to this account are as follows:

(a) *General shop employees.* The pay of general foremen in small shops, who exercise direct supervision over all departments unassisted by department foremen; the pay of department foremen, assistant department foremen, other supervising or directing employees, and their clerks; pay of chauffeurs and oilers; pay of sweepers, cleaners, roustabouts, and other unskilled laborers employed in general work in and about shops and shop grounds; pay of watchmen, gatekeepers, and policemen at shops, repair tracks, and other places at which mechanical work is done; pay of employees while attending fires or fire drills; and pay of employees while making, repairing, or having charge of small shop tools.

(b) *Power.* The cost of fuel used in steam and other power plants in producing power for shops and for other places at which mechanical work is done; cost of oil, grease, waste, and other material used in the operation of such power plants; pay of stationary engineers, firemen, electricians, coal handlers, and other employees engaged in production of power; cost of carbon brushes, fuses, lamps, picks, pokers, scuttles, shovels, and other small tools and supplies; and cost of water and power purchased. (See § 10.04–12 *Power plant operations.*)

(c) *Heating.* The cost of fuel and other supplies used for heating shops and other places at which mechanical work is done, shop offices, watchmen's and gatekeepers' boxes, and inspectors' shanties; and the pay of firemen, coal handlers, and other employees engaged in operating heating boilers. (See § 10.04–12 *Power plant operations.*)

(d) *Lighting.* The cost of electric current, gas, oil, torches, lamp burners, lamp chimneys, lamps not permanently attached to buildings, incandescent lamps and carbons, and other material used in lighting shops and shop offices, repair tracks, and other places at which mechanical work is done, and cost of material used and labor expended in operating electric-light plants and repairing electric-light and other lamps at shops. (See § 10.04–12 *Power plant operations.*)

(e) *Switching locomotives.* All expenses, including wages, fuel, and supplies, of operating switching locomotives when exclusively assigned to switching service at shops. (The expenses of incidental switching at shops by locomotives in transportation switching service shall be charged to appropriate transportation accounts.)

(f) *Shop supplies.* Fuel for forge and other shop work; supplies and small tools used by mechanics on miscellaneous work and not durable; test-room and laboratory supplies used in connection with shop work; lubricating material for shop machinery and tools; water used at shops and shop offices, repair tracks, and other places at which mechanical work is done; and other supplies used generally in shop work.

LIST OF SUPPLIES AND SMALL TOOLS

Acid.
Adzes.
Ammonia.
Auger bits.
Augers.
Axes.
Basins.
Bath brick.
Battery brushes.
Beeswax.
Bell cord.
Bluestone.
Bone, granulated.
Borax.
Bottles.
Braces and bits.
Brooms.
Brushes, dust.
Brushes, file.
Brushes, oil.
Brushes, paint.
Brushes, scrub.
Brushes, sweeping.
Brushes, varnish.
Brushes, wall.
Brushes, whitewash.
Brushes, window.
Buckets.
Carpenter tools furnished apprentices.
Casehardening compound.
Cement, belt.
Chalk.
Chalk lines.
Chamois skins.
Charcoal.
Chisels.
Clamps, hand.
Coal picks.
Compound for B. S. hammers.
Compound for grinding.
Compound for hydraulic jacks.
Compound for welding.
Corks.
Cosmic to prevent rust.
Crayon.
Cups, tin.
Cushion beaters.
Dippers.
Disinfectants.
Ditching lines.
Drill bits.
Drinking cups.
Drinking glasses
Dustpans.
Emery.
Emery boxes.
Emery cloth.
Emery paper.
Faucets.
File cards.
Files
Fire hooks for stationary boilers.
Fire shovels for stationary boilers.
Flags.
Flannel, canton.
Forks.
Forks, coke.
Funnels.
Gimlets.
Glue.
Gluepots.
Glycerin.
Graphite.
Grindstones.
Ground glass.
Hack-saw blades.
Hammers.
Hammers, babbitt.
Hand leathers.
Handles for tools.
Hatchets.
Hoes.
Keel.
Lampblack.
Lead.
Lye.
Mallets.
Marking brushes.
Marking pots.
Measures, liquid.
Mineral paste.
Mop handles.
Mops.
Muslin.
Nippers.
Oil cans.
Oilstones.
Padlocks.
Paint pots.
Picks.
Pipe-joint grease.
Pliers.
Plumbago.
Polish.
Polish, stove.
Potash.
Prisms.
Rakes.
Rasps.
Ratchet braces.
Red lead.
Resin.
Rope.
Rules.
Sal ammoniac.
Sand soap.
Sandpaper.
Saw blades.
Saws, hand.
Scoops.
Screw drivers.
Screws.
Shellac.
Shovels.
Slate pencils.
Slates.
Sledges.
Soap.
Soda.
Solder.
Soldering fluid.
Spelter solder.
Spigots for oil barrels.
Spirit-level vials.
Spirit levels.
Sponges.
Sprinkling cans.
Squares.
Squirts (lubricating).
Stencil brushes.
Tacks.
Tape lines.
Tapes, metallic.
Tool steel for small hand tools.
Tripoli.
Trucks.
Twine.
Washbasins.
Wheelbarrows.
Whetstones.
White lead.
Whiting.
Window cloths.
Wire.
Wire brushes.
Wrenches.
Zinc cakes.
Zincs.

(g) *Incidental expenses.* Watchmen's uniforms, clocks, and call boxes; traveling expenses connected with the operation of shops and not directly chargeable to other accounts; removal of snow and ice from transfer tables and shop yards; cleaning of privy vaults; horse keep; cost of ice for shops; and other undistributed shop expenses.

§ 10.04–16 *Material store expenses.* To a clearing account called "Material store expenses" shall be charged expenses in connection with purchasing, handling and storing material in and distributing it from the company's storehouses, including the pay of officers and employees in the purchasing and store departments and their traveling, office, and other expenses; also all expenses, including wages, fuel, and supplies, of operating switching locomotives when exclusively assigned to the service of switching at material storehouses. (Expenses of incidental switching at material yards by locomotives in regular switching service shall be charged to the appropriate transportation accounts.) The pay and expenses of men employed in purchasing or inspecting a single class of material, such as ties, shall be added as store expenses to the cost of that particular material.

The total amount of storehouse expense charged to this account shall be so distributed among the accounts to which material has been charged that the amounts thus distributed will be, for each account, in proportion to the value of the material issued chargeable thereto, except that the amount representing the purchasing department expenses shall be apportioned on the value of the material issued which was purchased by that department. To avoid monthly fluctuations in the ratio of store expenses to the value of material purchased or issued, carriers may make a monthly apportionment on the basis of fair percentage rates, provided the store expense account be adjusted and closed out at the end of each year.

§ 10.04–17 *Stationery store expenses.* A clearing account entitled "Stationery store expenses" shall be kept, to which shall be charged expenses in connection with purchasing, handling, and storing stationery, and for distributing it from the stationery stores, including the pay of officers and employees in the stationery store department and their traveling, office, and other expenses. The amounts charged to this account shall be apportioned to the accounts to which is charged stationery issued from the store, upon the basis of the charges to these accounts for such stationery. To avoid monthly fluctuations in the ratio of store expenses to the value of material issued or purchased, carriers may make a monthly apportionment on the basis of fair percentage rates, provided the stationery store expense account be adjusted and closed out at the end of each year.

§ 10.04–18 *Insurance.* Provision has been made in each of the general accounts for premiums paid and amounts set aside for fire and other insurance. Amounts of insurance recovered on account of losses shall be credited to the accounts to which the losses are chargeable.

§ 10.04–19 *Equalization of maintenance expenses.* The cost of maintaining way and structures and equipment shall be included in the appropriate primary accounts in the month in which the expense is incurred. In case the carrier adopts a budget or estimate for all or a part of the calendar year of expenses includible in one or more primary maintenance accounts or for the general accounts 200, "Maintenance of way and structures," and 300, "Maintenance of equipment," an equitable monthly proportion of the difference between the budgeted or estimated expenses and the actual expenses chargeable each month may be debited or credited as appropriate to account 280, "Equalization—Way and structures," or account 338, "Equalization—Equipment," with contra entries in account 773½, "Equalization reserves." If certain primary accounts only are budgeted the carrier's records shall show for amounts included in the equalization accounts the amount of the equalization assignable to each such primary account.

Amounts included in account 773½, "Equalization reserves," in accordance with the foregoing paragraph, shall be cleared therefrom at the close of each calendar year through the equalization accounts originally charged or credited. (See § 10.04–25 *Deferred maintenance, and major repairs to equipment.*)

§ 10.04–20 *Accruals of expenses.* In order that operating expense accounts may as nearly as practicable include the full amount of expenses incurred by the carrier each month, the carrier shall accrue currently in the appropriate expense and balance-sheet accounts estimates of unaudited items affecting expenses. If these estimates are not fully adjusted in the following month, the balances in the balance-sheet accounts shall be kept separately by months until each is adjusted. The carrier is not required to anticipate items which would not appreciably affect the expense accounts.

§ 10.04–22 *Interpretation of item lists.* Lists of "items," "details," etc., have been given as a part of this classification for the purpose of clearly indicating the application of the accounting rules in specific cases. The lists in every case are to be considered as merely representative and not as excluding from any account analogous items which happen to be omitted from the list appended. On the other hand, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account also indicates inclusion, inasmuch as the same item frequently appears in more than one list—for example, the item of blank books under accounts 276, 334, 358, 410, and 458—and the proper charge in any one instance must be determined by the text of the account.

§ 10.04–23 *Delayed items.* Cancellation of entries recorded in balance-sheet accounts relating to operating expenses of former years shall be recorded in accordance with § 10.02–3 *Delayed items.*

§ 10.04–24 *Depreciation accounting; equipment.* The accounting for depreciation of equipment shall be in accordance with the following:

(a) There shall be currently charged to operating expenses, and other accounts and credited to account 702½D, "Accrued depreciation—Equipment," during the service life of equipment, amounts which will approximate the loss in service value not restored by current repairs or covered by insurance. These charges for currently accruing depreciation shall be computed at such percentage rate of the ledger value of the equipment that the service value may be distributed under the straight-line method in equal annual charges to operating expenses and other accounts during the estimated service life of the equipment.

(b) All depreciation charges to operating expenses, and other accounts and concurrent credits to account 702½D, "Accrued depreciation — Equipment," shall be made monthly in conformity with the group plan of accounting for depreciation. The term "group plan" as applied to equipment depreciation accounting means the plan under which "depreciation" charges are accrued upon the basis of the ledger value of the property included in each equipment primary account (51 to 54 and 56 to 58, all inclusive), using the average service life thereof properly weighted and, upon the retirement of any unit of such property, its full service value is charged to account 702½D, "Accrued depreciation—Equipment," whether or not the particular item has attained the estimated average service life. In determining such monthly charges and credits the annual percentage rates shall be applied to the ledger value, as of the first of each month, of the respective primary equipment accounts and the result divided by 12.

(c) For purposes of analysis the carrier shall maintain subsidiary records in which the reserve is broken down into component parts corresponding to each equipment primary account (51 to 54 and 56 to 58, all inclusive) showing in these records also in complete detail by each such primary account the current credits and debits to the reserve. Such detailed information shall be reported annually to this Commission.

(d) In determining monthly depreciation charges to operating expense, and other accounts, and the corresponding credits to the depreciation reserve, the annual percentage rates applied to the ledger value of the property included in each primary equipment account (51 to 54 and 56 to 58, all inclusive) shall be those which are prescribed from time to time by this Commission, except that where no rates previously have been prescribed, the carrier's estimate of the annual percentage rates computed in accordance with this instruction shall be used.

(e) The carrier shall keep such records of equipment retirements, as will reflect the service lives and value of salvage of each class of equipment; shall maintain in convenient and accessible form engineering and other data bearing on prospective service lives; and shall be prepared at any time upon direction of this Commission to compute and submit for its approval, new percentage rates to take the place of those based on service lives or value of salvage found to be inaccurate.

(f) If the cause of retirement of a unit of equipment is not a recognized factor in depreciation but is a cause against which the carrier is insured the depreciation reserve shall be credited with the full amount of the insurance recovered. If the cause is not a recognized factor in depreciation and the loss is not covered by insurance the carrier may upon proof that the charge will result in unduly depleting the depreciation reserve and with the approval of this Commission charge all or a part of the service value of the unit to account 726, "Property retired chargeable to operating expenses," and distribute it from that account to account 330, "Retirements—Equipment."

(g) For the purpose of the group plan of depreciation accounting for equipment, the following primary accounts under account 50, "Equipment," are classed as depreciable accounts:

51. Steam locomotives.
52 Other locomotives.
53. Freight-train cars.
54. Passenger-train cars.
56. Floating equipment.
57. Work equipment.
58. Miscellaneous equipment.

(h) The accounting for the depreciation of leased equipment shall be in accordance with § 10.05–2 *Leased road and equipment; depreciation.* The depreciation on equipment includible in operating expenses by the lessee under that instruction shall be stated under the group plan in accordance with the foregoing instructions pertaining to the carrier's owned equipment.

§ 10.04–25 *Deferred maintenance, and major repairs to equipment.* When so authorized by the Commission there may be included each month in account 268, "Deferred maintenance—Way and structures"; account 339, "Deferred maintenance—Equipment"; and account 340, "Major repairs—Equipment"; an equitable proportion of the amount estimated as necessary (a) to provide for the cost of repairs which the carrier finds it is unable to undertake or complete during any calendar year due to non-receipt of material and supplies because of priorities regulations or due to adverse labor conditions; (b) also in anticipation of major repairs to equipment when such repairs are made at intervals of several years. The amounts included in these accounts shall be concurrently credited to account 774, "Maintenance reserves." The cost of such repairs when made shall be charged according to the repairs to the appropriate primary accounts under maintenance of way and structures and maintenance of equipment, and to the extent that provision has been made for such repairs, amounts included in account 774, "Maintenance reserves", shall be cleared therefrom through the accounts originally charged. The carrier in its application to the Commission shall give full particulars concerning the nature of the repair work specifically provided for in this section, and an estimate by primary accounts of the cost of such repairs.

EXPENSE ACCOUNTS

MAINTENANCE OF ROADWAY

§ 10.200 *Maintenance of way and structures.* The primary accounts included in this general account are designed to show the expenses of maintaining road property devoted to railway operations, with the exception of shop machinery, power plant machinery, and power plant apparatus, the expenses of maintaining which are includible in general account 300, "Maintenance of equipment."

The accounts for maintenance of way and structures shall be kept in such manner as to show separately, by primary accounts, the expenses directly assignable to sleeping car operations, dining and buffet service, hotels and restaurants, grain elevators, stockyards, producing power sold, and other miscellaneous operations.

§ 10.201 *Superintendence.* This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in the maintenance of roadway and structures.

LIST OF OFFICERS

Vice president.
Assistant vice president.
General manager.
Assistant general manager.
General superintendent.
Assistant general superintendent.
Chief engineer.
Engineer.
Division engineer.
Bridge engineer.
Chief signal engineer.
Assistant engineers.
Architect.
Roadmaster.
Assistant roadmaster.
Master carpenter.
Assistant master carpenter.
Master mason.
Superintendent of roadway structures.
Superintendent of scales.
Inspector of maintenance.
Building inspector.
Inspector of roadway stores.
Supervisor.
Assistant supervisor.
Fire Chief.
Fire inspector.
Sanitary inspector.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on the business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Chief clerk.
Draftsmen.
Clerks.
Stenographers.
Transitmen.
Levelmen.
Rodmen.
Chainmen.
Axmen.
Janitors.
Messengers.
Cooks.
Porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account; also amounts paid de-

tective agencies and others for investigations in connection with maintenance of way and structures.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Books for office use.
Business car service.
Fees and dues in associations.
Furniture repairs and renewals.
Heating.
Lighting.
Official train service.
Periodicals and newspapers.
Power.
Provisions for business cars.
Rent of offices.
Repairs of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

SUPPLIES FOR TECHNICAL ASSISTANTS

Barometers.
Books and maps.
Boxes for materials and instruments.
Cameras.
Camp equipage.
Chains for surveyors.
Compasses.
Curves.
Drafting boards.
Drafting instruments.
Field glasses.
Field notebooks.
Hatchets.
Levels.
Magnets.
Magnifiers.
Marking chalk.
Oilstones.
Paper, blue-print.
Parallel rules.
Photographic supplies.
Plane tables.
Planimeters.
Plummets.
Protractors.
Ranging poles.
Reading glasses.
Rods for surveyors.
Scales.
Section liners.
Sextants.
Slide rules.
Stakes.
Straightedges.
Tally registers.
Tape lines.
Tee-squares.
Telescopes.
Thermometers.
Thumb tacks.
Tracing linens.
Transits.
Traverse tables.
Triangles.
Tripods.
Verniers.

NOTE A: When employees designated above are specifically assigned to construction work, their pay and expenses while thus employed shall be charged to the work upon which engaged. (See § 10.01–4 *Cost of construction.*)

NOTE B: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE C: No part of the pay and expenses of the officers and employees designated above shall be charged to other primary accounts under account 200, "Maintenance of way and structures."

NOTE D: The cost of stationery for maintenance of way and structures offices is chargeable to account 276, "Stationery and printing."

§ 10.202 *Roadway maintenance.* This account shall include:

(a) *Care of roadbed.* The cost of repairing roadbed.

ITEMS OF ROADWAY EXPENSE

Blasting rocks.
Building temporary tracks around slides and washouts.
Repairing and cleaning tile ditches, open ditches, and drains.
Crowning track ties with retaining earth.
Filling borrow and cattle pits.
Keeping tracks clear and repairing sub-grade in case of washouts.
Landscape gardening along roadway.
Oiling roadbed.
Post driving and pressure grouting to promote stability of roadbed.
Removing temporary tracks around slides and washouts.
Repairing roadbed damaged by washouts.
Removing dangerous rocks.
Removing slides.
Restoring roadbed, cuts, fills, and embankments to standard width.
Sloping cuts.
Sodding roadway.

NOTE A: The cost of drains or sewers laid under tracks shall be included in account 208, "Bridges, trestles, and culverts." The cost of landscape gardening within the limits of the grounds around buildings shall be included in the appropriate repair accounts for buildings.

(b) *General cleaning.* The cost of cutting, removing, and disposing of brush, grass, and weeds from the right of way; plowing and digging fireguards; dressing ballast and cutting sod lines; removing miscellaneous scrap, drift, cinders, dirt, and other material from right of way and from road and terminal tracks (including tracks at stations, engine yards, and car yards); and cleaning streets used as roadways.

NOTE B: Loading ashes at engine-yard tracks shall be charged to the engine-house expense accounts.

(c) *Watching roadway.* The cost of extinguishing fires on right of way and adjacent thereto, and of walking, watching, and patrolling tracks and right of way.

NOTE C: The cost of watching and patrolling bridges, buildings, and miscellaneous property is provided for in accounts specifically relating to such property.

(d) *Bank protection.* The cost of repairs to riprap, piling, dikes, piers, breakwaters, revetments and retaining walls, which were placed or constructed for bank protection.

(e) *Train service.* The cost of work-train service in connection with work pertaining to roadway maintenance.

(f) *Track changes.* The cost of roadway work in connection with taking up and relocating tracks.

(g) *Other expenses.* The cost of roadway work not provided for elsewhere, such as official roadway inspection train service and premiums in connection with roadway maintenance.

NOTE D: Tools and supplies used by repair men and watchmen in roadway maintenance service shall be charged to account 271, "Small tools and supplies."

[12 F. R. 4452, as amended at 12 F. R. 6576 and 13 F. R. 6633]

§ 10.206 *Tunnels and subways.* This account shall include the cost of repairing, ventilating, lighting, and watching tunnels and subways for the passage of trains, and the cost of special tools and supplies furnished in connection with the work.

NOTE: The cost of repairs to signals and to roadway and tracks in tunnels shall be charged to the appropriate maintenance of way accounts and not to this account.

§ 10.208 *Bridges, trestles, and culverts.* This account shall include the cost of repairing (including fuel and supplies used) and watching bridges, trestles, and culverts, including altering and bracing during process of filling, dredging and cleaning water channels for protection, and cleaning culverts.

The bridges, trestles, and culverts referred to in this account include only structures which carry the carrier's own tracks.

DETAILS OF BRIDGE STRUCTURES

Abutments.
Bridge signs.
Cofferdams.
Concrete and masonry ends for culverts.
Cribs.
Decking, including gravel for fire protection.
Dike protection.
Drainage systems.
Draw protection.
Drawbridge engines and machinery.
False work.
Guard timbers.
Ice breakers.
Painting.
Pier protection.
Piers and foundations.
Pipe culverts.
Retaining walls.
Riprap around abutments.
Riprap at culvert ends.
Supports.
Water channels.
Waterproofing.
Wing dams.
Wing walls.

NOTE: When a part of the entire structure of a bridge or trestle is converted, by filling into an earth embankment, the ledger value of the structure, or of the portion thereof filled, shall be credited to road and equipment account 6, "Bridges, trestles, and culverts." In case the bridge is used in lieu of a temporary trestle for the purpose of filling, the estimated cost of such a temporary trestle shall be charged to road and equipment account 3, "Grading." The ledger value of the structure, or portion thereof, filled, less the value of the salvage and the estimated cost of trestle charged to road and equipment account 3, "Grading," shall be charged to account 702½C.

§ 10.210 *Elevated structures.* This account shall include the cost of repairing elevated structures and foundations of elevated railway systems.

§ 10.212 *Ties.* This account shall include the cost of cross, switch, bridge, and other track ties used in the repairs of tracks.

NOTE A: The cost of labor for unloading, distributing, and putting ties in tracks, the cost of work-train service in connection with the distribution of the ties laid, and the cost of picking up and concentrating or disposing of the ties released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The excess cost of metal ties applied in place of wooden ties over the cost at current prices of replacing in kind the wooden ties removed shall be charged to road and equipment account 8, "Ties."

NOTE C: The cost of ties used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts, and of ties used for repairs of tracks on car floats in account 323, "Floating equipment—Repairs."

§ 10.214 *Rails.* This account shall include the cost (less salvage) of rails used in the repairs of tracks; also the cost (at current prices at time of removal) of the excess in weight of heavy rails removed and lighter rails applied in repairs of tracks.

NOTE A: The cost of labor for unloading, distributing, and putting rails in tracks, the cost of work-train service in connection with the distribution of the rails laid, and the cost of picking up and concentrating the rails released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The cost of the excess weight of heavier rails applied in repairs of tracks in replacement of lighter rails shall be included in account 9, "Rails."

NOTE C: The cost of rails used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts, and of rails used for repairs of tracks on car floats to account 323, "Floating equipment—Repairs."

§ 10.216 *Other track material.* This account shall include the cost (less salvage) of all track material used in the repairs of tracks, other than ballast, ties, and rails.

ITEMS OF OTHER TRACK MATERIAL

Angle bars.
Anticreepers.
Connecting rods.
Derails.
Frog and guard-rail blocking.
Frogs.
Guard-rail clamps.
Guard-rail fasteners.
Guard rails.
Main rods.
Nut locks.
Nuts.
Offset bars.
Rail braces.
Rail chairs.
Rail clips.
Rail joints.
Rail rests.
Rail shims.
Rail splices.
Splice bars.
Step chairs.
Switch chairs.
Switch crossings.
Switch lamps.
Switch locks and keys.
Switch points.
Switch stands.
Switch-stand bolts.
Switch targets.
Switches.
Tie plates.
Tie plugs.
Tie-rods.
Track bolts.
Track insulators.
Track spikes.

NOTE A: The cost of labor and train service for distributing, unloading, and applying "other track material" used, and the cost of picking up and concentrating the material released shall be charged to account 220, "Track laying and surfacing."

NOTE B: The excess cost of improved or heavier track material applied for repairs of tracks, under a definite plan of changing standards, over the cost, at current prices, of material of the same weight and quality as that released, shall be charged to road and equipment account 10, "Other track material."

NOTE C: The cost of "other track material" used for repairs of tracks in quarries and ballast pits shall be included in the appropriate clearing accounts, and of such track material used for repairs of tracks on car floats in account 323, "Floating equipment—Repairs."

§ 10.218 *Ballast.* This account shall include the cost of gravel, stone, slag, cinders, sand, and like ballast material used in the repairs of tracks, including the cost of work-train service and of unloading the material. (See § 10.04–11 *Gravel and sand pits and quarries.*)

When the ballast taken from a pit is not sufficient to justify the opening of a clearing account, the cost of gravel and quarry rights and cost of sinking test holes shall be included in this account.

NOTE A: The cost of loading cinders at ash pits shall be charged to account 388, "Enginehouse expenses—Yard," or to account 400, "Enginehouse expenses—Train." No charge to cover the value of cinders accumulated by the carrier shall be included in this account.

NOTE B: The cost of labor putting ballast in tracks shall be included in account 220, "Track laying and surfacing."

NOTE C: The excess cost of ballasting tracks over the cost of replacing in kind to its maximum height and width the ballast previously put in the roadbed shall be charged to road and equipment account 11, "Ballast."

NOTE D: Earth placed to form a crown in the middle of the track is not to be considered as ballast.

NOTE E: The cost of ballast used for repairs of temporary tracks, such as gravel pit or quarry tracks, shall be included in the appropriate clearing accounts.

§ 10.220 *Track laying and surfacing.* This account shall include:

(a) *Applying ballast.* The cost of labor expended in preparing the roadbed, and applying ballast for repairs of tracks.

(b) *Applying ties.* The cost of labor expended in unloading, distributing and applying ties for repairs of tracks; in gathering up and disposing of the ties released; and in respacing ties.

(c) *Applying rails.* The cost of labor expended in unloading, distributing, cutting, slotting, drilling, adzing for, and laying rails for repairs of tracks; in gathering up and loading rails released; and in adjusting for expansion and contraction of rails.

(d) *Applying other track material.* The cost of labor expended in unloading, distributing, and applying other track material for repairs of tracks; and the cost of gathering up and loading the material released.

(e) *Track maintenance.* The cost of labor expended in alining, surfacing, gauging, and shimming tracks; in tightening track bolts and track spikes; in restoring rails, ties, and ballast in case of washouts, derailments, and wrecks; and in taking up tracks.

(f) *Train service.* The cost of work-train service (except work trains distributing ballast material) in connection with work pertaining to track laying and surfacing.

(g) *Track changes.* The cost of track work (exclusive of the cost of track material) in taking up and relocating tracks.

(h) *Other expenses.* The cost of track laying and surfacing work not provided for elsewhere, and expenses, such as repairing and replacing rail rests, official track inspection train service, and premiums in connection with track repairs.

NOTE: Tools and supplies used by track repair men and watchmen shall be charged to account 271, "Small tools and supplies."

§ 10.221 *Fences, snowsheds, and signs.* This account shall include:

(a) *Fences.* The cost of repairing right-of-way fences and snow and sand fences, farm gates, cattle guards, wing fences, aprons, and hedges, excluding those around stockyards, fuel stations, station and shop grounds, and building sites.

(b) *Snowsheds.* The cost of repairing snowsheds, including cost of replacing trees for protecting tracks from snow.

(c) *Signs.* The cost of repairing signs other than those for identification of bridges, signals, stations, and other structures. (For items of signs see account 13, "Fences, snowsheds, and signs.")

NOTE A: The cost of repairing fences (other than right-of-way boundary fences) around stockyards, fuel and water stations, and other building sites, shall be charged to the accounts appropriate for the cost of repairs of the structures.

NOTE B: The cost of repairing signs for identifying bridges, signals, stations, and other structures shall be included in the account appropriate for the cost of repairs of the structures.

NOTE C: The cost of repairing crossing signals, including crossing gates, shall be included in account 249, "Signals and interlockers."

§ 10.227 *Station and office buildings.* This account shall include the cost of repairing station and office buildings, fixtures, and appurtenances (including those for heating and lighting), used by the carrier in its operations; also the cost of maintaining grounds appurtenant to such buildings.

STATION AND OFFICE STRUCTURES AND DETAILS

Baggage rooms.
Breakwaters for protection of buildings.
Buildings and rooms for trainmen.
Buildings on piers.
Call bells.
Coal bins.
Coal-transferring machinery (not on coal and ore wharves).
Coal trestles (not at fuel stations).
Commissarial buildings.
Drainage and sewer systems.
Dwellings.
Eating houses.
Electric wiring.
Elevators and machinery.
Express buildings.
Fences.
Fire-engine houses.
Freight cranes.
Freight derricks.
Freight handling machinery.
Freight houses.
Garages.
Gas-supply systems.
General office buildings.
Grain cribs.
Grain elevators.
Grain warehouses.
Greenhouses.
Hay houses.
Heating plants.
Hedges.
Hoisting engines, for handling freight.
Hose houses.
Ice houses.
Lighting plants
Mail cranes.
Milk stands.
Office buildings.
Ore transferring machinery (not on coal and ore wharves).
Outhouses.
Pavement in ground limits.
Platforms, freight.
Platform, passenger, including planking between tracks.
Power distribution systems, interior.
Reading rooms.
Rooms for Y. M. C. A.
Scale houses.
Sidewalks.
Stables.
Station footbridges (not highway crossings).
Station intertrack fences.
Station platforms.
Station signs.
Station stairways.
Station subways (not highway crossings).
Station powerhouses.
Stations, freight.
Stations, passenger.
Stock pens.
Stockyards.
Storehouses.
Telegraph offices.
Telpher systems.
Track scales.
Transfer houses.
Transfer platforms.
Waiting rooms.
Warehouses.
Washrooms.
Water-supply systems.

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by station or office employees, shall not be included in this account.

§ 10.229 *Roadway buildings.* This account shall include the cost of repairing roadway shops and other roadway buildings, including drainage, water, gas, and sewer pipes and their connections, machinery and other apparatus, fixtures, and furniture in the buildings; also the cost of maintaining the grounds appurtenant to such buildings.

LIST OF ROADWAY STRUCTURES

Bins for material.
Blacksmith shops.
Boarding houses.
Breakwaters for protection of buildings.
Carpenter shops.
Dwellings for roadway employees.
Fire-engine houses.
Frog shops used solely for repairs of track material.
Hand-car houses.
Lumber sheds.
Offices.
Outhouses.
Planing mills.
Rail shops used solely for repairs of track material.
Repair shops.
Scrap bins.
Section dwelling houses.
Stables.
Storehouses.
Tool houses.
Watch houses.

NOTE A: The cost of repairing signal and interlocker buildings and their appurtenances shall be included in account 249, "Signals and interlockers."

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by employees regularly working in the buildings, shall not be included in this account.

§ 10.231 *Water stations.* This account shall include the cost of repairing water stations, fixtures, and appurtenances used by the carrier in its operations, and the cost of maintaining the grounds appurtenant to such stations.

WATER STATION STRUCTURES AND DETAILS

Boilers.
Breakwaters for protection of buildings.
Buildings on piers.
Cisterns.
Dams.
Fences.
Outhouses.
Penstocks.
Pump houses.
Pumps.
Purifying plants.
Reservoirs.
Settling basins.
Stationary engines.
Steam pipes.
Tanks and foundations.
Track tanks.
Tubs.
Water cranes.
Water-pipe lines.
Water-treating plants.
Wells.
Windmills.

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by water station employees, shall not be included in this account.

§ 10.233 *Fuel stations.* This account shall include the cost of repairing fuel stations, fixtures, and appurtenances used by the carrier in its operations, and the cost of maintaining the grounds appurtenant to such stations.

FUEL STATION STRUCTURES AND DETAILS

Breakwaters for protection of buildings.
Buckets.
Buildings on piers.
Coal buggies.
Coal hoists.
Coal pockets and chutes.
Dumping machinery
Elevating machinery
Fences.
Fuel houses.
Fuel-oil columns.
Fuel-oil plants.
Fuel-oil pumps.
Fuel-oil sumps.
Fuel-oil tanks.
Fuel platforms.
Fuel wharves.
Inclines.
Outhouses.
Scales.
Sheds.
Stationary engines.
Tipple cars.
Weighing apparatus.
Wood racks.

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by fuel station employees, shall not be included in this account.

§ 10.235 *Shops and enginehouses.* This account shall include the cost of repairing shop and enginehouse buildings, fixtures, and appurtenances used by the carrier in repairing and preparing equipment, and the cost of maintaining the grounds appurtenant to such buildings.

SHOP AND ENGINEHOUSE STRUCTURES AND DETAILS

Air-compressor houses.
Ash pits and pockets.
Ash plants.
Bins for material.
Blacksmith shops.
Breakwaters for protection of buildings.
Buildings on piers.
Car sheds.
Car shops.
Carpenter shops.
Cinder pits.
Cinder pockets.
Drop pits.
Dry houses.
Electric power distribution systems within buildings.
Enginehouses.
Fire-engine houses.
Footbridges (not public highways).
Foundries.
Gas-compressor houses.
Heating plants.
Hose houses.
Ice houses.
Laboratories.
Lighting plants.
Lumber sheds.
Machine shops.
Material and supply truck tracks.
Motor-crane tracks.
Offices, shop.
Oil houses.
Outhouses.
Paint shops.
Pipe lines, air, interior.
Pipe lines, car-heating.
Pipe lines, gas interior.
Planing mills.
Platforms, shop and yard.
Repair shops.
Sand houses.
Scale houses.
Scrap bins.
Sidewalks.
Stables.
Steam distribution systems, interior.
Storehouses.
Tanks, gas.
Tanks, oil.
Test rooms.
Tin shops.
Tool houses.
Track scales.
Transfer tables.
Turntables.
Upholstering shops.
Warehouses.
Wash rooms.
Watch houses.

NOTE A: The cost of repairing machinery and other apparatus, including special foundations in shops for maintenance of equipment shall be included in account 302, "Shop machinery."

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by shop employees, shall not be included in this account.

§ 10.237 *Grain elevators.* This account shall include the cost of repairing structures for the transfer, treatment, and storage of grain, including conveyors, machinery and fixtures; also the cost of maintaining the grounds appurtenant to such buildings.

The buildings referred to in this account are large elevators in which a regular grain business is handled or grain is stored for various owners.

NOTE A: Small storage elevators at way stations, where the freight is received for shipment, etc., are classed as station buildings.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by grain elevator employees shall not be included in this account.

§ 10.239 *Storage warehouses.* This account shall include the cost of repairing storage warehouses, including machinery and fixtures therein; also the cost of maintaining the grounds appurtenant to such warehouses.

The buildings referred to in this section are not the ordinary freight warehouses or stations where freight is received for shipment, etc., but are warehouses in which merchandise is stored and which the carrier operates as storage warehouses.

NOTE: Incidental cleaning, including the cost of cleaning snow from roofs, when done by storage warehouse employees, shall not be included in this account.

§ 10.241 *Wharves and docks.* This account shall include the cost of repairing wharves located at marine, lake, or river docks; dredging waterways to approaches and around such structures, including removal of dredged-out material; and cutting ice in and around docks and wharves to prevent damage; also cost of repairs of cribwork, racks, or caissons for preserving the depth of water in docks; and cost of repairs of guards, piling, and other protection against damage by drift or ice.

DETAILS OF WHARVES AND DOCKS

Bridge pontoons.
Bulkheads.
Caissons.
Cribwork.
Drydocks.
Ferry-bridge machinery.
Ferry bridges.
Ferry racks.
Ferry slips.
Jetties and inclines.
Transfer-bridge machinery.
Transfer bridges.

NOTE A: The cost of repairing buildings, tracks, and machinery (not bridge machinery) on wharves and piers shall be charged to the appropriate expense accounts.

NOTE B: The cost of repairing coal and ore wharves shall be charged to account 243, "Coal and ore wharves."

NOTE C: Incidental cleaning, when done by regular wharf employees, shall not be included in this account.

§ 10.243 *Coal and ore wharves.* This account shall include the cost of repairing wharves and docks, including the cost of repairing conveyors, machinery, and fixtures for the transfer, treatment, blending, or storage of coal or ore.

NOTE A: The structures referred to in this account do not include small transfer or storage trestles at stations where coal is stored or delivered, such trestles being classed as station buildings.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by coal and ore wharf employees, shall not be included in this account.

§ 10.247 *Communication systems.* This account shall include the cost of repairing telegraph, telephone, radio, radar, inductive train communication, and other communication systems, including terminal equipment.

DETAILS OF TELEGRAPH AND TELEPHONE TERMINAL EQUIPMENT

Batteries.
Cables and wires, interior.
Carrier terminating equipment.
Conduits, interior.
Connecting wires.
Current-controlling instruments.
Electric generators and motors.
Electric meters.
Engines, stationary.
Fuses and mechanical protectors.
Rectifiers.
Rheostats.
Sending and receiving instruments.
Switchboards.
Telegraph repeaters.
Telephone repeaters.
Teletypewriters.
Testing outfits.
Transformers.

DETAILS OF TELEGRAPH AND TELEPHONE OUTSIDE PLANT

Aerial attachments.
Braces.
Brackets.
Cable boxes and appurtenances.
Cables and wires, aerial.
Conduits and appurtenances.
Cross arms.
Gas and associated facilities for cables.
Guy stubs.
Guy wires.
Insulators.
Load coils.
Poles.
Submarine cables and connections.
Telephone pole boxes.
Towers.
Underground cables and connections.

DETAILS OF RADIO, RADAR, AND INDUCTIVE TRAIN COMMUNICATION EQUIPMENT

Aerials or antenna, and attachments.
Buildings or towers used exclusively for wireless.
Control units.
Power generating, converting, or supply equipment.
Radar console and associated equipment.
Roadside or office equipment for all wireless systems operated on special channels between train and train, train and tower or office, or between ship and shore.
Specialized testing and repair equipment.
Transmitters and receivers, including mobile units.

NOTE A: Repairs of radio, radar, or trainphone equipment (except portable apparatus) which is permanently attached to locomotives, cars, work equipment, or other rolling stock or floating equipment shall be included in the same account as repairs of the equipment on which installed. Repairs of wireless sets for instructions, advertising, or entertainment shall be included in the same account as repairs of the building in which located.

NOTE B: Repairs of communications systems of limited extent, not connected with other systems, used for special purposes and usually installed within a single building, group of buildings, or within the limits of a station or shop layout or yard, shall be included in the same account as repairs of the building in which located or in the account appropriate for the service with which associated.

NOTE C: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise, or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 407, "Communication system operation."

ITEMS

Buzzers, bells, dictaphones, or other interoffice communication systems in an office or group of buildings.
Loud speakers, bells, or whistles in shop and other yards.
Loud speakers, public address devices, press button control lights, telautograph, or other systems in stations or on platforms.
Whistles, klaxons, or horns operated from signal towers.

§ 10.249 *Signals and interlockers.* This account shall include the cost of repairing signals and interlockers governing the movements of locomotives and trains, and for the protection of traffic at crossings, including towers and other buildings, furniture, fixtures, and machinery in connection therewith; also the cost of repairing buildings and machinery of power plants used primarily for the production of power for the operation of signals and interlockers.

For list of items see account 27, "Signals and interlockers."

NOTE A: The pay and expenses of employees engaged both in maintaining and operating signals and interlockers shall be apportioned equitably between this account and account 404, "Signal and interlocker operation."

NOTE B: When signal or interlocking apparatus is located in station buildings, only the cost of repairing the signal or interlocking apparatus shall be charged to this account. The cost of repairing the building shall be included in account 227, "Station and office buildings."

NOTE C: The cost of repairs of track material such as special rail braces, special rods, switches, special track fastenings, split rails, derails, derail stands, and frogs, used in connection with interlockers shall be included in account 216, "Other track material."

NOTE D: When derails are arranged so as to be thrown from switch stands, the cost of labor expended for repairs of the connections between the switch stands and the derail and devices for throwing the derail, shall be included in account 220, "Track laying and surfacing."

NOTE E: The salaries, office expenses, and traveling expenses of supervisors or inspectors when engaged in maintaining both telegraph and telephone lines and signals and interlockers shall be equitably apportioned between this account and account 247, "Communication systems."

§ 10.253 *Power plants.* This account shall include the cost of repairing power-plant and substation buildings, including all foundations other than those special to particular machines and apparatus; and also dams, canals, pipe lines, and accessories devoted to the utilization of water for power. Gas and sewer pipes and their connections, fixtures (including wiring) for lighting and heating, and miscellaneous fixtures, shall be considered as a part of the power-plant buildings.

The power-plant buildings here referred to are those in which power is produced for the operation of trains and cars and for general purposes.

For list of items see road and equipment account 29, "Power plants."

NOTE A: The cost of repairing power-plant machinery, including small stacks resting on boilers, and special foundations for machines, shall be included in account 304, "Power-plant machinery."

NOTE B: The cost of repairng the buildings and the power machinery and other apparatus of plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

§ 10.257 *Power-transmission systems.* This account shall include the cost of repairing systems for conveying electricity, steam, and compressed air from producing plants to place or building where used; also the cost of conduits and poles, cross arms, insulator pins, brackets and other pole fixtures, and of other structures for power-transmission and distribution systems, including those for electric railway operation, and lighting systems for general lighting purposes.

For list of items see account 31, "Power-transmission systems."

NOTE A: The cost of repairing the portions of distribution systems located within shop buildings and station and office buildings shall be included in the accounts provided for the cost of maintaining the buildings. The cost of repairing distribution systems in plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

NOTE B: The cost of repairing conduits and poles and fixtures for telegraph and telephone lines shall be included in account 247, "Communication systems." If poles and conduits are used both for telegraph and telephone lines, and for power-distribution lines, the cost of repairs thereof shall be included in the account appropriate according to their predominant use.

§ 10.265 *Miscellaneous structures.* This account shall include the cost of repairing permanent structures, not provided for elsewhere, including the cost of repairing all furniture and fixtures to equip them for use. It shall also include the cost of maintenance of the grounds appurtenant to such structures.

NOTE A: When separable the cost of maintaining structures which are rented to other companies or individuals shall be charged to the income account in which is included the rent received for use of the structures.

NOTE B: Incidental cleaning, including the cost of cleaning snow from roofs, when done by employees regularly working in miscellaneous buildings, shall not be included in this account.

§ 10.266 *Road property; depreciation.* This account shall include the amount of depreciation charges applicable to the accounting period for all classes of depreciable road property listed in paragraph (g) of § 10.04–8 *Depreciation accounting; road property,* with the exception of shop machinery and power-plant machinery.

NOTE: Depreciation charges applicable to shop machinery and power-plant machinery shall be included in account 305, "Shop and power-plant machinery—Depreciation."

§ 10.267 *Retirements; road.* This account shall include charges for the service value (ledger value less value of salvage) of nondepreciable road property retired, excluding rail, ties, and other track material, and ballast used in repairs, as defined in this classification. This account shall also include the proportion of the service value of nondepreciable and depreciable road property retired carried in account 726, "Property retired chargeable to operating expenses," which by specific authority of the Commission shall be charged to current operating expenses. (See § 10.04–6 *Distribution of charges for nondepreciable road property retired,* and paragraph (k) of § 10.04–8 *Depreciation accounting; road property.*)

When road property previously subject to amortization accounting under section 124, "Amortization deductions," of the Internal Revenue Code is retired, the difference between the service value (ledger value less value of salvage and insurance recovered) thereof, and the balance in account 702½E, "Accrued amortization of defense projects—Road," with respect to the specific facility retired, after appropriate adjustment for any depreciation accrued thereon, shall be included in this account.

This account shall also be charged with such amounts as are concurrently credited to accounts 72 to 77, inclusive, in

accounting for the retirement of road property.

NOTE: The cost of dismantling or demolishing the property, if borne by the carrier, shall be charged to account 270, "Dismantling retired road property," or account 306, "Dismantling retired shop, and power-plant machinery," as may be appropriate.

§ 10.268 *Deferred maintenance; way and structures.* This account shall include the estimated cost of repairs to way and structures which cannot be made during the current year due to priorities for materials and supplies or shortage of labor.

This account shall be credited with amounts cleared from account 774, "Maintenance reserves", in accordance with the text of that account. (See § 10.04–25 *Deferred maintenance, and major repairs to equipment.*)

§ 10.269 *Roadway machines.* This account shall include the cost of repairing roadway machines which are used for the repairs of roadway and structures.

LIST OF ROADWAY MACHINES

Boilers, portable.
Cars, hand.
Cars, lever.
Cars, motor inspection.
Cars, push.
Cars (small), crane, for supply yards and general use.
Concrete mixers.
Ditching machines.
Dredging machines.
Engines, portable.
Grading outfits.
Hydraulic outfits.
Jacks, hydraulic.
Log loaders.
Pile drivers.
Plows, unloading.
Rail unloaders.
Rock crushers.
Steam rollers.
Timber trucks.
Velocipedes.

NOTE A: The cost of repairing machines in the maintenance of equipment shops shall be included in account 302, "Shop machinery," as provided for therein.

NOTE B: The cost of repairing roadway machines, such as pile drivers, log loaders, hoisting engines, and concrete mixers, when permanently mounted for movement on carrier's tracks, shall be included in account 326, "Work equipment—Repairs."

§ 10.270 *Dismantling retired road property.* This account shall include the cost of dismantling retired road property and recovering the salvage therefrom with the exception of track material recovered in connection with repairs of tracks as provided for in account 220, "Track laying and surfacing," and shop and power-plant machinery.

NOTE: The cost of removing, gathering up, and disposing of track material in connection with repairs of tracks is includible in account 220, "Track laying and surfacing," and of shop and power-plant machinery in account 306, "Dismantling retired shop and power-plant machinery."

§ 10.271 *Small tools and supplies.* This account shall include:

(a) *Roadway and track tools.* The cost of roadway tools (except special tools provided for elsewhere), including the cost of repairing such tools

LIST OF ROADWAY AND TRACK TOOLS

Adzes.
Anvils.
Augers.
Axes.
Ballast forks.
Bars, claw.
Bars, crow.
Bars, lining.
Bars, pinch.
Bars, raising.
Bars, tamping.
Braces and bits.
Brooms.
Brush hooks.
Cable stretchers.
Cables.
Cans, oil.
Cans, water.
Cant hooks.
Chains.
Chisels, track.
Chisels, wood.
Curbing hooks.
Dippers.
Drawing knives.
Drill bits.
Drills (portable).
Flags, signal.
Furnaces (portable).
Grindstones.
Hammers, napping.
Hammers, paving.
Hammers, spiking.
Handles for tools.
Hatchets.
Hoes.
Jack levers.
Jacks, ratchet.
Jacks, screw.
Jacks, track.
Kegs, water.
Ladders.
Lanterns and fixtures.
Lawn mowers.
Levels.
Lines for ditching.
Nippers.
Oilstones.
Padlocks.
Pails, water.
Paint brushes.
Picks, clay.
Picks, tamping.
Pike poles.
Post-hole diggers.
Post-hole tampers.
Punches.
Rail benders.
Rail tongs.
Rakes.
Rope.
Saws, crosscut.
Saws, hand.
Scrap boxes.
Scythes.
Shovels.
Sickles.
Sledges.
Spades.
Spike mauls.
Spike pullers.
Spot boards.
Squares.
Straightening machines.
Tape lines.
Thermometers for laying rail.
Tongs.
Tool boxes.
Torches.
Track gauges.
Track levels.
Vises.
Weed spuds.
Wheelbarrows.
Whetstones.
Wood mallets.
Wrenches, monkey.
Wrenches, track.

(b) *Roadway and track supplies.* The cost of supplies consumed in connection with the operation of roadway machines while used in repairs of roadway and tracks; and cost of supplies used by trackwalkers, track watchmen, and roadway and track repair men.

ITEMS OF ROADWAY SUPPLIES

Alcohol for hydraulic jacks.
Fuel for heating tool and other section houses.
Fuel for portable forges used in roadway and track work.
Gasoline for motor cars.
Oatmeal and ice for drinking water used by roadway and track repair men.
Oil and waste for hand cars, lever cars, motor inspection cars, and push cars.
Oil and wicks for lanterns used by trackwalkers, track watchmen, and roadway and track repair men.
Oil and wicks for lighting tool and other section houses.
Torpedoes used by trackwalkers, track watchmen, and roadway and track repair men.
Water for section houses.

§ 10.272 *Removing snow, ice, and sand.* This account shall include the cost of keeping track and roadway clear of snow, ice, and sand.

It shall include cost of preventing accumulation, such as the cost of distributing, setting up, inspecting, taking down, and regathering portable snow and sand fences; and cost of tools furnished for the purpose; also cost of storing fences.

It shall include cost of removing accumulations of snow, ice, and sand, cost of snow-plow and flanger service, and of work-train service; cost of applying and removing flangers from locomotives and cars, and of slatting pilots; cost of salt to keep switches clear; and cost of meals and lodging for men employed in removal service.

§ 10.273 *Public improvements; maintenance.* (a) This account shall include the portion borne by the carrier of the expense of maintenance of public improvements, whether done by public authority or by the carrier's employees under governmental requirement.

(b) By public improvements are meant improvements for public benefit such as curbing, grading, guttering, and paving of streets, overhead highway bridges, including approaches; drainage, sewer, irrigation, and water systems; flood protection, parks, sidewalks, etc.

For list of items see account 39, "Public improvements—Construction."

NOTE A: The expense of repairing paving within the grounds of buildings or other structures shall be charged to the accounts provided for repairs of the structures.

NOTE B: Assessments for maintaining public improvements included in the general tax levy for a regular taxing district shall be charged to the appropriate tax account in income.

NOTE C: Interest and penalties, based on monthly or annual percentage rates, for failure to pay assessments within the allotted time shall be included in account 547, "Interest on unfunded debt."

§ 10.274 *Injuries to persons.* This account shall include expenses on account of injuries to persons which occur directly in connection with the maintenance of way and structures, including injuries occurring in connection with the operation of work trains in such service, and injuries caused by defective highways within the right of way.

It shall also include expenses on account of injuries to employees incurred while demolishing structures, the maintenance of which would be chargeable to maintenance of way and structures; services of employees and others called in consultation in connection with claim adjustments; pay and expenses of employees while engaged as witnesses at inquests and lawsuits; and a suitable proportion of donations made to hospitals.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: Amounts donated by a carrier to hospitals shall be distributed, 25 percent to account 274, "Injuries to persons"; 25 percent to account 332, "Injuries to persons"; and 50 percent to accounts 420, "Injuries to persons."

NOTE C: The pay, office rent, office expenses, and other expenses of claim adjusters, claim clerks and others in charge of or engaged in connection with claim cases, when not assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged.

§ 10.275 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to maintenance of way and structures; also premiums on fidelity bonds of employees whose pay is chargeable to maintenance of way and structures. (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amounts of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies in reimbursement for losses under such reinsurance.

§ 10.276 *Stationery and printing.* This account shall include the cost of stationery and printing used in connection with maintenance of way and structures.

STATIONERY AND PRINTING ITEMS

Adding machines.
Addressographs and supplies.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cross-section books.
Cross-section paper.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Drawing paper.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Forms, blank and printed.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Profile books and paper.
Punches (not conductors' or baggagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand notebooks.
Sponge cups.
Sponges.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Wrapping paper.
Wringers for copying presses.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

§ 10.277 *Other expenses.* This account shall include all expenses in connection with maintenance of way and structures not provided for elsewhere.

ITEMS OF EXPENSE

Pay and expenses of maintenance of way employees attending conferences with officers in connection with wage disputes.
Fees paid arbitrators in wage disputes with maintenance of way employees.
Payments to maintenance of way employees for time absent on account of sickness, when not compensation for personal injuries.
Gratuities paid to persons for discovering defective rails, etc.

§ 10.278 *Maintaining joint tracks, yards, and other facilities—Dr.* This account shall include the carrier's proportion of the costs incurred by others in maintaining joint tracks, yards, terminals, and other facilities.

NOTE: The purpose of this account is to show the amounts accruing against the carrier for its proportion of the cost of maintaining tracks, yards, and other roadway and structure facilities maintained by others and in the joint use of which the carrier participates. (See § 10.04–9 *Joint facility accounts.*)

§ 10.279 *Maintaining joint tracks, yards, and other facilities—Cr.* This account shall include amounts chargeable to others as their proportions of the cost incurred by the carrier in maintaining joint tracks, yards, terminals, and other facilities.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of maintaining tracks, yards, and other roadway and structure facilities maintained by the carrier and in the joint use of which others participate. (See § 10.04–9 *Joint facility accounts.*)

§ 10.280 *Equalization; way and structures.* This account shall include adjustments of the differences between the actual and the budgeted or authorized maintenance of way and structures expenses as provided in § 10.04–19 *Equalization of maintenance expenses.* The amounts included in this account shall concurrently be debited or credited to account 773½, "Equalization reserves."

§ 10.281 *Right-of-way expenses.* This account shall include the cost to the carrier of maintaining structures owned by or exclusively used by others, such costs having been assumed by the carrier in order to acquire or to secure a less restricted use of its right of way.

The structures here referred to are those such as bridges above the carrier's tracks, tunnels, and roadways under the carrier's tracks.

NOTE: The cost of maintaining public improvements is includible in account 273, "Public improvements—Maintenance."

MAINTENANCE OF EQUIPMENT

§ 10.300 *Maintenance of equipment.* The primary accounts included in this general account are designed to show the expenses of maintaining the carrier's equipment and the carrier's expense for the repairs of other equipment used in its operations, also the cost of maintaining road property classified as shop and power plant machinery. The repair accounts shall include foreign roads' freight charges for transporting the carrier's equipment to shops for repairs and for transporting such equipment to the carrier's line after repairs have been made. No charge shall be made to these accounts for transporting equipment in the carrier's transportation service trains to shops for repairs or from shops after repairs have been made.

The accounts for maintenance of equipment shall be kept in such manner as to show separately, by primary accounts, the expenses directly assignable to sleeping car operations, dining and buffet service, producing power sold, and other miscellaneous operations.

§ 10.301 *Superintendence.* This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in the maintenance of equipment.

LIST OF OFFICERS

Vice president.
Assistant vice president.
General superintendent of motive power.
Assistant general superintendent of motive power.
Mechanical superintendent.
Superintendent of motive power.
Assistant superintendent of motive power.
Mechanical engineer.
Assistant mechanical engineer.
Chief chemist.
General equipment inspector.
Engineer of tests.
Supervisor of car department.
Electrical engineer.
Assistant electrical engineer.
Chemist and assistant chemist.
Master car builder.
Master mechanic.
General foreman.
Chief car inspector.
Inspector of passenger-train cars.
General car inspector.
Traveling boiler inspector.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Chief motive power clerks.
Chief clerks.
Draftsmen.
Stenographers.
Motive power clerks.
Shop clerks.
Messengers.
Cooks.
Porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account, and amounts paid to detective agencies and others for investigations in connection with repairs of equipment.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Barometers.

Books for office use.
Business car service.
Drafting instruments.
Drafting supplies.
Engineering supplies.
Fees and dues in technical associations.
Furniture repairs and renewals.
Heating.
Lighting.
Official train service.
Periodicals and newspapers.
Power.
Provisions for business cars.
Rent of offices.
Repair of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

NOTE A: When employees designated above are specifically assigned to construction work, their pay and expenses while thus employed shall be charged to the work upon which engaged. (See paragraph (a) of § 10.01–4 *Cost of construction.*)

NOTE B: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE C: The cost of stationery purchased for maintenance of equipment offices is chargeable to account 334, "Stationery and printing."

NOTE D: The pay of general foremen in small shops, who exercise direct supervision over all departments, unassisted by departmental foremen, shall be apportioned through clearing account "Shop expenses."

§ 10.302 *Shop machinery.* This account shall include the cost of repairing machinery and other apparatus, including special foundations, in shops and enginehouses.

LIST OF SHOP MACHINERY

Air compressors.
Ash conveyors.
Belting.
Blowers.
Boilers for furnishing power.
Boring machines.
Cars, small motor.
Cars, push.
Cranes.
Drill presses.
Drilling machines.
Drop tables.
Forges.
Framing machines.
Furnaces.
Grinding and polishing machines.
Hoists.
Hydraulic jacks.
Lathes.
Lifting magnets.
Metal chimneys.
Milling machines.
Motors.
Pipe cutting and threading machines.
Planers.
Pneumatic hammers.
Power machinery, where no distinct power plant is provided.
Punches.
Riveters.
Saws.
Shafting.
Shapers.
Slotters.
Stationary engines.
Steam hammers.
Vises.
Welding machines.
Woodworking machines.

NOTE A: The cost of repairing power plant machinery for shop power when located in distinct buildings shall be included in account 304, "Power plant machinery."

NOTE B: The cost of repairing boilers used exclusively for heating shall be included in the appropriate repair accounts for buildings.

NOTE C: The cost of small tools which are soon worn out, when used by mechanics on miscellaneous work, shall be included in clearing account "Shop expenses," and when used on repairs of equipment shall be included in the appropriate accounts for repairs of equipment.

NOTE D: The cost of repairing machinery and tools in shops used exclusively for maintenance of way and structures shall be included in account 229, "Roadway buildings."

§ 10.304 *Power-plant machinery.* This account shall include the cost of repairing machinery and other apparatus including special foundations in power plants and substations for generating and transforming power used for the operation of trains and cars or to furnish power, heat, and light for general purposes.

For list of items see account 45, "Power-plant machinery."

NOTE A: The cost of repairing power-machinery and apparatus in shop power plants shall be included in account 302, "Shop machinery."

NOTE B: The cost of repairing power-machinery and apparatus in stations and offices used primarily for station and office purposes shall be included in account 227, "Station and office buildings."

NOTE C: The cost of repairing power-machinery and apparatus in plants used primarily for operating signals and interlockers shall be included in account 249, "Signals and interlockers."

NOTE D: The cost of repairing foundations, other than those special to particular machines and other apparatus, shall be included in cost of repairing the building and not in this account.

NOTE E: The cost of repairing machinery in distinct plants for furnishing power both for carrier purposes and for sale shall be included in this account. When plants are used solely for generating power for sale the cost of repairs shall be included in account 534, "Expenses of miscellaneous operations."

§ 10.305 *Shop and power-plant machinery; depreciation.* This account shall include the amount of depreciation charges applicable to the accounting period for all classes of property the cost of which is includible in accounts 44, "Shop machinery" and 45, "Power-plant machinery." (See also § 10.04–8 *Depreciation accounting; road property.*)

§ 10.306 *Dismantling retired shop and power-plant machinery.* This account shall include the cost of dismantling retired shop and power-plant machinery and recovering the salvage therefrom.

§ 10.308 *Steam locomotives; repairs.* This account shall include the cost of repairing transportation service steam locomotives and tenders, including all appurtenances, and the cost of small hand tools used in repair work.

This account shall also include the cost of work-train service for the transportation of locomotives without steam to shops for repairs, including the pay and expenses of caretakers, and the pay and expenses of caretakers of locomotives without steam which are hauled in transportation service trains to shops for repairs; also notarial fees in connection with reports on conditions of locomotives.

LIST OF APPURTENANCES TO LOCOMOTIVES

Air-brake equipment and hose.
Arm rests.
Awnings.
Brake fixtures.
Cab cushions.
Cab lamps.
Clocks.
Coal boards.
Fire extinguishing apparatus.
Gongs.
Head lamps.
Packing (except for lubricating).
Pneumatic sanding equipment.
Seat boxes.
Speed recorders.
Steam-gauge lamps
Steam-heat equipment and hose.
Storm doors.
Tool boxes.
Train-signal equipment and hose.

NOTE A: The cost of inspecting smokestacks and ash pans of locomotives in service shall be included in the appropriate enginehouse expense accounts.

NOTE B: The cost of repairing steam locomotives and tenders of foreign lines, waybilled as freight, and damaged in transit shall be charged to account 418, "Loss and damage—Freight"; and the cost of repairing steam locomotives and tenders of foreign lines having trackage rights over the carrier's line, damaged by collision, wreck, or other cause, for which the carrier is liable, shall be charged to account 416, "Damage to property."

NOTE C: The cost of running locomotives under steam to shops for repairs in connection with transportation service shall be included in the cost of the service in connection with which the movement occurs.

NOTE D: The cost of repairing steam locomotives used solely in work service in connection with operations shall be included in account 326, "Work equipment—Repairs." The cost of repairing locomotives on account of construction work shall be included in the cost of the work. (See paragraph (c) of § 10.01–4 *Cost of construction.*)

§ 10.311 *Other locomotives; repairs.* This account shall include the cost of repairs of transportation service locomotives other than steam locomotives, analogous to those set forth for steam locomotives in account 308, "Steam locomotives—Repairs."

§ 10.314 *Freight-train cars; repairs.* This account shall include the cost of repairing freight-train cars and appurtenances, and the cost of repairing motor equipment affixed to freight-train cars engaged in transportation service; also cost of small hand tools used in repairs. This account shall also include the net loss sustained on account of the destruction of foreign freight cars in the carrier's transportation service and amounts paid to others for repairs of freight cars for which the carrier is liable.

LIST OF FREIGHT-TRAIN CARS

Ballast (commercial).
Beer.
Box.
Cabin.
Caboose.
Charcoal.
Coal.
Coke.
Dump (commercial)
Flat.
Fruit.
Furniture.
Gondola.
Gondola (hopper).
Gondola (long).
Gun truck.
Hay.
Lime.
Logging.
Oil tank.
Ore.
Platform.
Poling.
Poultry.
Produce.
Rack.
Refrigerator.
Stock.
Tank (in commercial service).
Water (in commercial service).
Work (in commercial service).

LIST OF APPURTENANCES TO FREIGHT-TRAIN CARS

Air-brake equipment, including hose.
Cooking equipment and utensils.
Cushions.
Heating equipment.
Ice boxes.
Lamps and fixtures.
Seats.
Speed recorders.
Train-signal equipment, including hose.
Water tanks.

NOTE A. The cost of candles, wicks, lamp chimneys, globes, and shades for oil or other lamps in freight-train cars shall be charged to account 402, "Train supplies and expenses."

NOTE B. The cost of repairing freight-train cars of foreign lines waybilled as freight and damaged in transit shall be charged to account 418, "Loss and damage—Freight"; and the cost of repairing freight-train cars of foreign lines having trackage rights over the carrier's line, when damaged by collision, wreck, or other cause, for which the carrier is liable, shall be charged to account 416, "Damage to property."

§ 10.317 *Passenger-train cars; repairs.* This account shall include the cost of repairing passenger-train cars and appurtenances and the cost of repairing motor equipment affixed to passenger-train cars used in transportation service; small hand tools used in repairs; the net loss sustained on account of the destruction of foreign passenger-train cars in the carrier's transportation service, and amounts paid others for repairs of passenger-train cars for which the carrier is liable.

LIST OF PASSENGER-TRAIN CARS

Baggage.
Baggage-express.
Baggage-mail.
Baggage - mail - express.
Buffet.
Café.
Chair.
Club.
Colonist.
Combination passenger and baggage.
Dining.
Express.
Immigrant.
Library.
Mail.
Milk.
Observation.
Parlor.
Parlor-baggage.
Passenger.
Passenger-baggage.
Passenger - baggage-mail.
Postal.
Refrigerator-express.
Sleeping.
Smoking.
Tourist.

LIST OF APPURTENANCES TO PASSENGER-TRAIN CARS

Air-brake equipment, including hose.
Bedding.
Chairs.
Coat hooks.
Curtains and fixtures.
Cushions.
Electric bells.
Floor coverings.
Heating equipment and steam-heat hose.
Ice boxes.
Ice tanks.
Kitchen equipment and utensils.
Lighting equipment.
Mail catchers.
Parcel racks.
Ranges and boilers.
Seats.
Speed recorders.
Steam heat hose.
Table china.
Table glassware.
Table linen.
Table silver.
Toilet equipment.
Train-signal equipment, including hose.
Water tanks.

NOTE A: The cost of candles, wicks, and lamp chimneys, and of globes and shades for electric and other lights in passenger-train cars shall be charged to account 402, "Train supplies and expenses."

NOTE B: The cost of repairing passenger-train cars of foreign lines, which are waybilled as freight and have been damaged in transit, shall be charged to account 418, "Loss and damage—Freight," and the cost of repairing passenger-train cars of foreign lines having trackage rights over the carrier's line, when damaged by collision, wreck, or otherwise, for which the carrier is liable, shall be charged to account 416, "Damage to property."

§ 10.323 *Floating equipment; repairs.* This account shall include the cost of repairing floating equipment (other than work equipment), including appurtenances, and cost of small hand tools used in repairs.

The pay and expenses of captains and engineers and of boat employees, while engaged on maintenance of floating equipment, shall be included in this account.

LIST OF FLOATING EQUIPMENT

Barges.
Canal boats.
Car and other floats
Ferryboats.
Lighters.
Power launches.
Power lighters.
Scows.
Steamboats.
Steamships.
Transfer boats.
Tugboats.

LIST OF APPURTENANCES, TOOL EQUIPMENT, AND FURNITURE

Anchors.
Axes.
Barometers.
Beds and bedding.
Binnacle lamps.
Blocks and tackle.
Boilers and foundations.
Cables.
Capstan bars.
Carpets.
Charts.
China, crockery, and glassware.
Chronometers.
Clocks.
Compasses.
Counters.
Desks.
Engines and foundations.
Fire buckets.
Fire extinguishers.
Floor coverings.
Flue cleaners.
Furniture.
Gangplanks.
Hatchets.
Heating equipment.
Hoisting equipment.
Hooks.
Keys.
Kitchen equipment.
Life preservers.
Lighting equipment.
Linen.
Lines.
Logs.
Machinery and foundations.
Masts.
Office furniture.
Oil cans.
Pianos and other musical instruments.
Pumps.
Racks.
Railings.
Rakes.
Rigging.
Safes.
Sails.
Scales.
Seats, chairs, and cushions.
Shovels.
Slice bars and pokers.
Spyglasses.
Steam distribution systems.
Steering equipment
Telescopes.
Ticket cases.
Tool boxes.
Tools, miscellaneous.
Tracks on car floats.
Ventilating equipment.
Wrenches.

§ 10.326 *Work equipment; repairs.* This account shall include the cost of repairing rail and floating work equipment, including appurtenances, and cost of small hand tools used in repairs.

The cost of fitting up commercial cars for work service in connection with maintenance and operation; the cost of refitting them for commercial service; the cost of repairs to locomotives while in service for repairs of road and equipment; and the cost of repairs to foreign cars damaged while in such service shall be included in this account; also amounts paid in settlement for such cars destroyed in such service.

LIST OF WORK EQUIPMENT—RAIL

Air-brake instruction cars.
Ballast cars.
Ballast unloader cars.
Boarding cars.
Bridge cars.
Business cars.
Camp cars.
Cinder cars.
Concrete mixers (mounted).
Derrick cars.
Dirt spreaders (mounted).
Ditching cars.
Dump cars.
Dynamometer cars.
Gas-tank cars.
Grading cars.
Gravel cars.
Indicator cars.
Locomotive tanks used as water cars.
Locomotives.
Officers' cars.
Outfit cars.
Painters' cars.
Pay cars.
Pile drivers (mounted).
Rail saws (mounted).
Salt cars.
Sanding cars.
Scale test cars.
Scraper cars.
Snow dozers.
Snow drags.
Snow plows (not attached to but moved by locomotives).
Sprinkling cars.
Steam shovels.
Steam wrecking derricks.
Supply cars.
Sweeper cars.
Tool and block cars.
Tool cars.
Water cars.
Weed burners (mounted).
Wrecking cars.

APPURTENANCES TO WORK EQUIPMENT—RAIL

Air-brake equipment.
Beds and bedding.
Blocking.
Blocks and tackle.
Boilers on cars.
Bunks, seats, and chairs.
Chains.
China, crockery, and glassware.
Cushions.
Engines on cars.
Flue cleaners.
Hatchets.
Heating equipment.
Hooks.
Jacks.
Kitchen utensils.
Lighting equipment.
Linen.
Lines.
Machinery on cars.
Oil cans.
Rakes.
Ranges.
Shovels.
Slice bars and pokers.
Tool boxes.
Tools, miscellaneous.
Train-signal equipment.
Wrecking trucks.
Wrenches.

LIST OF WORK EQUIPMENT—FLOATING

Derricks.
Dredges.
Pile drivers.

APPURTENANCES TO WORK EQUIPMENT—FLOATING

Anchors.
Axes.
Barometers.
Beds and bedding.
Blocks and tackle.
Boilers and foundations.
Cables.
China, crockery, and glassware.
Compasses.
Cushions.
Desks.
Engines and foundations.
Fire extinguishers.
Fire buckets.
Floor coverings.
Flue cleaners.
Gangplanks.
Hatchets.
Heating equipment.
Hoisting equipment.
Hooks.
Keys.
Life preservers.
Lighting equipment.
Linen.
Lines.
Machinery and foundations.
Masts.
Oil cans.
Pumps.
Rakes.
Rigging.
Sails.
Seats and chairs.
Shovels.
Slice bars and pokers.
Steam distribution systems.
Steering equipment.
Tool boxes.
Tools, miscellaneous.
Wrenches.

NOTE: The cost of repairs to work equipment on account of construction work shall be included in the cost of the construction work on which it is used. (See paragraph (c) of § 10.01–4 *Cost of construction.*)

§ 10.328 *Miscellaneous equipment; repairs.* This account shall include the cost of repairing miscellaneous equipment, such as wagons, automobiles, and other highway vehicles, and harness.

§ 10.329 *Dismantling retired equipment.* This account shall include the cost of tearing down retired equipment and recovering the salvage therefrom.

§ 10.330 *Retirements; equipment.* This account shall include the proportion of the service value of equipment retired carried in account 726, "Property retired chargeable to operating expenses," which by specific authority of this Commission shall be charged to operating expenses in the period. (See paragraph (f) of § 10.04–24 *Depreciation accounting; equipment.*)

When equipment previously subject to amortization accounting under section 124, "Amortization deductions," of the Internal Revenue Code is retired, the difference between the service value (ledger value less value of salvage and insurance recovered) thereof and the balance in account 702½F, "Accrued amortization

of defense projects—Equipment," with respect to the specific equipment retired, after appropriate adjustment for any depreciation accrued thereon, shall be included in this account.

This account shall also be charged with such amounts as are concurrently credited to accounts 72 to 77, inclusive, in accounting for the retirement of equipment.

§ 10.331 *Equipment; depreciation.* This account shall include the amount of depreciation charges applicable to the accounting period for all classes of equipment the ledger value of which is includible in accounts 51 to 54 and 56 to 58, all inclusive. (See also § 10.04–24 *Depreciation accounting; equipment.*)

§ 10.332 *Injuries to persons.* This account shall include expenses on account of injuries to persons which occur directly in connection with repairs of equipment.

Services of employees and others called in consultation in relation to claim adjustments, pay and expenses of employees while engaged as witnesses at inquests and lawsuits, and a suitable proportion of donations made to hospitals shall be included in this account.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: Amounts donated by a carrier to hospitals shall be distributed, 25 percent to account 274, "Injuries to persons"; 25 percent to account 332, "Injuries to persons"; and 50 percent to account 420, "Injuries to persons."

NOTE C: The pay, office rent, and office and other expenses of claim adjusters, claim clerks, and others in charge of or engaged in connection with claim cases, when not assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged.

§ 10.333 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss, through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to maintenance of equipment; also premiums on fidelity bonds of employees whose pay is chargeable to maintenance of equipment. (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

§ 10.334 *Stationery and printing.* This account shall include the cost of stationery and printing used in connection with maintenance of equipment.

STATIONERY AND PAINTING ITEMS

Adding machines.
Addressographs and supplies.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Drawing paper.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Forms, blank and printed.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Parchment paper.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches (not conductor's or baggagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand notebooks.
Sponge cups.
Sponges.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Wrapping paper.
Wringers for copying presses.

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

§ 10.335 *Other expenses.* This account shall include expenses in connection with the maintenance of equipment not properly chargeable to other accounts for maintenance of equipment or to clearing accounts such as "Material store expenses" and "Shop expenses."

ITEMS OF EXPENSE

Pay and expenses of mechanical department employees attending conferences with officers in connection with mechanical department wage disputes.
Fees paid arbitrators in connection with mechanical department wage disputes.
Payments to mechanical department employees for time absent on account of sickness when not in compensation for personal injuries.

§ 10.336 *Joint maintenance of equipment expenses—Dr.* This account shall include the carrier's proportion of expenses incurred by others in maintaining equipment used in the operation of joint facilities, including the carrier's proportion of the expenses of repairing such equipment damaged by accidents when such expenses are participated in by more than one carrier. It shall also include the carrier's proportion of expenses incurred by others in maintaining joint shop machinery and power-plant machinery.

NOTE: The purpose of this account is to show the amount accruing against the carrier for its proportion of the expense of maintaining equipment, shop machinery, and power-plant machinery, which is maintained by others and in the joint use of which the carrier participates.

§ 10.337 *Joint maintenance of equipment expenses—Cr.* This account shall include the amount chargeable to others as their proportion of expenses incurred by the carrier in maintaining equipment used in the operation of joint facilities, and for expenses of repairing equipment damaged by accidents, when such expenses are participated in by more than one carrier. It shall also include amounts chargeable to others as their proportions of the expenses incurred by the carrier in maintaining joint shop machinery and power-plant machinery.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier due from others for their proportions of the expense of maintaining equipment, shop machinery, and power-plant machinery, which is maintained by the carrier and in the joint use of which others participate.

§ 10.338 *Equalization; equipment.* This account shall include adjustments of the differences between the actual and the budgeted or authorized maintenance of equipment expenses as provided in § 10.04–19 *Equalization of maintenance expenses.* The amounts included in this account shall concurrently be debited or credited to account 773½, "Equalization reserves."

§ 10.339 *Deferred maintenance; equipment.* This account shall include the estimated cost of repairs to equipment which cannot be made during the current year due to priorities for materials and supplies or shortage of labor.

This account shall be credited with amounts cleared from account 774, "Maintenance reserves," in accordance with the text of that account. (See § 10.04–25 *Deferred maintenance, and major repairs to equipment.*)

NOTE: Estimated costs of heavy or extraordinary repairs to equipment that are usually made at intervals of several years shall be charged to account 340, "Major repairs—Equipment."

§ 10.340 *Major repairs; equipment.* This account shall be charged with the estimated cost of anticipated major repairs to equipment that are usually made at intervals of several years.

This account shall be credited with amounts cleared from account 774, "Maintenance reserves," in accordance with the text of that account. (See § 10.04–25 *Deferred maintenance, and major repairs to equipment.*)

TRAFFIC

§ 10.350 *Traffic.* The primary accounts included in this general account are designed to show the expenses incurred for advertising, soliciting, and securing traffic for the carrier's lines and for preparing and distributing tariffs governing such traffic.

§ 10.351 *Superintendence.* This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in supervising the procurement of traffic, and the preparation and distribution of tariffs, division sheets, and classifications.

LIST OF OFFICERS

Vice president.
Assistant to vice president.
Traffic director.
Traffic manager.
General freight agent.
Assistant general freight agent.
Chief of tariff bureau.
Traveling tariff inspector.
Live stock agent.
General passenger agent.
Assistant general passenger agent.
Division passenger agent.
Division freight agent.
General baggage agent.
General express agent.
General express manager.
Coal traffic agent.

(b) *Pay of clerks and attendants.* The pay of clerks and other employees in the offices and on business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Chief clerk.
Clerks.
File clerks.
Stenographers.
Messengers.
Cooks.
Porters.
Attendants.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Barometers.
Bicycles.
Books for office use.
Business car service.
Express charges.
Fees and dues in commercial and other clubs.
Furniture repairs and renewals.
Heating.
Lighting.
Official train service.
Periodicals and newspapers.
Power.
Provisions for business cars.
Rent for offices.
Repairs of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

NOTE A: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants, and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The pay and expenses of officers engaged exclusively in soliciting traffic are chargeable to account 352, "Outside agencies."

NOTE C: The cost of stationery for traffic offices is chargeable to account 358, "Stationery and printing," except stationery chargeable to accounts 354, 355, and 356.

§ 10.352 *Outside agencies.* This account shall include the pay, and the office, traveling, and other expenses of general, commercial, city, and district agents and others soliciting traffic, the employees of their offices, and traveling agents and solicitors located on or off the line of the carrier's road.

City ticket and freight offices, separate from regular station ticket and freight offices, shall be treated as outside agencies; the pay and expenses of the employees therein and the expenses of such offices shall be charged to this account.

Commissions for services pertaining to either freight or passenger business, except commissions paid in lieu of salaries to carrier's agents located upon the carrier's own line (which shall be charged to account 373, "Station employees"), shall be included in this account.

ITEMS OF EXPENSE

Bicycles.
Books for office use.
Express charges.
Furniture repairs and renewals.
Heating.
Lighting.
Membership fees and dues in agency associations.
Membership fees and dues in commercial clubs.
Office supplies.
Periodicals and newspapers.
Rent of offices.
Repairs of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

§ 10.353 *Advertising.* This account shall include the cost of advertising for the purpose of securing traffic; pay of advertising agents, their clerks and attendants; rent of offices, and the office, traveling, and other expenses of such employees; also donations to carnivals, local development associations, summer schools, and other gatherings, when made for the purpose of increasing traffic.

ITEMS OF ADVERTISING EXPENSE

Advertisements in newspapers.
Advertisements in periodicals.
Bulletin boards and cards.
Card cases.
Customs charges on advertising matter.
Display and other advertising cards.
Distributing folders.
Distributing general notices to shippers.
Distributing time-tables.
Dodgers.
Express charges.
Frames.
Handbills.
Maps used for advertising.
Pamphlets.
Photographs and views.
Postage.
Posters.
Publishing advertising matter.
Publishing folders.
Publishing notices to shippers.
Publishing time-tables.
Racks.

NOTE: Advertising expenses of industrial and immigration bureaus shall be included in account 356, "Industrial and immigration bureaus."

§ 10.354 *Traffic associations.* This account shall include the cost to the carrier of participation in traffic associations, including its proportion of the pay of officers and employees of such associations and of their office, stationery and printing, traveling, and other expenses.

LIST OF TRAFFIC ASSOCIATIONS

Boards of trade.
Classification bureaus.
Clergy bureaus.
Commercial associations.
Freight associations.
Mileage ticket bureaus.
Passenger associations.
Tariff bureaus.
Ticket validating agencies.

§ 10.355 *Fast freight lines.* This account shall include the cost to the carrier of participation in fast freight or dispatch organizations, including its proportion of the pay of officers, soliciting agents, and employees of such organizations, and their office, stationery and printing, traveling, and other expenses.

§ 10.356 *Industrial and immigration bureaus.* This account shall include the cost to the carrier of industrial and immigration bureaus, including the pay of industrial and immigration agents, and exhibit agents, their clerks and attendants and their office, stationery and printing, traveling, and other expenses.

ITEMS OF EXPENSE.

Advertising.
Agricultural trains.
Dairy trains.
Donations to expositions.
Donations to fairs.
Donations to stock shows.
Exhibits.
Experimental farms.
Good roads trains.
Premiums to fairs.
Premiums to stock shows.

§ 10.357 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to Traffic; also premiums on fidelity bonds of employees whose pay is chargeable to Traffic. (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account the amount of all claims for injuries to persons and damages to the property covered by its insurance shall be charged. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

§ 10.358 *Stationery and printing.* This account shall include the cost of stationery and printing used in connection with securing traffic, including the cost of tariffs governing such traffic.

STATIONERY AND PRINTING ITEMS

Adding machines.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.

Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Classifications.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Division sheets.
Duplicators.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Flexotype machines.
Forms, blank and printed.
Freight classifications.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches (not conductors' or baggagemen's).
Rate sheets.
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand notebooks.
Sponge cups.
Sponges.
Stamps, impression.
Stylographs.
Tablets, blank and printed.
Tape.
Tariffs, printed.
Telegraph blanks.
Tissue (impression) paper.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Wrapping paper.
Wringers for copying presses.

NOTE A: The cost of dictionaries, periodicals, technical books, etc., shall be included in the appropriate superintendence accounts.

NOTE B: The cost of stationery and printing used by traffic associations, fast freight lines, and industrial and immigration bureaus shall be included in the accounts provided for the expenses of such organizations.

§ 10.359 *Other expenses.* This account shall include all expenses in connection with traffic not properly chargeable to other traffic accounts.

TRANSPORTATION

§ 10.370 *Transportation; rail line.* The primary accounts included in this general account are designed to show expenses incurred for transporting persons and the property of others, including the expenses of station, train, yard, and terminal service; also the expense of transporting company material in transportation service trains.

§ 10.371 *Superintendence.* This account shall include:

(a) *Pay of officers.* The pay of officers directly in charge of or engaged in conducting transportation.

LIST OF OFFICERS

Vice president.
Assistant to the vice president.
General manager.
Assistant general manager.
General superintendent of transportation.
Superintendent of transportation.
General superintendent.
Assistant general superintendent.
Superintendent.
Division superintendent.
Assistant division superintendent.
Superintendent of car service.
Chief special agent.
Members of examining boards.
Superintendent of mail service.
Traveling train and station inspectors.
Air-brake instructor.
Superintendent of agencies.
Superintendent of transfer stations.
Trainmaster.
Assistant trainmaster.
General road foreman of locomotives.
Road foreman of locomotives.
Traveling locomotive engineer.
Traveling locomotive fireman.

(b) *Pay of clerks and attendants.* The pay of clerks and others employed in the offices and on business cars of officers whose pay is chargeable to this account.

LIST OF EMPLOYEES

Division clerk.
Chief clerk.
Clerks.
Special agents.
Detectives.
Stenographers.
Messengers.
Cooks.
Porters.

(c) *Office and other expenses.* Office expenses and other expenses of officers and employees whose pay is chargeable to this account; also the pay and expenses of employees attending investigations concerning the cause of or responsibility for accidents, and amounts paid detective agencies and others for work in connection with such investigations.

ITEMS OF EXPENSE AND SUPPLIES

Atlases and maps.
Barometers.
Books for office use.
Business car service.
Express charges.
Fees and dues in associations.
Furniture repairs and renewals.
Heating.
Lighting.
Official train service.
Periodicals and newspapers.
Power.
Provisions for business cars.
Rent of air-brake instruction cars.
Rent of offices.
Repairs of rented offices.
Telegraph service.
Telephone service.
Traveling expenses.
Water and ice.

NOTE A: When officers designated above have supervision over more than one department, their salaries, the pay of their clerks and attendants, and their office and other expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The cost of stationery purchased for transportation offices is chargeable to account 410, "Stationery and printing."

§ 10.372 *Dispatching trains.* This account shall include the pay of chief and other train dispatchers, their clerks, copying operators, and attendants, and pay of operators on the line whose duties are confined to directing train movements; also the office, traveling, and other expenses of such employees.

NOTE: Pay of operators who also perform station work shall be charged to account 373, "Station employees."

§ 10.373 *Station employees.* This account shall include:

(a) *Agents, clerks, and attendants.* The pay of agents, clerks, and attendants in charge of, or engaged in, the operation of stations, stockyards, wharves, and piers located on the carrier's line; also payments to such station or ticket agents in lieu of salaries.

Special payments to customs inspectors on account of opening and resealing cars under unusual conditions, and payments to produce-exchange inspectors for inspecting, measuring, and weighing grain shall be here included.

LIST OF EMPLOYEES

Accountants.
Assistant agents.
Assistant depot masters.
Assistant station masters.
Baggage agents at stations.
Baggagemen.
Car clerks.
Cashiers.
Chauffeurs.
Clerks.
Collectors.
Customs inspectors.
Depot masters.
Detectives.
Express agents.
Gatemen.
Information bureau employees.
Janitors.
Maids.
Matrons.
Messengers.
Package and parcel room employees.
Policemen.
Porters.
Relief agents.
Station agents.
Station foremen.
Station passenger agents.
Station freight agents.
Stationmasters.
Stockyards superintendents and foremen.
Telegraph and telephone operators.
Ticket agents.
Ticket collectors.
Ticket examiners.
Train callers.
Ushers.
Watchmen.

(b) *Labor at stations.* Station and other labor expended in handling freight, mail, baggage, and express at stations, wharves, and piers; in loading, unloading, feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for stock; in disinfecting stations, stockyards, and stock pens; in transferring, picking up, straightening, and reloading freight in the ordinary course of transportation; in miscellaneous station work, including (when done by station employees) cleaning station grounds, station platforms, walks, stockyards, and stock pens, and removing snow and ice therefrom; and in tending switch lamps not in yards and terminals.

Payments to elevator companies (when not made as division of rate) for transferring grain en route, and payments to other companies and individuals for loading and unloading commercial freight under contract or otherwise shall be included in this account.

LIST OF EMPLOYEES

Baggage storeroom employees.
Car sealers.
Checkmen.
Coal handlers.
Coopers.
Delivery men.
Electricians.
Freight callers.
Freight handlers.
Freight house foremen.
Freight loaders.
Freight unloaders.
Longshoremen.
Mail carriers.
Mail weighers.
Station cleaners.
Stationary engineers.
Stationary firemen.
Stevedores.
Stock-pen laborers.
Stockyard laborers.
Tallymen.
Teamsters.
Truckmen.
Warehousemen.
Weighmasters.

NOTE A: The cost of transferring freight, mail, baggage, and express on account of wrecks shall be included in account 415, "Clearing wrecks."

NOTE B: This account shall not include the pay of telegraph and telephone operators provided for under accounts 372, "Dispatching trains," and 407, "Communication system operation," or pay of employees provided for under account 375, "Coal and ore wharves."

§ 10.374 *Weighing, inspection, and demurrage bureaus.* This account shall include the cost to the carrier of its participation in joint weighing, inspection, demurrage, and car distribution bureaus and associations.

§ 10.375 *Coal and ore wharves.* This account shall include cost of operating docks, and wharves, piers, and other marine, lake, or river landings, and the machinery located thereon, used in connection with the transportation of coal and ore.

(a) *Labor and expenses.* The pay and the office, traveling, and other expenses of employees engaged in operating coal and ore wharves.

(b) *Tools and supplies.* The cost of all tools and supplies used in the operation of coal and ore wharves.

ITEMS OF TOOLS AND SUPPLIES

Cylinder oil.
Fuel for stationary boilers.
Illuminating oil.
Lantern parts.
Lanterns.
Lubricating oil.
Picks.
Shovels.
Slice bars.
Waste.
Wicks.

NOTE: The cost of switching service in connection with coal and ore wharves shall not be included in this account.

§ 10.376 *Station supplies and expenses.* This account shall include:

(a) *Heating.* The cost of fuel (including cost of unloading), water, steam, and miscellaneous supplies used for heating stations, waiting rooms, freight and passenger offices, stockyards and other station buildings.

(b) *Lighting.* The cost of fuel, water, gas, oil, electricity, lamp globes, lamp chimneys, wicks, lamp carbons, incandescent lamps, and miscellaneous supplies used in lighting stations, waiting rooms, freight and passenger offices, stockyards, other station buildings, street approaches thereto, and passenger footbridges and subways at stations.

(c) *Other expenses.* The cost of miscellaneous station supplies and station expenses, including those for stockyards.

ITEMS OF EXPENSE

Cleaning privy vaults.
Express charges.
Feeding and shoeing horses.
Furniture repairs and renewals.
Garage expenses.
Licenses for ticket agents.
Mail transfer by others than employees.
Membership fees and dues in agents' associations.
Power for station machinery.
Rent of automatic weighing and recording devices.
Rent of scales.
Rent of station buildings (not jointly used).
Reports to agents of commercial standing.
Sprinkling station grounds.
Station employees' expenses.
Supplies used in feeding, watering, bedding, shearing, dipping, inspecting, and otherwise caring for livestock.
Telegraph service.
Telephone service.
Warehouse charges for storage of freight.
Washing towels.

ITEMS OF TOOLS AND SUPPLIES

Atlases and maps.
Auto trucks.
Awnings.
Axes.
Badges.
Baggage checks.
Barometers.
Baskets.
Bicycles.
Blocking.
Brooms.
Brushes.
Buckets.
Bulletin boards.
Call bells.
Candles.
Car-seal presses.
Car seals.
Carpets.
Chains.
Chair cushions.
Chairs.
Chalk.
Chamois skins.
Check boxes.
Check racks.
Checks.
Clocks.
Coal hods.
Cold chisels.
Cooperage material.
Copy-press stands.
Counter brushes.
Counter scales.
Cups.
Curtains.
Cuspidors.
Desks.
Dippers.
Directories.
Dusters.
Electric fans.
Electric lamps.
Electric-light supplies.
Feather dusters.
Feed for horses.
Files, document.
Fire buckets.
Fire grenades.
Flags.
Floor coverings.
Gangplanks.
Gas.
Gasoline.
Hampers.
Hatchets.
Hoes.
Hooks.
Hose and couplings.
Ice.
Ice barrels.
Ice boxes.
Ice buckets.
Ice carts.
Ice tongs.
Keys.
Ladders.
Lamp burners.
Lamp chimneys.
Lamp fittings.
Lamp globes.
Lamp mantles.
Lampblack.
Lamps (not permanently attached to buildings).
Lantern fittings.
Lantern globes.
Lanterns.
Letter boxes.
Mail bags.
Marking brushes.
Marking pots.
Marline.
Matches.
Measures.
Medical boxes.
Medical supplies.
Mirrors.
Money drawers.
Nails for boxing.
Newspapers.
Oil.
Oil cans.
Packing material.
Padlocks.
Pails.
Pinch bars.
Punches for baggagemen and gatemen.
Rakes.
Reflectors.
Rolling chairs for invalids.
Safes.
Sawdust.
Saws.
Scoops.
Scales, portable.
Scrubbing brushes.
Settees.
Shovels.
Sledges.
Soap.
Spades.
Sponges.
Sprinkling cans.
Stools.
Stove blacking.
Stoves and stovepipe.
Switch lamp supplies at points where regular switching service is not maintained.
Tables.
Tacks.
Tarpaulins (not for cars).
Thermometers.
Ticket cases.
Tongs.
Tool boxes.
Torpedoes.
Towels.
Trucks.
Twine.
Uniforms.
Washbasins.
Waste.
Water.
Water barrels.
Water bowls.
Water cans.
Water coolers.
Water pails.
Wheelbarrows.
Whisk brooms.
Wicks.
Wrenches.

§ 10.377 *Yardmasters and yard clerks.* This account shall include the pay of general yardmaster, yardmaster, assistant yardmaster, general yard foreman, and yard clerks and attendants in yards where regular switching service is maintained and in terminal switching and transfer service, including employees engaged in calling yardmen and trainmen; also pay of policemen, watchmen, and detectives in yard service. (See account 389, "Yard supplies and expenses.")

§ 10.378 *Yard conductors and brakemen.* This account shall include the pay of yard conductors or foremen and yard brakemen or switchmen handling cars in passenger and freight yards where regular switching service is maintained and in terminal switching and transfer service, including pay while dead-heading in connection with such service. (See account 389, "Yard supplies and expenses.")

NOTE: When conductors and brakemen are engaged in both train and yard service their pay shall be apportioned between the train and yard accounts on the basis of service rendered. This does not apply to train switching service performed by train crews, the entire pay of whom shall be charged to account 401, "Trainmen."

§ 10.379 *Yard switch and signal tenders.* This account shall include the pay of employees in yards where regular switching service is maintained, who are engaged in the operation of yard switches and signals, including interlockers used solely or principally for the government of all movements of locomotives and trains between main and yard tracks, movements of locomotives between yard tracks and enginehouses, and yard switching movements. (See account 389, "Yard supplies and expenses.")

LIST OF EMPLOYEES

Battery men.
Interlocker oilers.
Lamp cleaners.
Lamp men.
Lamplighters.
Lever men.
Signalmen.
Switch oilers.
Switch tenders.
Tower men.

§ 10.380 *Yard enginemen.* This account shall include the pay of yard enginemen while engaged in yards where regular switching service is maintained and in terminal switching and transfer service, including pay of such employees while deadheading in connection with yard service. For purposes of this account enginemen shall be understood to include the operators and their assistants, regardless of the type of self-propelled motive power being operated.

NOTE: The pay of enginemen on locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. Pay of enginemen on train locomotives while engaged in train switching service shall be included in account 392, "Train enginemen." The pay of enginemen on locomotives engaged in work service shall be included in the cost of the work to which the service pertains.

§ 10.382 *Yard switching fuel.* This account shall include the cost, delivered on locomotives or motor cars, of coal, coke, oil, wood, and other fuels consumed in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service, including a suitable proportion of the pay of fuel agents, fuel inspectors, fuel weighers, and clerks engaged in accounting for fuel at fuel stations; pay of foremen and other fuel-station employees; also a suitable proportion of the cost of tools, such as wheelbarrows, shovels, scoops, and picks, used for handling fuel at such stations and the cost of operating machinery at fuel stations.

NOTE A: The cost of repairs and renewals of coal chutes, buggies, pockets, air hoists, mechanical hoists, and mechanical conveyors at fuel stations shall be charged to account 233, "Fuel stations."

NOTE B: The cost of supplies consumed by locomotives and motor cars engaged in more than one class of service shall be apportioned upon the basis of service rendered. The cost of supplies consumed by train locomotives and motor cars in train switching service

shall be included in accounts provided for train service. The cost of supplies consumed by locomotives and motor cars in work service shall be included in the cost of the work to which the service pertains.

§ 10.383 *Yard switching power produced.* This account shall include the cost of the production and distribution of electric power used in operating locomotives and cars in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service.

(a) *Employees.* The pay of employees engaged in operating electric-power stations and substations, such as engineers, firemen, electricians, dynamo men, oilers, cleaners, and coal passers.

(b) *Fuel.* The cost of coal, oil, gas, and other fuel, including the cost of labor unloading or stocking fuel.

(c) *Water.* The cost of water used to produce steam or to operate water plants, including pumping, rent of ponds, streams, and pipe lines; also water tests, boiler compounds, and other like supplies and expenses.

(d) *Other supplies and expenses.* The cost of lubricants, such as oil and grease used in lubricating engines, shafting, dynamos, and pumps; cost of waste, carbon brushes, fuses, lamps, and other supplies; also the cost of heating and lighting power plants, and other expenses not elsewhere specified in connection with operation of electric-power plants. (See § 10.04–12 *Power plant operations.*)

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.384 *Yard switching power purchased.* This account shall include the cost of electric power purchased for the propulsion of engines and cars in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.385 *Water for yard locomotives.* This account shall include the cost of water supplied to locomotives in switching service in yards where regular switching service is maintained, and in terminal switching and transfer service, including rent of ponds, lakes, other sources of water supply, and right of way for pipe lines; cost of water purchased, expenses of work trains while engaged in hauling water for locomotive supply, and cost of testing water; also cost of labor expended and cost of materials and supplies used in the operation of water stations and purifying plants.

The cost of operating boilers, engines, and pumps at water stations; heating and lighting water stations, breaking ice in water tanks, thawing out tank spouts and water cars, keeping fires in tanks and water cars to prevent freezing, shoveling snow into locomotive tanks; also temporary connections between water cars and locomotive tenders, compounds injected into locomotive boilers to decrease scale formation, and other expenses directly incident to the supplying of water to such locomotives, shall be included in this account.

An equitable proportion of the pay and the office, traveling, and other expenses of superintendent of water service engaged in connection with water supply for locomotives shall be included in this account.

ITEMS OF WATER STATION SUPPLIES

Axes.
Boiler compounds.
Chemicals.
Coal.
Coal picks.
Engine igniter batteries.
Gasoline.
Gasoline drums.
Hand tools.
Hose.
Oil.
Rubber packing.
Shovels.
Siphons.
Slice bars.
Stove fixtures.
Stoves.
Waste.
Wrenches.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.386 *Lubricants for yard locomotives.* This account shall include the cost of valve, engine, car, and other lubricating oils, grease, compounds, and waste used for lubrication of locomotives in switching service in yards where regular switching service is maintained and in terminal switching and transfer service.

NOTE: The cost of supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.387 *Other supplies for yard locomotives.* This account shall include the cost of supplies, other than fuel, water, and lubricants, used on locomotives in switching service in yards where regular switching service is maintained and in terminal switching and transfer service, including the cost of repairs and renewals of furniture, tools, and other movable articles required for use on locomotives in yard service.

The cost of sand charged to this account shall include the cost of material and supplies used in preparing and drying the sand for use, such as the cost of fuel, wheelbarrows, shovels, and sand screens.

ITEMS OF TOOLS AND SUPPLIES

Ash hoes.
Ash-pan rods.
Axes.
Bars, buggy.
Bell cords.
Boxes, portable.
Brooms.
Brushes.
Buckets.
Carbide for acetylene gas.
Carbons for electric lights.
Chimneys for headlights.
Chimneys for signal lamps.
Chisels.
Clinker hooks.
Crowbars.
Files.
First-aid boxes.
Flags.
Globes for lanterns.
Grate shakers.
Hammers.
Handsaws.
Hatchets.
Hose (not air-brake, air-signal, or steam).
Hose, thaw-out.
Hose reels.
Ice.
Jacks.
Jackscrews.
Lanterns and parts.
Locks for portable boxes.
Matches.
Oil cans.
Oil for headlights.
Oil for lanterns.
Oil for signal lamps.
Oil for torches.
Oilers.
Packing hooks.
Packing spoons.
Picks, coal.
Pinch bars.
Plugging bars.
Pokers.
Sand.
Saws.
Scoops.
Shovels.
Signal lamps.
Sledges.
Slice bars.
Soap.
Switch chains.
Switch poles.
Switch ropes.
Tool boxes, portable.
Torches.
Torpedoes.
Waste.
Water buckets.
Water coolers.
Wicks for headlights.
Wicks for lanterns.
Wicks for signal lamps.
Wicks for torches.
Wrecking frogs.
Wrenches.

NOTE A: Where the quantity of sand used on locomotives engaged in yard service is relatively small as compared with the quantity used by locomotives engaged in train service, the entire cost of such material shall be included in account 399, "Other supplies for train locomotives." Where the quantity used in yard service is relatively large, the entire cost shall be included in this account.

NOTE B: The cost of other supplies consumed by locomotives engaged in more than one class of service shall be apportioned upon the basis of service rendered. The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.388 *Enginehouse expenses; yard.* This account shall include the expense of caring for and preparing locomotives for switching service in yards where regular switching service is maintained and in terminal switching and transfer service, including a proportion of such expenses as are common to train, yard switching, and work service.

(a) *Enginehouse men.* The pay of enginehouse employees engaged in wiping, cleaning, watching, and dispatching locomotives; keeping and preparing fires, dumping ashes, washing boilers, cleaning fire boxes, packing driving boxes and truck boxes; cleaning smokestacks, air-brake equipment, and front ends of locomotives; checking locomotive tool equipment, cleaning ash and cinder pits; operating turntables, drying sand, inspecting smokestacks and ash pans; calling enginemen, and moving locomotives around engine yards when operated by hostlers; also a proportion of the pay of enginehouse foremen and their clerks.

(b) *Miscellaneous expenses.* The cost of tools, supplies, and sundry expenses on account of caring for and preparing locomotives at enginehouses.

ITEMS OF MISCELLANEOUS EXPENSES

Boiled oil.
Compounds for cleaning and polishing.
Enginehouse cupboards.
Gas, oil, and electricity for lighting.
Heating enginehouses, including offices.
Lampblack.
Lanterns used by enginehouse men.
Lighting enginehouses, including offices.
Lubricating oil for enginehouse, ash pit, transfer table, and turntable machinery.
Lye.
Packing tools.
Paint for front ends of locomotives.
Power for operation of turntables and transfer tables.
Rent of roundhouse stalls.
Shovels.
Signal lights on transfer tables and turntables.
Waste.
Water for cinder pits.
Water for washing boilers.
Water hose.
Wheelbarrows.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: The pay of mechanics and laborers engaged in locomotive repair work in enginehouses shall be charged to the appropriate accounts for locomotive repairs.

§ 10.389 *Yard supplies and expenses.* This account shall include the cost of supplies (except locomotive supplies) used in yard service, yard signal and interlocker supplies, and miscellaneous yard expenses for yards where regular switching service is maintained; also office and other expenses of employees whose pay is chargeable to accounts 377, 378, and 379.

ITEMS OF YARD SUPPLIES

Electric-light carbons.
Electric-light globes
Flags.
Fuel for heating.
Fuel for power.
Illuminating oil.
Lamp burners.
Lamp chimneys.
Lamp wicks.
Lantern globes.
Lantern wicks.
Lanterns.
Lubricants for machinery and switches.
Semaphore lamps.
Signal lamps.
Stoves.
Switch chains.
Switch lamps.
Switch ropes.
Waste.
Wrecking frogs.
Wrecking wedges.

ITEMS OF YARD EXPENSE

Electricity purchased for lighting yards and yard buildings.
Furniture repairs and renewals.
Gas purchased for lighting yards and yard buildings.
Power produced for operating switches and signals.
Power purchased for operating switches and signals.
Rent of telephones.
Rent of yard buildings (not jointly used).

§ 10.390 *Operating joint yards and terminals—Dr.* This account shall include the carrier's proportion of the costs incurred by others in their operation of joint yards and terminals, including signals, interlockers, and other facilities at such joint yards and terminals.

NOTE A: The purpose of this account is to show the amounts accruing against the carrier for its proportion of the cost of operating yards and terminals operated by others, and in the joint use of which the carrier participates. (See § 10.04–9 *Joint facility accounts.*)

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

§ 10.391 *Operating joint yards and terminals—Cr.* This account shall include amounts chargeable to others as their proportions of the costs incurred by the carrier in the operation of joint yards and terminals, including signals,

interlockers, and other facilities at such joint yards and terminals.

NOTE A: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of operating yards and terminals operated by the carrier and in the joint use of which others participate. (See § 10.04–9 *Joint facility accounts.*)

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

§ 10.392 *Train enginemen.* This account shall include the pay of enginemen while engaged in transportation train service or while deadheading in connection therewith and pay of such enginemen engaged in piloting trains over home lines; also the pay of employees while regularly engaged in shoveling coal forward on locomotive tenders. For purposes of this account enginemen shall be understood to include the operators and their assistants, regardless of the type of self-propelled motive power being operated.

NOTE: The pay of enginemen on locomotives engaged in more than one class of service shall be apportioned on the basis of service rendered. Pay of enginemen on train locomotives while engaged in train switching service shall be included in this account. The pay of enginemen on locomotives engaged in work service shall be included in the cost of the work to which the service pertains.

§ 10.394 *Train fuel.* This account shall include the cost, delivered on locomotives or motor cars, of coal, coke, oil, wood, and other fuel for propulsion of trains in transportation-train service, including a suitable proportion of the pay of fuel agents, fuel inspectors, fuel weighers, and clerks engaged in accounting for fuel at fuel stations; pay of foremen and other fuel station employees; also a suitable proportion of the cost of tools, such as wheelbarrows, shovels, scoops, and picks, used for handling fuel at such stations, and the cost of operating machinery at fuel stations.

NOTE A: The cost of repairs and renewals of coal chutes, buggies, pockets, air hoists, mechanical hoists, and mechanical conveyors at fuel stations shall be charged to account 233, "Fuel stations."

NOTE B: The entire cost of supplies consumed by train locomotives and motor cars in train-switching service shall be included in the accounts provided for train service. The cost of supplies consumed by locomotives and motor cars in work service shall be included in the cost of the work to which the service pertains.

§ 10.395 *Train power produced.* This account shall include the cost of producing and distributing electric power for the propulsion of electric locomotives and cars in transportation train service.

(a) *Employees.* The pay of employees engaged in operating electric-power stations and substations, such as engineers, firemen, electricians, dynamo men, oilers, cleaners, and coal passers.

(b) *Fuel.* The cost of coal, oil, gas, and other fuel, including the cost of labor unloading or stocking fuel.

(c) *Water.* The cost of water used to produce steam or to operate water plants, including pumping, rent of ponds, streams, and pipe lines; also water tests, boiler compounds, and other like supplies and expenses.

(d) *Other supplies and expenses.* The cost of lubricants, such as oil and grease, used in lubricating engines, shafting, dynamos, and pumps; cost of waste, carbon brushes, fuses, lamps, and other supplies; also cost of heating and lighting power plants, and other expenses not elsewhere specified in connection with operation of electric-power plants. (See § 10.04–12 *Power plant operations.*)

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.396 *Train power purchased.* This account shall include the cost of electric power purchased for the propulsion of locomotives and cars in transportation train service.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.397 *Water for train locomotives.* This account shall include the cost of water supplied to locomotives in transportation train service, including rent of ponds, lakes, other sources of water supply, and right of way for pipe lines; cost of water purchased, expenses of supply trains while engaged in hauling water for locomotive supply, and cost of testing water; also cost of labor expended and cost of material and supplies used in the operation of water stations and purifying plants.

The cost of operating boilers, engines, and pumps at water stations, heating and lighting water stations, breaking ice in water tanks, thawing out tank spouts and water cars, keeping fires in tanks and water cars to prevent freezing, shoveling snow into locomotive tanks; also temporary connections between water cars and locomotive tenders, compounds injected into locomotive boilers to decrease scale formation, and other expenses directly incident to the supplying of water to such locomotives, shall be included in this account.

An equitable proportion of the pay and the office, traveling, and other expenses of superintendent of water service, engaged in connection with water supply for locomotives, shall be included in this account.

ITEMS OF WATER STATION SUPPLIES

Axes.
Boiler compounds.
Chemicals.
Coal.
Coal picks.
Engine igniter batteries.
Gasoline.
Gasoline drums.
Hand tools.
Hose.
Oil.
Rubber packing.
Shovels.
Siphons.
Slice bars.
Stove fixtures.
Stoves.
Waste.
Wrenches.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.398 *Lubricants for train locomotives.* This account shall include the cost of valve, engine, car, and other lubricating oils, grease, compounds, and waste used for lubrication of locomotives in transportation train service.

NOTE: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.399 *Other supplies for train locomotives.* This account shall include the cost of supplies other than fuel, water, and lubricants, including the cost of repairs and renewals of furniture, tools, and other movable articles required for use on locomotives in transportation train service.

The cost of sand charged to this account shall include the cost of material and supplies used in preparing and drying the sand for use, such as the cost of fuel, wheelbarrows, shovels, and sand screens.

ITEMS OF TOOLS AND SUPPLIES

Ash hoes.	Matches.
Ash-pan rods.	Oil cans.
Axes.	Oil for headlights.
Bars, buggy.	Oil for lanterns.
Bell cords.	Oil for signal lamps.
Boxes, portable.	Oil for torches.
Brooms.	Oilers.
Brushes.	Packing, fiber.
Buckets.	Packing, rubber.
Carbide for acetylene gas.	Packing hooks.
Carbons for electric lights.	Packing spoons.
Chimneys for headlights.	Picks, coal.
Chimneys for signal lamps.	Pinch bars.
Chisels.	Plugging bars.
Clinker hooks.	Pokers.
Crowbars.	Sand.
Files.	Saws.
First-aid boxes.	Scoops.
Flags.	Shovels.
Globes for lanterns.	Signal lamps.
Grate shakers.	Sledges.
Hammers.	Slice bars.
Handsaws.	Soap.
Hatchets.	Switch chains.
Hose (not air-brake, air-signal, or steam).	Switch poles.
Hose, thaw-out.	Switch ropes.
Hose reels.	Tool boxes, portable.
Ice.	Torches.
Jacks.	Torpedoes.
Jackscrews.	Waste.
Lanterns and parts.	Water buckets.
Locks for portable boxes.	Water coolers.
	Wicks for headlights.
	Wicks for lanterns.
	Wicks for signal lamps.
	Wicks for torches.
	Wrecking frogs.
	Wrenches.

NOTE A: Where the quantity of sand used on locomotives engaged in train service is relatively small as compared with the quantity used by locomotives engaged in yard service, the entire cost of such material shall be included in account 387, "Other supplies for yard locomotives." Where the quantity used in train service is relatively large, the entire cost shall be included in this account.

NOTE B: The entire cost of supplies consumed by train locomotives in train switching service shall be included in the accounts provided for train service. The supplies consumed by locomotives in work service shall be included in the cost of the work to which the service pertains.

§ 10.400 *Enginehouse expenses; train.* This account shall include the expense of caring for and preparing locomotives for transportation train service, including a proportion of such expenses as are common to train, yard switching, and work service.

(a) *Enginehouse men.* The pay of enginehouse employees engaged in wiping, cleaning, watching, and dispatching locomotives; preparing and keeping fires, dumping ashes, washing boilers, cleaning fire boxes, packing driving boxes and truck boxes; cleaning smokestacks, air-brake equipment, and front ends of locomotives; checking locomotive tool equipment, cleaning ash and cinder pits; operating turntables, drying sand, inspecting smokestacks and ash pans; and moving locomotives around engine yards when operated by hostlers; also a proportion of the pay of enginehouse foremen and their clerks.

(b) *Miscellaneous expenses.* The cost of tools and supplies and sundry expenses on account of caring for and preparing locomotives at enginehouses.

ITEMS OF MISCELLANEOUS EXPENSES

Boiled oil.
Compounds for cleaning and polishing.
Gas, oil, and electricity for lighting.
Heating enginehouses, including offices.
Lampblack.
Lanterns used by enginehouse men.
Lighting enginehouses, including offices.
Lubricating oil.
Lye.
Packing tools.
Paint for front ends of locomotives.
Power for operation of turntables and transfer tables.
Rent of roundhouse stalls.
Shovels.
Signal lights on transfer tables and turntables.
Waste.
Water for cinder pits.
Water for washing boilers.
Water hose.
Wheelbarrows.

NOTE A: Enginehouse expenses of locomotives in work service shall be included in the cost of the work to which the service pertains.

NOTE B: The pay of mechanics and laborers engaged in locomotive repair work in enginehouses shall be charged to the appropriate accounts for locomotive repairs.

§ 10.401 *Trainmen.* This account shall include the pay of conductors; of train auditors, ticket collectors, and others engaged in lifting or examining authorities for transportation; and of baggagemen, brakemen, flagmen, train porters, train guards, train stenographers, maids, and other train employees while engaged in transportation train service or while deadheading in connection therewith; also the pay of trainmen while engaged in piloting trains over home lines.

NOTE: The pay of trainmen while engaged in work-train service shall be included in the cost of the work to which the service pertains.

§ 10.402 *Train supplies and expenses.* This account shall include miscellaneous expenses of transportation service trains and the cost of all supplies other than locomotive supplies.

(a) *Cleaning cars.* The cost of cleaning and disinfecting passenger and freight cars in transportation train service, including cost of removing from freight-train cars such refuse material as sawdust, hay, and straw.

ITEMS OF SERVICE AND SUPPLIES

Brooms.	Hose and fixtures.
Brushes.	Labor of employees.
Cleaning compounds.	Polishing compounds.
Compressed air.	Soap.
Disinfectants.	Sponges.
Disinfecting machines.	Water.
Fuel for heating water.	

(b) *Heating cars.* The cost of heating cars in transportation train service, including cost of operating steam-heating plants for car heating at stations and yards. Credits shall be made to this account for charges for heater service collected from other companies and individuals.

ITEMS OF SERVICE AND SUPPLIES

Connections between steam heating lines and cars.
Fuel.
Labor of employees.
Removal of ashes from car stoves.
Stoves temporarily in freight cars.

(c) *Lighting cars.* The cost of lighting cars in transportation train service, including the cost of filling and cleaning lamps and of operating plants for supplying gas or electricity for lighting purposes.

ITEMS OF SERVICE AND SUPPLIES

Battery renewals.	Incandescent lamp bulbs.
Candles.	Labor of employees.
Chimneys.	Lamp carbons.
Electricity.	Oil.
Gas.	Shades.
Gas mantles.	Wicks.
Globes.	
Hose and connections.	

NOTE: Repairs of gas lighting and electric lighting plants shall be included in the proper maintenance accounts. Repairs and renewals of electric lighting equipment of cars, except supplies as above provided, shall be included in the appropriate car-repair account.

(d) *Lubricating cars.* The cost of lubricating cars in transportation train service, including cost of inspecting, repacking, and oiling car journal boxes and air-brake equipment.

ITEMS OF SERVICE AND SUPPLIES

Cotton waste.	Packing buckets.
Grease buckets.	Packing hooks.
Labor of employees.	Packing irons.
Oil cans.	Packing, miscellaneous.
Oil, grease, and other lubricants.	Wool waste.

(e) *Icing and watering cars.* The cost of icing and watering cars in transportation train service, including icing cars for refrigeration purposes. Credits shall be made to this account for refrigeration charges collected from other companies and individuals.

ITEMS OF SERVICE AND SUPPLIES

Buckets.	Labor of employees.
Hose and fixtures.	Ladders.
Ice.	Salt.
Ice tools.	Water.

(f) *Detouring trains.* The compensation for temporary use of tracks of other carriers, including the cost of pilot service, on account of wrecks, washouts, landslides, snow blockades, and other defects of the tracks, bridges, or tunnels on the carrier's line.

(g) *Train supplies.* The cost of supplies furnished for use on cars in transportation train service.

ITEMS OF TRAIN SUPPLIES

Axes.	Matches.
Badges.	Medical boxes.
Beds.	Oil for lanterns.
Bell cords.	Order hoops.
Boxes for trainmen.	Padlocks.
Brooms.	Pails.
Brushes.	Punches.
Chains.	Sawdust.
Chairs for cabooses (not permanently attached).	Saws.
	Scoops.
	Shovels.
Cold chisels.	Signal boxes.
Combs.	Signal lamps (rear).
Conductors' punches.	Sledges.
Cuspidors.	Soap.
Drinking cups and glasses.	Switch chains.
	Switch ropes.
Fire buckets.	Toilet paper.
Flags.	Torpedoes.
Fuses.	Towels.
Hammers.	Train tool boxes.
Hatchets.	Uniform trimmings.
Jacks.	Uniforms.
Lamp boards.	Ventilator sticks.
Lamp sticks.	Waste.
Lantern globes.	Water buckets.
Lantern parts.	Wrecking frogs.
Lanterns.	Wrenches.

(h) *Other expenses.* The cost of miscellaneous supplies required to equip trains for transportation service and miscellaneous expenses incident to operation of such trains.

ITEMS OF EXPENSE ON ACCOUNT OF EMPLOYEES

Apparatus for testing the sight and hearing of enginemen and trainmen.
Employees' reading and bunk room expense, including pay of attendants and supplies furnished.
Laundry work.
Physicians' fees for examination of train employees.
Wages paid to superintendents and secretaries of reading rooms.

ITEMS OF EXPENSE ON ACCOUNT OF TRANSPORTATION

Bedding for stock cars.
Boarding and slatting box and stock cars for carrying coal, coke, and other freight.
Boards for flooring fruit cars.
Chains for securing loads.
Cleaning, trimming, and filling trainmen's lanterns and rear signal lamps.
Coupling and uncoupling cars at terminals.
Disinfecting cars.
Dunnage used in loading cars or fitting cars for freight shipments.
Feed for live stock in snow-bound or otherwise delayed trains.
Flowers and plants for cars.
Laundry for revenue service cars other than for dining and buffet service and sleeping car service.
Occasional turning of engines on Y of other carriers.
Oil and other supplies for locomotives hauled as freight.
Periodicals for use of passengers on trains.
Planking cars for billet shipments and other material.
Provisions, supplies, or board for passengers in delayed trains.
Removing advertisements from cars.
Rent of fare registers in cars.
Safety chains for use between twin and triple cars.
Supplies for parlor and chair cars.
Supplies furnished cars for the purpose of protection against accidents and fires.
Temporary grain doors.
Temporary lining of cars for freight shipments and stoves and heaters to prevent freezing.
Temporary openings in cars for freight shipments.
Temporary racking of cars for handling sugarcane, corn, bark, or cordwood.
Transferring passengers, express matter, baggage, mail, and freight on account of defective tracks, bridges, or tunnels.

NOTE: The expenses of operating sleeping, dining, and buffet car features of train service shall be included in the account 403, "Operating sleeping cars," or in account 441, "Dining and buffet service," as may be appropriate.

§ 10.403 *Operating sleeping cars.* (a) This account shall include the cost of operating sleeping car service on trains.

(1) *Superintendence.* The pay of officers directly in charge of operating sleeping car service; the pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers and employees.

(2) *Station employees.* The pay and expenses of local agents, ticket agents, cashiers, clerks, and attendants; also the office and other expenses of such employees.

(3) *Station expenses.* The expenses of fuel, water, steam, and supplies used in heating station offices; gas, oil, electric current, and other supplies for lighting; repairs and renewals of station furniture, and all other station expenses connected with sleeping car service when separable from the station expenses chargeable to account 376, "Station supplies and expenses."

(4) *Conductors.* The pay of conductors employed on sleeping cars.

(5) *Porters and maids.* The pay of porters and maids employed on sleeping cars.

(6) *Car supplies.* The cost of miscellaneous supplies used on sleeping cars, such as combs, brushes, brooms, and toilet paper; also uniforms, caps, and service stripes for employees.

(7) *Laundry.* Expenses for laundry work, such as laundering sheets, pillowcases, towels, blankets, etc.

(8) *Other expenses.* The cost of flowers and plants, heating cars, cleaning the interior of cars, and of supplies used in interior cleaning, rent and cost of supplies for rooms furnished for sleeping car service employees, and such other expenses in connection with the operation of sleeping cars as are not provided for elsewhere.

(b) This account shall be charged with the deficits assumed by the carrier under a uniform service contract with The Pullman Company, and shall be credited with the carrier's proportion of profits realized under that contract. It is intended that such charges and credits to this account shall include the entire settlement made by the lessee, except allowances for interest rental and depreciation, and that the results of incidental operation of cars other than sleeping cars will not be excluded from the settlements to be recorded herein.

NOTE: When officers have immediate supervision over sleeping car service and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.404 *Signal and interlocker operation.* This account shall include the cost of operating signals and interlockers other than those solely or principally used for governing all movements of locomotives and trains between main and yard tracks, movements of locomotives between yard tracks and enginehouses, and yard switching movements.

(a) *Labor.* The wages of employees engaged in operating signals and interlockers or power producing plants in connection therewith, such as switch tenders, signalmen other than telegraph operators, lever men, switch and signal oilers, battery men, lamp men, lamp cleaners, and lamplighters; gatemen at crossings of other railroads, engineers and others operating plants furnishing compressed air for signals and interlockers; engineers, electricians, and others operating plants furnishing electric power for signals and interlockers.

(b) *Supplies.* The cost of supplies used in operating signals and interlockers or in signal offices, such as gasoline, vitriol, battery zincs, battery coppers, lubricating oils, fuel for heating, fuel for power purposes, produced and purchased power used in operating switches and signals, furniture repairs and renewals, water, and light.

NOTE: The cost of operating signals and interlockers solely or principally used for governing the movement of yard locomotives and trains shall be included in the appropriate yard expense accounts.

§ 10.405 *Crossing protection.* This account shall include the pay of street and highway crossing gatekeepers and flagmen, the cost of supplies used by them, the cost of lights at street and highway crossings not a part of the lighting outfit at stations or in yards, and the cost of compressed air for operating gates.

§ 10.406 *Drawbridge operation.* This account shall include the cost of operating drawbridges.

(a) *Labor.* The wages of employees engaged in operating drawbridges, such as bridge engineers, tenders, and watchmen.

(b) *Supplies.* The cost of produced and purchased power and of supplies, such as fuel, oil, lantern, water, waste, boats, stoves, chairs, brooms, and pails used in drawbridge operation.

§ 10.407 *Communication system operation.* This account shall include the cost of operating communication systems not provided for elsewhere.

TELEGRAPH

Superintendence. The pay of superintendents, censors, their clerks, and attendants.

Operators and messengers. The pay of operators, block inspectors, and messengers in telegraph and relay offices other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of telegraph conduits, lines, and poles; cost of battery renewals and supplies, bicycles for messengers, and electric current for telegraph purposes; also excess payments to telegraph companies when in connection with telegraph service and not provided for elsewhere.

NOTE A: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 247, "Communication systems."

TELEPHONE

Superintendence. The pay of superintendents, their clerks, and attendants.

Operators and messengers. The pay of operators and messengers in telephone offices other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of telephone conduits, lines, and poles; cost of battery renewals and supplies, bicycles for messengers, and electric current for telephone purposes; also excess payments to telephone companies when in connection with telephone service and not provided for elsewhere.

NOTE B: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise or are engaged both in maintenance and operation, shall be apportioned equally between this account and account 247, "Communication systems."

RADIO, RADAR, AND INDUCTIVE TRAIN COMMUNICATION

Superintendence. The pay of superintendents or others who supervise operation, and their clerks or attendants.

Operators. The pay of operators other than those employed in dispatching trains and those located in general offices or at stations.

Other expenses. Office, traveling, and incidental expenses, including office rent, of employees whose pay is chargeable to this account; rent of space or facilities occupied by radio, radar, or inductive train equipment; cost of battery and tube renewals; cost of electric current purchased and all other costs incurred for operation and not provided for elsewhere.

NOTE C: The pay, rent, other office expenses, and traveling expenses of officers, their clerks and attendants, who supervise, or are engaged both in maintenance and operation shall be apportioned equally between this account and account 247, "Communication systems."

§ 10.408 *Operating floating equipment.* This account shall include the cost of operating floating equipment in water transfer (ferriage, lighterage, and floatage). (See § 10.02–1 *Operating accounts.*)

(a) *Superintendence.* The pay of vice presidents and other officers directly in charge of or engaged in the operation of boats; the pay of their assistants, clerks, and attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Wages of crews.* The pay of captains, pilots, chief officers, mates, sailors, wireless telegraph operators, and other employees of the deck department; engineers, assistant engineers, electricians, oilers, firemen, coal passers, and all other employees of the engineer's department; and pursers, porters, and all other employees in the steward's department, except when engaged in dining and buffet service.

(c) *Fuel.* The cost, on board boats (including the cost of trimming) of coal, oil, wood, and other fuel used for generating power, heat, or light.

(d) *Lubrication.* The cost of oil, grease, tallow, graphite, and other material furnished for lubricating purposes.

(e) *Other supplies and departmental expenses.* The cost of supplies furnished to deck department; the incidental expenses of deck department employees; supplies other than fuel and lubricants, furnished the engineer's department; water furnished to boats; incidental expenses of engineer's department employees; supplies (other than dining and buffet supplies) furnished to the steward's department; laundry for boats; and incidental expenses of steward's department employees.

ITEMS OF SUPPLIES

Axes.	Mops.
Brooms.	Oil.
Brushes.	Pails.
Commissarial supplies.	Planks.
	Provisions.
Flags.	Ropes.
Gas.	Shovels.
Globes.	Soap.
Grease.	Tallow.
Handspikes.	Tools, miscellaneous.
Hatchets.	Trucks.
Hose.	Waste.
Ice.	Water.
Lamps.	Wicks.
Laundry.	Wrenches.
Lines.	

(f) *Other expenses.* Expenses incident to the operation of floating equipment not otherwise provided for in this account.

ITEMS OF EXPENSE

Customhouse fees.
License fees.
Pumping out boats laid up.
Raising sunken boats.
Transferring passengers in case of accidents.
Wharfage.

(g) *Elevation and longshore labor.* The cost of shore labor in connection with loading and unloading lighterage freight at wharves and piers, such as labor of bridgemen at transfer bridges and of watchmen, longshoremen, stevedores, and other wharf men.

(h) *Elevation and shore expenses.* Shore expenses in connection with loading and unloading lighterage freight, such as the cost of steam and electricity for power, heating, and lighting; power and supplies used for transfer or float bridges; supplies used in connection with operating wharves and piers and not chargeable to account 376, "Station supplies and expenses."

ITEMS OF SUPPLIES

Brooms.	Oil cans.
Carbons.	Pails.
Chalk.	Pinch bars.
Coal hods.	Ropes.
Coal shovels.	Salt.
Cold chisels.	Scoops.
Crowbars.	Shovels.
Gas.	Soap.
Hammers.	Tacks.
Hatchets.	Tallow.
Ice.	Torches.
Ice tongs.	Towels.
Incandescent lights.	Twine.
Lamps, reflector.	Waste.
Lanterns.	Water.
Marline.	Water coolers.
Matches.	Wheelbarrows.
Oil.	

NOTE A: When the compensation for the use of floating equipment used in water transfer service includes rent, maintenance, and operation, the portion covering rent shall be charged to income account 539, "Rent for floating equipment," the portion covering maintenance shall be charged to the appropriate account for maintenance of equipment, and the portion covering operation shall be included in this account.

NOTE B: This account shall not include the pay of station employees or labor engaged in handling freight at stations, wharves, and piers provided for under account 373, "Station employees," or the pay of employees or labor provided for under account 375, "Coal and ore wharves."

§ 10.410 *Stationery and printing.* This account shall include the cost of stationery and printing used in connection with rail line transportation, including operation of floating equipment.

STATIONERY AND PRINTING ITEMS

Adding machines.	Note paper.
Addressographs and supplies.	Notices.
	Numbering stamps.
Arm rests.	Oil paper.
Baggage checks, printed.	Paper.
	Paper baskets.
Baggage scrip.	Paper clips.
Baggage storage checks.	Paper cutters.
	Paper fasteners.
Bills of lading.	Paper files.
Binders.	Paper weights.
Blank books.	Papyrographs.
Blotters.	Parchment paper.
Blotting paper.	Pencil sharpeners.
Bristol board.	Pencils for writing and drawing.
Calculating machines.	
	Penholders.
Calendars.	Penracks.
Carbon paper.	Pens for writing and drawing.
Cardboard.	
Cards, blank and printed.	Phonographs and records.
Circulars.	Pins.
Computing tables.	Postage.
Conductors' hat checks.	Punches (not conductors' or baggagemen's).
Copy (impression) books.	
Copying brushes.	Rubber bands.
Copying presses.	Rubber stamps.
Crayons.	Rulers.
Cross-section books.	Ruling pens.
Cross-section paper.	Scrapbooks.
Cyclostyles.	Sealing wax.
Dating stamps and ribbons.	Seals.
	Shears.
Delivery tickets.	Shipping orders.
Dictaphones.	Shipping tags.
Dictographs.	Shorthand notebooks.
Drawing paper.	
Duplicators.	Sponge cups.
Electric pens.	Sponges.
Envelopes.	Stamps, impression.
Erasers, rubber and steel.	Stylographs.
	Tablets, blank and printed.
Eyelet punches.	Tape.
Eyelets.	Telegraph blanks.
File boxes, paper.	Ticket stamps.
Forms, blank and printed.	Tickets.
	Time-tables (employees).
Fuel tickets.	Tissue (impression) paper.
Glass pens.	
Hectographs.	Tracing cloth.
Indexes.	Tracing paper.
Ink for writing and drawing.	Twine.
	Typewriters and ribbons.
Inkstands.	
Invoice books.	Wage tables.
Legal cap paper.	Wastebaskets.
Letter paper.	Water colors.
Manifold paper.	Water holders.
Manifold pens.	Waybills.
Mileage books.	Wrapping paper.
Mimeographs.	Wringers for copying presses.
Mucilage.	
Mucilage brushes.	
Neostyles.	

NOTE: The cost of dictionaries, periodicals, technical books, etc., shall be included in appropriate superintendence accounts, and city directories and books of reference used by station agents shall be charged to account 376, "Station supplies and expenses."

§ 10.411 *Other expenses.* This account shall include all expenses in connection with rail line transportation not properly chargeable to other transportation accounts.

ITEMS OF EXPENSE

Amounts paid for switching empty cars otherwise than in connection with loaded movements or with the repairs to the equipment.
Amounts paid on account of bills of lading issued on fraudulent receipts.
Amounts paid to suspended transportation department employees covering periods of suspension.
Compensation for property loss incident to failure to stop at station to pick up passengers.
Demurrage accruing on a foreign line by reason of error of carrier's agent.
Extra drayage due to agent's error in routing interline shipment.
Fees paid arbitrators in wage disputes of transportation department employees.
Loss of station funds by burglary, when not covered by insurance.
Loss of train collections in holdup.
Overcharges paid foreign lines on account of error of the carrier's agent in routing and billing.
Pay and expenses of transportation department employees attending conferences with officers in connection with wage disputes.
Payments for switching on account of cars not passing inspection at junction points.
Penalties imposed under reciprocal demurrage laws for failure to furnish cars.
"Penalty switching" payments on account of improper delivery of cars to other carriers.

§ 10.412 *Operating joint tracks and facilities—Dr.* This account shall include the carrier's proportion of the transportation expenses incurred by others in the operation of joint tracks, interlockers, and other facilities which are not provided for in account 390, "Operating joint yards and terminals—Dr."

NOTE A: The purpose of this account is to show the amount accruing against the carrier for its proportion of the cost of operating tracks and facilities (other than at joint yards and terminals) operated by others and in the joint use of which the carrier participates. (See § 10.04–9 *Joint facility accounts.*)

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

§ 10.413 *Operating joint tracks and facilities—Cr.* This account shall include amounts chargeable to others as their proportions of transportation expenses incurred by the carrier in the operation of joint tracks, interlockers, and other facilities which are not provided for in account 391, "Operating joint yards and terminals—Cr."

NOTE A: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the cost of operating tracks and facilities (other than at joint yards and terminals) operated by the carrier and in the joint use of which others participate. (See § 10.04–9 *Joint facility accounts.*)

NOTE B: No portion of expenses chargeable by the operating carrier to accounts 392 to 403, inclusive, shall be included in this account.

§ 10.414 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to rail line transportation; also premiums on fidelity bonds of employees whose pay is chargeable to rail line transportation. (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance reserve account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to property reinsured by them.

§ 10.415 *Clearing wrecks.* This account shall include the cost of clearing wrecks other than wrecks of work trains.

(a) *Labor.* The wages of employees while engaged in connection with wrecking service, loading, and transferring contents of wrecked cars, building temporary tracks around wrecks, and removing such tracks.

(b) *Train service.* The cost of train service in connection with replacing wrecked equipment upon the tracks and transporting such equipment to shops for repairs, including amounts paid to other companies for service of locomotives, derricks, and other equipment and for wages of crews in wrecking service.

(c) *Other supplies and expenses.* Payments for reloading or transferring freight, express, baggage, and mail; transferring passengers, and cost of provisions or board for men clearing up or watching at wrecks.

NOTE A: Expenses of clearing wrecks of work trains shall be included in the cost of the work in connection with which the wrecked train was engaged.

NOTE B: The cost of restoring roadbed and tracks to original condition after wrecks and the cost of repairing equipment damaged or destroyed by wrecks shall be charged to the appropriate accounts for maintenance of way and structures and maintenance of equipment.

NOTE C: That proportion of payments to other companies for use of locomotives, derricks, and other equipment in wrecking service which represents rent shall be included in the income accounts.

§ 10.416 *Damage to property.* This account shall include payments and expenses on account of damages to the property of others, whether by fire, collision, flood, or other cause, with the exception of payments and expenses on account of damage to property intrusted to the carrier for transportation, and for damage to stock on right of way. It shall include also fines or compensation paid for interference with the business of others, as by detention of vessels at drawbridges, or by blocking streets.

This account shall include also the pay, office rent, and office, traveling, and other expenses of employees and others engaged as claim adjusters or as witnesses in lawsuits in connection with damage to property cases, or engaged in detection of thieves; notarial fees paid in connection with such cases; and payments for or repairs of damage to equipment of other carriers, or to property contained therein, such carriers having trackage rights upon or grade crossings over the carrier's tracks.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Damage to livestock on right of way, and damage to freight and baggage intrusted for transportation, are provided for under accounts 417, "Damage to livestock on right of way"; 418, "Loss and damage—Freight"; and 419, "Loss and damage—Baggage."

NOTE B: Expenses incident to suits growing out of damage to property claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE C: The pay, office rent, and the traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

§ 10.417 *Damage to livestock on right of way.* This account shall include payments on account of cattle and other livestock killed or injured while crossing or trespassing on the right of way, including cost of removing and burying the same.

There shall be included in this account also the pay and the traveling, office, and other expenses of employees and others engaged as livestock claim adjusters or engaged as witnesses in law-suits in connection with damage to livestock on right of way; also notarial fees in connection with claims for damage to livestock on right of way.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of livestock claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

§ 10.418 *Loss and damage; freight.* This account shall include payments and expenses on account of loss, destruction, damage, or delays to revenue freight shipments, including locomotives and cars transported as freight, express matter, milk shipments, and livestock, and expenses incurred on account of such payments; also expenses on account of loss, destruction, or damage to shipments of company material.

This account shall also include the cost of repacking and boxing damaged freight shipments; notarial fees in connection with freight claims; freight charges paid other carriers on lost, destroyed, or damaged shipments; pay, traveling, office, and other expenses of employees or others engaged as freight-claim adjusters, as witnesses in lawsuits in connection with freight-claim cases, in selling damaged and unclaimed shipments, or in detecting thieves; rent of warehouses used for storage of damaged and astray freight shipments, payments for storage of such shipments in public warehouses, and interest and penalties assessed for nonpayment of freight claims.

Amounts received from the sale of astray and damaged freight shall be credited to this account.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of loss and damage (freight) claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

§ 10.419 *Loss and damage; baggage.* This account shall include payments for loss, destruction, damage, or delays to baggage and other personal property carried as baggage, and damage to personal apparel; also expenses on account of such loss or damage.

This account shall also include the cost of repacking and boxing damaged baggage; notarial fees in connection with baggage claims; baggage claim payments made to other carriers on lost, destroyed, damaged, or delayed shipments; pay, traveling, office, and other expenses of employees or others engaged as baggage claim adjusters, as witnesses in lawsuits in connection with baggage claim cases, in selling damaged and unclaimed baggage, or in detecting thieves; rent of warehouses used exclusively for storage of damaged and unclaimed baggage, payments for storage of such shipments in public warehouses, and interest and penalties assessed for nonpayment of claims.

Amounts received from the sale of astray and damaged baggage shall be credited to this account.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

NOTE A: Expenses incident to suits growing out of loss and damage (baggage) claims, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

NOTE C: When a payment on account of injuries to passengers includes allowance for damage to personal apparel the damage allowance shall be included in this account when separable; otherwise in the appropriate personal injury account.

§ 10.420 *Injuries to persons.* This account shall include expenses on account of injuries to persons which occur directly in connection with transportation service, including damages for ejectment of passengers.

Services of employees and others called in consultation in relation to claim adjustments; pay and expenses of employees while engaged as witnesses at inquests and lawsuits, and a suitable proportion of donations made to hospitals, shall be included in this account.

This account shall also include amounts estimated to be sufficient to meet the probable liability of the carrier for unaudited expenses applicable thereto, except that it is not required to anticipate items which would not appreciably affect the account.

ITEMS OF EXPENSE

Artificial limbs.
Carriage fees.
Claim adjusters' and clerks' services.
Claim adjusters' office expenses.
Compensation for injuries or death.
Final judgments, including plaintiffs' court costs.
Funeral expenses.
Hospital attendance.
Medical and surgical services.
Medical and surgical supplies.
Notarial fees.
Nursing.
Railway transportation.
Undertakers' services.
Undertakers' supplies.
Witnesses' fees and expenses at inquests and lawsuits.

NOTE A: Expenses incident to personal injury suits, not otherwise provided for, shall be included in account 454, "Law expenses."

NOTE B: Amounts donated by a carrier to hospitals shall be distributed, 25 percent to account 274, "Injuries to persons"; 25 percent to account 332, "Injuries to persons"; and 50 percent to account 420, "Injuries to persons."

NOTE C: The pay, office rent, and traveling, office, and other expenses of claim adjusters, claim clerks, and others engaged in claim matters when not accurately assignable to a distinct class of claims, shall be apportioned equally among the several classes of claims over which they have jurisdiction or in connection with which they are engaged. This provision does not apply to the pay and expenses of general officers or general office employees whose pay is includible in general account 450, "General."

NOTE D: When a payment on account of injuries to persons includes allowances for damages to personal apparel, the damage allowance shall be included in account 419, "Loss and damage—Baggage," when separable; otherwise the entire payment shall be included in this account.

MISCELLANEOUS OPERATIONS

§ 10.440 *Miscellaneous operations.* The primary accounts included in this general account are designed to show the expenses incurred in miscellaneous operations. (See § 10.02–4 *Miscellaneous operations.*)

§ 10.441 *Dining and buffet service.* This account shall include the cost of operating dining and buffet service on trains and transfer boats. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of operating dining and buffet service; the pay of their assistants, clerks, and office attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Commissarial employees.* The pay of storekeepers, assistant storekeepers, clerks, porters, and other employees in commissarial supply depots and storehouses.

(c) *Stewards.* The pay of stewards or conductors employed on dining and buffet cars and transfer boats.

(d) *Cooks and waiters.* The pay of cooks, waiters, and assistants on dining and buffet cars and transfer boats.

(e) *Fuel and supplies.* The cost of fuel for cooking purposes; of provisions, such as meats, groceries, vegetables, fish, table waters, ice, etc.; bar supplies, such as wines, liquors, beers, ales, etc.; cost of licenses; and cost of cigars, cigarettes, and tobacco.

(f) *Laundry.* Expenses for laundry work, such as laundering tablecloths, napkins, aprons, etc.

(g) *Stationery and printing.* The cost of stationery and printing used in connection with dining and buffet service.

(h) *Other expenses.* The cost of flowers and plants; cleaning the interior of cars; rent and cost of supplies for rooms furnished for dining and buffet service employees; and such other expenses in connection with the operation of dining and buffet service as are not provided for elsewhere.

NOTE: When officers have immediate supervision over dining and buffet service and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.442 *Hotels and restaurants.* This account shall include the cost of operating hotels, restaurants, and lunch counters when the cost of the operated property is includible in the road and equipment accounts. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of operating hotels, restaurants, and lunch counters; pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers.

(b) *Employees.* The pay of stewards, hotel keepers, storekeepers, checkers, linen clerks, butchers, chefs, cooks, kitchen help, maids, porters, elevator men, call boys, hat and cloak attendants, waiters, waitresses, laundresses, engineers, firemen, and other employees engaged in operating hotels, restaurants, and lunch counters.

(c) *Fuel and supplies.* The cost of fuel for cooking and heating purposes; provisions, such as meats, groceries, vegetables, fish, table waters, ice, etc.; bar supplies, such as wines, liquors, beers, ales, etc.; the cost of liquor licenses; the cost of tobacco, cigars, cigarettes, etc.; and miscellaneous supplies for operating the service.

(d) *Stationery and printing.* The cost of stationery and printing used in connection with the operation of hotels and restaurants.

(e) *Other expenses.* The cost of lighting, and other items of expense not otherwise provided for in this account.

NOTE: When officers have immediate supervision over hotels, restaurants, and lunch counters and other operations their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.443 *Grain elevators.* This account shall include the cost of operating grain elevators other than small elevators which are classed as station facilities. It shall include:

(a) *Superintendence.* The pay of officers directly in charge of grain-elevator service; the pay of their assistants, clerks, and office attendants; also the office, traveling, and other expenses of such officers and their employees.

(b) *Employees.* The pay of engineers, firemen, foremen, machine men, oilers, millwrights, carpenters, trimmers, weighers, spout men, sweepers, laborers, watchmen, and all other employees engaged in operating grain elevators.

(c) *Fuel and supplies.* The cost of fuel for power, heating, and lighting plants; power for heating, lighting, and operating machinery; and water, ice, oil, waste, and other supplies for operating such property.

(d) *Stationery and printing.* The cost of stationery and printing used in connection with the operation of grain elevators.

(e) *Other expenses.* The cost of grain used to make up shortage in elevators; rent for and repairs of rented offices; and other operating expenses not otherwise provided for in this account.

NOTE. When officers have immediate supervision over grain elevators and other operations their pay, office, and other expenses, also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.445 *Producing power sold.* This account shall include the cost of operating power plants, substations, transmission systems and distribution systems, for the production of power sold.

The proportion of the cost assignable to the production of the power sold only shall be included in this account. (See § 10.04–12 *Power plant operations* and § 10.04–14 *Maintaining transmission and distribution systems.*)

This account shall include:

(a) *Superintendence.* The pay of officers directly in charge of power plants, substations, transmission systems and distribution systems; pay of their clerks and office attendants; also the office, traveling, and other expenses of such officers and employees.

(b) *Employees.* The pay of foremen, subforemen, engineers, firemen, electricians, system operators or load dispatchers, dynamo tenders, foremen regulators, regulators and assistants, switchboard men, brush men, oilers, wipers, wiremen, and others engaged in the operation of power plant and substation apparatus and devices.

(c) *Fuel.* The cost of fuel used in the production of power and for heating power plants.

(d) *Other supplies.* The cost of water, lubricants, and other power plant and substation supplies.

(e) *Stationery and printing.* The cost of stationery and printing used in connection with producing power sold.

(f) *Other expenses.* The items of expense not otherwise provided for in this account.

NOTE: When officers have immediate supervision over producing power sold and other operations, their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.446 *Other miscellaneous operations.* This account shall include the operations of facilities such as cold-storage plants; coal-storage plants; cotton-compress plants; wood-preserving plants; ice-supply plants, etc., when the cost of the facilities is includible in the road and equipment accounts and they are operated by the railway companies.

NOTE: When officers have immediate supervision over other miscellaneous service and other operations, their pay, office, and other expenses, as also the pay, office, and other expenses of their assistants, clerks, and office attendants, shall be equitably apportioned to the accounts appropriate to the operations over which they have supervision.

§ 10.447 *Operating joint miscellaneous facilities—Dr.* This account shall include the carrier's proportion of such costs as are incurred by others in their operation of joint facilities which are chargeable by them to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

§ 10.448 *Operating joint miscellaneous facilities—Cr.* This account shall include amounts chargeable to others as their proportions of such costs as are incurred by the carrier in its operation of joint facilities which are chargeable by it to accounts 442, "Hotels and restaurants," 443, "Grain elevators," 445, "Producing power sold," or 446, "Other miscellaneous operations."

GENERAL

§ 10.450 *General.* The primary accounts included in this general account are designed to show the expenses incurred of a general character not chargeable to the preceding general accounts, such as those for general administration and accounting, and those of the financial, law, real estate, tax, and claim departments.

NOTE: Directly assignable organization and administration expenses incident to investments in leased or nonoperating physical property, and in stocks, bonds, and other securities, are chargeable to income account 549, "Maintenance of investment organization."

§ 10.451 *Salaries and expenses of general officers.* This account shall include:

(a) *Salaries.* The pay of all general officers not otherwise provided for, including salaries and fees of receivers and commissions paid to general officers in lieu of salaries.

LIST OF OFFICERS

Chairman of the board.
President.
Assistant to president.
Vice president.
Assistant to vice president.
Secretary.
Assistant secretary.
Transfer agent.
Treasurer.
Assistant treasurer.
Local treasurer.
Comptroller.
Assistant comptroller.
General auditor.
Auditor.
Assistant auditor.
Auditor of revenues.
Auditor of passenger accounts.
Assistant auditor of passenger accounts.
Auditor of freight accounts.
Assistant auditor of freight accounts.
Auditor of station accounts.
Auditor of disbursements.
Assistant auditor of disbursements.
Auditor of miscellaneous accounts.
Assistant auditor of miscellaneous accounts.
Auditor of coal and coke accounts.
Freight claim agent.
Assistant freight claim agent.
General accountant.
Real-estate agent.
Assistant real-estate agent.
Tax commissioner.

(b) *Expenses.* The traveling and other expenses of officers whose pay is included in this account, including supplies for business cars used by them, cost of running official trains for them, and cost of membership fees and dues in railway and other associations.

NOTE A: When officers' duties are restricted to a single department, their salaries and expenses shall be charged to that department in the accounts for superintendence or for law expenses, as may be appropriate. When officers have immediate supervision over more than one department, their salaries and expenses shall be apportioned equitably among the departments over which they have jurisdiction.

NOTE B: The pay and expenses of the purchasing agent, assistant purchasing agent, assistant to purchasing agent, general storekeeper, division storekeeper, their clerks and attendants, shall be charged through clearing accounts "Material store expenses" and "Stationery store expenses," or material account "Fuel," as may be appropriate.

§ 10.452 *Salaries and expenses of clerks and attendants.* This account shall include the pay and expenses of clerks and attendants of the officers whose salaries are includible in account 451, "Salaries and expenses of general officers."

(a) *Pay of clerks.* The pay of persons employed in accounting and clerical service.

LIST OF EMPLOYEES

Cashiers.
Chief accountants.
Chief clerks.
Clerks.
Inspectors.
Mail clerks.
Paymasters.
Postmasters.
Route agents.
Special agents.
Stenographers.
Ticket receivers.
Traveling accountants.
Traveling auditors.

(b) *Pay of attendants.* The pay of persons employed in attendance at general offices and on business cars.

LIST OF EMPLOYEES

Bank messengers.
Chauffeurs.
Cleaners.
Cooks.
Drivers of service wagons.
Elevator operators.
Engineers.
Firemen.
Janitors.
Messengers.
Porters.
Pump men.
Stablemen.
Superintendent of general office building.
Telegraph operators
Telephone operators
Ushers.
Waiters.
Watchmen.

(c) *Expenses.* The traveling and other expenses of employees designated above, including the cost of supplies for business cars and cost of running official trains for them.

§ 10.453 *General office supplies and expenses.* This account shall include the office expenses of officers designated in account 451, "Salaries and expenses of general officers."

ITEMS OF EXPENSE AND SUPPLIES

Alterations of partitions and fixtures in general offices.
Atlases and maps.
Books for office use.
Cable tolls.
Cleaning.
Express charges.
Furniture repairs and renewals.
Heating.
Horse keep.
Lighting.
Local messenger service.
Periodicals and newspapers.
Rent of general offices.
Rent of tabulating machines.
Repairs of rented general offices.
Reports of commercial standings.
Service of automobiles.
Telegraph service.
Telephone service.
Watchmen service.

NOTE: The proportion of general office expenses occasioned by the law department shall be included in account 454, "Law expenses."

§ 10.454 *Law expenses.* This account shall include the pay and the office and other expenses, when not provided for elsewhere, of officers and employees of the law department, the cost of suits, and the payments of special law fees.

LIST OF OFFICERS AND EMPLOYEES

General counsel.
General solicitor.
Assistant counsel.
Solicitor.
Commerce counsel.
Commerce agent.
Special counsel.
Statutory attorney.
Attorney.
Counsel.
Law agent.
Clerks.
Office attendants.

ITEMS OF EXPENSE AND SUPPLIES

Arbitrators' services in settlement of disputed questions.
Cost of taking depositions.
Cost of testimony.
Cost of suits.
Court bonds.
Court expenses.
Drawing and recording agreements as to trackage rights, etc.
Express charges.
Fees and retainers of attorneys (not regular employees).
Law books.
Legal forms.
Legal reports.
Membership fees and dues in associations to protect carriers against litigation in respect to patents.
Membership fees and dues in law associations.
Notarial fees not provided for elsewhere.
Office expenses.
Printing of briefs, testimony, and reports.
Proportion of general office expenses.
Rent of offices.
Special fees.
Telegraph service.
Telephone service.
Traveling expenses.
Witness fees not provided for elsewhere.

§ 10.455 *Insurance.* This account shall include premiums, except reinsurance premiums, for insuring the carrier against loss, through injuries to persons or damage to or destruction or loss of property, whether caused by fire, accident, or other cause, when such loss to the carrier would be chargeable to general account 450, "General"; also premiums on fidelity bonds of officers and employees whose pay is chargeable to general account 450, "General." (See § 10.04–18 *Insurance.*)

NOTE: The premiums paid by the carrier to its insurance fund shall be credited to an insurance account, to which account shall be charged the amount of all claims for injuries to persons and damages to the property covered by its insurance. To such account shall also be charged all reinsurance premiums paid to insurance companies, and to it shall be credited all amounts recovered from insurance companies for damage to the property reinsured by them.

§ 10.456 *Relief department expenses.* This account shall include salaries and expenses incurred in connection with conducting relief departments; also contributions to such departments.

§ 10.457 *Pensions and gratuities.* (a) Except as hereafter provided, this account shall include pensions paid currently to retired employees and the expenses incurred solely in connection therewith. It shall also include gratuities paid to the families or heirs of employees; amounts paid currently to insurance companies or to trustees to provide annuities for retired employees (see note); and premiums paid on insurance policies for employees where the carrier is not a beneficiary.

NOTE: The initial payments to insurance companies or to trustees for prior services of employees shall be charged to account 621, "Miscellaneous debits."

(b) A carrier may account for pensions on an accrual basis provided it has established a retirement plan whereby it definitely agrees to pay pensions to its retired employees. If the carrier elects to adopt the accrual plan, this account shall be charged and account 769 credited each month with amounts representing benefits currently accruing under the plan and borne by the carrier. Contributions by employees shall be credited direct to account 769. Pension payments shall be charged to account 769. Before adopting the accrual plan for pensions, the carrier shall inform the Commission of the details of its pension plan. No charges shall be made to this account in anticipation of discretionary pension payments in the future.

§ 10.458 *Stationery and printing.* This account shall include the cost of stationery and printing used in general offices and not chargeable to other accounts, including the cost of printing annual reports, contracts, leases, stock certificates, and passes.

STATIONERY AND PRINTING ITEMS

Adding machines.
Addressographs and supplies.
Arm rests.
Binders.
Blank books.
Blotters.
Blotting paper.
Bristol board.
Calculating machines.
Calendars.
Carbon paper.
Cardboard.
Cards, blank and printed.
Circulars.
Computing tables.
Copy (impression) books.
Copying brushes.
Copying presses.
Crayons.
Cyclostyles.
Dating stamps and ribbons.
Dictaphones.
Dictographs.
Drawing paper.
Duplicator.
Electric pens.
Envelopes.
Erasers, rubber and steel.
Eyelet punches.
Eyelets.
File boxes, paper.
Forms, blank and printed.
Glass pens.
Hectographs.
Indexes.
Ink for writing and drawing.
Inkstands.
Invoice books.
Legal cap paper.
Letter paper.
Manifold paper.
Manifold pens.
Mimeographs.
Mucilage.
Mucilage brushes.
Neostyles.
Note paper.
Notices.
Numbering stamps.
Oil paper.
Paper.
Paper baskets.
Paper clips.
Paper cutters.
Paper fasteners.
Paper files.
Paper weights.
Papyrographs.
Parchment paper.
Passes.
Pay checks.
Pencil sharpeners.
Pencils for writing and drawing.
Penholders.
Penracks.
Pens for writing and drawing.
Phonographs and records.
Pins.
Postage.
Punches (not conductors' or bagagemen's).
Rubber bands.
Rubber stamps.
Rulers.
Ruling pens.
Scrapbooks.
Sealing wax.
Seals.
Shears.
Shipping tags.
Shorthand note books.
Sponge cups.
Sponges.
Stamps.
Stamps, impression
Stylographs.
Tablets, blank and printed.
Tape.
Telegraph blanks.
Tissue (impression) paper.
Tracing cloth.
Tracing paper.
Twine.
Typewriters and ribbons.
Wage tables.
Wastebaskets.
Water colors.
Water holders.
Wrapping paper.
Wringers for copying presses.

NOTE A: The cost of printing briefs, legal forms, testimony, reports, etc., for the law department is chargeable to account 454, "Law expenses."

NOTE B: The cost of printing bonds, etc., in connection with the carrier's funded debt shall be included in balance-sheet account 725, "Discount on funded debt."

§ 10.459 *Valuation expenses.* This account shall include expenses incident to the ascertainment (in accordance with the Act to Regulate Commerce as amended March 1, 1913, or with other

Federal or State requirements) of the value of property owned or used by the carrier, such expenses including pay, and office, traveling, and other expenses of officers specially employed or assigned to such work, and of their assistants, clerks, and attendants, and the cost of stationery and printing, and of engineering supplies consumed.

NOTE: No charge shall be made to this account for the salaries of officers or of their clerks and attendants for incidental services in connection with valuation work; but special office, clerical, traveling, and incidental expenses incurred by these officers on account of such work shall be included as a part of the cost of the work.

§ 10.460 *Other expenses.* This account shall include incidental general expenses which are not properly chargeable to any of the foregoing accounts.

ITEMS OF EXPENSE

Cost of draping buildings.
Cost of publishing annual reports in newspapers, and other corporate and financial notices of general character.
Cost of publishing notices of stockholders' meetings and of election of directors.
Donations on account of catastrophes, epidemics, etc.
Donations to local fire departments.
Donations to Y. M. C. A., and similar institutions.
Exchange on checks cashed or deposited.
Exchange on drafts bought.
Fees and expenses paid to directors and trustees.
Loss through payment of wages to a wrong person.
Penalties assessed for nonpayment of claims for overcharges.

§ 10.461 *General joint facilities—Dr.* This account shall include the carrier's proportions of general expenses incurred by others incident to maintaining and operating tracks, yards, terminals, and other facilities used jointly.

NOTE: The purpose of this account is to show the amount accruing against the carrier for its proportion of the expense of general administration of tracks, yards, terminals and other facilities administered by others, and in the joint use of which the carrier participates. (See § 10.04–9 *Joint facility accounts.*)

§ 10.462 *General joint facilities—Cr.* This account shall include amounts chargeable to others as their proportions of general expenses incurred by the carrier incident to maintaining and operating tracks, yards, terminals, and other facilities used jointly.

NOTE: The purpose of this account is to show the amounts accruing in favor of the carrier and against others for their proportions of the expense of general administration of tracks, yards, terminals, and other facilities administered by the carrier, and in the joint use of which others participate. (See § 10.04–9 *Joint facility accounts.*)

CONDENSED CLASSIFICATION OF OPERATING EXPENSES

§ 10.480 *Accounts for small carriers, Class II.* See provisions of § 10.04–1 *Accounts for operating expenses.* The condensed groupings of accounts for Class II small carriers are as follows:

Accounts for Small Carriers—Class II	*Accounts for Large Carriers—Class I*
Maintenance of Way and Structures	200. Maintenance of Way and Structures
1201. Superintendence.	201. Superintendence.
1202. Maintaining roadway and track.	202. Roadway maintenance. 212. Ties. 214. Rails. 216. Other track material. 218. Ballast. 220. Track laying and surfacing. 272. Removing snow, ice, and sand.
1203. Maintaining track structures.	206. Tunnels and subways. 208. Bridges, trestles, and culverts. 210. Elevated structures. 221. Fences, snowsheds, and signs. 247. Communication systems. 249. Signals and interlockers.
1204. Maintaining ancillary structures.	227. Station and office buildings. 229. Roadway buildings. 231. Water stations. 233. Fuel stations. 235. Shops and enginehouses. 237. Grain elevators. 239. Storage warehouses. 241. Wharves and docks. 243. Coal and ore wharves. 253. Power plants. 257. Power-transmission systems. 265. Miscellaneous structures. 267. Retirements—Road.
1204½. Retirements—Road.	270. Dismantling retired road property.
1205. Dismantling retired road property.	280. Equalization—Way and structures.
1206. Equalization—Way and structures.	268. Deferred maintenance—Way and structures.
1208. Deferred maintenance—Way and structures.	266. Road property—Depreciation.
1209. Road property—Depreciation.	274. Injuries to persons.
1210. Injuries to persons.	269. Roadway machines. 271. Small tools and supplies. 273. Public improvements—Maintenance. 275. Insurance. 276. Stationery and printing. 277. Other expenses.
1211. Other way and structure expense.	281. Right-of-way expenses.
1212. Maintaining joint tracks, yards, and other facilities—Dr.	278. Maintaining joint tracks, yards, and other facilities—Dr.
1213. Maintaining joint tracks, yards, and other facilities—Cr.	279. Maintaining joint tracks, yards, and other facilities—Cr.

Accounts for Small Carriers—Class II—Con.	*Accounts for Large Carriers—Class I*—Con.	*Accounts for Small Carriers—Class II*—Con.	*Accounts for Large Carriers—Class I*—Con.
Maintenance of Equipment	300. Maintenance of Equipment	Transportation—Rail Line—Continued	370. Transportation—Rail Line—Continued
1221. Superintendence.	301. Superintendence.	1270. Train enginemen.	392. Train enginemen.
1222. Repairs of machinery and other apparatus.	302. Shop machinery.	1271. Train fuel.	394. Train fuel.
1223. Shop and power-plant machinery—Depreciation.	304. Power-plant machinery.	1272. Train power.	395. Train power produced.
1224. Dismantling retired shop and power-plant machinery	305. Shop and power-plant machinery—Depreciation.	1273. Other train locomotive supplies and expenses.	396. Train power purchased.
1225. Locomotive repairs.	306. Dismantling retired shop and power-plant machinery.	1274. Trainmen.	397. Water for train locomotives.
1226. Car repairs.	308. Steam locomotives—Repairs.	1275. Train supplies and expenses.	398. Lubricants for train locomotives.
1227. Floating equipment—Repairs.	311. Other locomotives—Repairs.	1277. Injuries to persons.	399. Other supplies for train locomotives.
1228. Work equipment—Repairs.	314. Freight-train cars—Repairs.	1278. Loss and damage.	400. Enginehouse expenses—Train.
1229. Miscellaneous equipment—Repairs.	317. Passenger-train cars—Repairs.	1279. Other casualty expenses.	401. Trainmen.
1230. Dismantling retired equipment.	323. Floating equipment—Repairs.	1280. Other rail transportation expenses.	402. Train supplies and expenses.
1231. Retirements—Equipment.	326. Work equipment—Repairs.	1281. Operating joint tracks and facilities—Dr.	403. Operating sleeping cars.
1232. Major repairs—Equipment.	328. Miscellaneous equipment—Repairs.	1282. Operating joint tracks and facilities—Cr.	420. Injuries to persons.
1233. Equalization—Equipment.	329. Dismantling retired equipment.	Miscellaneous Operations	418. Loss and damage—Freight.
1235. Deferred maintenance—Equipment.	330. Retirements—Equipment.	1288. Miscellaneous operations.	419. Loss and damage—Baggage.
1236. Equipment—Depreciation.	340. Major repairs—Equipment.	General	414. Insurance.
1237. Injuries to persons.	338. Equalization—Equipment.	1291. Administration.	415. Clearing wrecks.
1238. Other equipment expenses.	339. Deferred maintenance—Equipment.	1292. Insurance.	416. Damage to property.
1239. Joint maintenance of equipment expenses—Dr.	331. Equipment—Depreciation.	1293. Valuation expenses.	417. Damage to live stock on right of way.
1240. Joint maintenance of equipment expenses—Cr.	332. Injuries to persons.	1294. Other general expenses.	404. Signal and interlocker operation.
Traffic	333. Insurance.	1295. General joint facilities—Dr.	405. Crossing protection.
1251. Traffic expenses.	334. Stationery and printing.	1296. General joint facilities—Cr.	406. Drawbridge operation.
Transportation—Rail Line	335. Other expenses.		407. Communication system operation.
1261. Superintendence and dispatching.	336. Joint maintenance of equipment expenses—Dr.		408. Operating floating equipment.
1262. Station service.	337. Joint maintenance of equipment expenses—Cr.		410. Stationery and printing.
1263. Yard enginemen.	350. Traffic		411. Other expenses.
1264. Other yard employees.	351. Superintendence.		412. Operating joint tracks and facilities—Dr.
1265. Yard switching fuel.	352. Outside agencies.		413. Operating joint tracks and facilities—Cr.
1266. Yard switching power.	353. Advertising.		440. Miscellaneous Operations
1267. Other yard expenses.	354. Traffic associations.		441. Dining and buffet service.
1268. Operating joint yards and terminals—Dr.	355. Fast freight lines.		442. Hotels and restaurants.
1269. Operating joint yards and terminals—Cr.	356. Industrial and immigration bureaus.		443. Grain elevators.
	357. Insurance.		445. Producing power sold.
	358. Stationery and printing.		446. Other miscellaneous operations.
	359. Other expenses.		450. General
	370. Transportation—Rail Line		451. Salaries and expenses of general officers.
	371. Superintendence.		452. Salaries and expenses of clerks and attendants.
	372. Dispatching trains.		453. General office supplies and expenses.
	373. Station employees.		454. Law expenses.
	374. Weighing, inspection, and demurrage bureaus.		455. Insurance.
	375. Coal and ore wharves.		459. Valuation expenses.
	376. Station supplies and expenses.		456. Relief department expenses.
	380. Yard enginemen.		457. Pensions and gratuities.
	377. Yardmasters and yard clerks.		458. Stationery and printing.
	378. Yard conductors and brakemen.		460. Other expenses.
	379. Yard switch and signal tenders.		461. General joint facilities—Dr.
	382. Yard switching fuel.		462. General Joint facilities—Cr.
	383. Yard switching power produced.		
	384. Yard switching power purchased.		
	385. Water for yard locomotives.		
	386. Lubricants for yard locomotives.		
	387. Other supplies for yard locomotives.		
	388. Enginehouse expenses—Yard.		
	389. Yard supplies and expenses.		
	390. Operating joint yards and terminals—Dr.		
	391. Operating joint yards and terminals—Cr.		

§ 10.490 *Accounts for small carriers, Class III.* See provisions of § 10.04–1 *Accounts for operating expenses.* The condensed groupings of accounts for Class III small carriers are as follows:

Accounts for Small Carriers—Class III	*Accounts for Large Carriers—Class I*	*Accounts for Small Carriers—Class III*—Con.	*Accounts for Large Carriers—Class I*—Con.
Maintenance of Way and Structures	200. Maintenance of Way and Structures	Maintenance of Equipment—Continued	300. Maintenance of Equipment—Continued
2201. Superintendence.	201. Superintendence.	2229. Retirements—Equipment.	330. Retirements—Equipment.
2202. Roadway maintenance.	202. Roadway maintenance.	2230. Major repairs—Equipment.	340. Major repairs—Equipment.
	206. Tunnels and subways.	2231. Equalization—Equipment.	338. Equalization—Equipment.
	208. Bridges, trestles, and culverts.	2233. Deferred maintenance—Equipment.	339. Deferred maintenance—Equipment.
	210. Elevated structures.	2234. Equipment—Depreciation.	331. Equipment—Depreciation.
	212. Ties.	2235. Other equipment expenses.	332. Injuries to persons.
	214. Rails.	2236. Joint maintenance of equipment expenses—Dr.	333. Insurance.
	216. Other track material.	2237. Joint maintenance of equipment expenses—Cr.	334. Stationery and printing.
	218. Ballast.	Traffic	335. Other expenses.
	220. Track laying and surfacing.	2240. Traffic expenses.	336. Joint maintenance of equipment expenses—Dr.
	221. Fences, snowsheds, and signs.	Transportation—Rail Line	337. Joint maintenance of equipment expenses—Cr.
	247. Communication systems.	2241. Superintendence and dispatching.	350. Traffic
	249. Signals and interlockers.	2242. Station service.	351. Superintendence.
	272. Removing snow, ice, and sand.	2243. Yard employees.	352. Outside agencies.
2203. Maintaining structures.	227. Station and office buildings.	2244. Yard switching fuel	353. Advertising.
	229. Roadway buildings.	2245. Miscellaneous yard expenses.	354. Traffic associations.
	231. Water stations.	2246. Operating joint yards and terminals—Dr.	355. Fast freight lines.
	233. Fuel stations.	2247. Operating joint yards and terminals—Cr.	356. Industrial and immigration bureaus.
	235. Shops and enginehouses.	2248. Train employees.	357. Insurance.
	237. Grain elevators.	2249. Train fuel.	358. Stationery and printing.
	239. Storage warehouses.	2251. Other train expenses.	359. Other expenses.
	241. Wharves and docks.	2252. Injuries to persons	370. Transportation—Rail Line
	243. Coal and ore wharves.	2253. Loss and damage.	371. Superintendence.
	253. Power plants.		372. Dispatching trains.
	257. Power-transmission systems.		373. Station employees.
	265. Miscellaneous structures.		374. Weighing, inspection, and demurrage bureaus.
2203½. Retirements—Road.	267. Retirements—Road.		375. Coal and ore wharves.
2204. Dismantling retired road property.	270. Dismantling retired road property.		376. Station supplies and expenses.
2205. Equalization—Way and structures.	280. Equalization—Way and structures.		377. Yardmasters and yard clerks.
2207. Deferred maintenance—Way and structures.	268. Deferred maintenance—Way and structures.		378. Yard conductors and brakemen.
2208. Road property—Depreciation.	266. Road property—Depreciation.		379. Yard switch and signal tenders.
2209. Other maintenance of way expenses.	269. Roadway machines.		380. Yard enginemen.
	271. Small tools and supplies.		382 Yard switching fuel.
	273. Public improvements—Maintenance.		383. Yard switching power produced.
	274. Injuries to persons.		384. Yard switching power purchased.
	275. Insurance.		385. Water for yard locomotives.
	276. Stationery and printing.		386. Lubricants for yard locomotives.
	277. Other expenses.		387. Other supplies for yard locomotives.
	281. Right-of-way expenses.		388. Enginehouse expenses—Yard.
2210. Maintaining joint tracks, yards, and other facilities—Dr.	278. Maintaining joint tracks, yards, and other facilities—Dr.		389. Yard supplies and expenses.
2211. Maintaining joint tracks, yards, and other facilities—Cr.	279. Maintaining joint tracks, yards, and other facilities—Cr.		390. Operating joint yards and terminals—Dr.
Maintenance of Equipment	300. Maintenance of Equipment		391. Operating joint yards and terminals—Cr.
2221. Superintendence.	301. Superintendence.		392. Train enginemen.
2222. Repairs of shop and power-plant machinery.	302. Shop machinery.		401. Trainmen.
2223. Shop and power-plant machinery—Depreciation.	304. Power-plant machinery.		394. Train fuel.
2224. Dismantling retired shop and power-plant machinery.	305. Shop and power-plant machinery—Depreciation.		395. Train power produced.
2225. Locomotive repairs.	306. Dismantling retired shop and power-plant machinery.		396. Train power purchased.
2226. Car repairs.	308. Steam locomotives—Repairs.		397. Water for train locomotives.
2227. Other equipment repairs.	311. Other locomotives—Repairs.		398. Lubricants for train locomotives.
2228. Dismantling retired equipment.	314. Freight-train cars—Repairs.		399. Other supplies for train locomotives.
	317. Passenger-train cars—Repairs.		400. Enginehouse expenses—Train.
	323. Floating equipment—Repairs.		402. Train supplies and expenses.
	326. Work equipment—Repairs.		403. Operating sleeping cars.
	328. Miscellaneous equipment—Repairs.		420. Injuries to persons.
	329. Dismantling retired equipment.		418. Loss and damage—Freight.
			419. Loss and damage—Baggage.

Accounts for Small Carriers—Class III—Con.

Transportation—Rail Line—Continued

2254. Other casualty expenses.

2255. Other rail transportation expenses.

2256. Operating joint tracks and facilities—Dr.
2257. Operating joint tracks and facilities—Cr.

Miscellaneous Operations

2259. Miscellaneous operations.

General

2261. Administration.

2262. Insurance.
2263. Valuation expenses.

2264. Other general expenses.

2265. General joint facilities—Dr.
2266. General joint facilities—Cr.

Accounts for Large Carriers—Class I—Con.

370. Transportation—Rail Line—Continued

414. Insurance.
415. Clearing wrecks.
416. Damage to property.
417. Damage to live stock on right of way.
404. Signal and interlocker operation.
405. Crossing protection.
406. Drawbridge operation.
407. Communication system operation.
408. Operating floating equipment.
410. Stationery and printing.
411. Other expenses.
412. Operating joint tracks and facilities—Dr.
413. Operating joint tracks and facilities—Cr.

440. Miscellaneous Operations

441. Dining and buffet service.
442. Hotels and restaurants.
443. Grain elevators.
445. Producing power sold.
446. Other miscellaneous operations.

450. General

451. Salaries and expenses of general officers.
452. Salaries and expenses of clerks and attendants.
453. General office supplies and expenses.
454. Law expenses.
455. Insurance.
459. Valuation expenses.
456. Relief department expenses.
457. Pensions and gratuities.
458. Stationery and printing.
460. Other expenses.
461. General joint facilities—Dr.
462. General joint facilities—Cr.

INCOME, PROFIT AND LOSS, AND GENERAL BALANCE SHEET

§ 10.05 *General instructions.* The carrier's records shall be kept with sufficient particularity to show fully the facts pertaining to all entries made in the accounts provided herein for income, profit and loss, and general balance sheet. Where the full information is not recorded in the general books, the entries therein shall be supported by other records in which the full details shall be shown. Such general book entries shall contain sufficient reference to the detail records to permit ready identification, and the detail records shall be filed in such manner as to be readily accessible for examination by representatives of the Interstate Commerce Commission.

§ 10.05–1 *General ledger accounts.* When the title and definition of an income, profit and loss, or general balance-sheet account clearly indicate that it is a summary of other accounts, it is not required that a special ledger account shall be kept under such a title to include the balances from the accounts usually kept in the ledger, but in such case the titles of the subaccounts in the ledger shall give references by numbers, titles, or both, to the income, profit and loss, or general balance-sheet account prescribed herein of which they are subdivisions.

§ 10.05–2 *Leased road and equipment; depreciation.* The carrier shall include in operating expenses charges for depreciation on road property and equipment used but not owned the rent for which is includible in account 542, "Rent for leased roads and equipment," and shall maintain the same records of service lives, salvage values, etc., as provided for owned road property and equipment. The amount currently to be charged to account 542, "Rent for leased roads and equipment," is the excess of the total compensation over the amount chargeable by the carrier to the depreciation accounts in operating expenses. If settlement between the carrier and the lessor is not currently made, the amount of the depreciation accrued during the period of the lease shall be credited by the carrier to account 779, "Accrued depreciation—Leased property." The necessary adjustments of the difference between the balance thus accrued in that account and the actual amount of settlement shall appropriately be made through account 607, "Miscellaneous credits," or account 621, "Miscellaneous debits," at the time settlement for depreciation on the property is made with the lessor.

The carrier shall not include in the depreciation account in operating expenses any charges for depreciation of equipment used but not owned when the rents therefor are included in the rent for equipment and joint facility rent accounts 503 to 508 and 536 to 541, inclusive.

§ 10.05–3 *Closing general ledger.* Accounts shall be written up, posted to the general ledger and balanced monthly. The final entries for any month shall be made not later than 60 days after the last day of the month for which the accounts are stated, except that the period within which the final entries for the month of December shall be made may be extended to such date in the following March as shall not interfere with the preparation and filing of annual reports as required by paragraph 2 of section 20 of the Interstate Commerce Act.

INCOME

§ 10.06 *Special instructions.*

§ 10.06–1 *Income accounts defined.* Income accounts are those designed to show, as nearly as practicable, for each fiscal period, the total amount of money that a carrier becomes entitled to receive for services rendered, the returns accrued upon investments, the accrued costs paid or payable for the services rendered by it, the losses sustained by it, the amounts accrued for taxes, for use of moneys and for use of properties of others, and the appropriations made from income during the period. The net balance of income (or loss) shall be carried to profit and loss.

§ 10.06–2 *Delayed items.* The carrier shall account for delayed items and adjustments and cancellation of entries recorded in balance-sheet accounts relating to income of former years in accordance with the instructions contained in § 10.02–3 *Delayed items.*

§ 10.06–3 *Unaudited items.* When the amount of any item affecting income cannot be accurately determined in time for inclusion in the accounts of the month in which the transaction occurs, the amount of the item shall be estimated and in such form included in the proper income account with contra entry to the appropriate balance-sheet account. When the item is audited the necessary adjustments shall be made through the accounts in which the estimate was recorded. If, during the interval between the date of inclusion of the item in the accounts and the date on which it is audited, a substantial difference from the initial estimate is determined, appropriate adjustments shall be made in the current accounts to cover such difference. The carrier is not required to anticipate items which would not appreciably affect the accounts.

INCOME ACCOUNTS

CREDIT

§ 10.501 *Railway operating revenues.* This account shall include the total revenues derived from operations as shown in the primary revenue accounts provided in this part.

§ 10.502 *Revenues from miscellaneous operations.* This account shall include the total revenues derived from the operation of miscellaneous operating physical property, such as that the cost of which is includible in balance-sheet account 705, "Miscellaneous physical property."

NOTE: The income from miscellaneous nonoperating physical property shall be included in account 511, "Income from nonoperating property."

§ 10.503 *Hire of freight cars; credit balance.* This account shall include, except as provided in the texts of accounts 509, "Income from lease of road and equipment," and 542, "Rent for leased roads and equipment," the net credit balance of (a) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and (b) amounts payable accrued for the use of the freight cars of others, leased or interchanged. (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: If the net balance is a debit, it shall be included in account 536, "Hire of freight cars—Debit balance."

NOTE B: Rent for freight cars included in the lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

NOTE C: Rents paid for freight cars used in construction work-train service are chargeable to the cost of the work. (See paragraph (c) of § 10.01–4 *Cost of construction.*)

§ 10.504 *Rent from locomotives.* This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's locomotives leased or interchanged. (See Note C to account 717, "Interest and dividends receivable.")

NOTE: Rent for locomotives included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

§ 10.505 *Rent from passenger-train cars.* This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's passenger-train cars leased or interchanged. (See Note C, to account 717, "Interest and dividends receivable.")

NOTE: Rent for passenger-train cars included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

§ 10.506 *Rent from floating equipment.* This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's floating equipment leased or chartered. (See Note C to account 717, "Interest and dividends receivable.")

NOTE: Rent from floating equipment included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

§ 10.507 *Rent from work equipment.* This account shall include, except as provided in the text of account 509, "Income from lease of road and equipment," amounts receivable accrued as rent for the use of the accounting company's work equipment leased or interchanged. (See Note C to account 717, "Interest and dividends receivable.")

NOTE: Rent for work equipment included in lease of road to another company shall be included in account 509, "Income from lease of road and equipment."

§ 10.508 *Joint facility rent income.* This account shall include amounts receivable accrued for rent of equipment, tracks, yards, terminals, and other facilities owned or controlled by the accounting company and used jointly with other companies or individuals.

Amounts receivable from other companies in reimbursement for taxes on property jointly used shall be credited to this account.

NOTE: The portion of the cost of maintenance, operation, or administration of joint facilities recoverable from others shall be credited to the various joint facility accounts provided for operating expenses. When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned by the creditor between this account and the appropriate joint facility operating expense accounts.

§ 10.509 *Income from lease of road and equipment.* This account shall include the entire amount receivable accrued for the exclusive use of road, tracks, or bridges (including equipment or other railway property covered by the contract) the rented property being owned or controlled by the accounting company, whether payable to the accounting company in cash or disbursed by the lessee on behalf of the accounting company as interest on funded debt, guaranteed dividends on stock, or otherwise. (See Note C to account 717, "Interest and dividends receivable.")

When the lessor company maintains the road and equipment leased, the cost of maintaining the property rented shall be charged to this account, except that when the rent thus receivable for the use of property other than equipment is relatively small and the expense of maintenance is not separable, the entire amount received may be credited to revenue account 142, "Rents of buildings and other property."

If, under the terms of a lease, the deficit, or any portion of it, resulting from the lessee company's operations of the property leased is payable by the lessor company, the amount thus payable shall be charged to this account by the lessor.

NOTE A: When taxes on leased property are assumed by the lessor, the accruals of such taxes shall be included in the lessor's account 532, "Railway tax accruals."

NOTE B: If property the rent of which is chargeable to account 542, "Rent for leased roads and equipment," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE C: When specific charges against the lessee are made by the lessor for repairs of equipment which is actually maintained by it the amount of such charges shall be appropriately credited by the lessor to its equipment repair accounts and charged by the lessee to the corresponding accounts.

§ 10.510 *Miscellaneous rent income.* This account shall include such rents of property owned and controlled by the accounting carrier as are not provided for in the foregoing accounts.

To this account shall be charged the cost of maintenance of the property rented, also specific incidental expenses in connection with such property, such as the cost of negotiating contracts, advertising for tenants, fees paid conveyancers, collectors' commissions, and analogous items.

NOTE A: If property the rent of which is chargeable to account 543, "Miscellaneous rents," is sublet by the accounting company, the rent receivable therefor shall be credited to this account.

NOTE B: Taxes on property the rent of which is creditable to this account shall be charged to account 532, "Railway tax accruals."

NOTE C: The rent from property carried in balance-sheet account 705, "Miscellaneous physical property," shall not be included in this account, but in account 511, "Income from nonoperating property."

NOTE D: Rent and other income from real estate acquired for new lines or for additions and betterments shall be credited to the appropriate road and equipment accounts until the completion or coming into service of the property.

§ 10.511 *Income from nonoperating property.* This account shall include the net credit balance of the nonoperating revenues or income from, and the expenses (including depreciation, but excluding taxes) of, physical property the cost of which is carried in balance-sheet account 705, "Miscellaneous physical property."

NOTE A: Net debit balances in this account shall be shown in red ink.

NOTE B: The revenues from the operation of miscellaneous operating physical property shall be included in income account 502, "Revenues from miscellaneous operations," and the expenses of operation shall be included in account 534, "Expenses of miscellaneous operations."

§ 10.512 *Separately operated properties; profit.* This account shall include amounts receivable under the terms of agreements or contracts whereby the surplus resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, to the accounting company.

In determining the amount receivable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses but also to other items of income or deduction which affect that amount.

NOTE A: The amount payable by the operating company shall be charged by it to account 550, "Income transferred to other companies."

NOTE B: Dividends or other returns upon securities issued by separately operated companies, and held or controlled by the accounting company, shall be included in accounts 513, "Dividend income"; 514, "Interest income"; or 516, "Income from sinking and other reserve funds," as may be appropriate.

§ 10.513 *Dividend income.* This account shall include dividends declared on railway and other stocks, the income from which is the property of the accounting company, whether such stocks are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

Dividends declared shall not be credited prior to actual collection unless their payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 717, "Interest and dividends receivable.")

Accruals of guaranteed dividends may be included in this account if their payment is reasonably assured.

NOTE A: This account shall not include credits for dividends on stocks issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: Dividends on stocks of other companies held in sinking or other reserve funds shall be credited to account 516, "Income from sinking and other reserve funds."

§ 10.514 *Interest income.* This account shall include the interest on securities and debenture stock of other companies, the income from which is the property of the accounting company, whether such securities are owned by the accounting company and held in its treasury or deposited in trust, or are controlled through lease or otherwise.

It shall include also, interest on notes and other evidences of indebtedness and interest on bank balances, open accounts, and other analogous items, including discount on short-term notes. Interest accrued shall not be credited prior to actual collection unless its payment is reasonably assured by past experience, guaranty, anticipated provision, or otherwise. (See Note C to account 717, "Interest and dividends receivable.")

At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on securities of other companies owned (other than short-term notes). Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried. The discount on short-term notes shall be distributed through equal monthly credits, over the terms of the notes.

NOTE A: This account shall not include interest on securities issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds.

NOTE B: Interest on securities other than those of the accounting company, and on other assets held in sinking or other reserve funds shall be included in account 516, "Income from sinking and other reserve funds."

NOTE C: Discount on bills for material purchased shall be credited to the accounts to which is charged the cost of the material with respect to which the discount is allowed.

§ 10.516 *Income from sinking and other reserve funds.* This account shall include the income accrued on cash, securities, and other assets (not including securities issued or assumed by the accounting company) held in sinking and other reserve funds. (See Note C to account 717, "Interest and dividends receivable.")

At the option of the accounting company there may be included each year in this account the portion, applicable to the fiscal period, of the amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the discount or premium on funded securities held in sinking or other reserve funds. Amounts thus credited or charged shall be concurrently charged or credited to the account in which the cost of the securities is carried.

NOTE: Credits to fund reserve accounts representing income on reserve funds shall be concurrently charged to account 552, "Income applied to sinking and other reserve funds."

§ 10.517 *Release of premiums on funded debt.* This account shall include, during each fiscal period, such proportion of the premiums on outstanding funded debt as may be applicable to the period. This proportion shall be determined in accordance with § 10.08–3 *Discount, expense, and premium on funded debt.*

§ 10.518 *Contributions from other companies.* This account shall include amounts received or receivable from other companies or individuals, representing the whole or a part of the net deficit of the accounting company when, under the terms of agreements or contracts, no obligation for subsequent reimbursement is incurred.

In determining the amount receivable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE: The amount payable shall be charged by the contributing company to account 545, "Separately operated properties—Loss."

§ 10.519 *Miscellaneous income.* This account shall include all items, not provided for elsewhere, properly creditable to income account during the fiscal period.

§ 10.520 *Delayed income credits.* This account shall include delayed credit items and adjustments for which no provision has previously been made, relating to operating revenues, operating expenses, and income arising during the current year which are applicable to prior years and which are relatively so large that their inclusion in the appropriate accounts of the current year would seriously distort the accounts for the year. (See § 10.02–3 *Delayed items.*)

NOTE: All entries in this account shall be made in such detail as will indicate the operating-revenue, operating-expense or income accounts to which they relate.

DEBIT

§ 10.531 *Railway operating expenses.* This account shall include the total expenses caused by operations, as shown in the primary expense accounts provided in these regulations.

§ 10.532 *Railway tax accruals.* This account shall include accruals for taxes of all kinds (including Federal income tax) relating to railway property (including floating equipment, if any), operations, and privileges, whether based upon the valuation of the property, amount of stocks and bonds or other evidences of debt issued or outstanding; gross or net earnings, dividends declared, number of passengers carried, quantity of freight transported, length of line operated or owned, rolling stock operated or owned, or other basis; also taxes for issuing and recording mortgages and trust deeds and for issuing bonds or other evidences of long-term debt.

The taxes on leased property shall be included in this account by the carrier obligated to assume such expenses under the terms of the lease.

NOTE A: Taxes on leased property paid by one party to the lease and chargeable to the other party to the lease shall be charged directly to the party bearing the expense and not included in the income account of the party first making payment.

NOTE B: Taxes on other than railway property, operations, and privileges shall be charged to account 544, "Miscellaneous tax accruals," when the amount is separable from the taxes chargeable to this account.

NOTE C: Special assessments for street and other improvements, and special benefit taxes, such as water taxes and the like, shall be included in operating expense accounts or investment accounts, as may be appropriate.

NOTE D: Amounts received in reimbursement of taxes on property jointly used shall be credited to account 508, "Joint facility rent income." Amounts paid in reimbursement of such taxes shall be charged to account 541, "Joint facility rents."

NOTE E: Taxes accruing on new lines under construction or on property acquired for the extension of existing lines or for addition or betterment purposes before the facilities are opened for commercial operation or the property acquired becomes available for service shall be charged to road and equipment accounts.

§ 10.534 *Expenses of miscellaneous operations.* This account shall include the total expenses caused by the operation of miscellaneous physical property the cost of which is includible in balance-sheet account 705, "Miscellaneous physical property."

NOTE: The expenses of miscellaneous nonoperating physical property shall be included in account 511, "Income from nonoperating property."

§ 10.535 *Taxes on miscellaneous operating property.* This account shall include accruals of taxes paid or payable upon miscellaneous operating property, such as that the cost of which is includible in account 705, "Miscellaneous physical property."

NOTE: Taxes upon miscellaneous nonoperating physical property shall be included in account 544, "Miscellaneous tax accruals."

§ 10.536 *Hire of freight cars; debit balance.* This account shall include, except as provided for in the classification for investment in road and equipment and in the texts of accounts 509, "Income from lease of road and equipment," and 542, "Rent for leased roads and equipment," the net debit balance of (a) amounts receivable accrued for the use of the accounting company's freight cars leased or interchanged, and (b) amounts payable accrued for the use of the freight cars of others, leased or interchanged. (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: If the net balance is a credit, it shall be included in account 503, "Hire of freight cars—Credit balance."

NOTE B: Rent for freight cars included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE C: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE D: Rents paid for freight cars used in construction work-train service are chargeable to the cost of the work. (See paragraph (c) of § 10.01–4 *Cost of construction.*)

§ 10.537 *Rent for locomotives.* This account shall include amounts payable accrued for the use of the locomotives of others, leased or interchanged, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment." (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: The rent for locomotives included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE C: Rent paid for locomotives used in construction work-train service is chargeable to the cost of the work. (See paragraph (c) of § 10.01–4 *Cost of construction.*)

§ 10.538 *Rent for passenger-train cars.* This account shall include amounts payable accrued for the use of the passenger-train cars of others, leased or interchanged, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment." (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: The rent for passenger-train cars included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

§ 10.539 *Rent for floating equipment.* This account shall include amounts payable accrued for the use of the floating equipment of others, leased or chartered, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment." (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: The rent of floating equipment included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

§ 10.540 *Rent for work equipment.* This account shall include amounts payable accrued for the use of the work equipment of others, leased or interchanged, except as provided for in the classification for investment in road and equipment and in the text of account 542, "Rent for leased roads and equipment." (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: The rent for work equipment included in the lease of road to the accounting company shall be included in account 542, "Rent for leased roads and equipment."

NOTE B: Interest accrued on equipment obligations shall be charged to account 546, "Interest on funded debt."

NOTE C: Rent paid for work equipment when used in construction work-train service is chargeable to the cost of the work. (See paragraph (c) of § 10.01–4 *Cost of construction.*)

§ 10.541 *Joint facility rents.* This account shall include amounts payable accrued as rent for equipment, tracks, yards, terminals, and other facilities owned or controlled by other carriers, companies, or individuals, and in the joint use of which the accounting company participates.

Amounts paid or payable by the accounting company in reimbursement for taxes on property jointly used shall be charged to this account.

NOTE: The cost of maintenance, operation, or administration of joint facilities, chargeable to the accounting company, shall be charged to the various joint facility accounts provided for operating expenses. When the compensation for the use of joint facilities is a fixed amount or is based upon a charge per passenger, ton, car, or other unit, it shall be fairly apportioned between this account and the appropriate joint facility operating expense accounts. This apportionment shall be made by the operating company, and shall be followed by the accounting company.

§ 10.542 *Rent for leased roads and equipment.* This account shall include amounts payable accrued as rent for roads, tracks, or bridges (including equipment or other railway property covered by the contract) the property being owned by other companies and held under lease or other agreement by the terms of which exclusive use and control for operating purposes are secured. The entire amount of rent payable by the lessee in accordance with the agreement shall be included in this account, whether paid to the lessor in cash or disbursed by the lessee, on behalf of the lessor, as interest on funded debt, guaranteed dividends on stock, or otherwise. (See § 10.05–2 *Leased road and equipment; depreciation.*)

NOTE A: When taxes on leased property are assumed by the lessee the accruals of such taxes shall be included in the lessee's account 532, "Railway tax accruals."

NOTE B: If, under the terms of a lease, the deficit or any portion of it resulting from the lessee's operation of the property leased is payable by the lessor company, the amount shall be charged to account 509, "Income from lease of road and equipment," by the lessor and credited to this account by the lessee.

NOTE C: If property, the rent of which is chargeable to this account, is sublet by the accounting company to others, the rent from the sublease shall be credited to account 509, "Income from lease of road and equipment."

NOTE D: Payments for the exclusive use of road and equipment maintained by the lessor and used in the accounting company's operations (when considerable in amount and when not provided for in the classifications of operating expenses) shall be divided into two portions: One, representing cost of maintenance shall be charged to the appropriate maintenance accounts and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account.

NOTE E: When specific charges against the lessee are made by the lessor for repairs of equipment which is actually maintained by it the amount of such charges shall be appropriately credited by the lessor to its equipment repair accounts and charged by the lessee to the corresponding accounts.

§ 10.543 *Miscellaneous rents.* This account shall include rents payable accrued on property held by the accounting company under lease or other agreement and not properly chargeable to any of the foregoing accounts.

NOTE A: This account shall not include rents provided for in the operating expense accounts.

NOTE B: If property, the rent of which is chargeable to this account, is sublet by the accounting company to others, the rent from the sublease shall be credited to account 510, "Miscellaneous rent income."

NOTE C: Payments for the exclusive use of miscellaneous property maintained by the lessor and used by the accounting company shall be divided into two portions: One, representing the cost of maintenance, shall be charged to the appropriate operating accounts, and the other, representing rent (amount applicable to the investment in the property), shall be charged to this account. The bill rendered by the creditor shall show the distribution of the payments as between maintenance and rent, and such distribution shall be adhered to by the debtor.

§ 10.544 *Miscellaneous tax accruals.* This account shall include all accruals for taxes not provided for elsewhere, such as taxes on securities owned, taxes on income from securities owned, and taxes on miscellaneous nonoperating physical property the cost of which is includible in balance-sheet account 705, "Miscellaneous physical property."

NOTE A: When the proper separation of any particular tax is not ascertainable the entire amount shall be included in account 532, "Railway tax accruals."

NOTE B: Taxes upon miscellaneous operating property shall be charged to account 535, "Taxes on miscellaneous operating property."

§ 10.545 *Separately operated properties; loss.* This account shall include amounts payable under the terms of agreements or contracts whereby the deficit resulting from the operation by others of properties of other companies having a separate corporate existence is to be paid, in whole or in part, by the accounting company.

In determining the amount payable by the accounting company, consideration shall be given not only to the operating revenues and operating expenses, but also to other items of income or deductions which affect that amount.

NOTE A: The amount receivable by the operating company shall be credited by it to account 518, "Contributions from other companies."

NOTE B: Dividends or other returns upon securities issued by separately operated companies and held or controlled by the accounting company shall not be included in this account to offset a deficit payable, but in accounts 513, "Dividend income"; or 514, "Interest income," as may be appropriate.

§ 10.546 *Interest on funded debt.* This account shall include the current accruals of interest on all classes of long-term debt, the principal of which is includible in account 755, "Funded debt unmatured"; 755½, "Debt in default"; 756, "Receivers' and trustees' securities"; 756½, "Equipment obligations"; and 757, "Amounts payable to affiliated companies," also interest accruals on debenture stock. This account shall be kept in such form that the interest on debenture stock, on receivers' and trustees' securities, and on other classes of funded debt may be shown separately in the annual report to the Commission.

NOTE A: This account shall not include charges for interest on funded debt obligations issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds. (See account 552, "Income applied to sinking and other reserve funds.")

NOTE B: When funded debt is incurred for new lines or extensions, or for addition and betterment purposes, the accruals of interest on such funded debt (less interest received on unexpended balances), to the date of completion or coming into service of the property so acquired shall be included in the road and equipment accounts.

NOTE C: This account shall be maintained so as to show separately: (a) fixed interest

which will be paid, or for which provision for payment will be made, when the interest matures; (b) interest in default; and (c) contingent interest determined to be payable.

§ 10.547 *Interest on unfunded debt.* This account shall include interest accrued on unfunded debt, such as short-term notes payable on demand or having dates of maturity one year or less from dates of issue, and open accounts including discount and expense on demand and short-term loans, interest on receipts outstanding for installments paid on capital stock, interest on deferred payments for public improvements, and other analogous items. The discount on short-term notes, if of a considerable amount, shall be distributed through equal monthly charges, over the term of the notes.

NOTE: When short-term notes or other evidences of unfunded indebtedness are issued for new lines or extensions or for addition and betterment purposes the accrual of interest to the date of completion or coming into service of the property shall be included in the road and equipment accounts.

§ 10.548 *Amortization of discount on funded debt.* This account shall be charged during each fiscal period with the proportion of the discount and expense on funded debt obligations applicable to that period. This proportion shall be determined according to a rule the uniform application of which through the interval between the date of sale and the date of maturity will extinguish the discount and expense on funded debt. The charge to this account for any period must not be either greater or less than the proportion of the balance remaining unamortized applicable to that period so long as any portion of the discount and expense remains unextinguished, except that if the total discount and expense applicable to any particular issue of securities does not exceed $25,000, the entire amount may be charged to this account at time of issue. (See § 10.08–3 *Discount expense and premium on funded debt.*)

§ 10.549 *Maintenance of investment organization.* This account shall include the directly assignable organization and administration expenses of the accounting company which are incident to its investments in leased or nonoperating physical property, and in stocks, bonds, or other securities.

ITEMS OF EXPENSE

Advertising annual reports (lessor companies only).
Calls for bonds in accordance with sinking fund provisions of mortgages.
Directors' fees.
Printing and mailing dividend checks.
Publishing and mailing annual reports and other corporate statements to shareholders.
Publishing notices of declaration of dividends.
Law expenses.
Office expenses.
Salaries of officers, clerks, and attendants.
Stationery and printing.

NOTE: Organization and administration expenses incident to railway operation are provided for in operating expense general account 450, "General."

§ 10.550 *Income transferred to other companies.* This account shall include the whole or any portion of the income of the accounting company payable to another company under the terms of agreements or contracts without obligation for reimbursement.

In determining the amount payable by the accounting company, consideration shall be given not only to operating revenues and operating expenses, but also to other items of income or deduction which affect that amount.

NOTE A: The amount receivable by the other company shall be credited by it to account 512, "Separately operated properties—Profit."

NOTE B: Dividends or other payments upon securities issued or assumed by the accounting company shall not be included in this account.

§ 10.551 *Miscellaneous income charges.* This account shall include interest charges not provided for elsewhere, such as interest on tax deficiencies, overcharge claims, and court awards; also income tax upon the interest on the accounting company's funded debt when assumed by it; and other income deductions not provided for elsewhere.

§ 10.552 *Income applied to sinking and other reserve funds.* This account shall include amounts applied to sinking and other reserve funds from income, whether definite appropriations from income; allotments or payments of definite amounts from income under the terms of mortgages, deeds of trust, or other contracts that provide for such allotments or payments; or accretions representing interest or other returns accrued on the contents of such funds and required to be retained therein.

NOTE A: The amounts charged to this account shall be concurrently credited to account 785, "Earned surplus—Appropriated."

NOTE B: Similar appropriations made from surplus shall be charged to profit and loss account 613, "Surplus applied to sinking and other reserve funds."

§ 10.553 *Dividend appropriations of income.* This account shall include amounts definitely declared payable from the income of the fiscal period, as dividends on actually outstanding capital stock issued or assumed by the accounting company, other than debenture stock. (See definition of the several classes of capital stock in balance-sheet account 751, "Capital stock.") If a dividend is not payable in cash the consideration shall be described in the entry with sufficient particularity to identify it.

This account shall be subdivided so as to show separately the dividends on the various subclasses of capital stock.

NOTE A: Interest accrued on debenture stock shall be charged to account 546, "Interest on funded debt."

NOTE B: This account shall not include charges for dividends on capital stock issued or assumed by the accounting company and owned by it, whether pledged as collateral, or held in its treasury, in special deposits, or in sinking or other reserve funds. (See account 552, "Income applied to sinking and other reserve funds.")

NOTE C: This account shall be used when the appropriations are definitely made chargeable to income. Similar appropriations made from surplus shall be charged to profit and loss account 614, "Dividend appropriations of surplus."

§ 10.554 *Income appropriated for investment in physical property.* This account shall include amounts definitely appropriated from income to be applied for the construction or acquisition of new lines and extensions and of additions to and betterments of property the cost of which is chargeable to road and equipment accounts or applied for the construction or acquisition of property the cost of which is includible in balance-sheet account 705, "Miscellaneous physical property."

Records of the accounting carrier shall be so kept that the appropriations charged to this account for any fiscal period may be distinguished as relating to (a) amounts expended during preceding fiscal periods, (b) amounts expended during the current fiscal period, and (c) amounts held in reserve.

The records shall also show separately appropriations for investment in road and equipment and for investment in miscellaneous physical property.

NOTE A: Similar appropriations made from surplus shall be charged to profit and loss account 615, "Surplus appropriated for investment in physical property."

NOTE B: The amounts charged to this account shall be concurrently credited to account 785, "Earned surplus—Appropriated."

§ 10.555 *Stock discount extinguished through income.* This account shall include amounts definitely appropriated from income to reduce or extinguish the amount of discount on capital stock issued by the accounting company. (See balance-sheet account 754, "Discount on capital stock.")

NOTE: Similar appropriations made from surplus shall be charged to profit and loss account 616, "Stock discount extinguished through surplus."

§ 10.556 *Miscellaneous appropriations of income.* Except as provided in account 552, "Income applied to sinking and other reserve funds," this account shall include amounts definitely appropriated from income for the discharge of the principal (less the discount, if any, suffered at the time of sale) of any indebtedness incurred in the acquisition or improvement of property carried in the road and equipment accounts; also amounts similarly appropriated to provide a reserve for doubtful accounts, and for other purposes not provided for elsewhere.

NOTE A: Similar appropriations made from surplus shall be charged to profit and loss account 618, "Miscellaneous appropriations of surplus."

NOTE B: The amounts charged to this account shall be concurrently credited to account 785, "Earned surplus—Appropriated."

§ 10.557 *Delayed income debits.* This account shall include delayed debit items and adjustments for which no provision has previously been made, relating to operating revenues, operating expenses, and income arising during the current year which are applicable to prior years, and which are relatively so large that their inclusion in the appropriate accounts of the current year would seriously distort the accounts for the year. (See § 10.02–3 *Delayed items.*)

NOTE: All entries in this account shall be made in such detail as will indicate the operating-revenue, operating-expense or income accounts to which they relate.

§ 10.560 *Form of income statement.* The classified form of income statement is designed to show the financial changes resulting from transportation operations and other business of the accounting company during any specified period.

OPERATING INCOME

Railway operating income

501. Railway operating revenues [1] ——
531. Railway operating expenses [1] ——
Net revenue from railway operations [2] ——
532. Railway tax accruals [1] ——
Railway operating income [2] ——

Rent income

503. Hire of freight cars—Credit balance ——
504. Rent from locomotives ——
505. Rent from passenger-train cars ——
506. Rent from floating equipment ——
507. Rent from work equipment ——
508. Joint facility rent income ——
Total rent income ——

Rents payable

536. Hire of freight cars—Debit balance ——
537. Rent for locomotives ——
538. Rent for passenger-train cars ——
539. Rent for floating equipment ——
540. Rent for work equipment ——
541. Joint facility rents ——
Total rents payable ——
Net rents [2] ——
Net railway operating income [2] ——

OTHER INCOME

502. Revenues from miscellaneous operations ——
509. Income from lease of road and equipment ——
510. Miscellaneous rent income ——
511. Income from nonoperating property ——
512. Separately operated properties—Profit ——
513. Dividend income ——
514. Interest income ——
516. Income from sinking and other reserve funds ——
517. Release of premiums on funded debt ——
518. Contributions from other companies ——
519. Miscellaneous income ——
520. Delayed income credits ——
Total other income ——
Total income [2] ——

MISCELLANEOUS DEDUCTIONS FROM INCOME

534. Expenses of miscellaneous operations ——
535. Taxes on miscellaneous operating property ——
543. Miscellaneous rents ——
544. Miscellaneous tax accruals ——
545. Separately operated properties—Loss ——
549. Maintenance of investment organization ——
550. Income transferred to other companies ——
551. Miscellaneous income charges ——
557. Delayed income debits ——
Total miscellaneous deductions ——
Income available for fixed charges [2] ——

FIXED CHARGES

542. Rent for leased roads and equipment ——
546. Interest on funded debt:
(a) Fixed interest not in default ——
(b) Interest in default ——
547. Interest on unfunded debt ——
548. Amortization of discount on funded debt ——
Total fixed charges ——
Income after fixed charges [2] ——

OTHER DEDUCTIONS

546. Interest on funded debt:
(c) Contingent interest ——
552. Income applied to sinking and other reserve funds:
(a) Increments to special funds required to be retained therein and not subject to withdrawal except for purposes of the funds ——
Total other deductions ——
Net income after fixed charges and other deductions [2] ——

DISPOSITION OF NET INCOME

552. Income applied to sinking and other reserve funds:
(b) Income applied to capital funds under Governmental authority or other arrangements ——
(c) Appropriations, allotments, and payments from income of definite amounts to special funds not includible in 552 (a) or 552 (b) ——
553. Dividend appropriations of income ——
554. Income appropriated for investment in physical property ——
555. Stock discount extinguished through income ——
556. Miscellaneous appropriations of income ——
Total appropriations of income ——
602. Balance of income transferred to Earned Surplus [2] ——

SUPPLEMENTARY STATEMENT OF SPECIFIED INCOME ITEMS

Net railway operating income ——
Add depreciation—Way and structures ——
Add depreciation—Equipment —— ——
Add amortization of defense projects—Road —— ——
Add amortization of defense projects—Equipment —— ——
Net railway operating income before depreciation and amortization of defense projects ——
Net income ——
Add Federal income taxes ——
Net income before Federal income taxes ——
Net income ——
Add depreciation—Way and structures ——
Add depreciation—Equipment ——
Add amortization of defense projects——Road —— ——
Add amortization of defense projects—Equipment —— ——
Add Federal income taxes —— ——
Net income before depreciation, amortization of defense projects, and Federal income taxes ——

[1] Includes operations of water lines, if any.
[2] If a loss the amount shall be shown in red.

PROFIT AND LOSS

§ 10.07 *Special instructions.* This group of accounts forms the connecting link between the income accounts and general balance sheet account 786, "Earned surplus — Unappropriated." They are designed to show the changes in earned surplus during each fiscal period as affected by the balance of the income accounts as reported for the period; by any disposition of earned surplus made at the option of the carrier; and by miscellaneous gains and losses not accounted for elsewhere.

PROFIT AND LOSS ACCOUNTS

CREDIT

§ 10.601 *Credit balance (at beginning of calendar year).* This account shall include the net credit balance in the earned surplus account at the beginning of the calendar year.

§ 10.602 *Credit balance transferred from income.* This account shall show the net credit balance brought forward from the income account for the calendar year.

§ 10.607 *Miscellaneous credits.* This account shall include amounts, not provided for elsewhere, transferred from other accounts to profit and loss, and amounts representing increases of resources not properly assignable to the income accounts. Among the items which shall be included in this account are:

Adjustments or cancellations of balance-sheet accounts, relating to profit and loss accounts.

Cancellation of balance-sheet accounts representing unclaimed wages and vouchered accounts written off because of carrier's inability to locate the creditor.

Profit from the sale of land carried in account 701, "Road and equipment property" (see § 10.01–10 *Land retired*).

Profit derived from the sale of investment securities.

Profit derived from the sale of property carried in balance-sheet account 705, "Miscellaneous physical property."

Credits resulting from adjustments required to bring to par funded debt securities issued or assumed by the accounting company and reacquired at a cost less than the par value.

Unreleased premiums on funded debt reacquired before maturity (see § 10.08–3 *Discount, expense, and premium on funded debt*).

Collection of old accounts previously written off to profit and loss.

DEBIT

§ 10.611 *Debit balance (at beginning of calendar year).* This account shall include the net debit balance in the earned surplus account at the beginning of the calendar year.

§ 10.612 *Debit balance transferred from income.* This account shall show the net debit balance brought forward from the income account for the calendar year.

§ 10.613 *Surplus applied to sinking and other reserve funds.* This account shall include amounts definitely appropriated from earned surplus and applied to sinking and other reserve funds; and allotments or payments of definite amounts from earned surplus into sinking and other reserve funds under the

terms of mortgages, deeds of trust, or other contracts that provide for such allotments or payments.

NOTE A: The amounts charged to this account shall be concurrently credited to account 785, "Earned surplus—Appropriated."

NOTE B: Similiar appropriations made from income shall be charged to income account 552, "Income applied to sinking and other reserve funds."

§ 10.614 *Dividend appropriations of surplus.* This account shall include amounts definitely declared payable from earned surplus as dividends on actually outstanding capital stock issued or assumed by the accounting company, other than debenture stock. (See definition of the several classes of capital stock in balance-sheet account 751, "Capital stock.") If a dividend is not payable in cash the consideration shall be described in the entry with sufficient particularity to identify it.

This account shall be subdivided so as to show separately the dividends on the various subclasses of capital stock.

NOTE A: Interest accrued on debenture stock shall be charged to income account 546, "Interest on funded debt."

NOTE B: This account shall not include charges for dividends on capital stock issued or assumed by the accounting company and owned by it, whether pledged as collateral or held in its treasury, in special deposits, or in sinking or other reserve funds. (See account 613, "Surplus applied to sinking and other reserve funds.")

NOTE C: Similar appropriations made from income shall be charged to income account 553, "Dividend appropriations of income."

§ 10.615 *Surplus appropriated for investment in physical property.* This account shall include amounts definitely appropriated from earned surplus, to be applied for the construction or acquisition of new lines and extensions and of additions to and betterments of property the cost of which is includible in the road and equipment accounts or applied for the construction, acquisition, or improvement of property the cost of which is includible in balance-sheet account 705, "Miscellaneous physical property."

Records of the accounting carrier shall be so kept that the appropriations charged to this account for any fiscal period may be distinguished as relating to (a) amounts expended during preceding fiscal periods, (b) amounts expended during the current fiscal period, and (c) amounts held in reserve.

NOTE A: Similar appropriations made from income shall be charged to income account 554, "Income appropriated for investment in physical property."

NOTE B: The amounts charged to this account shall be concurrently credited to account 785, "Earned surplus—Appropriated."

§ 10.616 *Stock discount extinguished through surplus.* This account shall include amounts definitely appropriated from earned surplus to reduce or extinguish the amount of discount on capital stock issued by the accounting company. (See § 10.08–2 *Discount, premium, and assessment on capital stock.*)

NOTE: Similar appropriations made from income shall be charged to income account 555, "Stock discount extinguished through income."

§ 10.618 *Miscellaneous appropriations of surplus.* This account shall include amounts definitely appropriated from earned surplus to provide a reserve for doubtful accounts and, except as provided in account 613, "Surplus applied to sinking and other reserve funds," for the discharge of the principal (less the discount, if any, suffered at the time of sale) of any indebtedness incurred in the acquisition or improvement of property carried in the road and equipment accounts; also other amounts appropriated from surplus and not provided for elsewhere.

NOTE A: Similar appropriations made from income shall be charged to income account 556, "Miscellaneous appropriations of income."

NOTE B: The amounts charged to this account shall be concurrently credited to account 785, "Earned surplus—Appropriated."

§ 10.621 *Miscellaneous debits.* This account shall include amounts, not provided for elsewhere, chargeable to profit and loss from other accounts, amounts written off in consequence of adjustments, and payments not properly chargeable to the income accounts. Among the items which shall be charged to this account are:

Adjustments or cancellations of balance-sheet accounts, relating to profit and loss accounts,

Losses resulting from the sale of investment securities,

Losses resulting from the sale, destruction, or abandonment of property carried in balance-sheet account 705, "Miscellaneous physical property,"

Debits resulting from adjustments required to bring to par funded debt securities issued or assumed by the accounting company and reacquired at a cost exceeding the par value,

Adjustments of the difference between the ledger value of land credited to account 701, "Road and equipment property," and the estimated value thereof charged to account 705, "Miscellaneous physical property" (see § 10.01–10 *Land retired*),

Loss from the sale of land carried in account 701, "Road and equipment property" (see § 10.01–10 *Land retired*),

Discount on capital stock remaining unextinguished at the time of its reacquisition, resale, or retirement if in excess of the pro rata portion includible in unearned surplus,

Unextinguished discounts on funded debt reacquired before maturity,

Payments of old accounts previously written off to profit and loss,

Penalties and fines for violation of the Interstate Commerce Act, or other Federal laws, when not specifically provided for elsewhere.

GENERAL BALANCE SHEET

§ 10.08 *Special instructions.*

§ 10.08–1 *Balance sheet accounts.* Balance sheet accounts are intended to disclose the financial condition of the carrier as of a given date by showing the assets, liabilities, capital stock, and related items and surplus or deficit of the carrier.

§ 10.08–2 *Discount, premium, and assessment on capital stock.* Separate ledger accounts shall be provided for each subclass of capital stock issued or assumed by the accounting company to cover discount suffered and premium realized at the sale or resale of capital stock. General levies or assessments against stockholders shall be credited to the appropriate ledger accounts for the subclass of capital stock against which the levy or assessment is made.

The total of net debit balances in these ledger accounts shall be included in account 754, "Discount on capital stock," and the total of net credit balances in account 753, "Premiums and assessments on capital stock."

By the term "discount" is meant the excess of the par value of stocks issued or assumed, plus dividends declared and accrued at the date of sale, over the money value of the consideration received at their sale.

By the term "premium" is meant the excess of the money value of the consideration received at the sale of stocks over the sum of their par value and dividends declared and accrued at the date of sale.

Discount on each subclass of capital stock may be offset or reduced by charges to account 753, "Premiums and assessments on capital stock," to the extent that net gains from premiums or assessments have been included therein or to subaccount 784.1, "Paid-in surplus," to the extent that net gains from reacquisition and resale or retirement of capital stock applicable to such subclass have been included therein. Any remaining discount may be amortized by charges to account 555, "Stock discount extinguished through income"; account 616, "Stock discount extinguished through surplus"; or discount may be retained and carried in account 754, "Discount on capital stock," until the stock to which the discount applies is retired.

In case the accounting company is permitted and elects with the approval of the Commission, to distribute all or any part of the net balance of paid-in surplus to its stockholders, the amount thus distributed shall be charged to subaccount 784.1, "Paid-in surplus."

When an issue of capital stock, or any part thereof, is reacquired either by purchase or through donations by shareholders, and is not canceled, it shall be charged at its par value or if stock without par value at the proportionate amount at which the particular class of stock is included in account 751, "Capital stock," account 703, "Sinking funds"; 704, "Capital and other reserve funds"; 721, "Insurance and other funds"; 728, "Securities issued or assumed—Unpledged"; or 729, "Securities issued or assumed—Pledged," as may be appropriate.

The difference between the amount at which such reacquired stock was recorded in account 751, "Capital stock," and the amount paid by the accounting company for such stock, including any premium or discount applicable to such subclass carried in account 753, "Premiums and assessment on capital stock," or in account 754, "Discount on capital stock," and the commissions and expense in connection with its reacquisition shall be included in subaccount 784.1, "Paid-in surplus"; *Provided, however,* That the excess of a debit

over the amount of accumulated net gains applicable to such subclass included in paid-in surplus shall be charged to account 621, "Miscellaneous debits."

When reacquired capital stock is resold the difference between the amount at which such stock is included in a particular asset account and the net sale price realized when resold shall be included in subaccount 784.1, "Paid-in surplus"; *Provided, however,* That the excess of a debit over the amount of accumulated net gains applicable to each subclass of capital stock resold included in paid-in surplus shall be charged to account 621, "Miscellaneous debits."

In no case shall discount on capital stock be charged to or included in any account as a part of the cost of acquiring property or as a part of the cost of operation.

§ 10.08–3 *Discount, expense, and premium on funded debt.* Ledger accounts shall be provided to cover the discounts, expense, and premiums at the sale or resale of each subclass of funded debt and of receivers' and trustees' securities issued for the benefit of or assumed by the company. For explanation of "subclass" see account 755. "Funded debt unmatured."

By the term "discount" is meant the excess of the par value of funded debt securities (of whatever kind) issued or assumed, and the accrued interest thereon, over the actual cash value of the consideration received for such securities.

By the term "premium" is meant the excess of the actual cash value of the consideration received for funded debt securities (of whatever kind) issued or assumed over the par value of such securities and the accrued interest thereon.

By the term "expense" is meant all expense in connection with the issue and sale of evidences of debt, such as fees for drafting mortgages and trust deeds; fees for issuing or recording mortgages and trust deeds; cost of engraving and printing bonds, certificates of indebtedness, and other negotiable paper having a life of more than one year; fees paid trustees provided for in mortgages and trust deeds; fees paid for legal services to trustees relative to mortgage securities; fees and commissions paid underwriters and brokers for marketing such evidences of debt; and other like expense except taxes for issuing or recording mortgages and trust deeds and for issuing bonds or other evidences of long term debt which shall be charged to account 532, "Railway tax accruals."

The total of the net debit balances remaining in these several accounts should be included in account 725, "Discount on funded debt," and the total of the net credit balances in account 772, "Premium on funded debt."

Each fiscal period there shall be charged to income account 548, "Amortization of discount on funded debt," a proportion (based upon the ratio of such fiscal period to the remaining life of the respective securities reckoned from the beginning of the period to the date of maturity of the debt to which the charges relate) of each of the debit balances in these accounts, and correspondingly there shall be credited to income account 517, "Release of premiums on funded debt," a similar proportion of each of the credit balances in these accounts. When the total discount and expense applicable to any particular issue of securities does not exceed $25,000, carriers may charge the entire amount to account 548, "Amortization of discount on funded debt," at time of issue.

When any funded debt which has been actually issued to bona fide holders for value is reacquired by the accounting company, that proportion of the balance remaining in the accounts containing discount, expense, and premium on funded debt for the subclass of the security reacquired applicable to the portion reacquired shall be credited or charged thereto, as may be appropriate, and concurrently charged or credited to profit and loss. Such proportion shall be based upon the ratio of the par value of the security reacquired to the par value of all the securities of the subclass actually outstanding immediately before such reacquirement.

In case, however, the premium realized or discount suffered at the prior sale of the securities reacquired has been included (in excess of the amount authorized in the text of road and equipment account 76, "Interest during construction") in an asset account other than the premiums and discounts account, such asset account shall be concurrently adjusted through profit and loss to the extent of such excess of the premium or discount previously included therein with respect to the securities reacquired.

Except as provided for in road and equipment account 76, "Interest during construction," no discount and expense on funded debt shall be charged to or included in any account as a part of the cost of acquiring any property, tangible or intangible, or as a part of the cost of operation.

§ 10.08–4 *Contingent assets and liabilities.* Contingent assets and liabilities shall not be included in the body of the balance-sheet statement, but shall be shown in detail in a supplementary statement accompanying the balance-sheet statement. Contingent assets are those without value to the accounting company until the fulfillment of conditions regarded as uncertain. Contingent liabilities include items which may, under certain conditions, become obligations of the company, but are neither direct nor assumed obligations on the date of the balance sheet.

§ 10.08–5 *Book value of securities owned.* (a) The investment in securities other than those issued or assumed by the accounting company shall be recorded in these accounts at the money value, at the time of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends. The accounting company shall write down the ledger value of any securities to the extent of impairment in their value. Fluctuations in market value shall not be recorded however. Securities shall be written down to reflect anticipated loss in value or written off entirely if there be no reasonable prospect of realizing any value whatever therefrom. Adjustments in the ledger values of securities shall not be delayed beyond the year in which a loss is claimed for income tax purposes. In accordance with paragraph (c) of this section carriers may create reserves from surplus to cover such reductions in value. Under no circumstances shall the investment in the securities be stated in these accounts at an amount in excess of their cost to the accounting company.

(b) The amount of the adjustment shall be charged to account 621, "Miscellaneous debits."

(c) Carriers may create reserves from surplus to provide for depreciation in the value of securities owned and recorded in accounts 706, "Investments in affiliated companies," and 707, "Other investments," by charges to account 621, "Miscellaneous debits." See account 707½, "Reserve for adjustment of investment in securities."

§ 10.08–6 *Income from sinking fund assets.* Accrued interest on uninvested sinking fund cash on deposit in banks or trust companies, and accrued interest and other income arising from stocks, bonds, or other assets held in sinking and reserve funds shall be credited to account 516, "Income from sinking and other reserve funds," and when required by the mortgage or other provision to be held in the funds shall be charged, according to the character of the funds, to account 703, "Sinking funds," or to account 721, "Insurance and other funds," and concurrently, if a reserve is required, an equal amount shall be charged to income account 552, "Income applied to sinking and other reserve funds," and credited to account 785, "Earned surplus—appropriated."

§ 10.08–7 *Current assets.* In the group of accounts designated as current assets (accounts 708 to 719, inclusive) shall be included cash, those assets which are readily convertible into cash or are held for current use in operations, current claims against others and amounts accruing to the carrier which are subject to current settlement. There shall not be included in this group of accounts any item the collection of which is not reasonably assured by the known financial condition of the debtor. Items of current character but of doubtful value previously credited to operating revenue, operating expense or income accounts shall be written down or written off by charging those accounts. If there has been any impairment in value, such items shall be included in account 722, "Other deferred assets," at an amount not in excess of a reasonable estimate of future value. If it is desired to retain a record of assets written off they shall be recorded at a nominal value in account 722, "Other deferred assets."

§ 10.08–8 *Joint liabilities.* The accounting company shall state as a liability in its balance sheet the difference between the total par value of securities jointly or severally issued by it and others and the portion of such liability which, under the joint arrangement, it is expected will be liquidated by the other party or parties to the joint ar-

rangement. The amount of the jointly or severally issued securities it is expected will be liquidated by the other party or parties shall be shown as a contingent liability in accordance with § 10.08-4 *Contingent assets and liabilities.*

§ 10.08-9 *Surplus.* Records shall be maintained in such manner as to show two major divisions of surplus:

1. Unearned surplus.
2. Earned surplus.

Unearned surplus and earned surplus shall be segregated and clearly differentiated, and no transfer shall be made from the former to the latter, either directly by credits to earned surplus representing gains on transactions in the accounting company's own capital stock, or indirectly by charges against unearned surplus to cover losses, write-downs, chargeoffs, or dividend distributions unless specifically allowed and approved by the Commission.

The carrier shall maintain account 784, "Unearned surplus"; account 785, "Earned surplus—appropriated"; and account 786, "Earned surplus—unappropriated." Surplus shall be segregated so far as practicable, into "Unearned surplus," "Earned surplus—appropriated," and "Earned surplus—unappropriated," and any unsegregated balance shall be included in a subaccount under account 786, "Earned surplus—unappropriated."

GENERAL BALANCE SHEET ACCOUNTS

DEBIT

§ 10.701 *Road and equipment property.* This account, except in connection with the acquisition of transportation property as provided for in accounts 701½A, "Acquisition adjustment" and 702½B, "Donations and grants," shall include the acounting company's investment in road and equipment (including that held under contract for purchase), used or held for use as transportation property in existence at the date of the balance sheet.

When property is retired from service this account shall be credited with the ledger value of the property retired. (See § 10.01-6 *Items to be credited.*)

NOTE A: This account shall not include any items representing titles to securities.

NOTE B: When any equipment is acquired under an agreement which provides that the cost shall be paid in installments, the cost (its money value at time of purchase) shall be charged to the appropriate road and equipment accounts at the time the equipment is delivered to the carrier, and included in this account in the same manner as the cost of equipment purchased outright. When the par value of notes or other securities issued in payment, or in part payment, for such equipment is more (or less) than the actual cash value of the equipment at the time of the purchase, or of the proportion to which the securities are applicable, the difference between the par value of the securities and the actual cash value of the equipment, or of the proportion paid for by the securities, shall be charged (or credited) to the proper discount and premium accounts.

NOTE C: Held for use, as referred to above, implies the ability of the carrier to substantiate by plans or policy its characterization of the probable future use which is to be made of the property within a reasonable period of time.

§ 10.702 *Improvements on leased property.* This account, except in connection with the acquisition of transportation property as provided for in accounts 702½A, "Acquisition adjustment" and 702½B, "Donations and grants," shall include the cost of improvements made by the lessee to property which is held under lease from others or through control of the company owning the property, where such improvements are used by the lessee in transportation service, and the lessee is not to be reimbursed by the lessor for such improvements.

When the cost of improvements made by the lessee is to be refunded by the lessor periodically during the term of the lease agreement or at the termination thereof, and provided further that in the meantime the lessor company does not include the cost of such improvements in account 701, "Road and equipment property," the lessee shall include the cost thereof in this account.

When leased property is retired from service this account shall be credited with the ledger value of any improvements thereto the cost of which has been included in this account, and also with the amount representing the liability of the carrier to the lessor or owner for any property retired that has been used in transportation service and was held under lease or through control of the company owning the property.

The carrier's records shall be kept in such manner as to show the debits and credits to this account in accordance with the provisions for road and equipment.

NOTE A: This account shall not include any items representing titles to securities.

NOTE B: When the lessor company includes in account 701, "Road and equipment property," the cost of improvements made by the lessee to property leased by it from the lessor and settlement is not made at the time for the cost thereof, the lessee, pending settlement with the lessor, shall include the cost thereof in account 706, "Investments in affiliated companies," or 707, "Other investments," as may be appropriate.

§ 10.702½A *Acquisition adjustment.* This account shall be charged with the cost of a railway or portion thereof acquired since January 1, 1938, as an operating entity or system by purchase, merger, consolidation, reorganization, receivership sale or transfer, or otherwise. If the consideration or a part thereof given for the property acquired consists of securities issued by the accounting carrier, the cash value thereof for the purpose of determining the cost to be charged to this account shall be the sum of the par value of securities having par values and the stated or assigned values of no par securities as determined and approved by the Commission. Where the consideration given for the property acquired is other than cash or securities issued by the accounting carrier, such consideration shall be valued on a current cash basis.

The accounting for assets acquired and liabilities assumed shall then be as follows:

(a) Assets acquired, except property includible in accounts 701, "Road and equipment property," or 702, "Improvements on leased property," and liabilities assumed shall be recorded in their appropriate accounts in the manner provided for in classification of general balance sheet accounts.

(b) Property includible in primary road and equipment accounts 1 and 2½ to 58, inclusive, and 72 to 77, inclusive, shall be recorded in those accounts at original cost or estimated original cost as found by the Bureau of Valuation.

(c) In the primary road and equipment account 2, there shall be recorded the original cost of lands owned by predecessor carrier or carriers at basic valuation date as reported under Valuation Order No. 7, dated November 21, 1914, and included in the Commission's basic valuation reports. Any lands so reported without cost except those donated shall be estimated by the accounting company, which will be subject to verification by the Bureau of Valuation. To this shall be added the cost at the time of dedication to public use of any lands acquired since the basic valuation date.

(d) In the primary road and equipment account 71, there shall be recorded the expenditures incident to the organization or reorganization of the accounting company.

(e) The money outlay expended by a predecessor carrier or carriers for additions and betterments to property leased from other companies whose physical properties are not included in the reorganization, shall be transferred to account 702, "Improvements on leased property," in the amounts recorded in that account on the books of the predecessor carrier or carriers.

(f) The amounts thus recorded in primary accounts 1 to 77, inclusive, shall be concurrently charged to balance sheet accounts 701, "Road and equipment property," or 702, "Improvements on leased property," as appropriate.

(g) Balances in accounts 702½C, "Accrued depreciation—Road," 702½D, "Accrued depreciation—Equipment," and 779, "Accrued depreciation—Leased property," carried on the books of the predecessor carrier or carriers as of the date of acquisition or reorganization shall be carried over and recorded in the respective accounts on the books of the accounting company. To the extent that a credit balance is available in this account, the accounting company shall credit account 702½C, "Accrued depreciation—Road," and charge this account with the estimated amount by which the balance in account 702½C, "Accrued depreciation—Road," appears to be deficient with respect to past accrued depreciation on depreciable road property included in account 701, "Road and equipment property."

(h) This account shall concurrently be debited or credited, as appropriate, to offset assets and liability items recorded in accordance with paragraphs (a) to (g) of this section.

(i) To the extent that a credit balance is available in this account if so authorized upon application to the Interstate Commerce Commision, retirement of nondepreciable property in existence at the date of acquisition or reorganization which is not replaced may be charged hereto if the loss is not assignable to operations subsequent to date of acquisition or reorganization. Other charges to this account may be made upon specific approval by the Commission.

NOTE: The accounting company shall be prepared to furnish the Interstate Commerce Commission with a full report of the contract of organization and a statement showing in detail the consideration given for the property acquired. It shall procure in connection with the organization all existing records, memoranda and accounts in possession or control of the grantor relating to construction and improvement of the property acquired and shall preserve such records, memoranda and accounts until authorized by law to destroy or otherwise dispose of them.

Where the records, memoranda and accounts are so involved with other records, memoranda and accounts of the grantor as to make this transfer impracticable, certified copies shall be procured and retained by the accounting company; the verity of the copies should be certified by the custodian of the originals.

§ 10.702½B *Donations and grants.* This account shall be credited with grants obtained from governmental agencies, and with donations from individuals and others in connection with the construction or acquisition of property the cost of which is chargeable to accounts 701, "Road and equipment property," and 702, "Improvements on leased property." (See "Cost," under paragraph (c) of § 10.01-2 *Items to be charged.*)

§ 10.702½C *Accrued depreciation; road.* (a) This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the loss in service value of depreciable road property; also with any balance in account 776, "Accrued depreciation—Road and equipment," as of December 31, 1944, for depreciation of road property. It shall also include amounts which the Commission may authorize the accounting company to credit to account 607, "Miscellaneous credits," or charge to account 621, "Miscellaneous debits," or to account 702½A, "Acquisition adjustment," in respect to past accruals of depreciation.

(b) At the time of the retirement of each unit of equipment this account shall be charged with the entire service value of the unit retired or minor item retired and not replaced.

(c) For balance sheet purposes, this account shall be treated as a single composite reserve for equipment. However, for purposes of analysis, the accounting company shall maintain subsidiary records in which this reserve is broken down into components corresponding to the primary accounts for equipment. These subsidiary records shall show the current debits and credits to this reserve by primary accounts. (See § 10.04-24 *Depreciation accounting; equipment.*)

§ 10.702½E *Accrued amortization of defense projects; road.* This account shall be credited with amounts charged to account 270½, "Road—Amortization of defense projects," to cover the amortization of road property, the cost of which is included in account 701, "Road and equipment property," or account 702, "Improvements on leased property." (See also Note B to account 270½.) This account shall be charged with the credit balance herein applicable to specific road property at the time the property is retired.

§ 10.702½F *Accrued amortization of defense projects; equipment.* This account shall be credited with amounts charged to account 331½, "Equipment—Amortization of defense projects," to cover the amortization of equipment, the cost of which is included in account 701, "Road and equipment property," or account 702, "Improvements on leased property." (See also Note B to account 331½.) This account shall be charged with the credit balance herein applicable to specific equipment at the time the equipment is retired.

§ 10.703 *Sinking funds.* This account shall include the amount of cash, the ledger value of live securities of other companies, and other assets which are held by trustees of sinking and other funds for the purpose of redeeming outstanding obligations, including such assets so held in the hands of the accounting company's treasurer when the assets are segregated in a distinct fund; also amounts deposited with such trustees on account of mortgaged property sold the proceeds of which are to be held for the redemption of securities, and the par value or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of live securities issued or assumed by the accounting company and held in such funds. A separate account shall be kept for each fund. The title of each such account shall designate the obligation in support of which the fund is created.

NOTE: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

§ 10.704 *Capital and other reserve funds.* This account shall include the amounts of cash and the ledger value of other assets segregated for capital purposes other than sinking funds. A separate account shall be kept for each fund.

(a) The account shall be charged with:

(1) Funds that have been realized from the sale of equipment obligations and other long-term obligations and that have not been applied toward the specific purposes for which the obligations were incurred;

(2) Funds deposited with trustees to be held until mortgaged property sold is replaced;

(3) The ledger value of assets held by trustees, or by the accounting company's treasurer when segregated in a distinct fund or funds, which have been set aside in accordance with governmental, mortgage, or contractual requirements in connection with reorganizations or otherwise.

(b) The account shall be credited with:

(1) Direct expenditures from the funds;

(2) Amounts transferred to sinking funds;

(3) The ledger value of assets of the character indicated in paragraph (a) (3) of this section, by transfer to the appropriate current asset account, when the assets are definitely assigned in advance of expenditure to the payment of interest or other recorded current liabilities.

NOTE A: An appropriate record shall be maintained with respect to securities issued or assumed by the accounting company and held in the funds, identifying those that are nominally issued or nominally outstanding.

NOTE B: Funds specifically set aside for sinking fund purposes shall be included in account 703, "Sinking funds." If one purpose of a capital fund is to provide contributions to a sinking fund under specified conditions, the entire amount of the fund shall be included in this account until the contributions to the sinking fund are made, at which time the amounts thereof shall be transferred to account 703, "Sinking funds."

§ 10.704½ *Maintenance funds.* This account shall be charged with the amounts of cash on special deposit and the cost of United States Treasury securities that have been set aside to be held by the accounting company's treasurer until disbursed in settlement of charges incurred for deferred maintenance of way and structures and equipment due to priorities of material and supplies or shortage of labor, also charges incurred for major repairs to equipment that are usually made at intervals of several years.

It shall be credited with withdrawals therefrom as disbursements are made for the purposes for which the funds were set aside.

§ 10.705 *Miscellaneous physical property.* This account shall include the accounting company's investment in physi-

cal property other than property assignable to accounts 701 and 702, including hotels, restaurants, power plants, etc., which are not operated by the accounting company or another carrier in connection with its transportation service.

ITEMS OF INVESTMENT

Coal and other mines.
Commercial power plants.
Hotels and restaurants.
Lands and buildings not used in transportation operations.
Lands and other property acquired and held in anticipation of future use.
Mineral and timber lands.
Rails and other track material leased to others.
Saw mills and other manufacturing plants not operated in connection with transportation service.

§ 10.705½ *Accrued depreciation; miscellaneous physical property.* This account shall be credited with amounts charged to income or other accounts to cover the depreciation of property the cost of which is included in account 705, "Miscellaneous physical property."

When any miscellaneous physical property is destroyed, sold, or otherwise retired from service, the amount included in this account with respect to the property retired shall be charged hereto.

§ 10.706 *Investments in affiliated companies.* This account shall include the ledger value of the accounting company's investment in securities issued or assumed by affiliated companies other than securities held in special deposits or special funds, and also investment advances made to affiliated companies. (See § 10.08–5 *Book value of securities owned.*)

This account shall be maintained in such manner as to show each of the following classes of investment in each affiliated company:

(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.

A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A: Accounts with affiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, but if settlement is deferred beyond one year such items shall be transferred to account 722, "Other deferred assets."

NOTE B: The term "affiliated companies" includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointly controlled by the accounting company and others under a joint arrangement.
2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.
3. Companies controlled by controlled companies.
4. Companies controlled by controlling companies.

By "control" is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.
(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.
(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.
(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.
(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

NOTE C: The value of securities borrowed by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 703, "Sinking funds," 704, "Capital and other reserve funds," or 721, "Insurance and other funds," as may be appropriate.

§ 10.707 *Other investments.* This account shall include the ledger value of the accounting company's investment in securities issued or assumed by nonaffiliated companies other than securities held in special deposits or special funds; also investment advances made to nonaffiliated companies and to individuals. (See § 10.08–5 *Book value of securities owned.*)

This account shall be maintained in such manner as to show each of the following classes of investment in each nonaffiliated company:

(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.

A complete record of securities pledged shall be maintained so that the ledger value of securities pledged and unpledged may be shown separately in the annual report to the Commission.

NOTE A: Accounts with nonaffiliated companies which are subject to current settlement, if their collection is reasonably assured, shall be classed as current assets, but if settlement is deferred beyond one year such items shall be transferred to account 722, "Other deferred assets."

NOTE B: The term "nonaffiliated companies" includes all companies other than those defined as affiliated in NOTE B of account 706, "Investments in affiliated companies."

NOTE C: The value of securities borrowed by the accounting company and pledged shall not be included in this account.

NOTE D: The value of securities pledged for purposes other than that of security for funded debt or short-term loans shall be included in accounts 703, "Sinking funds," 704, "Capital and other reserve funds," or 721, "Insurance and other funds," as may be appropriate.

§ 10.707½ *Reserve for adjustment of investment in securities.* This account shall include the total of the balances in such reserves as are maintained by the accounting company for the purpose of providing for reductions in the value of securities owned and recorded in accounts 706, "Investments in affiliated companies," or 707, "Other investments." Corresponding charges shall be made to account 621, "Miscellaneous debits." (See paragraph (c) of § 10.08–5 *Book value of securities owned.*)

If reserves are maintained in provision for anticipated losses in specific securities, when the related assets are written down or written off, or are sold or otherwise disposed of at a loss, the reduction in the book value or the losses sustained shall be charged to this account to the extent of the credit balance in the account applicable to the particular securities involved, and the remainder, if any, shall be charged to account 621, "Miscellaneous debits." In case a general reserve for losses in unspecified security values is maintained, all such losses resulting from write-downs, write-offs, etc., shall be charged to this account to the extent of the total credit balance in the account, and the remainder, if any, shall be charged to account 621, "Miscellaneous debits."

§ 10.708 *Cash.* This account shall include money, checks, sight drafts, and sight bills of exchange in the hands of the accounting company's financial officers and agents, or in transit from its agents and conductors for which such agents and conductors have received credit. It shall include also, deposits with banks and trust companies available for use on demand, and savings accounts subject to the usual clause reserving the right to defer payment for a specified number of days. (See § 10.08–7 *Current assets.*)

§ 10.709 *Temporary cash investments.* This account shall include the cost of securities and other collectible obligations acquired for the purpose of temporarily investing cash, such as United States Treasury certificates, marketable securities, time drafts receivable, demand loans, time loans, time deposits with banks and trust companies, and other similar investments of a temporary character.

§ 10.711 *Special deposits.* This account shall include the unexpended balances in funds deposited specifically for the payment of dividends, interest, or other recorded current liabilities. (See § 10.08–7 *Current assets.*)

§ 10.712 *Loans and bills receivable.* This account shall include the book value of all collectible obligations in the form of demand or time loans and bills receivable, or other similar evidences (except interest coupons) of money receivable within a time not exceeding one year from date of issue. (See § 10.08–7 *Current assets.*)

NOTE A: Obligations held as investments which mature more than one year after date of issue shall be included in accounts 706, "Investments in affiliated companies"; or 707, "Other investments," as may be appropriate.

NOTE B: Loans and bills receivable acquired for the purpose of temporarily investing cash shall be included in account 709, "Temporary cash investments."

§ 10.713 *Traffic and car-service balances—Dr.* This account shall include the net of the balances receivable from or payable to other companies in the accounts representing interline freight, passenger, and baggage revenues, and charges for equipment interchanged on a per diem or a mileage basis, when such balances result in a net debit.

NOTE A: When the net of the balances is a credit it shall be included in acount 759, "Traffic and car-service balances—Cr."

NOTE B: The amount to be entered in this account in the carrier's annual report to the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain currently separate subaccounts under the following captions:

713 and 759 (a) Interline freight, balance.
713 and 759 (b) Interline passenger, balance.
713 and 759 (c) Interline baggage, balance.
713 and 759 (d) Equipment interchanged, balance.

§ 10.714 *Net balance receivable from agents and conductors.* This account shall include the net balance due in current accounts from agents, from train, sleeping car, and dining car conductors, and from train collectors, train auditors, porters, and other employees and representatives charged with the collection or custody of current revenues. (See § 10.08–7 *Current assets.*)

NOTE: Amounts advanced to general and special agents as working funds shall not be included in this account, but in account 720, "Working fund advances."

§ 10.715 *Miscellaneous accounts receivable.* This account shall include amounts due in audited accounts considered good, such as those due from the United States or other Governments for the transportation of mails and Government property, and from express companies for express facilities furnished under contract; amounts due from other carriers on account of freight claims paid; miscellaneous bills against other railway companies, corporations, firms, and individuals, and other similar items. (See § 10.08–7 *Current assets.*)

NOTE: The amount to be entered in this account is not the net balance between this account and account 761, "Miscellaneous accounts payable."

§ 10.716 *Material and supplies.* This account shall include the balances representing the cost, less depreciation, if any, of all unapplied material, such as road and shop material, articles in process of manufacture by the accounting company, fuel, stationery, and dining car and other supplies. In determining the cost of material and supplies suitable allowance shall be made for any discounts allowed in the purchase thereof.

NOTE A: Balances representing the cost of unapplied construction material and supplies located at the point of use, which have been purchased specifically for projected new roads and extensions or for new railroad equipment, are provided for in road and equipment account 47, "Unapplied construction material and supplies," or account 59, "Unapplied material and supplies—Equipment."

NOTE B: An inventory of material and supplies shall be taken during each calendar year and the necessary adjustments to bring this account into harmony with the actual inventory balances shall be made in the accounts of the year in which the inventories are taken. In effecting this adjustment determined differences in accounting for important classes of material shall be equitably assigned among the accounts to which the classes of material are ordinarily chargeable. Other differences shall be equitably apportioned among the primary accounts to which material has been charged since the last inventory. (See Case 17, Accounting Bulletin No. 15.)

§ 10.717 *Interest and dividends receivable.* This account shall include the amount of interest accrued to the date of the balance sheet on bonds owned and on loans made, the amount of dividends declared on stocks owned, and dividends accrued on such stocks when contracts require that the dividends be paid at stated times. (See § 10.08–7 *Current assets.*)

NOTE A: No amount representing interest or dividends receivable shall be included in this account unless its payment is reasonably assured by past experience, anticipated provision, or otherwise.

NOTE B: No dividends or other returns on securities issued or assumed by the accounting company shall be included in this account.

NOTE C: If settlement of amounts included in this account is not made when due either in cash or with other tangible assets of equal money value, such amounts shall be cleared from this account and charged to the income account originally credited (subject to § 10.06–2 *Delayed items*). If notes are taken in settlements of amounts included in this account, the amounts thereof shall be charged to account 712, "Loans and bills receivable," or account 722, "Other deferred assets," as may be appropriate (see § 10.08–7 *Current assets,*) but such amounts shall not be credited to income (or if previously credited to income shall be cleared therefrom as provided in the first sentence of this note), unless inclusion therein is justified by the current asset position of the obligor. If such notes are of doubtful value, the amount at which they are charged to account 722, "Other deferred assets," in accordance with § 10.08–7 *Current assets,* shall be credited to account 778, "Other unadjusted credits," and income shall not be credited until payment is received, and then only with the amount collected. If long-term notes are taken in settlement of current assets, the credit to income shall be canceled and account 722, "Other deferred assets," shall be charged with their true values, and a like sum shall be credited to account 778, "Other unadjusted credits."

§ 10.718 *Accrued accounts receivable.* This account shall include estimates of all unaudited current items receivable by the carrier to the date of the balance sheet, including those which are creditable to revenue, expense, or income accounts in accordance with § 10.02–2 *Unaudited items affecting operating accounts,* and § 10.06–3 *Unaudited items.* (See also § 10.08–7 *Current assets.*)

Examples, without limitation, of items to be accrued:

Rents receivable under leases which are not includible in account 715, "Miscellaneous accounts receivable." (See note C to account 717, "Interest and dividends receivable.")

Amounts receivable from others for unreported interline traffic.

Amounts receivable from others for use of facilities, including equipment, for which bills have not been rendered.

Amounts receivable from others for services for which bills have not been rendered.

§ 10.719 *Other current assets.* This account shall include items of current assets not covered by accounts 708 to 718, inclusive.

It shall include asset items not includible in any of the foregoing current asset accounts that have been advanced beyond the stage of deferred assets. (See § 10.08–7 *Current assets.*)

§ 10.720 *Working fund advances.* This account shall include amounts advanced to general and special agents, and to other officers and employees, as working funds from which certain expenditures are to be made and accounted for. It also includes advances to fast freight lines and to demurrage and other bureaus.

§ 10.721 *Insurance and other funds.* This account shall include the amount of cash and the ledger value of securities of other companies and other assets which are in the hands of trustees or managers of insurance, employees' pension, savings, relief, hospital, and other funds which have been raised and specifically set aside or invested for specific purposes not provided for elsewhere; also the par value or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of securities issued or assumed by the accounting company and held in such funds. A separate account shall be kept for each fund.

NOTE A: Sinking funds and capital and other reserve funds are provided for in accounts 703 and 704, respectively.

NOTE B: In stating the balance sheet in the annual reports to the Commission the total amount of the funds and the par value or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of securities issued or assumed by the accounting company and held in the funds shall be shown in the short columns, and the net amount of the funds (total amount less securities issued or assumed) shall be shown in the long column.

NOTE C: This account shall not include funds held by the accounting company solely as trustee and in which it has no beneficial interest.

§ 10.722 *Other deferred assets.* This account shall include the estimated value of salvage recoverable from property retired when the recovery of the salvage is deferred for any reason; items of a current character but of doubtful value; and all other deferred items not covered by accounts 720 or 721. (See § 10.08–7 *Current assets.*)

§ 10.723 *Prepayments.* This account shall include the balances in the accounts representing prepaid rents chargeable to the appropriate rent accounts as the term is consumed for which the rents are paid; also interest and insurance premiums paid in advance of their accrual, which are to be apportioned and charged, as they accrue, to the appropriate accounts.

§ 10.725 *Discount on funded debt.* This account shall include the total of the net debit balances in the discount, expense, and premium accounts for the several subclasses of funded debt. (See § 10.08–3 *Discount, expense, and premium on funded debt.*)

§ 10.726 *Property retired chargeable to operating expenses.* This account is intended as a suspense account in which

may be included amounts chargeable to operating expenses as follows:

(a) Amounts representing the service value of nondepreciable road property retired which are relatively so large that their inclusion in the accounts for a single year would distort those accounts. (See § 10.04–6 *Distribution of charges for nondepreciable road property retired.*)

(b) Amounts representing the service value of depreciable road property retired which are relatively so large that their inclusion in the depreciation reserve would result in unduly depleting the reserve. (See paragraph (k) of § 10.04–8 *Depreciation accounting; road property.*)

(c) Amounts representing the service value of equipment retired which are relatively so large that their inclusion in the depreciation reserve would result in unduly depleting the reserve. (See paragraph (f) of § 10.04–24 *Depreciation accounting; equipment.*)

(d) This account is to be used only after permission of the Commission has been asked and given. The carrier in its application to the Commission shall give full particulars concerning the property retired, the amount which it is proposed to charge to operating expenses, and the period over which, in its judgment, the amount of such charge shall be distributed.

§ 10.727 *Other unadjusted debits.* This account shall include the amount of debit balances in suspense accounts that cannot be cleared and disposed of until additional information is received, such as freight claims paid when found to be correct, but in advance of investigation with other carriers; debit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operations of gravel pits," and "Operation of quarries"; unextinguished discount on short-term notes; unadjusted debit items not otherwise provided for and similar items the proper disposition of which is uncertain.

§ 10.728 *Securities issued or assumed; unpledged.* This account shall include the par value, or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of securities issued or assumed by the accounting company that are held unpledged in the company's treasury or by its agents or trustees, except those held by trustees of sinking or other similar funds.

This account shall be divided into:

(a) Stocks, and

(b Bonds and other evidences of long-term debt, each of which divisions shall be further subdivided between:

(1) Amounts nominally but not actually issued, and

(2) Amount nominally outstanding.

NOTE A: The term "securities," as used in this account, includes all authorized certificates of stock and evidences of indebtedness which have been signed, sealed, and, when required, certified by the registrar or by the trustees under the mortgage or contract, and are not "short-term securities." By short-term securities are meant those which are payable on demand or which mature not more than one year from date of issue. (See also Notes B to accounts 751 and 755.)

NOTE B: This account shall not include securities that are merely guaranteed.

NOTE C: This account shall not include any securities held in sinking and other reserve funds.

NOTE D: In the general balance-sheet statement the balance in this account shall be stated in the short column only.

NOTE E: When securities that have been issued to bona fide holders for value, or after issuance by another company have been assumed by the accounting company, are reacquired and not canceled or retired, they shall be included in this account at their par value; or with respect to no par stock the amounts recorded in account 751, "Capital stock," relating thereto. If such securities are subsequently pledged, they shall be included in account 720, "Securities issued or assumed—Pledged." (See § 10.08–2 *Discount, premium, and assessment on capital stock*, and § 10.08–3. *Discount, expense, and premium on funded debt.*)

NOTE F: Stocks having no par value classable as nominally issued shall be recorded by number of shares. (See Note C under account 751, "Capital stock.")

§ 10.729 *Securities issued or assumed; pledged.* This account shall include the par value, or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of securities issued or assumed by the accounting company that have been pledged as collateral security for any of its long-term debt or short-term loans.

This account shall be divided into:

(a) Stocks, and

(b) Bonds and other evidences of long-term debt, each of which divisions shall be further subdivided between:

(1) Amounts nominally but not actually issued, and

(2) Amounts nominally outstanding.

NOTE A: The term "securities" as used in this account includes all authorized certificates of stock and evidences of indebtedness which have been signed, sealed, and, when required, certified by the registrar or by the trustees under the mortgage or contract, and are not short-term securities. By "short-term securities" are meant those which are payable on demand or which mature not more than one year from date of issue. (See also Notes B to accounts 751 and 755.)

NOTE B: This account shall not include securities that are merely guaranteed.

NOTE C: This account shall not include securities which have been borrowed by the accounting company and pledged, nor any securities held in sinking and other reserve funds.

NOTE D: In the general balance-sheet statement the balance in this account shall be stated in the short column only.

NOTE E: The par value or with respect to no par stock, the amounts recorded in account 751, "Capital stock," relating thereto, of securities issued or assumed that have been pledged for other purposes shall be included as may be appropriate in accounts 703, "Sinking funds," 704, "Capital and other reserve funds," or 721, "Insurance and other funds."

NOTE G: Stocks having no par value classable as nominally issued shall be recorded by number of shares. (See Note C under account 751, "Capital stock.")

CREDIT

§ 10.751 *Capital stock.* This account shall include the total par value of par value stock, and the total amount paid in or the amount approved by the Commission for stock without par value, for all shares of capital stock or other form of proprietary interest in the accounting company which have been issued to bona fide purchasers and have not been reacquired and canceled; also shares of stock nominally issued, and reacquired shares which have not been canceled.

Appropriations of surplus which have been transferred to no par stock account shall also be included. The amount of the consideration received from the sale of par value stock in excess of the amount credited to this account shall be credited to account 753, "Premiums and assessments on capital stock."

When capital stock is retired or canceled, this account shall be charged with the amount at which such stock is carried in this account. In the case of no par stock the amount to be charged hereto shall be the proportion, applicable to the reacquired shares immediately prior to reacquisition, of the total book liability included herein of actually outstanding shares of the particular class and series of stock of which the reacquired shares are a part.

The amounts included in this account shall be recorded so as to show:

(a) Par value of shares of par value stock and amount paid in or approved by the Commission of shares of no par stock (pledged or unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control including shares nominally but never actually issued and

(b) Par value of shares of par value stock and amount paid in or approved by the Commission of shares of no par stock issued and actually outstanding, being the shares not held by the company, its agents or trustees, or subject to its control.

The amounts included herein shall be further divided so as to show the amount of each class of stock issued, separated as between par value and nonpar value stock, as follows:

(1) *Common stock.* Stocks which have no preference over other issues of stock in distribution of dividends or of assets.

(2) *Preferred stock.* Stocks having preference over other issues of stock in distribution of dividends or of assets.

(3) *Debenture stock.* Stocks issued under a contract to pay a specified return at specified intervals.

(4) *Receipts outstanding for installments paid.* Receipts for payments on account of subscriptions to capital stock.

When the subscriber has paid his subscription in full and is entitled to receive certificates representing the shares for which he has subscribed, the par value of stocks having par value or the agreed purchase price or the price authorized by the Commission of stock without par value shall be included in the division appropriate for the class for which the certificates are issued.

Each of the above classes shall also be divided into subclasses according to differences in dividend or interest rights, voting rights, or conditions under which the securities may be retired.

NOTE A: When a general levy or assessment is made against the holders of capital stock, requiring the payment of any sum in addition to the consideration agreed upon at the time of sale, the amount collected upon such levy or assessment shall be credited to account 753, "Premiums and assessments on capital stock."

NOTE B: When capital stock having par value is exchanged for capital stock without par value any sums resting in account 753, "Premiums and assessments on capital stock," with respect thereto shall be cleared to account 751, "Capital stock," and any amounts resting in the discount account with respect thereto shall be cleared to subaccount 784.1, "Paid-in surplus"; *Provided, however,* That any excess over the amount of accumulated net gains applicable to the subclass exchanged included in paid-in surplus shall be charged to account 621, "Miscellaneous debits." (See § 10.08–2 *Discount, premium, and assessment on capital stock.*)

NOTE C: An appropriate record shall be maintained with respect to shares of capital stock showing the number of shares nominally issued, nominally outstanding, actually issued and actually outstanding.

NOTE D: For the purpose of the balance-sheet statement capital stock is considered to be "nominally issued" when certificates are signed and sealed and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company. It is considered to be "actually issued" when it has been sold to a bona fide purchaser for a valuable consideration, and such purchaser holds it free from all control by the accounting company. All capital stock actually issued and not reacquired and held by or for the accounting company is considered to be "actually outstanding." If reacquired by or for the accounting company under such circumstances as require it to be considered as held alive and not canceled or retired, it is considered to be "nominally outstanding."

§ 10.752 *Stock liability for conversion.* This account shall include the company's liability under agreements to exchange its capital stock for the outstanding securities of companies whose physical property has been acquired under such agreements, but whose securities have not yet been surrendered for exchange.

§ 10.753 *Premiums and assessments on capital stock.* This account shall include the excess of the actual cash value (at the time of the sale of the stock) of the consideration received over the amounts recorded in account 751, "Capital stock," for par value stock plus accrued dividends, if any, also subsequent assessments against stockholders representing payments required in excess of par or other amounts recorded in account 751, "Capital stock," in accordance with the text of that account. (See § 10.08–2 *Discount, premium, and assessment on capital stock.*)

When capital stock is retired and canceled, the amount in this account with respect to the shares of such stock retired and canceled shall be charged hereto.

§ 10.754 *Discount on capital stock.* This account shall include discount suffered in the issuance and sale of capital stock. Record supporting the entries to this account shall be kept to show the discount suffered, if any, on such subclass of capital stock. (See § 10.08–2 *Discount, premium, and assessment on capital stock.*)

§ 10.755 *Funded debt unmatured.* There shall be included in this account the total par value of unmatured debt (other than equipment obligations), maturing more than one year from date of issue, issued by the accounting company and not retired or canceled, and the total par value of similar unmatured debt of other companies, the payment of which has been assumed by the accounting company.

The amounts included in this account shall be divided so as to show the par value of (1) certificates or other evidences of funded debt (pledged and unpledged) held in the company's treasury, by its agents or trustees, or otherwise subject to its control, including both those reacquired after actual issue and those nominally but never actually issued; and (2) certificates or other evidences of funded debt issued and actually outstanding, being those not held by the company, its agents or trustees, or subject to its control.

The amounts included herein shall be further divided so as to show the amount of each class of funded debt, as follows:

(b) *Mortgage bonds.* Bonds secured by lien on physical property and not includible in the other subdivisions of this account.

(c) *Collateral trust bonds.* Bonds and notes secured by a lien on securities or other negotiable paper; and stock trust certificates that are similar in character to collateral trust bonds.

(d) *Income bonds.* Bonds which are a lien on a carrier's revenue alone, or bonds which, while being a lien on its property and franchises, can claim payment of interest only in case interest is earned.

(e) *Miscellaneous obligations.* All funded obligations not provided for by the other subdivisions of this account, also notes, unsecured certificates of indebtedness, debenture bonds, plain bonds, real estate mortgages executed or assumed and other similar obligations maturing more than one year from date of issue, but excluding liabilities for assessments for public improvements and those evidenced by conditional or deferred equipment purchase contracts for which provision is made in account 770, "Other deferred liabilities," and account 756½, "Equipment obligations," respectively.

(f) *Receipts outstanding for funded debt.* Receipts for payments on account of funded debt. When certificates are issued for amounts so paid, the par value shall be included in the account covering the class of funded debt for which the certificates are issued.

Each of the above classes shall also be divided into subclasses according to differences in mortgage or other lien or security therefor, rate of interest, interest dates, or date of maturity. Parts of any issue agreeing in other characteristics but maturing serially may be treated as of the same subclass.

Records shall be maintained in such manner as to show (1) securities the issuance or assumption of which has been authorized by the Commission under section 20a of the Interstate Commerce Act, and similar securities issued or assumed prior to the effective date of that provision of the act, and (2) other obligations of a kind which may legally be issued or assumed without such authorization.

NOTE A: Securities (other than equipment obligations) maturing one year or less from date of issue shall be included in accounts 757, "Amounts payable to affiliated companies," or 758, "Loans and bills payable," except that where an issue of securities maturing serially over a period of years contains short-term obligations such obligations may be included as funded debt. Matured funded debt shall be included in account 768, "Other current liabilities" if provision has been made for current settlement. If no provision has been made for current settlement, matured funded debt shall be included in account 755½, "Debt in default," except that when the collection of matured funded debt of affiliated companies is not enforced by controlling companies, the principal amount (to the extent held by a controlling company) shall be included in account 757, "Amounts payable to affiliated companies."

NOTE B: For the purposes of the balance-sheet statement funded debt securities are considered to be "nominally issued" when certified by trustees and placed with the proper officer for sale and delivery, or pledged, or otherwise placed in some special fund of the accounting company. They are considered to be "actually issued" when they have been sold to a bona fide purchaser for a valuable consideration, and such purchaser holds them free from all control by the accounting company. All funded debt securities actually issued and not reacquired and held by or for the accounting company are considered to be "actually outstanding." If reacquired by or for the accounting company under such circumstances as require them to be considered as held alive and not canceled or retired, they are considered to be "nominally outstanding."

NOTE C: Nonnegotiable notes having a maturity of more than one year after date of issue, held by affiliated companies, shall be included in account 757, "Amounts payable to affiliated companies."

NOTE D: In the general balance-sheet statement the total unmatured funded debt included in the account shall be shown in the first short column. The amount nominally but not actually issued and the amount nominally outstanding shall be shown in the second short column, and in the long column shall be shown the amount actually outstanding.

§ 10.755½ *Debt in default.* This account shall include amounts transferred from other accounts representing matured funded securities or obligations, receivers' and trustees' securities, equipment obligations and short-term notes, when maturity dates of such obligations have not been extended.

NOTE A: The principal amount of matured funded debt of affiliated companies the collection of which is not enforced by the controlling company shall (to the extent of the principal amount held by the controlling company) be included in account 757, "Amounts payable to affiliated companies."

NOTE B: The principal amount of unpresented funded debt obligations which have matured, and for which provision has been made for payment shall be included in account 768, "Other current liabilities."

§ 10.756 *Receivers' and trustees' securities.* When receivers or trustees acting under the orders of a court are in possession of the property of the company, and under the order of such court issue or assume evidences of indebtedness (other than equipment securities or obligations) the par value of such evidences shall be credited to this account.

NOTE: The par value of equipment securities or the principal amount of obligations incurred for the purchase of equipment

under conditional or deferred payment contracts shall be included in account 756½, "Equipment obligations."

§ 10.756½ *Equipment obligations.* This account shall include the par value of equipment securities and the principal amount of contractual obligations including those maturing serially or payable in installments over a period of more than one year.

The amounts included herein shall be divided as follows:

(a) Principal amount of equipment securities including those maturing serially, issued or assumed by the accounting company or by receivers and trustees, which have been authorized by the Commission under section 20a of the Interstate Commerce Act and similar securities issued or assumed prior to the effective date of that provision of the act.

(b) Principal sums of obligations for equipment purchased under conditional or deferred payment contracts, which may be legally entered into or assumed by the accounting company or by receivers and trustees, without authorization by the Commission.

NOTE: Amounts included in this account which are payable within one year from the date of the balance sheet shall be shown in a footnote thereto.

§ 10.757 *Amounts payable to affiliated companies.* This account shall include the par value of nonnegotiable notes issued to affiliated companies, matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension as to time of payment and collection of the principal is not enforced, credit balances in open accounts with such companies other than credit balances in current accounts classable as current liabilities, and interest accrued on notes, matured funded debt of affiliated companies and open accounts included in this account, when such interest is not subject to current settlements.

This account shall be divided:

(a) Notes, including herein not only nonnegotiable notes that run longer than a term of one year, but also such notes payable on demand or within one year from the date of issue when it is mutually agreed that the notes shall not be enforced as current assets by the holder.

(b) Par value of matured funded debt of affiliated companies held by controlling companies where there is no agreement for an extension of time and collection is not enforced.

(c) Open accounts not subject to current settlement.

(d) Interest accrued on amounts included in this account when not subject to current settlements.

NOTE A: Accounts with affiliated companies which are subject to current settlements, such as traffic and car-service balances, charges for material and supplies currently furnished, charges for repairs to equipment, etc., shall be classed as current assets or current liabilities, as may be appropriate.

NOTE B: No item shall be included in this account which is not known to be the property of an affiliated company.

NOTE C: The term affiliated companies includes:

1. Controlled companies, including companies solely controlled by the accounting company, and also companies jointed controlled by the accounting company and others under a joint arrangement.

2. Controlling companies, including both companies solely controlling the accounting company, and companies which jointly control the accounting company under a joint arrangement.

3. Companies controlled by controlled companies.

4. Companies controlled by controlling companies.

By "control" is meant the ability to determine the action of a corporation. For the purposes of this account, the following are to be considered forms of control:

(a) Right through title to securities issued or assumed to exercise the major part of the voting power in the controlled corporation.

(b) Right through agreement of some character or through some source other than title to securities, to name the majority of the board of directors, managers, or trustees of the controlled corporation.

(c) Right to foreclose a first lien upon all or a major part in value of the tangible property of the controlled corporation.

(d) Right to secure control in consequence of advances made for construction of the operating property of the controlled corporation.

(e) Right to control only in a specific respect the action of the controlled corporation.

A leasehold interest in the property of a corporation is not to be classed as a form of control over the lessor corporation.

"Sole control" is that which rests in one corporation.

"Joint control" is that which rests in two or more corporations and which is held under a joint arrangement.

§ 10.758 *Loans and bills payable.* This account shall include the balances representing obligations outstanding in the form of loans and bills payable or other similar evidences (except interest coupons) of indebtedness payable on demand or within a time not exceeding one year from date of issue.

This account shall be kept in such form so as to show separately the amounts of notes payable within one year from date of issue that are secured by collateral.

NOTE. This account shall not include obligations which mature more than one year after date of issue, or demand or short-term notes issued to affiliated companies and includible in account 757, "Amounts payable to affiliated companies."

§ 10.759 *Traffic and car-service balances—Cr.* This account shall include the net of the balances receivable from or payable to other companies in the accounts representing interline freight, passenger, and baggage revenues, and charges for equipment interchanged on a per diem or a mileage basis, when such balances result in a net credit.

NOTE A: When the net of the balances is a debit it shall be included in account 713, "Traffic and car-service balances—Dr."

NOTE B: The amount to be entered in this account in the carrier's annual report to the Commission shall be stated in accordance with the text of this account. For convenience in accounting the carrier may maintain currently separate subaccounts under the following captions:

713 and 759 (a) Interline freight, balance.
713 and 759 (b) Interline passenger, balance.
713 and 759 (c) Interline baggage, balance.
713 and 759 (d) Equipment interchanged, balance.

§ 10.760 *Audited accounts and wages payable.* This account shall include the amount of audited vouchers or accounts and audited pay rolls unpaid on the date of the balance sheet. It shall include balances representing unclaimed wages and outstanding pay and time or discharge checks issued in payment of wages and all other unpaid vouchered items.

§ 10.761 *Miscellaneous accounts payable.* This account shall include outstanding drafts drawn by station agents, outstanding drafts drawn on the company in settlement of freight claims, conductors' refund and extra-fare checks not presented for redemption, deposits of affiliated companies subject to current settlement, taxes collected from employees and others for the account of taxing agencies, and other items of the nature of demand liabilities not covered by accounts 758, 759, 760, 762, and 763.

NOTE: The amount to be reported under this account is not the net balance between this account and account 715, "Miscellaneous accounts receivable."

§ 10.762 *Interest matured unpaid.* This account shall include the amount of matured and unpaid interest on funded debt, and other obligations of the accounting company for which provision has been made for current settlement.

Interest which matures on the first day following that for which the balance sheet is made shall be included in this account.

NOTE: Interest matured unpaid on nonnegotiable debt to affiliated companies, if not subject to current settlement, shall be included in account 757, "Amounts payable to affiliated companies."

§ 10.763 *Dividends matured unpaid.* This account shall include the amount of dividends payable on capital stock but unpaid, uncalled for, or unclaimed at the date of the balance sheet.

Dividends which become payable on the first day following that for which the balance sheet is made shall be included in this account.

§ 10.764 *Unmatured interest accrued.* This account shall include the amount of interest subject to current settlement accrued to the date the balance sheet is made but not payable until after the first day following that date on funded securities or obligations, debt in default, receivers' and trustees' securities, amounts payable to affiliated companies, notes payable and other indebtedness issued or assumed by the accounting company.

NOTE A: Interest accrued which is not paid when it matures shall be included in account 769½, "Interest in default," unless provision has been made for current settlement. Where interest is in default, subsequent accruals shall be credited direct to account 769½, "Interest in default."

NOTE B: Interest accrued on amounts recorded in account 757, "Amounts payable to affiliated companies," and not subject to current settlement, shall be included in that account.

§ 10.765 *Unmatured dividends declared.* This account shall include dividends declared on capital stock, but not payable until after the first day following the date of the balance sheet.

§ 10.766 *Accrued accounts payable.* This account shall include estimates of all unaudited items payable by the carrier to the date of the balance sheet, including those which are chargeable to revenue, expense, or income accounts in accordance with § 10.02–2 *Unaudited items affecting operating accounts,* and § 10.06–3 *Unaudited items.* (See also § 10.08–7 *Current assets.*)

Examples, without limitation, of items to be accrued:

Rents payable under leases due subsequent to the date of the balance sheet which are not includible in account 761, "Miscellaneous accounts payable."

Amounts payable to others for unreported interline traffic.

Amounts payable to others for use of facilities, including equipment, for which bills have not been rendered.

Amounts payable to others for services for which bills have not been rendered.

NOTE: Do not include in this account the carrier's estimate of liability in respect of injuries to persons and loss and damage claims. Such estimated liability shall be credited to account 778, "Other unadjusted credits."

[12 F. R. 4452, as amended at 12 F. R. 8348]

§ 10.767 *Taxes accrued.* This account shall be credited with the accruals of all taxes which have been concurrently charged to the appropriate income or other accounts for taxes. Such accruals may be based upon estimates, provided such estimates shall be adjusted so as to reflect in this account at all times the carrier's estimate of its unpaid liability for each of the several classes of taxes which have not been finally settled.

Vouchers for the current payment of taxes, including taxes for which accruals have not been made previously, shall be charged to this account. Taxes paid in advance shall also be charged to this account.

The records supporting the entries in this account shall be kept to show separately by classes of taxes the amount of the tax accruals for the current year and adjustments of accruals for prior years.

§ 10.768 *Other current liabilities.* There shall be included in this account the principal amount of unpresented bonds drawn for redemption through the operation of sinking and redemption fund agreements, also the principal amount of unpresented funded debt obligations, and receivers' and trustees' securities which have matured (for which provision has been made for current settlement), and other current liabilities not covered by accounts 758 to 767, inclusive.

§ 10.769 *Pension and welfare reserves.* This account shall include the credit balances representing the liability of the carrier for amounts provided by charges to operating expenses or by specific appropriations of income or surplus, including amounts contributed by employees, irrespective of whether carried in special funds or in the general funds of the carrier, for pensions, accident and death benefits, savings, relief, hospital, or other provident purposes.

Separate subaccounts shall be kept for each kind of reserve created, and the appropriate reserve shall be charged when payments are made to retired employees, or disbursements are made for the purposes for which the reserves were created.

§ 10.769½ *Interest in default.* This account shall include the amount of matured and unpaid interest (for which no provision has been made for current settlement) on all indebtedness issued or assumed by the accounting company except interest which is added to the principal of the debt on which incurred. Where interest is in default, subsequent accruals shall be credited direct to this account.

§ 10.770 *Other deferred liabilities.* This account shall include items of deferred liabilities not covered by accounts 769 and 769½ such as assessments for public improvements payable over a period longer than one year; retained percentages due contractors to be paid upon completion of contracts; deposits for construction of side tracks to be refunded on basis of an agreed portion of the earnings from the traffic handled over the tracks, and other similar items.

NOTE: The amount of assessments for public improvements, if payments are to be made within one year, shall be included in account 768, "Other current liabilities."

§ 10.772 *Premium on funded debt.* This account shall include the total of the net credit balances in the discount, expense, and premium accounts for the several sub-classes of funded debt. (See § 10.08–3 *Discount, expense, and premium on funded debt.*)

§ 10.773 *Insurance reserves.* This account shall include the net credit balance in the accounts to which are credited insurance premiums concurrently charged to operating expenses to cover self-carried risks on fire, fidelity, boiler, casualty, burglar, and other insurance, and to which are charged losses sustained on items protected by such insurance.

§ 10.773½ *Equalization reserves.* This account shall include ledger balances representing reserves created by charges to operating expenses for maintenance of road and equipment, in accordance with § 10.04–19 *Equalization of maintenance expenses.* The debit or credit balances in this account shall be closed at the end of each calendar year to the accounts through which they were created.

§ 10.774 *Maintenance reserves.* This account shall be credited with amounts systematically reserved by accruals to maintenance of way and structures and maintenance of equipment for deferred maintenance and major repairs to equipment in accordance with § 10.04–25 *Deferred maintenance, and major repairs to equipment.*

When the maintenance work for which provision was made has been performed, the cost of such repairs shall be charged, according to the nature of the repairs to the appropriate primary accounts under maintenance of way and structures and maintenance of equipment. Concurrently this account shall be cleared to the extent that provision has been made herein for such repairs through the accounts originally charged therewith.

NOTE: To the extent that provision is made in this account for deferred maintenance and major repairs to equipment an amount of cash equal thereto shall be deposited in a special account or invested in United States Treasury securities and included in account 704½, "Maintenance funds."

§ 10.778 *Other unadjusted credits.* This account shall include the amount of credit balances in suspense accounts that cannot be cleared and disposed of until additional information is received, such as amounts received from sales of mileage tickets, to be disposed of as mileage is honored; amounts received from sales of excess baggage script, to be disposed of as coupons are honored; interchangeable mileage credential ticket redemption funds; amounts collected from the sale of damaged, unclaimed and overfreight held pending claim; estimated liability for injuries to persons and loss and damage claims; credit balances in clearing accounts, such as "Shop expenses," "Store expenses," "Operating gravel pits," and "Operating quarries"; estimated revenue overcharges such as those covered by reclamation claims or by claims of Governmental departments for the application of land-grant rates instead of commercial rates; unadjusted credit items not otherwise provided for and similar items, the proper disposition of which is uncertain.

NOTE: With respect to injuries to persons and loss and damage claims, if the settlements when audited are charged to this account the balances for each year shall be kept separately until all items have been adjusted and cleared, but, if the settlements when audited are charged to the appropriate expense accounts the balance in this account shall be adjusted through the appropriate expense accounts so as to reflect the probable liability at the close of each year.

§ 10.779 *Accrued depreciation; leased property.* This account shall be credited with amounts concurrently charged to operating expenses or other accounts to cover the estimated accrued depreciation on leased road and equipment when settlements between the accounting company and the lessor are not made currently. (See § 10.05–2 *Leased road and equipment; depreciation.*) It shall also be credited with depreciation accrued on property the cost of which is included in account 702, "Improvements on leased property." When leased property for which accruals have been included in this account is retired from service, the entire service value of property the cost of which has been charged to account 702 by the lessee and the service value of property, the ledger value of which is carried in account 701, "Road and equipment property," by the lessor for which the lessee is liable to the lessor shall be charged to this account.

§ 10.784 *Uncarned surplus.* This account shall include all surplus arising from sources other than those classable under profit and loss and earned surplus accounts or other balance sheet accounts for which specific provision is made. Subaccounts shall be maintained as follows:

§ 10.784–1 *Paid-in surplus.* This subaccount shall include such items as

amount of consent dividends on the accounting company's capital stock; surplus arising from donations by the accounting company's stockholders; amounts representing reduction of the par or recorded value of the accounting company's capital stock; amounts of forfeited subscriptions to the accounting company's capital stock; gain from the acquisition, retirement, or resale of reacquired shares of the accounting company's capital stock; and long-term debt of the accounting company forgiven by stockholders.

It shall be charged with amounts included herein when capitalized by stock dividends or otherwise with the approval of the Commission, and losses from retirement or resale of reacquired shares up to an amount not in excess of credits included herein applicable to the reacquired shares; and may be charged with the amortization of discount on capital stock to the extent of credits herein. (See § 10.08–2 *Discount, premium, and assessment on capital stock.*)

§ 10.784–2 *Other unearned surplus.* This subaccount shall include unearned surplus, as above defined, arising from sources other than those enumerated under subaccount 784.1.

§ 10.785 *Earned surplus; appropriated.* This account shall include the total of the net balances of appropriations of income and earned surplus for the acquisition of capital assets; the retirement of debt; sinking and redemption funds; and all other appropriations specifically set aside in the hands of trustees as well as appropriations held in general funds for which no specific investment or segregation of assets has been made. It shall also include accretions to the assets held in such special funds. (See income account 552, "Income applied to sinking and other reserve funds.")

A subdivision of this account shall be maintained by classes of appropriations, the titles of which shall indicate the purpose for which the appropriations were made.

§ 10.786 *Earned surplus; unappropriated.* This account shall include the net balance (debit or credit) of the amounts included in accounts 601 to 621, inclusive. It shall not include transfers either to or from account 784, "Unearned surplus," unless so authorized upon application to the Commission.

The balance of all profit and loss accounts (601 to 621, inclusive) shall be closed into this account at the end of each calendar year.

§ 10.790 *Form of general balance-sheet statement.* The classified form of general balance-sheet statement is designed to show the financial condition of the accounting company at any specified date.

ASSET SIDE

Investments:
701. Road and equipment property.
702. Improvements on leased property.
702½A. Acquisition adjustment.
702½B. Donations and grants.
Investment in transportation property.
702½C. Accrued depreciation—Road.
702½D. Accrued depreciation—Equipment.
702½E. Accrued amortization of defense projects—Road.

ASSETS SIDE—continued

Investments—Continued
702½F. Accrued amortization of defense projects—Equipment.
Investment in transportation property less recorded depreciation and amortization.
703. Sinking funds.
Total book assets at date (In short column.)
Carrier's own issues at date. (In short column.)
Other assets at date. (In long column.)
704. Capital and other reserve funds.
Total book assets at date. (In short column.)
Carrier's own issues at date. (In short column.)
Other assets at date. (In long column.)
704½. Maintenance funds.
705. Miscellaneous physical property.
705½. Accrued depreciation—Miscellaneous physical property.
Miscellaneous physical property less recorded depreciation.
706. Investments in affiliated companies—
(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.
707. Other investments—
(a) Stocks.
(b) Bonds.
(c) Other secured obligations.
(d) Unsecured notes.
(e) Investment advances.
707½. Reserve for adjustment of investment in securities.
Total.
Current assets:
708. Cash.
709. Temporary cash investments.
711. Special deposits.
Total book assets at date. (In short column.)
Carrier's own issues at date. (In short column.)
Other assets at date. (In long column.)
712. Loans and bills receivable.
713. Traffic and car-service balances—Dr.
714. Net balance receivable from agents and conductors.
715. Miscellaneous accounts receivable.
716. Material and supplies.
717. Interest and dividends receivable.
718. Accrued accounts receivable.
719. Other current assets.
Total.
Deferred assets:
720. Working fund advances.
721. Insurance and other funds.
Total book assets at date. (In short column.)
Carrier's own issues at date. (In short column.)
Other assets at date. (In long column).
722. Other deferred assets.
Total.
Unadjusted debits:
723. Prepayments.
725. Discount on funded debt.
726. Property retired chargeable to operating expenses.
727. Other unadjusted debits.
728. Securities issued or assumed—Unpledged. (In short column only.)
729. Securities issued or assumed—Pledged. (In short column only.)
Total.

LIABILITY SIDE

Stock:
751. Capital stock—
Book liability at date. (In short column.)
Held by or for carrier at date. (In short column.)
Actually outstanding at date. (In long column.)

LIABILITY SIDE—continued

Stock—Continued
752. Stock liability for conversion.
753. Premiums and assessments on capital stock.
754. Discount on capital stock.
Total.
Long term debt:
755. Funded debt unmatured—
Book liability at date. (In short column.)
Held by or for carrier at date. (In short column.)
Actually outstanding at date. (In long column.)
755½. Debt in default.
756. Receivers' and trustees' securities.
756½. Equipment obligations.
757. Amounts payable to affiliated companies.
(a) Notes.
(b) Par value of matured funded debt of affiliated companies.
(c) Open accounts.
(d) Interest accrued on amounts included in this account.
Total.
Current liabilities:
758. Loans and bills payable.
759. Traffic and car-service balances—Cr.
760. Audited accounts and wages payable.
761. Miscellaneous accounts payable.
762. Interest matured unpaid.
763. Dividends matured unpaid.
764. Unmatured interest accrued.
765. Unmatured dividends declared.
766. Accrued accounts payable.
767. Taxes accrued.
768. Other current liabilities.
Total.
Deferred liabilities:
769. Pension and welfare reserves.
769½. Interest in default.
770. Other deferred liabilities.
Total.
Unadjusted credits:
772. Premium on funded debt.
773. Insurance reserves.
773½. Equalization reserves.
774. Maintenance reserves.
778. Other unadjusted credits.
779. Accrued depreciation—Leased property.
Total.
Surplus:
784. Unearned surplus. (In long column.)
1. Paid-in surplus. (In short column only.)
2. Other unearned surplus. (In short column only.)
785. Earned surplus—Appropriated.
786. Earned surplus—Unappropriated.
Total surplus.

TRAIN MILES

§ 10.800 *Rules and definitions.* (a) A train is a unit of equipment, or a combination of units of equipment (exclusive of light locomotives), in condition for movement over tracks by self-contained motor equipment. A locomotive is a self-propelled unit of equipment designed solely for moving other equipment. A light locomotive is a locomotive in condition for movement by its own motor equipment, uncoupled to cars, work equipment, or dead locomotives. A motor car is a self-propelled unit of equipment designed to carry freight or passenger traffic, and is not to be considered a locomotive.

(b) A train-mile is the movement of a train a distance of 1 mile.

(c) In computing train-miles, fractions representing less than one-half mile shall be disregarded and other fractions considered as 1 mile.

(d) Transportation service train-miles shall be based on the actual distance run between terminals and stations, and shall be computed from the official time-tables or distance tables.

(e) Work service train-miles shall be based on the actual distance run between terminals. When work trains are run between terminals and not ordered to work at some specified point or within specified working limits, the actual miles run shall be allowed to them, the same as to any other class of trains. When ordered to run to a certain point to work at that point or within specified working limits, the actual miles made while under running orders shall be allowed, and in addition an arbitrary mileage of 6 miles per hour for the time working at the point or within the working limits named. In computing such arbitrary mileage, fractions representing less than one-half hour shall be disregarded and other fractions considered as one hour. Constructive miles on the basis of 6 miles per hour shall be allowed trains run for the purpose of removing snow when the actual miles of such trains are less than the constructive miles. No record is required of work-train miles on new roads, road extensions, or portions of such roads or extensions, before the commencement of the regular operation of revenue service trains.

(f) Each train and each section of a train run by a separate train crew shall be considered a separate train, whether hauled by one or more locomotives either the whole distance or a part of the distance between the train terminals. There shall be nothing added to this distance to cover running of locomotives from enginehouses to terminals, doubling hills, running for water, switching, or other work at way stations, or for the service of helper or pusher locomotives or of extra locomotives on double-head or triple-head trains.

(g) When the carrier's trains, hauled by its locomotives and handled by its crews, are detoured over foreign roads, the miles shall be computed on the basis of the miles actually run, and classified by it in its train-miles in accordance with the service performed.

(h) Separate accounts of train-miles shall be kept for trains hauled by locomotives and for trains moved by motor cars.

TRAIN-MILE ACCOUNTS

TRANSPORTATION SERVICE [1]

§ 10.801 *Freight-train miles.* This account shall include miles run by all trains between terminals or stations for the transportation of revenue and company freight; also miles run by trains consisting of empty freight cars, and by trains consisting of a locomotive and caboose running light in connection with such service.

Trains which contain passenger-train cars shall be classed as freight trains whenever the number of freight-train cars is in excess of the number of passenger-train cars in them.

Freight-train miles shall be subdivided as follows:

Ordinary freight-train miles: Miles run by trains consisting of a locomotive, with or without caboose, with other equipment.

Light freight-train miles: Miles run by trains consisting of a locomotive and caboose, running light in connection with freight-train service.

§ 10.802 *Passenger-train miles.* This account shall include miles run by revenue service trains to transport passengers, baggage, mail, milk, express, or any combination of these; also miles run by trains consisting of deadhead passenger equipment.

Trains which contain freight-train cars shall be classed as passenger trains whenever the number of passenger-train cars is in excess of the number of freight-train cars in them.

NOTE: This account does not apply to trains run for the transportation of mail or milk upon the basis of authorized tariffs at rates based upon weight. The miles of such trains shall be classed as freight-train miles.

WORK SERVICE

§ 10.805 *Work-train miles.* This account shall include miles run by trains engaged in company service, such as official, inspection, and pay trains; inspection trains for railway commissioners for which no revenue is received; trains running special with fire apparatus to save the carrier's property from destruction; trains run for transporting the carrier's employees to and from work when no transportation charge is made; wrecking trains; trains run for the purpose of ditching, filling embankments, and widening cuts; trains run for the purpose of removing snow; trains distributing ties, rails, other track material, ballast, bridge material, and other material and supplies for maintenance or for additions and betterments; trains run for picking up and concentrating such material; and trains run for distributing material and supplies for use in connection with operation.

NOTE B: The accounting for expenses of work-train service shall be in accordance with paragraph (c) of § 10.01–4 *Cost of construction* and paragraph (c) of § 10.04–3 *Cost of repairs*, and other requirements of the accounting regulations for operating expenses.

NOTE C: No record is required of the miles of construction trains on new roads or road extensions, or on portions of such roads or extensions, before the commencement of the regular operation of revenue service trains.

LOCOMOTIVE MILES

§ 10.810 *Rules and definitions.* (a) A locomotive is a self-propelled unit of equipment designed solely for moving other equipment. A locomotive-mile is a movement of a locomotive a distance of 1 mile, under its own power.

(b) In computing locomotive-miles fractions representing less than one-half mile shall be disregarded, and other fractions considered as 1 mile.

(c) All locomotive-miles made in hauling transportation service trains shall be based upon the actual distance run between terminals or stations, and shall be computed from the official time-tables or distance tables as prescribed for train-miles.

(d) Light-locomotive miles shall be based on the actual distance locomotives run, except that no light-locomotive miles shall be allowed for terminal service where the distance in one direction is less than one-half mile.

(e) Miles of locomotives in helper service shall be computed on the basis of actual distance run in such service.

(f) Train switching locomotive-miles shall be computed at the rate of 6 miles per hour for the time actually engaged in such service. In computing such arbitrary mileage fractions representing less than one-half hour shall be disregarded and other fractions considered as one hour.

(g) Yard switching locomotive-miles shall be computed at the rate of 6 miles per hour for the time actually engaged in such service. In computing yard switching locomotive-miles, fractions representing less than one-half hour shall be disregarded, and other fractions considered as one hour.

(h) Work-train locomotive-miles shall be computed according to the rules prescribed for work-train miles. Miles of work locomotives employed in switching at shops for shop purposes, spotting cars in gravel pits, working with pile drivers, etc., shall be computed upon the basis of 6 miles per hour for the actual time in the service. In computing the time engaged fractions representing less than one-half hour shall be disregarded and other fractions considered one hour.

(i) The miles of new or generally repaired locomotives running light in breaking-in service shall not be included in the locomotive-mile accounts.

(j) No record is required of the miles of locomotives in construction service on new roads or road extensions, or on portions of such roads or extensions, before the commencement of the regular operation of revenue service trains.

(k) A separate record shall be kept for miles of steam locomotives and for miles of other locomotives.

(l) Miles of motor cars shall not be classed as locomotive-miles.

LOCOMOTIVE-MILE ACCOUNTS

TRANSPORTATION SERVICE; LINE [2]

§ 10.811 *Freight locomotive-miles.* This account shall include miles run by locomotives in freight-train service, the train-miles of which are includible in account 801, "Freight-train miles."

Principal freight locomotive-miles: Miles run by locomotives principal to the train, between terminals or stations, with freight trains; also miles run by locomotives between terminals or stations, with cabooses, going to or returning from such service; and miles run in hauling the sec-

[1] These accounts shall include the miles of all revenue service trains, including trains which incidentally carry employees or company freight. They shall also include the miles of trains which are operated between terminals or stations to transport company freight, when the service is similar to that connected with the transportation of commercial freight and statistics of ton-miles are kept.

The trains here referred to are those the locomotive and train expenses of operating which are includible in the locomotive and train expense accounts in § 10.370 *Transportation; rail line.*

[2] This account shall include the miles run by locomotives moving transportation service trains, and also miles run light in connection with such service.

ond cut of freight trains doubled over grades.

Helper freight locomotive-miles: Miles run by locomotives as helpers over the division or that portion covered by the run, or on important grades, including double-headers, triple-headers, and pushers, regardless of whether on the head end, in the middle, or on the rear of the train.

Light freight locomotive-miles: Miles run by locomotives light between terminals or stations in connection with freight-train service on account of unbalanced traffic; miles run light for hauling second cuts of trains doubled; miles run light between freight trains and next coaling station or water tank for coal or water; miles run light to pick up or assist freight trains between terminals; miles run light by grade helpers in returning from assisting freight trains as pushers or double-headers; and miles run light by locomotives coming from or going to enginehouses or turntables from freight-train service.

NOTE. No miles shall be allowed for light movements at terminals if the distance between enginehouses or turntables and freight-train terminals is less than one-half mile.

§ 10.812 *Passenger locomotive-miles.* This account shall include miles run by locomotives in passenger-train service, the train-miles of which are includible in account 802, "Passenger-train miles."

Principal passenger locomotive-miles: Miles run by locomotives principal to the train between terminals or stations, with passenger trains.

Helper passenger locomotive-miles: Miles run by locomotives as helpers over the division, or that portion covered by the run, or on important grades.

Light passenger locomotive-miles: Miles run by locomotives light between terminals or stations on account of unbalanced traffic, in connection with passenger-train service; miles run light between passenger trains and next coaling station or water tank for coal or water; miles run light to pick up or assist a passenger train between terminals; miles run light by grade helpers in returning from assisting passenger trains as pushers or double-headers; and miles run light by locomotives coming from or going to enginehouses or turntables from passenger-train service.

NOTE: No miles shall be allowed for light movements at terminals if the distance between enginehouses or turntables and passenger-train terminals is less than one-half mile.

TRANSPORTATION SERVICE; SWITCHING

§ 10.815 *Train switching locomotive-miles.* This account shall include miles allowed train locomotives for performing switching service at terminals and way stations. Include such items as switching at industry tracks, team tracks, freight house tracks, and interchange tracks; picking up or leaving cars en route; switching out bad order cars, weighing cars, making up or breaking up train at points where no yard service is maintained. No time should be included representing delays that may occur after yard switching has been completed such as waiting for a train order, held up account of meeting with a train in opposite direction, waiting for waybills or other time lost due to conditions other than actual train switching.

§ 10.816 *Yard switching locomotive-miles.* This account shall include miles allowed yard locomotives while switching in yards where regular switching service is maintained; also miles of switching locomotives running light between terminals and yards where regular switching service is maintained in connection with switching service in such yards. This account shall be subdivided as follows:

Yard switching locomotive-miles; freight: Miles allowed yard locomotives in yards where regular switching service is maintained and in terminal switching and transfer service while engaged in switching cars in connection with the transportation of revenue freight; also miles allowed locomotives in such service while engaged incidentally in switching cars in connection with the transportation of company freight.

Yard switching locomotive-miles; passenger: Miles allowed yard locomotives while switching cars in connection with passenger-train service.

NOTE: Where yard switching is performed for both freight and passenger service by the same locomotive, or by locomotives assigned to one yard, a fair approximation of the mileage may be assigned to each service daily or monthly.

WORK SERVICE

§ 10.817 *Work service locomotive-miles.* This account shall include the actual miles run by locomotives in work-train service as defined in § 10.805; also miles of locomotives engaged solely in shop or material yard switching service.

NOTE A: Miles run by locomotives while engaged incidentally (in connection with regular yard switching service) in switching company material in company shop or material yards, or in switching equipment for repairs between yards and shops, shall be included in account 816, "Yard switching locomotive-miles."

NOTE B: Miles run by locomotives engaged in shop and material yard switching service, if operated by shop employees, shall not be included in this account.

CAR MILES

§ 10.820 *Rules and definitions.* (a) A car-mile is a movement of a unit of car equipment a distance of 1 mile.

(b) In computing car-miles, fractions representing less than one-half mile shall be disregarded, and other fractions considered as 1 mile.

(c) Separate accounts of car-miles shall be kept for the cars in trains hauled by locomotives and for the cars in trains moved by motor cars. The record of car-miles in trains moved by motor cars shall show separately the miles for motor cars and for cars not thus equipped.

CAR-MILE ACCOUNTS

TRANSPORTATION SERVICE

§ 10.821 *Freight-train car-miles.* (a) This account shall include the miles run by freight-train cars (including caboose cars) in transportation service. Such car-miles shall be subdivided as follows:

Loaded (run by loaded freight cars).
Empty (run by empty freight cars).
Caboose (run by caboose cars).

(b) This account shall be so kept as to show miles run in freight trains and in passenger trains separately.

§ 10.822 *Passenger-train car-miles.* (a) This account shall include the actual miles run by passenger-train cars in transportation service. It shall include miles of loaded cars and also of empty cars deadheaded in connection with the service, and shall be subdivided as follows:

(1) *Coaches.* Miles run by coaches and chair cars in which passengers are carried at regular tariff fares without extra charge for space occupied.

(2) *Combination coach cars.* Miles run by combination passenger and baggage, passenger and mail, and passenger and express cars in which passengers are carried at regular tariff fares without extra charge for space occupied.

(3) *Sleeping and parlor cars.* Miles run by sleeping, parlor, and other cars for which an extra fare is charged for space occupied.

(4) *Dining, club, lounge, and observation cars.* Miles run by dining, cafe, and other cars devoted exclusively to the serving of meals and other refreshments and by club, lounge, and observation cars without charge in excess of sleeping or parlor car fares.

(5) *Business cars.* Miles run by all railway business cars operated for the transportation of the carrier's officers and employees.

(6) *Other passenger-train cars.* Miles run by baggage, express, mail, milk, and postal cars, and by cars in which such services are combined. (This class includes no cars intended for the transportation of revenue passengers.)

(b) This account shall be so kept as to show miles run in freight trains and in passenger trains separately.

WORK SERVICE

§ 10.825 *Work service car-miles.* This account shall include miles run by cars in work trains, except by equipment which is designed exclusively for work service, such as snow plows, flangers, derricks, pile drivers, wrecking cranes, tool cars, and camp outfits. (For definition of work train see § 10.805.)

[F. R. Doc. 52-11908; Filed, Nov. 10, 1952, 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

REIMBURSEMENT TO OWNERS AND TENANTS OF LAND ACQUIRED BY THE DEPARTMENT OF THE ARMY PURSUANT TO PUBLIC LAW 534, 82d CONGRESS

New §§ 536.100 through 536.107 are added to Part 536 as follows:

Sec.
536.100 Statutory provisions.
536.101 Definitions of terms as used in §§ 536.100–536.107.

Sec.
536.102 Scope.
536.103 Delegation.
536.104 Filing of application.
536.105 Limitation of amount of payment.
536.106 Conditions of reimbursements.
536.107 Payment.

AUTHORITY: §§ 536.100 to 536.107 issued under Pub. Law 534, 82d Cong.
SOURCE: Regs., September 26, 1952, ENGCM.

§ 536.100 *Statutory provisions.* The Secretary of the Army is authorized, to the extent he determines to be fair and reasonable, under regulations approved by the Secretary of Defense, to reimburse the owners and tenants of land to be acquired for any public works project of the Department of the Army for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, which reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquisition as may otherwise be authorized by law: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of the fair value of such parcel of land as determined by the Secretary of the Army. No payment in reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages so incurred, shall have been submitted to the Secretary of the Army within one year following the date of such acquisition. The authority for reimbursement of owners and tenants for moving costs conferred by section 401 (b) of the act shall be in addition to but not in duplication of authority contained in subsection 501 (b) of the act of September 28, 1951 (65 Stat. 365) (see §§ 536.90 to 536.97) for the reimbursement to owners and tenants of land acquired pursuant to authorization in said act.

§ 536.101 *Definitions of terms as used in §§ 536.100–536.107*—(a) *The act.* Public Law 534, 82d Congress, approved July 14, 1952.

(b) *Owner.* Any owner of land who moves himself, his family, or his possessions because of acquisition of his land for any public works project of the Department of the Army.

(c) *Tenant.* One who under proper authority uses or occupies land and who moves himself, his family, or his possessions because of acquisition of such land for any public works project of the Department of the Army.

(d) *Land to be acquired for any public works project.* Acquisition by the Department of the Army of any interest in land required for military, river and harbor or flood control purposes, except industrial installations not within the boundaries of an authorized multiple ownership project being acquired under circumstances similar to those involved in the normal acquisition of property for an airfield, camp or reservoir.

(e) *Industrial installations.* Any unit of real property which when acquired by the United States is being used or is useful for the production of matériel, munitions and supplies or for industrial research and development.

(f) *Date of acquisition.* The date on which title to land being acquired vests in the United States or the date on which the temporary term commences if a possessory interest only is being acquired.

(g) *Fair value.* The value of the land as determined in accordance with Department of the Army appraisal procedure.

§ 536.102 *Scope.* Pursuant to the provisions of the act, reimbursement may only be made to the extent determined fair and reasonable for items of expense and other losses and damages incurred by owners or tenants in the process and as a direct result of the moving of themselves and their families and possessions. The types of reimbursable items and non-reimbursable items hereinafter described are not intended to be exclusive.

(a) Types of reimbursable items:

(1) Moving expenses, such as costs of transportation, insurance, crating and unerating.

(2) Temporary storage expenses.

(3) Expenditures for obtaining new site or land such as cost of appraisals, surveys, and title searches, where such expenses are normally borne by the purchaser. This does not include any part of the purchase price for the new site or any expenditures for the purpose of adding to the value or utility of the new site.

(b) Types of non-reimbursable items:

(1) Costs of conveying property to the Government.

(2) Consequential damages or losses, such as as loss of good will, loss of profits, loss of trained employees, or expenses of sales and losses because of such sales.

§ 536.103 *Delegation.* Authority is delegated to the Chief of Engineers, Department of the Army, and such of his officers or employees in the Office, Chief of Engineers, as he may designate and are approved by the Secretary of the Army to perform all functions and make all determinations which are authorized to be performed by the Secretary of the Army with respect to reimbursement under the provisions of section 401 (b), of the act.

§ 536.104 *Filing of application.* All applications for reimbursement will be filed with the appropriate Division or District Engineer, Corps of Engineers, Department of the Army, for forwarding to the Chief of Engineers for final action. Such applications must be delivered to or mailed to such Division or District Engineer within one year from the date of acquisition and must be supported by an itemized statement of the expenses, and the losses and damages incurred and for which reimbursement is requested.

§ 536.105 *Limitation of amount of payment.* The act provides that the total amount of reimbursement to all owners and tenants of any parcel of land shall not exceed 25 percent of the fair value of such parcel of land. In the event that the approved amount of reimbursement for all owners and tenants exceed 25 percent of the fair value of the land, each applicant will receive the same proportion of the 25 percent of the fair value as the approved amount for each application is of the total amount approved for all applications.

§ 536.106 *Conditions of reimbursement.* In determining whether reimbursement will be made and the extent and amount thereof, consideration will be given to the following:

(a) Reimbursement shall not be made unless and until reasonable proof of the expenses or other losses and damages incurred, in the form of receipts therefor or the next best evidence thereof when receipts are not available, have been submitted.

(b) Reimbursement shall not be made to the extent the applicant's negligence, or wrongful act has contributed to the amount of the expenses, losses or damages.

(c) Reimbursement shall not be made for expenses, losses or damages which were allowed in establishing the compensation paid or to be paid for the interest acquired in the land.

§ 536.107 *Payment.* Appropriate action will be taken to accomplish payment in accordance with prescribed procedure and regulations. Reimbursement will be made from funds appropriated to the Department of the Army pursuant to any act authorizing civil or military public works projects for the Department of the Army, to the extent available.

NOTE: The regulations contained in §§ 536.100–536.107 were approved by the Secretary of Defense on October 17, 1952.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army.
The Adjutant General.

[F. R. Doc. 52-12057; Filed, Nov. 10, 1952; 8:53 a. m.]

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 723—BOARD FOR THE CORRECTION OF NAVAL RECORDS

Part 723 is revised to read as follows:

Sec.
723.1 General provisions.
723.2 Establishment, function, and jurisdiction of the Board.
723.3 Application for correction.
723.4 Entitlement to hearing; notice; counsel; witnesses; access to records.
723.5 Hearing.
723.6 Action by the Board.
723.7 Action by the Secretary.
723.8 Staff action.
723.9 Reconsideration.
723.10 Settlement of claims.
723.11 Miscellaneous.

AUTHORITY: §§ 723.1 to 723.11 issued under sec. 207, 60 Stat. 837 as amended, 65 Stat. 655; 5 U. S. C. 191a.

§ 723.1 *General provisions*—(a) *Purpose.* This part establishes procedures for making application, and the consideration of applications, for the correction of Navy and Marine Corps records (hereinafter referred to as naval rec-

ords) by the Secretary of the Navy acting through the Board for Correction of Naval Records (hereinafter referred to as the Board).

(b) *Authority.* Section 131 of the Legislative Reorganization Act of 1946 (60 Stat. 831) provides that no private bill or resolution, and no amendment to any bill or resolution, authorizing or directing the correction of military or naval records shall be received or considered in either the Senate of the House of Representatives. Section 207 of the same act, as amended (65 Stat. 655), provides:

(a) The Secretaries of the Army, Navy, and Air Force and the Secretary of the Treasury (with respect to the Coast Guard), respectively, under procedures set up by them, and acting through boards of civilian officers or employees of their respective Departments, are authorized to correct any military or naval record where in their judgment such action is necessary to correct an error or remove an injustice, and corrections so made shall be final and conclusive on all officers of the Government except when procured by means of fraud: *Provided*, That procedures set up by the Secretaries of the Army, Navy, and Air Force in accordance with this subsection shall be approved by the Secretary of Defense: *Provided further*, That no corrective action shall be taken under this subsection unless the request therefor be filed by claimant, his heirs at law, or legal representatives within three years after his or their discovery of the alleged error or injustice, or within ten years after the date of enactment of this act, whichever be the later: *Provided further*, That the failure to file the request by claimant, his heirs at law, or legal representative, within three years after his or their discovery of the alleged error or injustice may be excused by such board of civilian officers or employees of the respective Departments upon finding by it that it is in the interest of justice to excuse such failure to file within the prescribed time in which event action shall be taken in the same manner as if the request had been filed within the three years as prescribed herein.

(b) The Department concerned is authorized to pay, out of applicable current appropriations, claims of any persons, their heirs at law or legal representatives as hereinafter provided, of amounts paid as fines, forfeitures, or for losses of pay (including retired or retirement pay), allowances, compensation, emoluments, or other monetary benefits, as the case may be, which are found to be due on account of military or naval service as a result of the action heretofore taken pursuant to section 207 of the Legislative Reorganization Act of 1946, or hereafter taken pursuant to subsection (a) of this section: *Provided*, That in the case of deceased persons where no demand is presented by a duly appointed legal representative of the estate, payments otherwise due hereunder shall be made to the decedent's widow, widower, legal heirs, or beneficiaries, in the order of precedence or succession as may be prescribed by the applicable provisions of law relating to the kind of payment involved and when not otherwise so provided, in the order of precedence as set forth in the act of February 25, 1946 (60 Stat. 30), or as may be prescribed by the applicable provisions of law relating to the kind of payment involved.

(1) This subsection shall not be deemed to authorize the payment of any claim heretofore compensated by Congress through enactment of a private law.

(c) The acceptance by the claimant of any settlement made pursuant to subsection (b) of this section shall constitute a complete release by the claimant of any claim against the United States on account of such correction of record.

(d) Applicable current appropriations shall be available for payment of such sums as may be due for continuing the pay (including retired or retirement pay), allowances, compensation, emoluments, and other monetary benefits to persons who shall have received payment pursuant to the provisions of subsection (b) of this section and who may be entitled to such continuing payments as a result of the correction of their military or naval records: *Provided*, That continuing payments are authorized to be made to such personnel for not more than one year following the date of the correction or one year following the date of enactment of this Act, whichever be the later, without the necessity of reenlistment, appointment, or reappointment to the grade, rank, or office to which such pay (including retired or retirement pay), allowances, compensation, emoluments, and other monetary benefits are attached, and such reenlistments, appointments, and reappointments are hereby authorized by the Secretary concerned without regard to other qualifications.

(e) The Secretary of Defense and the Secretary of the Treasury, for their respective Departments, shall make semiannual reports to the Congress of all claims paid under this subsection during the period covered by each such report. Each such report shall include, with respect to each such claim, a statement of the amount paid, to whom, and a brief description of the claim.

(f) Nothing in this Act shall be construed to authorize the payment of any amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Administrator of Veterans' Affairs.

§ 723.2 *Establishment, function and jurisdiction of the Board*—(a) *Establishment and composition.* (1) Pursuant to the provisions of section 207 of the Legislative Reorganization Act of 1946, as amended, the Board for Correction of Naval Records is established in the Office of the Secretary of the Navy.

(2) The Board will consist of civilian officers or employees of the Department of the Navy in such number, not less than three, as may be appointed by the Secretary of the Navy. Three members present shall constitute a quorum of the Board. The Secretary of the Navy will designate one member as the Chairman. In the event of absence or incapacity of the Chairman, an Acting Chairman chosen by the Board shall act as Chairman for all purposes.

(b) *Function.* The function of the Board is to consider all applications properly before it for the purpose of determining the existence of an error or an injustice and to make appropriate recommendations to the Secretary of the Navy.

(c) *Jurisdiction.* The Board shall have jurisdiction to review and determine all matters properly brought before it, consistent with existing law.

§ 723.3 *Application for correction*—(a) *General requirements.* (1) The application for correction should be submitted on DD Form 149 (Application for Correction of Military or Naval Records) or exact facsimile thereof, and should be addressed to: The Secretary of the Navy (Board for Correction of Naval Records), Washington 25, D. C. Forms and explanatory matter may be obtained from: Board for Correction of Naval Records, Navy Department, Washington 25, D. C.

(2) Except as provided in subparagraph (3) of this paragraph, the application shall be signed by the person requesting corrective action with respect to his record and will either be sworn to or will contain a provision to the effect that the statements submitted in the application are made with full knowledge of the penalty provided by law for making a false statement or claim. (Title 18, U. S. Code, secs. 287, 1001).

(3) When the record in question is that of a person who is incapable of making application himself, or whose whereabouts is unknown, or when such person is deceased, for the purpose of bringing the matter before the Board the application may be made (except where compliance with the provisions of the law with respect to time limitations for filing an application may require otherwise) by such person as the Board shall determine to be competent and suitable and to have a proper interest therein, including but not limited to, a spouse, a parent, or relative. Such proof of suitability and proper interest shall be submitted as may be required by the Board.

(b) *Time limit for filing application.* The claimant, his heirs at law, or legal representatives, must file a request for correction of a record with the Secretary of the Navy prior to October 25, 1961, or within three years of discovery of the alleged error or injustice, whichever be the later. The failure to file such request within the time prescribed may be excused by the Board on its finding that it is in the interest of justice to do so.

(c) *Exhaustion of other remedies.* No application will be considered until the applicant has exhausted all effective administrative remedies afforded him by existing law or regulations, and such legal remedies as the Board shall determine are practical and appropriately available to the applicant.

(d) *Other proceedings not stayed.* The application to the Board for correction of a record shall not operate as a stay of any proceedings being taken with respect to the person involved.

(e) *Denial of application.* It shall be adequate ground for denial of any application that a sufficient basis for review has not been established or that effective relief cannot be granted.

§ 723.4 *Entitlement to hearing; notice; counsel; witnesses; access to records*—(a) *Entitlement to hearing.* When an application has been found to be within the jurisdiction of the Board and sufficient evidence has been presented indicating probable error or injustice, the applicant will be entitled to a hearing before the Board either in person or by counsel of his own selection or in person with counsel.

(b) *Notice.* (1) In each case in which a hearing is authorized, the Board will transmit to the applicant and counsel, if any, a written notice stating the time and place of hearing. The notice will be mailed to the applicant and counsel, if any, at least thirty days prior to the date of hearing, except that an earlier date may be set where the applicant waives his right to such notice in writing.

(2) Upon receipt of notice of hearing, the applicant will notify the Board in writing at least 15 days prior to the date set for hearing as to whether he will be present at the hearing and will indicate to the Board the name of counsel, if represented by counsel, and the names of such witnesses as he may intend to call in his behalf. Cases in which the applicant notifies the Board that he does not desire to be present at the hearing, will be considered in accordance with § 723.5 (b) (2).

(c) *Counsel, definition of.* As used in this part, the term "counsel" will be construed to include members in good standing of the Federal Bar or the Bar of any State, accredited representatives of veterans organizations recognized by the Veterans Administration under section 200 of the act of June 29, 1936 (38 U. S. C. 101), and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the request of the applicant for correction, unless barred by law.

(d) *Witnesses.* The applicant will be permitted to present witnesses in his behalf at hearings before the Board. It will be the responsibility of the applicant to notify his witnesses and to arrange for their appearance at the time and place set for hearing.

(e) *Access to records.* (1) The applicant shall have access to such official records as are deemed necessary to an adequate presentation of his case. It will be the responsibility of the applicant to procure such evidence not contained in the official records of the Department of the Navy as he desires to present in support of his case.

(2) Classified or privileged matter shall not be disclosed or made available without express finding of the Chairman that such disclosure is required in the case and is not detrimental to the public interest. Such disclosure must be in accordance with law and departmental regulations concerning the security of classified material. When appropriate the applicant may be supplied only with a summary or extract of classified matter.

§ 723.5 *Hearing*—(a) *Convening of Board.* The Board will be convened at the call of the Chairman and will recess or adjourn at his order.

(b) *Conduct of hearing.* (1) The hearing shall be conducted by the Chairman, and shall be subject to his rulings so as to insure a full and fair hearing. The Board shall not be limited by legal rules of evidence but shall maintain reasonable bounds of competency, relevancy, and materiality:

(2) If the applicant, after being duly notified, has indicated to the Board that he does not desire to be present or to be represented by counsel at the hearing, the Board will consider the case on the basis of all the material before it, including, but not limited to, the application for correction filed by the applicant, any documentary evidence filed in support of such application, any brief submitted by or in behalf of the applicant, and all available pertinent records.

(3) If the applicant, after being duly notified, has indicated to the Board that he will be present or be represented by counsel at the hearing, and without good cause and timely notice to the Board, he or his representative fails to appear at the time and place set for the hearing, the Board may consider the case in accordance with the provisions of subparagraph (2) of this paragraph, or will make such other disposition of the case as is indicated under the circumstances.

(4) All testimony before the Board shall be given under oath or affirmation. The proceedings of the Board and the testimony given before it will be recorded verbatim.

(c) *Continuance.* The Board may continue a hearing on its own motion. A request for continuance by or in behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

§ 723.6 *Action by the Board*—(a) *Deliberations, findings, decisions, and recommendations.* (1) Only members of the Board and its staff shall be present during the deliberations of the Board.

(2) Whenever, during the course of its review of the case, it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed by the records or by the testimony and other evidence before the Board, the Board may require the applicant to obtain, or the Board may obtain, such further information as it may consider essential to a complete and impartial determination of the facts and issues.

(3) Following a hearing, the Board will make written findings, decisions, and recommendations. A majority vote of the members present on any matter before the Board will constitute the action of the Board and shall be so recorded.

(4) Where the Board deems it necessary to submit comments or recommendations to the Secretary of the Navy as to matters arising from but not directly related to the issues of any case, such comments and recommendations shall be the subject of separate communication.

(b) *Minority report.* In case of a disagreement between members of the Board a minority report may be submitted, either as to the findings, decision, or the recommendations or to all, including the reasons therefor.

(c) *Record of proceedings.* When the Board has completed its proceedings, a record thereof shall be prepared. Such record shall indicate whether or not a quorum was present at the hearing and at the Board's deliberations. The record shall include the application for relief, a transcript of any testimony, affidavits, papers, and documents considered by the Board, briefs and written arguments filed in the case, the findings, decision and recommendations of the Board and all other papers, documents, and reports necessary to reflect a true and complete history of the proceedings. The record so prepared will be certified by the Chairman or his designee as being true and complete.

(d) *Withdrawal.* The Board may permit an applicant to withdraw his application without prejudice at any time before its proceedings are forwarded to the Secretary of the Navy.

§ 723.7 *Action by the Secretary.* The record of proceedings of the Board will be forwarded to the Secretary of the Navy who will direct such action in each case as he determines to be appropriate, which may include the return of the record to the Board for further consideration when deemed necessary.

§ 723.8 *Staff action.* (a) Upon final action by the Secretary of the Navy, the record of proceedings shall be returned to the Board for disposition. The Board shall transmit the decision previously submitted and approved by the Secretary of the Navy to the proper naval authority for appropriate action.

(b) The addresses of such decisions shall report compliance therewith to the Chairman of the Board.

(c) The Board shall transmit a copy of the record of proceedings to the proper naval authority for filing in the service record of the subject of the application except where the effect of such action would be to nullify the relief granted. In such cases no reference to the Board's decision shall be made in the service record or files of the applicant and all copies of the record of proceedings and any related papers shall be forwarded to the Board and by it retained in a confidential file maintained for the purpose. Access to such file shall be had only upon written order of the Secretary of the Navy.

(d) Upon receipt of the record of proceedings after final action by the Secretary of the Navy, the Board shall communicate the decision to the applicant and his counsel, if any.

(e) The applicant shall not be entitled to copies of the record of proceedings, but such record shall be made available for his inspection except where, in the discretion of the Chairman, it is detrimental to the public interest.

§ 723.9 *Reconsideration.* After final adjudication further hearing before the Board will be granted only upon presentation by the applicant of newly discovered relevant evidence not previously considered by the Board and then only upon recommendation of the Board and approval by the Secretary of the Navy.

§ 723.10 *Settlement of claims*—(a) *Authority.* (1) The Department of the Navy is authorized to settle and pay claims for amounts paid as fines or forfeitures or for losses of pay (including retired or retirement pay), allowances, compensation, emoluments, or other monetary benefits as the case may be which are found to be due, under applicable provisions of law, on account of naval service, and as the result of action heretofore or hereafter taken under section 207 of the Legislative Reorganization Act of 1946, as amended, except as provided in subparagraph (2) of this paragraph.

(2) The Department of the Navy is not authorized to pay any claim heretofore compensated by Congress through enactment of a private law, or to pay any amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Administrator of Veterans' Affairs.

(b) *Application for settlement.* (1) Settlement and payment of claims shall be made only upon a claim of the person whose record has been corrected or of his legal representative, his heirs at law, or his beneficiaries. Such claim for settlement and payment may be filed as a separate part of the application for correction of the record.

(2) In case the person whose record has been corrected is deceased, and where no demand is presented by a duly appointed legal representative of the estate, payments otherwise due shall be made to the decedent's widow, widower, legal heirs, or beneficiaries, in the order of precedence or succession as may be prescribed by the applicable provisions of law relating to the kind of payment involved and when not otherwise so provided, in the order of precedence as set forth in the act of February 25, 1946 (60 Stat. 30), or as may be prescribed by the applicable provisions of law relating to the kind of payment involved.

(3) Upon request, the applicant or applicants shall be required to furnish requisite information to determine their status as proper parties to the claim for purposes of payment under applicable provisions of law.

(c) *Settlement.* (1) Settlement of claims shall be upon the basis of the decision and recommendations of the Board, as approved by the Secretary of the Navy. Computation of the amounts due shall be made by the appropriate disbursing activity. In no case will the amount found due exceed the amount which would otherwise have been paid or have become due under applicable laws had no error or injustice occurred. To the extent authorized by law and regulations, amounts found due may be reduced by the amount of any existing indebtedness to the Government arising from naval service.

(2) Prior to or at the time of payment, the person or persons to whom payments are to be made shall be advised by the disbursing activity as to the nature and amount of the various benefits represented by the total settlement, and shall be advised further that acceptance of such settlement shall constitute a complete release by the claimants involved of any claim against the United States on account of the correction of the record.

(d) *Report of settlement.* (1) In every case where payment is made, the amount of such payment and the names of the payee or payees, shall be reported to the Chairman of the Board.

(2) The Chairman of the Board shall make a semi-annual report to the Secretary of the Navy of all claims paid during the period covered by the report, including a statement of the amount paid, the names of the payee or payees and a brief description of the claim in each case.

§ 723.11 *Miscellaneous.*—(a) *Staff assistance.* The facilities of all bureaus, offices and boards of the Navy Department shall be made available to the Board to assist it in the performance of its function.

(b) *Expenses.* No expenses of any nature whatsoever voluntarily incurred by the applicant, his counsel, his witnesses, or by any other person in his behalf, will be paid by the Government.

(c) *Changes in procedures.* The Board may initiate recommendations for such changes in procedures as established herein as may be considered necessary for the proper functioning of the Board. Such changes will be subject to the approval of the Secretary of the Navy and of the Secretary of Defense.

The regulations contained in this part were approved by the Acting Secretary of Defense on September 29, 1952, and became effective on that date.

Dated: November 3, 1952.

[SEAL] DAN A. KIMBALL,
Secretary of the Navy.

[F. R. Doc. 52-12022; Filed, Nov. 10, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 17, Supplementary Regulation 10, Interpretation 1]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUIFIED PETROLEUM PRODUCTS, NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS AND REFINERY GAS

SR 10—SPECIFIC CEILING PRICES FOR MIDDLE DISTILLATES ON THE EAST COAST

INT. 1—DETERMINATION OF PRICES AT TANK CAR AND OTHER LEVELS (SECTION 2)

Several questions have been raised as to the proper interpretation of the pricing provisions of Supplementary Regulation 10 to Ceiling Price Regulation 17.

Section 2 (a) of SR 10 establishes ceiling prices at East Coast ports for tank car or transport truck delivery for sale to resellers. The phrase "tank car or transport truck deliveries" refers to the level of sales as distinguished from the method of delivery. While the method of delivery is ordinarily determinative of the level of sale it is not necessarily so.

Section 2 (d) (2) permits the addition to the ceiling prices set forth in sections 2 (a), (b), and (c) of 0.15 cents per gallon on sales by operators of terminals or refineries and by bulk plant operators to others than bulk plant operators, but this 0.15 cents per gallon may not be added on sales to resellers at the tank car or transport truck level. The 0.15 cents per gallon cannot be added by either a terminal or refinery operator or a bulk plant operator on sales to a dealer who uses bulk storage in the regular conduct of his kerosene and fuel oil business, unless, despite such dealer's maintenance of storage facilities, his supplier has customarily classified and treated him from the standpoint of price as a purchaser at the tank wagon level as distinguished from a purchaser at the tank car or transport truck level. If the dealer's bulk plant is not used or is used for other purposes than storage and distribution he is not a bulk plant operator and may be charged the 0.15 cents per gallon.

Section 4 of Supplementary Regulation 10 requires the preservation of customary differentials, discounts and allowances in effect during the base period. If the ceiling price established under SR 10 properly includes the 0.15 cents per gallon allowable on sales to other than bulk plant operators, customary differentials, discounts and allowances must be made from that ceiling price. For example, if a reseller not operating a bulk plant and not taking in tank car or transport truck lots has customarily bought on the basis of tank car prices his supplier may add the 0.15 cents per gallon to his price. However, having done so, he must reduce the price by any differentials, discounts or allowances that were customarily granted that reseller.

Under section 2 (d) (1) resellers of products obtained from terminals and refineries may raise their prices to ultimate consumers by the amount of the increase allowable to their suppliers under SR 10 regardless of whether they have actually paid their suppliers that increase. In any case, the ceiling price on any sale to any ultimate consumer is the appropriate, specific ceiling set forth in sections 2 (a), 2 (b) or 2 (c) plus 0.15 cents per gallon.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 7, 1952.

[F. R. Doc. 52-12105; Filed, Nov. 7, 1952; 4:36 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 8, Revision 1]

CPR 34—SERVICES

SR 8—POWER LAUNDRIES IN COOK COUNTY, ILLINOIS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Revision 1 to Supplementary Regulation 8 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This revision of Supplementary Regulation 8 to Ceiling Price Regulation 34 permits power laundries in Cook County, Illinois, to increase by ten percent the ceiling prices of their power laundry services. This revised supplementary regulation does not permit the increase to be applied to diaper supply, linen supply and dry cleaning services of such laundries.

Because of a decrease in earnings due to sharply increased costs resulting from authorized wage increases, Supplementary Regulation 8 to Ceiling Price Regulation 34 which was issued November 21, 1951, authorized power laundries in Cook County, Illinois, to increase their ceiling prices by five percent. The adjustment was based on financial data for fiscal periods beginning in 1949 and ending June 1951. However, since the original issuance of Supplementary Regulation 8, despite some volume increases, further increases in costs arising out of additional wage increases are causing the power laundries in Cook County, Illinois, to show a loss for 1952 as against a profit for 1949.

Under the provisions of this revision the power laundries in Cook County, Illinois, are permitted to increase the ceiling prices which they established prior to the five percent increase, or sections 20 (a), 20 (b), or 20 (c) of Ceiling Price Regulation 34, by 10 percent.

In the judgment of the Director of Price Stabilization the price increases permitted by this revised supplementary regulation are the minimum needed to permit the continued supply of this service.

In the formulation of this revision, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this revision are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *Purpose.* This revised supplementary regulation permits power laundries in Cook County, Illinois, to increase by ten percent their charge for power laundry services, except diaper supply, linen supply, and dry cleaning services. This increase is in lieu of the increase previously permitted by Supplementary Regulation 8 of Ceiling Price Regulation 34, as amended, and is not in addition thereto.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, unless changed by the provisions of this revised supplementary regulation as provided in sections 3 and 4 of this regulation remain in effect.

SEC. 3. *Adjustment of ceiling prices.* You may, to the extent you supply power laundry services in Cook County, Illinois, increase your ceiling prices by ten percent for power laundry services, except diaper supply, linen supply and dry cleaning services thus supplied, by either of the following methods:

(a) You may apply such an adjustment to the total amount of each invoice rendered to the customer, provided you shall clearly write or stamp beside the adjustment on each such invoice the words "OPS permitted price increase." If you use this method of applying your price increase you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

(b) You may, in lieu of the method provided in paragraph (a) of this section, increase by ten percent the flat prices of each power laundry services article, except a diaper supply, linen supply and dry cleaning service article. Within ten days after your prices are established under this paragraph, you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required under section 18 of Ceiling Price Regulation 34. You may not price under paragraph (a) of this section once you have elected to price under this paragraph (b).

(c) If the increase computed in paragraphs (a) or (b) of this section results in a fraction of a cent, the ceiling price must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* No seller of power laundry services subject to this revised supplementary regulation may, after the effective date of this regulation, obtain an increase in his ceiling prices for such power laundry services, except diaper supply, linen supply and dry cleaning services, under either section 20 (a), 20 (b) or 20 (c) of Ceiling Price Regulation 34. All orders establishing ceiling prices for any power laundry subject to this revised supplementary regulation issued under either section 20 (a), 20 (b) or 20 (c) of Ceiling Price Regulation 34 are hereby revoked, upon the effective date of this regulation.

SEC. 5. *Definitions.* (a) "Power laundry" or "power laundries" as used in this regulation are laundries which in the laundry trade are customarily known and designated as such, and do not include hand laundries, launderettes or laundries using home-type laundry equipment to supply laundry service.

Effective date. This revised supplementary regulation shall become effective November 7, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 7, 1952.

[F. R. Doc. 52-12091; Filed, Nov. 7, 1952; 4:00 p. m.]

[Ceiling Price Regulation 34, Amdt. 1 to Supplementary Regulation 10]

CPR 34—SERVICES

SR 10—LAUNDRIES IN DADE COUNTY, FLORIDA

CLARIFICATION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Supplementary Regulation 10 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to Supplementary Regulation 10 to Ceiling Price Regulation 34 clarifies and adds to the list of definitions contained in section 4 of this supplementary regulation. In addition, it clearly sets forth the applicability of the supplementary regulation to the services performed by independent routemen and stores who are known in the laundry and dry cleaning industry as "bobtailers." These bobtailers deal directly with hotels in picking up hotel flat work items which are then processed by sellers of wholesale laundering services. The processed flat work is paid for by the bobtailer at a discount from the laundry's normal wholesale price. This customary discount is the differential established under section 16 of Ceiling Price Regulation 34 as amended. The bobtailer's selling price to the hotels is traditionally the same as the laundry's normal wholesale selling price for similar service to hotels. Some question has arisen as to whether sales to the hotels by these so-called bobtailers is within the coverage of Supplementary Regulation 10. To clarify this point a new sentence is added to section 4 specifically designating bobtailers as sellers of wholesale laundry service to hotels. This amendment will maintain traditional laundry and dry cleaning industry price relationships and is consistent with industry practice.

In addition, doubt has been expressed as to the meaning of the term "each pickup" contained in paragraph (a) of section 3 and subparagraph (a) (2) of section 4, some sellers contending that there was no limit placed on the number of pickups which could be made daily. In order to indicate that the additional charge for the first 50 pounds of each pickup of hotel flat work permitted by section 3 should be made on the basis of one pickup per day, an express limitation to that effect is included in that section. Corresponding changes have been made in the list of definitions contained in section 4.

Wholesale laundry service sellers remain subject to the provisions of Ceiling Price Regulation 34, including section 16 thereof, and their increased ceiling prices under this supplementary regulation must reflect their customary price differentials, including discounts to bobtail sellers.

In the formulation of this amendment there has been consultation with industry representatives, including trade as-

sociation representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 10 to Ceiling Price Regulation 34 is amended in the following respects:

1. Section 1 is amended by adding at the end thereof a new sentence to read as follows: "For the purpose of this regulation bobtail sellers are considered to be sellers of wholesale laundering service."

2. Paragraph (a) of section 3 is amended by adding at the end thereof a new sentence to read as follows: "However, the 8¢ per initial 50 pounds charge is limited to the first 50 pounds of flat work picked up on any one day."

3. A new subparagraph (3) is added to paragraph (a) of section 4 to read as follows:

(3) "Bobtail sellers" means a separate class of purchaser and reseller of wholesale laundering services, consisting of independent routemen and stores, not employed or owned by a laundry furnishing wholesale services to hotels, which purchases such wholesale laundering services from a wholesale laundry service seller at a discount and resells these services to its own customers at the same prices that the wholesale laundry itself would have charged the same class of purchaser for the same services. Bobtail sellers do not ordinarily engage in processing operations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Supplementary Regulation 10 to Ceiling Price Regulation 34 is effective November 10, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12130; Filed, Nov. 10, 1952; 11:13 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 25]

CPR 34—SERVICES

SR 25—POWER LAUNDRIES IN PHILADELPHIA, PENNSYLVANIA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 25 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 25 to Ceiling Price Regulation 34 permits an increase in ceiling prices for certain power laundry services and dry cleaning services supplied by power laundries located in the City of Philadelphia, Pennsylvania. An increase in ceiling prices is also given to independent routemen and stores, known in the laundry and dry cleaning industry as "bobtailers", in order that customary differentials between classes of power laundry service purchasers may be maintained. This supplementary regulation does not permit the increase to be applied to the diaper supply and linen supply services of such laundries.

A study of the operating costs and profit margins of a representative number of the power laundries in the City of Philadelphia, which provide 90 percent of the total sales of services furnished by these laundries amounting to an estimated $16,300,000 in 1951, reveals that increased labor and material costs have impaired the pre-Korean earnings of such laundries. In addition, new wage contracts entered into with labor unions representing the employees of these laundries resulted in substantial wage increases to all classes of workers. These wage increases are all within the formula of Wage Stabilization Board regulations or have received Wage Stabilization Board approval, with the result that earnings of these laundries will be further impaired. The price increase granted herein has been determined to be the minimum necessary to maintain the financial stability of these laundries in order to assure a continued supply of these essential services. The uniform increase has been determined in accordance with the standards for individual adjustments under section 20 of Ceiling Price Regulation 34.

Under the provisions of this supplementary regulation, ceiling prices of such power laundries and bobtail sellers may be increased by 9 percent, such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase." If this method is used to apply the amount of the increase, the seller need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34. At the option of the individual laundry and bobtailer, however, the flat ceiling price for each article may be increased by 9 percent. Adjusted flat ceiling prices must, within ten days after their determination, be filed with the appropriate Office of Price Stabilization district office as required by section 18 as amended of Ceiling Price Regulation 34.

In the future, power laundries and bobtailers subject to this supplementary regulation may not obtain an adjustment of their ceiling prices for power laundry and dry cleaning services under section 20 of Ceiling Price Regulation 34. Any adjustment of ceiling prices under section 20 of Ceiling Price Regulation 34 heretofore granted is automatically revoked as of the effective date of this supplementary regulation.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *Purpose.* This supplementary regulation permits power laundries whose plants are located in the City of Philadelphia, Pennsylvania, to increase their ceiling prices for power laundry and dry cleaning services by 9 percent. It also permits bob-tail sellers (see section 5—*Definitions*) who purchase power laundry and dry cleaning services from power laundries located in Philadelphia, Pennsylvania, for resale to ultimate consumers, to increase their ceiling prices for the resale of such services by 9 percent. This supplementary regulation does not apply to the sale of diaper supply and linen supply services by power laundries or bob-tail sellers.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, except as affected by the provisions of this supplementary regulation, shall remain in effect.

SEC. 3. *Adjustment of ceiling prices.* If you are subject to this supplementary regulation, you may, to the extent you sell power laundry and dry cleaning services supplied by power laundries located in Philadelphia, Pennsylvania, increase your ceiling prices by 9 percent for power laundry and dry cleaning services, except diaper supply and linen supply services, thus supplied by either of the following methods:

(a) You may apply such an adjustment to the total amount of each invoice rendered to the customer, provided you shall clearly write or stamp on each such invoice the words "OPS permitted price increase." If you use this method of applying your price increase, you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

(b) You may, in lieu of the method provided in paragraph (a) of this section, increase by 9 percent the ceiling prices of each power laundry and dry cleaning service article, except a diaper supply and linen supply service article. Within ten days after your prices are established under this paragraph you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required under section 18 as amended of Ceiling Price Regulation 34. You may not establish prices under paragraph (a) of this section once you have elected to establish prices under this paragraph.

(c) If the price increase computed in paragraphs (a) or (b) of this section results in a fraction of a cent, the price increase must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* No seller subject to this supplementary regulation may, after the effective date of this supplementary regulation, apply for an adjustment of any of his ceiling prices for power laundry and dry cleaning services except diaper supply and linen supply services under section 20 of Ceiling Price Regulation 34, as amended. All orders establishing ceiling prices for any power laundry subject to this supplementary regulation issued under either section 20 (a), (b), or (c) of Ceiling Price Regulation 34 are hereby revoked, upon the effective date of this regulation.

SEC. 5. *Definitions.* (a) (1) "Power laundry" or "power laundries" as used in this regulation are laundries which in the laundry trade are customarily known and designated as such, and do not include hand laundries, launderettes or laundries using home-type laundry equipment to supply laundry services.

(2) "Bobtail sellers" as used in this regulation means a separate class of purchaser of power laundry and dry cleaning services, consisting of independent route men and stores, not employed or owned by a power laundry, which purchases such power laundry and dry cleaning services from a power laundry at a discount and resells these services to its own customers at the same prices that the power laundry itself would have charged the same class of purchaser for the same services. Bobtail sellers do not ordinarily engage in processing operations.

Effective date. This supplementary regulation is effective November 10, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12131; Filed, Nov. 10, 1952; 11:13 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 26]

CPR 34—SERVICES

SR 26—CEILING PRICES OF CERTAIN SELLERS OF AUTOMOTIVE AND FARM EQUIPMENT REPAIR SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation to Ceiling Price Regulation 34 adapts ceiling price regulation of automotive and farm equipment repair services more closely to the operation of the automotive and farm equipment industry.

Many sellers of automotive and farm equipment repair services also sell the type of commodities they service. There is no uniformity within the industry, however, in allocating overhead costs between the services portion and the commodity portion of such businesses. Some manufacturers of these commodities recommend to their dealers a method of allocating most overhead costs, but these recommended methods differ from one manufacturer to another, and the dealers of any particular manufacturer may differ among themselves in their application of the recommended method. These differences in methods of allocation cause differences in reported earnings, which would be nearly the same if the same method of allocation had been used. The Director's experience in processing applications under section 20 (a) of CPR 34 is that where the seller is chiefly a seller of automotive and farm equipment, rather than primarily a seller of repair services on such commodities, the differences in methods of allocation cause distortions in the adjustments granted, and that a modification of section 20 (a), as applied to such sellers, is therefore required. This supplementary regulation provides such a modification.

Since there is no basis uniformly used throughout the automotive and farm equipment industry for determining the earnings of dealers from the services portion of their businesses, this supplementary regulation employs, as a method of determining hardship in respect of their sales of automotive and farm equipment repair services, a ratio of labor sales to labor costs. This method utilizes the same category of labor costs and income from labor sales for all such dealers for all periods without reference to the commodity aspects of their businesses. In general this supplementary regulation employs this ratio of labor sales and labor costs as a basis on which it will grant adjustment of these service prices when the dollar difference between the labor sales and labor cost, for the same volume, has declined but in determining the amount of adjustment, if any, that will be granted, OPS will consider all of the factors mentioned in section 20 (a) of Ceiling Price Regulation 34 which remains applicable to these service sellers except insofar as it is inconsistent with this supplementary regulation. The adjusted ceiling prices of sellers whose representative period ends later than June 30, 1951, may not exceed the prevailing level of prices.

Those sellers who were not in business before January 26, 1951 and have no representative experience that could serve as a basis of adjusting their ceiling prices, but who have been in business at least three months are given the prevailing level of prices. Generally such sellers will be new sellers who have already been given approximately this level of prices as their ceiling prices for their services, and it is not anticipated that this provision of this supplementary regulation will have wide application.

This supplementary regulation also authorizes the service sellers to whom it applies to redetermine their ceiling prices for factory warranty services, on the automotive or farm equipment they sell, to enable them to recover their approximate direct labor costs in supplying these services. Traditionally these services have been furnished on the basis of the direct labor costs involved in supplying them and it is, therefore, considered equitable to provide that these sellers shall be authorized to charge a ceiling price that will enable them to continue to recover these costs.

This supplementary regulation provides a new form of application for adjustment and provides that such applications must, in all cases, be filed in the OPS district offices.

In the formulation of this supplementary regulation, there has been consultation with industry representatives including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Relationship to Ceiling Price Regulation 34.
3. Applicability.
4. Ceiling Price Adjustments.
5. Redetermination of your ceiling prices for factory warranty services.
6. Interpretations.
7. Definitions and explanations.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies the method of adjusting the ceiling prices of certain sellers for automotive and farm equipment repair services under section 20 (a) of Ceiling Price Regulation 34. It specifies a new form to be used in applying for such adjustments and now in all cases requires that such applications must be filed in the OPS district offices. It also provides a means whereby the sellers to whom it applies may redetermine their ceiling prices for factory warranty services.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* Except for the changes made by this supplementary regulation, all provisions of Ceiling Price Regulation 34, as amended, including section 20 (a) remain in effect with respect to sellers subject to this supplementary regulation.

SEC. 3. *Applicability.* This supplementary regulation applies to sellers of automotive and farm equipment repair services who also sell automotive or farm equipment, and whose dollar volume of customers labor sales (see section 7) was less than 50 percent of the total dollar volume of sales of their entire business during a representative period (see section 7), or if they were not in business before January 26, 1951, and have no

representative period but have been in business more than three months, during the entire time they have been in business.

SEC. 4. *Ceiling price adjustments.* (a) If this supplementary regulation applies to you, OPS will adjust your ceiling prices for automotive and farm equipment repair services upon a showing that they impair, to such an extent as to threaten the effective operation of your service business, your gross profit on customers labor sales (see section 7) in a representative period. In general, the amount of adjustment granted will be the amount necessary to give you the same dollar gross profit on customers labor sales as you had on the same volume of such sales in your representative period. In determining, however, the extent of the adjustment, if any, that will be granted to you, OPS will consider the factors specified in section 20 (a) of Ceiling Price Regulation 34, as amended, insofar as they are applicable to your service business. If your representative period ends later than June 30, 1951, your adjusted ceiling prices may not exceed the prevailing level of ceiling prices for the same services sold by the most similar class of sellers.

(1) If you were not in business before January 26, 1951, and have no representative period (see section 7), but have been in business more than three months, OPS will adjust your ceiling prices for automotive and farm equipment repair services to the prevailing level of ceiling prices for the same services sold by the most similar class of sellers.

(b) You must file your application for adjustment on OPS Public Form No. 154 in the OPS District Office for the OPS district in which your place of business is located. If you render services at more than one place of business, each place of business is a separate seller under this supplementary regulation and a separate application must be filed for each location at which you want your ceiling prices adjusted. In addition to the information required of you by OPS Public Form No. 154, OPS may request such additional information as may be found necessary in considering your application. If paragraph (a) (1) applies to you, you must file your application as requested in this paragraph.

(c) If prior to November 12, 1952, you have filed an application for adjustment of your ceiling prices for automotive or farm equipment repair services on OPS Public Form No. 43, revised, and an adjustment order has not been issued to you prior to December 2, 1952, you must reapply under this supplementary regulation on OPS Public Form No. 154.

SEC. 5. *Redetermination of your ceiling prices for factory warranty services.* If you compute your ceiling prices for factory warranty services rendered on automotive or farm equipment, under CPR 34, as amended, by multiplying the actual time required to perform the work, or a time allowance specified in a flat rate manual, by a rate which is below the wage rate you pay your regular productive mechanics, you may use the current wage rate to redetermine your ceiling prices for such services. If you redetermine your ceiling prices for factory warranty services under this section of this supplementary regulation, you must file a statement to that effect, including the wage rate you use in making the computation, with your OPS District Office before using your increased prices.

SEC. 6. *Interpretations.* If you want an official interpretation of this supplementary regulation or of OPS Public Form No. 154, you should write to the District Counsel of your OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this supplementary regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, as revised.

SEC. 7. *Definitions and explanations.* (a) When used in this supplementary regulation:

(1) "Automotive equipment" means any self-propelled vehicle, except railroad equipment, operated on land as distinguished from on water or in the air.

(2) "Cost of customers labor sales" refers to the total wages you paid for the direct labor which produced the customers labor sales. It includes fringe benefits which are calculated as a percentage of payrolls and it may include certain supplies such as paint or grease which are consumed in producing the services sold to the customers. It does not include cost of parts; wages you paid for "come back" work for which you made no charge to your customers; wages paid to perform factory warranty work; wages paid for work on your own new or used automotive and farm equipment, buildings, or other property; or any wages you paid for any other purpose than to pay for direct labor involved in customers labor sales.

(3) "Customers labor sales" means your sales to customers of labor on automotive or farm equipment, excluding charges for parts, and including among other customers labor sales the following:

(i) Body repair, if the work was performed by your own employees;

(ii) Paint work, if the work was performed by your own employees;

(iii) Lubrication services (not including oil changes);

(iv) Washing and polishing;

(v) Tire service (not including tire sales);

(vi) Undercoating, if the work was performed by your own employees.

"Customers labor sales" does not include any amount for factory warranty work; for work on your own new or used automotive and farm equipment, buildings, or other property; or any amount that does not represent a change to a customer for work done for him by you or your employees on automotive or farm equipment.

(4) "Farm equipment" means any equipment with moving parts, drawn by animals or automotive vehicles, used on a farm.

(5) "Factory warranty services" means work performed for a manufacturer of automotive or farm equipment by one of his authorized dealers, to comply with the manufacturer's warranty on such equipment.

(6) "Gross profit on labor sales" means the difference between your customers labor sales and your cost of customers labor sales.

(7) "Productive mechanic" or "productive employee" means an employee whose direct labor is involved in customers labor sales.

(8) "Representative period" means the first twelve months after December 31, 1948, of the operation of a business that has been operating at least 24 months prior to the date you file your application for adjustment under this supplementary regulation, regardless of whether it was operated by you or your predecessor. If during the twelve month period your business was seriously affected by flood, strike, fire or some other unusual occurrence, OPS may determine that the period is not representative for your business in which case OPS will also determine what period, if any, is representative.

(9) "Sales of the entire business" means total sales of automotive and farm equipment commodities and services and all other commodities and services.

Effective date. This supplementary regulation shall become effective November 12, 1952.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 7, 1952.

[F. R. Doc. 52-12084; Filed, Nov. 7, 1952, 12:35 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 27]

CPR 34—SERVICES

SR 27—DRY CLEANING IN MILWAUKEE COUNTY, WISCONSIN

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this supplementary regulation to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 34 permits an increase in ceiling prices for dry cleaning services furnished at wholesale and retail by sellers located in Milwaukee County, Wisconsin. A previous ceiling price increase granted to power laundries in Milwaukee County did not include dry cleaning services.

An OPS study of the operating costs and profit margins of 25 firms doing approximately 90 percent of both the wholesale and retail dry cleaning business in Milwaukee County, Wisconsin, which amounted to $6,000,000 in 1951, reveals that increased labor and material costs incurred since the Ceiling Price Regulation 34 base period (December 19, 1950, to January 25, 1951, inclusive) have impaired the pre-Korean earnings of such dry cleaning service sellers.

The action taken herein gives effect to the standards for individual price adjustment contained in section 20 (a) of Ceiling Price Regulation 34 and permits the minimum increase necessary to maintain the financial stability of these dry cleaning service sellers and assure continued supply of these essential services.

Under the provisions of this supplementary regulation, Ceiling Price Regulation 34 ceiling prices of sellers of dry cleaning services may be increased by a stated amount. Since OPS has the previous price filings of these sellers in its possession, the suplementary filing required by section 18 (c) of Ceiling Price Regulation 34 is not considered to be necessary and is therefore excused, thereby easing the administrative burden of these service sellers and of the OPS.

In the future, sellers subject to this supplementary regulation may not obtain an adjustment of their ceiling prices for dry cleaning services at wholesale and retail under section 20 of Ceiling Price Regulation 34. Any adjustment of ceiling prices under section 20 of Ceiling Price Regulation 34 heretofore granted is automatically revoked as of the effective date of this supplementary regulation.

In the formulation of this suplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *Purpose.* This supplementary regulation permits sellers of dry cleaning services furnished at wholesale and retail located in Milwaukee County, Wisconsin, to increase their ceiling prices for wholesale and retail dry cleaning services in the manner provided in section 3.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, except as affected by the provisions of this supplementary regulation shall remain in effect. However, you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

SEC. 3. *Adjustment of ceiling prices.* You may, to the extent you supply dry cleaning services at wholesale or retail from locations in Milwaukee County, Wisconsin, increase your ceiling prices for the dry cleaning services thus supplied as follows:

	Increase at wholesale	Increase at retail
Suits	$0.05	$0.10
Dresses	.05	.10
Ladies' coats	.05	.10
Topcoats	.05	.10

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* No seller of dry cleaning services at wholesale or retail subject to this supplementary regulation may, after the effective date of this regulation, obtain an increase in his ceiling prices for such dry cleaning services under either section 20 (a), 20 (b) or 20 (c) of Ceiling Price Regulation 34. All orders establishing ceiling prices of any seller of dry cleaning services subject to this supplementary regulation issued under either section 20 (a), 20 (b) or 20 (c) of Ceiling Price Regulation 34 are hereby revoked, upon the effective date of this regulation.

SEC. 5. *Definitions.* (a) As used in this supplementary regulation the term:

(1) "Dry cleaning services" means services rendered in the cleaning of garments primarily with fluids other than water. When rendered at retail, dry cleaning services includes pressing or finishing the garment. When rendered at wholesale, finishing is usually specified if the garment is to be pressed.

(i) "Cleaning" means the dry cleaning of a garment or item, including the spotting thereof.

(ii) "Finishing" means the pressing of a garment or item.

(2) "Wholesale" refers to the sale for resale to the ultimate consumer of dry cleaning services to tailor shops, valets, hotels and retail outlets. It also includes sales to commercial, industrial, institutional or governmental users.

(3) "Retail" refers to the sale of dry cleaning services directly to the ultimate consumer except commercial, industrial, institutional and governmental users.

Effective date. This Supplementary Regulation 27 to Ceiling Price Regulation 34 shall become effective November 7, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 7, 1952.

[F. R. Doc. 52-12092; Filed, Nov. 7, 1952; 4:00 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 28]

CPR 34—SERVICES

SR 28—DRY CLEANING IN COOK COUNTY, ILLINOIS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this supplementary regulation to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 28 to Ceiling Price Regulation 34 permits an increase in ceiling prices for dry cleaning services furnished at wholesale and retail by sellers located in Cook County, Illinois. A previous ceiling price increase granted to power laundries in Cook County did not include dry cleaning services.

An OPS study of the operating costs and profit margins of a representative number of dry cleaning service sellers in Cook County, Illinois, accounting for approximately 75 percent of the total volume of sales of these services, which amounted to $20,000,000 in 1951, reveals that increased labor and material costs incurred since the Ceiling Price Regulation 34 base period (December 19, 1950 to January 25, 1951, inclusive) have impaired the pre-Korean earnings of such dry cleaning service sellers.

The action taken herein gives effect to the Standards for individual price adjustment contained in section 20 (a) of Ceiling Price Regulation 34 and permits the minimum increase necessary to maintain the financial stability of these dry cleaning service sellers and assure continued supply of these essential services.

Under the provisions of this supplementary regulation, Ceiling Price Regulation 34 ceiling prices of sellers of dry cleaning services may be increased by a stated amount. Since OPS has the previous price filings of these sellers in its possession, the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34 is not considered to be necessary and is therefore excused, thereby easing the administrative burden of these service sellers and of the OPS.

In the future, sellers subject to this supplementary regulation may not obtain an adjustment of their ceiling prices for dry cleaning services at wholesale and retail under section 20 of Ceiling Price Regulation 34. Any adjustment of ceiling prices under section 20 of Ceiling Price Regulation 34 heretofore granted is automatically revoked as of the effective date of this supplementary regulation.

In the formulation of this suplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *Purpose.* This supplementary regulation permits sellers of dry cleaning services furnished at wholesale and retail located in Cook County, Illinois, to increase their ceiling prices for wholesale and retail dry cleaning services in the manner provided in section 3.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, except as affected by the provisions of this supplementary regulation shall remain in effect. However, you need not make the suplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

SEC. 3. *Adjustment of ceiling prices.* You may, to the extent you supply dry cleaning services at wholesale or retail from locations in Cook County, Illinois, increase your ceiling prices for the dry cleaning services thus supplied as follows:

	Increase at wholesale	Increase at retail
Suits	$0.05	$0.10
Dresses	.05	.10
Ladies' coats	.05	.10
Trousers	.025	.05

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* No seller of dry cleaning services at wholesale or retail subject to this supplementary regulation may, after the effective date of this regulation, obtain an increase in his ceiling prices for such dry cleaning services under either section 20 (a), 20 (b), or 20 (c) of Ceiling Price Regulation 34. All orders establishing ceiling prices of any seller of dry cleaning services subject to this supplementary regulation issued under either section 20 (a), 20 (b), or 20 (c) of Ceiling Price Regulation 34 are hereby revoked, upon the effective date of this regulation.

SEC. 5. *Definitions.* (a) As used in this supplementary regulation the term:

(1) "Dry cleaning services" means services rendered in the cleaning of garments primarily with fluids other than water. When rendered at retail, dry cleaning services includes pressing or finishing the garment. When rendered at wholesale, finishing is usually specified if the garment is to be pressed.

(i) "Cleaning" means the dry cleaning of a garment or item, including the spotting thereof.

(ii) "Finishing" means the pressing of a garment or item.

(2) "Wholesale" refers to the sale for resale to the ultimate consumer of dry cleaning services to tailor shops, valets, hotels and retail outlets. It also includes sales to commercial, industrial, institutional or governmental users.

(3) "Retail" refers to the sale of dry cleaning services directly to the ultimate consumer, except commercial, industrial, institutional and governmental users.

Effective date. This Supplementary Regulation 28 to Ceiling Price Regulation 34 shall become effective November 7, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 7, 1952.

[F. R. Doc. 52-12093; Filed, Nov. 7, 1952; 4:00 p. m.]

[Ceiling Price Regulation 118, Amdt. 1]

CPR 118—PRODUCERS OF BOLTS, NUTS, SCREWS AND RIVETS

UNIFORM INDUSTRY-WIDE METAL COST INCREASE ADJUSTMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 118 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment implements Supplementary Regulation 1 to General Overriding Regulation 35 which has been issued simultaneously herewith.

Supplementary Regulation 1 gives producers of bolts, nuts, screws, or rivets an option to use the following industry-wide increases instead of the increases calculated for each producer under General Overriding Regulation 35:

Screws: 1.6 percent.
Large rivets (steel): 25 cents per 100 pounds.
All other rivets: 2.2 percent.
Steel or aluminum bolts and nuts: 2.2 percent.

This amendment incorporates this option and the increases permitted thereunder into Ceiling Price Regulation 118 for purposes of information, consistency and clarity. The reasons for providing the option are set forth in detail in the Statement of Considerations to Supplementary Regulation 1 to GOR 35.

In the formulation of this amendment there has been consultation with industry representatives, including the Nut, Bolt and Rivet and the Screw Industry Advisory Committees and trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 2 of Ceiling Price Regulation 118 is amended by addition of the following:

(e) *Optional industry-wide increases.* Rather than using the increases provided by GOR 35, you may, pursuant to the provisions of Supplementary Regulation 1 to GOR 35, at your option add to your ceiling prices as established by paragraphs (b), (c) and (d) of this section or pursuant to section 5 of this regulation an amount not to exceed the following:

(1) All stove bolts, machine screws, wood screws, tapping screws, stove bolt nuts, machine screw nuts, recessed head bolts and screws, preassembled lock washer stove bolts, preassembled lock washer screws, binding screws: 1.6 percent.

(2) Steel solid rivets ½" in diameter and larger: 25 cents per 100 pounds.

(3) All steel or aluminum machine bolts, carriage bolts, lag bolts, plow bolts, step bolts, elevator bolts, tap bolts, coupling bolts, tire bolts, cap screws, set screws, steel solid rivets less than ½" in diameter, aluminum rivets all diameters, American standard regular nuts, American standard heavy nuts, American standard light nuts, and also every similar industrial fastener manufactured by any process to any specification whatsoever: 2.2 percent.

(4) All steel or aluminum threaded studs of all types, socket head and blank bolts, track bolts, track bolts nuts, frog bolts, switch bolts, gage rods, screw spikes, lock nuts, speed nuts, wing nuts, thumb nuts, acorn nuts, cap nuts, clinch-nuts, split rivets, tubular rivets, blind rivets other than explosive, clevis pins, wire spokes, spoke nipples, all of the foregoing when manufactured by any process to any specification whatsoever: 2.2 percent.

(5) All steel or aluminum miscellaneous headed, threaded, punched, bent or cut off products when manufactured by a person who is otherwise a producer of bolts, nuts, screws or rivets by use of any machine customarily used in the manufacture of any headed or punched product mentioned in subparagraph (3) above: 2.2 percent.

Once you exercise this option with respect to any one of the above listed bolts, nuts, screws or rivets, you must thereafter use the appropriate industry-wide increase specified above exclusively in establishing your ceiling prices for all your sales of any of the above listed bolts, nuts, screws or rivets.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 118 shall become effective November 12, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 7, 1952.

[F. R. Doc. 52-12085; Filed, Nov. 7, 1952; 12:35 p. m.]

[Ceiling Price Regulation 134, Amdt. 7]

CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 7 to Ceiling Price Regulation 134 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control so-called in-plant feeding operations and those feeding facilities which are operated by a caterer on behalf of an educational institution.

1. As part of the increasing stress placed by employers on the maintenance of good relations with their employees, in-plant feeding operations have greatly expanded since the war. Because of the purpose of these operations, the prices charged in these types of eating and drinking establishments are generally lower than those the employees would pay at public eating places. Very often, if not in most cases, any operating losses are considered an expense of the plant or other business concern in which the feeding operation is conducted, whether it is carried out by the owner of the plant or business or by a caterer or concessionaire. Despite the desire of many enterprises to cut the subsidy they have had to pay for support of low priced feeding facilities, it is the judgment of the Director of Price Stabilization that the demands of successful employer-employee relations will prevent unreasonable increases in prices. This amendment, therefore, exempts from price control dining rooms, cafeterias, snack bars, etc., which are not open to the general public and are operated by or on behalf of industrial or commercial concerns for the purpose of serving meals, food items and beverages to the employees of those concerns. However, if this type of eating and drinking establishment is operated by a caterer or other person on behalf of an industrial or commercial concern, the exemption applies only if the concern maintains control of the prices charged for meals, food items and beverages. Similarly, this amendment exempts from price control eating and drinking establishments which are not open to the general public and are operated by employee associations for the purpose of serving meals, food items and beverages to the members of those associations.

2. Under the present regulation, eating and drinking establishments which are not open to the general public and are operated by an educational institution, student fraternity, organization or association primarily for the convenience of students, faculty and guests, are exempt from price control. This amendment provides that when this type of eating and drinking establishment is operated by a caterer or other person, on behalf of the institution or association, it is also exempt from price control if the institution or association maintains control of the prices charged for meals, food items and beverages.

In the formulation of this amendment, there has been consultation to the extent practicable with industry representatives including trade association representatives, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended, and comply with all of the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 134 is amended in the following respects:

1. Section 4 (a) (2) is amended to read as follows:

(2) Establishments which are not open to the general public and are operated by or on behalf of a school, college, university or other educational institution or a student fraternity or other student organization or association primarily for the convenience or accommodation of students, faculty and guests: *Provided*, That where an establishment of this kind is operated by a caterer or other person on behalf of such an institution, fraternity, organization or association, the latter maintains control of the prices charged for meals, food items and beverages.

2. Section 4 (a) is amended by adding subparagraphs (7) and (8) to read as follows:

(7) Establishments which are not open to the general public and are operated by employee associations for the purpose of serving meals, food items and beverages to the members of those associations.

(8) Establishments which are not open to the general public and are operated by or on behalf of industrial or commercial concerns for the purpose of serving meals, food items and beverages to the employees of those concerns: *Provided*, That where an establishment of this kind is operated by a caterer or other person on behalf of an industrial or commercial concern, the latter maintains control of the prices charged for meals, food items and beverages.

3. Section 18 is amended by adding a new paragraph (d) to read as follows:

(d) If your sales are exempt from the provisions of this regulation under section 4 you must nevertheless maintain and keep for inspection by the Office of Price Stabilization for the period specified the records listed under paragraphs (a) and (b) of this section which you were required to have at the time your sales became exempt. However, you need not prepare or preserve the records listed under paragraph (b) (2) or (3) which cover the period after your sales become exempt under section 4.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 7 to Ceiling Price Regulation 134 is effective November 7, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 7, 1952.

[F. R. Doc. 52-12086; Filed, Nov. 7, 1952; 12:35 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 6, to Area Milk Price Regulation 5]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 5—CHICAGO MILK MARKETING AREA, STATE OF ILLINOIS

AUTOMATIC WITHDRAWAL OF INCREASE IN CEILING PRICES OF FLUID MILK PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, and Delegation of Authority No. 41, this amendment to Area Milk Price Regulation 5, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 5 to Area Milk Price Regulation 5 provided a ½ cent per sales point increase in the ceiling price of milk in Chicago. The Statement of Considerations to Amendment 5 to Area Milk Price Regulation 5 stated that:

A representative sample of Chicago dairies are being requested to submit additional data to the Agency within the next thirty days. After this information has been received, appropriate action will be taken in light of all the evidence available. This order will, therefore, be revoked after sixty days unless supported by the requested information.

The Office of Price Stabilization finds that an analysis of the data presently available to it reveals an inadequate basis either for revoking this increase or continuing it indefinitely. Accordingly, this order continues this increase until December 15, 1952. After December 15, 1952, this increase is automatically withdrawn. In the interim between the effective date of this amendment and December 15, 1952, it is believed that a conclusive answer can be reached. More data are presently being obtained to assist in this determination.

In the judgment of the Director, the provisions of this amendment to Area Milk Price Regulation No. 5 in Region VII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act amendments of 1951 and 1952.

The Director gave due consideration to the national effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to all relevant factors of general applicability. In the formulation of this amendment, the Director has consulted industry representatives, including trade association representatives, to the fullest extent practicable and has given due consideration to their recommendations.

AMENDATORY PROVISIONS

Area Milk Price Regulation 5 issued under Supplementary Regulation 63 to the General Ceiling Price Regulation, is amended in the following respects:

1. Section 4 is amended to read as follows:

SEC. 4. *Ceiling prices for milk for fluid consumption—(a) Your ceiling prices up to and including December 15, 1952.* Up to and including December 15, 1952, your ceiling prices for any milk product for fluid consumption shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect on November 15, 1951, plus (except for sales to vendors) one cent per sales point. Your ceiling ceiling price for any milk product for fluid consumption sold to vendors shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect November 15, 1951, plus one-quarter cent per sales point.

(b) *Your ceiling prices after December 15, 1952.* After December 15, 1952, your ceiling prices for any milk product for fluid consumption shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect on November 15,

1951, plus (except for sales to vendors) ½ cent per sales point. Your ceiling price for any milk product for fluid consumption sold to vendors shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect November 15, 1951, plus one-quarter cent per sales point.

(c) *Sales points.* Each of the following categories shall be considered one sales point for the specified container size. To determine the sales point value for a container of another size in any category, divide the contents of that container size by the contents of the container size in the same category specified in this section:

(1) One quart of fluid milk products, such as regular milk, homogenized milk, vitamin D milk, special buttermilk, chocolate whole milk, and fluid milk or drinks specially treated or flavored with a butterfat content between 3½ and 6 percent.

(2) One-half gallon of fluid milk products such as skim milk with a butterfat content of less than 3½ percent.

(3) One-third of a quart of concentrated whole milk and allied products having a butterfat content of 10 percent or more.

(4) One pint of cream products having a butterfat content between 10 percent and 15 percent.

(5) One-half pint of cream products having a butterfat content of more than 15 percent.

(6) Sixteen ounces of cottage cheese products.

(7) Sixteen ounces or one pint of specialty products such as yogurt.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 6 to Area Milk Price Regulation 5, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation shall become effective November 7, 1952.

B. EMMET HARTNETT,
Acting Regional Director.

NOVEMBER 7, 1952.

[F. R. Doc. 52-12106; Filed, Nov. 7, 1952; 4:36 p. m.]

[General Overriding Regulation 35, Supplementary Regulation 1]

GOR 35—PASS THROUGH FOR STEEL, PIG IRON, COPPER AND ALUMINUM COST INCREASES

ADJUSTMENTS FOR BOLTS, NUTS, SCREWS AND RIVETS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 1 to General Overriding Regulation 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation gives producers of bolts, nuts, screws or rivets an option to use the following industry-wide increases instead of the "pass-through" as otherwise calculated for each producer individually under General Overriding Regulation (GOR) 35.

Screws: 1.6 percent.
Large rivets: 25 cents per 100 pounds.
All other rivets: 2.2 percent.
Steel or aluminum bolts and nuts: 2.2 percent.

Furthermore, it permits persons employing bolts, nuts, screws or rivets as manufacturing materials to use these industry-wide increases as the amounts they may reflect for bolts, nuts, screws and rivets in adjusting their own ceiling prices under GOR 35, if they wish. However, such persons who buy from resellers rather than the manufacturers of these products use the industry-wide increases.

This supplementary regulation is issued pursuant to section 18 of GOR 35 which provides for the issuance of supplementary regulations where the pass-through increase procedure provided for by GOR 35 is not appropriate for a particular industry. The GOR 35 procedure is found not to be appropriate for producers of bolts, nuts, screws or rivets.

Some 400,000 different items are manufactured by these producers and they are sold to thousands of different customers. The notification requirements of GOR 35, accordingly, appear not only burdensome for the producers, but also unduly complicate the calculations of the ceiling prices of the products in which bolts, nuts, screws or rivets are used. Furthermore, it has been determined that the application of GOR 35 would result in variations in the prices among producers of the same bolts, nuts, screws or rivets. These items have historically been priced on an "in-line" basis and the disturbed price relationships would result in confusion for the purchasers of these products.

To afford a medium for eliminating the confusion and complications mentioned, this supplementary regulation provides the producers of these items with an option to use the uniform increases listed above. The increases of 2.2 percent for bolts, nuts, and small rivets, and the 1.6 percent for screws is arrived at by taking the lowest increase calculated under GOR 35 for each of these product lines which was reported by individual members of the Industry Advisory Committees for the Bolt, Nut and Rivet Industry and for the Screw Industry. In each instance the members of the Advisory Committees represented the bulk of the production in each of the two industries. In the case of each industry the lowest increase was only slightly less than the weighted average of the reporting members.

An exception is made in the case of large rivets. The reason for this exception is that there are only a few manufacturers of this particular product and the metal cost represents the predominant part of the cost of production. Accordingly, the uniform increases provided for products involving a much smaller proportionate metal cost result in price increases for large rivets which fail by substantial amounts to cover the metal cost increase. Producers of these items demonstrated the desirability of providing a pass-through equivalent to the $5.00 a ton increase in the price of the steel bars from which these items are processed. This increase is reflected in the supplementary regulation by permission to use 25¢ per 100 pounds as the pass-through for this product.

The only bolt, nut, screw and rivet items not covered by the option are nonferrous bolts and nuts. These are manufactured by only three or four companies and are highly special products. The production costs of these items vary sharply between the producers who each specialize not only in types of non-ferrous bolts and nuts produced, but also in methods of marketing. Accordingly, the provisions of GOR 35 are appropriate to these particular items and no option is provided for them.

Producers who exercise the option to use the uniform price increases provided for by this supplementary regulation are exempted from the notification procedures of section 13 of GOR 35 and purchasers who are entitled to calculate increases under GOR 35 are, in turn, permitted to use automatically the industry-wide pass-through increases provided for herein when figuring their own ceiling prices under GOR 35. The reason for this is that it is presumed that these products have been selling at ceilings and that the producers of these items will in most cases increase their prices by the industry-wide increases permitted by this supplementary regulation.

Where a producer does not exercise the option and calculates his increases pursuant to GOR 35, persons purchasing from him may use such GOR 35 pass-through increases in calculating their own ceiling prices (provided, of course, they receive due notification in accordance with section 13 of GOR 35) or they may choose to use the uniform industry-wide increases. In a few cases, producers of nuts, bolts, screws or rivets have already given notice of price increases calculated on an individual basis under GOR 35. Such producers may substitute the uniform industry-wide increases provided in this supplementary regulation by giving notice to their customers of the change.

Of course, in order to accomplish the purposes of this supplementary regulation, a producer who adopts the uniform increase provided for a category of nuts, bolts, screws or rivets, must use the appropriate uniform adjustment for all of his sales of nuts, bolts, screws or rivets.

No provision is made for distributors, warehouses and mill supply houses who purchase bolts, nuts, screws and rivets, since they are entitled to reflect the amount of the increases in figuring their own ceiling prices under the provisions of Supplementary Regulation 29 to the General Ceiling Price Regulation. However, persons purchasing from these sources who are entitled to use the GOR 35 increases are to reflect the industry-wide increases provided for herein in calculating their own ceiling prices under GOR 35.

Ceiling Price Regulation 118 has been amended simultaneously herewith to reflect the option privilege established by this supplementary regulation.

In the formulation of this regulation there has been consultation with industry representatives, including the Nut, Bolt and Rivet and the Screw Industry Advisory Committees, and trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In the opinion of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable, comply with all applicable provisions of the Defense Production Act of 1950, as amended, and are necessary to effectuate the purposes of that act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Optional industry-wide increases.
3. Exemption from section 13 of GOR 35.
4. Purchasers of bolts, nuts, screws or rivets.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation does the following:

(a) It gives producers of bolts, nuts, screws or rivets an option to use the industry-wide increases listed in section 2 of this regulation, rather than the increases calculated for each producer under GOR 35.

(b) It permits persons (other than purchasers from resellers rather than manufacturers) authorized by GOR 35 to pass through metal cost increases, to use either the amounts listed in section 2 of this regulation for bolts, nuts, screws and rivets or the individual increases calculated under GOR 35 as the amounts to be reflected for these items in calculating their ceiling prices under GOR 35. However, purchasers of bolts, nuts, screws or rivets from resellers use the amounts listed in section 2.

(c) It relieves producers who exercise the option in section 2 of this regulation of the necessity of complying with the notification provisions of section 13 of GOR 35 with respect to the bolts, nuts, screws or rivets listed in section 2 of this regulation.

SEC. 2. *Optional industry-wide increases.* If you are a producer of bolts, nuts, screws or rivets, instead of using the increases provided by GOR 35, you may, at your option, add to your ceiling prices as established by paragraphs (b), (c) and (d) of this section or pursuant to section 5 of Ceiling Price Regulation 118, an amount not to exceed the following:

(a) All stove bolts, machine screws, wood screws, tapping screws, stove bolt nuts, machine screw nuts, recessed head bolts and screws, preassembled lock washer screws, binding screws: 1.6 percent.

(b) Steel solid rivets ½" in diameter and larger: 25 cents per 100 pounds.

(c) All steel or aluminum machine bolts, carriage bolts, lag bolts, plow bolts, step bolts, elevator bolts, tap bolts, coupling bolts, tire bolts, cap screws, set screws, steel solid rivets, less than ½" in diameter, aluminum rivets all diameters, American standard regular nuts, American standard heavy nuts, American standard light nuts, and also every similar industrial fastener manufactured by any process to any specification whatsoever: 2.2 percent.

(d) All steel or aluminum threaded studs of all types, socket head and blank bolts, track bolts, track bolt nuts, frog bolts, switch bolts, gage rods, screw spikes, lock nuts, speed nuts, wing nuts, thumb nuts, acorn nuts, cap nuts, clinch-nuts, split rivets, tubular rivets, blind rivets other than explosive, clevis pins, wire spokes, spoke nipples, all of the foregoing when manufactured by any process to any specification whatsoever: 2.2 percent.

(e) All steel or aluminum miscellaneous headed, threaded, punched, bent or cut off products when manufactured by a person who is otherwise a producer of bolts, nuts, screws or rivets by use of any machine customarily used in the manufacture of any headed or punched product mentioned in paragraph (c) above: 2.2 percent.

Once you exercise this option with respect to any one of the above-listed bolts, nuts, screws or rivets, you must thereafter use the appropriate industry-wide increase specified above in establishing your ceiling prices for all sales of any of the above-listed bolts, nuts, screws or rivets.

SEC. 3. *Exemption from section 13 of GOR 35.* If you adjust your ceiling prices by using the uniform industry-wide increases set forth in section 2 of this regulation and you have not previously notified your customers of some other adjustment figure, you need not give the notice to your customers required by section 13 of GOR 35.

SEC. 4. *Purchasers of bolts, nuts, screws or rivets.* (a) If you are a purchaser of bolts, nuts, screws or rivets who is authorized by GOR 35 to pass through metal cost increases, and, prior to effective date of this regulation, you have not received from the producer selling you such products notice of an increase in his ceiling prices under GOR 35, you may use the increase amounts listed in section 2 of this regulation for any bolts, nuts, screws or rivets listed in that section 2 as the amounts which you reflect for these items in calculating your own ceiling prices under GOR 35. You are limited to these amounts for such bolts, nuts, screws or rivets unless, on or after the effective date of this supplementary regulation, you are notified, pursuant to section 13 of GOR 35, by the selling producer that he is using the pass-through increases calculated under GOR 35 rather than the industry-wide increases listed in section 2 of this regulation. Where such notification is given, you may use the increases set forth therein or the increases set forth in section 2 above in adjusting your ceiling prices under GOR 35.

(b) If you are a purchaser of bolts, nuts, screws or rivets and, prior to the effective date of this regulation, you have received from the producer selling you such products notice of an increase in his ceiling prices under GOR 35 which does not correspond with the amounts listed in section 2 of this regulation, you may continue to use the figure contained in that notice or you may use the appropriate figure specified in section 2 above.

(c) Once you have made the choice, permitted under paragraphs (a) and (b) of this section 4, of using either the industry-wide increases provided in section 2 or the increases calculated under GOR 35, you may not thereafter change to the other method of adjusting your ceiling prices.

(d) If you are a purchaser of bolts, nuts, screws or rivets who is authorized by GOR 35 to pass through metal cost increases, and you buy any of the products listed in section 2 above not from the producer but from a reseller, in making the adjustments in your ceiling prices under GOR 35, you use the appropriate figure set out in that section 2.

Effective date. This supplementary regulation to General Overriding Regulation 35 is effective November 12, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 7, 1952.

[F. R. Doc. 52-12087; Filed, Nov. 7, 1952; 12:35 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-73 as amended November 7, 1952]

M-73—MAINTENANCE, REPAIR, INSTALLATION, AND OPERATING SUPPLIES AND MINOR CAPITAL ADDITIONS, FOR RAIL TRANSPORTATION SYSTEMS

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

This order as amended affects NPA Order M-73 as amended April 16, 1952, in the following respects, among others: In section 2, it changes the definitions of "operating supplies" (paragraph (e)) and "installations" (paragraph (h)). In section 3, it authorizes the acquisition and use of used steel and foreign steel without an allotment. In section 8, operators of rail transportation systems are permitted to obtain rail and track accessories without regard to calendar-day inventory limitations, provided such acquisitions do not exceed allotments and advance allotments issued under the order.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Statements of requirements.
4. Use of allotment number U-3 and rating DO-U3.
5. Limitations on use of allotment number and rating.
6. Exceptions due to emergency conditions.
7. Rail transportation systems whose requirements are not in excess of $25,000 per quarter.
8. Inventory limitations.
9. Request for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The purpose of this order is to provide a uniform procedure under the Controlled Materials Plan by which rail transportation systems may obtain controlled materials and products or materials other than controlled materials for maintenance, repair, and operating supplies (hereinafter collectively referred to as "MRO"), installation, and minor capital additions. Except as otherwise provided, it requires each operator of a rail transportation system to report to NPA his total quarterly requirements for MRO, installation, and minor capital additions, and it explains how he may obtain the materials or products authorized by NPA after a review of such requirements. It also contains special provisions with respect to inventories of rail and track accessories.

SEC. 2. *Definitions.* For purposes of this order:

(a) "Rail transportation system" means and includes the following types of transportation facilities in the United States: A common carrier railroad, a terminal railroad, a switching railroad, a private car line company, a rapid transit system (including a subway and elevated railroad), and a street railway system (including a trolley coach system).

(b) "Operator" means any person to the extent that he owns or operates a private car line company or is engaged in the business of transporting passengers or property over a rail transportation system.

(c) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(d) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition, and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. "Maintenance" and "repair" include the replacement of any equipment (other than rail motive power and rolling stock) regardless of its accounting classification, but neither "maintenance" nor "repair" includes additions to plant or improvement of any plant, facility, or equipment by replacing materials or products which are in sound working condition. In routine maintenance, repair, and operations, the application of a superior part or a part of superior quality shall not be considered a capital addition, although under established accounting practices such application results in a charge to a capital account.

(e) "Operating supplies" means any kind of material carried by a rail transportation system as operating supplies according to its established accounting practice. Neither the term "operating supplies" nor any other provision of this order includes or applies to any item contained in List A of NPA Reg. 2.

(f) "MRO" means maintenance, repair, and operating supplies, as defined in this section, but does not include installation or minor capital additions.

(g) "Minor capital additions" means any improvement or addition where the total cost of materials or products required does not exceed $2,500 for any one complete capital addition. The term "one complete capital addition" includes all items entering into the improvement or addition as part of a single project or plan whether or not installed or completed at the same time, and the cost of all such items is to be included in figuring the total cost of the addition. No capital addition shall be subdivided for the purpose of bringing it or any part of it within the foregoing definitions.

(h) "Installation" means the setting up or relocation of machinery, fixtures, or equipment in position for service, and the connection thereof to existing service facilities, where such setting up or relocation is not and does not occur in conjunction with construction, as defined in Revised CMP Regulation No. 6. Where such installation occurs in a building, structure, or project which has been completed for less than 1 year and is part of the construction "project," as defined in Revised CMP Regulation No. 6, it shall not be considered installation for the purposes of this regulation.

(i) "Controlled materials" means steel, copper, and aluminum, in the forms and shapes indicated in CMP Regulation No. 1.

(j) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment of controlled materials as provided in this order.

(k) "Delivery order" means any purchase order, contract, shipping, or other instruction, calling for delivery of any material or product on a particular date or dates or within specified periods of time.

(l) "NPA" means the National Production Authority.

SEC. 3. *Statements of requirements.* (a) An operator of a rail transportation system who wishes to operate under the provisions of this order shall file an application with NPA on Form NPAF-105 for a quarterly allotment of controlled materials and a quota of products or materials other than controlled materials for MRO, installation, and minor capital additions. He shall state on Form NPAF-105, in the manner prescribed therein, his actual quarterly requirements for such materials and products and shall file such form on a date specified by NPA prior to the beginning of the calendar quarter in which delivery is required.

(b) Where NPA has approved an application wholly or in part, the authorization returned to the applicant shall constitute an allotment of controlled materials in the quantities and in the forms and shapes specified therein and will establish a quota of products or materials other than controlled materials which the applicant is authorized to acquire for MRO, installation, and minor capital additions. NPA may from time to time issue advance allotments and quotas.

(c) No operator of a rail transportation system shall order controlled materials or products or materials other than controlled materials for MRO, minor capital additions, or installations in the absence or in excess of an allotment or quota issued as prescribed in this section, except as provided in sections 6 and 7 of this order and except that he may obtain foreign steel and used steel without placing an authorized controlled material order therefor and without making a corresponding charge against his allotment.

SEC. 4. *Use of allotment number U-3 and rating DO-U3—(a) Authorized controlled material orders.* Each operator of a rail transportation system who receives an allotment of controlled materials pursuant to this order may place delivery orders for such controlled materials not exceeding the quantities specified in the allotment. He shall place on each such order, or on a separate piece of paper attached thereto, the allotment number U-3, together with the abbreviated designation of the calendar quarter and year for which the allotment is valid, such as U-3-3Q52. Each delivery order shall bear the following certification:

Certified under NPA Order M-73

Such an order shall constitute an authorized controlled material order within the meaning of CMP regulations issued by NPA when signed as provided in section 8 of NPA Reg. 2. The certification shall serve as a representation to the supplier and to NPA that the operator of the rail transportation system is authorized under the provisions of this order to obtain the controlled materials covered by the authorized controlled material order.

(b) *Delivery orders for products or materials other than controlled materials.* Each operator of a rail transportation system who receives an authorization covering products or materials other than controlled materials may place on each delivery order therefor, the rating DO-U3, together with the words "Certified under NPA Order M-73." Such certification shall be signed as provided in section 8 of NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the operator of the transportation system is authorized under the provisions of this order to obtain the products or materials other than controlled materials covered by the delivery order.

(c) *Delivery orders pursuant to CMP Regulation No. 5.* No operator of a rail transportation system shall place orders pursuant to CMP Regulation No. 5 except as provided in section 7 of this order.

SEC. 5. *Limitations on use of allotment number and rating.* Neither the allotment number assigned in paragraph (a) of section 4 nor the rating assigned in paragraph (b) thereof shall be applied or extended to obtain any item listed in Schedules I or II of CMP Regulation No. 5. However, an operator of a rail transportation system may obtain such listed items in any calendar quarter without the use of such number or rating to the extent authorized each quarter by NPA pursuant to this order. The limitations of this paragraph do not apply to railroad safety and traffic control signs and markers.

SEC. 6. *Exceptions due to emergency conditions.* An operator of a rail transportation system may at any time use the allotment number U-3 or the rating DO-U3 assigned in section 4 of this order, whichever is applicable, to order for delivery controlled materials and products or materials other than controlled materials necessary for the maintenance or repair of property or equipment damaged or destroyed by extraordinary cause, such as explosion, fire, sabotage, acts of the public enemy, flood, storm, or similar emergency condition: *Provided, however,* That if an operator of a rail transportation system exceeds an allotment or quota issued by NPA for any calendar quarter by virtue of placing a delivery order for any such purpose, the controlled materials or the products or materials other than controlled materials so ordered shall be reported to NPA within 10 calendar days from the date of such delivery order on Form NPAF-105, which shall be accompanied by a statement of the reasons therefor.

SEC. 7. *Rail transportation systems whose requirements are not in excess of $25,000 per quarter.* An operator of a rail transportation system whose aggregate requirements for MRO, installation, and minor capital additions for any calendar quarter are not in excess of $25,000 shall obtain such requirements in accordance with the provisions of CMP Regulation No. 5, unless an election was made prior to July 28, 1951, to operate under the provisions of this order. If an operator's requirements for MRO, installation, and minor capital additions in any particular quarter are in excess of $25,000, such operator shall, for purposes of that quarter, operate under the provisions of this order. No advance allotment or quota will be issued to such person, however.

SEC. 8. *Inventory limitations.* (a) Nothing in this order shall be deemed to authorize an operator of a rail transportation system to order or receive any controlled materials or products or materials other than controlled materials if acceptance thereof would increase his inventory above the limit fixed in any applicable order or regulation of NPA except that (1) an operator of a rail transportation system may maintain minimum stocks of controlled materials and products or materials other than controlled materials for emergency use, and (2) an operator may acquire reasonable stocks of ties and lumber for seasoning in accordance with the provisions of this order, and (3) an operator who normally stocks rails, joint bars (track), tie plates (track), and track spikes in advance of the season of use, may accept, within the allotments or advance allotments authorized to him under this order, advance delivery of such items for his seasonal requirements to the extent that the deliveries accepted will be no greater than, and no further in advance than those that he would normally accept in the ordinary course of his operations to meet reasonably anticipated seasonal requirements.

(b) An operator of a rail transportation system may resell products or materials acquired under this order (1) to any other operator; or (2) to another person when such products or materials are to be physically incorporated in repairs of equipment which is used in the maintenance, repair, or operations of the operator's own property: *Provided,* That such products or materials could have been used by the operator in making his own repairs without violation of any of the provisions of this order; or (3) to the operator's own rail transportation system subsidiaries for the maintenance of track or equipment not owned but either customarily maintained by the operator or his subsidiaries, or for which materials are customarily furnished.

SEC. 9. *Request for adjustment or exception.* Any operator of a rail transportation system affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-73.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect November 7, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUNIER,
Executive Secretary.

[F. R. Doc. 52-12097; Filed, Nov. 7, 1952; 3:05 p. m.]

[NPA Order M-79, as amended November 7, 1952]

M-79—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES FOR EXPORT

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, because the order as amended affects many exporters in a wide variety of industries, it has been impracticable to consult with representatives of all affected trades and industries.

EXPLANATORY

This amended order revises NPA Order M-79, as amended March 6, 1952, by adding provisions to sections 8 and 9 to permit manufacturers to accept and fill non-rated export orders in excess of their MRO export quotas.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Items subject to this order.
3. Items excluded from this order.
4. Manufacturers' MRO export quotas.

Sec.
5. Manufacturers' reports to OIT.
6. Availability of MRO for export.
7. Priorities assistance for nonmanufacturing exporters.
8 Manufacturers' quotas not to be exceeded.
9. Rating of MRO export orders by manufacturers.
10. Limitations on use of rating.
11. Status of orders rated DO–97.
12. Exports requiring validated licenses.
13. Relation to other NPA orders and regulations.
14. Records and reports.
15. Applications for adjustment or exception.
16. Applications for inclusion under this order.
17. Communications.
18. Violations.

AUTHORITY: Sections 1 to 18 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order sets up a procedure to meet essential foreign requirements for maintenance, repair, and operating supplies of specified types and in limited quantities. It provides quarterly MRO export quotas for manufacturers and explains how they and other exporters may draw on these quotas. It also makes provision whereby manufacturers may apply the DO–MRO rating to export orders and whereby nonmanufacturing exporters may secure the right to apply such rating to export orders.

SEC. 2. *Items subject to this order.* The only items to which this order applies, and the only items included in "MRO" as that term is used in this order, are the following:

(a) Replacement parts for machinery or equipment which is employed in other than personal or household uses; and

(b) Those items (whether for replacement or not) listed below which are to be employed in other than personal or household uses:

Hand tools, whether hand-operated or power-driven, including appliances such as grease guns, jacks, pumps, and the like.
Chucks (all types), die heads, grinding wheels, and cutting tools (all types, including drills, taps, reamers, and the like), designed for use with machine tools.
Electrodes and anodes.
Welding rods.
Rope, chain, and cable.
Sizing.
Laboratory supplies, instruments, and equipment, with an export sales price f. a. s. not exceeding $1,000 for any one item.
Pole line, transmission, and distribution hardware, and electrical porcelain (dry process and wet process).

SEC. 3. *Items excluded from this order.* The following items are specifically excluded from the operation of this order:

(a) Materials included in List A of NPA Reg. 2, or in Appendix A of Direction 3 to NPA Reg. 2, as they may be amended or supplemented from time to time;

(b) Materials included in Schedule I of CMP Regulation No. 5, as such schedule may be amended or supplemented from time to time;

(c) Controlled materials as defined in section 2 (c) of CMP Regulation No. 1, as such regulation may be amended or supplemented from time to time;

(d) Farm equipment;

(e) Parts and accessories for aircraft or for ground equipment for servicing aircraft, and any component of either;

(f) Repair and replacement parts for construction machinery included in List A of NPA Order M–43, as such list may be amended or supplemented from time to time;

(g) Parts, assemblies of parts, and accessories, for automotive vehicles, including all passenger carriers, trucks (on- or off-the-highway), truck trailers, and motorized fire equipment; and

(h) Items made wholly of rubber, leather, textiles, or any combination of such materials.

SEC. 4. *Manufacturers' MRO export quotas.* Every manufacturer who, in the calendar year 1950 or in his fiscal year described in paragraph (b) of this section, delivered for export (i. e., exported directly or through others or delivered to others for export), to any country other than Canada and those countries in Subgroup A, as defined in the export control regulations issued by the Office of International Trade, a quantity of those items of his own manufacture which are subject to this order and had an aggregate export sales value in excess of $10,000, is hereby assigned, and is hereby directed to compute and establish (subject to revision in accordance with section 5 of this order), a quarterly MRO export quota as follows:

(a) Unless he otherwise elects, in accordance with the subsequent paragraphs of this section, each such manufacturer's standard quarterly MRO export quota is 30 percent of the aggregate export sales value of all such MRO items delivered by him for export in the calendar year 1950.

(b) Any manufacturer who operated on a fiscal year basis prior to March 1, 1951, may elect to compute his quarterly MRO export quota on the basis of his last fiscal year ending prior to that date instead of on a calendar year basis.

(c) Any manufacturer may elect to figure his quota on a seasonal basis. If he so elects, his quarterly MRO export quota for any quarter is 120 percent of the aggregate export sales value of all MRO items which he delivered for export in the corresponding quarter of the year 1950 (or of his fiscal year).

(d) Any manufacturer of replacement parts for machine tools may, instead of computing his quarterly MRO export quota under paragraphs (a), (b), or (c) of this section, elect to compute such quota as 50 percent of the aggregate export sales value of all MRO items (as specified in section 2 of this order) delivered by him for export in the last 6 months of the calendar year 1951.

(e) A manufacturer may elect to figure export sales value on either an f. a. s. or on a c. i. f. basis, but he must figure all items on the same basis.

(f) A manufacturer who makes any election under this section may not thereafter change his election without prior written approval of the Office of International Trade.

SEC. 5. *Manufacturers' reports to OIT.* On or before September 1, 1951, or within 30 days after this order is amended so as first to bring him under it, or within 30 days after this order or any other NPA regulation or order mentioned in section 3 is amended or otherwise modified so as to change the MRO items thereafter to be included in computing his MRO export quota, each manufacturer for whom a quarterly MRO export quota is established by section 4 of this order shall prepare and submit to the Office of International Trade a signed report in duplicate, on Form IT–833, showing the export sales value of all MRO items of his own manufacture which he delivered in his base year (1950 calendar or fiscal, or, in the case of a machine tool part manufacturer so electing under section 4 (d) of this order, the last 6 months of the calendar year 1951) for export (i. e., directly or to or through others) to countries other than Canada and Subgroup A countries as defined in the export control regulations issued by the Office of International Trade. The report must be broken down into categories as specified on the form and must state whether the manufacturer is reporting on an f. a. s. or on a c. i. f. basis. In computing his 1950 deliveries for export (or, in the case of a machine tool part manufacturer so electing under section 4 (d) of this order, his deliveries for export in the last 6 months of the calendar year 1951) pursuant to section 4 of this order, and in preparing his report pursuant to this section, the manufacturer must not (to the best of his information and belief) include any items delivered for use abroad for personal or household purposes or, insofar as replacement parts are concerned, any items delivered for use abroad for other than replacement purposes. Where precise knowledge as to foreign end use is lacking, estimates may be made, but in such cases the manufacturer must include in his report a statement showing what estimates he has made, what were his total sales for export of the category in question, and the basis upon which his estimates are made. The Office of International Trade, if it finds that any such estimates are unreasonable or that such report is erroneous in any respect, may reduce the manufacturer's quarterly MRO export quota as may be appropriate, and the manufacturer, upon being notified of any such reduction, shall adjust his quota accordingly.

SEC. 6. *Availability of MRO for export.* (a) Each manufacturer for whom a quarterly MRO export quota is established by section 4 of this order shall make available for export (as required) during each calendar quarter, the full amount of such quota, out of his production of such MRO items. The method by which he does this (e. g., whether by making direct export sales, by selling through one or more designated export sales representatives, by selling to nonmanufacturing exporters, or by combining two or more of these methods), is left to his own choice but subject to existing

contracts. It is anticipated, however, that his customary pattern of distribution will be followed insofar as practicable. No such manufacturer need accept orders for delivery of MRO items for export in any 1 month aggregating more than 40 percent of his MRO export quota for that quarter.

(b) In cases where a manufacturer is required to establish or recalculate his quarterly MRO export quota, as the result of amendment or other modification of this order or one of the NPA regulations or orders mentioned in section 3 of this order, he must make available for export during the then current calendar quarter and also during each subsequent calendar quarter the amount of his quota as so established or recalculated. In other words, where he has already accepted export orders calling for delivery in any such calendar quarter of items included in the quota thus newly established or recalculated, he must deduct the amount of such orders from his newly established or recalculated quota for that calendar quarter, the difference being the amount of his quota remaining available for that calendar quarter.

SEC. 7. *Priorities assistance for nonmanufacturing exporters.* Any nonmanufacturing exporters who, having obtained an order from a foreign customer for an MRO item which is demonstrably needed for other than personal or household purposes, finds that he is unable without a rating to secure such item from sources available to him may apply to the Office of International Trade for priorities assistance. In proper cases such exporter will be assigned the right to apply the DO–MRO rating to obtain such item from his appropriate source of supply. In the event that such a right is granted, the rating shall be applied by the exporter by placing on his order to his supplier, or on a separate paper attached to the order or clearly identifying it, the symbol "DO–MRO," together with the words:

Certified under NPA Order M–79

This certification shall be signed as provided in NPA Reg. 2 and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to use the rating under the provisions of this order to obtain the materials ordered. The person upon whom such a rated order is served, or to whom the rating is extended, must accept the order, unless he is a manufacturer whose applicable MRO export quota has already been exhausted through acceptance of export orders calling for delivery in the applicable period or unless he is entitled to reject the order for other proper grounds as provided in NPA Reg. 2.

SEC. 8. *Manufacturers' quotas not to be exceeded.* A manufacturer for whom an MRO export quota is established by section 4 of this order must charge against such quota, in the dollar amount of their export sales value, all MRO items of his own manufacture (which are chargeable against his quota) for which he accepts export orders which are rated pursuant to either section 7 or section 9 of this order, for shipment to countries other than Canada and Subgroup A countries, as defined in the export control regulations issued by the Office of International Trade. He may not accept orders rated pursuant to either section 7 or section 9 of this order for delivery in any quarter (for items chargeable against his quota) having an aggregate export sales value in excess of his quota for that quarter. Charges are in all cases to be made against quotas for the quarter in which delivery is to be made by the manufacturer. Shipments made on unrated orders need not be charged to quotas.

SEC. 9. *Rating of MRO export orders by manufacturers.* Any manufacturer who has filed his report as required by section 5 of this order may apply the DO–MRO rating to any MRO export order which he accepts, regardless of whether it comes to him directly from the foreign customer or from a person in this country: *Provided, however,* That the export orders which he so rates, together with the export orders which he accepts as orders rated pursuant to section 7 of this order, shall not exceed in the aggregate his MRO export quota for the applicable quarter. Any rating so applied shall have the same status and effect as a rating carried by a rated MRO export order placed with the manufacturer by a nonmanufacturing exporter. An order bearing the rating DO–MRO shall constitute a rated order with an allotment symbol for the purpose of all NPA regulations and orders.

SEC. 10. *Limitations on use of rating.* The rating DO–MRO may not be applied or extended by any person to obtain any of the materials described in section 3 of this order. No manufacturer may extend the DO–MRO rating to obtain any Class A or Class B product (as those products are defined in CMP Regulation No. 1) or any production material for the manufacture of any Class A or Class B product. Such products and materials must be obtained in accordance with CMP Regulations Nos. 1 and 3, as such regulations may be amended or supplemented from time to time. The DO–MRO rating may be extended by a manufacturer, however, to obtain other products and materials as provided in NPA Reg. 2. In extending the rating, the manufacturer must place on his order the words:

Certified under NPA Order M–79

This certification shall be signed as provided in NPA Reg. 2 and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to use the rating under the provisions of this order to obtain the materials ordered.

SEC. 11. *Status of orders rated DO–97.* Any order rated DO–97 under Direction 2 to NPA Reg. 4, calling for delivery in the third quarter of 1951, is hereby converted into a DO–MRO rated order. Any such DO–97 rated order calling for delivery after the third quarter of 1951, must be converted into a DO–MRO rated order on or before September 1, 1951, by action of the person placing the order, or it will become an unrated order. Any MRO order rated DO–97 or DO–MRO under Direction 2 to NPA Reg. 4, calling for delivery after August 1, 1951, must be charged against the manufacturer's MRO export quota for the quarter in which delivery is ordered, regardless of whether converted or not.

SEC. 12. *Exports requiring validated licenses.* The authority granted by this order to apply the DO–MRO rating to any item requiring a validated license for its export does not imply assurance that such a license will be issued.

SEC. 13. *Relation to other NPA orders and regulations.* The provisions of all other NPA regulations and orders which are not in conflict with this order remain in full force and effect. Nothing in this order shall be construed as applicable to any material under allocation or as relieving any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of NPA or with any order of any other competent authority.

SEC. 14. *Records and reports.* (a) Every manufacturer and every nonmanufacturing exporter subject to this order shall make and preserve at his regular place of business for at least 2 years accurate and complete records showing, with respect to each manufacturer, what his MRO export quotas are, how he computed them, their factual justification, what revisions or adjustments he has made in them and for what reasons, any elections made as to use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised and, with respect to each manufacturer and each nonmanufacturing exporter, all receipts, deliveries, and inventories of MRO items for export with or without rating, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This requirement does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records disclose the above data and supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall maintain such further records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 15. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest.

In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be submitted in writing, in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Applications for inclusion under this order.* Any manufacturer excluded from this order by reason of the fact that his deliveries for export as specified in section 4 of this order were not in excess of $10,000 in 1950 (calendar or fiscal) may nevertheless, upon his request submitted in writing in triplicate, be granted the privilege of operating under the order.

SEC. 17. *Communications.* All communications concerning this order shall be addressed to the Office of International Trade, Washington 25, D. C., Ref: M-79.

SEC. 18. *Violations.* Any person who wilfully violates any provision of this order or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect November 7, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12098; Filed, Nov. 7, 1952; 3:05 p. m.]

[NPA Reg. 1, Amendment 1 of November 7, 1952]

REG. 1—INVENTORY CONTROL

This amendment to NPA Reg. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation was had with representatives of the sulfur industry and consideration was given to their recommendations. Since there is no trade association in this industry consultation with trade association representatives was not possible.

NPA Reg. 1, as amended September 9, 1952, is hereby further amended as follows:

1. The following item in Table IA of NPA Reg. 1, under the heading of "Chemicals" is deleted:

Sulfur

2. The following item in Table II of NPA Reg. 1 is deleted:

Sulfur ---------- M-69

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect November 7, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12096; Filed, Nov. 7, 1952; 3:05 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 22 to Schedule B]

[Rent Regulation 2, Amdt. 23 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

KANSAS CITY AND CLEVELAND DEFENSE-RENTAL AREAS

Effective November 10, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 7th day of November 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

1. Item 68 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

68. *Provisions relating to the Kansas City Defense-Rental Area (Item 170 of Schedule A):*

With respect to housing accommodations in the Kansas City Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* The housing accommodation had a maximum rent in effect on November 10, 1952, and the present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent for the housing accommodation 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodations or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Kansas City Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 68 of Schedule B.

2. Item 74 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

74. *Provisions relating to the Kansas City Defense-Rental Area (Item 170 of Schedule A):*

With respect to housing accommodations in the Kansas City Defense-Rental Area, section 138 is added to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The room had a maximum rent in effect on November 10, 1952, and the present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Kansas City Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 68 of Schedule B.

3. Item 69 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

69. *Provisions relating to the Cleveland Defense-Rental Area (Item 228 of Schedule A):*

With respect to housing accommodations in the Cleveland Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947 for the housing accommodations or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Cleveland Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 69 of Schedule B.

4. Item 75 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

75. *Provisions relating to the Cleveland Defense-Rental Area (Item 228 of Schedule A):*

With respect to housing accommodations in the Cleveland Defense-Rental Area, section 138 is added to this regulation to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947 for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Cleveland Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 69 of Schedule B.

[F. R. Doc. 52-12095; Filed, Nov. 10, 1952; 8:54 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.225 (f) is hereby amended by adding a new subparagraph (4-a), Shrewsbury River (South Branch), and § 203.714 (c) (1-a) and (f) governing the operation of drawbridges across the San Joaquin River and its tributaries, is hereby revised, as follows:

§ 203.225 *Navigable waters of the State of New Jersey; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

• • • • • •

(4-a) Shrewsbury River (South Branch) at junction of Parker Creek and Oceanport Creek; Monmouth County Gooseneck Highway Bridge. From November 1 to April 30, inclusive, at least four hours' advance notice required. At all other times and in all other respects the regulations contained in § 203.215 shall govern the operation of this bridge.

• • • • • •

§ 203.714 *San Joaquin River and its tributaries, Calif.* • • •

(c) *Middle River.* • • •

(1-a) *The Atchison, Topeka and Santa Fe Railway Company bridge near Middle River Station.* At least 12 hours' advance notice required, to be given the railway company's agent at Stockton, California, except that if, during crop moving seasons, 20 or more passages through the bridge in any 30-day period are contemplated and 15 days' notice is given of the proposed traffic the owner will be required to keep the draw tender in constant attendance for the duration of such period.

• • • • • •

(f) *Honker Cut; San Joaquin County highway bridge between Empire Tract and King Island.* At least 12 hours' advance notice required, to be given to the County Surveyor of San Joaquin County, Stockton, California, except during crop moving seasons when, in the opinion of District Engineer the constant attendance of a draw tender is warranted, and the operators of vessels engaged in the crop moving operations give 15 days' written notice to the District Engineer of the contemplated traffic.

• • • • • •

[Regs., Oct. 21, 1952, 823.01-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-12056; Filed, Nov. 10, 1952; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 871]

ALASKA

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 9114 OF MARCH 28, 1942; WITHDRAWING RELEASED LAND FOR TOWN SITE PURPOSES

By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U. S. C. 711), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

SECTION 1. Executive Order No. 9114 of March 28, 1942, reserving public lands for the War Department for military purposes, is hereby revoked so far as it affects the following-described land lying entirely within Tract No. 1 as described in that order:

Beginning at corner No. 6, U. S. Survey No. 225, identical with corner No. 2, U. S. Survey No. 226, thence
N. 42° 00' W., 3,091.50 feet to the ½ mile monument on line 2-3, U. S. Survey No. 1763;
S. 64° 56' W., 2,040.00 feet to corner No. 2, U. S. S. 1763;
Southeasterly, along the mean high tide line Sitka Sound to corner No. 4, U. S. S. 500;
N. 33° 00' E., 514.80 feet to corner No. 3, U. S. S. 500;
S. 57° 00' W., 514.80 feet to corner No. 2, U. S. S. 500;
S. 33° 00' W., to corner No. 1, U. S. S. 500;
Southeasterly, along the mean high tide line Sitka Sound to corner No. 4, U. S. S. 225;
N. 55° 30' E., 1,124.64 feet to corner No. 5, U. S. S. 225;
N. 74° 30' E., 739.20 feet to point of beginning.

The tract described contains approximately 140 acres.

SEC. 2. The land described in section 1 of this order is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for town site purposes, to be hereafter disposed of under applicable town site laws.

JOEL D. WOLFSOHN,
Acting Secretary of the Interior.

NOVEMBER 5, 1952.

[F. R. Doc. 52-12021; Filed, Nov. 10, 1952; 8:45 a. m.]

[Public Land Order 872]

ALASKA

RESERVING LANDS FOR THE USE OF THE ALASKA RAILROAD

By virtue of the authority contained in section 1 of the act of March 12, 1914, 38 Stat. 305, 307 (48 U. S. C. 303, 304, 307) and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from sale or other disposal and reserved for the use of the Alaska Railroad, Department of the Interior, for railroad purposes:

ANCHORAGE TOWN SITE

Block 1, lots 1 to 5, inclusive, and lots 8 to 11, inclusive;
Block 4, lots 7 and 8;
Block 5, lot 1;
Block 12, lots 1, 2, 10, 11, and 12;
Block 15, lot 5;
Block 21, lots 1 to 6, inclusive, and lots 9 and 10;
Block 120, lots 1 to 6, inclusive;
Block 121, lots 1 to 6, inclusive.

all as shown on plat of survey of Anchorage Town Site with South, East and Third Additions thereto, approved October 1, 1917.

JOEL D. WOLFSOHN,
Acting Secretary of the Interior.

NOVEMBER 5, 1952.

[F. R. Doc. 52-12031; Filed, Nov. 10, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Parts 19, 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TAXATION OF EMPLOYEE BENEFICIARIES OF CERTAIN TRUSTS AND TREATMENT OF FULL-TIME LIFE INSURANCE SALESMEN AS EMPLOYEES FOR CERTAIN PURPOSES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 335 of the Revenue Act of 1951 and Public Law 589 (82d Congress), approved July 17, 1952, relating to taxation of beneficiaries of certain trusts exempt under section 165 (a) of the Internal Revenue Code and to section 343 of the Revenue Act of 1951, relating to treatment of full-time life insurance salesmen as employees for certain purposes, such regulations are amended as follows:

PARAGRAPH 1. Section 29.22 (b) (2)–5, as amended by Treasury Decision 5853, approved August 29, 1951, is further amended by adding at the end thereof the following undesignated paragraph:

As to inclusion of full-time life insurance salesmen within the class of persons considered to be employees, see section 3797 (a) (20), as added by section 343 of the Revenue Act of 1951, set forth immediately preceding § 29.3797–1.

PAR. 2. Section 29.23 (p)–1, as amended by Treasury Decision 5666, approved November 2, 1948 is further amended by adding immediately after the second sentence of paragraph (a) the following new sentence: "(As to inclusion of full-time life insurance salesmen within the class of persons considered to be employees, see section 3797 (a) (20), as added by section 343 of the Revenue Act of 1951, set forth immediately preceding § 29.3797–1.)"

PAR. 3. There is inserted immediately preceding § 29.165–1 the following:

SEC. 335. EMPLOYEES' TRUSTS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 165 (b).* Section 165 (b) (relating to taxability of beneficiary on distributions from an employees' trust) is hereby amended by adding at the end thereof the following new sentence: "Where such total distributions include securities of the employer corporation, there shall be excluded from such excess the net unrealized appreciation attributable to that part of the total distributions which consists of the securities of the employer corporation so distributed. The amount of such net unrealized appreciation and the resulting adjustments to basis of the securities of the employer corporation so distributed shall be determined in accordance with regulations which shall be prescribed by the Secretary. For purposes of this subsection, the term 'securities' means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form, and the term 'securities of the employer corporation' includes securities of a parent or subsidiary corporation (as defined in section 130A (d) (2) and (3)) of the employer corporation."

(b) *Effective date.* The amendment made by this section shall be applicable with respect to distributions made after December 31, 1950.

PUBLIC LAW 589 (EIGHTY-SECOND CONGRESS, SECOND SESSION), APPROVED JULY 17, 1952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 165 (b) of the Internal Revenue Code (relating to employee stock purchase plans) is hereby amended by adding at the end thereof the following: "In no event shall the amount actually distributed or made available to any distributee include net unrealized appreciation in securities of the employer corporation attributable to the amount contributed by the employee. Such net unrealized appreciation and the resulting adjustments to basis of such securities shall also be determined in accordance with regulations which shall be prescribed by the Secretary."

SEC. 2. The amendment made by this Act shall be applicable with respect to taxable years beginning after December 31, 1951.

PAR. 4. Section 29.165–1, as amended by Treasury Decision 5422, approved December 13, 1944, is further amended by adding after the second sentence of paragraph (a) (1) the new sentence. "As to inclusion of full-time life insurance salesmen within the class of persons considered to be employees, see section 3797 (a) (20), as added by section 343 of the Revenue Act of 1951, set forth immediately preceding § 29.3797–1."

PAR. 5. Section 29.165–6, as amended by Treasury Decision 5853, is further amended as follows:

(A) By inserting a headnote to paragraph (a) to read: "*In general*" and by redesignating present paragraphs (b), (c) and (d) as subparagraphs (1), (2) and (3) of paragraph (a).

(B) By inserting immediately after the second sentence of paragraph (a) the following new sentence: "(For rules providing for exclusion from income in the year of distribution of amounts representing unrealized appreciation in the value of securities of the employer corporation, see paragraph (b) of this section.)"

(C) By inserting immediately preceding the last sentence of such section the following: "See, however, paragraph (b) of this section for rules relating to exclusion from such excess of amounts representing net unrealized appreciation in the value of securities of the employer corporation distributed after December 31, 1950."

(D) By adding at the end of such section the following paragraph (b):

(b) *Distributions including securities of the employer corporation.*—(1) *In general.* If a trust exempt under section 165 (a) makes a distribution to a distributee, and such distribution includes securities of the employer corporation, there shall be excluded for purposes of computing the amount of such distribution includible in the distributee's income in the year of distribution net unrealized appreciation in such securities to the following extent:

(i) If the distribution is made after December 31, 1950, and constitutes a total distribution to which the rules of paragraph (a) (3) of this section are applicable, the amount to be excluded is the entire net unrealized appreciation attributable to that part of the total distribution which consists of securities of the employer corporation; and

(ii) If the distribution is made in a taxable year of the distributee beginning after December 31, 1951, and is other than a total distribution to which paragraph (a) (3) of this section is applicable, the amount to be excluded is that portion of the net unrealized appreciation in the securities of the employer corporation which is attributable to the amount considered to be contributed by the employee to the purchase of such securities.

The amount of net unrealized appreciation which is excludible under the rules of subdivisions (i) and (ii) of this subparagraph shall not be included in the basis of the securities in the hands of the distributee at the time of distribution for purposes of determining gain or loss on subsequent disposition.

For purposes of section 165 (b) and of this section, the term "securities" means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form, and the term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in section 130A (d) (2) and (3), relating to employee stock options) of the employer corporation.

(2) *Determination of net unrealized appreciation.* The amount of net unrealized appreciation in securities of the employer corporation which are distributed by the trust is to be determined by reference to the cost or other basis to the trust of such securities and by reference to the market value of such securities at the time of distribution. Thus, if a distribution consists in part of securities which have appreciated in value and in part of securities which have depreciated in value, the net unrealized appreciation shall be considered to consist of the net increase in value of all of the securities included in the distribution. For this purpose, two or more distributions made by a trust to a distributee in a single taxable year of the distributee shall be treated as a single distribution.

The determination of the cost or other basis to the trust of a distributed security of the employer corporation, for purposes of determining net unrealized appreciation thereon, shall be made in accordance with the following rules:

(i) If a security was, at the time of purchase by, or contribution to, the trust, earmarked for the account of a particular employee so that the cost or other basis of such security to the trust is reflected in the account of such employee, such cost or other basis shall be used.

(ii) In all other cases, there shall be used the average cost (or other basis) to the trust of all securities of the employer corporation of the type distributed to the distributee which the trust has on hand at the time of the distribution, or which the trust had on hand on a specified inventory date which date does not precede the date of distribution by more than twelve calendar months. If a distribution includes securities of the employer corporation of more than one type, the average cost (or other basis) to the trust of each type of security distributed shall be determined. The application of this rule is illustrated by the following example:

Example. A, a distributee who makes his income tax returns on the basis of a calendar year, receives on August 1, 1952, in a total distribution, to which paragraph (a) (3) of this section is applicable, ten shares of class D stock of the employer corporation. The trust inventory of July 1, 1952 (the specified inventory date of the trust) discloses the following with respect to class D stock:

Shares	Purchase date	Cost per share	Total cost
20	Jan. 19, 1948	$95	$1,900
40	Dec. 1, 1949	102	4,080
20	Aug. 5, 1950	101	2,020
80			8,000

The average cost of each share of class D stock on hand on the last specified inventory date is $100, and such cost is to be used in determining the amount of unrealized appreciation in each such share at the time of distribution.

For purposes of section 117, relating to capital gains and losses, the period for which the distributee has held securities of the employer corporation which have been distributed or made available to him will begin with and include the day on which such securities were distributed or made available to him.

(3) *Unrealized appreciation attributable to employee contributions.* In any case in which it is necessary to determine the amount of net unrealized appreciation in securities of the employer corporation which is attributable to contributions made by an employee:

(i) The cost or other basis of the securities to the trust and the amount of net unrealized appreciation shall first be determined in accordance with the rules in subparagraph (2) of this paragraph;

(ii) The amount contributed by the employee to the purchase of the securities shall be solely the portion of his actual contributions to the trust properly allocable to such securities, and shall not include any part of the increment in the trust fund expended in the purchase of the securities;

(iii) The amount of net unrealized appreciation in the securities distributed which is attributable to the contributions of the employee shall be that proportion of the net unrealized appreciation determined under the rules of subparagraph (2) of this paragraph which the contributions of the employee properly allocable to such securities bears to the cost or other basis to the trust of the securities;

(iv) If a distribution consists solely of securities of the employer corporation, the contributions of the employee expended in the purchase of such securities shall be allocated to the securities distributed in a manner consistent with the principles set forth in subparagraph (2) (i) or (ii) of this paragraph, whichever is applicable, that is, the amount of the employee's contribution which can be identified as having been expended in the purchase of a particular security shall be allocated to such security, and the amount of such contribution which cannot be so identified shall be allocated ratably among the securities distributed. If a distribution consists in part of securities of the employer corporation and in part of cash or other property, appropriate allocation of a portion of the employee's contribution to such cash or other property shall be made unless such allocation is inconsistent with the terms of the plan or trust.

Example. A trust distributes ten shares of stock issued by the employer corporation each of which was purchased by the trust for $100, consisting of employee contributions in the amount of $60 and employer contributions in the amount of $40, and on the date of distribution has a fair market value of $180. The portion of the net unrealized appreciation attributable to the contributions of the employee with respect to each of the shares of stock is $48 computed as follows:

(1)	Value of one share of stock on distribution date	$180
(2)	Employee contributions	$60
(3)	Employer contributions	40
(4)	Total contributions	100
(5)	Net unrealized appreciation	80
(6)	Portion of net unrealized appreciation attributable to employee contributions, 60/100 (amount of employee contributions (Item 2) over total contributions (Item 4)) of $80 (Item 5)	48

For the purpose of determining gain or loss to the distributee in the year or years in which any share of stock referred to in the preceding example is sold or otherwise disposed of in a taxable transaction, the basis of each such share in the hands of the distributee at the time of the distribution by the trust will be $132 computed as follows:

(a)	Employee contributions	$60
(b)	Employer contributions	40
(c)	Portion of net unrealized appreciation attributable to employer contributions (item (5) minus item (6))	32
(d)	Basis of stock	132

(4) *Change in exempt status of trust.* For principles applicable in making appropriate adjustments if the trust was not exempt for one or more years prior to the year of distribution, see paragraph (a) of this section.

PAR. 6. There is inserted immediately preceding § 29.3797–1 the following:

SEC. 343. DEFINITION OF EMPLOYEE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 3797 (a).* Section 3797 (a) is amended by adding at the end thereof the following new paragraph:

(20) *Employee.* For the purpose of applying the provisions of chapter 1 with respect to contributions to or under a stock bonus, pension, profit-sharing, or annuity plan, and with respect to distributions under such a plan or by a trust forming part of such a plan, the term "employee" shall include a full-time life insurance salesman who is considered an employee for the purpose of subchapter A of chapter 9, or, in the case of services performed before January 1, 1951, who would be considered an employee if his services were performed during 1951.

(b) *Effective date.* The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1950.

The amendments made to Regulations 111 (26 CFR Part 29) by paragraphs 1, 2, 4 and 6 are hereby made applicable to taxable years beginning after December 31, 1950, and before January 1, 1942, such years being covered by Regulations 103 (26 CFR Part 19).

[F. R. Doc. 52–12055: Filed, Nov. 10, 1952; 8:52 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS AFFECTED BY AN EXCHANGE OR DISTRIBUTION MADE AFTER DECEMBER 31, 1947

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 338 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.373–1 the following:

SEC. 338. EXCHANGES AND DISTRIBUTIONS IN OBEDIENCE TO ORDERS OF SECURITIES AND EXCHANGE COMMISSION (REVENUE ACT OF 1951, APPROVED OCTOBER 20,1951).

(a) *Definition of system group.* Section 373 (d) (1) (relating to the definition of the term "system group") is hereby amended to read as follows:

(1) At least 90 per centum of each class of the stock (other than (A) stock which is preferred as to both dividends and assets, and (B) stock which is limited and preferred as to dividends but which is not preferred as to assets but only if the total value of such stock is less than 1 per centum of the aggregate value of all classes of stock which are not preferred as to both dividends and assets) of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations; and.

(b) *Effective date.* The amendment made by subsection (a) shall be applicable with respect to taxable years affected by an exchange or distribution made after December 31, 1947.

PAR. 2. Section 29.373–1 (d) is amended as follows:

(A) By designating the present text thereof as subparagraph (1) *Taxable years affected by an exchange or distribution made before January 1, 1948.*

(B) By striking from the first sentence thereof "The term 'system group' is defined" and inserting in lieu thereof: "For taxable years affected by an exchange or distribution made before January 1, 1948, the term 'system group' is defined".

(C) By adding at the end thereof the following subparagraph (2):

(2) *Taxable years affected by an exchange or distribution made after December 31, 1947.* For taxable years affected by an exchange or distribution made after December 31, 1947, the term "system group" is defined in section 373 (d) to mean one or more chains of corporations connected through stock ownership with a common parent corporation, if at least 90 percent of each class of stock (other than (A) stock which is preferred as to both dividends and assets, and (B) stock which is limited and preferred as to dividends but which is not preferred as to assets but only if the total value of such stock is less than 1 percent of the aggregate value of all classes of stock which are not preferred as to both dividends and assets) of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations, and if the common parent corporation owns directly at least 90 percent of each class of stock (other than stock preferred as to both dividends and assets) of at least one of the other corporations; but no corporation is a member of a system group unless it is either a registered holding company or a majority-owned subsidiary company. While the type of stock which must, for the purpose of this definition, be at least 90 percent owned may be different from the voting stock which must be more than 50 percent owned for the purpose of the definition of a majority-owned subsidiary company under section 373 (c), as a general rule both types of ownership tests must be met under section 373 (d), since a corporation, in order to be a member of a system group, must also be a registered holding company or a majority-owned subsidiary company.

[F. R. Doc. 52–12054; Filed, Nov. 10, 1952; 8:52 a. m.]

United States Coast Guard

[33 CFR Part 123]

[CGFR 52–54]

SECURITY OF VESSELS; CONTROL OVER MOVEMENT OF VESSELS IN WATERFRONT AREAS

MERCHANT MARINE COUNCIL PUBLIC HEARING

1. The Merchant Marine Council will hold a public hearing on December 2, 1952, commencing at 9:30 a. m., in Room 4120, Coast Guard Headquarters, Thirteenth and E Streets NW., Washington, D. C., for the purpose of receiving comments, views, and data on proposed regulations regarding control over movement of vessels in waterfront areas, as set forth in detail in paragraph 6 below.

2. The proposed regulations together with the authority therefor are set forth in paragraph 6. Copies of the proposed regulations have been mailed to persons and organizations who have expressed an active interest in the subject under discussion. Copies of the proposed regulations may be obtained from the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., so long as they are available.

3. The President of the United States has found, as stated in Executive Order 10173, as amended by Executive Orders 10277 and 10352, that the security of the United States is endangered by reason of subversive activities. The activities of water taxis, junk boats, sludge barges, and garbage disposal boats, as defined in the proposed regulations below, are of particular danger to the security interests of the United States due to the pattern of their waterfront operations which involves their frequent contact with vessels and continual passage among all waterfront areas, including sensitive areas of importance to the national defense, and as the casual and unobserved pattern of their activity, particularly after dark, gives them unusual opportunity to conduct activities inimical to the security interests of the United States.

4. The Commandant, United States Coast Guard, has been assigned certain duties under the provisions of Executive Order 10173, as amended, regarding the security of vessels and waterfront facilities. Pursuant to the authority of 33 CFR Subpart 6.04 in Executive Order 10173, as amended, the Commandant may supervise and control the movements of any vessel whenever necessary to prevent damage or injury to any vessel or waterfront facility or to carry out the other objectives of the Executive Order 10173, as amended, and may inspect and search any vessel at any time.

5. Comments on the proposed regulations are invited. All persons who desire to submit written comments, data, and views prior to the hearing for consideration in connection with the proposed changes should submit them in writing for receipt prior to December 1, 1952, by the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., or comments, data, and views may be presented orally or in writing at the hearing. In order to insure consideration of comments and to facilitate checking and recording, it is essential that each comment regarding a section or paragraph of the proposed regulations shall be submitted on Form CG–3287, showing the section number, the proposed change, the reason or basis (if any), and the name, business firm or organization (if any), and the address of the submitter. A small quantity of this Form CG–3287 may be obtained upon request from the Commandant (CMC), or from any Coast Guard District Commander. Oral comments may be submitted before the Merchant Marine Council on December 2, 1952. At the public hearing the proposed regulations will be considered in the sequence set forth below.

6. It is proposed to establish a new Part 123 in Subchapter K (Security of Vessels) in Chapter I of 33 CFR. This part will set forth requirements regarding control over movement of certain vessels in waterfront areas in accordance with Executive Order 10173, as amended. The proposed regulations read as follows:

PART 123—CONTROL OVER MOVEMENT OF VESSELS IN WATERFRONT AREAS

Sec.

123.01 General definitions.
123.05 Water taxi.
123.10 Junk boat.
123.15 Garbage disposal boat.
123.20 Sludge barge.
123.25 Applicability of regulations.
123.30 Excluded vessels.
123.35 Movement license.
123.40 Identification credentials.
123.45 Water taxis.
123.50 Junk boats.
123.55 Garbage disposal boats.
123.60 Sludge barges.
123.65 Denial of license.
123.70 Revocation of license.
123.75 Right of appeal.
123.80 Restoration of license.
123.85 Daily logs.

AUTHORITY: §§ 123.01 to 123.85 issued under E. O. 10173, Oct. 15, 1950, 15 F. R. 7005, 3 CFR 1950 Supp., E. O. 10277, Aug. 1, 1951, 16 F. R. 7537, 3 CFR 1951 Supp., E. O. 10352, May 19, 1952, 17 F. R. 4607. Interpret or apply 40 Stat. 220, as amended, 50 U. S. C. 191.

§ 123.01 *General definitions.* The terms "Commandant," "District Commander," "Captain of the Port," and "Waterfront facility" when used in this part shall have the meaning set forth in §§ 6.01–1, 6.01–2, 6.01–3, and 6.01–4 of this chapter (15 F. R. 7005; E. O. 10173, as amended, 3 CFR 1950 Supp., p. 140).

§ 123.05 *Water taxi.* The term "water taxi" shall mean any small vessel which is operated primarily for the purpose of transporting persons or things to and from points, places, or vessels within a port area, either on scheduled or unscheduled trips.

§ 123.10 *Junk boat.* The term "junk boat" shall mean any boat which is operated for the purpose of collecting junk from vessels within a port area or waterfront facilities.

§ 123.15 *Garbage disposal boat.* The term "garbage disposal boat" shall mean any vessel operated for the purpose of collecting garbage from vessels in a port area.

§ 123.20 *Sludge barge.* The term "sludge barge" shall mean any barge or boat including tender operated for the purpose of taking bilge water, contaminated oil, etc., from the bilges or double bottom of vessels in a port area.

§ 123.25 *Applicability of regulations.* (a) The regulations in this part shall apply to all ports or places in the United States, its territories or possessions (not including the Panama Canal Zone).

(b) The District Commander may, whenever he deems such action advisable, suspend or restore the applicability of the regulations in this part to ports or places within his jurisdiction. The District Commander shall give the public full and adequate notice of such actions. Such notice should be also published in the local notices to mariners.

§ 123.30 *Excluded vessels.* The term "water taxi," "junk boat," "sludge barge," or "garbage disposal boat," shall not include tugs, barges, or lighters in regular commercial use; ferryboats; sightseeing boats; fishing party boats; boats operated by persons, companies, or corporations, for the purpose of transporting their own employees to and from work; or boats operated by an agency of the federal, or state, or local government.

§ 123.35 *Movement license.* No water taxi, junk boat, sludge barge, or garbage disposal boat shall be operated until the owner, agent, operator, or person in charge has obtained a movement license from the Captain of the Port for such operation, which license shall be renewed annually or upon change of owner, agent, operator or person in charge. Either the original or a signed or certified copy of the license shall be carried on such vessels and shall be produced for inspection upon the demand of any officer charged with the enforcement of the regulations in this chapter.

§ 123.40 *Identification credentials.* All persons employed on water taxis, junk boats, sludge barges, and garbage disposal boats shall be in possession of one of the credentials listed in § 125.11 of this chapter.

§ 123.45 *Water taxis.* (a) The license issued by the Captain of the Port for the movements of a water taxi shall contain the names of the owner or owners and person, or persons, who are authorized to operate the boat and shall specify that the boat may be operated only under the following conditions:

(1) That the water taxi shall be operated only on a specified route or in a specified area. The license shall specify the routes or areas authorized.

(2) That the operator or person in charge shall maintain a daily log showing the time and the name or official number of all vessels contacted, and an identification of all waterfront facilities contacted, and the points between which passengers were transferred.

(3) That persons or things may not be embarked or loaded, disembarked or discharged, at shore points other than the shore points which shall be specified in the license except in case of emergency or when prior approval has been obtained from the Captain of the Port.

(4) That the water taxi shall be operated in conformity with all applicable federal laws and regulations.

§ 123.50 *Junk boats.* (a) The license issued by the Captain of the Port for the movement of a junk boat shall contain the names of the owner or owners and person or persons who are authorized to operate the boat and shall specify that the boat may be operated only under the following conditions:

(1) That the boat shall be operated during daylight only, that is, from one-half hour before sunrise to one-half hour after sunset.

(2) That the operator or person in charge shall maintain a daily log showing the time and name or official number of all vessels contacted and the time and an identification of all waterfront facilities contacted.

(3) That the junk collected may be discharged only at a point or points specified in the license.

(4) That the boat shall be operated in conformity with all applicable federal laws and regulations.

§ 123.55 *Garbage disposal boats.* (a) The license issued by the Captain of the Port for the movements of a garbage disposal boat shall contain the name of the owner or owners and person or persons who are authorized to operate the boat and shall specify that the boat may be operated only under the following conditions:

(1) That the boat shall be operated only in the area specified in the license.

(2) That the operator or person in charge shall maintain a daily log showing the time and name or official number of all vessels contacted and the time and an identification of all waterfront facilities contacted.

(3) That the garbage collected may be discharged only at a point or points specified in the license.

§ 123.60 *Sludge barges.* (a) The license issued by the Captain of the Port for the movement of a sludge barge shall contain the name of the owner or owners and person or persons who are authorized to operate the boat and shall specify that the boat may be operated only under the following conditions:

(1) That the boat shall be operated only in the area specified in the license.

(2) That the operator or person in charge shall maintain a daily log showing the time and name or official number of all vessels contacted and the time and identification of all waterfront facilities contacted.

(3) That the sludge may be discharged only at a point or points specified in the license.

§ 123.65 *Denial of license.* The Captain of the Port may deny issuing a license to a water taxi, junk boat, sludge barge, or garbage disposal boat whenever he finds that the issuance of such a license is or may be inimical to the security interests of the United States.

§ 123.70 *Revocation of license.* The Captain of the Port, after adequate notice and an opportunity for a full and fair hearing to the licensee, may revoke the license issued to a water taxi, junk boat, sludge barge, or garbage disposal boat whenever he finds that any one or more of the specified conditions have been violated, or when he finds that the operations of the boat are, or have been subsequent to the issuance of the license, inimical to the security interests of the United States.

§ 123.75 *Right of appeal.* The owner, agent, master, or person in charge of a water taxi, junk boat, sludge barge, or garbage disposal boat may appeal from the decision of the Captain of the Port denying issuance of a license or from an order of revocation to the District Commander having jurisdiction. If the appeal is denied by the District Commander, a further appeal may be made to the Commandant whose decision shall be final. An appeal shall not operate to stay the effectiveness of the Captain of the Port's decision or order during the consideration of such appeal.

§ 123.80 *Restoration of license.* The Captain of the Port may issue or reissue a license upon proper showing by the owner, agent, master, or person in charge of a water taxi, junk boat, sludge barge, or garbage disposal boat that its operations are not or will no longer be in violation of the regulations in this part or inimical to the security interests of the United States.

§ 123.85 *Daily logs.* (a) The daily logs maintained by water taxis, junk boats, sludge barges, and garbage disposal boats shall be kept in bound books, each book containing the daily log for calendar month.

(b) The log books shall be kept on file, either on board the vessel or at the office or place of business of the owner or operator, for six months, and shall be produced for inspection upon the demand of any officer charged with the enforcement of the regulations in this chapter.

Dated: November 3, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 52–12051; Filed, Nov. 10, 1952; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

INSPECTION, CERTIFICATION, AND STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

U. S. STANDARDS FOR CAULIFLOWER

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Cauliflower under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952) to supersede United States Standards for Cauliflower (13 F. R. 2249) effective May 27, 1948.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t. on the fifteenth (15) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.171 *Standards for cauliflower*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of compact heads of cauliflowers which are not discolored, or over-mature, and which are free from soft or wet decay and are free from damage caused by wilting, fuzziness, riciness, enlarged bracts, bruises, hollow stems, dirt or other foreign matter, disease, insects, or mechanical or other means. Unless otherwise specified, the heads shall be not less than 4 inches in diameter. Jacket leaves shall be fresh, green, and free from damage caused by disease and free from serious damage by any other cause. Unless otherwise specified, jacket leaves shall be well trimmed.

(i) In order to allow for variations, other than for size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the cauliflower in any lot may fail to meet the requirements of this grade but not more than one-tenth of this amount, or 1 percent, may be affected by soft rot or wet decay affecting the curd. In addition, not more than 5 percent, by count, of the heads in any lot may be smaller than the specified minimum size.

(b) *Unclassified.* Unclassified consists of cauliflower which has not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(i) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(ii) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and two off-sized specimens may be permitted in any package.

(d) *Definitions.* (1) "Compact" means that the flower clusters are closely united and the head feels solid.

(2) "Discolored" means that the head is of some abnormal color.

(3) "Over-mature" means a stage of growth which is beyond that of a compact, properly developed head. An over-mature head usually is loose or open and ordinarily is turning yellow.

(4) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the curd, or any disease which materially affects the appearance, or the shipping quality of the jacket leaves. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Fuzziness which gives the head a distinctly fuzzy appearance on more than one-half of the head;

(ii) Riciness, when the appearance of the head is materially injured by a very abnormal rough or granular surface on the curd;

(iii) Enlarged bracts, when the appearance of the head is materially injured by leaves (bracts) growing up through and extending above the curd; and,

(iv) Mold which causes the flesh of the curd to disintegrate or which exceeds ⅜ inch in diameter in the aggregate, or any single spot of mold which exceeds ⅛ inch in diameter.

(5) "Diameter" means the average diameter of the head exclusive of the jacket leaves.

(6) "Serious damage" means any injury to the jacket leaves which seriously affects their appearance.

(7) "Well trimmed" means that the jacket leaves shall be limited to the number and length necessary to protect the head. No jacket leaves are required on heads which are individually wrapped, or packed with cushions, partitions or other means which protect the head from bruising.

Done at Washington, D. C., this 5th day of November 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-12043; Filed, Nov. 10, 1952; 8:51 a. m.]

[7 CFR Ch. IX]

[Docket No. AO-242]

HANDLING OF MILK IN NORTH CENTRAL TRI-STATE MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Council Chamber, City Hall, Rochester, Minnesota, beginning at 10:00 a. m., c. s. t., on December 9, 1952.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the North Central Tri-State marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposed marketing agreement and order proposals set forth below have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals or any modifications thereof.

Marketing agreement and order proposed by the Tri-State Grade A Council:

DEFINITIONS

1. *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

2. *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

3. *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as may be authorized to perform the price reporting functions of the United States Department of Agriculture.

4. *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

5. *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this subpart is in effect.

6. *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) is qualified under the provisions of the act of Congress of February 11, 1922, as amended, known as the "Capper-Volstead Act"; (b) has full authority in the sale of milk of its members, and (c) is engaged in making collective sales of or marketing milk or its products for its members.

7. *Marketing area.* The North Central Tri-State Marketing Area comprises the following districts which include the designated counties:

(a) *LaCrosse District.* Monroe (including Camp McCoy), Vernon, LaCrosse, and Jackson in Wisconsin; the Townships of Caledonia, Wilmington, Jefferson, Winnebago, Mayville, Crooked Creek, Union, Brownsville, Mound Prairie, Hokah and LaCrescent in Houston, and the Townships of Dresbach and New Hartford in Winona in Minnesota.

(b) *Southeastern Minnesota District.* Trempealeau, Buffalo, and Pepin Counties in Wisconsin; Winona (except the Township of Dresbach and New Hartford), Houston (except the Townships of Caledonia, Wilmington, Jefferson, Winnebago, Mayville, Crooked Creek, Union, Brownsville, Mound Prairie, Hokah and LaCrescent), Olmsted, Wabasha, Goodhue, Dodge, Fillmore, Steele, Waseca (except the Townships of Janesville, Alton, Freedom and Vivian), Mower, Freeborn, and the Townships of Shieldsville, Wells, Cannon, Wheeling, Morristown, Warsaw, Walcott and Richland in Rice in Minnesota; Howard and Winneshiek in Iowa.

(c) *Mankato District.* Le Sueur, Nicollet, Brown, Watonwan, Martin, Faribault, Blue Earth and the Townships of Janesville, Alton, Freedom and Vivian in Waseca in Minnesota.

(d) *Mason City District.* Worth, Cerro Gordo, Floyd, Winnebago, Hancock, Wright and Mitchell in Iowa.

8. *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant, or any other plant from which milk in any of the forms specified in section 41 (a) is disposed of to any place or establishment within the marketing area other than a plant; and

(b) Any cooperative association which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a fluid milk plant or a country plant to a nonpool plant.

9. *Pool plant.* A "pool plant" is either:

(a) *Fluid milk plant.* "Fluid milk plant" means any plant located in the marketing area which is approved by any health authority having jurisdiction in the marketing area as a plant from which milk may be distributed for consumption as fluid milk in the marketing area, and from which during the month Class I milk pursuant to section 41 (a) is disposed of (including sales at such plant, plant store or eating place) within the marketing area; or

(b) *Country plant.* "Country plant" menas any plant, other than a fluid milk plant, which is approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area (but excluding that portion of any plant used to receive or process milk or milk products required by applicable health authority regulations to be kept physically separate from milk so qualified): *Provided,* That any plant (either fluid or country) shall not be a pool plant if the percentage of either butterfat or skim milk in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area as Class I milk pursuant to section 41 (a) is less than:

(1) 60 percent in the current month during the period August through November;

(2) 25 percent in the current month during the period December through July, except that if the percentage was more than 60 percent for the entire period of August through November immediately preceding no percentage shall be required for such months of December through July.

10. *Nonpool plant.* "Nonpool plant" means any plant other than a fluid milk plant or a country plant.

11. *Producer.* "Producer" means any dairy farmer, other than a producer-handler, who produces milk qualified by any health authority having jurisdiction in the marketing area for consumption as fluid milk in the marketing area.

12. *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided,* That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

13. *Producer milk.* "Producer milk" means all skim milk and butterfat which is produced by a producer, other than a produce-handler, and which is received by a handler either directly from producers or from other handlers.

14. *Other source milk.* "Other source milk" means all skim milk and butterfat except that contained in producer milk.

15. *Base milk.* "Base milk" means a quantity of milk determined for each producer pursuant to section 75.

16. *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

20. *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

21. *Powers.* The market administrator shall have power to:

(a) Administer the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

22. *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by section 80, the cost of his bond and the bonds of his employees, his own compensation, and all other expenses, except those incurred under section 81, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Publicly announce unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to sections 30 and 31, or (2) payments pursuant to sections 65, 69, and 71;

(h) Audit each handler's records and payments by inspection of such handler's records and the records of any person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) On or before the 10th day after the end of each delivery period report to each cooperative association which so requests the utilization of the milk caused to be delivered to each handler by such cooperative association. For this purpose such milk shall be prorated to each class in the same proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 5th day of each delivery period, (i) the minimum price for Class I milk computed pursuant to section 50 and the butterfat differential computed pursuant to section 52, both for the current delivery period, and (ii) the minimum prices for Class II milk computed pursuant to section 50 and the butterfat differentials computed pursuant to section 52; and

(2) On or before the 10th day after the end of each delivery period, the uniform price computed pursuant to section 61 and the butterfat differential computed pursuant to section 66; and

(k) Prepare and disseminate to the public such statistics and information as

he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

30. *Delivery period reports.* On or before the 7th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator in the detail and on the forms prescribed by the market administrator:

(a) The quantities of butterfat and skim milk in milk received from producers;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from any other handler;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except nonfluid milk products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all receipts required to be reported pursuant to this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

31. *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 20th day of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period which shall show:

(1) The total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk;

(2) The amount of payment to each producer and cooperative association; and

(3) The nature and amount of any deductions involved in such payments.

32. *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat received, including nonfluid milk products disposed of in the form in which received without further processing;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payment to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each delivery period.

33. *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

40. *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to section 30 shall be classified by the market administrator pursuant to the provisions of sections 41 to 45, inclusive.

41. *Classes of utilization.* Subject to the conditions set forth in sections 42 and 43, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk, or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans, and (3) all other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat;

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed; or

(3) In inventory variations of milk, skim milk, cream, or any product specified in paragraph (a) of this section.

42. *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

43. *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler), unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That if either or both handlers have received other source milk the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk, if transferred or diverted to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk from an approved plant to an unapproved plant more than 200 miles distant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk, if transferred in the form of cream under Grade A certification from an approved plant to an unapproved plant located more than 200 miles distant and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk if transferred or diverted in the form of milk, skim milk or cream from an approved plant to an unapproved plant located not more than 200 miles distant by shortest highway distance as determined by the market administrator, unless:

(1) The handler claims classification as Class II milk on the basis of a utilization mutually indicated in writing to the market administrator by both the operator of the unapproved plant and the handler on or before the 7th day after the end of the month within which such transfer occurred; and

(2) The operator of the unapproved plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification: *Provided*, That if the Class I utilization of skim milk and butterfat in such plant exceeds receipts at such plant of skim milk and butterfat, respectively, in milk direct from dairy farmers who the market administrator determines constitutes the regular source of supply for fluid usage of such unapproved plant in markets supplied by it, an amount of skim milk and butterfat equal to such excess shall be classified as Class I milk.

44. *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

45. *Allocation of skim milk and butterfat classified.* After making the computations pursuant to section 44, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to section 41 (b) (3).

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to section 43 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

50. *Class prices.* Subject to the provisions of sections 52 and 53 the minimum prices per hundredweight to be paid by each handler for milk received from producers at a pool plant during the delivery period shall be as follows:

(a) *Class I milk.* The price shall be the basic price determined pursuant to section 51 for the preceding delivery period plus $0.55 during May and June; plus $1.05 during July, August, September, October and November; and plus $0.75 in all other delivery periods: *Provided*, That such Class I price differentials shall be increased or decreased by application of the supply-demand adjustment established under § 941.52 (a) of Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area for the same delivery period: *And provided further*, That milk transferred to other plants outside of the marketing area shall be priced $0.20 higher than otherwise computed during the September-November period, and $0.20 lower during the January–April period.

(b) *Class II milk.* The price shall be that determined by the market administrator as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture, during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiplying by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

51. *Basic prices.* The basic price to be used in determining the price per hundredweight of Class I milk shall be the price for Class II milk computed pursuant to section 50 (b) or that derived from either of the formulas set forth in paragraphs (a) and (b) of this section, whichever is the highest.

(a) The average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture;

Companies and Locations

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.
Pet Milk Co., Hudson, Mich.

(b) (1) Multiply the average wholesale price per pound of 93-score butter at Chicago for said delivery period as reported by the Department of Agriculture by 6; (2) add 2.4 times the weekly prevailing price of "Cheddars" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, as reported by the Department of Agriculture; (3) divide the resulting sum by seven (7); (4) add 30 percent thereof; and (5) multiply the resulting sum by 3.5.

52. *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to section 46 is more or less than 3.5 percent, there shall be added to the respective class prices computed pursuant to section 50 for each 1 tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each 1 tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount equal to the butterfat differential computed as follows:

(a) *Class I milk.* Multiply by 1.3 the price of 93 score butter at Chicago and divide by 10.

(b) *Class II milk.* Multiply by 1.2114 the price of 93 score butter at Chicago and divide by 10.

53. *District supply-demand differentials to handlers.* (a) If total receipts of producer milk in any district are less than 100 percent of Class I sales [1] in any month, the price for Class I shall be raised 5 cents per hundredweight for the following month, and if total receipts of producer milk in any district during the period of August through November averages less than 100 percent of Class I sales,[1] the price for Class I shall continue to be 5 cents higher through the next August.

(b) If total receipts of producer milk in any district are in excess of 130 percent of Class I sales [1] during any month during the August–November period, the Class I price shall be lowered 5 cents per hundredweight for the following month; and if such receipts should average in excess of 130 percent of Class I sales [1] during the entire August–November period, the 5-cent decrease shall remain effective through the following August.

APPLICATION OF PROVISIONS

55. *Producer-handler.* Sections 41 through 52 and 60 through 76 shall not apply to a producer-handler.

56. *Handlers subject to other Federal orders.* In the case of any handler who the Secretary determines, disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay, under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

57. *Handlers who operate non-pool plants.* Handlers who operate non-pool plants shall, not later than the 12th day after the end of the delivery period, make payment to the market administrator for deposit into the producer settlement fund an amount equal to the difference between the Class I and Class II price with respect to all milk disposed of as Class I milk within the marketing area from such non-pool plant: *Provided*, That approved plants which have a non-pool status because of low utilization shall be exempt from this provision on satisfactory proof of payment of minimum class prices.

DETERMINATION OF UNIFORM PRICE

60. *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be a sum of money com-

[1] Class I sales here are defined as those excluding those outside of a 100-mile radius from the market area boundary.

puted by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had overage of either skim milk or butterfat there shall be added to the above values an amount computed by multiplying the pounds of overage by the applicable class prices.

61. *Computation of uniform price.* (a) Paragraphs (b) and (c) of this section and sections 62, 65, 68, 69, 70 and 71 shall be applied separately to (1) producer milk received at, or diverted by a cooperative association from plants in the LaCrosse District, and (2) producer milk received at, or diverted by a cooperative association from, plants in the Marketing Area other than the LaCrosse District.

(b) During the months of August through November, the market administrator shall compute a uniform price for milk purchased or received from producers by each handler at his pool plants as follows:

(1) Combine into one total the values computed pursuant to section 60 for all handlers who made the reports prescribed by section 30 and who made the payments pursuant to section 65 for the preceding delivery period;

(2) Add not less than one half of the cash balance on hand in the producer-settlement fund less the amount of the contingent obligations to handlers pursuant to section 67;

(3) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent or add if such butterfat content is less than 3.5 percent an amount equal to the total value of the producer butterfat differential applicable pursuant to section 66.

(4) Add or subtract the appropriate amounts equal to the values of the district supply-demand differentials computed pursuant to section 67 (a);

(5) Add an amount equal to the total value of the location differentials computed pursuant to section 67 (b);

(6) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(7) Subtract not less than 4 cents nor more than 5 cents. The resulting amount shall be known as the uniform price for milk of 3.5 percent butterfat received from producers during the months of August through November.

(c) *Computation of uniform prices for base milk and excess milk.* For each of the months of December through July, inclusive, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, received from producers at an approved plant as follows:

(1) Compute the value of all producer milk as prescribed in section 61 (b) (1–5).

(2) Compute the value of all excess milk by multiplying the volume in each class by the appropriate class price.

(3) Compute the value of all base milk by subtracting the value found in subparagraph (2) from that found in subparagraph (1) of this paragraph.

(4) Compute the uniform price of excess milk by dividing the value obtained in subparagraph (2) by the excess volume.

(5) Compute the uniform price of base milk by dividing the value found in subparagraph (3) by the base volume.

(6) Subtract not less than 4 cents nor more than 5 cents from prices obtained in subparagraphs (4) and (5). The resulting amounts shall be the uniform prices for 3.5 percent excess and base milk, respectively.

62. *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler who operates a pool plant at his last known address, a statement showing:

(a) The classification and value of the milk received from producers by such handler at his pool plant.

(b) The applicable class prices and the uniform price for all milk during the months of August through November, or the uniform prices for base milk and for milk in excess of base during the months of December through July.

(c) The amount due such handler or the amount to be paid by such handler pursuant to sections 68 and 69.

PAYMENTS FOR MILK

65. *Time and method of payment.* Each handler shall, subject to the butterfat and location differentials prescribed in sections 66 and 67, make payment for milk received at a pool plant as follows:

(a) On or before the 15th day after the end of the delivery period during which the milk was received to each producer for milk, except that for which payment is made to a cooperative association pursuant to paragraph (b) of this section, (1) during the months of August through November at not less than the uniform price computed pursuant to section 61 (a), (2) during the months of December through July at not less than the uniform prices for base and excess milk computed pursuant to section 61 (b).

(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk caused to be delivered to such handlers from producers by the cooperative association if the cooperative association is authorized to collect payment for such milk and if it so requests, an amount equal to not less than the sum of the individual amounts otherwise payable to such producers.

66. *Producer butterfat differential.* In making payments to producers pursuant to section 65 there shall be added to or subtracted from the uniform price for each 1 tenth of 1 percent that the average butterfat content of such milk is above or below 3.5 percent the following amounts:

(a) During August through November—an amount equal to the weighted average value of the butterfat allocated to each class pursuant to section 45.

(b) During December through July—(1) with respect to milk not in excess of base an amount computed by multiplying by 1.30 the price of 93-score butter at Chicago and dividing the results by 10, and (2) with respect to milk delivered in excess of base an amount computed by multiplying by 1.15 the price of 93-score butter at Chicago and dividing the result by 10.

67. (a) *District supply-demand.* In making payment to producers pursuant to section 65 for milk received at pool plants, each handler shall be governed by the provisions of section 53.

(b) *Location differential to producers.* In making payments to producers pursuant to section 65 for milk delivered to pool plants outside the city limits of towns of over 5,000 population each such handler shall subtract from the payment on all milk the following amounts according to distance from city limit:

	Cents
1–3 miles	3
4 miles	4
5 miles or over	5

These amounts are to be paid by the handlers directly to the producer-settlement fund.

63. *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to section 69 and out of which he shall make all payments to handlers pursuant to section 70.

69. *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the utilization value of the milk received by such handler from producers during such delivery period is greater than the amount required to be paid producers by such handler pursuant to section 65.

70. *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the utilization value of the milk received by such handler from producers during the delivery period is less than the amount required to be paid producers by such handler pursuant to section 65: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly the payments to all handlers and shall complete such payments as soon as the necessary funds are available. No handler who has not received the balance of such payments from the market administrator shall be considered in violation of section 65 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

71. *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payment set

forth in the provision under which such error occurred.

72. *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The delivery period(s) during which the milk with respect to which the obligation exists was received for handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator all books and records required by this subpart to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the delivery period during which all such books and records pertaining to such obligations are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transactions involving fraud or willful concealment of a fact, material to the obligation on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month, during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed unless the handler, within the applicable period of time, pursuant to section 8c (15) (A) of the act, files a petition claiming such money.

BASE PLAN

75. (a) Bases are established August through November and apply the following December through July.

(b) Any producer who is not eligible to receive a base as computed above shall have a base computed by applying the appropriate percentage on the following table to his deliveries to handlers:

December	75	June	35
January	60	July	70
February	50	August	100
March	40	September	100
April	40	October	100
May	35	November	100

76. *Base rules.* The following rules shall be observed in the determination of bases:

(a) A base may be transferred during the period of December through July upon written notice to the market administrator on or before the last day of the month of transfer, but only under the following circumstances:

(1) Upon the death, retirement or entry into military service of a producer, the entire base may be transferred to a member (or members) of his immediate family who continues to supply producer milk from the same farm.

(2) If a base is held jointly and such joint holding is terminated the entire base may be transferred as a unit to one of the joint holders or to another producer.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to section 75 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to section 75 (b) until he can establish a new base under section 75 (a) to begin the next December 1.

(c) By notifying the market administrator prior to the last day of any month in the period December through July, inclusive, a producer having a base established pursuant to section 75 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the end of such eight-month period such producer's base shall be computed in the manner provided by section 75 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

OTHER PAYMENTS

80. *Expense of administration.* As his prorata share of the expense of administration of this part each handler, with respect to all milk purchased or received directly from producers' farms (including such handler's own production) and which is disposed of as Class I milk during the delivery period, shall pay to the market administrator, on or before the 12th day after the end of such delivery period, 4–6 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe.

81. *Marketing services.* (a) Except as set forth in paragraph (b) of this section each handler, in making payments to producers (other than himself) pursuant to section 65 shall deduct 5 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to check weights of, sample, and test milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 12th day after the end of such delivery period pay such deductions to the cooperative association rendering such services.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

85. *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

86. *Suspension or termination.* The Secretary shall, whenever he finds that, this subpart, or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provisions of this subpart.

87. *Continuing obligations.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

88. *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the liquidating agent shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand

exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

90. *Agents.* The secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

91. *Separability of provisions.* If any provision of this subpart or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Proposed by the Borden Company:

1. Include Eau Claire County, Wisconsin, within the proposed marketing area.

2. Provide that a "handler" shall include anyone who operates a plant within or without the marketing area, from which fluid milk is distributed in the marketing areas and that, regardless of any other provision in the marketing order as to whether the plant shall be a "pool plant" or a "nonpool plan," the handler shall be required to pay not less than the minimum class prices for all milk.

3. Include as a separate class (Class I–A) all skim milk and butterfat disposed of in the form of cream or fluid products containing over 6 percent butterfat; and provide a minimum price therefor which shall be less than the price for skim milk and butterfat utilized as Class I milk.

4. Provide that the prices for Class I and Class I–A milk shall be increased and decreased on the basis of the operation of the formula, but only in specific units per hundredweight under the so-called "bracket schedule" of changing the price. In the case of Class I the unit of change shall be 22¢ per hundredweight.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C. or may be there inspected.

Dated: November 6, 1952, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52–12061; Filed, Nov. 10, 1952; 8:53 a. m.]

[7 CFR Part 994]

HANDLING OF PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI AND SOUTH CAROLINA

EXPENSES OF PECAN ADMINISTRATIVE COMMITTEE AND RATE OF ASSESSMENT FOR FISCAL PERIOD BEGINNING OCTOBER 1, 1952

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 111 and Order No. 94 (7 CFR Part 994), regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if such tenth day after publication should fall on a Saturday, Sunday, or holiday, such submission may be received by the Director not later than the close of business on the next following work day.

Pursuant to the provisions of said agreement and order, the Pecan Administrative Committee at its meeting in Albany, Georgia, on October 2, 1952, unanimously recommended a budget of expenses of $30,800 and an assessment rate of 22 cents per hundred pounds of pecans handled for the fiscal period beginning October 1, 1952. In making the foregoing recommendation, the Committee took into consideration its estimate that 14,000,000 pounds of pecans will be handled for distribution as unshelled pecans during the aforesaid fiscal period. The proposed rate of assessment of 22 cents per hundred pounds of pecans handled, when applied to this estimated quantity, will provide sufficient funds to cover the proposed expenses of $30,800, and such expenses and rate of assessment appear to be reasonable. The proposed budget of expenses and rate of assessment are the same as were approved for the fiscal period beginning October 1, 1951.

The proposed rule is as follows:

§ 994.303 *Expenses for the fiscal period beginning October 1, 1952, and rate of assessment*—(a) *Expenses.* Expenses in the amount of $30,800 are reasonable and likely to be incurred by the Pecan Administrative Committee for its maintenance and functioning during the fiscal period beginning October 1, 1952; and

(b) *Rate of assessment.* The rate of assessment to be paid, in accordance with the applicable provisions of said marketing agreement and order, by each handler who first handles unshelled pecans shall be 22 cents per hundred pounds of assessable unshelled pecans handled by him as the first handler thereof during the fiscal period beginning October 1, 1952.

Issued at Washington, D. C., this 5th day of November 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52–12042; Filed, Nov. 10, 1952; 8:51 a. m.]

NOTICES

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 79]

DIRECTORS OF THE REGIONAL OFFICES, REGION XII, SAN FRANCISCO, CALIFORNIA, AND REGION XIII, SEATTLE, WASHINGTON

DELEGATION OF AUTHORITY TO ACT UNDER SECTION 4 OF SUPPLEMENTARY REGULATION 11 TO CEILING PRICE REGULATION 17

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. *Authority to act under section 4 of Supplementary Regulation 11 of Ceiling Price Regulation 17.* Authority is hereby delegated to the Director of Region 12, San Francisco, California, and the Director of Region 13, Seattle, Washington, to disapprove or modify by order ceiling prices filed pursuant to section 4 of Supplementary Regulation 11 to Ceiling Price Regulation 17. Authority is also delegated to these Directors to request further information concerning filings made under this section.

2. *Redelegation of authority.* The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on November 8, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 7, 1952.

[F. R. Doc. 52–12088; Filed, Nov. 7, 1952; 12:35 p. m.]

REGION VI

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation were filed with the Division of the Federal Register on October 31, 1952.

REGION VI

Cleveland Order 1-G4-1, Amendment 3, changes and deletes certain food items for retail sales in the Northeastern Ohio area, filed 3:48 p. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–12050; Filed, Nov. 6, 1952; 11:49 a. m.]

REGION IX

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation were filed with the Division of the Federal Register on October 20, 1952.

REGION IX

Omaha Order 1-G2-1, Amendment 2, changes certain food items for retail sales in the Omaha area, filed 4:41 p. m.

Omaha Order 1-G4-1, Amendment 2, changes certain food items for retail sales in the Omaha area, filed 4:41 p. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–12049; Filed, Nov. 6, 1952; 11:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6392]

LUZ Y FUERZA DE REYNOSA, S. A., AND CENTRAL POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY AND RELEASING PERMIT

NOVEMBER 5, 1952.

Notice is hereby given that on November 5, 1952, the Federal Power Commission issued its order entered October 30, 1952, in the above-entitled matter, authorizing transmission of electric energy to Mexico, and releasing Presidential Permit in Docket No. E–6393.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–12024; Filed, Nov. 10, 1952; 8:46 a. m.]

[Docket No. E–6454]

CITY OF CENTRALIA, WASHINGTON

NOTICE OF DECLARATION OF INTENTION

NOVEMBER 5, 1952.

Public notice is hereby given that the City of Centralia, State of Washington on August 29, 1952, filed with this Commission its declaration of intention pursuant to the provisions of the Federal Power Act (49 Stat. 838) (16 U. S. C. 818) and the rules and regulations of this Commission in such matters made and provided. The Declarant states that it intends to construct, operate and maintain certain hydroelectric generating project works, which are specifically described in the said declaration, across, along, over and in the Nisqually River approximately 6 miles Southeasterly from the Town of Yelm, Washington, where it has an existing hydroelectric power plant. The Declarant proposes to enlarge the dam across the said river, to improve the canal by cleaning it out, to construct a penstock and an addition to the power house to accomodate a turbine of 7,500 hp with the directly connected generator of 6,250 kva 80 percent power factor, and to construct and install all other necessary appurtenances. The plant will be manually operated and controlled. A power interconnection now exists with Bonneville Power Administration and no additional interconnection is contemplated at this time.

Declarant states that the proposed project will have no effect on present or proposed navigation; also that it is entitled to divert up to 1,050 cubic feet of water per second of the natural flow of Nisqually River when its power plant is fully developed thus increasing the amount of the flow from its present volume by 700 to 720 cfs.

The Commission will investigate the project and determine whether a license under the Federal Power Act is required or whether the project may be constructed upon compliance with the State laws only.

Any objection or comments concerning this matter should be communicated or submitted within 30 days from the date of publication of this notice to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–12023; Filed, Nov. 10, 1952; 8:46 a. m.]

[Docket Nos. ID–1099, ID–1183, ID–1184]

HERBERT P. FABER ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

NOVEMBER 5, 1952.

In the matters of Herbert P. Faber, Docket No. ID–1099; Richard F. Alexander, Docket No. ID–1183; Frank L. Jones, Jr., Docket No. ID–1184.

Notice is hereby given that on November 4, 1952, the Federal Power Commission issued its orders entered October 30, 1952, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–12025; Filed, Nov. 10, 1952; 8:46 a. m.]

[Docket No. IT–5963]

CENTRAL POWER AND LIGHT CO. AND COMISION NACIONAL DE IRRIGACION

NOTICE OF ORDER TERMINATING AUTHORIZATION TO TRANSMIT ELECTRIC ENERGY AND ACCEPTING SURRENDER OF PERMIT

NOVEMBER 5, 1952.

Notice is hereby given that on November 5, 1952, the Federal Power Commission issued its order entered October 30, 1952, in the above-entitled matter, terminating authorization to transmit electric energy to Mexico and accepting surrender of Presidential Permit in Docket No. IT–5982.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–12026; Filed, Nov. 10, 1952; 8:46 a. m.]

[Project No. 2039]

DELAWARE RIVER DEVELOPMENT CORP.

NOTICE OF ORDER EXTENDING PERIOD OF PRELIMINARY PERMIT

NOVEMBER 5, 1952.

Notice is hereby given that on November 3, 1952, the Federal Power Commission issued its order entered October 30, 1952, in the above-entitled matter, extending period of preliminary permit from June 30, 1951, to and including June 30, 1953.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–12027; Filed, Nov. 10, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2950]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE REGARDING THE ISSUANCE AND SALE OF SHARES OF COMMON STOCK AND INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND THE ACQUISITION THEREOF BY PARENT COMPANY

NOVEMBER 5, 1952.

Notice is hereby given that a joint application has been filed with this Commission by the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Cumberland and Allegheny Gas Company ("Cumberland"), a subsidiary company of Columbia, pursuant to the Public Utility Holding Company Act of 1935. Sections 6 (b), 9 and 10 of the act have been designated as being applicable to the proposed transactions.

All interested persons are referred to said joint application which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Cumberland proposes to issue and sell and Columbia proposes to acquire 10,000 shares of common stock, par value $25

per share ($250,000), and a maximum of $300,000 principal amount of 3⅝ percent Installment Promissory Notes. Cumberland represents that the proceeds in the amount of $550,000 to be derived from Columbia would be used to finance the remainder of its 1952 construction program. Columbia states that it would first purchase common stock when and as funds are required up to a maximum amount of 10,000 shares, and thereafter it would purchase 3⅝ percent Notes as funds are needed, up to a maximum principal amount of $300,000. It is further stated that Cumberland would not issue or sell any such common stock or 3⅝ percent Notes subsequent to March 31, 1953.

The 3⅝ percent Notes to be issued by Cumberland would be registered and the principal amounts thereof would be payable in twenty-five equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount of said Notes will be payable semi-annually on February 15 and August 15.

The issuance and sale of the common stock and Notes by Cumberland are stated to be subject to the jurisdiction of the Public Service Commission of the State of West Virginia.

Notice is further given that any interested person may, not later than November 15, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 15, 1952, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12028; Filed, Nov. 10, 1952; 8:47 a. m.]

[File No. 70-2953]

COLUMBIA GAS SYSTEM, INC., AND NATURAL GAS COMPANY OF WEST VIRGINIA

NOTICE REGARDING THE ISSUANCE AND SALE OF SHARES OF COMMON STOCK AND INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND THE ACQUISITION THEREOF BY PARENT COMPANY

NOVEMBER 5, 1952.

Notice is hereby given that a joint application has been filed with this Commission by the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Natural Gas Company of West Virginia ("Natural Gas"), a subsidiary company of Columbia, pursuant to the Public Utility Holding Company Act of 1935. Sections 6 (b), 9 and 10 of the act are designated as being applicable to the proposed transactions.

All interested persons are referred to said joint application which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Natural Gas proposes to issue and sell and Columbia proposes to acquire, at par, 1,500 shares of common stock, par value $100 per share, ($150,000), and a maximum of $200,000 principal amount of 3⅝ percent Installment Promissory Notes. Natural Gas represents that the proceeds in the amount of $350,000 to be derived from Columbia would be used to finance the remainder of its 1952 construction program. Columbia states that it would first purchase common stock when and as funds are required up to a maximum amount of 10,000 shares and thereafter it would purchase 3⅝ percent Notes as funds are needed, up to a maximum principal amount of $200,000. It is further stated that Natural Gas would not issue or sell any such common stock or 3⅝ percent Notes subsequent to March 31, 1953.

It is further stated that the 3⅝ percent Notes proposed to be issued by Natural Gas would be payable in twenty-five equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount thereof would be payable semiannually on February 15 and August 15.

The issuance and sale of the common stock and Notes by Natural Gas is stated to be subject to the jurisdiction of the Public Utilities Commission of the State of Ohio.

Notice is further given that any interested person may, not later than November 15, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 15, 1952, said joint application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12029; Filed, Nov. 10, 1952; 8:48 a. m.]

[File No. 70-2954]

PHILADELPHIA CO. ET AL.

NOTICE REGARDING PROPOSED TAX AGREEMENTS AMONG PARENT AND SUBSIDIARIES

NOVEMBER 5, 1952.

In the matter of Philadelphia Company, Duquesne Light Company, Allegheny County Steam Heating Company, Cheswick and Harmar Railroad Company; File No. 70-2954.

Notice is hereby given that a joint declaration has been filed with this Commission by Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard"), also a registered holding company, by Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia, and by Allegheny County Steam Heating Company ("Allegheny") and Cheswick and Harmar Railroad Company ("Cheswick"), non-utility subsidiaries of Duquesne. Declarants have designated section 12 (f) of the act and Rule U-45 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

On October 1, 1952, the Commission approved Steps I and I-A of a plan of liquidation of Standard, filed pursuant to section 11 (e) of the act. (Holding Company Act Release No. 11510). Step I involves the retirement of the Prior Preference Stock of Standard through the distribution of portfolio stocks of Standard, including common stock of Duquesne. Step I-A involves the settlement of various intercompany claims between Standard and its parent Standard Power and Light Corporation ("Power"), also a registered holding company, and provides, among other things, for the transfer of 31,000 shares of the common stock of Duquesne by Standard to Power. An application by the Commission for enforcement of Steps I and I-A is now pending in the United States District Court for the District of Delaware.

It is also proposed under Step I of the aforementioned plan that Philadelphia will enter into separate agreements with Duquesne and its subsidiaries Allegheny and Cheswick with respect to the apportionment of Federal income and excess profits taxes, and refunds thereof, if any, covering the period from 1942 through 1950 during which such companies joined with Standard in the filing of consolidated tax returns. The agreement with Duquesne provides in substance that (a) Duquesne will pay its share (as determined under previous agreements) of any additional Federal income and excess profits taxes, on a consolidated tax return basis, for all years through 1950 up to an aggregate of (i) $8,117,571, the amount accrued on its books for such taxes as of July 3, 1952, (ii) $2,000,000, representing the estimated possible additional liability for such taxes, and (iii) its share of any interim refunds of such income and excess profits taxes received after July 3, 1952; (b) that Philadelphia will assume all liability for such taxes for the years through 1950 in excess of such aggregate amount; and (c) that if the share of Duquesne of the net aggregate of the taxes finally determined to be payable is less than the amount of such taxes paid by Duquesne prior to July 3, 1952, Philadelphia will be entitled to the resulting net refunds and interest thereon.

The agreements with Allegheny and Cheswick provide in substance that (a) Allegheny and Cheswick will pay their share of any additional Federal income and excess profits taxes on a consolidated tax return basis, for all years through 1950 up to an aggregate of (i) the respective amounts accrued therefor on their books as of July 3, 1952 ($57,031.52 in the case of Allegheny and $6,412.16 in the case of Cheswick), and (ii) their respective shares of interim refunds received after July 3, 1952; and (b) that Philadelphia will assume all liability for such taxes for the years through 1950 in excess of such respective aggregate amounts and will be entitled to receive all net refunds and interest thereon for such years.

In its findings and opinion approving Step I of the aforesaid Standard plan, this Commission found that the proposed agreements would be fair and equitable to Standard's security holders and to Philadelphia, Duquesne, Allegheny and Cheswick. In the present declaration specific approval is sought as to the execution of the proposed agreements since Duquesne, Allegheny and Cheswick were not parties to the proceeding involving Step I of the Standard plan.

The declarants estimate that their expenses will not exceed $100 and state that services of counsel are not to be separated from their general services in connection with Step I of the Standard plan, for which compensation will be sought in connection with the reorganization of Standard.

The declaration indicates that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Declarants request that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than November 17, 1952, at 5:30 p. m. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12030; Filed, Nov. 10, 1952; 8:48 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 40; Docket No. 53]

REBO MANUFACTURING CORP. AND JOSEPH REICHERT

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 24th day of October 1952, before Warren A. Seavey, a hearing commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority's General Administrative Order 16-06 (16 F. R. 8628) dated July 21, 1951, and Rules of Practice 1, Revised (17 F. R. 8156); and

The respondents Rebo Manufacturing Corp. and Joseph Reichert were duly apprised of the specific violation charged, and informed of the rules and procedures which govern these proceedings and the administrative action which may be taken.

The respondents appeared by their attorneys, Harold Rosenwald and Edward Schneider, of Boston, Mass., the National Production Authority being represented by James E. Agnew of its Boston Regional Office and Joseph J. Saunders of its Office of General Counsel.

The charges: The respondents were charged with having violated section 3 (c) of CMP Regulation No. 1, May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860), with having produced 84,967 pounds of automobile exhaust extensions from carbon steel controlled materials without having received an authorized production schedule, this in the period between April 1, 1952, and September 11, 1952.

By an amendment consented to by the attorneys for the respondents, the charge was changed from the charge of having produced Class B products to one of having produced Class A products.

Facts: By agreement between the counsel for the National Production Authority, for the Rebo Manufacturing Corporation and by Joseph Reichert, individual respondent controlling the Rebo Manufacturing Corporation, it was agreed: That the Rebo Manufacturing Corporation had produced Class A products without having a production schedule to the amount of approximately 84,000 pounds between April 1, 1952, and September 11, 1952; that this was done upon purchase orders on the Hub Auto Supply Company of Boston as a subcontractor, which had represented that it had an authorized production schedule which it could extend to the respondents; that the respondents had a right to rely upon the validity of these representations until notice from the National Production Authority that it was not so authorized; that on the 21st of August a letter was sent by the National Production Authority to the Rebo Manufacturing Corporation (made a part of the stipulation) in effect warning the Rebo Manufacturing Corporation that it might be violating the rules in manufacturing for the Hub Auto Supply Company, also known as the Wilson Company, that the letter was received in course of post but was not opened by the Rebo Manufacturing Corporation until September 11, when the inspector from the National Production Authority visited the plant of the company; that thereupon, September 11th, all production of controlled material ceased.

Counsel for the respondents moved for dismissal of the charges. Upon this being refused, evidence was taken as to the occurrences between August 22 when the notification was deposited at the place of business of the Rebo Manufacturing Corporation, and September 11, when knowledge as distinct from notice was brought home to the company. Counsel for the National Production Authority disclaimed any intent to charge violation prior to August 22.

Summarizing the evidence thus orally presented, I find the following facts: That the Rebo Manufacturing Corporation is a very small concern, consisting of Rebo, his son, an assistant and a once-a-month bookkeeper; that its assets consist of a few machines in an area of approximately 3,000 feet; that a large percentage of its business has been performed for the Hub Auto Supply Company and consists of stamping and bending steel to form tail pieces and baffles for use in automobiles. On August 22d, the date of the delivery of the above mentioned letter, there was a considerable quantity of material both stamped and unstamped on hand and between August 22 and September 11, from the pieces already stamped and useful only when shaped, there were made 1,400 tail pieces, having a gross weight of approximately 500 pounds, this being the sole violation remaining of the original charges.

The reason for the nondiscovery of the notification of August 22 was the careless way in which the correspondence of the company was carried on. There was, however, no knowledge of the possible content of the letter and there was no indication that the respondent Reichert intended to flout the National Production Authority. His carelessness was directed rather to the general business affairs of the concern than to any disposition not to obey governmental orders.

It was also brought out that previous to August 22 an inspector from the Boston office of the National Production Authority had several times visited the plant and had been referred by Reichert to the Hub or Wilson Company for further information, but it was not until just before August 22 that the National Production Authority came to believe that the Hub or Wilson Company was not privileged to authorize the respondent to manufacture for it. When the respondents learned that they were violating the orders of the National Production Authority, they stopped the improper use of controlled materials.

I find further that since the respondents did not use any materials after August 22 which could be used for any purpose other than that for which they used them, and since they had not drawn

fresh supplies of controlled materials after August 22, their technical violation resulting from the careless failure to read received mail did not in any way affect the national economy with reference to controlled materials.

Conclusions: I find that the respondents were acting throughout in good faith; that they made every attempt upon learning the facts to comply with governmental orders; that the affair has been a minor disaster for them; that they will not be able to operate sufficiently to support themselves if they are unable to secure and work upon controlled materials; that public policy requires that this small enterprise should not be destroyed and that the national economy should not be deprived of the use of the materials and machines belonging to the company, which it would if the respondents' business were to be stopped for a substantial period.

On the other hand, it is desirable that more care should be used in relation to controlled materials and for the purpose of correcting the unauthorized use of controlled materials occasioned by the technical violation and in order to prevent future violation of National Production Authority orders and regulations by the respondents, and because no other remedy is open to the National Production Authority, it is accordingly ordered:

1. That all priority assistance, allocations and allotments of controlled material be withdrawn and withheld from Rebo Manufacturing Corp., its successors and assigns, and Joseph Reichert for a period of 2 weeks commencing with the date of this order.

2. That Rebo Manufacturing Corp., its successors and assigns, and Joseph Reichert be prohibited from acquiring, using, or disposing of any materials under the control of the National Production Authority for a period of 2 weeks commencing with the date of this order.

3. That all privileges of self-certification, self-authorization, and automatic allotment granted or authorized by the National Production Authority with respect to controlled materials and materials under the control of the National Production Authority be withdrawn and withheld from Rebo Manufacturing Corp., its successors and assigns, and Joseph Reichert for a period of 2 weeks commencing with the date of this order.

Issued this 27th day of October 1952.

NATIONAL PRODUCTION AUTHORITY,
By WARREN A. SEAVEY,
Hearing Commissioner.

[F. R. Doc. 52-12099; Filed, Nov. 7, 1952; 3:06 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27519]

CRUDE OIL FROM WATFORD CITY, N. DAK., TO WISCONSIN, IOWA, AND ILLINOIS

APPLICATION FOR RELIEF

NOVEMBER 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Great Northern Railway Company for itself and on behalf of carriers parties to its tariff I. C. C. No. A-8051.

Commodities involved: Crude Petroleum oil, in tank-car loads.

From: Watford City, N. Dak.

To: Appleton and Milwaukee, Wis., Waterloo and Cedar Falls, Iowa, Manhattan and Chicago, Ill., and points in the Chicago district.

Grounds for relief: Competition with rail carriers, market competition, and cross-country competition.

Schedules filed containing proposed rates: G. N. Ry. tariff I. C. C. No. A-8051, Supp. 207.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12032; Filed, Nov. 10, 1952; 8:49 a. m.]

[4th Sec. Application 27520]

CLAY FROM DRY BRANCH, PIKES PEAK, GORDON, AND MACON, GA., TO WILMINGTON, N. C.

APPLICATION FOR RELIEF

NOVEMBER 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 809.

Commodities involved: Clay, in carloads.

From: Dry Branch, Pikes Peak, Gordon, and Macon, Ga.

To: Wilmington, N. C.

Grounds for relief: Rail competition, circuitous routes, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 809, Supp. 205.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12033; Filed, Nov. 10, 1952; 8:49 a. m.]

[4th Sec. Application 27521]

CAUSTIC SODA FROM LAKE CHARLES AND WEST LAKE CHARLES, LA., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

NOVEMBER 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company and The Kansas City Southern Railway Company.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Lake Charles and West Lake Charles, La.

To: St. Louis, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent. I. C. C. No. 3906, Supp. 153.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12034; Filed, Nov. 10, 1952; 8:49 a. m.]

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10408

TRANSFER OF THE ADMINISTRATION OF THE PORTION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS WHICH INCLUDES THE ISLANDS OF TINIAN AND SAIPAN FROM THE SECRETARY OF THE INTERIOR TO THE SECRETARY OF THE NAVY

WHEREAS the administration of the Trust Territory of the Pacific Islands (hereinafter referred to as the trust territory) was transferred to the Secretary of the Interior by Executive Order No. 10265 of June 29, 1951; and

WHEREAS the purposes of the trusteeship agreement approved by the Security Council of the United Nations on April 2, 1947, and by the United States Government on July 18, 1947, can better be effectuated by placing in the Secretary of the Navy the authority and responsibility for the administration of that portion of the trust territory which includes the islands of Tinian and Saipan:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The administration of that portion of the trust territory which includes the islands of Tinian and Saipan is hereby transferred from the Secretary of the Interior to the Secretary of the Navy, such transfer to become effective on January 1, 1953.

2. When the transfer of administration made by this order becomes effective, the Secretary of the Navy shall take such action as may be necessary and appropriate, and in harmony with applicable law, for the administration of civil government in that portion of the trust territory which includes the islands of Tinian and Saipan and shall, subject to such policies as the President may from time to time prescribe and, when appropriate, in collaboration with other departments or agencies of the Government, carry out the obligations assumed by the United States as the administering authority of the trust territory under the terms of the trusteeship agreement approved by the United States on July 18, 1947, and under the Charter of the United Nations: *Provided, however,* That the authority to specify parts or all of either of such islands as closed for security reasons and to determine the extent to which Articles 87 and 88 of the Charter of the United Nations shall be applicable to such closed areas, in accordance with Article 13 of the trusteeship agreement, shall be exercised by the President: *And provided further,* That the Secretary of the Navy shall keep the Secretary of State currently informed of activities on such islands affecting the foreign policy of the United States and shall consult the Secretary of State on questions of policy concerning such islands which relate to the foreign policy of the United States, and that all relations between departments or agencies of the Government and appropriate organs of the United Nations with respect to such islands shall be conducted through the Secretary of State.

3. The executive departments and agencies of the Government are authorized and directed to cooperate with the Departments of the Navy and Interior in the effectuation of the provisions of this order.

4. To the extent that they pertain to the islands of Tinian and Saipan, the provisions of Executive Order No. 10265 of June 29, 1951, shall be superseded by the provisions of this order as of the date set out in the paragraph numbered 1, above.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 10, 1952.

[F. R. Doc. 52-12144; Filed, Nov. 10, 1952; 3:09 p. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 5]

PART 5—DETERMINATION OF PARITY PRICES

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nation of parity prices (15 F. R. 837, as amended by 15 F. R. 9374, 16 F. R. 2865, 5971, and 17 F. R. 961) are amended as hereinafter specified, in order to make changes required by Public Law 585, 82d Congress. The amendment to paragraph (a) of § 5.1 takes account of the amendment to section 301 (a) (1) (G) of the Agricultural Adjustment Act of 1938 as amended which requires for basic commodities until 1956, the use of parity prices according to the "old" parity formula if higher than the parity prices according to the new formula. The amendment to § 5.4 adds extra long staple cotton to the list of commodities for which marketing season average prices will be used in making parity price calculations and removes American-Egyptian cotton from the list. The amendment to § 5.7 adds American upland cotton and extra long staple cotton to the list of commodities for which parity prices shall be calculated and removes cotton and American-Egyptian cotton from the list.

1. Section 5.1 (a) is hereby amended to read as follows:

§ 5.1 *Parity index and index of prices received by farmers.* (a) The parity index for the purpose of calculating parity prices according to the formula contained in section 301 (a) of the Agricultural Adjustment Act of 1938, as amended by the Agricultural Acts of

1948 and 1949 (hereinafter referred to as section 301 (a)), shall be the index of prices paid by farmers, interest, taxes, and farm wage rates, as revised January 1950 and published by the Bureau of Agricultural Economics in the January 31, 1950, and subsequent issues of the monthly report, "Agricultural Prices." For the purpose of calculating parity prices according to the formula which was in effect prior to January 1, 1950 (and which is applicable to basic commodities until 1956, if higher than the parity price determined by the new formula), as provided for by section 301 (a) (1) (G), and for calculating transitional parity prices for nonbasic commodities, as provided for by section 301 (a) (1) (E), the indexes of prices paid and of prices received, including interest and taxes, shall continue to be calculated using the same weights and formula as were utilized for computing parity prices prior to January 1, 1950. The publication of these indexes by the Bureau of Agricultural Economics in the monthly report, "Agricultural Prices," shall be continued.

2. Section 5.4 is amended by changing the period at the end of the paragraph entitled "Basic Commodities" to a semicolon and adding the words "extra long staple cotton" and by deleting from the paragraph entitled "Other Commodities" the words "American-Egyptian cotton."

3. Section 5.7 is amended by deleting from the paragraph entitled "Basic Commodities" the word "cotton;" and adding in its place the words "American upland cotton; extra long staple cotton;" and by deleting from the paragraph entitled "Other Commodities" the words "American-Egyptian cotton."

(Sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301. Interpret or apply sec. 101, 63 Stat. 1051, sec. 3, 66 Stat. 759; 7 U. S. C. 1441)

Done at Washington, D. C., this 6th day of November 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12079; Filed, Nov. 12, 1952; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

BUDGET OF EXPENSES OF ALMOND CONTROL BOARD AND RATE OF ASSESSMENT FOR CROP YEAR BEGINNING JULY 1, 1952

Notice of proposed rule making with respect to expenses of the Almond Control Board for the crop year beginning July 1, 1952, and rate of assessment, was published in the FEDERAL REGISTER of September 19, 1952 (17 F. R. 8441), pursuant to provisions of Marketing Agreement No. 119 and Order No. 9 regulating the handling of almonds grown in California (7 CFR Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule. No such documents were received during the time specified in the notice.

Therefore, after consideration of all relevant matters, it is found and determined that the budget of expenses of the Almond Control Board and rate of assessment shall be as follows:

§ 909.302 *Budget of expenses of the Almond Control Board and rate of assessment for the crop year beginning July 1, 1952*—(a) *Budget of expenses.* For the crop year beginning July 1, 1952, expenses in the amount of $49,000 are reasonable and likely to be incurred by the Almond Control Board for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of the agreement and order, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for the crop year beginning July 1, 1952, shall be, in lieu of the assessment rate specified in § 909.121 of said agreement and order, fifteen one-hundredths of a cent (.15 cent) for each pound of edible almond kernels received by each handler for his own account, except as to receipts from other handlers on which assessments have been paid.

Notwithstanding the approval of the aforesaid, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

It is hereby found and determined that good cause exist for making this document effective upon its publication in the FEDERAL REGISTER, instead of waiting thirty days after publication, for the reasons that (1) it is necessary that the Almond Control Board be authorized to collect assessments from handlers to defray expenses incurred in administering the marketing agreement and order during the present crop year and the establishment of a rate of assessment is necessary prior to such collection, (2) handling of 1952 crop almonds has begun, and (3) the order herein will require no special preparation by handlers or the Almond Control Board.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 7th day of November 1952 to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12111; Filed, Nov. 12, 1952; 8:54 a. m.]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

ORDER DISCHARGING TRUSTEES

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), the provisions of Order No. 66, as amended (7 CFR Part 966), regulating the handling of oranges grown in the State of California or in the State of Arizona, were terminated by an order issued on March 6, 1952 (17 F. R. 2085), effective at 11:59 p. m., P. s. t., March 8, 1952. Said order also provided for the liquidation of the affairs of the Orange Administrative Committee, established pursuant to said order, as amended.

The members of the Orange Administrative Committee were designated joint trustees of all the funds and property and were directed to conduct the liquidation and effect the distribution of any excess contributions among the handlers entitled thereto.

Such liquidation and distribution have been effected in accordance with the provisions of the procedure prescribed in the said termination order and the applicable provisions of Order No. 66, as amended; all books and records of the Orange Administrative Committee and of the trustees have been delivered to the Fruit and Vegetable Branch, Production and Marketing Administration; there are no funds or property in the possession or under the control of said trustees; and there is no further liability or outstanding obligation to be discharged by said trustees.

It is, therefore, hereby ordered, That the aforesaid members of the Orange Administrative Committee, serving as trustees pursuant to said Order No. 66, as amended, and said termination order, be, and they hereby are, discharged and released from any further obligations to serve as joint trustees pursuant to said orders and from any and all further obligations thereunder.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 7th day of November 1952, to be effective immediately.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12108; Filed, Nov. 12, 1952; 8:53 a. m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

BUDGET OF EXPENSES OF WALNUT CONTROL BOARD AND RATE OF ASSESSMENT FOR MARKETING YEAR BEGINNING AUGUST 1, 1952

Notice of proposed rule making with respect to the budget of expenses of the Walnut Control Board for the marketing year beginning August 1, 1952, and rate of assessment, was published in the FEDERAL REGISTER of October 14, 1952 (17 F. R. 9107), pursuant to the provisions of Marketing Agreement No. 105 and Order No. 84 regulating the handling of walnuts grown in California, Oregon, and Washington (7 CFR Part 984), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule. No such documents were received during the time specified in the notice.

Therefore after consideration of all relevant matters, it is found and determined that the budget of expenses of the Walnut Control Board and rate of assessment shall be as follows:

§ 984.304 *Budget of expenses of the Walnut Control Board and rate of assessment for the marketing year beginning August 1, 1952*—(a) *Budget of expenses.* Expenses in the amount of $83,700 are reasonable and likely to be incurred by the Walnut Control Board for its maintenance and functioning, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement and order, determine to be appropriate for the marketing year beginning August 1, 1952.

(b) *Rate of assessment.* Each handler shall pay to the Control Board on demand by the Control Board, from time to time, 0.12 cent for each pound of merchantable walnuts handled or certified for handling by him during the marketing year beginning August 1, 1952.

Notwithstanding the approval of the expenses of said Board, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

It is hereby found and determined that good cause exists for making this document effective upon publication in the FEDERAL REGISTER, instead of waiting thirty days after publication, for the reasons that (1) the regulation should become effective prior to or as soon as practicable after handling of the 1952 walnut crop begins, (2) the handling of such crop has begun, and (3) the order herein will require no special preparation on the part of handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 7th day of November 1952, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12109; Filed, Nov. 12, 1952; 8:53 a. m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

DESIGNATION OF FREE, RESERVE, AND SURPLUS PERCENTAGES FOR 1952–53 CROP YEAR

Notice was published in the October 17, 1952, issue of the FEDERAL REGISTER (17 F. R. 9225) that the Secretary of Agriculture was considering a proposed rule to designate free tonnage percentages, reserve tonnage percentages, and surplus tonnage percentages with respect to raisins produced from raisin variety grapes grown in California and acquired by handlers during the 1952–53 crop year. These percentages were proposed after consideration of the recommendation submitted by the Raisin Administrative Committee and other information available to the Secretary, in accordance with the applicable provisions of Marketing Agreement No. 109 and Order No. 89 (17 F. R. 1255, 1555), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file any data, views, or arguments with respect thereto. The period for filing such data, views, or arguments has expired.

After consideration of all matters pertaining thereto, including the data, views, and arguments which were filed in connection with the aforesaid notice, the recommendation of the Raisin Administrative Committee, and other information available to the Secretary, it is hereby found by me on behalf of the Secretary of Agricture that to designate free tonnage percentages, reserve tonnage percentages, and surplus tonnage percentages, as hereinafter provided, will tend to effectuate the declared policy of the aforesaid act, and it is, therefore, ordered, that such percentages shall be as follows:

§ 989.206 *Free, reserve, and surplus tonnage regulation for the 1952–53 crop year.* (a) The percentages of each varietal type of raisins acquired by handlers during the crop year beginning August 15, 1952, and ending August 14, 1953, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively, are designated as follows: (1) Natural (sun-dried) Thompson seedless raisins: Free tonnage percentage, 55 percent; reserve tonnage percentage, 20 percent; and surplus tonnage percentage, 25 percent; (2) natural (sun-dried) Muscat raisins: Free tonnage percentage, 60 percent; reserve tonnage percentage, 40 percent; and surplus tonnage percentage, zero percent; (3) natural (sun-dried) Sultana raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (4) natural (sun-dried) Zante currant raisins: Free tonnage percentage, 75 percent; reserve tonnage percentage, 25 percent; and surplus tonnage percentage, zero percent; (5) artificially dehydrated Sultana raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (6) artificially dehydrated Zante currant raisins: Free tonnage percentage, 75 percent; reserve tonnage percentage, 25 percent; and surplus tonnage percentage, zero percent; (7) Layer Muscat raisins: Free tonnage percentage, 60 percent; reserve tonnage percentage, 40 percent; and surplus tonnage percentage, zero percent; (8) Golden bleached raisins: Free tonnage percentage, 70 percent; reserve tonnage percentage, 30 percent; and surplus tonnage percentage, zero percent; (9) Sulfur bleached raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent; (10) Soda dipped raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage zero percent; and (11) Valencia raisins: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent.

It is hereby found and determined that good cause exists for not delaying the effective date of this document later than the fourth day after its publication in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) Acquisition of raisins by handlers during the 1952–53 crop year has begun, and it is necessary to have this regulation in effect promptly for application against such acquisitions of raisins; (2) this document is being issued as soon as practicable after reasonably reliable information concerning the 1952 production of raisins became available; (3) handlers have been aware for some time that action of this nature would be taken and they should not require more than three days' advance notice; and (4) each of the free tonnage percentages designated in this document is the same as, or higher than, the corresponding free tonnage percentage which was set forth in the aforesaid notice of proposed rule making. In these circumstances, this document should be made effective on the fourth day after the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 7th day of November 1952, to become effective on the 4th day after publication of this document in the FEDERAL REGISTER.

[SEAL] M. W. BAKER,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-12113; Filed, Nov. 12, 1952; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 19 to Rev. of May 10, 1949]

PART 550—FEDERAL AID TO PUBLIC AGENCIES FOR DEVELOPMENT OF PUBLIC AIRPORTS

PROJECT COSTS

Acting pursuant to the authority vested in me by the Federal Airport Act, I hereby amend Part 550 of the regulations of the Civil Aeronautics Administration as follows:

Section 550.4 (c) (1) is hereby amended to read as follows:

§ 550.4 *Project costs.* • • •

(c) *United States share of project costs.* • • •

(1) *Project costs other than costs of installation of high intensity lighting on runways designated instrument landing runways.* The United States share of the project costs (other than costs of installation of high intensity lighting on runways designated instrument landing runways) of an approved project for the development of an airport, regardless of the size or location of the airport

to be developed, shall be 50 percent of the allowable project costs of the project (other than costs of installation of high intensity lighting on runways designated instrument landing runways), except that this share, in the case of any State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) exceeding 5 percent of the total area of all lands therein shall be increased as provided in section 10 (b) of the act and except that the United States share shall be 75 percent in the case of the Territory of Alaska and the Virgin Islands, all as set forth in the following table:

UNITED STATES' PERCENTAGE SHARE OF ALLOWABLE PROJECT COSTS IN STATES CONTAINING UNAPPROPRIATED AND UNRESERVED PUBLIC LANDS AND NONTAXABLE INDIAN LANDS

Arizona	61.18	Oklahoma	51.36
California	54.14	Oregon	55.99
Colorado	53.29	South Dakota	53.06
Idaho	56.24	Utah	62.50
Montana	53.48	Washington	51.76
Nevada	62.50	Wyoming	57.25
New Mexico	56.70		

NOTE: The percentages listed in this table will vary as changes occur with respect to the area of unappropriated and unreserved public lands and nontaxable Indian lands in the several States, in which event such changed percentages will be used by the Administrator in determining the United States share of allowable project costs other than costs of installing high intensity runway lighting on runways designated as instrument landing runways.

(Secs. 1–15, 60 Stat. 170–178, as amended; 49 U. S. C. and Sup. 1101–1114)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-12101; Filed, Nov. 12, 1952; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 19 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 373.1 *Export licensing general policy*, paragraph (h) *Commodities subject to this export licensing policy*, is amended in the following particulars:

Subparagraph (1) is amended by deleting therefrom all RO commodities with processing code symbol FERT.

2. Section 373.24 *Statement of past participation in exports for certain commodities*, paragraph (b) *Commodities requiring statement of past participation*, is amended in the following particulars:

Subparagraph (2) *DDT (dichlorodiphenyl trichloroethane), including preparations thereof containing 25 percent or more DDT (100 percent basis); Schedule B No. 820580*, and subparagraph (5) *Paper base stocks, Schedule B Nos. 460110, 460200, 460400, 460500, 461010, and 461900*, are hereby deleted.

3. Section 373.37 *Special provisions for cryolite* is amended in the following particulars:

a. Paragraph (a) *Requests for purchase authorization* is amended to read as follows:

(a) *Requests for purchase authorization.* NPA Order M-99, as amended, provides that no person shall purchase cryolite (other than Raymond Mill Dust for which no NPA authorization is necessary) without special authorization from NPA and that the application for export license to the Office of International Trade shall constitute a request for such NPA authorization. The licensing action of the Office of International Trade will be coordinated with the granting of the purchase or other specific authorization by the National Production Authority so that at the time an export license is issued it will be accompanied by the necessary National Production Authority authorization.

b. Paragraph (b) *Outstanding licenses* is redesignated paragraph (c) *Outstanding licenses*, and a new paragraph (b) *Grade of cryolite*, is added to read as follows:

(b) *Grade of cryolite.* All applications for licenses to export cryolite, natural and artificial, Schedule B No. 596012, shall include, in the commodity description column of Form IT-419, the grade of cryolite covered by the application.

4. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b), *Table of compliance orders*, is amended in the following particulars:

a. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Burke & Wilson Ltd., Prince's Bldg., Hong Kong.	12- 8-50	Duration....	General and validated licenses, all commodities, any destination. (Company related to Gerald Stanley Panchaud and John Braithwaite Panchaud, which see.)	15 F. R. 8868, 12-14-50.
Jessam Export & Import Co., 180 Broadway, New York 38, N. Y.	10-20-52	11-18-52.....	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 9568, 10-21-52.
Jessam Industrial Corp., 180 Broadway, New York 38, N. Y.	10-20-52	11-18-52.....	....do.....	17 F. R. 9568, 10-21-52.
Pinto, Jesse E., 180 Broadway, New York 38, N. Y.	10-20-52	11-18-52.....	....do.....	17 F. R. 9568, 10-21-52.
Yuen, Norman, 1470 Thomas Ave., San Francisco, Calif.	10-14-52	4-13-53.....	....do.....	17 F. R. 9228, 10-17-52.

b. The following entries are deleted:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Kung Shin Co., 107-111 York Bldg., Chater Rd., Hong Kong.	1-28-52	10-28-52	General and validated licenses, all commodities, any destination; also exports to Canada.	15 F. R. 964, 2-1-52.
May, Maurice, Inc., 76 Beaver St., New York, N. Y.	1-28-52	10-28-52	....do.....	15 F. R. 964, 2-1-52.
May, Maurice, Ltd., 20 Peck Seah St., Singapore.	1-28-52	10-28-52	....do.....	15 F. R. 964, 2-1-52.
Ratner, A. E., 135 Front St., New York 5, N. Y.	6-20-52	10-20-52	....do.....	17 F. R. 5778, 6-26-52.
Ratner, A. E., Chemical Co., 135 Front St., New York 5, N. Y.	6-20-52	10-20-52	....do.....	17 F. R. 5778, 6-26-52.
Shu, Frank M., 76 Beaver St., New York, N. Y., and 20 Peck Seah St., Singapore.	1-28-52	10-28-52	....do.....	17 F. R. 964, 2-1-52.
Sobers, Madeline, 76 Beaver St., New York, N. Y.	1-28-52	10-28-52	....do.....	17 F. R. 964, 2-1-52.

This amendment shall become effective as of November 6, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Director, Office of International Trade.

[F. R. Doc. 52-12115; Filed, Nov. 12, 1952; 8:55 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 15 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following revisions are made in commodity descriptions. These revisions include changes in unit of quantity where indicated.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
105500	Paddy or rough rice, for seed [1]	Lb.	SEED	25	RO
105500	Paddy or rough rice, except for seed [1]	Lb.	CERL	25	RO
105710	Milled rice, containing more than 25 percent whole kernels (specify approximate percentage whole kernels).[1]	Lb.	CERL	25	RO
105750	Milled rice, containing not more than 25 percent whole kernels (specify approximate percentage whole kernels).[1]	Lb.	CERL	25	RO
618951	Pipe fittings not specially fabricated for particular machines or equipment (see § 399.2): Steel pipe fittings, stainless or alloy (specify by name and grade of steel).[2]	Lb.	STEE	100	RO
618951	Steel pipe fittings, carbon (specify by name and grade of steel).[2]	Lb.	STEE	100	RO

[1] The above four revised entries are substituted for the four entries presently on the Positive List under Schedule B Nos. 105500, 105710, and 105750. The effect of this revision is to delete the reference to unit of weight in the commodity description and to change the unit of quantity from "Bag" to "Lb." The commodities included in the above four entries are subject to the dollar-limit (DL) restrictions (see § 374.2 of this subchapter).

[2] The above two entries are substituted for the entry presently on the Positive List under Schedule B No. 618951. The effect of this revision is to remove carbon steel pipe fittings from the commodities subject to the IC/DV procedure (see § 373.34 of this subchapter). The commodities included in the above two entries are subject to the dollar-limit (DL) restrictions (see § 374.2 of this subchapter) and to the evidence of availability requirements (see § 373.16 of this subchapter).

This part of the amendment shall become effective as of November 6, 1952.

2. The following revisions are made in commodity descriptions. These revisions include changes in GLV dollar-value limits and validated license control where indicated.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
774450★	Pipe valves, except automatic control or regulating: Iron or steel: Valves and cocks (regardless of pressure) with pressure parts wholly fabricated of, or lined with, any corrosion-resistant material as defined in the "General Notes to Appendix A" (specify whether bellows seal, and indicate that pressure parts are corrosion-resistant).[3]	No.	GIEQ	25	RO
774450★	Valves designed for working pressures of 300 or more p. s. i. g.[3] (specify pressure, whether bellows seal, and indicate that pressure parts are not corrosion-resistant).[3]	No.	GIEQ	25	RO
774465★	Brass, bronze, or other nonferrous metals: Valves and cocks (regardless of pressure) with pressure parts wholly fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify whether bellows seal, and indicate that pressure parts are corrosion-resistant).[3]	No.	GIEQ	25	RO
774465★	Valves designed for working pressures of 300 or more p. s. i. g.[3] (specify pressure, whether bellows seal, and indicate that pressure parts are not corrosion-resistant).[3]	No.	GIEQ	25	RO
774480★	Nonmetal valves: Nonmetal valves and cocks (specify material and whether bellows seal).[4]	No.	GIEQ	25	RO
839600	Other industrial chemicals: Selenium salts and compounds, including selenium dioxide.[5]	Lb.	SALT	1	RO

★The commodities described in this Positive List are excepted from the provisions of General In-Transit License GIT. (See § 371.9 (c) of this subchapter.)

[3] The above two entries are substituted for the two entries presently on the Positive List under Schedule B No. 774450. The effect of this revision is to increase the GLV dollar-value limits from none to $25 for the second proposed entry; and to require applicants to specify (a) whether the valves are bellows seal; (b) whether pressure parts are corrosion resistant; and (c) the working pressure of the valves included under the second proposed entry. The commodities included in both these Positive List entries are subject to the IC/DV procedure (see § 373.34 of this subchapter) and to the dollar-limit (DL) restrictions (see § 374.2 of this subchapter).

[4] All working pressures are based on tests with water at a temperature not exceeding 120° F.

[5] The above two entries are substituted for the two entries presently on the Positive List under Schedule B No. 774465. The effect of this revision is to increase the GLV dollar-value limits from none to $25 for the second proposed entry; and to require applicants to specify (a) whether the valves are bellows seal; (b) whether pressure parts are corrosion resistant; and (c) the working pressure of the valves included under the second proposed entry. The commodities included in both these Positive List entries are subject to the IC/DV procedure (see § 373.34 of this subchapter) and to the dollar-limit (DL) restrictions (see § 374.2 of this subchapter).

[4] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 774480. The effect of this revision is to require that applicants specify the material and whether bellows seal; and to increase the GLV dollar-value limits from none to $25 for valves designed for working pressures of 300 or more pounds per square inch. The commodities included in this Positive List entry are subject to the IC/DV procedure (see § 373.34 of this subchapter) and to the dollar-limit (DL) restrictions (see § 374.2 of this subchapter).

[5] The above revised entry is substituted for the thirty-second entry presently on the Positive List under Schedule B No. 839600, selenium dioxide. The effects of this amendment are (a) to change the GLV dollar-value limit from $10 to $1 for selenium dioxide; (b) to add the unit of quantity pound; and (c) to extend the Positive List coverage to include all selenium salts and compounds, subject to dollar-limit (DL) restrictions (see § 374.2 of this subchapter).

This part of the amendment shall become effective as of 12:01 a. m., November 13, 1952.

3. The letter "D" is inserted in the column headed "Commodity Lists" opposite the commodities listed below to indicate that they are subject to the evidence of availability requirements (see § 373.16 of this subchapter).

Dept. of Commerce Schedule B No.	Commodity
547300	Carbon or graphite products (natural and artificial); Electrodes for furnace or electrolytic work (specify size).

This part of the amendment shall become effective as of December 6, 1952.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits are reduced, as a result of changes set forth in Part 2 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., November 13, 1952, may be exported under the previous general license provisions up to and including December 6, 1952. Any such shipment not laden aboard the exporting carrier on or before December 6, 1952, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.)

LORING K. MACY,
Director, Office of International Trade.

[F. R. Doc. 52-12116; Filed, Nov. 12, 1952; 8:56 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5647]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

U. S. PRINTING & NOVELTY CO., INC., ET AL.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punch boards, or other lottery devices which are to be used, or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, U. S. Printing & Novelty Co., Inc., et al., New York, N. Y., Docket 5647, September 4, 1952]

[1] This amendment was published in Current Export Bulletin No. 663, dated November 6, 1952.

[1] This amendment was published in Current Export Bulletin No. 663, dated November 6, 1952.

In the Matter of U. S. Printing & Novelty Co., Inc., a Corporation, and Benjamin Blush, and Hyman Abramowitz, Individuals, Officers, and Directors of U. S. Printing & Novelty Co., Inc.

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on April 1, 1949, issued and subsequently served its complaint in this proceeding upon the respondents U. S. Printing & Novelty Co., Inc., a corporation, and Benjamin Blush, Jack Blush, and Hyman Abramowitz, individuals, officers, and directors of said corporate respondent, charging them with the use of unfair acts and practices in commerce in violation of the provisions of said act. On April 27, 1949, respondents filed an answer to said complaint. Thereafter, on June 23, 1950, upon respondents' motion the hearing examiner of the Commission duly designated herein permitted respondents to withdraw the answer previously filed herein and to substitute therefor an answer admitting all the material allegations of fact and waiving the taking of testimony and other procedure, but reserving the right to appeal from any decision and order issued herein by the hearing examiner or the Commission. Said answer was filed upon the condition that no action would be taken in this proceeding until after the final determination by the Commission had been made in the matter of Superior Products, a corporation, et al., Docket No. 5561. Said matter having been terminated by the Commission's order to cease and desist issued January 29, 1952, the above-entitled proceeding regularly came on for final consideration by said hearing examiner upon the complaint and substitute answer; and the said hearing examiner, on February 15, 1952, filed his initial decision.

Within the time permitted by the Commission's rules of practice, counsel for respondents filed with the Commission an appeal from said initial decision and thereafter this proceeding regularly came on for final consideration by the Commission upon the record herein, including briefs in support of and in opposition to the appeal (respondents' application for oral argument of counsel before the Commission having been denied); and the Commission, having issued its order granting said appeal in part and denying it in part and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts [1] and its conclusion drawn therefrom [1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That respondent U. S. Printing & Novelty Co., Inc., a corporation, its officers, and respondents Benjamin Blush and Jack Blush, individually and as officers and directors of said corporate respondent, U. S. Printing & Novelty Co., Inc., and their respective representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from: Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are to be used, or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent Hyman Abramowitz.

Issued: September 4, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-12107; Filed, Nov. 12, 1952; 8:52 a. m.]

[1] Filed as part of the original document.

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old Age and Survivors Insurance, Social Security Administration, Federal Security Agency

[Reg. 4]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950——)

MISCELLANEOUS AMENDMENTS

Regulations No. 4 (20 CFR. Cum. Supp., 404.1 et seq.) are amended as follows:

1. Section 404.202 (a) is amended to read as follows:

§ 404.202 *Method of determining primary insurance amount*—(a) *Individual attained age 22 after 1950 and has six quarters of coverage after 1950*—(1) *Prior to effective date of Social Security Act Amendments of 1952.* The primary insurance amount of an individual who attained or would have attained age 22 after 1950 and who has six quarters of coverage (see § 404.104) after 1950 shall be 50 per centum of his average monthly wage if such average monthly wage exceeds $49 but does not exceed $100. If the average monthly wage exceeds $100, his primary insurance amount shall be 50 per centum of $100, plus 15 per centum of the amount by which the average monthly wage exceeds $100 but does not exceed $300. Any primary insurance amount which is not a multiple of 10 cents shall be raised to the next higher multiple of 10 cents. If the individual's average monthly wage is less than $50, the primary insurance amount is that amount in column II of the following table, which is on the line on which appears the individual's average monthly wage in column I of such table:

I Average monthly wage:	II *Primary insurance amount*
$30 or less	$20
$31	21
$32	22
$33	23
$34	24
$35 to $49	25

(2) *Effect of Social Security Act Amendments of 1952.* The Social Security Act Amendments of 1952 change the benefit formula which appears in subparagraph (1) of this paragraph. Under this new formula, the primary insurance amount is 55 per centum of the individual's average monthly wage if such average monthly wage exceeds $47, but does not exceed $100. If the average monthly wage exceeds $100, his primary insurance amount is 55 per centum of $100 plus 15 per centum of the amount by which the average monthly wage exceeds $100 but does not exceed $300. Any primary insurance amount which is not a multiple of 10 cents shall be raised to the next higher multiple of 10 cents. If the individual's average monthly wage is less than $48, his primary insurance amount is as follows: for an average monthly wage of $34 or less, a primary insurance amount of $25; for an average monthly wage of $35 through $47, a primary insurance amount of $26. This formula is effective with respect to monthly benefits payable under section 202 of the act for months after August 1952 and with respect to lump sums payable under section 202 (i) of the act on the basis of deaths occurring after such month.

2. Section 404.203 is amended by deleting the paragraph immediately preceding the table appearing in such section and substituting the following paragraph:

§ 404.203 *Use of conversion table to determine primary insurance amount*—(a) *Prior to effective date of Social Security Act Amendments of 1952.* For the purpose of paragraphs (b) (2) and (c) of § 404.202, the primary insurance amount of an individual is the amount appearing in column II of the following table on the line on which in column I appears his primary insurance benefit as determined by § 404.204. The average monthly wage of any individual shall, for purposes of section 203 (a) of the act (see § 404.402) be the amount appearing in column III of the following table on the line on which in column I appears his primary insurance benefit.

3. Section 404.203 is further amended by adding the following paragraph immediately after the table appearing in such section:

(b) *Effect of Social Security Act Amendments of 1952.* The Social Security Act Amendments of 1952 provide a new conversion table to determine the primary insurance amount of an individual. This new table, which appears as Appendix 1 to this subpart, is applied to monthly benefits payable under section 202 of the act for months after August 1952 and to lump sums payable under section 202 (i) of the act on the basis of deaths occurring after such month. Each primary insurance amount appearing in column II of this table is equal to the corresponding primary insurance amount under column Ia (both amounts being derived from the same range of primary insurance benefits appearing in column I) increased by 12½ per centum or $5, whichever is the larger, and further increased, if such amount is not then a multiple of $0.10, to the next higher multiple of $0.10. For purposes of computing the maximum amount of benefits payable under section 203 (a) of the act with respect to the wages and self-employment income of an individual whose primary insurance amount is determined from column II, the average monthly wage of such individual shall be the average monthly wage in column III on the same line as appears his primary insurance amount.

4. So much of § 404.204 as precedes paragraph (c) thereof is amended to read as follows:

§ 404.204 *Determination of primary insurance benefit for conversion table.* Except as provided in § 404.204a, for purposes of § 404.203 the primary insurance benefit of an individual shall be as follows:

(a) *Individual entitled to primary insurance benefit on August 1950.* If the individual was entitled to a primary insurance benefit (see § 403.301 of this chapter (Regulations 3)) for August 1950 his primary insurance benefit shall be the primary insurance benefit to which he was entitled for such month, except that if such individual is a World War II veteran (see § 404.1321) or he had rendered services for wages of $15 or more in August 1950, his primary insurance benefit shall be the larger of the following:

(1) The primary insurance benefit to which he was entitled for August 1950; or

(2) The primary insurance benefit to which he was entitled for August 1950 as recomputed under section 209 (q) of the act in effect prior to the Social Security Act Amendments of 1950 (§ 403.304 of this chapter (Regulations 3)), or in the case of a World War II veteran as recomputed to include wage credits allowable for World War II service under § 404.1305. Such recomputation is to be made as though application has been filed therefor on August 31, 1950.

The primary insurance benefit determined under the preceding provisions of this paragraph shall, for purposes of § 404.203 (b), be redetermined to include wages deemed paid to an individual by reason of his active military or naval service of the United States on or after July 25, 1947, provided such wages are otherwise creditable under the provisions of Subpart N of this part.

(b) *Individual died prior to September 1950.* The primary insurance benefit of an individual who died prior to September 1950 is his primary insurance benefit as computed under the act in effect prior to the Social Security Act Amendments of 1950 (see § 403.301 et seq. of this chapter (Regulations 3)), except that if the individual served in the active military or naval service of the United States after September 15, 1940, his primary insurance benefit shall be computed so as to include wage credits for such service, provided they are otherwise creditable under the provisions of Subpart N of this part, but only if it results in a primary insurance benefit higher than that obtained under section 210 of the act in effect prior to the Social Security Act Amendments of 1950.

5. Two new sections designated as §§ 404.204a and 404.204b are inserted immediately after § 404.204:

§ 404.204a *Special cases not requiring use of conversion table appearing in § 404.203 (b).* The provisions of §§ 404.203 (b) and 404.204 shall not apply where:

(a) A person was entitled (without the application of section 202 (j) (1) of the act) to a monthly benefit under section 202 for August 1952 (except under subsection (a) thereof); and

(b) Such person's entitlement to such benefit continued after August 1952; and

(c) The primary insurance amount of the individual on the basis of whose wages and self-employment income such benefit is payable was determined through the use of the conversion table appearing in § 404.203 (a). In such cases, the amount of such person's benefit for months after August 1952 shall be the amount for August 1952 (after applying the provisions of sections 203 (a) and 215 (g) of the act) increased by the larger of the following amounts: 12½ per centum of such amount, raised to the next higher multiple of $0.10 if it is not a multiple of $0.10, or an amount equal to the product of $5 and the fraction applied to the primary insurance amount in determining such benefit, raised to the next higher multiple of $0.10 if it is not a multiple of $0.10. The resulting amount shall be subject to the reductions required by § 404.402 and after application of the provisions of such section, it shall be raised to the next higher multiple of $0.10 if it is not a multiple of $0.10.

§ 404.204b *When the provisions of § 404.204a become inoperative.* The benefit amount of any person determined under § 404.204a will be redetermined in accordance with the provisions of § 404.203 (b) and § 404.204 where:

(a) Another person becomes entitled on the basis of the same wages and self-employment income to a benefit to which he was not entitled, on the basis of such wages and self-employment income for August 1952; or

(b) Another person, entitled for August 1952, to a benefit, on the basis of the same wages and self-employment income, is not entitled to such benefit on the basis of such wages and self-employment income; or

(c) The benefit amount payable to such person or another person entitled on the basis of the same wages and self-employment income is different from the benefit amount that would have been payable for August 1952 had the Social Security Act Amendments of 1952 been applicable in such month.

The redetermined benefit amount shall be payable for the first month after August 1952 in which the provisions of § 404.204a become inoperative.

6. Section 404.206 (d) is amended to read as follows:

§ 404.206 *Wages and self-employment income used in determining average monthly wage.* • • •

(d) All wages deemed paid to an individual by reason of his service in the active military or naval service of the United States after September 15, 1940, and prior to January 1, 1954, provided such wages are otherwise creditable under the provisions of Subpart N of this part.

7. Section 404.209 (a) is amended to read as follows:

§ 404.209 *Closing date.* • • •

(a) *Wage closing date.* An individual's "wage closing date" is the first day of the second quarter before the quarter in which such individual died or became entitled to old-age insurance benefits, whichever first occurred. In the case of an individual who, in 1952, became entitled (without the application of section 202 (j) (1) of the act) to old-age insurance benefits or died and whose primary insurance amount is computed under § 404.202 (a) or (b), his "wage closing date" shall, instead of the date specified in the preceding sentence, be the first day of the quarter of death or entitlement, whichever first occurred, but only if it yields a higher primary insurance amount.

8. So much of § 404.212 as precedes paragraph (a) thereof is amended to read as follows:

§ 404.212 *Recomputation of benefits of individual entitled to old-age insurance benefits.* An individual entitled to old-age insurance benefits may secure a recomputation of his primary insurance amount under either paragraph (a), (b), or (c) of this section.

9. The headnote of § 404.212 (b) is amended to read as follows:

(b) *Where requested after deductions from benefits or attainment of age 75.* • • •

10. Section 404.212 (b) (2) is amended to read as follows:

§ 404.212 *Recomputation of benefits for individual entitled to old-age insurance benefits.* • • •

(b) *Where requested after deductions from benefits or attainment of age 75.* • • •

(2) His benefits were subject to a deduction under section 203 (b) (1) and (2) of the act for at least 12 months (in a 36-month period) after his last computation of his primary insurance amount, except that this subparagraph

shall not apply if the individual was 75 years of age or over in the month in which he filed the application required by subparagraph (1) of this paragraph and his old-age insurance benefit was, prior to the filing of such application, based upon a primary insurance amount computed under § 404.202 (c); and

11. Section 404.212 is amended by inserting the following paragraph, designated as (c), immediately after the example appearing in paragraph (b) thereof:

§ 404.212 *Recomputation of benefits for individual entitled to old-age insurance benefits.* • • •

(c) *Where requested to include self-employment income.* An individual who becomes entitled to an old-age insurance benefit in 1952, or in 1953 in a taxable year which began in 1952 (and without the application of section 202 (j) (1)) and who had self-employment income for a taxable year which ended within or with 1952 or which began in 1952 may have his old-age insurance benefit recomputed if he files an application therefor after the close of such taxable year. Such recomputation shall be made in the manner as is provided in §§ 404.202 to 404.210 (but without regard to section 215 (b) (4) (A) of the act; see § 404.206 (a)) for the computation of the primary insurance amount, except that, for purposes of § 404.209, such individual's self-employment income closing date shall be the day following the quarter with or within which such taxable year ended, and for purposes of § 404.206, the self-employment income for any subsequent taxable year shall not be taken into account. Such recomputation shall be effective for and after the first month in which such individual became entitled to old-age insurance benefits.

12. The headnote of § 404.213 (b) is amended to read as follows:

(b) *Recomputation to include railroad compensation or earnings after individual's entitlement.*

13. The headnote of § 404.213 (c) is amended to read as follows:

(c) *How recomputed, if recomputation based on earnings after individual's entitlement.* • • •

14. Section 404.213 is amended by inserting the following new paragraphs, designated as (f), (g), and (h), immediately after paragraph (e) thereof:

(f) *Recomputations to include self-employment income of individual who died in 1952 or in a taxable year beginning in 1952.* In the case of an individual who died in 1952 or died in 1953 in a taxable year which began in 1952 (but did not become entitled to old-age insurance benefits prior to 1952) and who had self-employment income for the taxable year which ended with his death, such individual's primary insurance amount may be recomputed if the person entitled to monthly benefits on the basis of his wages and self-employment income files application after the close of such taxable year. Such recomputation shall be made in the manner as provided in §§ 404.202 to 404.210 (but without regard to section 215 (b) (4) (A) of the act; see § 404.206 (a)) for the computation of the primary insurance amount except that, for purposes of § 404.209, such individual's self-employment income closing date shall be the day following the quarter with or within which such taxable year ended.

(g) *Recomputation to include self-employment income of individual entitled at death.* A survivor entitled to monthly benefits on the basis of the wages and self-employment income of an individual who, at the time of death, could have become entitled to a recomputation under § 404.212 (c) had he filed application therefor at such time may secure such recomputation upon the filing of an application. Such recomputation shall be made in the same manner as though such individual had filed the application at the time of death.

(h) *Payments under recomputation permitted by paragraphs (f) and (g).* A recomputation permitted by paragraphs (f) and (g) of this section shall be effective for and after the month in which the survivor became entitled to monthly benefits. No recomputation under such paragraphs will affect the amount of a lump-sum death payment (§ 404.343); nor shall it render erroneous any lump-sum death payment certified prior to the effective date of such recomputation.

15. The following material is added as an appendix to Subpart C:

APPENDIX I

For purposes of § 404.203 (b) the following table is applicable:

I	Ia	II	III
If the primary insurance benefit (as determined under § 404.204) is—	Under the Social Security Act Amendments of 1950 the primary insurance amount was—	The primary insurance amount shall be—	And the average monthly wage for computing the maximum under sec. 203 (a) (see § 404.402 et seq.) shall be—
$10.00	$20.00	$25.00	$15.00
$10.01–$10.04	20.10	25.10	46.00
$10.05–$10.08	20.20	25.20	46.00
$10.09–$10.15	20.30	25.30	46.00
$10.16–$10.20	20.40	25.40	46.00
$10.21–$10.24	20.50	25.50	46.00
$10.25–$10.28	20.60	25.60	47.00
$10.29–$10.35	20.70	25.70	47.00
$10.36–$10.40	20.80	25.80	47.00
$10.41–$10.44	20.90	25.90	47.00
$10.45–$10.48	21.00	26.00	47.00
$10.49–$10.55	21.10	26.10	47.00
$10.56–$10.60	21.20	26.20	48.00
$10.61–$10.64	21.30	26.30	48.00
$10.65–$10.68	21.40	26.40	48.00
$10.69–$10.75	21.50	26.50	48.00
$10.76–$10.80	21.60	26.60	48.00
$10.81–$10.84	21.70	26.70	49.00
$10.85–$10.88	21.80	26.80	49.00
$10.89–$10.95	21.90	26.90	49.00
$10.96–$11.00	22.00	27.00	49.00
$11.01–$11.04	22.10	27.10	49.00
$11.05–$11.08	22.20	27.20	49.00
$11.09–$11.15	22.30	27.30	50.00
$11.16–$11.20	22.40	27.40	50.00
$11.21–$11.24	22.50	27.50	50.00
$11.25–$11.28	22.60	27.60	50.00
$11.29–$11.35	22.70	27.70	50.00
$11.36–$11.40	22.80	27.80	51.00
$11.41–$11.44	22.90	27.90	51.00
$11.45–$11.48	23.00	28.00	51.00
$11.49–$11.55	23.10	28.10	51.00
$11.56–$11.60	23.20	28.20	51.00
$11.61–$11.64	23.30	28.30	51.00
$11.65–$11.68	23.40	28.40	52.00
$11.69–$11.75	23.50	28.50	52.00
$11.76–$11.80	23.60	28.60	52.00
$11.81–$11.84	23.70	28.70	52.00
$11.85–$11.88	23.80	28.80	52.00
$11.89–$11.95	23.90	28.90	53.00
$11.96–$12.00	24.00	29.00	53.00
$12.01–$12.04	24.10	29.10	54.00
$12.05–$12.08	24.20	29.20	54.00
$12.09–$12.15	24.30	29.30	54.00
$12.16–$12.20	24.40	29.40	54.00
$12.21–$12.24	24.50	29.50	54.00
$12.25–$12.28	24.60	29.60	54.00
$12.29–$12.35	24.70	29.70	54.00
$12.36–$12.40	24.80	29.80	54.00
$12.41–$12.44	24.90	29.90	54.00
$12.45–$12.48	25.00	30.00	55.00
$12.49–$12.55	25.10	30.10	55.00
$12.56–$12.60	25.20	30.20	55.00
$12.61–$12.64	25.30	30.30	55.00
$12.65–$12.68	25.40	30.40	55.00
$12.69–$12.75	25.50	30.50	55.00
$12.76–$12.80	25.60	30.60	56.00
$12.81–$12.84	25.70	30.70	56.00
$12.85–$12.88	25.80	30.80	56.00
$12.89–$12.95	25.90	30.90	56.00
$12.96–$13.00	26.00	31.00	56.00
$13.01–$13.04	26.10	31.10	57.00
$13.05–$13.08	26.20	31.20	57.00
$13.09–$13.15	26.30	31.30	57.00
$13.16–$13.20	26.40	31.40	57.00
$13.21–$13.24	26.50	31.50	57.00
$13.25–$13.28	26.60	31.60	57.00
$13.29–$13.35	26.70	31.70	58.00
$13.36–$13.40	26.80	31.80	58.00
$13.41–$13.44	26.90	31.90	58.00
$13.45–$13.48	27.00	32.00	58.00
$13.49–$13.55	27.10	32.10	58.00
$13.56–$13.60	27.20	32.20	59.00
$13.61–$13.64	27.30	32.30	59.00
$13.65–$13.68	27.40	32.40	59.00
$13.69–$13.75	27.50	32.50	59.00
$13.76–$13.80	27.60	32.60	59.00
$13.81–$13.84	27.70	32.70	59.00
$13.85–$13.88	27.80	32.80	60.00
$13.89–$13.95	27.90	32.90	60.00
$13.96–$14.00	28.00	33.00	60.00
$14.01–$14.04	28.10	33.10	60.00
$14.05–$14.08	28.20	33.20	60.00
$14.09–$14.15	28.30	33.30	61.00
$14.16–$14.20	28.40	33.40	61.00
$14.21–$14.24	28.50	33.50	61.00
$14.25–$14.28	28.60	33.60	61.00
$14.29–$14.35	28.70	33.70	61.00
$14.36–$14.40	28.80	33.80	61.00
$14.41–$14.44	28.90	33.90	62.00
$14.45–$14.48	29.00	34.00	62.00
$14.49–$14.55	29.10	34.10	62.00
$14.56–$14.60	29.20	34.20	62.00
$14.61–$14.64	29.30	34.30	62.00
$14.65–$14.68	29.40	34.40	63.00
$14.69–$14.75	29.50	34.50	63.00
$14.76–$14.80	29.60	34.60	63.00
$14.81–$14.84	29.70	34.70	63.00
$14.85–$14.88	29.80	34.80	63.00
$14.89–$14.95	29.90	34.90	63.00
$14.96–$15.00	30.00	35.00	64.00
$15.01–$15.04	30.10	35.10	64.00
$15.05–$15.12	30.20	35.20	64.00
$15.13–$15.17	30.30	35.30	64.00
$15.18–$15.24	30.40	35.40	64.00
$15.25–$15.28	30.50	35.50	65.00
$15.29–$15.36	30.60	35.60	65.00
$15.37–$15.41	30.70	35.70	65.00
$15.42–$15.48	30.80	35.80	65.00
$15.49–$15.52	30.90	35.90	65.00
$15.53–$15.60	31.00	36.00	66.00
$15.61–$15.64	31.10	36.10	66.00
$15.65–$15.68	31.20	36.20	66.00
$15.69–$15.76	31.30	36.30	66.00
$15.77–$15.80	31.40	36.40	66.00
$15.81–$15.88	31.50	36.50	67.00
$15.89–$15.92	31.60	36.60	67.00
$15.93–$16.00	31.70	36.70	67.00
$16.01–$16.04	31.80	36.80	67.00
$16.05–$16.12	31.90	36.90	67.00
$16.13–$16.20	32.00	37.00	67.00
$16.21–$16.24	32.10	37.10	68.00
$16.25–$16.32	32.20	37.20	68.00
$16.33–$16.40	32.30	37.30	68.00
$16.41–$16.44	32.40	37.40	68.00
$16.45–$16.52	32.50	37.50	68.00
$16.53–$16.60	32.60	37.60	69.00
$16.61–$16.66	32.70	37.70	69.00
$16.67–$16.72	32.80	37.80	69.00
$16.73–$16.80	32.90	37.90	69.00
$16.81–$16.84	33.00	38.00	69.00
$16.85–$16.93	33.10	38.10	69.00
$16.94–$17.00	33.20	38.20	70.00
$17.01–$17.08	33.30	38.30	70.00
$17.09–$17.16	33.40	38.40	70.00
$17.17–$17.24	33.50	38.50	70.00
$17.25–$17.32	33.60	38.60	70.00
$17.33–$17.36	33.70	38.70	70.00
$17.37–$17.44	33.80	38.80	71.00
$17.45–$17.54	$33.90	$38.90	$71.00
$17.55–$17.60	34.00	39.00	71.00
$17.61–$17.68	34.10	39.10	71.00
$17.69–$17.76	34.20	39.20	71.00
$17.77–$17.84	34.30	39.30	71.00
$17.85–$17.92	34.40	39.40	72.00
$17.93–$18.00	34.50	39.50	72.00
$18.01–$18.08	34.60	39.60	72.00
$18.09–$18.17	34.70	39.70	72.00
$18.18–$18.24	34.80	39.80	72.00
$18.25–$18.32	34.90	39.90	73.00
$18.33–$18.40	35.00	40.00	73.00
$18.41–$18.50	35.10	40.10	73.00
$18.51–$18.56	35.20	40.20	73.00
$18.57–$18.68	35.30	40.30	73.00
$18.69–$18.76	35.40	40.40	73.00
$18.77–$18.83	35.50	40.50	74.00
$18.84–$18.92	35.60	40.60	74.00
$18.93–$19.00	35.70	40.70	74.00
$19.01–$19.08	35.80	40.80	74.00
$19.09–$19.15	35.90	40.90	74.00
$19.16–$19.24	36.00	41.00	75.00
$19.25–$19.32	36.10	41.10	75.00
$19.33–$19.36	36.20	41.20	75.00
$19.37–$19.46	36.30	41.30	75.00
$19.47–$19.52	36.40	41.40	75.00
$19.53–$19.60	36.50	41.50	75.00
$19.61–$19.68	36.60	41.60	76.00
$19.69–$19.77	36.70	41.70	76.00
$19.78–$19.84	36.80	41.80	76.00
$19.85–$19.92	36.90	41.90	76.00
$19.93–$20.00	37.00	42.00	76.00
$20.01–$20.06	37.10	42.10	77.00
$20.07–$20.12	37.20	42.20	77.00
$20.13–$20.20	37.30	42.30	77.00
$20.21–$20.24	37.40	42.40	77.00
$20.25–$20.33	37.50	42.50	77.00
$20.34–$20.40	37.60	42.60	77.00
$20.41–$20.44	37.70	42.70	78.00
$20.45–$20.52	37.80	42.80	78.00
$20.53–$20.60	37.90	42.90	78.00
$20.61–$20.64	38.00	43.00	78.00
$20.65–$20.72	38.10	43.10	78.00
$20.73–$20.80	38.20	43.20	79.00
$20.81–$20.86	38.30	43.30	79.00
$20.87–$20.92	38.40	43.40	79.00
$20.93–$21.00	38.50	43.50	79.00
$21.01–$21.04	38.60	43.60	79.00
$21.05–$21.12	38.70	43.70	79.00
$21.13–$21.16	38.80	43.80	80.00
$21.17–$21.24	38.90	43.90	80.00
$21.25–$21.28	39.00	44.00	80.00
$21.29–$21.35	39.10	44.10	80.00
$21.36–$21.40	39.20	44.20	80.00
$21.41–$21.48	39.30	44.30	81.00
$21.49–$21.52	39.40	44.40	81.00
$21.53–$21.59	39.50	44.50	81.00
$21.60–$21.64	39.60	44.60	81.00
$21.65–$21.68	39.70	44.70	81.00
$21.69–$21.76	39.80	44.80	81.00
$21.77–$21.82	39.90	44.90	82.00
$21.83–$21.88	40.00	45.00	82.00
$21.89–$21.92	40.10	45.20	82.00
$21.93–$22.00	40.20	45.30	82.00
$22.01–$22.05	40.30	45.40	83.00
$22.06–$22.08	40.40	45.50	83.00
$22.09–$22.16	40.50	45.60	83.00
$22.17–$22.20	40.60	45.70	83.00
$22.21–$22.25	40.70	45.80	83.00
$22.26–$22.28	40.80	45.90	83.00
$22.29–$22.36	40.90	46.10	84.00
$22.37–$22.40	41.00	46.20	84.00
$22.41–$22.45	41.10	46.30	84.00
$22.46–$22.48	41.20	46.40	84.00
$22.49–$22.56	41.30	46.50	85.00
$22.57–$22.60	41.40	46.60	85.00
$22.61–$22.65	41.50	46.70	85.00
$22.66–$22.68	41.60	46.80	85.00
$22.69–$22.76	41.70	47.00	85.00
$22.77–$22.80	41.80	47.10	86.00
$22.81–$22.85	41.90	47.20	86.00
$22.86–$22.88	42.00	47.30	86.00
$22.89–$22.96	42.10	47.40	86.00
$22.97–$23.00	42.20	47.50	86.00
$23.01–$23.04	42.30	47.60	87.00
$23.05–$23.08	42.40	47.70	87.00
$23.09–$23.12	42.50	47.90	87.00
$23.13–$23.16	42.60	48.00	87.00
$23.17–$23.21	42.70	48.10	87.00
$23.22–$23.24	42.80	48.20	88.00
$23.25–$23.28	42.90	48.30	88.00
$23.29–$23.32	43.00	48.40	88.00
$23.33–$23.39	43.10	48.50	88.00
$23.40–$23.44	43.20	48.60	88.00
$23.45–$23.48	43.30	48.80	89.00
$23.49–$23.52	43.40	48.90	89.00
$23.53–$23.56	43.50	49.00	89.00

I	Ia	II	III
If the primary insurance benefit (as determined under § 404.204) is—	Under the Social Security Act Amendments of 1950 the primary insurance amount was—	The primary insurance amount shall be—	And the average monthly wage for computing the maximum under sec. 203 (a) (see § 404.402 et seq.) shall be—
$23.57–$23.60	$43.60	$49.10	$89.00
$23.61–$23.64	43.70	49.20	89.00
$23.65–$23.68	43.80	49.30	90.00
$23.69–$23.74	43.90	49.40	90.00
$23.75–$23.76	44.00	49.50	90.00
$23.77–$23.80	44.10	49.70	90.00
$23.81–$23.88	44.20	49.80	91.00
$23.89–$23.91	44.30	49.90	91.00
$23.92–$23.96	44.40	50.00	91.00
$23.97–$24.00	44.50	50.10	91.00
$24.01–$24.04	44.60	50.20	91.00
$24.05–$24.10	44.70	50.30	91.00
$24.11–$24.16	44.80	50.40	92.00
$24.17–$24.20	44.90	50.60	92.00
$24.21–$24.24	45.00	50.70	92.00
$24.25–$24.30	45.10	50.80	92.00
$24.31–$24.36	45.20	50.90	93.00
$24.37–$24.40	45.30	51.00	93.00
$24.41–$24.44	45.40	51.10	93.00
$24.45–$24.50	45.50	51.20	93.00
$24.51–$24.56	45.60	51.30	93.00
$24.57–$24.60	45.70	51.50	94.00
$24.61–$24.64	45.80	51.60	94.00
$24.65–$24.70	45.90	51.70	94.00
$24.71–$24.76	46.00	51.80	94.00
$24.77–$24.80	46.10	51.90	94.00
$24.81–$24.84	46.20	52.00	95.00
$24.85–$24.90	46.30	52.10	95.00
$24.91–$24.96	46.40	52.20	95.00
$24.97–$25.00	46.50	52.40	95.00
$25.01–$25.04	46.60	52.50	95.00
$25.05–$25.11	46.70	52.60	96.00
$25.12–$25.16	46.80	52.70	96.00
$25.17–$25.20	46.90	52.80	96.00
$25.21–$25.28	47.00	52.90	96.00
$25.29–$25.33	47.10	53.00	97.00
$25.34–$25.40	47.20	53.10	97.00
$25.41–$25.44	47.30	53.30	97.00
$25.45–$25.48	47.40	53.40	97.00
$25.49–$25.55	47.50	53.50	97.00
$25.56–$25.60	47.60	53.60	97.00
$25.61–$25.64	47.70	53.70	98.00
$25.65–$25.72	47.80	53.80	98.00
$25.73–$25.76	47.90	53.90	98.00
$25.77–$25.84	48.00	54.00	98.00
$25.85–$25.88	48.10	54.20	99.00
$25.89–$25.92	48.20	54.30	99.00
$25.93–$26.00	48.30	54.40	99.00
$26.01–$26.04	48.40	54.50	99.00
$26.05–$26.12	48.50	54.60	99.00
$26.13–$26.16	48.60	54.70	99.00
$26.17–$26.23	48.70	54.80	100.00
$26.24–$26.28	48.80	54.90	100.00
$26.29–$26.36	48.90	55.10	101.00
$26.37–$26.40	49.00	55.20	101.00
$26.41–$26.47	49.10	55.30	102.00
$26.48–$26.52	49.20	55.40	103.00
$26.53–$26.60	49.30	55.50	103.00
$26.61–$26.64	49.40	55.60	104.00
$26.65–$26.70	49.50	55.70	105.00
$26.71–$26.76	49.60	55.80	105.00
$26.77–$26.80	49.70	56.00	107.00
$26.81–$26.88	49.80	56.10	107.00
$26.89–$26.94	49.90	56.20	108.00
$26.95–$27.00	50.00	56.30	109.00
$27.01–$27.04	50.10	56.40	109.00
$27.05–$27.12	50.20	56.50	110.00
$27.13–$27.20	50.30	56.60	111.00
$27.21–$27.24	50.40	56.70	111.00
$27.25–$27.32	50.50	56.90	113.00
$27.33–$27.40	50.60	57.00	113.00
$27.41–$27.46	50.70	57.10	114.00
$27.47–$27.52	50.80	57.20	115.00
$27.53–$27.60	50.90	57.30	115.00
$27.61–$27.64	51.00	57.40	115.00
$27.65–$27.73	51.10	57.50	117.00
$27.74–$27.80	51.20	57.60	117.00
$27.81–$27.84	51.30	57.80	119.00
$27.85–$27.92	51.40	57.90	119.00
$27.93–$28.00	51.50	58.00	120.00
$28.01–$28.08	51.60	58.10	121.00
$28.09–$28.16	51.70	58.20	121.00
$28.17–$28.24	51.80	58.30	122.00
$28.25–$28.31	51.90	58.40	123.00
$28.32–$28.36	52.00	58.50	123.00
$28.37–$28.44	52.10	58.70	125.00
$28.45–$28.52	52.20	58.80	125.00
$28.53–$28.61	52.30	58.90	126.00
$28.62–$28.68	52.40	59.00	127.00
$28.69–$28.76	52.50	59.10	127.00
$28.77–$28.84	52.60	59.20	128.00
$28.85–$28.92	52.70	59.30	129.00
$28.93–$29.00	52.80	59.40	129.00
$29.01–$29.08	52.90	59.60	131.00
$29.09–$29.16	53.00	59.70	131.00
$29.17–$29.25	53.10	59.80	132.00
$29.26–$29.32	53.20	59.90	133.00
$29.33–$29.40	$53.30	$60.00	$133.00
$29.41–$29.48	53.40	60.10	134.00
$29.49–$29.58	53.50	60.20	135.00
$29.59–$29.68	53.60	60.30	135.00
$29.69–$29.76	53.70	60.50	137.00
$29.77–$29.84	53.80	60.60	137.00
$29.85–$29.92	53.90	60.70	138.00
$29.93–$30.00	54.00	60.80	139.00
$30.01–$30.08	54.10	60.90	139.00
$30.09–$30.16	54.20	61.00	140.00
$30.17–$30.27	54.30	61.10	141.00
$30.28–$30.36	54.40	61.20	141.00
$30.37–$30.44	54.50	61.40	143.00
$30.45–$30.52	54.60	61.50	143.00
$30.53–$30.64	54.70	61.60	144.00
$30.65–$30.72	54.80	61.70	145.00
$30.73–$30.80	54.90	61.80	145.00
$30.81–$30.92	55.00	61.90	146.00
$30.93–$31.00	55.10	62.00	147.00
$31.01–$31.08	55.20	62.10	147.00
$31.09–$31.16	55.30	62.20	149.00
$31.17–$31.28	55.40	62.30	149.00
$31.29–$31.36	55.50	62.50	150.00
$31.37–$31.44	55.60	62.60	151.00
$31.45–$31.52	55.70	62.70	151.00
$31.53–$31.64	55.80	62.80	152.00
$31.65–$31.73	55.90	62.90	153.00
$31.74–$31.80	56.00	63.00	153.00
$31.81–$31.92	56.10	63.20	155.00
$31.93–$32.00	56.20	63.30	155.00
$32.01–$32.10	56.30	63.40	156.00
$32.11–$32.20	56.40	63.50	157.00
$32.21–$32.28	56.50	63.60	157.00
$32.29–$32.40	56.60	63.70	158.00
$32.41–$32.50	56.70	63.80	159.00
$32.51–$32.60	56.80	63.90	159.00
$32.61–$32.69	56.90	64.10	161.00
$32.70–$32.80	57.00	64.20	161.00
$32.81–$32.90	57.10	64.30	162.00
$32.91–$33.00	57.20	64.40	163.00
$33.01–$33.08	57.30	64.50	163.00
$33.09–$33.20	57.40	64.60	164.00
$33.21–$33.30	57.50	64.80	165.00
$33.31–$33.40	57.60	64.90	165.00
$33.41–$33.48	57.70	65.00	167.00
$33.49–$33.60	57.80	65.10	167.00
$33.61–$33.70	57.90	65.20	168.00
$33.71–$33.80	58.00	65.30	169.00
$33.81–$33.88	58.10	65.50	169.00
$33.89–$34.00	58.20	65.60	170.00
$34.01–$34.10	58.30	65.70	171.00
$34.11–$34.20	58.40	65.80	171.00
$34.21–$34.28	58.50	65.90	173.00
$34.29–$34.40	58.60	66.00	173.00
$34.41–$34.50	58.70	66.10	174.00
$34.51–$34.60	58.80	66.20	175.00
$34.61–$34.68	58.90	66.40	175.00
$34.69–$34.80	59.00	66.50	176.00
$34.81–$34.90	59.10	66.60	177.00
$34.91–$35.00	59.20	66.70	177.00
$35.01–$35.08	59.30	66.80	179.00
$35.09–$35.20	59.40	66.90	179.00
$35.21–$35.30	59.50	67.00	180.00
$35.31–$35.40	59.60	67.20	181.00
$35.41–$35.48	59.70	67.30	181.00
$35.49–$35.60	59.80	67.50	182.00
$35.61–$35.70	59.90	67.60	183.00
$35.71–$35.80	60.00	67.70	183.00
$35.81–$35.88	60.10	67.80	185.00
$35.89–$36.00	60.20	67.90	185.00
$36.01–$36.10	60.30	68.00	186.00
$36.11–$36.20	60.40	68.20	187.00
$36.21–$36.28	60.50	68.30	187.00
$36.29–$36.40	60.60	68.40	188.00
$36.41–$36.50	60.70	68.60	189.00
$36.51–$36.60	60.80	68.70	189.00
$36.61–$36.68	60.90	68.80	191.00
$36.69–$36.80	61.00	68.90	191.00
$36.81–$36.90	61.10	69.00	192.00
$36.91–$37.00	61.20	69.20	193.00
$37.01–$37.08	61.30	69.30	193.00
$37.09–$37.20	61.40	69.40	194.00
$37.21–$37.30	61.50	69.50	195.00
$37.31–$37.40	61.60	69.60	195.00
$37.41–$37.48	61.70	69.80	197.00
$37.49–$37.60	61.80	69.90	197.00
$37.61–$37.70	61.90	70.00	198.00
$37.71–$37.80	62.00	70.20	199.00
$37.81–$37.88	62.10	70.30	199.00
$37.89–$38.00	62.20	70.40	200.00
$38.01–$38.10	62.30	70.50	201.00
$38.11–$38.20	62.40	70.60	201.00
$38.21–$38.32	62.50	70.80	203.00
$38.33–$38.44	62.60	70.90	203.00
$38.45–$38.56	62.70	71.00	204.00
$38.57–$38.68	62.80	71.20	205.00
$38.69–$38.76	62.90	71.30	205.00

I	Ia	II	III
If the primary insurance benefit (as determined under § 404.204) is—	Under the Social Security Act Amendments of 1950 the primary insurance amount was—	The primary insurance amount shall be—	And the average monthly wage for computing the maximum under sec. 203 (a) (see § 404.402 et seq.) shall be—
$38.77–$38.88	$63.00	$70.90	$206.00
$38.89–$39.00	63.10	71.00	207.00
$39.01–$39.12	63.20	71.10	207.00
$39.13–$39.20	63.30	71.30	209.00
$39.21–$39.32	63.40	71.40	209.00
$39.33–$39.44	63.50	71.50	210.00
$39.45–$39.56	63.60	71.60	211.00
$39.57–$39.68	63.70	71.70	211.00
$39.69–$39.76	63.80	71.80	212.00
$39.77–$39.88	63.90	71.90	213.00
$39.89–$40.00	64.00	72.00	213.00
$40.01–$40.12	64.10	72.20	215.00
$40.13–$40.20	64.20	72.30	215.00
$40.21–$40.33	64.30	72.40	216.00
$40.34–$40.44	64.40	72.50	217.00
$40.45–$40.56	64.50	72.60	217.00
$40.57–$40.68	64.60	72.70	218.00
$40.69–$40.78	64.70	72.80	219.00
$40.79–$40.88	64.80	72.90	219.00
$40.89–$41.00	64.90	73.10	221.00
$41.01–$41.12	65.00	73.20	221.00
$41.13–$41.22	65.10	73.30	222.00
$41.23–$41.32	65.20	73.40	223.00
$41.33–$41.44	65.30	73.50	223.00
$41.45–$41.56	65.40	73.60	224.00
$41.57–$41.67	65.50	73.70	225.00
$41.68–$41.76	65.60	73.80	225.00
$41.77–$41.88	65.70	74.00	227.00
$41.89–$42.00	65.80	74.10	227.00
$42.01–$42.11	65.90	74.20	228.00
$42.12–$42.20	66.00	74.30	229.00
$42.21–$42.32	66.10	74.40	229.00
$42.33–$42.44	66.20	74.50	230.00
$42.45–$42.56	66.30	74.60	231.00
$42.57–$42.68	66.40	74.70	231.00
$42.69–$42.76	66.50	74.90	233.00
$42.77–$42.88	66.60	75.00	233.00
$42.89–$43.00	66.70	75.10	234.00
$43.01–$43.12	66.80	75.20	235.00
$43.13–$43.20	66.90	75.30	235.00
$43.21–$43.32	67.00	75.40	236.00
$43.33–$43.44	67.10	75.50	237.00
$43.45–$43.56	67.20	75.60	237.00
$43.57–$43.68	67.30	75.80	239.00
$43.69–$43.76	67.40	75.90	239.00
$43.77–$43.89	67.50	76.00	240.00
$43.90–$44.00	67.60	76.10	241.00
$44.01–$44.12	67.70	76.20	241.00
$44.13–$44.20	67.80	76.30	242.00
$44.21–$44.33	67.90	76.40	243.00
$44.34–$44.44	68.00	76.50	243.00
$44.45–$44.56	68.10	76.70	245.00
$44.57–$44.68	68.20	76.80	245.00
$44.69–$44.78	68.30	76.90	246.00
$44.79–$44.88	68.40	77.00	247.00
$44.89–$45.00	68.50	77.10	250.00

16. Section 404.402 is amended to read as follows:

§ 404.402 *When reductions are required.* A reduction in the amount of benefits is required when there are two or more benefits for a month based upon the wages and self-employment income of an insured individual, and when the total amount of such benefits for such month, calculated under section 202 (a) through (h) of the act, is more than $40, or $45 for months after August 1952, and exceeds one of the following amounts:

(a) $150, or $168.75 for months after August 1952; or

(b) 80 per centum of such individual's average monthly wage; or

(c) If any of such benefits are payable to a child who would, but for the provision in section 202 (k) (2) (A) of the act (see § 404.334), be entitled to benefits payable on the basis of the wages and self-employment income of one or more other insured individuals, 80 per centum of the sum of the average monthly wages of all such insured individuals.

17. Section 404.403 is amended to read as follows:

§ 404.403 *How reductions are made—*(a) *Applicability of provisions of § 404.402.* If, by reason of § 404.402, a reduction in the amount of benefits is required, each of such benefits (except an old-age insurance benefit) must be proportionately reduced so that the total of the benefits will be the amount stated in paragraph (a), (b), or (c) of such § 404.402, whichever is the least, except that if the conditions of paragraph (c) exist, the limitation specified in paragraph (b) shall not apply. In no case will the total amount of benefits for any month be reduced to an amount less than $40, or $45 for months after August 1952.

Example. E, mother of X, Y, Z, died a fully and currently insured individual with an average monthly wage of $80 and a primary insurance amount of $40. Each child's benefit, after adjustment for the maximum, is $21.40. Later A, father of X, Y, Z, died with an average monthly wage of $100 and a primary insurance amount of $50. X filed an application for child's benefits on A's account. Y and Z thereby became automatically entitled on that account. On A's account, each child is entitled to $29.20, or a total of $87.60. The maximum payable is $150 or 80 percent of the sum of E's average monthly wage and A's average monthly wage, whichever is the lesser. 80 percent of the combined average monthly wage is $144. Since the total benefits payable to the children are less than $144, their individual benefits need not be reduced.

(b) *Circumstances under which provisions of § 404.402 are inapplicable.* The provisions of § 404.402 will not apply where:

(1) An individual was entitled (without the application of section 202 (j) (1) of the act) to an old-age insurance benefit under section 202 (a) of the act for August 1952; and

(2) Two or more other persons were entitled (without the application of section 202 (j) (1) of the act) to monthly benefits under section 202 on the basis of the wages and self-employment income of the individual referred to in subparagraph (1) of this paragraph, and

(3) The total of the benfits to which all persons are entitled on the wages and self-employment income of the individual referred to in subparagraph (1) of this paragraph for any month subsequent to August 1952 for which such individual is entitled to such old-age insurance benefit would, because of the increase in benefits resulting from the Social Security Act Amendments of 1952 and the application of the maximum provisions appearing in § 404.402, be reduced to an amount lower than the total of such benefits to which such persons were entitled for August 1952. In such a case, the total benefits payable for such subsequent month will not be reduced below the total benefits payable for August 1952 after application of the provisions of § 404.402 plus the amount by which the old-age insurance benefit was increased in such subsequent month by the operation of the Social Security Act Amendments of 1952.

18. Section 404.408 is amended to read as follows:

§ 404.408 *Deductions imposed because individual works.* If an individual under the age of 75 renders services for wages of more than $50 in any month prior to September 1952, or $75 in any month after August 1952 for which he is entitled to a benefit or if such individual is charged, in accordance with the provisions of § 404.414, with net earnings from self-employment of more than $50 for any month or $75 for any month, as the case may be, deductions are made:

(a) From any benefit or benefits which are payable to him. The amount to be deducted is equal to the benefit or total of benefits payable to him for the month in which he rendered the services for wages of more than $50 or $75, whichever is applicable, or for which he was charged with net earnings from self-employment of more than $50 or $75, whichever is applicable.

(b) From any wife's, child's, or husband's insurance benefits which are payable to his wife, child, or husband with respect to such individual's wages and self-employment income. The amount to be deducted is equal to such wife's, child's, or husband's insurance benefit for the month in which such individual rendered services for wages of more than $50 or $75, whichever is applicable, or for which he was charged with net earnings from self-employment of more than $50 or $75, whichever is applicable.

For the purposes of determining whether an individual has rendered services for "wages" or more than $50 or $75, whichever is applicable, the provisions of section 209 of the act which for other purposes limits the meaning of wages in a calendar year prior to 1951 to $3,000 or in a calendar year after 1950 to $3,600, do not apply.

19. Section 404.414 is amended to read as follows:

§ 404.414 *Charging net earnings from self-employment—*(a) *For taxable years ending prior to September 1952.* The following rules will apply in determining the amount of an individual's net earnings from self-employment that are to be charged to a particular month for purposes of deductions (§ 404.408) with respect to taxable years ending prior to September 1952:

(1) If the individual's net earnings from self-employment for his taxable year are not more than $50 times the number of months in such taxable year, each month in such year shall be charged with $50 or less; or

(2) If such net earnings exceed that amount, each month of such year is first charged with $50. The first $50 of the excess (or the whole of the excess if it is less than $50) is charged to the latest month of the taxable year. The next $50 of the excess, if any (or the whole of the excess if it be less than $50) is charged to the next preceding month and so on until all of the excess is charged or every month to which a portion of the excess is chargeable has been charged with a part of such excess.

(b) *For taxable years ending after August 1952.* The rules for charging net earnings from self-employment appearing in paragraph (a) of this section shall apply with respect to taxable years ending after August 1952, except that such charging shall be on the basis of $75 per month rather than $50 per month.

20. Section 404.415 is amended to read as follows:

§ 404.415 *Months to which net earnings from self-employment cannot be charged.* Notwithstanding the provisions of § 404.414, net earnings from self-employment in excess of $50 times the number of months of the taxable year, if such taxable year ended prior to September 1952, or $75 times the number of months of the taxable year if such taxable year ended after August 1952, shall not be charged to any month:

(a) In which such individual was not entitled to a benefit;

(b) In which the individual performed services for "wages" for which he suffered a deduction under § 404.408;

(c) In which the individual is a wife, widow, or a former wife divorced who suffers a deduction because of the occurrence of an event specified in § 404.409;

(d) In which the individual was 75 years of age or over; or

(e) In which the individual did not engage in self-employment.

A person shall be deemed to have engaged in self-employment in any month if in such month he renders substantial services in operating a trade or business as owner or partner even though there may be no net earnings attributable to his services for such month.

21. Section 404.423 is amended to read as follows:

§ 404.423 *Reports to the Administration of net earnings from self-employment.* Section 203 (g) of the act imposes upon an individual entitled to any monthly benefit under section 202 of the act during a taxable year (or the individual in receipt of such benefits on his behalf) the obligation to report to the Administration the amount of his net earnings from self-employment for any such taxable year when such net earnings exceed the product of $50 or $75, whichever is applicable (see § 404.414), times the number of months in such year provided that the individual so entitled had not attained age 75 in or prior to the first month of such year. The report for such taxable year must be filed with the Social Security Administration on or before the 15th day of the third month following the close of such year. The filing of an income tax return with respect to such individual's self-employment income is not such a report. The report to the Administration shall be made on such forms and in accordance with such instructions (printed thereon or attached thereto) as are prescribed by the Administration. The prescribed form may be obtained from any office of the Bureau.

22. Section 404.1001 is amended by adding after paragraph (u) thereof the following new paragraph, designated as (v):

§ 404.1001 *General definitions and use of terms.* • • •

(v) "Social Security Act Amendments of 1952" means the act approved July 18, 1952 (66 Stat. 767).

23. The title to Subpart N is deleted and the following title and centerhead are substituted therefor: "Subpart N—Benefits in Case of Veterans; World War II Veterans".

24. Section 404.1306 (b) is amended to read as follows:

§ 404.1306 *Limitations on creditability of war-service wages.* • • •

(b) If any part of the World War II active service of such veteran has been credited toward another "Federal benefit" (see § 404.1307); except that, in cases in which applications for benefits under section 202 of the act are filed after August 1952, the provisions of this paragraph shall not apply if it would reduce by $0.50 or less the primary insurance amount of the World War II veteran on whose wages and self-employment income the monthly benefit or lump-sum death payment is based.

25. The following material is added to Subpart N immediately after § 404.1324:

VETERANS OF SERVICE AFTER WORLD WAR II

NOTE: §§ 404.1350 to 404.1361 interpret or apply sec. 217 (e), 66 Stat. 773; 42 U. S. C. 417 (e).

§ 404.1350 *General effect of section 217 (e).* Section 217 (e), added to the act by the Social Security Act Amendments of 1952, gives wage credits to certain individuals who served in the armed forces after World War II.

§ 404.1351 *Effect of section 217 (e) of the act.* Any veteran who served in the active military or naval service of the United States on or after July 25, 1947, and prior to January 1, 1954, will be deemed to have been paid wages (in addition to the wages, if any, actually paid to him) of $160 for each month during any part of which he rendered such service. Such wages will be credited to the account of such veteran for the purposes of determining entitlement to and the amount of any monthly benefit or lump-sum death payment payable under section 202 of the act on the basis of the wages and self-employment income of such veteran. Such crediting is subject to the limitations of the succeeding sections of this part.

§ 404.1352 *Limitation on creditability of wages granted by § 404.1351.* Wages granted by § 404.1351 shall not be credited to the account of a veteran:

(a) If a larger monthly benefit or lump-sum death payment would be payable without the crediting of such wages; or

(b) If any part of the active service during the period referred to in § 404.1351 has been credited toward another "Federal benefit" (see § 404.1353) except that the provisions of this paragraph shall not apply if its application would reduce by $0.50 or less the primary insurance amount of the veteran on whose wages and self-employment income the monthly benefit or lump-sum death payment is based; or

(c) For the month of July 1947, if such veteran's account is credited with war-service wages under § 404.1305 for that month.

§ 404.1353 *Meaning of "Federal benefit."* For the purposes of § 404.1352 and §§ 404.1354 to 404.1356, inclusive, a "Federal benefit" means any benefit (other than a lump-sum payment which is not a commutation of or substitute for periodic payments) under the civil service, railroad retirement, military or other Federal program which provides for retirement on account of age, length of service, or disability, or for survivors insurance, where the amount of such benefit is based, in whole or in part, upon active military or naval service during the period beginning with July 25, 1947, and ending prior to January 1, 1954, and such benefit is determined by any agency or wholly owned instrumentality of the United States (other than the Veterans Administration) to be payable by it under any other law of the United States or under a system established by such agency or instrumentality.

§ 404.1354 *Determination and certification of payments based on wages granted under § 404.1351.* Where the limitation on creditability of wages granted under § 404.1351 (see § 404.1352 (b)) is not applicable, the rights of an individual applying for payment of benefits or a lump sum on the basis of the wages and self-employment income of a veteran shall be determined on the basis of the provisions of § 404.1351, and certification of payment may be made pursuant to such determination, subject, however, to the effect of the receipt of notice by the Administrator from another department, agency or wholly owned instrumentality of the United States that a "Federal benefit" (see § 404.1353) has been determined by it to be payable (§ 404.1355).

§ 404.1355 *Effect of notice of determination that a "Federal benefit" is payable.* If the Administrator has been notified by a department, agency, or wholly owned instrumentality of the United States that a "Federal benefit" (see § 404.1353) has been determined by it to be payable (even though later terminated) to anyone (including dependents or survivors) on the basis of the active service during the period beginning with July 25, 1947, and ending prior to January 1, 1954, of a veteran, any benefits or a lump sum payable under title II with respect to the wages and self-employment income of such veteran shall be determined without regard to the provisions in § 404.1351 for the crediting of wages granted under such section. If, prior to the receipt of such notification, the Administrator has made a determination and pursuant to such determination has certified a benefit for payment to the veteran, his dependents or survivors, or has certified for payment a lump-sum death payment, as provided by § 404.1354, the Administrator, upon the receipt of such notification, shall certify no further benefits for payment or shall recompute the amount of any further benefits as

may otherwise be payable under title II, and shall also determine the existence and amount of any erroneous payment (see § 404.1356).

§ 404.1356 *Overpayment in connection with existence of "Federal benefit."* Any payment certified to an individual in accordance with § 404.1354 shall, upon receipt of notification by the Administrator that a "Federal benefit" is determined to be payable, constitute an overpayment (see Subpart F of this part) to the extent that such payment was based upon the inclusion of wages deemed paid pursuant to the provisions of § 404.1351. Thereupon, such overpayment shall be subject to the provisions of Subpart F of this part.

§ 404.1357 *Filing proof of support.* In the case of a veteran who died prior to September 1952, the 2-year period for filing proof of support as required of a parent or a widower under Subpart D of the regulations in this part shall be deemed to have been met if such proof is filed prior to September 1954.

§ 404.1358 *Supporting evidence as to right to receive benefits and lump sums.* The requirements for supporting evidence as applied to cases involving World War II veterans (see § 404.1320) shall be applicable to veterans specified in § 404.1351.

§ 404.1359 *Definition of the term "veteran"*—(a) *Included individuals.* The term "veteran," as used in §§ 404.1351 to 404.1358, inclusive, and §§ 404.1360 to 404.1362, inclusive, includes any individual who was in the active service of any of the armed forces of the United States, including the Army, Air Force, Navy, Marine Corps, and the Coast Guard or any of the components thereof on or after July 25, 1947, and prior to January 1, 1954, and including also any member of the commissioned corps of the United States Public Health Service in the active service of the Public Health Service on or after July 25, 1947, and prior to July 4, 1952, and who, if discharged or released from such active service, was so separated under conditions other than dishonorable (see § 404.1361) after service of at least 90 days or by reason of a disability or injury incurred or aggravated in service in line of duty.

(b) *Excluded individuals.* The term "veteran," as used in §§ 404.1351 to 404.1358, inclusive, and §§ 404.1360 to 404.1362, inclusive, does not include, among others, any individual who died in the active service if his death was inflicted as a punishment for a military or naval offense, other than by an enemy of the United States. Neither does it include a member of any of the units designated in the second sentence of § 404.1321 (b) insofar as such units were in existence during the period beginning with July 25, 1947, and ending prior to January 1, 1954.

§ 404.1360 *Active service of 90 days; defined.* Active service of 90 days means one or more periods totalling at least 90 days (whether or not consecutive) which are served in the period beginning with July 25, 1947, and ending prior to January 1, 1954. Where 90 days were not served wholly within such period, but such service began prior to July 25, 1947, and concluded on or after that date or began prior to January 1, 1954, and concluded on or after that date, the requirement of active service of 90 days is met only if such service of 90 days was continuous. Active service of 90 days is not necessary in the case of a veteran who was in the active service during the period referred to in the preceding sentence and who was separated therefrom by reason of a disability or injury incurred or aggravated in service in line of duty.

§ 404.1361 *Conditions other than dishonorable; defined.* This term shall have the same meaning as given to it by the provisions of § 404.1323.

§ 404.1362 *Effective date of preceding provisions.* The provisions in §§ 404.1350 to 404.1361, inclusive (except § 404.1357) shall be effective only with respect to monthly benefits under section 202 of the act for months after August 1952 and lump-sum death payments in cases of deaths occurring after August 1952. In cases where entitlement to monthly benefits under section 202 of the act on the basis of the wages and self-employment income of a veteran, as defined in § 404.1359, existed for August 1952, then the provisions of §§ 404.1350 to 404.1361, inclusive (except § 404.1357) apply only if such veteran or any other individual entitled to benefits on the basis of such veteran's wages and self-employment income files an application to include in the wage record of the veteran the wages granted by § 404.1351. Where such an application is filed, the provisions of such preceding sections shall apply to such benefits for the months after whichever of the following is the later: August 1952 or the seventh month before the month in which such application was filed. With respect to § 404.1357, such section is effective as of the date the Social Security Act Amendments of 1952 were enacted (July 18, 1952).

26. Section 404.1404 is amended to read as follows:

§ 404.1404 *Compensation to be treated as wages.* Where eligibility does not exist to an annuity under section 5 of the Railroad Retirement Act or a lump sum under section 5 (f) (1) of that act, section 205 (o) of the act requires that compensation (as defined in the Railroad Retirement Act) shall be treated as wages (see § 404.1017), except that where war-service wages for any month are credited to the wage record of a World War II veteran (see § 404.1321 (a)) under § 404.1305 or where wages are credited to a veteran, as defined in § 404.1359, under § 404.1351, compensation shall not be treated as wages to the extent that compensation is attributable as having been paid during such month on account of military service creditable under section 4 of the Railroad Retirement Act.

27. Section 404.322 (g) is amended to read as follows:

§ 404.322 *Widower's insurance benefits: conditions of entitlement.* • • •

(g) (Except as provided in § 404.1357), filed proof of such support within two years after the date of her death or the month in which she became entitled to old-age insurance benefits (whichever is appropriate); and

28. Section 404.328 (c) is amended to read as follows:

§ 404.328 *Parent's insurance benefits: conditions of entitlement.* • • •

(c) Was receiving at least one-half of his support (see § 404.312) from such individual at the time of such individual's death and (except as provided in §§ 404.1319 and 404.1357) has filed proof of such support within two years after the date of such death; and

(Sec. 205, 53 Stat. 1368, as amended, sec. 1102, 49 Stat. 647, as amended; 42 U. S. C. 405, 1302. Interprets and applies Pub. Law 590, 82d Cong.)

[SEAL] W. L. MITCHELL,
Acting Commissioner for Social Security.

Approved: November 3, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-11992; Filed, Nov. 12, 1952; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 506—USE OF MILITARY TELEGRAPH LINES

REVOCATION OF PART

Part 506, including §§ 506.1 through 506.4, is hereby revoked.

[AR 105-20, Feb. 12, 1951] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army.
The Adjutant General.

[F. R. Doc. 52-12081; Filed, Nov. 12, 1952; 8:51 a. m.]

Subchapter E—Organized Reserves

PART 561—OFFICERS' RESERVE CORPS

APPOINTMENT IN ARMY MEDICAL SERVICE SECTIONS

In § 561.18, paragraphs (b) (1) and (2), (c) (1) and (2), and (d) (1) and (2) are amended as follows:

§ 561.18 *Appointment in Army Medical Service sections.* • • •

(b) *Medical Corps.* (1) For appointment in the Medical Corps section, applicants must meet the following requirements:

• • • • •

(2) In addition to subparagraph (1) of this paragraph, applicants must meet the following medical professional experience requirement:

(i) Appointment of qualified applicants below the grade of colonel will be in grades determined solely by the number of years of medical professional experience acquired subsequent to applicant's graduation from medical school as follows:

Grade	Professional experience (years)
First lieutenant	Less than 4 years.
Captain	4 years or more but less than 11 years.
Major	11 years or more but less than 18 years.
Lieutenant colonel	18 years or more.

(ii) Applicants for the grade of colonel will be required to have a minimum of 25 years' medical professional experience following graduation from medical school, in addition to which applicants must show indication of having achieved such unequivocal prominence as to make them authorities in their particular field. Examples are outstanding contributors to scientific research and to the development of the specialty under consideration. Also applicants ordinarily must have been certified by one of the American specialty boards in specialties for which such boards are constituted.

• • • • •

(c) *Dental Corps.* (1) For appointment in the Dental Corps section, applicants must meet the following requirements:

• • • • •

(2) In addition to subparagraph (1) of this paragraph, applicants must meet the following dental professional experience requirement:

(i) Appointment of qualified applicants below the grade of colonel will be in grades determined solely by the number of years of dental professional experience acquired subsequent to applicant's graduation from an approved dental school as follows:

Grade	Professional experience (years)
First lieutenant	Less than 4 years.
Captain	4 years or more but less than 11 years.
Major	11 years or more but less than 18 years.
Lieutenant colonel	18 years or more.

(ii) Applicants for the grade of colonel will be required to have a minimum of 25 years' dental professional experience following graduation from an approved dental school, in addition to which applicants must show indication of having achieved such unequivocal prominence as to make them authorities in their particular field. Examples are outstanding contributors to scientific research and to development of the dental specialty under consideration. Applicants for direct appointment in the grade of colonel ordinarily must have been certified by a dental specialty board in the specialty for which such a board is constituted.

• • • • •

(d) *Veterinary Corps.* (1) For appointment in the Veterinary Corps section, applicant must be a graduate of a veterinary college acceptable to the Department of the Army and legally authorized to confer the degree of doctor of veterinary medicine or its equivalent and meet the following requirements:

• • • • •

(2) In addition to subparagraph (1) of this paragraph, applicants must meet the following veterinary professional experience requirement:

(i) Appointment of qualified applicants below the grade of colonel will be in grades determined solely by the number of years of veterinary professional experience acquired subsequent to applicant's graduation from an approved veterinary school as follows:

Grade	Professional experience (years)
Second lieutenant	Less than 1 year.
First lieutenant	1 year or more but less than 5 years.
Captain	5 years or more but less than 12 years.
Major	12 years or more but less than 19 years.
Lieutenant colonel	19 years or more.

(ii) Applicants for the grade of colonel will be required to have a minimum of 26 years' veterinary professional experience following graduation from an approved veterinary school, in addition to which applicants must show indication of having achieved such equivocal prominence as to make them authorities in their particular field. Examples are outstanding contributors of scientific research, outstanding administrators, and outstanding contributors to the development of the specialty under consideration.

• • • • •

[C6. SR 140-105-6. Oct. 27, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 51, 39 Stat. 189, as amended; 10 U. S. C. 351-353)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army.
The Adjutant General.

[F. R. Doc. 52-12082; Filed, Nov. 12, 1952; 8:51 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

CONTRACTS AND SUBCONTRACTS FOR CERTAIN AGRICULTURAL COMMODITIES AND RAW MATERIALS

Section 1453.2 (d) is amended by deleting subparagraphs (6), (7) and (8) and adding new subparagraphs (6), (7) and (8) to read as follows:

(6) *Exclusion of profits attributable to increment in value of excess inventory.* For the purpose of determining the profits derived from contracts with Departments and subcontracts the aggregate renegotiable receipts or accruals for the fiscal year under review shall be reduced by an amount equal to the portion of the profits attributable to the increment in value of excess inventory. The portion of the profits attributable to the increment in value of excess inventory is an amount equal to the excess of the increment in value for the fiscal year over the loss in value for the fiscal year. The result of making such reduction will be to exclude from consideration thereafter in determining excessive profits any amount of profit attributable to the increment in value of excess inventory.

(7) *Example of computation of exclusion.*

A, whose fiscal year ended June 30, 1951, contracted on January 1, 1950, to sell 1,000,000 units of item X to the Army for $1,000,000. Performance of the contract was as follows:

Units	Manufactured	Invoiced
500,000	Jan. 1, 1950–Oct. 31, 1950	Before Dec. 31, 1950.
300,000	Nov. 1, 1950–Dec. 31, 1950	Jan. 1, 1951–Apr. 1, 1951.
100,000	Jan. 1, 1951–May 31, 1951	Before June 30, 1951.
100,000	June 1, 1951–June 30, 1951	July 1, 1951–Aug. 1, 1951.

In producing one unit of item X, 4 pounds of grade Z raw products are required.

At the beginning of the inventory period during which January 1, 1950, fell, A had in inventory 5,000,000 pounds of grade Z raw products. Under his accounting methods this was valued at the lower cost or market and allocated to production on the first in, first out basis. This inventory was acquired as follows:

April 1, 1949, 2,000,000 pounds at $0.24 per pound.

June 1, 1949, 2,000,000 pounds at $0.25 per pound.

October 1, 1949, 1,000,000 pounds at $0.255 per pound.

On January 1, 1950, A had unfilled contracts or commitments requiring the use of 500,000 pounds of grade Z raw products. The quantity of his excess inventory is computed as follows:

	Pounds
Inventory (at beginning of inventory period)	5,000,000
Less raw products required for unfilled contracts	500,000
Excess inventory (long position)	4,500,000

The market price of grade Z raw products on January 1, 1950, was $0.26 per pound. This is the replacement value of the excess inventory.

The 1,000,000 units of item X require 4,000,000 pounds of grade Z raw products. Therefore, of the 4,500,000 pounds of excess inventory, 4,000,000 pounds are allocable to the contract in question. It is now necessary to consider the invoice dates set forth at the beginning of the example. Of the 4,000,000 pounds, 2,000,000 pounds are allocable to performance resulting in receipts or accruals before the effective date of the act and 400,000 pounds to performance resulting in receipts or accruals after the end of the fiscal year. The remaining 1,600,000 pounds are allocable to renegotiable performance resulting in receipts or accruals during the fiscal year. It is the excess of the replacement value over the cost of such 1,600,000 pounds of excess inventory which constitutes the increment in value for the fiscal year. This is computed as follows:

Replacement value:		
1,6000,000 pounds at $0.26		$416,000
Less cost:		
1,500,000 pounds at $0.25	$375,000	
100,000 pounds at $0.255	25,500	
		400,500
Increment in value for the fiscal year		15,500

Assuming that there was no loss in value for the fiscal year, the portion of profits attributable to increment in value of excess inventory is equal to $15,500. Assuming also that A had no other receipts or accruals subject to the act during the fiscal year, his aggregate renegotiable receipts or accruals for that period, $400,000 is reduced by $15,500 to $384,500 for the purpose of computing profits derived from contracts with Departments and subcontracts under the 1951 act for his fiscal year ended June 30, 1951.

(8) *Procedure.* A contractor who claims that a portion of its profits attributable to the increment in value of excess inventory should be excluded from consideration in determining whether or not it has received excessive profits shall give notice to the Board of such claim at the time of or before such contractor completes the filing of the Standard Form of Contractor's Report (RB Form 1B). The Regional Board to which the contractor is assigned for renegotiation will request the contractor to substantiate its claim before conclusion of the renegotiation if it is of the opinion that, without regard to the provisions of this paragraph, excessive profits may exist.

(Sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 106 (b) Pub. Law 9, 82d Cong.)

Dated: November 6, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-12080; Filed, Nov. 12, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 12, Amdt. 4]

CPR 12—MILLED RICE

RESCISSION OF ROLLBACK; CALROSE AND REX NIRA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 12 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 3 to Ceiling Price Regulation (CPR) 12, revised the ceiling prices for the various varieties of milled rice to reflect changes in the legal minimum price for rough rice, as determined by the Secretary of Agriculture, since the issuance of CPR 12 in March of 1951, Amendment 3 increased the ceiling prices of most short grain varieties and made no change in the ceiling prices of most long grain varieties. However, the ceiling prices of two of the minor varieties, Rex Nira and Calrose, which account for less than 1 percent of the annual volume, were reduced. While the new ceiling prices were issued on an interim basis pending an industry-wide survey of milling costs and margins, it now appears that the data available for these minor varieties of rice were inadequate. In view of the interim nature of the action, the Director has therefore decided not to reduce the ceiling prices of these varieties at this time. Such action as the completed survey indicates is appropriate will be taken with respect to these two varieties at the same time as other revisions are made in accordance with the survey results.

In the formulation of this amendment there has been consultation with industry representatives to the extent practicable. In view of the need for prompt action on this amendment it was not practicable to consult with trade association representatives.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all applicable standards of that act.

AMENDATORY PROVISIONS

Section 4 (a) (1) of Ceiling Price Regulation 12 is amended to read as follows:

(1) For varieties of milled rice containing not less than 93 percent of whole kernels and grading U. S. No. 2, your ceiling prices are as follows:

Varieties	*Price per 100 pounds*
Group 1: Rexora, Rexark, Patna, Blue Bonnet, and Nira	$12.00
Group 2: Fortuna and Edith	11.25
Group 3: Blue Rose, Arkrose, Kamrose and Magnolia	11.00
Group 4: Prelude, Zenith, Calady and Lady Wright	10.75
Group 5: Pearl, Early Prolific, and all other varieties not specifically named	9.75
Rex Nira, sometimes known as R N	11.50
Calrose	10.75

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 12, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 12, 1952.

[F. R. Doc. 52-12225; Filed, Nov. 12, 1952; 12:02 p. m.]

[Ceiling Price Regulation 17, Amdt. 8]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM PRODUCTS, NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS, AND REFINERY GAS

AMENDING PROVISIONS OF SECTION 23A TO PREVENT INCREASES IN GENERAL LEVELS OF AREA CEILING PRICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Ceiling Price Regulation 17 (16 F. R. 3033) is hereby issued.

STATEMENT OF CONSIDERATIONS

Price provisions in many contracts for the purchase of natural gas from producers and gatherers contain escalator clauses calling for increases in prices at stated intervals or under stated conditions. For reasons set forth in the Statement of Considerations accompanying Amendment 1 to CPR 17 (effective April 16, 1951), the regulation permitted the operation of such escalator clauses in contracts in existence prior to January 25, 1951, the date of price control, and permitted the escalated prices to be used by other sellers in establishing competitive and in-line ceiling prices. It also permitted the operation of so-called "favored nation" clauses, which bind buyers who pay an increased price to one of their sellers to pay an increased price to some or all of their other sellers.

The large scale financing of gas production and interstate pipe lines was based in some measure on contracts calling for initially low prices subject to escalation. For that reason the Director has concluded that fairness to both buyers and sellers and stability in the industry make it desirable to continue to permit the unfettered operation of such of those contracts as were executed prior to the imposition of price control. However, to permit sellers who did not base their planning and operations on such contracts to use them by reference to secure prices higher than the general levels of ceiling prices, which levels are generally fair and equitable, would be incompatible with the stabilization program. Therefore, since it now appears that escalator clauses calling for prices higher than the current general level of ceiling prices will shortly take effect, this amendment to CPR 17 is issued.

The amendment permits the escalator clauses in contracts entered into prior to or during the base period to operate. At the same time it prevents escalator clauses from establishing ceiling prices higher than base period ceilings for any sales other than those made under the particular contracts containing such clauses. It does this by limiting the use of "most favored nation" clauses in contracts and the use of the in-lining provisions of section 23a (c) of CPR 17 to those instances where their use will not result in piercing the general area ceiling, which is the highest price for comparable sales of gas during the base period.

This amendment has the further effect of preventing sellers from in-lining their prices with sellers whose prices may be increased pursuant to state minimum price regulations. While OPS is required to recognize such minimum prices as ceilings under section 402 (1) of the Defense Production Act, it need not and should not give the regulations or orders establishing minimum prices greater scope than the state itself does. This is especially true since those regulations and orders are based on state purposes and policies not necessarily consonant with those of the Defense Production Act.

In the formulation of this amendment there has been consultation with industry representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization ceiling prices established by this amendment will be generally fair and equitable and consistent with the purpose of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 17 is amended in the following respects:

1. Section 23a (c) (2) (i) is amended to read as follows:

(2) *Existing contracts.* (i) Where a buyer and seller have entered into a contract prior to January 25, 1951 such contract may be carried out in accordance with its terms, except that no term of any such contract providing for an increase in price based on an increase in price under any other contract, may be carried out if to carry it out will result in a price above the highest price paid during the base period for gas of the same particular type by a purchaser of the same class in the same market or producing area.

2. Section 23a (c) (4) is amended to read as follows:

(4) *Limitation on in-line pricing.* Notwithstanding any other provisions of this regulation, no ceiling prices shall be established under sections 23a (c) (2) (ii), or 23a (c) (3) (i), or 23a (c) (3) (ii), above the highest price paid during the base period for gas of the same particular type by a purchaser of the same class in the same market or producing area.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 17, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 12, 1952.

[F. R. Doc. 52-12230; Filed, Nov. 12, 1952; 4:00 p. m.]

[Ceiling Price Regulation 24, Amdt. 21]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, Economic Stabilization Agency General Order 2, and Economic Stabilization Agency General Order 5, Revision, this Amendment 21 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes the following changes in Ceiling Price Regulation (CPR) 24:

1. This amendment redefines prefabricated quick frozen and packaged retail beef cuts and prefabricated packaged retail beef cuts. In certain instances, processors have preferred to designate the grades of these items by the use of numerical symbols rather than by the use of grade names and have asked OPS to permit them to do so. So long as consumers are informed of the actual grade names, there is no harm in permitting the use of symbols. Therefore, this amendment gives sellers at wholesale of these items the alternative of using either the verbal grade designation or an equivalent numerical symbol.

2. This amendment adds a new item "trimmed short loin" to Schedule 1, section 20. Heretofore there has been a price in the regulation for trimmed full loins and untrimmed short loins. However, there have been requests from a number of specialty stores that historically purchased a considerable number of extra short loins to add this item to the list of wholesale cuts in section 20. They have been unable under the regulation prior to this amendment to purchase these extra short loins trimmed unless they purchased the entire full loin. Inasmuch as many of these stores do not usually sell sirloins as frequently as they are able to sell short loins, they found that their operations were hampered by their inability to purchase trimmed short loins. Moreover, these stores do not desire to purchase untrimmed short loins because, as specialty stores, they cannot readily dispose of the fat and trimmings. The addition of this new item, thus, provides these stores with an added degree of flexibility. An appropriate definition has been added in Appendix 2 to cover this new item.

3. This amendment also gives sellers an opportunity to dispose of ground beef which has been rejected by the armed forces because its fat content exceeds 25 percent. Ground beef rejected by the armed forces, under the regulation prior to this amendment, could be sold if its fat content exceeded 30 percent. The Department of Defense originally specified that ground beef's fat content should not exceed 25 percent, but later agreed with the meat industry to accept ground beef with as much as 30 percent fat. CPR 24 was then amended to provide an outlet for ground beef which contained more than 30 percent fat and which had been rejected by the armed forces. When meat became more plentiful and the offerings to the armed forces became more abundant, the Government returned to its original specifications and declined to accept any ground beef which contained any more than 25 percent fat. Accordingly, it becomes necessary to provide for the sale of ground beef which was rejected because the fat content exceeds 25 percent. This amendment therefore provides that this meat may be sold at the ground beef ceiling price if the fat content does not exceed 30 percent and may be sold at the plate and brisket trimmings' price if the fat content is between 30 and 50 percent.

4. This amendment also permits the sale of any imported ungraded boneless beef. Distribution Regulation 2 requires that all beef be grade marked. Where imported meat is shipped in carcass form there is no grading problem, since an official grader of the U. S. Department of Agriculture can easily examine the carcass and affix the appropriate grade mark. However, a considerable quantity of imported meat is being shipped into this country in boneless form, thereby making grade marking difficult. Accordingly, CPR 24 was recently amended to permit the sale of New Zealand boneless beef which had not been grade marked by the U. S. D. A. Recently, the U. S. D. A. authorized the importation of fresh meat from Mexico as well as from other foreign countries. Therefore, a similar provision is now added eliminating grading requirements on any imported boneless beef so long as the meat is sold at a price not in excess of that provided for cutter and canner grade beef. In order to avoid circumvention of the provisions of CPR 24, sellers of imported boneless beef are required to transfer the meat in the same container in which it is imported into this country and to designate on the container that the meat is of a quality equivalent to OPS Grade 70, the grade for which the lowest ceiling prices have been established in the regulation.

5. This amendment also adds an allowance for returnable containers used in connection with the sale of boneless beef and beef variety meats. This allowance is designed to cover the cost of the cleaning and sterilization of these containers as well as to cover their depreciation.

6. Finally, this amendment revises the definition of "dinner steak" in order to preclude the possibility of ground beef qualifying as a dinner steak. The definition has been changed by adding a proviso prohibiting the grinding of the meat which is used in the production of dinner steaks.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Titles I and IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the national defense, and comply with all the applicable standards of the act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 24, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of beef, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 24, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 9 is amended by adding, at the end of the first sentence of section 9 (a) (3) the following: "You are not

required to keep records of the grade of imported boneless beef which does not bear a grade mark if, as provided in section 29 (b), that beef is not required to bear a grade mark."

2. Section 20, Schedule I is amended by adding the following new item 22:

	Price by grades				
	Prime	Choice	Good	Commercial	Utility
22. Trimmed short loin...	109.80	96.80	83.80	65.70	65.00

3. Sections 24 (b) (1) and 24 (b) (2) are amended to read as follows:

(1) If the fat content is over 25 percent but under 30 percent, your ceiling price is established by section 22, item 11, ground beef (bulk).

(2) If the fat content is between 30 percent and 50 percent, your ceiling price is established by section 22, item 25, plate and brisket trimmings.

4. Section 29 (b) is amended to read as follows:

(b) *Ungraded (or improperly graded) beef.* The ceiling price for any beef product (other than tenderloins) listed in sections 20, 21 or 22 of this regulation, which does not clearly bear a correct grade mark as required by Distribution Regulation 2, Revision 1, as amended, is the ceiling price established by this regulation for the lowest grade of such beef product. However, notwithstanding any of the provisions of this regulation or of Distribution Regulation 2, Revision 1, as amended, you may sell imported boneless beef which does not bear a correct grade mark as otherwise required by Distribution Regulation 2, Revision 1, as amended, if (1) the beef is sold in the original container in which it was imported into this country or in a substitute container required by the Bureau of Animal Industry, U. S. Department of Agriculture (B. A. I.) because of damage to the original container; (2) the shipping container bears the inspection stamp of the B. A. I.; (3) the container is marked with the words "OPS Grade 70"; and (4) the meat is sold at prices not exceeding those established for cutter and canner boneless beef in section 22 or the prices established in section 23, whichever is applicable.

5. Section 45 is amended by adding the following to the list of the types of containers:

Returnable containers (as defined in section 50 (dd))----------	0.40

6. Section 50 is amended by adding a new section 50 (dd) to read as follows:

(dd) "Returnable container" means a container of solid wood, solid fiber composition, or metal, of a type and size which the seller has customarily used in making deliveries of boneless beef and beef variety meats and by-products, which is thoroughly cleaned and sterilized before each time it is used, and which remains the property of the seller. The container must be packed at the seller's place of business, taken into the buyer's place of business in making delivery of the products packed therein, and returned to the seller's place of business. The addition for returnable containers may be used only in connection with sales and deliveries of boneless beef and beef variety meats and by-products.

7. Appendix 2 is amended by adding the following new item 22:

(22) "Trimmed short loin" means short loin (bone in) as defined in Appendix 4 (a) (8).

8. Appendix 8 (b) is amended to read as follows:

(b) "Prefabricated quick frozen and packaged retail beef cut" means a beef steak or roast, listed in Ceiling Price Regulation 25, Revised, derived from beef of prime, choice, good, commercial, or utility grade, thoroughly frozen at quick freezing temperatures, wrapped in moisure-proof paper or packaged in a moisture-proof container, bearing a clearly visible tag or other marking showing (1) the name of the cut, (2) the net weight of the meat, (3) either the name of the processor, his OPS registration number, or his plant establishment number if his plant is inspected by the B. A. I. and he is not a slaughterer, and (4) the grade of the carcass from which the cut was derived, designated either by the following words or symbols:

Prime----------	OPS grade 10
Choice----------	OPS grade 20
Good----------	OPS grade 30
Commercial----------	OPS grade 40
Utility----------	OPS grade 50

In addition to the foregoing the wrapper or package shall contain a blank space whereon the retailer may designate the price per pound and the total price. The grade marks shall not be removed from the beef except when such removal cannot be avoided in preparing the cut in accordance with the specifications provided for such cut in Ceiling Price Regulation 25, Revised.

9. Appendix 8 (d) is amended to read as follows:

(d) "Prefabricated packaged retail beef cut" means a beef steak or roast, listed in Ceiling Price Regulation 25, Revised, derived from beef of prime, choice, good, commercial, or utility grade, wrapped in moisture-proof paper or packaged in a moisture-proof container, bearing a clearly visible tag or other marking showing the name of the cut, the net weight of the meat contained in the package, and the grade of the carcass from which the cut was derived, designated either by the following words or symbols:

Prime----------	OPS grade 10
Choice----------	OPS grade 20
Good----------	OPS grade 30
Commercial----------	OPS grade 40
Utility----------	OPS grade 50

In addition to the foregoing the wrapper or package shall contain a blank space whereon the retailer may designate the price per pound and the total price. The grade marks shall not be removed from the beef except when such removal cannot be avoided in preparing the cut in accordance with the specifications provided for such cut in Ceiling Price Regulation 25, Revised.

10. Appendix 8 (f) (8) is amended to read as follows:

(8) "Dinner steak" means a product produced from rounds, loins and/or ribs of any grade, from which all flank, sinews, cartilage, back strap and excess fat have been removed so that the trimmable fat left on the steak does not exceed 10 percent of the weight of the steak, and which has not been ground at any stage of the manufacturing process.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 17, 1952.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 12, 1952.

[F. R. Doc. 52-12222; Filed, Nov. 12, 1952; 12:01 p. m.]

[Ceiling Price Regulation 30, Amdt. 40]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

CLARIFICATION OF APPENDIX A WITH RESPECT TO CERTAIN COMMODITIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 40 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes several changes in Appendix A to Ceiling Price Regulation 30 which are intended only to clarify the coverage of the regulation with respect to certain commodities and groups of commodities. The changes neither extend nor limit the coverage of the regulation as it presently exists and are being made only to avoid any conflict with CPR 161 (Consumer Durable Goods) which was issued recently.

In view of the technical nature of the changes made by this amendment the Director of Price Stabilization has found that special circumstances have rendered consultation with industry representatives, including trade association representatives impracticable.

AMENDATORY PROVISIONS

Appendix A to Ceiling Price Regulation 30 is hereby amended in the following respects:

1. The item beginning "Electronic devices * * *" is amended to read as follows:

Electronic devices, equipment and parts except radio and television receivers, hearing aids, and electronic business machines commonly used in offices.

2. The item beginning "Fans and blowers * * *" is amended to read as follows:

Fans and blowers, industrial; excluding unit heaters or unit ventilators, hand blowers, and desk, pedestal, portable, ceiling, wall-bracket type fans, and propeller type fans 24" diameter and under; but including warm air furnace fans, attic ventilating fans, built-in fans over 24" diameter and pressure fans and blowers.

3. The item beginning "Food and beverage machinery * * *" is amended to read as follows:

Food and beverage machinery including meat packing-house machinery and equipment, canning plant machinery for food products, dairy and milk product plant machinery and equipment (except farm dairy equipment for which see "Farm Equipment"), cereal manufacturing machines, confectionery, vegetable oil and beverage industries machinery, and miscellaneous food products machinery not elsewhere classified; but excluding food preparation appliances, either electrical or hand operated, designed primarily for household, and commercial and institutional use, such as juice extractors, cookers, coffee makers, roasters, choppers, fruit and vegetable peelers, slicing machines, stock kettles, etc.

4. The item beginning "Pumps, hand operated * * *" is amended to read as follows:

Pumps, hand operated, except store fixtures and hand operated tire pumps.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 12, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 12, 1952.

[F. R. Doc. 52-12229; Filed, Nov. 12, 1952; 4:00 p. m.]

[Ceiling Price Regulation 34, Amdt. 7]

CPR 34—SERVICES

FILING OF APPLICATIONS FOR ADJUSTMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment deletes from the list of services for which ceiling price adjustment applications must be filed with the National Office of OPS rather than the OPS District Office the following: services rendered on food or agricultural commodities; services of selling agents, brokers or auctioneers; real property management services; banking services; admissions to athletic and sporting events; non-exempt services rendered by public utility and common carrier corporations, their lessees, concessionaires or assigns; and dock and terminal facilities. The result is that all applications for adjustments of ceiling prices under section 20 (a) of Ceiling Price Regulation 34 must be filed with the appropriate OPS District Office, except in the following cases: Where the service is supplied by a person whose business normally is carried on in more than one OPS region; where the service is rendered to manufacturing or industrial establishments which are either a necessary part in the production of a commodity or are useful or necessary in the preparation of a raw material for marketing; royalty arrangements of any kind, and warehouse facilities. The requirement that applications must be filed with the National Office if any one or more of the services sold or supplied by the applicant are required to be filed with the National Office is unchanged.

It is the policy of the Office of Price Stabilization to delegate to the field offices the duty of acting on applications by sellers wherever it is possible to do so. Ordinarily, the field office is better aware of local problems and situations than is the National Office, and it is usually more convenient for the seller to deal with a nearby office than with Washington, D. C. In most cases it is more efficient for both the seller and the Office of Price Stabilization if the field office can process applications. On the other hand, some matters by their nature require analysis and other processing by experts generally not available among the small staff of a District Office. Other matters involve inter-regional application, require liaison with other government agencies, or for various other reasons can be more efficiently disposed of in the National Office.

The Director of Price Stabilization has concluded, therefore, that applications for adjustment of ceiling prices under section 20 (a) of Ceiling Price Regulation 34 should be handled by OPS field offices, with the exceptions noted in the first paragraph above. All of the applications that must still be filed at Washington involve services or situations that in most cases the National Office is best equipped to process.

In view of the technical nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Section 20 (a) of Ceiling Price Regulation 34, as amended, is further amended by deleting from subparagraph (2) thereof subdivisions (iii), (v), (vi), (vii), subdivisions (iv) and (x) as (iii) and (iv), respectively, so that subparagraph (2) reads as follows:

(2) You must file your application on OPS Public Form 43, Revised, in duplicate, with the Office of Price Stabilization, Washington 25, D. C., if you sell or supply any services, subject to Ceiling Price Regulation 34, which are listed or described below:

(i) Any services supplied by a person whose business (services, and other business) normally is carried on in more than one OPS region.

(ii) Any services rendered to manufacturing or industrial establishments which are either a necessary part in the production of a commodity or are useful or necessary in the preparation of a raw material for marketing.

(iii) Royalty arrangements of any kind.

(iv) Warehouse facilities.

If some of the services you sell or supply are listed or described in this subparagraph and some of the services you sell or supply are not so listed or described, you must file your application for adjustment for all of the services which you sell or supply with the Office of Price Stabilization, Washington 25, D. C.

In addition to the information required of you by OPS Public Form 43, Revised, OPS may request such additional information as may be found necessary in considering your application.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 34 is effective November 17, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 12, 1952.

[F. R. Doc. 52-12226; Filed, Nov. 12, 1952; 12:02 p. m.]

[Ceiling Price Regulation 105, Revision 1, Correction]

CPR 105—USED INDUSTRIAL AND CONSTRUCTION MACHINERY AND RELATED EQUIPMENT

CORRECTION

In the formulation of Revision 1 to Ceiling Price Regulation 105, issued and effective on June 30, 1952, three incorrect references were inadvertently made in paragraphs (b) (1) and (b) (2) of section 6 headed *Government sales*, and Appendix A contains a misspelled word. Paragraphs (b) (1) and (b) (2) of section 6 of CPR 105, Revision 1, are, therefore, corrected as follows:

1. In paragraph (b) (1) the reference to paragraph (b) (2) in parentheses is deleted in its entirety. Also in paragraph (b) (1), the reference to paragraph (b) (3) should be changed to (b) (2). Accordingly, paragraph (b) (1) is corrected to read as follows:

(b) *First optional method.* (1) Notwithstanding the provisions of any other section of this regulation, the ceiling price for sales by the Government of a used commodity may be either 65 percent of the "Government's acquisition cost" of the commodity, or the price determined under the depreciation method set forth in paragraph (b) (2) of this section, not in excess of 80 percent of the Government's acquisition cost of the commodity. The "acquisition cost" of a commodity which the Government uses in fixing ceiling prices under this section is the net invoice price at which the Government originally acquired the commodity when it was new.

2. In paragraph (b) (2), the reference to paragraph (b) (2) in parentheses is deleted in its entirety. Accordingly, paragraph (b) (2) is corrected to read as follows:

(2) *Depreciation method.* The Government may use the depreciation method set out in section 2 (d) in figuring the ceiling prices of commodities listed in Appendix B. In using that method, however, the Government substitutes "acquisition cost" for "base price" (section 2 (c)). The Government may not determine the ceiling price of a used commodity under the depreciation method unless it gives the purchaser a statement, signed on its behalf by an official duly authorized thereto, before, or at the time of, the purchase or delivery of any used commodity priced under the depreciation method. This statement shall contain (1) a description of the used commodity which is sufficient to permit its identification, and (2) the date of acquisition of the commodity by the Government.

3. In Appendix A there is a misspelled word:

In the classification "Batteries, storage, when sold * * * etc.," the word "intrical" should be "integral." Accordingly, that classification in Appendix A is corrected to read as follows:

Batteries, storage, when sold as "reconditioned and guaranteed" or when sold as an integral part of a used machine. Other sales of used storage batteries are not covered by this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 12, 1952.

[F. R. Doc. 52-12223; Filed, Nov. 12, 1952; 12:01 p. m.]

[Ceiling Price Regulation 112, Amdt. 1]

CPR 112—WHOLESALE PAPER MERCHANTS

ADJUSTMENT FOR INCREASED OUTBOUND FREIGHT RATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 112 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment authorizes wholesale paper merchants selling on a delivered basis to increase their previously established ceiling prices by the actual amount of the increase in their outbound freight costs resulting from increases in rates authorized by statute, by the Office of Price Stabilization, or by another Federal or State regulatory agency.

Wholesale paper merchants generally sell on a delivered basis and, as a result, have been required to absorb the increases in outbound freight costs. This action allowing them to reflect increases in outbound transportation costs is in line with and based on the same general considerations as recent actions providing similar relief for manufacturers whose ceilings were fixed on a delivered basis.

The recent approval by the Interstate Commerce Commission of a request by motor carriers of the Central Territory to place in effect a surcharge of $1.50, in addition to the applicable rates per 100 pounds on all shipments under 5,000 pounds, adversely affected this industry in particular. According to the National Paper Trade Association's survey of nearly 400 wholesale paper merchants who represent 46 percent in sales of the wholesale paper business, the average warehouse sale in 1951 consisted of about 240 pounds of paper delivered to the purchaser at $48.75, which returned $2.42 profit before Federal taxes. The average cartage and delivery cost was 86 cents. Thus, this freight surcharge is substantial and might well eliminate the profit on many of the sales to which it applies. It is estimated that 20 percent of warehouse orders would be affected by this surcharge.

Data presently available indicate that the freight rate increases, together with higher labor and operating costs, have had the effect of eliminating the profits of wholesale paper merchants on many small shipments and of reducing their net margins. In addition thereto, 1952 sales are 10% to 15% lower than 1951 which, together with the increased costs of doing business, may cause the earnings of wholesale paper merchants to be less than the minimum level required by the industry earnings standard. In view of these circumstances, this amendment permits the pass-through of all increases in outbound freight rates made effective since March 31, 1951.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 112 is hereby amended in the following respects:

1. Section 10 is amended to read as follows:

Establishment of ceiling prices. To determine your ceiling prices for a sale of a commodity, apply your appropriate base period percentage mark-up, as defined in section 8 for the quantity involved in the sale, to the current "cost of goods sold" as defined in section 9, and add thereto the dollar-and-cent difference between the actual outbound freight charged to you and the outbound freight that would have been charged under the freight rates prevailing during the base period.

2. Section 30 is amended by the addition of the following paragraph (s):

(s) ***Outbound freight charge.*** This term means the actual net amount paid by you to independent carriers for transporting the commodity from your warehouse to the purchaser. It does not include payments to a person who is an employee, subsidiary, or affiliate of yours, or of whom you are a subsidiary or affiliate, or any amount for which you are reimbursed by the buyer. Included are payments made to railroads or trucking companies and payments for railway express, air freight, or parcel post shipments, insofar as these payments are not in excess of the rate authorized by statute, by the Office of Price Stabilization, or by other Federal or State regulatory agency.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment to Ceiling Price Regulation 112 shall become effective November 17, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 12, 1952.

[F. R. Doc. 52-12227; Filed, Nov. 12, 1952; 4:00 p. m.]

[Ceiling Price Regulation 169, Amdt. 1 Correction]

CPR 169—IRON ORES PRODUCED IN MINNESOTA, WISCONSIN, OR MICHIGAN

IRON ORES PRODUCED IN THE SPRING VALLEY AREA OF SOUTHERN MINNESOTA; CORRECTION

Due to a printing error, section 2 (c) (1) (iv) of Amendment 1 to CPR 169 needs to be corrected and is hereby corrected to read as follows:

(iv) The sum of $0.02 per gross ton.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 12, 1952.

[F. R. Doc. 52-12224; Filed, Nov. 12, 1952; 12:01 p. m.]

[Ceiling Price Regulation 178]

CPR 178—COLLAPSIBLE TUBES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for the sale of collapsible tubes.

Collapsible tubes are made from aluminum, tin and lead metal slugs which are fabricated into containers for medical and pharmaceutical products, cosmetics, dentifrices, food products and for household and industrial uses. They also have many military applications.

There are approximately 20 plants in the nation engaged in the manufacture of collapsible tubes. The art of manufacturing these tubes calls for a wide knowledge of graphic arts, metallurgy, extrusion processes, and allied arts. There are few standard tubes produced, the vast majority being tailor-made containers to meet the requirements of the filler.

Historically the industry has used two pricing methods. Prices for tubes made from tin or lead metal slugs were determined by issued price lists which reflected conversion costs only, and separate charges were made for metal contained, on the basis of prices published in the American Metal Market. Aluminum tubes were generally priced by price lists which quoted a price for a finished tube, aluminum metal included. Decorations, spouts, coating, etc., were all quoted as extras.

The industry has had the option of pricing its products either under CPR 22 or the General Ceiling Price Regulation; and, because of the necessity of retaining a customary price relationship, the Industry has elected to price its products under the General Ceiling Price Regulation until a tailored regulation could be issued. This regulation is designed to reflect the customary pricing practices of the industry and establishes ceiling prices at the average level of prices established by CPR 22. At the time the discussion with this industry began in 1951, the agency standards and policies now in effect had not been crystallized, and the early discussions with the manufacturers were on the basis of an industry-wide factor under CPR 22. In general, at this time, if ceiling price levels are represented to be no longer generally fair and equitable, OPS stands ready to give necessary price relief if a study of the industry indicates that such relief is required under the industry earning standard, or under a product standard applied on an industry-wide basis.

In the case of soft metal tubes, tubes made from tin and lead, it has been the customary practice of the industry to establish prices based on a charge for the fabrication of the tubes, plus the current market price for the metal. The current result of this method of pricing is that the industry's prices for these tubes, reflecting the reduced level of prices for the metals, are lower than those prevailing during the GCPR base period. This regulation permits the industry to continue its customary practice in the pricing of these soft metal tubes.

Based on cost data compiled by this Agency, the ceiling prices for aluminum tubes are the GCPR prices increased by 9 percent. Pursuant to the custom in the trade, the ceiling prices for soft metal tubes are the GCPR prices for the fabrication of the tubes increased by 4 percent, to which may be added the cost of the metal, which will continue to be charged for on the basis of prices published in the American Metal Market. A like 4 percent increase is allowed for the services of converting metal owned by the buyers into collapsible tubes.

In the judgment of the Director of Price Stabilization the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director the provisions of this regulation comply with all of the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling prices.
3. Customary price differentials and terms of sale.
4. Rounding ceiling prices.
5. Those who cannot price under other sections.
6. Petitions for amendment.
7. Adjustable pricing.
8. Excise, sales and similar taxes.
9. Record keeping requirements.
10. Interpretations.
11. Prohibitions.
12. Evasions.
13. Supplementary regulations.
14. Definitions.

AUTHORITY: Sections 1 to 14 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does—*(a) *Commodities and services covered.* This regulation establishes ceiling prices for the sale of fabricated aluminum, tin, lead and tin-lead alloy collapsible tubes, and for the service of converting tin, lead and tin-lead alloy into collapsible tubes.

(b) *Persons covered.* This regulation applies to all persons including exporters and importers, who buy, sell, or fabricate the products covered by this regulation or furnish conversion services covered by this regulation.

(c) *Geographical applicability.* This regulation applies in the 48 states of the United States and the District of Columbia.

SEC. 2. *Ceiling prices.* (a) (1) Your ceiling prices for the commodities and services covered by this regulation are your base period prices to which is added: A 9 percent increase for fabricated aluminum tubes and extras, plus the adjustment allowed under General Overriding Regulation 35; a 4 percent increase (other than on metal costs) for the fabrication of soft metal tubes and extras, plus the market price for metal used; and a 4 percent increase for conversion services.

(2) In determining your ceiling price, you must use the first of the prices established during the base period available to you under paragraphs (b) and (c) of this section. If you are unable to determine your ceiling price under the foregoing provisions you must apply for the establishment of a ceiling price under the provisions of section 5 of this section.

(3) You must adjust any ceiling price determined in accordance with the provisions of this section to reflect your customary price differentials and terms of sale as set forth in section 3 of this regulation.

(4) The base period referred to in this section is the period from December 19, 1950 to January 25, 1951, inclusive.

(b) *Base period prices.* (1) Your base period price for aluminum collapsible tubes and extras, for the fabrication of soft metal tubes or for conversion services included on a published price list which you had in effect on January 25, 1951 in the same quantity to the same class of purchasers.

(2) The highest price at which you contracted in writing during the base period to sell the same product, the same fabrication, or the same conversion service in the same quantity to the same class of purchaser.

(3) The highest price at which you made an offer in writing during the base period to sell the same product, the same fabrication, or the same conversion service in the same quantity to the same class of purchaser.

(4) The highest price set forth on the price sheet, if any, used by you during the base period for pricing sales of the same product, the same fabrication, or the same conversion service in the same quantity to the same class of purchaser.

(c) *Formula prices.* (1) If you cannot determine a ceiling price in accordance with paragraph (b) of this section your base period price for any collapsible tubes or conversion services is the price determined in accordance with the formula which you had in effect on January 25, 1951, for pricing the same or a similar product. You must apply such formula in exactly the same manner as you would have on January 25, 1951, and you must use the metal and materials costs, straight time labor rates, burden and overhead rates, machine hour rates, other cost factors, and profit markups which were in effect for you on that date and you may not include any cost increases occurring after that date. If, however, you purchase a partially completed item or subcontract any operations, you may include the price you paid for such item or service to the extent that it does not exceed the ceiling price established by OPS.

(2) In determining a base period price in accordance with this paragraph, you may apply your formula on the basis of an estimate of the time and material which will be required to produce the quantity ordered, but such estimate must be made in accordance with your customary practice as of January 25, 1951, and must be based upon the production experience you would have used in applying your formula on that date.

SEC. 3. *Customary price differentials and terms of sale.*—(a) *Class of purchaser differentials.* Your ceiling price determined in accordance with section 2 must reflect all jobber, distributor, producer, special customer and other class of purchaser differentials which you had in effect on January 25, 1951.

(b) *Other price differentials.* Your ceiling price determined in accordance with section 2 must reflect all other price differentials which you had in effect on January 25, 1951.

(c) *Delivery terms and allowance.* You must sell your collapsible tubes on the same basis as you would have on January 25, 1951, and you must comply with the following provisions:

(1) If on January 25, 1951, it was your practice to make any sales on an f. o. b. shipping point basis or on a delivered price basis with actual trans-

portation charges collect and allowed, you may make similar sales on the same terms and you need not make any deductions in the ceiling prices established in section 2 on account of transportation costs paid by the buyer.

(2) If on January 25, 1951, it was your practice to make any sales on a delivered basis (either by paying all transportation charges or making delivery in your own trucks), you must make similar sales on the same terms. If you do not do so, you must reduce the ceiling prices established in section 2 by the amount of any transportation costs paid by the buyer. If a purchaser requests shipment by a more expensive method than the method you would have used on January 25, 1951, you may add to the ceiling price established in section 2 the difference between the cost of the method of shipment you would have used on January 25, 1951, and the cost of the method of shipment actually used.

(3) If on January 25, 1951, it was your practice to make any sales on an f. o. b. shipping point basis with an allowance for all or a portion of the transportation costs paid by the purchaser, you must make similar sales on the same terms and you must reduce the ceiling prices established in section 2 by an amount determined in accordance with your customary practice. You must, however, calculate such amount on the basis of the transportation charges in effect at the time of shipment.

(4) You may reflect any actual increases in outbound transportation costs to you resulting from increases in rates authorized by OPS, or other Federal or State regulatory agency.

(d) *Credit and other terms of sale.* You must adjust the ceiling price determined in accordance with section 2 to reflect all cash discounts which you had in effect on January 25, 1951, and such price must carry all guarantees, servicing terms, and other applicable conditions of sale which you had in effect on that date. You may make a charge for extension of credit to a purchaser if you customarily made a charge therefor on January 25, 1951, but the amount of such charge must not be greater than that which you had in effect on that date.

SEC. 4. *Rounding ceiling prices.* The ceiling prices determined under this regulation may be rounded, but they must be expressed in the nearest cent or fraction of a cent the manufacturer normally employs. However, once this election is made the ceiling prices for all commodities normally priced by the manufacturer upon the same basis must be similarly rounded to reflect decreases as well as increases. In no event may the increase be greater than 1 percent of your ceiling price prior to rounding. For example, if a price is normally quoted to the nearest half of a cent and the ceiling price for commodity A is 82.40 cents, that ceiling price may be rounded to 82.50 cents. However, if the ceiling price for commodity B is 91.24 cents the ceiling price must be rounded to 91.00 cents.

SEC. 5. *Those who cannot price under other sections.* (a) (1) If for any reason a manufacturer cannot determine a ceiling price under the foregoing provisions of this regulation, you must apply to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price or pricing formula.

(2) Any application pursuant to this section must be signed by an authorized person, must be made by registered mail, return receipt requested, and must contain the following information:

(3) The applicant's trade name and address; the name of the product, service, or extra for which a ceiling price or pricing formula is sought; a statement of the reason why the applicant cannot determine a ceiling price or pricing formula under this regulation; a proposed ceiling price or pricing formula; and a statement of how you determined such ceiling price or pricing formula.

(b) Any ceiling price or pricing formula established by OPS pursuant to this section will be in line with the ceiling prices or pricing formulae otherwise established in this regulation.

(c) After receipt of an application pursuant to this section OPS may approve or disapprove the proposed ceiling price or pricing formula, establish a different ceiling price or pricing formula or request additional information. Pending any such action, the manufacturer may sell the product, service or extra covered by the application at his proposed ceiling price provided that he agrees with the purchaser to refund the amount, if any, by which such price exceeds the ceiling price established by OPS. If OPS has not acted upon the application within 30 days of the receipt thereof, the proposed ceiling price shall be deemed to be established for all deliveries made between the date the application was mailed to OPS and the date of any order issued by OPS disposing of the application.

(d) If you are required to file an application pursuant to paragraph (a) of this section and do not do so, OPS may issue an order establishing a ceiling price or pricing formula for you. Any ceiling price or pricing formula provided for by such order will be in line with the ceiling prices or pricing formulae otherwise established in this regulation and will apply to all deliveries for which a ceiling price was not otherwise established by this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve you of your obligation to comply with the requirement of this regulation or of the various penalties for your failure to do so.

SEC. 6. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised.

SEC. 7. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit any person making a contract or offer to sell a product or service covered by this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. No person, however, may deliver or agree to deliver such product or service at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 8. *Excise, sales and similar taxes.* Any person may collect in addition to the ceiling price established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sale of any product covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected and provided such separate statement and collection of the amount of the tax is not prohibited by law.

SEC. 9. *Record keeping requirements.* (a) (1) Every seller covered by this regulation, and every person who, in the course of trade or business, buys from such seller, must prepare and keep for inspection by the Director of Price Stabilization for a period of two years, accurate records or invoices of each sale of the commodities, services or extras covered by this regulation showing: The date of sale; the name and address of the seller and buyer; the name of the commodity, service or extra sold, the quantity of each such commodity, service or extra; the price charged for each such commodity, service or extra; the point or points of shipment and the buyer's receiving point, and the amount of the transportation charges, if any, and by whom they were paid.

(2) Every seller covered by this regulation shall deliver to the purchaser at the time of any sale of a commodity, service or extra covered by this regulation an invoice which shall set forth the information required by paragraph (a) (1).

(b) Retention by the buyer of an invoice issued in connection with the sale of a commodity, service or extra covered by this regulation will be considered compliance with the provisions of this section if the invoice contains all the information required by paragraph (a).

SEC. 10. *Interpretations.* If any person wants an official interpretation of this regulation, he should write to the Division Counsel, Industrial Materials and Manufactured Goods Division, Washington 25, D. C. Any action taken in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretation is contained in Price Procedural Regulation 1, Revised.

SEC. 11. *Prohibitions.* (a) No person shall do any act prohibited or omit to do any act required by this regulation, nor shall any person offer, solicit, attempt, or agree to do or omit to do any such acts.

(b) Specifically (but not in limitation of paragraph (a) of this section), no person shall, regardless of any contract or other obligation, sell, deliver, or negotiate the sale or delivery of any product, and no person in the regular course of trade or business shall buy or receive any product, at a price higher than the ceiling price established by this regulation. Every person covered by this regulation shall keep, make and preserve true and accurate records and reports, required by this regulation. If any person violates any provisions of this regulation, he is subject to criminal penalties, enforcement action, and action for damages.

SEC. 12. *Evasions.* (a) Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, fees, services, gross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements and trade understandings, as well as the omission from records of true date and the inclusion in records of false data.

(b) No seller shall require a purchaser to subdivide a requirement into small or partial orders nor shall a purchaser subdivide his requirements into small or partial orders for the purpose of enabling the seller to obtain a higher unit price.

SEC. 13. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or supplementing this regulation as he deems appropriate.

SEC. 14. *Definitions*—(a) "Class of purchaser" refers to the practice of charging different prices for sales to different purchasers or kinds of purchasers. Such practice may be based on the characteristics or distributive level of the purchaser (for instance, distributor, manufacturer, wholesaler, jobber, retailer, mail order house, government agency, public institution or individual consumer), or on the location of the purchaser, the quantity purchased by him, or whether he purchased for cash or credit. If the practice was followed of giving an individual buyer a price differing from that charged others, that buyer constitutes a separate class of purchaser.

(b) "Conversion service" means the service performed in producing an extruded collapsible tube from metal owned by another person.

(c) "Exporter" means any person selling a commodity, either directly or through an agent, for delivery or shipment to any place outside the United States, its territories or possessions.

(d) "Extras" are items, such as waxing, coating, applicators and lithographing, as are normally listed on the price lists of a fabricator or converter.

(e) "Fabricated aluminum tubes" means any extruded aluminum collapsible tube product fabricated from metal owned by the fabricator of the product.

(f) "Importer" means a person by whom a commodity is imported and who first sells it after importation. A commodity is imported which is transported from a place outside the continental limits of the United States, its territories and possessions.

(g) "Market price" (1) For tin the market price is the New York spot price of "Straits" tin as published in the American Metals Market under the heading "Outside Market", as of the close of business the latest trading day before quotation of the selling price but not in excess of the applicable ceiling price. If it has been your customary practice to use the market price for tin as quoted as of the close of business the latest trading day before shipment of the commodity, or as quoted on the first day of the month in which shipment is made, you may continue to do so.

(2) For lead the market price is the New York price for common grade lead as published in the American Metal Market as of the close of business the latest trading day before quotation of the selling price but not in excess of the applicable ceiling price. If it has been your customary practice to use the market price for lead as quoted as of the close of business the latest trading day before shipment of the commodity, or as quoted on the first day of the month in which shipment is made, you may continue to do so.

(3) For tin-lead the market price is a composite of the market price of that percentage of the commodity which is made of tin plus the market price of that percentage of the commodity which is made of lead.

(h) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor representative of the foregoing, and includes the United States or any agency thereof, or other government or any of its political subdivisions, or any agency of the foregoing.

(i) "Price sheet" means any document distributed to your salesmen or other employees setting forth prices for any collapsible tubes or applicators.

Effective date. This regulation is effective November 17, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 12, 1952.

[F. R. Doc. 52-12228; Filed, Nov. 12, 1952; 4:00 p. m.]

[General Overriding Regulation 34, Amdt. 3]

GOR 34—EXEMPTION OF CERTAIN LUMBER AND WOOD PRODUCTS

EXEMPTION OF CERTAIN WOOD CHIPS AND WOOD SHAVINGS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization General Order No. 2, this Amendment 3 to General Overriding Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 3 to General Overriding Regulation 34 exempts from price control wood chips produced in the United States west of the one-hundredth meridian and made from refuse wood. It also exempts wood shavings. This action affects all levels of sale.

The items hereby exempted are relatively unimportant factors in business costs. The decision to take this action was made principally because the burden of maintaining price controls over them outweighs their importance to the stabilization program. Ceilings for the items affected were previously determined under the General Ceiling Price Regulation.

Wood chips are made either from refuse wood or from logs. This exemption applies only to chips made from refuse wood in order to avoid a diversion of logs to wood chip production in the production area involved.

Wood chips are used principally in the production of wood pulp and other wood cellulose products. They are also used to some extent to produce wood distillation products.

Wood shavings are a waste product of wood-working establishments, chiefly marketed for agricultural uses (as litter, such as stable, kennel and chicken bedding), packing, gas purification and for manufacture into fuel briquets. It is not anticipated that the exemption of wood shavings will cause a rise in their over-all price because they compete with various other products remaining under price control.

In formulating this amendment the Director of Price Stabilization has consulted extensively with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his opinion the exemptions provided by this amendment will not defeat or impair the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 34 is amended as follows:

1. Section 2 is amended by adding two new paragraphs to read as follows:

(m) Wood chips produced in the United States west of the one-hundredth meridian and made from refuse wood.

(n) Wood shavings.

2. Section 3 is amended by adding two new paragraphs to read as follows:

(k) As used in paragraph (m) of section 2, "wood chips" are small wood fragments produced by cutting or chopping wood in a chipper. "Refuse wood" consists of sawmill slabs, edgings, trimmings, and blocks, and veneer cores and veneer waste, suitable for conversion into pulpwood chips.

(l) As used in paragraph (n) of section 2, "wood shavings" are thin slices of wood waste which are by-product parings or cuttings resulting from wood-working by the use of a knife, plane or similar device.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 12, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 12, 1952.

[F. R. Doc. 52-12221; Filed, Nov. 12, 1952; 12:00 m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Reg. 2, as Amended November 10, 1952]

Reg. 2—Basic Rules of the Priorities System

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this regulation as amended, consultation with industry representatives has been rendered impracticable because this regulation applies to all trades and industries.

This regulation, as amended, affects NPA Reg. 2, as amended September 13, 1951, and as further amended by Amendment 1 of December 11, 1951, as follows: Minor changes are made in the introductory paragraphs. The table of contents following the introductory paragraphs is changed to accord with the changes in the numbering and headings of certain sections herein. Changes are made in sections 3, 10, 12, 13, 14, 15, 17, and 22 for purposes of clarification. Paragraph (b) of section 12 is added to require cancellation of ratings under certain circumstances. A new paragraph (c) is inserted in section 14 and the former paragraphs (c) and (d) are redesignated (d) and (e), respectively. Sections 23, 24, and 25, are combined in a new section 24 and said sections, as well as sections 26 and 28, are changed in minor respects in order to conform to similar provisions in other NPA regulations and orders. Sections 26 and 28 are renumbered sections 23 and 26, respectively. Section 27 is renumbered section 25, and minor changes are made in List A.

Sec.

1. What this regulation does.
2. Definitions.
3. Ratings authorized.
4. When ratings may be assigned or applied.
5. When ratings may be extended for material.
6. Additional restrictions upon the use of ratings for certain materials.
7. Use of ratings for services.
8. How to apply or extend a rating.
9. Special provisions applicable to extensions; grouping of orders.
10. Rules for acceptance and rejection of rated orders.
11. Report to NPA of improperly rejected orders.
12. Cancellation of ratings.
13. Sequence of filling rated orders.
14. How changes in customers' orders affect ratings.
15. Delivery or performance dates.
16. Mandatory orders and directives.
17. Use or disposition of material acquired under this regulation.
18. Delivery for unlawful purposes prohibited.
19. Intracompany deliveries.
20. Effect of ratings upon materials subject to inventory restrictions.
21. Scope of regulations and orders.
22. Defense against claims for damages.
23. Request for adjustment or exception.
24. Records and reports.
25. Communications.
26. Violations.

Authority: Sections 1 to 26 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

Section 1. *What this regulation does.* This regulation states the basic rules of the priorities system to be administered by the National Production Authority. It states what kind of orders are rated orders, how to place them, and the preference status of such orders. These rules apply to all business transactions within the jurisdiction of NPA unless more specific regulations, orders, or directives of NPA state otherwise.

Sec. 2. *Definitions.* (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Materials" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.

(c) "NPA" means the National Production Authority.

(d) "Rated order" means any purchase order, contract, or other form of procurement for materials or services bearing an authorized rating and the certification required by this regulation or any other applicable regulation or order of NPA.

(e) "Assignment" of a rating. A rating is assigned when NPA, or a Government agency that it has authorized, grants a person the right to use the rating.

(f) "Application" of a rating. A rating is applied when the person to whom it is assigned uses the rating.

(g) "Extension" of a rating. A rating is extended when it is used by the person to whom it was applied or when it is further used by another person to whom it was extended.

Sec. 3. *Ratings authorized.* (a) The following ratings are authorized:

(1) *A DO rating.* This rating will be indicated by the prefix DO and an identification of the program (including the program identification B–5 where used as a suffix), which must be furnished a supplier by the person who is using the rating.

(2) *A DX rating.* This rating will be indicated by the prefix DX and an identification of the program. The DX rating will be authorized for use only as an emergency rating, to obtain products and materials in cases of extreme urgency. Except where expressly provided to the contrary in any NPA regulation or order, any provision of any NPA regulation or order applicable to any DO rating shall also be applicable to any DX rating. For example, in the case of an NPA order which provides for a limitation on the acceptance of DO-rated orders by a supplier, a DX-rated order shall be considered, only for the purpose of such limitation, as though it were a DO-rated order.

(b) Rated orders shall have the following preferential status:

(1) All DX rated orders will have equal preferential status. Any DX rated order shall take priority over any unrated or DO rated order.

(2) All DO rated orders will have equal preferential status. Any DO rated order shall take priority over any unrated order.

(c) A rating shall have no effect on deliveries on orders calling for delivery of controlled materials (as defined in CMP Regulation No. 1) after September 30, 1951.

(d) A rated order with a program identification consisting of a letter and one digit or consisting of two or more letters constitutes a "rating with an allotment number or symbol" as referred to in CMP regulations.

Sec. 4. *When ratings may be assigned or applied.* (a) A claimant agency, or other person designated by NPA, may be authorized by NPA to assign or apply a rating. However, no authorization to assign or apply ratings, whether by delegation, regulation, or otherwise, shall include authority to assign or apply a DX rating, unless expressly so stated therein.

(b) When a regulation, order, or certificate assigns a rating to any person either by naming him or by describing the class of persons to which he belongs, that person may apply the rating to get delivery of materials or the performance of certain services.

(c) No person may place rated orders for more material than he is authorized to rate even though he intends to cancel some of the orders or reduce the quantity of material ordered to the authorized amount before it is all delivered.

Sec. 5. *When ratings may be extended for material.* (a) When a person has received a rated order for the delivery of material, he may extend the rating to get the material which he will deliver on that order, or which will be physically incorporated in the material which he will deliver, including containers and packaging materials required to make the delivery, and including also chemicals directly used in the production of the material. If the material is to be processed, this includes the portion of it which would normally be consumed or converted into scrap or byproducts in the course of processing. However, he may not extend such a rating to get material for plant improvement, expansion, or construction, or to get machine tools or other items which he will carry as capital equipment, or to get maintenance, repair, or operating supplies.

(b) If a person has made delivery of material or has incorporated it into the material which he has delivered on a rated order, he may extend the rating to replace it in his inventory subject to the inventory provisions of any NPA regulation or order. Any material ordered with a rating as replacement in inventory must be substantially the same as the material which the person delivered or incorporated in the material which he delivered, except for minor variations in size, shape, or design.

Sec. 6. *Additional restrictions upon the use of ratings for certain materials.* The ratings established by this regulation shall have no effect upon deliveries

of any of the items listed or referred to in List A of this regulation. No person shall use ratings to obtain any of such items, and no person selling any such items shall require a rating as a condition of sale. Any rating purporting to be used to obtain any such items on a preferred basis shall be void.

Sec. 7. *Use of ratings for services.* (a) When a person is entitled to use a rating to get processed material, he may furnish the unprocessed material to a processor and use the same rating to get the material processed.

(b) If NPA specifically authorizes a person to use a rating to get services, he may use it for that purpose.

(c) Except as provided in paragraphs (a) and (b) of this section, no person may use a rating to get services.

(d) A person to whom a rating for services, as distinct from the production or delivery of material, has been applied or extended may not extend the rating for any purpose.

Sec. 8. *How to apply or extend a rating.* (a) When a person applies or extends a rating, he must put the prefix DO and an identification of the program supplied to him; for example, DO–39, DO–K2, or DO–SU, on his purchase order, or on a separate piece of paper attached to the order or clearly identifying it, together with the words "Certified under NPA Reg. 2," signed as prescribed in this section. This certificate constitutes a representation to the supplier and to NPA that the purchaser is authorized under the provisions of this regulation or CMP regulations to use the rating for the delivery of the materials covered by the purchase order. A certification under any CMP regulation shall be deemed to be a certification under this regulation.

(b) Certifications on purchase or delivery orders must be signed by the person placing the order or by a responsible individual who is duly authorized to sign for that purpose. The signature must be either by hand or in the form of a rubber stamp or other facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written record of the authorization must be kept.

(c) When a rated order is placed by telegram, the rating identification and certificate must be set out in full in the telegram. It will be sufficient if the file copy of the telegram is signed in the manner required for certification by this regulation.

(d) On rated orders requiring shipment within 7 days, the substance of the certification may be stated verbally or by telephone. However, the following rules must be complied with:

(1) The person making the statement for the buyer must be a person duly authorized to make the certification.

(2) Both the buyer and the seller must promptly make a written record of the fact that the certification was given orally and the record must be signed by the buyer in the same way as a certification.

(e) The person who places a rated order, the individual whose signature is used, and the individual who approves the use of the signature, will each be considered to be making a representation to NPA that the statements contained in the certification are true to the best of his knowledge and belief. The person receiving the certification and any other information required to be included with it, shall be entitled to rely on it as a representation of the buyer unless he knows or has reason to believe that it is false.

(f) No person shall knowingly apply or extend or purport to apply or extend a rating to any order unless he is entitled to do so. No person shall apply or extend a rating for material or services after he has received the material or after the services have been performed, and any person who receives such a rating shall not extend it.

Sec. 9. *Special provisions applicable to extensions; grouping of orders.* (a) No person may extend any rating to replace inventory after the expiration of 3 months from the date of receipt of the order bearing the rating, or 1 month from the date he took from inventory the material being replaced, whichever date is later.

(b) If the purchase requirements for filling a number of rated orders for different items bearing different rating identifications are combined in one purchase order, each applicable rating identification must be placed alongside the related item.

(c) If the purchase requirements for filling a number of rated orders for the same material but bearing different rating identifications are combined in one purchase order, the purchase order must show the amount of such material to which a particular rating identification is extended.

(d) In the case of a manufacturer of common components or shelf items or any other person who has a number of DO-rated orders or DO-rated and DX-rated orders, for which he cannot place orders for minimum commercially procurable quantities of materials to fill the rated orders individually, he may place one DO-rated order for all the materials using the identification symbol DO–Z8 (formerly DO–99). Orders bearing the rating DO–99 and outstanding on July 17, 1951, shall have the same preferential status as though they were rated DO–Z8. However, the amounts so ordered may not exceed the total amount of the material required for the rated orders so combined. An order placed pursuant to this paragraph may bear a DX rating only if all materials ordered will be used to fill DX-rated orders, in which case the identification symbol DX–Z8 shall be used.

Sec. 10. *Rules for acceptance and rejection of rated orders.* Every order bearing a rating must be accepted and filled regardless of existing contracts and orders except as provided in this section. The "existing contracts and orders" referred to include not only ordinary purchase contracts but other arrangements achieving substantially the same results, though in form they may concern the use of production facilities rather than the material produced.

(a) A person must not accept a DO-rated order for delivery on a date which would interfere with delivery of any rated order which he has already accepted, nor accept a DX-rated order for delivery on a date which would interfere with delivery of any DX-rated order already accepted. However, except as provided in paragraph (c) of this section, or except where a provision of an NPA order or other regulation does not require the acceptance of a DX-rated order (whether expressly or by reason of section 3, paragraph (a) (2) of this regulation), a DX-rated order must be accepted without regard to the effect of such acceptance upon the filling of unrated or DO-rated orders.

(b) If a person, when receiving a rated order bearing a specific delivery date, does not expect to be able to fill it by the time requested, he must not accept it for delivery at that time. He must either (1) reject the order, stating when he could fill it, or (2) accept it for delivery on the earliest date he expects to be able to deliver, informing the customer of that date. He may adopt either of these two courses, depending on his understanding of which his customer would prefer. He may not reject a rated order just because he expects to receive other rated orders in the future.

(c) A supplier does not have to accept a rated order in any of the following cases, but there must be no discrimination in such cases against rated orders or between rated orders of different customers:

(1) If the person seeking to place the order is unwilling or unable to meet regularly established prices and terms of sale or payment. When a person who has a rated order asks a supplier to quote his regularly established prices and terms of sale or payment, the supplier must do so, except that if this would require detailed engineering or accounting work, he may give his best estimate without such work and say that it is not binding. However, the supplier need not quote if he is not required to accept the rated order and advises the person seeking the quotation of the reason for his refusal.

(2) If the order is for the manufacture of a product or the performance of a service of a kind which the person to whom the order is offered has not usually made or performed, and in addition, if either (i) he cannot fill the order without substantially altering or adding to his facilities, or (ii) the order can readily be performed by someone else who has usually accepted and performed such orders.

(3) If an order for material is offered to a person who produces or acquires it for his own use only, and he has not filled any orders for that material within the past 2 years. If he has filled any orders within that period, but the rated order would take more than the excess over his own needs, he may reject the order for any amount over the excess.

(4) If filling the order would stop or interrupt the supplier's operations during the next 60 days in a way which would cause a substantial loss of total

production or a substantial delay in operations.

(5) If the acceptance or performance of the order would violate any other regulation or order of NPA in effect at the time such order is received.

(d) A producer need not accept a rated order from another person who produces the same product. A processor need not accept a rated order from another person who performs the same processing service.

(e) Any person who refuses to accept a rated order shall, upon written request of the person placing the order, promptly give his reasons in writing for his refusal.

SEC. 11. *Report to NPA of improperly rejected orders.* When a rated order is rejected in violation of this regulation, a report of the relevant facts may be filed with the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 2. NPA will take such action as it considers appropriate after requiring an explanation from the person rejecting the order.

SEC. 12. *Cancellation of ratings.* (a) If a rating which has been used by a person is revoked, he must immediately, in the case of each order to which he has applied such rating, inform his supplier that the rating is cancelled and that the order is no longer to be treated as a rated order.

(b) If after placing with a supplier a rated order for any material and prior to delivery of such material the customer finds that he no longer needs such material for the purpose for which he applied the rating, he must immediately inform his supplier in writing that the rating is cancelled and that his order is no longer to be treated as a rated order.

(c) If any person receives notice from his customer or otherwise that the customer's order is no longer a rated order or that the customer's order is cancelled, he must immediately withdraw any extensions of that rating which he has made to any purchase order placed by him.

SEC. 13. *Sequence of filling rated orders.* (a) Every person who has rated orders on hand must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date. If this is not possible, he must give precedence as follows:

(1) He must give precedence to any DX-rated order over any unrated or DO-rated order, and he must give precedence to any rated order over any unrated order.

(2) As between conflicting rated orders of otherwise equal preferential status, he must give precedence to the order which was received first with the rating.

(3) As between conflicting rated orders of otherwise equal preferential status received on the same date, he must give precedence to the order which has the earliest required delivery or performance date.

(4) If he has accepted a rated order, he may not schedule delivery on an order of the same or lower preferential status which he later receives, if such scheduling will interfere with scheduled delivery on the rated order previously accepted. However, if both deliveries can be made on schedule, he need not make delivery on the first customer's order ahead of the second.

(b) In the usual case, the date on which specifications on a rated order have been furnished to the manufacturer in sufficient detail to enable him to put the product into production is to be considered the date on which the rated order is received.

(c) If a rated order or a rating applicable to an order is cancelled when the supplier has material in production to fill it, he need not immediately stop processing in order to put other rated orders into production. He may continue to process the material which he had put into production for such order to a stage of completion which will avoid a substantial loss of total production, but he may not incorporate any material which he needs to fill any rated orders on hand. He may not, however, delay putting other rated orders into production for more than 15 days.

SEC. 14. *How changes in customers' orders affect ratings.* (a) Except as provided in paragraph (b) of this section, the general rule is that any change in a customer's rated order, when made by the customer, constitutes a cancellation of the rating, if the change will require the manufacturer to interfere with his production. If the change does require such interference, the order shall be deemed to be rated on the date of receipt of notice of the change. For example:

(1) A change in shipping destination does not constitute a cancellation of the rating on the order.

(2) An increase in the total amount of a material ordered pursuant to a rated order shall, if the order for the increased amount is rated, be deemed to be a new order to the extent of the increase, unless the order for such increased amount can be filled with only a negligible interference with the filling of rated orders scheduled prior to receipt of notice of such increase.

(3) A change in the date of delivery, whether advanced or deferred, when made by the customer shall be deemed to be, for the purpose of the rating, an order rated on the date of receipt of notice of such change, if it interferes with production or delays delivery on any other rated order previously scheduled.

(4) A reduction in the total amount ordered will presumably not require a change in the manufacturer's schedule and, if such is the case, the rating on the order will not be affected. If, however, the amount is reduced below a minimum production quantity, the manufacturer may require that the amount for delivery be not less than such minimum production quantity, and if the customer is not willing to agree to that quantity, the manufacturer may consider the order as unrated for all purposes. The manufacturer may not discriminate between customers in requiring delivery of minimum production amounts.

(5) When the customer directs the manufacturer to hold or suspend production without specifying a new delivery date, the rating on such order is cancelled. If requested to do so within 10 days after receipt of such direction, the manufacturer must again treat the order as a rated order and reinstate it as nearly as possible to its former place in his proposed schedule of delivery, as long as the reinstatement does not cause loss of production or delay in the scheduled deliveries of other rated orders. Any request for reinstatement of the rating made after 10 days from the date of receipt of such direction shall be deemed to be a new rating applied to the order on the date of receipt of such request.

(6) Where any minor variation in size, design, capacity, etc., is requested by the customer and can be arranged by the manufacturer without interfering with his production, such change would not have any effect upon the rating.

(b) The application of a DX rating to an order bearing a DO rating shall not constitute a cancellation of the DO rating but shall give such order the preferential status to which a DX-rated order is entitled under this regulation: *Provided, however,* That an order to which a DX rating is applied shall not thereby take precedence over any other DX-rated order previously received.

(c) The addition of the program identification B–5 as a suffix to a DO rating previously used on a purchase order shall not constitute a cancellation of the original DO rating.

(d) Where a change in an order has the effect, pursuant to this section, of cancelling a rating and treating the order as being rated on the date of receipt of notice of such change, or on any later date as provided in this section, the conditions existing on such date shall, only so far as the rating is concerned, govern its acceptance and sequence in delivery under the rules of this regulation.

(e) This section affects only a rating on a rated order which has been accepted by the supplier, and nothing in this section shall authorize the cancellation of any rated order.

SEC. 15. *Delivery or performance dates.* (a) Every rated order must specify delivery or performance on a particular date or dates or during a particular month, which, in no case, may be earlier than required by the person placing the order. Any order which fails to comply with this requirement shall not be treated as a rated order. Except in the case of a DX rated order, the words "immediately" or "as soon as possible" or other words to that effect do not meet the requirements of this paragraph.

(b) The required delivery or performance date, for purposes of determining the sequence of deliveries or performance pursuant to section 13 of this regulation, shall be the date on which delivery or performance is actually required. The person with whom the rated order is placed may assume that the required delivery or performance date is the date specified in the order or contract unless he knows either (1) that the date so specified was earlier than required at the time the order was placed, or (2) that delivery or performance by the date originally specified is no longer required by reason of any change of circumstances. A delay in the scheduled receipt of any other material which the person placing the order requires prior to or concurrently with the material ordered, shall be deemed a change of circumstances.

(c) If, after accepting a rated order which specifies the time of delivery, the person with whom it is placed finds that he cannot fill it approximately on time, he must promptly notify the customer, telling him when he expects to be able to fill the order.

(d) If a person finds that he cannot fill on schedule all DO-rated orders which he has accepted and scheduled for delivery, he must give precedence over any other DO-rated order to any DO-rated order which bears a program identification consisting of the letter A, B, C, or E, followed by a digit (including the program identification B–5 where used as a suffix), or the program identification Z–2, unless the person who placed such order having such program identification otherwise consents in writing.

SEC. 16. *Mandatory orders and directives.* Every person shall comply with each mandatory order and directive issued to him by NPA. Mandatory orders and directives issued by NPA take precedence over rated orders previously or subsequently received, unless a contrary instruction appears in the mandatory order or directive.

SEC. 17. *Use or disposition of material acquired under this regulation.* (a) Any person who gets material with a rating or through a specific authorization or a directive of NPA must, if possible, use or dispose of it (or of the product into which it has been incorporated) for the purpose for which the assistance was given. However, material obtained with any DO rating may be used to fill any DX rated order, or to fill any order which is entitled to precedence under section 15 (d) of this regulation. Physical segregation is not required as long as the restrictions applicable to any specific lot of material or product are observed with respect to an equivalent amount of the same material or product.

(b) The restriction in paragraph (a) of this section does not apply when a material, or a product into which it has been incorporated, can no longer be used for the purpose for which the priority assistance was given; for example, when the assistance was given to fill a particular order and the material or product does not meet the customer's specifications or the contract or order is cancelled. In such cases the rules on further use or disposition in paragraph (c) of this section must be observed.

(c) The holder of a material or product subject to paragraph (b) of this section may sell it as long as he complies with all requirements of other applicable sections of this regulation and of other orders and regulations of NPA, or he may use it himself in any manner or for any purpose as long as he complies with such requirements.

SEC. 18. *Delivery for unlawful purposes prohibited.* No person shall deliver any material which he knows or has reason to believe will be accepted, redelivered, held, or used in violation of any order or regulation of NPA.

SEC. 19. *Intracompany deliveries.* The provisions of this regulation apply not only to deliveries to other persons, including affiliates, and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

SEC. 20. *Effect of ratings upon materials subject to inventory restrictions.* The inventory restrictions described in all NPA regulations and orders (including CMP Regulation No. 2) apply to all materials subject thereto, including such materials obtained with ratings or other priorities assistance.

SEC. 21. *Scope of regulations and orders.* (a) All regulations and orders of NPA (including directions, directives, and other instructions) apply to all subsequent transactions even though they are covered by contracts previously entered into. Regulations and orders apply to transactions in the territories or insular possessions of the United States unless the regulation or order specifically states that it is limited to the continental United States or to the 48 States and the District of Columbia. However, restrictions of NPA orders or regulations on the use of material or on the amount of inventory shall not apply when the material is used or the inventory is held directly by the Department of Defense outside the 48 States and the District of Columbia, unless otherwise specifically provided.

(b) All orders and regulations of NPA which control the sale, transfer, or delivery of any material, product, or equipment, apply to sales made by any person, whether for his own account or for the account of others, and all restrictions upon accepting delivery apply to acceptance of delivery at any type of sale, including sales made by auctioneers, receivers, and trustees in bankruptcy, and in other cases where the assets of a business are being liquidated.

SEC. 22. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with a rule, regulation, or order of NPA (including any direction, directive, or other instruction), notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid.

SEC. 23. *Request for adjustment or exception.* Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 24. *Records and reports.* (a) Each person participating in any transaction covered by this regulation shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this regulation shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 25. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 2.

SEC. 26. *Violations.* Any person who wilfully violates any provision of this regulation, or any other regulation or order of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Reg. 2, as amended, shall take effect November 10, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

LIST A OF NPA REG. 2

1. The following items are not presently subject to any ratings issued by or under the authority of NPA and therefore no rating shall be effective to obtain any of them:

Communications services.
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.
Water.
Wood pulp.

2. Items with respect to which priority and allocation functions are within the jurisdiction of other Government agencies and therefore subject to regulation by them, are listed or referred to below. Such items are not subject to ratings issued by or under the authority of NPA. However, producers of such items are subject to NPA regulations and orders with respect to other materials used by them.

(a) Solid fuels: [1] All forms of anthracite, bituminous, subbituminous, and lignitic coals, coke, and coal chemicals, except with respect to the distribution of coal chemicals produced as byproducts of coke made from coal which distribution was delegated to NPA by Defense Solid Fuels Administration Delegation 1 of May 2, 1951 (16 F. R. 4590).

(b) Gas and gas pipelines: [1] Natural gas, manufactured gas, and pipelines for the movement thereof.

(c) Petroleum and petroleum pipelines: [1] Crude oil, synthetic liquid fuel, their products and associated hydrocarbons, including pipelines for the movement thereof. The priority and allocation functions with respect to certain of such products listed in Petroleum Administration for Defense Delegation 1 of April 18, 1951 (16 F. R. 3389) were delegated to NPA.

(d) Electric power: [1] All forms of electric power and energy.

(e) Radioisotopes, stable isotopes, source and fissionable materials.[2]

(f) Farm equipment: [3] Domestic distribution of equipment manufactured for use on farms in connection with the production or processing of food. "Farm equipment" as used in Executive Order 10161 is determined to be only that equipment listed in Appendix A of a Memorandum of Agreement between Production and Marketing Administration (Department of Agriculture) and NPA, bearing dates of June 18 and June 26, 1952 (17 F. R. 6129), as the same may from time to time be amended.

(g) Fertilizer, commercial: [4] In form for distribution to users.

(h) Food, except in certain cases where used industrially: [4] In general, foods and other agricultural commodities and products are within the jurisdiction of the Department of Agriculture, but those which have industrial uses are within the jurisdiction of NPA when they lose their identity as food or agricultural commodities or products. The respective jurisdictions of the Department of Agriculture and NPA are described generally (and in certain cases specifically) in an agreement between the Production and Marketing Administration (Department of Agriculture) and NPA signed on March 30 and April 13, 1951, respectively (16 F. R. 3410), which agreement is referred to in NPA Delegation 10 of April 26, 1951 (16 F. R. 3669). The agreement (reference to which should be made) does not attempt to list all foods and agricultural commodities and products which involve industrial uses but does cover the major items as to which there might be a question of jurisdiction. In general, the respective jurisdictions fall within the following categories:

(1) Commodities which are within the jurisdiction of the Department of Agriculture until they enter any manufacturing process which results in their being neither food nor agricultural commodities or products (certain examples of which are listed in the agreement, such as egg products, fats, oils, grain and grain products, molasses, potatoes, spices, starches, sugar, and tartaric acid).

(2) Commodities which are within the jurisdiction of the Department of Agriculture until the point specified in the agreement (such as cotton lint and linters, hemp, flax fiber, skim milk for casein, wool, and mohair).

(3) Commodities which are within the exclusive jurisdiction of the Department of Agriculture (ice, naval stores, tobacco, and tobacco products).

(i) Transportation, storage, and port facilities, including air transport, coastwise, intercoastal, and overseas shipping.[4]

(j) Products (production and distribution) used in the petroleum industry and listed in NPA Delegation 9 (Feb. 26, 1951), as follows: [5]

(1) Tetraethyl lead fluid.
(2) Petroleum cracking catalysts.
(3) Special inhibitors used in gasoline.
(4) Lubricating oil additives.
(5) Fluids and additives made especially for oil and gas drilling, and demulsifiers.

(k) Ores, minerals, and other source materials listed in Column II of Appendix A of NPA Delegation 5, as amended January 29, 1952.[6]

[F. R. Doc. 52-12195; Filed, Nov. 10, 1952; 4:44 p. m.]

[NPA Reg. 2, Directions 1 and 2—Revocation]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

DIR. 1—AUTOMATIC CONVERSION OF DELIVERY ORDERS BEARING CERTAIN RATINGS

DIR. 2—STATUS OF CERTAIN DELIVERY ORDERS DURING THE THIRD QUARTER

REVOCATION

Direction 1 (16 F. R. 6033) and Direction 2 (16 F. R. 9417) to NPA Reg. 2 are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under these directions, nor deprive any person of any rights received or accrued under said directions prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect November 10, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12193; Filed, Nov. 10, 1952; 4:43 p. m.]

[CMP Regulation No. 2 as Amended November 10, 1952]

CMP REG. 2—INVENTORIES OF CONTROLLED MATERIALS

This regulation as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of the amendment of this regulation, consultation with industry representatives was found to be impracticable due to the necessity for immediate action. However, there was consultation with industry representatives prior to the original issuance of this regulation on May 10, 1951.

EXPLANATORY

This amendment affects CMP Regulation No. 2 by amending sections 2, 3, and 10 (a), and by adding Schedule I.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Definitions.
3. General maximum inventory limitations.
4. Exceptions.
5. Adjustment of receipts and orders.
6. Separate inventories.
7. Prohibited deliveries.
8. Excess inventories.
9. Applicability of other regulations and orders.
10. Records and reports.
11. Applications for adjustment or exception.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this regulation does.* The purpose of this regulation is to prevent the accumulation of excessive inventories of controlled materials. It does this by limiting the quantities of such materials that may be ordered, received, or delivered.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Item of controlled material" means any item in any class of controlled material listed in Schedule I of CMP Regulation No. 1, which is different from all other items in that class by reason of one or more of its specifications, such as length, width, thickness, temper, alloy, or finish.

(b) "User of controlled material" means any person who uses any item of controlled material for production, construction, or maintenance, repair, or operating supplies.

(c) "Class" means any numbered class of controlled material listed in Schedule I of this regulation.

(d) "Practicable minimum working inventory" means the smallest quantity of material from which a person can reasonably meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation. In the absence of unusual circumstances, a person's inventory will be considered more than a practicable minimum working inventory if the ratio of his inventory to his currently scheduled operations is substantially greater than the ratio which he normally maintained between his inventory and his operations during any reasonably representative period in the 6 months ending June 30, 1950.

SEC. 3. *General maximum inventory limitations.* (a) No user of controlled material shall accept delivery of any item of steel listed in Schedule I of CMP Regulation No. 1,[1] if his inventory of such item is, or by such receipt would become, in excess of the quantity of such item necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 45-calendar-day period, or in excess of a practicable minimum working inventory, whichever is less: *Provided, however,* That from September 1, 1952, to December 31, 1952, the above specified 45-calendar-day period shall be a 30-calendar-day period.

(b) Commencing October 1, 1952, no user of controlled material shall accept delivery of any item of copper or aluminum listed in Schedule I of CMP Regulation No. 1, if his inventory of such item is, or by such receipt would become, in excess of the quantity of such item necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 60-calendar-day period, or in excess of a practicable minimum working inventory, whichever is less.

(c) For the purpose of this regulation, any item of controlled material which is to be further processed is considered to be in inventory until actually put into process or actually installed or assembled. For the purpose of this regulation, processing does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming, or other operation, unless such initial operation is a part of a continuous fabricating or assembling operation; nor does it include operations such as inspection, testing, segregation, or earmarking for a specific job.

(d) A user of controlled material may elect, as of any date between November 10, 1952, and November 15, 1952, and as of the first day of each calendar quarter thereafter, to maintain his inventory of all controlled material which falls within any one class on the basis of such a class, instead of on the basis of items, of controlled material. No user of controlled material who makes such an election with regard to one or more classes of controlled material shall accept delivery of any item of controlled material if his inventory of the class into which such item falls is, or by such receipt would become, in excess of the aggregate quantity (by weight) of all items in the same class, necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 45-calendar-day period in the case of steel (30-calendar-day period until December 31, 1952) and during the succeeding 60-calendar-day period in the case of copper and aluminum, or in excess of a practicable minimum working inventory, whichever is less. Furthermore, no user of controlled material shall accept delivery of any item of controlled material which he has elected to maintain on a class basis if his inventory of such item is, or by such receipt would become, in excess of a practicable minimum working inventory. After such an election has been made, as aforesaid, with respect to a particular class, it may not thereafter be changed with respect to such class without the prior written approval of NPA. Under this paragraph, a user of controlled material may maintain his inventory of all controlled material which falls within one or more classes on the basis of such classes and his inventory of all controlled material which falls within other classes on the basis of items.

SEC. 4. *Exceptions.* Notwithstanding the provisions of section 3 of this regulation, any person may accept delivery of any item of controlled material in excess of the prescribed inventory limits under the following circumstances:

(a) If any producer of controlled material exercises his privilege under section 20 of CMP Regulation No. 1 of making delivery prior to the delivery date specified by the user of controlled material, such delivery may be accepted and the prescribed limits exceeded to the extent that such excess results from such prior delivery.

(b) If a user of controlled material has instructed a producer or other supplier to reduce, postpone, or cancel a delivery, and the material has been shipped or loaded for shipment before receipt of such instruction, delivery of such material may be accepted and the prescribed limits exceeded to the extent that such excess results from such delivery.

(c) If a user of controlled material has instructed a producer to reduce, postpone, or cancel a delivery of a special item of controlled material which the producer has already produced or has in production, or for the production of which he has acquired special materials, delivery of such special item may be accepted and the prescribed limits exceeded to the extent that such excess results from such delivery. For the purposes of this section, a special item of controlled material is one which the producer does not usually make, stock, or sell, and which he cannot readily dispose of to others.

(d) If a user of controlled material would be authorized under section 3 of this regulation to accept delivery of a quantity of an item of controlled material less than the minimum shown for such item in Schedule IV of CMP Regulation No. 1, he may accept delivery of the full minimum shown in such schedule, provided that the controlled material involved is not procurable from a distributor.

(e) If any producer of controlled material, under a directive of NPA, makes delivery of controlled material to a person who will convert such controlled material into another form of controlled material, the person to whom such delivery was made may accept the delivery and exceed the prescribed limits to the extent that such excess results from such delivery.

(f) If a user of controlled material imports any controlled material that he acquired prior to landing, he may accept delivery of such material and exceed the prescribed limits to the extent that such excess results from such delivery. However, if by such acceptance his inventory exceeds the prescribed limits, he may not accept further deliveries of such controlled material from domestic sources until his inventory thereof is reduced to permitted levels.

SEC. 5. *Adjustment of receipts and orders.* Every user of controlled material must place orders and schedule receipts in such manner that deliveries of controlled material to him may be made without violating the provisions of this regulation. If, by reason of change in his operations, slowing or stoppage of production, delayed delivery by a controlled materials producer or other supplier, or other cause, a person who has ordered material for future delivery would, if he accepted delivery on the dates specified, exceed the limits prescribed by this regulation, he shall promptly revise and adjust his outstanding orders and scheduled receipts and, if necessary, reduce, postpone, or cancel the same, so that his acceptance of deliveries will conform to this regulation.

SEC. 6. *Separate inventories.* (a) A person who has more than one operating unit may elect to maintain separate inventory records for each such unit and, if he does, the provisions of this regulation shall apply to each such unit independently. After such an election has been made, it may not at any time thereafter be changed without the prior written approval of NPA.

(b) In determining his inventory, a person shall include all items of controlled material in his possession and all such items held for his account by another person, but not items of controlled material held by him for the account of another person.

SEC. 7. *Prohibited deliveries.* No person shall deliver any item of controlled material if he knows or has reason to

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[1] Under jurisdiction of the Department of the Interior—E. O. 10161, as amended by E. O. 10200, E. O. 10281, E. O. 10324 (15 F. R. 6105; 16 F. R. 61; 16 F. R. 8789; 17 F. R. 1711); DPA Del. 1, as amended (16 F. R. 11245).

[2] Under jurisdiction of the Atomic Energy Commission—60 Stat. 755; 42 U. S. C. et seq.

[3] Under jurisdiction of the Department of Agriculture—E. O. 10161, as amended by E. O. 10200, E. O. 10281, E. O. 10324; DPA Del. 1, as amended. (See footnote 1 above for volume and page numbers of Federal Register.)

[4] Partly under jurisdiction of that Commissioner of the Interstate Commerce Commission responsible for supervision of its Bureau of Service and partly under jurisdiction of the Secretary of Commerce—E. O. 10161, as amended by E. O. 10200, E. O. 10281, E. O. 10324; DPA Del. 1, as amended. (See footnote 1 above for volume and page numbers of Federal Register.)

[5] Under jurisdiction of the Department of the Interior—NPA Delegation 9 (15 F. R. 1906).

[6] Under jurisdiction of Defense Materials Procurement Agency—NPA Del. 5, as amended January 29, 1952 (17 F. R. 902) and as further amended from time to time.

[1] Non-nickel-bearing stainless steel (containing less than one percent nickel) is not a controlled material and therefore is not subject to this regulation but is subject to NPA Reg. 1.

believe that acceptance of such delivery would be in violation of this regulation.

SEC. 8. *Excess inventories.* This regulation does not provide for disposal of excess inventories which may be on hand. However, excess inventories of items of controlled material, including inventories of such items which are not in form usable by the holder, are subject to requisition, under appropriate circumstances, as provided in Title II of the Defense Production Act of 1950, as amended.

SEC. 9. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this regulation shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. Each person who elects to maintain all or part of his inventory of controlled material on a class basis shall simultaneously incorporate in his records a statement to the effect that he has made such an election. This regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this regulation shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Applications for adjustment or exception.* Any person subject to any provision of this regulation may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 2.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation as amended shall take effect November 10, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

SCHEDULE I TO CMP REGULATION NO. 2—CLASSES OF CONTROLLED MATERIAL [1]

Carbon steel (including wrought iron)
1. Bar, bar shapes.
2. Sheet, strip (coated and uncoated).
3. Plate.
4. Structural shapes, piling.
5. Pipe, tubing.
6. Wire, wire products.
7. Tool steel (including die blocks and tool steel forgings).
8. All other mill forms and products (not including forgings except for wheels).
9. Castings (not including cast iron).

Alloy steel (except stainless steel)
1. Bar, bar shapes.
2. Sheet, strip.
3. Plate.
4. Structural shapes.
5. Pipe, tubing.
6. Wire.
7. Tool steel (including die blocks and tool steel forgings).
8. All other mill forms and products (not including forgings, except for wheels).
9. Castings.

Stainless steel (containing 1 percent or more of nickel)
1. Seamless tubing.
2. All other mill forms and products (not including forgings).
3. Castings.

[1] This schedule applies solely to the maintenance of inventories on a class basis under CMP Regulation No. 2, as authorized in section 3 (d) of that regulation. All terms used in this schedule shall have the same meaning as the same terms, when used in Schedule I to CMP Regulation No. 1, as that schedule may be amended from time to time.

SCHEDULE I TO CMP REGULATION NO. 2—CLASSES OF CONTROLLED MATERIAL [1]—Con.

Copper and copper-base alloy brass mill products
Copper (unalloyed)
1. Bar, rod, shapes, wire (except electrical wire).
2. Sheet, strip, plate, rolls.
3. Pipe, tubing (seamless).

Copper-base alloy
1. Bar, rod, shapes, wire.
2. Sheet, strip, plate, rolls, military ammunition cups and discs.
3. Pipe, tubing (seamless).

Copper wire mill products
1. All copper wire and cable for electrical conduction.
2. Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.

Copper and copper-base alloy foundry products and powder
1. Copper, brass, and bronze castings.
2. Copper, brass, and bronze powder.

Aluminum
1. Rolled bar, rod, wire (including drawn wire), structural shapes, extruded bar and rod.
2. Aluminum cable steel reinforced (ACSR) and bare aluminum cable, insulated or covered wire or cable.
3. Extruded shapes, tubing (including drawn or welded tubing).
4. Sheet, strip, plate.
5. Pig or ingot, granular or shot.

[F. R. Doc. 52-12194; Filed, Nov. 10, 1952; 4:43 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 23 to Schedule B]

[Rent Regulation 2, Amdt. 24 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

OHIO

Effective November 12, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 10th day of November 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

1. Item 70 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

70. *Provisions relating to Montgomery County, Ohio, a portion of the Dayton Defense-Rental Area (Item 230 of Schedule A):*

With respect to housing accommodations in Montgomery County, Ohio, a portion of the Dayton Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* The present maximum rent for housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodation or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to Montgomery County, Ohio, a portion of the Dayton Defense-Rental Area, are amended to the extent necessary to carry into effect the provisions of this Item 70 of Schedule B.

2. Item 76 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

76. *Provisions relating to Montgomery County, Ohio, a portion of the Dayton Defense-Rental Area (Item 230 of Schedule A):*

With respect to housing accommodations in Montgomery County, Ohio, a portion of the Dayton Defense-Rental Area, section 138 is added to this regulation to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to Montgomery County, Ohio, a portion of the Dayton Defense-Rental Area, are amended to the extent necessary to carry into effect the provisions of this Item 76 of Schedule B.

[F. R. Doc. 52-12191; Filed, Nov. 12, 1952; 8:56 a. m.]

[Rent Regulation 1, Amdt. 24 to Schedule B]

RR 1—HOUSING

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

ILLINOIS

Effective November 13, 1952, Rent Regulation 1 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 10th day of November 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

1. Item 71 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

71. *Decontrol of specified classes of housing accommodations.* The application of this regulation is hereby terminated, effective November 13, 1952, with respect to housing accommodations in Cook County, Illinois, a portion of the Chicago Defense-Rental Area, which on August 1, 1952, met the description set forth in either of the following paragraphs (a) or (b):

(a) Unfurnished housing accommodations having a maximum rent which (1) was $150.00 or more per month and (2) was equal to at least $35.00 per room per month, or

(b) Furnished housing accommodations having a maximum rent which (1) was $175.00 or more per month and (2) was equal to at least $45.00 per room per month.

When on August 1, 1952, the housing accommodations had alternative maximum rents for alternative conditions, the maximum rent in effect on August 1, 1952, for the conditions under which it was rented on that date or for the conditions under which it was rented on the date it was last rented prior to August 1, 1952, if vacant on August 1, 1952, shall be used to determine whether the housing accommodations are decontrolled or not.

For purposes of this decontrol provision, space not ordinarily considered as being a separate room such as foyer, bathroom, hall, closet, pantry or alcove, shall not be counted as a room. All provisions of this regulation insofar as they are applicable to Cook County, Illinois, a portion of the Chicago Defense-Rental Area, are amended to the extent necessary to carry into effect the provisions of this Item 71 of Schedule B.

[F. R. Doc. 52-12192; Filed, Nov. 12, 1952; 8:56 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

DEPOSITIONS

In the matter of amendment of §§ 1.821, 1.822, 1.825, 1.826 and 1.827 of the Commission's rules and regulations relating to depositions.

1. The Commission has reviewed its rules of practice and procedure relating to the taking of depositions with a view toward making these rules more flexible and liberal. We believe that such action is particularly desirable at this time in view of the number of hearings which will result from the lifting of the TV "freeze."

2. The Commission's rules now permit the taking of a deposition in all cases only upon Commission order, issued pursuant to a motion. The rules also set certain fixed time limits in connection with the taking and filing of depositions. The Commission's experience indicates that in the majority of cases no opposition is made to motions for the taking of depositions. It follows, therefore, that the motions procedure presently prescribed by the rules results in unnecessary work on the part of the parties and the Commission. Accordingly, we believe that the requirement of a motion and order as a condition precedent to the taking of a deposition is unnecessary and should be deleted. We also believe that the fixed time limits presently prescribed by our rules impose unnecessarily rigid limitations upon the taking of depositions. The time within which depositions should be taken will depend on the facts and circumstances involved in the particular cases in which they are sought to be used. The rules adopted herein provide that depositions should be taken on reasonable notice.

3. The provision that depositions of "parties in interest" may only be admitted in evidence upon a showing that "the witness is dead or seriously ill or that the requirement to produce the witness at the hearing would cause undue hardship" was designed to exclude from our hearings, except in the circumstances enumerated, deposition testimony relating to controverted matters of persons with a substantial interest in or who hold positions of responsibility with a party to the proceeding. The term "parties in interest", however, may be defined to include within it a larger group of persons than was contemplated. In addition the present rule does not permit the admission into evidence of a deposition where in view of the nature of the testimony no useful purpose would be served by insistence upon oral presentation at the hearing. The rules adopted herein relating to the admissibility of such testimony have been in light of these considerations.

4. The Commission's rules relating to the taking of depositions have been amended in accordance with the above considerations. Other changes have also been made in these rules to make them more liberal and flexible.

5. The amendments to the Commission's rules adopted herein are procedural in nature, and, therefore, the provisions of section 4 of the Administrative Procedure Act with respect to notice of proposed rule making and prior publication are inapplicable, and the amendments may be effective immediately. The amendments are issued pursuant to the authority contained in sections 4 (i), 303 (r) and 409 of the Communications Act of 1934, as amended.

6. In view of the foregoing, it is ordered that, effective immediately, the Commission's rules and regulations

relating to the taking of depositions are amended as set forth below.

Adopted: October 29, 1952.

Released: October 30, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Sections 1.821, 1.822, 1.825, and 1.826 are amended to read as follows:

§ 1.821 *Depositions on notice—(a) Notice of examination: time and place.* A party to a hearing desiring to take the deposition of any person shall give reasonable notice in writing to every other party. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs, and the matters with which the deposition will be concerned. On motion of any party upon whom the notice is served, the Commission may, for cause shown, enlarge or shorten the time.

(b) *Orders for the protection of parties and deponents.* After notice is served for taking a deposition, upon motion, seasonably made by any party or by the person to be examined, and upon notice and for good cause shown, the Commission may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed the deposition shall be opened only by order of the Commission; or that Commission may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression.

§ 1.822 *Persons before whom depositions may be taken.* (a) Depositions shall be taken before any judge of any court of the United States, or any United States commissioner, or any clerk of a district court, or any chancellor, justice or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court, or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to any party, nor interested in the event of the proceeding.

(b) *Record of examination; oath; objections.* The officer before whom the deposition is to be taken shall administer an oath or affirmation to the witness and shall personally, or by someone acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed, unless the parties agree otherwise. Any objection made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to such objection. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.

§ 1.825 *Inclusion in the record; objections.* (a) No deposition shall constitute a part of the record in any proceeding until received in evidence at a hearing. Except as provided in paragraphs (b) and (c) of this section, objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence, if the witness were then present and testifying.

(b) Objections to the competency of a witness, or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(c) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath, or affirmation, or in the conduct of parties and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

§ 1.826 *Inclusion in record.* The deposition of a person with a substantial interest in or holding a position of responsibility with a party to the proceeding will not be admitted in evidence unless it is shown that the witness is dead or seriously ill, or that such exceptional circumstances exist, or that the testimony proferred is of such character that in the interest of justice and with due regard to the importance of presenting the testimony of the witnesses orally, the deposition should be admitted.

2. Section 1.827 is deleted.

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 52-12073; Filed, Nov. 12, 1952; 8:49 a. m.]

[Docket No. 10021]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS:

PART 12—AMATEUR RADIO SERVICE

ALLOCATION OF FREQUENCIES

In the matter of amendment of §§ 2.104 (a) and 12.111 (a) (1) (i) of the rules and regulations of the Federal Communications Commission.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of October 1952;

The Commission having under consideration its further notice of proposed rule making in the above-entitled matter in which it was proposed to redesignate, geographically, areas in the United States, its territories, and possessions with respect to the sharing by radio amateurs of the frequency band 1800–2000 kc with the Loran system of radionavigation, to re-allocate segments of that band to these areas, and to respecify the operating limitations applicable in each such area;

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notice of proposed rule making in the above-entitled matter, which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on April 26, 1952 (17 F. R. 3748), and that the period provided for the filing of comments has now expired;

It further appearing, that comments were filed by some 18 individuals, amateur radio clubs and other amateur organizations and that 11 were in favor of adoption of the proposed amendment, three clubs and one individual from Minnesota, while not in opposition, requested use of all the segments of the 1800–2000 kc band in the State of Minnesota and, three individuals in Iowa were opposed to a change;

It further appearing, that the amendments herein contemplate division of the United States into relatively large geographical areas where a frequency segment can be used in the entire area without interference to Loran operation, and that to provide a different pattern of sharing for the benefit of a single state within such an area would therefore not be feasible;

It further appearing, that authority for the aforesaid amendment is contained in section 4 (i) and 303 (c) of the Communications Act of 1934, as amended;

It is ordered, that, effective December 15, 1952, §§ 2.104 (a) and 12.111 (a) (1) (i) be and they hereby are amended as set forth below.

Released: October 30, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Footnote NG23, § 2.104 (a), *Table of frequency allocations*, rules governing Frequency Allocation and Treaty Matters, is amended as follows:

NG23 (a) The amateur service may use, in any area, whichever bands, 1800–1825, 1875–1900, 1900–1925 or 1975–2000 kc, are not required for Loran in that area, in accordance with the following conditions:

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service;

(2) The amateur service shall not cause harmful interference to the radionavigation (Loran) service;

(3) Only types A1 and A3 emission shall be employed;

(4) Amateur operation shall be limited to:

Area	Bands, kc	DC plate input power in watts	
		Day	Night
Minnesota, Iowa, Missouri, Arkansas, Louisiana and States to the east of these States, including District of Columbia.	1800–1825, 1875–1900	500	200
North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States, except State of Washington.	1900–1925, 1975–2000	500	200
State of Washington	1900–1925, 1975–2000	200	50
Texas, Oklahoma, and Kansas	1800–1825, 1875–1900	200	75
Hawaiian Islands	1900–1925, 1975–2000	500	200
Puerto Rico and Virgin Islands	1800–1825, 1875–1900	500	200
Alaska, Guam, and other Territories and possessions of the United States not listed above.	None	No operation.	No operation.

(b) The provisions of (a) above shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

2. Section 12.111 (a) (1) (i), 1800 to 2000 kc, rules governing Amateur Radio Service, is amended to read as follows:

(i) 1800 to 2000 kc. Use of this band is on a shared basis with the Loran system of radionavigation. The amateur service may use, in any area, whichever bands, 1800–1825, 1875–1900, 1900–1925 or 1975–2000 kc, are not required for Loran in that area, in accordance with the following conditions:

(*a*) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service.

(*b*) The use of these frequencies by stations in the amateur service shall not cause harmful interference to the Loran system of radionavigation. If an amateur station causes such interference, the station licensee shall, as directed by the Commission, immediately cease operation on the frequencies involved.

(*c*) Only type A1 or A3 emission shall be employed.

(*d*) Amateur operation shall be limited to the following areas, to the indicated frequency bands within each such area, and to the indicated maximum plate power input to the tube or tubes supplying energy to the antenna during day and night hours, respectively, on such frequencies:

Area	Authorized bands, kc	DC plate input power in watts	
		Day	Night
Minnesota, Iowa, Missouri Arkansas, Louisiana and States to the east of these States, including District of Columbia.	1800–1825, 1875–1900	500	200
North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States except the State of Washington.	1900–1925, 1975–2000	500	200
State of Washington	1900–1925, 1975–2000	200	50
Texas, Oklahoma, and Kansas	1800–1825, 1875–1900	200	75
Hawaiian Islands	1900–1925, 1975–2000	500	200
Puerto Rico and Virgin Islands	1800–1825, 1875–1900	500	200
Alaska, Guam, and other Territories and possessions of the United States not listed above.	None	No operation.	No operation.

(*e*) The provisions of this subparagraph shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 52-12072; Filed, Nov. 12, 1952; 8:48 a. m.]

[Docket No. 9808]

PART 3—RADIO BROADCAST SERVICES

REBROADCAST; ORIGINATING STATION

In the matter of amendment of §§ 3.191, 3.291, 3.591, 3.655, and 3.790 of the Commission's rules and regulations.

1. On May 14, 1952, the Commission adopted a report and order in the above-entitled proceeding (17 F. R. 4711) in which it set forth its interpretation of section 325 (a) of the Communications Act of 1934, as amended, with respect to certain matters, and also adopted a new amendment to its rules and regulations.

2. Section 325 (a) provides in pertinent part: "• • • nor shall any broadcasting station rebroadcast the program or any part thereof of another broadcasting station without the express authority of the originating station."

3. As stated in the notice of proposed rule making issued herein on October 5, 1950, this proceeding arose out of a controversy between two television stations concerning the meaning of the term "originating station" in section 325 (a), which raised questions of general interest which the Commission believed should be the subject of rule making. Accordingly, it was proposed to amend §§ 3.191, 3.291, 3.591, 3.655 and 3.790 of the Commission's rules and regulations to clarify these rules with respect to the meaning of the term "originating station" in section 325 (a) of the Communications Act, to resolve any possible conflict between section 325 (a) and the Commission's rules against exclusivity, and to clarify the Commission's rules with respect to the necessity for securing the consent of foreign broadcast stations under section 325 (a).

4. In its report and order of May 14, 1952, the Commission, after considering the comments filed in response to the notice of October 5, 1950, set forth its interpretation of section 325 (a) in respect of the following matters:

(1) In the absence of an applicable treaty, the statute does not require the consent of the originating station before the rebroadcast of the program of a foreign broadcast station.

(2) The "originating station" is the station whose signal is received and transmitted, either simultaneously or at a later time.

(3) The statute does not confer upon the originating station an arbitrary right to refuse consent for a rebroadcast, without regard to the nature of the interests sought to be protected by a refusal and its effect upon the public interest. In addition to these interpretations of section 325 (a), an amendment of the rules was adopted providing for a report to the Commission in each instance of a refusal to grant permission for a rebroadcast.

5. Upon petitions seeking such relief, the Commission has twice postponed the effective date of the amendment to the rules for successive periods to, and including, October 31, 1952.

6. Petitions have also been received from Columbia Broadcasting System, Inc., National Broadcasting Company, Inc., National Association of Radio and Television Broadcasters, and on behalf of stations KLOK, WKLO, KXRO, KLO, KING, KPQ, KPHO, WHEN, and WOW, seeking reconsideration of the Report and Order of May 14, 1952, and the amendments to the rules adopted on that date. These petitions have been opposed by Honorable Harry R. Sheppard, and by Gordon P. Brown of Radio Station WSAY, Rochester, New York.[1]

7. The petitions for reconsideration do not seek reconsideration of the Commission's determinations with respect to the need for consent from a foreign station or the meaning of the term "originating station." They do challenge the reporting requirement and the interpretation of the report and order with respect to the absolute right of a station to refuse consent for a rebroadcast.

8. The Commission finds, upon reconsideration, that the amendments to its

[1] The petition filed on October 9, 1952, on behalf of radio stations KLOK, WKLO, KXRO, KLO, KING, KPQ, KPHO, WHEN, and WOW has been considered only as it was directed to the amendments to the rules. It was not timely filed with respect to the interpretive aspects of the report and order. (Communications Act of 1934, section 405.) Gordon Brown's petition in opposition, filed on October 23, 1952, was also filed too late for consideration as an opposition thereto since it was filed more than 10 days subsequent to the filing of the petition it opposed. (Section 1.730 of the rules and regulations.) Gordon Brown's request, made in the same petition, that the Commission investigate an alleged conspiracy to restrain rebroadcasting, based upon an alleged unity of action in opposing the Commission's report and order herein, will be denied, since it is unsupported by facts sufficient to warrant an investigation.

rules requiring a report in each instance of a denial of consent for a rebroadcast are unnecessary. No facts have been presented to the Commission by those opposing the requirement concerning the probable extent of any possible burden which the reporting requirement might involve. Indeed, the reporting rule as finally adopted on May 14, 1952, was in almost the identical language as that proposed in the notice of proposed rule making which had been adopted on October 5, 1950. Yet none of the instant petitioners or any other persons who filed comments addressed to the proposed rule raised any question concerning the burdens which are now alleged.[3]

9. Nevertheless, we find that many situations may be presented in the day-to-day operation of stations which raise difficult but bona fide questions as to the applicability of our rule. Thus, a station may frequently have difficulty in deciding whether particular types of inquiries are requests for rebroadcast privileges, or whether responses to such inquiries setting forth conditions for granting rebroadcast consent constitute "refusals." A station may thus act at its peril in failing to file a report which under a different interpretation of the circumstances involved might be deemed by the Commission to have been required under the rule. Moreover, an undeterminable number of requests to rebroadcast may involve situations which would not be thought to warrant a complaint or where a refusal would not be improper. We now recognize that these factors make it undesirable to deal with the problem by the rule adopted. Instead, the same purposes may be achieved by leaving it to the Commission to request explanatory statements from licensees in situations in which complaint is made by another licensee of an alleged refusal to permit a rebroadcast. The procedure in connection with such complaints would thus be similar to that followed in the case of other complaints. The amendments to the Commission's rules and regulations adopted on May 14, 1952, will therefore be deleted.

10. The petitions for reconsideration also argue, in substance, that section 325 (a) gives an absolute right of refusal, and that the Commission is legislating, contrary to the intent of the statute, when it declares that the right to refuse consent for a rebroadcast is not absolute. It is said that a refusal to grant consent cannot be made a relevant consideration in determining whether a station has operated in the public interest. The oppositions to the petitions for reconsideration support the Commission's previous interpretation of the statute. They also argue that the use of section 325 (a) to prevent a station from carrying a sponsor's program by means of a rebroadcast when the sponsor desires to have that station carry the program, involves a restraint of trade, and that rebroadcasts are valuable both to sponsors, independent stations, and the public.

11. In the report and order of May 14, 1952, we set forth our interpretation of the meaning and purpose of section 325 (a). We have carefully considered the comments received since the adoption of that report and order. They do not persuade us, however, that section 325 (a) of the Communications Act was intended as a lonely exception to the general principle that every broadcasting station is licensed to serve the public interest and that every station is accountable for such of its actions as affect that interest and the wider and more efficient use of the channels of interstate communications. We cannot, therefore, accept an interpretation of section 325 (a) which reads into that section the creation of an absolute right unqualified in any respect by the duties and responsibilities of stations under other sections of the act.

12. However, lest there be any misunderstanding, we wish to make clear that we have not said, and we are not saying, that legitimate property rights, recognized by law, may be freely appropriated by others through the mere device of demanding rebroadcast privileges. Moreover, we have not implied, nor are we implying, that many, if not most, cases in which request to rebroadcast a station's program is denied may not be justified under the circumstances there presented. It is clear, however, that a licensee may abuse its right to refuse rebroadcast privileges, just as it may abuse other rights. The principle involved is not novel. Thus, a broadcast station has a right to decide who shall use its facilities and for what type of program, but not the right to act arbitrarily in this respect without due regard to the public interest in a well-rounded program service. See, "In the Matter of Editorializing by Broadcast Licensees," 1 (Pt. 2) Pike & Fischer, R. R. p. 91:201. So too, even the holder of a copyright or patent cannot use it to unreasonably deter competition. See, e. g., Interstate Circuit v. United States, 306 U. S. 208, at 230.

13. We do not attempt here to define the scope and attributes of property interests in broadcast material which may legitimately be entitled to protection, or the effect of the antitrust laws in this field. Nor do we seek to specify here the situations where such refusal is justified or where it is unjustified. Such determinations will obviously depend upon the facts of particular cases and upon an evaluation of such factors as whether licensees of stations, through express or implied agreements or understandings, act in concert with each other or with other interests in refusing rebroadcast requests, whether requesting stations serve the same or a different area as the station whose program they wish to rebroadcast, whether the request is for permission to carry a simultaneous rebroadcast or to rebroadcast a program at some subsequent date, whether the requesting station has indicated a willingness to pay a reasonable share of the legitimate costs of the originating station, whether or not other persons having interests in the program have requested or agreed to the rebroadcast, and whether the program concerned has public service aspects that make its wide dissemination to the public clearly desirable.

14. Upon reconsideration, we believe, as above stated, that the reporting provisions which we adopted in our May 14, 1952, report are unnecessary and may be deleted. We believe that the interpretation of section 325 (a) of the Communications Act therein announced is correct and should be affirmed.

15. *Accordingly, it is ordered,* That the amendments to §§ 3.191, 3.291, 3.591, 3.655 and 3.790 of the Commission's rules and regulations adopted on May 14, 1952, are hereby deleted and rescinded and the report in this matter adopted on May 14, 1952, is, in all other respects, affirmed, and

16. *It is further ordered,* That the petition filed on October 23, 1952, by Gordon Brown requesting an investigation of an alleged conspiracy is denied.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: October 29, 1952.

Released: November 3, 1952.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12074; Filed, Nov. 12, 1952; 8:49 a. m.]

[3] Section 4 (a) of the Administrative Procedure Act requires "either the terms or substance of the proposed rule or a description of the subjects and issues involved." The Commission's notice of proposed rule making, although directed chiefly to the problem of exclusivity, specifically stated "Such an amendment [to the rules] might require that an originating station which refuses permission to rebroadcast a program file with the Commission and with the station requesting such permission a written statement describing the grounds and reasons for the refusal; . . . In view of the importance of the subject matter it is desired that interested persons be afforded an opportunity to present their views in the matter before the Commission issues final amendments to the above sections of the Commission's rules. To accomplish that purpose the instant rule making proceedings are being instituted." The comments received by the Commission in the petitions for reconsideration which were directed to the reporting requirement should have been filed in response to the notice of proposed rule making. The burdens now claimed to result from the rule should have been as apparent to the petitioners when the rule was proposed as after it was adopted. Conceding that the final rule may have had a wider application than the proposal, its substance was exactly the same. It destroys the whole purpose of the Administrative Procedure Act requirement of notice to ignore a proposal because it is a "suggestion," when that very purpose is to provide an opportunity to comment on proposed rules, which, by statutory requirement, can only be suggestions. There is no magic terminology in proposing a new rule so long as the purpose is clear. It was abundantly clear here. This problem is mentioned here because a great deal of effort and misunderstanding might have been avoided if the opportunity to comment on the proposed rule had been properly availed of by those who now comment adversely upon it.

[4] Commissioner Hyde concurring and issuing the following statement: "I favor the reconsideration and deletion of the rule previously announced and concur in the opinion insofar as it accomplishes that purpose."

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 52-41]

PART 146—TRANSPORTATION OR STOWAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

MISCELLANEOUS AMENDMENTS

A notice regarding proposed changes in the regulations governing the transportation of inflammable solids and oxidizing materials, corrosive liquids, heaters for motor vehicles and certification of ships' stores and supplies was published in the FEDERAL REGISTER dated February 27, 1952, 17 F. R. 1728, as Items I to IV, inclusive, on the agenda to be considered by the Merchant Marine Council and a public hearing was held by the Merchant Marine Council on March 25, 1952, in Washington, D. C. All the comments submitted were considered and where practicable were incorporated into the regulations.

The purpose of the amendment to 46 CFR 146.08-11 is to permit the use of heaters on motor vehicles while being transported on board vessels subject to the provisions of R. S. 4472, as amended (46 U. S. C. 170). This regulation will permit heater installations on motor vehicles, which present similar hazards and will require similar safeguards as refrigerating equipment, which is presently permitted.

The purpose for amending 46 CFR 146.22-1 to 146.22-100, inclusive, regarding detailed regulations pertaining to inflammable solids and oxidizing materials, is to revise and bring up to date the applicable requirements. The regulations permit a number of new hazardous inflammable solids and oxidizing materials, which have become commercially important, to be shipped by water in increasing quantities. A number of new containers for inflammable solids and oxidizing materials are also allowed. The changes in the regulations are in agreement with the regulations prescribed by the Interstate Commerce Commission insofar as it is practicable for water transportation.

The purpose for amending 46 CFR 146.23-1 to 146.23-100, inclusive, regarding detailed regulations pertaining to corrosive liquids, is to revise and bring up to date the applicable requirements. The regulations will permit a number of new corrosive liquids, which have become commercially important, to be shipped by water in increasing quantities. A number of new containers for corrosive liquids are also allowed. All the changes in these requirements are in agreement with the Interstate Commerce Commission's regulations insofar as it is practicable for water transportation.

The purpose for amending 46 CFR 147.03-3 is to require the manufacturer of ships' stores and supplies to pay for the cost of any test required to determine if such article can be safely used on board merchant vessels. The purpose for amending 46 CFR 147.03-4 is to revise the requirements regarding the manufacturer's statement which must accompany the application for certification of a product as ships' stores and supplies. These changes are based on a request from the Bureau of the Budget. No objections were received in connection with the changes in the procedure to obtain certification.

The detailed regulations governing the transportation of inflammable solids and oxidizing materials and corrosive liquids have been completely revised and the sections renumbered to allow for future expansion, if necessary. For convenience, a table showing the old section number and the new section number assigned is printed below and the asterisk before a section number indicates that section has been revised:

COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS

Old section No.	*New section No.*
*146.22-1	*146.22-1
*146.22-2	*146.22-1
*146.22-3	*146.22-1
146.22-4	146.22-5
146.22-5	146.22-10
146.22-6	146.22-15
146.22-7	146.22-20
*146.22-8	*146.22-25
146.22-9	146.22-30
*146.22-100	*146.22-100
*146.23-1	*146.23-1
*146.23-2	*146.23-1
146.23-3	146.23-5
*146.23-4	*146.23-10
146.23-5	146.23-15
*146.23-6	*146.23-20
*146.23-7	*146.23-25
*146.23-8	*146.23-30
*146.23-9	*146.23-30
146.23-10	146.23-35
*146.23-10a	*146.23-40
*146.23-10b	*146.23-45
*146.23-11	*146.23-30
*146.23-12	*146.23-100
146.23-18	146.23-50
*146.23-100	*146.23-100

*Indicates that text of section has been revised.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective 90 days after date of publication of this document in the FEDERAL REGISTER:

SUBPART—HIGHWAY VEHICLES LOADED WITH DANGEROUS SUBSTANCES AND TRANSPORTED ON BOARD VESSELS

1. Section 146.08-11 is amended to read as follows:

§ 146.08-11 *Motor vehicles having refrigerating or heating equipment.* (a) Motor vehicles, fitted with refrigerating or heating equipment using an inflammable liquid or gas as fuel, may be accepted for transportation, and such refrigerating or heating equipment may be operated while the vehicle is on board a vessel, provided the installation conforms with the following requirements:

(1) The installation is rigidly mounted and free of any movement other than normal vibration of operation.

(2) A shut-off control, easily accessible to the operator of the vehicle, is fitted to the fuel and electrical supply of refrigerating or heating equipment.

(3) The fuel storage tank, the fuel lines and the carburetor or other device shall be tight and show no signs of leakage.

(b) Refrigerating or heating equipment not fitted with automatic starting and stopping devices shall, if the vehicle operator desires the equipment to operate while on board the vessel, be started before the vehicle is taken on board. It may continue in operation while the vehicle is on the vessel, but if for any cause the motor ceases to operate it shall not be restarted until after the vehicle leaves the vessel.

(c) Vessels on voyages exceeding thirty (30) minutes' duration shall provide a stowage for vehicles having refrigerating or heating equipment operated by internal combustion engines as will permit ready diffusion of exhaust gases to the open air. Passenger vehicles shall not be stowed in a position adjacent to vehicles operating internal combustion motors as would expose the occupants thereof to excessive concentrations of exhaust fumes from such motors.

(d) The master or person in charge of a vessel may, when he deems it necessary for any cause, require the vehicle operator to stop the operation of refrigerating or heating equipment attached to a vehicle while on board the vessel.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interprets or applies sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275)

2. Sections 146.22-1 to 146.22-100, inclusive, and sections 146.23-1 to 146.23-100, inclusive, are amended to read as follows:

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE SOLIDS AND OXIDIZING MATERIALS

Sec.

146.22-1 Definition of inflammable solids and oxidizing materials.
146.22-5 Stowage on board vessels.
146.22-10 Limitation of "On deck" stowage.
146.22-15 Mixed stowages of oxidizing materials.
146.22-20 Stowage of charcoal.
146.22-25 Exemptions for inflammable solids and oxidizing materials.
146.22-30 Authorization to load or discharge ammonium nitrate.
146.22-100 Table E—Classification: Inflammable solids and oxidizing materials.

AUTHORITY: §§ 146.22-1 to 146.22-100 issued under R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275.

§ 146.22-1 *Definition of inflammable solids and oxidizing materials.* An inflammable solid is defined by the I. C. C.

regulations as a solid substance other than one classified as an explosive, which is liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, through spontaneous chemical changes, or as a result of retained heat from the manufacturing or processing. An oxidizing material is defined by the I. C. C. regulations as a substance such as a chlorate, permanganate, peroxide, or a nitrate that yields oxygen readily to stimulate the combustion of organic matter. Such definitions are binding upon all shippers making shipments of inflammable solids and oxidizing materials by any vessel, and shall apply to the owners, charterers, agents, master, or other person in charge of a vessel and to other persons, transporting, carrying, conveying, storing, stowing or using inflammable solids or oxidizing materials on board any vessel subject to R. S. 4472, as amended, and the regulations in this subchapter.

§ 146.22–5 *Stowage on board vessels.* All inflammable solids and oxidizing materials offered for transportation on board vessels shall, when taken on board a vessel, be stowed in accordance with the provisions applying to the particular character of vessel as shown in the tables forming § 146.22–100, and with the detailed regulations of stowage.

§ 146.22–10 *Limitation of "On deck" stowage.* When "On deck in open" stowage is permitted for any substance by § 146.22–100 it shall apply only to the water-tight containers in which such substances are packed.

§ 146.22–15 *Mixed stowages of oxidizing materials.* The stowage of bichromates, chlorates, perchlorates, nitrates, and peroxides with explosives and other dangerous articles or substances shall conform to the following conditions:

(a) These substances shall not be stowed in the same compartment or hold in which explosives are stowed.

(b) These substances shall not be stowed in the same compartment or hold in which acids and other corrosive liquids (white label) are stowed.

(c) These substances shall not be stowed in the same compartment or hold in which inflammable liquids (red label) are stowed.

(d) These substances shall not be stowed in the same compartment in which cotton, sulfur in bulk, or charcoal are stowed, nor shall they be stowed in a hold over or under one in which sulfur in bulk is stowed.

(e) These substances shall not be stowed in proximity to readily combustible materials such as textile products or finely divided substances such as organic powder, etc.

§ 146.22–20 *Stowage of charcoal.* In the stowage of charcoal the following conditions shall be complied with:

(a) Before stowing charcoal the compartment or hold in which the charcoal is to be stowed shall be swept broom clean. Any residue of a former cargo, such as and including products of petroleum, vegetable or animal oils, nitrate, or sulfur, shall be carefully cleaned up and the charcoal protected by clean dunnage from coming in contact with any such residue.

(b) (1) Charcoal packed in bags and offered for transportation aboard vessels in quantities of more than 1 ton shall be so loaded that the bags are laid horizontally and so packed that there will be space for efficient air circulation. If the bags are not compactly filled and closed so as to avoid free space within, dunnage strips shall be laid between the bags both vertically and horizontally. Space for ventilating shall be maintained in the way of bulkheads, the shell of the vessel, the under deck, and the overhead deck.

(2) When stowage space permits, not more than 40 tons of charcoal shall be stowed in any one compartment or hold. If the arrangements of hold space require the stowage of larger tonnage, the arrangement for ventilating should be increased to assure sufficient venting effect.

(c) Broken bags shall be refused and loose material from broken bags accumulating in the hold during loading shall be removed. Bags may be repacked or have new closing means provided and then stowed.

(d) Charcoal "Screenings" packed in bags shall be so stowed as to provide spaces for air circulation between tiers regardless of the quantity being transported.

§ 146.22–25 *Exemptions for inflammable solids and oxidizing materials.* (a) Inflammable solids and oxidizing materials when packed in inside containers of not over 1 pound net weight each, and packed in outside containers not exceeding 25 pounds net weight each, are exempt from specification packaging, marking other than name of contents, and labeling requirements, unless otherwise provided by the regulations in this part.

(b) Inflammable solids and oxidizing materials total weight not over 16 ounces in any outside package, unless otherwise provided by the regulations in this part, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(c) Such limited quantity shipments may be accepted on board all vessels subject to the regulations in this part provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

(d) the provisions of paragraphs (a) and (b) of this section do not extend to shipments of the following inflammable solids and oxidizing materials:

Acetyl benzoyl peroxide, solution.
Bags, nitrate of soda, empty and unwashed.
Benzoyl peroxide.
Burnt cotton.
Calcium chlorite.
Calcium phosphide.
Calcium, metallic, crystalline.
Calcium resinate.
Calcium resinate (fused).
Carbopropoxide, unstabilized.
Charcoal, wood, screenings.
Chlorobenzoyl peroxide ((para).
Coal, ground bituminous, sea coal and coal facings.
Cobalt resinate, precipitated.
Cotton waste, oily.
Fiber, burnt.
Fibers or fabrics, oily.
Fish scrap or fish meal.
Hair, wet.
Iron sponge.
Isopropyl percarbonate, unstabilized.
Lithium hydride.
Lithium metal.
Lithium silicon.
Matches, strike-anywhere.
Motion-picture film (exposed) and motion-picture film scrap (nitrocellulose base).
Motion-picture film, old and worn out (nitrocellulose base).
Paper stock, wet.
Paper waste, wet.
Phosphoric anhydride.
Phosphorus, amorphous, red.
Phosphorus pentachloride.
Phosphorus sesquisulfide.
Phosphorus, white or yellow.
Photographic film scrap.
Picric acid, wet, exceeding 16 ounces.
Potassium, metallic, and potassium, metallic liquid alloy.
Potassium peroxide.
Pyroxylin plastic scrap.
Rags, oily.
Rags, wet.
Sodium amide.
Sodium chlorite.
Sodium hydride.
Sodium, metallic, and sodium, metallic liquid alloy.
Sodium metallic, dispersion in organic solvent.
Sodium peroxide.
Sodium picramate.
Spent iron mass or spent iron sponge.
Spent oxide.
Tankage, garbage, tankage, fertilizers.
Tankages, rough ammoniate.
Tetranitromethane.
Textile waste, wet.
Thorium metal, powdered.
Titanium metal powder, wet.
Urea nitrate, wet, over 16 ounces.
Wool waste, wet.
X-ray film (exposed) and X-ray film scrap (nitrocellulose base).
Zinc ammonium nitrite.
Zirconium metallic, dry, wet or sludge.
Zirconium picramate.

§ 146.22–30 *Authorization to load or discharge ammonium nitrate.* (a) Shipments of ammonium nitrate or ammonium nitrate fertilizer in amounts exceeding 500 pounds shall not be laden on or discharged from any vessel at any point or place in the United States, its territories or possessions, not including the Panama Canal Zone, until authorization for such loading or discharging has been obtained by the owner, agent, charterer, master, or person in charge of the vessel from the District Commander or other officer of the United States Coast Guard designated by the Commandant of the United States Coast Guard for such purpose.

(b) Before such permit is issued the District Commander shall ascertain where it is proposed to load or unload the ammonium nitrate or ammonium nitrate fertilizer. If the District Commander finds that the proposed facility at which the vessel is to load or unload is in a congested area of the port, he shall withhold the issuance of a permit until the vessel secures the use of a facility in an area so remotely situated from populous centers that in the event of fire or explosions, loss of lives and property may be minimized. When the District Commander finds that the proposed facility is in a remote area, he is directed to make the use of such a facility a condition of the permit. The District Commander shall in the issuance of the permit observe the provision of § 146.01–12.

§ 146.22–100 *Table E—Classification: Inflammable solids and oxidizing materials.*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetyl benzoyl peroxide, solution (*solution must not contain more than 45% by weight of the peroxide in a nonsolutile solvent*).	*Solution of an organic peroxide in a nonsolutile solvent. Clear, colorless liquid with sharp odor.* *Burns very rapidly with accelerating intensity when ignited.* Do not stow with combustible materials, explosives or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC–12B) WIC, not over 1 gal. cap. Not permitted.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC–12B) WIC, not over 1 gal. cap. Not permitted.	Ferry stowage (BB). Outside containers: Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC–12B) WIC, not over 1 gal. cap. Not permitted.	Ferry stowage (BB). Outside containers: Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC–12B) WIC, not over 1 gal. cap. Not permitted. No other restrictions.
Acetyl benzoyl peroxide, solid.						
Acetyl peroxide, solution (*solution must not contain more than 25% by weight of the peroxide in a nonsolutile solvent*).	*Solution of an organic peroxide in a nonsolutile solvent. Clear, colorless liquid.* Do not stow with combustible materials, explosives, or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC–12B) WIC, not over 1 gal. cap. Not permitted. No other restrictions.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC–12B) WIC, not over 1 gal. cap. Not permitted. No other restrictions.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 800 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37D, 37E, 37P) not over 55 gal. cap. and not exceeding 800 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 800 lb. gr. wt. (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 1 gal. cap. Not permitted. No other restrictions.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 800 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37D, 37E, 37P) not over 55 gal. cap. and not exceeding 800 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 800 lb. gr. wt. (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 1 gal. cap. Not permitted. No other restrictions.
Acetyl peroxide, solid.						
Aluminum litosi.	*Inorganic gray lumps, easily ignited by friction.* *Will burn in water.*	No label required.				
Ammonium bichromate.	*Orange-red odorless crystals.*<br*Will render organic substances easily inflammable.* *Do not breathe air laden with dust of this material.* Separate from acids. Do not stow with acids (white label) or combustible materials. Stow well away from living quarters and foodstuffs.	Yellow	Stowage: "On deck protected." "On deck under cover." "On deck in open." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 800 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37D, 37E, 37P) not over 55 gal. cap. and not exceeding 800 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 800 lb. gr. wt. (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 1 gal. cap. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) W.IMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "On deck in open." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 800 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37D, 37E, 37P) not over 55 gal. cap. and not exceeding 800 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 800 lb. gr. wt. (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 1 gal. cap. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) W.IMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 800 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37D, 37E, 37P) not over 55 gal. cap. and not exceeding 800 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 800 lb. gr. wt. (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 1 gal. cap. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) W.IMC, not over 220 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ammonium picrate, wet (*when wet with not less than 10% of water and in a quantity not exceeding 15 ounces in one outside package*).	*In accepting shipments, observe outside containers carefully for signs of leakage. Refuse packages showing leakage or signs of having leaked.*	No label required	May be packed and shipped as "Drugs, chemicals, medicines or cosmetics", which see.	May be packed and shipped as "Drugs, chemicals, medicines or cosmetics", which see.	May be packed and shipped as "Drugs, chemicals, medicines or cosmetics", which see.	May be packed and shipped as "Drugs, chemicals, medicines or cosmetics", which see.
Bags, nitrate of soda, empty and unwashed.	*Burlap or other fiber bags used for shipment of nitrate of soda. Very inflammable due to impregnation with nitrate.* Do not stow in same compartment with explosives, inflammable liquids (red label), combustible liquids or combustible materials.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 400 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Barium peroxide (*binoxide, dioxide*).	*A heavy grayish-white powder. Mixed with organic material or finely divided metals, it is dangerously inflammable and may be ignited by friction or may cause spontaneous ignition of such material. Poisonous if taken internally. Insoluble in water.* Stow away from foodstuffs. Do not stow with combustible materials, explosives, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 880 lb. gr. wt. (ICC-6B, 6C) not over 1,400 lb. net wt. (ICC-17E, 17H, 37D) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 880 lb. gr. wt. (ICC-6B, 6C) not over 1400 lb. net wt. (ICC-17E, 17H, 37D) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 880 lb. gr. wt. (ICC-6B, 6C) not over 1400 lb. net wt. (ICC-17E, 17H, 37D) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt.
Benzoyl peroxide, dry	*Granular forms are highly inflammable. Strong supporters of combustion. Insoluble in water.* Keep cool and dry. Do not stow with combustible materials, explosives, or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes, (ICC-15A, 15B) WIC, not over 50 lb. net wt.	Stowage: "On deck under cover." Outside containers: Wooden boxes, (ICC-15A, 15B) WIC, not over 50 lb. net wt.	Ferry stowage (AA) Outside containers: Wooden boxes, (ICC-15A, 15B) WIC, not over 50 lb. net wt.	Ferry stowage (BB). Outside containers: Wooden boxes, (ICC-15A, 15B) WIC, not over 50 lb. net wt.
Benzoyl peroxide, wet (*when wet with not less than 30% by weight of water*).	*A light, finely divided white crystalline powder. In dry condition burns almost as rapidly as nitrocellulose.*	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers Wooden boxes, (ICC-15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Wooden boxes, (ICC-15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes, (ICC-15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes, (ICC-15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Shipping containers must have marked thereon the gross tare and net weight of the package.	When in powdered or crystalline form must be wet with at least 30% by weight of water. Check gross weight of container to ascertain if leakage has occurred. Reject leaking containers or ones that show signs of having leaked.					
Burnt cotton (not repicked): The originating bill of lading or other shipping paper must bear the shipper's certifying statement that the bales of cotton have not shown evidence of fire for a period of ten days. NOTE: When burnt cotton is repicked and rebaled it is not subject to this regulation and may be shipped as "Cotton."	*Cotton that has been on fire and from which the burnt portions have not been removed by repicking. The principal hazard is that the fire may rekindle.*	Yellow	Stowage: "On deck protected." "On deck in open." Outside containers Not permitted unless securely baled.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Calcium chlorite	*A strong oxidizing material in the form of crystals or crystalline powder. Mixed with organic material or finely divided metals it is dangerously ignitible and may be ignited by friction or may cause spontaneous ignition of such material. Soluble in water.* Do not stow with charcoal, sulfur, sugar, flour, and similar finely divided substances. Do not stow in same compartment with explosives, acids (white label), inflammable liquids (red label) or combustible materials. Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Under deck, but not overstowed." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D) STC, not over 55 gal. cap. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 pounds gr. wt.	Not permitted	Not permitted	Not permitted.
Calcium hypochlorite compounds, dry, containing more than 8.80% available oxygen (39% available chlorine). Lithium hypochlorite compounds, dry, containing more than 8.8% available oxygen (39% available chlorine).	*White powder. Decomposed by moisture. If exposed to excessive heat, or to the rays of the sun, it may decompose spontaneously evolving vapor with sufficient pressure to rupture container. The vapors from ruptured containers have been known to ignite spontaneously. When exposed it gives off pungent vapors (chlorine) that are corrosive. May destroy textiles.* Do not stow in the same compartment with corrosive liquids (white label) nor with turpentine. Stow well away from foodstuffs, living quarters, and all sources of artificial heat. Keep dry and cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck, but not overstowed." Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Strong wooden or fiberboard packages with inside metal containers not over 5 lb. cap. each. Outside wooden containers not to exceed 150 lb. gross weight and outside fiberboard containers not to exceed 65 lb. gross weight.
Calcium, metallic	*A highly inflammable solid in the form of gray, hard lumps with a lustrous silver-white surface when freshly cut. Decomposes water with evolution of hydrogen.* Do not stow with explosives, inflammable liquids (red label) or acids (white label). Stow in a well ventilated compartment. Keep dry and cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 50 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Calcium, metallic, crystalline.	*A highly inflammable solid in the metallic crystalline form.* *Decomposes water with evolution of hydrogen.* Do not stow with explosives, inflammable liquids (red label) or acids (white label). Stow in a well ventilated compartment. Keep dry and cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B) WIMC, not over 250 lb. gr. wt. Metal barrels or drums (ICC-6A, 6B, 6C) not over 350 lb. gr. wt. Metal drums (ICC-17C) STC, not over 350 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Calcium peroxide	*White to yellowish, odorless powder.* *Strong oxidizing agent.* *Decomposes on exposure to moist air.* *With acids forms hydrogen peroxide.* *Slightly soluble in water.* Do not stow with explosives, combustible materials, or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 880 lb. gr. wt. (ICC-6B, 6C) not over 1400 lb. net wt. (ICC-17E, 17H, 37D) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 880 lb. gr. wt. (ICC-6B, 6C) not over 1400 lb. net wt. (ICC-17E, 17H, 37D) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 880 lb. gr. wt. (ICC-6B, 6C) not over 1400 lb. net wt. (ICC-17E, 17H, 37D) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt.
Calcium phosphide	*Solid gray lumps* *Decomposes on contact with water or damp air, generating hydrogen phosphide, a spontaneously inflammable and poisonous gas.* Do not stow over holds containing explosives or inflammable liquids. Do not stow in same compartment with compressed gases, inflammable liquids (red label) or acids (white label). Keep absolutely dry.	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-6A, 6B, 6C) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes (ICC-15A, 15B) lined with metal and with hermetically sealed inside containers, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Calcium resinate	*Fine white powder with odor resembling rosin.* *Tends to heat spontaneously unless very carefully processed.* *Insoluble in water.* Do not stow with explosives, combustible materials, or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F, 37G) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B) with airtight metal inside containers, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Calcium resinate, fused	*Brownish colored lumps with odor resembling rosin.* *When lumps become broken into dust, tend to heat spontaneously.* *Insoluble in water.* Do not stow with explosives, combustible materials or acids (white label).	Yellow.				
Cobalt resinate, precipitated.	*Fine, brownish powder, with odor resembling rosin.* *Tends to heat spontaneously and ignite when exposed to air.* *Insoluble in water.* Do not stow with explosives, combustible materials, or acids (white label).	Yellow.				

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Caprylyl peroxide solution.	*Straw-colored liquid with sharp odor.* *Burns extremely rapidly when ignited, even by external flame.* *Decomposes suddenly at about 194° F.* *Immiscible with water.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 1 gal. cap.	Not permitted	Not permitted	Not permitted.
Charcoal: The following requirement applies to shipments of all forms of charcoal: The originating bill of lading or other shipping paper shall bear the shipper's certifying statement that the charcoal is described by its proper shipping name as shown herein; conforms in all other respects to all of the applicable requirements as set forth in these regulations; and that the material has been prepared and packed under the conditions as set forth in the current I. C. C. regulations governing the substance.	*Charcoal is an artificial carbon obtained by incomplete combustion of substances such as wood, bone, nut shell, vegetable or animal matter. It is shipped in the form of fine, very light, black powder, or in heavy grains or lumps or sticks.* *Case hardening compounds are usually wood charcoal together with such energizers as sodium or barium carbonates, cyanides, etc.* Do not stow in the same compartment with explosives, inflammable liquids (red label), oxidizing materials (yellow label) or acids (white label), nor with oils or greases. Do not accept charcoal that shows signs of heat. Require a certifying statement from the shipper that the charcoal has been exposed to the air for the required period of time before shipping. Keep cool and dry.					
Charcoal activated Carbon activated.	*A more or less pure, powdered or granulated form of charcoal characterized by high absorptive capacity.*	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes, not more than 4 bu. cap. Wooden barrels or kegs, WIC, wooden boxes WIC, not over 200 lb. gr. wt. Fiberboard boxes WIC, not over 65 lb. gr. wt. Siftproof paper bags or paperlined burlap (jute) bags, not more than 2½ bu. cap.	Not permitted	Ferry stowage (AA) Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes, not more than 4 bu. cap. Wooden barrels or kegs, WIC, wooden boxes WIC, not over 200 lb. gr. wt. Fiberboard boxes WIC, not over 65 lb. gr. wt. Siftproof paper bags or paperlined burlap (jute) bags, not more than 2½ bu. cap.	Ferry stowage (BB). Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes, not more than 4 bu. cap. Wooden barrels or kegs, WIC, wooden boxes WIC, not over 200 lb. gr. wt. Fiberboard boxes WIC, not over 65 lb. gr. wt. Siftproof paper bags or paperlined burlap (jute) bags, not more than 2½ bu. cap.
Charcoal briquettes	*Briquettes made from wood charcoal with starch and water or tar for a binder.* *Such prepared charcoal no longer retains its fiery tendency, the pores being obstructed by the added material.*	No label required.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes. Unlined burlap (jute) bags, strong, unlined cotton bags, not more than 4 bu. cap. Paper-lined burlap (jute) bags, paper bags, not more than 2½ bu. cap. NOTE: Charcoal briquets may also be accepted in bulk on board cargo vessels.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes. Unlined burlap (jute) bags, strong, unlined cotton bags, not more than 4 bu. cap. Paper-lined burlap (jute) bags, paper bags, not more than 2½ bu. cap.	Ferry stowage (AA) Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes. Unlined burlap (jute) bags, strong, unlined cotton bags, not more than 4 bu. cap. Paper-lined burlap (jute) bags, paper bags, not more than 2½ bu. cap. NOTE: Charcoal briquettes may also be accepted in bulk in highway vehicles which show no signs of sifting.	Ferry stowage (BB). Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes. Unlined burlap (jute) bags, strong, unlined cotton bags, not more than 4 bu. cap. Paper-lined burlap (jute) bags, paper bags, not more than 2½ bu. cap. NOTE: Charcoal briquettes may also be accepted in bulk in railroad freight cars or highway vehicles which show no signs of sifting.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Charcoal screenings made from "pinon" wood.	*Charcoal screenings consist of small pieces of charcoal varying from about ¼ inch in the maximum dimension to grains of dust.*	No label required.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers:* Unlined burlap (jute) bags; strong, unlined cotton bags, not more than 4 bu. cap. *NOTE: Screenings made from pine wood charcoal must not be accepted for transportation unless the shipper certifies that the screenings have been stored in a dry place in loosely piled bags; freely exposed to the air for not less than 5 days after separation from the lump before shipment.	Not permitted	Ferry stowage (AA) Outside containers:* Unlined burlap (jute) bags; strong, unlined cotton bags, not more than 4 bu. cap. *NOTE: Screenings made from pine wood charcoal must not be accepted for transportation unless the shipper certifies that the screenings have been stored in a dry place in loosely piled bags; freely exposed to the air, for not less than 5 days after separation from the lump before shipment.	Ferry stowage (BB). Outside containers:* Unlined burlap (jute) bags; strong, unlined cotton bags, not more than 4 bu. cap. *NOTE: Screenings made from pine wood charcoal must not be accepted for transportation unless the shipper certifies that the screenings have been stored in a dry place in loosely piled bags; freely exposed to the air, for not less than 5 days after separation from the lump before shipment.
Charcoal, wood screenings, *other than "Pinon" wood screenings.*	*Small pieces or dust*	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers:* Unlined burlap (jute) bags; strong, unlined cotton bags; not more than 4 bu. cap. *NOTE: Charcoal, wood screenings, other than pine wood screenings must not be accepted for transportation unless the shipper certifies that the screenings have been stored in a dry place in loosely piled bags, freely exposed to the air, for not less than twenty (20) days after separation from the lump before shipment.	Not permitted	Ferry stowage (AA) Outside containers:* Unlined burlap (jute) bags; strong, unlined cotton bags; not more than 4 bu. cap. *NOTE: Charcoal, wood screenings, other than pine wood screenings must not be accepted for transportation unless the shipper certifies that the screenings have been stored in a dry place in loosely piled bags, freely exposed to the air, for not less than twenty (20) days after separation from the lump before shipment.	Ferry stowage (BB). Outside containers:* Unlined burlap (jute) bags; strong, unlined cotton bags; not more than 4 bu. cap. *NOTE: Charcoal, wood screenings, other than pine wood screenings must not be accepted for transportation unless the shipper certifies that the screenings have been stored in a dry place in loosely piled bags, freely exposed to the air, for not less than twenty (20) days after separation from the lump before shipment.
Charcoal screenings, wet (wet charcoal screenings are not permitted transportation or storage on board any vessel).	*Charcoal screenings from wet charcoal, or wet screenings, or screenings which have been wetted since manufacture and not dried and exposed to the air for the required period of time.*		Not permitted	Not permitted	Not permitted	Not permitted.
Charcoal, shell	*Charcoal made from cocoanut shells, walnut shells, corn cobs, peach pits or similar materials.*	No label required.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes; unlined burlap (jute) bags; not more than 4 bu. cap. Paper-lined burlap (jute) bags; paper bags, not more than 2½ bu. cap.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes; unlined burlap (jute) bags; not more than 4 bu. cap. Paper-lined burlap (jute) bags; paper bags, not more than 2½ bu. cap.	Ferry stowage (AA) Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes; unlined burlap (jute) bags; not more than 4 bu. cap. Paper-lined burlap (jute) bags; paper bags, not more than 2½ bu. cap.	Ferry stowage (BB). Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes; unlined burlap (jute) bags; not more than 4 bu. cap. Paper-lined burlap (jute) bags; paper bags, not more than 2½ bu. cap. In bulk in tight railroad freight cars or highway vehicles which show no signs of sifting.
Charcoal, wet (wet charcoal is not permitted transportation or storage on board any vessel)	*Charcoal in any form, that is wet or that has been wetted since manufacture and not dried and exposed to the air for the required period of time.*		Not permitted	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Charcoal, wood, crushed, granulated, ground or pulverized	*Crushed, granulated, ground or pulverized charcoal is prepared from either lump charcoal or charcoal screenings.*	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes, not more than 4 bu. cap. Wooden barrels or kegs WIC, wooden boxes WIC, not over 200 lb. gr. wt. Fiberboard boxes WIC, not over 65 lb. gr. wt. Siftproof paper bags or paper-lined burlap (jute) bags, not more than 2½ bu. cap.	Not permitted	Ferry stowage (AA) Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes, not more than 4 bu. cap. Wooden barrels or kegs WIC, wooden boxes WIC, not over 200 lb. gr. wt. Fiberboard boxes WIC, not over 65 lb. gr. wt. Siftproof paper bags or paper-lined burlap (jute) bags, not more than 2½ bu. cap.	Ferry stowage (BB). Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes, not more than 4 bu. cap. Wooden barrels or kegs WIC, wooden boxes WIC, not over 200 lb. gr. wt. Fiberboard boxes WIC, not over 65 lb. gr. wt. Siftproof paper bags or paper lined burlap (jute) bags, not more than 2½ bu. cap.
Charcoal, wood, lump (lump wood charcoal must be dry and free from screenings and brands).	*Lump wood charcoal free from screenings.*	No label required.	Stowage: "On deck protected." "On deck under cover." "Tween deck readily accessible." "Under deck away from heat." Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes, unlined burlap (jute) bags, strong, unlined cotton bags, not more than 4 bu. cap. Paper-lined burlap (jute) bags, paper bags, not more than 2½ bu. cap.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes, unlined burlap (jute) bags, strong, unlined cotton bags, not more than 4 bu. cap. Paper-lined burlap (jute) bags, paper bags, not more than 2½ bu. cap.	Ferry stowage (AA) Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes, unlined burlap (jute) bags, strong, unlined cotton bags, not more than 4 bu. cap. Paper-lined burlap (jute) bags, paper bags, not more than 2½ bu. cap. May also be accepted in bulk in tight highway vehicles which show no signs of sifting.	Ferry stowage (BB). Outside containers: Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes, unlined burlap (jute) bags, strong, unlined cotton bags, not more than 4 bu. cap. Paper-lined burlap (jute) bags, paper bags, not moro than 2½ bu. cap. May also be accepted in bulk in tight railroad freight cars or highway vehicles which show no signs of sifting.
Chlorates Barium chlorate. Calcium chlorate. Chlorates, N. O. S. Potassium chlorate. Chlorate of potash. Sodium chlorate. Chlorate of soda. Strontium chlorate. Zinc chlorate.	*Chlorates are in the form of colorless crystals or the powder thereof and are strong oxidizing agents.* *Chlorates mixed with organic matter form very inflammable compositions, and frequently act as high explosives when mixed with finely divided organic material or finely divided metals.* *Mixtures of chlorates with organic matter or finely divided materials may be ignited by friction.* *All chlorates when brought in contact with sulfuric acid are liable to cause fire or explosion.* *Chlorates mixed with ammonium salts are liable to spontaneous decomposition and ignition.* *Soluble in water.* Chlorates should not be stowed in the same compartment with explosives, acids (white label), inflammable liquids (red label) or combustible materials such as cotton, charcoal, sulfur, etc.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible" Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37D, 37E, 37F) STC, must be at least 24 gauge metal throughout, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs (ICC–11A, 11B), WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B), WIC, not over 25 lb. net wt. Fiber drums (ICC–21A, 21B), WIMC, not over 220 lb. gr. wt. Plywood drums (ICC–22A, 22B) WIMC, not over 220 lb. gr. wt. Authorized only for chlorate of soda: Tank cars (ICC–103, 103W).	Not permitted	Not permitted	Not permitted.
Chlorates, wet Barium chlorate, wet. Chlorates, N. O. S. wet. Strontium chlorate, wet.	*Chlorates wet with 10% or more of water, equally distributed therein.*	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Tank cars (ICC–103, 103W).	Not permitted	Not permitted	Ferry stowage (BB). Outside containers: Tank cars (ICC–103, 103W).

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chlorate and borate mixtures. Chlorate and magnesium chloride mixtures. NOTE: Such mixtures containing less than 25% chlorate are not subject to these regulations.	*Mixtures of chlorates and borates or magnesium chloride in varying proportions containing no other ingredient.*	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Mixtures containing more than 50% chlorate may be accepted in: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) not over 50 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 25 lb. net wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC-22A, 22B), WIMC, not over 220 lb. gr. wt. Mixtures containing more than 25% chlorate but less than 50% may also be accepted in: Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIL, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B) WIL, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums (ICC-22A) not over 220 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Chlorobenzoyl peroxide (para), dry.	*White, odorless powder. Decomposes with some violence at about 171° C.*	Yellow	Stowage: "On deck protected." "On deck under cover."	Stowage: "On deck under cover."	Ferry stowage (AA)	Ferry stowage (BB).
Chlorobenzoyl peroxide (para), wet (*when wet with not less than 30% by weight of water*). Shipping containers must have marked thereon the gross tare and net weight of the package.	*Can be ignited by external flame and when so ignited burns extremely rapidly.* *Insoluble in water.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry. *White odorless powder. In dry condition burns rapidly.* When in powdered or crystalline form must be wet with at least 30% by weight of water. Check gross weight of container to ascertain if leakage has occurred. Reject leaking containers or ones that show signs of having leaked.	Yellow	Outside containers: Wooden boxes (ICC-15A, 15B), WIC, not over 50 lb. net wt. Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 15C,) WIMC, not over 200 lb. gr. wt.	Outside containers: Wooden boxes (ICC-15A, 15B), WIC, not over 50 lb. net wt. Stowage: "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C), WIMC, not over 200 lb. gr. wt.	Outside containers: Wooden boxes (ICC-15A, 15B), WIC, not over 50 lb. net wt. Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 15C), WIMC, not over 200 lb. gr. wt.	Outside containers: Wooden boxes (ICC-15A, 15B), WIC, not over 50 lb. net wt. Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 15), WIMC, not over 200 lb. gr. wt.
Chromic acid	*An oxidizing material in the form of reddish-brown crystals. Vapor or dust given off by this substance is poisonous by absorption through the skin, the mucous membrane, or through respiratory organs. Mixed with organic material it produces heat and frequently causes fire. Storage with alcohol and acetic acid are dangerous, as contact with these substances may cause explosion. Soluble in water.* Do not stow in same compartment with explosives, inflammable liquids (red label), acids (white label), or combustible materials.	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.	Stowage: "On deck protected." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes, (ICC-15A, 15B) WIC, not over 250 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden boxes, (ICC-15A, 15B) WIC, not over 250 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Coal facings Ground bituminous coal. Sea coal.	*Coal facings (foundry facing) is a term applied to ground or pulverized coal used in foundries in preparation of the molds. Ground bituminous coal is the name applied to bituminous coal that has been finely ground or pulverized for use as fuel. Sea coal is a term of Scottish origin, originally applied to coal mined at seaboard or from under the sea and in this country today is applied to differentiate between bituminous coal (soft coal) and anthracite coal. Ground bituminous coal and foundry facings are sometimes termed "Sea Coal." Coal in this form is liable to spontaneous heating under favorable conditions, especially if of high sulfur content. By storing the more finely ground material for some days after grinding before shipment, spontaneous heating is greatly reduced.*	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Hermetically sealed metal-lined wooden boxes. Airtight metal containers, not over 300 lb. gr. wt.	Not permitted	Not permitted	Ferry stowage (BB). Outside containers: Hermetically sealed metal-lined wooden boxes. Airtight metal containers, not over 300 lb. gr. wt.
Cotton waste, oily (*with more than 5% animal or vegetable oil*). Fibers or fabrics, with animal or vegetable oil. Rags, oily.	*Fibers of vegetable or animal origin impregnated with more than 5% of animal or vegetable oil. Includes oiled or treated paper or textiles not manufactured into finished articles.*	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Hermetically sealed metal-lined wooden boxes or air-tight metal containers.	Not permitted	Not permitted	Ferry stowage (BB). Outside containers: Hermetically sealed metal-lined wooden boxes or air-tight metal containers.
Cumene hydroperoxide (*strength not exceeding 75% in a nonvolatile solvent*). Tertiary butylisopropyl benzene hydroperoxide (*strength not exceeding 60% in a non-volatile solvent.*) See "Cumene hydroperoxide" for containers and stowage.	*Organic peroxide shipped in a nonvolatile solvent. Solution is combustible.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-17E) STC, with interiors so treated that they will be resistant to the contents. Not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Drugs, chemicals, medicines, or cosmetics, N. O. S. When packed in accordance with ICC requirements for the particular substance, and separated and cushioned by incombustible absorbent material when the characteristics of the substance so require. (See §146.22-25 for exemptions.)	*A unit substance or a compound classified as an inflammable solid or an oxidizing material in accordance with the definitions contained herein, when prepared, packed and offered to the trade as drugs, chemicals, medicines, or cosmetics.*	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F), STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F), STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F), STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F), STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Fiber, burnt	*Fibers of vegetable or animal origin that have been involved in a fire.*	Yellow	Stowage: "On deck in open." Outside containers: Hermetically sealed metal-lined wooden boxes or airtight metal containers.	Not permitted	Not permitted	Ferry stowage (BB). Outside containers: Hermetically sealed metal-lined wooden boxes or airtight metal containers. Ferry stowage (BB).
Fish scrap or fish meal (*containing less than 6% or more than 12% moisture*).	*Fish scrap or fish meal consists of ground and dried fish residue. Liable to spontaneous heating, and ignition.*	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Airtight metal containers.	Not permitted	Ferry stowage (AA)	Outside containers: Airtight metal containers. Ferry stowage (BB).
Hair, wet	*Hair that has been wetted by rain or other moisture. Liable to spontaneous heating.*	Yellow	Stowage: "On deck in open." "On deck protected." "On deck under cover" "Tween decks." Outside containers: Tight metal barrels or drums, not over 1760 lb. gr. wt.		Outside containers: Highway vehicles having metal bodies. Ferry stowage (AA)	Outside containers: Gondola cars. Ferry stowage (BB)
Inflammable solids, N. O. S. Flammable solids, N. O. S.	*May be any substance classifying as an inflammable solid in accordance with the definitions contained in these regulations, provided such inflammable solid is not otherwise specified by name in these regulations.* Stow separate from all combustible materials, explosives, inflammable liquids (red label), or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC–11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt.	Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt. Ferry stowage (BB).
Iron sponge *not properly oxidized.* (When properly prepared and shipped in metal containers it is not subject to these regulations)	*Iron sponge or iron mass that has not been properly oxidized during manufacture which is liable to spontaneous heating and ignition.* Stow separate from all combustible materials, explosives, inflammable liquids (red label), or acids (white label).	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Hermetically sealed metal-lined wooden boxes. Airtight metal containers.	Not permitted	Outside containers: Hermetically sealed metal-lined wooden boxes. Airtight metal containers.	Outside containers: Hermetically sealed metal-lined wooden boxes. Airtight metal containers.
Iron mass, spent. Iron sponge, spent. Spent oxide.	*Iron sponge or mass after saturation with sulfur, when used in gas purification, is liable to spontaneous heating and ignition if stowed in deep piles.*	No label required.	After exposure to air for a period of not less than 10 days it may be accepted for transportation in bulk in all steel barges having open holds.	Not permitted	Not permitted	Not permitted.
Isopropyl percarbonate, unstabilized.	No marking required.	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lacquer base, or lacquer chips, dry (nitrocellulose base).	*Lacquer chips are composed of nitrocellulose incorporated with a plasticizer and in the form of thin irregular-shaped pieces. Such chips are the film-forming part of lacquer which remains after the solvents or thinners have evaporated. Involved in a fire the products of decomposition, if inhaled, are irritating and poisonous even in small concentrations.* Provide cool stowage as in a compartment having a temperature of not exceeding 100° F., well away from any source of heat, or in position to protect or move, even to jettisoning in event of fire. Do not stow in same compartment with explosives, inflammable liquids (red label), other inflammable solids or oxidizing materials (yellow label) or acids (white label).	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIMC, not over 250 lb. gr. wt. Fiber drums (ICC–21A, 21B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIMC, not over 250 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
Lauroyl peroxide, dry	*White, coarse powder; tasteless, faint pungent odor. Strong supporter of combustion. Readily ignited, burns rapidly. Insoluble in water.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck under cover." "On deck protected." Outside containers: Wooden boxes, (ICC–15A, 15B) WIC, not over 100 lb. net wt. Fiber drums (ICC–21A, 21B) not over 100 lb. net wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Wooden boxes, (ICC–15A, 15B) WIC, not over 100 lb. net wt. Fiber drums (ICC–21A, 21B) not over 100 lbs. net wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes, (ICC–15A, 15B) WIC, not over 100 lb. net wt. Fiber drums (ICC–21A, 21B) not over 100 lb. net wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes, (ICC–15A, 15B) WIC, not over 100 lb. net wt. Fiber drums (ICC–21A, 21B) not over 100 lb. net wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt.
Lauroyl peroxide, wet (*when wet with not less than 30% by weight of water*). Shipping containers shall have marked thereon the gross, tare, and net weight of package.	*White coarse powder. In dry condition it burns rapidly.* When in powdered or crystalline form, must be wet with at least 30% by weight of water. Check gross weight of container to ascertain if leakage has occurred. Reject leaking containers or ones that show signs of having leaked.	Yellow	Stowage: "On deck under cover." "On deck protected." "Tween decks readily accessible." Outside containers: Wooden boxes, (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Wooden boxes, (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes, (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.	Ferry stowage (BB) Outside containers: Wooden boxes, (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Lithium amide, powdered.	*Gray, finely-divided powder having an odor resembling ammonia. Develops heat in contact with moisture.* Do not stow with explosives, inflammable liquids (red label), or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck under cover." "On deck protected." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC–11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC–21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC–22B) WIMC, not over 220 lb. gr. wt.	Not permitted	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC–11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC–21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC–22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC–11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC–21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC–22B) WIMC, not over 220 lb. gr. wt

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lithium hydride	*Odorless, gray lumps or powder. Combustible, burns quietly. Evolves gas when in contact with moisture. The gas forms inflammable mixture with air, over a wide range.* Do not stow with explosives, inflammable liquids (red label), or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6, 6B, 6C) not over 110 gal. cap. Wooden boxes (ICC–15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt. Lithium metal immersed in neutral oil may be accepted in: Wooden boxes (ICC–15A, 15B) WIMC or 37D, STC, not over 30 lb. net wt. Lithium metal in cartridges not exceeding 18 grams net weight each may be accepted in: Strong outside containers, not over 1 lb. net wt. of lithium metal. Lithium metal in cartridges containing more than 18 grams, but not more than 120 grams of lithium must be packed in: Wooden boxes (ICC–15A, 15B) WIMC, not over 75 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Lithium metal	*Very light, soft metal. Burns with intense white flame. Reacts readily with moisture to evolve an inflammable gas.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry.	Yellow.				
Lithium silicon	*Black, shiny lumps, or powder with sharp irritating odor. Reacts readily with water to evolve an inflammable gas. Under certain conditions enough heat is generated to ignite the gas mixture in air.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry.	Yellow.				
Lithium peroxide	*Light practically odorless, straw-colored powder. Reacts readily with water to form the hydrate. Mixed with combustible organic materials it may be ignited by mild friction.* Do not stow with explosives, combustible materials, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37D, 37E, 37F), STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37D, 37E, 37F), STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37D, 37E, 37F), STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC–17E, 17H, 37D, 37E, 37F), STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Magnesium metallic, powder.	*A white metal, in the form of powder. It is highly inflammable, burning with intense heat and light. In contact with water or acids it develops hydrogen gas (which is highly explosive over a wide range.)* Do not stow with inflammable liquids (red label) or acids (white label) Keep dry.	Yellow	Stowage: "On deck protected." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Magnesium peroxide, solid.	*White, powdery substance. Decomposes on heating. Insoluble in water; gradually decomposed by it with liberation of oxygen.* Stow separate from all combustible materials, explosives, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.
Magnesium scrap (*borings, chunks, clippings, sharings, sheets, or turnings*).	*Sharings, borings, turnings or other small pieces of metallic magnesium other than powder.* Do not stow with inflammable liquids (red label) or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Tightly and securely closed metal barrels, wooden barrels, or metal pails. Magnesium scrap consisting of chunks, clippings, or sheets: ~~Tightly closed boxcars.~~ Tightly closed gondola cars. NOTE: Magnesium scrap consisting of chunks, clippings, or sheets in tightly and securely closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking other than name of contents, and labeling requirements.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Matches, strike-anywhere. Matches, block.	*Strike-anywhere and block matches are those for the ignition of which a prepared surface is not required.*	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible."	Stowage: "On deck under cover."	Ferry stowage (AA)	Ferry stowage (BB).
(The originating bill of lading or other shipping paper shall bear the shipper's certifying statement that these matches have been packed in accordance with the conditions set forth in the current ICC regulations.)	Stow well away from living quarters and foodstuffs. Do not stow in same compartment with explosives, inflammable liquids (red label), inflammable solids or oxidizing materials (yellow label).		Outside containers: Wooden boxes (ICC–15A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 60 lb. gr. wt.	Outside containers: Wooden boxes (ICC–15A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 60 lb. gr. wt.	Outside containers: Wooden boxes (ICC–15A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 60 lb. gr. wt.	Outside containers: Wooden boxes (ICC–15A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC–12B, 12C) WIC, not over 60 lb. gr. wt.
			NOTE: The vessel operator shall not accept shipments of strike-anywhere matches unless the outside container shows, in English, the name of the importer, distributor, or manufacturer and the brand or trade mark under which such matches are manufactured and distributed to the trade; and in addition and separate therefrom shall have plainly marked thereon the words "Strike-anywhere matches."	NOTE: The vessel operator shall not accept shipments of strike-anywhere matches unless the outside container shows, in English, the name of the importer, distributor, or manufacturer and the brand or trade mark under which such matches are manufactured and distributed to the trade; and in addition and separate therefrom shall have plainly marked thereon the words "Strike-anywhere matches."	NOTE: The vessel operator shall not accept shipments of strike-anywhere matches unless the outside container shows, in English, the name of the importer, distributor, or manufacturer and the brand or trade mark under which such matches are manufactured and distributed to the trade; and in addition and separate therefrom shall have plainly marked thereon the words "Strike-anywhere matches."	NOTE: The vessel operator shall not accept shipments of strike-anywhere matches unless the outside container shows, in English, the name of the importer, distributor, or manufacturer and the brand or trade mark under which such matches are manufactured and distributed to the trade; and in addition and separate therefrom shall have plainly marked thereon the words "Strike-anywhere matches."
Matches, book. Matches, card.	*Matches intended to be ignited on a prepared surface only and which may be stitched in or fastened to a cover or folder, or prepared match strips not so attached or covered.* Each outside container will be marked "Book matches" or "Card matches" as the case may be.	No label required.	Matches, strike-on-box, book and card, in outside fiberboard or wooden boxes, or matches strike-on-box, book and card when packed with noninflammable articles provided they are included in a tightly closed cardboard or fiberboard container, or are securely wrapped and packed so as to prevent accidental ignition before being placed in the outside containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements.	Matches, strike-on-box, book and card, in outside fiberboard or wooden boxes, or matches strike-on-box, book and card when packed with noninflammable articles provided they are included in a tightly closed cardboard or fiberboard container, or are securely wrapped and packed so as to prevent accidental ignition before being placed in the outside containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements.	Matches, strike-on-box, book and card, in outside fiberboard or wooden boxes, or matches strike-on-box, book and card when packed with noninflammable articles provided they are included in a tightly closed cardboard or fiberboard container, or are securely wrapped and packed so as to prevent accidental ignition before being placed in the outside containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements.	Matches, strike-on-box, book and card, in outside fiberboard or wooden boxes, or matches strike-on-box, book and card when packed with noninflammable articles provided they are included in a tightly closed cardboard or fiberboard container, or are securely wrapped and packed so as to prevent accidental ignition before being placed in the outside containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements.
Matches, strike-on-box.	*Strike-on-box matches are those matches intended to be ignited on a prepared surface.* Each outside container will be marked "Strike-on-box matches."	No label required.			Ferry stowage (AA)	Ferry stowage (BB).
Motion-picture film (*nitrocellulose base*) *including mixed shipments with noninflammable film.* Motion-picture film (*processed, positive or negative, nitrocellulose*). X-ray film (*nitrocellulose base*). Each reel shall be in a tightly closed metal can.	*Highly inflammable. Decomposition may start and ignition occurs at relatively low temperatures. If inhaled, the products of decomposition are irritating and poisonous even in low concentrations.* Provide cool stowage as in a compartment having a temperature of not exceeding 100° F. and well away from any source of heat, or in position to protect or move, even to jettisoning in event of fire. Do not stow in same compartment with explosives, inflammable liquids (red label), inflammable solids or oxidizing materials (yellow label) or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Metal cases (ICC–32A, 32B), not over 12,000 ft. of 1⅜ in. film, or 6,000 ft. of 2½ in. film. Trunks (ICC–32C) WIC, for motion-picture film and projecting apparatus. Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 2,000 ft. of film in each film reel can, not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Metal cases (ICC–32A, 32B), not over 12,000 ft. of 1⅜ in. film, or 6,000 ft. of 2½ in. film. Trunks (ICC–32C) WIC, for motion-picture film and projecting apparatus. Wooden boxes (ICC 15A, 15B, 15C) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 2,000 ft. of film in each film reel can, not over 65 lb. gr. wt.	Outside containers: Metal cases (ICC–32A, 32B), not over 12,000 ft. of 1⅜ in. film, or 6,000 ft. of 2½ in. film. Trunks (ICC–32C) WIC, for motion-picture film and projecting apparatus. Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 2,000 ft. of film in each film reel can, not over 65 lb. gr. wt.	Outside containers: Metal cases (ICC–32A, 32B), not over 12,000 ft. of 1⅜ in. film, or 6,000 ft. of 2½ in. film. Trunks (ICC–32C) WIC, for motion-picture film and projecting apparatus. Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 2,000 ft. of film in each film reel can, not over 65 lb. gr. wt.
Motion-picture film, unexposed (*nitrocellulose base*). X-ray film, unexposed (*nitrocellulose base*). Each reel shall be in a tightly closed can or box.		Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 75 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 75 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 75 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 75 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Motion-picture film, old and worn out (*nitrocellulose base*).	Old and worn out (not scrap) film, no longer exhibitable and with value only for reclamation of material. Characteristics and hazards are the same as for "Motion-picture film (*nitrocellulose base*)." See above.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C, 6D) not over 110 gal. cap. (ICC–37E) STC, not over 55 gal. cap. Fiber drums (ICC–21A, 21B) not over 55 gal. cap. Metal boxes (ICC–32A, 32B) not exceeding core cap. Metal boxes (ICC–32D) not over 250 lbs. net wt. of film. Wooden boxes (ICC–15A) WIML, not over 450 lb. gr. wt. (ICC–15A, 15B, 15C, 16A, 19A) WIMC, not over 450 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Motion-picture film, toy (*nitrocellulose base*).	*Film 1⅜ inches wide on metal reel; not over 2(e) feet of film on each reel.* Each reel shall be in a tightly closed metal can. Characteristics and hazards as for "Motion-picture film (*nitrocellulose base*)."	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 250 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 250 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 250 lb. gr. wt.
Motion-picture film, toy pieces (*nitrocellulose base*).	*Pieces of exposed toy motion-picture film approximately ¾ inch by 1⅜ inches in size. Not to exceed 1,000 such pieces enclosed in a light metal box.*	No label required.	No restrictions	No restrictions	No restrictions	No restrictions.
Motion-picture outfits, toy.	*Motion-picture outfits, toy, consisting of one projecting apparatus and not to exceed one roll of motion-picture film, 12 feet or less in length.* Film shall be in a tight metal box, this enclosed in a wooden box and packed with the projection apparatus in an outside container. Outside containers shall be marked with descriptive name of contents.					
Motion-picture film, (*processed, positive or negative, slow-burning.*) Motion-picture film, unexposed (*slow-burning*). Motion-picture film, toy (*slow-burning*). Motion-picture film, old and worn out (*slow-burning*). Motion-picture film, scrap (*slow-burning*). Photographic film, scrap (*slow-burning*). X-ray film (*slow-burning*). X-ray film, scrap (*slow-burning*).	*Exposed or unexposed cellulose acetate base film.*	No label required.	There are no stowage or container restrictions on packages containing only cellulose acetate base (slow-burning) motion-picture and X-ray film; however, when such film is packed with nitrocellulose base film (inflammable) all requirements must be complied with as if all film were inflammable.	There are no stowage or container restrictions on packages containing only cellulose acetate base (slow-burning) motion-picture and X-ray film; however, when such film is packed with nitrocellulose base film (inflammable) all requirements must be complied with as if all film were inflammable.	There are no stowage or container restrictions on packages containing only cellulose acetate base (slow-burning) motion-picture and X-ray film; however, when such film is packed with nitrocellulose base film (inflammable) all requirements must be complied with as if all film were inflammable.	There are no stowage or container restrictions on packages containing only cellulose acetate base (slow-burning) motion-picture and X-ray film; however, when such film is packed with nitrocellulose base film (inflammable) all requirements must be complied with as if all film were inflammable.
	Old and worn out (including scrap) film, no longer exhibitable and with value only for reclamation of material. Outside containers shall be marked with descriptive name of contents.					
Nitrates	All outside containers of nitrates shall be marked with the appropriate descriptive name of the nitrate packed within the container.					

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Aluminum nitrate	*Colorless crystals or salts. Soluble in water.* *Involved in a fire will greatly intensify the burning of all combustible materials.* Stow separate from all combustible materials, explosives and acids (white label).	No label required.	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums. Wooden barrels or kegs. Wooden boxes, WIC. Fiberboard boxes, WIC, not over 90 lb. gr. wt. Fiber drums, not over 150 lb. gr. wt. Bulk. Bulk in tight R. R. cars. Bulk in tight highway vehicles of a closed type. NOTE: Bags not over 200 lb. net wt., moisture proof, made tight against sifting and of strength not less than bags made of 8-ounce burlap may be used, provided they bear the yellow label. Sodium nitrate and calcium nitrate in these bags are exempt from labeling requirements.	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums. Wooden barrels or kegs. Wooden boxes, WIC. Fiberboard boxes, WIC, not over 90 lb. gr. wt. Fiber drums, not over 150 lb. gr. wt.	Ferry stowage (AA). Outside containers: Steel barrels or drums. Wooden barrels or kegs. Wooden boxes, WIC. Fiberboard boxes, WIC, not over 90 lb. gr. wt. Fiber drums, not over 150 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums. Wooden barrels or kegs. Wooden boxes, WIC. Fiberboard boxes, WIC, not over 90 lb. gr. wt. Fiber drums, not over 150 lb. gr. wt.
Ammonium nitrate	*Colorless, odorless, hygroscopic crystal or white granules. Under conditions of exposure to temperatures above 490° F. rapid decomposition and ignition may occur with evolution of heat. Under exposure to severe shock, detonation is possible although not probable under conditions of transportation.* *Soluble in water.* Stow separate from all combustible materials, explosives, and acids (white label), and well away from chlorates and other nitrates.	No label required.				
Barium nitrate	*Colorless, odorless crystals or white crystalline powder.* *Soluble in water.* *Poisonous if taken internally.* Stow away from foodstuffs. Stow separate from all combustible materials, explosives or acids (white label).	No label required.	NOTE: It is not required that the above containers be ICC specification containers, although ICC specification containers are acceptable, but the officer in charge of loading the vessel shall satisfy himself they are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, leakage or inability to properly contain the substance.	NOTE: It is not required that the above containers be ICC specification containers, although ICC specification containers are acceptable, but the officer in charge of loading the vessel shall satisfy himself they are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, leakage or inability to properly contain the substance.	NOTE: It is not required that the above containers be ICC specification containers, although ICC specification containers are acceptable, but the officer in charge of loading the vessel shall satisfy himself they are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, leakage or inability to properly contain the substance.	NOTE: It is not required that the above containers be ICC specification containers, although ICC specification containers are acceptable, but the officer in charge of loading the vessel shall satisfy himself they are sufficient in all respects for the purpose intended. He shall refuse any containers showing damage, leakage or inability to properly contain the substance.
Calcium nitrate	*A white, deliquescent mass.* *Involved in a fire will greatly intensify the burning of all combustible materials.* *Soluble in water.* Stow separate from all combustible materials, explosives or acids (white label).	No label required.				
Guanidine nitrate	*Colorless crystals or fine granular powder.* *Moderately soluble in water.* Stow separate from all combustible materials, explosives or acids (white label).	No label required.				
Lead nitrate	*A heavy, white crystalline salt.* *Will support combustion of organic matter. Poisonous.* *Soluble in water.* Stow separate from all combustible materials, explosives, acids (white label), or foodstuffs.	No label required.				
Magnesium nitrate	*Colorless, clear crystals.* *Soluble in water.* *Involved in a fire will greatly intensify the burning of all combustible materials.* Stow separate from all combustible materials, explosives or acids (white label).	No label required.				
Nitro-carbo nitrate	*Composed principally of ammonium nitrate.* *Involved in a fire will greatly intensify the burning of all combustible material and under conditions of exposure to high temperatures (above 490° F.) rapid decomposition and ignition may occur. Will burn with explosive violence.* *Soluble in water.* Stow separate from all combustible material, explosives, or acids (white label) and away from chlorates.	No label required.				

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitrates N. O. S.	*Any nitrate, classifying as an oxidizing material in accordance with these regulations, that is not specified by name herein.* *Involved in a fire will greatly intensify the burning of all combustible material.* *Soluble in water.* Stow separate from all combustible material, explosives, or acids (white label).	No label required.				
Potassium nitrate	*White granular or crystalline powder.* *Soluble in water.* *Involved in a fire will greatly intensify the burning of all combustible materials.* Stow separate from all combustible materials, explosives, inflammable liquids, or acids. Nitrates in bulk or in bags should not be stowed in the same compartment with combustible materials, explosives, inflammable liquids (red label), or acids (white label). Carefully clean and remove all residue of nitrate remaining in a compartment used for the stowage of this substance.	No label required.				
Sodium nitrate	*White or yellowish crystalline salts.* *Soluble in water.* *Involved in a fire will greatly intensify the burning of all combustible materials.* Stow separate from all combustible materials, explosives, inflammable liquids (red label), or acids (white label). Nitrates in bulk or in bags should not be stowed in the same compartment with combustible materials, explosives, inflammable liquids (red label), or acids (white label). Carefully clean and remove all residue of nitrate remaining in a compartment used for the stowage of this substance.	No label required.				
Strontium nitrate	*White granules or powder.* *Soluble in water.* *Involved in a fire will greatly intensify the burning of all combustible materials.* Stow separate from all combustible materials, explosives, inflammable liquids (red label), or acids (white label).	No label required.				
Zinc nitrate	*Colorless hygroscopic lumps or crystals.* *Soluble in water.* *Involved in a fire will greatly intensify the burning of all combustible materials.* Stow separate from all combustible materials, explosives, inflammable liquids (red label), or acids (white label).	No label required.				

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Zirconium nitrate	*White, very hygroscopic crystals or white pieces or scales. Soluble in water. Involved in a fire will greatly intensify the burning of all combustible materials.* Stow separate from all combustible materials, explosives, or acids (white label).	No label required.				
Oxidizing materials, N. O. S.	*May be any substance classifying as an oxidizing material in accordance with the definitions contained in these regulations, provided such oxidizing material is not otherwise specified by name in these regulations. Involved in a fire, will greatly intensify the burning of all combustible materials.* Do not stow with combustible materials, explosives or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B), WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 pounds gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. ICC-6B, 6C) not over 110 gal cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 pounds gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
Paper stock, wet. Waste paper, wet.	*Paper stock, new or waste paper that is wet.*	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Hermetically sealed metal-lined wooden boxes. Airtight metal containers.	Not permitted.	Not permitted.	Ferry stowage (BB). Outside containers: Hermetically sealed metal-lined wooden boxes. Airtight metal containers. Not permitted.
Peracetic acid. (*Must be shipped in solution not exceeding 40 percent strength.*)	*Clear, colorless combustible liquid with sharp penetrating odor. Decomposes when in contact with most ordinary cushioning materials. Immiscible with water.* Inside containers must be cushioned with sterile cotton or other cushioning material which will not react with the contents to generate heat and with sufficient quantity to completely absorb the contents. Do not stow with combustible materials, explosives, or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween deck readily accessible." Outside containers: Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Aluminum drums (ICC-42D) not over 30 gal. cap.	Not permitted.	Not permitted.	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Perchlorates: Ammonium perchlorate. Barium perchlorate. Magnesium perchlorate. Perchlorates, N. O. S. Potassium perchlorate.	*Colorless crystals or white crystalline powder: strong oxidizing agents. Perchlorates mixed with organic matter form very inflammable compositions, and frequently act as high explosives when mixed with finely divided organic material or finely divided metals somewhat the same as chlorates, but to a lesser degree. Soluble in water.* Do not stow in the same compartment with explosives, acids (white label), or combustible material such as cotton, charcoal, sulfur, etc.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck but not overstowed." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22H) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22H) WIMC, not over 220 lb. gr. wt.
Permanganates: Ammonium permanganate. Barium permanganate. Calcium permanganate. Permanganates, N. O. S. Potassium permanganate. Sodium permanganate. Zinc permanganate.	*In crystal or powder form, having a metallic sheen in rich colors, purple to reddish-black, violet-brown or black, or dark purple shades. A powerful oxidizing material. All permanganates mixed with combustible materials are liable to ignition by friction, by spontaneous combustion, or if acted upon by the corrosive liquid acids. Such mixtures have been known to react with explosive force. Potassium permanganate is known to ignite spontaneously in contact with glycerin (including the anti-freeze glycerin compounds). Barium permanganate is also poisonous if taken internally. Stow away from foodstuffs. Soluble in water.* Do not stow with explosives, acids (white label), glycerin, formaldehyde, organic materials, chalk, charcoal, sulfur or similar substances. Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, or with liner, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22H) WIMC, not over 220 lb. gr. wt. Authorized only for potassium permanganate: Steel barrels or drums (ICC-37G) STC, not over 55 gal cap. and not exceeding 880 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-11A, 11B) WIC, or with liner, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, or with liner, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22H) WIMC, not over 220 lb. gr. wt. Authorized only for potassium permanganate: Steel barrels or drums (ICC-37G) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, or with liner, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22H) WIMC, not over 220 lb. gr. wt. Authorized only for potassium permanganate: Steel barrels or drums (ICC-37G) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Peroxides, organic, liquid, N. O. S.	*Combustible liquids, usually colorless, with sharp penetrating odor. Readily ignitable and burn with acceleration. Immiscible with water.* Do not stow with combustible materials, explosives or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Following barrels and drums authorized for materials which will not react dangerously with the drums metal, or be decomposed by contact with it: Steel barrels or drums: (ICC–17C, 17E) STC, not over 15 gal. cap. Aluminum drums: (ICC–42B) not over 15 gal. cap.	Not permitted	Not permitted	Not permitted.
Phosphoric anhydride	*A finely divided white powder, having a strong affinity for water.* *Rapidly absorbs moisture from the air.* *Mixed with organic matter in the presence of moisture (even moisture in the air) it causes great heat and oft-times the ignition of the material.* *Soluble in water, somewhat slowly, and with evolution of much heat.* Do not stow with combustible materials, explosives, inflammable liquids (red label) or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–17E, 17H, 37D) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Phosphorus amorphous, red.	*An inflammable solid in the form of a reddish-brown powder. Readily ignited by friction. Will contaminate foodstuffs.* *In the presence of fire, fumes given off by this substance are irritating and suffocating.* *Insoluble in water.* Do not stow with nitrates, chlorates, perchlorates or permanganates or oxidizing materials (yellow label). Mixtures may result in explosions by friction or shock. Stow well away from all living quarters and foodstuffs. Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A, 6B) not over 160 lb. gr. wt. (ICC–37D) STC, not over 160 lb. gr. wt. Wooden boxes (ICC–15A, 15B) with airtight metal inside containers, not over 250 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Steel barrels or drums: (ICC–6A, 6B) not over 160 lb. gr. wt. (ICC–37D) STC, not over 160 lb. gr. wt. Wooden boxes (ICC–15A, 15B) with airtight metal inside containers, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–6A, 6B) not over 160 lb. gr. wt. (ICC–37D) STC, not over 160 lb. gr. wt. Wooden boxes (ICC–15A, 15B) with airtight metal inside containers, not over 250 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A, 6B) not over 160 lb. gr. wt. (ICC–37D) STC, not over 160 lb. gr. wt. Wooden boxes (ICC–15A, 15B) with airtight metal inside containers, not over 250 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Phosphorus pentachloride.	*An inflammable solid in the form of a grayish-yellow crystalline mass with an irritating odor.* *In contact with air, gives off fumes which have a strong irritating effect upon the eyes and mucous tissue.* *Decomposes upon contact with water, with liberation of much heat and formation of hydrochloric acid.* *Will contaminate foodstuffs.* *In the presence of fire, fumes given off by this substance are irritating.* Stow well away from living quarters and foodstuffs. Do not stow with oxidizing materials (yellow label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: "Black Iron" barrels or drums: (ICC–6A, 6B, 6C) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC–37D) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC–10A) Asphaltum-lined not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC–11B) WIC, not over 50 lb. net wt. of material. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 50 lb. net wt. of material. Metal-jacketed lead carboys (ICC–28A) not over 15 gal. cap.	Not permitted	Not permitted	Not permitted.
Phosphorus sesquisulfide.	*Yellow crystalline mass generally in finely ground form which is very inflammable.* *Readily ignited by slight friction.* *Involved in a fire will give off fumes that are irritating and suffocating.* *Insoluble in water.* Do not stow with nitrates, chlorates, or other oxidizing materials (yellow label). Stow away from all living quarters and foodstuffs. Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A, 6B, 6C) not over 30 gal. cap. (ICC–37D) STC, not over 425 lb. gr. wt. Wooden boxes (ICC–15A, 15B) with airtight metal inside containers, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Phosphorus, white or yellow, in water. Shipping containers shall have marked thereon the gross, tare, and net weight of the package.	*Almost colorless or yellowish semitransparent mass becoming somewhat darker or white and waxy in appearance with aging.* *Melting point 110° F.* *Fumes are poisonous and possess a strong garlic-like odor.* *White or yellow phosphorus will ignite spontaneously in air.* *In event of breakage, do not handle this substance with bare hands* Protect from freezing. Do not stow with explosives, inflammable liquids (red label), corrosive liquids (white label), nor with nitrates, chlorates, or permanganates. Stow away from living quarters and foodstuffs. Check gross weight of containers to be certain no leakage has occurred. Refuse leaking containers or ones showing signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers— *When packed in water:* Steel barrels or drums: (ICC–6A, 6B) not over 30 gal. cap. Wooden boxes: (ICC–15A, 15B) with hermetically sealed metal cans or metal linings, not over 250 lb. gr. wt. Tank cars: (ICC–103, 103W) without bottom discharge outlet and with insulated covering.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Phosphorus white or yellow, dry (must be cast solid.)	Characteristics and hazards as for "Phosphorus, white or yellow in water." See above. Observe stowage precautions shown above for "Phosphorus, white or yellow, in water." In stowing projectiles or bombs wood dunnage shall be liberally used to prevent these articles coming in contact with the structural parts of the vessel.	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers—*When dry and cast solid:* Steel barrels or drums: (ICC-6A, 6B, 6C) not over 30 gal. cap. Projectiles or bombs without bursting elements: May be accepted only when shipped by, for, or to the Departments of the Army, Navy, or the Air Force of the U. S. Government. Stowage of such projectiles or bombs may also be "Under deck away from heat."	Not permitted	Not permitted	Not permitted.
Photographic film (*nitrocellulose base*). Including developed or undeveloped or processed film in rolls or sheets enclosed in individual cartons, wrappings or packing.	*Highly inflammable. Decomposition may start and ignition occur at relatively low temperatures. If inhaled the products of decomposition are irritating and poisonous even in small concentrations.* Provide cool stowage as in a compartment having a temperature of not exceeding 100° F. and well away from any source of heat, or in position to protect or move, even to jettisoning in event of fire. Do not stow in same compartment with explosives, inflammable liquids (red label), other inflammable solids or oxidizing materials (yellow label), or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Outside containers: Wooden boxes, nonspecification, with inside individual carton containers, not over 400 lb. gr. wt. Fiberboard boxes, nonspecification: strapped with two steel bands, with inside individual carton containers, not over 75 lb. gr. wt. Full-frame, solid fiberboard boxes, not over 400 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes, nonspecification, with inside individual carton containers, not over 400 lb. gr. wt. Fiberboard boxes, nonspecification: strapped with two steel bands, with inside individual carton containers, not over 75 lb. gr. wt. Full-frame, solid fiberboard boxes, not over 400 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes, nonspecification, with inside individual carton containers, not over 400 lb. gr. wt. Fiberboard boxes, nonspecification: strapped with two steel bands, with inside individual carton containers, not over 75 lb. gr. wt. Full-frame, solid fiberboard boxes, not over 400 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes, nonspecification, with inside individual carton containers, not over 400 lb. gr. wt. Fiberboard boxes, nonspecification: strapped with two steel bands, with inside individual carton containers, not over 75 lb. gr. wt. Full-frame, solid fiberboard boxes, not over 400 lb. gr. wt.
Picric acid, wet with not less than 10% water, *in excess of 16 ounces, but not exceeding 25 pounds.* Picric acid, wet with not less than 10% water in quantity not exceeding 16 ounces in one outside package may be accepted as "Drugs, chemicals, medicines, or cosmetics." Shipping containers shall have marked thereon the gross, tare, and net weight of the package.	*Pale yellow crystals. In its dry state is classified by these regulations as a high explosive but is not sensitive in this respect when wet with at least 10% of water.* Do not stow with metals, metallic powders, finely divided organic material, lime potash, soda or any chlorates, nitrates or other oxidizing materials (yellow label), explosives, or acids (white label). Stow away from living quarters. Keep cool. In accepting shipments observe outside containers carefully for signs of leakage of the water content. Refuse leaking packages, or ones showing signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes, (ICC-15A) WIC, not to exceed 25 lb. dry weight of material in one outside container.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Potassium bromate	*Potassium bromate is an oxidizing material in the form of white crystalline salts having properties similar to "potassium chlorate" but less dangerous.* *Highly inflammable.* *Soluble in water.* Do not stow in same compartment with combustible materials, explosives, or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1760 lb. gr. wt. ICC-17E, 17H, 37D, 37E, 37F) SFC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
Potassium, metallic	*Potassium metallic is an inflammable, soft, white metal, with a silvery luster on freshly cut surfaces.* *Reacts violently with water evolving hydrogen which ignites from the intense heat of the reaction; also violently and similarly decomposed by acids.* Do not stow with combustible materials, explosives, acids (white label), inflammable liquids (red label), or oxidizing materials (yellow label). Do not overstow with other cargo. Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. Wooden boxes (ICC-15A, 15B) with hermetically sealed metal inside containers not over 250 lb. gr. wt. NOTE: Potassium metallic immersed in neutral petroleum oil may also be accepted in: Wooden boxes (ICC-15A, 15B) with inside drum (ICC-37D) SFC, not over 30 lb. net wt. or with inside glass containers each enclosed in a tin container, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Potassium, metallic liquid alloy. Sodium, metallic liquid alloy.	*A combustible alloy of potassium and sodium which flows like mercury at ordinary temperatures.* *Not volatile.* *Reacts violently with moisture or water to evolve an inflammable gas and develops considerable heat which may ignite the gas. Avoid contact with water.* Do not stow with combustible materials, explosives, acids, (white label) or oxidizing materials (yellow label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B) WIMC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Potassium nitrate mixed (fused) with sodium nitrite.	*A mixture of potassium nitrate and sodium nitrite fused solid.* *White, odorless, solid.* *Strong oxidizing materials.*	----------	Stowage: "On deck protected." "On deck." "On deck under cover." "Under deck." Outside containers: Tank cars (ICC-103W).	(Shipped only in tank cars)----------	(Shipped only in tank cars)----------	Ferry stowage (BB).
Potassium nitrite----------	*White or slightly yellow granules, or rods.* *Decomposed in contact with acids emitting brown fumes of nitrous anhydride.* *Involved in a fire will intensify the burning of all combustible materials.* Do not stow with combustible materials, explosives, inflammable liquids (red label) or acids (white label). Carefully clean and remove all residue of nitrite remaining in a compartment used for the stowage of this substance.	Yellow----------	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA)----------	Ferry stowage (BB).
Potassium peroxide----------	*Oxidizing agent in the form of a yellow, amorphous mass.* *Decomposes in water, evolving oxygen.* Do not stow with combustible materials, explosives, or acids (white label). Keep dry.	Yellow----------	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA)----------	Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt. Ferry stowage (BB).

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Potassium sulfide (fused or concentrated and ground). Sodium sulfide (fused or concentrated and ground).	*In the form of yellow to yellowish red crystals, strongly caustic.* *Freely soluble in water with evolution of much heat.* *May also spontaneously oxidize in the air with evolution of enough heat to ignite.* Do not stow with combustible materials, explosives, acids (white label). Stow well away from any living quarters Keep dry and cool.	Yellow----------	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIMC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIMC, not over 65 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIMC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIMC, not over 65 lb. gr. wt. Stowage: "On deck under cover."	Ferry stowage (AA)----------	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIMC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIMC, not over 65 lb. gr. wt.
Potassium sulfide (fused or concentrated but not ground—*may be chipped, flaked or broken*). **Sodium sulfide (fused or concentrated but not ground — *may be chipped, flaked, or broken*).** **Crystallized potassium sulfide, crystallized sodium sulfide, or sodium sulfide fused solid in a metal container is not subject to these regulations.** Sodium sulfide containing 35% or more combined water by weight, fused or concentrated but not ground (may be chipped, flaked, or broken) is exempt from specification packaging and labeling requirements, when packed in steel barrels or drums that are equipped with moisture-tight closures.	Characteristics and hazards as for "Potassium sulfide (fused or concentrated and ground)", see above.	Yellow----------	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F, 37G) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC - 12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA)----------	Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F, 37G) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC - 12B) WIC, not over 65 lb. gr. wt.
Pyroxylin plastics, rods, rolls, sheets or tubes. Film support (*nitrocellulose base*). NOTE: Manufactured pyroxylin plastic articles, not otherwise named herein, when containing more than 10% by weight of nitrocellulose shall be shipped described as "Pyroxylin plastics."	*Solid solutions composed mainly of nitrocellulose, camphor and small amounts of volatile solvents.* *Highly inflammable.* *Decomposition may start and ignition occur at relatively low temperatures.* *If inhaled, the products of decomposition are irritating and poisonous even in low concentrations.* Provide cool stowage as in a compartment having a temperature of not exceeding 100° F. and well away from any source of heat, or in position to protect or move, even to jettisoning in event of fire. Do not stow in same compartment with explosives, inflammable liquids (red label), other inflammable solids or oxidizing materials (yellow label), or corrosive liquids (white label).	Yellow----------	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Outside containers: Wooden boxes (ICC-15A, 15B, 19A) not over 450 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. For sheet pyroxylin only: Special fiberboard tube, telescope type, not over 15 lb. net wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 19A) not over 450 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. For sheet pyroxylin only: Special fiberboard tube, telescope type, not over 15 lb. net wt.	Ferry stowage (AA)----------	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B 19A) not over 450 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. For sheet pyroxylin only: Special fiberboard tube, telescope type, not over 15 lb. net wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Pyroxylin plastic scrap.... Motion picture film scrap (*nitrocellulose base*). Photographic film scrap (*nitrocellulose base*). X-ray film scrap (*nitrocellulose base*).	*Consists of trimmings, clippings, and other waste obtained in the manufacture of pyroxylin plastic articles, or the scrap obtained from motion picture film, X-ray film and photographic film.* *Being finely divided, it is more hazardous than the original materials.* Stow well away from all sources of heat. Protect from temperatures exceeding 100° F.	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A, 6J) not over 880 lb. gr. wt. (ICC-6B, 6C) not over 1760 lb. gr. wt. (ICC-37E) STC, not over 880 lb. gr. wt. Wooden barrels or kegs (ICC-11B) WIL, not over 375 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIL, not over 450 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Rags, wet. Felt waste, wet. Textile waste, wet. Wool waste, wet.	*Fibers of vegetable or animal origin which have become wet or damp due to any cause.*	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Hermetically sealed metal-lined wooden boxes, or air-tight metal containers.	Not permitted	Not permitted	Ferry stowage (BB). Outside containers: Hermetically sealed metal-lined wooden boxes, or air-tight metal containers. Ferry stowage (BB).
Rubber scrap, ground, powdered or granulated.	*Rubber scrap if ground, powdered, or granulated, and the rubber content of which exceeds 45%, as determined by subtracting the sum of the percentage of ash and the percentage of acetone from 100.*	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. Wooden boxes, (ICC-15A) WIL, not over 250 lb. gr. wt. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums (ICC-22A) not over 220 lb. gr. wt. Tank cars tightly and securely closed.	Not permitted	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. Wooden boxes, (ICC-15A) WIL, not over 250 lb. gr. wt. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums (ICC-22A) not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. Wooden boxes, (ICC-15A) WIL, not over 250 lb. gr. wt. Wooden barrels or kegs: (ICC-10A) not over 50 gal. cap. Fiberboard boxes, (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lbs. gr. wt. Plywood drums (ICC-22A) not over 220 lb. gr. wt. Tank cars tightly and securely closed.
Rubber buffings.	*Buffings from any grade of rubber irrespective of percentage of rubber content.*	Yellow.				
Rubber shoddy, regenerated rubber, or reclaimed rubber.	*Rubber shoddy, regenerated rubber or reclaimed rubber consists of old rubber which has been subjected to chemical treatment of some kind in preparing it for further use in the rubber industry.* *Certain grades of rubber scrap if ground, powdered or granulated, or the buffings from rubber, as well as rubber shoddy, regenerated or reclaimed rubber are subject to the risk of spontaneous heating and ignition. This hazard does not apply to rubber which is not ground, powdered, or granulated, nor to rubber scrap in the form of dense homogeneous nonporous sheets or rolls.*	Yellow.				
NOTE: When in the form of dense, homogeneous nonporous sheets or rolls, the sheets of a thickness of 3/8 inch or greater, packed flat or in rolls, this material is nonhazardous and not subject to these regulations.						
Sodium amide	*White crystalline powder, with odor of ammonia.* *Decomposed by water forming ammonia gas and generating heat.* *Decomposed by moisture in air.* Do not stow with combustible materials, explosives, or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. Wooden boxes (ICC-15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt. Sodium amide immersed in neutral oil may also be accepted in: Wooden boxes (ICC-15A, 15B) WIMC (ICC-37D) not over 30 lb. net wt. or with glass inside containers each enclosed in a tin container, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium bromate	*An oxidizing material in the form of white crystals or a white crystalline powder.* *Strong oxidizing agent.* *Soluble in water.* Do not stow with combustible materials, explosives or acids (white label). Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
Sodium chlorite	*A white crystalline solid usually in flakes.* *Strong oxidizing agent.* *Decomposed by heat evolving oxygen, and will burst containers.* *Reacts violently with acids.* *Mixed with organic material or finely divided metals it is dangerously ignitible and may be ignited by friction or may cause spontaneous ignition of such material.* Do not stow with charcoal, sulfur, sugar, flour and similar finely divided substances. Do not stow in same compartment with explosives, combustible materials, inflammable liquids (red label), or acids (white label). Do not overstow. Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D) STC, not over 55 gal. cap. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Sodium hydride	*A grayish-white, practically odorless powder.* *Readily ignited and burns steadily.* *Reacts with water or moisture to evolve an inflammable gas.* Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. (ICC-17H) STC, not over 55 gal. cap. Wooden boxes, (ICC-15A, 15B) WIMC, not over 250 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. (ICC-17H) STC, not over 55 gal. cap. Wooden boxes, (ICC-15A, 15B) WIMC, not over 250 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. (ICC-17H) STC, not over 55 gal. cap. Wooden boxes, (ICC-15A, 15B) WIMC, not over 250 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6B, 6C) not over 110 gal. cap. (ICC-17H) STC, not over 55 gal. cap. Wooden boxes, (ICC-15A, 15B) WIMC, not over 250 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium hydrosulfite	*White or grayish-white crystalline powder.* *Oxidizes in air, and more readily so in presence of moisture, giving off sulfur dioxide, a pungent, intensely irritating gas and causing sufficient heat for spontaneous ignition.* *Very soluble in water.* Refuse damaged containers. Stow away from heat. Do not stow with combustible materials, explosives, or acids (white label). Keep dry and cool.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37K) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15H, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC-22H) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37K) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15H, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC - 22H) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37K) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15H, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC - 22H) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37K) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15H, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiber drums (ICC-21A, 21B) WIMC, not over 220 lb. gr. wt. Plywood drums (ICC - 22H) WIMC, not over 220 lb. gr. wt.
Sodium, metallic	*Sodium, metallic is a light silver-white metal, lustrous when freshly cut.* *Burns with a yellow flame.* *Violently decomposes water forming sodium hydroxide and hydrogen which ignites spontaneously.* Do not stow with combustible materials, explosives, acids (white label), inflammable liquids (red label), oxidizing materials (yellow label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-5, 6H, 6C) not over 110 gal. cap. Wooden boxes (ICC-15A, 15B) with hermetically sealed metal inside containers, not over 250 lb. gr. wt. Sodium, metallic which has been fused solid in the container may be accepted in: Steel barrels or drums (ICC-17E, 17H, 37D) STC, not over 55 gal. cap. Sodium, metallic immersed in neutral oil may also be accepted in: Wooden boxes (ICC-15A, 15B) WIMC, (ICC-37D), not over 30 lb. net wt. or with glass inside containers each enclosed in a tin container, not over 250 lb. gr. wt. Tank cars (ICC-105A300, 105A-300W) the metallic sodium to be in a molten condition when loaded into the tank and allowed to solidify before car is accepted by carrier. Sodium metallic cylindrical or rectangular blocks not less than 6 in. in length and not less than 2 in. in diameter or any other dimension, may be accepted in: Metal drums (ICC-17H, 37D) SFC, not over 30 lb. net wt. Metal drums (ICC-17C) STC, not over 300 lb. net wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium, metallic, dispersed in organic sol vent.	*Sodium, metallic is a light silver-white metal.* *Burns with a yellow flame.* *Violently decomposes water forming sodium hydroxide and hydrogen which ignites spontaneously.* Do not stow with combustible materials, explosives, acids (white label), inflammable liquids (red label), oxidizing materials (yellow label). Keep dry. In accepting shipments observe outside containers carefully for signs of leakage. Refuse leaking packages, or ones showing signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A) WIMC, not over 100 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Sodium methylate, dry	*An inflammable solid in the form of a white amorphous free-flowing powder.* *Sensitive to oxygen.* *Decomposed by water.* Stow separate from all combustible materials, explosives, inflammable liquids (red label), or acids (white label). Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible. Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-6B, 6C) not over 110 gal. cap. and not exceeding 1,760 lb gr. wt. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 50 gal. cap. and not exceeding 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium nitrite	*A yellowish-white salt somewhat moist in appearance.* *It is an oxidizing material which while containing less oxygen than the nitrates, is more readily decomposed, and therefore generally more active.* *When mixed with organic matter, it is more readily ignited than a corresponding mixture of sodium nitrate.* *Sodium nitrite if mixed with ammonium salts decomposes spontaneously and may cause fires.* *Absorbs moisture.* *Soluble in water.* *Involved in a fire will greatly intensify the burning of all combustible materials.* Do not stow with ammonium nitrate. Stow away from all combustible materials, explosives or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22B) WIMC, not over 220 lb. gr. wt.
Sodium peroxide	*Yellowish-white granular powder.* *Absorbs water from the air.* *In contact with organic matter or readily oxidizable substances ignition and explosion may take place.* *Soluble in water.* Do not stow in same compartment with explosives or acids (white label). Do not stow with combustible materials or other oxidizing substances (yellow label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D) STC, not over 55 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 400 lb. gr. wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Sodium pieramate, wet with 20% water. NOTE: Transportation of sodium pieramate containing less than 20% by weight of water is not permitted. Shipping containers must have marked thereon the gross, tare, and net weight of the package.	*An inflammable material in the form of a dark red, finely divided crystalline powder.* *When dry, and involved in fire, will burn with almost explosive rapidity.* Outside containers must be marked "Sodium pieramate—20% water." Reject leaking containers or containers that show signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden barrels or kegs (ICC–10A, 10B) not over 50 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Strontium peroxide	*Practically odorless, white fine powder.* *Active oxidizing material and dangerously accelerates combustion of organic material.* *Sparks are readily produced by mild friction.* *Decomposes on heating.* *Insoluble in water.* Do not stow with combustible materials, explosives, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC–22A) not over 220 lb. gr. wt. (ICC–22H) WIMC, not over 220 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Succinic acid peroxide, dry.	*White powder* *Combustible, burns rapidly when ignited.* *Decomposes with some violence at about 240° F.* *Insoluble in water.* Do not stow with combustible materials, explosives, or acids (white label). Keep cool.	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.	Stowage: "On deck under cover." Outside containers: Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC–15A, 15B) WIC, not over 50 lb. net wt.
Succinic acid peroxide, wet (when wet with not less than 30% by weight of water). Shipping containers must have marked thereon the gross, tare, and net weight of the package.	Properties and hazards the same as for "Succinic acid peroxide, dry." See above. Observe precautions as for "Succinic acid peroxide, dry." See above. Check gross weight of container to ascertain if leakage has occurred. Reject leaking containers or ones that show signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.	Stowage: "On deck under cover." Outside containers: Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC–15A, 15B, 15C) WIMC, not over 200 lb. gr. wt.
Tankages: Garbage tankage (*containing less than 8% moisture*).	*Garbage tankage is the product obtained after digesting and extracting grease from garbage.* *It consists principally of vegetable fibers and is dried and ground.*	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Hermetically sealed metal-lined wooden boxes. Airtight metal containers.	Not permitted	Not permitted	Not permitted.
Rough ammoniate tankages (*containing less than 7% moisture*).	*Rough ammoniate tankages are made from ammoniates such as leather scrap, horns, hoofs, garbage, hair waste, felt waste, dried and ground.*	Yellow.				
Tankage fertilizers (*containing less than 8% moisture*). NOTE: Tankages having a temperature above 100° F., when loaded, are subject to these restrictions regardless of moisture content.	*Tankage fertilizers consist chiefly of various kinds of slaughterhouse scraps and offal.* *The above substances when overdried are subject to spontaneous heating and ignition.*	Yellow.				

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Tetranitromethane	*A colorless liquid.* *Boiling point 250° F.* *Insoluble in water.* Do not stow with combustible materials, explosives, acids (white label), or inflammable liquids (red label).	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Metal barrels or drums: (ICC-6A) WIMC not less than 20 gauge not over 55 gal. cap. (ICC-6B, 6C) WIMC not less than 20 gauge not over 100 gal. cap. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Thorium metal, powdered.	*A soft grayish powder.* *Burns at an intense white heat when ignited.* *May be ignited by friction between metal surfaces.* *Application of water on burning mass may cause hydrogen explosion.* *Insoluble in water.* Do not stow with combustible materials, explosives, acids (white label), or inflammable liquids (red label). Do not overstow with other cargo. Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B) WIMC, not over 75 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Titanium metal powder, dry.	*A soft grayish powder.* *May be ignited by spark, flame, or friction when dry.* Do not stow with combustible materials, explosives, acids (white label), or inflammable liquids (red label). Do not overstow with other cargo. Keep dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-17H, 37D) STC, WIMC not over 55 gal. cap. Wooden boxes (ICC-15A, 15B) WIMC not over 75 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Titanium metal powder, wet, with not less than 20% water. Shipping containers shall have marked thereon the gross, tare and net weight of the package.	*A soft grayish powder.* *May be ignited by spark, flame, or friction when dry.* Check gross weight of container to ascertain if leakage has occurred. Reject leaking containers or ones that show signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B) WIMC, 1 can, not less than 22 gauge not over 10 gal. cap. or 12 cans not over 1 gal. cap. each. May be packed and shipped as "Drugs, chemicals, medicines or cosmetics," which see.	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B) WIMC, 1 can, not less than 22 gauge not over 10 gal. cap. or 12 cans not over 1 gal. cap. each. May be packed and shipped as "Drugs, chemicals, medicines or cosmetics," which see.	Ferry stowage (AA). Outside containers: Wooden boxes (ICC-15A, 15B) WIMC, 1 can, not less than 22 gauge not over 10 gal. cap. or 12 cans not over 1 gal. cap. each. May be packed and shipped as "Drugs, chemicals, medicines or cosmetics," which see.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B) WIMC, 1 can, not less than 22 gauge not over 10 gal. cap. or 12 cans not over 1 gal. cap. each. May be packed and shipped as "Drugs, chemicals, medicines or cosmetics," which see.
Trinitrobenzene wet (*when wet with not less than 10% of water and in a quantity not exceeding 16 ounces in one outside package*). Trinitrotoluene, wet (*when wet with not less than 10% of water and in a quantity not exceeding 16 ounces in one outside package*).						

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Urea nitrate, wet with not less than 10% water, *in excess of 16 ounces but not exceeding 25 pounds.* Shipping containers must have marked thereon the gross, tare, and net weight of the package. NOTE: Urea nitrate, wet with not less than 10% water in quantity not exceeding 16 ounces in 1 outside package may be accepted as "Drugs, chemicals, medicines, or cosmetics."	*Colorless solution or wet slurry of white odorless crystals.* *Highly acidic in reaction with containers.* *Incombustible when wet.* *Soluble in water.* Do not stow with metals, metallic powders, finely divided organic material, lime, potash, soda, or any chlorates, nitrates or other oxidizing materials (yellow label), explosives, or acids (white label). Stow away from living quarters. Keep cool. In accepting shipments observe outside containers carefully for signs of leakage of the water content. Refuse leaking packages, or ones showing signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A) WIC, not to exceed 25 lb. dry weight of material in one outside container.	Not permitted	Not permitted	Not permitted.
Urea peroxide	*A white, crystalline organic solid, somewhat unstable at elevated temperatures.* *Decomposes very slightly at normal temperatures.* *Sometimes compounded with waxes, etc., and made up into pellet forms.* Do not stow with combustible materials, explosives, or acids (white label). Keep cool and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Fiberboard boxes, WIC, of plastic or rubber not over 65 pounds gr. wt. Fiber drums coated on inside with a suitable wax (ICC-21A, 21B) not over 220 pounds gr. wt. Plywood drums coated on inside with a suitable wax (ICC-22A) WIC, not over 220 pound gr. wt.	Not permitted	Not permitted	Not permitted

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Wet nitrocellulose (collodion cotton) 20% water. Wet nitrocellulose, colloided, granular or flake—20% water. Material must be uniformly wet with at least 20 lb. of water to 80 lb. of dry material. Shipping containers must have marked thereon the gross, tare, and net weight of the package. For export shipment only, the shipping name "Collodion cotton wet with water" may be used when required by the country of destination.	*An inflammable solid consisting of nitrated cotton.* *When wet with not less than 20% water, this substance is classified as an inflammable solid. When dry it is classified as a high explosive.* *Involved in a fire, it will give off nitrous fumes, deep orange in color, and extremely irritating and poisonous.* Check gross weight of container to be certain no leakage has occurred. Refuse leaking containers or ones that show signs of having leaked. Outside containers must be marked "Wet nitrocellulose—20% water."	Yellow	Stowage: "On deck protected." "On deck in open." "On deck under cover." "Tween decks." "Under deck away from heat." Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 450 lb. gr. wt. (ICC-17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37D) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. Wooden boxes (ICC-15A, 15B), WIL, not over 250 lb. gr. wt. Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet: Aluminum barrels or drums (ICC-42F) not over 450 lb. gr. wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 450 lb. gr. wt. (ICC-17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37D) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. Wooden boxes (ICC-15A, 15B), WIL, not over 250 lb. gr. wt. Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet: Aluminum barrels or drums (ICC-42F) not over 450 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 450 lb. gr. wt. (ICC-17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37D) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. Wooden boxes (ICC-15A, 15B), WIL, not over 250 lb. gr. wt. Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet: Aluminum barrels or drums (ICC-42F) not over 450 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A, 6B, 6C) not over 450 lb. gr. wt. (ICC-17E, 17H) STC, not over 450 lb. gr. wt. (ICC-37D) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B) not over 450 lb. gr. wt. Wooden boxes (ICC-15A, 15B), WIL, not over 250 lb. gr. wt. Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet: Aluminum barrels or drums (ICC-42F) not over 450 lb. gr. wt.
Wet nitroguanidine—20% water. Material must be uniformly wet with at least 20 lb. of water to 80 lb. of dry material. Shipping containers must have marked thereon the gross, tare, and net weight of the package.	*Formed by nitration of guanidine.* Characteristics and hazards as for "Wet nitrocellulose—20% water"; see above. Outside containers must be marked "Wet nitroguanidine—20% water."	Yellow.				
Wet nitrostarch—20% water. Material must be uniformly wet with at least 20 lb. of water to 80 lb. of dry material. Shipping containers must have marked thereon the gross, tare, and net weight of the package.	*Formed by nitration of starch* Characteristics and hazards as for "Wet nitrocellulose—20% water"; see above. Outside containers must be marked "Wet nitrostarch—20% water."	Yellow.				
Zinc ammonium nitrite	*A light brown powder, active and hazardous.* *Decomposes over temperature range of 160° to 200° F., evolving undesirable oxides of nitrogen gas.* *Can be ignited by external source of flame, and burns vigorously.* Do not stow with combustible materials. Stow away from sources of heat.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Metal barrels or drums: (ICC-6A, 6B, 6C) not over 55 gal. cap. Metal drums (ICC-17E, 17H, 37D) STC not over 300 lb. gr. wt	Not permitted	Not permitted	Not permitted.

Table E—Classification: Inflammable solids and oxidizing materials—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Zinc peroxide	*A fine, white, practically odorless powder.* *Rather active oxidizing material.* *Accelerates combustion of organic materials.* *Insoluble in water.* Do not stow with combustible materials, explosives, or acids (white label). Keep cool, and dry.	Yellow	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-6A) not over 55 gal. cap. (ICC-6B, 6C) not over 110 gal. cap. (ICC-17E, 17H, 37D, 37E, 37F) STC, not over 55 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 600 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 250 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 220 lb. gr. wt. Plywood drums: (ICC-22A) not over 220 lb. gr. wt. (ICC-22B) WIMC, not over 220 lb. gr. wt.
Zirconium, metallic, dry	*An inflammable amorphous, black powder or grayish, brittle, hard, lustrous lumps.* *Insoluble in water.* Do not stow with combustible materials, explosives, or acids (white label).	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B) WIMC, not over 75 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Zirconium, metallic, wet, or sludge. Shipping containers must have marked thereon the gross, tare, and net weight of the package.	*The above described dry crystalline material, wet with water, or in water.* *Will burn strongly when ignited.* *Insoluble in water.* Check gross weight of container to be certain no leakage has occurred. Refuse leaking containers or one showing signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden barrels or kegs (ICC-10A) not over 75 lb. net wt. Wooden boxes (ICC-15A, 15B) WIMC, not over 150 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Zirconium picramate, wet *with 20% water.* Shipping containers must have marked thereon the gross, tare, and net weight of the package.	*Zirconium picramate must be wet with not less than 20% by weight of water.* Reject leaking containers or containers showing signs of having leaked.	Yellow	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden barrels or kegs (ICC-10A, 10B) not over 50 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside glass containers not exceeding 1 qt. cap. each, not over 250 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

SUBPART—DETAILED REGULATIONS GOVERNING CORROSIVE LIQUIDS

Sec.
146.23-1 Definitions of corrosive liquids.
146.23-5 Stowage on board vessels.
146.23-10 General stowage requirements.
146.23-15 Stowage of glass carboys.
146.23-20 "On deck" stowage requirements.
146.23-25 Stowage on vessels carrying explosives.
146.23-30 Exemptions for corrosive liquids.
146.23-35 Sulfuric acid in bulk.
146.23-40 Spent sulfuric acid in bulk.
146.23-45 General requirements for sulfuric acid in bulk and spent sulfuric acid in bulk.
146.23-50 Hydrochloric acid in bulk.
146.23-100 Table F—Classification: Corrosive liquids.

AUTHORITY: §§ 146.23-1 to 146.23-100 issued under R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275.

§ 146.23-1 *Definitions of corrosive liquids.* Corrosive liquids are defined by the ICC regulations as those acids, alkaline caustic liquids, and other corrosive liquids which, when in contact with living tissues, will cause severe damage of such tissues by chemical action; or in case of leakage, will materially damage or destroy other freight by chemical action, or are liable to cause fire when in contact with organic matter or with certain chemicals. Such definition is binding upon all shippers making shipments of corrosive liquids by common carrier vessels engaged in interstate or foreign commerce by water. This definition is accepted and adopted and forms part of the regulations in this subchapter applying to all shippers making shipments of corrosive liquids by any vessel, and shall apply to owners, charterers, agents or other persons transporting, carrying, conveying, storing, stowing, or using corrosive liquids on board any vessel subject to R. S. 4472, as amended, and this subchapter.

§ 146.23-5 *Stowage on board vessels.* All corrosive liquids permitted for transportation on board vessels shall, if taken on board a vessel, be stowed in accordance with the provisions applying to the particular character of vessel as shown in the tables forming § 146.23-100 and with the detailed regulations for stowage.

§ 146.23-10 *General stowage requirements.* In the stowage of corrosive liquids, the following conditions shall be observed:

(a) Corrosive liquids shall not be stowed in a compartment or hold in which explosives are stowed. (See: "*Stowage on vessels carrying explosives.*")

(b) Such liquids shall be stowed well away from living quarters, foodstuffs or cargo of an organic nature.

(c) Stowage shall be in such manner that the containers may be readily observed.

(d) Corrosive liquids shall not be stowed in proximity to or over other dangerous articles of cargo.

NOTE: This paragraph was declared inapplicable to the transportation of military explosives. See § 146.29-1.

(e) Corrosive liquids shall not be stowed over any combustible substance even though such substance is not dangerous by the regulations in this part.

§ 146.23-15 *Stowage of glass carboys.* Glass carboys containing corrosive liquids, unless completely boxed, shall not be stowed more than two tiers high. The transportation of acids and other corrosive liquids in glass carboys on board barges is not subject to this provision. The term "completely boxed carboys" may include regularly boxed carboys with neck protection extending to the sides of the carboy box; or of crate construction; either type to be of strength commensurate with the strength of the carboy box itself and to be sufficiently adequate to permit stacking one on top of the other.

§ 146.23-20 *"On deck" stowage requirements.* (a) Acids, alkaline caustic liquids, and other corrosive liquids permitted to be stowed "On deck" shall be so stowed that any leakage from a container will drain away from other cargo and readily reach an overboard scupper or freeing port. Such drainage shall not be permitted to enter an enclosed drainage system other than a direct overboard scupper. If such stowage is not possible to arrange, clean, hard, dry sand shall be placed under and around the lower tier of containers to absorb any leakage.

(b) Dunnage shall be provided on the deck and otherwise and so arranged that any appreciable leakage will be apparent.

(c) Any leakage occurring shall be washed down, using liberal quantities of water.

§ 146.23-25 *Stowage on vessels carrying explosives.* Acids, alkaline caustic liquids, and other corrosive liquids required by the regulations in this part to be stowed "On deck" shall not be transported on vessels carrying explosives except in conformity with the following provisions:

(a) When stowed "On deck" on vessels having machinery spaces amidship, the engine and boiler room spaces shall intervene between the holds which contain the explosives and the spaces over which the corrosive substances are stowed.

(b) When stowed "On deck" on vessels having machinery spaces aft, the bridge structural erection shall intervene between holds which contain explosives and the spaces over which the corrosive substances are stowed. The stowage shall not be utilized unless it provides a distance between the stowages of at least one complete hold space.

(c) When carried "Under deck" the engine and boiler room spaces, or one complete hold free of any explosive or inflammable liquid shall intervene between stowage of the explosives and the corrosive liquids.

NOTE: Paragraphs (a), (b), and (c) were declared inapplicable to the transportation of military explosives. See § 146.29-1.

§ 146.23-30 *Exemptions for corrosive liquids.* (a) Acids, alkaline caustic liquids, and other corrosive liquids in quantity not exceeding 1 pound in bottles, each enclosed in a metal can, and packed in outside containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements unless otherwise provided by the regulations in this part.

(b) Such limited quantity shipments may be accepted on board all vessels subject to the regulations in this part provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

(c) The provisions of paragraph (a) of this section do not extend to shipments of the following acids, alkaline caustic liquids, and other corrosive liquids:

Acid sludge.
Allyl chloroformate.
Amyl trichlorosilane.
Antimony pentafluoride.
Benzyl bromide.
Benzyl chloroformate.
Boron trichloride.
Bromine.
Bromine pentafluoride.
Bromine trifluoride.
a-Bromotoluene.
Butyl trichlorosilane.
Chloracetyl chloride.
Chlorine trifluoride.
Diethyl dichlorosilane.
Difluorophosphoric acid, anhydrous.
Dimethyl sulfate.
Diphenyl dichlorosilane.
Electrolyte or alkaline corrosive battery fluid packed with storage batteries, battery chargers, or radio current supply devices.
Ethyl chloroformate.
Ethyl phenyldichlorosilane.
Fluosulfonic acid.
Hexafluorophosphoric acid.
Hexyl trichlorosilane.
Hydrazine, anhydrous.
Hydrazine solution containing 50 percent or less of water.
Hydrofluoric acid, anhydrous.
Hydrogen peroxide over 52 percent strength by weight.
Hypochlorite solution containing more than 7 percent available chlorine by weight.
Less-than-carload and less-than-truckload shipments of wet electric storage batteries.
Methyl chloroformate.
Mixtures of hydrofluoric and sulfuric acid
Monofluorophosphoric acid, anhydrous.
Nitrating (mixed) acid.
Nitric acid.
Nitrohydrochloric acid.
Nitrohydrochloric acid diluted.
Octyl trichlorosilane.
Phenyl trichlorosilane.
Phosphorus oxychloride.
Phosphorus tribromide.
Phosphorus trichloride.
Propyl trichlorosilane.
Spent acid (sulfuric or mixed).
Sulfur chloride.
Thionyl chloride.
Thiophosphoryl chloride.

(d) Other exemptions from specification packaging, marking other than name of contents, and labeling requirements are shown in the tables under the specific article.

§ 146.23-35 *Sulfuric acid in bulk.* Sulfuric acid may be transported in bulk on board cargo vessels in conformity with the following provisions:

(a) In tanks forming an integral part of the structure of the vessel:

(1) Provided the sulfuric acid is of a specific gravity of not less than 1.8125 (65° Baumé) or of greater strength.

(2) Sulfuric acid of a specific gravity of not less than 1.7059 (60° Baumé) and of greater strength, up to but not exceeding 1.8068 specific gravity (64.75° Baumé) provided the acid has been treated with an inhibitor that renders its corrosive effects on steel no greater than that of 66° Baumé, commercial sulfuric acid.

(3) Integral tanks shall be constructed and tested to meet the requirements of the rules of the American Bureau of Shipping.

(4) Integral tanks used for the stowage of the types of sulfuric acid in bulk permitted by subparagraphs (1) and (2) of this paragraph shall be vented to the atmosphere to prevent development of internal pressure. The vent pipe shall be at least equal in diameter to that of the tank filling line and of a thickness not less than that of standard weight pipe. No openings shall be permitted in a tank below deck, except such openings as are required for access or maintenance purposes, and these openings shall be fitted with bolted plate covers and gaskets. The gaskets shall be of a material resistive to the action of sulfuric acid. Filling and discharge lines shall terminate above the weather deck and be fitted with suitable stop valves.

(5) The exhaust end of the vent line shall terminate above the weather deck in a location clear of obstruction and away from any source of open flame. The outlet of the vent shall be fitted with a gooseneck bend and flame screen made of corrosive-resistant wire of at least 30 x 30 mesh for a single screen, or two screens of corrosive-resistant wire at least 20 x 20 mesh, placed not less than 1 inch or more than 1½ inches apart. No stop valve or frangible disk shall be fitted in a vent line.

(6) An outage space of not less than 1% of the capacity of the tank shall be maintained at time of filling.

(7) Air pressure shall not be used to discharge cargo from tanks forming an integral part of the structure of the vessel.

(b) In tanks (pressure-vessel type) independent of the structure of the vessel, acid of 52° Baumé minimum strength or over may be transported without restriction: *Provided:*

(1) The acid is stowed in independent tanks which shall be designed for a pressure of not less than 50 pounds per square inch and shall be fabricated, inspected, and tested in compliance with the requirements for Class III arc-welded unfired pressure vessels, as set forth in Parts 50 to 57 inclusive, of this chapter (Subchapter F—Marine Engineering).

(2) Independent tanks used for the stowage of the type of sulfuric acid in bulk permitted by paragraph (b) of this section shall be fitted with vent pipes discharging to the atmosphere. The vent shall be fitted with a frangible rupture disk to permit the use of air pressure in discharging the cargo and to prevent development of internal pressure in the tank of above 30 pounds per square inch. The vent shall be at least equal in diameter to that of the tank filling line, and of a thickness of not less than that of standard weight pipe. No openings shall be permitted in a tank below deck, except such openings as are required for access or maintenance purposes, and these openings shall be fitted with bolted plate covers and gaskets. The gaskets shall be of a material resistive to the action of sulfuric acid. Filling and discharge lines shall terminate above the weather deck and be fitted with suitable stop valves.

(3) The outlet of the vent line shall terminate above the weather deck in a location clear of obstruction and away from any source of open flame. The outlet of a vent line shall be fitted with a gooseneck bend and flame screen made of corrosive-resistant wire of at least 30 x 30 mesh, for a single screen, or two screens of corrosive-resistant wire at least 20 x 20 mesh, placed not less than 1 inch or more than 1½ inches apart. The vent shall be closed with a frangible disk of lead or other suitable material of a thickness that will hold a pressure of 30 pounds per square inch for a period of 1 hour but will rupture within 8 hours. No stop valve shall be fitted in a principal vent line. An auxiliary vent for use in relieving pressure or vacuum in the tank during filling or discharge of cargo may be taken off a vent pipe between the tank and the frangible disk, provided such vent discharges above the weather deck and provided further the outlet of the vent is fitted with a gooseneck bend and flame screen or screens, as described in this subparagraph. The auxiliary vent shall be fitted with a stop valve.

(4) An outage space of not less than 1 percent of the capacity of the tank shall be maintained at time of filling.

(5) Independent tanks shall be so installed in the vessel that sufficient space is provided between any structure of the vessel and the tank itself for purpose of inspection. Such space must be sufficient to permit unobstructed examination.

(6) Special approval of the Commandant may be obtained where more than 30 pounds per square inch pressure is required to discharge the cargo: *Provided*, That the tank is designed and constructed for the appropriate pressure and meets the requirements for Class II, arc-welded unfired pressure vessels (Subchapter F—Marine Engineering).

§ 146.23-40 *Spent sulfuric acid in bulk.* Spent sulfuric acid may be transported in bulk on board cargo vessels in conformity with the following provisions:

(a) In independent, rubber-lined tanks (pressure-vessel type) or in "built-in" rubber-lined tanks. Approval by the Commandant is required for "built-in" type of construction.

(b) Independent tanks shall be designed for a pressure of not less than 50 pounds per square inch and shall be fabricated, inspected, and tested in compliance with the requirements for Class III arc-welded unfired pressure vessels, as set forth in Parts 50 to 61, inclusive, of this chapter (Subchapter F—Marine Engineering).

(c) Independent tanks used for the stowage of spent sulfuric acid in bulk shall be fitted with vent pipes discharging to the atmosphere. The vent pipes shall be fitted with a frangible rupture disk to permit the use of air pressure in discharging the cargo and to prevent development of internal pressure in the tank of above 30 pounds per square inch. The vent pipes shall be at least equal in diameter to that of the tank filling line and of a strength at least equivalent to that of the tank. No openings shall be permitted in a tank below deck, except such openings as are required for access or maintenance purposes, and these openings shall be fitted with bolted plate covers and gaskets. The gaskets shall be of a material resistive to the action of sulfuric acid. The cargo filling line shall terminate above the weather deck and shall be fitted with a stop valve. The cargo discharge line may terminate above the weather deck, provided in the latter case such piercing of the vessel's hull shall conform to the rules and requirements of the American Bureau of Shipping.

(d) For independent tanks, the vent and its fittings, such as gooseneck, flame screen, frangible disk, stop valve, and the auxiliary vent, shall be installed in compliance with the provisions of § 146.23-35, *Sulfuric acid in bulk.*

(e) An outage space of not less than 1 percent of the capacity of the tank shall be maintained at time of filling.

(f) Independent tanks used for the stowage of spent sulfuric acid shall be so installed in the vessel that sufficient space is provided between any structure of the vessel and the tank itself for purpose of inspection. Such space must be sufficient to permit unobstructed examination. This provision shall not apply to "built-in" tanks when approval is given to permit parts of the structure of a vessel to be used to form a part or parts of the tank.

(g) "Built-in" tanks shall be fitted with pipes discharging to the atmosphere. The vent pipe shall be at least equal in diameter to that of the tank filling line, and of a thickness of not less than that of standard weight pipe. No openings shall be permitted in a tank below deck except such openings as are required for access or maintenance purposes, and these openings shall be fitted with bolted plate covers and gaskets. The gasket shall be of a material resistive to the action of sulfuric acid. The cargo filling line shall terminate above the weather deck or through the shell of the vessel, provided in the latter case such piercing of the vessel's hull shall conform to the rules of the American Bureau of Shipping.

(h) The outlet of the vent shall terminate above the weather deck in a location clear of obstruction and away from any source of open flame. The outlet of the vent shall be fitted with a gooseneck bend and flame screen made of corrosive-resistant wire of at least 30 x 30 mesh for a single screen, or two screens of corrosive-resistant wire at least 20 x 20 mesh, placed not less than 1 inch or more than 1½ inches apart. No stop valve or frangible disk shall be fitted in a vent line.

(i) An outage space of not less than 1 percent of the capacity of the tank shall be maintained at time of filling.

(j) Air pressure shall not be used to discharge cargo from "built-in" tanks.

(k) Rubber-lined tanks shall have their interior surfaces prepared to receive the lining. Welds shall be chipped or ground smooth. The interior surface shall be thoroughly cleaned and maintained free of all foreign matter during the lining process. The rubber used for lining shall be of a type resistive to dilute sulfuric acid, and shall be of a thickness of not less than ¼ inch and shall be bonded to the plating. Joints shall overlap at least 1½ inches and the edges shall be beveled to an angle of approximately 45° and vulcanized in place. Filling and discharge lines shall be rubber lined or otherwise lined or coated with material resistive to dilute sulfuric acid. Vent lines shall be rubber lined at least to the height of the frangible disk.

§ 146.23–45 *General requirements for sulfuric acid in bulk and spent sulfuric acid in bulk.* (a) Where applicable the provisions of this section shall be complied with in the handling and transportation of sulfuric acid in bulk and spent sulfuric acid in bulk.

(b) All inclosed compartments in which acid tanks are installed shall be provided with efficient means of ventilation. Pump rooms and compartments containing machinery to handle acid cargo shall be ventilated.

(c) All cargo pumps, piping, valves and fittings used for handling acid shall be made of material resistive to the corrosive effects of the type acid being handled, or shall be suitably protected against corrosion.

(d) In handling sulfuric acid or spent sulfuric acid in bulk no naked light shall be permitted in the vicinity of the operation. Smoking shall be prohibited and the master or person in charge of the vessel shall post "No Smoking" signs. All artificial lights other than electric lights or portable battery lights are prohibited from use during the operation. A water hose shall be connected and ready for use and any leakage of acid shall be immediately washed down. Tools necessary in loading or unloading operations shall be of the nonsparking type. Fire or other naked light shall not be applied to any tank for the purpose of liquefying congealed sulfuric acid. The only means permitted to liquefy frozen or congealed sulfuric acid shall be a steam-heated coil or coils.

§ 146.23–50 *Hydrochloric acid in bulk.* (a) Hydrochloric acid may be transported in bulk on board cargo vessels when laden in rubber or other approved lined tanks (pressure-vessel type) independent of the structure of the vessel. Tanks shall be designed for a pressure of not less than 50 pounds per square inch, and shall be constructed, inspected, and tested in compliance with the requirements for Class II arc-welded, unfired pressure vessels, as set forth in Parts 50 to 57, inclusive, of Subchapter F (Marine Engineering) of this chapter, or in compliance with the requirements of Interstate Commerce Commission specification 103B or 103BW. (See also § 146.02–18.)

(b) An application for approval to engage in the transportation of hydrochloric acid in bulk on board vessels shall be made to the Commandant of the Coast Guard. Such application shall include plans of the structure of the vessel; plans of the design of the tank (except Interstate Commerce Commission approved tanks) showing thereon complete data covering materials to be used and method of fabrication; plans of the design indicative of the manner in which the tank is to be installed and secured on board the vessel; plans showing layout of piping, valves, and fittings forming part of the tank, and also piping, valves, and fittings to be installed on the vessel for use in loading or unloading hydrochloric acid in or from the tank. Plans shall be in sufficient detail to provide complete information with reference to the vessel, the tank, and the system of piping, valves, and other appurtenances.

(c) Independent tanks shall be so fitted as to provide sufficient space between the tank and any fixed structural part of the vessel, or in lieu thereof, the installation shall be such as it will be practicable to move said tanks, for inspection of the structure of the vessel and the tanks.

(d) Prior to the installation of the rubber or other approved lining, hydrochloric acid tanks shall have their interior surfaces prepared to receive the lining. Welds shall be chipped or ground smooth. The interior surface shall be thoroughly cleaned and maintained free of foreign matter during the lining process. The rubber or other approved lining shall be of a type resistant to hydrochloric acid and shall be bonded to the plating. Piping forming the loading or discharge line, if of steel, shall be lined with rubber or other approved material to withstand the action of the lading. Flange connections shall be adequately protected from acid coming in contact therewith by means of rubber or other approved lining.

(e) (1) Piping, valves, and fittings used in the loading or unloading of hydrochloric acid shall be of material that will withstand the severe corrosive action of the acid.

(2) Piping may be one of the following materials:

(i) Steel pipe, with approved lining, not less than 2" inside diameter before lining.

(ii) Strong, acid resistant, pressure-suction type hose.

(iii) Hard rubber pipe.

(3) The flange connections, if of steel, shall be adequately protected from acid coming in contact therewith by means of rubber or other approved lining.

(f) (1) When air pressure is used for unloading acid, the air line shall include fittings installed in the following order:

(i) An "ell" having a flange on one end to connect with the air inlet flange on the tank with a full faced soft rubber gasket. The opposite end of the "ell" may consist of a flange or ordinary pipe connection to take either a pipe or flexible hose.

(ii) When desired an acid-resistant flexible hose of optional length may be installed between the "ell" and the fixed air piping leading to the compressor.

(iii) A bleeder valve to release air pressure.

(iv) A pop valve set to blow at 30 pounds pressure.

(v) An air gauge.

(vi) A pressure-reducing valve set at 30 pounds.

(vii) An air shutoff valve.

(viii) A water separator or trap.

(2) When it is desired to install these fittings as part of the shore system, the only portion of this assembly that is required to be part of the vessel's equipment shall consist of the "ell", the bleeder valve to release air pressure, the pop valve set to blow at 30 pounds per square inch pressure, and an air shutoff valve which shall be located at the dome of each tank.

(g) (1) Upon satisfactory completion of tests and inspection the following marking, at least ⅜'' high, shall be stamped into the metal of the tank, or stamped into a noncorrodible name plate permanently attached to the tank by means of welding.

(Name and address of fabricator)
---p. s. i. ---p. s. i.
(Design pressure) (Shop test pressure)

(Inspector's number, initials, and CG symbol)

(Fabricator's serial number)
---U. S. gallons
(Water capacity)

(Date of manufacture)

(2) In addition to the markings required by this subparagraph and by the regulations in Parts 50 to 57, inclusive, in Subchapter F (Marine Engineering) of this chapter, the legend "Hydrochloric acid only" shall be stenciled or painted in block letters (such stenciling or lettering to be at least 2" high) upon the dome or upper portion of the tank in a position plainly visible under operating conditions. Lettering must be maintained legible at all times.

(h) Tanks approved for the transportation of hydrochloric acid shall not be used for the transportation of any other commodity, except upon specific authorization of the Commandant of the Coast Guard.

(i) [Reserved].

(j) Spent hydrochloric acid or hydrochloric acid adulterated by other chemicals, inhibitors, oils, solvents, water, etc., shall not be accepted or transported in bulk on board vessels in containers approved for the transportation of hydrochloric acid, except upon specific authorization of the Commandant of the Coast Guard.

(k) Loading or unloading of hydrochloric acid may be accomplished by use of acid pump, siphon, or compressed air method. Gravity loading is also permissible, provided the tank on the vessel is not subjected to a pressure greater than 30 pounds per square inch.

(l) Filling and discharge pipe connections shall be kept disconnected at the tank and the outlets shall be blanked off at the tank, except when actually loading or unloading the tank: *Provided, however,* That such piping need not be disconnected when an efficient stop valve is fitted in the line in a location as close to the tank as is practicable.

(m) Filling or discharge connections shall not be detached until pressure in the tank and in the line has been completely released.

(n) If air pressure is used in either filling or discharging the lading of the tank, said air pressure shall not be in excess of 30 pounds per square inch at any time.

(o) Compressed air used for unloading shall be as free as possible from oil, moisture, or other foreign matter. To insure this the air supply shall be taken from the top of the air receiver (reservoir). This reservoir shall be drained at regular intervals. Compressor shall be disconnected from air lines at all times except when actually being used to fill or discharge contents of tank. The air lines shall be thoroughly blown out in a reverse direction before making connections to discharge acid. The open end of the air line at the point of connection to the shore system and tank shall be kept clean and so used as to prevent damage to the lining of dome closures, piping, or fittings. A hammer or chisel shall not be used for loosening dome fittings, for connecting or disconnecting in contact with the lining. Connecting flanges of lined pipe shall, "when broken," be protected from the action of sunlight.

(p) The interior of the tank shall be protected from the weather. Water or other liquids shall not be introduced into tanks, except upon permission of competent authority. Persons shall not be permitted to enter tanks, except upon permission of competent authority.

(q) Gauging rods, if used, shall be of wood. The lower end of such rods shall be equipped with a soft rubber plug.

(r) Tools, bolts, nuts or other material dropped in a tank through dome openings shall be removed from the tank before the next loading.

(s) Organic solvents, oils, and greases, even in the most minute quantity, shall never be used where they come in contact with the coated surfaces of the tank, dome, opening covers, or discharge lines. To lubricate nuts or bolts, a mixture of flake graphite and glycerol shall be used.

(t) Tanks shall normally be kept closed to prevent sunlight from coming

§ 146.23–100 *Table F—Classification: Corrosive liquids.*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetyl chloride	*A clear, colorless, fuming liquid. Gives off fumes which are extremely irritating to the eyes. Decomposes violently with water or alcohol with the evolution of hydrochloric acid fumes which are irritating and suffocating. Inflammable. Flashpoint 50° F. Boiling point 135° F. Do not stow adjacent to alkali. Protect stowage from water. Protect from sparks and open flame. Keep cool.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, bowel, glass, earthen not over 13 gal. cap. (ICC–1A) Carboys, bowel, glass, earthen not over 13 gal. cap. (ICC–1D) Carboys, bowel, glass (ICC–1D) not over 65g gal. cap. Carboys in kegs, glass, earthen ware, not over 13 gal. (ICC–1C) Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, bowel, glass, earthen ware, closure, glass (ICC–1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Nickel or monel tanks (ICC–5K) not over 110 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 15A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 5,000 lb. gr. wt. Tank cars (ICC–103A, 103A–W).	Not permitted.	Not permitted.	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acids, liquids, N. O. S.	*Any acid not otherwise specified by name herein which qualifies under the definition contained in these regulations as a corrosive liquid.* Protect from sparks and open flame. Keep cool.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 100 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Alkaline caustic liquids, N. O. S.	*Usually colorless, odorless, liquids.* *Neither volatile nor combustible.* *Hazardous in contact with certain textiles and metals.*	White	Stowage: "On deck protected." "On deck under cover." "On deck in open." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap., and not over 1,700 lb. gr. wt. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103, 103W, 103A, 103A–W, 104, 104W, 104A, 104A–W).	Stowage: "On deck protected." "On deck under cover." "On deck in open." Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap., and not over 1,700 lb. gr. wt. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap., and not over 1,700 lb. gr. wt. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap., and not over 1,700 lb. gr. wt. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103, 103W, 103A, 103A–W, 104, 104A, 104W, 104A–W)
Alkaline corrosive battery fluid.	*Liquid used in alkaline storage batteries.* For characteristics and hazards see "Alkaline corrosive, liquids, N. O. S."	White.				
Alkaline corrosive liquids, N. O. S.	*May be any alkaline corrosive liquid properly described as such in accordance with the definition for a corrosive liquid and not otherwise specified by name in these regulations.* *Particularly hazardous in contact with organic substances and textiles.* *Miscible with water.*	White.				
Allyl chloroformate Allyl chlorocarbonate.	*A clear, corrosive liquid having a pungent odor.* *Fumes irritating to eyes and tissue.* *Flashpoint below 80° F.* Protect from sparks and open flame. Keep cool.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Metal drums, lead-lined (ICC–5H) not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Amyl trichlorosilane	*Water-white liquid having a pungent and acrid odor.* *Fumes strongly when exposed to moist air. Vapors are corrosive and irritating.* *Avoid prolonged breathing of fumes.* *In event of spillage flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Steel barrels or drums (ICC–17H, 37D) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Anisoyl chloride	*A slightly corrosive, brown colored liquid having a sharp penetrating odor.* *It is reasonably stable thermally.* *Fumes somewhat when exposed to moist air, evolving a corrosive and irritating vapor.* *Avoid prolonged breathing of fumes.* *In event of spillage flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5C, 5G) not over 110 gal. cap.	Not permitted	Not permitted	Not permitted.
Antimony pentachloride Antimony pentachloride, solution.	*A heavy, reddish brown liquid, having an offensive odor.* *Decomposed by water, evolving hydrochloric acid, the fumes of which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Reacts strongly with organic matter giving off dense fumes.* *Boiling point 197° F.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5A), not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Authorized only for antimony pentachloride: Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W). Authorized only for antimony pentachloride, solution: Carboys, lead, metal-jacketed (ICC-28) not over 15 gal. cap. Wooden barrels or kegs (ICC-10A) asphalt-lined, not over 50 gal. cap. Metal drums, rubber lined (ICC-51) not over 110 gal. cap. Metal drums, lead lined (ICC-51l) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap.	Not permitted	Not permitted	Not permitted.
Antimony pentafluoride	*A colorless liquid at ordinary temperature having a pungent odor.* *When anhydrous it is not very corrosive to metals but reacts violently with water to develop corrosive decomposition products.* *May cause fire if anhydrous chemical is brought into contact with readily combustible organic matter.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Cylinders (ICC-3A150, 3AA150, 3E1800, 3H240, 4B240, 4BA240) closed by means of iron or steel threaded plugs.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Batteries, dry			No restrictions	No restrictions	No restrictions	No restrictions.
Batteries, electric storage, wet. NOTE: Electric storage batteries containing electrolyte or corrosive battery fluid of the non-spillable type, protected against short circuits and completely and securely boxed, are exempt from specification packaging, marking other than name of contents, and labeling requirements.	*Charged electric storage batteries containing electrolyte (acid) or alkaline corrosive battery fluid.* NOTE: Must be completely protected so that short circuit will be prevented. Must not be packed with other articles except electrolyte or corrosive battery fluid, portable searchlight properly cushioned, battery parts or hydrometers, securely packed in a separate container. Observe instructions regarding "This side up" stowage.	White unless exempt from labeling requirements.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Wooden boxes (nonspecification) completely closed, having cleated ends, and two skids of at least 3" x 3" size attached to the bottom of the box. Wooden or metal trays (nonspecification). Carload or truckload shipments of electric storage batteries permitted by regulations to be shipped without being packed in an outside container, shall when stowed on board a vessel be packed in wooden or metal trays so constructed as to protect the batteries from damage, short circuit or from the weight of imposed stowage resting upon the batteries. NOTE: Electric storage batteries, wet, with case of impregnated rubber, asphaltum composition, wooden-battery-box type, or steel-case type may be packed as follows: 1 to 3 batteries not over 20 lb. each in outside box, gross weight not over 75 lb., specification container not required; 1 battery not over 75 lb. in 5-sided slip covers or fiberboard boxes meeting ICC requirements.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Wooden boxes (nonspecification) completely closed, having cleated ends, and two skids of at least 3" x 3" size attached to the bottom of the box. Wooden or metal trays (nonspecification). Carload or truckload shipments of electric storage batteries permitted by regulations to be shipped without being packed in an outside container, shall when stowed on board a vessel be packed in wooden or metal trays so constructed as to protect the batteries from damage, short circuit or from the weight of imposed stowage resting upon the batteries. NOTE: Electric storage batteries, wet, with case of impregnated rubber, asphaltum composition, wooden-battery-box type, or steel-case type may be packed as follows: 1 to 3 batteries not over 20 lb. each in outside box, gross weight not over 75 lb., specification container not required; 1 battery not over 75 lb. in 5-sided slip covers or fiberboard boxes meeting ICC requirements.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Carload or truckload shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits, are exempt from specification packaging, marking other than name of contents, and labeling requirements. NOTE: Electric storage batteries, wet, with case of impregnated rubber, asphaltum composition, wooden-battery-box type, or steel-case type may be packed as follows: 1 to 3 batteries not over 20 lb. each in outside box, gross weight not over 75 lb., specification container not required; 1 battery not over 75 lb. in 5-sided slip covers or fiberboard boxes meeting ICC requirements.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15D, 16B) not over 400 lb. gr. wt. Carload or truckload shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits, are exempt from specification packaging, marking other than name of contents, and labeling requirements. NOTE: Electric storage batteries, wet, with case of impregnated rubber, asphaltum composition, wooden-battery-box type, or steel-case type may be packed as follows: 1 to 3 batteries not over 20 lb. each in outside box, gross weight not over 75 lb., specification container not required; 1 battery not over 75 lb. in 5-sided slip covers or fiberboard boxes meeting ICC requirements.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Benzoyl chloride	*A clear, colorless liquid which even at ordinary temperatures gives off a vapor very irritating to the eyes, nose, and throat. Decomposes on contact with water liberating fumes which are irritating to the mucous membrane and in sufficient quantities will be suffocating.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed; glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed; glass (ICC–1D) not over 6½ gal. cap. Carboys in kegs; glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Benzyl chloride must be stabilized when packed in unlined containers: Steel drums, lead-lined (ICC–5H) not over 55 gal. cap. for benzyl chloride only. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. Tank cars (ICC–103A, 103A–W). Benzyl chloride must be stabilized when loaded in unlined tanks. Unstabilized benzyl chloride and benzoyl chloride when anhydrous and free from impurities such as iron may be shipped in: Nickel drums (ICC–5K) not over 55 gal. cap. Nickel tank cars (ICC–103A, 103A–W) for benzyl chloride only.	Not permitted	Not permitted	Not permitted.
Benzyl chloride	*A colorless liquid possessing a rather unpleasant color and vapors which are very irritating to the eyes, nose, and throat. Combustible. Flash point 140° F. Immiscible with water.*	White.				
Benzyl chloroformate. Benzyl chlorocarbonate.	*A clear, transparent liquid having a sharp penetrating odor. It is both toxic and combustible. Will react with water to form hydrochloric acid. In event of leakage use soda ash, lime, or flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed; glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Boiler compound, liquid	*Usually clear, colorless, odorless liquid. Generally contains caustic alkali in varying proportions. May be corrosive to wool textiles and some metals. May cause painful burns to the skin and tissue. Miscible with water.*	White	Storage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103, 103W, 103A, 103A–W, 104, 104W, 104A, 104A–W).	Stowage: "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 55 gal. cap. Metal drums, rubber lined (ICC–5D) not over 110 gal. cap. Metal drums, lead lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (HB).
Boron trichloride	*A colorless fuming liquid. Decomposes in contact with water evolving hydrochloric acid fumes which are irritating to mucous membranes and in sufficient quantity are suffocating. Boiling point 55° F.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Bromine	*A heavy, reddish brown liquid. At ordinary temperatures it gives off toxic, suffocating vapors of the same color as the liquid. It causes heat when in contact with organic matter and may cause fire. Caustic to the skin, inflicting deep painful burns. Fumes or vapors even in low concentration have a strong corrosive effect on mucous membranes and inflame the eyes. Slightly soluble in water. Boiling point 137° F.* Do not stow with combustible materials. Protect from direct rays of the sun. Keep cool.	White	Stowage: "On deck in open." "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums, lead-lined (ICC–5H) not over 10 gal. cap. Wooden boxes (ICC–15A, 15B) WIC, not over 15 qts. in any one outside box. Tank cars (ICC–105A300–W). Bromine which has been dried in accordance with good commercial practice may also be shipped in: Nickel drums (ICC–5K) not over 10 gal. cap. and not over 225 lb. net wt. Monel drums (ICC–5M) not over 10 gal. cap. and not over 225 lb. net wt.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Bromine pentafluoride	*A colorless, heavy liquid or white crystalline solid.* *Boiling point about 109° F.* *Is extremely reactive and may cause fires if in contact with combustible material.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Cylinders (ICC-3A150, 3AA150, 4B240) with valve protection cap. Cylinders, boxed (ICC-3E1800) not over 1 lb. of bromine pentafluoride.	Not permitted	Not permitted	Not permitted.
Bromine trifluoride	*A clear, colorless liquid.* *Will promote combustion of organic materials.* *Reacts violently with water to form corrosive and toxic products.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Cylinders (ICC-3A150, 3AA150, 3B240, 3E1800, 4B240).	Not permitted	Not permitted	Not permitted.
a-Bromotoluene *Benzyl bromide.*	*A clear, colorless liquid with a tear gas odor.* *Irritating to the eyes.* *Is soluble in water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Butyl trichlorosilane	*A water-white liquid with a pungent, irritating odor.* *Somewhat combustible.* *Fumes readily in moist air to evolve irritating and corrosive vapors.* *Avoid prolonged breathing of fumes.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 5C) not over 55 gal. cap. (ICC-5F) not over 11 gal. cap. (ICC-17E) STC, not over 55 gal. cap. Steel barrels or drums (ICC-17H, 37D) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Caustic potash, liquid Potassium hydroxide solution. Caustic soda, liquid. Sodium hydroxide solution.	*Odorless, corrosive liquids.* *Will attack flesh and destroy organic material.* Stow well away from other corrosive liquids (white label). Do not stow over cargo of an organic nature.	White	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys, in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Caustic Soda, Liquid, Only" or "For Caustic Potash, Liquid, Only." Tank cars (ICC—103, 103W, 103A, 103A-W, 104, 104W, 104A, 104A-W). In tank barges, see section covering barges in these regulations.	Stowage: "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Caustic Soda, Liquid, Only" or "For Caustic Potash, Liquid, Only."	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. marked "For Caustic Soda, Liquid, Only" or "For Caustic Potash, Liquid, Only." Tank cars (ICC—103, 103W, 103A, 103A-W, 104, 104W, 104A, 104A-W). Motor truck vehicles having cargo tanks marked "For Caustic Soda, Liquid, Only", or "For Caustic Potash, Liquid, Only."
Chemical kits (*containing acids in inside container not exceeding 6 fluid ounces each*). Must not contain any of the items named in § 146.23-30 (c). Chemical kits containing larger amounts of acids must be packed, marked and labeled as prescribed by these regulations for the specific acids or corrosive liquids contained therein.	*Chemical kits containing small amounts of acid used for experimental or pleasure purposes.* The contents of the kit must be of such nature and/or so packed that there will be no possibility of the mixture of contents causing dangerous evolution of heat or gas.	No label required	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Outside containers: Strong wooden or metal container, or packed in a strong wooden or metal container.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Strong wooden or metal container, or packed in a strong wooden or metal container.	Ferry stowage (AA) Outside containers: Strong wooden or metal container, or packed in a strong wooden or metal container.	Ferry stowage (BB). Outside containers: Strong wooden or metal container, or packed in a strong wooden or metal container.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chloracetyl chloride	*A colorless, corrosive liquid having a very pungent odor.* *Decomposes in water, evolving hydrochloric acid fumes, which are irritating to mucous membranes and in sufficient quantities will be suffocating.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums, lead-lined (ICC–5H) not over 110 gal. cap. Wooden boxes (ICC–15A, 15B) WIC, not over 200 lb. gr. wt. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap.	Not permitted	Not permitted	Not permitted.
Chlorine trifluoride	*A colorless gas which liquefies into a green liquid.*<br*Reacts violently with water to develop corrosive products.* *May cause ignition of readily combustible organic materials on contact.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Cylinders (ICC–3A150, 3AA150, 3E1800, 3B240, 4B240).	Not permitted	Not permitted	Not permitted.
Chlorosulfonic acid Chlorosulfonic acid sulfur trioxide, mixture.	*A colorless or slightly yellow liquid.* *Fumes in air giving off dense vapor clouds.* *In contact with water reacts violently, forming steam and giving off fumes of hydrochloric acid gas, which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Very caustic to the skin.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5A, 5C) not over 110 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103A, 103A–W).	Not permitted	Not permitted	Not permitted.
Chromic acid solution	*A solution of chromic acid.* *Has a strong caustic effect upon the skin.* Observe containers carefully for signs of leakage and reject any which are found leaking. Do not stow with other acids (white label), inflammable liquids (red label), glycerin or any combustible material. Observe special requirements for stowage on board vessels also transporting explosives.	White	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5A) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 5 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass, (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5A) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 5 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr.wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5A) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 5 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5A) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 5 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Compounds, cleaning liquid. Compounds, iron or steel rust preventing or removing. Compounds, lacquer, paint or varnish removing liquid. Compounds, vulcanizing, liquid.	*Any compounds under these descriptive names that classify in accordance with the definitions given in these regulations as a corrosive liquid.*	White	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drum (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.
Compounds, cleaning, liquid (*containing hydrofluoric acid*). Must not contain more than 60% hydrofluoric acid.	*Colorless water solutions of hydrofluoric acid in various concentrations.* *May also contain ammonium fluoride, etc.* *Extremely corrosive to glass, stoneware, and some metals.* *Miscible with water.* *Produces painful burns when allowed to contact flesh.* *Gives off fumes which are irritating and caustic.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes, WIC of natural rubber, ceresine, lead or other hydrofluoric acid-resistant material (ICC–15A, 15B, 15C, 16A, 19A) not over 200 lb. gr. wt. Fiberboard boxes, WIC of natural rubber, ceresine, lead, or other hydrofluoric acid-resistant material of equal strength (ICC–12B) not over 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Corrosive liquid, N. O. S.	*Any liquid not otherwise specified by name in this chart which qualifies as a corrosive liquid according to the definition contained in these regulations.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Not permitted	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, no over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cuprietylene-diamine solution.	*A dark purple liquid with odor resembling ammonia.* *Dissolves cellulose products such as cotton, wood, etc.* *Not very corrosive to most metals.* *In event of leakage drench with water.*	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103, 103W, 103A, 103A–W, 104, 104W, 104A, 104A–W).	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (HH). Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap., and not over 1,760 lb. gr. wt. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103, 103W, 103A, 103A–W, 104, 104W, 104A, 104A–W).
Diethyl dichlorosilane	*Colorless liquid that fumes strongly in moist air to develop extremely corrosive products.* *Fumes are so intense in air that leaky containers may create an appearance of fire.* *Liquid may be combustible.* *Avoid breathing fumes which are irritating and dangerous.* *In event of leakage remove container and flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Steel barrels or drums, (ICC–17H, 37D) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Difluorophosphoric acid, anhydrous.	*A clear, colorless liquid* *Fumes strongly in moist air to evolve irritating and somewhat toxic vapor.* *Extremely corrosive to glass and fabrics.* *Avoid contact with skin.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Aluminum drums (ICC–42B, 42C, 42D) not over 55 gal. cap. Wooden boxes (ICC–15A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Fiber drums (ICC–21A, 21B) WIC, not over 150 lb. gr. wt. NOTE: Inside containers and packing must comply with special ICC regulations.	Not permitted	Not permitted	Not permitted.
Hexafluorophosphoric acid.	*A clear, colorless liquid* *Reacts violently with water to develop extremely corrosive products.* Keep dry.	White.				
Monofluorophosphoric acid, anhydrous.	*A clear, colorless, practically colorless liquid.* *Reacts strongly with water to develop corrosive products.* *Avoid contact with the skin.* *Will destroy fabrics and other organic materials.* Keep dry.	White.				
Dimethyl sulfate	*A heavy colorless liquid* *Its vapors are extremely dangerous if inhaled, likely to be fatal.* *Has a powerful caustic action on the skin.* *Immiscible with water.* Stow well away from living quarters.	White	Stowage: "On deck protected." Outside containers: Steel barrels or drums: (ICC–5A, 5C) not over 55 gal. cap. (ICC–5) enclosed in strong wooden crates, not over 15 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) containing one glass inside container, not over 1 quart cap. in a hermetically sealed metal can. Tank cars (ICC–103A, 103A–W).	Not permitted	Not permitted	Not permitted.
Diphenyl dichlorosilane	*A colorless liquid with a sharp penetrating odor.* *Fumes strongly in moist air to develop extremely corrosive products.* *Avoid breathing fumes which are irritating and dangerous.* *In event of leakage remove container and flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Steel barrels or drums, (ICC–17H, 37D) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Drugs, chemicals, medicines, or cosmetics, N. O. S. When packed in accordance with ICC requirements for the particular substance and separated and cushioned by incombustible absorbent material when the characteristics of the substance so require. See §146.23–30 for limited quantity shipments.	*A unit substance or a compound classified as a corrosive liquid in accordance with the definition contained herein, when prepared, packed, and offered to the trade as drugs, chemicals, medicines or cosmetics.*	White	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A), not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A), asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Electrolyte (acid) battery fluid. NOTE: Electrolyte (acid) must not be over 47% strength (39° Baumé).	*Electrolyte acid is a term commonly applied to dilute sulfuric acid used in electric storage batteries.* *This acid generates heat when mixed with water.* *Will char organic material.* *Miscible with water.* Do not stow with combustible materials. Observe closely for signs of leakage and reject packages which are leaking or show signs of having leaked.	White	Stowage. "On deck in open." "On deck under cover." "Tween decks." Outside containers: Carboys, boxed, (ICC–1A) glass only, not over 13 gal. cap. Carboys in kegs (ICC–1C) glass only, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Jugs in tubs (ICC–31) not over 2 gal. each and limited to 1 jug in each tub. Steel barrels or drums: (ICC–5H) lead-lined, not over 110 gal. cap. (ICC–5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Portable tanks, lined (ICC–60) not over 8,000 lb. gr. wt. Tank cars (ICC–103B, 103B–W)	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Carboys, boxed, (ICC–1A) glass only, not over 13 gal. cap. Carboys in kegs (ICC–1C) glass only, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Jugs in tubs (ICC–31) not over 2 gal. each and limited to 1 jug in each tub. Steel barrels or drums: (ICC–5H) lead-lined, not over 110 gal. cap. (ICC–5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed (ICC–1A) glass only, not over 13 gal. cap. Carboys in kegs (ICC–1C) glass only, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Jugs in tubs (ICC–31) not over 2 gal. each and limited to 1 jug in each tub. Steel barrels or drums (ICC–5H) lead-lined, not over 110 gal. cap. (ICC–5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 300 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed (ICC–1A) glass only, not over 13 gal. cap. Carboys in kegs (ICC–1C) glass only, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Jugs in tubs (ICC–31) not over 2 gal. each and limited to 1 jug in each tub. Steel barrels or drums: (ICC–5H) lead-lined, not over 110 gal. cap. (ICC–5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Portable tanks, lined ICC–60) not over 8,000 lb. gr. (wt. Tank cars (ICC–103H, 103B–W)
Electrolyte (acid) or alkaline corrosive battery fluid packed with storage batteries.	*Electric storage batteries in specification outside wooden boxes having glass bottles containing electrolyte packed in the same outside case.* NOTE: Must be packed in accordiances with the requirements of I. C. C. regulations.	White	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Wooden boxes (ICC–15D, 16B) not over 400 lb. gr. wt.	Ferry stowage (AA) Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC–15D, 16B) not over 400 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC–15D, 16B) not over 400 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC–15D, 16B) not over 400 lb. gr. wt.
Electrolyte (acid) or alkaline corrosive battery fluid packed with battery charger or radio current supply device or parts thereof.	This designation provides for shipping one battery charger or one radio current supply device with electrolyte packed within the same outside container, with such electrolyte container closed, cushioned, and separated from the mechanical device by wooden partition.	White	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Outside ICC specification or non-specification tightly packed boxes, barrels or crates may be used for the shipment of not more than 12 ICC–12B fiberboard boxes containing strong 8-fluid ounce or smaller bottles securely closed and cushioned.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Outside ICC specification or non-specification tightly packed boxes, barrels or crates may be used for the shipment of not more than 12 ICC–12B fiberboard boxes containing strong 8-fluid ounce or smaller bottles securely closed and cushioned.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Outside ICC specification or non-specification tightly packed boxes, barrels or crates may be used for the shipment of not more than 12 ICC–12B fiberboard boxes containing strong 8-fluid ounce or smaller bottles securely closed and cushioned.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Outside ICC specification or non-specification tightly packed boxes, barrels or crates may be used for the shipment of not more than 12 ICC–12B fiberboard boxes containing strong 8-fluid ounce or smaller bottles securely closed and cushioned.
Ethyl chloroformate	*A clear, colorless, corrosive liquid.* *Vapors are extremely irritating to the eyes.* *Gradually decomposed by water.* *Flashpoint below 80° F.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ethyl phenyl dichlorosilane.	*A colorless liquid which fumes strongly in moist air to develop extremely corrosive products.* *Avoid breathing fumes which are irritating and dangerous.* *In event of leakage remove container and flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Steel barrels or drums, (ICC–17H, 37D) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Fire extinguisher charges (consisting of sulfuric acid in 5 pint or smaller glass bottles).	For characteristics and hazards see "Sulfuric acid." Must be packed with bicarbonate of soda as specified by ICC regulations.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiber drums (ICC–21A, 21B) WIC, not over 35 lb. gr. wt.	Stowage: "On deck protected." Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiber drums (ICC–21A, 21B) WIC, not over 35 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiber drums (ICC–21A, 21B) WIC, not over 35 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Fiber drums (ICC–21A, 21B) WIC, not over 35 lb. gr. wt.
Flame retardant compound, liquid.	*Solutions used for treating fabrics to reduce their fire hazards.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Wooden barrels or kegs: (ICC–10A) lined with asphalt or rubber, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103B, 103B–W, 108, 108A).	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Wooden barrels or kegs: (ICC–10A) lined with asphalt or rubber, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103B, 103B–W, 108, 108A).	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Wooden barrels or kegs. (ICC–10A) lined with asphalt or rubber, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103H, 103B–W, 108, 108A).	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–28) not over 15 gal. cap. Wooden barrels or kegs. (ICC–10A) lined with asphalt or rubber, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103B, 103B–W, 108, 108A).
Fluosulfonic acid	*A clear, colorless, extremely corrosive liquid.* *Reacts violently with water.* *Fumes strongly in moist air to evolve corrosive and toxic vapors.* *Avoid contact with skin.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5A) not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103A, 103A–W)	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Formic acid. Formic acid, solution.	*A colorless liquid with a pungent irritating odor.* *It is combustible and will give off vapors which may form explosive mixtures in air.* *In concentrated form it is dangerously caustic to the skin.* *Solidifies at 45° F.* *Miscible with water.*	White	Stowage: "On deck in open." "On deck protected." "On deck under cover." "Tween decks." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5C, 5G) not over 110 gal. cap. (ICC–17H) STC, with special bag-type liners not over 55 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) latex rubber-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. marked "For Formic Acid Only." Tank cars (ICC–103C–W) stenciled "For Formic Acid Only." For export shipment only: Carboys, glass, in plywood drums (ICC–1EX) not over 6½ gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5C, 5G) not over 110 gal. cap. (ICC–17H) STC, with special bag-type liners, not over 55 gal cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) latex rubber-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5C, 5G) not over 110 gal. cap. (ICC–17H) STC, with special bag-type liners, not over 55 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) latex rubber-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. marked "For Formic Acid Only." Tank cars (ICC–103C–W) stenciled "For Formic Acid Only." For export shipment only: Carboys, glass, in plywood drums (ICC–1EX) not over 6½ gal. cap.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hexamethylene diamine solution.	*A colorless solution.* *Miscible with water.*	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15-gal. cap. Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap. and not over 1,760 lb. gr. wt. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103, 103W, 103A, 103A–W, 104, 104W, 104A, 104A–W).	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap. and not over 1,760 lb. gr. wt. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap., Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB). Outside containers: Steel barrels or drums (ICC–5, 5A) not over 110 gal. cap. and not over 1,760 lb. gr. wt. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103, 103W, 103A, 103A–W, 104, 104W, 104A, 104A–W).
Hexyl trichlorosilane	*A colorless liquid with a sharp penetrating odor.* *Fumes strongly in moist air to develop extremely corrosive products.* *Avoid breathing fumes which are irritating and dangerous.* *In event of leakage remove container and flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Steel barrels or drums (ICC–17H, 37D) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrazine, anhydrous	*A colorless, incombustible liquid with an odor resembling ammonia.* *Destroys organic substances and textiles.* *Material is alkaline and reacts violently with acids and some oxidizing materials.* *Vapors may be explosive when exposed to high temperatures.* *Miscible with water.* Stow well away from other corrosives (white label) or organic materials.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass (ICC-11D) not over 6½ gal. cap. Stainless steel barrels or drums (ICC 5, 5A, 5C, 5G) not over 55 gal. cap. (ICC 17E) STC, not over 55 gal. cap. Wooden boxes (ICC 15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Hydrazine solution containing 50% or less of water.	Characteristics similar to "Hydrazine, anhydrous." Stow well away from other corrosives (white label) or organic materials.	White.				
Hydriodic acid	*A clear, colorless or pale yellow fuming liquid.* *Gives off fumes which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *It is corrosive but will not cause fire.* *Miscible with water.*	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber - lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Stowage: "On deck protected." Outside containers: Carboys, boxed, lead (ICC-1B) not over 13 gal. cap. Carboys, lead, metal - jacketed (ICC-2S) not over 15 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Monel drums (ICC-5M) not over 55 gal. cap. Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Metal drums, lead-lined (ICC-5H) not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) asphalt-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
Hydrobromic acid (must not be over 49% strength).	*A corrosive, fuming liquid varying from colorless to slightly yellow.* *Gives off fumes which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Is corrosive but will not cause fire.* *Miscible with water.* Shall not be accepted in metal drums.	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Rubber drums (ICC-43A) not over 30 gal. cap. Tank cars (ICC-103B, 103B-W)	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Rubber drums (ICC-43A) not over 30 gal. cap.	Ferry stowage (AA)	Ferry stowage (BB).
Hydrochloric (muriatic) acid. NOTE: See § 146.23-50 (for bulk shipments.	*A corrosive, fuming liquid, varying from colorless to yellow.* *Gives off fumes which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Will damage or destroy many articles by contact but does not cause fire.* *Will dissolve tin, iron, and steel with evolution of hydrogen gas.* *Noninflammable.* *Miscible with water.* Shall not be accepted in unlined metal drums. Do not stow with sulfuric acid, nitric acid or chlorates. Do not stow over other cargo.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC-103B, 103B-W, 108, 108A).	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA)	Ferry stowage (BB).
Hydrochloric acid mixtures. NOTE: When hydrochloric acid contains oils or solvents it must not be shipped in rubber-lined containers.	See "Hydrochloric acid".	White.				

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrobromic acid (must not be over 49% strength).	*A corrosive, fuming liquid varying from colorless to slightly yellow.* *Gives off fumes which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Is corrosive but will not cause fire.* *Miscible with water.* Shall not be accepted in metal drums.	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Rubber drums (ICC-43A) not over 30 gal. cap. Tank cars (ICC-103B, 103B-W)	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Rubber drums (ICC-43A) not over 30 gal. cap.	Ferry stowage (AA)	Ferry stowage (BB).
Hydrochloric (muriatic) acid. NOTE: See § 146.23-50 (for bulk shipments.	*A corrosive, fuming liquid, varying from colorless to yellow.* *Gives off fumes which are irritating in contact with mucous membrane and in sufficient quantities will be suffocating.* *Will damage or destroy many articles by contact but does not cause fire.* *Will dissolve tin, iron, and steel with evolution of hydrogen gas.* *Noninflammable.* *Miscible with water.* Shall not be accepted in unlined metal drums. Do not stow with sulfuric acid, nitric acid or chlorates. Do not stow over other cargo.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC-103B, 103B-W, 108, 108A).	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC-1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC-43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC-10A) rubber-lined, not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Motor truck vehicles having cargo tanks.	Ferry stowage (AA)	Ferry stowage (BB).
Hydrochloric acid mixtures. NOTE: When hydrochloric acid contains oils or solvents it must not be shipped in rubber-lined containers.	See "Hydrochloric acid".	White.				
			NOTE: Hydrochloric acid of not over 20% strength (13.25° Baumé) may also be accepted in: Wooden barrels or kegs (ICC-10A) asphalt-lined, not over 50 gal. cap.	NOTE: Hydrochloric acid of not over 20% strength (13.25° Baumé) may also be accepted in: Wooden barrels or kegs (ICC-10A) asphalt-lined, not over 50 gal. cap.	NOTE: Hydrochloric acid of not over 20% strength (13.25° Baumé) may also be accepted in: Wooden barrels or kegs (ICC-10A) asphalt-lined, not over 50 gal. cap.	NOTE: Hydrochloric acid of not over 20% strength (13.25° Baumé) may also be accepted in: Wooden barrels or kegs (ICC-10A) asphalt-lined, not over 50 gal. cap.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrofluoric acid (original bill of lading or other shipping paper shall certify as to the strength of this acid).	*A colorless, volatile, fuming corrosive liquid with a pungent irritating, odor, used primarily for etching glass.* *Dissolves glass and certain metals.* *Produces painful burn when allowed to contact flesh.* *Gives off fumes which are irritating in contact with mucous membrane and caustic in their effects.* *Miscible with water.* Observe special requirements for stowage on board vessels also transporting explosives. Keep cool.	White	Stowage: "On deck protected." Outside containers: Wooden barrels or kegs, WIC of natural rubber, or ceresine (ICC–11A, 11B) not over 200 lb. net wt. Hydrofluoric acid of not over 65% strength may also be accepted in: Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums, lead-lined (ICC–5H) not over 55 gal. cap. Wooden barrels or kegs, WIC of natural rubber, ceresine, or lead (ICC–11A, 11B) not over 200 lb. net wt. Wooden boxes, WIC of natural rubber, ceresine, lead, or other hydrofluoric acid-resistant material (ICC–15A, 15B, 15C, 16A, 19A) not over 200 lb. gr. wt. Rubber drums (ICC–43A), not over 30 gal. cap. Fiberboard boxes (ICC–12H) WIC, of natural rubber, lead, polyethylene or other hydrofluoric acid-resistant plastic, not over 65 lb. gr. wt. Hydrofluoric acid of not over 62% strength may also be accepted in: Steel barrels or drums, lined (ICC–5D), not over 55 gal. cap. Hydrofluoric acid of not over 60% strength may also be accepted in: Carboys in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap. Hydrofluoric acid of not over 40% strength may also be accepted in: Tank cars, rubber-lined (ICC–103B, 103B–W). Hydrofluoric acid of not over 30% strength may also be accepted in: Wooden barrels or kegs, asphalt-lined (ICC–10A), not over 50 gal. cap. Wooden tank cars (ICC–108, 108A) lined with asphalt or other suitable material which will remain in a plastic condition and not subject to destruction by the lading. Authorized only for hydrofluoric acid of not more than 80% nor less than 60% strength: Steel barrels or drums, unlined (ICC–5A) not over 55 gal. cap. Metal containers must be passified. Tank cars (ICC–103A, 103A–W, 104A, 104A–W, 105A, 105A–W, ARA–IV–A). Authorized only for hydrofluoric acid of 65% to 81% strength or any other concentration less than 81% which has no greater corrosive effect than that of 70% hydrofluoric acid (ICC–47C) STC, not over 55 gal. cap	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrofluoric acid, anhydrous.	*Hydrofluoric acid in a gaseous state at normal temperature and pressure.* *Pressure about 30 lb. per sq. in. at 130° F.* *Boiling point 66° F.* *Vapor lighter than air.* *Fumes in moist air.* *Vapor is very corrosive.* *Produces painful burns on contact with skin, mucous membrane, or eyes.* *Very soluble in water.* Do not stow with anhydrous ammonia or ammonia liquid. Keep cool.	White	Stowage: "On deck protected." Outside containers: Cylinders (ICC–3, 3A, 3AA, 3B, 3C, 3E, 4, 4A, 25, 38) and (ICC–4B, 4C, if not brazed). Tank cars (ICC–105, 105A300, 105A300W, 105A500, 105A–500W, ARA–V).	Not permitted	Not permitted	Not permitted.
Hydrofluosilicic acid (must be packed in accordance with ICC requirements).	*A clear, colorless fuming liquid.* *It has a strong corrosive action on steel, lead, and glass.* *It is caustic to the skin and will inflict severe burns.* *Irritating to mucous membrane.* *Miscible with water.* Do not use paint in the vicinity of hydrofluosilicic acid.	White	Stowage: "On deck protected." Outside containers: Wooden barrels or kegs: (ICC–10A) lined with asphalt or other material of equal efficiency, resistant to hydrofluosilicic acid, not over 50 gal. cap. (ICC–11A, 11B) WIC of natural rubber or ceresine. Outside containers not over 200 lb. net wt. Wooden boxes, WIC of natural rubber or ceresine or other material of equal efficiency resistant to hydrofluosilicic acid (ICC–15A, 15B, 15C, 16A, 19A), not over 200 lb. gr. wt. Wooden tank cars (ICC–108, 108A) lined with asphalt or other suitable material which will remain plastic and not be subject to destruction by the lading. Hydrofluosilicic acid of not over 40% strength may also be accepted in: Steel barrels or drums, rubber-lined (ICC–5D), not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Tank cars, rubber-lined, (ICC–103B, 103B–W). Hydrofluosilicic acid containing no free hydrofluoric acid or other ingredient which will attack glass may also be accepted in: Carboys, boxed, glass only (ICC–1A) not over 13 gal. cap. Carboys in kegs, glass only (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–12A) STC, for export only, not over 6 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrogen peroxide (*hydrogen dioxide*) *containing over 8%* H_2O_2 *by weight.* NOTE: Hydrogen peroxide containing over 37% H_2O_2 by weight is not permitted on passenger vessels. Hydrogen peroxide containing over 52% H_2O_2 by weight is not permitted transportation except under special permission and upon freight vessels only.	*A colorless, heavy liquid having powerful oxidizing properties.* *Expands rapidly with an increase in temperature.* *Miscible with water.* Keep cool. Protect from direct rays of the sun. Stow well away from explosives, acids (white label), organic substances, and other cargo likely to give off organic vapor. Stow well away from living quarters. NOTE: In event of leakage, wash down freely with water to prevent the liquid from drying on fibrous or combustible materials.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Solution not over 52% strength by weight. Aluminum drums (ICC–42D) with vented closure, drums marked "Keep this end up" not over 55 gal. cap. Aluminum drums (ICC–42E) STC, not over 55 gal. cap. Carboys, aluminum (ICC–34B) not over 15 gal. cap. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars. Highway vehicle cargo tanks. Solutions not over 37% strength by weight may also be shipped in: Carboys, boxed, glass (ICC–1A) with vented stoppers, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) with vented stoppers, not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Solutions not over 10% strength by weight may also be shipped in: Wooden barrels, paraffin-lined (ICC–10A) not over 30 gal. cap.	Stowage: "On deck protected." "On deck under cover." Outside containers: Solution not over 37% strength by weight. Aluminum drums (ICC–42D) with vented closure, drums marked "Keep this end up" not over 55 gal. cap. Aluminum drums (ICC–42E) STC, not over 55 gal. cap. Carboys, aluminum (ICC–34B) not over 15 gal. cap. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars. Highway vehicle cargo tanks. Carboys, boxed, glass (ICC–1A) with vented stoppers, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) with vented stoppers, not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Solutions not over 10% strength by weight may also be shipped in: Wooden barrels, paraffin-lined (ICC–10A) not over 30 gal. cap.	Ferry stowage (AA). Outside containers: Solution not over 37% strength by weight. Aluminum drums (ICC–42D) with vented closure, drums marked "Keep this end up" not over 55 gal. cap. Aluminum drums (ICC–42E) STC, not over 55 gal. cap. Carboys, aluminum (ICC–34B) not over 15 gal. cap. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars. Highway vehicle cargo tanks. Carboys, boxed, glass (ICC–1A) with vented stoppers, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) with vented stoppers, not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Solutions not over 10% strength by weight may also be shipped in: Wooden barrels, paraffin-lined (ICC–10A) not over 30 gal. cap.	Ferry stowage (BB). Outside containers: Solution not over 37% strength by weight. Aluminum drums (ICC–42D) with vented closure, drums marked "Keep this end up" not over 55 gal. cap. Aluminum drums (ICC–42E) STC, not over 55 gal. cap. Carboys, aluminum (ICC–34B) not over 15 gal. cap. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars. Highway vehicle cargo tanks. Carboys, boxed, glass (ICC–1A) with vented stoppers, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) with vented stoppers, not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Solutions not over 10% strength by weight may also be shipped in: Wooden barrels, paraffin-lined (ICC–10A) not over 30 gal. cap.
Hypochlorite solutions containing more than 7% available chlorine by weight.	*Strong hypochlorite bleach solutions which are not too stable.*	White	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay, or stone, vented (ICC–1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone, vented (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass, vented (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Wooden boxes (ICC–15A, 15B, 15C) WIC, vented, not over 65 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, vented, not over 65 lb. gr. wt. Strong wooden or fiberboard boxes, nonspecification WIC vented (inside containers not over 4-fluid ounces each and packed in sufficient absorbent material to absorb all liquid) not over 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Isopropyl percarbonate, stabilized.			Not permitted	Not permitted	Not permitted	Not permitted.
Methyl chloroformate	*A clear, colorless liquid* *Vapors extremely irritating to eyes.* *Gradually decomposed by water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Mixtures of hydrofluoric and sulfuric acids (containing not more than 80% by weight and not less than 70% by weight of HF and H_2SO_4 combined, with the HF content not less than 28% by weight).	*A clear, colorless, syrupy liquid with a pungent odor. Extremely corrosive to textiles, metals and tissue.* *Reacts violently with water to develop heat.* *Wash quickly with large quantities of water if accidentally spilled on skin or clothing.* Keep dry.	White	Stowage: "On deck protected." Outside containers: Steel barrels or drums: (ICC–5A) not over 55 gal. cap. NOTE: Drums must have been properly passified or neutralized as required by ICC regulations.	Not permitted	Not permitted	Not permitted.
Nitrating (mixed) acid	*Fuming corrosive liquid* *Corrosive to most metals.* *Contact with skin will produce very bad burns.* *Do not breathe fumes.* *Protect eyes from fumes and liquids.* *Contact with organic matter may cause fire.* *Miscible with water with evolution of heat.* Stow well away from combustible substances. Do not accept for transportation if packed in the same container with any other substance. Must not be transported on any vessel carrying Class A or Class B explosives.	White	Stowage: "On deck protected." Outside containers: Metal barrels or drums: (ICC–5A) not over 110 gal. cap. (must comply with special ICC regulations). (ICC–5C) stainless steel drum not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. (must comply with special ICC regulations). Tank cars (ICC–103A, 103A–W) (must comply with special ICC regulations). Authorized only for mixed nitric and sulfuric acids containing not over 17% nitric acid and at least 33% water: Carboys, boxed (ICC–1A) not over 13 gal. cap. Carboys in kegs (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass, vented, (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 6½ gal. cap.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitric acid	*A fuming, corrosive liquid, varying from colorless to red.* *It has a corrosive action on almost all metals.* *It is a strong oxidizing agent.* *In contact with organic matter will likely cause fire.* *Gives off very poisonous, volatile reddish-brown fumes.* *Poisonous effects, often fatal, may occur several hours after inhalation of fumes.* *Do not breathe these fumes.* *In contact with skin will produce very bad burns.* *Protect the eyes from fumes or liquid.* *Vapors heavier than air.* *Miscible with water with evolution of much heat.* Stow well away from corrosive liquids (white label) and all combustible substances. Do not accept for transportation if packed in the same container with any other substance. Must not be transported on any vessel carrying Class A or Class B explosives.	White	Stowage: "On deck protected." Outside containers: Nitric acid of any concentration: Stainless steel barrels or drums (ICC–5C) not over 110 gal. cap.) Tank cars (ICC–103C, 103C–W, 103A–AL–W). Nitric acid of 95% or greater concentration: Tank cars (ICC–103C–AL). Nitric acid of 80% or greater concentration: Steel drums (ICC–5X) aluminum-lined, not over 110 gal. cap. Aluminum drums (ICC–42B) not over 110 gal. cap. Nitric acid of 90% or greater concentration: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC of glass within tightly closed metal cans, outside container not over 200 lb. gr. wt. Wooden barrels or kegs: (ICC–11A, 11B) WIC of glass within tightly closed metal cans, outside containers not over 200 lb. net wt. Nitric acid of less than 90% concentration: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC of glass, not over 200 lb. gr. wt. Wooden barrels or kegs(ICC–11A, 11B) WIC of glass, not over 200 lb. net wt. Nitric acid of 72% or less concentration: Carboys, boxed (ICC–1A) straight sided, not over 13 gal. cap. Carboys in kegs (ICC–1C) straight-sided, not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 6½ gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap.	Not permitted	Not permitted	Not permitted.
Nitrohydrochloric acid (mixture of nitric acid not over 1.42 specific gravity and hydrochloric acid not over 1.19 specific gravity in the approximate proportions of one part nitric acid and three parts hydrochloric acid).	Characteristics and precautions same as for "Nitric acid" except corrosive action and oxidizing effects are greater.	White	Stowage: "On deck protected." Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Additional outside containers allowed only for nitrohydrochloric acid, diluted to not less than 5 times its volume with water: Carboys, boxed, glass (ICC–1A) not over 5 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 6½ gal. cap.	Not permitted	Not permitted	Not permitted.
Nitrohydrochloric acid, diluted.	*Nitrohydrochloric acid which has been diluted to not less than 5 times its volume with water.* Characteristics and precautions same as above.	White.				

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Octyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *It is somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums; (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Steel barrels or drums, WIC (ICC–17H, 37D) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Perchloric acid *not in excess of 72%.*	*A clear, colorless liquid* *Powerful oxidizer. Caustic to the skin.* *Vapors are irritating.* *Mixed with combustible material in the presence of fire will burn with explosive rapidity.* *Miscible with water with evolution of heat.* Do not stow with organic substances, ether, benzol, alcohol, petroleum, or any of the inflammable gases NOTE: Perchloric acid must not be accepted if packed with any other article.	White	Stowage: "On deck protected." Outside containers: Carboys, boxed (ICC–1A) not over 13 gal. cap. Carboys in kegs (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) not over 6 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC of glass, not over 200 lb. gr. wt.	Not Permitted	Not permitted	Not permitted.
Perchloric acid *in excess of 72%.*			Not permitted	Not permitted	Not permitted	Not permitted.
Phenyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *It is somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Steel barrels or drums (ICC–17H, 37D) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Phosphorus oxychloride.	*A colorless, fuming liquid, with a pungent odor.* *A strong oxidizer.* *Decomposed by water with evolution of heat, forming hydrochloric and phosphoric acids the vapors of which are irritating to mucous membrane and will be dangerous for even short exposure.* *It acts strongly on organic matter, producing great heat.* Stow well away from all organic materials. Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5H), lead-lined, not over 110 gal. cap. Nickel barrels or drums (ICC–5K) not over 110 gal. cap. Carboys, lead, metal-jacketed (ICC–2S), not over 15 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks, lead-lined (ICC–60), not over 8,000 lb. gr. wt. Tank cars, nickel, or lead-lined (ICC–103A, 103A–W).	Not permitted	Not permitted	Not permitted.
Phosphorus tribromide	*A colorless, corrosive, fuming liquid.* *Very penetrating odor.* *Decomposed by water with evolution of heat.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5H), lead-lined, not over 110 gal. cap. Carboys, lead, metal-jacketed (ICC–2S), not over 15 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
Phosphorus trichloride	*A colorless, fuming liquid, with a pungent odor.* *A strong oxidizer.* *Decomposed by water with evolution of heat, forming hydrochloric and phosphoric acids the vapors of which are irritating to mucous membrane and will be dangerous for even short exposure.* *It acts strongly on organic matter, producing great heat.* Stow well away from all organic materials. Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5A) not over 110 gal. cap. (ICC–5H) lead-lined, not over 110 gal. cap. Nickel barrels or drums (ICC–5K) not over 110 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks, lead-lined (ICC–60) not over 8,000 lb. gr. wt. Tank cars, nickel, or lead-lined (ICC–103A, 103A–W).	Not permitted	Not permitted	Not permitted
Propyl trichlorosilane	*A water-white liquid with a pungent irritating odor.* *It is somewhat combustible.* *Fumes readily in moist air to evolve corrosive and irritating vapors.* *In event of spillage, flush with large quantities of water.*	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C) not over 55 gal. cap. (ICC–5F) not over 11 gal. cap. (ICC–17E) STC, not over 55 gal. cap. Steel barrels or drums (ICC–17H, 37D) STC, WIC, not over 55 gal. cap. Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Pyro sulfuryl chloride	*A colorless, corrosive, fuming liquid.* *Decomposed by water forming hydrochloric and sulfuric acid, the fumes of which are irritating to mucous membrane.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. Tank cars (ICC–103A, 103A–W). Authorized only for "Pyro sulfuryl chloride": Nickel drums (ICC–5K) not over 110 gal. cap.	Not permitted	Not permitted	Not permitted.
Silicon chloride (*tetrachloride*).	*A colorless liquid, fuming strongly in air.* *Gives off suffocating fumes.* *Mixed with water it decomposes, forming hydrochloric acid, the fumes of which are irritating to mucous membrane.* Keep dry.	White.				
Sludge acid	*Waste or spent sulfuric acid, usually that from refining petroleum oils and crude benzenes.* *Will disintegrate organic material in general.* *Soluble in water, evolving heat.*	White	Stowage: "On deck protected." Outside containers: Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. Tank cars (ICC–103, 103A, 103W, 103A–W). Bulk: In tanks, on or under deck for cargo vessels only. Authorized only for "Spent sulfuric acid": Carboys, boxed (ICC–1A) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap.	Not permitted	Not permitted	Not permitted.
Spent sulfuric acid	*Acid residue resulting from the use of sulfuric acid in various processes.* *Will disintegrate organic material in general.* *Soluble in water, evolving heat.*	White.				
Spent mixed acid	*Mixed acid which has given up part of its nitric acid resulting from its use in some process.* *Strongly corrosive.* *Soluble in water, evolving heat.* *Will disintegrate organic material in general.*	White.				

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium chlorite solution (not exceeding 40% sodium chlorite).	*A colorless, odorless liquid.* *Oxidizing agent.* *Miscible with water.* *If allowed to dry in contact with organic material fire may result.* *In event of spillage flush with large quantities of water.* Observe containers carefully for signs of leakage, and reject any which are found leaking. Do not stow with organic materials, inflammable liquids (red label), or explosives.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC–5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) rubber-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks, rubber-lined (ICC–60) not over 8,000 lb. gr. wt. Tank cars (ICC–103B, 103B–W, 108, 108A).	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC–5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) rubber-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC–5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) rubber-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Motor truck vehicles having cargo tanks.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC–5D) rubber-lined, not over 110 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) rubber-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks, rubber-lined (ICC–60) not over 8,000 lb. gr. wt. Tank cars (ICC–103B, 103B–W, 108, 108A). Motor truck vehicles having cargo tanks. Not permitted.
Sulfur chloride (mono and di).	*A yellowish, red liquid having a penetrating odor.* *Fumes have an irritating effect on the eyes, lungs and mucous membrane and in sufficient quantities will be suffocating.* *Decomposed by water with separation of sulfur.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed (ICC–1A) not over 13 gal. cap. Carboys in kegs (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC–5A) not over 55 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. Tank cars (ICC–103A, 103A–W).	Not permitted.	Not permitted.	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sulfur trioxide, stabilized.	*A corrosive liquid possessing a pungent odor.* *Fumes strongly in contact with air.* *Crystalizes at about 60° F.* *Liquid at higher temperatures.* *Decomposed by water with evolution of much heat and sometimes with explosive violence.* *Has a destructive effect upon organic materials similar to sulfuric acid but to a stronger degree.* *Irritating to mucous membrane and caustic to the skin.* Do not stow over other cargo. Observe special requirements for stowage on board vessels also transporting explosives. Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums (ICC–5A, 5C) not over 55 gal. cap. (ICC–17F) STC, not over 55 gal. cap. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103A, 103A–W).	Not permitted.	Not permitted.	Not permitted.
Sulfuric acid (oil of vitriol). NOTE: See §§ 146.23–35, 146.23–40, and 146.23–45 for bulk shipments.	*Strongly corrosive, dense, oily liquid; colorless to dark brown, depending on purity.* *Ordinary commercial (not pure) acid dissolves all metals, including platinum.* *Concentrated (93%) acid attacks most metals slowly.* *Dilute acid dissolves metals more rapidly, particularly if heated.* *Sulfuric acid rapidly disintegrates wood, textiles and organic materials in general and is extremely corrosive to flesh, producing serious and slow-healing wounds.* *Miscible with water in all proportions with evolution of heat.*	White	Stowage: "On deck protected." "On deck under cover." "Underdeck" (Steel drums containing sulfuric acid only). Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC–31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap.	Stowage: "On deck protected." Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC–31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap.	Ferry stowage (AA). Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC–31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap.	Ferry stowage (BB). Outside containers: For sulfuric acid of any concentration: Jugs in tubs (ICC–31) not over 2 gallons each and limited to 1 jug in each tub. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 6 gal. cap.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sulfuric acid, fuming (oleum) (Nordhausen) (not permitted to be stowed "under deck").	Stow well away from organic materials. Observe containers for any signs of leakage and reject any which are found leaking. In event of spillage, flush with large quantities of water. Do not accept for transportation if packed in the same container with any other substance. Must not be transported on any vessel carrying Class A or Class B explosives. Observe special requirements for stowage on board vessels which are also transporting Class C explosives.	White	For sulfuric acid of concentrations of not less than 100% and not more than 115% (approximate): ("Under deck" stowage not permitted). Metal barrels or drums (ICC-5C) not over 55 gal. cap. For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. For sulfuric acid of concentration not to exceed 93.2% (approximately 1.835 specific gravity (66° Baumé)): Metal barrels or drums (ICC-5H) lead lined, not over 110 gal. cap. For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-17F) STC, not over 55 gal. cap. For sulfuric acid of concentrations 62.25% (approximately 1.559 specific gravity (52° Baumé)) or greater concentrations, provided the corrosive effect on steel measured at 100° is not greater than that of 52° Baumé commercial sulfuric acid: Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W). For sulfuric acid concentrations not to exceed 51% (approximately 1.408 specific gravity (42° Baumé)): Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Portable tank, rubber-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars, rubber-lined (ICC-103B, 103B-W).	For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-17F) STC, not over 55 gal. cap. For sulfuric acid of concentrations 62.25% (approximately 1.559 specific gravity (52° Baumé)) or greater concentrations, provided the corrosive effect on steel measured at 100° is not greater than that of 52° Baumé commercial sulfuric acid: Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W). For sulfuric acid concentrations not to exceed 51% (approximately 1.408 specific gravity (42° Baumé)): Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap.	For sulfuric acid of concentrations not to exceed 100.5%: Carboys, boxed, (ICC-1A) not over 13 gal. cap. Carboys in kegs (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 6½ gal. cap. For sulfuric acid of concentration not to exceed 93.2% (approximately 1.835 specific gravity (66° Baumé)): Metal barrels or drums (ICC-5H) lead lined, not over 110 gal. cap. For sulfuric acid of concentrations 77.5% (approximately 1.7019 specific gravity (59.18° Baumé)) or greater concentrations with or without inhibitor, provided such acid has a corrosive effect on steel measured at 100° F. no greater than 66° Baumé commercial sulfuric acid: Steel barrels or drums: (ICC-5A) not over 55 gal. cap. (ICC-17F) STC, not over 55 gal. cap. For sulfuric acid of concentrations 62.25% (approximately 1.559 specific gravity (52° Baumé)) or greater concentrations, provided the corrosive effect on steel measured at 100° is not greater than that of 52° Baumé commercial sulfuric acid: Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tank cars (ICC-103A, 103A-W). For sulfuric acid concentrations not to exceed 51% (approximately 1.408 specific gravity (42° Baumé)): Metal drums, rubber-lined (ICC-5D) not over 110 gal. cap. Portable tank, rubber-lined (ICC) 60 not over 8,000 lb. gr. wt. Tank cars, rubber-lined (ICC-103B, 103B-W).

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Thionyl chloride	*A colorless, incombustible liquid with a sharp odor.* *Fumes strongly in moist air to develop corrosive products.* *Avoid breathing fumes.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay, or stone (ICC-1C) not over 13 gal. cap. Carboys, boxed, glass (ICC-1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC-1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC-1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC-5A) not over 110 gal. cap. Nickel drums (ICC-5K) not over 110 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC-60) not over 8,000 lb. gr. wt. Tankcars (ICC-103A, 103A-W).	Not permitted	Not permitted	Not permitted.
Thiophosphoryl chloride	*A clear, colorless liquid with penetrating odor.* *Reacts with moisture at slightly elevated temperatures.* *Avoid contact with tissue.* Keep dry.	White	Stowage: "On deck protected." "On deck under cover." Outside containers: Metal barrels or drums (ICC-5A) not over 110 gal. cap. Steel barrels or drums (ICC-5H) lead-lined, not over 110 gal. cap. Nickel barrels or drums (ICC-5K) not over 110 gal. cap. Carboys, lead, metal-jacketed (ICC-2S) not over 15 gal. cap. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks, lead-lined (ICC-60) not over 8,000 lb. gr. wt. Tank cars, nickel, or lead-lined (ICC-103A-W, 103A).	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Tin tetrachloride, anhydrous.	*A heavy, colorless, fuming corrosive liquid, which gives off fumes on exposure to air. Fumes are visible and are caustic and irritating to mucous membrane. Miscible with water with evolution of much heat. Avoid breathing fumes.* Keep dry.	White	Stowage: "On deck protected." Outside containers: Steel barrels or drums (ICC–5A) not over 55 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. Tank cars (ICC–105A300, 105A300–W).	Not permitted	Not permitted	Not permitted.
Titanium tetrachloride	*A heavy, clear, colorless liquid, fuming strongly in moist air. The fumes given off are visible and are irritating to mucous membrane. Miscible with cold water. Avoid breathing fumes.*	White	Stowage: "On deck protected." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Steel barrels or drums (ICC–5A) not over 110 gal. cap. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Portable tanks (ICC–60) not over 8,000 lb. gr. wt. Tank cars (ICC–103A, 103A–W).	Not permitted	Not permitted	Not permitted.

Table F—Classification: Corrosive liquids—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Water treatment compound, liquid.	*Usually a white syrupy liquid. May be alkaline and corrosive. May be corrosive to textiles and some metals. May cause painful burns to the skin and tissue. Soluble in water.*	White	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC. not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103, 103W, 103A, 103A–W, 104, 104W, 104A, 104A–W).	Stowage: "On deck protected." "On deck in open." "On deck under cover." Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC 1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (AA) Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC 1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.	Ferry stowage (BB). Outside containers: Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap. Carboys, boxed, lead (ICC–1B) not over 13 gal. cap. Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Carboys in plywood drums, glass, (ICC–1E) not over 7 gal. cap. Carboys, boxed, glass, earthenware, clay, or stone (ICC 1X) STC, for export only, not over 6 gal. cap. Carboys, lead, metal-jacketed (ICC–2S) not over 15 gal. cap. Steel barrels or drums: (ICC–5, 5A) not over 110 gal. cap. (ICC–17E, 17H) STC, not over 55 gal. cap. Metal drums, rubber-lined (ICC–5D) not over 110 gal. cap. Metal drums, lead-lined (ICC–5H) not over 110 gal. cap. Monel drums (ICC–5M) not over 55 gal. cap. Rubber drums (ICC–43A) not over 30 gal. cap. Wooden barrels or kegs: (ICC–10A) asphalt-lined, not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt. Tank cars (ICC–103, 103W, 103A, 103A–W, 104, 104W, 104A, 104A–W).

SUBPART 147.03—DETAILED REGULATIONS GOVERNING CERTIFICATION OF SHIPS' STORES AND SUPPLIES

3. Sections 147.03–3 and 147.03–4 are amended to read as follows:

§ 147.03–3 *Procedure to obtain certification.* A manufacturer desiring to secure certification of his product for use as an article of ships' stores or supplies on board domestic vessels shall submit to the Commandant of the Coast Guard a statement setting forth all essential information with regard to the product. The statement shall be sworn to, or affirmed by an owner, partner, president or secretary of the company, partnership, corporation or association submitting the statement. Such oath or affirmation shall attest to the truth and accuracy of the statement. The manufacturer shall also submit with the application for certification the original report of an independent testing laboratory acceptable to the Commandant, covering paragraphs (g), (h), (i), (m), (n), and (o) of § 147.03–4. Charges incurred for any test relating to certification shall be borne by the manufacturer.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interprets or applies sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275.)

§ 147.03–4 *Information required in statement.* The statement accompanying the application for certification of a product shall contain such of the following information as may be applicable:

(a) Name and address of the manufacturer.

(b) Trade name under which the product will be marketed.

(c) When properly described by a true chemical name, give such name.

(d) If a compound or mixture, state the true chemical names of the various ingredients and the percentages of each.

(e) A complete description of the individual container or containers in which the product is marketed.

(f) Describe any outside container in which two or more individual containers are shipped and give the gross and net weight of the package.

(g) If possessing flash and fire points state the points in degrees Farenheit as determined by Tagliabue's open cup method. (If the product is not susceptible to fire and flashpoint determination, so state.)

(h) State whether the product gives off explosive, inflammable, corrosive, or toxic vapors within a temperature range up to 150° F.

(i) State what reaction, if any, accompanies the addition of water to the substance or article.

(j) State if the product is liquid, semi-solid or solid.

(k) If of a solid or semi-solid form, what is the melting point of the substance.

(l) If an article is composed in part of an explosive ingredient, state the percentage of the explosive ingredient present.

(m) If an article is composed in part of a gas, state the maximum pressure possible at a temperature of 130° F.

(n) If an article is composed in part of poisonous ingredients, state the percentage of each kind of poison present.

(o) State if the product is or is not subject to spontaneous heating as determined by the Mackey Apparatus Method.

(p) If an article depends upon a factor of force or the addition of another product for its operation, state the method of application or use.

(q) Furnish a copy or facsimile reproduction of the label under which the substance will be marketed.

Dated: November 5, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 52-12102; Filed, Nov. 12, 1952; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 30th day of October A. D. 1952.

The matter of parts and accessories necessary for safe operation under the motor carrier safety regulations prescribed by order dated April 14, 1952, effective July 1, 1952, being under consideration; and

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of American Trucking Associations, Inc., filed August 29, 1952;

(2) Petition of National Council of Private Motor Truck Owners, Inc., and United States Brewers Foundation, Inc., dated September 8, 1952;

(3) Letter of Wholesalers' Food Institute, Inc., dated September 8, 1952, concurring in, and adopting, the petition of the American Trucking Associations, Inc.;

(4) Letter of Minnesota Mining & Manufacturing Company, dated October 10, 1952;

(5) Petition of Kingsford Chemical Company, dated October 3, 1952;

for postponement of the effective date of § 193.77; and good cause appearing therefor:

It is ordered, That the effective date of § 193.77, insofar as it prohibits solid fuel heaters for cargo space heating and insofar as the requirements of § 193.77 (c) (9), (10), (13), (14), and (15), apply to such heaters be, and it is hereby, postponed from December 31, 1952, to September 1, 1953:

It is further ordered, That the said petitions be, and they are hereby, denied in all other respects.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12065; Filed, Nov. 12, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 58]

SWISS CHEESE

U. S. STANDARDS FOR GRADES[1]

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of standards for grades of Swiss cheese pursuant to the authority contained in the Agriculture Marketing Act, 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

Standards for grades of Swiss cheese were first issued as proposed rule making on December 8, 1951 (16 F. R. 12399).[2] In view of the widespread interest in the proposed standards and the many comments and suggestions received, it has been considered advisable to incorporate the suggested changes and to again publish the standards for grades as proposed rule making. All persons who desire to submit written data, views, or arguments for consideration in connection with the revised proposed standards should file the same, in duplicate, with the Director, Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 30th day after publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 58.301 *Swiss cheese.* (a) "Swiss cheese" is the cheese defined and identified in § 19.540, of the Definitions and Standards for Food of the Food and Drug Administration, 21 CFR Part 19 (15 F. R. 5676).

(1) The Swiss cheese in these standards shall mean the Swiss cheese of the rind type.

(b) *Nomenclature of U. S. grades.* The nomenclature of the U. S. grades is as follows: (1) U. S. Grade A; (2) U. S. Grade B; (3) U. S. Grade C; (4) U. S. Grade D.

(c) *Basis for determination of U. S. grades.* The U. S. grades of Swiss cheese shall be determined on the basis of flavor, body, eyes and texture, finish and appearance, salt and color. From a drum type cheese, at least two full trier plugs, one from each flat face of the cheese at opposite points on circles located approximately one-half the distance from the center of the flat face to the edge of the same, shall be drawn with a No. 8 trier from each cheese. If necessary, the drum cheese may be tried elsewhere to determine the correct grade, but not more than four full trier plugs shall be drawn. Not more than two triers from the opposite sides of the cheese shall be taken from other styles of rind type cheese.

(d) *U. S. Grade A.* U. S. Grade A Swiss cheese conforms to the following requirements:

(1) *Flavor.* Is free from off-flavors.

(i) *Current make.* May be lacking in characteristic Swiss cheese flavor.

(ii) *Cured.* Has a characteristic Swiss cheese flavor.

(2) *Body.* Is uniform, firm, and smooth, and is not dry and coarse, spongy, weak, pasty, or gassy.

(i) *Current make.* Is flexible and resilient.

(ii) *Cured.* Is flexible.

(3) *Eyes and texture.* A full plug drawn from the cheese appears free from glass, pinholes, and over-developed eyes; may have picks and checks within 1 inch from the surface; may have a limited number of picks and checks beyond 1 inch from the surface; shows not less than one and not more than eight eyes indicated to a trier. The eyes are round or slightly oval; majority of the eyes are at least one-half inch in diameter and are evenly distributed.

(i) *Current make.* May have an occasional dull glossy or shell eye. Shall be free from dead eyes.

(ii) *Cured.* May have dull glossy or shell eyes. May have some dead eyes.

(4) *Finish and appearance.* Is well-shaped and has a clean, sound, dry rind. Shall be free of mold that cannot be removed without injuring the commercial value of the cheese.

(5) *Salt.* Is uniform.

(i) *Current make.* May be deficient in salt.

(ii) *Cured.* Is not deficient in salt.

(6) *Color.* Is uniform.

(e) *U. S. Grade B.* U. S. Grade B Swiss cheese conforms to the following requirements:

(1) *Flavor.* May possess off-flavors.

(i) *Current make.* May be lacking in characteristic Swiss cheese flavor; may have only slight off-flavors. Is free from objectionable flavors.

(ii) *Cured.* Has a characteristic Swiss cheese flavor; may lack the fineness in flavor required in Grade A, and may have definite off-flavors. Is free from objectionable flavors.

(2) *Body.* Is not dry and coarse, spongy, pasty, or gassy.

(i) *Current make.* Is flexible and resilient; may be slightly weaker than Grade A.

(ii) *Cured.* Is flexible; may be slightly weak.

(3) *Eyes and texture.* A full plug drawn from the cheese appears free from glass, pinholes, over-developed eyes, and may be moderately over-set and have a limited amount of picks and checks; is not blind. The majority of the eyes are not less than five-sixteenths of an inch in diameter.

(i) *Current make.* May have dull glossy or shell eyes. May have occasional dead eyes.

(ii) *Cured.* May have dull glossy or shell eyes. May have some dead eyes.

(4) *Finish and appearance.* May be slighty uneven in shape; but the rind is clean and dry. Shall be free of mold that cannot be removed without injuring the commercial value of the cheese. Cheese of Grade B quality whose rind is not damaged more than 25 percent shall remain Grade B but shall be marked as having a "damaged rind."

(i) *Current make.* Surface may be slightly rough.

(ii) *Cured.* Surface may be rough.

(5) *Salt.* Is uniform.

(i) *Current make.* May be deficient in salt.

(ii) *Cured.* May be deficient in salt or slightly over-salted.

(6) *Color.* Is uniform.

(f) *U. S. Grade C.* U. S. Grade C Swiss cheese conforms to the following requirements:

(1) *Flavor.* May possess off-flavors.

(i) *Current make.* May be lacking in characteristic Swiss cheese flavor; may have definite off-flavors. Is free from offensive flavors.

(ii) *Cured.* Has a characteristic Swiss cheese flavor; but may have pronounced off-flavors that are not offensive.

(2) *Body.* May be slightly dry and coarse. May be slightly gassy, but is not bloated or spongy. May be weak.

(3) *Eyes and texture.* A plug drawn from the cheese may be over-set, shell or dead-eyed; have glass, picks, checks, pinholes; may have over-developed eyes, but they must not be more than three inches in diameter. It is not totally blind or totally pinholey.

(4) *Finish and appearance.* May be definitely uneven in shape and have a rough surface. Shall be free of mold that cannot be removed without injuring the commercial value of the cheese. Cheese of Grade C quality whose rind is not damaged more than 25 percent shall remain Grade C but shall be marked as having a "damaged rind."

(5) *Salt.* Is uniform.

(i) *Current make.* May be flat or deficient in salt.

(ii) *Cured.* May be flat or deficient in salt or may be oversalted.

(6) *Color.* May be slightly uneven in color.

(g) *U. S. Grade D.* U. S. Grade D Swiss cheese conforms to the following requirements:

(1) *Flavor.* May possess off-flavors. Is free from offensive flavors.

(2) *Body.* May be dry and coarse or spongy and weak.

(3) *Eyes and texture.* May be totally blind or totally pinholey; may have glass, picks and checks, and may have overdeveloped eyes.

(4) *Finish and appearance.* May be uneven in shape and have a rough unattractive surface. Shall be free of mold that cannot be removed without injuring the commercial value of the cheese. There shall not be defects in the rind to the extent that more than 25 percent of the cheese is damaged.

(5) *Salt.* May be uneven, deficient, or over-salted.

(6) *Color.* May be definitely wavy or mottled or otherwise uneven in color.

(h) *General*—(1) *Current make.* Not less than 60 days old.

(2) *Cured.* Usually more than 6 months old.

(i) *With respect to flavor*—(1) *Slight.* Detected only upon critical examination.

(2) *Definite.* Not intense but detectable.

(3) *Pronounced.* So intense as to be easily identified.

(4) *Objectionable flavors.* Flavors, such as, fruity, sour, and yeasty.

(5) *Offensive flavors.* Weed flavors, such as, peppergrass, french weed, wild onion, or garlic and other off-flavors such as fruity, sour, and yeasty to a pronounced degree.

(6) *Fruity.* A sweetish fruit flavor.

(7) *Sour.* Strong acid flavor.

(8) *Yeasty.* Indicating yeast fermentation.

(j) *With respect to body*—(1) *Dry and coarse.* Feels rough and sandy.

(2) *Firm and smooth.* Feels solid; not soft or weak; not rough.

(3) *Flexible.* Not dry or brittle.

(4) *Gassy.* Undesirable gas formation.

(5) *Pasty.* When worked between the fingers, becomes sticky; a paste-like consistency.

(6) *Resilient.* Springs back to its original form when compressed.

(7) *Spongy.* A predominance of open eyes or holes, having characteristics of a sponge.

(8) *Weak.* Requires little pressure to mash; not firm.

(k) *With respect to eyes and texture*—(1) *Indicated.* A whole eye or a part or fraction of an eye.

(2) *Limited amount.* May appear on two triers.

(3) *Limited number.* Appears on not more than one trier.

(4) *Occasional.* Not more than one on a trier.

(5) *Blind.* No eye formation present.

(6) *Checks.* Small short cracks.

(7) *Dead eyes.* Developed eyes that have completely lost their glossy or velvety appearance; may be rough.

(8) *Dull glossy.* Eyes that have lost some of their bright shiny luster.

(9) *Glass.* Sizable cracks, usually in parallel layers and usually clean cut.

(10) *Over-developed eyes.* Large holes, commonly known as blow holes, usually in excess of 2 inches in diameter.

(11) *Over-set.* Too many eyes.

(12) *Picks.* Small irregular or ragged openings.

(13) *Pinholes; pinholey.* So-called because the holes are numerous and very small and give the appearance of pinholes.

(14) *Shell.* Nutshell appearance on wall surface of the eyes.

(l) *With respect to finish and appearance*—(1) *Sound rind.* Free of checks or cracks that enter the body of the cheese.

Done at Washington, D. C., this 7th day of November 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator,
Production and Marketing Administration.

[F. R. Doc. 52-12112; Filed, Nov. 12, 1952; 8:54 a. m.]

[7 CFR Part 986]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to § 986.107 of Order No. 86, as amended (17 F. R. 6625), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the period beginning January 1, 1952, and ending November 26, 1952 (which is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the States of Oregon, California, Washington, and Idaho, in the production of hops for market to determine whether producers favor termination of said amended Order No. 86. W. J. Broadhead, R. H. Eaton, and R. P. Callaway of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except those applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176), except that for the purpose of this referendum:

A. Paragraph (c) (1) shall read as follows:

(1) Conduct the referendum in the manner herein prescribed, by giving an opportunity to producers, who during

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] Originally issued as proposed rule making under Part 20.

the period January 1 through November 26, 1952 (which period is determined to be a representative period) have been engaged, within the specified production area, in the production of hops for market, to cast their ballots relative to the termination of Amended Order No. 86 (17 F. R. 6626).

B. Paragraph (c) (5) shall read as follows:

(5) Make available to producers and the aforesaid cooperative associations instructions on voting, and appropriate ballot and other necessary forms.

C. Paragraph (d) (3) shall read as follows:

(3) Distribute ballots and other necessary forms to producers and receive any ballots which are cast; and

Copies of Amended Order No. 86, and of the aforesaid procedure (15 F. R. 5176), and of this order may be obtained in the Office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., at the Western Marketing Field Offices, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture; 515 SW. Tenth Avenue, Portland 5, Oregon; 335 Fell Street, San Francisco 2, California; and Rooms 300–302, 701 K Street, Sacramento 14, California. Ballots to be cast in the referendum and other necessary forms and instructions will be mailed to all hop growers of record, who produced hops in the aforesaid States during the representative period, and may be obtained at said offices, or from any referendum agent or appointee.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c; 7 CFR 986.107)

Done at Washington, D. C., this 7th day of November 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–12110; Filed, Nov. 12, 1952; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 8]

[Docket No. 10332]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

FREQUENCIES ABOVE 156 MC FOR BUSINESS AND OPERATIONAL PURPOSES

In the matter of amendment of § 8.360 of the Commission's rules, Docket No. 10332.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has received a proposal from the Office of the Chief Signal Officer, Department of the Army, for the use of the frequencies 156.8 Mc, for calling, and 156.6 Mc, for working, by the United States Corps of Engineers operating the locks of the St. Marys Falls Canal, Sault Ste. Marie, Michigan. The frequencies would be used for communication with non-government ship stations on board vessels using the locks and would supplement frequencies currently being used in the 2 Mc band for this purpose. Section 8.360 of the Commission's rules, however, provides for the use on the Great Lakes of 156.6 Mc for intership communication only. Accordingly, it is proposed to amend the Commission's rules to permit the use of 156.6 Mc for the desired purpose on the Great Lakes and also to designate that frequency for similar usage in areas other than the Great Lakes. The proposed amendments are set forth below:

3. This proposed amendment is issued under authority contained in sections 303 (b) (c) (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, or not adopted in the form set forth, may file with the Commission on or before December 5, 1952, a written statement or brief setting forth his comments. At the same time, any person who favors the rules as set forth may file a written statement in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within five days from the last day for filing said original comments or briefs. The Commission will consider all comments, briefs, and statements presented before taking final action in the matter.

5. In accordance with the provisions of § 1.784 of the Commission's rules, an original and fourteen copies of statements, briefs or comments filed shall be furnished to the Commission.

Adopted: October 29, 1952.

Released: October 30, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 8.360 (a) is amended by changing the listing concerning 156.6 Mc to read as follows:

156.6 Mc: All areas;[a] except that on Great Lakes limited to intership and communication with Government stations concerning passage of vessels through locks.

2. Section 8.360 (c) (3) is amended to read as follows:

(3) For assignment to ship stations on board any class of vessel for communication solely in connection with harbor or port operations, including docking, lighterage, pilotage, dredging, towing, ship repair, port development, maintenance of navigable channels, and for communication concerning the passage of vessels through locks under governmental control.

156.6 Mc

3. Section 8.360 (d) (4) is amended to read as follows:

(4) For assignment to ship stations on board any class of vessel for communication between tugboats and between tugboats and other vessels concerning the maneuvering of ships and docking operations primarily in harbor or port areas and for communication with Government stations concerning the passage of vessels through locks under governmental control.

156.6 Mc

[F. R. Doc. 52–12075; Filed, Nov. 12, 1952; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239, 249]

EXEMPTION FOR SHARES OF STOCK ISSUED PURSUANT TO RESTRICTED STOCK OPTIONS AND PROPOSED AMENDMENT OF INSTRUCTIONS TO FORM 8–A

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt, pursuant to the provisions of sections 2 (3), 3 (b), and 19 (a) of the Securities Act of 1933 (i) a rule excluding for the purposes of section 5 only from the definition of "sale," "offer to sell," or "offer for sale" in section 2 (3) the issuance in certain circumstances of restricted stock options within the meaning of section 130A of the Internal Revenue Code, and (ii) a conditional exemption from the registration requirements of the act for the issuance, not exceeding $300,000 in any one year, of shares of stock pursuant to such options.

The proposed exemption would be available only for shares of optioned stock of those issuers which have stock of the same class already listed and registered on a national securities exchange, and only so long as the shares issued pursuant to the options are limited to certain events such as the death, retirement or termination of service of the grantee. The purpose of the proposed regulation is to provide an exemption from registration for the limited number of shares that might be issued, in the specific circumstances indicated.

The proposed regulation would require the filing with the principal office of the Commission of a letter of notification. The filing date would be fixed to conform to the requirements for the filing of an application on Form 8–A (17 CFR 249.208a) for the registration under the Securities Exchange Act of 1934 of the additional shares upon notice of issuance. A proposed amendment to Form 8–A would permit a copy of the letter of notification to be incorporated in that form in lieu of separate answers to certain items of that form.

Further conditions to the availability of the exemption would require the issuer to furnish to option holders such reports and other information as it furnishes to its stockholders generally. Periodic reports as to the issuance and exercise of the options would also be required so long as any of the options are being issued and exercised pursuant to the exemption.

Upon compliance with the terms and conditions of the regulation, the occasional issuance of shares upon the contingencies specified in the regulation would be exempt from registration, and, in general, the offering of shares subject to such restricted options which would require registration would not be deemed to occur until the permissible amount of shares under § 230.601 (Rule 601) is about to be exceeded or shares are about to be issued for purposes other than those specified in Rule 601 (a) (2).

It is anticipated that the proposed regulation will result in savings of effort and expense on the part of issuers. In the instances in which the exemption will be available, registration will not ordinarily become necessary until the approximate date of the public distribution of the shares subject to the restricted options. In this way registration would afford the maximum protection to investors purchasing the shares and provide for a more timely submission of information to the investing public.

The proposed amendment to the instructions to Form 8–A reads as follows:

Instruction 7—Privilege of Filing Letter of Notification. If the securities being registered are to be sold pursuant to a letter of notification under Regulation E, the registrant may, if it so desires, file in lieu of the information required by items 1 to 9, inclusive, of this form, copies of the letter of notification concurrently filed with the Commission pursuant to Rule 603 of Regulation E. If this procedure is followed, the letter of notification shall be physically substituted for the items of this form and the answers thereto and the text to the items shall be omitted from the application.

The Commission invites comments and suggestions on the foregoing proposals from all interested persons. Comments and suggestions should be submitted in writing to the Securities and Exchange Commission, 425 Second Street, N.W., Washington 25, D. C., on or before December 1, 1952.

A copy of the proposed regulation is set forth below.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

NOVEMBER 4, 1952.

REGULATION E—EXEMPTION OF SHARES OF STOCK ISSUED PURSUANT TO RESTRICTED STOCK OPTIONS

§ 230.600 *Definitions of terms used in this regulation E.* As used in this regulation E, the following terms shall have the meanings indicated:

(a) An "affiliate" of an issuer is a person controlling, controlled by or under common control with, such issuer. An individual who controls an issuer is an affiliate of such issuer.

(b) A "domestic corporation" is a corporation which is incorporated under the laws of any State or Territory of the United States or the District of Columbia and which has its principal place of business in any such State, Territory, or the District of Columbia.

(c) A "predecessor" of an issuer is a person who took an important part in the organization of such issuer, the acquisition of its assets or the distribution of its securities.

(e) A "restricted stock option" means such an option as defined in paragraph (d) of section 130A of the Internal Revenue Code.

§ 230.601 *Securities exempted.* (a) Except as provided in this section, nonassessable shares of stock issued by any domestic corporation pursuant to a restricted stock option plan and in accordance with the terms and conditions of this regulation shall be exempt from registration under the act: *Provided:*

(1) The aggregate of the following amounts of securities shall not exceed $300,000 during any period of 1 year:

(i) The aggregate proceeds of all securities of the issuer and its affiliates sold under this regulation;

(ii) The aggregate proceeds of all securities of such persons sold in violation of section 5 (a) of the act;

(2) Such stock is issued only upon (i) the death of the employees to whom the options were granted, (ii) the retirement of such employees, (iii) the termination of such employees' services with the issuer and its affiliates, or (iv) any similar contingency specifically provided for in the option plan; and

(3) Other shares of stock of the same class are listed and registered on an exchange which is registered as a national securities exchange pursuant to section 6 of the Securities Exchange Act of 1934;

(b) For purposes of paragraph (a) (1) (i) of this section, the aggregate proceeds shall be computed on the basis of the market price of the securities on the date of exercise of the option.

(c) Upon compliance with the terms and conditions of this Regulation E, the issuance of restricted stock options shall not for the purposes of section 5 of the act be deemed a "sale," "offer to sell," or "offer for sale" of the shares subject to the options so long as the shares issued pursuant to such options are limited in accordance with the provisions of paragraphs (a) and (b) of this section.

§ 230.602 *Securities excluded from exemption.* (a) No exemption under this Regulation E shall be available for any of the following securities, unless cause be shown that it is not necessary or appropriate in the public interest or for the protection of investors that the exemption be denied in a particular case:

(1) Shares of stock of any issuer if such issuer or any of its predecessors or affiliates:

(i) Has filed a registration statement which is the subject of pending public proceedings under section 8 (b), (d) or (e) of the act or is subject to an order entered under any such section; or

(ii) Is subject to pending proceedings under § 230.607 or to an order entered thereunder.

(2) Shares of stock of any issuer if such issuer or any of its directors, officers, affiliates or predecessors, or any of its promoters presently connected with it in any capacity:

(i) Has been convicted within 5 years preceding the filing of the letter of notification required by § 230.603 of any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer;

(ii) Is subject to any order, judgment or decree of any court entered within 5 years prior to the date of such filing, enjoining or restraining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security; or

(iii) Is subject to a United States Post Office fraud order.

(3) Shares of stock of any issuer, if any of its directors, officers or affiliates, or any of its promoters presently connected with it in any capacity, participated in or was connected with any offering of securities of any other issuer which has been at any time subject to:

(i) An order under section 8 (b) or (d) of the act;

(ii) An order under § 230.607; or

(iii) A United States Post Office fraud order.

(b) The exemption provided by this Regulation E shall terminate, as to any securities remaining unsold, if the issuer or any of its directors, officers, or affiliates or any promoter presently connected with it in any capacity (1) shall be convicted of any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer, or (2) shall be enjoined from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

(c) The exemption provided by this Regulation E shall be suspended, and no securities may be offered hereunder, during the pendency of (1) any indictment of any person specified in paragraph (b) of this section for any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer, or (2) any proceeding initiated by the Commission for the purpose of enjoining any such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, or (3) any public proceeding under section 8 (b), (d) or (e) of the act with respect to the issuer or any of its affiliates.

§ 230.603 *Letter of notification.* At least 30 days prior to the date on which the restricted options are to be granted, or such shorter period as the Commission may authorize upon a showing of good cause therefor, there shall be filed with the principal office of the Commission in Washington, D. C., three copies of a letter of notification on Form S–3b–3 [1] signed by the issuer and by the grantor of such options, if other than the issuer.

§ 230.604 *Information to be furnished optionees.* No securities shall be exempt under this Regulation E unless the issuer thereof shall furnish to all holders of the restricted options all reports, proxy statements and other information which the issuer furnishes to its stockholders generally. Such information shall be furnished to such option holders as and when it is furnished to stockholders.

§ 230.605 *Material to be filed.* Three copies of every prospectus or other written communication prepared or authorized by the issuer or any of its affiliates which is proposed to be used at the time of the issuance of the options or intended

[1] Filed as part of the original document.

to be sent or given thereafter to more than 10 persons shall be filed at least 5 days (exclusive of Saturdays, Sundays, and holidays) prior to any use thereof, with the principal office of the Commission.

§ 230.606 *Prohibition of certain statements.* No prospectus or other written or oral communication used in connection with any offering under this regulation shall contain any language stating or implying that the Commission has in any way passed upon the merits of, or given approval to, the securities offered or the terms of the offering, or has determined that the securities are exempt from registration, or has made any finding that the statements in any such prospectus or other communication are accurate or complete.

§ 230.607 *Denial and suspension of exemption.* (a) The Commission may, at any time after the filing of a letter of notification, enter an order temporarily denying the exemption, or if the options have been issued, it may enter an order temporarily suspending the exemption, if it has reason to believe that:

(1) No exemption is available under this Regulation E for the shares purported to be offered thereunder;

(2) The letter of notification or any prospectus or other written communication contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading;

(3) Any device, scheme or artifice to defraud would be or is being employed in connection with the offering or sale of the shares, or the offering would be or is being made in such manner as to operate as a fraud or deceit upon the purchaser, or

(4) The issuer or the grantor of the restricted options, if other than the issuer, has otherwise failed to comply with any of the terms and conditions of this Regulation E.

(b) Upon the entry of an order under paragraph (a) of this section, the Commission will promptly give notice to the issuer and to the grantor of the restricted options, if other than the issuer, (1) that such order has been entered, together with a brief statement of the reasons for the entry of the order, and (2) that the Commission will, upon receipt of a written request, set the matter down for hearing within 20 days after the receipt of such request at a place to be designated by the Commission, the order shall remain in effect until it is modified or vacated by the Commission. Where a hearing is requested or is ordered by the Commission, the Commission will, after notice of and opportunity for such hearing, either vacate the order or enter an order permanently denying or suspending the exemption.

(c) The Commission may at any time after notice of and opportunity for hearing, enter an order permanently suspending the exemption for any reason upon which it could have entered a temporary suspension order under paragraph (a) of this section. Any such order shall remain in effect until vacated by the Commission.

(d) All notices required by this section shall be given to the issuer and to the grantor of the restricted options, if other than the issuer, by personal service, registered mail or confirmed telegraphic notice at the addresses of such persons given in the letter of notification. In addition, all such notices will be published in the FEDERAL REGISTER.

§ 230.608 *Reports of sales under this Regulation E.* Within 30 days after the end of each 6-month period following the granting of the options pursuant to which the securities covered by the letter of notification are to be issued, the issuer shall file with the Commission three copies of a report on Form S–3B–3A containing the information called for by such form. A final report shall be made within 30 days after the completion or termination of the issuance of the securities covered by the letter of notification.

[F. R. Doc. 52–12071; Filed, Nov. 12, 1952, 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150–14]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization. Abolition of offices of Collectors and Deputy Collectors of Delaware, New Jersey, and Pennsylvania Collection Districts; establishment of offices of District Commissioner and Directors of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Delaware, New Jersey, and Pennsylvania Collection Districts shall become effective as of 12 o'clock midnight, November 11, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., November 12, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Philadelphia District, and which shall be comprised of the States of Delaware, New Jersey, and Pennsylvania.

3. *Location of headquarters.* The headquarters office shall be located in the City of Philadelphia, Pennsylvania.

4. *Establishment of Offices of Director of Internal Revenue.* Effective as of 12:01 a. m., November 12, 1952, there are hereby created the following offices within the Philadelphia District:

(a) Director of Internal Revenue for the Collection District of Delaware (as presently constituted). The headquarters of such office shall be located in Wilmington, Delaware, and the office shall have the operating title of Director of Internal Revenue, Wilmington.

(b) Director of Internal Revenue for the First Collection District of New Jersey (as presently constituted). The headquarters of such office shall be located in Camden, New Jersey, and the office shall have the operating title of Director of Internal Revenue, Camden.

(c) Director of Internal Revenue for the Fifth Collection District of New Jersey (as presently constituted). The headquarters of such office shall be located in Newark, New Jersey, and the office shall have the operating title of Director of Internal Revenue, Newark.

(d) Director of Internal Revenue for the First Collection District of Pennsylvania (as presently constituted). The headquarters of such office shall be located in Philadelphia, Pennsylvania, and the office shall have the operating title of Director of Internal Revenue, Philadelphia.

(e) Director of Internal Revenue for the Twelfth Collection District of Pennsylvania (as presently constituted). The headquarters of such office shall be located in Scranton, Pennsylvania, and the office shall have the operating title of Director of Internal Revenue, Scranton.

(f) Director of Internal Revenue for the Twenty-third Collection District of Pennsylvania (as presently constituted). The headquarters of such office shall be located in Pittsburgh, Pennsylvania, and the office shall have the operating title of Director of Internal Revenue, Pittsburgh.

Dated: November 7, 1952.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52–12138; Filed, Nov. 10, 1952; 12:10 p. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

WAGE RATES FOR SUGAR BEET INDUSTRY IN REGIONS OTHER THAN CALIFORNIA, SOUTHWESTERN ARIZONA, AND SOUTHERN OREGON; 1953 CROP

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), notice is hereby given that public hearings will be held as follows:

At Detroit Michigan, December 1, 1952, 10:00 a. m., Court Room 859, Federal Building.

At St. Paul, Minnesota, December 3, 1952, 10:00 a. m., Room 1610, Main Post Office Building, 180 E. Kellogg Boulevard.

At Billings, Montana, December 5, 1952, 10:00 a. m., Commercial Club Lobby, Corner of N. 27th Street and Third Avenue.

At Salt Lake City, Utah, December 8, 1952, 10:00 a. m., Room 230, Post Office Building.

At Greeley, Colorado, December 10, 1952, 10:00 a. m., City Hall.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets in regions other than the State of California, Southwestern Arizona, and Southern Oregon for the 1953 crop on farms with respect to which applications for payments under the act are made, and (2), pursuant to the provisions of section 301 (c) (2) of the act, fair and reasonable prices for the 1953 crop of sugar beets in regions other than the State of California, Southwestern Arizona and Southern Oregon to be paid under either purchase or toll agreements by processors who, as producers, apply for payments under the act. In the interest of obtaining the best possible information all interested persons are requested to appear to express their views and present appropriate data in regard to the foregoing matters.

Such hearings, after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

Thomas H. Allen, Tom O. Murphy, Ward S. Stevenson, and Linwood K. Bailey are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 7th day of November 1952.

[SEAL] LAWRENCE MYERS,
Director, Sugar Branch.

[F. R. Doc. 52–12114; Filed, Nov. 12, 1952; 8:55 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 42; Docket No. 35]

WARNER MFG. CORP., ET AL

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on September 15 and September 16, 1952, and October 2 and October 3, 1952, at New York City, N. Y., before the Honorable James M. Fawcett, a hearing commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority in accordance with the National Production Authority General Administrative Order 16–06 (16 F. R. 8628), and Implementation 1 to National Production Authority General Administrative Order 16–06 (16 F. R. 8799) which has been redesignated as RP–1, Rules of Practice Before Hearing Commissioners (16 F. R. 8894), and the National Production Authority having appeared by William E. Kennedy, attorney, and the respondents being represented by Samuel H. Nelson, an attorney-at-law of Newark, N. J.; and

The respondents, Warner Mfg. Corp., a corporation of the State of New Jersey, Lewis Warner as president of said corporate respondent and individually, Jacob Lipman as vice-president of said corporate respondent and individually, and Leonard M. Lipman as secretary and treasurer of said corporate respondent and individually, all of 859 Communipaw Avenue, Jersey City, N. J., having been duly apprised of the specific violations charged and the administrative action which may be taken thereon, and having been informed of the rules and procedures which govern such proceedings, and an answer having been filed on behalf of all of the respondents substantially denying all of the allegations set forth in the statement of charges and setting up special defenses on behalf of said respondents; and

The statement of charges having been amended at the hearing to indicate the proper name of the corporate respondent as Warner Mfg. Corp. instead of Warner Manufacturing Corporation, and charges 4, 6, and 7 being amended to indicate different figures than set forth in the statement of charges which amendments were made by consent of the attorney for the respondents; and

Evidence and testimony having been submitted by the National Production Authority to sustain the charges set forth in the statement of charges, and the respondent having submitted testimony and evidence in opposition to the charges, and upon oral argument by William E. Kennedy and Samuel H. Nelson, attorneys as aforementioned, and upon a written brief presented on behalf of the respondents and an informal reply brief having been submitted on behalf of the National Production Authority, *It is hereby determined:*

Findings of fact: 1. The corporate respondent herein, Warner Mfg. Corp., a corporation of the State of New Jersey, committed acts prohibited by section 26.25 (b) of NPA Order M–7, dated November 13, 1950 (15 F. R. 7764), as amended December 1, 1950 (15 F. R. 8576), and section 5 (c) of NPA Order M–7 as amended March 9, 1951 (16 F. R. 2337), March 31, 1951 (16 F. R. 2922), April 6, 1951 (16 F. R. 3118), May 1, 1951 (16 F. R. 3916), and June 1, 1951 (16 F. R. 5259); and CMP Regulation No. 1, section 19 (f) dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860); and CMP Regulation No. 1, section 17 (b) issued May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860), in that said individual respondents owning, dominating, managing, and controlling the corporate respondent during the time the violations were committed, directed, and supervised the commission of the aforementioned violations.

Conclusion: During the period beginning January 1, 1951, and ending March 31, 1952, the respondents herein, Warner Mfg. Corp., a corporation of the State of New Jersey, Lewis Warner, Jacob Lipman, and Leonard M. Lipman, violated

tioned respondent by said sections of NPA Order M–7.

2. The National Production Authority failed in the proof that the respondent failed to maintain accurate records of allotments received and procurement pursuant to all allotments in violation of CMP Regulation No. 1, section 23 (a) dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

3. The corporate respondent herein, Warner Mfg. Corp., a corporation of the State of New Jersey, committed acts prohibited by CMP Regulation No. 1, section 19 (f) dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860), in that the said corporate respondent, during the calendar quarter commencing October 1, 1951, and during the calendar quarter commencing January 1, 1952, placed authorized controlled materials orders in excess of the allotments received by it for said periods by placing orders for 420,406 pounds of aluminum when entitled to order only 142,335 pounds, thereby ordering 278,071 pounds in excess of the related allotments received by said respondent.

4. The corporate respondent herein, Warner Mfg. Corp., a corporation of the State of New Jersey, committed acts prohibited by CMP Regulation No. 1, section 17 (b) issued May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860), in that said corporate respondent, having received authorized allotments of aluminum during the periods, July 1, 1951, through September 30, 1951, October 1, 1951, through December 31, 1951, and January 1, 1952, through March 31, 1952, of 253,800 pounds, 107,055 pounds, and 35,280 pounds respectively, to be used in fulfillment of its authorized production schedules in the said periods, the said corporate respondent used the said allotments to obtain and use a greater quantity of aluminum, to wit, 509,554 pounds, 439,813 pounds, and 304,012 pounds in the respective periods, which was more than required to fulfill the authorized production schedules to the total extent of 857,246 pounds.

5. The individual respondents herein committed acts prohibited by section 26.25 (b) of NPA Order M–7, dated November 13, 1950 (15 F. R. 7764), as amended December 1, 1950 (15 F. R. 8576), and section 5 (c) of NPA Order M–7 as amended March 9, 1951 (16 F. R. 2337), March 31, 1951 (16 F. R. 2922), April 6, 1951 (16 F. R. 3118), May 1, 1951 (16 F. R. 3916), and June 1, 1951 (16 F. R. 5259); and CMP Regulation No. 1, section 19 (f) dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860); and CMP Regulation No. 1, section 17 (b) issued May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860), in that said individual respondents owning, dominating, managing, and controlling the corporate respondent during the time the violations were committed, directed, and supervised the commission of the aforementioned violations.

Conclusion: During the period beginning January 1, 1951, and ending March 31, 1952, the respondents herein, Warner Mfg. Corp., a corporation of the State of New Jersey, Lewis Warner, Jacob Lipman, and Leonard M. Lipman, violated

the provisions of National Production Authority regulations, orders, and directives as hereinabove cited by ordering 278,071 pounds of aluminum in excess of the related allotments received by said corporate respondent and by using at least 1,461,165 pounds of aluminum more than was authorized or permitted by the said provisions.

In order to correct the unauthorized ordering and use of aluminum occasioned by the violations found herein and in order to prevent future violations of National Production Authority's regulations, orders, and directives by these respondents,

It is accordingly ordered: 1. That all priority assistance be withdrawn and withheld from Warner Mfg. Corp., a corporation of the State of New Jersey, its successors and assigns, Lewis Warner, Jacob Lipman, and Leonard M. Lipman, for a period beginning on the date hereof until June 30, 1953.

2. That all allocations and allotments of controlled materials and materials under control of the National Production Authority be withdrawn and withheld from Warner Mfg. Corp., a corporation of the State of New Jersey, its successors and assigns, Lewis Warner, Jacob Lipman, and Leonard M. Lipman, for a period beginning on the date hereof until June 30, 1953.

3. That all privileges of self-certification now granted or hereafter to be granted by the National Production Authority with respect to controlled materials and materials under control of the National Production Authority be withdrawn and withheld from Warner Mfg. Corp., a corporation of the State of New Jersey, its successors and assigns, Lewis Warner, Jacob Lipman, and Leonard M. Lipman, for a period beginning on the date hereof until June 30, 1953.

4. That the respondents, Warner Mfg. Corp., a corporation of the State of New Jersey, its successors and assigns, Lewis Warner, Jacob Lipman, and Leonard M. Lipman, be prohibited from acquiring, using, or disposing of controlled materials and materials under control of the National Production Authority for a period beginning on the date of this order until June 30, 1953.

Issued at New York City, N. Y., this 28th day of October 1952.

NATIONAL PRODUCTION AUTHORITY,
By JAMES M. FAWCETT,
Hearing Commissioner.

[F. R. Doc. 52-12100; Filed, Nov. 7, 1952; 3:06 p. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 80]

DIRECTOR OF REGION XII

DELEGATION OF AUTHORITY TO ISSUE AREA PRICE ADJUSTMENT OF AUTOMOTIVE REPAIR SERVICE CEILING PRICES IN SACRAMENTO, CALIF.

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

The Office of Price Stabilization has instituted a Local Price Stabilization Board Program aimed at increasing the participation of businessmen and consumers in the stabilization effort. A situation presently exists in the automotive repair service industry in the Sacramento, California, area which offers an excellent opportunity for testing this new program. This limited delegation of authority to issue an area ceiling price regulation is therefore being made to carry out the new OPS program on an experimental basis.

1. *Authority to adjust ceiling prices of certain sellers of automotive repair services.* Authority is hereby delegated to the Director of Region XII of the Office of Price Stabilization to issue an area ceiling price regulation adjusting ceiling prices of sellers of automotive repair services located in Sacramento, California, in accordance with the provisions of Ceiling Price Regulation 34, as amended, and applicable supplementary regulations thereto.

This delegation of authority shall take effect on November 7, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 7, 1952.

[F. R. Doc. 52-12089; Filed, Nov. 7, 1952; 12:36 p. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 91]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

NOVEMBER 12, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

The Dalles, Oregon, Area: (The area consists of The Dalles City and the precincts of Rowena, West Dalles, South Dalles, Eight Mile, Dufur, Boyd, Thompson, Columbia, and East Dalles, all in Wasco County, Oregon; and 1950 Census Divisions 9 and 10, Klickitat County, Washington.)

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-12231; Filed, Nov. 12, 1952; 12:08 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10278, 10279]

KENDRICK BROADCASTING CO., INC., AND ROSSMOYNE CORP.

ORDER SCHEDULING HEARING

In re applications of Kendrick Broadcasting Co., Inc., Harrisburg, Pennsylvania, Docket No. 10278, File No. BPCT-937; Rossmoyne Corporation, Harrisburg, Pennsylvania, Docket No. 10279, File No. BPCT-966; for television construction permits.

Whereas, the hearing on this matter held in Washington, D. C., on October 15, 1952, was recessed until on or after November 17, 1952, at such time as the Examiner might be free to conduct the further hearing;

It is ordered, this 30th day of October 1952, that the further hearing on this matter is scheduled for 10:00 a. m., November 17, 1952, at Washington, D. C.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12078; Filed, Nov. 12, 1952; 8:50 a. m.]

[Docket Nos. 10278, 10279]

KENDRICK BROADCASTING CO., INC. AND ROSSMOYNE CORP.

ORDER SCHEDULING HEARING

In re applications of Kendrick Broadcasting Co., Inc., Harrisburg, Pennsylvania, Docket No. 10278, File No. BPCT-937; Rossmoyne Corporation, Harrisburg, Pennsylvania, Docket No. 10279, File No. BPCT-966; for television construction permits.

An oral request having been made by counsel for the above named applicant, Kendrick Broadcasting Company, Inc., that the hearing in this matter be further recessed until December 1, 1952, because counsel for applicant aforesaid is engaged in the trial in another proceeding before the Commission, and counsel for the above named applicant, Rossmoyne Corporation, and counsel for the Commission's Broadcast Bureau having orally consented;

It is ordered, this 3d day of November 1952, that the further hearing in this matter is scheduled for 10:00 a. m., December 1, 1952, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12077; Filed, Nov. 12, 1952; 8:50 a. m.]

[Docket Nos. 10294, 10295, 9012]

KCRA, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KCRA, Inc., Sacramento, California, Docket No. 10294, File No. BPCT-669; Harmco, Inc., Sacramento, California, Docket No. 10295, File No. BPCT-975; Sacramento Broadcasters, Inc., Sacramento, California, Docket No. 9012, File No. BPCT-411; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of October 1952;

The Commission having under consideration the above-entitled application of Sacramento Broadcasters, Inc., requesting a construction permit for a new television station to operate on Channel 3 in Sacramento, California; and

It appearing, that said application is mutually exclusive with the above-entitled applications of KCRA, Inc., and Harmco, Inc., both of which also request construction permits for television stations to operate on Channel 3 in Sacramento, California; and

It further appearing, that the applicant, Sacramento Broadcasters, Inc. was advised on October 8, 1952, that its proposal was mutually exclusive with those of the other above-entitled applications and was requested to file any reply within 10 days, and that this time has now expired and the said conflict has not been resolved;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the application of Sacramento Broadcasters, Inc. be designated for hearing in the same consolidated proceeding with the other above entitled applications to commence at 10:00 a. m. on November 17, 1952, at Washington, D. C. upon the following issues:

1. To determine the legal, technical and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of any of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary,

[F. R. Doc. 52-12076; Filed, Nov. 12, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2865]

COLUMBIA GAS SYSTEM, INC., AND HOME GAS CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF SHARES OF COMMON STOCK AND INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

NOVEMBER 6, 1952.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Home Gas Company ("Home"), a subsidiary company of Columbia, having filed a joint application and an amendment thereto, with this Commission pursuant to sections 6 (b), 9, and 10 of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Home proposes to issue and sell and Columbia proposes to acquire 18,000 shares of common stock, par value $25 per share ($450,000), and a maximum of $600,000 principal amount of 3⅝ percent Installment Promissory Notes. Home represents that the proceeds in the amount of $1,050,000 to be derived from Columbia would be used to finance, in part, its 1952 construction program estimated to cost $1,108,236. Columbia states that it would first purchase common stock, at par, when and as funds are required up to a maximum amount of 18,000 shares, and thereafter it would purchase 3⅝ percent Notes of Home as funds are needed up to a maximum principal amount of $600,000. It is further stated that Home would not issue or sell any such common stock or 3⅝ percent Notes subsequent to March 31, 1953.

The 3⅝ percent Notes to be issued by Home would be registered in the principal amounts thereof and would be payable in twenty-five equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount of said Notes would be payable semiannually on February 15 and August 15.

The issuance and sale of the common stock and Notes by Home having been expressly authorized by the Public Service Commission of the State of New York by order dated October 7, 1952; and

Said application having been filed on May 6, 1952, an amendment thereto having been filed on October 23, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-12067; Filed, Nov. 12, 1952; 8:46 a. m.]

[File No. 70-2944]

NORTH AMERICAN CO.

SUPPLEMENTAL ORDER RESPECTING TAX RECITALS AND FINDINGS

NOVEMBER 6, 1952.

The Commission having issued an order on April 14, 1942, pursuant to section 11 (b) (1) of the act, in proceedings concerning the North American Company ("North American") and its subsidiary companies, directing North American, to dispose, among other things, of its "direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by" North American Utility Securities Corporation ("NAUS") and Pacific Gas & Electric Corporation ("P G & E"); and

The Commission having by order dated July 23, 1959, approved a plan under section 11 (e) of the act for the liquidation and dissolution of NAUS, which was ordered enforced by the United States District Court for the District of Maryland, and pursuant to which North American has received as a liquidating distribution 78,684 shares of the common stock of P G & E; and

North American having notified the Commission, pursuant to Rule U-44 (c), that in compliance with the aforementioned order dated April 14, 1942, it proposes, upon entry of the order to be entered herein, to sell to Blyth & Co., Inc. said 78,684 shares of the common stock of P G & E at a price of $36.50 per share; and

The record having been completed with respect to the counsel fees to be paid by North American of $4,500 to Sullivan & Cromwell and $1,000 to Chickering & Gregory in connection with the proposed sale of the 78,684 shares of the PG & E common stock and certain related matters, as to which fees jurisdiction has heretofore been reserved; and

North American having requested with respect to said sale of the 78,684 shares of the common stock of PG & E that the Commission enter its order containing the findings, recitals and orders hereinafter set forth and the Commission deeming it appropriate in the public interest and the interests of investors and consumers that said request be granted, and the Commission finding that the counsel fees to be paid by North American, as set forth above, are not unreasonable:

It is ordered and recited and the Commission finds, That the sale by North American (in its own name or that of its nominee Burntull & Co.) to Blyth & Co., Inc., and Dean Witter & Co., at a price of $36.50 per share, of 78,684 shares of the common stock of PG & E, $25 par value

(being comprised of certificates for 9,800 shares numbered NC193929 to 194026 inclusive; a certificate for 56,900 shares numbered NF184234; a certificate for 5,690 shares numbered NF317251; a certificate for 6,259 shares numbered NF388155; and a certificate for 35 shares numbered NF461258), in connection with and as a part of the final liquidation and dissolution of NAUS and as authorized and permitted by the order of this Commission dated July 23, 1952, and in obedience thereto, is necessary and appropriate to the integration of the holding company system of which North American and NAUS are members and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That jurisdiction be and hereby is reserved to enter such other or further orders, conforming to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, as may appear to the Commission to be appropriate.

It is further ordered, That the jurisdiction heretofore reserved over the fees to be paid by North American, aggregating $5,500, for legal services in connection with the proposed sale of 78,684 shares of common stock of PG & E and certain related matters be, and the same hereby, is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12070; Filed, Nov. 12, 1952; 8:47 a. m.]

[File No. 70-2949]

WISCONSIN PUBLIC SERVICE CORP.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE OF SHORT TERM BANK LOAN NOTES

NOVEMBER 6, 1952.

Notice is hereby given that a declaration has been filed with this Commission by Wisconsin Public Service Corporation ("Wisconsin"), a public utility subsidiary of Standard Power and Light Corporation and Standard Gas and Electric Company, both registered holding companies. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions, which are summarized as follows:

Wisconsin presently has outstanding $6,500,000 of 3 percent five and one-half month bank loan notes maturing November 25, 1952. Wisconsin proposes, on or prior to November 25, 1952, to issue and sell $6,300,000 of new bank loan notes ("new notes"), maturing June 1, 1953, to the same banks which hold the presently outstanding notes. The participation of each bank and the interest rate will be supplied by amendment. Wisconsin will have the privilege of prepaying the new notes without premium.

The declaration states that the net proceeds to be derived from the sale of the new notes, together with treasury cash, will be used in payment of the presently outstanding notes, the proceeds of which were used for construction purposes. Wisconsin also states that it will undertake permanent financing, prior to the due date of the new notes, and use a portion of the proceeds of such permanent financing for the payment of the new notes.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transactions.

Wisconsin estimates that the expenses in connection with the proposed transactions will not exceed $500 and it requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than November 20, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 20, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12068; Filed, Nov. 12, 1952; 8:47 a. m.]

[File No. 70-2955]

OHIO EDISON CO.

NOTICE OF PROPOSED AMENDMENT TO ARTICLES OF INCORPORATION TO AUTHORIZE ADDITIONAL SHARES OF PREFERRED STOCK AND INCREASE PAR VALUE OF COMMON STOCK

NOVEMBER 6, 1952.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the act by Ohio Edison Company ("Ohio"), a registered holding company and a public utility company. The filing has designated sections 6 (a), 7 and 12 (e) of the act and Rule U-62 promulgated thereunder as being applicable to the transactions described therein.

All interested persons are referred to said declaration, which is on file in the the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Ohio's construction program for 1953 anticipates expenditures approximating $57,000,000. In addition, Ohio has obligated itself to invest approximately $3,300,000 in the common stock of the Ohio Valley Electric Corporation, a new corporation formed by various public utility companies to provide the Atomic Energy Commission with its electric energy requirements for its proposed plant near Portsmouth, Ohio. Ohio estimates that based upon the present level of earnings and current expectations as to the progress of the construction program additional securities will be sold to the public in 1953 for approximately $30,000,000. Ohio believes that it would be desirable, assuming favorable market conditions, to raise the necessary funds for 1953 by the public sale, early in the year, of 150,000 additional shares of preferred stock and, at or about the same time, of an additional 479,846 shares of common stock on a rights offering.

Ohio states that under its Articles of Incorporation it has only 13,700 shares of authorized but unissued preferred stock. The Articles also provide that additional shares of preferred stock may be issued only if the excess of the aggregate par value of the outstanding common stock (which presently has a par value of $8 per share) over $14,366,776 is equal to the product of $75 times the number of shares of preferred stock outstanding (including the shares to be issued) in excess of 200,000. This provision would, so long as the par value of the common stock is $8 per share, limit the number of additional shares of preferred stock issuable at present to approximately 34,000 shares and the number of such shares issuable after the sale of an additional 479,846 shares of common stock to approximately 85,000 shares.

In order to enable Ohio to issue and sell additional shares of preferred stock in 1953, as contemplated, the company proposes to submit to the common stockholders a proposed amendment to the Articles of Incorporation which will:

(a) Increase the authorized number of shares of preferred stock, par value $100 per share, from 500,000 to 1,000,000; and

(b) Increase the par value of the shares of common stock from $8 per share to $12 per share.

Ohio proposes to submit to its common stockholders, at a special meeting to be called for that purpose, the proposed amendment to its Articles. For the amendment to become effective, it must be approved by the holders of two-thirds of the outstanding shares of common stock. In connection with such special meeting, Ohio proposes to solicit proxies to be voted in favor of the proposed amendment and it further proposes, if it shall become necessary or advisable in its opinion, to employ professional proxy solicitors.

To reflect the proposed increase in the par value of its presently outstanding common stock, Ohio proposes to transfer to Common Stock Capital an amount equal to $4 per share of common stock outstanding, such transfer to be made from Premium on Common Stock Account and from Capital Surplus Account of $12,010,452 and $7,183,388, respectively.

The declarant's expenses are estimated at not to exceed $10,500 for printing and mailing, $1,500 for counsel fees, $1,500 for solicitation costs, and if professional proxy solicitors are employed $10,000 for expenses and compensation of such solicitors.

Declarant states that no State or other Federal Commission has jurisdiction over the proposed transactions and the company requests that the Commission issue its order herein on or before November 24, 1952, permitting said declaration to become effective forthwith.

Notice is further given that any interested person may, not later than November 20, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 and Rule U-100 thereof. Any such request should be addressed to: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12069; Filed, Nov. 12, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27522]

UNFINISHED COTTON PIECE GOODS AND RELATED ARTICLES FROM THE SOUTH TO OFFICIAL AND ILLINOIS TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Unfinished cotton piece goods and related articles, carloads.

From: Mill points in southern territory.

To: Points in official and Illinois territory.

Grounds for relief: Rail competition, circuitous routes, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 856, Supp. 160. C. A. Spaninger, Agent, I. C. C. No. 899, Supp. 126.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12035; Filed, Nov. 10, 1952; 8:49 a. m.]

[4th Sec. Application 27523]

SUPERPHOSPHATE FROM SOUTHERN TERRITORY TO HUTCHINSON, KANS.

APPLICATION FOR RELIEF

NOVEMBER 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1286.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated, carloads.

From: Points in southern territory.

To: Hutchinson, Kans.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1286, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12036; Filed, Nov. 10, 1952; 8:50 a. m.]

[4th Sec. Application 27524]

MOULDING SAND FROM ALABAMA TO SWAN AND TYLER, TEX.

APPLICATION FOR RELIEF

NOVEMBER 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3736.

Commodities involved: Moulding sand, carloads.

From: Specified points in Alabama.

To: Swan and Tyler, Tex.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3736, Supp. 206.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12037; Filed, Nov. 10, 1952; 8:50 a. m.]

[4th Sec. Application 27525]

CRUDE SULPHUR FROM TEXAS TO BENTONVILLE AND FRONT ROYAL, VA.

APPLICATION FOR RELIEF

NOVEMBER 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Crude Sulphur, carloads.

From: Texas producing points.

To: Bentonville and Front Royal, Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3862, Supp. 159.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12062; Filed, Nov. 12, 1952; 8:45 a. m.]

[4th Sec. Application 27526]

CAST IRON PIPE FROM ROCKFORD, ILL., TO THE SOUTHWEST

APPLICATION FOR RELIEF

NOVEMBER 7, 1952.

The Commission is in receipt of the above entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3910.

Commodities involved: Cast iron pipe and related articles, carloads.

From: Rockford, Ill.

To: Points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3910, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12063; Filed, Nov. 12, 1952; 8:45 a. m.]

[4th Sec. Application 27527]

GRAIN FROM IOWA, MINNESOTA AND WESTERN TRUNKLINE TERRITORY TO POINTS IN TEXAS

APPLICATION FOR RELIEF

NOVEMBER 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to schedules listed in the application.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Iowa, Minnesota, and other points in western trunk-line territory.

To: Galveston, Houston, and Texas City, Tex.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12064; Filed, Nov. 12, 1952; 8:45 a. m.]

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 17 1934 NUMBER 223

Washington, Friday, November 14, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2996

THANKSGIVING DAY, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

In the cycle of the seasons, another year marked by the abundance of God's gifts is nearing its end. At such a time we are wont to turn to Him and with humble hearts to offer thanks as a Nation for His manifold blessings.

We are moved by the inspiring autumnal beauty of our land, which uplifts the hearts of men. We are thankful for the natural and human resources which have enabled us not only to enjoy high material and spiritual standards ourselves but also to help others in the effort to achieve or protect their well-being.

We are grateful for the privileges and rights inherent in our way of life, and in particular for the basic freedoms, which our citizens can enjoy without fear. This year it is especially fitting that we offer a prayer of gratitude for the spirit of unity which binds together all parts of our country and makes us one Nation indivisible.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, conforming to our hallowed custom, and in consonance with the joint resolution of Congress approved on December 26, 1941, do hereby call upon all our people to celebrate Thursday, November 27, 1952, as Thanksgiving Day. On that day let us, with a full awareness of our privileges and a deepening sense of the obligations which they entail, each in his own way, but together as a whole people, give due expression to our thanks, and let us humbly endeavor to follow the paths of righteousness in obedience to the will of Almighty God.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of November in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-12247; Filed, Nov. 12, 1952; 4:40 p. m.]

EXECUTIVE ORDER 10409

AWARD OF THE PURPLE HEART TO PERSONS SERVING WITH THE NAVY, MARINE CORPS, OR COAST GUARD OF THE UNITED STATES

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. The Secretary of the Navy shall award the Purple Heart, in the name of the President of the United States, to any person who while serving in any capacity with the Navy, Marine Corps, or Coast Guard of the United States has been, or may hereafter be, wounded (a) in any action against an enemy of the United States, (b) in any action with an opposing armed force of a foreign country in which the armed forces of the United States are engaged, or (c) as the result of an act of any such enemy or opposing armed force.

2. The Secretary of the Navy shall award the Purple Heart posthumously, in the name of the President of the United States, to any person who while serving in any capacity with the Navy, Marine Corps, or Coast Guard of the United States after April 5, 1917, has been, or may hereafter be, killed, or who has died or may hereafter die subsequent to being wounded, (a) in any action against an enemy of the United States, (b) in any action with an opposing armed force of a foreign country in which the armed forces of the United States are engaged, or (c) as the result

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FEDERAL REGISTER

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[Dept. Reg. 108.165]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

OCTOBER 29, 1952.

Section 325.11, *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following July 5, 1952, paragraph (b) is amended by the deletion of the following posts:

Bogor, Indonesia;
Djogjakarta, Indonesia.

2. Effective as of the beginning of the first pay period following November 8, 1952, paragraph (b) is amended by the deletion of the following posts:

India, all posts except Bombay, Calcutta, Cuddalore, Delhi, Hyderabad, Izatnagar, Kharagpur, Madras, Nabha, Nagpur, New Delhi, Patiala, Poona, Shillong, and Simla;
Turkey, all posts except Ankara, Elaziz, Istanbul, Izmir, and Konya.

3. Effective as of the beginning of the first pay period following November 8, 1952, paragraph (c) is amended by the deletion of the following post:

Simla, India.

4. Effective as of the beginning of the first pay period following February 17, 1951, paragraph (a) is amended by the addition of the following post:

Djogjakarta, Indonesia.

5. Effective as of the beginning of the first pay period following June 23, 1951, paragraph (a) is amended by the addition of the following post:

Bogor, Indonesia.

6. Effective as of the beginning of the first pay period following September 27, 1952, paragraph (a) is amended by the addition of the following post:

Samawa, Iraq.

7. Effective as of the beginning of the first pay period following November 8, 1952, paragraph (a) is amended by the addition of the following posts:

Bois Dehors, Haiti;
Diyarbakir, Turkey;
Erzurum, Turkey;
Hirakud Dam, India;
Simla, India.

8. Effective as of the beginning of the first pay period following November 8, 1952, paragraph (b) is amended by the addition of the following posts:

India, all posts except Bombay, Calcutta, Cuddalore, Delhi, Hirakud Dam, Hyderabad, Izatnagar, Kharagpur, Madras, Nabha, Nagpur, New Delhi, Patiala, Poona, Shillong, and Simla;

Turkey, all posts except Ankara, Bandirma, Diyarbakir, Elaziz, Erzurum, Istanbul, Iskenderum, Izmir, Kayseri and Konya.

9. Effective as of the beginning of the first pay period following September 27, 1952, paragraph (c) is amended by the addition of the following post:

Kirkuk, Iraq.

10. Effective as of the beginning of the first pay period following November 8, 1952, paragraph (c) is amended by the addition of the following posts:

of an act of any such enemy or opposing armed force.

3. The wound for which the award is made must have required treatment by a medical officer.

4. The Purple Heart shall be forwarded to the nearest of kin of any person entitled to the posthumous award, regardless of whether a previous award has been made to such person, except that if the award results from service prior to December 7, 1941, the Purple Heart shall be forwarded to such nearest of kin upon his application therefor to the Secretary of the Navy.

5. Except as authorized in paragraph 4 hereof, no more than one Purple Heart shall be awarded to any one person, but for each subsequent justification for such an award a Gold Star, or other suitable device, shall be awarded to be worn with the Purple Heart as prescribed by appropriate regulations.

6. If so authorized by the Secretary of the Navy, the award of the Purple Heart may be made by the Commander in Chief of a fleet, or by such other appropriate officer or officers as the Secretary of the Navy may designate.

7. The Secretary of the Navy may issue such regulations as he may deem appropriate to effectuate the purposes of this order. The regulations of the Secretary of the Navy and the regulations of the Secretary of the Army and the Secretary of the Air Force with respect to the award of the Purple Heart shall, so far as practicable, be of uniform application, and shall be subject to the approval of the Secretary of Defense.

8. This order shall supersede Executive Order No. 9277 of December 3, 1942, entitled "Award of the Purple Heart to Persons Serving with the Navy, Marine Corps or Coast Guard of the United States", but existing regulations issued pursuant to that order shall, so far as they are not inconsistent with this order, remain in effect until modified or revoked by regulations issued by the Secretary of the Navy pursuant to this order.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 12, 1952.

[F. R. Doc. 52-12262; Filed, Nov. 13, 1952; 10:36 a. m.]

Bandirma, Turkey;
Iskenderum, Turkey;
Kayseri, Turkey.

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

OCTOBER 29, 1952.

[F. R. Doc. 52-12141; Filed, Nov. 13, 1952; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 9 to Supplementary Regulation 7]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 7—MODIFICATIONS AND ALTERNATIVE PROVISIONS FOR MANUFACTURERS OF CHEMICALS

CARBON TETRACHLORIDE, TECHNICAL GRADE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 9 to Supplementary Regulation 7 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 9 to Supplementary Regulation 7 makes certain changes in the ceiling prices established by Amendment 8 to Supplementary Regulation 7 for sales of carbon tetrachloride by manufacturers.

Amendment 8 established a ceiling price of $0.0772 per pound for "spot sales" of carbon tetrachloride, technical grade, in tank car lots. The term "spot sales" was meant to include sales made at scheduled or list prices, as distinguished from sales made at specially negotiated prices. Sales of carbon tetrachloride to manufacturers of halogenated hydrocarbon refrigerants have customarily been made at such negotiated prices which have traditionally been lower than the scheduled prices at which other sales of carbon tetrachloride were made. The ceiling price established by Amendment 8 for such sales to manufacturers of halogenated hydrocarbon refrigerants was the $0.0772 per pound ceiling price established for the types of sales made at scheduled prices, minus the differential which the manufacturer had in effect between the two types of sales during his Ceiling Price Regulation 22 base period. (The Statement of Considerations accompanying Amendment 8 incorrectly referred to this period as the period December 19, 1950, to January 25, 1951, inclusive. The text of the amendment itself, which governs, correctly provided that the period in question is the Ceiling Price Regulation 22 base period).

The ceiling prices established by Amendment 8 replaced the manufacturers' ceiling prices determined under Ceiling Price Regulation 22. A uniform ceiling price of $0.0772 per pound for sales to purchasers other than those who used the carbon tetrachloride in the manufacture of halogenated hydrocarbon refrigerants was established in order to restore the practice of uniform prices for sales to such purchasers. This practice had been changed by the provisions of Ceiling Price Regulation 22, which required manufacturers to determine their ceiling prices on the basis of their individual cost experience. The making of this $0.0772 ceiling price the basis, however, for determining ceiling prices for sales of carbon tetrachloride to manufacturers of halogenated hydrocarbon refrigerants is now believed to be in error. Sales prices to such purchasers had been customarily determined by means of individual negotiations and were, therefore, not uniform among the various manufacturers selling to these purchasers. Moreover, in the averaging process used to determine the $0.0772 ceiling price to other classes of purchasers, the prices for sales to manufacturers of halogenated hydrocarbon refrigerants and the volume of these sales were not included. Accordingly, it was not appropriate for the ceiling price of $0.0772, which resulted from the averaging process, to be the basis for determining the ceiling prices for sales to manufacturers of halogenated hydrocarbon refrigerants. This amendment, therefore, excludes sales to manufacturers of halogenated hydrocarbon refrigerants from the scope of Amendment 8 and restores the ceiling prices for such sales to the level which existed immediately prior to the effective date of Amendment 8. Because it is believed that it was erroneous to include such sales within the scope of Amendment 8 originally, the restoration of the ceiling prices in effect immediately prior to the effective date of Amendment 8 is made retroactive to that effective date.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 10 of Supplementary Regulation 7 to Ceiling Price Regulation 22 is amended as follows:

1. Add the following sentence at the end of paragraph (a): "However, this section does not apply to your sales of this commodity to purchasers who use the commodity in the manufacture of halogenated hydrocarbon refrigerants."

2. Paragraphs (b) and (c) are amended to read as follows:

(b) Your ceiling prices for your sales of carbon tetrachloride, technical grade, to all classes of purchasers except to purchasers who use such carbon tetrachloride in the manufacture of halogenated hydrocarbon refrigerants are as follows:

(1) For sales in tank car lots, $0.0772 per pound, with minimum transportation allowed east of the eastern borders of Montana, Wyoming, Colorado, and New Mexico.

(2) For a sale in less than tank car lots, or for a sale for delivery west of the eastern borders of Montana, Wyoming, Colorado, and New Mexico, your ceiling price is that determined by applying to the ceiling price set forth in paragraph (b) (1) of this section the differential required or permitted by section 3 of Ceiling Price Regulation 22. If section 3 of Ceiling Price Regulation 22 cannot be applied in your case because you did not make such a sale in your base period or prior thereto, your ceiling price for such sale is the price determined in accordance with section 33 or section 34 of Ceiling Price Regulation 22.

(c) For the purposes of section 32, 33 or 34 of Ceiling Price Regulation 22 the ceiling prices established by this section shall be deemed to be ceiling prices established by Ceiling Price Regulation 22.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 9 to Supplementary Regulation 7 to Ceiling Price Regulation 22 is effective as of July 12, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 13, 1952.

[F. R. Doc. 52-12278; Filed, Nov. 13, 1952; 4:00 p. m.]

[Ceiling Price Regulation 22, Amdt. 1 to Supplementary Regulation 35]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 35—ADJUSTMENTS TO REFLECT INCREASED OUTBOUND TRANSPORTATION RATES

CORRECTION OF COVERAGE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 35 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

SR 35 to CPR 22 provided methods whereby manufacturers under CPR 22, including those who have adjusted their ceiling prices under SR 17 or 18 to CPR 22 or under GOR 20 or 35, might adjust their delivered ceiling prices to reflect increases in their outbound transportation costs resulting from increased transportation rates authorized by any federal or state regulatory agency since the "cut-off" date to which increases in costs had previously been recognized. As issued, SR 35 specifically stated that it was inapplicable to ceiling prices established under SR 30 and certain other supplementary regulations to CPR 22.

As seems apparent from the Statement of Considerations of SR 35, the exclusion of ceiling prices established under SR 30 from the applicability of SR 35 was an inadvertent error. SR 30 was issued on July 14, 1952 to provide a method whereby manufacturers of specified commodities might apply for delivered ceiling prices to replace their f. o. b. ceiling prices established under CPR 22 or any supplementary regulation to CPR 22. This privilege was designed to put the applicant on the same basis with respect to outbound transportation costs as his competitors who had been selling on a freight-delivered basis during the CPR 22 base period. Consequently the adjustment permitted by SR 30 was upon the basis of freight costs as of March 15, 1951 or, if the applicant had elected to determine adjustments under SR 17 to CPR 22 or SR 18 to CPR 22, as of July 26, 1951. SR 35 was not intended to bar relief to manufacturers who, by operation of SR 30 were required to absorb increases in outbound transportation costs since the cut-off dates fixed in SR 30. As issued, SR 35 results in unintended discrimination against manufacturers who had secured adjusted ceiling prices under SR 30.

Accordingly this amendment deletes the exclusionary reference to SR 30 to CPR 22 in section 1 of SR 35.

Deletion from section 1 of the exclusionary reference to SR 30 necessitates a minor amendment in section 9 (b). That section now provides for use of the July 26, 1951, base date if the ceiling prices to be adjusted under SR 35 "were determined" under the supplementary regulations implementing the Capehart amendment or under GOR 20. In order to make that section applicable to ceiling prices which include an adjustment under these regulations but which were determined under SR 30, it will be necessary to substitute for the words "were determined" the words "include an adjustment".

Because of the nature of this amendment the Director has not found it necessary or practicable to consult with industry representatives, including trade association representatives.

AMENDATORY PROVISIONS

Supplementary Regulation 35 to Ceiling Price Regulation 22 is amended as follows:

1. The third sentence of section 1 is amended by deletion of the letters and figures "SR 30;", so that it shall read as follows: "This supplementary regulation does not apply to ceiling prices established under the following supplementary regulations to CPR 22: SR 28; SR 29; SR 31; SR 32; or SR 34."

2. The second sentence of section 9(b) is amended by deletion of the words "were determined" and substitution therefor of the words "include an adjustment," so that it shall read as follows:

However, if the ceiling prices which you adjust under this supplementary regulation include an adjustment under SR 17 or SR 18 to CPR 22 or GOR 20, your base date is July 26, 1951, or any later date you select for any particular shipment if on such later date the July 26, 1951 rate or a higher rate was in effect.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 13, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 13, 1952.

[F. R. Doc. 52-12269; Filed, Nov. 13, 1952; 11:11 a. m.]

[Ceiling Price Regulation 24, Amdt. 22]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 22 to Ceiling Price Regulation 24, is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation (CPR) 24 broadens the definition of combination distributor. Prior to Amendment 7 to CPR 24, sellers could qualify as combination distributors, if, among other things, they sold during a specified period 25 percent of their total meat, by weight, to purveyors of meals. The definition did not restrict the percentage of meat which such sellers could sell to ultimate consumers and still qualify as combination distributors. Amendment 7, however, limited combination distributors to those who, in addition to having sold 25 percent of their total meat, by weight, to purveyors of meals, sell not more than 50 percent to ultimate consumers. As explained in the Statement of Considerations to Amendment 7, the purpose of such change was to exclude as combination distributors sellers who are normally considered retailers. Such sellers were provided with a pricing technique for their sales to purveyors, or eating places, in Ceiling Price Regulation (CPR) 25. Their ceiling prices on sales to purveyors of meals were established by CPR 25 to reflect the overall margin they customarily obtained. The cuts priced in CPR 25 were those generally sold by such sellers. However, since the definition of combination distributor in CPR 24 did not exclude retailers, many retailers selling to eating places chose, in instances where the cuts in CPRs 24 and 25 were similar, to sell that cut which under either regulation had the higher ceiling prices.

It has, however, come to the attention of the Director of Price Stabilization that certain sellers who customarily sell over 50 percent of their meat to ultimate consumers have historically made a substantial amount of sales to purveyors of meals. On sales to purveyors of meals such sellers do not differ from combination distributors selling less than 50 percent to ultimate consumers. Both groups have customarily sold the same cuts at the same prices. Accordingly, section 50 (g) has been amended to remove the restriction on sales to ultimate consumers. Section 50 (g) has further been amended to redefine combination distributors as those sellers who currently sell 25 percent to purveyors of meals as well as those who have sold such percentage during past stated periods. Sellers, therefore, who no longer meet the 25 percent requirement and thus are primarily retailers, will no longer be able to sell to purveyors of meals at the ceiling prices provided for combination distributors. However, to eliminate the opportunity of sellers, qualifying as retailers under CPR 25 and as combination distributors under CPR 24, to choose the higher prices of each regulation, a new prohibition has been added to section 11. By virtue of this prohibition, any seller choosing to qualify as a combination distributor under CPR 24 must make all his sales to purveyors of meals under that regulation and cannot sell under Ceiling Price Regulation 25. This change will permit individual sellers to elect the regulation which shall apply to all their sales to purveyors and, therefore, to make their sales to such class in accordance with their historic practice.

In formulating this amendment the Director of Price Stabilization has consulted as far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 24, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 11 is amended by adding a new paragraph (g) to read as follows:

(g) *Sales by combination distributors.* If you are a combination distributor, you shall make all your sales and deliveries of all beef products to purveyors of meals at or below the ceiling prices established for combination distributors by the provisions of this regulation, and shall not sell or deliver to purveyors of meals any beef product at higher prices. You shall not, moreover, sell to purveyors of meals any beef products not permitted to be sold under Ceiling Price Regulation 24.

2. Section 50 (g) is amended to read as follows:

(g) "Combination distributor" means any establishment which sold or delivered to purveyors of meals during the year 1950 (or, if no sales were made in 1950, during the period from January 1, 1951 to April 30, 1951) and which sells or delivers to purveyors of meals during

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each calendar quarter beginning on or after January 1, 1953, not less than 25 percent of the total volume by weight of all meats including sausage, variety meats and edible by-products sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 18, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 13, 1952.

[F. R. Doc. 52-12270; Filed, Nov. 13, 1952; 11:11 a. m.]

CPR 34—SERVICES

SR 22—SERVICE CHARGES FOR BANKS

FILING OF APPLICATIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment to Supplementary Regulation 22 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended, provides for filing applications thereunder with the OPS District Office for the district in which the bank is located, rather than the National Office.

It is the policy of this office to delegate to its field offices the authority to process applications of local sellers whenever it is feasible to do so. The OPS District Office in the proximate area of the seller is usually better aware of the local situation and problems than the National Office. In addition, the burden on the applicant is often substantially lessened by dealing with the local office in that it is more convenient than dealing with the National Office in Washington, D. C. Most banks operate within a limited geographical area and their problems in most cases can best be handled by local OPS offices.

It is therefore the opinion of the Director of Price Stabilization that applications for change in banking practices or for the establishment of ceiling prices by banks on their depositors' checking accounts should be handled by the OPS district offices.

The technical nature of this amendment has made formal consultation with industry representatives impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 22 of Ceiling Price Regulation 34, as amended, is amended by deleting the phrase "Director of Price Stabilization, Attention: Chief, Service Trades Branch, Washington 25, D. C.," wherever it appears in sections 3, 4 (a), 5 (b), 6 (a), 7 (a), 8 (a), and 8 (b) of Supplementary Regulation 22 to Ceiling Price Regulation 34, and inserting in lieu thereof, the phrase "appropriate OPS District Office."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 18, 1952.

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 13, 1952.

[F. R. Doc. 52-12271; Filed, Nov. 13, 1952; 11:11 a. m.]

[Ceiling Price Regulation 74, Amdt. 17]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 17 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation (CPR) 74, amends the definition of combination distributor to conform with a similar change made by Amendment 22 to CPR 24, issued concurrently herewith.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvent on or evasion of Ceiling Price Regulation 74, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Section 60 (d) is amended to read as follows:

(d) "Combination distributor" means any establishment which sold or delivered to purveyors of meals during the year 1950 (or, if no sales were made during 1950, during the period from January 1, 1951, to September 25, 1951), and which sells or delivers to purveyors of meals during each calendar quarter beginning on or after January 1, 1953, not less than 25 percent of the total volume by weight of all meats including sausage, variety meats and edible by-products sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on November 18, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 13, 1952.

[F. R. Doc. 52-12272; Filed, Nov. 13, 1952; 11:11 a. m.]

[Ceiling Price Regulation 101, Amdt. 10]

CPR 101—CEILING PRICES OF VEAL SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 10 to Ceiling Price Regulation 101 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation (CPR) 101 amends the definition of combination distributor to conform with a similar change made by Amendment 22 to CPR 24, issued concurrently herewith.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment, the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 101, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 101 is amended in the following respect:

1. Section 50 (d) is amended to read as follows:

(d) "Combination distributor" means any establishment which sold or delivered to purveyors of meals during the year 1950 (or, if no sales were made in 1950, during the period from January 1, 1951 to December 4, 1951) and which sells or delivers to purveyors of meals during each calendar quarter beginning on and after January 1, 1953, not less than 25 percent of the total volume by weight of all meats including sausage, variety meats and edible by-products sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on November 18, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 13, 1952.

[F. R. Doc. 52-12273; Filed, Nov. 13, 1952; 11:12 a. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 118]

GCPR, SR 118—CEILING PRICES FOR SALES BY MANUFACTURERS AND BRAND OWNERS OF NEW REPLACEMENT SECOND LINE TIRES

CEILING PRICES FOR MAIL-ORDER SALES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment to Supplementary Regulation 118 to the General Ceiling Price Regulation (16 F. R. 5424) is hereby issued.

STATEMENT OF CONSIDERATIONS

The statement of considerations which accompanied Supplementary Regulation 118 to the General Ceiling Price Regulation is incorporated herein by reference. The effect of this amendment will be to make the ceiling prices for sales of second line low pressure tires 75 percent of the manufacturers' or brand owners' ceiling prices to all their various classes of purchasers for the same size first line low pressure tires.

When Supplementary Regulation 118 was originally issued, consideration was not given to the fact that the term "reference or retail list prices" as used in the regulation refers not only to manufacturers' and brand owners' suggested retail prices and actual retail prices for sales through retail outlets but to catalogue prices of mail order tire-sellers as well. These catalogue prices are net prices, less freight, to the consumer and are determined by the sellers concerned on the basis of circumstances peculiar to this type of tire sale. In many respects, these circumstances are quite different from those upon which tire manufacturers determine their retail outlet list prices. The purchaser of a mail order tire gets no trade-in allowance on his old tire. He gets no service such as having the new tire mounted for him. The manufacturers' retail list tire prices take into account the fact that considerable variability is possible in the price a retail dealer will pay for a trade-in tire, what he will charge for various services, and, in fact, how much free service he will perform for the purchaser. Accordingly, some sellers have ceiling prices for their sales made at retail through regular outlets, and these are expressed in terms of a retail list price less discounts, trade-in allowances, services, etc., and also have a separate catalogue ceiling price to mail order customers.

Since the issuance of Supplementary Regulation 118 it has come to the attention of the Director that the catalogue prices of certain mail order sellers of first line low pressure passenger car tires in effect 30 days prior to September 10, 1952 were reduced below their catalogue ceiling prices. Manufacturers' retail list prices for first line low pressure tires, on the other hand, have generally been maintained at their January 1951 levels. Accordingly, the voluntary reduction in catalogue prices yielded, under the regulation, lower second line low pressure tire ceiling prices for those sellers who reduced their prices of first line low pressure tires to mail order customers. This amendment removes the possibility of discrimination which might have resulted from the application of the 75 percent factor to prices in effect at the date of the regulation rather than to ceiling prices.

Although accomplishment of this objective will result in somewhat higher ceiling prices for some sellers, it will preserve the relationship between each seller's ceiling prices on first and second line low pressure tires.

In the judgment of the Director the provisions of this amendment are generally fair and equitable and are proper in the administration of Title IV of the Defense Production Act of 1950, as amended. In the formulation of this amendment special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 118 to the General Ceiling Price Regulation is amended in the following respects:

1. Paragraph (a) of section 2 is amended by adding a new sentence after the word "regulation" so that the paragraph now reads as follows:

(a) Your ceiling prices to your various classes of purchasers for all your sales of second line low pressure tires are your reference or retail list prices computed under paragraph (b) of this section less the same discounts off list, allowances and services, other than those of a temporary nature and which had a specified termination date, which you extended to each of those classes of purchasers in your sales of second line tires during the 30-day period preceding the issuance of this regulation. However, your ceiling prices for sales of second line low pressure tires to mail order catalogue customers, if any, are 75 percent of your ceiling prices for your sales of the same size first line low pressure tires to your catalogue customers.

2. Paragraph (b) of section 2 is amended so as to read as follows:

(b) Your reference or retail list price for any size second line low pressure tire is 75 percent of your retail ceiling price for the same size first line low pressure tire.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 1 to Supplementary Regulation 118 to the General Ceiling Price Regulation shall become effective November 18, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 13, 1952

[F. R. Doc. 52-12279; Filed, Nov. 13, 1952; 4:00 p. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 10]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

EXEMPTION OF ACADEMIC, ECCLESIASTICAL AND FRATERNAL ORDER VESTMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 10 to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds to the list of commodities exempted from price control academic, ecclesiastical and fraternal order vestments. As used herein, the word "vestments" means garments or insignia of ceremony or office. Among the articles covered by the amendment are academic gowns, caps and hoods; pulpit and choir gowns, albs, amices, birettas, cassocks, chasubles, cottas, dalmatics, maniples, miters, palliums, rochets, stoles, surplices, tunicles and similar ecclesiastical garments; robes, coats, capes, mantles, headdresses, gauntlets, leggings, sashes, symbolic aprons and similar fraternal order garments. The amendment is not applicable to the rental of these articles or other services rendered in connection with them.

According to reliable estimates, annual sales of academic, ecclesiastical and fraternal order vestments amount to something less than $5,000,000, consequently they constitute a negligible proportion of all apparel. These garments are purchased by only a few persons for very special and limited uses, many of them are made to order and specification, repeat orders are rare, and the demand for them is inelastic. It is thus clear that they do not enter significantly into the cost of living or into business costs, and that their decontrol will not result in the diversion of materials or labor to their manufacture.

This amendment exempting sales of academic, ecclesiastical and fraternal order vestments from price control is therefore being issued. For the same reasons, the Office of Price Administration also decontrolled most of these commodities, by Amendment 42 to Supplementary Order No. 126, effective June 28, 1946.

To the extent practicable under the circumstances, the Director of Price Stabilization has consulted with representatives of the industry involved and has given consideration to their recommendations.

AMENDATORY PROVISION

Section 2 of General Overriding Regulation 4, Revision 1, as amended, is further amended by adding the following paragraph:

(j) Academic, ecclesiastical, and fraternal order vestments.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 13, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 13, 1952.

[F. R. Doc. 52-12274; Filed, Nov. 13, 1952; 11:12 a. m.]

[General Overriding Regulation 9, Amdt. 27]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

EXEMPTION OF HIGH TEMPERATURE ALLOYS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 27 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 9 exempts from price control sales by producers of high temperature alloys.

High temperature alloys are characterized by their heat-, corrosion- and creep-resistant properties at extremely high temperatures. They were developed primarily for use in jet aircraft engines and superchargers, and approximately 95 percent of the total production of all such alloys (which is relatively small) is used for military purposes in such critical applications as jet engines, turbo-superchargers and guided missiles. For reasons indicated below, it is difficult to determine the exact cost of production, but, generally speaking, the cost of producing these alloys is relatively high because the materials entering into these alloys (such as cobalt, tungsten and columbium) are relatively high and because the man-hours required to produce and "work" these alloys are about four times that of tool and stainless steels.

These two factors of limited use and costly production have led to continuous experimentation to reduce the amount of critical and strategic materials required in them and to improve their physical properties so as to facilitate improved design and performance of the military matériel in which the alloys are incorporated. This extensive developmental work is also required to gain experience in processing these alloys. Furthermore, substantial losses occur because of lack of familiarity with the melting and rolling and heat treating techniques required to meet the specifications for these high temperature alloys. The experimentation is an expensive operation, adds to the present high cost of the alloys and, with the other factors mentioned, precludes an accurate determination of costs. This, in turn, makes the establishment of ceiling prices extremely difficult, if not impossible. As is true for other items manufactured principally for military uses, a brake on excessive prices is afforded by the renegotiation requirements of existing laws on the procurement of military items.

The preparation of high temperature alloys sold for purposes other than military is so small that the continuance of price control on such sales is not warranted. The administrative burdens involved are disproportionate to the benefits to be derived from continued control. It is deemed advisable to exempt from price control all of the high temperature alloy steel production.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, and will in no way defeat or impair the price stabilization program or the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

Section 2 (a) is amended by adding thereto a new subparagraph numbered (28) and reading as follows:

(28) *Sales of high temperature alloys.* Sales of high temperature alloys by producers thereof. "High temperature alloys" are those metallic mixtures which are designed for use principally in buckets and rotors of turbo-superchargers and jet engines, which contain less than 50 percent iron and which are designed to give the necessary resistance to heat, corrosion and creep at the extremely high temperatures produced by turbo-superchargers and jet engines.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 27 to General Overriding Regulation 9 is effective November 13, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 13, 1952.

[F. R. Doc. 52-12275; Filed, Nov. 13, 1952; 11:12 a. m.]

[General Overriding Regulation 32, Special Order 9]

GOR 32—ADJUSTMENT OF CEILING PRICES FOR MATERIALS TO THE MINIMUM PRICES FIXED BY STATE LAWS

SO 9—SELLERS OF CIGARETTES IN KANSAS

CEILING PRICES RAISED TO CONFORM WITH THE KANSAS UNFAIR PRACTICES ACT

Statement of considerations. This special order raises the ceiling prices of Kansas cigarette sellers above those previously established under regulations of the Office of Price Stabilization (OPS) where necessary to conform to the minimum prices required to be charged by the Kansas Unfair Practices Act. This action does not presently affect ceiling prices of Kansas cigarette sellers which are at or above the minimum prices required by that Act on the effective date of this special order. Provision is also made for the adjustment of ceiling prices of cigarette sellers subject to the Kansas Unfair Practices Act in the event of a change in the minimum prices computed pursuant to that Act and in some instances for the establishment of ceiling prices for new brands of cigarettes sold in Kansas.

This special order is issued pursuant to section 5 of General Overriding Regulation (GOR) 32. That regulation was issued by the OPS to conform to the requirements of section 402 (1) of the Defense Production Act of 1950, as amended. GOR 32 sets forth certain facts which must be shown to exist in a particular State before the OPS is required by the above-noted statutory provision to raise ceiling prices to the minimum prices required by the law of that State.

It appears from the information contained in the application of the Attorney General for the State of Kansas that the Kansas Unfair Practices Act was in effect and enforced on June 30, 1952, and on September 3, 1952 (the date of application); that the act has not been held invalid by any court of competent jurisdiction; and that the ceiling prices of some cigarette sellers in the State of Kansas are lower than the minimum sales prices required to be charged by that Act.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of GOR 32 this special order is hereby issued.

1. Ceiling prices of cigarette sellers subject to the Kansas Unfair Practices Act, hereinafter referred to as the Kansas Act, which are below the minimum sales prices computed pursuant to that Act, as specified in paragraph 5 hereof, are hereby raised to those minimum sales prices.

2. If the minimum prices for brands of cigarettes sold in Kansas on September 3, 1952, have increased after that date pursuant to the Kansas Act, such higher minimum prices shall become ceiling prices as hereinafter specified in this paragraph, upon the sending of a report by the Attorney General for the State of Kansas, hereinafter referred to as Attorney General, by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. That report will indicate the reason for the change as well as the computations by which the new required minimum prices have been determined and will list the new prices for various brands of cigarettes. The higher minimum prices so reported shall be established as ceiling prices for the sellers affected by paragraph 1 hereof and any other seller subject to the Kansas Act whose ceiling prices would, as a result of such change, be below the new required minimum prices. If the minimum prices for brands of cigarettes sold in Kansas on September 3, 1952, are decreased after that date pursuant to the Kansas Act, ceiling prices of the sellers affected by paragraph 1 hereof shall be established at the new required minimum prices. However, where such lower minimum prices are below the ceiling prices in effect immediately prior to the date of this special order, these ceiling prices shall be in effect after such change in the minimum prices.

3. If new brands of cigarettes are sold in Kansas after September 3, 1952, the cigarette sellers subject to the Kansas Act who are unable to compute ceiling prices for the new brands pursuant to section 5 of the General Ceiling Price Regulation (because their comparison brands are not priced under section 3 of the General Ceiling Price Regulation but are priced under paragraph 1 or 2 of this special order) shall take as their ceiling prices for such new brands the minimum sales prices computed for them in accordance with the Kansas Act. These prices will be established as ceiling prices for such cigarette sellers upon the sending of a report by the Attorney General by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. This report will set forth the brand names of the cigarettes and the minimum sales prices required to be charged for them in accordance with the Kansas Act and will indicate how these minimum prices were computed.

4. Nothing in this special order shall prevent a cigarette seller subject to the Kansas Act whose ceiling prices would be affected by the Attorney General's filing the report set forth in paragraph 2 or 3 hereof, from filing such report in his own behalf. The individual seller may use as his ceiling prices the minimum prices required by the Kansas Act upon his mailing of such report unless and until such seller is notified by the OPS that the reported prices are disapproved or that further information is required. In the event of a request for further information, the reported minimum prices shall not be used as ceiling prices until such further information is sent by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C.

5. As used in this special order, the term "Kansas Unfair Practices Act" means that Act as amended up to June 30, 1952 (General Statutes of Kansas, 1949, Sections 50-401 to 50-408, inclusive).

6. This special order or any provision hereof may be revoked, suspended, or amended by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This special order is effective November 14, 1952.

NOTE: The record-keeping and reporting requirements of this special order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 13, 1952.

[F. R. Doc. 52-12276; Filed, Nov. 13, 1952; 11:12 a. m.]

[General Overriding Regulation 39]

GOR 39—CEILING PRICES ON STATE CONTROLLED SALES OF FLUID MILK PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong., Pub. Law 429, 82d Cong., Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This general overriding regulation makes the recent amendments to section 402 (d) (3) of the Defense Production Act pertaining to fluid milk self executing. Basically, it provides that the prices fixed by State regulatory bodies for the sale of fluid milk products shall be the effective ceiling prices. Section 402 (d) (3) of the Defense Production Act of 1950, as amended, reads in part as follows:

Where a State regulatory body is authorized to establish minimum and/or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be: *And, provided further*, That in the case of prices of milk established by any State regulatory body, with respect to which price parties may be deemed to contract, no ceiling price may be maintained under this title which is less than the price so established.

The Office of Price Stabilization has carefully reviewed the statutes, common law, and regulations pertaining to this problem in the States having milk price control agencies. It appears that all of these State regulatory bodies are bound to establish prices which are at least as high as the level of ceiling prices required under the Defense Production Act. Moreover, a survey of representative markets shows that where these State regulatory bodies fix minimum resale prices, these prices are almost universally the actual market prices.

This regulation does not, however, fix these State prices as ceiling prices for every level of distribution. Thus, sales in bulk by producers are not covered because the legal minimum prices provided for producer sales in the Defense Production Act are in many instances higher than their State prices. State prices for sales in retail stores are not automatically made the ceiling prices because the pre-Korea margins for some retail stores, particularly small stores with credit and delivery facilities, sometimes appear to have been higher than these State minimum margins. Where the State price is higher than the ceiling prices determined under any other regulation, the State price becomes the applicable ceiling price. Finally, in a few isolated instances, these State prices are obsolescent because the State prices have not been revised for some time. It is believed that the delay between the issuance and effective dates of this regulation will enable the State regulatory bodies themselves to obviate this latter problem.

In short, this regulation provides that ceiling prices for sales of fluid milk products, except for bulk sales by producers, shall be the applicable State minimum, maximum, or implied contract prices. When these prices rise, the ceiling prices rise; when these prices decline, the ceiling prices decline. Implied contract prices refer to the State price schedules in effect in Georgia. Of course, for areas and milk products not covered by this regulation, the presently controlling GCPR or AMPR still apply.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act. Special circumstances have made it impracticable to consult with industry representatives, including trade association representatives, before the issuance of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling prices established by this regulation.
3. Exemption.
4. Definitions.
5. Incorporation of General Ceiling Price Regulation by reference.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes ceiling prices for most sales of fluid milk products for which selling prices are validly fixed by State regulatory bodies pursuant to authority conferred on them by State statutes in effect on June 30, 1952. Producer-sales of bulk raw milk and farm-separated cream are excluded from the coverage of this regulation as well as any other OPS regulation. Sales of fluid milk products not subject to price limitations so fixed by a State regulatory body shall either remain subject to the General Ceiling Price Regulation (GCPR), as amended, or, to the extent that the GCPR is superseded by Area Milk Price Regulations (AMPR's), subject to those AMPR's.

SEC. 2. *Ceiling prices established by this regulation.* Until December 15, 1952, your ceiling price for the sale of a "fluid milk product," as defined in section 3 below, is the higher of your ceiling prices as determined under the GCPR or an AMPR, whichever is applicable, or as determined under the applicable paragraph of paragraphs (a), (b), or (c) of this section. After December 15, 1952, your ceiling price for the sale of a "fluid milk product" shall be determined solely in accordance with the following paragraphs of this section.

(a) *State minimum prices.* If you sell fluid milk products subject to minimum prices validly fixed by a State reg-

ulatory body under the provisions of a State statute in effect on June 30, 1952, your ceiling prices for sales of those products, are the applicable minimum prices so fixed.

(b) *State maximum prices.* If you sell fluid milk products subject to maximum prices validly fixed by a State regulatory body under the provision of a State statute in effect on June 30, 1952, your ceiling prices for sales of those products are the applicable maximum prices so fixed.

(c) *Implied contract prices.* If you sell fluid milk products subject to prices validly fixed by a State regulatory body under the provisions of a State statute in effect on June 30, 1952, with respect to which prices parties may be deemed to contract, your ceiling prices for sales of those products are the prices so fixed.

SEC. 3. *Exemptions.* This regulation does not apply to the following:

(a) Sales of fluid milk products by operators of retail stores, except to the extent that applicable State minimum, maximum, or implied contract prices are higher than ceiling prices established by other OPS regulations;

(b) Producer-sales of bulk raw milk and farm-separated cream.

SEC. 4. *Definition.* The term "fluid milk products" as used in this regulation means products of which cow's milk is an ingredient for which a State regulatory body prescribes selling prices pursuant to authority established under a State statute in effect on June 30, 1952. "Fluid milk products" does not include raw cow's milk or farm-separated cream when sold by the producer thereof.

SEC. 5. *Incorporation of General Ceiling Price Regulation by reference.* Each person subject to this regulation shall be subject to all of the provisions of the General Ceiling Price Regulation (or of any applicable AMPR) which are not inconsistent with the provisions of this regulation, including, but not limited to, the enforcement, penalty and record-keeping provisions thereof.

Effective date. This general overriding regulation is effective November 18, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 13, 1952.

[F. R. Doc. 52-12280; Filed, Nov. 13, 1952; 4:00 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In Part 3, paragraphs (e), (m), and (o) of § 3.1 are amended to read as follows:

§ 3.1 *Persons included in the acts in addition to commissioned officers and enlisted men.* • • •

(e) *Commissioned officers, Public Health Service.* Officers of the Public Health Service who were detailed for duty with the Army or Navy are included as officers in the active service. On or after November 11, 1943, commissioned officers of the Public Health Service, regular and reserve, who (1) are detailed for duty with the Army, Navy, or Coast Guard; (2) are serving in time of war outside the continental limits of the United States or in Alaska, regardless of whether the disability or death was suffered prior or subsequent to November 11, 1943: *Provided however,* That benefits may not be awarded for any period prior to November 11, 1943; or (3) perform active service in time of war and following the issuance of an Executive order declaring the commissioned corps of the Public Health Service a part of the military forces of the United States are also included. In regard to subparagraph (3) of this paragraph, the Executive order was published on June 29, 1945, effective July 29, 1945. Hence, on and after the latter date and to and including July 3, 1952, the above-described commissioned officers of the Public Health Service, with respect to active service performed, shall be considered as in active military or naval service and included within the acts administered by the Veterans' Administration: *Provided however,* That if disability was incurred after July 25, 1947, and prior to May 11, 1951, the rates payable and criteria are those provided by Part II, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12). On and after May 11, 1951, the rates payable and criteria are those provided by Part I, Veterans Regulation 1 (a), as amended, including those who incurred disability after June 26, 1950. (Sec. 212, Public Law 410, 78th Congress; Public Law 28, 82d Congress; E. O. 9575, June 21, 1945; E. O. 10349, April 26, 1952; E. O. 10356, May 29, 1952; E. O. 10362, June 14, 1952; E. O. 10367, June 30, 1952).

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(m) *Cadets and midshipmen.* Cadets and midshipmen (Army, Navy, and Coast Guard) suffering from disabilities incurred in the line of duty while assigned to duties constituting war service, which includes practice cruises at sea but excludes practice maneuvers at West Point, during the period of one of the hostilities enumerated in Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12) (limited in the case of the Coast Guard to service on or after January 28, 1915), or during service within the purview of Public Law 28, 82d Congress, are entitled to compensation for such disability at the rate provided in Part I, Veterans Regulation 1 (a), as amended, if otherwise entitled. Cadets and midshipmen (Army, Navy, and Coast Guard) who are disabled by reason of a wound or injury received or a disease contracted while pursuing the prescribed course of instruction at the academies and in line of duty (limited in the case of the Coast Guard to such courses of instruction on or after January 28, 1915) are entitled to compensation at the rate prescribed in Part II, Veterans Regulation 1 (a), if otherwise entitled. Midshipmen (Navy and Coast Guard) assigned to practice cruises, or cadets or midshipmen otherwise actually assigned to active duty for a total of at least 90 days during a period of hostilities enumerated in Veterans Regulation 1 (a), as amended (limited in the case of the Coast Guard to service on or after January 28, 1915), or during service within the purview of Public Law 28, 82d Congress, who are now suffering from a disability permanent and total in degree, but which is not connected with any period of service, are entitled to a pension at the rate prescribed in Part III, Veterans Regulation 1 (a), if otherwise entitled. Service as a cadet at the United States Military Academy, or as a midshipman at the United States Naval Academy, or as a cadet at the United States Coast Guard Academy on or after December 7, 1941, and before 12 o'clock noon, December 31, 1946, shall be considered active military or naval service in World War II for the purposes of laws administered by the Veterans Administration. (Sec. 10, Public Law 144, 78th Congress.) However, such service on and after June 27, 1950, does not by virtue of Public Law 28, 82d Congress, confer entitlement to disability compensation at the rates provided by Part I, Veterans Regulation 1 (a), as amended.

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(o) *Women citizens of the United States.* Women citizens of the United States who were taken from the United States by the United States Government and who served in base hospitals overseas, including reconstruction aides and stenographers who so served, are included for disability compensation purposes. However, such persons are not eligible for disability pension under Part III, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).

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(Sec. 1, 46 Stat. 847, sec. 4, 48 Stat. 9, 50 Stat. 305, sec. 304, 52 Stat. 1181, as amended, 53 Stat. 813, sec. 4, 54 Stat. 864, sec. 1, 211, 55 Stat. 598, 12, 56 Stat. 730, as amended 1072, sec. 2, 56 Stat. 1038, sec. 3, 10, 57 Stat. 371, 556, sec. 1, 2, 58 Stat. 324, sec. 2, 3, 212, 58 Stat. 599, 689, 60 Stat. 223, Vet. Reg. 1 (a), as amended, Vet. Reg. 10, as amended, Pub. Law 28, 82d Cong., E. O. 9575, 10 F. R. 7895, E. O. 8929, 6 F. R. 5581, E. O. 9666, 3 CFR 1945 Supp., E. O. 10349, Apr. 26, 1952, E. O. 10356, May 29, 1952, E. O. 10362, June 14, 1952, E. O. 10367, June 30, 1952; 5 U. S. C. 133s, note, 10 U. S. C. 336, 81 note, 14 U. S. C. 311, 33 U. S. C. 855a, 34 U. S. C. 855c, 855c–1, 857a, 38 U. S. C. 238, 238c–e, 704, 730, 745, ch. 12 note, 42 U. S. C. 213, 50 U. S. C. App. 1553, 1591, 1592)

2. Section 3.130 is revised to read as follows:

§ 3.130 *Statutory award for loss of use of creative organ.* Under the last paragraph of section 202 (3) of the World War Veterans' Act, as amended July 3, 1930, as reenacted by Public No. 141, 73d Congress, and as subsequently amended, any veteran shown to have suffered the loss of the use of a creative organ as the result of an injury received in the active service in line of duty between April 6, 1917, and November 11, 1918, shall be entitled to a statutory award of $47 per month, independently of any other compensation which may be payable under said act: *Provided however,* That if such disability was incurred while the veteran was serving with the United States military forces in Russia, the dates herein stated shall extend from April 6, 1917, to April 1, 1920. This statutory award shall be payable from the date the loss of the use of the creative organ is shown to exist, subject to the provisions of Part I, Veterans Regulation 2 (a) (38 U. S. C. ch. 12), and when payable shall be added to any other compensation payable to the veteran.

(Sec. 202, 43 Stat. 618, as amended, sec. 20, 48 Stat. 309, as amended, sec. 2, 60 Stat. 910, Pub. Law 427, 82d Cong.; 38 U. S. C. 471a–3, 473, 722)

3. In § 3.131, the headnote, introduction, paragraphs (b), and (f) are amended to read as follows:

§ 3.131 *Principles for determining entitlement to the statutory award for the anatomical loss or loss of use of a creative organ.* The following principles governing a rating as to entitlement to the statutory award provided by section 202 (3), World War Veterans' Act, 1924, as amended July 3, 1930, as reenacted by Public No. 141, 73d Congress, and as subsequently amended, or as provided by paragraph II (k), Parts I and II, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), for the "loss of use of a creative organ" will be observed:

• • • • • •

(b) The loss being apparent or the loss of use having been properly demonstrated, the additional statutory award of $47 monthly will be authorized when it is established by the official records of the service departments or other competent evidence that the loss or loss of use is the result of trauma (includes disease), and, as to the World War Veteran's Act, as amended, that it was incurred in the line of duty in the military service between the specified dates or had its inception in and therefore is directly attributable to disease incurred in the line of duty in the military service within the dates specified: *Provided moreover,* That the statutory award will not be granted under the World War Veterans' Act, as amended, when the antecedent disease is service-connected by statutory presumption. For the purposes of paragraph II (k), Parts I and II, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), the requirements of line of duty, incurrence (or aggravation) between specified dates, and the requirement of direct service connection as contrasted with service connection by statutory presumption do not apply.

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(f) Cases wherein there is uncertainty as to whether the veteran is entitled to the statutory award for the loss or loss of use of a creative organ will be submitted to the director of the service concerned, central office, for determination.

(Sec. 202, 43 Stat. 618, as amended, sec. 20, 48 Stat. 309, as amended, sec. 2, 60 Stat. 910, Pub. Law 427, 82d Cong.; 38 U. S. C. 471a–3, 473, 722)

4. Section 3.132 is revised to read as follows:

§ 3.132 *Payment of statutory award of $67 per month for arrested tuberculosis.* Under the third paragraph of section 202 (7), World War Veterans' Act, 1924, as amended July 2, 1926, as reenacted by Public No. 141, 73d Congress, and as subsequently amended, and under paragraph II (q), Part I or Part II, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), any veteran having had a service-connected active tuberculous disease of compensable degree, which has reached a condition of complete arrest, whose aggregate disabilities, including that resulting from tuberculosis, evaluated in percentage terms in accordance with the Schedule for Rating Disabilities, 1945 Edition, entitle him to a monthly award of compensation of less than $67, shall be entitled to a statutory award of not less than $67 per month as compensation in full for all disabilities, including that resulting from tuberculosis. However, for any period during which the veteran's disabilities, including that resulting from the tuberculous disease, evaluated in accordance with the Schedule for Rating Disabilities, 1945 Edition, entitled him to an aggregate award of $67 or more per month, the provisions of this section regarding the statutory award for arrested tuberculosis will be met by awarding the veteran the amount determined in accordance with the schedule and extensions thereto. *Provided however,* That the statutory award under section 202 (3) of the World War Veterans' Act, 1924, as amended, is payable in addition to the statutory award for arrested tuberculosis under section 202 (7) thereof, where the loss or loss of use is due to tuberculosis. However, the special monthly compensation under subparagraph (k), paragraph II, Part I, Veterans Regulation 1 (a), as amended (or the corresponding peacetime rate), is not payable in addition to the award under subparagraph (q) thereof. The greater benefit is payable. In no event will disability compensation be awarded under subparagraph (q), paragraph II, Part I, Veterans Regulation 1 (a) (or the corresponding peacetime rate), prior to August 1, 1952.

(Sec. 202, 43 Stat. 618, as amended, sec. 20, 48 Stat. 309, as amended, sec. 2, 60 Stat. 910, Pub. Law 427, 82d Cong.; 38 U. S. C. 471a–3, 473, 480, 722)

5. In § 3.133, a new paragraph (d) is added as follows:

§ 3.133 *Effect of diagnoses of active tuberculosis.* • • •

(d) When in a hospitalized case, a rating as permanently and totally disabled under Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), on account of active pulmonary tuberculosis is in effect and there is a change in classification from active, the rating will be continued until discharge from the hospital. At hospital discharge, the narrative summary and the records in the claims folder will be examined to ascertain whether there is any evidence of active tuberculosis including any positive sputum in the past 6 months, and, if there is such evidence, reduction will be deferred pending examination in 6 months with absence of evidence of active tuberculosis during the period.

6. In § 3.135, paragraph (a) (1) is amended to read as follows:

§ 3.135 *Determination of "complete arrest" in tuberculosis.* (a) (1) The requirement for application of the statutory ratings authorized by section 2, Public Law 339, 81st Congress, or of the statutory award authorized by section 202 (7), World War Veterans' Act, 1924, as amended, as reenacted in part by Public No. 141, 73d Congress and by paragraph II (q), Part I, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), is "complete arrest" of the disease. For these purposes a veteran determined to have had active pulmonary tuberculosis will be held to have reached a condition of complete arrest when the diagnosis is other than active: *Provided,* That for a period of 6 months preceding the date of examination or hospital report, there has been no evidence of local or constitutional symptoms, or of an unstable lesion or cavity, or of tubercle bacilli in the sputum or gastric contents.

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(Sec. 202, 43 Stat. 618, as amended, sec. 20, 48 Stat. 309, as amended, sec. 27, 48 Stat. 524, 60 Stat. 319, sec. 2, 63 Stat. 732, Pub. Law 427, 82d Cong.; 38 U. S. C. 471a, 480, 722, 736–738, ch. 12 note)

7. Section 3.136 is revised to read as follows:

§ 3.136 *Rating of arrest in nonpulmonary tuberculosis.* Disabilities in different body parts or organs resulting from arrested tuberculosis will be separately evaluated and combined for rating purposes in accordance with the Schedule of Disability Ratings, 1945, and extensions thereto. The rating of disability from nonpulmonary forms of arrested tuberculosis will be in accordance with the terms of the Schedule of Disability Ratings, 1945, and extensions thereto, as applied to resulting ankylosis, limitations of motion of joints, degree of fixation or angulation of the vertebral column, etc. Where, by surgical intervention, it has been possible completely to extirpate a tuberculosis focus, as in nephrectomy, adenectomy, orchidectomy, amputation of a part, etc., leaving no other tuberculosis focus, the rating and statutory award of not less than $67 per month for arrested tuberculosis will be applicable in accordance with the foregoing.

(Sec. 202, 43 Stat. 618, as amended, sec. 2, 60 Stat. 910, Pub. Law 427, 82d Cong.; 38 U. S. C. 471a–3, 480)

8. Section 3.150 is revised to read as follows:

§ 3.150 *General principles as to effective disability evaluations under the Schedule for Rating Disabilities, 1945 Edition.* Within the limits mentioned in §§ 3.148 and 3.149, the question of evaluating disabilities based on applications for monetary benefits must be determined on the facts in the individual case for consideration. If the disability is static in nature and the information in connection therewith furnished in the VA Form 8–526 or in the service records (claim filed within 1 year from date of discharge) is substantiated by a subsequent examination, the percentage

evaluations in accordance with the terms of the rating schedule will be applicable from the date of claim or date following date of discharge. Where the disease or injury is not static in nature but is disclosed on examination within such a reasonable time after the filing of the claim or date of discharge from service (claim filed within 1 year from date of discharge) that the exercise of sound medical judgment would permit a determination that the condition was existent at the time the claim was filed, or at the time of discharge, the effective date of the evaluations assigned in accordance with the terms of the rating schedule will be the date of claim or the date following the date of discharge. Accordingly, when in the exercise of sound medical judgment the evidence is considered sufficient to establish an evaluation of the disability from the date of the original application, or date of discharge from the service (claim filed within 1 year of discharge), an appropriate rating will be made and payments authorized effective from the date of application, or date of discharge, if otherwise in order.

9. In § 3.155, paragraph (e) is amended to read as follows:

§ 3.155 *Combined ratings.* • • •

(e) The satutory allowance provided by section 202 (3), World War Veterans' Act, 1924, as amended, and reenacted by Public No. 141, 73d Congress, even though predicated upon a no percent rating under the 1925 Schedule of Disability Ratings, may be added to the compensation payable for disability incurred in a peacetime enlistment or in World War II and paid as one award. Where there is entitlement under the cited section of the World War Veterans' Act, and also entitlement under subparagraphs (k) through (p), paragraph II, Part I, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), to a special monthly allowance for one of the other conditions enumerated therein, additional compensation of $47 monthly will be awarded under Public No. 141, 73d Congress. However, if there is no entitlement under section 202 (3), only one statutory award or special allowance may be authorized.

• • • • •

(Sec. 202, 43 Stat. 618, as amended, sec. 20, 48 Stat. 309, as amended, sec. 1, 62 Stat. 1219, as amended, Vet. Reg. 1 (a), as amended. Pub. Law 427, 82d Cong.; 38 U. S. C. 473, 489, 722, 740, ch. 12)

10. In § 3.235, paragraphs (b) (1) and (3), (c), and (d) are amended to read as follows:

§ 3.235 *Statutory awards, section 202, World War Veterans' Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress.* The statutory awards provided in section 202 of the World War Veterans' Act, 1924, as amended, are payable under section 27 or 28, Title III, Public No. 141, 73d Congress, as follows:

• • • • •

(b) Under section 202 (3):

(1) First paragraph, the statutory rates for specified conditions as provided therein and as amended.

• • • • •

(3) Third paragraph, the additional compensation of $47 monthly for the loss of the use of a creative organ or for the loss of the use of one or more feet or hands, independent of any other compensation (Public No. 866, 76th Congress and Public Law 662, 79th Congress and Public Law 427, 82d Congress).

(c) Under section 202 (5) an allowance not exceeding $67 per month for a nurse or attendant.

(d) Under section 202 (7), an award of not less than $67 per month to a person shown to have had an active tuberculous disease of a compensable degree which has reached a condition of complete arrest; and compensation under the minimum rating of 25 percent for arrested or apparently cured tuberculosis.

(Sec. 202, 43 Stat. 618, as amended, sec. 20, 48 Stat. 309, as amended, sec. 27, 48 Stat. 524, sec. 2, 60 Stat. 910, Pub. Law 427, 82d Cong.; 38 U. S. C. 471a, 471a–3, 473, 476, 478, 480, 722)

11. In § 3.236, the title and paragraphs (a), (b) (2), (c) (1), (2), and (3), and (d) are amended to read as follows:

§ 3.236 *Special monthly compensation specified by or fixed pursuant to paragraph II, Parts I and II, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), as amended by Public Laws 182, 659, and 662, 79th Congress, and Public Law 427, 82d Congress—(a) Special monthly compensation provided by paragraph II (k), Part I, or the corresponding peacetime rate provided by paragraph II, Part II.* The special monthly compensation provided by paragraph II (k), Part I, or the corresponding peacetime rate is applicable but once in any one case, when payable in addition to the compensation provided in paragraph II (a) to (j), Part I, or the corresponding peacetime rate. In other words, if the veteran has suffered the anatomical loss of one eye and one hand, his monthly compensation under Public No. 2, 73d Congress, as amended, will be increased by $47 and not by $94 or by $37.60 and not by $75.20, if the disabilities were incurred in wartime service or peacetime service, respectively. The additional allowance may be based upon an anatomical loss or loss of use included in the requirements for the basic rate. The additional allowances under paragraph II (k), Part I, or the corresponding peacetime rate are now payable in addition to compensation payable under paragraph II (l) to (n), Part I, or the corresponding peacetime rate, and such additional allowance is payable for each anatomical loss, loss of use, or blindness of one eye having only light perception, when existing in addition to the requirements for these basic rates, provided the total does not exceed $400 in Part I cases, independent of additional compensation for dependents provided by section 1, Public Law 877, 80th Congress, as amended, or $320 in Part II cases, independent of additional compensation for dependents provided by section 2, Public Law 877, 80th Congress, as amended. For example, a war veteran who has suffered the loss of use of both hands, one foot, and one eye (light perception only) will be compensated at $266 plus two allowances of $47 each or $360 under the second part of paragraph II (k), Part I.

(b) *Helplessness.* • • •

(2) The rate of $313 provided under paragraph II (m), Part I, on account of helplessness requiring regular aid and attendance applies only in cases entitled on account of blindness of both eyes. A veteran having suffered the loss, or loss of use, of both hands, feet, or one hand and one foot, and having no other compensable disability will be rated according to the level of amputation or loss of use. Entitlement to a higher rate on account of helplessness requiring regular aid and attendance must be based on such need resulting from pathology other than the anatomical loss or loss of use of two extremities. When so based, i. e., upon pathology other than the anatomical loss or loss of use of two extremities, the rate will uniformly be $400 (or $320) monthly.

(c) *Intermediate rates fixed pursuant to law.* The authority contained in paragraph II (p), Part I, or the corresponding peacetime rate to allow the next higher rate or an intermediate rate will be administered as follows:

(1) With the anatomical loss, or loss of use, of one hand or one foot, and anatomical loss, or loss of use, of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, the rate will be $290 (or $232.00), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $313 (or $250.40), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $333 (or $266.40).

(2) With the anatomical loss, or loss of use, of one extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $333 (or $266.40), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $353 (or $282.40), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $377 (or $301.60).

(3) With the anatomical loss, or loss of use, of one hand or one foot, and the anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance, the rate will be $313 (or $250.40), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $333 (or $266.40), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $353 (or $282.40).

• • • • •

(d) *Ratings for specific conditions—(1) Rating of binocular blindness of different degrees.* (i) With blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception, the rate will be $290 (or $232.00), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $313 (or $250.40), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $333 (or $266.40).

(ii) With blindness of one eye having only light perception and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $333 (or $266.40), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $353 (or $282.40), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $377 (or $301.60).

(iii) With blindness of one eye having 5/200 visual acuity or less and anatomical loss, or blindness, having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, of the other eye, the rate will be $313 (or $250.40), and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $333 (or $266.40), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $353 (or $282.40).

(2) *Rating of blindness of both eyes having no light perception.* The rate under paragraph II (n), Part I, or the corresponding peacetime rate, $353 (or $282.40) per month, will be assigned when there is a total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement, and with additional disability (single permanent disabilities or combinations of permanent disabilities with the usual prohibition against pyramiding) independently ratable at 50 percent or more, the rate will be $377 (or $301.60), or with additional disability (single disabilities of permanent nature) independently ratable apart from any consideration of individual unemployability, at 100 percent, the rate will be $400 (or $320).

(3) *Entitlement under paragraph II (o), Part I, or the corresponding peacetime rate.* Entitlement to the maximum rate of $400 (or $320) per month on account of entitlement to two of the rates provided in one or more of subparagraphs (l) to (n), inclusive, paragraph II, Part I, or the corresponding peacetime rate, must be based upon separate and distinct disabilities so entitling.

If the loss, or loss of use, of two extremities or being permanently bedridden renders the person helpless, increase to $400 (or $320) per month is not in order on account of this helplessness. Under no circumstances will the combination of "being permanently bedridden" and "being so helpless as to require regular aid and attendance" without separate and distinct anatomical loss, or loss of use, of two extremities, or blindness, be taken as entitling to $400 (or $320) per month. The fact, however, that two separate and distinct entitling disabilities, such as anatomical loss, or loss of use, of both hands and of both feet, result from a common etiological agent, for example, one injury or rheumatoid arthritis, will not preclude entitlement to the maximum rate.

(Par. II, Parts I and II, Vet. Reg. 1 (a), as amended, sec. 2, 60 Stat. 910, Pub. Law 427, 82d Cong.; 38 U. S. C. 471a–3, ch. 12)

12. In § 3.237, paragraphs (a) and (b) (1), (4), (5), (6), and (7) are amended to read as follows:

§ 3.237 *Additional allowance or increased compensation or pension for nurse and attendant and adjustment of awards during institutionalization—(a) General.* If and while a veteran is so helpless on account of a service-connected compensable condition or non-service-connected condition as to be in need of a nurse or attendant or regular aid and attendance (see §§ 3.176, 3.177, and 3.178), there will be allowed in addition to the compensation payable under Title III, Public No. 141, 73d Congress, as amended, the sum of $67 per month or an increased statutory rate under Public No. 2, 73d Congress, as amended, or under Public Law 149, 82d Congress, as amended.

(b) *Reductions during hospitalization.* Where a veteran in receipt of additional or increased compensation or pension based upon the need for a nurse or attendant, or regular aid and attendance, other than on account of transverse myelitis or paraplegia involving paralysis of both lower extremities together with loss of anal and bladder sphincter control, or on account of Hansen's disease, is being furnished hospital treatment, institutional or domiciliary care by the Veterans' Administration and is being furnished with nursing or attendant's service, the award of compensation or pension will be the amount authorized by the rating decision exclusive of any additional or increased amount on account of the need for a nurse or attendant, or regular aid and attendance. In the excepted cases a uniform rate of $400 ($320 or $129) per month will be maintained, without deduction on account of being furnished aid and attendance in kind. Due to the different additional amounts to which veterans may be entitled under Public Law 182, 79th Congress, as amended, on account of helplessness requiring regular aid and attendance, and consequent different amounts of reductions when being furnished regular aid and attendance in kind, when institutionalized by the Veterans' Administration, it is necessary to give careful attention to the exact basis of entitlement:

(1) The general rule as to reductions of special monthly compensation of $266 (or $212.80) per month or more or pension of $129 monthly based upon the need for regular aid and attendance when the veteran is being furnished nursing or attendant's service while receiving hospital treatment, institutional or domiciliary care by the Veterans' Administration is that reduction will be in the additional amount based upon the need for regular aid or attendance. When the pension is being paid under Public Law 149, 82d Congress, the award will be the basic $63 or $75 monthly rate authorized by the rating decision exclusive of the additional amount on account of the need of regular aid and attendance. Corrected visual acuity of 5/200 or less, both eyes, or concentric contraction of the visual field to 5 degrees or less, qualifies for the $129 rate without a showing of the need for aid and attendance. There will be no reduction thereof on account of institutionalization by the Veterans' Administration.

• • • • •

(4) The reduction in the case of a veteran entitled only under paragraph II (l), Part I, or the corresponding peacetime rate, on account of helplessness will be in the amount of $93.50 (or $74.80).

(5) When any veteran is entitled to one of the rates under paragraph II (l), (m), or (n), Part I, or the corresponding peacetime rate, by reason of anatomical losses or losses of use of extremities, blindness, having 5/200 visual acuity or less, or anatomical loss of both eyes, and is also entitled to another rate under paragraph II (l), Part I, or the corresponding peacetime rate, on account of being so helpless as to be in need of regular aid and attendance, no condition being considered twice in the determination, the rate of pension while not being maintained and furnished aid and attendance in kind will be $400 (or $320) per month. This amount is subject to reduction to $313 (or $250.40) or $353 (or $282.40) per month according to which the veteran is entitled apart from helplessness. No case will arise in which reduction from $400 to $266 will be in order, for the reason that the condition entitling to the second rate on account of rendering the person helpless will necessarily be totally disabling, thus entitling, if the basic entitlement is under paragraph II (l) or (m), Part I, or the corresponding peacetime rate, to one of the rates specified in the preceding sentence. Note that if the basic entitlement is under paragraph II (n), Part I, or the corresponding peacetime rate, the additional disability rendering the person helpless is necessarily ratable at 100 percent; consequently, the rate of pension will be $400 (or $320) per month whether

or not being furnished aid and attendance in kind.

(6) In the special case of entitlement under paragraph II (m), Part I, or the corresponding peacetime rate, only on account of blindness of both eyes, rendering him so helpless as to be in need of regular aid and attendance, the reduction will be $47 (or $37.60) per month.

(7) Additional pension of $47 (or $37.60) per month under paragraph II (k), Part I, or the corresponding peacetime rate, or on account of 50 percent disability or 100 percent disability in excess of the conditions entitling under paragraph II (l), (m), or (n), Part I, or the corresponding peacetime rate, is not subject to reduction on account of being furnished nursing or attendant's service.

The reduced rate of compensation or pension in such instances will be effective as of the beginning of the maintenance of the disabled veteran in an institution by the Veterans' Administration. The compensation or pension in all cases contemplated herein is subject to the limitations contained in § 3.255.

* * * * *

13. In § 3.310, the introduction and paragraph (d) are amended to read as follows:

§ 3.310 *Apportionments authorized.* Disability pension, disability compensation (including additional compensation for dependents provided by Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress), emergency officers retirement pay, and on and after October 17, 1940, service pension and pension for service prior to April 21, 1898, amounting to more than $31.50 monthly, will be apportioned according to the table provided in § 3.311, except where otherwise authorized or provided in this section.

* * * * *

(d) In those cases where an incompetent veteran with a wife, child, or dependent parent, and for whom no guardian or other legal fiduciary has been appointed, is maintained in an institution by the United States or a political subdivision thereof, the disability pension payable under Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), unless paid in the discretion of the Administrator to the wife of such veteran for the use of the veteran and his dependents, will be apportioned, if otherwise in order, in accordance with the schedule set out in this paragraph. Prior to authorizing an apportionment of disability pension as provided in this section adequate development will be accomplished for the purpose of determining the need therefor, and the evidence to establish the marital status, relationship, and dependency in the case of a parent, will be secured. In any case where there is doubt as to the propriety of the contemplated action or where, after all feasibly available evidence is secured, there is doubt as to the marital status or relationship, the case will be submitted, together with a full statement of the pertinent facts, to the director, veterans claims service, central office, for an advisory opinion or such other action as may be deemed appropriate.

Where there is (are)—

A wife but no child or where all children are in her custody, portion to wife, $53.40 monthly.

A child but no wife, portion for child, $42.60 monthly.

Two or more children but no wife, portion for children (to be divided equally between them), $53.40 monthly.

A dependent parent but no wife or child, portion for parent, $42.60 monthly.

Two dependent parents but no wife or child, portion for parents (to be divided equally between them), $53.40 monthly.

Any increase in pension by reason of the veteran having attained the age of 65, having been rated permanently and totally disabled and in receipt of or having qualified for pension under Public Law 149, 82d Congress, as amended, pension for a continuous period of 10 years or more will be added to the amount allowed the dependents as hereinabove described. There will be paid to the manager, if a Veterans' Administration hospital or center, or such other proper official in charge of the institution any sum remaining unawarded. When the apportionments provided in this section are believed to work a hardship upon one or more parties in interest, recourse then may be had to the provisions of § 3.315 for a special apportionment under the approved procedure relating thereto. Running awards not consistent with the foregoing provisions will not be automatically reviewed for such purpose but will be adjusted when the particular case otherwise requires award action.

* * * * *

14. In § 3.311, paragraphs (c) and (d) are amended to read as follows:

§ 3.311 *Table of apportionments.*

* * *

(c) Where the evidence of record shows that the veteran and his wife are separated, the whereabouts of the wife is unknown, and all reasonable means to locate the wife have been unsuccessful or where she states in writing that she desires no share of the award, or fails for 90 days or more to respond to correspondence from the Veterans' Administration informing her of her rights, which is not returned unclaimed, there will be no apportionment on her account except that amount authorized by Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress, to be paid on her account at such time as her whereabouts may be ascertained. If there are children not in the veteran's custody, the award will be apportioned according to the table provided in paragraph (a) of this section on the basis of the disabled person and child or children until such time as the whereabouts of the wife may be ascertained or she expresses a desire to claim her share of the award. In such event the award will be reapportioned on the basis of the disabled person, wife, and child or children.

(d) That part of the benefit which is payable to a veteran under Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress, by virtue of his having a dependent father or mother, or both, will be apportioned and paid directly to the dependent when it appears that the claimant has neglected or refused to contribute to his, her, or their support in substantially the amount which he, she, or they would receive if apportionment were made: *Provided*, That no apportionment will be made where the duly appointed guardian under orders of the court of appointment makes or has made like contribution for the support of the parent or parents (sec. 1 (B), Public Law 662, 79th Congress).

(Sec. 3, 54 Stat. 1195, sec. 1, 60 Stat. 908, secs. 1, 2, 62 Stat 1219, as amended; 38 U. S. C. 49a, 739, 740, 741)

15. In § 3.312, paragraphs (a), (b) (1), (e), and (g) are amended to read as follows:

§ 3.312 *Apportionment not authorized.* No apportionment will be authorized:

(a) Where the wife of a disabled person has been found guilty of conjugal infidelity by a court of competent jurisdiction, except the additional amounts specifically authorized by Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress, to be paid on her account.

(b) (1) Where the child of the disabled person has been legally adopted other than by the disabled person, except the additional amount specifically authorized by Public Law 877, 80th Congress, as amended by section 4, Public Law 339, 81st Congress, to be paid on account of the child. This provision is not applicable to death benefits.

* * * * *

(e) Under § 3.310, where the monetary benefit payable is $31.50 monthly or less.

* * * * *

(g) Of the additional amount authorized by the last paragraph of section 202 (3) or section 202 (5), World War Veterans' Act, 1924, as amended, or the additional amount payable under paragraph II (k), Part I, Veterans Regulation 1 (a), as amended, or the corresponding peacetime rate; or in those cases where an amount in excess of that provided for total disability is payable, of any amount in excess of the rate prescribed for total disability. Where pension is being paid under Public No. 323, 71st Congress (act of June 9, 1930), as amended, no amount in excess of $96.75 monthly will be subject to apportionment, and where pension is being paid under Public No. 299, 71st Congress (act of June 2, 1930), as amended, or under Public No. 541, 75th Congress, as amended, no amount in excess of $96.75 monthly will be subject to apportionment.

* * * * *

16. In Part 4, § 4.55 (a) is amended to read as follows:

§ 4.55 *Contested claims*—(a) *Scope of term.* The provisions of this section are applicable to claims filed by two or more persons for the same death benefit where the allowance of one claim would necessitate disallowance of the other claim, and one claimant contests the allowance of that benefit to the other claimant. A contest arises automatically upon the filing of two claims alleging legal widowhood, and claims by two or more persons alleging to have been the last in the same parental line to have stood in place of a parent to the veteran. A contest also arises when there is received a protest from one claimant or payee against the allowance of the benefit to another claimant or payee where the allowance of the second claim would affect payments to the first claimant. This includes, but is not limited to, contests arising when one parent protests the allowance of the same benefit to a parent in the other parental line and claims for accrued where the person who seeks reimbursement for expenses of last sickness and burial alleges that a person claiming the accrued on the basis of relationship did not bear the relationship claimed.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective November 13, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-12140; Filed, Nov. 13, 1952; 8:52 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.204 *Algeria* amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other regular-mail articles 48 cents for the first 2 ounces and 28 cents for each additional 2 ounces. (See § 127.20.)

b. In § 127.268 *Great Britain and Northern Ireland* (England, Scotland and Wales; also Northern Ireland), make the following changes in paragraph (a) (8):

1. Delete present subdivision (vi).

2. Redesignate present subdivisions (i), (ii), (iii), (iv), and (v) as subdivisions (ii), (iii), (iv), (v), and (vi), respectively, and insert new subdivision (i) to read as follows:

(i) (*a*) Paper money which is or has been legal tender in Great Britain and Northern Ireland.

(*b*) All securities regardless of issue, whether canceled or not, and documents certifying to the loss, destruction or cancellation thereof, except for authentic "Registered Certificates" relating to securities on which the interest or dividends are not payable by coupons.

(*c*) Treasury notes.

c. In § 127.341 *Rumania* amend paragraph (b) (5) by adding new subdivision (viii) to read as follows:

(viii) Parcels containing used clothing must be accompanied by a certificate of disinfection.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48, Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-12121; Filed, Nov. 13, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH BENEFITS PAID BY EMPLOYERS AND TO TAXABILITY OF JOINT AND SURVIVOR ANNUITIES, RESPECTIVELY

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to sections 302 and 303 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.22 (b) (1)-1 the following:

SEC. 302. PAYMENTS TO BENEFICIARIES OF DECEASED EMPLOYEES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 22 (b) (1).* Section 22 (b) (1) (relating to exclusion of life insurance proceeds from gross income) is hereby amended to read as follows:

(1) *Life insurance, etc.* Amounts received—

(A) Under a life insurance contract, paid by reason of the death of the insured; or

(B) Under a contract of an employer providing for the payment of such amounts to the beneficiaries of an employee, paid by reason of the death of the employee;

whether in a single sum or otherwise (but if such amounts are held by the insurer, or the employer, under an agreement to pay interest thereon, the interest payments shall be included in gross income). The aggregate of the amounts excludible under subparagraph (B) by all the beneficiaries of the employee under all such contracts of any one employer may not exceed $5,000.

(b) *Effective date.* The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1950.

PAR. 2. Immediately following § 29.22 (b) (1)-1, as amended by Treasury Decision 5515, approved May 16, 1946, there is inserted the following new section which represents the basic provisions of regulations regarding the interpretation of section 302 of the Revenue Act of 1951:

§ 29.22 (b) (1)-2 *Death payment by employer; amounts paid by reason of the death of an employee.* (a) Amounts, not in excess of $5,000, paid by an employer in pursuance of an express contract to the estate or to a beneficiary (individual, partnership, or corporation) of an employee by reason of the employee's death shall be excluded from the gross income of such beneficiary if received during a taxable year beginning after December 31, 1950. Where such death payments are made by more than one employer, including former employers of the decedent, the $5,000 exclusion applies to the total payments made by each employer or former employer of the decedent. Where the aggregate payments by an employer, under an express contract, to the beneficiaries of the deceased employee exceed $5,000, the $5,000 exclusion shall be proportioned among the beneficiaries in the same proportion as the amount payable to or received by each under such contract bears to the total death payment the employer is contractually obligated to make. It is immaterial whether the proceeds are received in a single sum or otherwise. If, however, the proceeds are held by an employer under an agreement to pay interest thereon, the interest payment must be included in gross income.

Example. The M Corporation, the employer of A, who died on November 30, 1950, was liable under an express contract to pay a death payment of $15,000 to the beneficiaries of A, to be distributed as follows: $5,000 to the widow of A; $2,500 each to the parents of A; and $1,000 each to five children of A. Each of the beneficiaries of A, except his widow, received such payment in a lump sum in January 1951. The widow of A elected to receive her share of the death payment in monthly installments of $100 beginning with the month of January 1951. All of the beneficiaries filed income tax returns on a calendar year basis. Apportioning the $5,000 exclusion in the same proportions as the total death payment the employer is contractually obligated to make, the widow of A shall exclude $1,666.67 of the monthly payments made to her (one-third of $5,000); each of A's parents shall exclude $833.33 of their death payment (one-sixth of $5,000);

and each of the five children shall exclude $333.33 (one-fifteenth of $5,000). In the case of the widow, $1,200 of her monthly payments shall be excluded from her income tax return for the year 1951 and the balance of $466.67 from her return for the year 1952.

(b) Where a payment is made on account of the death of an employee by a welfare fund or a trust, including a pension trust exempt under section 165 (a), in pursuance of an agreement entered into by an employer of the deceased employee, the payment shall be considered to have been made by the employer for the purpose of this section. Any part of a death payment which is attributable to the contributions of the employee shall be disregarded in determining the amount paid by an employer.

(c) An express contract requiring payment by an employer to the beneficiaries of a deceased employee by reason of the latter's death shall be deemed to exist only if (1) the employer and employee had entered into a written contract, not revoked before the employee's death, which required such payment or (2) the employer had an established plan (or program having the effect of a plan) making provision for such payments in the case of his employees generally, or for a class or classes of his employees. In the latter case, the contract will be deemed to exist between the employer and the members of the class or classes of employees to whom the plan applies, provided such plan had been communicated to such employees and had not been rescinded prior to the death of the employee to whom the particular death payment relates.

(d) The exclusion from gross income provided by this section is limited solely to those amounts paid by or on behalf of an employer which, by the terms of the contract with the employee or by the provisions of the plan providing for such payments, are specifically designated and intended as a death benefit, paid only by reason of the death of the employee, in an amount determined without reference to any reserve or liability for other benefits which might be provided by the plan or contract. The exclusion does not apply to payments to a survivor or estate of a deceased employee under a plan or contract of amounts primarily intended to be used to provide benefits for the employee himself at some future time if he had lived. For example, the exclusion does not apply to distributions of profits, as such, made to a beneficiary of a deceased employee which were accumulated for payment to the employee under a profit-sharing plan. Also, the exclusion does not apply to amounts paid by or on behalf of an employer to the survivor of a deceased retired employee as a survivor's annuity. Another example of a type of payment to which the exclusion does not apply is the payment to a beneficiary of a deceased employee of an amount representing the value of the unused leave of the employee.

PAR. 3. There is inserted immediately preceding § 29.22 (b) (2)–1 the following provisions of the Revenue Act of 1951:

SEC. 303. JOINT AND SURVIVOR ANNUITIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 22 (b) (2).* Section 22 (b) (2) is amended by adding at the end thereof the following new subparagraph:

(C) *Joint and survivor annuities.* For purposes of subparagraphs (A) and (B) of this paragraph, where amounts are received by a surviving annuitant under a joint and survivor's annuity contract and the basis of such survivor annuitant's interest is determined under section 113 (a) (5) the consideration paid for such survivor's annuity shall be considered to be an amount equal to such basis.

* * * * *

(c) *Effective dates.* The amendments made by this section shall be applicable to taxable years ending after December 31, 1950.

PAR. 4. Section 29.22 (b) (2)–2, as amended by Treasury Decision 5384, approved January 7, 1949, is further amended as follows:

(A) By inserting immediately after paragraph (a) the following undesignated paragraph:

If, in the case of amounts received under a joint and survivor's annuity, the value of any part of the survivor's interest is required to be included in the gross estate of a decedent annuitant dying after December 31, 1950, under the provisions of section 811 (whether or not such estate exceeds $60,000 so as to require the filing of an estate-tax return under section 821 (a) (1)), the basis of such interest to the survivor annuitant is considered to be the value of the life annuity to the survivor at the time of the decedent's death as determined under section 113 (a) (5). Such valuation shall be substituted, effective upon the date of death of the first annuitant, in lieu of the consideration previously used, if any, for purposes of determining the taxable amounts of the annuity payments received after such date of death. Likewise, the amount of consideration determined in accordance with this rule shall, with respect to survivor annuity payments made after the death of the first annuitant, be substituted for the amount of consideration, if any, that may be recovered without inclusion in gross income.

(B) By adding the following examples after example (3) thereof:

Example (4). H and W on August 1, 1947, each contributed $90,000 toward the purchase of a joint and survivor's annuity of $12,000 a year, payable in monthly installments. On August 15, 1952, H died. There is includible in his estate under the provisions of section 811 the amount of $30,000 attributable to the decedent's interest in the annuity contract. The value of the annuity payments to be received by W subsequent to H's death (i. e., the cost of providing an annuity of $12,000 a year during the remaining life of W) is determined, under the provisions of section 113 (a) (5), to be $60,000. This amount is deemed to be the consideration paid by W, effective August 15, 1952, for the annuity payments to be received by her subsequent to that date. Therefore, of the monthly payments made to W following H's death, W shall include the sum of $150, being such portion of the installment as is not in excess of 3 percent of $60,000 (the consideration deemed to have been paid) divided by 12. The full amount of the annuity will not become includible in gross income until $60,000 shall have been recovered.

Example (5). H, an employee of the M Corporation, retired on January 1, 1952. Under the company's retirement plan H was entitled, upon retirement, to elect to receive a life annuity of $2,400 annually or a reduced annuity with a provision that his wife would receive $1,200 annually during her lifetime if he should predecease her. The M Corporation inaugurated its retirement plan in 1949 and paid the entire cost of all annuities. H elected to take the reduced annuity. He died on November 1, 1952, and thereafter his wife W received $1,200 annually in equal monthly installments. By reason of H's election to accept a reduced annuity with survivor payments for his widow, there is includible in his estate under the provisions of section 811 the amount of $12,000. This is the same valuation, as determined under section 113 (a) (5), placed on the annuity payments receivable by W subsequent to H's death. Therefore, W shall include in her gross income with respect to each monthly annuity payment received subsequent to November 1, 1952, the sum of $30, being such portion of the installment as is not in excess of 3 percent of $12,000 (the consideration deemed to have been paid) divided by 12. The full amount of the annuity payments will not become includible in gross income until $12,000 of the annuity payments received after H's death shall have been excluded from income. It is immaterial that H had no cost basis with respect to his annuity and had to include the full amount thereof in his gross income.

PAR. 5. Section 29.22 (b) (2)–5, as amended by Treasury Decision 5853, approved August 29, 1951, is further amended by striking the first sentence of paragraph (c) thereof and substituting the following: "Except as provided in § 29.22 (b) (2)–2 with respect to joint and survivor annuity payments received subsequent to the death of an annuitant who died after December 31, 1950, if upon the death of a retired employee, the widow or other beneficiary of such retired employee is paid, in accordance with the terms of the annuity contract relating to the deceased employee, an annuity or other death benefit, the amounts received by or made available to her shall be included in her income to the extent that they would have been included in the income of the deceased employee had he lived and received such payments."

PAR. 6. There is inserted immediately preceding § 29.113 (a) (5)–1 the following:

SEC. 303. JOINT AND SURVIVOR ANNUITIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Amendment of section 113 (a) (5).* Section 113 (a) (5) is amended by adding at the end thereof the following: "For the purposes of this paragraph, the survivor's interest in a joint and survivor's annuity shall be considered to be property 'acquired by bequest, devise, or inheritance' from the decedent if the death of the decedent was after December 31, 1950, and if the value of any part of such interest was required to be included in determining the value of the decedent's gross estate under section 811."

(c) *Effective dates.* The amendments made by this section shall be applicable to taxable years ending after December 31, 1950.

PAR. 7. Section 29.113 (a) (5)–1, as amended by Treasury Decision 5687, approved February 16, 1949, is further amended by adding at the end thereof the following new paragraph (h):

(h) *Joint and survivor annuities.* If, with respect to an annuitant who dies after December 31, 1950, the value of any part of a survivor's interest in a joint and survivor's annuity is required to be included in the gross estate of the deceased annuitant (whether or not such estate exceeds $60,000 so as to require the filing of an estate tax return under section 821 (a) (1)), the basis of such interest to the survivor annuitant is considered to be the value at the time of the decedent's death. As to the taxability of survivor annuity payments in accordance with this rule, see § 29.22 (b) (2)–2.

PAR. 8. Section 29.165–6, as amended by Treasury Decision 5853, is further amended as follows:

(A) By striking the first sentence of paragraph (c) and substituting in lieu thereof the following: "Except as provided in § 29.22 (b) (2)–2, if pension or annuity payments are continued after the death of a retired employee to his beneficiary, such beneficiary will be required to include such pension or annuity payments in income to the same extent that the deceased employee would have been required to include such payments in income had he lived to receive such payments."

(B) By adding immediately following paragraph (d) thereof the following new paragraph (e):

(e) See also § 29.22 (b) (1)–2 as to the limited exclusion from income of death benefits made by or on behalf of an employer in pursuance of an express contract and paid by reason of the death of an employee.

[F. R. Doc. 52–12139; Filed, Nov. 13, 1952; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

NOVEMBER 6, 1952.

Notice is given that the plat of original survey of the following described lands, accepted July 23, 1951, will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

U. S. Survey No. 2989, lots 1–3 inclusive, containing 2.45 acres.

U. S. Survey No. 2991, lots 26–30 inclusive, containing 1.93 acres.

U. S. Survey No. 2992, lots 31–38 inclusive, containing 7.83 acres.

The above-described land is located at Lat. 55°20′ N., Long. 131°39′ W., and is situated in Tongass Narrows about three-eighths of a mile southwest of the main business district of Ketchikan. Pennock Island can be reached only by boat from Ketchikan. It is approximately 2.50 miles long and 0.75 mile wide at the widest point. The island is accessible at almost all points by small boat, which seems to provide adequate transportation at all times for the present residents of the island. The interior of the island is accessible only by foot, there being at present no roads on the island.

The shore of the island is composed of sand and gravel beaches with occasional rocky promontories with boulder and cobble beaches. The land rises gently from the beach, and a belt of Sitka Spruce and Western Hemlock up to three feet in diameter line the shore for a distance of from 100 to 200 yards. This cover gives way to scrub lodgepole pine interspersed with small muskegs. Soil is very thin to absent on all parts of the island, and is very acid.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, home or headquarters site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a .m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the small tract act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office.

VIRGIL O. SEISER,
Manager.

[F. R. Doc. 52–12118; Filed, Nov. 13, 1952; 8:45 a. m.]

ALASKA

ORDER OF TRANSFER OF JURISDICTION OF INTEREST; CORRECTION OF LAND DESCRIPTION

NOVEMBER 5, 1952.

There was published in the September 17, 1952, issue of the FEDERAL REGISTER (17 F. R. 8366), an Order of Transfer of Jurisdiction of Interest to the Office of Territories, Department of the Interior, in and to a certain tract of land described by metes and bounds in the East Addition to Kodiak Townsite, U. S. Survey No. 2538 (A).

It has been noted that the description of the boundary of the tract is incomplete and is hereby amended by deleting after the word "beginning" in the seventh line of the description, the following words, "thence go North 34° 34′ West, 1,990.56 feet to a point," and inserting in lieu thereof, "thence North

34° 43' West, 263.75 feet, thence North 34° 34' West, 1,990.56 feet to corner No. 2 of U. S. Survey No. 2538 (A)."

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-12117; Filed, Nov. 13, 1952; 8:45 a. m.]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY

NOVEMBER 3, 1952.

Notice is given that the plat of survey of the following described lands, accepted January 2, 1951, will be officially filed in the Land Office, Los Angeles, California, effective at 10:00 a. m. on December 8, 1952.

The lands affected by this notice are described as follows:

SAN BERNARDINO MERIDIAN

T. 10½ N., R. 26 W.
Fractional sections 31 to 36 inclusive, exclusive of patented Tracts 37 and 38.
T. 10½ N., R. 27 W.
Fractional sections 34, 35 and 36.

The area described aggregates 1,038.66 acres.

Available information indicates the land is rough and mountainous.

Title to fractional section 36, T. 10½ N., R. 26 W., and fractional section 36, T. 10½ N., R. 27 W., S. B. M., subject to any prior existing rights, vested in the State of California as of the date of acceptance of the plat of survey. All remaining lands shall be subject to the following provisions of this order.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws, or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Los Angeles, California.

[SEAL] PAUL B. WITMER,
Manager, Land Office.

[F. R. Doc. 52-12142; Filed, Nov. 13, 1952; 8:53 a. m.]

CALIFORNIA

NOTICE OF FILING OF PLAT OF EXTENSION SURVEY AND DEPENDENT RESURVEY

NOVEMBER 3, 1952.

Notice is given that the plat accepted January 2, 1951, of (1) resurvey of a portion of T. 10 No., R. 26 W., S. B. M., California, delineating a retracement and reestablishment of the lines of the original survey as shown upon the plat approved Sept. 29, 1879, and (2) extension survey including lands hereinafter described, will be officially filed in the Land Office, Los Angeles, California, effective at 10:00 a. m. on December 8, 1952.

The lands affected by this notice are described as follows:

SAN BERNARDINO MERIDIAN

T. 10 No., R. 26 W.
Sec. 1,
Fr. sections 2 and 3,
Sec. 4, Lots 5, 6, 7, 8.

The area described aggregates 1,941.31 acres.

Available information indicates the described lands are rough and mountainous.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons

claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Los Angeles, California.

[SEAL] PAUL B. WITMER,
Manager, Land Office.

[F. R. Doc. 52-12143; Filed, Nov. 13, 1952; 8:53 a. m.]

Bureau of Reclamation

COLORADO RIVER STORAGE PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

SEPTEMBER 8, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SALT LAKE BASE AND MERIDIAN, UTAH

T. 2 N., R. 20 E.
Sec. 1: NW¼, and S½;
Sec. 2: Lots 1, 2, 3, E½NE¼, NE¼SE¼;
Sec. 3: Lots 2 to 10, inclusive, H. E. S. No. 53;
Sec. 4: Lots 1 to 5, inclusive, S½N½, SW¼, NE¼SE¼, and W½SE¼;
Sec. 9: Lots 1 to 9, inclusive, N½NW¼, S½SW¼, NE¼SE¼, and S½SE¼;
Sec. 10: Lots 1, 2, and 3, NE¼NE¼, S½N½, and S½;
Sec. 11: Lots 6 to 16, inclusive, N½NW¼, and SW¼NW¼;
Sec. 12: Lot 2, N½, NE¼SW¼, and SE¼;
Sec. 13: Lots 4 to 9, inclusive, E½NE¼, SW¼NW¼, NW¼SW¼, S½SW¼, and NE¼SE¼;
Sec. 14: Lot 1, NW¼NE¼, S½NE¼, NW¼, and S½;
Sec. 15: All;
Sec. 24: Lots 2, 3, and 4, SW¼NE¼, NW¼, and S½.
T. 3 N., R. 20 E.
Sec. 34: All.
T. 2 N., R. 21 E.
Secs. 10 and 11: All;
Secs. 12, 13, and 14: All, partly unsurveyed;
Sec. 15: Lots 1 and 2, N½, SW¼ and W½SE¼;
Sec. 16: All;
Sec. 17: All;
Sec. 18: Lots 1 to 12, inclusive, and E½;
Secs. 19 to 22, inclusive; all, partly unsurveyed;
Sec. 23: All except Homestead Entry Surveys 60 and 65, unsurveyed;
Sec. 30: all, unsurveyed.
T. 2 N., R. 22 E.
Secs. 3 and 4: All;
Sec. 6: Lots 1 to 4, inclusive, E½, and E½W½;
Sec. 7: Lots 1 to 11, inclusive, N½NE¼, E½NW¼, and SE¼SE¼;
Sec. 8: All;
Sec. 9: Lots 1 to 6, inclusive, N½, N½SW¼, SW¼SW¼ and NW¼SE¼;
Sec. 10: Lots 1, 2 and 3, N½ and SE¼;
Sec. 13: Lots 1, 2 and 3, N½, SW¼ and N½SE¼;
Sec. 14: Lots 1 to 6, inclusive, N½, N½SE¼ and SE¼SE¼;
Sec. 15: Lots 1 to 12, inclusive, E½NE¼, S½NW¼, SW¼ and S½SE¼;
Sec. 16: Lots 1 to 8, inclusive, S½N½ and S½;
Sec. 17: Lots 1 to 8, inclusive, S½NE¼, NE¼SW¼, S½SW¼ and SE¼;
Sec. 18: Lots 1 to 12, inclusive, NE¼ and SE¼SW¼;
Sec. 19: Lots 1 to 9, inclusive, N½NE¼ and E½W½;
Sec. 23: Lots 1 to 8, inclusive, S½N½ and S½;
Sec. 24: Lots 1 to 8, inclusive, S½N½ and S½.
T. 2 N., R. 23 E.
Sec. 17: Lots 1 to 7, inclusive, NW¼NE¼, NW¼, NW¼SW¼, NE¼SE¼ and S½SE¼;
Sec. 18: Lots 1 to 5, inclusive, E½ and E½W½;
Sec. 19: Lots 1 to 10, inclusive, E½SW¼ and SE¼;
Sec. 20: Lots 1 and 2, E½, E½W½, SW¼NW¼ and W½SW¼.

The above areas contain approximately 28,745 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM PINCUS,
Assistant Director.

OCTOBER 20, 1952.

Notice for Filing Objections to Order Withdrawing Public Lands for Colorado River Storage Project, Utah

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Utah, for use in connection with the proposed Flaming Gorge Reservoir, Colorado River Storage Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
Assistant Commissioner.

[F. R. Doc. 52-12119; Filed, Nov. 13, 1952; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Atwood, Inc., Sparta, N. C., effective 10-31-52 to 10-30-53; 10 percent of the productive factory force (cotton work shirts).

Baronol Garment Co., 1101 Freas Avenue, Berwick, Pa., effective 10-31-52 to 10-30-53; five learners (children's wear).

B. Bennett Co., Inc., 123 Magazine Street, New Orleans 12, La., effective 10-31-52 to 10-30-53; 10 percent of the productive factory force (work pants, semidress pants, work shirts, sport shirts).

Better-Maid Apparel Co., 707 River Street, Peckville, Pa., effective 10-29-52 to 10-28-53; 10 learners (ladies' dresses).

Blue Bell, Inc., Fulton, Miss., effective 10-29-52 to 4-28-53; 30 learners for expansion purposes (work shirts).

Cluett, Peabody & Co., Inc., Shamokin, Pa., effective 11-4-52 to 11-3-53; 10 percent of the productive factory force (sport shirts).

Cluett, Peabody & Co., Inc., Leominster, Mass., effective 10-31-52 to 10-30-53; 10 percent of the productive factory force (fancy shirts, staple shirts).

The C. B. Cones Manufacturing Co., Lynchburg, Va., effective 10-31-52 to 10-30-53; 10 percent of the productive factory force (overalls, work jackets, dungarees).

Crystal Springs Shirt Corp., Crystal Springs, Miss., effective 11-8-52 to 11-7-53; 10 percent of the productive factory force (sport shirts, dress shirts).

Decatur Garment Co., 542 North Main Street, Decatur, Ill., effective 10-30-52 to 10-29-53; five learners (dresses).

Delta Manufacturing Co., Wichita Falls, Tex., effective 10-30-52 to 4-29-53; 100

learners for expansion purposes (work clothing).

Empire Manufacturing Co., Winder, Ga., effective 11-9-52 to 11-8-53; 10 percent of the productive factory force (work pants, work shirts).

Great Lakes Garment Co., Division of Chicago Garment Co., Onaway, Mich., effective 10-30-52 to 10-29-53; five learners (work clothing).

McEwen Manufacturing Co., McEwen, Tenn., effective 11-6-52 to 11-5-53; 10 percent of the productive factory force (overalls, dungarees).

McNeer Dillon Co., 550 South Center Street, Statesville, N. C., effective 10-27-52 to 4-26-53; 10 learners for expansion purposes (dress shirts).

Charles Meyers & Co., First and Harrison Streets, Belleville, Ill., effective 11-2-52 to 11-1-53; 10 percent of the productive factory force (trousers).

Milan Shirt Manufacturing Co., 134 Williamson Street, Milan, Tenn., effective 11-4-52 to 11-3-53; 10 percent of the productive factory force (work shirts).

Morelle Manufacturing Co., 226-228 Center Street, Ashtabula, Ohio, effective 11-3-52 to 11-2-53; 10 learners (dresses).

Mount Airy Pants Factory, Mount Airy, Md., effective 11-2-52 to 11-1-53; 10 percent of the productive factory force (cotton work pants).

The Pyke Manufacturing Co., 154 West Second South, Salt Lake City, Utah, effective 11-2-52 to 11-1-53; 10 percent of the productive factory force (work pants, overalls, coveralls, etc.).

Rice-Stix Factory No. 15, Lebanon, Mo., effective 11-8-52 to 11-7-53; 10 percent of the productive factory force (overalls, dungarees, jumpers).

Rogol Manufacturing Co., 404 Jefferson Street, Camden, N. J., effective 11-3-52 to 11-2-53; 10 learners (dresses).

Salant & Salant, Inc., Pine Street, Lexington, Tenn., effective 11-6-52 to 11-5-53; 10 percent of the productive factory force (cotton work shirts).

Salant & Salant, Inc., Troy, Tenn., effective 11-7-52 to 11-6-53; 10 percent of the productive factory force (cotton work shirts).

Salant & Salant, Inc., Princeton Factory, Tennessee Avenue, Parsons, Tenn., effective 11-8-52 to 11-7-53; 10 percent of the productive factory force (cotton work shirts).

Salant & Salant, Inc., Washington Street, Paris, Tenn., effective 11-9-52 to 11-8-53; 10 percent of the productive factory force (cotton and wool work shirts).

Salant & Salant, Inc., Atlas Factory, Tennessee Avenue, Parsons, Tenn., effective 11-9-52 to 11-8-53; 10 percent of the productive factory force (work shirts).

Wagener Manufacturing Co., Inc., Wagener, S. C., effective 11-6-52 to 11-5-53; 10 percent of the productive factory force (sport shirts).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952; 17 F. R. 8633).

General Cigar Co., Inc., Fifth and Hickory Street, Mount Carmel, Pa., effective 11-13-52 to 11-12-53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, cigar packing (cigars retailing for over 6 cents), 320 hours, machine stripping, 160 hours; each 65 cents per hour.

General Cigar Co., Inc., 154 West Church Street, Nanticoke, Pa., effective 11-13-52 to 11-12-53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, cigar packing (cigars retailing for over 6 cents), 320 hours, machine stripping, 160 hours, hand stripping, 160 hours; each 65 cents per hour.

General Cigar Co., Inc., Robert Burns Drive, Philipsburg, Pa., effective 11-13-52 to 11-12-53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, cigar packing (cigars retailing for 6 cents or less), 160 hours, machine stripping, 160 hours; each 65 cents per hour.

General Cigar Co., Inc., 715-25 North Fourth Street, Allentown, Pa., effective 11-16-52 to 11-15-53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, cigar packing (cigars retailing for more than 6 cents), 320 hours, (cigars retailing for 6 cents or less), 160 hours, machine stripping, 160 hours; each 65 cents per hour.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

The Cass County Telephone Co., Harrisonville, Mo., effective 11-10-52 to 11-9-53.

Hooper Telephone Co., Hooper, Nebr., effective 10-30-52 to 10-29-53.

Stanton Independent Telephone Co., Stanton, Nebr., effective 10-31-52 to 10-30-53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Altamont Knitting Mills, Inc., 119-23 East Union Street, Wilkes-Barre, Pa., effective 11-3-52 to 5-2-53; 10 learners for expansion purposes (sweaters and polo shirts).

Cooper's Inc. of Georgia, Millen, Ga., effective 11-5-52 to 6-4-53; 15 learners for expansion purposes (supplemental certificate) (men's jockey underwear).

Sprite Manufacturing Co., Tamaqua, Pa., effective 11-1-52 to 4-30-53; 10 learners for expansion purposes (U. S. Army undershirts and underdrawers).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Dan Bailey's Fly Shop, 103 West Park Street, Livingston, Mont., effective 10-31-52 to 4-30-53; 2 learners; fly tiers, 320 hours, 65 cents per hour for the first 160 hours and 70 cents per hour for the remaining 160 hours (artificial flies for fishing).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C. this 4th day of November 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-12120; Filed, Nov. 13, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

NOVEMBER 1952 DOMESTIC AND EXPORT PRICE LIST

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

NOVEMBER 1952 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Nonfat dry milk solids, in carload lots only, 1952 production, 23,000,000 pounds.	Spray process, U. S. Extra Grade, 1952 production, 18 cents per pound. Prices apply "in store" at location of stock in any State ("in store" means at the processor's plant or in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer).
Cottonseed oil, bleachable prime summer yellow, 125,000,000 pounds.[1]	Market price or 17¾ cents per pound, whichever is higher, f. o. b. tank cars at at points of storage locations.
Linseed oil, raw, 186,300,000 pounds.[1]	Market price on date of sale. (See note on Ceiling Price Certification at the end of this price list.)
Dry edible beans	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price support differential occurs, the price listed will apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable.
Pinto, bagged, 100,000 hundredweight.	No. 1 Grade 1948, 1950 and 1951 crops: $8.20 per 100 pounds, basis f. o. b. Denver rate area; $7.80 per 100 pounds, basis f. o. b. Idaho area.
Great Northern, bagged, 360,000 hundredweight.	No. 1 Grade 1949, 1950, and 1951 crops: $9.05 per 100 pounds, basis f. o. b. Morrill, Nebr., area.
Baby lima, bagged, 423,000 hundredweight.	No. 1 Grade 1950 crop: $6.99 per 100 pounds, basis f. o. b. California area.
Small white, bagged, 12,000 hundredweight.	No. 1 Grade 1951 crop: $8.94 per 100 pounds basis f. o. b. California area.
Pink, bagged, 113,000 hundredweight.	No. 1 Grade 1951 crop: $9.05 per 100 pounds, basis f. o. b. Idaho and California areas. Available Portland and San Francisco PMA Commodity offices.
Pea, bagged, 879,000 hundredweight.	No. 1 Grade 1951 crop: $9.31 per 100 pounds, f. o. b. Michigan area.
Small red, bagged, 113 hundredweight.	No. 1 Grade 1948 crop: $9.10 per 100 pounds, f. o. b. Missouri area. Available Kansas City PMA Commodity office.
Austrian winter pea seed, bagged, 2,135,400 hundredweight.	$4 per 100 pounds, basis f. o. b. point of production plus paid-in freight, as applicable.
Austrian winter peas, bagged. Not certified for purity or germination, 1,620,000 hundredweight.[1]	In Portland, Oreg., and San Francisco areas only. The domestic market price for feed but not less than $3.50 per 100 pounds, basis f. o. b. point of storage, plus paid-in freight, as applicable. Purchaser must certify that commodity will be used for feed purposes only.
Blue Lupine seed, bagged, 1,097,000 hundredweight.	$4 per 100 pounds, basis f. o. b. point of production, plus paid-in freight as applicable.
Common and Willamette vetch seed, bagged, 129,400 hundredweight.	$7 per 100 pounds, basis f. o. b. point of production, plus paid-in freight as applicable. Available Portland, Dallas, and New Orleans PMA Commodity offices.

[1] These same lots also are available at export sales prices announced today.

NOVEMBER 1952 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Cottonseed oil, bleachable prime summer yellow, 125,000,000 pounds.[1]	Market price f. o. b. tank cars at points of storage locations. (See note on Ceiling Price Certification at the end of this price list.)
Linseed oil, raw, 186,300,000 pounds.[1]	11 cents per pound, f. o. b. tank cars at storage locations. (See note on Ceiling Price Certification at the end of this price list.)
Dry edible beans	No. 1 Grade delivered on track present location, on basis costs and freight paid to f. a. s. vessel at location shown below.
Baby lima, bagged, 1950 crop, 423,000 hundredweight.[1]	$7.75 per 100 pounds, Pacific Northwest area. Discount for grades: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1. Appropriate discounts will also be given for "off-color" beans.
Austrian winter peas, bagged, not certified for purity or germination, 1,620,000 hundredweight.[1]	In Portland, Oreg., and San Francisco areas only. The domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage plus paid-in freight, as applicable.
Wheat, bulk, 25,000,000 bushels[1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Oats, bulk, 1,400,000 bushels[1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Barley, bulk, 2,800,000 bushels[1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Corn, bulk, 50,000,000 bushels[1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

[1] These same lots also are available at domestic sales prices announced today.

Ceiling price certification. Any purchaser from CCC of raw linseed oil, must be able and will be required to certify that the price paid by him for such linseed oil does not exceed the highest price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

(Pub. Law 439, 81st Cong.)

Issued: November 10, 1952.

[SEAL] HAROLD K. HILL,
Acting President, Commodity Credit Corporation.

[F. R. Doc. 52-12196; Filed, Nov. 13, 1952; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6459]

DUKE POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

NOVEMBER 7, 1952.

Notice is hereby given that on November 6, 1952, the Federal Power Commission issued its order entered November 6, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12122; Filed, Nov. 13, 1952; 8:47 a. m.]

[Docket No. G-2037]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 6, 1952.

On July 21, 1952, Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity, and supplements thereto, on September 4, September 26, and October 6, 1952, respectively, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission, as described in the application and supplements on file with the Commission and open to public inspection.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the

FEDERAL REGISTER on August 9, 1952 (17 F. R. 7318).

(2) For good cause, the date fixed for hearing is less than 15 days required by § 1.20 of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 17, 1952, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application and supplements: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 7, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R Doc. 52-12126; Filed, Nov. 13, 1952; 8:49 a. m.]

[Docket No. G-2084]

UNITED NATURAL GAS CO.

ORDER SUSPENDING PROPOSED TARIFF SHEETS

NOVEMBER 6, 1952.

On October 7, 1952, the United Natural Gas Company (United) filed with the Commission First Revised Sheets Nos. 4 and 5 to its FPC Gas Tariff, Original Volume No. 1.

First Revised Sheets Nos. 4 and 5, as filed, propose an increase in the rates for natural-gas service which would result in annual increased payments by United's customers amounting to $1,749,000, which is an increase of 21 percent based on estimated sales for the year ending October 31, 1953. United states that the rate increase is necessitated in part by the proposed increases by United's suppliers, Tennessee Gas Transmission Company, Texas Eastern Transmission Corporation, and Manufacturers Light and Heat Company. Such higher rates of United's suppliers, have been, however, suspended by orders of the Commission. Additionally, certain accounting adjustments and other items advanced in support of the proposed rate increase have not been shown to be justified.

The New York State Public Service Commission requests that the proposed rates be suspended pending investigation.

The increased rates and charges provided in said First Revised Sheets Nos. 4 and 5, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of United's FPC Gas Tariff, as amended by First Revised Sheets Nos. 4 and 5 and that said First Revised Sheets Nos. 4 and 5 be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision herein.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in the aforesaid United Natural Gas Company's FPC Gas Tariff as amended by First Revised Sheets Nos. 4 and 5.

(B) Pending such hearing and decision thereon, First Revised Sheets Nos. 4 and 5 of United Natural Gas Company's FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof deferred until April 10, 1953, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: November 6, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12125; Filed, Nov. 13, 1952; 8:48 a. m.]

[Project No. 1025]

SAFE HARBOR WATER POWER CORP.

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

NOVEMBER 7, 1952.

Notice is hereby given that on August 20, 1952, the Federal Power Commission issued its order entered August 19, 1952, further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12127; Filed, Nov. 13, 1952; 8:49 a. m.]

[Project No. 1132]

ROY A. GETCHELL

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

NOVEMBER 7, 1952.

Notice is hereby given that on September 26, 1952, the Federal Power Commission issued its order entered September 25, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12123; Filed, Nov. 13, 1952; 8:48 a. m.]

[Project No. 1236]

B. E. GRIMES ET AL.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE

NOVEMBER 7, 1952.

In the matter of B. E. Grimes, Irving Grimes, and Ben Grimes, and Telluride Mines, Inc.; Project No. 1236.

Notice is hereby given that on September 16, 1952, the Federal Power Commission issued its order entered September 11, 1952, approving transfer of license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12128; Filed, Nov. 13, 1952; 8:49 a. m.]

[Project No. 2000]

POWER AUTHORITY OF THE STATE OF NEW YORK

ORDER FIXING HEARING

NOVEMBER 6, 1952.

On July 16, 1948, the Power Authority of the State of New York filed an application for a license under the Federal Power Act for a proposed hydroelectric development, Project No. 2000, to be located in and along the International Rapids Section of the St. Lawrence River on the United States side of the international boundary line in St. Lawrence County, New York. The application was supplemented in September 1948 and after hearings and recommendations by a hearing examiner the Commission, on December 22, 1950, by Opinion No. 203 and an accompanying order, denied the application for license and referred the matter to Congress.

The Authority filed a petition for review of the Commission's order in the United States Court of Appeals for the District of Columbia Circuit, last August joining with the Commission in a motion requesting the Court to dismiss the petition and to remand the proceeding for further consideration by the Commission. The Court of Appeals granted the joint motion and remanded the proceeding to the Commission. During the 82d Congress consideration was given by the Senate and House Committees to legislation for the combined seaway and power development of the International Rapids Section but no legislation was enacted.

On June 30, 1952, the Governments of the United States and Canada submitted to the International Joint Commission, under the provisions of the Boundary Waters Treaty of January 11, 1909, applications requesting approval by that commission for the construction of certain works in the International Rapids Section for the development of power (IJC Docket No. 68). Section 2 of the applications state that it is the intention of Canada to undertake construction, on the Canadian side of the international boundary, of certain navigable waters to provide a 27-foot waterway in the section of the St. Lawrence River in which the power works applied for are to be constructed. This was said to be pursuant to an exchange of notes dated June 30, 1952 for the provision of deep-water navigation to the standards specified in the agreement of March 19, 1941, and in accordance with the specifications of the joint Board of Engineers dated November 16, 1926. The International Joint Commission issued its order of approval on October 29, 1952.

On September 22, 1952, the Power Authority of the State of New York filed an amendment to its prior application under the Federal Power Act and now seeks a license for those power development works which would be similar to the facilities referred to in March 19, 1941, agreement between the United States and Canada, with the exception of the navigation features which are excluded.

Public notice of the filing of the application as supplemented and amended has been given and some protests and petitions to intervene and requests for hearing have been received.

The Commission finds that: The proposed project is of widespread interest and it is desirable and in the public interest to hold a hearing respecting the matters involved and the issues presented in this proceeding.

It is ordered that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by the Federal Power Act, and particularly sections 4, 6 and 308 thereof, and the Commission's rules of practice and procedure, a public hearing be held on the 9th day of December 1952 commencing at 10:00 a. m. in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) That no further petitions to intervene be accepted and filed after December 1, 1952.

Date of issuance: November 7, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12124; Filed, Nov. 13, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1462, 7-1463, 7-1464]

FOOD MACHINERY AND CHEMICAL CORP., ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of November A. D. 1952.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in: Food Machinery and Chemical Corporation, Common Stock, $10 Par Value, 7-1462; Kern County Land Company, Capital Stock, $2.50 Par Value, 7-1463; Owens-Corning Fiberglas Corporation, Common Stock, $5 Par Value, 7-1464.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $10 Par Value, of Food Machinery and Chemical Corporation, registered and listed on the New York Stock Exchange and on the San Francisco Stock Exchange; the Capital Stock, $2.50 Par Value, of Kern County Land Company, registered and listed on the Los Angeles Stock Exchange, on the New York Stock Exchange, and on the San Francisco Stock Exchange; and the Common Stock, $5 Par Value, of Owens-Corning Fiberglas Corporation, registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to November 28, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12129; Filed, Nov. 13, 1952; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 6, Supplement 8, Revision 1]

CHIEFS OF BRANCHES, RUBBER, CHEMICALS, DRUGS AND FUELS DIVISION

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of the Rubber, Chemicals, Drugs and Fuels Division of the Office of Price Operations, Office of Price Stabilization, by Delegation of Authority No. 6, Supplement 1, Revised (16 F. R. 3672, 17 F. R. 2105), this delegation of authority is hereby issued.

Delegation of Authority No. 6, Supplement 8, is revised to read as follows:

1. Authority is hereby redelegated to the Chiefs of the Branches of the Rubber, Chemicals, Drugs and Fuels Division of the Office of Price Operations, Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval.

2. This delegation of authority supersedes Delegation of Authority No. 6, Supplements 2 and 8 (16 F. R. 4153, 5143).

This redelegation of authority shall take effect on November 14, 1952.

E. E. FOGLE, *Director, Rubber, Chemicals, Drugs and Fuels Division.*

NOVEMBER 13, 1952.

[F. R. Doc. 52-12277; Filed, Nov. 13, 1952; 11:12 a. m.]

[Region I, Redelegation of Authority No. 29, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 47 (b), CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 53, Amendment 2 (17 F. R. 9093) this Amendment 2 to Redelegation of Authority No. 29 (17 F. R. 1956) is hereby issued.

Redelegation of Authority No. 29 is amended by redesignating the present paragraph 4 as paragraph 5 and adding a new paragraph, designated paragraph 4, to read as follows:

4. *Authority under section 47 (b) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region I, to accept statements or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98.

This Amendment 2 to Redelegation of Authority No. 29 shall take effect on November 10, 1952.

JOSEPH M. MCDONOUGH, *Regional Director, Region I.*

NOVEMBER 10, 1952.

[F. R. Doc. 52-12145; Filed, Nov. 10, 1952; 4:19 p. m.]

[Region I, Redelegation of Authority No. 37, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 60, Revision 1 (17 F. R. 8784), this revision to Redelegation of Authority No. 37 (17 F. R. 4268) is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I:

(a) To fix ceiling prices upon application under section 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any applications for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This revised redelegation of authority shall take effect as of October 9, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12146; Filed, Nov. 10, 1952; 4:19 p. m.]

[Region I, Redelegation of Authority No. 46, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 13, SECTION 8 (a) (2) AND SECTION 9 (b)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority 62, Amendment 1 (17 F. R. 8784), this Amendment to Redelegation of Authority No. 46 (17 F. R. 7404) is hereby issued.

Redelegation of Authority No. 46 is amended by adding to the present paragraph 1 a new subparagraph designated (d) to read as follows:

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by field offices under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13, prior to the issuance of this delegation of authority are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority No. 46 shall take effect as of October 9, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12147; Filed, Nov. 10, 1952; 4:19 p. m.]

[Region I, Redelegation of Authority No. 50]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT ON SCHEDULE OF RATES FILED BY WAREHOUSES UNDER SR 5 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 26, Revision 1 (17 F. R. 8461), this redelegation of authority is hereby issued.

1. Authority to act under section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization to disapprove schedules of rates and charges filed with their respective offices in accordance with the provisions of section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect as of October 9, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12148; Filed, Nov. 10, 1952; 4:19 p. m.]

[Region I, Redelegation of Authority No. 51]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 70

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 29, Revision 1 (17 F. R. 8462), this redelegation of authority is hereby issued.

1. Authority to act under sections 2, 5, 9 and 12 of Ceiling Price Regulation 70. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization:

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70;

(d) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

This redelegation of authority shall take effect as of October 9, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12149; Filed, Nov. 10, 1952; 4:19 p. m.]

[Region I, Redelegation of Authority No. 52]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 76 (17 F. R. 8997), this redelegation of authority is hereby issued.

1. Authority to act under sections 6 and 7 of the GCPR. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region I:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales on their manufactured commodities to reach $250,000 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR, specifically referred for action by the National Office.

This redelegation of authority shall take effect on November 11, 1952.

JOHN A. FOX,
Acting Regional Director, Region I.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12150; Filed, Nov. 10, 1952; 4:20 p. m.]

[Region II, Redelegation of Authority No. 26, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 98

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 53, Amendment 2 (17 F. R. 9093), this Amendment 2 to Redelegation of Authority No. 26 is hereby issued.

Redelegation of Authority No. 26 is amended by adding a new paragraph 4 to read as follows:

4. *Authority under section 47 (b) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to accept statements or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98.

This Amendment 2 to Redelegation of Authority No. 26, shall take effect on November 11, 1952.

JAMES G. LYONS,
Regional Director, Region II.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12151; Filed, Nov. 10, 1952; 4:20 p. m.]

[Region II, Redelegation of Authority No. 47]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 76 (17 F. R. 8997), this Redelegation of Authority No. 47 is hereby issued.

1. *Authority to act under sections 6 and 7 of the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000.00 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR, specifically referred for action by the National Office.

This Redelegation of Authority No. 47 shall take effect on November 11, 1952.

JAMES G. LYONS,
Regional Director, Region II.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12152; Filed, Nov. 10, 1952; 4:20 p. m.]

No. 223——4

[Region III, Redelegation of Authority No. 47]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 76 (17 F. R. 8997), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR, specifically referred for action by the National Office.

This redelegation of authority shall take effect as of October 17, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12153; Filed, Nov. 10, 1952; 4:20 p. m.]

[Region IV, Redelegation of Authority No. 26, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 47 (b), CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Amendment 2 to Delegation of Authority No. 53 (17 F. R. 9093), this Amendment 2 to Region IV Redelegation of Authority No. 26 (17 F. R. 1957), is hereby issued.

Redelegation of Authority 26 is amended by redesignating the present paragraph 4 as paragraph 5 and adding a new paragraph, designated paragraph 4, to read as follows:

4. *Authority under section 47 (b) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to accept statements or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98.

This Amendment 2 to Redelegation of Authority No. 26 shall take effect on November 10, 1952.

W. F. BAILEY,
Regional Director, Region IV.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12154; Filed, Nov. 10, 1952; 4:20 p. m.]

[Region IV, Redelegation of Authority No. 32, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 60, Revision 1 (17 F. R. 8784), this Revision 1 to Region IV Redelegation of Authority No. 32 (17 F. R. 4960) is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This Revision 1 to Redelegation of Authority No. 32 shall take effect as of November 3, 1952.

W. F. BAILEY,
Regional Director, Region IV.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12155; Filed, Nov. 10, 1952; 4:21 p. m.]

[Region IV, Redelegation of Authority No. 33, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 13, SECTION 8 (a) (2) AND SECTION 9 (b)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Amendment 1 to Delegation of Authority

No. 62 (17 F. R. 8784), this Amendment 1 to Region IV Redelegation of Authority No. 33 (17 F. R. 4960) is hereby issued.

Redelegation of Authority No. 33 is amended by adding to the present paragraph 1 a new subparagraph designated (d) to read as follows:

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by field offices under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13, prior to the issuance of this redelegation of authority are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority No. 33 shall take effect as of November 3, 1952.

W. F. BAILEY,
Regional Director, Region IV.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12156; Filed, Nov. 10, 1952; 4:21 p. m.]

[Region IV, Redelegation of Authority No. 46]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 76 (17 F. R. 8997), this redelegation of authority is hereby issued.

1. *Authority to act under sections 6 and 7 of the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR, specifically referred for action by the National Office.

This delegation of authority shall take effect as of November 3, 1952.

W. F. BAILEY,
Regional Director, Region IV.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12157; Filed, Nov. 10, 1952; 4:22 p. m.]

[Region V, Redelegation of Authority No. 27, Revision 2]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER CEILING PRICE REGULATION 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 53, as amended (17 F. R. 1236; 5971; 9093), this revised redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of the Office of Price Stabilization to act as follows:

1. To accept applications for the establishment of ceiling prices or adjustment in extras made in accordance with the provisions of section 40 of Ceiling Price Regulation 98, to request further information in connection with such applications, to approve, disapprove or revise proposed prices or extras, to establish ceiling prices or extras, and to modify or revoke ceiling prices or extras established under that section;

2. To accept application for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling markups, and to modify or revoke ceiling markups established under that section;

3. To accept applications for the establishment of ceiling warehouse prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such application, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c);

4. To accept statements or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98.

5. Any District Director to whom authority is redelegated by or under this redelegation may, in the exercise of that authority, refer for review and advice any filing or application in connection with the establishment of a ceiling price or extra to any other Director of a Regional or District Office of the Office of Price Stabilization or to the Director of Price Stabilization.

This Revision 2 of Redelegation of Authority No. 27 shall take effect as of October 17, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12158; Filed, Nov. 10, 1952; 4:22 p. m.]

[Region V, Redelegation of Authority No. 51]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 76 (17 F. R. 8997) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama; and Nashville, Tennessee, District Offices of Price Stabilization:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR, specifically referred for action by the National Office or this office.

This redelegation of authority shall take effect as of October 14, 1952.

CHARLES B. CLEMENT,
Acting Director of Regional Office V.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12159; Filed, Nov. 10, 1952; 4:22 p. m.]

[Region VI, Redelegation of Authority No. 25, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 47 (b), CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 53, Amendment 2 (17 F. R. 9093), this Amendment 2 to Redelegation of Authority No. 25 (17 F. R. 1831) is hereby issued.

Redelegation of Authority No. 25 is amended by redesignating the present paragraph 4 as paragraph 5 and adding a new paragraph, designated paragraph 4, to read as follows:

4. *Authority under section 47 (b) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan and Louisville, Kentucky to accept statements or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98.

Effective date. This amendment is effective as of October 22, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12160; Filed, Nov. 10, 1952; 4:22 p. m.]

[Region VI, Redelegation of Authority No. 46]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 76 (17 F. R. 8997), this Redelegation of Authority No. 46 is hereby issued.

1. *Authority to act under sections 6 and 7 of the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization at Detroit, Michigan and Louisville, Kentucky:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR, specifically referred for action by the National Office or Regional Office.

Effective date. This redelegation of authority shall take effect as of October 22, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12161; Filed, Nov. 10, 1952; 4:23 p. m.]

[Region VII, Redelegation of Authority No. 44]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 76 (17 F. R. 8997), this redelegation of authority is hereby issued.

1. *Authority to act under sections 6 and 7 of the GCPR.* Authority is hereby redelegated to the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR, specifically referred for action by the Regional Office.

This redelegation of authority shall be effective November 11, 1952.

B. EMMET HARTNETT,
Acting Director of Regional Office No. VII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12162; Filed, Nov. 10, 1952; 4:23 p. m.]

[Region VII, Redelegation of Authority No. 45]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT ON SCHEDULE OF RATES FILED BY WAREHOUSES UNDER SR 5 TO CPR 34

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 26, Revision 1 (17 F. R. 8461), this Redelegation of Authority No. 45 is hereby issued.

1. *Authority to act under section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.* Authority is hereby redelegated to the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to disapprove schedules of rates and charges filed with their respective offices in accordance with the provisions of section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.

This Redelegation of Authority No. 45 shall take effect on November 11, 1952.

B. EMMET HARTNETT,
Acting Director of Regional Office No. VII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12163; Filed, Nov. 10, 1952; 4:23 p. m.]

[Region VIII, Redelegation of Authority No. 24, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 47 (b), CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Amendment 2 to Delegation of Authority No. 53, dated October 10, 1952 (17 F. R. 9093), this Amendment 2 to Redelegation of Authority No. 24 (17 F. R. 1735) is hereby issued.

Redelegation of Authority No. 24 is amended by redesignating the present paragraph 4 as paragraph 5 and adding a new paragraph, designated paragraph 4, to read as follows:

4. *Authority under section 47 (b) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to accept statements or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98.

This Amendment 2 to Redelegation of Authority No. 24 shall take effect as of October 20, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12164; Filed, Nov. 10, 1952; 4:23 p. m.]

[Region VIII, Redelegation of Authority No. 45]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 76, dated October 6, 1952 (17 F. R. 8997), this redelegation of authority is hereby issued.

1. *Authority to act under sections 6 and 7 of the GCPR.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufactur-

ers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR, specifically referred for action by the National Office.

This redelegation of authority shall take effect as of October 14, 1952.

LOUIS G. DENAYER,
Acting Regional Director, Region VIII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12165; Filed, Nov. 10, 1952; 4:23 p. m.]

[Region VIII, Redelegation of Authority No. 46]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 75, dated September 8, 1952 (17 F. R. 8131), this redelegation of authority is hereby issued.

1. *Authority to act under sections 3, 4, 5, 6, 9 and 15 of CPR 161.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to process in the respects indicated herein ceiling price applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000:

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4 and 5 of CPR 161;

(c) To issue letter orders disapproving or revising downward, ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

This redelegation of authority shall take effect as of October 28, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12166; Filed, Nov. 10, 1952; 4:23 p. m.]

[Region IX, Redelegation of Authority No. 15, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 35, Amendment 1, dated September 10, 1952 (17 F. R. 8201), this Amendment 1 to Redelegation of Authority No. 15 (16 F. R. 12914), is hereby issued.

1. *Authority to act under section 10 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. *Authority to act under section 9 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

3. The authority hereby redelegated is to be exercised concurrently with the National and Regional Offices.

This Amendment 1 to Redelegation of Authority No. 15 shall take effect as of October 9, 1952.

M. A. BROOKS,
Regional Director, Region IX.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12167; Filed, Nov. 10, 1952; 4:24 p. m.]

[Region IX, Redelegation of Authority No. 45]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 75, dated September 8, 1952 (17 F. R. 8131), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to process in the respects indicated herein ceiling price applications for new commodities filed under Ceiling Price Regulation 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000:

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of Ceiling Price Regulation 161;

(b) To issue letter orders as provided in section 6 of Ceiling Price Regulation 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4 and 5 of Ceiling Price Regulation 161;

(c) To issue letter orders disapproving or revising downward, ceiling prices reporetd or proposed as provided in section 9 of Ceiling Price Regulation 161;

(d) To request additional information, as provided in section 15 of Ceiling Price Regulation 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of Ceiling Price Regulation 161.

This redelegation of authority shall take effect as of October 9, 1952.

M. A. BROOKS,
Regional Director, Region IX.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12168; Filed, Nov. 10, 1952; 4:24 p. m.]

[Region IX, Redelegation of Authority No. 46]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT ON SCHEDULE OF RATES FILED BY WAREHOUSES UNDER SUPPLEMENTARY REGULATION 5 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 26, Revision 1, dated September 19, 1952 (17 F. R. 8461), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to disapprove schedules of rates and charges filed with their respective offices in accordance with the provisions of section 4 of Supplementary Regulation 5 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect as of October 9, 1952.

M. A. BROOKS,
Regional Director, Region IX.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12169; Filed, Nov. 10, 1952; 4:24 p. m.]

[Region IX, Redelegation of Authority No. 47]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 70

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 29, Revision 1, dated September 19, 1952 (17 F. R. 8462), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX:

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70;

(d) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

This redelegation of authority shall take effect as of October 9, 1952.

M. A. BROOKS,
Regional Director, Region IX.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12170; Filed, Nov. 10, 1952; 4:24 p. m.]

[Region X, Redelegation of Authority No. 25, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 47 (b), CPR 98, AS AMENDED

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 53, Amendment 2 (17 F. R. 9093), this Amendment 2 to Region X Redelegation of Authority No. 25 is hereby issued.

Redelegation of Authority No. 25 is amended by adding the following new paragraph, designated paragraph 4, to read as follows:

4. *Authority under section 47 (b) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to accept statements or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98.

This amendment shall take effect as of October 27, 1952.

B. FRANK WHITE,
Acting Director of Regional Office No. X.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12171; Filed, Nov. 10, 1952; 4:24 p. m.]

[Region X, Redelegation of Authority No. 32, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 13, SECTION 8 (a) (2) AND SECTION 9 (b)

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 62, Amendment 1 (17 F. R. 8784), this Amendment 1 to Region X Redelegation of Authority No. 32 is hereby issued.

Redelegation of Authority No. 32 is amended by adding to the present paragraph 1 a new subparagraph designated (d) to read as follows:

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by field offices under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13, prior to the issuance of this redelegation of authority are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority No. 32 shall take effect as of October 20, 1952.

B. FRANK WHITE,
Acting Director of Regional Office No. X.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12172; Filed, Nov. 10, 1952; 4:24 p. m.]

[Region X, Redelegation of Authority No. 34, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority No. 60, Revision 1 (17 F. R. 8784), this Revision 1 to Region X Redelegation of Authority No. 34 is hereby issued.

Region X Redelegation of Authority No. 34 is revised to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This revised redelegation of authority shall take effect as of October 20, 1952.

B. FRANK WHITE,
Acting Director of Regional Office No. X.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12173; Filed, Nov. 10, 1952; 4:24 p. m.]

[Region X, Redelegation of Authority No. 36, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED, SECTION 11 (b) (2)

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 68, Amendment 1 (17 F. R. 8597), this redelegation of authority is hereby issued.

Region X Redelegation of Authority No. 36 is amended by adding a new paragraph 2 to read as follows:

2. *Authority to act under section 11 (b) (2) of CPR 24, as amended.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to act under section 11 (b) (2) of CPR 24, as amended.

This redelegation of authority, as amended, shall take effect as of October 20, 1952.

B. FRANK WHITE,
Acting Director of Regional Office No. X.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12174; Filed, Nov. 10, 1952; 4:25 p. m.]

[Region X, Redelegation of Authority No. 46]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 76 (17 F. R. 8997), this Region X Redelegation of Authority No. 46 is hereby issued.

1. *Authority to act under sections 6 and 7 of the GCPR.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR, specifically referred for action by the National Office.

This redelegation of authority shall take effect as of October 20, 1952.

B. FRANK WHITE,
Acting Director of Regional Office No. X.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12175; Filed, Nov. 10, 1952; 4:25 p. m.]

[Region XI, Redelegation of Authority No. 32, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 47 (b), CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, and pursuant to Delegation of Authority No. 53 (17 F. R. 1236) and Amendment 2 thereof (17 F. R. 9093), this Amendment 2 to Redelegation of Authority No. 32 is hereby issued.

Redelegation of Authority No. 32 is amended by redesignating the present paragraph 4 as paragraph 5 and adding a new paragraph designated paragraph 4, to read as follows:

4. *Authority under section 47 (b) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI to accept statements or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98.

This amendment to Redelegation of Authority No. 32 shall take effect as of October 27, 1952.

DELBERT M. DRAPER,
Regional Director.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12176; Filed, Nov. 10, 1952; 4:25 p. m.]

[Region XI, Redelegation of Authority No. 37, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 60, Revision 1 (17 F. R. 8784), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This redelegation of authority shall take effect as of October 14, 1952.

DELBERT M. DRAPER,
Regional Director.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12177; Filed, Nov. 10, 1952; 4:25 p. m.]

[Region XI, Redelegation of Authority No. 39, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 13, SECTION 8 (a) (2) AND SECTION 9 (b)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 62 (17 F. R. 3258), and Amendment 1 thereto (17 F. R. 8784), this Amendment 1 to Redelegation of Authority No. 39 is hereby issued.

Redelegation of Authority No. 39 is amended by adding after subsection (c) the following subsection (d):

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by the District Offices in Region XI under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13 prior to the issuance of this delegation of authority are hereby confirmed and validated.

This amendment to Redelegation of Authority No. 39 shall take effect as of October 20, 1952.

DELBERT M. DRAPER,
Regional Director.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12178; Filed, Nov. 10, 1952; 4:25 p. m.]

[Region XI, Redelegation of Authority No. 53]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED (CEILING PRICES OF KOSHER BEEF ITEMS SOLD AT RETAIL)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, and pursuant to Delegation of Authority No. 70 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. *Authority to act under section 5 (c) (3), 7, 21 (c) and 22 of CPR 26, revised.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI, to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised. All actions in respect to the foregoing sections of CPR 26, Revised, taken by field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of October 15, 1952.

DELBERT M. DRAPER,
Regional Director.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12179; Filed, Nov. 10, 1952; 4:25 p. m.]

[Region XI, Redelegation of Authority No. 54]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in me as Director of Regional Office of Price Stabilization, Region XI, and pursuant to Delegation of Authority No. 76 effective October 11, 1952 (17 F. R. 8997) this redelegation of authority is hereby issued.

1. *Authority to act under sections 6 and 7 of the GCPR.* Authority is hereby redelegated to the Directors of each of the District Offices of the Office of Price Stabilization in Region XI:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of GCPR, specifically referred for action by the National and Region XI offices.

This redelegation of authority shall take effect as of October 20, 1952.

DELBERT M. DRAPER,
Regional Director.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12180; Filed, Nov. 10, 1952; 4:26 p. m.]

[Region XII, Redelegation of Authority No. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY UNDER CPR 98

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 53, as amended (17 F. R. 1236, 17 F. R. 5971), Redelegation of Authority No. 31 (17 F. R. 1641) is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to accept applications for the establishment of ceiling prices or adjustment in extras made in accordance with the provisions of section 40 of Ceiling Price Regulation 98, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling prices or extras, to establish ceiling prices or extras, and to modify or revoke ceiling prices or extras established under that section.

2. *Authority under section 10 (c) of Ceiling Price Regulation 98 as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to accept application for the establishment of ceiling markups made in accordance with the provisions of section 10 (c) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling markups, and to modify or revoke ceiling markups established under that section.

3. *Authority under section 16 (c) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to accept applications for the establishment of ceiling warehouse prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such application, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c).

This amendment shall take effect as of October 12, 1952.

CRESSLYN L. TILLEY,
Acting Regional Director of Regional Office No. XII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12181; Filed, Nov. 10, 1952; 4:26 p. m.]

[Region XII, Redelegation of Authority No. 31, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 47 (b), CPR 98, AS AMENDED

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 53, as amended (17 F. R. 1236, 5971, 9093), Redelegation of Authority No. 31 (17 F. R. 1641) is amended by adding a new paragraph, designated paragraph 4, to read as follows:

4. *Authority under section 47 (b) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to accept statements or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98.

This amendment shall take effect as of November 7, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12182; Filed, Nov. 10, 1952; 4:26 p. m.]

[Region XII, Redelegation of Authority No. 42, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 60, Revision 1 (17 F. R. 8784), Redelegation of Authority No. 42 (17 F. R. 4403) is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This amendment shall take effect as of October 30, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12183; Filed, Nov. 10, 1952; 4:26 p. m.]

[Region XII, Redelegation of Authority No. 44, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT ON FINAL PRICING METHOD AND ADJUSTMENT PROVISIONS OF CPR 13

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 62, as amended (17 F. R. 3258, 17 F. R. 8784), Redelegation of Authority No. 44 (17 F. R. 4404) is amended to read as follows:

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII:

(a) To request of any seller of petroleum products who is covered by Ceiling Price Regulation 13 further information regarding such seller's filing of a price under the provisions of sections 13 and 18 of Ceiling Price Regulation 13, or regarding his application for adjustment under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(b) To grant, revise or deny applications for adjustment made under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(c) To approve, disapprove or revise ceiling prices determined under the provisions of sections 13 and 18 of Ceiling Price Regulation 13;

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13.

This amendment shall take effect as of October 12, 1952.

CRESSLYN L. TILLEY,
Acting Regional Director of Regional Office No. XII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12184; Filed, Nov. 10, 1952; 4:27 p. m.]

[Region XII, Redelegation of Authority No. 47, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED, SECTION 11 (b) (2)

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 68, as amended (17 F. R. 4961, 8597), Redelegation of Authority No. 47 (17 F. R. 6015) is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

2. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to act under section 11 (b) (2) of CPR 24, as amended.

This amendment shall take effect as of October 30, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12185; Filed, Nov. 10, 1952; 4:27 p. m.]

[Region XII, Redelegation of Authority No. 58]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 76 (17 F. R. 8997), this redelegation of authority is hereby issued.

1. *Authority to act under sections 6 and 7 of the GCPR.* Authority is hereby redelegated to the Directors of the district offices of the Office of Price Stabilization, Region XII:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR, specifically referred for action by the National Office.

This redelegation of authority shall take effect as of October 24, 1952.

CRESSLYN L. TILLEY,
Acting Director of Regional Office No. XII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12186; Filed, Nov. 10, 1952; 4:27 p. m.]

[Region XIII, Redelegation of Authority No. 14, Revision 2]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 40, 10 (e), 16 (c) AND 47 (b) OF CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 53, as amended (17 F. R. 1236, 17 F. R. 5971, 17 F. R. 9093), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to accept applications for the establishment of ceiling prices or adjustment in extras made in accordance with the provisions of section 40 of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling prices or extras, to establish ceiling prices or extras, and to modify or revoke ceiling prices or extras established under section 40 of Ceiling Price Regulation 98, as amended.

2. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to accept applications for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications to approve, disapprove or revise proposed ceiling markups and to modify or revoke ceiling markups established under that section.

3. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stazilization, respectively, to accept applications for the establishment of ceiling markup prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c).

4. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to accept statements or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98.

This redelegation of authority shall become effective as of October 27, 1952.

HAROLD WALSH,
Regional Director, Office of Price Stabilization, Region XIII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12187; Filed, Nov. 10, 1952; 4:27 p. m.]

[Region XIII, Redelegation of Authority No. 30, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 68, as amended (17 F. R. 4961, 8597), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland and Spokane District Offices of Price Stabilization, respectively, to act under sections 11 (b) (2), 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49a (b), 49a (c), 49b (a), 49b (b), and 50 (u) of Ceiling Price Regulation 24, as amended.

This redelegation of authority shall become effective as of October 22, 1952.

HAROLD WALSH,
Regional Director, Office of Price Stabilization, Region XIII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12188; Filed, Nov. 10, 1952; 4:28 p. m.]

[Region XIII, Redelegation of Authority No. 34]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 76 (17 F. R. 8997), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR, specifically referred for action by the National Office.

This redelegation of authority shall become effective as of October 23, 1952.

HAROLD WALSH,
Regional Director, Office of Price Stabilization, Region XIII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12189; Filed, Nov. 10, 1952; 4:28 p. m.]

[Region XIII, Redelegation of Authority No. 35]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT ON FINAL PRICING METHOD AND ADJUSTMENT PROVISIONS AND SECTION 8 (a) (2) AND SECTION 9 (b) OF CPR 13

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 62, as amended (17 F. R. 3258, 8784), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively:

(a) To request of any seller of petroleum products who is covered by Ceiling Price Regulation 13 further information regarding such seller's filing of a price under the provisions of sections 13 and 18 of Ceiling Price Regulation 13, or regarding his application for adjustment under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(b) To grant, revise, or deny applications for adjustment made under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(c) To approve, disapprove, or revise ceiling prices determined under the provisions of sections 13 and 18 of Ceiling Price Regulation 13;

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by field offices under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13, prior to the issuance of this redelegation of authority are hereby confirmed and validated.

This redelegation of authority shall become effective as of October 24, 1952.

HAROLD WALSH,
Regional Director, Office of Price Stabilization, Region XIII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12190; Filed, Nov. 10, 1952; 4:28 p. m.]

modities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first fiscal year;

(c) To act on any application or report under sections 6 and 7 of the GCPR, specifically referred for action by the National Office.

This redelegation of authority shall become effective as of October 23, 1952.

HAROLD WALSH,
Regional Director, Office of Price Stabilization, Region XIII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12189; Filed, Nov. 10, 1952; 4:28 p. m.]

[Region XIII, Redelegation of Authority No. 35]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT ON FINAL PRICING METHOD AND ADJUSTMENT PROVISIONS AND SECTION 8 (a) (2) AND SECTION 9 (b) OF CPR 13

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 62, as amended (17 F. R. 3258, 8784), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively:

(a) To request of any seller of petroleum products who is covered by Ceiling Price Regulation 13 further information regarding such seller's filing of a price under the provisions of sections 13 and 18 of Ceiling Price Regulation 13, or regarding his application for adjustment under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(b) To grant, revise, or deny applications for adjustment made under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(c) To approve, disapprove, or revise ceiling prices determined under the provisions of sections 13 and 18 of Ceiling Price Regulation 13;

(d) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by field offices under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13, prior to the issuance of this redelegation of authority are hereby confirmed and validated.

This redelegation of authority shall become effective as of October 24, 1952.

HAROLD WALSH,
Regional Director, Office of Price Stabilization, Region XIII.

NOVEMBER 10, 1952.

[F. R. Doc. 52-12190; Filed, Nov. 10, 1952; 4:28 p. m.]

[Ceiling Price Regulation 17, as Amended, Section 11 (d), Special Order 2]

WASHINGTON, D. C., METROPOLITAN AREA

AREA ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS

Statement of considerations. This special order adjusts the tank wagon ceiling prices for Heating Oils (Kerosene, No. and No. 2 Oil, Furnace Oil, Range Oil, and Stove Oil) sold by tank wagon distributors in the Washington, D. C., metropolitan area, which area is based on the geographic boundaries of the free delivery zone, namely, Washington, D. C., Montgomery and Prince Georges Counties, Maryland, Arlington and Fairfax Counties and the City of Alexandria, Virginia.

Ceiling Price Regulation 17, as amended, section 11 (d), authorizes the Director of Price Stabilization to make area adjustments in the tank wagon ceiling prices of light fuel oil distributors sufficient to restore the distributors' net operating earnings to the level of the fiscal year ending May 31, 1950. The Director of Price Stabilization, pursuant to Delegation of Authority 72, delegated to each Regional Director of the Office of Price Stabilization authority to issue area adjustments by special order under provisions of section 11 (d) of Ceiling Price Regulation 17, as amended. Region 4, by Redelegation of Authority No. 41, subsequently redelegated this authority to the Directors of the District Offices of the Office of Price Stabilization.

The Washington District Office of Price Stabilization was requested to adjust the tank wagon ceiling prices of fuel oil distributors in the Washington, D. C., metropolitan area by Griffith Consumers Company, John P. Agnew & Company, the Oil Heat Institute, et al., acting on behalf of the fuel oil distributors of the Washington, D. C., retail marketing area. This District Office took cognizance of the request, since it has jurisdiction over the communities with the largest population in the Washington metropolitan area, and the majority of the fuel oil distributors are located in the District of Columbia.

Following consultations with fuel oil distributors and investigations by the Washington, D. C., District Office of the Office of Price Stabilization, the District Director of that Office was satisfied that sufficient evidence existed to suggest that distributors are suffering hardship in that their present net operating earnings are below the level of the fiscal year ended May 31, 1950. Copies of OPS Public Form No. 151 were then distributed to all known independent light fuel oil distributors within the Washington, D. C., metropolitan area. An analysis of these Forms showed that current net earnings of fuel oil distributors from the sales of Heating Oils were in fact below that level.

The adjustment granted by this special order does no more than restore net earnings to the level of the fiscal year ended May 31, 1950. It is therefore consistent with the provisions of Section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the Statement of Considerations, and pursuant to the provisions of Section 11 (d) of Ceiling Price Regulation 17, as amended, *It is ordered:*

1. That the tank wagon ceiling price for Heating Oils (Kerosene, No. 1 and No. 2 Oil, Furnace Oil, Range Oil and Stove Oil) sold by tank wagon distributors in the Washington, D. C., metropolitan area, may be increased $0.001 per gallon.

2. For the purposes of this special order, the marketing area is the geographic boundaries of the free delivery zone of the Washington metropolitan area, namely, Washington, D. C., Montgomery and Prince Georges Counties, Maryland, Arlington and Fairfax Counties and the City of Alexandria, Virginia.

3. This order shall apply to all tank wagon distributors of heating Oils in the above defined marketing area.

4. All provisions of Ceiling Price Regulation 17, as amended, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

5. This order may be amended, modified or revoked by this office at any time.

Effective date. This special order shall become effective November 8, 1952.

VINCENT A. HOLMES,
District Director.

NOVEMBER 7, 1952.

[F. R. Doc. 52-12083; Filed, Nov. 7, 1952; 12:35 p. m.]

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation were filed with the Division of the Federal Register on November 3, 1952.

REGION I

Portland Order 1-G1-1, Amendment 3, changes, adds, and deletes certain food items for retail sales in the Portland area, filed 2:27 p. m.

Portland Order 1-G1-1, Amendment 4, changes, adds, and deletes certain food items for retail sales in the Portland area, filed 2:26 p. m.

Portland Order 1-G2-1, Amendment 3, changes, adds, and deletes certain food items for retail sales in the Portland area, filed 2:27 p. m.

Portland Order 1-G2-1, Amendment 4, changes, adds, and deletes certain food items for retail sales in the Portland area, filed 2:26 p. m.

Portland Order 1-G3-1, Amendment 3, changes, adds, and deletes certain food items for retail sales in the Portland area, filed 2:28 p. m.

Portland Order 1-G3-1, Amendment 4, changes, adds, and deletes certain food items for retail sales in the Portland area, filed 2:26 p. m.

Portland Order 1-G4-1, Amendment 3, changes, adds, and deletes certain food items for retail sales in the Portland area, filed 2:28 p. m.

Portland Order 1-G4-1, Amendment 4, changes, adds, and deletes certain food items for retail sales in the Portland area, filed 2:27 p. m.

Hartford Order 1–G1–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the Hartford area, filed 2:28 p. m.

Hartford Order 1–G1–1, Amendment 3, covering retail prices for certain dry grocery items sold by retailers in the Hartford area, filed 2:29 p. m.

REGION II

New York Order 1–G1–1, Amendment 4, changes and deletes certain food items for retail sales in several counties in the State of New York, filed 2:29 p. m.

New York Order 1–G2–1, Amendment 4, changes and deletes certain food items for retail sales in several counties in the State of New York, filed 2:29 p. m.

New York Order 1–G3–1, Amendment 4, changes and deletes certain food items for retail sales in several counties in the State of New York, filed 2:30 p. m.

New York Order 1–G4–1, Amendment 4, changes and deletes certain food items for retail sales in several counties in the State of New York, filed 2:30 p. m.

REGION III

Philadelphia Order 1–G1–1, Amendment 2, changes certain food items for retail sales in the Philadelphia area, filed 2:30 p. m.

Philadelphia Order 1–G2–1, Amendment 2, changes certain food items for retail sales in the Philadelphia area, filed 2:30 p. m.

Philadelphia Order 1–G3–1, Amendment 2, changes certain food items for retail sales in the Philadelphia area, filed 2:31 p. m.

Philadelphia Order 1–G4–1, Amendment 2, changes certain food items for retail sales in the Philadelphia area, filed 2:31 p. m.

Wilmington Order 1–G1–1, Amendment 2, changes and deletes certain food items for retail sales in the Wilmington area, filed 2:31 p. m.

Wilmington Order 1–G2–1, Amendment 2, changes and deletes certain food items for retail sales in the Wilmington area, filed 2:31 p. m.

Wilmington Order 1–G3–1, Amendment 2, changes certain food items for retail sales in the Wilmington area, filed 2:32 p. m.

Wilmington Order 1–G4–1, Amendment 2, changes certain food items for retail sales in the Wilmington area, filed 2:32 p. m.

REGION IV

Charleston Order 1–G1–1, Amendment 1, changes and deletes certain food items for retail sales in the Charleston area, filed 2:32 p. m.

Charleston Order 1–G2–1, Amendment 1, changes and deletes certain food items for retail sales in the Charleston area, filed 2:33 p. m.

Charleston Order 1–G3–1, Amendment 3, changes and deletes certain food items for retail sales in the Charleston area, filed 2:33 p. m.

Charleston Order 1–G4–1, Amendment 3, changes and deletes certain food items for retail sales in the Charleston area, filed 2:33 p. m.

Baltimore Order 1–G1–1, Amendment 3, changes and deletes certain food items for retail sales in the Baltimore area, filed 2:33 p. m.

Baltimore Order 1–G2–1, Amendment 3, changes and deletes certain food items for retail sales in the Baltimore area, filed 2:34 p. m.

Baltimore Order 1–G3–1, Amendment 3, changes and deletes certain food items for retail sales in the Baltimore area, filed 2:34 p. m.

Baltimore Order 1–G4–1, Amendment 3, changes and deletes certain food items for retail sales in the Baltimore area, filed 2:34 p. m.

Baltimore Order 1–G4A–1, Amendment 3, changes and deletes certain food items for retail sales in the Baltimore area, filed 2:35 p. m.

Washington, D. C. Order 1–G1–1, Amendment 3, changes and deletes certain food items for retail sales in the Washington, D. C. area, filed 2:35 p. m.

Washington, D. C. Order 1–G2–1, Amendment 3, changes and deletes certain food items for retail sales in the Washington, D. C. area, filed 2:35 p. m.

Washington, D. C. Order 1–G3–1, Amendment 3, changes and deletes certain food items for retail sales in the Washington, D. C. area, filed 2:35 p. m.

Washington, D. C. Order 1–G4–1, Amendment 3, changes and deletes certain food items for retail sales in the Washington, D. C. area, filed 2:35 p. m.

Charlotte Order 1–G1–1, Amendment 4, changes, adds, and deletes certain food items for retail sales in the Charlotte area, filed 2:36 p. m.

Charlotte Order 1–G2–1, Amendment 4, changes, adds, and deletes certain food items for retail sales in the Charlotte area, filed 2:36 p. m.

Charlotte Order 1–G3–1, Amendment 3, changes, adds, and deletes certain food items for retail sales in the Charlotte area, filed 2:36 p. m.

Charlotte Order 1–G3A–1, Amendment 2, changes, adds, and deletes certain food items for retail sales in the Charlotte area, filed 2:36 p. m.

Charlotte Order 1–G4–1, Amendment 1, changes, adds, and deletes certain food items for retail sales in the Charlotte area, filed 2:40 p. m.

Charlotte Order 1–G4–1, Amendment 2, changes certain food items for retail sales in the Charlotte area, filed 2:40 p. m.

Charlotte Order 1–G4–1, Amendment 3, changes, adds, and deletes certain food items for retail sales in the Charlotte area, filed 2:41 p. m.

REGION V

Columbia Order 1–G1–1, Amendment 4, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 2:41 p. m.

Columbia Order 1–G2–1, Amendment 4, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 2:41 p. m.

Jackson Order 1–G2–1, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Jackson area, filed 2:42 p. m.

Jackson Order 1–G2–1, Amendment 4, establishing dollars-and-cents ceiling prices for certain grocery items in the Jackson area, filed 2:42 p. m.

REGION VI

Louisville Order 1–G3–1, Amendment 2, changes certain food items for retail sales in the Louisville area, filed 2:42 p. m.

Louisville Order 1–G4–1, Amendment 2, changes certain food items for retail sales in the Louisville area, filed 2:42 p. m.

Cleveland Order 1–G1–1, Amendment 4, changes and deletes certain food items for retail sales in the northeastern Ohio area, filed 2:43 p. m.

Cleveland Order 1–G2–1, Amendment 4, changes and deletes certain food items for retail sales in the northeastern Ohio area, filed 2:43 p. m.

Cleveland Order 1–G3–1, Amendment 4, changes and deletes food items for retail sales in the northeastern Ohio area, filed 2:44 p. m.

Cleveland Order 1–G4–1, Amendment 4, changes and deletes certain food items for retail sales in the northeastern Ohio area, filed 2:43 p. m.

REGION VII

Chicago Order 1–G1–1, Amendment 3, changes and deletes certain food items for retail sales in the Chicago area, filed 2:44 p. m.

Chicago Order 1–G2–1, Amendment 3, changes and deletes certain food items for retail sales in the Chicago area, filed 2:44 p. m.

Chicago Order 1–G3–1, Amendment 4, changes and deletes certain food items for retail sales in the Chicago area, filed 2:44 p. m.

Chicago Order 1–G4–1, Amendment 4, changes and deletes certain food items for retail sales in the Chicago area, filed 2:45 p. m.

REGION VIII

Minneapolis Order 1–G3–1, Amendment 3, changes, adds, and deletes certain food items for retail sales in the Minneapolis-St. Paul area, filed 2:45 p. m.

Minneapolis Order 1–G4–1, Amendment 3, changes, adds, and deletes certain food items for retail sales in the Minneapolis-St. Paul area, filed 2:45 p. m.

Helena Order 1–G3–1, Amendment 1, changes price and deletes certain food items for retail sales in the Helena area, filed 2:46 p. m.

Helena Order 1–G4–1, Amendment 1, changes price and deletes certain food items for retail sales in the Helena area, filed 2:47 p. m.

Sioux Falls Order 1–G4–1, Amendment 1, changes certain food items for retail sales in the Sioux Falls area, filed 2:47 p. m.

Sioux Falls Order 1–G1–1, Amendment 2, changes certain food items for retail sales in the Sioux Falls area, filed 2:47 p. m.

Sioux Falls Order 1–G2–1, Amendment 1, changes and deletes certain food items for retail sales in the Sioux Falls area, filed 2:48 p. m.

Sioux Falls Order 1–G2–1, Amendment 2, changes and deletes certain food items for retail sales in the Sioux Falls area, filed 2:48 p. m.

Sioux Falls Order 1–G4–1, Amendment 1, changes certain food items for retail sales in the Sioux Falls area, filed 2:48 p. m.

Sioux Falls Order 1–G4–1, Amendment 2, changes certain food items for retail sales in the Sioux Falls area, filed 2:49 p. m.

Sioux Falls Order 1–G4A–1, Amendment 1, changes certain food items for retail sales in the Sioux Falls area, filed 2:49 p. m.

Sioux Falls Order 1–G4A–1, Amendment 2, changes certain food items for retail sales in the Sioux Falls area, filed 2:49 p. m.

Sioux Falls Order II–G1–1, Amendment 1, changes certain food items for retail sales in the Sioux Falls area, filed 2:49 p. m.

Sioux Falls Order II–G2–1, Amendment 1, changes certain food items for retail sales in the Sioux Falls area, filed 2:50 p. m.

Sioux Falls Order II–G3–1, Amendment 1, changes certain food items for retail sales in the Sioux Falls area, filed 2:50 p. m.

Sioux Falls Order II–G4–1, Amendment 1, changes certain food items for retail sales in the Sioux Falls area, filed 2:50 p. m.

REGION IX

Wichita Order 1–G1–1, Amendment 4, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 2:50 p. m.

Wichita Order 1–G2–1, Amendment 4, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 2:51 p. m.

Wichita Order 1–G3–1, Amendment 4, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 2:51 p. m.

Wichita Order 1–G4–1, Amendment 4, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 2:52 p. m.

St. Louis Order 1–G1–1, Amendment 2, changes certain food items for retail sales in the St. Louis area, filed 2:54 p. m.

St. Louis Order 1–G2–1, Amendment 2, changes certain food items for retail sales in the St. Louis area, filed 2:54 p. m.

St. Louis Order 1–G3–1, Amendment 2, changes certain food items for retail sales in the St. Louis area, filed 2:55 p. m.

St. Louis Order 1–G4–1, Amendment 2, changes certain food items for retail sales in the St. Louis area, filed 2:55 p. m.

Kansas City Order 1–G1–1, Amendment 4, changes and adds certain food items for retail sales in the Kansas City area, filed 2:55 p. m.

Kansas City Order 1–G2–1, Amendment 4, changes and adds certain food items for retail sales in the Kansas City area, filed 2:56 p. m.

Kansas City Order 1–G3–1, Amendment 3, changes and adds certain food items for retail sales in the Kansas City area, filed 2:56 p. m.

Kansas City Order 1–G4–1, Amendment 3, changes and adds certain food items for retail sales in the Kansas City area, filed 2:56 p. m.

Omaha Order 1–G1–1, Amendment 4, changes certain food items for retail sales in the Omaha area, filed 2:56 p. m.

Omaha Order 1–G2–1, Amendment 4, changes certain food items for retail sales in the Omaha area, filed 2:57 p. m.

Omaha Order 1–G3–1, Amendment 4, changes certain food items for retail sales in the Omaha area, filed 2:57 p. m.

Omaha Order 1–G4–1, Amendment 4, changes certain food items for retail sales in the Omaha area, filed 2:57 p. m.

REGION X

New Orleans Order 1–G1–1, Amendment 3, changes certain food items for retail sales in the Louisiana area, filed 2:58 p. m.

New Orleans Order 1–G1–1, Amendment 4, changes certain food items for retail sales in the Louisiana area, filed 2:59 p. m.

New Orleans Order 1–G2–1, Amendment 3, changes certain food items for retail sales in the Louisiana area, filed 2:58 p. m.

New Orleans Order 1–G2–1, Amendment 4, changes certain food items for retail sales in the Louisiana area, filed 3:00 p. m.

New Orleans Order 1–G3–1, Amendment 3, changes certain food items for retail sales in the Louisiana area, filed 2:58 p. m.

New Orleans Order 1–G3–1, Amendment 4, changes certain food items for retail sales in the Louisiana area, filed 3:00 p. m.

New Orleans Order 1–G4–1, Amendment 3, changes certain food items for retail sales in the Louisiana area, filed 2:59 p. m.

New Orleans Order 1–G4–1, Amendment 4, changes certain food items for retail sales in the Louisiana area, filed 3:00 p. m.

Dallas Order 1–G1–1, Amendment 4, changes and adds certain food items for retail sales in the Dallas area, filed 3:00 p. m.

Dallas Order 1–G2–1, Amendment 4, changes and adds certain food items for retail sales in the Dallas area, filed 3:01 p. m.

Dallas Order 1–G3–1, Amendment 4, changes certain food items for retail sales in the Dallas area, filed 3:01 p. m.

Dallas Order 1–G3A–1, Amendment 4, changes and adds certain food items for retail sales in the Dallas area, filed 3:01 p. m.

Dallas Order 1–G4–1, Amendment 4, changes certain food items for retail sales in the Dallas area, filed 3:01 p. m.

REGION XI

Cheyenne Order 1–G1–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 3:01 p. m.

Cheyenne Order 1–G2–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 3:02 p. m.

Cheyenne Order 1–G4–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 3:02 p. m.

Cheyenne Order 1–G4–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 3:02 p. m.

Cheyenne Order 1–G4–1, Amendment 3, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 3:02 p. m.

Cheyenne Order 1–G4A–1, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 3:03 p. m.

REGION XII

San Francisco Order 1–G1–1, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 3:03 p. m.

San Francisco Order 1–G2–1, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 3:03 p. m.

San Francisco Order 1–G3–1, Amendment 2, changes the retail ceiling prices for certain food items so as to reflect changes in wholesale prices in the San Francisco area, filed 3:03 p. m.

San Francisco Order 1–G3A–1, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 3:04 p. m.

San Francisco Order 1–G4–1, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 3:04 p. m.

San Francisco Order 1–G4A–1, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 3:04 p. m.

Phoenix Order 1–G1–1, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 3:07 p. m.

Phoenix Order 1–G2–1, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 3:07 p. m.

Phoenix Order 1–G3–1, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 3:08 p. m.

Phoenix Order 1–G3A–1, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 3:08 p. m.

Phoenix Order 1–G4–1, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 3:08 p. m.

Phoenix Order 1–G4A–1, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 3:09 p. m.

Los Angeles Order 1–G1–1, Amendment 1, changes certain food items for retail sales in the Los Angeles area, filed 3:10 p. m.

Los Angeles Order 1–G1–1, Amendment 2, changes certain food items for retail sales in the Los Angeles area, filed 3:11 p. m.

Los Angeles Order 1–G2–1, Amendment 1, changes certain food items for retail sales in the Los Angeles area, filed 3:11 p. m.

Los Angeles Order 1–G2–1, Amendment 2, changes certain food items for retail sales in the Los Angeles area, filed 3:11 p. m.

Los Angeles Order 1–G3–1, Amendment 1, changes certain food items for retail sales in the Los Angeles area, filed 3:12 p. m.

Los Angeles Order 1–G3–1, Amendment 2, changes certain food items for retail sales in the Los Angeles area, filed 3:12 p. m.

Los Angeles Order 1–G4–1, Amendment 1, changes certain food items for retail sales in the Los Angeles area, filed 3:12 p. m.

Los Angeles Order 1–G4–1, Amendment 2, changes certain food items for retail sales in the Los Angeles area, filed 3:12 p. m.

Los Angeles Order 1–G4A–1, Amendment 1, changes certain food items for retail sales in the Los Angeles area, filed 3:13 p. m.

Los Angeles Order 1–G4A–1, Amendment 2, changes certain food items for retail sales in the Los Angeles area, filed 3:13 p. m.

Los Angeles Order II–G1–1, Amendment 2, changes certain food items for retail sales in the San Diego area, filed 3:09 p. m.

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Los Angeles Order II–G4–1, Amendment 2, changes certain food items for retail sales in the San Diego area, filed 3:10 p. m.

Los Angeles Order II–G4A–1, Amendment 2, changes certain food items for retail sales in the San Diego area, filed 3:10 p. m.

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Portland Order 1–G1–1, Amendment 3, changes and deletes certain food items for retail sales in the Portland, Oregon area, filed 3:13 p. m.

Portland Order 1–G1–1, Amendment 4, changes certain food items for retail sales in the Portland, Oregon area, filed 3:14 p. m.

Portland Order 1–G2–1, Amendment 3, changes and deletes certain food items for retail sales in the Portland, Oregon area, filed 3:13 p. m.

Portland Order 1–G2–1, Amendment 4, changes certain food items for retail sales in the Portland, Oregon area, filed 3:14 p. m.

Portland Order 1–G4–1, Amendment 4, changes certain food items for retail sales in the Portland, Oregon area, filed 3:13 p. m.

Portland Order 1–G4A–1, Amendment 3, changes and deletes certain food items for retail sales in the Portland, Oregon area, filed 3:14 p. m.

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Seattle Order 1–G1–1, Amendment 3, changes and deletes certain food items for retail sales in the Western Washington area, filed 3:15 p. m.

Seattle Order 1–G1–1, Amendment 5, changes and deletes certain food items for retail sales in the Western Washington area, filed 3:16 p. m.

Seattle Order 1–G2–1, Amendment 3, changes and deletes certain food items for retail sales in the Western Washington area, filed 3:15 p. m.

Seattle Order 1–G2–1, Amendment 5, changes and deletes certain food items for retail sales in the Western Washington area, filed 3:16 p. m.

Seattle Order 1–G4A–1, Amendment 3, changes and deletes certain food items for retail sales in the Western Washington area, filed 3:16 p. m.

Seattle Order 1–G4A–1, Amendment 5, changes and deletes certain food items for retail sales in the Western Washington area, filed 3:17 p. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-12090; Filed, Nov. 7, 1952; 12:36 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27528]

CATALOGUES FROM CHICAGO, ILL., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

NOVEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Catalogues, carloads.

From: Chicago, Ill., and points grouped therewith.

To: Kansas City, Mo.-Kans., and points grouped therewith.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. J. Hennings' tariff I. C. C. No. A-3733, Supp. 75.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12132; Filed, Nov. 13, 1952; 8:50 a. m.]

[4th Sec. Application 27529]

RUBBER TIRES FROM SOUTHERN POINTS TO BAYWAY, N. J., AND AVON LAKE, OHIO

APPLICATION FOR RELIEF

NOVEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Rubber tires and parts, carloads.

Territory: From Gadsden, Robbins, Tuscaloosa, Birmingham and North Birmingham, Ala., Natchez, Miss., Chattanooga and Memphis, Tenn., to Bayway, N. J., and from Birmingham and North Birmingham, Ala., to Avon Lake, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1172, Supp. 132; C. A. Spaninger, Agent, I. C. C. No. 1324, Supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12133; Filed, Nov. 13, 1952; 8:50 a. m.]

[4th Sec. Application 27530]

CAUSTIC SODA FROM MCINTOSH, ALA., TO POINTS IN ILLINOIS, AND CRYSTAL CITY, MO.

APPLICATION FOR RELIEF

NOVEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: McIntosh, Ala.

To: Alton, Federal, Roxana, and Wood River, Ill., and Crystal City, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1172, Supp. 132.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12134; Filed, Nov. 13, 1952; 8:50 a. m.]

[4th Sec. Application 27532]

SCRAP IRON AND STEEL FROM POINTS IN SOUTHERN TERRITORY TO COLUMBUS, OHIO

APPLICATION FOR RELIEF

NOVEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap iron and steel, carloads.

From: Points in southern territory.

To: Columbus, Ohio.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 950, Supp. 186.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12136; Filed, Nov. 13, 1952; 8:51 a. m.]

FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; CERTAIN STATES

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

FLORIDA

County	Average value	Investment limit
Baker	$10,000	$10,000
Bay	12,000	12,000
Gulf	12,000	12,000
Liberty	12,000	12,000
Okaloosa	12,000	12,000
Putnam	12,000	12,000
Taylor	9,500	9,500
Wakulla	10,000	10,000
Walton	12,000	12,000

MONTANA

Lake	$16,000	$12,000

NEW JERSEY

Gloucester	$15,000	$12,000

NEW YORK

Albany	$15,000	$12,000
Allegany	11,000	11,000
Broome	12,500	12,000
Cattaraugus	11,000	11,000
Cayuga	12,000	12,000
Chautauqua	11,000	11,000
Chemung	12,000	12,000
Chenango	10,000	10,000
Clinton	10,400	10,400

NEW YORK—Continued

County	Average value	Investment limit
Columbia	$15,000	$12,000
Cortland	13,000	12,000
Delaware	10,000	10,000
Dutchess	20,000	12,000
Erie	12,000	12,000
Fulton	11,000	11,000
Genesee	12,000	12,000
Greene	14,000	12,000
Madison	10,000	10,000
Montgomery	12,000	12,000
Nassau	35,000	12,000
Niagara	12,000	12,000
Oneida	12,000	12,000
Onondaga	15,000	12,000
Ontario	12,000	12,000
Orange	20,000	12,000
Orleans	12,000	12,000
Oswego	12,000	12,000
Otsego	10,000	10,000
Rensselaer	14,000	12,000
Schenectady	12,000	12,000
Schoharie	15,000	12,000
Schuyler	10,000	10,000
Seneca	12,000	12,000
Steuben	12,000	12,000
Suffolk	40,000	12,000
Sullivan	15,000	12,000
Tioga	12,000	12,000
Tompkins	12,000	12,000
Ulster	15,000	12,000
Wayne	12,000	12,000
Wyoming	12,000	12,000
Yates	12,000	12,000

OHIO

Logan	$17,000	$12,000
Morgan	14,000	12,000

VERMONT

Lamoille	$10,000	$10,000

WEST VIRGINIA

Hampshire	$15,000	$12,000
Pendleton	15,000	12,000
Pleasants	12,000	12,000
Putnam	15,000	12,000
Wirt	15,000	12,000
Wood	15,000	12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 12th day of November 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-12214; Filed, Nov. 14, 1952; 8:49 a. m.]

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FEDERAL REGISTER

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OCTOBER 1952–MARCH 1953 EDITION

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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; NEW YORK

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth; and § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, is amended by adding said county, average value, and investment limit to the tabulations appearing in said section under the State of New York.

NEW YORK

County	Average value	Investment limit
Rockland	$30,000	$12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; U. S. C. 1003 (a), 1018 (b))

Issued this 12th day of November 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-12215; Filed, Nov. 14, 1952; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS[1]

CANNED GRAPEFRUIT

On October 4, 1952 a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 8920) regarding a proposed revision of the United States Standards for Grades of Canned Grapefruit. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Grapefruit are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

The Department finds that it is unnecessary and contrary to the public interest to give a 30-day notice of the effective date of the standards herewith published for the reasons that:

(1) The packing season for canned grapefruit is about to begin;

(2) The industry had been properly apprised through rule making of the revisions;

(3) No additional preparation on the part of industry is required;

(4) The revisions create no hardships; therefore, the effective date of the standards issued will be ten (10) days after the date of publication in the FEDERAL REGISTER.

§ 52.363 *Canned grapefruit.* Canned grapefruit, commonly known as canned grapefruit sections, is prepared from sound, mature grapefruit (Citrus paradisi) which have been properly washed; the segments thereof have been separated; and the core, seeds, and major portions of membrane have been removed. The product is packed with or without the addition of water, grapefruit juice, or sweetening ingredients and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(a) *Grades of canned grapefruit.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned grapefruit that possesses a drained weight or average drained weight, as the case may be, of not less than 58 percent of the capacity of the container in containers smaller than the equivalent of No. 2 cans and of not less than 60 percent of the capacity of the container in containers the equivalent of No. 2 cans and larger; that consists of not less than 75 percent by weight of the drained grapefruit which is in whole segments or almost whole segments; that possesses a good color; that is practically free from defects; that possesses a good character; that possesses a good flavor and odor; and that scores not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of canned grapefruit that possesses a drained weight or average drained weight, as the case may be, of not less than 55 percent of the capacity of the container regardless of the size of the container; that consists of not less than 50 percent by weight of the drained grapefruit which is in whole segments or almost whole segments; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that scores not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Broken" is the quality of canned grapefruit that possesses a drained weight or average drained weight, as the case may be, of not less than 55 percent of the capacity of the container; that consists of less than 50 percent by weight of the drained grapefruit which is in whole or almost whole segments; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that scores not less than 70 points when scored in accord-

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

ance with the scoring system outlined in this section.

(4) "Substandard" is the quality of canned grapefruit that fails to meet the requirements of U. S. Grade B or U. S. Choice and U. S. Broken.

(b) *Recommended designations of liquid media and Brix measurements.* "Cut-out" requirements for liquid media in canned grapefruit are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that canned grapefruit have the following indicated "cut-out" Brix measurement for the respective designation, which designations include, but are not limited to, the following:

Designation of liquid media:	*Brix measurement*
Heavy sirup	18° or more.
Light sirup	16° or more, but less than 18°.
Slightly sweet	12° or more, but less than 16°.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned grapefruit be filled with grapefruit as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(d) *Ascertaining the grade.* The grade of canned grapefruit is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of drained weight, wholeness, color, absence of defects, and character. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(1) Drained weight	20
(2) Wholeness	20
(3) Color	20
(4) Absence of defects	20
(5) Character	20
Total score	100

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Drained weight.* The drained weight of canned grapefruit is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the grapefruit less the weight of the dry sieve. The grapefruit thus drained is referred to in this section as "drained grapefruit" or "drained weight." A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can. "Capacity of the container" means the weight of distilled water at 68° Fahrenheit which the sealed container will hold.

(i) Canned grapefruit in containers smaller than the equivalent of No. 2 cans that possesses a drained weight of not less than 58 percent of the capacity of the container may be given a score of 18 to 20 points for the respective containers as outlined in Table I; canned grapefruit in containers the equivalent of No. 2 cans and larger that possesses a drained weight of not less than 60 percent of the capacity of the container may be given a score of 18 to 20 points for the respective containers as outlined in Table II. Whenever more than 1 container of the product is being graded, the score for drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 18 to 20 points (in accordance with Table I or II) such score will be assigned to each container: *Provided*, That the drained weight of no individual container indicates a score of less than 16 points. However, if any individual container scores less than 16 points, each container will be assigned the score for its own drained weight.

(ii) If the drained weight of the canned grapefruit in containers smaller than the equivalent of No. 2 cans is less than 58 percent of the capacity of the container, or if the drained weight of the canned grapefruit in containers the equivalent of No. 2 cans and larger is less than 60 percent of the capacity of the container but in either case the drained weight is not less than 55 percent of the capacity of the container, a score of 16 or 17 points may be given for the respective containers as outlined in Table I or II. Whenever more than 1 container of the product is being graded, the score for drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 16 or 17 points (in accordance with Table I or II) such score will be assigned to each container: *Provided*, That the drained weight of no individual container indicates a score of less than 14 points. However, if any individual container scores less than 14 points, each container will be assigned the score for its own drained weight. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(iii) Canned grapefruit that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—SCORE FOR DRAINED WEIGHTS OF CANNED GRAPEFRUIT

Grade classification	Score points	Percentage that drained weight is of capacity of container	Drained weight on basis of container designation and size	
			SZ Tall (2 11/16 x 3 1/16 inches)	No. 303 (3 1/16 x 4 1/16 inches)
			Ounces	*Ounces*
U. S. Grade A or U. S. Fancy.	20	61 percent or more	5.28 or more	10.28 or more.
	19	59½ to 61 percent	5.15 to 5.27, inclusive	10.03 to 10.27, inclusive.
	18	58 to 59½ percent	5.02 to 5.14, inclusive	9.77 to 10.02, inclusive.
U. S. Grade B or U. S. Choice or U. S. Broken.	17	56½ to 58 percent	4.89 to 5.01, inclusive	9.52 to 9.76, inclusive.
	16	55 to 56½ percent	4.76 to 4.88, inclusive	9.27 to 9.51, inclusive.
Substandard	15	52½ to 55 percent	4.54 to 4.75, inclusive	8.85 to 9.26, inclusive.
	14	50 to 52½ percent	4.33 to 4.53, inclusive	8.43 to 8.84, inclusive.
	13 or less	Less than 50 percent	Less than foregoing drained weights	

TABLE II—SCORE FOR DRAINED WEIGHTS OF CANNED GRAPEFRUIT

Grade classification	Score points	Percentage that drained weight is of capacity of container	Drained weight on basis of container designation and size		
			No. 2 (3 7/16 x 4 1/16 inches)	No. 3 Cyl. (4 1/16 x 7 inches)	No. 5 (5 3/16 x 5 1/16 inches)
			Ounces	*Ounces*	*Ounces*
U. S. Grade A or U. S. Fancy.	20	65 percent or more	13.33 or more	33.56 or more	38.42 or more.
	19	62½ to 65 percent	12.84 to 13.32, inclusive.	32.27 to 33.55, inclusive.	36.91 to 38.41, inclusive.
	18	60 to 62½ percent	12.33 to 12.83, inclusive.	30.98 to 32.26, inclusive.	35.46 to 36.93, inclusive.
U. S. Grade B or U. S. Choice or U. S. Broken.	17	57½ to 60 percent	11.79 to 12.32, inclusive.	29.69 to 30.97, inclusive.	33.99 to 35.45, inclusive.
	16	55 to 57½ percent	11.28 to 11.78, inclusive.	28.40 to 29.68, inclusive.	32.51 to 33.98, inclusive.
Substandard	15	52½ to 55 percent	10.77 to 11.27, inclusive.	27.10 to 28.39, inclusive.	31.03 to 32.50, inclusive.
	14	50 to 52½ percent	10.25 to 10.76, inclusive.	25.81 to 27.09, inclusive.	29.55 to 31.02, inclusive.
	13 or less	Less than 50 percent.	Less than foregoing drained weights		

(2) *Wholeness.* (i) "Whole" or "whole segment" means any grapefruit segment that retains its apparent original conformation and is not excessively trimmed.

(ii) "Almost whole" or "almost whole segment" means any portion of a grapefruit segment that is not less than 75 percent of the apparent original segment size.

(iii) "Broken" or "broken segment" means (*a*) any portion of a grapefruit segment that is less than 75 percent of the apparent original segment size, (*b*) a "whole segment" or "almost whole segment" that is excessively trimmed, and (*c*) portions of segments that are joined together only by a "thread" or membrane.

(iv) Canned grapefruit that consists of not less than 75 percent by weight of the drained grapefruit in whole segments or almost whole segments may be given a score of 18 to 20 points.

(v) If the canned grapefruit consists of not less than 50 percent by weight of the drained grapefruit in whole segments or almost whole segments, a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than 15 percent by weight of the drained grapefruit may be damaged units; and that for each 20 ounces of net weight there may be present:

(*a*) Not more than 1 small piece of harmless extraneous material;

(*b*) Not more than 12 seeds including not more than 3 large seeds; and

(*c*) Not more than an aggregate area of 3 square inches on the units covered by tough membrane or albedo.

(vi) If less than 50 percent by weight of the drained grapefruit is in whole segments or almost whole segments, a score of 0 to 15 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Broken, regardless of the total score for the product (this is a limiting rule).

(3) *Color.* (i) Canned grapefruit that possesses a good color may be given a score of 18 to 20 points. "Good color" means a practically uniform, bright, typical color free from any noticeable tinge of amber.

(ii) If the canned grapefruit possesses a reasonably good color, a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a fairly bright color which may be variable in color but is not off color for any reason.

(iii) Canned grapefruit that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, from seeds, from portions of albedo, from portions of tough membrane, and from damaged units.

(i) "Harmless extraneous material" means leaves, portions of leaves, small pieces of peel, and other similar material that is harmless.

(ii) "Seed" means any seed or any portion thereof, whether or not fully developed, that measures more than 3/16 inch in any dimension. A "large seed" is one that may be plump and measures more than 3/8 inch in any dimension.

(iii) "Damaged unit" means any grapefruit segment or portion thereof that is damaged by pathological injury, by lye peeling, by discoloration, or by similar injury or that is damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(iv) Canned grapefruit that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that no harmless extraneous material is present; that not more than 5 percent by weight of the drained grapefruit may be damaged units; and that for each 20 ounces of net weight there may be present:

(*a*) Not more than 4 seeds including not more than one large seed; and

(*b*) Not more than an aggregate area of 2 square inches on the units covered by tough membrane or albedo.

(v) If the canned grapefruit is reasonably free from defects, a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than 15 percent by weight of the drained grapefruit may be damaged units; and that for each 20 ounces of net weight there may be present:

(*a*) Not more than 1 small piece of harmless extraneous material;

(*b*) Not more than 12 seeds including not more than 3 large seeds; and

(*c*) Not more than an aggregate area of 3 square inches on the units covered by tough membrane or albedo.

(vi) Canned grapefruit that fails to meet the requirements of subdivision (v) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(5) *Character.* The factor of character refers to the structure and condition of the cells of the grapefruit and reflects the maturity of the grapefruit.

(i) Canned grapefruit that possesses a good character may be given a score of 18 to 20 points. "Good character" means that the grapefruit is moderately firm and fleshy; that the segments or portions thereof possess a juicy, cellular structure free from dry cells, or "ricey" cells, or fibrous cells that materially affect the appearance or eating quality of the product; and that the product is reasonably free from loose floating cells.

(ii) If the canned grapefruit possesses a reasonably good character, a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the grapefruit may be affected, but not seriously affected, by dry cells, "ricey" cells, or fibrous cells that materially affect the appearance or eating quality of the product.

(iii) Canned grapefruit that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms.* (1) "Good flavor and odor" means that the product has a distinct and normal flavor and odor typical of canned grapefruit and is free from objectionable odors and objectionable flavors of any kind.

(2) "Fairly good flavor and odor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(3) "Brix" means the degrees Brix of the liquid media surrounding the canned grapefruit when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If the liquid media is tested at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of the liquid media may be determined by any other method which gives equivalent results.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned grapefruit, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned grapefruit.*

Size and kind of container			
Container mark or identification			
Label			
Net weight (ounces)			
Vacuum (inches)			
Drained weight (ounces)			
Brix measurement			
Sirup designation (heavy, light, etc.)			
Count (whole segments or almost whole segments)			

Factors	Score points		
I. Drained weight	20	(A)	18-20
		(B)	16-17
		(C)	0-15
II. Wholeness	20	(A)	18-20
		(B)	16-17
		(C)	0-15
III. Color	20	(A)	18-20
		(B)	16-17
		(C)	0-15
IV. Absence of defects	20	(A)	18-20
		(B)	16-17
		(C)	0-15
V. Character	20	(A)	18-20
		(B)	16-17
		(C)	0-15
Total score	100		

Flavor and odor: ( ) Good. ( ) Fairly good.

Grade: _____

[1] Indicates limiting rule.

(i) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Grapefruit (which is the fourth issue) contained in this section will become effective ten (10) days after the date of publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Canned Grapefruit which have been in effect since January 1, 1943.

(60 Stat. 1087; 7 U. S. C. 1621; Pub. Law 451, 82d Cong.)

Issued at Washington, D. C., this 12th day of November 1952.

ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-12250; Filed, Nov. 14, 1952; 8:55 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.8, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT CONSUMPTION PORTION FOR PUERTO RICO, 1952

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (7 U. S. C., Sup. 1115 (a)) for the purpose of revising Sugar Regulation 814.8 (17 F. R. 2480) to reallot deficits in the allotments of certain allottees.

Except for a quantity of 533 short tons of sugar, raw value, set aside as an unallotted reserve for marketing of raw sugar for direct consumption, the direct-consumption portion of the 1952 sugar quota for Puerto Rico, amounting to 126,033 short tons, raw value, was allotted to five Puerto Rican refiners in Sugar Regulation 814.8. One of the allottees, the Estate of Arturo Lluberas y Sobrinos, has notified the Department in writing that it will be unable to fill its 1952 allotment by an amount of 1,035 short tons of sugar, raw value. The Central Aguirre Sugar Company, a trust, and Western Sugar Refining Company have notified the Department in writing that they are not in a position to ship more than their original allotments. The other two allottees have notified the Department that they will be able to fill more than their original allotments during the calendar year 1952. In order to afford interested parties an opportunity to market the full amount of that portion of the Puerto Rican sugar quota which may be filled by direct-consumption sugar, it is necessary to reallot the quantity released.

Since section 205 (a) of the act requires that any amendment or revision of an allotment order be made on the same basis as the original allotment, the Department has asked for and obtained from each of the interested parties a waiver of its right to a public hearing in regard to the amendment made herein. A quantity equal to that released, less five tons, is added proportionately to the allotments of the Central Roig Refining Company and the Porto Rican American Refinery, Inc. The five tons is added to the allotment of Central Aguirre Sugar Company, a trust, to make it equal the outturn weight, in raw value, of sugar already shipped.

In order to afford interested parties adequate opportunity to ship the additional sugar allotted herein, and to protect the interest of consumers of sugar, it is essential that the revised allotments be made effective as soon as possible. Accordingly, it is hereby found that compliance with the effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and this amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the Sugar Act of 1948, paragraph (a) of § 814.8 (17 F. R. 2480) is hereby amended to read as follows:

§ 814.8 *Allotment of the direct-consumption portion of 1952 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1952 sugar quota for Puerto Rico (126,033 short tons, raw value) is hereby allotted as follows:

Refiner	*Direct consumption allotment (short tons, raw value)*
Arturo Lluberas, Estate of, y Sobrinos	224
Central Aguirre Sugar Co., a trust	5,787
Central Roig Refining Co	20,170
Porto Rican American Refinery, Inc	79,728
Western Sugar Refining Co	19,591
Total	125,500
Unallotted Reserve for marketing of raw sugar for direct consumption	533
	126,033

(Sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 12th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12254; Filed, Nov. 14, 1952; 8:57 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 225]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.596 *Orange Regulation 225*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 17, 1952. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 17, 1952; the recommendation and supporting information for continued regulation subsequent to November 16 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 11; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 17, 1952, and ending at 12:01 a. m., e. s. t., December 1, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2^{10}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Oranges (§ 51.302 of this title; 17 F. R. 7879): *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2^{10}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{1}/_{16}$ inches in diameter and smaller.

(2) During the period beginning at 12:01 a. m., e. s. t., November 17, 1952, and ending at 12:01 a. m., e. s. t., July 31, 1953, no handler shall ship any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade

(3) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.302 of this title; 17 F. R. 7879).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of November 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-12284; Filed, Nov. 14, 1952; 8:57 a. m.]

[Grapefruit Reg. 170]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.597 *Grapefruit Regulation 170*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 17, 1952. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 17, 1952; the recommendation and supporting information for continued regulation subsequent to November 16, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 11; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 17, 1952, and ending at 12:01 a. m., e. s. t., December 1, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193 of this title; 17 F. R. 7408).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of November 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-12283; Filed, Nov. 14, 1952; 8:57 a. m.]

[Tangerine Reg. 127]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.598 *Tangerine Regulation 127*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 17, 1952. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 17, 1952; the recommendation and supporting information for continued regulation subsequent to November 16 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 11; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 17, 1952, and ending at 12:01 a. m., e. s. t., December 1, 1952, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§ 51.417 of this title; 17 F. R. 8377).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of November 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-12292; Filed, Nov. 14, 1952; 8:57 a. m.]

[Lemon Reg. 461]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.568 *Lemon Regulation 461*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 12, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 16, 1952, and ending at 12:01 a. m., P. s. t., November 23, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 207 carloads;

(iii) District 3: 13 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(48 Stat. 31, as amended: 7 U. S. C. 601)

Done at Washington, D. C., this 13th day of November 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[Storage date: Nov. 9, 1952]

[12:01 a. m. Nov. 16, 1952, to 12:01 a. m. Nov. 30, 1952]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.015
American Fruit Growers, Inc., Fullerton	.233
American Fruit Growers, Inc., Upland	.070
Badington Fruit Co	.449
Ventura Coastal Lemon Co	5.269
Ventura Pacific Co	4.447

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Glendora Lemon Growers Association	1.772
La Verne Lemon Association	.406
La Habra Citrus Association	.537
Yorba Linda Citrus Association, The	.402
Escondido Lemon Association	.873
Cucamonga Mesa Growers	.230
Etiwanda Citrus Fruit Association	.032
Mountain View Fruit Association	.000
San Dimas Lemon Association	.636
Upland Lemon Growers Association	2.290
Central Lemon Association	.213
Irvine Citrus Association	.294
Placentia Mutual Orange Association	.534
Corona Citrus Association	.030
Corona Foothill Lemon Co	.525
Jameson Co	.008
Arlington Heights Citrus Co	.204
College Heights Orange & Lemon Association	2.031
Chula Vista Citrus Association, The	.570
Escondido Cooperative Citrus Association	.046
Fallbrook Citrus Association	1.117
Lemon Grove Citrus Association	.183
Carpinteria Lemon Association	4.106
Carpinteria Mutual Citrus Association	4.757
Goleta Lemon Association	6.690
Johnston Fruit Co	7.417
Hazeltine Packing Co	.184
North Whittier Heights Citrus Association	.184
San Fernando Heights Lemon Association	.664
Sierra Madre-Lamanda Citrus Association	.309
Briggs Lemon Association	2.476
Culbertson Lemon Association	1.540
Fillmore Lemon Association	.545
Oxnard Citrus Association	7.101
Rancho Sespe	.594
Santa Clara Lemon Association	5.896
Santa Paula Citrus Fruit Association	2.413
Saticoy Lemon Association	6.107
Seaboard Lemon Association	7.663
Somis Lemon Association	4.893
Ventura Citrus Association	1.531
Ventura County Citrus Association	.992
Limoneira Co	2.461
Teague-McKevett Association	.516
East Whittier Citrus Association	.255
Leffingwell Rancho Lemon Association	.470
Murphy Ranch Co	.775
Chula Vista Mutual Lemon Association	.539
Index Mutual Association	.200
La Verne Co-operative Citrus Association	.745
Ventura County Orange & Lemon Association	3.357
Whittier Mutual Orange & Lemon Association	.069
Dunning Ranch	.063
Huarte, Joseph D	.000
Latimer, Harold	.011
Orange Belt Fruit Distributors	.143
Paramount Citrus Association, Inc	.057
Santa Rosa Lemon Association	.000

DISTRICT NO. 3

Handler	Prorate base (percent)
Total	100.000
Consolidated Citrus Growers	3.448
Phoenix Citrus Packing Co	1.844
Arizona Citrus Growers	60.314
Desert Citrus Growers Co	8.148
Tempeco Groves	15.098
Arlington Heights Citrus Co	4.418
Mesa Harvest Produce Co	.621
Pioneer Fruit Co	4.912
Allen & Allen Citrus Packing Co	.000

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 3—continued

Handler	Prorate base (percent)
Maricopa Citrus Co	1.022
Mutual Citrus Products Co., Inc	.000
Sunny Valley Citrus Packing Co	.705

[F. R. Doc. 52-12304; Filed, Nov. 14, 1952; 8:57 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

APPROVAL OF MINIMUM GRADE REQUIREMENTS FOR PROCESSED RAISINS

Notice was published in the September 24, 1952, issue of the FEDERAL REGISTER (17 F. R. 8519) that the Secretary of Agriculture was considering approval of proposed superseding minimum grade requirements for processed raisins, which were submitted for his approval by the Raisin Administrative Committee in accordance with the provisions of Marketing Agreement No. 109 and Order No. 89 (17 F. R. 1255, 1555) regulating the handling of raisins produced from raisin variety grapes grown in California. The said marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). In the notice it was stated that the proposed minimum grade requirements for processed raisins will, if they are made effective, supersede the minimum grade requirements for processed raisins now set forth as Exhibit B (§ 989.97) to Marketing Agreement No. 109 and Order No. 89. It was stated, also, it is contemplated that a conforming change will be made in § 989.201 (a) (3) of this part, in which there are set forth the companion minimum grade requirements for natural condition raisins, in that the words therein reading "and to meet the minimum grade requirements set forth in § 989.97 (Exhibit B)" will be changed to read "and to meet the minimum grade requirements set forth in § 989.205 of this part."

In said notice, opportunity was afforded all interested persons to file any data, views, or arguments with respect to the proposed minimum grade requirements. No such data, views, or arguments were filed within the period provided therefor.

After consideration of all relevant matters pertaining thereto, it is concluded by me on behalf of the Secretary of Agriculture that the superseding minimum grade requirements for processed raisins set forth in the aforesaid notice, revised so as to clarify their meaning and to correct minor and obvious discrepancies, should be, and they hereby are, approved. In addition, it is concluded by me on behalf of the Secretary of Agriculture that present § 989.201 of this part should be, and it hereby is, amended to include the conforming change in paragraph (a) (3) as aforesaid.

1. Said § 989.201, with the indicated revision of paragraph (a) (3) thereof, is as follows:

§ 989.201 *Minimum grade requirements for natural condition raisins.* The minimum grade requirements for natural condition raisins are as follows:

(a) Natural condition raisins shall have been prepared from mature grapes properly dried and cured and shall meet the following requirements:

(1) Shall be practically free from damage by sugaring, infestation, mold, imbedded dirt, or other foreign matter, fermentation, or mechanical or other similar damage.

(2) Shall be reasonably free from immature (skinny) raisins and shall have a normal characteristic color, flavor and odor of properly prepared raisins.

(3) The moisture content shall not exceed 16 percent, as determined by Dried Fruit Moisture Tester Method, and the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the Marketing Agreement and Order (§§ 989.1 to 989.97), and to meet the minimum grade requirements set forth in § 989.205 after normal processing operations.

2. The above-mentioned superseding minimum grade requirements for processed raisins for future use in lieu of the minimum grade requirements for processed raisins set forth in Exhibit B (§ 989.97) to the said marketing agreement and order are as follows:

§ 989.205 *Minimum grade requirements for processed raisins*[1]—(a) *Definitions*—(1) *Processed raisins.* Processed raisins are dried grapes of the Vinifera varieties—Thompson Seedless (Sultanina), Muscat of Alexandria, Muscatel Gordo Blanco, Sultana, Black Corinth, or White Corinth—which have been properly stemmed, capstemmed, and cleaned.

(b) *Types and varieties.* (1) Type I—Thompson Seedless (Sultanina):

(i) Unbleached (natural or sun-dried);

(ii) Sulfur Bleached and Golden Bleached;

(iii) Soda Dipped.

(2) Type II—Muscat:

(i) Seeded (seeds removed);

(ii) Unseeded (loose);

(iii) Soda Dipped Unseeded (Valencia).

(3) Type III—Sultana.

(4) Type IV—Zante Currants:

(i) Black Zante (Black Corinth);

(ii) White Zante (White Corinth).

(c) *Moisture content.* (1) Muscat Seeded raisins shall contain not more than 19 percent, by weight, of moisture. All other processed raisins shall contain not more than 18 percent, by weight, of moisture.

(d) *Minimum requirements for varietal types*—(1) *Thompson Seedless raisins.* Thompson Seedless raisins shall possess similar varietal characteristics, possess a fairly good typical color in unbleached and Soda Dipped raisins and fairly well-bleached color (or extra choice color) in Sulfur Bleached and Golden Bleached raisins, possess a fairly good flavor, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following additional requirements:

(i) Not more than 35 capstems and not more than three pieces of stem per pound of raisins may be present;

(ii) Not more than three percent, by weight, of raisins may be poorly developed, blowovers;

(iii) Not more than five percent, by weight, of raisins may be damaged;

(iv) Not more than 15 percent, by weight, of raisins may be visibly sugared; and

(v) Not more than five percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That not more than two percent, by weight, may be affected by decay.

(2) *Muscat raisins.* Muscat raisins shall possess similar varietal characteristics, possess a fairly good typical color with not more than 20 percent, by weight, of raisins consisting of dark reddish-brown berries in Muscat Soda Dipped Unseeded (Valencia) raisins, possess a fairly good flavor, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following additional requirements:

(i) Not more than 20 capstems and not more than three pieces of stem per pound of raisins may be present;

(ii) Not more than 20 seeds per pound of raisins in Muscat Seeded raisins may be present;

(iii) Not more than three percent, by weight, of raisins may be poorly developed, blowovers;

(iv) Not more than five percent, by weight, of raisins may be damaged;

(v) Not more than 15 percent, by weight, of raisins may be visibly sugared; and

(vi) Not more than five percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects permitted), imbedded dirt, or other foreign material: *Provided*, That not more than two percent, by weight, may be affected by decay.

(3) *Sultana raisins.* Sultana raisins shall possess similar varietal characteristics, possess a fairly good typical color, possess a fairly good flavor, show development characteristic of raisins prepared from fairly well-matured grapes, and meet the following additional requirements:

[1] The minimum grade requirements with respect to the color of Sulfur Bleached and Golden Bleached Thompson Seedless raisins are those specified for "Fairly well-bleached color" or ("Extra Choice Color") in United States Standards for Grades of Processed Raisins (§ 52.608 of this title), effective May 26, 1952. The remaining minimum grade requirements, including those with respect to moisture content, are those specified in the said United States Standards for Grades of Processed Raisins, with respect to U. S. Grade C for raisins other than Zante Currants, and in United States Standards for Grades of Dried Currants (§ 52.288 of this title), effective October 20, 1952, with respect to U. S. Grade B for Zante Currants.

(i) Not more than 65 capstems and not more than three pieces of stem per pound of raisins may be present;

(ii) Not more than three percent, by weight, of raisins may be poorly developed, blowovers;

(iii) Not more than five percent, by weight, of raisins may be damaged;

(iv) Not more than 15 percent, by weight, of raisins may be visibly sugared; and

(v) Not more than five percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That not more than two percent, by weight, may be affected by decay.

(4) *Zante Currant raisins.* Zante Currant raisins shall possess similar varietal characteristics, possess a reasonably good typical color, possess a good characteristic flavor, show development characteristic of dried currants prepared from reasonably well-matured grapes, and meet the following additional requirements:

(i Not more than three pieces of stem per pound of dried currants may be present;

(ii) Not more than two percent, by weight, of dried currants may possess capstems;

(iii) Not more than two percent, by weight, of dried currants may be poorly developed, blowovers;

(iv) Not more than three percent, by weight, of dried currants may be damaged;

(v) Not more than 10 percent, by weight, of dried currants may be visibly sugared; and

(vi) Not more than two percent, by weight, of dried currants may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That not more than one percent, by weight, of dried currants may be affected by decay.

(e) *Explanation of terms.* (1) "Capstems" means small woody stems exceeding one-eighth inch in length which attach the raisins to the branches of the bunch. A currant for each capstem which is not attached to a currant is included and weighed with "currants with capstems" in ascertaining compliance with the allowance permitted.

(2) A "piece of stem" means a portion of the branch or main stem.

(3) "Seeds" refers to the whole, fully developed seeds which have not been removed during the processing of Muscat Seeded raisins.

(4) "Poorly developed, blowovers" refers to raisins (berries) other than Zante Currants that are immature, contain practically no flesh, are very light in weight, and have very coarse wrinkles. With respect to Zante Currants, the term refers to currants that are immature or hard, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(5) "Damaged" raisins means raisins affected by insect injury or injury from sunburn, scars, mechanical or other means which seriously affects the appearance, edibility, keeping quality, or shipping quality of the raisins. In Muscat Seeded raisins, mechanical injury resulting from normal seeding operations is not considered damage.

(6) "Visibly sugared" means the accumulation of crystallized fruit sugars in the flesh of the raisin or on the surface which is readily apparent.

(7) "Mold" means mold filaments or spores (often characterized by a condition wherein the skin of the raisin appears to have been dissolved, leaving a slimy or sticky appearance, and often resulting in a positive reaction when submerged in a three percent hydrogen peroxide solution).

(8) "Affected by insect infestation" means that the raisins show the presence of insects, insect fragments, or excreta. No live insects are permitted.

(9) "Fairly well-bleached color" (or "Extra Choice color") in Sulfur Bleached and Golden Bleached Thompson Seedless raisins means that the raisins are fairly uniform in color and may range from yellow or greenish yellow to amber or light greenish amber and that not more than six percent, by weight, of all the raisins may be definitely dark berries. "Definitely dark berries" means raisins which are definitely darker than dark amber and characteristic of naturally "raisined" grapes.

(f) *Effective time and supersedure.* The minimum grade requirements for processed raisins set forth in this section shall become effective on the date of the publication of this section in the FEDERAL REGISTER and thereupon shall supersede the minimum grade requirements for processed raisins set forth in Exhibit B (§ 989.97) to Marketing Agreement No. 109 and Order No. 89 of this part.

It is hereby found and determined that good cause exists for not postponing the effective time of § 989.201, as amended, and § 989.205 for 30 days, or any lesser period, after publication of this document in the FEDERAL REGISTER (see sec. 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.), in that: (1) Handlers already have acquired substantial quantities of raisins since the beginning of the 1952–53 crop year; (2) the minimum grade requirements are applicable to the reserve and surplus portions of handlers' acquisitions of raisins when such tonnages are delivered to the Raisin Administrative Committee or any person designated by it; (3) it is necessary to have the new minimum grade requirements in effect before reserve or surplus tonnage raisins are delivered to the committee to prevent two different sets of requirements applying during the same crop year; and (4) handlers will have adequate time to make any preparation they may need to comply with § 989.201, as amended, and § 989.205 after such sections are published in the FEDERAL REGISTER and before they are required to deliver reserve or surplus tonnage raisins. In these circumstances, this document must be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 12th day of November 1952, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-12251; Filed, Nov. 14, 1952; 8:55 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 6, Revision 1, Amdt. 2]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 6—CEILING PRICES FOR MANUFACTURERS FOR THE SALE OF PAINTS, VARNISHES, AND LACQUERS

POSTPONEMENT OF EFFECTIVE DATE; DELETION OF ARTISTS' OILS AND WATER COLORS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Revision 1 of Supplementary Regulation 6 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment further postpones the effective date of SR 6, Revision 1, to December 15, 1952. Amendment 1 to the Revision previously postponed the effective date from October 13 to November 13, 1952. The considerations for that action are equally applicable in this instance.

This amendment also removes from the revision reference to artists' oils and water colors. These commodities were exempted from price control by virtue of the issuance of Amendment 4 to GOR 5, Revision 1.

Due to the nature of this amendment, special circumstances have made consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 6, Revision 1, to Ceiling Price Regulation 22 is amended in the following respects:

1. Section 2, paragraph (a) is amended by deleting subparagraph (7) which reads "(7) Artists' oils and water colors;"

2. The last paragraph of the regulation (effective date) is amended to read as follows:

Effective date. The effective date of this supplementary regulation is December 15, 1952, or such earlier date between August 13, 1952, and December 15, 1952, as you may select. If you select such earlier date, this supplementary regulation becomes effective as to you upon that date for all your commodities covered by this supplementary regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This Amendment 2 to Supplementary Regulation 6, Revision 1, is effective November 13, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 13, 1952.

[F. R. Doc. 52-12305; Filed, Nov. 13, 1952; 4:58 p. m.]

[General Ceiling Price Regulation, Amdt. 12 to Supplementary Regulation 13]

GCPR, SR 13—COKE, COAL CHEMICALS AND COKE OVEN GAS

EXTENSION OF ADJUSTABLE PRICING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 12 to Supplementary Regulation 13 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 13 provides for an extension of 15 days in the adjustable pricing period granted by Amendment 11, effective October 1, 1952.

Since the issuance of Amendment 11, a survey of the by-product coke oven industry has been completed and it has been determined that the industry is entitled to relief under the Industry Earnings Standard.

Owing to the complexity of the industry, additional time is required to permit the agency to prepare the necessary amendment to SR 13 granting the relief. This will take the form of an overall adjustment on ceiling prices of coke and coal chemicals produced in by-product coke ovens, plus a pass-through on the increased delivered cost of coal. Producers will be permitted to allocate 70 percent of the allowable increase to coke and 30 percent to coal chemicals, subject to a maximum limitation on the increase in price on any one product.

In the formulation of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

So far as practicable, the Director of Price Stabilization gave due consideration to the National effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Supplementary Regulation 13 to the General Ceiling Price Regulation, as amended is further amended in the following respect:

Section 9 is amended by substituting the date "November 27, 1952" in place of "November 12, 1952", so that that section will read as follows:

SEC. 9. *Adjustable pricing.* From September 29, 1952, to November 27, 1952, inclusive, producers and distributors of coke subject to Supplementary Regulation 13 to the General Ceiling Price Regulation, are authorized to sell or agree to sell coke at prices not in excess of ceiling prices at the time of delivery, but by agreement between seller and buyer, such prices may be subject to adjustment upwards retroactively to the date of such agreement, in accordance with such order or orders which the Director of Price Stabilization may issue subsequent hereto.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 13, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 13, 1952.

[F. R. Doc. 52-12306; Filed, Nov. 13, 1952; 4:58 p. m.]

[Ceiling Price Regulation 179]

CPR 179—FORGINGS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for ferrous and non-ferrous forgings. All sales of rough forgings upon which no further operations have been performed except basic cleaning, sizing, trimming, coining, rough drilling, and rough grinding and machining only for the purpose of inspecting or cleaning, are covered by this regulation. Also covered are sales of forgings which have been finished by heat treating, welding, machining, plating, or other similar operations to meet the buyer's specifications. Forgings which are components, repair parts, or subassemblies of a machine sold by the manufacturer of the machine are not subject to this regulation.

The products covered by this regulation are used as component parts in tanks, guns, and other weapons; in automobiles, trucks, motorcycles, tractors, machine tools, and aircraft; in road building, construction and railroad equipment; in the electrical, shipbuilding, mechanical, and heavy industries; in agricultural, household and industrial machinery of all kinds; and in many articles used by individual consumers. Most of the products are "tailor made" to fit the requirements of the individual customer. They are made from many different metals and alloys by a number of different processes; they may be relatively simple or highly intricate in design; and their weight may be measured in terms of ounces or tons. Although a few large producers of automotive and railroad equipment and industrial machinery own plants in which they produce forgings for their own use, most firms are engaged principally or solely in the business of producing forgings for sale. These range in size from one hammer shops to large companies with many millions of dollars in assets and several thousands of employees.

Because of the many different kinds of commodities in which the products covered by this regulation are used and the fact that their cost is generally an important element in the total cost of producing such commodities, their prices have a direct impact upon the cost of the defense program and seriously affect the cost of living, and it is imperative that such prices be kept from rising to unreasonable levels. It is equally important however, that this price regulation does not hinder the production of forgings essential to the defense program or the civilian economy.

Ceiling prices for forgings were first established by the General Ceiling Price Regulation and later by Ceiling Price Regulation 30. At present producers of forgings have the option of pricing under either GCPR or CPR 30. However, the provisions of these regulations are not well adapted to the traditional formula pricing technique prevailing in this industry. Since only slight changes in specifications will often require substantially different methods of production and marked changes in costs the "comparison commodity" pricing methods of GCPR cannot be used with facility and it is difficult for manufacturers of these products to determine their material and labor costs under CPR 30.

Ceiling prices for forgings which are the same as a forging which was included on a published price list in effect on January 25, 1951, are established by adjusting the prices on the price list to reflect changes in metal costs to July 30, 1951, and to reflect labor costs in effect on March 15, 1951. Ceiling prices for forgings which are merely modifications of forgings included on a base date price list are to be determined by adjusting the price for the unmodified forging to reflect the net increase or decrease, in labor and metals costs resulting from the change in design or specifications. Most forgings producers, however, ordinarily use a formula in pricing their products. They are required to use the formula which they had in effect on January 25, 1951, as the basis for determining their ceiling prices using the March 15, 1951, labor and July 30, 1951, metal cut-off dates. Producers of non-ferrous forgings who do their own alloying must determine their metal cost factor by using the ceiling price for the metal involved established as of July 30, 1951 by the applicable OPS regulation.

When the formula pricing method is used, a producer, in calculating the ceiling price for forgings which are the same as a forging which was produced within thirty days prior to the effective date of the regulation, must use his actual production experience in determining the time and material required. For forgings which are not the same as one produced within thirty days prior to the effective date of this regulation he may use estimates of time and material but the ceiling price must be recomputed after completion of the first order or after thirty days on the basis of actual production experience. If standard rates or factors are used, the recomputation procedure is optional but if any price which has been determined by using standard

rates and factors is recomputed all such prices must be recomputed.

The regulation exempts from price control producers whose total net sales of forgings in 1951 did not exceed $100,000 and it provides for exemption, upon application, for any producer whose total net sales fall below that figure in any year subsequent to 1951. Any producer so exempted will be automatically subject to the pricing provisions of the regulation if his total net sales of forgings in any calendar quarter ending after December 31, 1951, rise above $30,000. The total output of forgings of the firms thus affected is extremely small in relation to the total production of forgings and the benefits derived from imposing ceiling prices on their sales would be slight in relation to the administrative burden involved.

This regulation does not permit producers of forgings to reflect recent increases in outbound transportation costs, since, according to information presently available to OPS, it is the practice in the industry to sell forgings f. o. b. the producer's plant. If however, this is not the fact and some producers have customarily sold on a delivered basis and therefore, must absorb increases in outbound transportation costs, consideration will be given to modifying this regulation to permit such producers to adjust their prices to reflect these increases.

The level of ceiling prices under this regulation will not differ substantially from that prevailing under GCPR or CPR 30 but producers will be relieved of the burdensome task of computing ceiling prices in a manner not in keeping with their customary procedures.

In the judgment of the Director of Price Stabilization the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purpose of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director the provisions of this regulation comply with all of the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In particular, the Director has consulted at several meetings with the Industry Advisory Committees with respect to the trade practices and the coverage of this regulation and has, in general, adopted the recommendations of the committees.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and effectuate the policies of the Act.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
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AUTHORITY: Sections 1 to 16 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does*—(a) *Commodities covered.* (1) This regulation establishes ceiling prices which you may charge for forgings. The term "forgings" as used in this regulation means any ferrous or non-ferrous metal product formed by the use of power-hammers, presses, upsetters or forging machines upon which no further operations are performed, except basic cleaning, trimming, sizing, coining, rough grinding, and rough drilling or machining only for the purpose of inspecting or cleaning. It also includes any such product which has been further finished by heat treating, welding, machining, plating or other similar operations to meet the buyer's specifications. It does not include forgings which are components, repair parts or subassemblies of a machine when sold by the manufacturer of that machine.

(2) This regulation also establishes the ceiling prices you may charge for equipment which you furnish in connection with forgings sold by you.

(b) *Persons and transactions covered.* (1) This regulation applies to all sales of ferrous or non-ferrous forgings, including export sales and sales for export, and to all sales of equipment furnished in connection with forgings except as provided in section 2 (Exemptions).

(2) This regulation also applies to any person who in the regular course of trade or business purchases forgings covered by this regulation.

(c) *Geographical coverage.* This regulation applies in the 48 states of the United States, the District of Columbia and Alaska, Guam, Hawaii, Puerto Rico and the Virgin Islands.

SEC. 2. *Exemptions*—(a) *Based on total net sales.* (1) If your total net sales of forgings during the calendar year 1951 did not exceed $100,000 you need not determine ceiling prices for your sales of forgings under the provisions of this or any other regulation heretofore or hereafter issued by OPS. However, you must preserve the records relating to forgings which you were required to keep pursuant to the General Ceiling Price Regulation or CPR 30.

(2) The exemption granted in subparagraph (1) of this paragraph will automatically terminate if your total net sales of forgings during any calendar quarter ending after December 31, 1951, exceed $30,000 and on and after the 15th of the month following the end of such quarter you must comply with all of the provisions of the regulation. You may, however, at any time thereafter file an application for exemption in accordance with subparagraph (3) of this paragraph.

(3) *Applications for exemption.* If your total net sales of forgings during any calendar year beginning after December 31, 1951, do not exceed $100,000, you may file an application for exemption from price control with respect to your sales for forgings. You need not make such application if your sales of forgings are exempt from price control pursuant to the provisions of subparagraph (1) of this paragraph and such exemption has not been terminated pursuant to the provisions of subparagraph (2) of this paragraph. Any such application must be signed by an authorized person and filed with the Office of Price Stabilization, Industrial Materials and Manufactured Goods Division, Washington 25, D. C., and must contain the following information: Your name and address; the location of your plant; a description of the kind of forgings produced by you; and your total net sales of forgings during the calendar year involved.

The OPS may grant an exemption pursuant to this paragraph by letter order and will provide that any exemption so granted will terminate, or be terminated, in accordance with subparagraph (2) of this paragraph.

(b) *Sales pursuant to short orders.* You are exempt from the provisions of this regulation and any other ceiling price regulation heretofore or hereafter issued by the Office of Price Stabilization to the extent that you sell forgings pursuant to any order for a particular forging which order requires less than eight forging hours producing time and for which your selling prices does not exceed $1,000: *Provided*, That, if after the effective date of this regulation, the total amount which you charge during any calendar quarter beginning on or after September 30, 1952, for forgings sold pursuant to such short orders equals the highest total amount which you charged for such sales during any calendar quarter in the year 1950, the exemption set forth herein shall not apply to any of your subsequent sales during the calendar quarter involved.

SEC. 3. *General pricing provisions; Metals costs.* This section sets forth the provisions for calculating metal costs in establishing your ceiling prices for forgings pursuant to sections 4 and 5 of this regulation. Unless you are a producer of non-ferrous forgings doing your own alloying, you must determine your ceiling prices for forgings on the basis of metal costs on July 30, 1951 and you must calculate such metal costs in accordance with the provisions of paragraph (a) of this section.

(a) *Optional methods.* In calculating metal costs, you may (unless you are a producer of non-ferrous forgings doing your own alloying) elect to use either a weighted average cost of all metal of the same type and grade as that from which the forging being priced is to be produced received during the 90 day period immediately preceding July 30, 1951, or a cost calculated on the basis of the last delivery of metal of the same type or grade which you received prior to such date. If you elect to use a weighted average cost, you must determine that cost in accordance with subparagraph (1) of this paragraph. If you elect to use the metal cost calculated on the "last delivery" basis, you must do so in accordance with subparagraph (2) of this paragraph. You must, however, use the same method of calculating metal costs for all forgings produced by you and you may not change your method after you have made the election permitted herein and have put the regulation into effect.

(1) *Weighted average cost basis.* In calculating a weighted average metal cost you must observe the following rules:

(i) You must use the prices shown on the invoices covering deliveries to your plant of all metal of the same type and grade as that from which the forging being priced is to be produced from your usual sources of supply during the 90 day period immediately preceding July 30, 1951. If you did not receive any such delivery of the metal to be used in the forging being priced, you may use the the highest price published during the period in a recognized trade journal and applicable to deliveries to your plant from your usual sources of supply for the quantity of metal required to produce the number of forgings being priced. You may not, however, include in your weighted average cost any price in excess of the ceiling price established by the applicable OPS regulation in effect on July 30, 1951.

(ii) If on January 25, 1951, you customarily included transportation costs as part of your metal costs, you may include transportation costs actually paid by you in connection with the deliveries referred to in subdivision (i) of this subparagraph or, in the case of a metal which you did not receive, the transportation costs which you would have had to pay if you had received delivery in the period involved.

(2) *Last delivery basis.* In calculating the metal cost on a "last delivery" basis, you must observe the following rules:

(i) You must use the price shown on the invoice covering the last delivery to your plant of metal of the same type and grade as that from which the forging being priced is to be produced from your usual sources of supply during the 90 day period immediately preceding July 30, 1951. If you did not receive during such period any such delivery of the metal to be used in the forging being priced, you may use the highest price published during the period in a recognized trade journal and applicable to deliveries to your plant from your usual source of supply for the quantity of metal necessary to produce the number of forgings being priced. You may not, however, use any price in excess of the ceiling price established by the applicable OPS regulation, if any, in effect on July 30, 1951.

(ii) If on January 25, 1951, you customarily included transportation costs as part of your metal costs, you may include transportation costs actually paid by you in connection with the deliveries referred to in subdivision (i) of this subparagraph or, in the case of a metal which you did not receive, the transportation cost which you would have had to pay if you had received delivery in the period involved.

(b) *Non-ferrous forgers doing their own alloying.* If you are a producer of non-ferrous forgings and you do your own alloying, in calculating your metal cost factor for non-ferrous forgings you must use the ceiling price for the metal involved (i. e. the ingot, billet, rod or other basic shape from which the forging is made), established as of July 30, 1951 by the aplicable OPS regulation. In determining such ceiling price, you must assume that you purchased the metal involved at one time in the quantity necessary to produce the number of forgings ordered by your customer.

SEC. 4. *Ceiling prices for forgings determined by using base date price lists.* This section sets forth provisions for determining your ceiling prices for price list forgings and modified price list forgings. A "price list forging" is one which is the same as a forging which was included on a price list issued by you before January 25, 1951, and which you had in effect on that date. A "modified price list forging" is one which has the same basic design and specifications as a price list forging and which is intended to serve substantially the same purpose, but which nevertheless differs in some respect from such price list forging.

(a) *Price list forgings.* (1) Your ceiling price for a price list forging is the applicable price set forth on your price list in effect on January 25, 1951, adjusted in accordance with subparagraphs (2) and (3) of this paragraph. If your base date price list sets forth only a charge for conversion to which you customarily added a factor for metal in pricing a forging, your ceiling price is the applicable charge on your base date price list, adjusted in accordance with subparagraph (3) of this paragraph, plus a factor for metal determined in accordance with subparagraph (2) (iii) of this paragraph. You must also comply with paragraph (c) of this section.

(2) The applicable price shown on your base date price list must be adjusted to reflect the changes in your cost of the metal to be used in the forging being priced between the date of issuance of such price list and July 30, 1951. These changes must be made in accordance with the practice customarily followed by you in changing your prices to reflect changes in metal costs and must be calculated as follows:

(i) Determine the metal cost factor included in the price on your base date price list by using metal costs as of the date of issuance of your base date price list calculated in accordance with paragraph (a) of section 3 of this regulation using the 90 day period prior to, or the last delivery before the date of issuance of your base date price list in lieu of the 90 day period prior to, or the last delivery before July 30, 1951. If, however, you are a producer of non-ferrous forgings and do your own alloying, determine the metal cost factor on the basis of the price for the metal involved which you used in calculating the price on your price list.

(ii) Subtract the amount determined in subdivision (i) of this subparagraph from the price set forth on your base date price list.

(iii) Determine a new metal cost factor by using metal costs as of July 30, 1951, calculated in accordance with paragraph (a) of section 3 of this regulation. If, however, you are a producer of non-ferrous forgings and do your own alloying, you must determine your new metal cost factor by using the ceiling price for the metal involved established as of July 30, 1951, by the applicable OPS regulation. In determining such ceiling price you must assume that you purchased the metal involved at one time in the quantity necessary to produce the number of forgings ordered by your customer.

(iv) Add the amount determined in accordance with subdivision (iii) of this subparagraph to the result of the calculation in subdivision (ii) of this subparagraph.

(3) If the applicable price on your price list is based upon labor rates higher than those which were in effect in your plant on March 15, 1951, you must adjust the price to reflect the labor rates which were in effect on that date. If the applicable price on your price list is based on labor rates lower than those which were in effect in your plant on March 15, 1951, you may adjust the price to reflect the labor rates which were in effect on that date. You must make any adjustment pursuant to this subparagraph in exactly the same manner as you would have on January 25, 1951, but you may not include any increases in labor rates occurring after March 15, 1951, and you must use the same ratio of overtime to straight time hours you used in calculating the labor cost factor included in the price on your price list.

(b) *Modified price list forgings.* (1) Your ceiling price for a modified price list forging is the price determined in accordance with paragraph (a) of this section, for the unmodified price list forging, adjusted to reflect any increase or decrease in cost resulting from the change in design or specification. You must calculate such change in cost in accordance with subparagraph (2) of this paragraph. You must also comply with paragraph (c) of this section.

(2) To calculate the change in cost resulting from the modification in design or specification you must:

(i) Determine the increase or decrease in direct labor costs resulting

from such modification on the basis of the labor rates in effect in your plant on March 15, 1951.

(ii) Determine the increase or decrease in metal costs resulting from such modification on the basis of the price paid by you as shown on the last delivery to you prior to July 30, 1951. This price may not exceed the ceiling price established in the applicable OPS regulation. You may include any transportation cost, on a per unit basis, paid by you in connection with such delivery.

(iii) Add or subtract the net increase or decrease in costs to or from the price as determined in accordance with paragraph (a) of this section, for the unmodified price list forging.

(c) *Extras, discounts, and terms.* The ceiling price determined in accordance with this section must be adjusted to reflect any applicable extra charges, quantity discounts, or class of purchaser differentials which you had in effect on January 25, 1951, and must carry all delivery terms, cash discounts, guarantees and servicing terms, and other applicable conditions of sale which you had in effect on that date.

SEC. 5. *Formula prices.* If you cannot determine your ceiling price for a forging under section 4 of this regulation, your ceiling price is the price determined in accordance with the formula which your written records show you had in effect on January 25, 1951, for calculating the price for the same or similar forging by the same production method in the same plant. You must apply your formula in exactly the same manner as you would have on January 25, 1951, and you must use the same overhead rates, rates for general administrative and selling expense, profit markup, risk factors, discounts and allowances and any other basis of computing prices by relation to costs that were in use in the same forge shop on that date. You must not include any costs which you did not customarily include in pricing forgings and you must calculate the various factors entering into your ceiling price in accordance with the following provisions of this section.

(a) *Metal costs*—(1) *Metal cost factor.* You must calculate the metal cost factor in exactly the same manner you would have on January 25, 1951, but you must use metal costs determined in accordance with paragraphs, (a) or (b) of section 3, whichever is applicable.

(2) *Scrap allowance.* You must calculate the allowance for scrap in exactly the same manner you would have on January 25, 1951 using the ceiling prices for the scrap involved established as of July 30, 1951 by the applicable OPS regulation.

(b) *Labor costs.* You must calculate the labor cost factor in exactly the same manner as you would have on January 25, 1951, by using the straight time and overtime rates for each class of labor in effect in your plant on March 15, 1951. If you customarily used machine hour, per piece, or average rates in pricing forgings you must use the same method. You may not change your method of classifying labor as direct or indirect. If your base date formula contained a labor cost factor including both straight time and overtime labor, you must calculate your labor cost factor by using the same ratio of overtime to straight time hours reflected in your base date formula, and you may not include any increase in labor costs resulting from an increase in the number of overtime hours in excess of the amount computed by using the ratio of overtime to straight time hours reflected in your base date formula. If your base date formula included separate factors for straight time and overtime labor, you may not include any increases in labor costs resulting from an increase in number of overtime hours in excess of an amount computed by using the ratio of overtime hours to straight time hours reflected in your payroll for the four full pay periods immediately preceding the base date.

(c) *Other production material costs.* You must calculate other material cost factors in exactly the same manner as you would have on January 25, 1951. You may not, however, include any increase in such costs occurring after March 15, 1951.

(d) *Additional operations and subcontracted services.* (1) If in connection with forgings produced by you, you perform additional operations (including but not limited to die work, machining, galvanizing and plating), you may include in your ceiling price a factor for any such operation which you actually perform. Such factor must be determined in exactly the same manner as you would have on January 25, 1951, using metal costs determined in accordance with paragraph (a) or (b) of section 3, whichever is applicable, and labor costs as of March 15, 1951.

(2) If you subcontract any service (including but not limited to die work, machining, galvanizing, or plating), you may include a factor for such costs in determining your ceiling price. Such factor must be determined in exactly the same manner employed by you on January 25, 1951. You may use the price paid by you for any subcontracted service provided it does not exceed the ceiling price established by the applicable OPS regulation.

(e) *Forgings for which you have previous production experience.* In determining the ceiling price for a forging which is the same as a forging you produced during the period October 20, 1952, to the effective date of this regulation, you must apply your formula in accordance with the provisions of this section on the basis of your actual production experience for that forging. The resulting ceiling price is applicable to all of your subsequent sales of the same forging to a purchaser of the same class. Your ceiling price for the other classes of purchasers is determined by adjusting this ceiling price to reflect the differential between such classes of purchasers which you had in effect on January 25, 1951, as shown by your written records. An explanation of the terms "class of purchaser" and "purchaser of the same class" is found in Section 16 (Definitions).

(f) *Forgings for which you do not have previous production experience*—(1) *Use of estimates.* In determining a ceiling price for a forging which is not the same as any forging you produced during the period October 20, 1952, to the effective date of this regulation, you may apply your formula in accordance with the provisions of this section on the basis of estimates of the time and material which will be required. Such estimates must be made in accordance with your practice on January 25, 1951.

(2) *Recomputation.* You must recompute your ceiling price for any forging covered by this paragraph (f) in accordance with the following provisions.

(i) Recomputation must be made after completion of production of the first order or if such order involves production (other than production of samples or trial releases) extending over more than 30 calendar days, after completion of 30 days' production.

(ii) In recomputing your ceiling price, you must apply your formula on the basis of your actual experience in producing forgings for the first order or during the 30-day period described in subdivision (i) of this section. If it was your practice on January 25, 1951, to employ standard factors or rates for certain cost elements, you may use the same factors or rates in recomputing your ceiling price.

(iii) If it was your practice on January 25, 1951, to price your forgings by using standard rates or factors to develop average data with respect to time and material, and such rates or factors were developed from time studies or average experience over a period of more than three months, and if you used such factors in determining your ceiling price in accordance with subparagraph (1) of this paragraph, you need not make the recomputation provided for herein, but you cannot recompute any ceiling price for a forging covered by this paragraph unless you recompute your ceiling prices for all such forgings. If, however, after completion of production for the first order you change the method of production or specifications of a particular forging, you must redetermine your ceiling price in accordance with subparagraph (1) of this paragraph on the basis of the changed operations.

(iv) The price resulting from the recomputation or recalculation provided for herein is your ceiling price for all subsequent sales or deliveries of the forgings involved after completion of production for the first order, or after completion of the 30 day period described in subdivision (i) of this paragraph.

(g) *Extras, discounts, and terms.* The ceiling price determined in accordance with this section must be adjusted to reflect any applicable extra charges, quantity discounts, or class of purchaser differentials which you had in effect on January 25, 1951, and must carry all delivery terms, cash discounts, guarantees and servicing terms, and other applicable conditions of sale which you had in effect on that date.

SEC. 6. *Ceiling prices for equipment furnished in connection with the sale of forgings.* This section sets forth the conditions under which you may charge a buyer for equipment (including but not limited to patterns, dies, tools, jigs, gauges or fixtures) furnished by you in connection with your sales of forgings and sets forth provisions for determining your ceiling price for such equipment.

(a) *Conditions under which you may charge for equipment.* You may charge a buyer for equipment furnished by you in connection with your sale of forgings only if:

(1) It was your practice on January 25, 1951, to charge a buyer for such equipment.

(2) You have not included any factor for such equipment in determining your ceiling price for forgings under section 4 or 5.

(3) You make such charge in exactly the same manner as you would have on January 25, 1951 (i. e., as a flat sum or on a prorated basis) and you separately state the amount of such charge in billing the buyer; and

(4) You follow your practice as of January 25, 1951, with respect to retention or transfer of ownership of such equipment.

(b) *Ceiling price.* Your ceiling price for equipment furnished by you in connection with your sales of forgings is the price determined in accordance with the formula you had in effect on January 25, 1951, for pricing the same kind of equipment. You must apply such formula in exactly the same manner as you would have on January 25, 1951, using the rates for overhead or burden and profit you had in effect on that date. In calculating your ceiling price for equipment you may not include any elements which you would not have included on January 25, 1951, or any increases in metal costs occurring after July 30, 1951, or any increases in labor costs or production material costs (other than metal) occurring after March 15, 1951. Costs included in your formula for equipment purchased by you may not exceed the applicable OPS ceiling price for such equipment.

SEC. 7. *Rounding.* If it was your practice on January 25, 1951, to round your prices for forgings or for a particular type or class of forgings you may round the ceiling prices determined in accordance with the provisions of this regulation in accordance with your customary practice so that they will be expressed in the nearest cent or fraction of a cent you normally employ. If it was your practice on January 25, 1951, to round the prices of all your forgings and you elect to round the ceiling price of any forging you must similarly round the ceiling prices of all of your forgings to reflect decreases as well as increases. If, on the other hand, it was your practice on January 25, 1951, to round the prices of only a particular type or class of forgings and you elect to round the ceiling price of any forgings of that particular type or class you must round the ceiling prices of all forgings of that type or class to reflect decreases as well as increases. In no event may the increase resulting from rounding be greater than 2 percent of your ceiling price prior to rounding.

SEC. 8. *Ceiling prices for new sellers.* (a) If you are a producer of forgings who was not in business on January 25, 1951, (other than a transferee described in section 9), or if for any other reason you cannot otherwise determine a ceiling price for any transactions covered by this regulation, you must apply to OPS for approval of a ceiling price or pricing formula.

(1) Any application pursuant to this section must be signed by an authorized person and filed by registered mail with the Office of Price Stabilization, Industrial Materials and Manufactured Goods Division, Washington 25, D. C., and must contain the following information: Your trade name and address; the location of the plant or plants in which the forging is to be made; a proposed ceiling price or pricing formula; a detailed statement of the factors used by you in establishing such price or formula and a statement of the reason why you are unable to determine a ceiling price under the provisions of this regulation.

(2) Any ceiling price or pricing formula established by OPS pursuant to this section will be in line with the ceiling prices or pricing formula otherwise established in this regulation.

(3) After receipt of an application pursuant to this section, OPS may approve or disapprove your proposed ceiling price or pricing formula, establish a different ceiling price or pricing formula, or request additional information. Pending any such action, you may sell the product or service covered by your application at your proposed ceiling price provided that you agree with the purchaser to refund the amount, if any, by which such price exceeds the ceiling price established by OPS. If OPS has not acted on your application within 30 days of the receipt thereof, your proposed ceiling price shall be deemed to be established for all deliveries made between the date you mailed your application to OPS and the date of any order issued by OPS disposing of your application.

(b) If you are required to file an application pursuant to paragraph (a) of this section and do not do so, OPS may issue an order establishing a ceiling price or pricing formula for you. Any ceiling price provided for by such order will be in line with the ceiling prices otherwise established in this regulation and will apply to all deliveries for which a ceiling price was not otherwise established by this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve you of your obligation to comply with the requirements of this regulation or of the various penalties for your failure to do so.

SEC. 9. *Transfers of business.* If the business or assets of a producer of forgings are sold after the issuance of this regulation and the transferee carries on the production of forgings in the plant included in such transfer, the ceiling price of the transferee for forgings produced in such plant shall be the same as those to which his transferor would have been subject if no such transfer had taken place and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to, the transferee all records of the transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 10. *Record-keeping requirements.* (a) You must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter all records necessary to determine whether you have computed your ceiling prices correctly, including but not limited to:

(1) A copy of your price lists, if any, which you had in effect on January 25, 1951;

(2) Records showing your formulas, if any, in effect on January 25, 1951, and the formulas, if any, used in computing your ceiling prices under this regulation. Such records should include the factors used in applying such formulas and all appropriate work sheets and documents substantiating such factors; and

(3) Records showing the extra charges, quantity discounts, class of purchaser differentials, delivery terms, cash terms, guarantees and service terms, and other terms and conditions of sale which you had in effect on January 25, 1951.

(b) Every person making a sale of forgings and every person who in the regular course of business purchases forgings must keep for inspection by the Office of Price Stabilization, for a period of two years, accurate records of each such sale or purchase showing: The date thereof; the name and address of the seller and buyer; the quantity of forgings sold or purchased; the location of the plant in which the forgings were produced; the price charged or paid; the extras, if any, charged and paid; the price, if any, charged or paid for equipment furnished by you in connection with the sale of forgings; the terms of sale; and the amount of the outbound transportation charges, if any.

SEC. 11. *Interpretations.* If you want an official interpretation of this regulation, you should write the Division Counsel, Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 12. *Excise, sales or similar taxes.* Any person may collect, in addition to the ceiling prices established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sales of forgings covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling prices the amount of tax collected. However, if the tax was in effect on January 25, 1951, and you did not charge your customer for the tax on that date, you may not do so now.

SEC. 13. *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

SEC. 14. *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such act. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell or deliver, and no person in the regular course of trade or business shall buy or receive from you, at a price higher than the ceiling price established by this regulation, and you shall keep, make and preserve true and accurate records and reports, required by this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 15. *Evasion.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, division of orders, tie-in agreements, and trade understandings, as well as the omission from records of true data, and the inclusion in records of false data.

SEC. 16. *Definitions.* (a) "Class of purchaser or purchaser of the same class" refers to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer. It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price different from that charged others, that customer is a separate class of purchaser.

(b) "Commodity" means any product which is covered by this regulation.

(c) "Formula" means the price determining and cost estimating methods which were in effect in your plant on January 25, 1951.

(d) "Director of Price Stabilization". This term also applies to any official (including officials of Regional or District Offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

(e) "OPS" means Office of Price Stabilization.

(f) "Sell" means sell, supply, dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The term "buy" and "purchase" are construed accordingly. Any reference in this regulation to a sale or purchase of a forging includes both transactions in which the person producing the forging furnishes the materials and those in which all or part of the materials are furnished by the purchaser.

(g) "You" means the person subject to this regulation. "Your" and "Yours" are construed accordingly.

(h) "Total Net Sales" means the total amount charged by you for forgings less returns and allowances.

(i) "Metal costs" means the cost of the metal used in producing a forging.

(j) "Other production material" means all material used or consumed in producing a forging other than metal.

(k) "Change in specifications" means any change in type or grade of material, in tests or inspections required, in physical form, machining or finish, or in quantity ordered or released.

(l) "Applicable OPS regulation" means the regulation issued by OPS establishing ceiling prices for the commodity referred to.

(m) "Base date" means January 25, 1951.

(n) "Factor" means the dollar-and-cents amount of any element used in determining a price.

(o) "Person" includes an individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or other government or any of its political subdivisions, or any agency of the foregoing.

(p) "Usual source of supply" means a source from which you normally obtained metal in the quantities normally purchased by you. Any departure from your normal buying practices means that you did not obtain metal from your usual source of supply. Such a departure would include purchases of quantities smaller than those you normally purchased or contracted for, a delivery from a more distant or different class of supplier, or a change from a domestic to a foreign source.

(q) "Price list" means any document or letter setting forth dollars and cents prices, per pound or per piece, applicable to a particular or general category of forgings and on the basis of which you priced the forgings involved without reference to individual computation of production costs.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This Ceiling Price Regulation 179 shall become effective November 19, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 14, 1952.

[F. R. Doc. 52-12331; Filed, Nov. 14, 1952; 12:05 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[Revised CMP Regulation 6, Direction 6 as amended November 14, 1952]

CMP REG. 6—CONSTRUCTION

DIR 6—THIRD AND FOURTH QUARTER AUTHORIZED CONTROLLED MATERIAL ORDERS

This direction as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the fomulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

EXPLANATORY

This amendment affects Direction 6, issued July 29, 1952, to Revised CMP Regulation No. 6 by amending sections 2, 3, and 4 thereof.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Third quarter authorized controlled material orders.
3. Fourth quarter authorized controlled material orders.
4. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to permit the placement and acceptance of certain third quarter 1952 and fourth quarter 1952 authorized controlled material orders even though they call for delivery after the end of such quarters.

SEC. 2. *Third quarter authorized controlled material order.* (a) The provisions of this section apply to all authorized controlled material orders for the third calendar quarter of 1952 which are placed on and after the effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the third calendar quarter of 1952 which contains the quarterly identification 3Q52, or placed for delivery in the third calendar quarter of 1952 pursuant to the provisions relating to self-authorization set forth in Article IV of Revised CMP Regulation No. 6, or placed on or before October 3, 1952, for delivery in the third calendar quarter of 1952, pursuant to the provisions relating to self-authorization which were set forth in NPA Order M-100, may call for delivery at any time up to November 30, 1952: *Provided, however,* That such order is placed pursuant to lead-time requirements. A steel controlled materials producer or a steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 3Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, shall accept and fill such order in preference to an authorized controlled material order which bears the quarterly identification 4Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, notwithstanding the sequence of order placement.

SEC. 3. *Fourth quarter authorized controlled material orders.* (a) The provisions of this section apply only to authorized controlled material orders for the fourth calendar quarter of 1952 which do not bear a program identification A, B, C, or E, and a digit (including the suffix B-5), or Z-2, and which are placed on and after July 29, 1952, the original effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the fourth calendar quarter of 1952 which contains the quarterly identification 4Q52, or an authorized controlled material order for steel placed for delivery in the fourth calendar quarter of 1952 pursuant to the provisions relating to self-authorization set forth in Article IV of Revised CMP Regulation No. 6, or placed on or before October 3, 1952, for delivery in the fourth calendar quarter of 1952, pursuant to the provisions relating to self-authorization which were set forth in NPA Order M-100, which does not contain a quarterly identification, may call for delivery at any time from October 1, 1952, to February 28, 1953.

(c) A steel controlled materials producer who, during the 15-day period immediately preceding the commencement of the lead time for January 1953, receives an authorized controlled material order for steel which bears the quarterly identification 4Q52 and which calls for delivery during January 1953 shall accept and fill such order in preference to an order which bears the quarterly identification 1Q53 and which calls for delivery during January 1953, notwithstanding the sequence of order placement. A steel controlled materials producer who, between November 17, 1952, and November 28, 1952, receives an authorized controlled material order for an item of steel with a lead time of 45 or 60 days, which order bears the quarterly identification 4Q52 and calls for delivery during February 1953, shall accept and fill such order in preference to an order which bears the quarterly identification 1Q53 and which calls for delivery during February 1953, notwithstanding the sequence of order placement. Authorized controlled material orders for steel which bear the quarterly identification 4Q52 and which call for delivery between January 1, 1953, and February 28, 1953, but which are not placed during the periods specified in the preceding two sentences, shall have equal preferential status at the mill level with authorized controlled material orders for steel which bear the quarterly identification 1Q53. Orders which bear the quarterly identification 1Q53 and which are replaced in mill schedules for January or February 1953 by orders which bear the quarterly identification 4Q52 shall be rescheduled for delivery at the earliest date possible.

(d) A steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 4Q52 and which calls for delivery between January 1, 1953, and February 28, 1953, shall accept and fill such order in preference to an order which bears the quarterly identification 1Q53 and which calls for delivery between January 1, 1953, and February 28, 1953, notwithstanding the sequence of order placement.

SEC. 4. *Applicability of other regulations and orders.* The provisions of CMP Regulations Nos. 1 and 4, Revised CMP Regulation No. 6, NPA Orders M-1 and M-6A, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect. Section 8 of NPA Order M-1 gives steel controlled materials producers the option to determine which authorized controlled material orders not bearing a program identification A, B, C, or E, and a digit (including the suffix B-5), or Z-2, they will accept and schedule prior to the 15-day period immediately preceding the commencement of the lead time. This option shall be superseded by section 3 (c) of this direction only with respect to the placement between November 17, 1952, and November 28, 1952, of authorized controlled material orders for items of steel with a lead time of 45 or 60 days which bear the quarterly identification 4Q52 and which call for delivery during February 1953. This direction does not supersede the provisions of section 8 (a) (2) of NPA Order M-1, which limits the quantity of orders which steel controlled material producers may accept for shipment during any one month.

This amended direction shall take effect November 14, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12329; Filed, Nov. 14, 1952; 11:27 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 3, Sub-Order 3, Amdt. 2]

DFO-3—AGRICULTURAL IMPORTS

SO 3—STATEMENT OF POLICIES AND PROCEDURES RE IMPORT AUTHORIZATIONS FOR CERTAIN COMMODITIES

IMPORTATION OF ITALIAN TYPE CHEESE

Sub-Order 3, as amended (17 F. R. 6269, 8548), containing a statement of the policies and procedures relating to import authorizations for certain commodities under Defense Food Order 3, as amended (17 F. R. 6088, 8546), was issued pursuant to the authority vested by said amended Defense Food Order 3, under sections 101, 104, and 704 of the Defense Production Act of 1950, as amended (64 Stat. 798; 65 Stat. 131; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2061 et seq.). This amendment to Sub-Order 3, as amended, should be issued promptly in order to make the benefits therefrom available immediately and to inform affected persons as soon as possible concerning the policies and procedures relating to authorizations with respect to the importation of Italian type cheese. This amendment, which relieves restrictions on such importations, affects several segments of the economy and time is not available to permit consultation with all affected segments.

SUMMARY OF AMENDMENT

The policies, presently stated in Sub-Order 3 to Defense Food Order 3, as amended, with respect to the issuance of authorizations for the importation of Italian type cheese on the basis of country of origin in some instances do not conform to the recent trend in importations of such cheese from the various countries of origin and do not assure such countries of an equitable portion of the authorized aggregate importations of such cheese. To alleviate this situation, so far as practicable, this amendment provides for the transfer, upon request by an importer, of a part of such importer's authorization for such cheese from one country of origin to another whenever such action is warranted.

REGULATORY PROVISIONS

Defense Food Order 3, Sub-Order 3, as amended (17 F. R. 6269, 8548), is hereby amended by revising the last sentence of section 1 (c) (1) thereof to read as follows: "Authorizations issued to any applicant in accordance with this subparagraph will specify the quantities which may be imported from each particular country of origin, and such quantities will be based upon the proportionate quantities imported by the applicant from such country during the relevant period prescribed in this subparagraph: *Provided,* That to reflect current trends in imports of Italian type cheese and to effectuate the equitable distribution of imports of such cheese among countries of origin, the Director may, upon application by an importer, transfer not to exceed ⅓ of the importer's authorization for such cheese from one country of origin to another."

This amendment shall become effective November 12, 1952.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, 64 Stat. 816; 65 Stat. 139; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Issued at Washington, D. C., this 12th day of November 1952.

[SEAL] R. H. ROBERTS,
Acting Director, Office of Requirements and Allocations.

[F. R. Doc. 52-12263; Filed, Nov. 14, 1952; 8:57 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 89 to Schedule A]

[Rent Regulation 2, Amdt. 87 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA AND WEST VIRGINIA

Effective November 15, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 12th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Indiana				
(198) South Bend...	B	In St. Joseph County, the cities of Mishawaka and South Bend, the towns of Lakeville, New Carlisle, North Liberty, Roseland, and Walkerton, and all unincorporated localities; in Elkhart County, all unincorporated localities.	Apr. 1, 1941	June 1, 1942
West Virginia				
(355a) Clarksburg...	B	In Harrison County, the cities Anmoore, Clarksburg, and Stonewood, the town of West Milford, and the unincorporated area of the county except that in the town of Lumberport, and in the magisterial districts of Eagle, Elk, Sardis, and Tenmile.	June 1, 1941	June 1, 1945

These amendments decontrol the following based on a resolution submitted under section 204 (j) (3) of the act:

The city of Goshen in Elkhart County, Indiana, a portion of the South Bend Defense-Rental Area.

These amendments also decontrol the following on the initiative of the Director of Rent Stabilization under section 204 (c) of the act:

The magisterial districts of Eagle, Elk, Sardis, and Tenmile in Harrison County, West Virginia, portions of the Clarksburg Defense-Rental Area.

[F. R. Doc. 52-12235; Filed, Nov. 14, 1952; 8:50 a. m.]

[Rent Regulation 1, Amdt. 25 to Schedule B]

[Rent Regulation 2, Amdt. 25 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS AND PORTIONS THEREOF

OHIO AND WEST VIRGINIA

Effective November 17, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 12th day of November 1952.

JAMES Mc I. HENDERSON,
Director of Rent Stabilization.

1. Item 72 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

72. *Provisions relating to the Steubenville, Ohio-Panhandle, West Virginia, Defense-Rental Area (Item 359 of Schedule A):*

With respect to housing accommodations in the Steubenville, Ohio-Panhandle, West Virginia, Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodation or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Steubenville, Ohio-Panhandle, West Virginia, Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 72 of Schedule B.

2. Item 77 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

77. *Provisions relating to the Steubenville, Ohio-Panhandle, West Virginia, Defense-Rental Area (Item 359 of Schedule A):*

With respect to housing accommodations in the Steubenville, Ohio-Panhandle, West Virginia, Defense-Rental Area, section 138 is added to this regulation to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Steubenville, Ohio-Panhandle, West Virginia, Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 77 of Schedule B.

[F. R. Doc. 52-12233; Filed, Nov. 14, 1952; 8:50 a. m.]

[Rent Regulation 3, Amdt. 93 to Schedule A]

RR 3—HOTELS

SCHEDULE A—DEFENSE-RENTAL AREAS

ARKANSAS

Effective November 15, 1952, Rent Regulation 3 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 12th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. Schedule A, Item 19b, is amended to read as follows:

(19b) [Revoked and decontrolled.]

This decontrols the Camden, Ark., Defense-Rental Area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-12234; Filed, Nov. 14, 1952; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects; Operation and Maintenance

PART 124—WAPATO IRRIGATION PROJECT, WASHINGTON

FARM UNITS; DELIVERY POINT

Section 124.4 is amended to read as follows:

§ 124.4 *Delivery point.* (a) The project will deliver water to one point on the boundary of each farm unit on the project, except that where the cost or topography makes it impractical for the landowner to irrigate the entire irrigable area of his tract from one delivery point, the Project Engineer may establish additional delivery points if the landowner cannot, at a reasonable expense, provide for the delivery by the construction of suitable head ditches.

(b) The project will maintain canals, laterals and necessary appurtenances in proper condition to make deliveries of water at such elevation as is necessary to serve each farm unit by gravity flow. Where portions of a farm unit lie at an elevation too high to be watered by gravity flow from the present normal elevation of water level in the canal system, no change will be made in the water level elevation of the canal system so as to place water on such land. Where such land has been included in the project, the landowner may install and operate pumping equipment at his own expense to raise the water to such included land at a point on the canal designated by the Project Engineer and in accordance with his specifications. If the landowner so installs pumping equipment and pays the project construction and maintenance charges, the project will deliver in its canal at such point of installation the same amount of water per acre for his land as the project delivers at the delivery point for other lands on the project.

(36 Stat. 270, 272, as amended, 25 U. S. C. 385)

OSCAR L. CHAPMAN,
Secretary of the Interior.

NOVEMBER 7, 1952.

[F. R. Doc. 52-12197; Filed, Nov. 14, 1952; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5944; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

CHANGES IN INDIVIDUAL INCOME TAX RATES UNDER REVENUE ACTS OF 1950 AND 1951

On June 6, 1952, notice of proposed rule making, regarding amendments to conform Regulations 111 (26 CFR Part 29) to sections 101, 102, 103, and 104 of the Revenue Act of 1950 (Public Law 814, 81st Congress), approved September 23, 1950, and to sections 101, 102, 104, and 105 of the Revenue Act of 1951 (Public Law 183, 82d Congress), approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 5143). No objection to the rules proposed having been received, the amendments to Regulations 111 set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.11-1 the following:

SEC. 101. INCREASE IN NORMAL TAX AND SURTAX ON INDIVIDUALS (PART I, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Normal tax.* Section 11 (relating to the normal tax on individuals) is hereby amended to read as follows:

SEC. 11. NORMAL TAX ON INDIVIDUALS.

(a) *Taxable years beginning after September 30, 1950.* In the case of taxable years beginning after September 30, 1950, there shall be levied, collected, and paid for each taxable year upon the net income of every individual a normal tax of 3 per centum of the amount of the net income in excess of the credits against net income provided in section 25. For alternative tax which may be elected if adjusted gross income is less than $5,000, see supplement T.

(b) *Taxable years beginning before October 1, 1950.* In the case of taxable years beginning before October 1, 1950, there shall be levied, collected, and paid for each taxable year upon the net income of every individual a normal tax determined by computing a tentative normal tax of 3 per centum of the amount of the net income in excess of the credits against net income provided in section 25, and by reducing such tentative normal tax as provided in section 12 (c). For alternative tax which may be elected if adjusted gross income is less than $5,000, see supplement T. For computation of tax in case the taxable year (other than the calendar year 1950) ends after September 30, 1950, see section 108 (e).

(b) • • •

• • • • • •

(3) Section 12 (c) (relating to reduction of tentative normal tax and tentative surtax) is hereby amended to read as follows:

(c) *Reduction of tentative normal tax and tentative surtax*—(1) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, the combined normal tax and surtax under section 11 and subsection (b) of this section shall be the aggregate of the tentative normal tax and tentative surtax, reduced as follows:

If the aggregate is:	The reduction shall be:
Not over $400	13% of the aggregate.
Over $400 but not over $100,000	$52 plus 9% of excess over $400.
Over $100,000	$9,016 plus 7.3% of excess over $100,000.

In no event shall the combined normal tax and surtax for such taxable year exceed 80 per centum of the net income.

(2) *Other taxable years beginning before October 1, 1950.* In the case of taxable years (other than the calendar year 1950, to which paragraph (1) applies) beginning before October 1, 1950, the combined normal tax and surtax under section 11 and subsection (b) of this section shall be the aggregate of the tentative normal tax and tentative surtax, reduced as follows:

If the aggregate is:	The reduction shall be:
Not over $400	17% of the aggregate.
Over $400 but not over $100,000	$68 plus 12% of excess over $400.
Over $100,000	$12,020 plus 9.75% of excess over $100,000.

If combined normal tax and surtax so computed exceeds 77 per centum of the net income for the taxable year, the combined tax shall be reduced to 77 per centum of the net income. For computation of tax in case the taxable year ends after September 30, 1950, see section 108 (e).

(4) Effective with respect to taxable years beginning after September 30, 1950, section 12 (f) is hereby amended to read as follows:

(f) *Limitation on tax.* In the case of a taxable year beginning after September 30, 1950, the combined normal tax and surtax shall in no event exceed 87 per centum of the net income for the taxable year.

SEC. 103. COMPUTATION OF TAX IN CASE OF CERTAIN JOINT RETURNS (PART I, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3) of the Internal Revenue Code in a case where the husband and wife have different taxable years because of the death of either spouse, and the taxable year of the surviving spouse covered by such joint return began before October 1, 1950, and ended after September 30, 1950, the amendments made by this part [inc. secs. 101 and 102] shall be applicable in respect of such joint return as if the taxable years of both spouses covered by the joint return ended on the date of the closing of the surviving spouse's taxable year.

SEC. 104. EFFECTIVE DATE OF PART I (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Except as provided in section 103, the amendments made by this part (inc. secs. 101 and 103) shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before October 1, 1950, and ending after September 30, 1950, see section 131.

SEC. 101. INCREASE IN SURTAX FOR 1951, 1952, AND 1953 (PART I, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • • •

(b) *Limitation on tax.* Section 12 (f) (relating to limitation on tax) is hereby amended to read as follows:

(f) *Limitation on tax*—(1) *Calendar year 1951.* In the case of a taxable year beginning on January 1, 1951, and ending December 31, 1951, the combined normal tax and surtax shall in no event exceed 87.2 per centum of the net income for the taxable year.

(2) *Taxable years beginning after October 31, 1951, and before January 1, 1954.* In the case of taxable years beginning after October 31, 1951, and before January 1, 1954, the combined normal tax and surtax shall in no event exceed 88 per centum of the net income of the taxable year.

(3) *Taxable years beginning after December 31, 1953.* In the case of taxable years beginning after December 31, 1953, the combined normal tax and surtax shall in no event exceed 87 per centum of the net income for the taxable year.

SEC. 104. COMPUTATION OF TAX IN CASE OF CERTAIN JOINT RETURNS (PART I, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3) of the Internal Revenue Code in a case where the husband and wife have different taxable years because of the death of either spouse, and the taxable year of the surviving spouse covered by such joint return began before November 1, 1951, and ended after October 31, 1951, the amendments made by this part (inc. secs. 101, 102, and 103) and section 131 shall be applicable in respect of such joint return as if the taxable years of both spouses covered by the joint return ended on the date of the closing of the surviving spouse's taxable year.

SEC. 105. EFFECTIVE DATE OF PART I (TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as provided in section 104, the amendments made by this part [inc. secs. 101 and 104] shall be applicable only with respect to taxable years beginning after October 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951. For treatment of taxable years (other than the calendar year 1951) beginning before November 1, 1951, and ending after October 31, 1951, see section 131.

PAR. 2. Section 29.11-1, as amended by Treasury Decision 5687, approved February 16, 1949, is further amended as follows:

(A) By inserting in the heading of paragraph (b) thereof after *"Taxable years beginning after December 31, 1943"* the following: *", and before October 1, 1950"*.

(B) By inserting in the first sentence of paragraph (b) thereof after "For taxable years beginning after December 31, 1943," the following: "and before October 1, 1950.".

(C) By striking out all of paragraph (b) after the fourth sentence thereof and inserting in lieu thereof the following:

* * * For taxable years beginning after December 31, 1947, and before October 1, 1950, the normal tax on individuals is determined by computing a tentative normal tax of 3 percent of the amount of the net income in excess of the credits against net income provided in section 25 for such years and by reducing such tentative normal tax as follows:

(i) For taxable years beginning after December 31, 1947, and ending before January 1, 1950, the reduction shall be made under the provisions of section 12 (c) prior to its amendment by the Revenue Act of 1950;

(ii) For taxable years beginning before October 1, 1950, and ending after December 31, 1949 (other than the calendar year 1950), the reduction shall be made under the provisions of section 12 (c) (2), as amended by the Revenue Act of 1950;

(iii) For a taxable year which is the calendar year 1950, the reduction shall be made under the provisions of section 12 (c) (1), as amended by the Revenue Act of 1950.

See § 29.12-2. For computation of tax in the case of a joint return of husband and wife for a taxable year beginning after December 31, 1947, and before October 1, 1950, see § 29.12-4.

(2) For treatment of taxable years beginning in 1945 and ending in 1946, see § 29.108-2. For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108-3.

(c) *Taxable years beginning after September 30, 1950.* For taxable years beginning after September 30, 1950, chapter 1 of the Internal Revenue Code imposes an income tax on individuals consisting of a normal tax (section 11) and a surtax (section 12). For optional tax in the case of taxpayers with adjusted gross income of less than $5,000, see section 400 and § 29.400-1 (b). The normal tax on individuals for taxable years beginning after September 30, 1950, is at the rate of 3 percent and is upon net income reduced by the amount of the credits against net income provided in section 25 for such years. For computation of tax in the case of a joint return of husband and wife for a taxable year beginning after September 30, 1950, see § 29.12-4. For treatment of taxable years beginning before October 1, 1950, and ending after September 30, 1950 (other than the calendar year 1950), see § 29.108-4. For treatment of taxable years beginning before November 1, 1951, and ending after October 31, 1951 (other than the calendar year 1951), see § 29.108-7. For treatment of taxable years beginning in 1953 and ending in 1954, see § 29.108-8.

PAR. 3. There is inserted immediately preceding § 29.12-1 the following:

SEC. 101. INCREASE IN NORMAL TAX AND SURTAX ON INDIVIDUALS (PART I, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * * *

(b) *Surtax.*

(1) So much of section 12 (b) as precedes "Not over $2,000" is hereby amended to read as follows:

(b) *Rates of surtax*—(1) *Taxable years beginning after September 30, 1950.* In the case of taxable years beginning after September 30, 1950, there shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual the surtax shown in the following table:

If the surtax net income is: Not over $2,000 ... The surtax shall be: 17% of the surtax net income.
Over $2,000 but not over $4,000 ... $340, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000 ... $720, plus 23% of excess over $4,000.
Over $6,000 but not over $8,000 ... $1,180, plus 27% of excess over $6,000.
Over $8,000 but not over $10,000 ... $1,720, plus 31% of excess over $8,000.
Over $10,000 but not over $12,000 ... $2,340, plus 35% of excess over $10,000.
Over $12,000 but not over $14,000 ... $3,040, plus 40% of excess over $12,000.
Over $14,000 but not over $16,000 ... $3,840, plus 44% of excess over $14,000.
Over $16,000 but not over $18,000 ... $4,720, plus 47% of excess over $16,000.
Over $18,000 but not over $20,000 ... $5,660, plus 50% of excess over $18,000.
Over $20,000 but not over $22,000 ... $6,660, plus 53% of excess over $20,000.
Over $22,000 but not over $26,000 ... $7,720, plus 56% of excess over $22,000.
Over $26,000 but not over $32,000 ... $9,960, plus 59% of excess over $26,000.
Over $32,000 but not over $38,000 ... $13,500, plus 62% of excess over $32,000.
Over $38,000 but not over $44,000 ... $17,220, plus 66% of excess over $38,000.
Over $44,000 but not over $50,000 ... $21,180, plus 69% of excess over $44,000.
Over $50,000 but not over $60,000 ... $25,320, plus 72% of excess over $50,000.
Over $60,000 but not over $70,000 ... $32,520, plus 75% of excess over $60,000.
Over $70,000 but not over $80,000 ... $40,020, plus 78% of excess over $70,000.
Over $80,000 but not over $90,000 ... $47,820, plus 81% of excess over $80,000.
Over $90,000 but not over $100,000 ... $55,920, plus 84% of excess over $90,000.
Over $100,000 but not over $150,000 ... $64,320, plus 86% of excess over $100,000.
Over $150,000 but not over $200,000 ... $107,320, plus 87% of excess over $150,000.
Over $200,000 ... $150,820, plus 88% of excess over $200,000.

(2) *Taxable years beginning after October 31, 1951, and before January 1, 1954.* In the case of taxable years beginning after October 31, 1951, and before January 1, 1954, there shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual (other than a head of a household to whom subsection (c) applies) the surtax shown in the following table:

If the surtax net income is: Not over $2,000 ... The surtax shall be: 19.2% of the surtax net income.
Over $2,000 but not over $4,000 ... $384, plus 21.6% of excess over $2,000.
Over $4,000 but not over $6,000 ... $816, plus 26% of excess over $4,000.
Over $6,000 but not over $8,000 ... $1,336, plus 31% of excess over $6,000.
Over $8,000 but not over $10,000 ... $1,956, plus 35% of excess over $8,000.
Over $10,000 but not over $12,000 ... $2,656, plus 39% of excess over $10,000.
Over $12,000 but not over $14,000 ... $3,436, plus 45% of excess over $12,000.
Over $14,000 but not over $16,000 ... $4,336, plus 50% of excess over $14,000.
Over $16,000 but not over $18,000 ... $5,336, plus 53% of excess over $16,000.
Over $18,000 but not over $20,000 ... $6,396, plus 56% of excess over $18,000.
Over $20,000 but not over $22,000 ... $7,516, plus 59% of excess over $20,000.
Over $22,000 but not over $26,000 ... $8,696, plus 63% of excess over $22,000.
Over $26,000 but not over $32,000 ... $11,216, plus 64% of excess over $26,000.
Over $32,000 but not over $38,000 ... $15,056, plus 65% of excess over $32,000.
Over $38,000 but not over $44,000 ... $18,956, plus 69% of excess over $38,000.
Over $44,000 but not over $50,000 ... $23,096, plus 72% of excess over $44,000.
Over $50,000 but not over $60,000 ... $27,416, plus 74% of excess over $50,000.
Over $60,000 but not over $70,000 ... $34,816, plus 77% of excess over $60,000.
Over $70,000 but not over $80,000 ... $42,516, plus 80% of excess over $70,000.
Over $80,000 but not over $90,000 ... $50,516, plus 82% of excess over $80,000.
Over $90,000 but not over $100,000 ... $58,716, plus 85% of excess over $90,000.
Over $100,000 but not over $150,000 ... $67,216, plus 87% of excess over $100,000.
Over $150,000 but not over $200,000 ... $110,716, plus 88% of excess over $150,000.
Over $200,000 ... $154,716, plus 89% of excess over $200,000.

(3) *Taxable years beginning after December 31, 1953.* In the case of taxable years beginning after December 31, 1953, there shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual (other than a head of a household to whom subsection (c) applies) the surtax shown in the following table:

If the surtax net income is: Not over $2,000 ... The surtax shall be: 17% of the surtax net income.
Over $2,000 but not over $4,000 ... $340, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000 ... $720, plus 23% of excess over $4,000.
Over $6,000 but not over $8,000 ... $1,180, plus 27% of excess over $6,000.
Over $8,000 but not over $10,000 ... $1,720, plus 31% of excess over $8,000.
Over $10,000 but not over $12,000 ... $2,340, plus 35% of excess over $10,000.
Over $12,000 but not over $14,000 ... $3,040, plus 40% of excess over $12,000.
Over $14,000 but not over $16,000 ... $3,840, plus 44% of excess over $14,000.
Over $16,000 but not over $18,000 ... $4,720, plus 47% of excess over $16,000.
Over $18,000 but not over $20,000 ... $5,660, plus 50% of excess over $18,000.
Over $20,000 but not over $22,000 ... $6,660, plus 53% of excess over $20,000.
Over $22,000 but not over $26,000 ... $7,720, plus 56% of excess over $22,000.
Over $26,000 but not over $32,000 ... $9,960, plus 59% of excess over $26,000.
Over $32,000 but not over $38,000 ... $13,500, plus 62% of excess over $32,000.
Over $38,000 but not over $44,000 ... $17,220, plus 66% of excess over $38,000.
Over $44,000 but not over $50,000 ... $21,180, plus 69% of excess over $44,000.
Over $50,000 but not over $60,000 ... $25,320, plus 72% of excess over $50,000.
Over $60,000 but not over $70,000 ... $32,520, plus 75% of excess over $60,000.
Over $70,000 but not over $80,000 ... $40,020, plus 78% of excess over $70,000.
Over $80,000 but not over $90,000 ... $47,820, plus 81% of excess over $80,000.
Over $90,000 but not over $100,000 ... $55,920, plus 84% of excess over $90,000.
Over $100,000 but not over $150,000 ... $64,320, plus 86% of excess over $100,000.
Over $150,000 but not over $200,000 ... $107,320, plus 87% of excess over $150,000.
Over $200,000 ... $150,820, plus 88% of excess over $200,000.

(b) *Limitation on tax.* Section 12 (f) (relating to limitation on tax) is hereby amended to read as follows:

(f) *Limitation on tax*—(1) *Calendar year 1951.* In the case of a taxable year beginning on January 1, 1951, and ending December 31, 1951, the combined normal tax and surtax shall in no event exceed 87.2 per centum of the net income for the taxable year.

(2) *Taxable years beginning after October 31, 1951, and before January 1, 1954.* In the case of taxable years beginning after October 31, 1951, and before January 1, 1954, the combined normal tax and surtax shall in no event exceed 88 per centum of the net income of the taxable year.

(3) *Taxable years beginning after December 31, 1953.* In the case of taxable years beginning after December 31, 1953, the combined normal tax and surtax shall in no event exceed 87 per centum of the net income for the taxable year.

SEC. 104. COMPUTATION OF TAX IN CASE OF CERTAIN JOINT RETURNS (PART I, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3) of the Internal Revenue Code in a case where the husband and wife have different taxable years because of the death of either spouse, and the taxable year of the surviving spouse covered by such joint return began before November 1, 1951, and ended after October 31, 1951, the amendments made by this part [inc. secs. 101, 102, and 103] and section 131 shall be applicable in respect of such joint return as if the taxable years of both spouses covered by the joint return ended on the date of the closing of the surviving spouse's taxable year.

SEC. 105. EFFECTIVE DATE OF PART I (TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as provided in section 104, the amendments made by this part [inc. secs. 101 and 104] shall be applicable only with respect to taxable years beginning after October 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951. For treatment of taxable years (other than the calendar year 1951) beginning before November 1, 1951, and ending after October 31, 1951, see section 131.

PAR. 4. Section 29.12-1, as amended by Treasury Decision 5687, is further amended by striking out paragraph (d) and inserting in lieu thereof the following:

(d) *Taxable years beginning after December 31, 1947, and before October 1, 1950.* For taxable years beginning after December 31, 1947, and before October 1, 1950, there is imposed, in addition to the normal tax, a surtax determined as specified in section 12 for such years upon the surtax net income of every individual, resident or nonresident, except nonresident alien individuals subject to the tax imposed by section 211 (a). The surtax net income for such years is the net income minus the credits provided in section 25 (b) prior to its amendment by the Revenue Act of 1951. For such taxable years, section 12 provides that the surtax shall be determined by computing a tentative surtax in accordance with the table contained in section 12 (b) for such taxable years and by reducing such tentative surtax as follows:

If the aggregate is: Not over $400 ... The reduction shall be: 13% of the aggregate.
Over $400 but not over $100,000 ... $52 plus 9% of excess over $400.
Over $100,000 ... $9,016 plus 7.3% of excess over $100,000.

In no event shall the combined normal tax and surtax for such taxable year exceed 80 per centum of the net income.

(2) *Other taxable years beginning before October 1, 1950.* In the case of taxable years (other than the calendar year 1950, to which paragraph (1) applies) beginning before October 1, 1950, the combined normal tax and surtax under section 11 and subsection (b) of this section shall be the aggregate of the tentative normal tax and tentative surtax, reduced as follows:

If the aggregate is: Not over $400 ... The reduction shall be: 17% of the aggregate.
Over $400 but not over $100,000 ... $68 plus 12% of excess over $400.
Over $100,000 ... $12,020 plus 9.75% of excess over $100,000.

If combined normal tax and surtax so computed exceeds 77 per centum of the net income for the taxable year, the combined tax shall be reduced to 77 per centum of the net income. For computation of tax in case the taxable year ends after September 30, 1950, see section 108 (e).

(4) Effective with respect to taxable years beginning after September 30, 1950, section 12 (f) is hereby amended to read as follows:

(f) *Limitation on tax.* In the case of a taxable year beginning after September 30, 1950, the combined normal tax and surtax shall in no event exceed 87 per centum of the net income for the taxable year.

SEC. 103. COMPUTATION OF TAX IN CASE OF CERTAIN JOINT RETURNS (PART I, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3) of the Internal Revenue Code in a case where the husband and wife have different taxable years because of the death of either spouse, and the taxable year of the surviving spouse covered by such joint return began before October 1, 1950, and ended after September 30, 1950, the amendments made by this part (inc. secs. 101 and 102) shall be applicable in respect of such joint return as if the taxable years of both spouses covered by the joint return ended on the date of the closing of the surviving spouse's taxable year.

SEC. 104. EFFECTIVE DATE OF PART I (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Except as provided in section 103, the amendments made by this part (inc. secs. 101 and 103) shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before October 1, 1950, and ending after September 30, 1950, see section 131.

SEC. 101. INCREASE IN SURTAX FOR 1951, 1952, AND 1953 (PART I, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Rates of surtax.* Section 12 (b) (relating to rates of surtax) is hereby amended to read as follows:

(b) *Rates of surtax*—(1) *Calendar year 1951.* In the case of a taxable year beginning on January 1, 1951, and ending on December 31, 1951, there shall be levied, collected, and paid for such taxable year upon the surtax net income of every individual the surtax shown in the following table:

(c) prior to its amendment by the Revenue Act of 1950;

(2) For taxable years beginning before October 1, 1950, and ending after December 31, 1949 (other than the calendar year 1950), the reduction shall be made under the provisions of section 12 (c) (2), as amended by the Revenue Act of 1950;

(3) For a taxable year which is the calendar year 1950, the reduction shall be made under the provisions of section 12 (c) (1), as amended by the Revenue Act of 1950.

For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3.

(e) *Taxable years beginning after September 30, 1950, and before November 1, 1951 (other than the calendar year 1951).* For taxable years beginning after September 30, 1950, and before November 1, 1951 (other than the calendar year 1951), there is imposed, in addition to the normal tax, a surtax determined as specified in section 12 for such years upon the surtax net income of every individual, resident or nonresident, except nonresident alien individuals subject to the tax imposed by section 211 (a). For taxable years beginning prior to January 1, 1951, the surtax net income for such years is the net income minus the credits provided in section 25 (b) prior to its amendment by the Revenue Act of 1951. For taxable years beginning after December 31, 1950, the surtax net income for such years is the net income minus the credits provided in section 25 (b), as amended by the Revenue Act of 1951. For taxable years beginning after September 30, 1950, and before November 1, 1951 (other than the calendar year 1951), the surtax shall be determined in accordance with the surtax table contained in section 12 (b) (1) prior to its amendment by the Revenue Act of 1951. For treatment of taxable years beginning before October 1, 1950, and ending after September 30, 1950 (other than the calendar year 1950), see § 29.108–4.

(f) *Calendar year 1951 and taxable years beginning after October 31, 1951.* For a taxable year which is the calendar year 1951 and for taxable years beginning after October 31, 1951, there is imposed, in addition to the normal tax, a surtax determined as specified in section 12, as amended by the Revenue Act of 1951, upon the surtax net income of every individual, resident or nonresident, except nonresident alien individuals subject to the tax imposed by section 211 (a). The surtax net income is the net income minus the credits provided in section 25 (b), as amended by the Revenue Act of 1951. Section 12 specifies that the surtax shall be determined in accordance with the applicable surtax table contained therein. For treatment of taxable years beginning before November 1, 1951, and ending after October 31, 1951 (other than the calendar year 1951), see § 29.108–7. For treatment of taxable years beginning in 1953 and ending in 1954, see § 29.108–8.

PAR. 5. Section 29.12–2, as amended by Treasury Decision 5687, is further amended as follows:

(A) By inserting in the first sentence after "taxable years beginning after December 31, 1945," the following: "and before October 1, 1950,".

(B) By inserting in the heading of the tentative surtax table after "Taxable Years Beginning After December 31, 1945" the following: ", and Before October 1, 1950".

(C) By inserting after "For taxable years beginning after December 31, 1947," in the first sentence of paragraph (b) following the tentative surtax table, the following: "and before October 1, 1950 (other than the calendar year 1950),".

(D) By striking out paragraphs (f) and (g) of the section and inserting in lieu thereof the following:

(f) For a taxable year which is the calendar year 1950, section 12 provides that the combined normal tax and surtax shall be determined by reducing the aggregate of the tentative normal tax and tentative surtax as provided in the following table:

If the aggregate of the tentative normal tax and the tentative surtax is:	The reduction shall be:
Not over $400	13% of the aggregate.
Over $400 but not over $100,000.	$52 plus 9% of the excess over $400.
Over $100,000	$9,016 plus 7.3% of the excess over $100,000.

Accordingly if the normal tax net income and the surtax net income for the calendar year 1950 each amounts to $150,000 the combined normal tax and surtax will be $101,941.14, computed as follows:

Tentative normal tax: 3 percent of $150,000	$4,500.00
Tentative surtax on $150,000 from table	107,320.00
Aggregate of tentative normal tax and tentative surtax	111,820.00
Reduction of tentative tax: $9,016 plus 7.3 percent of $11,820 (excess of the aggregate tentative tax over $100,000)	9,878.86
Combined normal tax and surtax	101,941.14

(g) Section 12 (f) prior to its amendment by the Revenue Act of 1950 provides that whenever it is necessary to ascertain the normal tax and the surtax separately for a taxable year beginning after December 31, 1947, and before October 1, 1950, the surtax shall be an amount which is the same proportion of the combined normal tax and surtax as the tentative surtax is of the aggregate of the tentative normal tax and tentative surtax, and the normal tax shall be the remainder of such combined normal tax and surtax. Such computation, for example, is necessary for the purpose of section 105, relating to tax on the gain from the sale of oil or gas properties, and for the purpose of section 106, relating to tax on amounts received with respect to claims against the United States involving acquisition of property. The surtax on the net income of $150,000 involved in the above example with respect to the tax for the calendar year 1950 would under section 12 (f) be $101,941.14 (combined normal tax and surtax) multiplied by

$$\frac{107{,}320 \text{ (tentative surtax)}}{111{,}820 \text{ (tentative total tax)}}$$

or $97,838.70, and the normal tax would be $101,941.14 minus $97,838.70, or $4,102.44.

SURTAX TABLE—TAXABLE YEARS BEGINNING AFTER SEPT. 30, 1950, AND BEFORE NOV. 1, 1951 (OTHER THAN CALENDAR YEAR 1951)

Surtax net income	Percent	Total surtax
$0 to $2,000	17	$340
$2,000 to $4,000	19	720
$4,000 to $6,000	23	1,180
$6,000 to $8,000	27	1,720
$8,000 to $10,000	31	2,340
$10,000 to $12,000	35	3,040
$12,000 to $14,000	40	3,840
$14,000 to $16,000	44	4,720
$16,000 to $18,000	47	5,600
$18,000 to $20,000	50	6,600
$20,000 to $22,000	53	7,720
$22,000 to $26,000	56	9,960
$26,000 to $32,000	59	13,300
$32,000 to $38,000	62	17,020
$38,000 to $44,000	65	21,180
$44,000 to $50,000	69	25,320
$50,000 to $60,000	72	32,520
$60,000 to $70,000	75	40,020
$70,000 to $80,000	78	47,820
$80,000 to $100,000	84	64,620
$100,000 to $150,000	87	107,820
$150,000 up	88	----------

(h) The surtax for any amount of surtax net income not stated in round figures in the surtax table is computed by adding to the surtax for the largest amount stated which is less than the surtax net income, the surtax upon the excess over that amount at the rate indicated in the table. Accordingly, the surtax upon a surtax net income of $63,128 would be $34,866, computed as follows:

Surtax on $60,000 from table	$32,520
Surtax on $3,128 at 75 percent	2,346
Total	34,866

SURTAX TABLE—TAXABLE YEAR WHICH IS CALENDAR YEAR 1951

Surtax net income	Percent	Total surtax
$0 to $2,000	17.4	$348
$2,000 to $4,000	19.4	736
$4,000 to $6,000	24	1,216
$6,000 to $8,000	27	1,776
$8,000 to $10,000	32	2,416
$10,000 to $12,000	36	3,136
$12,000 to $14,000	40	3,936
$14,000 to $16,000	45	4,816
$16,000 to $18,000	48	5,776
$18,000 to $20,000	51	6,796
$20,000 to $22,000	54	7,876
$22,000 to $26,000	57	10,156
$26,000 to $32,000	60	13,756
$32,000 to $38,000	63	17,536
$38,000 to $44,000	66	21,496
$44,000 to $50,000	70	25,696
$50,000 to $60,000	73	33,196
$60,000 to $70,000	76	40,796
$70,000 to $80,000	79	48,696
$80,000 to $100,000	81	64,896
$100,000 to $150,000	84	107,896
$150,000 to $200,000	87	151,396
$200,000 up	88	----------

SURTAX TABLE (FOR OTHERS THAN HEAD OF HOUSEHOLD) TAXABLE YEARS BEGINNING AFTER OCT. 31, 1951, AND BEFORE JAN. 1, 1954

Surtax net income	Percent	Total surtax
$0 to $2,000	19.2	$384
$2,000 to $4,000	21.6	816
$4,000 to $6,000	26	1,336
$6,000 to $8,000	31	1,956
$8,000 to $10,000	35	2,656
$10,000 to $12,000	39	3,436
$12,000 to $14,000	45	4,336
$14,000 to $16,000	50	5,336
$16,000 to $18,000	53	6,396
$18,000 to $20,000	56	7,516
$20,000 to $22,000	59	8,696
$22,000 to $26,000	62	11,216
$26,000 to $32,000	64	15,056
$32,000 to $38,000	65	18,956
$38,000 to $44,000	69	23,096
$44,000 to $50,000	72	27,416
$50,000 to $60,000	74	34,816
$60,000 to $70,000	77	42,516
$70,000 to $80,000	80	50,516
$80,000 to $90,000	82	58,716
$90,000 to $100,000	85	67,216
$100,000 to $150,000	87	110,716
$150,000 to $200,000	88	154,716
$200,000 up	89	----------

SURTAX TABLE (FOR OTHERS THAN HEAD OF HOUSEHOLD) TAXABLE YEARS BEGINNING AFTER DEC. 31, 1953

Surtax net income	Percent	Total surtax
$0 to $2,000	17	$340
$2,000 to $4,000	19	720
$4,000 to $6,000	23	1,180
$6,000 to $8,000	27	1,720
$8,000 to $10,000	31	2,340
$10,000 to $12,000	35	3,040
$12,000 to $14,000	40	3,840
$14,000 to $16,000	44	4,720
$16,000 to $18,000	47	5,600
$18,000 to $20,000	50	6,600
$20,000 to $22,000	53	7,720
$22,000 to $26,000	56	9,960
$26,000 to $32,000	59	13,300
$32,000 to $38,000	62	17,020
$38,000 to $44,000	66	21,180
$44,000 to $50,000	69	25,320
$50,000 to $60,000	72	32,520
$60,000 to $70,000	75	40,020
$70,000 to $80,000	78	47,820
$80,000 to $90,000	81	55,920
$90,000 to $100,000	84	64,320
$100,000 to $150,000	86	107,320
$150,000 to $200,000	87	150,820
$200,000 up	88	----------

(i) For computation of tax in the case of a joint return of husband and wife for a taxable year beginning after December 31, 1947, see § 29.12–4.

PAR. 6. Section 29.12–3, as amended by Treasury Decision 5687, is further amended to read as follows:

§ 29.12–3 *Limitation on amount of tax.* The combined normal tax and surtax for taxable years beginning after December 31, 1943, computed before the application thereto of the credit provided in section 31 (relating to the credit for foreign income tax), section 32 (relating to the credit for tax withheld at the source under section 143 or 144), and section 35 (relating to the credit for tax withheld on wages), shall not exceed an amount equal to the following percent of the taxpayer's net income for the taxable year:

	Percent
For taxable years beginning after Dec. 31, 1943, and before Jan. 1, 1946	90
For taxable years beginning after Dec. 31, 1945, and before Jan. 1, 1948	85½
For taxable years beginning after Dec. 31, 1947, and before Oct. 1, 1950 (other than the calendar year 1950)	77
For a taxable year which is the calendar year 1950	80
For taxable years beginning after Sept. 30, 1950, and before Nov. 1, 1951 (other than the calendar year 1951)	87
For a taxable year which is the calendar year 1951	87.2
For taxable years beginning after Oct. 31, 1951, and before Jan. 1, 1954	88
For taxable years beginning after Dec. 31, 1953	87

For treatment of taxable years beginning in 1945 and ending in 1946, see § 29.108–2. For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3. For treatment of taxable years beginning before October 1, 1950, and ending after September 30, 1950 (other than the calendar year 1950), see § 29.108–4. For treatment of taxable years beginning before November 1, 1951, and ending after October 31, 1951 (other than the calendar year 1951), see § 29.108–7. For treatment of taxable years beginning in 1953 and ending in 1954, see § 29.108–8.

PAR. 7. Section 29.12–4, as added by Treasury Decision 5687, is amended as follows:

(A) By striking out the period in the heading and inserting in lieu thereof the following: "—(a) *In general.*".

(B) By striking out paragraph (b) (1) and (2) and inserting in lieu thereof the following:

(b) *Taxable years beginning after December 31, 1947, and before October 1, 1950.* For a taxable year beginning after December 31, 1947, and before October 1, 1950, the method of computing, under section 12 (d), as added by the Revenue Act of 1948, the tax of husband and wife in the case of a joint return is as follows:

(1) First, the net income and applicable credits against net income are reduced by one-half. Second, the tentative normal tax and tentative surtax are determined as provided in sections 11 and 12 (b) for such year, by using the net income and applicable credits so reduced. Third, the normal tax and surtax so determined are aggregated and this aggregate tentative tax is then reduced as provided in section 12 (c) for such year. See § 29.12–2. Fourth, this reduced aggregate, which is the combined normal tax and surtax that would be determined if the net income and the applicable credits against net income provided by section 25 for such year were reduced by one-half, is then multiplied by two, to produce the tax imposed in the case of the joint return.

(2) The limitation under section 12 (c) of the combined normal tax and surtax to an amount not in excess of a specified percent (80 percent for the calendar year 1950 and 77 percent for other taxable years beginning after December 31, 1947, and before October 1, 1950) of the net income for the taxable year is to be applied before the fourth step above, that is, the limitation is to be applied upon the combined normal tax and surtax determined under section 12 (c) as the specified percent (80 percent or 77 percent, as the case may be) of one-half of the net income for the taxable year (such one-half of the net income being the actual aggregate net income of the spouses reduced by one-half). After such limitation is applied, then the combined normal tax and surtax so limited are multiplied by two as provided in section 12 (d).

(C) By redesignating paragraph (c) as subparagraph (4) and by striking out paragraphs (d) and (e) and inserting in lieu thereof the following:

(5) If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3), as added by the Revenue Act of 1948, if the husband and wife have different taxable years solely because of the death of either spouse, and if the taxable year of the surviving spouse covered by such joint return began before October 1, 1950, and ended after September 30, 1950, the taxable year of the deceased spouse covered by the joint return shall, for the purpose of the computation under section 12 (d) and this section of the combined normal tax and surtax in respect of such joint return, be deemed to have ended on the date of the closing of the surviving spouse's taxable year.

(6) For computation of tax under Supplement T in the case of a joint return, see §§ 29.400–1 and 29.401–1.

(7) For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3.

(c) *Taxable years beginning after September 30, 1950.* For a taxable year beginning after September 30, 1950, the method of computing, under section 12 (d), as added by the Revenue Act of 1948, the tax of husband and wife in the case of a joint return is as follows:

(1) First, the net income and applicable credits against net income are reduced by one-half. Second, the normal tax and surtax are determined as provided in sections 11 and 12 (b) for such year, by using the net income and applicable credits so reduced. Third, the normal tax and surtax so determined are aggregated. Fourth, this aggregate, which is the combined normal tax and surtax that would be determined if the net income and applicable credits against net income provided by section 25 for such year were reduced by one-half, is then multiplied by two, to produce the tax imposed in the case of the joint return.

(2) The limitation under section 12 (f) of the combined normal tax and surtax to an amount not in excess of a specified percent of the net income for the taxable year is to be applied before the fourth step above, that is, the limitation to be applied upon the combined normal tax and surtax is determined under section 12 (f) as the applicable specified percent of one-half of the net income for the taxable year (such one-half of the net income being the actual aggregate net income of the spouses reduced by one-half). For the percent applicable in determining the limitation under section 12 (f) of the combined normal tax and surtax, see § 29.12–3. After such limitation is applied, then the combined normal tax and surtax so limited are multiplied by two as provided in section 12 (d).

(3) The following computation illustrates the method of application of section 12 (d) in the determination of the tax of a husband and wife filing a joint return for the calendar year 1951. If the joint net income is $8,200 and the only allowable credits under section 25 are the two exemptions of the taxpayers under

section 25 (b) (1) (A), as amended by the Revenue Act of 1948, the tax on the joint return for 1951 is $1,488, determined as follows:

1. Net income	$8,200
2. Net income reduced by one-half	4,100
3. Credits against net income under sec. 25 (2 exemptions under sec. 25 (b) (1) (A))	1,200
4. Credits in item 3 reduced by one-half	600
5. Net income reduced by one-half (item 2) minus credits reduced by one-half (item 4)	3,500
6. Normal tax computed under sec. 11 on amount in item 5 (3 percent of $3,500)	105
7. Surtax computed under sec. 12 (b) on amount in item 5 ($348 plus 19.4 percent of excess of $3,500 over $2,000)	639
8. Combined normal tax and surtax computed on net income and credits reduced by one-half	744
9. Twice the combined normal tax and surtax determined in item 8	1,488

(4) If the alternative tax for a taxable year beginning before October 20, 1951, is computed under section 117 (c) (2) prior to its amendment by the Revenue Act of 1951, relating to the alternative tax where a taxpayer (other than a corporation) has a net long-term capital gain in excess of a net short-term capital loss, the partial tax shall be computed under sections 11 and 12 as stated above but without inclusion of such excess in net income, and the total tax shall be such partial tax plus 50 percent of such excess as provided in such section 117 (c) (2). If the alternative tax for a taxable year beginning after October 19, 1951, is computed under section 117 (c) (2), as amended by the Revenue Act of 1951, relating to the alternative tax where a taxpayer (other than a corporation) has a net long-term capital gain in excess of a net short-term capital loss, the partial tax shall be computed under sections 11 and 12 as stated above but without inclusion of 50 percent of such excess in net income, and the total tax shall be such partial tax plus a specified percent of such excess (26 percent for taxable years beginning after October 31, 1951, and before November 1, 1953, and 25 percent for all other taxable years) as provided in such section 117 (c) (2).

(5) If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3), as added by the Revenue Act of 1948, if the husband and wife have different taxable years solely because of the death of either spouse, and if the taxable year of the surviving spouse covered by such joint return either began before November 1, 1951, and ended after October 31, 1951, or begins in 1953 and ends in 1954, the taxable year of the deceased spouse covered by the joint return shall, for the purpose of the computation under section 12 (d) and this section of the combined normal tax and surtax in respect of such joint return, be deemed to have ended on the date of the closing of the surviving spouse's taxable year.

(6) For computation of tax under Supplement T in the case of a joint return, see §§ 29.400–1 and 29.401–1.

(7) For treatment of taxable years beginning before October 1, 1950, and ending after September 30, 1950 (other than the calendar year 1950), see § 29.108–4. For treatment of taxable years beginning before November 1, 1951, and ending after October 31, 1951 (other than the calendar year 1951), see § 29.108–7. For treatment of taxable years beginning in 1953 and ending in 1954, see § 29.108–8.

PAR. 8. There is inserted immediately preceding § 29.400–1 the following:

SEC. 102. INDIVIDUALS WITH ADJUSTED GROSS INCOME OF LESS THAN $5,000 (PART I, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

So much of section 400 (relating to optional tax on individuals with adjusted gross incomes of less than $5,000) as precedes the tax table therein is hereby amended to read as follows:

SEC. 400. IMPOSITION OF TAX.

In lieu of the taxes imposed by sections 11 and 12, there shall be levied, collected, and paid for each taxable year upon the net income of each individual whose adjusted gross income for such year is less than $5,000, and who has elected to pay the tax imposed by this supplement for such year, a tax as follows:

TABLE I—TAXABLE YEARS BEGINNING AFTER SEPT. 30, 1950

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—							
								2		3					
At least	But less than	1	2	3	4 or more	At least	But less than	1	And if other than a joint return is filed	And if a joint return is filed	And if a joint return is filed	4	5	6	7	8 or more
		The tax shall be—						The tax shall be—							
$0	$675	$0	$0	$0	$0	$2,325	$2,350	$301	$181	$181	$61	$61	$0	$0	$0	$0	$0
675	700	4	0	0	0	2,350	2,375	305	185	185	65	65	0	0	0	0	0
700	725	8	0	0	0	2,375	2,400	310	190	190	70	70	0	0	0	0	0
725	750	13	0	0	0	2,400	2,425	314	194	194	74	74	0	0	0	0	0
750	775	17	0	0	0	2,425	2,450	319	199	199	79	79	0	0	0	0	0
775	800	22	0	0	0	2,450	2,475	323	203	203	83	83	0	0	0	0	0
800	825	26	0	0	0	2,475	2,500	328	208	208	88	88	0	0	0	0	0
825	850	31	0	0	0	2,500	2,525	332	212	212	92	92	0	0	0	0	0
850	875	35	0	0	0	2,525	2,550	337	217	217	97	97	0	0	0	0	0
875	900	40	0	0	0	2,550	2,575	341	221	221	101	101	0	0	0	0	0
900	925	44	0	0	0	2,575	2,600	346	226	226	106	106	0	0	0	0	0
925	950	49	0	0	0	2,600	2,625	350	230	230	110	110	0	0	0	0	0
950	975	53	0	0	0	2,625	2,650	355	235	235	115	115	0	0	0	0	0
975	1,000	58	0	0	0	2,650	2,675	359	239	239	119	119	0	0	0	0	0
1,000	1,025	62	0	0	0	2,675	2,700	364	244	244	124	124	4	0	0	0	0
1,025	1,050	67	0	0	0	2,700	2,725	368	248	248	128	128	8	0	0	0	0
1,050	1,075	71	0	0	0	2,725	2,750	373	253	253	133	133	13	0	0	0	0
1,075	1,100	76	0	0	0	2,750	2,775	377	257	257	137	137	17	0	0	0	0
1,100	1,125	80	0	0	0	2,775	2,800	382	262	262	142	142	22	0	0	0	0
1,125	1,150	85	0	0	0	2,800	2,825	386	266	266	146	146	26	0	0	0	0
1,150	1,175	89	0	0	0	2,825	2,850	391	271	271	151	151	31	0	0	0	0
1,175	1,200	94	0	0	0	2,850	2,875	395	275	275	155	155	35	0	0	0	0
1,200	1,225	98	0	0	0	2,875	2,900	400	280	280	160	160	40	0	0	0	0
1,225	1,250	103	0	0	0	2,900	2,925	405	284	284	164	164	44	0	0	0	0
1,250	1,275	107	0	0	0	2,925	2,950	410	289	289	169	169	49	0	0	0	0
1,275	1,300	112	0	0	0	2,950	2,975	415	293	293	173	173	53	0	0	0	0
1,300	1,325	116	0	0	0	2,975	3,000	420	298	298	178	178	58	0	0	0	0
1,325	1,350	121	1	0	0	3,000	3,050	427	305	305	185	185	65	0	0	0	0
1,350	1,375	125	5	0	0	3,050	3,100	437	314	314	194	194	74	0	0	0	0
1,375	1,400	134	14	0	0	3,100	3,150	447	323	323	203	203	83	0	0	0	0
1,400	1,425	139	19	0	0	3,150	3,200	457	332	332	212	212	92	0	0	0	0
1,425	1,450	143	23	0	0	3,200	3,250	467	341	341	221	221	101	0	0	0	0
1,450	1,475	148	28	0	0	3,250	3,300	476	350	350	230	230	110	0	0	0	0
1,475	1,500	152	32	0	0	3,300	3,350	486	359	359	239	239	119	0	0	0	0
1,500	1,525	157	37	0	0	3,350	3,400	496	368	368	248	248	128	8	0	0	0
1,525	1,550	161	41	0	0	3,400	3,450	506	377	377	257	257	137	17	0	0	0
1,550	1,575	166	46	0	0	3,450	3,500	516	386	386	266	266	146	26	0	0	0
1,575	1,600	170	50	0	0	3,500	3,550	526	395	395	275	275	155	35	0	0	0
1,600	1,625	175	55	0	0	3,550	3,600	536	404	404	284	284	164	44	0	0	0
1,625	1,650	179	59	0	0	3,600	3,650	546	414	413	293	293	173	53	0	0	0
1,650	1,675	184	64	0	0	3,650	3,700	556	424	422	302	302	182	62	0	0	0
1,675	1,700	188	68	0	0	3,700	3,750	566	434	431	311	311	191	71	0	0	0
1,700	1,725	193	73	0	0	3,750	3,800	575	443	440	320	320	200	80	0	0	0
1,725	1,750	197	77	0	0	3,800	3,850	585	453	449	329	329	209	89	0	0	0
1,750	1,775	202	82	0	0	3,850	3,900	595	463	458	338	338	218	98	0	0	0
1,775	1,800	206	86	0	0	3,900	3,950	605	473	467	347	347	227	107	0	0	0
1,800	1,825	211	91	0	0	3,950	4,000	615	483	476	356	356	236	116	5	0	0
1,825	1,850	215	95	0	0	4,000	4,050	625	493	485	365	365	245	125	5	0	0
1,850	1,875	220	100	0	0	4,050	4,100	635	503	494	374	374	254	134	14	0	0
1,875	1,900	224	104	0	0	4,100	4,150	645	513	503	383	383	263	143	23	0	0
1,900	1,925	229	109	0	0	4,150	4,200	655	523	512	392	392	272	152	32	0	0
1,925	1,950	233	113	0	0	4,200	4,250	665	533	521	401	401	281	161	41	0	0
1,950	1,975	238	118	0	0	4,250	4,300	674	542	530	410	410	290	170	50	0	0
1,975	2,000	242	122	2	0	4,300	4,350	684	552	539	420	419	299	179	59	0	0
2,000	2,025	247	127	7	0	4,350	4,400	694	562	548	430	428	308	188	68	0	0
2,025	2,050	251	131	11	0	4,400	4,450	704	572	557	440	437	317	197	77	0	0
2,050	2,075	256	136	16	0	4,450	4,500	714	582	566	450	446	326	206	86	0	0
2,075	2,100	260	140	20	0	4,500	4,550	724	592	575	460	455	335	215	95	0	0
2,100	2,125	265	145	25	0	4,550	4,600	734	602	584	470	464	344	224	104	0	0
2,125	2,150	269	149	29	0	4,600	4,650	744	612	593	480	473	353	233	113	0	0
2,150	2,175	274	154	34	0	4,650	4,700	754	622	602	490	482	362	242	122	2	0
2,175	2,200	278	158	38	0	4,700	4,750	764	632	611	500	491	371	251	131	11	0
2,200	2,225	283	163	43	0	4,750	4,800	773	641	620	509	500	380	260	140	20	0
2,225	2,250	287	167	47	0	4,800	4,850	783	651	629	519	509	389	269	149	29	0
2,250	2,275	292	172	52	0	4,850	4,900	793	661	638	529	518	398	278	158	38	0
2,275	2,300	296	176	56	0	4,900	4,950	803	671	647	539	527	407	287	167	47	0
2,300	2,325	301	181	61	0	4,950	5,000	813	681	656	549	536	416	296	176	56	0

TABLE II—TAXABLE YEAR BEGINNING JAN. 1, 1950, AND ENDING DEC. 31, 1950

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—							
								2		3					
At least	But less than	1	2	3	4 or more	At least	But less than	1	And if other than a joint return is filed	And if a joint return is filed	And if a joint return is filed	4	5	6	7	8 or more
		The tax shall be—						The tax shall be—							
$0	$675	$0	$0	$0	$0	$2,325	$2,350	$302	$157	$157	$53	$53	$0	$0	$0	$0	$0
675	700	3	0	0	0	2,350	2,375	306	161	161	57	57	0	0	0	0	0
700	725	7	0	0	0	2,375	2,400	310	165	165	61	61	0	0	0	0	0
725	750	11	0	0	0	2,400	2,425	314	169	169	65	65	0	0	0	0	0
750	775	15	0	0	0	2,425	2,450	318	173	173	69	69	0	0	0	0	0
775	800	19	0	0	0	2,450	2,475	321	177	177	72	72	0	0	0	0	0
800	825	23	0	0	0	2,475	2,500	325	181	181	76	76	0	0	0	0	0
825	850	27	0	0	0	2,500	2,525	329	185	185	80	80	0	0	0	0	0
850	875	31	0	0	0	2,525	2,550	333	189	184	84	84	0	0	0	0	0
875	900	35	0	0	0	2,550	2,575	337	193	192	88	88	0	0	0	0	0
900	925	38	0	0	0	2,575	2,600	341	196	196	92	92	0	0	0	0	0
925	950	42	0	0	0	2,600	2,625	345	200	200	96	96	0	0	0	0	0
950	975	46	0	0	0	2,625	2,650	349	204	204	100	100	0	0	0	0	0
975	1,000	50	0	0	0	2,650	2,675	353	208	208	104	104	0	0	0	0	0
1,000	1,025	54	0	0	0	2,675	2,700	356	212	212	108	108	3	0	0	0	0
1,025	1,050	58	0	0	0	2,700	2,725	360	216	216	112	112	7	0	0	0	0
1,050	1,075	62	0	0	0	2,725	2,750	364	220	220	115	115	11	0	0	0	0
1,075	1,100	66	0	0	0	2,750	2,775	368	224	224	119	119	15	0	0	0	0
1,100	1,125	70	0	0	0	2,775	2,800	372	228	228	123	123	19	0	0	0	0
1,125	1,150	74	0	0	0	2,800	2,825	376	232	232	127	127	23	0	0	0	0
1,150	1,175	78	0	0	0	2,825	2,850	380	236	236	131	131	27	0	0	0	0
1,175	1,200	82	0	0	0	2,850	2,875	384	239	239	135	135	31	0	0	0	0
1,200	1,225	85	0	0	0	2,875	2,900	388	243	243	139	139	35	0	0	0	0
1,225	1,250	89	0	0	0	2,900	2,925	392	247	247	143	143	38	0	0	0	0
1,250	1,275	93	0	0	0	2,925	2,950	397	251	251	147	147	42	0	0	0	0
1,275	1,300	97	0	0	0	2,950	2,975	401	255	255	151	151	46	0	0	0	0
1,300	1,325	101	0	0	0	2,975	3,000	406	259	259	155	155	50	0	0	0	0
1,325	1,350	105	1	0	0	3,000	3,050	413	265	265	161	161	56	0	0	0	0
1,350	1,375	109	5	0	0	3,050	3,100	423	273	273	168	168	64	0	0	0	0
1,375	1,400	113	8	0	0	3,100	3,150	434	281	281	176	176	72	0	0	0	0
1,400	1,425	117	12	0	0	3,150	3,200	444	288	288	184	184	80	0	0	0	0
1,425	1,450	121	16	0	0	3,200	3,250	455	296	296	192	192	87	0	0	0	0
1,450	1,475	125	20	0	0	3,250	3,300	465	304	304	200	200	95	0	0	0	0
1,475	1,500	129	24	0	0	3,300	3,350	475	312	312	207	207	103	0	0	0	0
1,500	1,525	132	28	0	0	3,350	3,400	486	320	320	215	215	111	7	0	0	0
1,525	1,550	136	32	0	0	3,400	3,450	496	328	328	223	223	119	14	0	0	0
1,550	1,575	140	36	0	0	3,450	3,500	506	335	335	231	231	127	22	0	0	0
1,575	1,600	144	40	0	0	3,500	3,550	516	343	343	239	239	134	30	0	0	0
1,600	1,625	148	44	0	0	3,550	3,600	526	352	351	247	247	142	38	0	0	0
1,625	1,650	152	48	0	0	3,600	3,650	536	361	359	254	254	150	46	0	0	0
1,650	1,675	156	52	0	0	3,650	3,700	546	370	367	262	262	158	54	0	0	0
1,675	1,700	160	55	0	0	3,700	3,750	556	379	375	270	270	166	61	0	0	0
1,700	1,725	164	59	0	0	3,750	3,800	566	388	382	278	278	174	69	0	0	0
1,725	1,750	168	63	0	0	3,800	3,850	577	397	390	286	286	181	77	0	0	0
1,750	1,775	172	67	0	0	3,850	3,900	587	406	398	294	294	189	85	0	0	0
1,775	1,800	176	71	0	0	3,900	3,950	597	415	406	301	301	197	93	0	0	0
1,800	1,825	179	75	0	0	3,950	4,000	607	424	414	309	309	205	100	0	0	0
1,825	1,850	183	79	0	0	4,000	4,050	617	433	422	317	317	213	108	4	0	0
1,850	1,875	187	83	0	0	4,050	4,100	627	442	429	325	325	221	116	12	0	0
1,875	1,900	191	87	0	0	4,100	4,150	637	451	437	333	333	229	124	20	0	0
1,900	1,925	195	91	0	0	4,150	4,200	647	460	445	341	341	236	132	27	0	0
1,925	1,950	199	95	0	0	4,200	4,250	657	469	453	349	348	244	140	35	0	0
1,950	1,975	203	99	0	0	4,250	4,300	667	478	461	358	356	252	147	43	0	0
1,975	2,000	207	102	0	0	4,300	4,350	677	487	468	367	364	260	155	51	0	0
2,000	2,025	211	106	2	0	4,350	4,400	687	496	476	376	372	268	163	59	0	0
2,025	2,050	215	110	6	0	4,400	4,450	697	505	484	385	380	275	171	67	0	0
2,050	2,075	219	114	10	0	4,450	4,500	707	514	492	394	388	283	179	74	0	0
2,075	2,100	223	118	14	0	4,500	4,550	717	523	500	403	395	291	187	82	0	0
2,100	2,125	226	122	18	0	4,550	4,600	727	532	508	412	403	299	194	90	0	0
2,125	2,150	230	126	22	0	4,600	4,650	737	541	515	421	411	307	202	98	0	0
2,150	2,175	234	130	25	0	4,650	4,700	747	550	523	430	419	315	210	106	1	0
2,175	2,200	238	134	29	0	4,700	4,750	757	559	531	439	427	323	218	114	9	0
2,200	2,225	242	138	33	0	4,750	4,800	767	568	539	448	435	330	226	121	17	0
2,225	2,250	246	142	37	0	4,800	4,850	777	577	547	457	442	338	234	129	25	0
2,250	2,275	250	146	41	0	4,850	4,900	787	586	555	466	450	346	241	137	33	0
2,275	2,300	254	149	45	0	4,900	4,950	797	595	562	475	458	354	249	145	40	0
2,300	2,325	258	153	49	0	4,950	5,000	807	604	570	484	466	361	257	153	48	0

TABLE III—TAXABLE YEARS (OTHER THAN THE CALENDAR YEAR 1950) BEGINNING BEFORE OCT. 1, 1950

SEC. 103. COMPUTATION OF TAX IN CASE OF CERTAIN JOINT RETURNS (PART I, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3) of the Internal Revenue Code in a case where the husband and wife have different taxable years because of the death of either spouse, and the taxable year of the surviving spouse covered by such joint return began before October 1, 1950, and ended after September 30, 1950, the amendments made by this part [inc. secs. 101 and 102] shall be applicable in respect of such joint return as if the taxable years of both spouses covered by the joint return ended on the

date of the closing of the surviving spouse's taxable year.

SEC. 104. EFFECTIVE DATE OF PART I (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Except as provided in section 103, the amendments made by this part [inc. secs. 102 and 103] shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before October 1, 1950, and ending after September 30, 1950, see section 131.

SEC. 102. INDIVIDUALS WITH ADJUSTED GROSS INCOME OF LESS THAN $5,000 (PART I, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 400 (relating to optional tax on individuals with adjusted gross incomes of less than $5,000) is hereby amended by striking out the tables contained therein and inserting in lieu thereof the following:

TABLE I—TAXABLE YEAR BEGINNING JAN. 1, 1951, AND ENDING DEC. 31, 1951

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—								
								1	2		3					
At least	But less than	1	2	3	4 or more	At least	But less than	1	And taxpayer is single or married filing separately	And a joint return is filed	And taxpayer is single or married filing separately	And a joint return is filed	4	5	6	7	8 or more
		The tax shall be—						The tax shall be—								
$0	$675	$0	$0	$0	$0	$2,325	$2,350	$307	$184	$184	$62	$62	$0	$0	$0	$0	$0
675	700	4	0	0	0	2,350	2,375	311	189	189	67	67	0	0	0	0	0
700	725	8	0	0	0	2,375	2,400	316	194	194	71	71	0	0	0	0	0
725	750	13	0	0	0	2,400	2,425	321	198	198	76	76	0	0	0	0	0
750	775	18	0	0	0	2,425	2,450	325	203	203	80	80	0	0	0	0	0
775	800	22	0	0	0	2,450	2,475	330	207	207	85	85	0	0	0	0	0
800	825	27	0	0	0	2,475	2,500	334	212	212	90	90	0	0	0	0	0
825	850	31	0	0	0	2,500	2,525	339	216	216	94	94	0	0	0	0	0
850	875	36	0	0	0	2,525	2,550	343	221	221	99	99	0	0	0	0	0
875	900	41	0	0	0	2,550	2,575	348	226	226	103	103	0	0	0	0	0
900	925	45	0	0	0	2,575	2,600	353	230	230	108	108	0	0	0	0	0
925	950	50	0	0	0	2,600	2,625	357	235	235	112	112	0	0	0	0	0
950	975	54	0	0	0	2,625	2,650	362	239	239	117	117	0	0	0	0	0
975	1,000	59	0	0	0	2,650	2,675	366	244	244	122	122	0	0	0	0	0
1,000	1,025	63	0	0	0	2,675	2,700	371	249	249	126	126	4	0	0	0	0
1,025	1,050	68	0	0	0	2,700	2,725	376	253	253	131	131	8	0	0	0	0
1,050	1,075	73	0	0	0	2,725	2,750	380	258	258	135	135	13	0	0	0	0
1,075	1,100	77	0	0	0	2,750	2,775	385	262	262	140	140	18	0	0	0	0
1,100	1,125	82	0	0	0	2,775	2,800	389	267	267	145	145	22	0	0	0	0
1,125	1,150	86	0	0	0	2,800	2,825	394	272	272	149	149	27	0	0	0	0
1,150	1,175	91	0	0	0	2,825	2,850	399	276	276	154	154	31	0	0	0	0
1,175	1,200	96	0	0	0	2,850	2,875	403	281	281	158	158	36	0	0	0	0
1,200	1,225	100	0	0	0	2,875	2,900	408	285	285	163	163	41	0	0	0	0
1,225	1,250	105	0	0	0	2,900	2,925	413	290	290	168	168	45	0	0	0	0
1,250	1,275	109	0	0	0	2,925	2,950	418	295	295	172	172	50	0	0	0	0
1,275	1,300	114	0	0	0	2,950	2,975	423	299	299	177	177	54	0	0	0	0
1,300	1,325	119	0	0	0	2,975	3,000	428	304	304	181	181	59	0	0	0	0
1,325	1,350	123	1	0	0	3,000	3,050	435	311	311	188	188	66	0	0	0	0
1,350	1,375	128	5	0	0	3,050	3,100	446	320	320	197	197	75	0	0	0	0
1,375	1,400	132	10	0	0	3,100	3,150	456	329	329	207	207	84	0	0	0	0
1,400	1,425	137	15	0	0	3,150	3,200	466	338	338	216	216	93	0	0	0	0
1,425	1,450	142	19	0	0	3,200	3,250	476	347	347	225	225	103	0	0	0	0
1,450	1,475	146	24	0	0	3,250	3,300	486	356	356	234	234	112	0	0	0	0
1,475	1,500	151	28	0	0	3,300	3,350	496	366	366	243	243	121	0	0	0	0
1,500	1,525	155	33	0	0	3,350	3,400	506	375	375	252	252	130	8	0	0	0
1,525	1,550	160	37	0	0	3,400	3,450	516	384	384	262	262	139	17	0	0	0
1,550	1,575	164	42	0	0	3,450	3,500	526	393	271	271	148	26	0	0	0	0
1,575	1,600	169	47	0	0	3,500	3,550	536	402	402	280	280	158	35	0	0	0
1,600	1,625	173	51	0	0	3,550	3,600	546	412	412	289	289	167	44	0	0	0
1,625	1,650	178	56	0	0	3,600	3,650	556	422	421	298	298	176	54	0	0	0
1,650	1,675	183	60	0	0	3,650	3,700	566	432	430	308	308	185	63	0	0	0
1,675	1,700	187	65	0	0	3,700	3,750	577	442	439	317	317	194	72	0	0	0
1,700	1,725	192	70	0	0	3,750	3,800	587	452	448	326	326	203	81	0	0	0
1,725	1,750	197	74	0	0	3,800	3,850	597	462	457	335	335	213	90	0	0	0
1,750	1,775	201	79	0	0	3,850	3,900	607	472	467	344	344	222	99	0	0	0
1,775	1,800	206	83	0	0	3,900	3,950	617	482	476	353	353	231	109	0	0	0
1,800	1,825	210	88	0	0	3,950	4,000	627	493	485	363	363	240	118	0	0	0
1,825	1,850	215	93	0	0	4,000	4,050	637	503	494	372	372	249	127	5	0	0
1,850	1,875	220	97	0	0	4,050	4,100	647	513	503	381	381	259	136	14	0	0
1,875	1,900	224	102	0	0	4,100	4,150	657	523	513	390	390	268	145	23	0	0
1,900	1,925	229	106	0	0	4,150	4,200	667	533	522	399	399	277	155	32	0	0
1,925	1,950	233	111	0	0	4,200	4,250	677	543	531	409	409	286	164	41	0	0
1,950	1,975	238	116	0	0	4,250	4,300	687	553	540	419	418	295	173	50	0	0
1,975	2,000	243	120	0	0	4,300	4,350	698	563	549	429	427	304	182	60	0	0
2,000	2,025	247	125	2	0	4,350	4,400	708	573	558	439	436	314	191	69	0	0
2,025	2,050	252	129	7	0	4,400	4,450	718	583	568	449	445	323	200	78	0	0
2,050	2,075	256	134	11	0	4,450	4,500	728	593	577	459	454	332	210	87	0	0
2,075	2,100	261	138	16	0	4,500	4,550	738	603	586	469	464	341	219	96	0	0
2,100	2,125	265	143	21	0	4,550	4,600	748	614	595	479	473	350	228	106	0	0
2,125	2,150	270	148	25	0	4,600	4,650	758	624	604	489	482	360	237	115	0	0
2,150	2,175	275	152	30	0	4,650	4,700	768	634	614	499	491	369	246	124	2	0
2,175	2,200	279	157	34	0	4,700	4,750	778	644	623	509	500	378	256	133	11	0
2,200	2,225	284	161	39	0	4,750	4,800	788	654	632	519	509	387	265	142	20	0
2,225	2,250	288	166	44	0	4,800	4,850	798	664	641	530	519	396	274	151	29	0
2,250	2,275	293	171	48	0	4,850	4,900	808	674	650	540	528	405	283	161	38	0
2,275	2,300	298	175	53	0	4,900	4,950	818	684	659	550	537	415	292	170	47	0
2,300	2,325	302	180	57	0	4,950	5,000	829	694	669	560	546	424	301	179	57	0

TABLE II—TAXABLE YEARS BEGINNING AFTER OCT. 31, 1951, AND BEFORE JAN. 1, 1954

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—								
								1	2		3					
At least	But less than	1	2	3	4 or more	At least	But less than	1	And taxpayer is single or married filing separately	And a joint return is filed	And taxpayer is single or married filing separately	And a joint return is filed	4	5	6	7	8 or more
		The tax shall be—						The tax shall be—								
$0	$675	$0	$0	$0	$0	$2,325	$2,350	$331	$331	$201	$201	$201	$67	$67	$67	$0	$0	$0	$0	$0
675	700	4	0	0	0	2,350	2,375	339	339	205	205	205	72	72	72	0	0	0	0	0
700	725	9	0	0	0	2,375	2,400	344	344	211	211	211	77	77	77	0	0	0	0	0
725	750	14	0	0	0	2,400	2,425	349	349	216	216	216	82	82	82	0	0	0	0	0
750	775	19	0	0	0	2,425	2,450	354	354	221	221	221	87	87	87	0	0	0	0	0
775	800	24	0	0	0	2,450	2,475	359	359	226	226	226	92	92	92	0	0	0	0	0
800	825	29	0	0	0	2,475	2,500	364	364	231	231	231	97	97	97	0	0	0	0	0
825	850	34	0	0	0	2,500	2,525	369	369	236	236	236	102	102	102	0	0	0	0	0
850	875	39	0	0	0	2,525	2,550	374	374	241	241	241	107	107	107	0	0	0	0	0
875	900	44	0	0	0	2,550	2,575	379	379	246	246	246	112	112	112	0	0	0	0	0
900	925	49	0	0	0	2,575	2,600	384	384	251	251	251	117	117	117	0	0	0	0	0
925	950	54	0	0	0	2,600	2,625	389	389	256	256	256	122	122	122	0	0	0	0	0
950	975	59	0	0	0	2,625	2,650	394	394	261	261	261	127	127	127	0	0	0	0	0
975	1,000	64	0	0	0	2,650	2,675	399	399	266	266	266	132	132	132	0	0	0	0	0
1,000	1,025	69	0	0	0	2,675	2,700	404	404	271	271	271	137	137	137	4	0	0	0	0
1,025	1,050	74	0	0	0	2,700	2,725	409	409	276	276	276	142	142	142	9	0	0	0	0
1,050	1,075	79	0	0	0	2,725	2,750	414	414	281	281	281	147	147	147	14	0	0	0	0
1,075	1,100	84	0	0	0	2,750	2,775	419	419	286	286	286	152	152	152	19	0	0	0	0
1,100	1,125	89	0	0	0	2,775	2,800	424	424	291	291	291	157	157	157	24	0	0	0	0
1,125	1,150	94	0	0	0	2,800	2,825	429	429	296	296	296	162	162	162	29	0	0	0	0
1,150	1,175	99	0	0	0	2,825	2,850	434	434	301	301	301	167	167	167	34	0	0	0	0
1,175	1,200	104	0	0	0	2,850	2,875	439	439	306	306	306	172	172	172	39	0	0	0	0
1,200	1,225	109	0	0	0	2,875	2,900	444	444	311	311	311	177	177	177	44	0	0	0	0
1,225	1,250	114	0	0	0	2,900	2,925	449	449	316	316	316	182	182	182	49	0	0	0	0
1,250	1,275	119	0	0	0	2,925	2,950	454	454	321	321	321	187	187	187	54	0	0	0	0
1,275	1,300	124	0	0	0	2,950	2,975	460	459	326	326	326	192	192	192	59	0	0	0	0
1,300	1,325	129	0	0	0	2,975	3,000	466	465	331	331	331	197	197	197	64	0	0	0	0
1,325	1,350	134	1	0	0	3,000	3,050	474	473	338	338	338	205	205	205	72	0	0	0	0
1,350	1,375	139	6	0	0	3,050	3,100	485	483	348	348	348	215	215	215	82	0	0	0	0
1,375	1,400	144	11	0	0	3,100	3,150	496	494	358	358	358	225	225	225	92	0	0	0	0
1,400	1,425	149	16	0	0	3,150	3,200	507	504	368	368	368	235	235	235	102	0	0	0	0
1,425	1,450	154	21	0	0	3,200	3,250	518	515	378	378	378	245	245	245	112	0	0	0	0
1,450	1,475	159	26	0	0	3,250	3,300	529	525	388	388	388	255	255	255	122	0	0	0	0
1,475	1,500	164	31	0	0	3,300	3,350	541	536	398	398	398	265	265	265	132	0	0	0	0
1,500	1,525	169	36	0	0	3,350	3,400	552	546	408	408	408	276	276	276	142	8	0	0	0
1,525	1,550	174	41	0	0	3,400	3,450	563	557	418	418	418	285	285	285	152	18	0	0	0
1,550	1,575	179	46	0	0	3,450	3,500	574	567	428	428	428	295	295	295	162	28	0	0	0
1,575	1,600	184	51	0	0	3,500	3,550	585	578	438	438	438	305	305	305	171	38	0	0	0
1,600	1,625	189	56	0	0	3,550	3,600	596	588	448	448	448	315	315	315	181	48	0	0	0
1,625	1,650	194	61	0	0	3,600	3,650	607	599	459	458	458	325	325	325	191	58	0	0	0
1,650	1,675	199	66	0	0	3,650	3,700	618	610	470	469	469	335	335	335	201	68	0	0	0
1,675	1,700	204	71	0	0	3,700	3,750	629	620	482	481	479	345	345	345	211	78	0	0	0
1,700	1,725	209	76	0	0	3,750	3,800	640	631	493	491	488	355	355	355	221	88	0	0	0
1,725	1,750	214	81	0	0	3,800	3,850	651	641	504	501	498	365	365	365	231	98	0	0	0
1,750	1,775	219	86	0	0	3,850	3,900	662	652	515	511	508	375	375	375	241	108	0	0	0
1,775	1,800	224	91	0	0	3,900	3,950	673	662	526	522	518	385	385	385	251	118	0	0	0
1,800	1,825	229	96	0	0	3,950	4,000	684	673	537	532	528	395	395	395	261	128	0	0	0
1,825	1,850	234	101	0	0	4,000	4,050	696	683	548	543	538	405	405	405	271	138	5	0	0
1,850	1,875	239	106	0	0	4,050	4,100	707	694	559	553	548	415	415	415	281	148	15	0	0
1,875	1,900	244	111	0	0	4,100	4,150	718	704	570	564	558	425	425	425	291	158	25	0	0
1,900	1,925	249	116	0	0	4,150	4,200	729	715	581	574	568	435	435	435	301	168	35	0	0
1,925	1,950	254	121	0	0	4,200	4,250	740	725	592	585	578	445	445	445	311	178	45	0	0
1,950	1,975	259	126	0	0	4,250	4,300	751	736	603	596	588	456	455	455	321	188	55	0	0
1,975	2,000	264	131	0	0	4,300	4,350	762	746	614	606	598	467	466	465	331	198	65	0	0
2,000	2,025	269	136	2	0	4,350	4,400	773	757	625	617	608	478	476	475	341	208	75	0	0
2,025	2,050	274	141	7	0	4,400	4,450	784	768	636	627	618	489	487	485	351	218	85	0	0
2,050	2,075	279	146	12	0	4,450	4,500	795	778	648	638	628	500	497	495	361	228	95	0	0
2,075	2,100	284	151	17	0	4,500	4,550	806	789	659	648	638	511	508	504	371	238	105	0	0
2,100	2,125	289	156	22	0	4,550	4,600	817	799	670	659	648	522	518	514	381	248	115	0	0
2,125	2,150	294	161	27	0	4,600	4,650	828	810	681	669	658	533	529	524	391	258	125	0	0
2,150	2,175	299	166	32	0	4,650	4,700	839	820	692	680	668	544	539	534	401	268	135	2	0
2,175	2,200	304	171	37	0	4,700	4,750	851	831	703	690	678	555	550	544	411	278	145	12	0
2,200	2,225	309	176	42	0	4,750	4,800	862	841	714	701	688	566	560	554	421	288	155	22	0
2,225	2,250	314	181	47	0	4,800	4,850	873	852	725	711	698	577	571	564	431	298	165	32	0
2,250	2,275	319	186	52	0	4,850	4,900	884	862	736	722	708	589	581	574	441	308	175	42	0
2,275	2,300	324	191	57	0	4,900	4,950	895	873	747	732	718	600	592	584	451	318	185	52	0
2,300	2,325	329	196	62	0	4,950	5,000	906	883	755	743	728	611	603	594	461	328	195	62	0

TABLE III—TAXABLE YEARS BEGINNING AFTER DEC. 31, 1953

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—													
								1		2			3								
At least	But less than	1	2	3	4 or more	At least	But less than	And taxpayer is single or married filing separately	And taxpayer is head of household	And taxpayer is single or married filing separately	And taxpayer is head of household	And a joint return is filed	And taxpayer is single or married filing separately	And taxpayer is head of household	And a joint return is filed	4	5	6	7	8 or more
		The tax shall be—						The tax shall be—													
$0	$675	$0	$0	$0	$0	$2,325	$2,350	$301	$301	$181	$181	$181	$61	$61	$61	$0	$0	$0	$0	$0
675	700	4	0	0	0	2,350	2,375	305	305	185	185	185	65	65	65	0	0	0	0	0
700	725	8	0	0	0	2,375	2,400	310	310	190	190	190	70	70	70	0	0	0	0	0
725	750	13	0	0	0	2,400	2,425	314	314	194	194	194	74	74	74	0	0	0	0	0
750	775	17	0	0	0	2,425	2,450	319	319	199	199	199	79	79	79	0	0	0	0	0
775	800	22	0	0	0	2,450	2,475	323	323	203	203	203	83	83	83	0	0	0	0	0
800	825	26	0	0	0	2,475	2,500	328	328	208	208	208	88	88	88	0	0	0	0	0
825	850	31	0	0	0	2,500	2,525	332	332	212	212	212	92	92	92	0	0	0	0	0
850	875	35	0	0	0	2,525	2,550	337	337	217	217	217	97	97	97	0	0	0	0	0
875	900	40	0	0	0	2,550	2,575	341	341	221	221	221	101	101	101	0	0	0	0	0
900	925	44	0	0	0	2,575	2,600	346	346	226	226	226	106	106	106	0	0	0	0	0
925	950	49	0	0	0	2,600	2,625	350	350	230	230	230	110	110	110	0	0	0	0	0
950	975	53	0	0	0	2,625	2,650	355	355	235	235	235	115	115	115	0	0	0	0	0
975	1,000	58	0	0	0	2,650	2,675	359	359	239	239	239	119	119	119	0	0	0	0	0
1,000	1,025	62	0	0	0	2,675	2,700	364	364	244	244	244	124	124	124	4	0	0	0	0
1,025	1,050	67	0	0	0	2,700	2,725	368	368	248	248	248	128	128	128	8	0	0	0	0
1,050	1,075	71	0	0	0	2,725	2,750	373	373	253	253	253	133	133	133	13	0	0	0	0
1,075	1,100	76	0	0	0	2,750	2,775	377	377	257	257	257	137	137	137	17	0	0	0	0
1,100	1,125	80	0	0	0	2,775	2,800	382	382	262	262	262	142	142	142	22	0	0	0	0
1,125	1,150	85	0	0	0	2,800	2,825	386	386	266	266	266	146	146	146	26	0	0	0	0
1,150	1,175	89	0	0	0	2,825	2,850	391	391	271	271	271	151	151	151	31	0	0	0	0
1,175	1,200	94	0	0	0	2,850	2,875	395	395	275	275	275	155	155	155	35	0	0	0	0
1,200	1,225	98	0	0	0	2,875	2,900	400	400	280	280	280	160	160	160	40	0	0	0	0
1,225	1,250	103	0	0	0	2,900	2,925	404	404	284	284	284	164	164	164	44	0	0	0	0
1,250	1,275	107	0	0	0	2,925	2,950	409	409	289	289	289	169	169	169	49	0	0	0	0
1,275	1,300	112	0	0	0	2,950	2,975	413	413	293	293	293	173	173	173	53	0	0	0	0
1,300	1,325	116	0	0	0	2,975	3,000	418	418	298	298	298	178	178	178	58	0	0	0	0
1,325	1,350	121	1	0	0	3,000	3,050	427	425	305	305	305	185	185	185	65	0	0	0	0
1,350	1,375	125	5	0	0	3,050	3,100	437	435	314	314	314	194	194	194	74	0	0	0	0
1,375	1,400	130	10	0	0	3,100	3,150	447	445	323	323	323	203	203	203	83	0	0	0	0
1,400	1,425	134	14	0	0	3,150	3,200	457	454	332	332	332	212	212	212	92	0	0	0	0
1,425	1,450	139	19	0	0	3,200	3,250	467	464	341	341	341	221	221	221	101	0	0	0	0
1,450	1,475	143	23	0	0	3,250	3,300	476	473	350	350	350	230	230	230	110	0	0	0	0
1,475	1,500	148	28	0	0	3,300	3,350	486	482	359	359	359	239	239	239	119	0	0	0	0
1,500	1,525	152	32	0	0	3,350	3,400	496	492	368	368	368	248	248	248	128	8	0	0	0
1,525	1,550	157	37	0	0	3,400	3,450	506	501	377	377	377	257	257	257	137	17	0	0	0
1,550	1,575	161	41	0	0	3,450	3,500	516	511	386	386	386	266	266	266	145	25	0	0	0
1,575	1,600	166	46	0	0	3,500	3,550	525	520	395	395	395	275	275	275	155	35	0	0	0
1,600	1,625	170	50	0	0	3,550	3,600	535	530	404	404	404	284	284	284	164	44	0	0	0
1,625	1,650	175	55	0	0	3,600	3,650	545	539	414	413	413	293	293	293	173	53	0	0	0
1,650	1,675	179	59	0	0	3,650	3,700	556	549	424	423	422	302	302	302	182	62	0	0	0
1,675	1,700	184	64	0	0	3,700	3,750	566	558	434	432	431	311	311	311	191	71	0	0	0
1,700	1,725	188	68	0	0	3,750	3,800	575	567	443	441	440	320	320	320	200	80	0	0	0
1,725	1,750	193	73	0	0	3,800	3,850	585	577	453	451	449	329	329	329	209	89	0	0	0
1,750	1,775	197	77	0	0	3,850	3,900	595	586	463	460	458	338	338	338	218	98	0	0	0
1,775	1,800	202	82	0	0	3,900	3,950	605	596	473	470	467	347	347	347	227	107	0	0	0
1,800	1,825	206	86	0	0	3,950	4,000	615	605	482	479	476	356	356	356	236	116	0	0	0
1,825	1,850	211	91	0	0	4,000	4,050	625	615	493	489	485	365	365	365	245	125	5	0	0
1,850	1,875	215	95	0	0	4,050	4,100	635	624	503	498	494	374	374	374	254	134	14	0	0
1,875	1,900	220	100	0	0	4,100	4,150	645	634	513	508	503	383	383	383	263	143	23	0	0
1,900	1,925	224	104	0	0	4,150	4,200	655	643	523	517	512	392	392	392	272	152	32	0	0
1,925	1,950	229	109	0	0	4,200	4,250	665	653	533	527	521	401	401	401	281	161	41	0	0
1,950	1,975	233	113	0	0	4,250	4,300	674	662	542	536	530	410	410	410	290	170	50	0	0
1,975	2,000	238	118	0	0	4,300	4,350	684	671	552	545	539	420	419	419	299	179	59	0	0
2,000	2,025	242	122	2	0	4,350	4,400	694	681	562	555	548	430	428	428	308	188	68	0	0
2,025	2,050	247	127	7	0	4,400	4,450	704	690	572	564	557	440	438	437	317	197	77	0	0
2,050	2,075	251	131	11	0	4,450	4,500	714	700	582	574	566	450	448	446	326	206	86	0	0
2,075	2,100	256	136	16	0	4,500	4,550	724	709	592	583	575	460	457	455	335	215	95	0	0
2,100	2,125	260	140	20	0	4,550	4,600	734	719	602	593	584	470	467	464	344	224	104	0	0
2,125	2,150	265	145	25	0	4,600	4,650	744	728	612	602	593	480	476	473	353	233	113	0	0
2,150	2,175	269	149	29	0	4,650	4,700	754	738	622	612	602	490	486	482	362	242	122	2	0
2,175	2,200	274	154	34	0	4,700	4,750	764	747	632	621	611	500	495	491	371	251	131	11	0
2,200	2,225	278	158	38	0	4,750	4,800	773	756	641	630	620	510	504	500	380	260	140	20	0
2,225	2,250	283	163	43	0	4,800	4,850	783	766	651	640	629	519	514	509	389	269	149	29	0
2,250	2,275	287	167	47	0	4,850	4,900	793	775	661	649	638	529	523	518	398	278	158	38	0
2,275	2,300	292	172	52	0	4,900	4,950	803	785	671	659	647	539	533	527	407	287	167	47	0
2,300	2,325	296	176	56	0	4,950	5,000	813	794	681	668	656	549	542	536	416	296	176	56	0

SEC. 104. COMPUTATION OF TAX IN CASE OF CERTAIN JOINT RETURNS (PART I, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3) of the Internal Revenue Code in a case where the husband and wife have different taxable years because of the death of either spouse, and the taxable year of the surviving spouse covered by such joint return began before November 1, 1951, and ended after October 31, 1951, the amendments made by this part [inc. secs. 101, 102, and 103] and section 131 shall be applicable in respect of such joint return as if the taxable years of both spouses covered by the joint return ended on the date of the closing of the surviving spouse's taxable year.

SEC. 105. EFFECTIVE DATE OF PART I (TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as provided in section 104, the amendments made by this part [inc. secs. 102 and 104] shall be applicable only with respect to taxable years beginning after October 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951. For treatment of taxable years (other than the calendar year 1951) beginning before November 1, 1951, and ending after October 31, 1951, see section 131.

PAR. 9. Section 29.400–1 (b), as amended by Treasury Decision 5687, is further amended by striking out the undesignated paragraph preceding subparagraph (7) and subparagraph (7) and inserting in lieu thereof the following:

(7) The tax tables in section 400 applicable with respect to taxable years beginning after December 31, 1947, and before November 1, 1951, contain, in certain instances, double columns, in one of which is shown the tax if a separate return is filed, and in the other of which is shown the tax if a joint return is filed. The tax tables in section 400 applicable with respect to taxable years beginning after October 31, 1951, contain, in certain instances, double columns, in one of which is shown the tax if the taxpayer is single (and not the head of a household) or married and files a separate return, and in the other of which is shown the tax if the taxpayer is the head of a household, and, in other instances, triple columns, in the first of which is shown the tax if the taxpayer is single (and not the head of a household) or married and files a separate return, in the second of which is shown the tax if the taxpayer is the head of a household, and in the third of which is shown the tax if a joint return is filed. In the case of double or triple columns, the tax shall be determined by reference to the applicable column. Since the computations of tax shown in the case of a joint return reflect the income-splitting method provided in section 12 (d), as added by the Revenue Act of 1948, the tax shown in the joint return column may be lower than that shown in the separate return column even though the amounts of adjusted gross income and the exemptions are the same. Thus, if H, a married man, has adjusted gross income of $4,925 for the calendar year 1951 and his wife has no gross income for such year and his only exemptions under section 25 (b) are the exemptions for himself and spouse under section 25 (b) (1) (A), the tax on a joint return under Supplement T, as shown in the second column applicable to a person with two exemptions, is $659. If H should file a separate return, his tax, as shown in the first column applicable to an individual with two exemptions, would be $684.

(8) If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3), as added by the Revenue Act of 1948, if the husband and wife have different taxable years solely because of the death of either spouse, and if the taxable year of the surviving spouse covered by such joint return began before October 1, 1950, and ended after September 30, 1950, began before November 1, 1951, and ended after October 31, 1951, or begins in 1953 and ends in 1954, the taxable year of the deceased spouse covered by the joint return shall, for the purpose of determining the tax under section 400 and this section in respect of such joint return, be deemed to have ended on the date of the closing of the surviving spouse's taxable year.

(9) For taxable years beginning after December 31, 1943, the fact that the taxable year is a period of less than 12 months resulting by reason of the death of the taxpayer does not prevent the application of Supplement T in the determination of the tax for such period.

(10) For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3. For treatment of taxable years beginning before October 1, 1950, and ending after September 30, 1950 (other than the calendar year 1950), see § 29.108–4. For treatment of taxable years beginning before November 1, 1951, and ending after October 31, 1951 (other than the calendar year 1951), see § 29.108–7. For treatment of taxable years beginning in 1953 and ending in 1954, see § 29.108–8.

PAR. 10. Section 29.401–1, as amended by Treasury Decision 5687, is further amended as follows:

(A) By inserting in the headnote of paragraph (b) thereof after *"Taxable years beginning after December 31, 1943"* the following: *", and before January 1, 1946"*.

(B) By inserting in the first sentence of paragraph (b) thereof after "The term 'number of surtax exemptions'" the following: ", which term is used under Supplement T for taxable years beginning after December 31, 1943, and before January 1, 1946,".

(C) By striking out all of paragraph (b) (1) after the third sentence thereof.

(D) By striking out Example (3) at the end of such section and inserting in lieu thereof the following new paragraph (c):

(c) *Taxable years beginning after December 31, 1945.* The term "number of exemptions", which, for taxable years beginning after December 31, 1945, is used instead of the term "number of surtax exemptions", means the number of exemptions allowed under section 25 (b) for such years as credits against net income for the purpose of the normal tax and the surtax imposed by sections 11 and 12. One exemption is allowed for the taxpayer; one exemption for his spouse if a joint return is made, or if a separate return is made by the taxpayer and his spouse has no gross income for the calendar year in which the taxable year of the taxpayer begins and is not the dependent of another taxpayer for such calendar year; and one exemption for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $500 in the case of a taxable year beginning before January 1, 1951, or is less than $600 in the case of a taxable year beginning after December 31, 1950. For taxable years beginning after December 31, 1947, additional exemptions are allowed under section 25 (b) (1) (B) and (C) for a taxpayer or spouse who has attained the age of 65 years and for a blind taxpayer or blind spouse. See § 29.25–3. After the number of exemptions is ascertained, the tax under Supplement T for the taxable year is determined by reference to the table contained in section 400 applicable to such taxable year and by reference to the column of such table appropriate to such number of exemptions and, in certain cases, appropriate to either the status of the taxpayer (whether single, head of household, or married) or kind of return (whether separate or joint), or both. The tax is the amount in such column shown on the line appropriate to the taxpayer's adjusted gross income.

Example. D, a married man with no dependents, attains the age of 65 years on September 1, 1951. The aggregate adjusted gross income of D and his wife for 1951 is $4,840. D and his wife file a joint return for 1951 and are entitled to three exemptions, one for each taxpayer and one additional exemption for D because of his age. Since the adjusted gross income of D and his wife falls within the tax bracket $4,800–$4,850, the tax on a joint return is $519.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: November 10, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–12245; Filed, Nov. 14, 1952; 8:54 a. m.]

Chapter II—The Tax Court of the United States

PART 701—RULES OF PRACTICE

RENEGOTIATION OF CONTRACTS CASES

Footnote 1 of § 701.64 is amended by changing the period at the end of the footnote to a comma, and adding the following:

", also the Renegotiation Act of 1948 (Supplemental National Defense Appropriation Act of 1948, section 3 (e) Pub. Law 547, 80th Cong., 62 Stat. 260.

(53 Stat. 160, as amended; 26 U. S. C. 1111)

JOHN W. KERN,
Chief Judge,
The Tax Court of the United States.

NOVEMBER 7, 1952.

[F. R. Doc. 52–12200; Filed, Nov. 14, 1952; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5894]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SEAWOL SEWING SUPPLIES

Subpart—*Advertising falsely or misleadingly:* § 3.235 *Source or origin—Maker: Imported product or parts as domestic.* Subpart—*Concealing or obliterating law required and informative marking:* § 3.1325 *Source or origin—Maker: Imported product or parts as domestic.* Subpart—*Misbranding or misabeling:* § 3.1325 *Source or origin—Maker: Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* Subpart—*Using misleading name—Goods:* § 3.2345 *Source or origin—Maker: Foreign product or parts as domestic.* In connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, (1) offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof; or (2) using the words "Majestic" or "Admiral", or any simulations thereof, as brand or trade names to designate, describe or refer to their sewing machines or sewing machine heads; or representing through use of any other words or in any other manner that sewing machines or sewing machine heads are made by anyone other than the actual manufacturers; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Murray Epstein et al. doing business as Seawol Sewing Supplies, Los Angeles, Calif., Docket 5894, September 4, 1952]

In the Matter of Murray Epstein, Lou Seaman, Ben Lander, and Richard Wolochow, Copartners, Doing Business as Seawol Sewing Supplies

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on June 27, 1951, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging said respondents with the use of unfair methods of competition and unfair and deceptive acts and practices in commerce in violation of the provisions of said act. Respondents filed their answer admitting all of the material facts alleged in said complaint and waved all intervening procedure. Thereafter, the proceeding regularly came on for final consideration by a hearing examiner of the Commission duly designated by it, on the complaint and answer thereto, and said hearing examiner, on March 6, 1952, filed his initial decision.

Within the time permitted by its rules of practice, the Commission, having reason to believe that said initial decision did not constitute an adequate disposition of the proceeding, issued an order placing this case on its docket for review, served on all parties its tentative decision herein and granted to them permission to file with the Commission any objections they might have to said tentative decision. Respondents not having filed any objections to said tentative decision, this proceeding regularly came on for final consideration before the Commission upon the aforesaid complaint and respondents' answer thereto; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and being of the opinion that the hearing examiner's initial decision does not constitute an adequate disposition of this proceeding, makes this its findings as to the facts,[1] conclusion[1] and order to

[1] Filed as part of the original document.

cease and desist, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondents, Murray Epstein, Lou Seaman, Ben Lander and Richard Wolochow, individually and as copartners doing business as Seawol Sewing Supplies, or trading under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof.

2. Using the words "Majestic" or "Admiral", or any simulations thereof, as brand or trade names to designate, describe or refer to their sewing machines or sewing machine heads; or representing through the use of any other words or in any other manner that sewing machines or sewing machine heads are made by anyone other than the actual manufacturers.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with its order.

Issued: September 4, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-12232; Filed, Nov. 14, 1952; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

HEAD OF HOUSEHOLD

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP, *Commissioner of Internal Revenue.*

In order to conform Regulations 111 (26 CFR Part 29) to sections 301 and 310 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.12-1 the following:

SEC. 301. TAX TREATMENT IN CASE OF HEAD OF HOUSEHOLD (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Surtax in case of head of household.* Section 12 (c) s hereby amended to read as follows:

(c) *Rates of surtax—Head of household.* (1) *Taxable years beginning after October 31, 1951, and before January 1, 1954.* In the case of taxable years beginning after October 31, 1951, and before January 1, 1954, there shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual who is the head of a household the surtax shown in the following table:

If the surtax net income is:	The surtax shall be:
Not over $2,000	19.2% of the surtax net income.
Over $2,000 but not over $4,000	$384, plus 20.4% of excess over $2,000.
Over $4,000 but not over $6,000	$792, plus 24% of excess over $4,000.
Over $6,000 but not over $8,000	$1,272, plus 26% of excess over $6,000.
Over $8,000 but not over $10,000	$1,792, plus 31% of excess over $8,000.
Over $10,000 but not over $12,000	$2,412, plus 32% of excess over $10,000.
Over $12,000 but not over $14,000	$3,052, plus 38% of excess over $12,000.
Over $14,000 but not over $16,000	$3,812, plus 41% of excess over $14,000.
Over $16,000 but not over $18,000	$4,632, plus 44% of excess over $16,000.
Over $18,000 but not over $20,000	$5,512, plus 45% of excess over $18,000.
Over $20,000 but not over $22,000	$6,412, plus 49% of excess over $20,000.
Over $22,000 but not over $24,000	$7,392, plus 51% of excess over $22,000.
Over $24,000 but not over $28,000	$8,412, plus 54% of excess over $24,000.
Over $28,000 but not over $32,000	$10,572, plus 57% of excess over $28,000.
Over $32,000 but not over $38,000	$12,852, plus 60% of excess over $32,000.
Over $38,000 but not over $44,000	$16,452, plus 63% of excess over $38,000.
Over $44,000 but not over $50,000	$20,232, plus 68% of excess over $44,000.
Over $50,000 but not over $60,000	$24,312, plus 69% of excess over $50,000.
Over $60,000 but not over $70,000	$31,212, plus 70% of excess over $60,000.
Over $70,000 but not over $80,000	$38,212, plus 74% of excess over $70,000.
Over $80,000 but not over $90,000	$45,612, plus 76% of excess over $80,000.
Over $90,000 but not over $100,000	$53,212, plus 78% of excess over $90,000.
Over $100,000 but not over $150,000	$61,012, plus 82% of excess over $100,000.
Over $150,000 but not over $200,000	$102,012, plus 85% of excess over $150,000.
Over $200,000 but not over $300,000	$144,512, plus 88% of excess over $200,000.
Over $300,000	$232,512, plus 89% of excess over $300,000.

(2) *Taxable years beginning after December 31, 1953.* In the case of taxable years beginning after December 31, 1953, there shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual who is the head of a household the surtax shown in the following table:

If the surtax net income is:	The surtax shall be:
Not over $2,000	17% of the surtax net income.
Over $2,000 but not over $4,000	$340, plus 18% of excess over $2,000.
Over $4,000 but not over $6,000	$700, plus 21% of excess over $4,000.
Over $6,000 but not over $8,000	$1,120, plus 23% of excess over $6,000.
Over $8,000 but not over $10,000	$1,580, plus 27% of excess over $8,000.
Over $10,000 but not over $12,000	$2,120, plus 29% of excess over $10,000.
Over $12,000 but not over $14,000	$2,700, plus 33% of excess over $12,000.
Over $14,000 but not over $16,000	$3,360, plus 36% of excess over $14,000.
Over $16,000 but not over $18,000	$4,080, plus 39% of excess over $16,000.
Over $18,000 but not over $20,000	$4,860, plus 40% of excess over $18,000.
Over $20,000 but not over $22,000	$5,660, plus 44% of excess over $20,000.
Over $22,000 but not over $24,000	$6,540, plus 46% of excess over $22,000.
Over $24,000 but not over $28,000	$7,460, plus 49% of excess over $24,000.
Over $28,000 but not over $32,000	$9,420, plus 51% of excess over $28,000.
Over $32,000 but not over $38,000	$11,460, plus 55% of excess over $32,000.
Over $38,000 but not over $44,000	$14,760, plus 59% of excess over $38,000.
Over $44,000 but not over $50,000	$18,300, plus 63% of excess over $44,000.
Over $50,000 but not over $60,000	$22,080, plus 65% of excess over $50,000.
Over $60,000 but not over $70,000	$28,580, plus 68% of excess over $60,000.
Over $70,000 but not over $80,000	$35,380, plus 71% of excess over $70,000.
Over $80,000 but not over $90,000	$42,480, plus 73% of excess over $80,000.
Over $90,000 but not over $100,000	$49,780, plus 77% of excess over $90,000.
Over $100,000 but not over $150,000	$57,480, plus 80% of excess over $100,000.
Over $150,000 but not over $200,000	$97,480, plus 84% of excess over $150,000.
Over $200,000 but not over $300,000	$139,480, plus 87% of excess over $200,000.
Over $300,000	$226,480, plus 88% of excess over $300,000.

(3) *Definition of head of household.* For the purposes of this chapter, an individual shall be considered, a head of a household if, and only if, such individual is not married at the close of his taxable year and maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of:

(A) A son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to an exemption for the taxable year for such person under section 25 (b); or

(B) Any other person who is a dependent of the taxpayer, if the taxpayer is entitled to an exemption for the taxable year for such person under section 25 (b).

An individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

(4) *Determination of status.* For the purposes of this subsection—

(A) A legally adopted child of a person shall be considered a child of such person by blood;

(B) An individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married;

(C) A taxpayer shall be considered as not married at the close of his taxable year if at any time during the taxable year his spouse is a nonresident alien; and

(D) A taxpayer shall be considered as married at the close of his taxable year if his spouse (other than a spouse described in subparagraph (C)) died during the taxable year.

(5) *Nonresident alien.* For the purposes of this chapter a taxpayer shall in no case be considered a head of a household if at any time during the taxable year he is a nonresident alien.

* * * * *

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after October 31, 1951.

PAR. 2. Section 29.12-2, as amended by Treasury Decision 5687, approved February 16, 1949, is amended further by adding at the end thereof the following: "For tax treatment of head of household for taxable years beginning after October 31, 1951, see § 29.12-5."

PAR. 3. There is inserted immediately after § 29.12-4 the following new section:

§ 20.12-5 *Surtax in case of head of household*—(a) *General rule.* For taxable years beginning after October 31, 1951, an individual who is the head of a household under the rules prescribed in section 12 (c) is subject to the surtax imposed by that section instead of the surtax imposed by section 12 (b) (2) and section 12 (b) (3).

(b) *Definition of head of household.* (1) For the purpose of section 12 (c), the taxpayer shall be considered the head of a household if, and only if, he is not married at the close of his taxable year and maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of at least one of the individuals specified in section 12 (c) (3) (A) or provided for in section 12 (c) (3) (B). Under no circumstances shall the same individual be used to qualify more than one taxpayer as the head of a household in the same taxable year.

(2) Section 12 (c) (3) (A) specifies that any of the following persons may be used to qualify the taxpayer as the head of a household: A son, stepson, daughter, stepdaughter, or a descendant of a son or daughter of the taxpayer. If, however, such person is married at the close of the taxable year of the taxpayer, the taxpayer may qualify as the head of a household by reason of such person only if the taxpayer is entitled to an exemption for his taxable year under section 25 (b) for such person, that is, only if such person has a gross income of less than $600 for the calendar year in which the taxable year of the taxpayer begins, if the taxpayer supplies more than one-half of the support of such person for such calendar year, and if such person does not make a joint return with his spouse for the taxable year beginning in such calendar year. For example, if such person is an unmarried son of the taxpayer, the taxpayer is not deprived of his status as the head of a household because the son has income in excess of $600 for the calendar year in which the taxable year of the taxpayer begins; if, however, such son is married at the close of the taxable year of the taxpayer, the taxpayer still may qualify as the head of a household, but only if the gross income of the son is less than $600 for the calendar year in which the taxable year of the taxpayer begins and the other conditions for allowance of the dependency credit under section 25 (b) are met.

(3) Section 12 (c) (3) (B) provides that a person for whom the taxpayer is entitled to an exemption under section 25 (b) for the taxable year may be used to qualify the taxpayer as the head of a household. Section 25 (b) provides that the taxpayer may be entitled to an exemption for any of the following persons:

(i) His brother, sister, stepbrother or stepsister;

(ii) His parents or one of his parents' ancestors;

(iii) His stepparents;

(iv) A son or a daughter of his brother or sister;

(v) A brother or sister of his father or mother; or

(vi) His son-in-law, daughter-in-law, mother-in-law, father-in-law, sister-in-law, or brother-in-law;

if such person has a gross income of less than $600 for the calendar year in which the taxable year of the taxpayer begins, if the taxpayer supplies more than one-half of the support of such person for such calendar year and if such person does not make a joint return with his spouse for the taxable year beginning in such calendar year. For example, an unmarried taxpayer who maintains a home for himself and his widowed mother may not qualify as the head of a household by reason of his maintenance of a home for his mother if his mother has income of $600 or more in the calendar year in which the taxable year of the taxpayer begins, or if he does not furnish more than one-half of the support of his mother for such calendar year.

(4) For the purposes of this section, a taxpayer shall be considered as not married if at the close of his taxable year he is legally separated from his spouse under a decree of divorce or separate maintenance, or if at any time during the taxable year the spouse to whom the taxpayer is married at the close of his taxable year was a nonresident alien. A taxpayer shall be considered married at the close of his taxable year if his spouse (other than a spouse who is a nonresident alien) dies during such year.

(c) *Household.* Section 12 (c) is applicable only where the household actually constitutes the home of the taxpayer for his taxable year and also constitutes the principal place of abode of at least one other person specified in section 12 (c) (3) (A) or provided for by section 12 (c) (3) (B) for such taxable year, without regard to the fact that the physical location of such household may have changed during such taxable year. It is not sufficient that the taxpayer maintain the household without being its occupant. The taxpayer and such other person must occupy the household for the entire taxable year of the taxpayer. They will be considered as occupying the household for such entire taxable year notwithstanding temporary absences from the household due to special circumstances. A nonpermanent failure to occupy the common abode by reason of illness, education, business, vacation, military service, or a custody agreement under which a child or stepchild is absent for less than six months in the taxable year of the taxpayer, shall be considered a temporary absence due to special circumstances. Such absence will not prevent the taxpayer from qualifying as the head of a household if (1) it is reasonable to assume that the taxpayer or such other person will return to the household, and (2) the taxpayer continues to maintain such household or a substantially equivalent household in anticipation of such return. The taxpayer will not be deprived of the benefits of section 12 (c) because such other person dies during the taxable year of the taxpayer if the household constitutes the principal place of abode of such other person during that part of such taxable year preceding death.

(d) *Cost of maintaining a household.* The taxpayer shall be considered as maintaining a household only if he pays more than one-half the cost thereof for his taxable year. The cost of maintaining a household shall be the expenses incurred for the mutual benefit of the occupants thereof by reason of its operation as the principal place of abode of such occupants for such taxable year. Such expenses include property taxes, mortgage interest, rent, utility charges, upkeep and repairs, property insurance, and food consumed on the premises. The cost of maintaining a household shall not include expenses otherwise incurred. Thus, such cost does not include expenses incurred for clothing, education, medical treatment, vacations, life insurance, and transportation. In addition, the cost of maintaining a household shall not include any amount which represents the value of services rendered in the household by the taxpayer or by a person specified in section 12 (c) (3) (A) or provided for by section 12 (c) (3) (B).

PAR. 4. There is inserted immediately preceding § 29.25-1 the following:

SEC. 310. GROSS INCOME OF DEPENDENT OF TAXPAYER (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Increase in amount of gross income permitted.* Section 25 (b) (1) (D) (relating to exemptions for dependents of taxpayer) is hereby amended by striking out "$500" and inserting in lieu thereof "$600".

(b) *Effective date.* The amendment made by subsection (a) shall be applicable only with respect to taxable years beginning after December 31, 1950.

PAR. 5. Section 29.25–3, as amended by Treasury Decision 5893, approved April 4, 1952, is amended further as follows:

(A) By striking "as amended by the Revenue Act of 1948" from the first sentence of paragraph (d) (1); and

(B) By striking "$500," from the first sentence of paragraph (d) (5), relating to exemption for dependents whose gross income is less than a certain figure, and inserting in lieu thereof the following: "$600 ($500 for a taxable year beginning after December 31, 1947, and before January 1, 1951),".

PAR. 6. There is inserted immediately preceding § 29.51–1 the following:

SEC. 301. TAX TREATMENT IN CASE OF HEAD OF HOUSEHOLD (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(b) *Computation of tax by collector.* (1) Section 51 (f) (1) (relating to tax computed by collector in case of wage earners) is hereby amended by adding at the end thereof the following: "In the case of a head of a household electing the benefits of this subsection, the tax shall be computed by the collector under Supplement T without regard to the taxpayer's status as head of a household."

* * * * * * *

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after October 31, 1951.

PAR. 7. Section 29.51–2 (c), as added by Treasury Decision 5649, approved August 25, 1948, is amended by adding immediately after subparagraph (3), thereof, the following new subparagraph:

(4) *Head of household.* In the case of a head of a household electing to make his return on Form 1040A in accordance with the rules prescribed in this section, the tax shall be computed under Supplement T without regard to the status of the taxpayer as the head of a household.

PAR. 8. There is inserted immediately preceding § 29.402–1 the following:

SEC. 301. TAX TREATMENT IN CASE OF HEAD OF HOUSEHOLD (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(b) *Computation of tax by collector.*

* * *

(2) Section 402 (relating to effect of election to pay the tax imposed by Supplement T) is hereby amended by adding at the end thereof the following: "In the case of a head of a household electing to have his tax computed by the collector pursuant to the provisions of section 51 (f), the tax imposed by section 400 shall be computed without regard to the status of the taxpayer as a head of a household."

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after October 31, 1951.

[F. R. Doc. 52–12243; Filed, Nov. 14, 1952; 8:53 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

CORPORATIONS TO SUBMIT EVIDENCE OF CHARITABLE CONTRIBUTION CLAIMED AS DEDUCTION IN TAXABLE YEAR PRECEDING YEAR OF CONTRIBUTION

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

PARAGRAPH 1. Section 29.23 (q)–1 of Regulations 111 as amended by Treasury Decision 5924, approved August 4, 1952, is further amended as follows:

(A) By inserting in lieu of the second and third sentences of paragraph (c) thereof the following: "For taxable years beginning after December 31, 1948, such election shall be made only at the time of the filing of the return for the taxable year and shall be signified by reporting such contribution or gift on the return. There shall be attached to such return a written declaration that the resolution authorizing the contribution or gift was adopted by the board of directors during the taxable year, and such declaration shall be verified by a statement signed by the president or other principal officer of the corporation that it is made under the penalties of perjury. With respect to contributions or gifts authorized on or after January 1, 1953, there shall be attached to the return, in addition to the written declaration referred to in the preceding sentence, a copy of the resolution of the board of directors authorizing such contribution or gift."

(B) By inserting in lieu of the fifth and sixth sentences of paragraph (c) thereof the following: "For taxable years beginning after December 31, 1942, and before January 1, 1949, the election shall be signified by a written statement filed with the consent hereinbefore described in which the contribution or gift shall be specified together with a written declaration that the resolution authorizing the contribution or gift was adopted by the board of directors during the taxable year with respect to which the deduction is claimed, and such declaration shall be verified by a statement signed by the president or other principal officer of the corporation that it is made under the penalties of perjury."

[F. R. Doc. 52–12237; Filed, Nov. 14, 1952; 8:51 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

INCOME PURSUANT TO AWARD OF INTERSTATE COMMERCE COMMISSION

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 611 of the Revenue Act of 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.42–1 the following:

SEC. 611. INCOME PURSUANT TO AWARD OF INTERSTATE COMMERCE COMMISSION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) Notwithstanding section 42 of the Internal Revenue Code, amounts received, pursuant to an award under the order issued under the Railway Mail Pay Act of 1916 by the Interstate Commerce Commission on December 4, 1950, as compensation for the transportation of mail during 1950 and prior years shall be deemed to be income which accrued in the taxable years in which the services to which such compensation relates were rendered. Notwithstanding section 292 of such code, no interest shall be assessed or collected for any period prior to July 1, 1951, with respect to that part of any deficiency which the Secretary determines to be attributable to the inclusion of income in a taxable year by reason of the application of this section. Any deficiency attributable to the inclusion of income in any taxable year by reason of the application of this section may be assessed at any time prior to the expiration of the period for assessment with respect to the taxable year of the taxpayer which includes December 4, 1950, notwithstanding the provisions of section 275 of the Internal Revenue Code or any other provision of law or rule of law which would otherwise prevent such assessment.

* * * * * * *

PAR. 2. Section 29.42–1 (a), as amended by Treasury Decision 5405, approved September 22, 1944, is further amended by adding at the end thereof the following new sentence: "As to amounts received, pursuant to an award under the order issued on December 4, 1950, under the Railway Mail Pay Act of 1916 by the Interstate Commerce Commission, as compensation for the transportation of mail during 1950 and prior years, see section 611 (a) of the Revenue Act of 1951."

PAR. 3. Section 29.275–1, as amended by Treasury Decision 5516, approved May 27, 1946, is further amended by redesignating present paragraphs (l) through (q) as subparagraphs (1) through (6) and inserting a new paragraph (l) immediately preceding the last undesignated paragraph thereof:

(l) Any deficiency attributable to the inclusion of income in any taxable year by reason of the application of section 611 (a) of the Revenue Act of 1951 (which qualifies section 42 with respect to the taxable year in which amounts received, pursuant to an award under the order issued on December 4, 1950, under the Railway Mail Pay Act of 1916 by the Interstate Commerce Commission, as compensation for the transportation of mail during 1950 and prior years are to be included in income) may be assessed at any time prior to the expiration of the period for assessment with respect to the taxable year of the taxpayer which includes December 4, 1950, notwithstanding the provisions of section 275 or of any other provision of law or rule of law, such as the provisions of section 3760 or the doctrine of res judicata, which would otherwise prevent such assessment.

PAR. 4. There is inserted immediately preceding section 293 the following:

SEC. 611. INCOME PURSUANT TO AWARD OF INTERSTATE COMMERCE COMMISSION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(b) Section 292 (relating to interest on deficiencies) is hereby amended by adding at the end thereof the following new subsection:

(d) With respect to any corporation entitled to receive payment for the transportation of United States mail, if an award is retroactively received for the transportation of United States mail, and if such award is required to be treated as income in the year or years in which the mail was carried, then, notwithstanding the provisions of subsection (a) of this section, no interest shall be due, with respect to any period prior to thirty days after such award is granted, for tax deficiencies resulting from the inclusion of such additional mail payments retroactively.

[F. R. Doc. 52–12[illegible] Filed, Nov. 14, 1952; 8 m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

TERMINATION PAYMENTS TO FORMER EMPLOYEES CONSIDERED CAPITAL GAINS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 329 of the Revenue Act of 1951, approved October 20, 1951, relating to capital gains treatment of certain termination payments to employees, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.117–1 the following:

SEC. 329. RECEIPTS OF CERTAIN TERMINATION PAYMENTS BY EMPLOYEE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Taxability to employee as capital gain.* Section 117 of the Internal Revenue Code is hereby amended by adding at the end thereof the following subsection:

(p) *Taxability to employee of termination payments.* Amounts received from the assignment or release by an employee, after more than twenty years' employment, of all his rights to receive, after termination of his employment and for a period of not less than five years (or for a period ending with his death), a percentage of future profits or receipts of his employer shall be considered an amount received from the sale or exchange of a capital asset held for more than six months, if such rights were included in the terms of the employment of such employee for not less than twelve years, and if the total of the amounts received for such assignment or release are received in one taxable year and after the termination of such employment.

(b) *Effective date.* The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1950.

PAR. 2. There is inserted immediately after § 29.117–10, as added by Treasury Decision 5881, approved February 11, 1952, the following new section:

§ 29.117–11 *Capital gains treatment of certain termination payments.* For taxable years beginning after December 31, 1950, certain amounts received by an employee pursuant to the assignment or release by the employee of all his rights to receive, after termination of his employment and for a period of not less than five years or for a period ending with his death, a percentage of future profits or receipts of his employer, that is, profits or receipts attributable to a period subsequent to termination of employment, shall, under the provisions of section 117 (p), be considered and treated as an amount received from the sale or exchange of a capital asset held for more than six months. The provisions of section 117 (p) shall have application to such payments only if the following conditions are met:

(a) The employee was employed by the employer, in whose future profits or receipts the employee has an interest, for a period of more than 20 years prior to the assignment or release by the employee of his rights in such future profits or receipts,

(b) The rights of the employee to a percentage of the future profits or receipts of such employer, which rights are the subject of the assignment or release, were incorporated in the terms of the contract of employment between the employee and the employer for a period of at least 12 years,

(c) The assignment or release was made after the termination of the employee's employment with such employer,

(d) The assignment or release conveyed all the rights of the employee in the future profits or receipts of such employer and conveyed no other rights of the employee, and

(e) The total amount to which the employee became entitled pursuant to the assignment or release was received by the employee after the termination of his employment with such employer and in one taxable year of the employee.

It is immaterial whether the contract of employment is oral or written provided the prescribed conditions are met. The requirement that the assignment or release be made after the termination of the employee's employment contemplates a complete and bona fide termination of the relationship of employer and employee and not merely, for example, a termination of such relationship under the particular contract or contracts of employment pursuant to which the employee acquired his rights in the future profits or receipts of the employer. The contract need not expressly provide that the employee shall share in the future profits or receipts of the employer for a minimum period of five years. However, if the contract does not expressly so provide and the assignment or release is made prior to the expiration of five years following the termination of employment, the terms of the contract considered in conjunction with the facts in the particular situation must establish that the rights of the employee to a percentage of future profits or receipts, in all probability, will extend to a period of not less than five years from the date of termination of employment or for a period ending with his death. Section 117 (p) has application only to an assignment or release made by the employee who acquired the right to a percentage of future profits or receipts of the employer, and has no application to amounts received other than as payment for assignment or release of such right. Section 117 (p) has no effect upon the determination of the income tax of the employer making the payment to the employee.

[F. R. Doc. 52–12239; Filed, Nov. 14, 1952; 8:51 a. m.]

[26 CFR Parts 29, 40]

INCOME AND EXCESS PROFITS TAXES; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941, AND ENDING AFTER JUNE 30, 1950, RESPECTIVELY

CERTAIN PAYMENTS TO ENCOURAGE EXPLORATION, DEVELOPMENT, AND MINING FOR DEFENSE PURPOSES EXCLUDED IN COMPUTING GROSS INCOME AND EXCESS PROFITS NET INCOME

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with

the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 306 of the Excess Profits Tax Act of 1950, approved January 3, 1951, and in order to conform Regulations 130 (26 CFR Part 40) to section 433 (a) (1) (P) of the Internal Revenue Code, as added by section 101 of the Excess Profits Tax Act of 1950, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after § 29.22 (b) (14)–1, as added by Treasury Decision 5371, approved May 11, 1944, the following:

[SEC. 22. GROSS INCOME.]

[(b) *Exclusions from gross income.* The following items shall not be included in gross income and shall be exempt from taxation under this chapter:]

SEC. 306. PAYMENTS TO ENCOURAGE EXPLORATION, DEVELOPMENT, AND MINING FOR DEFENSE PURPOSES (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

Effective with respect to taxable years beginning after December 31, 1950, section 22 (b) of the Internal Revenue Code is amended by adding the following new paragraph:

(15) *Payments to encourage exploration, development, and mining for defense purposes.* An amount paid to a taxpayer by the United States (or any agency or instrumentality thereof), whether by grant or loan, and whether or not repayable, for the encouragement of exploration, development, or mining of critical and strategic minerals or metals pursuant to or in connection with any undertaking approved by the United States (or any of its agencies or instrumentalities) and for which an accounting is made or required to be made to an appropriate governmental agency, and the forgiveness or discharge of any of such amount. Any expenditures (other than expenditures made after the repayment of such grant or loan) attributable to such grant or loan shall not be deductible by the taxpayer as an expense nor increase the basis of the taxpayer's property either for determining gain or loss on sale, exchange, or other disposition or for computing depletion or depreciation, but upon the repayment of any portion of any such grant or loan which has been expended in accordance with the terms thereof such deductions and such increase in basis shall to the extent of such repayment be allowed as if made at the time of such repayment.

§ 29.22 (b) (15)–1 *Payments to encourage exploration, development, and mining for defense purposes*—(a) *Applicability of section 22 (b) (15).* Section 22 (b) (15) is applicable only to amounts (1) which are paid to a taxpayer (i) by the United States or by an agency or instrumentality of the United States; (ii) as a grant, gift, bounty, bonus, premium, incentive, subsidy, loan, or advance; (iii) for the encouragement of exploration for, or development or mining of, a critical and strategic mineral or metal; and (iv) pursuant to or in connection with a plan of exploration for, or development or production of, such mineral or metal and an undertaking to expend or use any amounts received under the plan for the purpose and in accordance with the terms and conditions upon which such amounts are paid, which plan and undertaking have been submitted by the taxpayer and approved by the United States or by an agency or instrumentality of the United States; and (2) for which the taxpayer has accounted, or is required to account, to an appropriate agency of the United States Government for the expenditure or use thereof for the purpose and in accordance with the terms and conditions upon which such amounts are paid. Section 22 (b) (15) is applicable only to an amount which meets each test or requirement set forth in this paragraph. The section is applicable whether or not the payee is obligated to repay to the United States any portion or all of the amount so received. However, section 22 (b) (15) is not applicable to any loan or advance for the repayment of which the borrower's liability is unconditional and legally enforceable. Nor is section 22 (b) (15) applicable to any part of the purchase price of a critical and strategic mineral or metal received, whether before, on, or after delivery, by the seller from the United States or any agency or instrumentality thereof, irrespective of whether such purchase price is below, at, or above the established ceiling or currently prevailing market price. As used in section 22 (b) (15) and this section, the term "critical and strategic minerals or metals" means those minerals and metals listed in section 450 (b), as well as such other minerals and metals as are certified pursuant to such section as being essential to the defense effort of the United States and as not having been normally produced in appreciable quantities within the United States, and such other minerals and metals as are considered by those departments, agencies, and instrumentalities of the United States charged with the encouragement of exploration for, and development and mining of, critical and strategic minerals and metals to constitute critical and strategic minerals and metals for that purpose. See, for example, section 7 of Order–1 of the Defense Minerals Exploration Administration, March 7, 1952, 17 F. R. 2090.

(b) *Exclusion from gross income.* For any taxable year beginning after December 31, 1950, any amount to which section 22 (b) (15) is applicable is, by the terms of such section, excluded from gross income. Section 22 (b) (15) also excludes from gross income for such taxable year any income attributable to the forgiveness or discharge of any indebtedness to which such section is applicable.

(c) *Expense deduction; basis for gain or loss, depletion, or depreciation.* Except as provided in this paragraph any expenditure attributable to an amount received by a taxpayer to which section 22 (b) (15) is applicable shall not be deductible by the taxpayer as an expense under section 23, nor shall any such expenditure increase the basis under section 113 of the taxpayer's property either for determining gain or loss on sale, exchange, or other disposition or for computing depletion or depreciation (including amortization under section 124A). Upon the repayment of any portion of any amount to which section 22 (b) (15) is applicable and which has been expended for the purpose and in accordance with the terms and conditions upon which it was paid to the taxpayer, any expenditures attributable to such amount made by the taxpayer shall, as provided in section 23, be allowed to the taxpayer as a deduction, and any such expenditures shall, as provided in section 113, increase the basis of the taxpayer's property, to the extent of such repayment as if such expenditures had been made at the time of such repayment. Such expenditures shall to the extent of the repayment be expensed or capitalized, as the case may be, in the order in which they were actually made. This paragraph shall be applicable only with respect to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.22 (a)–13 (a) is amended by adding at the end thereof the following: "For exclusion from gross income of income attributable to the forgiveness or discharge of a grant or loan made to a taxpayer by the United States for the encouragement of exploration for, or development or mining of, critical and strategic minerals or metals, see § 29.22 (b) (15)–1."

PAR. 3. Section 29.23 (a)–1 is amended by adding at the end thereof the following: "As to the deductibility of expenditures attributable to a grant or loan made to a taxpayer by the United States for the encouragement of exploration for, or development or mining of critical and strategic minerals or metals, see section 22 (b) (15) and § 29.22 (b) (15)–1."

PAR. 4. Section 29.113 (a)–1 is amended by adding at the end thereof the following: "For special rules for determining the basis, both unadjusted and adjusted, of property acquired or improved with the proceeds of a grant or loan made to a taxpayer by the United States for the encouragement of exploration for, or development or mining of, critical and strategic minerals or metals, see section 22 (b) (15) and § 29.22 (b) (15)–1."

PAR. 5. Section 29.113 (b) (1)–1, as amended by Treasury Decision 5873, approved December 7, 1951, is further amended by adding at the end thereof the following: "For adjustment to basis on account of expenditures attributable to a grant or loan made to a taxpayer by the United States for the encouragement of exploration for, or development or mining of, critical and strategic minerals or metals, see section 22 (b) (15) and section 29.22 (b) (15)–1."

PAR. 6. Section 40.433 (a)–2 (p) is amended to read as follows:

(p) (1) Section 433 (a) (1) (P) is applicable only to amounts (i) which are paid to a taxpayer (*a*) by the United States or by an agency or instrumentality of the United States; (*b*) as a grant, gift, bounty, bonus, premium, incentive, subsidy, loan, or advance; (c) for the encouragement of exploration for, or development or mining of, a critical and strategic mineral or metal; and (*d*) pursuant to or in connection with a plan of exploration for, or development or production of, such mineral or metal and an undertaking to expend or use any amounts received under the plan for the purpose and in accordance with the terms and conditions upon which such amounts are paid, which plan and undertaking have been submitted by the taxpayer and approved by the United States or by an agency or instrumentality of the United States; and (ii) for which the taxpayer has accounted, or is required to account, to an appropriate agency of the United States Government for the expenditure or use thereof for the purpose and in accordance with the terms and conditions upon which such amounts are paid. Section 433 (a) (1) (P) is applicable only to an amount which meets each test or requirement set forth above. The section is applicable whether or not the payee is obligated to repay to the United States any portion or all of the amount so received. However, section 433 (a) (1) (P) is not applicable to any loan or advance for the repayment of which the borrower's liability is unconditional and legally enforceable. Nor is section 433 (a) (1) (P) applicable to any part of the purchase price of a critical and strategic mineral or metal received, whether before, on, or after delivery, by the seller from the United States or any agency or instrumentality thereof, irrespective of whether such purchase price is below, at, or above the established ceiling or currently prevailing market price. As used in section 433 (a) (1) (P) and this paragraph, the term "critical and strategic minerals or metals" means those minerals and metals listed in section 450 (b), as well as such other minerals and metals as are certified pursuant to such section as being essential to the defense effort of the United States and as not having been normally produced in appreciable quantities within the United States, and such other minerals and metals as are considered by those departments, agencies, and instrumentalities of the United States charged with the encouragement of exploration for, and development and mining of, critical and strategic minerals and metals to constitute critical and strategic minerals and metals for that purpose. See, for example, section 7 of Order–1 of the Defense Minerals Exploration Administration, March 7, 1952, 17 F. R. 2090.

(2) For any taxable year beginning before January 1, 1951, and ending after June 30, 1950, any amount to which section 433 (a) (1) (P) is applicable is, by the terms of such section, excluded in determining excess profits net income. Section 433 (a) (1) (P) also excludes in determining excess profits net income for such taxable year any income attributable to the forgiveness or discharge of any indebtedness to which such section is applicable. For similar provisions with respect to exclusions from gross income for taxable years beginning after December 31, 1950, see section 22 (b) (15) and the regulations thereunder.

(3) Except as provided in this subparagraph, any expenditure attributable to an amount received by a taxpayer to which section 433 (a) (1) (P) is applicable shall not be deductible by the taxpayer as an expense under section 23 in determining normal-tax net income for the purpose of computing excess profits net income, nor shall any such expenditure increase the basis under section 113 of the taxpayer's property for such purpose either in determining gain or loss on sale, exchange, or other disposition or in computing depletion or depreciation (including amortization under section 124A). Upon the repayment of any portion of any amount to which section 433 (a) (1) (P) is applicable and which has been expended for the purpose and in accordance with the terms and conditions upon which it was paid to the taxpayer, any expenditures attributable to such amount made by the taxpayer shall, as provided in section 23, be allowed to the taxpayer as a deduction in determining normal-tax net income for the purpose of computing excess profits net income, and any such expenditures shall, as provided in section 113, increase the basis of the taxpayer's property for such purpose, to the extent of such repayment as if such expenditures had been made at the time of such repayment. Such expenditures shall to the extent of the repayment be expensed or capitalized, as the case may be, in the order in which they were actually made. This subparagraph shall be applicable only with respect to taxable years beginning before January 1, 1951, and ending after June 30, 1950. For similar provisions with respect to deductions and basis in determining net income for taxable years beginning after December 31, 1950, see section 22 (b) (15) and the regulations thereunder.

[F. R. Doc. 52-12242; Filed, Nov. 14, 1952; 8:52 a. m.]

[26 CFR Parts 29, 40]

INCOME AND EXCESS PROFITS TAXES; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941, AND ENDING AFTER JUNE 30, 1950, RESPECTIVELY

DEFINITION OF TERM "MINING" AND COMPUTATION OF GROSS INCOME FROM MINING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) and Regulations 130 (26 CFR Part 40) to section 207 of the Revenue Act of 1950, approved September 23, 1950, and to section 304 (d) of the Excess Profits Tax Act of 1950, approved January 3, 1951, which sections relate to the definition of the term "mining" and to the computation of gross income from mining, such regulations are amended as follows:

PARAGRAPH 1. Section 29.23 (m)–1 (f) of Regulations 111, as amended by Treasury Decision 5461, approved July 9, 1945, is further amended as follows:

(A) By inserting at the end of the second undesignated paragraph thereof (which paragraph begins with the words "In the case of a crude mineral product") the following:

For taxable years beginning after December 31, 1949, the term "mining" as used herein also includes so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto as is not in excess of 50 miles, and, if the Commissioner finds that both the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills, the transportation over such greater distance. The taxpayer shall file an original and one copy of an application for the inclusion of such greater distance in the computation of his gross income from mining with the Commissioner of Internal Revenue, Washington 25, D. C., attention of the Special Technical Services Division, Engineering and Valuation Branch. The application must include a statement setting forth in detail such facts concerning the physical and other requirements for the construction and operation of a treatment plant at a place nearer to the point of extraction from the ground as are sufficient to apprise the Commissioner of the exact basis of the application. If the taxpayer's return is filed prior to receipt of notice of the Commissioner's action upon the application, a copy of such application shall be attached to the return. If, after an application is approved by the Commissioner, there is a material change in any of the facts relied upon in such application, a new application must be submitted by the taxpayer.

(B) By inserting in the third undesignated paragraph thereof, after the words "transportation of such product" in the first sentence and after the word "transportation" in the second sentence, the following: "(other than transportation treated, for the taxable year, as mining)", and by inserting at the end of such paragraph the following new sentence: "For a description of transportation which is treated, for taxable years beginning after December 31, 1949, as mining, see the preceding paragraph

and section 114 (b) (4) (B), as amended."

(C) By striking the word "In" at the beginning of the first undesignated paragraph following subparagraph (4), and by inserting in lieu thereof the following: "For taxable years beginning before January 1, 1950, in".

(D) By inserting immediately after the first sentence of the first undesignated paragraph following subparagraph (4) the following:

For taxable years beginning after December 31, 1949, in determining "gross income from the property", the sale price of the product shall not be reduced by the costs and proportionate profits attributable to the transportation which is treated for such taxable year as mining, that is, so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto as is not in excess of 50 miles (or, if the Commissioner finds that both the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills, such greater distance). Where such plants or mills are in excess of 50 miles (or of such greater distance) from the point of extraction from the ground, then costs incurred for transportation in excess of 50 miles (or of such greater distance) to the treatment plant and, if transported by the taxpayer, the proportionate profits attributable to such excess transportation should be subtracted from the sale price of the product to determine "gross income from the property". The amount attributable to transportation to be included in gross income shall be an amount which is in the same ratio to the costs incurred for, and (if transported by the taxpayer) the proportionate profits attributable to, the total transportation to the treatment plant as the transportation included within the term "mining" is to such total transportation.

PAR. 2. There is inserted immediately before § 29.114–1 of such regulations the following:

SEC. 207. PERCENTAGE DEPLETION (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Transportation from mine.* The second sentence of section 114 (b) (4) (B) (relating to the definition of gross income from property) is hereby amended to read as follows: "The term 'mining' as used herein shall be considered to include not merely the extraction of the ores or minerals from the ground but also the ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products, and so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which the ordinary treatment processes are applied thereto as is not in excess of 50 miles unless the Secretary finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills."

(b) *Effective date.* The amendment made by subsection (a) shall be applicable with respect to taxable years beginning after December 31, 1949.

SEC. 304. TECHNICAL AMENDMENTS (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

* * * * *

(d) Section 114 (b) (4) (B) of such code [Internal Revenue Code] is hereby amended by striking out "731 and 735" and inserting in lieu thereof "450 and 453".

* * * * *

(g) The amendments made by this section shall be applicable with respect to taxable years ending after June 30, 1950.

PAR. 3. Section 40.453–2 (j) (3) of Regulations 130 is amended as follows:

(A) By striking the words "taxpayer establishes to the satisfaction of the Commissioner that" in the second sentence of subdivision (i) and in the first sentence of subdivision (iv) and substituting in lieu thereof the following: "Commissioner finds that both".

(B) By striking the words "taxpayer fails to establish to the satisfaction of the Commissioner that" in the second sentence of subdivision (iv) and substituting in lieu thereof the following: "Commissioner does not find that both".

(C) By inserting at the end of subdivision (i) of such section the following: "See § 29.23 (m)–1 (f) of this chapter (Regulations 111) as to the application to be filed with the Commissioner with respect to transportation in excess of 50 miles."

(D) By inserting immediately preceding the last sentence of subdivision (iv) of such section the following: "See § 29.23 (m)–1 (f) of this chapter (Regulations 111) as to the application to be filed with the Commissioner with respect to transportation in excess of 50 miles. The amount attributable to transportation to be included in gross income shall be an amount which is in the same ratio to the costs incurred for, and (if transported by the taxpayer) the proportionate profits attributable to, the total transportation to the treatment plant as the transportation included within the term 'mining' is to the total transportation."

(E) By inserting immediately after subdivision (viii) of said section the following:

(ix) The provisions of subdivisions (i) and (iv) of this subparagraph with respect to transportation of ores or minerals in determining "gross income from the property" shall not be applicable in computing the tax for a taxable year beginning prior to January 1, 1950, and ending after June 30, 1950. In the case of such a taxable year, the provisions applicable to transportation of the ores or minerals shall be those provided in § 29.23 (m)–1 (f) of this chapter (Regulations 111) for taxable years beginning before January 1, 1950.

[F. R. Doc. 52–12238; Filed, Nov. 14, 1952; 8:51 a. m.]

[26 CFR Part 40]

EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

COMPUTATION OF EXCESS PROFITS NET INCOME

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissoner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Regulations 130 (26 CFR, Part 40) are hereby amended by adding at the end of § 40.433 (b)–2 (a) the following new sentence: "In making the adjustment required by section 433 (b) (6) for dividends received, the limitation provided in section 26 (b) with respect to dividends in kind shall be applicable only if the dividend was received after August 31, 1950."

[F. R. Doc. 52–12236; Filed, Nov. 14, 1952; 8:51 a. m.]

[26 CFR Part 40]

EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

TRANSITION FROM WAR PRODUCTION AND INCREASE IN PEACETIME CAPACITY

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 130 (26 CFR Part 40) to section 516 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 40.435–1 the following:

SEC. 516. TRANSITION FROM WAR PRODUCTION AND INCREASE IN PEACETIME CAPACITY (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Technical amendments.* Section 435 (c) (relating to determination of average base period net income) is hereby amended as follows:

(1) By inserting immediately after "445 or 446," the following: "or any subsection of section 459,".

(2) By inserting immediately after "or under such section" the following: "or subsection".

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title [including sec. 516] shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 2. Section 40.435–1 (c) is amended by inserting "or any subsection of section 459," immediately after "or 446," and by inserting "or subsection" immediately after "under whichever section" in such section, so that such § 40.435–1 (c) as so amended will read as follows:

(c) *Average base period net income; determination.* The average base period net income is the amount determined under section 435 (d) (for computation, see paragraph (d) of this section), unless the taxpayer is entitled to the benefits of section 435 (e), 442, 443, 444, 445, or 446, or any subsection of section 459, in which case the average base period net income shall be the amount determined under whichever section or subsection, applicable to the taxpayer, results in the lowest excess profits tax for the taxable year.

PAR. 3. There is inserted immediately after § 40.458–8 the following:

SEC. 516. TRANSITION FROM WAR PRODUCTION AND INCREASE IN PEACETIME CAPACITY (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *In general.* Part I of subchapter D of chapter 1 is hereby amended by adding at the end thereof a new section to read as follows:

SEC. 459. MISCELLANEOUS PROVISIONS.

(a) *Average base period net income—transition from war production and increase in peacetime capacity.* In the case of a taxpayer which commenced business before January 1, 1940, and since such date has engaged primarily in manufacturing, the taxpayer's average base period net income determined under this subsection shall be the amount computed under section 435 (e) (2) (G) (i) and (ii) if—

(1) The adjusted basis of the taxpayer's total facilities (as defined in section 444 (d)) as of the beginning of its base period (when added to the total facilities at such time of all corporations with which the taxpayer has the privilege under section 141 of filing a consolidated return for its first taxable year under this subchapter) did not exceed $10,000,000;

(2) The basis (unadjusted) of the taxpayer's total facilities (as defined in section 444 (d)) at the close of its base period was 250 per centum or more of the basis (unadjusted) of its total facilities at the beginning of its base period;

(3) The percentage of the taxpayer's aggregate gross income which was from contracts with the United States and related subcontracts was (A) at least 70 per centum for the period comprising all taxable years beginning after December 31, 1941, and ending before January 1, 1946, (B) less than 20 per centum for the period comprising all taxable years ending after December 31, 1945, and before January 1, 1950, and (C) less than 20 per centum for the period comprising all taxable years ending after December 31, 1949, and beginning before July 1, 1950; and

(4) The average monthly excess profits net income of the taxpayer (computed in the manner provided in section 443 (e)) for—

(A) The period comprising all taxable years ending with or within the last 24 months of its base period, and

(B) The last taxable year ending before the first day of its base period,

are each 300 per centum or more of the average monthly excess profits net income (so computed) of the taxpayer for the period comprising all taxable years ending with or within the first 24 months of its base period.

* * * * *

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title [including sec. 516] shall be applicable only with respect to taxable years ending after June 30, 1950.

§ 40.459 (a)–1 *Transition from war production and increase in peacetime capacity.* (a) A corporation which commenced business before January 1, 1940, which has been engaged primarily in manufacturing since January 1, 1940, and which satisfies all the requirements provided in paragraphs (1) through (4) of section 459 (a) may compute its average base period net income under section 459 (a), for the purpose of computing its excess profits tax for any taxable year ending after June 30, 1950, instead of under any other applicable provision of the Code. The average base period net income computed under section 459 (a) shall be the amount computed under section 435 (e) (2) (G) (i) and (ii) and under § 40.435–5 (a) (7) (i) and (ii) and (b). If the taxpayer computes its average base period net income under section 459 (a), the base period capital addition provided in section 435 (f) shall not be allowed in computing its excess profits credit.

(b) The date the corporation commenced business shall be determined for the purpose of section 459 (a) under the rules provided in the regulations promulgated under section 445, relating to the computation of average base period net income in the case of new corporations. See § 40.445–1 (a) (2).

[F. R. Doc. 52–12240; Filed, Nov. 14, 1952; 8:52 a. m.]

[26 CFR Part 101]

TAXES ON ADMISSIONS, DUES, AND INITIATION FEES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C. 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 43 (1941 edition) (26 CFR Part 101), relating to the taxes on admissions, dues, and initiation fees under the provisions of the Internal Revenue Code, to Public Law 124 (82d Cong., 1st Session), approved August 24, 1951, and to sections 401, 402, 403, and 404 of the Revenue Act of 1951 (Pub. Law 183, 82d Cong., 1st Session), approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. The words appearing in parentheses in the heading beginning "Part 101" immediately preceding "Subpart A—Introductory", as amended by Treasury Decision 5562, approved May 16, 1947, are further amended to read as follows: "(Chapter 10 of the Internal Revenue Code as Amended by the Revenue Acts of 1941, 1942, and 1951; and Chapter 9A of the Internal Revenue Code as Amended by the Revenue Act of 1943, the Public Debt Act of 1944, and the Excise Tax Act of 1947)."

PAR. 2. The first sentence of the first paragraph of § 101.0, as amended by Treasury Decision 5562, is further amended by striking out the words "and section 622, Title VI, of the Revenue Act of 1942," and inserting in lieu thereof the words "section 622, Title VI, of the Revenue Act of 1942, and the Revenue Act of 1951,".

PAR. 3. Immediately preceding § 101.1, there is inserted the following:

SEC. 403. EFFECTIVE DATE OF AMENDMENTS RELATING TO ADMISSIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by sections 401 and 402 shall be applicable with respect to amounts paid on or after the first day of the first month which begins more than ten days after the date of the enactment of this act for admissions on or after such date.

SEC. 404. TAX ON CABARETS, ROOF GARDENS, ETC. (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Effective date.* The amendment made by subsection (a) shall be applicable only with respect to periods after 10 antemeridian on the first day of the first month which begins more than ten days after the date of the enactment of this act.

PAR. 4. Section 101.1, as amended by Treasury Decision 5562, is further amended by adding at the end thereof the following new paragraph (d):

(d) The Revenue Act of 1951 made further amendments to the Code effective November 1, 1951. In the case of the cabaret tax, the amendment became effective at 10 a. m. on November 1, 1951.

PAR. 5. Immediately preceding § 101.2 there is inserted the following:

PUBLIC LAW 124 (82D CONGRESS, 1ST SESSION), APPROVED AUGUST 24, 1951

* * * That section 3700 (a) (1) of the Internal Revenue Code is hereby amended by adding at the end thereof the following new sentence: "No tax shall be imposed in the case of admission free of charge of a member of the Armed Forces of the United States when in uniform."

SEC. 2. The amendment made by this act shall be applicable to admissions on and after the first day of the first month which begins more than ten days after the date of the enactment of this act.

SEC. 401. REMOVAL OF TAX ON FREE ADMISSIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 1700 (a) (1) (relating to tax on single or season tickets) is hereby amended by striking out the second, fourth, and fifth sentences thereof.

PAR. 6. Section 101.5, as amended by Treasury Decision 5682, approved December 30, 1948, is further amended to read as follows:

§ 101.5 *Free and reduced rate admissions*—(a) *Beginning November 1, 1951.* The tax imposed by section 1700 (a) applies to the amount actually paid for admission, and no tax is due in the case of a person admitted free of charge. Further, a child under 12 years of age admitted for less than 10 cents is not liable for tax.

(b) *Prior to November 1, 1951*—(1) *General rule.* (i) A person admitted free or at a reduced rate to any place at a time when and under circumstances under which an admission charge is made to other persons, is liable to tax (except as provided in subparagraph (2) of this paragraph) in an amount equivalent to the tax on the amount paid by such other persons for the same or similar accommodations.

(ii) Where persons in a certain group or class, such as students 12 years of age or over, women, or members of a particular organization, are admitted at a price less than the established price of admission to the public generally, they are liable for tax based on the established price of admission to other persons for the same or similar accommodations. Women admitted free or at reduced rates to dances or any other place are liable for tax based on the established price of admission to other persons.

(iii) If tickets or cards of admission are issued the tax should be collected at the time of the issuance of such tickets or cards, while if no tickets or cards are used tax should be collected when the persons are admitted.

(2) *Exceptions.* (i) A bona fide employee of the management of the theater or other place, a municipal officer on official business, or a child under 12 years of age, is not liable to tax if admitted free but if admitted at a reduced rate is liable to tax on the reduced price, except that a child under 12 years of age admitted for less than 10 cents is not liable for tax. Bona fide employees are (*a*) those persons, including directors and officers, regularly employed by the proprietor of the place or attraction or regularly engaged in work or business transacted there, whether their duties require admission to the place or not, and whether on duty at the time admitted or not; and (*b*) other persons whose admission to the place is required for the performance of some duty to, or work for, the proprietor.

(ii) Persons in the military or naval forces of the United States when in uniform, members of the military or naval forces of any of the United Nations when in uniform, and members of the Civilian Conservation Corps when in uniform are not liable for tax if admitted free, and if admitted at a reduced rate are liable for tax on the reduced price. Except as provided in subdivisions (iii) or (iv) of this subparagraph, these exemptions do not apply to admissions after December 31, 1947.

(iii) Effective August 1, 1948, the tax does not apply to the admission free of charge of a hospitalized member of the military, naval, or air forces of the United States or of a person hospitalized as a veteran by the Federal Government in a Federal, State, municipal, private or other hospital or institution, provided such member or veteran is not on leave or furlough. Where it is necessary for an attendant to accompany such member or veteran so admitted free of charge, the tax does not apply to the admission of the attendant if he is also admitted free of charge. Where the exemption is claimed on behalf of a hospitalized member or veteran properly entitled thereto, who is singly admitted, the right to the exemption shall be evidenced by a statement, personally signed, of an administrative officer of the hospital or institution, identifying by name such member or veteran (and attendant, if any) and certifying that the member or veteran (*a*) is a hospitalized member of the military, naval, or air forces of the United States or a veteran hospitalized by the Federal Government, and (*b*) is not on leave or furlough. Where the exemption is claimed on behalf of hospitalized members or veterans who are collectively admitted the statement need not identify the members or veterans individually, but shall specify the number of such members or veterans (and attendants, if any) and certify that the members or veterans (*1*) are hospitalized members of the military, naval or air forces of the United States or are veterans hospitalized by the Federal Government and (*2*) are not on leave or furlough. In either case the statement evidencing the right to the exemption shall be taken up by the proprietor of the place, and retained as part of his records. (See § 101.32.)

(iv) Effective October 1, 1951, to and including October 31, 1951, the tax does not apply to the admission free of charge of a member of the Armed Forces of the United States when in uniform. This exemption applies to free admissions only.

(v) Newspaper reporters, photographers, telegraphers, radio announcers, and persons of similar vocation who are admitted free to any place for the performance of special duties in connection with an event and whose special duties are the sole reason for their presence and free admission, are not liable for any tax on admissions. Free admissions, including free admissions to spoken plays, etc., granted to such persons who are not admitted solely for the purpose of performing their special duties in connection with the event are subject to tax equivalent to the tax on the admission charge paid by other persons for the same or similar accommodations.

PAR. 7. Immediately preceding § 101.13 there is inserted the following:

SEC. 404. TAX ON CABARETS, ROOF GARDENS, ETC. (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Ballrooms and dance halls.* Section 1700 (e) (1) (relating to tax on cabarets, roof gardens, etc.) is hereby amended by inserting after the second sentence thereof the following new sentence: "In no case shall such term include any ballroom, dance hall, or other similar place where the serving or selling of food, refreshment, or merchandise is merely incidental, unless such place would be considered, without the application of the preceding sentence, as a 'roof garden, cabaret, or other similar place'."

* * * * *

PAR. 8. Section 101.14, as amended by Treasury Decision 5385, approved June 30, 1944, is further amended as follows:

(A) By amending the paragraph (a) thereof to read as follows:

(a) (1) The term "roof garden, cabaret, or other similar place" includes any room in any hotel, restaurant, hall, or other public place where music and dancing privileges or any other entertainment, except instrumental or mechanical music alone, are afforded the patrons in connection with the serving or selling of food, refreshment, or merchandise, except that after 10 a. m. November 1, 1951, such term does not include any ballroom, dance hall, or other similar place where the serving or selling of food, refreshment, or merchandise is merely incidental, unless such place would otherwise be considered as a roof garden, cabaret, or other similar place. The exception with respect to ballrooms, dance halls, or other similar places, applies only to such of those establishments which are operated primarily to furnish music and dancing privileges and where the serving or selling of food, refreshment, or merchandise constitutes in fact an incidental or subsidiary service in relation to the furnishing of music and dancing privileges.

(2) A public performance furnished at a roof garden, cabaret, or other similar place shall be regarded as being furnished for profit for purposes of this section even though the charge made for admission, refreshment, service, or merchandise is not increased by reason of the furnishing of such performance.

(B) Example (1) following paragraph (c) thereof is deleted, examples (2) and (3) are renumbered (1) and (2), respectively, and the following is inserted as example (3):

Example (3). A dance hall is operated from 9:00 p. m. until midnight every Friday and Saturday night. The charge for admission varies according to the character of the entertainment furnished, so that when a name band appears, the admission charge is higher than when the music is furnished by a local band. Refreshments consisting of sandwiches, potato chips, soft drinks and coffee are served at tables, and the number of patrons who can be seated at any time is substantially less than the number of persons who can be accommodated for dancing. The serving of refreshments is limited to the period when the dance hall is open. Patrons are not required to purchase refreshments. In this case, the dance hall is operated primarily for the purpose of furnishing music and dancing privileges and the sale of refreshments constitutes an incidental service. Amounts paid by patrons of the dance hall are not subject to the cabaret tax; however, the charge for admission is subject to the admissions tax.

PAR. 9. Immediately preceding § 101.15, there is inserted the following:

SEC. 402. EXEMPTIONS FROM ADMISSIONS TAX (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Reinstatement of prewar exemptions.* Notwithstanding section 541 (b) of the Revenue Act of 1941, the provisions of section 1701 (relating to exemptions from the admissions tax) shall apply to amounts paid on or after the effective date specified in section 403 of this Act for admissions on or after such date.

(b) *Amendment of section 1701 (a) and (b).* Subsections (a) and (b) of section 1701 (relating to exemptions from admissions tax) are hereby amended to read as follows:

(a) *Certain religious, educational, or charitable entertainments, etc.*—(1) *In general.* Except as provided in paragraph (2), any admissions all the proceeds of which inure

(A) exclusively to the benefit of—

(i) A church or a convention or association of churches;

(ii) An educational institution which is exempt under section 101 (6) or which is an educational institution of a government or political subdivision thereof, if such organization normally maintains a regular faculty and curriculum and normally has a regularly organized body of pupils or students in attendance at the place where its educational activities are regularly carried on;

(iii) A corporation or any community chest, fund, or foundation organized and operated exclusively for charitable purposes, exempt under section 101 (6), if such corporation or organization is supported, in whole or in part, by funds contributed by the United States or any State or political subdivision thereof, or is primarily supported by contributions from the general public;

(iv) A society or organization conducted for the sole purpose of maintaining symphony orchestras or operas and receiving substantial support from voluntary contributions;

(v) An organization (organized prior to October 1, 1951) which is exempt under section 101 (6) and which is operated for the purpose of conducting an annual chautauqua program of educational, cultural, and religious activities at a permanent location—

if no part of the net earnings thereof inures to the benefit of any private stockholder or individual;

(B) Exclusively to the benefit of National Guard organizations, Reserve officers' associations or organizations, posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private stockholder or individual; or

(C) Exclusively to the benefit of a police or fire department of any city, town, village, or any municipality or exclusively to a retirement, pension, or disability fund for the sole benefit of members of such a police or fire department or to a fund for the heirs of such members.

(2) *Nonexempt admissions.* The exemption provided under paragraph (1) shall not apply in the case of admissions to (A) any athletic game or exhibition unless the proceeds inure exclusively to the benefit of an elementary or secondary school or unless in the case of an athletic game between two elementary or secondary schools, the entire gross proceeds from such game inure to the benefit of a hospital for crippled children, (B) wrestling matches, prize fights, or boxing, sparring, or other pugilistic matches or exhibitions, (C) carnivals, rodeos, or circuses in which any professional performer or operator participates for compensation, or (D) any motion picture exhibition.

(b) *Agricultural fairs.* Any admissions to agricultural fairs if no part of the net earnings thereof inures to the benefit of any stockholders or members of the association conducting the same—if the proceeds therefrom are used exclusively for the improvement, maintenance, and operation of such agricultural fairs; or

(c) *Admissions to municipal swimming pools, etc.* Section 1701 is hereby amended by striking out the period at the end of subsection (c) and inserting in lieu thereof "; or" and by adding at the end of such section the following new subsections:

(d) *Municipal swimming pools, etc.* Any admissions to swimming pools, bathing beaches, skating rinks, or other places providing facilities for physical exercise, operated by any State or political subdivision thereof or by the United States or any agency or instrumentality thereof—if the proceeds therefrom inure exclusively to the benefit of the State, political subdivision, United States, agency, or instrumentality. For the purposes of this subsection, the term "State" includes Alaska, Hawaii, and the District of Columbia; or

(e) (1) *Home and garden tours.* Any admission to a home or garden which is temporarily opened to the general public as part of a program conducted by a society or organization to permit the inspection of historical homes and gardens—if no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

(2) *Historic sites.* Any admissions to historic sites, houses, and shrines, and museums conducted in connection therewith, maintained and operated by a society or organization devoted to the preservation and maintenance of such historic sites, houses, shrines, and museums—if no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

SEC. 1701. INTERNAL REVENUE CODE.

* * * * *

(c) *Certain concerts.* Any admissions to concerts conducted by a civic or community membership association if no part of the net earnings thereof inures to the benefit of any stockholders or members of such association.

* * * * *

PAR. 10. Section 101.15, as amended by Treasury Decision 5682, and § 101.16, as amended by Treasury Decision 5170, approved September 25, 1942, are stricken and the following is inserted in lieu thereof:

§ 101.15 *Exemptions from tax*—(a) *Scope of exemption, effective November 1, 1951.* (1) The admissions taxes imposed by section 1700 are of two classes: (i) Taxes on admissions per se to be paid by the person paying for admission, and (ii) taxes on charges in excess of the regular or established price of admission, which taxes are to be paid by the person selling or disposing of tickets or cards of admission at excess prices. Section 1701 (a) confers exemption, under certain conditions and limitations, from taxes of one or both classes. Admissions, or excess charges, are not exempt merely because the proceeds are to be used for a religious, educational or charitable purpose. The primary condition is that all the proceeds of the admissions or excess charges, as the case may be, inure to the benefit of the organizations enumerated in section 1701 (a) and the event is not of a type described in section 1701 (a) (2). (See paragraph (c) of this section). It may happen that the proceeds of admission charges inure to the benefit of exempt organizations and the proceeds of excess charges go to the benefit of nonexempt organizations or persons. In that event, the tax exemption applies only to the admission charges. Conversely, the situation may be that the proceeds of the excess charges, but not of the admission charges, inure to the benefit of exempt organizations. In that situation, the excess charges only are exempt from tax.

(2) The term "all the proceeds" means all the net proceeds of the regular admission charges or excess charges, as the case may be, after payment of actual and reasonable expenses incurred in presenting the event. Whether certain expenses are reasonable is to be determined on the basis of all the facts in the matter. If the expenses are in excess of what is reasonable and necessary under the circumstances, all the proceeds would not be deemed to inure exclusively to the benefit of the exempt organization. In any case where the amount to be received by a nonexempt person or organization for talent, services, or otherwise, is based on a percentage of the net or gross proceeds, the organization claiming exemption shall, before exemption may be allowed, establish that the maximum amount to be received on the percentage basis is a reasonable sum and not more than would ordinarily be received on a flat-rate basis for the same or similar talent or services, and that the contract actually operates to the benefit of the exempt organization.

(b) *Organizations exempt from admissions tax*—(1) *General.* (i) Under the provisions of section 1701 (a) (1) (A), exemption is granted with respect to admissions, other than those specified in section 1701 (a) (2) (see paragraph (c) of this section), all the proceeds of which inure to the benefit of certain religious, educational, charitable, or other organizations operating on a nonprofit basis. The mere fact that an organization is so organized or operated does not afford a basis for exemption. To be entitled to such exemption the organization must comply with all of the statutory requirements. There is no requirement, expressed or implied, that an institution, society, or organization, to be included within these exemption provisions, must be organized or operating in the United States.

(ii) For an organization to be considered a religious, educational, or charitable institution, or society, or organization of the kind contemplated by section 1701 (a), it must have a definite organization, with officers, directors, or trustees, and the usual essential features (incorporation not being essential) of an association of its class. The organization must also have a purpose which as put into practice is religious, educational, charitable, or of the nature specified by the statute. Furthermore, no part of the net earnings of such organization shall inure to the benefit of any private stockholder or individual.

(iii) Other requirements which must be met by organizations that may be exempt from the admissions tax are set forth in subparagraphs (2) through (8) of this paragraph.

(2) *Churches or conventions or associations of churches.* (i) Admissions, or excess charges, all the proceeds of which (after payment of reasonable expenses) inure exclusively to the benefit of a church or a convention or association of churches are exempt from tax. (For exceptions to this exemption, see paragraph (c) of this section.)

(ii) The term "convention or association of churches" includes a union of churches of the same denomination organized on a regional or other basis, or a union of churches of different denominations which meet and act in concert to further a particular religious purpose.

(iii) Missions and missionary societies, Sunday school classes, choir groups and other associations forming a functional part of the organization of a church fall within the exemption.

(3) *Educational institutions.* (i) Admissions, or excess charges, all the proceeds of which (after payment of reasonable expenses) inure exclusively to the benefit of an educational institution are exempt from the tax, provided (*a*) the educational institution is exempt under section 101 (6), or is an educational institution of a government or political subdivision thereof, (*b*) the institution normally maintains a regular faculty and curriculum and normally has a regularly organized body of pupils or students in attendance at the place where its educational activities are regularly carried on, and (*c*) no part of the net earnings thereof inures to the benefit of any private stockholder or individual. (For exceptions to this exemption, see paragraph (c) of this section.) Generally, this exemption applies in the case of institutions engaged in the presentation of formal instruction, such as elementary and high schools, colleges and universities, through the medium of a regular faculty and curriculum with a regularly organized body of pupils or students in attendance. However, any educational institution exempt from income tax under section 101 (6), such as a museum, art gallery, etc., may also qualify under section 1701 (a) for an exemption from the tax on admissions but only if, as a substantial part of its activities, such institution maintains a regular faculty, curriculum, and student body.

(ii) Any organization sponsored and administered by an educational institution as a part of its educational program, and in which membership is open to any of the members thereof, is also entitled to exemption. Examples of such organizations are student governing bodies, athletic associations, dramatic clubs, language clubs, science clubs, and similar groups.

(4) *Charitable organizations.* (i) Admissions, or excess charges, all the proceeds of which (after payment of reasonable expenses) inure exclusively to the benefit of a corporation or any community chest, fund, or foundation organized and operated exclusively for charitable purposes, exempt under section 101 (6), are exempt from tax provided such corporation or organization is supported, in whole or in part, by funds contributed by the United States or any State or political subdivision thereof, or is primarily supported by contributions from the general public, and if no part of the net earnings thereof inures to the benefit of any private stockholder or individual. (For exceptions to this exemption, see paragraph (c) of this section.)

(ii) Any organization having as its exclusive purpose the free assistance of the poor, incapacitated, distressed, etc., comes within the meaning of the term "charitable" as used in the Code. An organization is not precluded from exemption merely because its gratuities are limited to its members or their dependents.

(iii) Charitable organizations supported by funds contributed by the United States or any State or political subdivision thereof are entitled to exemption regardless of the extent of the support received and of the manner in which the funds are contributed, i. e., whether as payment for specific services rendered by the organization, by the allotment of any sum, or whatever other means may be used.

(iv) However, charitable organizations supported by contributions received from the general public, in order to show that they are primarily supported in such manner, must establish that more than 50 percent of all the income received by the organization, is derived from that source. Amounts paid for admission are not regarded as "contributions" for purposes of this exemption.

(5) *Symphony orchestra and opera organizations.* (i) Admissions, or excess charges, all the proceeds of which (after payment of reasonable expenses) inure exclusively to the benefit of a society or organization conducted for the sole purpose of maintaining symphony orchestras or operas and receiving substantial support from voluntary contributions, are exempt from tax, if no part of the net earnings thereof inures to the benefit of any private stockholder or individual. (For exceptions to this exemption, see paragraph (c) of this section.)

(ii) The name by which an organized group of musicians is called is not the test of whether or not such group is a symphony orchestra. It must have a personnel of sufficient size and ability to render symphonies capably and such symphonies must form a major part of its regular programs. Bands and ordinary orchestras are not included in the exemption.

(6) *Chautauquas.* (i) Admissions, or excess charges, all the proceeds of which (after payment of reasonable expenses) inure exclusively to the benefit of a society or organization organized prior to October 1, 1951, exempt from income tax under section 101 (6) and operated for the purpose of conducting an annual chautauqua program of educational, cultural, and religious activities at a permanent location are exempt from tax, if no part of the net earnings thereof inures to the benefit of any private stockholder or individual. (For exceptions to this exemption, see paragraph (c) of this section.)

(ii) The term "chautauqua program" means an operation designed to provide a series of meetings or assemblies of persons who are brought together for a common purpose, wherein a program of educational, cultural, and religious activities is carried on and during which courses of instruction in either educational, cultural, or religious activities are actually participated in by persons present for the program.

(7) *National Guard and Reserve officers' associations or organizations of war veterans.* Admissions, or excess charges, all the proceeds of which (after payment of reasonable expenses) inure exclusively to the benefit of National Guard organizations, Reserve officers' associations or organizations, posts or organizations of war veterans, or auxiliary units or societies of any of the foregoing, are exempt from tax, if organized in the United States or any of its possessions and if no part of their net earnings inures to the benefit of any private stockholder or individual. (For exceptions to this exemption, see paragraph (c) of this section.)

(8) *Police or fire department.* Admissions, or excess charges, all the proceeds of which (after payment of reasonable expenses) inure exclusively to the benefit of a police or fire department (including a volunteer fire department) of any city, town, village, or municipality or exclusively to a retirement, pension, or disability fund for the sole benefit of members of such a police or fire department or to a fund for the heirs of such members, are exempt from tax. (For exceptions to this exemption, see paragraph (c) of this section.)

(c) *Nonexempt admissions.* The exemptions provided by section 1701 (a) (1) in the case of events held for the benefit of the organizations specified therein (paragraph (b) (2) through (8) of this section) do not apply with respect to admissions to:

(1) Any athletic game or exhibition unless the proceeds inure exclusively to the benefit of an elementary or secondary school; or unless in the case of an athletic game between two elementary or secondary schools, the entire gross proceeds from such game inure to the benefit of a hospital for crippled children. (See paragraph (d) (6) of this section.)

(2) Wrestling matches, prize fights, or boxing, sparring, or other pugilistic matches or exhibitions, irrespective of the status of the participants, the character of the organization sponsoring the event, or to whom the admission proceeds are payable.

(3) Carnivals, rodeos, or circuses in which any professional performer or operator participates for compensation. It is immaterial whether the professional performer or operator is paid for his services from the admission proceeds or from some other source.

(4) Any motion picture exhibition.

(d) *Admissions to specific events exempt from tax—*(1) *Agricultural fairs.* (i) Admissions to agricultural fairs the proceeds of which are used exclusively for the improvement, maintenance, and operation of such fairs are exempt from tax, if no part of the net earnings thereof inures to the benefit of any stockholder or member of the association conducting the fair.

(ii) The term "agricultural fairs" includes, in general, all exhibitions of farm produce, livestock, poultry, flowers, or the like held for the promotion or advancement of agriculture (including horticulture). It includes any exhibition of animals of a species whose chief utility is in connection with agriculture, held by an association organized to improve that species of animal and to disseminate knowledge concerning its breeding.

(iii) The exemption afforded with respect to agricultural fairs is limited to the general admission charge to the fair grounds or to any additional payment for seating accommodations offered in connection with any free event held in connection with the fair. The exemption does not extend to admissions to any exhibit, entertainment, or other event for which a separate additional admission charge is made.

(iv) The exemption of subdivision (iii) of this subparagraph applies only to admissions to agricultural fairs and does not extend to admissions to events which may be conducted at the fair grounds by the fair association when a fair is not in progress, even though the proceeds from such admissions may inure exclusively to the benefit of the fair association.

(*a*) The following are examples of events regarded as agricultural fairs within the meaning of the statute:

(*1*) An exhibition of articles of garden produce to stimulate a "garden movement" in the community.

(*2*) A poultry show held by a poultry fanciers' association for the purpose of teaching poultry farmers how to secure the greatest possible egg production.

(*3*) A horse fair held by a society organized to improve the quality of farm animals, the animals exhibited being chiefly of that class.

(*b*) Examples of events which do not qualify as agricultural fairs include the following:

(*1*) A dog show presented by a dog fanciers' association.

(*2*) A horse show held primarily for the purpose of exhibiting fancy riding and driving horses.

(*3*) A food show presented by a retail grocers' association for the purpose of exhibiting raw food products, the processes of manufacture, the finished food products, and the food prepared for the table.

(2) *Concerts.* No tax is due with respect to payments for admission to concerts conducted by a civic or community association operating under a constitution, bylaws, or other rules or regulations providing for a definite class of membership, if no part of the net earnings inures to the benefit of any member or stockholder. This exemption applies only with respect to concerts and has no application to other entertainments given by any such association. This exemption applies regardless of the disposition made of the proceeds from the admissions.

(3) *Municipal swimming pools, etc.* (i) Admissions to swimming pools, bathing beaches, skating rinks or other places providing facilities for physical exercise, which are operated by any State or political subdivision thereof or by the United States or any agency or instrumentality thereof, are exempt from tax provided the proceeds from the admission charges inure exclusively to the benefit of the State, political subdivision, United States, agency, or instrumentality. The term "State", for the purpose of this exemption, includes Alaska, Hawaii, and the District of Columbia.

(ii) The exemption applies where the payment for admission to the swimming pool, bathing beach, skating rink or other place providing facilities for physical exercise entitles the person making such payment to swim, skate, or otherwise use the facility offered. The exemption does not apply, however, where the only privilege afforded the person paying for admission is the right of being a spectator at any event, exhibition, tournament, etc., conducted at the place providing such facilities.

(4) *Home and garden tours.* Admissions to homes or gardens temporarily opened to the general public as part of a program conducted by a society or organization to permit the inspection of historic homes and gardens are exempt from tax, if no part of the net earnings thereof inures to the benefit of any private stockholder or individual. This exemption applies regardless of the disposition made of the proceeds from the admissions.

(5) *Historic sites.* (i) Admissions to historic sites, houses, and shrines, and museums conducted in connection therewith, maintained and operated by a society or organization devoted to the preservation and maintenance of such historic sites, houses, shrines, and museums are exempt from tax, if no part of the net earnings thereof inures to the benefit of any private stockholder or individual. This exemption applies regardless of the disposition made of the proceeds from the admissions.

(ii) Historic museums not maintained in connection with historic sites, houses, or shrines are not entitled to exemption with respect to admissions thereto.

(6) *Athletic events.* Admissions to any athletic game or exhibition the proceeds of which inure exclusively to the benefit of an elementary or secondary school are exempt from tax. Admissions to any athletic game or exhibition between two elementary or secondary schools are exempt from tax, provided the entire gross proceeds from such game inure to the benefit of a hospital for crippled children. For the purpose of this exemption, the term "secondary school" includes any high school, or the equivalent thereof, through grade twelve.

(e) *Scope of exemption, prior to November 1, 1951—*(1) *General rule.* The several exemptions from the tax on admissions allowed by section 1701 of the Code and by the Interior Department Appropriation Acts prior to October 1, 1941, were terminated as of that date by section 541 (b) and (c) of the Revenue Act of 1941. Accordingly, except as provided in subparagraph (2) of this paragraph, all amounts paid on and after October 1, 1941, for admission to any place are subject to tax, regardless of the purpose of the entertainment or affair and regardless of the organization or person to whom the proceeds inure. A child under 12 years of age admitted for less than 10 cents is not liable for tax. (See § 101.4.).

(2) *Exceptions.* (i) Amounts paid on and after October 1, 1941, for admission to theaters and other activities operated by or under the control of the War Department or the Navy Department within posts, camps, reservations, and other areas maintained by the Military or Naval Establishment shall be exempt from the tax imposed by this section, provided the net proceeds from said admission charges are used exclusively for the welfare of the military or naval forces of the United States. These exceptions are not applicable to amounts paid after December 31, 1947. (See section 11 of Public Law 384, 80th Congress.)

(ii) Effective August 1, 1948, no tax is imposed when a hospitalized member of the military, naval, or air forces of the United States, or a person hospitalized as a veteran by the United States in a Federal, State, municipal, private, or other hospital or institution, is admitted free, provided such member or veteran is not on leave or furlough. (See § 101.5 (b) (2).)

(iii) Effective October 1, 1951, to and including October 31, 1951, the tax does not apply to the admission free of charge of a member of the Armed Forces of the United States when in uniform. This exemption applies to free admissions only.

(f) *Admissions by or for the benefit of Federal, State, or Municipal Governments.* The fact that the authority charging admissions or receiving the proceeds thereof is the United States or an agency thereof, of a State or Territory or political subdivision thereof, such as a county, city, town, or other municipality, does not make such admissions exempt, in the absence of specific statutory provision. The Code specifically provides that the taxes on admission shall be paid by the person paying for admission. It is not, therefore, a tax on the person or authority selling the admissions or receiving the proceeds thereof.

§ 101.16 *Application for exemption.* (a) A determination concerning the applicability of an exemption provided by section 1701 may be obtained by the timely filing of a properly executed application for exemption on Form 755. This form may be procured from any collector or director of internal revenue. The application shall show the place and the occasion with respect to which exemption is requested. It shall be executed by an officer or duly authorized agent of the organization in control of the admissions or excess charges, or, in case of control by an individual, the application must be executed by him or his duly authorized agent. Where the proceeds of the admissions or excess

charges will inure to the benefit of an organization not in control of such admissions or excess charges, the beneficiary shall join in executing the application for exemption.

(b) The application shall be filed with the collector or director of internal revenue for the district in which is located the place to which the admissions will be sold. It shall be filed as early as possible so that the organization may be advised in ample time prior to the date of the event of the action taken by the collector or director. The application shall be accompanied by the necessary supporting data specified therein, so that action can be taken without the necessity of additional correspondence.

[F. R. Doc. 52-12244; Filed, Nov. 14, 1952; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 31]

WOOL STANDARDS

DISTRIBUTION OF PRACTICAL FORMS OF WOOL STANDARDS AND WOOL TOP STANDARDS

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by law (Sec. 19, 39 Stat. 489, sec. 19, 42 Stat. 1284, secs. 1, 2, 3, 45 Stat. 593, 594, sec. 401 (a), 58 Stat. 738; 7 U. S. C. 257, 415b–415e), proposes to amend §§ 31.51 (a) and 51.151 (a) of the regulations governing the distribution of practical forms of wool standards and wool top standards (7 CFR 31.51 (a), 31.151 (a)), by deleting therefrom the words "seal of the United States Department of Agriculture and signed by", and inserting in lieu thereof the words "signature of".

Section 31.51 (a) as amended would read as follows:

§ 31.51 *Practical forms; method of obtaining; conditions.* (a) A complete set of the practical forms of the official standards of the United States for grades of wool (Grades 80's, or Fine, to 36's, or Braid, inclusive, mounted, 12 specimens), certified under the signature of the Administrator of the Production and Marketing Administration or other official duly authorized by him, will be furnished, subject to the other conditions of this section, upon filing of an approved application and prepayment of costs thereof as fixed by § 31.52.

Section 31.151 (a) as amended would read as follows:

§ 31.151 *Practical forms; method of obtaining; conditions.* (a) Practical forms of the official standards of the United States for grades of wool top enumerated in this paragraph, certified under the signature of the Administrator of the Production and Marketing Administration or other official duly authorized by him, will be furnished, subject to the other conditions of this section, upon filing of an approved application and prepayment of costs thereof as fixed by § 31.152:

(1) Sets: Grades 80's to 36's, inclusive, complete series, mounted specimens.

(2) Demonstrator types: Grades 80's to 50's, inclusive, individual, approximately 4 ounces in weight.

(3) Balls: Grades 80's to 50's, inclusive, individual, approximately 9 pounds in weight.

Any person who desires to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

(Sec. 19, 39 Stat. 489, sec. 19, 42 Stat. 1284, secs. 1, 2, 3, 45 Stat. 593, 594, sec. 401 (a), 58 Stat. 738; 7 U. S. C. 257, 415b–415e)

Done at Washington, D. C., this 12th day of November 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-12249; Filed, Nov. 14, 1952; 8:54 a. m.]

[7 CFR Part 918]

[Docket No. AO 219-A1]

HANDLING OF MILK IN MEMPHIS, TENN., MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Federal Post Office Building, Room 36, Front and Madison Streets, Memphis, Tenn., beginning at 10:00 a. m., c. s. t., December 2, 1952, for the purpose of receiving evidence with respect to conditions which relate to the handling of milk in the Memphis, Tennessee, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the Memphis, Tennessee, marketing area (7 CFR Part 918 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order regulating the handling of milk in the Memphis, Tenn., milk marketing area were proposed, as follows:

By the Mid-South Milk Producers Association:

1. Amend § 918.6 to read:

§ 918.6 *Memphis, Tenn., marketing area.* "Memphis, Tenn., marketing area," means all the territory within the boundaries of Shelby County in Tennessee and Crittendon County in Arkansas.

2. Amend § 918.7 to read:

§ 918.7 *Fluid milk plant.* "Fluid milk plant" means any milk plant, except that of a producer-handler used during the delivery period for (a) the processing and packaging of producer milk, all or a portion of which is disposed of as Class I milk in the marketing area to wholesale or retail outlets, including plant stores; or (b) the receipt and cooling of producer milk for shipment to a plant described in paragraph (a) of this section: *Provided*, That any such plant which delivers less than 30 percent of its total milk sales during the delivery period to such a plant or handler shall not be a fluid milk plant.

3. Amend § 918.10 to read:

§ 918.10 *Producer.* "Producer" means any person, except a producer-handler whose milk is used for consumption as milk in the marketing area, which milk is: (a) Received at a fluid milk plant, or (b) diverted from a fluid milk plant to a nonfluid milk plant: *Provided*, That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

4. Amend § 918.41 (a) to read:

(a) "Class I milk" shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, and any other fluid product including eggnog disposed of by a handler, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

By the Madison County Milk Producers Association:

1. Amend § 918.6 to read as follows:

§ 918.6 *Memphis, Tenn., marketing area.* "Memphis, Tenn., marketing area", hereinafter called the marketing area, means all the territory within the boundaries of Shelby and Madison Counties in Tennessee, and Crittendon County in Arkansas.

By Dairy Branch, Production and Marketing Administration:

1. Add § 918.61:

§ 918.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply except that such handler shall make reports in such manner as the market administrator may require, which shall be subject to verification by the market administrator.

2. In § 918.81 delete "by the number of days on which milk was received during such month from such producer by a handler" and substitute therefor the following: "by the number of days in such month during which milk was received from such producer by a handler."

3. In § 918.91 (c) delete "2d day" and substitute therefor "1st day."

4. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect, may be procured from the Market Administrator, Manufacturers and Merchants Building, 198 South Main Street, Memphis, Tenn., or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be inspected there.

Dated: November 12, 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 52-12252; Filed, Nov. 14, 1952; 8:56 a. m.]

[7 CFR Part 933]

ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952–53 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended, as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $152,000.00 will be necessarily incurred during the fiscal period August 1, 1952, to July 31, 1953, for the maintenance and functioning of the committees established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as each handler's share of such expenses, the rate of assessment, which each handler shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, at $0.004 per standard pack box of fruit shipped by such handler during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handler," "shipped," "fruit," "fiscal period," and "standard packed box" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued this 12th day of November 1952.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 52-12253; Filed, Nov. 14, 1952; 8:56 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order No. 41; Docket No. 57]

JOHN J. NACLERIO ET AL

SUSPENSION ORDER

Administrative adversary proceedings in the matter of: John J. Naclerio, Frank Naclerio, Ralph E. Naclerio, Horace E. Hastings, co-partners doing business under the firm name and style of Paramount Roll Thread Co., respondents.

A hearing having been held on the above-entitled matter on the 24th day of October 1952, before Warren A. Seavey, a hearing commissioner of the National Production Authority, on a statement of charges made by the General Counsel of the National Production Authority, in accordance with the National Production Authority's General Aministrative Order 16–06 (16 F. R. 8628) dated July 21, 1951, and Rules of Practice 1, Revised (17 F. R. 8156), the respondents appeared by their attorney, Charles M. Copeland of New Haven, Connecticut; the National Production Authority was represented by James E. Agnew, of its Boston Regional Office.

By motion made by the National Production Authority through its regional attorney and acquiesced in by the attorney for the respondents, the names of the parties incorrectly spelled were changed to conform to the names as in the above heading.

All the respondents were duly apprised of the specific charges by the National Production Authority and were fully informed of the rules and procedures which govern these proceedings and the administrative action which may be taken.

The hearing: The facts were agreed upon by the parties and the National Production Authority, and a stipulation order was entered signed by all four respondents, their attorney, and the regional attorney for the National Production Authority.

The charges: The first charge was a violation of section 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

The third charge was a violation of section 6 (f) of CMP Regulation No. 3, dated May 3, 1951 (16 F. R. 4135), as amended September 15, 1951 (16 F. R. 9417).

The second and fourth charges were for violations of section 6 (f) of CMP Regulation No. 3, dated May 3, 1951 (16 F. R. 4135), as amended September 15, 1951 (16 F. R. 9417).

The first charge was withdrawn by the regional attorney.

The evidence indicated, as stated in the stipulation, that the third charge was merely a technical violation due to ignorance and that the respondents did not because of this use more controlled products than that for which they had received and were entitled to receive an allotment.

By this stipulation and by the oral admissions of their attorney, the respondents admitted violations of the second and fourth charges to the extent of 20 tons of copper wire production materials. There was no claim of willfulness. The overuse was the result of ignorance. The respondents constituted a partnership of relatively uneducated men, doing a small business largely with their own hands. One of the errors was the result of misunderstanding an answer to a question put to the local office of the National Production Authority.

The authorized tonnage for 1952 of the respondents was approximately 43 tons. If the total amount by which they have exceeded their allotment were deducted during the first and second quarters of 1953 (and it is impossible to direct a deduction thereafter), the respondents would not be able to conduct their business during such period. It is against public policy to deprive the respondents of the entire right to controlled materials during the first two quarters of 1953. The small businessman is a special ward of government, operating as he does without skilled attorneys who might otherwise save him from mistakes. On the other hand, the error cannot be ignored and the respondents by their excessive use have reduced the amount of copper wire production materials available to other consumers.

It is therefore ordered that during each of the first and second quarters of 1953, the allocations and allotments of copper wire production material which respondents might otherwise be entitled to receive are to be reduced by 7 tons, making a total reduction of 14 tons for the 2 quarters.

Upon proof of undue hardship during these quarters, I recommend that upon application a modification be made.

Issued this 28th day of October 1952.

NATIONAL PRODUCTION AUTHORITY,
By WARREN A. SEAVEY,
Hearing Commissioner.

[F. R. Doc. 52-12328; Filed, Nov. 14, 1952; 11:27 a. m.]

Office of International Trade

[Case No. 141]

RICHARD T. Y. LEE ET AL.

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of Richard T. Y. Lee, Sueling Li, Henry T. S. Lee, United Global Corporation, 37 Wall Street, New York 5, New York, respondents; Case No. 141.

The Investigation Staff of the Office of International Trade issued charges against United Global Corporation, a domestic export-import firm, and its officers, Sueling Li, Richard T. Y. Lee, and Henry T. S. Lee, on October 7, 1952, charging that said respondents violated the Export Control Act of 1949, as amended, and the regulations thereunder, the administration of which is the responsibility of the Office of International Trade. The charges are, in substance, that said respondents knowingly made false representations to and concealed material facts from the Office of International Trade in order to induce the issuance of export control documents and to effect exportations from the United States.

More specifically, respondents are charged with having applied to the Office of International Trade during the period between January 5, 1951, and February 21, 1952, for an aggregate of eight validated export licenses to ship to a named consignee in Singapore a quantity of drugs valued at more than $56,000, and of having certified on each of such applications that they held accepted orders for the transactions described thereon, although they then held no orders from the named consignee or any other party. The charges further allege that in purported support of five of the applications filed as stated respondents appended spurious, fabricated copies of ultimate consignee statements on letterheads of such consignee previously obtained for such purpose and signed thereon a fictitious name purporting to be an official of such consignee with the intention of misleading the Office of International Trade into the belief that such ultimate consignee statements were prepared and transmitted by such consignee in Singapore. Finally, the charges allege that respondents concealed and omitted from such applications and from the shipper's export declarations authenticated by the Collector of Customs at New York to effect the exportations the material fact that there had been an intermediate consignee in Hong Kong for these export transactions.

In reliance upon the representations and statements made by respondents on such applications and in reliance upon the authenticity of the ultimate consignee statements appended thereto, the Office of International Trade granted and issued validated export licenses for each of such applications, except the one filed on February 21, 1952, and respondents made exportations to Singapore pursuant to the authority of such licenses. With respect to the application which was not granted, the Office of International Trade made an investigation abroad and ascertained from the consignee in Singapore that no order had been submitted to respondents for the transaction described thereon. The investigation was then extended to the other applications described herein and led to the discovery of the facts upon which the charges are predicated.

The above-named respondents, after receiving the said charging letter and following discussions by their counsel with officials of the Office of International Trade, submitted to the Office of International Trade, with the advice of and through their counsel, a statement in which they admitted, for the purposes of this compliance proceeding only, the charges set forth in the said charging letter, waived all rights to a hearing on such charges, and consented to the entry of an order the terms of which are set forth below.

The charging letter, evidentiary material relating to the charges set forth therein, and the above-mentioned proposal for a consent order have been submitted to the Compliance Commissioner for review in accordance with § 382.10 of the regulations. The Compliance Commissioner has held an informal hearing with the respondents and their counsel and with counsel for the Office of International Trade, during which he has reviewed the facts of the case, including extenuating circumstances claimed by the respondents, and he has concluded that the evidence considered supports the charges in the charging letter and has found the terms and provisions of the proposed order as consented to by respondents to be fair and reasonable, and has recommended that such order be issued.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the evidentiary material, and the proposal for a consent order. It appears therefrom that such findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses held by or issued in the names of respondents United Global Corporation, Sueling Li, Richard T. Y. Lee, and Henry T. S. Lee, or any of them, are revoked and shall forthwith be returned to the Office of International Trade for cancellation.

(2) Said respondents, and each of them, are hereby denied and declared ineligible to exercise the privileges of exporting, receiving, or otherwise participating directly or indirectly in any exportation from the United States to any foreign destination of any commodity requiring validated export licenses, and of exporting any commodity to Canada. Such denial of export privileges is deemed to include and prohibit participation directly or indirectly in any manner or capacity, (a) in the obtaining or using of validated export licenses, (b) as a party or as a representative of a party to any validated export license application, (c) in any exportation from the United States to Canada, or to any other destination under validated export licenses, (d) in receiving any exportation from the United States exported pursuant to any validated export license, and (e) in the financing, forwarding, transporting, or other servicing of exports from the United States pursuant to any validated export licenses.

(3) Such denial of export privileges shall extend not only to the named respondents, and each of them, but also to any person, firm, corporation, or other business organization with which they or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports under validated export licenses from the United States or services connected therewith.

(4) This order shall extend for a period of fifteen (15) months from the date hereof: *Provided, however,* That upon the expiration of six (6) months from the date of this order, the order shall be suspended for the balance of the fifteen months and the export privileges denied herein shall be restored to respondents. In the event, however, that such respondents or any of them at any time during the fifteen-month period covered by this order knowingly violate any of the provisions of this order or any of the Office of International Trade regulations, the Office of International Trade may summarily at such time as it determines such violation occurred, issue an order which denies, to the respondent or respondents who have violated, all export privileges for the full nine-month period which has been suspended, without limiting thereby the Office of International Trade from instituting any further action based on such violation.

(5) No person or business organization shall knowingly (a) apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any validated export license exportation from the United States of commodities, or any export control or shipping documents pertaining to exports to Canada, to or for any of the respondents or those persons and business organizations covered in paragraph (3) hereinabove; or (b) order, receive, service or otherwise act as a party or as a representative of a party to any validated license exportation of commodities from the United States, or of exports to Canada, in such manner that any of the aforementioned respondents or those persons and business organizations covered in paragraph (3) hereinabove will directly or indirectly obtain any benefit therefrom, without prior disclosure of such facts to, and specific authorization of, the Office of International Trade.

Dated: November 12, 1952.

JOHN C. BORTON,
Assistant Director
for Export Supply.

[F. R. Doc. 52-12240; Filed, Nov. 14, 1952; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6458]

GULF STATES UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

NOVEMBER 10, 1952.

Notice is hereby given that on November 7, 1952, the Federal Power Commission issued its order entered November 7, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12205; Filed, Nov. 14, 1952; 8:47 a. m.]

[Docket No. G-1319]

ALGONQUIN GAS TRANSMISSION CO.

ORDER GRANTING REQUEST FOR RECONSIDERATION AND FIXING DATE FOR ORAL ARGUMENT

NOVEMBER 7, 1952.

On October 21, 1952, Algonquin Gas Transmission Company (Algonquin) filed an application, pursuant to section 7 of the Natural Gas Act, § 157.17 of the Commission's rules and regulations and "the inherent and implied power of the Commission," for a temporary certificate authorizing the construction and operating of a natural-gas pipeline system extending from an interconnection with the pipeline system of Texas Eastern Transmission Corporation near Lambertville, N. J., to a point near Boston, Mass., and to deliver and sell natural gas to distributing companies and communities in New Jersey, Connecticut, Massachusetts, and Rhode Island.

On October 31, 1952, the Commission issued an order dismissing the aforesaid application because of the Commission's conclusion that said application "does not come within the purview of the authority of this Commission to grant."

On November 4, 1952, Algonquin filed an "Application for Rehearing, Reconsideration and Vacation of the Order of the Commission issued October 31, 1952, and for Oral Argument thereon before the Commission sitting en banc." In its application, Algonquin prays for reconsideration of the aforesaid order and for oral argument before the Commission sitting en banc.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that Algonquin's request that the Commission's order issued October 31, 1952, be reconsidered and its request for oral argument be granted, as hereinafter ordered.

The Commission orders:

(A) The application filed by Algonquin on November 4, 1952, requesting reconsideration of the order issued October 31, 1952, and oral argument thereon be and the same hereby is granted.

(B) The single issue of whether or not the application filed by Algonquin on October 21, 1952, for a temporary certificate of public convenience and necessity comes within the purview of the authority of this Commission to grant be and the same is hereby set for argument before the Commission on November 24, 1952, at 10:00 a. m., e. s. t., in the Hearing Room, Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(C) Each party to the proceedings in Docket No. G-1319 desiring to participate in the oral argument hereinbefore ordered shall notify the Secretary of the Commission of the amount of time desired, on or before November 19, 1952.

Date of issuance: November 10, 1952.

By the Commission.[1]

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12203; Filed, Nov. 14, 1952; 8:47 a. m.]

[Docket Nos. G-1319, G-1568, G-1012, G-1554, G-1558, G-1559, G-1560, G-1576, G-1584, G-1655, G-2077]

ALGONQUIN GAS TRANSMISSION CO. ET AL.

NOTICE OF CONTINUANCE OF HEARING

NOVEMBER 10, 1952.

In the matters of Algonquin Gas Transmission Company, Docket No. G-1319; Northeastern Transmission Company, Docket No. G-1568; Texas Eastern Transmission Corporation, Docket No. G-1012; Portland Gas Light Company, Docket No. G-1554; Biddeford and Saco Gas Company, Docket No. G-1558; Gas Service, Incorporated, Docket No. G-1559; Allied New Hampshire Gas Company, Docket No. G-1560; Greenfield Gas Light Company, Docket No. G-1576; Gardner Gas Fuel and Light Company, Docket No. G-1584; Athol Gas Company, Docket No. G-1655; Blackstone Valley Gas and Electric Company, Docket No. G-2077.

Notice is hereby given that the hearing now scheduled for November 24, 1952, in the above-designated matters, be and it is hereby postponed to November 25, 1952, at 10:00 a. m., in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12202; Filed, Nov. 14, 1952; 8:46 a. m.]

[Docket Nos. G-1810, G-1938, G-1939]

TEXAS-OHIO GAS CO.

NOTICE OF OPINION NO. 238 AND ORDER DENYING APPLICATIONS AND TERMINATING PROCEEDINGS

NOVEMBER 10, 1952.

Notice is hereby given that on November 7, 1952, the Federal Power Commission issued its opinion and order entered November 6, 1952, in the above-entitled matters, denying applications in Docket Nos. G-1810 and G-1938, and terminating proceedings in Docket No. G-1939.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12206; Filed, Nov. 14, 1952; 8:47 a. m.]

[Docket No. G-2020]

LONE STAR GAS CO.

ORDER AMENDING ORDER FIXING DATE OF HEARING

NOVEMBER 7, 1952.

On October 31, 1952, the Commission issued an order in the above-entitled proceeding fixing date for hearing under the shortened procedure provided by the Commission's rules.

The first paragraph of said order inadvertently contained misstatements of fact.

The Commission orders: The first paragraph of the Commission's order issued October 31, 1952 be and it is hereby amended to read as follows:

On August 1, 1952, Lone Star Gas Company (Applicant), a Texas Corporation having its principal place of business at Dallas, Texas, filed an application for permission and approval pursuant to section 7 (b) of the Natural Gas Act, to abandon and reclaim for use elsewhere on its system approximately 14.67 miles of 16-inch pipeline and 20.72 miles of 12-inch pipeline constituting segments of pipeline acquired by Applicant pursuant to a certificate issued to it by Commission order issued on March 27, 1952, in Docket Nos. G-1878 and G-1889, as more fully described in the application which is on file with the Commission and open to public inspection.

Date of issuance: November 10, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12209; Filed, Nov. 14, 1952; 8:47 a. m.]

[Docket No. G-2036]

UNITED FUEL GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 6, 1952.

On August 29, 1952, United Fuel Gas Company (Applicant) a West Virginia corporation having its principal place of business at Charleston, W. Va., filed an application pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas transmission facilities, all as more fully described in said application.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rules for noncontested proceedings, and no request to be heard, protest or petition having been filed sub-

[1] Opinion of Commissioner Buchanan filed as part of the original document.

sequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 13, 1952 (17 F. R. 8280).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 25, 1952, at 9:45 a. m., e. s. t. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 10, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12208; Filed, Nov. 14, 1952; 8:47 a. m.]

[Docket No. G-2082]

COMMERCIAL GAS PIPELINE CO.

NOTICE OF APPLICATION

NOVEMBER 10, 1952.

Take notice that on October 24, 1952, the Commercial Gas Pipeline Company (Applicant), a Kansas corporation having its principal office in Prescott, Kans., filed an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to (a) abandon by sale and (b) abandon and remove the following described natural-gas facilities:

Abandon by sale:

1. A 4-inch and 5-inch gas transmission line connection with the Cities Service Gas line at the Southeast corner of Section 23, Township 26 South, Range 21 East, Bourbon County, Kansas, thence North along the West side of Sections 23, 14, 11, and 2, Township 26 South, Range 21 East, thence North along the West line of Sections 36, 26, 23, 11, and 2, Township 25 South, Range 21 East, and along the West lines of Sections 35, 26, and 23, Township 24 South, Range 21 East, all in Bourbon County, Kansas;

Thence along the North line of Section 23, to the Northeast corner thereof, thence North along the West line of Section 13 to approximately the center of Section 12, thence in a northeasterly direction diagonally across Section 12 of Township 24 South, Range 21 East, and continuing in a diagonal direction Northeasterly across Section 6, to the Northeast corner of Section 6, Township 24 South, Range 22 East, then northerly along the East line of Section 31, to the Northeast corner of said section, then Northeasterly across Section 29 to the Northeast corner thereof, thence North along the East lines of Sections 20, 17, 8, and 5 to the Northeast corner thereof at the City Gate of the Town of Blue Mound, Kansas, Township 23 South, Range 22 East.

2. A 3-inch gas transmission line connecting with the aforementioned line at the Northeast corner of Section 22, Township 24 South, Range 21 East, thence West along the North side of Sections 22, 21, 20, and 19, Township 24 South, Range 21 East, thence West along the North line of Section 24, Township 24 South, Range 20 East, thence South along the West line of Sections 24 and 25, to the Towns of Moran, Kansas, in Township 24 South, Range 20 East.

Abandon and remove:

(3) Beginning at the West edge of the Town of Mapleton, Kansas, at approximately the Northeast corner of the Northwest Quarter, Section 28, Township 23 South, Range 23 East; running thence West along public highway to a point near the Southwest corner of the Southeast Quarter of Section 22, Township 23 South, Range 22 East, a distance of approximately 6½ miles, all in Bourbon County, Kansas.

Applicant proposes to abandon by sale the facilities described in (1) and (2) above to Southeastern Kansas Gas Company, Inc. (Applicant at Docket No. G-1891 for a certificate to acquire and operate), and to abandon and remove the facilities described in (3) above.

The application recites that Applicant proposes to dispose of its distribution systems in the towns of Bronson and Moran, Kans., together with properties and equipment appurtenant and incident thereto; and that in this connection an agreement has been consummated with Southeastern Kansas Gas Company, Inc.

The application further recites:

(a) That in 1946 Applicant owned and operated 7 disconnected pipelines, constructed in part, and in part acquired by purchase from one J. S. McLaughlin and Eastern Kansas Pipe Line Company. In connection with the acquisition of facilities from J. S. McLaughlin, a transmission line and two distribution systems in the State of Missouri were acquired by the Cyr Gas and Drilling Company (operated as a subsidiary of Applicant until 1951). In August 1951, the Missouri Western Gas Company purchased the physical assets of Cyr Gas and Drilling Company.

(b) Applicant has disposed of the facilities described in (3) above and has negotiated a sales agreement with Southeastern (G-1891) for the sale of the facilities and properties described in (1) and (2) above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of November 1952.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12201; Filed, Nov. 14, 1952; 8:46 a. m.]

[Docket No. G-2085]

NORTHERN NATURAL GAS CO.

ORDER INSTITUTING INVESTIGATION, TO SHOW CAUSE, AND FIXING DATE OF HEARING

NOVEMBER 7, 1952.

The Commission, In the Matter of Northern Natural Gas Company, Docket No. G-1618, by its Opinion No. 230 and order issued June 24, 1952, as amended by Opinion No. 230-A and order issued October 28, 1952, granted, upon the conditions therein specified, Northern Natural Gas Company (Northern) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of additional natural-gas pipeline facilities designed to increase Northern's delivery capacity north of Kansas from approximately 600,000 Mcf to 825,000 Mcf per day.[1]

The aforesaid order issued June 24, 1952, as amended, provided in paragraph (C) thereof in part as follows:

(C) As a condition attached to the exercise of the rights granted under the certificate herein, Northern shall:

1) Not, without prior Commission approval, alienate, sell or transfer the natural gas reserves disclosed in the record of this proceeding as being owned or controlled by Northern, as long as natural gas may be economically produced therefrom for rendition of the service herein authorized: *Provided, however,* That nothing contained in this order shall be construed to prevent the normal abandonment or trading of leases or wells for the purpose of improving Northern's gas reserve position or for the purpose of obtaining more economic or more efficient gas production operations, for rendering the service herein authorized, so long as such trading or abandonment of leases or wells is of the form and nature heretofore consummated by Northern, such as are reflected by the record in this proceeding, incident to its acquisition and development of the gas leases and wells disclosed by the record herein to be owned by it in the Panhandle, Hugoton and Otis gas fields;

* * * * *

(7) Not transfer the certificate herein issued, and it shall be effective only so long as Northern continues the operations hereby authorized in accordance with the provisions and requirements of the Natural Gas Act, this order, and of any pertinent rules, regulations, or orders heretofore or hereafter issued by the Commission;

On November 5, 1952, Northern filed in Docket No. G-1618, a telegram and a letter, both dated November 4, 1952, wherein it advised the Commission, among other things, that as of October 31, 1952, Northern sold and transferred to Northern Natural Gas Producing Company, a wholly owned subsidiary of Northern, all of the gas leases and wells owned by Northern as of that date.

On November 7, 1952, the Commission by telegram advised Northern as follows:

"Your telegram of November 4, 1952, in Docket No. G-1618 states that as of October 31, 1952, Northern Natural Gas Company sold and transferred to Northern Natural Gas Producing Company, a wholly-owned subsidiary of Northern Natural Gas Company, all of the gas leases and wells owned by Northern Natural Gas Company as of that date. As you know, the Commission's order issued

[1] On June 27, and August 9, 1951, the Commission issued in Docket No. G-1618, without prejudice to its final determination of the application therein, temporary certificates of public convenience and necessity authorizing Northern at its own risk to construct and operate certain of the facilities proposed in Docket No. G-1618 to increase its system capacity north of Kansas from 600,000 to 675,000 Mcf of natural gas per day. Pursuant thereto Northern later in 1951 constructed and placed in operation such facilities.

in Docket G-1618 on June 24, 1952, as amended by the order issued on October 28, 1952, provides in subparagraph (C) (1) that, as a condition attached to the exercise of the rights granted under the certificate issued therein, Northern shall not, without prior Commission approval, alienate, sell or transfer the natural gas reserves disclosed in the record of that proceeding as being owned or controlled by Northern, as long as natural gas may be economically produced therefrom for the rendition of the service authorized by the certificate therein granted, subject to a stated proviso respecting normal abandonment or trading gas leases and wells for the purposes and of the form and nature there specified. Furthermore, as a condition, that order provided in subparagraph (C) (7) that, among other things, the certificate issued shall be effective only so long as Northern continues the operations thereby authorized in accordance with the specified provisions and requirements, including those of the order issued in Docket G-1618 on June 24, 1952, as amended. Assuming solely for purposes of this notice to you that the relevant facts are as stated in your telegram of November 4, 1952, you are advised that it now appears to the Commission that any operation after October 31, 1952, of any of the G-1618 facilities constructed under temporary authorization issued in that docket and heretofore operated either under such temporary authorization or under the authorization of the certificate issued October 28, 1952, or any construction or operation of the G-1618 facilities after October 31, 1952, is without certificate authorization from this Commission and accordingly in contravention of the requirements of the Natural Gas Act, including particularly Section 7 thereof, since it appears that the acts by Northern as stated in telegram of November 4, 1952, have rendered ineffective the certificate issued by the Commission's order issued June 24, 1952, as amended, by reason of the express provisions of the subparagraphs of said order referred to above. You are further notified that the Commission has adopted an order instituting an investigation, calling on Northern to show cause why the certificate in Docket No. G-1618 should not be found to be ineffective and accordingly without force and effect or should be revoked, and fixing date of hearing, said hearing to commence on November 20, 1952.

Upon consideration of the Commission's opinions and orders issued in Docket No. G-1618 and the matters hereinbefore referred to, the Commission finds:

(1) It is necessary and desirable in the public interest in carrying out the provisions of the Natural Gas Act and as an aid in the enforcement of the provisions of that Act that an investigation be instituted, that Northern be required to show cause, and that a hearing be held, all as hereinafter provided and ordered.

(2) It is reasonable and good cause exists for holding a public hearing, as hereinafter ordered, on less than 15 days' notice, because expeditious determination of the matters involved is required by the public interest in light of considerations set forth in the Commission's opinions and orders issued in Docket No. G-1618.

The Commission, acting pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 7, 14, 15, and 16 thereof, orders:

(A) An investigation be and the same hereby is instituted to determine all relevant facts respecting the sale and transfer by Northern of all of its gas leases and wells as reported by it to the Commission in its telegram and letter dated November 4, 1952, in Docket No. G-1618, and whether such sale and transfer constitute a violation of any of the terms and conditions specified in the Commission's order in Docket No. G-1618 issued June 24, 1952, as amended by order issued October 28, 1952, including particularly subparagraph (C) (1).

(B) Northern show cause, if any there be, why the Commission should not find and determine that: (1) Northern by its acts in selling and transferring all of its gas leases and wells, as announced in its telegram of November 4, 1952, in Docket No. G-1618, has so violated the express terms and conditions of the Commission's order issued on June 24, 1952, in Docket No. G-1618, as amended by order issued October 28, 1952, that the certificate issued in such dockets is ineffective and accordingly without force and effect; or (2) Northern by its acts and conduct has removed such a substantial portion of the basis upon which was predicated issuance of the certificate in Docket No. G-1618 that such certificate should be revoked.

(C) A public hearing be held commencing on November 20, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., with respect to the matters involved and the issues presented in paragraphs (A) and (B) hereof.

(D) Copies of this order be served on Northern Natural Gas Company, its resale customers, and the parties to the proceeding in Docket No. G-1618.

(E) The interveners in the proceeding in Docket No. G-1618, be and the same hereby are permitted to become interveners in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be agrieved because of any order or orders of the Commission entered in this proceeding.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: November 10, 1952.

By the Commission[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12204; Filed, Nov. 14, 1952; 8:47 a. m.]

[Project No. 1505]

MOSINEE PAPER MILLS CO.

NOTICE OF ORDER GRANTING REQUEST FOR WITHDRAWAL OF INCOMPLETE APPLICATION FOR LICENSE (MAJOR)

NOVEMBER 10, 1952.

Notice is hereby given that on November 7, 1952, the Federal Power Commission issued its order entered November 6, 1952, granting request for withdrawal of incomplete application for license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12207; Filed, Nov. 14, 1952; 8:47 a. m.]

[2] Commissioner Draper dissenting for the reasons stated in his dissents in Opinion Nos. 230 and 230-A.

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-101]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO EMPLOYMENT OF EXCHANGE AGENT

NOVEMBER 10, 1952.

Standard Gas and Electric Company ("Standard"), a registered holding company, having filed a plan pursuant to section 11 (e) of the act, Step I of which plan proposes the retirement of Standard's Prior Preference Stocks through the distribution of portfolio common stocks; the Commission having approved said Step I on October 1, 1952; and the United States District Court for the District of Delaware on November 7, 1952, having approved and ordered the enforcement of said Step I;

The Commission's order dated October 1, 1952 (Holding Company Act Release No. 11510), having reserved jurisdiction with respect to the selection and employment by Standard of the Exchange Agent provided for in Step I;

Standard having filed an amendment on November 10, 1952, stating that it has selected Continental Illinois National Bank and Trust Company of Chicago, Ill., as the Exchange Agent under Step I;

It appearing to the Commission from said amendment and the exhibits attached thereto that competitive conditions were maintained by Standard in the selection of the Exchange Agent and that it is appropriate to release the jurisdiction heretofore reserved with respect to such matter:

It is ordered, That the jurisdiction heretofore reserved herein with respect to the selection and employment by Standard of the Exchange Agent provided for in said plan be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12212; Filed, Nov. 14, 1952; 8:48 a. m.]

[File Nos. 54-205, 59-95]

NORTH AMERICAN CO. ET AL.

ORDER DIRECTING DISSOLUTION AND APPROVING PLAN

OCTOBER 31, 1952.

In the matter of the North American Company, Union Electric Company of Missouri, File No. 54-205; the North American Company, Respondent; File No. 59-95.

The North American Company ("North American"), a registered holding company, having filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act") providing, among other things, for its liquidation and dissolution and the distribution of its holdings of the common stock of Union Electric Company of Missouri ("Union") to the North American stockholders over a 2-year period, and the transfer of its cash and unliquidated assets to Union; and Union having joined in the plan to the extent necessary to effect its consummation;

The Commission, by notice and order dated May 5, 1952, having instituted a proceeding pursuant to section 11 (b) (2) of the act with respect to North American, and the Commission having consolidated the proceeding under section 11 (b) (2) with the proceeding under section 11 (e) of the act;

Public hearings having been held after appropriate notice, at which hearings all interested persons were afforded an opportunity to be heard;

North American having requested the Commission to enter an order finding that the plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

North American having further requested the Commission, pursuant to section 11 (e) of the act, to apply to an appropriate court, in accordance with the provisions of section 18 (f) of the act, to enforce and carry out the terms and provisions of the plan;

The Commission being duly advised, and having this day issued its findings and opinion, on the basis of said findings and opinion, and pursuant to the applicable provisions of the act and the rules and regulations thereunder:

It is ordered, That North American take appropriate steps, consistent with the act and the rules and regulations thereunder, to liquidate and dissolve.

It is further ordered, That the plan be, and it hereby is, approved subject to the terms and conditions contained in Rule U-24 of the general rules and regulations promulgated under the act and to the following additional terms and conditions:

1. The order entered herein shall not be operative to authorize the consummation of the transactions proposed in the plan until a court of competent jurisdiction shall, upon application thereto, enter an order enforcing said plan.

2. Within six months from the date or dates of acquisition, Union shall dispose of all securities or other interests in 60 Broadway Building Corporation, North American Utility Securities Corporation, Hevi-Duty Electric Company, North American Light & Power Company and Muzak Corporation, or the securities or properties owned by said companies, other than cash or its equivalent, as Union may acquire from North American.

3. Prior to the final distribution of the Union common stock to the stockholders of North American, (i) Union shall, by a charge to its earned surplus account, dispose of $6,211,371 presently included in its investment in its subsidiary, Union Electric Power Company, and appearing on its consolidated balance sheet under the caption "Premium on Securities of Subsidiary", and (ii) North American shall submit to this Commission for its approval North American's definitive proposals with respect to the Union Board of Directors as it will be constituted after the Union stock is all distributed.

4. Prior to the effective date of the plan Union shall file in these proceedings its commitment that neither it nor its subsidiaries will have as an officer or director any person who is also an officer or director of any other company which was formerly a subsidiary of North American.

5. North American shall pay only such fees and expenses in connection with the plan and proceedings relating thereto as the Commission may approve on appropriate application made to it.

6. Jurisdiction be, and it hereby is, specifically reserved with respect to the following matters:

a. The issuance and sale to banks by Union of $20,000,000 principal amount of promissory notes.

b. The contract to be entered into between North American and Union respecting the assumption by Union of the liabilities of North American.

c. The amount of cash to be paid by North American to its stockholders in lieu of fractional shares of Union common stock which would otherwise be issued to such stockholders.

d. The terms and provisions of the assistance to be provided by North American to its stockholders receiving four shares or less of Union common stock, in interim distributions, to enable such stockholders to dispose of such shares without brokerage charges or commissions.

e. The supervision of the efforts to be made by North American and its successor in interest to locate the holders of North American common stock, which stock is to be exchanged for Union $10 par value common stock under the provisions of the plan.

f. The entertaining of such further proceedings, entering of such further orders and the taking of such other action as may be necessary or appropriate in connection with the plan, the transactions incident thereto and the consummation thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12211; Filed, Nov. 14, 1952; 8:48 a. m.]

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING AND ORDER FOR HEARING ON PLAN FOR LIQUIDATION OF REGISTERED HOLDING COMPANY

NOVEMBER 10, 1952.

Notice is hereby given that New England Public Service Company ("NEPSCO"), a registered holding company and a subsidiary company of Northern New England Company ("Northern"), also a registered holding company, has filed, under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), an amended plan for liquidation and dissolution dated November 4, 1952 ("Plan" or "present Plan"). On September 3, 1952, NEPSCO and the representatives of the various committees for the preferred and common stocks of NEPSCO and for the shareholders of Northern, and the representative of an individual preferred shareholder of NEPSCO, agreed to a compromise proposal with respect to the then pending plan for the liquidation and dissolution of NEPSCO. The stated purpose of the Plan dated November 4, 1952, is to complete compliance with the Commission's order of May 2, 1941, by effecting the liquidation and dissolution of NEPSCO. It is stated that said Plan is designed to put into effect the substance of said compromise agreement and thereby expedite this proceeding.

All interested persons are referred to the Plan of NEPSCO and the application for the approval thereof, which are on file in the offices of this Commission, for a full statement of the transactions therein proposed, which are summarized as follows:

1. The effective date of the Plan ("effective date") shall be March 15, 1953.

2. The consummation date of the Plan ("consummation date") shall be selected by NEPSCO and shall be not more than 90 days after the entry by the United States District Court for the District of Maine of an order enforcing the Plan, or if such order shall be appealed and a stay obtained, then within 90 days after such order shall become final upon appeal.

3. (a) NEPSCO will distribute its portfolio securities among its stockholders as hereinafter provided in the approximate proportion of 82 percent to the holders of preferred stock and 18 percent to the holders of its common stock.

(b) It is contemplated that regular current quarterly dividends on NEPSCO's preferred stock will continue to be paid until the consummation date.

(c) On the consummation date, NEPSCO will distribute to and among the holders of its preferred stock 866.402 shares of Central Maine Power Company ("Central Maine"), 189.091.5 shares of Central Vermont Public Service Corporation ("Central Vermont") and 404.320.7 shares of Public Service Company of New Hampshire ("New Hampshire"). For each share of NEPSCO preferred stock, the holder will receive the following shares of the portfolio stocks, subject to the provisions as to fractions of a share hereinafter set forth:

	Shares of common stock		
	Central Maine	Central Vermont	New Hampshire
NEPSCO preferred stock:			
$7 dividend series	6.0	1.3	2.8
$6 dividend series	5.25	1.15	2.45
Adjustment series	6.0	1.3	2.8

The shares of $6 Convertible Preferred Stock, of which five shares are outstanding, are exchangeable on a share for share basis for the $6 Dividend Series stock. Holders of the $6 Convertible Preferred Stock are not entitled to dividends nor to any voting rights nor to any rights as a stockholder whatsoever, except the right to such exchange. They will participate in this Plan only if they exercise their rights to make such exchange. The holders of NEPSCO's preferred stock shall be entitled only to the distribution provided in this Paragraph 3, which shall be in full satisfaction and discharge of all of their claims against, and interests in, NEPSCO and its assets. Certain dividend adjustments are provided for depending on whether the consummation date is on or before the effective date or is after the effective date. All of NEPSCO's debts and liabilities, including liquidation fees and expenses and fees and expenses in connection with this and prior plans, will be paid from NEPSCO's assets remaining after distribution to holders of NEPSCO's preferred stock.

(d) On the consummation date NEPSCO will distribute to and among the holders of common stock 182,600 shares of Central Maine, 38,442.1 shares of Central Vermont and 86,494.7 shares of New Hampshire. For each share of NEPSCO's common stock the holder will receive the following shares of portfolio stocks, subject to the provisions as to fractions of a share hereinafter set forth:

	Shares of common stock		
	Central Maine	Central Vermont	New Hampshire
NEPSCO common stock	10/100	4/100	9/100

Such distribution will result in 6,179 shares of Central Maine, 4,134.9 shares of Central Vermont and 3,041.4 shares of New Hampshire remaining available for sale to provide in part the cash estimated to be required for NEPSCO's debts and liabilities. Prior to the consummation date, NEPSCO will sell such available shares. NEPSCO estimates that upon such sale, it will have sufficient funds, together with such funds which it may accumulate prior to its liquidation, to pay all of its debts and liabilities, including fees and expenses in connection with this plan and prior plans. NEPSCO will pay such fees and expenses in connection with this Plan and prior plans as the Commission may determine, award or allocate upon the petition of any interested person, but not more than the amounts so determined, awarded or allocated. To the extent, if any, that NEPSCO's debts and liabilities, including liquidation fees and expenses and fees and expenses in connection with this and prior plans, are less than the assets remaining after the distribution of the portfolio stocks, and balance of such assets will be distributed to and among the holders of NEPSCO's common stock.

4. (a) Not later than 30 days prior to the consummation date, NEPSCO will appoint a bank or trust company approved by the Commission to act as liquidation trustee and to make the distributions provided for in the Plan.

(b) No fractions of a share of the stock of Central Maine, Central Vermont or New Hampshire will be issued, but in each case the Liquidation Trustee will issue bearer scrip certificates which, when surrendered, together with one or more similar certificates aggregating at least one whole share, will entitle the holder, at any time during a period commencing on the consummation date and ending one year thereafter, to a stock certificate for the number of whole shares represented by the scrip certificates surrendered and a new scrip certificate for any remaining fractions. Scrip certificates shall not entitle the holder thereof to any rights as a stockholder, or to the distribution of portfolio stocks under this Plan, unless and until the scrip is combined and exchanged for certificates for one or more full shares within one year from the consummation date. Scrip certificates will contain a provision to the effect that holders thereof may direct the Liquidation Trustee during the said period of one year to sell the same for the account of the holder or to purchase for the account of the holder additional certificates to make, together with the scrip certificates aggregating less than a full share then held, one full share, without charge or commission to the holder.

At the expiration of said period of 1 year, the Liquidation Trustee shall convert into cash, through either public or private sale, a number of shares of portfolio stocks equal to the aggregate number of shares represented by the then outstanding scrip certificates, disregarding any fractional shares. Holders of scrip certificates shall thereupon, and until the end of a period of 5 years from and after the consummation date, be entitled to present such scrip certificates to the Liquidation Trustee and receive in payment and cancellation of the same such sum of money as may be represented by such scrip certificates, the amount thereof to be determined by the Liquidation Trustee on the basis of the net proceeds received by it from the sale, authorized in this paragraph, of the shares of portfolio stocks.

(c) The right of holders of preferred stock and of holders of common stock of NEPSCO, and of the holders of scrip certificates issued under, and subject to the provisions of paragraph 4 (b) above, to receive the distributions provided by this plan, other than the distribution provided in this paragraph below, shall expire at the end of a period of 5 years from and after the consummation date. Upon the expiration of said 5-year period, the Liquidation Trustee shall convert into cash, in such manner as it may determine, all of the unclaimed portfolio stocks remaining in its hands and promptly thereafter shall distribute such cash (and any other cash in its hands available for distribution) pro rata to and among the former holders of common stock of NEPSCO who, pursuant to this Plan, shall have surrendered their certificates therefor prior to the expiration of said 5-year period. For this purpose, the Liquidation Trustee shall keep an authentic list of the holders of common stock of NEPSCO who have so surrendered their certificates for cancellation.

(d) NEPSCO will pay to the Liquidation Trustee sufficient cash to provide for the payment of the latter's expenses incurred in carrying out this Plan and reasonable compensation for his services hereunder.

(e) Each check issued and delivered by the Liquidation Trustee to holders of NEPSCO's stocks or of scrip certificates shall be and become void unless presented for payment at or before the expiration of 5 years from the consummation date, or within 120 days after its date, whichever shall be later, and each such check shall contain an appropriate legend to this effect. Any funds, represented by checks which have become void, shall be distributed to NEPSCO's utility subsidiaries in the proportion of 61 percent to Central Maine, 10 percent to Central Vermont and 29 percent to New Hampshire.

5. As soon as NEPSCO shall have made the portfolio stocks and any cash available to the holders of its preferred stock and common stock as herein provided, and shall have paid or provided for the payment of its debts and liabilities, including liquidation fees and expenses, and fees and expenses in connection with this and prior plans, it will initiate proceedings under Maine law for its dissolution and will pursue the same with due diligence to the end that it will cease to exist as a corporation as soon as orderly procedure will permit.

6. Provisions with respect to the directors of NEPSCO's subsidiary corporations will be supplied by amendment.

7. Provisions with respect to NEPSCO Services, Inc., all of the securities of which are owned by NEPSCO's subsidiary corporations, will be supplied by amendment.

8. Appendix II to the Plan contains proposals for the amendment of NEPSCO's Amended Plan for Corporate Simplification by Retirement of Prior Lien Stock, dated March 8, 1947, so that all rights of the holders of NEPSCO's Prior Lien Preferred stock to receive cash and Certificates of Contingent Interest shall cease at the expiration of 5 years from the consummation date of the present Plan, and so that the date at which the Certificates of Contingent Interest shall become void shall be extended from January 29, 1956, to the expiration of 5 years from the consummation date of the present Plan, and it is further provided that any funds remaining in the hands of the said trustee at the expiration of said period, including those payable to NEPSCO in accordance with the terms of the escrow agreement securing payments to the holders of said Certificates of Contingent Interest, shall be transferred to the Liquidation Trustee under NEPSCO's present Plan. Said Liquidation Trustee shall distribute such funds to those holders of certificates for common stock of NEPSCO who shall have surrendered same in accordance with NEPSCO's present Plan.

9. NEPSCO will request the Commission to apply to an appropriate District

Court to enforce and carry out the terms and provisions of the Plan and will also request that the orders of the Commission relating to the distribution pursuant to the plan contain the recitals and other provisions necessary to bring the transaction involved herein under section 1808 (f) and Supplement R of the Internal Revenue Code. The Plan states that NEPSCO is informed that Northern, a registered holding company of which NEPSCO is a subsidiary company, will seasonably file a plan for liquidation and dissolution under section 11 (e) of the act so that such plan may be considered and hearings held thereon concurrently with hearings on this plan or as the Commission may order.

10. NEPSCO reserves the right to amend this Plan at any time and from time to time, with the approval of the other parties to the stipulation entered into on September 3, 1952, but if the Securities and Exchange Commission shall at the time have approved this Plan, then only with the approval of the Commission, and if the court referred to above shall at the time also have approved this Plan, then only with the approval of the Commission and of said court.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan submitted thereunder to find, after notice and opportunity for hearing that the plan, as submitted, or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act and is fair and equitable to the persons affected thereby; and it appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that notice be given and a hearing be held with respect to said plan to afford all interested persons an opportunity to be heard with respect thereto, and that said plan shall not become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said Plan, pursuant to the applicable provisions of the act and the rules thereunder be held on December 2, 1952, at 11 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated by the hearing room clerk in Room 193.

It is further ordered, That any person, other than those persons who previously have been granted participation in this proceeding, desiring to be heard in connection with this proceeding, or otherwise participate herein, shall file with the Secretary of the Commission on or before December 1, 1952, his request or application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That Edward C. Johnson, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in the proceeding. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the Plan and that upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the Plan is necessary to effectuate the provisions of section 11 (b) of the act, and is in conformity with the requirements of the Commission's order of May 2, 1941;

2. Whether the Plan is fair and equitable to the persons affected thereby;

3. Whether the cut-off dates proposed for unsurrendered certificates for Prior Lien Preferred stock and Certificates of Contingent interest are fair and equitable to the persons affected thereby;

4. What provisions should be contained in the Plan relating to the nomination, election and qualification of the Boards of Directors of Central Maine, Central Vermont, and New Hampshire.

5. What provisions should be contained in the Plan in respect to the service contracts of Central Maine, Central Vermont and New Hampshire with Nepsco Services, Inc. and with respect to the continuation of the company last-named as a mutual service company;

6. Whether the accounting entries are proper and conform to sound accounting principles;

7. Whether the fees and expenses and other remuneration which may be claimed in connection with this Plan and prior plans, and transactions incident thereto, are for necessary services and are reasonable in amount;

8. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and rules thereunder, and whether any terms and conditions should be imposed to satisfy the applicable statutory standards.

It is further ordered, That attention be directed at said hearing to the foregoing issues and such other matters and questions as may be presented by this Plan.

It is further ordered, That jurisdiction be reserved to separate either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth, or which may arise in these proceedings, or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to New England Public Service Company, Northern New England Company, Central Maine Power Company, Central Vermont Public Service Corporation, Public Service Company of New Hampshire, The Federal Power Commission, Public Service Commission of New Hampshire, Public Service Commission of Vermont, and Public Utilities Commission of Maine, and to all other persons previously granted participation in these proceedings; and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission with respect to this notice and order be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is further ordered, That New England Public Service Company give notice of this hearing to all record holders of its preferred and common stocks, to the holders of unsurrendered certificates for Prior Lien Preferred stock and Certificates of Contingent Interest, and to the record shareholders of Northern New England Company by mailing a copy of this notice and order and of the proposed Plan to such security holders at least 10 days prior to the date set for hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12213; Filed, Nov. 14, 1952; 8:48 a. m.]

[File No. 812-795]

ATLAS CORP. AND ITALIAN SUPERPOWER CORP.

NOTICE OF AMENDED APPLICATION

NOVEMBER 12, 1952.

Notice is hereby given that Atlas Corporation ("Atlas") has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act certain transactions between Atlas Corporation and Istituto per la Ricostruzione Industriale ("IRI") relating to the purchase of certain obligations and securities of Italian Superpower Corporation ("ISP").

The following appears from the application:

Atlas and ISP are closed-end, nondiversified companies of the management type registered under the Investment Company Act of 1940. IRI is an agency of the Italian Government. Atlas and IRI each own 50 percent of the voting stock of ISP and by reason of this fact each is an affiliate of the ISP within the meaning of the act.

The principal items in the balance sheet of ISP as of September 30, 1952, were:

[000's omitted]

Cash in the United States (exclusive of cash held in trust or otherwise for benefit of debenture coupons maturing July 1, 1941 and earlier)	$525
Cash (lire) on deposit in Italy at the official rate of exchange	1, 21
Market value (lire) of portfolio securities at the official rate of exchange	12 250
	14 402
Aggregate of principal amount of debentures and accrued interest thereon	14 579

The capitalization and ownership of securities of ISP as of September 30, 1952, adjusted for the recent acquisition by Atlas of certain ISP debentures referred to below was:

	Authorized	Outstanding	Held by IRI	Percent	Held by Atlas	Percent	Held by public	Percent
35-year 6 percent gold debentures, Series A, due 1963		$8,704,000	$3,883,000	44.6	$1,582,000	18.1	$3,239,000	37.2
Coupons on debentures in default—matured Jan. 1, 1942, and subsequent (face amount approximately $672 per $1,000 debenture) estimated		$5,875,260	$2,621,025	44.6	$1,067,850	18.1	$2,186,385	37.2
Capital stock (all classes, no par value):								
Prior preferred	100,000 shares							
$6 cumulative preferred (nonvoting) dividends in arrears $127 per share	150,000 shares	124,172 shares	115,889 shares	93.3			8,283 shares	6.7
Common, class A (nonvoting)	1,400,000 shares	970,015 shares	559,129 shares	57.6	190,887 shares	20.6	410,029 shares	42.4
Common, class B:								
First series	75,000 shares	75,000 shares	75,000 shares					
Second series	75,000 shares	75,000 shares			75,000 shares			

Atlas has owned its stock interest in ISP for many years. During the period from July 1, 1952, through October 30, 1952, as a result of a general offer to purchase ISP debentures Atlas acquired at the bid price of 115, $1,582,000 principal amount of such debentures. IRI has owned the shares and debentures held by it for several years.

Atlas proposes to purchase from IRI all of the stock of ISP held by IRI and $815,430 face amount of unpaid coupons attached to ISP debentures which matured July 1, 1949, to July 1, 1952, for $350,000. IRI has agreed to apply such amount to the purchase of a number of shares of Meridionale Electric Company held by ISP having a market value equal to that sum at the time of such purchase.

Following the above transaction ISP is to change its name to Wasatch Corporation, increase its authorized capitalization, reclassify the present common stocks into one class, to change the number of issued and outstanding shares of common stock resulting so that for each 20 shares presently outstanding there shall be only 1 share outstanding, and to change the provisions of the prior preferred stock, none of which is outstanding, to make such stock convertible into common stock, provide for a liquidation preference of $5 per share and in certain other ways. Reference is made to the table below which sets forth certain information with respect to the resulting capitalization of ISP.

ISP will offer to the holders of the $6 cumulative preferred shares the opportunity to exchange such shares (together with all arrears in dividends thereon) for either (a) 1 share of prior preferred stock and 3 shares of common stock (as constituted after the capital changes described above) or (b) 10 shares of common stock. Such offer is to be made as soon as practicable after the filing of the certificate of amendment to the amended certificate of incorporation of ISP and is to remain open for a period of not less than 10 days and not more than 21 days. Atlas has agreed to invest in additional common stock of ISP on or before July 1, 1953, so that the balance sheet of ISP will show assets equal to liabilities plus $5 per share for each share of prior preferred stock outstanding. Atlas may surrender notes held by it, coupons or debentures in satisfaction of such obligation.

In addition Atlas will advance to ISP before December 31, 1952, approximately $1,600,000 (in return for a note or prior preferred stock) to be used together with other ISP funds to pay on January 3, 1953, all the due and unpaid coupons, in amount of $2,234,910, on the $3,239,000 principal amount of debentures held by the public. IRI will not present the coupons held by it for payment prior to January 4, 1954.

Atlas has agreed to convert the coupons in the face amount of $815,430 which will be purchased from IRI into prior preferred stock. In addition, the claim for coupons in the face amount of $1,092,270 (which comprises the coupons which have matured or will mature on January 3, 1953) pertaining to the debentures held by Atlas will be converted into a note of ISP or into prior preferred stock of ISP.

Any note issued by ISP to evidence the advance of funds by Atlas referred to above or issued in exchange for coupons will bear interest at 5 percent, be due in less than one year and will be subordinated to the claims for the principal amount of the debentures in the hands of the public. Such note would be convertible in whole or part into prior preferred stock of ISP.

	Authorized	Outstanding	Held by IRI	Percent	Held by Atlas	Percent	Held by public	Percent
Debentures		$8,704,000	$3,883,000	44.6	$1,582,000	18.2	$3,239,000	37.2
Matured coupons		$1,925,850	$1,925,850	100.0				
Notes payable to Atlas		$2,092,270			$2,092,270	100.0		
Prior preferred stock	850,000 shares	163,086 shares			163,086 shares	100.0		
$6 cumulative preferred stock	150,000 shares	124,172 shares			115,889 shares	93.3	8,283 shares	6.7
Common stock	19,000,000 shares	56,000 shares			35,451 shares	63.3	20,549 shares	36.7

It is intended that on or before January 5, 1954, ISP will exchange certain of its portfolio securities for the $3,883,000 principal amount of debentures and all matured and unmatured coupons thereon then held by IRI. IRI has agreed to such exchange.

In the event the exchange of portfolio securities for debentures results in a diminution of the net assets allocable to the remaining debentures, Atlas has agreed to purchase a sufficient number of shares of prior preferred stock of ISP so that the net assets (per $1,000 debenture) shall be the same immediately after the exchange as before the exchange. Atlas reserves the option to surrender debentures or coupons held by it or to convert a portion of the ISP notes held by it to secure such result.

In the event that for any reason outside the reasonable control of Atlas the above mentioned exchange has not taken place prior to January 4, 1954, Atlas will purchase from IRI and IRI will sell such debentures and coupons for a price of $5,644,000 or a price equal to the market value based upon Milan Stock Exchange quotations of the portfolio securities which were to have been exchanged, whichever price is greater. Atlas will establish an irrevocable letter of credit in favor of IRI to provide for such purchase.

Atlas has agreed that it will arrange that coupons on the debentures held by the public which mature after January 3, 1953, will be paid before similar coupons on debentures then held by Atlas are paid.

After the steps referred to above and after adjustment for accrual of interest on the debentures to December 31, 1952, the capitalization and ownership of securities of ISP will be as follows. For the purpose of this table it is assumed that the advance by Atlas and the $1,092,270 face amount of coupons referred to above will be represented by a note of ISP, that no shares of $6 cumulative preferred stock have been converted and that no additional investment has been made to provide asset coverage for shares of prior preferred stock.

In case of either the exchange or purchase of the debentures and coupons IRI will receive in addition all dividends in cash or stock or other benefits accruing to the subject portfolio securities since January 1, 1952, or the cash equivalent thereof.

In determining the amount of portfolio securities to be exchanged or the price to be paid by Atlas no consideration was given to the claim of ISP against the Italian government pursuant to Article 78 and other applicable provisions of the peace treaty between the United States and Republic of Italy. The claim is for loss suffered by ISP as a result of the war by reason of injury or damage to property in Italy. It is represented that the ultimate value of the claim cannot be estimated at this time. The agreement in connection with the proposed transactions provides that in the event that the claim is not assigned to IRI or waived in favor of the Italian government or in any way extinguished and compensation is granted to ISP that IRI will receive as follows: 44.6 percent of the first $1,535,969 received on the war claim and 93 percent of all amounts received in excess of that amount.

The terms of the agreements providing for the above transactions are specifically conditioned upon the issuance by

the Commission of an order exempting the transactions from the provisions of section 17 (a) of the Investment Company Act of 1940. If no such order has been issued within 180 days from May 31, 1952, the agreements become null and void.

All interested persons are referred to the application which is on file in the office of the Commission for a detailed statement of the proposed transactions and the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after November 28, 1952, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than November 26, 1952, 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12248; Filed, Nov. 14, 1952; 8:54 a. m.]

[File No. 70-2945]

OHIO VALLEY ELECTRIC CO. ET AL.

ORDER APPROVING PROPOSAL FOR FINANCING OF NEW OPERATING COMPANIES

NOVEMBER 7, 1952.

In the matter of Ohio Valley Electric Corporation, Indiana-Kentucky Electric Corporation, American Gas and Electric Company, the Cincinnati Gas & Electric Company, Kentucky Utilities Company, Louisville Gas and Electric Company, Ohio Edison Company, the West Penn Electric Company, American Gas and Electric Service Corporation; File No. 70-2945.

American Gas and Electric Company ("American Gas"), a registered holding company, the Cincinnati Gas & Electric Company ("Cincinnati"), a public utility company and an exempt holding company, Kentucky Utilities Company ("Kentucky"), a public utility company and an exempt holding company, Louisville Gas and Electric Company ("Louisville"), a public utility company and an exempt holding company, Ohio Edison Company ("Ohio Edison"), a public utility company and a registered holding company, the West Penn Electric Company ("West Penn Electric"), a registered holding company, Ohio Valley Electric Corporation ("Ohio Valley"), Indiana-Kentucky Electric Corporation ("Indiana-Kentucky"), and American Gas and Electric Service Corporation ("Service Corporation"), a service company subsidiary of American Gas, having filed a joint application-declaration pursuant to sections 6, 7, 9, 10, and 13 of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-90, U-91, and U-100 thereunder, with respect to the issuance of new common stock by Ohio Valley, the acquisition of such stock by American Gas, Cincinnati, Kentucky, Louisville, Ohio Edison, and West Penn Electric, the issuance of common stock by Indiana-Kentucky and its acquisition by Ohio Valley, and the extension to Ohio Valley and Indiana-Kentucky of certain services rendered by Service Corporation; and

A public hearing having been held after appropriate notice, at which applicants-declarants and all interested persons were afforded an opportunity to be heard;

The Commission having this day filed its findings and opinion herein, in which the proposed transactions are more fully set forth, and the Commission having found and determined that the proposed transactions should be permitted at this time, subject to the qualifications set forth in said findings and opinion and to the reservations of jurisdiction hereinafter set forth:

It is ordered, That the joint application-declaration pursuant to sections 6, 7, 9, 10, and 13 of the act be, and it is hereby granted and permitted to become effective, subject to the conditions contained in Rule U-24, and subject to the following additional conditions and reservations of jurisdiction:

(a) That this order and the findings supporting it are made in the light of the present urgent problems of national defense which gave rise to the application-declaration; that the Commission therefore reserves jurisdiction to reopen these proceedings upon notice to the applicants-declarants and to reexamine its findings under section 10 when in its opinion such reexamination shall be appropriate; and that this order is without prejudice to any order which may be entered upon such reexamination;

(b) That upon the giving of such notice the applicants-declarants shall amend their joint application-declaration so as to bring before the Commission the facts as they then exist; that in such reopened proceedings the applicants-declarants shall not make any argument to the effect that the Commission, by making findings in the present setting of urgent demands of national defense, has decided the issues under section 10 which may be presented in the reopened proceedings, but will nevertheless be free to present evidence and to make arguments with respect to the facts as they then exist; and that if the Commission after such further proceedings shall order any one or more of the applicants-declarants to dispose of its or their stock of Ohio Valley or Indiana-Kentucky, such applicant-declarant or applicants-declarants will proceed forthwith to take such steps as may be appropriate to dispose of its or their holdings of common stock of Ohio Valley or Indiana-Kentucky within such time and in such manner as shall be provided in the final order of the Commission, without prejudice to its or their right to seek review of such order;

(c) Jurisdiction is reserved to pass upon the definitive terms of debt securities proposed to be issued by Ohio Valley and by Indiana-Kentucky, and to consider any other appropriate matters in connection with such issuances;

(d) Jurisdiction is reserved to pass upon all fees and expenses, including legal fees, in connection with the proposed transactions;

(e) Continuing jurisdiction is reserved to pass upon any questions presented under section 13 of the act, and the applicable rules thereunder, with respect to the operations of Service Corporation.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12210; Filed, Nov. 14, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on November 6, 1952.

REGION I

Providence Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Rhode Island area, filed 2:27 p. m.

Providence Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Rhode Island area, filed 2:28 p. m.

Providence Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Rhode Island area, filed 2:28 p. m.

Providence Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Rhode Island area, filed 2:28 p. m.

Manchester Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the New Hampshire area excepting Coos, Carroll, and Grafton Counties, filed 2:24 p. m.

Manchester Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the New Hampshire area excepting Coos, Carroll, and Grafton Counties, filed 2:24 p. m.

Manchester Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the New Hampshire area excepting Coos, Carroll, and Grafton Counties, filed 2:24 p. m.

Manchester Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the New Hampshire area excepting Coos, Carroll, and Grafton Counties, filed 2:25 p. m.

Manchester Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the New Hampshire area excepting Coos, Carroll, and Grafton Counties, filed 2:25 p. m.

Boston Order 1-G1-2, covering retail ceiling prices for certain dry grocery items sold by retailers in certain Eastern Massachusetts areas, filed 2:25 p. m.

Boston Order 1-G2-2, covering retail ceiling prices for certain dry grocery items sold by retailers in certain Eastern Massachusetts areas, filed 2:26 p. m.

Boston Order 1-G3-2, covering retail ceiling prices for certain dry grocery items sold by retailers in certain Eastern Massachusetts areas, filed 2:27 p. m.

Boston Order 1-G4-2, covering retail ceiling prices for certain dry grocery items sold by retailers in certain Eastern Massachusetts areas, filed 2:27 p. m.

REGION II

New York Order 1-G1-1, Amendment 5, changes certain food items for retail sales in several counties in the State of New York, filed 2:29 p. m.

New York Order 1-G2-1, Amendment 5, changes certain food items for retail sales in several counties in the State of New York, filed 2:29 p. m.

New York Order 1-G3-1, Amendment 5, changes certain food items for retail sales in several counties in the State of New York, filed 2:29 p. m.

New York Order 1-G4-1, Amendment 5, changes certain food items for retail sales in several counties in the State of New York, filed 2:30 p. m.

REGION IV

Richmond Order 1-G1-1, Amendment 1, changes certain food items for retail sales in the Richmond area, filed 2:30 p. m.

Richmond Order 1-G1-1, Amendment 2, changes certain food items for retail sales in the Richmond area, filed 2:30 p. m.

Richmond Order 1-G1-1, Amendment 3, changes and adds certain food items for retail sales in the Richmond area, filed 2:31 p. m.

Richmond Order 1-G1-1, Amendment 4, changes and adds certain food items for retail sales in the Richmond area, filed 2:35 p. m.

Richmond Order 1-G2-1, Amendment 1, changes certain food items for retail sales in the Richmond area, filed 2:31 p. m.

Richmond Order 1-G2-1, Amendment 2, changes certain food items for retail sales in the Richmond area, filed 2:31 p. m.

Richmond Order 1-G2-1, Amendment 3, changes and adds certain food items for retail sales in the Richmond area, filed 2:31 p. m.

Richmond Order 1-G2-1, Amendment 4, changes and adds certain food items for retail sales in the Richmond area, filed 2:35 p. m.

Richmond Order 1-G3-1, Amendment 2, changes certain food items for retail sales in the Richmond area, filed 2:32 p. m.

Richmond Order 1-G3-1, Amendment 3, changes certain food items for retail sales in the Richmond area, filed 2:32 p. m.

Richmond Order 1-G3-1, Amendment 4, changes certain food items for retail sales in the Richmond area, filed 2:32 p. m.

Richmond Order 1-G3-1, Amendment 5, changes and adds certain food items for retail sales in the Richmond area, filed 2:32 p. m.

Richmond Order 1-G3-1, Amendment 6, changes and adds certain food items for retail sales in the Richmond area, filed 2:35 p. m.

Richmond Order 1-G3A-1, Amendment 1, changes certain food items for retail sales in the Richmond area, filed 2:33 p. m.

Richmond Order 1-G3A-1, Amendment 2, changes certain food items for retail sales in the Richmond area, filed 2:33 p. m.

Richmond Order 1-G3A-1, Amendment 3, changes and adds certain food items for retail sales in the Richmond area, filed 2:33 p. m.

Richmond Order 1-G3A-1, Amendment 4, changes and adds certain food items for retail sales in the Richmond area, filed 2:36 p. m.

Richmond Order 1-G4-1, Amendment 2, changes certain food items for retail sales in the Richmond area, filed 2:33 p. m.

Richmond Order 1-G4-1, Amendment 3, changes certain food items for retail sales in the Richmond area, filed 2:33 p. m.

Richmond Order 1-G4-1, Amendment 4, changes certain food items for retail sales in the Richmond area, filed 2:56 p. m.

Richmond Order 1-G4-1, Amendment 5, changes and adds certain food items for retail sales in the Richmond area, filed 2:33 p. m.

Richmond Order 1-G4A-1, Amendment 6, changes and adds certain food items for retail sales in the Richmond area filed 2:36 p. m.

Richmond Order 1-G4A-1, Amendment 1, changes certain food items for retail sales in the Richmond area, filed 2:33 p. m.

Richmond Order 1-G4A-1, Amendment 2, changes certain food items for retail sales in the Richmond area, filed 2:34 p. m.

Richmond Order 1-G4A-1, Amendment 3, changes and adds certain food items for retail sales in the Richmond area, filed 2:34 p. m.

Richmond Order 1-G4A-1, Amendment 4, changes and adds certain food items for retail sales in the Richmond area, filed 2:36 p. m.

REGION V

Columbia Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Columbia area, filed 2:54 p. m.

Columbia Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Columbia area, filed 2:54 p. m.

Columbia Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Columbia area, filed 2:54 p. m.

Columbia Order 1-G3A-2, covering retail prices for certain dry grocery items sold by retailers in the Columbia area, filed 2:55 p. m.

Columbia Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Columbia area, filed 2:55 p. m.

Columbia Order 1-G4A-2, covering retail prices for certain dry grocery items sold by retailers in the Columbia area, filed 2:56 p. m.

Nashville Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Nashville area, filed 2:53 p. m.

Nashville Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Nashville area, filed 2:53 p. m.

Nashville Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Nashville area, filed 2:53 p. m.

Nashville Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Nashville area, filed 2:53 p. m.

Nashville Order 1-G4A-2, covering retail prices for certain dry grocery items sold by retailers in the Nashville area, filed 2:54 p. m.

Atlanta Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Atlanta area, filed 2:50 p. m.

Atlanta Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Atlanta area, filed 2:51 p. m.

Atlanta Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Atlanta area, filed 2:52 p. m.

Atlanta Order 1-G3A-2, covering retail prices for certain dry grocery items sold by retailers in the Atlanta area, filed 2:52 p. m.

Atlanta Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Atlanta area, filed 2:52 p. m.

Atlanta Order 1-G4A-2, covering retail prices for certain day grocery items sold by retailers in the Atlanta area, filed 2:52 p. m.

Montgomery Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Montgomery area, filed 2:48 p. m.

Montgomery Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Montgomery area, filed 2:48 p. m.

Montgomery Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Montgomery area, filed 2:49 p. m.

Montgomery Order 1-G3A-2, covering retail prices for certain dry grocery items sold by retailers in the Montgomery area, filed 2:49 p. m.

Montgomery Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Montgomery area, filed 2:49 p. m.

Montgomery Order 1-G4A-2, covering retail prices for certain dry grocery items sold by retailers in the Montgomery area, filed 2:50 p. m.

Jackson Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Jackson area, filed 2:47 p. m.

Jackson Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Jackson area, filed 2:47 p. m.

Jackson Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Jackson area, filed 2:48 p. m.

Jackson Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Jackson area, filed 2:48 p. m.

Jacksonville Order II-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Tallahassee area, filed 2:45 p. m.

Jacksonville Order II-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Tallahassee area, filed 2:45 p. m.

Jacksonville Order II-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Tallahassee area, filed 2:46 p. m.

Jacksonville Order II-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Tallahassee area, filed 2:46 p. m.

Jacksonville Order II-G3A-1, covering retail prices for certain dry grocery items sold by retailers in the Tallahassee area, filed 2:47 p. m.

Jacksonville Order II-G4A-2, covering retail prices for certain dry grocery items sold by retailers in the Tallahassee area, filed 2:47 p. m.

Jacksonville Order III-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Miami area, filed 2:40 p. m.

Jacksonville Order III-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Miami area, filed 2:40 p. m.

Jacksonville Order III-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Miami area, filed 2:41 p. m.

Jacksonville Order III-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Miami area, filed 2:41 p. m.

Jacksonville Order III-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Miami area, filed 2:42 p. m.

Jacksonville Order III-G4A-2, covering retail prices for certain dry grocery items sold by retailers in the Miami area, filed 2:45 p. m.

Jacksonville Order IV-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Key West area, filed 2:37 p. m.

Jacksonville Order IV-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Key West area, filed 2:37 p. m.

Jacksonville Order IV-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Key West area, filed 2:38 p. m.

Jacksonville Order IV-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Key West area, filed 2:38 p. m.

Jacksonville Order IV-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Key West area, filed 2:39 p. m.

Jacksonville Order IV-G4A-2, covering retail prices for certain dry grocery items sold by retailers in the Key West area, filed 2:40 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-12216; Filed, Nov. 12, 1952; 11:58 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 427, Amdt. 3]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES; CLASSIFICATIONS, WITHDRAWALS, AND RESTORATIONS

SEPTEMBER 23, 1952.

A new section is added, as follows:

SEC. 2.23 *Public land orders.* Matters relating to the issuance of public land orders, pursuant to 43 CFR 295.9 to 295.11, except actions required by 43 CFR 295.11 (b) and (c) to be taken by the Secretary of the Interior or his delegate.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

Approved: November 7, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-12199; Filed, Nov. 14, 1952; 8:45 a. m.]

Office of the Secretary

[Order 2583, Amdt. 4]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES; CLASSIFICATIONS, WITHDRAWALS AND RESTORATIONS

NOVEMBER 7, 1952.

Section 2.23 is amended to read:

SEC. 2.23 *Public land orders.* Matters relating to the issuance of public land orders, pursuant to 43 CFR 295.9 to 295.11, except actions required by 43 CFR 295.11 (b) and (c) to be taken by the Secretary of the Interior or his delegate.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-12198; Filed, Nov. 14, 1952; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19060]

GEORG WALSOE ET AL.

In re: Debts owing to Georg Walsoe and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names and addresses are set forth as owners in Exhibit A, attached hereto and by reference made a part hereof, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in the aforesaid Exhibit A are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the enterprises whose names and last known addresses are listed below:

Names and Addresses

Dobbertin & Co., Hamburg, Kattrepel 2.
Bleichroeder & Co., Hamburg.
Glasurit Werke A. G., Hamburg-Hiltrup.
Oelerich Gebrueder, Hamburg.
Lorenz & Schmidt, Hamburg, Feldbrunnenstr. 26.
Deutsch-Suedamerikanische Bank, Hamburg.
Lassen & Co. A. G., Hamburg.
Carstens & Schues, Hamburg.
Hamburg Mannheimer Versicherungs A. G., Alsterufer 1.
Katholisches Pfarramt, Kiel, Krusenvollerweg 35.

are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

4. That the persons whose names and last known addresses are listed below:

Names and Addresses

Max Flemming, Hamburg.
Wilhelm Moeller, Hamburg-Gr. Flottbach Gustav Falkestr.
Emmy Engelhardt, Bad Brueckenau Mainfranken.
Luis Raemsch, Bautzen.
Hans Seelemann, c/o F. Domeier, Hamburg.
Conrad Behre, Hamburg, Brodschraugen 9.
Karl Fruechte, Hamburg.
Eva Grossmann, Klingberg-Holstein.
Karl Heinz Bossen, Kiel, Moellingstr. 4.
Heinrich Buttmann, Elmshorn, Peterstr. 23.
Friedrich E. Th. Hopfe, Hamburg 13, Hochallee 113.

on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

5. That the persons who own the property described in subparagraph 9 hereof, who, if individuals there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, and which, if corporations, partnerships, assocations or other business organizations there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

6. That the personal representatives, heirs, next of kin, legatees and distributees of Walter E. Fritsch, deceased, of Hermann H. Wolff, deceased, of Caroline Poppenhusen, deceased, of C. Michlau, deceased, of C. H. Tietgens, deceased, of Suzanne Schmaltz, deceased, and of Albert Volckerts, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

7. That Luise Wienegge, also known as Luise Winnegge, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

8. That the property described as follows:

a. Those certain debts or other obligations evidenced by the checks described in Exhibit A, attached hereto and by reference made a part hereof, said checks owned by the persons identified therein as owners, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said checks,

b. Those certain debts or other obligations evidenced by thirty-seven (37) American Express Company United States Dollar Travelers Cheques, numbered H5,074,820/829, of $20.00 face value each, and numbered E1,793,653/689 and F4,484,330/339 of $10.00 face value each, said cheques owned by Max Flemming, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said cheques,

c. Those certain debts or other obligations evidenced by two (2) Sola Bills of Exchange drawn on The Bank of Montreal, New York, numbered 82/203 and 82/204, dated August 23, 1939, and August 25, 1939, and in the amounts of $106.71 and $12,677.71, respectively, said bills payable to and owned by Dobbertin & Co., together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said bills,

d. Those certain debts or other obligations evidenced by two (2) Thos. Cook & Son Ltd., New York Agency Travelers Cheques, numbered E201,947E, in the amount $10.00, and E350,432E, in the amount of $20.00, said cheques owned by Wilhelm Moeller, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said cheques,

e. Those certain debts or other obligations evidenced by four (4) American Express Company United States Dollar Travelers Cheques, numbered R2,707,739 and R2,757,520/522, each in the amount of $100.00, said cheques owned by the personal representatives, heirs, next of kin, legatees and distributees of Walter E. Fritsch, deceased, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said cheques,

f. Those certain debts or other obligations evidenced by four (4) American Express Company United States Travelers Cheques, numbered K4, 845,619 in the amount of $10.00, and H8,916,357/359, each in the amount of $20.00, said cheques owned by Emmy Engelhardt, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said cheques,

g. That certain debt or other obligation evidenced by one (1) Sola of Exchange drawn on The National City Bank of New York, numbered 40/70, in the amount of $32.69, dated January 9, 1940, payable to Deutsche Bank, Hamburg, and owned by Luis Raemsch, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said sola of exchange,

h. That certain debt or other obligation evidenced by one (1) Bank Money Order, drawn on the Agents of The Royal Bank of Canada, New York, numbered 89-735368, dated January 9, 1940, in the amount of $79.40, and owned by Bleichroeder & Co., together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said money order,

i. Those certain debts or other obligations evidenced by four (4) Trust Checks issued by and drawn on Title Guarantee and Trust Company, New York, numbered T-43134, T-45301, T-041360 and T-47048, dated January 2, 1940, February 2, 1940, December 1, 1939, and March 1, 1940, respectively, each in the amount of $27.00, and owned by Luise Wienegge, also known as Luise Winnegge, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said checks,

j. Those certain debts or other obligations evidenced by two (2) checks drawn on the Bankers Trust Company, New York, numbered 90 and 91, each dated January 15, 1940, and in the amount of $7.31, and owned by the personal representatives, heirs, next of kin, legatees and distributees of Hermann H. Wolff, deceased, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said checks,

k. Those certain debts or other obligations evidenced by nine (9) checks drawn on the Commercial National Bank and Trust Company of New York, numbered, dated and in the amounts listed below:

No.	Date	Amount
264	Jan. 2, 1940	$6.78
278	do	4.90
282	do	1.83
292	do	1.83
294	do	1.83
301	do	1.22
306	do	15.25
317	Jan. 15, 1940	31.79
318	do	31.79

said checks owned by the personal representatives, heirs, next of kin, legatees and distributees of Hermann H. Wolff, deceased, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said checks,

l. That certain debt or other obligation evidenced by a Sola of Exchange, numbered 121726, drawn on the Guaranty Trust Company of New York, dated October 11, 1939, in the amount of $89.80, and owned by Friedrich E. Th. Hopfe, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said sola of exchange,

m. That certain debt or other obligation evidenced by a check issued by the Oriental Consolidated Mining Company, drawn on the National City Bank of New York, numbered 666, in the amount of $750.00, dated December 28, 1939, said check payable to and owned by Hans Seelemann, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said check,

n. That certain debt or other obligation evidenced by a check, numbered F30454/D.6308, drawn on Banque Belge pour l'Etranger, New York, dated October 19, 1939, in the amount of $420.00, payable to and owned by Glasurit Werke A. G., together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said check,

o. Those certain debts or other obligations evidenced by four (4) checks issued by American Hard Rubber Company, New York, numbered, dated and in the amounts listed below:

No.	Date	Amount
11947	Dec. 23, 1939	$55.80
12716	Mar. 30, 1940	55.80
13308	Sept. 30, 1940	51.77
13698	Dec. 23, 1940	51.77

said checks owned by the personal representatives, heirs, next of kin, legatees and distributees of Caroline Poppenhusen, deceased, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said checks,

p. That certain debt or other obligation evidenced by a Sola of Exchange, numbered 67/1250, payable at the Agency of the Chartered Bank of India, Australia & China, New York, dated August 24, 1939, in the amount of $75.51, payable to and owned by Oelerich Gebrueder, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said sola of exchange,

q. That certain debt or other obligation evidenced by a check issued by the Oriental Consolidated Mining Company on the National City Bank of New York, numbered 485, dated December 28, 1939, in the amount of $5,000.00, owned by the personal representatives, heirs, next of kin, legatees and distributees of C. Michelau, deceased, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said check,

r. That certain debt or other obligation evidenced by an American Express Company Money Order, numbered AK3017715, dated August 23, 1939, in the amount of $6.00, payable to and owned by Lorenz & Schmidt, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said money order,

s. That certain debt or other obligation evidenced by a check issued by Armour and Company on the Continental Illinois National Bank and Trust Company, numbered 22654, dated January 2, 1940, in the amount of $23.63, owned by the personal representatives, heirs, next of kin, legatees and distributees of C. H. Tietgens, deceased, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said check,

t. That certain debt or other obligation evidenced by a check issued by Maud Howland Pyne on the Bankers Trust Company, New York, numbered 16, dated December 1, 1939, in the amount of $100.00, owned by the personal representatives, heirs, next of kin, legatees and distributees of Suzanne Schmaltz, deceased, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said check,

u. Those certain debts or other obligations evidenced by four (4) checks issued by Swift & Co., Chicago, on the Continental Illinois National Bank and Trust Company, Chicago, numbered, dated and in the amounts listed below:

No.	Date	Amount
494317	Jan. 1, 1940	$10.80
552511	Apr. 1, 1940	10.80
609102	Oct. 1, 1940	10.02
727400	Jan. 1, 1941	10.02

owned by the personal representatives, heirs, next of kin, legatees and distributees of Albert Volckerts, deceased, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said checks,

v. That certain debt or other obligation evidenced by a Bank Money Order drawn on The Agents of the Royal Bank of Canada, New York, numbered 89–554–283, dated September 1, 1939, in the amount of $1.55, payable to and owned by Deutsch-Suedamerikanische Bank, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said money order,

w. Those certain debts or other obligations evidenced by two (2) American Express Company United States Dollar Travelers Cheques, numbered H4,871,748 and H4,871,751 in the amount of $20.00 each, payable to and owned by Lassen & Co. A. G., together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said cheques,

x. That certain debt or other obligation evidenced by a draft numbered 105135, in the amount of $50.00, dated December 29, 1939, drawn on the National City Bank of New York, in settlement of Claim No. 39–7806, payable to and owned by Carstens & Schues, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said draft,

y. That certain debt or other obligation evidenced by an American Express Company United States Dollar Travelers Cheque, numbered P8998392, in the amount of $50.00, payable to and owned by Hamburg Mannheimer Versicherungs A. G., together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said cheque,

z. That certain debt or other obligation evidenced by an American Express Company Money Order, numbered AH–6504720, dated October 3, 1939, in the amount of $5.00, payable to and owned by Conrad Behre, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said money order,

aa. Those certain debts or other obligations evidenced by three (3) American Express Company United States Dollar Travelers Cheques, numbered B26,418,536/538, in the amount of $20.00 each, owned by Katholisches Pfarramt, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said cheques,

bb. Those certain debts or other obligations evidenced by three (3) American Express Company United States Dollar Travelers Cheques, numbered H5,425,002/004, in the amount of $20.00 each, payable to and owned by Karl Fruechte, together with any and all rights to demand, enforce and collect the aforesaid debts or obligations and any and all rights in, to and under said cheques,

cc. That certain debt or other obligation evidenced by a Voucher, numbered E2 126517, issued by the Equitable Life Assurance Society of the United States on the Guaranty Trust Company of New York, dated November 22, 1939, in the amount of $81.10, payable to and owned by Eva Grossmann, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said voucher,

dd. That certain debt or other obligation evidenced by one (1) American Express Company United States Dollar Travelers Cheque, numbered A20,461,451, in the amount of $10.00, owned by Karl Heinz Bossen, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said cheque, and

ee. That certain debt or other obligation evidenced by one (1) check issued by and drawn on Marshall and Ilsley Bank, Milwaukee, Wisconsin, numbered A27373, dated January 1, 1940, in the amount of $15.00, owned by Heinrich Buttmann, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said check,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

9. That the property described as follows:

a. That certain debt or other obligation evidenced by a check drawn on the Grace National Bank of New York, numbered 709, dated December 15, 1939, in the amount of $355.00, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said check,

b. That certain debt or other obligation evidenced by a check drawn on the Chase National Bank, City of New York, numbered 1514, dated September 14, 1939, in the amount of $0.60, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said check,

c. That certain debt or other obligation evidenced by a check drawn on the New York Trust Company, numbered 103811, dated October 14, 1940, in the amount of $83.57, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said check,

d. Those certain debts or other obligations evidenced by five (5) American Express Company United States Dollar Travelers Cheques, numbered P9,301,817 and P9,368,018/021, in the amount of $50.00 each, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said cheques,

e. That certain debt or other obligation evidenced by a check issued by Hudson Shipping Company, Inc., New York, drawn on the National City Bank of New York, numbered 5664, dated December 2, 1939, in the amount of $90.60, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said check,

f. That certain debt or other obligation evidenced by a Payment Order, numbered 70,668,013, drawn on the Military Disbursing Officers of the United States, dated January 30, 1946, in the amount of $29.40, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said payment order,

g. That certain debt or other obligation evidenced by a check issued by W. Ward Smith, drawn on the Manufacturers Trust Company, New York, numbered 40898, dated December 5, 1939, in the amount of $52.50, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation an any and all rights in, to and under said check, and

h. That certain debt or other obligation evidenced by a Cashiers Check-Bankdraft, issued by and drawn on Humboldt State Bank, Chicago, numbered 231107, dated April 28, 1931, in the amount of $122.09, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said check,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 5 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

10. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2, 5 and 6, and named in subparagraphs 3, 4 and 7 hereof, be treated as persons who are and prior to January 1, 1947 were, nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 7, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Georg Walsoe, Hamburg	114316	$1,678.69	3-27-40	The National City Bank of New York.		G. J. Walsoe.
Hamburg Amerika Linie, Hamburg.	0022713	55.29		Banque Belge pour l'Etranger/(Overseas) Ltd., New York Agency.		Grzegorz Mereniuk.
Fritz Wentzel, Hamburg	789	25.00	12-22-38	The National City Bank of New York.	The Oriental Consolidated Mining Co., New York.	Adrienne Wentzel.
Bruno Muenchmeyer, vorm. Ribbeck, Schacht u. Co., Hamburg.	(Dup.) 420019	40.00	2- 3-41	....do		Bruno Muenchmeyer.
Schenker & Co., Hamburg Speicherstadt 1.	0019403	268.35	9- 2-39	The Chase National Bank, New York.		Reichsbankhauptstelle.
Oldenburg-Portugiesische Dampfschiffs-Rhederei Hamburg.	5644	400.00	12- 2-40	....do	The Chase National Bank, New York.	Maktouf Benhamou.
Gerhard & Hag, Hamburg	07129	250.00	2- 3-40	Manufacturers Trust Co., New York.	S. J. Gully Bank, Farrell, Pa.	Marko Vranich
Spediteur-Verein Herrmann & Theilnehmer G. m. b. H., Hamburg.	214	24.73	8-22-39	The Chase National Bank, New York	Ayrton Cohen & Co., Ltd.	Spediteur-Verein Herrmann & Theilnehmer G.m.b.H.
Carl Rieck, Hamburg	6017	1.50	8-26-40	The Yokohama Specie Bank, Ltd., New York.		Messrs. Siemssen & Co.
Norddeutsche Kreditbank A. G. Bremen.	527	100.00	12-22-38	The National City Bank of New York.	The Oriental Consolidated Mining Co., New York.	Eduard Mothes.
	538	100.00	3-11-38	....do	....do	Do.
	537	100.00	7-27-37	....do	....do	Do.
	540	90.00	2-16-37	....do	....do	Do.
	502	90.00	10-16-36	....do	....do	Do.
	500	100.00	12-21-37	....do	....do	Do.
	532	100.00	5-16-36	Chatham Phenix National Bank & Trust Co.	....do	Do.
	503	100.00	5-16-36	The National City Bank of New York.	....do	Do.
	505	100.00	11-30-35	....do	....do	Do.
	574	100.00	6-15-35	....do	....do	Do.
	535	100.00	5-17-32	Manufacturers Trust Co., New York.	....do	Do.
	529	100.00	11- 5-31	Chatham Phenix National Bank & Trust Co.	....do	Do.
Hellmuth Carroux, Hamburg-Niensteden.	01149	400.74	10-23-39	Manufacturers Trust Co., New York.		Ernesto Falkenhagen.
Carl Reinhard, Hamburg	016476	3.83	7- 4-39	J. Henry Schroder Banking Corp.		Carl Reinhard.
Oscar Ritter, K. G., "Tropag," Hamburg.	84005	2.17	1-22-40	Guaranty Trust Co. of New York		"Tropag" Asbest-und Erz-Import, Oscar H. Ritter K. G.
Henry N. C. Joosten, Hamburg	6922	20.00	9-28-39	Bankers Trust Co., New York	Bank of Maysville, Combined Bank & Trust Co., Maysville, Ky.	Henry N. C. Joosten.
Henkel & Cie. A. G., Duesseldorf.	0647977	179.27		Pan American Trust Co., New York.		Carlos Stein y Cia.
Clara Hartmann, Hamburg	14273	5.00	3-20-28	Hanover National Bank, New York		Clara Hartmann.
Carl Bruegmann, Hamburg	12986	2.70	9-15-39	The Chase National Bank, New York.	The Chase National Bank, New York.	Carl C. Bruegmann.
Hans A. F. Hjertqvist, Hamburg	13060	2.50	9-16-40	....do	....do	Do.
Emil Soehle, Hamburg	75	97.23	12-13-11	The Washington Loan & Trust Co., Washington, D. C.	Natalie Tirrell	Hans F. Hjertqvist.
Louise Eggert, Altona	4741	47.26	8-31-39	Central Hanover Bank & Trust Co., New York.	Hermann Weber Co., New York.	Emil Soehle.
Margarethe Kaeckmeister Lhene Steinkirchen	C 27836	4.47	12-15-39	Guaranty Trust Co. of New York	Buceyrus-Erie Co., South Milwaukee, Wis.	Heinrich Eggert.
Barry W. Hamacher, Hamburg	S-25594	82.39	6-28-39	Saginaw State Bank, Saginaw, Mich.	D. Bicknell, Receiver, Bank of Saginaw, Mich.	Margaretha Kaeckmeister.
	6470	23.05	10- 3-39	The Central Hanover Bank & Trust Co., New York.		Brasch & Rothenstein.
	358	55.55	1- 4-40	Grace National Bank of New York.		Do.
	73288	3.84	12-13-39	The Chase National Bank, New York.	Globe Shipping Co., Inc., New York.	Do.
Hans Brentler, Hamburg	70788	50.62	2- 3-40	Pan American Trust Co., New York.		Hans Brentler.
	38201	57.44	3-13-40	....do		Do.
A. Kinkel A. G., Hamburg	22068	27.00	1- 8-40	The Chase National Bank, New York.	Schenker & Co., Inc., New York.	A. Kinkel A. G.
Gebert & Company, Hamburg	40/537	76.30		....do		Gebert & Company.
Adolf Determann, Hamburg	124	6.30	11-18-39	Guaranty Trust Co. of New York		Sr. Adolf Determann.
	37	150.06	12-19-39	The National City Bank of New York.		Adolf Determann.
Margarete Rolfs, Hamburg	21806	91.38	1-13-40	The Chase National Bank, New York.	American Trust Co., San Francisco, Calif.	Mrs. Margarete Rolfs.
W. A. C. Keim, Hamburg	22265	3.00	12-13-39	....do	Lansen-Naeve Corp., New York.	W. A. C. Keim.
Hermann Pfingsthorn, Hamburg	SS21599/450	500.00	1-11-40	J. Henry Schroder Banking Corp., New York.		Geert Seelig.
Elfriede Hartung, Dovenhof	26833	35.11	11-17-39	The National City Bank of New York.	Continental Illinois National Bank & Trust Co. of Chicago.	Elfriede Hartmann.
Hermann Harrendorf & Co., Hamburg.	72810	14.60	10-24-39	New York Trust Co., New York	First National Bank of Baltimore, Baltimore, Md.	Hermann Harrendorf & Co.
Gebert & Co., Hamburg	12-18408	29.56	12- 7-39	The Chase National Bank, New York.		Conrad Hinrich Donner.
Conrad Hinrich Donner	5466	20.67	12- 4-39	The Royal Bank of Canada, New York.		Do.
Ruberoidwerke A. G., Hamburg	O 4017	5.92	1-29-40	The Chase National Bank, New York.	The Ruberoid Co., New York	Ruberoidwerke Aktien Gesellschaft.
Alexander Petersen & Co., Hamburg.	133	1.50	10-21-39	Guaranty Trust Co. of New York.		Sres Alexander Petersen & Co.
Thorwald Linden, Hamburg	429000	36.41		Grace National Bank, New York		Alexander Petersen & Co.
Franz Franke, Hamburg	S7049	137.37	1-15-40	Bankers Trust Co. of New York	The International Trust Co., Denver, Colo.	Fran Thorwald Linde.
	32	15.36	12-19-39	The National City Bank of New York.		Franz Max Franke.
G. A. Kochen, Bankgeschaeft, Hamburg.	73276 A	80.40	10-17-39	....do		G. A. Kochen.
Nordmark Werke, G. m. b. H., Uetersen.	201	300.00	12-20-39	The Chase National Bank, New York.	Nordmark Chemical Works, Inc., New York.	Nordmark-Werke, G. m. b. H.
Fanny Petersen, Hamburg	139	300.00	10-23-39	....do	....do	
Albert Knief, Hamburg	D04343	269.80	1-11-40	Bankers Trust Co., New York	Bankers Trust Co., New York	
	40600	43.75	12- 5-39	Manufacturers Trust Co., New York.	W. Ward Smith, Insurance, New York.	Svea Insurance Company.
Kiefer Helmke & Co., Hamburg	G D 633	125.18		The Chase National Bank, New York.		Kiefer Helmke y Co. M. B. H.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
de Vivanco & Company, Hamburg	D 150235/250/20	$271.53	8-23-39	Bankers Trust Co., New York		de Vivanco & Company.
Becker & Franck Nachf, Hamburg, Gr. Alice 28.	S 321506	58.80	10- 5-39	The National City Bank of New York.		Becker & Franck Nachf.
Remy & Co., Hamburg	239479	540.10	9- 1-39	The Chase National Bank, New York.	The Royal Bank of Canada, New York.	Remy & Co.
	106776	39.37	10-28-39	do	The Anglo California National Bank of San Francisco, San Francisco.	Do.
Heinr. Ad. Tegler, Hamburg	W2046	66.59	12- 9-40	Commercial National Bank & Trust Co., New York.	Credit Suisse, New York	Heinr. Ad. Teegler.
Controll-Co. m. b. H., Hamburg, Messberghof.	4570	12.52	10-31-39	Manufacturers Trust Co., New York.		Controll Co.
Deutscher Ring, Lebensversicherungs A. G., Hamburg.	4346	10.00	9-30-39	Chemical Bank & Trust Co., New York.	The First National Bank of Birmingham, Birmingham, Ala.	Deutschen Ring.
	14911	23.00	.....	The Guaranty Trust Co., New York.		Deutscher Ring Versicherung, A. G.
Otto Jaeger, Hamburg	7510	236.50	6-18-40	Underwriters Trust Co., New York.	Ad. M. Schmid & Co., New York.	Otto Jaeger.
	C 30470	117.85	9-22-39	First of Boston International Corp., New York.		
Gustav C. Mehl, Hamburg	S 147393	12.94	12-30-39	The National City Bank of New York.		Gustav C. Mehl.
Ernst Nehse, Hamburg-Wandsbek	65610	57.60	11-14-39	The Chase National Bank, New York.	The Chase National Bank, New York.	Ernst Nehse.
Deutsche Maizena Werke, A. G., Hamburg-Volksdorf.	74074	1,276.58	11-17-39	The Marine Midland Trust Co., New York.	Corn Products Refining Co., New York.	Deutsche Maizena Werke, A. G.
Hesse Newman & Co., Hamburg, Schauenburgerstr. 1.	BM 4821	417.37	10-26-39	Bank of the Manhattan Co., New York.		Hesse Newman & Co.
Adolph Gleue, Hamburg, Burchardstr. 8.	23317/16469	220.62	.....	Banca Commerciale Italiana, New York.		Adolph Gleue.
Hansa Muehle A.G., Hamburg	169	6,075.00	12-15-39	Central National Bank of Cleveland.	American Lecithin Co., Inc., Cleveland, Ohio.	Hansa Muehle.
Margaret Rolfs, Hamburg	24086	75.20	1-14-41	The Chase National Bank, New York.	American Trust Co., San Francisco, Calif.	Margaret Rolfs.
Reis und Export Gesellschaft m. b. H., Hamburg 1, Klostertor 2.	BM 3842	213.10	8-18-39	Bank of the Manhattan Co., New York.		Reis und Export Gesellschaft.
	N 21060	42.86	8-17-39	The New York Trust Co., New York.		Do.
	A 864848	187.66	8-18-39	Guaranty Trust Co. of New York.		Do.
	S 303567	64.28	.....	The National City Bank of New York.		Reis und Export Ges.
	A 864754	612.87	8-17-39	Guaranty Trust Co. of New York.		Reis und Export Gesellschaft.
	19491	1,099.93	.....	Bank of the Manhattan Co., New York.		Do.
"Die Niederlande" Versicherungsgesellschaft, Den Haag.	40899	43.75	12- 5-39	Manufacturers Trust Co., New York.	W. Ward Smith, New York	Niederlande Insurance Company.
C. Harmsen, Hamburg-Bergedorf	5183	13.14	.....	The Royal Bank of Canada, New York.		E. Sarra, Droguerie.
Georg Frank, Hamburg 39, Alsterdorferstr. 3.	6649	6.21	11-16-39	Corn Exchange Bank Trust Co., New York.	Stoeger Arms Corp., New York	Georg Frank.
Adolfo Stegemann, Hamburg	292480	59.68	1-16-40	The Chase National Bank, New York.		Adolfo Stegemann.
	126583	20.52	1-15-41	do		A. Stegemann.
H.H.Holtermann & Moeller, Hamburg-Gr. Flottbek.	E 277471	74.25	9-11-39	Banque Belge Pour L'Etranger (Overseas), Ltd., New York.		S. Werner Bank.
Schenker & Co., Hamburg, Speersort 1.	7813	10.40	11-27-39	Grace National Bank, New York	J. I. Case Co. (Inc.), Racine, Wis.	Schenker & Co.
Rinne & Schweitzer, Hamburg, Dovenhof 1.	450970	5.36	1-20-40	National City Bank, New York	Citizens Union National Bank, Louisville, Ky.	Rinne & Schweitzer
Bieling Gebrueder, Hamburg 1, Ballindamm 15.	7588	13.15	10-20-39	The Royal Bank of Canada, New York.		Bieling Gebrueder
	10527	18.69	11-24-39	The Continental Bank & Trust Co. of New York.		Do.
J. F. Mueller & Sohn, A. G., Hamburg.	1880	69.13	11-27-39	Bankers Trust Co., New York	The Bank of California National Association, Portland, Oreg.	J. F. Muller & Son.
Alfred L. Wolff, Hamburg	33	5.92	12-19-39	The National City Bank of New York.		Alfred L. Wolff.
Kieler, Helmke & Co., Hamburg	13/3114	1,866.02	10-20-39	do		Kieler Helmke & Co.
Paulo Stahl Ploen/Holstein	025795	6.26	2-1-41	Guaranty Trust Company of New York.	Hecker Products Corp., New York.	Alfred Stahl.
	024026	6.26	11-1-40	do	do	Do.
	024469	6.75	5-1-40	do	do	Do.
	024471	6.75	2-1-40	do	do	Do.
	024595	6.75	11-1-39	do	do	Do.
Friedrich E. Th. Hopfe, Hamburg 13, Hochallee 113.	15040	1,194.93	2-15-40	The Marion National Bank, Marion, Va.	R. T. Greer & Co., Marion, Va.	Paul Hopfe.
	13811	2.00	11- 3-39	Grace National Bank of New York.	Scott L. Libby Corp., New York.	Do.
	12310	33.35	3- 7-40	do		Do.
	16362	6.53	10- 2-39	The Chase National Bank, New York.	The New York Quinine and Chemical Works, Inc., Brooklyn, N. Y.	Do.
	51	28.93	1-23-40	The National City Bank of New York.	Merck & Co., Inc., Rahway, N. J.	Do.
Mylius & Hartwig, Hamburg	73159 A	60.31	10-13-39	do		Mylius & Hartwig.
	74588 A	91.57	12- 8-39	do		Do.
	75803 A	125.95	11-11-39	do		Do.
	74198 A	87.54	11-25-39	do		Do.
	74197 A	71.88	11-25-39	do		Do.
	13618 A	30.44	10-30-39	do		Do.
	73575 A	133.25	10-30-39	do		Do.
	39/90803	68.67	10-31-39	Chase National Bank of New York.		Do.
	23054 A	72.44	11-16-39	Chemical Bank & Trust Co., New York.		Do.
Braue & Co. G. m. b. H., Hamburg.	58335	17.16	10-30-39	Philippine National Bank, New York Agency.		Sperrholz Ehestadt & Schrader Bank KG.
Antoni Hoen c/o Handels & Verkersbank, Hamburg.	B 54604	264.03	1-29-40	National City Bank of New York.	R. J. Reynolds Tobacco Co., Winston-Salem, N. C.	Antoni Hoen.
Adolf Determann, Hamburg	C 10381	2.16	8-30-39	The Royal Bank of Canada, New York.		Adolf Determann.
Alfred C. Toepfer, Hamburg	90	852.50	1-11-40	The National City Bank of New York.	H. Kempner	A. C. Toepfer.
Schindler & Co., Antonienthal, C. S. R.	8158	8.25	11-10-39	The Amalgamated Bank of New York.	Sinaco Co., Inc., New York	A. Hartrodt.
A. Hartrodt, Hamburg, Alstertor 1.	83402	36.10	9-28-39	Guaranty Trust Co. of New York		Do.
Vereinigte Carborundum & Electrit-Werke A. G., Alt-Benatek.	E10 03215	137.95	9-12-39	New York Agency of Bank of London & South America, Ltd.		Do.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Barlage Knapp & Co., Hamburg	579	$74.61	1-15-40	Chase National Bank, New York.	Bank of Rainelle, Rainelle, W. Va.	Barlage Knapp & Company.
	583	9.14	2-27-40	do	do	Do.
	57695	28.55	1- 9-40	The First National Bank of Chicago.	Chicago Mill & Lumber Co., Chicago.	Do.
	457117	15.22	2-20-40	National City Bank, New York	Citizens Union National Bank, Louisville, Ky.	Do.
Becker & Franck, Nachf., Hamburg, c/o Exportkreditbank, Hamburg.	000609	378.12	11-21-39	Bank of London & South America, Ltd., New York.		Exportkreditbank A. G. Filiale Hamburg.
Hesch & Buhle, Hamburg, c/o Exportkreditbank, Hamburg.	098381	134.19	2-28-40	Chemical Bank & Trust Co., New York.		Exportkreditbank A. G.
Regenhart & Raymann, Hamburg, c/o Exportkreditbank, Hamburg.	74067 A	170.21	11-21-39	The National City Bank of New York.		Exportkreditbank Aktiengesellschaft.
	73763 A	267.87	11- 7-39	do		Exportkreditbank Aktiengesellschaft Filiale Hamburg.
Robert Kauffmann, Hamburg	4041	241.63	10-21-39	The National Bank of Commerce of Seattle.	W. J. Lake & Co., Inc., Seattle, Wash.	Robert Kauffmann.
Blembel Gebrueder, Hamburg	000185	99.83	8-10-39	Bank of London & South America, Ltd., New York.		Blembel Hermanos.
	S 101285	50.58	12-20-39	The National City Bank of New York.		Do.
	2486	83.95	.....	Chemical Bank & Trust Co., New York.		Do.
	S 147394	9.55	12-30-39	The National City Bank of New York.		Blembel Gebrueder.
Federico G. L. Emmel, Altona	39184	233.00	11-30-39	do		Marie Emmel.
	39185	311.00	11-30-39	do		F. W. L. Emmel.
	39186	127.00	11-30-39	do		Do.
Harry W. Hamacher, Hamburg, Moenckebergstr. 3.	586	8.80	.....	Grace National Bank, New York		Brasch & Rothenstein.
	5230/3190	53.50	.....	The Chase National Bank, New York.		Do.
	74278	5.73	10-25-39	do	Globe Shipping Co., Inc., New York.	Do.
Adolf Langeloh, Hamburg	75191	1.84	12- 8-39	do	do	Do.
	000885	485.32	7-19-40	The Bank of London & South America, Ltd., New York.		Exportkreditbank Aktiengesellschaft Filiale Hamburg.
	13873 A	73.99	11-30-39	The National City Bank of New York.		Exportkreditbank.
Georg Frank, Hamburg	75395 A	286.52	1- 6-40	do		Export Kreditbank Akt.
	80675	208.90	12- 4-39	Central Hanover Bank & Trust Co., New York.		Reichsbank Direktorium.
Bahn & Biermann, Hamburg	21139	42.05	8-17-39	The National City Bank of New York.		Commerz und Privat Bank A. G.
Ernst Nehse, Hamburg-Wandsbek	73516 A	168.33	10-27-39	do		Do.
Ernst Nehse, Hamburg-Wandsbek	11 2129	10.80	12-23-39	do		Commerz und Privat Bank.
A. Moeller & Co., Hamburg	78459	347.10	.....	The Chase National Bank, New York.		Reichsbank Direktorium.
	78460	70.12	.....	do		Commerz und Privat Bank A. G.
Commerz Bank, Hamburg	77740	390.99	.....	do		Do.
	35031847	5.00	.....	Banca Commerciale Italiana, New York.		Do.
	J39801	3.65	3-19-40	Messrs. Laidlaw & Co., New York.	The Bank of California National Association, San Francisco.	Commerz und Privat Bank.
Promonta Export Co. M. B. H., Hamburg.	73571 A	26.95	10-30-39	The National City Bank of New York.		Promonta Export Co. M. B. H.
	74760 A	131.89	12-14-39	do		Do.
	51883	1.56	10-21-39	The Public National Bank & Trust Co. of New York.	J. Anghel, New York	Promonta Export Co.
Exportvereinigung von Deutschen Lederwerken G. m. b. H., Hamburg, Spitalerstr. 16.	62830	899.83	8-16-39	The National City Bank of New York.		Exportvereinigung von Deutschen Lederwerken, G. m. b. H.
	113771	462.58	9-11-39	do		Exportvereinigung von Deutschen Lederwerken.
Otto Jaeger, Hamburg	N 2005	196.90	12- 4-39	The Chase National Bank, New York	Peoples National Bank of Washington, Seattle, Wash.	Otto Jaeger.
Albert Winkelmann, Hamburg, Hattenkamp 8	39974	207.00	.....	Central Hanover Bank & Trust Co., New York.		Albert Winkelmann.
Westphalen & Co., Hamburg-Reinbek, Hamburgerstr. 25.	19718	377.93	.....	do		
Eunice Michahelles, Hamburg	FT35082	1,900.00	12-19-39	Guaranty Trust Co. of New York.	Guaranty Trust Co. of New York.	Eunice H. Michahelles.
	385	675.00	12-15-39	Central Hanover Bank & Trust Co., New York.	740 Madison Avenue Corp.	Eunice Hawrah Michahelles.
	DIVD. B 89134	67.28	11-3-39	Guaranty Trust Co. of New York	The Prudential Insurance Co. of America, Newark, N. J.	Eunice H. Michahelles.
Dresdner Bank, Hamburg	203635	4.70	9-20-39	The National City Bank of New York.		Dresdner Bank.
Alexander Peterson & Co., Hamburg	958	114.50	10-31-39	Irving Trust Co., New York	Irving Trust Co., New York	Alexander Peterson & Co.
Kuehne & Nagel, Hamburg, Raboisen 40	11628	250.00	11-10-39	Corn Exchange Bank Trust Co., New York.	August F. Stauff, New York	Alfred Deutsch & Co.
	0250248	2.45	.....	Pan American Trust Co., New York.		Deutz Hues.
	19988	373.90	.....	The National City Bank of New York.		Kuehne & Nagel.
	36089	18.04	11-22-39	Pacific National Bank of San Francisco, San Francisco, Calif.	Frank P. Dow Co., Inc., San Francisco, Calif.	Do.
	4471	2.55	10-31-39	Manufacturers Trust Co., New York.	American Union Transport, Inc., New York.	Do.
Dresdner Bank, Hamburg	158425	1.70	.....	The Guaranty Trust Co. of New York.		Dresdner Bank.
Johannes Fritze, Hamburg	2785	42.18	3-19-41	Corn Exchange Bank Trust Co., New York.	The Warner Bros. Co., Inc., New York.	Johannes Fritze.
Heinrich Heerdt, Hamburg	1578	1.15	11-13-39	The Philadelphia National Bank, Philadelphia, Pa.	Eugene Klein, Philadelphia	Hans Froese.
Hedwig Behrens-Kahle, c/o Handels u. Verkehrsbank, Hamburg.	2060	7.25	12-11-39	First Bank & Trust Co., South Bend, Ind.	The Department of Financial Institutions, South Bend, Ind.	Hedwig Behrens Kahle.
A. Hartrodt, Hamburg	GCN 28 246	35.55	4-2-40	The Chase National Bank of New York.		Export Kreditbank A. G.
A. C. Wilhelm Struss, c/o Handels u. Verkehrsbank, Hamburg.	103147	158.88	12-18-39	Central Hanover Bank & Trust Co. New York.		Exportkreditbank Aktiengesellschaft.
Poensgen & Heyer, Hamburg	038003	166.96	1-31-40	Chemical Bank & Trust Co., New York.		Exportkreditbank A. G.
Red Star Line G. M. B. H., Hamburg.	3709	21.60	12-22-39	Guaranty Trust Co., New York	The Fisk Tire Export Co., Inc., Chicopee Falls, Mass.	Red Star Line, G. M. B. H.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Dieckman & Hansen, Hamburg-Blankenese.	S 645347	$43.87	----------	The National City Bank of New York.	----------	Dieckman & Hansen.
Lorenz & Schmidt, Hamburg, Feldbrunnenstr. 26.	22761	36.40	1-31-40	The Chase National Bank, New York.	Lansen-Nneve Corp., New York.	Lorenz & Schmidt.
George Boden & Co., Hamburg	256	151.12	2- 3-40	Laidlaw & Co., New York	Otis, McAllister & Co., San Francisco, Calif.	Georg Boden & Co.
Eunice E. Michahelles, c/o Edgar Michahelles, Hamburg.	DIVD. C213464	68.56	11- 6-40	Guaranty Trust Co. of New York.	The Prudential Insurance Co. of America, Newark, N. J.	Eunice H. Michahelles.
Ella von der Heyde, Hamburg	62-501	31.50	11-20-39	Irving Trust Co., New York	United States Steel Corp., New York.	Ella von der Heyde.
	62-705	31.50	2-20-40	Guaranty Trust Co. of New York	do	Do.
	68-617	29.22	8-20-40	do	do	Do.
Harburger Gummiwaren-Fabrik, Harburg.	038-2456	19.40	3-25-40	The Pan American Trust Co., New York.	----------	Deutsche Bank.
Textilwerke Jesehke Kusus, C. S. R. c/o Deutsche Bank, Hamburg.	75171 A	7.38	12-29-39	The National City Bank of New York.	----------	Textilwerke Jeschke
Holtmann & Sutter, Hamburg	600110	117.84	11-15-39	Bank of London & South American, Ltd., New York.	----------	Deutsche Bank Filiale, Hamburg.
Wilhelm H. F. Kuhlmann, Hamburg.	3001	323.95	12-14-39	First National Bank, Chicago, Ill.	----------	Wilh. H. F. Kuhlmann.
Basler Versicherungs Gesellschaft, Hamburg.	40897	70.00	12- 5-39	Manufacturers Trust Co., New York.	W. Ward Smith, New York	Basler Insurance Co.
M. J. Emden Soehne, Export A. G., Hamburg, Deichstr. 42.	2743	87.86	----------	Chemical Bank & Trust Co., New York.	----------	Export-Kreditbank A. G.
	2742	122.41	----------	do	----------	Do
Johann Heinrich Poppe, Hamburg, Burchardstr. 17.	F. A. 43548	84.53	11-14-39	The Chase National Bank, New York.	----------	Export-Kreditbank Aktiengesellschaft
Export Kredit Bank A. G., Hamburg.	160619	197.65	----------	The Guaranty Trust Co. of New York.	----------	Export Kredit Bank.
Export Kredit Bank A. G., Hamburg.	F. A. 45559	26.79	11-16-39	The Chase National Bank, New York.	----------	Export-Kreditbank Aktiengesellschaft.
Hinrich Dammann, Ahrensburg bei Hamburg.	161	250.00	12-28-39	The National City Bank of New York.	The Oriental Consolidated Mining Co., New York.	Hinrich Dammann.
August Harms, Hamburg	382129	8.00	8-30-39	The Continental Bank & Trust Co. of New York.	----------	August Harms.
	550319	23.95	3-12-40	The Chase National Bank, New York.	----------	Do
Heesch & Buhle, Hamburg 8	39/8958	60.34	----------	Chase National Bank, New York	----------	Heesch & Buhle
Richard Roas & Co., Bremen	3082	35.80	10- 5-39	Underwriters Trust Co., New York.	Person & Weidhorn, New York.	Richard Roas & Co.
	15497	5.35	1-17-40	The Chase National Bank, New York.	Rietmann-Pilcer Co., New York.	Do
Wilh. A. J. Hansen, Hamburg	111861	53.17	10-27-39	The National City Bank of New York.	----------	Jos Hansen & Sohne
Der Internationale Korken-und Kronenkork-Markt, Hans Lafrenz c/o Bank-u. Handelsgesellschaft, Hamburg.	18864	297.00	2-21-41	Standard Insulation Co. "SICO", East Rutherford, N. J.	----------	Vereinsbank.
Helen Ullner, Wohltorf bei Aumuehle.	11978	90.00	12-23-39	Guaranty Trust Co. of New York	American Hard Rubber Co., New York.	Helen Franziska Marie Ullner.
	12433	315.00	12-23-39	do	do	Do
Dora Reinhold, Hamburg	9055	54.75	12-20-39	City National Bank & Trust Co. of Kansas City.	City National Bank & Trust Co. of Kansas City.	Dora Reinhold.
	6255	73.00	6-30-41	do	do	Do
Schnes & Nordstroem, Hamburg, Raboisen.	213	1,281.68	11-17-39	The Merchants National Bank of Mobile, Mobile, Ala.	Southern Pine & Hardwood Lumber Co., Inc., Mobile, Ala.	Schnes & Nordstrom.
Fr. Meyer's Sohn, Hamburg	7469	37.54	4- 3-40	Chemical Bank & Trust Co., New York.	----------	Fr. Meyer's Sohn.
	6193	107.00	----------	do	----------	Do
	14482	25.81	2- 6-40	Corn Exchange Bank Trust Co.	Carl Fischer Musical Instrument Co., Inc., New York.	Do
Deutsch-Suedamerikanische Bank, Hamburg.	E40/07387	71.20	1-13-40	Bank of London & South America, Ltd. New York Agency.	----------	Auslands Incasso Bank Hamburg.
	22322	54.21	11- 7-39	The Guaranty Trust Co. of New York.	----------	Deutsch-Suedamerikanische Bank A. G.
	843	25.92	11- 6-39	Agency of The Royal Bank of Canada, New York.	----------	Do
Emil Zarncke, Hamburg	2937	146.00	1-22-40	Guaranty Trust Co. of New York	John Frese	Emil Zarncke.
August Schultz, Hamburg, Eppendorferlandstr.	12214	72.48	2-29-40	do	----------	Walter Lehman.
	11247	142.90	----------	do	----------	Walter Lehman & Co.
	157202	278.10	----------	The Guaranty Trust Co. of New York.	----------	Do
	157199	179.33	----------	do	----------	Do
Goerz Gebr., Hamburg, Deichstr. 24.	51/3240	237.25	10-31-39	The Chase National Bank, New York.	----------	Gebr. Goerz.
D. Heydemann & Co., Hamburg 1.	000287	8.00	12-21-39	Bank of London & South America Ltd., New York.	----------	Banco Central de Bolivia
	000492	8.00	5-12-41	do	----------	Do.
	11722	18.03	1-16-40	The Chase National Bank, New York.	Intersped Agency, New York	D. Heydeman & Co.
Ludwig Kiene, Vaduz	71924	30.77	11- 9-40	United States Treasury	Special Assistant Treasurer of the United States.	Ludig Kiene.
Koerner & Co., Hamburg, Kirchenallee.	46705	5.20	10- 7-40	The Chase National Bank, New York.	Draeger Shipping Co., Inc., New York.	Adolf Blum & Popper
Ulrich Bleck & Soehne, Hamburg	73387 A	40.81	10-21-39	The National City Bank of New York.	----------	Jacob & Valentin.
Norddeutsche Schleifmittel-Industrie Christhansen & Co., Hamburg-Lurup.	8349	26.13	5-20-41	do	Gerard-Kluyskens Corp., New York.	Norddeutsche Schleifmittel-Industrie Christhansen & Co.
"Chemiphar", Chemisch-Pharmazeutische Handels-gesellschaft m. b. H., Hamburg.	W249632	53.48	7-14-39	J. Henry Schroder Banking Corp., New York.	----------	Chemiphar, Chemisch-Pharmazeutische Handelsgesellschaft m. b. H.
	O482804	179.27	----------	Pan American Trust Co., New York.	----------	Do.
	E11024	135.13	12-15-39	Irving Trust Co., New York	----------	Carlos Stein y Cia.
	E10278	50.72	11- 4-39	Guaranty Trust Co. of New York	----------	Chemiphar, Chemisch-Pharmazeutische Handelsgesellschaft m. b. H.
	E09530	25.40	9-15-39	do	----------	Do.
Max Gruenhut, Hamburg	7	49.85	9- 8-39	Manufacturers Trust Co., New York.	----------	Do.
	O491248	151.55	4- 8-40	Pan American Trust Co., New York.	----------	Felix Spillman.
	O9645	70.65	11-20-39	The National City Bank of New York.	----------	Max Gruenhut.
Max Gruenhut, Hamburg	1D 2376	102.45	----------	Guaranty Trust Co. of New York.	----------	Do.
	31031	52.65	----------	Manufacturers Trust Co., New York.	----------	Max Grünhut.
	85719	63.90	4-10-40	Bank of the Manhattan Co., New York.	----------	Max Gruenhut.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Paul von Werner, Arnsberg I/W	(Unnumbered)	$20.00	8-22-46	Bank of New York, N. Y.	C. Suydam Cutting, New York.	Paul von Werner.
Lassen & Co. A. G., Hamburg	22127	25.02	----------	Banca Commerciale Italiana, New York.	----------	Lassen & Co. A. G.
	23126	57.00	----------	Central Hanover Bank & Trust Co., New York.	----------	Daulsberg Y Co.
"Intercontinentale" Gesellschaft fuer Transport-u. Verkehrswesen m. b. H., Hamburg.	4899	219.28	9-13-39	The Royal Bank of Canada, New York.	----------	Intercontinentale G. m. b. H.
	095002	535.22	8-11-39	Chemical Bank & Trust Co., New York.	----------	Do.
	2374	12.00	11- 2-39	do	The Manufacturers National Bank of Detroit, Detroit, Mich.	Do.
Gerhard & Hey Co., Hamburg, Steinhoeft.	39531	56.21	11-13-39	Guaranty Trust Co. of New York.	Gerhard & Hey Co., Inc., New York.	Gerhard & Hey A. G.
D. Lehmann Soehne, Hamburg	1331	150.00	1-22-40	California Bank, Los Angeles, Calif.	Withers Bros, Ltd., Fullerton, Calif.	D. Lehmann Sohne.
Paul Meier, Moebeltransporte, Hamburg.	75521	10.00	12-22-39	The Chase National Bank, New York.	Globe Shipping Co., Inc., New York.	Berthold Jacoby.
Red Star Lines G. m. b. H., Hamburg.	74926	22.00	11-25-39	do	do	Do.
	109102	20.55	4-12-40	The National City Bank, New York.	Chubb & Son, Underwriters	Red Star Line G. m. b. H.
Otto A. H. Woelfer, Hamburg	105807	20.55	11-13-39	do	do	Do.
	07584	70.56	11- 6-39	do	do	F. F. Winkler & Co.
Hamburg Mannheimer, Versicherungs A. G., Alsterufer 1.	00231	71.04	8-29-39	do	----------	Do.
	1871	143.34	7-27-39	The Chase National Bank of New York.	----------	Agencias Tecnicas e Importadores Hans G. Rittermann.
Conrad Behre, Hamburg, Brodschraugen 9.	743	10.00	10-30-39	New York Trust Co., New York	First National Bank, Columbus, Ga.	Conrad Behre.
	25459	100.00	10-31-39	The National City Bank of New York.	----------	Do.
Internationale Industrie, G. m. b. H., Hamburg.	50321	85.04	12-14-39	First National Bank, New York	City National Bank & Trust Co. of Chicago, Chicago, Ill.	Internationale Industrie A. G.
Dr. Morris Samson, Hamburg	14215	5.00	6-23-47	The Chemical Bank & Trust Co., New York.	American Trust Co., Charlotte, N. C.	Dr. jur. Morris Samson.
Schwester Magda Witte, Tostedt bei, Hamburg.	181	2.00	5-25-47	American Trust Co., Telegraph Avenue Office.	Ethel S. R. Adamson, Berkeley, Calif.	Sister Magda Witte.
Lilie Overbeck, c/o Beinekmann, Wirtz & Co., Hamburg.	H 2010	25.00	8- 1-39	Central Hanover Bank & Trust Co., New York.	Central Hanover Bank & Trust Co., New York.	Mrs. Lillie Overbeck.
Siegfried Seidl, Hamburg, Ferdinandstr. 55-57.	668	500.00	12-28-39	The National City Bank of New York.	The Oriental Consolidated Mining Co., New York.	Seigfried Seidl.
Deutsche Bank, Filiale, Hamburg	10769	1.00	9- 5-47	Texas State Bank, Jacksonville, Texas.	Mrs. Dewey Edwards, c/o Gran-Dee, Jacksonville, Tex.	Deutsche Bank of Berlin.
Karl Fruechte, Hamburg	A 30820	200.00	7-24-39	Bank of the Manhattan Co., New York.	----------	Karl Früchte.
Lucinde Daniels, Hamburg-Bergedorf, Schlehbuswep 30.	993	26.73	1- 1-40	Seaboard Trust Co., Hoboken, N. J.	Seaboard Trust Co. Trustee	Albert G. A. Daniels.
Koch & Reimers, Hamburg	2523 C	22.30	9-20-39	Guaranty Trust Co., New York	----------	Koch & Reimers.
Marth Alma Kaiser, Hamburg 30, Mansteinstr.	(Unnumbered)	50.00	12-24-48	The First National Bank of Ontario.	Cecil E. Troxel, Ontario, Calif.	Gustavo C. Kaiser.
Kaethe Koehler, Blankenese, Schonefelderstr. 213.	H 107058	0.83	3-15-41	National Bank of Detroit, Detroit, Mich.	Detroit Trust Co	Kathie Klindworth.
	H 105033	0.83	12-14-40	do	do	Do.
	H 105823	1.22	9-15-47	do	do	Do.
	H 94811	1.35	3-15-40	do	do	Do.
	H 94158	1.35	1-25-40	do	do	Do.
	P 126511	243.92	11- 1-40	do	Comptroller of the Currency, Washington, D. C.	Do.
J. S. Staedtler, Nuernberg	77904	34.20	7-25-40	The Chase National Bank of New York.	----------	Auslands Incasso Bank.
Gebr. Nirdes, Hamburg	08807	53.05	6-23-49	The Royal Bank of Canada, New York.	----------	Barclays Bank Limited.
Kaethe Kochler, Blankenese, Schonefelderstr. 213.	H 110246	0.83	6-16-41	National Bank of Detroit, Detroit, Mich.	Detroit Trust Co	Kathie Klindworth.
	H 105187	0.50	5- 6-41	do	do	Do.
Holsten-Brauerei, Altona	14447	100.00	10-17-39	The National City Bank of New York.	----------	Holsten-Brauerei.
	14457	100.00	10-18-39	do	----------	Do.
	7844	100.00	10- 4-39	do	----------	Do.
	7905	100.00	10-24-39	do	----------	Do.
Georg Dralle, Parfumerie u. Seifenwerke, Hamburg-Altona.	51853	52.25	10-17-39	The Public National Bank & Trust Co. of New York.	J. Anghel, New York	Georg Dralle.
	02878	226.06	8-17-39	The National City Bank, of New York.	----------	Do.
	29606	294.00	12- 6-38	National City Bank of New York.	----------	Do.
	11498	125.00	11-29-39	Guaranty Trust Co., New York	----------	Do.
Victor Koehnk, Tootensen No. 23, bei Harburg.	2063	153.00	9-11-39	Manufacturers Trust Co., New York.	Columbian Carbon Co., New York.	Victor Koehnk.
Marie Kachlert, Hochdonn-Holstein.	712054	13.05	3- 1-40	The First Wisconsin National Bank of Milwaukee.	Wisconsin Electric Power Co.	Henry Koehlert.
Marschsparkasse, Meldorf	1320	24.72	12-31-40	Central Hanover Bank & Trust Co., New York.	Felix A. Muldoon, Karl Propper and John K. Wallace, Trustees, New York.	Nanny Schroeder.
	1216	21.99	9-30-40	do	do	Do.
Stadtkasse Husum, Husum	27351	2.50	5-15-41	The Guaranty Trust Co., New York.	The Bank of California National Association, Tacoma, Wash.	Standesbeamten.
Johannes Mahn, Blompesche Wildnis, Holstein, (bei Itzehoe).	87647	137.37	1-15-40	Bankers Trust Co. of New York.	The International Trust Co., Denver, Colo.	Frau Johannes Mahn.
Theodore Wiese, Laboe, Strangstr. 24.	7-386	13.50	12-12-39	Manufacturers Trust Co., New York.	General Motors Corp.	Vereins Bank, A/C Theodore Wiese.
	6-555	8.10	3-12-40	do	do	Do.
	6-925	7.51	3-12-41	do	do	Do.
Commerzbank, Filiale Kiel, Willestr.	B-30	400.00	4- 3-40	J. P. Morgan & Co., New York	Schlumberger Well Surveying Corp.	Commerz-und Privatbank A. G. Filiale.
Ferdinand Hell, Kiel	631-890	60.12	1-15-41	The First National Bank of New York.	American Telephone & Telegraph Co.	Franz Hell Estate.
	634-947	64.80	4-15-40	do	do	Do.
	638-256	64.80	1-15-40	do	do	Do.
	F456	80.16	1- 2-41	The National City Bank of New York.	Union Pacific Railroad Co., New York.	Do.
	F521	80.16	10- 1-40	do	do	Do.
	F573	80.40	4- 1-40	do	do	Do.
	F760	80.40	1- 2-40	do	do	Do.
Kaethe Grundmann, Kiel, Graf Speestr. 37.	C138936	17.00	5-27-41	do	The Prudential Insurance Co. of America, Newark, N. J.	Katie Grundmann.
Schleswig Holsteinische & Westbank, Kiel.	B-29	3,600.00	4- 3-40	J. P. Morgan & Co., New York	Schlumberger Well Surveying Corp.	Schleswigholsteinischen Bank.
Hermann Weychardt, Kiel, c/o Marine Bergungs & Seedienst-Kdo.	57339	2.73	11-13-39	Lafayette National Bank of Brooklyn, N. Y.	Lafayette National Bank of Brooklyn, N. Y.	Hermann Weychardt.

Reference Room

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
C. Burmeister, Luebeck, Moltkestr. 11.	18856	$17.39	6-12-41	Chase National Bank, New York.	Wells Fargo Bank & Union Trust Co., San Francisco, Calif.	William C. Burmeister.
Erxleben-Tews Erbengemeinschaft, Luebeck-Karlshof.	H45615	840.00	9- 9-39	The National City Bank of New York.	.....	A. Palm.
Lehmann & Michels, Altona, Gerhorststr. 123.	57635	56.75	8-26-39	New York Agency of Philippine National Bank.	.....	Lehmann & Michels.
Elsa Crohn, Luebeck, Katharinenstr.	7085	108.55	1- 9-41	The Idaho First National Bank, Weiser, Idaho.	Wulff Hardware & Implement Co., Weiser, Idaho.	Elsie Burgdorf Crohn.
Do	B80372	999.00	1-31-41	The Chase National Bank, New York.	The Idaho First National Bank, Weiser, Idaho.	Do.
Therese Hamann, Kiel, Jahnstr. 12.	(Unnumbered)	5.00	12- 5-46	Bank of the Manhattan Co. at Woodhaven.	Charles Uhlinger	Mrs. Therese Hamann.
Henry Buttmann, Elmshorn, Peterstr. 23.	1851	10.85	9-20-41	Chemical Bank & Trust Co., New York.	The Ohio Match Company, New York.	Henry Buttmann.
	1974	11.70	3-15-40	do	do	Do.
	1843	11.70	12-20-39	do	do	Do.
	1934	10.85	3-15-41	do	do	Do.
	65039	13.50	1- 2-40	City National Bank & Trust Co. of Chicago.	City National Bank & Trust Co. of Chicago.	Henrich Buttmann.
	69430	13.50	4- 1-40	do	do	Do.
Anna Piening, Uetersen, Gr. Sand 6	14282	3.75	12-22-39	Walker Bank & Trust Co., Salt Lake City, Utah.	Independent Coal & Coke Co., Salt Lake City, Utah.	Anna Harms Pienning.
	14482	3.75	3-18-40	do	do	Do.
	15085	7.50	12-21-40	do	do	Do.
	15282	3.75	3-18-41	do	do	Do.
	543	7.20	12-20-39	Utah Savings & Trust Co., Salt Lake City, Utah.	Consolidated Wagon & Machine Co., Salt Lake City, Utah.	Anna Harms Piening.
	514	7.20	12-20-40	do	do	Do.
Dr. Walter E. J. Rogge, Nortorf/Holstein.	73543	212.27	12- 2-41	The National City Bank of New York.	.....	Walter Rogge.
	71704	212.27	7-25-41	do	.....	Do.
Franziska Springer, c/o Marta Schunk.	A 5421	36.56	2- 9-40	New York Trust Co., New York.	New York Life Insurance Co., New York.	Franziska J. W. M. F. Springer.
Geb. Sturzenbecker, Bad Oldesloe.	A 5572	36.56	5- 9-40	do	do	Do.
	A 5855	33.92	2- 9-41	do	do	Do.
	A 5953	33.92	5- 9-41	do	do	Do.

[F. R. Doc. 52-12104; Filed, Nov. 12, 1952; 8:52 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 45—DPAV-42 (a)]

ADDITIONAL COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON 20MM PROJECTILES AND FUZES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies are herewith published which have accepted the request to participate in the voluntary plan entitled "Plan and Regulations of the Ordnance Corps Governing the Integration Committee on 20MM Projectiles and Fuzes," dated February 25, 1952, which request and original list of companies accepting such request were published on September 17, 1952, on 17 F. R. 8371.

H and H Manufacturing Co., 570 Elk Street, Buffalo 10, N. Y.

Underwood Corp., 581 Capital Avenue, Hartford 6, Conn.

Supreme Products, Inc., 2222 South Calumet Avenue, Chicago 16, Ill.

The Sessions Clock Co., Forestville, Conn.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.)

Dated: November 13, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-12330; Filed, Nov. 14, 1952; 11:27 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27531]

SULPHURIC ACID FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO SADDLE CREEK, FLA.

APPLICATION FOR RELIEF

NOVEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Saddle Creek, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1200, Supp. 65.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12135; Filed, Nov. 13, 1952; 8:50 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 17 NUMBER 225

Washington, Tuesday, November 18, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10410

SPECIFICATION OF LAWS FROM WHICH THE ESCAPEE PROGRAM ADMINISTERED BY THE DEPARTMENT OF STATE SHALL BE EXEMPT

By virtue of the authority vested in me by section 532 of the Mutual Security Act of 1951, as added by section 7 (m) of the Mutual Security Act of 1952 (Public Law 400, approved June 20, 1952, 66 Stat. 146), it is hereby determined that the performance of functions with respect to the escapee program, authorized by section 101 (a) (1) of the Mutual Security Act of 1951, as amended, and administered by the Department of State, without regard to the three following-designated provisions of law will further the purposes of the said Mutual Security Act of 1951, as amended:

1. Section 3648 of the Revised Statutes, as amended, 60 Stat. 809 (31 U. S. C. 529).

2. Section 305 of the Federal Property and Administrative Services Act of 1949, approved June 30, 1949, ch. 288, 63 Stat. 396 (41 U. S. C. 255).

3. Section 3709 of the Revised Statutes, as amended (41 U. S. C. 5).

HARRY S. TRUMAN

THE WHITE HOUSE,
November 14, 1952.

[F. R. Doc. 52-12341; Filed, Nov. 14, 1952; 3:54 p. m.]

EXECUTIVE ORDER 10411

RESTORING CERTAIN LANDS COMPRISING PARTS OF THE AIEA MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain lands at Aiea, Island of Oahu, Territory of Hawaii, which form a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of July 7, 1898, 30 Stat. 750, were reserved for military purposes of the United States by a series of Executive orders and now comprise the Aiea Military Reservation as described in Executive Order No. 8320 of January 15, 1940, and as modified by Executive Order No. 9545 of April 27, 1945; and

WHEREAS certain parcels of such lands are no longer needed for military purposes, and it is deemed advisable and in the public interest that they be restored to the jurisdiction of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

The possession, use, and control of the following-described parcels of land comprising parts of the Aiea Military Reservation, Island of Oahu, Territory of Hawaii, are hereby restored to the jurisdiction of the Territory of Hawaii:

PARCEL 1

All of the land described as Lot 1 in Executive Order No. 8320 of January 15, 1940.

PARCEL 2

The following-described portion of the land described as Lot 2 in Executive Order No. 8320 of January 15, 1940:

Beginning at concrete monument No. 7, marking the east corner of this lot, and on the southwesterly side of Moanalua Road (formerly Kamehameha Highway), the coordinates of said point of beginning referred to triangulation monument "AIEA" located on the Aiea-Halawa boundary line, being 1126.11 feet North and 1209.59 feet East, and the true azimuth and distance from said triangulation monument "AIEA" to U. S. Coast and Geodetic Survey triangulation station "SALT LAKE" being 292° 12' 25" 6393.00 feet, thence running by azimuths measured clockwise from True South:

1. Along the northwesterly side of Oahu Railway and Land Company's 40-feet right of way on a curve to the left having a radius of 978.43 feet, the chord azimuth and distance being: 32° 25' 31" 430.68 feet;

2. 128° 00' 00" 255.98 feet to a point;

3. 209° 26' 33" 454.80 feet to concrete monument No. 4;

4. 320° 16' 40" 96.07 feet along the southwesterly side of Moanalua Road (formerly Kamehameha Highway) to concrete monument No. 5;

5. 311° 53' 50" 78.95 feet along the southwesterly side of Moanalua Road (formerly Kamehameha Highway) to concrete monument No. 6;

6. 305° 26' 10" 109.59 feet along the southwesterly side of Moanalua Road (formerly Kamehameha Highway) to the point of beginning, and containing an area of 2.402 acres.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 14, 1952.

[F. R. Doc. 52-12340; Filed, Nov. 14, 1952; 3:54 p. m.]

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FEDERAL REGISTER

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EXECUTIVE ORDER 10412

INSPECTION OF RETURNS BY SENATE COMMITTEE ON THE JUDICIARY

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171, 54 Stat. 989, 1008, 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), it is hereby ordered that any income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax return for the years 1941 to 1951, inclusive, shall, during the Eighty-second Congress, be open to inspection by the Senate Committee on the Judiciary or any duly authorized subcommittee thereof for the purpose of carrying out the provisions of Senate Resolution 245 (82d Congress, 2d Session), agreed to March 24, 1952, with respect to the investigation of the administration of the Trading with the Enemy Act, subject to the conditions stated in the Treasury decision relating to the inspection of such returns by that Committee, approved by me this date.

This Executive order shall be effective upon its filing for publication in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 15, 1952.

[F. R. Doc. 52-12380; Filed, Nov. 17, 1952; 10:11 a. m.]

EXECUTIVE ORDER 10413

RESTORING KURE (OCEAN) ISLAND TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS by Executive Order No. 7299 of February 20, 1936, Kure (Ocean) Island, together with the surrounding reef, was placed under the control and jurisdiction of the Secretary of the Navy for naval purposes; and

WHEREAS the said island is no longer needed for naval purposes, except as hereinafter indicated; and

WHEREAS it is deemed advisable and in the public interest that the island be restored to the jurisdiction of the Territory of Hawaii, with the reservation hereinafter provided:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

Kure (Ocean) Island, together with the surrounding reef, is hereby restored to the possession, use, and control of the Territory of Hawaii, there being reserved, however, unto the Secretary of the Navy the right to maintain a radar reflector on such island, including the right of access to such radar reflector.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 17, 1952.

[F. R. Doc. 52-12395; Filed, Nov. 17, 1952; 11:43 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 721—CORN

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTAS, COMMERCIAL CORN-PRODUCING AREA, AND ACREAGE ALLOTMENTS ON 1953 CROP

Sec.
721.401 Basis and purpose.
721.402 Marketing quotas on 1953 crop of corn.
721.403 Commercial corn-producing area for 1953.
721.404 1953 acreage allotments for corn.

AUTHORITY: § 721.401 to 721.404 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 304, 322, 327, 328, 371, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1304, 1322, 1327, 1328, 1371.

§ 721.401 *Basis and purpose.* Section 721.402 is issued under sections 301 and 322 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the total supply and normal supply of corn

[1] See Title 26, Chapter I, Part 458, *infra*.

for the marketing year beginning October 1, 1952, and to proclaim that marketing quotas will not be applicable to the 1953 crop of corn. Sections 721.403 and 721.404 are issued under sections 304 and 371 (b) of the Agricultural Adjustment Act of 1938, as amended, to announce that no commercial corn-producing area will be established for 1953 and that no national, county, or farm acreage allotments will be determined for 1953. Section 327 of the act requires the Secretary of Agriculture each year to ascertain and proclaim the commercial corn-producing area, and section 328 of the act requires him each year to ascertain and proclaim an acreage allotment for such area.

Section 371 (b) of the act authorizes the Secretary to dispense with the national marketing quota or national acreage allotment for any basic agricultural commodity if he finds, after appropriate investigation, that such action is necessary to effectuate the declared policy of the act, or to meet a national emergency or increase in export demand for the commodity. Section 304 of the act provides that in carrying out the purposes of the act it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers.

The findings and determinations made in § 721.402, which are based on the latest available statistics of the Federal Government, show that marketing quotas for the 1953 crop of corn are not required. Accordingly, § 721.402 states that marketing quotas will not be in effect for that crop.

Pursuant to section 371 (b) of the act, an investigation has been made to determine whether acreage allotments should be in effect for the 1953 crop of corn. On the basis of that investigation, it is hereby found and determined that it is necessary, in order to effectuate the declared policy of the act and to meet the present national emergency in food production, to dispense with national, county, and farm acreage allotments for the 1953 crop of corn. That action is made effective by the issuance of §§ 721.403 and 721.404.

Prior to taking the action herein, public notice was given (17 F. R. 9704), in accordance with the Administrative Procedure Act (5 U. S. C. 1003), that the Secretary was preparing to determine whether marketing quotas are required for the 1953 crop of corn and to determine and proclaim the commercial corn-producing area for 1953 and the acreage allotment of corn for such area for that crop. The notice also stated that the Secretary had under consideration the matter of dispensing with marketing quotas and acreage allotments under the applicable provisions of the act, including sections 304 and 371 (b). All written submissions which were received within the period stated in the notice have been considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 721.402 *Marketing quotas on 1953 crop of corn.* The total supply of corn for the marketing year beginning October 1, 1952, is determined to be 3,793 million bushels. The normal supply of corn for such marketing year is determined to be 3,537 million bushels. The total supply for such marketing year does not exceed the normal supply therefor by more than 20 per centum. The average farm price for corn for each month of the marketing year beginning October 1, 1951, was in excess of 66 per centum of parity. Therefore, marketing quotas shall not be in effect on the 1953 crop of corn.

§ 721.403 *Commercial corn-producing area for 1953.* No commercial corn-producing area will be established for 1953.

§ 721.404 *1953 acreage allotments for corn.* No national, county, or farm acreage allotments of corn will be determined for 1953.

Issued at Washington, D. C., this 14th day of November 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12354; Filed, Nov. 17, 1952; 8:57 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 813, Amdt. 5]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

1952 DETERMINATION AND PRORATION OF AREA DEFICIT

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 for the purpose of prorating a deficit which is hereby determined in the quota for Hawaii for sugar to be brought into the continental United States in 1952. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds with respect to Hawaii, the quotas for other domestic areas and Cuba are required to be revised by prorating to such areas an amount of sugar equal to any deficit so determined on the basis of their existing quotas.

The Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit and makes the proration of any such deficit to areas able to supply the additional sugar a mere mathematical computation. The Domestic Beet Sugar area is excluded from the proration because it will not be able to utilize its statutory quota in 1952 and a deficit for this area was prorated earlier.

In order to afford sellers of sugar in affected areas an adequate opportunity to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup., 1100) and the Administrative Procedure Act (60 Stat. 237) Sugar Regulation 813, as amended, (16 F. R. 13032, 17 F. R. 5691, 6758, 8449, 9617) is hereby further amended by adding paragraphs (g) and (h) to § 813.33 to read as follows:

§ 813.33 *Determination and proration of area deficits.* * * *

(g) *Deficit in quota for Hawaii.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1952 Hawaii will be unable by an amount of 70,000 short tons of sugar, raw value, to market the quota established for that area in § 813.32.

(h) *Proration of deficit in quota for Hawaii.* An amount of sugar equal to the deficit determined in paragraph (g) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Area:	*Additional quota in terms of short tons, raw value*
Mainland cane sugar	8,486
Puerto Rico	15,444
Virgin Islands	102
Cuba	45,968

Statement of bases and considerations. The progress of production, local use and shipping schedules for Hawaiian sugar is now sufficiently advanced to determine the quantity which will arrive in the continental United States in 1952 and the resulting deficit in the quota for Hawaii.

Beginning stocks and production in 1952 are now expected to aggregate 1,035,000 short tons, raw value. Charges to the 1952 quota for local consumption and stocks remaining for shipment in 1953 are estimated to total 53,000 short tons, raw value. The difference of 982,000 short tons, raw value, is expected to arrive in the continental United States during 1952, thus leaving the deficit in the mainland quota of 70,000 short tons, raw value, which is prorated to other areas by this action.

Exclusion of the Domestic Beet Sugar Area from the proration of deficit. A deficit in the Domestic Beet Sugar Area quota amounting to 200,000 short tons, raw value, was declared and prorated to other areas by Amendment 2 to this part. Distribution of beet sugar through October was about 1,260,000 tons and prospects for the balance of the year indicate that the adjusted quota of 1,600,000 tons is not likely to be exceeded. Accordingly, the beet area is excluded from the proration of the Hawaiian deficit.

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the quotas for all areas are as follows:

BASIC AND ADJUSTED QUOTAS, 1952

[Short tons, raw value]

Production area	Basic quota	Adjusted quota
Domestic beet sugar	1,800,000	1,600,000
Mainland cane sugar	500,000	533,296
Hawaii	1,052,000	982,000
Puerto Rico [1]	910,000	970,299
Virgin Islands	6,000	6,400
Philippines [1]	974,000	774,000
Cuba [1]	2,523,211	2,888,916
Other foreign countries: [2]		
Belgium	205.5	
Canada	394.0	
China and Hongkong	201.2	.3
Czechoslovakia	183.9	
Dominican Republic [3]	4,657.1	13,395.7
Dutch East Indies	147.6	
Guatemala	223.9	
Haiti [3]	643.6	1,851.4
Honduras	2,397.2	
Mexico [3]	4,212.6	2,504.7
Netherlands	152.2	349.6
Nicaragua	7,158.2	3,764.9
Peru [3]	7,761.9	22,526.2
Salvador	5,732.7	
United Kingdom	244.9	562.7
Venezuela	202.5	
Other countries	90.0	33.5
Unallotted reserve	290.0	
Subtotal	34,789.0	44,789.0
Total	7,800,000	7,800,000

[1] The following quantities may be entered as direct-consumption sugar: Hawaii, 29,616 tons; Puerto Rico, 126,633; Philippines, 59,930; Cuba, 375,000.

[2] Regardless of deficit proration, by reason of sec. 204 (e) of the act each production area retains its basic quota.

[3] Prorations of basic quota may be filled with direct-consumption or raw sugar. Prorations of Philippine deficit shown in S. R. 811, Amdt. 4, may be filled with raw sugar only.

(Sec. 204, 61 Stat. 925; 7 U. S. C. Sup. 1114)

Done at Washington, D. C., this 12th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 52-12281; Filed, Nov. 17, 1952; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 20]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

ALTERATIONS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act, would be impracticable. Part 610 is amended as follows:

1. Section 610.6025 *VOR Civil Airway No. 25* is amended by adding:

From—	To—	Minimum altitude
Oakland, Calif. (VOR)	Ukiah, Calif. (VOR)	6,000
Ukiah, Calif. (VOR)	Red Bluff, Calif. (VOR).	9,000

2. Section 610.6027 *VOR Civil Airway No. 27* is amended by adding:

From—	To—	Minimum altitude
Santa Barbara, Calif. (VOR): Via dir. rad	Paso Robles, Calif. (VOR): Via dir. rad	8,000
Via W. alter	Via W. alter	7,000
Paso Robles, Calif. (VOR)	Salinas, Calif. (VOR)	6,000
Salinas, Calif. (VOR)	San Francisco, Calif. (VOR)	6,000
Paso Robles, Calif. (VOR), via E. alter.	Int. 335° true rad. Paso Robles, Calif. (VOR), and 134° true rad. Salinas, Calif. (VOR).	6,000
Int. 335° true rad. Paso Robles, Calif. (VOR), and 134° true rad. Salinas, Calif. (VOR).	San Francisco, Calif. (VOR), via E. alter.	7,000
San Francisco, Calif. (VOR)	Ukiah, Calif. (VOR)	6,000
San Francisco, Calif. (VOR), via E. alter.	Oakland, Calif. (VOR), via E. alter.	3,000
Oakland, Calif. (VOR), via E. alter.	Ukiah, Calif. (VOR), via E. alter.	6,000
Salinas, Calif. (VOR), via W. alter.	Ukiah, Calif. (VOR), via W. alter.	6,000
Ukiah, Calif. (VOR)	Fortuna, Calif. (VOR)	6,500
Fortuna, Calif. (VOR)	Crescent City, Calif. (VOR).	3,000
Crescent City, Calif. (VOR)	Medford, Oreg. (VOR)	8,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

The foregoing amendments shall become effective November 18, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-12258; Filed, Nov. 17, 1952; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5643]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CHRISTIAN BROKERAGE CO. ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Payment or acceptance of commission, brokerage or other compensation under 2 (c)*: § 3.820 *Direct buyers.* In connection with the purchase of food products or other commodities in commerce, receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase made for respondents' own account; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Christian Brokerage Company et al., Atlanta, Ga., Docket 5643, September 8, 1952]

In the Matter of Christian Brokerage Company, a Corporation, Gilmer A. Christian, Sr., Gilmer A. Christian, Jr., Bobby H. Christian, Individually and as Officers of Christian Brokerage Company, a Corporation

Pursuant to the provisions of an act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act), and by virtue of the authority vested in the Federal Trade Commission by the aforesaid act, the Federal Trade Commission, on March 2, 1949, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging each of them with violation of the provisions of subsection (c) of section 2 of the aforesaid Clayton Act, as amended. After denial by the Commission of respondents' motion to dismiss the complaint, respondents filed their answer admitting all of the material allegations of the complaint and waiving all intervening procedure. The Commission having served upon the respondents its tentative decision herein, together with leave to show cause why such tentative decision should not be entered as its final decision, and the Commission, having denied respondents' motion for revision of said tentative decision, this proceeding regularly came on for final consideration before the Commission upon the aforesaid complaint and respondents' answer thereto; and the Commission, having duly considered the matter and being now fully advised in the premises, makes this its findings as to the facts [1] and its conclusion drawn therefrom: [1]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and respondents' answer admitting all of the material allegations of fact therein and waiving all intervening procedure, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of subsection (c) of section 2 of the act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act):

It is ordered, That respondent Christian Brokerage Company, a corporation, and its officers, and the individual respondents Gilmer A. Christian, Sr., Gilmer A. Christian, Jr., and Bobby H. Christian and the representatives, agents and employees of each of the respondents respectively, directly or through any corporate or other device, in connection with the purchase of food products or other commodities in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase made for their own account.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order,

[1] Filed as part of the original document.

file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 8, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-12300; Filed, Nov. 17, 1952; 8:53 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5945]

PART 458—INSPECTION OF RETURNS

INSPECTION OF RETURNS BY SENATE COMMITTEE ON THE JUDICIARY

§ 458.315 *Inspection of returns by Senate Judiciary Committee in connection with investigation of administration of Trading with the Enemy Act.* (a) Pursuant to the provisions of sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171, 54 Stat. 989, 1008, 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204) and of the Executive order issued thereunder,[1] and income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax return for the years 1941 to 1951, inclusive, shall, during the Eighty-second Congress, be open to inspection by the Senate Committee on the Judiciary or any duly authorized subcommittee thereof for the purpose of carrying out the provisions of Senate Resolution 245 (82d Congress, 2d Session), agreed to March 24, 1952, with respect to the administration of the Trading with the Enemy Act.

(b) The inspection of returns authorized by paragraph (a) of this section may be made by the Committee or a duly authorized subcommittee thereof, acting directly as a committee or as a subcommittee, or by or through such examiners or agents as the Committee or subcommittee may designate or appoint in its written request hereinafter mentioned. Upon written request by the Chairman of the Committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary of the Treasury and any officer or employee of the Treasury Department, with the approval of the Secretary of the Treasury, may furnish such Committee or subcommittee with any data relating to or contained in any such return, or may make such return available for inspection by the Committee or subcommittee or by such examiners or agents as the Committee or subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the Committee or subcommittee thereof shall be held confidential: *Provided, however,* That any portion thereof relevant or pertinent to the purpose of the investigation may be submitted by the Committee to the United States Senate.

(c) Because of the immediate need of the said Senate Committee on the Judiciary to inspect the returns herein mentioned, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

E. H. FOLEY, *Acting Secretary of the Treasury.*

Approved: November 15, 1952.

HARRY S. TRUMAN, *The White House.*

[F. R. Doc. 52-12381; Filed, Nov. 17, 1952; 10:11 a. m.]

[1] See Title 3, Executive Order 10412, *supra.*

TITLE 30—MINERAL RESOURCES

Chapter IV—Federal Coal Mine Safety Board of Review

PART 401—RULES OF PROCEDURE

DEFINITIONS

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REVIEW OF ORDERS ISSUED UNDER SECTION 203 AND 206 OF THE FEDERAL COAL MINE SAFETY ACT

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Sec.
401.33 Appeal to the Court.
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GENERAL

401.35 Amendments or additions; effective date.
401.36 Hearings and records.

AUTHORITY: §§ 401.1 to 401.36 issued under sec. 205, Pub. Law 552, 82d Cong.

DEFINITIONS

§ 401.1 *Definitions.* As used in this part:

(a) The terms "Board", "Bureau", "Director", "duly authorized representative of the Bureau", "mine", "operator", shall have the meanings set forth in section 201 (a) of the Federal Coal Mine Safety Act (66 Stat. 692).

(b) (1) The term "act" means the Federal Coal Mine Safety Act.

(2) The term "closing order" means an order issued under sections 203 (a), 203 (c) or section 206 of the act, which requires an operator to cause persons to be withdrawn from, and to be debarred from entering an area of a mine.

(3) The term "classification order" means an order issued under section 203 (d) or section 206 of the act which requires the operator of a mine to comply with the provisions of section 209 of the act which pertains to gassy mines, in the operation of such mine.

(4) The term "applicant" means an operator who has applied to the Board for annulment or revision of a closing order or of a classification order or other action within the power of the Board.

REVIEW OF ORDERS ISSUED UNDER SECTION 203 AND 206 OF THE FEDERAL COAL MINE SAFETY ACT

§ 401.2 *Application.* An operator notified of a closing order made pursuant to section 203 of the act may apply to the Board for annulment or revision of such order without seeking annulment or revision under section 206 of the act. An operator notified of a closing order or of a classification order made pursuant to section 206 of the act may apply to the Board for annulment or revision of such order.

§ 401.3 *Where to file.* Each application shall be filed with the Secretary of the Board, at the headquarters of the Board in Room 678–A, Reconstruction Finance Corporation Building, 811 Vermont Avenue NW., Washington 25, D. C.

§ 401.4 *Form of application.*[1] (a) The application shall include the following information:

(1) Name and address of operator.

(2) Name and address of mine.

(3) The order complained of. (This must be a complete copy of the order complained of.)

(4) The relief desired.

(5) Other facts sufficient to advise the Board of the nature of the proceeding.

[1] Forms for use of operators may be obtained, if desired, from the Secretary of the Board, Room 678–A, RFC Building, 811 Vermont Avenue NW., Washington 25, D. C., or from the field offices of the Accident Prevention and Health Division, Bureau of Mines.

(b) The application shall be signed by the operator.

§ 401.5 *Time for filing.* (a) Application for review of a closing order may be filed at any time while such order is in effect.

(b) Application for review of a classification order shall be filed not later than 20 days after receipt of such order.

§ 401.6 *Service; manner and proof.* (a) (1) The applicant shall send a copy of the application by registered mail to the Director at Washington, D. C.

(2) A copy of any request for temporary relief shall also be sent by registered mail to the Director at Washington, D. C.

(b) Proof of service must be made before the application or any request for temporary relief will be considered by the Board. A statement by the applicant or his attorney clearly stating the time, date, and place of mailing the copy will be accepted as prima facie proof of service.

§ 401.7 *Applicants; attorneys.* (a) Any person may file and prosecute his own application for review, or the application of a firm or partnership of which he is a member or an official, or of a corporation or association of which he is an officer or an official and which he is authorized to represent.

(b) Any applicant may be represented by an attorney at law in good standing admitted to practice before the Supreme Court of the United States, or the highest court of any State or Territory of the United States or of the District of Columbia.

§ 401.8 *Hearings; times and dates.* (a) Upon the filing of an application, time will be assigned at which the respondent shall begin his testimony-in-chief. At the close of testimony-in-chief, the applicant shall begin the testimony on his side, following which the respondent may present evidence to rebut the applicant's evidence. Notice of the time and place wil be sent to the parties by mail or telegram.

(b) Hearings may be set, advanced, postponed and adjourned by the Board, within its discretion as far as may be convenient and proper.

(c) If a request for temporary relief is filed under §401.12, and set for a hearing, the time for taking testimony may be reassigned after determination of such request.

§ 401.9 *Hearing; oral argument.* (a) Hearings will be held by the Board on the day appointed at the designated time and place as specified in § 401.8. If either party appears at the proper time, he will be heard. Immediately after the completion of the taking of testimony, the case will be taken up for oral argument except as it may be postponed by the Board. If the Board be prevented from hearing the argument at the time specified, a new assignment for argument will be made, or the case will be continued from day to day until heard. Unless it shall be otherwise ordered by the Board, oral arguments will be limited to not more than one-half hour for each party. After a contested case has been argued, nothing further relating thereto will be heard unless upon request of the Board.

(b) Petitions for re-hearings or modification of the decision must be filed before the limit of appeal expires.

§ 401.10 *Hearing; briefs.* Briefs shall be submitted in typewritten form. Five copies of each brief must be filed with the Board. Unless other dates are set by the Board, the brief of the respondent and applicant shall be filed before the close of the hearing.

§ 401.11 *Request for findings of fact and conclusions of law.* Either party may, in his brief, submit concise proposed findings of fact, supported by specific references to and analysis of the record, if desired, and conclusions of law, supported by citation of authorities. The Board may, in its discretion, adopt the proposed findings and conclusions in whole or in part, or enter an order without reference to the briefs.

§ 401.12 *Temporary relief.* (a) Pending a hearing and before a final order has been issued by the Board, the applicant may request the Board for temporary relief from the order complained of in the application.

(b) The request shall state fully and completely the relief desired and the reasons why applicant believes he is entitled to relief.

(c) The request shall be supported by affidavit of applicant and other persons having knowledge of the facts and circumstances, unless applicant elects to present witnesses in his behalf, or the request is based upon legal construction of the statute.

(d) (1) If the applicant has submitted supporting affidavits, the Board shall set a time within which the respondent shall file an answer supported by affidavits or set the matter for hearing.

(2) The Board shall act upon such request and answer thereto with or without oral argument at the discretion of the Board.

(e) (1) If the applicant elects to present witnesses in his behalf, the Board shall set a time and place for hearing at which applicant and respondent will be allowed to present evidence bearing on the request for temporary relief.

(2) At the conclusion of testimony, the parties will be allowed one-half hour each for oral argument, unless extended by the Board.

(f) The Board in its decision may deny or grant such temporary relief as it deems just and proper in the circumstances.

EVIDENCE, TESTIMONY, SUBPOENAS

§ 401.13 *Rules of evidence.* All proceedings involving the taking of testimony in hearings before the Board shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the District Courts of the United States under the rules of Civil Procedure for the District Courts of the United States, except as modified by the rules of the Board.

§ 401.14 *Compliance with rules.* Evidence touching the matter at issue which is not taken and filed in compliance with the rules of the Board will not be considered in determining the proceeding.

§ 401.15 *Manner of taking testimony.* (a) Witnesses may be examined orally under oath before one or more members of the Board, except that whenever the Board deems that the interest of the public or of the parties may be promoted or that delay or an expense may be minimized, it may order testimony of any or all witnesses to be taken by deposition in accordance with §§ 401.23 to 401.29.

(b) With consent of the Board and of all parties to the proceeding, the testimony of any witness or witnesses may be submitted in the form of an affidavit of such witness or witnesses.

(c) With the consent of the Board the parties may stipulate what a particular witness would testify to if called, or may stipulate as to any or all facts in the case of any party.

§ 401.16 *Copies of the testimony.* Hearings of the Board shall be recorded stenographically by a reporter for the Board. Copies of transcripts of hearings may be purchased from the Board's reporter at rates approved by the Board.

§ 401.17 *Inspection of testimony.* After testimony is filed with the Secretary of the Board, it may be inspected in the office of the Board by any party to the case, but it cannot be withdrawn for the purpose of copying. It may be copied by someone specially designated or approved by the Board for that purpose, under proper restrictions and safeguards.

§ 401.18 *Additional time for taking testimony.* If either party shall be unable to procure the testimony of a witness or witnesses within the time limited and said time has expired or is about to expire, and desires additional time for such purpose, he must file a motion, accompanied by a statement under oath setting forth specifically the cause of such inability, the name or names of the witness or witnesses, the facts expected to be proved by such witness or witnesses, the steps which have been taken to procure such testimony, and the dates on which efforts have been made to procure it. The Board in its discretion may grant or deny said motion.

§ 401.19 *Official records and printed publications.* Official records and any special matter contained in a printed publication, if competent evidence and pertinent to the issue, may be introduced in evidence by filing with the Board a notice to that effect, before the closing of the time for taking the testimony of the party, specifying the record or the printed publication, the page or pages thereof to be used, indicating generally its relevancy, and accompanied by the record or authenticated copy, or the printed publication or a copy. The notice and copies of the record or publication must be served on the other party.

§ 401.20 *Objections to admissibility.* Subject to the provisions of § 401.29, objection may be made to receiving in evidence any deposition or part thereof, or any other evidence, for any reason which would require the exclusion of the evi-

dence according to the established rules of evidence.

§ 401.21 *Issuance of subpoenas; compliance.* (a) Any member of the Board may, on the written application or a party or the Board's own motion, forthwith issue subpoenas requiring the attendance and testimony of witnesses and the production of relevant papers, books and documents in their possession and under their control. The subpoena shall show on its face the name and address of the party at whose request the subpoena was issued, the officer before whom the testimony is to be taken, and the time and place of the taking of such testimony and production of such records referred to in this paragraph.

(b) If a witness fails or refuses to comply with a subpoena, and his fees, as prescribed in § 401.22, have been tendered him, the Board or its legal counsel shall, in the name of the United States but in relation of such applicant, institute proceedings in the appropriate district court for the enforcement of such subpoena, but neither the Board's counsel nor the Board shall be deemed thereby to have assumed responsibility for the effective prosecution of the same before the court. (See sec. 205 (k) of the act.)

§ 401.22. *Witness fees and mileage; payment.* Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear, and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

DEPOSITIONS

§ 401.23 *Notice of examination of witnesses.* (a) Depositions may be taken after the party has filed with the Board a petition to take a deposition setting forth the grounds for same and the information in compliance with paragraphs (b) and (c) of this section, if the petition to take depositions has been approved by the Board.

(b) Before the depositions of witnesses shall be taken by a party, due notice in writing shall be given to the opposing party, as provided in paragraph (c) of this section, of the time when and place where the depositions will be taken, of the cause or matter in which they are to be used, and of the names and residences of the witnesses to be examined together with the name and address of the officer before whom the testimony is to be taken. The opposing party shall have full opportunity, either in person or by attorney, to cross-examine the witnesses. If the opposing party shall attend the examination of witnesses not named in the notice, and shall either cross-examine such witnesses or fail to object to their examination, he shall be deemed to have waived his right to object to such examination for want of notice. Neither party shall take testimony in more than one place at the same time, nor so nearly at the same time that reasonable opportunity for travel from one place of examination to the other cannot be had.

(c) The notice for taking testimony must be served (unless otherwise stipulated in an instrument in writing filed in the case) upon the attorney of record, if there be one, or, if there be no attorney of record, upon the adverse party. Reasonable time must be given therein for such adverse party to reach the place of examination. Such notice shall, with sworn proof of the fact, time, and mode of service thereof, be attached to the deposition or depositions, whether the opposing party shall have cross-examined or not.

§ 401.24 *Persons before whom depositions may be taken.* (a) Within the United States, or within a territory or insular possession of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held.

(b) No such officer who is a relative or employee of either of the parties, or of their attorneys or agents, or interested, directly or indirectly, in the matter in controversy, either as counsel, attorney, agent or otherwise, shall be competent to take depositions, unless with the written consent of both parties.

§ 401.25 *Examination of witnesses.* (a) Each witness before testifying shall be duly sworn according to law by the officer before whom his deposition is to be taken.

(b) The testimony shall be taken in answer to interrogatories, with the questions and answers recorded in their regular order by the officer, or by some other person (who shall be subject to the provisions of § 401.24 (b)) in the presence of the officer except when his presence is waived on the record by agreement in writing of the parties. The testimony shall be taken stenographically and transcribed, unless the parties present agree otherwise.

(c) In the absence of all opposing parties and their attorneys or agents, testimony may be taken in longhand, typewriting, or stenographically.

(d) All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. The officer shall not have the power to rule upon any objections, but he shall note the objections upon the record.

(e) When the testimony has been transcribed, the deposition shall be carefully read over by the witness, or by the officer to him, and shall then be signed by the witness in the presence of the officer unless the reading and the signature be waived on the record by agreement of all parties. If the deposition is not signed because the witness is ill, deceased, cannot be found, or refuses to sign, such fact shall be included in the certificate of the officer.

§ 401.26 *Certification and filing by officer.* (a) The officer shall annex to the deposition his certificate showing:

(1) Due administration of the oath by the officer to the witness before the commencement of his testimony.

(2) The name of the person by whom the testimony was taken down, and whether, if not taken down by the officer, it was taken down in his presence.

(3) The presence or absence of the adverse party.

(4) The place, day, and hour of commencing and taking the deposition.

(5) That the deposition was read by or to the witness before he signed the same, and that he signed the same in the presence of the officer.

(6) The fact that the officer was not disqualified as specified in § 401.24 (b).

(b) If any of the requirements specified in paragraph (a) (1) through (6) of this section are waived, the certificate shall so state. The officer shall sign the certificate and affix thereto his seal of office, if he have such seal. Unless waived on the record by agreement, he shall then, without delay, securely seal in an envelope all the evidence, notices, and paper exhibits, inscribe upon the envelope a certificate giving the number and title of the case, the name of each witness, and the date of sealing, and deliver the envelope, in person or by registered mail, to the Secretary of the Board. If the weight or bulk of an exhibit shall exclude it from the envelope it shall, unless waived on the record by agreement of all parties, be authenticated by the officer and transmitted in a separate package, marked and forwarded to the Secretary of the Board by suitable means.

§ 401.27 *Form of deposition.* The pages of each deposition must be numbered consecutively, and the name of the witness plainly and conspicuously written at the top of each page. The testimony may be written on legal-size or letter-size paper, with a wide margin on the left-hand side of the page, and with the writing on one side only of the sheet. The questions propounded to each witness must be consecutively numbered and each question must be followed by its answer.

§ 401.28 *Depositions must be filed.* All depositions which are taken must be duly filed promptly with the Secretary of the Board. On failure to file within 5 days after completion of the testimony the Board at its discretion will not further hear or consider the contestant with whom the failure lies; and the Board may, at its discretion, receive and consider a copy of the withheld deposition, attested by such evidence as is procurable or disregard the deposition completely.

§ 401.29 *Effect of errors and irregularities in depositions.* Notice will not be taken of merely formal or technical objections which shall not appear to have wrought a substantial injury to the party raising them; and in case of such injury it must be made to appear that, as soon as the party became aware of the ground of objection, he gave notice thereof.

(a) *As to notice.* All errors and irregularities in the notice for taking a deposition are waived unless objection is promptly made and served in writing upon the party giving the notice.

(b) *As to disqualification of officer.* Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(c) *As to taking of deposition.* (1) Objections to the competency of a witness or to the competency, relevancy or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of the parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

(d) *As to completion and return of deposition.* Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

TERMINATION OF PROCEEDINGS

§ 401.30 *Prior to finding.* At any stage of the proceeding prior to the making of a finding by the Board, upon the submission by either the applicant or the Director, of a copy of an order annulling the order which the applicant is seeking review by the Board, an order dismissing the application may be entered by the Board in its discretion without further proceedings.

§ 401.31 *After hearing.* Unless terminated as provided in § 401.30, at the conclusion of the hearing or as soon thereafter as is practicable the Board will make a decision affirming, revising, or annulling the order under review.

§ 401.32 *Decision; form and content.* Each decision of the Board shall include the findings and order in writing, signed by the members of the Board who concur therein, and shall be entered on its official record, together with any written opinion prepared by the Board or by any member in support of or dissenting from any such findings or order. A true copy of the findings and order in each case shall be sent to all parties or to their attorneys of record and published by the Board.

APPEAL TO THE UNITED STATES COURT OF APPEALS

§ 401.33 *Appeal to the Court.* (a) Any party dissatisfied with a final order issued by the Board may appeal to the United States Court of Appeals for the circuit in which the mine affected is located.

(b) The appeal is initiated by the filing in the appropriate appellate court of a notice of appeal within thirty days from the date of the making of the order.

(c) A copy of such notice of appeal must be sent forthwith to the other party and to the Board.

§ 401.34 *Record on appeal.* (a) Upon receipt of the copy of the notice of appeal, the Secretary of the Board will prepare and file in the designated appellate court, a certified complete transcript of the record of the proceedings before the Board.

(b) The party making the appeal must pay the costs of the complete transcript of the records before it is filed with the court.

GENERAL

§ 401.35 *Amendments or additions; effective date.* All amendments or additions to these rules will be published in the FEDERAL REGISTER and, unless otherwise specified, shall become effective as of the date of adoption by the Board.

§ 401.36 *Hearings and records.* Hearings of the Board and the official records pertaining to proceedings under section 207 of the act shall be open to the public.

Adopted by the Federal Coal Mine Safety Board of Review at its office in Washington, D. C., on the 18th day of October 1952.

The major organizations of coal mine operators and coal miners have been consulted in the preparation of these rules of procedure. For these reasons it is determined that the notices and procedures prescribed by section 4 of the Administrative Procedures Act (60 Stat. 237; 5 U. S. C. 1003) are unnecessary. These rules of procedure shall become effective on the date of publication in the FEDERAL REGISTER.

TROY L. BACK,
Secretary of the Board.

[F. R. Doc. 52-12298; Filed, Nov. 17, 1952; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

MISCELLANEOUS AMENDMENTS

1. Subdivisions (iv) and (vii) of § 578.3 (b) (1) are revised to read as follows:

§ 578.3 *Awards of decorations.* • • •
(b) *By whom awarded.* • • •
(1) • • •

(iv) The Silver Star, Distinguished Flying Cross, Soldier's Medal, Bronze Star Medal, and Air Medal may be awarded by the commanders indicated in subdivision (i) of this subparagraph, to members of the armed forces of friendly foreign nations, provided concurrence has been obtained from the senior commander present in the theater of hostilities for an award to one of his own nationals, except as shown in (*a*) and (*b*) of this subdivision. Such concurrence will be regarded as constituting approval by his government for acceptance of the award. A recommendation for any of these awards will be forwarded to the Department of the Army when:

(*a*) The senior commander of a cobelligerent force is unable to obtain the approval of his government.

(*b*) An award to a flag or general officer or to the senior officer of the cobelligerent force present in the area is contemplated.

• • • • • •

(vii) The Medal of Freedom may be awarded by the Secretary of the Army or by those officers designated by him.

• • • • • •

2. Section 578.22 is revoked, and paragraphs (a) and (b) (1) (i) of § 578.23 are revised as follows:

§ 578.22 *Medal for Merit.* [Revoked.]

§ 578.23 *Medal of Freedom*—(a) *To whom awarded.* (1) The Medal of Freedom may be awarded to any person other than a member of the Armed Forces of the United States, who on or after December 7, 1941, has performed a meritorious act or service, which has either:

(i) Aided the United States in the prosecution of a war against an enemy or enemies,

(ii) Aided any nation engaged with the United States in the prosecution of a war against a common enemy or enemies, or

(iii) During any period of national emergency declared by the President or the Congress to exist, furthered the interests of the security of the United States or of any nation allied or associated with the United States during such period, and for which act or service the award of any other United States medal or decoration is considered inappropriate.

(2) Under special circumstances and without regard to the existence of a state of war or national emergency, the Medal of Freedom also may be awarded by, or at the direction of, the President to any person, not hereinafter specifically excluded, for performance of a meritorious act or service in the interests of the security of the United States. Established by Executive Order 9586, July 6, 1945, as amended by Executive Order 10336.

(b) *Standards*—(1) *Citizens and habitual residents of United States.* (i) The Medal of Freedom shall not be awarded to a citizen of the United States for any act or service performed within the continental limits of the United States.

• • • • • •

3. Subparagraph (2) of § 578.25 (c) is revised as follows:

§ 578.25 *Foreign decorations.* • • •
(c) *Authorization not required.* • • •
(2) *Members of Organized Reserve Corps.* A Reserve officer while not on active duty and while not holding a position of profit or trust under the Government may, without specific consent of the Congress, accept a foreign decora-

tion. No decoration, the acceptance of which was not approved by the Congress, will be worn on the uniform.

[C5, AR 600-45; October 30, 1952] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-12255; Filed, Nov. 17, 1952; 8:45 a. m.]

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 592—PROCUREMENT BY NEGOTIATION

PART 596—CONTRACT CLAUSES AND FORMS

PART 602—GOVERNMENT PROPERTY

ARMY PROCUREMENT PROCEDURE

1. In § 590.253-2, revise items listed under "Signal Corps" as follows:

§ 590.253-2 *Principal purchasing offices.* • • •

SIGNAL CORPS

Signal Corps Supply Agency, Philadelphia, Pa.

Laboratory Procurement Office, Signal Corps Supply Agency, Fort Monmouth, N. J.

AFSA Procurement Office, Procurement and Distribution Division, OCSigO, Washington, D. C.

• • • • • •

2. In § 590.603-4 (a) (3) (iii) add agencies and symbols as follows:

§ 590.603-4 *System of numbering—*
(a) *Contracts.* • • •
(3) • • •

(iii) The following letter symbols have been approved by the Comptroller General of the United States for use by the agencies indicated below:

Agency	Symbol
• • • • •	
Armed Services Textile and Apparel Procurement Agency	TAP
Far East Command (Moneys to U. S. by Japanese Govt.)	YEN
• • • • •	

3. In § 590.604-7, new paragraphs (c) and (d) are added as follows:

§ 590.604-7 *Negotiated contracts in general.* • • •

(c) *Armed Services Textile and Apparel Procurement Agency.* The Chief of Agency Staff, ASTAPA, and the Deputy Chief are authorized to approve awards of negotiated contracts that come within the ASTAPA Charter as approved by the Department of Defense in amounts not in excess of $3,000,000.

(d) *Armed Services Medical Procurement Agency.* The Chief, ASMPA, and his Deputy are authorized to approve awards of negotiated contracts that come within the ASMPA Charter as approved by the Department of Defense in amounts not in excess of $1,000,000.

4. A new § 592.157 is added as follows:

§ 592.157 *Submission of information on equal or identical bids.* See § 591.406-4 (b) of this subchapter, relating to procurement by formal advertising, the provisions of which are similarly applicable to procurement by negotiation.

5. In § 596.103-12 (c), paragraph (1) is revised as follows:

§ 596.103-12 *Disputes.* • • •

(c) *Major oversea commands.* (1) The following "Disputes" clause will be inserted in all contracts entered into by major oversea commands and to be performed outside the United States (48 States and the District of Columbia) in lieu of the clause set forth in §406.103-12 of this title:

DISPUTES

Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. Within 30 days from the date of receipt of such copy, the Contractor may appeal by mailing or otherwise furnishing to the Contracting Officer, a written appeal addressed to the Commanding General (----------[1]), and the decision of the Commanding General (----------[1]), or that of his duly authorized representative (other than the Contracting Officer under this contract) for the hearing of such appeals, upon personal approval by the Commanding General(----------[1]), or his designated deputy, shall unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, be final and conclusive upon the parties hereto when the amount involved in the appeal is $50,000 or less; provided that, if no appeal is taken, within the said 30 days, the decision of the Contracting Officer shall be final and conclusive. When the amount involved is more than $50,000 the decision of the Commanding General (----------[1]), shall be subject to written appeal within 30 days after the receipt thereof by the Contractor to the Secretary of the Army and the decision of the Secretary or his duly authorized representative for the hearing of such appeals shall, unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, be final and conclusive; provided that, if no such further appeal is taken, within the said 30 days, the decision of the Commanding General (----------[1]) shall be final and conclusive. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with Contracting Officer's decision.

• • • • • •

6. In § 602.603 add paragraph (c) as follows:

§ 602.603 *Sales, gifts, and loan of drawings and certain other property.*
• • •

(c) The foregoing determination and requirement for a written agreement will not be mandatory in the case of Invitations for Bids and Requests for Proposals. Drawings, specifications, and data furnished need not be returned unless otherwise directed by Contracting Officer.

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[1] Specify name of major oversea command concerned.

(1) The determination to request the return of such specifications, drawings, or any other data furnished the Contracting Officer should take into consideration the following factors:

(i) The current or probable future need of the Government for the items.

(ii) The residual value of such items.

(iii) Administrative and other expenses incident to handling and storage of such items.

(iv) The probable cost of reproduction of such items in event of future procurement.

(2) Classified material as a general rule will be required to be returned regardless of the criteria as established in subparagraph (1) of this paragraph.

[Proc. Cir. 21, October 29, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151-161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-12257; Filed, Nov. 17, 1952; 8:45 a. m.]

PART 608—VETERINARY INSPECTION

INSPECTION OF ESTABLISHMENTS; AWARD OF CONTRACTS

Subparagraph (1) of § 608.1 (a) is revised as follows:

§ 608.1 *Inspection of establishments—*
(a) *Award of contracts.* (1) (i) Contracts for foods of animal origin except when for brand name resale subsistence items as covered in subparagraph (2) of this paragraph, will be awarded to firms appearing on the Army Approved List, or to firms whose establishments are in the following categories.

(*a*) Establishments operating under the supervision of the Meat Inspection Division, Bureau of Animal Industry, United States Department of Agriculture.

(*b*) "Official plants" operating under the supervision of the Poultry Inspection Service, Production and Marketing Administration, United States Department of Agriculture, which are approved as sources for ready-to-cook poultry and rabbits or products thereof.

(*c*) Official plants operating under the Seafood Inspection Service of the Food and Drug Administration, Federal Security Agency, which are approved for canned processed shrimp only.

(ii) Brokers as defined in special regulations when awarded contracts must supply foods of animal origin that have originated in establishments appearing on the Army Approved List or from establishments that fall within the three categories mentioned above.

• • • • • •

[C 4, SR 40-950-1, October 25, 1952] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-12256; Filed, Nov. 17, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 3, Amdt. 2]

CPR 3—COAL, EXCEPT PENNSYLVANIA ANTHRACITE, DELIVERED FROM MINE OR PREPARATION PLANT

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 3 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 3 provides certain adjustments in ceiling prices and ceiling weighted average realization on all coal, except Pennsylvania anthracite, delivered from mines or preparation plants; revises the provision with respect to charges for transportation of coal in facilities owned or controlled by the producer; provides a certification procedure implementing Section 411 of the Defense Production Act of 1950, as amended; and makes certain changes in the reporting and recordkeeping provisions of the regulation.

On or about the first of October 1952 the United Mine Workers of America and representatives of various segments of the bituminous coal producing industry agreed upon a new contract containing increases in rates and in payments to the Welfare and Retirement Fund. The Progressive Mine Workers Union also entered into an agreement with another segment of producers on a similar contract. These contracts cover about 80 percent of the National production of bituminous coal and provide for an increase in the daily basic pay of $1.90 and of 10 cents per ton in the operator payments to the Welfare and Retirement Fund.

Several of the operator groups thereafter submitted the new contracts to the Wage Stabilization Board for consideration and action. On October 18, 1952, the Board approved an increase of $1.50 a day (instead of the $1.90 requested) for miners employed by the member companies of the Bituminous Coal Operators Association. In its opinion the Board stated that specific approval of the royalty payment is not required. On October 22, 1952, the Board authorized an extension of the $1.50 increase to other employees who were not covered by the specific wage agreement submitted to the Board, but who in the past had customarily received wage increases similar to the increases granted to employees covered by the National Bituminous Wage Agreement. The authorized wage increases were approved to become effective on October 1, 1952.

The Bituminous Coal Operators Association and the United Mine Workers of America have filed a request for review with the Administrator of the Economic Stabilization Agency, specifically asking that the additional 40-cent increase in the basic daily pay be approved. This request for review is now being considered by the Administrator.

It appears, as a result of the wage rate adjustment of $1.50 per day and the increase in the Welfare Fund payments of 10 cents per ton, that an industry-wide weighted average cost increase of approximately 33-35 cents per net ton will be incurred by the mine operators. If the full increase of $1.90 per day is approved, the industry-wide weighted average cost increase will be approximately 39-42 cents per net ton. These cost increases will, of course, vary widely from mine to mine.

Despite the present softness in the general price level of bituminous coal sold at the mines there are various mines whose prices on certain sizes and grades of coal are at or near ceilings and whose current weighted average realizations are near their ceiling weighted average realizations. Data available to the Agency indicate that in the year 1951 this industry was actually earning about 18½ cents less than the minimum earnings permitted by the Industry Earnings Standard. To the extent that selling prices on most sizes and grades are low and that selling prices on some sizes and grades are at or near ceilings, the industry will be unable under existing conditions to earn the minimum under the Earnings Standard unless some adjustments are made to take care of the wage increases referred to above.

By this amendment ceiling prices may be increased by the actual per net ton amount of increased costs incurred. The ceiling weighted average realization control is retained at present levels except that a limited adjustment is permitted to any mine which is now at or near the ceiling weighted average realization, and which mine could not increase its ceiling prices without piercing its ceiling weighted average realization established under the regulation. Producers may calculate such cost increases on a new form provided by OPS, (which is substantially similar to Solid Fuels Form No. 2 used for a somewhat similar purpose in 1951) and such cost increases so calculated should be added to the cumulative average realization for the 12-month period ending September 30, 1952. If the sum of such cost increases and the cumulative weighted average realization exceeds the present ceiling weighted average realization, such sum will constitute the new ceiling weighted average realization for that particular mine. (If this computation yields an amount less than the present ceiling weighted average realization no adjustment is permitted in the ceiling weighted average realization.) The allowable adjustment in the ceiling weighted average realization as provided by the regulation, however, must be apportioned so that only 10 percent of the increase may be added in the first month and 10 percent additional may be added in each successive month until the full amount of the adjustment has been added. Such apportionment applies to the ceiling weighted average realization only and, except as limited by the ceiling weighted average realization, a producer may add the full amount of the authorized wage increase to his ceiling prices.

The new ceiling prices and ceiling weighted average realization provided by this amendment may be put into effect as of the date the authorized increased costs become effective, except that as to sales to retail dealers, the effective date of ceiling prices shall be November 14, 1952.

It is believed that the adjustments provided by this amendment will not result in any substantial increase in industry-wide price levels but will permit individual producers to obtain any relief to which they are entitled, without imposing a heavy administrative burden on this office.

This amendment also implements section 411 of the Defense Production Act of 1950, as amended, by providing for a certification procedure adapted to realization and ceiling price controls which are provided by this regulation. Section 411 of the Defense Production Act of 1950, as amended, provides that no person shall be required to furnish any reports or other information with respect to sales of materials or services at prices which are below ceiling, if such person certifies to the President that such sales are made at such prices. Because CPR 3 has a ceiling weighted average realization control in addition to ceiling price control, a producer to be exempt from the filing requirements of section 9 (d), must certify that he is selling all of his coal below ceiling prices and that the cumulative weighted average realization is below the established ceiling weighted average realization for his mine or mines. A producer after so certifying must file OPS Public Form No. 1 for any month or months in which he sells any size or grade of coal at ceiling prices, or for any month or months in which the cumulative weighted average realization equals the established ceiling weighted average realization for his mine or mines. This certification procedure does not apply to reports required in connection with the establishment or adjustment of ceiling prices or ceiling weighted average realization.

Section 6 (g) is amended to permit a producer who owns, controls, or hires transportation facilities to add to his applicable ceiling prices, f. o. b. mine, a sum not in excess of the highest charge for transportation costs between the same points made during the base period or the period January 1-15, 1951, inclusive. This provision was originally contained in the regulation but was subsequently deleted by Amendment 1 to CPR 3 when provision was made to allow the producer who owns his transportation facilities to add his actual transportation costs to his f. o. b. mine ceiling prices. Since then, the agency has been advised that many producers who own or control transportation facilities are unable to ascertain their actual transportation costs. Those producers use transportation facilities for other purposes, and cannot properly allocate costs to the delivery of coal. During the base period it was customary for them to make a uniform charge for such delivery. Accordingly, this amendment makes available both methods. The other provisions of section 6 (g), including the provision that the amount shall not

exceed the lowest carrier rate, are retained.

In section 6 (i) a correction is made by substituting the word "and" for the word "or" in connection with ceiling prices and ceiling weighted average realization. This was a clerical error in the original draft. A new provision is included requiring notification, by a new owner, of any change in ownership of a mine, and requiring the transferor to preserve or turn over to the transferee all records of transaction prior to the transfer which are necessary to enable the transferee to comply with the record provisions of the regulation.

Section 9 (a) is amended to provide for the reporting by producers (other than "small mine" producers) of increased costs and the increase authorized in the ceiling weighted average realization on OPS Public Form No. 155, which must be filed within 20 days after the increased costs become effective or within 20 days after the date of issuance of this amendment whichever is later.

A new sentence is added to section 9 (d) which provides that ceiling prices determined under section 4 (d) (2) of this amendment shall not be required to be filed.

This amendment, however, relieves "small mine" producers of the requirement that they file OPS Public Form No. 155 and a revised schedule of ceiling prices under the provisions of section 4 (d) and section 9 (a) and (c), as amended. Under section 2 (m), as amended, a mine (or group of mines referred to in section 4 (g)) is a "small mine" for any calendar year if, during the preceding calendar year, its entire production averaged 100 net tons or less of coal per day of operation, regardless of method of shipment. It is believed that the "small mine" producers should not be required to file these reports because of the administrative burden such filings would impose on OPS and the "small mine" producers; and because of the general agency policy to relieve small business of filing to the extent possible. If a "small mine" producer wishes to claim an adjustment in ceiling prices and ceiling weighted average realization, however, he shall determine the amount of adjustment by use of OPS Public Form No. 155 and keep it on file with other records required by section 9 to be retained by the producer.

Section 9 (f) is amended to require the producers to prepare and keep available, for a period of two years, records of the kind they customarily keep showing the prices charged for the coal.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 3, as amended, is further amended as follows:

1. Section 2 is amended by adding a new paragraph (m) as follows:

(m) A mine (or group of mines referred to in section 4 (g)) is a "small mine" for any calendar year if during the preceding calendar year its entire production averaged 100 net tons or less of coal per day of operation, regardless of method of shipment.

2. Section 4 (d) is amended by redesignating that section as 4 (d) (1) and adding two new subparagraphs as follows:

(2) Each producer who incurs increases in costs at his mine or group of mines during the period October 1, 1952 to April 30, 1953, inclusive, by reason of a wage and salary advance and other items related to the payroll and welfare payments (as calculated by such producer on OPS Public Form No. 155) which satisfy the policy and requirements of the Wage Stabilization Board of the Economic Stabilization Agency, may determine his ceiling prices and ceiling weighted average realization for such mine or group of mines as follows:

(i) *Ceiling Prices.* Add to the individual ceiling prices established by other provisions of this regulation for each size and grade of coal the amount of such increased costs.

(ii) *Ceiling weighted average realization.* Add to the cumulative weighted average realization for the 12-month period ending September 30, 1952, (as shown on OPS Public Form No. 1 for September 1952) the amount of such increased costs: *Provided, however,* That the allowable adjustment in the ceiling weighted average realization provided in this subparagraph (i. e., the difference between the previously established ceiling weighted average realization and the cumulative weighted average realization as adjusted for the increased costs) must be apportioned so that 10 percent of the increase in the ceiling weighted average realization may be added in the first month, and an additional 10 percent in each succeeding month until the full amount of the allowable adjustment has been made. Where the cumulative weighted average realization, as adjusted for the increased costs, is equal to or less than the ceiling weighted average realization otherwise established by this regulation, the previously established ceiling weighted average realization will continue in effect.

Example. A mine incurs increases of 40 cents per net ton from wage and salary advances and other items related to the payroll and welfare payments as of October 1, 1952, which satisfy the policy and requirements of the Wage Stabilization Board. This producer's ceiling weighted average realization is $5.00 per net ton, but his 12-month cumulative realization as shown on OPS Public Form No. 1 for the 12-month period ending September 30, 1952, is $4.75. The addition of the 40 cents increase to the cumulative weighted average realization of $4.75 results in a target realization of $5.15. Subtracting $5.00 (the previously established ceiling weighted average realization) from $5.15, leaves 15 cents which is the authorized increase in the ceiling weighted average realization. He can add 10 percent of the 15-cent increase in ceiling weighted average realization in October 1952, 20 percent of the increase in November 1952, etc., until the total of 15 cents per net ton is reached. Thus, he may not exceed $5.0150 in October; $5.0300 in November, etc. (If his mine's cost increase is 25 cents or less per ton, his ceiling weighted average realization, under the above facts, would remain at $5.00 per net ton.)

OPS Public Form No. 155 showing the increased costs and the increase authorized in the ceiling weighted average realization shall be filed by producers, other than "small mine" producers, as defined in section 2 (m), in accordance with the provisions of section 9 (a) (2) of this regulation.

The new ceiling prices and ceiling weighted average realization provided in this subparagraph may be put into effect as of the date the authorized increased costs become effective, except that as to sales to retail coal dealers, the effective date of ceiling prices shall be November 14, 1952.

(3) A producer who operates a preparation plant, a ramp or other loading facility, and who by usual custom obtains all or part of his coal from another producer or producers, shall determine his increased costs under subparagraph (2) of this section by calculating the weighted average increased cost of his own coal and purchased coal which results from the cost increases referred to in subparagraph (2).

3. Section 6 (g) is amended to read as follows:

(g) Where bituminous coal is delivered from a mine or preparation plant in any transportation facilities owned or subject to the control of the producer or subsidiary or affiliate of the producer, or in any transportation facilities hired by the producer, there may be added to the applicable ceiling price established herein, a sum not in excess of (1) the highest charge for transportation costs between the same points made during the base period or the period January 1–15, 1951, inclusive, or (2) the actual transportation costs incurred by such producer or distributor, or subsidiary or affiliate thereof, determined in a reasonable manner; but in no event shall such highest charge or actual transportation costs exceed the lowest common carrier rate, if any, for a haul between the same points: *Provided,* That there may also be added by a producer or distributor, an amount not in excess of the transportation tax imposed by section 620 of the Revenue Act of 1942, if said producer incurred such tax and if he separately states the amount of the tax in sales to all purchasers except the United States or any agency thereof, the District of Columbia, any state government or any political subdivision thereof.

4. Section 6 (i) is amended to read as follows:

(i) Any purchaser, lessee or transferee of a mine for which ceiling prices and a ceiling weighted average realization have been established, shall take the ceiling prices and ceiling weighted average realization previously assigned to the mine or other seller, lessor or transferor thereof. Immediately upon the transfer of a mine the purchaser, lessee or transferee shall notify in writing by registered mail, the Solid Fuels Branch, Rubber, Chemicals, Drugs and Fuels Division, Office of Price Stabilization, Washington 25, D. C., stating the date of such transfer and the name and address of the purchaser, lessee or transferee. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

5. Section 9 (a) is amended by redesignating paragraph (a) as (a) (1) and adding a new sub-paragraph as follows:

(2) OPS Public Form No. 155 showing the increased costs and the increase in the ceiling weighted average realization authorized by section 4 (d) (2), shall be filed by producers, other than "small mine" producers, within 20 days after the increased costs become effective, or within 20 days after the issuance of this amendment, whichever is later. This form shall be sent by registered mail, return receipt requested, to the Solid Fuels Branch, Rubber, Chemicals, Drugs and Fuels Division, Office of Price Stabilization, Washington 25, D. C. Although a "small mine" producer need not file OPS Public Form No. 155, he must calculate his adjustment under section 4 (d) (2) on this form and keep it on file in accordance with the provisions of section 9 (f) of this regulation. Copies of OPS Public Form No. 155 may be obtained by writing to the Solid Fuels Branch, Rubber, Chemicals, Drugs and Fuels Division, Office of Price Stabilization, Washington 25, D. C.

6. Section 9 (c) is amended to read as follows:

(c) Ceiling price schedules shall be filed by the producer, sales agent or distributor with the Director and with the regional office or offices of the Agency in the area or areas where the producer's coal is shipped, within ten days after the day such prices become effective. Copies of such price schedules shall be open for public inspection. All changes in ceiling prices shall be similarly filed, except that ceiling prices determined under section 4 (d) (2) shall not be filed.

7. Section 9 (d) is amended to read as follows:

(d) Each producer shall report each month the monthly realization to the Director, on or before the last day of the month following the month for which the report is filed, on OPS Public Form No. 1 and in accordance with instructions issued by the Office of Price Stabilization: *Provided,* That no producer shall be required to file reports under this paragraph if he files a certified statement that he is now selling all of his coal at prices below the ceiling prices established by this regulation and that his cumulative weighted average realization is now below the ceiling weighted average realization established for his mine or group of mines. If in any month or months after such certification the producer makes a sale of any size or grade of coal at a price equal to the ceiling price established for that size or grade, or in any month or months in which the cumulative weighted average realization equals the ceiling weighted average realization established for his mine or group of mines, he must file the report required by this paragraph for such month or months. Certification must be in the following form:

CERTIFICATION OF SALES BELOW CEILING PRICES AND CEILING WEIGHTED AVERAGE REALIZATION AS PROVIDED IN SECTION 9 (d) OF CPR 3, AS AMENDED

It is hereby certified that _____ (Name of _____ is selling all coal from the producer)

_____ (Name of mine or group of mines)

at prices below the ceiling prices established by this regulation and that the cumulative weighted average realization for this mine (or group of mines) is now below the ceiling weighted average realization established for such mine (or group of mines).

_____ (Name of producer)

_____ (Address of producer)

_____ (Signature of authorized person)

_____ (Title or position of signer)

Date: _____

This statement must be addressed to the Solid Fuels Branch, Rubber, Chemicals, Drugs and Fuels Division, Office of Price Stabilization, Washington 25, D. C., and must be sent by registered mail, return receipt requested.

The certification procedure does not apply to reports required in connection with the establishment or adjustment of ceiling prices or ceiling weighted average realization.

8. Section 9 (f) is amended by adding a new sentence at the end thereof so that the paragraph will read as follows:

(f) Each person subject to this regulation shall preserve and keep available for inspection by the Director, for a period of two years, all records necessary to substantiate ceiling prices, base period realization and average realization established pursuant to this regulation. He shall also prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which he customarily keeps showing the prices charged for the coal.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 2 to CPR 3 shall become effective as of October 1, 1952, except that as to sales to retail coal dealers the effective date of ceiling prices shall be November 14, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 14, 1952.

[F. R. Doc. 52–12355; Filed, Nov. 14, 1952; 5:02 p. m.]

[Ceiling Price Regulation 4, Amdt. 6]

CPR 4—ANTHRACITE DELIVERED FROM MINE OR PREPARATION PLANT

ADJUSTMENTS ON ALL SIZES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 6 to Ceiling Price Regulation 4 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 4 increases the ceiling prices on all sizes of anthracite by amounts ranging from 40 cents to $1.35 per net ton, f. o. b. the mines. These increases are necessary to permit the anthracite-producing industry to meet the Industry Earnings Standard.

An industry earnings survey of the anthracite-producing industry was made earlier this year at the request of the Anthracite Industry Advisory Committee. As a result of the findings of the survey the ceiling prices of the industrial sizes (buckwheat No. 1 and smaller) were adjusted in the amount of 75 cents per ton, becoming effective on August 12, 1952. This interim adjustment did not exhaust the entire amount of entitlement of the industry under the Industry Earnings Standard.

Further study of industry earnings shows that the industry is entitled to an additional price increase averaging 35.5 cents per ton to permit it to meet the industry earnings standard. The increases provided in this amendment include that amount.

On October 3, the ceiling prices of all sizes of anthracite were increased in the amount of 20 cents per net ton, reflecting the additional payment into the Anthracite Health and Welfare Fund agreed to by the industry and the United Mine Workers of America. The increase in the welfare payment was included in an interim agreement pending the completion of negotiations on wage and other matters.

On November 1, 1952, the representatives of the anthracite industry and UMW of A reached an agreement on wage increases to be paid the miners, effective November 16, 1952, as well as further changes in the terms and conditions of employment. The agreement sets forth in detail a method of applying the wage increases which have been granted to employees paid daily and on piece-work rates.

The anthracite industry wage agreement has been submitted to the Wage Stabilization Board for approval and is now being considered by that Agency.

An increase of at least $1.50 per day for the anthracite industry, paralleling that already approved for bituminous will be effective retroactive to November 16, 1952, upon formal approval by the Wage Stabilization Board. Thus the anthracite producers will begin to incur substantially higher production costs beginning November 16, which the industry cannot absorb under the Industry Earnings Standard.

The increases included in this price action, therefore, reflect the amount to which the industry is entitled under the Industry Earnings Standard including a cost increase based on an average wage increase of $1.50 per day, amounting to a total of $1.047 per net ton. If a higher rate increase is hereafter authorized a further adjustment may be required.

Prices on the smaller sizes of anthracite coal have traditionally been lower than on the larger prepared sizes. This reflects strong competition with other forms of solid fuels and with oil and gas. In order to permit the industry to obtain earnings to which it is entitled under the Industry Earnings Standard, the various sizes of anthracite are being increased by amounts ranging from 40 cents per net ton on buckwheat Nos. 4 and 5 and smaller to $1.35 on broken size.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the judgment of the Director of Price Stabilization this amendment is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act, as amended.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. The ceiling prices in Appendix A, provision 1, as amended, are further amended by an increase on all sizes so that provision 1 to Appendix A will read as follows:

1. The following ceiling prices, subject to the exceptions set forth in this regulation, are established for Anthracite f. o. b. mine:

	Per net ton
Broken	$15.75
Egg	16.00
Stove	16.25
Chestnut	16.15
Pea	12.85
Buckwheat No. 1	10.10
Rice	8.35
Barley	6.55
Buckwheat No. 4 and smaller	5.45

2. The ceiling prices for "sub-standard" anthracite in Appendix A, provision 3, as amended, are further amended by an increase on all sizes so that provision 3 of Appendix A will read as follows:

3. The ceiling prices for anthracite (including anthracite for which a ceiling price has been established by any special order issued under this regulation, or otherwise), which does not meet the quality standards and price specifications set forth in Appendix B hereof, shall be the applicable ceiling price set forth below:

	Per net ton
Broken	$14.60
Egg	14.85
Stove	15.10
Chestnut	15.00
Pea	11.85
Buckwheat No. 1	9.40
Rice	7.75
Barley	6.05
Buckwheat No. 4 and smaller	5.05

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to CPR 4 shall become effective November 16, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 14, 1952.

[F. R. Doc. 52-12356; Filed, Nov. 14, 1952; 5:02 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 30]

CPR 34—SERVICES

SR 30—AUTOMOBILE AND VEHICLE WASHING SERVICES IN TEXAS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 30 to Ceiling Price Regulation 34, is hereby issued.

STATEMENT OF CONSIDERATIONS

This action is an emergency action designed to relieve severe financial hardships now being suffered by various service establishments in providing car washing services in Texas communities which arise from the serious drought conditions existing in that State.

Information received in this office indicates that due to shortages of water resulting from the drought, municipalities have adopted, or are considering the adoption, of emergency ordinances which prohibit automobile washing establishments and service stations from using water obtained from municipal water distribution systems to wash automobiles and other vehicles. As a result such service establishments have been forced to dig wells, haul water in, install equipment to reclaim water, to buy water from peddlers, and install pressure equipment.

The action permits suppliers of car washing services to increase the ceiling price established under Ceiling Price Regulation 34 by 25¢ per car.

The amount of this increase is approximately the adjustment which would be granted upon individual applications for adjustment under the provisions of section 20 (a) of Ceiling Price Regulation 34. However, the data available is too incomplete to permit adjustments on an individual or area basis except for a temporary period. In any event, the conditions which would justify such adjustments at this time are of a temporary nature, which it is anticipated may be alleviated within three months.

The increased charges may be made for a period of 90 days from the effective date of the regulation, unless that time is extended or shortened by further action by the Director of Price Stabilization.

In view of the emergency nature of this supplementary regulation circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Where this regulation applies.
3. Eligibility to use the increase permitted by this supplementary regulation.
4. Amount of emergency increase.
5. Records.
6. Termination.

AUTHORITY: Sections 1 through 6 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation authorizes a temporary emergency increase in ceiling prices for sellers of the service of washing automobiles and other vehicles in certain drought-stricken areas in Texas.

SEC. 2. *Where this supplementary regulation applies.* This supplementary regulation applies only in locations in the State of Texas which have adopted emergency municipal ordinances which prohibit the use of water for the purpose of washing automobiles and other vehicles with water obtained from a water distribution system regularly supplying water to such municipalities.

SEC. 3. *Eligibility to use the increase permitted by this supplementary regulation.* You may increase your ceiling price for washing automobiles and other vehicles, if you meet all of the following conditions:

(a) You must have normally since January 25, 1951 taken water which you use to wash automobiles and other vehicles from a water distribution system which regularly supplies water to a municipality in the State of Texas whose governing body has recently adopted an emergency ordinance prohibiting the use of water for such purpose.

(b) In order to be able to continue washing automobiles and other vehicles, you must have incurred substantial additional expense, which you would not have incurred if you had not been prohibited by the action of the municipal authorities from using water for that purpose, such as drilling a well, hauling water, or providing additional equipment such as pumps, water storage tanks, etc.

(c) You must have filed your ceiling price for washing automobiles and other vehicles with your local OPS Office in accordance with section 18 of Ceiling Price Regulation 34.

SEC. 4. *Amount of emergency increase.* If you meet the eligibility requirements of section 3 of this supplementary regulation, you may increase your legally established OPS ceiling price for washing automobiles and other vehicles by 25 cents per vehicle.

SEC. 5. *Termination.* This supplementary regulation is effective immediately. However, the increase in your ceiling prices permitted by section 4 of this supplementary regulation may be charged until February 16, 1953, unless this supplementary regulation is revoked prior to that date, or the time is further extended by the action of the Director. Upon the expiration of this supplementary regulation, or prior termination or upon the expiration of any extension thereof, you must revert to your ceiling prices established under Ceiling Price Regulation 34, as amended, for the service of washing automobiles and other vehicles. If you elect to use this regulation all provisions of Ceiling Price Regulation 34, as amended, except to the extent they are inconsistent with the provisions of this supplementary regulation remain applicable to you.

Effective date. This supplementary regulation to Ceiling Price Regulation 34 is effective November 17, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 17, 1952.

[F. R. Doc. 52-12389; Filed, Nov. 17, 1952; 2:00 p. m.]

[Ceiling Price Regulation 61, Amdt. 3]

CPR 61—EXPORTS

REPORTING UNDER SECTION 5 (B) OF CEILING PRICE REGULATION 61

Pursuant to the Defense Production Act of 1950, as amended, Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong., Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 61 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is designed to facilitate the processing by District Offices of this Agency of reports made under section 5 of Ceiling Price Regulation 61. Section 5 is the section that sets forth the method of calculating base period markups for exporters. That section also contains the reporting provisions for these sellers. Prior to this amendment, under the provisions of CPR 61, the base period markup was reported to the National Office of the Office of Price Stabilization.

This amendment provides that all future reports under section 5 be furnished to the District Offices by registered letter. It is planned that the reports will be processed by the District Offices which are, as a result of their location, better able to check the reports and to discuss with the persons reporting, any problems affecting them. An appropriate delegation of authority is being issued to the Directors of Regional Offices with authority to redelegate to the Directors of District Offices.

In view of the procedural nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Section 5 (b) of CPR 61 is amended to read as follows:

(b) In every case where you, whether merchant exporter or producer exporter, calculate for the first time the percentage markup you are going to use or do use in the export sale or sale for export of a commodity or product line covered by this regulation, you shall furnish the Office of Price Stabilization District Office in your area by registered letter with the following information in duplicate:

(1) The commodity or product line, including a list of the commodities in the product line;

(2) Whether you are a merchant exporter, or a producer exporter, or both, in respect to each commodity or product line listed;

(3) The class of buyer;

(4) Whether an export sale or sale for export;

(5) Your representative calendar quarter; and

(6) The percentage markup you are permitted to use under this regulation.

(7) If you are not permitted to take a markup, or it is not your present sales policy to take a permissible markup on your export sales or sales for export, you are nevertheless required to report this fact.

This information shall be reported within fifteen days after your first sale of the commodity or product line under this regulation, and may be provided on OPS Public Form No. 72 available at any office of the Office of Price Stabilization. Once you have furnished such information for the sale of a particular commodity or product line to a particular class of buyer, you need not again advise the Office of Price Stabilization with respect to your pricing of that type of sale.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Ceiling Price Regulation 61 shall become effective November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 17, 1952.

[F. R. Doc. 52-12386; Filed, Nov. 17, 1952; 11:07 a. m.]

[Ceiling Price Regulation 65, Amdt. 2]

CPR 65—CEILING PRICES FOR CANNED SALMON

EXTENDS COVERAGE OF REGULATION TO INCLUDE 1952 PACK

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 65 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment retains the specific dollars-and-cents ceiling prices, for sales by canners of canned salmon of the 1952 pack, which were established for sales of the 1951 pack by Ceiling Price Regulation 65, as amended. It also provides for the processing of applications for special ceiling prices by the Regional Director of Office of Price Stabilization, Region 13, Seattle, Washington, rather than by the National Office.

The retention of the 1951 ceiling price levels of course preserves the differentials by species and grades. The bases for these differentials and for the pricing technique in general are explained in the Statements of Considerations to Ceiling Price Regulation 65 and to Amendment 1 thereof, and those explanations are incorporated herein by reference. This Statement of Considerations will discuss only the reasons for applying to the 1952 pack the ceiling prices established for the 1951 pack.

Projection of the statistics now available for 1952 indicates a total catch approximating that of 1951, though for any particular species the catch may be higher or lower than in 1951. The total catch of salmon as of September 13, 1952, was 3,383,101 cases compared with 3,399,819 cases as of September 15, 1951. The fishing season for salmon is practically completed in the middle of September. Indications are that over-all cost and production changes in 1952 will be such as to result in no substantial differences from over-all cost and production in 1951.

In view of these circumstances, and since the 1951 level of ceiling prices for different species has been found by the industry to be reasonable, it is felt that the continuance of these 1951 ceiling price levels for the 1952 pack is a fair basis for setting the ceiling price level for the 1952 pack.

Besides the continuance of the 1951 ceiling price level for the 1952 pack, this amendment makes an important change in section 4 (d). Instead of applying to the National Office of the Office of Price Stabilization for ceiling prices for varieties, container sizes, or types and styles of pack not listed in section 4 (a), the seller now will apply to the Regional Office of Region 13 of the Office of Price Stabilization at Seattle, Washington. This change is in accordance with the policy of decentralization wherever it can be accomplished without impairing service by the Office of Price Stabilization. The head offices of all the large salmon packers are in Region 13, and hence it is thought that this change in procedure will in some cases obviate the necessity of voluminous correspondence. Processing of such applications in Region 13 will also, it is felt, facilitate clarification of questions of fact which arise from time to time in such cases.

In the formulation of this amendment, the Director of Price Stabilization has, to the extent practicable, consulted with industry representatives, including trade association representatives, and has given consideration to their recommendations. In the judgment of the Director, this amendment is generally fair and equitable, is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and complies with all the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 65, as amended, is further amended in the following respects:

1. Section 1 is changed so as to read as follows:

SECTION 1. *Coverage of this regulation.* This regulation establishes specific dollars-and-cents ceiling prices for the sale by canners of all canned salmon of the 1951 and 1952 packs. These ceiling prices supersede those established by the General Ceiling Price Regulation.

2. Section 4 (d) is amended so as to delete the words "Fish Branch, Office of Price Stabilization, Washington 25, D. C." and substitute therefor: "Director of Region 13 of the Office of Price Stabilization, 506 Second Avenue, Seattle, Washington."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Ceiling Price Regulation 65 is effective November 22, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 17, 1952.

[F. R. Doc. 52-12390; Filed, Nov. 17, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Order 16]

GSO 16—WAGES, SALARIES AND OTHER COMPENSATION OF EMPLOYEES UNDER THE JURISDICTION OF THE WAGE STABILIZATION BOARD PRIOR TO JUNE 30, 1952

STATEMENT OF CONSIDERATIONS

Under the provisions of the Defense Production Act Amendments of 1952, jurisdiction over the wages, salaries and other compensation of supervisors, as such term is defined in the Labor Management Relations Act, 1947, as amended, was transferred to the Salary Stabilization Board. The statute also fixes the respective jurisdictions of the Wage Stabilization Board and the Salary Stabilization Board. As a result thereof prior transfers of jurisdiction of certain categories of employees to the Wage Stabilization Board made by the Salary Stabilization Board or the Office of Salary Stabilization are automatically terminated and jurisdiction over the compensation of such employees rests again with the Salary Stabilization Board. However, questions have arisen as a result of these changes in the jurisdiction of the Boards and as to the power and duty of the Economic Stabilization Administrator as to the compensation properly payable to such employees, particularly where special approvals by the Wage Stabilization Board of changes in their compensation are relied upon. This General Salary Order is issued to clarify the situation with regard to the compensation which employers may properly pay to such employees and which they may properly receive, and the extent to which the Salary Stabilization Board will ratify action taken by employers pursuant to Wage Stabilization Board authorization.

REGULATORY PROVISIONS

Sec.
1. Compensation of employees under the jurisdiction of the Wage Stabilization Board prior to June 30, 1952.
2. Record keeping.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.

SECTION 1. *Compensation of employees under the jurisdiction of the Wage Stabilization Board prior to June 30, 1952.* (a) As used in this order, the term "employees" shall be limited to employees or categories of employees whose wages, salaries and other compensation prior to June 30, 1952, were under the jurisdiction of the Wage Stabilization Board and since June 30, 1952, are under the jurisdiction of the Salary Stabilization Board pursuant to or as a result of the provisions of the Defense Production Act of 1950, as amended: *Provided, however,* That this order shall not apply on and after August 26, 1952, to driver salesmen, adjustments in whose wages, salaries and other compensation are as of that date subject to the provisions of section 10 of General Salary Stabilization Regulation 5, as amended.

(b) Payment of compensation made prior to the date of publication of this order in the Federal Register to employees, as defined in paragraph (a) of this section, which conforms to the provisions of self-administering regulations issued under the authority of the Wage Stabilization Board or a specific determination of such Board, is ratified, confirmed and approved, and compensation may be continued to be paid at the rate in effect on such date.

(c) Employers are authorized to adjust hereafter the compensation of such employees under the following conditions:

(1) That the adjustment, including compensation of new employees, is in conformity with the employer's practices, compensation rate schedules or plans adopted or continued pursuant to the provisions of self-administering regulations issued under the authority of the Wage Stabilization Board and in effect on June 30, 1952, or a specific determination of such Board made prior to such date of publication of this order in the Federal Register.

(2) That the employer has not been specifically directed otherwise by the Office of Salary Stabilization.

(d) Other future adjustments in compensation not within the scope of this section shall be in accordance with the provisions of the regulations or orders of the Salary Stabilization Board or determinations of the Office of Salary Stabilization.

SEC. 2. *Record keeping.* Any employer granting adjustments in wages, salaries and other compensation to employees pursuant to this order shall comply with the applicable record keeping requirements of section 101 of General Salary Stabilization Regulation 1, Amended.

NOTE: The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By order of the Salary Stabilization Board, October 2, 1952.

JUSTIN MILLER,
Chairman.

Approved: NOVEMBER 12, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-12394; Filed, Nov. 17, 1952; 11:35 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-41, as Amended November 17, 1952]

M-41—METALWORKING MACHINES—DELIVERY

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

This amended order revises NPA Order M-41, as amended July 25, 1952, by making certain changes, among which are the following:

1. Section 1 (b) is deleted because of the revocation of NPA Order M-41A.
2. Section 3 (a) is deleted so that the frozen period will operate against an unrated order.
3. Section 4 is revised to clarify the scheduling of unrated orders.
4. Section 7 is revised to clarify procedures incident to revisions in the Numerical Preference List.
5. Section 8 is revised to conform to the changes in section 7.
6. Section 10 is revised to conform to the change in section 3.
7. A new section numbered 14 concerning applications for ratings for metalworking machines is added.
8. Exhibit A is revised to eliminate balancing machines and certain kinds of measuring and testing machines.
9. Exhibit C is discontinued.
10. Exhibit D is revised to clarify certain definitions therein.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Limitations on deliveries and acceptance of orders.
4. Allocation of deliveries to service and other purchasers.
5. Distribution of production among service groups.
6. Treatment of fractions.

Sec.
7. Operation of Numerical Preference List.
8. Information to be furnished with new purchase orders.
9. Changes and amendments.
10. Rejection of rated orders.
11. Effect of this order on NPA Reg. 2.
12. Replacement parts.
13. Pool orders.
14. Applications for ratings for metalworking machines.
15. Request for adjustment or exception.
16. Records and reports.
17. Communications.
18. Violations.

AUTHORITY: Sections 1 to 18 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order regulates the delivery of metalworking machines. It requires all producers to schedule their deliveries in accordance with the provisions of this order.

SEC. 2. *Definitions.* As used in this order:

(a) "Metalworking machine" means any new, nonportable, power-driven item of plant equipment which is listed on Exhibit A, appearing at the end of this order, and has a producer's list price for the basic machine itself of $1,000 or more. The producer's list price for the basic machine itself means the sale price at which the producer's catalog or other price publication lists the basic machine, exclusive of the motor, motor drive, or any attachments therefor, unless the motor, motor drive, or attachments are initially built into the basic machine itself, as an integral part thereof, in which case the producer's list price for the basic machine shall be the sale price at which the producer lists the machine as an assembled unit. The term "metalworking machine" includes all fixtures, equipment, and tooling covered by the original purchase order which are required to be delivered with the basic machine to make it usable in production for the purposes intended. It does not include replacements, spare parts or equipment, or extra tooling.

(b) "Producer" means any person engaged in the manufacture and production of metalworking machines.

(c) "Service group" means a subdivision of the Department of Defense. For the purposes of this order, there are deemed to be seven such subdivisions, consisting of the following: Ordnance, Army less Ordnance, Bureau of Ordnance (Navy), Bureau of Ships (Navy), Miscellaneous Bureaus and Offices (Navy), Bureau of Aeronautics (Navy), and Air Force.

(d) "Service purchasers" means those persons whose purchase orders for metalworking machines call for delivery to a service group, or to one of such group's prime contractors, or to a subcontractor of such a prime contractor. However, no such purchaser shall be considered a service purchaser unless his order is accompanied by a DO rating in accordance with existing regulations.

(e) "Other purchasers" means all purchasers other than service purchasers, whether or not a DO rating has been assigned to their purchase orders.

(f) "Size" includes all of those dimensions or variations of a particular type of metalworking machine which can be used interchangeably for production purposes. Size classification shall be that used by each producer on the effective date of this order, unless he is hereinafter authorized to use a different classification. Producers may apply for such permission by letter to the National Production Authority (hereinafter called "NPA").

(g) "Firm order" means an order which is accompanied by specification or other description of a metalworking machine in sufficient detail to enable a producer to place such machine in his production schedule.

(h) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(i) "GSA" means the United States Government agency known as the General Services Administration, created under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377); or such other Federal agency to which the Defense Materials Procurement Agency may hereafter redelegate the functions specified or described in section 13 of this order under E. O. 10281 (16 F. R. 8789), and the Defense Production Act of 1950, as amended (64 Stat. 798, as amended; 50 U. S. C. App. Sup. 2061–2166); or the Defense Materials Procurement Agency if said agency does not redelegate such functions.

SEC. 3 *Limitations on deliveries and acceptance of orders.* No producer shall accept a purchase order that is not rated for any metalworking machine of the classifications listed in Exhibit D of this order unless specifically authorized by NPA pursuant to a request filed in accordance with section 15 of this order. No producer shall deliver against a purchase order that is not rated any metalworking machine of the classifications listed in Exhibit D of this order unless specifically authorized by NPA pursuant to a request filed in accordance with section 15 of this order.

SEC. 4. *Allocations of deliveries to service and other purchasers.* (a) Starting December 1, 1952, and on the first of each succeeding month, each producer shall schedule his deliveries of each size of metalworking machines in accordance with the provisions of this section for the fourth ensuing month, for example, deliveries for the month of March would be scheduled on December 1st, and March would be the "delivery month."

(b) This paragraph (b) applies only to purchase orders for metalworking machines of the classifications listed in Exhibit D of this order. If a producer can fill from his production all rated orders requiring delivery in the month being scheduled, then he shall arrange his schedule so as to fill such rated orders. If a producer cannot fill from his production all rated orders requiring delivery in the month being scheduled, then he shall arrange his schedule of deliveries as follows:

(1) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled of less than 70 percent of his production of any size in that month, he shall arrange his schedule so as to fill all rated orders for that size requiring delivery to service purchasers in that month, and schedule the balance so as to fill rated orders from other purchasers.

(2) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled of more than 70 percent of his production of any size in that month, he shall arrange his schedule so as to fill rated orders for that size to service purchasers equivalent to 70 percent of his production of that size, and shall schedule so much of the balance as may be necessary to fill rated orders on hand from other purchasers requiring delivery in the month being scheduled and thereafter, if any balance still remains, he shall schedule additional rated orders from service purchasers.

(c) This paragraph (d) applies only to purchase orders for metalworking machines of the classifications not listed in Exhibit D of this order. If a producer can fill from his production all orders requiring deliveries in the month being scheduled, whether such orders are rated or unrated, then he shall arrange his schedule so as to fill all such orders. If a producer cannot fill from his production all orders requiring delivery in the month being scheduled, whether such orders are rated or unrated, then he shall arrange his schedule of deliveries as follows:

(1) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled, he shall arrange his schedule so as to deliver up to 60 percent of his production of each size in that month to service purchasers.

(2) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled of more than 60 percent of his production of any size in the month, he shall not be required in any such case to deliver more than such 60 percent to service purchasers even though there be fewer rated orders from other purchasers than the equivalent of 40 percent of his production of such size.

(3) To the extent that there remains any balance of his production unscheduled for that month, after scheduling his deliveries to service purchasers in accordance with subparagraphs (1) and (2) of this paragraph, a producer shall schedule such balance for such month so as to fill all rated orders from other purchasers to the extent possible, and thereafter, if any balance still remains, to fill unrated orders to be scheduled in accordance with such producer's usual custom.

SEC. 5. *Distribution of production among service groups.* In connection with scheduling deliveries for each month pursuant to section 4 of this order, each producer shall schedule deliveries among the several service groups as follows:

(a) Subject to the provisions of this paragraph, each producer shall determine the number of orders on his books for each size of metalworking machine for each of the seven service groups as of 90 days prior to the first day of the month being scheduled, or, at the producer's option, the nearest date within 10 days thereof on which he may have compiled his records of orders. Only those orders which by their terms require delivery in the month being scheduled or in a month previous thereto shall be counted. The number of orders so determined for each such size and service group shall be termed the "net backlog" of each service group for that size of metalworking machine.

(b) Each producer shall then determine the "total net backlog" of all service groups by adding together the orders for each particular size of metalworking machine as determined for each service group in accordance with the provisions of paragraph (a) of this section.

(c) Each producer shall then determine, in accordance with the provisions of section 4, the total number of metalworking machines of a particular size being scheduled for all service groups for that month and such total shall be termed the "total service group quota." The quota of each size of metalworking machine for any particular service group shall be that proportion of the total service group quota which the net backlog of such particular service group bears to the total net backlog. Each producer shall then schedule deliveries for the month being scheduled so that each service group shall be scheduled for its service quota for that month, determined as provided in this section.

(d) During each month each producer shall deliver for each service group the number of metalworking machines of each size equal to its quota of that size for that month. However, no producer shall schedule delivery of any metalworking machine for any service group earlier than the date on which the purchaser requires delivery unless all required delivery dates on other orders for the same size of metalworking machine are being met.

SEC. 6. *Treatment of fractions.* Where the number of metalworking machines which results from any computation required by this order contains a fraction of more than one-half, the fraction shall be counted as a whole metalworking machine. A fraction under one-half shall be disregarded, except that where the computation results in a fraction only (less than one whole metalworking machine) for any one month and such fraction is less than one-half, it shall be counted in computing the next month's service quota. Where each of the computations of two or more different service quotas for the same month shows a fraction of one-half, and there is only one remaining metalworking machine to which such fraction can apply, such metalworking machine shall be allotted to the service group having the largest service quota, and the other fractions of one-half shall be disregarded for that month, but shall be counted in computing the other service quota or quotas for the next month.

SEC. 7. *Operation of Numerical Preference List.* A Numerical Preference List will be supplied to producers. This list will be designated "Restricted." In connection with scheduling deliveries for each month pursuant to sections 4 and 5 of this order, this list shall determine the sequence of scheduling of purchase orders for delivery as between service purchasers within each service group as follows:

(a) In scheduling purchase orders for delivery, service purchasers who are on the list shall take precedence over service purchasers who are not on the list.

(b) As between purchase orders having conflicting required delivery dates, delivery of which is to be made to service purchasers on the list within the particular service group, the purchase order of the service purchaser with the higher urgency standing shall be scheduled for delivery ahead of the service purchaser with the lower urgency standing. The highest urgency standing is No. 1.

(c) Scheduling for delivery to a subcontractor or a subcontractor of a subcontractor shall be made in accordance with the urgency standing of his prime contractor and the prime contract number. However, no such subcontractor may use the urgency standing of the prime contractor unless such use is approved by the prime contractor and endorsed by the service department, supply arm, or bureau concerned.

(d) If the urgency standing certified by the purchaser differs from the urgency standing shown for the particular contractor for the particular contract in question on the Numerical Preference List, the latter shall govern.

(e) If the urgency standing of a prime contract is changed by virtue of a revision of the Numerical Preference List, a producer shall not require the purchaser to furnish the new urgency standing, provided such purchaser has furnished to the producer all of the information required under section 8 of this order.

(f) Regardless of the urgency standing certified with the purchase order, no delivery of metalworking machines shall be made prior to the required delivery dates, unless all required delivery dates on other orders for the same size of metalworking machines are being met.

(g) Changes may be made in the Numerical Preference List from time to time by NPA. Such changes will be effective when scheduling for the next "delivery month." If an interim change is made, the new urgency standing will consist of a number including a decimal. Such an urgency standing will take the position in the sequence of deliveries as indicated by the following example: Urgency standing 92.1 will be delivered after 92 and before 93. Complete revisions of the Numerical Preference List may be made from time to time and at such times the interim changes will be integrated in the revised Numerical Preference List. Such revised Numerical Preference List will use whole numbers and will be dated. Scheduling under this order will be controlled by the Numerical Preference List in force on the date of scheduling, irrespective of the urgency standing furnished by the purchaser at the time of the placing of the order. If a producer is unable to identify what urgency standing is the correct one for a particular purchase order, he must request from the purchaser the information necessary to establish the urgency standing and may delay scheduling such purchase order for production until he has received such information.

(h) The sequence of conflicting deliveries to service purchasers who are not listed on the Numerical Preference List within each service group shall be determined in accordance with the provisions of NPA Reg. 2.

SEC. 8. *Information to be furnished with new purchase orders.* (a) All purchasers must indicate specifications or other descriptions of the metalworking machines being ordered in sufficient detail to enable the producer to place the same on his production schedule and the required delivery date thereof.

(b) All service purchasers must indicate the service group which placed or sponsored the prime contract or subcontract for which the metalworking machine being purchased is to be used, and the specific prime contract number and the urgency standing, if any. If such service purchaser is a subcontractor or a subcontractor of a subcontractor, he must also state the name of the prime contractor.

(c) Any other purchaser must indicate the claimant agency, if any, which placed or sponsored the prime contract or subcontract for which the metalworking machine being purchased is to be used.

SEC. 9. *Changes and amendments.* Notwithstanding any other provision of this order, NPA may amend this order and any of its exhibits, may direct or change any schedule of production or delivery of metalworking machines, allocate any order for metalworking machines from one producer to another producer, and divert or otherwise direct the delivery of any metalworking machine from one person to another person.

SEC. 10. *Rejection of rated orders.* A producer need not accept a rated order which he receives less than 3 months prior to the first day of the month in which delivery is requested.

SEC. 11. *Effect of this order on NPA Reg. 2.* To the extent that this order is in conflict with NPA Reg. 2, the provisions of this order shall control. In all other respects, NPA Reg. 2 shall continue in full force and effect.

SEC. 12. *Replacement parts.* CMP Regulation No. 5 as now effective or as hereafter amended, or any other NPA order or regulation concerning maintenance, repair, and replacement items, shall control with respect to the delivery by a producer of repair and replacement parts, irrespective of any provisions contained in this order.

SEC. 13. *Pool orders.* NPA will from time to time furnish GSA with recommendations for ordering metalworking machines. Under a working arrangement between GSA and NPA, GSA will place firm orders (herein sometimes called "pool orders") with producers of metalworking machines in accordance with such recommendations. The pool orders so placed by GSA will contain, among other provisions, a provision requiring any producer, on or after the date therein specified, to eliminate items from any such order to the extent that equivalent items manufactured by such producer are invoiced or shipped (whichever is earlier) by such producer to others pursuant to purchase orders from others or to orders and directions of NPA. Notwithstanding the provisions of section 3 of this order, a producer may accept a pool order from GSA and if he has entered into a pool order with GSA, may, as to metalworking machines of the classifications listed in Exhibit D, which such producer is unable to ship on rated orders, store such metalworking machines and invoice them to GSA, in accordance with the provisions of such pool order.

SEC. 14. *Applications for ratings for metalworking machines.* A person other than a service purchaser who desires a rating for a metalworking machine and who believes he is eligible for such a rating, may apply for such rating on Form NPAF–138 (Revised) to the National Production Authority, Washington 25, D. C. Nothing in this section shall be construed to limit or supersede any existing NPA delegation, regulation, or order, or to affect the assigning or applying of a rating pursuant thereto, or to affect the making of applications for a rating by any person eligible therefor to a delegate agency or pursuant to another NPA regulation or order.

SEC. 15. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 16. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 17. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–41.

SEC. 18. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect November 17, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

EXHIBIT A OF NPA ORDER M–41

All types of the following classifications are included herewith for regulation under this order based on past procurement experience. Additions shall be made as new and changed requirements are developed:

Ammunition machinery.
Beading machines.
Boring machines.
Brakes.
Broaching machines.
Buffing machines.
Centering machines.
Chamfering machines.
Cut-off machines.
Die-sinking machines.
Drilling machines.
Duplicating machines.
Extruding machines.
Filing machines.
Forging machines.
Forging rolls.
Gear-cutting machines.
Gear-finishing machines.
Grinding machines.
Hammers.
Headers.
Key-seating machines.
Lapping machines.
Lathes.
Levelers.
Marking machines.
Measuring and testing machines, except physical property test equipment.
Milling machines.
Nibbling machines.
Oil-grooving machines.
Pipe flanging-expanding machines.
Planers.
Polishing and buffing machines.
Presses.
Profiling machines.
Punching machines.
Reaming machines.
Rifle and gun working machines.
Riveting machines.
Rolling machines.
Sawing machines.
Screw and bar machines.
Shapers.
Swagers.
Tapping machines.
Threading machines.
Shearing machines.
Slotters.
Upsetters.

EXHIBITS B AND C OF NPA ORDER M–41

(Discontinued)

EXHIBIT D TO NPA ORDER M–41

I. Boring machines:
(a) Vertical boring and turning machines, 54 inches and larger.
(b) Vertical boring and turning machines, all automatic cycle.
(c) Horizontal boring, drilling, and milling machines—table, floor, and planer type—4-inch spindle and larger.
(d) Jig-boring machines.
II. Die-sinking machines:
(a) Manual type.
(b) Automatic type.
III. Drilling machines:
(a) Radial drilling machines.
IV. Gear-cutting machines:
(a) Gear-hobbing machines—6-inch pitch diameter by 10-inch face and smaller.
V. Grinding machines:
(a) Long bed surface grinders—60 inches travel and larger.
(b) Table-type, single-head, nonautomatic, rotary surface grinders—30 inches capacity and larger.
(c) Jig-grinding machines.
(d) Face-coupling grinders.
VI. Lathes:
(a) Duplicating and tracer type.
(b) Turret lathes, saddle type, 3½ inches bar capacity and larger.
VII. Milling machines:
(a) No. 4 and larger—knee and column type and bed type.
(b) Planer or rail type mill.
(c) Duplicating or copying type.
(d) Skin-milling machines.
(e) Spar-milling machines.
(f) Jig-milling machines.
VIII. Planers:
(a) 60 inches by 60 inches double housing and larger.
(b) 48 inches open side and larger.
IX. Shapers:
(a) Breech ring shapers.

[F. R. Doc. 52–12392; Filed, Nov. 17, 1952; 11:25 a. m.]

[NPA Order M-41A, Revocation]

M-41A—METALWORKING MACHINES—LIMITATIONS OF APPLICATIONS FOR RATINGS

REVOCATION

NPA Order M-41A (16 F. R. 11450) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-41A, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective November 17, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12393; Filed, Nov. 17, 1952; 11:25 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 26 to Schedule B]

[Rent Regulation 2, Amdt. 26 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

ERIE, SHARON-FARRELL AND CANTON DEFENSE-RENTAL AREAS

Effective November 17, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. Item 73 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

73. Provisions relating to the Erie Defense-Rental Area (Item 261 of Schedule A):

With respect to housing accommodations in the Erie Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodation or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustment under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Erie Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 73 of Schedule B.

2. Item 78 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

78. *Provisions relating to the Erie Defense-Rental Area (Item 261 of Schedule A):*

With respect to housing accommodations in the Erie Defense-Rental Area, section 138 is added to this regulation to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Erie Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 78 of Schedule B.

3. Item 74 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

74. *Provisions relating to the Sharon-Farrell Defense-Rental Area (Item 270 of Schedule A):*

With respect to housing accommodations in the Sharon-Farrell Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* The housing accommodation had a maximum rent in effect on November 17, 1952, and the present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodations or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Sharon-Farrell Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 74 of Schedule B.

4. Item 79 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

79. *Provisions relating to the Sharon-Farrell Defense-Rental Area (Item 270 of Schedule A):*

With respect to housing accommodations in the Sharon-Farrell Defense-Rental Area, section 138 is added to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The room had a maximum rent in effect on November 17, 1952, and the present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Sharon-Farrell Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 79 of Schedule B.

5. Item 75 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

75. *Provisions relating to the Canton Defense-Rental Area (Item 226 of Schedule A):*

With respect to housing accommodations in the Canton Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* The housing accommodation had a maximum rent in effect on November 17, 1952, and the present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodations or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Canton Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 75 of Schedule B.

6. Item 80 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

80. *Provisions relating to the Canton Defense-Rental Area (Item 226 of Schedule A):*

With respect to housing accommodations in the Canton Defense-Rental Area, section 138 is added to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The room had a maximum rent in effect on November 17, 1952, and the present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodations or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Canton Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 80 of Schedule B.

[F. R. Doc. 52-12297; Filed, Nov. 17, 1952; 8:52 a. m.]

[Rent Regulation 1, Amdt. 90 to Schedule A]

[Rent Regulation 2, Amdt. 88 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

COLORADO

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective November 18, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Colorado				
(46) Pueblo	B	In Pueblo County, townships 20 and 21, South, Ranges 64 and 65, West of 6th Principal Meridian.	Mar. 1, 1942	Nov. 1, 1942
	C	do	Aug. 1, 1952	Nov. 18, 1952
	A	Pueblo County, except townships 20 and 21 South, Ranges 64 and 65, West of Sixth Principal Meridian.	do	Do.

[F. R. Doc. 52-12293; Filed, Nov. 17, 1952; 8:50 a. m.]

[Rent Regulation 1, Amdt. 91 to Schedule A]

[Rent Regulation 2, Amdt. 89 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ALASKA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective November 17, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Alaska				
(370) Alaska	B	In the Territory of Alaska, the cities of Douglas, Juneau, and Sitka, the towns of Petersburg and Skagway, and all the area within a 20-mile radius surrounding the post office of each of the following localities: the city of Anchorage, the city of Fairbanks, Elelson Air Force Base, Elmendorf Air Force Base, Ladd Air Force Base, and Fort Richardson; and all other territory in the Seward District of the Third Judicial Division; and Kodiak Island.	Mar. 1, 1942	Nov. 1, 1942
	C	In the Territory of Alaska, all the area within a 20-mile radius surrounding the post office of each of the following localities: the city of Anchorage, the city of Fairbanks, Elelson Air Force Base, Elmendorf Air Force Base, Ladd Air Force Base, and Fort Richardson.	July 1, 1950	Oct. 1, 1951
	C	In the Territory of Alaska, Kodiak Island	do	Jan. 21, 1952
	C	The Seward District of the Third Judicial Division except those portions of the district which are within a 20-mile radius of the post office of the city of Anchorage, Fort Richardson, and Elmendorf Air Force Base.	Aug. 1, 1952	Nov. 17, 1952

[F. R. Doc. 52-12294; Filed, Nov. 17, 1952; 8:51 a. m.]

[Rent Regulation 3, Amdt. 94 to Schedule A]

[Rent Regulation 4, Amdt. 37 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

COLORADO

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as

amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective November 18, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(46) Pueblo	Colorado	Pueblo	Aug. 1, 1952	Nov. 18, 1952

[F. R. Doc. 52-12295; Filed, Nov. 17, 1952; 8:51 a. m.]

[Rent Regulation 3, Amdt. 95 to Schedule A]

[Rent Regulation 4, Amdt. 38 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ALASKA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective November 17, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(370) Alaska	Alaska	In the Territory of Alaska, all the area within a 20-mile radius surrounding the post office of each of the following localities: The city of Anchorage, the city of Fairbanks, Eielson Air Force Base, Elmendorf Air Force Base, Ladd Air Force Base, and Fort Richardson.	July 1, 1950	Oct. 1, 1951
	do	Kodiak Island	do	Jan. 21, 1952
		The Seward District of the Third Judicial Division except those portions of the district which are within a 20-mile radius of the post office of the city of Anchorage, Fort Richardson, and Elmendorf Air Force Base.	Aug. 1, 1952	Nov. 17, 1952

[F. R. Doc. 52-12296; Filed, Nov. 17, 1952; 8:51 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter F—Merchant Ship Sales Act of 1946

[General Order 60, Supp. 22]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

CHARTER OF WAR-BUILT VESSELS TO CITIZENS; FORMS

1. Section 299.31 *Charter of war-built vessels to citizens of the United States*—(a) *Application* (G. O. 60, 11 F. R. 4459 as amended by Supp. 2 11 F. R. 8370) is further amended by adding at the end thereof the following subparagraph:

(4) Applicants for the charter of war-built vessel(s) under section 5 (e) of the Merchant Ship Sales Act of 1946, as amended by Public Law 591, 81st Congress, shall in addition to the foregoing, submit a Supplemental Application substantially in the form prescribed in § 299.80.

If applicant has not previously filed a formal charter application pursuant to this section (General Order 60), questions 3, 4, 5, 8, 9, 10, and 11 in the Supplemental Application may be disregarded provided the information required by said questions is fully supplied in the application submitted in compliance with this section (General Order No. 60).

2. Subpart G—Forms is amended by adding a new section to read:

§ 299.80 *Supplemental application to bareboat charter government-owned, war-built, dry-cargo vessel(s) under section 5 (e) of the Merchant Ship Sales Act of 1946, as amended by Public Law 591, 81st Congress.* The form of such supplemental application shall be substantially as follows:

U. S. DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION

SUPPLEMENTAL APPLICATION TO BAREBOAT CHARTER GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSEL(S) UNDER SECTION 5 (E) OF THE MERCHANT SHIP SALES ACT OF 1946, AS AMENDED BY PUBLIC LAW 591, 81ST CONGRESS

The Applicant ----------, a citizen of the United States, hereby applies under section 5 (e) of the Merchant Ship Sales Act of 1946, as amended by Public Law 591, 81st Congress, for the bareboat charter of Government-owned, war-built, dry-cargo vessel(s) for employment in the service or services as described below:

1. Indicate any material changes in application submitted in compliance with § 299.31, General Order No. 60.

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2. State service in which chartered vessel is proposed to be operated.

(a) If service is to and from specific ports, name each port.

(b) If to and from ranges, clearly identify ranges (i. e., U. S. North of Hatteras/Havre-Hamburg).

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3. Indicate names, types and flag of vessels presently operated by applicant in such service and average frequency of sailings, i. e., weekly, fortnightly, monthly, etc.

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4. Indicate whether vessels in 3 are owned by applicant or chartered (if chartered, for what period and name of owner).

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5. Names of other U. S. flag operators who serve all or any substantial portion of the service in which the proposed vessel is to be operated.

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6. Indicate for each vessel presently operated by applicant in such service for six months preceding the date of this application, the following information:

(a) Amount (if any) of remaining usable bale cubic and deadweight capacity available for cargo on departure last U. S. A. port, and date of sailing.

(b) Same as (a) on departure last foreign port.

Computation should be consistent with data filed on M. A. Forms 7801 and 7802.

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7. Indicate whether applicant is now chartering any of its owned vessels to others. If so, indicate names and types of vessels, companies to whom chartered, and service(s) in which such vessels are operating, form of charter, rate of charter hire, and expiration date of charters.

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8. Indicate by brief description other services which applicant operates.

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9. Number and type of vessel(s) desired.

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10. If specific vessels are applied for, indicate the name of such vessels in the order of preference.

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11. State any special reasons for applying for charter, i. e., clean up of strike or similar backlog, loss of vessel, cancellation of private charter, etc.

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12. If need for vessel is principally for normal increase in cargo offerings, indicate approximate amount of cargo in measurement tons which applicant has been unable to move in a given period immediately preceding and up to the time of the filing of this application. In addition, state, if known, whether other U. S. operators in the same general services are similarly situated in respect to cargo offerings.

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13. State period applicant desires to charter the vessel(s), and date and place of desired delivery.

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14. State what effort has been made to charter suitable privately-owned vessel(s) and the results thereof, including reasons for rejecting any ships offered to applicant from private sources.

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15. If applicant presently holds an operating differential subsidy agreement on the route herein involved, state whether applicant will apply for payment of operating differential subsidy on the vessel(s) applied for.

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16. State any other facts on which, in the opinion of the applicant, the present application may be supported.

NOTE: (1) If hearing on this application is scheduled before the Federal Maritime Board, the applicant will be called upon to show

(a) The service is required in the public interest;

(b) Such service is not adequately served;

(c) Privately owned American-flag vessels are not available for charter by private operators on reasonable conditions and at reasonable rates for use in such service.

(2) If the Maritime Administration does not recommend or the Federal Maritime Board does not authorize a public hearing on this application, it will not be made available to the public. If a public hearing is authorized, it will be made available to interested parties.

The applicant hereby certifies that the foregoing information is full, complete, accurate, and true.

Name of applicant

By ----------
Authorized official

[CORPORATE SEAL]
Attest:

Date

Subscribed and sworn to before me by ----------, a duly authorized official of applicant this ------ day of ----------, 195----.

Notary Public

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987 as amended, sec. 12, 60 Stat. 49; 46 U. S. C. 114 50 U. S. C. App., 1745)

Dated: November 7, 1952.

[SEAL] A. W. GATOV,
Maritime Administrator.

[F. R. Doc. 52-12308; Filed, Nov. 17, 1952; 8:54 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 60]

AIR TRAFFIC RULES

DEFINITION OF CEILING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an amendment to Part 60 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by December 19, 1952. Copies of such communications will be available after December 23, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

The United States Weather Bureau has revised its procedures for the determination and measurement of "ceiling." The ceiling is now technically considered as the lowest layer of clouds or obscuring phenomena reported as "broken," "overcast," or "obscuration" and not classified as "thin" or "partial." This change is significant in that a broken or overcast layer of clouds will no longer be reported as a ceiling if the layer is predominantly transparent.

Concurrent with the above change in procedure, the Weather Bureau has also revised its definition of ceiling.

In order that the Civil Air Regulations will properly reflect the above changes in procedure of ceiling determination, it is proposed to amend Part 60 of the Civil Air Regulations as follows:

By amending § 60.72 to read as follows:

§ 60.72 *Ceiling.* The height above the ground or water of the lowest layer of clouds or obscuring phenomena that is reported as "broken," "overcast," or "obscuration" and not classified as "thin" or "partial."

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 501–510)

Dated: November 13, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 52-12312; Filed, Nov. 17, 1952; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 324]

UNIFORM SYSTEM OF ACCOUNTS FOR CARRIERS BY INLAND AND COASTAL WATERWAYS

MATURED LONG-TERM OBLIGATIONS; FUNDED DEBT UNMATURED

NOVEMBER 4, 1952.

Having under consideration the requirement that long-term obligations maturing serially or payable in installments shall be classified in the balance sheet statement as current liabilities to the extent that serial or installment payments are due within one year of the balance sheet date, the Commission by Division 1 has approved changes in this provision so that no long-term obligations will be stated as current liabilities except those actually matured and for which there is no agreement to extend payment.

Accordingly the following modifications have been approved:

(1) In § 324.1–207 *Long-term debt due within one year*, cancel the title and text of this account (without disturbing the note thereto) and substitute the following for them:

§ 324.1–207 *Matured long-term obligations.* This account shall include the total par value of all funded obligations (except amounts due affiliated companies) which are past due and for which agreements have not been entered into for an extension as to time of payment.

(2) In § 324.1–211 *Funded debt*, change the title of this account to read *Funded debt unmatured*, and in paragraph (b) (1) *Equipment obligations*, of the same section cancel the text and substitute the following for it:

(1) *Equipment obligations.* Equipment bonds or equipment notes, secured only by lien on specific equipment, including those maturing serially or payable in installments.

Any interested person may on or before December 1, 1952, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consideration of representations so received, an order will be entered making the said changes effective January 1, 1953.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12285; Filed, Nov. 17, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

VINCENZINA PETRIELLA SERENA AND MICHELE PETRIELLA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Vincenzina Petriella Serena, Benevento, Colle Sannita, Italy; Claim No. 41612; $382.06 in the Treasury of the United States.

Michele Petriella, Benevento, Colle Sannita, Italy; Claim No. 41613; $382.06 in the Treasury of the United States.

Executed at Washington, D. C., on November 10, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-12301; Filed, Nov. 17, 1952; 8:53 a. m.]

RAFFAELE VISCOMI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Raffaele Viscomi, Botricello, Province of Catanzaro, Italy; Claim No. 2050; $15,373.64 cash in the Treasury of the United States.

Executed at Washington, D. C., on November 10, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-12302; Filed, Nov. 17, 1952; 8:54 a. m.]

ELISIO BALLERINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elisio Ballerini, Hotel Massimo D'Azeglio, Rome, Italy; Claim No. 37845; $5,000.00 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Elisio Ballerini in and to the Estate of Joyce Sampson Ballerini, deceased.

Executed at Washington, D. C., on November 10, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-12303; Filed, Nov. 17, 1952; 8:54 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150-15]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue Reorganization, abolition of offices of Collectors and Deputy Collectors of Arkansas, Kansas, and Missouri Collection Districts; establishment of offices of District Commissioner and Directors of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganizational Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Collection Districts of Arkansas and Kansas and the First and Sixth Collection Districts of Missouri shall become effective as of 12 o'clock midnight, November 17, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., November 18, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the St. Louis District, and which shall be comprised of the States of Arkansas, Kansas, and Missouri.

3. *Location of headquarters.* The headquarters office shall be located in the City of St. Louis, Missouri.

4. *Establishment of Offices of Director of Internal Revenue.* Effective as of 12:01 a. m., November 18, 1952, there are hereby created the following offices within the St. Louis District:

(a) Director of Internal Revenue for the Collection District of Arkansas (as presently constituted). The headquarters of such office shall be located in Little Rock, Arkansas, and the office shall have the operating title of Director of Internal Revenue, Little Rock.

(b) Director of Internal Revenue for the Collection District of Kansas (as presently constituted). The headquarters of such office shall be located in Wichita, Kansas, and the office shall have the operating title of Director of Internal Revenue, Wichita.

(c) Director of Internal Revenue for the First Collection District of Missouri (as presently constituted). The headquarters of such office shall be located in St. Louis, Missouri, and the office shall have the operating title of Director of Internal Revenue, St. Louis.

(d) Director of Internal Revenue for the Sixth Collection District of Missouri (as presently constituted). The headquarters of such office shall be located in Kansas City, Missouri, and the office shall have the operating title of Director of Internal Revenue, Kansas City.

Dated: November 14, 1952.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-12385; Filed, Nov. 17, 1952; 10:55 a. m.]

[Treasury Department Order 150-16]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue Reorganization. Abolition of offices of Collectors and Deputy Collectors of Oklahoma and Texas Collection Districts; establishment of offices of District Commissioner and Directors of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Oklahoma Collection District and the First and Second Collection Districts of Texas shall become effective as of 12 o'clock midnight, November 18, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., November 19, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Dallas District, and which shall be comprised of the States of Oklahoma and Texas.

3. *Location of headquarters.* The headquarters office shall be located in the city of Dallas, Texas.

4. *Establishment of Offices of Director of Internal Revenue.* Effective as of 12:01 a. m., November 19, 1952, there are hereby created the following offices within the Dallas District:

(a) Director of Internal Revenue for the Collection District of Oklahoma (as presently constituted). The headquarters of such office shall be located in Oklahoma City, Oklahoma, and the office shall have the operating title of Director of Internal Revenue, Oklahoma City.

(b) Director of Internal Revenue for the First Collection District of Texas (as presently constituted). The headquarters of such office shall be located in Austin, Texas, and the office shall have the operating title of Director of Internal Revenue, Austin.

(c) Director of Internal Revenue for the Second Collection District of Texas (as presently constituted). The headquarters of such office shall be located in Dallas, Texas, and the office shall have the operating title of Director of Internal Revenue, Dallas.

Dated: November 14, 1952.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-12383; Filed, Nov. 17, 1952; 10:54 a. m.]

Bureau of Internal Revenue

[Operations Reorganization Order DAL-1]

DISTRICT COMMISSIONER FOR DALLAS DISTRICT

INTERIM DELEGATION OF AUTHORITY PENDING REORGANIZATION OF ADDITIONAL DISTRICT OFFICE

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue, it is directed that:

1. In addition to the authority delegated to the District Commissioner by Operations Reorganization Order No. 3, the District Commissioner for the Dallas District is hereby vested with general supervision of the operations of the following offices with respect to areas outside the States of Oklahoma and Texas:

(a) The Southwestern District of the Appellate Division (comprised of the States of Louisiana, Mississippi, Oklahoma, and Texas), subject, however, to the provisions of Commissioner's Reorganization Order No. 2 (relating to the functions of the Appellate Division), and

(b) The Dallas District of the Intelligence Division (comprised of the States of Louisiana, Mississippi, and Texas).

2. Pending the issuance of further instructions, officers, agencies, and employees of the offices listed in paragraph 1 shall continue to perform the functions they were authorized to perform immediately prior to the effective date of this order in accordance with authorized regulations and procedures in effect at such time.

3. This order shall be effective as of 12:01 a. m., November 19, 1952: *Provided*, That the interim authority herein delegated to the District Commissioner with respect to any territory located outside of his District shall terminate upon the effective date of the establishment of an office of District Commissioner for the District which shall include such territory.

Dated: November 14, 1952.

[SEAL] JUSTIN F. WINKLE,
Assistant Commissioner.

[F. R. Doc. 52-12382; Filed, Nov. 17, 1952; 10:54 a. m.]

[Operations Reorganization Order St. Lou-1]

DISTRICT COMMISSIONER FOR ST. LOUIS DISTRICT

INTERIM DELEGATION OF AUTHORITY PENDING REORGANIZATION OF ADDITIONAL DISTRICT OFFICES

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue, it is directed that:

1. In addition to the authority delegated to the District Commissioner by Operations Reorganization Order No. 3, the District Commissioner for the St. Louis District is hereby vested with general supervision of the operations of the following offices with respect to areas outside of the States of Arkansas, Missouri, and Kansas:

(a) The Kansas City District of the Intelligence Division (comprised of the States of Arkansas, Kansas, Missouri, and Oklahoma);

(b) The Alcohol and Tobacco Tax Supervisory District No. 11 (comprised of the States of Arkansas, Kansas, Missouri, and Oklahoma);

(c) The Western District of the Appellate Division (comprised of the States of Colorado, Kansas, Missouri, New Mexico, and Wyoming), subject, however, to the provisions of Commissioner's Reorganization Order No. 2 (relating to the functions of the Appellate Division).

2. Pending the issuance of further instructions, officers, agencies, and employees of the offices listed in paragraph 1 shall continue to perform the functions they were authorized to perform immediately prior to the effective date of this order in accordance with authorized regulations and procedures in effect at such time.

3. This order shall be effective as of 12:01 a. m., November 18, 1952: *Provided*, That the interim authority herein delegated to the District Commissioner with respect to any territory located outside of his District shall terminate upon the effective date of the establishment of an office of District Commissioner for the District which shall include such territory.

Dated: November 14, 1952.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-12384; Filed, Nov. 17, 1952; 10:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 493 AND SMALL TRACT CLASSIFICATION NO. 67

NOVEMBER 10, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to sections 2.21 and 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the 80-rod shorespace reserve which may now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the public lands hereinafter described, which are situated in the Anchorage, Alaska Land District, and which are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

KETCHIKAN AREA

FOR LEASE AND SALE

For Home Sites

U. S. Survey 2402: Lot 18.
U. S. Survey 2678: Lot 7.
U. S. Survey 2805: Lot 3.
U. S. Survey 3088: Lots 19-51 inclusive.

The above described areas comprise 36 tracts aggregating approximately 35.99 acres.

WRANGELL AREA

FOR LEASE AND SALE

For a Home Site

U. S. Survey 2321: Lot N.

Comprising one tract containing 3.61 acres.

PETERSBURG AREA

FOR LEASE AND SALE

For Home Sites

T. 58 S., R. 79 E., Copper River Meridian.
Section 33: Lots 13, 14 and Lots 17 through 29, inclusive.

The above described area comprises 15 tracts aggregating approximately 70.78 acres.

2. The lands lie within areas eliminated from the Tongass National Forest and are situated near the cities indicated above. Most of the lands are accessible from the above mentioned cities by primary and secondary roads, and part of the lands are presently served by public utilities. The terrain is generally rocky, covered in most places with a thin mantle of soil. The vegetative cover consists mainly of dense growths of hemlock, spruce and cedar. The climate is typical of southeastern Alaska, characterized by cool summers and mild winters, with heavy precipitation experienced throughout most of the year. Adequate water for domestic uses may be obtained from water systems supplied by nearby streams or by the use of wells, and sewage disposal may be made through use of cesspools and septic tanks. Commercial, school, and church facilities are available in the nearby cities, and in some places within immediate access of the lands.

3. This classification order shall not become effective to change the status of any lands described herein or to permit the leasing of any such lands under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on December 2, 1952. At that time, the land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10 a. m. on December 2, 1952, to close of business on March 2, 1953, inclusive, to (1) application under the

Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) applications under any applicable public land laws, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on November 10, 1952, or thereafter, up to and including 10:00 a. m. on December 2, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on March 3, 1953, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on February 10, 1953, or thereafter, up to and including 10:00 a. m. on March 3, 1953, shall be treated as simultaneously filed.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than three years, at an annual rental of $5, payable in advance for the entire lease period. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts varying in size from approximately 0.15 acre to approximately 6.15 acres, in accordance with the classification maps on file in the Land Office, Anchorage, Alaska.

8. Lessees must locate any well, water supply system, or sewage disposal facility according to the regulations and laws of the Territory of Alaska.

9. As to the lands in the Petersburg area, which lie within the rectangular system of survey, leases will be made subject to rights-of-way for road purposes and public utilities, of 50 feet in width, along section and/or quarter section lines, and 33 feet in width along the tract boundaries, as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

FRED J. WEILER,
Chief, Division of Land Planning.

[F. R. Doc. 52-12259; Filed, Nov. 17, 1952; 8:46 a. m.]

Bureau of Reclamation

[Regional Director's Order 4, Revision 1]

HEADS OF DISTRICT AND PROJECT OFFICES, REGION 1

REDELEGATIONS OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

OCTOBER 16, 1952.

Pursuant to the authority vested in me by the Commissioner of Reclamation (Commissioner's Order No. 6 dated 8-24-51 and Order No. 7 dated 8-24-51, as amended 9-11-52) heads of District and Project offices of Region 1 are hereby authorized to:

(a) *Land appraisals.* Make or approve appraisals or reappraisals of lands, interests therein (including improvements on rights-of-way reserved under the act of August 30, 1890, 26 Stat. 391, 43 U. S. C. 945, and on similar rights-of-way), and water rights in connection with acquisitions for the construction or operation and maintenance of project works in all cases where the amounts do not exceed $500 for property in one ownership.

(b) *Land contracts.* Contract for and effect the purchase or exchange of lands or interests in lands and water rights at the appraised value, and acquire at more than the appraised value easements for $100 or less, if necessary and in the interest of the Government, but any exchange involving public lands, except public lands within the Columbia Basin Project, shall be effected only with the concurrence of the Director of the Bureau of Land Management.

(c) *Leases.* Lease for grazing, agricultural or recreational uses or development, for periods not exceeding 5 years, and lease for summer homesites at Bureau reservoirs, for periods of 10 years or less, public lands under reclamation withdrawal and lands acquired for reclamation purposes, consent to sublease thereunder, modify, consent to assignment of, terminate, or cancel such leases.

(d) *Licenses.* Grant licenses, for periods not exceeding 10 years, for specified rights, excluding the development or transmission of electric power and energy, to the use of Government right-of-way, and other public lands under reclamation withdrawal and lands acquired for reclamation purposes, consent to sublicenses thereunder, and modify, consent to assignment of, terminate or cancel such licenses.

(e) *Permits.* Grant permits, for periods not exceeding 5 years, for the removal of sand, gravel or building materials from public lands under reclamation withdrawal or land acquired for reclamation purposes, and modify, consent to assignment of, terminate or cancel such permits.

H. T. NELSON,
Regional Director.

[F. R. Doc. 52-12260; Filed, Nov. 17, 1952; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF UNITED STATES ATLANTIC AND GULF-HAITI CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 8120 (Revised), between the Member Lines of the United States Atlantic and Gulf-Haiti Conference, is a proposed new agreement of that conference providing for the establishment and maintenance of agreed rates and charges of every lawful type, and rules, regulations and practices for or in connection with the application thereof, for, or in connection with, the receiving, handling, transportation and discharge of cargo in the trade between U. S. Atlantic and Gulf ports and ports in Haiti. Upon approval this agreement will supersede the present agreement of the Conference (No. 5590).

(2) Agreement No. 7877 between United States Lines Company and Davie Transportation Limited covers the transportation of canned pineapples and pineapple juice under through bills of lading from Hawaiian Islands to Montreal, Canada with transhipment at New York.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 13, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-12309; Filed, Nov. 17, 1952; 8:55 a. m.]

MEMBER LINES OF FAR EAST AND PACIFIC WESTBOUND CONFERENCES

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 8200, between the Member Lines of the Far East Conference and the member lines of the Pacific Westbound Conference, relates to the trade from the United States to Far East destinations common to the scope of both conferences, and provides for the establishment by joint action of the rates to be charged for the transportation of commodities and the rules and regulations governing the application of such rates. The following commodities when shipped in bulk are excluded from the scope of this agreement: coal, coke, phosphate rock, salt, ores, wheat, barley, rice, corn, soya beans, oats, and rye.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 13, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-12310; Filed, Nov. 17, 1952; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Jewish home for the aged of Worcester County, Inc., 1029 Pleasant Street, Worcester, Mass.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour for a training period of 40 hours and 50 cents thereafter, whichever is higher. Certificate is effective October 15, 1952, and expires September 30, 1953.

Goodwill Industries of New York Incorporated, 123 East 124th Street, New York, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 35 cents per hour, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

Veterans of Foreign Wars of the United States, Buddy Poppy Department, Veterans Camp, Mt. McGregor, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 80 hours and 15 cents thereafter, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

Veterans of Foreign Wars of the United States, Buddy Poppy Department, New Jersey Memorial Home, Vineland, N. J.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 80 hours and 15 cents thereafter, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

Veterans of Foreign Wars of the United States, Buddy Poppy Department, U. S. Veterans Hospital, Lyons, N. J.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 80 hours and 15 cents thereafter, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

Veterans of Foreign Wars of the United States, Buddy Poppy Department, Home for Disabled Soldiers, Menlo Park, N. J.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 80 hours and 15 cents thereafter, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

Goodwill Industries of Wilmington, Inc., 214-216 Walnut Street, Wilmington, Del.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for an evaluation period of 40 hours and a training period of 80 hours, and 45 cents thereafter, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

The Baltimore League for Crippled Children & Adults, Inc., 827 St. Paul Street, Baltimore, Md.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 20 cents per hour for an evaluation period of 40 hours and a training period of 80 hours, and 40 cents thereafter, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

The Volunteers of America, 328 Chestnut Street, Philadelphia, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

Goodwill Industries of Cleveland, Inc., 2416 E. 9th Street, Cleveland, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than the applicable hourly rates during the periods hereinafter specified, whichever is higher: Contract and General Department, 15 cents per hour for an evaluation period of 40 hours and a training period of 120 hours and 20 cents thereafter; Transportation Department, 15 cents per hour for an evaluation period of 40 hours and 50 cents thereafter. Certificate is effective September 19, 1952, and expires August 31, 1953.

Wisconsin Workshop for the Blind, 2385 North Lake Drive, Milwaukee 11, Wis.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than the applicable hourly rate during the periods hereinafter specified, whichever is higher: Cocoa Mat Shop, 35 cents per hour for an evaluation period

of 160 hours and 50 cents thereafter. Certificate is effective October 1, 1952, and expires September 30, 1953.

Goodwill Industries of Fort Wayne, Inc., 112 E. Columbia Street, Fort Wayne, Ind.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than the applicable hourly rates during the periods hereinafter specified, whichever is higher: 40 cents per hour for an evaluation period of 160 hours and 45 cents thereafter. Certificate is effective November 1, 1952, and expires October 31, 1953.

Gary Goodwill Industries, Inc., 1224 Broadway, Gary, Ind.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 45 cents per hour for an evaluation period of 40 hours and 50 cents thereafter, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

Indianapolis Goodwill Industries, Inc., 215 South Senate Avenue, Indianapolis 25, Ind.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than the applicable hourly rate during the period hereinafter specified, whichever is higher: 40 cents per hour for an evaluation period of 160 hours and a training period of 160 hours, and 45 cents thereafter. Certificate is effective November 1, 1952, and expires October 31, 1953.

Harris County Association for the Blind, 1658 Westheimer Road, Houston, Tex.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than the applicable hourly rate during the period hereinafter specified, whichever is higher: 30 cents per hour for an evaluation period of 80 hours and a training period of 80 hours, and 40 cents thereafter. Certificate is effective September 1, 1952, and expires August 31, 1953.

Goodwill Industries of San Antonio, Inc., 3500 Pleasanton Road, San Antonio, Tex.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than the applicable hourly rate during the period hereinafter specified, whichever is higher: 40 cents per hour for an evaluation period of 40 hours and a training period of 40 hours, and 45 cents thereafter. Certificate is effective October 20, 1952, and expires September 30, 1953.

Harris County Association for the Blind, 1019 Dowling Street, Houston, Tex.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than the applicable hourly rate during the period hereinafter specified, whichever is higher: 30 cents per hour for an evaluation period of 80 hours and a training period of 80 hours, and 40 cents thereafter. Certificate is effective September 24, 1952, and expires August 31, 1953.

The Volunteers of America, 2323 Kern Street, Fresno 1, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation period and/or a training period of 80 hours, and 65 cents thereafter, whichever is higher. Certificate is effective October 2, 1952, and expires October 1, 1953.

Volunteers of America of Los Angeles, 333 So. Los Angeles Street, Los Angeles 13, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour for an evaluation period and/or a training period of 80 hours, and 55 cents thereafter, whichever is higher. Certificate is effective September 5, 1952, and expires August 31, 1953.

Rehabilitation Manucrafters, 245 Mission Street, San Francisco 5, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period and/or a training period of 320 hours, and 25 cents thereafter, whichever is higher. Certificate is effective October 1, 1952, and expires September 30, 1953.

Mt. Diablo Therapy Center, 2363 Mt. Diablo Boulevard, Walnut Creek, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for an evaluation period and/or a training period of 160 hours, and 50 cents thereafter, whichever is higher. Certificate is effective October 21, 1952, and expires January 31, 1953.

Goodwill Industries of Santa Clara County, Inc., 351 Lincoln Avenue, San Jose 25, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 65 cents per hour, whichever is higher. Certificate is effective October 20, 1952, and expires October 19, 1953.

Los Angeles Center, California Industries for the Blind, 840 Santee Street, Los Angeles 14, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 15 cents per hour for an evaluation period and/or a training period of 320 hours, and 35 cents thereafter, whichever is higher. Certificate is effective October 23, 1952, and expires September 30, 1953.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representation that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be canceled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 4th day of November 1952.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 52-12261; Filed, Nov. 17, 1952; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2539 et al.]

NORTHWEST AIRLINES, INC., MAIL RATE PROCEEDING; TRANS-PACIFIC OPERATIONS; PERIOD JULY 1, 1948-DECEMBER 31, 1950

NOTICE OF FURTHER HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Northwest Airlines, Inc., in its trans-Pacific operations.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the further hearing in the above-entitled proceeding involving Northwest Airlines, Inc., trans-Pacific operations, the segment between Anchorage, Alaska, and Seattle, Washington, is assigned to be held on November 24, 1952, at 10:00 a. m., e. s. t., in room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., November 13, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-12311; Filed, Nov. 17, 1952; 8:56 a. m.]

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

STATEMENT OF ORGANIZATION

1. *Creation and authority.* The Federal Coal Mine Safety Board of Review was created by the Federal Coal Mine Safety Act (66 Stat. 692) as an independent agency in the Executive Branch of the Government and was organized on August 21, 1952. The Board has jurisdiction to hear and determine applications for revision or annulment of orders issued under sections 203 or 206 of the Federal Coal Mine Safety Act, whereby a coal mine is classified as gassy or whereby persons are debarred from a coal mine or designated portions of a coal mine, and such other powers given to it by the statute referred to above.

2. *Organization.* (a) The Federal Coal Mine Safety Board of Review is composed of three members. Each is appointed by the President by and with the advice and consent of the Senate. One member of the Board shall be a person who by reason of previous training and experience may reasonably be said to represent the viewpoint of coal-mine operators; one member shall be a person who by reason of previous training and experience may reasonably be said to represent the viewpoint of coal-mine workers; and the third member, who shall be Chairman of the Board, shall be a graduate engineer with experience in the coal mining industry, or shall have had at least five years' experience as a practical engineer in the coal mining industry, and shall not, within one year of his appointment to the Board, have had a pecuniary interest in, or have been regularly employed or engaged in, the mining of coal, or regularly represent either coal-mine operators or coal-mine workers, or have been an officer or employee of the Department of the Interior assigned to duty in the Bureau of Mines. The members of the Board serve on a part-time basis and the Board meets at the call of the Chairman for the transaction of business.

(b) The Secretary of the Board is the chief full time officer of the Board. The Secretary has custody of all application dockets for the Board and papers in cases appealed to the Circuit Courts of Appeal, and is responsible for the receipt and distribution of all official mail, the maintenance and custody of official files of the Board, certification of reports and records and the transaction of all business not requiring official action of the Board or a member thereof.

3. *Office; correspondence.* (a) The principal office of the Federal Coal Mine Safety Board of Review is located in the Reconstruction Finance Corporation Building, 811 Vermont Avenue NW., Washington 25, D. C.

(b) All letters and other communications should be addressed to the Secretary of the Board at its offices in Washington, D. C.

(c) The Board may, from time to time, hold hearings or conduct other proceedings at places other than its principal office.

4. *Procedure.* (a) The review of an order under sections 203 or 206 of the Federal Coal Mine Safety Act is initiated by the filing with the Board of an application for annulment or revision of such order. The application is filed by the operator of the mine to which the order pertains and must recite the order complained of and other facts sufficient to advise the Board of the nature of proceeding. A copy of the application must be sent by registered mail to the Director of the Bureau of Mines, Washington 25, D. C., who shall be the respondent in the proceeding. The application will be set for hearing and the operator and the respondent will be afforded an opportunity to present evidence bearing upon the questions raised by the application and any answer thereto that may be filed by the respondent. Testimony may be ordered to be taken before one or more members of the Board, or in whole or in part in the form of depositions, as the Board may determine in the interest of the parties and of the public. Upon conclusion of the hearing, the Board will, as promptly as possible, determine the issue of the case and make an order consistent with its findings, affirming, revising or annulling the order under review.

(b) Upon written request of the operator during the pendency of proceedings, the Board may grant such temporary relief as it deems just and proper after affording both the operator and the Director an opportunity to be heard on the question.

(c) Any final order issued by the Board may be appealed to United States Court of Appeals for the Circuit in which the mine affected is located.

(d) An operator may file his own application for review with the Board, and may act for himself in all proceedings before the Board, but he is entitled to be represented by an attorney-at-law.

5. *Hearings and records.* Hearings of the Board, and its official records pertaining to proceedings under section 207 of the act are open to the public. The findings and orders of the Board will be published promptly after the rendering of same.

6. *Statutes and regulations.* Official copies of the Federal Coal Mine Safety Act, any other pertinent statutes, and of the Rules of the Federal Coal Mine Safety Board of Review may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

Adopted by the Federal Coal Mine Safety Board of Review at its offices in Washington, D. C., on the 18th day of October 1952.

TROY L. BACK,
Secretary of the Board.

[F. R. Doc. 52-12299; Filed, Nov. 17, 1952; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1964]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF OPINION NO. 239 AND ORDER APPROVING INTERIM SETTLEMENT

NOVEMBER 12, 1952.

Notice is hereby given that on November 10, 1952, the Federal Power Commission issued its Opinion No. 239 and order entered November 6, 1952, approving interim settlement in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12264; Filed, Nov. 17, 1952; 8:46 a. m.]

[Docket No. G-2032]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 12, 1952.

Notice is hereby given that on November 12, 1952, the Federal Power Commission issued its order entered November 6, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12265; Filed, Nov. 17, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1250]

PENNSYLVANIA EDISON CO. ET AL.

ORDER APPROVING POST-EFFECTIVE AMENDMENT PLAN FURTHER EXTENDING TIME FOR FINAL PAYMENT ON PREFERRED STOCK OF PENNSYLVANIA EDISON COMPANY

NOVEMBER 2, 1952.

In the matter of Pennsylvania Edison Company, Pennsylvania Electric Company, Associated Electric Company; File No. 70-1250.

On July 2, 1946, Associated Electric Company ("Aelec"), a registered holding company, and two of its public-utility subsidiary companies, Pennsylvania Electric Company ("Penelec") and Pennsylvania Edison Company ("Pened"), consummated a plan, filed under section 11 (e) of the Public Utility Holding Company Act of 1935 pursuant to which, among other things, (1) Pened was merged into Penelec and Pened was dissolved, (2) the holders of Pened's $5 series and $2.80 series preferred stock received the liquidation value of their preferred stocks provided they transmitted their stock certificates to a named paying agent prior to July 2, 1952, and (3) upon such payment, the paying agent overstamped the stock certificates with a legend indicating that payment of the liquidation value had been made and that holders of the overstamped certificates were entitled to receive such additional amounts, if any, as might thereafter be finally determined, provided such overstamped certificates were transmitted to the paying agent for payment within three years after such final determination; and

It having been finally determined on September 15, 1949, that the holders of certificates of Pened's $5 series and $2.80 series preferred stock were entitled to receive certain payments in addition to the liquidation value of their preferred stocks; and

The Commission on September 30, 1952, having approved a post-effective amendment to said plan extending to November 30, 1952, the time within which the holders of such certificates might surrender same and receive the additional payments aforesaid; and

A further post-effective amendment having been filed by Penelec wherein it is proposed to extend to December 31, 1952, the time within which the holders of the stock certificates and the overprinted stock certificates of Pened's $5 series and $2.80 series preferred stock may surrender same to the paying agent and receive final payment thereon; and

The Commission having considered such post-effective amendment and deeming it appropriate in the public interest and in the interest of investors that such post-effective amendment be approved:

It is ordered, That the said post-effective amendment be, and hereby is, approved.

It is further ordered, That jurisdiction be, and hereby is, reserved to take such further action as the Commission may deem appropriate in connection with the consummation of the plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12266; Filed, Nov. 17, 1952; 8:47 a. m.]

[File No. 70-2929]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING AND PERMITTING TO BECOME EFFECTIVE APPLICATION-DECLARATION RESPECTING RIGHTS OFFERING

NOVEMBER 6, 1952.

Electric Bond and Share Company ("Bond and Share") a registered holding company, having filed an application-declaration pursuant to sections 9, 10 and 12 (d) of the Public Utility Holding Company Act of 1935 (the "act"), with respect to a proposed sale through a rights offering to its stockholders of 525,036 shares of common stock of its utility subsidiary, United Gas Corporation ("United"), on the basis of one share of United stock for each 10 shares of Bond and Share stock held;

Public hearings having been held after appropriate notice, representatives of Bond and Share and its stockholders having filed briefs and presented oral argument and the Commission having considered the matter and having issued its findings and opinion herein, on the basis of said findings and opinion.

It is ordered, That said application-declaration be and it hereby is granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24 and to the reservation of jurisdiction by the Commission to pass upon fees and expenses in connection with said application-declaration, and subject further to the condition that any shares of United stock which may be acquired by Bond and Share in stabilization operations in connection with said rights offering shall be subject to the same commitment respecting disposition as applies to other shares of United stock held by Bond and Share; and

It is further ordered and recited, That the distribution by Bond and Share to its stockholders of rights to purchase shares of common stock of United and the sale and transfer of shares of common stock of United pursuant to the exercise of such rights are necessary or appropriate to the intergration or simplification of the holding company system of which Bond and Share is a member, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12268; Filed, Nov. 17, 1952; 8:47 a. m.]

[File No. 70-2937]

PHILADELPHIA CO. AND DUQUESNE LIGHT CO.

ORDER PERMITTING SUBMISSION BY PARENT OF SUBSIDIARY'S COMMON STOCK AND BY SUBSIDIARY OF ITS COMMON STOCK TO COMPETITIVE BIDDING

NOVEMBER 12, 1952.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies, and Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia, having filed a joint application-declaration and amendments thereto pursuant to sections 6, 7, 12 (d) and 12 (f) of the act and Rules U-44 and U-50 thereunder with respect to the following proposed transactions:

Philadelphia proposes to sell, pursuant to the competitive bidding requirements of Rule U-50, 170,000 shares of common stock of Duquesne which Philadelphia acquired from Duquesne in March of 1952, for a cash consideration of $30 per share. (See Holding Company Act Release No. 11129.) The net proceeds of the sale will be applied by Philadelphia to the reduction of its outstanding bank loans, presently aggregating $16,000,000.

Simultaneously with the above described sale by Philadelphia, Duquesne proposes, as part of the same offering, to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 80,000 shares of its common stock. The net proceeds of the sale will be used by Duquesne for construction purposes.

The applicants-declarants request that the ten-day period required by Rule U-50 to elapse between the time of inviting bids and the entering into of an agreement with respect to the sale of the Duquesne common stock be shortened to six days.

The filing indicates that the issuance and sale by Duquesne of the 80,000 shares of its common stock have been approved by the Public Utility Commission of Pennsylvania.

The applicants-declarants request that this Commission make the necessary findings and recitals in accordance with Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, and that the Commission's order herein become effective upon issuance.

Said joint application-declaration, with amendments thereto, having been filed pursuant to the provisions of Rule U-23, the Commission having ordered that a hearing be held with respect thereto, notice of said hearing having been duly given, and said hearing having been duly held; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective, forthwith:

It is ordered, Pursuant to the applicable provisions of the act and rules thereunder, that said joint application-declaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the further condition that the proposed sale of the Duquesne common stock by Philadelphia and the proposed issuance and sale of its common stock by Duquesne shall not be consummated until the results of competitive bidding, pursuant to Rule U-50, shall have been made a matter of record herein, and until a further order shall have been entered with respect thereto, which order may contain further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That the ten-day period required by Rule U-50 to elapse between the time of inviting bids and the entering into of an agreement with respect to the sale of the Duquesne common stock be, and the same hereby is, shortened to six days.

It is further ordered and recited and the Commission finds, That the proposed transactions, including particularly the sale for cash by Philadelphia of 170,000 shares of common stock of Duquesne which Philadelphia acquired from Duquesne in March of 1952, for a cash consideration of $30 per share, said shares being presently represented by temporary typewritten certificate No. 7 registered in the name of Philadelphia, the transfer of said shares to the purchasers on said sale, and the application of the net proceeds of said sale, to the extent sufficient, to retirement and cancellation of Philadelphia's bank loans, presently aggregating $16,000,000 are authorized and approved and are necessary and appropriate to the integration and simplification of the holding company system of which Philadelphia and Duquesne are members and necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and the orders of the Commission previously entered thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12267; Filed, Nov. 17, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 81]

DIRECTOR OF THE REGIONAL OFFICE, REGION XIII, SEATTLE, WASHINGTON

DELEGATION OF AUTHORITY TO ACT UNDER CPR 65, AS AMENDED

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

Authority to act under section 4 (d) of Ceiling Price Regulation 65, as amended. Authority is hereby delegated to the Director of the Regional Office, Region 13, Office of Price Stabilization, to receive and process applications for the establishment of ceiling prices pursuant to section 4 (d) of CPR 65, as amended, and to approve or disapprove ceiling prices proposed by applicants, to establish different ceiling prices, to request further information concerning the applications, and to amend, modify, or revoke any order issued pursuant to this delegation of authority.

This delegation of authority is effective November 22, 1952.

TIGHE E. WOODS, *Director of Price Stabilization.*

NOVEMBER 17, 1952.

[F. R. Doc. 52-12391; Filed, Nov. 17, 1952; 4:00 p. m.]

[Delegation of Authority 82]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF CEILING PRICE REGULATION 61

By virtue of the authority vested in me as the Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131, 66 Stat. 296); Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. *Authority to act under section 5 of CPR 61.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to receive and examine reports filed under the provisions of section 5 of Ceiling Price Regulation 61; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 61; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 5 of Ceiling Price Regulation 61.

2. *Authority to redelegate.* The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on November 22, 1952.

TIGHE E. WOODS, *Director of Price Stabilization.*

NOVEMBER 17, 1952.

[F. R. Doc. 52-12387; Filed, Nov. 17, 1952; 11:07 a. m.]

[Delegation of Authority 83]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CHANGING AND ESTABLISHING SERVICE CHARGES FOR BANKS UNDER SUPPLEMENTARY REGULATION 22 TO CEILING PRICE REGULATION 34

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131, 66 Stat. 296), and Executive Order 10161 (15 F. R. 6105) and Economic Stabilization General Order No. 2 (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. *Authority to act under Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to accept applications, establish, approve or disapprove ceiling prices or changes in banking practices or to require further information under the provisions of Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.

2. *Authority to redelegate.* The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on November 18, 1952.

TIGHE E. WOODS, *Director of Price Stabilization.*

NOVEMBER 17, 1952.

[F. R. Doc. 52-12388; Filed, Nov. 17, 1952; 11:07 a. m.]

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation were filed with the Division of the Federal Register on November 7, 1952.

REGION VI

Cleveland Order 1-G1-2, establishing retail prices for certain dry grocery items sold by retailers in northeastern Ohio, filed 2:34 p. m.

Cleveland Order 1-G2-2, establishing retail prices for certain dry grocery items sold by retailers in northeastern Ohio, filed 2:34 p. m.

Cleveland Order 1-G3-2, establishing retail prices for certain dry grocery items sold by retailers in northeastern Ohio, filed 2:34 p. m.

Cleveland Order 1-G4-2, establishing retail prices for certain dry grocery items sold by retailers in northeastern Ohio, filed 2:35 p. m.

Louisville Order 1-G1-2, establishing retail prices for certain dry grocery items sold by retailers in the Louisville area, filed 2:32 p. m.

Louisville Order 1-G2-2, establishing retail prices for certain dry grocery items sold by retailers in the Louisville area, filed 2:32 p. m.

Louisville Order 1-G3-2, establishing retail prices for certain dry grocery items sold by retailers in the Louisville area, filed 2:32 p. m.

Louisville Order 1-G4-2, establishing retail prices for certain dry grocery items sold by retailers in the Louisville area, filed 2:33 p. m.

Louisville Order 1-G4A-2, establishing retail prices for certain dry grocery items sold by retailers in the Louisville area, filed 2:33 p. m.

REGION VII

Indianapolis Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Indianapolis area, filed 2:39 p. m.

Indianapolis Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Indianapolis area, filed 2:39 p. m.

Indianapolis Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Indianapolis area, filed 2:39 p. m.

Indianapolis Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Indianapolis area, filed 2:40 p. m.

Milwaukee Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Milwaukee area, filed 2:37 p. m.

Milwaukee Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Milwaukee area, filed 2:38 p. m.

Milwaukee Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Milwaukee area, filed 2:38 p. m.

Milwaukee Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Milwaukee area, filed 2:38 p. m.

Chicago Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Chicago area, filed 2:35 p. m.

Chicago Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Chicago area, filed 2:36 p. m.

Chicago Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Chicago area, filed 2:36 p. m.

Chicago Order 1-G3A-1, covering retail prices for certain dry grocery items sold by retailers in the Chicago area, filed 2:36 p. m.

Chicago Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Chicago area, filed 2:36 p. m.

Chicago Order 1-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Chicago area, filed 2:37 p. m.

REGION VIII

Minneapolis Order 1-G1-1, Amendment 3, changes, adds and deletes certain food items for retail sales in the Minneapolis-St. Paul area, filed 2:41 p. m.

Minneapolis Order 1-G2-1, Amendment 3, changes, adds and deletes certain food items

for retail sales in the Minneapolis-St. Paul area, filed 2:43 p. m.

Minneapolis Order 1–G3–1, Amendment 4, changes, adds and deletes certain food items for retail sales in the Minneapolis-St. Paul area, filed 2:44 p. m.

Minneapolis Order 1–G4–1, Amendment 4, changes, adds and deletes certain food items for retail sales in the Minneapolis-St. Paul area, filed 2:44 p. m.

Fargo Order III–G1–1, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 2:40 p. m.

Fargo Order III–G2–1, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 2:40 p. m.

Fargo Order III–G3–1, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 2:41 p. m.

Fargo Order III–G4–1, covering retail prices for certain dry grocery items sold by retailers in the Fargo area, filed 2:41 p. m.

REGION IX

Kansas City Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the Kansas City area, filed 2:46 p. m.

Kansas City Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the Kansas City area, filed 2:45 p. m.

Kansas City Order 1–G3–2, covering retail prices for certain dry grocery items sold by retailers in the Kansas City area, filed 2:45 p. m.

Kansas City Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the Kansas City area, filed 2:44 p. m.

Wichita Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 2:46 p. m.

Wichita Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 2:46 p. m.

Wichita Order 1–G3–2, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 2:46 p. m.

Wichita Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the Sedgwick County area, filed 2:47 p. m.

REGION XI

Albuquerque Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the New Mexico area, filed 2:47 p. m.

Albuquerque Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the New Mexico area, filed 2:47 p. m.

Albuquerque Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the New Mexico area, filed 2:48 p. m.

Cheyenne Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 2:48 p. m.

Cheyenne Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 2:49 p. m.

Cheyenne Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 2:49 p. m.

Cheyenne Order 1–G4A–2, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 2:49 p. m.

REGION XII

Phoenix Order 1–G1–1, Amendment 3, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 2:50 p. m.

Phoenix Order 1–G2–1, Amendment 3, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 2:50 p. m.

Phoenix Order 1–G3–1, Amendment 3, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix Order, filed 2:50 p. m.

Phoenix Order 1–G3A–1, Amendment 3, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 2:51 p. m.

Phoenix Order 1–G4–1, Amendment 3, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 2:52 p. m.

Phoenix Order 1–G4A–1, Amendment 3, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 2:53 p. m.

San Francisco Order 1–G1–1, Amendment 3, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 2:53 p. m.

San Francisco Order 1–G2–1, Amendment 3, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 2:53 p. m.

San Francisco Order 1–G3–1, Amendment 3, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 2:54 p. m.

San Francisco Order 1–G3A–1, Amendment 3, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 2:54 p. m.

San Francisco Order 1–G4–1, Amendment 3, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 2:54 p. m.

San Francisco Order 1–G4A–1, Amendment 3, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 2:54 p. m.

REGION XIII

Seattle Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the western Washington area, filed 2:54 p. m.

Seattle Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the western Washington area, filed 2:55 p. m.

Seattle Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the western Washington area, filed 2:55 p. m.

Seattle Order 1–G4A–2, covering retail prices for certain dry grocery items sold by retailers in the western Washington area, filed 2:55 p. m.

Seattle Order II–G4–1, covering retail prices for certain dry grocery items sold by retailers in the western Washington area, filed 2:56 p. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–12307; Filed, Nov. 13, 1952; 4:59 p. m.]

[Ceiling Price Regulation 17, Section 11 (d), Special Order 3]

BREMERTON-PORT ORCHARD MARKETING AREA

ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS

Statement of considerations. This special order adjusts the ceiling prices for sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil, and Stove Oil) by tank wagon distributors in the Bremerton-Port Orchard marketing area.

The Office of Price Stabilization was requested by distributors in the Bremerton-Port Orchard marketing area to conduct a survey to determine whether increased costs have reduced the net margins in the area below a point sufficient to maintain the level of earnings in the year ending May 31, 1950. The results of that survey show that an upward adjustment is necessary to bring earnings to that level.

There are hundreds of heating oil sellers at the tank wagon level in this Region and the need for relief is not uniform but varies from marketing area to marketing area. Thus it is concluded that the adjustment must be on a marketing area basis rather than on a region-wide basis. For the purpose of this special order the market area has been defined as the area of reseller competition, which is the same as the free delivery zones.

The adjustment granted by this order does no more than bring earnings to the level of the year ending May 31, 1950. It is, therefore, consistent with the provisions of Section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 11 (d) of Ceiling Price Regulation 17 and Delegation of Authority No. 72, *It is ordered:*

1. That the ceiling price of heating oil distributors in the Bremerton-Port Orchard marketing area for tank wagon sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) to consumers shall be increased by $0.005 per gallon. The Bremerton-Port Orchard marketing area is defined as that area in which dealers located in Bremerton and Port Orchard make deliveries without an additional charge.

2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this order shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified, or revoked at any time.

Effective date. This special order shall become effective on November 13, 1952.

PAUL A. VOLPE,
Acting Regional Director, Office of Price Stabilization, Region XIII.

NOVEMBER 12, 1952.

[F. R. Doc. 52–12217; Filed, Nov. 12, 1952; 11:59 a. m.]

[Ceiling Price Regulation 17, Section 11 (d), Special Order 4]

BELLINGHAM-FERNDALE MARKETING AREA

ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS

Statement of considerations. This special order adjusts the ceiling prices for sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) by tank wagon distributors in the Bellingham-Ferndale marketing area.

The Office of Price Stabilization was requested by distributors in the Bellingham-Ferndale marketing area to conduct a survey to determine whether increased costs have reduced the net margins in the area below a point sufficient to maintain the level of earnings in the year ending May 31, 1950. The results of that survey show that an upward adjustment is necessary to bring earnings to that level.

There are hundreds of heating oil sellers at the tank wagon level in this Region and the need for relief is not uniform but varies from marketing area to marketing area. Thus it is concluded that the adjustment must be on a marketing area basis rather than on a region-wide basis. For the purpose of this special order the market area has been defined as the area of reseller competition, which is the same as the free delivery zones.

The adjustment granted by this order does no more than bring earnings to the level of the year ending May 31, 1950. It is, therefore, consistent with the provisions of Section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 11 (d) of Ceiling Price Regulation 17 and Delegation of Authority No. 72, *It is ordered:*

1. That the ceiling price of heating oil distributors in the Bellingham-Ferndale marketing area for tank wagon sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) to consumers shall be increased by $0.004 per gallon. The Bellingham-Ferndale marketing area is defined as that area in which dealers located in Bellingham and Ferndale make deliveries without an additional charge.

2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this order shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified, or revoked at any time.

Effective date. This special order shall become effective on November 13, 1952.

PAUL A. VOLPE,
Acting Regional Director, Office of Price Stabilization, Region XIII.

NOVEMBER 12, 1952.

[F. R. Doc. 52–12218; Filed, Nov. 12, 1952; 11:59 a. m.]

[Ceiling Price Regulation 17, Section 11 (d), Special Order 5]

MT. VERNON-SEDRO WOOLLEY-BURLINGTON AND ANACORTES MARKETING AREA

ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS

Statement of considerations. This special order adjusts the ceiling prices for sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) by tank wagon distributors in the Mt. Vernon-Sedro Woolley-Burlington and Anacortes marketing area.

The Office of Price Stabilization was requested by distributors in the Mt. Vernon-Sedro Woolley-Burlington and Anacortes marketing area to conduct a survey to determine whether increased costs have reduced the net margins in the area below a point sufficient to maintain the level of earnings in the year ending May 31, 1950. The results of that survey show that an upward adjustment is necessary to bring earnings to that level.

There are hundreds of heating oil sellers at the tank wagon level in this Region and the need for relief is not uniform but varies from marketing area to marketing area. Thus it is concluded that the adjustment must be on a marketing area basis rather than on a region-wide basis. For the purpose of this special order the market area has been defined as the area of reseller competition, which is the same as the free delivery zones.

The adjustment granted by this order does no more than bring earnings to the level of the year ending May 31, 1950. It is, therefore, consistent with the provisions of Section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 11 (d) of Ceiling Price Regulation 17 and Delegation of Authority No. 72, *It is ordered:*

1. That the ceiling price of heating oil distributors in the Mt. Vernon-Sedro Woolley-Burlington and Anacortes marketing area for tank wagon sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) to consumers shall be increased by $0.002 per gallon. The Mt. Vernon-Sedro Woolley-Burlington and Anacortes marketing area is defined as that area in which dealers located in Mt. Vernon, Sedro Woolley, Burlington and Anacortes make deliveries without an additional charge.

2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this order shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified, or revoked at any time.

Effective date. This special order shall become effective on November 13, 1952.

PAUL A. VOLPE,
Acting Regional Director, Office of Price Stabilization, Region XIII.

NOVEMBER 12, 1952.

[F. R. Doc. 52–12219; Filed, Nov. 12, 1952; 12:00 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 25]

SPRING CREEK FIELD, PARK COUNTY, WYOMING

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from Spring Creek Field, Park County, Wyoming.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Spring Creek Field, Park County, Wyoming. During the base period there was a lack of competitive factors and a lack of low cost pipe line transportation and as a result, the crude petroleum produced from the Spring Creek Field, Park County, Wyoming, was sold at a lower price than that paid for crude petroleum of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that this requested ceiling price of $1.07½ cents per barrel does not exceed the ceiling price of comparable crude petroleum produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Spring Creek Field, Park County, Wyoming, shall be: $1.07½ cents per barrel.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 13, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 12, 1952.

[F. R. Doc. 52–12220; Filed, Nov. 12, 1952; 12:00 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27533]

VARIOUS COMMODITIES BETWEEN SOUTHERN AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedules listed in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

Between: Southern and official territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12286; Filed, Nov. 17, 1952; 8:48 a. m.]

[4th Sec. Application 27534]

PAPER FROM SOUTH TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1317.

Commodities involved: Paper and related articles, carloads.

From: Points in southern territory.

To: Points in western trunk-line territory.

Grounds for relief: Rail competition, circuitous routes, market competition, and grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1317.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12287; Filed, Nov. 17, 1952; 8:48 a. m.]

[4th Sec. Application 27535]

CRUDE ALUNITE ROCK FROM MARYSVALE, UTAH, TO SOUTHWEST

APPLICATION FOR RELIEF

NOVEMBER 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3904.

Commodities involved: Crude alunite rock, crushed or ground, carloads.

From: Marysvale, Utah.

To: Points in the Southwest.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3904, Supp. 94.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12288; Filed, Nov. 17, 1952; 8:49 a. m.]

[4th Sec. Application 27536]

SPENT SULPHURIC ACID FROM LENSANTO, ALA., TO TUPELO, MISS., AND NASHVILLE, TENN.

APPLICATION FOR RELIEF

NOVEMBER 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Nashville, Chattanooga & St. Louis Railway, St. Louis-San Francisco Railway Company, and Southern Railway Company.

Commodities involved: Sulphuric acid, spent, in tank-car loads.

From: Lensanto, Ala.

To: Tupelo, Miss., and Nashville, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1200, Supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12289; Filed, Nov. 17, 1952; 8:49 a. m.]

[4th Sec. Application 27537]

CLAY FROM STEPHENS, S. C., TO OFFICIAL AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule shown below.

Commodities involved: Clay, kaolin or pyrophyllite, carloads.

From: Stephens, S. C.

To: Points in official and western trunk-line territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1323.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12290; Filed, Nov. 17, 1952; 8:49 a. m.]

[4th Sec. Application 27538]

COTTON FROM SOUTHERN TERRITORY TO OFFICIAL TERRITORY AND CANADA

APPLICATION FOR RELIEF

NOVEMBER 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Competition with rail carriers, circuitous routes, and grouping.

From: Points in southern territory.

To: Official territory and points in Canada.

Grounds for relief: Competition with rail carriers, circuitous routes, and grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 966, Supp. 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12291; Filed, Nov. 17, 1952; 8:50 a. m.]

[4th Sec. Application 27539]

FERTILIZER FROM OHIO AND WEST VIRGINIA TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedules listed on attached sheet.

Commodities involved: Fertilizer and fertilizer materials, carloads.

Territory: From points in Ohio and West Virginia to Ohio River crossings and between points in Virginia, on the one hand, and points in Ohio, Kentucky, and West Virginia, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
L. C. Schuldt, Agent	3758	446
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B&O RR	23088	40
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Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12292; Filed, Nov. 17, 1952; 8:50 a. m.]

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FEDERAL REGISTER

VOLUME 17 NUMBER 226

Washington, Wednesday, November 19, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2997

GRANTING CERTAIN LAND TO THE CITY OF EASTPORT, MAINE, FOR PUBLIC USE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain lands in the municipality of Eastport, Maine, were acquired at various times by the War Department for use as a military reservation known as Fort Sullivan; and

WHEREAS the said lands, being no longer needed for military purposes, were placed under the control of the Secretary of the Interior, by a proclamation of the President dated July 22, 1884, for disposition in accordance with the provisions of the act of July 5, 1884, 23 Stat. 103 (43 U. S. C. 1071–1074); and

WHEREAS a portion of the said lands designated as Lot 14 was reserved from such disposition by the Secretary of the Interior because the municipality of Eastport had erected thereon a waterstand pipe; and

WHEREAS the said municipality of Eastport is now the City of Eastport, Maine, a municipal corporation, which has requested that the said Lot 14 be transferred to it for public use; and

WHEREAS it appears that such a transfer would be in the public interest:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States, under and by virtue of the authority vested in me by the act of March 3, 1893, 27 Stat. 572, 593 (43 U. S. C. 1076), do hereby grant and transfer to the said City of Eastport, Maine, for public use the said Lot 14, containing 1.03 acres, as shown on the map of the said Fort Sullivan, in Eastport, Maine, surveyed by A. W. Barber, detailed clerk of the General Land Office, in November 1900, a copy of which map is recorded in the Washington County, Maine, Registry of Deeds; excepting and reserving therefrom the following-described tract of land for the use of the United States Weather Bureau, Department of Commerce, in the operation and maintenance of a storm-warning tower, together with the right of access thereto over the existing road and sidewalk:

From corner No. 7, Lot 14 on east line of High Street, S. 83¼ E. 120 feet to center of City Stand Pipe; thence S. 57½ E. 65 feet to N. E. corner of 30-ft. square Weather Bureau Warning Tower tract; thence from point of beginning, on boundaries of said tract, south 30 feet; west 30 feet; north 30 feet; east 30 feet to N. E. corner of Warning Tower tract, containing 900 square feet.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 15th day of November in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-12416; Filed, Nov. 17, 1952; 4:58 p. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, the "Regulations for Contracts for the 1950 and Succeeding Crop Years", as amended (14 F. R. 5290, 6674; 15 F. R. 4161, 6739, 9032; 16 F. R. 7695, 9301; 17 F. R. 2109, 5749), which shall continue in full force and effect for the 1952 crop year, are hereby amended for the 1953 and succeeding crop years to read as set forth below. The provisions of this subpart shall, until amended or superseded, apply to all continuous corn contracts as they relate to the 1953 and succeeding crop years.

Sec.

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FEDERAL REGISTER

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416.7 Refund of excess note payments.
416.8 Creditors.
416.9 Changes in continuous contracts covering the 1952 and succeeding crop years.
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416.11 Valuation of silage corn.

AUTHORITY: §§ 416.1 through 416.11 issued under secs. 506, 516, 52 Stat. 73, 77; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup. 1507, 1508, 1509.

§ 416.1 *Availability of corn crop insurance.* (a) Corn crop insurance may be provided in counties, not in excess of the number prescribed by the Federal Crop Insurance Act, as amended, designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. A list of the designated counties shall be published annually by appendix to this section.

(b) Insurance will not be provided with respect to applications for corn insurance filed in a county unless such written applications, together with corn crop insurance contracts in force for the ensuing crop year, cover the minimum number of farms prescribed by the Federal Crop Insurance Act, as amended. For this purpose an insurance unit shall be counted as one farm.

§ 416.2 *Coverage per acre.* The Corporation shall establish coverages per acre by areas which shall not be in excess of the maximum limitations prescribed in the Federal Crop Insurance Act, as amended. Coverages so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year.

§ 416.3 *Premium rates.* The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for corn crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year.

§ 416.4 *Application for insurance.* Application for insurance on a Corporation form entitled "Application for Crop Insurance on Corn" may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a corn crop. For any crop year applications shall be submitted to the county office on or before the April 20 preceding such crop year.

§ 416.5 *The contract.* Upon acceptance of an application for insurance by a duly authorized representative of the Corporation, the contract shall be in effect and will consist of the application and the policy issued by the Corporation.

§ 416.6 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses in such county.

§ 416.7 *Refund of excess note payments.* Refund of any excess note payment will be made only to the person who made such payment, except that where a person who is entitled to a refund of an excess note payment has died, has been judicially declared incompetent, or has disappeared, the provisions of the policy with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

§ 416.8 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy or any involuntary transfer shall not entitle any holder of any such interest to any benefits under the contract.

§ 416.9 *Changes in continuous contracts covering the 1952 and succeeding crop years.* Continuous corn insurance contracts in effect for the 1952 and succeeding crop years shall be amended for 1953 and succeeding crop years so that the terms and conditions of such contracts will conform with the terms and conditions of the policy set forth herein.

§ 416.10 *The policy.* The provisions of the policy for 1953 and succeeding crop years are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the Corporation) does hereby insure

_____
(Name)

_____
(Policy number)

_____
(Address)

_____ _____
(County) (State)

(hereinafter designated as the insured) against unavoidable loss of production on his corn crop due to drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease and such other unavoidable causes as may be determined by the Board of Directors of the Corporation. In witness whereof, the Federal Crop Insurance Corporation has caused this policy to be issued ----------.

FEDERAL CROP INSURANCE CORPORATION,

By ----------,
State Crop Insurance Director.

TERMS AND CONDITIONS

1. *Insured corn.* The corn to be insured shall be corn planted for harvest as grain and shall include only corn which is normally regarded as field corn. The contract shall not provide insurance for true type silage corn or thick-planted corn for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

2. *Insurable acreage.* For each crop year of the contract, any acreage is insurable only if a coverage is shown therefor on the county actuarial table (including maps and related forms) on the closing date for filing applications for that crop year.

3. *Responsibility of insured to report acreage and interest.* (a) Promptly after planting corn each year, the insured shall submit to the Corporation, on a form approved by the Corporation, a report over his signature of all acreage in the county planted to corn in which he has an interest at the time of planting. This report shall show the acreage of corn for each insurance unit and his interest in each at the time of planting. If the insured does not have an insurable interest in corn planted in any year, the acreage report shall nevertheless be submitted promptly after the planting of corn is generally completed in the county. Any acreage report submitted by the insured shall not be subject to change by the insured.

(b) The Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after the planting of corn is generally completed in the county, as determined by the Corporation.

(c) Failure of the Corporation to request submission of such report or to send a personal representative to obtain the report shall not relieve the insured of the responsibility to make such report.

4. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the acreage of corn planted for harvest as grain as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that insurance shall not attach with respect to (a) any acreage planted to corn which is destroyed (as defined in section 16) and on which it is practical to replant to corn, as determined by the Corporation, and such acreage is not replanted to corn, (b) any acreage initially planted to corn too late to expect to produce a normal crop, as determined by the Corporation. The Corporation reserves the right to limit the insured acreage on any farm to the corn allotment or permitted acreage established under any act of Congress including the Agricultural Adjustment Act of 1938, as amended.

5. *Insured interest.* The insured interest in the corn crop covered by the contract shall be the interest of the insured at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest, whichever occurs first.

6. *Coverage per acre.* (a) The coverage(s) per acre established for the area in which the insured acreage is located shall be shown on the county actuarial table on file in the county office. The coverage per acre is progressive depending upon whether the acreage is (a) released and planted to a substitute crop, (b) not harvested and not planted to a substitute crop, or released and fed to livestock in the field, or (c) harvested or to be harvested.

(b) Where two coverages per acre are established for a county and are shown on the county actuarial table as "Level I" and "Level II" the coverage designated as "Level I" shall apply unless "Level II" is specified on the application for insurance. However, any insured may elect to change from one level to the other by so advising the Corporation in writing at the county office prior to the closing date for filing applications for insurance for the crop year the insured elects to have the change become effective.

7. *Fixed price for valuing production.* In determining any loss under the contract, production shall be evaluated on the basis of a fixed price per bushel established annually by the Corporation, except that if the Corporation determines in any year that any of the insured's corn is not eligible for a Commodity Credit Corporation loan because of the quality of the corn and would not meet loan requirements if properly handled, such corn shall be evaluated at the highest price obtainable (but not in excess of the fixed price) as determined by the Corporation. The fixed price per bushel for the first crop year of the contract shall be the price established for that year by the Corporation and shall be shown on the county actuarial table on file in the county office at the time the application for insurance is submitted. For each subsequent crop year the fixed price shall be on file in the county office at least 15 days prior to the cancellation date preceding the crop year for which such price applies.

8. *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the corn is planted. Insurance shall cease with respect to any portion of the corn crop covered by the contract upon harvesting or removal from the field, whichever occurs first, but in no event shall the insurance remain in effect later than December 10 of each year, unless such time is extended in writing by the Corporation.

9. Life of contract, cancellation or termination thereof. (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the cancellation date which shall be the March 31 preceding the planting of the crop for which the cancellation is to become effective: *Provided, however,* If any amount due the Corporation remains unpaid on such cancellation date, the time during which the Corporation may cancel shall be extended to the next following May 15. The insured shall give such notice to the county office or another office of the Corporation. The Corporation shall mail notice of cancellation to the insured's last known address and the mailing of such notice shall constitute notice to the insured.

(b) If the insured cancels the contract, he shall not be eligible for crop insurance on corn planted or to be planted in the county for harvest in the next succeeding crop year unless subsequent to such cancellation he files an application for insurance on or before March 31 preceding such year.

(c) If the minimum participation requirement as established by the Corporation is not met for any year the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding closing date for filing applications for insurance the contract shall continue to be in force.

10. *Death or incompetence of the insured.* The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of planting of the corn crop in any crop year but before the end of the insurance period for such year, the contract shall (1) cover any additional corn planted for the insured or his estate for that crop year, and (2) terminate at the end of such insurance period.

11. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s) and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured at least 15 days prior to the cancellation date. Failure of the insured to cancel the contract as provided in section 9 shall constitute his acceptance of any such changes. If no notice is mailed to the insured, the terms and provisions of the contract for the prior year shall continue in force.

12. *Causes of loss not insured against.* The contract shall not cover loss of production caused by: (a) Failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of defective or unadapted seed, overplanting or underplanting, failure properly to prepare the land for planting or properly to plant, care for or harvest the insured crop (including unreasonable delay thereof); (c) planting corn under conditions of immediate hazard; (d) inability to obtain labor, seed, fertilizer, machinery, repairs or insect poison; (e) break-down of machinery, or failure of equipment due to mechanical defects; (f) neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant or wage hand; (g) domestic animals or poultry; (h) action of any person, or State, county or municipal government in the use of chemicals for the control of weeds; or (i) theft.

13. *Amount of annual premium.* (a) The premium rate per acre will be established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of corn, (2) the applicable premium rate(s) and (3) the insured interest in the crop at the time of planting. There will be a reduction in the annual premium for each insurance unit of two percent in cases where the insured acreage on the insurance unit is as much as 50 acres and does not exceed 99.9 acres, and an additional two percent reduction for each additional 50 acres or fraction thereof on the insurance unit. However, the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the corn crop on such acreage is planted.

(b) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured corn crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. (See section 31 for definition of "consecutively insured crops.") Whether or not the insured is eligible for the above premium reduction, his annual premium may be reduced in lieu of the above in any year by not to exceed 25 percent if it is determined by the Corporation that the cash equivalent (based on the fixed price for that crop year) of his accumulated balance of premiums over indemnities on consecutively insured corn crops exceeds his total coverage (computed on a harvested acreage basis). Nothing in this paragraph (b) shall create in the insured any right to a reduced premium.

(c) A discount of five percent shall be allowed on any earned annual premium which is paid in full on or before June 30 if the insured has submitted to the Corporation at the county office his corn acreage report on or before June 30 of that crop year.

(d) Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: Three percent on the principal amount not paid on or before October 31 following the maturity date (August 15), and an additional one percent on the principal amount unpaid at the end of each two calendar-month period thereafter.

14. *Manner of payment of premium.* (a) Payment on any annual premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and payment tendered shall not be regarded as paid unless collection is made.

(b) Any unpaid amount of any annual premium plus any interest due may be deducted (either before or after the date of maturity) from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

15. *Notice of loss or damage.* (a) If any damage occurs to the insured crop during the growing season and a loss under the contract is probable, notice in writing (unless otherwise provided by the Corporation) shall be given the Corporation at the county office promptly after such damage.

(b) If a loss under the contract is sustained, notice in writing (unless otherwise provided by the Corporation) shall be given the Corporation at the county office within 15 days after harvesting is completed or by December 10, whichever is earlier.

(c) The Corporation reserves the right to reject any claim for indemnity if either of the notices required by this section is not given.

16. *Released acreage.* (a) Any acreage of the insured corn crop which is destroyed after it is too late to replant to corn may be released by the Corporation to be put to another use. Any acreage shall be considered destroyed if it is damaged to the extent that farmers in the area where the land is located generally would not further care for the corp or harvest any portion thereof. (For production to be counted, see section 20.) No insured acreage may be planted to a substitute crop or put to another use until the Corporation releases such acreage. Proper measures shall be taken to protect the crop from further damage on any insured acreage if the crop has been damaged but the acreage has not been released by the Corporation. There shall be no abandonment of any crop or portion thereof to the Corporation.

(b) The corn crop on any insured acreage may be used for ensilage or fodder without a release by the Corporation provided the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

17. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period, unless the entire corn crop on the insurance unit was destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage as determined by the Corporation.

18. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation, on a Corporation from entitled "Statement in Proof of Loss", such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the production of corn on the insurance unit, the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by either directly or indirectly, any of the causes of loss not insured against by the contract. If a loss is claimed, any corn acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

19. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 20 (b). An insurance unit consists of (a) all the insurable acreage of corn in the county in which the insured has 100 percent interest in the crop at the time of planting, or (b) all the insurable acreage of corn in the county owned by one person which is operated by the insured as a share tenant at the time of planting, or (c) all the insurable acreage of corn in the county which is owned by the insured and is rented to one share tenant at the time of planting. For any crop year of the contract, acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

20. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, (2) subtracting therefrom the value (determined in accordance with section 7) of the total production to be counted for the planted acreage, and (3) multiplying the remainder by the insured interest in such unit. However, if the planted acreage on the insurance unit exceeds the insured acreage on the insurance unit, or if the premium computed for the planted acreage is more than the premium computed for the acreage and interest as approved by the Corporation on the acreage report, the amount of loss so determined shall be reduced. This reduction shall be made on the basis of the ratio of the insured acreage to the planted acreage except that the Corporation may elect to make the reduction on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for an insurance unit shall include all production determined in accordance with the schedule below. The Corporation reserves the right to determine the amount of production on the basis of appraisal of unharvested corn standing in the field.

SCHEDULE

Acreage classification	*Total production in bushels*
1. Acreage of corn harvested----------	1. Actual production of harvested corn plus appraised production of any corn left in the field after harvest.
2. Acreage of corn to be harvested-------	2. The appraised production of unharvested corn at the time of submission of a statement in proof of loss or the appraised production of any corn remaining unharvested on December 10.
3. Acreage of corn used for ensilage or fodder.	3. Appraised production of corn for grain that could have been realized.
4. Acreage of corn released by the Corporation and planted to a substitute crop.	4. That portion of the appraised production which is in excess of the number of bushels determined by dividing (i) the total coverage for such acreage by (ii) the fixed price.
5. Acreage of corn released for feeding to livestock in the field and any other acreage not harvested (and not to be harvested and not planted to a substitute crop).	5. That portion of the appraised production which is in excess of the number of bushels determined by (i) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (ii) dividing the result thus obtained by the fixed price.
6. Acreage of corn put to another use without being released by the Corporation, except corn used for ensilage or fodder, as provided in section 16 (b).	6. Appraised production but not less than the product of (i) such acreage and (ii) the coverage per acre (for harvested acreage) divided by the fixed price.
7. Acreage of corn with reduced yield due solely to any cause(s) not insured against.	7. Appraised number of bushels by which production has been reduced but not less than the product of (1) such acreage and (ii) the coverage per acre (for harvested acreage) divided by the fixed price, minus any corn harvested.
8. Acreage of corn with reduced yield due partially to a cause(s) not insured against and partially to a cause(s) insured against.	8. Appraised number of bushels by which production has been reduced because of any cause(s) not insured against.

(b) If the production from an insurance unit is commingled with the production from another insurance unit or with production from uninsured acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to

all insurance units involved for the crop year and declare the premium on such units forfeited by the insured or (2) allocate all of the commingled production among the insurance unit(s) involved in such manner as it determines appropriate.

21. *Payment of indemnity.* (a) Any indemnity will be payable by check within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damage on account of such delay.

(b) Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any obligation of the insured to the Corporation.

(c) Any indemnity payment under a contract shall be paid to the insured or such other person as may be entitled to the benefits under the provisions of the contract, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered or entered therein. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

22. *Transfer of interest.* (a) If the insured transfers all or a part of his insured interest in a corn crop before the beginning of harvest and the time of loss, the transferee may obtain the benefits of the contract on the transferred interest by within 15 days after the date of transfer, unless such time is extended in writing by the Corporation, (1) submitting to the county office such information concerning the transfer as may be required by the Corporation and (2) making arrangements satisfactory to the Corporation for the payment of any unpaid premium on the interest transferred. In any case, the transferee and transferor shall be jointly and severally liable for the amount of the premium on the interest transferred. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 26. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than if the transfer had not taken place.

(b) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

23. *Determination of person to whom indemnity shall be paid.* If the insured dies, is judicially declared incompetent or disappears after the planting of the corn crop in any year any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit the determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid and shall be a bar to recovery by any other person(s).

24. *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where the insured is paid by another Government agency for damage to the corn crop, the Corporation reserves the right to deduct from any indemnity the amount paid by such other agency.

25. *Subrogation.* The insured shall assign to the Corporation all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

26. *Collateral assignment.* The original insured may assign his right to an indemnity for any year under the contract by executing a Corporation form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

27. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition, of all corn produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. As often as may be reasonably required, any person(s) designated by the Corporation shall have access to such records and the farm(s) for purposes related to the contract.

28. *Voidance of contract.* The Corporation may void the contract and declare the premium(s) forfeited without waiving any right or remedy including the right to collect the amount of the premium note, if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or the subject thereof, or (b) the insured shall neglect to use all reasonable means to produce, care for or save the corn crop whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the premium note, at the time and in the manner prescribed.

29. *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of this contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

30. *General.* (a) In addition to the terms and provisions of the application and policy, the Corn Crop Insurance Regulations for Continuous Contracts in effect for the crop year involved shall govern with respect to (1) minimum participation requirements, (2) closing dates for filing applications for insurance, (3) refund of excess note payments, and (4) creditors.

(b) Copies of the regulations and forms referred to in this policy are available at the county office.

(c) When the cancellation date or the closing date for filing applications falls on a Sunday or other day on which the county office is not officially open for business, such date shall be extended to the next business day.

31. *Meaning of terms.* (a) "Consecutively insured crops" means the corn crops insured in consecutive years during which insurance was available. Failure to apply for insurance in any year when insurance is offered in the county in which the insured's farm is located, shall break the insured's continuity of consecutively insured crops prior to such year, even though insurance may not be provided in the county during such year because of failure to meet the minimum participation requirement: *Provided, however,* That failure to apply for insurance for any year will not break the continuity of consecutively insured crops, if (1) the failure to apply for insurance was due to service in the active military or naval service of the United States, or (2) the insured establishes to the satisfaction of the Corporation that failure to apply for insurance for any crop year was due to the fact that corn was not planted in that year.

(b) "Contract" means the accepted application for insurance and this policy.

(c) "County Actuarial Table" means the form(s) and related materials (including the crop insurance maps) which are approved annually by the Corporation and show the price per bushel, the coverages per acre and the premium rates per acre applicable in the county.

(d) "County office" means the office of the County Production and Marketing Administration in the county unless another office is specified by the Corporation.

(e) "Crop year" means the period within which the corn crop is planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(f) "Harvest" means picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity, and wherever applicable, a state, a political subdivision of a state, or any agency thereof.

(h) "Substitute crop" means any crop other than corn planted on released acreage for harvest in the same crop year.

(i) "Tenant" means a person who rents land from another person for a share of the corn crop or proceeds therefrom produced on such land.

§ 416.11 *Valuation of silage corn.* In counties designated by the Corporation the provisions of the policy shown in § 416.10 shall apply as amended by a rider which shall contain the following provision:

Notwithstanding any other provision of the policy, in determining any loss under the contract, any production of corn from acreage planted for harvest as grain and used for silage shall be determined and valued on the basis of the higher of (a) the appraised number of bushels of corn in the silage times the price per bushel provided for in section 7 of the policy, or (b) the number of tons of silage times a price per ton determined by the Corporation and shown each year by March 15 on the county actuarial table on file in the county office.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on November 10, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: November 13, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12323; Filed, Nov. 18, 1952; 8:47 a. m.]

[Amdt. 2]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR 1953 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (16 F. R. 9628, 11565; 17 F. R. 189) are hereby amended with respect to wheat crops insured for the 1954 and succeeding crop years as follows:

Section 418.210 (formerly designated § 418.160), as amended, is amended by deleting subsection (c) from section 9 of the policy.

(52 Stat. 73–75, 77, as amended; 7 U. S. C. and Sup. 1506, 1507, 1508, 1509, 1516)

Adopted by the Board of Directors on November 10, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved on November 13, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12326; Filed, Nov. 18, 1952; 8:48 a. m.]

[Amdt. 10]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271; 16 F. R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671, 5082, 5933, 8206) are hereby amended as follows:

Section 420.30 is amended by deleting therefrom "§ 420.27" and substituting therefor the words "the policy shown in § 420.33".

(52 Stat. 73–75, 77, as amended; 7 U. S. C. and Sup. 1506, 1507, 1508, 1509, 1516)

Adopted by the Board of Directors on November 10, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved on November 13, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12324; Filed, Nov. 18, 1952; 8:47 a. m.]

[Amdt. 6]

PART 421—DRY EDIBLE BEAN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 7694; 15 F. R. 2485, 9034; 16 F. R. 3973, 7695, 9302; 17 F. R. 5930), are hereby amended with respect to bean crops insured for the 1953 and succeeding crop years as follows:

1. Section 421.28 is deleted.
2. Section 421.31 is deleted.
3. Section 421.32 *The policy,* as amended, is amended to change section 9 thereof, as amended, to read:

9. *Life of contract, cancellation thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation for any year may be made by either party giving written notice to the other party on or before the following applicable cancellation date of the year for which cancellation is to become effective,

State and county:	Date
Arizona	Mar. 31
California	Feb. 28
Colorado	Apr. 15
Idaho	Apr. 15
Michigan	Apr. 30
Nebraska	Apr. 15
New Mexico	Mar. 31
New York	Apr. 30
Wyoming:	
Goshen	Apr. 15
All other counties	Mar. 31

Provided, however, If any amount due the Corporation remains unpaid on such cancellation date, the time during which the Corporation may cancel shall be extended 15 days beyond the next following applicable closing date for filing applications for insurance. Any notice of cancellation given by the insured shall be submitted in writing to the county office or another office of the Corporation. The Corporation shall mail notice of cancellation to the insured's last known address and the mailing of such notice shall constitute notice to the insured.

(b) If the insured cancels the contract he shall not be eligible for crop insurance on beans planted for harvest in the crop year for which cancellation is to become effective unless subsequent to such cancellation he files an application for insurance on or before the cancellation date for such year.

(c) If the minimum participation requirement as established by the Corporation is not met for any year the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding applicable closing date the contract shall continue in force.

4. Section 421.32 *The policy,* as amended, is amended by adding thereto a section 9.1 to read as follows:

9.1 *Death or incompetence of insured.* The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of the planting of the bean crop in any crop year but before the end of the insurance period for such year, the contract shall (1) cover any additional beans planted for the insured or his estate for the crop year, and (2) terminate at the end of such insurance period.

5. Section 421.32 *The policy,* as amended, is amended by deleting items (a) (3) and (6) from section 27.

(52 Stat. 73–75, 77, as amended; 7 U. S. C. and Sup. 1506, 1507, 1508, 1509, 1516)

Adopted by the Board of Directors on November 10, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved on November 13, 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

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Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 729—PEANUTS

NATIONAL MARKETING QUOTA, NATIONAL ACREAGE ALLOTMENT, AND APPORTIONMENT TO STATES OF NATIONAL ACREAGE ALLOTMENT FOR 1953 CROP

Sec.
729.401 Basis and purpose.
729.402 Proclamation and determination with respect to national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1953.
729.403 Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1953.

AUTHORITY: §§ 729.401 to 729.403 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 358, 55 Stat. 88, as amended, 65 Stat. 29; 7 U. S. C. 1358.

§ 729.401 *Basis and purpose.* Section 358 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that between July 1 and December 1 of each calendar year the Secretary of Agriculture shall proclaim a national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the immediately preceding five years, adjusted for current trends and prospective demand conditions. Section 358 (a) further provides that the national marketing quota shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre for the United States.

Section 358 (c) of the said act provides that the national acreage allotment, less the acreage to be allotted to new farms under section 358 (f), shall be apportioned among the States on the basis of their share of the national acreage allotment for the most recent year in which such apportionment was made.

Section 729.402 of this proclamation establishes the national marketing quota, the normal yield per acre, and the national acreage allotment for the 1953 crop of peanuts. Section 729.403 apportions the 1953 national acreage allotment among the several peanut-producing States. The determinations in these sections are based on the latest available statistics of the Federal Government.

Public notice of the proposed proclamation and determinations to be made with respect to the 1953 national marketing quota, the national acreage allotment, and apportionment of such allotment among the States was given (17 F. R. 9563) in accordance with the Administrative Procedure Act. The proclamation is made after due consideration of recommendations submitted in response to such notice.

§ 729.402 *Proclamation and determination with respect to national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1953*—(a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop produced in the calendar year 1953 is 663,000 tons.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States is 730 pounds.

(c) *National acreage allotment.* The national acreage allotment for the crop produced in the calendar year 1953 is 1,678,481 acres.

§ 729.403 *Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1953.* The national peanut acreage allotment proclaimed in § 729.402 is hereby apportioned as follows:

State:	1953 State acreage allotment
Alabama	227,236
Arizona	748
Arkansas	4,399
California	980
Florida	57,107
Georgia	546,925
Louisiana	2,047
Mississippi	7,878
Missouri	256
New Mexico	5,115
North Carolina	175,923
Oklahoma	143,164
South Carolina	14,328
Tennessee	3,716
Texas	370,166
Virginia	110,031
Total apportioned to States	1,670,089
Reserved for new farms	8,392
Total, United States	1,678,481

Issued at Washington, D. C., this 14th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12353; Filed, Nov. 18, 1952; 8:57 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

QUARANTINE AND REGULATIONS RESTRICTING INTERSTATE TRANSPORTATION OF SWINE AND CERTAIN SWINE PRODUCTS BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), the notice of the existence of the swine disease of vesicular exanthema in certain localities and the quarantine and regulations restricting the movement of swine and certain swine products because of vesicular exanthema, heretofore issued as Amendments 7 to 16 of B. A. I. Order 309 and appearing in §§ 76.9 through 76.13 constituting Subpart B of Part 76, Title 9, Code of Federal Regulations, are hereby redesignated as B. A. I. Order 383, to appear in §§ 76.25–76.29 constituting said Subpart B and are hereby amended to read as follows:

SUBPART B—VESICULAR EXANTHEMA

Sec.
76.25 Definitions.
76.26 Notice and quarantine.
76.27 General restriction.
76.28 Movement of swine and swine products.
76.29 Disinfection of facilities.

AUTHORITY: §§ 76.25 to 76.29 issued under secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interpret or apply sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117.

§ 76.25 *Definitions.* As used in this subpart, the following terms shall have the meanings set forth in this section.

(a) *Bureau.* The term "Bureau" means the Bureau of Animal Industry of the United States Department of Agriculture.

(b) *Chief of the Bureau.* The term "Chief of the Bureau" means the Chief of the Bureau or any other official of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Person.* The term "person" means any person, company or corporation.

(d) *Moved.* As applied to swine, the term "moved" means transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person, and as applied to swine products, the term "moved" means transported, shipped or delivered or received for transportation, by any person.

(e) *Swine product.* The term "swine product" means any carcass, part or offal of swine.

(f) *Interstate.* The term "interstate" means from one State, Territory, or the District of Columbia, into or through any other State, Territory, or the District of Columbia.

(g) *Clean stockyard.* The term "clean stockyard" means a public stockyard at which Bureau inspection service is maintained and which is found by the Chief of the Bureau to be free from the infection of vesicular exanthema.

§ 76.26 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California, except Modoc and Siskiyou Counties;

St. Clair County; Jarvis Township in Madison County; Columbia Township in Monroe County, in Illinois;

Bristol County in Massachusetts;

Thetford, Forest, Genesee and Richfield Townships in Genesee County; Green Oak Township in Livingston County; Lyon and Novi Townships in Oakland County; Ann Arbor, Dexter, Lima, Northfield, Salem, Scio, Superior and Webster Townships in Washtenaw County; and Canton and Northville Townships in Wayne County, in Michigan;

St. Louis County in Missouri;

Burlington, Camden, Gloucester, Hudson, Morris, and Ocean Counties in New Jersey;

New York County and Clarkstown Township in Rockland County, in New York;

Council Grove, Mustang, Oklahoma and Greeley Townships in Oklahoma County, in Oklahoma;

York County in Pennsylvania;

Dallas County, Tarrant County, and that part of Parker County lying north of U. S. Highway 180 and east of State Highway No. 51, in Texas.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantine the areas specified in paragraph (a) of this section and in addition Bergen, Essex, and Union Counties in New Jersey.

§ 76.27 *General restriction.* No swine or swine products shall be moved interstate from or through any quarantined area specified in § 76.26 except as provided in the regulations in this subpart.

§ 76.28 *Movement of swine and swine products*—(a) *From a quarantined area.* (1) No swine shall be moved interstate from any quarantined area specified in § 76.26 except to an establishment specifically approved for the purpose by the Chief of the Bureau, for immediate slaughter and further processing at such establishment in a manner approved by said Chief as adequate to prevent the spread of vesicular exanthema: *Provided, however,* That notwithstanding the foregoing restriction, swine which are moved into a quarantined area from a point outside the quarantined areas specified in § 76.26 directly to a clean stockyard in such quarantined area may be moved interstate from such stockyard under conditions prescribed by said Chief, directly to an establishment specifically approved for the purpose by said Chief for immediate slaughter in a manner approved by said Chief, as adequate to prevent the spread of vesicular exanthema, but said Chief may also require the processing of such swine in a manner approved by him if he finds such processing is necessary to prevent the spread of said disease.

(2) No swine products shall be moved interstate from any quarantined area specified in § 76.26 except to an establishment specifically approved for the purpose by the Chief of the Bureau, for processing in a manner approved by said Chief as adequate to prevent the spread of said disease: *Provided, however,* That the following may be moved interstate from a quarantined area without regard to the foregoing restrictions, but under such conditions as may be prescribed by the Chief of the Bureau to prevent the spread of vesicular exanthema: (i) Swine products identified by warehouse receipts or other information satisfactory to said Chief, as having been derived from swine that were slaughtered prior to July 25, 1952; (ii) swine products which have been processed in the course of normal establishment procedures in a manner approved by said Chief as adequate to prevent the spread of vesicular exanthema; (iii) swine products derived from swine which (*a*) were moved into the quarantined area from a point outside the quarantined areas specified in § 76.26 directly to a clean stockyard and (*b*) were slaughtered, immediately upon their removal from such stockyard, at an establishment specifically approved for the purpose by said Chief; (iv) swine products derived from swine which were moved into the quarantined area from a point outside the quarantined areas specified in § 76.26 directly to a slaughtering establishment and there slaughtered immediately upon arrival, under conditions approved by said Chief. The Chief of the Bureau may authorize the movement of swine and swine products not otherwise authorized by this section under such conditions as he may prescribe to prevent the spread of vesicular exanthema. The Chief of the Bureau may require that swine and swine products which have been exposed to or have been affected with vesicular exanthema, and which are moved interstate under this section from any quarantined area to an approved establishment for slaughter and processing or for processing, as the case may be, shall be moved under Bureau seal or accompanied by a representative of the Bureau.

(3) Swine and swine products in transit between points outside the quarantined areas specified in § 76.26 through any such quarantined area shall not be deemed to be moved from the quarantined area under this section.

(b) *Through a quarantined area.* No swine or swine products which are moved interstate in transit between points outside the quarantined areas specified in § 76.26 through any such quarantined area shall be unloaded in any such quarantined area unless all facilities to be used therein in connection with the unloading have been approved for such purpose by the Bureau and have been cleaned and disinfected before such use in a manner approved by the Bureau and under the supervision of a person authorized for the purpose by the Bureau.

§ 76.29 *Disinfection of facilities.* Railroad cars, trucks, boats, and all other facilities, including facilities for feeding, watering, and resting swine, which are used in connection with the interstate movement of swine or swine products from a quarantined area specified in § 76.26 shall be thoroughly cleaned and disinfected immediately after each such use. Sodium hydroxide (lye) at the rate of 13 ounces to five gallons of water, or sodium carbonate (soda ash) at the rate of one pound to three gallons of water, or sal soda at the rate of 13½ ounces to a gallon of water, shall be used in such disinfection.

Effective date. This subpart shall become effective upon issuance.

This order clarifies and makes more stringent requirements found in § 76.29 (formerly § 76.13) relative to the use of specified products for disinfecting certain facilities subject to the regulations in this subpart. This change is deemed necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and therefore must be made effective immediately in the public interest. This order also re-designates the section numbers in the Code of Federal Regulations assigned to the notice and quarantine and regulations relating to vesicular exanthema and makes a change in paragraphing in § 76.28 (formerly § 76.12). These are formal changes which do not affect the rights or obligations of any persons subject to such notice, quarantine, and regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to this order are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this order effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 13th day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12322; Filed, Nov. 18, 1952; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20-15]

PART 20—PILOT CERTIFICATES

AGE REQUIREMENTS FOR STUDENT PILOT CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of November 1952.

At present § 20.2 of Part 20 of the Civil Air Regulations requires that an applicant for a student pilot certificate who is under 21 years of age have parental consent to such application. It has been brought to the Board's attention by the Civil Aeronautics Administration that the military forces of the United States are undertaking a program of providing limited amounts of flight training at civilian contract schools to cadets and ROTC trainees. It is frequently a substantial burden for such trainees, who are usually trained at points distant from their homes, to obtain parental consent in order to qualify for student pilot certificates which are a prerequisite to piloting the civil aircraft used in contract schools.

The Civil Aeronautics Board concurs with the CAA in the belief that a member of the regular or reserve components of the armed forces or a member of an ROTC or other armed forces training program should be exempted from the consent of parent or guardian requirement for the issuance of a student pilot certificate. The purpose of this amendment is to relieve such persons from the parental consent requirement presently contained in § 20.2.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended), effective November 12, 1952:

By amending the sentence following § 20.2 (b) to read as follows:

§ 20.2 *Age.* • • •
(b) • • •

If an applicant is less than 21 years of age and is not a regular or reserve member of the armed forces of the United States or enrolled in an established ROTC or other training program of such armed forces at the time of making application, he shall submit with his application the written consent of either parent or of his legal or natural guardian.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-12352; Filed, Nov. 18, 1952; 8:56 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. P. L. 16]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

PLUMBERS' BRASS GOODS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The dollar value limit in the column headed "GLV dollar-value limit" set forth opposite the commodities listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
618868	Plumbers' brass goods (specify by name) (report pipe valves in 774465) [1]	100

[1] The Schedule B Number for this entry was incorrectly shown on the Positive List as 618867.

This amendment shall become effective as of 12:01 a. m., November 10, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-12402; Filed, Nov. 18, 1952; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6006]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

INTERNATIONAL PUBLISHERS SERVICE AND RALPH D. SLATER

Subpart—*Delaying or withholding corrections, adjustments or action owed:* § 3.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1513 *Operations generally.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2012 *Sample, offer or order conformance.* Subpart—*Securing orders falsely, misleadingly or improperly:* § 3.2170 *Securing orders falsely, misleadingly or improperly.* In connection with the offering for sale, sale and distribution of magazines in commerce, (1) failing to forward subscriptions for magazines to the publishers or distributors thereof after obtaining full payment for subscriptions from subscribers; (2) soliciting and receiving subscriptions for magazines and payment therefor for which respondents have no authority to solicit; (3) substituting magazines for those actually subscribed for by the subscriber without obtaining his prior consent; (4) soliciting and receiving subscriptions and payment therefor for magazines knowing that delivery of said magazines will either not be made at all, or if made, will be unreasonably delayed and then delivered only intermittently; (5) charging more for subscriptions for magazines than the established subscription rate; or, (6) representing, directly or by implication, that they are conducting or taking surveys; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, International Publishers Service et al., Los Angeles, Calif., Docket 6006, September 9, 1952]

In the Matter of International Publishers Service, a Corporation, and Ralph D. Slater, Individually and as President of Said Corporation

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice," dated September 15, 1952, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on September 9, 1952, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts [1] and conclusion,[1] reads as follows:

It is ordered, That the respondent International Publishers Service, a corporation, its officers, and respondent Ralph D. Slater, individually and as an officer of International Publishers Service, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of magazines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to forward subscriptions for magazines to the publishers or distributors thereof after obtaining full payment for subscriptions from subscribers;

2. Soliciting and receiving subscriptions for magazines and payment therefor for which respondents have no authority to solicit;

3. Substituting magazines for those actually subscribed for by the subscriber without obtaining his prior consent;

4. Soliciting and receiving subscriptions and payment therefor for magazines knowing that delivery of said magazines will either not be made at all, or if made, will be unreasonably delayed and then delivered only intermittently;

5. Charging more for subscriptions for magazines than the established subscription rate;

6. Representing, directly or by implication, that they are conducting or taking surveys.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 15, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-12333; Filed, Nov. 18, 1952; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 606—REGULATIONS TO IMPLEMENT TITLE IV OF THE VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952 (ALL STATES EXCEPT PUERTO RICO AND THE VIRGIN ISLANDS)

VETERANS ELIGIBLE FOR BENEFITS UNDER RAILROAD UNEMPLOYMENT INSURANCE ACT

Pursuant to the authority vested in me by section 406 of the Veterans' Readjustment Assistance Act of 1952 (66 Stat. 663) and after consultation with representatives of State unemployment compensation agencies, this part is amended by adding a new section as follows:

§ 606.12 *Veterans eligible for benefits under Railroad Unemployment Insurance Act.* Notwithstanding any other provisions of this part, any veteran who is eligible for benefits under the Railroad Unemployment Insurance Act (52 Stat. 1094), as amended, and either is not eligible for benefits under any State unemployment compensation law or elects to claim benefits under the Railroad Unemployment Insurance Act rather than any State benefits for which he is eligible, shall have his rights to compensation under title IV determined by the Railroad Retirement Board in accordance with the provisions of the Railroad Unemployment Insurance Act in lieu of the applicable State law referred to in this part. Such determinations shall be subject to review in the same manner and to the same extent as determinations under the Railroad Unemployment Insurance Act and only in such manner and to such extent.

(Sec. 406, Pub. Law 550, 82d Cong.)

Signed at Washington, D. C., this 7th day of November 1952.

MICHAEL J. GALVIN,
Acting Secretary of Labor.

[F. R. Doc. 52-12318; Filed, Nov. 18, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1465—LIMITATIONS ON COMMENCEMENT AND COMPLETION OF RENEGOTIATION

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

COMMENCEMENT OF RENEGOTIATION PROCEEDINGS; TIME FOR FILING OF FINANCIAL STATEMENTS

1. Section 1465.2 *Commencement of renegotiation proceedings,* is amended by deleting the last sentence in paragraph (a) and inserting in lieu thereof the following: "In cases described in § 1470.3 (d) (2) of this subchapter, the filing of that portion of the Standard Form of Contractor's Report entitled RB-1 is considered for the purposes of this section to be the filing of the financial statement required under section 105 (e) (1) of the act."

2. Section 1470.3 *Filing of financial statement,* is amended by deleting paragraph (d) in its entirety and inserting in lieu thereof the following:

(d) *Time for filing*—(1) *In general.* The Standard Form of Contractor's Report, including both RB Form 1 and RB Form 1B, shall be filed on or before the first day of the fourth calendar month following the close of the fiscal year of the contractor, whether or not any specific request for filing has been made.

(2) *Special provision for reports due before April 1, 1953.* (i) When the Standard Form of Contractor's Report is required to be filed before April 1, 1953, RB Form 1B shall, whenever possible, be filed with RB Form 1. If not so filed, said RB Form 1B shall be filed as soon thereafter as possible but not later than the sixtieth day after the date prescribed in subparagraph (1) of this paragraph for the filing of the Standard Form of Contractor's Report or, if the time of the contractor to file such report has been extended by the Board, then not later than the sixtieth day after such extended date.

(ii) The filing of RB Form 1 will be considered to be the filing of the statement required under section 105(e)(1) of the act for the purpose of § 1465.2 of this subchapter.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: November 13, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-12335; Filed, Nov. 18, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 3 to Area Milk Price Regulation 10]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 10—LOS ANGELES DISTRICT (LOS ANGELES, CALIFORNIA, MARKETING AREA)

ADDITION OF APPENDIX COVERING ORANGE COUNTY MARKETING AREA AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679) and Redelegation of Authority No. 23, Region XII (17 F. R. 674) this Amendment 3 to Area Milk Price Regulation 10 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 106 (b) of the Defense Production Act Amendment of 1952 amends paragraph 3 of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, so as to provide that "Where a State regulatory body is authorized to establish minimum and/or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be." Section 111 of the Defense Production Act Amendments of 1952 adds to section 402 of the Defense Production Act of 1950, as amended, a new subsection providing "(1) No rule, regulation, order, or amendment thereto issued under this title shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-called 'fair trade law') now in effect, or by regulation issued pursuant to such law." The State of California Bureau of Milk Control recently required producers of fluid milk to charge the equivalent of ½ cent per quart of standard milk which under the provisions of section 8 of Supplementary Regulation 63 to the General Ceiling Price Regulation may be passed through upon the filing of the required report. In addition, the Bureau increased the margin on home delivered milk by ½ cent thereby increasing the minimum price for such milk by 1 cent, with the provision that a credit of ½ cent a quart may be allowed if 60 quarts or more of milk is purchased in a calendar month. This amendment 3 to AMPR 10 eliminates any conflict between OPS ceiling prices established by AMPR 10 and minimum prices established by the State of California.

The increase in the price of fluid milk paid by processors requires the revision of the table of cream differentials to reflect that increase.

As the producer prices and changes in retail home delivered milk and cream prices are similar in the Orange County Marketing Order to the Los Angeles County Marketing Order but are different from the San Diego County Marketing Order, it is considered desirable to delete the Appendix referring to Orange County from AMPR 9 and to include it with the required changes in AMPR 10.

In the judgment of the District Director the provisions of this amendment to Area Milk Price Regulation No. 10 in Region XII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. The director consulted the industry involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 10.

AMENDATORY PROVISIONS

Area Milk Price Regulation 10 is amended in the following respects:

1. Section 1 is amended by adding the following paragraph thereto:

(c) If a ceiling price otherwise established by this regulation is lower than an applicable corresponding minimum price established by the State of California Bureau of Milk Control, then the ceiling price shall be the minimum price established by the State of California Bureau of Milk Control. The prices for standard milk so determined shall be the base prices for the computation, pursuant to section 3 of the appendices of this regulation, of prices for standard milk sold in remote areas and of prices for milk other than standard (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk), and, further, shall be the base prices for calculation, pursuant to paragraph (a) (2) above, of prices for sales to types of purchasers other than those specified in the appendices of this regulation.

2. Appendix I (Revision II) to AMPR 10 is deleted and a Revised Appendix I (Revision III), Los Angeles County Marketing Area, is added to read as follows:

APPENDIX I (REVISION III)

LOS ANGELES COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Los Angeles County Marketing Area which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
Bulk milk, per gallon	$0.72				
Gallon bottle	.75	$0.88	[1] $0.94	$0.81	$0.75
Half-gallon container (fiber or glass)	.40	.41	.47	.42	.39
Quart container (fiber or glass)	.195	.22	[1] .235	.21	.195
Pint container (fiber or glass)	.11	.12	.13		.11
Third-quart or three quarter-pint container (fiber or glass)	.083				
Half-pint container (fiber or glass)	.060				

[1] A reduction of 1½ cent ($0.005) per quart shall be made in retail home delivered prices when 60 quarts or more of fluid milk are sold and delivered to an individual customer during any calendar month.

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.24	$0.12	$0.06	$0.03	$0.015
Table cream	.40	.20	.10	.05	.025
All-purpose cream	.56	.28	.14	.07	.035
Whipping cream	.56	.28	.14	.07	.035

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 20 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for retail store carry-out standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.28 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of Los Angeles County Order No. 50 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "Los Angeles County Marketing Area" means that area as defined in said Los Angeles County Order No. 50.

3. Appendix II to AMPR 10 is added to read as follows:

APPENDIX II

ORANGE COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Orange County Marketing Area which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

	Wholesale, f. o. b. purchaser's business location	Retail store, carry out	Retail home delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
Bulk milk, per gallon	$0.75				
Gallon bottle	.80	$0.90	[1] $0.96	$0.86	$0.80
Half-gallon container (fiber or glass)	.40	.45	[1] .48	.43	.40
Quart container (fiber or glass)	.20	.225	1.24	.215	.20
Pint container (fiber or glass)	.1125	.125	1.135		.115
Third-quart or three quarter-pint container (fiber or glass)	.083				
Half-pint container (fiber or glass)	.067				

[1] A reduction of ½ cent ($0.005) per quart shall be made in retail home delivered prices when 60 quarts or more of fluid milk are sold and delivered to an individual customer during any calendar month.

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.24	$0.12	$0.06	$0.03	$0.015
Table cream	.40	.20	.10	.05	.025
All-purpose cream	.56	.28	.14	.07	.035
Whipping cream	.56	.28	.14	.07	.035

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 20 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for retail store carry-out standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.25 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of Orange County Order No. 44 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "Orange County Marketing Area" means that area as defined in said Orange County Order No. 44.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment is effective as of November 8, 1952.

GEORGE J. SEROS,
District Director,
Los Angeles District Office.

NOVEMBER 14, 1952.

[F. R. Doc. 52-12358; Filed, Nov. 14, 1952; 5:03 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 3 to Area Milk Price Regulation 11]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 11—SAN BERNARDINO-RIVERSIDE COUNTY, CALIFORNIA, MARKETING AREA

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679) and Redelegation of Authority No. 23, Region XII (17 F. R. 674) this Amendment 3 to Area Milk Price Regulation 11 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 106 (b) of the Defense Production Act Amendment of 1952 amends paragraph 3 of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, so as to provide that "Where a State regulatory body is authorized to establish minimum and/or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be." Section 111 of the Defense Production Act Amendments of 1952 adds to section 402 of the Defense Production Act of 1950, as amended, a new subsection providing "(1) No rule, regulation, order, or amendment thereto issued under this title shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-called 'fair trade law') now in effect, or by regulation issued pursuant to such law." The State of California Bureau of Milk Control recently required producers of fluid milk to charge the equivalent of ½ cent per quart of standard milk which under the provisions of Section 8 of Supplementary Regulation 63 to the General Ceiling Price Regulation may be passed through upon the filing of the required report. In addition, the Bureau increased the margin on home delivered milk by ½ cent thereby increasing the minimum price for such milk by 1 cent, with the provision that a credit of ½ cent a quart may be allowed if 60 quarts or more of milk is purchased in a calendar month. This amendment 3 to AMPR 11 eliminates any conflict between OPS ceiling prices established by AMPR 11 and minimum prices established by the State of California.

The increase in the price of fluid milk paid by processors requires the revision of the table of cream differentials to reflect that increase.

In the judgment of the District Director the provisions of this amendment to Area Milk Price Regulation No. 11 in Region XII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. The director consulted the industry involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 11.

AMENDATORY PROVISIONS

Area Milk Price Regulation 11 is amended in the following respects:

1. Section 1 is amended by adding the following paragraph thereto:

(c) If a ceiling price otherwise established by this regulation is lower than an applicable corresponding minimum price established by the State of California Bureau of Milk Control, then the ceiling price shall be the minimum price established by the State of California Bureau of Milk Control. The prices for standard milk so determined shall be the base prices for the computation, pursuant to section 3 of the appendices of this regulation, of prices for standard milk sold in remote areas and of prices for milk other than standard (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk), and, further, shall be the base prices for calculation, pursuant to paragraph (a) (2) above, of prices for sales to types of purchasers, other than those specified in the appendices of this regulation.

2. Appendix I (Revision I) to AMPR 11 is deleted and Appendix I (Revision II), San Bernardino-Riverside Marketing Area, is added to read as follows:

APPENDIX I (REVISION II)

San Bernardino-Riverside Marketing Area

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the San Bernardino-Riverside Marketing Area, which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
Bulk milk, per gallon	$0.75				
Gallon bottle	.81	$0.90	[1] $0.96	$0.86	$0.80
Half-gallon container (fiber or glass)	.405	.45	[1] .48	.43	.40
Quart container (fiber or glass)	.2025	.225	1.24	.215	.20
Pint container (fiber or glass)	.1125	.13	1.14		.12
Third-quart or three-quarter-pint container (fiber or glass)	.083				
Half-pint container (fiber or glass)	.070				

[1] A reduction of ½ cent ($0.005) per quart shall be made in retail home delivered prices when 60 quarts or more of fluid milk are sold and delivered to an individual customer during any calendar month.

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.24	$0.12	$0.06	$0.03	$0.015
Table cream	.40	.20	.10	.05	.025
All-purpose cream	.56	.28	.14	.07	.035
Whipping cream	.56	.28	.14	.07	.035

3 For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5 cents per quart or the retail home-delivered base period price was in excess of 20.5 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk), the ceiling price shall be the ceiling price as hereinbefore provided for retail store carry-out standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.28 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of San Bernardino-Riverside Order No. 40 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "San Bernardino-Riverside Marketing Area" means that area as defined in said San Bernardino-Riverside Order No. 40.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment is effective as of November 8, 1952.

GEORGE J. SEROS,
District Director,
Los Angeles District Office.

NOVEMBER 14, 1952.

[F. R. Doc. 52-12359; Filed, Nov. 14, 1952; 5:03 p. m.]

[General Ceiling Price Regulation, Amdt. 9 to Supplementary Regulation 15]

GCPR, SR 15—EXCEPTION FOR CERTAIN SERVICES

SUSPENSION OF PRICE CONTROL ON CERTAIN SERVICE CHARGES IN CONNECTION WITH FRESH FRUITS, VEGETABLES, BERRIES AND TREE NUTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 9 to Supplementary Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 8 of Supplementary Regulation 15 to the General Ceiling Price Regulation, for reasons indicated in the Statement of Considerations accompanying that amendment, suspended from price control, until November 4, 1952, the rates, fees, and charges for services performed in connection with harvesting, preparing for market, and marketing of all fresh fruits, vegetables, berries, and tree nuts. When this amendment was issued it was thought that by November 4, 1952, the Office of Price Stabilization would have completed its studies necessary for the formulation of, and would be able to issue, ceiling price regulations applicable to those commodities. In the meantime, however, the Harrison Amendment to the Defense Production Act of 1950 prohibited the establishment or maintenance of ceiling prices on fresh fruits and vegetables. Consequently, OPS has reached the conclusion that because the prices of these commodities cannot be controlled, no useful purpose will be served by the control of service charges incurred in the handling of the commodities and therefore OPS does not intend to issue regulations regarding prices for such services. This being the case, the suspension of controls which was to expire on November 4, 1952, is herewith extended indefinitely. However, notwithstanding this suspension, persons rendering services relating to the above mentioned commodities are required to preserve all records, hitherto kept in compliance with section 16 (b) of the GCPR, and make them available to OPS officials whenever requested. As regards their future operations, after November 4, 1952, no further keeping of records is required.

In the formulation of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. In the judgment of the Director of Price Stabilization, this amendment is generally fair and equitable, is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and complies with all the applicable standards of that act.

AMENDATORY PROVISIONS

Section 2 (a) (3) of Supplementary Regulation 15 to the General Ceiling Price Regulation is amended to read as follows:

(3) *Services in connection with fresh fruits, vegetables, berries, and tree nuts.* The provisions of the General Ceiling Price Regulation shall not apply to rates, fees, and charges for services performed in connection with harvesting; car and truck pre-cooling and top-icing; packing and prepackaging; and buying and selling of fresh fruits, vegetables, berries, and tree nuts. This suspension shall continue unless and until the Director of Price Stabilization terminates or modifies it. After November 4, 1952, persons performing these services shall not be required to prepare and keep the records specified in section 16 (b) of the General Ceiling Price Regulation. However, such persons shall continue to preserve and make available for examination by the Office of Price Stabilization, in the manner and for the period set forth in section 16 (b) of the General Ceiling Price Regulation, all such records which they

were required to have on November 4, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Supplementary Regulation 15 to the General Ceiling Price Regulation shall be effective as of November 5, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52-12445; Filed, Nov. 18, 1952; 11:46 a. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 11]

GOR 7—EXEMPTION AND SUSPENSION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

ADDITIONAL FRUIT AND VEGETABLE PRODUCTS ADDED TO STATUTORY DECONTROL PROVISIONS; ADDITIONAL SPECIALTY FOODS ADDED TO ARTICLE II

Pursuant to the Defense Production Act of 1950, as amended, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation (GOR) 7, Revision (Rev.) 1, adds products to the list of those which are decontrolled because of Congressional enactment of the Harrison Amendment to the Defense Production Act of 1950, removing price ceilings on fruits and vegetables in fresh or processed form. The determination to add these items to the list in Article IV of GOR 7, Rev. 1, was made on the basis of a further study of the scope of the Harrison Amendment, to which reference was made in the Statement of Considerations accompanying Amendment 10 to GOR 7, Revision 1.

It also appears that certain additional items should be decontrolled in accordance with standards laid down by OPS apart from the Harrison Amendment. These commodities, notably certain canned soups and shells and kernels of apricots and of peaches, are added to the list contained in Article II of GOR 7, Rev. 1. This action is taken in accordance with the policy of the OPS of suspending or otherwise relaxing price controls on commodities, which by reason of their luxury or "specialty" character, or because of their insignificant volume of sales, are not required at this time to be controlled in order to carry out the purposes of the Defense Production Act of 1950, as amended. Available data indicate that this action will have little effect on the cost of living, the cost of the defense effort, or general industrial costs. Moreover, it is the judgment of the Director of Price Stabilization that the maintenance of ceiling price restrictions on sales of these items would involve an administrative burden out of all proportion to the importance of keeping them under price control.

Finally, certain provisions added to GOR 7, Revision 1, by Amendments 2 and 10, are clarified. For example, in Amendment 2 to GOR 7, Revision 1, several fruit and vegetable baby food and junior food items were listed as decontrolled, but it was not stated whether combinations of one or more of these fruits or vegetables were also decontrolled. Accordingly, paragraph (f) of section 30 is amended to indicate that combinations are also decontrolled.

In the formulation of this amendment the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations. In the judgment of the Director, the exemptions under Article II of the regulation provided for by this amendment, will not defeat or impair the price stabilization program or the objectives of the Defense Production Act of 1950, as amended. The exemptions under Article IV are, in the judgment of the Director, necessary to comply with the provisions of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended in the following respects:

1. Paragraph (c) (1) (xi) of section 2 is amended to read as follows:

(xi) The following canned soups: Almond; artichoke; avocado; black bean; borsht; bouillabaisse; broccoli; cheese soup; consomme julienne; consomme madrilene; cucumber; fish or seafood; game bird; jellied chicken consomme; minestrone; mushroom broth; onion a la Bretone; petite marmite; smoked turkey; turtle, wine flavored; vichysoisse; water cress; and all frozen soups.

2. Paragraph (c) (1) of section 2 is amended by the addition of the following:

(xix) Shells and kernels of apricots and of peaches.
(xx) Canned marrons.
(xxi) Chinese chow mein and chop suey.

3. Paragraph (d) (14) of section 2 is amended to read as follows:

(14) Water-ground wheat flour or water-ground buckwheat flour; tapioca food starch sold in bulk.

4. Paragraph (d) (16) of section 2 is amended to read as follows:

(16) Food flavoring extracts (except vanilla extract) and artificial colors for food, both in containers of not more than 16 ounces.

5. Paragraph (d) (18) of section 2 is amended to read as follows:

(18) Mincemeat.

6. Paragraph (d) (27) of section 2 is amended to read as follows:

(27) Prepared pastry dough or batter (excluding dry mixes); that is, any unbaked dough, batter or puff paste for pie crust, and any tart, eclair, pattie or similar shell.

7. Paragraph (d) of section 2 is amended by the addition of the following:

(30) Stuffed dried fruits.

8. Paragraph (e) of section 2 is amended by the addition of the following:

(52) Canned vegetable aspic.

9. Paragraph (c) (11) of section 30 is amended to read as follows:

(11) Canned fruit and berry juices and mixtures thereof, including apple cider and other fruit ciders.

10. Paragraph (c) of section 30 is amended by the addition of the following:

(21) Canned cranberry sauce, strained or whole.
(22) Canned mangoes.

11. Paragraph (f) (3) of section 30 is amended to read as follows:

(3) All dried fruits (including mixtures thereof) either whole, chopped, pitted, or in macerated form.

12. Paragraph (f) (5) of section 30 is amended to read as follows:

(5) The following fruits, vegetables (including creamed vegetables), and their juices, and combinations of the following fruits, vegetables, or their juices (with no other ingredients added except water sufficient for preparation, salt or sugar), when sold as canned baby or junior foods:

(i) Apples, including applesauce.
(ii) Apricots.
(iii) Bananas.
(iv) Beets.
(v) Carrots.
(vi) Green beans.
(vii) Oranges.
(viii) Peaches.
(ix) Peas.
(x) Pears.
(xi) Pineapple.
(xii) Plums.
(xiii) Prunes.
(xiv) Spinach.
(xv) Squash.
(xvi) Sweetpotatoes.

13. Paragraph (f) (6) of section 30 is amended to read as follows:

(6) Dry edible beans (whole or split) including blackeye (or blackeyed) peas, pinto, chick peas (or garbanzos), lima (large and baby), pea (navy), pink, red kidney, small red (Mexican) and yelloweye; dry edible peas (whole or split) including green and yellow peas; and lentils; all when sold for human consumption as vegetables.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective as of July 1, 1952 as to products covered by section 30, and on November 18, 1952 as to all other products.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52-12446; Filed, Nov. 18, 1952; 11:46 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 29]

CPR 34—SERVICES

SR 29—POWER LAUNDRIES IN THE CITY OF SPOKANE, WASHINGTON

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation to Ceiling Price Regulation 34 permits an increase in ceiling prices of power laundry services supplied by power laundries in the City of Spokane, Washington. This supplementary regulation does not permit the increase to be applied to the diaper supply, linen supply and dry cleaning services of such laundries.

For the past two years the earnings of Spokane suppliers of power laundry services have been decreasing, despite an increase in the volume of sales. Wage increases and sharply increased costs in the latter part of 1950 and in 1951 have brought the average earnings in this area not only below normal earnings, but even below the break-even point.

Under the provisions of this supplementary regulation, ceiling prices of such power laundries may be increased by 5 percent, such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase", or, at the option of the individual laundry, the established flat price for each article may be increased 5 percent. The adjusted flat price must within ten days after their determination be filed with the appropriate Office of Price Stabilization district office.

Provision is made to retain such services under Ceiling Price Regulation 34, provided, however, that power laundries subject to this supplementary regulation may not, after the effective date of this supplementary regulation, obtain an adjustment of their ceiling prices under sections 20 (a), (b) or (c) of that regulation. In addition, adjustments previously granted under those sections are automatically revoked as of the effective date of this supplementary regulation.

In the judgment of the Director of Price Stabilization the price increases permitted by this supplementary regulation are the minimum needed to permit the continued supply of this service.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *Purpose.* This supplementary regulation permits power laundries in the City of Spokane, Washington to increase the ceiling prices of their power laundry services by 5 percent. This supplementary regulation shall not apply to the diaper supply, linen supply and dry cleaning services of power laundries.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, unless changed by the provisions of this supplementary regulation as provided in sections 3 and 4 of this regulation, remain in effect.

SEC. 3. *Adjustment of ceiling prices.* You may, to the extent you supply power laundry services in the City of Spokane, Washington increase your ceiling prices by 5 percent for power laundry services, except diaper supply, linen supply and dry cleaning services, thus supplied, by either of the following methods:

(a) You may apply such an adjustment to the total amount of each invoice rendered to the customer, provided you shall clearly write or stamp beside the adjustment on each such invoice the words "OPS permitted price increase." If you use this method of applying your price increase you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

(b) You may, in lieu of the method provided in paragraph (a) of this section, increase by 5 percent the flat prices of each power laundry services article, except a diaper supply, linen supply and dry cleaning services article. Within ten days after your prices are established under this paragraph, you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required under section 18 of Ceiling Price Regulation 34. You may not establish prices under paragraph (a) of this section once you have elected to establish prices under this paragraph.

(c) If the increase computed in paragraphs (a) or (b) of this section results in a fraction of a cent, the ceiling price must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* (a) A seller subject to this supplementary regulation may not, after the effective date of this supplementary regulation, apply for an adjustment of any of his ceiling prices for power laundry services except diaper supply, linen supply and dry cleaning services under section 20 of Ceiling Price Regulation 34, as amended.

(b) The adjustment of ceiling prices granted by section 3 of this supplementary regulation shall be the maximum adjustment permitted any such supplier of power laundry services in lieu of, and irrespective of, any adjustment heretofore granted any such supplier under the provisions of Ceiling Price Regulation 34, as amended. Any order adjusting the ceiling prices of any such supplier's power laundry services under section 20 of Ceiling Price Regulation 34, as amended, is hereby revoked as of the effective date of this supplementary regulation.

SEC. 5. *Definitions.* (a) "Power laundry" or "power laundries" as used in this regulation are laundries which in the laundry trade are customarily known and designated as such, and do not include hand laundries, launderettes or laundries using home-type laundry equipment to supply laundry services.

Effective date. This order shall become effective November 22, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52-12448; Filed, Nov. 18, 1952; 3:59 p. m.]

[Ceiling Price Regulation 61, Amdt. 4]

CPR 61—EXPORTS

SUSPENSION OF EXPORT PRICE CONTROLS UPON SUSPENSION FROM DOMESTIC PRICE CONTROLS

Pursuant to the Defense Production Act of 1950 as amended by Defense Production Act Amendments of 1951 (Pub. Law 774, 81st Cong.; Pub. Law 96, 82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to Ceiling Price Regulation 61 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 61 makes clear how export ceiling prices are affected by regulations suspending or exempting commodities from domestic ceiling price controls.

Under section 11 (a) of CPR 61, a general suspension or exemption of a commodity from price controls under another regulation presently constitutes also a suspension or exemption of the commodity from the coverage of CPR 61 as to sales in the export market, unless there is contrary language in the general suspension or exemption regulation. The question has been raised whether this is the case where the suspension or exemption is limited to domestic sales.

One of the basic policies of CPR 61 is the prevention of diversion of needed

goods from the domestic to the foreign market, with the consequent disturbance of normal channels of distribution in the domestic market and attendant increases in inflationary pressures. Ceiling prices under CPR 61 were established on a pattern customary in the export industry generally prior to the Korean war, namely, that sales in the export market were made either at domestic prices or at customary markups over such prices. This limited exporters to their normal pre-Korean markups and eliminated the inducement to diversion because of high foreign prices due to a war situation.

Where the domestic supply of a commodity is sufficient, with consequent lowering of prices, to warrant suspension or decontrol of ceiling prices for domestic sales, it is not necessary to continue to limit the prices of exporters. This is recognized in the formulas for establishing ceiling prices contained in sections 3 and 4 of CPR 61. These sections either require or permit the use of domestic ceiling prices as the basis for determining export ceiling prices. In applying the formulas, the result is that the limitation on export ceiling prices is removed with the elimination of domestic ceiling prices.

This amendment is issued to clarify this result.

In view of the nature of this amendment, formal consultation with representatives of industry has not been practicable, although many individual views expressed informally to this Office requested action in the nature of this amendment.

In the judgment of the Director of the Office of Price Stabilization, this amendment is generally fair and equitable and will effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 11 (a) of Ceiling Price Regulation 61 is amended to read as follows:

SEC. 11. *Exemptions and suspensions.* (a) This regulation does not apply:

(1) To sales of commodities for which export ceiling prices will hereafter be specifically established under other regulations or supplements; or

(2) To sales of commodities which are suspended or exempted from price control by regulation of the Office of Price Stabilization irrespective of whether such regulation is by its terms applicable or inapplicable to export transactions. Such suspension or exemption shall be applicable to the same extent to similar sales covered by CPR 61 as though the suspension or exemption in such other regulation were specifically applicable to export sales and sales for export. For example, if price controls are suspended under another regulation for domestic sales of a commodity by manufacturers, then export sales and sales for export of such commodity by manufacturers or producer-exporters are suspended from price control under CPR 61; if such suspension is applicable to domestic sales by wholesalers, then export sales and sales for export by wholesalers or merchant exporters are suspended from price control under CPR 61. In exclusion of a seller or commodity from the coverage of a regulation because that seller or commodity is covered by another regulation does not constitute a suspension or exemption from price control within the meaning of this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Ceiling Price Regulation 61 shall become effective November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52-12449; Filed, Nov. 18, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 125]

GCPR, SR 125—PRODUCERS OF PRODUCTS IN WHICH PRIMARY COPPER IS USED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to General Ceiling Price Regulation 125 is hereby issued.

STATEMENT OF CONSIDERATIONS

Producers of Brass Mill and Wire Mill products were allowed by amendments to CPR 68 and CPR 110 to reflect a portion of the added costs of foreign copper. Certain products in which primary copper is used, however, are not included in those regulations.

This supplementary regulation permits producers of products in which primary copper is used and whose ceiling prices are established under the General Ceiling Price Regulation, to adjust their ceiling prices for these products to reflect the increased cost of foreign copper.

As a result of the increase in the price of Chilean copper in May 1952 to 36½ cents per pound, the Director of Defense Mobilization directed the Office of Price Stabilization to increase the ceiling price of brass mill and wire mill products, to reflect 80% of the increased cost of copper. He also directed that comparable treatment be given other primary users of foreign copper. In accordance with that directive, ceiling prices for brass mill and wire mill products were increased on the basis of 3.84 cents per pound of copper contained. This amendment provides the same treatment to all producers of products in which primary copper is used, who have their ceiling prices established under the General Ceiling Price Regulation with the exception of copper clad or copper coated iron and steel products which are covered by SR 100 Revision 1 to the GCPR. It permits producers who only use primary copper to increase their ceiling price by 3.84 cents per pound of copper contained. If the producer uses copper scrap and primary copper, however, he computes the percentage of primary copper to the total amount of copper used during the third quarter of 1952 and then multiplies this by 3.84 cents per pound of copper contained. He may then increase his ceiling price by this resulting figure. The total quantity of copper used in the products to which this supplementary regulation is applicable, constitutes only about two percent of the total domestic consumption of copper. The amount of copper used in these products is comparatively small, and is not expected to have any appreciable effect on the level of prevailing prices.

In the formulation of this regulation, there has been consultation with industry representatives, including trade representatives, to the extent practicable and full consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling price adjustments.
3. Definitions.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This supplementary regulation increases the ceiling prices established under the General Ceiling Price Regulation for producers of products in the production of which primary copper is used with the exception of copper clad or copper coated iron and steel products.

SEC. 2. *Ceiling price adjustments.* (a) If you produce a product, the ceiling price of which is established under the General Ceiling Price Regulation, and if you use primary copper and do not use copper scrap in the production of your product, your ceiling price for this product is your ceiling price under the General Ceiling Price Regulation plus 3.84 cents per pound of primary copper contained.

(b) If you produce a product, the ceiling price of which is established under the General Ceiling Price Regulation, and if you use both primary copper and copper scrap in the production of your product, your ceiling price for this product is your ceiling price under the General Ceiling Price Regulation plus an amount equal to the percentage of primary copper to the total amount of copper used during the third quarter of 1952 multiplied by 3.84 cents per pound of copper contained in the product.

(c) The foregoing provisions do not apply to copper clad or copper coated iron and steel products.

SEC. 3. *Definitions.* When used in this supplementary regulation, the term:

(a) "Primary copper" means all copper metal refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication, and shall include all such metal produced from domestic or imported ores, concentrates, or other copper bearing material.

Effective date. This supplementary regulation becomes effective November 24, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52-12450; Filed, Nov. 18, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 18]

INT. 18—HEALTH AND WELFARE PLANS

This interpretation deals with the right of employers to put into effect health and welfare plans in accordance with the self-administering provisions of General Salary Stabilization Regulation 8, Revised, as amended.

1. Q. May an employer put into effect without prior approval of the Office of Salary Stabilization a health and welfare plan which provides for benefits other than those defined in the introductory clause of section 1 of the regulation?

A. No. Health and welfare plans which may be put into effect on a self-administering basis may provide only for the types of benefits set forth specifically in section 1. If other benefits are sought to be included in the health and welfare plans, approval must be obtained in accordance with section 2 of the regulation.

2. Q. An association of employers prepares a health and welfare plan for adoption by its members and which its members desire to adopt. Under what conditions may the employers put such a plan into effect?

A. Employers may put such a plan into effect in accordance with the provisions of section 1 of the regulation, except that the requirement that at least 25 employees must be covered by group life insurance is fulfilled if all the employer members of the association adopting the plan prepared by the employer association, have an aggregate of 25 or more employees to be covered by group life insurance.

3. Q. May an employer operating two or more plants extend a health and welfare plan in effect at plant X to plant Y in the same local labor market area?

A. Yes. This may be done in accordance with section 1 (d) of the regulation.

4. Q. May an employer extend a health and welfare plan in effect at plant X to plant Y, located in a different local labor market area?

A. Yes. This also is permitted by section 1 (d) of the regulation.

5. Q. May a corporate employer extend a health and welfare plan in effect at its plant to plants owned by a subsidiary, parent or affiliated corporations?

A. Yes. For the purposes of section 1 (d) of this regulation a multiplant employer includes parent and subsidiary corporations and affiliated corporations, as defined in paragraph 2 of Interpretation 16 (17 F. R. 8776).

6. Q. Under what circumstances does a health and welfare plan provide benefits for employees subject to the jurisdiction of the Wage Stabilization Board and of the Salary Stabilization Board "upon the same or similar terms" under section (1) (a) of the regulation?

A. Benefits are provided "upon the same or similar terms" if variations in dollar amounts of contributions and benefits are based on an acceptable criterion or a consistent formula, such as basing temporary disability or life insurance benefits on a percentage of the compensation of the participating employees or basing disability or sick leave benefits on the length of service of the employees covered by the plan. The concept of providing the same or similar benefits for all employees under the jurisdiction of both the Wage Stabilization Board and the Salary Stabilization Board does not require identical contributions or benefits identical in dollar amount with regard to each employee covered by such plan.

7. Q. Does an employer who desires to put a health and welfare plan into effect under section 1 (b) of the regulation, covering only employees under the jurisdiction of the Salary Stabilization Board, have complete discretion in selecting any employees to be included in the plan as long as a majority of such employees is included?

A. No. Under section 1 (b) (2) the selection of a majority of participating employees must not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees. However, employees in these categories may be excluded, since such exclusion from the plan would discriminate against them rather than in their favor.

8. Q. When is a health and welfare plan discriminatory under section 1 (b) (2) of the regulation, assuming that selection of the participating employees was non-discriminatory as explained in paragraph 7 of this Interpretation?

A. A health and welfare plan is discriminatory within the meaning of section 1 (b) (2) of the regulation if contributions or benefits provided under the plan favor the classes of employees mentioned in section 1 (b) (2) as against the other employees included in the plan. However, a plan will not be considered discriminatory merely because the contributions or benefits bear a uniform relationship to the compensation of the individually covered employees. Variations in contributions or benefits may be provided so long as the plan, viewed as a whole, does not discriminate among the covered employees in favor of the classes of employees referred to in section 1 (b) (2).

If an employer already has in effect one or more health and welfare plans covering employees under the jurisdiction of the Salary Stabilization Board, the plans must be considered together with the proposed plan in order to determine whether the proposed plan is nondiscriminatory with regard to selection of participants, contributions and benefits.

9. Q. How does the employer determine whether any benefit provided for in his health and welfare plan is authorized under section 1 (b) (3) as not inconsistent with prevailing practice?

A. (a) A separate health and welfare plan which provides only for employees under the jurisdiction of the Salary Stabilization Board benefits upon the same or similar terms (see paragraph 6) as a plan approved for the employees under jurisdiction of the Wage Stabilization Board of the same employer, confers benefits which are not inconsistent with prevailing practice.

(b) Since most health and welfare plans are put into effect on an insured or group health and hospitalization basis, benefits are not inconsistent with prevailing practice if they do not exceed the benefits provided by standard group insurance policies or group health and hospitalization plans, such as Blue Cross and Blue Shield or their counterparts in the area where the employer's plant is located. In order that the health and welfare benefits provided for under a group insurance policy or group health and hospitalization plan can be considered standard, they should be consistent with benefit standards in the examples under (1) below, and should not contain any of the benefits listed in the examples under (2) below.

EXAMPLES

(1) Examples of benefits which are consistent with prevailing practice:

(i) Ambulance service in case of illness or accidental injury.

(ii) Semi-private room and board in a hospital, including payment for "extras" or "miscellaneous charges".

(iii) Surgical fees in accordance with a surgical expense plan providing a fee schedule with a maximum allowance of $300.

(iv) Dental surgery in connection with a general surgical expense plan.

(v) Polio coverage up to $5,000.

(vi) Sick leave at the rate of one day's pay per month of service up to 30 days less any benefits payable under (vii).

(vii) Temporary disability payments not exceeding 60 percent of salary.

(viii) Medical expense payments not exceeding $5 per day or $5 per visit in home or hospital or $3 per visit in doctor's office or, if benefits are graduated after the first visit or the first few visits, payments thereafter not exceeding $4 per day in home or hospital.

(ix) Benefits in case of accidental injury or death as a result of travel in the service of the employer of any kind, including air transportation.

(2) Examples of benefits which are not considered to be consistent with prevailing practice without submission of supporting evidence:

(i) Special nursing care.

(ii) Full payment for private hospital room.

(iii) Rest cures or convalescent care.

(iv) Plastic surgery for cosmetic or beautifying purposes.

(v) Benefits on accidental death or dismemberment in excess of an average face value of one year's salary.

(vi) Death benefits under group life insurance in excess of one year's salary on other than accidental death.

(c) Where an employer is authorized under the regulation to extend a health and welfare plan from one plant or establishment to another in a different labor market area or to adopt a health and welfare plan made available to him by an employers' association of which he is a member, benefits provided under such plans are not inconsistent with prevailing practice even though different from other plans in the particular area or industry.

10. Q. An employer desires to put into effect a health and welfare plan under section 1 (c) of the regulation providing

benefits substantially in excess of those authorized under section 1 (b) (3). Must the employees contribute 40 percent of the entire premium or only 40 percent of the premium payment for the excessive benefits?

A. The employees must contribute 40 percent of the entire premium for all benefits provided under this plan. Under section 1 (c) of the regulation it is not sufficient that employees contribute only 40 percent of the premium payment for the excess of any particular benefit which is not authorized under section (1) (b) (3).

11. Q. An employer has more than one health and welfare plan for employees subject to the jurisdiction of the Salary Stabilization Board. Where one or more of the plans are put in effect under section 1 (c) of the regulation, how is the 40 percent of the premium payment to be paid by the employees computed?

A. Where an employer has more than one health and welfare plan for employees under the jurisdiction of the Salary Stabilization Board, the 40 percent of the total premium payments to be made by the employee in accordance with section 1 (c) is determined as follows:

(a) Where the benefits are of the same type, such as hospital expense benefits, permanent or total disability benefits or group life insurance, the premium payment of the employee must be 40 percent of the total premium paid for all benefits of the same type regardless of whether such benefits are obtained under a single or under several separate health and welfare plans.

(b) Where an employer has more than one health and welfare plan covering benefits of a type not covered by another of the plans, the employee's 40 percent of the premium payment is computed with regard to the total premium paid for each type of benefit.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization November 14, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-12437; Filed, Nov. 18, 1952; 11:32 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1 as Amended Nov. 18, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

This regulation as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this regulation as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the regulation affects many different industries. However, there was consultation with industry representatives prior to the original issuance of this regulation on May 3, 1951.

This amendment affects CMP Regulation No. 1 as follows:

Section 9 (a) is amended; Schedule I (Revised) is amended and redesignated Schedule I; Schedule III (Revised) is amended and redesignated Schedule III; Schedule IV (Revised) is amended and redesignated Schedule IV.

This amendment incorporates the provisions of the separate previously issued Amendments 1 through 6 to this regulation which are accordingly superseded. This amendment does not affect the status of the separate previously issued Directions 1, 2, 3, 4, 6, 8, 14, 15, 16, 17, 18, and 19 to this regulation which remain in full force and effect. Direction 9 is revoked concurrently with this amendment, and Schedule I is amended to provide that non-nickel-bearing stainless steel is not a controlled material. Directions 5, 7, 10, 10A, 11, 12, and 13 were previously revoked.

EXPLANATORY PROVISIONS

Sec.
1. What this regulation does.
2. Definitions.
3. General production schedule and allotment procedure.
4. Statements of requirements.
5. Applications for authorized production schedules and allotments.

AUTHORIZED PRODUCTION SCHEDULES

6. How production schedules are authorized.
7. Reconciliation of conflicting schedules.
8. Rejection of schedules in excess of capacity.
9. Meeting authorized production schedules.

ALLOTMENTS AND DELIVERY ORDERS FOR CONTROLLED MATERIALS

10. How allotments are made.
11. Designation and use of allotment numbers.
12. Allotments by consumers.
13. How to cancel or reduce allotments.
14. Transfer of allotments.
15. Special provisions regarding manufacturers and distributors of Class A products.
16. Alternative procedure for simultaneous allotments.
17. Restrictions on placing authorized controlled material orders, and on use of allotments and materials.
18. Adjustments for changes in requirements.
19. How to place orders with controlled materials producers and distributors.

CONTROLLED MATERIALS PRODUCERS

20. Rules applicable to controlled materials producers.
21. Production requirements of controlled materials producers.

GENERAL PROVISIONS

22. Applicability of other regulations and orders.
23. Records and reports.
24. Applications for adjustment or exception.
25. Communications.
26. Violations.

AUTHORITY: Sections 1 to 26 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

EXPLANATORY PROVISIONS

SECTION 1. *What this regulation does.* The purpose of this regulation is to define rights and obligations under the Controlled Materials Plan. It explains how production schedules are authorized for manufacturing operations and how materials are obtained to complete such production schedules. This regulation and other CMP regulations to be issued from time to time make effective the "Controlled Materials Plan," a general description of which was issued by the National Production Authority, for informational purposes only, on April 13, 1951. In case of any inconsistency between such announcement, or any other descriptive literature which may be issued from time to time, and any CMP regulation, the provisions of the latter shall govern. Other CMP regulations cover, or will cover, inventory controls; preference status of delivery orders; deliveries of controlled materials by distributors; maintenance, repair, and operating supplies; construction; and additional matters. This regulation will also be supplemented from time to time by the issuance of procedures, forms, interpretations, directions, and instructions.

SEC. 2. *Definitions.* As used in this regulation and any other CMP regulation (unless otherwise indicated):

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "NPA" means the National Production Authority.

(c) "Controlled material" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of this regulation, whether new, remelted, rerolled, or redrawn, including used and second-quality materials, shearings, and material sorted or salvaged from scrap which are sold for other than remelting, rerolling, or redrawing purposes.

(d) "Controlled Materials Division" means the Iron and Steel Division, the Copper Division, or the Aluminum and Magnesium Division of NPA.

(e) "Industry Division" means the Division or other unit of NPA which is charged with supervision over the operations of the producers of particular products.

(f) "Claimant Agency" means any Government agency or subdivision thereof designated as such by the Defense Production Administration.

(g) "Prime consumer" means any person who receives an allotment of controlled material from a Claimant Agency or an Industry Division.

(h) "Secondary consumer" means any person who receives an allotment of controlled material from a person other than a Claimant Agency, an Industry Division, or the Requirements Committee of the Defense Production Administration.

(i) "Allotment" means (1) an authorization by the Requirements Committee of the Defense Production Administration, of the amount of controlled materials which a Claimant Agency may receive and/or allot during a specified period, or (2) an authorization by the Requirements Committee of the Defense Production Administration, of the amount of controlled materials which an Industry Division may allot during a specified period, or (3) an authorization by a Claimant Agency or an Industry Division, of the amount of controlled materials which may be received and/or allotted by one of its prime consumers during a specified period, or (4) an authorization by a prime or secondary consumer, of the amount of controlled materials which may be received and/or allotted by one of its secondary consumers during a specified period.

(j) "Class A product" means any product which is not a Class B product (as defined in paragraph (k) of this section), and which contains any controlled material, fabricated or assembled beyond the forms and shapes specified in Schedule I of this regulation, other than any controlled material which may be contained in Class B products incorporated in it.

(k) "Class B product" means any product designated as such in the "Official CMP Class B Product List" issued by NPA, as the same may be modified from time to time, and which contains any controlled material other than any controlled material which may be contained in other Class B products incorporated in it.

(l) "Program" means a statement of the amounts of an item or class of items to be provided in specified periods of time.

(m) "Authorized program" means a program specifically approved by the Requirements Committee of the Defense Production Administration.

(n) "Production schedule" means a statement of the amounts of an item or class of items to be produced by an individual consumer in specified periods of time.

(o) "Authorized production schedule" means a production schedule specifically approved by a Claimant Agency or by an Industry Division with respect to a prime consumer, or specifically approved by a prime or secondary consumer with respect to a secondary consumer.

(p) "Delivery order" means any purchase order, contract, shipping, or other instruction calling for delivery of any material or product on a particular date or dates or within specified periods of time.

(q) "Authorized controlled material order" means any delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in section 19 of this regulation or which is specifically designated to be such an order by any regulation or order of NPA.

SEC. 3. *General production schedule and allotment procedure.* (a) Each Claimant Agency or Industry Division shall authorize production schedules of prime consumers pursuant to authorized programs. Each prime consumer who has an authorized production schedule shall, pursuant thereto, authorize production schedules of secondary consumers producing Class A products for it; and each secondary consumer who has an authorized production schedule shall, pursuant thereto, authorize production schedules of secondary consumers producing Class A products for it.

(b) Each Claimant Agency or Industry Division shall make allotments to prime consumers, for the purpose of fulfilling related authorized production schedules, pursuant to allotments which it has received. Each prime consumer who has received an allotment shall, pursuant thereto, make allotments to secondary consumers producing Class A products for it, to fulfill related authorized production schedules; and each secondary consumer who has received an allotment shall, pursuant thereto, make allotments to secondary consumers producing Class A products for it, to fulfill related authorized production schedules.

(c) Except where otherwise provided by NPA, no person shall produce a Class A or a Class B product unless he has received an authorized production schedule for such production. No person who has received an authorized production schedule shall produce more than the quantity of the particular product or products provided for in such authorized production schedule. No such person shall acquire controlled materials or products and materials other than controlled materials for fulfillment of such authorized production schedule except by use of the related allotment (or charge against the related allotment) and by use of the related DO rating. If such a person obtains controlled material without the use of an authorized controlled material order, for example, the purchase of controlled material from a foreign supplier or from a domestic supplier who is not a controlled materials producer or a controlled materials distributor (as defined in CMP Regulation No. 4), he must charge the quantity of such controlled material against his allotment.

(d) Nothing in this regulation shall be interpreted to prohibit the production of any product, other than a Class A or a Class B product: *Provided, however,* That such production must comply with the provisions and limitations of all applicable regulations and orders of NPA.

SEC. 4. *Statements of requirements.* (a) The basis for an allotment to a consumer shall be his actual requirements for controlled materials in connection with the fulfillment of an authorized production schedule, after taking inventories into account to the extent required by CMP Regulation No. 2. A statement of requirements is to be furnished only when requested. Such statement is ordinarily submitted as an application for allotment or a bill of materials.

(b) An application for allotment includes only (1) the quantities of controlled materials required by the submitting consumer for his own production, and (2) the quantities of controlled materials required by his secondary consumers supplying Class A products to him for incorporation in his product.

(c) A bill of materials is a statement of the total amounts of materials (including controlled materials) required for physical incorporation in one unit or a specified number of units of a given product.

(d) When a consumer who has furnished a bill of materials or other statement of requirements ascertains that he has substantially overstated his requirements or those of his secondary consumers for any material or product, he shall report such error immediately to the person to whom the statement of requirements was furnished.

(e) If any consumer receives any statement of requirements which he knows or has reason to believe to be substantially excessive, with respect to controlled materials, he shall withhold any allotment based thereon in an amount sufficient to correct such excess and shall report the facts immediately to the appropriate Claimant Agency or Industry Division.

SEC. 5. *Applications for authorized production schedules and allotments.* (a) Production schedules may be authorized and related allotments made on the basis of information furnished by applications on Form CMP-4A and Form CMP-4B.

(b) Any producer of Class A products, upon the request of a Claimant Agency or of a consumer for whom he produces Class A products, shall furnish to such Claimant Agency or consumer, the information called for in Form CMP-4A. Such information shall be submitted on Form CMP-4A or in such other manner as may be prescribed.

(c) Any producer of Class B products which are designated as Class B products for which Form CMP-4B applications are required, in the "Official CMP Class B Product List" issued by NPA, as the same may be modified from time to time, shall furnish the information called for in Form CMP-4B by submitting such form to the appropriate Industry Division or Claimant Agency (as indicated in such list). NPA may request any producer of a Class B product not so designated to furnish such information on such form.

(d) Any producer of controlled materials may apply for an allotment as provided in section 21 of this regulation.

AUTHORIZED PRODUCTION SCHEDULES

SEC. 6. *How production schedules are authorized.* (a) A production schedule for each prime consumer producing a Class A product pursuant to an authorized program will be authorized by the appropriate Claimant Agency on such form as may be prescribed. A Claimant Agency may, in particular cases, authorize a production schedule through an Industry Division.

(b) A production schedule for each secondary consumer producing a Class A product shall be authorized by the consumer for whom such Class A product is to be produced, pursuant to an authorized production schedule, on such form as may be prescribed. A consumer having several authorized production schedules bearing the same allotment number may, pursuant thereto, authorize a single production schedule for a secondary consumer.

(c) A production schedule for each consumer producing a Class B product pursuant to an authorized program will be authorized by the appropriate Industry Division or Claimant Agency on such form as may be prescribed. Except as provided in paragraph (b) of section 9 of this regulation, a consumer who has received a production schedule for a Class B product which is authorized in terms of whatever amount can be made with a specific allotment or allotments, and which contains no limitation on the number of units which may be produced therewith, shall not put into production during the calendar quarter for which such schedule is authorized a quantity of controlled materials greater than the quantity allotted, unless the authorization for such schedule expressly states that production is authorized in whatever amount can be made with a specific allotment or allotments plus controlled materials properly contained in inventory.

(d) A consumer receiving allotments from several persons shall obtain separate authorized production schedules from each.

(e) Except where otherwise specifically provided by NPA, no person shall authorize a production schedule unless at the same time he makes an allotment as provided in section 10 of this regulation, and no person shall make an allotment unless at the same time he authorizes a related production schedule as provided in this section.

(f) When the production schedule of a consumer is authorized and a related allotment is made to him, a DO rating shall be assigned or applied to such schedule by the person authorizing the production schedule, for use in accordance with the provisions of CMP Regulation No. 3.

SEC. 7. *Reconciliation of conflicting schedules.* In any case where, for any reason, a manufacturer of Class A or Class B products is unable to fulfill conflicting authorized production schedules which he has accepted from different persons, he shall, if the conflict involves only schedules relating to a single Claimant Agency, report immediately to that Claimant Agency for instructions. In all other cases involving conflicting authorized production schedules he shall report immediately to the appropriate Industry Division or Industry Divisions for instructions.

SEC. 8. *Rejection of schedules in excess of capacity.* A prime or secondary consumer shall reject an authorized production schedule for a Class A or Class B product to be manufactured by him which calls for delivery or deliveries after June 30, 1951, if he does not expect to be able to fulfill the same by the specified delivery date or dates. If the person whose order is rejected is unable to find another manufacturer who will accept it, he shall report the facts to the appropriate Claimant Agency or Industry Division. NPA may from time to time issue directives requiring individual manufacturers to reschedule or rearrange their production and/or delivery schedules.

SEC. 9. *Meeting authorized production schedules.* (a) Each consumer who has accepted an authorized production schedule for the production of a Class A product shall fulfill the same unless prevented by circumstances beyond his control. In the event he cannot fulfill such schedule on the specified delivery date or dates, he shall promptly notify the person from whom he received it stating the reasons therefor.

(b) No consumer who has accepted an authorized production schedule shall exceed such schedule in any quarter with the use of the related allotment and DO rating, except that (1) an authorized production schedule may be exceeded in any quarter to the extent necessary to make up for a failure to meet such schedule in any prior quarter, (2) production authorized for any quarter may be completed at any time after the fifteenth of the month preceding such quarter and, (3) where a delivery order calls for deliveries, in successive months, of Class A products in quantities which are less than the minimum practicable production quantity, and compliance with monthly delivery dates would result in substantial interruption of production and consequent interference with production to fill other delivery orders, the consumer may produce (and his customer may order and accept) in the first or a subsequent month the minimum practicable quantity which may be made without such interference.

ALLOTMENTS AND DELIVERY ORDERS FOR CONTROLLED MATERIALS

SEC. 10. *How allotments are made.* (a) Each Claimant Agency, Industry Division, or consumer authorizing a production schedule as provided in section 6 of this regulation shall concurrently make a related allotment, pursuant to allotments which it has received, to the consumer whose production schedule has been authorized, on such form as may be prescribed.

(b) The allotment shall specify the quantities and the kinds of controlled materials needed for delivery in specified calendar quarters to complete the related authorized production schedule. Allotments shall be made in terms of (1) carbon steel (including wrought iron), (2) alloy steel (except stainless steel), (3) stainless steel, (4) copper and copper-base alloy brass mill products, (5) copper wire mill products, (6) copper and copper-base alloy foundry products and powder, and (7) aluminum, in each case without further breakdown, except where a further breakdown is made by the Requirements Committee of the Defense Production Administration or by NPA.

(c) The allotment shall be identified by an allotment number as provided in section 11 of this regulation.

(d) Advance allotments by Claimant Agencies or Industry Divisions to prime consumers may be made within such limits as may be specified by the Requirements Committee of the Defense Production Administration. Prime consumers receiving such advance allotments shall, in turn, make advance allotments to their secondary consumers, and secondary consumers shall make advance allotments, in the same manner as in the case of regular allotments, but no consumer shall make any allotment before receiving his own allotment.

(e) A Claimant Agency, Industry Division, or consumer may make allotments only in the same kinds of controlled materials in which it has received its allotment.

SEC. 11. *Designation and use of allotment numbers.* (a) Allotments shall be identified by an allotment number consisting of a Claimant Agency letter symbol and one digit designating the authorized program of such Claimant Agency. In cases where a Claimant Agency is not involved, the appropriate symbol designated by any NPA regulation or order as a CMP allotment symbol shall be used. For example, in the case of maintenance, repair, and operating supplies, the symbol MRO shall be used as provided in CMP Regulation No. 5.

(b) Authorized controlled material orders shall show the related allotment number and the calendar quarter for which the allotment is valid. For example, a delivery order for controlled materials placed pursuant to an allotment identified by allotment number K–2 which is valid for the fourth quarter of 1951 shall be designated as follows: K–2–4Q51. The date or dates on which delivery is required must also be specified on such delivery order.

(c) Delivery orders for products and materials other than controlled materials required for completion of an authorized production schedule shall show the DO rating and the related allotment number; for example, DO–K–2. The date or dates on which delivery is required must also be specified on such delivery orders. Such date or dates need not be during the calendar quarter for which such production schedule is authorized and for which the related allotment is valid: *Provided, however,* That the DO rating may be used only to acquire production materials in the minimum practicable amounts required, and on a date or dates no earlier than required, to fulfill the related authorized production schedule.

(d) (1) Except as otherwise provided in this paragraph, a manufacturer of a Class B product who has received an authorized production schedule and related allotment from an Industry Division or a Claimant Agency shall not use the allotment number accompanying any DO rating received by him from a customer in obtaining controlled materials for such production.

(2) A manufacturer of a Class B product who has received an authorized production schedule with an allotment number from an Industry Division or a Claimant Agency and who, on and after March 31, 1952, receives, from a customer for such Class B product, a DO rated order which bears a program identification consisting of the letter A, B, C, or E, followed by a digit, or the program identification Z–2, shall use the allotment number received from such Industry Division or Claimant Agency in obtaining controlled materials or Class A products needed to fulfill such rated order or to replace in inventory controlled materials or Class A products used in the manufacture of the product covered by such rated order, by appending as a suffix to

the allotment number received with his authorized production schedule, the program identification B–5; for example, P–2–B–5. In addition, such allotment number to which such suffix has been appended shall be followed by the calendar quarter for which the allotment received from an Industry Division or a Claimant Agency is valid; for example, P–2–B–5–3Q52.

(3) A manufacturer of a Class B product who has received an authorized production schedule with an allotment number from an Industry Division or a Claimant Agency and who, prior to March 31, 1952, received, from a customer for such Class B product, a DO rated order which has not been filled and which bears a program identification consisting of the letter A, B, C, or E, followed by a digit, or the program identification Z–2, may use the allotment number received from such Industry Division or Claimant Agency in obtaining controlled materials or Class A products needed to fulfill such rated order or to replace in inventory controlled materials or Class A products used in the manufacture of the product covered by such rated order, by appending as a suffix to the allotment number received with his authorized production schedule, the program identification B–5; for example, P–2–B–5. In addition, such allotment number to which such suffix has been appended shall be followed by the calendar quarter for which the allotment received from an Industry Division or a Claimant Agency is valid; for example, P–2–B–5–3Q52.

(4) Any person who receives a DO rated order identified by the suffix B–5 as provided in section 6 (f) of CMP Regulation No. 3 shall, if he is a manufacturer of a Class B product covered by such DO rated order who has received an authorized production schedule with an allotment number from an Industry Division or a Claimant Agency for such Class B product, use the allotment number received from such Industry Division or Claimant Agency in obtaining controlled materials or Class A products needed to fulfill such rated order or to replace in inventory controlled materials or Class A products used in the manufacture of the product covered by such rated order, by appending as a suffix to the allotment number received with his authorized production schedule, the suffix program identification B–5; for example, if such a person has received the allotment number M–3 from an Industry Division and the rating DO–P–2–B–5 from his customer, he shall use the allotment number as follows: M–3–B–5. In addition, such allotment number to which such suffix has been appended shall be followed by the calendar quarter for which the allotment received from an Industry Division or a Claimant Agency is valid; for example, M–3–B–5–3Q52. Any person who receives a DO rated order identified by the suffix B–5 as provided in section 6 (f) of CMP Regulation No. 3 shall, if he is a manufacturer of a Class A product covered by such DO rated order who has received an authorized production schedule for such Class A product from his customer, use the allotment number and quarterly identification in the form received from his customer in obtaining controlled materials or Class A products needed to fulfill such rated order or to replace in inventory controlled materials or Class A products used in the manufacture of the product covered by such rated order.

(5) Any authorized controlled material order placed on or after May 1, 1952, pursuant to subparagraph (2), (3), (4), or (9) of this paragraph, and identified by the suffix B–5, shall be deemed an authorized controlled material order bearing the program identification contained in such suffix for the purposes of NPA Order M–1 (steel), NPA Order M–5 (aluminum), NPA Order M–11 (copper), and any other applicable regulation or order of NPA.

(6) For the purposes of this paragraph, a manufacturer of a Class B product who operates under the self-authorization provisions of Direction 1 to CMP Regulation No. 1 shall be deemed a manufacturer of a Class B product who has received an authorized production schedule with an allotment number and a related allotment from an Industry Division or a Claimant Agency.

(7) Nothing in this paragraph shall be construed to permit a manufacturer of a Class A or a Class B product to obtain controlled materials or to make allotments in excess of the related allotment received by him.

(8) Notwithstanding any of the provisions of this paragraph, no manufacturer of a Class B product shall be required to append the suffix program identification B–5 to the allotment number received with his authorized production schedule from an Industry Division or a Claimant Agency, to obtain controlled materials or Class A products where the quantities of such controlled materials or Class A products are insignificant in relation to the total procurement of controlled materials or Class A products by such manufacturer to fulfill all his authorized production schedules for Class B products.

(9) Any person who, on or after May 1, 1952, placed an authorized controlled material order calling for delivery of steel which bears the quarterly identification 2Q52 or 3Q52 without appending the suffix B–5 to the program identification although he was entitled to append such suffix to such order pursuant to this paragraph, may at any time prior to shipment of such steel by the supplier revise such order by appending the suffix B–5 to the program identification. Such revision shall not constitute a cancellation of the order. As of the date of such revision, such an order shall be deemed an authorized controlled material order bearing the program identification B–5 for the purposes of Directions 15 and 16 to CMP Regulation No. 1, of NPA Order M–1, and of any other applicable regulation or order of NPA. If the supplier had postponed the shipment date of such an order prior to such revision, because the order did not bear the suffix B–5, he shall, after such revision, reschedule the order for shipment as close to the original shipment date as is practicable without interrupting his operations in a way which would cause a substantial loss of total production or a substantial delay in operations.

SEC. 12. *Allotments by consumers.* (a) Each prime consumer receiving an allotment may use that portion of the allotment which he requires to obtain controlled materials as such for his authorized production schedule, and shall allot the remainder to his secondary consumers producing Class A products for him to cover their requirements for controlled materials for related authorized production schedules. Allotments by secondary consumers to secondary consumers supplying them shall be made in the same fashion. A secondary consumer producing Class A products for several consumers shall obtain separate allotments from each.

(b) No consumer shall make any allotment in an amount which exceeds the related allotment received by him, after deducting all other allotments made by him and all orders for controlled materials placed by him pursuant to his related allotment.

(c) No consumer shall make any allotment in excess of the amount required, to the best of his knowledge and belief, to fulfill the related authorized production schedule of the secondary consumer to whom the allotment is made (including the schedules of any secondary consumers supplying the latter).

(d) Allotments for production of Class B products shall only be made by appropriate Industry Divisions or by appropriate Claimant Agencies as specified in the "Official CMP Class B Product List," and no consumer shall accept any allotment from any other person for the production of Class B products.

(e) No consumer who has received his allotment for an authorized production schedule shall place any delivery order for any Class A product required to fulfill said schedule, unless concurrently therewith he makes an allotment to the person with whom the order is placed, in the amount required by such person to fill said order: *Provided, however,* That if he purchases a Class A product from a distributor under the conditions specified in section 15 of this regulation or from a foreign supplier, he shall make no allotment but must deduct the appropriate amount from his own allotment balance.

(f) A consumer may make an allotment to his secondary consumer on such form (including Form CMP–5 set forth in Schedule II of this regulation) as may be prescribed for the purpose. Allotments may be made by telegraphing or telephoning the information required by the appropriate form and confirming the same with such form, within 15 days.

SEC. 13. *How to cancel or reduce allotments.* A person who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. A person who has received an allotment may cancel or reduce the same by making an appropriate notation thereon and notifying the person from whom he received it. In either case, if an allotment received by a person is cancelled, he must cancel all allotments which he has made, and all authorized controlled material

orders which he has placed, on the basis of the allotment; and, if an allotment received by a person is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as reduced. If and to the extent that cancellation or reduction is impracticable because of shipments already made to him pursuant to such allotment, he may use or dispose of controlled materials or Class A products which he gets with such allotment in the manner provided in section 17 of this regulation.

SEC. 14. *Transfer of allotments.* (a) No consumer shall transfer or assign any allotment (as distinct from making an allotment) in any way unless: (1) delivery orders for Class A products placed with him, in connection with which the allotment was made to him, have been transferred or assigned to another consumer; (2) the authorized production schedules of the respective consumers have been duly adjusted; and (3) the transfer or assignment is approved in writing by the person who made the allotment.

(b) Transfers or assignments of allotments may be made without complying with paragraph (a) of this section in connection with the transfer or assignment of a business as a going concern where the transferee continues to operate substantially the same business in the same plant. The transferee may use the allotment and ratings of the transferor but the transferee must notify NPA of the details of the transaction, giving the names of the persons involved and furnishing one extra copy of such notification for each authorized production schedule that he has received.

SEC. 15. *Special provisions regarding manufacturers and distributors of Class A products.* (a) For the purposes of this section "distributor" means any person engaged in the business of buying and taking physical delivery of Class A products which he does not manufacture and selling the same, for his own account, but only to the extent that he is so engaged.

(b) If a distributor buys and sells Class A products, he shall do so without making or receiving allotments. A manufacturer of Class A products selling them to a distributor shall apply for an allotment for such manufacture from the appropriate Industry Division or Claimant Agency by submitting an application on Form CMP–4B, in the same manner as if they were Class B products. If the manufacturer makes physical delivery directly to a distributor's customer, the latter (unless he is also a distributor) shall make an allotment directly to the manufacturer in the same manner and subject to the same conditions as if the distributor had no part in the transaction.

(c) A manufacturer of Class A products who sells them for use as maintenance, repair, or operating supplies (except items purchased from him by a Claimant Agency and for which he has received an allotment) shall obtain allotments for such manufacture in the manner provided in paragraph (b) of this section. Applications pursuant to said paragraph (b) and this paragraph (c) may be combined in a single Form CMP–4B.

(d) Notwithstanding paragraph (a) of this section, a manufacturer who also sells purchased Class A products to round out his line, which do not represent more than 10 percent of his estimated total sales receipts in a calendar quarter for which he files an application for allotment, shall be deemed the manufacturer of such products and not a distributor for purposes of this section.

SEC. 16. *Alternative procedure for simultaneous allotments.* A prime or secondary consumer who has several secondary consumers in different degrees of remoteness, may, at his option, authorize individual production schedules and make simultaneous direct allotments to all such secondary consumers of all degrees of remoteness. The person who is to make the allotment under this alternative procedure (the originating consumer) may request each supplier of all degrees of remoteness to furnish him directly with information regarding such supplier's requirements for controlled materials, and each such supplier shall comply with such request. If this procedure is followed, each supplier shall include in the information he furnishes to the originating consumer only his own requirements for controlled materials and not those of his suppliers. In no event shall a person who uses this alternative procedure make an allotment of more controlled materials than he has received. All the provisions of this regulation regarding authorized production schedules and allotments shall apply to the alternative procedure for simultaneous allotments, except as specifically provided in this section.

SEC. 17. *Restrictions on placing authorized controlled material orders, and on use of allotments and materials.* (a) In no event shall a consumer request delivery of any controlled material in a greater amount or on an earlier date than required to fulfill his authorized production schedule, or in an amount so large or on a date so early that receipt of such amount on the requested date would result in his having an inventory of controlled materials in excess of the limitations prescribed by CMP Regulation No. 2 or by any other applicable regulation or order of NPA. If the quantity of any controlled material required by a consumer is less than the minimum mill quantity specified in Schedule IV of this regulation, and is not procurable from a distributor, he may accept delivery of the full minimum shown in such schedule.

(b) No consumer shall use an allotment, or any controlled material or Class A product obtained pursuant to an allotment, for any purpose except: (1) To fulfill the related authorized production schedule, or (2) to fulfill any of his other authorized production schedules for Class A products which bear the same allotment number, or (3) to fulfill any of his other authorized production schedules for Class B products which are in the same Product Class Code as shown in the "Official CMP Class B Product List" issued by NPA, or (4) to replace in inventory, controlled materials or Class A products used to fulfill any of such authorized production schedules, subject to the provisions of CMP Regulation No. 2 or any other applicable regulation or order of NPA. Where an allotment made for one schedule is used in filling another schedule as provided in this paragraph, no charge need be made against the allotment account of the second schedule, but an appropriate record must be made, on the allotment accounts or otherwise, describing the circumstances.

(c) If a consumer's needs for a controlled material or Class A product are reduced before he has ordered or received delivery of them, he must immediately return the allotment as explained in section 18 of this regulation unless he uses the allotment for the purposes permitted in paragraph (b) of this section. If he has already placed authorized controlled material orders or delivery orders for Class A products, he must cancel them. If cancellation of such orders is impracticable because of shipments already made, he may accept delivery of the controlled materials and Class A products, in which case his use of them is covered by paragraph (d) of this section.

(d) Unless otherwise provided by NPA, if it develops, after a consumer has received delivery of controlled materials or Class A products pursuant to an allotment, that he cannot use them for a purpose permitted under paragraph (b) of this section, he shall not use or dispose of them except as provided below: (1) He may hold the controlled materials or Class A products in his inventory for use in connection with future authorized production schedules; (2) he may sell or otherwise transfer title to such controlled materials to his original supplier of such controlled materials; (3) he may sell or otherwise transfer title to such steel controlled materials to a steel distributor who has a base tonnage within the meaning of, and who operates under, the provisions of NPA Order M–6A; (4) he may sell or otherwise transfer title to such controlled materials to a person who places an authorized controlled material order with him (including, but not limited to, sales of brass mill products to distributors of brass mill products who place orders in accordance with the provisions of NPA Order M–82, sales of copper wire mill products to distributors of copper wire mill products who place orders in accordance with the provisions of NPA Order M–86, and sales of aluminum to distributors of aluminum who place orders in accordance with the provisions of NPA Order M–88), in which event he (the seller) shall not extend the allotment number identifying such order; or (5) he shall request authorization from NPA or the appropriate Claimant Agency as to any other use or disposition of such controlled materials or Class A products.

(e) When a consumer receives instructions from NPA directing the disposition or use of controlled materials or Class A products, he must comply with such instructions. Also, he must comply with any instructions he receives from a Claimant Agency with respect to his use of controlled materials or Class A products which he obtained by use of an allotment from that Claimant Agency. In any program of the same Claimant Agency, or with respect to their sale to any other person for use in a program of the same Claimant Agency, subject always to whatever rights he may have to reimbursement.

(f) A consumer need not segregate inventories of controlled materials or Class A products which he obtained by use of his allotments, even though different allotment numbers are used in ordering them, nor does he have to earmark them for a particular schedule. Although a consumer must charge the appropriate allotment account when placing an authorized controlled material order or making an allotment, he may keep all controlled materials and Class A products received in a common inventory and in withdrawing from inventory he does not have to charge the withdrawal against the allotment account. A consumer who is operating under several authorized production schedules need not maintain separate records of the production obtained from the allotment received for each schedule if the records which he normally keeps show that his use of material for his respective schedules is substantially proportionate to the amounts of material allotted for each, and that his aggregate production of any product does not exceed the aggregate of the production schedules authorized for that product.

SEC. 18. *Adjustments for changes in requirements.* (a) If a consumer's requirements for controlled materials or Class A products needed to fulfill an authorized production schedule are increased after he receives his allotment, he may apply for an additional allotment to the person who made the allotment for that schedule.

(b) If a consumer finds that he has been allotted substantially more than he needs, he must return the excess. As of the first of each month, each consumer must check up on his anticipated requirements for the quarter and determine whether he has been allotted more than he anticipates he needs. If he has, he must return the excess by the tenth of the month. He need not take a physical inventory for this purpose, but must check up on the effect of known changes in his requirements or errors which he has discovered in his statement of requirements. As of the end of each quarter, he must determine whether he has used his entire allotment by placing authorized controlled material orders or making allotments to his secondary consumers, and, if he has any excess, he must return it by the tenth day after the close of the quarter.

(c) The return of an unneeded allotment must be made to the person from whom the allotment was received on such form as may be prescribed. If it is impracticable to obtain the prescribed form, the return may be made by letter setting forth the facts.

(d) In those cases where it is impracticable for a secondary consumer to return an allotment to the person from whom he received it, he may make the return directly to the appropriate Claimant Agency or Industry Division.

SEC. 19. *How to place orders with controlled materials producers and distributors.* (a) A delivery order placed with a controlled materials producer or a controlled materials distributor (as defined in CMP Regulation No. 4) for controlled material shall be deemed an authorized controlled material order only if (1) it contains an allotment number and the calendar quarter for which the allotment is valid, as provided in section 11 of this regulation, and complies with the provisions of this section, or (2) it is specifically designated as an authorized controlled material order by any regulation or order of NPA.

(b) A consumer who has received an allotment may place an authorized controlled material order with any controlled materials supplier unless otherwise specifically directed. An allotment to a prime consumer may include an instruction to place delivery orders for controlled materials with one or more designated controlled materials suppliers. In such event the consumer shall use the allotment only to obtain controlled materials from the designated controlled materials supplier or suppliers or to make allotments to secondary consumers, designating therein only suppliers named in the allotment received by him. Except as required by the allotment which he has received, no consumer shall impose any such restriction in any allotment made by him.

(c) Every authorized controlled material order must contain a certification in addition to specifying the allotment number, the calendar quarter for which the allotment is valid, and the delivery date or dates. Unless another form of certification is specifically prescribed by an applicable order or regulation of NPA, such certification shall be in the following form:

Certified under CMP Regulation No. 1

and shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation that, subject to the criminal penalties provided for in applicable United States statutes, the purchaser has received an allotment of controlled material authorizing him, in accordance with the provisions of this regulation, to place such order, and that the amount ordered is within the related allotment received by him, after he has deducted from such allotment all allotments made by him to secondary consumers and all other orders for controlled material placed by him and accepted by suppliers pursuant to the same allotment.

(d) An authorized controlled material order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III of this regulation, or at such later time as the controlled materials producer may find it practicable to accept the same, provided that no controlled materials producer shall discriminate between customers in rejecting or accepting late orders.

(e) A delivery order for controlled materials placed by a consumer before he has received his authorized production schedule and allotment, calling for delivery after June 30, 1951, may be converted into an authorized controlled material order, after receipt of such schedule and allotment, either by furnishing a revised copy of the order conforming to the requirements of this section or by furnishing in writing information clearly identifying the order and bearing the certification required by paragraph (c) of this section.

(f) No person shall place an authorized controlled material order unless the amount of controlled material ordered is within the related allotment received by him, after deducting all allotments made by him and all orders for controlled material placed by him pursuant to the same allotment, or unless he is expressly authorized to place such an order by any applicable regulation or order of NPA.

(g) Authorized controlled materials orders shall take precedence over other orders for controlled materials to the extent provided in CMP Regulation No. 3. A delivery order for controlled materials not covered by an allotment shall not be combined with an authorized controlled material order. However, such orders shall be combined if the total of both does not exceed the minimum mill quantity specified in Schedule IV of this regulation, provided that the controlled materials involved are not procurable from a distributor. Where such orders are combined, the portion covered by allotment must be specifically identified by the appropriate allotment number and such delivery order must contain the certification provided in paragraph (c) of this section.

CONTROLLED MATERIALS PRODUCERS

SEC. 20. *Rules applicable to controlled materials producers.* (a) Each controlled materials producer shall comply with such production and other directives as may be issued from time to time by NPA and with the provisions of all other applicable regulations and orders of NPA regarding production and delivery of controlled materials.

(b) Each controlled materials producer shall accept all (1) authorized controlled material orders, (2) orders which he is required to accept pursuant to any regulation or order of NPA, and (3) orders which he is required to accept pursuant to NPA directive.

(c) A controlled materials producer shall be required to accept orders for controlled materials in conformity with the provisions of this regulation, as the same is or may be modified by the provisions of NPA Order M–1 (steel), NPA Order M–5 (aluminum), NPA Order M–6 (steel), NPA Order M–6A (steel), NPA Order M–11 (copper), NPA Order M–82 (copper), NPA Order M–86 (copper), NPA Order M–88 (aluminum), and NPA Order M–89 (steel, copper, and aluminum), and the directions thereto, or of any other applicable regulation or order of NPA, as the same may be issued or amended from time to time. In no event

shall a controlled materials producer accept an authorized controlled material order which calls for delivery in a quarter other than the quarter for which the related allotment is valid.

(d) A controlled materials producer may reject orders in the following cases, but he shall not discriminate between customers in rejecting or accepting such orders:

(1) If the order is one for less than the minimum mill quantity specified in Schedule IV of this regulation.

(2) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(e) In any case where a controlled materials producer is of the opinion that the filling of an order which he is required to accept pursuant to this section would substantially reduce his over-all production owing to the large or small size of the order, unusual specifications, or otherwise, he shall notify the appropriate Controlled Materials Division setting forth the pertinent facts. NPA may direct that the order be placed with another supplier or take other appropriate action.

(f) A controlled materials producer shall make shipment on each authorized controlled material order as close to the requested delivery date as is practicable. He may make shipment during the 15 days prior to the requested delivery month, but not before then, provided such shipment does not interfere with shipment on other authorized controlled material orders, and provided production to meet such shipment would not violate any production directive. If a producer, after accepting an order within the limits provided in this section, finds that, due to contingencies which he could not reasonably have foreseen, he is obliged to postpone the shipment date, he must promptly advise his customer of the approximate date when shipment can be scheduled, and keep his customer advised of any changes in that date. Shipment of any such carry-over order must be scheduled and made in preference to any order originally scheduled for such later date. When the new date for shipment on a carry-over order, originally scheduled for delivery in the fourth calendar quarter of 1951 or in any calendar quarter subsequent thereto, falls within a later quarter than that indicated on the original order, the producer must make shipment on the basis of the original order even if that order shows that the allotment was valid for a quarter earlier than the one in which shipment is actually made, and the customer is not required to charge his allotment for the quarter during which shipment on such carry-over order is actually made.

(g) If a controlled materials producer takes controlled materials which he has produced and processes them into a form other than a controlled materials form, or if he uses controlled materials which he has produced to make a product or a material other than a controlled material, such processing or use shall be considered a delivery for the purposes of this section.

(h) If the controlled material delivered pursuant to an authorized controlled material order varies from the exact amount specified in such order, the making and acceptance of such delivery shall not be deemed a violation of this regulation by the controlled materials producer or his customer, provided such variation does not exceed the commercially recognized shipping tolerance, or allowance for excess or shortage.

(i) An authorized controlled material order shall not constitute an allotment of controlled material to the controlled materials producer with whom it is placed. If a controlled materials producer requires delivery of controlled materials from other controlled materials producers, to be processed by him and sold to his customers in another form or shape constituting a controlled material, such delivery may be made or accepted only pursuant to a specific instruction of NPA, or pursuant to allotment as provided in section 21 of this regulation.

SEC. 21. *Production requirements of controlled materials producers.* This section provides the procedures under which controlled materials producers may obtain production materials required in the production of controlled materials. For the purposes of this section, "production material" means, with respect to any controlled materials producer, any material (including controlled material) or product which will be physically incorporated into his product, and includes the portion of such material normally consumed or converted into scrap in the course of processing. It includes containers and packaging materials required to make delivery of the materials he produces, and also chemicals used directly in the production of the materials he produces. It does not include any items purchased by him as manufacturing equipment, or for maintenance, repair, or operating supplies as defined in CMP Regulation No. 5.

(a) Except in those cases handled by directives pursuant to section 20 (a) of this regulation, if a controlled materials producer requires delivery, after June 30, 1951, of controlled materials or of Class A products to be incorporated in a controlled material produced by him, he may apply for an allotment on Form CMP–4B or such other form as may be prescribed for the purpose. Such applications shall be sent to the Controlled Materials Division charged with supervision over the operations of the controlled materials producer, even if a different controlled material is involved.

(b) Allotments will be made to controlled materials producers applying under paragraph (a) of this section in the manner provided in section 10 of this regulation, except that in lieu of authorized production schedules, the controlled materials producer will receive from his Controlled Materials Division production instructions or authorizations. Controlled materials producers who have received allotments pursuant to this paragraph may place authorized controlled material orders in accordance with the provisions of section 19 of this regulation.

(c) The self-authorization procedure by which a controlled materials producer obtains production materials (other than controlled materials) is described in Direction 2 to this regulation.

GENERAL PROVISIONS

SEC. 22. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA. In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of an authorized production schedule, he shall immediately report the matter to the appropriate Industry Division, and to the Claimant Agency whose schedule is affected. NPA will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by NPA, such person shall comply with the provisions of such regulation or order.

SEC. 23. *Records and reports.* (a) Each consumer making or receiving any allotment of controlled materials shall maintain at his regular place of business accurate records of all allotments received, of procurement pursuant to all allotments, and of the subdivision of all allotments among his direct secondary consumers. Such records shall be kept separately by allotment numbers, pursuant to section 11 of this regulation, and shall include separate entries under each number for each customer, Claimant Agency, or Industry Division from whom allotments are received under such number, except as otherwise specifically provided in this regulation.

(b) Each consumer and each controlled materials producer shall retain for at least 2 years at his regular place of business all documents on which he relies as entitling him to make or receive an allotment or to deliver or accept delivery of controlled materials or Class A products, segregated and available for inspection by representatives of NPA, or Claimant Agencies authorized by NPA, or filed in such manner that they can be readily segregated and made available for such inspection.

(c) The provisions of this regulation do not require any particular accounting method, provided the records maintained supply the information specified by this regulation and furnish an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(d) Persons subject to this regulation shall maintain such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 24. *Applications for adjustment or exception.* (a) Any person subject to any provision of this regulation, or any other regulation, order, direction, or other action under the Controlled Materials Plan, may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) A producer of Class A products making a large variety of items which are sold to many customers and whose allotments originate from several customers or Claimant Agencies, may file a request to be treated as a producer of Class B products. Such request shall be in writing submitted in triplicate, shall set forth all pertinent facts, and shall state the justification therefor.

SEC. 25. *Communications.* All communications concerning this regulation, except as otherwise specified in this regulation, shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 1.

SEC. 26. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation as amended shall take effect November 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

SCHEDULE I TO CMP REGULATION NO. 1—CONTROLLED MATERIALS

(See sections 2 (c) and 2 (j))

["Controlled material" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated in this schedule, whether new, remelted, rerolled, or redrawn, including used and second-quality materials, shearings, and material sorted or salvaged from scrap which are sold for other than remelting, rerolling, or redrawing purposes.]

CARBON STEEL (INCLUDING WROUGHT IRON)[1]

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled, stock for projectile and shell bodies.[2]
Bar, hot-rolled, other (including light shapes).
Bar, reinforcing (straight lengths—as rolled).
Bar, cold-finished.

(b) Sheet, strip (uncoated and coated).
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Sheet, all other coated.
Sheet, enameling.
Roofing, galvanized, corrugated, V-crimped channel drains.
Ridge roll, valley, and flashing.
Siding, corrugated and brick.
Strip, hot-rolled.
Strip, cold-rolled.
Strip, galvanized.
Electrical sheet and strip.
Tin mill black plate.
Tin plate, hot-dipped.
Ternes, special coated manufacturing.
Tin plate, electrolytic.

(c) Plate.[3]

(d) Structural shapes,[4] piling.

(e) Pipe, tubing.[5]
Includes:
Standard pipe (including type of couplings furnished by mill).[6]
Oil country goods (casings, tubular goods, type of couplings furnished by mill).
Line pipe (including type of couplings furnished by mill).
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.

(f) Wire, wire products.
Includes:
Wire—drawn.
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted.
Spikes and brads—steel wire, galvanized, and cement-coated.
Staples, bright and galvanized (farm and poultry).
Wire rope and strand.
Welded wire mesh and woven wire netting.
Barbed and twisted wire.
Wire fence, woven and welded (farm and poultry).
Bale ties.
Coiled automatic baler wire.

(g) Tool steel (including die blocks and tool steel forgings).

(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, shell quality for body stock only.[7]
Billets, shell quality for component parts and rockets.
Blooms, slabs, other billets, tube rounds, sheet bars.
Skelp.
Wire rod.
Rails.
Joint bars (track).
Tie plates (track).
Track spikes.
Wheels, rolled or forged (railroad).
Axles (railroad).

(i) Castings (not including cast iron).

ALLOY STEEL[8] (EXCEPT STAINLESS STEEL)

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled projectile and shell quality.
Bar, hot-rolled, other (including light shapes).
Bar, cold-finished.

[1] For the purpose of this schedule "carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) All grades of electrical sheets and strip; (2) low-alloy, high-strength steels; and (3) clad and coated carbon steels not included with alloy steels; e. g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels. "Low-alloy, high-strength steels" means only the proprietary grades promoted and sold for this purpose.

[2] Includes projectile body stock, sizes under 2⅞ inches and component parts, all sizes.

[3] Carbon plates not only include the following minimum size specifications, but also floor plates of any thickness:

0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 6 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 6 inches wide.

[4] "Structural shapes" means rolled flanged sections having at least one dimension of their cross section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flange sections.

[5] For operations relating to allotments and deliveries of controlled materials beginning with the first calendar quarter of 1953, steel pipe or tubing exceeding 36 inches O. D. is not a controlled material, but is a Class A product.

[6] Standard pipe includes the following:

Ammonia pipe.
Bedstead tubing.
Driven well pipe.
Drive pipe.
Dry kiln pipe.
Dry pipe for locomotives.
English gas and steam pipe.
Furniture pipe.
Ice machine pipe.
Mechanical service pipe.
Nipple pipe.
Pipe for piling.
Pipe for plating and enameling.
Pump pipe.
Signal pipe.
Standard pipe coupling.
Structural pipe.
Turbine pump pipe.
Water main pipe.
Water well casing.
Water well reamed and drifted pipe.

[7] Includes only projectile body stock, sizes 2⅞ inches and larger, rounds, and round-cornered squares.

[8] For purposes of this schedule "alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheets and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless) are alloy steels.

(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Strip, hot-rolled.
Strip, cold-rolled.
(c) Plate.[9]
Includes:
Rolled armor.
Other.
(d) Structural shapes.[4]
(e) Pipe, tubing.[5]
Includes:
Oil-country goods.
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.
(f) Wire.
(g) Tool steel (including die blocks and tool steel forgings).
(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, projectile and shell quality.
Blooms, slabs, other billets, tube rounds sheet bars.
Wire rods.
Rails.
Wheels, rolled or forged (railroad).
Axles (railroad).
(i) Castings.

STAINLESS STEEL [10]
(a) Seamless tubing.[5]
(b) Other mill forms and products (not including forgings).
Includes:
Bar, bar shapes (including light shapes).
Includes:
Bar, hot-rolled (including light shapes).
Bar, cold-finished.
Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Strip, hot-rolled.
Strip, cold-rolled.
Plate.[11]
Structural shapes.[4]
Tubing (except seamless).[5]
Wire, wire products.
Includes:
Wire, drawn.
Wire rope and strand.
Welded wire mesh and woven wire netting.
Ingots, blooms, billets, tube rounds, sheet bars, wire rods.
(c) Castings.[12]

[9] Alloy steel plates include the following size specifications:

0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 12 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 12 inches wide.

[10] "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements. However, stainless steel containing less than 1 percent nickel is not a controlled material, nor is it a Class A or a Class B product.

[11] Stainless steel plates include the following size specifications: 3/16 inch (0.1875) or thicker, over 10 inches wide.

[12] "Stainless steel castings" means any steel casting which is heat- corrosion- or abrasion-resistant, containing 50 percent or more of iron and 8 percent or more of chromium with or without nickel, molybdenum, or other alloying elements.

COPPER AND COPPER-BASE ALLOY BRASS MILL PRODUCTS [13]
Copper (unalloyed):
(a) Bar, rod, shapes, wire (except electrical wire).
(b) Sheet, strip, plate, rolls.
(c) Pipe, tubing (seamless).
Copper-base alloy: [14]
(d) Bar, rod, wire, shapes.
(e) Sheet, strip, plate, rolls, military ammunition cups and discs.
(f) Pipe, tubing (seamless).

COPPER WIRE MILL PRODUCTS
All copper wire and cable for electrical conduction including but not limited to:
Bare and tinned.
Weatherproof.
Magnet wire.
Insulated building wire.
Paper and lead power cable.
Paper and lead telephone cable.
Asbestos cable.
Portable and flexible cord and cable.
Communication wire and cable.
Shipboard cable.
All copper wire and cable for electrical conduction including but not limited to—Continued
Automotive and aircraft wire and cable.
Insulated power cable.
Signal and control cable.
Coaxial cable.
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.

COPPER AND COPPER-BASE ALLOY FOUNDRY PRODUCTS AND POWDER
Includes:
Copper, brass, and bronze castings.[15]
Copper, brass, and bronze powder.

ALUMINUM [16]
Rolled bar, rod, wire (including drawn wire), structural shapes.
Aluminum cable steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, tubing (including drawn or welded tubing).
Sheet, strip, plate.
Pig or ingot, granular or shot.

SCHEDULE II TO CMP REGULATION NO. 1—SHORT FORM OF ALLOTMENT

(See section 12 (f).)

Controlled material	Allotment (specify short tons or pounds)			
	....Quarter 195..	....Quarter 195..	....Quarter 195..	....Quarter 195..
Carbon steel (including wrought iron)				
Alloy steel (except stainless steel)				
Stainless steel				
Copper and copper-base alloy brass mill products				
Copper wire mill products				
Copper and copper-base alloy foundry products and powder				
Aluminum				

Allotment No.---------- ----------
Signature and title
Date----------

Above allotments are made for use in filling this delivery order in compliance with CMP Regulation No. 1.

INSTRUCTIONS FOR USE OF SHORT FORM OF ALLOTMENT—FORM CMP-5

The above short form of allotment may be used by any consumer who has received an allotment for the purpose of making an allotment to a secondary consumer producing Class A products for him. The short form of allotment must be either placed on or physically attached to the delivery order calling for delivery of the Class A products. If it is attached, the delivery order number or other identification must be indicated on the form.

The form must be signed by an authorized official of the consumer making the allotment, but need not be separately signed if it is placed on the delivery order in such a position that the signature of the delivery order by such an authorized official clearly applies to the allotment as well as to the order itself.

The size of the form may be varied, but all information called for by the form must be supplied and the general arrangement and wording of the form must be followed.

[13] Includes anodes—rolled, forged, or sheared from cathodes.

[14] "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67-38.

[15] Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner and/or outer diameter before delivery to a customer). Castings include anodes cast in a foundry or by an ingot maker.

[16] Aluminum foil and aluminum powder (atomized or flake, including paste) are not controlled materials or Class A or Class B products.

SCHEDULE III TO CMP REGULATION NO. 1—TIME FOR PLACING AUTHORIZED CONTROLLED MATERIAL ORDERS

(See section 19 (d).)

Name of product [1]	Number of days in advance of first day of month in which shipment is required				
	Steel				Aluminum and copper
	Carbon	Low-alloy high-strength	Stainless	Alloy [2]	
Steel:					
Bar, bar shapes (including light shapes):					
Bar, hot-rolled projectile and shell quality	45	75	----	[3] 75	----
Bar, hot-rolled, other (including light shapes)	[3] 45	[3] 75	90	[3] 75	----
Bar, reinforcing (straight lengths—as rolled)	45	----	----	----	----
Bar, cold-finished	[3] 75	[3] 105	105	[3] 105	----
Sheet, strip (uncoated and coated):					
Sheet, hot-rolled	45	75	90	75	----
Sheet, cold-rolled	45	75	105	90	----
Sheet, galvanized	45	----	----	----	----
Sheet, all other coated	45	----	----	----	----
Sheet, enameling	45	----	----	----	----
Roofing, galvanized, corrugated, V-crimped channel drains	45	----	----	----	----
Ridge roll, valley, and flashing	45	----	----	----	----
Siding, corrugated and brick	45	----	----	----	----
Strip, hot-rolled	45	75	90	75	----
Strip, cold-rolled	45	75	105	90	----
Strip, galvanized	45	----	----	----	----
Electrical sheet and strip	(4)	----	----	----	----
Tin mill black plate	45	----	----	----	----
Tin plate, hot-dipped	45	----	----	----	----
Ternes, special coated manufacturing	45	----	----	----	----
Tin plate, electrolytic	45	----	----	----	----
Plate	[5] 45	[3] 75	90	[3] 75	----
Structural shapes, piling	45	[3] 75	[3] 150	90	----
Pipe, tubing:					
Standard pipe (including couplings furnished by mill)	45	----	120	----	----
Oil country goods (casings, tubular goods, couplings furnished by mill)	45	----	----	60	----
Line pipe (including couplings furnished by mill)	45	----	----	----	----
Pressure tubing—seamless and welded	[3] 60	----	120	120	----
Mechanical tubing—seamless and welded	[3] 60	----	120	120	----
Wire, wire products:					
Wire, drawn	45	75	90	75	----
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted	45	----	----	----	----
Spikes and brads—steel wire, galvanized, and cement-coated	45	----	----	----	----
Staples, bright and galvanized (farm and poultry)	45	----	----	----	----
Wire rope and strand	45	----	----	----	----
Welded wire mesh and woven wire netting	45	----	105	----	----
Barbed and twisted wire	45	----	105	----	----
Wire fence, woven and welded (farm and poultry)	45	----	----	----	----
Bale ties	45	----	----	----	----
Coiled automatic baler wire	45	----	----	----	----
Tool steel (including die blocks and tool steel forgings)	[3] 60	----	----	[3] 90	----
Other mill forms and products (not including forgings except for wheels):					
Ingots	45	75	75	75	----
Billets, projectile and shell quality	45	75	----	75	----
Blooms, slabs, other billets, tube rounds, sheet bars	45	75	75	75	----
Skelp	45	----	----	----	----
Wire rod	45	75	90	75	----
Rails	45	----	----	90	----
Joint bars (track)	45	----	----	----	----
Tie plates (track)	45	----	----	----	----
Track spikes	45	----	----	----	----
Wheels, rolled or forged (railroad)	45	----	----	90	----
Axles (railroad)	45	----	----	90	----
Castings (not including cast iron)	[3] 60	[3] 90	[3] 90	[3] 90	----
Copper and copper-base alloy brass mill products:					
Copper (unalloyed):					
Bar, rod, shapes, wire (except electrical wire)	----	----	----	----	45
Sheet, strip, plate, rolls	----	----	----	----	45
Pipe, tubing (seamless)	----	----	----	----	45
Copper-base alloy:					
Bar, rod, wire, shapes	----	----	----	----	[6] 45
Sheet, strip, plate, rolls, military ammunition cups and discs	----	----	----	----	[6] 45
Pipe, tubing (seamless)	----	----	----	----	[6] 45
Copper wire mill products:					[6] 45
Copper wire and cable:					
Bare and tinned	----	----	----	----	35
Weatherproof	----	----	----	----	35
Magnet wire	----	----	----	----	35
Insulated building wire	----	----	----	----	35
Paper and lead power cable	----	----	----	----	60
Paper and lead telephone cable	----	----	----	----	60
Asbestos cable	----	----	----	----	60
Portable and flexible cord and cable	----	----	----	----	45
Communications wire and cable	----	----	----	----	45
Shipboard cable	----	----	----	----	60
Automotive and aircraft wire and cable	----	----	----	----	45
Insulated power cable	----	----	----	----	60
Signal and control cable	----	----	----	----	60
Coaxial cable	----	----	----	----	45
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	----	----	----	----	35
Copper and copper-base alloy foundry products and powder:					
Copper, brass, and bronze castings	----	----	----	----	[6] [7] 14
Copper, brass, and bronze powder	----	----	----	----	30

See footnotes at end of table.

SCHEDULE III TO CMP REGULATION NO. 1—TIME FOR PLACING AUTHORIZED CONTROLLED MATERIAL ORDERS—Continued

Name of product [1]	Number of days in advance of first day of month in which shipment is required				
	Steel				Aluminum and copper
	Carbon	Low-alloy high-strength	Stainless	Alloy [2]	
Aluminum:					
Rolled bar, rod, wire (including drawn wire)					60
Aluminum cable steel reinforced (ACSR) and bare aluminum cable					60
Insulated or covered wire or cable					60
Extended bar, rod, shapes, tubing (including drawn or welded tubing)					60
Sheet, strip, plate					60
Pig or ingot, granular or shot					60

[1] See definitions contained in footnotes to Schedule I of this regulation.
[2] For orders calling for delivery on or after April 1, 1953, for clad products, add 45 days to lead time indicated.
[3] If annealed or heat-treated, add an additional 15 days.
[4] For electrical sheets and strip, use this table.

Grade	Lead time	Definition
Low	45	AISI M50, M43, M36.
Medium	45	AISI M27, M22, M19.
High	60	AISI M17, M15, M14, and oriented.

[1] Rolled armor plate is subject to negotiation between mill and its customer. If no acceptable arrangements are worked out, NPA should be notified.
[2] Applies to special rolled shapes including angles and channels.
[3] For welded tubing, 75 days.
[4] If cold-finished, add an additional 15 days.
[5] Lead time applies to unmachined castings after approval of patterns for production.
[6] For refractory alloys, 60 days.
[7] Small simple castings to fit 12x16 inch flask, 7 days.

SCHEDULE IV TO CMP REGULATION NO. 1—MINIMUM MILL QUANTITIES

(See sections 17 (a), 19 (g), and 20 (d))

Name of product [1]	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination		
	Steel [2]		Aluminum and copper (pounds)
	Carbon	Alloy	
Steel:			
Bar, bar shapes (including light shapes):			
Bar, hot-rolled projectile and shell quality	(3)	(3)	
Bar, hot-rolled, other (including light shapes):			
Round bars up to and including 3 inches, and squares, hexagons, half rounds, ovals, etc., of approximately equivalent section area—net tons	5	5	
Round and square bars over 3 inches to, but not including, 8 inches—net tons	15	15	
Bar-size shapes (angles, tees, channels, and zees under 3 inches)—net tons	5	5	
Bar, reinforcing (straight lengths, as rolled)—net tons	5	5	
Bar, cold-finished—net tons	5	(3)	
Sheet, strip (uncoated and coated):			
Sheet, hot-rolled—net tons	5	(3)	
Sheet, cold-rolled	(3)		
Sheet, galvanized	(3)		
Sheet, all other coated	(3)		
Sheet, enameling	(3)		
Roofing, galvanized, corrugated, V-crimped channel drains	(3)		
Ridge roll, valley, and flashing	(3)		
Siding, corrugated and brick—net tons	3	(3)	
Strip, hot-rolled—net tons	3	(3)	
Strip, cold-rolled	(3)		
Strip, galvanized	(3)		
Electrical sheet and strip—pounds	5,000		
Tin mill black plate—pounds	5,000		
Tin plate, hot-dipped—pounds	5,000		
Ternes, special coated manufacturing—pounds	5,000		
Tin plate, electrolytic	(3)	(3)	
Plate:			
Rolled armor—net tons	10	(3)	
Continuous strip mill production—net tons	3	(3)	
Sheared, universal, or bar mill production	(3)	(3)	
Structural shapes, piling	(4)	(4)	
Pipe, tubing:			
Standard pipe (including couplings furnished by mill)	(4)	(4)	
Oil country goods (casings, tubular goods, couplings furnished by mill)	(4)	(4)	
Line pipe (including couplings furnished by mill)	(4)	(4)	
Pressure and mechanical tubing (seamless and welded):			
Seamless cold-drawn (O. D. in inches):			
Up to ¾ inclusive—feet	1,000	1,000	
Over ¾ to 1½ inclusive—feet	800	800	
Over 1½ to 3 inclusive—feet	600	600	
Over 3 to 6 inclusive—feet	400	400	
Over 6—feet	250	250	
Seamless hot-rolled	(3)	(3)	
Welded	(3)	(3)	

See footnotes at end of table.

SCHEDULE IV TO CMP REGULATION NO. 1—MINIMUM MILL QUANTITIES—Continued

Name of product [1]	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination		
	Steel [2]		Aluminum and copper (pounds)
	Carbon	Alloy	
Steel—Con.			
Wire, wire products:			
Wire, drawn		(3)	
Low carbon—net ton	1		
High carbon (0.40 carbon and higher):			
Under 0.021 inch—pounds	500		
From 0.021 inch to 0.0475 inch—pounds	1,000		
0.0475 inch and heavier—net ton	1		
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted—net ton	[4] 5		
Spikes and brads—steel wire, galvanized, and cement-coated—net tons	[4] 5		
Staples, bright and galvanized (farm and poultry)—net tons	[4] 5		
Wire rope and strand	(3)		
Welded wire mesh	(3)		
Woven wire netting—net tons	[4] 5		
Barbed and twisted wire—net tons	[4] 5		
Wire fence, woven and welded (farm and poultry)—net tons	[4] 5		
Bale ties—net tons	[4] 5		
Coiled automatic baler wire—net tons	[4] 5		
Tool steel (including die blocks and tool steel forgings)—pounds	500	500	
Other mill forms and products			
Ingots—net tons	[5] 25	(3)	
Billets, projectile and shell quality	(3)	(3)	
Blooms, slabs, other billets, tube rounds, sheet bars—net tons	[5] 25	(3)	
Skelp—net tons	[6] 25		
Wire rod—net tons	5	5	
Rails and track accessories	(3)	(3)	
Wheels, rolled or forged (railroad)	(3)	(3)	
Axles (railroad)	(3)	(3)	
Castings (not including cast iron)	(3)	(3)	
Copper and copper-base alloy brass mill products:			
Copper (unalloyed):			
Bar, rod, shapes, wire (except electrical wire)			500
Sheet, strip, plate, rolls			500
Pipe, tubing (seamless)			500
Copper-base alloy:			
Bar, rod, wire, shapes			200
Sheet, strip, plate, rolls, military ammunition cups and discs			200
Pipe, tubing (seamless)			200
Copper wire mill products			(3)
Aluminum:			
Rolled bar, rod, wire (including drawn wire), structural shapes			(3)
Aluminum cable steel reinforced (ACSR) and bare aluminum cable			(3)
Insulated or covered wire or cable			(3)
Extruded bar, rod, shapes, tubing (including drawn or welded tubing)			(3)
Sheet, strip, plate			(3)
Pig or ingot, granular or shot			(3)

[1] See definitions contained in footnotes to Schedule I of this regulation.
[2] All stainless steel products are by negotiation. If no acceptable arrangements are worked out, NPA should be notified.
[3] By negotiation between mill and its customer. If no acceptable arrangements are worked out, NPA should be notified.
[4] Published carload minimum (mixed sizes and grades).
[5] Quantity refers to any assortment of wire merchant trade products.
[6] For forging quality, product of one heat.
[7] Product of one heat.
[8] Standard package quantities as published by each mill.
[9] Standard minimum quantities as published by each mill, after approval by NPA.

[F. R. Doc. 52-12423; Filed, Nov. 18, 1952; 10:25 a. m.]

[CMP Regulation No. 1, Direction 9—Revocation]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 9—NON-NICKEL-BEARING STAINLESS STEEL

REVOCATION

Direction 9 as amended March 21, 1952 (17 F. R. 2499), to CMP Regulation No. 1 is hereby revoked. The pertinent provisions of Direction 9 are incorporated concurrently in footnote 10 of Schedule I to CMP Regulation No. 1. This revocation does not relieve any person of any obligation or liability incurred under Direction 9 to CMP Regulation No. 1, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C., App. Sup. 2154)

This revocation is effective November 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12424; Filed, Nov. 18, 1952; 10:25 a. m.]

[NPA Order M-31—Revocation]

M-31—CHLORINE

REVOCATION

NPA Order M-31 of January 23, 1951 (16 F. R. 726), as amended by Amendment 1 of January 7, 1952 (17 F. R. 203), is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-31, nor deprive any person of any rights received or accrued under that order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect November 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12425; Filed, Nov. 18, 1952; 10:25 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 24—SANITATION, HEALTH, AND QUARANTINE

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Governor by Rule 119qq of Executive Order No. 4314 of September 25, 1925, as amended by Canal Zone Order No. 15 of July 15, 1948 (35 CFR 24.102), §§ 24.102a, 24.102b, and 24.102c of Title 35, Code of Federal Regulations, are amended as follows:

1. Section 24.102a is amended by deleting Mexico from, and by adding Canada, Island of Jersey, and Norway to, the list of designated countries in which it is determined that foot-and-mouth disease or rinderpest exists.

2. Section 24.102b is amended by substituting "3 days" for "7 days", and by deleting the words "by the application of dry salt or by soaking in a solution of salt", both changes being in paragraph (b) of said section.

3. Section 24.102c is amended by deleting the works "milk, cheese, or other dairy products that have not been pasteurized", and the words "other products used for feeding".

(Sec. 1, 39 Stat. 527, as amended; 2 C. Z. Code 371, 372, 48 U. S. C. 1310)

Issued at Balboa Heights, Canal Zone, October 14, 1952.

H. O. PAXSON,
Acting Governor of the Canal Zone.

Confirmed: November 12, 1952.

W. M. WHITMAN,
Secretary, Panama Canal Company.

[F. R. Doc. 52-12317; Filed, Nov. 18, 1952; 8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

PERU

In § 127.328 *Peru* make the following changes in paragraph (b) (1):

1. Delete the tabulated information under the table of surface parcel rates in subdivision (i).

2. Add a new subdivision (ii) to read as follows:

(ii) Air parcel rates $1.23 for the first 4 ounces and $0.37 for each additional 4 ounces or fraction.

Weight limit: 22[1] 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 25 cents.
Insurance: No.
C. O. D.: No.
Consular Invoice: Yes. (See observations.)
Each air parcel must have affixed the blue Par Avion Label (Form 2978). (See § 127.55 (b).

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-12313; Filed, Nov. 18, 1952; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers

[General Order 76]

PART 236—STEAMSHIP CONFERENCES USING CONTRACT/NON-CONTRACT RATES

Sec.
236.1 Filing for current contract/non-contract rates.
236.2 Filing for increases in differentials.
236.3 Filing for initiation of contract/non-contract rates.
236.4 Waiver of filing.
236.5 Form of filing.
236.6 Notice.

AUTHORITY: §§ 236.1 to 236.6 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interpret or apply sec. 15, 39 Stat. 733 as amended; 46 U. S. C. 814.

Whereas, the Federal Maritime Board published in the FEDERAL REGISTER on July 31, 1952 (17 F. R. 7020) a notice of proposed rule of procedure pertaining to the use of contract/non-contract rates by steamship conferences to become effective as of a date to be specified in such rule if adopted by the Board; and

Whereas, the Board granted interested parties an opportunity to submit written statements and comments on said rule within 30 days of the publication of said notice, and thereafter at the request of interested parties extended the time therefor until September 19, 1952; and

Whereas, the Board granted interested parties, at their request, an opportunity to be heard at an oral argument before the Board on October 16, 1952; and

Whereas, after consideration of the written statements and comments submitted and oral argument as aforesaid, and in the light thereof, the Board has adopted the rule of procedure hereinafter set forth; and

Whereas, in view of the time and opportunity to be heard afforded all interested parties, and the necessity for prompt and uniform treatment of steamship conferences using contract/non-contract rates, the Board finds that it is in the public interest to make said rule effective upon the publication thereof.

Now, therefore, it is hereby ordered, That pursuant to section 15 of the Shipping Act, 1916 (46 U. S. C. 814), section 204 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1114), and sections 3 and 4 of the Administrative Procedure Act (5 U. S. C. 1002, 1003), the following rule of procedure shall be effective as of the date of publication in the FEDERAL REGISTER:[1]

§ 236.1 *Filing for current contract/non-contract rates.* Steamship freight conferences having in effect contract/non-contract rates on the effective date of this part shall file with the Federal Maritime Board within 90 days after the effective date of this part a statement containing:

(a) The date when contract/non-contract rates were first established by the conference;

(b) The amount of the spread or differential between current contract/non-contract rates stated in terms of percentages or dollars and cents;

(c) The reasons for the use of the current contract/non-contract rates in the particular trade involved, and the basis for the current spread or differential between such rates; and

(d) Copies of the form of all contracts pertaining to such current rates.

§ 236.2. *Filing for increases in differentials.* Steamship freight conferences now or hereafter having in effect contract/non-contract rates shall file with the Federal Maritime Board at least 30 days prior to initiating any increase in the spread or differential between such rates, a statement containing:

(a) The amount of increase in the spread or differential and the total proposed spread or differential in terms of percentages or dollars and cents;

(b) The effective date;

(c) The reasons for the increase in the spread or differential; and

(d) Copies of the form of any changed contract provisions relating to such increase in spread or differential.

As used in this section, an "increase in the spread or differential" shall be deemed only to mean an increase in the percentage of a spread or differential between rates if such spread or differential has been established in terms of percentages, or an increase in the dollars and cents amount of the spread or differential if such spread or differential has been established in terms of dollars and cents.

§ 236.3 *Filing for initiation of contract/non-contract rates.* Steamship freight conferences proposing to establish contract/non-contract rates to become effective after the effective date of this part shall file with the Federal Maritime Board at least 30 days prior to the initiation of such rates, a statement containing:

(a) The amount of the spread or differential in terms of percentages or dollars and cents;

(b) The effective date;

(c) The reasons for the use of contract/non-contract rates in the particular trade involved, and the basis for the spread or differential between such rates; and

(d) Copies of the form of all contracts pertaining thereto.

Contract/non-contract rates for a commodity as to which such rates have previously been in effect and discontinued shall not be deemed to be newly established contract/non-contract rates within the meaning of this section if such contract/non-contract rates are again made effective by the conference without increase in spread or differential and within 12 months after discontinuance.

§ 236.4 *Waiver of filing.* Upon a showing of good and sufficient cause, the time within which to file the foregoing statements may be shortened or extended, or such other action taken with respect thereto, as the Board may consider to be in the public interest and not detrimental to the commerce of the United States.

§ 236.5 *Form of filing.* The information referred to in §§ 236.1 to 236.4, inclusive, shall be submitted to the Federal Maritime Board in the form of a verified original statement duly executed by an authorized official of the conference, together with 15 conformed copies thereof. Conferences complying with this part may from time to time amend or amplify statements submitted pursuant thereto in a manner not inconsistent with prior compliance therewith.

§ 236.6 *Notice.* All information filed pursuant to this part shall be available for inspection by interested parties at the Regulation Office of the Board. A notice of the filing of the statement required under §§ 236.2 and 236.3 will be published in the FEDERAL REGISTER as soon as practicable. Except as may be otherwise provided in cases arising under § 236.4, interested parties shall have twenty (20) days after the date of such publication within which to submit written comments relating to the information filed with the Board pursuant to this part. Said comments may include a statement of position with respect to approval, disapproval or modification, together with a request for hearing, should such hearing be desired.

Dated: November 10, 1952.

By the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary

[F. R. Doc. 52-12361; Filed, Nov. 18, 1952; 8:57 a. m.]

[1] Parcels over 22 pounds accepted for Arequipa, Chiclayo, Lima, Talara, Paita, and Trujillo, only.

[1] This part was published in the FEDERAL REGISTER issue of November 11, 1952 (17 F. R. 10175) and became effective as of that date. This republication is solely for purposes of codification.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10209]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

ASSIGNMENT OF SHIP TELEGRAPH AND TELEPHONE FREQUENCIES

In the matter of amendment of Part 8 of the Commission's rules regarding the assignment of calling frequencies to ship stations using telegraphy in the bands between 4000 and 23000 kc.; amendment of Part 8 of the Commission's rules to provide a plan of assignment of all assignable ship telegraph frequencies between 2000, and 23000 kc and ship telephone frequencies between 4000 and 23000 kc.; Docket No. 10209.

These proceedings were instituted on May 28, 1952, by notice of proposed rule making (Docket 10209), seeking to implement one phase of the Atlantic City Radio Regulations (1947) and the Extraordinary Administrative Radio Conference (Geneva, 1951) by proposing an assignment scheme for ship telegraph high frequency calling frequencies based upon call sign blocks. By further notice of proposed rule making adopted August 13, 1952, an alternative scheme of assignment was proposed, based upon a "company - by - company" assignment plan, and at the same time the proceeding was enlarged in scope to include all assignable ship telegraph frequencies (working, as well as calling) between 2000 and 23000 kc, and also assignable ship telephone frequencies between 4000 and 23000 kc.

The prompt adoption of one plan or the other, or some modification thereof, is essential to the full implementation of Article 33 of the Atlantic City Radio Regulations, which among other things requires that ship radio-telegraph frequencies be assigned "in accordance with an orderly system of rotation", thus assuring a uniform dispersion of assignments throughout the high frequency ship bands.

Under the "company-by-company" assignment plan, as set forth in the Appendix to the Commission's further notice of proposed rule making in Docket 10209, ship telegraph calling frequencies, together with passenger and cargo ship working frequencies, were arranged in harmonically related series, and each column headed by a symbol to be used in applying for and licensing these series of frequencies. All ship telephone frequencies between 4 and 22 Mc were listed under one symbol, for the reason that all HF radiotelephone ships will be licensed for the same frequencies, and the particular frequency used at any time will be determined by the coast station with which communication is established. The essence of the "company-by-company" assignment plan is to set aside for each major licensee a number of frequency columns roughly proportional to the number of ships served by that licensee, frequency columns normally to be applied for in rotation, but only as to those columns reserved for the particular licensee.

It is the Commission's belief that the "company-by-company" assignment plan comes as close to meeting the principle of rotational assignment as any other administratively workable plan, and in addition has certain distinct advantages both to licensees and to the Commission. Ship licensees will be able to predict with certainty which columns of frequencies will be assigned to them, and as a result future orders for crystals and other equipment can be placed well in advance of the frequency changes required. Moreover, equipment could be installed, set up, and tested by the licensee on dummy antennas prior to receipt of license. The Commission, on the other hand, can simplify its licensing procedures by the use of frequency column symbols, in lieu of the actual listing of frequencies that would otherwise be necessary on each license.

In response to its notice and further notice of proposed rule making in Docket 10209, written comments were submitted by the following persons:

National Federation of American Shipping, Inc., hereinafter identified as the Federation.
R. A. Gartman, co-owner, Mobile Marine Radio (WLO).
Mackay Radio and Telegraph Company, Inc., hereinafter identified as Mackay.

In a letter dated June 26, 1952, the Federation requested that consideration be given to the inclusion of 2 Mc band calling frequencies in the overall assignment plan for the reason that those frequencies are harmonically related to ship calling frequencies in the bands between 4 and 23 Mc. Because the issues raised in Docket 10209 were subsequently broadened to include an orderly assignment plan for all ship telegraph frequencies between 2 and 23 Mc, that request is presumed to have been met.

However, in response to the Commission's further notice of proposed rule making the Federation, while expressing agreement with the "general approach" as set forth in the "company-by-company" assignment plan, asserted that the "complete division" of passenger ship frequencies among various licensees "may not meet the needs of certain vessels . . . We (therefore) request that the Commission hold open this portion of its rule making for an additional thirty (30) days." This request was followed up by a statement expressing the opinion that the Commission's plan will not provide a sufficient number of passenger ship working frequencies for large vessels operated by licensees to whom only a limited number of frequencies has been made available. The Commission sees little merit in this contention, since experience shows that the largest vessels are normally licensed in the names of companies to whom the largest number of frequencies has been allocated under the plan. Moreover, it is difficult, in the Commission's judgment, to reconcile the Federation's proposal with the principle of rotational assignment mandated in Article 33 of the Atlantic City Radio Regulations. This matter will be reexamined by the Commission from time to time as circumstances warrant. In the meantime, there appears to be no compelling reason for delaying the adoption of the report and order merely to permit a more extended consideration of this particular problem.

The Federation also desires that frequency assignments be considered "permanent" to each particular vessel, regardless of changes in the identity of the licensee, unless a specific change of frequency is requested by the owner. In this connection, the "company-by-company" assignment plan, as originally proposed, sought only to provide an initial framework within which assignments could be made. The plan was not necessarily intended to require vessels subsequently relicensed in the name of a different communications company to be compelled thereby to operate on different frequencies. In order to assure the uniform dispersion of assignments throughout all assignable bands, the Commission will periodically re-examine the actual assignment pattern, with a view to taking whatever corrective action may become necessary.

The Federation also stresses the "operational necessity" of some steamship companies for high frequency ship-to-ship intercommunication on a common working frequency among vessels of the same fleet. In support of this request, it is said that the comparative absence of high frequency coast stations in South America and elsewhere sometimes necessitates ship-to-ship "relaying" of essential messages to shore points by means of frequencies in the intermediate band. In this connection, the Federation claims that the Commission's plan discriminates against shipping companies who buy radio service from the major radio licensees, and in favor of companies who obtain licenses in their own names and who will "automatically receive what amounts to a common or fleet frequency." In answer to this contention, it might be observed that so long as each licensee keeps an approximately equal distribution of its vessels on each of the frequencies set aside for it in the assignment plan, the licensee is at liberty to group vessels of one line on one or more frequency series. In other words, the Commission has no objection to a reasonable degree of administrative latitude in the selection of frequencies within the assignment plan, provided that the principle of rotation is generally observed. The language of the Appendix set forth below embodying the plan has been modified accordingly to clarify this point.

Finally, it is urged that at least two cargo working frequencies should be made common to the two major marine licensees, RMCA and Mackay, for the benefit of those few steamship companies requiring a common fleet frequency, but whose vessels are divided between the two radio companies. In this connection, it is believed that in view of the small number of shipping companies in this category, the public interest would not be served by disturbing the overall assignment pattern merely to meet the operating convenience of shippers who, it appears, could achieve the same result by the cooperative designation of adjacent working frequencies.

The Federation also directed the Commission's attention to certain typographical errors in the plan as originally pro-

posed. The attached frequency tables have been accordingly amended.

Written comments by R. A. Gartman, received by the Commission on September 30, 1952, puts forward an alternative plan under which ship calling frequency columns would be assigned geographically in a manner roughly proportional to the known volume of traffic handled in each region (viz., Atlantic, Gulf and Pacific). In support of this proposal, the respondent states that coast station operators, presently overworked in some areas, would be relieved of maintaining watch on as many frequencies as will otherwise be necessary. (Coast stations manned by only one operator must normally rely either on gang tuning or the use of numerous receivers to maintain a proper watch on ship telegraph calling frequencies.)

While the geographic concept of assigning calling frequency columns is not without merit, the adoption of such a plan would have to be worked out in detail and coordinated with foreign administrations prior to implementation by any single power. Such coordination would be necessary by reason of the fact that ships of United States registry work foreign coast stations routinely; conversely, ships of foreign registration will seek to establish communication with United States coast stations on the new HF telegraph frequencies upon the effective dates of the Atlantic City and Geneva Agreements. The necessity of timely implementation of these agreements does not permit a more extended consideration of this proposal at this time.

Mackay indicated no objection to the Commission's "company-by-company" assignment plan, provided that "once frequencies have been assigned to a particular vessel it will be optional with any new licensee whether or not new frequencies shall be applied for and (assigned)." As has already been pointed out in connection with the Federation's comments in this proceeding, the Commission has no objection to the retention of frequencies assigned under this plan by vessels eventually relicensed to a different licensee. On the contrary, it is believed that in such instances the retention of the frequencies first assigned will tend more to preserve the initial balancing of assignments under the plan than if different frequencies were assigned. As hereinbefore suggested, the Commission's proposed assignment plan was somewhat ambiguous in this respect, and Appendix set forth below has been modified accordingly.

Information reaching the Commission subsequent to issuance of its further notice of proposed rule making necessitates the designation of certain frequencies for occupancy by United States Government stations. Frequency columns identified by the following symbols are therefore deleted in their entirety from the assignment plan as originally set forth:

P–1, P–14, P–15—Passenger working.
F–49—Cargo working, A and B.
C–1—Calling.

These deletions are reflected in Table 2 set forth below.

In view of the foregoing considerations and determinations, and pursuant to the authority contained in sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended: *It is ordered*, This 3d day of November 1952, that:

(1) The foregoing report is adopted.

(2) Part 8—Stations on Shipboard in the Maritime Services, is amended by inclusion of the Appendix set forth below and all tables appended thereto, effective January 1, 1953.

(3) The proceedings in Docket 10209 are hereby terminated and concluded.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Released: November 10, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Amend Part 8, Stations on Shipboard in the Maritime Services, to add Appendix III:

APPENDIX III—TABLES OF SHIP RADIOTELEGRAPH FREQUENCIES FROM 2000 KC TO 23,000 KC AND SHIP RADIOTELEPHONE FREQUENCIES FROM 4000 KC TO 23,000 KC

Table 1–a—Passenger ship radiotelegraph working frequencies between 2 Mc and 23 Mc.

Table 1–b—Ship radiotelegraph calling frequencies between 2 Mc and 23 Mc.

Table 1–c—Cargo ship [telegraph] working frequencies between 2 Mc and 23 Mc.

Table 2—Ship radiotelegraph frequency assignment plan.

Table 3—Ship radiotelephone frequencies between 4 Mc and 23 Mc.

The following procedures and tables may be used in applying for license for the frequencies listed in Tables 1 and 3 only insofar as the frequencies listed therein are consistent with the implementation and the effective dates of the Geneva Agreement (1951) and the other provisions of the Commission's rules which make frequencies available for assignment to Ship stations. Frequencies assigned in accordance with this Appendix to a station on a particular vessel may be retained at the option of the applicant despite subsequent relicensing of the station to a different licensee. Frequencies appearing in the attached tables may only be used in the manner and to the extent permitted elsewhere in this part.

Table 1–a—Passenger Ship Radiotelegraph Working Frequencies

P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	P11	P12	P13	P14	P15
2067.5			2071.25			2075			2078.75			2082.5	2085	2087.5
	2068.75			2072.5			2076.25			2080				
		2070			2073.75			2077.5			2081.75			
4135			4142.5			4150			4157.5			4165	4170	4175
	4137			4145			4152.5			4160				
		4140			4147.5			4155			4162.5			
6202.5			6213.75			6225			6236.25			6247.5	6255	6262.5
	6206.25			6217.5			6228.75			6240				
		6210			6221.25			6232.5			6243.75			
8270			8285			8300			8315			8330	8340	8350
	8275			8290			8305			8320				
		8280			8295			8310			8325			
12405			12427.5			12450			12472.5			12495	12510	12525
	12412.5			12435			12457.5			12480				
		12420			12442.5			12465			12487.5			
16540			16570			16600			16630			16660	16680	16700
	16550			16580			16610			16640				
		16560			16590			16620			16650			
22075			22105			22125			22145			22175	22195	22215
	22085			22105			22135			22155				
		22095			22115			22145			22165			

Table 1–b—Ship radiotelegraph calling frequencies between 2 Mc and 23 Mc.

C1	C2	C3	C4	C5	C6	C7	C8	C9
2067.5	2071.25	2075	2078.75	2082.5	2085	2087.5	2091	2094.75
4135	4142.5	4150	4157.5	4165	4170	4175	4182.5	4190
6202.5	6213.75	6225	6236.25	6247.5	6255	6262.5	6273.75	6285
8270	8285	8300	8315	8330	8340	8350	8365	8379
12405	12427.5	12450	12472.5	12495	12510	12525	12547.5	12570
16540	16570	16600	16630	16660	16680	16700	16730	16760
22075	22105	22125	22145	22175	22195	22215	22245	22275

Table 1–c—Cargo Ship Working Frequencies

F1	F2	F3	F4	F5	F6	F7	F8	F9	F10	F11	F12	F13	F14	F15	F16	F17	F18	F19	F20	F21	F22	F23	F24	F25	F26	F27	F28	F29
2091			2094.75			2095.5			2096.25			2097			2097.75			2098.5			2099.25			2099.75			2100.25		
	2091.25			2095			2095.75			2096.5			2097.25			2098			2098.75			2099.5			2100.25			2101	
		2094.5			2095.25			2096			2096.75			2097.5			2098.25			2099			2099.75			2100.5			2101.25
4178			4189.5			4191			4192.5			4194			4195.5			4197			4198.5			4200			4201.5	
	4182.5			4190			4191.5			4193			4194.5			4196			4197.5			4199			4200.5			4202
		4181			4184.5			4189.5			4191			4192.5			4194			4195.5			4197			4198.5		
6289			6284.25			6286.5			6288.75			6291			6293.25			6295.5			6297.75			6300			6302.25	
	6291			6285			6287.25			6289.5			6291.75			6294			6296.25			6298.5			6300.75			6303
		6282.75			6285			6287.25			6289.5			6291.75			6294			6296.25			6298.5			6300.75		
8379			8362			8365			8368			8371			8374			8377			8380			8383			8386	
	8368			8363			8366			8369			8372			8375			8378			8381			8384			8387
		8361			8364			8367			8370			8373			8376			8379			8382			8385		
12574			12568.5			12573			12577.5			12582			12586.5			12591			12595.5			12600			12604.5	
	12567.5			12562			12566.5			12571			12575.5			12580			12584.5			12589			12593.5			12598
		12570			12574.5			12579			12583.5			12588			12592.5			12597			12601.5			12606		
16752			16759			16764			16770			16776			16782			16788			16794			16800			16806	
	16754			16760			16766			16772			16778			16784			16790			16796			16802			16808
		16756			16762			16768			16774			16780			16786			16792			16798			16804		
22075			22075			22080			22085			22087.5			22090			22095			22097.5			22302.5			22305		
	22335			22337.5			22342.5			22345			22347.5			22350			22355			22357.5			22360			22365	
		22272.5			22277.5			22282.5			22285			22290			22292.5			22297.5			22300			22305		

F30	F31	F32	F33	F34	F35	F36	F37	F38	F39	F40	F41	F42	F43	F44	F45	F46	F47	F48	F49
2101.75			2102.5			2103.25			2104			2104.75			2105.5			2106.25	
	2102.5			2103.25			2104			2104.75			2105.5			2106.25		
2101.75			2102.5			2103.25			2104			2104.75			2105.5			2106.25	
4203.5			4205			4206.5			4208			4209.5			4211			4212.5	
	4203.5			4205			4206.5			4208			4209.5			4211			4212.5
4203.5			4205			4206.5			4208			4209.5			4211			4212.5	
6305			6307.25			6309.5			6311.75			6314			6316.25			6318.5	
	6305.25			6307.5			6309.75			6312			6314.25			6316.5			6318.75
6305			6307.25			6309.5			6311.75			6314			6316.25			6318.5	
8389			8392			8395			8398			8401			8404			8407	
	8390			8393			8396			8399			8402			8405			8408
		8387			8390			8393			8396			8399			8402		
12609			12613.5			12618			12622.5			12627			12631.5			12636	
	12611.5			12616			12620.5			12625			12629.5			12634			12638.5
		12613.5			12618.5			12624			12628.5			12633			12638		
16812			16818			16824			16830			16836			16842			16848	
	16814			16820			16826			16832			16838			16844			16850
		16816			16822			16828			16834			16840			16846		
22307.5			22312.5			22317.5			22320			22325			22327.5			22330	
	22337.5			22342.5			22347.5			22350			22355			22357.5			22360
		22315			22320			22325			22327.5			22330			22335		

Ship radiotelegraph frequency columns appearing in Tables 1–a, 1–b, and 1–c designated by the symbols P1, P14, P15, C1 and F49 contain frequencies in the 4, 6, 8, 12, 16 and 22 Mc bands which are not available for assignment by the Commission. These frequencies are required for assignment exclusively to U. S. Government ship stations. The remaining 2 Mc frequencies (2067.5, 2085, 2087.5, 2089, and 2106 kc), when assigned, will not be designated by frequency column symbols.

Radiotelegraph, 2000 kc to 23,000 kc. The applicant must consult Table 2, below to find out which frequency column symbols have been allocated for ships licensed to him. The frequencies designated by the symbols shown in Table 2 may be determined from Table 1, which lists all of the frequencies in each series, designated by a frequency column symbol.

Calling frequencies. Application may be made for one calling frequency column symbol from the "C" series, which represents one frequency in each of the 2, 4, 6, 8, 12, 16, and 22 Mc bands, for each ship. If more than one symbol of the "C" series is allocated for a particular licensee, the general principle to follow is to apply for the first vessel under the first symbol, the second symbol for the second vessel, etc., until the allocated symbols are exhausted. The procedure is then repeated, beginning again with the first symbol. Application for frequency column symbol C5 may additionally be made for vessels having life boats or other survival craft equipped for high frequency radio transmission for use of those frequencies by equipment aboard such lifeboats or survival craft.

Cargo ship working frequencies. Application may be made for one cargo working frequency column symbol, from the "F" series, for each cargo ship, which will include one frequency from the 2 Mc and two frequencies each from the 4, 6, 8, 12, 16 and 22 Mc bands. If more than one symbol of the "F" series is allocated for a particular licensee, the frequency symbols should be applied for in rotation for successive vessels as for calling frequencies.

Passenger ship working frequencies. Application may be made for the number of passenger ship working frequencies which, in the best judgment of the applicant, will be essential for the traffic volume of the particular vessel. The frequency column symbols shall be taken from the "P" series, with a minimum of two symbols. If more than two symbols of the "P" series are allocated for a particular licensee, the frequency symbols should be applied for in rotation for successive vessels as for calling frequencies, except that the first symbol for each vessel must be the one after the last of the series of two or more symbols of the previous vessel.

High frequency (Long distance) radiotelephone. Application for all frequencies contained in Table 3 may be made for vessels capable of radiotelephone transmissions on any of these frequencies by designating the frequency column symbol "R1" in the application.

Table 2—Ship Radiotelegraph Frequency Assignment Plan

[For columns of frequencies designated by these symbols, see Table 1, above]

	Calling frequency column symbols	Passenger ship working frequency column symbols	Cargo ship working frequency column symbols
Radiomarine Corp of America	C3, C5,[1] C7, C9	P3, P7, P10, P11, P13	F1, F3, F5, F7, F9, F11, F13, F15, F17, F19, F21, F23, F25, F27, F29, F31, F33, F35, F37, F39, F41, F43, F45, F47
Mackay Radio & Telegraph Co., Inc	C2, C4, C5,[1] C6	P2, P4, P8	F2, F6, F8, F10, F12, F18, F20, F24, F28, F32, F34, F36, F40, F42, F48
Tropical Radio Telegraph Co	C5,[1] C8	P6, P12	F4
Matson Navigation Co	C5,[1] C8	P6, P12	F12
Globe Wireless Co	C5,[1] C8		F16
Other applicants:[2]			
A–C	C5,[1] C8	P5, P9	F22
D–L	C5,[1] C8	P5, P9	F26
M	C5,[1] C8	P5, P9	F30
N–R	C5,[1] C8	P5, P9	F38
S	C5,[1] C8	P5, P9	F44
T–Z	C5,[1] C8	P5, P9	F46

[1] See footnotes [1] and [2] in Table 1–b, "Ship Radiotelegraph Calling Frequencies", above.

[2] Applicants other than the above listed companies must apply for the frequency column symbols shown, in alphabetic groups according to the first letter of their name. As an example, if the applicant's name begins with A, B, or C, he may apply only for frequency column symbols C8, P5, and P9, for a passenger ship, or C8 and F22 for a cargo ship. (Frequency symbol C5 may also be requested if lifeboats or other survival craft are radio equipped.) For this purpose, the alphabetic group of first letters of the name will be selected by using the first word of a trade name omitting "The"; the last name of a personal name; or the last name of the first person appearing in a series of personal names. As examples, the following names would all apply for the third, or "M" group; C8 P5 and P9 or F30. Marine Communications, Inc.; A. B. Miller and Co.; C. D. Munsey, E. F. Murphy, Alfred Abrams, et al.

NOTE: The frequencies represented by Symbols C1, P1, P14, P15 and F49 are not available for assignment under this plan.

TABLE 3—SHIP RADIOTELEPHONE FREQUENCIES BETWEEN 4 MC AND 23 MC

[Frequency column symbol: R1]

4 mc		8 mc		12 mc		16 mc		22 mc	
Coast [1]	Ship	Coast [1]	Ship	Coast [1]	Ship	Coast [1]	Ship	Coast [1]	Ship
4372.4	4067.0	8747.6	8198.4	-------	-------	-------	-------	-------	-------
-------	-------	8761.8	8212.6	-------	-------	-------	-------	-------	-------
4393.1	4087.7	8768.9	8219.7	13157.5	12357.3	17317.5	16487.3	22957.5	22027.3
4400.9	4101.5	-------	-------	13172.9	12372.7	-------	-------	22992.0	22012.7
-------	-------	-------	-------	13180.6	12380.4	17340.6	16510.4	-------	-------
4420.7	4115.3	8797.3	8248.1	-------	-------	-------	-------	-------	-------
4427.6	4122.2	-------	-------	13196.0	12395.8	17356.0	16526.8	22710.0	22065.8
4434.5	4129.1	8811.5	8262.3	-------	-------	-------	-------	-------	-------

[1] This tabulation does not authorize ship stations to transmit on coast station frequencies.

[F. R. Doc. 52-12342; Filed, Nov. 18, 1952; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 925]

[Docket No. AO-226-A3]

HANDLING OF MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Seattle, Washington, on March 11-14, 1952.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 21, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 24, 1952 (17 F. R. 6777).

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 52-8131, 17 F. R. 6777) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following revisions:

1. Delete the words "September-December" in line 11 of the first paragraph beginning in column 3, 17 F. R. 6778 (F. R. Doc. 52-8131) and substitute therefor the words "August-December."

2. Delete the last sentence of the first paragraph beginning in column 3, 17 F. R. 6778 (F. R. Doc. 52-8131) and substitute therefor the following: "Bases so computed would be in effect from February through July of the following year. The addition of August to the base-forming period should reduce the possibility, as referred to by producer representatives, that a substantial decrease in production might result during the month of August from the efforts of producers to increase late fall deliveries, causing a market shortage in such month."

3. Delete in the second paragraph beginning in column 3, 17 F. R. 6778 (F. R. Doc. 52-8131) the words "February through August" and substitute therefor the words "February through July."

4. Delete from the last sentence beginning in column 2, 17 F. R. 6779 (F. R. Doc. 52-8131) the word "seven" and substitute therefor the word "six."

5. Delete the first paragraph beginning in column 2, 17 F. R. 6781 (F. R. Doc. 52-8131) and substitute therefor the following:

As a corollary change the provisions of the order governing the movements of skim milk and butterfat among plants have been revised.

6. Add at the end of the second paragraph beginning in column 3, 17 F. R. 6782 (F. R. Doc. 52-8131) the following: "However, the record indicates the propriety of including in Class I milk the fluid products known as concentrated milk, concentrated flavored milk and concentrated flavored milk drink when distributed without sterilization. Milk for such uses must be produced under the same health requirements as whole milk for consumption in fluid form. The subject products are primarily intended as beverages and the costs attendant to the production of the milk used therein are similar to those incurred in the production of whole milk for fluid consumption. They are a ready substitute for the latter. Class I milk, on the other hand, should not include the products commonly known as evaporated milk, condensed milk, and condensed skim milk which may be manufactured from milk not meeting such inspection standards."

7. Delete from line 28 of the first paragraph beginning in column 1, 17 F. R. 6783 (F. R. Doc. 52-8131) the figure "1.5" and substitute therefor the figure "2".

8. Delete the second and third paragraphs beginning in column 2, 17 F. R. 6784 (F. R. Doc. 52-8131) and substitute therefor the following:

The "farm tank" system for the delivery of milk from farms to plants is expected by both producers and handlers to grow rapidly in the next several months. Such growth undoubtedly would have strong impact on past methods of milk delivery from farm to market and would require further review of the regulatory procedure with respect to such handling. The present record reveals little concerning the effects on present methods of delivery or on producer returns which may reasonably be expected to occur from more general use of the system. It will be appropriate to reconsider in hearing the effects of this method of handling milk on the marketing program as soon as a more mature stage of development has been reached.

Rulings on exceptions. Exceptions relating to the findings, conclusions and amendment action recommended by the Assistant Administrator were filed by the Lynden Dairy Products Co., the Handlers Committee, the Arden Farms Co., and ten cooperative associations of producers jointly through the United Dairymen's Association. In arriving at the findings, conclusions and amendment action decided in this decision, each of these exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. Some revisions of the recommended decision have resulted therefrom. To the extent that the findings, conclusions, and amendment action decided upon herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of July 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area," and "Order, as Amended, Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, as amended, which will be published with this decision.

This decision filed at Washington, D. C., this 13th day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Order,[1] as Amended, Regulating the Handling of Milk in the Puget Sound, Washington, Marketing Area

§ 925.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendmenst thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 925.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 925.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 925.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 925.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 925.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 925.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 925.6 *Puget Sound, Washington, Marketing Area.* "Puget Sound, Washington, Marketing Area" (hereinafter called the "marketing area") means all territory lying west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; all territory lying within townships 23N and 24N within range 8E in King County; all territory lying west of range 8E and north of township 18N in Pierce County, except Fox, McNeil, and Anderson Islands and the peninsula on which Lake Bay and Gig Harbor are located northward to the Kitsap County line; all territory lying within Thurston County; all territory, except the town of Vader, lying west of range 5E in Lewis County; all territory lying east of range 10W and north of township 12N in Pacific County; and all territory lying south of township 19N in Grays Harbor County; all in the State of Washington. As used in this section, "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above-described area. "District No. 1" of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, Thurston, and Grays Harbor. "District No. 2" of the marketing area shall include that part of the marketing area lying within the counties of Skagit and Whatcom, and "District No. 3" of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific.

§ 925.7 *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk or milk products.

§ 925.8 *Fluid milk plant.* "Fluid milk plant" means any plant, other than the plant of a producer-handler, located in the marketing area which is approved by any health authority having jurisdiction in the marketing area as a plant from which milk may be distributed for consumption as fluid milk in the marketing area, and from which during the month Class I milk pursuant to § 925.41 (a) (1) is disposed of (including sales at such plant, plant store or eating place) within the marketing area.

§ 925.9 *Country plant.* "Country plant" means any plant, other than a fluid milk plant or the plant of a producer-handler, which is approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area: *Provided*, That any such plant located outside of the marketing area other than the plant at Sequim operated by the Kristoferson Dairy, Inc., (or its successor), and the plant of the Dungeness-Sequim Cooperative Creameries at Dungeness shall not be a country plant if the percentage of either butterfat or skim milk in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1), is less than:

(a) 50 percent in the current month during the period October through December; or

(b) 20 percent in the current month during the period January through September, except that if the percentage was

more than 50 percent for the entire period of October through December immediately preceding no percentage shall be required for such months of January through September:

And provided further, That any plant which otherwise meets the requirements of this section may withdraw from country plant status for any month in the January–September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

§ 925.10 *Nonpool plant.* "Nonpool plant" means any plant other than a fluid milk plant or a country plant.

§ 925.11 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 925.12 *Producer.* "Producer" means any dairy farmer, other than a producer-handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area, for the production of milk qualified for disposition to consumers in fluid form within the marketing area.

§ 925.13 *Producer milk.* "Producer milk" or "milk received from producers" means milk qualified as described in § 925.12 and either received directly from a farm at a fluid plant or country plant or caused to be diverted by a handler for his account from such a plant to a nonpool plant: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 925.14 *Other source milk.* "Other source milk" means (a) all skim milk and butterfat received from a producer-handler (or the plant of a producer-handler) in any form (including bottled products), and (b) all other skim milk and butterfat other than in (1) producer milk, and (2) milk and milk products received from fluid milk plants and country plants.

§ 925.15 *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant or any other plant from which milk in any of the forms specified in § 925.41 (a) is disposed of to any place or establishment within the marketing area other than a plant: *Provided*, That this paragraph shall not be deemed to include any such person with respect to any of the items specified in § 925.41 (a) disposed of to military or other ocean transport vessels leaving the marketing area if the items so disposed of originated at a plant located outside the marketing area and were not received or processed at any fluid milk plant or country plant; and

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a fluid milk plant or a country plant to a nonpool plant.

§ 925.16 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, and who processes milk from his own farm production and distributes all or a portion of such milk within the marketing area in any of the forms specified in § 925.41 (a), but who received no milk from producers: *Provided*, That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the processing, packaging, and distribution of the milk is the personal risk of such person in his capacity as a handler.

§ 925.17 *Base.* "Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to § 925.60 (a) and (b) respectively.

§ 925.18 *Base milk.* "Base milk" means: (a) Milk delivered by a producer during a month in the period February through July, inclusive, of each year beginning with 1954, and during each month in the period March through July 1953, inclusive, which is (1) not in excess of his daily base computed pursuant to § 925.60 (a), multiplied by the number of days of delivery in such month, or (2) not in excess of his base computed pursuant to § 925.60 (b): *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant, the days of nondelivery shall be considered as days of delivery for the purposes of this paragraph; and (b) all milk delivered by a producer in each of the months of August, September, October, November, December, and January of each year effective August 1, 1953, and during the months of October 1952 through February 1953.

§ 925.19 *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of the Secretary.

§ 925.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 925.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30 to 925.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 925.80 to 925.88, inclusive.

(i) On or before the 13th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 13th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 925.70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 925.70 (a) (6);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 925.80 (a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 925.87 and 925.88.

(2) Each handler whose total value of milk is computed pursuant to § 925.70 (b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 925.51 (a) and the Class I butterfat differential pursuant to § 925.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51 (b) and the Class II butterfat differential pursuant to § 925.52 (b), both for the preceding month; and

(2) On or before the 13th day of each month, the uniform price(s) computed pursuant to § 925.71 and the butterfat differential(s) computed pursuant to § 925.82, both applicable to producer milk received during the preceding month; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 925.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15 (a), except a producer-handler, shall report for the preceding month to the market administrator with respect to milk and milk products received at each of such handler's fluid milk plants and country plants, and at each of his plants where milk or milk products subject to payments required under § 925.70 (b) were handled, and each cooperative association which is a handler pursuant to § 925.15 (b) shall report with respect to milk diverted on its account during the preceding month, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk received (except manufactured Class II milk products (1) disposed of in the form in which received without further processing by the handler, or (2) used to produce other Class II milk products).

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(e) The aggregate quantities of base milk and excess milk received; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 925.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 925.32 *Other reports.* At such times and in such manner as the market administrator may prescribe:

(a) Each handler shall report to the market administrator such information in addition to that required under § 925.30 as may be requested by the market administrator with respect to milk and milk products handled by him;

(b) Each producer-handler shall report to the market administrator relative to his receipts and utilization of milk and milk products.

§ 925.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 925.30, 925.31, and 925.32 and to payments required to be made pursuant to §§ 925.80 through 925.88.

§ 925.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 925.35 *Handler report to producers.* (a) In making payments to producers pursuant to § 925.80, each handler, on or before the 19th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month (1) the identification of the handler and the producer; (2) the total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery; (3) the minimum rate(s) at which payment to the producer is required under the provisions of § 925.80; (4) the rate per hundredweight and amount of any premiums or payments above the minimum prices provided by the order; (5) the amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and (6) the net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate each handler upon request shall furnish to the cooperative association with respect to each producer for whom such payment is made, any or all of the above information specified in paragraph (a) of this section.

CLASSIFICATION

§ 925.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 *Classes of utilization.* Subject to the conditions set forth in §§ 925.42, 925.43 and 925.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid or frozen form as milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drink, and cream (sweet or sour), and used in the production of concentrated milk, flavored milk and flavored milk drinks not sterilized (but not including (i) those products commonly known as evaporated milk, condensed milk, and condensed skim milk (ii) flavored milk or flavored milk drink in hermetically sealed containers; and (iii) any item named in this subparagraph disposed of pursuant to paragraph (b) (3) of this section), (2) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt, (3) contained in monthly inventory variations (4) shrinkage of producer milk in excess of that pursuant to paragraph (b) (4) of this section and shrinkage allocated to receipts from other handlers pursuant to § 925.42 (b), and (5) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of as (or used to produce, in the case of ice cream and frozen desserts and mixes for such products (liquid or powder), cottage cheese and aerated cream products) any product other than those included under paragraph (a) (1) and (2) of this section, (2) disposed of for livestock feed, (3) disposed of in bulk in any of the forms specified in paragraph (a) (1) of this section to bakeries, soup companies and candy manufacturing establishments in their capacity as such and to nonpool plants subject to the conditions of § 925.44 (c) (2), (4) in actual shrinkage of producer milk computed pursuant to § 925.42 but not in excess of 2 percent of the quantities of skim and butterfat, respectively, in producer milk, and (5) in actual shrinkage of other source milk computed pursuant to § 925.42.

§ 925.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, other source milk, and receipts from other handlers: *Provided*, That if milk is transferred from a fluid milk plant or a country plant to a nonpool plant located on the same premises as the transferor plant, the transfer to the nonpool plant shall be reduced by an amount determined by multiplying the total shrinkage in such nonpool plant by the percentage which the amount so transferred is to the total receipts at such nonpool plant.

§ 925.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first received such milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 925.30.

(c) Except as provided in § 925.44 (c) (1), any skim milk or butterfat classified in one class shall be reclassified if used or reused by any handler in another class.

§ 925.44 *Transfers.* Skim milk and butterfat moved in any of the forms specified in § 925.41 (a) (1) from one plant to another shall be assigned (separately) to each class in the following manner:

(a) From a country plant or fluid milk plant to a fluid milk plant: As Class I milk to the extent Class I milk is available at the transferee plant, subject to the following conditions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other handlers at the transferor plant, such excess shall be assigned last to the Class I available at the transferee plant:

(2) If more than one transferor plant is involved, the available Class I milk shall be assigned to the transferor plants in the following order:

(i) To fluid milk plants located in District No. 1;

(ii) To country plants located in District No. 1 or in the counties of Kitsap and Mason;

(iii) To fluid milk plants not located in District No. 1; and

(iv) To country plants not located in District No. 1 or in the counties of Kitsap and Mason.

(3) If Class I is not available in amounts equal to the sum of transfers in the manner indicated in subparagraph (2) of this paragraph, the receiving handler may designate to which plant the available Class I milk shall be assigned; and

(4) If at a plant located in District No. 1 or in the counties of Kitsap and Mason any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) similarly located are assigned to Class II milk, they shall be allocated to the uses stated in § 925.54 (a) (1) insofar as such uses are available after allocating to such uses the other source milk at such plant.

(b) From a country plant or fluid milk plant to a country plant: As Class II milk, subject to the following conditions:

(1) The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction pursuant to § 925.45 (b) (2) of other source milk at such plant and after the subtraction of producer shrinkage, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk;

(2) If more than one transferor plant is involved, the available Class II milk shall be assigned to the transferor plants in the following order:

(i) To country plants not located in District No. 1 or in the counties of Kitsap and Mason;

(ii) To fluid milk plants not located in District No. 1;

(iii) To country plants located in District No. 1 or in the counties of Kitsap and Mason; and

(iv) To fluid milk plants located in District No. 1;

(3) If Class II milk is not available in amounts equal to the sum of transfers in the manner indicated in subparagraph (2) of this paragraph, the receiving handler may designate to which plant the available Class II milk shall be assigned.

(4) If at a plant located in District No. 1 or in the counties of Kitsap and Mason any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) similarly located are assigned to Class II milk, they shall be allocated to the uses stated in § 925.54 (a) (1) insofar as such uses are available after allocating to such uses the other source milk at such plant.

(c) From a country plant or fluid milk plant to a nonpool plant:

(1) As Class I milk if the transfer is to a nonpool plant located outside the marketing area or to the plant of a producer-handler, except as provided for in subparagraph (2) of this paragraph.

(2) As Class II milk if the transfer is to a nonpool plant located in the marketing area or within any of the counties of Clallam, Jefferson, Grays Harbor Island, Kitsap and Mason, in the State of Washington, which is not engaged in the distribution of milk for consumption in fluid form: *Provided*, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 925.41 (a) (1) to any other nonpool plant distributing milk in fluid form which is not located in the marketing area, such disposition up to the quantity of producer milk transferred to the first nonpool plant shall be classified as Class I milk: *Provided further*, That if the preceding proviso does not apply the transferred quantity shall be deemed to have been utilized first for the manufacture of Class II milk products other than evaporated milk in hermetically sealed cans, butter, nonfat dry milk solids, powdered whole milk, and cheddar cheese to the extent that such other Class II milk products were manufactured at such nonpool plant: *And provided also*, That if the market administrator is not permitted to audit the records of such nonpool plant for the purpose of use verification, the entire transfer shall be classified as Class I milk.

§ 925.45 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class;

(b) Allocate skim milk in the following manner;

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 925.41 (b) (4);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received and in overage allocated to other source milk (§ 925.70 (a) (5)): *Provided*, That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other fluid milk plants and country plants and assigned to such class pursuant to § 925.44;

(4) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 925.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the preceding month.

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 4.

(c) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pounds for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 *Class prices.* Subject to the differentials provided in § 925.52 the following are the minimum prices per hundredweight to handlers for Class I milk and Class II milk:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.65: *Provided*, That the price for Class I milk for the months of April through June, inclusive, of any year shall not be higher than the price computed pursuant to the above provisions of this paragraph for the month of March immediately preceding, and the price for Class I milk for any October through January period, inclusive, shall not be lower than the price computed pursuant to the provisions of this paragraph for the month of September immediately preceding.

(b) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at San Francisco, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pounds for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.52 *Butterfat differentials to handlers.* If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 925.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 925.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk:* Multiply by 1.25 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the preceding month, divide the result by 10, and round to the nearest tenth of a cent.

(b) *Class II milk:* Multiply by 1.15 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the month, divide the result by 10, and round to the nearest tenth of a cent.

§ 925.53 *Location adjustment to handlers on Class I milk.* In computing the value of each handler's milk there shall be credited with respect to skim milk and butterfat, respectively, in producer milk received at a plant not located in District No. 1 or in the counties of Kitsap and Mason and classified as Class I milk, 40 cents per hundredweight: *Provided*, That an additional 10 cents shall be credited with respect to skim milk and butterfat so received and classified at any plant located in Clallam or Jefferson Counties.

§ 925.54 *Location adjustment to handlers on Class II milk.* In computing each handler's value of milk there shall be added with respect to each fluid milk plant and country plant located in District No. 1 or in the counties of Kitsap and Mason, an amount of money computed as follows:

(a) Compute the sum (in pounds) of: (1) The total utilization at such plant (including any disposition of skim milk and butterfat from such plant for similar uses at nonpool plants) of skim milk and butterfat, respectively, in evaporated milk in hermetically sealed cans, butter, nonfat dry milk solids, powdered whole milk, cheddar cheese, shrinkage allowable as Class II milk pursuant to § 925.41 (b) (4) and (5), and (2) the total quantity of skim milk and butterfat transferred to other fluid milk plants and country plants located in District No. 1 or in the counties of Kitsap and Mason and allocated to the uses specified in subparagraph (1) of this paragraph (as provided in § 925.44 (a) (4) and (b) (4));

(b) Subtract such sum from the total quantity of Class II milk for such plant, including that resulting from the disposition of skim milk or butterfat from such plant to nonpool plants;

(c) Subtract from the net amounts of skim milk and butterfat, respectively, resulting from paragraph (b) of this section to the extent of such amounts, the amounts of skim milk and butterfat received at such plant from fluid milk plants and country plants not located in District No. 1 or in the counties of Kitsap and Mason and assigned to Class II milk pursuant to § 925.44 (but exclusive of the quantity by which transfers received from a transferor plant exceeds the total of receipts from producers and other handlers at such transferor plant); and

(d) Multiply by 25 cents per hundredweight the lesser of the following quantities: (i) The net amount resulting from paragraph (c) of this section, or (ii) the total amount of producer milk

received at such plant directly from farms which is available for Class II milk after the assignment of transfers pursuant to § 925.44.

DETERMINATION OF BASE

§ 925.60 *Computation of producer bases.* Subject to the rules set forth in § 925.61, the market administrator shall determine bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) During each of the months of February through July, inclusive, of each year beginning with 1954, the daily base of each producer whose milk was received by a handler(s) on not less than one hundred twenty (120) days during the immediately preceding months of August through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in such five-month period by the number of days from the date of first delivery to the end of such five-month period, and during each of the months of March through July 1953, inclusive, the daily base of each producer whose milk was received by a handler(s) on not less than ninety (90) days during the immediately preceding months of October through January, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in such four-month period by the number of days from the date of first delivery to the end of such four-month period: *Provided*, That with respect to any producer on "every-other-day" delivery the days of non-delivery intervening days of delivery shall be considered as days of delivery for the purpose of ascertaining whether delivery was made on not less than the minimum number of days required pursuant to this paragraph.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have beginning with March 1953 a monthly base in the months of February through July, inclusive, computed by applying the appropriate monthly percentage in the following table to his deliveries to a handler(s):

February	70	May	45
March	65	June	50
April	55	July	55

§ 925.61 *Base rules.* The following rules shall be observed in determination of bases:

(a) A base may be transferred during the period of February through July, inclusive, upon written notice to the market administrator on or before the last day of the month of transfer, but only under the following circumstances:

(1) Upon the death, retirement or entry into military service of a producer, the entire base may be transferred to a member (or members) of his immediate family who continues to supply producer milk from the same farm.

(2) If a base is held jointly and such joint holding is terminated the entire base may be transferred as a unit to one of the joint holders or to a new joint holding in which at least one of the original joint holders is a participant.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a) to begin the next February 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month in the period February through July, inclusive, a producer holding a base established pursuant to § 925.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the end of such six-month period such producer's base shall be computed in the manner provided by § 925.60 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promply post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 925.12 may establish or earn a base pursuant to the provisions of §925.60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

DETERMINATION OF UNIFORM PRICE

§ 925.70 *Computation of value of milk.* (a) Except as provided in paragraph (b) of this section, the total value of milk received during any month by each handler including a cooperative association, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 925.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 925.53;

(3) Add the total amount of all location adjustments computed pursuant to § 925.54;

(4) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(5) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to § 925.45 by the applicable class price: *Provided*, That if (i) overage results in a fluid milk plant or country plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and (ii) overage results in a nonpool plant located on the same premises as a fluid milk plant or country plant, such overage shall be prorated between the quantity transferred from the fluid milk plant or country plant and other source milk in such nonpool plant, and the transferor handler shall be charged at the applicable class price for the amount of overage allocated to the transferred quantity.

(6) Add, with respect to other source milk received at each fluid milk plant and country plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District No. 1 or in the counties of Kitsap or Mason, such difference shall be reduced by 40 cents per hundredweight: *Provided*, That with respect to skim milk and butterfat so received and classified at any plant located in Clallam and Jefferson Counties, there shall be a further reduction of 10 cents per hundredweight.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was only within Districts Nos. 2 and 3, such difference shall be reduced by 40 cents per hundredweight.

§ 925.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and who made the payments pursuant to § 925.84 for the preceding month;

(b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 925.81 (a);

(c) Deduct the aggregate of the values of the location adjustments on excess milk computed pursuant to § 925.81 (b);

(d) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;

(f) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk, rounded to the nearest one-tenth cent;

(g) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (f) of this section from the net amount computed pursuant to paragraph (c) of this section: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(h) Divide the net amount obtained in paragraph (g) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(i) Divide the amount obtained in paragraph (f) of this section plus any amount subtracted pursuant to the proviso of paragraph (g) of this section by the hundredweight of excess milk, and subtract any fractional part of one cent. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 925.80 *Time and method of payment to producers and to cooperative associations.* (a) On or before the 19th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 925.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 17th day after the end of such month: *And provided further*, That if by such date such handler has not received full payment for such month pursuant to § 925.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81.

(b) On or before the 17th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price adjusted by the amounts of any location adjustments applicable pursuant to §§ 925.53 and 925.54.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 925.81 *Location adjustments to producers.* In making payments to producers pursuant to § 925.80 (a) (1) the following adjustments for location are applicable:

(a) Deductions may be made per hundredweight of base milk received from producers as follows: 50 cents at plants located in Clallam and Jefferson Counties, and 40 cents at other plants not located in District No. 1 or in the counties of Kitsap and Mason.

(b) Beginning with March 1953, 25 cents per hundredweight shall be added for the months of February through July, inclusive, to the uniform price for excess milk received from producers at plants located in District No. 1, or in the counties of Kitsap and Mason.

§ 925.82 *Producer butterfat differential.* In making payments pursuant to § 925.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

§ 925.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 925.84 and out of which he shall make all payments to handlers pursuant to § 925.85.

§ 925.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a).

§ 925.85 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 925.84, 925.86, 925.87 and 925.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 925.86 *Adjustments of accounts.* Whenever verification by the market administrator of reports or payment of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 925.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperatiue association from producers who are not members of such association.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefore to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 925.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 925.88 *Expense of administration.* As his prorata share of the expense of administration of this order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 925.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last-known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administration, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91. *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 925.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 925.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 925.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

§ 925.102 *Producers-handlers.* Sections 925.40 to 925.45, inclusive, 925.50 to 925.54, inclusive, 925.70 to 925.71, inclusive, and 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk in the Puget Sound, Washington, Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area) who, during the month of July 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Nicholas L. Keyock is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 52-12327; Filed, Nov. 18, 1952; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10310]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN; AMENDMENT

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It was previously proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations to allocate Channel No. 254 to Cullman, Alabama. It is now proposed to change the original proposal so as to amend the Allocation Plan as follows:

General area	Channels	
	Delete	Add
Cullman, Ala.	----	266
Chattanooga, Tenn.	266	----
Tuscaloosa, Ala.	267	280

3. The purpose of the proposed amendment is to provide a Class B channel in Cullman, Alabama, thereby facilitating consideration of a pending application requesting a Class B assignment there.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934 as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before December 8, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6 In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 5, 1952.

Released: November 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F R Doc. 52-12343; Filed, Nov. 18, 1952; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 240, 260, 270, 275]

REQUIRING NON-RESIDENT BROKERS OR DEALERS TO FILE CONSENT TO SERVICE OF PROCESS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule which would require each non-resident broker or dealer registered with the Commission, and each non-resident general partner or managing agent of a registered unincorporated broker or dealer, to file a written irrevocable consent and power of attorney appointing the Secretary of the Commission as agent to receive process and other papers in any civil action arising out of or founded upon the provisions of the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or the Investment Advisers Act of 1940, and brought because of any activity, in any place subject to the jurisdiction of the United States, which occurs in the conduct of business as a broker or dealer. The Secretary of the Commission would be required to forward copies of all papers, by registered mail, to each of the persons on whose behalf they were received by him.

Applicable provisions of the various acts administered by the Commission authorize it to institute injunctive actions in cases involving violations of the respective acts, and violations of some of the provisions of these acts may result in civil liabilities. The statutes contain broad venue provisions for suits or actions brought to enforce liabilities or duties created thereunder, and the service of process provisions are also broad. As a practical matter, however, rights arising because of violations of these acts may prove unenforceable against many non-resident brokers or dealers whose activities are subject to such acts, since it is frequently impossible to obtain service upon all the persons who should be joined as parties to the action, particularly where the broker or dealer is an unincorporated organization or association. The proposed rule is intended to give full effect to the provisions of the acts mentioned, and to preserve for and afford to the Commission and others the same opportunity to enforce such rights or duties against non-resident brokers or dealers as they have in the case of resident brokers or dealers.

The proposed rule would read as follows:

Consent to service of process to be furnished by non-resident brokers or dealers and by non-resident general partners or managing agents of registered brokers or dealers. (a) Each non-resident broker or dealer registered or applying for registration pursuant to section 15 (b) of the Securities Exchange Act of 1934, each non-resident general partner of a broker or dealer partnership which is registered or applying for registration, and each non-resident managing agent of any other unincorporated broker or dealer which is registered or applying for registration, shall furnish to the Commission, in a form prescribed by it, a written irrevocable consent and power of attorney which (1) designates the Secretary of the Securities and Exchange Commission as an agent upon whom may be served any process, pleadings, or other papers in any civil suit or action arising out of or founded upon the provisions of the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or the Investment Advisers Act of 1940, or any rule or regulation under any of said acts, which suit or action is brought because of any activity in any place subject to the jurisdiction of the United States, which activity occurs in connection with the conduct of business as a broker or dealer; and (2) stipulates and agrees that any such civil suit or action may be commenced in any appropriate court in any place subject to the jurisdiction of the United States, by the service of process upon the Secretary of the Commission and the forwarding of a copy thereof as provided in paragraph (c) of this section, and that the service as aforesaid of any such process, pleadings, and other papers upon the Secretary of the Commission shall be taken and held in all courts to be as valid and binding as if due personal service thereof had been made.

(b) The required consent and power of attorney shall be furnished to the Commission within the following period of time:

(1) Each non-resident broker or dealer registered at the time this section becomes effective, and each non-resident general partner or managing agent of an unincorporated broker or dealer registered at the time this section becomes effective, shall furnish such consent and power of attorney within 60 days after such date;

(2) Each broker or dealer applying for registration after the effective date of this section shall furnish, at the time of filing such application, all the consents and powers of attorney required to be furnished by such broker or dealer and by each general partner or managing agent thereof: *Provided, however,* That where an application for registration of a broker or dealer is pending at the time this section becomes effective such consents and powers of attorney shall be furnished within 30 days after this section becomes effective.

(3) Each broker or dealer registered or applying for registration who or which becomes a non-resident broker or dealer after the effective date of this section, and each general partner or managing agent, of an unincorporated broker or dealer registered or applying for registration, who becomes a non-resident after the effective date of this section, shall furnish such consent and power of attorney within 30 days thereafter.

(c) Whenever any process, pleading, or other paper, as aforesaid, is served upon the Secretary of the Commission in accordance with this section, he shall promptly forward a copy thereof by registered mail to each of the persons on whose behalf it was received by him. The Secretary shall be furnished a sufficient number of copies for such purpose, including one copy for his file.

(d) For purposes of this section the following definitions shall apply:

(1) The term "broker" shall have the meaning set out in section 3 (a) (4) of the Securities Exchange Act of 1934.

(2) The term "dealer" shall have the meaning set out in section 3 (a) (5) of the Securities Exchange Act of 1934.

(3) The term "managing agent" shall mean any person, including a trustee, who directs or manages or who participates in the directing or managing of the affairs of any unincorporated organization or association which is not a partnership.

(4) The term "non-resident broker or dealer" shall mean (i) in the case of an individual, one who resides in or has his principal place of business in any place not subject to the jurisdiction of the United States; (ii) in the case of a corporation, one incorporated in or having its principal place of business in any place not subject to the jurisdiction of the United States; (iii) in the case of a partnership or other unincorporated organization, one having its principal place of business in any place not subject to the jurisdiction of the United States.

(5) A general partner or managing agent of a broker or dealer shall be deemed to be a non-resident if he resides in any place not subject to the jurisdiction of the United States.

The rule would be adopted by the Commission pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly section 23 (a) thereof, the Securities Act of 1933, particularly section 19 (a) thereof, the Trust Indenture Act of 1939, particularly section 319 (a) thereof, the Investment Company Act of 1940, particularly section 38 (a) thereof, and the Investment Advisers Act of 1940, particularly section 211 (a) thereof.

The Commission invites comments and suggestions on the proposed regulation from all interested persons. Comments and suggestions should be submitted in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before December 15, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary*

NOVEMBER 12, 1952.

[F. R. Doc. 52-12321; Filed, Nov. 18, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150-17]

ASSISTANT SECRETARY OF THE TREASURY

DELEGATION OF FUNCTIONS IN BUREAU OF INTERNAL REVENUE

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there are hereby transferred to Assistant Secretary John S. Graham all functions now authorized to be performed by the Commissioner of Internal Revenue. Without limitation this authority includes authority to delegate functions hereby transferred and to amend or cancel existing delegations heretofore made by the Commissioner pursuant to Treasury Department Order No. 150-2, May 15, 1952. In the absence of such cancellation or amendment, those delegations of the Commissioner shall remain in effect.

In the performance of the functions herein delegated, Mr. Graham is designated as Acting Commissioner of Internal Revenue.

This order shall become effective as of 12:01 a. m., November 19, 1952.

[SEAL] JOHN W. SNYDER, *Secretary of the Treasury.*

Dated: NOVEMBER 17, 1952.

[F. R. Doc. 52-12422; Filed, Nov. 18, 1952; 10:39 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

STEUBEN COUNTY, NEW YORK

SALE OF MINERAL INTERESTS; AREA DESIGNATION

Pursuant to authority contained in Public Law 760, 81st Congress, the County of Steuben in New York is hereby designated as an area in which mineral interests covered by a single application are to be sold for their fair market value, and accordingly, Schedule A entitled "Fair Market Value Areas," accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), is amended by adding such County in alphabetical order.

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 17th day of November 1952.

[SEAL] K. T. HUTCHINSON, *Acting Secretary of Agriculture.*

[F. R. Doc. 52-12428; Filed, Nov. 18, 1952; 11:15 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 14]

ORGANIZATION AND FUNCTIONS

REASSIGNMENT OF FUNCTIONS

This amendment abolishes the Office of Aviation Development and reassigns its functions and responsibilities to other offices within the Civil Aeronautics Administration as follows:

(a) The Assistant Administrator for Program Coordination will plan, coordinate, and evaluate the general aviation program of the Civil Aeronautics Administration and formulate basic policies to govern its administration with specific reference to agricultural, industrial, executive and corporate, instructional, and personal flying; develop plans and policies designed to foster the development of civil aviation through educational means and approve publications and films or other visual aids relating to the aviation education program; and serve as the Civil Aeronautics Administration's primary point of liaison on general aviation matters with the civil aviation industry and with other governmental agencies.

(b) The Aviation Information Office will publish and distribute literature and visual aids approved by the Assistant Administrator for Program Coordination for use in the general aviation and aviation education programs.

(c) The Office of Aviation Safety will provide technical engineering advice and assistance to the civil aviation industry, the Assistant Administrator for Program Coordination, and other offices of the Civil Aeronautics Administration in connection with the development of improved aircraft and equipment for agricultural, industrial, executive and corporate, instructional, and personal flying.

The description of the Organization and Functions of the Civil Aeronautics Administration is amended as follows:

1. Section 12 (d) (2) published on August 29, 1952, in 17 F. R. 7900, is amended by adding the words: "including the general aviation program for agricultural, industrial, executive and corporate, instructional, and personal flying and the development of civil aviation through educational means."

2. Section 21 (a) published on April 5, 1951, in 16 F. R. 2975, and amended on September 10, 1952, in 17 F. R. 8163 is amended by adding a new subparagraph (6) at the end to read:

(6) Publishes and distributes literature and visual aids approved by the Assistant Administrator for Program Coordination for use in the general aviation and aviation education programs.

3. Section 32 published on April 5, 1951, in 16 F. R. 2973, and amended on September 10, 1952, in 17 F. R. 8163, is revoked.

4. Section 33 (a) (3) published on August 9, 1952, in 17 F. R. 7305, is amended to read:

(3) Provides technical assistance and advice on the technical regulation and improvement of aviation safety to the Office of the Administrator, other CAA offices, and other organizations, as appropriate; provides technical engineering advice and assistance to the civil aviation industry, to the Assistant Administrator for Program Coordination, and to other offices of the Civil Aeronautics Administration in connection with the development of improved aircraft and equipment for agricultural, industrial, executive and corporate, instructional, and personal flying.

This amendment shall become effective November 13, 1952.

[SEAL] C. F. HORNE, *Administrator of Civil Aeronautics.*

Approved:

THOMAS W. S. DAVIS, *Acting Secretary of Commerce.*

[F. R. Doc. 52-12332; Filed, Nov. 18, 1952; 8:49 a. m.]

National Production Authority

[Suspension Order 43; Docket No. 24]

FILLSIDE METAL PRODUCTS, INC., ET AL.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 16th day of October 1952, before Hon. James M. Fawcett, a hearing commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 6628), dated July 21, 1951, and National Production Authority Rules of Practice 1, Revised September 8, 1952; and

The respondents, Hillside Metal Products, Inc., of 129-02 Hillside Avenue, Richmond Hill, N. Y., and 270 Passaic Street, Newark, N. J., Carrier Steel Corporation of 1819 Broadway, New York 23, N. Y., Philip J. Kurens of 129-02 Hillside Avenue, Richmond Hill, N. Y., and Irving Cooperstein of 129-02 Hillside Avenue, Richmond Hill, N. Y., having been duly apprised of the specific violations charged, and having been fully informed of the rules and procedures which govern these proceedings and the administrative action which may be taken; and

The aforementioned respondents having appeared herein by their attorney, Arthur S. Lowell, Esq., of 1819 Broadway, New York 23, N. Y.; and

The aforementioned respondents and each of them having stipulated on the 14th day of October 1952 to a statement of facts to be filed in these proceedings in lieu of the presentation of other evidence in support of and in opposition to the statement of charges, it is hereby determined:

Findings of fact. 1. During the period from January 5, 1951, to July 25, 1951, Hillside Metal Products, Inc., committed acts prohibited by National Production Authority Reg. 2, section 11.4 (b), as amended November 16, 1950 (15 F. R. 7875), and as amended January 11, 1951 (16 F. R. 352), and section 4 (b), as amended February 27, 1951 (16 F. R. 1953), and section 4 (c), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., placed rated orders for, to wit, 2,174,839 pounds (1,087½ tons) of sheet steel, which was 1,757,145 pounds (878½ tons) more of said material than said Hillside Metal Products, Inc., was authorized to rate. Of the aforementioned rated orders, orders equal to 500 tons of the said material were cancelled by Hillside Metal Products, Inc.

2. During the period from January 5, 1951, to July 25, 1951, Philip J. Kurens and Irving Cooperstein committed acts prohibited by National Production Authority Reg. 2, section 11.4 (b), as amended November 16, 1950 (15 F. R. 7875), and as amended January 11, 1951 (16 F. R. 352), and section 4 (b), as amended February 27, 1951 (16 F. R. 1953), and section 4 (c), as amended July 17, 1951 (16 F. R. 6944), in that the said individual respondents, owning, dominating, managing, and controlling Hillside Metal Products, Inc., during the time the alleged violations were committed, directed, supervised, and participated in the commision of the acts set forth in paragraph 1 hereof.

3. On or about June 20, 1951, Hillside Metal Products, Inc., and Carrier Steel Corporation committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended February 27, 1951 (16 F. R. 1953), in that said Hillside Metal Products, Inc., and Carrier Steel Corporation used and disposed of 148,680 pounds (74 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

4. On or about June 25, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended February 27, 1951 (16 F. R. 1953), in that said Hillside Metal Products, Inc., used and disposed of 100,590 pounds (50 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

5. On or about June 25, 1951, Hillside Metal Products, Inc., and Carrier Steel Corporation committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended February 27, 1951 (16 F. R. 1953), in that said Hillside Metal Products, Inc., and Carrier Steel Corporation used and disposed of 5,010 pounds (2½ tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

6. On or about June 27, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended February 27, 1951 (16 F. R. 1953), in that said Hillside Metal Products, Inc., used and disposed of 151,830 pounds (76 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

7. On or about July 2, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended February 27, 1951 (16 F. R. 1953), in that said Hillside Metal Products, Inc., used and disposed of 41,630 pounds (21 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

8. On or about August 2, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 2,480 pounds (1 ton) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

9. On or about August 2, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 46,585 pounds (23 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

10. On or about July 17, 1951, Hillside Metal Products, Inc., committed an act prohibited by the National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 6,000 pounds (3 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

11. On or about July 19, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951, (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 42,350 pounds (21 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

12. On or about August 2, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 48,800 pounds (24 tons) of sheet steel obtained by use of DO ratings for a purpose other than that for which the rating assistance was given.

13. On or about August 2, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 43,300 pounds (21½ tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

14. On or about July 30, 1951, Hillside Metal Products, Inc., and Carrier Steel Corporation committed an act prohibited by National Production Authority Reg. 2,

section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., and Carrier Steel Corporation used and disposed of 12,160 pounds (6 tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

15. On or about August 2, 1951, Hillside Metal Products, Inc., committed an act prohibited by National Production Authority Reg. 2, section 17 (a), as amended July 17, 1951 (16 F. R. 6944), in that said Hillside Metal Products, Inc., used and disposed of 33,260 pounds (16½ tons) of sheet steel obtained by the use of DO ratings for a purpose other than that for which the rating assistance was given.

16. During the period from June 20, 1951, to August 2, 1951, Philip J. Kurens and Irving Cooperstein committed acts prohibited by National Production Authority Reg. 2, section 17 (a), as amended February 27, 1951 (16 F. R. 1953), and as amended July 17, 1951 (16 F. R. 6944), in that the said individual respondents, owning, dominating, managing, and controlling Hillside Metal Products, Inc., and Carrier Steel Corporation during the time the alleged violations were committed, directed, supervised, and participated in the commission of the acts set forth in paragraphs 3 through 15 hereof.

17. During the period from October 3, 1950, to October 3, 1951, Hillside Metal Products, Inc., committed acts prohibited by National Production Authority Reg. 2, section 11.23, as issued October 3, 1950 (15 F. R. 6632), and as amended October 12, 1950 (15 F. R. 6911), and as amended November 16, 1950 (15 F. R. 7875), and as amended January 11, 1951 (16 F. R. 352), and section 23 as amended February 27, 1951 (16 F. R. 1953), and as amended July 17, 1951 (16 F. R. 6944), and as amended September 13, 1951 (16 F. R. 9413), in that said Hillside Metal Products, Inc., failed to retain in its possession sufficient records of its receipts, deliveries, inventories, and use of sheet steel, and of such transactions in sheet steel as were covered by National Production Authority Reg. 2.

18. During the period from October 3, 1950, to October 3, 1951, Carrier Steel Corporation committed acts prohibited by National Production Authority Reg. 2, section 11.23, as issued October 3, 1950 (15 F. R. 6632), and as amended October 12, 1950 (15 F. R. 6911), and as amended November 16, 1950 (15 F. R. 7875), and as amended January 11, 1951 (16 F. R. 352), and section 23 as amended February 27, 1951 (16 F. R. 1953), and as amended July 17, 1951 (16 F. R. 6944), and as amended September 13, 1951 (16 F. R. 9413), in that said Carrier Steel Corporation failed to retain in its possession sufficient records of its receipts, deliveries, inventories, and use of sheet steel, and of such transactions in sheet steel as were covered by National Production Authority Reg. 2.

19. During the period from October 3, 1950, to October 3, 1951, Philip J. Kurens and Irving Cooperstein committed acts prohibited by National Production Authority Reg. 2, section 11.23, as issued October 3, 1950 (15 F. R. 6632), and as amended October 12, 1950 (15 F. R. 6911), and as amended November 16, 1950 (15 F. R. 7875), and as amended January 11, 1951 (16 F. R. 352), and section 23, as amended February 27, 1951 (16 F. R. 1953), and as amended July 17, 1951 (16 F. R. 6944), and as amended September 13, 1951 (16 F. R. 9413), in that said respondents, owning, dominating, managing, and controlling Hillside Metal Products, Inc. and Carrier Steel Corporation during the time the alleged violations were committed, directed, supervised, and participated in the commission of the acts set forth in paragraphs 17 and 18 hereof.

Conclusion. During the period beginning on or about October 3, 1950, and ending on or about October 3, 1951, Hillside Metal Products, Inc., Carrier Steel Corporation, Philip J. Kurens, and Irving Cooperstein, violated the provisions of National Production Authority regulations, orders, and directives as hereinabove cited by unlawfully placing rated orders for 878½ tons of sheet steel more than it was authorized to rate, and unlawfully diverted 341 tons of steel.

In order to correct the unauthorized use of defense order ratings and the diversion of steel received under the said defense order ratings, and in order to prevent future violations of National Production Authority regulations, orders, and directives by Hillside Metal Products, Inc., Carrier Steel Corporation, Philip J. Kurens, and Irving Cooperstein,

It is accordingly ordered:

1. That all priority assistance be withdrawn and withheld from Hillside Metal Products, Inc., its successors and assigns, Carrier Steel Corporation, its successors and assigns, Philip J. Kurens, and Irving Cooperstein, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

2. That all allocations and allotments of controlled materials and materials under control of the National Production Authority be withdrawn and withheld from Hillside Metal Products, Inc., its successors and assigns, Carrier Steel Corporation, its successors and assigns, Philip J. Kurens, and Irving Cooperstein, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

3. That all privileges of self-certification granted by the National Production Authority with respect to controlled materials, and materials under control of the National Production Authority, be withdrawn and withheld from Hillside Metal Products, Inc., its successors and assigns, Carrier Steel Corporation, its successors and assigns, Philip J. Kurens, and Irving Cooperstein, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

4. That respondents, Hillside Metal Products, Inc., its successors and assigns, Carrier Steel Corporation, its successors and assigns, Philip J. Kurens, and Irving Cooperstein, be prohibited from acquiring, using, or disposing of controlled materials and materials under control of the National Production Authority, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

Issued this 6th day of November 1952.

NATIONAL PRODUCTION AUTHORITY,
By JAMES M. FAWCETT,
Hearing Commissioner.

[F. R. Doc. 52-12426; Filed, Nov. 18, 1952; 10:25 a. m.]

ECONOMIC STABILIZATION AGENCY

Construction Industry Stabilization Commission, Wage Stabilization Board

[Amdt. 1]

ARKANSAS

AREA WAGE RATES

Area wage rates for the State of Arkansas up to approximately October 14, 1952, are hereby added to the list previously published in the FEDERAL REGISTER issue of October 30, 1952, at F. R. 9784.

The following table shows the area wage rates that have been published and the FEDERAL REGISTER citation.

Alabama	17 F. R. 9784
Arizona	17 F. R. 9789

DUNCAN CAMPBELL,
THOMAS J. KALIS,
Co-chairmen, Construction Industry Stabilization Commission.

Area rates approved and issued by the Construction Industry Stabilization Commission for the State of Arkansas up to approximately September 1, 1952:

SEC. 3. *Area wage rates for Arkansas.*

Asbestos Workers

Case C-9653: Cities of Springfield and Joplin, and halfway to St. Louis, Mo., and Kansas City, Mo., and Little Rock, Ark.; building construction only.

Mechanic	$2.625
Improver, fourth year	2.215
Improver, third year	1.90
Improver, second year	1.80
Improver, first year	1.525

Case C-4202: Halfway from Memphis, Tenn., to Little Rock, Ark.; building construction only.

Asbestos worker mechanic	$2.6125

Case C-3712: Little Rock and halfway to the cities of Dallas, Tex.; Shreveport, La., Memphis, Tenn., Springfield and Joplin, Mo., and Tulsa, Okla.; building construction only.

Mechanic	$2.61
Fourth year improver	1.92
Third year improver	1.81
Second year improver	1.65
First year improver	1.42

Blacksmiths

Case C-4243: Little Rock and area within the territorial jurisdiction of International Union of Operating Engineers, Local 382; building construction only.

Blacksmith	$2.25
Blacksmith helper	1.875

Boilermakers

Case C-2631: Entire State of Arkansas; building construction only.

Journeyman boilermaker	$2.55
Boilermaker's helper	2.30

Bricklayers

Case C-3745: Fort Smith and area within the territorial jurisdiction of Bricklayers, Masons and Plasterers International Union, Local 8; building construction only.

Journeyman bricklayer	$3.30

Case C-4890: Counties of Fulton, Randolph, Clay, Izard, Sharp, Greene, Craighead, Lawrence, Independence, Jackson, Cross, St. Francis, Woodruff, Lee, Phillips, and Monroe; building construction only.

Journeyman brick mason	$3.25

Case C-2254: Malvern, and area within the territorial jurisdiction of Bricklayers, Masons and Plasterers International Union, Local 7; building construction only.

Journeyman bricklayer	$3.25

Case C-3071: Counties of Jefferson, Chicot, Arkansas, Bradley, Desha, Ashley, Lincoln, Drew, and Cleveland; building construction only.

Journeyman bricklayer	$3.30

Carpenters

Case C-3448: Parts of Chicot, Drew, and Desha Counties; building construction only.

Journeyman carpenter	$1.85
Journeyman millwright	2.10
Journeyman pile driver	2.10

Case C-5838: County of Crittenden; building construction only.

Journeyman carpenter, millwright, pile driver and floor layer	$2.25

Case C-2126: Arkadelphia and area within the territorial jurisdiction of United Brotherhood of Carpenters and Joiners, Local 1722; building construction only.

Journeyman carpenter, millwright and floorman	$1.925

Case C-3447: Camden and area within the territorial jurisdiction of United Brotherhood of Carpenters and Joiners, Local 529; building construction only.

Journeyman carpenter	$2.075

Case C-7573: Counties of Ashley and parts of Union, Bradley, Chicot and Drew; building construction only.

For contracts over $20,000 and cost plus contracts:

Journeyman carpenter	$2.075

Case C-3442: All of Union County, Ark., except an eastern strip about 10 miles wide; a northern strip of Union Parish, La., about 12 miles wide; building construction only.

Journeyman carpenter	$2.075
Journeyman millwright	2.20

Case C-8399: Counties of Sebastian, Franklin, and Crawford; building and heavy construction only.

Carpenter foreman	$2.45
Journeyman carpenter	2.15
Apprentice carpenter:	
Fourth year	1.93–2.09
Third year	1.76–1.87
Second year	1.64–1.70
First year	1.44–1.50
Journeyman millwright and pile driver	2.275
Journeyman insulator	1.925
Apprentice:	
Fourth year	1.76–1.83
Third year	1.64–1.70
Second year	1.49–1.55
First year	1.34–1.40

Case C-4561: Hot Springs and area within the territorial jurisdiction of United Brotherhood of Carpenters and Joiners, Local 891; building and heavy construction only.

Journeyman carpenter	$2.15
Journeyman millwright	2.40

Case C-4730: Counties of Pope, Yell, south one-half of Newton, southwest part of Searcy and Van Buren and eastern half of Johnson and Logan; building and heavy construction only.

Journeyman carpenter	$2.00
Journeyman millwright	2.00
Journeyman pile driver	2.00
Pile driver foreman	2.25
Pile driver apprentice:	
First 6 months	1.20
Second 6 months	1.30
Third 6 months	1.40
Fourth 6 months	1.50
Fifth 6 months	1.60
Sixth 6 months	1.70
Seventh 6 months	1.80
Eighth 6 months	1.90

Case C-6121: City of Pine Bluff, Jefferson County, north half of Lincoln County, east half of Prairie County and west half of Grant County; building and heavy construction only.

Journeyman carpenter	$2.15
Journeyman floorman	2.15
Journeyman millwright	2.15
Apprentice:	
First year	1.15
Second year	1.40
Third year	1.65
Fourth year	1.90

Case C-8852: Craighead, Greene, Clay, Randolph, Sharp, Lawrence, Independence, Jackson, Poinsett, Mississippi, Cross, Crittenden, St. Francis, Phillips, Monroe, Prairie, Stone, Woodruff, Baxter, Fulton; building, heavy and highway construction only.

Journeyman carpenter	$2.15
Journeyman millwright and pile driver	2.25
Apprentices:	
First 6 months, 60 percent.	
Second 6 months, 65 percent.	
Third 6 months, 70 percent.	
Fourth 6 months, 75 percent.	
Fifth 6 months, 80 percent.	
Sixth 6 months, 85 percent.	
Seventh 6 months, 90 percent.	
Eighth 6 months, 95 percent.	

The Commission also voted to approve maintenance of the existing differential for foreman.

Cement Finishers and Masons

Case C-5107: County of Crittenden; building, heavy and highway construction.

Journeyman cement mason	$2.25

Case C-5887: Counties of Union, Ouachita, Ashley, Lafayette, Calhoun, Nevada, Hempstead, Bradley, and Columbia; building and heavy construction only.

Mason	$2.25

Case C-3745: Fort Smith and area within the territorial jurisdiction of Bricklayers, Masons and Plasterers' International Union, Local 8; building construction only.

Journeyman mason	$3.30

Case C-2790: Counties of Garland, Hot Springs, Pike, Montgomery, and Clark; building construction only.

Journeyman cement mason	$2.20

Electrical Workers

Case C-4567: Counties of Crittenden, St. Francis, Lee, Cross, the southern half of Mississippi and the northern half of Phillips; building and heavy construction only.

Journeyman cable splicer	$2.85
Journeyman wireman	2.75
Journeyman lineman	2.75

Case C-9815: Counties of Sevier, Howard, Pike, Little River, Hempstead, Miller and Lafayette; building and heavy construction only.

Journeyman wireman	$2.625
Journeyman lineman	2.625
Apprentice:	
First 6 months	Optional
Second 6 months	$1.39
Third 6 months	1.43
Fourth 6 months	1.555
Fifth 6 months	1.65
Sixth 6 months	1.775
Seventh 6 months	1.87
Eighth 6 months	2.00

Case C-3239: Counties of Nevada, Ouachita, Columbia, Union, Bradley, Drew, Ashley, and Chicot, and southern half of Desha County; building and heavy construction only.

	A	B
General foreman	$2.675	$3.00
Foreman	2.525	2.75
Journeyman electrical worker	2.375	2.50

Rates in Column A apply where contract or selling price does not exceed $2,500.

Rates in Column B apply to all other work.

Case C-5006: Fort Smith and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 700; building and heavy construction only.

Journeyman electrician (inside and outside)	$2.375
Cable splicer	2.50
Lineman	2.375
Hole digger operator	1.875
Winch truck driver	1.875
Flat bed truck driver	1.375
Jack hammer and powder man	1.675
Groundman (1 year experience)	1.375
Groundman (over 1 year)	1.50
Groundman helper	1.00
Apprentice:	
Fourth year	2.00
Third year	1.875
Second year	1.625

Case C-5237: Hot Springs and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 619; building and heavy construction only.

Journeyman cable splicer	$2.75
Journeyman electrician	2.50

Case C-5299: Little Rock and area within the territorial jurisdiction of the International Brotherhood of Electrical Workers, Local 295; building and heavy construction only.

Inside Electrician

Journeyman wireman	$2.50
Apprentice:	
First 6 months: 40 percent of journeyman rate.	
Second 6 months: 40 percent of journeyman rate.	
Third 6 months: 45 percent of journeyman rate.	
Fourth 6 months: 50 percent of journeyman rate.	
Fifth 6 months: 55 percent of journeyman rate.	
Sixth 6 months: 60 percent of journeyman rate.	
Seventh 6 months: 65 percent of journeyman rate.	
Eighth 6 months: 70 percent of journeyman rate.	

Outside Electrician

Journeyman lineman	$2.50
Journeyman cable splicer	2.025
Apprentice lineman:	
Fourth year	2.00
Third year	1.80
Second year	1.70
First year	1.60

Groundman	$1.60
Winch (heavy equipment)	2.00
Winch (under 2 ton)	2.00
Flat bed truck	1.60
Track equipment on transmission or distribution, to be operated by journeyman	2.50

Elevator Constructors

Case C-7054: City of Hot Springs; construction, repair, contract service and modernization in the elevator industry.

Elevator constructor foreman	$2.945
Elevator constructor mechanic	2.60
Elevator constructor helper	1.82

Case C-7876: City of Fort Smith; construction, repair, contract service and modernization in the elevator industry.

Elevator constructor foreman	$3.07
Elevator constructor mechanic	2.73
Elevator constructor helper	1.91

Case C-8796: City of Texarkana; construction, repair, contract service and modernization in the elevator industry.

Elevator constructor foreman	$2.94
Elevator constructor mechanic	2.615
Elevator constructor helper	1.83

Case C-4482: City of Little Rock; construction, repair, contract service and modernization in the elevator industry.

Elevator foreman	$2.925
Elevator mechanic	2.60
Elevator helper	1.82

Glaziers

Case C-9623: Counties of Benton, Washington, and Crawford; building construction only.

Journeyman glazier	$2.35

Case C-8930: Camden and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 1636; from city of Camden through Fordyce; northwest through Gurdon; west through Magnolia; south through Louann; east through Banks; building construction only.

Glazier	$2.125

Case C-4441: City of Crossett; county of Ashley; building construction only.

Glazing and glass work	$2.23

Case C-2043: Little Rock and area within the territorial jurisdiction of the Brotherhood of Painters, Decorators and Paperhangers, Local 424; building construction only.

Glazier	$1.925

Iron Workers

Case C-2893: Counties of Benton, Carroll, Boone, Newton, Madison, Washington, Crawford, Franklin, Johnson, and Sebastian; building and heavy construction only.

Journeyman structural iron worker	$2.50
Journeyman ornamental iron worker	2.50
Journeyman reinforcing iron worker	2.50
Journeyman rigger	2.50

Case C-4190: Cities of El Dorado, Camden, and Crossett; building, heavy and highway construction.

Journeyman structural iron worker	$2.475
Journeyman reinforcing steel rodman	2.20

Case C-5129: Halfway from Memphis, Tenn., to Little Rock, Ark.; building and heavy construction only.

Journeyman structural and ornamental ironworker	$2.375
Reinforcing ironworker	2.225

Apprentice:
First 6 months 50 percent of Journeyman's rate.
Second 6 months 60 percent of Journeyman's rate.
Second year 66⅔ percent of Journeyman's rate.

Case C-8753: Cities of Magnolia, Texarkana, Hope, Washington, Fulton, and Ashdown; counties of Miller, Lafayette, Columbia, western part of Union, corner of Ouachita, parts of Nevada, Hempstead, and Little River; building construction only.

Rodman	$2.30
Structural and ornamental	2.575
Rigger	2.575
Burner and welder—ornamental and structural	2.575
Burner—rodman	2.30
Sheeter	2.55

Case C-6498: Little Rock, Ark., and halfway to Monroe, and Shreveport, La.; Memphis, Tenn.; and Tulsa, Okla.; building construction only.

Journeyman iron worker (structural)	$2.49
Journeyman iron worker (reinforcing)	2.21

Laborers

Case C-4982: County of Crittenden; building, heavy and highway construction.

Air tool operator	$1.205
Asphalt raker—smoother	1.15
Chuck tender	1.75
Concrete foreman	2.025
Construction laborer	1.15
Flagman	1.15
Pneumatic gun and nozzleman	1.75
Pipe layer and form setter	1.325
Pipe layer foreman	2.025
Labor foreman	1.75
Truck laborer	1.15
Plumber laborer	1.15
Form stripper	1.15
Mat weaver	1.325
Powder man	1.775
General foreman	2.025
Wagon driller	1.325

Case C-4984: County of Crittenden; building, heavy and highway construction.

Hod carrier	$1.50

Case C-5160: Entire State of Arkansas; main line pipeline construction only.

Laborer	$1.10

Case C-4081: County of Jefferson; building and heavy construction only.

Laborer	$1.00

Case C-5687: Counties of Union, Ouachita, Ashley, Lafayette, Calhoun, Nevada, Hempstead, Bradley, and Columbia; building and heavy construction only.

Building laborer	$1.25
Hod carrier, finisher tender	1.50
Carpenter tender	1.30
Concrete labor	1.30
Air tool operator, jackhammer and vibrator operator	1.45
Common labor foreman	2.00
Concrete and general labor foreman	2.25

Case C-4311: Counties of Sebastian, Crawford, Franklin, and Johnson; building construction only.

Building labor	$1.43
Concrete labor	1.43
Wrecking labor	1.43
Carpenter tender	1.43
Mechanic labor	1.43
Excavating labor	1.43
Plumbing tender	1.525
Asphalt raker	1.525
Asphalt shoveler	1.525
Pipe layer, concrete and clay	1.525
Watchman	$1.10
Waterboy	1.10
Hod carrier	1.70
Mortar mixer	1.70
Powderman and blaster	2.20
Labor foreman	1.80
Jackhammer and air tool man vibrator	1.91

Case C-6519: Counties of Garland, Hot Spring, Pike, Montgomery, Saline, and Clavic; building and heavy construction only.

Building labor	$1.00
Mortar mixer	1.375
Air tool operator	1.375
Jackhammer man	1.375
Vibrator man	1.375

Case C-5577: City of Little Rock; county of Pulaski; building construction only.

Laborer building	$1.00
Carpenter tender	1.00
Laborer concrete	1.00
Watchman	1.00
Air tool operator	1.00

Case C-9879: Counties of Craighead, Greene, Clay, Randolph, Sharp, Lawrence, Independence, Jackson, Poinsett, Mississippi, Cross, Crittenden, St. Francis, Phillips, Monroe, Prairie, White, Baxter, Fulton, Stone, and Woodruff; building, heavy, and highway construction.

Common laborer	$1.25
Carpenter tender	1.25
Concrete labor	1.25
Cement finisher helper	1.25
Mechanic helper	1.25
Roofer helper	1.25
Air tool operator	1.25
Vibrator operator	1.25
Hod carrier	1.25
Flagman or spotter	1.25
Labor foreman	1.75
General labor foreman	2.00
Water boy	1.25
Mortar mixer	1.40
Vibrator, air tool and electrical equipment	1.40
Caisson and cofferdam work	1.40
Puddlers behind pavers	1.40
Concrete pipe assemblers	1.40
Concrete buster	1.40

Mason and Plasterer Tenders

Case C-4984: County of Crittenden; building, heavy and highway construction.

Plasterer tender	$1.50
Mason tender	1.50

Case C-5687: Counties of Union, Ouachita, Ashley, Lafayette, Calhoun, Nevada, Hempstead, Bradley, and Columbia; building and heavy construction only.

Plasterer tender	$1.50
Mason tender	1.50

Case C-4311: Counties of Sebastian, Crawford, Franklin, and Johnson; building construction only.

Mason tender	$1.43
Plasterer tender	1.525

Case C-6519: Counties of Garland, Hot Springs, Pike, Montgomery, Saline, and Clavic; building and heavy construction only.

Mason tender	$1.375
Plasterer tender	1.375

Case C-9879: Craighead, Green, Clay, Randolph, Sharp, Lawrence, Independence, Jackson, Poinsett, Mississippi, Cross, Crittenden, St. Francis, Phillips, Monroe, Prairie, White, Baxter, Fulton, Stone, Woodruff; building, heavy and highway construction only.

Mason tender	$1.25
Plasterer tender	1.25

Operating Engineers

Case C-4243: Little Rock and area within the territorial jurisdiction of International Union of Operating Engineers, Local 382; building construction only.

Crane, motor crane, dragline, clamshell shovel, backhoe, cherrypicker with boom, pile driver operator, cable way, paver with boom	$2.50
Bulldozer, sideboom, carry all, derrick, locomotive engs., hoist (two drum), mixer larger than 10's, mechanic, welder, motor patrol, Le Tourneau pull, highlift, scraper, elevating grader, trenching machine, tower excavator, central mixing plant, pump, 2 to 5 inch or larger	2.25
Hoist (1 drum), air compressor—2, donkey operator, roller, distributor bituminous surface, finishing machine, earth drill, water pump 2 smaller than 5" pump 5" or larger, winch truck with "A" frame, mixer smaller than 10's, push cat, snatch cat with winch welding machine 2, fireman-boiler, high or low pressure, air compressor 2	2.00
Water pump 1 smaller than 5", welding machine 1, air compressor 1, roller sheepfoot, scale operator, motor crane oiler-driver, tail tower	1.75
Fireman, oiler, mechanic helper, welder helper	1.575

Case C-6834: Entire State of Arkansas; main line pipe line construction only.

Principal operator (operator of bulldozer, back filler and cleaning and doping machine)	$2.30
Principal operator (operator of trenching machine, boom cat, back hoe, drag line, crane, and other shovel type equipment and mechanic)	2.40
Intermediate operator (operator of bending machine, tow cat, gin truck, and power-agitated dope pot)	1.925
Apprentice operator (operator of small pump, welding machine, oiler or swamper on trenching machine and shovel-type equipment, air compressor, greaser and fuel truck man, and mechanic helper)	1.45

Painters

Case C-6016: County of Crittenden; building construction only.

Journeyman house painter and paperhanger	$2.1075
Journeyman painter, spray and steel	2.3125
Sandblaster	2.4375
Apprentice: (house painting)	.875
Third 6 months	.98
Fourth 6 months	1.20
Fifth 6 months	1.53
Sixth 6 months	1.86

Case C-6017: County of Crittenden; building construction only.

Journeyman sign writer	$2.4625
Sign writer's helper	1.94
Sign writer's apprentice:	.86
Second 6 months	1.00
Third 6 months	1.10
Fourth 6 months	1.35
Fifth 6 months	1.72

Case C-7978: City of Blytheville and the northeast part of Mississippi County; building construction only.

Journeyman painter and paperhanger	$2.00

Also maintenance of customary differentials for spray operator, sign painter, and steel painter.

Case C-8030: Camden and area within the territorial jurisdiction of Brotherhood of Painters, Decorators & Paperhangers, Local 1636; from city of Camden through Fordyce; northwest through Gurdon; west through Magnolia; south through Louann; east through Banks; building construction only.

Journeyman brush painter and paperhanger	$2.125
Spray, sandblasting, and buffing	2.625
Stage (swing)	2.625
Steel (structural)	2.50
Sheet rock, tapering and floating	2.25
Sign painter	2.50

Case C-5105: Halfway from El Dorado to Texarkana, Camden, Pine Bluff, and Crossett; building construction only.

Journeyman painter, brush	$2.00
Journeyman painter, steel	2.375

Case C-4441: City of Crossett; county of Ashley; building construction only.

Journeyman painter—residential wood	$1.855
Journeyman painter—commercial wood	1.98
Journeyman painter—structural steel	2.23
Journeyman painter—spray painter	2.48
Scenic artist display in free hand	2.105
Taping, floating and texture work	1.98
Canvassing, paper hanging—residential	1.855
Canvassing, paper hanging—commercial	1.98
Sign painting	2.23
Sand blasting	2.48

Case C-8444: Little Rock and area within the territorial jurisdiction of Brotherhood of Painters, decorators and paperhangers, local 424; building construction only.

Journeyman painter	$2.00
Steel painter	2.275
Paperhanger	2.135
Spray gun painter	2.825
Roller coater operator	2.275
Apprentice:	
First 6 months—40 percent of journeyman scale.	
Second 6 months—50 percent of journeyman scale.	
Third 6 months—60 percent of journeyman scale.	
Fourth 6 months—70 percent of journeyman scale.	
Fifth 6 months—80 percent of journeyman scale.	
Sixth 6 months—90 percent of journeyman scale.	

Case C-4087: Counties of Jefferson, Lincoln, Cleveland, Arkansas, and eastern half of Grant; building construction only.

Journeyman painter, brush	$1.95
Journeyman painter, structural steel	2.20
Journeyman painter, spray	2.325

Plasterers

Case C-3745: Fort Smith and area within the territorial jurisdiction of Bricklayers, Masons and Plasterers International Union, Local 8; building construction only.

Plasterer	$3.30

Case C-2790: Counties of Garland, Hot Springs, Pike, Montgomery, and Clark; building construction only.

Journeyman plasterer	$2.75

Plumbers

Case C-4998: Entire State of Arkansas; mainline pipeline construction only.

Journeyman pipe fitter	$2.65
Pipe fitter welder	2.65
Pipe fitter apprentice	[1] 1.35

[1] Or 15 cents per hour over and above the common laborer rate in any given area.

Case C-5190. City of West Memphis; building construction only.

Journeyman plumber	$2.80

Case C-8546: Entire State of Arkansas; building construction only.

Journeyman sprinkler fitter	$2.57

Case C-6462: Counties of Little River, Hempstead, Sevier, Howard, Pike, Clark, Nevada, Miller, Columbia, Ouachita, Dallas, Calhoun, Union, Bradley, Cleveland, Drew, Ashley, Chicot, Desha, Lafayette, Phillips, Polk, and Arkansas; building construction only.

Plumber, pipe fitter, sprinkler fitter or refrigeration fitter	$2.65
Foreman	3.00
General foreman	3.35
Assistant superintendent	3.60
Apprentice:	
First 6 months	1.10
After 1 year	1.35
After 2 years	1.60
After 3 years	2.00
After 4 years	2.35
Journeyman rate after 5 years.	

Case C-8372: Cities of Fort Smith, Van Buren and surrounding area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 29; building construction only.

Journeyman plumber and pipe fitter	$2.625

Case C-2156: City of Pine Bluff, Jefferson County, and Grady, in Lincoln County; building construction only.

Journeyman plumber and welder	$2.475

Case C-8517: Little Rock and area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 155; building construction only.

Journeyman plumber, pipe fitter, and welder	$2.67

Case C-8193: St. Louis, Mo., and area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Joint Council of Lead Burners, Local 495; building, heavy and highway construction.

Journeyman lead burner	$3.175
Lead burner apprentice:	
First 3 months, 30 percent of journeyman's rate.	
Next 9 months, 35 percent of journeyman's rate.	

Roofers

Case C-4628: Counties of Clay, Craighead, Crittenden, Cross, Greene, Lee, Lawrence, Mississippi, Monroe, Phillips, Randolph, Poinsett, St. Francis; building construction only.

Journeyman roofer	$1.975
Apprentice:	
First year	50% of journeyman's rate.
Second year	55% of journeyman's rate.
Second year, second 6 months	60% of journeyman's rate.
Third year	70% of journeyman's rate.
Third year, second 6 months	80% of journeyman's rate.

Case C-3901: Counties of Sebastian, Franklin, and Crawford; building construction only.

Journeyman roofer	$1.54
Foreman	1.79
Apprentice:	
First year	.99
Second year	1.10
Third year	1.375

Case C-6121: Pine Bluff and area halfway (north) to Little Rock; halfway (south) to Monticello; halfway (west) to Camden and halfway (east) to Jonesboro. This consists of Jefferson County, north half of Lincoln County, east half of Prairie County and west half of Grant County; building and heavy construction only.

Journeyman roofer $2.15

Sheet Metal Workers

Case C-5592: All counties, except Clay, Craighead, Crittenden, Cross, Greene, Lee, Lawrence, Mississippi, Monroe, Phillips, Randolph, Poinsett, and St. Francis; building construction only.

Journeyman sheet metal worker $2.15

Steam Fitters

Case C-5190: City of West Memphis, building construction only.

Journeyman steam fitter $2.80

Case C-6462: Counties of Little River, Hempstead, Sevier, Howard, Pike, Clark, Nevada, Miller, Columbia, Ouachita, Dallas, Calhoun, Union, Bradley, Cleveland, Drew, Ashley, Chicot, Desha, Lafayette, Phillips, Polk, and Arkansas; building construction only.

Steam fitter $2.65

Case C-2156: Cities of Pine Bluff, Jefferson County, and Grady in Lincoln County; building construction only.

Steam fitter $2.475

[F. R. Doc. 52-12334; Filed, Nov. 18, 1952; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8258]

TEXAS STAR BROADCASTING CO.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR FURTHER HEARING

In re application of Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP-5820; for construction permit.

1. By a decision of January 27, 1950, released February 2, 1950, the Commission granted the above-entitled application of Roy Hofheinz and W. N. Hooper, a partnership doing business as Texas Star Broadcasting Company, for a permit to construct a new AM broadcast station in Dallas, Texas, to be operated on the frequency 740 kc, with power of 5 kw night and 10 kw day, unlimited time, employing a directional antenna during both daytime and nighttime hours of operation. Petitions for reconsideration and rehearing were filed by (1) KTRH Broadcasting Company, the licensee of Station KTRH, Houston, Texas, whose mutually conflicting application for a construction permit to change its daytime directional antenna system, which had been heard in a consolidated proceeding with the Texas Star application, was denied by that decision, and (2) Democrat Printing Company, licensee of Station KSEO, Durant, Oklahoma, an intervenor in the proceeding who alleged objectionable adjacent channel interference to it from the Texas Star proposal. The petitions for reconsideration and rehearing were denied by memorandum opinion and order of June 1, 1950, released June 2, 1950. Democrat Printing Company filed a Notice of Appeal from the Commission's decision in the United States Court of Appeals for the District of Columbia Circuit on June 21, 1950. KTRH Broadcasting Company did not appeal from the denial of its application, and did not join in the appeal taken by Democrat Printing Company. Texas Star Broadcasting Company participated in the appeal as an intervenor. The Court handed down its decision on June 12, 1952, Democrat Printing Company v. Federal Communications Commission, — F. 2d —, 7 Pike & Fischer, R. R. 2137, reversing the Commission's decision with respect to the grant to Texas Star because of errors committed by the Commission in reaching its decision that a grant to Texas Star was in the public interest, and remanding the matter to the Commission for further proceedings in accordance with its opinion. The Court's mandate was received on July 30, 1952.

2. The Court found that the Commission had committed error in failing to consider the nature of the program service to KSEO in the area of interference for the purpose of determining the comparative merits of its service with that of Texas Star. It will, therefore, be necessary to reopen the hearing for the purpose of receiving evidence with respect to KSEO's program service. The issues designated for the previous hearing included one with respect to the "type and character of program service proposed to be rendered (by Texas Star) and whether it would meet the requirements of the populations and areas proposed to be served." There was, however, no issue relating to the program service of KSEO.[1] Accordingly, in accordance with the Court's opinion, an additional issue with respect to KSEO's program service will be included.

3. The Court also found error in the grant to Texas Star because the Commission permitted a deviation from the normal requirements of the so-called "blanketing" standard of its Standards of Good Engineering Practice[2] without having any evidence that consideration was given to other transmitter sites, one of the conditions set forth by the standard for permitting a deviation, and without suggesting why, in the public interest, the showing of no alternative site should not be required in this case. We believe that in the light of the Court's opinion, the parties should be given an opportunity in this proceeding to make a further showing with respect to compliance with the "blanketing" standard, or justification for non-compliance. That issue will also be designated for further hearing.

4. One other matter requires mention. The Court's opinion states that there was no substantial evidence to support the Commission's finding that "the grant to Texas Star will not impair the ability of KSEO to continue to serve the local Durant area." It is clear from the opinion that the Court interpreted this finding as one pertaining to the continuing financial ability of KSEO to operate in the public interest in the event of a grant to Texas Star. We believe that the ambiguous wording of our finding, and its proximity to a finding that considerations of equitable distribution of service between the respective communities warranted a grant to Texas Star, led the Court to misunderstand the meaning of the finding. The Commission's finding was intended as one that KSEO's ability to serve the local Durant area in a technical sense would not be impaired, i. e., that KSEO would continue to render a satisfactory signal in that area. There is clearly record evidence to support that conclusion. It is true that there is no evidence in the record on financial injury to KSEO, but no finding on this matter was intended and no issue on financial injury was included.

5. Nor do we believe that it would be appropriate for the Commission on its own motion to include an issue, in the further proceedings in this case, relating to the financial effect of a grant upon an existing station which will receive objectionable interference. The question of whether any showing of financial injury under such circumstances would be relevant to a determination of whether the interfering grant would be in the public interest, is a very complex one which the Commission has not hitherto been called upon to consider. Since financial injury obviously does not necessarily flow from the fact that an existing station will receive electrical interference from a pending grant, and since no allegation of financial injury has been made to the Commission in this proceeding and no motion to enlarge the issues has been made based upon such a claim, we believe that it would be both unnecessary and improper to attempt to resolve the question at this time.[3]

6. For the foregoing reasons: *It is ordered*, That the grant of a construction permit to Texas Star Broadcasting Company, dated January 27, 1950, is vacated, the application (BMP-5900) of Texas Star Broadcasting Company for modification of construction permit to extend the completion date is dismissed as moot, and the above-entitled application for construction permit is designated for further hearing to be held at Washington, D. C., before Hugh B. Hutchison, Hearing Examiner, at a date to be announced, upon the following issues:

1. To determine the type and character of program service rendered by Station KSEO, Durant, Oklahoma, to the area in which KSEO would receive objectionable interference from the proposed operation of Texas Star Broadcasting Company.

2. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Standards of Good Engineering Practice Concerning Standard Broadcast Stations relating to "blanket area" interference and, if not, whether the public interest warrants a departure from such standards.

3. To determine, on the basis of the above issues and the record heretofore had in those proceedings, whether a grant of the above-entitled application is in the public interest.

Adopted: November 5, 1952.

Released: November 6, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12345; Filed, Nov. 18, 1952; 8:54 a. m.]

[Docket Nos. 9136, 10243, 10316]

PIONEER BROADCASTERS, INC. ET AL.

ORDER SCHEDULING HEARING

In re applications of Pioneer Broadcasters, Inc., Portland, Oreg., Docket No. 9136, File No. BPCT-431; KXL Broadcasters, Portland, Oreg., Docket No. 10243, File No. BPCT-954; Mount Hood Radio and Television Broadcasting Corporation, Portland, Oreg., Docket No. 10316, File No. BPCT-1029; for construction permits for new television stations (Channel 6).

Pursuant to agreement of counsel at a conference held on November 4, 1952, the further hearing on the applications in the above-entitled proceeding presently scheduled for November 10, 1952, is hereby continued to 10 o'clock a. m., November 19, 1952, in Washington, D. C.

Dated, this 4th day of November 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12350; Filed, Nov. 18, 1952; 8:56 a. m.]

[Docket Nos. 9138, 10245, 10319, 10324]

WESTINGHOUSE RADIO STATIONS, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Westinghouse Radio Stations, Inc., Portland, Oreg., Docket No. 9138, File No. BPCT-494; Portland Television, Inc., Portland, Oreg., Docket No. 10245, File No. BPCT-956; North Pacific Television, Inc., Portland, Oreg., Docket No. 10319, File No. BPCT-1138; Cascade Television Company, Portland, Oreg., Docket No. 10324, File No. BPCT-1235; for construction permits for new television stations (Channel 8).

Pursuant to agreement of counsel at a conference held on November 4, 1952, the further hearing on the applications in the above-entitled consolidated proceeding presently scheduled for December 1, 1952, is hereby continued to 10 o'clock a. m., January 6, 1953, in Washington, D. C.

Dated this 4th day of November 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12349; Filed, Nov. 18, 1952; 8:55 a. m.]

[Docket Nos. 10199, 10204, 10230]

ARCTIC TELEPHONE & TELEGRAPH CO. AND AERONAUTICAL RADIO, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Arctic Telephone & Telegraph Company, for construction permit for an aeronautical and aeronautical fixed station to be located at the International Airport, Spenard, Alaska; Docket No. 10199, File No. 8107-A3-P-F; and Aeronautical Radio, Inc., for construction permit to relocate aeronautical and aeronautical fixed stations KWH2/KWC99 from Elmendorf Field to the International Airport, Spenard, Alaska, Docket No. 10204, File No. 14572-A3-P-G. In the matter of Arctic Telephone & Telegraph Company, application for modification of construction permit to change location of a fixed public point-to-point telephone station from Fourth of July Creek, Alaska to Anchorage, Alaska, to add frequencies and to increase the maximum power, Docket No. 10230, File No. 11330-F4-MP-D.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952;

The Commission having under consideration the designation of time and place for hearings in the above-captioned matters;

It appearing, that by an order dated May 21, 1952, the proceedings in Dockets 10199 and 10204 were designated for a consolidated hearing in Washington, D. C., at a time to be specified later and by an order dated July 9, 1952, the proceeding in Docket 10230 was designated for hearing in Washington, D. C., to be held on August 26, 1952, and subsequently adjourned; and

It further appearing, that Arctic Telephone & Telegraph Company requested that the hearing location in both proceedings be changed from Washington, D. C. to Anchorage, Alaska, for the reason, among other things, that the applicant and all its witnesses reside in Alaska and it would not be possible for it effectively to present its case in Washington; and

It further appearing, that the foregoing request was denied by the Commission on July 23, 1952, but Arctic Telephone & Telegraph Company was advised that the hearings on the above applications might be held either in Seattle, Washington or Portland, Oregon, at a time which would coincide with the then anticipated hearings on other matters which were expected to be held in the Pacific Northwest in the near future; and

It further appearing, that Arctic Telephone & Telegraph Company filed a written appearance indicating that it would appear at a hearing held in either one of the above-mentioned cities; and

It further appearing, that although considerations which arose after the Commission's action of July 23, 1952, was taken make, at present, indefinite the time when other proceedings may be scheduled for hearings in the Pacific Northwest, the Commission desires to afford Arctic Telephone & Telegraph Company the opportunity to be heard at a place which would more practicably enable the applicant to appear and present its cases than if the place of hearing were Washington, D. C.;

It is ordered, That the above-mentioned orders of May 21, 1952, and July 9, 1952, are amended by changing the hearing location from Washington, D. C. to a place in the Pacific Northwest to be determined, together with the time for such hearings, by a subsequent order.

Released: November 10, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12344; Filed, Nov. 18, 1952; 8:54 a. m.]

[1] KSEO had contended that the issues designated by the Commission required it to show only that Texas Star's proposed signal would interfere with the existing KSEO signal in order to defeat Texas Star's application. The Court stated that this interpretation of the issues was too restrictive, since issue number four was "To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, *if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.*" (Emphasis added.) The Court's opinion then states "Unless we are to ignore the italicized portion, we think the issue clear notice that the public interest might require an award to Texas Star even though the signal of other stations might suffer interference, and that any evidence showing that such interference would not be in the public interest would be relevant. The Federal Communications Act and the Commission's rules leave no doubt that in appropriate cases, licenses may be granted despite resulting interference to existing stations." The question there decided by the Court was one of notice, and we do not construe the Court's language as changing the scope of the Commission's issues. The Commission has never construed the issue referred to by the Court as including evidence of program service, and the evidence of KSEO's program service offered at the hearing was rejected as immaterial under the issues.

[2] 47 C. F. R., p. 136 (1949); Vol. 1, part 2, Pike & Fischer, R. R. 81:173-4.

[3] We recognize that the Court by dictum in a footnote to its opinion included language suggesting that if the matter were properly raised, economic injury to an existing station might, under certain circumstances, be relevant. It seems doubtful that this dictum, written in the absence of any Commission consideration of the problem, was intended to prejudge Commission determination of the question should it be properly raised in any case. In any event, we need not consider, in the present posture of this case, the applicability of the principle stated in circumstances where a party timely raised the issue.

[Docket Nos. 10248, 10249]

MT. SCOTT TELECASTERS, INC., AND VANCOUVER RADIO CORP.

ORDER SCHEDULING HEARING

In re applications of Mt. Scott Telecasters, Inc., Portland, Oreg., Docket No. 10248, File No. BPCT-939; Vancouver Radio Corporation, Vancouver, Wash., Docket No. 10249, File No. BPCT-959; for construction permits for new television stations (Channel 21).

Pursuant to agreement of counsel at a conference held on November 4, 1952, the further hearing on the applications in the above-entitled consolidated proceeding presently scheduled for November 7, 1952, is hereby continued to 10 o'clock a. m., February 9, 1953, in Washington, D. C.

Dated this 4th day of November 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12351; Filed, Nov. 18, 1952; 8:56 a. m.]

[Docket Nos. 10268, 10269, 10270]

WJR, THE GOODWILL STATION, INC. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WJR, The Goodwill Station, Inc., Flint, Mich., Docket No. 10268, File No. BPCT-967; Trebit Corporation, Flint, Mich., Docket No. 10269, File BPCT-968; W. S. Butterfield Theatres, Inc., Flint, Mich., Docket No. 10270, File No. BPCT-953; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952;

The Commission, having under consideration the above-entitled application of W. S. Butterfield Theatres, Inc., requesting a construction permit for a new television broadcast station to operate on Channel 12 in Flint, Michigan; and

It appearing, that the said application is mutually exclusive with the above-entitled applications of WJR, the Goodwill Station, Inc., and Trebit Corporation, both of which also request construction permits for television stations to operate on Channel 12 in Flint, Michigan; and

It further appearing, that the applicant W. S. Butterfield Theatres, Inc., was advised on October 30, 1952, that its proposal was mutually exclusive with those of the other above-entitled applications and was requested to file any reply within five days, and that this time has now expired and the said conflict has not been resolved:

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application of W. S. Butterfield Theatres, Inc., be designated for hearing in the same consolidated proceeding with the other above-entitled applications to commence at 10:00 a. m., on November 17, 1952, in Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of any of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12348; Filed, Nov. 18, 1952; 8:55 a. m.]

[Docket Nos. 10340, 10341]

MARIA HELEN ALVAREZ AND CAL TEL CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Maria Helen Alvarez, Sacramento, Calif., Docket No. 10340, File No. BPCT-1041; Ashley L. Robison and Frank E. Hurd, d/b as Cal Tel Company, Sacramento, Calif., Docket No. 10341, File No. BPCT-1330; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 5th day of November 1952;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 40 in Sacramento, California; and

It appearing, that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 40 in Sacramento, California; and

It further appearing, that the applicants were advised on October 24, 1952, that their proposals were mutually exclusive and were requested to file any replies within ten days, and that this time has now expired and the said conflict has not been resolved:

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on November 17, 1952, in Washington, D. C. upon the following issues:

1. To determine the technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12346; Filed, Nov. 18, 1952; 8:54 a. m.]

[Docket Nos. 10342, 10343]

JOHN POOLE BROADCASTING CO. AND JACK O. GROSS

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of John H. Poole, tr/as John Poole Broadcasting Company, Sacramento, Calif., Docket No. 10342, File No.: BPCT-1007; Jack O. Gross, Sacramento, Calif., Docket No. 10343, File No.: BPCT-1077; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 46 in Sacramento, California; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 46 in Sacramento, California; and

It further appearing, that the applicants were advised on August 13, 1952, that their proposals were mutually exclusive and were requested to file any replies within thirty days, and that this time has now expired and the said conflict has not been resolved:

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications be designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on November 17, 1952, in Washington, D. C. upon the following issues:

1. To determine the technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12347; Filed, Nov. 18, 1952; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6460]

PUBLIC SERVICE CO. OF COLORADO

ORDER POSTPONING HEARING

NOVEMBER 12, 1952.

On November 3, 1952, counsel for Public Service Company of Colorado requested that the public hearing now set to commence on December 8, 1952, in the above entitled docket be postponed until a date agreeable to the Commission subsequent to January 1, 1953. Counsel states that they are presently engaged in a case pending in the United States District Court in which Public Service Company of Colorado is a defendant and will be engaged in other cases to be tried during November and December.

The Commission finds: Good cause exists for postponement of the hearing in the above-entitled proceeding.

The Commission orders: The hearing now set for December 8, 1952, at 10:00 a. m., be and the same is hereby postponed until January 12, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington 25, D. C.

Date of issuance: November 13, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12314; Filed, Nov. 18, 1952; 8:45 a. m.]

[Docket No. E-6462]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

NOVEMBER 12, 1952.

Take notice that on November 10, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of a maximum of $2,000,000 unsecured Promissory Notes payable to The National City Bank of New York, dated as of the dates of their respective issue, due not more than one year after the dates of their respective issue, bearing interest at the commercial bank rate in effect at the dates of their respective issue. The Northwestern National Bank of Minneapolis will have a 25 percent participation in each note and the First National Bank of Minneapolis will have a 15 percent participation in each note; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 1st day of December, 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12319; Filed, Nov. 18, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27540]

ANHYDROUS AMMONIA FROM SOUTH POINT, OHIO, TO CHICAGO AND STREATOR, ILL.

APPLICATION FOR RELIEF

NOVEMBER 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, carloads.

From: South Point, Ohio.

To: Chicago and Streator, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: N. & W. Ry. tariff I. C. C. No. 9424, Supp. 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12315; Filed, Nov. 18, 1952; 8:45 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 8]

GEORGIA RAILROAD ET AL.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Georgia Rail Road & Banking Company, Operated as the Georgia Railroad by lessees: Atlantic Coast Line Railroad Company, Louisville and Nashville Railroad Company, account work stoppage, is unable to transport traffic routed over this line. It is ordered, that:

(a) Rerouting traffic: The Georgia Rail Road & Banking Company, operated as the Georgia Railroad by lessees: Atlantic Coast Line Railroad Company, Louisville and Nashville Railroad Company, account work stoppage, is unable to transport traffic in accordance with shippers' routing, and is hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a. m., November 13, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., November 28, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., November 12, 1952.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 52-12316; Filed, Nov. 18, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2930]

WACHUSETT GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING ISSUANCE AND SALE OF CAPITAL STOCK

NOVEMBER 12, 1952.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, Wachusett Gas Company ("Wachusett"), having filed with this Commission an application-declaration, pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-23 and U-42 (b) (2) thereunder, with respect to the following proposed transactions:

Wachusett proposes to issue and sell, for cash, 5,000 shares of additional capital stock, $100 par value, at a price of $100 per share, aggregating $500,000. NEES, the sole stockholder of Wachusett, proposes to acquire such shares and will use available cash for such purpose.

Pursuant to a bank loan agreement with The National City Bank of New York, Wachusett presently has outstanding $430,000 principal amount of unsecured promissory notes, due April 1, 1953. The proceeds from the proposed issuance and sale of capital stock will be used by Wachusett to pay its outstanding note indebtedness under its loan agreement and the balance of the proceeds will be used to pay for construction.

The application-declaration states that the total expenses to Wachusett and NEES in connection with the proposed transactions, including services rendered by New England Power Service Company, an affiliated service company, at the actual cost thereof, are estimated at $1,500 and $300, respectively.

The Department of Public Utilities of the Commonwealth of Massachusetts has approved the proposed issuance and sale of capital stock by Wachusett and, according to the application-declaration, no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective upon issuance.

Notice of the filing of the application-declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and hereby is, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-12320; Filed, Nov. 18, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19061]

FRITZ WINTER

In re: Real property and property insurance policies owned by Fritz Winter, also known as Fritz Winters. F-28-31717.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Fritz Winter, also known as Fritz Winters, whose last known address is Calshornerstrasse 301, Bremen-Arbergen, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City of Chicago, County of Cook, State of Illinois, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the person named in subparagraph 1 hereof, in and to all insurance policies covering the premises described in the aforesaid Exhibit A, and any and all extensions or renewals thereof,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Fritz Winter, also known as Fritz Winters, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of a designated enemy country, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof.

All such property so vested to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain piece or parcel of land situated in the City of Chicago, County of Cook, State of Illinois, particularly described as follows:

Lot Eighteen (18) of Block Eleven (11) in F. H. Bartletts Garfield Ridge Subdivision of Section Seventeen (17), Township Thirty-eight (38) N., Range Thirteen (13), East of the Third Principal Meridian.

[F. R. Doc. 52-12336; Filed, Nov. 18, 1952; 8:52 a. m.]

[Vesting Order 14701, Amdt.]

KARL HERRMANN

In re: Real property owned by Karl Herrmann, also known as Karl George Herrmann, and as Carl Herman. F-28-29323-B-1.

Vesting Order 14701, dated June 1, 1950, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached to and by reference made a part of Vesting Order 14701, the following:

The westerly half of Lot No. 9 and all of Lot No. 10 in Block No. 42, as said lots and block are delineated on that certain map entitled Richmond Junction Heights, Contra Costa County, California, 1913.

and substituting therefor the following:

Southwest 12.5 feet of Lot 9 and all of Lot 10 in Block 42, as shown on the Map of Richmond Junction Heights, filed in Book 10 of Maps, Page 230, in the office of the County Recorder of Contra Costa County.

All other provisions of said Vesting Order 14701 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 13, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12339; Filed, Nov. 18, 1952; 8:52 a. m.]

[Vesting Order 19062]

WALTER MOBIUS ET AL.

In re: Rights of Walter Mobius and others under insurance contract. File No. F-28-32000-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Walter Mobius and T. Paul Mobius, whose last known address is (13a) Erlangen, Gerberei 19, Bavaria, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Walter Mobius, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8 562 394 issued by the New York Life Insurance Company, New York, New York, to Walter Mobius, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12337; Filed, Nov. 18, 1952; 8:52 a. m.]

[Vesting Order 19063]

OTTO KUEHN ET AL.

In re: Bond owned by Bernhard Julius Otto Kuehn, also known as Otto Kuehn, Friedel Kuehn, also known as Friedel Berta Auguste Kuehn and Hans Kuehn, also known as Hans Joachim Kuehn. F-28-20554-C-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Supp. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Bernhard Julius Otto Kuehn, also known as Otto Kuehn, Friedel Kuehn, also known as Friedel Berta Auguste Kuehn and Hans Kuehn, also known as Hans Joachim Kuehn, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany, and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the property described as follows: One (1) United States Savings bond Series E, due September 1, 1952, having a face value of $25.00 and numbered Q. 43608820E, said bond issued in the names of Hans Kuehn or Mr. Otto Kuehn and presently in the custody of the Bishop Trust Company, Limited, Honolulu, Hawaii for the account of Mrs. Friedel Berta Auguste Kuehn, together with any and all rights in, to and under said bond,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Bernhard Julius Otto Kuehn, also known as Otto Kuehn, Friedel Kuehn, also known as Friedel Berta Auguste Kuehn and Hans Kuehn, also known as Hans Joachim Kuehn, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 13, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12338; Filed, Nov. 18, 1952; 8:52 a. m.]

Treas Room

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

VOLUME 17 NUMBER 227

Washington, Thursday, November 20, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 672—WOOL

SUBPART—1952 WOOL PRICE SUPPORT PROGRAM (SHORN WOOL)

MISCELLANEOUS AMENDMENTS

In order to extend the 1952 Wool Price Support Program to make price support available on all eligible wool shorn before January 1, 1953, the bulletin stating the requirements with respect to the 1952 Wool Price Support Program for shorn wool (17 F. R. 7261) is amended as follows:

1. Delete the date "November 30, 1952" appearing in § 672.303 (h) and substitute therefor the date "February 28, 1953."

2. Delete the date "December 31, 1952" appearing in § 672.303 (k) and substitute therefor the date "March 31, 1953."

3. Delete the date "December 15, 1952" appearing in § 672.305 (a) and substitute therefor the date "April 30, 1953."

4. Delete the date "November 30, 1952" appearing in the first sentence of § 672.306 and substitute therefor the date "February 28, 1953."

5. Delete the date "November 30, 1952" appearing in the last sentence of § 672.308 and substitute therefor the date "February 28, 1953."

6. Delete paragraphs (a) and (c) of § 672.309 and substitute the following therefor:

§ 672.309 *Nonrecourse loans*—(a) *Application.* At any time after wool has been appraised, but not later than March 31, 1953, and after such wool has been packed in bags or bales, the handler may make application for a nonrecourse loan (i. e., a nonrecourse loan with a maturity date not later than April 30, 1953, which CCC will make, under the terms and conditions set forth in this subpart, on wool that has been appraised) on such wool by executing and delivering to the PMA Commodity Office a note, in form prescribed by CCC, accompanied by warehouse receipts representing the wool, Appraisal Certificates, and such other documents as CCC may specify.

* * * * *

(c) *Disbursement by CCC and maturity date.* Upon receipt of the documents specified in this subpart, in proper form and properly executed by the handler, the PMA Commodity Office shall promptly pay to the handler the gross loan proceeds computed in accordance with paragraph (b) of § 672.310, less any amount previously paid to the handler in accordance with § 672.305 as an advance loan with respect to such wool. The note covering any nonrecourse loan made under the program after the agreement between the handler and CCC is amended to extend the period during which price support will be available will be payable on or before April 30, 1953, together with interest at the rate of 3½ percent per annum. Any note covering a nonrecourse loan made under the program which is payable on or before January 31, 1953, may be extended to become payable on or before April 30, 1953, together with interest at the rate of 3½ percent per annum: *Provided*, That the handler shall save CCC harmless from any storage charges which accrue on or before April 30, 1953, on wool pledged as security for such nonrecourse loan.

7. Delete the first sentence of § 672.314 (d) and substitute the following therefor:

(d) *Charge for storage.* A storage charge for any period after the date of the grower's or pool manager's authorization of the handler to pledge such wool to CCC during which the handler has provided storage through the maturity date of the note covering the nonrecourse loan: *Provided*, That, if the nonrecourse loan is repaid before the maturity date, the handler shall refund to each grower or pool manager any storage charges deducted for the period from the date of repayment of the loan through the maturity date of such note. * * *

8. Delete § 672.314 (f) and substitute the following therefor:

(f) *Advance.* Any cash payments previously advanced by the handler to the grower or pool manager or any transportation charges paid on such wool

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FEDERAL REGISTER

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by the handler for the account of the grower or pool manager.

9. Delete § 672.315 and substitute the following therefor:

§ 672.315 *Limitation on charges by handler.* The handler shall make no charges on wool on which CCC makes a nonrecourse loan which are not authorized by this subpart without the written approval of CCC unless the charge is authorized in writing by the grower entitled to the loan proceeds. In determining the amount due the grower, any charges in addition to those specified in §§ 672.310 and 672.314 shall be clearly itemized on the Account of Loan Settlement and shall be identified as charges specifically authorized by the grower. Notwithstanding the provisions of this paragraph, in any case where the maturity date of a nonrecourse loan made under the program is extended from January 31, 1953, to April 30, 1953, the handler may, without written approval of the grower, charge to the grower and deduct from any amount due the grower under the program, storage charges for the period of such extension at rates not in excess of those specified in § 672.314 (d).

10. Delete the date "January 31, 1953" in each place where it appears in the last sentence of § 672.316 and substitute therefor the words "the maturity date of such note."

11. Delete the date "December 31, 1952" in each place where it appears in § 672.319 (b) and substitute therefor the date "March 31, 1953."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup. 1446, 1421)

Issued this 14th day of November 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

ROY W. LENNARTSON,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-12412; Filed, Nov. 19, 1952; 8:54 a. m.]

PART 672—WOOL

SUPPORT—1952 WOOL PRICE SUPPORT PROGRAM (PULLED WOOL)

MISCELLANEOUS AMENDMENTS

In order to extend the 1952 Wool Price Support Program to make price support available on all eligible wool pulled before January 1, 1953, the bulletin stating the requirements with respect to the 1952 Wool Price Support Program for pulled wool (17 F. R. 7267) is amended as follows:

1. Delete the date "November 30, 1952" appearing in § 672.355 and substitute therefor the date "February 28, 1953."

2. Delete the date "November 30, 1952" appearing in §672.357 and substitute therefor the date "February 28, 1953."

3. Delete the date "December 31, 1952" appearing in § 672.359 (a) and substitute therefor the date "March 31, 1953."

4. Delete the date "December 31, 1952" appearing in § 672.366 (b) and substitute therefor the date "March 31, 1953."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply secs. 5, 62 Stat. 1072, sec. 201, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1446, 1421)

Issued this 14th day of November 1952.

[SEAL] JOHN H. DEAN,
Vice President,
Commodity Credit Corporation.

Approved:

ROY W. LENNARTSON,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-12413; Filed, Nov. 19, 1952; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

PROCLAMATION OF THE NATIONAL MARKETING QUOTAS FOR 1953–54 MARKETING YEAR, AND APPORTIONMENT OF QUOTAS AMONG THE SEVERAL STATES

Sec.
726.403 Basis and purpose.
726.404 Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1952.
726.405 Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1952.

AUTHORITY: §§ 726.403 to 726.405 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313.

§ 726.403 *Basis and purpose.* Sections 726.403 to 726.405 are issued to announce the reserve supply level and the total supply of fire-cured tobacco and dark air-cured tobacco for the marketing year beginning October 1, 1952, to establish the amounts of the national marketing quotas for fire-cured and dark air-cured tobacco for the marketing year beginning October 1, 1953, and to apportion the quotas among the several States. The findings and determinations contained in §§ 726.403, 726.404, and 726.405 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from fire-cured and dark air-cured tobacco producers and others as provided in a notice (17 F. R. 8922) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

§ 726.404 *Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1953*[1]—(a) *Reserve supply level.* The reserve supply level for fire-cured tobacco is 179,000,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 38,000,000 pounds and a normal year's exports of 40,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured tobacco for the marketing year beginning October 1, 1952, is 198,600,000 pounds consisting of carry-over of 142,200,000 pounds and estimated 1952 production of 56,400,000 pounds.

(c) *Carry-over.* The estimated carry-over of fire-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1953, is 124,600,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1952, of 74,000,000 pounds from the total supply of such tobacco.

[1] Rounded to the nearest tenth of a million pounds.

(d) *National marketing quota.* The amount of fire-cured tobacco which will make available during the marketing year beginning October 1, 1953, a supply of fire-cured tobacco equal to the reserve supply level of such tobacco is 54,400,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 54,400,000 pounds would result in undue restriction of marketings during the 1953–54 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for the fire-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1953, is 65,300,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Kentucky	22,760
Tennessee	23,638
Virginia	10,670
Reserve [1]	286

[1] Acreage reserved for establishing allotments for farms upon which no fire-cured tobacco has been grown during the past five years.

§ 726.405 *Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1953* [1]—(a) *Reserve supply level.* The reserve supply level for dark air-cured tobacco is 85,100,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 25,000,000 pounds and a normal year's exports of 8,000,000 pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1952, is 93,600,000 pounds consisting of carryover of 67,500,000 pounds and estimated 1952 production of 26,100,000 pounds.

(c) *Carry-over.* The estimated carryover of dark air-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1953, is 61,300,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1952, of 32,300,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1953, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 24,800,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 24,800,000 pounds would result in undue restriction of marketings during the 1953–54 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1953, is 29,800,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Kentucky	22,832
Tennessee	3,562
Indiana	107
Missouri	1
Reserve [1]	133

[1] Acreage reserved for establishing allotments for farms upon which no dark air-cured tobacco has been grown during the past five years.

Done at Washington, D. C., this 14th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12410; Filed, Nov. 19, 1952; 8:54 a. m.]

[1] Rounded to the nearest tenth of a million pounds.

[1023 (Fire, Air and Sun-53)-3 (Amdt. 1)]

PART 726—FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1953–54 MARKETING YEAR

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–1314), and is made for the purpose of amending § 726.416 of the Fire-cured, Dark Air-cured and Virginia Sun-cured marketing quota regulations, 1953–54 marketing year, relating to determination of 1953 preliminary acreage allotments for old tobacco farms. Since the amendment will affect the size of individual farm fire-cured tobacco acreage allotments and since it is imperative that farmers be notified of their tobacco acreage allotments at an early date in order to be able to complete their 1953 farming arrangements, it is necessary that the amendment become effective at the earliest possible date. Therefore, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure, and effective date is impracticable and contrary to the public interest, and that the amendment made herein shall become effective upon the date it is filed with the FEDERAL REGISTER.

The Fire-cured, Dark Air-cured and Virginia Sun-cured Tobacco Marketing Quota Regulations, 1953–54 Marketing Year, are amended by adding the following paragraph (g):

(g) In the case of fire-cured tobacco the 1953 preliminary allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish a preliminary allotment for such farm which is fair and equitable in relation to the preliminary allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the total of the preliminary allotments as increased for all old tobacco farms in the State shall not exceed the total acreage allotted to all farms in the State in 1952: *And provided further*, That no preliminary allotment shall be increased above the acreage capacity of curing barns located on the farm and suitable for curing tobacco or the limitation contained in paragraph (f) of this section.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1313)

Done at Washington, D. C., this 14th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12411; Filed, Nov. 19, 1952; 8:54 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952–1953 FISCAL PERIOD

On October 23, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 9604) regarding the expenses and rate of assessment for the 1952–53 fiscal period under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 955.206 *Expenses and rate of assessment for the 1952–1953 fiscal period.* (a) (1) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal period beginning August 1, 1952, will amount to $18,225.00, and the rate of assessment to be paid by each handler who first ships grapefruit shall be one and one-quarter cents ($0.0125) per standard box of fruit shipped by such handler as the first handler thereof during the said fiscal period. Such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

(2) Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

(b) As used in this section, "handler," "ship," "fruit," "fiscal period," and "standard box" shall each have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of November 1952, to be effective 30 days after the date of publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12415; Filed, Nov. 19, 1952; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

DECORATIONS FOR INDIVIDUALS

A new § 578.23a is added as follows:

§ 578.23a *Gold Star Lapel Button.* Established by act of August 1, 1947 (61 Stat. 710; 36 U. S. C. Sup. 182a–182d) as amended by act of August 21, 1951 (65 Stat. 195).

(a) The Gold Star Lapel Button consists of a gold star on a purple circular background, bordered in gold and surrounded by gold laurel leaves. On the reverse is the inscription "United States of America, Act of Congress, August 1947," with space for engraving the initials of the recipient.

(b) One Gold Star Lapel Button will be furnished without cost to the widow or widower and to each of the parents of a member of the Armed Forces who lost his life while in the active military service during the periods indicated in acts cited above. The term "widow or widower" includes those who have since remarried, and the term "parents" includes mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis.

(c) One Gold Star Lapel Button will be furnished at cost price to each child, stepchild, child through adoption, brother, half brother, sister, and half sister of a member of the Armed Forces who lost his life during any period indicated herein.

(d) Applications for Gold Star Lapel Buttons may be submitted to The Adjutant General by eligible next of kin of deceased Army personnel enumerated in paragraphs (b) and (c) of this section.

(e) Only one Gold Star Lapel Button will be furnished to eligible individuals, except whenever a Gold Star Lapel Button furnished to an eligible individual indicated in paragraphs (b) and (c) of this section shall have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the person to whom it was furnished, such button may be replaced, upon application, at cost price. Private manufacture and/or sale of the Gold Star Lapel Button is prohibited and this design will not be incorporated in any manner in any article manufactured commercially or privately.

[C 3, SR 600–45–3, Nov. 30, 1951] (61 Stat. 710, as amended; 36 U. S. C. Sup. 182a–182d)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-12362; Filed, Nov. 19, 1952; 8:45 a. m.]

Chapter VII—Department of the Air Force

Subchapter J—Procurement Procedures

PART 1009—BONDS AND INSURANCE

Part 1009 is added to Subchapter J as follows:

SUBPART A—BONDS

Sec.
1009.101 Definitions.
1009.102 Performance bonds.
1009.103 Payment bonds.
1009.104 Advance payment bonds.
1009.105 Patent infringement bonds.
1009.106 Other types of bonds and miscellaneous bond requirements.
1009.107 Execution and administration of bonds.

SUBPART B—SURETIES ON BONDS

1009.201 General requirements of sureties.
1009.202 Consent of surety.

SUBPART C—INSURANCE

1009.301 General policy.
1009.302 Insurance in connection with fixed-price contracts.
1009.303 Insurance in connection with cost-reimbursement type contracts.
1009.304 Workmen's compensation and employers' liability insurance.
1009.305 Comprehensive general liability insurance.
1009.306 Automobile liability insurance.
1009.307 Boiler and machinery insurance.
1009.308 Group insurance plans.
1009.309 Retirement or pension plans including plans based upon profits.
1009.310 Insurance on government property.
1009.311 General statement.

AUTHORITY: §§ 1009.101 to 1009.311 issued under R. S. 161, sec. 202, 61 Stat. 509, as amended; 5 U. S. C. 22, 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161.

DERIVATION: Sec. X, AFM 70–6.

SUBPART A—BONDS

§ 1009.101 *Definitions*—(a) *Annual bid bonds.* A single bond which secures all bids submitted by a contractor to a procuring activity, or to such contracting officers of a procuring activity as may be designated by that activity, during a specific fiscal year in response to formal advertising. Such bond is furnished in lieu of separate bid bonds. It is used only in connection with contracts other than construction contracts.

(b) *Annual performance bond.* A single bond which secures the performance and fulfillment of all undertakings, covenants, terms, conditions, and agreements of all contracts of a contractor entered into with and submitted to a procuring activity, or to such contracting officers of a procuring activity as may be designated by that activity, during a specific fiscal year. Such a bond is executed in lieu of executing separate performance bonds for each contract. It is used only in connection with contracts other than construction contracts.

(c) *Fidelity bond (blanket).* A bond under which the obligor agrees to indemnify an employer up to an amount stated in the bond for losses caused by dishonesty on the part of all employees except those expressly excluded by written endorsement on the bond.

(d) *Forgery bond or policy (depositor's form).* A bond or policy under which the obligor agrees to reimburse a purchaser and others named in the bond or policy (the insureds) to an amount stated in the bond or policy:

(1) For losses caused by the forging or altering of a check, draft, or similar instrument issued by or purported to have been issued by any of the insureds named in the bond or policy; and

(2) For losses resulting from the fact that a check or draft has been obtained from the insureds through the device of impersonation.

(e) *License or permit bond.* A bond which secures to a municipality or other public authority the payment of fines or the amount of any losses sustained as a result of action taken, or omitted to be taken, in violation of the terms of a license or permit. The indemnity sometimes runs to third persons in addition to the municipality.

(f) *Consent of surety.* An instrument by which the surety or sureties on a bond or bonds supporting a contract consent(s) to a supplemental agreement which modifies or amends the contract, or a change order which grants an extension of performance time or which has the effect of increasing the contract price by more than $25,000, and agree(s) that the bond or bonds previously given to support the basic contract shall apply to the contract as modified.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.101 of this title.

§ 1009.102 *Performance bonds*—(a) *Contracts other than construction.* Authority is granted to the head of the pro-

curing activity concerned, and to such other person or classes of persons as he shall designate, to determine whether a performance bond shall be required in connection with a contract other than a construction contract.

(b) *Construction contracts.* The penalty of the performance bond required in connection with a construction contract shall be at least in an amount equal of 50 percent of the contract price. Setting forth of a minimum percentage herein shall not be construed as a bar to fixing a penalty in a greater percentage, up to 100 percent of the contract price, in a case where a greater penalty is deemed advisable for the protection of the United States, and where fixing such greater penalty will not eliminate small, otherwise potentially, acceptable contractors.

(c) *Additional performance bonds.* (1) If a performance bond has been required in connection with a contract other than a construction contract, and there is executed a change order in excess of $25,000 or a supplemental agreement providing for any increase in the contract price, an additional performance bond to cover the increase shall be furnished unless it is waived in accordance with law. In lieu of an additional bond, a consent of surety in the form set forth in § 1009.202 (a) may be furnished.

(2) When, in connection with a construction contract, there is executed a change order in excess of $25,000, or a supplemental agreement providing for any increase in the contract price, an additional performance bond to cover the increase will be furnished. In lieu of an additional bond, a consent of surety in the form set forth in § 1009.202 (a) may be furnished.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.103 of this title.

§ 1009.103 *Payment bonds—(a) Contracts other than construction contracts.* As a general rule, payment bonds shall not be required in connection with contracts other than construction contracts. Authority is granted to the head of the procuring activity concerned, and to such other person or classes of persons as he may designate, to determine whether a payment bond will be required to support any such contract.

(b) *Additional payment bonds.* (1) If a payment bond has been required in connection with a contract other than a construction contract, and there is executed a change order in excess of $25,000, or a supplemental agreement providing for any increase in the contract price, an additional payment bond to cover the increase shall be furnished, unless it is waived in accordance with law. In lieu of an additional bond, a consent of surety in the form set forth in § 1009.202 (a) may be furnished.

(2) When, in connection with a construction contract, there is executed a change order in excess of $25,000 or a supplemental agreement providing for any increase in the contract price, an additional payment bond to cover the increase shall be furnished. In lieu of an additional bond, a consent of surety in the form set forth in § 1009.202 (a) may be furnished.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.104 of this title.

§ 1009.104 *Advance payment bonds.* Authority to make determinations with respect to advance payment bonds is with the Secretary. The head of the procuring activity, or his delegee, shall make recommendations to the Secretary as to the type and extent of advance payment bonds desired when requests for advance payments are under consideration.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.105 of this title.

§ 1009.105 *Patent infringement bonds.* (a) A patent infringement bond will not be required with respect to any contract in connection with which a performance bond has been executed.

(b) Even if a performance bond has not been executed, the requirement of a patent infringement bond will be the exception rather than the rule. Where, however, a supply contract or construction contract contains a patent clause of the type set forth in Part 408 of this title, and the financial responsibility of the contractor is unknown or doubtful, a patent infringement bond may, in the discretion of the head of the procuring activity concerned, or his delegee, be required.

(c) On such bonds as are required, the penal sum will be the lowest which, in the exercise of sound judgment, is deemed adequate for the protection of the interests of the United States.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.106 of this title.

§ 1009.106 *Other types of bonds and miscellaneous bond requirements—(a) Fidelity bonds.* (1) Fidelity bonds will be required in connection with cost or cost-plus-a-fixed-fee supply contracts, construction contracts, or contracts for the operation of Government-owned plants only in those cases where, in the opinion of the head of the procuring activity concerned, or his delegee, it is desirable to obtain the investigating and claim facilities of a surety company and such bonds are considered to be reasonably necessary for the protection of the contractor or the Government.

(2) When a fidelity bond is required, the Primary Commercial Blanket form of fidelity bond as standardized by the Surety Association of America or its equivalent is the approved form of fidelity bond. A rider should be attached thereto providing for notice to the procuring activity concerned in the event of any change in or cancellation of the bond.

(b) *Forgery bonds.* (1) This type of bond will be required in connection with cost or cost-plus-a-fixed-fee supply contracts, construction contracts, or contracts for the operation of Government-owned plants only when the head of the procuring activity concerned, or his delegee, determines that a forgery bond or policy is desirable to obtain the investigating and claims facilities of a surety company, and is considered to be reasonably necessary for the protection of the contractor or the Government.

(2) The depositor's form of forgery bond or policy as standardized by the Surety Association of America or its equivalent is the approved form of forgery bond. A rider should be attached thereto providing for notice to the procuring activity concerned in the event of any change in or cancellation of the bond.

(c) *License and permit bonds.* These types of bonds will be approved only in those cases where, in the opinion of the head of the procuring activity concerned, such bonds provide a necessary protection to the Government or to the contractor against liability to third parties or where failure to provide these bonds would constitute a violation of an applicable ordinance or statute of a municipality. The form of license or permit bond prescribed by statute or ordinance of the public authority having jurisdiction is the approved form of bond.

(d) *Riders and endorsements particularly applicable to fidelity and forgery bonds—(1) Retroactive reinstatement rider.* This rider contains a provision which is available for blanket fidelity and forgery bonds whereby after a loss has been sustained, the penalty of the bond is restored to its original amount notwithstanding prior losses. There is contained in the bond itself a provision which automatically restores the penalty of the bond to the original amount with respect to future losses.

(2) *Waiver of restoration premium rider.* This rider contains a provision which is available for blanket fidelity and forgery bonds which has the effect of eliminating the premium charge for restoring the penalty of the bond after a loss has been sustained.

(3) *Cancellation or change notice rider.* This rider contains a provision by which a surety agrees to notify certain named interested parties in the event that the bond is canceled or changed in any other manner.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.107 of this title.

§ 1009.107 *Execution and administration of bonds—(a) Execution.* All bonds will be executed in accordance with instructions printed on the bond form and any further instructions promulgated by the Commanding General, Air Matériel Command.

(b) *Filing and examination of bonds and consents of surety.* (1) The original of all surety bonds, except specific bid bonds, will be forwarded to the Commanding General, Air Matériel Command, Wright-Patterson Air Force Base, Ohio, marked for the attention of Bonds and Insurance Unit, MCPPX054. A fully executed duplicate will be filed in the office authorizing acceptance or the office of record. If the bond was required in support of a contract or modification thereof, the original signed number of the bond should be attached to the original signed number of the contract or modification, as the case may be, and forwarded to the Commanding General, Air Matériel Command. If it is not practicable to forward the original number of the contract or modification, a duplicate signed number or an authenticated

copy thereof should be attached to the original bond and forwarded to the Commanding General, Air Matériel Command. The Commanding General, Air Matériel Command, will examine bonds as to legal sufficiency and as to form and execution. In the case of individual sureties he will include examination to ascertain whether the affidavits of justification and the certificates of sufficiency of the sureties are in accordance with § 1009.201 (b). The Commanding General, Air Matériel Command, will forward bonds executed by corporate surety, together with any contract or modification which they support, to the Treasury Department. Bonds with other than corporate surety will be forwarded direct to the General Accounting Office.

(2) Consents of surety will be handled in the same manner as bonds. Under the Expediter Plan, unexecuted consents may be forwarded to the Commanding General, Air Matériel Command, who can arrange for their execution in Washington, D. C.

(c) *Authority of the Commanding General, Air Matériel Command concerning substitute surety bonds.* The Comanding General, Air Matériel Command is authorized to act for the Secretary in accepting a new surety bond in substitution for a bond previously approved by the Department and covering part or all of the same obligation, and in authorizing the notification of the principal and surety on the bond originally furnished that it will not be considered as security for any default occurring subsequently to the date of approval of the new bond. The Commanding General, Air Matériel Command is authorized to delegate such function to whomsoever he may designate.

(d) *Miscellaneous bond forms—(1) Standard forms of bonds for Government contracts.* The following bond forms shall be used, when appropriate, in accordance with accompanying instructions. The prescribed forms are 1950 editions; however, the forms which they supersede may be used until the present supply is exhausted:

(i) SF24, Bid Bond.
(ii) SF25, Performance Bond.
(iii) SF25A, Payment Bond.
(iv) SF27, Performance Bond—Corporate Co-surety Form.
(v) SF27A, Payment Bond—Corporate Co-surety Form.
(vi) SF27B, Continuation Sheet—Corporate Co-surety.
(vii) SF28, Affidavit of Individual Surety.
(viii) SF34, Annual Bid Bond (Supplies).
(ix) SF35, Annual Performance Bond.

(2) *Patent infringement bond.* The appropriate patent infringement bond form is:

Know all men by these presents, that we ---------- as Principal, and ---------- as Surety, are held and firmly bound unto the United States of America, hereinafter called the Government, in the penal sum of -------- dollars, lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the principal entered into a certain contract, hereto attached, with the Government, dated ---------- 19----, for ---------- and whereas the said principal has specifically obligated himself in said contract to hold and save the Government, its officers, agents, servants, and employees, harmless from liability of any nature or kind, including cost and expenses, for or on account, of any patented or unpatented invention, article, or appliance manufactured or used in the performance of that contract, including their use by the Government of the articles therein contracted for.

Now, therefore, if the principal shall well and truly perform and fulfill the above undertaking and agreement, and shall promptly make payment of any judgment and costs obtained against the United States under the provisions of the act of June 25, 1910 (36 Stat. 851), as amended by the act of July 1, 1918 (40 Stat. 705), or expenses incident thereto, then this obligation to be void; otherwise to remain in full force and effect.

In witness whereof, the above-bounden parties have executed this instrument under the several seals this ------ day of --------, 19----, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.108 of this title.

SUBPART B—SURETIES ON BONDS

§ 1009.201 *General requirements of sureties—(a) Corporate sureties—(1) Acceptability.* To be acceptable, the corporate surety must have obtained from the Secretary of the Treasury authority to do business under the act of August 13, 1894 (28 Stat. 279), as amended by the act of March 23, 1910 (36 Stat. 241; 6 U. S. C. 8). Treasury Department Form 356, "Companies Holding Certificates of Authority from the Secretary of the Treasury Under Act of Congress Approved July 30, 1947, 6 U. S. C. (Sec. 6–13) as Acceptable Sureties on Federal Bonds," is published annually. This form indicates the maximum penal sum in which any corporate surety may underwrite any one obligation. Any corporation whose name is on this form is acceptable within the limits of such approval. The Commanding General, Air Matériel Command will establish the procedure for consolidating requirements for TD Form 356 annually on or before March 15.

(2) *Corporate co-sureties.* More than one corporate surety may be accepted as surety upon any recognizance, stipulation, bond, or undertaking in connection with either supply or construction contracts: *Provided*, That in no case will the liability of any such co-surety exceed the maximum penal sum in which the corporate surety is qualified to underwrite any one obligation. On bonds covering supply contracts where the amount of the bond is greater than the underwriting limitation of the corporate surety, the latter may reinsure with a corporation on the acceptable list of corporate sureties, having the required underwriting capacity. Reinsurance agreements are not acceptable in connection with construction contracts. It is not necessary that corporate co-sureties obligate themselves for the full amount of the bond. Each corporate surety may, by setting forth the limit of its liability in the bond as a definite and specified sum, limit such liability. In all cases the liability shall be limited to the maximum penal sum in which the corporate surety is qualified to underwrite any one obligation. As further indicated by the aforementioned forms, the sureties must, however, bind themselves "jointly and severally" for the purpose of allowing a joint action or actions against any or all of them. When the bond is to be executed by two or more corporate sureties, Standard Form 27 will be used in the case of a performance bond, and Standard Form 27A will be used in the case of a payment bond, each in accordance with the accompanying instructions.

(b) *Individual sureties—(1) Acceptability.* Individual sureties are acceptable for all types of bonds other than fidelity and forgery bonds: *Provided*, That they meet the requirements specified in subparagraphs (3) and (5) of this paragraph.

(2) *Number.* If individual sureties are used, at least two responsible individuals will be on each bond.

(3) *Citizenship.* (i) Except as prescribed in subdivision (ii) of this subparagraph, individual sureties will be citizens of the United States.

(ii) Sureties on bonds executed in foreign countries, the Canal Zone, Puerto Rico, Hawaii, Alaska, Guam, or any Possession of the United States, to secure the performance of contracts entered into in those places need not be citizens of the United States. However, unless they are citizens of the United States they must be domiciled in the country, territory, or possession where the contract is to be performed.

(4) *Extent of liability.* The liability of each individual surety shall extend to the entire penal amount of the bond.

(5) *Justification.* Individual sureties will each justify in an amount not less than the penal amount of the bond.

(6) *Stockholders as sureties.* In connection with any bond of which a corporation is the principal obligor, a stockholder of that corporation is acceptable as co-surety on the bond: *Provided*, That his net worth exclusive of his stock holdings in the corporation is equal to the amount for which he justified: *And provided further*, That such fact is expressly stated in his affidavit of justification.

(7) *Affidavit of individual surety.* Standard Form 28 will be used in connection with the justification of an individual surety.

(c) *Partnerships as sureties.* A partnership or other unincorporated association, as such, will not be accepted as a surety. The individual members of the partnership or association may, of course, if they meet the requirements of paragraph (b) of this section, qualify as sureties. Individual members of a partnership or association will not, however, be acceptable as sureties on bonds under which the partnership or association, or any co-partner or member thereof, is the principal obligor.

(d) *Substitution or replacement of a surety.* In case of financial embarrass-

ment, failure, or other disqualifying cause on the part of a surety under a bond, the head of the procuring activity concerned will require the substitution of a new surety satisfactory to him.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.201 of this title.

§ 1009.202 *Consent of surety.* The following forms of consents of surety are authorized for use:

(a) *Consent of surety to a modification providing for an increase in the penal sums of bonds previously given.*

CONSENT OF SURETY

Date _____
Contract No. _____ Modification No. _____

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby. The principal and surety further agree that on and after the execution of this consent, the penalty of the aforementioned performance bond or bonds is hereby increased by _____ dollars,[1] and the penalty of the aforementioned payment bond or bonds is hereby increased by _____ dollars.[1]

In presence of—

_____
_____
(Address)

_____ [SEAL]
(Individual principal)

_____
(Business address)

_____
(Corporate principal)

_____
(Business address)

Attest:

_____
By _____
(Affix corporate seal)

_____
_____
(Corporate surety)

_____
(Business address)

_____
By _____
(Affix corporate seal)

(b) *Consent of surety without providing for an increase in the penal sums of bonds previously given.*

CONSENT IN SURETY

Date _____
Contract No. _____ Modification No. _____

Consent of Surety is hereby given to the foregoing contract modification, and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby.

In presence of—

_____
_____
(Address)

_____ [SEAL]
(Individual principal)

_____
(Business address)

_____
(Corporate principal)

_____
(Business address)

Attest:

_____
By _____
(Affix corporate seal)

_____
_____
(Corporate surety)

_____
(Business address)

_____
By _____
(Affix corporate seal)

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.203 of this title.

SUBPART C—INSURANCE

§ 1009.301 *General policy.* Insurance will be required in connection with Air Force contracts when mandatory by law or when it is considered desirable to utilize the organization, facilities, or other services of the insurance industry. Insurance purchases may be authorized where commingling of property and operations or circumstances of ownership and degree of responsibility imposed by contract make the carrying of insurance reasonably necessary for protection of the several interests concerned.

§ 1009.302 *Insurance in connection with fixed-price contracts.* The requirements under applicable laws, such as State laws governing workmen's compensation and employers' liability coverage and Federal laws, such as the Federal Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended; 33 U. S. C. 901–950) where applicable, or, in the case of common carriers, cargo insurance as required by Interstate Commerce regulations, are sufficient to compel the contractor to comply with such laws. The contracting officer will not, therefore, impose insurance requirements other than evidence from the contractor that such laws have been complied with. Where a performance bond supports the contract such evidence will not be necessary.

(a) *Insurance on Government property.* Under the degree of responsibility for Government property established by contract clause the purchase or nonpurchase of property insurance is discretionary with the contractor, and insurance requirements will not be imposed by the contracting officer.

(b) *Insurance in special cases.* In special cases, when it is deemed necessary in connection with the performance of a contract, other types of insurance may be required, to the extent determined to be necessary by the head of the procuring activity.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.301 of this title.

§ 1009.303 *Insurance in connection with cost-reimbursement type contracts.* (a) The kinds of insurance enumerated in §§ 1009.304, 1009.305, and 1009.306 ordinarily will be required by the contracting officer unless the contractor is relieved by statute from liability and elects to invoke such statutory immunity or has an acceptable program of self-insurance already in effect. In special cases other types of insurance may be required to the extent determined to be necessary by the head of the procuring activity.

(b) The contracting officer will ascertain and advise the head of the procuring activity, prior to completing the placement of insurance under the contract, as to whether (and if so, to what extent) the contractor has cost-reimbursement-type contracts with any other agency of the Department of Defense at the proposed location or adjacent thereto. This information should be readily obtainable from the contractor and will be used by the head of the procuring activity concerned to determine whether contracts can be combined for the purposes of insurance in order to be eligible for more favorable rate treatment.

CROSS REFERENCE: For section of Armed Services Procurement Regulation which this section implements see § 409.302 of this title.

§ 1009.304 *Workmen's compensation and employers' liability insurance.* (a) Workmen's compensation insurance protects the employer against liability imposed by a workmen's compensation law to pay benefits and furnish care to employees injured, and to pay benefits to dependents of employees killed, in the course of and because of their employment. Employers' liability insurance protects an employer against claims for damages which may arise out of injuries to employees in the course of their work in cases not covered by the compensation law. Such insurance will be required, endorsed to provide:

(1) Occupational disease coverage in jurisdictions where the workmen's compensation law does not cover all occupational diseases, in limits of $50,000 per person in any one case and $100,000 for any one policy year;

(2) In those jurisdictions where there is a "per accident" limitation coverage under paragraph One (b) of the insurance policy, additional limits up to $100,000 for each accident, or, where there is a "per person" limitation under this paragraph, additional limits up to $50,000 per person;

(3) In jurisdictions where workmen's compensation coverage is carried in a State fund which does not provide the protection afforded by the requirements of subparagraphs (1) and (2) of this paragraph, employers' liability insurance will be purchased, endorsed to provide coverage.

(b) Where such insurance is purchased for contracts to be performed outside the limits of the United States, its territories and possessions, the endorsements required above may be modified in accordance with instructions issued by the head of the procuring activity, provided that higher monetary limits are not authorized.

(c) The Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1424, as amended; 33 U. S. C. 901–950; 42 U. S. C. ch. 11, 12) generally provides that workmen's compensation benefits are applicable to all employees of any contractor with the United States on any military, air, or naval defense base other than contractors or subcontractors engaged exclusively in furnishing materials or supplies. Where it is desired that the benefits under this law be waived with respect to labor employed outside the limits of the United States (48 States and the District of Columbia), the head of the procuring activity will request such waiver by applying to the Bureau of Employees' Compensation, Department of Labor.

(d) Workmen's compensation benefits will be paid to all employees of any contractor with the United States where waiver is obtained as provided above in accordance with the workmen's compensation or similar laws of the national, state, or local government where contract performance occurs.

§ 1009.305 *Comprehensive general liability insurance.* (a) This insurance protects the insured against loss due to claims for bodily injury and property damage resulting from accidents arising out of the existence or use of premises of the contractor, or the conduct of the contractor's business operations (except those claims arising from motor vehicle accidents which occur outside his premises, those claims covered by workmen's compensation law, or other exclusions stated in the policy). This insurance will be required with limits of $50,000 per person, $100,000 per accident.

(b) General liability insurance for damage to property of others may be purchased under the general liability policy where, in the opinion of the contracting officer, the exposure under the contract operations is such as to warrant obtaining the experienced claims and investigating services of the insurance carrier in the event of extensive damage to property of others. Prior approval for the purchase of this type of insurance will be obtained from the head of the procuring activity, and limits of $50,000 per accident with an aggregate limit of $100,000 for each year of policy coverage will be considered adequate. However, where commingling of operations permits the Government's protection at a nominal cost under insurance carried by the contractor in the course of his commercial operations, the participation in such insurance will be deemed in the best interests of the Government.

(c) Contractual liability insurance protects the contractor against loss arising under assumption of liability by agreement. This insurance is provided by the comprehensive general liability policy where a contractor has assumed liability under:

(1) A lease of premises;
(2) An easement agreement;
(3) An agreement required by municipal ordinance;
(4) A sidetrack agreement; or
(5) An elevator or escalator-maintenance agreement.

The purchase of insurance for other assumed liability may be approved where assumption of such liability by the contractor has been authorized and the head of the procuring activity determines that the purchase of such insurance is necessary.

(d) Where insurance prescribed by this section is purchased for contracts to be performed outside the limits of the United States, its territories and possessions, the head of the procuring activity is authorized to revise downward the monetary limits prescribed in this section.

§ 1009.306 *Automobile liability insurance.* Automobile public liability and property damage insurance will be required with limits of $50,000 per person and $100,000 per accident for bodily injury liability and $5,000 for property damage liability on the comprehensive policy form covering all owned, non-owned, hired, and Government-furnished motor vehicles which will be used in the contract operations where use will not be limited exclusively to the premises on which the work under such contract is performed. When such insurance is purchased for contracts to be performed outside the limits of the United States, its territories and possessions, the head of the procuring activity is authorized to revise downward the monetary limits prescribed in this section.

§ 1009.307 *Boiler and machinery insurance.* This type of insurance protects the contractor against loss due to accidents arising from boilers, pressure vessels, or machinery. The chief value of this insurance is the inspection service by qualified insurance personnel afforded under the insurance policy. The purchase of such insurance by Air Force cost-reimbursement type contractors is authorized as an item of reimbursement.

§ 1009.308 *Group insurance plans.* Group insurance plans and such other forms of insurance as are provided voluntarily to employees in order to furnish benefits in the event of death, disability, dismemberment, hospitalization, surgical or medical care will be subject to review by the head of the procuring activity. The purpose of this requirement is to ascertain that greater benefits are not being extended under the cost-reimbursement type contract than those granted to employees under the contractor's regular commercial operations. An existing schedule which is being increased will also be referred to the head of the procuring activity for the same purpose. Where employees under the cost-reimbursement type contract are added to the contractor's already existent group life or similar type of insurance policies, provision should be made at contract termination to see that any experience refund due from the last year of contract operation will be credited proportionately to the contract.

§ 1009.309 *Retirement or pension plans including plans based upon profits.* The basis for allowability of costs under cost-reimbursement type contracts for such plans is fully set forth in Part 414 (Contract Cost Principles) of this title. Such plans will be subject to review and approval by the head of the procuring activity.

§ 1009.310 *Insurance on Government property.* The policy of the Air Force is not to require or approve insurance covering loss of or damage to property, legal title to which is in the United States, used in connection with cost-reimbursement type contracts. Ordinarily, the contractor will be relieved of liability for loss or damage to Government property in accordance with the provisions contained in the Government Property clause of the contract.

§ 1009.311 *General statement.* The required or permitted forms of insurance and instructions set forth in this subpart are intended as basic principles to be applied in connection with insurance on cost-reimbursement type contracts where the contract operations are separately insured. Where commingling of commercial and Government operations make separate insurance impracticable, §§ 1009.301 through 1009.310 will necessarily not remain applicable.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52-12364; Filed, Nov. 19, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

CPR 5—IRON AND STEEL SCRAP

[Ceiling Price Regulation 5, Interpretation 2]

CPR 43—ZINC SCRAP

[Ceiling Price Regulation 43, Interpretation 1]

CPR 46—COPPER SCRAP AND COPPER ALLOY SCRAP

[Ceiling Price Regulation 46, Interpretation 1]

CPR 47—BRASS MILL SCRAP

[Ceiling Price Regulation 47, Interpretation 1]

CPR 53—LEAD SCRAP MATERIAL

[Ceiling Price Regulation 53, Interpretation 1]

CPR 54—ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

[Ceiling Price Regulation 54, Interpretation 1]

CPR 59—RUBBER SCRAP

[Ceiling Price Regulation 59, Interpretation 1]

DOWNGRADING OF SCRAP MATERIAL PURCHASED FROM GOVERNMENT

The following question has arisen with respect to the sale of scrap material under CPR's 5, 43, 46, 47, 53, 54, and 59. Brokers submit bids for the purchase of scrap from the various military disposal depots. The bids are based on the grade of scrap set forth in the Government's invitation to bid. Occasionally consumers have refused to accept the scrap at the grade classified by the Government, requesting that it be downgraded to the grade actually received.

Paragraph 1 under General Sales Terms and Conditions of the Government Standard Form 114, the contract form used for these transactions, states:

1. *Inspection.* Bidders are invited and urged to inspect the property to be sold prior to submitting bids. Property will be available for inspection at the places and times specified in the invitation. The Government will not be obliged to furnish any labor for such purpose. In no case will failure to inspect constitute grounds for a claim or for the withdrawal of a bid after opening.

The question is raised as to whether, under the above-cited regulations, the Government may charge and the consumer pay for the scrap at the price called for by the grading in the invitation to bid when it is higher than the ceiling price for the grade of scrap actually delivered.

Section 1 (b) (1) of CPR 5 (Iron and Steel Scrap) states:

On and after October 30, 1951, regardless of any contract or other obligation:

(1) No person shall sell, deliver, buy, receive, or prepare iron or steel scrap or agree, offer, solicit, or attempt to do any of the foregoing at prices above those established in this regulation: • • •

This is standard phraseology in all metal scrap regulations.

The specifications which govern the determination of the grade of the scrap, on the basis of which the establishment of ceiling prices depends, are set forth in each of the scrap regulations. Each regulation further contains provisions for specifying which grade or grades of scrap shall be used in determining the ceiling price of scrap where there are mixed grades of scrap in one vehicle.

Where the scrap actually delivered is of a lower grade than that for which bids were made, the parties are bound by the ceilings established for the grade of the scrap actually delivered, despite the language of paragraph 1 of Standard Form 114 or any other contract to the contrary. The parties are, of course, free to resort to their ordinary contractual remedies.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 19, 1952.

[F. R. Doc. 52-12470; Filed, Nov. 19, 1952; 10:42 a. m.]

[Ceiling Price Regulation 5, Interpretation 3]

CPR 5—IRON AND STEEL SCRAP

INT. 3—BROKERAGE TRANSACTIONS (SECTION 19)

Upgrading is a prevalent form of violation of CPR 5. While the Defense Production Act of 1950, as amended, and CPR 5 clearly define the liability of culpable dealers and consumers, the nature and extent of the broker's liability need clarification. Following is a guide for use in determining whether injunction and treble damage suits would lie against brokers involved in the shipments of upgraded scrap.

1. Concerning the significance of the word "guarantees" which appears in section 19 (a) (2) of CPR 5, the section reads in part: "The broker guarantees the quality and delivery of an agreed tonnage of scrap."

The term "guarantees" applies to "quality" and "delivery" of an "agreed tonnage of scrap" within a specified period. Hence, if the initial delivery is deficient in terms of quality the broker has not breached his contract with the consumer if during the period specified therein later deliveries are made meeting the quality specifications.

2. The question has been raised as to whether an action may be brought, after appropriate demand, to recover from a broker commissions paid on a shipment of upgraded scrap.

It is quite clear that an action may be brought to recover from a broker commissions paid on a shipment of upgraded scrap. Sales of iron and steel scrap at higher than the ceiling prices established by CPR 5 are prohibited thereby, and it was intended that the broker's commission provided for by section 19 be subject to the same condition and payable only in sales not exceeding ceiling prices. The specific prohibition is contained in section 19 (a) (3) which provides that no commission shall be paid unless: "The scrap is purchased by the consumer at a price no higher than the ceiling prices established in this regulation."

3. Another question is whether in the usual type of transaction involving the shipment of scrap moving directly from dealer to consumer, the broker acquires title during any stage of such a transaction.

The answer to this question is in the affirmative and the pertinent provision of CPR 5 is section 19 (a) (1) which sets out one of the situations in which a commission is payable as follows: "The broker is regularly and primarily engaged in the business of buying for, and selling scrap to, a consumer."

"Selling scrap to a consumer" definitely implies that the broker acquires title in the transaction of a sale of scrap to a consumer. This is recognition and implementation of the historic practice prevailing in the scrap industry prior to CPR 5, and contemplates that the broker will continue to acquire title and sell to the consumer, in accordance with established practice.

4. Finally, the question has been presented as to whether the broker is an agent for the dealer, the consumer, or whether he is an independent contractor.

Inasmuch as the broker acquires title it is clear that he is an independent contractor, rather than agent for the dealer or consumer. It is true that the broker may buy scrap for a consumer but this is incidental to a sales contract rather than an agency relationship.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 19, 1952.

[F. R. Doc. 52-12469; Filed, Nov. 19, 1952; 10:42 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 2 to Area Milk Price Regulation 9]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 9—LOS ANGELES DISTRICT (SAN DIEGO COUNTY, CALIFORNIA, MARKETING AREA)

DELETION OF APPENDIX COVERING ORANGE COUNTY MARKETING AREA AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12579) and Redelegation of Authority No. 23, Region XII (17 F. R. 674) this Amendment 2 to Area Milk Price Regulation 9 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 106 (b) of the Defense Production Act Amendment of 1952 amends paragraph 3 of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, so as to provide that "Where a State regulatory body is authorized to establish minimum and or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be". Section 111 of the Defense Production Act Amendments of 1952 adds to section 402 of the Defense Production Act of 1950, as amended, a new subsection providing "(1) No rule, regulation, order, or amendment thereto issued under this title shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-called 'fair trade law') now in effect, or by regulation issued pursuant to such law." The State of California Bureau of Milk Control recently required producers of fluid milk to charge the equivalent of ½ cent per quart of standard milk which under the provisions of Section 8 of Supplementary Regulation 63 to the General Ceiling Price Regulation may be passed through upon the filing of the required report. This amendment conforms the appendix prices to those of the State's minimum price schedule and eliminates any conflict between OPS ceiling prices established by AMPR 9 and minimum prices established by the State of California.

The increase in the price of fluid milk paid by processors requires the revision of the table of cream differentials to reflect that increase.

As the producer prices and changes in retail home delivered milk and cream prices are similar in the Orange County Marketing Order to the Los Angeles County Marketing Order but are different from the San Diego County Marketing Order, it is considered desirable to delete the Appendix referring to Orange County from AMPR 9 and to include it with the required changes in AMPR 10.

In the judgment of the District Director the provisions of this amendment to Area Milk Price Regulation No. 9 in Region XII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. The director consulted the industry involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 9.

AMENDATORY PROVISIONS

Area Milk Price Regulation 9 is amended in the following respects:

1. Section 1 is amended by adding the following paragraph thereto:

(c) If a ceiling price otherwise established by this regulation is lower than an applicable corresponding minimum price established by the State of California Bureau of Milk Control, then the ceiling price shall be the minimum price established by the State of California Bureau of Milk Control. The prices for standard milk so determined shall be the base prices for the computation, pursuant to section 3 of the appendices of this regulation, of prices for standard milk sold in remote areas and of prices for milk other than standard (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk), and, further, shall be the base prices for calculation, pursuant to paragraph (a) (2) above, of prices for sales to types of purchasers other than those specified in the appendices of this regulation.

Wherever in the text of the regulatory provisions of this regulation the phrase "San Diego District Office" appears there is substituted therefor the phrase "Los Angeles District Office"; and in section 3 (a) for the parenthetical sentence "(The 'San Diego District Office,' as used in this regulation, means the San Diego District Office of the Office of Price Stabilization located at 1215 7th Avenue, San Diego 1, California,)" there is substituted the parenthetical sentence "(The 'Los Angeles District Office,' as used in this regulation, means the Los Angeles District Office of the Office of Price Stabilization located at 108 West Sixth Street, Los Angeles 14, California.)"

2. Appendix I, Revision II, San Diego County Marketing Area is deleted and a Revised Appendix I, Revision III—San Diego County Marketing Area is added to read as follows:

APPENDIX I (REVISION III)

SAN DIEGO COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the San Diego County Marketing Area, which is defined below:

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry out	Retail home delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
Bulk, milk, per gallon	$0.72				
Gallon bottle	.81	$0.90	$0.94	$0.86	$0.80
Half-gallon container (fiber or glass)	.405	.45	.47	.43	.40
Quart container (fiber or glass)	.2025	.225	.235	.215	.20
Pint container (fiber or glass)	.1125	.13	.14		.12
Third-quart or three quarter-pint container (fiber or glass)	.081				
Half-pint container (fiber or glass)	.07				

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.24	$0.12	$0.06	$0.03	$0.015
Table cream	.40	.20	.10	.05	.025
All-purpose cream	.56	.28	.14	.07	.035
Whipping cream	.56	.28	.14	.07	.035

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5 cents per quart or the retail home-delivered base period price was in excess of 20.5 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk), the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.38 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of San Diego County Order No. 40 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "San Diego County Marketing Area" means that area as defined in said San Diego County Order No. 40.

3. Appendix II (Revision 1) Orange County Marketing Area is hereby deleted. This amendment is effective as of November 8, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

GEORGE J. SEROS,
District Director,
Los Angeles District Office.

NOVEMBER 14, 1952.

[F. R. Doc. 52-12357; Filed, Nov. 14, 1952; 5:02 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 4 to Area Milk Price Regulation 11]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 11—LOS ANGELES DISTRICT, CALIFORNIA

ADDITION OF APPENDICES COVERING SANTA BARBARA, SAN LUIS OBISPO, AND KERN MARKETING AREAS AND REVISION OF VENTURA MARKETING AREA APPENDIX

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12579) and Redelegation of Authority No. 23, Region XII (17 F. R. 674) this Amendment 4 to Area Milk Price Regulation 11 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds appendices for Santa Barbara, San Luis Obispo, and Kern Counties. These Counties were governed by the General Ceiling Price Regulation which only permitted increases of ceiling prices due to producer's increases in price.

The State of California Bureau of Milk Control recently required producers of fluid milk to charge the equivalent of an additional ½ cent per quart of standard milk. The Bureau also required that wholesale distributors charge an additional ¼ cent per quart and retailers a ½ cent per quart, making a total increase for wholesalers of ¾ cent per quart and for retailers $.01 cent per quart.

Section 106 (b) of the Defense Production Act Amendment of 1952 amends paragraph 3 of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, so as to provide that "Where a State regulatory body is authorized to establish minimum and or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be". Section 111 of the Defense Production Act Amendments of 1952 adds to section 402 of the Defense Production Act of 1950, as amended, a new subsection

providing "(1) No rule, regulation, order, or amendment thereto issued under this title shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-called 'fair trade law') now in effect, or by regulation issued pursuant to such law."

This amendment conforms the area prices to the minimum price schedule of the State.

The price schedule for cream allows for the per unit increase in the cost of the listed types of cream, rounded to the next cent.

An equivalent increase in the ceiling price of kinds of milk other than standard, over the General Ceiling Price Regulation ceiling price, is spelled out in the appendices.

In the judgment of the District Director the provisions of this amendment to Area Milk Price Regulation No. 11 in Region XII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. The director consulted the industry involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 11.

AMENDATORY PROVISIONS

Area Milk Price Regulation 11 is amended in the following respects:

1. Appendix II, Revision I, to AMPR 11 is deleted, and a Revised Appendix II, Revision II, Ventura Marketing Area, is added to read as follows:

APPENDIX II (REVISION II)

VENTURA MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Ventura Marketing Area, which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
Bulk, milk, per gallon	$0.77				
Gallon bottle	.83	$0.92	$0.96	$0.88	$0.82
Half-gallon container (fiber or glass)	.415	.46	.48	.44	.41
Quart container (fiber or glass)	.2075	.23	.24	.22	.205
Pint container (fiber or glass)	.115	.125	.135		.125
Third-quart or three-quarter-pint container (fiber or glass)	.082				
Half-pint container (fiber or glass)	.071				

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size: Per gallon bulk	1½ gallon	Quart	Pint	½ Pint
Half and half	$0.23	$0.12	$0.06	$0.03	
Table cream	.36	.18	.09	.05	$0.025
All-purpose cream	.52	.26	.13	.07	.035
Whipping cream	.62	.31	.16	.08	.04

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5 cents per quart or the retail home-delivered base period price was in excess of 20.5 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk), the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.29 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of Ventura Order No. 35 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "Ventura Marketing Area" means that area as defined in said Ventura Order No. 35.

2. Appendix IV—Santa Barbara Marketing Area is added to read as follows:

APPENDIX IV

SANTA BARBARA COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Santa Barbara Marketing Area, which is defined below:

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
Bulk, milk, per gallon	$0.77				
Gallon bottle	.83	$0.92	$0.96	$0.83	$0.82
Half-gallon container (fiber or glass)	.415	.46	.48	.415	.41
Quart container (fiber or glass)	.2075	.23	.24	.2075	.205
Pint container (fiber or glass)	.115	.125	.135		.115
Third-quart or three-quarter-pint container (fiber or glass)	.082				
Half-pint container (fiber or glass)	.071				

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size: Per gallon bulk	1½ gallon	Quart	Pint	½ pint
Half and half	$0.23	$0.12	$0.06	$0.03	
Table cream	.36	.18	.09	.05	$0.025
All-purpose cream	.52	.26	.13	.07	.035
Whipping cream	.62	.31	.16	.08	.04

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 20 cents per quart or the retail home-delivered base period price was in excess of 21 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk and special grades of milk) the ceiling price shall be your ceiling price for that kind of milk in effect immediately prior to November 8, 1952 plus $0.0075 per quart for sales at wholesale f. o. b. purchaser's business location and plus $0.01 per quart for sales at retail. A proportionate amount may be added by the above sellers for different sizes of containers. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.29 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of Santa Barbara County Order No. 39 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "Santa Barbara Marketing Area" means that area as defined in said Santa Barbara Order No. 39.

3. Appendix V—San Luis Obispo Marketing Area is added to read as follows:

APPENDIX V

SAN LUIS OBISPO MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the San Luis Obispo Marketing Area, which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. distributor's processing plant	Retail f. o. b. producer's ranch
Bulk, milk, per gallon	$0.71				
Gallon bottle	.79	$0.88	$0.92	$0.79	$0.78
Half-gallon container (fiber or glass)	.395	.44	.46	.395	.39
Quart container (fiber or glass)	.1975	.22	.23	.1975	.195
Pint container (fiber or glass)	.105	.12	.13		.12
Third-quart or three-quarter-pint container (fiber or glass)	.081				
Half-pint container (fiber or glass)	.067				

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size: Per gallon bulk	1½ gallon	Quart	Pint	½ Pint
Half and half	$0.23	$0.12	$0.06	$0.03	
Table cream	.36	.18	.09	.05	$0.025
All-purpose cream	.52	.26	.13	.07	.035
Whipping cream	.62	.31	.16	.08	.04

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5 cents per quart or the retail home-delivered base period price was in excess of 20.5 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk, and special grades of milk), the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same size of container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. Appendix VI—Kern Marketing Area is added to read as follows:

APPENDIX VI

KERN MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Kern Marketing Area, which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store carry-out	Retail home-delivered	Retail f. o. b. producer's ranch
Bulk, milk, per gallon	$0.73			
Gallon bottle	.81	$0.90	$0.94	$0.80
Half-gallon container (fiber or glass)	.405	.45	.47	.40
Quart container (fiber or glass)	.2025	.225	.235	.20
Pint container (fiber or glass)	.115	.125	.13	.12
Third-quart or three-quarter-pint container (fiber or glass)	.080			
Half-pint container (fiber or glass)	.068			

2. For the following products the ceiling price is the base period price plus the following additions:

Product	Container size: Per gallon bulk	1½ gallon	Quart	Pint	½ pint
Half and half	$0.27	$0.14	$0.07	$0.035	
Table cream	.42	.21	.11	.06	$0.030
All-purpose cream	.60	.30	.15	.08	.04
Whipping cream	.71	.36	.18	.09	.045

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 20 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For kinds of milk other than standard (such as buttermilk, chocolate drink, nonfat milk and special grades of milk) the ceiling price shall be your ceiling price for that kind of milk in effect immediately prior to November 8, 1952, plus $0.0075 per quart for sales at wholesale f. o. b. purchaser's business location and plus $0.01 per quart for sales at retail. A proportionate amount may be added by the above sellers for different sizes of containers. Ceiling prices so determined under this section shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.09 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Section A of Article I of Kern Order No. 20 issued by the State of California Bureau of Milk Control effective November 8, 1952.

5. "Kern Marketing Area" means that area as defined in said Kern Order No. 20.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment is effective as of November 8, 1952.

GEORGE J. SEROS,
District Director,
Los Angeles District Office.

NOVEMBER 14, 1952.

[F. R. Doc. 52-12360; Filed, Nov. 14, 1952; 5:03 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 17]

INT. 17—NEW PROFIT SHARING AND OTHER BONUSES (GSO 12, REVISED)

This interpretation deals with the payment of bonuses by employers who are not authorized to pay bonuses under General Salary Stabilization Regulation 2, as amended.

1. Q. Under what regulation or order of the Salary Stabilization Board may an employer, who is not authorized to pay bonuses under General Salary Stabilization Regulation 2, as amended, pay bonuses to his employees?

A. Under General Salary Order 12, Revised.

2. Q. An employer paid a discretionary bonus to his employees in 1946 and none since. May he pay a bonus under General Salary Order 12, Revised?

A. No. The employer is authorized to pay bonuses under General Salary Stabilization Regulation 2, as amended, computing his base period bonus fund in accordance with paragraph 2.02 of Interpretation 3, Revised. However, the bonus fund may be augmented by amounts available for increases in compensation under sections 22 and 41 of General Salary Stabilization Regulation 1, Amended. (See Interpretation 3, Revised, paragraphs 9.01–9.08.)

3. Q. An employer paid discretionary bonuses to his employees in each of the calendar years 1942–1945. However, he paid no bonuses subsequent to 1945. May the employer pay bonuses to his employees for the calendar year 1952?

A. Yes, but only in accordance with the provisions of General Salary Order 12, Revised. Since the employer did not pay bonuses to his employees during any of the five calendar years 1946–1950, he does not have a base period bonus fund for the payment of bonuses under General Salary Stabilization Regulation 2, as amended.

NOTE: In the questions which follow the bonuses to which reference is made are, unless otherwise specified, new bonuses within the scope of General Salary Order 12, Revised.

4. Q. When is an employer on a calendar year basis able to determine the amount available for payment of bonuses in or with respect to the calendar year 1952?

A. In the last payroll period of the calendar year 1952.

5. Q. Could the employer distribute part of the bonus in or with respect to the calendar year 1952 on June 30, 1952?

A. No. Since the employer cannot determine the amount available for the payment of bonuses prior to the end of the last payroll period of the calendar

year 1952, distribution of the bonuses cannot be made prior to such period.

6. Q. An employer who desires to pay bonuses for the calendar year 1952 and has an amount available for such purposes at the end of such calendar year, desires to pay one-half of such bonus on December 31, 1952, and the other half on June 30, 1953. May he do so?

A. Yes.

7. Q. An employer computes his bonus fund as of December 31, 1952. Does such fund also constitute the employer's bonus fund for subsequent calendar years?

A. No. If the employer desires to pay bonuses at the end of the subsequent calendar year, he must compute the amount available to him in the last payroll period of any subsequent calendar year and may not exceed such amount in the distribution of bonuses. This amount may be the same or may be larger or smaller than the amount available to him at the end of the calendar year 1952.

Example: (a) The net authorized percentage available to the employer under section 41 of General Salary Stabilization Regulation 1, Amended, may be greater at the end of the calendar year 1953 than at the end of the calendar year 1952 because of an increase in base compensation granted to the Wage Board group in 1953.

(b) An employer having moneys available at the end of 1953 for increases in salaries and other compensation for a group of employees under section 22 of General Salary Stabilization Regulation 1, Amended, has more employees in the group at the end of 1953 than at the end of 1952. Under section 22, a larger amount would be available at the end of 1953 because of the increase in the number of employees in the group. (See Interpretation 4, Revised.)

(c) An employer who prior to December 31, 1952, had not used any part of the amount available under section 22 of General Salary Stabilization Regulation 1, Amended, for increases in salaries and other compensation, uses part of such amount during 1953 for salary increases. If employment has remained stable, the amount which the employer will have available for bonuses at the end of 1953, will be smaller than the amount at the end of 1952.

8. Q. An employer on the calendar year basis desires to pay bonuses for a current calendar year. He has only granted part of the increase authorized under section 22 of General Salary Stabilization Regulation 1, Amended. How does he compute the amount which he may pay as bonuses under the order out of moneys available under section 22?

A. By (1) separately computing for each group of employees the amount available to him for increases in salaries and other compensation under section 22 in the last payroll period of the calendar year; (2) then multiplying the amount by the number of payroll periods in the calendar year just elapsed for the group; and (3) adding all such amounts. Such total constitutes the employer's bonus fund in or with respect to the current calendar year.

9. Q. An employer, desiring to pay bonuses in or with respect to a current calendar year, does not have moneys available for increases in compensation under section 22 of General Salary Stabilization Regulation 1, Amended. However, the employer has never granted any increases under section 41 of that regulation, and consequently has moneys available for new bonuses under that section. All the employees of the employer are paid on the same monthly basis. How does the employer determine the amount available?

A. By computing the amount available under section 41 of General Salary Stabilization Regulation 1, Amended, for the last payroll period of the current calendar year and multiplying the amount so obtained by the number of payroll periods in the year, which in this instance is twelve (12).

10. Q. If the employer, referred to in paragraphs 8 and 9, conducted his business on a fiscal rather than on a calendar year basis, would the computation of the amount available for bonuses be affected?

A. The only change in the computation would be the substitution of the final payroll period in the fiscal year for the final payroll period in the calendar year.

11. Q. An employer paid bonuses for the fiscal year ending June 30, 1952, out of moneys available under section 22 of General Salary Stabilization Regulation 1, Amended. Thereafter, he desires to use the amount available to grant salary increases to his employees. What is the earliest time at which such increases may be put into effect?

A. July 1, 1952. Any bonuses paid out of amounts available under section 22 of General Salary Stabilization Regulation 1, Amended, cover all payroll periods of the calendar or fiscal year in or with respect to which the bonuses are paid. Therefore, the earliest time at which any amount becomes available for granting salary increases or for other purposes is the first payroll period of the next fiscal or calendar year, which in this example begins on July 1, 1952.

12. Q. An employer, having a fiscal year ending September 30, granted salary increases under section 22 of General Salary Stabilization Regulation 1, Amended, to his employees effective March 1, 1952, in the amount of 6 percent. What is the amount available for the payment of bonuses in the payroll period immediately preceding September 30, 1952?

A. An amount equivalent to 4 percent of the payroll in such payroll period multiplied by the number of payroll periods in the year. The amount available is not affected by the fact that the salary increases in the amount of 6 percent granted under section 22 of General Salary Stabilization Regulation 1, Amended, were effective only for part of the fiscal year ending September 30, 1952.

13. Q. An employer paid bonuses for the fiscal year ending June 30, 1952, out of moneys available under section 41 of General Salary Stabilization Regulation 1, Amended, amounting to 6½ percent of the base compensation paid to the employees under the jurisdiction of the Salary Stabilization Board in the last payroll period of the fiscal year ending June 30, 1952. The 6½ percent represents 4½ percent computed in the last payroll period of the fiscal year ending June 30, 1952 and a 2 percent carryover from a previous computation made in the last payroll period of the calendar year 1951. What is the earliest payroll period in which these moneys can be used for the granting of salary increases?

A. (1) As to the 2 percent carryover: In the first payroll period in January 1953, the employer, under section 41 of General Salary Stabilization Regulation 1, Amended, had an authorized percentage of two (2) percent for increases in compensation, computed in the last payroll period in the calendar year 1951. He had used this percentage in paying bonuses for the fiscal year ending June 30, 1952. Inasmuch as he may not use this percentage for other purposes until one year (i. e. the number of "payroll periods in a year") has elapsed since the date of computation, the earliest payroll period in which he may use the percentage for salary increases, or for any other purpose, would be the first payroll period in January 1953.

(2) As to the 4½ percent increase: In the first payroll period in July 1953, the employer had, under section 41 of General Salary Stabilization Regulation 1, Amended, an authorized percentage of four and one-half (4½) percent for increases in compensation, computed as of the last payroll period in the fiscal year ending June 30, 1952. In order to make bonus payments for the fiscal year ending June 30, 1952, the employer was required to anticipate moneys available for future increases under section 41 of General Salary Stabilization Regulation 1, Amended, for the period from July 1, 1952 to June 30, 1953. Accordingly, the employer may not use this percentage for salary increases or for any other purposes until the first payroll period in July, 1953.

14. Q. Assuming that the employer referred to in the previous paragraph had given no increases in salaries and other compensation under section 41 of General Salary Stabilization Regulation 1, Amended, during the period from July 1, 1952 to June 30, 1953, may he pay bonuses for the fiscal year ending June 30, 1953 under General Salary Order 12, Revised?

A. Yes. The employer may pay bonuses for the fiscal year ending June 30, 1953 by anticipating the entire six and one-half (6½) percent increase in salaries and other compensation, authorized under section 41 of General Salary Stabilization Regulation 1, Amended, in the same manner as such increases were anticipated for the payment of bonuses for the fiscal year ending June 30, 1952.

15. Q. An employer gave increases to Wage Board employees on March 1 and June 1, 1952. Immediately prior to June 30, 1952, he computes the amount available to him under section 41 of General Salary Stabilization Regulation 1, Amended, to be paid as bonuses to employees under the jurisdiction of the Salary Stabilization Board. When does the amount so computed on a per payroll period basis again become available for salary increases?

A. On July 1, 1953. In determining the date when any amount becomes available for distribution under section 41 of General Salary Stabilization Regulation 1, Amended, the date of computation and not the date of prior increases to employees under the jurisdiction of the Wage Stabilization Board governs.

16. Q. Are there any limitations on the distribution of the bonus fund among his individual employees which an employer may pay under General Salary Order 12, Revised?

A. No. The employer may adopt any plan or practice, or make any individual distribution, which he desires.

17. Q. If the employer should create intra-plant inequities because of the manner in which bonuses are distributed, may he obtain relief from the Office of Salary Stabilization for the purpose of correcting such inequities?

A. No. The unequal distribution of bonuses may not be used at any later date as a basis for seeking adjustments in salary or other compensation on the ground that such distribution has created hardships or inequities.

18. Q. Are employers required to keep records with regard to bonuses distributed under General Salary Order 12, Revised?

A. Yes. Pursuant to section 3 of the order employers must keep the records and prepare the summary statements required by section 101 of General Salary Stabilization Regulation 1, Amended.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization this 14th day of November, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-12473; Filed, Nov. 19, 1952; 10:56 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Correction to Schedule A]

[Rent Regulation 2, Correction to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA

Effective November 5, 1952, that part of Amendment 86 to Schedule A of Rent Regulation 1 and Amendment 84 to Schedule A of Rent Regulation 2 which pertains to Item 267 (Pittsburgh Defense-Rental Area) is corrected to read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 17th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania				
(267) Pittsburgh	B	In Allegheny county, the cities of Clairton, Duquesne, McKeesport, and Pittsburgh, the townships of Aleppo, Baldwin, Elizabeth, Forward, Harmar, Harrison, Indiana, Leet, Neville, Richland, Sewickley, South Fayette, South Versailles, Springdale, Stowe, West Deer, and Wilkins, the boroughs of Aspinwall, Baldwin, Blawnox, Brackenridge, Braddock, Braddock Hills, Brentwood, Bridgeville, Carnegie, Coraopolis, Dravosburg, East McKeesport, East Pittsburgh, Etna, Glassport, Glenfield, Heidelberg, Homestead, Leetsdale, McKees Rocks, Millvale, Munhall, North Braddock, Oakmont, Ford Vue, Rankin, Sharpsburg, Springdale, Swissvale, Tarentum, Turtle Creek, Verona, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin, White Oak, and Wilmerding, and all unincorporated localities in Allegheny County, except those in the townships of Crescent, Franklin, Mount Lebanon, Ohio, Penn, and Shaler, and the boroughs of Bethel, Churchill, Elizabeth, Ingram, Rosslyn, Forms, and Wilkinsburg; in Armstrong County, the township of Pine, the boroughs of Ford City, Kittanning, North Apollo, and West Kittanning, and all unincorporated localities; in Beaver County, the townships of Center, Hanover, Harmony, and Potter, the boroughs of Aliquippa, Baden, and Monaca, and that part of Beaver County north and east of the Ohio River, (except the townships of Economy and Brighton and the boroughs of Ambridge, Beaver, and Conway), and all unincorporated localities in Beaver County, except those in the township of Brighton and the borough of Beaver; in Fayette County, the cities of Connellsville and Uniontown, the townships of Dunbar, German, Perry, Redstone, and Washington, the boroughs of Belle Vernon, Brownsville, Dawson, Dunbar, Everson, Fairchance, Fayette City, Masontown, South Connellsville, and Vanderbilt, and all unincorporated localities except those in the townships of Henry Clay Stewart, and Wharton; in Lawrence County, the boroughs of Bessemer and Elwood City, and all unincorporated localities except those in the borough of New Wilmington; in Washington County, the cities of Monongahela and Washington, the townships of Canton, East Pike Run, North Strabane, Smith, and South Strabane, the boroughs of Allenport, Beallsville, Bentleyville, California, Canonsburg, Centreville, Charleroi, Coal Center, Cokeburg, Donora, Dunkyy, Ellsworth, McDonald, New Eagle, North Charleroi, Roscow, West Brownsville, and all unincorporated localities except those in the townships of East Finley, Morris, South Franklin, and West Finley; in Westmoreland County, the cities of Arnold, Jeannette, Monessen and New Kensington, the townships of East Huntingdon, Rostraver, Unity and Upper Burrell, the towns of East Vandergrift and Oklahoma, the boroughs of Export, Irwin, Mount Pleasant, North Belle Vernon, North Irwin, Penn, Scottdale, Trafford, Vandergrift, and West Newton, and all unincorporated localities.	Mar. 1, 1942	July 1, 1942
	B	In Lawrence County, the city of New Castle and all other incorporated municipalities except the boroughs of Bessemer, Elwood City, and New Wilmington.	Sept. 30, 1952	Oct. 8, 1952
	C	That part of Beaver County north and east of the Ohio River, except the townships of Brighton, Economy, and Harmony, and the boroughs of Ambridge, Baden, Beaver, and Conway, and that part of the borough of Ellwood City which lies in Beaver County.	Oct. 1, 1950	Feb. 28, 1952
	C	In Beaver County, the townships of Center and Potter, and the borough of Monaca.	do	Apr. 1, 1952
	A	In Beaver County, Brighton Township	do	Feb. 28, 1952

[F. R. Doc. 52-12403; Filed, Nov. 19, 1952; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 5—FILMING OF MOTION PICTURES

ISSUANCE OF PERMIT

Paragraph (d) of § 5.5, entitled *Issuance of permit*, is amended to read as follows:

(d) The permittee in any area administered by the National Park Service shall, in the discretion of the Superintendent, give appropriate courtesy credit in all motion pictures in which photographed scenes are used.

(R. S. 161, 453, 463, 2478, sec. 10, 32 Stat. 390, sec. 3, 39 Stat. 535, sec. 10, 45 Stat. 1224, sec. 2, 48 Stat. 1270; 5 U. S. C. 22, 16 U. S. C. 3, 7151, 25 U. S. C. 2, 43 U. S. C. 2, 1201, 373, 315a)

Issued this 14th day of November 1952.

VERNON D. NORTHROP,
Acting Secretary of the Interior.

[F. R. Doc. 52-12365; Filed, Nov. 19, 1952; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.47 *Undeliverable articles, charges*, amend paragraph (c) (2) by striking out the words "to a charge at

the rate of 1 cent for each 2 ounces or fraction of 2 ounces" and inserting in lieu thereof "a charge at the rate of 2 cents for the first 2 ounces and 1 cent for each additional 2 ounces or fraction thereof."

b. In § 127.213 *Barbados* add the following sentence to subdivision (ii) of paragraph (b) (6): "In connection with (*a*) of this subdivision, it is understood that licenses are readily granted for bona fide unsolicited gifts not exceeding $37.50 in value."

c. In § 127.304 *Mexico* amend subdivision (iv) of paragraph (b) (7) to read as follows:

(iv) The c. o. d. fees (which cover registration) are as follows, effective December 1, 1952:

For collection of a maximum of 100 pesos and an indemnity up to $10__	$0.80
For collection of a maximum of 500 pesos and an indemnity up to $50___	1.10
For collection of a maximum of 1,000 pesos and an indemnity up to $100__	1.20

NOTE: No indemnity payable for rifling or damage.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-12366; Filed, Nov. 19, 1952; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PART 9—AERONAUTICAL SERVICES

APPLICATION FOR CIVIL AIR PATROL RADIO STATION CONSTRUCTION PERMIT; CORRECTION

In the matter of adoption of FCC Form 480, Application for Civil Air Patrol Radio Station Construction Permit and License, and amendment of Parts 1 and 9 of the Commission's rules.

The above-entitled document dated October 9, 1952, published at 17 F. R. 9561 (F. R. Doc. 52-11347) is corrected as it appeared therein as follows:

Change item 1b to read:

b. Add paragraph (e) to § 1.312 to read as follows:

(e) FCC Form 480, "Application for Civil Air Patrol Radio Station Construction Permit and License".

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12461; Filed, Nov. 19, 1952; 9:19 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES OF PRUNE ADMINISTRATIVE COMMITTEE FOR 1952–53 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH YEAR

Notice is hereby given that the Secretary of Agriculture is considering a proposed rule to approve a budget of expenses for the Prune Administrative Committee for the 1952–53 crop year, and fix a rate of assessment for such year, as hereinafter set forth. Such budget and rate of assessment are proposed after consideration of the recommendation submitted by the said committee and other information available to the Secretary, in accordance with the applicable provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, 1951 Supp., Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of the publication of this notice in the FEDERAL REGISTER, except that, if said tenth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission will be received by the Director not later than the close of business on the next following business day.

It will, of course, be necessary that all salary payments by the Prune Administrative Committee be in conformity with the provisions of the Defense Production Act of 1950, as amended, Executive Order No. 10161, and any supplementary order, directive, or regulation pursuant thereto.

The proposed rule is as follows:

§ 993.303 *Budget of expenses of the Prune Administrative Committee and rate of assessment for the 1952–53 crop year*—(a) *Budget of expenses of the Prune Administrative Committee for the 1952–53 crop year.* Expenses in the amount of $87,100 are reasonable and are likely to be incurred by the Prune Administrative Committee for its maintenance and functioning for the crop year beginning August 1, 1952.

(b) *Rate of assessment for the 1952–53 crop year.* Each handler shall pay to the Prune Administrative Committee, in accordance with the amended marketing agreement and amended order, an assessment rate of 65 cents for each ton of salable tonnage prunes handled by him as the first handler thereof and on all prunes sold to him from surplus tonnage for resale to other than Federal governmental agencies, during the crop year beginning August 1, 1952, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Issued at Washington, D. C., this 14th day of November 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-12414; Filed, Nov. 19, 1952; 8:55 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R-125]

STATEMENTS AND REPORTS (SCHEDULES)

FPC FORM NO. 11[1] (REVISED), MONTHLY STATEMENT OF OPERATING REVENUES FOR NATURAL GAS COMPANIES (CLASSES A AND B)

NOVEMBER 13, 1952.

Amendment of Part 260 of the Commission's general rules and regulations prescribing F. P. C. Form No. 11, Monthly Statement of Operating Revenues and Income Required of Class A and B Natural Gas Companies Subject to the Provisions of the Natural Gas Act.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Effective for the filing of the monthly statement for January, 1953, the Commission proposes to amend § 260.3 of Part 260—Statements and Reports (Schedules), of the general rules and regulations (18 CFR, Chapter I, Subchapter G, Part 260) by revising the said Form No. 11 to call for additional information consisting of: (1) Detail of operating expenses by functional accounts groups, including a statement of the cost of purchased gas and the volume purchased, (2) interest charged to construction, (3) gas construction work in progress, (4) gas materials and supplies, and (5) volume and value of gas stored underground. Dividend appropriations required to be reported in the existing form will be omitted in the proposed revision. The revised § 260.3, including revised F. P. C. Form No. 11,[1] is to read as set forth below, and is made a part hereof by reference.

3. The proposed revision of Form No. 11 is deemed necessary or appropriate to carry out the provisions of the Natural Gas Act and reflects the Commission's experience as to the need for additional information in that connection.

4. This revision is proposed to be issued pursuant to the authority granted to the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 10 (a) and 16 thereof (52 Stat. 826, 830; 15 U. S. C. 717i, 717o).

5. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than December 1, 1952, data, views, and comments in writing concerning the proposed revision. An original and four copies should be filed of any such submittals. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] LEON M. FUQUAY,
Secretary.

[1] Filed as part of the original document.

§ 260.3 *F. P. C. Form No. 11 (revised), Monthly Statement of Operating Revenues and Income for Natural Gas Companies (Classes A and B).* (a) F. P. C. Form No. 11 (revised), Monthly Statement of Operating Revenues and Income for Natural Gas Companies, as defined in the Natural Gas Act, which are in Classes A and B, as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies, subject to the provisions of the Natural Gas Act, is hereby prescribed.

(b) Each natural gas company which is in Class A or B shall file with the Commission one copy of such Monthly Statement of Operating Revenues and Income, F. P. C. Form No. 11 (revised), for the month of January 1953 and each month thereafter; said statement is to be filed on or before the last day of the month following that covered by the statement; said statement shall be signed by the Chief Accounting Officer of each said natural gas company, but is not required to be under oath.

(c) One copy of said F. P. C. Form No. 11 (revised) shall be filed.

[F. R. Doc. 52-12367; Filed, Nov. 19, 1952; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150-18]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization, Abolition of offices of Collectors and Deputy Collectors of Alabama, Louisiana, and Mississippi Collection Districts; establishment of offices of District Commissioner and Directors of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Alabama, Louisiana, and Mississippi Collection Districts shall become effective as of 12 o'clock midnight, November 19, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., November 20, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Birmingham District, and which shall be comprised of the States of Alabama, Louisiana, and Mississippi.

3. *Location of headquarters.* The headquarters office shall be located in the City of Birmingham, Alabama.

4. *Establishment of offices of Director of Internal Revenue.* Effective as of 12:01 a. m., November 20, 1952, there are hereby created the following offices within the Birmingham District:

(a) Director of Internal Revenue for the Collection District of Alabama (as presently constituted). The headquarters of such office shall be located in Birmingham, Alabama, and the office shall have the operating title of Director of Internal Revenue, Birmingham.

(b) Director of Internal Revenue for the Collection District of Louisiana (as presently constituted). The headquarters of such office shall be located in New Orleans, Louisiana, and the office shall have the operating title of Director of Internal Revenue, New Orleans.

(c) Director of Internal Revenue for the Collection District of Mississippi (as presently constituted). The headquarters of such office shall be located in Jackson, Mississippi, and the office shall have the operating title of Director of Internal Revenue, Jackson.

Dated: November 18, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-12484; Filed, Nov. 19, 1952; 11:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

ORDER OF RESTORATION FROM POWER SITE CLASSIFICATION NO. 55 AND POWER SITE CLASSIFICATION NO. 272

NOVEMBER 14, 1952.

Pursuant to Order of Cancelation No. 89, dated September 29, 1947, of the Geological Survey, affecting Power Site Classification No. 55 and Power Site Classification No. 272, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they were withdawn or reserved for power purposes, are hereby restored to disposition under any applicable public land law:

1. In Power Site Classification No. 55.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 16 N., R. 20 W.,
Sec. 18, lot 1, NE¼NW¼.
T. 16 N., R. 20½ W.,
Sec. 2, lots 3 and 4, S½NW¼, and S½;
Secs. 10 and 12;
Sec. 14, NE¼;
Sec. 22, lots 1 and 2;
Sec. 34, lots 1, 2, 3, and 4, E½SE¼.
T. 16 N., R. 21 W.,
Sec. 10, NE¼, NE¼NW¼, S½NW¼, N½SW¼, SE¼SW¼ and SE¼;
Secs. 12, 14 and 24.
T. 17 N., R. 21 W.,
Sec. 4;
Sec. 8, N½NE¼ and SE¼NE¼;
Sec. 10, W½;
Sec. 22, N½, N½SW¼, SE¼SW¼ and SE¼;
Sec. 26, W½ and SE¼;
Sec. 34, NE¼ and E½SE¼.
T. 18 N., R. 21 W.,
Sec. 6, lots 4, 5, 6, and 7;
Sec. 8, W½SW¼;
Sec. 18, NE¼, NE¼NW¼ and SE¼;
Sec. 20, W½NE¼, W½ and W½SE¼;
Sec. 28, W½W½.
T. 19 N., R. 21 W.,
Secs. 6 and 20.
T. 20 N., R. 21 W.,
Sec. 4, lots 3 and 4, S½NW¼;
Sec. 6;
Sec. 8, S½;
Secs. 9 and 18;
Sec. 20, NW¼.
T. 21 N., R. 21 W.,
Sec. 28, SW¼;
Sec. 30, NE¼, E½W½ and SE¼.
T. 22 N., R. 21 W.,
Sec. 18;
Sec. 34, N½.
T. 18 N., R. 22 W.,
Sec. 2, lots 1, 2, and 3, S½NE¼ and NE¼SE¼;
Sec. 12, NE¼ and NE¼SE¼.
T. 19 N., R. 22 W.,
Secs. 12 and 14;
Sec. 22, lots 1, 2, and 3, E½NE¼ and E½SE¼;
Secs. 24 and 26;
Sec. 34, E½NE¼ and NE¼SE¼.
T. 20 N., R. 22 W.,
Sec. 12, E½NE¼ and SE¼;
Sec. 18, S½NE¼ and S½;
Secs. 20, 24, and 26.

2. In Power Site Classification No. 272:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 21 N., R. 21 W.,
Sec. 6, lots 2, 3, 4, 5, 6, 7, 10, 11, 12, 13 and 14, E½SW¼ and W½SE¼;
Sec. 7, lot 1, NE¼, NE¼NW¼, SE¼SW¼ and SE¼;
Sec. 18, E½;
Sec. 19, NE¼, E½SW¼ and SE¼;
Sec. 20, W½W½.
T. 22 N., R. 22 W.,
Sec. 12, NE¼, N½NW¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 24, NE¼, E½NW¼ and SE¼;
Sec. 25, NE¼ and NE¼SE¼.
T. 23 N., R. 22 W.,
Sec. 14, NE¼, N½NW¼, SE¼NW¼ and SE¼.
T. 24 N., R. 22 W.,
Sec. 6, lot 2, SW¼NE¼ and W½SE¼;
Sec. 8, S½N½, E½SW¼ and SE¼;
Sec. 22, W½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼ and W½SE¼;
Sec. 34, E½NE¼.
T. 25 N., R. 22 W.,
Sec. 21, NW¼ and E½SW¼;
Sec. 28, N½NW¼;
Sec. 29, SE¼SE¼;
Sec. 31, S½SE¼;
Sec. 32, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼ and SE¼.

The areas described, including both public and non-public lands, aggregate 27,347.32 acres.

Of the above described areas only the following-described lands are not embraced in other forms of withdrawal;

GILA AND SALT RIVER MERIDIAN

T. 16 N., R. 20 W.,
Sec. 18, lot 1 and NE¼NW¼.
T. 17 N., R. 21 W.,
Sec. 10, W½.
T. 18 N., R. 21 W.,
Sec. 28, W½W½.
T. 22 N., R. 21 W.,
Sec. 34, N½.

The public lands described in this order shall be subject to application by the State of Arizona for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 91st day after the date of publication. At that time the lands not embraced in other forms of withdrawal shall become subject to application, petition, and selection, subject to valid existing rights, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which, veterans and others may file applications for these lands may be obtained on request from the U. S. Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52-12406; Filed, Nov. 19, 1952; 8:52 a. m.]

ARIZONA

ORDER OF RESTORATION FROM POWER SITE RESERVE NO. 590

NOVEMBER 14, 1952.

Pursuant to a determination of the Federal Power Commission, Docket No. DA–109–Arizona, dated June 10, 1952, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they were withdrawn or reserved for power purposes, are hereby restored to disposition under any applicable public-land law:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 22 E.,
Sec. 11, lot 1, containing 37.85 acres.

The land is located north of the Gila River, three miles northwest of Geronimo, Arizona. The tract has been classified as suitable for disposal under private exchange in a Bureau of Land Management program for consolidation of private and Federal land holdings in this locality.

The land described in this order shall be subject to application by the State of Arizona for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 91st day after the date of publication.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52-12405; Filed, Nov. 19, 1952; 8:52 a. m.]

NEW MEXICO

AIR NAVIGATION SITE WITHDRAWAL NOS. 51, 90, 240, 254; REDUCED

NOVEMBER 14, 1952.

In accordance with the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 728 (49 U. S. C. 214), and pursuant to section 2.22 (a) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Air Navigation Site Withdrawal No. 51 approved February 3, 1931, and enlarged February 9, 1931, Air Navigation Site Withdrawal No. 90 approved March 7, 1934, Air Navigation Site Withdrawal No. 240 approved October 10, 1947, and Air Navigation Site Withdrawal No. 254 approved August 11, 1948, withdrawing lands in New Mexico for use by the Department of Commerce in the maintenance of air navigation facilities, are hereby revoked so far as they affect the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 28 S., R. 9 W.,
Sec. 31, NE¼NE¼ and NW¼NE¼.
T. 27 S., R. 16 W.,
Sec. 22, NE¼NE¼.
T. 26 S., R. 1 E.,
Sec. 9, SE¼NW¼SW¼.
T. 21 S., R. 1 W.,
Sec. 35, S½NE¼SW¼, N½SE¼SW¼.
T. 18 S., R. 1 W.,
Sec. 10, S½SW¼NE¼NW¼, S½SE¼NW¼ NW¼, NE¼SW¼NW¼, N½SE¼SW¼ NW¼, N½SW¼SE¼NW¼, NW¼SE¼ NW¼.

The areas described aggregate 210 acres.

The lands are for the most part located in rough and mountainous areas and are primarily suitable for grazing. These lands will not be subject to occupancy or disposition under any non-mineral public land law until they have been classified. It is unlikely that any of the lands will be classified for homestead, desert land, or small tract uses.

This order shall become effective immediately as to administration of grazing on these lands by the Bureau of Land Management, but shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date hereof. At that time the said lands shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for these lands may be obtained on request from the U. S. Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52-12407; Filed, Nov. 19, 1952; 8:53 a. m.]

NEW MEXICO

AIR NAVIGATION SITE WITHDRAWAL NO. 53; REDUCED

NOVEMBER 14, 1952.

In accordance with the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 728 (49 U. S. C. 214), and pursuant to section 2.22 (a) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Air Navigation Site Withdrawal No. 53 approved February 9, 1931, withdrawing certain lands in Arizona for use by the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described lands:

GILDA AND SALT RIVER MERIDIAN

T. 19 N., R. 21 E.
Sec. 30, NE¼SE¼, containing 40 acres.

The land is located approximately 8 miles north of Holbrook, Arizona. The soil is of a sandy clay type and supports a very sparse growth of annual weeds and grama grass. The land is suitable primarily for grazing and will not be subject to occupancy or disposition under any non-mineral public land law until it has been classified. It is unlikely that the land will be classified for homestead, desert land, or small tract uses.

This order shall become effective immediately as to administration of grazing on these lands by the Bureau of Land Management, but shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date hereof. At that time the land shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for this land may be obtained on request from the U. S. Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52-12408; Filed, Nov. 19, 1952; 8:53 a. m.]

NEW MEXICO

AIR NAVIGATION SITE WITHDRAWAL NO. 54; REDUCED

NOVEMBER 14, 1952.

In accordance with the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 728 (49 U. S. C. 214), and pursuant to section 2.22 (a) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Air Navigation Site Withdrawal No. 54 approved February 21, 1931, withdrawing certain lands in New Mexico for use by the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 29 S., R. 2 W.,
Sec. 8, containing 640 acres.

The land is located approximately 30 miles west of El Paso, Texas. Topography is rough to hilly, and soil is sandy with a shallow caliche layer. Vegetation is desert type. The land is primarily suitable for grazing and will not be subject to occupancy or disposition under any non-mineral public land law until it has been classified. It is unlikely that the land will be classified for homestead, desert land, or small tract uses.

This order shall become effective immediately as to administration of grazing on these lands by the Bureau of Land Management, but shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date hereof. At that time the land shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications for this land may be obtained on request from the U. S. Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52-12409; Filed, Nov. 19, 1952; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6449]

WISCONSIN POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING AND APPROVING ACQUISITION AND MERGER OR CONSOLIDATION OF FACILITIES

NOVEMBER 14, 1952.

Notice is hereby given that on November 13, 1952, the Federal Power Commission issued its order entered November 10, 1952, authorizing and approving acquisition and merger or consolidation of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12369; Filed, Nov. 19, 1952; 8:47 a. m.]

[Docket No. E-6461]

OHIO VALLEY ELECTRIC CORP. ET AL.

NOTICE OF ORDER DETERMINING EMERGENCY AND GRANTING EXEMPTION FOR USE OF INTERCONNECTIONS

NOVEMBER 14, 1952.

In the matters of Ohio Valley Electric Corporation, Indiana-Kentucky Electric Corporation, Atomic Energy Commission, Columbus and Southern Ohio Electric Company, the Dayton Power and Light Company, Southern Indiana Gas and Electric Company, the Toledo Edison Company, and Appalachian Electric Power Company, the Cincinnati Gas & Electric Company, Indiana & Michigan Electric Company, Kentucky Utilities Company, Louisville Gas and Electric Company, Monongahela Power Company, Ohio Edison Company, the Ohio Power Company, Pennsylvania Power Company, the Potomac Edison Company, West Penn Power Company; Docket No. E-6461.

Notice is hereby given that on November 13, 1952, the Federal Power Commission issued its order entered November 10, 1952, determining emergency and granting exemption for the use of interconnections in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12370; Filed, Nov. 19, 1952; 8:47 a. m.]

[Docket No. G-1336]

EAST TENNESSEE NATURAL GAS CO.

NOVEMBER 14, 1952.

NOTICE OF OPINION NO. 240 AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Notice is hereby given that on November 12, 1952, the Federal Power Commission issued its Opinion No. 240 and order entered November 10, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12371; Filed, Nov. 19, 1952; 8:47 a. m.]

[Docket Nos. G-1693, G-1473, G-1649, G-1727, G-1737]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND PROVIDING FOR FURTHER HEARING

NOVEMBER 14, 1952.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-1693; Alabama-Tennessee Natural Gas Company, Docket No. G-1473; Tennessee Gas Company, Docket No. G-1649; Shippensburg Gas Company, Docket No. G-1727; Consumers Gas Company, Docket No. G-1737.

On July 3, 1952, the Commission issued its order accompanying Opinion No. 231, whereby it authorized and directed Texas Eastern, inter alia, to reserve certain specified quantities of gas for Permian Gas and Oil Company, Patoka Development Corporation, Ohio Valley Gas Corporation, and Tennessee Gas Company. Such reservation was subject to the provision, among others, that each such corporation should, by November 1, 1952, have filed an application for and have received a certificate of public convenience and necessity, authorizing it to construct and operate the necessary facilities to enable it to provide natural-gas service to the towns designated in the Presiding Examiner's decision in these proceedings.

An application was filed by Ohio Valley Gas Corporation in Docket No. G-1940 on April 16, 1952, for a certificate of public convenience and necessity to enable it to provide natural-gas service to the City of Connersville, Indiana, the city designated in the Presiding Examiner's decision to be served by Ohio Valley Gas Corporation. Pursuant to Commission requests, certain additional information in connection with said application was filed on October 16, 1952, by Ohio Valley Corporation as a supplement to its application. Said application was not disposed of by November 1, 1952.

On September 8, 1952, Permian Gas and Oil Company filed an application for a certificate of public convenience and necessity, authorizing it to construct and operate facilities to enable it to provide natural-gas service to the towns designated in the Presiding Examiner's decision. The company has been requested by the Commission to furnish certain additional information in connection with its application. Said application was not disposed of by November 1, 1952.

On September 29, 1952, Tennessee Gas Company filed a motion to modify the Commission's order of July 3, 1952, so that Tennessee Gas Pipe Line Company, an affiliate of Tennessee Gas Company, instead of Tennessee Gas Company, be authorized to construct and operate facilities to transport natural gas to the City of Murfreesboro, Tennessee. Said motion states that, while Tennessee Gas Company proposes to purchase gas from Texas Eastern Transmission Corporation and to provide natural-gas service to Murfreesboro, it is proposed that its affiliate, Tennessee Gas Pipe Line Company, transport such gas. An applica-

tion in Docket No. G–2046 for a certificate of public convenience and necessity to transport such gas was filed by Tennessee Gas Pipe Line Company on September 10, 1952. Said application in Docket No. G–2046 was not disposed of by November 1, 1952.

On September 29, 1952, Patoka Development Corporation and the Cities of Jasper and Huntingburg, Indiana, filed a petition for modification and amendment of the order of July 3, 1952, to enable Texas Eastern Transmission Corporation to sell and deliver gas to the Cities of Jasper and Huntingburg, instead of to Patoka Development Corporation for distribution by it to such cities. Patoka Development Corporation did not receive a certificate of public convenience and necessity prior to November 1, 1952.

In connection with said motion filed by Tennessee Gas Company on September 29, 1952, and said petition filed by Patoka Development Corporation and the Cities of Jasper and Huntingburg, on September 29, 1952, Texas Eastern Transmission Corporation filed, on October 14, 1952, a petition in which it adopted by reference and joined in said motion and said petition filed on September 29, 1952.

The Commission finds:

(1) Good cause exists for amending the order issued July 3, 1952, so that paragraph (B) (3) thereof shall provide (a) that the reservation of gas for Ohio Valley Gas Corporation and Permian Gas and Oil Company shall be contingent upon issuance to each of a certificate of public convenience and necessity on or before January 5, 1953, authorizing each respectively to construct and operate facilities to enable it to provide natural-gas service to the respective towns designated in the Presiding Examiner's decision in these proceedings; and (b) that the reservation of gas for Tennessee Gas Company for provision of natural-gas service to the City of Murfreesboro, Tennessee, shall be contingent upon issuance to Tennessee Gas Pipe Line Company of a certificate of public convenience and necessity on or before January 5, 1953, authorizing it to construct and operate facilities to transport such gas.

(2) Good cause has not been shown for granting the petition filed September 29, 1952, by Patoka Development Corporation and the Cities of Jasper and Huntingburg to amend the order issued July 3, 1952, in the manner requested in said petition.

(3) It is appropriate and in the public interest that Texas Eastern be authorized and directed to reserve a daily volume of 3,400 Mcf of gas for a period of 90 days from the date of issuance of the order herein, pending determination of the matters referred to in finding (4) below.

(4) It is appropriate and in the public interest that the record in Docket No. G–1693 be reopened and that a hearing be held as hereinafter ordered for the purpose of determining whether public convenience and necessity require the amendment of the order issued July 3, 1952, in the manner jointly requested by Patoka Development Corporation, the Cities of Jasper and Huntingburg, and Texas Eastern.

The Commission orders:

(A) Paragraph (B) (3) of the order accompanying Opinion No. 231, issued July 3, 1952, be and it is hereby amended in the following respects:

(i) The reservation of gas for Permian Gas and Oil Company and Ohio Valley Gas Corporation be and it hereby is extended to January 5, 1953: *Provided, however*, That each such corporation shall, on or before January 5, 1953, have received a certificate of public convenience and necessity authorizing it to construct and operate the necessary facilities to enable it to provide natural-gas service to the towns designated in the Presiding Examiner's decision to these proceedings.

(ii) The reservation of gas for Tennessee Gas Company be and it is hereby extended to January 5, 1953: *Provided, however*, That Tennessee Gas Pipe Line Company shall, on or before January 5, 1953, have received a certificate of public convenience and necessity to construct and operate the necessary facilities to enable it to transport gas from Texas Eastern's pipe line to the City of Murfreesboro, Tennessee.

(iii) Texas Eastern be and it is hereby authorized and directed to continue to reserve for a period of 90 days from the date of issuance of the order herein, pending determination of the matters referred to in finding (4) hereof, a daily volume of natural gas not to exceed 3,400 Mcf.

(B) Upon its own motion, and pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on December 1, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented in connection with the matters set forth in finding (4) hereof.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: November 14, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12368; Filed, Nov. 19, 1952; 8:46 a. m.]

[Docket No. G–2038]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 14, 1952.

Notice is hereby given that on November 13, 1952, the Federal Power Commission issued its order entered November 10, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12372; Filed; Nov. 19, 1952; 8:47 a. m.]

[Docket No. G–2039]

COLORADO INTERSTATE GAS CO.

ORDER FIXING DATE OF HEARING

NOVEMBER 13, 1952.

On September 4, 1952, Colorado Interstate Gas Company (Applicant), a Delaware corporation having its principal place of business at Colorado Springs, Colorado, filed an application, as supplemented on October 17, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as described in its application, as supplemented, on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on September 20, 1952 (17 F. R. 8464).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on December 4, 1952, at 9:45 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32(b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 14, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12373; Filed, Nov. 19, 1952; 8:48 a. m.]

[Project No. 1927]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATIONS FOR AMENDMENT OF LICENSE

NOVEMBER 14, 1952.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a–825r), that the California Oregon Power Company, of Medford, Oregon, has made two applications for amendment of license for major Project No. 1927 to include as parts of the project two additional developments on North Umpqua River in Douglas County, Oregon, and affecting lands of the United States with Umpqua National Forest, the two developments being:

Lemolo No. 1 development to consist of a diversion dam located on North Umpqua River about one mile downstream from the mouth of Lake Creek with an over-all crest length of 885 feet, a maximum height of 120 feet and a free crest spillway section 88 feet long; a reservoir with an area of 415 acres at elevation 4,145 feet and a capacity of 13,000 acre-feet of which 12,000 acre-feet would be usable storage; a conduit 16,675 feet long with capacity of 565 second-feet, extending from the dam to the forebay; a steel penstock 7,080 feet long from the forebay to the powerhouse; a powerhouse containing a 40,000-horsepower turbine connected to a 29,000-kw. outdoor-type generator; an outdoor substation; a 132-kv single circuit transmission line about 13 miles long from the plant to Clearwater No. 2 development; and appurtenant facilities; and

Lemolo No. 2 development of consist of a low diversion dam with an over-all crest length of 195 feet, a maximum height of 25 feet, and a free crest spillway section 80 feet long located about 500 feet downstream from the mouth of Warm Springs Creek and Lemolo No. 1 powerhouse; a conduit 78,470 feet long with a capacity of 655 second-feet, extending from the diversion dam to the forebay; a forebay with a capacity of 230 acre-feet; a steel penstock about 2,850 feet long; a powerhouse containing a 46,000-horsepower turbine connected to a 33,000-kw outdoor-type generator; an outdoor substation; a short transmission line to connect the plant with the Lemolo No. 1—Clearwater No. 2 132-kv line; and appurtenant facilities.

Any protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the second day of January 1953. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12374; Filed, Nov. 19, 1952; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 92]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

NOVEMBER 18, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Albion, Michigan, Area. (The area consists of the city of Albion and the townships of Albion, Eckford, Marengo, and Sheridan; all in Calhoun County, Michigan.)

HENRY H. FOWLER, *Director of Defense Mobilization.*

[F. R. Doc. 52–12451; Filed, Nov. 18, 1952; 1:16 p. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 8–A]

GEORGIA RAILROAD ET AL.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 8, and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I. C. C. Order No. 8 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective 9:00 a. m., November 14, 1952.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., November 14, 1952.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 52–12401; Filed, Nov. 19, 1952; 8:51 a. m.]

[4th Sec. Application 27541]

SAND, GRAVEL AND CRUSHED STONE FROM MARLBORO, S. C., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic Coast Line Railroad Company for itself and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 988.

Commodities involved: Sand, gravel, crushed stone, and related commodities, carloads.

From: Marlboro, S. C.

To: Points in southern territory.

Grounds for relief: Rail competition, circuitous routes, grouping, and to apply rates constructed on the basis of a distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–12396; Filed, Nov. 19, 1952; 8:50 a. m.]

[4th Sec. Application 27542]

COMMODITY RATES BETWEEN TRACKTOWNE, PA., AND POINTS IN UNITED STATES AND CANADA

APPLICATION FOR RELIEF

NOVEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to Consolidated Freight Classification No. 20, Agent W. S. Flint's I. C. C.—O. C. No. 64.

Commodities involved: All commodities.

Between: Tracktowne, Pa., and points in the United States and Canada.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emer-

gency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12397; Filed, Nov. 19, 1952; 8:50 a. m.]

[4th Sec. Application 27543]

CRUDE RUBBER FROM TEXAS AND LOUISIANA TO BRISTOL, PA., AND WOODBINE, N. J.

APPLICATION FOR RELIEF

NOVEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Rubber, artificial, synthetic or neoprene, carloads.

From: Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles, and West Lake Charles, La.

To: Bristol, Pa., and Woodbine, N. J.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 177. F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 154.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12398; Filed, Nov. 19, 1952; 8:50 a. m.]

[4th Sec. Application 27544]

NEWSPRINT PAPER FROM QUEBEC, ONTARIO, AND NEW BRUNSWICK, CANADA, TO BRISTOL, VA.-TENN.

APPLICATION FOR RELIEF

NOVEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Newsprint paper, carloads.

From: Points in the provinces of Quebec, Ontario, and New Brunswick, Canada.

To: Bristol, Va.-Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and grouping.

Schedules filed containing proposed rates: Can. Nat. Ry. tariff I. C. C. No. E-447, Supp. 105. Can. Pac. Ry. tariff I. C. C. No. E-2597, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12399; Filed, Nov. 19, 1952; 8:51 a. m.]

[4th Sec. Application 27545]

PETROLEUM OIL FROM CERTAIN POINTS TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

NOVEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, I. N. Doe, and L. C. Schuldt, Agents, for carriers parties to schedules listed below.

Commodities involved: Petroleum oil, in tank-car loads.

From: Indian Orchard, Mass., Nitro, W. Va., Philadelphia and Marcus Hook, Pa., North Claymont, Del., Pettys Island and Paulsboro, N. J.

To: Kansas City, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-850, Supp. 119. I. N. Doe, Agent, I. C. C. No. 604, Supp. 18. L. C. Schuldt, Agent, I. C. C. No. 4238, Supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12400; Filed, Nov. 19, 1952; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2887]

GENERAL PUBLIC UTILITIES CORP.

THIRD SUPPLEMENTAL ORDER RELEASING JURISDICTION AS TO LEGAL AND ACCOUNTING FEES

NOVEMBER 14, 1952.

The Commission by orders entered herein on June 27, July 1, and July 2, 1952, having authorized and approved the issuance and sale by General Public Utilities Corporation ("GPU"), a registered holding company, of 531,949 additional shares of its common stock, pursuant to the provisions of the Public Utility Holding Company Act of 1935, reserving jurisdiction only with respect to the legal and accounting fees to be paid by GPU herein; and

The record being completed with respect to such fees, as follows: Shearman & Sterling & Wright, general counsel, $14,000; Berlack & Israels, associate counsel, $4,000; Lybrand, Ross Bros. & Montgomery, accountants, $6,000; and

The Commission, on the basis of its examination of the record, finding that the payment of said fees in the amounts proposed would not be unreasonable, and deeming it appropriate to release the jurisdiction heretofore reserved with respect thereto:

It is ordered, That the jurisdiction heretofore reserved with respect to the legal and accounting fees to be paid by GPU herein be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12370; Filed, Nov. 19, 1952; 8:50 a. m.]

[File No. 70-2946]

FEDERAL LIQUIDATING CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE IN RESPECT OF FINAL LIQUIDATING DIVIDEND

NOVEMBER 13, 1952.

Federal Liquidating Corporation ("Liquidating Corporation"), a subsidiary of Cities Service Company, a registered holding company, having filed a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly section 12 (c) thereof and Rule U-42 promulgated thereunder, in respect of the following proposed transactions:

Liquidating Corporation proposes to effect the payment to its stockholder-recipients of the previous $1.75 per share partial liquidating dividend a final liquidating dividend of 88.8 cents per share, aggregating $466,113.86, leaving approximately $573.56 to defray miscellaneous expenses, including $250 to be paid to the New York Trust Company for services as liquidating agent in making the final liquidating distribution. In this connection it is stated that Liquidating Corporation in December, 1950 effected its dissolution under the law of Delaware, pursuant to the order of the Commission issued December 15, 1950 (File No. 70-2523), has discharged all liabilities, including fees and expenses and other assumed obligations in connection with the proceeding of Federal Light and Traction Company under section 11 (e) of the act, and has on hand approximately $463,687.42.

Said declaration having been filed October 16, 1952, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for or ordered a hearing with respect to said declaration, within the time specified in said notice, or otherwise; and

The Commission finding with respect to said declaration that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors that said declaration be permitted to become effective forthwith, and the Commission also deeming it appropriate to grant the request that the order herein become effective upon its issuance:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12377; Filed, Nov. 19, 1952; 8:49 a. m.]

[File No. 70-2947]

INDIANA & MICHIGAN ELECTRIC CO.

ORDER AUTHORIZING PROPOSED CHARTER AMENDMENTS

NOVEMBER 13, 1952.

Indiana & Michigan Electric Company ("Indiana"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, having filed a declaration, and amendments thereto, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935, and Rule U-62 promulgated thereunder, with respect to the following transactions:

Indiana proposes to amend its Articles of Acceptance so as (1) to modify the present provisions limiting the amount of unsecured debt, so as to increase the amount of such unsecured debt which may be issued without the consent of the holders of a majority of the preferred stock from 10 percent to 20 percent of the sum of secured debt, capital stock and surplus, as more specifically summarized hereafter; and (2) to increase the number of its authorized shares of common stock, without par value, from 1,250,000 shares to 2,500,000 shares.

The proposed provision modifying the present unsecured debt provisions would allow Indiana to issue unsecured debt in a total amount not exceeding 20 percent of which short-term unsecured debt could not exceed 10 percent, of the sum of secured debt, capital stock and surplus. Under this provision, long-term unsecured debt would be unsecured debt having maturities of 10 years or more, except that where a single maturity or a final installment matures 10 or more years from time of issuance it will be considered long-term unsecured debt until the date of its maturity is less than 5 years from time of computation. This amendment to the Articles of Acceptance requires the affirmative vote of the holders of at least two-thirds of the outstanding preferred stock of Indiana, and the company will solicit proxies from its preferred stockholders with respect to such amendment.

The proposed amendments are designed to afford greater flexibility to Indiana for the raising of capital to finance its construction program, expenditures for which, for the years 1952 to 1954 inclusive, are estimated to total approximately $87,700,000. The Company represents that it contemplates the sale of additional common stock in order to finance its construction program and to preserve an adequate equity ratio, and that for this purpose additional authorization of stock is necessary.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration, as amended, that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary; the Commission being of the view that it is appropriate to permit the submission of the proposed charter amendments to the stockholders of Indiana-Michigan, the Commission noting that such authorization is not to be construed as a recommendation by the Commission that such stockholders either approve or disapprove the proposed amendments; the Commission finding that it is not necessary to impose any terms and conditions other than those set forth below; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12378; Filed, Nov. 19, 1952; 8:49 a. m.]

[File No. 70-2957]

NORTH PENN GAS CO.

NOTICE OF FILING REGARDING PROPOSED PRIVATE SALE OF PROMISSORY NOTES

NOVEMBER 14, 1952.

Notice is hereby given that an application-declaration has been filed with this Commission by North Penn Gas Company ("North Penn"), a registered holding company, an operating gas utility company, and a direct subsidiary of Pennsylvania Gas & Electric Corporation ("Penn Corp"), also a registered holding company. The applicant-declarant has designated sections 6 and 7 of the act and Rule U-50 applicable to the proposed transactions which are summarized as follows:

Penn Corp, which has been ordered by this Commission to liquidate and dissolve, has proposed its liquidation and dissolution pursuant to a plan filed with this Commission under section 11 (e) of the act. By the terms of that plan, it is proposed to distribute the common stock of North Penn and Crystal City Gas Company ("Crystal City"), a wholly owned gas utility subsidiary of North Penn, to various security holders of Penn Corp. The filing represents that under the terms of the agreement securing the presently outstanding debentures of North Penn the proposed distribution of Crystal City's common stock could not be made. In order to accomplish the liquidation and dissolution of Penn Corp and to make the pending plan feasible, applicant-declarant states that it is necessary to consummate the refinancing of North Penn's debentures prior to the effective date of the aforesaid plan and in a manner that is financially advantageous to North Penn. In order to carry out the plan, North Penn proposes to issue $2,300,000 face amount of promissory notes maturing twenty years from date of issuance and bearing interest at the rate of 4¼ percent per annum. The application-declaration states that negotiations have been held through Eastman, Dillon & Co., as agent for North Penn, and that as a result thereof North Penn proposes to sell to three life insurance companies, namely the Northwestern Mutual Life Insurance Company, Massachusetts Mutual Life Insurance Company and Home Life Insurance Company, said notes at par in the respective amounts of $1,000,000, $800,000, and $500,000.

It is also represented in the filing that the proceeds from the proposed sale, to-

gether with treasury cash, will be used to redeem North Penn's 5 percent Debentures, due 1971, presently outstanding in the aggregate principal amount of $2,619,000.

Fees and expenses, including fees of $16,100 to Eastman, Dillon & Co. as finder and negotiator for North Penn, and $4,500 legal fees, of which $2,500 is for counsel to the purchasers, are estimated by declarant at $24,667.

The filing states that the Pennsylvania Public Utility Commission has jurisdiction over the proposed transactions but that no other State or Federal Commission has jurisdiction in the matter.

The filing requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than November 26, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 and U-100.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12375; Filed, Nov. 19, 1952; 8:48 a. m.]

[File No. 811-585]

PEN MAR FUND, INC.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE INVESTMENT COMPANY

NOVEMBER 14, 1952.

Notice is hereby given that Pen Mar Fund, Inc., of Hagerstown, Maryland, (hereinafter referred to as "Applicant"), a registered investment company, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that it has ceased to be an investment company within the meaning of the act.

Section 8 (f) provides that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order and upon the taking of effect of such order the registration of such company shall cease to be in effect.

It appears that Applicant was organized pursuant to the laws of the State of Maryland on August 25, 1950, and filed a Notification of Registration on Form N-8A under the act on August 28, 1950. On March 12, 1951, Applicant filed an amendment to its Form N-8A. The incorporators and directors of Applicant have advised the Commission that they have taken no action to organize or, as directors, to accept the charter of the Applicant; that they have collected no funds on behalf of the Applicant nor do they now have any subscription from any person, firm or corporation for investment of funds in the Applicant; that it is their desire to abandon the project; and that they request cancellation of the registration of the company under the act as an investment company.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed transaction and the matters of fact and law asserted.

Notice is further given that an order granting the application, in whole or in part and upon such condition as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after December 8, 1952, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than December 5, 1952, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issue of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12376; Filed, Nov. 19, 1952; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 18]

COTTON-CARDING MACHINERY AND PARTS

POSTPONEMENT OF PUBLIC HEARING

The Tariff Commission ordered that the public hearing in the investigation instituted under section 7 of the Trade Agreements Extension Act of 1951 with respect to cotton-carding machinery and parts, heretofore scheduled for December 1, 1952 (17 F. R. 8312), be postponed to 10 a. m., March 9, 1953.

The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above action was taken by the Tariff Commission on the 14th day of November 1952.

Issued November 17, 1952.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 52-12404; Filed, Nov. 19, 1952; 8:52 a. m.]

Reference Room

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 17 NUMBER 228

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENTS OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, subparagraph (15) is added to § 6.123 (h) as follows:

§ 6.123 *Federal Security Agency.* • • •

(h) *Public Health Service.* • • •

(15) NC/PD. Student Practical Nurses when employed to attain clinical experience in connection with non-federal programs for the training of practical nurses. Appointments to these positions may not extend beyond one year.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

2. In § 27.2 under Physical Therapy Interns (Student Physical Therapists) the item which reads "1 year approved postgraduate training—$1,470" is revoked effective November 15, 1952.

3. Effective November 15, 1952, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended as follows:

Physical Therapy Interns (Student Physical Therapists): Approved clinical training in affiliation with an approved school of physical therapy, per month	$166
Occupational Therapy Interns (Student Occupational Therapists): Approved clinical training in affiliation with an approved school or occupational therapy, per month	166
Student Laboratory Technicians—U. S. Public Health Service and Department of the Army: 1 year approved training, after a minimum of 2 years college level training	1,600
Student X-ray Technicians—U. S. Public Health Service: First 9 months approved training, per month	$100
Subsequent 3 to 9 months approved training, per month	116

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] ROBERT RAMSPECK, *Chairman.*

[F. R. Doc. 52-12456; Filed, Nov. 20, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Peanuts-53)-1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR PEANUTS OF 1953 CROP

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FEDERAL REGISTER

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AUTHORITY: §§ 729.410 to 729.432 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 362, 363, 52 Stat. 38, as amended, 62, as amended, 63, as amended; 7 U. S. C. 1301, 1358, 1359, 1362, 1363.

GENERAL

§ 729.410 *Basis and purpose.* The regulations contained in §§ 729.410 to 729.432 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of farm allotments and normal yields in connection with farm marketing quotas for the peanut crop produced in the calendar year 1953. The purpose of the regulations in §§ 729.410 to 729.432 is to provide the procedure for allocating the 1953 State peanut acreage allotments among farms, for establishing allotments for farms on which peanuts were not picked or threshed in 1950, 1951, and 1952, but on which peanuts are to be picked or threshed in 1953, and for determining farm normal yields for peanuts. Prior to preparing the regulations in §§ 729.410 to 729.432, public notice (17 F. R. 9563) was given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations which were submitted in accordance with such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 729.411 *Definitions.* As used in §§ 729.410 to 729.432 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Assistant Administrator" means the Assistant Administrator for Production, or the Acting Assistant Administrator for Production, of the Production and Marketing Administration of the United States Department of Agriculture.

(b) "Committees": (1) "Community committee" means the persons elected within a community, pursuant to regulations governing Production and Marketing Administration county and community committees published in the FEDERAL REGISTER of September 29, 1949 (14 F. R. 5916), to assist the county committee in the administration within the community of agricultural programs that are administered through the Production and Marketing Administration.

(2) "County committee" means the persons elected within a county, pursuant to regulations governing Production and Marketing Administration county and community committees published in the FEDERAL REGISTER of September 29, 1949 (14 F. R. 5916), who are generally responsible for carrying out in the county the agricultural programs administered through the Production and Marketing Administration.

(3) "State committee" means the persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(c) "Cropland" means farm land which in 1952 was tilled or was in regular crop-rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable, noncrop, open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(d) "Director" means the Director, or Acting Director, of the Fats and Oils Branch of the Production and Marketing Administration of the United States Department of Agriculture.

(e) "Excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment but there will be no excess acreage if the farm peanut acreage is one acre or less.

(f) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person), which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(g) "Farm allotment" means the acreage allotment established for a farm pursuant to §§ 729.410 to 729.422.

(h) "Farm peanut acreage" means the acreage on the farm planted to peanuts in 1953, as determined by the county committee, less any such acreage with respect to which it is established by the operator or otherwise to the satisfaction of the county committee that the entire production therefrom has not and will not be picked or threshed either before or after marketing from the farm: *Provided, however,* That:

(1) The farm peanut acreage shall be considered equal to the farm allotment on the farm for which such allotment equals or exceeds one acre, if the acreage in excess of the farm allotment from which peanuts are picked or threshed is not greater than one-tenth acre or three percent of the farm allotment, whichever is larger; or

(2) The farm peanut acreage shall be considered equal to one acre on a farm for which the farm allotment is equal to or less than one acre, and the acreage from which peanuts are picked or threshed does not exceed 1.1 acres; but the provisions of subparagraph (1) of this paragraph and this subparagraph shall not apply unless the operator:

(i) Submits evidence satisfactory to the county committee that the picking or threshing of peanuts was completed before he received notice of the acreage planted to peanuts, or that peanuts were picked or threshed from an acreage in excess of the larger of the farm allotment or one acre notwithstanding an honest effort on the part of the operator to dispose of the excess by means other than by picking or threshing, and

(ii) A quantity of peanuts equal to the county committee's estimate of the production from the acreage in excess of the larger of the farm allotment or one acre, is disposed of on the farm in such manner that the peanuts cannot thereafter be used or marketed as peanuts: *Provided further,* That the maximum acreage limit prescribed in subparagraph (1) of this paragraph or in this subparagraph shall not be applicable if the State committee concurs in the findings and recommendations of the county committee that the unusual circumstances from which the excess resulted are such that the maximum acreage limitation should not apply.

(i) "New farm" means a farm on which peanuts will be picked or threshed in 1953, but on which no peanuts were picked or threshed in 1950, 1951, or 1952.

(j) "Old farm" means any farm on which peanuts were picked or threshed in any one of the years 1950, 1951, and 1952.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Peanuts" means all peanuts produced, excluding any peanuts not picked or threshed either before or after marketing from the farm.

(m) "Person" means an individual, partnership, association, corporation, firm, joint-stock company, estate or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State or any agency thereof.

(n) "Secretary" means the Secretary, or the Acting Secretary, of Agriculture of the United States.

(o) "Tillable acreage available" means the acreage of cropland on the farm which the county committee determines is available for the production of peanuts in 1953, taking into consideration land uses and other crops grown on the farm and customary rotation practices: *Provided*, That the tillable acreage available for the production of peanuts for a farm shall not exceed the cropland on the farm minus the total of the 1953 acreage allotments established for other crops for the farm. If the 1953 acreage allotments for one or more crops are not established for the farm prior to the determination of the tillable acreage available, and it has been announced that acreage allotments for such crops will be in effect in 1953, the farm acreage allotments established for such crops for the last year allotments were in effect shall be used.

(p) "Tillable acreage factor" means the factor determined for the county (or for each community in a county, if the county committee determines that there is a wide variation between communities in the percentage of the tillable acreage available that is customarily devoted to peanuts) by dividing the tillable acreage available for all old farms in the county (or community) into the sum of the 1952 farm peanut allotments for all old farms in the county (or community). The sum of the 1952 farm peanut allotments shall be determined pursuant to instructions issued by the Assistant Administrator.

§ 729.412 *Rule of fractions.* Farm allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of fifty thousandths of an acre or less shall be dropped. For example, 8.051 would be 8.1 and 8.050 would be 8.0.

§ 729.413 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in §§ 729.410 to 729.432. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 729.414 *Apportionment of State peanut acreage allotment to counties.* If the State committee recommends that the 1953 State peanut acreage allotment be apportioned to counties and the Secretary approves such recommendation on the basis that such action will facilitate the effective administration of the provisions of the Agricultural Adjustment Act of 1938, as amended, such allotment shall be apportioned among the counties in the State on the basis of the past acreage of peanuts harvested for nuts (excluding acreage in excess of farm allotments) in the county during the five years immediately preceding the year in which such apportionment is made, with such adjustments as are deemed necessary for abnormal conditions affecting acreage, for trends in acreage, and for additional allotments for types of peanuts in short supply under the provisions of section 358 (c) of the Agricultural Adjustment Act of 1938, as amended. If the State committee determines that the reserves determined pursuant to § 729.419 shall be held as State reserves, the amounts of such reserves shall be deducted from the 1953 State peanut acreage allotment prior to apportioning such allotment to counties.

§ 729.415 *Determination of farm data.* The county committee shall obtain the following information and data for each old farm.

(a) The name and address of the operator.

(b) The total acreage of all land in the farm.

(c) The acreage of cropland in the farm.

(d) The tillable acreage available for the farm.

(e) The farm peanut acreage for each year 1950, 1951, and 1952.

(f) The 1952 peanut allotment for the farm.

(g) Such other information and data as may be necessary in establishing farm allotments in accordance with §§ 729.410 to 729.432.

The information and data provided for in this section shall be obtained from acreage measurements and other records in the office of the county committee; if not available from these sources, these data and information may be obtained from reports made by operators or other interested persons or may be appraised or determined by the county committee on the basis of production and marketing records or other available information.

§ 729.416 *Apportionment of State peanut allotment to farms.* If the 1953 State peanut acreage allotment is to be apportioned directly to farms in accordance with section 358 (d) of the Agricultural Adjustment Act of 1938, as amended, the State committee shall determine a total of the adjusted acreages for all old farms in the State. Adjusted acreages shall be determined for farms in accordance with § 729.418. Preliminary acreage allotments for old farms shall be determined by multiplying the adjusted acreage determined for each old farm by a factor obtained by dividing the 1953 State peanut acreage allotment, minus (a) the reserves for corrections and for small farms determined pursuant to § 729.419 and (b) the reserve for adjustments determined pursuant to § 729.418 (b) (5) if adjustments are to be made after adjusted acreages have been determined, by the total of the adjusted acreages for all old farms in the State. Farm allotments shall be determined pursuant to § 729.421.

§ 729.417 *Basis of farm allotment.* A farm allotment shall be determined for each old farm on the basis of the following factors as hereinafter applied: The 1952 peanut acreage allotment for the farm; the 1950, 1951, and 1952 farm peanut acreages; abnormal conditions affecting farm peanut acreages; tillable acreage available; labor and equipment available for the production of peanuts on the farm; crop-rotation practices; and soil and other physical factors affecting the production of peanuts: *Provided, however*, That in establishing farm allotments pursuant to §§ 729.410 to 729.432, the following acreages shall not be taken into consideration: The peanut acreage determined as harvested in excess of the farm allotments established for each of the years 1950, 1951, and 1952; the peanut acreage harvested on the farm in 1951 as a result of allotments made under §§ 729.228 and 729.230 of the marketing quota regulations for the 1951 crop of peanuts; the acreage allotment made to the farm under §§ 729.228 and 729.230 of the marketing quota regulations for the 1951 crop of peanuts; the peanut acreage harvested on the farm in 1952 as a result of allotments made under §§ 729.326 and 729.328 of the marketing quota regulations for 1952 crop of peanuts; and the acreage allotment made to the farm under §§ 729.326 and 729.328 of the marketing quota regulations for the 1952 crop of peanuts: *And provided further*, That an allotment shall not be determined for any farm on which one acre or less of peanuts was harvested in each of the years 1950, 1951, and 1952, unless the county committee determines from available information that one acre or more of peanuts will be harvested on the farm in 1953.

§ 729.418 *Determination of adjusted acreages.* The county committee shall determine an adjusted acreage for each old farm in the county (excluding farms on which one acre or less of peanuts was harvested in each year 1950, 1951, and 1952, unless the county committee determines from available information that more than one acre of peanuts will be harvested on any such farm in 1953) as follows:

(a) If peanuts were produced on a farm in 1952 for the first time since 1948, but no 1952 peanut acreage allotment was established for the farm, the county committee shall, on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts, determine an adjusted acreage for the farm which is fair and equitable in comparison with the adjusted acreages for other farms in the community which are similar with respect to such factors.

(b) For each old farm, excluding farms described in paragraph (a) of this section, the county committee shall adjust 1952 farm peanut acreages and establish adjusted acreages as provided herein:

(1) The county committee shall examine the 1952 farm peanut acreage and, if abnormal conditions affected such acreages, the 1952 farm peanut acreage shall be increased to compensate for any reduction in the acreage resulting from such abnormal conditions; however, the acreage as so increased shall not exceed the 1952 peanut acreage allotment established for the farm.

(2) If a farm acreage allotment was not established for 1952 for a farm on which peanuts were produced in any one or more of the years 1949, 1950, or 1951, the county committee shall determine an acreage for the farm which shall be considered the 1952 farm allotment for purposes of establishing an adjusted acreage for the farm. Such acreage shall be established in accordance with the regulations contained in §§ 729.310 to 729.331 of the marketing quota regulations for the 1952 crop of peanuts.

(3) The county committee shall compare the 1952 farm peanut acreage for each farm with the 1952 allotment for each farm. If the 1952 farm peanut acreage for a farm was less than 75 percent of the 1952 allotment established for the farm, a total of the farm peanut acreages for 1950, 1951, and 1952, shall be determined. The total acreage so determined shall be divided by 3, except that if the farm did not receive a farm allotment in 1950, the total shall be divided by 2, or if the farm did not receive a farm allotment in 1950 and 1951, the total shall be divided by 1. If the average of the farm peanut acreages for the farm, determined in accordance with this subparagraph, is less than the 1952 farm allotment, for the purpose of determining the adjusted acreage for the farm, the average of the farm peanut acreages shall be considered as the 1952 farm allotment.

(4) The county committee shall examine the 1952 farm allotment for each farm after adjustments, if any, have been made under subparagraph (3) of this paragraph and may adjust such allotments downward if it determines that such adjustment is necessary to obtain an adjusted acreage for the farm which is comparable with the adjusted acreages established for other old farms in the community which are similar as to the tillable acreage available for the production of peanuts. If a downward adjustment is made, the adjusted acreage for the farm shall be not less than the smaller of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the 1950–52 average peanut acreage for the farm.

(5) An acreage not in excess of 5 percent of the peanut acreage allotted to all old farms in the State in 1952 shall be made available to county committees by the State committee for making upward adjustments for farms on the basis of the farm peanut acreage for 1950, 1951, and 1952; tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and the soil and other physical factors affecting the production of peanuts. If the State committee determines that upward adjustments shall be made subsequent to the determination of the adjusted acreage for the farm, the adjusted acreage for each old farm in the State shall be the result obtained by subtracting the downward adjustment determined for the farm under subparagraph (4) of this paragraph from the 1952 farm allotment. If the State committee determines that adjustments shall be made prior to determining adjusted acreages, the county committee may use the sum of the downward adjustments made in accordance with subparagraph (4) of this paragraph in addition to the acreage available under this subparagraph for making upward adjustments. If an upward adjustment is made, the adjusted acreage for the farm shall not exceed the larger of (i) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (ii) the largest farm peanut acreage for the farm for the years 1950, 1951, or 1952: *Provided, however*, That such limitation shall not be applicable if the State and county committees find that the adjusted acreage as determined under the limitation is relatively smaller in relation to the farm peanut acreages for 1950, 1951, and 1952, the tillable acreage available, and the labor and equipment available for the production of peanuts on the farm, than the adjusted acreages for other old farms in the community which are similar with respect to such factors.

(6) The adjusted acreage for each old farm in the county shall be the 1952 farm allotment plus or minus any upward or downward adjustment made pursuant to subparagraphs (4) and (5) of this paragraph.

(c) The adjusted acreage determined for the farm in accordance with the foregoing provisions of this section shall not exceed the tillable acreage available for the farm.

§ 729.419 *County reserves for corrections and for small farms.* The county committee shall estimate the percentage of the county allotment, or the percentage of the acreage that will be allotted to old farms in the county for 1953 if county allotments are not established, that will be needed for the correction of errors in farm allotments resulting from inaccurate or incomplete data used in establishing 1953 farm allotments. The county committee shall estimate the percentage of the total acreage of peanuts harvested in the county during the three-year period 1950–1952 on land included in farms for which allotments will not be established because the peanut acreage on each of such farms in each of the years 1950–52, inclusive, was one acre or less. The reserves for corrections and for small farms recommended by the county committee shall be subject to adjustment by the State committee. The acreages to be held as county reserves shall be determined by multiplying the percentages approved by the State committee by the county allotment. The State committee may determine State acreage reserves for the correction of errors and for small farms, in which case county reserves shall not be determined and the reserves will be held as State reserves.

§ 729.420 *County and State allotment factors.* (a) If the State allotment is to be apportioned to counties pursuant to § 729.414, a county allotment factor shall be determined for each county in the State by dividing the county share of the State allotment, less (1) the acreage set aside as reserves pursuant to § 729.419 if the reserves are to be held as county reserves and (2) the reserve for adjustments determined pursuant to § 729.418 (b) (5) if adjustments are to be made after adjusted acreages have been determined, by the sum of the adjusted acreages established for all old farms in the county.

(b) If county allotments are not established in a State, a State allotment factor shall be determined pursuant to § 729.416.

§ 729.421 *Allotments for old farms.* (a) If the State committee determines that the State peanut acreage allotment shall be apportioned directly to farms, as provided in § 729.416, the preliminary allotment for each old farm in the State shall be the result obtained by multiplying the adjusted acreage for the farm by the allotment factor determined pursuant to § 729.416. If county acreage allotments are established pursuant to § 729.414, the preliminary allotment for each farm in the county shall be the result obtained by multiplying the adjusted acreage for the farm by the county allotment factor determined pursuant to § 729.420.

(b) If adjustments are to be made prior to determining preliminary allotments, as provided in § 729.418 (b) (5), the preliminary allotments determined pursuant to the foregoing provisions of this section shall be the 1953 farm allotments.

(c) If the State committee determines, as provided in § 729.418 (b) (5), that upward adjustments shall be made subsequent to the determination of preliminary allotments, such adjustments shall be made on the basis of the factors set out in § 729.418 (b) (5). If an upward adjustment is made, the farm allotment shall not exceed the larger of (1) the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor or (2) the largest farm peanut acreage for the farm for the years 1950, 1951, and 1952: *Provided, however*, That such limitation shall not be applicable if the State and county committees find that the allotment as determined under such limitations is relatively smaller in relation to the farm peanut acreage for 1950, 1951, and 1952, and the tillable acreage available for the production of peanuts on the farm, than the allotment for other old farms in the community which are similar with re-

spect to such factors. The 1953 farm allotment shall be the preliminary allotment for the farm determined in accordance with this section plus any additional acreage allotted to the farm as an upward adjustment from the acreage made available to the county committee by the State committee pursuant to § 729.418 (b) (5).

§ 729.422 *Allotments for farms divided or combined*—(a) *Divisions.* If land operated as a single farm in 1952 will be operated in 1953 as two or more farms, the 1953 allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the divided farms in the same proportion as the acreage of cropland available for the production of peanuts for each such divided farm bears to the cropland available for the production of peanuts for the entire tract; except that the peanut acreage allotment determined or which otherwise would have been determined for the entire farm shall, if the farm to be divided for 1953 consists of two or more tracts which were separate and distinct farms before being combined for 1950, 1951, or 1952, be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment for the year for which combined: *Provided*, That with the recommendation of the county committee and the approval of the State committee, the allotment determined for a divided farm pursuant to the preceding provisions of this paragraph may be increased or decreased by not more than the larger of one acre or ten percent of the 1953 peanut acreage allotment determined for the entire tract, with corresponding increases or decreases made in the allotment apportioned to the other divided farm or farms: *Provided further*, That if a farm is to be divided for 1953 in settling an estate, the allotment may be apportioned among the divided farms in accordance with this paragraph or on such basis as the State committee determines will result in equitable allotments.

(b) *Combinations.* If two or more tracts which were operated as separate farms in 1952 are combined and operated as a single farm for 1953, the 1953 allotment shall be the sum of the 1953 allotments determined, or which otherwise would have been determined, for each of the tracts composing the combination.

§ 729.423 *Normal yields for old farms.* The normal yield for an old farm for the 1953 crop of peanuts shall be the average yield per acre of peanuts for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which the normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised by the county committee on the basis of the data which are available.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 729.424 *Allotments for new farms.* (a) The acreage allotment for a new farm shall be that acreage which the county committee, subject to the approval of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the producers on the farm, the tillable acreage available, labor and equipment available for the production of peanuts on the farm, crop-rotation practices, and soil and other physical factors affecting the production of peanuts. The acreage allotment for a new farm shall not exceed the result obtained by multiplying the tillable acreage available for the farm by the tillable acreage factor: *Provided, however*, That such limitation shall not be applicable if the State and county committees find that the allotment determined for the farm under the limitation is relatively smaller in relation to the tillable acreage available, labor and equipment available for the production of peanuts on the farm, and crop-rotation practices, than the allotments established for other farms in the community which are similar with respect to such factors.

(b) Notwithstanding any other provisions of this section, an allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) An application for a new farm allotment is filed by the farm operator with the county committee prior to the closing date established by the State committee. In no event is the closing date to be earlier than January 15, 1953, or later than February 15, 1953.

(2) A producer on the farm shall have had experience in growing peanuts either as a share cropper, tenant, or as a farm operator or farm owner during two of the past five years: *Provided, however*, That a producer who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had experience in growing peanuts during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five years from date of discharge.

(3) The farm operator is largely dependent on the farm for his livelihood.

(4) The farm is the only farm owned or operated by the farm operator or farm owner for which a peanut allotment is established in 1953, except that, if peanuts were planted during 1950, 1951, or 1952, on the farm but were not harvested because of abnormal conditions affecting acreage, the State committee may waive this condition upon the recommendation of the county committee.

(c) One-half of one percent of the national peanut acreage allotment shall be available for establishing allotments for new farms; except that, if the total of the acreages required to establish fair and reasonable allotments and reserves for old farms in any State is less than the State allotment, the balance of such State allotment shall, upon approval by the Assistant Administrator, be available for establishing allotments for new farms. If the total of the acreage allotments for new farms as determined by the county and State committees pursuant to this section exceeds the acreage reserved for new farm allotments, such acreage shall be made available to the States for establishing new farm allotments as follows:

(1) For any State for which the total of the new farm allotments determined by the county and State committees does not exceed one-half of one percent of the State's share of the 1953 national peanut acreage allotment as determined by the Assistant Administrator, no adjustment will be made in the new farm allotments determined by the county and State committees;

(2) For any State for which the total of the new farm allotments determined by the county and State committees exceeds one-half of one percent of the State's share of the national acreage allotment, as determined by the Assistant Administrator, there shall be made available for new farm allotments in each such State an acreage equal to one-half of one percent of the State's share of the national acreage allotment; and

(3) The acreage remaining after making the apportionments under subparagraphs (1) and (2) of this paragraph shall be apportioned pro rata among the States receiving acreage under subparagraph (2) of this paragraph on the basis of the total acreage determined for new farm allotments by the county and State committees that is in excess of the acreage made available under subparagraph (2) of this paragraph. The acreage allotments determined by the county and State committees for new farms which receive acreage under subparagraph (2) of this paragraph and of this subparagraph shall be adjusted downward so that the total of the acreage allotments for such farms shall not exceed the acreage made available to the State for establishing allotments for such farms.

§ 729.425 *Normal yields for new farms.* The normal yield for a new farm for the 1953 crop of peanuts shall be that yield per acre which the county committee determines is normal for the farm, as compared with other farms in the locality which are similar with respect to soil and other physical factors affecting the production of peanuts.

MISCELLANEOUS

§ 729.426 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If peanuts were marketed or were permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact were produced on a different farm, the acreage allotments established for both such farms for 1953 shall be reduced, as hereinafter provided, except that such reduction for any farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketings.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all peanuts produced on the farm at such time and in such manner as will insure payment of the penalty due and in the event of refusal or failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the operator establishes to the satisfaction of the county and State committees that failure to furnish proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty due is made.

(c) Any reduction shall be made with respect to the 1953 farm allotment, provided it can be made 30 days prior to the beginning of the normal planting season for the county in which the farm is located, as determined by the State Committee. If the reduction cannot be made effective with respect to the 1953 crop, such reduction shall be made with respect to the farm allotment next established for the farm. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1953 farm allotment shall be that percentage which the amount of peanuts involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such peanuts involved in the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The amount of peanuts determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of peanuts involved in the violation. If the actual production of peanuts on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the peanut crop during the growing and harvesting seasons, if known, and the actual yield per acre of peanuts on other farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar: *Provided*, That the estimate of such actual production of peanuts on the farm shall not exceed the harvested acreage of peanuts on the farm multiplied by the average actual yield per acre on farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar. The actual yield per acre of peanuts on the farm as so estimated by the county committee, multiplied by the farm acreage allotment, shall be considered the farm marketing quota for the purposes of this section. In determining the amount of peanuts for which satisfactory proof of disposition of peanuts on the farm is not known, the amount of peanuts involved in the violation shall be deemed to be the actual production of peanuts on the farm, estimated as above, less the amount of peanuts for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

§ 729.427 *Release and reapportionment*—(a) *Release of acreage allotments.* Any part of the acreage allotted for 1953 to an individual farm in any county under the provisions of §§ 729.421 and 729.424 on which peanuts will not be produced and which the owner or operator of the farm voluntarily surrenders in writing to the county committee by the closing date established by the State committee, which shall not be later than July 1, 1953, shall be deducted from the allotment to such farm in accordance with instructions issued by the Assistant Administrator. If any part of the farm acreage allotment is permanently released (i. e., for 1953 and all subsequent years), such release shall be in writing and signed by both the owner and the operator of the farm. If the entire 1953 farm allotment is permanently released, the farm shall not thereafter be eligible for a 1953 farm allotment as either an old farm or as a new farm, and the farm peanut acreages and farm allotments for 1953 and prior years shall not be considered in establishing an allotment for the farm for 1954 or any subsequent year.

(b) *Reapportionment of released acreage allotment.* The acreage allotments released under paragraph (a) of this section shall be reapportioned by the county committee, in accordance with instructions issued by the Assistant Administrator, to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of tillable acreage available; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. Such reapportionment shall be made on the basis of applications filed on Form MQ-30—Peanuts (1953) by the farm owners or operators with the county committee not later than a closing date established by the State committee, which shall be not later than July 15, 1953.

(c) *Maximum acreage allotment.* No allotment shall be increased by reason of the provisions in paragraph (b) of this section to an acreage in excess of the tillable acreage available for the farm.

(d) *Credit for acreage allotment released for 1953 only.* The release, for 1953 only, of any part of the acreage allotted for 1953 to individual farms, pursuant to paragraph (a) of this section, shall not operate to reduce the allotment for any subsequent year for the farm from which such acreage was released unless the farm becomes ineligible for an old farm allotment in 1954 because peanuts were not picked or threshed on the farm in 1951, 1952, or 1953. Any reapportionment of allotment under this section shall not operate to increase the allotment for any year subsequent to 1953 for the farm to which the acreage is reapportioned.

§ 729.428 *Reallocation of allotment released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production in 1950 or any subsequent year for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 50 percent of the acreage of cropland on the farm.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of peanuts from the farm by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any peanuts produced on such farm have not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of peanuts produced on or marketed from such farm.

§ 729.429 *Additional acreage allotment for farms producing types of peanuts in short supply.* (a) The additional acreage allotment apportioned to any State producing peanuts of a type or types determined to be in short supply for 1953, less a reserve for the correction of errors, shall be apportioned among farms on which peanuts of such type or types were produced in any one of the three years 1950, 1951, and 1952, on the basis of the average picked and threshed acreage of peanuts of such type or types (excluding excess acreage) on each such farm during such period. The reserve for the correction of errors shall be determined by the State committee on the basis of experience in past allotment programs and its knowledge as to the reliability of data used in apportioning the additional acreage to farms, and shall not exceed three-fourths of one percent of the additional acreage apportioned to the State.

(b) The increase in acreage allotment under this section shall not be considered in establishing future State, county, or farm acreage allotments.

§ 729.430 *Approval of determinations and notice of farm allotment.* The State committee shall review farm allotments and normal yields and the State committee may correct or require the correction of any determination made in connection therewith pursuant to §§ 729.410 to 729.432. Farm allotments shall be approved by the State committee

and official notice of the farm allotment on Form MQ–24 shall not be issued for a farm until such allotment has been so approved. A Form MQ–24–Peanuts (1953), Notice of Farm Acreage Allotment and Marketing Quota for Peanuts, shall be prepared and mailed to the operator of each farm for which a farm allotment is established. Forms MQ–24 that are prepared for farms for which the farm allotments are reduced in accordance with § 729.426 shall be mailed to operators by registered mail.

§ 729.431 *Application for review.* Any producer who is dissatisfied with the farm allotment or marketing quota established for his farm, may, within fifteen days after mailing of the official notice, file application with the county committee which issued such notice to have such allotment or quota reviewed. Farm allotments and marketing quotas shall be reviewed by a review committee in accordance with the marketing quota review regulations issued by the Secretary (7 CFR Part 711), a copy of which is available at the office of the county committee.

§ 729.432 *Redelegation of authority.* Any authority delegated to the State Committee by the regulations in §§ 729.410 to 729.432 may be redelegated by the State Committee.

Done at Washington, D. C., this 18th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary.*

[F. R. Doc. 52-12460; Filed Nov. 20, 1952; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 41]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.36, the Las Vegas, Nevada, area (D–274), published on November 30, 1949, in 14 F. R. 7198, is deleted.

2. In § 608.43, the Camp Perry (Lacarne), Ohio, area (D–222), published on July 16, 1949, in 14 F. R. 4295, is deleted.

3. In § 608.43, the Lacarne (Lake Erie), Ohio, area (D–149), published on July 16, 1949, in 14 F. R. 4295, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 41°50'39" N., long. 83°08'47" W.; SE. to lat. 41°35'41" N., long. 82°54'24" W.; SW. to lat. 41°31'39" N., long. 83°01'30" W.; W. to lat. 41°31'40" N., long. 83°03'00" W.; NW. to lat. 41°37'38" N., long. 83°11'12" W.; WNW. to lat. 41°39'30" N., long. 83°15'15" W.; NNW. to lat. 41°45'30" N., long 83°19'45" W.; NE. to lat. 41°50'39" N., long. 83°08'47" W., point of beginning."

4. In § 608.43, the Sandusky (Wright Field), Ohio, area (D–58), published on July 16, 1949, in 14 F. R. 4295, is deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 21, 1952.

[SEAL] F. B. LEE, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 52-12466; Filed, Nov. 20, 1952; 9:02 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 20 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE

MISCELLANEOUS AMENDMENTS

1. Section 373.51 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

a. The following entries and related submission dates for the Fourth Quarter 1952 are deleted:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, fourth quarter 1952
618959	Aluminum pipe fittings	Sept. 1–Sept. 15, 1952.
618984	Aluminum sash, sections, and frames, door and window	
618987	Aluminum construction materials, n. e. c.	
618992	Aluminum venetian blinds (including slats and strips) and specially fabricated parts, n. e. c.	
619022	Unfilled shipping containers, aluminum	
619039	Aluminum welding rods and wires	
619952	Aluminum insect screen cloth	
619959	Aluminum and aluminum-base alloy manufactures	
630010	Aluminum ores and concentrates	

b. The following submission dates for the First Quarter 1953 are added thereto:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, first quarter 1953
	Commodities other than controlled materials:	
	Copper and manufactures:	
618957	Copper-base alloy pipe fittings (including brass and bronze)	Dec. 1–Dec. 15, 1952.
618959	Copper pipe fittings	
619031	Brass and bronze welding electrodes and welding rods (including phosphor bronze).	
619034	Phosphor copper brazing rods and wire	
619039	Copper welding rods and wires	
	Aluminum and manufactures:	
630070	Aluminum scrap (new and old)	Do.
630701	Aluminum sheets, corrugated	Do.
651517	Babbitt metal (except scrap and dross)	Do.

c. The entries for nickel and manufactures and for tin and manufactures are amended to read as set forth below and the following related submission dates for the First Quarter 1953 are added thereto:

Dept. of Commerce Schedule B No.	Commodity	Submission dates: Fourth quarter 1952	Submission dates: First quarter 1953
	Nickel and manufactures:		
619039	Nickel welding rods and wires	Sept. 1–Sept. 15, 1952.	Dec. 1–Dec. 15, 1952.
619159	Nickel-chrome-boron powder		
619950	Nickel catalysts and nickel slugs		
654501 through 654519	Nickel ores, concentrates, scrap and primary forms		
619950	Other nickel manufactures, n. e. c.	do	
	Tin and manufactures:		
619039	Tin welding rods and wires (include solder)	do	Do.
619159	Tin metal powders		
619950	Tin shot; tin slugs; and tin collapsible tubes		
619950	Other tin manufactures, n. e. c.		
656501	Tin-alloy scrap (new and old) (including babbitt metal dross and scrap).	do	
656501	Tin ore		
656507	Tin metal in ingots, pigs, bars, blocks, anodes, cathodes, slabs, and other crude forms.	do	Do.
656519	Tin pipe, plates, sheets, tubes, and other primary forms		

[1] This amendment was published in Current Export Bulletin No. 684, dated November 13, 1952.

d. The following submission dates for the Second Quarter 1953 are added thereto:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, second quarter 1953
	Controlled Materials: [1]	
	Commodities with processing code STEEL	Nov. 24–Dec. 20, 1952.
	Commodities with processing code NONF	Dec. 1–Dec. 31, 1952.
	Commodities with processing code TNPL	Dec. 15, 1952–Jan. 9, 1953.

[1] Controlled materials are identified on the Positive List by the letter "C" in the column headed "Commodity Lists."

[2] See § 398.5 (b) (3) of this subchapter for exception to these dates under certain conditions.

2. Section 380.2 *Amendments or alterations of licenses,* paragraph (b) *Where to file* is amended in the following particulars:

Subdivision (iv) of subparagraph (3) *Amendment requests on which field offices may not take action* is amended to read as follows:

(iv) Requests for change of CMP allotment symbols, or conversion of such allotment symbols from one quarter to another (see § 398.5 (b) (4) and (d) (5) of this subchapter); or requests for changes of priority ratings previously assigned.

3. Section 398.3 *DO–MRO priority ratings for maintenance, repair, and operating supplies for export* is amended in the following particulars:

a. Paragraph (f) *Manufacturers may not exceed their M–79 quotas* is amended to read as follows:

(f) *Manufacturers may exceed their M–79 quotas.* (1) Attention of manufacturers is specially directed to section 8 of the Order, which explains that manufacturers may deliver for export MRO materials in excess of their Order M–79 quotas for a particular quarter. However, a manufacturer must charge against his M–79 quota all orders to which he himself applies the rating DO–MRO under section 9 of the order as well as all rated orders which he accepts from non-manufacturers under section 7 of Order M–79 as amended. He may not accept for delivery in the quota period orders rated by either procedure which exceed his M–79 quota; but may deliver on an unrated basis quantities of MRO materials in excess of his export quota.

(2) It is emphasized, also, that if a manufacturer receives an order already rated (e. g. rated W–2 or W–4 under Order M–78) at a time when he has filled his M–79 quota for a particular period, he must accept the order, treat it like any other rated order under the priorities regulations of NPA, and fill it in proper sequence.

b. The fourth sentence of paragraph (h) *Scope* beginning "For the convenience of exporters * * *" is amended to read as follows: "For the convenience of exporters, a listing of all items specifically excluded from the terms of the order is provided in § 398.52."

c. In "Questions and Answers on MRO under Order M–79" following paragraph (h) *Scope,* question and answer 5 are amended to read as follows:

5. Q. May a manufacturer ship additional MRO supplies above and beyond his M–79 quota in the event his production is not fully taken up by rated orders?

A. Yes; Order M–79 as amended does not set a limit on the quantity of MRO items covered by the order which a manufacturer may deliver for export. However, a manufacturer may apply the priority rating DO–MRO to orders only up to the amount of his M–79 quota less any charges against the quota of rated orders already accepted by him under section 7 of the order. No deliveries in excess of his M–79 quota may be made of orders rated under section 7 or 9, but deliveries above the quota may be made on an unrated basis.

d. The list of "Excluded Items (specifically listed in NPA Order M–79)" following paragraph (h) *Scope* is deleted from § 398.3 and, as amended, is set up as § 398.52 *Supplement No. 2; Items specifically excluded from Order M–79* to read as follows:

§ 398.52 *Supplement No. 2.*

ITEMS SPECIFICALLY EXCLUDED FROM ORDER M–79

All MRO supplies for personal or household use. Materials listed in List A of NPA Regulation 2 as such list may be amended or supplemented from time to time.

Excluded items: List A, NPA Regulation 2, as amended September 13, 1951:

Communications services.
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Certain transportation services, as defined in List A.
Waste paper.
Water.
Wood pulp.
Solid fuels: All forms of anthracite, bituminous, sub-bituminous, and lignitic coals, and coke and its by-products.
Gas and gas pipelines: Natural gas, manufactured gas, and pipelines for the movement thereof.
Petroleum and petroleum pipelines: Crude oil, synthetic liquid fuel, their products and associated hydrocarbons, including pipelines for the movement thereof.
Electric power: All forms of electric power and energy.
Radioisotopes, stable isotopes, source and fissionable materials.
Farm equipment.
Fertilizer, commercial: In form for distribution to users.
Food, except in certain cases where used industrially (refer to List A itself for further definition).
Transportation services (domestic) storage and port facilities.
Products (production and distribution) used in the petroleum industry and listed in NPA Delegation 9 (February 26, 1951) as follows:
(1) Tetraethyl lead fluid.
(2) Petroleum cracking catalysts.
(3) Special inhibitors used in gasoline.
(4) Lubricating oil additives.
(5) Fluids and additives made especially for oil and gas drilling, and demulsifiers.
Ores, minerals, concentrates, residues, and other products (until processing is completed) listed in NPA Delegation 5 (January 29, 1952).

Excluded items (Direction 3 to NPA Regulation 2, as amended July 23, 1952):

Chemicals.
Primary paper or paperboard.
Waterfowl feathers.
Pigs' or hogs' bristles.
High-tenacity rayon.
Pig iron.
Aluminum foil and powder.

Excluded items: Schedule I of CMP Regulation 5 as amended December 20, 1951:

All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
Products appearing in List A of NPA Order M–47A, as that order may be amended from time to time (except in item 28 of section VIII of List A), or in List B of said order (except painters' and industrial brushes, as defined in NPA Order M–18, as that order may be amended from time to time.)

NOTE: This very lengthy list encompasses mainly "consumers' goods" incorporating metals, and includes such items as metal and wood household furniture, store fixtures, office furniture, partitions, shelving, lockers and fixtures, household appliances, machines and equipment, utensils and cutlery, radios, television and phonographs, transportation equipment, etc.

Nylon fibers and yarns.
Packaging materials and containers, except steel nails, steel wire and steel strapping used for packaging purposes.
Paint, lacquer, and varnish.
Paper and paper products.
Paperboard and paperboard products.
Printed matter.
Printing plates.
Photographic film.
Pneumatic tires and tubes.
Waterfowl feathers.
Controlled materials as defined in section 2 (c) of CMP Regulation No. 1 as such regulation may be amended or supplemented from time to time (for specific listing, refer to items coded "C" in the column of the Positive List headed "Commodity Lists").
Farm equipment.
Parts and accessories for aircraft or for ground equipment for servicing aircraft, and any components of either.
Parts, assemblies of parts, and accessories, for automotive vehicles, including all passenger carriers, trucks (on or off-the-highway), truck trailers, and motorized fire equipment.
Repair and replacement parts for construction machinery given in List A of NPA Order M–43, as such list may be amended or supplemented from time to time.
Items made wholly of rubber, leather, textiles, or any combination of such materials.

Excluded items: List A of M–43 as amended September 4, 1952:

Bituminous equipment:
Asphalt plants.
Distributors.
Heaters.
Kettles.
Mixers.
Pavers.
Spreaders, aggregate.
Catch basin cleaners.

Concrete equipment:
- Batchers and batch plants.
- Bins.
- Curb and gutter machines.
- Cutting machines, except masonry.
- Dryers, aggregate.
- Finishers.
- Forms, metal, re-usable.
- Graders, sub and fine.
- Heaters.
- Jacks, slab-raising.
- Mixers, including mortar.
- Pavers.
- Spreaders.
- Towers.
- Vibrators.

Cranes, shovels, and draglines:
- Cranes, construction.
- Cranes, locomotive and rail-truck mounted.
- Cranes, railway, wrecking.
- Crane, shovel and dragline attachments (not including items in Part 2 below).
- Draglines, construction.
- Draglines, walking.
- Pile drivers and hammers.
- Shovels, power.

Crushing, screening and washing equipment (portable):
- All types, except food.

Derricks, except oil and gas well.
Discs, wheel-mounted or harrow, construction.
Dredging machinery, except dredge pipe.
Drilling equipment:
- Augers, earth, power-driven.
- Pipe pushers, power-driven.
- Tools, air, contractors.

Flushers, street.
Graders:
- Elevating.
- Pull-type.
- Self-propelled.
- Maintainers.

Grader-mounted equipment.
Haulage units, off-highway:
- Rear-dump trucks.
- Wheel tractors 70 h. p. and over.

Hoists, contractors.
Loaders:
- Bucket, elevating.
- Elevating, shoulder-type.
- Tractor-mounted.

Rollers and compactors, all types.
Rippers, rooters, and scarifiers, drawn.
Scrapers, self-propelled and pull.
Snow plows, all types.
Sweepers and leaf collectors, self-propelled and drawn.
Tractors, crawler.
Tractor-mounted equipment:
- Dozers, power-control units, cranes, shovels, side-booms, back-hoes, loaders, scarifiers, winches, and draglines.

Traffic line marking equipment.
Trailers, construction, off-highway:
- Bottom, rear, and side dump, crawler or wheel-type.
- Logging arches.

Trenchers, all types.

4. Section 398.4 *Special supply assistance for essential export requirements* is amended by adding thereto a new paragraph (e) to read as follows:

(e) *Action by the Office of International Trade.* Cases which the Office of International Trade believes merit supply assistance will be transmitted to the National Production Authority for final action. On cases approved by the NPA, the supply assistance granted may take the form of a DO–W–2 rating (in the case of OIT countries); a DO–W–4 rating (in the case of MSA countries); a DO–C–6 rating (for direct defense uses); a directive on the mill; or merely informal supply assistance (e. g., locating a supplier with unrated production capacity who will accept the order); or other appropriate action.

5. Section 398.5 *CMP: Export allocations and procedures* is amended in the following particulars:

a. Paragraph (b) *Procedures governing applications to export controlled materials* is amended in the following particulars:

Subparagraph (3) *Assignment of allotment symbols* is amended to read as follows:

(3) *Assignment of allotment symbols.* On all licenses approved for commodities designated as controlled materials under the NPA Controlled Materials Plan, the Office of International Trade assigns to the applicant the right to apply a specified allotment number and symbol to procure the material covered by the license. The CMP allotment symbols designated by the Defense Production Administration for export are as follows:

CMP allotment symbol:	*Claimant agency*
W–2	OIT.
W–4	MSA.
C–6 [1]	OIT and MSA.

[1] Direct defense end use.

The allotment symbol will be assigned by the Office of International Trade by endorsing the validated license (or other appropriate document) with the following or similar legend:

By authority of the NPA, the exporter herein named is assigned the right to apply the symbol (e. g. W–2–4Q52) to procure the above described materials.

b. The headnote of subparagraph (4) *Requests for conversion of CMP allotments* is changed to read (4) *Request for change or conversion of CMP allotments* and a new undesignated subdivision is added at the end of the subparagraph to read as follows:

A licensee holding a validated license for controlled materials carrying the allotment symbols W–2 or W–4 who believes that a C–6 allotment symbol would be more appropriate because the shipment is destined for direct defense needs in friendly foreign nations, may request a change of his priority rating symbol. In such case, he should submit to the Office of International Trade, Washington 25, D. C., Form IT–763, "Request for and Notice of Action Amendment," in accordance with the provisions of § 380.2 of this subchapter. In the case of project licenses, the request should be made by letter, fully justifying the need for the change to a C–6 allotment symbol. Such request should be addressed to the Office of International Trade, Attention: Projects and Technical Data Division, Washington 25, D. C.

c. The note following subparagraph (4) remains unchanged.

d. Subparagraph (5) *Exceptions to time schedules for commodities with the processing code STEE* is redesignated subparagraph (6) *Exceptions to time schedules for commodities with the processing code STEE* and a new subparagraph (5) is added to read as follows:

(5) *Foreign defense end use.* Applications for export licenses covering proposed shipments of controlled materials or Class A products for direct defense use in friendly foreign countries must clearly specify on the application, Form IT–419, in the space provided for explanation of end use, the relationship of the application to the Mutual Defense Assistance Program or other direct defense activity of a friendly power.

e. Paragraph (d) *Applications for exportation of Class A products,* is amended in the following particulars:

1. Subparagraph (3) *Assignment of allotment symbols* is amended by changing the last sentence of the first unnumbered subdivision to read as follows: "The CMP allotment symbols designated by the Defense Production Administration for export are as follows:"

CMP allotment symbol:	*Claimant agency*
W–2	OIT.
W–4	MSA.
C–6 [1]	OIT and MSA.

[1] Direct defense end use.

2. The headnote of subparagraph (5) *Requests for conversion of allotments—CMP Class A products* is changed to read (5) *Request for change or conversion of allotments* and a new undesignated subdivision is added to read as follows:

A licensee holding a validated license and NPA Form CMP–10 (or other appropriate document) carrying the allotment symbol W–2 or W–4 who believes that a C–6 allotment symbol would be more appropriate because the shipment is destined for direct defense needs in friendly foreign nations, may request a change in his allotment symbol. In such case, the exporter or the manufacturer shall return the validated Form CMP–10 or other appropriate document to the Office of International Trade, accompanied by a letter stating why the change is necessary. If the request is granted, a new validated NPA Form CMP–10 will be issued.

This amendment shall become effective as of November 13, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–12458; Filed, Nov. 20, 1952, 8:48 a. m.]

[6th Gen. Rev. of Export Regs. Amdt. P. L. 17 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

SECTION 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

[1] This amendment was published in Current Export Bulletin No. 684, dated November 13, 1952.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV (other value limits	Validated license required
61959	Welding rods and wires: Zinc (specify by name) [1] Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment (see § 399.2 of this subchapter): Other metals, except precious (specify by name and type of metal): Zinc manufactures [2]	C. lb.[4]	ORGN	100	R
61960		Lb.[3]	ORGN	1	RO

[1] By this amendment, the last entry presently on the Positive List under Schedule B No. 61959 is revised to read as follows: "Other welding rods and wires, except zinc."

[2] By this amendment, the last entry presently on the Positive List under Schedule B No. 61960 is revised to read as follows: "Zinc manufactures, n. e. c., not specially fabricated for particular machines or equipment (see § 399.2 of this subchapter); and precious metal manufactures in 61960; and precious metal manufactures in 62260–62670."

This part of the amendment shall become effective as of 12:01 a. m., November 20, 1952.

3. The letter "D" set forth in the column headed "Commodity Lists" opposite the commodity entries listed below is hereby deleted to indicate that these commodities are no longer subject to the evidence of availability requirements (see § 373.16 of this subchapter). These entries otherwise remain unchanged in the Positive List.

Dept. of Commerce Schedule B No.	Commodity
61950	Type, for printing (report type metal in 65310). Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment (See § 399.2 of this subchapter). Other metals, except precious (specify by name and type of metal): Beryllium and beryllium-base alloy manufactures. Other aluminum and aluminum-base alloy manufactures, n. e. c. Other beryllium and beryllium alloy manufactures. Copper manufactures. Other lead manufactures. Other nickel manufactures, n. e. c. Other tin manufactures, n. e. c. Manufactures of other metals, n. e. c., except selenium and the metal manufactures (report iron and steel manufactures in 61960, precious metal manufactures in 62260–62670).
(1950)	
(1950) ★★	
(1950)	
(1950)	
(1950)	
(1950)	
(1950)	
(1950)	

★The commodities described in this Positive List entry are exempted from the provisions of General In-Transit License GIT. See § 370.9 (c) of this subchapter.

This part of the amendment shall become effective as of November 13, 1952.

4. Section 399.2 *Appendix B—Commodity Interpretations* is amended by adding thereto *Interpretation 10* to read as follows:

INTERPRETATION 10: RECORDING TAPE AND RECORDING WIRE

Schedule B No.	Commodity
	Recording tape, used or unused: For motion-picture sound recording
961080	For other than motion-picture sound recording:
956990	Perforated and not over 1 inch wide
708850	Other types, capable of being erased and reused
708860	Recording wire, used or unused.

This part of the amendment shall become effective as of November 13, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–12459; Filed, Nov. 20, 1952, 8:48 a. m.]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV (other value limits	Validated license required
541210	Abrasive products: Natural or manufactured shapes of silicon carbide or aluminum oxide composition, including corundum.	No. and Lb.[3]	TOOL	250	R
	Tool bit blanks and dies, and inserts for tool and rock drill bits:				
617903	Cemented tungsten carbide	No. and Lb.[3]	TOOL	25	RO
617905	Molybdenum high speed tool steel	No. and Lb.[3]	TOOL	25	RO
617905	Other tool bit blanks, not round	No. and Lb.[3]	TOOL	25	RO
618992	Venetian blinds (including slats and strip) and specially fabricated parts, n. e. c.:	No. and Lb.[3]	STEE	100	RO
618993	Aluminum	Lb.[3]	NONF	100	RO
618993	Bronze (report steel venetian blinds and parts in 61880)	Lb.[3]	NONF	100	RO
	Aluminum ores and concentrates:				
620010	Bauxite and other aluminum ores	S. ton [3]	NONF	1,000	RO
620010	Fluorspar concentrates, all grades	S. ton [3]	NONF	500	RO
640100★	Copper ores and concentrates (copper content)	C. lb.[3]	NONF	100	RO
640600★	Brass and bronze circles	Lb.[3]	NONF	100	RO
	Specialized mining machines and equipment, n. e. c.:				
730550	Coal washing machines; filters, and mechanical coal-cleaning machines, wet and dry (specify by name)	No.[3]	MINE	None	R
730750	Other ore dressing and coal separating, concentrating, and cleaning machines, except those incorporating magnetic or electrostatic principles (see Standards described on the Positive List under this Schedule B number (specify by name).	No.[3]	MINE	None	RO
775092	Extrusion, injection, and other molding machines for working plastics	No.[3]	GEQ	None	RO
812380	Biologics (all forms)	Lb.[3]	DRUG	25	R
	Clear-vear (military medium)				
	Organic surface-active agents:				
	Surface-active organic intermediates as net quantity (report as organic chemicals not specially fabricated in 52800–52870)				
528890	Quaternary ammonium compounds	C. lb.[4]	PLAT	100	RO

★The commodities described in this Positive List entry are exempted from the provisions of General In-Transit License GIT. See § 370.9 (c) of this subchapter.

[1] The effect of this revision is to add pound as the unit of quantity.

[2] The effect of this revision is to correct the unit of quantity from long tons to short tons.

[3] The effect of this revision is to correct the unit of quantity from pounds to content pounds.

[4] The effect of this revision is to add pound as the unit of quantity.

The entry is amended by the addition of the requirement to specify by name.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5811]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NEW AMERICAN LIBRARY OF WORLD LITERATURE, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1230 *Identity;* § 3.1265 *Old, secondhand, reclaimed or reconstructed product as new.* Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1605 *Content;* § 3.1655 *Identity;* § 3.1695 *Old, secondhand, reclaimed or reconstructed as new.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1850 *Content;* § 3.1855 *Identity;* § 3.1880 *Old, used, reclaimed or reused as unused or new.* Subpart—*Using misleading name—Goods:* § 3.2300 *Identity;* § 3.2320 *Old, secondhand, reconstructed or reused, as new.* In connection with the offering for sale, sale or distribution of books in commerce, (1) offering for sale or selling any abridged copy of a book unless one of the following words, namely: "Abridged," "abridgment," "condensed" or "condensation" appears upon the front cover and upon the title page thereof in immediate connection with the title and in clear, conspicuous type; or (2) using or substituting a new title for, or in place of, the original title of a reprinted book unless, upon the front cover and upon the title page thereof, such substitute title is immediately accompanied, in clear, conspicuous type, by a statement which reveals the original title of the book and that it has been published previously thereunder; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The New American Library of World Literature, Inc., et al., New York, N. Y., Docket 5811, September 19, 1952]

In the Matter of The New American Library of World Literature, Inc., a Corporation, Kurt Enoch, and Victor Weybright, Individually and as Officers of The New American Library of World Literature, Inc., a Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on September 19, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final consideration by said hearing examiner on the complaint, the answer thereto, testimony and other evidence, oral arguments of counsel and proposed findings as to the facts and conclusions presented by counsel, and said hearing examiner, on April 16, 1951, filed his initial decision.

Within the time permitted by the Commission's rules of practice, counsel for respondents filed with the Commission an appeal from said initial decision, and thereafter this proceeding regularly came on for final consideration by the Commission upon the record herein, including briefs in support of and in opposition to said appeal and oral arguments of counsel; and the Commission, having issued its order granting said appeal in part and denying it in part and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion drawn therefrom[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent, The New American Library of World Literature, Inc., a corporation, and its officers, and the respondents, Kurt Enoch and Victor Weybright, individually and as officers of said corporation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of books in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale or selling any abridged copy of a book unless one of the following words, namely: "Abridged", "abridgement", "condensed" or "condensation" appears upon the front cover and upon the title page thereof in immediate connection with the title and in clear, conspicuous type.

2. Using or substituting a new title for, or in place of, the original title of a reprinted book unless, upon the front cover and upon the title page thereof, such substitute title is immediately accompanied, in clear, conspicuous type, by a statement which reveals the original title of the book and that it has been published previously thereunder.

It is further ordered, That the charges of the complaint hereinbefore referred to and considered in paragraphs (b) and (c) of the Conclusion be, and the same hereby are, dismissed without prejudice to the right of the Commission to take such further or other action in the future as may be warranted by the then existing circumstances.

It is further ordered, That the respondents, The New American Library of World Literature, Inc., Kurt Enoch and Victor Weybright, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission, Commissioner Carretta not participating for the reason that oral argument on respondents' appeal from the initial decision of the hearing examiner was heard prior to his appointment to the Commission.

Issued: September 19, 1952.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-12421; Filed, Nov. 20, 1952; 8:45 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PENICILLIN-STREPTOMYCIN (OR PENICILLIN-DIHYDROSTREPTOMYCIN) VAGINAL SUPPOSITORIES; STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) FOR INHALATION THERAPY

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 141) and certification of antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 146) are amended as indicated below:

1. Part 141 is amended by adding the following new sections:

§ 141.58 *Penicillin-streptomycin vaginal suppositories, penicillin-dihydrostreptomycin vaginal suppositories*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141.18 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Using 5 suppositories, proceed as directed in § 141.35 (a) (2), except that 150 milliliters of peroxide-free ether is used in the extraction. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (2) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.18 (b).

§ 141.117 *Streptomycin for inhalation therapy, dihydrostreptomycin for inhalation therapy*—(a) *Potency*—(1) *Streptomycin content.* Proceed as directed in § 141.101. Its content of streptomycin is satisfactory if it contains not less than 90 percent of the number of milligrams it is represented to contain.

(2) *Dihydrostreptomycin content.* Proceed as directed in § 141.101, using the dihydrostreptomycin working standard as the standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 90 percent of the number of milligrams it is represented to contain.

(b) *Toxicity, histamine, moisture, pH, streptomycin content of dihydrostreptomycin, and crystallinity.* Proceed as directed in §§ 141.103, 141.105, 141.106, 141.108 (b), and 141.5 (c).

2. Part 146 is amended by adding the following new sections:

§ 146.81 *Penicillin-streptomycin vaginal suppositories; penicillin-dihydrostreptomycin vaginal suppositories.* (a) Penicillin-streptomycin vaginal suppositories and penicillin-dihydrostreptomycin vaginal suppositories conform to all requirements prescribed by § 146.36 for penicillin vaginal suppositories and are subject to all procedures prescribed by that section for penicillin vaginal suppositories, except that:

(1) Each suppository shall contain not less than 200 milligrams of streptomycin or dihydrostreptomycin. The streptomycin used conforms to the standards prescribed by § 146.101 (a), except subparagraphs (2), (4), and (5) of that paragraph. The dihydrostreptomycin used conforms to the standards prescribed by § 146.103, except the standards for sterility, pyrogens, and histamine.

(2) In lieu of the labeling prescribed for penicillin vaginal suppositories by § 146.36 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each suppository of the batch.

(3) In addition to complying with the requirements of § 146.36 (d), a person who requests certification of a batch of penicillin-streptomycin vaginal suppositories or penicillin-dihydrostreptomycin vaginal suppositories shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, toxicity, moisture, pH, streptomycin content if it is dihydrostreptomycin and crystallinity if it is crystalline dihydrostreptomycin, and the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each suppository in the batch. He shall also submit in connection with his request a sample consisting of not less than 30 suppositories and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146.101 (b).

(b) The fee for the services rendered with respect to each immediate container in the sample of streptomycin or dihydrostreptomycin submitted in accordance with the requirements prescribed by this section shall be $4.00.

§ 146.112 *Streptomycin for inhalation therapy, dihydrostreptomycin for inhalation therapy*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin for inhalation therapy is streptomycin which conforms to the requirements of § 146.101 (a) for streptomycin, except subparagraphs (2) and (4) of that paragraph. Dihydrostreptomycin for inhalation therapy is dihydrostreptomycin which conforms to the requirements of § 146.103 (a) for dihydrostreptomycin, except the standards for sterility and pyrogens.

(b) *Packaging.* The immediate container of streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy shall be a tight container as defined by the U. S. P.; its closure shall be one through which a hypodermic needle cannot be introduced; and the container shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. Each such container shall contain not less than 50 milligrams, and each may be packaged in combination with a container of a suitable and harmless solvent.

(c) *Labeling.* Each package shall bear on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams in the immediate container.

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 24 months after the month during which the batch was certified.

(iv) The statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) If it is packaged for dispensing, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it, or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of streptomycin for inhalation therapy or dihydrostreptomycin for inhalation therapy shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency and moisture if the streptomycin or dihydrostreptomycin has been previously submitted, or for potency, toxicity, moisture, pH, histamine content, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin, if the streptomycin or dihydrostreptomycin has not been previous submitted. If such batch, or any part thereof, is to be packaged in combination with a container of a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Such person shall submit with his request accurately representative samples of the following:

(i) The batch; one immediate container for each 5,000 immediate containers in the batch, but not less than 20 immediate containers or more than 100 immediate containers if the streptomycin or dihydrostreptomycin has been previously submitted, or not less than 50 immediate containers or more than 100 immediate containers if the streptomycin or dihydrostreptomycin has not been previously submitted. Such sample shall be collected by taking single immediate containers before or after labeling at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) In case of an initial request for the certification of a batch which is to be packaged in combination with a solvent which is not recognized by the U. S. P., or when any change is made in the composition of such solvent, five packages of the solvent included in the combination.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) One dollar for each immediate container in the sample submitted in accordance with paragraph (d) (2) (i) of this section and $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) (ii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

This order, which provides for tests and methods of assay and certification of penicillin-streptomycin vaginal suppositories, penicillin-dihydrostreptomycin vaginal suppositories, streptomycin for inhalation therapy, and dihydro-

streptomycin for inhalation therapy, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of the above-listed products.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: November 17, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-12452; Filed, Nov. 20, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 6, Revision 1, Amdt. 3]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 6—CEILING PRICES FOR MANUFACTURERS FOR THE SALE OF PAINTS, VARNISHES AND LACQUERS

USE OF SR 2 TO CPR 22; USE OF OPS PUBLIC FORM 150

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Supplementary Regulation 6, Revision 1, to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment corrects an error which appears in section 9 of Supplementary Regulation 6, Revision 1, to Ceiling Price Regulation 22 relating to the use of Supplementary Regulation 2 to CPR 22 in calculating ceiling prices. Section 9 inadvertently provided that manufacturers who elect to use section 5 of SR 6 may also use SR 2. Actually, there is an incompatibility between the methods provided in section 5 and in SR 2 that makes such a course impossible. Section 5 provides a method of calculating ceiling prices whereby a total adjustment factor of 115 percent is applied to the base period price in lieu of making the calculations provided by CPR 22. This is an entirely optional method designed for manufacturers who wish not only to avoid CPR 22 computations, but who, in addition, wish to preserve their base period price relationships.

On the other hand, some manufacturers do not use the section 5 option preferring to preserve GCPR price relationships by use of SR 2 to CPR 22. Section 9 now correctly states that they may do so, provided: (1) they use the base period specified (April 1 through June 24, 1950); and (2) they use as the "permissive ceiling ratio" referred to in section 3 (f) of SR 2, the 115 percent figure used in section 5 of SR 6; or (3) that in lieu of this 115 percent figure they compute the "permissive ceiling price ratio" by using the material cost increase figures listed in Appendix A to SR 6, Revision 1. Consequently, this amendment deletes the erroneous reference to section 5 contained in section 9 of SR 6, Revised.

This amendment further takes recognition of a particular burden experienced by this industry in reporting new commodities pursuant to section 32 of CPR 22. As indicated in the Statement of Considerations accompanying the Revision of SR 6, the great number of commodities made, the frequency of their reformulation and the diversity of raw materials used make any detailed form of reporting for paints, varnishes and lacquers considerably cumbersome. Consideration of this fact led to the simplification of reporting (by use of OPS Public Form No. 150) of new commodities where the flat 115 percent adjusted method of the supplementary regulation's section 5 was used to determine the ceiling price of the comparison commodity. However, the OPS Public Form No. 128 was retained for reporting under section 32 of CPR 22. To relieve both industry and OPS of this burden, this amendment permits the use of the OPS Public Form 150 in lieu of the OPS Public Form 128 for filings under section 32 of CPR 22. The form 150 is being revised for this purpose.

In view of the corrective action of this amendment, special circumstances have made consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 6, Revision 1, to Ceiling Price Regulation 22, is amended in the following respects:

1. Paragraph (a) of section 9 is amended to read as follows:

(a) *Supplementary Regulation 2.* If you establish ceiling prices under section 4 of this supplementary regulation you may, where applicable and if you so elect, apply the provisions of Supplementary Regulation 2 (SR 2) to Ceiling Price Regulation 22 in establishing ceiling prices for your sales of commodities dealt in by you during the base period. However, your application of SR 2 to CPR 22 shall be subject to the following:

(1) In all cases your base period shall be April 1 through June 24, 1950.

(2) You may establish as your "permissive ceiling price ratio" referred to in section 3 (f) of SR 2, the 115 percent figure used in section 5 of this supplementary regulation. This option shall be in lieu of your computing a total cost adjustment factor as is otherwise required by SR 2.

(3) If instead of using the 115 percent figure as provided in (2) above you elect to compute your total cost adjustment factor, you must use the materials cost increase figures listed in Appendix A of this supplementary regulation wherever possible in determining your materials cost adjustment factor.

2. Paragraph (a) of section 8 is amended to read as follows:

(a) *Ceiling prices under section 4.* If you establish ceiling prices under section 4 of this supplementary regulation you must comply with the applicable reporting requirements of CPR 22, except that when you employ the provisions of section 32 thereof (ceiling prices for certain new commodities) you use OPS Public Form No. 150 instead of OPS Public Form No. 128 for submitting required reports.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 20, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12500; Filed, Nov. 20, 1952; 10:50 a. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 39]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 39—METAL CANS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this supplementary regulation to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation (CPR) 22 provides two optional methods to adjust ceiling prices for sales by manufacturers of cans made of tin plate, terne plate or black plate. The first method of adjustment authorizes ceiling prices 4 percent above the highest selling prices in effect during the period January 1, 1952, to June 30, 1952. That method of adjustment takes into account the cost increases caused by the recent steel price increases and, accordingly, it bars further adjustments under General Overriding Regulation (GOR) 35. The second method of adjustment authorizes ceiling prices 2.3 percent above the highest selling prices in effect during the same period of six months and permits additional adjustments as provided by GOR 35.

The use of either method of adjustment is optional. Accordingly, a metal can manufacturer may continue to use his current ceiling prices or establish new ceiling prices under any other applicable OPS regulation. However, SR 2 to GOR 35, which is being issued simultaneously with this supplementary regulation, provides that a metal can manufacturer is barred from adjusting his ceiling prices under GOR 35 except in conjunction with the second method of adjustment described above. The same bar applies to the use of ceiling prices adjusted under GOR 35 before the effective date of this supplementary regulation.

There is no time limit for the adjustments under this supplementary regulation. However, if and when a manufacturer elects to avail himself of this supplementary regulation, he must adjust his ceiling prices by the same method for all sales covered by it (including sales made by all plants and wholly owned subsidiaries), and he may not afterward alter his election.

As some manufacturers may not have delivered certain items during the period specified above or may for other reasons be unable to adjust their ceiling prices by either method, this supplementary regulation provides that in such a situation, at the manufacturer's request, the Director of Price Stabilization may establish his ceiling prices by order in line with the ceiling prices adjusted under this supplementary regulation.

The metal can industry consists of approximately 92 manufacturers with operating plants in practically every state of the United States and the Hawaiian Islands. Their products are indispensable to the economy since they are primarily used for the packaging and shipping of all kinds of perishable food products and hundreds of non-food products.

On an annual basis the industry consumes about 3,698,000 tons of base sheet metal which represents 34 billion cans. In 1951, sales amounted to about 1,200 million dollars.

Historically, standardized metal cans have yielded fairly uniform prices. The industry generally follows a price leadership pattern due to the large size of two producers and the geographical location of their many plants. Generally, sales are made on a term contract basis. These contracts carry a clause allowing manufacturers to adjust the prices of cans up or down, depending on the published prices of plate. The principal element of cost is the sheet metal.

The ceiling prices of the industry are governed in general by CPR 22. Small manufacturers with a yearly volume below $250,000 had the option to stay under the GCPR, and manufacturers located in the territories or possessions are under the GCPR. Of course, all manufacturers have been free to adjust, and some of them did adjust, their ceiling prices under the regulations implementing the Capehart Amendment to the Defense Production Act of 1950. Despite adjusted ceiling prices, until recently, the industry in general continued to sell at GCPR prices. Because the ceiling prices established under other regulations included adjustments calculated with different cut-off dates and different techniques, the existing ceiling prices do not reflect the historical and actual price structure of the industry.

In view of recent steel, labor and freight cost increases the industry requested a price adjustment under the industry earnings standard.

The earnings survey conducted by the OPS during the summer, 1952, has disclosed that the selling prices prevailing during the year ending June 30, 1952, were on the average, close to 3 percent below the level necessary to yield earnings meeting the industry earnings standard. That survey has also showed that although the existing OPS regulations do not prevent the two largest producers and some smaller producers from raising their prices to a level yielding adequate earnings, a substantial number of producers may be unable to do so. Furthermore, it has become apparent that the present disarranged ceiling price structure of the industry interferes with its historical pricing pattern. The Industry Advisory Committee was unanimous in recommending ceiling prices which would reflect the relationship of the selling prices until recently in effect.

The Director of Price Stabilization has determined that ceiling prices 4 percent above the highest selling prices in effect during the period January 1, 1952, to June 30, 1952 (as authorized by the first adjustment method provided by this supplementary regulation), are fair and equitable. He reached this conclusion after carefully weighing the following considerations: First, that an increase of the old selling prices by 3 percent would yield for the industry as a whole earnings meeting the industry earnings standard. Second, that some small firms specializing in the production of certain types of cans are considerably more affected by the recent rise of production costs than others and they would be hard hit if the permissible price increases would be kept to the minimum necessary for the industry as a whole. Third, that the two largest producers and a few of the smaller producers are able under the existing OPS regulations to raise their prices more than 4 percent above their old selling prices.

The second adjustment method provided by this supplementary regulation of increasing the old selling prices by 2.3 percent and making additional increases under GOR 35 has been reached by deducting from the 4 percent increase authorized by the first method that part of it (namely, 1.7 percent) which represents the average effect of the steel price increases on the production costs of metal cans. Thus, in effect, the second method of adjustment differs from the first in permitting metal can manufacturers to use their actual, individual pass-throughs as authorized by GOR 35 instead of an average pass-through of 1.7 percent which is included in the 4 percent adjustment under the first method.

In the judgment of the Director of Price Stabilization, the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director, the provisions of this supplementary regulation comply with all of the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. In particular, the Director has consulted at several meetings with the Industry Advisory Committee with respect to the trade practices and the coverage of this regulation.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, and means or aids of distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Coverage.
3. Optional character of the ceiling price adjustments under this supplementary regulation.
4. Adjustments barring further adjustments under GOR 35.
5. Adjustments permitting further adjustments under GOR 35.
6. Determination of ceiling prices by order.
7. Incorporation of CPR 22 provisions.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SEC. 1. *What this supplementary regulation does.* This supplementary regulation provides two optional methods for adjusting ceiling prices determined under Ceiling Price Regulation (CPR) 22 or any supplementary regulation thereto, for sales by manufacturers of metal cans. The first method authorizes ceiling prices 4 percent above the highest selling prices in effect during the period January 1, 1952 to June 30, 1952, and bars further adjustments under General Overriding Regulation (GOR) 35. The second method authorizes ceiling prices 2.3 percent above the highest selling prices in effect during the period January 1, 1952 to June 30, 1952 and permits additional adjustments as provided by GOR 35.

NOTE: Supplementary Regulation (SR) 2 to GOR 35 provides that a metal can manufacturer may not adjust his ceiling prices under GOR 35 except in conjunction with ceiling prices adjusted under section 5 of this supplementary regulation or under the corresponding section 5 of SR 126 to the GCPR.

SEC. 2. *Coverage.* This supplementary regulation applies to you if: (a) You are a manufacturer of cans made in whole or in part of tin plate, terne plate or black plate, and

(b) CPR 22 or any supplementary regulation thereto was applicable to you immediately before the effective date of this supplementary regulation.

SEC. 3. *Optional character of the ceiling price adjustments under this sup-*

plementary regulation. Sections 4 and 5 provide alternative methods for the adjustment of your ceiling prices. Both methods are optional and you may, if you wish, continue to use your current ceiling prices or establish new ceiling prices under other OPS regulations (other than GOR 35) applicable to you, such as SR 2, SR 17 or SR 18 to CPR 22. However, if and when you elect to establish ceiling prices under section 4 or 5 you must establish ceiling prices by the same method for all sales covered by this regulation and you may not thereafter alter your election. You must simultaneously adjust by the same method the ceiling prices for all sales made by all plants owned by you or your wholly owned subsidiaries.

SEC. 4. *Adjustments barring further adjustments under GOR 35.* (a) You may adjust your ceiling prices by increasing by 4 percent the highest prices at which you regularly delivered your products to your largest buying class of purchaser during the period January 1, 1952 to June 30, 1952, inclusive.

(b) The ceiling prices adjusted under paragraph (a) of this section may not be further adjusted under GOR 35.

SEC. 5. *Adjustments permitting further adjustments under GOR 35.* (a) You may adjust your ceiling prices by increasing by 2.3 percent the highest prices at which you regularly delivered your products to your largest buying class of purchaser during the period January 1, 1952 to June 30, 1952, inclusive.

(b) The ceiling prices adjusted under paragraph (a) of this section may be further adjusted as authorized by GOR 35.

SEC. 6. *Determination of ceiling prices by order.* (a) If you are unable to adjust your ceiling prices under this supplementary regulation, upon your request, the Director of Price Stabilization may establish your ceiling prices by order in line with the level of ceiling prices adjusted under this supplementary regulation.

(b) Your application should be addressed to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and should contain your trade name and address, a description of the products for which you request a ceiling price including material, form and size, your proposed ceiling price or pricing method, and a statement of the basis upon which you determined your proposed ceiling price or pricing method, such as the use of a similar pricing method with respect to your other products or by your competitors.

(c) The Director of Price Stabilization may approve or disapprove the proposed ceiling price or pricing method by order, or request further information. You may not sell your products at a price exceeding your ceiling price otherwise established until the Director of Price Stabilization issues an order establishing your ceiling price or pricing method.

(d) The Director of Price Stabilization may, at any time, modify the ceiling prices or pricing methods established by order so as to bring them in line with the level of ceiling prices adjusted under this supplementary regulation.

SEC. 7. *Incorporation of CPR 22 provisions.* If you are subject to this supplementary regulation you are also subject to all provisions of CPR 22 not inconsistent with this supplementary regulation.

Effective date. This supplementary regulation is effective November 25, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12504; Filed, Nov. 20, 1952; 4:00 p. m.]

[Ceiling Price Regulation 30, Amdt. 41]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

CLARIFICATION OF SECTION 3 (D)

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment 41 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATION

This amendment revises the language of section 3 (d) of CPR 30 in order to make it clear that those manufacturers who apply for revision of their published list prices pursuant to that section must have undertaken such revision primarily for the purpose of changing differentials in their discount structures.

Amendment 33 to CPR 30 established procedures for the approval of revised published list prices and discount structures provided such revisions were in process before June 24, 1950, and put into effect before January 25, 1951. That action was taken in conjunction with Amendment 8 to CPR 67 solely for the purpose of permitting resellers of the commodities covered by CPR 30, who because of changes in discounts would be barred by the language incorporated in section 3 of CPR 67 from using their manufacturers' published list prices, to use such list prices even though discounts are not identical to those in effect in the CPR 67 base period (April 1–June 24, 1950), Amendment 33, was not intended to provide a device whereby manufacturers may increase their selling prices above established ceilings. On the contrary, it was intended that the changes in discounts and list prices approved under section 3 (d) will not result in a rise in the general level of ceiling prices established under CPR 30 or the supplementary regulations thereto. In view of the foregoing this action has been taken to obviate any misinterpretation.

In view of the clarifying nature of this amendment, special circumstances have rendered consultations with industry representatives including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is hereby amended in the following respects:

Section 3 (d) is amended to read as follows:

(d) Notwithstanding any of the foregoing provisions of this section, if you were in the process of revising your published list prices for use by resellers before June 24, 1950, primarily for the purpose of changing differentials in your discount structures, and if you actually issued and made effective these new published list prices and discounts on or before January 25, 1951, you may apply to the Director of Price Stabilization for approval of these list prices and discounts in accordance with the provisions of this paragraph, provided no substantial changes in the general level of your or your resellers ceiling prices are effected thereby. Your application must be filed by registered mail with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information:

(1) Your business name and address.

(2) A copy of your published list prices before and after revision and a copy of your published list prices showing any increases you have made in these list prices to reflect increases in your selling prices determined in accordance with the Ceiling Price Regulation 30 or any appropriate supplementary regulation thereto.

(3) A copy of your discount schedule if any, before and after revision.

(4) A statement by a responsible officer of your company that this provision was actually in process before June 24, 1950, and that the revised list prices and discount schedules were made effective on or before January 25, 1951.

You may not use the revised published list prices reported pursuant to this paragraph or certify to your resellers that these published list prices have been approved until the Director of Price Stabilization has approved your application in writing.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 30 shall become effective November 25, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12501; Filed, Nov. 20, 1952; 10:50 a. m.]

[Ceiling Price Regulation 31, Supplementary Regulation 1]

CPR 31—IMPORTS

SR 1—CEILING PRICES FOR BALER AND BINDER TWINES MANUFACTURED IN CANADA

Pursuant to the Defense Production Act of 1950 as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

Baler and binder twines manufactured in Canada from sisal and henequen fibres are identical with such twines manufactured in the United States, and to the extent that they are sold in the United States, have always been sold on a directly competitive basis with and at the same prices as domestic twines.

Jobbers and wholesalers of baler and binder twines have customarily not distinguished between such twines manufactured in Canada and domestic twines, either as to identity for filling orders or as to price, and these twines are normally commingled in warehouses.

Domestic twines are covered by Supplementary Regulation 89 to the General Ceiling Price Regulation. Twines manufactured in Canada are covered by Ceiling Price Regulation 31 with respect to sales by importers and wholesalers. Due to the different techniques of these two regulations, ceiling price differentials may be created between Canadian and domestic twines due to fluctuations in cost, resulting in differences in markups.

In an industry where customarily no distinction is made between Canadian and domestic twines, a difference in markup by operation of ceiling price regulation constitutes an inducement to the seller in the United States to tend to favor one source of supply or the other. Where the commodity involved is an important one in our economy, the resulting distortion of normal channels of distribution may tend to aggravate a condition of short supply. It is desirable, therefore, that sellers of Canadian and domestic twines should be able to follow their customary practices of commingling the twine and selling both twines at the same prices.

This will operate to relieve possible inequities and to prevent an unnecessary burden of bookkeeping and warehouse segregation, according to the place of manufacture, of what is essentially the same commodity.

This supplementary regulation to CPR 31 establishes the ceiling prices for domestic twines as the ceiling prices for similar twines manufactured in Canada. (This action does not affect sales of sisal and henequen fibres, which are presently covered by CPR 31.)

Due to the nature of this action, formal consultation with the industry representatives, including representatives of trade associations, has not been practicable. However, there have been numerous consultations with individual members of the industry and consideration has been given to their recommendations.

In the judgment of the Director of the Office of Price Stabilization, this supplementary regulation is generally fair and equitable and will effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Applicability.
2. Sales by importers and wholesalers.
3. Definitions.
4. Miscellaneous.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Applicability.* This supplementary regulation applies to all sales by importers and wholesalers in the United States of imported baler and binder twines manufactured in Canada from sisal and henequen fibres which are otherwise covered by CPR 31.

SEC. 2. *Ceiling prices.* The ceiling prices of importers and wholesalers for sales covered by this supplementary regulation shall be the same as their ceiling prices for sales of similar twines of the same grade which are manufactured in the United States.

SEC. 3. *Definitions.* The term "wholesaler" and "wholesale customer" is defined in section 18 of CPR 31. For the purpose of this supplementary regulation, a sale by a wholesaler to a farmer is considered to be a sale to a wholesale customer.

SEC. 4. *Miscellaneous.* Except as herein modified, all the provisions of CPR 31 remain in effect with reference to sales made under this supplementary regulation.

Effective date. This supplementary regulation to CPR 31 shall become effective on November 25, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12505; Filed, Nov. 20, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 126]

GCPR, SR 126—METAL CANS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 126 to General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to the General Ceiling Price Regulation (GCPR) provides two optional methods to adjust ceiling prices for sales by manufacturers of cans made of tin plate, terne plate or black plate.

All the provisions of this supplementary regulation are identical with those of Supplementary Regulation (SR) 39 to CPR 22 which is being issued simultaneously with this supplementary regulation, except that this supplementary regulation applies to manufacturers' sales covered by the GCPR.

The considerations explained in the Statement of Considerations of SR 39 to CPR 22 also apply to this supplementary regulation. This includes the statements relative to industry consultations, and to the possible effect of the supplementary regulation on business practices.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Coverage.
3. Optional character of the ceiling price adjustments under this supplementary regulation.
4. Adjustments barring further adjustments under GOR 35.
5. Adjustments permitting further adjustments under GOR 35.
6. Determination of ceiling prices by order.
7. Incorporation of GCPR provisions.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides two optional methods for adjusting ceiling prices for sales by manufacturers of metal cans determined under the General Ceiling Price Regulation (GCPR). The first method authorizes ceiling prices 4 percent above the highest selling prices in effect during the period January 1, 1952 to June 30, 1952, and bars further adjustments under GOR 35. The second method authorizes ceiling prices 2.3 percent above the highest selling prices in effect during the period January 1, 1952 to June 30, 1952 and permits additional adjustments as provided by GOR 35.

NOTE: Supplementary Regulation (SR) 2 to GOR 35 provides that a metal can manufacturer may not adjust his ceiling prices under GOR 35 except in conjunction with ceiling prices adjusted under section 5 of this supplementary regulation or under the corresponding section 5 of SR 1 to CPR 22.

SEC. 2. *Coverage.* This supplementary regulation applies to you if:

(a) You are a manufacturer of cans made in whole or in part of tin plate, terne plate or black plate, and

(b) General Ceiling Price Regulation was applicable to you immediately before the effective date of this supplementary regulation.

SEC. 3. *Optional character of the ceiling price adjustments under this supplementary regulation.* Sections 4 and 5 provide alternative methods for the adjustment of your ceiling prices. Both methods are optional and you may, if you wish, continue to use your current ceiling prices or establish new ceiling prices under other OPS regulations (other than GOR 35) applicable to you such as GOR 20, GOR 21, CPR 22 or SR 2, SR 17 or 18 to CPR 22. However, if and when you elect to establish ceiling prices under section 4 or 5 you must establish ceiling prices by the same method for all sales covered by this regulation and you may not thereafter alter your election. You must simultaneously adjust by the same method the ceiling prices for all sales made by all plants owned by you or your wholly owned subsidiaries.

SEC. 4. *Adjustments barring further adjustments under GOR 35.* (a) You may adjust your ceiling prices by in-

creasing by 4 percent the highest prices at which you regularly delivered your products to your largest buying class of purchaser during the period January 1, 1952 to June 30, 1952, inclusive.

(b) The ceiling prices adjusted under paragraph (a) of this section may not be further adjusted under GOR 35.

SEC. 5. *Adjustments permitting further adjustments under GOR 35.* (a) You may adjust your ceiling prices by increasing by 2.3 percent the highest prices at which you regularly delivered your products to your largest buying class of purchaser during the period January 1, 1952 to June 30, 1952, inclusive.

(b) The ceiling prices adjusted under paragraph (a) of this section may be further adjusted as authorized by GOR 35.

SEC. 6. *Determination of ceiling prices by order.* (a) If you are unable to adjust your ceiling prices under this supplementary regulation, upon your request, the Director of Price Stabilization may establish your ceiling prices by order in line with the level of ceiling prices adjusted under this supplementary regulation.

(b) Your application should be addressed to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and should contain your trade name and address, a description of the products for which you request a ceiling price, including material, form and size, your proposed ceiling price or pricing method, and a statement of the basis upon which you determine your proposed ceiling price or pricing method, such as the use of a similar pricing method with respect to your other products or by your competitors.

(c) The Director of Price Stabilization may approve or disapprove the proposed ceiling price or pricing method by order, or request further information. You may not sell your products at a price exceeding your ceiling price otherwise established until the Director of Price Stabilization issues an order establishing your ceiling price or pricing method.

(d) The Director of Price Stabilization may, at any time, modify the ceiling prices or pricing methods established by order so as to bring them in line with the level of ceiling prices adjusted under this supplementary regulation.

SEC. 7. *Incorporation of GCPR provisions.* If you are subject to this supplementary regulation you are also subject to all provisions of the GCPR not inconsistent with this supplementary regulation.

Effective date. This supplementary regulation is effective November 25, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12506; Filed, Nov. 20, 1952; 4:00 p. m.]

[General Overriding Regulation 4, Amdt. 11 to Revision 1]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

EXEMPTION OF WOMEN'S MILLINERY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 11 to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 4, Revision 1, adds women's millinery to the commodities exempted from price control.

The selling prices of women's millinery generally depend not upon the costs of direct labor and materials, but upon originality of design, merchandising practices, reputation of the seller and other elements of indirect cost which make standard pricing methods difficult of application. For the bulk of this industry, the determination of prices is a highly subjective matter for both the buyer and the seller. While many firms tend to produce certain price lines, the prices for particular items are not necessarily closely related to their direct costs; in many cases the direct cost for an individual item can only be determined by establishment of burdensome and detailed cost accounting system. Furthermore, in a period where materials and labor are plentiful and competition flourishes, this business is an unusually risky one in which the manufacturer is forced to take a high markup on his most accepted numbers in order to recover his losses on numbers which find no wide acceptance. Therefore, establishment of uniform markups over direct cost for these manufacturers tends to limit their merchandising capacity to an extent which makes operations difficult in a competitive market situation. The technique of determining prices for millinery by comparison with other millinery is also inappropriate and impracticable as a means of price control, since comparison in this industry is far too subjective to result in any acceptable degree of accuracy.

Price data on millinery are generally not available because of the lack of standards of comparison from period to period. It is generally recognized, however, that millinery prices are not being subjected to any inflationary pressures.

Were price pressures of sufficient intensity in the millinery industry to require price controls, there would be sufficient justification for requiring that the industry continue to use cost and pricing methods necessary for the effectuation of such controls. In the absence of such pressures nothing is gained by the insistence upon use of methods not normal to the industry.

In view of these considerations, it is the judgment of the Director of Price Stabilization that price controls over women's millinery under present circumstances involve administrative burdens, both upon the industry and the Office of Price Stabilization, which are disproportionate to any benefits which can be realized from these controls.

No general increase in the millinery price level is expected to result from this action, nor is it expected that this action will result in any diversion of materials or manpower from industries remaining under control.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable under the circumstances, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 2 of General Overriding Regulation 4, Revision 1, is amended by adding the following paragraph:

(k) *Women's millinery.* (1) The term "women's" refers to sizes or types of millinery commonly designated in the industry as women's millinery. Sizes or types of millinery commonly designated as "girls" or "children's" millinery are not included.

(2) The term "millinery" includes all headwear designed for street or dress wear, but excluding the following: Uniform hats and caps, rainwear, and any headwear designed for use in industrial, institutional, commercial, or agricultural occupations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12502; Filed, Nov. 20, 1952; 10:50 a. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 12]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

SUSPENSION OF BOTTLED SOFT DRINKS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order Number 2, this Amendment 12 to Revision 1 of the General Overriding Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7, Revision 1, suspends the provisions of the General Ceiling Price Regulation (GCPR) and Supplementary Regulation (SR) 43 thereto insofar as these regulations are applicable to bottled soft drinks. This suspension action, applicable to all levels of distribution, is in accordance with the agency's general policy of relaxing price controls when such action is consistent with the purposes of the Defense Production Act of 1950, as amended.

Ceiling prices for bottled soft drinks were originally established by the issuance of the General Ceiling Price Regulation on January 26, 1951. This action brought to a halt an upward movement of prices which had begun in 1946.

When ceilings were imposed approximately 56 percent of the volume of soft drinks in 6- to 12-ounce bottles (which constitute over 90 percent of the sales of the industry) were selling at 80 cents per case at wholesale and at five cents per bottle at retail. These prices had been established several decades ago and had been maintained despite increases in ingredient and labor costs. All available evidence indicated that the typical bottler could not operate profitably at these prices. For this reason, the Office of Price Stabilization issued Supplementary Regulation 43 on July 23, 1951. That regulation allowed bottlers of 6- to 12-ounce sizes to increase their pre-Korean prices by 16 cents to a maximum of 96 cents per case of 24 bottles. As a result, the allowable ceiling price of the vast majority of bottlers became 96 cents per case. This was the first price above the traditional 80 cent price which would allow the customary 50 percent spread at the retail level for sales of the individual bottles.

Data available from a survey of the same 56 cities as are surveyed monthly by the Bureau of Labor Statistics and covering the seven largest brands indicate clearly that there was no appreciable trend toward this higher level of ceiling prices after SR 43 was issued. Because of competitive factors, fewer than one-fifth of those bottlers who were eligible to increase their ceiling prices under SR 43 have done so. Also, a small number of bottlers with ceiling prices above 96 cents reduced their prices during 1952. Consequently, a large percentage of all 6- to 12-ounce bottles are selling below ceilings and the weighted average selling price for all bottlers of this size is approximately 8 percent below the weighted average ceiling price.

The intense competition of the industry, coupled with the sharp responsiveness of volume to increases in selling prices, apparently has thwarted any general price increases. It is anticipated that this general stability will continue in the coming months although there may be some price rises in a few scattered areas. Those few increases may result from wage pressures applicable to all bottlers in an area or from efforts to readjust prices as among bottle sizes in those instances where they have become distorted. Inasmuch as the soft drink industry is local in nature (due to the franchise system under which many bottlers operate) such increases will not materially affect the overall average spread between selling prices and ceiling prices.

Consideration has also been given to the fact that there is a plentiful supply of ingredients and packaging materials. Also it has been recognized that the industry normally operates at considerably less than capacity even in the peak summer months. The Director of Price Stabilization has concluded, therefore, that ceiling prices on soft drinks are not presently needed to achieve the purposes of the Defense Production Act of 1950, as amended, and they are by this action suspended. This suspension will be terminated if prices of soft drinks in a substantial proportion of areas exceed the ceiling prices presently in effect and the Director, in any event, may terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended by the addition of the following section to Article III:

SEC. 13. *Suspension of controls applicable to soft drinks.* (a) On and after November 20, 1952, the application of all ceiling price regulations, except Ceiling Price Regulations 11 and 134, heretofore or hereafter issued by the Office of Price Stabilization, to sellers of soft drinks is suspended. If, however, you are a seller of soft drinks and were required by any regulation heretofore issued to which this section 13 is applicable, to keep, prepare, or preserve any records concerning soft drinks, you shall continue to preserve and make available for examination by the OPS, in the manner and for the period set forth in that regulation, all such records which you were required to have on November 19, 1952. In addition, the Director of Price Stabilization or his authorized representative may, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, request or require you to submit data pertaining to prices charged for soft drinks and to changes made in the prices of soft drinks after November 20, 1952. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it.

(b) For purposes of this section 13, "soft drinks" means non-alcoholic beverages in bottles, whether flavored or unflavored, carbonated or uncarbonated. The term does not include, however, bottled water which is neither flavored nor carbonated, fresh milk drinks, or drinks consisting of fruit juices or vegetable juices where at least 85 percent by weight of the drink is fruit juice or vegetable juice or a mixture of both.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12503; Filed, Nov. 20, 1952; 10:50 a. m.]

[General Overriding Regulation 35, Supplementary Regulation 2]

GOR 35—PASS THROUGH FOR STEEL, PIG IRON, COPPER AND ALUMINUM COST INCREASES

SR 2—METAL CANS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 2 to General Overriding Regulation 35, is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to General Overriding Regulation (GOR) 35 bars metal can manufacturers from adjusting their ceiling prices under GOR 35 except in conjunction with ceiling prices adjusted under section 5 of Supplementary Regulation (SR) 39 to Ceiling Price Regulation (CPR) 22 or section 5 to SR 126 to the General Ceiling Price Regulation (GCPR), both of which are being issued simultaneously with this supplementary regulation. It also bars metal can manufacturers from using ceiling prices which they have adjusted under GOR 35 before the effective date of this supplementary regulation. In addition, this supplementary regulation grants to a manufacturer who uses metal cans as a manufacturing material a pass-through equal to 1.7 percent of the supplier's previous selling price or the maximum pass-through under GOR 35 on metal cans (depending on the method by which the supplier adjusted his ceiling prices), even though the supplier may have been selling in the past or may be selling currently below ceiling. Metal can manufacturers are required by this supplementary regulation to notify their customers of the customer's pass-through.

Supplementary Regulation 39 to CPR 22 and SR 126 to the GCPR referred to above afford manufacturers of metal cans two optional methods by which they may adjust their ceiling prices. The first method of adjustment is provided in section 4 of SR 39 to CPR 22 and section 4 of SR 126 to the GCPR. It authorizes ceiling prices 4 percent above the selling prices in effect in the period January 1, 1952, to June 30, 1952 and bars further adjustments under GOR 35. The second method of adjustment is stated in section 5 of SR 39 to CPR 22 and section 5 of SR 126 to the GCPR. It authorizes ceiling prices 2.3 percent above the selling prices in effect in the same period and permits additional adjustments as provided by GOR 35. In effect, the second method of adjustment differs from the first method in permitting metal can manufacturers to use their actual, individual pass-throughs as authorized by GOR 35 instead of an average pass-through of 1.7 percent which is included in the 4 percent adjustment of the first method.

The Director of Price Stabilization has determined the ceiling price adjustments described above to be fair and equitable and to take proper account of the historical price structure of the industry.

The reasons for this determination are explained in the Statement of Considerations of SR 39 to CPR 22.

As metal can manufacturers may thus establish ceiling prices which are fair and equitable from all points of view after taking the recent steel price increases into account, the metal can industry is no longer in need of the temporary relief measure which GOR 35 was intended to provide, except in conjunction with ceiling prices adjusted by the second method described above which explicitly permits additional adjustments under GOR 35. Accordingly, this supplementary regulation prohibits metal can manufacturers from adjusting their ceiling prices under GOR 35 (with the exception just stated) and from using ceiling prices adjusted under GOR 35 before the effective date of this supplementary regulation.

The reasons for the pass-through and notification provisions of this supplementary regulation are as follows: Metal can manufacturers have established ceiling prices under various OPS regulations which permit adjustments for certain cost increases up to different cut-off dates and by different techniques. Actually, until recently, the industry in general continued to sell at GCPR prices. The result is that the existing ceiling prices do not reflect the historical and actual price structure of the industry. For instance, the ceiling prices of the two largest producers for the same standard products differ from each other by 1.2 percent despite the fact that these companies have maintained identical selling prices within the same geographical areas for many years. This distorted ceiling price structure of the metal can industry produces GOR 35 pass-throughs which bear little or no relationship to the cost increases caused by the increased steel prices and which vary from manufacturer to manufacturer because the pass-through is based on the excess of current selling prices above the previous ceilings. This disturbs the pricing policies of the metal can manufacturers and creates inequities among them as well as among their customers. This supplementary regulation enables the producers of metal cans to reduce these inequities in conjunction with adjusting their ceiling prices under the new supplementary regulations to CPR 22 or the GCPR. Thus, from the point of view of the pass-through the historical competitive position of metal can manufacturers and their customers may be re-established.

Nothing is said in this supplementary regulation about the notification which a distributor of metal cans must give his purchaser at the latter's request. In this respect the provision of section 13 (b) of GOR 35, applied to the amount specified in this supplementary regulation, appears to be satisfactory.

In the judgment of the Director of Price Stabilization, the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director, the provisions of this regulation comply with all of the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In particular, the Director has consulted at several meetings with the Industry Advisory Committee with respect to the trade practices and the coverage of this regulation.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, and means or aids of distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Coverage.
3. Metal can manufacturers barred from adjustments.
4. Notification by metal can manufacturers.
5. Adjustments by users of metal cans as manufacturing material.
6. Definitions.
7. Incorporation of GOR provisions.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161 Sept. 9, 1950, 15 F. R. 6105; CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation bars, under certain conditions, metal can manufacturers from adjusting their ceiling prices under General Overriding Regulation 35. In addition, under certain conditions it grants to manufacturers using metal cans as manufacturing material substantially equal "pass-throughs" on substantially similar cans bought from different sources. It also modifies the notification requirement of GOR 35 accordingly.

SEC. 2. *Coverage.* (a) This supplementary regulation applies to you if:

(1) You are a manufacturer of metal cans; and

(2) Your sales are covered by the General Ceiling Price Regulation or Ceiling Price Regulation 22 or any supplementary regulation to either of them.

(b) Section 5 of this supplementary regulation applies to you if you use metal cans as manufacturing material.

(c) The term "metal can" as used in this supplementary regulation refers to can made in whole or in part of tin plate, terne plate or black plate.

SEC. 3. *Metal can manufacturers barred from adjustments.* If you are a manufacturer of metal cans you may not adjust your ceiling prices under GOR 35, except in conjunction with ceiling prices adjusted under section 5 of SR 126 to the GCPR or section 5 of SR 39 to CPR 22. You may not use ceiling prices adjusted under GOR 35 before the effective date of this supplementary regulation.

SEC. 4. *Notification by metal can manufacturers.* If you are a metal can manufacturer, the first time you deliver a metal can after the effective date of this supplementary regulation you must notify your purchaser of the following amount:

(a) If you have adjusted your ceiling prices under section 4 of SR 39 to CPR 22 or section 4 of SR 126 to the GCPR, the amount in the notification shall be equal to 1.7 percent of your previous selling prices to which you added the 4 percent adjustment provided by the sections of the supplementary regulations just referred to.

(b) If you have adjusted your ceiling prices under section 5 of SR 39 to CPR 22 or section 5 of SR 126 to the GCPR the amount in the notification shall be the maximum adjustment which you may make under GOR 35 even though you may have been selling in the past or may currently sell at prices below ceilings.

SEC. 5. *Adjustments by users of metal cans as manufacturing material.* If you use metal cans as manufacturing material you may reflect in your ceiling price adjustments under GOR 35 the cost increases on metal cans of which your suppliers have notified you pursuant to section 4 of this supplementary regulation.

SEC. 6. *Definitions.* "Manufacturing material." This term is defined in section 5 (a) of GOR 35.

"Metal can." This term is defined in section 2 (c) of this supplementary regulation.

SEC. 7. *Incorporation of GOR 35 provisions.* If you are subject to this supplementary regulation you are also subject to all provisions of GOR 35 not inconsistent with this supplementary regulation.

Effective date. This regulation is effective November 25, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

[F. R. Doc. 52-12508; Filed, Nov. 20, 1952; 4:00 p. m.]

[General Overriding Regulation 35, Amdt. 1]

GOR 35—PASS THROUGH FOR STEEL, PIG-IRON, COPPER AND ALUMINUM COST INCREASES

INCREASE FACTORS FOR CERTAIN MANUFACTURING USERS; EXCLUSION OF CERTAIN MANUFACTURERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to General Overriding Regulation 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds Appendixes C and D to GOR 35 and makes corresponding changes in the body of the regulation.

Appendix C lists commodities whose manufacturers are precluded from using this regulation to pass on steel, aluminum, copper and pig-iron cost increases. This executes the intent of section 18 of the regulation which provides that manufacturers subject to tailored regulations which include the metals increase adjustment may be denied the privilege of applying GOR 35. Appendix D lists commodities made in whole or part from GOR 35 metals and indicates the amount of cost increase purchasers using these commodities as manufacturing materials may use in adjusting their ceiling prices. This appendix also is a substitute for the requirement that manufacturers of the listed commodities notify their purchasers of the amount of the increase for the metals.

When OPS, pursuant to an industry earnings survey, adjusts the level of ceiling prices for an industry, it will, in appropriate situations, include in its provision for increases in labor and materials, the metals listed in GOR 35. In such cases, the "pass-through" for the products containing the listed metals may be specifically identified so that a manufacturing user may, in turn, adjust his own ceiling prices. This will relieve members of the surveyed industry of the burden of individual calculation and report of the "pass-through" figure. Their customers need simply refer to the new Appendix D of GOR 35 to find this figure.

In establishing an adjustment for the crown closure industry, OPS has computed the increase in the cost of metals to be one-quarter of one cent per gross, as herewith listed in Appendix D. Consequently, crown closure manufacturers are precluded from using GOR 35. They are, at the same time, relieved of the responsibility of notifying their purchasers who will find in Appendix D the amount of increase in metals cost which they may use in adjusting their ceiling prices. However, this amendment does permit a purchaser who had been given individual notification by his supplier previous to the date listed in Appendix D to elect either to use the amount of increase provided in the Appendix or the amount of which he was so notified.

Changes in the body of the regulation implement the use of the appendixes. Sections 1 and 13 are amended to eliminate the notification requirements for manufacturers of commodities listed in Appendix D; section 5 is amended to exclude from the regulation manufacturers whose metal cost increase adjustments have been effected in separate tailored ceiling price regulations; section 6 provides how purchasers who are not notified by their suppliers may determine their cost increases.

Due to the nature of this amendment, special circumstances have made general consultation with industry representatives, including trade association representatives, impracticable. However, consultation with representatives of the crown closure industry were held prior to the issuance of the supplementary regulation which includes an adjustment for metals cost increases.

AMENDATORY PROVISIONS

General Overriding Regulation 35 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *What this regulation does.* This is an adjustment regulation. It permits manufacturers to adjust their ceiling prices in order to "pass through" increases in cost resulting from ceiling price increases for steel, pig-iron, copper and aluminum. Adjustments may be made by primary processors as well as by manufacturers at subsequent stages of processing.

Primary processors calculate their adjustments on the basis of the increases authorized for steel-mill products by Revision 1 of SR 100 to the GCPR, and by parallel action for steel producers under the voluntary agreement; for aluminum products by SR 113 to the GCPR; for pig-iron by SR 116 to the GCPR; for brass-mill products by Amendment 1 to CPR 63; and for copper-mill products by Amendment 1 to CPR 110. These ceiling prices increases are listed in Appendix A.

Subsequent processors calculate their adjustments on the basis of increases which their suppliers obtain and pass on to them under this regulation. Subsequent processors are to be notified of the increases made by their suppliers, except that manufacturers of commodities listed in Appendix D of this regulation need not notify their purchasers of such increases. Appendix D lists the specific amount which purchasers who use those commodities as manufacturing materials may employ in adjusting their ceiling prices.

The adjustment provisions of this regulation do not apply to distributors since increases in manufacturers' prices may be passed through under the provisions of the applicable distribution regulation. However, manufacturers may request their distributors to notify them of the increases taken on commodities covered by this regulation.

2. Section 5, paragraph (b) is amended by adding at the end thereof the following new subparagraph (4):

(4) *Manufacturers of commodities listed in Appendix C.* No adjustments may be made under this regulation by manufacturers of any commodity listed in Appendix C of this regulation. Adjustments for such manufacturers have been effected in separate regulations tailored to the needs of the manufacturers listed. A manufacturer who has adjusted his ceiling prices under this regulation prior to the issuance of a tailored regulation covering his commodities listed in Appendix C must recalculate his ceiling prices in accordance with the tailored regulation and may not use this GOR.

3. Section 6 is amended by redesignating paragraph (c) thereof as paragraph (d) and by inserting the following new paragraph (c):

(c) *Purchases from manufacturers who are not required to notify.* Appendix D lists the authorized cost increases for commodities manufactured from metals listed in Appendix A supplied by manufacturers who have been excused from notifying their purchasers of the amount of the increase in costs for those metals. If you purchase any of the commodities listed in Appendix D for use as a manufacturing material you may use the amount provided in the Appendix to calculate your ceiling price adjustments under this regulation. You may not put these adjustments into effect, however, until the effective date specified in the appendix for the manufacturing material you use, except that if prior to such effective date you have adjusted your ceiling prices pursuant to notice from your supplier of the amount of the increase passed through to you, you may continue to use such adjusted ceiling prices or you may recalculate your adjustments using the amounts indicated in Appendix D.

4. Section 13 is amended by adding at the end thereof the following new paragraph (c):

(c) *Exceptions.* If you are a manufacturer of commodities listed in Appendix D of this regulation you are excused from the foregoing provisions of this section 13.

5. Section 16 is amended by adding at the end thereof the following new unnumbered paragraph:

Appendix C of this regulation lists those commodities whose manufacturers have been given appropriate metals cost increase adjustments in separate regulations tailored to meet the needs of their industry. Manufacturers of these commodities may not employ the provisions of this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to General Overriding Regulation 35 is effective November 25, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 20, 1952.

APPENDIX C

Manufacturers of commodities listed in this appendix are those who may not employ the provisions of GOR 35, "Pass-through" adjustments for such manufacturers have been effected in the separate tailored regulations indicated.

Commodity	*Regulation*
Crown closures	SR 123 to the GCPR

APPENDIX D

This appendix lists the amount of increase in the cost of commodities manufactured from steel, aluminum, copper and pig-iron which may be used by manufacturing users in calculating their adjusted ceiling prices under this regulation. The permissible adjustment date is the earliest date on which such adjusted ceiling prices may be put into effect, except for the election provided in

section 6 (c) of GOR 35 (where the manufacturing user has already adjusted his ceiling price pursuant to prior notice of his individual factor from a supplier of the commodity).

Commodity	Amount of increase	Permissible adjustment date
Crown closures	$0.0025 per gross.	Nov. 25, 1952

[F. R. Doc. 52-12507; Filed, Nov. 20, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 5, Amdt. 2]

GSSR 5—Compensation of Sales Employees

Adjustments in Commission Earnings and Commission Rates

Statement of Considerations

The Salary Stabilization Board has determined that an extension of the provisions of section 9 (a) of this regulation beyond 1952 will not have any unstabilizing effect. This amendment has, therefore, been adopted to extend the provisions of such section to the calendar year 1953.

Amendatory Provision

Section 9 (a) of General Salary Stabilization Regulation 5, as amended, is hereby amended to read:

Sec. 9. *Adjustments of commission earnings.* (a) Notwithstanding any other provision of this regulation, an employer may, during each of the calendar years 1952 and 1953, make adjustments in the compensation paid to employees compensated in whole or in part on a commission basis in an amount up to, but not exceeding fifteen (15) percent of the aggregate commission payments made to all such employees during the calendar year 1950. Proportionate adjustments may be made for increases and shall be made for decreases in the number of employees compensated in whole or in part on a commission basis.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Adopted by the Salary Stabilization Board, November 10, 1952.

Justin Miller,
Chairman.

Approved:
Roger L. Putnam,
Economic Stabilization Administrator.

[F. R. Doc. 52-12517; Filed, Nov. 20, 1952; 11:35 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-16, as Amended November 20, 1952]

M-16—Distribution of Copper Raw Materials

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries has been rendered impracticable because the order affects a large number of different trades and industries.

Explanatory

NPA Order M-16, as amended June 19, 1952, and as further amended by Amendment 1 of August 5, 1952, is still further amended by adding a definition of "receipts"; by revising section 3, "Acceptance of delivery of copper raw materials," so as to limit the receipt of refined copper to the period for which an authorization has been issued; by providing for self-authorization for certain foundries; by setting forth the frequency with which each type of copper raw materials user shall apply for authorization to receive such materials; and by providing for the segregation of nickel-bearing copper-base alloy scrap.

This amended order embodies the substance of Amendment 1 of August 5, 1952. Direction 1 as amended October 1, 1952, is not affected by these amendments and remains in force.

Regulatory Provisions

Sec.
1. What this order does.
2. Definitions.
3. Acceptance of delivery of copper raw materials.
4. Self-authorization for certain foundries.
5. Restrictions on disposal of scrap.
6. Restrictions on inventory accumulations.
7. Restrictions on toll agreements.
8. Authorizations and directives.
9. Applications for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

Authority: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

Section 1. *What this order does.* The purpose of this order is to regulate the acceptance, delivery, and distribution of all copper raw materials (whether on toll agreements or otherwise) so as to provide an equitable distribution of such materials. It sets forth the classes of persons who may receive such materials without specific authorization from the National Production Authority and the types of copper raw materials such persons may so receive, and provides for application by all other persons to the National Production Authority for specific written authorization. It also limits toll agreements covering scrap and prohibits undue accumulation of scrap.

Sec. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Copper" means unalloyed copper, including electrolytic copper, fire-refined copper, and all unalloyed copper in any form.

(c) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It includes fired and demilitarized cartridge and artillery cases, and all copper-base alloy in any form. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67-38.

(d) "Scrap" means all copper or copper-base alloy materials or objects which are the waste or byproduct of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason.

(e) "Copper wire mill product" means uninsulated or insulated wire and cable, whatever the outer protective coverings may be, made from copper or copper-base alloy, and also copper-clad steel wire containing over 20 percent copper by weight, regardless of end use. All copper wire mill products should be measured in terms of pounds of copper content.

(f) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip, in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs (except brass military ammunition discs after June 30, 1952).
Cups (except brass military ammunition cups after June 30, 1952).
Blanks and segments.
Forgings (except anodes).
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

Allotments for the purpose of producing such related products shall be in terms of the estimated weight of the brass mill product from which such related product is made.

(g) "Foundry product" means cast copper or copper-base alloy shapes and forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, or dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner or outer diameter, or both, before delivery to a customer. Castings include anodes cast in a foundry or by an ingot maker).

(h) "Powder mill products" means copper or copper-base alloy in the form of granular or flake powder.

(i) "Copper raw materials" as used in this order includes the following materials as defined below:

(1) "Refined copper"—Copper metal which has been refined by any process of electrolysis or fire-refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. This does not include copper-base alloy ingot, brass mill castings, intermediate shapes, anodes, powder mill products, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products.

(2) "Domestic refined copper"—Copper metal which has been refined by any process of electrolysis or fire-refining to a grade and in a form suitable for fabrication from ores, concentrates, scrap, or other copper-bearing material which has been mined, processed, generated, or recovered within the United States or its possessions.

(3) "Blister copper"—High-grade crude copper in any form produced from converter operations and from which nearly all the oxidizable impurities have been removed by slagging and volatilization.

(4) "Brass mill scrap"—Uncontaminated scrap which is the waste or byproduct of the production or industry fabrication of brass mill products or copper wire mill products. It includes uncontaminated fired and demilitarized cartridge and artillery cases.

(5) "Other copper-base alloy scrap"—Alloyed copper scrap other than brass mill scrap. It includes contaminated fired and demilitarized cartridge and artillery cases.

(6) "Other unalloyed copper scrap"—Unalloyed copper scrap other than brass mill scrap.

(7) "Fired and demilitarized cartridge and artillery cases"—Fired and demilitarized cartridge and artillery cases which have been manufactured from brass mill products and are not contaminated.

(8) "Brass mill casting"—A copper-base alloy casting, from which brass mill or intermediate shapes may be rolled, drawn, or extruded, without remelting.

(9) "Copper-base alloy ingot"—A copper-base alloy used in remelting, alloying, or deoxidizing operations.

(10) "Copper or copper-base alloy shot and waffle"—Shot or waffle produced from copper or copper-base alloy, and to be used in remelting, alloying, deoxidizing, or chemical operations.

(11) "Intermediate shape"—Any product which has been rolled, drawn, or extruded, from refined copper or brass mill castings, and which will be rerolled, redrawn, insulated, or further processed into finished brass mill or copper wire mill products by other producers of copper or copper-base alloy controlled materials.

(12) "Copper precipitates (or cement copper)"—Copper metal precipitated from mine water by contact with iron scrap, tin cans, or iron in other forms.

(j) "Receive" or "accept delivery" means the acquisition of title to copper raw materials or the charging of such materials to a person's account (in accordance with that person's standard accounting practice), whichever first occurs; or, in the instance of transfer of materials between departments, plants, or mills of one company, the actual physical acquisition of copper raw materials by such department, plant, or mill, or the charging of such materials to its account (according to the company's standard accounting practice), whichever first occurs.

(k) "NPA" means the National Production Authority.

Sec. 3. *Acceptance of delivery of copper raw materials.* (a) No person, other than a railroad which receives copper raw materials by virtue of conversion from railroad engine bearings and car journal bearings in accordance with the last sentence of section 7(b) of this order, and other than the users specified in paragraph (e) of this section and section 4 of this order, may accept delivery of any copper raw materials even if such materials were processed for him pursuant to a toll, conversion, or other similar agreement in accordance with section 7 of this order unless the receipt of such copper raw materials has been specifically authorized in writing by NPA: *Provided, however,* That insofar as any person performs the function of a refiner or scrap dealer, as defined in item 1 or 2 of column (A) of the table which appears at the end of this section, he may accept delivery of the copper raw materials specified in the corresponding item of column (B) of the table without such specific written authorization.

(b) Any person listed in items 3 through 9 of the table which appears at the end of this section who desires to apply for written authorization to accept delivery of copper raw materials shall, except as provided in section 4 of this order, complete and file Form NPAF-83 in accordance with the instructions which accompany the form, on or before the dates set forth for such persons in column (C) of the table which appears at the end of this section. Authorization to receive copper raw materials will not be granted to any of the persons listed in items 10 through 12 of the table which appears at the end of this section.

(c) An authorization to accept delivery of copper raw materials may specify quantities of domestic refined copper or other refined copper which may be accepted, and may also specify the period during which the person to whom such an authorization has been issued may receive domestic refined copper or other refined copper. Without the specific written approval of NPA, no person who has been authorized to accept delivery of copper raw materials may accept delivery of a greater quantity of either domestic refined copper or other refined copper than he has been authorized to receive. An authorization to receive domestic refined copper or other refined copper is valid only during the period of time described in that authorization unless NPA has specifically authorized in writing the receipt of copper raw materials pursuant to an authorization which has expired.

(d) Any person who receives written authorization from NPA to accept delivery of copper raw materials shall furnish to his supplier a signed certification in substantially the following form:

The undersigned certifies, subject to statutory penalties, that acceptance of delivery of the copper raw materials herein ordered is permitted pursuant to NPA Authorization No. ____.

This certification constitutes a representation by the purchaser to the seller, and to NPA, that delivery of the copper raw materials may be accepted by the purchaser pursuant to the indicated written authorization.

(e) Notwithstanding the provisions of paragraph (a) of this section, a person may, during each calendar quarter, receive copper raw materials without specific authorization of NPA, provided:

(1) That his total receipts of all copper raw materials from all sources during that calendar quarter are either not in excess of 300 pounds copper content, or if in excess of 300 pounds, then not in excess of his average quarterly receipts of copper raw materials during the period July 1, 1951, to June 30, 1952, or 1,500 pounds copper content, whichever is less.

(2) That he furnishes to the person who supplies the material a signed certification in substantially the following form:

The undersigned hereby certifies, subject to statutory penalties, that receipt of the copper raw materials herein ordered in the calendar quarter requested will not bring his total receipts during that quarter above the quantity of such material which he may receive pursuant to section 3 (e) of NPA Order M-16.

This certification shall constitute a representation by the purchaser to the seller, and to NPA, that delivery of such copper raw materials may be accepted by the purchaser pursuant to this paragraph.

(f) Except with the written permission of NPA, (1) no refiner, scrap dealer, jobber dealer, ingot maker, or other person dealing in copper raw materials, may deliver any copper raw materials to a refiner or scrap dealer, except the type of copper raw materials that such refiners or scrap dealers are permitted to receive without authorization pursuant to paragraph (a) of this section; and (2) no person shall deliver copper raw materials to any person other than a refiner or scrap dealer without first having received from such person the certification set forth in paragraph (d) or paragraph (e) of this section.

(g) The provisions of this section apply not only to acceptance of delivery by a person from other persons, including affiliates and subsidiaries, but also to acceptance of delivery by a branch, division, or section of a single enterprise which produces copper raw materials or copper controlled materials from a branch, division, or section of the same or any other enterprise under common ownership or control which does not produce copper controlled materials.

(A)	(B)	(C)
(9) Miscellaneous producer—Any person, not falling in one of the classes described above, who requires copper raw materials in his regular operations. Examples: chemical plants, iron foundries, aluminum foundries, electrotypers, producers of copper and copper-base alloy powder.	(9) None.	(9) (a) Miscellaneous producers who require less than 10,000 pounds of copper raw materials per month shall file Form NPAF-83 for a 1-month allocation before January 10 and July 10 of each year. (b) Miscellaneous producers who require 10,000 pounds or more but less than 100,000 pounds of copper raw materials per month shall file Form NPAF-83 for a quarterly authorization by the tenth day of the month preceding the calendar quarter for which authorization is sought. (c) Miscellaneous producers who require 100,000 pounds or more of copper raw materials shall file Form NPAF-83 for a monthly authorization by the tenth day of the month for which authorization is sought.
(10) Scrap generator—Any person, other than a scrap dealer, who in his normal operations generates copper or copper-alloy scrap or copper-clad or copper-base alloy-clad steel scrap, but who is not in the business of producing copper raw materials, copper wire mill products, brass mill products, powder mill products, or foundry copper or copper-base alloy products.	(10) None.	(10) See section 3 (b).
(11) Agent—Any person who is engaged by a buyer or seller of copper raw materials, copper wire mill products, brass mill products, or foundry products, and who works for his principal for a salary, commission, or fee.	(11) None.	(11) See section 3 (b).
(12) Broker—Any person not the agent of any of the parties to a sale who arranges and assists in negotiating contracts of sale between buyers and sellers of such material for a commission or fee.	(12) None.	(12) See section 3 (b).
(13) All other persons.	(13) None.	

[1] See also section 6 (b) of this order.
[2] Foundries and forge makers may exchange among themselves, and with each other, copper-base alloy ingot on an equivalent copper content basis without charge such receipts against their authorization.

SEC. 4. *Self-authorization for certain foundries.* (a) Commencing with the fourth calendar quarter of 1952, any person who requires less than 10,000 pounds of copper raw materials per month for the production of foundry products to fill ~~authorized controlled material orders~~ which he has accepted from his customers, is authorized to accept delivery of copper raw materials pursuant to this section without the necessity of filing Form NPAF-83 as required by section 3 of this order. Any such person may place orders for delivery in any calendar month of a quantity of copper raw materials not in excess of 10,000 pounds or the minimum quantity which he requires to fill all of the authorized controlled material orders which he has accepted from his customers for the production of foundry products during that month, whichever is less, and may accept delivery of such copper raw materials in the calendar month for which such delivery orders were placed: *Provided, however,* That he may not accept delivery of any quantity of domestic refined copper pursuant to such orders in any month in excess of 1,500 pounds or the quantity of domestic refined copper which he received in the month of September 1952, whichever quantity is greater.

(b) Any person who, pursuant to section 3 of this order and prior to the effective date of this amended order, applied for and received written authorization from NPA to receive copper raw materials for the manufacture of foundry products for both the fourth calendar quarter of 1952 and the first calendar quarter of 1953, may, for any calendar month prior to April 1, 1953, elect to receive delivery of copper raw materials pursuant to that written authorization rather than pursuant to paragraph (a) of this section, but not pursuant to both authorizations.

(c) Orders placed pursuant to the authorization granted by this section shall be certified as provided in paragraph (d) of section 3 of this order, except that where such certification provides for setting forth an authorization number the words "section 4 of NPA Order M-16" shall be inserted.

SEC. 5. *Restrictions on disposal of scrap.* (a) No person other than establishments of the United States Army, Navy, or Air Force, such as arsenals, navy yards, gun factories, and depots, or a person who is in the business of producing copper raw materials (such as refineries, ingot makers, copper wire mills, brass mills, or foundries), or a person who qualifies as a "Miscellaneous producer" as listed in Column A under section 3 of this order, shall melt or process any scrap or copper-base alloy-clad steel scrap generated in his plant through fabrication, or accumulated in his operations through obsolescence, except as specifically authorized in writing by NPA nor shall he dispose of such materials in any way other than by delivery to a person authorized by this order to accept delivery.

(b) No person shall dispose of any material, the delivery of which he accepted as scrap, other than as scrap, except with the specific authorization of NPA: *Provided, however,* That scrap dealers and brokers may sell in each month as usable material a quantity of material that was acquired as scrap and does not in the aggregate exceed 1,000 pounds (copper content).

(c) Nothing contained in this order shall prohibit any public utility from using "as is," in its own operation, copper wire or cable which has become scrap by obsolescence.

(d) Each person who in the process of manufacturing any product or material generates 5,000 pounds or more copper-base alloy scrap per month shall segregate from all such scrap any copper-base alloy scrap which contains 4 percent or more of nickel by weight. Copper-base alloy scrap which has been thus segregated shall be transferred or sold only in segregated form.

(e) Any scrap dealer who receives copper-base alloy scrap which contains 4 percent or more of nickel by weight and which has been segregated shall maintain such scrap as segregated scrap, and shall sell or transfer that scrap only in segregated form.

SEC. 6. *Restrictions on inventory accumulations.* (a) Unless specifically authorized by NPA, no person who generates scrap in his operations through fabrication, manufacture, or obsolescence shall keep on hand more than 30 days' accumulation of scrap or copper-clad or copper-base alloy-clad steel scrap unless such accumulation aggregates less than 2,000 pounds.

(b) No scrap dealer may accept delivery of any kind, grade, or type of scrap if his total inventory of scrap (including inventory not physically located in the dealer's yard or plant) is, or by such receipt would become, in excess of the weight of his total deliveries of scrap during the preceding 60-day period.

(c) The provisions of paragraph (a) of this section shall not apply to the establishments of the United States Army, Navy, or Air Force, such as arsenals, navy yards, gun factories, and depots: *Provided, however,* That such establishments shall report to NPA by August 10, 1951, with respect to July, and by the tenth day of each month thereafter with respect to the preceding month, the quantity and type of scrap at each such location.

SEC. 7. *Restrictions on toll agreements.* (a) Commencing on December 18, 1950, and unless the person delivering or owning the scrap, or the person for whose benefit the conversion, remelting, or other processing of the scrap will be effected, has received the approval of NPA, no person shall deliver scrap, and no person shall accept such scrap, for converting, remelting, or other processing into electrolytic or fire-refined copper under any existing or future toll agreement, conversion agreement, or other arrangement by which title to the scrap remains vested in the person delivering or owning the scrap, or pursuant to which unalloyed copper in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the scrap. The provisions of this paragraph will apply with equal effect to any agency relationship which would result in a toll arrangement as described in this paragraph.

(b) Commencing on July 15, 1951, and unless the person delivering or owning the refined copper or scrap, or the person for whose benefit the conversion, remelting, or other processing of the refined copper or scrap will be effected, has received the written approval of NPA, no person shall deliver refined copper or scrap, and no person shall accept same, for converting, remelting, or other processing into copper wire mill products, brass mill products, foundry products, copper-base alloy ingot, or other miscellaneous products under any existing or future toll agreement, conversion agreement, or other arrangement by which title to the refined copper or scrap remains vested in the person delivering or owning the refined copper or scrap, or pursuant to which copper wire mill products, brass mill products, foundry products, copper-base alloy ingot, or other miscellaneous products in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the refined copper or scrap. The provisions of this paragraph will apply with equal effect to any agency relationship which would result in a toll arrangement hereinabove described. Nothing contained in this paragraph shall prohibit railroads from converting or having converted for them, railroad engine castings and car journal bearings for their own use.

(c) Persons requesting such approval shall file with NPA a letter setting forth the names and addresses of the parties to any existing or proposed toll or conversion agreement; the kind, grade, and form of the refined copper or scrap involved; the tonnage of the refined copper or scrap and the estimated tonnage of the electrolytic or fire-refined copper, copper wire mill products, brass mill products, foundry products, copper-base alloy ingot, or other miscellaneous products resulting; the estimated rate and dates of delivery of such copper or copper products; the length of time such agreement or other similar agreement between the same parties has been in force; the duration of the agreement; the purpose for which such copper or copper products are to be used; and such other information as the applicant may wish to submit.

SEC. 8. *Authorizations and directives.* NPA may issue authorizations or directives from time to time with respect to the delivery, disposal, and conversion of copper raw materials. Such authorizations and directive shall be complied with by the recipients thereof.

SEC. 9. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the

originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Any person who uses or processes copper or copper-base alloy in his operations and who falls within the general classification set forth in Column A of the table at the end of this paragraph shall complete and return the Bureau of Mines form identified in the corresponding section of Column B of the table to the address specified on the form, in the number of copies specified on the form, on or before the twentieth day of July 1951 with respect to such use or processing during June 1951, and on or before the fifteenth day of each succeeding month with respect to such use or processing during the preceding month except that the form indicated under item 5 in the table at the end of this paragraph shall be filed on or before February 28, 1952, with respect to operations during the year 1951.

(A)	(B)
(1) Brass ingot makers and miscellaneous remelters	6-1115-M.
(2) Brass mills and copper wire mills	6-1115-MS.
(3) Primary smelters	6-1045-M.
(4) Primary refiners	6-1046-M.
(5) Brass mills,[1] copper wire mills,[1] miscellaneous users, and foundries	6-1115-AS.

[1] Except those required to file Form 6-1115-MS.

(d) Commencing December 17, 1951, any person other than a refiner, custom smelter, scrap dealer, or scrap generator, who deals in refined copper or who owns, melts, or otherwise uses in his operations, electrolytic or fire-refined copper, unalloyed copper in any form (including scrap), copper-base raw materials in any form (including ingot and scrap), or intermediate brass or copper wire mill shapes, shall complete and return Form NPAF-83 to the National Production Authority, Washington 25, D. C., Ref: M-16, in the number of copies specified on that form. Such reports shall be filed monthly in accordance with the reporting procedure specified on the form, except in those cases where the form indicates a quarterly report should be filed. The provisions of this paragraph do not apply to any person who owns less than 500 pounds of the forms of copper enumerated in this paragraph, or who melts or otherwise uses less than 500 pounds of such forms of copper per month.

(e) Commencing December 17, 1951, any person who produces copper or copper-base alloy controlled materials (brass mill products, copper wire mill products, foundry products, or powder mill products as defined in section 2 of this order), shall complete and return Form NPAF-84 to the National Production Authority, Washington 25, D. C., Ref: M-16, in the number of copies specified on that form. Such report shall be filed monthly in accordance with the reporting procedure specified on the form, except in those cases where the form indicates that a quarterly report should be filed.

(f) Any scrap dealer or broker whose aggregate end-of-month inventory or aggregate monthly purchases or aggregate monthly sales of scrap averaged 60,000 pounds or more (metal weight) during the first 6 months of 1952, shall complete and return Form NPAF-125 in triplicate not later than August 10, 1952, with regard to his operations during July 1952, and not later than the tenth day of each month thereafter with regard to his operations during each preceding month. All such forms shall be addressed to the Base Metals Branch, Bureau of Mines, Washington 25, D. C.

(g) Persons subject to this order shall make such other records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C., 129-139F).

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-16.

SEC. 12. *Violations.* Any person who willfully violates any provision of this order, or any other order or regulation of NPA, or who willfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials, or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order as amended shall take effect November 20, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12516; Filed, Nov. 20, 1952; 11:19 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

MERCHANT SHIP ANCHORAGES

Pursuant to the authority vested in me by Rules 9 and 11 of Executive Order No. 4314 of September 25, 1925, establishing rules governing the navigation of the Panama Canal and adjacent waters, paragraph (c) of § 4.18 of Title 35 of the Code of Federal Regulations is hereby amended to read as follows:

§ 4.18 *Merchant ship anchorages.*

* * *

(c) *Pacific entrance.* An area bounded as follows: Beginning at a point in position 8°51'50" N., 79°30'00" W., marked by an anchorage, lighted, whistle buoy which is painted with alternating black and white horizontal bands and which shows an occulting white light every two seconds, i. e. light 1 second, eclipse 1 second; thence due east to longitude 79°28'00" W.; thence due north to latitude 8°54'31" N.; thence due west toward Flamenco Island Light to a point 8°54'31" N., 79°20'46" W.; thence southwestward touching the northwest corner of San Jose Rock to position 8°53'27" N., 79°31'23" W., marked by canal-entrance lighted buoy No. 2; thence southeastward to the point of beginning.

(Sec. 5, 37 Stat. 562, as amended; 2 C. Z. Code 9, 48 U. S. C. 1318)

Issued at Balboa Heights, Canal Zone, November 10, 1952.

J. S. SEYBOLD,
Governor of the Canal Zone.

Confirmed: November 17, 1952.

W. M. WHITMAN,
Secretary, Panama Canal Company.

[F. R. Doc. 52-12417; Filed, Nov. 2[illegible], 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 873]

NEW MEXICO

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY IN CONNECTION WITH THE JEMEZ CANYON DAM AND RESERVOIR PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the construction of the Jemez Canyon Dam and Reservoir Project, New Mexico, under the supervision of the Department of the Army, as authorized by section 203 of the act of June 30, 1948, 62 Stat. 1171, 1175:

NEW MEXICO PRINCIPAL MERIDIAN

T. 13 N., R. 3 E.,
Sec. 1, lots 1, 8, 9, and 10, S½NE¼, SE¼NW¼, and NE¼SW¼.
T. 13 N., R. 4 E.,
Sec. 5, lots 1, 2, 3, 4, NW¼NW¼, S½NW¼, SW¼, W½SE¼; lot 5, that part lying north of the east-west-quarter section line;
Sec. 6, lots 1, 2, and 3, NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 8, lots 3, 4, and 5, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Sec. 17, lots 10 and 11; lot 12, that part lying east of the north-south-quarter section line.
T. 14 N., R. 4 E.,
Sec. 31, SW¼NE¼, NW¼NW¼, S½NW¼, and S½.

The areas described aggregate 2,240.14 acres.

This order shall take precedence over, but not otherwise affect (1) the order of June 12, 1941, of the Secretary of the Interior establishing New Mexico Grazing District No. 1, and (2) the order of July 24, 1944, of the Secretary of the Interior, Power Site Classification No. 363 so far as such orders affect any of the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

NOVEMBER 14, 1952.

[F. R. Doc. 52-12418; Filed, Nov. 20, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

UINTAH INDIAN IRRIGATION PROJECT, UTAH

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F. R. 10297), and delegation by the Commissioner to the Area Director by Order No. 551, Amendment No. 1, dated June 5, 1951, notice is hereby given of the intention to modify § 130.77 *Basic water charges* and § 130.77b *Charges for additional delivery points*, of Title 25, CFR, Chapter I, Subchapter L, Part 130, dealing with operation and maintenance assessments against the irrigable lands of the Uintah Indian Irrigation Project, Utah, by increasing the basic water charges from $1.75 per acre to $2.10 per acre per annum.

The revised sections will read as follows:

§ 130.77a *Basic water charges.* Pursuant to the provisions of the acts of June 21, 1906 (34 Stat. 375) and March 7, 1928 (45 Stat. 210, 25 U. S. C. 387), the reimbursable costs expended in the operation and maintenance of the Uintah Indian Irrigation Project, Utah, are apportioned on a per acre basis against the irrigable lands of all units of the project and for the calendar year 1953 and each succeeding year until further order, there shall be collected for each acre of irrigable land to which water can be delivered from the constructed works, a uniform basic charge of $2.10 per acre per annum, where not otherwise established by contract. No bill shall be rendered for less than $4.00.

§ 130.77b *Charges for additional delivery points.* The charges provided in this part are on the basis of one delivery point for each tract of land in contiguous ownership. For each additional delivery point on any tract of land in contiguous ownership, now existing thereon or which may be installed in the future, a service charge of 10 cents per acre shall be assessed annually against each acre of such tract.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Ralph M. Gelvin, Area Director, Phoenix Area Office, P. O. Box 7007, Phoenix, Arizona, within twenty (20) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

[SEAL] L. L. NELSON,
Acting Area Director.

[F. R. Doc. 52-12420; Filed, Nov. 20, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2709]

ASSISTANT DIRECTOR AND CHIEF COUNSEL

DESIGNATION OF ACTING DIRECTOR AND ACTING ASSISTANT DIRECTOR, NATIONAL PARK SERVICE

NOVEMBER 14, 1952.

SECTION 1. *Acting Director.* (a) In the event of the resignation or death of the Director of the National Park Service, an Assistant Director shall perform the duties of the Director and serve as Acting Director. If more than one Assistant Director is present, the Assistant Director whose existing appointment bears the earliest date shall serve as Acting Director. If no Assistant Director is present, the Chief Counsel shall serve as Acting Director.

(b) In the event of the absence of the Director, other than by resignation or death, he may designate in writing an official to perform his duties and serve as Acting Director. If for any reason no designation is made, the succession provisions of paragraph (a) shall apply.

(c) In the absence of the Director, the Acting Director shall perform the duties of the Director and serve as a member of the National Capital Planning Commission and the Zoning Commission of the District of Columbia.

(d) An official performing the duties of the Director and serving as Acting Director shall sign documents under the title "Acting Director."

SEC. 2. *Acting Assistant Director.* In the event of the absence of an Assistant Director, the Director shall designate an official to perform the duties of the Assistant Director and serve as Acting Assistant Director. The official serving in this capacity shall sign documents under the title "Acting Assistant Director."

SEC. 3. *Revocation.* This order revokes Order No. 2675, dated January 10, 1952.

(Sec. 2, Reorganization Plan No. 3 of 1950; 15 F. R. 3174)

VERNON D. NORTHROP,
Acting Secretary of the Interior.

[F. R. Doc. 52-12419; Filed, Nov. 20, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CARSON AND SANTA FE NATIONAL FORESTS, NEW MEXICO

DESIGNATION OF NORTH LOBATO AND EL PUEBLO TRACTS AS PARTS OF NATIONAL FORESTS

Pursuant to authority vested in the Secretary of Agriculture by Public Law 419, 82d Congress, 2d Session, approved June 28, 1952, and by section 11 of the act of March 1, 1911 (36 Stat. 961), the lands described in section 1, second paragraph, of said Public Law 419, which lands are known as the North Lobato tract, are hereby designated as part of the Carson National Forest; and the lands described in section 1, third paragraph, of said Public Law, which lands are known as El Pueblo tract, are hereby designated as part of the Santa Fe National Forest.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 17th day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12427; Filed, Nov. 20, 1952; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

HERTHA SCHWARZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hertha Schwarz, nee Auerbach, Berlin (Western Zone), Germany; Claim No. 42488; $3.72 cash in the Treasury of the United States. All right, title, interest and claim

of any kind or character whatsoever of Hertha Schwartz, also known as Hertha Schwarz, in and to the estate of Ildefons Auerbach, deceased, and in and to the trust created under the will of Ildefons Auerbach, deceased.

Executed at Washington, D. C., on November 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12453; Filed, Nov. 20, 1952; 8:47 a. m.]

LOUISE HASSENPFLUG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Louise Hassenpflug, Mittelweg 12/III, Frankfurt/Main, Germany; Claim No. 59818; $772.03 in the Treasury of the United States.

Executed at Washington, D. C., on November 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12454; Filed, Nov. 20, 1952; 8:47 a. m.]

GIUSEPPE ORLANDO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Giuseppe Orlando, Salvatore Orlando, Florence, Italy; Luigi Orlando, Maria Orlando ved. De Bono, Paolo Orlando, Marcella Orlando in Bruno, Milan, Italy; Elisabetta Orlando ved. De Orchi, Rome, Italy; Claim No. 40221; $134.26 in the Treasury of the United States and stock of the De Nobili Cigar Company, a New York corporation, consisting of 25 shares, third preferred capital stock, par value $25 per share, Certificate No. 164, and 18 shares, common capital stock, par value $50 per share, Certificate No. 111, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; a one-seventh share each to Giuseppe Orlando, Salvatore Orlando, Luigi Orlando, Maria Orlando ved. De Bono, Paolo Orlando, Marcella Orlando in Bruno, and Elisabetta Orlando ved. De Orchi.

Executed at Washington, D. C., on November 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12455; Filed, Nov. 20, 1952; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-265]

ACCIDENT OCCURRING AT GREENSBORO, N. C.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-65384 which occurred at Greensboro-High Point Airport, Greensboro, North Carolina, on October 20, 1952.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, November 25, 1952, at 9:00 a. m., e. s. t. in the Robert E. Lee Hotel, North Cherry and Fifth Street, Winston-Salem, North Carolina.

Dated at Washington, D. C., November 17, 1952.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 52-12457; Filed, Nov. 20, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on November 12, 1952.

REGION I

Montpelier Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Vermont area, filed 4:31 p. m.

Montpelier Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Vermont area, filed 4:31 p. m.

Montpelier Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Vermont area, filed 4:32 p. m.

Montpelier Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Vermont area, filed 4:32 p. m.

Portland Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Portland area, excluding all coastal islands, filed 4:33 p. m.

Portland Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Portland area, excluding all coastal islands, filed 4:33 p. m.

Portland Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Portland area, excluding all coastal islands, filed 4:33 p. m.

Portland Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Portland area, excluding all coastal islands, filed 4:32 p. m.

Hartford Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Hartford area, filed 4:33 p. m.

Hartford Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Hartford area, filed 4:34 p. m.

Hartford Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Hartford area, filed 4:34 p. m.

Hartford Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Hartford area, filed 4:34 p. m.

REGION II

Syracuse Order II-G1-1, covering retail prices for certain dry grocery items sold by retailers in the Buffalo area, filed 4:35 p. m.

Syracuse Order II-G2-1, covering retail prices for certain dry grocery items sold by retailers in the Buffalo area, filed 4:35 p. m.

Syracuse Order II-G3-1, covering retail prices for certain dry grocery items sold by retailers in the Buffalo area, filed 4:35 p. m.

Syracuse Order II-G4-1, covering retail prices for certain dry grocery items sold by retailers in the Buffalo area, filed 4:35 p. m.

Syracuse Order II-G1-1, Amendment 1, changes certain food items for retail sales in the entire counties of Erie and Niagara in the Syracuse area, filed 4:38 p. m.

Syracuse Order II-G2-1, Amendment 1, changes certain food items for retail sales in the entire counties of Erie and Niagara in the Syracuse area, filed 4:37 p. m.

Syracuse Order II-G2-1, Amendment 2, changes certain food items for retail sales in the entire counties of Erie and Niagara in the Syracuse area, filed 4:38 p. m.

Syracuse Order II-G3-1, Amendment 1, changes certain food items for retail sales in the entire counties of Erie and Niagara in the Syracuse area, filed 4:38 p. m.

Syracuse Order II-G4-1, Amendment 1, changes certain food items for retail sales in the entire counties of Erie and Niagara in the Syracuse area, filed 4:38 p. m.

REGION III

Wilmington Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Wilmington area, filed 4:39 p. m.

Wilmington Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Wilmington area, filed 4:39 p. m.

Wilmington Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Wilmington area, filed 4:40 p. m.

Wilmington Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Wilmington area, filed 4:40 p. m.

REGION VI

Cleveland Order 1-G1-2, Amendment 1, changes certain food items for retail sales in several counties in the northeastern Ohio area, filed 4:41 p. m.

Cleveland Order 1-G2-2, Amendment 1, changes certain food items for retail sales in several counties in the northeastern Ohio area, filed 4:41 p. m.

Cleveland Order 1-G3-2, Amendment 1, changes certain food items for retail sales in several counties in the northeastern Ohio area, filed 4:41 p. m.

Cleveland Order 1-G4-2, Amendment 1, changes certain food items for retail sales in several counties in the northeastern Ohio area, filed 4:41 p. m.

Detroit Order 1-G1-2, establishing retail prices for certain dry grocery items sold by retailers in southern Michigan, filed 4:42 p. m.

Detroit Order 1-G2-2, establishing retail prices for certain dry grocery items sold by retailers in southern Michigan, filed 4:42 p. m.

Detroit Order 1-G3-2, establishing retail prices for certain dry grocery items sold by retailers in southern Michigan, filed 4:42 p. m.

Detroit Order 1-G4-2, establishing retail prices for certain dry grocery items sold by retailers in southern Michigan, filed 4:42 p. m.

REGION VIII

Sioux Falls Order 1-G1-1, Amendment 3, changes certain food items for retail sales in the Sioux Falls area, filed 4:43 p. m.

Sioux Falls Order 1-G2-1, Amendment 3, changes and deletes certain food items for retail sales in the Sioux Falls area, filed 4:43 p. m.

Sioux Falls Order 1-G4-1, Amendment 3, changes certain food items for retail sales in the Sioux Falls area, filed 4:44 p. m.

Sioux Falls Order 1-G4A-1, Amendment 3, changes certain food items for retail sales in the Sioux Falls area, filed 4:44 p. m.

Sioux Falls Order II-G1-1, Amendment 2, changes and deletes certain food items for retail sales in the Sioux Falls area, filed 4:42 p. m.

Sioux Falls Order II-G2-1, Amendment 2, changes certain food items for retail sales in the Sioux Falls area, filed 4:43 p. m.

Sioux Falls Order II-G3-1, Amendment 2, changes and deletes certain food items for retail sales in the Sioux Falls area, filed 4:43 p. m.

Sioux Falls Order II-G4-1, Amendment 2, changes and deletes certain food items for retail sales in the Sioux Falls area, filed 4:43 p. m.

REGION IX

Omaha Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the eastern and central Nebraska area, filed 4:44 p. m.

Omaha Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the eastern and central Nebraska area, filed 4:44 p. m.

Omaha Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the eastern and central Nebraska area, filed 4:44 p. m.

Omaha Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the eastern and central Nebraska area, filed 4:45 p. m.

REGION X

Dallas Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Dallas area, filed 4:45 p. m.

Dallas Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Dallas area, filed 4:45 p. m.

Dallas Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Dallas area, filed 4:45 p. m.

Dallas Order 1-G3-2, Amendment 1, changes certain food items for retail sales in the Dallas area, filed 4:46 p. m.

Dallas Order 1-G3A-2, covering retail prices for certain dry grocery items sold by retailers in the Dallas area, filed 4:45 p. m.

Dallas Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Dallas area, filed 4:46 p. m.

Dallas Order 1-G4-2, Amendment 1, changes certain food items for retail sales in the Dallas area, filed 4:46 p. m.

Dallas Order 1-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Dallas area, filed 4:46 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-12447; Filed, Nov. 18, 1952; 11:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27546]

PIG IRON FROM ALABAMA TO NEW JERSEY

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to schedule listed below.

Commodities involved: Pig iron, carloads.

From: Birmingham, Ala., and points grouped therewith, Alabama City, Attalla, and Gadsden, Ala.

To: Burlington, Florence, and Fish House, N. J.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1136, Supp. 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12429; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27547]

CASTOR BEANS BETWEEN POINTS IN MIDWEST, SOUTH, AND SOUTHWEST

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Castor beans, in bulk, carloads.

Between: Points in Arkansas, Louisiana (west of the Mississippi River), Oklahoma, Texas, Missouri, and New Mexico.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4039.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12430; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27548]

AMMUNITION BOXES FROM ALABAMA, ARKANSAS, AND MISSISSIPPI TO JOLIET ARSENAL, ILL.

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172, pursuant to fourth-section order No. 16101.

Commodities involved: Ammunition and shell shipping boxes, wooden, carloads.

From: Anniston, Berry, and Tuscaloosa, Ala., Helena, Ark., Columbus, Crystal Springs, and D'Lo, Miss.

To: Joliet Arsenal (Areas 1 and 2), Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12431; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27549]

CHLORINATED PHENOL PETROLEUM SOLUTION FROM ST. LOUIS, MO., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers, pursuant to fourth-section order No. 16101.

Commodities involved: Chlorinated phenol petroleum solution (wood preservative liquid), carloads.

From: St. Louis, Mo.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12432; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27550]

VARIOUS COMMODITIES BETWEEN POINTS IN OFFICIAL TERRITORY AND TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to schedules listed in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

Between points in official territory, and from points in official territory to points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12433; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27551]

GRAIN FROM POINTS IN KANSAS AND MISSOURI TO PORT ARTHUR, TEX.

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company for itself and on behalf of the Kansas City Southern Railway Company, Louisiana and Arkansas Railway Company, and St. Louis, San Francisco and Texas Railway Company.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Kansas and Missouri.

To: Port Arthur, Tex., for export.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: StL-SF Ry. tariff I. C. C. No. A-375, Supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12434; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27552]

PAPER FROM SOUTHWEST TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Points in southwestern territory.

To: Points in western trunk-line territory.

Grounds for relief: Rail and market competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4038. F. C. Kratzmeir, Agent, I. C. C. No. 4027, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12435; Filed, Nov. 20, 1952; 8:46 a. m.]

[4th Sec. Application 27553]

PAPER FROM SOUTHWEST TO MISSOURI, ILLINOIS, AND TENNESSEE

APPLICATION FOR RELIEF

NOVEMBER 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Points in the Southwest.

To: St. Louis, Mo., East St. Louis, Cairo, and Thebes, Ill., and Memphis, Tenn.

Grounds for relief: Rail and market competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4027, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12436; Filed, Nov. 20, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-66, 59-61, 59-35]

FEDERAL WATER AND GAS CORP. ET AL.

MEMORANDUM OPINION AND ORDER APPROVING PLAN OF LIQUIDATION

NOVEMBER 17, 1952.

On September 18, 1951, the Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), issued its findings and opinion and order approving a plan of liquidation of Federal Water and Gas Corporation ("Federal"), a registered holding company. Said order reserved jurisdiction to entertain such further proceedings and to make such supplemental findings and orders and to take such further action as the Commission might deem appropriate in connection with the enforcement of section 11 (b) of the act and in connection with the plan, the transactions incident thereto, and the consummation thereof.

Upon application of the Commission the plan was approved by the United States District Court for the District of Delaware by order entered on October 16, 1951, and ordered enforced. The enforcement order of the United States District Court also reserved to the Court jurisdiction to entertain such further proceedings, to make such further findings, to enter such supplemental orders, and to take such further action as it might deem appropriate in connection with the claims asserted against Federal, or in connection with the plan, the transactions incident thereto, and the consummation thereof.

At the time of filing said plan and at the time said orders approving the plan were entered, the principal liability of Federal was with respect to a claim by the United States for unpaid income taxes for the year 1947. In determining the amount of the cash reserve which should be set aside to meet all claims, Federal estimated that there might be due for income taxes for the year 1947, $361,190.75, against which there had been paid at the filing of the return the sum of $93,153.77, leaving $268,036.98 as the maximum claim which, it was estimated, could be asserted against Federal for unpaid income taxes for the year 1947, with interest. At that time, however, Federal took the position that its income taxes due the United States for the year 1947, including interest to December 15, 1951, amounted to $122,785.31, which amount has been paid.

Subsequent to Court enforcement of said plan the Commissioner of Internal Revenue has taken the position that the income taxes due the United States by Federal for the year 1947, including interest to September 15, 1952, amounts to $1,319,703.60 in addition to the amount already paid.

Federal has submitted to the Commissioner of Internal Revenue a proposal to settle its income tax liability for the year 1947 by paying an additional amount of $145,251.67 plus interest, which, computed to September 15, 1952, will amount to $66,844.65.

Federal has now filed an application with the Commission requesting that the Commission determine pursuant to section 11 (e) of the act that the proposed settlement of Federal's income tax liability for the year 1947 is fair and equitable to the parties affected by the settlement and that the Commission apply to the United States District Court for the District of Delaware pursuant to section 11 (e) of the act for an order approving and enforcing said settlement.

Federal's plan provided for the payment of all its liabilities which included, upon its determination, the income tax liability now proposed to be settled. Since upon satisfaction of its liabilities all its remaining assets were to be distributed to the holders of Federal's common stock, its only outstanding security, we found the plan fair, approved it and authorized the payment by Federal of its debts. The proposed settlement of this tax liability in no way affects that finding of fairness, and insofar as our jurisdiction may extend to the instant proposal by Federal to settle and pay its income taxes no further authorization by us is required.[1] If Federal deems it desirable to obtain authorization from the enforcement Court, a request therefor should be addressed to that Court. To the extent that the instant matter is within our reservation of jurisdiction, such jurisdiction is hereby released with respect to the proposed settlement and payment of income taxes.

It is so ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12363; Filed, Nov. 20, 1952; 8:48 a. m.]

[1] Consideration of the merits of the proposed settlement rests with the Commissioner of Internal Revenue and is not within our special competence.

...ce Room

FEDERAL REGISTER

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Washington, Saturday, November 22, 1952

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 40]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.30, a Hammond Bay, Michigan, area (D–424), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
HAMMOND BAY (D-424) (Green Bay Chart).	Beginning at lat. 45°54'30" N., long. 84°13'00" W.; SE. to lat. 45°35'40" N., long. 83°21'00" W.; SSW. to lat. 45°22'00" N., long. 83°29'00" W.; NW. to lat. 45°41'00" N., long. 84°22'30" W.; NNE. to lat. 45°54'30" N., long. 84°13'00" W., point of beginning.	Surface to unlimited.	Daylight hours only.	Selfridge AFB, Mount Clemens, Mich.

2. In § 608.51, a Del Rio, Texas, area (D–425), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
DEL RIO (D-425) (Del Rio Chart).	Beginning at lat. 29°39'40" N., long. 100°40'00" W.; due S. to lat. 29°33'00" N.; due W. to long. 100°51'30" W.; WNW to Highway 277 at lat. 29°33'40" N, long 100°53'00" W.; northerly along Highway 277 to lat. 29°39'40" N., long. 100°52'00" W.; due E. to lat. 29°39'40" N., long. 100°40'00" W., point of beginning.	Surface to 30,000 feet.	Daylight hours only, 7 days a week.	Laughlin AFB, Del Rio, Tex.

3. In § 608.57, the Haven, Wisconsin, area (D–84), published on June 12, 1951 in 16 F. R. 5532, is revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
HAVEN (D-84) (Milwaukee and Green Bay Charts).	Beginning at lat. 44°04'30" N., long. 87°32'50" W.; SE. to lat. 44°02'30" N., long. 87°28'00" W.; SE. to lat. 43°57'05" N., long. 87°22'10" W.; due S. to lat. 43°47'00" N.; SSW. to lat. 43°41'30" N., long. 87°27'00" W.; WNW. to lat. 43°41'30" N., long. 87°36'00" W.; NW. to lat. 43°48'00" N., long. 87°42'30" W.; due W. to long. 87°47'50" W.; due N. to lat. 43°55'30" N.; NE. to lat. 44°04'30" N., long. 87°32'50" W., point of beginning.	Surface to 85,000 feet above MSL.	Daylight hours only under VFR conditions.	45th AAA Brigade.

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4. In § 608.63, the Punta Figuras, Puerto Rico, area (D–409), published on June 3, 1952, in 17 F. R. 4977, is amended by changing the "Time of Designation" column to read: "Daylight hours during periods of unrestricted visibility and only after issuance of NOTAMS by the Commandant, 10th Naval District, at least 48 hours prior to firing. NOTAMS also to be issued upon cessation of firing."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 21, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-12465; Filed, Nov. 21, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.7, Amdt. 4]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1952

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of revising § 814.7 (17 F. R. 2477, 6759, 7008, 7366) which allots the 1952 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1952 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments". The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments".

Amendment 2 (17 F. R. 6758) to Sugar Regulation 813 increased the mainland quota for Puerto Rico by 45,155 short tons, raw value, and Amendment 5 (17 F. R. 10498) further increased the mainland quota by 15,444 short tons, raw value, to a total of 970,599 short tons, raw value. As established in Sugar Regulation 814.7 issued March 19, 1952 (17 F. R. 2477), representatives of all allottees stipulated for the record of the hearing with respect to allotment of the 1952 quotas for Puerto Rico, or subsequently in writing, that any increase in the 1952 sugar quotas after the initial allotment order shall be allotted, without further hearing, on the same basis as the initial allotments were made.

Since immediate action must be taken by a number of allottees to market the increases in allotments provided by Amendment 5 to Sugar Regulation 813, it is imperative that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraph (a) of § 814.7, as amended, is hereby further amended to read as follows:

§ 814.7 *Allotments of 1952 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1952 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota), amounting to 970,599 short tons of sugar, raw value, and the 1952 sugar quota for local consumption in Puerto Rico, amounting to 110,000 short tons of sugar, raw value, are hereby allotted to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	(1) Mainland allotment	(2) Local allotment
Antonio Roig, Sucesores, S. en C.	22,626	23,200
Arturo Lluberas, (estate of) y Sobrinos (San Francisco)	4,097	1,576
Asociacion Azucarera Cooperativa (Lafayette)	29,413	609
Central Aguirre Sugar Co., a Trust	101,397	1,881
Central Coloso, Inc.	40,502	801
Central Eureka, Inc.	30,450	1,496
Central Guanajuanl, Inc.	6,000	1,239
Central Igualdad, Inc.	22,284	17,692
Central Juanita, Inc.	30,722	2,808
Central Mercedita, Inc.	49,864	17,912
Central Monserrate, Inc.	22,776	1,887
Central San Jose, Inc.	18,126	22
Central San Vicente, Inc.	50,388	2,024
Compania Azucarera del Canuy, Inc. (Rio Llano)	14,401	92
Compania Azucarera del Tea	27,218	
Cooperativa Azucarera Los Canos	32,955	67
Corporation Azucarera Sauri & Subira (Constancia Ponce)	10,083	1,553
Eastern Sugar Associates, a Trust	104,811	16,122
Fajardo Sugar Co.	10,252	166
Land Authority of Puerto Rico	62,860	9
Mario Mercado e Hijos (Rufina)	28,146	1,526
Mayaguez Sugar Co., Inc. (Rochelaise)	9,475	181
Plata Sugar Co.	43,480	552
Soller Sugar Co.	11,403	11
So. Porto Rico Sugar Co. of Puerto Rico (Guanica)	76,132	17,141
Total quotas	970,599	110,000

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 18th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 52-12477; Filed, Nov. 21, 1952; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 462]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.569 *Lemon Regulation 462*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 19, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 23, 1952, and ending at 12:01 a. m., P. s. t., November 30, 1952, is hereby fixed as follows:

(i) District 1: 17 carloads;
(ii) District 2: 210 carloads;
(iii) District 3: 13 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601)

Done at Washington, D. C., this 20th day of November 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

[Storage date: Nov. 9, 1952]

[12:01 a. m. Nov. 16, 1952, to 12:01 a. m. Nov. 30, 1952]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	19.537
Lemon Cove Association	21.493
Porterville Citrus Association	.912
Tulare County Lemon & Grapefruit Association	24.053
California Citrus Groves, Inc., Ltd.	.000
Harding & Leggett	17.134
Zaninovich Bros., Inc.	16.871

DISTRICT NO. 2

Total	100.000
American Fruit Growers, Inc., Corona	.015
American Fruit Growers, Inc., Fullerton	.233
American Fruit Growers, Inc., Upland	.070
Eadington Fruit Co.	.449
Ventura Coastal Lemon Co.	5.269
Ventura Pacific Co.	4.447
Glendora Lemon Growers Association	1.772
La Verne Lemon Association	.406
La Habra Citrus Association	.587
Yorba Linda Citrus Association, The	.492
Escondido Lemon Association	.873
Cucamonga Mesa Growers	.290
Etiwanda Citrus Fruit Association	.032
Mountain View Fruit Association	.000
San Dimas Lemon Association	.696
Upland Lemon Growers Association	2.296
Central Lemon Association	.213
Irvine Citrus Association	.254
Placentia Mutual Orange Association	.534
Corona Citrus Association	.039
Corona Foothill Lemon Co.	.525
Jameson Co.	.309
Arlington Heights Citrus Co.	.204
College Heights Orange & Lemon Association	2.091
Chula Vista Citrus Association, The	.570
Escondido Cooperative Citrus Association	.046
Fallbrook Citrus Association	1.117
Lemon Grove Citrus Association	.183
Carpinteria Lemon Association	4.166
Carpinteria Mutual Citrus Association	4.757
Goleta Lemon Association	6.620
Johnston Fruit Co.	7.417
Hazeltine Packing Co.	.184
North Whittier Heights Citrus Association	.104
San Fernando Heights Lemon Association	.654
Sierra Madre-Lamanda Citrus Association	.309
Briggs Lemon Association	2.456
Culbertson Lemon Association	1.549
Fillmore Lemon Association	.545
Oxnard Citrus Association	7.101
Rancho Sespe	.584
Santa Clara Lemon Association	5.806
Santa Paula Citrus Fruit Association	2.443
Saticoy Lemon Association	6.137
Seaboard Lemon Association	7.863
Somis Lemon Association	4.808
Ventura Citrus Association	1.531
Ventura County Citrus Association	.992
Limoneira Co.	2.461
Teague-McKevett Association	.516
East Whittier Citrus Association	.255
Leffingwell Rancho Lemon Association	.420

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Murphy Ranch Co.	0.775
Chula Vista Mutual Lemon Association	.529
Index Mutual Association	.200
La Verne Cooperative Citrus Association	.745
Ventura County Orange & Lemon Association	3.557
Whittier Mutual Orange & Lemon Association	.008
Dunning Ranch	.056
Huarte, Joseph D.	.000
Latimer, Harold	.041
Orange Belt Fruit Distributors	.193
Paramount Citrus Association, Inc.	.057
Santa Rosa Lemon Association	.000

DISTRICT NO. 3

Total	100.000
Consolidated Citrus Growers	3.448
Phoenix Citrus Packing Co.	1.844
Arizona Citrus Growers	69.114
Desert Citrus Growers Co.	8.138
Tempeco Groves	15.098
Arlington Heights Citrus Co.	4.418
Mesa Harvest Produce Co.	.821
Pioneer Fruit Co.	4.392
Allen & Allen Citrus Packing Co.	.000
Maricopa Citrus Co.	1.022
Mutual Citrus Products Co., Inc.	.000
Sunny Valley Citrus Packing Co.	.705

[F. R. Doc. 52-12532; Filed, Nov. 21, 1952; 9:00 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 21]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 373.24 *Statement of past participation in exports for certain commodities* is amended in the following particular:

Subparagraph (4) *Plumbers' brass goods, Schedule B No. 618857* of paragraph (b) *Commodities requiring statement of past participation* is hereby deleted.

This part of the amendment shall become effective as of November 10, 1952.

2. Section 373.32 *Licensing policies for tinplate* is amended in the following particulars:

a. Paragraph (c) *Definitions* is redesignated paragraph (a) *Definitions.*

b. Paragraph (a) *Specification production plate* is redesignated paragraph (b) *Specification production plate.*

c. Paragraph (b) *Tinplate secondary products* is redesignated paragraph (c) *Tinplate secondary products* and is further amended in the following particulars:

1. Subparagraph (1) *Consignee and end uses* is amended to read as follows:

(1) *Consideration of license applications.* In general, applications for licenses will be considered for approval by the Office of International Trade in accordance with the provisions of § 373.24, except that a small portion of the secondary tinplate quota will be distributed to satisfy the needs of certain countries where the total tinplate requirements cannot be met out of the specification production plate quota.

2. Note 2 *Consignee information* following paragraph (b) is amended by substituting in the first sentence the words "specification production plate" for "all tinplate".

3. Note 3 *Quotas established for tinplate* is amended to read as follows:

3. *Quotas established for tinplate.* The following separate export quotas are established quarterly against which each grade of tinplate will be licensed.

(a) Specification production plate.

1. For food packing.
2. For petroleum packaging.

(b) Tinplate secondary products.

This part of the amendment shall become effective as of November 20, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-12467; Filed, Nov. 21, 1952; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Regs. 111, T. D. 5946]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXCESS PROFITS TAX; DEDUCTION OF EXPENDITURES FOR ADVERTISING AND GOOD WILL

On September 5, 1952, notice of proposed rule making, regarding certain provisions of the Excess Profits Tax Act of 1950, approved January 3, 1951, was published in the FEDERAL REGISTER (17 F. R. 8048). No objection to such rules having been received, the amendments set forth below necessary to conform Regulations 111 to such provisions are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding section 29.23 (a)-1 the following:

SEC. 303. EXPENDITURES FOR ADVERTISING AND GOOD WILL (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

Section 23 (a) (1) (C) of the Internal Revenue Code (relating to expenditures for advertising and good will) is hereby amended to read as follows:

(C) *Expenditures for advertising and good will.* If a corporation has, for the purpose of computing its excess profits tax credit under Chapter 2E, or Subchapter D of this chapter, claimed the benefits of the election provided in section 733 or section 451, as the case may be, no deduction shall be allowable under subparagraph (A) to such corporation for expenditures for advertising or the promotion of good will which, under the rules and regulations prescribed under section 733 or section 451, as the case may be, may be regarded as capital investments.

PAR. 2. Section 29.23 (a)-14, relating to the deduction of expenditures for advertising or promotion of good will, is amended to read as follows:

§ 29.23 (a)-14 *Expenditures for advertising or promotion of good will.* A corporation which has, for the purpose of computing its excess profits credit, elected under section 733 (applicable to the excess profits tax imposed by subchapter E of chapter 2) or under section 451 (applicable to the excess profits tax imposed by subchapter D of chapter 1) to charge to capital account for taxable years in its base period expenditures for advertising or the promotion of good will which may be regarded as capital investments may not deduct similar expenditures for the taxable year. Such a taxpayer has the burden of proving that expenditures for advertising or the promotion of good will which it seeks to deduct for such later taxable years may not be regarded as capital investments under the provisions of the regulations prescribed under section 733 or 451, as the case may be. For rules for determining what expenditures for advertising or the promotion of good will may be regarded as capital investments, and for information required to be submitted with respect to such expenditures, see § 30.733-2 of Regulations 109 (26 CFR, 1941 Supp., 30.733-2) and § 35.733-2 of Regulations 112 (26 CFR, 1943 Cum. Supp. 35.733-2) (which sections are applicable to the excess profits tax imposed by subchapter E of chapter 2) and § 40.451-2 of this subchapter (Regulations 130 (applicable to the excess profits tax imposed under subchapter D of chapter 1)).

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: November 19, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-12490; Filed, Nov. 21, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

CERTAIN DISTRIBUTIONS OF STOCK ON REORGANIZATION

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 317 (relating to certain distributions of stock on reorganization) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 29.112 (a)-1, as amended by Treasury Decision 5402, approved September 5, 1944, is further amended by adding at the end of paragraph (f) thereof the following sentence: "See section 112 (b) (11), with respect to nonrecognition of gain upon the distribution of stock (other than preferred) in a corporation a party to a reorganization under certain circumstances without the surrender of stock."

PAR. 2. There is inserted immediately following § 29.112 (b) (10)-2 the following:

SEC. 317. CERTAIN DISTRIBUTIONS OF STOCK ON REORGANIZATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Distributions not in liquidation.* Section 112 (b) (relating to nonrecognition of gain or loss in the case of certain exchanges) is hereby amended by adding at the end thereof the following new paragraph:

(11) *Distribution of stock not in liquidation.* If there is distributed, in pursuance of a plan of reorganization, to a shareholder of a corporation which is a party to the reorganization, stock (other than preferred stock) in another corporation which is a party to the reorganization, without the surrender by such shareholder of stock, no gain to the distributee from the receipt of such stock shall be recognized unless it appears that (A) any corporation which is a party to such reorganization was not intended to continue the active conduct of a trade or business after such reorganization, or (B) the corporation whose stock is distributed was used principally as a device for the distribution of earnings and profits to the shareholders of any corporation a party to the reorganization.

* * * * *

(c) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years ending after the date of the enactment of this Act, but shall apply only with respect to distributions of stock made after such date.

§ 29.112 (b) (11)-1 *Certain distributions of stock on reorganization.* (a) If there is distributed after October 20, 1951, in pursuance of a plan of reorganization, to a shareholder of a corporation which is a party to the reorganization stock (other than preferred stock) in another corporation which is a party to the reorganization, without the surrender by such shareholder of stock, no gain to such shareholder from the receipt of such stock shall be recognized, unless it appears that:

(1) Any corporation which is a party to such reorganization was not intended to continue the active conduct of a trade or business after such reorganization, or

(2) The corporation whose stock is distributed was used principally as a device for the distribution of earnings and profits to the shareholders of any corporation a party to the reorganization.

(b) For section 112 (b) (11) to be applicable, there must be a reorganization as defined in section 112 (g) (1) and a distribution to shareholders in pursuance of the plan of reorganization. Accordingly, for the purpose of section 112 (b) (11), there must be compliance with the rules prescribed in §§ 29.112 (a)-1, 29.112 (g)-1, and 29.112 (g)-2, relating to reorganizations and to exchanges and distributions. The distributions under section 112 (b) (11) must be of stock in a corporation which is a party to the reorganization.

(c) Section 112 (b) (11) involves cases in which one corporation, in a reorganization as defined in section 112 (g) (1) (D), transfers a part of its assets to another corporation in exchange for stock, and, in pursuance of the plan of reorganization, distributes or causes to be distributed on its behalf to its shareholders, without the surrender by them of stock in the transferor corporation, stock (other than preferred stock) received in the reorganization. For limitations specially applicable under section 112 (b) (11), see § 29.112 (b) (11)-2. The distribution of preferred stock or other property received in the reorganization, or of other property of the transferor corporation, is not within the provisions of section 112 (b) (11).

§ 29.112 (b) (11)-2 *Limitations upon the application of section 112 (b) (11).* (a) The benefits of section 112 (b) (11) are limited to a reorganization in which all of the corporations, parties to the reorganization, are intended to continue the active conduct of a trade or business after the reorganization, and in which the corporation whose stock is distributed is not used principally as a device for the distribution of earnings and profits to shareholders of any corporation a party to the reorganization. The underlying assumption of section 112 (b) (11) and of the rules applicable to reorganizations is that the reorganization and distribution of stock must result in a continuation of the old business activities and in a continuation of the interests of the shareholders therein.

(b) A corporation shall be considered for the purpose of section 112 (b) (11) to be engaged in the active conduct of a trade or business after the reorganiza-

tion only if it directly conducts such business or indirectly conducts the business through ownership of stock in another corporation directly conducting the business, which other corporation is a subsidiary (whether or not majority-owned) of the corporation, a party to the reorganization. For the purpose of the preceding sentence, a corporation is considered a subsidiary of another corporation if a majority of its voting stock is owned by the other corporation or if a part of its stock (whether or not a majority of its voting stock) is owned by the other corporation under such circumstances that the policies of the first corporation are directed by the second corporation. The assets, if any, of a corporation used directly in the conduct of a business and stock, if any, held by a corporation in a subsidiary actively conducting a business must constitute a substantial part of all of the assets of the corporation.

(c) Ordinarily, the business reasons (as distinguished from any desire to make a distribution of earnings and profits to the shareholders) which support the reorganization and the distribution of the stock will require the distribution of all of the stock received by the transferor corporation in the reorganization.

Example 1. Corporation A owns and operates several mines and in addition owns 45 percent of the stock of Corporation X, 40 percent of the stock of Corporation Y, and 35 percent of the stock of Corporation Z. Corporation A is the largest single shareholder in each of these corporations, and directs their policies in such manner that these corporations are operated as subsidiaries of Corporation A. Corporations X, Y, and Z are each directly engaged in the active conduct of a trade or business. Corporation A transfers all its stock in Corporations X, Y, and Z to newly organized Corporation B in exchange for all of Corporation B's stock, which stock is distributed pro rata among the shareholders of Corporation A. Corporation B then directs the policies of these corporations in such manner that they are operated as subsidiaries of Corporation B. There are no other relevant facts. The distribution of the stock (other than preferred stock) in Corporation B to the shareholders of Corporation A is within the terms of section 112 (b) (11).

Example 2. Corporation C owns and operates a department store. It decides to provide parking facilities for the customers of the store. In order to provide such facilities, Corporation C enters into a contract to purchase land adjacent to its premises. The purchase price of the land is $100,000 and it is estimated that the cost of developing the parking lot will be $50,000. In order to separate the operations of the parking lot from those of the department store, Corporation C transfers to a newly formed Corporation D $90,000 in cash and $90,000 in bonds, together with the contract for the purchase of the land, in exchange for all the stock of Corporation D, which stock is distributed pro rata among the shareholders of Corporation C. The purchase of the land is completed on the date fixed in the contract, and the parking facilities are developed and operated by Corporation D. There are no other relevant facts. The transfer of the cash, bonds, and contract to Corporation D in exchange for its stock is a reorganization under section 112 (g) (1) and the distribution of stock (other than preferred stock) in Corporation D to the shareholders of Corporation C is within the terms of section 112 (b) (11).

Example 3. Corporation E is engaged in a manufacturing business. The assets of Corporation E include $300,000 in cash and $600,000 in bonds in addition to $450,000 in other assets used in the manufacturing business. Corporation E forms a new corporation, F, to which Corporation E transfers $200,000 in cash and the $600,000 in bonds in exchange for all the stock of Corporation F, which stock is distributed among the shareholders of Corporation C pro rata. There are no other relevant facts. The transfer of cash and bonds to Corporation F is not a reorganization under section 112 (g) (1) of the Code; therefore, the distribution of the stock of Corporation F is taxable as a dividend to the extent provided in section 115 (a).

PAR. 3. Section 29.112 (g)-1, as amended by Treasury Decision 5402, is further amended by inserting immediately preceding the last sentence of paragraph (b) thereof the following: "The nonrecognition of gain or loss is also prescribed with respect to the distribution occurring after October 20, 1951, in pursuance of a plan of reorganization, to a shareholder of a corporation which is a party to the reorganization, of stock (other than preferred stock) in another corporation which is a party to the reorganization, where such shareholder does not surrender any stock. (See section 112 (b) (11) and the regulations thereunder.)"

PAR. 4. Section 29.112 (g)-2 is amended by striking from paragraph (g) (which paragraph begins with the words "The term 'plan of reorganization'") the word "exchanges" wherever it appears and inserting in each instance in lieu thereof the words "exchanges or distributions".

PAR. 5. Section 29.112 (g)-5 is amended by adding at the end thereof the following sentence: "See § 29.112 (b) (11) with respect to the distribution occurring after October 20, 1951, to a shareholder, in pursuance of a plan of reorganization of stock (other than preferred stock) in another corporation which is a party to the reorganization, without the surrender by such shareholder of stock."

PAR. 6. There is inserted immediately after § 29.113 (a) (22)-1 the following:

SEC. 317. CERTAIN DISTRIBUTIONS OF STOCK ON REORGANIZATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * *

(b) *Basis of stock.* Section 113 (a) (relating to unadjusted basis for determining gain or loss) is hereby amended by adding at the end thereof the following new paragraph:

(23) *Tax-free distributions.* If the property consists of stock distributed after the date of the enactment of the Revenue Act of 1951 to a taxpayer in connection with a transaction described in section 112 (b) (11) (hereinafter in this paragraph called "new stock"), or consists of stock in respect of which such distribution was made (hereinafter in this paragraph called "old stock"), then the basis of the new stock and of the old stock, respectively, shall, in the shareholder's hands, be determined by allocating between the old stock and the new stock the adjusted basis of the old stock; such allocation to be made under regulations prescribed by the Secretary.

(c) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years ending after the date of the enactment of this Act, but shall apply only with respect to distributions of stock made after such date.

§ 29.113 (a) (23)-1 *Basis of stock on certain distributions on reorganization.* The distribution, in pursuance of a plan of reorganization, to a shareholder of a corporation (a party to the reorganization) of stock in another corporation (also a party to the reorganization) may be within the provisions of section 112 (g) of the Revenue Act of 1932, or the corresponding provisions of prior revenue laws, if made before January 1, 1934, or may be within the provisions of section 112 (b) (11) if made after October 20, 1951, and if the distribution consists of stock other than preferred stock. Section 112 (g) of the Revenue Act of 1932 and section 112 (b) (11) provide that no gain shall be recognized to the shareholder in the case of such distribution. The basis of the stock in respect of which the distribution was made and of the stock distributed to the shareholder is ascertained in accordance with the principles set forth in § 29.113 (a) (12)-1 in the case of such a distribution made before January 1, 1934. The same principles of § 29.113 (a) (12)-1 shall apply to the determination of the basis of such stock in the case of a distribution after October 20, 1951, to which section 112 (b) (11) is applicable.

PAR. 7. Section 29.115-11 as amended by Treasury Decision 5402, is further amended by striking subparagraph (1) of paragraph (c) thereof and inserting in lieu thereof the following:

(1) The distribution, in pursuance of a plan of reorganization, by or on behalf of a corporation a party to the reorganization, to its shareholders:

(i) Of stock or securities in such corporation or in another corporation a party to the reorganization in any taxable year beginning before January 1, 1934, without the surrender by the distributees of stock or securities in such corporation (see section 112 (g) of the Revenue Act of 1932); or

(ii) Of stock (other than preferred stock) in another corporation which is a party to the reorganization without the surrender by the distributees of stock in the distributing corporation if the distribution occurs after October 20, 1951 (see section 112 (b) (11)); or

(iii) Of stock or securities in such corporation or in another corporation a party to the reorganization in any taxable year (beginning before January 1, 1939, or on or after such date) in exchange for its stock or securities (see section 112 (b) (3))

if no gain to the distributees from the receipt of such stock or securities was recognized by law.

[F. R. Doc. 52-12489; Filed, Nov. 21, 1952; 8:50 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS ENDING AFTER APRIL 30, 1951

GAINS FROM SALE OR EXCHANGE OF CERTAIN PROPERTY BETWEEN SPOUSES OR BETWEEN AN INDIVIDUAL AND A CONTROLLED CORPORATION

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Comissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR, Part 29) to section 328 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.117-1 the following:

SEC. 328. TREATMENT OF GAIN ON SALES OF CERTAIN PROPERTY BETWEEN SPOUSES AND BETWEEN AN INDIVIDUAL AND A CONTROLLED CORPORATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Disallowance of capital gain treatment.* Section 117 (relating to capital gains and losses) is hereby amended by adding at the end thereof the following new subsection:

(o) *Gain from sale of certain property between spouses or between an individual and a controlled corporation*—(1) *Treatment of gain as ordinary income.* In the case of a sale or exchange, directly or indirectly, of property described in paragraph (2)—

(A) Between a husband and wife; or

(B) Between an individual and a corporation more than 80 per centum in value of the outstanding stock of which is owned by such individual, his spouse, and his minor children and minor grandchildren;

any gain recognized to the transfer or from the sale or exchange of such property shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in subsection (j).

(2) Subsection applicable only to sales or exchanges of depreciable property. This subsection shall apply only in the case of a sale or exchange of property by a transferor which in the hands of the transferee is property of a character which is subject to the allowance for depreciation provided in section 23 (l).

(b) *Effective date.* The amendment made by subsection (a) shall be applicable with respect to taxable years ending after April 30, 1951, but shall apply only with respect to sales or exchanges made after May 3, 1951.

PAR. 2. There is added after § 29.117-10 the following new section:

§ 29.117-13 *Gain from sale or exchange of certain property between spouses or between an individual and a controlled corporation.* Section 117 (o) provides that any gain recognized to the transferor from the sale or exchange, directly or indirectly, between a husband and wife or between an individual and a controlled corporation, of property which, in the hands of the transferee, is property of a character subject to the allowance for depreciation provided in section 23 (l) (including such property with respect to which a deduction for amortization is allowable under section 23 (t)) shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 117 (j). This rule is applicable for taxable years ending after April 30, 1951, but only with respect to sales or exchanges made after May 3, 1951. For the purpose of section 117 (o), a corporation is controlled when more than 80 percent in value of all outstanding stock of the corporation is owned (whether legal ownership or beneficial ownership) by the taxpayer, his spouse, and his minor children and minor grandchildren. For the purpose of this rule, the terms "children" and "grandchildren" include stepchildren and legally adopted children. The provisions of section 117 (o) are applicable whether the property be transferred from the corporation to the shareholder or from the shareholder to the corporation.

[F. R. Doc. 52-12491; Filed, Nov. 21, 1952; 8:50 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

WAR LOSSES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 341 of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.127 (c)-1 the following:

SEC. 341. WAR LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Tax upon war loss recovery.* Section 127 (c) (relating to recoveries included in gross income) is hereby amended to read as follows:

(c) *Recoveries*—(1) *General rule.* Upon the recovery in the taxable year of any money or property in respect of property considered under subsection (a) as destroyed or seized in any prior taxable year, the amount of such recovery shall be included in gross income to the extent provided in paragraph (2), unless the provisions of paragraph (3) are applicable to the taxable year pursuant to an election made by the taxpayer under the provisions of paragraph (5).

(2) *Inclusion in gross income*—(A) *Amount of recovery.* The amount of the recovery of any money or property in respect of property considered under subsection (a) as destroyed or seized in any prior taxable year shall be an amount equal to the aggregate of such money and the fair market value of such property, determined as of the date of the recovery.

(B) *Amount of gain includible.* To the extent that the amount of the recovery plus the aggregate of the amounts of previous such recoveries do not exceed that part of the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of property described in subsection (a) which did not result in a reduction of any tax of the taxpayer under this chapter or chapter 2, such amount shall not be includible in gross income and shall not be deemed gain upon the involuntary conversion of property as a result of its destruction or seizure. To the extent that such amount plus the aggregate of the amounts of previous such recoveries exceed that part of the aggregate of such deductions, which did not result in a reduction of any tax of the taxpayer under this chapter or chapter 2, such amount shall be includible in gross income but shall not be deemed a gain upon the involuntary conversion of property as a result of its destruction or seizure. To the extent that such amount plus the aggregate of the amounts of previous such recoveries exceed the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of property described in subsection (a), such amount shall be considered a gain upon the involuntary conversion of property as a result of its destruction or seizure and shall be recognized or not recognized as provided in section 112 (f). If for any previous taxable year the taxpayer chooses under subsection (b) to treat any obligations and liabilities as discharged or satisfied out of the property or interest described in subsection (a), and if such obligations and liabilities were not so discharged or satisfied, the amount of such obligations and liabilities treated as discharged or satisfied under subsection (b) shall be considered for the purposes of this section as a deduction by reason of this section which did not result in a reduction of any tax of the taxpayer under this chapter or chapter 2. For the purposes of this paragraph an allowable deduction for any taxable year on account of the destruction or seizure of property described in subsection (a) shall, to the extent not allowed in computing the tax of the taxpayer for such taxable year, be considered an allowable deduction which did not result in a reduction of any tax for the taxpayer under this chapter or chapter 2.

(3) Tax adjustment measured by prior benefits. If the provisions of this paragraph are applicable to the taxable year pursuant to an election made by the taxpayer under the provisions of paragraph (5)—

(A) *Amount of recovery.* The amount of the recovery in the taxable year of any money or property in respect of property considered under subsection (a) as destroyed or seized in any prior taxable year shall be an amount equal to the aggregate of such money and the fair market value of such property, determined as of the date of the recovery. For the purpose of this paragraph, in the case of the recovery of the same property or interest considered under subsection (a) as destroyed or seized, the fair market value of such property or interest shall, at the option of the taxpayer, be considered an amount equal to the adjusted basis (for determining loss) of such property or interest in the hands of the taxpayer on the date such property or interest was considered under subsection (a) as destroyed or seized. The amount of the recovery determined under this subparagraph shall be reduced for the purposes of subparagraphs (B) and (C) by the amount of the obligations or liabilities with respect to the property considered under subsection (a) as destroyed or seized in respect of which the recovery was received, if the taxpayer for any previous taxable year chose under subsection (b) (2) to treat such obligations or liabilities as discharged or satisfied out of such property, and such obligations or liabilities were not so discharged or satisfied prior to the date of the recovery.

(B) Adjustment for Prior Tax Benefits.—That part of the amount of the recovery, in respect of any property considered under subsection (a) as destroyed or seized, which is not in excess of the allowable deductions in prior taxable years on account of such destruction or seizure of the property (the amount of such allowable deductions being first reduced by the aggregate amount of any prior recoveries in respect of the same property) shall be excluded from gross income for the taxable year of the recovery for the purpose of computing the tax under this chapter and chapter 2; but there shall be added to, and assesed and collected as a part of, the tax under this chapter for the taxable year of the recovery the total increase in the tax under this chapter and chapter 2 for all taxable years which would result by decreasing, in an amount equal to such part of the recovery so excluded, such deductions allowable in the prior taxable years with respect to the destruction or seizure of the property. Such increase in the tax for each such year so resulting shall be computed in accordance with regulations prescribed by the Secretary. Such regulations shall give effect to previous recoveries of any kind (including recoveries described in section 22 (b) (12)) with respect to any prior year, and shall provide for the case where there was no tax for the prior year, but shall otherwise treat the tax previously determined for any year in accordance with the principles set forth in section 3801 (d). All credits allowable against the tax for any year and all carry-overs and carry-backs affected by so decreasing the allowable deductions shall be taken into account in computing the increase in the tax, except that the computation of the excess profits credit under chapter 2E for any taxable year shall not be affected.

(C) *Gain upon recovery.* The amount of any recovery or part thereof, in respect of property considered under subsection (a) as destroyed or seized, which is not excluded from gross income under the provisions of subparagraph (B) shall be considered for the taxable year of the recovery as gain on the involuntary conversion of property as a result of its destruction or seizure and shall be recognized or not recognized as provided in section 112 (f).

(D) *Recoveries treated as gross income for certain purposes.* For the purposes of sections 51, 52, and 3801 (b) the recovery in the taxable year of any money or property in respect of property considered under subsection (a) as destroyed or seized in any prior taxable year shall be deemed to be an item includible in gross income for the taxable year in which the recovery is made.

(4) *Restoration of value of investments referable to destroyed or seized property.* For the purpose of this subsection the restoration in whole or in part of the value of any interest described in subsection (a) (3) by reason of any recovery of money or property in respect of property to which such interest related and which was considered under subsection (a) (1) or (2) as destroyed or seized shall be deemed a recovery of property in respect of property considered under subsection (a) as destroyed or seized. In applying paragraph (3) of this subsection such restoration shall be treated as the recovery of the same interest considered under subsection (a) as destroyed or seized.

(5) *Election by taxpayer for application of paragraph (3).* If the taxpayer elects to have the provisions of paragraph (3) applicable to any taxable year in which he recovered any money or property in respect of property considered under subsection (a) as destroyed or seized, the provisions of paragraph (3) shall be applicable to all taxable years of the taxpayer beginning after December 31, 1941, and such election, once made, shall be irrevocable. The election shall be made in such manner and at such time as the Secretary may by regulations prescribe, except that no election under this paragraph may be made after December 31, 1952, unless the taxpayer recovers money or property (in respect of property considered under subsection (a) as destroyed or seized) during a taxable year ending after the date of the enactment of the Revenue Act of 1951. If pursuant to such election the provisions of paragraph (3) are applicable to any taxable year—

(A) the period of limitations provided in sections 275 and 276 on the making of assessments and the beginning of distraint or a proceeding in court for collection shall not, with respect to—

(i) The amount to be added to the tax for such taxable year under the provisions of paragraph (3), and

(ii) Any deficiency for such taxable year or for any other taxable year, to the extent attributable to the basis of the recovered property being determined under the provisions of subsection (d) (2),

expire prior to the expiration of two years following the date of the making of such election, and such amount and such deficiency may be assessed at any time prior to the expiration of such period notwithstanding any law or rule of law which would otherwise prevent such assessment and collection, and

(B) in case refund or credit of any overpayment resulting from the application of the provisions of paragraph (3) to such taxable year is prevented on the date of the making of such election, or within one year from such date, by the operation of any law or rule of law (other than section 3761, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within one year from such date.

In the case of any taxable year ending before the date of the making by the taxpayer of an election under this paragraph, no interest shall be paid on any overpayment resulting from the application of the provisions of paragraph (3) to such taxable year, and no interest shall be assessed or collected with respect to any amount or any deficiency specified in clause (A), for any period prior to the expiration of six months following the date of the making of such election by the taxpayer.

* * * * *

(d) *Effective dates.* The amendments made by this section shall be applicable to taxable years beginning after December 31, 1941.

PAR. 2. Section 29.127 (c)-1, as amended by Treasury Decision 5454, approved May 10, 1945, is further amended to read as follows:

§ 29.127 (c)-1 *Recoveries in respect of war losses.*—(a) *General.* (1) Upon the recovery by the taxpayer in the taxable year of any money or property in respect of property considered under section 127 (a) as destroyed or seized in any prior taxable year, the amount of such recovery must be included in gross income to the extent provided in section 127 (c) (2), unless pursuant to the taxpayer's election the provisions of section 127 (c) (3) are applicable to such recovery. For the treatment of war loss recoveries under such provisions, and the manner of making such election, see paragraphs (c) and (d) hereof.

(2) Except as provided in section 127 (c) (3) (A) and in this paragraph, the amount of the recovery in respect of a war loss in a previous taxable year is determined in the same manner for the purpose of section 127 (c) (2) or (3). The amount of the recovery of any money or property in respect of any war loss is the aggregate of the amount of such money and of the fair market value of such property, both determined as of the date of the recovery. If pursuant to the taxpayer's election under section 127 (c) (5) the provisions of section 127 (c) (3) are applicable to any taxable year in which he recovers the same property or interest considered under section 127 (a) as destroyed or seized in a previous taxable year, the fair market value of such property or interest shall, at the option of the taxpayer, be considered an amount equal to the adjusted basis (for determining loss) of such property or interest in the hands of the taxpayer on the date such property or interest was considered as destroyed or seized. Also, if the provisions of section 127 (c) (3) are applicable pursuant to the taxpayer's election, the amount of the recovery of any money or property in respect of property considered under section 127 (a) as destroyed or seized in any prior taxable year shall be reduced for the purpose of section 127 (c) (3) (B) and (C) by the amount of the obligations or liabilities with respect to such property, if the taxpayer for any previous taxable year chose under section 127 (b) (2) to treat such obligations or liabilities as discharged or satisfied out of such property, and such obligations or liabilities were not so discharged or satisfied prior to the date of the recovery. See § 29.127 (b)-1. The recoveries in respect of any war loss include the recovery of the property or interest treated as destroyed or seized under section 127 and the recovery of any money or property in lieu of such property or interest or on account of the destruction or seizure of such property or interest. For example, there is a recovery upon the return to the taxpayer after the termination of the war of his property which was treated as resulting in a war loss because it was located in a country at war with the United States. An award by a government on account of the seizure of the taxpayer's property by an enemy country is a recovery under section 127 (c). The amount obtained upon the sale or other transfer by the taxpayer of his right to any property treated as resulting in a war loss is also a recovery for the purpose of section 127 (c). Similarly, if a taxpayer who sustained a war loss under section 127 (c) upon the liquidation of a corporation has received the rights to any property of the corporation which was treated as destroyed or seized under section 127 (a) (1) or (2), any recovery by the taxpayer with respect to such rights is a recovery by him for the purposes of section 127 (c). Furthermore, if any interest of the taxpayer in or with respect to property was determined to be worthless and was treated as a war loss under section 127 (a) (3) (see § 29.127 (a)-4), or if the taxpayer retained an interest in a corporation with respect to which he sustained a war loss under section 127 (e), and if the interest in the hands of the taxpayer is restored in value, in whole or in part, by reason of a recovery with respect to the underlying assets treated as destroyed or seized under section 127, then such restoration in value is a recovery by the taxpayer for the purposes of section 127 (c). In the application of section 127 (c) (3) such restoration shall be treated as a recovery of the same interest considered as destroyed or seized. Property considered as destroyed or seized under section 127 (a) is considered as not being in existence from the date of the loss to the date of its recovery.

(3) For the purpose of section 127 (c), the recoveries considered are only those with respect to war losses sustained in prior taxable years. Similarly, the only deductions considered are those allowable for prior taxable years, and any allowable deductions for the year of the recovery are ignored for the purposes of applying such section to the recovery. If property is treated as destroyed or seized under section 127, and if in the same taxable year there is also a recovery with respect to such property, such recovery is not within the provisions of section 127 (c) but is taken into account under section 127 (b) in determining the amount of the loss, if any, on the destruction or seizure. See section 127 (b)-1. An allowable deduction with respect to a war loss is any deduction to which the taxpayer is entitled on account of any property or interest being treated as destroyed or seized under section 127, regardless of whether or not such deduction was claimed by the taxpayer or otherwise allowed in computing his tax. If a deduction was claimed by a taxpayer in computing his tax for any taxable year, and if such deduction was disallowed, such deduction will not be considered an allowable deduction for such taxable year since the previous determination will not be reconsidered.

(b) *General rule; inclusion of recovery in gross income.* (1) A taxpayer who has sustained a war loss described in section 127 and who has not elected to have the provisions of section 127 (c) (3) apply to any taxable year in which he recovered any money or property in respect of a war loss in any previous taxable year must include in his gross income for each taxable year, to the extent provided in section 127 (c) (2), the amount of his recoveries of money and property for such taxable year in respect of any war loss in a previous taxable year. Section 127 (c) (2) provides that such recoveries for any taxable year are not includible in income until the taxpayer has recovered an amount equal to his allowable deductions in prior taxable years on account of such war losses which did not result in a reduction of any tax under chapter 1 of the Internal Revenue Code, that is, of any income tax of the taxpayer, or chapter 2, including the excess profits tax imposed by subchapter E thereof. War loss recoveries are considered as made first on account of war losses allowable but not actually allowed as a deduction, and second on account of war losses allowed as a deduction but which did not result in a reduction of tax under chapter 1 or chapter 2. If there were deductions allowed on account of war losses for two or more taxable years which did not result in a reduction of any tax under chapter 1 or chapter 2, a recovery on account of such losses is considered as made on account of such losses in the order of the taxable years for which they were allowed, beginning with the latest. See § 29.127 (f)-1 for the determination of the amount of such deductions. Recoveries in excess of such amount are treated as ordinary income until such excess equals the amount of the taxpayer's allowable deductions in prior taxable years on account of war losses which did result in a reduction of any such tax under chapter 1 or chapter 2. Any further recoveries in excess of all the taxpayer's allowable deductions in prior taxable years for war losses are treated as gain on an involuntary conversion of property as a result of its destruction or seizure, and such gain is recognized or not recognized under the provisions of section 112 (f). See § 29.112 (f)-1. Such gain, if recognized, is included in gross income as ordinary income unless section 117 (j) applies to cause such gain to be treated as gain from the sale or exchange of a capital asset held for more than six months. See § 29.117-7.

(2) The determination as to whether and to what extent any recoveries are to be included in gross income is made upon the basis of the amount of all the recoveries for each day upon which there are any such recoveries, as follows:

(i) The amount of the recoveries for any day is not included in gross income, and is not considered gain on an involuntary conversion, to the extent, if any, that the aggregate of the allowable deductions in prior taxable years on account of war losses which did not result in a reduction of any tax of the taxpayer under chapter 1 or chapter 2 of the Internal Revenue Code, as determined under § 29.127 (f)-1, exceeds the amount of all previous recoveries in the same and prior taxable years.

(ii) The amount of the recoveries for any day which is not excluded from gross income under (i) is included in gross income as ordinary income, and is not considered gain on an involuntary conversion, to the extent, if any, that the aggregate of all the allowable deductions in prior taxable years on account of war losses (both those which resulted in a reduction of a tax of the taxpayer and those which did not) exceeds the sum of the amount of all previous recoveries in the same and prior taxable years and of that portion, if any, of the amount of the recoveries for such day which is not included in gross income under (i).

(iii) The amount of the recoveries for any day which is not excluded from gross income under subdivision (i) of this subparagraph and is not included in gross income as ordinary income under subdivision (ii) of this subparagraph is considered gain on an involuntary conversion of property as a result of its destruction or seizure. The following provisions then apply to this gain:

(*a*) Such gain is recognized or not recognized under the provisions of section 112 (f), relating to gain upon such conversion of property. For the purpose of applying section 112 (f), such gain for any day is deemed to be expended in the manner provided in section 112 (f) to the extent the recovery for such day is so expended.

(*b*) If such gain is recognized it is included in gross income as ordinary income or, if the provisions of section 117 (j) apply and require such treatment, as gain on the sale or exchange of a capital asset held for more than six months. For the purpose of applying section 117 (j), such recognized gain for any day is deemed to be derived from property described in that section to the extent of the recovery for such day with respect to such property, except such portion of such recovery as is attributable to the nonrecognized gain for such day.

(c) Section 127 (d) provides that in determining the unadjusted basis of recovered property, the total gain and the recognized gain with respect to such property must be determined. For such purpose, the recognized gain deemed to be derived from properties described in section 117 (j) may be allocated among such properties in the proportion of the recoveries with respect to such properties, reduced for each property by the portion of the recovery attributable to the nonrecognized gain for such day, and the recoveries with respect to properties not described in section 117 (j) may be similarly allocated. The total gain derived from any recovered property is the sum of the nonrecognized gain attributable to the recovery of such property and of the recognized gain allocable to such property.

(3) The foregoing provisions may be illustrated by the following examples:

Example (1). The taxpayer sustained war losses of $8,000 on account of properties A, B, C, and D. Of this amount, $1,000 did not result in a reduction of any income tax of the taxpayer, as determined under the pro-

visions of § 29.127 (f)–1. In a subsequent taxable year, he received an award of $800 from the Government on account of property A. This is not included in income since it is less than the amount by which his allowable deductions for prior taxable years on account of war losses which did not result in any tax benefit, $1,000, exceed $0, the sum of all his previous recoveries. On a later date the taxpayer recovers property B, which is worth $1,500 on the date of recovery. This recovery is not included in gross income to the extent of $200, the amount by which the allowable deductions for prior taxable years on account of war losses which did not result in any tax benefit, of $1,000, exceed the sum of all previous recoveries, or $800. All of the remaining $1,300 of the recovery is included in gross income as ordinary income, and is not considered gain on the involuntary conversion of property, since it is less than the amount by which the aggregate of all the allowable deductions in prior taxable years on account of war losses, or $3,000, exceeds $1,000, the sum of the $800 of previous recoveries and of the $200 portion of the recovery with respect to B which is not included in gross income. On a still later date the taxpayer sells for $2,500 his rights to recover C. Since the allowable deductions for prior taxable years on account of war losses which did not result in any tax benefit ($1,000) do not exceed the previous recoveries by the taxpayer ($800 and $1,500, or $2,300), none of the recovery on account of C is excluded from gross income. This recovery is included in gross income as ordinary income, and is not considered gain on the involuntary conversion of property, to the extent of $700, the amount by which the aggregate of all the allowable deductions for prior taxable years on account of war losses ($3,000) exceeds $2,300, the sum of the $2,300 of previous recoveries and of the $0 portion of the recovery on account of C which is not included in gross income. The remaining $1,800 of the recovery is considered gain on an involuntary conversion of property on account of its destruction or seizure, and is not recognized if forthwith expended in the manner provided in section 112 (f). Thus, it is not recognized if it is forthwith expended for the acquisition of property relating in service or use to C. On a later date the taxpayer recovers D, which has a fair market value of $400 at the time of the recovery. Since the aggregate of all the allowable deductions for prior taxable years on account of war losses ($3,000) does not exceed the previous recoveries by the taxpayer ($800+$1,500+$2,500, or $4,800), all of the recovery with respect to D is considered gain on an involuntary conversion of property as a result of its destruction or seizure. Under the provisions of section 112 (f), this gain is not recognized if D is used for the same purposes for which it was used before it was deemed destroyed or seized under section 127.

Example (2). The taxpayer on one day recovers $3,000 for property A and $7,000 for property B, both of which were treated under section 127 as destroyed or seized in a prior taxable year, and $8,000 of such $10,000 recoveries is considered gain on the involuntary conversion of property as a result of its destruction or seizure. The taxpayer forthwith expends $5,000 in the acquisition of property similar in use to B. Therefore, $5,000 of the $8,000 gain is not recognized under section 112 (f), leaving $3,000 of recognized gain. Property B is within the provisions of section 117 (j), relating to gains and losses on the involuntary conversion of certain described property, but property A is not. Therefore, the provisions of section 117 (j) apply to $2,000 of the $3,000 gain, that is, the amount of the recovery with respect to B which is not attributable to the nonrecognized gain for such day ($7,000 minus $5,000). If the taxpayer forthwith expended $8,000 or more for the acquisition of property similar in use to B, none of the gain would be recognized. If the taxpayer forthwith expended the $5,000 to acquire property related in use to A, the $3,000 recognized gain would be considered derived from B to the extent of the recovery with respect to B ($7,000), not reduced by any nonrecognized gain since none of such recovery is attributable to such nonrecognized gain, and therefore all of the $3,000 recognized gain would be subject to the provisions of section 117 (j).

(c) *Elective method; tax adjustment measured by prior benefits.* (1) If the taxpayer elects pursuant to section 127 (c) (5) and in accordance with the provisions of these regulations to have the provisions of section 127 (c) (3) apply to any taxable year in which he recovers any money or property in respect of property considered under section 127 (a) as destroyed or seized in any previous taxable year, the amount of the recovery in respect of such property for any taxable year shall not be included in income until the taxpayer has recovered an amount equal to his allowable deductions in prior taxable years on account of the destruction or seizure of such property, whether or not such allowable deductions resulted in a reduction of any tax under chapter 1 or chapter 2 of the Internal Revenue Code. However, for the purposes of section 51, relating to the requirement of individual returns, section 52, relating to the requirement of corporation returns, and section 3801 (b), relating to the mitigation of the effect of the statute of limitations, the entire amount of the recovery shall be deemed to be an item includible in gross income for the taxable year in which the recovery is made. In lieu of including such amount in gross income, there shall be added to, and assessed and collected as a part of, the tax imposed under chapter 1 for the taxable year of the recovery and adjustment on account of any tax benefits in all prior taxable years resulting directly or indirectly from the fact that the loss from the destruction or seizure of such property was an allowable deduction. The amount of such adjustment shall be the total increase in the tax under chapter 1 of the Code, that is, any income tax of the taxpayer, and under chapter 2 including the excess profits tax imposed by subchapter E thereof, for all taxable years which would result by decreasing such allowable deductions with respect to the destruction or seizure of such property by an amount equal to that portion of the amount of the recovery which is not included in gross income for the taxable year of the recovery. The portion of the amount of the recovery which is in excess of such allowable deductions is included in gross income for the taxable year of the recovery as gain on the involuntary conversion of property as a result of its destruction or seizure and is recognized or not recognized as provided in section 112 (f). See § 29.112 (f)–1. Such gain, if recognized, is included in gross income as ordinary income unless section 117 (j) applies to cause such gain to be treated as gain on the sale or exchange of capital assets held for more than six months. See § 29.117–7.

(2) The determination as to whether and to what extent the amount of the recovery is to be excluded from gross income is to be made upon the basis of the total amount of the recoveries in each taxable year in respect of the same property considered under section 127 (a) as destroyed or seized in any previous taxable year, as follows:

(i) The amount of the recovery in any taxable year is excluded from the gross income of such year and is not considered gain on an involuntary conversion to the extent, that such amount does not exceed the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of such property (whether or not such deductions resulted in a reduction of a tax of the taxpayer) reduced by the aggregate amount of any recoveries in intervening taxable years in respect of the same property.

(ii) The amount of the recovery in any taxable year which is not excluded from gross income under (i) is included in gross income and is considered gain on an involuntary conversion of property as a result of its destruction or seizure. The following provisions apply to this gain:

(*a*) Such gain is recognized or not recognized under the provisions of section 112 (f) relating to gain upon such conversion of property. For the purpose of applying section 112 (f), such gain for any taxable year is deemed to be expended in the manner provided in section 112 (f) to the extent the recovery in such taxable year is so expended.

(*b*) If such gain is recognized it is included in gross income as ordinary income or, if the provisions of section 117 (j) apply and require such treatment, as gain on the sale or exchange of a capital asset held for more than six months. In the case of the recovery of the same property or interest considered under section 127 (a) as destroyed or seized, any gain will not be deemed to be recognized under the provisions of section 112 (f) if such property is used for the same purpose for which it was used before it was deemed destroyed or seized under section 127 (a).

(3) The determination of the total increase in the tax under chapters 1 and 2 of the Code for all taxable years which would result by decreasing the deductions allowable in any prior taxable years with respect to the destruction or seizure of the property in respect of which the taxpayer has made a recovery by an amount equal to the part of such recovery not included in gross income for the taxable year of such recovery shall be made as provided in this subparagraph. Such total increase shall include the increases described in subdivisions (i), (ii), (iii), and (iv) of this subparagraph, and shall be added to, and assessed and collected as a part of, the tax under chapter 1 for the taxable year of the recovery. Proper adjustment of such increases shall be made on account of the application of the provisions of this subparagraph to intervening taxable years. The term "tax previously determined" as used in this subparagraph shall have the same meaning as used in section 3801 (d) of the Code and shall include any tax under chapter 1 or chapter 2 of the Code. In computing the amount of the increase in the tax previously determined under chapter 1 or chapter 2 for any taxable year, the principles of section 3801 (d) shall be applicable. See § 29.3801 (d)–1. However, the computation of the excess profits credit under chapter 2E for any taxable year shall not be affected by the adjustment provided in this subparagraph. All credits allowable against the tax for any year shall be taken into account in computing the increase in the tax previously determined. The increases referred to in this subparagraph include the following:

(i) The increase, if any, in the tax previously determined for each prior taxable year in which a deduction was allowable on account of the destruction or seizure of the property in respect of which there is a recovery in the taxable year. After the tax previously determined has been ascertained, such tax shall be recomputed by disregarding such allowable deduction (to the extent that it does not exceed the sum of the amount of such recovery not included in gross income for the taxable year of such recovery, plus the aggregate amount of any recoveries in intervening taxable years in respect of the same property) and any other deductions allowable on account of other war losses or any other losses, expenditures or accruals in such prior taxable year in respect of which, and to the extent that, recoveries in intervening taxable years have been excluded from gross income under section 127 (c) (3), section 22 (b) (12), or otherwise. The difference between the tax previously determined and the tax as recomputed will be the increase in the tax previously determined for the taxable year.

(ii) The increase, if any, in the tax previously determined for any taxable year (including the taxable year of the recovery) in which a net operating loss deduction was allowable, if all or a part of such deduction was attributable to the carry-over or carry-back to such taxable year of a net operating loss from another taxable year in which a deduction was allowable on account of the destruction or seizure of the property in respect of which there is a recovery in the taxable year to which such increase is to be added. After the tax previously determined has been ascertained, such tax shall be recomputed by redetermining such net operating loss deduction. In the determination of such net operating loss deduction the net operation loss shall be recomputed by disregarding the deduction allowable on account of the war loss in respect of which there is a recovery in the taxable year to which such increase is to be added (to the extent that such deduction does not exceed the sum of the amount of such recovery not included in gross income for the taxable year of such recovery, plus the aggregate amount of any recoveries in intervening taxable years in respect of the same property) and by disregarding any other deductions allowable on account of other war losses or any other losses, expenditures, or accruals in the taxable year in respect of which, and to the extent that, recoveries in intervening taxable years have been excluded from gross income under section 127 (c) (3), section 22 (b) (12), or otherwise. The difference between the tax previously determined and the tax as recomputed will be the increase in the tax previously determined for the taxable year.

(iii) The increase, if any, in the tax previously determined for any taxable year (including the taxable year of recovery) in which an unused excess profits credit was availed of in computing the unused excess profits credit adjustment for such taxable year, if all or a part of such adjustment was attributable to the carry-over or carry-back to such taxable year of an unused excess profits credit from another taxable year in which a deduction was allowable on account of the destruction or seizure of the property in respect of which there is a recovery in the taxable year to which such increase is to be added. After the tax previously determined has been ascertained, such tax shall be recomputed by redetermining such unused excess profits credit carry-over or carry-back. In the recomputation such carry-over or carry-back shall be redetermined by disregarding such allowable war loss deduction (to the extent such deduction does not exceed the sum of the amount of the recovery not included in gross income for the taxable year of such recovery, plus the aggregate amount of any recoveries in intervening taxable years in respect of the same property) and by disregarding any other deductions allowable on account of other war losses or any other losses, expenditures, or accruals in the taxable year in respect of which, and to the extent that, recoveries in intervening taxable years have been excluded from gross income under section 127 (c) (3), section 22 (b) (12), or otherwise. The difference between the tax previously determined and the tax as recomputed shall be the amount of the increase which shall be added to the tax for the taxable year of the recovery. In case there is an increase in the excess profits tax under chapter 2E for the taxable year in which an unused excess profits credit was availed of in computing the unused excess profits credit adjustment, and a decrease in the income tax under chapter 1 for such taxable year, the increase in the tax previously determined shall be considered to be an amount equal to the excess of the increase in the excess profits tax over the decrease in the income tax.

(iv) The increase, if any, in the tax previously determined for any taxable year (including the taxable year of the recovery) in which an unused excess profits credit was availed of in computing the unused excess profits credit adjustment for such taxable year, if all or a part of such adjustment was attributable to the carry-over or carry-back to such taxable year of an unused excess profits credit from another taxable year in which there was allowable a net operating loss deduction attributable to the carry-over or carry-back to such other taxable year of a net operating loss, and such net operating loss resulted in whole or in part from the deduction allowable on account of the destruction or seizure of the property in respect of which there is a recovery in the taxable year to which such increase is to be added. After the tax previously determined has been ascertained, such tax shall be recomputed by redetermining such net operating loss deduction and such unused excess profits credit carry-over or carry-back. In the redetermination of such net operating loss deduction the net operating loss carry-over or carry-back shall be recomputed by disregarding such allowable war loss deduction (to the extent that such deduction does not exceed the sum of the amount of such recovery not included in gross income for the taxable year of such recovery, plus the aggregate amount of any recoveries in intervening taxable years in respect of the same property) and by disregarding any other deductions allowable on account of other war losses or any other losses, expenditures, or accruals in the taxable year in respect of which, and to the extent that, recoveries in intervening taxable years have been excluded from gross income under section 127 (c) (3), section 22 (b) (12), or otherwise. The unused excess profits credit carry-over or carry-back shall then be recomputed to conform to the redetermination of the net operating loss deduction for the taxable year from which the unused credit is carried over or carried back. The difference between the tax previously determined and the tax as recomputed shall be the amount of the increase which shall be added to the tax for the taxable year of the recovery. In case there is an increase in the excess profits tax under chapter 2E for the taxable year in which an unused excess profits credit was availed of in computing the unused excess profits credit adjustment, and a decrease in the income tax under chapter 1 for such taxable year, the increase in the tax previously determined shall be considered to be an amount equal to the excess of the increase in the excess profits tax over the decrease in the income tax.

(d) *Elective method; manner of making election and effect thereof.* (1) The election of the taxpayer to have the provisions of section 127 (c) (3) applicable to any taxable year in which he recovered any money or property in respect of property considered under section 127 (a) as destroyed or seized shall be made by a written statement that the taxpayer elects to have such provisions apply which statement shall be made in (or attached to)—

(i) The return or an amended return filed for such taxable year;

(ii) A claim for refund or credit filed for such taxable year for an overpayment resulting from the application of such provisions;

(iii) A timely petition (or amended petition) to The Tax Court of the United States for a redetermination of any deficiency for such taxable year.

The date of the making of such election is the date such return, amended return, claim for refund or credit, petition, or amended petition is filed, except that an election made in a return filed before the last day prescribed by law for the filing thereof (including any extension of time

for such filing) shall not be considered made until such last day.

(2) If the taxpayer makes an election to have the provisions of section 127 (c) (3) applicable to any taxable year in which he recovered any money or property in respect of a prior war loss, such provisions, and not the provisions of section 127 (c) (2), shall be applicable to all taxable years of the taxpayer beginning after December 31, 1941. Therefore, the taxpayer need not make an election with respect to each separate taxable year in which he had a recovery. An election for any taxable year in which the taxpayer had a recovery in respect of a prior war loss is sufficient to make the provisions of section 127 (c) (3) applicable also to war loss recoveries received by the taxpayer in any past taxable year beginning after December 31, 1941, and to any recoveries which may be received by the taxpayer in any future taxable year. Such election once made shall be irrevocable. Unless the taxpayer in a taxable year ending after October 20, 1951 (the date of the enactment of the Revenue Act of 1951), recovers money or property in respect of property considered under section 127 (a) as destroyed or seized in any prior taxable year, no election may be made by the taxpayer after December 31, 1952.

(3) If the provisions of section 127 (c) (3) are applicable to any taxable year pursuant to an election made by the taxpayer in accordance with the provisions of subparagraph (1) of this paragraph, the period of limitations provided in sections 275 and 276 of the Code on the making of assessments and the beginning of distraint or a proceeding in court for collection with respect to (i) the amount to be added to the tax for such taxable year under the provisions of section 127 (c) (3) and (ii) any deficiency for such taxable year or for any other taxable year to the extent attributable to the basis of the recovered property being determined under the provisions of section 127 (d) (2), shall not expire prior to the expiration of two years following the date of the making of such election. Such amount or such deficiency may be assessed at any time prior to the expiration of such period, notwithstanding any law or rule of law which would otherwise prevent such assessment and collection. No interest shall be assessed or collected with respect to any such amount or any such deficiency for any period prior to the expiration of six months following the date of the making of the election by the taxpayer.

(4) If the provisions of section 127 (c) (3) are applicable to any taxable year pursuant to an election made by the taxpayer in accordance with the provisions of subparagraph (1) of this paragraph and refund or credit of any overpayment resulting from the application of such provisions to such taxable year is prevented on the date of the making of such election, or within one year from such date, by the operation of any law or rule of law (other than section 3761 relating to compromises), refund or credit of such overpayment may nevertheless be made or allowed, provided claim therefor is filed within one year from such date. Thus, the amount of such overpayment which may be refunded or credited is not subject to the limitations contained in section 322 (b) or (d). No interest shall be paid on any overpayment resulting from the application of the provisions of section 127 (c) (3) to any taxable year ending before the date of the making of the election by the taxpayer.

PAR. 3. There is inserted immediately preceding § 29.127 (d)–1 the following:

SEC. 341. WAR LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Basis of recovered property.* Section 127 (d) (relating to basis of recovered property) is hereby amended to read as follows:

(d) *Basis of recovered property*—(1) *In general.* The unadjusted basis of property recovered in respect of property considered as destroyed or seized under subsection (a) shall be determined under this subsection. Such basis shall be an amount equal to the fair market value of such property, determined as of the date of the recovery, reduced by an amount equal to the excess of the aggregate of such fair market value and the amounts of previous recoveries of money or property in respect of property considered under subsection (a) as destroyed or seized over the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of property described in subsection (a), and increased by that portion of the amount of the recovery which under subsection (c) is treated as a recognized gain from the involuntary conversion of property. Upon application of the taxpayer, the aggregate of the bases (determined under the preceding sentence) of any properties recovered in respect of properties considered under subsection (a) as destroyed or seized may be allocated among the properties so recovered in such manner as the Secretary may determine under regulations prescribed by him, and the amounts so allocated to any such property so recovered shall be the unadjusted basis of such property in lieu of the unadjusted basis of such property determined under the preceding sentence.

(2) *Property recovered in taxable year to which subsection (c) (3) is applicable.* In the case of a taxpayer who has made an election under the provisions of subsection (c) (5), the basis of property recovered shall be an amount equal to the value at which such property is included in the amount of the recovery under subsection (c) (3) (A) (determined without regard to the last sentence thereof), reduced by such part of the gain under subsection (c) (3) (C) which is not recognized as provided in section 112 (f).

* * * * *

(d) *Effective dates.* The amendments made by this section shall be applicable to taxable years beginning after December 31, 1941.

PAR. 4. Section 29.127 (d)–1 is amended as follows:

(A) By inserting immediately preceding the first sentence thereof the following: "(a) *General rule.*"

(B) By striking "section 127 (d)" in each place where such term appears therein and inserting in lieu thereof in each place the following: "section 127 (d) (1)".

(C) By striking "§ 29.127 (c)–1" in each place where such term appears therein and inserting in lieu thereof the following: "§ 29.127 (c)–1 (b)".

(D) By redesignating paragraphs (b), (c), (d), (e) and (f) as subparagraphs (3), (4), (5), (6) and (7) of paragraph (a) and by adding at the end thereof the following new paragraph (b):

(b) *Property recovered in taxable year to which section 127 (c) (3) is applicable.* If, pursuant to an election made by the taxpayer under section 127 (c) (5) and § 29.127 (c)–1 (d) of these regulations, the provisions of section 127 (c) (3) are applicable to any taxable year in which the taxpayer recovered property in respect of a war loss under section 127, the unadjusted basis of such property shall be the fair market value of such property determined as of the date of the recovery, reduced by the amount of nonrecognized gain attributable to such recovery under the provisions of § 29.127 (c)–1 (c). However, if the property recovered is the same property or interest considered under section 127 (a) as destroyed or seized, and if the taxpayer under section 127 (c) (3) (A) includes such property or interest in the amount of the recovery at its adjusted basis (for determining loss) in his hands on the date such property or interest was considered under section 127 (a) as destroyed or seized, the unadjusted basis of such property shall be such adjusted basis, reduced by the amount of nonrecognized gain attributable to such recovery under the provisions of § 29.127 (c)–1 (c). The fair market value of any property recovered, or the adjusted basis (for determining loss) of such property or interest if the same property or interest treated as a war loss under section 127 is recovered, shall not be reduced in determining the unadjusted basis of such property or interest by the amount of the obligations or liabilities with respect to the property treated as a war loss under section 127 in respect of which the recovery was received, if the taxpayer for any previous taxable year chose under section 127 (b) (2) to treat such obligations or liabilities as discharged or satisfied out of such property but such obligations or liabilities were not so discharged or satisfied prior to the date of the recovery.

PAR. 5. Section 29.127 (f)–1, as amended by Treasury Decision 5454, approved May 10, 1945, is further amended as follows:

(A) By inserting immediately after the term "chapter 1" in each place where such term appears therein the following: "or chapter 2".

(B) By inserting immediately after the words "or of any tax imposed in lieu of such taxes" in the first sentence of paragraph (a) thereof the following: "or of any tax imposed by chapter 2 of the Internal Revenue Code."

PAR. 6. There is inserted immediately preceding § 29.131–1 the following:

SEC. 341. WAR LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(c) *Credit for foreign taxes.* Section 131 (a) (relating to allowance of credit for taxes of foreign countries and possessions of the United States) is hereby amended by inserting after "section 102" the following: "and except the additional tax imposed for the taxable year under the provisions of section 127 (c) (3).

(d) *Effective dates.* The amendments made by this section shall be applicable to taxable years beginning after December 31, 1941.

PAR. 7. Section 29.131–1, as amended by Treasury Decision 5893, approved April 4, 1952, is further amended by striking paragraph (e) thereof and inserting in lieu thereof the following:

(e) For taxable years beginning before January 1, 1943, no credit for taxes shall be allowed against the tax imposed under section 102, relating to surtax on corporations improperly accumulating surplus, and for taxable years beginning after December 31, 1942, no credit for taxes shall be allowed against the tax imposed under section 102, relating to surtax on corporations improperly accumulating surplus, against the additional tax imposed under the provisions of section 127 (c) (3), relating to war loss recoveries, or against the victory tax imposed under section 450. No credit for taxes shall be allowed against the tax on self-employment income imposed by section 480.

PAR. 8. Section 29.275–1, as amended by Treasury Decision 5924, approved August 4, 1952, is further amended by adding at the end thereof the following undesignated paragraph:

For the period of limitation for assessing amounts determined under section 127 (c) (3) (relating to war loss recoveries) or any deficiency attributable to the basis of recovered property being determined under section 127 (d) (2), see section 127 (c) (5) and the regulations thereunder.

PAR. 9. Section 29.322–7, as amended by Treasury Decision 5837, approved April 5, 1951, is further amended as follows:

(A) By adding at the end of paragraph (a) thereof the following undesignated subparagraph:

For special provisions in the case of an overpayment resulting from the application of section 127 (c) (3) (relating to war loss recoveries), see section 127 (c) (5) and the regulations thereunder.

(B) By adding at the end of paragraph (d) thereof the following undesignated subparagraph:

For special provisions in the case of an overpayment resulting from the application of section 127 (c) (3) (relating to war loss recoveries), see section 127 (c) (5) and the regulations thereunder.

[F. R. Doc. 52–12492; Filed, Nov. 21, 1952; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 930]

[Docket No. AO–72–A17]

MILK IN TOLEDO, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Toledo, Ohio, on August 11 and 12, 1952, pursuant to notice thereof which was issued on July 31, 1952 (17 F. R. 7019).

The material issues of record were concerned with the following:

(1) Modifying the present method of determining the Class I price differential by increasing the amount of the fixed or standard Class I price differential and revising the supply-demand adjustment, or substituting an entirely new method of determining the Class I price differential;

(2) Broadening the scope of regulation by changing the definition of a handler to cover certain supplies now considered as "other source" milk under the order;

(3) Removing the provision for prorating other source milk with producer milk in computing the class utilization of the producer milk; and

(4) Increasing the rate of assessment for marketing services performed by the market administrator.

Findings and conclusions. The following findings and conclusions on the material issues decided herein are hereby made upon the basis of the record of the hearing:

1. *Pricing provisions.* The general level of the Class I price differential should not be changed. However, the supply-demand adjustment should be modified to depend upon utilization in the first and second months preceding the pricing month instead of utilization during the second and third preceding months and the contraseasonal provisions in the adjustment should be deleted.

Producers proposed substantial increases in the standard or fixed Class I price differentials, exclusive of the supply-demand adjustment. They proposed that the May and June differential of 75 cents be increased by 15 cents to a total of 90 cents, that the March, April, and July differential of $1.00 be increased by 25 cents to a total of $1.25, and that during the period of September through February the differential of $1.20 be increased by 50 cents to a total of $1.70. They proposed altering the supply-demand adjustment by deleting the contraseasonal provision and by providing that the maximum amount of price increases be applied during the entire period September through February instead of only during October, November and December. They maintained that the increase in the standard Class I differential was necessitated by increased costs of production and that such need was further demonstrated by the fact that the supply-demand adjustment had resulted in approximately the proposed new level of differentials during the past year without alleviating the shortage of milk in the market. The continued shortage was cited as evidence of the need for further price increases.

Handlers advanced a substantially different pricing proposal as a means of increasing the supply of producer milk. They proposed a Class I price differential of $1.65 during the months of September through December, subject to a discount of one cent for each percent that receipts of milk from producers failed to equal the sales of Class I milk in the market. The Class I differential would be increased to $1.70 when receipts reached 105 percent of Class I sales, and to $1.75 at 110 percent, with no further increases for receipts in excess of 110 percent of Class I prices. During the months of January, February, March, April, July, and August the Class I price differential would be $1.20, with a discount of one cent for each percent that receipts were less than 110 percent of Class I sales or more than 125 percent of Class I sales. During May and June the Class I differential would be 75 cents, subject to a discount of one cent for each cent that receipts were above 135 percent of Class I sales. It was contended that this system of differentials would encourage producers to supply the needs of the market for Class I milk and discourage either an undersupply or oversupply of milk.

There was general agreement that the supply of producer milk has been substantially less than the quantity needed to cover market requirements for Class I and Class II utilization. The supply-demand adjustment measures changes in the adequacy of supply by comparing receipts from producers with the total pounds of milk and cream products sold as Class I and Class II. The period June 1949 through May 1950 was considered normal. During this period producer receipts exceeded Class I and II sales in every month; 77.0 percent of receipts being equal to sales in Class I and II during June and 95.2 percent in October. For the year as a whole, receipts totaled 171 million as compared with Class I and II sales of 145 million pounds. However, in the following year (June 1950 through May 1951) receipts dropped to 167 million pounds while sales advanced to 155 million, and in the year 1951–52 receipts remained virtually constant at 167 million pounds while sales again increased substantially for a total of slightly under 167 million pounds. Monthly receipts of milk from producers failed to cover sales from September 1951 through February 1952 and in fact did not even cover Class I sales during the months of September through Jan-

uary. It is obvious that measures should be taken to assure the Toledo market of a considerably increased supply of fully inspected milk from a group of regular producers.

It appears, however, that favorable prices are not the only measure needed to attract increased supplies of producer milk. In fact there is considerable evidence that other measures may be more critical in the immediate circumstances. The operation of a supply-demand adjustment in Toledo since October 1, 1951, has provided considerably higher prices than order prices in any of the competing Federal order markets without attracting increased supplies. The supply-demand adjustment provided a 14-cent increase in October 1951, 50-cent increases during November, December, January and February, a 38-cent increase in March 1952, 25-cent increases during April through June, and increases of 19 cents in July, 20 cents in August, 25 cents in September, and 50 cents in October. During the 12-month period November 1951 through October 1952 the Class I price differential, inclusive of these supply-demand adjustments, has averaged $1.41. During the same period the differential under the Cleveland order has averaged $1.26, that in Dayton-Springfield $1.37 (inclusive of a drought adjustment of 35 cents per hundredweight during November through February) and $1.46 in Detroit, inclusive of supply-demand adjustments which averaged 11 cents per hundredweight. The Detroit price was subject to a deduction of 14 cents per hundredweight as a location adjustment in the territory where the two milksheds are most competitive. Cleveland handlers paid substantial premiums over the comparatively low order prices, but it is apparent that in the Toledo area it was the Toledo order price which determined the amount of such premiums. The comparatively favorable prices in Toledo are further demonstrated by the fact that the blend prices for milk containing 3.5 percent butterfat delivered to the marketing area during the period October, 1951 through August, 1952 averaged $5.05 in Toledo, $4.97 in Detroit, $4.73 in Cleveland, and $5.03 in Dayton-Springfield.

One of the factors other than price which has contributed to the shortage of producer milk in this market is that the seasonality of production has become substantially more uneven since the 1949–50 base period. Receipts of producer milk in May, the flush production month, rose from 16.5 million pounds in 1950 to 17.3 million in 1951 and 17.5 million in 1952. On the other hand receipts during November, the shortest month, fell from 12.5 million pounds in 1949 to 11.7 million in 1950 and 11.2 million pounds in 1951. In percentage terms, May receipts were 132 percent of those during the preceding November in 1949–50, then rose to 147 percent in 1950–51 and to 157 percent in 1951–52. This problem was not given any significant attention at the hearing but it is evident from the data that future consideration should be given to measures which will encourage a more uniform rather than less uniform production throughout the season.

A second contributing factor is that a Grade-A ordinance became effective in October, 1950. There was a substantial decrease in the number of producers during that year, and the net loss in producers has never been made good although production per producer has increased somewhat.

A third factor is that the order permits any handler to prorate "other source" milk during any month when producer receipts are less than 120 percent of the handler's Class I utilization. This point was thoroughly explored at the hearing and is discussed in detail below.

It is concluded that no change in the general level of Class I prices should be made at this time. Prospects are that the Class I price in Toledo, inclusive of the supply-demand adjustment, will continue to provide prices which are favorable in comparison with those which will prevail in the competing Federal order markets. These continued favorable prices, together with modifications designed to encourage an increase in the supply of producer milk, should be allowed to operate until a proper relationship between supply and price is established for this market. At such time, it may be desirable to consider modification of the standard Class I price differentials and the supply-demand adjustment.

Three types of changes in the supply-demand adjustment were discussed at the hearing. One related to the schedule of months during which given amounts of supply and demand adjustment are effective. It is concluded that this schedule should not be altered. October, November and December remain the months of shortest supply in this market and the maximum amount of price adjustment should not be extended beyond these months.

A second proposed change involved computing the "utilization percentage" on the basis of receipts and sales during the first and second months preceding the pricing month. This will make the adjustment more nearly current though somewhat less effective as an advance guide to producers and the trade. It will not unduly complicate handlers' pricing problems. They now know the supply-demand adjustment and the fixed portion of the Class I differential before the beginning of the month, but do not know the basic formula portion of the Class I price until early in the following month. Under the revised system they would not know the supply-demand adjustment until the twelfth of the month. All aspects considered, however, it appears that the advantages of more current utilization data would more than offset the delayed announcement of the amount of the adjustment. The shift to the first and second preceding months requires a corresponding shift of the standard utilization percentages.

A third feature of the supply-demand adjustment to be considered at the hearing related to the contraseasonal provision. This prevents the Class I price differential for December, January, and February from being lower than in November and, on the other hand, prevents that for July, August, and September from being higher than in June. This prevents any price response to indications of oversupply during the winter months or to indications of undersupply during the summer months. Also, the contraseasonal provision may continue for four months a supply-demand indication which may have been fortuitously affected by a market phenomenon of only limited duration. It is concluded that the contraseasonal provision of the supply-demand adjustment should be eliminated and the adjustment left free to rise or fall in accordance with the most recent available indications of supply and demand.

The pricing proposal advanced by handlers provides for lowering prices whenever supplies are below normal for any reason. Handlers also maintained that the supply-demand principle of increasing prices to counteract shortages, as incorporated in the present order, was in error since it provided an incentive to restrain production. This position disregards the fact that the normal functioning of a competitive price system provides higher prices for reduced supplies and lower prices for increased supplies. To the individual producers involved, a price increase (whether it results from a supply-demand adjustment, a change in basic formula prices, or an amendment to the order) stimulates increased production while a price decrease discourages production.

2. *Scope of regulation.* The definition of a handler under the order should not be changed.

Producers proposed that the definition of a handler be modified by limiting handler status to the operator of a fluid milk plant who receives more than half of his total receipts, excluding interhandler transfers, from producers. Testimony revealed that the proposed change was directed at possible circumvention of the pricing and other provisions of the order by operators of milk distribution stations, referred to as "stands", located outside the city limits of Toledo. It was disclosed, however, that no such problem exists at present. Moreover, the proposed change would not make the order fully effective under the stated conditions. Achievement of the proponents' objective would require major changes in the scope of the order through a redefinition of fluid milk plant. The proponents were not prepared to support such far-reaching changes.

3. *Allocation of milk.* The provision for prorating other source milk with producer milk in the allocation of producer milk to the several classes of utilization should be deleted, effective April 1, 1953.

The order now provides that other source milk may be allocated on a pro rata basis to the extent that producer receipts are less than 120 percent of Class I sales. On the other hand whenever producer receipts are in excess of 120 percent of the handler's Class I utilization, any purchases of other source milk by the handler must be allocated to the lowest class of utilization, thereby assigning producer milk to the higher classes of utilization.

The effect of the pro rata provision is to reduce substantially the handler's need to maintain a full supply of producer milk. As previously mentioned, this may well be one of the major factors accounting for the continued shortage of milk in this market. This particular form of prorating provision is not confined to those occasions when the market as a whole may have insufficient supplies of producer milk to cover requirements for fluid use. Instead, it applies whenever any individual handler's supply of producer milk is less than 120 percent of his Class I utilization. The pro rata provision enables individual handlers to pay the same blend price for the other source milk which is so allocated as for producer milk. This allows them to reduce their purchases of producer milk to the point where there is little or no summer surplus to handle, thus keeping the blend prices payable to their producers at virtually the Class I level.

One deficiency in this procedure is that other source milk does not meet the same rigorous health standards as apply to producer milk, particularly those applying to production conditions on farms. To the extent, therefore, that handlers rely upon other source milk rather than upon supplies from producers the order fails to achieve the objective of providing the market with an adequate supply of fully approved milk.

A second defect in the pro rata provision is that producer milk is allocated to the lower classes of utilization at the same time that other receipts are assigned to Class I. This deprives producers of financial returns which would otherwise encourage the additional production of producer milk for the market.

Finally, any handler who is able to obtain other source milk at less than his blend price payable to producers under the order has a competitive advantage over those whose entire supply is priced under the order. The data show that other source milk has increasingly been relied upon by handlers in the Toledo market. During the most recent 12-month period for which data are available, September 1951 through August 1952, the quantities of other source milk ranged from a high of 3.3 million pounds in October 1951 to a low of just over 0.5 million pounds in May 1952. During each of the months of March through July the quantity of producer milk allocated to Class III, and therefore available for Class I purposes, exceeded the quantities of other source milk utilized in Class I. The Class I utilization of other source milk during May and June 1952 was 9 times as large as in the same months as 1951 and in these months in turn was higher than in the corresponding months of any year since World War II. This sharply increased reliance on other source supplies is so extensive that it constitutes a serious breach of the principle of pricing milk uniformly to all handlers in accordance with utilization.

Removal of the pro rata allocation provisions will require that any other source milk utilized by a handler be assigned first to the lowest available utilization of milk by such handler.

Termination of the provision for prorating other source milk should be delayed until April 1, 1953, instead of being made effective immediately. Increased supplies of producer milk can not be made quickly available and handlers' plans for this season were made under the present terms of the order. All parties concerned will have a 5-month period to plan whatever changes in procurement policies they deem necessary, and the change will come at a time when producer supplies are generally ample.

4. *Marketing services.* To defray the cost of performing marketing services for producers who are not members of a cooperative association determined to be performing such services, the rate of deduction from payments to producers should be increased to 6 cents per hundredweight.

The deduction for marketing services has remained at 4 cents per hundredweight since May 1, 1940. This amount has proved insufficient to cover the costs of the necessary services and should be increased. Testimony based on experience under other Federal orders showed that comparatively low rates were charged for those of the marketing services which have been performed on a contract basis in Toledo.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

Effective April 1, 1953, make the following changes:

1. a. Delete § 930.45 (a) and substitute therefor the following:

(a) Subtract from the total pounds of butterfat in Class III milk the total pounds of butterfat shrinkage allowed pursuant to § 930.41 (c) (2).

b. Delete paragraphs (c), (d) and (e) of § 930.45 and substitute therefor the following:

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk.

c. Redesignate paragraph "(f)" of § 930.45 as paragraph "(d)".

2. In subdivision (i) of § 930.50 (a) (2) delete the phrase "in the second and third months preceding" and substitute therefor the phrase "in the first and second months preceding".

3. In subdivision (ii) of § 930.50 (a) (2) change the tabulation to read as follows:

Month for which the price is being computed.	Standard utilization percentage
January	92
February	86
March	83
April	83
May	81
June	78
July	76
August	80
September	86
October	90
November	93
December	95

4. In subdivision (iii) of § 930.50 (a) (2) replace the colon preceding the word "*Provided*" with a period and delete all language appearing thereafter.

5. In § 930.74 delete the phrase "4 cents per hundredweight" and substitute therefor the phrase "6 cents per hundredweight".

Filed at Washington, D. C., this 19th day of November 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52–12494; Filed, Nov. 21, 1952; 8:51 a. m.]

[7 CFR Part 949]

HANDLING OF MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at San Antonio, Texas, on August 26, 1952, pursuant to notice thereof which was issued on August 19, 1952 (17 F. R. 7701).

The hearing was reopened at San Antonio, Texas, November 5, 1952, pursuant to notice thereof which was issued on November 1, 1952 (17 F. R. 9898), for the receipt of further evidence concerning proposals considered at the first hearing and also concerning several additional proposals.

The material issues of record related to:

(1) Prices for Class I milk during the remainder of 1952 and for the months of January, February, and March, 1953.

(2) The butterfat differential to be applied in calculating minimum prices to producers whose milk tested more or less than the basic test.

(3) The basic level of butterfat test to be used in connection with prices provided under the order.

(4) The removal of the limitation on the amount of price change which may be brought about under the "supply-demand" adjustment.

(5) Miscellaneous order provisions.

(6) The emergency character of marketing conditions and the need for immediate change in the order provisions.

Findings and conclusions. The findings and conclusions with respect to the aforementioned material issues to be considered in this decision, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. Forty-six cents should be added to the price for Class I milk from the effective date hereof through February 1953, and 23 cents should be added to such price for March 1953.

An immediate increase in the order price for Class I milk is necessary because of adverse production conditions in the San Antonio milkshed. These conditions have increased the cost of producing milk. The local milk supply is now well below market requirements. In September, the latest month for which data are available, producer deliveries of milk amounted to less than three-fourths of the Class I sales by handlers. Further declines in production may result unless the Class I price is increased under the order.

The San Antonio milkshed is now in its second year of unfavorable production conditions. As a result of continued shortages of precipitation since June 1951, soil moisture conditions on the farms of producers have become progressively worse throughout most of the milkshed. Scattered months of above average rainfall have not overcome the moisture deficit present in the soil and subsoil. Higher than average temperatures increased the transpiration rate during the summer months of 1951 and 1952, and thereby intensified the effects of the abnormally low rainfall.

Crop conditions in fields and pastures are generally far below average. Testimony at the hearings indicates that yields of hay in the milkshed generally were less than half of normal during the past growing season. Some producers with large farms harvested no hay whatsoever in 1952. Grain and silage crops also were considerably below normal. Pastures have been poor on most farms for many months. Consequently, more than normal hay and silage feeding has been required.

Most producers normally purchase part of the hay they feed their dairy herds. However, the amount of hay to be purchased this year is unusually large. Some imported hay has been acquired at prices substantially higher than last year. Areas of Oklahoma and Colorado where supplemental hay is normally purchased are themselves short of hay this year. Widespread drought conditions have forced farmers in many South Central states to purchase outside hay. As a result, competition for hay is much greater than normal and it must now be obtained from more distant areas, and at considerably increased costs. Testimony on the hearing record indicates that little hay of suitable quality has been made available to San Antonio producers under special hay purchase programs.

Winter grazing of small grains on which San Antonio producers depend for much of their winter roughage is virtually non-existent this year. Even under ideal weather conditions it would now be late winter before such grazing could be obtained, and even then it would not be an important item this year because most producers have not taken steps to plant small grain crops. Permanent pastures will not provide pasture feed until late March or early April.

Unless an increase in the Class I price is provided many San Antonio milk producers may be forced to curtail production, or to sell their milk to other markets. This could have both immediate and lasting adverse effects on the San Antonio milk market. In an area unfavorable to dairying, as the San Antonio milkshed is, new producers and increased production are more difficult to acquire than in areas better adapted to dairying where ungraded milk is produced in considerable volumes.

Supplemental milk from areas outside the San Antonio milkshed has been scarce and expensive this fall. This situation may be expected to prevail until milk production shows substantial improvement. Widespread drought conditions in the South and Southwest have caused demand for supplemental milk to be at an unusually high level in many markets. Producers in some of the markets from which San Antonio handlers obtain supplemental milk have received emergency price increases under Federal orders. Such increases will continue through February or March in most cases, although at lower rates toward the end of the period.

In view of the foregoing conditions a temporary increase in the Class I prices above those now provided under the San Antonio order is necessary. Handlers have recognized this condition both by testimony contained in the hearing record, and by paying substantial premiums over present order prices. Such premiums are uncertain however, and the temporary increases herein found necessary should increase returns to producers until such time as producer milk supplies improve relative to Class I sales.

2. The producer butterfat differential should be reduced. The record discloses that the butterfat differential paid producers prior to the inception of the order was calculated on the basis of a 5 cent reduction for each one-tenth percent that the milk tested less than 4.0 percent or a 7 cent addition for each one-tenth percent above 4.0 percent. This low differential had the effect of encouraging the importation of Holstein cows into the milkshed, and as a result the average butterfat test of the milk received from producers declined. In spite of this reduction the average test of producer milk in September was still more than four-tenths of one percent above the average test of the fluid milk sales and two-tenths of one percent above the average test of all Class I sales.

The producer butterfat differential under the order has been calculated by multiplying the Chicago 92 score butter price by 1.2 and dividing by 10. This results in a differential considerably higher than that used prior to the inception of Federal regulation. For October milk the producer differential was 8.5 cents. Producer representatives contended that this higher differential places the producers of low butterfat milk in an unfavorable position in relation to producers of high butterfat milk. This situation could be expected in the long run to result in a shift toward the production of higher butterfat milk. More immediately, it could result in a loss of low butterfat milk to other markets since many producers of such milk now supplying San Antonio handlers are in a position to transfer their milk to another market where higher prices and lower butterfat differentials prevail.

It would not be in the best interest of the San Antonio market if low butterfat milk were to be lost to other markets or if the average butterfat test of producer milk were to increase. Shortages of skim milk are more expensive to the San Antonio market than shortages of butterfat, since the latter may be transported from northern surplus areas in the form of cream at comparatively low freight rates. Skim milk, on the other hand, is bulky and expensive to handle and is also more perishable. Local production of this product should be encouraged.

It is concluded therefore that the factor 1.2 which is now multiplied by the Chicago 92-score butter price in calculating the producer butterfat differential should be reduced to 1.1.

3. The basic butterfat test of 4.0 percent now used in the order should not be changed at this time. The proponents of this change contended that it would be desirable to lower the basic butterfat test from 4.0 percent to 3.5 percent since the latter figure represents more nearly the percentage of butterfat required by the market for fluid milk. It was contended also that the subtraction of butterfat differentials is confusing to producers and that it would be preferable to use a lower basic test, which would result more frequently in the addition of butterfat differentials, rather than the subtraction.

So far as these considerations are concerned there is no objection to the change proposed by producers. However, there arises the question of what base period prices should be used in rewriting the order to bring about such change in basic butterfat test. The base period price for 4.0 percent milk (1948–1950) now contained in the order is $5.99. According to testimony in the hearing record the butterfat differential used in paying producers during this period was 5 cents for milk testing less the 4.0 percent butterfat, and 7 cents for milk above that test. If the base period price is converted from the 4.0 percent level to 3.5 percent by using the 5 cent differential, it would result in an increased cost to handlers for Class I milk. This arises because the Class I butterfat differential to handlers now provided in the order is considerably higher than 5 cents. It was not shown conclusively in the hearing record that this increase in Class I price is necessary on a permanent basis. The record contains little evidence concerning what modification if any in the permanent Class I pricing provisions are necessary.

The point was made that the use of a 4.0 percent basis in the order for pricing Class I milk together with a higher butterfat differential than was in effect prior to the order results in an understatement of the average price received by producers during the base period because the average test of producer milk was somewhat less than 4.0 percent. It is impossible to appraise accurately what effect this may have however, because information is not contained in the record as to what the average test of milk actually was during the 1948–1950 period.

A change in basic test should not be made therefore until more complete evidence is available concerning what effect if any such change should have on handlers cost for Class I milk.

4. The limitation on the amount of price change which may be brought about under the supply-demand adjustment should not be removed.

The 60 cent limit on the operation of the supply-demand provision was adopted because it was determined that conditions which would call for adjustments greater than this would be rather abnormal. Since it is impossible to foresee what these conditions might be, nor to know what price adjustments they would require it was considered desirable that adjustments greater than this not be made without a public hearing at which such conditions could be explained and appraised. The record does not contain evidence which would lead to a different conclusion so far as the permanent provisions of the order are concerned. A finding has hereinbefore been made that the Class I price now provided under the order is insufficient in view of present market conditions. It is concluded however that the way to remedy this situation is to provide temporarily a stated increase in price (see foregoing issue number 1) rather than remove temporarily the limitation on the operation of the supply-demand provision. Whether the latter step would actually mean any increase in price is conjectural. A stated increase in price will be dependable so far as producers are concerned. Any further increase beyond the stated increase herein provided however is not considered necessary.

5. Miscellaneous order provisions. Five proposals were made and supported at the hearing by the Dairy Branch, Production and Marketing Administration. These were minor items, mostly administrative in nature. No evidence was adduced at the hearing to indicate that these matters deserved emergency treatment. Decision on these items is reserved therefore until a later date.

Thirteen additional proposals (proposals number 6 through 18 as contained in the notice of hearing) were abandoned by proponents, and the hearing record contains no evidence thereon. These are not deemed to be material issues at the hearing, and no decision is called for concerning said proposals.

6. The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator of Production and Marketing Administration and the opportunity for exceptions thereto on the actions contained in the amendments herein provided.

Conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective will defeat the purpose of such amendment. Producers need some assurance now that the additional costs resulting from abnormal purchases of forages and concentrates will be reflected in somewhat higher prices than would otherwise prevail. Without that assurance, producers might be forced to adopt measures which would seriously impair the rate of production and result in added expense and difficulty in rebuilding herds and production in the future. Failure to change the producer butterfat differential at the earliest possible date might result in producer withdrawals to the detriment of the market. Accordingly, the time necessarily involved in the preparation, filing and publication of the recommended decision and the consideration of exceptions thereto would make such relief ineffective.

The propriety of omitting a recommended decision and opportunity of filing exceptions thereto with respect to the issues here decided was indicated in the hearing record.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain persons interested in this proceding. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Order of the Secretary directing the conduct of a referendum; determination of a representative period; and designation of referendum agent. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order regulating the handling of milk in the San Antonio, Texas, marketing area) who, during the month of September 1952, which month is hereby determined to be the representative period for such referendum, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order amending the order, which is filed herewith.

Orville A. Jamison is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be

completed on or before the 7th day from the date this decision is filed with the Hearing Clerk, United States Department of Agriculture.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area." and "Order Amending the Order, Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C. this 19th day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Order[1] *Amending the Order, Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area*

§ 949.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the San Antonio, Texas, marketing area shall be in comformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, as follows:

1. Change the period at the end of § 949.51 (c) to a colon and add the following: *"Provided,* That there shall be added to such price 46 cents from the effective date hereof through February 1953, and 23 cents during March 1953."

2. Delete the factor "1.2" in § 949.81 and substitute therefor "1.1".

[F. R. Doc. 52-12515; Filed, Nov. 21, 1952; 8:54 a. m.]

NOTICES

TREASURY DEPARTMENT

United States Coast Guard

[CGFR 52-55]

APPROVAL OF EQUIPMENT AND CHANGES IN MANUFACTURERS' ADDRESSES

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120 dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below with each item of equipment: *It is ordered,* That:

(a) All the approvals listed in this document which extend approvals previously published in the FEDERAL REGISTER dated August 27, September 26, September 30, October 1, and November 1, 1947, are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority; and

(c) The changes in addresses of manufacturers of approved equipment shall be made as indicated below.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE)

Approval No. 160.002/32/0, Model 2 adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Fairfield Textile Works, P. O. Box 6, Highway 40, Fairfield, Calif. (Extension of the approval published in FEDERAL REGISTER dated September 30, 1947; effective September 30, 1952.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 481, 489, 490, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.002)

LIFE PRESERVERS, FIBROUS GLASS, ADULT AND CHILD (JACKET TYPE)

Approval No. 160.005/9/0, Model 51 adult fibrous glass life preserver, U. S. C. G. Specification Subpart 160.005, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

Approval No. 160.005/10/0, Model 55 child fibrous glass life preserver, U. S. C. G. Specification Subpart 160.005, manufactured by Seaway Manufacturing Co., Inc., 511 North Solomon Street, New Orleans 19, La.

(R. S. 4405, 4417a, 4426, 4481, 4482, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 375, 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.005)

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/57/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Orr & Baker, 1303½ Tenth Street, Port Huron, Mich. (Extension of the approval published in FEDERAL REGISTER dated October 31, 1947; effective October 31, 1952.)

Approval No. 160.007/119/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Hirsh-Weis Canvas Products Co., 3121 Northeast Sandy Boulevard, Portland 12, Oreg.

Approval No. 160.007/120/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by International Cushion, 1116-18 Northeast Eighth Avenue, Fort Lauderdale, Fla.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.007)

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Rectangular buoyant cushions manufactured by the H. S. White Manufacturing Co., Inc., Fifth and Wacouta Streets, St. Paul 1, Minn., dwg. No. 1, dated January 17, 1947, and schedule of sizes, dated June 18, 1947, U. S. C. G. Specification Subpart 160.008, in the following sizes with the amount of kapok indicated for each size:

Approval No.	Size (inches)	Kapok (ounces)
160.008/308/0	15 x 19 x 2	29
160.008/309/0	15 x 21 x 2	28
160.008/310/0	15 x 23 x 2	31
160.008/311/0	15 x 25 x 2	34
160.008/312/0	15 x 27 x 2	36
160.008/313/0	15 x 29 x 2	39
160.008/314/0	15 x 31 x 2	42
160.008/315/0	15 x 33 x 2	44
160.008/316/0	15 x 35 x 2	47
160.008/317/0	17 x 17 x 2	26
160.008/318/0	17 x 19 x 2	29
160.008/319/0	17 x 21 x 2	32
160.008/320/0	17 x 23 x 2	35
160.008/321/0	17 x 25 x 2	38
160.008/322/0	17 x 27 x 2	41
160.008/323/0	17 x 29 x 2	44
160.008/324/0	17 x 31 x 2	47
160.008/325/0	17 x 33 x 2	50
160.008/326/0	17 x 35 x 2	53
160.008/327/0	19 x 19 x 2	32
160.008/328/0	19 x 21 x 2	36
160.008/329/0	19 x 23 x 2	39
160.008/330/0	19 x 25 x 2	42
160.008/331/0	19 x 27 x 2	45
160.008/332/0	19 x 29 x 2	49
160.008/333/0	19 x 31 x 2	53
160.008/334/0	19 x 33 x 2	56
160.008/335/0	19 x 35 x 2	59
160.008/336/0	21 x 21 x 2	39
160.008/337/0	21 x 23 x 2	43
160.008/338/0	21 x 25 x 2	47
160.008/339/0	21 x 27 x 2	51
160.008/340/0	21 x 29 x 2	54
160.008/341/0	21 x 31 x 2	58
160.008/342/0	21 x 33 x 2	62
160.008/343/0	21 x 35 x 2	66

(Extension of the approval published in FEDERAL REGISTER dated August 27, 1947; effective August 27, 1952.)

Rectangular buoyant cushions manufactured by the H. S. White Manufacturing Co., Inc., Fifth and Wacouta Streets, St. Paul 1, Minn., dwg. No. 4, dated January 17, 1947, and schedule of sizes, dated June 18, 1947, U. S. C. G. Specification Subpart 160.008, in the following sizes with the amount of kapok indicated for each size:

Approval No.	Size (inches)	Kapok (ounces)
160.008/344/0	14 x 22 x 2	28
160.008/345/0	14 x 24 x 2	30
160.008/346/0	14 x 26 x 2	33
160.008/347/0	14 x 28 x 2	35
160.008/348/0	14 x 30 x 2	38
160.008/349/0	14 x 32 x 2	40
160.008/350/0	14 x 34 x 2	43
160.008/351/0	14 x 36 x 2	45
160.008/352/0	16 x 18 x 2	26
160.008/353/0	16 x 20 x 2	29
160.008/354/0	16 x 22 x 2	32
160.008/355/0	16 x 24 x 2	34
160.008/356/0	16 x 26 x 2	37
160.008/357/0	16 x 28 x 2	40
160.008/358/0	16 x 30 x 2	43
160.008/359/0	16 x 32 x 2	46
160.008/360/0	16 x 34 x 2	49
160.008/361/0	16 x 36 x 2	51
160.008/362/0	18 x 18 x 2	29
160.008/363/0	18 x 20 x 2	32
160.008/364/0	18 x 22 x 2	35
160.008/365/0	18 x 24 x 2	39
160.008/366/0	18 x 26 x 2	42
160.008/367/0	18 x 28 x 2	45
160.008/368/0	18 x 30 x 2	48
160.008/369/0	18 x 32 x 2	51
160.008/370/0	18 x 34 x 2	55
160.008/371/0	18 x 36 x 2	58

(Extension of the approval published in FEDERAL REGISTER dated August 27, 1947; effective August 27, 1952.)

Approval No. 160.008/377/0, 17" x 17" x 2½" rectangular buoyant cushion, 33-ounce kapok, U. S. C. G. Specification Subpart 160.008, specifications and dwgs. dated September 25, 1947, manufactured by Orr & Baker, 1303½ Tenth Street, Port Huron, Mich. (Extension of the approval published in FEDERAL REGISTER dated October 31, 1947; effective October 31, 1952.)

Approval No. 160.008/514/0, 14" x 18¼" x 2" rectangular buoyant cushion, 24-ounce kapok, dwg. No. BC-4, dated August 19, 1952, manufactured by Farber Brothers, Inc., 821 Linden Avenue, Memphis, Tenn.

Approval No. 160.008/516/0, 15" x 15" x 2" rectangular buoyant cushion, 20-ounce kapok, American Pad & Textile Co., dwg. Nos. B-46, dated December 22, 1941, revised March 6, 1946, and A-636 dated August 15, 1952, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Spiegel, Inc., 1061 West Thirty-fifth Street, Chicago 9, Ill.

Approval No. 160.008/517/0, 15" x 15" x 2" rectangular buoyant cushion, 20-ounce kapok, American Pad & Textile Co., dwg. Nos. B-46, dated December 22, 1941, revised March 6, 1946, and A-302, dated August 15, 1952, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Montgomery Ward & Co., Inc., 619 West Chicago Avenue, Chicago 7, Ill.

Approval No. 160.008/518/0, 15" x 15" x 2" rectangular buoyant cushion, 20-ounce kapok, American Pad & Textile Co., dwg. Nos. B-46 dated December 22, 1941, revised March 6, 1946, and A-755, dated August 15, 1952, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for The Firestone Tire & Rubber Co., Akron 17, Ohio.

Approval No. 160.008/519/0, 15" x 15" x 2" rectangular buoyant cushion, 20-ounce kapok, American Pad & Textile Co., dwg. Nos. B-46, dated December 22, 1941, revised March 6, 1946, and A-511, dated August 15, 1952, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck & Co., Chicago 7, Ill.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.008)

COMPASSES, LIFEBOAT

Approval No. 160.014/7/0, Model 34-1000, compensating mariners liquid filled magnetic lifeboat compass with mounting, assembly dwg. No. 34-1000, dated January 22, 1946, manufactured by Kenyon Instrument Co., Inc., 1345 New York Avenue, Huntington Station, Long Island, N. Y. (Extension of the approval published in FEDERAL REGISTER dated September 30, 1947; effective September 30, 1952.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.15-1, 59.11)

WINCHES, LIFEBOATS

Approval No. 160.015/45/1, Type CL-17.5B lifeboat winch, approval is limited to mechanical components only and for a maximum working load of 10,250 pounds pull at the drums (5,125 pounds per fall), identified by assembly dwg. No. CL-17.5-1 dated April 4, 1950, and revised June 10, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.015/45/0 published in the FEDERAL REGISTER dated February 17, 1951.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.10-5, 59.3a, 60.21, 76.15a, 94.14a, 160.015)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/9/0, "Master," Model 100, embarkation-debarkation ladder, wire rope suspension, steel ears, dwg. No. E-1003 dated July 16, 1952, manufactured by The Marine Ladder Manufacturing Co., 2767 Thirteenth Avenue Southwest, Seattle 4, Wash.

(R. S. 4405, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 59.63, 76.56a, 94.55a, 113.47a, 160.017)

SIGNALS, DISTRESS, COMBINATION FLARE AND SMOKE, HAND

Approval No. 160.023/1/0, A-P Daynite hand combination flare and smoke distress signal, arrangement dwg. No. 4500-AR, Rev. No. 3, dated June 17, 1946, manufactured by Aerial Products, Inc., Elkton, Md. (Extension of the approval published in FEDERAL REGISTER dated November 1, 1947; effective November 1, 1952.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.023)

SIGNALS, DISTRESS, PISTOL-PROJECTED, PARACHUTE RED FLARE

Approval No. 160.024/5/0, aluminum shell parachute red flare cartridge distress signal, assembly dwg. No. A-3530, dated January 17, 1947, manufactured by Signal Pyrotechnic Co., 4041 Whiteside Street, Los Angeles 33, Calif. (Extension of the approval published in FEDERAL REGISTER dated August 27, 1947; effective August 27, 1952.)

(R. S. 4405, 4417a, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 381, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.024)

NOZZLES, WATER SPRAY (FIXED TYPE)

Approval No. 160.025/10/0, Model A nonadjustable, 1½-inch fixed type, water spray nozzle, dwg. No. 1, dated March 4, 1938, manufactured by Sculler Safety Corp., 30 Front Street, New York 4, N. Y. (Extension of the approval published in FEDERAL REGISTER dated September 26, 1947; effective September 26, 1952.)

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 463a, 50 U. S. C. App. 1275; 46 CFR 34.10-40, 61.14)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/8/1, Container for emergency drinking water, dwg. No. S1-117, dated August 23, 1951, Rev. 5, dated August 19, 1952, manufactured by The Multiple Breaker Co., 918 Beacon Street, Boston 15, Mass. (Supersedes Approval No. 160.026/8/0 published in the FEDERAL REGISTER dated September 30, 1947.)

Approval No. 160.026/18/1, Container for emergency drinking water, dwg. No. B-104, dated September 17, 1952, manufactured by H. & M. Packing Corp., 913 Ruberta Avenue, Glendale 1, Calif. (Supersedes Approval No. 160.026/18/0 published in the FEDERAL REGISTER dated February 6, 1952.)

(R. S. 4405, 4417a, 4426, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.15-1, 59.11)

LIFEBOATS

Approval No. 160.035/21/1, 24.0' x 7.75' x 3.33' steel, oar-propelled lifeboat, 37-person capacity, identified by general arrangement dwg. No. G-2437 dated April 11, 1952, and revised August 2, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Reinstates and supersedes Approval No. 160.035/21/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 160.035/88/1, 14.0' x 5.4' x 2.3' steel oar-propelled square stern lifeboat, 10-person capacity, identified by general arrangement and construction dwg. No. 49R-1411 dated February 14, 1951 and revised June 10, 1952, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y. (Reinstates and supersedes Approval No. 160.035/88/0 terminated in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 160.035/191/1, 28.0' x 9.79' x 4.13' steel hand-propelled lifeboat, 68-person capacity, identified by construction and arrangement dwg. No. 3199 dated August 1, 1952, revised September 15, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.035/191/0 published in the FEDERAL REGISTER dated April 1, 1948.)

Approval No. 160.035/286/0, 24.0' x 8.0' x 3.5' steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 24-9, dated October 30, 1951, and revised July 16, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. App. 1275; 46 CFR 33.01-5, 59.13, 76.16, 94.15, 113.10, 160.035)

PUMPS, BILGE, LIFEBOAT

Approval No. 160.044/4/0, Size No. 2 lifeboat bilge pump, identified by general assembly dwg. No. 222-A dated August 24, 1944, manufactured by Allied Marine Equipment, Division of Tap-Rite Products Corp., 204 Railroad Avenue, Hackensack, N. J.

(R. S. 4405, 4417a, 4462, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, 245, as amended; 46 U. S. C. 375, 391a, 416, 481, 489, 367, 1333, 50 U. S. C. App. 1275; 46 CFR 160.044)

VALVES, SAFETY

Approval No. 162.001/183/0, Type 1531-P1, Consolidated drum pilot actuator pop safety valve, maximum pressure 1,050 p. s. i., maximum temperature 1,000° F., dwg. No. 3VN953, dated August 13, 1952, approved for 1½" and 2" sizes, bore diameter 1½", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

Approval No. 162.001/184/0, Type 1532-P2, Consolidated drum pilot actuator pop safety valve, maximum pressure 650 p. s. i., maximum temperature 1,000° F., dwg. No. 3VN953, dated August 13, 1952, approved for 1½" and 2" sizes, bore diameter 1⅞", manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

Approval No. 162.001/185/0, Type 1531-U1, Consolidated superheater unloader safety valve, maximum pressure 1,000 p. s. i., maximum temperature 1,000° F., dwg. No. 3VM953, dated September 4, 1952, approved for 2 and 2½-inch sizes, bore diameter 1½ inches, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

Approval No. 162.001/186/0, Type 1531-U2, Consolidated superheater unloader safety valve, maximum pressure 1,000 p. s. i., maximum temperature 1,000° F., dwg. No. 3VM953, dated September 4, 1952, approved for 2 and 2½-inch sizes, bore diameter 1⅝ inches, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

Approval No. 162.001/187/0, Type 1531-U3, Consolidated superheater unloader safety valve, maximum pressure 600 p. s. i., maximum temperature 1,000° F., dwg. No. 3VM953, dated September 4, 1952, approved for 2½-inch size, bore diameter 1¾ inches, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

Approval No. 162.001/188/0, Type 1531-U4, Consolidated superheater unloader safety valve, maximum pressure 600 p. s. i., maximum temperature 1,000° F., dwg. No. 3VM953, dated September 4, 1952, approved for 2½-inch size, bore diameter 2 inches, manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 52.65)

BOILERS, HEATING

Approval No. 162.003/141/0, C-600W hot water heating boiler, horizontal fire tube type, dwg. No. F-6521-A, Revision A dated September 5, 1952, design pressure 30 p. s. i. approval limited to bare boiler, manufactured by Cyclotherm Division, U. S. Radiator Corp., Oswego, N. Y.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/2/1, Alfite Speedex 15, 15-pound carbon-dioxide type hand portable fire extinguisher, assembly dwg. No. 28X-1576, Alt. J dated July 15, 1949, name plate dwg. No. 28X-844, Rev. M1 dated March 26, 1951, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y. (Supersedes Approval No. 162.005/2/0 published in the FEDERAL REGISTER dated October 1, 1952.)

Approval No. 162.005/37/0, Gapco Model SRH-15, 15-pound carbon dioxide type hand portable fire extinguisher, assembly dwg. dated September 8, 1950, no revision, name plate dwg. No. GA-99-08 dated June 8, 1949, no revision, manufactured by General Air Products Corp., 5345 North Kedzie Avenue, Chicago 18, Ill.

Approval No. 162.005/38/0, Gapco Model SRH-10, 10-pound carbon dioxide type hand portable fire extinguisher, assembly dwg. dated September 8, 1950, no revision, name plate dwg. No. GA-99-08 dated June 8, 1949, no revision, manufactured by General Air Products Corp., 5345 North Kedzie Avenue, Chicago 18, Ill.

Approval No. 162.005/39/0, Gapco Model SRQ-5, 5-pound carbon dioxide type hand portable fire extinguisher, assembly dwg. dated September 8, 1950, no revision, name plate dwg. No. GA-99-07 dated June 7, 1949, no revision, manufactured by General Air Products Corp., 5345 North Kedzie Avenue, Chicago 18, Ill.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5-1, 26.3-1, 27.3-1, 34.25-1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL FOAM TYPE

Approval No. 162.006/10/0, Badger, 2½-gallon foam hand portable fire extinguisher, assembly dwg. Nos. BD 1895, dated June 19, 1947, and SK 1053A, dated March 26, 1946, name plate dwg. No. BD 1922, dated August 27, 1947, revised October 2, 1952, manufactured by the Badger Fire Extinguisher Co., 626 Somerville Avenue, Somerville 43, Mass. (Extension of the approval published in FEDERAL REGISTER dated September 30, 1947; effective September 30, 1952.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5-1, 26.3-1, 27.3-1, 34.25-1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, SODA-ACID TYPE

Approval No. 162.007/24/0, Badger's Pony, 1¼-gallon soda-acid hand portable fire extinguisher, assembly dwg. No. SK 284, dated May 1, 1924, name plate dwg. No. SK 258, dated May 1, 1924, rev. August 27, 1947, manufactured by the Badger Fire Extinguisher Co., 626 Somerville Avenue, Somerville 43, Mass. (Extension of the approval published in

FEDERAL REGISTER dated September 30, 1947; effective September 30, 1952.)

Approval No. 162.007/25/0, Badger's 2½-gallon soda-acid hand portable fire extinguisher, assembly dwg. Nos. BD 1889, dated March 25, 1947, and SK 1034, dated May 23, 1932, rev. March 9, 1937, name plate dwg. No. BD 1921, dated August 26, 1947, revised October 2, 1952, manufactured by the Badger Fire Extinguisher Co., 626 Somerville Avenue, Somerville 43, Mass. (Extension of the approval published in FEDERAL REGISTER dated September 30, 1947; effective September 30, 1952.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5-1, 26.3-1, 27.3-1, 34.25-1, 61.13, 77.13, 95.13, 114.15)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/1/2, Ansul M-20-B, 20-pound dry chemical pressure-cartridge operated type hand portable fire extinguisher, assembly dwg. No. 2709 dated April 22, 1952, no revision, shell assembly dwg. No. 2774 dated April 21, 1952, no revision, and name plate dwg. No. 2781 dated December 7, 1951, no revision, manufactured by Ansul Chemical Co., Marinette, Wis. (Supersedes Approval No. 162.010/1/1 published in the FEDERAL REGISTER dated August 24, 1951.)

Approval No. 162.010/3/2, Ansul M-4-A, 4-pound dry chemical pressure-cartridge operated type hand portable fire extinguisher, assembly dwg. No. DS-1785 dated September 27, 1950, no revision, shell assembly dwg. No. 1779, Rev. 2 dated April 23, 1952, name plate dwg. No. 1780, Rev. 1 dated July 30, 1951, manufactured by Ansul Chemical Co., Marinette, Wis. (Supersedes Approval No. 162.010/3/1 published in the FEDERAL REGISTER dated February 6, 1952.)

Approval No. 162.010/4/1, Alfco Model 5P1-30M (Marine Type) 25-pound dry chemical type hand portable fire extinguisher, assembly dwg. No. 33X-1011, Alt. K dated February 29, 1952, instruction panel dwg. No. 33X-158 dated February 29, 1952, no revision, manufactured by American-LaFrance-Foamite Corp., Elmira, N. Y. (Supersedes Approval No. 162.010/4/0 published in the FEDERAL REGISTER dated December 7, 1951.)

Approval No. 162.010/13/1, Ansul M-4-B, 4-pound dry chemical pressure-cartridge operated type hand portable fire extinguisher, assembly dwg. No. DS-2218 dated June 21, 1951, no revision, shell assembly dwg. No. 2219, Rev. 2 dated April 23, 1952, name plate dwg. No. DS-2217, dated June 21, 1951, no revision, manufactured by Ansul Chemical Co., Marinette, Wis. (Supersedes Approval No. 162.010/13/0 published in the FEDERAL REGISTER dated February 6, 1952.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5-1, 26.3-1, 27.3-1, 28.3-5, 34.25-1, 61.13, 77.13, 95.13, 114.15)

VALVES, RELIEF (FOR HOT WATER HEATING BOILERS)

Approval No. 162.013/12/0, Type No. 230-30, relief valve for hot water heating boilers, maximum set pressure 30 p. s. i., relieving capacity 303,000 B. t. u. per hour, dwg. No. 230-30, rev. 1, dated September 1952, approved for ¾-inch inlet size, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago 18, Ill.

Approval No. 162.013/13/0, Type No. 2230CG, multiple relief valve assembly for hot water heating boilers, two (2) ¾-inch No. 230-30 relief valves mounted on common base, maximum set pressure 30 p. s. i., combined relieving capacity 606,000 B. t. u. per hour, dwg. No. 2230 CG assembly, dated September 16, 1952, base inlet size 1¼-inch nominal pipe diameter, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago 18, Ill.

Approval No. 162.013/14/0, Type No. 3230CG, multiple relief valve assembly for hot water heating boilers, three (3) ¾-inch No. 230-30 relief valves mounted on common base, maximum set pressure 30 p. s. i., combined relieving capacity 909,000 B. t. u. per hour, dwg. No. 3230CG assembly, dated September 16, 1952, base inlet size 1½-inch nominal pipe diameter, manufactured by McDonnell & Miller, Inc., 3500 North Spaulding Avenue, Chicago 18, Ill.

Approvel No. 162.013/15/0, No. 74 relief valve for hot water heating boiler, ¾-inch inlet size, relieving capacity 480,000 B. t. u. per hour at maximum set pressure of 30 p. s. i., dwg. No. 74-174 PD, dated October 7, 1952, manufactured by Watts Regulator Co., Lawrence, Mass.

Approval No. 162.013/16/0, No. 174 relief valve for hot water heating boiler, maximum set pressure 30 p. s. i., dwg. No. 74-174 PD, dated October 7, 1952, approved for following sizes and relieving capacities:

Inlet size (inches):	*Relieving capacity (B. t. u./hr. at 30 p. s. i.)*
¾	441,000
1	716,400
1¼	1,065,600
1½	1,395,000
2	2,528,100

manufactured by Watts Regulator Co., Lawrence, Mass.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 53.03-60)

DECK COVERINGS

Approval No. 164.006/3/1, Asbestolith magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG-3610-1214; FR 1778 dated July 2, 1940, approved for use without other insulating material as meeting Class A-60 requirements in a 1½-inch thickness, manufactured by Asbestolith Manufacturing Corp., 257 Kent Street, Brooklyn 22, N. Y. (Extension of the approval published in FEDERAL REGISTER dated September 30, 1947; effective September 30, 1952.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR 164.006)

FIRE INDICATING AND ALARM SYSTEMS

Smoke Detecting System, Audible, Type R, 110 and 220 volts direct current, and Type RAC, 110 volts, 60 cycles, alternating current, and Types R and RAC smoke detector systems combined with carbon dioxide fire extinguishing system, and conversion of existing Rich and Richaudio Smoke Detecting and existing systems combined with carbon dioxide extinguishing systems to Type R system; 24, 32, and 40 line cabinets minimum; assembly dwg. No. 157066, Rev. B dated February 13, 1951; dwg. No. 159007, Rev. E, dated June 20, 1951, wiring diagram, Type R; dwg. No. 159014, dated December 26, 1951, Schematic wiring diagram, Type RAC, manufactured by Walter Kidde & Co., Inc., Belleville 9, N. J. (Supersedes both approvals published in FEDERAL REGISTER dated August 24, 1951.)

(R. S. 4405, and 4426, as amended, 49 Stat. 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 404, 367, 1333, 463a, 50 U. S. C. App. 1275; 46 CFR 61.16, 61.17, 77.16, 77.17, 95.15, 95.16, 114.16, 114.17)

CHANGE IN ADDRESS

The address of H. S. White Manufacturing Co., Inc., has been changed from Sixth and Rosabel Streets to Fifth and Wacouta Streets, St. Paul 1, Minn., for Approval Nos. 160.007/19/0, 160.008/175/0, 160.008/176/0, 160.008/177/0 and 160.008/178/0 published in the FEDERAL REGISTER dated October 1, 1952.

The address of the Martin-Parry Corp. has been changed from York, Pa., to P. O. Box 964, Toledo 1, Ohio, for Approval No. 164.008/19/0 published in the FEDERAL REGISTER dated October 1, 1952.

Dated: November 10, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 52-12464; Filed, Nov. 21, 1952; 8:46 a. m.]

[CGFR 52-56]

TERMINATIONS OF APPROVALS OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because (1) the manufacturer is no longer in business, or (2) the manufacturer does not desire to retain the approval, or (3) the item of equipment no longer complies with the present Coast Guard requirements. In the case of power boilers it has been decided that since detailed plans of power boilers must be submitted for each vessel or a group of vessels of a particular design, there is no advantage in type approving such boilers and, therefore, the approvals for

power boilers are being terminated and new designs will no longer be listed under the heading of approved equipment. All the termination of approvals except for power boilers and heating boilers shall be effective on the dates indicated at the end of each item in accordance with the original approvals published in the FEDERAL REGISTER. The termination of approvals of power boilers and heating boilers made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

BUOYANT CUSHIONS, KAPOK, STANDARD

Termination of Approval No. 160.007/55/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by The Mueck Auto Body Co., 4321-4329 Papin Street, St. Louis 10, Mo. (Approved FEDERAL REGISTER dated August 27, 1947, Termination of approval effective August 27, 1952.)

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.007)

BUOYANT CUSHIONS, NON-STANDARD

Termination of Approval No. 160.008/306/0, 15½'' x 26'' x 3'' rectangular kapok buoyant cushion, 54-ounce kapok, dwg. No. 181-103, dated July 7, 1947, U. S. C. G. Specification Subpart 160.008, manufactured by Cluff Fabric Products, 457-467 East One Hundred and Forty-seventh Street, New York, N. Y. (Approved FEDERAL REGISTER dated August 27, 1947. Termination of approval effective August 27, 1952.)

Termination of Approval No. 160.008/372/0, 14'' x 43'' x 2½'' rectangular kapok buoyant cushion, 68-ounce kapok, dwg. dated July 26, 1947, U. S. C. G. Specification Subpart 160.008, manufactured by DeMore Manufacturing Co., Inc., 547 Meeting Street, Charleston 14, S. C. (Approved FEDERAL REGISTER dated August 27, 1947. Termination of approval effective August 27, 1952.)

Termination of Approval No. 160.008/374/0, 24'' x 25⅝'' x 3'' rectangular buoyant cushion, 82-ounce kapok, U. S. C. G. Specification Subpart 160.008, dwg. No. 181-105, dated August 25, 1947, manufactured by Cluff Fabric Products, 457-467 East One Hundred and Forty-seventh Street, New York, N. Y. (Approved FEDERAL REGISTER dated September 26, 1947. Termination of approval effective September 26, 1952.)

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.008)

BUOYANT APPARATUS

Termination of Approval No. 160.010/11/0, buoyant apparatus, spruce, copper tanks, 20-person capacity, dwg. dated April 1, 1936, submitted by Tregoning Industries, Inc., P. O. Box 151, Alderwood Manor, Wash. (Approved FEDERAL REGISTER dated September 26, 1947. Termination of approval effective September 26, 1952.)

Termination of Approval No. 160.010/12/0, buoyant apparatus, plywood, Type B, 20-person capacity, dwg. dated May 1940, submitted by Tregoning Industries, Inc., P. O. Box 151, Alderwood Manor, Wash. (Approved FEDERAL REGISTER dated September 26, 1947. Termination of approval effective September 26, 1952.)

Termination of Approval No. 160.010/13/0, buoyant apparatus, 5' 2'' x 2' 8'' elliptical shape, 0' 7'' diameter section, hollow aluminum, flush net platform, five-person capacity, dwg. No. 3135, dated September 30, 1946, Alt. February 4, 1947, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER dated September 30, 1947. Termination of approval effective September 30, 1952.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 59.54a, 60.47a, 76.51a, 160.010)

WINCHES, LIFEBOAT

Termination of Approval No. 160.015/37/0, Type WH-15, lifeboat winch, approved for maximum working load of 12,500 pounds pull at the drums (6,250 pounds per fall), identified by general arrangement dwg. No. 1263-D, dated June 7, 1946, and revised June 9, 1947, manufactured by The Landley Co., Inc., Division of Cargocaire Engineering Corp., 15 Park Row, New York 7, N. Y. (Approved FEDERAL REGISTER dated August 27, 1947. Termination of approval effective August 27, 1952.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.10-5, 59.3a, 60.21, 76.15a, 94.14a, 160.015)

LINE-THROWING APPLIANCES, LYLE GUN TYPE

Termination of Approval No. 160.020/10/0, steel line-throwing appliance, Lyle gun type, assembly dwg. No. SSC-105-3, Alt. A, revised December 19, 1940, and detail dwg. No. SSC-105-4, Alt. A, revised December 19, 1940, manufactured by Sculler Safety Corp., 30 Front Street, New York 4, N. Y. (Approved FEDERAL REGISTER dated September 26, 1947. Termination of approval effective September 26, 1952.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.55-1, 59.61)

FIRING ATTACHMENTS, MECHANICAL (WITH ACCESSORIES), FOR LYLE GUN TYPE LINE-THROWING APPLIANCE

Termination of Approval No. 160.030/3/0, Model 2 firing attachment for Lyle gun type line-throwing appliance, dwgs. No. FA 30 and FA 31, rev. April 23, 1945, manufactured by Columbia Appliance Corp., 8-13 Forty-third Road, Long Island City 1, N. Y. (Approved FEDERAL REGISTER dated September 26, 1947. Termination of approval effective September 26, 1952.)

Termination of Approval No. 160.030/4/0, Type A firing attachment for Lyle type line-throwing gun, dwg. No. C-32A, revised April 25, 1945, submitted by Coston Supply Co., Inc., 31 Water Street, New York 4, N. Y. (Approved FEDERAL REGISTER dated September 26, 1947. Termination of approval effective September 26, 1952.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 345, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.55-1, 59.61)

LINE-THROWING APPLIANCE, SHOULDER GUN TYPE (AND EQUIPMENT)

Termination of Approval No. 160.031/3/0, line-throwing appliance, shoulder gun type, dwg. No. 15, submitted by Coston Supply Co., Inc., 31 Water Street, New York 4, N. Y. (Approved FEDERAL REGISTER dated September 26, 1947. Termination of approval effective September 26, 1952.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 475, 481, 489, 1333, 50 U. S. C. App. 1275; 33.55-1, 59.61)

LIFEBOATS

Termination of Approval No. 160.035/149/0, 22' x 7.5' x 3.15' steel, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement dwg. No. OMS-460-A, dated June 1947, submitted by Tregoning Industries, Inc., P. O. Box 151, Alderwood Manor, Wash. (Approved FEDERAL REGISTER dated September 26, 1947. Termination of approval effective September 26, 1952.)

Termination of Approval No. 160.035/150/0, 26' x 8.5' x 3.825' steel, oar-propelled lifeboat, 50-person capacity, identified by construction and arrangement dwg. No. OMS 600A, submitted by Tregoning Industries, Inc., P. O. Box 151, Alderwood Manor, Wash. (Approved FEDERAL REGISTER dated September 26, 1947. Termination of approval effective September 26, 1952.)

Termination of Approval No. 160.035/167/0, 16' x 5.1' x 2.08' steel oar-propelled lifeboat, 10-person capacity, approved for use on vessels other than ocean or coastwise steam vessels; identified by construction and arrangement dwg. No. 3172, dated May 5, 1945, manufactured by the Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER dated August 27, 1947. Termination of approval effective August 27, 1952.)

Termination of Approval No. 160.035/168/0, 14' x 5.0' x 2.17' steel oar-propelled lifeboat, nine-person capacity, approved for use on vessels other than ocean or coastwise steam vessels, identified by construction and arrangement dwg. No. 3158 dated March 25, 1947, manufactured by the Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER dated August 27, 1947. Termination of approval effective August 27, 1952.)

Termination of Approval No. 160.035/169/0, 26' x 9' x 3.83' aluminum motor-propelled lifeboat with radio cabin, 42-person capacity, identified by construction and arrangement dwg. No. 3167, dated June 20, 1947, rev. September 4, 1947, manufactured by the Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER dated September 30, 1947. Termination of approval effective September 30, 1952.)

Termination of Approval No. 160.035/172/0, 30.67' x 10.17' x 4.25' steel motor-propelled lifeboat with radio cabin, 60-person capacity, identified by construction and arrangement dwg. No. 2276-7, dated November 6, 1942, and revised January 15, 1943, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER dated November 8, 1947. Termination of approval effective November 8, 1952.)

Termination of Approval No. 160.035/175/0, 12'. x 4.5' x 1.85' steel, oar-propelled lifeboat Type OMS, for service on vessels other than ocean and coastwise vessels, six-person capacity, identified by construction and arrangement dwg. No. OMS 1A dated October 1947, manufactured by Tregoning Industries, Inc., P. O. Box 151, Alderwood Manor, Wash. (Approved FEDERAL REGISTER dated November 6, 1947. Termination of approval effective November 6, 1952.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. App. 1275; 46 CFR 33.01-5, 59.13, 76.16, 94.15, 113.10, 160.035)

TELEPHONE SYSTEMS, SOUND POWERED

Termination of Approval No. 161.005/30/0, sound powered telephone headset, Model MI-2045-E, dwg. No. W-302828-502, submitted by Radio Corporation of America, Camden 2, N. J. (Approved FEDERAL REGISTER dated August 27, 1947. Termination of approval effective August 27, 1952.)

Termination of Approval No. 161.005/31/0, sound powered telephone handset, Model MI-2040-A, dwg. No. TT-613025-504, submitted by Radio Corporation of America, Camden 2, N. J. (Approved FEDERAL REGISTER dated August 27, 1947. Termination of approval effective August 27, 1952.)

Termination of Approval No. 161.005/32/0, sound powered telephone signal unit, Model MI-2471, 13 stations maximum, bulkhead mounting, waterproof, dwg. No. W-130924-501, submitted by Radio Corporation of America, Camden 2, N. J. (Approved FEDERAL REGISTER dated August 27, 1947. Termination of approval effective August 27, 1952.)

Termination of Approval No. 161.005/33/0, sound powered telephone station assembly (less signal unit), Model MI-2044-A, waterproof, bulkhead mounting, dwg. No. W-130429-502, submitted by Radio Corporation of America, Camden 2, N. J. (Approved FEDERAL REGISTER dated August 27, 1947. Termination of approval effective August 27, 1952.)

Termination of Approval No. 161.005/34/0, sound powered telephone handset, Model MI-2040-A, dwg. No. TT-613025-504, and brackets for bulkhead mounting, Models MI-2452 and MI-2062-B, dwg. Nos. W-130422-501 and T-161374-3, submitted by Radio Corporation of America, Camden 2, N. J. (Approved FEDERAL REGISTER dated August 27, 1947. Termination of approval effective August 27, 1952.)

(R. S. 4405, 4417a, 4418, 4426, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended, 46 U. S. C. 367, 375, 391a, 392, 404, 489, 1333, 50 U. S. C. 1275; 46 CFR 63.11, 79.12, 97.14, 116.10)

BOILERS, POWER

Termination of Approval No. 162.002/63/1, Titusville Fire Tube Boiler, Scotch Marine dry back type welded construction, dwgs. No. E-7487-B revised November 15, 1948, and No. E-7485-C revised November 26, 1948, approved for type design only, manufactured by The Titusville Iron Works Co., Division of Struthers-Wells Corp., 1938 Reed Street, Titusville, Pa. (Approved FEDERAL REGISTER dated December 31, 1948.)

Termination of Approval No. 162.002/78/0, Type H-B Two-Drum bent tube waste heat boiler, integrally fired with an oil burner, casing arrangement dwg. No. H54-452, boiler piping arrangement dwg. No. H512-452, manufactured by Heilman Boiler Works, Front and Linden Streets, Allentown, Pa. (Approved FEDERAL REGISTER dated August 6, 1948.)

(R. S. 4405, 4417a, 4418, 4423, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

BOILERS, HEATING

Termination of heating boilers, cast iron copper tube, maximum steam or hot water pressure of 15 p. s. i., dwg. No. D-6245, manufactured by Bryan Steam Corp., Peru, Ind., for the following Models:

Approval No.	Model No.	Available B. t. u. rating (thousands)
162.005/54/0	17	297
162.005/55/0	19	506
162.005/56/0	111	450
162.005/57/0	113	540
162.005/58/0	117	810
162.005/59/0	117	1,188
162.005/60/0	122	1,580

(Approved FEDERAL REGISTER dated February 12, 1948.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON DIOXIDE TYPE

Termination of Approval No. 162.005/15/0, Kidde Model 10T, 10-pound carbon dioxide hand portable fire extinguisher, assembly dwg. No. 82507, Rev. A, dated September 27, 1945, name plate dwg. No. 82508, Rev. A, dated October 4, 1945, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville 9, N. J. (Approved FEDERAL REGISTER dated September 18, 1947. Termination of approval effective September 18, 1952.)

Termination of Approval No. 162.005/16/0, Kidde Model 15T, 15-pound carbon dioxide hand portable fire extinguisher, assembly dwg. No. 82058, Rev. B, dated August 29, 1945, name plate dwg. No. 82307, Rev. A, dated September 19, 1945, manufactured by Walter Kidde & Co., Inc., 675 Main Street, Belleville 9, N. J. (Approved FEDERAL REGISTER dated September 18, 1947. Termination of approval effective September 18, 1952.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 25.5-1, 26.3-1, 27.3-1, 34.25-1, 61.13, 77.13, 95.13, 114.15)

Dated: November 14, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 52-12463; Filed, Nov. 21, 1952; 8:46 a. m.]

Fiscal Service, Bureau of the Public Debt

[1952 Dept. Circ. 917]

2 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C-1953

ADDITIONAL ISSUE OF CERTIFICATES

NOVEMBER 17, 1952.

I. *Offering of certificates.* The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for certificates of indebtedness of the United States, designated 2 percent Treasury Certificates of Indebtedness of Series C-1953, in exchange for 1⅞ percent Treasury Certificates of Indebtedness of Series F-1952, maturing December 1, 1952.

II. *Description of certificates.* The certificates now offered will be an addition to and will form a part of the series of 2 percent Treasury Certificates of Indebtedness of Series C-1953 issued pursuant to Department Circular No. 912, dated August 4, 1952, will be freely interchangeable therewith, are identical in all respects therewith, and are described in the following quotation from Department Circular No. 912:

1. The certificates will be dated August 15, 1952, and will bear interest from that date at the rate of 2 percent per annum, payable with the principal at maturity on August 15, 1953. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Depart-

ment, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* Payment at par and accrued interest from August 15, 1952, to December 1, 1952, for certificates allotted hereunder must be made on or before December 1, 1952, or on later allotment. Payment of the principal amount may be made only in Treasury Certificates of Indebtedness of Series F–1952, maturing December 1, 1952, which will be accepted at par and should accompany the subscription. The full amount of interest due on the maturing certificates will be credited, accrued interest from August 15, 1952, to December 1, 1952, on the certificates to be issued ($5.91781 per $1,000) will be charged, and the difference will be paid to the subscribers following acceptance of the maturing certificates.

V. *General provisions.* A. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-12462; Filed, Nov. 21, 1952; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

MANCOS PROJECT, COLORADO

ORDER OF REVOCATION

FEBRUARY 25, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of February 7, 1941, November 10, 1941, and November 2, 1943, in so far as said orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 37 N., R. 12 W.,
Sec. 17, S½NW¼ and SW¼;
Sec. 18, SE¼;
Sec. 19, All;
Sec. 20, NW¼;
Sec. 30, All.
T. 36 N., R. 13 W.,
Sec. 19, Lot 4, SE¼SW¼, and SE¼;
Sec. 20, SW¼;
Sec. 29, N½NW¼;
Sec. 30, NE¼ and NW¼SE¼.
T. 37 N., R. 13 W.,
Sec. 25, N½SW¼, SW¼SW¼, and N½;
Sec. 34, SE¼;
Sec. 35, SW¼ and W½SE¼;
Sec. 36, NE¼NE¼.
T. 35 N., R. 14 W.,
Sec. 6, Lot 4.
T. 36 N., R. 14 W.,
Sec. 25, SW¼NE¼;
Sec. 26, S½SW¼ and SW¼SE¼;
Sec. 31, Lots 3 and 4, E½SW¼, and SE¼;
Sec. 32, N½SW¼ and SW¼SW¼.
T. 35 N., R. 15 W.,
Sec. 1, S½SW¼ and NW¼SE¼;
Sec. 2, SE¼SE¼;
Sec. 10, SW¼SE¼;
Sec. 11, N½NE¼ and NW¼SW¼;
Sec. 12, NW¼NW¼;
Sec. 15, NE¼.

The areas described above aggregate 4367.12 acres.

G. W. LINEWEAVER,
Acting Commissioner.

I concur. The records of the Bureau of Land Management will be noted.

The lands are chiefly valuable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Denver, Colorado.

WILLIAM PINCUS,
Assistant Director,
Bureau of Land Management.

NOVEMBER 18, 1952.

[F. R. Doc. 52-12468; Filed, Nov. 21, 1952; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

YAMASHITA STEAMSHIP CO., LTD., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7876 between Yamashita Steamship Co., Ltd., and Waterman Steamship Corporation covers the transportation of cargo under through bills of lading from Japan, Korea, Formosa, Manchuria (Manchuko), Siberia, China, Hong Kong, Siam, Indo-China, Kwantung and Philippine Islands to ports of San Juan, Ponce or Mayaguez, Puerto Rico, with transshipment at Seattle, Portland, San Francisco, Los Angeles Harbor or Long Beach.

(2) Agreement No. 57–34, between the Member Lines of the Pacific Westbound Conference, modifies the basic agreement of that conference (No. 57), which covers the trade from or via U. S. and Canadian Pacific Coast ports to the Far East, (a) by extending its terms to cover division of through rates; (b) to include provisions dealing with the loss of a member's voting rights or membership upon failure to maintain sailings; (c) to provide for a member's suspension from the conference for reasonable cause and for loss of voting rights during period of suspension; (d) to include a more complete admission provision; (e) to include a number of provisions relating to the internal functioning of the conference; (f) by clarifying various provisions; and (g) to provide for furnishing the Federal Maritime Board with copies of tariffs, minutes of meetings and other records of actions taken by the conference and with advice of membership changes, of changes in membership status and of denial of membership.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 18, 1952.

By order of the Federal Maritime Board.

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-12495; Filed, Nov. 21, 1952; 8:52 a. m.]

National Production Authority

[Suspension Order 44; Docket No. 46]

COWIN AND COMPANY, INC.

SUSPENSION ORDER

A hearing was held in the above-entitled matter on October 16, 1952, at Minneapolis, Minn., before Stanley H. Johnson of Denver, Colo., a hearing commissioner of the National Production Authority, designated to hear the case by Walter H. Foster, Chief Hearing Commissioner, by a letter dated August 12, 1952.

The cause was heard upon four charges in a statement of charges made by Robert H. Winn, Assistant General Counsel of the National Production Authority. Charge 1 alleged that during the calendar quarter commencing October 1, 1951, respondent placed orders for carbon steel, 744,380 pounds in excess of its allotments in violation of section 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860). Charge 2 alleged that during the calendar quarter commencing January 1, 1952, respondent placed orders for 146,320 pounds of carbon steel, and 19,238 pounds of aluminum, in excess of its allotments. This charge was amended at the hearing to reduce the alleged excess of aluminum to 11,763 pounds. These excess orders were also alleged to be in violation of section 19 (f). Charge 3 alleged that respondent failed to return within the prescribed time, or thereafter, unused allotments for the third quarter of 1951 of 199,565 pounds of carbon steel, in violation of section 18 (b) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127). Charge 4 alleged that respondent failed to return its unused allotment for the fourth quarter of 1951 of 68,860 pounds of carbon steel and 6,243 pounds of aluminum, in violation of same section.

Respondent's answer denied the allegation of Charge 1 and alleged that the charge included an alleged excess of 224,380 pounds of carbon steel in the K–7 (Buildings) division through improperly including 328,000 pounds of orders which should not be charged against the fourth quarter of 1951, and an alleged excess of 520,000 pounds of steel in the K–7 (Reinforcing) division, through improperly including 288,000 pounds of steel charged by respondent against its third quarter 1951 allotment. By amendment, paragraph (3a) made by respondent at the hearing, it alleged that the excess of 520,000 pounds of steel charged also improperly included 70,000 pounds which was "free steel" and by paragraph (3b) that the excess of 224,380 pounds of excess charged improperly included 20,380 pounds purchased from warehouses which did not require extension of allotment, and respondent believed such purposes were not required to be charged against its allotment. In answer to Charge 2 respondent alleged that the excess of 146,320 pounds of steel charged included 40,320 pounds purchased from warehouses which did not require extension of allotments; in regard to the excess of 11,763 pounds of aluminum, that the excess arose because of orders placed in September 1951, and a reduction of allotment in November 1951, and because respondent did not cancel the earlier orders, but reduced its orders for the first quarter of 1952; and that included in the alleged excess of aluminum were 7,645 pounds which respondent ordered to make use of 34,000 pounds of prefabricated aluminum purchased early in 1951, which respondent otherwise could not have used, and which were not delivered until the second and third quarters of 1952, and were charged by respondent against its second quarter allotment. Charges 3 and 4 were denied by respondent, which alleged that it had never been allotted substantially more than it needed.

Respondent denied that it had wilfully violated any regulations, and that, if it had, its violations were due to misunderstanding of the regulations.

The National Production Authority was represented by Berthold J. Harris, enforcement attorney of Chicago, and respondent by Faegre and Benson and Rex H. Kitts, attorneys in Minneapolis.

Findings of fact. From the evidence presented at the hearing the commissioner finds:

Charge 1. During the fourth quarter of 1951 respondent had K–7 allotments, not reinforcing bars, of 634,000 pounds of carbon steel. It placed orders for 530,380 pounds for fourth quarter delivery, and 328,000 pounds which it had charged to the third quarter were properly charged, under the regulations, to the fourth quarter, making an excess of 224,380 pounds. However, Calumet orders totaling 400,000 pounds of K–7 Building allotment steel were ordered by respondent prior to July 1951, when the regulations controlling materials took effect; for deliveries prior to that date 73,330 pounds were delivered in the third quarter, 265,610 pounds in the second and fourth quarters of 1952, and 61,060 pounds have never been delivered. During the same quarter respondent had K–7 Reinforcing allotments of 1,290,000 pounds of steel and placed orders for delivery in the fourth quarter for 1,242,000 pounds, but were charged under the regulations with 568,000 pounds of third quarter orders undelivered in that quarter against its fourth quarter allotment, making an excess of 520,000 pounds. However, the deliveries of 288,000 pounds which respondent had ordered for third quarter delivery, arrived only a few days after October 7, 1951. Under Direction 7 as it stood on October 1, 1951, respondent should have charged deliveries on third quarter orders for third quarter delivery but delivered after October 7 to its fourth quarter allotment. On October 22 this direction was amended and under the amendment respondent was required within 9 days, by October 31, to cancel outstanding orders for fourth quarter delivery to the extent that its orders for third quarter delivery not filled by October 8, plus its outstanding orders for fourth quarter delivery, exceeded its fourth quarter allotment. Respondent was unaware of this direction and continued to charge its orders for third quarter delivery to the third quarter. On January 5, 1952, an amendment to section 20 (f) permitted just such a charge-back of deliveries ordered for the fourth quarter and delivered late in 1952 against the fourth quarter allotment, but did not authorize a similar charge-back of late third quarter deliveries against the third quarter allotment. The officer of respondent whose duty it was to comply with NPA regulations was unaware that these late deliveries should

have been charged against the fourth quarter. Furthermore, he understood from information received from certain warehouses where respondent was purchasing steel, which warehouses did not require extension of respondent's allotment, that this was "free steel," not requiring use of respondent's allotments. These orders included in K–7, 40,435 pounds of third quarter orders, 20,380 pounds in the fourth quarter, and 34,320 pounds in the first quarter 1952, and 6,000 pounds of K–1 steel in the latter quarter. A further extenuating circumstance was that orders for Class A products were placed by respondent with the expectation of receiving customer's allotments which were subsequently cancelled. There was no evidence of any intention upon respondent's part to violate any of the regulations, but the fact was, by reason of its failure to cancel orders made in the third quarter and not delivered by October 7, and by its failure to charge delayed deliveries against its fourth quarter allotment, it had orders placed chargeable to its fourth quarter allotment, 744,380 pounds in excess of that allotment.

Charge 2. Under K–1 for the first quarter of 1952 respondent had allotments for 568,000 pounds of carbon steel. It placed orders for 626,000 pounds, 58,000 pounds in excess of its allotments. Under K–7 it had allotments for 420,000 pounds of steel against which it placed orders for 508,320 pounds, an excess of 88,320 pounds. This made a total excess of orders of 146,320 pounds of steel for the first quarter.

Its K–7 allotment of aluminum for the first quarter was reduced to 5,600 pounds. It placed orders for 24,838 pounds of which 7,475 were transferred to the second quarter, leaving an excess of 11,763 pounds of aluminum.

As previously stated, some of this excess in steel was due to respondent's belief that it was receiving 40,320 pounds of "free steel" from warehouses. Taking receipts of deliveries of steel as a whole over the year's period beginning with the third quarter of 1951, respondent was over 900,000 pounds under its allotments in all divisions, although it was in excess of 248,000 pounds in K–7 Reinforcing. The aluminum it actually received during the year was also some 7,000 pounds under its allotments. It was in the charging of orders and not use of steel and aluminum that respondent was in violation, but of course these violations prevented reallocation by the Authority of allotment of the excess of orders in those quarters in which the excesses occurred. There was no evidence of willful violation as to the first quarter 1952.

Charge 3. By reason of the transfer by the compliance officer and his auditor of 328,000 pounds of steel ordered in the third quarter, and charged by respondent to the third quarter, to the fourth quarter, there resulted a technical total of unused allotments of steel for the third quarter 1951, of 109,565 pounds under K–7 and 90,000 pounds under K–1, or a total of 199,565 pounds which respondent by reason of its inadvertent error of course did not report. Section 18 (b), as of May 3, 1951, in effect during the third quarter, required a consumer, if he found in any month his requirements for the quarter less than his allotments, to report the excess of allotments by the "tenth of the month." If respondent had known that it had improperly charged steel orders to the third quarter, instead of the fourth quarter, and that it, therefore, had an excess of third quarter allotments of steel, it was its duty to report the excess. But there is no evidence that it knew it was in error. Furthermore, it could not tell from month to month when its orders might be filled and therefore knew of no excess allotments.

Charge 4. In the fourth quarter, respondent failed to report unused steel allotments of 68,860 pounds and aluminum allotments of 6,243 pounds, as required by section 18 (b) as amended November 23, 1951, by January 10, 1952. But it did not learn of this amendment until later in the first quarter, 1952. Thereupon, it reported unused allotments for the second and third quarters, 1952.

Had the January 5, 1952, amendment of section 20 (f) been retroactive, respondent would have been in excess 18,000 pounds of steel for the third quarter, 1951, over its allotment, and for the fourth quarter 232,000 pounds, instead of an underuse of allotments for the third quarter, and excess orders of 744,380 pounds for the fourth quarter. This factor alone would have reduced its excess of steel orders by 494,380 pounds.

Conclusions. 1. During the fourth quarter, 1951, respondent as alleged in Charge 1, in violation of section 19 (f), CMP Regulation No. 1, dated May 3, 1951, as amended November 23, 1951, placed orders for 744,380 pounds of carbon steel in excess of its allotments. The orders were not in fact, but under the regulations must be held to have been, placed in that quarter. Respondent under the ignorance of, or misunderstanding of, the regulations, charged a substantial amount of its orders to the third quarter. Deliveries of 288,000 pounds of orders for steel placed in the third quarter were received within 22 days of October 7, 1951. Respondent was unaware of Direction 7. 568,000 pounds of orders were placed in the third quarter or earlier, and 338,940 pounds of orders were placed before July 1951. 61,060 pounds of steel orders have never been delivered. It was advised and believed that 90,380 pounds of steel were not chargeable against its allotments.

2. During the first quarter 1952, respondent, as alleged in Charge 2 as amended, in violation of section 19 (f), placed orders for 146,320 pounds of steel and 11,763 pounds of aluminum in excess of its allotments.

3. During the entire year beginning July 1, 1951, respondent's actual use of steel and aluminum delivered to it was less than its allotments. None of its violations were willful, but they did result in a corresponding loss of allotments to other consumers in those quarters.

4. Charge 3 was not sustained.

5. During the fourth quarter 1951, respondent as alleged in Charge 4 failed to return within the prescribed time its unused allotments of 68,860 pounds of carbon steel under K–1, agricultural, and 6,243 pounds of aluminum under K–7. The violation was not willful, but was done in ignorance of Direction 7. Proper returns were made of unused allotments for subsequent quarters.

The enforcement attorney requested a suspension of 520,000 pounds of steel under Charge 1, and 146,320 pounds of steel and 11,763 pounds of aluminum under Charge 2, to be taken by respondent over the fourth quarter of 1952 remaining and the first and second quarters of 1953, in a manner least injurious to the company. Respondent's attorney requests that its suspension of steel orders be limited to 396,000.

Order. In order to correct the unauthorized excess of orders placed by respondent over its allotments and to restore proportionate allotments to other consumers, it is accordingly ordered:

1. That respondent's total allotments of carbon steel under K–1 be reduced 58,000 pounds as follows: 18,000 pounds during the remainder of the fourth quarter 1952, and 20,000 pounds each in the first and second quarters, 1953.

2. That respondent's total allotments of carbon steel under K–7 be reduced 438,000 pounds as follows: 138,000 pounds or more at the option of respondent in the fourth quarter 1952; one-half of the balance in the first quarter, 1953; and the remainder in the second quarter, 1953.

3. That respondent's total allotments of aluminum be reduced 11,763 pounds, as follows: 10,000 pounds in the fourth quarter 1952, and the balance in the first quarter 1953.

A signed copy of this order shall be served upon respondent by registered mail, return receipt requested, on Wednesday, November 5, 1952.

Issued at Denver, Colo., this 3d day of November 1952.

NATIONAL PRODUCTION AUTHORITY,
By STANLEY H. JOHNSON,
Hearing Commissioner.

[F. R. Doc. 52–12541; Filed, Nov. 21, 1952, 12:00 m.]

[Suspension Order 45; Docket No. 58]

CHARLES SUSSMAN ET AL.

SUSPENSION ORDER

I. *Statement.* I was designated as the hearing commissioner of the National Production Authority to hear and determine this matter (NPA General Administrative Order 16–06, 16 F. R. 8628; 17 F. R. 8156; 17 F. R. 2098). A statement of the charges was submitted; respondents were notified and apprised of these charges; they are a part of the record; in short, they aver at length and specifically, violations of my suspension order against certain of these same respondents of May 29, 1952.

A hearing was held, both sides were represented, the facts were stipulated, arguments were made.

II. *Findings of fact.* 1. On May 29, 1952, Joseph Sloane, a hearing commissioner of the National Production Authority, issued a suspension order against Charles Sussman, David Sussman, and Morris Sussman, individually, and doing business as The Charles Company, wherein it was ordered:

(a) That all priority assistance be withdrawn and withheld from the respondents for a period of four (4) months commencing from the date of issuance of this order;

(b) That all allocations and allotments of material be withheld from the respondents for a period of four (4) months commencing from the date of issuance of this order;

(c) That the respondents be prohibited from producing or acquiring Class "A" products and from producing Class "B" products (as defined in National Production Authority CMP Regulation No. 1, as amended November 23, 1951, and as may be amended hereafter), and from acquiring, using, or disposing of any materials under control of the National Production Authority, except as may be directed by the Administrator of the National Production Authority for a period of four (4) months commencing from the date of issuance of this order; and

(d) In the event that the allocations and allotments of aluminum which would have been made to the respondents during the period of four (4) months commencing from the date of issuance of this order do not equal 62,457 pounds of aluminum, then all allocations and allotments of aluminum which may be made in accordance with established procedures to the respondents herein during the quarter commencing October 1, 1952, and succeeding quarters, shall be reduced by one-third (33⅓ percent) until such time as 62,457 pounds of aluminum shall have been withheld from the respondents herein.

2. (a) On July 1, 1952, Charles Sussman, David Sussman, and Morris Sussman organized and caused to be incorporated under the laws of the Commonwealth of Pennsylvania two corporations, to wit, Charles, Inc., 228 New Street, Philadelphia, Pa.; and Tri-Seal Storm Windows, Inc., 228 New Street, Philadelphia, Pa.

(b) The officers and directors of the aforesaid Charles, Inc., at all times since the date of incorporation have been: Charles Sussman, President and Director; David Sussman, Secretary-Treasurer and Director; and Morris Sussman, Director.

(c) The officers and directors of the aforesaid Tri-Seal Storm Windows, Inc., at all times since the date of incorporation have been: David Sussman, President and Director; Alvena Purdy, Secretary-Treasurer; and Morris Sussman, Director.

(d) Charles Sussman, David Sussman, and Morris Sussman owned, dominated, managed, controlled, and directed the two corporations, Charles, Inc., and Tri-Seal Storm Windows, Inc., and particularly so at all times during the third quarter of 1952.

3. Charles Sussman, David Sussman, and Morris Sussman, doing business as The Charles Company, a partnership, did not produce or manufacture any aluminum storm windows or doors during the third quarter of 1952, but acted as a sales agency for aluminum storm doors and windows manufactured during the third quarter of 1952, by the corporations Charles, Inc., and Tri-Seal Storm Windows, Inc.

4. (a) During the calendar month of July 1952, Charles, Inc., acting through Charles Sussman, David Sussman, and Morris Sussman, placed a purchase order with McDermott Metals Company, Philadelphia, Pa., certified under CMP Regulation No. 1, as amended November 23, 1951, and Direction 1 to CMP Regulation No. 1, as amended June 18, 1952, calling for delivery of 20,000 pounds of aluminum during the third quarter of 1952.

(b) Pursuant to this purchase order placed with McDermott Metals Company, Philadelphia, Pa., Charles, Inc., acting through Charles Sussman, David Sussman, and Morris Sussman, acquired during the third quarter of 1952 at least 19,625 pounds of aluminum and used all, or a portion, of said material during said period for the production and manufacture of Class "B" products (as defined in National Production Authority CMP Regulation No. 1, as amended November 23, 1951) in violation of the aforesaid suspension order.

(c) During the calendar month of July 1952, Tri-Seal Storm Windows, Inc., acting through Charles Sussman, David Sussman, and Morris Sussman, placed a purchase order with McDermott Metals Company, Philadelphia, Pa., certified under CMP Regulation No. 1, as amended November 23, 1951, and Direction 1 to CMP Regulation No. 1, as amended June 18, 1952, calling for delivery of 20,000 pounds of aluminum during the third quarter of 1952.

(d) Pursuant to this purchase order placed with McDermott Metals Company, Philadelphia, Pa., Tri-Seal Storm Windows, Inc., acting through Charles Sussman, David Sussman, and Morris Sussman, acquired during the third quarter of 1952 at least 20,482 pounds of aluminum and used all, or a portion, of said material during said period for the production and manufacture of Class "B" products (as defined in National Production Authority CMP Regulation No. 1, as amended November 23, 1951), in violation of the aforesaid suspension order.

III. *Discussion.* Respondents advance this plurality of argument against the Authority's charges: (1) The suspension order of May 29, 1952, does not bind the two corporation respondents since they were not parties to the action culminating in that suspension order, and the order does not bind "successors and assigns," though, indeed, these two new corporations belong entirely to the individual respondents and they were formed July 1, 1952, about a month after my suspension order came out. (2) The suspension order, supra, contemplated such an event as CMP Regulation No. 1 as amended June 18, 1952, which would relieve or help all buyers or consumers of restricted materials including the respondents; and (3) my suspension order excepted from the restrictions placed upon respondents any direction or regulation of the Administrator of NPA, and CMP Regulation No. 1 as amended June 18, 1952, was one such direction or regulation.

These arguments are not persuasive. Respondents were imposed with a suspension order which they should have honored to the letter and in its full comprehension of spirit. To say they were bound but not the new entities which they created to their immediate liking, is an evasion easily conceived and sometimes as easily sought out. I drew no such line upon the Sussmans that allowed them to escape the restrictions of the suspension order with the simple, well-known corporation device. The suspension order was not intended to be pursued or looked to with nice exactness. The suggested words "successors and assigns" were not the necessary wary words to direct respondents' future actions. They knew well enough, or should have known without these words, what they could and should not do, directly or indirectly, immediately or remotely.

The exception in paragraph 3 of the suspension order had nothing to do with a general order or direction of the Administrator. It had to do with these respondents; it gave some amplitude to the Administrator to lessen the rigor upon respondents and to depart from that much of the suspension order (not arbitrarily but if circumstances so warranted and in good discretion) without the necessity of a request or application for an amended order. For it is to be remembered that a suspension order guides the Authority as it controls a respondent. Both are bound by its terms, and neither may act perversely to it. The exception was as to these respondents specifically, not as to any order or regulation or direction relating to buyers or consumers of controlled materials generally.

The suspension order did not contemplate a future event of general amelioration. We need not refer to the day when controls may be marked off the statute books, which of course would move to respondents. Suspension orders would then automatically end, for there the Congress has spoken. But that is far from saying that a suspension order may be modified by a subsequent general regulation of the Administrator. If that were so, a suspension order would have only the efficacy the Administrator wants to give it. That is not the check-and-balance and separateness of our system. I have said that I think the Administrator is as much bound by a suspension order and its terms as is a respondent.

IV. *Conclusions of law.* 1. The corporate-respondents, Charles, Inc. and Tri-Seal Storm Windows, Inc., were formed and are owned, dominated, managed, and controlled by the other respondents, Charles Sussman, David Sussman, and Morris Sussman, individually, and as The Charles Company, for the purpose amongst others, of overcoming and evading the suspension order of May 29, 1952,

2. Each respondent and all of them, has and have evaded and violated the suspension order of May 29, 1952, particularly as set forth in the findings of fact.

V. *Order.* In order to correct the unauthorized use of aluminum occasioned by the violations found herein and in order to prevent future violations of National Production Authority regulations, orders, and directives by these respondents,

It is accordingly ordered: (1) That all priority assistance be withdrawn and withheld from Charles Sussman, David Sussman, and Morris Sussman, individually, and doing business as The Charles Company; Charles, Inc., a corporation, Charles Sussman and David Sussman, as officers of said Charles, Inc., their successors and assigns; Tri-Seal Storm Windows, Inc., a corporation, David Sussman, as an officer of said Tri-Seal Storm Windows, Inc., their successors and assigns, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

(2) That all allocations and allotments of controlled materials and materials under control of the National Production Authority, be withdrawn and withheld from Charles Sussman, David Sussman, and Morris Sussman, individually, and doing business as The Charles Company; Charles, Inc., a corporation, Charles Sussman and David Sussman, as officers of said Charles, Inc., their successors and assigns; Tri-Seal Storm Windows, Inc., a corporation, David Sussman, as an officer of said Tri-Seal Storm Windows, Inc., their successors and assigns, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

(3) That all privileges of self-authorization, self-certification, and automatic allotment, granted by the National Production Authority with respect to controlled materials and materials under control of the National Production Authority, be withdrawn and withheld from Charles Sussman, David Sussman, and Morris Sussman, individually, and doing business as The Charles Company; Charles, Inc., a corporation, Charles Sussman and David Sussman, as officers of said Charles, Inc., their successors and assigns; Tri-Seal Storm Windows, Inc., a corporation, David Sussman, as an officer of said Tri-Seal Storm Windows, Inc., their successors and assigns, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

(4) That Charles Sussman, David Sussman, and Morris Sussman, individually, and doing business as The Charles Company; Charles, Inc., a corporation, Charles Sussman and David Sussman, as officers of said Charles, Inc., their successors and assigns; Tri-Seal Storm Windows, Inc., a corporation, David Sussman, as an officer of said Tri-Seal Storm Windows, Inc., their successors and assigns, be prohibited from acquiring, using, or disposing of controlled materials and materials under control of the National Production Authority, while the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

Issued this 6th day of November 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOSEPH SLOANE,
Hearing Commissioner.

[F. R. Doc. 52-12542; Filed, Nov. 21, 1952; 12:00 m.]

[Suspension Order 46; Docket No. 54]

LEVITON MANUFACTURING CO., INC.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 6th day of November 1952 before Hon. James M. Fawcett, a hearing commissioner of the National Production Authority on a statement of charges made by the General Counsel, National Production Authority, in accordance with National Production Authority General Administrative Order 16-06 as amended (16 F. R. 8628) and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799); and

The respondents, Leviton Manufacturing Co., Inc., and Bernard I. Leviton, both of 236 Greenpoint Avenue, Brooklyn, N. Y., each having been duly apprised of the specific violations charged, and having been fully informed of the rules and procedures which govern these proceedings and the administrative action which may be taken; and

The National Production Authority being represented by J. Read Smith, Regional Attorney, and the respondents being represented by Krisel, Lessall, and Dowling appearing by George Lessall, Esq., and by Arthur Block, Esq.; and

Leviton Manufacturing Co., Inc., and Bernard I. Leviton having stipulated on the 31st day of October 1952 to a statement of facts to be filed in these proceedings in lieu of the presentation of other evidence in support of and in opposition to the statement of charges filed herein by the General Counsel and dated September 18, 1952, it is hereby determined:

Findings of fact. 1. That during the period commencing January 1, 1951, and ending June 30, 1951, Leviton Manufacturing Co., Inc., used in the manufacture of its products, 463,607 pounds of copper and copper-base alloys in excess of the amount lawfully authorized and permitted.

2. During the period commencing January 3, 1952, and ending April 10, 1952, Leviton Manufacturing Co., Inc., accepted deliveries of items of copper strip, brass strip, brass wire, brass rod, and bronze strip as specifically set forth in the statement of charges served and filed herein, upon the receipt of which its inventories of such items became in excess of the quantities of such items necessary to meet its deliveries, supply its services, and perform its operations on the basis of its then currently scheduled method and rate of operation during the succeeding 60-day period.

3. During the period from January 3, 1952, to April 10, 1952, Leviton Manufacturing Co., Inc., accepted deliveries of items of carbon steel strip and carbon steel wire as specifically set forth in the statement of charges served and filed herein, upon receipt of which its inventories of such items became in excess of the quantities of such items necessary to meet its deliveries, supply its services, and perform its operations on the basis of its then currently scheduled method and rate of operation during the succeeding 45-day period.

4. During the period from January 1, 1951, to April 10, 1952, Bernard I. Leviton dominated, managed, and controlled said Leviton Manufacturing Co., Inc.

Conclusions. 1. The respondent, Leviton Manufacturing Co., Inc., has committed acts prohibited by section 29.26 (b) of National Production Authority Order M-12 dated November 29, 1950 (15 F. R. 8219), as amended December 30, 1950 (16 F. R. 124), and section 6 (c) of National Production Authority Order M-12 as amended March 9, 1951 (16 F. R. 2342), in that Leviton Manufacturing Co., Inc., during the period commencing January 1, 1951, and ending June 30, 1952, used in the manufacture of its products 463,607 pounds of copper and copper-base alloys in excess of the amount lawfully authorized and permitted under the terms and conditions of said order.

There is no evidence establishing willfulness in the commission of the aforementioned violations.

2. That during the period commencing January 3, 1952, and ending April 10, 1952, Leviton Manufacturing Co., Inc., committed acts prohibited by sections 3 (a) and 3 (b) of CMP Regulation No. 2 dated May 10, 1951, as amended October 12, 1952 (16 F. R. 4370; 16 F. R. 10489), in that it accepted deliveries of copper strip, brass strip, brass wire, brass rod, and bronze strip as specifically set forth in the statement of charges served and filed herein, upon receipt of which its inventory of such items became in excess of the quantities of such items necessary to meet its deliveries, supply its services, or perform its operations on the basis of its then currently scheduled method and rate of operation during the succeeding 60-day period.

3. That during the period commencing January 3, 1952, and ending April 10, 1952, Leviton Manufacturing Co., Inc., committed acts prohibited by sections 3 (a) and 3 (b) of CMP Regulation No. 2 dated May 10, 1951, as amended October 12, 1952 (16 F. R. 4370; 16 F. R. 10489), in that it accepted deliveries of carbon steel strip and carbon steel wire as specifically set forth in the statement of charges served and filed herein, upon receipt of which its inventory of such items became in excess of the quantities of such items necessary to meet its deliveries, supply its services, or perform its operations on the basis of its then currently scheduled method and rate of operation during the succeeding 45-day period.

4. That the respondent, Bernard I. Leviton, during the period January 1, 1951, through April 10, 1952, committed acts prohibited by section 29.26 (b) of National Production Authority Order M-12, dated November 29, 1950 (16 F. R. 8219), as amended December 30, 1950 (16 F. R. 124); section 6 (c) of National Production Authority Order M-12 as amended March 9, 1951 (16 F. R. 2342); and sections 3 (a) and 3 (b) of CMP Regulation No. 2 dated May 10, 1951, and as amended October 12, 1951 (16 F. R. 4370; 16 F. R. 10489), in that said respondent, owning, dominating, managing, and controlling Leviton Manufacturing Co., Inc., during the time the aforementioned violations were committed, directed, supervised, and participated in the commission of the violations committed by the respondent, Leviton Manufacturing Co., Inc.

It is accordingly ordered: 1. That all allocations and allotments of copper and copper-base alloys which have been or may be granted to Leviton Manufacturing Co., Inc., its successors and assigns, or Bernard I. Leviton, under Product Class Code #36111 for use during the 4th Quarter of 1952 be reduced by 463,607 pounds.

2. That the respondents, Leviton Manufacturing Co., Inc., its successors and assigns, and Bernard I. Leviton, be and they hereby are prohibited during the 4th Quarter of 1952 from acquiring any items of copper or copper-base alloys for the production of items under Product Class Code #36111 in excess of their allocations and allotments as so reduced.

3. That the respondents, Leviton Manufacturing Co., Inc., its successors and assigns, and Bernard I. Leviton, are hereby directed to return the allotments in the aforementioned poundage and under the aforementioned Product Class Code, to the proper issuing authority forthwith.

4. That the respondents, Leviton Manufacturing Co., Inc., its successors and assigns, and Bernard I. Leviton, are prohibited so long as the Defense Production Act of 1950 as amended, or as it may hereafter be amended or extended, remains in effect, from accepting any items of copper strip, brass strip, brass wire, brass rod, bronze strip, carbon steel strip, and carbon steel wire, if its inventory of any of said items is or by such receipt would be in violation of the provisions of CMP Regulation No. 2 as amended October 12, 1951, or as it may hereafter be amended.

5. That the respondents, Leviton Manufacturing Co., Inc., its successors and assigns, and Bernard I. Leviton cancel any and all outstanding orders for the purchase of copper strip, brass strip, brass wire, brass rod, bronze strip, carbon steel strip, and carbon steel wire, the receipt of which would be in violation of the provisions of CMP Regulation No. 2.

Issued this 10th day of November 1952 at New York City, N. Y.

NATIONAL PRODUCTION AUTHORITY,
By JAMES M. FAWCETT,
Hearing Commissioner.

[F. R. Doc. 52-12543; Filed, Nov. 21, 1952; 12:00 m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Ashland-Benten Corp., Ashland, Miss., effective 11-5-52 to 5-4-53; 75 learners for expansion purposes (shirts).

Barbara Garment Co., Inc., 1117 Walnut Street, Chester, Pa., effective 11-6-52 to 11-5-53; five learners (dresses).

Bates Nitewear Co., Inc., 1120 East Bessemer Avenue, Greensboro, N. C., effective 11-9-52 to 11-8-53; 10 percent of the productive factory force (pajamas).

Michael Berkowitz Co., Inc., Waynesburg, Pa., effective 11-12-52 to 11-11-53; 10 percent of the productive factory force (pajamas).

Biflex Bishopville Inc., Bishopville, S. C., effective 11-5-52 to 5-4-53; 10 learners for expansion purposes (brassieres).

Blue Bell, Inc., Arab, Ala., effective 11-10-52 to 5-9-53; 15 learners for expansion purposes (western pants).

Blue Bell, Inc., Arab, Ala., effective 11-10-52 to 11-9-53; 10 percent of the productive factory force (western pants).

Chickadee Dress Co., 835 East Fourth Street, Bethlehem, Pa., effective 11-13-52 to 11-12-53; 10 percent of the productive factory force (ladies' dresses).

Clairmont, Inc., 2114 Peachtree Road NW., Atlanta, Ga., effective 11-6-52 to 11-5-53; 10 learners (cotton and rayon slips, cotton gowns).

Clairmont, Inc., 2114 Peachtree Road NW., Atlanta, Ga., effective 11-6-52 to 5-5-53; 10 learners for expansion purposes (cotton and rayon slips, cotton gowns).

Duquesne Manufacturing Co., 852 Stanton Avenue, New Kensington, Pa., effective 11-15-52 to 11-14-53; six learners (dresses, hooverettes, smocks, aprons).

The Hercules Trouser Co., Jackson, Ohio, effective 11-6-52 to 4-16-53; 24 additional learners for expansion purposes (supplemental certificate) (men's and boys' single pants).

Honey Bee Blouse, Branchdale, Pa., effective 11-4-52 to 11-3-53; 10 learners (blouses).

Lenore Dress Co., 665 Washington Avenue, Jermyn, Pa., effective 11-10-52 to 11-9-53; 10 learners (dresses).

Linwood Mills, Inc., Lafayette, Ga., effective 11-6-52 to 5-5-53; 10 learners for expansion purposes (sport shirts).

McMinnville Garment Co., McMinnville, Tenn., effective 11-9-52 to 11-8-53; 10 percent of the productive factory force (work pants).

Mode O'Day Corp., 840 Twelfth Street NW., Mason City, Iowa, effective 11-6-52 to 11-5-53; 10 learners (ladies' lingerie).

The Nite Kraft Corp., Corner Race and Third Street, Sunbury, Pa., effective 11-7-52 to 11-6-53; 10 percent of the productive factory force (pajamas).

Orangeburg Garment Co., 345 Pine Street, Orangeburg, S. C., effective 11-7-52 to 11-6-53; 10 percent of the productive factory force (dresses).

Reliance Manufacturing Co., "Defiance" Factory, Bedford, Ind., effective 11-15-52 to 11-14-53; 10 percent of the productive factory force (pants, jackets, wool shirts).

Reliance Manufacturing Co., "Plantation" Factory, Montgomery, Ala., effective 11-3-52 to 5-2-53; 45 learners for expansion purposes (dungarees).

J. H. Rutter-Tex Manufacturing Co., Inc., 3725 Dauphine Street, New Orleans, La., effective 11-9-52 to 11-8-53; 10 percent of the productive factory force (cotton work shirts and work pants).

J. H. Rutter-Rex Manufacturing Co., Inc., 3725 Dauphine Street, New Orleans, La., effective 11-15-52 to 5-14-53; 55 learners for expansion purposes (cotton work shirts and work pants).

Salant & Salant, Inc., First Street, Lexington, Tenn., effective 11-9-52 to 11-8-53; 10 percent of the productive factory force (cotton work shirts).

Salant & Salant, Inc., South First Street, Union City, Tenn., effective 11-14-52 to 11-13-53; 10 percent of the productive factory force (work shirts).

Salant & Salant, Inc., Obion, Tenn., effective 11-9-52 to 11-8-53; 10 percent of the productive factory force (cotton work shirts).

The Van Wert Manufacturing Co., Main and Market Streets, Van Wert, Ohio, effective 11-16-52 to 11-15-53; 10 percent of the productive factory force (men's dress pants, work pants, utility jackets, and coversuits).

Wagener Manufacturing Co., Inc., Wagener, S. C., effective 11-6-52 to 11-5-53; 10 percent of the productive factory force (sport shirts).

West Union Garment Co., Inc., West Union, W. Va., effective 11-6-52 to 5-5-53; 10 learners for expansion purposes (brassieres).

Wildman Manufacturing Co., 920 Washington Avenue, St. Louis, Mo., effective 11-7-52 to 11-6-53; 10 learners (dresses).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952; 17 F. R. 8633).

General Cigar Co., Inc., 1301-11 Seventh Avenue, Huntington, W. Va., effective 11-13-52 to 11-12-53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operator, 320 hours, packer (cigars retailing for more than 6 cents each), 320 hours, hand stripper, 160 hours, machine stripper, 160 hours; each 65 cents per hour.

H. N. Heusner and Son, Inc., 228-30 High Street, Hanover, Pa., effective 11-16-52 to 11-15-53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, cigar packing (cigars retailing for 6 cents or less), 160 hours, machine stripping, 160 hours; each 65 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

The Boss Manufacturing Co., 124 West Williams Street, Breckenridge, Tex., effective

11-7-52 to 11-6-53; 10 learners (work gloves).

The Boss Manufacturing Co., Gregory and Harrington Streets, Cisco, Tex., effective 11-7-52 to 11-6-53; 10 learners (work gloves).

Wells Lamont Corp., Beardstown, Ill., effective 11-7-52 to 11-6-53; 10 learners (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Samuel Briskin, Mohnton, Berks County, Pa., effective 11-7-52 to 11-6-53; three learners.

Commonwealth Hosiery Mills, Inc., Ellerbe, N. C., effective 11-7-52 to 11-6-53; five learners.

Early Bird Hosiery Mills, Hickory, N. C., effective 11-15-52 to 11-14-53; five learners.

Walnut Cove Hosiery Mills, Walnut Cove, N. C., effective 11-3-52 to 11-2-53; five learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Iowa-Illinois Telephone Co., New London, Iowa, effective 11-17-52 to 11-16-53.

Marshall County Telephone Co., Warren, Minn., effective 11-7-52 to 11-6-53.

Minnesota Telephone Co., Wheaton, Minn., effective 11-7-52 to 11-6-53.

Minnesota Telephone Co., Cannon Falls, Minn., effective 11-7-52 to 11-6-53.

Minnesota Telephone Co., Blooming Prairie, Minn., effective 11-7-52 to 11-6-53.

Western Illinois Telephone Co., Aledo, Ill., effective 11-24-52 to 11-23-53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Lady Jane Manufacturing Co., Inc., 125 South Spruce Street, Mount Carmel, Pa., effective 11-4-52 to 11-3-53; 5 percent of the productive factory force (ladies' underwear).

Wolf-Knit, Inc., Herd Street, Camp Hill, Ala., effective 11-6-52 to 5-5-53; 10 learners for expansion purposes (men's and boys' knitted underwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Casey Manufacturing Co., Casey, Ill., effective 11-4-52 to 11-3-53; 10 percent of the productive factory force.

Ettelbrick Shoe Co., Casey, Ill., effective 11-4-52 to 11-3-53; five learners.

Greenup Manufacturing Co., Greenup, Ill., effective 11-4-52 to 11-3-53; 10 percent of the productive factory force.

The Muskin Shoe Co., Pine Street, Millersburg, Pa., effective 11-4-52 to 11-3-53; 10 percent of the productive factory force.

Town & Country Shoes, Inc., Warrensburg, Mo.; effective 11-7-52 to 11-6-53; 10 percent of the productive factory force.

Town & Country Shoes, Inc., 110 North Missouri, Sedalia, Mo., effective 11-7-52 to 11-6-53; 10 percent of the productive factory force.

Town & Country Shoes, Inc., Odessa, Mo., effective 11-7-52 to 11-6-53; 10 percent of the productive factory force.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

P & K, Inc., 122 North Dixie Highway, Momence, Ill., effective 11-4-52 to 5-3-53; five learners for expansion purposes; fly tiers, 320 hours, 65 cents per hour for the first 160 hours and 70 cents per hour for the remaining 160 hours (fishhooks, lures, stringers, flies).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 10th day of November 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-12478; Filed, Nov. 21, 1952; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5657]

CARIBBEAN AMERICAN LINES, INC.; ENFORCEMENT PROCEEDING

NOTICE OF RE-ASSIGNMENT OF DATE OF HEARING

In the matter of the Caribbean American Lines, Inc., Enforcement Proceeding.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding which was previously assigned to be held on November 20, 1952, is now assigned to be held on December 29, 1952, at 10:00 a. m., e. s. t., in Room 5040, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 19, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-12493; Filed, Nov. 21, 1952; 8:51 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

CENTRAL AND FIELD ORGANIZATIONS

ORGANIZATIONAL STATEMENT

The statement on organization and functions of the Federal Civil Defense Administration (16 F. R. 1909) is hereby amended, in part, to read as follows:

SEC. 4. *Central and field organizations.* • • •

(c) The Field Stations of the Administration and the territories they serve are as follows:

Territory and Field Station

Region 1: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont; FCDA Regional Office, 143 Speen Street, Natick, Mass.

Region 2: Delaware, District of Columbia, Maryland, Virginia, North Carolina, Pennsylvania, West Virginia; FCDA Regional Office, Farmers and Mechanics Bldg., High and Market Streets, West Chester, Pa.

Region 3: Alabama, Florida, Georgia, Mississippi, South Carolina, Tennessee; FCDA Regional Office, 3155 Roswell Road, Altanta 5, Ga.

Region 4: Kentucky, Michigan, Ohio; FCDA Regional Office, 33467 West Lake Road, Avon Lake, Ohio.

Region 5: Illinois, Indiana, Iowa, Minnesota, North Dakota, South Dakota, Wisconsin; FCDA Regional Office, 108 North Ottawa Street, Joliet, Ill.

Region 6: Arkansas, Louisiana, Oklahoma, Texas; FCDA Regional Office, 5600 East Mockingbird Lane, Dallas 6, Tex.

Region 7: Colorado, Kansas, Missouri, Nebraska, New Mexico, Wyoming; FCDA Regional Office, Room 321, New Customhouse Building, Denver 2, Colo.

Region 8: Arizona, California, Nevada, Utah; FCDA Regional Office, Third Floor, 2223 Fulton Street, Berkeley 4, Calif.

Region 9: Idaho, Montana, Oregon, Washington; FCDA Regional Office, 1212 East 43rd Street, Seattle 5, Wash.

National Civil Defense Training Center; Olney, Md.

Western Technical Training School; St. Mary's College, Calif.

J. J. WADSWORTH,
Acting Administrator, Federal Civil Defense Administration.

[F. R. Doc. 52-12498; Filed, Nov. 21, 1952; 8:52 a. m.]

REGIONAL DIRECTORS AND ACTING REGIONAL DIRECTORS

DELEGATION OF EMERGENCY AUTHORITY

1. Pursuant to the authority vested in me by section 401 (g) of the Federal Civil Defense Act of 1950 (64 Stat. 1254), as amended, hereinafter called the "act", the authority conferred upon the Administrator by Title III of the act is hereby delegated to the Regional Director of each Federal Civil Defense Administration Region or, in his absence or disability, to any official designated by him to succeed to the position of, and act as, Regional Director.

2. The authority hereby delegated may be exercised in any Federal Civil Defense Administration Region only by the Regional Director or Acting Regional Director of such Region, and shall be exercised only in accordance with the act and with such orders, rules and regulations as may hereafter be issued by the Administrator.

3. The authority hereby delegated may not be redelegated.

4. This delegation of authority shall become effective upon the declaration of a state of civil defense emergency as prescribed in section 301 of the act.

Dated: November 19, 1952.

J. J. WADSWORTH,
Acting Administrator, Federal Civil Defense Administration.

[F. R. Doc. 52-12496; Filed Nov. 21, 1952; 8:52 a. m.]

REGIONAL DIRECTORS AND ACTING REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO MAKE FINANCIAL CONTRIBUTIONS

1. Pursuant to the authority vested in me by section 401 (g) of the Federal Civil Defense Act of 1950 (64 Stat. 1254), as amended, hereinafter called the "act", the authority conferred upon the Administrator by section 201 (i) of the act to approve or disapprove requests from the States for financial contributions for civil defense equipment is hereby delegated to the Regional Director of each Federal Civil Defense Administration Region or, in his absence or disability, to any official designated by him to succeed to the position of, and act as, Regional Director.

2. The authority hereby delegated may be exercised in any Federal Civil Defense Administration Region only by the Regional Director or Acting Regional Director of such Region, and shall be exercised only in accordance with the act and with such orders, rules and regulations as may hereafter be issued by the Administrator.

3. The authority hereby delegated may not be redelegated.

4. This delegation of authority became effective August 29, 1952.

Dated: November 19, 1952.

J. J. WADSWORTH,
Acting Administrator, Federal Civil Defense Administration.

[F. R. Doc. 52-12497; Filed, Nov. 21, 1952; 8:52 a. m.]

FEDERAL POWER COMMISSION

ARKANSAS-OKLAHOMA GAS CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIED IN ACCOUNTS, ACQUISITION ADJUSTMENTS, AND ADJUSTMENTS

NOVEMBER 18, 1952.

Notice is hereby given that on November 14, 1952, the Federal Power Commission issued its order entered November 13, 1952, approving and directing disposition of amounts classified in Account 100.5, gas plant acquisition adjustments, and Account 107, gas plant adjustments in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12476; Filed, Nov. 21, 1952; 8:48 a. m.]

[Docket No. E-6433]

CITIZENS UTILITIES CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY AND RELEASING PERMIT

NOVEMBER 18, 1952.

Notice is hereby given that on November 14, 1952, the Federal Power Commission issued its order entered November 13, 1952, in the above-entitled matter, authorizing transmission of electric energy to Canada and releasing Presidential Permit in Docket No. E-6434.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12475; Filed, Nov. 21, 1952; 8:47 a. m.]

[Docket No. G-2076]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

NOVEMBER 18, 1952.

On October 16, 1952, New York State Natural Gas Corporation (Applicant), a New York corporation having its principal place of business at Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings provided that no request to be heard, protest or petition is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 6, 1952 (17 F. R. 10089-90).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by §§ 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on December 9, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 18, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12474; Filed, Nov. 21, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1465, 7-1466]

TWENTIETH CENTURY FOX FILM CORP. (DELAWARE) AND NATIONAL THEATRES, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of November A. D. 1952.

In the matter of application by the Los Angeles Stock Exchange for Unlisted Trading Privileges in Twentieth Century Fox Film Corporation (Delaware), Common Stock, $1 Par Value, 7-1465. National Theatres, Inc., Common Stock, $1 Par Value, 7-1466.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of Twentieth Century Fox Film Corporation (Delaware); and the Common Stock $1 Par Value, of National Theatres, Inc., securities registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to December 9, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-12481; Filed, Nov. 21, 1952; 8:48 a. m.]

[File Nos. 52-28, 54-183, 70-2402]

ELMER E. BAUER ET AL.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES AND RECOMMENDING APPROVAL

NOVEMBER 18, 1952.

In the matter of Elmer E. Bauer, Trustee of Pittsburgh Railways Company, Debtor, and Philadelphia Company, File No. 52-28; Philadelphia Company, File No. 54-183; Philadelphia Company, Allegheny County Steam Heating Company, Cheswick and Harmar Railroad Company, Duquesne Light Company, Equitable Real Estate Company, Equitable Sales Company, File No. 70-2402.

The Commission having approved a Plan ("Combined Plan") (File Nos. 52-28, 54-183) filed jointly by Elmer E. Bauer, Trustee of Pittsburgh Railways Company, Debtor ("Railways"), and by Philadelphia Company ("Philadelphia"), the parent of Railways, and a registered holding company subsidiary of Standard Gas and Electric Company, also a registered holding company, for the reorganization of the Railways system under

Chapter X of the Bankruptcy Act and section 11 (f) of the Public Utility Holding Company Act of 1935 ("act") and for the discharge, pursuant to section 11 (e) of the act, of Philadelphia's guarantees affecting certain securities of Railways' system; and the Commission having granted and permitted to become effective certain applications-declarations (File No. 70-2402) in connection with said Combined Plan whereby Philadelphia was authorized, pursuant to the provisions of sections 9 (a) and 10 of the act, to acquire all the securities of and claims against the Railways system held by certain of Philadelphia's former subsidiaries; and the Commission having heretofore, by order dated June 8, 1950, consolidated the aforementioned proceedings;

Philadelphia having undertaken to pay such fees and expenses for services as the Commission might approve, award, or allocate; and the Commission, by orders dated March 27, 1950, December 27, 1950, and August 23, 1950, having reserved jurisdiction over all fees and expenses and the allocation thereof for services rendered in connection with such above-entitled consolidated matters under sections 9 (a), 10 and 11 (e) of the act;

Applications for allowances of fees and reimbursement of expenses having been filed herein by various participants in the proceedings, and a public hearing with respect to such applications having been held;

It appearing that since these applications were set down for hearing (a) Maurice J. Dix and James A. Geltz withdrew their application; (b) Froelich, Grossman, Teton & Tabin reduced their request for fees and expenses; (c) Richard W. Ahlers, William L. Fox and James E. Riely, Warren L. Casey, Stone & Webster Service Corporation, and Dilworth, Paxson, Kalish & Green reduced their claims for fees, the latter firm having also agreed to treat its reduced claim as a final allowance in these consolidated proceedings rather than as an interim allowance in certain other proceedings under section 11 (e) of the act involving Philadelphia (File No. 54-173); and (d) Philadelphia has requested that said reduced claims for allowances be approved and that jurisdiction with respect thereto be released:

It appearing that the applications, as reduced, for the allowance of fees and expenses are as follows:

	Fees	Expenses
Froelich, Grossman, Teton & Tabin, counsel for Philadelphia Co. and Standard Gas & Electric Co.	$130,000.00	$11,200.00
Stone & Webster Service Corp., financial analysts for Philadelphia	16,000.00	1,616.15
Richard W. Ahlers, counsel for Suburban Rapid Transit Street Railway Co.	32,567.27	
Dilworth, Paxson, Kalish & Green, counsel for committee for Philadelphia Co. 6 percent cumulative preferred stock	2,475.00	388.79
William L. Fox and James E. Riely, counsel for committee of public holders of Philadelphia Co. common stock	4,000.00	362.29
Warren A. Casey, financial expert for the above common stockholders' committee	1,000.00	

It further appearing that the request of Froelich, Grossman, Teton & Tabin includes the sum of $60,000 in fees received from Philadelphia and the sum of $60,000 received from Standard Gas and Electric Company, as well as an aggregate sum of $11,248.20 received from these companies for expenses; and that the fee request of Richard W. Ahlers includes the sum of $20,000 received from one of the Railways system companies merged into the reorganized company under the Combined Plan;

It having been proposed that the fees and expenses of Froelich, Grossman, Teton & Tabin be borne equally by Philadelphia and Standard Gas and Electric Company; and it appearing that to the extent that the allowance requested by said applicant embraces services relating to the Railways Chapter X proceedings the approval of the United States District Court for the Western District of Pennsylvania is required;

It further appearing that Moorhead & Knox, counsel for two of the underlier companies in the Railways System, which have been merged into the reorganized company under the Combined Plan, received certain fees from these underlier companies for legal services, some of which pertained to matters litigated outside the Bankruptcy Court; that payment of a portion of their fees, following the promulgation of the Combined Plan, was made possible by said underlier companies reducing dividend payments to stockholders, the largest of whom were the so-called Mellon Group and Philadelphia; that in compromise of various issues pertaining to their fees and expenses, Moorhead & Knox have refrained from filing an application for additional compensation in these consolidated proceedings, but have received from the so-called Mellon Group a fee of $160,000; and that, as part of the compromise, they have placed $19,049.08 in escrow for distribution of the stockholders of the two underlier companies, other than the Mellon Group and Philadelphia, in order to compensate such public stockholders for the aforesaid dividend reductions; and

The Commission having considered the record, and it appearing that the fees and expenses of the aforesaid applicants, the proposed payment by Philadelphia of the net amounts due on said allowance requests other than that of Froelich, Grossman, Teton & Tabin, the equal allocation to and payment by Philadelphia and Standard Gas and Electric Company of the request of Froelich, Grossman, Teton & Tabin, and the compromise arrangement with Moorhead & Knox, are not unreasonable, and that jurisdiction should be released in respect of these matters;

It is ordered, That the payments by Philadelphia of the above listed requests for fees and expenses, other than the fees and expenses of Froelich, Grossman, Teton & Tabin, and the payment by Philadelphia and Standard Gas and Electric Company in equal shares of the fees and expenses of Froelich, Grossman, Teton & Tabin, be, and hereby are, approved; that said payments be, and hereby are, authorized and directed to be made, subject to deduction for amounts previously received.

It is further ordered, That jurisdiction be, and hereby is, released in respect of the above fees and expenses and in respect of the fees and expenses of Moorhead & Knox.

It is further ordered, In respect of the fees and expenses of Froelich, Grossman, Teton & Tabin, That the aforesaid approval, authorization and direction to pay, and release of jurisdiction shall, to the extent that their services relate to the Railways Chapter X proceedings, be, and hereby is, subject to and conditioned upon the approval thereof by the United States District Court for the Western District of Pennsylvania.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12482; Filed, Nov. 21, 1952; 8:49 a. m.]

[File No. 59-15]

NORTHERN NEW ENGLAND CO. AND NEW ENGLAND PUBLIC SERVICE CO.

NOTICE OF FILING AND ORDER FOR HEARING ON PLAN FOR LIQUIDATION OF PARENT REGISTERED HOLDING COMPANY AND ORDER CONSOLIDATING HEARING WITH HEARING ON SUBSIDIARY HOLDING COMPANY PLAN

NOVEMBER 18, 1952.

Notice is hereby given that Northern New England Company ("Northern"), a registered holding company and a parent of New England Public Service Company ("NEPSCO"), also a registered holding company, has filed, under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), a Plan for Liquidation and Dissolution ("Plan"). The stated purpose of the Plan is to complete compliance with the provisions of section 11 (b) of the act by effecting the liquidation and dissolution of Northern. As at September 30, 1952, Northern's assets consisted of cash, accrued dividends receivable, 312,193 shares of common stock of NEPSCO, and 10 shares of preferred stock, $6 Dividend Series, of NEPSCO. Northern has outstanding 227,084 shares of beneficial interest.

On November 6, 1952, NEPSCO filed its amended plan for liquidation and dissolution, which the Commission, by its order of November 10, 1952, set for hearing commencing December 2, 1952.

All interested persons are referred to the Plan of Northern and the application for approval thereof, which are on file in the offices of this Commission, for a full statement of the transactions therein proposed, which are summarized as follows:

1. The consummation date of the Northern Plan ("consummation date") shall be the consummation date of the NEPSCO plan.

2. (a) Prior to the consummation date, Northern will sell the preferred stock of NEPSCO which it owns.

(b) Prior to the consummation date, Northern will deliver to NEPSCO 312,193 shares of the common stock of NEPSCO for exchange, subject to the provisions of the NEPSCO plan, for 59,316$^{37}/_{100}$ shares of the common stock of Central Maine Power Company ("Central Maine"), 12,487$^{32}/_{100}$ shares of the common stock of Central Vermont Public Service Corporation ("Central Vermont"), and 28,097$^{37}/_{100}$ shares of the common stock of Public Service Corporation of New Hampshire ("New Hampshire"). On the consummation date Northern will distribute to and among the holders of Certificates of Beneficial Interest of Northern 59,041$^{84}/_{100}$ shares of Central Maine, 11,354$^{20}/_{100}$ shares of Central Vermont and 27,250$^{8}/_{100}$ shares of New Hampshire. For each share of Beneficial Interest of Northern, the holder will receive the following shares of common stock of Central Maine, Central Vermont and New Hampshire, subject to the provisions as to fractions of a share hereinafter set forth:

	Shares of common stock		
	Central Maine	Central Vermont	New Hampshire
Northern share	26/100	5/100	12/100

Such distribution will result in 274$^{84}/_{100}$ shares of Central Maine, 1,123$^{32}/_{100}$ shares of Central Vermont and 847$^{28}/_{100}$ shares of New Hampshire remaining available for sale to provide in part the cash estimated to be required for Northern's debts and liabilities. On, or prior to, the consummation date, Northern will sell such available shares. Northern will pay such fees and expenses in connection with this Plan and prior plans as the Commission may determine, award, allocate or approve, but not more than the amount so determined, allocated, awarded or approved. To the extent, if any, that Northern's debts and liabilities, including liquidation fees and expenses and fees and expenses in connection with this and prior plans, are less than the assets remaining after the distribution to its shareholders of the shares of Central Maine, Central Vermont and New Hampshire, Northern will deliver the balance of such assets to the Liquidation Agent hereinafter referred to, to be distributed in accordance with the provisions of the Plan.

3. (a) Not later than 30 days prior to the consummation date, Northern will appoint the bank or trust company appointed by NEPSCO to act as Liquidation Trustee pursuant to the provisions of the NEPSCO Plan to act as Liquidation Agent pursuant to the provisions of the Northern Plan. On or prior to the consummation date Northern will deposit with the Liquidation Agent certificates for 59,041$^{84}/_{100}$ shares of Central Maine, 11,354$^{20}/_{100}$ shares of Central Vermont and 27,250$^{8}/_{100}$ shares of New Hampshire, to be distributed to and among the shareholders of Northern as provided in Paragraph 2 above. Shareholders of Northern shall be entitled to and shall receive the distribution provided in this Plan only upon surrender of their certificates of beneficial interest to the Liquidation Agent for cancellation. When Northern shall have deposited with the Liquidation Agent the common stock of Central Maine, Central Vermont and New Hampshire as provided above, Northern shareholders shall cease to have any rights as shareholders and thereafter the sole rights of these shareholders shall be to receive the distributions then remaining to be made to them under the Plan upon surrender of their certificates of beneficial interest for cancellation.

(b) No fractions of a share of the common stock of Central Maine, Central Vermont or New Hampshire will be issued, but in each case the Liquidation Agent will issue bearer scrip certificates which, when surrendered together with one or more similar certificates aggregating at least one whole share, will entitle the holder, at any time during a period commencing on the consummation date and ending one year thereafter, to a stock certificate for the number of whole shares represented by the scrip certificates surrendered and a new scrip certificate for any remaining fractions. Scrip certificates shall not entitle the holder thereof to any rights as a stockholder, or to the distribution of shares of Central Maine, Central Vermont or New Hampshire under this plan, unless and until the scrip is combined and exchanged for certificates for one or more full shares within one year from the consummation date. Scrip certificates will contain a provision to the effect that holders thereof may, under appropriate specified procedure, direct the Liquidation Agent during the said period of one year to sell the same for the account of the holder or to purchase for the account of the holder additional certificates to make, together with the scrip certificates aggregating less than a full share then held, one full share, without charge or commission to the holder. Scrip certificates may, at the option of the holder, be purchased or sold in the open market. At the expiration of said period of one year, the Liquidation Agent shall convert into cash, through either public or private sale, a number of shares of Central Maine, Central Vermont and New Hampshire equal to the aggregate number of shares represented by the then outstanding scrip certificates, disregarding any fractional shares. Holders of scrip certificates shall thereupon, and until the end of a period of five years from and after the consummation date, be entitled to present such scrip certificates to the Liquidation Agent and receive in payment and cancellation of the same such sum of money as may be represented by such scrip certificates, the amount thereof to be determined by the Liquidation Agent on the basis of the net proceeds received by it from the sale, authorized in this Paragraph 3 (b), of the shares of Central Maine, Central Vermont and New Hampshire, plus the amount of any dividends received by the Liquidation Agent on account of such shares.

(c) Dividends paid to the Liquidation Agent on any shares of Central Maine, Central Vermont or New Hampshire shall be paid over by it without interest to the shareholder entitled thereto at the time of the surrender of his certificate or certificates.

(d) The right of Northern shareholders and of the holders of scrip certificates issued under, and subject to the provisions of, Paragraph 3 (b) above, to receive the distributions provided by this plan, other than the distribution provided in this paragraph below, shall expire at the end of a period of five years from and after the consummation date. Upon the expiration of said five-year period, the Liquidation Agent shall convert into cash, in such manner as it may determine, all of the unclaimed shares of Central Maine, Central Vermont and New Hampshire remaining in its hands and promptly thereafter shall distribute such cash (and any other cash in its hands available for distribution) pro rata to and among the former shareholders of Northern who, pursuant to this plan, shall have surrendered their certificates of beneficial interest prior to the expiration of said five-year period.

(e) Northern will pay to the Liquidation Agent sufficient cash to provide for the payment of the latter's expenses incurred in carrying out this plan and reasonable compensation for his services thereunder.

(f) Each check issued and delivered by the Liquidation Agent to holders of Northern's shares or of scrip certificates shall be and become void unless presented for payment at or before the expiration of five years from the consummation date, or within 120 days after its date, whichever shall be later, and each such check shall contain appropriate legend to this effect. Any funds, represented by checks which have become void, shall be distributed to Central Maine, Central Vermont and New Hampshire in the proportion of 61 percent to Central Maine, 10 percent to Central Vermont and 29 percent to New Hampshire.

4. As soon as Northern shall have made the common stock of the three subsidiaries of NEPSCO and any cash available to its shareholders as herein provided, and shall have paid or provided for the payment of its debts and liabilities, including liquidation fees and expenses, and fees and expenses in connection with this and prior plans, it will initiate appropriate action to terminate its Declaration of Trust and will pursue the same with due diligence to the end that it will cease to exist as a common law trust as soon as orderly procedure will permit.

5. Northern requests the Commission (i) to find this plan necessary to effectuate the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935 and fair and equitable to the persons affected thereby, (ii) to make an order approving this Plan, and (iii) thereupon to apply to a court, pursuant to the applicable provisions of said act, to enforce and carry out the terms and provisions of this plan.

Northern also requests that the orders of the Commission relating to the distributions pursuant to this plan contain the recitals and other provisions necessary to bring the transactions involved herein within the provisions of section 1808 (f) and Supplement R of the Internal Revenue Code.

6. Northern reserves the right to amend this plan at any time and from time to time, but if the Commission shall

at the time have approved this plan, then only with the approval of the Commission, and if the Court referred to above shall at the time also have approved this plan, then only with the approval of the Commission and of said Court.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan submitted thereunder to find, after notice and opportunity for hearing that the Plan, as submitted, or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act and is fair and equitable to the persons affected thereby; and it appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that notice be given and a hearing be held with respect to said plan to afford all interested persons an opportunity to be heard with respect thereto, and that said plan shall not become effective except pursuant to further order of the Commission;

It further appearing to the Commission that the NEPSCO and Northern Plans involve common questions of law and fact and that the two matters should be consolidated for the purpose of receiving evidence;

It is ordered, That the hearing on the Northern Plan, pursuant to the applicable provisions of the act and rules thereunder be consolidated with the hearing on the NEPSCO Plan and that such hearings be held on December 2, 1952, at 11 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., in such room as may be designated by the hearing room clerk in Room 193.

It is further ordered, That any person, other than those persons who previously have been granted participation in this proceeding, desiring to be heard in connection with this proceeding, or otherwise participate herein, shall file with the Secretary of the Commission on, or before, December 1, 1952, his request or application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That Edward C. Johnson, or any other officer, or officers, of the Commission designated by it for that purpose, shall preside at the hearing in the proceeding. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the Plan and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the Plan is necessary to effectuate the provisions of section 11 (b) of the act, and is in conformity with the requirements of the Commission's order of August 4, 1948;

2. Whether the Plan is fair and equitable to the persons affected thereby;

3. Whether the accounting entries are proper and conform to sound accounting principles;

4. Whether the fees and expenses and other remuneration which may be claimed in connection with this Plan and prior plans, and transactions incident thereto, are for necessary services, and are reasonable in amount;

5. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and rules thereunder; and whether any terms and conditions should be imposed to satisfy the applicable statutory standards.

It is further ordered, That attention be directed at said hearing to the foregoing issues and such other matters and questions as may be presented by this Plan.

It is further ordered, That jurisdiction be reserved to separate either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth, or which may arise in these proceedings, or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this Notice and Order by registered mail to New England Public Service Company, Northern New England Company, Central Maine Power Company, Central Vermont Public Service Corporation, Public Service Company of New Hampshire, The Federal Power Commission, Public Service Commission of New Hampshire, Public Service Commission of Vermont and Public Utilities Commission of Maine, and to all other persons previously granted participation in these proceedings; and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER and by general release of this Commission with respect to this notice and order to be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

It is further ordered, That Northern give notice of this hearing to all record holders of its shares of beneficial interest by mailing a copy of the Plan, together with a communication giving the time and place of hearing, to such security holders at least seven days prior to the date set for hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12483; Filed Nov. 21, 1952; 8:49 a. m.]

[File No. 70-2939]

NEW ENGLAND ELECTRIC SYSTEM

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

NOVEMBER 18, 1952.

The Commission, by order dated April 28, 1952, having approved the issuance and sale of 920,573 shares of common stock by New England Electric System ("NEES"), a registered holding company, said order having reserved jurisdiction over the action to be taken to comply with the competitive bidding requirements of Rule U-50 under the Public Utility Holding Company Act of 1935 and over all fees and expenses in connection with said issuance and sale of common stock; and

The Commission, by order dated May 8, 1952, having released jurisdiction with respect to the matters to be determined as a result of competitive bidding under Rule U-50 and with respect to all estimated fees and expenses proposed to be paid except with respect to those fees and expenses set forth below:

Lybrand, Ross Bros. & Montgomery, independent public accountants:	
Fee	$3,600.00
Expenses	109.08
Transfer agents	5,711.00
Registrars	2,493.65
Subscription agents	52,507.06
The First Boston Corp., financial adviser:	
Fee	20,000.00
Expenses	3,425.16
New England Power Service Co.	15,000.40
Simpson, Thacher & Bartlett, independent counsel for underwriters:	
Fee	9,500.00
Expenses	900.00

NEES having filed an amendment to its declaration therein completing the record with respect to the fees and expenses over which the reservation of jurisdiction was continued; and

The Commission having examined said amendment and having considered the record herein and finding that the above amounts are not unreasonable and that jurisdiction with respect to such fees and expenses should be released;

It is ordered, That the jurisdiction heretofore reserved over the fees and expenses set forth above be, and the same hereby is, released, subject to the provisions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12479; Filed, Nov. 21, 1952; 8:48 a. m.]

[File No. 70-2958]

MISSOURI LIGHT & POWER CO.

NOTICE OF FILING WITH RESPECT TO PROPOSED ISSUANCE AND SALE OF SHORT-TERM UNSECURED NOTES

NOVEMBER 18, 1952.

Notice is hereby given that a declaration has been filed with the Commission pursuant to the act and the general rules and regulations promulgated thereunder, by Missouri Power & Light Company ("Missouri Power"), a public utility subsidiary of Union Electric Company of Missouri, a registered holding company and a public utility company, in which declarant states that it considers sections 6 (a) and 7 of the act and Rules U-20, U-23 and U-24, promulgated thereunder, as applicable to the proposed transactions.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

Declarant proposes to enter into a loan agreement with the Chase National Bank of the City of New York whereby such bank will extend to the company bank loans in the aggregate principal amount of $2,800,000. The first loan in the amount of $1,800,000 will be completed on or before December 10, 1952. The balance of the loan of $1,000,000 is to be made available as needed. Each loan will be evidenced by an unsecured promissory note, which notes in the aggregate will equal the principal amount of the loan. All such notes will mature on December 10, 1953, but may be prepaid without penalty. The interest on the initial loan will be at the rate of 3 percent per annum, and the interest rate on all other loans made as part of the proposed transactions will be at the bank's current prime rate of interest for such paper at the time of borrowing, but not to exceed 3¼ percent. The interest will be payable on June 10, 1953, and at maturity or earlier date of prepayment.

Declarant states that upon completion of the proposed initial loan, the Company will pay off $1,350,000 of unsecured promissory notes now outstanding and held by the Chase National Bank of the City of New York, and the balance of the proceeds of the initial loan will be added to the general funds of the Company to reimburse the treasury for capital expenditures previously made and for other corporate purposes. The balance of the loan is to be utilized as needed to finance the Company's construction program.

The filing states that no State or other Federal Commission has jurisdiction over the proposed transactions and that Missouri Power intends subsequently to fund the proposed loans through the issuance of stocks or bonds or other form of permanent financing.

Declarant estimates that the fees and expenses to be incurred in connection with the proposed transactions will not exceed $1,250, including $500 of legal fees. Declarant requests that the Commission's order herein issue on or before December 9, 1952, and that it be effective upon issuance.

Notice is further given that any interested person may, not later than December 5, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such declaration as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12480; Filed, Nov. 21, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation were filed with the Division of the Federal Register on November 13, 1952.

REGION X

Little Rock Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Little Rock area, filed 11:30 a. m.

Little Rock Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Little Rock area, filed 11:31 a. m.

Little Rock Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Little Rock area, filed 11:31 a. m.

Little Rock Order 1-G3-2, Amendment 1, changes certain food items for retail sales in the Little Rock area, filed 11:33 a. m.

Little Rock Order 1-G3A-2, covering retail prices for certain dry grocery items sold by retailers in the Little Rock area, filed 11:32 a. m.

Little Rock Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Little Rock area, filed 11:32 a. m.

Little Rock Order 1-G4-2, Amendment 1, changes certain food items for retail sales in the Little Rock area, filed 11:33 a. m.

Little Rock Order 1-G4A-2, covering retail prices for certain dry grocery items sold by retailers in the Little Rock area, filed 11:33 a. m.

San Antonio Order II-G3A-1, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 11:34 a. m.

San Antonio Order II-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Houston area, filed 11:34 a. m.

San Antonio Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 11:36 a. m.

San Antonio Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 11:36 a. m.

San Antonio Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 11:35 a. m.

San Antonio Order 1-G3A-2, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 11:35 a. m.

San Antonio Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 11:34 a. m.

San Antonio Order 1-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the San Antonio area, filed 11:34 a. m.

Oklahoma City Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Oklahoma area, filed 11:37 a. m.

Oklahoma City Order 1-G1-2, Amendment 1, changes certain food items for retail sales in the State of Oklahoma, filed 11:37 a. m.

Oklahoma City Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Oklahoma area, filed 11:36 a. m.

Oklahoma City Order 1-G3-2, Amendment 1, changes certain food items for retail sales in the State of Oklahoma, filed 11:37 a. m.

Oklahoma City Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Oklahoma area, filed 11:36 a. m.

Oklahoma City Order 1-G4-2, Amendment 1, changes certain food items for retail sales in the State of Oklahoma, filed 11:37 a. m.

New Orleans Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Louisiana area, filed 11:38 a. m.

New Orleans Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Louisiana area, filed 11:33 a. m.

New Orleans Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Louisiana area, filed 11:38 a. m.

New Orleans Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Louisiana area, filed 11:33 a. m.

New Orleans Order 1-G4A-1, covering retail prices for certain dry grocery items sold by retailers in the Louisiana area, filed 11:39 a. m.

REGION XI

Salt Lake City Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Salt Lake City area, filed 11:39 a. m.

Salt Lake City Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Salt Lake City area, filed 11:40 a. m.

Salt Lake City Order 1-G3-2, covering retail prices for certain dry grocery items sold by retailers in the Salt Lake City area, filed 11:40 a. m.

Salt Lake City Order 1-G4A-2, covering retail prices for certain dry grocery items sold by retailers in the Salt Lake City area, filed 11:40 a. m.

Denver Order 1-G1-2, covering retail prices for certain dry grocery items sold by retailers in the Colorado area, filed 11:41 a. m.

Denver Order 1-G2-2, covering retail prices for certain dry grocery items sold by retailers in the Colorado area, filed 11:41 a. m.

Denver Order 1-G4-2, covering retail prices for certain dry grocery items sold by retailers in the Colorado area, filed 11:41 a. m.

REGION XII

Los Angeles Order 1-G1-1, Amendment 3, changes certain food items for retail sales in the Los Angeles area, filed 11:42 a. m.

Los Angeles Order 1-G2-1, Amendment 3, changes certain food items for retail sales in the Los Angeles area, filed 11:42 a. m.

Los Angeles Order 1-G3-1, Amendment 3, changes certain food items for retail sales in the Los Angeles area, filed 11:43 a. m.

Los Angeles Order 1-G4-1, Amendment 3, changes certain food items for retail sales in the Los Angeles area, filed 11:43 a. m.

Los Angeles Order 1-G4A-1, Amendment 3, changes certain food items for retail sales in the Los Angeles area, filed 11:44 a. m.

REGION XIII

Portland Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the Portland area, filed 11:44 a. m.

Portland Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the Portland area, filed 11:44 a. m.

Portland Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the Portland area, filed 11:45 a. m.

Portland Order 1–G4A–2, covering retail prices for certain dry grocery items sold by retailers in the Portland area, filed 11:45 a. m.

Spokane Order 1–G1–1, covering retail prices for certain dry grocery items sold by retailers in the Spokane area, filed 11:46 a. m.

Spokane Order 1–G2–1, covering retail prices for certain dry grocery items sold by retailers in the Spokane area, filed 11:46 a. m.

Spokane Order 1–G4–1, covering retail prices for certain dry grocery items sold by retailers in the Spokane area, filed 11:47 a. m.

Spokane Order 1–G4A–1, covering retail prices for certain dry grocery items sold by retailers in the Spokane area, filed 11:47 a. m.

Boise Order 1–G4–1, Amendment 1, changes certain food items for retail sales in the Boise area, filed 11:48 a. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–12472; Filed, Nov. 19, 1952; 10:43 a. m.]

[Ceiling Price Regulation 34, as amended, Supplementary Regulation 3, as amended, section 5, Special Order 7]

CHRYSLER CORP., PLYMOUTH DIVISION

APPROVAL OF REVISIONS ATTACHED TO LETTER TO DEALERS DATED OCTOBER 28, 1952

Statement of considerations. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain modifications and supplements to time allowances which appear in the (Group 21) Supplement to Plymouth 1952 Service Operation Time Schedule.

The Director of Price Stabilization has determined from the data submitted by the publisher of the (Group 21) Supplement to Plymouth 1952 Service Operation Time Schedule that the approval of these modifications and supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. 1. On and after the effective date of this order, the modifications and supplements to (Group 21) Supplement to Plymouth 1952 Service Operation Time Schedule, as covered in Plymouth Application No. P–1 are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS November 19, 1952, by Special Order No. 7 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective November 19, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52–12442; Filed, Nov. 18, 1952; 11:46 a. m.]

[Ceiling Price Regulation 34, as amended, Supplementary Regulation 3, as amended, section 5, Special Order 8]

PACKARD MOTOR CAR CO.

APPROVAL OF REVISIONS ATTACHED TO LETTER TO DEALERS, DATED NOVEMBER 7, 1952

Statement of considerations. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain modifications and supplements to time allowances which appear in the Packard Flat Rate Manual, 24th Series.

The Director of Price Stabilization has determined from the data submitted by the publisher of the Packard Flat Rate Manual, 24th Series, that the approval of these modifications and supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provision. 1. On and after the effective date of this order, the modifications and supplements to the Packard Flat Rate Manual, 24th Series, as covered in Packard Application No. 52T–35 are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS November 19, 1952, by Special Order No. 8 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective November 19, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52–12443; Filed, Nov. 18, 1952; 11:46 a. m.]

[Ceiling Price Regulation 34, as amended, Supplementary Regulation 3, as amended, section 5, Special Order 9]

NASH-KELVINATOR CORP., NASH MOTORS DIVISION

APPROVAL OF REVISIONS ATTACHED TO LETTER TO DEALERS, DATED NOVEMBER 4, 1952

Statement of consideration. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain modifications and supplements to time allowances which appear in the Nash Flat Rate Schedule, 1952.

The Director of Price Stabilization has determined from the data submitted by the publisher of the Nash Flat Rate Schedule, 1952, that the approval of these modifications and supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. 1. On and after the effective date of this order, the modifications and supplements to the Nash Flat Rate Schedule, 1952, as covered in Nash Application No. USZ 52–7P and No. USD 52–7P are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS November 19, 1952, by Special Order No. 9 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective November 19, 1952.

TIGHE E. WOODS,
Director of Price Stabilization

NOVEMBER 18, 1952.

[F. R. Doc. 52–12444; Filed, Nov. 18, 1952; 11:46 a. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 26]

FALCON FIELD, NEVADA COUNTY, ARKANSAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Falcon Field (Travis Peak Formation), Nevada County, Arkansas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Falcon Field (Travis Peak Formation), Nevada County, Arkansas. During the base period there was a lack of competitive factors and as a result, this crude petroleum was sold at a lower price than that paid for crude petroleum of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that the requested price of $2.63 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.21 per barrel for below 20° API gravity does not exceed the ceiling price of comparable crude petroleum produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Falcon Field (Travis Peak Formation), Nevada County, Arkansas shall be: $2.63 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.21 per barrel for below 20° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 26, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52–12438; Filed, Nov. 18, 1952; 11:45 a. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 29]

CIRCLE RIDGE FIELD, FREMONT COUNTY, WYOMING

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from Circle Ridge Field, Fremont County, Wyoming.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Circle Ridge Field, Fremont County, Wyoming. During the base period there was a lack of competitive factors and an excess supply of heavy crude petroleum and as a result, the crude petroleum produced from the Circle Ridge Field, Fremont County, Wyoming was sold at a lower price than that paid for crude petroleum of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that the following requested ceiling price does not exceed the ceiling price of comparable crude petroleum produced in this same area:

Gravity:	Price	Gravity:	Price
15–15.9	$1.28	28–28.9	$2.04
16–16.9	1.34	29–29.9	2.09
17–17.9	1.40	30–30.9	2.14
18–18.9	1.46	31–31.9	2.19
19–19.9	1.52	32–32.9	2.23
20–20.9	1.58	33–33.9	2.27
21–21.9	1.64	34–34.9	2.31
22–22.9	1.70	35–35.9	2.35
23–23.9	1.76	36–36.9	2.39
24–24.9	1.82	37–37.9	2.41
25–25.9	1.88	38–38.9	2.43
26–26.9	1.94	39–39.9	2.45
27–27.9	1.99	40 and above	2.47

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Circle Ridge Field, Fremont County, Wyoming shall be: $1.28 per barrel for 15° API gravity and below, increasing to $2.47 per barrel for 40° API gravity and above, as listed on Page 1 of this order.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 19, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52–12441; Filed, Nov. 18, 1952; 11:46 a. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 27]

DARLING POOL, GLACIER COUNTY, MONTANA

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Darling Pool, Glacier County, Montana.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Darling Pool, Glacier County, Montana. During the base period adequate low-cost transportation was not available and as a result, the crude petroleum produced from the Darling Pool, Glacier County, Montana, was sold at a lower price than that paid for crude petroleum of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the requested price of $2.7775 per barrel for 40° API gravity and above with a 2½-cent differential less for each degree of gravity below 40°, down to $2.50 per barrel for 29°–29.9° API gravity and below, does not exceed the area in-line ceiling price.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Darling Pool, Glacier County, Montana, shall be: $2.7775 per barrel for 40° API gravity and above with a 2½-cent differential less for each degree of gravity below 40°, down to $2.50 per barrel for 29°–29.9° API gravity and below.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 19, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52–12439; Filed, Nov. 18, 1952; 11:45 a. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 28]

CERTAIN FIELDS IN LOUISIANA

CRUDE CONDENSATE CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of consideration. This special order adjusts the ceiling price for the sale of crude condensate produced from the following listed Louisiana fields:

Fields:	*Parishes*
Alliance	Plaquemines.
Bayou de Fleur	Jefferson-Plaquemines.
Coquille Bay	Plaquemines.
Delta Farms	Lafourche.
Gillis-English Bayou	Calcasieu.
Grand Bay	Plaquemines.
Lucy	St. Charles.
Main Pass (block 35)	Offshore, Plaquemines.
Main Pass (block 69)	Do.
Montz	St. Charles.
Quarantine Bay	Plaquemines.
Romere Pass	Do.
South Barataria	Jefferson.
St. Martinville	St. Martin.
West Delta Farms	Lafourche.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the above Louisiana fields. During the base period there was a lack of competitive factors and curtailed production of condensate caused by a lack of outlets for natural gas and as a result, this crude condensate was sold at a lower price than

that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the requested ceiling price of $2.85 per barrel flat does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the above listed Louisiana fields shall be: $2.85 per barrel flat.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 19, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 18, 1952.

[F. R. Doc. 52-12440; Filed, Nov. 18, 1952; 11:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19064]

KAETHE SCHUMANN

In re: Rights of Kaethe Schumann under Insurance Contract. File No. F-28-8687-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Kaethe Schumann, whose last known address is (24a) Cuxhaven, British Zone, Reinekestrasse 27 pt., Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 98,454 issued by the State Mutual Life Assurance Company, Worcester, Massachusetts, to Walter C. Schumann, together with the right to demand, enforce, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kaethe Schumann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12485; Filed, Nov. 21, 1952; 8:49 a. m.]

[Vesting Order 19065]

MARGARET BUBA

In re: Debt owing to Margaret Buba. F-28-31988-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Margaret Buba, whose last known address is Bexterhagen No. 10, Post Schotmar, In Lippe, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by a check numbered R 89411, dated December 7, 1942, in the amount of $45.30, drawn on the National Bank of Detroit, Detroit, Michigan, in the name of Margaret Buba, and representing the Sixth (Final) Dividend on Claim No. 21-12544, against the First National Bank, Detroit, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said check,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Margaret Buba, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12486; Filed, Nov. 21, 1952; 8:49 a. m.]

[Vesting Order 14749, Amdt.]

MARIE MULLER REICHENAUER

In re: Stock, bonds and bank accounts owned by and debts owing to Marie Muller Reichenauer, also known as Marie Muller.

Vesting Order 14749, dated June 9, 1950, is hereby amended as follows and not otherwise:

By deleting from Exhibit A of the aforesaid Vesting Order 14749, the par value "No p. v." and the certificate number "C1979", set forth with respect to 100 shares of Oliver Corp. and substituting therefor the par value "$1.00" and certificate number "C19571".

All other provisions of Vesting Order 14749, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12488; Filed, Nov. 21, 1952; 8:49 a. m.]

[Vesting Order 19066]

MRS. EMMA HAHNE

In re: Bank accounts owned by the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Emma Hahne, deceased. D-28-13111-E-1; E-2.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Emma Hahne, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The City National Bank, South Norwalk, Connecticut, in the amount of $3,878.83 as of August 26, 1949, being a portion of funds on deposit in a Savings Account No. 14442, entitled Otto or Katherine Stern, maintained at the aforesaid bank, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of The Westport Bank & Trust Company, Westport, Connecticut, in the amount of $3,325.74 as of July 7, 1949, being a portion of funds on deposit in a Savings Account No. 23255, entitled Otto Stern or Mrs. Katie Stern, maintained at the aforesaid bank, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Emma Hahne, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12487; Filed, Nov. 21, 1952; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 230

Washington, Tuesday, November 25, 1952

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess-Profits Taxes

[Regs. 111; T. D. 5947]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

CREDIT FOR TAXES OF FOREIGN CORPORATIONS

On September 27, 1952, there was published in the FEDERAL REGISTER (17 F. R. 8634) a notice of proposed rule making to conform Regulations 111 (26 CFR Part 29) to section 332 of the Revenue Act of 1951, relating to credit for taxes of foreign corporations, approved October 20, 1951. No objection to the rules proposed having been received, the amendments set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.131 the following:

SEC. 332. CREDIT FOR TAXES OF FOREIGN CORPORATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Foreign subsidiary of a domestic corporation.* Effective with respect to dividends received by a domestic corporation from a foreign corporation during taxable years beginning after December 31, 1950, the first sentence of section 131 (f) (1) is hereby amended by striking out "a majority" and inserting in lieu thereof "at least 10 per centum".

(b) *Foreign subsidiary of a foreign corporation.* Effective with respect to dividends received by a foreign corporation from another foreign corporation in taxable years beginning after December 31, 1950, section 131 (f) (2) is hereby amended by striking out "all the voting stock (except qualifying shares)" and inserting in lieu thereof "50 per centum or more of the voting stock".

(c) *Clerical amendment.* So much of section 131 (f) (1) as precedes the first sentence thereof is hereby amended to read as follows:

(f) *Taxes of foreign corporations*—(1) *Treatment of taxes paid by foreign corporation.*

PAR. 2. Section 29.131–3, as amended by Treasury Decision 5893, approved April 4, 1952, is further amended by revising the first sentence, which commences with the words "For credit where taxes", of paragraph (d) thereof to read as follows: "For credit available to a domestic corporation with respect to taxes paid by a foreign corporation, see § 29.131–7."

PAR. 3. Section 29.131–7, as amended by Treasury Decision 5452, approved April 19, 1945, is further amended as follows:

(A) By revising so much thereof as precedes the words "of the voting stock of a foreign corporation", which appear in the first sentence of paragraph (a) thereof, to read as follows:

§ 29.131–7 *Taxes of foreign corporation*—(a) *Domestic corporation owning stock of a foreign corporation.* In the case of a domestic corporation which owns a majority or, effective with respect to dividends received during a taxable year beginning after December 31, 1950, at least 10 percent • • •.

(B) By striking out of the expression "paid or accrued by such controlled foreign corporation to any foreign country", which appears in the first sentence of paragraph (a) thereof, the word "controlled" so that such expression will read as follows: "paid or accrued by such foreign corporation to any foreign country".

(C) By revising the second and third sentences of paragraph (a) thereof, which commence, respectively, with the words "See, however, the limitations" and "If dividends are received", to read as follows: "If dividends are received from more than one such foreign corporation, the limitation is to be computed separately for the dividends received from each. For other limitations upon the amount of credit available under section 131, see § 29.131–8."

(D) By striking out of the last sentence of paragraph (a) thereof "a controlled" and inserting in lieu thereof "such a", so that such sentence will read as follows: "Taxes paid or accrued by such a foreign corporation are deemed to have been paid by the domestic corporation for purposes of credit only."

(E) By revising the headnote of paragraph (b) and paragraph (b) (1) thereof to read as follows:

(b) *Foreign corporation owning stock of another foreign corporation.* (1) If

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FEDERAL REGISTER

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any foreign corporation coming within the scope of paragraph (a) of this section owns all (except qualifying shares) or, effective with respect to dividends received in a taxable year beginning after December 31, 1950, 50 percent or more of the voting stock of another foreign corporation from which it receives dividends in any taxable year, it shall be deemed to have paid that proportion of any income, war-profits, and excess-profits taxes paid or accrued by the latter corporation to any foreign country or to any possession of the United States, upon or with respect to the accumulated profits of such latter corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits. Such tax so deemed to have been paid shall then be taken into consideration in determining the amount of income, war-profits, and excess-profits taxes paid or deemed to have been paid by the former corporation to any possession or foreign country upon or with respect to its own accumulated profits from which the dividends were paid by such corporation to the domestic corporation.

(F) By striking out of paragraph (b) (2) thereof the following: "parent".

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: November 19, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-12527; Filed, Nov. 24, 1952; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 892, Amdt. 1]

PART 95—CAR SERVICE

RESTRICTIONS ON MOVEMENT OF UNBILLED BITUMINOUS COAL

At a session of the Interstate Commerce Commission, Division 3 held at its office in Washington, D. C., on the 19th day of November A. D. 1952.

Upon further consideration of Service Order No. 892 (17 F. R. 9604), and good cause appearing therefor: It is ordered, that:

Section 95.892 *Restrictions on movement of unbilled bituminous coal* of Service Order No. 892 be, and it is hereby amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m. December 15, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., November 20, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12524; Filed, Nov. 24, 1952; 8:47 a. m.]

PART 122—MONTHLY OPERATING REPORTS

MONTHLY REPORT OF REVENUES AND EXPENSES; STEAM RAILWAYS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of October A. D. 1952.

The matter of monthly reports of revenues and expenses from Class I steam railways being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished and that public rule making procedures are unnecessary:

It is ordered, That the order dated September 25, 1946, in the matter of monthly reports of revenues and expenses of Class I steam railways (49 CFR 122.1) be, and it is hereby modified with respect to reports for January 1, 1953, and for subsequent months, as follows:

§ 122.1 *Revenues and expenses.* Commencing with the month of January 1953, and monthly thereafter until further order, each and every Class I Steam Railway, except Class I Switching and Terminal Companies, subject to the provisions of the Interstate Commerce Act, is hereby required to file monthly reports of Revenues and Expenses in accordance with the form of report which is attached hereto and made a part of this section.[1] Monthly reports shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before the 26th day of the month next succeeding the month for which made.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

NOTE: Budget Bureau No. 60-R120.9.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12525; Filed, Nov. 24, 1952; 8:47 a. m.]

PART 122—MONTHLY OPERATING REPORTS

MONTHLY REPORT OF SELECTED INCOME AND BALANCE-SHEET ITEMS; STEAM RAILWAYS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of October A. D. 1952.

The matter of monthly reports of selected income and balance-sheet items from Class I steam railways being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished and that public rule making procedures are unnecessary:

It is ordered, That the order dated October 21, 1944, in the matter of monthly reports of selected income and balance-sheet items from Class I steam railways (49 CFR 122.2), be, and it is hereby modified with respect to reports for January, 1953, and subsequent months, as follows:

§ 122.2 *Selected income and balance-sheet items.* Commencing with the month of January 1953, and monthly thereafter until further ordered, all Class I Steam Railways, except Class I Switching and Terminal Companies, subject to the provisions of section 20, part I of the Interstate Commerce Act, are hereby required to file monthly reports of Selected Income and Balance-Sheet Items in accordance with the form of report which is attached hereto and made a part of this section.[1] The monthly reports shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., within 45 days after the end of the month to which they relate.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

NOTE: Budget Bureau No. 60-R121.6.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12526; Filed, Nov. 24, 1952; 8:48 a. m.]

[1] Filed as a part of the original document.

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

MISCELLANEOUS AMENDMENTS

Sections 562.17, 562.22 (b) (1) (i) (*a*), 562.28 (b), 562.29 and 562.37 are revised to read as follows:

§ 562.17 *Designation of units.* (a) Units of the senior division, ROTC, will bear the designation of the branch of the Army with which associated.

(b) Units of the junior division, ROTC, will be designated a junior unit.

§ 562.22 *Conditions of enrollment in specific course.* • • •

(b) *For advanced course, senior division.* • • •

(1) *Academic requirements.* • • •

(i) Applicants for admission in the advanced course of the following technical services must be enrolled in the academic fields listed thereafter:

(*a*) *Chemical Corps.* Any academic course of instruction leading to a degree in a scientific or engineering subject, with preference for the chemical, biological, physical and mechanical arts and sciences. This provision will not affect students currently enrolled in Chemical Corps units or students who have been selected for enrollment prior to the publication of this section.

• • • • • •

§ 562.28 *Programs, content, and objectives of courses.* • • •

(b) *Junior division.* The junior division, ROTC, will consist of the junior course only and will be conducted in whole at class HS institutions, and may be conducted in whole or in part at class MJC and class MI institutions with Department of the Army approval. While it is not contemplated that officers of the Reserve component will be procured

without additional training from institutions operating on the preparatory school level, the Department of the Army will encourage and continue to furnish assistance to students in the junior division, ROTC, in high schools and other secondary schools prior to their undertaking further military training.

(1) Military training at a class HS institution will comprise a 3-year course of theoretical and practical instruction, consisting of 3 hours per week.

(2) The junior course will be approximately equivalent in scope to the first year of the basic course, senior division, ROTC, and will entitle the student, upon transfer, to such credit as may be determined by the professor of military science and tactics and the head of the institution concerned.

(3) The Department of the Army will continue to encourage the holding of summer camps by units of the junior division, ROTC, provided the camps are held without expense to the Government.

§ 562.29 *Curtailment of compression of courses.* (a) There is no authority under the law to compress the basic course into less than two academic years. The term "academic year" as used in this section will be defined for the Department of Military Science and Tactics on the same basis as the academic departments of the institution concerned; that is, when the institution operates on an accelerated basis with regard to all or part of its students with such accelerated basis allowing more than two semesters or three quarters of academic work to be completed in one calendar year, those students who are completing their academic work on this accelerated basis will be permitted to progress in their military courses at the same rate, subject to the following conditions:

(1) The arrangement must be approved by the institutional authorities and the army commander.

(2) No reduction in the scope and content of the ROTC course will be permitted.

(b) The professor of military science and tactics with the approval of the head of the institution concerned is authorized to approve applications for the curtailment of the advanced course when all of the following conditions exist:

(1) Student will be eligible for graduation from the institution before he can complete the advanced course.

(2) Student agrees to complete all prescribed subjects of the advanced course program of instruction without reduction in scope or content, and subject to written examinations in all subjects.

(3) Student agrees to attend the prescribed advanced course camp.

(4) Professor of military science and tactics believes the student possesses exceptional aptitude for leadership and capacity for completing the course in the time available.

(c) The professor of military science and tactics with the approval of the head of the institution concerned is authorized to approve requests for the enrollment of sophomore students in MS I course and subsequent concurrent enrollment in MS II and MS III courses during their junior year to the following conditions:

(1) During the year of concurrent training in MS II and MS III, the student will be paid no subsistence and will utilize the uniform provided for basic course students, and will be carried on the rolls as a basic course student.

(2) Upon completion of his junior year and MS II and MS III, the student will be permitted to sign a contract, be issued an advanced course uniform, and will receive commutation of subsistence, only while pursuing the MS IV course.

(d) The granting of authority for a curtailment of the advanced course will not be construed as a waiver for other conditions of noneligibility which would preclude enrollment in the course or which would preclude appointment as a commissioned officer in a component of the Army.

(e) A curtailment of the course will not be authorized in the case of any student eligible for enrollment in the advanced course two or more years prior to the date of his graduation from the institution.

§ 562.37 *Courses of instruction.* Subject and outlines of courses of study for ROTC training are prescribed by the Department of the Army and are published in the 145-series of the Army training programs of instructions.

[AR 145-350, Oct. 31, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply 39 Stat. 191, as amended, sec. 34, 44 Stat. 778; 10 U. S. C. 354, 381-388, 441)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-12499; Filed, Nov. 24, 1952; 8:45 a. m.]

Chapter VII—Department of the Air Force

Subchapter J—Procurement Procedures

PART 1013—INSPECTION AND ACCEPTANCE

Part 1013 is added to Subchapter J as follows:

Sec.
1013.001 Scope of part.
1013.002 General policy.
1013.003 Inspection requirements.
1013.004 Points of inspection.
1013.005 Responsibility for inspection.
1013.006 Acceptance.
1013.007 Single department procurement.
1013.008 Contract provisions.
1013.009 Inspection interchange agreements
1013.010 Inspection for other Government agencies.

AUTHORITY: §§ 1013.001 to 1013.010 issued under R. S. 161, Sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161.

DERIVATION: Sec. XIV, AFM 70-6.

§ 1013.001 *Scope of part.* This part implements the provisions of Part 413 of this title, and sets forth the procedures pertaining to the inspection and acceptance of supplies and services by the Department of the Air Force. Nothing in this part will be construed as waiving compliance with Part 413 of this title.

§ 1013.002 *General policy*—(a) *Supplies and services.* All supplies and services procured by the Air Force including supplies which are procured in accordance with the provisions of Subpart A of Part 403 of this title, "Single Department Procurement," will be inspected and accepted in accordance with the requirements of this part. Inspection will be conducted only when a bona fide contract exists, or when there is reasonable assurance that supplies so inspected will be reserved for delivery on Air Force or other military contracts.

(b) *Quality control policy.* Conformance with contractual requirements of supplies presented to the Air Force will be determined on the basis of objective quality evidence. Such evidence will be obtained by the contractor and will be evaluated and verified by the Air Force quality control representative exercising surveillance over the contractor's facility. Evidence may also be obtained independently by Air Force quality control personnel. Product inspection by Air Force quality control personnel will be used to the extent necessary to verify evidence of quality submitted by the contractor, or it may be used to determine acceptability of supplies on an individual or lot basis. The amount of evidence obtained or verified through product inspection by Air Force quality control personnel will depend on the nature and intended use of the product and the effectiveness of the contractor's control over quality.

§ 1013.003 *Inspection requirements.* In accordance with applicable directives, Air Matériel Command will establish inspection requirements sufficient to determine the acceptability of supplies and services presented to the Air Force. The Air Matériel Command may, when the public interest will be best served, prescribe the conditions under which supplies which are subject to Air Force inspection may be accepted and shipped without such inspection being performed in connection with each shipment.

§ 1013.004 *Points of inspection.* The contracting and quality control components of Air Matériel Command will collaborate in establishing categories of items which are subject to either source or destination inspection. The contracting organization will also coordinate with the quality control organization any unusual cases where special consideration is necessary concerning proper place of inspection. The inspection facilities of the Air Force depots and/or laboratories will be utilized to the extent practicable in accomplishing inspection or tests which cannot otherwise be properly accomplished. Air Force supply contracts will specify the place or places at which inspection and/or acceptance of the supplies are to be made by the Government.

§ 1013.005 *Responsibility for inspection.* The responsibility for quality control is assigned to Air Matériel Command, which will issue and coordinate detailed inspection procedures. Air Matériel Command may further delegate specific areas of responsibility to insure an effective and economical Air Force quality control effort.

§ 1013.006 *Acceptance.* Acceptance as defined in § 413.006 of this title is the responsibility of the Air Matériel Command, which may authorize proper Government agents to perform this function. Acceptance is effected through the execution of the prescribed acceptance documents.

§ 1013.007 *Single department procurement.* Normally Air Force inspection procedures will be used when inspection is performed by the Air Force on supplies being procured for delivery to another service.

§ 1013.008 *Contract provisions.* Any change to the standard clauses set forth in Part 406 of this title will be coordinated with the organization responsible for performing the inspection and/or acceptance and will be made in accordance with § 1000.109 of this chapter.

§ 1013.009 *Inspection interchange agreements.* Interchange agreements may be extended to foreign government agencies where procurements are being made by the Air Force in countries where suitable inspection practices have been established.

§ 1013.010 *Inspection for other Government agencies.* "Other Government agencies" are construed to mean U. S. agencies other than military. Air Force inspection may be performed for other Government agencies when such inspection would not unduly affect military inspection operations and the cost of such inspection can be defrayed on a reimbursement-in-kind basis.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52-12509; Filed, Nov. 24, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 14, Amdt. 17]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

REVISION OF TABLE A AND COMMODITY GROUP DEFINITIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 17 to Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment revises and brings up to date Table A and the commodity group definitions in CPR 14 in order to conform with General Overriding Regulation 7, Revision 1. The amendment also makes certain other minor corrections and clarifications in Table A and in the commodity group definitions.

General Overriding Regulation 7, Revision 1, decontrolled a number of food products as insignificant in the cost of living or as removed from price control by the Harrison Amendment which exempted fruits and vegetables in fresh or processed form from price control. Many of these food products had previously been covered by CPR 14 but, because of the nature of a general overriding regulation, were in effect removed from the ceiling price regulation even though they had not been deleted by formal amendment. However, in order to avoid confusion and misunderstanding, the table and commodity group definitions of CPR 14 are revised by the present action to conform with GOR 7, Revision 1. Although it has been necessary (in order to effectuate certain adjustment provisions) to list certain commodity group headings of fruits or vegetables even where no items in the listed commodity grouping remain under control, it is thought that none of the commodities decontrolled by GOR 7 now remains listed as controlled by CPR 14. Except for minor corrections and clarifications the revised table and commodity group definitions contain no substantive changes not already made through the overriding effect of GOR 7, Revision 1.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impractical. In the judgment of the Director the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 14 is amended in the following respects.

1. Section 35, paragraph (a), Table A, is revised to read as follows:

TABLE A—MARKUP FIGURES TO BE USED BY WHOLESALERS IN FIGURING CEILING PRICES FOR ITEMS COVERED BY THIS REGULATION BY COMMODITIES

[Figures to be multiplied by net cost]

Food Commodities	Class 1 Retailer-owned cooperatives	Class 2 Cash and carry	Class 3 Service and delivery	Class 4 Institutional
1. Baby foods	1.100	1.085	1.135	1.185
2. Cereals, breakfast	1.035	1.00	1.08	1.13
3. Cocoa, chocolate, and cereal drink preparations	1.07	1.065	1.125	1.175
4. Coffee	1.055	1.065	1.09	1.14
5. Cookies, crackers, toast and crumbs	1.11	1.15	1.20	1.25
6. Corn meal, hominy and flour mixes	1.055	1.085	1.12	1.165
7. Dog and cat foods	1.00	1.09	1.165	1.15
8. Fish, processed	1.095	1.13	1.19	1.24
9. Flour	1.07	1.075	1.10	1.15
10. Frozen foods	1.24	1.24	1.24	1.29
11. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	1.105	1.155	1.18	1.23
12. Fruit cocktail, pineapple, peaches and pears (canned) except juices[1]				
13. Fruits, dried and dehydrated[1]				
14. Gelatin and pudding mixtures	1.09	1.07	1.105	1.155
15. Jams, jellies, preserves, honey and peanut butter	1.115	1.14	1.19	1.24
16. Lard, pure	1.035	1.035	1.075	1.125
17. Macaroni and spaghetti products	1.09	1.115	1.15	1.20
18. Mayonnaise and salad dressing	1.08	1.12	1.16	1.21
19. Meat, canned	1.095	1.08	1.10	1.15
20. Milk, canned	1.035	1.035	1.045	1.095
21. Oils, cooking and salad	1.07	1.075	1.10	1.15
22. Oleomargarine	1.045	1.085	1.14	1.19
23. Pickles and relishes[1]				
24. Rice	1.070	1.095	1.13	1.18
25. Shortening, hydrogenated	1.045	1.045	1.09	1.06
26. Shortening, other	1.045	1.045	1.09	1.06
27. Soups, canned	1.045	1.07	1.09	1.14
28. Soups, dehydrated	1.09	1.105	1.13	1.18
29. Spices	1.15	1.27	1.28	1.33
30. Syrups	1.07	1.10	1.115	1.165
31. Tea	1.09	1.095	1.115	1.165
32. Vegetable and vegetable juices (canned) except corn, green beans, tomatoes and tomato juice	1.07	1.14	1.20	1.25
33. Corn, green beans, peas, tomatoes and tomato juice (canned)[1]				
34. Vegetables, dried and dehydrated[1]				
35. Vinegar	1.12	1.16	1.23	1.28
36. Miscellaneous foods	1.11	1.15	1.20	1.25

[1] All commodities in this category are excluded from price control.

2. Section 35, paragraphs (b), (c) and (d) are revised to read as follows:

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) *"Baby foods"* means baby or "junior" cereals, fruits, vegetables, meats, puddings, soups and mixtures thereof, packed in hermetically sealed containers.	(1) *"Baby foods".* Excluded are: Dry baby cereals.	(1) *"Baby foods".* Excluded are: Fruits, vegetables (including creamed vegetables), and their juices, and combinations of fruits, vegetables, or their juices, with no other ingredients added except water sufficient for preparation, salt or sugar. Soups are not within this exclusion.
(2) *"Cereals, breakfast"* means cereal items commonly used as breakfast foods, both uncooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Not included in this definition are barley, corn meal, corn grits, hominy grits and flakes, rice and wheat bran flour.	(2) *"Cereals, breakfast".* Excluded are: Steel-cut oats.	(2) *"Cereals, breakfast".* Excluded are: Wheat germ and imported "cereals, breakfast" if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(3) *"Cocoa, chocolate and cereal-drink preparations"* includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup packed in consumer sizes, chocolate bits, and cooking chocolate and packaged powdered skim milk (spray process). Not included in this definition is any powdered milk product containing 40 percent or more milk sugars.	(3) *"Cocoa, chocolate, and cereal-drink preparations".* Excluded are: Chocolate confections, bittersweet bars, milk chocolate, powdered whole milk, powdered skim milk (except spray process).	(3) *"Cocoa, chocolate, and cereal-drink preparations".* Excluded are: Powdered malted milk and any preparations containing 35 percent or more powdered malted milk, and imported cocoa, chocolate and cereal drink preparations if imported in consumer size containers.
(4) *"Coffee"* means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes. Not included in this definition is frozen coffee concentrate.	(4) *"Coffee".* Excluded are: Green coffee in containers of the customary unit and weight in which they are imported into the United States.	(4) *"Coffee".* Excluded are: Imported coffee if imported in consumer size containers (2 pounds or less) and coffee packed in bags, each containing only the amount necessary to make 1 ordinary cup of coffee.
(5) *"Cookies, crackers, toast and crumbs"* includes but is not limited to biscuits, Christmas cookies, fig crackers, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal and related matzo products. Not included in this definition are any items which are bought by you in bulk and sold loose.	(5) *"Cookies, crackers, toast and crumbs".* Excluded are: Any baking product which you manufacture, Passover matzo, Passover matzo meal and related Passover products, any cookie or cracker item which is purchased in consumer sizes in tin or glass containers, baked goods, fresh, such as bread, pies, cakes, rolls, doughnuts, coffee cakes, candies (except cookies, crackers, toast and crumbs) and rice crackers.	(5) *"Cookies, crackers, and crumbs".* Excluded are: Imported cookies, crackers and toast, if imported in consumer size containers.
(6) *"Corn meal, hominy and flour mixes"* means corn meal, corn grits, hominy, hominy grits, hominy flakes, prepared hominy and flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including but not limited to, prepared pancake, biscuit, pie crust, and gingerbread mix and any item containing ingredients to prepare crust and filling for a pie. Not included in this definition is canned hominy, which is in "Vegetables and vegetable juices, canned".	(6) *"Corn meal, hominy and flour mixes".* Excluded are: None.	(6) *"Corn meal, hominy and flour mixes".* Excluded are: Water ground corn meal.
(7) *"Dog and cat food"* shall not include any item prepared by you for pet food, or any frozen dog or cat food.	(7) *"Dog and cat food".* Excluded are: None.	(7) *"Dog and cat food".* Excluded are: None.
(8) *"Fish, processed"* includes canned fish, canned seafood, and salted or otherwise processed fish, such as fish cakes. Not included in this definition are canned crab meat, lobster and oysters, and frozen food products in which fish or seafood are combined with other ingredients.	(8) *"Fish, processed".* Excluded are: Kippered, marinated, dried or smoked fish and seafood (except sardines).	(8) *"Fish, processed".* Excluded are: Canned clams, shrimp a la Newburg, salad, anchovy roll fillets, turtle and terrapin; frozen fish and seafood; fresh fish and seafood; fish and seafood pâtés, pastes and purees; sauce containing fish and seafood, fish roe and caviar; fish and seafood hors d'oeuvres; and imported fish, processed" if imported in consumer size containers, except tuna and salmon.
(9) *"Flour"* means flour milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including but not limited to, all-purpose family flour, self-risen flour, cake flour, and enriched flour. Not included in this definition are all flour mixes.	(9) *"Flour".* Excluded are: None.	(9) *"Flour".* Excluded are: Potato flour, water ground wheat flour and water ground buckwheat flour.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(10) *"Frozen foods"* means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including but not limited to dog and cat foods not prepared by you for pet foods, macaroni products, Chinese foods, meat stews, corned beef hash, coffee concentrates, concentrated fresh milk, meat pies, pies and pastries, and food products in which meat or poultry, fish or seafood are combined with other ingredients.	(10) *"Frozen foods".* Excluded are: Meat, poultry, ice cream, sherbet and confections	(10) *"Frozen foods".* Excluded are: Hollandaise sauce, fish and seafood, all fruits, berries, fruit or berry juices and concentrates, vegetables, vegetable juices, mushrooms, coconut, cooked spaghetti products with or without sauce, prepared pastry doughs, bean sprouts, Chinese chow mein, Chinese chop suey, Chinese mixed vegetables, soups, gravies and pork and beans.
(11) *"Fruits, berries and fruit juices, canned"* includes fountain fruits and non-carbonated liquid fruit beverages such as grapeade, lemonade and orangeade. Not included in this definition are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, baby foods, fruit cocktail, pineapple (except pineapple juice), peaches, pears and frozen fruits.	(11) *"Fruits, berries and fruit juices, canned".* Excluded are: None.	(11) *"Fruits, berries and fruit juices, canned".* Excluded are: Brandied, liquor flavored or stuffed melon, fruit rind, fruits or berries; whole or half citrus fruits; cocktail slices and sticks; maraschino cherries; all varieties of canned apples, applesauce, apricots, berries, currants, cranberry sauce (strained or whole), cherries, figs, fruit for salad (including fruit mixtures), fruit and berry juices and nectars, including apple and other fruit ciders, plums, mangoes, prunes, citrus fruits, juices and concentrates, grapes, nectarines, quinces, papayas and guavas.
(12) *"Fruit cocktail, pineapple, peaches and pears (canned) except juices".*	(12) *"Fruit cocktail, pineapple, peaches and pears (canned) except juices".*	(12) *"Fruit cocktail, pineapple, peaches and pears (canned) except juices".*
All commodities in this category are excluded from price control.		
(13) *"Fruits, dried and dehydrated".*	(13) *"Fruits, dried and dehydrated".*	(13) *"Fruits, dried and dehydrated".*
All commodities in this category are excluded from price control including all dried, dehydrated and stuffed fruits, either whole, pitted or in macerated form.		
(14) *"Gelatin and pudding mixtures"* includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, rennet, and pie fillings.	(14) *"Gelatin and pudding mixtures".* Excluded are: None.	(14) *"Gelatin and pudding mixtures".* Excluded are: Wine gelatins, wine dessert powders, and all imported gelatin and pudding mixtures if imported in consumer size containers.
(15) *"Jams, jellies, preserves, honey and peanut butter"* includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch type nut butters, honey butter and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Not included in this definition are cranberry jelly or sauce.	(15) *"Jams, jellies, preserves, honey and peanut butter".* Excluded are: Honey packed with blossom and comb honey.	(15) *"Jams, jellies, preserves, honey and peanut butter".* Excluded are: Wine jellies, preserved kumquats, lemon marmalade, guava jelly, and imported jams, jellies, preserves and honey if imported in consumer size containers.
(16) *"Lard, pure"* includes but is not limited to, rendered pork fat. Not included in this definition are lard compounds, which are classed as "shortenings, other".	(16) *"Lard, pure".* Excluded are: None.	(16) *"Lard, pure".* Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(17) *"Macaroni and spaghetti products"* includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, sea shells, noodles, macaroni dinners, spaghetti dinners, canned macaroni and canned spaghetti. Not included in this definition are meat ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Cheese-style noodles, and frozen macaroni and spaghetti products.	(17) *"Macaroni and spaghetti products".* Excluded are: None.	(17) *"Macaroni and spaghetti products".* Excluded are: Imported macaroni and spaghetti products if imported in consumer size containers.
(18) *"Mayonnaise and salad dressing"* includes, but is not limited to, relish spreads, other mayonnaise spreads and French dressing. Not included in this definition are meat spreads.	(18) *"Mayonnaise and salad dressing".* Excluded are: None.	(18) *"Mayonnaise and salad dressing".* Excluded are: Bottled table dressings and sauces of the following flavors: avocado, dill, onion, poppy seed, sherry, chive, garlic and mint; tartar sauce, hollandaise sauce, cheese dressings, and imported mayonnaise and salad dressing if imported in consumer size containers.
(19) *"Meat, canned"* includes, but is not limited to, canned or glass chicken products, turkey products, chicken and noodles, meat ravioli, luncheon meats, chili con carne, meat stews, meat spreads, and spaghetti and meat balls. Not included in this definition are pigs feet, scrapple, tamales, enchiladas, tripe, veal loaf, minemeat, frozen food products in which meat, chicken or turkey are combined with other ingredients, frozen meat gravies and frozen meat stews and pies.	(19) *"Meat, canned".* Excluded are: Breast of chicken, chicken fricassee, whole or half chicken, chicken-a-la-king, "Smithfield" ham and "Smithfield" ham products, and any meat or meat product which is in a pliable plastic or similar type of container.	(19) *"Meat, canned".* Excluded are: Tongue spread, deviled tongue, pickled pork knuckles, pickled pork tidbits, liver paste, meat gravy, smoked tongue, liver, hearts, gizzards, cocktail frankfurters, canned wild game, meat or poultry pates, pate de foie gras, rattlesnake meat, turtle meat, and imported canned meat if imported in consumer sizes of 2 pounds or less, except beef and beef products.
(20) *"Milk, canned"* means evaporated or condensed cow milk, including but not limited to, filled evaporated milk products.	(20) *"Milk, canned".* Excluded are: None.	(20) *"Milk, canned".* Excluded are: None.
(21) *"Oils, cooking and salad"* means all vegetable oils, fruit leaf plant oils, and cooking fats other than lard and shortening. Not included in this definition are olive, prepared dressings, and spice oils.	(21) *"Oils, cooking and salad".* Excluded are: None.	(21) *"Oils, cooking and salad".* Excluded are: None.
(22) *"Oleomargarine"* means any product labeled "Oleomargarine".	(22) *"Oleomargarine".* Excluded are: None.	(22) *"Oleomargarine".* Excluded are: None.
(23) *"Pickles and relishes."*	(23) *"Pickles and relishes."*	(23) *"Pickles and relishes."*
All commodities in this category are excluded from price control, including pickled fruits and vegetables, pickled relishes and stuffed pickles.		
(24) *"Rice"* means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective Sept. 4, 1946). Not included in this definition are rice flour, rice flakes, popped rice, and canned Spanish rice.	(24) *"Rice".* Excluded are: Screenings and brewers' rice, graded as Class XIII and Class XIV, respectively, by the Department of Agriculture bulletin of Standards for Milled Rice (effective Sept. 4, 1946).	(24) *"Rice".* Excluded are: Wild rice.
(25) *"Shortening, hydrogenated"* means all fully hydrogenated shortening.	(25) *"Shortening, hydrogenated".* Excluded are: None.	(25) *"Shortening, hydrogenated".* Excluded are: None.
(26) *"Shortening, other"* means shortenings other than fully hydrogenated shortening. Not included in this definition are butter, lard, oleomargarine, and suet.	(26) *"Shortening, other".* Excluded are: None.	(26) *"Shortening, other".* Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(27) *"Soups, canned"* includes soups, broths and chowder. Not included in this definition are meat stews, "baby" or "junior" soups, dehydrated soups and frozen soups.	(27) *"Soups, canned".* Excluded are: All bisques (except tomato, chicken, celery and mushroom).	(27) *"Soups, canned".* Excluded are: French onion soup (consumer size containers), consomme madrilene, jellied chicken consomme, vichyssoise, black bean soup, borscht, cheese soup, consomme julienne, minestrone, mushroom broth, onion a la Brettone, petite marmite, turtle, wine and sherry-flavored, fish or sea-food soups (except clam chowder), smoked turkey and game bird soups, almond, artichoke, avocado, broccoli, cucumber and watercress soups, and all imported soups if imported in consumer size containers.
(28) *"Soups, dehydrated"* means dry mixtures sold for soup making, including but not limited to, dry vegetable and dry noodle soup mixtures. Not included in this definition are other macaroni or noodle products, lentils and dried peas.	(28) *"Soups, dehydrated".* Excluded are: None.	(28) *"Soups, dehydrated".* Excluded are: Bouillon cubes and bouillon powders.
(29) *"Spices"* includes imported spices and domestic spices mixed or combined with imported spices, seeds and herbs. Included in this definition are caraway seeds, dried peppers, dry chili, chili powder, herbs, dry mustard, poultry seasoning, poppy seed, sesame seed, thyme, and cream of tartar. Not included in this definition are table salt and spice oils.	(29) *"Spices".* Excluded are: Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States; spices in assorted sets, contained in wooden or other type trays designed as permanent kitchen furniture, and spices and herbs packed in glass.	(29) *"Spices".* Excluded are: Imported spices, seeds and herbs if imported in consumer size containers, and domestic spices produced in the United States that are not mixed or combined with imported spices, seeds and herbs.
(30) *"Syrups"* means all malt, molasses, cane, maple, corn syrups, and imitations or blends. Not included in this definition are chocolate and ice cream sundae syrups.	(30) *"Syrups".* Excluded are: Unmixed corn syrups, molasses sold for feeding purposes, sorghum syrup, and fruit syrups for making beverages.	(30) *"Syrups".* Excluded are: Rock candy syrup, and imported syrup, if imported in consumer size containers.
(31) *"Tea"* includes all bulk or packaged tea, tea bags and concentrated tea.	(31) *"Tea".* Excluded are: Assam, Darjeeling, Formosa, Oolong, Ceylon, Kee-Mum, Lapsang, Souchong, Jasmine, and Fancy Green Teas and blends thereof, mate, and sales of tea in containers of the customary unit and weight in which they are imported into the United States.	(31) *"Tea".* Excluded are: Imported tea, if imported in consumer size containers.
(32) *"Vegetables and vegetable juices, canned"* includes baked beans with ham, mushroom sauce, Chinese-style foods, including soy sauce and brown sauce. Not included in this definition are vegetable soups, "baby" or "junior" foods, pickles, corn, green beans, peas (except canned blackeye, crowder, cream and field peas), shoestring and julienne potatoes, french fried onions, tomatoes, tomato juice and frozen vegetables.	(32) *"Vegetables and vegetable juices, canned".* Excluded are: None.	(32) *"Vegetables and vegetable juices, canned".* Excluded are: Artichoke products, asparagus, cabbage (red or white), brussel sprouts, broccoli, beans (lima or wax), beets, carrots, celery, eggplant, fresh and dry blackeye, crowder, cream and field peas and fresh shelled beans (all varieties),

	(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
	(30) "*Miscellaneous foods*"—Con. Puddings, date, fig or plum. Powdered milk product containing 50 percent or more milk sugars. Scrapple, canned. Spanish rice, canned. Table salt packaged in cartons, bags, or jackets containing 100 pounds or less and other table salt packaged in cartons, and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt. (Excluded are rock salt, celery, or paris salt.) Tamales, canned. Tripe, canned. Vanilla extract. Veal loaf, canned. Yeast.	(30) "*Miscellaneous foods*"—Con. Excluded are—Continued Fruit cake, holiday, that is, fruit cake which (1) contains not less than 50 percent by weight of fruits and nuts in the ready-to-eat cake mix, and of the fruit cake mix; and which (2) is packaged by the manufacturer in a wrapper or container which indicates that the fruit cake is packaged expressly for sale during the Thanksgiving or Christmas season or both Ginger, candied Gravy, meat-type mixes, canned or dehydrated. Horseradish. Lobster a la Newburg. Maple sugar, pure. Meat, beef steak pie, canned. Meat loaf spice mixture, canned. Mincemeat. Monosodium glutamate when sold in containers of 16 ounces or less. Olives. Olive oil. Olive spreads. Onions, French fried, canned. Onions, sliced, canned. Pain hearts, canned. Pickled lambs or sambonless pigs' feet in containers of 24 ounces or less. Pickles, sweet, including corn. Potatoes, white, peeled, whole or sliced, chemically treated. Potato chips. Potatoes, julienne and shoestring. Prepared pastry doughs. Processed pumpkin seeds. Snails, canned. Soups, mix. Sauces, fish. Sweetpotato-pie mix. Tapioca (pearl starch sold in bulk. Tamale and Jerry batter. Tomato aspic and any other vegetable aspic. Toppings in hermetically sealed containers whose only ingredients are vegetable oils, sweetening agents, dry milk solids with not more than 15 percent of the total ingredients by weight consisting of dry milk solids. Truffles. Vegetable flakes. Vegetable powders, hydrolyzed. Vegetable protein products sold in containers of 16 ounces or less. Vegetable salt. Walnut sauce. Water chestnuts, canned.	
	(31) "*Vegetables, dried and dehydrated*". All commodities in this category are excluded from price control, including dried and dehydrated beans, peas, mushrooms and lentils.	(31) "*Vegetables, dried and dehydrated*".	(31) "*Vegetables, dried and dehydrated*".
	(32) "*Vinegar*" includes, but is not limited to, pure cider vinegar and distilled vinegar.	(32) "*Vinegar*". Excluded are: Malt and fruit vinegar (except apple).	(32) "*Vinegar*". Excluded are: Wine and herbal vinegar and imported vinegars if imported in consumer size containers.
(33) "*Corn, green beans, peas, tomatoes, and tomato juice, canned*".	(33) "*Corn, green beans, peas, tomatoes, and tomato juice, canned*".	(33) "*Corn, green beans, peas, tomatoes, and tomato juice, canned*".	(33) "*Corn, green beans, peas, tomatoes, and tomato juice, canned*".
	(34) "*Vegetables, dried and dehydrated*". All commodities in this category are excluded from price control, including dried and dehydrated beans, peas, mushrooms and lentils.	(34) "*Vegetables, dried and dehydrated*".	(34) "*Vegetables, dried and dehydrated*".
	(35) "*Vinegar*" includes, but is not limited to, pure cider vinegar and distilled vinegar.	(35) "*Vinegar*". Excluded are: Malt and fruit vinegar (except apple).	(35) "*Vinegar*". Excluded are: Wine and herbal vinegar and imported vinegars if imported in consumer size containers.
	(36) "*Miscellaneous foods*" shall include all other dry grocery items except those specifically excluded in paragraphs (c) and (d) of this section. Non-food items are excluded even though items are included under this heading are the following: Baking powder. Baking soda. Bluing (liquid). Bread, bread, and date and nut bread, canned. Brewers yeast in container size packages not to exceed 2 pounds. Cocoanut, shredded, desiccated or moist. Cookies, crackers, toast and crumbs: bought by you in bulk and sold less. Corn starch, packaged in containers of 10 pounds or less. Crab meat, canned. Enchiladas (tins, jars, paper or corn wrapped). Fruit cocktail. Icing cream sugar, meaning chocolate syrup packed in No. 10 tins or larger. Lobster, canned. Macaroni products, canned. Meat flavorings. Meat sauces, except catsup, cocktail sauce and chili sauce. Minced parsley. Oysters (canned except pickled,	(36) "*Miscellaneous foods*". Excluded are: Beer. Bread. Butter (except peanut butter, fruit butters, and smooth or crunch type nut butters). Buttermilk, fresh. Candy (except pure maple sugar candy). Cheese, cheese spreads and cheese foods. Cornstarch (packaged in containers of more than 10 pounds). Corn sugar. Cream, fresh. Eggs. Fowl, animal, poultry or pet food (except dog and cat food). Fruit cake, except holiday fruit cake. Gelatin and pudding packages (dry and assembled, and containing one or more items covered by this regulation. Goat milk. Ice cream in cones. Ice cream sandwiches and frozen confections. Liquors. Meat (except "meat, canned"). Milk, fresh. Mineral oil.	(36) "*Miscellaneous foods*". Excluded are: Anticaking compounds. Apple cullets, crunchy, canned or packaged. Apple-pie mix. Artificially sweetened fruit pomaces. Babka in tins. Bacon fruits, fried. Bamboo shoots, canned. Cake or beef sugar. Cheese. Cherry-pie mix. Chutney, canned. Citrus fruit beverage bases and other fruit beverage bases (not ready-to-drink soft drinks made therefrom). Clam juice. Cones for ice cream. Crab meat, decilled. Easter egg dye. Eggnog, bottled. Flavorings in containers of 16 ounces or less. Food coloring in containers of 16 ounces or less. Food flavoring extracts (except vanilla). Fresh fruits and vegetables. Fried worms, canned.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 24, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52 12544; Filed, Nov. 21, 1952, 12:40 p. m.]

[Ceiling Price Regulation 15, Amdt. 20]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUPS 3 AND 4 STORES

REVISION OF TABLES A AND B AND COMMODITY GROUPS DEFINITIONS; UNIT RULE FOR BABY FOOD

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 20 to Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statment of considerations covers Amendment 20 to Ceiling Price Regulation 15 and Amendment 20 to Ceiling Price Regulation 16. These amendments revise and bring up to date Tables A and B and the commodity group definitions in CPR's 15 and 16 in order to conform with General Overriding Regulation 7, Revision 1. The amendments also make certain other minor corrections and clarifications in Tables A and B and in the commodity group definitions. Finally, the amendments require retailers to revert to the single unit basis of establishing ceiling prices for baby food in cans.

General Overriding Regulation 7, Revision 1, decontrolled a number of food products as insignificant in the cost of living or as removed from price control by the Harrison Amendment which exempted fruits and vegetables in fresh or processed form from price control. Many of these food products had previously been covered by CPR's 15 and 16 but, because of the nature of a general overriding regulation, were in effect removed from the ceiling price regulations even though they had not been deleted by formal amendment. However, in order to avoid confusion and misunderstanding, the tables and commodity group definitions of CPR's 15 and 16 are revised by the present action to conform with GOR 7, Revision 1. Although it has been necessary (in order to effectuate certain adjustment provisions) to list certain commodity group headings of fruits or vegetables even where no items in the listed commodity grouping remain under control, it is thought that none of the commodities decontrolled by GOR 7 now remains listed as controlled by CPR's 15 and 16. Except for minor corrections and clarifications the revised tables and commodity group definitions contain no substantive changes not already made through the overriding effect of GOR 7, Revision 1.

These amendments also return baby foods to the single unit pricing provisions of CPR's 15 and 16. Recently OPS determined that manufacturers of baby food were entitled to adjustments under the OPS industry earnings standard and, accordingly, issued Supplementary Regulation 107 to the General Ceiling Price Regulation. However, after a short time it was shown by the manufacturers that if they realized the earnings standard increases permitted under SR 107 the result would be a reduction in the margins of retailers selling canned baby food. Therefore, Amendments 18 to CPR's 15 and 16 were issued to prevent a margin squeeze on the retailers by providing a means for retailers to establish a unit ceiling price on three cans of baby food instead of on the single unit basis otherwise provided in the regulations.

It now appears, however, that since the manufacturers have decided not to take the permitted increases, the result of the operation of the multiple unit rule authorized by Amendments 18 has been an unwarranted increase in retail markups. To continue Amendments 18 in effect is not only unnecessary to prevent a squeeze but also would result in unjustifiably higher ceiling prices to consumers and, therefore, these amendments remove from CPR's 15 and 16 the provisions for multiple unit pricing of baby foods. However, if a retail problem on baby food does develop in the future, the matter will be given further consideration at such time in the light of the retail markups then in effect.

In view of the nature of these amendments special circumstances have rendered consultation with industry representatives, including trade association representatives, impractical. In the judgment of the Director the provisions of these amendments are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 15 is amended in the following respects:

1. Paragraph (a) of section 4 is revised by deleting subparagraph (3) and by redesignating present subparagraph (4), (5) and (6) as (3), (4) and (5), respectively.

2. Paragraph (c) of section 4 is revised by deleting subparagraph (2).

3. Section 10 is revised by deleting the second sentence.

4. Section 37 is revised to read as follows:

SEC. 37. *Table of markups for "dry groceries" (Table A)*—(a) *Table A—Markups over "net cost" allowed to Groups 3 and 4 retailers for dry groceries covered by this regulation by commodities.*

TABLE A—MARKUPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food Commodities	Allowed markups over net cost	
	Group 3, retailer other than independent with annual volume under $375,000	Group 4, any retailer with annual volume of $375,000 or more
	Percent	*Percent*
1. Baby foods	18	16
2. Cereals, breakfast	20	18
3. Cocoa, chocolate and cereal drink preparations	22	21
4. Coffee	12	11
4a. Coffee concentrates	16	15
5. Cookies, toast and crumbs	30	30
5a. Crackers	25	25
6. Corn meal, hominy and flour mixes	25	21
7. Dog and cat foods	24	24
8. Fish, processed	25	25
8a. Salmon and tuna, processed	21	21
9. Flour, packaged (5-pound containers or less)	23	17
9a. Flour	20	14
10. Frozen foods	30	30
11. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	30	30
12. Fruit cocktail, pineapple, peaches and pears (canned) except juices [1]		
13. Fruits, dried and dehydrated [1]		
14. Gelatin and pudding mixtures	23	18
15. Jams, jellies, preserves, and honey	38	35
15a. Peanut butter	31	31
16. Lard, pure	17	15
17. Macaroni and spachetti products	27	26
18. Mayonnaise and salad dressing	22	22
19. Meat, canned	27	22
19a. Luncheon meats	19	18
20. Milk, canned	10	9
21. Oils, cooking and salad	24	16
22. Oleomargarine	18	18
23. Pickles and relishes [1]		
24. Rice	24	20
25. Shortening, hydrogenated	9	9
26. Shortening, other	17	13
27. Soups, canned	19	14
28. Soups, dehydrated	34	27
29. Spices	46	46
30. Syrups	24	21
31. Tea	25	25
32. Vegetables and vegetable juices (canned) except corn, green beans, peas, tomatoes and tomato juice	30	30
33. Corn, green beans, peas, tomatoes and tomato juice (canned) [1]		
34. Vegetables, dried and dehydrated [1]		
35. Vinegar	34	33
36. Miscellaneous foods	35	35

[1] All commodities in this category are excluded from price control.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) "*Baby foods*" means "baby" or "junior" cereals, fruits, vegetables, meats, puddings, soups and mixtures thereof, packed in hermetically sealed containers.	(1) "*Baby foods*". Excluded are: Dry baby cereals.	(1) "*Baby foods*". Excluded are: Fruits, vegetables (including creamed vegetables), and their juices, and combinations of fruits, vegetables, or their juices, with no other ingredients added except water sufficient for preparation, salt or sugar. Soups are not within this exclusion.
(2) "*Cereals, breakfast*" means cereal items commonly used as breakfast foods, both uncooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Not included in this definition are barley, corn meal, corn grits, hominy grits and flakes, rice and wheat bran flour.	(2) "*Cereals, breakfast*". Excluded are: Steel cut oats.	(2) "*Cereals, breakfast*". Excluded are: Wheat germ and imported "cereals, breakfast" if imported in consumer size containers.
(3) "*Cocoa, chocolate, and cereal-drink preparations*" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup packed in consumer sizes, chocolate bits, and cooking chocolate and packaged powdered skim milk (spray process). Not included in this definition is any powdered milk product containing 40 percent or more milk sugars.	(3) "*Cocoa, chocolate, and cereal-drink preparations*". Excluded are: Chocolate confections, bittersweet bars, milk chocolate, powdered whole milk; powdered skim milk (except spray process).	(3) "*Cocoa, chocolate, and cereal-drink preparations*". Excluded are: Powdered malted milk and any preparations containing 35 percent or more powdered malted milk, and imported cocoa, chocolate and cereal drink preparations if imported in consumer size containers.
(4) "*Coffee*" means roasted coffee, whole or ground, decaffeinated coffee, and any mixtures of coffee with other products for beverage purposes. Not included in this definition are all "coffee concentrates," including "frozen coffee concentrates."	(4) "*Coffee*". Excluded are: Green coffee in containers of the customary unit and weight in which they are imported into the United States.	(4) "*Coffee*". Excluded are: Imported coffee if imported in consumer size containers (2 pounds or less) and coffee packaged in bags, each containing only the amount necessary to make 1 ordinary cup of coffee.
(4a) "*Coffee concentrates*" includes but is not limited to instant and soluble coffee concentrates whether or not mixed with other ingredients. Not included in this definition is frozen coffee concentrate.	(4a) "*Coffee concentrates*". Excluded are: None.	(4a) "*Coffee concentrates*". Excluded are: Imported coffee concentrates if imported in consumer size containers.
(5) "*Cookies, toast and crumbs*" includes, but is not limited to biscuits, Christmas cookies, fig bars or cookies, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal and related matzo products. Not included in this definition are any items which are bought by you in bulk and sold loose, or any "crackers" as defined below.	(5) "*Cookies, toast and crumbs*". Excluded are: Any bakery product which you manufacture except "crackers," Passover matzo, Passover matzo meal and related Passover products, any item which is purchased in consumer sizes in tin or glass containers, baked goods, fresh, such as bread, pies, cakes, rolls, doughnuts, coffee cakes, candies (except cookies, toast and crumbs), and rice crackers.	(5) "*Cookies, toast and crumbs*". Excluded are: Imported cookies and toast, if imported in consumer size containers.
(5a) "*Crackers*" means all types of soda, sprayed, butter and graham crackers. Not included in this definition are any items which are bought by you in bulk and sold loose.	(5a) "*Crackers*". Excluded are: Any cracker product which you manufacture, and any cracker item which is purchased in consumer sizes in tin or glass containers.	(5a) "*Crackers*". Excluded are: Imported crackers, if imported in consumer size containers.
(6) "*Corn meal, hominy and flour mixes*" means corn meal, corn grits, hominy, hominy grits, hominy flakes, prepared hominy and flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice and potatoes, including, but not limited to, prepared pancake, biscuit, pie crust and gingerbread mix and any item containing ingredients to prepare crust and filling for a pie. Not included in this definition is canned hominy, which is in "Vegetables and vegetable juices, canned".	(6) "*Corn meal, hominy and flour mixes*". Excluded are: None.	(6) "*Corn meal, hominy and flour mixes*". Excluded are: Water ground corn meal.
(7) "*Dog and cat food*" shall not include any item prepared by you for pet food, or any frozen dog or cat food.	(7) "*Dog and cat food*". Excluded are: None.	(7) "*Dog and cat food*". Excluded are: None.
(8) "*Fish, processed*" includes canned fish, canned seafood, and salted or otherwise processed fish, such as fish cakes. Not included in this definition are canned crab meat, lobster, oysters, salmon and tuna, and frozen food products in which fish or seafood are combined with other ingredients.	(8) "*Fish, processed*". Excluded are: Kippered, marinated, dried or smoked fish and seafoods (except sardines).	(8) "*Fish, processed*". Excluded are: Canned clams, shrimp a la Newburg, shad, turtle or terrapin, anchovy roll fillets; frozen fish and seafood; fresh fish and seafood; fish and seafood pâtes, pastes and purees; sauce containing fish and seafood; fish roe, caviar, fish and seafood hors d'oeuvres; and imported "fish, processed" if imported in consumer size containers.
(8a) "*Salmon and tuna, processed*".	(8a) "*Salmon and tuna, processed*". Excluded are: Frozen, kippered, marinated, dried or smoked salmon or tuna.	(8a) "*Salmon and tuna, processed*". Excluded are: None.
(9) "*Flour, packaged*" means packaged flour (in containers of 5 pounds or less) milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including but not limited to, all-purpose family flour, self-rising flour, cake flour and enriched flour. Not included in this definition are all flour mixes.	(9) "*Flour, packaged*". Excluded are: None.	(9) "*Flour, packaged*". Excluded are: Potato flour, water ground wheat flour and water ground buckwheat flour.
(9a) "*Flour, other*" means all flour in containers of more than 5 pounds milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including but not limited to, all-purpose family flour, self-rising flour, cake flour and enriched flour. Not included in this definition are all flour mixes.	(9a) "*Flour, other*". Excluded are: None.	(9a) "*Flour, other*". Excluded are: Potato flour, water ground wheat flour and water ground buckwheat flour.
(10) "*Frozen foods*" means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including but not limited to dog and cat food, Chinese foods, macaroni products, coffee concentrates, concentrated fresh milk, pies and pastries, meat stews, corned beef hash, meat pies, and food products in which fish or seafood, meat or poultry are combined with other ingredients.	(10) "*Frozen foods*". Excluded are: Meat, poultry, ice cream, sherbet and confections.	(10) "*Frozen foods*". Excluded are: Hollandaise sauce, fish and seafood, prepared pastry doughs, all fruits, berries, fruit or berry juices and concentrates, vegetables, vegetable juices, mushrooms, cocoanut, cooked spaghetti products with or without sauce, bean sprouts, Chinese mixed vegetables, Chinese chow mein, Chinese chop suey, soups, gravies and pork and beans.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(11) "*Fruits, berries and fruit juices, canned*" includes fountain fruits, and noncarbonated liquid fruit beverages such as grapeade, lemonade and orangeade. Not included in this definition are apple butter, fruit butters, jams, jellies, fruit preserves, coconnut, baby foods, fruit cocktail, pineapple (except pineapple juice), peaches, pears and frozen fruits.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: None.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: Brandied, liquor flavored or stuffed melon, fruit rind, fruits or berries; whole or half citrus fruits; cocktail slices and sticks; maraschino cherries; all varieties of canned apples, applesauce, apricots, berries, currants, cherries, figs, fruit for salad (including fruit mixtures), fruit and berry juices and nectars, including apple and other fruit ciders, plums, prunes, mangoes, citrus fruits, juices and concentrates, grapes, nectarines, quinces, papayas and guavas.
(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*". All commodities in this category are excluded from price control.	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*".	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*".
(13) "*Fruits, dried and dehydrated*". All commodities in this category are excluded from price control, including all dried, dehydrated and stuffed fruits either whole, pitted or in macerated form.	(13) "*Fruits, dried and dehydrated*".	(13) "*Fruits, dried and dehydrated*".
(14) "*Gelatin and pudding mixtures*" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, rennet, and pie fillings.	(14) "*Gelatin and pudding mixtures*". Excluded are: None.	(14) "*Gelatin and pudding mixtures*". Excluded are: Wine gelatins, wine dessert powders, and all imported gelatin and pudding mixtures if imported in consumer size containers.
(15) "*Jams, jellies, preserves and honey*" includes but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, honey butter and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Not included in this definition are cranberry jelly or sauce and peanut butter.	(15) "*Jams, jellies, preserves and honey*". Excluded are: Honey packed with blossom and comb honey.	(15) "*Jams, jellies, preserves and honey*". Excluded are: Wine jellies, preserved kumquats, lemon marmalade, guava jelly, and imported jams, jellies, preserves and honey if imported in consumer size containers.
(15a) "*Peanut butter*" includes all smooth or crunch type nut butters.	(15a) "*Peanut butter*". Excluded are: None.	(15a) "*Peanut butter*". Excluded are: None.
(16) "*Lard, pure*" includes, but is not limited to, rendered pork fat. Not included in this definition are lard compounds, which are classed as "shortenings, other".	(16) "*Lard, pure*". Excluded are: None.	(16) "*Lard, pure*". Excluded are: None.
(17) "*Macaroni and spaghetti products*" includes but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, sea shells, noodles, macaroni dinners, spaghetti dinners, canned macaroni and canned spaghetti. Not included in this definition are meat ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meat balls, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.	(17) "*Macaroni and spaghetti products*". Excluded are: None.	(17) "*Macaroni and spaghetti products*". Excluded are: Imported macaroni and spaghetti products if imported in consumer size containers.
(18) "*Mayonnaise and salad dressing*" includes, but is not limited to, relish spreads, other mayonnaise spreads and French dressing. Not included in this definition are meat spreads.	(18) "*Mayonnaise and salad dressing*". Excluded are: None.	(18) "*Mayonnaise and salad dressing*". Excluded are: Bottled table dressings and sauces of the following flavors; avocado, dill, onion, poppy seed, sherry, chive, garlic and mint; tartar sauce, hollandaise sauce, cheese dressings, and imported mayonnaise and salad dressing if imported in consumer size containers.
(19) "*Meat, canned*" includes but is not limited to, canned or glass chicken products, turkey products, chicken and noodles, corned beef, meat ravioli, chili con carne, meat stews, meat spreads, and spaghetti and meat balls. Not included in this definition are pigs feet, scrapple, tamales, enchiladas, tripe, veal loaf, mincemeat, frozen food products in which meat, chicken or turkey are combined with other ingredients, frozen meat gravies, frozen meat stews and pies, and any meat or meat product which is in a pliable plastic or similar type of container, and luncheon meats.	(19) "*Meat, canned*". Excluded are: Breast of chicken, chicken fricassee, whole or half chicken, chicken a la king, "Smithfield" ham and "Smithfield" ham products and any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts.	(19) "*Meat, canned*". Excluded are: Tongue spread, deviled tongue, pickled pork knuckles, pickled pork delbits, liver paste, meat gravy, smoked tongue, liver, hearts, gizzards, cocktail frankfurters, canned wild game, meat or poultry pates, pate de foie gras, rattlesnake meat, turtle meat, and imported canned meat if imported in consumer sizes of 2 pounds or less, except beef and beef products.
(19a) "*Luncheon meats, canned*" includes, but is not limited to, spiced ham, pressed ham, chopped ham, spiced pork and spiced beef and pork. Not included in this definition are pigs feet, scrapple, tamales, tripe, veal loaf, mincemeat, frozen food products in which meat, chicken or turkey are combined with other ingredients, frozen meat gravies, any frozen meat or meat product which is in a pliable plastic or similar type of container and any "canned meat" as defined in category (19) above.	(19a) "*Luncheon meats, canned*". Excluded are: Any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts.	(19a) "*Luncheon meats, canned*". Excluded are: Imported luncheon meats if imported in consumer sizes of 2 pounds or less, except beef products.
(20) "*Milk, canned*" means evaporated or condensed cow milk, including but not limited to, filled evaporated milk products.	(20) "*Milk, canned*". Excluded are: None.	(20) "*Milk, canned*". Excluded are: None.
(21) "*Oils, cooking and salad*" means all vegetable oils, fruit leaf plant oils, and cooking fats other than lard and shortening. Not included in this definition are olive oil, prepared dressings, and spice oils.	(21) "*Oils, cooking and salad*". Excluded are: None.	(21) "*Oils, cooking and salad*". Excluded are: None.
(22) "*Oleomargarine*" means any product labeled "Oleomargarine"	(22) "*Oleomargarine*". Excluded are: None.	(22) "*Oleomargarine*". Excluded are: None.
(23) "*Pickles and relishes*". All commodities in this category are excluded from price control, including pickled fruits and vegetables, pickled relishes and stuffed pickles.	(23) "*Pickles and relishes*".	(23) "*Pickles and relishes*".
(24) "*Rice*" means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective Sept. 4, 1946). Not included in this definition are rice flour, rice flakes, popped rice, and canned Spanish rice.	(24) "*Rice*". Excluded are: Screenings and brewers' rice graded as Class XIII and Class XIV, respectively by the Department of Agriculture bulletin of Standards for Milled Rice (effective Sept. 4, 1946).	(24) "*Rice*". Excluded are: Wild rice.
(25) "*Shortening, hydrogenated*" means all fully hydrogenated shortening.	(25) "*Shortening, hydrogenated*". Excluded are: None.	(25) "*Shortening, hydrogenated*". Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(25) "*Shortening, other*" means shortenings other than fully hydrogenated shortening. Not included in this definition are butter, lard, oleomargarine, and suet.	(25) "*Shortening, other*". Excluded are: None.	(25) "*Shortening, other*". Excluded are: None.
(27) "*Soups, canned*" includes soups, broths and chowder. Not included in this definition are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.	(27) "*Soups, canned*". Excluded are: All bisques (except tomato, chicken, celery and mushroom).	(27) "*Soups, canned*". Excluded are: French onion soup (consumer size containers), consomme madrilene, jellied chicken consomme, vichyssoise, black bean soup, borscht, cheese soup, consomme julienne, minestrone, mushroom broth, onion a la Bretton, petite marmite, turtle, wine and sherry flavored, fish or seafood soups (except clam chowder), smoked turkey and game bird soups, almond, artichoke, avocado, broccoli, cucumber and watercress soups, and all imported soups if imported in consumer size containers.
(28) "*Soups, dehydrated*" means dry mixtures sold for soup making, including but not limited to, dry vegetable and dry noodle soup mixtures. Not included in this definition are other macaroni or noodle products, lentils and dried peas.	(28) "*Soups, dehydrated*". Excluded are: None.	(28) "*Soups, dehydrated*". Excluded are: Bouillon cubes and bouillon powders.
(29) "*Spices*" includes imported spices and domestic spices mixed or combined with imported spices, seeds and herbs. Included in this definition are caraway seeds, dried peppers, dry chili, chili powder, herbs, dry mustard, poultry seasoning, poppy seed, sesame seed, thyme, and cream of tartar. Not included in this definition are table salt and spice oils.	(29) "*Spices*". Excluded are: Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States; spices in assorted sets, contained in wooden or other type trays designed as permanent kitchen furniture, and spices and herbs packed in glass.	(29) "*Spices*". Excluded are: Imported spices, seeds and herbs if imported in consumer size containers, and domestic spices produced in the United States that are not mixed or combined with imported spices, seeds and herbs.
(30) "*Syrups*" means all malt, molasses, cane, maple, corn syrups, and imitations or blends. Not included in this definition are chocolate and ice cream sundae syrups.	(30) "*Syrups*". Excluded are: Unmixed corn syrups, molasses sold for feeding purposes, sorghum syrup and fruit syrups for making beverages.	(30) "*Syrups*". Excluded are: Rock candy syrup, and imported syrup, if imported in consumer size containers.
(31) "*Tea*" includes all bulk or packaged tea, teabags and concentrated tea.	(31) "*Tea*". Excluded are: Assam, Darjeeling, Formosa, Oolong, Ceylon, Kee-Mun, Lapsang, Souchong, Jasmine, and Fancy Green Teas and blends thereof, mate, and sales of tea in containers of the customary unit and weight in which they are imported into the United States.	(31) "*Tea*". Excluded are: Imported tea, if imported in consumer size containers.
(32) "*Vegetables and vegetable juices, canned*" includes baked beans with ham, mushroom sauce, Chinese style foods, including soy sauce and brown sauce. Not included in this definition are vegetable soups, "baby" or "junior" foods, pickles, corn, green beans, peas (except canned black-eye, crowder, cream and field peas), shoestring and julienne potatoes, french fried onions, tomatoes, tomato juice and frozen vegetables.	(32) "*Vegetables and vegetable juices, canned*". Excluded are: None.	(32) "*Vegetables and vegetable juices, canned*". Excluded are: Artichoke products, asparagus, cabbage (red or white), brussel sprouts, broccoli, beans (lima or wax), beets, carrots, celery, eggplant, fresh and dry black-eye, crowder, cream and field peas and fresh shelled beans (all varieties), cauliflower, fresh field corn, salsify, tomato sauce, seafood cocktail sauce, bouiny, soy beans, mixtures of vegetables, mushrooms, okra, onions, poi, peppers (all varieties), parsnips, pimentos, potatoes white and sweet, pumpkin, sauerkraut, squash, spinach, succotash, rhubarb, rutabagas, turnips, turnip greens, vegetable greens, vegetable juices and mixtures thereof, tomato paste, tomato pulp or puree, chili sauce, tomato catsup, canned beans including pork and beans but excluding beans with ham or other meat, bean sprouts, Chinese mixed vegetables, Chinese chow mein, and Chinese chop suey.
(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned*".	(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned*".	(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned.*"
All commodities in this category are excluded from price control.		
(34) "*Vegetables, dried and dehydrated*".	(34) "*Vegetables, dried and dehydrated*".	(34) "*Vegetables, dried and dehydrated*".
All commodities in this category are excluded from price control, including dried and dehydrated beans, peas, mushrooms and lentils.		
(35) "*Vinegar*" includes, but is not limited to, pure cider vinegar and distilled vinegar.	(35) "*Vinegar*". Excluded are: Malt and fruit vinegar (except apple).	(35) "*Vinegar*". Excluded are: Wine and herbal vinegar and imported vinegars if imported in consumer size containers.
(36) "*Miscellaneous foods*" shall include all other dry grocery items except those specifically excluded in paragraphs (c) and (d) of this section. Non-food items are, of course, not included. Among the items included under this heading are the following: Baking powder. Baking soda. Barley (pearl). Brown bread, and date and nut bread, canned. Brewers yeast in consumer size packages not to exceed 2 pounds. Coconnut, shredded, desiccated or moist. "Cookies, crackers, toast and crumbs" bought by you in bulk and sold loose Corn starch packaged in containers of 10 pounds or less. Crab meat, canned Enchiladas (tins, jars, paper or corn wrapped).	(36) "*Miscellaneous foods.*" Excluded are: Beer. Bread. Buttermilk, fresh. Candy (except pure maple sugar candy). Corn starch (packaged in containers of more than 10 pounds). Corn sugar. Cream, fresh. Eggs. Feed, animal, poultry or pet foods (except dog and cat food). Fruit cake, except holiday fruit cake. Gift or holiday packages bought assembled, and containing one or more items covered by this regulation. Goat milk. Ice cream in cones	(36) "*Miscellaneous foods.*" Excluded are: All package and bulk sales of the following prepared salads and ready-to-serve desserts: cabbage, potato, mixed vegetables, macaroni, waldorf, apple-pecan in gelatin, fresh banana in gelatin, fruit cocktail in gelatin, lemon aspic in gelatin, pineapple in gelatin, and crushed pineapple in pineapple gelatin. Antipasto. Apple chips, crunchy, canned and packaged. Apple tomatoes, canned or packaged. Apple-pie mix. Apple and other fruit pomaces. Babas in tins. Bacon rinds, fried Bamboo shoots, canned. Cane or beet sugar.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(36) "*Miscellaneous foods*"—Continued Fruit pectins. Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger. Lobster, canned Macaroni salad, canned. Meat flavorines. Meat sauces, except catsup, cocktail sauce and chili sauce. Mustard, prepared. Oysters (canned) except smoked. Puddings, date, fig or plum. Powdered milk proline containing 40 percent or more milk sugars. Scrapple, canned. Spanish rice, canned. Table salt packaged in cartons, bags, or packets containing 100 pounds or less, meat-curing and smoked salt, Kosher salt in cartons and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt. (Excluded are onion, celery or garlic salt.) Spice oils. Tamales, canned. Tripe, canned. Vanilla extract. Veal loaf, canned. Yeast.	(36) "*Miscellaneous foods*"—Con. Excluded are—Continued Ice cream, sherberts and frozen confections. Liquors. Meat (except "meat, canned"). Milk, fresh. Mineral oil. Nuts. Peanuts. Poultry, other than canned. Salt not covered by sec. 37 (b) (30). Soft drinks. Tamales, bulk. Tortillas. Vitamin concentrates. Wine. Yogurt.	(36) "*Miscellaneous foods*"—Con. Excluded are—Continued Capers. Cherry-pie mix. Chutney, canned. Citrus fruit beverage bases and other fruit beverage bases (but not fruit ades or soft drinks made therefrom). Clam juice. Cones for ice cream. Crab meat, deviled. Crapes suzette. Easter egg dye. Egg-nog, bottled. Flavorings in containers of 16 ounces or less. Food colorings in containers of 16 ounces or less. Food flavoring extracts (except vanilla). Fresh fruits and vegetables. Fried worms, canned. Fruit cake, holiday, that is fruit cake which: (1) contains not less than 50 percent by weight of fruits and nuts in relation to the total weight of the fruit cake mix; and which (2) is packaged by the manufacturer in a wrapper or container which indicates that such fruit cake is packaged expressly for sale during the Thanksgiving or Christmas season or both. Ginger, candied. Gravy and gravy mixes, canned or dehydrated. Horseradish. Lobster a la Newburg. Maple sugar, pure. Maple sugar candy, pure. Meat loaf spice mixtures, canned. Mincemeat. Monosodium glutaminate when sold in containers of 16 ounces or less. Olives. Olive oil. Olive spreads. Onions, French Fried, canned. Oysters, smoked. Palm hearts, canned. Pickled boneless or semiboneless pigs feet in containers of 28 ounces or less. Popcorn and popping corn. Potatoes, white, peeled, whole or sliced, chemically treated. Potato chips. Potatoes, julienne and shoestring. Potato starch. Prepared pastry doughs. Processed pumpkin seeds. Pumpkin-pie mix. Snails, canned. Sauces, hot. Sauces, fish. Sweetpotato-pie mix, canned. Tapioca food starch sold in bulk. Tom and Jerry batter. Tomato aspic and any other vegetable aspic, canned.

5. Section 38 is revised to read as follows:

SEC. 38. *Table of markups for "perishables" (Table B)*—(a) *Table B: Markups over "net cost" allowed to Group 3 and Group 4 retailers for "perishables" covered by this regulation by commodities.*

TABLE B—MARKUPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

Food Commodities	Allowed markups over net cost		Selling unit in which ceiling price must be calculated
	Group 3, retailer other than independent with annual volume under $375,000	Group 4, any retailer with annual volume of $375,000 or more	
(1) Dairy products:	*Percent*	*Percent*	
Butter	10	10	1 pound.
Cheese	27	25	1 pound or 1 package.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) "*Dairy products*". "*Butter*" (packaged) means only butter from milk, including but not limited to, processed salted, unsalted and whipped butter. Not included in this definition are peanut, nut, fruit or honey butters. "*Cheese*" shall include all packaged cheese, cheese spreads, and cheese foods purchased packaged.	"*Butter*". Excluded are: Bulk or tub butter. "*Cheese*". Excluded are: Imported packaged cheese if imported in consumer size containers. Cheese gift packages of assorted cheeses if assembled by you, and all types of bulk cheese.	"*Butter*". Excluded are: None. "*Cheese*". Excluded are: None.

6. Paragraph (b) of section 39 is revised by changing the third sentence of the third undesignated paragraph to read as follows: "'Net cost per unit' means, in the case of dry groceries, the 'net cost' of a single unit (one can, one jar, etc.)."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 24, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12545; Filed, Nov. 21, 1952; 12:41 p. m.]

[Ceiling Price Regulation 16, Amdt. 20]

CPR 16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND 2 STORES

REVISION OF TABLES A AND B AND COMMODITY GROUP DEFINITIONS; UNIT RULE FOR BABY FOOD

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 20 to Ceiling Price Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers Amendment 20 to Ceiling Price Regulation 15 and Amendment 20 to Ceiling Price Regulation 16. These amendments revise and bring up to date Tables A and B and the commodity group definitions in CPRs 15 and 16 in order to conform with General Overriding Regulation 7, Revision 1. The amendments also make certain other minor corrections and clarifications in Tables A and B, and in the commodity group definitions. Finally, the amendments require retailers to revert to the single unit basis of establishing ceiling prices for baby food in cans.

General Overriding Regulation 7, Revision 1, decontrolled a number of food products as insignificant in the cost of living or as removed from price control by the Harrison Amendment which exempted fruits and vegetables in fresh or processed form from price control. Many of these food products had previously been covered by CPRs 15 and 16 but, because of the nature of a general overriding regulation, were in effect removed from the ceiling price regulations even though they had not been deleted by formal amendment. However, in order to avoid confusion and misunderstanding, the tables and commodity group definitions of CPRs 15 and 16 are revised by the present action to conform with GOR 7, Revision 1. Although it has been necessary (in order to effectuate certain adjustment provisions) to list certain commodity group headings of fruits or vegetables even where no items in the listed commodity grouping remain under control, it is thought that none of the commodities decontrolled by GOR 7 now remains listed as controlled by CPRs 15 and 16. Except for minor corrections and clarifications the revised tables and commodity group definitions contain no substantive changes not already made through the overriding effect of GOR 7, Revision 1.

These amendments also return baby foods to the single unit pricing provisions of CPRs 15 and 16. Recently OPS determined that manufacturers of baby food were entitled to adjustments under the OPS industry earnings standard and, accordingly, issued Supplementary Regulation 107 to the General Ceiling Price Regulation. However, after a short time it was shown by the manufacturers that if they realized the earnings standard increases permitted under SR 107 the result would be a reduction in the margins of retailers selling canned baby food. Therefore, Amendments 18 to CPRs 15 and 16 were issued to prevent a margin squeeze on the retailers by providing a means for retailers to establish a unit ceiling price on three cans of baby food instead of on the single unit basis otherwise provided in the regulations.

It now appears, however, that since the manufacturers have decided not to take the permitted increases, the result of the operation of the multiple unit rule authorized by Amendments 18 has been an unwarranted increase in retail markups. To continue Amendments 18 in effect is not only unnecessary to prevent a squeeze but also would result in unjustifiably higher ceiling prices to consumers and, therefore, these amendments remove from CPRs 15 and 16 the provisions for multiple unit pricing of baby foods. However, if a retail problem on baby food does develop in the future, the matter will be given further consideration at such time in the light of the retail markups then in effect.

In view of the nature of these amendments, special circumstances have rendered consultation with industry representatives, including trade association representatives, impractical. In the judgment of the Director the provisions of these amendments are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 16 is amended in the following respects:

1. Paragraph (a) of Section 4 is revised by deleting subparagraph (3) and by redesignating present subparagraphs (4) and (5) as (3) and (4), respectively.

2. Paragraph (c) of Section 4 is revised by deleting subparagraph (2).

3. Section 10 is revised by deleting the second sentence.

4. Section 32 is revised to read as follows:

SEC. 32. *Table of markups for "dry groceries" (Table A)*—(a) *Table A: Markups over "net cost" allowed to Groups 1 and 2 retailers for dry groceries covered by this regulation by commodities.*

TABLE A—MARKUPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed markups over net cost to dependent retailers with annual volumes	
	Group 1, under $75,000	Group 2, $75,000 or more but less than $375,000
	Percent	*Percent*
1. Baby foods	25	25
2. Cereals, breakfast	24	24
3. Cocoa, chocolate and cereal drink preparations	19	19
4. Coffee	17	17
4a. Coffee concentrates	19	19
5. Cookies, toast and crumbs	28	28
5a. Crackers	25	25
6. Corn meal, hominy and flour mixes	30	30
7. Dog and cat foods	29	29
8. Fish, processed	29	29
8a. Salmon and tuna, processed	35	35
9. Flour	35	35
10. Frozen foods	30	30
11. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	31	31
12. Fruit cocktail, pineapple, peaches and pears (canned) except juices [1]		
13. Fruits, dried and dehydrated [1]		
14. Gelatin and pudding mixtures	28	28
15. Jams, jellies, preserves and honey	36	36
15a. Peanut butter	32	32
16. Lard, pure	29	29
17. Macaroni and spaghetti products	32	32
18. Mayonnaise and salad dressing	24	24
19. Meat, canned	25	25
19a. Luncheon meats	21	21
20. Milk, canned	20	20
21. Oils, cooking and salad	28	28
22. Oleomargarine	20	20
23. Pickles and relishes [1]		
24. Rice	28	28
25. Shortening, hydrogenated	9	9
26. Shortening, other	17	17
27. Soups, canned	27	27
28. Soups, dehydrated	34	34
29. Spices	16	16
30. Syrups	28	28
31. Tea	25	25
32. Vegetables and vegetable juices (canned) except corn, green beans, peas, tomatoes and tomato juice	32	32
33. Corn, green beans, peas, tomatoes and tomato juice (canned) [1]		
34. Vegetables, dried and dehydrated [1]		
35. Vinegar	39	39
36. Miscellaneous foods	40	40

[1] All commodities in this category are excluded from price control.

(a) *Commodities excluded from price control as wholesale and retail*	(b) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(c) *Commodity definitions.* These definitions apply to both domestic and imported items
(6) *"Corn meal, hominy and flour mixes".* Excluded are: Water ground corn meal.	(6) *"Corn meal, hominy and flour mixes".* Excluded are: None.	(6) *"Corn meal, hominy and flour mixes"* means corn meal, corn grits, hominy, hominy grits, hominy flakes, prepared hominy, and flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice and potatoes, including, but not limited to, all-purpose family flour, self-rising flour, cake flour, and enriched flour. Not included in this definition are all flour mixes.
(7) *"Dog and cat food".* Excluded are: None.	(7) *"Dog and cat food".* Excluded are: None.	(7) *"Dog and cat food"* shall not include any item prepared by you for pet food, or any frozen dog or cat food.
(8) *"Fish, processed".* Excluded are: Kippered, marinated, dried or smoked fish and seafoods (except sardines).	(8) *"Fish, processed".* Excluded are: Canned clams, shrimp a la Newburg, shad, turtle or terrapin, anchovy roll fillets; frozen fish and seafood; fresh fish and seafood; fish and seafood cakes, sticks and portions; salmon containing fish and seafood; fish roe, caviar, fish and seafood logs (Louisiana), and lobsters, all packed in consumer size containers. If imported in consumer size containers.	(8) *"Fish, processed"* includes canned fish, canned clams, shrimp a la Newburg, shad, turtle or terrapin, anchovy roll fillets, frozen fish and seafood; fresh fish and seafood; fish and seafood cakes, sticks and portions; salmon containing fish and seafood; fish roe, caviar, fish and seafood logs (Louisiana), and lobsters, all packed in consumer size containers. If imported in consumer size containers. Not included in this definition are canned crab meat, lobster, oysters, salmon and fish, and frozen food products in which fish or seafood are combined with other ingredients.
(8a) *"Salmon and tuna, processed".* Excluded are: None.	(8a) *"Salmon and tuna, processed".* Excluded are: Kippered, marinated, dried or smoked salmon or tuna.	(8a) *"Salmon and tuna, processed."*
(9) *"Flour".* Excluded are: None.	(9) *"Flour".* Excluded are: Potato flour, water ground wheat flour and water ground buckwheat flour.	(9) *"Flour"* means flour milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, all-purpose family flour, self-rising flour, cake flour, and enriched flour. Not included in this definition are all flour mixes.
(10) *"Frozen foods".* Excluded are: Meat, poultry, ice cream, sherbet, and confections.	(10) *"Frozen foods".* Excluded are: Hollandaise sauce, fish and seafood cocktail sauce, jams, jellies, all fruits, berries, fruit or berry juices and concentrates, vegetables, vegetable juices, mushrooms, coconut, cooked rice, cooked spaghetti and noodles without sauce, bean sprouts, Chinese mixed vegetables, Chinese chow mein, Chinese chop suey, soups, gravies and pork and beans.	(10) *"Frozen foods"* means packaged quick-frozen or cold-packed foods sold frozen, including but not limited to dinners, Chinese foods, macaroni products, coffee concentrates, concentrated fresh milk, pies and pastries, meat stews, meat and fish balls, and similar meat products in which fish or seafood, meat or poultry are combined with other ingredients.

(a) *Commodities excluded from price control as wholesale and retail*	(b) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(c) *Commodity definitions.* These definitions apply to both domestic and imported items
(1) *"Baby foods".* Excluded are: Fruits, vegetables (including their juices), and combinations of fruits, vegetables, or their juices, with no other ingredients added except water, salt or sugar. Soups are not within this exclusion.	(1) *"Baby foods".* Excluded are: Dry baby cereals.	(1) *"Baby foods"* means "baby" or "junior" cereals, fruits, vegetables, meats, pudlings, soups and mixtures thereof, packed in hermetically sealed containers.
(2) *"Cereals, breakfast".* Excluded are: Whole grain and farina "cereals, breakfast" if imported in consumer size containers.	(2) *"Cereals, breakfast".* Excluded are: Steel cut oats.	(2) *"Cereals, breakfast"* means cereal grains which have been processed, cooked, rolled, shredded, puffed, toasted, granulated and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Not included in this definition are barley, rice, and wheat bran flour.
(3) *"Cocoa, chocolate, and cereal-drink preparations".* Excluded are: Chocolate confections, bittersweet bars, milk chocolate, powdered whole milk, powdered skim milk (except spray process).	(3) *"Cocoa, chocolate, and cereal-drink preparations".* Excluded are: Powdered malted milk and dairy preparations containing 35 percent or more powdered malted milk and imported cocoa, chocolate and cereal drink preparations if imported in consumer size containers.	(3) *"Cocoa, chocolate, and cereal-drink preparations"* includes canned fish, canned clams, shrimp a la Newburg, shad, turtle or terrapin, anchovy roll fillets, frozen fish and seafood; fresh fish and seafood; fish and seafood cakes, sticks and portions; salmon containing fish and seafood; fish roe, caviar, fish and seafood logs (Louisiana), and lobsters, all packed in consumer size containers. If imported in consumer size containers. Not included in this definition are canned crab meat, lobster, oysters, salmon and fish, and frozen food products in which fish or seafood are combined with other ingredients.
(4) *"Coffee".* Excluded are: Green coffee in containers of the customary unit and weight in which they are imported into the United States.	(4) *"Coffee".* Excluded are: Imported coffee if imported in consumer size containers (2 pounds or less) and coffee packaged in bags, each containing 1 pound or less, in amount necessary to make 1 ordinary cup of coffee.	(4) *"Coffee"* means roasted coffee, whether ground, decaffeinated coffee, and/or mixtures of coffee with other products for beverage purposes. Not included in this definition are all "coffee concentrates," including "frozen coffee concentrate."
(4a) *"Coffee concentrates".* Excluded are: None.	(4a) *"Coffee concentrates".* Excluded are: Coffee concentrates if imported in consumer size containers.	(4a) *"Coffee concentrates"* includes but is not limited to liquid coffee concentrates, whether or not mixed with other ingredients. Not included in this definition is frozen coffee concentrate.
(5) *"Cookies, toast, and crumbs".* Excluded are: Any bakery product which you manufacture except crackers, Passover matzos, related Passover bread products, and any item which is purchased in consumer size tin or glass containers, hard rolls, fresh sweet rolls, doughnuts, coffee cakes, cookies (except cookies, toast and crumbs), and rice crackers.	(5) *"Cookies, toast, and crumbs".* Excluded are: Imported cookies and toast, if imported in consumer size containers.	(5) *"Cookies, toast, and crumbs"*, but is not limited to biscuits, Christmas cookies, fig bars or cookies, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzos, matzo meal and matzo farfel. Not included in this definition are any items which are bought by you in bulk and sold loose, or any "crackers" as defined below.
(5a) *"Crackers".* Excluded are: Any cracker product which you manufacture except matzos and cracker item which is purchased in consumer size tin or glass containers.	(5a) *"Crackers".* Excluded are: Imported crackers, if imported in consumer size containers.	(5a) *"Crackers"* means all types of soda, sprayed, butter and graham crackers. Not included in this definition are any items which are bought by you in bulk and sold loose.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(11) "*Fruits, berries and fruit juices, canned*" includes fountain fruits, and noncarbonated liquid fruit beverages such as grapeade, lemonade and orangeade. Not included in this definition are apple butter, fruit butters, jams, jellies, fruit preserves, coconut, baby foods, fruit cocktail, pineapple (except pineapple juice), peaches, pears and frozen fruits.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: None.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: Brandied, liquor flavored or stuffed melon, fruit rind, fruits or berries; whole or half citrus fruits; cocktail slices and sticks; maraschino cherries; all varieties of canned apples, applesauce, apricots, berries, currants, cherries, figs, fruit for salad (including fruit mixtures), fruit and berry juices and nectars, including apple and other fruit ciders, plums, prunes, mangoes, citrus fruits, juices and concentrates, grapes, nectarines, quinces, papayas and guavas.
(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*".	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*".	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*".
All commodities in this category are excluded from price control.		
(13) "*Fruits, dried and dehydrated*".	(13) "*Fruits, dried and dehydrated*".	(13) "*Fruits, dried and dehydrated*".
All commodities in this category are excluded from price control, including all dried, dehydrated and stuffed fruits either whole, pitted or in macerated form.		
(14) "*Gelatin and pudding mixtures*" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, rennet, and pie fillings.	(14) "*Gelatin and pudding mixtures*". Excluded are: None.	(14) "*Gelatin and pudding mixtures*". Excluded are: Wine gelatins, wine dessert powders, and all imported gelatin and pudding mixtures if imported in consumer size containers.
(15) "*Jams, jellies, preserves and honey*" includes but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, honey butter and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Not included in this definition are cranberry jelly or sauce and peanut butter.	(15) "*Jams, jellies, preserves and honey*". Excluded are: Honey packed with blossom and comb honey.	(15) "*Jams, jellies, preserves and honey*". Excluded are: Wine jellies, preserved kumquats, lemon marmalade, guava jelly, and imported jams, jellies, preserves and honey if imported in consumer size containers.
(15a) "*Peanut butter*" includes all smooth or crunch type nut butters.	(15a) "*Peanut butter*". Excluded are: None.	(15a) "*Peanut butter*". Excluded are: None.
(16) "*Lard, pure*" includes, but is not limited to, rendered pork fat. Not included in this definition are lard compounds, which are classed as "shortenings, other".	(16) "*Lard, pure*". Excluded are: None.	(16) "*Lard, pure*". Excluded are: None.
(17) "*Macaroni and spaghetti products*" includes but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, sea shells, noodles, macaroni dinners, spaghetti dinners, canned macaroni and canned spaghetti. Not included in this definition are meat ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meat balls, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.	(17) "*Macaroni and spaghetti products*". Excluded are: None.	(17) "*Macaroni and spaghetti products*". Excluded are: Imported macaroni and spaghetti products if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(18) "*Mayonnaise and salad dressing*" includes, but is not limited to, relish spreads, other mayonnaise spreads and French dressing. Not included in this definition are meat spreads.	(18) "*Mayonnaise and salad dressing*". Excluded are: None.	(18) "*Mayonnaise and salad dressing*". Excluded are: Bottled table dressings and sauces of the following flavors: avocado, dill onion, poppy seed, sherry, chive, garlic and mint; tartar sauce, hollandaise sauce, cheese dressings, and imported mayonnaise and salad dressing if imported in consumer size containers.
(19) "*Meat, canned*" includes but is not limited to, canned or glass chicken products, turkey products, chicken and noodles, corned beef, meat ravioli, chili con carne, meat stews, meat spreads, and spaghetti and meat balls. Not included in this definition are pigs feet, scrapple, tamales, enchiladas, tripe, veal loaf, mincemeat, frozen food products in which meat, chicken or turkey are combined with other ingredients, frozen meat gravies, frozen meat stews and pies, and any meat or meat product which is in a pliable plastic or similar type of container, and luncheon meats.	(19) "*Meat, canned*". Excluded are: Breast of chicken, chicken fricassee, whole or half chicken, chicken a la king, "Smithfield" ham and "Smithfield" ham products and any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts.	(19) "*Meat, canned*". Excluded are: Tongue spread, deviled tongue, pickled pork knuckles, pickled pork tidbits, liver paste, meat gravy, smoked tongue, liver, hearts, gizzards, cocktail frankfurters, canned wild game, meat or poultry pates, pate de foie gras, rattlesnake meat, turtle meat, and imported canned meat if imported in consumer sizes of 2 pounds or less, except beef and beef products.
(19a) "*Luncheon meats, canned*" includes, but is not limited to, spiced ham, pressed ham, chopped ham, spiced pork and spiced beef and pork. Not included in this definition are pigs feet, scrapple, tamales, tripe, veal loaf, mincemeat, frozen food products in which meat, chicken or turkey are combined with other ingredients, frozen meat gravies, any frozen meat or meat product which is in a pliable plastic or similar type of container and any "canned meat" as defined in category (19) above.	(19a) "*Luncheon meats, canned*". Excluded are: Any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts.	(19a) "*Luncheon meats, canned*". Excluded are: Imported luncheon meats if imported in consumer sizes of 2 pounds or less, except beef products.
(20) "*Milk, canned*" means evaporated or condensed cow milk, including but not limited to, filled evaporated milk products.	(20) "*Milk, canned*". Excluded are: None.	(20) "*Milk, canned*". Excluded are: None.
(21) "*Oils, cooking and salad*" means all vegetable oils, fruit leaf plant oils, and cooking fats other than lard and shortening. Not included in this definition are olive oil, prepared dressings, and spice oils.	(21) "*Oils, cooking and salad*". Excluded are: None.	(21) "*Oils, cooking and salad*". Excluded are: None.
(22) "*Oleomargarine*" means any product labeled "Oleomargarine".	(22) "*Oleomargarine*". Excluded are: None.	(22) "*Oleomargarine*". Excluded are: None.
(23) "*Pickles and relishes*".	(23) "*Pickles and relishes*".	(23) "*Pickles and relishes*".
All commodities in this category are excluded from price control, including pickled fruits and vegetables, pickled relishes and stuffed pickles.		
(24) "*Rice*" means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective Sept. 4, 1946). Not included in this definition are rice flour, rice flakes, popped rice, and canned Spanish rice.	(24) "*Rice*". Excluded are: Screenings and brewers' rice graded as Class XIII and Class XIV, respectively, by the Department of Agriculture bulletin of Standards for Milled Rice (effective Sept. 4, 1946).	(24) "*Rice*". Excluded are: Wild rice.
(25) "*Shortening, hydrogenated*" means all fully hydrogenated shortening.	(25) "*Shortening, hydrogenated*". Excluded are: None.	(25) "*Shortening, hydrogenated*". Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(26) "*Shortening, other*" means shortenings other than fully hydrogenated shortening. Not included in this definition are butter, lard, oleomargarine, and suet.	(26) "*Shortening, other*". Excluded are: None.	(26) "*Shortening, other*". Excluded are: None.
(27) "*Soups, canned*" includes soups, broths and chowder. Not included in this definition are meat stews, "baby" or "junior" soups, dehydrated soups and frozen soups.	(27) "*Soups, canned*". Excluded are: All bisques (except tomato, chicken, celery and mushroom).	(27) "*Soups, canned*". Excluded are: French onion soup (consumer size containers), consomme madrilene, jellied chicken consomme, vichyssoise, black bean soup, borscht, cheese soup, consomme julienne, minestrone, mushroom broth, onion a la Bretton, petite marmite, turtle, wine and sherry flavored, fish or seafood soups (except clam chowder), smoked turkey and game bird soups, almond, artichoke, avaculo, broccoli, cucumber and watercress soups, and all imported soups if imported in consumer size containers.
(28) "*Soups, dehydrated*" means dry mixtures sold for soup making, including but not limited to, dry vegetable and dry noodle soup mixtures. Not included in this definition are other macaroni or noodle products, lentils and dried peas.	(28) "*Soups, dehydrated*". Excluded are: None.	(28) "*Soups, dehydrated*". Excluded are: Bouillon cubes and bouillon powders.
(29) "*Spices*" includes imported spices and domestic spices mixed or combined with imported spices, seeds and herbs. Included in this definition are caraway seeds, dried peppers, dry chili, chili powders, herbs, dry mustard, poultry seasoning, poppy seed, sesame seed, thyme, and cream of tartar. Not included in this definition are table salt and spice oils.	(29) "*Spices*". Excluded are: Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States; spices in assorted sets, contained in wooden or other type trays designed as permanent kitchen furniture, and spices and herbs packed in glass.	(29) "*Spices*". Excluded are: Imported spices, seeds and herbs if imported in consumer size containers, and domestic spices produced in the United States that are not mixed or combined with imported spices, seeds and herbs.
(30) "*Syrups*" means all malt, molasses, cane, maple, corn syrups, and imitations or blends. Not included in this definition are chocolate and ice cream sundae syrups.	(30) "*Syrups*". Excluded are: Unmixed corn syrups, molasses sold for feeding purposes, sorghum syrup and fruit syrups for making beverages.	(30) "*Syrups*". Excluded are: Rock candy syrup, and imported syrup, if imported in consumer size containers.
31) "*Tea*" includes all bulk or packaged tea, teabags and concentrated tea.	(31) "*Tea*". Excluded are: Assam, Darjeeling, Formosa, Oolong, Ceylon, Kee-Mun, Lapsang, Souchong, Jasmine, and Fancy Green Teas and blends thereof, mate, and sales of tea in containers of the customary unit and weight in which they are imported into the United States.	(31) "*Tea*". Excluded are Imported tea, if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(32) "*Vegetables and vegetable juices, canned*" includes baked beans with ham, mushroom sauce, Chinese style foods, including soy sauce and brown sauce. Not included in this definition are vegetable soups, "baby" or "junior" foods, pickles, corn, green beans, peas (except canned black-eye, crowder, cream and field peas), shoestring and julienne potatoes, french fried onions, tomatoes, tomato juice and frozen vegetables.	(32) "*Vegetables and vegetable juices, canned*". Excluded are: None.	(32) "*Vegetables and vegetable juices, canned*". Excluded are: Artichoke products, asparagus, cabbage (red or white), brussel sprouts, broccoli, beans (lima or wax), beets, carrots, celery, eggplant, fresh and dry black-eye, crowder, cream and field peas and fresh shelled beans (all varieties), cauliflower, fresh field corn, salsify tomato sauce, seafood cocktail sauce, hominy, soy beans, mixtures of vegetables, mushrooms, okra, onions, peil, peppers (all varieties), parsnips, pimentos, potatoes white and sweet, pumpkin, sauerkraut, squash, spinach, succotash, rhubarb, rutabagas, turnips, turnip greens, vegetable greens, vegetable juices and mixtures thereof, tomato paste, tomato pulp or puree, chili sauce, tomato catsup, canned beans including pork and beans but excluding beans with ham or other meat, bean sprouts, Chinese mixed vegetables, Chinese chow mein, and Chinese chop suey.
(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned*."	(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned*".	(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned*".
All commodities in this category are excluded from price control.		
(34) "*Vegetables, dried and dehydrated.*"	(34) "*Vegetables, dried and dehydrated*".	(34) "*Vegetables, dried and dehydrated*".
All commodities in this category are excluded from price control, including dried and dehydrated beans, peas mushrooms and lentils.		
(35) "*Vinegar*" includes, but is not limited to, pure cider vinegar and distilled vinegar.	(35) "*Vinegar*". Excluded are: Malt and fruit vinegar (except apple).	(35) "*Vinegar*". Excluded are: Wine and herbal vinegar and imported vinegars if imported in consumer size containers.
(36) "*Miscellaneous foods*" shall include all other dry grocery items except those specifically excluded in paragraphs (c) and (d) of this section. Non-food items are, of course, not included. Among the items included under this heading are the following: Baking powder. Baking soda. Barley, pearl. Brown bread, and date and nut bread, canned. Brewers yeast in consumer size packages not to exceed 2 pounds. Cocoanut, shredded, desiccated or moist. Cooking, crackers, toast and crumbs" bought by you in bulk and sold loose. Corn starch packaged in containers of 10 pounds or less. Crab meat, canned. Enchiladas (tins, jars, paper or corn wrapped). Fruit pectins. Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger.	(36) "*Miscellaneous foods.*" Excluded are: Beer. Bread. Buttermilk, fresh. Candy (except pure maple sugar candy). Corn starch (packaged in containers of more than 10 pounds). Corn sugar. Cream, fresh. Eggs. Feed, animal, poultry or pet foods (except dog and cat food). Fruit cake, except holiday fruit cake. Gift or holiday packages bought assembled, and containing one or more items covered by this regulation. Goat milk. Ice cream in cones. Ice cream, sherbets and frozen confections. Liquors. Meat (except "meat,	(36) "*Miscellaneous foods.*" Excluded are: All package and bulk sales of the following prepared salads and ready-to-serve desserts: cabbage, potato, mixed vegetables, macaroni, waldorf, apple-pecan in gelatin, fresh banana in gelatin, fruit cocktail in gelatin, lemon aspic in gelatin, pineapple in gelatin, and crushed pineapple in pineapple gelatin. Antipasto. Apple chips, crunchy, canned and packaged. Apple nougats, canned or packaged. Apple-pie mix. Apple and other fruit pomaces. Babas in tins. Bacon rinds, fried. Bamboo sheets, canned. Cane or beet sugar. Capers. Cherry-pie mix. Chutney, canned. Citrus fruit beverage bases and

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
Food commodities		(39) "*Miscellaneous foods*"—Con. Excluded are—Continued Tortillas. Tortilla flakes. Vegetable powders. Vegetable protein, hydrolyzed, when sold in containers of 16 ounces or less. Vegetable salt. Walnut sauce. Water chestnuts, canned.

5. Section 33 is revised to read as follows:

SEC. 33. (a) *Table of markups for "perishables" (Table B)—(a) Table B: Markups over "net costs" allowed to Group 1 and Group 2 retailers for "perishables" covered by this regulation by commodities.*

TABLE B—MARKUPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
Food commodities	Allowed markups over net cost independent retailers with annual volumes: (Group 1, under $75,000) Percent 10; (Group 2, $75,000 or more but less than $375,000) Percent 29	Selling unit in which ceiling price must be calculated
(1) Dairy products: Butter ..... Cheese	10 29	1 pound. 1 pound or 1 package.
(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodity excluded from the regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) "*Dairy products*". "*Butter*" (packaged) means only butter from milk, including but not limited to, processed salted, unsalted and whipped butter. Not included in this definition are peanut, nut, fruit or fruit flavored butter. "*Cheese*" includes all packaged cheese, cheese spreads, and cheese foods purchased packaged.	"*Butter*". Excluded are: Bulk or tub butter. "*Cheese*". Excluded are: Imported packaged cheese if imported in consumer size containers. Cheese gift packages of assorted cheeses if assembled by you, and all types of bulk cheese.	"*Butter*". Excluded are: None. "*Cheese*". Excluded are: None.

6. Paragraph (b) of Section 34 is revised by changing the third sentence of the third undesignated paragraph to read as follows: "'Net cost per unit' means, in the case of dry groceries, the net cost of a single unit (one can, one jar, etc.)."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 24, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12546; Filed, Nov. 21, 1952; 12:41 p. m.]

[General Ceiling Price Regulation, Amdt. 13 to Supplementary Regulation 13]

GCPR, SR 13—COKE, COAL CHEMICALS AND COKE OVEN GAS

ADJUSTMENTS OF CEILING PRICES, BY-PRODUCT OVEN COKE, COAL CHEMICALS AND GAS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 13 to Supplementary Regulation 13 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 13 to the General Ceiling Price Regulation authorizes an increase averaging 3.75 percent of ceiling prices of coke and coal chemicals produced in by-product coke oven operations and in addition permits a pass-through by each producer of such products of the actual amount of his increase in the delivered cost of coal. Adjustments in the ceiling prices of coke are permitted retroactive to September 29, 1952.

At the request of representatives of the by-product coke oven industry, the Office of Price Stabilization has completed a survey to determine whether the industry is qualified for an increase in its ceiling prices under the Industry Earnings Standard. In accordance with the requirements of this Standard, earnings data were obtained from a representative group of companies in the industry for the years 1946 through 1949, and for the first nine months of 1952. The price adjustment provided for by this amendment is based upon a comparison of the current earnings position of the companies surveyed with their earnings recomputed to 85 percent of earnings in the best three out of four years in the 1946-49 period. Owing to complications presented by the integration of coke oven operations with such activities as coal mining, steel, pig iron production, gas utility and chemical operations and the difficulty of obtaining net worth figures, and information available to the Office of Price Stabilization indicating the probability that net worth has increased, this Office decided to dispense with figures on net worth to avoid undue delay in completion of the survey.

A comparison of the earnings data indicated that the industry's earnings are below the minimum required by the Industry Earnings Standard as a result of increases in coal costs, freight rates, wages, other costs and expenses, to the extent that an average increase of 3.75 percent in ceiling prices is required. Since the amount of this increase will serve only to bring the industry up to the level of earnings found to be required under the Earnings Standard, it is further necessary to provide for recovery of higher coal costs resulting from the mine labor contracts which have recently been concluded. As the exact amount of such higher costs cannot now be determined, this amendment permits each company to compute its own increase in cost and to adjust its ceiling prices accordingly.

The output of the industry consists of a number of co-products: coke (of various qualities and uses), coal tar, ammonia (generally processed to sulfate of ammonia), gas, and light oil being the principal items. While to some extent coke oven operations are controllable, the nature of the operations is such that significant variations in the output of any one co-product is not possible. In contrast, the demand for any one or more products may vary appreciably without corresponding change in the demand for the remainder, due to the great diversity of the uses to which coke oven products are put.

Although the by-product coking operations convert a ton of coal into approximately 70 percent (both in value and in quantity) of coke and 30 percent coal chemicals, it was found that actual "open market sales" of such products do not reflect this percentage distribution. While granting relief to the industry, the Agency did not consider it proper that any producer should be allowed to place a greater portion of his increased cost on his open-market sales than they bore to the total production. In order to do this, this amendment requires that the amount of increase is to be distributed by each producer between his coke and coal chemicals in the same ratio as his open-market sales of each group of such products bore to the total production of such group during the 12-month period ended April 30, 1952. This period was selected because it was the most recent normal year of operations. For the purposes of this amendment "sales" are defined as all sales except those which are exempt from the coverage of SR-13, and intra-corporate transactions. This method will, in the opinion of the Director, permit each producer to recover the actual amount of increased costs attributable to these sales and will require absorption of increased costs attributable to the amount of product consumed in other operations of the industry, such as the coke which is produced and consumed by steel companies.

Each producer is permitted by this amendment to adjust individual product ceilings so as to recover the overall amount of allowable increase on his various coke and coal chemical products, subject to the limitation that no one ceiling price may be increased by more than 10 percent.

Since this amendment is intended to provide relief to the by-product coke oven industry, the provisions of section 3 permitting adjustment in ceiling prices are no longer applicable to those producers who take advantage of the relief granted under this amendment.

In the judgment of the Director of the Office of Price Stabilization, the provisions of this amendment are generally fair and equitable, and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the National defense effort to achieve the maximum production in the furtherance of the objectives of the Defense Production Act of 1950, as amended.

In formulating this amendment the Director has consulted with industry representatives, including trade association representatives, and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 13 to the General Ceiling Price Regulation, as amended, is further amended in the following respects:

1. Section 2 is amended by adding paragraph (j) as follows:

(j) "Gross sales revenue" or "sales" as used in section 10 means the total dollars of revenue derived from the sales of products produced in a by-product coke oven plant, exclusive of revenue obtained from sales which are exempt under the provisions of section 4 and intra-corporate transactions; except that if a by-product coke oven producer wishes to include revenue obtained from a long-term contract in his gross sales revenue figure, he may do so but thereafter the contract will no longer be exempt from the provisions of this supplementary regulation.

2. Section 3 is amended by adding paragraph (e) as follows:

(e) None of the provisions of this section shall be applicable to any by-product coke oven producer who adjusts his ceiling prices under the provisions of section 10 of this Supplementary Regulation.

3. A new section 10 is added as follows:

SEC. .10. *Adjustment for by-product coke oven operators.* Each producer of by-product oven coke and coal chemicals may adjust the ceiling prices established under the General Ceiling Price Regulation and Supplementary Regulation 13 for the sales (as defined in section 2 (j)) of coke, coke breeze, gas and coal chemicals produced in his by-product coke oven operations by an amount equivalent to 3.75 percent of his gross sales revenue during the 12-month period ended April 30, 1952, plus the amount of increase in his delivered cost of coal occurring after October 1, 1952. The manner in which the adjustments shall be made is as follows:

(a) *Increase in delivered cost of coal.* Each producer shall determine his "coal cost increase". This shall be the difference between (1) his average delivered cost of coal per ton during any period of at least one month after October 1, 1952, and prior to December 31, 1952, and (2) his average delivered cost of coal per ton during the period June through September 1952, multiplied by the tonnage of coal carbonized during the 12-month period ended April 30, 1952.

(b) *How to determine the allowable amount of increase in ceiling prices.* To establish the amount of increase which may be added to his ceiling prices, each producer should assemble the following data and make the computations indicated below:

Data required for the 12-month period ended April 30, 1952:
(1) Tons of coke "sales".
(2) Tons of coal chemical "sales" (excluding gas "sales" and converting all products to tons).
(3) Dollar "sales" for each of the above items (including "sales" of gas in coal chemical "sales").

Computation A. *Coke products:*
(1) Multiply coke dollar "sales" by 3.75 percent.
(2) Multiply "coal cost increase" by the percentage of tons of coke "sales" to tons of coal carbonized.
(3) Add (1) and (2).

The ceiling price of any coke products may be increased by the amounts which, in total, would have increased the coke "sales" (dollars) for the period ended April 30, 1952, by the sum determined in this computation; except that, in no event, may any ceiling price be increased by more than 10 percent.

Computation B. *Coal chemicals:*
(1) Multiply coal chemical dollar "sales" by 3.75 percent.
(2) Multiply "coal cost increase" by the percentage of tons of coal chemicals "sales" to tons of coal carbonized.
(3) Add (1) and (2).

The ceiling prices of any coal chemicals may be increased by amounts which, in total, would have increased the coal chemical "sales" (dollars) for the period ending April 30, 1952, by the sum determined in this computation; except that, in no event, may any ceiling price be increased by more than 10 percent.

Example: Assume that you carbonized 100,000 tons of coal during the 12 months ending April 30, 1952, and of that total 70,000 tons of coke were produced, of which 60,000 tons were sold subject to the provisions of SR 13. The remaining production consisted of various coal chemicals, of which 15,000 tons were sold. You would then have the following data and make the following computations:

1. *Computation of coal cost increase.*

Data required:	
(a) Cost of coal—current	$10.00
(b) Cost of coal—June–September 1952	9.50
(c) Tons of coal carbonized, 12 months ending April 30, 1952	100,000
Computation:	
Coal cost increase = (a − b) × c, or	$50,000

2. *Computation of allowable increase in ceiling prices.*

Data required for the 12-month period ending April 30, 1952:	
(a) Tons of coke "sales"	60,000
(b) Tons of coal carbonized	100,000
(c) Tons of coal chemical "sales"	15,000
(d) Coke "sales" (dollars)	$800,000
(e) Coal chemical "sales" (dollars)	$200,000
Computation A. *Coke:*	
(1) Coke "sales" × 3.75 percent ($800,000 × 0.0375)	$30,000
plus	
(2) Tons of coke "sales" × coal cost increase. Tons of coal carbonized / (60,000 / 100,000) × $50,000	30,000
Subject to the 10 percent limitation, you may increase ceiling prices of coke products so that coke "sales" in the 12-months ending April 30, 1952, would have been increased by this amount	60,000
Computation B. *Coal chemicals.* Follow same procedure as for coke, substituting coal chemical "sales" for coke "sales":	
(1) $200,000 × 0.0375	$7,500
plus	
(2) (15,000 / 100,000) × $50,000	7,500
Subject to the 10 percent limitation, you may increase ceiling prices on coal chemicals so that coal chemicals "sales" in the 12 months ending April 30, 1952, would have been increased by this amount	15,000

(c) *Retroactive increases in the ceiling prices of coke products.* To the extent that a producer has availed himself of the adjustable pricing provisions of section 9 of this supplementary regulation, he may increase ceiling prices of his coke products as permitted by this section retroactively to September 29, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 13 to Supplementary Regulation 13 shall become effective November 21, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12557; Filed, Nov. 21, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Amdt. 4 to Supplementary Regulation 95, Revision 1]

GCPR, SR 95—CEILING PRICES FOR PROCESSORS AND DISTRIBUTORS OF FLAXSEED FEED PRODUCTS

DIFFERENTIALS AT CERTAIN BASE POINTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Revision 1 of Supplementary Regulation 95 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation (SR) 95, Revision 1, to the General Ceiling Price Regulation (GCPR) established dollar-and-cent ceiling prices for processors of flaxseed feed products at specified points of production. A base ceiling price was set for processors located at Minneapolis, the principal producing center. Higher ceiling prices were fixed for the other production points in order to preserve normal price relationships among the various points of production as well as among major consuming markets.

Since SR 95, Rev. 1, was issued the Director has kept these intermarket differentials under continuing study. Additional data have become available in regard to historical price relationships among the various points of production. Based on careful study of these data, the Director has decided that the differentials over the Minneapolis base ceiling are inadequate for several points of production. The Director has determined that, in order to accomplish his objective of preserving normal price relationships, ceiling prices of processors at these producing points should be increased. Accordingly, this amendment increases by $2.00 per ton the ceiling prices of processors of flaxseed feed products located at Cleveland, Buffalo, New York Harbor area, Philadelphia, Emporia and Fredonia, Kansas. Many of the plants located at these points, although possessing crushing facilities, have discontinued processing flaxseed at the present time. Consequently, it is estimated that the adjustment made by this amendment will apply to less than one-fifth of the total production of flaxseed feed products.

In the formulation of this amendment there has been consultation with industry representatives, to the extent practicable, and consideration has been given to their recommendations. Special circumstances have rendered consultation with trade association representatives impracticable.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Table I of Supplementary Regulation 95, Revision 1, to the General Ceiling Price Regulation is amended to read as follows:

TABLE 1

Base points	Oil meal or cake (standard protein content 32 percent)	Sized linseed oil cake, linseed pellets or cubes (standard protein content 32 percent)	Linseed feed (standard protein content 30 percent)	Linseed feed pellets or cubes (standard protein content 30 percent)	Flaxseed screenings oil feed (standard protein content 22 percent)	Flaxseed screenings oil feed pellets or cubes (standard protein content 22 percent)
Minneapolis and Red Wing, Minn.	$78.00	$80.25	$73.00	$75.25	$60.00	$62.25
Chicago, Ill.	82.50	84.75	77.50	79.75	64.50	66.75
Cleveland, Ohio	85.50	87.75	80.50	82.75	67.50	69.75
Emporia and Fredonia, Kans.	85.50	87.75	80.50	82.75	67.50	69.75
Buffalo, N. Y.	85.50	87.75	80.50	82.75	67.50	69.75
New York Harbor area and Philadelphia	87.50	89.75	82.50	84.75	69.50	71.75
Texas mill points	86.50	88.75	81.50	83.75	68.50	70.75
Los Angeles and Fresno, Calif.	[1] 80.00	[1] 82.25	75.00	77.25	62.00	64.25
San Francisco, Calif.	[1] 83.00	[1] 85.25	78.00	80.25	65.00	67.25
Conrad and Great Falls, Mont.	91.00	93.25	86.00	88.25	73.00	75.25

[1] Standard protein content 28 percent up to 34 percent. For 34 percent or greater protein content, add $2.50 per ton.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 26, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12556; Filed, Nov. 21, 1952; 12:43 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

[Resolution 112]

RATES FOR MANUAL EMPLOYEES

Pursuant to the Defense Production Act of 1950, (64 Stat. 816, as amended by Pub. Law 96, and Pub. Law 429, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10377 (17 F. R. 6891), and Executive Order 10390 (17 F. R. 7995), General Order No. 16, Economic Stabilization Administrator (17 F. R. 6925), and General Wage Regulation 12 (16 F. R. 6640), the Wage Stabilization Board has passed the following Resolution,

RESOLUTION 112—RATES FOR MANUAL EMPLOYEES

Employers who employ manual employees engaged in erecting, constructing, altering and repairing, remodeling, painting and decorating and maintaining buildings and facilities and who have had an established practice prior to June 24, 1950, of paying such employees the identical rates paid to mechanics and laborers in the same craft in the building and construction industry may without further approval pay the rates preapproved by section 4 of Construction Industry Stabilization Commission Regulation 1.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

VIRGINIA F. MOORE,
Executive Secretary.

[F. R. Doc. 52-12602; Filed, Nov. 24, 1952; 11:37 a. m.]

Subchapter B—Wage Stabilization Board

[General Wage Regulation 12, Amdt. 1]

GWR 12—ESTABLISHMENT OF CONSTRUCTION INDUSTRY STABILIZATION COMMISSION

EXTENSION OF CISC JURISDICTION

Pursuant to the Defense Production Act of 1950, (64 Stat. 816, as amended by Pub. Law 96, and Pub. Law 429, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10377 (17 F. R. 6891), and Executive Order 10390 (17 F. R. 7995), and General Order No. 16, Economic Stabilization Administrator (17 F. R. 6925), the Wage Stabilization Board has formulated and recommended to the Economic Stabilization Administrator, for promulgation, and the Administrator, concurring in the judgment of the Wage Stabilization Board, hereby promulgates this Amendment 1 to General Wage Regulation 12.

AMENDATORY PROVISIONS

GWR 12 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Jurisdiction of the Construction Industry Stabilization Commission.* The jurisdiction of the Commission covers the administration of stabilization rules with respect to all wages, salaries or other compensation paid to:

(a) Mechanics and laborers employed directly at the site of the work, except as otherwise provided in paragraph (b) of this section.

(b) Manual employees engaged in the fabrication or repair of materials if: (1) They are employed by an employer in the building and construction industry and some of the employees, in the unit of which they are a part, engage in work at the site; (2) they exercise the same skills as mechanics and laborers in the building and construction industry; and (3) there was a contract or practice in effect in the area on and prior to June 24, 1950, by which their wage rates bore a fixed relationship to the wage rates established for mechanics and laborers in the same craft. Where there is no such fixed relationship and where there are employees who regularly work both at and away from the site of the work, or where there is a unit containing both employees who work at the site of the work and those who do not, the Commission shall not have jurisdiction except upon petition to and delegation by the Board.

(c) Manual employees employed in maintenance work, by an employer in the building and construction industry who performs maintenance work on a contract basis for various plants and facilities.

2. A new section 4 is added to read as follows:

SEC. 4. *Definitions.* (a) "Mechanics and laborers" are employees performing manual labor in connection with a building or construction project, including mechanic's apprentices and working foremen who are not supervisors. The term does not include employees whose work, although connected with building and construction projects is non-manual, such as executive, administrative, technical or clerical employees.

(b) "Building and construction industry" includes all persons engaged in erecting, constructing, altering, remodeling, painting and decorating, or in maintaining on a contract basis for various plants and facilities, installations such as buildings, bridges, highways and the like. Work performed in the building and construction industry includes the transporting of materials and supplies to or from a particular building or construction project by the employees of the contractor performing the construction.

(c) "Site of the work" means the place or places at which the direct labor involved in a building or construction project is performed, and includes temporary installations used in connection with a particular project even though such installation may not be directly on the site of the project. Installations of a permanent or commercial nature used to serve numerous projects are not considered as being on the site of construction.

(d) "Project" means a particular building job or a particular construction job undertaken by an employer in the building and construction industry at a specified location. A project may be classified by the Commission as involving either building, heavy or highway construction, and the approved wage rates for a particular job classification in a particular area may vary depending on the type of construction involved in a project.

(e) "Area" means the geographical area, generally at least a county or metropolitan area, which is the historical basis for collective bargaining for the particular craft and type of construction.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

ROGER L. PUTNAM,
Economic Stabilization Administrator.

Dated: November 20, 1952.

[F. R. Doc. 52-12603; Filed, Nov. 24, 1952; 11:37 a. m.]

[General Wage Regulation 12, Regulation 1, Amdt. 3]

GWR 12, REG. 1—CONSTRUCTION INDUSTRY STABILIZATION COMMISSION

APPROVAL OF RATES FOR SHOP EMPLOYEES

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law. 96, and Pub. Law 429, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10377 (17 F. R. 6891), and Executive Order 10390 (17 F. R. 7995), General Order No. 16, Economic Stabilization Administrator (17 F. R. 6925), and General Wage Regulation 12 (16 F. R. 6640), Construction Industry Stabilization Commission Regulation No. 1 is hereby amended.

AMENDATORY PROVISIONS

A new paragraph (h) is added to section 4, to read as follows:

(h) The preceding paragraphs (b) through (g) providing that an employer may make the wage and salary payments preapproved by these paragraphs without securing further approval of the Commission or the Board, shall not be applicable to the shop employees covered by section 3 (b) of General Wage Regulation 12, unless the wage rates of such employees, as established by a contract or practice in effect in the area on and prior to June 24, 1950, were the same as those for mechanics and laborers in the same craft, employed directly at the site of the work. Where there has been a differential between the wage rates established for the shop employees and the on-site mechanics and laborers, specific approval of the Commission, in accordance with the filing procedure contained

in section 6 of this Regulation, is required for any adjustment of the wage, salaries or other compensation legally in effect for such employees on November 20, 1952.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Adopted by the Construction Industry Stabilization Commission November 12, 1952.

DUNCAN CAMPBELL,
THOMAS J. KALIS,
Co-Chairmen.

Approved by the Wage Stabilization Board November 7, 1952.

ARCHIBALD COX,
Chairman.

[F. R. Doc. 52-12604; Filed, Nov. 24, 1952; 11:38 a. m.]

[General Wage Regulation 12, Regulation 1, Amdt. 4]

GWR 12, REG. 1—CONSTRUCTION INDUSTRY STABILIZATION COMMISSION

PREMIUM RATES IN EXCESS OF PRE-APPROVED RATES

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, and Pub. Law 429, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10377 (17 F. R. 6891), and Executive Order 10390 (17 F. R. 7995), General Order No. 16, Economic Stabilization Administrator (17 F. R. 6925), and General Wage Regulation 12 (16 F. R. 6640), Construction Industry Stabilization Commission Regulation No. 1 is hereby amended.

AMENDATORY PROVISIONS

The text of section 5 is redesignated as paragraph (a), and new paragraphs (b), (c), and (d) are added, to read as follows:

(b) *Premium rate for key employees or especially qualified individuals.* Without securing additional approval from the Board or Commission, a contractor may continue to pay a fixed hourly premium above the pre-approved area rate to individual employees exercising special qualifications or performing special responsibilities not being exercised or performed by other employees generally in his craft classification if, but only if—

(1) The contractor's ordinary business records clearly establish that in the period April 1–July 31, 1950, the contractor was paying the identical individual employee, or one employee that he replaced, the same hourly premium above the area rate then applicable to the job classification to which such employee belongs, and that the contractor has paid such employee, or one employee that he replaced, the same premium above the area rate regularly (i. e., during the entire time that the contractor was anywhere engaged in construction activity) since that date except when prevented by wage stabilization regulations. This provision shall not be construed so as to permit the payment of premium pay to all employees of the contractor in the aforesaid craft classification; such premium pay may be paid only to individual employees possessing the special qualifications or having the special responsibilities referred to in this paragraph.

(2) If the contractor desires to pay a premium above the area rate to employees having special qualifications other than as provided in subparagraph (1) of this paragraph, a petition for approval must be filed with the Commission.

(3) The contractor must keep on file for inspection the business records for the period April 1–July 31, 1950, showing the names of all individual employees receiving such premium.

(c) A contractor may continue to pay a piece rate or bonus measured by the quantity of production of an individual employee or group of employees even though the payment of such piece rate or bonus yields compensation in excess of the area rate as defined in section 4 of Regulation 1 of the Construction Industry Stabilization Commission, provided:

(1) The contractor's ordinary business records clearly establish that the contractor was paying the same piece rate or production bonus during the period April–July 1950, and

(2) The contractor has paid the same piece rate or production bonus regularly (i. e., during the entire time that the contractor was anywhere engaged in construction activity) since that date except when prevented by wage stabilization regulations.

No increase in a piece rate or bonus rate may be made without prior approval of the Construction Industry Stabilization Commission.

(d) A contractor may continue to pay a non-production bonus within the meaning of General Wage Regulation 14, vacations with pay or holidays with pay, or a health and welfare plan, provided:

(1) The contractor's ordinary business records clearly establish that the contractor was paying such non-production bonus or such enumerated fringe item during calendar 1950; and

(2) The contractor has paid such compensation regularly (i. e., during the entire time that the contractor was anywhere engaged in construction activity) since then except when prevented by wage stabilization regulations.

No increase in such compensation rate, and no extension of such compensation to classes of employees not so compensated during calendar 1950, may be made without prior approval of the Construction Industry Stabilization Commission.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Adopted by the Construction Industry Stabilization Commission November 12, 1952.

DUNCAN CAMPBELL,
THOMAS J. KALIS,
Co-Chairmen.

Approved by the Wage Stabilization Board November 7, 1952.

ARCHIBALD COX,
Chairman

[F. R. Doc. 52-12605; Filed, Nov. 24, 1952; 11:38 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Correction to Schedule A]

[Rent Regulation 2, Correction to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

KANSAS

Effective November 5, 1952, that part of Amendment 86 to Schedule A of Rent Regulation 1 and Amendment 84 to Schedule A of Rent Regulation 2 which pertains to Item 121 (Salina Defense-Rental Area) is corrected to read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 20th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Kansas				
(121) Salina	A	Saline	Mar. 1, 1951	Jan. 14, 1952

[F. R. Doc. 52-12518; Filed, Nov. 24, 1952; 8:46 a. m.]

[Rent Regulation 1, Amdt. 27 to Schedule B]

[Rent Regulation 2, Amdt. 27 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

CLARKSBURG DEFENSE-RENTAL AREA

Effective November 24, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 20th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. Item 76 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

76. *Provisions relating to the Clarksburg Defense-Rental Area (Item 355a of Schedule A):*

With respect to housing accommodations in the Clarksburg Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodation or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are amended to the extent necessary to carry into effect the provisions of this Item of Schedule B.

2. Item 81 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

81. *Provisions relating to the Clarksburg Defense-Rental Area (Item 355a of Schedule A):*

With respect to housing accommodations in the Clarksburg Defense-Rental Area, section 138 is added to this regulation to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation, for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the territory to which this Item of Schedule B relates are amended to the extent necessary to carry into effect the provisions of this Item of Schedule B.

[F. R. Doc. 52-12519; Filed, Nov. 24, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

FOREIGN TAX CREDIT

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR, Part 29) to the provisions of section 302 (relating to the foreign tax credit) of the Excess Profits Tax Act of 1950, approved January 3, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.131–1 the following:

SEC. 302. FOREIGN TAX CREDIT (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

(a) That portion of section 131 (a) of the Internal Revenue Code which precedes paragraph (1) thereof is hereby amended by inserting after "subchapter E" the following: "and except, with respect to the tax imposed under subchapter D, only to the extent provided in subsection (j)".

(b) Section 131 of such code is hereby amended by adding at the end thereof the following new subsection:

(j) *Tax imposed by Subchapter D.* This section shall be applicable for purposes of the tax imposed by subchapter D, but the tax paid or accrued to any country shall be deemed to be the amount of such tax reduced by the amount of the credit allowed under this section with respect to such tax against the tax imposed by this chapter without regard to subchapter D. The amount of the credit taken under this subsection shall be subject to each of the following conditions:

(1) The amount of the credit in respect of the tax paid or accrued to any country shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's excess profits net income from sources within such country bears to its entire excess profits net income for the same taxable year; and

(2) The total amount of the credit shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's excess profits net income from sources without the United States bears to its entire excess profits net income for the same taxable year.

PAR. 2. Section 29.131–1, as amended by Treasury Decision 5893, approved April 4, 1952 is further amended by adding at the end of paragraph (e) thereof the following new sentence: "For taxable years ending after June 30, 1950, credit for taxes shall be allowed against the excess profits tax imposed by subchapter D of chapter 1, but only to the extent provided in section 131 (j) and § 29.131–10."

PAR. 3. Section 29.131–4, as amended by Treasury Decision 5812, approved October 6, 1950 is further amended by deleting "income" from the second sentence of paragraph (a) thereof, so that such sentence will read as follows: "The Commissioner will thereupon redetermine the amount of the tax of such taxpayer for the year or years for which such incorrect credit was granted."

PAR. 4. Section 29.131–8, as amended by Treasury Decision 5855, approved September 13, 1951 is further amended as follows:

(A) By inserting "for purpose of the income tax" in that part of the first sentence of paragraph (a) thereof which reads "is the tentative credit in respect of the taxes paid or accrued to such country or possession.", immediately after "tentative credit", so that such part will read "is the tentative credit for purpose of the income tax in respect of the taxes paid or accrued to such country or possession."

(B) By striking out the period at the end of the paragraph (a) thereof and inserting in lieu thereof "; and, for taxable years ending after June 30, 1950, there must also be excluded, except to the extent provided in section 131 (j) and § 29.131–10, the excess profits tax imposed by subchapter D of chapter 1."

(C) By adding at the end of paragraph (f) thereof, which paragraph precedes example (4) and begins with the words "As to the allowance of credit", the following new sentence: "As to the allowance of credit for such taxes against the excess profits tax imposed by subchapter D of chapter 1, see section 131 (j) and § 29.131–10."

PAR. 5. There is inserted immediately after § 29.131–9 the following new section:

§ 29.131–10 *Credit against excess profits tax imposed by subchapter D.* (a) For taxable years ending after June 30, 1950, a domestic corporation is allowed a credit against the excess profits tax imposed by subchapter D of chapter 1 for the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any

foreign country or to any possession of the United States. To the extent pertinent, the provisions of section 131 and §§ 29.131–1 through 29.131–9 are applicable for the purpose of claiming credit for taxes under this section, except that for such purpose the amount of income and profits taxes paid or accrued during the taxable year to any foreign country or possession shall be deemed to be the amount of such taxes actually paid or accrued reduced by the amount of such taxes allowed as a credit under section 131 against the tax imposed by chapter 1 without regard to the excess profits tax imposed by subchapter D. See § 29.131–8 as to the amount of such credit allowable and as to the computation of the tax against which such credit may be taken.

(b) The amount of the income and profits taxes paid or accrued (including the taxes which, in accordance with the provisions of section 131 (f), are deemed to have been paid) during the taxable year to each foreign country or possession of the United States, limited under section 131 (j) (1) so as not to exceed that proportion of the excess profits tax which the taxpayer's excess profits net income from sources within such country or possession bears to its entire excess profits net income for the same taxable year, is the tentative credit for the purpose of this section in respect of the taxes paid or accrued to such country or possession. The sum of these tentative credits, limited under section 131 (j) (2) so as not to exceed that proportion of the excess profits tax which the taxpayer's excess profits net income from sources without the United States bears to its entire excess profits net income for the same taxable year, is the amount allowable as a credit against the excess profits tax for income or profits taxes paid or accrued to foreign countries or possessions of the United States. For the determination of the excess profits net income, see §§ 40.433 (a)–1 and 40.433 (a)–2 of this subchapter (Regulations 130). For the determination of the source of such net income, see section 119 and the regulations thereunder.

(c) The application of this section may be illustrated by the following examples involving the calendar year 1951.

Example (1). In this example it is assumed that the taxpayer has no income or loss from any foreign country other than Country X. Accordingly, the limitation under section 131 (j) (2) will not change the credit determined after applying section 131 (j) (1).

(A) Normal tax net income from all sources	$100,000
(B) Total normal tax and surtax (before section 131 credit)	45,250
(C) Normal tax net income from foreign Country X	90,000
(D) Foreign tax paid on Country X income	49,500
(E) Limitation on foreign tax under section 131 (b) (1) and (2) to determine section 131 (a) credit allowable against normal tax and surtax: $\frac{\$90,000}{\$100,000} \times \$45,250$	40,725
(F) Foreign tax credit allowable against normal tax and surtax (foreign tax, but not in excess of above limitation of $40,725)	40,725
(G) Excess profits net income from all sources	$80,000
(H) Excess profits net income from foreign Country X	75,000
(I) Excess profits credit	60,000
(J) Excess profits tax (before section 131 credit)	6,000
(K) Foreign tax paid on Country X income for the purpose of section 131 (j): $49,500 – $40,725	8,775
(L) Limitation on foreign tax under section 131 (j) (1) and (2) to determine section 131 (j) credit allowable against excess profits tax: $\frac{\$75,000}{\$80,000} \times \$6,000$	5,625
(M) Foreign tax credit allowable against excess profits tax (foreign tax for purpose of section 131 (j), but not in excess of above limitation of $5,625)	5,625
(N) Total income and excess profits tax (before section 131 credit): $45,250 + $6,000	51,250
(O) Total credit under section 131: $40,725 + $5,625	46,350
(P) Total income and excess profits tax after credit under section 131: $51,250 – $46,350	4,900

Example (2). The facts are assumed to be the same as those under example (1), except that there is a net loss of $10,000 allocable to foreign Country Y, which net loss was taken into account in determining the normal tax net income from all sources of $100,000 (item (A), example (1)) and the excess profits net income from all sources of $80,000 (item (G), example (1)). The total income and excess profits tax after credit under section 131 is computed as follows:

(A) Tentative foreign tax credit under section 131 (b) (1) allowable against normal tax and surtax (foreign tax paid on Country X income, but not in excess of limitation under section 131 (b) (1)): $\frac{\$90,000}{\$100,000} \times \$45,250$	$40,725
(B) Limitation on foreign tax under section 131 (b) (2) to determine section 131 (a) credit allowable against normal tax and surtax: $\frac{\$80,000}{\$100,000} \times \$45,250$	36,200
(C) Foreign tax credit allowable against normal tax and surtax (tentative credit under section 131 (b) (1), but not in excess of $36,200, limitation under section 131 (b) (2))	36,200
(D) Foreign tax paid for the purpose of section 131 (j): $49,500 – $36,200	13,300
(E) Tentative foreign tax credit under section 131 (j) (1) allowable against excess profits tax (foreign tax for purpose of section 131 (j), but not in excess of limitation under section 131 (j) (1)): $\frac{\$75,000}{\$80,000} \times \$6,000$	5,625
(F) Limitation on foreign tax under section 131 (j) (2) to determine section 131 (j) credit allowable against excess profits tax: $\frac{\$65,000}{\$80,000} \times \$6,000$	4,875
(G) Foreign tax credit allowable against excess profits tax (tentative credit under section 131 (j) (1), but not in excess of $4,875, limitation under section 131 (j) (2))	4,875
(H) Total income and excess profits tax (before section 131 credit): $45,250 + $6,000	$51,250
(I) Total credit under section 131: $36,200 + $4,875	41,075
(J) Total income and excess profits tax after credit under section 131: $51,250 – $41,075	10,175

[F. R. Doc. 52–12528; Filed, Nov. 24, 1952; 8:48 a. m.]

[26 CFR Part 40]

Excess Profits Taxes; Taxable Years Ending After June 30, 1950

Computation of Income on Accrual Method

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the Federal Register. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] Justin F. Winkle,
Acting Commissioner of Internal Revenue.

Regulations 130 (26 CFR Part 40) are hereby amended by striking from § 40.455–2 (b) thereof the second, third, fourth, and fifth sentences, which read as follows: "The deduction for bad debts under section 23 (k) shall be allowed only with respect to debts which become worthless within the taxable year. No reserve for bad debts arising from installment accounts receivable may be set up for excess profits tax purposes only, and no bad debt deduction shall be allowed for any additions to such a reserve. Only those debts which have become worthless within the taxable year and which are allowed as a deduction in the computation of net income for the purposes of the normal tax and surtax for the taxable year shall be allowed in the determination of the bad debt deduction for excess profits tax purposes under section 455 (a). If a debt reflected in installment accounts receivable was created in a prior taxable year, and if the total amount of the profit represented by such installment accounts receivable is includible in gross income for such year under the accrual method of accounting, the amount of the deduction for the bad debt shall be computed upon the accrual method and shall not be limited to the unrecovered cost of the goods or articles sold in consideration of such debt."; and inserting in lieu thereof the following new sentences: "No reserve for bad debts arising from accounts receivable from installment sales or installment sales obligations may be set up for excess profits tax purposes unless a reserve has been established for income tax purposes. If a debt reflected in installment accounts receivable was created in a prior taxable year, and if the total amount of the profit represented by such installment accounts receivable is includible in gross income for such year under the accrual method of accounting, the amount of the deduction for bad debts, in the case of a taxpayer which bases its deduction for bad debts on the debts which become worthless within the taxable year, shall be computed upon the accrual method and shall not be limited to the unrecovered cost of the goods or articles sold in consideration of such debt. The same principle shall be applicable in determining the amount which may be deducted as a reasonable addition to a reserve for bad debts in the case of a taxpayer properly on the reserve method."

[F. R. Doc. 52–12529; Filed, Nov. 24, 1952; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR Part 151]

Recognition of Breeds and Books of Record of Purebred Animals

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Sup., sec. 1201, par. 1606), proposes to make the following changes in the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR, Part 151, as amended):

1. Recognize the book of record for Arabian and Thoroughbred horses entitled "Registro-Matricula de Caballos de Pura Sangre", sponsored by the Minister of Agriculture, General Livestock Administration, Madrid, Spain, and the Large Black Section of the book of record of purebred hogs entitled "Herd Book of the National Pig Breeders' Association," sponsored by the National Pig Breeders' Association, London, England.

2. Withdraw recognition of the books of record entitled "Herd Book De La Race Bovine Charolaise", sponsored by the Syndicat Central D'Exportation De La Race Bovine Charolaise, Nevers, France; "Herd-Book de la Race Normande Pure", sponsored by the L'Association du Herd-Book Normand, Caen, France; "Zuchtbuch der Fachschaft für Dobermannpinscher", sponsored by the Fachschaft für Dobermannpinscher, Berlin, Germany; "Registro Genealogico de Caninos", sponsored by the Kennel Club de Chile, Viña Del Mar, Chile; and the "Large Black Pig Society Herd Book", sponsored by the Large Black Pig Society, Middlesex, England.

3. Revise paragraph (a) of § 151.10 (9 CFR and Supp., 151.10 (a), as amended), to read as follows:

§ 151.10 *Recognized breeds and books of record.* • • •

(a) *Breeds and books of record in countries other than Canada.* Books of record of the registry associations listed below are recognized for the following breeds: *Provided,* That no Dun and Belted Galloway cattle, Criolla or Fjordhest (formerly known as Westland) horse, dog, or cat registered in any of the books named shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the appropriate association listed below, is submitted for such animal.

Cattle

Name of breed	Book of record	By whom published
Aberdeen-Angus	Aberdeen-Angus Herd Book	Aberdeen-Angus Cattle Society, Alexander Keith, secretary, 91 Union St., Aberdeen, Scotland.
Africander	Africander Section of the South African Stud Book.	South African Stud Book Association, E. L. Housham, secretary, 115, St. Andrew St., Bloemfontein, Union of South Africa.
Alderney	Herd Book of the Bailiwick of Guernsey (Alderney Branch).	Royal Alderney Agricultural Society (The Alderney Branch of the Royal Guernsey A. and H. Society), P. D. Sumner, secretary, The Bungalow, Butes, Alderney, Channel Isles.
Ayrshire	Ayrshire Herd Book	Ayrshire Cattle Herd Book Society of Great Britain and Ireland, John Graham, secretary, 1 Racecourse Rd., Ayr., Scotland.
Devon	Davy's Devon Herd Book	Devon Cattle Breeders' Society, Francis James Morle, secretary, Wiveliscombe, Somerset, England.
Dexter	Dexter Herd Book	Dexter Cattle Society, M. F. J. Battine, secretary, 12 Station Rd., Reading, Berkshire, England.
Dun and Belted Galloway.	The Dun and Belted Galloway Herd Book.	The Dun & Belted Galloway Cattle Breeders' Association, John Kincaid, secretary, Meadow View, Moss End Farm, Warfield, Berks, England.
Galloway	Galloway Herd Book	Galloway Cattle Society of Great Britain and Ireland, Donald M. McQueen, secretary, 111 High Street, Dumfries, Scotland.
Guernsey	English Guernsey Herd Book.	English Guernsey Cattle Society, Col. T. M. Ker, secretary, 7, Cleveland Row, London, S. W. 1, England.
Do	Herd Book of the Bailiwick of Guernsey (Guernsey Branch).	Royal Guernsey Agricultural and Horticultural Society, Ernest de Garis, secretary, States Arcade Balcony, St. Peter Port, Guernsey Channel Islands.
Hereford	Herd Book of Hereford Cattle.	Hereford Herd Book Society, A. P. de Nobriga, secretary, 3 Offa St., Hereford, England.
Highland	Highland Herd Book	Highland Cattle Society of Scotland, R. A. Clement, secretary, 118 Queen St., Glasgow, C. 1, Scotland.
Holstein-Friesian	Friesch Rundvee-Stambook	Vereenicing: "Het Friesch Rundvee-Stambook," Ir. H. G. A. Leenes Bakhoven, secretary, Zuiderplein 2-4, Leeuwarden, Netherlands.
Do	Nederlandsch Rundvee-Stambook.	Vereeniging: "Het Nederlandsche Rundvee-Stambook," Ir. W. de Jong, president, 24 Surinamestraat, The Hague, Netherlands.
Jersey	Jersey Herd Book	Royal Jersey Agricultural and Horticultural Society, H. G. Shepard, secretary, 3 Mulcaster St., St. Helier, Jersey, Channel Islands.
Do	English Jersey Herd Book	English Jersey Cattle Society, Edward Ashby, secretary, 19 Bloomsbury Sq., London, W. C. 1, England.
Kerry	British Kerry Cattle Herd Book.	British Kerry Cattle Society, R. O. Hull, secretary, The Milestone, Stanmore Hill, Middlesex, England.
Do	Kerry Cattle Herd Book	Royal Dublin Society, Horace H. Poole, Registrar, Ball's Bridge, Dublin, Ireland.
Lincoln Red Shorthorn.	Lincoln Red Shorthorn Herd Book.	Lincoln Red Shorthorn Society, W. Dunnaway, secretary, 17, West Parade, Lincoln, England.
Red Danish	Stambog over Køer af Rød Dansk Malkerace. Stambog over Tyre af Rød Dansk Malkerace. Register-Stambog over Kvæg af Rød Dansk Malkerace.	De Samvirkende Danske Landboforeninger, A. Wulff Pedersen, secretary, Vindegade 72, Odense, Denmark.
Red Poll	Red Poll Herd Book	Red Poll Cattle Society of Great Britain and Ireland (Inc.), A. C. Burton, secretary, 42, Westgate St., Ipswich, Suffolk, England.
Shorthorn	Coates's Herd Book	Shorthorn Society of Great Britain and Ireland, Arthur Furneaux, secretary, Victoria House, Southampton Row, London, W. C. 1, England.
South Devon	Herd Book of South Devon Cattle.	South Devon Herd Book Society, R. F. Johnson, secretary, 16, Sherborne Rd., Newton Abbot, Devon, England.
Sussex	Sussex Herd Book	Sussex Herd Book Society, A. G. Holland, secretary, 17, Devonshire St., London, W. 1, England.
Welsh	Welsh Black Cattle Herd Book.	Welsh Black Cattle Society, G. Williams Edwards, secretary, 25, Eastgate, Aberystwyth, Cards., Wales.

Horses

Arabian	Arab Horse Stud Book	The Arab Horse Society, Col. R. C. de W. Askin, secretary, 38, Langham St., London, W. 1, England.
Do	Polska Ksiega Stadna Koni Arabskich Czystej Krwi.	Towarzystwo Hodowli Konia Arabskiego, Dr. Edward Skorkowski, secretary, Urzednicza 48, Krakow, Poland.
Do	General Stud Book	Weatherby & Sons, 15 Cavendish Sq., London, W. 1, England.
Do	Stud Book Argentino	Jockey Club, Dr. Agustin Alsina, secretary general, Florida 571, Buenos Aires, Argentina.
Do	Registro-Matricula de Caballos de Pura Sangre.	General Livestock Administration, The Minister of Agriculture, Madrid, Spain.
Do	Stud Book Français Registre des Chevaux de Pur Sang.	Commission du Studbook Français de Pur Sang, Maze-Sencier, Inspector General, Chief, Service des Haras, Ministry of Agriculture, 78 rue de Varenne (7), Paris, France.
Do	The Arabian Stud Book (Recognition of this book will be restricted to Arabian horses which originate for importation in Saudi Arabia, or trace to pure Arabian stock of that country.)	The Arabian Horse Club Registry of America, Inc., Frank Watt, secretary, Chicago, Ill.
Belgian	Stud-Book des Chevaux de Trait Belges.	Société Royale "Le Cheval de Trait Belge," Chevalier Hyndelick de Theulegoet, secretary, 60 rue Royale, Brussels, Belgium.
Cleveland Bay	Cleveland Bay Stud Book	Cleveland Bay Horse Society, Oswald Welford, secretary, Roxby, Staithes, Saltburn, Yorkshire, England.
Clydesdale	Clydesdale Stud-Book	Clydesdale Horse Society of Great Britain & Ireland, Robert Jarvis, secretary, 93 Hope St., Glasgow (C. 2, Scotland
Criolla	"Registre Definitivo" section of the Stud Book Argentine para la Raza Criolla.	Sociedad Rural Argentina, Enrique C. Frers, president, Florida 460, Buenos Aires, Argentina.
Fjordhest (formerly known as Westland).	Stambok over Fjordhest	Statens Stambokkenter for Hest, W. W. Christie, State Stud-Book Registrar, Munkedamsveien 35 VI, Oslo, Norway.

SHEEP—Continued

Name of breed	Book of record	By whom published
Hackney	Hackney Stud Book	Hackney Horse Society, Robert F. Ling, secretary, 38, Langham St., London, W. 1, England.
Percheron	British Percheron Stud Book	British Percheron Horse Society, Gordon Smith, secretary, Bank Chambers, Cornhill, Dorchester, Dorset, England.
Do	Stud-Book Percheron de France.	Société Hippique Percheronne de France, M. Lemarié, secretary, 7 Rue Villette-Gaté, Nogent-le-Rotrou (Eure et L.), France.
Shetland Pony	Shetland Pony Stud-Book	Shetland Pony Stud-Book Society, Walter & Duncan, Solicitors, 3 Golden Sq., Aberdeen, Scotland.
Shire	Shire Horse Stud Book	Shire Horse Society, A. C. Holland, secretary, 17 Devonshire St., London, W. 1, England.
Suffolk	Suffolk Stud-Book	Suffolk Horse Society, Raymond Keer, secretary, 6 Church St., Woodbridge, Suffolk, England.
Thoroughbred	Australian Stud Book	Australian Jockey Club and Victoria Racing Club, W. J. McEachern, secretary of the Stud Book, 6 Bligh St., Sydney, N. S. W., Australia.
Do	General Stud Book	Weatherby & Sons, 13 Cavendish Sq., London, W. 1, England.
Do	Jamaica Stud Book	The Jockey Club of Jamaica, Sir George Stern, Junior, Raynor, Secretary, 10 Duke St., Kingston, Jamaica, B. W. I.
Do	Stud Book de Chile	Club Hipico de Santiago, Augusto Otolinsky Dadian, secretary, Casilla 2050, Santiago, Chile.
Do	New Zealand Stud Book	New Zealand Racing Conference, A. M. McBeath, secretary, Dominion Bldg., Mercer and Wakefield Sts., Wellington, New Zealand.
Do	Registro-Matricula de Caballos de Pura Sangre.	General Remount Administration, the Minister of Agriculture, Madrid, Spain.
Do	Stud Book Argentino	Jockey Club, Dr. Agustin Alsina, secretary general, Florida 571, Buenos Aires, Argentina.
Do	Stud Book Francais Registre des Chevaux de Pur Sang.	Commission du Stud-Book Français de Pur Sang, Marc Spencer, Inspecteur-général des Services des Haras, Ministry of Agriculture, 2 Rue de Varenne (7), Paris, France.
Do	Libro Genealogico del Caballo de Puro Sangue.	Jockey Club Italiano, Comm. Gino Cavaniglia, secretary, Piazza Montecitorio 121, Rome, Italy.
Do	Registro dos Cheevaux de Pur Sang.	Jockey Club de Belgique, J. Leyden, secretary, 1 rue Guimard, Brussels, Belgium.
Do	Stud Book Brasileiro	Jockey Club Brasileiro, Ricardo Xavier da Silveira, Director, Av. Rio Branco, 105, Rio de Janeiro, Brazil.
Do	Stud Book Peruano	Jockey Club of Peru, Sr. Pedro Garcia Miro, president, Canada 580, Lima, Peru.
Do	American Stud Book (Registration of Thoroughbreds originated in the United States).	The Jockey Club, J. E. Davis, secretary, New York, N. Y.

GOATS

Name of breed	Book of record	By whom published
Various recognized breeds.	British Goat Society Herd Book (Separate sections for different sections).	British Goat Society, Miss M. F. Rigg, secretary, Diss, Norfolk, England.

HOGS

Name of breed	Book of record	By whom published
Irish Large White	Herd Book of Irish Large White Pigs.	Royal Dublin Society, Horace H. Poole, Registrar, Ball's Bridge, Dublin, Ireland.
Berkshire	Herd Book of the National Pig Breeders' Association.	National Pig Breeders' Association, R. F. Johnson, secretary, Agricultural House, Southampton Row, London, W. C. 1, England.
Gloucestershire Old Spots.		
Large Black.		
Large White.		
Middle White.		
Tamworth.		
Welsh.		
Saddleback.		

DOGS

Name of breed	Book of record	By whom published
Boxer	Boxer-Zuchtbuch	Boxer-Klub e. V., 81a München, Heinrich Zimmermann, president, Germany; Hort am Maline, Nederrad, Buchonia-Meadows of Piedmont Association, J. W. Fitzwilliam, secretary, 3, Victoria St., London, S. W. 1, England.
Pachmond	Pachmond Kennel Stud Book	
Do	Welsh Hound Stud Book	Welsh Hound Association, 14 Cyfyng, Ystrad Rhondda, Glamorgan, South Wales.
German Shepherd	Reichs-Zuchtbuch (Abteilung: Deutsche Schäferhunde).	Verein für Deutsche Schäferhunde (SV), Hanns Krembelmer, secretary, Bahnpostlagerstelle (13b), Augsburg 3, Germany.
Great Dane	Stud-Book für Deutsche Doggen.	Deutscher Doggen Club, Richard Staudt, president, (13b), München 25, Trefauerstrasse 5, Germany.
Greyhound	Australian Greyhound Stud Book.	The Australian Coursing Association, R. Moore, secretary, 191 Hereford St., Christchurch, New Zealand.

HORSES—Continued

Name of breed	Book of record	By whom published
Hackney	Hackney Stud Book	Hackney Horse Society, Robert F. Ling, secretary, 38, Langham St., London, W. 1, England.
Percheron	British Percheron Stud Book	British Percheron Horse Society, Gordon Smith, secretary, Bank Chambers, Cornhill, Dorchester, Dorset, England.
Do	Stud-Book Percheron de France.	Société Hippique Percheronne de France, M. Lemarié, secretary, 7 Rue Villette-Gaté, Nogent-le-Rotrou (I. & L.), France.
Shetland Pony	Shetland Pony Stud-Book	Shetland Pony Stud-Book Society, Walter & Duncan, Solicitors, 3 Golden Sq., Aberdeen, Scotland.
Shire	Shire Horse Stud Book	Shire Horse Society, A. C. Holland, secretary, 17 Devonshire St., London, W. 1, England.
Suffolk	Suffolk Stud-Book	Suffolk Horse Society, Raymond Keer, secretary, 6 Church St., Woodbridge, Suffolk, England.
Thoroughbred	Australian Stud Book	Australian Jockey Club and Victoria Racing Club, W. J. McEachern, secretary of the Stud Book, 6 Bligh St., Sydney, N. S. W., Australia.
Do	General Stud Book	Weatherby & Sons, 13 Cavendish Sq., London, W. 1, England.
Do	Jamaica Stud Book	The Jockey Club of Jamaica, Sir George Stern, Junior, Raynor, Secretary, 10 Duke St., Kingston, Jamaica, B. W. I.
Do	Stud Book de Chile	Club Hipico de Santiago, Augusto Otolinsky Dadian, secretary, Casilla 2050, Santiago, Chile.
Do	New Zealand Stud Book	New Zealand Racing Conference, A. M. McBeath, secretary, Dominion Bldg., Mercer and Wakefield Sts., Wellington, New Zealand.
Do	Registro-Matricula de Caballos de Pura Sangre.	General Remount Administration, the Minister of Agriculture, Madrid, Spain.
Do	Stud Book Argentino	Jockey Club, Dr. Agustin Alsina, secretary general, Florida 571, Buenos Aires, Argentina.
Do	Stud Book Francais Registre des Chevaux de Pur Sang.	Commission du Stud-Book Français de Pur Sang, Marc Spencer, Inspecteur-général des Services des Haras, Ministry of Agriculture, 2 Rue de Varenne (7), Paris, France.
Do	Libro Genealogico del Caballo de Puro Sangue.	Jockey Club Italiano, Comm. Gino Cavaniglia, secretary, Piazza Montecitorio 121, Rome, Italy.
Do	Registro dos Cheevaux de Pur Sang.	Jockey Club de Belgique, J. Leyden, secretary, 1 rue Guimard, Brussels, Belgium.
Do	Stud Book Brasileiro	Jockey Club Brasileiro, Ricardo Xavier da Silveira, Director, Av. Rio Branco, 105, Rio de Janeiro, Brazil.
Do	Stud Book Peruano	Jockey Club of Peru, Sr. Pedro Garcia Miro, president, Canada 580, Lima, Peru.
Do	American Stud Book (Registration of Thoroughbreds originated in the United States).	The Jockey Club, J. E. Davis, secretary, New York, N. Y.
Do	Australian Stud Book (Registration of Thoroughbreds imported, as follows: (a) Horses bred in the United States, shipped to a foreign country, and returned to this country; and horses bred or born in Great Britain, Northern Ireland, Eire, or France, whose pedigrees trace wholly or in part to horses bred in the United States; or (b) horses from countries where a book of pure-bred registration for Thoroughbreds does not exist.)	Australian Jockey Club and Victoria Racing Club, W. J. McEachern, secretary of the Stud Book, 6 Bligh St., Sydney, N. S. W., Australia.
Welsh Pony and Cob.	Welsh Stud Book	Welsh Pony and Cob Society, J. A. George, secretary, Offices of The Royal Welsh Agricultural Society, Queen's Rd., Aberystwyth, Wales, Great Britain.

ASSES

Name of breed	Book of record	By whom published
Poitou	Livre de Zootechnie Section of the Stud Book on Livre Généalogique des Animaux Ministères du Poitou.	Société Centrale d'Agriculture des Deux-Sèvres, Eugene Saint, président, Niort, France.

SWINE

Name of breed	Book of record	By whom published
Border Leicester	Border Leicester Flock Book	Society of Border Leicester Sheep Breeders, Miss Rose J. E. Grant, secretary, 11 St. Ronan's Terr., Edinburgh 10, Scotland.
Cheviot	Cheviot Sheep Flock Book	British Sheep Society, Guy H. Armstrong, secretary, Commercial Bank Bldgs., Hawick, Scotland.
Corriedale	The Flock Book for Corriedale Sheep in Australia.	The Australian Corriedale Association, Louis Murrell, secretary, Temple Ct., 422 Collins St., Melbourne, C. 1, Australia.
Do	The Flock Book for Corriedale Sheep in New Zealand.	The New Zealand Corriedale Association, C. H. Lawrence, secretary, 191 Hereford St., Christchurch, New Zealand.

DOGS—Continued

Name of breed	Book of record	By whom published
Greyhound	Greyhound Stud Book	National Coursing Club, Sydney H. Dalton, secretary, 11 Haymarket, London, S. W. 1, England.
Do	Irish Greyhound Stud Book	Irish Coursing Club, T. A. Morris and A. J. Morris, secretaries, Davis Rd., Clonmel, Ireland.
Harrier and Beagle	Harrier and Beagle Stud Book	Association of Masters of Harriers and Beagles, J. Pawl, secretary, Little Havers, Bishop's Stortford, England.
Rottweiler	Reichs-Zuchtbuch (Abteilung: Rottweiler).	Allgemeiner Deutscher Rottweiler-Klub, Frl. Josefine Zeller, secretary, Schwäbisch Gmünd Württemberg, Germany, U. S. Zone.
St. Bernard	Bernhardiner-Zuchtbuch	St. Bernhards-Klub, Franz Brachowins, studbook keeper, Munchen 12, Bergmannstrasse 35, Germany.
Various recognized breeds.	Irish Kennel Club Stud Book	Irish Kennel Club, Maud C. Fox, secretary, 23 Eden Quay, Dublin C. S., Ireland.
Do	Kennel Club Studbook	English Kennel Club, E. Holland Buckley, secretary, 81 Piccadilly, London, W. 1, England.
Do	Livre des Origines de la Société Royale Saint-Hubert.	Société Royale Saint-Hubert, R. Willocq, secretary, Chaussee Saint-Pierre, 320 Brussels 1, Belgium.
Do	Norsk Kennelklubbe Stambok	Norsk Kennel Klub, E. F. Giersoe, Jr., secretary, Skippergaten 22, Oslo, Norway.
Do	Reichs-Zuchtbuch Abteilung: Fachschaft für Terrier e. V.	Klub für Terrier, Günter Ruppert, secretary, (16) Kelsterbach bei Frankfurt am Main, Germany.
Do	Schweizerisches Hunde-Stammbuch.	Schweizerische Kynologischen Gesellschaft, Carl Wittwer, secretary, Seestrasse 64, Kilchberg Zurich, Switzerland.
Do	Svenska Kennelklubbens Stambok.	Svenska Kennelklubben, Ivan Swelrup, secretary, Linnegatan 25, Stockholm, Sweden.

CATS

Long-haired and short-haired.	Register of the Governing Council of the Cat Fancy.	The Governing Council of the Cat Fancy, W. A. Hazeldine, secretary, 1, Roundwood Way, Banstead, Surrey, England.

4. Amend that portion of subparagraph (1) of paragraph (b) of § 151.10, as amended (9 CFR and Supp. 151.10 (b) (1), as amended), immediately preceding the list of breeds in said subparagraph (1) to read as follows:

(b) *Breeds and books of record in Canada*—(1) *Animals generally.* The books of record of the Canadian National Live Stock Records, Ottawa, Canada, of which R. G. T. Hitchman is Director, are recognized for the following breeds: *Provided*, That no animals registered in the Canadian National Live Stock Records shall be certified under the act as purebred unless such animals trace only to animals which are proved to the satisfaction of the Bureau to be of the same breed: *Provided further*, That no Karakul sheep, Alpine goat, Nubian goat, or horse of the American Saddle, Canadian, or Arabian breeds in Canada shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the particular breed involved, issued by the Canadian National Live Stock Records, is submitted for such animal.

The proposed revision of 9 CFR 151.10 (a) includes the substance of all prior amendments thereto. It also adds to the subdivision relating to horses the book of record entitled "Registro-Matricula de Caballos de Pura Sangre"; removes the books of record entitled "Herd Book Da La Race Bovine Charolaise" and "Herd-Book de la Race Normande Pure" from the subdivision relating to cattle, and the books of record entitled "Zuchtbuch der Fachschaft für Dobermannpinscher" and "Registro Genealogico de Caninos" from the subdivision relating to dogs; changes the name of the recognized breed of horses registered in the book of record entitled "Stambok over Fjordhest"; and incorporates certain corrections in the names, custodianship, and addresses of the associations sponsoring or publishing books of record listed therein. It is proposed to withdraw recognition of the four books of record named above because the sponsoring organizations have not furnished their records in reasonably current form as required by § 151.10. The proposed revision further removes the book of record entitled "Large Black Pig Society Herd Book" from the subdivision relating to hogs, and adds the Large Black breed of hogs to the list of breeds in the book of record entitled "Herd Book of the National Pig Breeders' Association" which are currently recognized by the Secretary of Agriculture. The "Large Black Pig Society Herd Book" no longer exists. The purebred registrations for Large Black hogs contained in this herd book have been taken over by the "Herd Book of the National Pig Breeders' Association".

The proposed amendment of subparagraph (1) of paragraph (b) of § 151.10 would require that no Nubian goat shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the Nubian breed is submitted for such animal.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed action may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 19th day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12514; Filed, Nov. 24, 1952; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 43]

PILOT AND MEDICAL CERTIFICATE REQUIREMENTS FOR COPILOTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau has under consideration proposed amendments to Part 43 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by December 23, 1952. Copies of such communications will be available after December 26, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

At present §§ 43.40, 43.41, and 43.42 prescribe that a person shall not pilot an airplane unless he has in his personal possession pilot and medical certificates and is unaware of any physical deficiency which would render him unable to meet the requirements for issuance of his medical certificate. Since "to pilot" is defined in § 43.70 (b) as meaning to be in command of the aircraft during take-off, in flight, or landing, a person could serve as copilot in operations requiring two pilots without complying with §§ 43.40, 43.41, and 43.42. In order to correct this undesirable possibility, it is considered necessary to amend these sections to include copilots.

Accordingly, it is proposed to amend Part 43 of the Civil Air Regulations as follows:

1. By amending the first sentence of § 43.40 to read as follows:

§ 43.40 *Pilot certificate.* A person shall not serve as pilot in command or copilot of civil aircraft within the United States unless he has in his personal possession at all times while so serving a valid pilot certificate with appropriate ratings issued by the Administrator, or an appropriate and valid foreign pilot certificate and ratings. * * *

2. By amending the first sentence of § 43.41 to read as follows:

§ 43.41 *Medical certificate and renewal.* A person shall not serve as pilot in command or copilot of an aircraft under authority of a pilot certificate issued by the Administrator, unless he has in his personal possession at all times while so serving a medical certificate or other evidence satisfactory to the Ad-

ministrator showing that he has met the physical requirements appropriate to his rating within the following time limits: • • •

3. By deleting from § 43.42 the phrase "A person shall not pilot any" and inserting in lieu thereof the phrase "A person shall not serve as pilot in command or copilot of an".

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated November 18, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 52–12531; Filed, Nov. 24, 1952; 8:49 a. m.]

• NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150–19]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization. Abolition of offices of Collectors and Deputy Collectors of Arizona, Colorado, New Mexico, Utah, and Wyoming Collection Districts; establishment of offices of District Commissioner and Directors of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Arizona, Colorado, New Mexico, Utah, and Wyoming Collection Districts shall become effective as of 12 o'clock midnight, November 24, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., November 25, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Denver District, and which shall be comprised of the States of Arizona, Colorado, New Mexico, Utah, and Wyoming.

3. *Location of headquarters.* The headquarters office shall be located in the City of Denver, Colorado.

4. *Establishment of offices of Director of Internal Revenue.* Effective as of 12:01 a. m., November 25, 1952, there are hereby created the following offices within the Denver District:

(a) Director of Internal Revenue for the Collection District of Arizona (as presently constituted). The headquarters of such office shall be located in Phoenix, Arizona, and the office shall have the operating title of Director of Internal Revenue, Phoenix.

(b) Director of Internal Revenue for the Collection District of Colorado (as presently constituted). The headquarters of such office shall be located in Denver, Colorado, and the office shall have the operating title of Director of Internal Revenue, Denver.

(c) Director of Internal Revenue for the Collection District of New Mexico (as presently constituted). The headquarters of such office shall be located in Albuquerque, New Mexico, and the office shall have the operating title of Director of Internal Revenue, Albuquerque.

(d) Director of Internal Revenue for the Collection District of Utah (as presently constituted). The headquarters of such office shall be located in Salt Lake City, Utah, and the office shall have the operating title of Director of Internal Revenue, Salt Lake City.

(e) Director of Internal Revenue for the Collection District of Wyoming (as presently constituted). The headquarters of such office shall be located in Cheyenne, Wyoming, and the office shall have the operating title of Director of Internal Revenue, Cheyenne.

Dated: November 21, 1952.

[SEAL] E. H. FOLEY, *Acting Secretary of the Treasury.*

[F. R. Doc. 52–12588; Filed, Nov. 24, 1952; 9:29 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4522 et al.]

FRONTIER AIRLINES, INC., ET AL.; ROUTE 93 RENEWAL CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Frontier Airlines, Inc., under Docket No. 4522, for renewal of its authority to serve Route 93 for a period of five years, the extension of its route to Fort Huachuca, Ariz.; and under Docket No. 4611 for a certificate amendment authorizing nonstop service between Douglas, Ariz., and El Paso, Tex.; the application of Bonanza Air Lines, Inc., under Docket No. 4471 to extend its route No. 105 to all points presently certificated on Route 93; the application of Trans World Airlines, Inc., under Docket No. 5210, for a certificate amendment to eliminate the intermediate point Winslow, Ariz., therefrom; the investigation instituted by the Board on petition of American Airlines, Inc., under Docket No. 5394, to determine whether said airline should be authorized to suspend service temporarily at Douglas, Ariz.; and the petition of Frontier Airlines, Inc., under Docket No. 5207, to suspend the authority of Trans World Airlines, Inc., to serve Winslow, Ariz., on its route No. 2, and the authority of Bonanza Air Lines, Inc., to serve the intermediate point, Prescott, Ariz., on its route No. 105.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on December 9, 1952, at 10:00 a. m., e. s. t. in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 20, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52–12530; Filed, Nov. 24, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1447]

UNITED GAS PIPE LINE CO.

ORDER REOPENING PROCEEDINGS AND FIXING DATE OF HEARING

NOVEMBER 18, 1952.

On August 21, 1952, United Gas Pipe Line Company (Applicant), a Delaware Corporation having its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the transportation and sale of natural gas on a temporary basis during an interim period to Texas Gas Transmission Corporation pending completion of certain facilities by the latter, as more fully described in said application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 12, 1952 (17 F. R. 8221), has been given.

An "Answer" to the application was filed on September 29, 1952, by the National Coal Association, the United Mine Workers of America, the Fuels Research Council, Inc., the Anthracite Institute, the Railway Labor Executives Association and the Chesapeake and Ohio Railway Company. This "Answer" is addressed to the acceptance for filing of said application.

The Commission finds:

(1) The proceedings at Docket No. G–1447 should be reopened for the sole purpose of effecting such amendment of the Commission's order, issued February 27, 1951, granting a certificate of public convenience and necessity to Applicant, as may be required in disposing of the foregoing application of August 21, 1952.

(2) For good cause, the date fixed for hearing is less than 15 days required by § 1.20 of the Commission's rules of practice and procedure.

The Commission orders:

(A) The proceedings at Docket No. G–1447 be and the same are hereby reopened for the sole purpose of effecting such amendment to the Commission's order, issued February 27, 1951, granting a certificate of public convenience and necessity to Applicant, as may be required in disposing of the foregoing application of August 21, 1952.

(B) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held commencing on November 26, 1952, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by said application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 19, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12510; Filed, Nov. 24, 1952; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31–597]

KEZAR FALLS WOOLEN CO.

ORDER GRANTING EXEMPTION

NOVEMBER 19, 1952.

Kezar Falls Woolen Company ("Kezar Falls"), having filed an application with this Commission pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("act") requesting exemption from the provisions of the act on behalf of itself and its subsidiaries, Cornish and Kezar Falls Light & Power Company, a public-utility company, and Kezar Falls Water Company, a non-utility company; and

Due notice of the filing of said application having been given and a hearing thereon not having been requested of, or ordered by, the Commission; and

The Commission having examined the application and the statements contained therein and having found that Kezar Falls is only incidentally a holding company, being primarily engaged in a business other than that of a public-utility company and not deriving, directly or indirectly, any material part of its income from one or more companies the principal business of which is that of a public-utility company; and further finding that the granting of an exemption to Kezar Falls as a holding company and to its subsidiaries as such will not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, Pursuant to section 3 (a) (3) (A) of the act and subject to the provisions of section 3 (c) thereof, that Kezar Falls as a holding company and its subsidiaries as such be, and the same hereby are, exempted from all provisions of the act, said companies remaining subject, however, to any obligation imposed upon them in any capacity other than as a holding company or as subsidiaries of a holding company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–12513; Filed, Nov. 24, 1952; 8:46 a. m.]

[File No. 70–2937]

PHILADELPHIA CO. AND DUQUESNE LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF BIDDING IN SALE BY PARENT OF SUBSIDIARY'S COMMON STOCK AND BY SUBSIDIARY OF ITS COMMON STOCK AND OVER CERTAIN FEES AND EXPENSES

NOVEMBER 19, 1952.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies, and Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia, having filed a joint application-declaration and amendments thereto pursuant to sections 6, 7, 12 (d) and 12 (f) of the act and Rules U-44 and U-50 thereunder with respect to the sale by Philadelphia of 170,000 shares of common stock of Duquesne and the issuance and sale by Duquesne of 80,000 shares of its own common stock; and

The Commission having, by order dated November 12, 1952, granted and permitted to become effective said joint application-declaration, as amended, except that the proposed sale of the Duquesne common stock by Philadelphia and the proposed issuance and sale of its common stock by Duquesne were not to be consummated until the results of competitive bidding, pursuant to Rule U-50, were made a matter of record in this proceeding and a further order issued, for which purpose jurisdiction was reserved; and

Jurisdiction also having been reserved in said order of November 12, 1952, with respect to all fees and expenses incurred in connection with the proposed transactions; and

Philadelphia and Duquesne having filed a further amendment to the joint application-declaration in which it is stated that, in accordance with the permission granted by the said order of the Commission dated November 12, 1952, they offered such common stock for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidding group headed by:	*Price per share to companies*
Kidder, Peabody & Co. and White, Weld & Co	$29.2204
Blyth & Co., Inc., and Merrill Lynch, Pierce, Fenner & Beane	29.11
Kuhn, Loeb & Co. and Smith, Barney & Co	28.929
Carl M. Loeb Rhoades & Co. and Wertheim & Co	28.8275
Stone & Webster Securities Corp.	28.81

Philadelphia and Duquesne having stated that they have accepted the bid of Kidder, Peabody & Co. and White, Weld & Co., as set forth above, and that the purchasers propose to offer said shares to the public at $29.75 per share, resulting in an underwriters' spread of $.5296 per share aggregating $132,400; and

The Commission having examined said amendment and having considered the record herein and finding no reason for imposing any terms or conditions with respect to the price to be received by Philadelphia and Duquesne for the stock, the underwriters' spread, or otherwise, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved over the results of competitive bidding with respect to the sale of Duquesne's common stock by Philadelphia and the issuance and sale of its common stock by Duquesne be released; and

The record having been completed with respect to certain fees and expenses and the Commission deeming it appropriate to release jurisdiction as to such fees and expenses provided such fees and expenses, paid or to be paid, as to which jurisdiction is being released, do not exceed the amounts stated below:

It is ordered, That the joint application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, and that the jurisdiction heretofore reserved over the results of competitive bidding with respect to the sale of Duquesne's common stock by Philadelphia and the issuance and sale of its common stock by Duquesne be, and the same hereby is, released subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, released with respect to the following fees and expenses, provided they do not exceed the amounts herein stated:

	Duquesne	Philadelphia	Total
Securities and Exchange Commission filing fee	$280	$595	$875
Federal issue tax	280		280
Federal transfer tax		1,020	1,020
State transfer tax		340	340
Pennsylvania stock bonus	1,000		1,000
Printing	3,840	8,160	12,000
Engraving	2,500		2,500
Transfer agent and registrar fees	600		600
Qualifying under securities laws of various States	800	1,700	2,500
Listing on various stock exchanges	800	1,700	2,500
Miscellaneous expenses	800	1,145	2,085
Total	12,200	14,660	26,900

It is further ordered, That jurisdiction, heretofore reserved, over fees and expenses for accounting and legal services in connection with the proposed transactions be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–12512; Filed, Nov. 24, 1952; 8:46 a. m.]

[File No. 812-806]

MASSACHUSETTS INVESTORS TRUST

NOTICE OF APPLICATION

NOVEMBER 19, 1952.

Notice is hereby given that Massachusetts Investors Trust (hereinafter called "MIT"), a strict trust organized in Massachusetts and an open-end, diversified management investment company registered under the Investment Company Act of 1940, whose address is 200 Berkeley Street, Boston 16, Massachusetts, has filed an application under Rule N-17D-1 of the rules and regulations under the act, promulgated pursuant to section 17 (d) of the act, with respect to a proposed Pension Plan and a proposed Profit-Sharing Plan for employees of MIT.

The Pension Plan provides for pensions and life insurance benefits to be funded by the purchase of level annual premium insurance company individual contracts purchased by the Pension Trustee. The rate of annual pensions at normal retirement age will be computed on the basis of the employee's aggregate basic compensation in excess of $3,600 in each year during the period of his coverage (including past years in which he would have been covered if the Plan had been in effect), but shall not be less than $120 a year. Provision is made for death benefits upon death of the employee prior to retirement.

The Profit-Sharing Plan provides for quarterly contributions for the account of each employee equal to 15 percent of his basic compensation (including bonuses) provided that the aggregate of contributions for all employees in any quarter shall not exceed ¾ of 1 percent of the net income of MIT (excluding capital gains or losses and as reported to shareholders before deductions of Profit Sharing Plan contributions for that quarter). Contributions will be invested in United States Government obligations except that any employee may elect in any quarter to invest all or one-half of his contribution in shares of MIT. Provision is made for conversion of accounts into cash upon or after retirement at the election of an employee and distributions are made in cash at retirement or severance over a ten-year period. Upon death an employee's account will be distributed to his beneficiary or beneficiaries in cash in a lump sum or as he may direct subject to the approval of the Retirement Committee.

Under both plans MIT will make all the contributions and bear the administrative expenses, except that under the Pension Plan an employee bears any extra life insurance premium caused by the fact that he is a substandard risk. At the present time nine employees of MIT are eligible to participate in the Pension Plan and twenty-three employees are eligible to participate in the Profit-Sharing Plan. If the Profit-Sharing Plan had been in effect for the entire year 1952, the contributions of MIT to the Plan would be $27,938, assuming no change in compensation of members. The first year premium costs of the Pension Plan to MIT will be $15,443.49, assuming all employees to be insurable. The costs of contributions to, and administration of, the Plans will be an additional operating expense of MIT.

The amended application states that the Plans have been approved by the Trustees for adoption in order to increase the stability of MIT's personnel which is composed at the analytical and professional level of highly trained specialists who are not easily replaceable and for whom MIT must compete with organizations offering deferred compensation plans, and that to the extent that shares of MIT are purchased by the Profit-Sharing Plan, the Plan itself acts as an incentive to employees to better the performance of MIT with respect both to capital appreciation and income.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after December 5, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 3, 1952, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12511; Filed, Nov. 24, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27554]

BRICK FROM ALBUQUERQUE, N. MEX., TO POINTS IN SOUTHWEST AND MIDWEST

APPLICATION FOR RELIEF

NOVEMBER 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Brick and related articles, carloads.

From: Albuquerque, N. Mex.

To: Points in southwestern territory, including Kansas, southern Missouri, Kansas City, Mo., and Mississippi River crossings.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3586, Supp. 128.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12520; Filed, Nov. 24, 1952, 8:47 a. m.]

[4th Sec. Application 27555]

ETHYLENE GLYCOL FROM DOE RUN, KY., TO BALTIMORE, MD.

APPLICATION FOR RELIEF

NOVEMBER 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Baltimore and Ohio Railroad Company and other carriers.

Commodities involved: Ethylene glycol, in tank-car loads.

From: Doe Run, Ky.

To: Baltimore, Md.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12521; Filed, Nov. 24, 1952; 8:47 a. m.]

[4th Sec. Application 27556]

BANANAS AND COCOANUTS FROM CERTAIN POINTS IN TEXAS, TO AMARILLO AND SHAMROCK, TEX.

APPLICATION FOR RELIEF

NOVEMBER 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 748.

Commodities involved: Bananas and cocoanuts, carloads.

From: Brownsville, Galveston, Houston, Laredo, and Texas City, Tex.

To: Amarillo and Shamrock, Tex.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 748, Supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12522; Filed, Nov. 24, 1952; 8:47 a. m.]

[No. 31104; No. MC-C-1431 and First Supplemental Order]

CANNED GOODS IN OFFICIAL TERRITORY

REASSIGNING TIME FOR HEARINGS AND PRESCRIBING SPECIAL RULES DIRECTING INTERCHANGE OF PREPARED MATERIAL

In the matters of (1) reassigning the time for hearings, and (2) prescribing special rules directing interchange of prepared material prior to hearing.

It appearing, that a substantial number of motor carriers are being made respondents in No. MC-C-1431, and that these respondents would have insufficient notice of this proceeding adequately to prepare for hearing therein as now assigned:

It is ordered, That the hearings now scheduled at Washington, D. C., on December 2, 1952, in the above-entitled proceedings, be, and they are hereby, reassigned for hearing at the offices of the Interstate Commerce Commission, Washington, D. C., at 9:30 o'clock a. m., e. s. t., on January 26, 1953, before Examiner Oren G. Barber;

It is further ordered, That the following special rules shall be applicable herein:

1. *Prepared statement interchange before hearing.* The parties shall prepare in writing all evidence in chief of their witnesses and serve upon all other parties copies thereof together with any exhibits they intend to offer in evidence, such testimony and exhibits to be served by all parties on or before December 22, 1952. The filing and service of all testimony and exhibits in rebuttal of such direct evidence shall be made on or before January 12, 1953. A copy of all testimony and exhibits shall also be mailed to the examiner.

2. *Participation limited.* Any person not a respondent who desires to submit evidence herein shall, not later than seven days prior to the due date herein provided for submission of evidence (December 22 or January 12, as the case may be), file a petition for leave to intervene; and the subsequent reception of evidence, except as good cause therefor shall otherwise be shown at the hearing, will be limited to respondents and to those who by order shall have been permitted to intervene as herein provided.

3. *Notification of desire to be served with testimony and exhibits.* Any respondent or other party desiring to be served with exhibits and testimony as hereinbefore provided must notify the Acting Secretary of the Interstate Commerce Commission on or before December 8, 1952, of such desire. Thereafter, a list of parties will be compiled, and a copy thereof served upon all parties.

4. *General specifications.* Prepared statements shall conform to Rule 15 of the general rules of practice in respect to style, mimeographing or printing, etc. Evidence offered should be prepared carefully with conciseness and clarity and so as to avoid extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony upon any point. The statements should be factual in character, and argument not be incorporated in the testimony. If not so limited the prepared statement may be excluded in whole or in part. Also the Commission on its own motion or on objection may exclude a statement or any portion thereof which is (a) not material or relevant to the questions presented in the proceeding, or (b) obviously incompetent.

5. *Verification; relief from cross examination and personal appearance.* There is no requirement that a prepared statement shall have an affidavit attached, but this does not preclude attaching an affidavit to the prepared statement. If that is done the following, or its equivalent, should appear on the top of the first sheet of the statement:

This statement is verified. Unless written request for cross examination is received by affiant or his attorney not later than January 15, 1953, affiant desires that the statement be considered for incorporation in the record without his personal appearance as a witness.

A witness making such a request and thereafter receiving a demand for cross examination must personally report at the hearing, or his verified statement may not be received. If a demand for cross examination is not made, the privilege of cross examination will be deemed to be waived if the statement is verified and the witness making the statement has requested to be relieved from personal appearance as above provided. It will be presumed that a witness preparing an unsworn statement intends personally to appear at the hearing for cross examination and to be sworn at that time. An unsworn statement may not be admitted.

6. *Oral evidence limited.* Implementing oral evidence to correct errors or to supply inadvertent omissions in prepared statements is permissible, but evidence in chief not previously interchanged in writing as herein provided may not be admitted except as good cause therefor shall be shown at the hearing.

7. *How admitted to the record.* To become part of the record it is necessary for the witness, or some one qualified to represent him, formally to offer the prepared statement in evidence at the hearing; and unless good reason shall otherwise appear, the statement will be admitted as an exhibit.

8. *Materiality reserved.* A prepared statement received in evidence with or without objection as to its admissibility is subject to subsequent challenge as to the weight to be accorded to the facts in such statement.

9. *Witness examination.* The examination of a witness should be conducted in a manner so as to make it rapid, distinct, and as little annoying to the witness as is consistent with eliciting the facts, and to this end counsel on the same side of an issue should agree upon one person to examine a witness.

10. *Proposed findings; oral argument.* At the close of the testimony the examiner shall call upon the parties to read into the record, or offer as an exhibit, a concisely prepared statement of numbered findings of fact and conclusions thereon which they believe should be made; and the parties should be prepared, as contemplated by Rule 88 of the general rules of practice, orally to argue the proceeding, or, in lieu thereof, to offer as an exhibit a written statement of oral argument:

And it is further ordered, That in addition to service hereof upon all parties of record, a copy hereof also shall be filed with the Director, Division of the Federal Register.

Dated at Washington, D. C., this 14th day of November A. D. 1952.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12523; Filed, Nov. 24, 1952; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 231

Washington, Wednesday, November 26, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2998

ENLARGING THE HOVENWEEP NATIONAL MONUMENT, COLORADO AND UTAH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Proclamation No. 1654 of March 2, 1923, established the Hovenweep National Monument on certain public lands in southwestern Colorado and southeastern Utah for the purpose of preserving four groups of ruins, including structures of the finest prehistoric masonry found in the United States, and Proclamation No. 2924 of April 26, 1951, added to the monument certain other public lands in southwestern Colorado containing other significant ruins; and

WHEREAS other public lands, contiguous to a portion of the lands now comprising the said monument, have been found to contain very important archeological sites, including small pueblos and an exceptional and significant great kiva (a large circular semi-subterranean ceremonial room), the inside and overall diameters of which are approximately 60 and 100 feet, respectively, which kiva has never been excavated by archeologists or vandalized by unauthorized digging; and

WHEREAS it appears that it would be in the public interest to reserve the lands embracing such archeological sites as a part of the said monument:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U. S. C. 431), do hereby proclaim that, subject to valid existing rights and the provisions of existing withdrawals, the following-described lands in Colorado are hereby added to and reserved as a part of the Hovenweep National Monument:

NEW MEXICO PRINCIPAL MERIDIAN

T. 36 N., R. 17 W.,
sec. 4, lot 3, SE¼NW¼, and E½SW¼NW¼.

The area described contains 81.02 acres, more or less.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any features of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the lands hereby added to this monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, 39 Stat. 535 (16 U. S. C. 1–3), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of November in the year of our Lord nineteen hundred and [SEAL] fifty-two and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-12644; Filed, Nov. 25, 1952; 10:16 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter B—Estate and Gift Taxes

[Regs. 105; T. D. 5948]

PART 81—REGULATIONS RELATING TO ESTATE TAX

MISCELLANEOUS AMENDMENTS

On September 5, 1952, notice of proposed rule making, regarding certain estate tax provisions of the Revenue Act of 1950, approved September 23, 1950, was published in the FEDERAL REGISTER

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(17 F. R. 8020). No objections to such rules having been received, the amendments set forth below necessary to conform Regulations 105 (26 CFR Part 81) to such provisions are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 81.44 the following:

SEC. 302. EXEMPTION OF CERTAIN ORGANIZATIONS FOR PAST YEARS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Trade or business not unrelated.* For any taxable year beginning prior to January 1, 1951, no organization shall be denied exemption under paragraph (1), (6), or (7) of section 101 of the Internal Revenue Code on the grounds that it is carrying on a trade or business for profit if the income from such trade or business would not be taxable as unrelated business income under the provisions of Supplement U of the Internal Revenue Code, as amended by this act, or if such trade or business is the rental by such organization of its real property (including personal property leased with the real property).

(b) *Period of limitations.* In the case of an organization which would otherwise be exempt under section 101 of the Internal Revenue Code were it not carrying on a trade or business for profit, the filing of the information return required by section 54 (f) of the Internal Revenue Code (relating to returns by tax-exempt organizations) for any taxable year beginning prior to January 1, 1951, shall be deemed to be the filing of a return for the purposes of section 275 of the Internal Revenue Code (relating to period of limitation upon assessment and collection). In the case of such an organization which was, by the provisions of section 54 (f) of the Internal Revenue Code, specifically not required to file such information return, for the purposes of the preceding sentence a return shall be deemed to have been filed at the time when such return should have been filed had it been so required. The provisions of this subsection shall not apply to a taxable year of such an organization with respect to which, prior to September 20, 1950, (1) any amount of tax was assessed or paid, or (2) a notice of deficiency under section 272 of the Internal Revenue Code was sent to the taxpayer.

(c) *Denial of deductions.* A gift or bequest to an organization prior to January 1, 1951, for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) otherwise allowable as a deduction under section * * * 812 (d), 861 (a) (3), * * * of the Internal Revenue Code, may not be denied under such sections if a denial of exemption to such organization for the taxable year of the organization in which such gift or bequest was made is prevented by the provisions of subsections (a) or (b) of this section.

SEC. 162. NET INCOME (INTERNAL REVENUE CODE AS AMENDED BY SECTION 321, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The net income of the estate or trust shall be computed in the same manner and on the same basis as in the case of an individual, except that—

(a) Subject to the provisions of subsection (g), there shall be allowed as a deduction (in lieu of the deduction for charitable, etc., contributions authorized by section 23 (o)) any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating the trust, is during the taxable year paid or permanently set aside for the purposes and in the manner specified in section 23 (o), or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit. Where any amount of the income so paid or set aside is attributable to gain from the sale or exchange of capital assets held for more than six months, proper adjustment of the deduction otherwise allowable under this subsection shall be made for any deduction allowable to the trust under section 23 (ee);

* * * * *

(g) *Rules for application of subsection (a) in the case of trusts.*

* * * * *

(2) *Operations of trusts—(A) Limitation on charitable, etc., deduction.* The amount otherwise allowable under subsection (a) as a deduction shall not exceed 15 per centum of the net income of the trust (computed without the benefit of subsection (a)) if the trust has engaged in a prohibited transaction, as defined in subparagraph (B) of this paragraph.

(B) *Prohibited transactions.* For the purposes of this paragraph the term "prohibited transaction" means any transaction after July 1, 1950, in which any trust while holding income or corpus which has been permanently set aside or is to be used exclusively for charitable or other purposes described in subsection (a)—

(i) Lends any part of such income or corpus, without receipt of adequate security and a reasonable rate of interest, to;

(ii) Pays any compensation from such income or corpus, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(iii) Makes any part of its services available on a preferential basis to;

(iv) Uses such income or corpus to make any substantial purchase of securities or any other property, for more than an adequate consideration in money or money's worth, from;

(v) Sells any substantial part of the securities or other property comprising such income or corpus, for less than an adequate consideration in money or money's worth, to; or

(vi) Engages in any other transaction which results in a substantial diversion of such income or corpus to;

the creator of such trust; any person who has made a substantial contribution to such trust; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of the trust or who has made a substantial contribution to the trust; or a corporation controlled by any such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(C) *Taxable years affected.* The amount otherwise allowable under subsection (a) as a deduction shall be limited as provided in subparagraph (A) only for taxable years subsequent to the taxable year during which the trust is notified by the Secretary that it has engaged in such transaction, unless such trust entered into such prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such corpus or income.

(D) *Future charitable, etc., deductions of trusts denied deduction under subparagraph (C).* If the deduction of any trust under subsection (a) has been limited as provided in this paragraph, such trust, with respect to any taxable year following the taxable year in which notice is received of limitation of deduction under subsection (a), may, under regulations prescribed by the Secretary, file claim for the allowance of the unlimited deduction under subsection (a), and if the Secretary, pursuant to such regulations, is satisfied that such trust will not knowingly again engage in a prohibited transaction, the limitation provided in subparagraph (A) shall not be applicable with respect to taxable years subsequent to the year in which such claim is filed.

(E) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section * * * 812 (d), 861 (a) (3), * * * shall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or bequest is made, the deduction allowed the trust under subsection (a) is limited by subparagraph (A). With respect to any taxable year of a trust in which such deduction has been so limited by reason of entering into a prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such income or corpus, and

which taxable year is the same, or prior to the, taxable year of the trust in which such prohibited transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(F) *Definition.* For the purposes of this paragraph the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

(3) *Cross reference.* For disallowance of certain charitable, etc., deductions otherwise allowable under subsection (a), see section 3813.

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SEC. 322. EFFECTIVE DATE OF PART II (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part [section 321, inserting subsection (g) in section 162 of the Internal Revenue Code] shall be applicable only with respect to taxable years beginning after December 31, 1950, except that subsection (g) (2) (E) of section 162 of the Internal Revenue Code, added by section 321 (a) of this Act, shall apply only with respect to gifts or bequests (as defined in section 162 (g) (2) (F) of the Internal Revenue Code) made on or after January 1, 1951.

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SEC. 331. EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Chapter 38 is hereby amended by inserting at the end thereof the following new sections:

SEC. 3813. REQUIREMENTS FOR EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND FOR DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS.

(a) *Organizations to which section applies.* This section shall apply to any organization described in section 101 (6) except—

(1) A religious organization (other than a trust);

(2) An educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on;

(3) An organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 101 (6)) from the United States or any State or political subdivision thereof or from direct or indirect contributions from the general public;

(4) An organization which is operated, supervised, controlled, or principally supported by a religious organization (other than a trust) which is itself not subject to the provisions of this section; and

(5) An organization the principal purposes or functions of which are the providing of medical or hospital care or medical education or medical research.

(b) *Prohibited transactions.* For the purposes of this section, the term "prohibited transaction" means any transaction in which an organization subject to the provisions of this section—

(1) Lends any part of its income or corpus, without the receipt of adequate security and a reasonable rate of interest, to;

(2) Pays any compensation, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(3) Makes any part of its services available on a preferential basis to;

(4) Makes any substantial purchase of securities or any other property, for more than adequate consideration in money or money's worth, from;

(5) Sells any substantial part of its securities or other property, for less than an adequate consideration in money or money's worth, to; or

(6) Engages in any other transaction which results in a substantial diversion of its income or corpus to;

the creator of such organization (if a trust); a person who has made a substantial contribution to such organization; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of such trust or who has made a substantial contribution to such organization; or a corporation controlled by such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(c) *Denial of exemption to organizations engaged in prohibited transactions*—(1) *General rule.* No organization subject to the provisions of this section which has engaged in a prohibited transaction after July 1, 1950, shall be exempt from taxation under section 101 (6).

(2) *Taxable years affected.* An organization shall be denied exemption from taxation under section 101 (6) by reason of paragraph (1) only for taxable years subsequent to the taxable year during which it is notified by the Secretary that it has engaged in a prohibited transaction, unless such organization entered into such prohibited transaction with the purpose of diverting corpus or income of the organization from its exempt purposes, and such transaction involved a substantial part of the corpus or income of such organization.

(d) *Future status of organization denied exemption.* Any organization denied exemption under section 101 (6) by reason of the provisions of subsection (c), with respect to any taxable year following the taxable year in which notice of denial of exemption was received, may, under regulations prescribed by the Secretary, file claim for exemption, and if the Secretary, pursuant to such regulations, is satisfied that such organization will not knowingly again engage in a prohibited transaction, such organization shall be exempt with respect to taxable years subsequent to the year in which such claim is filed.

(e) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section • • • 812 (d), 861 (a) (3), • • • shall be allowed as a deduction if made to an organization which, in the taxable year of the organization in which the gift or bequest is made, is not exempt under section 101 (6) by reason of the provisions of this section. With respect to any taxable year of the organization for which the organization is not exempt pursuant to the provisions of subsection (c) by reason of having engaged in a prohibited transaction with the purpose of diverting the corpus or income of such organization from its exempt purposes and such transaction involved a substantial part of such corpus or income, and which taxable year is the same, or prior to, the, taxable year of the organization in which such transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(f) *Definition.* For the purposes of this section, the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

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SEC. 332. TECHNICAL AMENDMENTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

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(e) *Amendment of section 812 (d).* Section 812 (d) is hereby amended by adding at the end thereof the following: "For disallowance of certain charitable, etc., deductions otherwise allowable under this subsection, see sections 3813 and 162 (g) (2)."

(f) *Amendment of section 861 (a).* Section 861 (a) (3) is hereby amended by adding at the end thereof the following: "For disallowance of certain charitable, etc., deductions otherwise allowable under this paragraph, see sections 3813 and 162 (g) (2)."

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SEC. 333. EFFECTIVE DATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Subsections (c) and (d) of section 3813 • • • of the Internal Revenue Code, added by section 331 of this Act, shall apply with respect to taxable years beginning after December 31, 1950, and subsection (e) of section 3813 of the Internal Revenue Code shall apply only with respect to gifts or bequests (as defined in section 3813 of the Internal Revenue Code) made on or after January 1, 1951.

PAR. 2. Section 81.44, as amended by Treasury Decision 5906, approved May 27, 1952, is further amended as follows:

(A) By changing the headnote of such section and of paragraph (a) to read as follows: "§ 81.44 *Transfers for public, charitable, religious, etc., uses*—(a) *In general.*";

(B) By striking the word "Deduction" at the beginning of the first sentence and inserting in lieu thereof the following: "Except as otherwise provided in paragraph (b) of this section, deduction"; and

(C) By adding at the end of paragraph (a) the following paragraph (b).

(b) *Disallowance of certain charitable, etc., deductions.* (1) In the case of a decedent dying on or after January 1, 1951, no deduction which would otherwise be allowable under paragraph (a) of this section for the value of property transferred by the decedent during his lifetime or by will for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) shall be allowed if (i) the transfer is made in trust and, for income tax purposes for the taxable year of the trust in which the transfer is made, the deduction otherwise allowable to such trust under section 162 (a) is limited by section 162 (g) (2) (A) by reason of the trust having engaged in a prohibited transaction described in section 162 (g) (2) (B); or (ii) the transfer is made to an organization subject to section 3813 which, for its taxable year in which the transfer is made, is not exempt from income tax under section 101 (6) by reason of having engaged in a prohibited transaction described in section 3813 (b).

(2) For the purpose of section 162 (g) (2) (E) and section 3813 (e) the term "transfer" includes any gift, contribution, bequest, devise, legacy, or other disposition. In applying such sections for estate tax purposes, a transfer, whether made before, on or after January 1, 1951, and whether made during the decedent's lifetime or by will, shall be considered as having been made at the moment of the decedent's death.

(3) Part 29 of this chapter, relating to the income tax, contain the rules for the determination of the taxable year of the trust for which the deduction under section 162 (a) is limited by section 162 (g) (2) and for the determination of the taxable year of the organization for which an exemption is denied under section 3813 (c). See §§ 29.162–3 (b) and 29.3813–1 of this chapter. Such taxable year must begin after December 31, 1950. Generally, such taxable year is a taxable year subsequent to the taxable year during which the trust or organization has been notified by the Commissioner that it has engaged in a prohibited transaction. However, if the trust or organization after December 31, 1950, and during or prior to the taxable year entered into the prohibited transaction for the purpose of diverting its corpus or income from the purposes described in section 162 (a) or from its exempt purposes, as the case may be, and such transaction involves a substantial part of such income or corpus, then the deduction of the trust under section 162 (a) for such taxable year is limited by section 162 (g) (2), or the exemption of the organization for such taxable year is denied under section 3813 (c), whether or not the organization has previously received notification by the Commissioner that it is engaged in a prohibited transaction. In certain cases, the limitation of section 162 (g) may be removed or the exemption may be reinstated for certain subsequent taxable years under the rules set forth in §§ 29.162–3 (b) and 29.3813–2, of this chapter.

(4) In cases in which prior notification by the Commissioner is not required in order to limit the deduction of the trust under section 162 (g) (2) or to deny exemption of the organization under section 3813, the deduction otherwise allowable under paragraph (a) of this section shall not be disallowed in respect to transfers made during the same taxable year of the trust or organization in which such prohibited transaction occurred or in a prior taxable year unless the decedent or a member of his family was a party to the prohibited transaction. For the purpose of the preceding sentence, the members of the decedent's family include only his brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants.

PAR. 3. Section 81.45 is amended by adding at the end thereof the following: "For further limitations in the case of transfers by decedents dying on or after January 1, 1951, see § 81.44 (b), relating to transfers to trusts and organizations engaged in a prohibited transaction described in sections 162 (g) (2) (B) or 3813 (b)."

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: November 21, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–12587; Filed, Nov. 25, 1952; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter B—Aircraft

PART 824—AIR FORCE PARTICIPATION IN CEREMONIES, CELEBRATIONS, AND EXHIBITIONS

The following new sections revise §§ 824.1 to 824.11 (16 F. R. 1270; 32 CFR 824).

Sec.
824.1 General.
824.2 Definition.
824.3 Types of participation.
824.4 Approving authority.
824.5 Suitable occasions.
824.6 Rules for participation.
824.7 Qualifications.
824.8 Idemnity insurance specifications.
824.9 Equipment for exhibitions.
824.10 Participation of military personnel.

AUTHORITY: §§ 824.1 to 824.10 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a.

DERIVATION: AFR 190–5.

§ 824.1 *General*—(a) *Purpose.* This part prescribes the policy and procedures governing participation of aircraft in demonstrations, celebrations, and public events; defines types of participation; and states the rules for Air Force participation.

(b) *Policy.* (1) To sustain broad public understanding of the mission and operations of the Air Force, it is desired that, within security and budgetary limitations, the public be permitted to view the equipment and state of training of the Air Force.

(2) Owing to interruptions in training, operational maneuvers, and the high cost incurred by the Government, aircraft will participate in demonstrations only on carefully selected occasions.

§ 824.2 *Definition.* Participation of aircraft in demonstrations, celebrations, and public events is any flight or display at a specific place or time, such as public gatherings, demonstrations, ceremonies, and similar events sponsored by public officials, nonprofit civilian agencies, organizations representing the public, or by the Department of Defense or the Air Force.

§ 824.3 *Types of participation*—(a) *Class I; the flyover.* The aircraft depart from a military base, participate as practicable, and return to the base without landing.

(b) *Class II; major shows.* The aircraft depart from their home stations as necessary to arrive prior to the event, participate as practicable, refuel as necessary, and are based at a location other than the home station for the duration of the event.

(c) *Class III; open house.* The aircraft are demonstrated as practicable for public audiences on a Government-owned or leased installation. The demonstration is composed of aircraft under the command jurisdiction of the headquarters approving the open house.

§ 824.4 *Approving authority*—(a) *Classes I and II.* Classes I and II must be approved by the Office of the Secretary of Defense. However, all requests for Class I and II participation will be directed through normal channels to the Director of Public Information, Office of the Secretary of the Air Force, Washington 25, D. C.

(b) *Class III.* (1) If the event concerns national holidays, anniversaries, or other situations of great national or international interest, it will be approved and monitored by the Director of Public Information, Office of the Secretary of the Air Force. Authority for the planning and arrangement of details is delegated to the major air command in accordance with applicable instructions contained in this part.

(2) Arrangements for recruiting demonstrations and exhibitions, local Air Force base open house, and similar matters of local Air Force interest will be approved by the Director of Public Information, Office of the Secretary of the Air Force. Arrangements will be delegated to the major air command in accordance with applicable instructions contained in this part.

§ 824.5 *Suitable occasions*—(a) *Class I.* (1) Civic sponsored local celebrations of national holidays, specifically, Independence Day, Armistice Day, Memorial Day, and Armed Forces Day.

(2) Memorial services for deceased nationally recognized military or Government figures.

(3) Celebrations or receptions for prominent representatives of foreign governments.

(4) National conventions of bona fide major veterans' organizations.

(b) *Class II.* Occasions of national importance designed primarily to encourage the advancement of aviation.

(c) *Class III.* Such times or occasions as the Chief of Staff, United States Air Force, or properly delegated subordinate commanders believe to be in the interest of the Air Force.

§ 824.6 *Rules for participation*—(a) *General.* (1) The occasion must be sponsored by nonprofit civic agencies, public officials, the Department of Defense, or the Air Force.

(2) No monetary gain will accrue to any person or organization other than that which would be used in the interest of the general public or a bona fide philanthropy.

(3) The sponsor must provide information indicated in the Air Show Information Steet and Questionnaire (to be furnished by the Director of Public Information).

(4) Aircraft will not be flown in any race or engage in acrobatics, except as specifically authorized by the approving authority as outlined in § 824.4.

(5) Aircraft may demonstrate such tactics as are justified by conditions and by pilot proficiency but are subject to military or civil air regulations.

(6) Decision for aircraft to participate in any class event will be based on fuel allowances, operating schedules, safe operating radius and conditions, interference with normal operations and training, expenses of personnel, and availability of suitable types of aircraft in the area of participations.

(7) In no case will personnel be required to participate in aviation demon-

strations, Class I, II, or III, without reasonable reimbursement by either the sponsor or the service concerned for necessary additional expenses which may be incurred as a result of such participation.

(b) *Class I.* (1) The occasion must be a suitable one as defined in § 824.5 (a).

(2) No acrobatics will be flown.

(3) No insurance bond is required, nor is any financial obligation on the part of the sponsoring agency incurred.

(c) *Class II.* (1) The occasion must be a suitable one as defined in § 824.5 (b).

(2) The airport must be adequate; approaches, lengths of runways, and hazards to navigation must provide a wide margin of safety. Suitable firefighting and communications equipment must be provided.

(3) Participating personnel will be sufficient in number and proficiency to care for and maintain aircraft.

(4) A nonparticipating rated pilot will be designated the liaison officer. On occasions where two or more services are participating, the Office of the Secretary of Defense will indicate which service will designate the senior liaison officer. The senior liaison officer will be detailed in time to arrive at the properly appointed place sufficiently ahead of the participating units, and will be responsible for proper coordination between the sponsoring agency and the military units. It will also be his responsibility to insure that all flight regulations are rigidly adhered to and that the insurance bond is properly executed.

(d) *Class III.* The occasion must be a suitable one as defined in § 824.5 (c).

(e) *Exceptions.* In unusual circumstances, exceptions to the rules of participation will be submitted through channels to the Director of Public Information, Office of the Secretary of the Air Force.

§ 824.7 *Qualifications.* The organization requesting a Class II show will:

(a) Furnish sufficient fuel of Air Force specification to cover flight demonstrations, including filling the tanks of the aircraft on arrival and again prior to departure.

(b) Defray the expenses of all personnel involved in the demonstration while away from their home stations. The expenses will include suitable hotel accommodations; suitable and adequate meals (or reasonable monetary reimbursement in lieu thereof); and adequate transportation during the course of events for the participating personnel.

(c) Negotiate an insurance bond if any flight participation is staged from or over the site of the event. (No bond will be required when aircraft fly to an event for static exhibition only.)

(d) Give assurance that the performance will be in keeping with aviation progress and will not in any way endanger the spectators, unduly endanger the participants, or detract from the dignity of the participating service.

§ 824.8 *Indemnity insurance specifications*—(a) *Participations not requiring indemnity bonds.* (1) Demonstration flights conducted at installations owned or leased by the United States Government.

(2) Public exhibitions not involving flight of service aircraft and equipment regardless of place of exhibition (static displays of aircraft).

(3) Flight of aircraft to and from place of exhibition.

(4) Class I demonstrations (the fly-over).

(b) *Participation requiring indemnity bond.* Flying demonstrations by service aircraft at places not owned or leased by the United States Government other than Class I participation, but to include helicopter demonstrations, require indemnity bonds.

(c) *Bond required*—(1) *Type.* A liability insurance policy will be considered as adequate insurance bond coverage.

(2) *Amount.* Indemnity or liability insurance indorsement to the extent of $50,000 to $500,000 for personal injury or death and $250,000 for property damage in connection with flying demonstrations is considered an adequate amount for normal participation.

(d) *Scope of coverage.* The subject bond or liability policy must state clearly the intent to cover accidents caused by or resulting from the maintenance, use, or operation of aircraft and equipment owned by the United States Government, and officers or employees of the United States Government acting within the scope of their employment. The policy should contain the elements present in the sample indorsement below:

SAMPLE INDORSEMENT

(1) The coverage provided by this policy is extended to cover accidents caused by or resulting from the maintenance or use of aircraft or equipment owned by the United States Government, its officers or employees acting within the scope of their office or employment.

(2) It is understood and agreed that the coverage granted hereunder shall not apply with respect to bodily injury accidents (or death resulting therefrom) to officers or employees of the United States and/or damage to or destruction of United States Government aircraft or equipment.

(e) *Submission.* Subject bond or insurance must be submitted to the Director of Public Information, Office of the Secretary of the Air Force, Washington 25, D. C., not later than ten days prior to the beginning of the demonstration.

§ 824.9 *Equipment for exhibitions*—(a) *Definition.* Equipment includes aeronautics equipment, such as aircraft and parts thereof, instructional and informational literature, posters, etc.

(b) *Responsibility of major air commanders.* Commanding generals of major air commands will issue instructions concerning the type of equipment to be displayed and provide for its availability. They will be guided by the principle that the Air Force should do everything within its power to promote interest at every opportunity by making available to the general public, interesting exhibits of equipment, motion pictures, and captured equipment; by having qualified officers speak to civic organizations and other groups; and by including the possibility of having each major air activity prepare fixed and mobile exhibits of public interest. In addition, they will determine policies controlling exhibitions, particularly as to whether it is to the best interest of the Air Force to participate in a public display or hold "open house" at the nearest Air Force base.

(c) *Responsibility of commanding officers.* Commanding officers will, within policies established above, comply with all reasonable requests for furnishing such equipment for exhibition purposes for local civic nonprofit organizations. Decision to participate must be based upon the following considerations, and, once the decision is made, every effort will be made to insure success:

(1) The display must be available to the general public, not confined solely to the members of the organization making the request.

(2) The organization making the request must be representative of the public in the general local area.

(3) The display must afford an opportunity to educate the general public in Air Force equipment and give favorable publicity to the Air Force.

(d) *Conditions to be met.* The following conditions will be met in furnishing such equipment:

(1) No classified equipment will be displayed.

(2) Equipment must be under such auspices and so displayed as to emphasize its educational value and to attract wide attention.

(3) Displayed equipment must be under the direct supervision of a military or civilian representative of the Air Force.

(4) Those organizations requesting Air Force participation involving static exhibit equipment and charging admission for admittance to exhibition will be governed by the rules for participation as outlined in §§ 824.7 (a) and 824.8 so far as the regulations apply.

(e) *Forwarding information.* Information concerning such participation will be forwarded to the Director of Public Information, Office of the Secretary of the Air Force, Washington 25, D. C.

§ 824.10 *Participation of military personnel.* Air Force military personnel may participate in parades, public exhibitions, etc., upon invitation from responsible public officials, on occasions that will not interfere with normal training or operational activities, and when such participation would create favorable publicity for the Air Force. Information concerning such participation will be forwarded to the Director of Public Information, Office of the Secretary of the Air Force, Washington 25, D. C.

[SEAL] K. B. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52-12534; Filed, Nov. 25, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order 23]

DMO 23—AGENCY RESPONSIBILITIES IN COMPLETING AND MAINTAINING THE MOBILIZATION BASE

Purpose. The purpose of this document is to bring together and amplify the guidance which has been given to the several mobilization agencies engaged in strengthening the mobilization base and to fix their responsibilities for action programs concerned with the mobilization base.

Definition. The mobilization base is that capacity available to permit rapid expansion of production, sufficient to meet military, war-supporting, essential civilian, and export requirements in event of a full-scale war. It includes such elements as essential services, food, raw materials, facilities, production equipment, organization, and manpower.

Policy. It is the policy of the United States to provide a military preparedness, in association with friendly nations, which can be maintained as long as necessary as a deterrent to aggression, as an indispensable support of our foreign policy, as a basis for initial phases of full-scale war, should war prove unavoidable, and as a foundation for speedy full mobilization.

Due to the continuing threat of aggression and the uncertainty as to when or where an aggressor might attack, a course has been chosen of (a) maintaining defense production in order to support limited military forces in a high state of readiness, commensurate with world conditions, and (b) providing the esential elements of a mobilization base to meet the requirements of full-scale war. Requirements for the first are increasingly being met. Therefore, additional stress will be placed on filling the gaps in the mobilization base.

To the maximum extent possible, private enterprise will continue to be relied upon to take the steps necessary to meet the requirements of the mobilization base, with Government aid when appropriate. Policies and actions shall take into consideration the need to minimize dislocations in the economy which adversely affects business initiative and employment opportunities, labor standards, small business participation and other relationships necessary for high morale and general economic stability.

In formulating programs and in utilizing available funds, balance must be maintained between building the mobilization base and providing a war reserve of end-items. This is necessary so that the two taken together will come up to, but not exceed, properly time-phased war requirements. Productive capacity generally is less subject to obsolescence and costs less than the reserves of end-items which it displaces. However, it is recognized that regardless of cost or obsolescence, minimum war reserves of military end-items as established by the Department of Defense are necessary to bridge the gap between the start of hostilities and the attainment of production.

An appropriate balance must now be established among the most critical elements of the mobilization base. Since passage of the Defense Production Act in 1950 substantial progress has been made in increasing our resources in many essential elements, such as steel and aluminum, which take the greatest investment in time and money. Full allowance should be made for conversion of less essential civilian production facilities to the production of military items, and the requirements, resources and capacities of allied and other friendly nations contributing to mutual security activities in determining critical deficiencies in the mobilization base.

The mobilization base program will be a continuous process of determination and action to the end of keeping requirements and resources aligned.

Programming the mobilization base. In programming the mobilization base both general and specific approaches will be used. The general approach is concerned with the measurement of total resources and their maximum use in wartime. This general effort is to be guided by the ODM Mobilization Base Program Committee.

The specific approach is concerned with deficiencies and imbalances in limited areas of the economy. Moreover, it is closely tied with production programs. The work of the ODM Advisory Committee on Production Equipment is an example of the specific approach.

In logic, the general approach includes the specific. In practice they are complements. The general approach will be cut off at a relatively high level in terms of the number of resources examined. The specific approach will be used to determine deficiencies for specialized equipment required by a particular program which can be identified in no other way.

The task is now, and will increasingly be, to complete the program of identifying those deficiencies in the mobilization base which would seriously limit military production under full mobilization conditions, and of overcoming such deficits as quickly and fully as possible. Once deficiencies are uncovered the Office of Defense Mobilization will determine which are to have priority of attention.

The Office of Defense Mobilization, after consultation with the National Security Resources Board on over-all mobilization problems, will provide all defense agencies with guidance to assure consistency among the programs developed by the defense agencies.

Estimates for key elements (a) of total feasible full-mobilization requirements, (b) of existing resources and future availabilities to meet the requirements and (c) of resulting deficiencies, will be made by the appropriate agencies under the coordination and guidance of:

(1) Defense Production Administration for physical resources, except food and other agricultural commodities,

(2) The Department of Agriculture for food and other agricultural commodities,

(3) The Department of Labor (Defense Manpower Administration) for manpower.

In making the above computations, the agencies designated will work with the claimant agencies. In the absence of comprehensive and detailed requirements, agencies will use short-cut techniques to make interim determinations of deficiencies.

In calculating requirements and available resources, the needs and contributions of friendly countries will be taken into account. So far as feasible, U. S. mobilization base programming shall take account of full-mobilization base planning of other countries of the free world in a manner that will result in the maximum collective strength of the entire free world.

Studies will be continued to determine means of (a) maintaining the mobilization base, (b) minimizing its vulnerability, and (c) effecting rapid recuperation from wartime enemy attack. Proposals to achieve these objectives shall be developed by the agencies concerned under the guidance of the Office of Defense Mobilization and implemented through appropriate defense mobilization orders.

Action to complete the mobilization base. The agencies having mobilization programs will take action within the limits of present programs, authority and available funds, to overcome critical deficiencies. Whenever it is found that additional authority or funds are required, the need will be brought to the attention of the Director of Defense Mobilization.

Important examples of current programs and devices which will be continued to achieve the mobilization base, together with agencies having primary responsibilities for them, are listed below:

(a) Encouraging the expansion of industrial capacity and services by private enterprise with the use, where appropriate, of Government aids for projects determined to be in the interest of national defense: Primary responsibility—Defense Production Administration.

(b) Encouraging the expansion of food and agricultural capacity and effecting the necessary shifts in production patterns by the use, where appropriate, of Government aids and by procuring agricultural commodities for stockpiling or resale for industrial uses: Primary responsibility—Department of Agriculture.

(c) Administering, and preparing for administration under conditions of full mobilization, scheduling, limitation, conservation and other priority and allocation orders; and estimating, as delegated, requirements and resources for full mobilization for industrial production, industrial construction and civilian supply programs: Primary responsibility—Department of Commerce (National Production Authority).

(d) Engaging as many producers and facilities in current military production as is practicable: Primary responsibility—Department of Defense.

(e) Encouraging those engaged in military production to increase mobilization capacities were needed by expansion of facilities and subcontracting so that current military requirements may, to the extent practicable, be produced by one-shift operations, thus making expansion through a multi-shift operation available when needed: Primary responsibility, Department of Defense.

(f) When necessary to supplement capacity provided in paragraph (e) above, acquiring a selected reserve of machine tools and production equipment and, where practicable and desirable, putting these tools and equipment

in place: Primary responsibility—Department of Defense.

(g) Determining stockpiling objectives for strategic materials: Primary responsibility—Department of Defense and Department of the Interior.

(h) Encouraging the expansion of facilities for production and processing of critical materials to meet the requirements determined by the Defense Production Administration and to fulfill stockpile objectives set up by the Munitions Board: Primary responsibility—Defense Materials Procurement Agency.

(i) Encouraging the expansion of facilities by friendly countries for production of materials, equipment, and products of which there are deficiencies or potential deficiencies in the free world full mobilization base: Primary responsibility — Director for Mutual Security.

(j) Encouraging the exploration for critical raw materials and the development of improved methods for their extraction and recovery: Primary responsibility—Department of the Interior—domestic; Director for Mutual Security—foreign.

(k) Encouraging the conservation of critical materials and developing improved methods for conservation: Primary responsibility—Defense Production Administration.

(l) Encouraging friendly countries to conserve in their uses of materials critical to mobilization needs and to plan for their minimum use under full-mobilization conditions: Primary responsibility—Director for Mutual Security.

(m) Providing manpower in the numbers and skills required for the mobilization base through programs designed to obtain better utilization of human resources and development of skills: Primary responsibility—Department of Labor (Defense Manpower Administration).

In accordance with guidance provided by the Office of Defense Mobilization, reports by the participating agencies on their progress in determining deficiencies and meeting mobilization base objectives will be furnished to the Office of Defense Mobilization as required.

This order is to take effect on November 27, 1952.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

[F. R. Doc. 52-12645; Filed, Nov. 25, 1952; 10:26 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 9, Rev. 1, Supplementary Regulation 3, Rev. 1]

CPR 9—TERRITORIES AND POSSESSIONS

SR 3—ESTABLISHMENT OF UNIFORM PRICES IN THE TERRITORIES AND POSSESSIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 3, Revision 1, to Ceiling Price Regulation 9, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 3 to Ceiling Price Regulation 9, Revision 1, permits a manufacturer or wholesaler, who has established with the National office of the Office of Price Stabilization a uniform price in the continental United States for a branded product, to apply for a uniform price to prevail in any or all of the territories and possessions, if, for a period immediately prior to January 26, 1951, uniform prices were maintained for the branded product.

This Revision 1 to Supplementary Regulation 3 to Ceiling Price Regulation 9, Revision 1 permits retailers in any of the territories who sold, for a period immediately prior to January 26, 1951, a branded article or articles at the retail list price suggested by the manufacturer and if the Director of Price Stabilization has by order under section 43 of Ceiling Price Regulation 7, or Supplementary Regulation 4 of Ceiling Price Regulation 7, established uniform retail ceiling prices for the sale of the article or articles in the continental United States to apply for permission to use as ceiling prices the prices suggested by the manufacturer.

In addition, certain minor changes have been made in the supplementary regulation for purposes of clarity.

The Director of Price Stabilization, in formulating this Supplementary Regulation, has consulted with representatives of industry to the extent practicable and has given consideration to their recommendations.

In the judgment of the Director, the provisions of this revision to Supplementary Regulation 3 to Ceiling Price Regulation 9, Revision 1, are generally fair and equitable, and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices, application by manufacturers and wholesalers.
3. Wholesale ceiling prices.
4. Ceiling prices, application by retailers in the territories and possessions.
5. Orders.
6. Records.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161 Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides a method whereby certain manufacturers, wholesalers and retailers of branded articles sold under Ceiling Price Regulation 9, Revision 1, may apply for the establishment of uniform wholesale and retail ceiling prices.

SEC. 2. Ceiling prices, application by manufacturers and wholesalers. If you are the manufacturer or wholesaler of a branded article which was sold at retail in the territories and possessions, or any of them, at substantially uniform prices for a period immediately prior to January 26, 1951, and if the Director of Price Stabilization has previously by order under section 43 of Ceiling Price Regulation 7, or Supplementary Regulation 4 to Ceiling Price Regulation 7, established a uniform retail ceiling price for the article in the continental United States, you may apply for the establishment of a uniform retail ceiling price for sales at retail in that territory or those territories. Your application must be in duplicate, must be signed, must be addressed to the Director of Region XIV, Office of Price Stabilization, Washington 25, D. C., and must contain:

(a) Your business name and address.

(b) The brand name or names, style or lot number of the article or articles, and if you are a wholesaler, the manufacturer's name and address.

(c) A statement that the article or articles were sold for a period immediately prior to January 26, 1951, in the territory or possession in which you seek to establish a uniform retail ceiling price.

(d) The number and date of the order issued by the Office of Price Stabilization under section 43 of Ceiling Price Regulation 7, or Supplementary Regulation 4 of Ceiling Price Regulation 7, establishing uniform retail ceiling prices in the continental United States.

(e) Your most recent invoice price and terms to various classes of retailers and wholesalers (if any) in the territories and possessions covered by the application, and in the continental United States.

(f) Your suggested retail prices for the territories and possessions covered by the application, for a period immediately prior to January 26, 1951, and at the present time.

(g) Sample copies of catalogs sent to retailers, advertising mats furnished retailers, national advertising clippings, or other evidence of retail price maintenance in the territory or possession covered by the application for a period immediately prior to January 26, 1951.

(h) Your suggested uniform retail price for the article in the territories and possessions covered by the application.

SEC. 3. *Wholesale ceiling prices.* If the article or articles were sold at uniform prices in sales at wholesale as well as retail in the territories and possessions, or any of them, for a period immediately prior to January 26, 1951, you may request in your application the establishment of uniform wholesale ceiling prices under this section of this supplementary regulation. You must indicate in your application the proposed uniform wholesale price.

SEC. 4. *Ceiling prices, application by retailers in the territories and possessions.* If you are a retailer in one of the territories, and if for a period immediately prior to January 26, 1951, you sold a branded article or articles at the retail list prices suggested by the manufacturer and if the Director of the Office of Price Stabilization has, by order under section 43 of Ceiling Price Regulation 7, or Supplementary Regulation 4 of Ceiling Price Regulation 7, established uniform retail ceiling prices for the sale of the article or articles in the continental United States, you may apply for permission to use, as your ceiling prices, the prices suggested by the manufacturer. Your application must be in duplicate, must be addressed to the Director of the appropriate Territorial Office of Price Stabilization, must be signed, and must contain:

(a) Your business name and address.

(b) The brand name, manufacturer's name and address, style, or lot number of the article or articles covered by the application.

(c) Identification of the order under section 43 of Ceiling Price Regulation 7 or Supplementary Regulation 4 of Ceiling Price Regulation 7, establishing uniform retail ceiling prices on the mainland, if known. (If this information is not available to the applicant, the Office of Price Stabilization will supply it upon receipt of the otherwise completed application.)

(d) Clippings of advertisements or other information supporting the fact that you sold these articles at suggested retail prices of the manufacturer or wholesaler for a period immediately prior to January 26, 1951.

(e) The prices in effect for the article or articles covered by your application for a period immediately prior to January 26, 1951.

(f) A copy of the list of manufacturer's proposed retail prices in effect at the time of the application.

SEC. 5. *Orders.* If the Director of Price Stabilization finds that an application filed under this supplementary regulation is correct and in order, and that the granting of the application will result in ceiling prices no higher than the level of ceiling prices otherwise established under Ceiling Price Regulation 9, Revision 1, he will, by order, grant the application. Until such time as the order is effective, however, sellers must continue to determine their ceiling prices under Ceiling Price Regulation 9, Revision 1.

SEC. 6. *Records.* Any person selling an article, the ceiling price for which is established under an order issued pursuant to this supplementary regulation, need not prepare or maintain records after the effective date of the order, showing how he determined his ceiling price for that article, required by section 9 (b) of Ceiling Price Regulation 9.

Effective date. This supplementary regulation shall become effective November 29, 1952.

NOTE: The reporting and record-keeping requirements of this supplementary regulation has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12609; Filed, Nov. 24, 1952; 4:00 p. m.]

[Ceiling Price Regulation 14, Amdt. 18]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

FILING OF ADJUSTMENT APPLICATIONS AND REPORTS WITH FIELD OFFICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 18 to Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

In order further to effectuate the Director's program for decentralizing the processing of reports and adjustment applications received from wholesalers under Ceiling Price Regulation 14, this amendment requires the filing of all reports and adjustment applications with local OPS offices.

Heretofore, wholesalers applying for adjustments or filing reports under the provisions of this regulation were required in most cases to file their applications or reports with the National Office of OPS.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 14 is amended in the following respects:

1. Sub-paragraph (3), paragraph (a), section 23, is amended to read as follows:

(3) Before using different delivered prices for different zones under this section, you must report in writing to the OPS office for your area the amount of such differential and a description of your base zone and delivery zones. Before changing any zone differentials you previously reported, you must report in writing to the OPS office for your area your new zone differentials and the basis on which they were computed.

2. The first sentence of paragraph (d) of section 26 is amended to read as follows: "Such application must be filed in duplicate with the OPS office for your area."

3. The first sentence of paragraph (c) of section 27 is amended to read as follows: "Such application must be filed in duplicate with the OPS office for your area."

4. Paragraph (c) of section 27a is amended to read as follows:

(c) Your application must be filed in duplicate with the OPS office for your area. You may not price under this section until you have received specific authority from such OPS office.

5. The first sentence of sub-paragraph (1), paragraph (e), section 27b, is amended to read as follows: "Your application must be filed in duplicate with the OPS office for your area."

6. Sub-paragraph (3), paragraph (e), section 27b, is amended to read as follows:

(3) If at any time after you are authorized to make an addition to your "net cost" under this section your method of promoting the label or brand covered by your application changes in any material respect, you must report the changes immediately to the OPS office for your area.

7. The last sentence of sub-paragraph (4), paragraph (e), section 27b, is amended to read as follows: "You must, however, notify the OPS office for your area before you sell under this label or brand a food not listed in your application, or discontinue a food which you did list."

8. The last sentence of paragraph (f), section 27b is amended to read as follows: "If you desire to obtain authority to add a specific percentage figure to your "net cost" of foods you now sell or plan to sell under that label or brand, you may make an application (in duplicate) to the OPS office for your area."

9. Sub-paragraph (8), paragraph (f), section 27b is amended to read as follows:

(8) A description of your proposed advertising, promotion and merchandising programs, with respect to the label or brand involved, including representative layout copy of your proposed advertising, labels and promotion.

You may not operate under this paragraph until you are notified in writing by the OPS office for your area of the additional percentage figure, not to exceed five percent (5%), which you will be allowed to use. If your estimated expenditure is at least 1½ percent but not more than 3½ percent, you may be granted authority to add 3½ percent to your net cost. If your estimated expenditure is more than 3½ percent you may be granted authority to add your estimated percentage figure not to exceed 5 percent. In the event you are granted authority to add a specific percentage to your "net cost" of foods bearing the label or brand covered by your application, you must also reduce by the same percentage figure your "net cost" of all foods of the same type (i. e., "cut", "sieve", "pitted", vs. "unpitted", "peeled" vs. "unpeeled", etc.) of the same grade, variety and quality bearing labels or brands not owned or exclusively controlled by you. In addition, within 25 days after the close of the first six months of your operation under this paragraph, you must submit to the OPS office for your area a new application under the provisions of paragraph (a) of this section using your experience for this 6-month period.

The furnishing of a list of the foods for which you seek authority to add a specific percentage figure does not mean

that the adjustment granted under this section is permanently restricted to the foods you have listed. You may at any time add new foods to be sold under the label or brand for which you have filed an application and make, with respect to them, any addition which you may have been allowed to make under this paragraph.

Moreover, you may, at any time, remove foods from the list which you have submitted. You must, however, notify the OPS office for your area before you sell under this label or brand a food not listed in your application or discontinue a food which you did list.

10. Paragraph (c), section 27c, is amended to read as follows:

(c) Your application must be filed in duplicate with the OPS office for your area. You may not price under this section until you have received specific authority in writing from such OPS office to do so.

11. Paragraph (d), section 28, is amended to read as follows:

(d) Such application must be filed in duplicate with the OPS office for your area. You may not use these requested markup figures until you have received specific authorization from such OPS office. Applications for adjustment are governed by Price Procedural Regulation 1.

12. The first paragraph of paragraph (c), section 28c, is amended to read as follows:

(c) Such application must be filed with the OPS office for your area. You may not use these requested markup figures until you have received specific authorization from such OPS office. A form for this purpose may be obtained from the OPS office for your area. If your application is approved, you will be authorized by such OPS office to add to your "net cost" the percentage markups set forth below for the food commodities group which includes the items which you are pricing before applying the markup in Table A for institutional wholesalers. If, at any time, after you are authorized to use such additional markup, your method of distribution changes in any material respect, you must report immediately the circumstances to the OPS office for your area, and upon a review of the facts, if it be determined that you no longer conduct your business in the manner required by this section, this authority may be withdrawn.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 29, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12656; Filed, Nov. 25, 1952; 4:00 p. m.]

[Ceiling Price Regulation 69, Revision 1, Amdt. 7]

CPR 69—FOOD PRODUCTS SOLD IN THE TERRITORY OF HAWAII

MODIFYING POSTING REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 7 to Ceiling Price Regulation 69, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 69, Revision 1, establishes ceiling prices for a number of food products sold in the Territory of Hawaii. Article III of the regulation establishes dollar-and-cent ceiling prices for pork derived from swine slaughtered in the Territory on the basis of the cost of live animals. Retailers of island pork are subject to section 1.7 of the regulation, as amended, which requires the posting of selling prices, although there is no specific reference to this requirement in Article III.

Article VII of CPR 69, Revision 1, establishes dollar-and-cent ceiling prices for the sale of beef and beef offal derived from bovine animals slaughtered in the Territory of Hawaii. Ceiling prices are established at both wholesale and retail levels of distribution. Section 7.8 of the regulation requires that retailers post conspicuously both ceiling and selling prices of the various cuts.

Informal compliance checks by OPS representatives in the Territory have revealed considerable variation in the manner of posting selling and ceiling prices under both section 1.7 and section 7.8 of CPR 69, Revision 1. No uniformity as to size, content or format of posters was evident.

In accordance with the OPS policy of consumer participation in the program of price stabilization, the Director has determined that it is necessary to amend CPR 69, Revision 1, in order (1) to clarify and simplify the posting requirements for the seller, and (2) to more readily apprise the purchasers of the ceiling prices of the various cuts of meat subject to CPR 69, Revision 1.

This amendment makes mandatory the use of official OPS posters upon which the various cuts of island beef and offal, and of pork offal and specialty items are listed together with the ceiling prices. The prices are those shown in section 3.1 (b) (2) and (3), section 7.4, and section 7.5, of CPR 69, Revision 1. Mainland beef and pork remain subject to Ceiling Price Regulation 9, Revision 1, and the ceiling prices of those products are in no way affected by this amendment.

In making provisions for these official posters, a new paragraph has been added to section 3.1 (b) (5), and section 7.8 has been modified to include specific requirements concerning their use and display. The addition of the new paragraph to section 3.1 (b) (5) clarifies the retailer's responsibility for posting ceiling prices by setting forth specific instructions for that section rather than requiring him to refer to section 1.7 of the regulation. The retailer's responsibility will be greatly simplified since he will be relieved of the duty of preparing his own poster.

The posters will provide uniformity in content, size, and form, and will permit the maximum participation by the consumer in the price control phase of the stabilization program.

Because of the nature of this amendment, and the fact that it imposes no new burdens on the sellers affected, formal consultation with the industry has been impracticable.

In the judgment of the Director, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Subparagraph 5 of paragraph (b) of section 3.1 of Ceiling Price Regulation 69, Revision 1, is amended to read as follows:

(5) *Reporting and posting*—(i) *Special reporting provision.* If you are a wholesaler, you must, with every sale of island pork, furnish the buyer a statement of the live cost to you of the pork you are selling, in addition to the reports required by section 1.10 of this regulation.

(ii) *Posting.* Every person offering to sell the pork offal and specialty pork items at retail for which ceiling prices are established in subparagraphs 2 and 3 of paragraph (b) of this section, shall plainly mark the selling price and name of the pork offal and specialty item either on the commodity itself, or on the tray or shelf on which it is displayed. In addition, you must, not later than seven days after you receive an official OPS poster, post such official poster in a prominent place in your establishment near the meat counter where it can easily be seen and read by your customers. In the event you do not receive an official poster, you must, not later than December 15, 1952, obtain an official poster from your OPS Territorial Office, and post your ceiling prices in accordance with this subparagraph. If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from the OPS Territorial Office. Erasures or changes in ceiling prices listed on your poster are prohibited unless authorized by the OPS.

2. Section 7.8 is amended to read as follows:

SEC. 7.8. *Posting.* Every person offering to sell island beef at retail shall plainly mark the selling price, name of the cut, and class (i. e., Class I or Class II) of the island beef either on the commodity itself or on the tray or shelf on which it is displayed. In addition, you must, not later than seven days after you receive an official OPS poster, post such official poster in a prominent place in your establishment near the meat counter where it can easily be seen and read by your customers. In the event you do not receive an official poster, you must, not later than December 15, 1952, obtain an official poster from your OPS Territorial Office, and post your ceiling prices in accordance with this section. If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from the OPS Territorial Office. Erasures or changes in ceiling prices listed on your poster are prohibited unless authorized by the OPS.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 7 to Ceiling Price Regulation 69, Revision 1, is effective November 29, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12610; Filed, Nov. 24, 1952; 4:00 p. m.]

[Ceiling Price Regulation 74, Amdt. 18]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

SUSPENSION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order 2, this Amendment 18 to Ceiling Price Regulation (CPR) 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation (CPR) 74 suspends price control of pork sold at wholesale, except for sales subject to CPR 14.

Pork products generally have been selling at wholesale considerably below ceiling prices, except for the ceiling prices established for certain sellers by CPR 14. The general level of wholesale selling prices of pork has been not only below the seasonally increased ceiling prices of Amendment 11 to CPR 74 but has been below the lower ceiling prices previously in effect. In fact, most cuts of pork have been selling below the pre-Korean level. Moreover, it is expected that wholesale prices of pork will continue to decline. Although some strengthening of pork prices may occur in January of 1953, due to a customary seasonal increase, it is not expected that wholesale pork prices will increase to a point where the dollars and cents ceiling prices which could lawfully be fixed by this regulation would be reached or exceeded in the foreseeable future. For these reasons, the Director of Price Stabilization deems it appropriate to suspend the ceiling prices established by this regulation. This suspension also operates to suspend ceiling prices for pork under Ceiling Price Regulation 61.

The Director of Price Stabilization is maintaining a constant watch on the prices of pork and also on the available supply of hogs. If at any time he finds that market prices threaten to equal or exceed the then current legal minimum prices he will revoke this suspension order and reinstate ceiling prices which reflect the appropriate legal minima.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all applicable standards of the Act. In the formulation of this amendment, the Director of Price Stabilization has consulted, so far as practicable, with industry representatives, including trade association representatives, and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended by adding a new Section 17 to read as follows:

SEC. 17. *Suspension.* As used in this section, "pork" means carcasses and meat derived from swine including but not limited to pork products. All provisions of this regulation are suspended on and after November 24, 1952. The suspension of the provisions of this regulation does not operate to place sales at wholesale of any product derived from swine under the General Ceiling Price Regulation. The suspension of the provisions of this regulation, moreover, includes suspension of those provisions which establish wholesale ceiling prices for pork under the General Ceiling Price Regulation or Ceiling Price Regulation 61. You must, however, continue to comply with all the requirements of section 11 of this regulation, and with all the requirements of section 16 of the General Ceiling Price Regulation, and with all the requirements of section 10 of Supplementary Regulation 47 to the General Ceiling Price Regulation, to the extent that each of these sections is applicable to all records you are required to preserve on November 24, 1952.

This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on November 24, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12606; Filed, Nov. 24, 1952; 12:17 p. m.]

[General Overriding Regulation 10, Amdt. 6]

GOR 10—ADJUSTMENT OF CEILING PRICES FOR MANUFACTURERS

PLACE OF FILING APPLICATIONS FOR ADJUSTMENT OF CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to General Overriding Regulation 10 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 10 is issued to carry out a plan for the extension of the authority of field offices to process applications filed under this regulation. Under the provisions of this amendment a manufacturer whose annual volume of net sales is $1,000,000 or less may file with the appropriate OPS District Office. However, if such a manufacturer distributes a substantial amount of the commodities he manufactures to persons located outside the OPS region in which his principal place of business is located, he should file his application with the Director of Price Stabilization, Washington 25, D. C.

This amendment also restores the requirement that applications should be sent by registered mail.

The wide coverage of this amendment has made it impracticable to consult with industry representatives, including trade association representatives.

AMENDATORY PROVISIONS

In section 3, the text preceding paragraph (a) is amended to read as follows:

SEC. 3. *Information to be submitted.* A manufacturer seeking an adjustment under this regulation should file his application with the OPS District Office for the district in which his principal place of business is located if his net sales for his last complete fiscal year amounted to $1,000,000 or less and he does not sell a substantial amount of his commodities manufactured in the plants covered by his application to persons located outside the OPS region in which his principal place of business is located. Other manufacturers should file their applications with the Office of Price Stabilization, Washington, 25, D. C. In either case, the application should be sent by registered mail and include the following:

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 6 to General Overriding Regulation 10 is effective November 29, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12655; Filed, Nov. 25, 1952; 4:00 p. m.]

[Ceiling Price Regulation 180]

CPR 180—FERROCHROME, CHROMIUM METAL AND OTHER CHROMIUM PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This interim regulation sets forth specific ceiling prices for ferrochrome, ferrochrome silicon, ferrosilicon chrome, chrome manganese silicon alloys, and chromium metal which increase present ceiling prices established under the General Ceiling Price Regulation (GCPR),

It also establishes premiums for spot sales and special packing. A producer of a chromium metallurgical product of a unique grade, size or analysis must apply to the Office of Price Stabilization for a ceiling price.

There are only five producers of the chromium products named above in the United States and one of these has only recently entered the field in a small way.

Ferrochromium is of extreme importance to the defense program. It is a basic ingredient of jet alloys and of the stainless steels necessary to aircraft manufacture. It is also a component of all heavy guns, tank armor, and tool steels, and is required in almost every military and defense-supporting application of alloy steel. Chromium (added as ferrochromium) has become an important substitute for such alloying elements as nickel and molybdenum.

Practically all chrome ore for the production of ferrochromium is imported. Ore prices which are not subject to ceiling price control and could not be controlled because of the foreign origin of the ore have materially increased since June, 1950. Furthermore, it has been necessary for the producers to import ores of lower quality to meet defense production needs. Lower quality of the ores has also contributed to production cost increases. The price of ferrochromium was frozen under GCPR at the November 1950 level and no increases have been permitted since that time, in spite of greatly increased costs of labor, transportation, power and overhead. These items of cost together with ore costs constitute about 85 percent of total costs and the increase in ore costs constitutes the major portion of the total increased costs.

Pre-Korean unit margins have been so materially reduced that incentive to make needed increases in production, to continue and enlarge the use of low grade ores, and to exert every effort to increase imports of, and develop new sources of chrome ore to meet the requirements of the defense program has markedly declined. The Administrator of the National Production Authority has advised OPS of the essentiality of the products covered by this regulation to the defense program and has emphasized the necessity of expanding the imports of chrome ore and the output of these products.

Section 3 (b) (2) of General Overriding Regulation 29 provides for ceiling price adjustments beyond the break-even level regardless of the profit position in special cases where this is necessary in the interests of national defense. This section reads in part as follows:

> (2) If the Director of Price Stabilization deems it necessary, in order to promote the national defense, he may establish an adjusted ceiling price which includes an amount over your "total unit operating cost", despite the fact that your "current rate of return on net worth" equals or exceeds 85 percent of your "average rate of return on net worth in your normal base period.

On the basis of the information received from the Administrator of NPA, the Director finds that ferrochrome qualifies under the criteria established in section 3 (b) (2) and that price adjustment adequate to maintain a reasonable profit over total unit operating costs is necessary in order to promote the national defense.

GOR 29 was intended to permit relief in appropriate cases to individual manufacturers. In the case of ferrochrome, however, there were, for many years, only four producers (a fifth has only recently entered the field) and the prices charged by the four have always been uniform. If varying degrees of relief were separately provided for each of these companies under the provisions of GOR 29, serious market disruption would be inevitable. Moreover, the conditions warranting relief are similar in the case of all these companies. Consequently, the Director of Price Stabilization has determined that it would be appropriate in this case to consider together all data presented and to issue a single regulation providing uniform relief for all producers.

In determining the amount of relief appropriate under provisions of section 3 (b) (2) of GOR 29, the general policy of OPS has been to restore as nearly as possible the dollar-and-cents margins per unit of product which prevailed before the Korean outbreak. This same standard has therefore been applied in the present case. Each of the four long established producers has submitted data showing the increase in its costs and prices since the period preceding the Korean outbreak, including the increases which have occurred as a result of the wage negotiations just concluded. While the cost increases shown are not entirely uniform, they are reasonably consistent. On the basis of the figures submitted, the Director of Price Stabilization has determined that an increase of 3¢ per pound of contained chromium in the ceiling prices of high carbon chromium products and of 4¢ per pound of contained chromium in the ceiling prices of low carbon chromium products is required to restore the general level of unit margins prevailing before Korea. While the cost increases for individual products do not in all cases conform with the general pattern, it is important as a practical matter to maintain, insofar as possible, the existing price relationships between the high carbon and low carbon products, and for this reason the increases have been applied uniformly within the two groups of products. In the judgment of the Director of Price Stabilization the adjustments provided in this interim regulation are such as to maintain appropriate price relationships while granting the over-all amount of relief required.

In the judgment of the Director of Price Stabilization the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purpose of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director the provisions of this regulation comply with all of the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In particular, the Director has consulted at several meetings with the Industry Advisory Committee with respect to the trade practices and the coverage of this regulation and has, in general, adopted the recommendations of the committee.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling prices.
3. Applications for establishment of ceiling prices.
4. Customary terms of sale.
5. Petitions for amendment.
6. Adjustable pricing.
7. Excise, sales and similar taxes.
8. Record-keeping requirements.
9. Interpretations.
10. Prohibitions.
11. Evasions.
12. Supplementary regulations.
13. Definitions.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.*—(a) *Commodities covered.* This regulation establishes ceiling prices for ferrochrome, ferrochrome silicon, ferrosilicon chrome, chrome manganese silicon alloys, and chromium metal. The terms ferrochrome, ferrochrome silicon, ferrosilicon chrome, chrome manganese silicon alloys, and chromium metal are defined in section 13, *Definitions.*

(b) *Persons and transactions covered.* (1) This regulation applies to all sales of the commodities covered by this regulation by a producer of such commodities including export sales and sales for export. It also covers sales of any commodity covered by this regulation purchased by any person who is also a producer of the commodity, including sales of imported commodities. To this extent this regulation supersedes CPR 31 (Imports). It does not apply to re[illegible] who are not also producers of the commodity which they resell.

(2) This regulation also applies, insofar as purchases are concerned, to any person who, in the regular course of trade or business, buys the commodities covered by this regulation from a producer of these commodities.

(c) *Geographical applicability.* This regulation applies in the 48 States of the United States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico and the Virgin Islands.

SEC. 2. *Ceiling prices for high carbon ferrochrome, low carbon ferrochrome, ferrochrome silicon, ferrosilicon chrome, chrome manganese silicon alloys and chromium metal.* (a) Your ceiling price for contract sales of high carbon ferrochrome, low carbon ferrochrome, ferrochrome silicon, ferrosilicon chrome, chrome manganese silicon alloys and chromium metal, is the applicable ceiling price set forth in Appendix A, Table 1 for the grade, analysis, size and quantity shipped. The terms "contract sales" and "spot sales" are defined in section 13, *Definitions.*

(b) *Ceiling prices for high carbon chromium briquets, exothermic chromium products and chromium powders.* Your ceiling price for contract sales of high carbon chromium briquets, exothermic chromium products and chromium powders is the applicable ceiling price set forth in Appendix A, Table 2 for the grade, analysis, and size and quantity shipped.

(c) *Premiums.* The premiums which may be added to the ceiling prices set forth in Appendix A, Tables 1 and 2 for spot sales, special packing for export shipment and packing in smaller than standard containers, are set forth in Appendix A, Table 3.

SEC. 3. *Applications for establishment of ceiling prices.* (a) If you sell any of the commodities covered by this regulation and cannot determine a ceiling price under section 2, you must file an application with OPS for the establishment of a ceiling price. Any such application must be signed by an authorized person, and must be filed by registered mail, return receipt requested, with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information: Your trade name and address; a metallurgical analysis and physical description of the commodity you propose to sell; a statement of the reasons why you are unable to determine a ceiling price under the provisions of this regulation; your proposed ceiling price and a statement of how you determined such price, and why you believe it is in line with the ceiling prices otherwise established by this regulation.

(b) Any ceiling price established by OPS pursuant to this section will be in line with the ceiling prices otherwise established by this regulation.

(c) After receipt of an application pursuant to this section, OPS may approve or disapprove your proposed ceiling price, establish a different ceiling price, or request additional information. Pending any such action, you may sell the commodity covered by your application at your proposed ceiling price: *Provided*, That you agree with the purchaser to refund the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by OPS. If OPS has not acted upon your application within 30 days of the receipt thereof, your proposed ceiling price shall be deemed to be established for all deliveries made between the date of filing of your application and the date of any order issued by OPS disposing of your application.

(d) If you are required to file an application pursuant to this section and do not do so, OPS may issue an order establishing ceiling prices for you. Any ceiling price set forth in any such order will be in line with the ceiling prices otherwise established in this regulation and will apply to all deliveries for which a ceiling price was not otherwise established by this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve you of your obligation to comply with the requirements of this regulation or of the various penalties for your failure to do so.

SEC. 4. *Customary terms of sale.* You must adjust the ceiling prices determined in accordance with section 2 of this regulation to reflect all cash discounts which you had in effect on January 25, 1951, and such price must carry all guarantees, servicing terms, and other applicable conditions of sale which you had in effect on that date. You may make a charge for extension of credit to a buyer if you customarily made such a charge during the period December 19, 1950, to January 25, 1951, but the amount of such charge must not be greater than that which you had in effect on that date.

SEC. 5. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised.

SEC. 6. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit any person making a contract or offer to sell a product covered by this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. No person, however, may deliver or agree to deliver such product at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 7. *Excise, sales and similar taxes.* You may collect in addition to the ceiling price established by this regulation, any excise, sales or similar tax imposed upon you by reason of your sale of any product covered by this regulation if you are not prohibited by law from making such collection and if you state separately from your selling price the amount of the tax collected and provided such separate statement and collection of the amount of the tax is not prohibited by law. However, if the tax was in effect on January 25, 1951, and you did not charge your customers for the tax during the period December 19, 1950, to January 25, 1951, you may not do so now.

SEC. 8. *Record-keeping requirements.* (a) (1) If you make sales covered by this regulation, you shall preserve for examination by the Office of Price Stabilization for as long as the Defense Production Act of 1950, as amended, remains in effect and for two years thereafter, all your existing records which you are required to use in adjusting your ceiling prices pursuant to section 4.

(2) Every seller covered by this regulation, and every person who, in the course of trade or business, buys from such seller, must prepare and keep for inspection by the Director of Price Stabilization for a period of two years accurate records or invoices of each sale of the commodities covered by this regulation showing: The date of sale; the name and address of the seller and buyer; the commodity sold, as described in the nomenclature used in this regulation; the quantity of each such commodity; the price charged for each such commodity; the point or points of shipment and the buyer's receiving point, and the amount of the transportation charges, if any, and by whom they were paid.

(3) Every seller covered by this regulation shall deliver to the purchaser at the time of any sale of a commodity covered by this regulation an invoice which shall set forth the information required by paragraph (a) (1).

(b) Retention by the buyer of an invoice issued in connection with the sale of a commodity covered by this regulation will be considered compliance with the provisions of this section if the invoice contains all the information required by paragraph (a) of this section.

SEC. 9. *Interpretations.* If you want an official interpretation of this regulation, you should write to the Division Counsel, Industrial Materials and Manufactured Goods Division, Washington 25, D. C. Any action taken in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 10. *Prohibitions.* (a) No person shall do any act prohibited or omit to do any act required by this regulation, nor shall any person offer, solicit, attempt, or agree to do or omit to do any such acts.

(b) Specifically (but not in limitation of the above), no person shall, regardless of any contract or other obligation, sell, deliver, or negotiate the sale or delivery of any product, and no person in the regular course of trade or business shall buy or receive any product, at a price higher than the ceiling price established by this regulation. Every person covered by this regulation shall keep, make and preserve true and accurate records and reports, required by this regulation. If any person violates any provisions of this regulation, he is subject to criminal penalties, enforcement action, and action for damages.

SEC. 11. *Evasions.* (a) Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, fees, services, cross sales, transportation arrangements, premiums,

discounts, special privileges, upgrading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

(b) No seller shall require a purchaser to subdivide a requirement into small or partial orders nor shall a purchaser subdivide his requirements into small or partial orders for the purpose of enabling the seller to obtain a higher unit price.

SEC. 12. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or supplementing this regulation as he deems appropriate.

SEC. 13. *Definitions.* (a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing; the United States or any agency thereof; or any other government or any of its political subdivisions, or any agency of the foregoing.

(b) "Contract sale" means a sale pursuant to a written agreement whereby the producer agrees to deliver, within a specified period, a specified amount or a certain percentage of the purchaser's requirements.

(c) "Spot sale" means a single or isolated sale other than a contract sale.

(d) "You" means any person covered by this regulation.

(e) "Imported" means transported from a place outside of the United States, Alaska, Guam, Hawaii, Puerto Rico or the Virgin Islands to a point inside thereof.

(f) "Export sale" means the sale of a commodity to a person located outside the continental United States or a territory or possession of the United States and which is shipped to the purchaser outside the continental United States or a territory or possession of the United States, regardless of where the invoicing is done.

(g) "Sale for export" means a sale to a buyer located in the continental United States or a territory or possession of the United States of a commodity destined for export and subsequent shipment, without resale, to any place outside the continental United States or a territory or possession of the United States.

(h) "OPS" means the Office of Price Stabilization.

(i) "Carload" means any quantity to which a minimum railroad carload freight rate is applicable.

(j) "Shipping point" means the point from which any product covered by this regulation is loaded on a conveyance for shipment to the buyer's receiving point.

(k) "Commodity" means any product which is covered by this regulation.

(l) "Producer" means any person engaged in any phase of the manufacture of the commodity being priced, including smelting, cleaning, sizing, briquetting.

(m) "Reseller" means any person who purchases a product or products covered by this regulation of which he is not a producer and resells such product or products in substantially the same form or condition.

(n) "Ferrochrome" means an iron chromium alloy containing 50 percent to 72 percent chromium, including high carbon ferrochrome and low carbon ferrochrome.

(o) "High carbon ferrochrome", "low carbon ferrochrome", "chrome manganese silicon alloys", "ferrochrome silicon", "ferrosilicon chrome", "chromium metal", "electrolytic chromium metal", "high carbon chromium briquets", "exothermic ferrochrome", "exothermic silicon chrome" mean those chromium commodities conforming to one of the analyses set forth in Appendix A, Tables 1 and 2.

Effective date. This regulation is effective November 25, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 24, 1952.

APPENDIX A

All prices in Tables 1 and 2 are: (1) Contract prices, (2) cents per pound of contained chromium, except where otherwise indicated, (3) f. o. b. delivered or f. o. b. shipping point with actual freight allowed, to any destination within the continental United States excluding Alaska, except for chromium powders which are f. o. b. shipping point. Packed prices include packing in standard containers holding 500 pounds or more of material except chromium briquets which are packed in standard containers holding 250 pounds or more of material, chromium powders which are packed as indicated in Table 2 and exothermic ferrochrome, exothermic ferrosilicon chrome, and electrolytic chromium metal which are packed in containers customarily used by the shipper.

TABLE 1

Product, grade, analysis and quantities	Carbon content	Sizes			
		Lump	2 inches x down	1 inch x down	8 mesh x down
Low carbon ferrochrome regular grade (67 to 72 percent chromium)					
Carload lots—bulk	0.03 percent maximum.	$0.3650	$0.3675	$0.3700	
Carload lots—packed		.3740	.3765	.3810	
2,000 pounds to carload—packed		.3870	.3895	.3920	
Less than 2,000 pounds—packed		.4030	.4065	.4090	
Carload lots—bulk	0.04 percent maximum.	.3550	.3575	.3600	
Carload lots—packed		.3640	.3665	.3710	
2,000 pounds to carload—packed		.3770	.3795	.3820	
Less than 2,000 pounds—packed		.3940	.3965	.3990	
Carload lots—bulk	0.06 percent maximum.	.3450	.3475	.3500	
Carload lots—packed		.3540	.3565	.3610	
2,000 pounds to carload—packed		.3670	.3695	.3720	
Less than 2,000 pounds—packed		.3840	.3865	.3890	
Carload lots—bulk	0.10 percent maximum.	.3400	.3425	.3450	$0.3[illegible]
Carload lots—packed		.3510	.3535	.3560	.3[illegible]
2,000 pounds to carload—packed		.3620	.3645	.3670	.3[illegible]
Less than 2,000 pounds—packed		.3790	.3815	.3840	.3[illegible]
Carload lots—bulk	0.15 percent maximum.	.3375	.3400	.3425	
Carload lots—packed		.3485	.3510	.3535	
2,000 pounds to carload—packed		.3595	.3620	.3645	
Less than 2,000 pounds—packed		.3765	.3790	.3815	
Carload lots—bulk	0.20 percent maximum.	.3350	.3375	.3400	
Carload lots—packed		.3460	.3485	.3510	
2,000 pounds to carload—packed		.3570	.3595	.3620	
Less than 2,000 pounds—packed		.3740	.3765	.3790	
Carload lots—bulk	0.50 percent maximum.	.3325	.3350	.3375	
Carload lots—packed		.3435	.3460	.3485	
2,000 pounds to carload—packed		.3545	.3570	.3595	
Less than 2,000 pounds—packed		.3715	.3740	.3765	
Carload lots—bulk	1.00 percent maximum.	.3300	.3325	.3350	
Carload lots—packed		.3410	.3435	.3460	
2,000 pounds to carload—packed		.3520	.3545	.3570	
Less than 2,000 pounds—packed		.3690	.3715	.3740	
Carload lots—bulk	1.50 percent maximum.	.3285	.3310		
Carload lots—packed		.3395	.3420		
2,000 pounds to carload—packed		.3505	.3530		
Less than 2,000 pounds—packed		.3675	.3700		
Carload lots—bulk	2.00 percent maximum.	.3275	.3300	.3325	
Carload lots—packed		.3385	.3410	.3435	
2,000 pounds to carload—packed		.3495	.3520	.3545	
Less than 2,000 pounds—packed		.3665	.3690	.3715	
Nitrogen bearing grade[1] (67 to 71 percent chromium, 0.50 to 4.00 percent silicon, 0.75 percent nitrogen approximate)					
Carload lots—bulk	0.10 percent maximum.	.3900	.3925		
Carload lots—packed		.4010	.4035		
2,000 pounds to carload—packed		.4120	.4145		
Less than 2,000 pounds—packed		.4290	.4315		
Foundry grade[2] (60 to 64 percent chromium, 2[illegible] to [illegible] percent silicon)					
Carload lots—bulk	1.25 percent maximum.				.17[illegible]
Carload lots—packed					.18[illegible]
2,000 pounds to carload—packed					.19[illegible]
Less than 2,000 pounds—packed					.20[illegible]

[1] Prices are $0.05 higher for each 0.25 percent of nitrogen or fraction thereof above 0.87 percent.
[2] Prices are per pound of material.

TABLE 1

Product, grade, and analysis	Size	Quantity							
		Bulk, carload lots		Packed					
				Carload lots		2,000 pounds to carload		Less than 2,000 pounds	
		Chromium	Silicon	Chromium	Silicon	Chromium	Silicon	Chromium	Silicon
Low carbon ferrochrome silicon and ferrosilicon chrome									
Regular Grade No. 1:[1] (33 to 42 percent chromium, 40 to 50 percent silicon, 0.05 percent carbon maximum).	Lump	$0.2875	$0.1240	$0.2940	$0.1360	$0.3015	$0.1460	$0.3135	$0.1560
	4 inches x down	.2875	.1240	.2940	.1360	.3015	.1460	.3135	.1560
	2 inches x down	.2875	.1240	.2940	.1360	.3015	.1460	.3135	.1560
	1 inch x down	.2890	.1250	.2955	.1380	.3035	.1485	.3165	.1590
	½ inch x down	.2910	.1280	.2975	.1400	.3055	.1505	.3190	.1615
	8 mesh x down	.2935	.1305	.3000	.1425	.3090	.1535	.3250	.1645
	20 mesh x down	.2970	.1320	.3035	.1440	.3125	.1550	.3285	.1660
Regular grade No. 2:[1] (33 to 42 percent chromium, 40 to 50 percent silicon, 0.05 percent carbon maximum).	Lump	.2575	.1240	.2640	.1360	.2715	.1460	.2835	.1560
	4 inches x down	.2575	.1240	.2640	.1360	.2715	.1460	.2835	.1560
	2 inches x down	.2575	.1240	.2640	.1360	.2715	.1460	.2835	.1560
	1 inches x down	.2590	.1250	.2655	.1380	.2730	.1485	.2860	.1590
	¾-inch x down	.2610	.1280	.2675	.1400	.2755	.1505	.2890	.1615
	½-inch x down	.2610	.1280	.2675	.1400	.2755	.1505	.2890	.1615
	8 mesh x down	.2635	.1305	.2700	.1425	.2790	.1535	.2950	.1645
	20 mesh x down	.2670	.1320	.2735	.1440	.2825	.1550	.2985	.1660
Special grade with aluminum:[2] (36 to 39 percent chromium, 36 to 39 percent silicon, 7 to 9 percent aluminum, 0.05 percent carbon maximum).	3 inches x down	.2575	.1240	.2640	.1360	.2715	.1460	.2835	.1560
	¾-inch x down	.2610	.1280	.2675	.1400	.2755	.1505	.2890	.1615
Special grade No. 1: (48 to 52 percent chromium, 25 to 30 percent silicon, 1.50 percent carbon maximum).	Lump	.3250	-------	.3360	-------	.3470	-------	.3640	-------
	2 inches x down	.3275	-------	.3385	-------	.3495	-------	.3665	-------
	8 mesh x down	.3315	-------	.3425	-------	.3575	-------	.3770	-------
Special grade No. 2:[3] (50 to 54 percent chromium, 28 to 32 percent silicon, 1.25 percent carbon maximum).	3 inches x ½-inch	.3250	-------	.3400	-------	-------	-------	-------	-------

[1] Prices are cents per pound of contained chromium and contained silicon.
[2] Prices are cents per pound of contained chromium and contained silicon plus aluminum, the latter are shown in total in "Silicon" columns.
[3] Known as ferrosilicon chrome.

TABLE 1

Product, grade, analysis, and quantities	Carbon content	Sizes						
		Lump	4 inch x down	2 inch x down	1 inch x down	½ inch x down	8 mesh x down	20 mesh x down
High carbon ferrochrome regular grade (65 to 72 percent chromium)								
Carload lots—bulk	4 percent minimum.	($0.2475	$0.2475	$0.2505	$0.2625	$0.2545	$0.2670	$0.2705
Carload lots—packed		.2565	.2565	.2595	.2715	.2635	.2760	.2795
Truckload bulk—20,000 pounds minimum.		.2545	-------	.2575	.2690	-------	-------	-------
2,000 pounds to carload—packed		.2850	.2880	.2710	.2730	.2750	.2785	.2820
Less than 2,000 pounds—packed		.2820	.2820	.2850	.2870	.2890	.2960	.2985
Foundry grade (60 to 66 percent chromium, 6 to 10 percent silicon)								
Carload lots—bulk	1 to 7 percent.	.2660	-------	.2690	-------	-------	.2925	.2935
Carload lots—packed		.2850	-------	.2880	-------	-------	.2715	.2725
2,000 pounds to carload—packed		.2770	-------	.2771	-------	-------	.2850	.2860
Less than 2,000 pounds—packed		.2920	-------	.2920	-------	-------	.3025	.3035
Special grade (60 to 65 percent chromium, 4 to 6 percent silicon)								
Carload lots—bulk	4 to 9 percent.	.2475	-------	-------	-------	-------	-------	-------
Carload lots—packed		.2565	-------	-------	-------	-------	-------	-------
2,000 pounds to carload—packed		.2680	-------	-------	-------	-------	-------	-------
Less than 2,000 pounds—packed		.2820	-------	-------	-------	-------	-------	-------

TABLE 1

Product, grade, analysis, and quantities	Carbon content	Sizes: Lump	2 inches x down	½ inch x down	8 mesh x down	20 mesh x down
Chrome manganese silicon alloys						
"SM" grade ferrochrome: (60 to 65 percent chromium, 4 to 6 percent silicon, 4 to 6 percent manganese).						
Carload lots—bulk	4 to 6 percent	$0.2585	$0.2615		$0.2680	$0.2715
Carload lots—packed		.2675	.2705		.2770	.2805
2,000 pounds to carload—packed		.2800	.2830		.2895	.2940
Less than 2,000 pounds—packed		.2950	.2980		.3080	.3115
V—Foundry alloy: [1] (28 to 42 percent chromium, 15 to 21 percent silicon, 8 to 16 percent manganese).						
Carload lots—packed	3 to 4 percent				.1660	
2,000 pounds to carload—packed					.1810	
Less than 2,000 pounds—packed					.1935	

[1] Prices are per pound of material.

TABLE 1

Product, grade, and analysis	Size	Quantity packed: Carload lots	2,000 pounds to carload	Less than 2,000 pounds	Any quantity
Chromium metal					
High carbon grade: (87 to 90 percent chromium, 1.25 percent iron maximum, 9 to 11 percent carbon).	½ inch x down	$1.09	$1.11	$1.15	
Low carbon grade No. 1: [1] (97 percent chromium minimum, 1.00 percent iron maximum, 0.10 percent carbon maximum).	1 inch x down	1.16	1.18	1.20	
	¾ inch x down	1.17	1.20	1.24	
	8 mesh x down	1.18	1.21	1.25	
	20 mesh x down	1.19	1.22	1.26	
Low carbon grade No. 2: (97 percent chromium minimum, 1.00 percent iron maximum, 0.50 percent carbon maximum).	1 inch x down	1.12	1.14	1.16	
	¾ inch x down	1.13	1.16	1.20	
Electrolytic metal: [2] (99 percent chromium maximum).	¾ inch x down				$3.01
	100 mesh x down				3.51
	200 mesh x down				4.01
	325 mesh x down				4.54

[1] Prices for nitrogen-bearing grade are $0.09 higher in all quantities for approximately 0.75 percent nitrogen, plus an additional $0.09 for each 0.25 percent of nitrogen or fraction thereof above 0.87 percent.
[2] Prices are per pound of material.

TABLE 2—CHROMIUM BRIQUETS, EXOTHERMIC CHROMIUM PRODUCTS, AND CHROMIUM POWDERS

Product, grade, analysis, and quantities	Plain	Notched
High carbon chromium briquets: [1]		
3⅝ pounds (total weight), 2 pounds contained chromium:		
Carload lots—bulk	$0.1625	$0.1650
Carload lots—packed	.1695	.1720
Truckload—bulk, 20,000 pounds minimum	.1690	.1715
2,000 pounds to carload—packed	.1775	.1800
Less than 2,000 pounds—packed	.1895	.1890
Exothermic ferrochrome: (Approximately 60 percent chromium, 4.5 percent carbon, maximum); size, 2½ x 2½ x 1¾ inches:		
Carload lots—packed	.2750	
2,000 pounds to carload—packed	.3050	
Less than 2,000 pounds—packed	.3250	
Exothermic silicon chrome: (Approximately 46 percent chromium, approximately 23 percent silicon, 1.00 percent carbon, maximum); size, 2½ x 2½ x 1¾ inches:		
Carload lots—packed	.3500	
2,000 pounds to carload—packed	.3850	
Less than 2,000 pounds—packed	.4050	

Chromium powders: Product	High carbon ferrochrome		Low carbon ferrochrome	Chromium metal
Package	Paper bags, 100 pounds net		Steel pails, 150 pounds net	Steel pails, 150 pounds net
Size	50/325 mesh	100 mesh x down	50/325 mesh	90% through 100 mesh
1 ton to carload			$0.5275	$1.40
Less than 1 ton				1.54
500 pounds to 1 ton			.5375	
Less than 500 pounds			.6275	
1,000 to 10,000 pounds	$0.3125	$0.3580		
Less than 1,000 pounds	.3650			

[1] Prices are per pound of material.

TABLE 3—PREMIUMS

Premiums must be applied on the same price basis as that on which material is sold, e. g., per pound of contained chrome, per pound of material, etc.

Product	Spot sales	Packing: Smaller than standard containers		For export				
	(1)	500 to 250 pounds of material	Under 250 pounds of material	50-gallon oak barrels	25-gallon oak barrels	50-gallon steel drums	30-gallon steel drums	Triple burlap bags
Low carbon chrome—regular grade	$0.0025	$0.0075	$0.0150	$0.0030	$0.0065	$0.0025	08.0050	
Low carbon chrome—nitrogen bearing grade	.0025	.0075	.0150	.0030	.0065			
Low carbon chrome—foundry grade	.0025	.0050	.0100	.0020	.0045			
High carbon chrome—regular grade	.0025	.0075	.0120	.0030	.0065	.0025	.0050	
High carbon chrome—foundry grade	.0025	.0080	.0160	.0030	.0070	.0025	.0050	
High carbon chrome—special grade	.0025	.0075	.0150					
Low carbon ferrochrome silicon—regular grade	[2].0050	.0100	.0200	.0045	.0100	.0050	.0100	
Low carbon ferrochrome silicon—special grade No. 1	[2].0050	.0100	.0200	.0040	.0085			
Low carbon ferrochrome silicon—special grade No. 2		.0100	.0200			.0050	.0100	
Low carbon ferrochrome silicon—special grade with aluminum	[3].0050	.0100	.0200	.0045	.0100			
Chromium briquets	.0025		.0025			.0025	.0050	$0.0025
Exothermic ferrochrome	.0025							
Exothermic silicon chrome	.0050							
Chromium metal—all grades	.0400	.0055	.0110	.0020	.0045			
Electrolytic chromium metal								
Chrome manganese silicon alloy—SM grade	.0025	.0080	.0160	.0030	.0070			
Chrome manganese silicon alloy—V foundry grade		.0050	.0100					
High carbon ferrochrome powders	.0050							
Low carbon ferrochrome powders	.0100							
Chromium metal powders	.0100							

[1] Shipments under 100 pounds are f. o. b. shipping point.
[2] Added to silicon price only.
[3] Added to silicon plus aluminum price only.

[F. R. Doc. 52-12612; Filed, Nov. 24, 1952; 4:00 p. m.]

[Ceiling Price Regulation 135, Revision 1 of Supplementary Regulation 2]

CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

SR 2—INTERIM RELIEF FOR MILWAUKEE BAKERS

ADJUSTMENT OF MILWAUKEE BAKERS' CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency Order No. 2, this Revision of Supplementary Regulation 2 to Ceiling Price Regulation 135 is hereby issued.

STATEMENT OF CONSIDERATIONS

This revision of Supplementary Regulation (SR) 2 to Ceiling Price Regulation (CPR) 135 provides an across-the-board adjustment of ceiling prices of bakers located in the Milwaukee area.

When SR 2 was issued, this office announced that further study and consideration would be given to the substantial hardship experienced by the Milwaukee bakers under CPR 135, and that if appropriate, additional adjustments in ceiling prices would be made.

Findings made on the basis of data obtained from an OPS earnings survey of Milwaukee bakers indicate that the previous one cent adjustment in ceiling prices of the one-and-one-half pound loaf of white pan bread has been insufficient to eliminate undue hardship, and that a more extensive adjustment is required.

Even with the one cent white pan bread adjustment and the increases over GCPR ceiling prices under CPR 135, the earnings survey data show that Milwaukee bakers generally will be obliged to operate at a loss under their CPR 135 ceiling prices. The Director has, therefore, decided to relieve the area hardship by an across-the-board increase in Milwaukee bakers' ceiling prices for all items other than the one-and-one-half pound loaf of white pan bread. This is done by providing a factor of 1.20 for increasing 1949 prices instead of the CPR 135 factor of 1.16. The percent increases over 1949 prices now provided will permit Milwaukee bakers generally to earn net profits which, before taxes and with adjustments in net worth, will equal 50 percent of their average net profits during the best three years of the period 1946–49. The 50 percent earnings standard used in arriving at an earnings target to which adjustments are made is substantially lower than the 85 percent standard applied under CPR 135 in setting a level of ceiling prices for the entire baking industry. Application of a standard allowing greater adjustments would, however, result in raising the level of ceiling prices for the baking industry generally beyond the earnings level used in justifying the substantial adjustments in industry ceiling prices under CPR 135.

The one cent adjustment previously granted to Milwaukee bakers for their one-and-one-half pound loaf of white pan bread remains in effect under this revised supplementary regulation.

Bakers selling bread and bread-type roll items in the Milwaukee area, but with plants located elsewhere, may, of course, apply for inter-market adjustments in their Milwaukee area ceiling prices under section 2.13 of CPR 135.

All other pricing provisions of CPR 135 are incorporated by reference under this supplementary regulation.

In the formulation of this revised supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this revised supplementary regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices.
3. General applicability of Ceiling Price Regulation 135.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.

SECTION 1. *What this supplementary regulation does.* (a) This supplementary regulation establishes ceiling prices for sales of bakery items by bakers located in the "Milwaukee area".

(b) "Milwaukee area" means the following counties in the state of Wisconsin: Fond du Lac, Sheboygan, Dodge, Washington, Ozaukee, Jefferson, Waukesha, Milwaukee, Racine, Kenosha, Walworth, and Rock.

SEC. 2. *Ceiling prices.* If you are a baker located in the Milwaukee area your ceiling prices for sales of bakery items are as follows:

(a) *One-and-one-half pound white pan bread.* Your ceiling price for any 1½ pound white pan bread item to your largest buying class of purchasers is your ceiling price under Ceiling Price Regulation 135 to the same class of purchasers plus $.01.

(b) *Other items sold during 1949.* Calculate your ceiling price for any other item sold during 1949 by following the directions set forth in section 2.1 of Ceiling Price Regulation 135 except that you apply the factor of 1.20 instead of the factor of 1.16.

(c) *Items not sold during 1949; sales to new classes of purchasers; adjustments in ceiling prices.* Follow the instructions set forth in the applicable provisions of Ceiling Price Regulation 135 if: (1) you are unable to calculate your ceiling price for an item under paragraph (b) of this section because you did not sell the item during 1949, or you were not in business during 1949 or you propose to sell the item to a new class of purchaser; or (2) you wish to make or apply for any adjustment or make calculations of ceiling prices provided under sections 2.5–2.10 and sections 2.12 and 2.13 of Ceiling Price Regulation 135.

SEC. 3. *General applicability of Ceiling Price Regulation 135.* All provisions of Ceiling Price Regulation 135 which

are not inconsistent with the provisions of this supplementary regulation remain in full force and effect under this regulation.

Effective date. This supplementary regulation becomes effective November 29, 1952.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12611; Filed, Nov. 24, 1952; 4:00 p. m.]

[Distribution Regulation 1, Revision 1, Amdt. 5]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

RELAXATION OF REGISTRATION REQUIREMENTS AND OTHER CHANGES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 5 to Distribution Regulation 1, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment modifies substantially the registration requirements for livestock slaughterers and eliminates most other restrictions imposed by Distribution Regulation 1, Revision 1 (DR 1).

DR 1 has substantially confined registration to persons who operated in the slaughtering business during the base period from January 1, 1950, to February 9, 1951. However, a gradual relaxation of this program has been possible. Apart from legislative mandates, the Office of Price Stabilization has during the past several months been able to modify the program by permitting registration of slaughterers who kill livestock for farmers only, by suspending its reporting requirements, and by broadening its provisions for relief from hardship.

At the present time, livestock supplies have improved considerably. It also appears that a peak in defense production has almost been reached and that current increases in the country's livestock population have kept abreast of increases in consumer demand, as reflected in the softening of prices in several types of livestock and meat. At the same time, these improved conditions no longer justify the substantially complete exclusion of new commercial slaughterers.

It remains necessary, however, to obtain information about the country's slaughtering activities to prepare for any possible increase in the national emergency. Also, it is necessary at this time to maintain the requirement that each slaughterer mark his registration number on all accessible wholesale cuts of meat for the purposes of identification. In view of these needs, DR 1 will not be suspended entirely.

Instead, a limited registration program will be continued. All substantive standards governing entries into the slaughtering business have been removed. Hereafter, there will be open entry into that business, subject to the requirement of prior notification to the appropriate OPS office, receipt of a registration number, and the requirement of marking all accessible wholesale cuts with that number. No reporting requirements are presently in effect, and the amendment reduces substantially the record-keeping requirements. All pertinent sections of this regulation are amended to reflect this change in policy.

At the same time, other sections are amended to delete parts which have become obsolete or suspended, or which are otherwise surplus to the needs of the relaxed registration program.

If the situation should change in the future with regard to the size of the defense effort, the supply of livestock coming to market, or other developments adversely affecting the stabilization program, it may be necessary again to tighten requirements for registration.

In the formulation of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title I of the Defense Production Act of 1950, as amended, are appropriate to promote the national defense and conform with all applicable standards of that act.

AMENDATORY PROVISIONS

Distribution Regulation 1, Revision 1, is amended in the following respects:

1. Section 3 is deleted.

2. Section 5 (e) is amended to read as follows:

(e) *Class 3 farm slaughterers.* If you operate a farm on which you reside for more than six months a year, or if you actually raise or superintend the raising of your own livestock on your own premises from its birth or at least ninety days immediately before slaughter, and if you transfer during a calendar year no more than 6,000 pounds of meat resulting from the slaughter of your livestock, you are a Class 3 farm slaughterer. The transfer of meat includes the selling, giving, exchanging, lending, delivering, or consigning of meat unless the meat is for your own consumption.

3. Section 6 is amended to read as follows:

SEC. 6. *Prohibition against slaughtering without registration.* You may not slaughter livestock or have it slaughtered for you unless you are a registered Class 1, Class 2, Class 1A or Class 2A slaughterer, or unless you are a Class 3 farm slaughterer or slaughter "Club" or "Show" livestock under the terms of section 12 of this regulation.

4. Section 7 (b) is amended by deleting paragraph 7 (b) (2) and by changing the first sentence of the section to read as follows: "If you have received and retained a signed copy of Form DO 1-4 from a Class 1 slaughterer covering 1950 slaughter of livestock for you and have returned a signed copy of that form to that slaughterer, and if you have filed a copy of Form DO 1-4 or a statement of your slaughter bases with the National Office of the Office of Price Stabilization before December 1, 1952 you are a registered Class 1A slaughterer at that Class 1 slaughtering establishment."

5. Section 7 (c) is amended by deleting paragraph 7 (c) (2) and by changing the first sentence of the section to read as follows: "If you have received and retained a signed copy of Form DO 1-5 from a Class 2 slaughterer covering 1950 slaughter of livestock for you and have returned a signed copy of that form to that slaughterer, and if you have filed a copy of Form DO 1-5 with the appropriate office of the Office of Price Stabilization before December 1, 1952, you are a registered Class 2A slaughterer at that Class 2 slaughtering establishment."

6. Section 8 (a) is amended by deleting subsections (2) and (5) and redesignating subparagraphs (3) and (4) as sections 8 (a) (2) and 8 (a) (3), respectively.

7. The redesignated section 8 (a) (3) is amended to read as follows:

(3) You may not slaughter livestock for a Class 1A or Class 2A slaughterer for whom you did not slaughter livestock in 1950 (as shown on your Form DO 1-3), except as provided for in sections 9 (b), 12, 14, or 16 (transfers, "Club" and "Show" livestock, and new registrations).

8. Section 9 is amended by deleting subsections 9 (a) (2) and 9 (b) and the numeral (1) in subsection 9 (a) (1), and by redesignating subparagraph 9 (c) as section 9 (b).

9. The redesignated section 9 (b) is amended to read as follows:

(b) If you want to transfer your operations to another registered establishment, you may apply to the OPS office where you are registered for permission to transfer your registration. Permission will be granted if your application includes:

(1) The name and address of the Class 1 or Class 2 slaughterer who formerly slaughtered for you.

(2) The name and address of the Class 1 or Class 2 slaughterer whom you wish to perform slaughtering for you.

(3) A statement from the slaughterer to whose establishment you wish to transfer indicating that he is willing to slaughter for you.

You may transfer your operations after approval of the OPS and a new registration number have been obtained. Thereafter your operations at the establishment of your new slaughterer shall be subject to all applicable provisions of this regulation.

10. Section 10 is amended to read as follows:

SEC. 10. *Class 3 farm slaughterers.*—(a) *Right to slaughter.* As a Class 3 farm slaughterer, you may slaughter your own livestock or have it slaughtered for you by any registered Class 1 or Class 2 slaughterer either for your own consumption or for transfer of the resulting meat, provided that your total transfer of such meat obtained through Class 3 slaughter does not exceed 6,000 pounds during any calendar year.

(b) *Statements by Class 3 farm slaughterers.* Class 1 or Class 2 slaughterers may not slaughter livestock for you unless you have given them a dated and signed statement containing:

(1) A statement that you are a Class 3 farm slaughterer as defined in section 5 (e);

(2) The address of your farm or the place where the livestock was raised; and

(3) A description of the livestock to be slaughtered, by species, number of head, and live weight.

(c) *Tagging Requirements.* A tag, containing your name and address and the words "Class 3 farm slaughterer", must be attached to each leg of every carcass and to each wholesale cut transferred by you.

11. Section 11 is deleted.

12. Section 12 is amended to read as follows:

SEC. 12. *Slaughter of "Club" and "Show" livestock.*—(a) *Authorization.* Persons not otherwise registered to slaughter livestock or to have it slaughtered for them may do so if that livestock has been purchased by them;

(1) From members of 4-H Clubs, Future Farmers of America, or other recognized farm youth organizations at sales made at the place and time of a fair, show, or exhibition ("Club" livestock); or

(2) At a fair, show, or exhibition at which that livestock has been exhibited in competition, and in the course of a regularly scheduled public sale held at the place and time of such fair, show, or exhibition ("Show" livestock).

(b) *Statement and Record required.* (1) To have "Club" or "Show" livestock slaughtered for him, a person not otherwise registered must give to a registered slaughterer a signed statement reading as follows:

I certify that _____ head of _____
(State species)
to be slaughtered for me by _____
_____
(Name of slaughterer)
are ("Club") ("Show") (strike out one) animals purchased by me in accordance with Section 12 of Distribution Regulation 1, Revision 1.

(2) Persons not registered to slaughter livestock who purchase "Club" or "Show" animals and slaughter them themselves or have them slaughtered for them must keep for the period required by section 17 (f) a copy of the receipt or bill of sale covering each such purchase.

(c) *Definition of "fair, show, or exhibition".* For the purposes of this section, "fair, show, or exhibition" means a fair, show, or exhibition which is recognized generally as being of county, state, regional (embracing more than one state), national or international character, and whose traditional events include a regularly scheduled public sale for slaughter of some or all of the livestock exhibited there.

13. Section 13 is amended to read as follows:

SEC. 13. *Transfer of Class 1 or Class 2 slaughtering establishment.* (a) If you are a Class 1 or Class 2 slaughterer and wish to transfer your establishment, you must first notify the OPS office at which you are registered. That office will acknowledge the transfer of your registration if your application states the name and address of the establishment being sold or transferred, the names of all transferors and transferees, and the nature and size of the interest being transferred.

For the purpose of this section "transfer" means a change in the location of the establishment, a change in the ownership of the establishment (amounting to a transfer of 10 percent or more of the business equity), or a change in the name of the establishment.

(b) No transfer of registration will be acknowledged while the slaughtering establishment concerned is under suspension by any governmental body or agency.

14. Section 14 is amended to read as follows:

SEC. 14. *Transfer of Class 1A or Class 2A Slaughterers' Registrations.* If you are a Class 1A or Class 2A slaughterer you will be permitted to transfer your registration only if the transfer of registration is accompanied by the sale or transfer to the transferee of such registration of an establishment in which you sold meat derived from livestock which you had slaughtered for you as a Class 1A or Class 2A slaughterer. In the event of such transfer you must first notify the OPS office at which you are registered of the transfer, stating in your application the information required by section 13 (a).

15. Section 15 is amended to read as follows:

SEC. 15. *New registrations for Class 1 or Class 2 slaughterers.* If you wish to slaughter livestock as a Class 1 or Class 2 slaughterer but are not registered to do so, you must apply to the OPS for registration. Applications for Class 1 registrations must be made to the National Office of OPS; applications for Class 2 registrations must be made to the OPS District Office for the area in which your establishment is located. Your application must contain a list of all owners of the establishment (owning 10% or more of the business equity) and a description of the plant, including its sanitary facilities and slaughtering capacity. Upon receipt of your completed application you will be registered. You may not begin slaughtering operations until you have received registration from the OPS.

16. Section 16 is amended to read as follows:

SEC. 16. *New registrations for Class 1A or Class 2A slaughterers.* If you want to have livestock slaughtered for you as a Class 1A or Class 2A slaughterer but you are not registered to do so, you must apply to the OPS for registration. Applications for Class 1A registration must be made to the National Office of OPS; applications for Class 2A registration must be made to the District Office of OPS for the area in which the establishment of your Class 2 slaughterer is located. Your application must contain a list of all owners of your business (owning 10% or more of the business equity) and a statement from your prospective Class 1 or Class 2 slaughterer that he is registered and willing to custom slaughter for you. Upon receipt of your completed application you will be registered. You may not begin slaughtering operations until you have received registration from OPS.

17. Section 17 is amended in the following respects:

Subsections 17 (b), (e) and (j) and paragraphs 17 (c) (3) and 17 (c) (4) are deleted. Subsections 17 (c), (d), (f), (g), (h) and (i) are redesignated sections 17 (b), (c), (d), (e), (f) and (g) respectively.

18. Sections 18, 19 and 20 are deleted.

19. Section 27 is amended in the following respects:

Subsections 27 (b), (c), (j), (m), (o), (p), (u), (v) and (w) are deleted.

Subsections 27 (d), (e), (f), (g), (h), (i), (k), (l), (n), (q), (r), (t) and (x) are redesignated sections 27 (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (o) respectively.

Subsection 27 (s) is redesignated section 27 (m) and amended to read as follows:

(m) "Slaughter base" means the pounds live weight of slaughter of a given species of livestock which a slaughterer was assigned by the Office of Price Stabilization (as shown on OPS Public Form No. 34 or OPS Form DO 1-2) or of slaughter for him which was assigned by the Office of Price Stabilization (as derived from OPS Form DO 1-4 or DO 1-5) for each accounting period during 1950.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. The provisions of this amendment shall be effective on November 24, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12607; Filed, Nov. 24, 1952; 12:18 p. m.]

[General Ceiling Price Regulation, Amdt 38]

GENERAL CEILING PRICE REGULATION

PLACE FOR FILING REPORTS UNDER SECTION 6 AND APPLICATIONS UNDER SECTION 7 FOR RETAILERS, WHOLESALERS, SERVICE SUPPLIERS AND SMALL MANUFACTURERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amend-

ment 38 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to the General Ceiling Price Regulation makes certain changes in the provisions of sections 6 and 7 pertaining to the place of filing of reports or applications.

The first of these changes is made for the purpose of clarifying the filing requirements with respect to a seller who expects to distribute his commodities nationally or over areas larger than the OPS region in which he is located. Any seller who expects to sell a substantial amount of the commodities covered by a report or application under these sections to persons located outside the OPS region where his place of business is located should file his report with the Director of Price Stabilization in Washington.

The second change is made for the purpose of carrying out a program of extending the authority of field offices to act on reports or applications filed pursuant to these sections. A manufacturer whose gross sales of manufactured commodities were under $1,000,000 in the last complete fiscal year should file his report or application with his OPS District Office. A new manufacturer who expects his first year's gross sales of manufactured commodities to be less than $1,000,000 should, likewise, file with his OPS District Office.

The wide coverage of this amendment has made it impracticable to consult with representatives of the affected industries or trade associations.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respects:

1. The first sub-paragraph of paragraph (b) of section 6 is amended to read as follows:

You should file your report with the OPS District Office for the district in which your place of business is located except as follows: Your report should be filed with the Director of Price Stabilization, Washington 25, D. C., if, (1) you expect to sell a substantial amount of the commodities covered by your report to persons located outside the OPS region in which your place of business is located, or (2) you are a manufacturer and your gross sales of your manufactured commodities for your last complete fiscal year amounted to $1,000,000 or more, or you are a new manufacturer who has not yet completed a fiscal year, but you expect your gross sales of your manufactured commodities to reach $1,000,000 during your first fiscal year, or (3) your report is made for a group of retail sellers determining uniform ceiling prices under section 12.

2. The last sub-paragraph of section 7 is amended to read as follows:

You should file your application with the OPS District Office for the district in which your place of business is located except as follows: Your application should be filed with the Director of Price Stabilization, Washington 25, D. C. if, (1) you expect to sell a substantial amount of the commodities covered by your application to persons located outside the OPS region in which your place of business is located, or (2) you are a manufacturer and your gross sales of your manufactured commodities for your last complete fiscal year amounted to $1,000,000 or more, or you are a new manufacturer who has not yet completed a fiscal year, but you expect your gross sales of your manufactured commodities to reach $1,000,000 during your first fiscal year, or (3) your application is made for a group of retail sellers determining uniform ceiling prices under section 12.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 29, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12654; Filed, Nov. 25, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 87, Amdt. 1]

GCPR, SR 87—CEILING PRICES FOR RESELLERS OF LUMBER AND ALLIED WOOD PRODUCTS

FILING WITH DISTRICT OFFICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 87 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

In conformance with current OPS policy, this amendment to Supplementary Regulation 87 to the GCPR provides that applications for the establishment of a percentage markup under section 14 shall be filed with the District Office of the Office of Price Stabilization in the District where a reseller's place of business is located. Those resellers who have places of business in more than one District shall continue to file with the National Office.

The character of this amendment made it impracticable to consult formally with industry representatives, although, wherever feasible, various representatives of industry were informally consulted and consideration was given to their recommendations.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 14 (a) is amended to read as follows:

(a) If you cannot determine a percentage markup for a lumber item under other provisions of this supplementary regulation, as, for example, because you were not in business during those periods, or because you are selling to an entirely new class of purchaser, etc., you must make written application for the establishment of a percentage markup to the District Office of the Office of Price Stabilization in the District in which your place of business is located. If you have places of business located in more than one District, then you must file your application with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C. Your application must be filed in duplicate and must be sent by registered mail with a return receipt requested. Your application shall state:

(1) Your name and address, or addresses, and the nature of your business, such as retailer, type of wholesaler, etc.

(2) As complete a description as possible of the lumber item or items for which you are seeking a markup.

(3) A statement as to whether your proposed markup is to apply to your current net invoice cost, acquisition cost, or your current average net invoice or acquisition cost, and the amount of such cost to you for the item you are pricing.

(4) Your proposed percentage markup, and the class or classes of purchasers to which the markup will apply for the quantities involved.

(5) A statement setting forth the reason why you cannot determine a markup for the lumber item under other provisions of this supplementary regulation.

(6) A statement setting forth how you determined your proposed markup, and why you believe it is in line with a markup determined under the other procedures established by this supplementary regulation.

(Sec. 704, 64 Stat. 816, amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 29, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12659; Filed, Nov. 25, 1952; 4:01 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 110, Amdt. 1]

GCPR, SR 110—TRUE MAHOGANY LOGS AND LUMBER

FILING WITH DISTRICT OFFICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 110 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

In conformance with current OPS policy, this amendment to Supplementary Regulation 110 provides that reports under section 5 shall be filed with the District Office of the Office of Price Stabilization in the District where a seller's place of business is located. Those sellers who have places of business in more than one District shall continue to file with the National Office. The amendment does not require sellers to refile reports which they have previously filed with the National Office.

The character of this amendment made it impracticable to consult formally with industry representatives, although, wherever feasible, various representatives of industry were informally consulted and consideration was given to their recommendations.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 5 is amended to read as follows:

SEC. 5. *Reports*—(a) *Initial reports.* Within 30 days after the effective date of this supplementary regulation, you shall file with the District Office of the Office of Price Stabilization in the District in which your place of business is located, a report showing the following information with respect to:

(1) *Logs.* (i) Your ceiling prices for true mahogany logs established under the provisions of the General Ceiling Price Regulation with respect to each class of purchaser.

(ii) Your actual selling price to each class of purchaser, and date of sales, of true mahogany logs for your last sale made prior to the effective date of this regulation.

(2) *Lumber.* (i) Your carload ceiling prices for true mahogany lumber, established under the provisions of the General Ceiling Price Regulation with respect to each class of purchaser, for one inch and for two inch thicknesses in each of the following grades: FAS, Selects No. 1 Common, No. 2 Common, and N. O., and FAS (A) Wormy.

(ii) Your actual carload selling price to each class of purchaser, and date of sales for your last sales made prior to the effective date of this regulation of true mahogany lumber in the thicknesses and grades listed in subdivision (i) of this subparagraph.

If you have places of business located in more than one District, then you must file your application with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C.

(b) *Quarterly reports.* Within 20 days after each of the calendar periods ending March 31, June 30, September 30, and December 31 of each year during which this supplementary regulation remains effective, you shall file with the District Office of the Office of Price Stabilization in the District in which your place of business is located, a report for the respective calendar period on OPS Public Form No. 141 showing the following information with respect to:

(1) *Logs.* (i) The principal class of purchaser to which you sold true mahogany logs.

(ii) The highest price at which you delivered true mahogany logs ($ per MFBM) to the above.

(iii) The total board feet delivered at highest price (MFBM).

(iv) The total board feet of all deliveries (MFBM).

(2) *Lumber.* (i) The highest price at which you delivered true mahogany lumber in carload lots in one inch and in two inch thicknesses in each of the following grades: FAS, Selects, No. 1 Common, No. 2 Common, N. O. and FAS (A) Wormy.

(ii) The total board feet delivered at highest carload price (MFBM).

(iii) The total board feet of all deliveries of true mahogany lumber (MFBM) in one inch and in two inch thicknesses in each of the following grades: FAS, Selects, No. 1 Common, No. 2 Common, N. O. and FAS (A) Wormy.

If you have places of business located in more than one District, then you must file your application with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C.

NOTE: In reporting your lumber sales, you must report separately your sales of one inch and two inch items. You must use OPS Public Form No. 141 in providing the above required information.

(c) Reports made under this section shall contain your company name and address and be signed by you if an individual; if a partnership, by a partner, or if a corporation, by a duly authorized officer.

(Sec. 704, 64 Stat. 816, amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 29, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12660; Filed, Nov. 25, 1952; 4:01 p. m.]

[General Overriding Regulation 4, Amdt. 12 to Revision 1]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

CLARIFICATION OF SUSPENSION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 1 to General Overriding Regulation 4, Revision 1, added to the commodities suspended from price controls three groups of yarns and fabrics when sold by manufacturers. It now appears that the language used in this amendment to suspend certain synthetic and silk yarns and fabrics went beyond the Agency's intention at the time and the present amendment is therefore being issued to clarify and properly limit the effect of Amendment 1. This is accomplished by the addition of a new category of exceptions making it clear that synthetic and silk yarns and fabrics composed of more than 50 percent by fiber weight of fibers or yarns which are neither wool, cotton, silk, synthetics nor combinations thereof, are not suspended from price controls.

The other changes effected by the present amendment are merely designed to make the regulation more easily understood.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

General Overriding Regulation 4, Revision 1, as amended, is further amended in the following respects:

1. Paragraph (c) of section 3 is amended to read as follows:

(c) *Synthetics and silk.* The following yarns and fabrics when sold by the manufacturer thereof: Spun, plied, thrown, dyed or otherwise processed yarns and greige and finished fabrics composed wholly or partly of synthetic or silk fibers or yarns, except sales in the territories and possessions of the United States and sales of the following: (1) Yarns or fabrics composed of more than 50 percent by fiber weight or fibers or yarns which are neither wool, cotton, silk, synthetics nor combinations thereof, (2) automotive parts, (3) synthetic tire fabric, (4) yarns or fabrics containing 25 percent or more of wool or wool waste by fiber weight, and (5) yarns or fabrics which consist, after production but before finishing, of 50 percent or more of cotton by fiber weight and containing less than 25 percent by fiber weight of any one of either wool, rayon, nylon or other fibers. Nothing in this paragraph shall be construed to apply to synthetic staple, tow, or continuous filament yarn as produced by the initial manufacturer, or to raw silk.

2. Paragraph (d) is amended by adding the headnote *Wool,* so that paragraph (d) will now read as follows:

(d) *Wool.* Yarns and fabrics, when sold by the manufacturers thereof, containing 25 percent or more of wool or wool waste by fiber weight, except sales made in the territories and possessions of the United States and sales of soft surface floor coverings.

3. Paragraph (e) is amended by adding the headnote *Cotton,* so that paragraph (e) will now read as follows:

(e) *Cotton.* Yarns and fabrics, when sold by the manufacturers thereof, consisting, after production but before finishing, of 50 percent or more of cotton by fiber weight and containing less than 25 percent by fiber weight of any one of either wool, rayon, nylon or other fibers, except sales in the territories and possessions of the United States.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective November 24, 1952.

TIGHE E. WOODS
Director of Price Stabilization.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12603; Filed, Nov. 24, 1952; 12:18 p. m.]

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania—Con.				
(267) Pittsburgh—Con.		and Upper Burrell, the towns of East Vandergrift and Oklahoma, the boroughs of Export, Irwin, Mount Pleasant, North Belle Vernon, North Irwin, Penn, Salem, South Vandergrift, and West Newton, and all unincorporated localities in Westmoreland County except the township of Sewickley.	Sept. 30, 1952	Oct. 8, 1952
	B	In Lawrence County, the city of New Castle and all other incorporated municipalities and the boroughs of Ellwood City and Wampum, and New Wilmington.	Oct. 1, 1950	Feb. 28, 1952
	C	That part of Beaver County north and east of the Ohio River, except the townships of Brighton, Economy, and Harmony, and the boroughs of Ambridge, Baden, Beaver, and Conway, and that part of the borough of Bridgewater which is in Beaver County.	....do.....	Apr. 1, 1952
	C	In Beaver County, the townships of Center and Potter, and the borough of Monaca.	....do.....	Feb. 28, 1952
	A	In Beaver County, Brighton Township.	Mar. 1, 1942	Nov. 1, 1942
	B	In Lycoming County, the city of Williamsport, the townships of Armstrong, the City of Williamsport, and Old Lycoming, the boroughs of Duboistown, Montgomery, Montoursville, and South Williamsport.	Jan. 1, 1952	Sept. 29, 1952
(272) Williamsport.	C	....do.....	....do.....	Do
	A	In Lycoming County, the townships of Anthony, Bastress, Brady, Clinton, Eldred, Fairfield, Hepburn, Limestone, Loyalsock, Lycoming, Mifflin, Mill Creek, Muncy, Muncy Creek, Nippenose, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf, and Woodward, and the boroughs of Hughesville, Picture Rocks, and Salladasburg.	Mar. 1, 1942	Dec. 1, 1942
	B	In Northumberland County, the city of Sunbury and the borough of Northumberland; in Snyder County, the borough of Selinsgrove; in Union County, the borough of Lewisburg.	....do.....	Feb. 1, 1944
Ohio				
	B	In Clinton County, the borough of Renovo.	....do.....	Feb. 1, 1944
(224) Akron	B	Summit County, except the cities of Akron and Cuyahoga Falls and the village of Hudson, Silver Lake, and Tallmadge, and all unincorporated localities.	Apr. 1, 1941	June 1, 1942

These amendments decontrol the following based on resolutions submitted under section 204 (j) (3) of the act:

The Township of Sewickley in Westmoreland County, Pennsylvania, a portion of the Pittsburgh Defense-Rental Area;

The Boroughs of Jersey Shore and Muncy in Lycoming County, Pennsylvania, portions of the Williamsport Defense-Rental Area;

The City of Akron in Summit County, Ohio, a portion of the Akron Defense-Rental Area, and all unincorporated localities in the defense-rental area, the said City of Akron being the major portion of the defense-rental area.

[F. R. Doc. 52-12589; Filed, Nov. 24, 1952; 9:30 a. m.]

[Rent Regulation 3, Amdt. 96 to Schedule A]

[Rent Regulation 4, Amdt. 39 to Schedule A]

PART 3—HOTELS

PART 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA

Effective November 24, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. 1894)

Issued this 21st day of November 1952.

JAMES McL. HENDERSON,
Director of Rent Stabilization.

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 92 to Schedule A]

[Rent Regulation 2, Amdt. 90 to Schedule A]

PART 1—HOUSING

PART 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA AND OHIO

Effective November 24, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 21st day of November 1952.

JAMES McL. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania				
(267) Pittsburgh	B	In Allegheny County, the cities of Clairton, Duquesne, McKeesport, and Pittsburgh, the townships of Aleppo, Baldwin, Elizabeth, Forward, Harmar, Harrison, Indiana, Leet, Neville, Richland, Sewickley, South Fayette, South Versailles, Springdale, Stowe, West Deer, and Wilkins, the boroughs of Bradford Woods, Brackenridge, Braddock, Braddock Hills, Brentwood, Bridgeville, Carnegie, Coraopolis, Dravosburg, East McKeesport, East Pittsburgh, Etna, Glassport, Glenfield, Homestead, Leetsdale, McKees Rocks, Millvale, Monaca, Munhall, North Braddock, Oakdale, Pitcairn, Rankin, Sewickley, Springdale, Swissvale, Tarentum, Turtle Creek, Verona, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin, White Oak, and Wilmerding, and all unincorporated localities in Allegheny County, except the city of Pittsburgh and the townships of Crescent, Findlay, Kilbuck, Moon, Robinson, Ross, Scott, Upper St. Clair, and the boroughs of Bethel, Churchill, Elizabeth, Ingram, Rosslyn Farms, and Wilkinsburg; in Armstrong County, the township of Pine, the boroughs of Ford City, Kittanning, North Apollo, and Parks, and all unincorporated localities in Armstrong County; in Beaver County, the townships of Center, Hanover, Harmony, and Potter, the boroughs of Aliquippa, Baden, and Monaca, and that part of Beaver County north and east of the Ohio River, except the townships of Brighton, Economy, and Harmony, and the boroughs of Ambridge, Beaver, and Conway, and all unincorporated localities in Beaver County, except those in the township of Brighton and the borough of Beaver; in Fayette County, the cities of Connellsville and Uniontown, the townships of Dunbar, Georges, Menallen, Perry, Redstone, Saltlick, Springfield, Stewart, Upper Tyrone, Washington, and Wharton, the boroughs of Belle Vernon, Brownsville, Dawson, Dunbar, Everson, Fairchance, Fayette City, Masontown, North Connellsville, and Vanderbilt, and all unincorporated localities except those in the townships of Henry Clay, Jefferson, Luzerne, and Redstone, and the boroughs of Newell, Smithfield, and all unincorporated localities except those in the township of Henry Clay; in Washington County, the cities of Monongahela and Washington, the townships of Carroll, East Pike Run, Fallowfield, Hopewell, Nottingham, North Bethlehem, North Strabane, Somerset, Union, and West Pike Run, the boroughs of Allenport, Beallsville, California, Canonsburg, Centreville, Charleroi, Coal Center, Cokeburg, Dupont, Dunlevy, Ellsworth, McDonald, New Eagle, North Charleroi, Roscoe, West Brownsville, and Willow Grove, and all unincorporated localities except those in the townships of Finley, Morris, South Franklin, and West Finley; in Westmoreland County, the cities of Arnold, Jeannette, Monessen, and New Kensington, the townships of East Huntingdon, Rostraver, Unity,	Mar. 1, 1942	July 1, 1942

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(272) Williamsport	Pennsylvania	In Lycoming County, the city of Williamsport; the boroughs of Duboistown, Hughesville, Montgomery, Montoursville, Picture Rocks, Salladasburg, and South Williamsport; and the townships of Anthony, Armstrong, Bastress, Brady, Clinton, Eldred, Fairfield, Hepburn, Limestone, Loyalsock, Lycoming, Mifflin, Mill Creek, Muncy, Muncy Creek, Nippenose, Old Lycoming, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf, and Woodward.	Jan. 1, 1952	Sept. 29, 1952

These amendments decontrol the following based on resolutions submitted under section 204 (j) (3) of the act:

The Boroughs of Jersey Shore and Muncy in Lycoming County, Pennsylvania, portions of the Williamsport Defense-Rental Area.

[F. R. Doc. 52-12590; Filed, Nov. 24, 1952; 9:30 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 856, Amdt. 4]

PART 95—CAR SERVICE

SATURDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of November A. D. 1952.

Upon further consideration of Second Revised Service Order No. 856 (16 F. R. 3929, 10590; 17 F. R. 896, 3458, 4949), and good cause appearing therefor: It is ordered, that:

Section 95.856 *Saturdays to be included in computing demurrage on all freight cars*, of Second Revised Service Order No. 856 be, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., May 31, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., November 30, 1952.

It is further ordered, That a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12563; Filed, Nov. 25, 1952; 8:46 a. m.]

[Rev. S. O. 867, Amdt. 8]

PART 95—CAR SERVICE

RESTRICTIONS ON TRAP AND FERRY CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of November A. D. 1952.

Upon further consideration of Revised Service Order No. 867 (15 F. R. 6199, 6313, 6573; 16 F. R. 2895, 6184, 12096; 17 F. R. 1857, 4949, 7945), and good cause appearing therefor: It is ordered, that:

Section 95.867 *Restrictions on trap and ferry cars*, of Revised Service Order No. 867 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., February 28, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., November 30, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12564; Filed, Nov. 25, 1952; 8:46 a. m.]

[Corr. S. O. 870, Amdt. 7]

PART 95—CAR SERVICE

FREE TIME ON FREIGHT CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of November A. D. 1952.

Upon further consideration of Service Order No. 870 (15 F. R. 8994, 9065; 16 F. R. 2895, 6843, 10995; 17 F. R. 1857, 4949, 7945), and good cause appearing therefor: It is ordered, that:

Section 95.870 *Free time on freight cars loaded at ports*, of Service Order No. 870, be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., February 28, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., November 30, 1952.

It is further ordered, That a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12565; Filed, Nov. 25, 1952; 8:46 a. m.]

[Corr. S. O. 871, Amdt. 8]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING BOX CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of November A. D. 1952.

Upon further consideration of Service Order No. 871 (15 F. R. 8995, 9066; 16 F. R. 2895, 6843, 10750, 10995; 17 F. R. 1858, 4949, 7946), and good cause appearing therefor: It is ordered, that:

Section 95.871 *Free time on unloading box cars at ports*, of Service Order No. 871 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., February 28, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., November 30, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it

with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12566; Filed, Nov. 25, 1952; 8:46 a. m.]

[Second Rev. S. O. 872]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of November A. D. 1952.

It appearing, that there is a shortage of box cars for the transportation of all commodities, which will be aggravated during the coming months by weather conditions and the needs of the Armed Forces, and that there is an urgent need to regulate transportation of grain in carloads to certain ports to prevent congestion; in the opinion of the Commission an emergency exists in all sections of the country requiring immediate action to promote the National Defense and car service in the interest of the public and the commerce of the people. It is ordered, that:

§ 95.872 *Movement of grain to terminal elevators by permit*—(a) *Necessity of permit.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, transport, or move any car loaded with grain waybilled, consigned, or reconsigned to any elevator or for direct delivery to a vessel at the port or ports in the areas named in this section, unless such carrier has first obtained a permit authorizing the movement of such grain in carloads into the port area. The waybill shall show the number of the permit issued.

(b) *Appointment of Agent and designation of duties.* (1) Mr. C. W. Taylor, Room 5117 ICC Building, Phone: National 7460, Ext. 548, is hereby designated and appointed Agent of this Commission to prescribe the terms and conditions under which permits may be issued and is authorized at any time to change, revoke or cancel the terms or conditions under which permits may be issued.

(2) Mr. T. M. Healy, 204 Southern Railway Building, Atlanta, Georgia, Phone: Cypress 7321, is hereby designated and appointed Permit Agent for the ports of New Orleans, Louisiana and Mobile, Alabama.

(3) Mr. D. R. Swain, 606 Fannin Building, Houston, Texas, is hereby designated and appointed Permit Agent for the Texas Gulf ports.

(4) Mr. P. E. Grider, 211 U. S. Court House, Portland 5, Oregon, Phone: Atwater 6171, Ext. 559, is hereby designated and apointed Permit Agent for the ports in the States of Washington and Oregon.

(c) *Application.* The provisions of this section shall apply to interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(d) *Effective date.* This section shall become effective at 7:00 a. m., November 24, 1952.

(e) *Expiration date.* This section shall expire at 11:59 p. m., March 31, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this order vacates and supersedes Revised Service Order No. 872 and that a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12567; Filed, Nov. 25, 1952; 8:47 a. m.]

[Order No. 13528]

PART 132—POWER BRAKES AND DRAWBARS

EQUIPMENT OF INTERCHANGE CARS

In the matter of investigation of power brakes and appliances for operating power brake systems.

Upon consideration of request on behalf of respondents for an extension of time beyond December 31, 1952, within which to equip interchange cars used in freight service with power brakes and appliances as required by the order heretofore entered herein on September 21, 1945, as amended, and good cause appearing therefor:

It is ordered, That the order heretofore entered on September 21, 1945, as amended, requiring respondents to install power brakes and appliances on their cars used in interchange freight service on or before December 31, 1952, be, and it is hereby, further amended so as—

To require that all such interchange cars be so equipped on or before June 30, 1953, except as indicated hereinafter:

To prohibit the movement by any respondent after June 30, 1953, of any car in interchange service, other than tank cars (including the cars of private car-line companies), not so equipped except that such cars may be so moved prior to October 1, 1953, if routed to owner; and

To prohibit the movement by respondents after October 1, 1953, of any tank car in interchange service (including the tank cars of private car-line companies) not so equipped except that such tank cars may be so moved prior to January 1, 1954, if routed to owner.

It is further ordered, That the term "interchange service" means the movement of any car that is engaged in freight service, irrespective of ownership, that is interchanged between or among two or more respondent railroads.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

Dated at Washington, D. C., this 18th day of November A. D. 1952.

By the Commission, Commissioner Patterson.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12562; Filed, Nov. 25, 1952; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

SIMULTANEOUSLY CONTESTED CLAIMS

In § 4.55 (b), subparagraphs (1), (3), and (4) are amended to read as follows:

§ 4.55 *Contested claims.* • • •

(b) *Simultaneously contested claims.* (1) When entitlement of one claimant is determined, the claim of the other person will be formally disallowed. The claimants and other interested persons will be notified of the determinations made, and the person whose claim is disallowed will be allowed 60 days from the date of the letter of disallowance within which to file an appeal.

• • • • • •

(3) If an appeal is not filed within the time allowed, an award to the claimant whose title has been established will be made.

(4) Notices as required by this section shall be forwarded to the parties in interest to the last known address of record. (Paragraph X, Part II, Veterans Regulation 2 (a).) If the person whose claim has been disallowed is residing in a country with which the United States is at war or which is occupied by enemy forces, the requirement of notice will be met by placing in the XC-folder a notation that the notice is not being sent because of interruption to mail service incident to such condition.

• • • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 48 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 426, 707)

This regulation is effective November 26, 1952.

H. V. STIRLING, *Deputy Administrator*

[F. R. Doc. 52-12533; Filed, Nov. 25, 1952; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10209]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

ASSIGNMENT OF SHIP TELEGRAPH AND TELEPHONE FREQUENCIES; CORRECTION

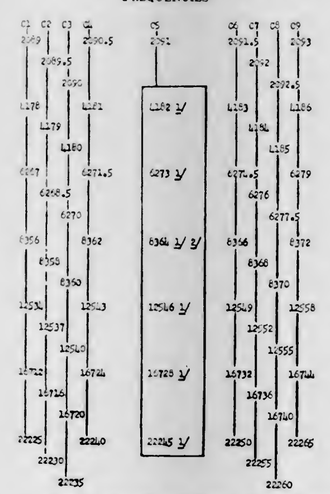
In the matter of amendment of Part 8 of the Commission's rules regarding the assignment of calling frequencies to ship stations using telegraphy in the bands between 4000 and 23000 kc, Amendment of Part 8 of the Commission's rules to provide a plan of assignment of all assignable ship telegraph frequencies between 2000 and 23000 kc and ship telephone frequencies between 4000 and 23000 kc; Docket No. 10209.

Table 1-b, as set forth below, was inadvertently omitted from the copy of the above-entitled document (adopted by the Commission on November 3, 1952) which was published in the FEDERAL REGISTER November 19, 1952.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

TABLE 1-b—SHIP RADIOTELEGRAPH CALLING FREQUENCIES



[1] These frequencies are available only to aircraft, and lifeboats and other survival craft, for communication with stations of the Maritime Mobile Service.

[2] Lifeboats and survival craft compulsorily equipped with radio apparatus under international agreement, must be capable of transmitting on this frequency if such apparatus provides for the use of frequencies between 4000 kc and 23,000 kc.

[F. R. Doc. 52-12560; Filed, Nov. 25, 1952; 8:50 a. m.]

[Docket No. 10276]

PART 9—AERONAUTICAL SERVICES

FREQUENCIES AVAILABLE; SERVICE TO BE RENDERED

In the matter of amendment of §§ 9.321 (e), 9.331 (a), and 9.412 (b) of the Commission's rules and regulations governing aeronautical services; Docket No. 10276.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952;

The Commission having under consideration the above captioned matter which proposed to amend Part 9, in order to implement that portion of the agreement concluded at the Extraordinary Administrative Radio Conference (EARC) Geneva, 1951 which made the frequency 3023.5 kc available for assignment to aircraft.

It appearing, that in accordance with the requirements of the Administrative Procedure Act, a notice of proposed rule making was duly published in Volume 17 of the FEDERAL REGISTER on August 16, 1952, which notice proposed the above amendment to the Commission's rules; and

It further appearing, that the period in which interested persons were afforded an opportunity to submit comments expired and all comments have been considered; and

It further appearing, that the Civil Aeronautics Administration in commenting on this proposal states, that Civil Aviation as a whole will benefit by transfer of the service now rendered on 3105 kc to the Internationally Agreed worldwide common frequency 3023.5 kc; and

It further appearing, that the Civil Aeronautics Administration states that essentially all of the approximate 600 CAA stations will be equipped to render service on 3023.5 kc by March 15, 1953, and that these stations can provide service to aircraft on 3105 kc as well as on 3023.5 kc for any reasonable minimum period which can be justified in the circumstances. Further, the CAA urged that the Commission extend for a like period the availability of the frequency 3105 kc to aircraft in order that the operational problems of transition within the United States will be eased and that an opportunity for more fully coordinating this frequency change with neighboring countries will be provided; and

It further appearing, that the comments filed in opposition to the proposed rule making were general in nature; either objecting to the change at any time or requesting that 3105 kc not be deleted on March 15, 1953. Comments included deletion dates ranging from six months to one year beyond March 15, 1953; and

It further appearing, that in view of the comments filed, an extension of the effective date for the discontinuation of use of 3105 kc from March 15, 1953, to March 15, 1954, appears to be a reasonable minimum period which is justified in the circumstances; and

It further appearing, that it would be in the public interest to amend §§ 9.321 (e) and 9.331 (a) so as to authorize all aircraft stations currently authorized to operate on the frequency 3105 kc to operate on the frequency 3023.5 kc during the term of their current licenses without the frequency 3023.5 kc being listed on such licenses; and

It further appearing, that the public interest, convenience and necessity will be served by this amendment, the authority for which is contained in sections 4 (i), 303 (a), (b), (c), and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective December 15, 1952, Part 9 of the Commission's rules and regulations governing Aeronautical Services, is amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

1. Section 9.321 (e) is amended to read as follows:

§ 9.321 *Frequencies available.* • • •

(e) 3023.5 [1] kilocycles (or 3105 kc until March 15, 1954): Available to air carrier aircraft only where service on the appropriate very high frequency is not available or where service is suspended due to equipment failure.

2. Section 9.331 (a) is amended to read as follows:

§ 9.331 *Frequencies available.* • • •

(a) 3023.5[1] kilocycles (or 3105 kc until March 15, 1954): Aircraft calling and working frequency for use by private aircraft.

3. Section 9.412 (b) is amended to read as follows:

§ 9.412 *Service to be rendered.* • • •

(b) The licensee of an airdrome control station shall without discrimination provide service for any and all aircraft. Such licensee shall maintain a continuous listening watch during its hours of operations on the following aircraft calling and working frequencies:

(1) Very high frequencies:

(i) 122.5 Mc;

(ii) 121.5 Mc—emergency frequency—upon application therefor the Commission may exempt any station from the emergency frequency watch requirement, when a showing is made that such service is not required in the preservation of life and property in the air.

(iii) Upon further notice a listening watch may be required on the frequencies 122.7 or 122.9 Mc.

(2) High frequencies:

(i) 3105 kc—until March 15, 1954;

(ii) 3023.5 kc—after March 15, 1953.

[F. R. Doc. 52-12561; Filed, Nov. 25, 1952; 8:46 a. m.]

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[1] Aircraft radio station licensees presently authorized to operate on the frequency 3105 kilocycles may in addition thereto operate on the frequency 3023.5 kilocycles in accordance with § 9.321 (e) or 9.331 (a) during the term of their current licenses without the frequency 3023.5 kilocycles showing on such licenses.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

ADJUSTMENT OF BASIS OF PROPERTY FOR DEPRECIATION, OBSOLESCENCE, AMORTIZATION AND DEPLETION

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR, Part 29) to Public Law 539 (82d Congress), approved July 14, 1952, which amends section 113 (b) (1) (B) of the Internal Revenue Code, relating to the adjustment of the basis of property for depreciation, obsolescence, amortization, and depletion, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.113 (b) (1)–1 the following:

PUBLIC LAW 539 (82D CONGRESS) [APPROVED JULY 14, 1952]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of section 113 (b) (1) (B) of the Internal Revenue Code (relating to adjustments to basis of property for depreciation, etc.) as precedes the word "Where" is hereby amended to read as follows:

(B) In respect to any period since February 28, 1913, for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent of the amount—

(i) Allowed as deductions in computing net income under this chapter or prior income tax laws, and

(ii) Resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under this chapter (other than subchapter E), subchapter E of chapter 2, or prior income, war-profits, or excess-profits tax laws,

but not less than the amount allowable under this chapter or prior income tax laws. Clause (ii) of this subparagraph shall not apply in respect of any period since February 28, 1913, and before January 1, 1952, unless an election has been made under subsection (d).

* * * * *

SEC. 3. The amendments made by this Act shall apply in respect of taxable years beginning after December 31, 1936. Provisions having the effect of such amendments shall be deemed to have been included in the revenue laws respectively applicable to taxable years ending after December 31, 1931, and beginning before January 1, 1939.

PAR. 2. Section 29.113 (b) (1)–1 as amended by Treasury Decision 5873, approved December 7, 1951, is amended as follows:

(A) By inserting immediately preceding the paragraph (a) thereof the following headnote: "(a) *Items properly chargeable to capital account,*" and by redesignating paragraphs (b) and (c) as subparagraphs (1) and (2).

(B) By striking paragraph (d) of such section, which paragraph begins with the words "The cost or other basis * * *", and paragraph (e) thereof, which paragraph begins with the words "The depreciation allowed * * *", and inserting in lieu thereof the following:

(b) *Exhaustion, wear and tear, obsolescence, amortization, and depletion for periods since February 28, 1913*—(1) *In General.* The cost or other basis must also be decreased, to the extent provided in subparagraphs (2), (3), and (4) of this paragraph, by the amount of the deductions for exhaustion, wear and tear, obsolescence, amortization, and depletion. The adjustment required for any taxable year or period is the amount allowed (or the portion thereof referred to in subparagraph (2) (i) or subparagraph (4) (i) of this paragraph, as the case may be) or the amount allowable for such year or period under the law applicable thereto, whichever is the greater amount. A taxpayer is not permitted to take advantage in a later year of his prior failure to take any depreciation allowance or of his action in taking an allowance plainly inadequate under the known facts in prior years. The determination of the amount properly allowable shall, however, be made on the basis of facts reasonably known to exist at the end of such year or period. The aggregate sum of the greater of such annual amounts is the amount by which the cost or other basis of the property shall be adjusted.

The deductions by which the cost or other basis is to be decreased shall include deductions allowed under section 114 (b) (2), (3), and (4) of the Revenue Act of 1932, the Revenue Act of 1934, the Revenue Act of 1936, the Revenue Act of 1938, and the Internal Revenue Code, for the taxable year 1932 and subsequent taxable years, but the amount of the diminution in respect of depletion for taxable years prior to 1932 shall not exceed a depletion deduction computed without reference to discovery value in the case of mines, or without reference to discovery value or a percentage of income in the case of oil and gas wells.

(2) *Adjustment for periods beginning on or after January 1, 1952.* The decrease required by subparagraph (1) of this paragraph for deductions in respect of any period beginning on or after January 1, 1952, shall be whichever is the greater of the following amounts:

(i) The amount allowed as deductions in computing net income under chapter 1 and resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under chapter 1 (other than subchapter E, relating to the tax on self-employment income);

(ii) The amount properly allowable as deductions in computing net income under Chapter 1 (whether or not the amount properly allowable would have caused a reduction for any taxable year of the taxpayer's taxes).

(3) *Adjustment for periods since February 28, 1913, and before January 1, 1952, where no election made.* Except where an election has been properly made under section 113 (d) (see subparagraph (4) of this paragraph, the decrease required by paragraph (1) for deductions in respect of any period since February 28, 1913, and before January 1, 1952, shall be whichever of the following amounts is the greater:

(i) The amount allowed as deductions in computing net income under chapter 1 or prior income tax laws;

(ii) The amount properly allowable in computing net income under chapter 1 or prior income tax laws.

For the purpose of determining the decrease required by this paragraph it is immaterial whether or not the amount under subdivision (i) of this subparagraph or the amount under subdivision (ii) of this subparagraph would have resulted in a reduction for any taxable year of the taxpayer's taxes.

(4) *Adjustment for period since February 28, 1913, and before January 1, 1952, where election made under section 113 (d).* If an election has been properly made under section 113 (d) (see section 29.113 (d)–1), the decrease required by subparagraph (1) of this paragraph for deductions in respect of any period since February 28, 1913, and before January 1, 1952, shall be whichever is the greater of the following amounts:

(i) The amount allowed as deductions in computing net income under chapter 1 or prior income tax laws and resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under chapter 1 (other than subchapter E, relating to the tax on self-employment income), subchapter E of chapter 2, or prior income, war-profits, or excess-profits tax laws;

(ii) The amount properly allowable as deductions in computing net income under chapter 1 or prior income tax laws (whether or not the amount properly allowable would have caused a reduction for any taxable year of the taxpayer's taxes).

(5) *Determination of amount allowed which reduced taxpayer's taxes.* For the purpose of determining whether the amount allowed which resulted in a reduction for any taxable year of the taxpayer's taxes under chapter 1 of the Internal Revenue Code (other than subchapter E), subchapter E of chapter 2, or prior income, war-profits, or excess-profits tax laws, which amount is hereinafter referred to as the "tax-benefit amount allowed", exceeded the amount allowable, a determination must be made of that portion of the excess of the amount allowed over the amount allowable which, if disallowed, would not have resulted in an increase in any such tax previously determined. If the entire excess of the amount allowed over the amount allowable could be disallowed without any such increase in tax, the tax-benefit amount allowed shall not be considered to have exceeded the amount allowable. If only part of such excess could be disallowed without any such increase in tax, the tax-benefit amount allowed shall be considered to exceed the amount allowable to the extent of the remainder of such excess.

For this purpose, the tax previously determined shall be determined under the principles of section 3801 (d), the only adjustments made in determining whether there would be an increase in tax shall be those resulting from the disallowance of the amount allowed, and the taxable years for which the determination is made shall be the taxable year for which the deduction was allowed and any other taxable year which would be affected by the disallowance of such deduction. Examples of such other taxable years are taxable years to which there was a carry-over or carry-back of a net operating loss or an unused excess-profits credit from the taxable year for which the deduction was allowed, and taxable years for which a computation under section 22 (b) (12) or section 127 was made by reference to the taxable year for which the deduction was allowed. In determining whether the disallowance of any part of the deduction would not have resulted in an increase in any tax previously determined, proper adjustment must be made for previous determinations under section 452, 734, or 3801, and for any previous application of section 113 (b) (1) (B) (ii).

If a determination under section 113 (b) (1) (B) (ii) must be made with respect to several properties for each of which the amount allowed for the taxable year exceeded the amount allowable, the tax-benefit amount allowed with respect to each of such properties shall be an allocated portion of the tax-benefit amount allowed determined by reference to the sum of the amounts allowed and the sum of the amounts allowable with respect to such several properties.

In the case of property held by a partnership or trust, the computation of the tax-benefit amount allowed shall take into account the tax benefit of the partners or beneficiaries, as the case may be, from the deduction by the partnership or trust of the amount allowed to the partnership or the trust. For this purpose, the determination of the amount allowed which resulted in a tax benefit to the partners or beneficiaries shall be made in the same manner as that provided above with respect to the taxes of the person holding the property.

A taxpayer seeking to limit the adjustment to basis to the tax-benefit amount allowed for any period, in lieu of the amount allowed, must establish the tax-benefit amount allowed. A failure of adequate proof as to the tax-benefit amount allowed with respect to one period does not preclude the taxpayer from limiting the adjustment to basis to the tax-benefit amount allowed with respect to another period for which adequate proof is available. For example, a corporate tranferee may have available adequate records with respect to the tax effect of the deduction for the taxable years 1946 and 1947 of erroneous depreciation, but may not have available adequate records with respect to the deduction of excessive depreciation for a prior period during which the property was held by its transferor. In such case, assuming a proper election is made under section 113 (d), the corporate transferee shall not be denied the right to apply this section with respect to the erroneous depreciation for the period for which adequate proof is available.

(6) *Determination of amount allowable in prior taxable years.* Under section 113 (b) (1) (B), one of the factors involved in determining the adjustment to basis as of any date is the amount allowable for periods prior to such date. The amount allowable for such prior periods is determined under the law applicable to such prior periods; all adjustments required by the law applicable to such periods are made in determining the adjusted basis of the property for the purpose of determining the amount allowable. Since provisions corresponding to the amendment to section 113 (b) (1) (B) made by Public Law 539 (82d Congress) are deemed included in all revenue laws applicable to taxable years ending after December 31, 1931, the amount allowable for any such taxable year must be computed with the application of such provisions. For example, if the adjusted basis of property is determined as of January 1, 1952, if an election was properly made under section 113 (d), and if the property was held since January 1, 1930, then the amount allowable which is taken into account in computing the adjusted basis as of January 1, 1952, shall be determined for all taxable years ending after December 31, 1931, with the application to each such taxable year of the provisions of section 113 (b) (1) (B) as amended by Public Law 539. Public Law 539 made no change in the law applicable in determining the amount allowable for taxable years ending before January 1, 1932. In any case in which, prior to the enactment of Public Law 539 (July 14, 1952) there was a final decision of a court determining the amount allowable for a particular taxable year, such determination (but only for the purpose of determining the adjustment under section 113 (b) (1) (B) by reference to such allowable amount) must be adjusted to the extent necessary to reflect the amendment made by Public Law 539 to the law applicable to the taxable year for which the amount was allowable.

Although Public Law 539 amends the law applicable to all taxable years ending after December 31, 1931, the amendment does not open for refund, credit, or assessment of a deficiency any taxable year for which such refund, credit, or assessment is barred by any law or rule of law.

(7) *Property with transferred basis.* The following rules apply in the determination of the adjustments to basis of property in the hands of a transferee, donee, or grantee which are required by section 113 (b) (2) with respect to the period the property was held by the transferor, donor or grantor:

(i) An election under section 113 (d) by a transferor, donor, or grantor made after the date of the transfer, gift, or grant of the property shall not affect the basis of such property in the hands of the transferee, donee, or grantee. Such an election made before the date of the transfer must be taken into account in determining under section 113 (b) (2) the adjustments to basis as of the date of the transfer, gift, or grant, whether or not an election under section 113 (d) was made by the transferee, donee, or grantee.

(ii) An election by the transferee, donee, or grantee shall be applicable in determining the adjustments to basis for the period during which the property was held by the transferor, donor, or grantor, whether or not the transferor, donor, or grantor had made an election: *Provided,* That the property was held by the transferee, donee, or grantee at any time on or before the date on which his election was made.

Example (1). The case of Corporation A discloses the following facts:

(1) Year	(2) Amount allowed	(3) Amount allowed which reduced taxpayer's taxes	(4) Amount allowable	(5) Amount allowable but not less than amount allowed	(6) Amount allowable but not less than amount allowed which reduced taxpayer's taxes
1949	$6,000	$5,500	$5,000	$6,000	$5,500
1950	7,000	7,000	6,500	7,000	7,000
1951	5,000	4,000	6,500	6,500	6,500
Total, 1949–51				19,500	19,000
1952	6,500	6,500	6,000		6,500
1953	5,000	4,000	4,000		4,000
1954	4,500	4,500	6,000		6,000
Total, 1952–54					16,500

The cost or other basis is to be adjusted by $16,500 with respect to the years 1952–1954, that is, by the amount allowable but not less than the amount allowed which reduced the taxpayer's taxes. An adjustment must also be made with respect to the years 1949–1951, the amount of such adjustment depending upon whether an election was properly made under section 113 (d). If no such election was made, the amount of the adjustment with respect to the years 1949–1951 is $19,500, that is, the amount allowed but not less than the amount allowable. If an election was properly made, the amount of the adjustment with respect to the years 1949–1951 is $19,000, that is, the amount allowable but not less than the amount allowed which reduced the taxpayer's taxes.

Example (2). Corporation A purchased a building on January 1, 1950, at a cost of $100,000. On the basis of the facts reasonably known to exist at the end of 1950, a period of 50 years should have been used as the correct useful life of the building; nevertheless, depreciation was computed by Corporation A on the basis of a useful life of 25 years, and was allowed for 1950 through 1953 as a deduction in an annual amount of $4,000. The building was sold on January 1, 1954. Corporation A did not make an election under section 113 (d). No part of the amount allowed Corporation A for any of the years 1950 through 1953 resulted in a reduction of Corporation A's taxes. The adjusted basis of the building as of January 1, 1954, is $88,166, computed as follows:

Year	Adjustments to basis as of beginning of taxable year	Adjusted basis	Remaining life	Depreciation allowable	Depreciation allowed
1950		$100,000	50	$2,000	$4,000
1951	$4,000	96,000	49	1,959	4,000
1952	8,000	92,000	48	1,917	4,000
1953	9,917	90,083	47	1,917	4,000
1954	11,834	88,166			

Example (3). The facts are the same as in Example (2), except that Corporation A made a proper election under section 113 (d). In such case, the adjusted basis of the building as of January 1, 1954, is $92,000, computed as follows:

Year	Adjustments to basis as of beginning of taxable year	Adjusted basis	Remaining life	Depreciation allowable	Depreciation allowed
1950		$100,000	50	$2,000	$4,000
1951	$2,000	98,000	49	2,000	4,000
1952	4,000	96,000	48	2,000	4,000
1953	6,000	94,000	47	2,000	4,000
1954	8,000	92,000			

Example (4). If it is assumed that in Example (2), or in Example (3), all of the deduction allowed Corporation A for 1953 had resulted in a reduction of A's taxes, the adjustment to the basis of the building for depreciation for 1953 would reflect the entire $4,000 deduction. In such case, the adjusted basis of the building as of January 1, 1954, would be $86,083 in Example (2), and $90,000 in Example (3).

Example (5). The facts are the same as in Example (2) except that for the year 1950 all of the $4,000 amount allowed Corporation A as a deduction for depreciation for that year resulted in a reduction of A's taxes. In such case, the adjustments to the basis of the building remain the same as those set forth in Example (2).

Example (6). The facts are the same as in Example (3) except that for the year 1950 all of the $4,000 amount allowed Corporation A as a deduction for depreciation resulted in a reduction of A's taxes. In such case, the adjusted basis of the building as of January 1, 1954, is $90,123, computed as follows:

Year	Adjustments to basis as of beginning of taxable year	Adjusted basis	Remaining life	Depreciation allowable	Depreciation allowed
1950		$100,000	50	$2,000	$4,000
1951	$4,000	96,000	49	1,959	4,000
1952	8,959	94,041	48	1,959	4,000
1953	7,918	92,082	47	1,959	4,000
1954	9,877	90,123			

(C) By redesignating present paragraph (f) thereof beginning with the words "The cost or other basis shall also be decreased * * *" as paragraph (c) and by adding the following headnote: "(c) *Exhaustion, wear and tear, obsolescence, amortization, and depletion—periods prior to March 1, 1913.*"

(D) By redesignating present paragraph (g) thereof, which paragraph begins with the words "In the case of stock, * * *" as paragraph (d) and by adding the following headnote: "(d) *Certain stock distributions.*"

(E) By redesignating present paragraph (h) thereof, which paragraph begins with the words "In the case of stock of United States shareholders * * *", as paragraph (e) and by adding the following headnote: "(e) *Stock of United States shareholders of a foreign personal holding company.*"

(F) By redesignating present paragraph (i) thereof, which paragraph begins with the words "Adjustments must always be made * * *", as paragraph (f) and by adding the following headnote: "(f) *Other applicable rules.*".

(G) By removing the designation (j) from paragraph (j) so that the paragraph stands undesignated.

PAR. 3. There is inserted immediately after § 29.113 (c)–1 the following:

PUBLIC LAW 539 (82D CONGRESS)
[APPROVED JULY 14, 1952]

* * * * *

SEC. 2. Section 113 of the Internal Revenue Code (relating to basis of property) is hereby amended by adding at the end thereof the following new subsection:

(d) *Election in respect of depreciation, etc., allowed before 1952.* Any person may elect to have clause (ii) of subsection (b) (1) (B) apply in respect of periods since February 28, 1913, and before January 1, 1952. Such an election shall be made in such manner as the Secretary may by regulations prescribe, shall be irrevocable, and shall apply in respect of all property held by the person making the election at any time on or before the date on which the election was made and in respect of all periods since February 28, 1913, and before January 1, 1952, during which such person held such property or for which adjustments must be made under subsection (b) (1). An election by a transferor, donor, or grantor made after the date of the transfer, gift, or grant of property shall not affect the basis of such property in the hands of the transferee, donee, or grantee. No such election may be made after December 31, 1952.

SEC. 3. The amendments made by this Act shall apply in respect of taxable years beginning after December 31, 1938. Provisions having the effect of such amendments shall be deemed to have been included in the revenue laws respectively applicable to taxable years ending after December 31, 1931, and beginning before January 1, 1939.

§ 29.113 (d)–1 *Election as to amounts allowed in respect of depreciation, etc., before 1952*—(a) *In general.* Any person may elect to have the adjustments to the cost or other basis of property under section 113 (b) (1) (B) determined in accordance with clause (ii) of such section, by filing with the director or collector of internal revenue, on or before December 31, 1952, the written statement of election provided in paragraph (b) of this section. The statement must be filed with the collector or director with whom the return must be filed (determined under section 53 (b) as of December 31, 1952). Such election shall be irrevocable after December 31, 1952, and shall apply with respect to all periods since February 28, 1913, and before January 1, 1952. The election shall apply to all properties held by the person making the election at any time on or before the date of such election.

A taxpayer may include in an election filed before December 31, 1952, a statement that the election shall take effect when filed, and in such case the election shall be irrevocable on the date filed, and shall not apply to any property acquired by the taxpayer after such date. If an election is made before December 31, 1952, and does not contain such statement, the election may be revoked by filing on or before December 31, 1952, in the same office in which the election was filed, a statement of revocation executed in the same manner as the election. Such an election made before December 31, 1952, and not revoked on or before that date, shall be deemed made on December 31, 1952, and shall apply to all property held by the taxpayer at any time on or before such date.

A copy of the written statement of election must be filed with the first income tax return, amended return, or claim for refund filed on or after the date on which the election is made.

An election by a partner is not an election by the partnership of which he is a member, but a separate election must be made by the partnership. Similarly, an election by the partnership applies only with respect to the partnership, and is not applicable to the separate property of the partners. A similar rule applies with respect to elections by trusts and beneficiaries of such trusts.

An election which conforms in substance to the provisions of this section shall not be deemed invalid solely because it was filed prior to the date on which the regulations in this section were promulgated.

(b) *Rules applicable to making of election.* The following rules are applicable to the making of an election under section 113 (d):

(1) *Form of election.* The election shall be in the form of a statement in writing addressed to the collector or director of internal revenue with whom filed, shall state the name and address of the taxpayer making the election, and shall contain a statement that such taxpayer elects to have the provisions of section 113 (b) (1) (B) (ii) apply in respect of all periods since February 28, 1913, and before January 1, 1952.

(2) *Signature.* The statement shall be signed by the taxpayer making the election, if an individual, or, if the taxpayer making the election is not an individual, the statement shall be executed in the same manner as is required in the case of the income tax return of such taxpayer.

(3) *Filing.* The written statement must be filed in the office of the collector or director of internal revenue on or before December 31, 1952. An election shall be considered as timely filed if it is placed in the mail on or before midnight of December 31, 1952, as shown by the postmark on the envelope containing the written statement of election or as shown by other available evidence of the mailing date.

The amendments to § 29.113 (b) (1)–1 of Regulations 111, covering taxable years beginning after December 31, 1941, set forth in this Treasury decision, are hereby made applicable to taxable years begining after December 31, 1931, and before January 1, 1942 (such years being covered by Regulations 77, 86, 94, 101, and 103).

[F. R. Doc. 52-12585; Filed, Nov. 25, 1952; 8:49 a. m.]

[26 CFR Part 40]

INCOME AND EXCESS PROFITS TAXES

EXCESS PROFITS CREDIT BASED ON INCOME IN CONNECTION WITH CERTAIN EXCHANGES

Notice is hereby given pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Part II of Regulations 130 (26 CFR, Part 40) to Title V of the Revenue Act of 1951 (other than section 521 of that act), approved October 20, 1951, with respect to the excess profits credit based on income in connection with Part II transactions, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 40.461–1, as added by Treasury Decision 5865, approved November 13, 1951, the following:

SEC. 509. ALTERNATIVE AVERAGE BASE PERIOD NET INCOME (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Technical amendments.*

* * * * *

(2) Section 461 (relating to definitions for purposes of part II) is hereby amended by inserting at the end thereof the following new subsection:

(g) *Application of section 442 (h).* For the purpose of this part, the reference to section 442 (c) in any section in this part shall be deemed a reference to section 442 (c) or (h).

SEC. 519. TELEVISION BROADCASTING COMPANIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 459, as added by section 516 to 518 of this Act, is hereby amended by adding after subsection (c) thereof the following new subsections:

(d) *Television broadcasting companies.*

* * * * *

(6) *Application of Part II.* The Secretary shall prescribe regulations for the application of Part II for the purpose of this subsection in the case of an acquiring corporation or a component corporation in a transaction described in section 461 (a) which occurred prior to January 1, 1951.

* * * * *

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * the amendments made by this title (including sections 509 and 519) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 2. Section 40.461–6, as added by Treasury Decision 5865, is amended by changing the phrase "section 442 (c)" in (b) (1) thereof to read as follows: "section 442 (c) or (h)".

PAR. 3. Section 40.461–7, as added by Treasury Decision 5865, is hereby amended by adding at the end thereof the following new paragraphs (d) and (e):

(d) *Average base period net income determined with partial reference to section 435 (d).* The last two sentences of section 435 (d) as added by section 503 of the Revenue Act of 1951 (relating to a substitute 48-month period in lieu of the base period) are inapplicable for the purpose of any computations other than the determination of the average base period net income under the general average method of section 435 (d). Thus, in determining an alternative average base period net income under sections 442 (c), 442 (h) or 459 (d), with respect to a Part II transaction, the base period of the taxpayer and not the substitute 48-month period shall be used in computing the excess profits net income of such taxpayer.

(e) *Non-availability of section 459 in the case of a Part II transaction.* A corporation which was a party to a Part II transaction at any time during or after its base period shall not be entitled to determine its average base period net income, for the purpose of determining its excess profits credit for any taxable year ending after the date of the Part II transaction, under any subsection of section 459 other than subsection (d) of such section. The determination of the average base period net income of a corporation which was a party to a Part II transaction may be made with reference to section 459 (d) only in the case of a Part II transaction occurring prior to January 1, 1951. For computations under Part II with reference to section 459 (d), see § 40.461–8.

PAR. 4. There is added immediately after § 40.461–7, as added by Treasury Decision 5865, the following:

§ 40.461–8 *Rules for application of section 459 (d) under Part II*—(a) *In general.* Every corporation engaged in the business of television broadcasting throughout a period beginning before January 1, 1951, and ending with the close of the taxable year, which is a party to a Part II transaction occurring before January 1, 1951, whether as an acquiring corporation or as a component corporation, may compute its excess profits credit based on income with reference to section 459 (d) and to § 40.462–15. The provisions of the regulations under Part II applicable in the case of a taxpayer computing its excess profits credit with reference to section 435 (d) (the general average method for determining average base period net income) shall also be applicable to a taxpayer computing its excess profits credit under Part II with reference to section 459 (d), except as otherwise specifically provided in §§ 40.462–15, 40.463–1 (g), and 40.464–1 (f).

PAR. 5. There is inserted immediately preceding § 40.462–1, as added by Treasury Decision 5865, the following:

SEC. 504. AVERAGE BASE PERIOD NET INCOME—ALTERNATIVE BASED ON GROWTH IN CASE OF NEW CORPORATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Amendment of Part II.* Section 462 (c) (relating to the use by an acquiring corporation in a Part II transaction of an alternative average base period net income based on growth) is hereby amended as follows:

(1) By amending paragraph (1) thereof to read as follows:

(1) In the case of a transaction described in section 461 (a), other than a transaction described in section 461 (a) (1) (E)—

(A) The acquiring corporation shall not be denied the right to determine whether it is eligible for the benefits of section 435 (e) without reference to the recomputation of its excess profits net income provided for in section 462 (b) where the transaction occurred on or after July 1, 1950, but it shall be denied such right where the transaction occurred prior to July 1, 1950.

(B) Where, immediately prior to the date of the transaction, the acquiring corporation and all the component corporations (other than a corporation created incident to such transaction) met the requirements of section 435 (e) (1) (A) (i), and, in case the transaction occurred on or after July 1, 1950, had commenced business prior to the beginning of its base period (determined without reference to section 461 (d)), the acquiring corporation shall be entitled to compute its average base period net income under section 435 (e) with reference to the recomputation of its excess profits net income provided for in section 462 (b) if the tests of section 435 (e) are satisfied. For that purpose, the acquiring corporation shall combine with its total payroll and its total gross receipts for that portion of its base period which preceded such transaction the total payroll and total gross receipts of such component corporations for that portion of such period and it shall combine with its net sales for that portion of the period prior to January 1, 1951, which preceded such transaction the net sales of such component corporations for that portion of such period. The allocation of payroll and gross receipts amounts of a component corporation to any such portion

of such period shall be made in accordance with the rules provided in section 435 (e) (4) and (5). For purposes of qualifying under section 435 (e) (1) (A) (i) (relating to total assets of the taxpayer), such acquiring corporation shall combine its total assets on the date specified in section 435 (e) (1) (A) (i) with the total assets of each component corporation on such date. The Secretary shall prescribe by regulations such rules as may be necessary to insure that such combined total gross receipts do not reflect a duplication for purposes of this section.

(C) Where, immediately prior to the date of the transaction, either the acquiring corporation or one or more component corporations (other than a corporation created incident to such transaction) did not meet the requirements of section 435 (e) (1) (A) (i), or, in case the transaction occurred on or after July 1, 1950, had not commenced business prior to the beginning of its base period (determined without reference to section 461 (d)), the acquiring corporation shall not be entitled to compute its average base period net income under section 435 (e) with reference to the recomputation of its excess profits net income provided for in section 462 (b). In any such case, where the transaction occurred on or after July 1, 1950, the monthly excess profits net income of the corporation entitled to the benefits of section 435 (e) for any month of the acquiring corporation's base period shall be, for purposes of the recomputation provided for in section 462 (b), one-twelfth of the average base period net income to which such corporation was entitled under section 435 (e), and such monthly excess profits net income shall be in lieu of the monthly excess profits net income determined under paragraphs (1) and (2) of section 462 (b).

(2) By striking from the second sentence of paragraph (2) thereof the words: "had commenced business prior to the beginning of its base period (determined without reference to section 461 (d)) and".

(3) By striking from paragraph (3) thereof the words "which had commenced business prior to the beginning of its base period" and by inserting in lieu thereof the following: "which had commenced business prior to the end of its base period".

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951). * * * the amendments made by this title (including section 504) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 6. Section 40.462–1, as added by Treasury Decision 5865, is amended as follows:

(A) By changing the third sentence of paragraph (a) (1) to read as follows: "If computed with reference to section 462 (b), the excess profits net income of the acquiring corporation shall be the excess profits net income or deficit in excess profits net income for each month of the acquiring corporation's base period as defined in section 435 (b) (or the 48-month period prescribed in section 435 (d), if such period is available to the acquiring corporation), increased or decreased, as the case may be, by the addition or reduction resulting from including the excess profits net income or deficit in excess profits net income for that month of all component corporations in the manner provided in section 462 (b)."

(B) By changing the phrase "computed under section 442 (c) and (d)" in (a) (3) thereof to read as follows: "computed under section 442 (c), (d), or (h)".

(C) By inserting in the first sentence of paragraph (b) (1) (i) after the words "in the base period of the acquiring corporation" the following: "(or the 48-month period prescribed in section 435 (d), if applicable)".

(D) By inserting in the first sentence of paragraph (b) (1) (iii) after the words "the acquiring corporation's base-period" the following: "(or the 48-month period prescribed in section 435 (d), if applicable)".

PAR. 7. Section 40.462–2, as added by Treasury Decision 5865 is amended as follows:

(A) By amending (b) (1) (i) (b) thereof to read as follows:

(b) (*1*) If the Part II transaction occurs before July 1, 1950, if the acquiring corporation recomputes its excess profits net income under section 462 (b), and if the acquiring corporation qualifies under the rules of section 435 (e) (1) (A) after applying the rules set forth in subdivision (ii) of this subparagraph; or

(2) If the Part II transaction occurs after June 30, 1950, if the acquiring corporation (other than a corporation created incident to such transaction) and all the component corporations actually commenced business prior to the beginning of the acquiring corporation's base period, if the acquiring corporation recomputes its excess profits net income under section 462 (b), and if the acquiring corporation qualifies under the rules of section 435 (e) (1) (A) after applying the rules set forth in subdivision (ii) of this subparagraph.

(B) By amending (b) (2) (i) (*b*) and (c) thereof by striking from the phrase "and all component corporations actually commenced business prior to the beginning of the acquiring corporation's base period" the word "beginning" and substituting in lieu thereof the word "end".

(C) By amending paragraph (c) (1) (i) (*b*) thereof by striking therefrom the following: "If the component corporation actually commenced business prior to the beginning of its base period, and".

(D) By amending paragraph (c) (2) (i) (*b*) thereof by striking therefrom the following: "If the component corporation actually commenced business prior to the beginning of its base period,".

PAR. 8. Section 40.462–4, as added by Treasury Decision 5865, is amended as follows:

(A) By amending paragraph (a) (1) by changing the phrase "under section 442 (c) or (d)" in the first sentence thereof to read as follows: "under section 442 (c), (d), or (h)", and by striking from such sentence the word "either".

(B) By amending paragraph (a) (1) (i) thereof by changing the phrase "for the purpose of section 442 (c) or (d)" to read as follows: "for the purpose of section 442 (c), (d), or (h)".

(C) By amending paragraph (a) (1) (ii) thereof by changing the phrase "under section 442 (a)" to read as follows: "under section 442 (a) or (h)".

(D) By amending paragraph (a) (2) by changing the phrase "under section 442 (c) or under section 442 (d)" in the first sentence thereof to read as follows: "under section 442 (c) or (h) or under section 442 (d)".

(E) By amending paragraph (a) (2) (i) thereof by inserting therein the phrase "or under section 442 (h) (2) (B) (to the extent made available under section 442 (h) (2) (D))", and the phrase "or (h), respectively," so that as amended such provision will read as follows:

(i) The substitute excess profits net income for any month identified under section 442 (c) (1) and (3) or under section 442 (h) (2) (B) (to the extent made available under section 442 (h) (2) (D)), of any corporation entitled to the benefits of section 442 (c) or (h), respectively, immediately prior to the transaction shall be considered the excess profits net income of that corporation for such month;

(F) By amending paragraph (b) (1) thereof by changing the phrase "under section 442 (c) or (d)" to read as follows: "under section 442 (c), (d), or (h)", and by striking therefrom the word "either".

(G) By amending paragraph (b) (2) thereof by changing the phrase "under section 442 (c) or under section 442 (d)" to read as follows: "under section 442 (c) or (h) or under section 442 (d)".

PAR. 9. Section 40.462–9 (a) (1), as added by Treasury Decision 5865, is amended by changing the phrase "or substitute excess profits net income if computed under section 442 (c)" to read as follows: "or substitute excess profits net income if computed under section 442 (c) or (h)".

PAR. 10. There is added immediately after § 40.462–14, as added by Treasury Decision 5865, the following:

§ 40.462–15 *Alternative average base period net income under section 459 (d)*—(a) *Part II transactions other than a transaction described in section 461 (a) (1) (E).* In the case of a Part II transaction occurring before January 1, 1951, other than a transaction described in section 461 (a) (1) (E), the acquiring corporation shall be entitled to determine its average base period net income under section 459 (d) in the manner provided therein after the application of the rules provided in subdivisions (1), (2), (3) and (4) of this paragraph if the requirements of section 459 (d) are satisfied after the application of such rules. The rules referred to in this paragraph are as follows:

(1) For this purpose, the base period experience of the component corporation prior to the date of the transaction shall be attributed to the acquiring corporation as if the business, or businesses, the assets, and the other items of the component corporation during the period prior to the transaction were those of the acquiring corporation.

(2) In applying the rule of subdivision (1) of this paragraph, proper adjustment as to each item shall be made to prevent duplication, including the elimination of such portion of any item with respect to the component corporation or the acquiring corporation as is attributable to transactions between either such component corporation and the acquiring corporation or such component corporation and another component corporation.

(3) In determining under the rules of subdivisions (1) and (2) of this subparagraph the total assets for any day prior to the date of the Part II transaction, the provisions of section 470 shall be applicable with respect to the assets of the component corporation if such section is applicable to the Part II transaction.

(4) The principles of § 40.461–3 (c) shall be applicable not only with respect to excess profits net income but also with respect to all other factors involved in the computation.

(b) *Part II transactions described in section 461 (a) (1) (E).* In the case of a part II transaction described in section 461 (a) (1) (E) which occurred prior to January 1, 1951, the provisions of paragraph (a) of this section shall be applicable except that there shall be available to the acquiring corporation in determining its average base period net income under section 459 (d) only such portion of each item of the component corporation's base period experience prior to the transaction as is allocable to the properties of such component corporation transferred to the acquiring corporation, determined under section 462 (i) (6) and § 40.462–9 (b). The acquiring corporation may apply section 459 (d) only if section 462 (i) (6) and § 40.462–9 (b) are applicable to such corporation. For special rules with respect to a Part II transaction described in section 461 (a) (1) (E) involving a transfer to an acquiring corporation not created incident to the transaction, or involving a transfer by more than one component corporation to an acquiring corporation, see § 40.461–7 (b).

(c) *Other applicable rules.* (1) If the stock in the component corporation is acquired by the acquiring corporation under circumstances requiring an adjustment under the principles of section 462 (j) (1) and § 40.462–10, the following rules shall apply subject to the principles of such sections.

(i) The base period experience of the component corporation shall, for the purpose of the determination under section 459 (d) (2) (A), be excluded to the extent attributable to such stock.

(ii) For the purpose of the determination of the individual rate of return under section 459 (d) (4), the base period experience of the component corporation attributable to the business of radio broadcasting (including total assets so attributable) shall be excluded for the period prior to the acquisition of such stock to the extent attributable to such stock.

(iii) If the acquisition of the stock occurs after the date as of which the ratio specified in section 459 (d) (5) is determined, then, such ratio shall, to the extent the assets used in the television broadcasting business are attributable to such stock, be determined and be applied as of the date of the acquisition of the stock. See also subparagraph (2) of this paragraph.

(2) For the purpose of the determination under section 459 (d) (2) (A), the provisions of section 459 (d) (5) shall (subject to the rule of subparagraph (1) (iii) of this paragraph, if applicable) be applied to the combined base period experience of the acquiring corporation and the component corporation, that is, the ratio under section 459 (d) (5) shall be determined (whether for a date prior to or after the Part II transaction) on the basis of the total assets of both corporations, and the ratio shall be applied to the excess profits net income of the acquiring corporation as determined under this section with reference to the component corporation. See paragraph (a) (1) and (3), of this section.

(3) If the Part II transaction occurred in a taxable year of the acquiring corporation ending after June 30, 1950, proper adjustment shall be made, under the principles of § 40.462–11, in determining the excess profits credit for such taxable year so that the benefit to the acquiring corporation from the application of section 459 (d) with respect to the component corporation shall be reduced to an amount which is such portion thereof as the number of days in the taxable year after the transaction is of the total number of days in such taxable year.

(4) For other applicable rules, see, in general, § 40.461–8.

PAR. 11. Section 40.463–1, as added by Treasury Decision 5865, is amended as follows:

(A) By adding after paragraph (b) (8) the following:

(9) For the purpose of section 435 (g) (8) (relating to adjustments for changes in inadmissible assets in case of banks) the original total assets, the average total assets, and the increase or decrease in total assets of the taxpayer shall be determined under the rules provided in this section for the determination of original inadmissible assets, average inadmissible assets, and the increase or decrease in inadmissible assets, as if the rules had reference to all assets, whether admissible or inadmissible assets as defined in section 440.

(10) For the purpose of section 435 (g) (10), the determination of an increase in operating assets shall be made under the rules provided in this section for the determination of an increase in inadmissible assets.

(B) By adding after the second sentence of (d) (2) the following: "In the computation for this purpose, section 445 (c) provides that the net capital addition or reduction shall be computed without regard to the limitation to 75 percent provided in section 435 (g) (3) (C) and section 435 (g) (4) (C) and (E);"

(C) By striking the words "and (8)" in paragraph (f) (1) (iii) and inserting in lieu thereof the following: "(8), (9), and (10)".

(D) By inserting at the end thereof the following:

(g) *Application of section 459 (d).* If the average base period net income is computed with reference to section 459 (d), the net capital addition or reduction computed under this section shall be adjusted in the manner required by section 459 (d) and the regulations thereunder. For the purpose of such adjustment, the principles of § 40.462–15 (a) (1) shall be applicable.

PAR. 12. Section 40.464–1, as added by Treasury Decision 5865, is amended as follows:

(A) By amending the phrase appearing in paragraph (a) (1) thereof and reading "under section 442 (c) with reference to section 462 (d)" to read as follows: "under section 442 (c) or (h) with reference to section 462 (d)".

(B) By adding immediately after the third sentence of paragraph (a) (1) thereof the following: "No base period capital addition shall be allowed the acquiring corporation with respect to any corporation a party to the Part II transaction (whether the acquiring or component corporation) the monthly excess profits net income of which is computed under section 435 (e) and section 462 (c) (1) (C) (see § 40.462–2 (b) (1) (iii) and § 40.462–2 (b) (2) (iii)); or, except to the extent provided by section 435 (f) (3), if the monthly excess profits net income of the corporation is computed under section 442 (c), (d), or (h) and section 462 (d) (2) (B) (see § 40.462–4 (a) (2) and § 40.462–4 (b) (2))."

(C) By inserting at the end thereof the following:

(f) *Application of section 459 (d).* If the average base period net income is computed with reference to section 459 (d), the base period capital addition computed under this section shall be adjusted in the manner required by section 459 (d) and the regulations thereunder. For the purpose of such adjustment, the principles of § 40.462–15 (a) (1) shall be applicable.

[F. R. Doc. 52–12586; Filed, Nov. 25, 1952; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, 51]

REQUIREMENTS FOR DISPLAY OF AIRMAN IDENTIFICATION CARDS AND ACCEPTABILITY OF ARMED FORCES CARDS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Parts 20, 21, 22, 24, 25, 26, 27, 33, 34, 35, and 51 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by December 26, 1952. Copies of such communications will be available after December 30, 1952, for examination by

interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

At the present time the Civil Air Regulations provide that the holder of an airman certificate issued under the provisions of a particular part shall not exercise the privileges conferred by such certificate unless he has "in his possession" a current airman identification card. In the administration of these provisions the Civil Aeronautics Administration has encountered certain difficulties due to an ambiguity as to whether or not the identification card must be carried on the person. In view of the fact that other sections of the Civil Air Regulations specify that airman and medical certificates must be in the personal possession of a flight crew member, or readily available in the case of other airmen, the language presently used may be interpreted contrary to the intent of the Board. In order that this ambiguity be removed, it is proposed that the airman identification card provisions be brought into conformity with the present requirements in the airman parts for the carrying of airman and medical certificates.

On July 11, 1951, several sections of the Civil Air Regulations were amended to provide that other identification cards acceptable to the Administrator could be used in lieu of the identification cards issued by the Administrator. The purpose of this provision was to permit persons possessing identification cards such as those issued by the various branches of the armed forces to use such cards in lieu of the identification cards provided for by the regulations. The Administrator has recently announced that armed forces identification cards are acceptable to him for such purpose. Since this provision was not originally made applicable to Parts 22, 25, 26, and 51, the Civil Aeronautics Administration has now requested that these parts contain similar provision, and the Bureau is in agreement with such extension. It should be noted that Part 26 will accordingly no longer restrict military identification card use to joint military-civil tower use.

These proposed amendments are interpretive or minor in nature and do not require notice and public procedure. The Bureau, however, desires to give all interested persons as much notice as possible so that they may again be informed of the identification provisions and their interpretation. It is for this reason that notice and public procedure hereon are allowed.

Accordingly, it is proposed to amend the identification provisions of Parts 20, 21, 22, 33, 34, and 35 of the Civil Air Regulations to require "personal possession," i. e., carriage on the person, of the necessary identification card while exercising the privileges of an airman certificate issued under one of such parts.

It is also proposed to amend the identification provisions of Parts 24, 25, 26, 27, and 51 of the Civil Air Regulations to allow the identification card to be kept "readily available" rather than in the personal possession of the holder while exercising the privileges of an airman certificate issued under one of such parts.

It is further proposed to amend the identification provisions of Parts 22, 25, 26, and 51 to allow the use of identification cards acceptable to the Administrator in lieu of identification cards issued by the Administrator.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated November 20, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 52-12584; Filed, Nov. 25, 1952; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 8]

[Docket No. 10329]

PRACTICE AND PROCEDURE; STATIONS ON SHIPBOARD IN MARITIME SERVICE

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of proposed revision of FCC Form 501, Application for Ship Radio Station License, etc., Docket No. 10329.

The Commission having on October 15, 1952, adopted a notice of proposed rule making in the above entitled matter, in which November 7, 1952, was designated as the last day by which original comments in the proceeding were to be filed, and November 17, 1952, as the last day for filing comments in reply to original comments, and the National Federation of American Shipping, Inc., having applied for an extension of time until November 21, 1952, within which to file original comments in this proceeding; and

It appearing, that it would be in the public interest for the record in this proceeding to include the comments of the National Federation of American Shipping, Inc., which represents a considerable portion of the ocean going merchant vessel shipping affected by the proposals in this proceeding; and

It further appearing, that the National Federation of American Shipping, Inc., will not be able to submit its comments prior to November 21, 1952, owing to its inability to resolve and coordinate conflicting comments submitted to it by its membership before that date; and

It further appearing, that the additional time requested for filing comments will not prejudice the rights of any interested person:

It is ordered, That, effective immediately, the final date for reception of written comments in connection with the above-captioned proceeding is hereby extended to November 21, 1952; and

It is further ordered, That the time within which to file comments in reply thereto is hereby extended to November 28, 1952.

Adopted: November 7, 1952.

Released: November 14, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-12582; Filed, Nov. 25, 1952; 8:48 a. m.]

[47 CFR Part 2]

[Docket No. 10200]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

DOMESTIC FIXED SERVICE; ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 2.104 (a) (1) (d) of Part 2 of the Commission's rules and regulations to delete certain uses by the Domestic Fixed Service of frequencies below 25 Mc for purposes other than the safety of life and property, Docket No. 10200.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952:

The Commission having under consideration the petition filed on October 31, 1952 in the above entitled proceedings by the State of California, requesting an extension of time in which to file further comments directed to the Commission's further notice of proposed rule making in this docket from November 10, 1952, to December 19, 1952;

It appearing, that good and sufficient reasons have been advanced by the State of California in its petition for an extension of time in which to file comments, and that the public interest would be served by a grant of said petition:

It is ordered, That the time for filing comments in the above entitled proceedings is hereby extended from November 10, 1952, to December 19, 1952.

Released: November 12, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-12576; Filed, Nov. 25, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA; SOUTH DAKOTA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Nebraska, in alphabetical order, add the county "York"; under South Dakota, in alphabetical order, add the county "Roberts."

In Schedule B, under Nebraska, delete the county "York"; under South Dakota, delete the county "Roberts."

(Sec. 3, Public Law 760, 81st Congress)

Done at Washington, D. C., this 24th day of November 1952.

[SEAL] K. T. HUTCHINSON, *Acting Secretary of Agriculture.*

[F. R. Doc. 52-12653; Filed, Nov. 25, 1952, 11:29 a. m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150-20]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization. Abolition of offices of Collectors and Deputy Collectors of California, Hawaii, and Nevada Collection Districts; establishment of offices of District Commissioner and Directors of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the First and Sixth Collection Districts of California and the Collection Districts of Hawaii and Nevada shall become effective as of 12 o'clock midnight, November 25, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., November 26, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Los Angeles District, and which shall be comprised of California and Nevada and the Territory of Hawaii.

3. *Location of headquarters.* The headquarters office shall be located in the City of Los Angeles, California.

4. *Establishment of offices of Director of Internal Revenue.* Effective as of 12:01 a. m., November 26, 1952, there are hereby created the following offices within the Los Angeles District:

(a) Director of Internal Revenue for the First Collection District of California (as presently constituted). The headquarters of such office shall be located in San Francisco, California, and the office shall have the operating title of Director of Internal Revenue, San Francisco.

(b) Director of Internal Revenue for the Sixth Collection District of California (as presently constituted). The headquarters of such office shall be located in Los Angeles, California, and the office shall have the operating title of Director of Internal Revenue, Los Angeles.

(c) Director of Internal Revenue for the Collection District of Hawaii (as presently constituted). The headquarters of such office shall be located in Honolulu, Territory of Hawaii, and the office shall have the operating title of Director of Internal Revenue, Honolulu.

(d) Director of Internal Revenue for the Collection District of Nevada (as presently constituted). The headquarters of such office shall be located in Reno, Nevada, and the office shall have the operating title of Director of Internal Revenue, Reno.

Dated: November 21, 1952.

[SEAL] E. H. FOLEY, *Acting Secretary of the Treasury.*

[F. R. Doc. 52-12646; Filed, Nov. 25, 1952, 10:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Associated Garment Co., 18 South Popla Street, Pana, Ill., effective 11-20-52 to 11-19-53; 10 learners (dresses).

Blue Bell, Inc., Arab, Ala., effective 11-14-52 to 5-9-53; 35 additional learners for expansion purposes (supplemental certificate) (western pants).

Blue Ridge Manufacturers, Inc., Petersburg, Va., effective 11-14-52 to 11-13-53; 10 percent of the productive factory force (dungarees).

Blue Ridge Manufacturers, Inc., Christiansburg, Va., effective 11-14-52 to 11-13-53; 10 percent of the productive factory force (dungarees).

Champion Garment Co., Ltd., 100½ West Second Avenue, Rome, Ga., effective 11-14-52 to 11-13-53; 10 percent of the productive factory force (men's and boys' dress and semidress slacks).

Cluett, Peabody & Co., Inc., 1022 Murphy Avenue SW., Atlanta, Ga., effective 11-15-52 to 11-14-53; 10 percent of the productive factory force (white shirts).

Cluett, Peabody & Co., Inc., Bremen, Ga., effective 11-19-52 to 11-18-53; 10 percent of the productive factory force (white shirts).

B. F. Davis Garment Co., Inc., 3002 Royal Street, New Orleans, La., effective 11-17-52 to 11-16-53; 10 learners (dungarees and pants).

Daviston Manufacturing Co., Daviston, Ala., effective 11-10-52 to 5-9-53; 12 learners for expansion purposes (youth dresses).

Duquesne Manufacturing Co., 652 Stanton Avenue, New Kensington, Pa., effective 11-17-52 to 11-14-53; 10 learners (replacement certificate) (dresses, aprons, and smocks).

Finesilver Manufacturing Co., 116 Camaron Street, San Antonio, Tex., effective 11-21-52 to 11-20-53; 10 percent of the productive factory force (dungarees, pants, and shirts).

The Joanie Jan Co., Walnut Ridge, Ark., effective 11-17-52 to 5-16-53; 20 learners for expansion purposes (wash frocks).

Kentucky Pants Co., 117 North Race Street, Glasgow, Ky., effective 11-16-52 to 11-15-53; 10 percent of the productive factory force (work pants).

Lee Ray Sportswear Co., Dover, Pa., effective 11-22-52 to 11-21-53; five learners (jackets).

Maiden Form Brassiere Co., Inc., Main Street and Monticello Avenue, Clarksburg, W. Va., effective 11-15-52 to 5-14-53; 48 learners for expansion purposes (brassieres).

Maiden Form Brassiere Co., Inc., Main Street and Monticello Avenue, Clarksburg, W. Va., effective 11-15-52 to 11-14-53; 10 percent of the productive factory force (brassieres).

Manhattan Shirt Co., Middletown, N. Y., effective 11-23-52 to 11-22-53; 10 percent of the productive factory force (shirts).

Newport News Children's Dress Co., 824 South Thirty-ninth Street, Newport News, Va., effective 11-17-52 to 11-16-53; 10 percent of the productive factory force or 10 learners, whichever is greater (children's and girls' dresses).

Oberman Manufacturing Co., Harrison, Ark., effective 11-17-52 to 11-16-53; 10 percent of the productive factory force (pants).

Reliance Manufacturing Co., "Blue Ridge" Factory, 629 Tenth Street, Huntington, W. Va., effective 11-15-52 to 11-14-53; 10 percent of the productive factory force (dresses).

Reliance Manufacturing Co., "Central" Factory, Columbus, Ind., effective 11-17-52 to 11-16-53; 10 percent of the productive factory force (men's and boys' jackets).

Scranton Pants Manufacturing Co., 614 Wyoming Avenue, Scranton, Pa., effective 11-24-52 to 11-23-53; 10 percent of the productive factory force (trousers).

Shane Manufacturing Co., Inc., 2015 West Maryland Street, Evansville 7, Ind., effective

11–16–52 to 11–15–53; 10 percent of the productive factory force (cotton work clothing).

I. Taitel & Son, Drew, Miss., effective 11–13–52 to 4–14–53; 20 additional learners for expansion purposes (supplemental certificate) (jackets and work pants).

Willards Shirt Co., Willards, Md., effective 11–29–52 to 11–28–53; 10 percent of the productive factory force (work shirts).

Woods Manufacturing Co., 202 Garrison Avenue, Fort Smith, Ark., effective 11–14–52 to 11–13–53; 10 percent of the productive factory force or 10 learners, whichever is greater (men's and boys' trousers).

Wyoming Valley Garment Co., 212 South Washington Street, Wilkes-Barre, Pa., effective 11–17–52 to 11–16–53; 10 learners (trousers).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952; 17 F. R. 8633).

I. Lewis Cigar Manufacturing Co., Second and Washington Streets, Steelton, Pa., effective 11–21–52 to 11–20–53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, packing (cigars retailing for over 6 cents), 320 hours (cigars retailing for 6 cents or less), 160 hours, machine stripping, 160 hours; each 65 cents per hour.

John H. Swisher & Son, Inc., 501 East Sixteenth Street, Jacksonville, Fla., effective 11–10–52 to 11–9–53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, cigar packing (cigars retailing for over 6 cents), 320 hours (cigars retailing for 6 cents or less), 160 hours, machine stripping, 160 hours; each 65 cents per hour.

John H. Swisher & Son, Inc., 600 Haines Avenue, Waycross, Ga., effective 11–17–52 to 11–16–53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, cigar packing (cigars retailing for 6 cents or less), 160 hours, machine stripping, 160 hours; each 65 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Ross Glove Co., 1032 Alabama Avenue, Sheboygan, Wis., effective 11–14–52 to 11–13–53; 10 percent of the productive factory workers engaged in hand and machine stitching operations (leather dress gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Great American Knitting Mills, Inc., Bechtelsville and Bally, Pa., effective 11–17–52 to 1–24–53; 5 percent of the productive factory force (replacement certificate).

Villa Rica Hosiery Mills, Villa Rica, Ga., effective 11–19–52 to 11–18–53; 5 percent of the productive factory force.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Citizen's Mutual Telephone Co., Bloomfield, Davis County, Iowa, effective 11–13–52 to 11–12–53 (replacement certificate).

The Citizen's Mutual Telephone Co., Davis County, Iowa, effective 11–13–52 to 11–12–53.

West Iowa Telephone Co., Marcus, Iowa, effective 11–17–52 to 11–16–53.

West Iowa Telephone Co., Remsen, Iowa, effective 11–17–52 to 11–16–53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Wilson Manufacturing Co., 40 North Second Street, Philadelphia, Pa., effective 11–17–52 to 5–16–53; 10 learners for expansion purposes (children's underwear, infants' underwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Rex Shoe Co., Inc., 1950 Wyoming Avenue, Exeter Borough, Pa., effective 11–14–52 to 11–13–53; 10 percent of the productive factory force.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

P & K, Inc., Momence, Ill., effective 11–17–52 to 5–3–53; four learners; brazers, 320 hours, 65 cents per hour for the first 160 hours and 70 percent per hour for the remaining 160 hours (supplemental certificate) (fishhooks, lures, stringers and files).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 18th day of November 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-12535; Filed, Nov. 25, 1952; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 8, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Revision 1 to Delegation of Authority 8 is hereby issued.

Delegation of Authority 8 is revised to read as follows:

1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to take appropriate action under sections 15 (c), 23, 26, 26a, 27, 27a, 27b, 27c, 28, 28b, and 28c of CPR 14, sections 21a, 26, 26a, 27, and 30 (b) of CPR 15, and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

2. Redelegation of authority. The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on November 29, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12657; Filed, Nov. 25, 1952; 4:00 p. m.]

[Delegation of Authority 84]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF SR 110 TO THE GCPR

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 805; 65 Stat. 131, 66 Stat. 296), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. *Authority to act under section 5 of SR 110 to the GCPR.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act on filings of reports required under section 5 of SR 110 to the GCPR.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on November 29, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12661; Filed, Nov. 25, 1952; 4:01 p. m.]

[Delegation of Authority 85]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTION 14 OF SR 87 TO THE GCPR

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 805; 65 Stat. 131, 66 Stat. 296), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. *Authority to act under section 14 of SR 87 to the GCPR.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to process, in the respects indicated herein, applications for percentage markups filed under section 14 of SR 87 to the GCPR:

(a) To approve, disapprove, or revise downward proposed percentage markups.

(b) To request additional information with respect to proposed percentage markups.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on November 29, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12658; Filed, Nov. 25, 1952; 4:00 p. m.]

[Ceiling Price Regulation 7, Section 43, Revocation of Special Order 585, as Amended]

ARNOLD, SCHWINN & CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 585, as amended, issued under section 43 of Ceiling Price Regulation 7, establishes uniform ceiling prices for sales at retail of bicycles and accessories manufactured by Arnold, Schwinn & Company, 1718 N. Kildare Avenue, Chicago 39, Illinois, having the brand name "Schwinn."

On November 6, 1952, Arnold, Schwinn & Company requested a revocation of Special Order 585, as amended. In the opinion of the Director of Price Stabilization no reason appears for the denial of the request. Accordingly, the accompanying action revokes the Special Order and requires the holder to send a copy of the revocation to each of its resellers.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of Section 43 of Ceiling Price Regulation 7, Special Order 585, as amended, issued to Arnold, Schwinn & Company is hereby revoked.

2. Within 15 days after the effective date of this revocation, Arnold, Schwinn & Company must send a copy of the revocation to all purchasers for resale of "Schwinn" branded bicycles and accessories to whom it has given notice of Special Order 585, as amended. Twenty days after the effective date of this revocation each such purchaser for resale, before selling any "Schwinn" branded bicycle or accessory, must (a) remove all tags, which were affixed to any "Schwinn" branded bicycle or accessory in accordance with Special Order 585, as amended; and (b) determine ceiling prices for "Schwinn" branded bicycles and accessories under Ceiling Price Regulation 7, General Ceiling Price Regulation or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective November 19, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 19, 1952.

[F. R. Doc. 52-12471; Filed, Nov. 19, 1952; 10:43 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6584, 6585, 10336]

ALBUQUERQUE BROADCASTING CO. (KOB)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6584, File No. B5–MP–1738; for modification of construction permit; Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6585, File Nos. B5–L–1799, B5–Z–1583; for license to cover construction permit as modified and authority to determine operating power by direct measurement; Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 10336, File No. BSSA–275; for extension of special service authorization.

1. The Commission has before it a petition filed October 21, 1952, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by American Broadcasting Company, Inc., licensee of Station WJZ, New York, New York, directed against the Commission's actions of September 30, 1952, removing from the pending file for prompt consideration and action, the above-entitled applications of Albuquerque Broadcasting Company (KOB) for construction permit and license for regular operation on 770 kc and granting the above-entitled application of KOB for Special Service Authorization for a period of six months or until thirty days after the issuance of a final decision on the above-entitled applications for regular operation on 770 kc, whichever is sooner. The petition requests the following: (1) that the 6 months' extension of the SSA on 770 kc be set aside; (2) that KOB be ordered forthwith to return to its licensed frequency of 1030 kc (with such extension for 48 hours on 770 kc as may be needed to adjust KOB's transmitter); (3) that the 770 kc record compiled in 1945 be dismissed or returned to the pending file to await a decision in the Clear Channel proceeding; and (4) that KOB and WBZ be ordered to show cause why they should not afford each other substantial protection on 1030 kc in accordance with suggestions previously outlined by WJZ.

2. The long history of the KOB license status and application has been detailed in previous Memorandum Opinions in the above-entitled proceedings and need not be repeated here. Petitioner, in support of the instant petition, alleges that the operation of KOB under its special service authorization results in objectionable interference to Station WJZ; that the result of the Commission's actions will be to continue the operation of KOB on 770 kc for an extended period of time; that the record made in the hearing on the above-entitled applications of KOB for regular operation on 770 kc is now outdated "through lapse of time, intervening court decisions, and change of circumstances" and could not support a decision favorable to KOB; and that the Commission's actions of September 30, 1952, are inconsistent with the decision of the United States Court of Appeals for the District of Columbia Circuit in American Broadcasting Company, Inc., v. Federal Communications Commission, 191 F. 2d 492. The petition also includes specific factual allegations in support of the foregoing which need not be detailed here.

3. Section 309 (c) of the Communications Act of 1934, as amended, provides in part as follows:

> When any instrument of authorization is granted by the Commission without a hearing as provided in subsection (a) hereof, such grant shall remain subject to protest as hereinafter provided for a period of thirty days. During such thirty-day period any party in interest may file a protest under oath directed to such grant and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a party in interest and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. The Commission shall, within fifteen days from the date of the filing of such protest, enter findings as to whether such protest meets the foregoing requirements and if it so finds the application involved shall be set for hearing upon the issues set forth in said protest, together with such further specific issues, if any, as may be prescribed by the Commission. • • •

Upon consideration of the instant petition we find that it meets the specified requirements. We are, therefore, designating the above-entitled application for extension of Special Service Authorization for hearing. We note that petitioner has not set forth any issues upon which it wishes the application to be heard. We hereinafter specify those issues which we consider necessary and appropriate.

4. Section 309 (c) further provides:

> • • • The hearing and determination of cases arising under this subsection shall be expedited by the Commission and pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

The Special Service Authorization held by KOB is necessary to the maintenance of a service which that station has been providing its listeners since October of 1941. An alternative operation appears open to KOB under its license for 1030 kc. The service which KOB could provide under that license, however, would differ substantially in coverage from that which it provides on 770 kc. We find that KOB's Special Service Authorization is necessary to the maintenance and conduct of an existing service and we are authorizing KOB to continue its operation on 770 kc pending a decision

after hearing on its application for extension.

5. In so far as the instant petition is directed against our memorandum opinion and order of September 30, 1952, we are unable to see how petitioner is aggrieved by a mere announcement of our intention to adopt a proposed decision on the applications of KOB for regular operation on 770 kc. When and if a decision is released proposing action which is contrary to petitioner's interests, petitioner will have opportunity by way of exceptions and oral argument to present whatever objections it may have. For this reason and for the further reasons previously stated in our memorandum opinion and order of September 30, 1952, we are of the opinion that the instant petition should, except to the extent set forth above, be denied.

Accordingly: *It is ordered*, This third day of November 1952, that the above-entitled application of Albuquerque Broadcasting Company for extension of Special Service Authorization (BSSA-275) is designated for hearing commencing at 10:00 a. m., December 10, 1952, at Washington, D. C., upon the following issues:

(1) To determine the areas and populations which may be expected to receive service from the operation of Station KOB as proposed on 770 kc, with a power of 25 kw nighttime, 50 kw daytime and the availability of other primary and secondary service to such areas and populations.

(2) To determine the areas and populations which may be expected to receive service from the operation of Station KOB in accordance with the term of its license on 1030 kc and the availability of other primary and secondary service to such areas and populations.

(3) To determine the nature of and the extent to which the operation of Station KOB as proposed would involve objectionable interference with Station WJZ, New York, New York, the areas and populations affected thereby, and the availability of other primary and secondary service to such areas and populations.

(4) To determine the nature of and the extent to which the operation of Station KOB in accordance with the terms of its license on 1030 kc would involve objectionable interference with Station WBZ, Boston, Massachusetts, the areas and populations affected thereby, and the availability of other primary and secondary service to such areas and populations.

(5) To determine whether pending a final decision on the above-entitled applications of Albuquerque Broadcasting Company for regular operations on 770 kc (Dockets Nos. 6584 and 6585), the public interest would be better served by continued operation of KOB as proposed on 770 kc or by directing KOB to return to its licensed facilities of 1030 kc.

It is further ordered, That American Broadcasting Company, Inc., licensee of Station WJZ, New York, New York, is made a party to the above hearing;

It is further ordered, That Westinghouse Radio Stations, Inc., licensee of Station WBZ, Boston Massachusetts, is made a party to the above hearing;

It is further ordered, That the Hearing Examiner to be assigned to this proceeding shall conduct the hearing and issue his initial decision as expeditiously as possible;

It is further ordered, That pending a final decision in this proceeding Albuquerque Broadcasting Company is authorized to operate Station KOB with the facilities specified in the Special Service Authorization heretofore issued pursuant to the Commission's order of September 30, 1952;

It is further ordered, That the said petition filed October 21, 1952, by American Broadcasting Company, Inc. is in all other respects denied.

Released: November 6, 1952.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12574; Filed, Nov. 25, 1952; 8:47 a. m.]

[Docket Nos. 9136, 10243, 10316]

PIONEER BROADCASTERS, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Pioneer Broadcasters, Inc., Portland, Oregon, Docket No. 9136, File No. BPCT-431; KXL Broadcasters, Portland, Oregon, Docket No. 10243, File No. BPCT-954; Mount Hood Radio and Television Broadcasting Corporation, Portland, Oregon, Docket No. 10316, File No. BPCT-1029; for construction permits for new Television Stations.

The Commission having before it the request of Mount Hood Radio and Television Broadcasting Corporation made during the oral argument heard on its petition for leave to amend its application, that the hearing in the above-entitled proceeding presently scheduled for November 19, 1952, be continued in order that it may obtain a review by the Commission of the denial by the Hearing Examiner on this date of such petition for leave to amend; and

It appearing, that all other counsel have agreed to such continuance;

It is ordered, This 17th day of November, 1952, that the hearing in this proceeding is continued until December 1, 1952, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12580; Filed, Nov. 25, 1952; 8:48 a. m.]

[Docket Nos. 9895, 10234, 10235]

JOHN C. POMEROY ET AL.

ORDER CONTINUING HEARING

In re applications of John C. Pomeroy, Pontiac, Michigan, Docket No. 9895, File No. BP-7811; William R. Reed, Pontiac, Michigan, Docket No. 10234, File No. BP-8510; for construction permits and Southern Michigan Broadcasters (WSTR), Sturgis, Michigan, Docket No. 10235, File No. BML-1489; for modification of license.

Because of the pending petition of John C. Pomeroy to dismiss his application and of the statement by counsel for William R. Reed at the Prehearing Conference held today that a petition would forthwith be filed to dismiss the application of the said William R. Reed, and of the statement of counsel for Southern Michigan Broadcasters (WSTR) that a petition would forthwith be filed to amend its application having the effect of removing it from the hearing, it was agreed by all parties at the Prehearing Conference that the hearing in this case might be continued until 10:00 a. m., Friday, November 28, 1952;

It is ordered, This 13th day of November 1952, that the hearing herein is continued to 10:00 a. m., Friday, November 28, 1952, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12559; Filed, Nov. 25, 1952; 8:46 a. m.]

[Docket Nos. 9895, 10234, 10346, 10235]

JOHN C. POMEROY ET AL.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of John C. Pomeroy, Pontiac, Michigan, Docket No. 9895, File No. BP-7811; William R. Reed, Pontiac, Michigan, Docket No. 10234, File No. BP-8510; James Gerity, Jr., Pontiac, Michigan, Docket No. 10346, File No. BP-8651; for construction permits and Southern Michigan Broadcasters (WSTR), Sturgis, Michigan, Docket No. 10235, File No. BML-1489; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of November 1952;

The Commission having under consideration the above-entitled application of James Gerity, Jr., for a construction permit for a new standard broadcast station at Pontiac, Michigan, to operate on 1460 kc, with a power of 500 watts, unlimited time;

It appearing, that said application is mutually exclusive with the above-entitled applications of John C. Pomeroy and William R. Reed, each requesting the use of 1460 kc, 500 w, daytime, and that the proposed operation will cause interference to and receive interference from WCLC, Flint, Michigan, will receive nighttime interference from WBNS, Columbus, Ohio, will receive interference from the proposed operation of Station WSTR (BML-1489), will not provide satisfactory coverage of the Detroit metropolitan area, and will involve excessive blanket area populations; and

It further appearing, that in letters to the Commission dated October 30, 1952, counsel for the applicant recognized the pendency of the conflicting Pomeroy and Reed applications, admitted deficiencies of the proposed operation described in the above paragraph, waived rights of notice under section 309 (b) of the Communications Act, as amended, to be apprised of deficiencies of the application in advance of it being set for hearing, and requested that the Gerity application be designated for hearing in consolidation with the other above-captioned applications;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application of James Gerity, Jr., is designated for hearing in the same consolidated proceeding with the other above-captioned applications scheduled to commence at 10:00 a. m., on November 17, 1952, in Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Station WCLC, Flint, Michigan, and any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service and the type and character of the program service provided by such other primary services, if any, to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with services proposed in the pending application of Station WSTR (Docket No. 10235; File No. BML-1489) and whether it is mutually exclusive with the applications of William R. Reed (Docket No. 10234; File No. BP-8510) and John C. Pomeroy (Docket No. 9895; File No. BP-7811) or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installation and operating of the proposed station would be in compliance with the Commission Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to coverage of the Detroit metropolitan area, to the percentage of population residing between the normally protected and actual service contours, and the population residing within the blanket contours.

7. To determine on a comparative basis whether the applications of James Gerity, Jr., William R. Reed, or John C. Pomeroy, if any, should be granted.

It is further ordered, That Adelaide Lillian Carrell, licensee of Station WCLC, Flint, Michigan, is made a party to this proceeding with respect to the application of James Gerity, Jr., only.

Released: November 14, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12579; Filed, Nov. 25, 1952; 8:48 a. m.]

[Docket Nos. 10278, 10279]

KENDRICK BROADCASTING CO. INC., AND ROSSMOYNE CORP.

ORDER AMENDING ISSUES

In re applications of Kendrick Broadcasting Company, Inc., Harrisburg, Pennsylvania, Docket No. 10278, File No. BPCT-937; Rossmoyne, Corporation, Harrisburg, Pennsylvania, Docket No. 10279, File No. BPCT-966; for construction permits for television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952;

The Commission having under consideration a petition filed October 13, 1952, by the Chief of the Broadcast Bureau to enlarge the issues in the above-entitled proceeding, and a Reply thereto filed October 27, 1952, by the Rossmoyne Corporation; and

It appearing, that the Chief of the Broadcast Bureau alleges that the tower proposed in the above-entitled application of the Rossmoyne Corporation would be located in the vicinity of the towers of existing standard broadcast Station WHP, Harrisburg, Pennsylvania; that the proximity of the proposed television tower might impair the ability of the standard broadcast station to operate in accordance with the terms of its license; that the impairment (a) may result in changes in the radiation characteristics of the antenna system used by Station WHP to the extent that interference to other stations is caused, or (b) may result in changes in the standard broadcast radiation patterns in a manner that will adversely affect AM service in the Harrisburg area; that no consideration is given to these problems in the application of the Rossmoyne Corporation; and that in view of the aforesaid the Commission should enlarge the issues in the above-entitled proceeding so as to require a determination as to whether the construction of the tower proposed by the Rossmoyne Corporation will adversely affect the operations of Station WHP; and

It further appearing, that the Chief of the Broadcast Bureau believes that, in the interest of obtaining full testimony on the matters discussed herein, the licensee of Station WHP should be made a party respondent in the above-entitled proceeding; and

It further appearing, that the Rossmoyne Corporation filed a Reply to the subject petition on October 27, 1952, indicating that it has no objection to a grant of the subject petition; and

It further appearing, that the Commission, by its memorandum opinion and order of October 16, 1952 (FCC 52-1326), In re Applications of Westinghouse Radio Stations, Inc., et al, Portland, Oregon (Docket No. 9138, etc.), granted similar petitions by the Chief of the Broadcast Bureau;

It is ordered, That the above-described petition of the Chief of the Broadcast Bureau is granted; and

It is further ordered, That the licensee of Station WHP is made a party respondent in the above-entitled proceeding; and

It is further ordered, That the Commission's order of July 11, 1952, designating the above-entitled applications for hearing is amended so that Issue No. 5 is renumbered as Issue No. 6 and a new Issue No. 5 is added as follows:

5. To determine whether the construction of the tower proposed in the above-entitled application of Rossmoyne Corporation will adversely affect the ability of standard broadcast Station WHP, Harrisburg, Pennsylvania, to operate in accordance with the terms of its license and the construction permit pursuant to which its license was issued particularly with respect to the operation of its radiating system and whether corrective measures for such effects are possible and feasible.

Released: November 6, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12577; Filed, Nov. 25, 1952; 8:48 a. m.]

[Docket Nos. 10284, 10285]

LUFKIN AMUSEMENT CO. AND PORT ARTHUR COLLEGE

ORDER AMENDING ISSUES

In re applications of Lufkin Amusement Company, Beaumont, Texas, Docket No. 10284, File No. BPCT-545; Port Arthur College, Port Arthur, Texas, Docket No. 10285, File No. BPCT-839; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1952;

The Commission having under consideration a petition filed October 24, 1952, by Port Arthur College to enlarge the issues in the above-entitled proceeding; and

It appearing, that petitioner requests the adoption of an additional issue requiring a comparison of the applications herein under section 307 (b) of the Communications Act of 1934, as amended; that the applicants herein seek authority to establish television facilities in different communities which are "hyphenated" for the purposes of the Commission's table of assignments; and that it is therefore appropriate that the Com-

[1] Commissioner Webster's dissenting opinion filed as part of original document.

mission consider the above-entitled applications in the light of section 307 (b) of the Communications Act;

It is ordered, That the above-described petition of Port Arthur College is granted; and

It is further ordered, That the Commission's order of July 11, 1952, designating the above-entitled applications for hearing is amended so that Issue No. 5 therein is renumbered as Issue No. 6, and a new Issue No. 5 is added as follows:

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of these applicants would provide the more fair, efficient, and equitable distribution of television service.

Released: November 6, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12578; Filed, Nov. 25, 1952; 8:48 a. m.]

[Docket No. 10312]

RAYMOND WILBUR CLIFFORD, JR.

ORDER CONTINUING HEARING

In the matter of Raymond Wilbur Clifford, Jr., 2500 Liberty Parkway, Baltimore 22, Maryland, Docket No. 10312; order to show cause why amateur radio station licenses should not be revoked.

The Commission having under consideration a motion filed November 5, 1952, by the Acting Chief, Safety and Special Radio Services Bureau, Federal Communications Commission, requesting a continuance of the hearing in the above-entitled matter presently scheduled for November 14, 1952, at Washington, D. C.; and

It appearing, that good cause has been shown in support of such motion and that Raymond Wilbur Clifford, Jr., the only party to the proceeding has consented to the waiver of § 1.745 of the Commission's rules and agreed to an immediate consideration and grant of the motion.

It is ordered, This 7th day of November 1952, that the motion be, and it is hereby, granted and that the hearing in the above-entitled matter be, and it is hereby, continued to January 5, 1953, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12558; Filed, Nov. 25, 1952; 8:46 a. m.]

[Docket No. 10337]

WGNS, INC.

ORDER SCHEDULING HEARING

In the matter of cease and desist order to be directed against WGNS, Inc.; Docket No. 10337.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 5th day November 1952;

The Commission having under consideration, the issuance of an order directed to WGNS, Inc., licensee of radio station WGNS, Murfreesboro, Tennessee, to cease and desist from violating section 318 of the Communications Act of 1934, as amended, by permitting radio broadcast station WGNS to be operated by an unlicensed operator, to cease and desist from violating § 3.165 of the Commission's rules, by permitting radio broadcast station WGNS to be operated by an operator not of the grade required by the Commission, unless the station has been granted a waiver of the requirement pursuant to § 1.334 of the rules and to cease and desist from violating § 3.181 of the rules by failing to keep the required operating and program logs;

It appearing, that Cecil Elrod, Jr., President and General Manager of station WGNS, was issued a restricted operator's permit, RP6-29-806, on November 6, 1951, and that such a permit does not authorize the holder to operate a standard broadcast station unless a special authorization is granted the station by the Commission to use operators of lesser grade than first class; and

It further appearing, that a special temporary authorization permiting station WGNS to use operators of lesser grade than first class, which had been previously issued, expired on February 28, 1952, and was not renewed or sought to be renewed; and

It further appearing, that Cecil Elrod, Jr., knowing that station WGNS had no valid outstanding authorization to operate with other than first class operators, operated station WGNS at various times between April 1, 1952 and May 9, 1952, and that during such periods no other person holding a first class operator's license was on duty at the station as required by §§ 3.165 and 13.61 of the Commission's rules, which operation constituted a violation of §§ 3.165 and 13.61 of the Commission's rules; and

It further appearing, that Garth Fort Freeze does not hold any operator's license or permit issued by the Commission authorizing him to operate a radio station; and

It further appearing, that Garth Fort Freeze, with knowledge of the management of station WGNS, operated radio station WGNS on May 9, 1952, without holding any operator's license, which constituted a violation of section 318 of the Communications Act of 1934, as amended; and

It further appearing, that § 3.181 of the Commission's rules requires that operating and program logs be maintained by standard broadcast stations; and

It further appearing, that on May 9, 1952, station WGNS was, with knowledge of its management, operated without the required operating and program logs being kept, thus violating § 3.181 of the Commission's rules; and

It further appearing, that these actions on the part of the licensee of station WGNS were willful;

It is ordered, That, pursuant to section 312 (c) of the Communications Act of 1934, as amended, WGNS, Inc. be and is hereby directed to show cause why an order commanding it to cease and desist from violating section 318 of the Communications Act of 1934, as amended, by permitting station WGNS to be operated by a person not holding an operator's permit issued by the Commission, from violating § 3.165 of the Commission's rules by permitting station WGNS to be operated by an operator of lesser grade than required by the Commission's rules unless WGNS, Inc. holds a special authorization permitting it to use operators of lesser grade, and from violating § 3.181 of the Commission's rules by failing to keep the required operating and program logs; and

It is further ordered, That a hearing in this matter will be held in Washington, D. C., on January 12, 1953, in order to determine whether said cease and desist order should be issued, and that WGNS, Inc., is herewith called upon to appear at this hearing and give evidence upon the matter specified herein; and

It is further ordered, That said WGNS, Inc. is directed on or before December 15, 1952, to inform the Commission in writing whether it will appear at the hearing specified above, or whether it waives its right to a hearing, in which event the above cease and desist order will be forthwith issued. Failure to respond by December 15, 1952, or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing.

Released: November 12, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12575; Filed, Nov. 25, 1952; 8:48 a. m.]

[Docket No. 10347]

ANTHONY J. MONY

ORDER DESIGNATING MATTER FOR HEARING

In the matter of Anthony J. Mony, Office of the Air Attaché, APO 794, c/o Postmaster, New York, New York; Docket No. 10347.

The Commission having under consideration the application of Anthony J. Mony for a hearing in the above-entitled matter;

It appearing, that the said Anthony J. Mony, acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, filed with the Commission within the time provided therefor, an application requesting a hearing on the Commission's order of October 3, 1952, suspending his amateur radio operator license for a period of thirty (30) days; and

It further appearing, that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the said licensee is entitled to a hearing in the matter, and that upon the filing of timely written application therefor, the Commission's suspension order is held in abeyance until the conclusion of proceedings in the said hearing;

It is ordered, This 14th day of November 1952, that the matter of the suspension of the amateur radio operator license of Anthony J. Mony is hereby designated for hearing before a Commission Examiner at 10:00 a. m., on January 26, 1953, at the offices of the Federal Communications Commission in Washington, D. C., upon the following issues:

1. To determine whether the licensee committed the violations of the Commission's rules set forth in the Commission's order of suspension.

2. If the licensee committed such violations, to determine whether the facts or circumstances in connection therewith would warrant any change in the terms of the Commission's order of suspension.

It is further ordered, That a copy of this order be transmitted by Registered Mail—Return Receipt Requested to Anthony J. Mony, Office of the Air Attaché, APO 794, c/o Postmaster, New York, New York.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12581; Filed, Nov. 25, 1952; 8:48 a. m.]

[Change List No. 10]

CUBAN BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS, LIST OF CHANGES, MODIFICATIONS AND DELETIONS OF EXISTING STATIONS

OCTOBER 28, 1952.

Notification of new Cuban radio stations, and of changes, modification and deletions of existing stations, in accordance with Part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C. 1950.

REPUBLIC OF CUBA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
CMDB	Santiago de Cuba, Oriente[1]	0.5N/1D	680 kilocycles ND	U	II	Mar. 14, 1953.
NEW	Bayamo, Oriente (vide 1260 kc/s)	0.25	1190 kilocycles ND	U	II	Delete.
NEW	Bayamo, Oriente (vide 1190 kc/s)	0.25	1260 kilocycles ND	U	II	Mar. 14, 1953.
CMHL	Sancti Spiritus, Las Villas[2]	0.25	1450 kilocycles ND	U	IV	Do.
CMHR	Sagua la Grande, Las Villas[3]	0.1N/0.25D	1570 kilocycles ND	U	II	Do.
CMJS	Ciego de Avila, Camaguey[4]	0.25	1580 kilocycles ND	D	II	Do.

[1] Synchronized with Filial CMBC, Camaguey.
[2] Assignment of call letters and change in location.
[3] This station will change to the frequency 1560 kilocycles upon entry into force of the North American Regional Broadcasting Agreement.
[4] Assignment of call letters and change in location and particulars.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12583; Filed, Nov. 25, 1952; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2949]

WISCONSIN PUBLIC SERVICE CORP.

ORDER GRANTING AUTHORITY TO ISSUE SHORT TERM BANK LOAN NOTES

NOVEMBER 20, 1952.

Wisconsin Public Service Corporation ("Wisconsin"), a public utility subsidiary of Standard Power and Light Corporation and Standard Gas and Electric Company, both registered holding companies, having filed a declaration, and an amendment thereto, pursuant to sections 6 (a) and 7 of the act with respect to the following proposed transactions:

Wisconsin presently has outstanding $6,500,000 of 3 percent five and one-half month bank loan notes maturing November 25, 1952. Wisconsin proposes, on or prior to November 25, 1952, to issue and sell $6,300,000 of new 3 percent bank loan notes ("new notes"), maturing June 1, 1953, to the same banks which hold the presently outstanding notes. Wisconsin will have the privilege of prepaying the new notes without premium.

The declaration states that the net proceeds to be derived from the sale of the new notes, together with treasury cash, will be used in payment of the presently outstanding notes, the proceeds of which were used for construction purposes. Wisconsin also states that it will undertake permanent financing, prior to the due date of the new notes, and use a portion of the proceeds of such permanent financing for the payment of the new notes.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transactions.

Wisconsin estimates that the expenses in connection with the proposed transactions will not exceed $500 and it requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-12587; Filed, Nov. 25, 1952; 8:45 a. m.]

[File No. 70-2951]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER GRANTING AUTHORITY TO ISSUE AND SELL SHORT-TERM NOTES

NOVEMBER 20, 1952.

Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company, having filed an application, and an amendment thereto, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following transactions:

New Hampshire proposes to issue and renew, from time to time, up to and including June 30, 1953, notes having a maturity of three months or less up to the maximum amount of $6,250,000 at any time outstanding (including notes presently in the amount of $1,825,000). Each such note, including the renewal notes, will be made payable to the First National Bank of Boston and will bear interest at the rate of 3 percent per annum, subject to change in interest rates for prime paper. It is stated at the present time that the interest rate for prime paper is 3 percent per annum. In case the interest rate should exceed 3¼ percent on any note, the company will file an amendment to its application stating the interest rate and other details of the note or notes at least five days prior to the execution and delivery thereof, and asks that such amendment become effective without further order of the Commission at the end of the five day period unless the Commission shall have notified the company to the contrary within said period.

The proceeds from the sale of the notes will be used for construction and other purposes. The application states that the company's construction program, for the nine months ending June 30, 1953, calls for the expenditures of approximately $5,050,000. It is also stated that it is the present intention of the company to issue approximately $5,000,000 principal amount of First Mortgage Bonds in May or June 1953 and in the latter part of 1953 to issue a

sufficient number of share of common stock to raise approximately $4,000,000. However, it is stated that market conditions, among other things, may require some variation of the proposed financing.

It is represented that no State commission or any other Federal commission has jurisdiction over the proposed transactions, and that legal fees and expenses in connection with the application will amount to approximately $100. The applicant requests that the Commission's order herein become effective upon the issuance thereof.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and Rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and it hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12536; Filed, Nov. 25, 1952; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1739]

ST. CHARLES GAS CORP.

NOTICE OF ORDER REOPENING RECORD, AND AMENDING ORDER CONDITIONALLY ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 20, 1952.

Notice is hereby given that on November 19, 1952, the Federal Power Commission issued its order entered November 18, 1952, reopening record and amending order (17 F. R. 8164) conditionally issuing certificate of public convenience and necessity in the above-entited matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12538; Filed, Nov. 25, 1952; 8:45 a. m.]

[Docket No. G-1984]

TREASURY STATE PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 20, 1952.

Notice is hereby given that on November 19, 1952, the Federal Power Commission issued its order entered November 18, 1952, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12539; Filed, Nov. 25, 1952; 8:46 a. m.]

[Project No. 2066]

PIGEON RIVER LUMBER CO.

NOTICE OF ORDER DISMISSING INCOMPLETE APPLICATION FOR LICENSE (MAJOR)

NOVEMBER 20, 1952.

Notice is hereby given that on November 18, 1952, the Federal Power Commission issued its order entered November 18, 1952, dismissing incomplete application for license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12540; Filed, Nov. 25, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27557]

PROPORTIONAL RATES ON GRAIN FROM KANSAS CITY, MO.-KANS., TO GALVESTON, HOUSTON, AND TEXAS CITY, TEX.

APPLICATION FOR RELIEF

NOVEMBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri-Kansas-Texas Railroad Company, for itself and on behalf of the Chicago, Rock Island and Pacific Railroad Company and other carriers.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Kansas City, Mo.-Kans.

To: Galveston, Houston, and Texas City, Tex., for export.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: M-K-T RR. tariff I. C. C. No. 1470, Supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12568; Filed, Nov. 25, 1952; 8:47 a. m.]

[4th Sec. Application 27558]

SALT FROM TEXAS AND LOUISIANA, TO BELLBLUFF, VA., NEW CUMBERLAND, PA., AND SCHENECTADY, N. Y.

APPLICATION FOR RELIEF

NOVEMBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt, carloads.

From: Points in Texas and Louisiana.

To: Bellbluff, Va., New Cumberland, Pa., and Schenectady, N. Y.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3668, Supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12569; Filed, Nov. 25, 1952; 8:47 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 17 1934 NUMBER 232

Washington, Thursday, November 27, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10414

RESTORING LAND OF THE UPOLU POINT MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain land at Opihipau, North Kohala, Island of Hawaii, Territory of Hawaii, was reserved for military purposes by Presidential Executive Order No. 7893 of May 21, 1938, and was also reserved for the uses and purposes of the United States by Executive Order No. 749 of May 26, 1937, of the Governor of the Territory of Hawaii; and

WHEREAS certain other land at Opihipau, North Kohala, Island of Hawaii, Territory of Hawaii, was reserved for the uses and purposes of the United States by Executive Order No. 924 of February 3, 1941, of the Governor of the Territory of Hawaii; and

WHEREAS a portion of such lands was restored to the possession, use, and control of the Government of the Territory of Hawaii for aeronautical purposes, and certain other land at Opihipau, North Kohala, Island of Hawaii, Territory of Hawaii, was reserved for military purposes by Presidential Executive Order No. 9582 of June 30, 1945; and

WHEREAS all of such lands constitute a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750; and

WHEREAS all of such lands so reserved and not heretofore restored to the possession, use, and control of the Government of the Territory of Hawaii constitute a single tract of land which comprises the Upolu Point Military Reservation; and

WHEREAS such tract of land is no longer needed for military or other purposes, and it is deemed advisable and in the public interest that it be restored to the possession, use, and control of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

The following-described tract of land located at Opihipau, North Kohala, Island of Hawaii, Territory of Hawaii, constituting the Upolu Point Military Reservation, is hereby restored to the possession, use, and control of the Territory of Hawaii:

Beginning at a pipe at the Northeast corner of this piece of land, on the boundary between the lands of Opihipau and Kealahewa 3, being also the Northwest corner of Lot 11 of Land Court Application 1120, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Puu O Nale" being 22,984.56 feet North and 5,922.54 feet West, thence running by azimuths measured clockwise from true South:

1. 322° 15' 304.07 feet along Lot 11 of Land Court Application 1120;
2. 77° 30' 625.50 feet;
3. 167° 30' 275.00 feet;
4. 257° 30' 495.80 feet along the parcel of land described in paragraph numbered 1 of Presidential Executive Order No. 9582 to the point of beginning; containing an area of 3.54 acres.

HARRY S. TRUMAN

THE WHITE HOUSE,
November 25, 1952.

[F. R. Doc. 52-12696; Filed, Nov. 25, 1952; 5:00 p. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

CITRUS FRUIT

Pursuant to section 7 of the Plant Quarantine Act of 1912 (7 U. S. C. 160), the Secretary of Agriculture hereby amends Citrus Fruit Quarantine No. 28 (7 CFR 319.28), as amended, by adding at the end of the second undesignated paragraph thereof a new sentence to read as follows: "This prohibition shall not apply to importations into Alaska of oranges of the mandarin class grown in Japan, but such importations are subject to permit and other requirements under the Fruits and Vegetables Quarantine (§ 319.56)."

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The foregoing amendment is for the purpose of authorizing the importation into Alaska of Japanese mandarin oranges subject to the requirements of the Fruits and Vegetables Quarantine, since it has been determined that such importations will not introduce into the United States the plant diseases specified in the Citrus Fruit Quarantine. The amendment constitutes a relieving of restrictions heretofore imposed. Japanese mandarin oranges are now being harvested and American importers are anxious to land shipments in Alaska. In order to be of maximum benefit to such importers, this amendment should be made effective as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and public procedure on the foregoing amendment are impracticable, unnecessary, and contrary to the public interest. Since this amendment relieves restrictions it may properly be made effective under said section 4 less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall be effective November 21, 1952.

(Sec. 7, 37 Stat. 317; 7 U. S. C. 160)

Done at Washington, D. C., this 21st day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12622; Filed, Nov. 26, 1952; 8:50 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061 (P. R. 53)-1, Supp. 1]

PART 702—AGRICULTURAL CONSERVATION PROGRAM; PUERTO RICO

SUBPART—1953

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1953 Agricultural Conservation Program; Puerto Rico, issued August 25, 1952 (17 F. R. 7829), is amended as follows:

1. Section 702.303 is added under the center heading "Control of Funds" as follows:

§ 702.303 *Allocation.* The amount of funds available for conservation practices under this program is $820,000. This amount does not include the amount set aside for administrative expenses and the amount required for size-of-payment adjustments in § 702.342.

2. Section 702.308 is added under the center heading "Development of the Agricultural Conservation Program and Selection of Practices" as follows:

§ 702.308 *Pooling agreements.* Producers in any local area may agree in writing, with the approval of the PMA State Office, to perform designated amounts of practices which will conserve or improve the agricultural resources of the community. For purposes of payment, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the producers who performed the practices.

3. Section 702.314 is amended by revising "Maximum assistance" to read as follows:

§ 702.314 *Practice 4: Applying to coffee trees fertilizer of grades containing not less than 10 units of available N and not less than 10 units of available P_2O_5.* * * *

Maximum assistance. The lesser of $40 or 80 percent of the fair price per ton for the grade of fertilizer used, as determined by the PMA State Office.

4. Section 702.315 (a) is amended by revising the fourth sentence to read as follows:

§ 702.315 *Practice 5: Applying to farm land refuse from sugar mill grinding operations known as filter cake.* (a) * * * Farms from which more than 100 acres of sugarcane are harvested in 1953, and any farm operated by a processor who processes more than 3,000 tons of sugarcane for the extraction of sugar during 1953, are not eligible for payment under this practice.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 21st day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12601; Filed, Nov. 26, 1952; 8:47 a. m.]

[1061 (Alaska 53)-1, Supp. 1]

PART 704—AGRICULTURAL CONSERVATION PROGRAM; ALASKA

SUBPART—1953

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1953 Agricultural Conservation Program: Alaska, issued September 24, 1952 (17 F. R. 8605), is amended as follows:

1. Section 704.213 is amended by revising the second sentence to read as follows:

§ 704.213 *Practice 3: Field peas with or without oats for green manure.* • • • The minimum rate of seeding is 70 pounds of field peas per acre when only peas are planted, or 30 pounds of peas and 40 pounds of oats when planted in a mixture. • • •

2. Section 704.223 *Practice 13: Field stripcropping to protect soil from wind or water erosion* is amended by:

i. Inserting the words "or water" between the words "wind erosion" in the sentence following the headnote.

ii. Revising paragraph (a) to read:

(a) The land to be protected must be planted to a system of alternating strips of close-growing crops and row crops. For protection from wind erosion, the strips should be approximately at right angles to the direction of the dominant prevailing erosive winds.

iii. Revising the first sentence of paragraph (d) to read:

(d) All crop residues of both the row crops and the protecting close-growing crop strips should be utilized in the following manner: • • •

iv. Deleting the word "wind" in paragraph (d) (3).

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 21st day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12600; Filed, Nov. 26, 1952; 8:47 a. m.]

[1023 (Burley and Flue-53)-3, Amdt. 2]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1953-54 MARKETING YEAR

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311-1314), and is made for the purpose of amending paragraphs (c) and (d) of § 725.416 of the Burley and flue-cured tobacco marketing quota regulations, 1953-54 marketing year, relating to determination of 1953 tobacco acreage allotments for old farms (a) on which there were no 1952 tobacco acreage allotments or (b) on which the 1952 harvested acreages were in excess of the allotments by more than 10 percent. Since the amendment will affect the size of individual allotments for affected farms and since it is imperative that farmers be notified of their tobacco acreage allotments as early as possible in order to be able to complete their 1953 farming arrangements, it is necessary that the amendment become effective at the earliest possible date. Therefore, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure, and effective date is impracticable and contrary to the public interest, and that the amendment made herein shall become effective upon the date it is filed with the FEDERAL REGISTER.

The Burley and Flue-cured Tobacco Marketing Quota Regulations, 1953-54 Marketing Year, are amended by changing paragraphs (c) and (d) of § 725.416 to read as follows:

(c) If no 1952 allotment was established for the farm, the preliminary allotment shall be the smaller of (1) the average acreage of tobacco harvested on the farm in the five years 1948-52, or (2) the acreage obtained by multiplying the farm's average acreage for the five years 1948-52 by the ratio of the farm's actual yield to the 1952 county average yield: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(d) If the acreage of tobacco harvested on the farm in 1952 exceeded the 1952 allotment by more than 10 percent, the preliminary allotment shall be the 1952 allotment plus the smaller of (1) one-fifth of the excess acreage, or (2) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1952 county average yield.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1313)

Done at Washington, D. C., this 21st day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12598; Filed, Nov. 26, 1952; 8:47 a. m.]

[1023 (Fire, Air and Sun-53)-3, Amdt. 2]

PART 726—FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1953-54 MARKETING YEAR

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311-1314), and is made for the purpose of amending paragraphs (c) and (d) of § 726.416 of the fire-cured, dark air-cured and Virginia sun-cured tobacco marketing quota regulations, 1953-54 marketing year, relating to determination of 1953 tobacco acreage allotments for old farms (a) on which there were no 1952 tobacco acreage allotments or (b) on which the 1952 harvested acreages were in excess of the allotments by more than 10 percent. Since the amendment will affect the size of individual allotments for affected farms, and, since it is imperative that farmers be notified of their tobacco acreage allotments as early as possible in order to be able to complete their 1953 farming arrangements, it is necessary that the amendment become effective at the earliest possible date. Therefore, it is hereby found and determined that compliance with the provisions of the Administrative Procedure Act with respect to notice, public procedure, and effective date is impracticable and contrary to the public interest, and that the amendment made herein shall become effective upon the date filed with the FEDERAL REGISTER.

The Fire-Cured, Dark Air-Cured and Virginia Sun-Cured Tobacco Marketing Quota Regulations, 1953-54 Marketing Year, are amended by changing paragraphs (c) and (d) of § 726.416 to read as follows:

(c) If no 1952 allotment was established for the farm, the preliminary allotment shall be the smaller of (1) the average acreage of tobacco harvested on the farm in the five years 1948-52, or (2) the acreage obtained by multiplying the farm's average acreage for the five years 1948-52 by the ratio of the farm's actual yield to the 1952 county average yield: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(d) If the acreage of tobacco harvested on the farm in 1952 exceeded the 1952 allotment by more than 10 percent, the preliminary allotment shall be the 1952 allotment plus the smaller of (1) one-fifth of the excess acreage, or (2) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1952 county average yield.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; 7 U. S. C. 1313)

Done at Washington, D. C., this 21st day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12599; Filed, Nov. 26, 1952; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

CERTIFICATES OF PRIVILEGE

A notice of proposed rule making regarding rules and regulations for the issuance of certificates of privilege and the establishment of safeguards on special purpose shipments, to be made effective under Order No. 57, as amended (7 CFR Part 957) which regulates the handling of Irish potatoes grown in certain designated counties of Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER on October 23, 1952 (17 F. R. 9605). This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee, established pursuant to said order, the following rules and regulations are hereby approved.

It is hereby found that it is impracticable and contrary to the public interest to give 30-day notice of the effective date of this order in that (i) shipments of potatoes from the production area are now being made; (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by effectuating the rules and regulations hereinafter set forth on and after the effective date of this section; (iii) compliance with the rules and regulations will require no preparation on the part of producers and handlers which cannot be completed by the effective date of this order; (iv) notice has been given of the proposed rules and regulations by publication thereof as required by law (17 F. R. 9605); and (v) the rules and regulations should be approved upon publication hereof in the FEDERAL REGISTER in order to effectuate the declared policy of the act.

CERTIFICATES OF PRIVILEGE

Sec.
957.130 Application.
957.131 Issuance.
957.132 Reports.
957.133 Denials and appeals.

AUTHORITY: §§ 957.130 to 957.133 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 957.130 *Application.* (a) All handlers desiring to make shipments of potatoes for the following purposes shall, prior thereto, apply to the committee for and obtain a Certificate or Certificates of Privilege permitting such shipments:

(1) Seed;
(2) Export;
(3) Sale to the Federal Government under programs authorized by the Secretary of Agriculture;
(4) Canning, dehydration, or manufacture or conversion into specified products;
(5) Charity; and
(6) Other purposes which may be specified.

(b) Applications for Certificates of Privilege shall be made on forms furnished by the committee. Each application shall contain the name and address of the handler, and such other information as the committee may require, such as, but not limited to, the quantity of potatoes to be shipped, grade and size of potatoes to be shipped, intended use of such potatoes, proof of contract, name and address of consignee, destination of shipment, mode of transportation, and expected date of shipment.

(c) (1) The committee may require each handler making shipments of potatoes for export to include with his application applicable thereto a copy of the Department of Commerce Shippers Export Declaration Form No. 7525-V applicable to such shipment.

(2) The committee may require that each application to ship potatoes pursuant to subparagraphs (4) and (5) of paragraph (a) of this section be accompanied by the applicant handler's and the buyer's certification that the potatoes to be shipped are to be used for the purposes stated in the application.

(d) Such application may contain other appropriate information, and the committee may require additional documents necessary to safeguard against the entry of such potatoes into trade channels other than those for which the Certificate or Certificates are granted.

§ 957.131 *Issuance.* The committee, or its duly authorized agents, shall give prompt consideration to each application for a Certificate of Privilege and, pursuant to applicable provisions of this part, shall determine whether the application is approved. Approval of an application shall be evidenced by the issuance of a Certificate of Privilege authorizing the applicant named therein to ship potatoes for a specified purpose for a specified period of time.

§ 957.132 *Reports.* Each handler shipping potatoes under and pursuant to a Certificate of Privilege shall supply the committee with a report thereon showing the name and address of the handler, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulation at time of such shipment), loading point, destination, consignee, bill of lading, and any other information deemed necessary by the committee.

§ 957.133 *Denials and appeals.* The committee may rescind a Certificate or Certificates of Privilege, issued to a handler pursuant to § 957.131, or deny Certificates of Privilege to a handler upon proof, satisfactory to the committee, that such handler has shipped potatoes contrary to the provisions of §§ 957.130 to 957.132, inclusive. Such committee action denying a Certificate or Certificates of Privilege shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a Certificate of Privilege, or who has had a Certificate of Privilege rescinded, may appeal to the committee for reconsideration. Such appeal shall be in writing.

Done at Washington, D. C., this 24th day of November 1952, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12624; Filed, Nov. 26, 1952; 8:50 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Amdt. 1]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.26 (9 CFR 76.26) containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.26 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California, except Modoc and Siskiyou Counties;

Hartford County, in Connecticut;

St. Clair County; Columbia Township, in Monroe County; Peoria and Limestone Townships, in Peoria County, in Illinois;

City of Baltimore, in Maryland;

Bristol County, in Massachusetts;

Franklin and St. Louis Counties; in Missouri;

Burlington, Camden, Gloucester, Hudson, Morris, and Ocean Counties, in New Jersey;

New York County and Clarkstown Township, in Rockland County, in New York;

Council Grove, Mustang, Oklahoma and Greeley Townships, in Oklahoma County, in Oklahoma;

Bucks, Delaware and York Counties, in Pennsylvania;

The State of Rhode Island;

That part of Parker County lying north of U. S. Highway 180 and east of State Highway No. 51, in Texas.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section, and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition:

Bergen, Essex, and Union Counties, in New Jersey;

Montgomery County, in Pennsylvania.

Effective date. This amendment shall become effective upon issuance. This amendment includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Hartford County, in Connecticut;
Peoria and Limestone Townships, in Peoria County, in Illinois;
City of Baltimore, in Maryland;
Franklin County, in Missouri;
Bucks and Delaware Counties in Pennsylvania;
The State of Rhode Island.

This amendment also includes Montgomery County in Pennsylvania as a quarantined area.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10538) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Jarvis Township, in Madison County, in Illinois;
Thetford, Forest, Genesee and Richfield Townships, in Genesee County; Green Oak Township, in Livingston County; Lyon and Novi Townships, in Oakland County; Ann Arbor, Dexter, Lima, Northfield, Salem, Scio, Superior and Webster Townships in Washtenaw County; and Canton and Northville Townships in Wayne County, in Michigan;
Dallas and Tarrant Counties, in Texas.

Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10538) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended; 21 U. S. C. 111, 120, 123, 125. Interpret or apply sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 21st day of November 1952.

K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12597; Filed, Nov. 26, 1952; 8:46 a. m.]

[B. A. I. Order 384]

PART 78—SCRAPIE IN SHEEP

QUARANTINE AND REGULATIONS RESTRICTING INTERSTATE TRANSPORTATION OF SHEEP BECAUSE OF SCRAPIE

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), a notice of the existence of the sheep disease known as scrapie in a certain area and a quarantine and regulations restricting the movement of sheep because of scrapie are hereby promulgated to appear in a new Part 78 in Subchapter C, Chapter 1, Title 9, Code of Federal Regulations, as follows:

Sec.
78.1 Definitions.
78.2 Notice and quarantine.
78.3 General restriction.
78.4 Movement of sheep from and through a quarantined area.
78.5 Disinfection of facilities.

AUTHORITY: §§ 78.1 to 78.5 issued under secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended; 21 U. S. C. 111, 120, 123, 125. Interpret or apply sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117.

§ 78.1 *Definitions.* As used in this part, the following terms shall have the meanings set forth in this section.

(a) *Bureau.* The term "Bureau" means the Bureau of Animal Industry of the United States Department of Agriculture.

(b) *Chief of the Bureau.* The term "Chief of the Bureau" means the Chief of the Bureau or any other official of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Bureau inspector.* The term "Bureau inspector" means an inspector of the Bureau.

(d) *Person.* The term "person" means any person, company or corporation.

(e) *Moved.* The term "moved" means transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person.

(f) *Interstate.* The term "interstate" means from one State, Territory, or the District of Columbia, into or through any other State, Territory, or the District of Columbia.

§ 78.2 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of sheep known as scrapie exists in the following area: Butte County in California.

(b) The Secretary of Agriculture, having determined that sheep in the State named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as scrapie and that it is necessary to quarantine the area specified in paragraph (a) of this section in order to prevent the spread of said disease from such State, hereby quarantines the area specified in paragraph (a) of this section.

§ 78.3 *General restriction.* No sheep shall be moved interstate from or through any quarantined area specified in § 78.2 except as provided in the regulations in this part.

§ 78.4 *Movement of sheep from and through a quarantined area.* (a) Sheep that have been directly exposed to scrapie may be moved interstate for immediate slaughter from any quarantined area specified in § 78.2, under conditions prescribed in advance by a Bureau inspector in each instance, to an establishment approved for that purpose by the Chief of the Bureau, if such sheep are not infected with scrapie at the time of such movement.

(b) Sheep of flocks in a quarantined area specified in § 78.2 which upon inspection are found not to show evidence of being infected with scrapie, and insofar as can be determined have not been exposed thereto, may be moved interstate for any purpose. Such inspection shall be made by a Bureau inspector and sheep so moved shall be accompanied by a certificate from such inspector showing that the sheep are free from scrapie and other contagious or communicable diseases and insofar as can be determined such sheep have not been exposed to scrapie or other contagious or communicable diseases.

(c) The Chief of the Bureau may authorize the movement of sheep not infected with scrapie which is not otherwise authorized by this section under such conditions as he may prescribe to prevent the spread of scrapie.

(d) Sheep may be moved in direct transit between points outside the quarantined area specified in § 78.2 through any such quarantined area without restriction under this part.

§ 78.5 *Disinfection of facilities.* Railroad cars, trucks, boats, and all other facilities, including facilities for feeding, watering, and resting sheep, which are used in connection with the interstate movement of sheep from a quarantined area specified in § 78.2 shall be thoroughly cleaned and disinfected immediately after each such use. Sodium hydroxide (lye) at the rate of 13 ounces to 5 gallons of water, or sodium carbonate (soda ash) at the rate of 1 pound to 3 gallons of water, or sal soda at the rate of 13½ ounces to 1 gallon of water, shall be used in such disinfection.

Effective date. The notice, quarantine and regulations set forth above shall become effective upon issuance.

Said notice, quarantine and regulations impose restrictions necessary to prevent the spread of scrapie, a communicable disease of sheep, from the State in which such disease has been found to exist to other States or Territories of the United States or the District of Columbia. They must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the notice, quarantine and regulations are impracticable and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 21st day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12596; Filed, Nov. 26, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 516—FLAGS

REVOCATION

Part 516, including § 516.1, is hereby revoked.

[SR 840-10-1, Oct. 28, 1952] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-12617; Filed, Nov. 26, 1952; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 18, Amdt. 2]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 18—MILK MARKETING AREAS 3, 4 AND 5, STATE OF NEW JERSEY

ELIMINATION OF CONFLICT WITH STATE REGULATIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority 41 (16 F. R. 12679), and Redelegation of Authority No. 18 (16 F. R. 12913), this Amendment 2 to Area Milk Price Regulation 18 (17 F. R. 3204) pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, as amended (16 F. R. 9559; 17 F. R. 446, 853), is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment 2 to AMPR 18 is issued to eliminate any conflict between Office of Price Stabilization requirements in section 4 (c) of AMPR 18, as amended, for maintenance of price differentials and the requirements issued by the Director, Office of Milk Industry, New Jersey Department of Agriculture, which prohibit a milk dealer from renting or selling, or servicing refrigeration equipment or any type of dispensing or storing equipment to customers at less than fixed minimum charges and prices.

The order of the Director of the Office of Milk Industry is not within the scope of either the Bricker or Rains Amendment to the Defense Production Act. However, the Office of Price Stabilization desires to cooperate with state milk control agencies wherever it can do so within the limits of its obligations under the Defense Production Act. In this case, it is represented that the prices for milk products plus the minimum charges or prices for refrigeration equipment or any type of dispensing or storing equipment and service generally do not exceed the ceiling prices established under AMPR 18, as amended.

In this instance the Defense Production Act does not impose upon OPS duties contrary to the regulations of the state regulatory body. Accordingly this amendment to AMPR 18 is issued to clear the way for the control by the Director, Office of Milk Industry of New Jersey, of charges and prices for refrigeration equipment or any type of dispensing or storing equipment and the servicing thereof, furnished by milk dealers in the area covered by AMPR 18.

In the judgment of the District Director the provisions of this amendment to Area Milk Price Regulation 18 in Region II are generally fair and equitable, are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950 and comply with all the applicable standards of that act.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Area Milk Price Regulation 18 is amended by adding thereto a new section 14 as follows:

SEC. 14. *Comity with New Jersey law.* No provision in this Area Milk Price Regulation 18 shall be construed to prohibit compliance with any order of the Director, Office of Milk Industry, New Jersey Department of Agriculture, establishing minimum charges, prices, terms and conditions for furnishing refrigeration equipment or any type of dispensing or storing equipment and any services relating thereto, in connection with the sale of milk and milk products.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Area Milk Price Regulation 18 under Supplementary Regulation 63 to the General Ceiling Price Regulation, as amended, is effective as of November 25, 1952.

ANDREW F. ZAZZALI,
District Director,
Newark District Office.

NOVEMBER 25, 1952.

[F. R. Doc. 52-12683; Filed, Nov. 25, 1952; 4:42 p. m.]

[Ceiling Price Regulation 22, Amdt. 2 to Supplementary Regulation 30]

CPR 22—MANUFACTURER'S GENERAL CEILING PRICE REGULATION

SR 30—TRANSLATION OF F. O. B. INTO DELIVERED CEILING PRICES FOR CERTAIN CONSUMER DURABLE GOODS

ADDITION TO APPENDIX

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Supplementary Regulation 30, Ceiling Price Regulation 22, is hereby issued.

STATEMENT OF CONSIDERATIONS

The Statement of Considerations which was issued to Supplementary Regulation 30 to Ceiling Price Regulation 22 stated, in part, as follows:

"This regulation is limited at present to those areas where relief appears to be most greatly needed and where the method of calculation provided by this regulation can be used. New areas will be included within this supplementary

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. P. L. 18]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

X-RAY APPARATUS, PARTS AND MACHINES

§ 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
707550	X-ray apparatus, and parts, n. e. c.: X-ray machines [1]	------	SATE	None	RO

[1] X-ray machines, 100 PKV and over required export authorization from the Atomic Energy Commission prior to Dec. 1, 1952. All outstanding licenses for the exportation of these commodities issued by the Atomic Energy Commission remain valid until they expire or are revoked.

This amendment shall become effective as of December 1, 1952.

Shipments of X-ray machines under 100 PKV removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., December 1, 1952, may be exported under the previous general license provisions up to and including December 31, 1952. Any such shipments not laden aboard the exporting carrier on or before December 31, 1952, require a validated license for export. (The saving clause does not apply to X-ray machines, 100 PKV and over.)

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-12621; Filed, Nov. 26, 1952; 8:50 a. m.]

regulation as need for relief in such areas is shown and as additional methods of calculation are developed."

It has now been ascertained that certain manufacturers of air conditioners, window and console (self-contained), are in need of the relief afforded by SR 30, CPR 22. It has also been ascertained that the method of calculating the adjusted delivered ceiling prices set forth in SR 30 may readily be used by these manufacturers. Accordingly, this amendment is being issued.

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 30 to Ceiling Price Regulation 22 is amended by addition of the consumer durable goods item "Air Conditioners, window and console (self-contained)", so that Appendix A to SR 30, CPR 22, shall read as follows:

APPENDIX A

Refrigerators.
Home freezers.
Gas and electric cooking stoves.
Air conditioners, window and console (self-contained).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2, Supplementary Regulation 30 to Ceiling Price Regulation 22, is effective December 2, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12738; Filed, Nov. 26, 1952; 4:00 p. m.]

[Ceiling Price Regulation 31, Collation 2]

CPR 31—IMPORTS

COLL. 2—INCLUDING AMENDMENTS 1–14

Ceiling Price Regulation 31 is republished to incorporate the text of Amdts. 1 through 14, inclusive. Ceiling Price Regulation 31 was issued May 4, 1951 (16 F. R. 4184). Statements of Consideration for Ceiling Price Regulation 31, and for Amdts. 1–14, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation and the amendments are shown in a note preceding the first section of the regulation.

ARTICLE I—SCOPE OF REGULATION

Sec.
1. What this regulation does.
2. Applicability and prohibitions.

ARTICLE II—PRICING METHOD

3. Formula for sales by importers.
4. Formula for sales by wholesalers.
5. Retailers.
6. Calculation of base period dollar and cents import markup.
7. Sellers who cannot price under other sections.
8. Processing.
9. Sale of imported commodities in a related range or line.

ARTICLE III—GENERAL PROVISIONS

10. Taxes.
11. Restrictions on multiple handling.
12. Transfer of business or stock in trade.
13. Records.
14. Exemptions.
15. Enforcement.
16. Evasion.
17. Petitions for amendment.
18. Definitions.
19. Appendix.
20. Adjustments.
21. Reports.

AUTHORITY: Sections 1 to 21 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended, 50 U. S. C. App. Sup., 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1–21 contained in Ceiling Price Regulation 31, May 4, 1951 (16 F. R. 4184), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 31: The effective date of this regulation shall be September 1, 1951 or such earlier date on which you file the list required by sections 5 or 6 of this regulation. [Effective date amended by amdts. 1, 3, 5, and 6.]

Amendment 1, May 9, 1951, 16 F. R. 4369
Amendment 2, May 24, 1951, 16 F. R. 4936
Amendment 3, June 1, 1951, 16 F. R. 5167
Amendment 4, June 27, 1951, 16 F. R. 6311
Amendment 5, July 13, 1951, 16 F. R. 6800
Amendment 6, July 31, 1951, 16 F. R. 7591
Amendment 7, August 30, 1951, 16 F. R. 8826
Amendment 8, September 11, 1951, 16 F. R. 9077
Amendment 9, August 31, 1951, 16 F. R. 8982
Amendment 10, December 1, 1951, 16 F. R. 11956
Amendment 11, May 10, 1952, 17 F. R. 4145
Amendment 12, August 1, 1952, 17 F. R. 7074
Amendment 13, August 21, 1952, 17 F. R. 7690
Amendment 14, September 12, 1952, 17 F. R. 8261, 8577

ARTICLE I—SCOPE OF REGULATION

SECTION 1. *What this regulation does.* This regulation provides a formula whereby importers, wholesalers, and retailers of imported commodities shall compute their ceiling prices for sales thereof on the basis of prices in effect during a base period extending from July 1, 1949, to June 30, 1950, inclusive. All of the provisions of the General Ceiling Price Regulation, except section 14, heretofore applicable to importers and to the sale of imported commodities are superseded hereby except with respect to the sale of the commodities listed in Appendix A. Sales of the commodities listed in Appendix A shall continue to be governed by the provisions of the General Ceiling Price Regulation unless or until otherwise covered by specific ceiling price regulations. With respect to the sale by other than importers of imported commodities at wholesale and retail levels, Ceiling Price Regulation 7 shall govern the pricing at the retail level of all imported non-food commodities specifically covered thereby, and Ceiling Price Regulations 14, 15, and 16 shall govern the pricing at the wholesale and retail level of all imported food commodities specifically covered thereby. Any imported commodity which does not specifically fall within the coverage of Ceiling Price Regulations 7, 14, 15, and 16 shall be priced for wholesale or retail sale under sections 4 and 5 of this regulation, respectively.

SEC. 2. *Applicability and prohibitions*—(a) *Applicability.* This regulation is applicable to the continental United States.

(b) *Prohibitions.* On and after the effective date of this regulation, regardless of any contract or other obligation, excepting as set forth in section 14 (c) of this regulation, (1) you shall not sell or deliver any imported commodities covered by this regulation at prices higher than the ceiling prices fixed by this regulation; (2) you shall not buy or receive in the course of trade or business any imported commodities covered by this regulation at prices higher than the ceiling prices fixed by this regulation; and (3) you shall not agree, offer, solicit, or attempt to do anything prohibited in this regulation.

Prices lower than the ceiling prices may be charged, demanded, paid, or offered.

ARTICLE II—PRICING METHOD

SEC. 3. *Formula for sales by importers.* (a) If you are an importer, your ceiling price for the sale of any commodity covered by this regulation to any class of buyer (except retail customers) shall be the landed cost of the commodity, plus a dollar and cents markup based on sales by you of such commodity to that class of buyer during the base period, as calculated under section 6 of this regulation. If you made no sales of the commodity during the base period to buyers of that class, your markup shall be calculated under section 6 of this regulation but by reference to other sales as provided for in section 7 of this regulation.

(b) Where the commodity you are pricing is owned by you but has not arrived in the United States, you may estimate your landed cost of the commodity. Such estimated landed cost shall reflect your purchase contract cost and the costs of importation reasonably to be anticipated and not already included in the purchase contract cost. In the event such estimated costs exceed your actual costs, as finally determined, you shall either remit or credit the difference to your purchaser.

(c) You may not receive a commission from a foreign seller higher than that which you received during the base period, nor may you receive both a commission from a foreign seller and a markup on the same transaction, without prior application to and approval thereof by the Office of Price Stabilization, Exports-Imports Branch, Washington 25, D. C. In your application you must set forth in detail all of the facts relating to, as well as the historical background for, such a request.

SEC. 4. *Formula for sales by wholesalers.* If you are a wholesaler of imported commodities which you sell in essentially the same form in which imported, your ceiling price for the sale of any such commodity covered by this regulation, except food commodities specifically covered by name or category by Ceiling Price Regulation 14, to any class of buyer shall be your cost of acquisition plus a base period dollar and cents markup based on sales by you of such commodity to that class of buyer during the base period, as calculated under section 6 of this regulation. If you made no sales of the commodity during the base period to buyers of that class, your markup shall be calculated under section 6 of this regulation but by reference to other sales as provided for in section 7 of this regulation.

SEC. 5. *Retailers*—(a) *Importing retailer.* If you are an importer who sells at retail the commodities imported by you in essentially the same form in which imported, your ceiling price for any sale to retail customers shall be the landed cost of the commodity plus a base period percentage markup determined as follows:

(1) Choose one of the following bases for computing your markup:

(i) A commodity by commodity basis e. g., a specific doll;

(ii) A category by category basis, e. g., all toys;

(iii) A country of origin basis, e. g., imports from the United Kingdom, Switzerland, etc.;

(iv) A storewide, departmental or smaller selling unit basis, e. g., a markup for the furniture sales department;

You may elect a different basis for computing a markup for each department or other selling unit. Once you have elected one of the bases of this subparagraph for a department or other selling unit, you must use that basis in determining the markup for all imported commodities you price under this section which that selling unit offered or would have offered for sale during the base period.

(2) You shall next choose from the base period a representative quarter for your import business for the purpose of calculating your markups. However, if, during this representative quarter, you received no invoices and made no initial offerings of the commodity for which a markup is being determined, you shall refer to your invoices and initial offerings for that commodity in a quarter within the base period nearest in time to the representative quarter.

(3) Determine your percentage markup by reference to those records available to you from the quarter chosen by you which show all your landed costs and initial offering prices. This percentage markup shall be the markup computed on one of the four bases referred to in subparagraph (1) of this paragraph.

For example, if you elect a commodity by commodity basis for the men's and boys' shoe department, the markup on each commodity offered for sale by that department must be computed separately. If, however, you elect a category by category basis for the men's and boys' shoe department, and if you divide that department into two categories—e. g., the category of men's shoes and the category of boys' shoes—then, in determining the markup of the commodities included in each category, you must refer to the invoices of all the comodities in that category. Each commodity in the same category will have the same markup. If you elect a country of origin basis for a particular department, then all imported commodities in the department must be grouped according to their country of origin. The markup will then be determined for each country of origin grouping so that all commodities from the same country that are offered for sale by that department will have the same markup. If you elect a storewide, departmental or smaller selling unit basis, then, in determining the markup of the commodities offered for sale by that unit during the base period, you must refer to the purchase invoices of all those commodities. Each commodity will have the same markup.

All new commodities—that is, commodities that were not offered for sale during the base period—will have their markup determined in the following manner: Ascertain the department of selling unit which, in the base period would probably have been designated as the unit for selling that commodity. If that selling unit uses a commodity by commodity basis, then the new commodity must determine its markup under section 7 of this regulation. If that selling unit uses a category by category basis or a country of origin basis, then the new commodity must use the markup of that category or country of origin to which it belongs. If that selling unit uses the fourth basis, the selling unit basis, then the new commodity must use the markup of that selling unit to which it belongs.

To compute your percentage markup you shall:

(i) Total your landed costs as shown on your invoices;

(ii) Total your dollars and cents markups as calculated from the initial offering prices as shown on your invoices;

(iii) Divide your total dollars and cents markups by your total landed costs.

(4) You shall report all the base period percentage markups for imported commodities calculated by you under subparagraphs (1), (2) and (3) of this paragraph, not later than October 1, 1951. You shall furnish the Office of Price Stabilization District Office in your area by registered letter with the following information:

(i) The commodity or commodities you are pricing;

(ii) The department or selling unit selling the commodity or commodities during the base period;

(iii) Your basis elected under subparagraph (1) of this paragraph and described by you;

(iv) Your representative quarter elected under subparagraph (2) of this paragraph;

(v) The percentage markup per unit you have calculated under this regulation.

(5) For commodities not reported by you under subparagraph (4) of this paragraph and priced after October 1, 1951, you shall determine a percentage markup as provided in subparagraphs (1), (2), (3) of this paragraph, and report your percentage markup for each such commodity at the end of the calendar quarter during which it was first priced or offered for sale. You shall furnish the Office of Price Stabilization District Office in your area by registered letter with the following information:

(i) The commodity or commodities you are pricing;

(ii) The department or selling unit selling the commodity or commodities during the base period;

(iii) Your basis elected under subparagraph (1) of this paragraph, and described by you;

(iv) Your representative quarter elected under subparagraph (2) of this paragraph;

(v) The percentage markup per unit you have calculated under this regulation.

(6) If you are unable to determine a markup for such a commodity under subparagraphs (1), (2) and (3) of this paragraph, you shall determine your ceiling price and markup under the provisions of section 7 of this regulation.

(b) *Non-importing retailer.* (1) If you are a retailer (but not the importer) of imported commodities which you sell in essentially the same form in which imported, your ceiling price for any such commodity, except imported non-food commodities specifically covered by name or category by Ceiling Price Regulation 7, and except imported food commodities specifically covered by name or category by Ceiling Price Regulations 15 and 16, shall be your cost of acquisition plus a percentage markup calculated and reported in accordance with the provisions of paragraph (a) of this section. Use your cost of acquisition wherever "landed costs" is referred to in paragraph (a) of this section.

(2) If you have no records from the base period enabling you to price under the above provisions, you may either use your store markup or your departmental or other selling unit markup applicable to the imported commodity, reporting this markup pursuant to the provisions of paragraph (a) (4) of this section, or you may determine your ceiling price and markup for that commodity under the provisions of section 7 of this regulation.

(c) *Imported commodities in inventory at the effective date.* In determining your landed costs or cost of acquisition for your imported commodities in inventory on the effective date of this regulation, you shall take the invoice cost on the last invoice you received before January 26, 1951 for the particular commodity being priced. If you had no invoices for the commodity before January 26, 1951, you shall take the invoice cost from the first invoice received by you thereafter.

[Sec. 5 amended by Amdts. 1, 3 and 7]

SEC. 6. *Calculation of base period dollar and cents import markup.* (a) If you are an importer, wholesaler or a processor of imported commodities, unless you are a wholesaler pricing an imported food commodity under Ceiling Price Regulation 14, your base period dollar and cents markup for a commodity shall be calculated under this regulation as follows:

(1) You ascertain from your records all of your base period sales of the type upon which your base period markup is to be calculated, i. e., either base period sales of the commodity you are pricing to the class of buyer for which you are pricing, or base period sales of a kind you are permitted to use under the provisions of section 7 of this regulation.

(2) You then determine the total dollar sales value of all such base period sales.

(3) You then select, from such base period sales, any sale or sales which rep-

resent at least ten percent of the total dollar sales value of all such base period sales and calculate the weighted average dollars and cents markup per unit over landed cost of the commodity, if you are an importer, or over your cost of acquisition, if you are a wholesaler or a processor, yielded by those selected sales. Such weighted average may be determined, as illustrated in the example below, by computing the total dollar and cents markup for those selected sales (total sales price minus total of landed costs for an importer, or total costs of acquisition, for a wholesaler or processor) and dividing that total markup by the total number of units. The result is your weighted average dollar and cents markup per unit for sales of the commodity you are pricing to the class of buyer involved. (If you selected a single sale, which accounts for ten percent of your total dollar sales value of such base period sales, you may use the dollar and cents markup yielded by that single sale.

(i) *Example:* Suppose you base period sales upon which you are calculating your markup under the provisions of this section were as follows:

Sale	Units	Sales price	Percentage of total sales	Cost of acquisition or landed cost	Dollars and cents markup	Dollars and cents markup per unit
#1	2,500	$250.00	5%	$225.25	$24.75	$0.0099
#2	4,000	400.00	8%	364.00	36.00	.009
#3	11,000	1,100.00	22%	1,012.00	88.00	.008
#4	12,500	1,250.00	25%	1,150.00	100.00	.008
#5	20,000	2,000.00	40%	1,850.00	150.00	.00755
			100%			

(ii) You may select sales #1 and #2 in order to determine the markup. You may not select either sale #1 or sale #2 alone, since neither sale alone accounts for ten percent of the total dollar sales value of base period sales. Taking the weighted average of the dollar and cents markups yielded by the two sales, you obtain a unit markup of $.009346 ($24.75+$36.00÷2,500+4,000=$.009346).

(b) In every case where you calculate for the first time the dollar and cents markup per unit you are going to use or do use in determining the ceiling price of an imported commodity, you shall furnish the Office of Price Stabilization District Office in your area by registered letter the following information in duplicate:

(1) The commodity.

(2) The class of buyer.

(3) The dollar and cents markup per unit you are permitted to use under this regulation.

List of markups for commodities in inventory as of May 9, 1951, shall be reported on or before July 15, 1951. Lists of markups for commodities contracted for as of May 9, 1951, shall be reported on or before July 15, 1951. Lists of markups for commodities neither in inventory nor contracted for as of May 9, 1951, shall be reported within fifteen days after receipt of the commodity.

[Paragraph (b) amended by Amdts. 1, 3 and 11]

SEC. 7. *Sellers who cannot price under other sections.* (a) If you are unable to compute your markup and ceiling price under any of the other sections of this regulation, then your markup and ceiling price shall be the landed cost or cost of acquisition, as the case may be, plus a base period markup as calculated under section 5 or section 6 of this regulation, whichever is applicable, based on sales, if you are an importer or wholesaler, or initial offerings, if you are a retailer, during the base period of the type set forth below in the following order of preference:

(1) Sales of the commodity you are pricing to buyers of the next most closely related class;

(2) Sales, if you are an importer or wholesaler, or initial offerings if you are a retailer, of a comparison commodity to buyers of the class for which you are pricing;

(3) Sales of a comparison commodity to buyers of the next most closely related class.

If you calculate your base period markup and ceiling price by reference to one of the types of base period sales or offerings set forth above, you shall, before making sales of the commodity you are pricing, advise the Office of Price Stabilization, Export-Import Branch, Washington 25, D. C., by registered letter, what markup and ceiling price you propose to use, showing how they were computed and describing the "comparison commodity" and/or "class of buyer" used. Unless this proposed markup and ceiling price are rejected by the Office of Price Stabilization within ten days of the postmarked date of your letter, you may proceed with sales until advised to the contrary.

(b) If you are unable to compute a markup and ceiling price for the commodity you are pricing, under paragraph (a) of this section, or under any provisions of this regulation, you may apply in writing to the Office of Price Stabilization, Export-Import Branch, Washington 25, D. C., for the establishment of a markup and ceiling price. Your application shall contain: (1) An explanation of why you are unable to compute a markup and ceiling price under this regulation; (2) a complete description of the commodity; (3) the nature of your business; (4) your landed costs or cost of acquisition broken down into the elements thereof; (5) your proposed markup, indicating how it was computed; (6) your proposed ceiling price, indicating how it was computed; (7) a reasonable markup and ceiling price, if any exists currently, and can be ascertained, in the trade for the commodity or for a comparison commodity. If your proposed markup and ceiling price are not rejected by the Office of Price Stabilization within ten days of the postmarked date of your letter, you may proceed with sales until advised to the contrary.

(c) Once you have determined under the provisions of this section a markup which has not been disapproved by the Office of Price Stabilization, you may continue to use that markup for future sales of the same commodity to the same class of buyer.

[Sec. 7 amended by Amdts. 6 and 7]

SEC. 8. *Processing.* If you are an importer and also process (as defined in section 18 of this regulation) commodities you import, you may, in determining your ceiling price, add the actual costs of processing to your landed costs. If you process imported commodities purchased from an importer, you may, in determining your ceiling price, add the actual costs of processing to your cost of acquisition: *Provided*, That if your markup as calculated under section 6 of this regulation included the costs of processing, you may add only those costs of processing which were in excess of the cost of processing during the base period.

SEC. 9. *Sale of imported commodities in a related range or line.* (a) If you are a seller of imported commodities in a related range or line, you may maintain your customary price differentials on those imported commodities, provided that their total sales value does not exceed that which would otherwise be their total sales value if you sold the items in the range or line separately at their respective ceiling prices.

(b) Where you have an inventory or purchase commitment of a commodity at a different ceiling price than the ceiling price of the same commodity received in a different shipment, you may use a uniform selling price (for that commodity), provided that in such case you shall compute a ceiling price for the entire inventory and purchase commitments by using properly weighted average costs of your inventory and purchase commitments, and provided that the total sales value shall not exceed that which would otherwise be the total sales value at ceiling prices for each item in such lot if sold separately.

ARTICLE III—GENERAL PROVISIONS

SEC. 10. *Taxes.* In addition to your ceiling price, you may collect the amount of any excise, sales, or similar taxes paid by you only if, during the base period, you stated and collected such taxes separately from your selling price. In the case of such a tax imposed by law which is not effective until after June 30, 1950, you may collect the amount of the tax actually paid by you, in addition to your ceiling price, if not prohibited by the tax law. You must in all such cases state separately the amount of the tax.

SEC. 11. *Restrictions on multiple handling.* For the purposes of this Ceiling Price Regulation, markups shall be allowed only when the following sequences of distribution are followed. These are (a) sales by importers to industrial users, to processors, to wholesalers, or to retailers; (b) sales by wholesalers to industrial users, or to retailers; (c) sales by processors to wholesalers, to retailers or to consumers; (d) sales by retailers to consumers. If you are a wholesaler who buys commodities from another wholesaler, no markup may be added unless specifically authorized by order of the Office of Price Stabilization. Such authorization may be granted upon application to the Office of Price Stabilization, Exports-Imports Branch, Washington 25, D. C., when it can be established that the second wholesaler performs a recognized distributive function in accordance with the usual practice of the trade.

SEC. 12. *Transfer of business or stock in trade.* If the business, assets or stock in trade of any business were sold or otherwise transferred since July 1, 1949, or are sold or transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodities, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 13. *Records.* (a) This section tells you what records you shall preserve and what additional records you must prepare and keep available for examination by the Office of Price Stabilization for so long as the Defense Production Act of 1950 is in effect and for two years thereafter.

(b) You must preserve and keep available as required in paragraph (a) of this section those records in your possession showing the prices charged by you for the commodities you delivered during the base period, and those records you used to establish the markups you charged during the base period, and those records you used showing how you calculated your base period markup. You must also prepare and preserve a statement of your customary price differentials, terms and conditions of sale, and classes of purchasers, which you had in effect during the base period.

(c) You shall prepare and keep available, as required in paragraph (a) of this section, records of the kind you customarily keep; specifically you must also keep records showing the date of each sale or contract, the names of the parties thereto, the prices charged, the landed cost or the cost of the commodity to you. If you are a retailer, however, you are required only to preserve your purchase invoices and to record thereon your selling price.

(d) If you are a seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, you shall continue to do so. Upon request from a purchaser, any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

SEC. 14. *Exemptions.* (a) This regulation does not apply to sales of commodities for which import ceiling prices have been or hereafter will be established under other regulations or supplements, or to sales of commodities which are specifically exempted from the application of ceiling prices by other regulations or orders of the Office of Price Stabilization.

(b) This regulation does not apply to sales of hand knotted oriental rugs and imported handicraft objects which are sold for household or personal use in substantially the same form as imported, and which are the product of individuals, families, tribes, or other small groups.

(c) Nothing in this regulation shall operate to prevent the performance of a written contract for the sale of an imported commodity entered into prior to May 9, 1951 and executed in strict compliance with the provisions of the General Ceiling Price Regulation: *Provided*, (1) That such contract covers a commodity which the seller as of the date of the contract had in inventory or under purchase commitment, and (2) That such contract covers a specified quantity of a described commodity at a fixed price per unit.

[Paragraph (c) amended by Amdt. 1]

(d) This regulation does not apply to the sale of the commodities listed in Appendix A.

(e) This regulation does not apply to the sales of commodities transported into the continental United States for transshipment abroad and which do not enter into the domestic commerce of the United States and which are either,

(1) Entered at Customs in transit on a "Transportation and Exportation (TE) entry" or on an "Exportation (Exp.) entry" or

(2) Stored in transit in a bonded warehouse or stored in a foreign trade zone.

SEC. 15. *Enforcement.* If you violate any provision of this Ceiling Price Regulation you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 16. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements or combination sales, and trade understandings.

SEC. 17. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1 (15 F. R. 9055).

SEC. 18. *Definitions.* This Ceiling Price Regulation and the terms which appear in it shall be contrued in the following manner:

(a) *Classes of sellers and buyers*—(1) *Importer.* This term means the person by whom a commodity is imported and who first sells it after importation.

(2) *Wholesaler.* This term means any person who performs a recognized distributive function, purchases imported commodities directly from an importer and who sells or delivers them in essentially the same form as imported to another wholesaler, industrial user, or a retailer in accordance with established trade practice.

(3) *Retailer.* This term means any person who buys or receives imported commodities and who actually sells them in essentially the same form as imported to an ultimate consumer other than an industrial or commercial user.

(4) *Supplier.* This term means the person from whom an importer covered by this regulation procures a commodity.

(5) *Industrial user.* This term means a person who uses an imported commodity or commodities in fabrication, manufacture, or production.

(6) *Retail customer.* This term means the person who buys commodities from a retailer in customary retail quantities and at customary retail prices for the purpose of normal individual or household consumption rather than for resale, fabrication, processing or manufacture.

(7) *Wholesale customer.* This term means the person who is not a "retail customer" and who buys commodities in customary wholesale quantities and at customary wholesale prices for purposes other than for normal individual or household consumption.

(8) *Seller.* This term includes the seller of any commodity. Where a seller at retail makes sales through more than one selling unit or place of business (other than salesmen making sales at uniform prices) each such selling unit or separate place of business shall be deemed to be a separate seller.

(9) *Class of buyer.* This term means that group of persons to which you sell imported products and which you distinguish from other groups of buyers with respect to price or terms and conditions of sale by reason of location, quantity purchased, or functions in distribution, i. e., manufacturer, wholesaler, retailer, processor or end user.

(10) *Category.* This term means a group of commodities which are normally classed together in your industry for purposes of accounting or sales.

(11) *Selling unit.* This term means an organizational grouping selling one or more commodities that are classed together in your business for purposes of accounting or sales.

[Subparagraphs 10 and 11 added by Amdt. 7]

(b) *Pricing*—(1) *Commodity.* This term includes not only those items or groups of items generally called commodities, but also materials, articles, or products.

(2) *Comparison commodity.* This term means a commodity which is one with the same or next lowest or highest current unit direct cost, whichever is closer to the cost of the new commodity, and which has the same essential characteristics as does the new commodity for which you are computing a ceiling price.

(3) *Cost of acquisition.* This term means the actual cost of the commodity to a buyer, which shall not exceed the ceiling price of the supplier at the point of delivery plus such costs of delivery actually incurred by the buyer.

(4) *Foreign invoice cost.* This term means the amount stated on your for-

eign invoice less any discount or allowances, but including separately stated charges except such charges as are included in costs of importation as herein defined.

(5) *Costs of importation.* This term means those costs actually incurred or to be incurred by you in moving the goods from the place of foreign origin to the place of destination and include, but are not necessarily limited to, foreign export and other taxes directly related to the transaction, foreign ocean and domestic transportation costs, customs duties, dock charges, clearance, insurance, letter of credit or other finance charges, and any customary buying commission to a purchasing agent outside the continental United States.

(6) *Landed cost.* This term means the foreign invoice cost plus the costs of importation. If your foreign invoice states charges included in the costs of importation, you shall not include the same item more than once.

(7) *Purchase contract cost.* This term means the price the importer paid for the commodity including any charges and expenses incurred in, or in connection with, the moving of the commodity to destination which are borne by the foreign seller.

(8) *Next most closely related class of buyer.* This term means the class of buyer to which you sold, during the base period, the commodity you are pricing, or a "comparison commodity," and which in terms of quantity and conditions of sale is most similar to the class of buyer for which you are pricing.

(9) *Most closely competitive seller of the same class.* This term means the seller with whom you are in most direct competition even though he may perform a different function with respect to the commodity. You are in direct competition with another seller who sells the same types of commodities to the same classes of purchaser in similar quantities, in similar terms and, if you are selling a commodity you supply approximately the same amount of service.

(10) *Inventory.* This term means the sum total of stocks or goods owned by the importer which are in the United States, its territories and possessions, or which are afloat destined for the United States, its territories and possessions.

(11) *Purchase commitment.* This term means an agreement between the foreign seller and American buyer for a specified quantity of a described article for definite shipment to the United States, its territories or possessions at a stated fixed price.

(c) *General*—(1) *Base period.* This term means the period from July 1, 1949 to June 30, 1950, inclusive.

(2) *Ceiling price.* This term means the highest price at which an imported commodity covered by this regulation may be sold.

(3) *General Ceiling Price Regulation.* This term means the General Ceiling Price Regulation issued on January 26, 1951 by the Director of Price Stabilization as amended and supplemented.

(4) *You or person.* This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivision or agencies.

(5) *Records.* This term includes but is not limited to books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(6) *Sell.* This term includes sell, supply, dispose, barter, exchange, transfer or deliver.

(7) *Imported.* A commodity is imported which is transported from a place outside the continental limits of the United States to a place inside the continental limits of the United States, its territories and possessions. However, commodities shipped into the United States, its territories and possessions from outside thereof and entered in a foreign trade zone or under general order or in a bonded warehouse for transshipment and actually transshipped to a destination outside the continental limits of the United States shall not be deemed to be "imported".

(8) *Delivered.* A commodity shall be deemed to have been delivered during a specified period if during that period it was received by the purchaser or his agent or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(9) *Processing.* This term means the sorting, grading, cleaning, repacking, assembling, or otherwise manipulating of a commodity but not to the extent that there results therefrom a new and different article having a distinctive character. The term "processing" includes, among other things, the grinding of imported or mixed domestic and imported spices, seeds or herbs, and the shelling, roasting or salting of imported nuts. If you process imported or mixed domestic and imported spices, seeds or herbs, or if you process imported nuts, you may continue to use your ceiling prices in effect on July 31, 1952 for such commodities, but if you have not previously filed for any such commodity under this regulation, you must comply with the provisions of section 7 (b) of this regulation before September 15, 1952 or before making any sales of the commodity, whichever occurs later.

[Subparagraph (9) amended by Amdt. 12]

SEC. 19. *Appendix.* The appendix to this regulation entitled "Appendix A" and listing the commodities excluded from the application of this regulation, is incorporated herein and made a part hereof.

SEC. 20. *Adjustments.* (a) Application for adjustment of price under this regulation shall be filed in accordance with Price Procedural Regulation No. 1, Revised. The Office of Price Stabilization may adjust by order any markup established under this regulation for any seller or group of sellers when it can be shown that the applicant had a markup for a commodity substantially below the normal markup in the trade so as to create a situation of hardship; or that the applicant's dollars and cents markup has become so small because of increased landed costs as to create a situation of hardship.

(b) The applicant in filing under this provision shall provide the following information:

(1) The percentage the sales of the commodity in question bore to the applicant's total sales of imports during the six months prior to the date of application for adjustment;

(2) An explanation of the abnormality of the markup and of the hardship resulting therefrom;

(3) His ceiling price under Ceiling Price Regulation 31;

(4) His markup under Ceiling Price Regulation 31;

(5) His ceiling price under the General Ceiling Price Regulation;

(6) His markup under the General Ceiling Price Regulation;

(7) His proposed ceiling price;

(8) His proposed markup;

(9) An explanation of the method by which he determined his proposed markup.

(c) The relief granted under this provision shall be no more than may bring the applicant's markup in line with markups prevailing in the trade.

[SEC. 20 added by Amdt. 7]

SEC. 21. *Reports.* Copies of forms that may be used in filing under this regulation may be obtained from any Regional or District Office of the Office of Price Stabilization.

[SEC 21 added by Amdt. 7]

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.
By: JOSEPH L. DWYER,
Recording Secretary.

APPENDIX A TO CEILING PRICE REGULATION NO. 31

1. The important strategic commodities that are today excepted from this regulation are as follows:

	Paragraph
Aluminum—metal, ore, foil, alloys	207, 374, 382
Arsenic, metallic	379
Bauxite	6, 207
Bismuth	22, 377
Cadmium	378
Celestite	1776
Chrome—salts, metal and alloys	5, 301, 302
Cobalt, compounds and salts (except oxide)	29
Copper—metal, concentrates, blister, compounds, and salts	5, 76, 302, 381, 387, 1657, 1658, 1659
Corundum and emery	1514, 1672
Ferro-alloys	302
Iron ore	1700
Lead—metal (ores, concentrates, compounds and alloys	46, 391, 392
Magnesite	201, 204
Magnesium	375
Manganese, metal	382
Mica, waste and scrap, ground and pulverized	208
Molybdenum—metal, ore, concentrates	301, 302, 305, 316
Monazite sand	1721
Naval Stores (Except gum rosin and gum turpentine)	90
Nickel—ores, concentrates, metal, alloys	302, 380, 389, 1734
Platinum	1734, 1744
Quartz crystals	1626
Quinine sulphate, all alkaloids and salts of alkaloids derived from cinchona bark	1748
Shellac	1707
Spiegeleisen	301, 302
Talc, steatite	209
Thorium—metal, ores, alloys, nitrate, oxides and other salts	87, 302, 1721
Titanium—metal, ore, compound and mixtures	89, 302, 1719
Tungsten—metal, concentrates, powder, alloys and compounds	802
Uranium—ores, metal, alloys, oxides, salts and compounds	302, 1719, 1792
Vanadium—metal, ore, alloys, compounds, mixtures and salts	91, 302, 1719
Zinc—metal, ore, concentrates, scrap	393, 394

2. Important commodities that are highly essential to the basic cost of living that are today excepted from this regulation are as follows:

	Paragraph
Butter and substitutes	709
Cocoa—specifically covered by Supplemental Regulation No. 3 to the General Ceiling Price Regulation.	
Coffee—specifically covered by Supplemental Regulation No. 3 to the General Ceiling Price Regulation.	
Eggs	713
Hides and skins:	
Calf	1530 (a)
Cattle	1530 (a)
Buffalo	1530 (a)
Cabretta	1765
Deer	1765
Goat	1765
Horse	1765
Kangaroo	1765
Kid	1765
Kipskins	1530 (a)
Lamb, including cooled and shearlings	1765
Sheep	1765
Leather—including tanned and finished, semi-tanned or rough tanned or otherwise partly finished	1530 (b), 1530 (d)
Leather, made from goat or sheep skins, raw, semi-tanned, rough tanned or pickled	1530 (c)
Lumber, including lots	401, 402, 404, 1803
Meats, fresh, chilled or frozen	701, 702, 703, 704
Milk—fresh or sour, whole or skimmed, condensed, evaported, dried, malted	707, 708
Molasses and sugar syrup	502
Tea	1783 (b)
Woven fabrics, containing 25 percent or more of woolen fabric by weight	1108, 1109 (a)

3. Important commodities that are excepted from this regulation because they are covered by a United States Government purchase program today include the following:

	Paragraph
Rubber, crude, latex and synthetic	1558, 1697

NOTE: The paragraphs referred to and as shown above opposite each category or commodity are the pertinent paragraphs from the current U. S. Tariff Schedule as published by the U. S. Tariff Commission. The purpose of specifying these paragraph numbers is to fully describe the item, and the description given in the Tariff Schedule is the governing factor per item, to the extent such paragraph applies to the item as stated in the list.

4. Commodities excepted from this regulation because they are or will be adequately dealt with under other regulations are as follows:

	Paragraph
Distilled spirits—but only when sold by non-importing wholesalers	802
Wines—but only when sold by non-importing wholesalers	803, 804

[Paragraph 4 added by Amdt. 9]

5. Any sale of the following important commodities is excepted from coverage by this regulation provided that the selling price does not exceed $1.21½ per pound, metal content, f. o. b. New York; however, a seller may choose to comply with the provisions of CPR 31 and calculate a ceiling price under that regulation even though such price may be higher than the $1.21½ per pound price:

Tin—metal, ore, concentrates, powder, scrap alloys	88, 382, 392, 1785, 1786

[Paragraph 5 added by Amdt. 14]

[Appendix A amended by Amdts. 1, 2, 3, 8, 10 and 13]

[F. R. Doc. 52-12727; Filed, Nov. 26, 1952; 11:58 a. m.]

[Ceiling Price Regulation 31, Amdt. 15]

CPR 31—IMPORTS

DEFINITION OF PROCESSING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 15 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

The definition of "processing" in section 18 (c) (9) of Ceiling Price Regulation 31 is amended to give effect to the exemption from price control of all imported spices, seeds, and herbs under section 2 (h) (2) of General Overriding Regulation 7, Revision 1 (Amendment 13). The statement of considerations applicable to the action providing the exemption under GOR 7 is equally applicable here.

This amendment also eliminates the shelling, roasting or salting of imported nuts from the definition of "processing" in section 18 (c) (9) of Ceiling Price Regulation 31. This is done to conform this regulation to CPR 22, under which a supplementary regulation is being issued to provide that persons performing such operations constitute manufacturers covered by that regulation.

FINDINGS OF THE DIRECTOR

In formulating this amendment the Director of Price Stabilization has consulted extensively with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Section 18 (c) (9) is amended by deleting everything after the first sentence, so that the section, as amended, reads as follows:

(9) *Processing.* This term means the sorting, grading, cleaning, repacking, assembling, or otherwise manipulating of a commodity but not to the extent that there results therefrom a new and different article having a distinctive character.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 26, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12726; Filed, Nov. 26, 1952; 11:56 a. m.]

[Ceiling Price Regulation 119, Supplementary Regulation 1]

CPR 119—MECHANICAL PRECISION SPRINGS, METAL STAMPINGS, AND SCREW MACHINE PRODUCTS

SR 1—ADJUSTMENTS TO REFLECT INCREASED OUTBOUND TRANSPORTATION RATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order 2, this supplementary regulation to Ceiling Price Regulation 119 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation authorizes manufacturers of commodities covered by Ceiling Price Regulation 119 to adjust their delivered ceiling prices to reflect increases in their outbound transportation costs resulting from increases in rates authorized by statute, by the Office of Price Stabilization, or by another federal or state regulatory agency. Manufacturers of mechanical precision springs, metal stampings, and screw machine products have traditionally determined their prices on the basis of "pricing formulas" and CPR 119 permits the continued use of such formulas in determining ceiling prices. However, the regulation requires, generally, that materials, labor, and other costs actually in effect on March 15, 1951, be used with established formulas to determine ceiling prices. Accordingly, the purpose of this supplementary regulation is to permit the reflection of outbound transportation cost increases that have occurred since that date.

Several similar supplementary regulations have been issued by the Office of Price Stabilization recently which permit the reflection of increases in outbound transportation costs. Among these supplementary regulations are Supplementary Regulation 122 to the General Ceiling Price Regulation, Supplementary Regulation 35 to Ceiling Price Regulation 22, and Supplementary Regulation 9 to Ceiling Price Regulation 30, and the reasons for the issuance of this supplementary regulation are generally the same as those contained in the statements of considerations accompanying those regulations. However, the methods for computing

the increased costs of outbound transportation provided by those regulations are not applicable to manufacturers under CPR 119. The reason for this is that manufacturers under CPR 119 determine their prices by the use of "formulas" and make very few repetitive sales of the same commodities.

Accordingly, this supplementary regulation provides that manufacturers under CPR 119 may use current transportation costs in determining their delivered ceiling prices by the use of their approved pricing formulas if the outbound transportation cost used in the formula is not "marked up." If the transportation cost is marked up in the formula the manufacturer will be required to propose his own method of reflecting outbound transportation costs and receive specific approval of OPS before using it. However, on the basis of available information it appears that a very small number of manufacturers covered by CPR 119 apply a mark-up to outbound transportation costs.

In view of the broad coverage of this supplementary regulation, special circumstances have made consultation with all industry representatives impracticable. However, the relief provided by this supplementary regulation has been requested by many individual industry representatives.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation to Ceiling Price Regulation 119 are generally fair and equitable and are consistent with the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applicability of CPR 119.
3. Reporting and record-keeping requirements.
4. Definitions.

ARTICLE II—ADJUSTMENT PROVISIONS

21. How you calculate your transportation cost adjustment.
22. How to propose a method for determining a transportation cost adjustment where delivered prices contain an amount in excess of actual transportation costs.

AUTHORITY: Sections 1 to 22 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes methods by which manufacturers under CPR 119 may increase their delivered ceiling prices to reflect increases in their outbound transportation costs resulting from increases in rates authorized by statute or by OPS, or other federal or state regulatory agency. This supplementary regulation permits adjustments of ceiling prices established under CPR 119, including such ceiling prices as adjusted under General Overriding Regulation 20, 21, or 35. The methods which may be used are set forth in Article II of this supplementary regulation.

SEC. 2. *Applicability of CPR 119.* All provisions of CPR 119 shall be applicable to you except as those provisions are limited, modified, or supplemented by this supplementary regulation.

SEC. 3. *Reporting and record-keeping requirements.* You must keep available for inspection by OPS for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, records showing the method(s) used in determining the adjustments calculated and the commodities to which each method applies, and all records and work sheets which you used in determining an adjustment under this supplementary regulation. All reporting and record-keeping provisions of CPR 119 remain applicable to you except that you need not report the adjusted ceiling prices you determine under this supplementary regulation.

SEC. 4. *Definitions*—(a) *Generally.* Except as otherwise provided in this supplementary regulation, or as required by the context, the terms used in this supplementary regulation have the same meaning as in CPR 119.

(b) *Transportation costs.* This term means the actual net amount paid by you for transporting the commodity, from your manufacturing plant to the buyer or to a distribution point as defined in paragraph (d) (3). It does not include payments to any person who is an employee, subsidiary or affiliate of yours, or of whom you are a subsidiary or affiliate or any amounts for which you are reimbursed by the buyer. The term includes payments made to railroads, trucking companies, water carriers, payment for railway express, air freight, or parcel post shipments, etc., or allowances to buyers for these payments, insofar as these payments or allowances are not in excess of the rate authorized by statute, by OPS, or by other federal or state regulatory agency. It does not include warehouse charges, handling, unloading, sorting, checking, and other similar charges or expenses.

(c) *Delivered ceiling price.* This term includes the following:

(1) The case in which a manufacturer sells to all buyers at the same delivered price, or sells to all buyers in a zone or area at the same delivered price.

(2) The case in which a manufacturer quotes an f. o. b. factory price plus a transportation charge, and the transportation charge does not represent the actual transportation cost incurred by the manufacturer.

(3) The case in which a manufacturer quotes a price and makes an allowance from such a price for transportation to the buyer.

(4) The case in which a manufacturer quotes a price f. o. b. a distribution point not located at his manufacturing plant where it was the manufacturer's practice during his base period to ship the commodity from the manufacturing plant to the distribution point prior to shipment from the distribution point to the buyer.

ARTICLE II—ADJUSTMENT PROVISIONS

SEC. 21. *How you calculate your transportation cost adjustment.* You may adjust your delivered ceiling prices determined under CPR 119 by using current transportation costs in your approved price determining method(s) instead of transportation costs in effect on March 15, 1951. This adjustment may be made only if your delivered prices contain an amount not in excess of actual transportation costs. If you "mark up" the transportation cost so that the amount included in your delivered price is greater than actual transportation cost, you may propose a method for calculating a transportation cost adjustment in accordance with the provisions of section 22.

SEC. 22. *How to propose a method for determining a transportation cost adjustment where delivered prices contain an amount in excess of actual transportation costs.* If you cannot use the method prescribed by section 21 because your delivered prices contain an amount in excess of actual transportation cost you may propose a method or methods for determining a transportation cost adjustment. You must submit your proposed method in writing by registered mail, return receipt requested, to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. Your proposal should be identified as an "Application under section 22 of SR 1 to CPR 119" and must include the following:

(a) Your business name and address and a general description of the commodities you produce;

(b) A description of the method you have been using to determine your delivered ceiling prices under CPR 119.

(c) A detailed step-by-step description of the method you propose and the commodities to which it will apply.

(d) A statement of the reasons why you believe that the method which you propose will properly reflect the increases in outbound transportation cost which you have experienced.

(e) An illustration of your computations of transportation cost increases for each proposed method.

The Director of Price Stabilization may approve or disapprove your proposal in whole or in part. You may not use a transportation cost adjustment calculated by using your proposed method until such time as you have been notified by the Director of Price Stabilization that your proposed method has been approved.

Effective date. This supplementary regulation is effective December 2, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12728; Filed, Nov. 26, 1952; 11:58 a. m.]

[Ceiling Price Regulation 125, Supplementary Regulation 1]

CPR 125—MANUFACTURERS OF REFRACTORY PRODUCTS

SR 1—CEILING PRICE FOR SILICA COKE OVEN SHAPES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Ageney General Order No. 2, this Supplementary Regulation 1 to Ceiling Price Regulation 125 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation (CPR) 125 increases the ceiling price for silica coke oven shapes by an amount sufficient to cover total unit operating costs incurred by the lower cost producer of the two manufacturers in the field. This action is temporary in nature pending further study of available data which may show that a higher ceiling is justified under the "product standard."

Coke oven brick are of varied and intricate design and are subject to very rigid specifications which result in rejections considerably in excess of those for all other types of refractory products manufactured. Each new battery of coke ovens is constructed to fit a specific condition, with the result that many changes are made in the brick shapes lining the ovens, thus necessitating new expensive steel molds and dies. Where by-product coke ovens formerly required about 250 different brick shapes, the present designs consist of about 900 special shapes.

There are only two companies in the United States which have the facilities and experience to produce silica coke oven shapes. In order to meet the government-sponsored program of increased by-product coke oven capacity, these companies, which also produce standard refractory products, have expanded their facilities at considerable cost. The present demand for silica coke oven shapes is about 150 percent above normal and it appears this high rate of demand will continue for several years to come.

While increased production of a product usually results in lower plant costs, this rule does not hold true in the manufacture of coke oven shapes, for, the greater the production of this product the greater the operating losses. This situation is due to necessary overtime operations, increased rejections and the utilizing of plant capacity that would otherwise be used in the production of more profitable refractory products. Silica coke oven brick are of such intricate design that they must be set in the kilns for burning so that they do not have to support any weight or be exposed to direct flame impingement. When the limit of normal demand is exceeded, there is not sufficient suitable kiln space for economical setting and burning of coke oven shapes; this necessitates the erecting of temporary checkerwork structure in the kilns, in which the coke oven shapes are placed, thus freeing them from supporting the weight of other brick on top. This checkerwork is built of burned standard shape brick and must be assembled anew and removed after each kiln burning. With this type of setting only about one-half the kiln capacity is available for saleable brick, thus creating an exorbitant cost for setting and burning.

In view of the nature of this supplementary regulation, and because the action is taken in response to the representations of the few manufacturers affected, formal consultation with industry representatives has been deemed to be impracticable and unnecessary. However, in the preparation of this supplementary regulation, consultation was held with individual industry representatives and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and comply in all respects with the applicable provisions of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for silica coke oven shapes.
3. Applicability of provisions of Ceiling Price Regulation 125.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation increases the ceiling price for silica coke oven shapes established under CPR 125. "Silica coke oven shapes" means refractory shapes made from naturally occurring quartzite and ganister (of almost pure silica) and used exclusively in the construction and repairing of by-product coke ovens.

SEC. 2. *Ceiling prices for silica coke oven shapes.* Your ceiling price for silica coke oven shapes shall be as follows:

(a) For products sold f. o. b. plant, Mount Union, Pa., Birmingham, Ala., Sproul, Pa., and Clayburg, Pa.: $114.65 per net ton.

(b) For products sold f. o. b. plant, E. Chicago, Ind., Hayes, Pa., Windham, Ohio, Joliet, Ill., and Rockdale, Ill.: $116.00 per net ton.

(c) The prices stated in this section include the adjustment in ceiling prices provided for in Amendment 1 to CPR 125. Therefore, Amendment 1 to CPR 125 is not available to producers using this supplementary regulation.

SEC. 3. *Applicability of provisions of CPR 125.* Except to the extent expressly modified or supplemented by this regulation, all provisions of CPR 125 shall be applicable to any producer subject to this supplementary regulation.

Effective date. This supplementary regulation to Ceiling Price Regulation 125 is effective November 26, 1952.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12729; Filed, Nov. 26, 1952; 11:58 a. m.]

[Ceiling Price Regulation 150, Supplementary Regulation 1]

CPR 150—MANUFACTURERS OF SMALL PNEUMATIC COMPRESSORS

ADJUSTMENTS TO REFLECT INCREASED OUTBOUND TRANSPORTATION RATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this supplementary regulation to Ceiling Price Regulation 150 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation authorizes manufacturers of small pneumatic compressors, parts and accessories subject to Ceiling Price Regulation 150 to adjust their delivered ceiling prices to reflect increases in their outbound transportation costs resulting from increases in rates authorized by statute, by the Office of Price Stabilization, or by another federal or state regulatory agency.

Ceiling Price Regulation 150 established ceiling prices for these manufacturers at the same level of ceiling prices, generally, that prevailed under the General Ceiling Price Regulation thus permitting the reflection in delivered ceiling prices of outbound transportation costs that occurred before January 26, 1951. The purpose of this supplementary regulation is to permit the reflection of outbound transportation cost increases that have occurred since January 26, 1951.

The reasons for the issuance of this supplementary regulation are generally the same as those contained in the Statements of Considerations to Supplementary Regulation 122 to the General Ceiling Price Regulation, Supplementary Regulation 35 to Ceiling Price Regulation 22, and Supplementary Regulation 8 to Ceiling Price Regulation 30. Accordingly those statements of considerations are equally applicable to this supplementary regulation.

In the preparation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are consistent with the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applicability of CPR 150.
3. Ceiling prices for new or modified commodities and for new sellers.
4. Reporting and record-keeping requirements.
5. Use of transportation bill.
6. Allocation of costs of mixed shipments.
7. Recalculation.
8. Definitions.

ARTICLE II—ADJUSTMENT PROVISIONS

Sec.
21. How you calculate your transportation cost adjustment.
22. Method 1; Individual commodity method.
23. Method 2; Average adjustment for a group of related commodities.
24. Method 3; Option to propose an alternate method for calculating a transportation cost adjustment.

AUTHORITY: Section 1 to 24 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes methods by which manufacturers under CPR 150 may increase their delivered ceiling prices to reflect increases in their outbound transportation costs resulting from increases in rates authorized by statute or by OPS, or other federal or state regulatory agency. This supplementary regulation permits adjustments of ceiling prices established under CPR 150, including such ceiling prices as adjusted under General Overriding Regulations 20, 21, or 35. The methods which may be used are set forth in Article II of this supplementary regulation.

SEC. 2. *Applicability of CPR 150.* All provisions of CPR 150 as that term is limited by section 1 shall be applicable to you except as those provisions are limited, modified, or supplemented by this supplementary regulation.

SEC. 3. *Ceiling prices for new or modified commodities and for new sellers.*—(a) *Modified commodities.* In determining ceiling prices under section 5 of CPR 150 subsequent to your calculation of the adjustment under this regulation, you use as your adjustment to reflect increases in outbound transportation costs the same adjustment calculated under this supplementary regulation for the commodity before modification.

(b) *New commodities and new sellers.* Inasmuch as ceiling prices for new sellers and other ceiling prices as established in accordance with section 6 of CPR 150 are required to be in line with ceiling prices otherwise established by the regulation, none of the adjustments permitted by this supplementary regulation may be applied to reflect transportation costs occuring before the establishment of such prices.

SEC. 4. *Reporting and record-keeping requirements.* You must keep available for inspection by OPS for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, records showing the method(s) used in determining the adjustments calculated and the commodities to which each method applies, and all records and work sheets which you used in determining an adjustment under this supplementary regulation. All reporting and record-keeping provisions of CPR 150 remain applicable to you except that you need not report the adjusted ceiling prices you determine under this supplementary regulation.

SEC. 5. *Use of transportation bill.* Wherever this supplementary regulation requires you to find what your transportation cost for a shipment would have been on the basis of rates in effect on your base date, you need not determine the rate in effect on the base date and calculate such transportation cost if you have a transportation bill which shows the transportation cost for such a shipment at a time when the base date rate or a higher rate was in effect.

SEC. 6. *Allocation of costs of mixed shipments.* Where for purposes of this regulation it is necessary to determine the transportation cost for a commodity included in a mixed shipment with one or more other commodities, you may determine such cost by allocating the amount of the transportation cost of the mixed shipment among the commodities included in it in any reasonable manner. Where you use this section in determining the current transportation cost of a commodity, you must determine the corresponding transportation cost of the commodity on the base date by the same method of allocation applied to the transportation cost of the same mixed shipment at the rates in effect on the base date.

SEC. 7. *Recalculation.* You may recalculate your transportation cost adjustments under this supplementary regulation at any time.

SEC. 8. *Definitions*—(a) *Generally.* Except as otherwise provided in this supplementary regulation, or as required by the context, the terms used in this supplementary regulation have the same meaning as in CPR 150.

(b) *Base date.* Your base date is January 26, 1951, or any later date you select for any particular shipment if on such later date the January 26, 1951 rate or a higher rate was in effect. However, if the ceiling prices which you adjust under this supplementary regulation were determined under General Overriding Regulation 20 or 21, your base date is July 26, 1951, or any later date you select for any particular shipment if on such later date the July 26, 1951 rate or a higher rate was in effect.

(c) *Outbound transportation costs.* This term means the actual net amount paid by you to carriers for transporting the commodity from your manufacturing plant to the buyer or to a distribution point as defined in paragraph (d) (3). It does not include payments to any person who is an employee, subsidiary, or affiliate of yours, or of whom you are a subsidiary or affiliate, or any amount for which you are reimbursed by the buyer. The term includes payments made to railroads, trucking companies, water carriers, payment for railway express, air freight, or parcel post shipments, etc., insofar as these payments are not in excess of the rate authorized by statute, by OPS, or by other federal or state regulatory agency. It does not include warehouse charges, handling, unloading, sorting, checking, and other similar charges or expenses.

(d) *Delivered ceiling price.* This term includes the following:

(1) The case in which a manufacturer sells to all buyers at the same delivered price, or sells to all buyers in a zone or area at the same delivered price.

(2) The case in which a manufacturer quotes an f. o. b. factory price plus a transportation charge, and the transportation charge does not represent the actual transportation cost incurred by the manufacturer.

(3) The case in which a manufacturer quotes a price f. o. b. a distribution point not located at his manufacturing plant where it was the manufacturer's practice during his base period to ship the commodity from the manufacturing plant to the distribution point prior to shipment from the distribution point to the buyer. Adjustments under this supplementary regulation for ceiling prices f. o. b. distribution points must be calculated in the same manner as prescribed for a uniform delivered ceiling price for a zone or area, treating each distribution point as a separate zone.

(e) *Same shipment.* This term means a shipment of the same commodity with the same packaging and delivery terms of the same weight, via the same carrier (or a carrier with the same or higher rates), and between the same points.

ARTICLE II—ADJUSTMENT PROVISIONS

SEC. 21. *How you calculate your transportation cost adjustment.* Three methods of calculating a transportation cost adjustment are provided by this article. You may use any method at your option. You may, except as limited in the succeeding sections, use one method for some of your commodities and another method for others.

SEC. 22. *Method 1; Individual commodity method*—(a) *Adjustments for individual transactions.* You will use this paragraph if you wish to adjust your delivered ceiling prices to reflect the exact dollar-and-cent amount of the increased outbound transportation costs per unit for each sale which you make.

(1) First, for each delivery of a commodity which you make, find the dollar-and-cent amount of your current transportation cost per unit as defined in section 8 for shipment of the commodity from your manufacturing plant to the point of delivery to the purchaser.

(2) In the same way, find what the dollar-and-cent amount of your transportation cost was or would have been per unit for the same shipment at the rates in effect on your base date, as defined in section 8.

(3) Subtract the cost determined under subparagraph (2) from that found under subparagraph (1). The difference is the dollar-and-cent amount by which you may increase your ceiling price per unit for the delivery in question.

(4) If you have made the calculation described in subparagraphs (1) through (3) of this paragraph for a shipment of any commodity, you may add the difference found under subparagraph (3) to your ceiling price for another shipment of the same or any other commodity having the same transportation cost per unit instead of repeating the calculations outlined in subparagraphs (1) through (3).

(b) *Average adjustments for deliveries within a defined area.* If you have uniform delivered ceiling prices for a commodity in one or more defined zones or areas, or if you have ceiling prices f. o. b. one or more distribution points as defined in section 8 (d), you may use this paragraph to determine an adjustment for each such ceiling price.

(1) Find, for each such zone, area, or distribution point, the total dollar-and-cent amount of your actual transportation cost, as defined in section 8, for the shipments of the commodity from your manufacturing plant(s) to the zone, area, or distribution point which you made during your last accounting period of not less than three months.

(2) In the same way, find what the total dollar-and-cent amount of your transportation cost would have been for the same shipments using the rates in effect on your base date, as defined in section 8.

(3) Subtract the cost determined under subparagraph (2) from that found under subparagraph (1). Divide the difference by the number of units of the commodity included in the shipments which you used in determining your transportation cost under subparagraph (1). The result is the dollar-and-cent amount by which you may increase your ceiling prices for sales of the commodity delivered to that zone, area, or distribution point.

(4) If you made more than four hundred shipments of a commodity to a zone, area, or distribution point, during your last accounting period of not less than three months, you may at your option, make the calculations set forth in subparagraph (1) through (3), using only the shipments made in the first, fourth, seventh, and tenth weeks of your last accounting period of not less than three months, but you may not use a week in which you made fewer than thirty shipments. If in the first, fourth, seventh, or tenth week you made fewer than thirty shipments, you must use instead of such week the first succeeding week in which you made thirty or more shipments.

(5) You may make the calculation described in subparagraphs (1) through (4) of this paragraph, for any group of commodities having the same unit transportation cost at the time of your calculation and at your base date, to determine a uniform adjustment for that group of commodities.

SEC. 23. *Method 2; Average adjustment for a group of related commodities.* This section permits you to determine a transportation cost adjustment factor for any product line, or category of commodities whose base period prices were delivered prices. This calculation is made in the following manner:

(a) Find the total dollar-and-cent amount of your outbound transportation cost for the product line or category incurred during your last accounting period of not less than three months. You may, but you need not, make a separate calculation for each zone in which you have a different ceiling price. The result is your current transportation cost.

(b) Find what the total dollar-and-cent amount would have been for those same shipments using rates in effect on your base date.

(c) Find the total dollar-and-cent net sales value of the shipments used in determining your current transportation cost under paragraph (a).

(d) Subtract your transportation cost found under paragraph (b) from your transportation cost found under paragraph (a). Divide the difference by the value of shipments found under paragraph (c). The result is the transportation cost increase factor by which you may increase your delivered ceiling prices for such commodities.

SEC. 24. *Method 3; Option to propose an alternate method for calculating a transportation cost adjustment.* If you believe that the preceding sections of this supplementary regulation do not provide an adequate method of reflecting the transportation cost increases which you have experienced, you may propose an alternate method for determining an adjustment.

You must submit your proposed method in writing by registered mail, return receipt requested, to the Office of Price Stabilization, Industrial Materials and Manufactured Goods Division, Washington 25, D. C. Your proposal should be identified as an "Application under section 24 of SR 1 to CPR 150," and must include the following:

(a) Your business name and address and a general description of the commodities you produce.

(b) A statement of the reasons why you believe that the methods provided by the preceding sections of this regulation do not permit you to properly reflect the transportation cost increases in outbound transportation cost which you have experienced.

(c) A detailed step-by-step description of the method you propose.

(d) A statement of the reasons why you believe that the method which you propose will more adequately reflect the increases in outbound transportation cost which you have experienced.

(e) An illustration of your computations of transportation cost increases using your proposed method.

The Director of Price Stabilization may approve or disapprove your proposal in whole or in part. You may not use a transportation cost adjustment calculated by using your proposed method until such time as you have been notified by the Director of Price Stabilization that your proposed method has been approved.

Effective date. This supplementary regulation is effective December 2, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12730; Filed, Nov. 26, 1952; 11:58 a. m.]

[Ceiling Price Regulation 161, Amdt. 2]

CPR 161—CONSUMER DURABLE GOODS REGULATION

HOSPITAL, INSTITUTIONAL, AND PROFESSIONAL FURNITURE AND EQUIPMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 161 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment 2 to Ceiling Price Regulation 161 clarifies its coverage.

Among the commodities listed in the Appendix A of that regulation as covered by it are: "Hospital and physician examining room and diagnostic equipment and supplies." This language was intended to cover hospital, institutional and professional furniture. Some manufacturers, however, have apparently not so understood it. To eliminate any further confusion, language is being added to make it clear that hospital, institutional and professional furniture are covered by CPR 161.

In view of the technical nature of the change made by this amendment, and the desirability of immediate correction, the Director of Price Stabilization has found that special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 161 is hereby amended by deleting the listing "Hospital and physician examining room and diagnostic equipment and supplies" in paragraph 32 of Appendix A and substituting therefor the following:

Hospital, institutional and professional furniture and equipment, including examining room and diagnostic equipment and supplies.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 2, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12739; Filed, Nov. 26, 1952; 4:00 p. m.]

[Ceiling Price Regulation 170, Correction]

CPR 170—CEILING PRICES FOR THE WESTERN WOOD PRESERVING INDUSTRY (PRESSURE PROCESS ONLY)

CORRECTION

Through inadvertence the basic f. o. b. ceiling price for treated short round material was omitted from paragraph (e) of section (6).

Accordingly, paragraph (e) of section 6 is corrected by adding the following subparagraph:

(5) For treating short round material, and including unloading trucks or railroad cars to tram cars, and loading railroad cars from tram cars: $0.36 per cu. ft.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12731; Filed, Nov. 26, 1952; 11:59 a. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 122]

GCPR, SR 122—ADJUSTMENTS TO REFLECT INCREASED OUTBOUND TRANSPORTATION RATES

CERTAIN RESELLERS—DEL CREDERE FACTORS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 122 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 122 (SR 122) to the General Ceiling Price Regulation (GCPR) permits manufacturers covered by the GCPR to adjust their ceiling delivered prices for increases in transportation costs due to increases in outbound freight rates. This was done to place these manufacturers on an equal footing with manufacturers who sell on an f. o. b. plant basis and who were thus not required to absorb the outbound freight increases. Resellers in turn were permitted (by Supplementary Regulation 120 to the GCPR) to adjust their ceiling prices for increases of inbound freight to them.

Since the issuance of these regulations a situation has come to the attention of OPS involving del credere factors who are also manufacturers of commodities similar to those they sell as factors. These factors pay the manufacturer an f. o. b. plant price and sell at a delivered price to the buyer, but do not actually handle the shipment at any point, the shipment being made directly by the manufacturer to the buyer. The factor in this situation pays all of the outbound freight from manufacturer to buyer but has not been permitted under SR 122, which heretofore has applied only to manufacturers, to pass through any increased freight costs caused by the rate increases. The factor in this operation most closely resembles a reseller, but unlike resellers generally he does not receive the goods in his own warehouse and thus he has no inbound freight cost increase which he may pass on to his customer under Supplementary Regulation 120 to the GCPR. It is believed that this situation, which requires the factor to absorb the entire increase in freight cost from manufacturer to buyer, which is quite considerable in the case of some building materials, is inequitable to both the factor and the manufacturer. This action removes the inequity which exists in this situation.

This amendment applies only to cases in which the shipment is made directly from manufacturer to buyer without having been in the factor's warehouse at any time. As to shipments which are channeled through the factor's warehouse, the factor is considered to be a reseller, and he is entitled to such adjustments as may be available to other resellers in like position.

In view of the corrective nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Section 1 of Supplementary Regulation 122 to the General Ceiling Price Regulation is amended by designating the body of the present section 1 as "paragraph (a)" and adding a new paragraph designated "(b)" so that the amended section 1 reads as follows:

Section 1. (a) *What this supplementary regulation does.* This supplementary regulation establishes methods by which manufacturers under the GCPR may increase their delivered ceiling prices to reflect increases in their outbound transportation costs resulting from increases in rates authorized by statute or by OPS, or other federal or state regulatory agency. This supplementary regulation permits adjustments of ceiling prices established under the GCPR, including such ceiling prices as adjusted under General Overriding Regulation 20, 21, or 35. This supplementary regulation does not apply to ceiling prices established under the following supplementary regulations to the GCPR: 73, 80, 82, 83, 86, 95, 100, 103, 109, 113, 114, 115, 116, 121. The methods which may be used are set forth in Article II of this supplementary regulation.

(b) *Certain resellers—del credere factors.* This supplementary regulation also applies to del credere factors, as if they were manufacturers, *Provided* that each of the following conditions is met: (1) the commodity whose ceiling delivered price is to be increased is shipped directly from the manufacturer's plant to the factor's customer; (2) freight from the manufacturer's shipping point to the customer is, and customarily has been paid by the factor, and customarily has been included in the factor's delivered price to the customer; (3) the sale is made solely on the account of and in the name of the factor in that the price from the customer is payable only to the factor. In such cases, the freight from the manufacturer's plant direct to the customer plant is recognized under this supplementary regulation as the factor's outbound freight for which the factor can increase his delivered ceiling price.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 122 to the General Ceiling Price Regulation is effective December 2, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12740; Filed, Nov. 26, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 127]

GCPR, SR 127—RATE ADJUSTMENTS FOR CONTRACT MOTOR CARRIERS OF IRON AND STEEL ARTICLES OPERATING INTRASTATE IN OHIO

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 127 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes for contract motor carriers engaged in the transportation of iron and steel articles (as defined in appropriate Schedules of Minimum Rates and Charges) in intrastate commerce in Ohio increased ceiling rates for such transportation above the rates contained in their Schedules of Minimum Rates and Charges on file with the Ohio Public Utilities Commission which are in effect on the effective date of this regulation.

There are approximately 32 contract motor carriers engaged in the transportation of iron and steel articles in intrastate commerce between points within the State of Ohio. Historically, these carriers have charged uniform rates for the performance of similar services between specific points in Ohio. These rates were frozen, by the General Ceiling Price Regulation, at the highest levels prevailing during the base period, December 19, 1950 to January 25, 1951, and the only adjustment machinery available to such carriers is that afforded by the provisions of Revision 1, Supplementary Regulation 39 to the General Ceiling Price Regulation, which only provides for individual adjustments.

Operating costs of these contract motor carriers have increased substantially since their ceiling rates were established by the General Ceiling Price Regulation. In order to determine the extent, if any, to which these carriers are in financial hardship, they were requested to submit financial data such as would be required if individual applications for adjustment were filed by each of the carriers under the provisions of Revision 1 to Supplementary Regulation 39. Twenty-six of these carriers filed such information. From the data submitted it has been determined that each carrier can justify an increase in ceiling rates and the average entitlement demonstrated by such carriers at this time amounts to 12 percent over present ceiling rates.

This regulation authorizes for this group of contract motor carriers a uniform adjustment of 12 percent in their rates based upon the average need of the group to offset hardship resulting from increased operating costs and thus enables the carriers to maintain the uniform rate structure which has hitherto prevailed.

The Wage Stabilization Board has approved 7 cents per hour wage increase to be effective February 1, 1953. This added cost would justify an additional 2 percent increase. Therefore, provision is made herein to permit each carrier an additional 2 percent increase in rates to become effective on such date, on or after February 1, 1953, as the individual carrier commences paying these increased wage rates.

All of the above-mentioned contract motor carriers have on file with the Ohio Public Utilities Commission schedules of minimum rates and charges applicable to the services in question or have formally adopted the schedules of other carriers in the group. It is the rates and charges specified in such schedules which are affected by this regulation.

In the formulation of this regulation, there have been consultations with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and will effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Eligibility for adjustment.
3. Extent of adjustment.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes for contract motor carriers engaged in the transportation of iron and steel articles (as defined in appropriate Schedules of Minimum Rates and Charges) in intrastate commerce in Ohio increased ceiling rates for such transportation over the rates contained in their Schedules of Minimum Rates and Charges on file with the Ohio Public Utilities Commission and in effect on the effective date of this regulation.

SEC. 2. *Eligibility for adjustment.* This supplementary regulation applies to you if, on the effective date of this regulation, you are a contract motor carrier transporting iron and steel articles (as defined in appropriate Schedules of Minimum Rates and Charges) in intrastate commerce in Ohio pursuant to appropriate authority issued by the Ohio Public Utilities Commission.

SEC. 3. *Extent of adjustment.* If you qualify for adjustment under Section 2 above, your ceiling rates for the transportation service referred to in Sec. 2 above shall be the rates contained in your applicable Schedule of Minimum Rates and Charges on file with the Ohio Public Utilities Commission and in effect on the effective date of this regulation increased by twelve (12) percent. In addition, on or after February 1, 1953, any carrier affected by this regulation may increase its rates an additional two (2) percent over the rates in effect on the effective date of this regulation on such date, on or after February 1, 1953, as that carrier commences payment of the 7 cents per hour wage increase authorized by the Wage Stabilization Board to become effective February 1, 1953. In computing any rate adjusted pursuant to this supplementary regulation fractions of one-half (½) cent or more may be increased to the next whole cent.

Effective date. This Supplementary Regulation 127 to the General Ceiling Price Regulation shall become effective December 2, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12733; Filed, Nov. 26, 1952; 11:59 a. m.]

[General Overriding Regulation 3, Amdt. 6]

GOR 3—EXEMPTIONS OF CERTAIN RUBBER, CHEMICAL AND DRUG COMMODITY TRANSACTIONS

EXEMPTION OF CERTAIN PRINTING INKS AND OF CERTAIN CERAMIC AND GLASS COLORING PREPARATIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to General Overriding Regulation 3 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control printing inks as defined in the amendment, and certain ceramic and glass coloring and decorating preparations.

Printing inks. Due to the many variables that enter into the production of printing inks such as color, type of surface to be printed, printing process, type of press, type of paper, end use of printed product, weather conditions and numerous other factors, there are very few standard inks and many new formulations each month.

Formulations are generally made for each customer and job. It is estimated that there are 50,000 new formulations per month and that the average life of a formulation is about four months. The industry in general has to develop many ink modifications to meet certain specifications for a particular job on a short time schedule to meet a printer's deadline. Often it is necessary to develop, manufacture and use printing inks before costs are fully calculated and selling prices established. Due to the variety of colors, surfaces to be printed, and the large numbers of pigments, oils, driers and raw materials necessary to make constituent intermediate ingredients, producers of printing inks base their prices on estimated average standard costs and average labor burden, instead of actual and precise costs for each ink formulation. Because of the unusually large and involved number of new formulations, the methods of calculating ceiling prices for such new formulations under either the General Ceiling Price Regulation or Ceiling Price Regulation 22 are particularly burdensome on this industry.

Printing inks do not enter significantly into the cost of living of the average American family nor do they represent a significant cost of doing business for printers and publishers. While sales of printing inks during 1950 totalled 144 million dollars, this is but a small proportion of the cost of doing business when considered that this amount of printing inks is absorbed in the sale of eight billion dollars worth of printing and publishing products.

The printing ink industry uses a multitude of raw materials, the supply of which appears to be sufficient for all its needs. There are no foreseeable shortages of any of the major materials needed in the production of printing inks. Printing ink manufacturers are located in or near the large cities and centers of population. There are less than 7,000 workers employed in the printing ink industry. Exemption from controls, therefore, will not cause a drain by the industry of manpower in any particular locality or of essential materials needed for the defense effort. Large users of printing inks have informed the Office of Price Stabilization that they do not anticipate that exemption of printing inks from price controls will result in a significant rise in the cost of printing inks.

Ceramic and glass coloring and decorating preparations. The reasons for exempting ceramic and glass coloring and decorating preparations from price control are substantially the same as the reasons applicable to the printing ink industry. Almost the entire output of the ceramic and glass coloring and decorating preparations included in this amendment are sold directly to producers of the end products to which they are applied. Examples of such end products are tableware, earth-ware, floor and wall tile, ceramic electrical insulators, enameled metallic surfaces and glass products. There are thirteen principal producers engaged in the sale of these coloring preparations. Some of these firms produce only one or a small number of lines of color pigments, while others produce a wide range of colorants, as many as 20,000. As is true with printing inks, a large proportion of the production is custom-made. Some producers, particularly those making a varied line of colorants, are frequently called upon to quote prices for special coloring and decorating preparations, which may or may not eventually be ordered. If ordered, the preparation may be purchased only once and then only in a small quantity. Sellers are required before selling new preparations to determine the ceiling prices applicable to such preparations. Such determination requires the selection of appropriate base period commodities, calculation of current unit direct costs for both the new and comparison commodities, and application of the comparison commodity mark-up to the current unit direct costs of the new commodity to arrive at the ceiling price for the new commodity.

The supply of all major materials and most minor materials needed to produce the coloring preparations is adequate to satisfy current demands. A relatively

small amount of cobalt and selenium is used in the manufacture of the coloring preparations. These pigments are now under allocation by the National Production Authority and such allocation prevents their diversion from use in the production of other commodities remaining under price control. This action does not affect price control on the basic pigments used in producing the coloring preparations but merely removes from control the mixtures of two or more basic pigments which produce the ceramic and glass coloring and decorating preparations covered by this amendment.

It is not expected that exemption of the coloring and decorating preparations covered by this amendment will materially increase the price level for these commodities. The cost of the colorants represents a very small proportion of the value of the end products to which they are applied. It does not enter significantly into the cost of living, business costs, or the defense program. In addition the administrative burdens, resulting from the necessity of calculating ceiling prices and the requirements for record-keeping and reporting for the unusually large number of new and frequently changing coloring preparations customary to this industry, outweigh the benefits to the stabilization program which may be derived from maintaining control on these commodities.

Findings of the Director. In the opinion of the Director, the provisions of this amendment are generally fair and equitable, and comply with all the applicable requirements of the Defense Production Act of 1950, as amended. The Director has found that the commodities covered by this amendment qualify for exemption from controls on the basis of the standards for decontrol adopted by the agency. The Director may at any time reimpose controls if he determines that such action is necessary or appropriate to carry out the purposes of the Defense Production Act of 1950, as amended. In the formulation of this amendment there has been frequent and extensive consultations with representatives of the printing ink industry and the trade association for this industry, as well as two meetings with the industry advisory committee and consideration has been given to their recommendations. In view of the nature of this amendment the Director has not found it necessary or practicable to conduct formal consultations with industry representatives representing manufacturers of ceramic and glass coloring preparations. This amendment, however, results from consideration of a petition for amendment filed with the Director by a large producer of these commodities.

AMENDATORY PROVISIONS

Section 2 of General Overriding Regulation 3 is amended by adding at the end thereof two paragraphs to read as follows:

(h) *Printing inks.* Sales of printing inks. The term "printing inks" means solutions or suspensions of dyestuffs or pigments designed for use in typographic, planographic, intaglio or silk screen printing processes. The term "printing inks" also includes so-called clears, thinners, driers, compounds, lacquers and varnishes sold by printing ink manufacturers for use in printing processes. It does not include materials used primarily to color or decorate woven fabrics, nor materials called "inks" such as writing fluids, ball pen inks, stamp pad inks, show card inks and stencil inks which are customarily applied by processes other than printing.

(i) *Ceramic and glass coloring and decorating materials.* Sales of the following: Ceramic decorating and coloring preparations composed of ceramic pigments and stains which are mixtures of two or more basic pigments and which can be used only for ceramic products; glass colorants and stains which are mixtures of two or more basic pigments and which can be used only for glass products; squeegee media used in the application of these decorating and coloring preparations; and precious metal ceramic decorating compositions.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 6 to GOR 3 is effective November 26, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12734; Filed, Nov. 26, 1952; 11:59 a. m.]

[General Overriding Regulation 4, Amdt. 13 to Revision 1]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

SUSPENSION OF WOMEN'S, MISSES AND JUNIOR MISSES' APPAREL, APPAREL FURNISHINGS AND APPAREL ACCESSORIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 13 to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds to the commodities suspended from price control most women's, misses' and junior misses' items of apparel, apparel furnishings and apparel accessories. This action is being taken in line with the policy of suspending or otherwise relaxing controls on commodities when their selling prices generally are materially below ceilings and are not expected to reach ceiling prices in the foreseeable future.

Following a period of continuing decline in textile prices, controls over most yarns and fabrics were suspended on May 20, 1952. The bulk of these yarns and fabrics appeared to be in plentiful supply and there was no evidence that their prices were likely to return to ceiling levels in the foreseeable future. The bulk of the wool, cotton and rayon fabrics used in the commodities suspended by this action are still some 20 to 25% below their ceilings.

As a sequel to the fabric suspension action a study of women's, misses' and junior misses' apparel and accessories has been completed, leading to a conclusion that, at this time, price controls on these items are not necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

The women's, misses' and junior misses' apparel group includes a wide range of items such as suits, coats, dresses, blouses, skirts, underwear, sportswear, etc. By October 1952, wholesale prices of women's and misses' apparel had declined 8.4 percent from the peak reached in July 1951. At the retail level, women's apparel prices in September 1952 (the most recent month for which retail price data are available) were down 3.8 percent from their peak in September 1951.

This area of apparel offers the greatest difficulty in following price changes. The bulk of women's apparel is made up of style items rather than staples. Furthermore, manufacturers of women's wear sell in traditional price lines and find it generally inexpedient to move away from their established price lines or from price ranges for which they are known, although they may add higher-priced lines when business is good and lower-priced lines when consumer resistance is encountered. Therefore, competition seldom takes the form of price changes, but consists of putting more or less materials and workmanship into the item at the same price. Such changes are sometimes slight and not readily identifiable and can rarely be translated into an actual price increase or decline. Consequently, many items of women's apparel show little or no change over a period of many months unless the manufacturer finds himself able to move a garment up to his next higher price line, or is forced to put it in his next lower price line. These factors tend toward understatement of price changes in women's apparel. Nevertheless, as indicated above, prices of women's and misses' apparel at both wholesale and retail levels are down considerably from the peaks reached in 1951.

There does not appear to be any likelihood of significant price increases in this area in the foreseeable future. Production data for 1952 are fragmentary, but those available indicate that production for the first part of 1952 is about equivalent to that of the corresponding period of 1951. It is known from trade reports that manufacturers are offering ample supplies in all price ranges to distributors and the chief factor in determining distributors' choice among price lines is their appraisal of consumer demand.

This segment of the apparel industry is characterized by comparative ease of entry into and exit from the ranks of the producers. Production facility requirements are fairly simple and entry into the business is even further simplified by the existence of a host of contractors who have all facilities and will perform the manufacturing operations on a piecework basis, thus obviating the need for substantial capital investment by the new manufacturer. Thus, when demand rises, the manufacturing capacity can be and is quickly expanded to keep competition keen. The strength of the competition in this area makes it unlikely that prices will rise appreciably in the foreseeable future.

Moreover, there has been a recent downward shift in consumer demand for this segment of the apparel industry as evidenced by the trends in the ratios of consumer expenditures for all apparel to total consumer disposable income. Thus, expenditures on clothing declined from an annual rate of 9.49 percent of disposable income during the first quarter of 1951 to 8.63 percent by the second quarter of 1952; and, significantly, the rate of expenditure was substantially lower than the average 10.69 percentage of income spent on apparel during the years 1947-49.

The women's, misses' and junior misses' items of apparel suspended at the manufacturing level by this action are covered by CPR 45, Rev. 1. Since the use of that regulation has not been made mandatory, manufacturers have had the option of determining their ceiling prices for these items under that regulation or the GCPR. In general, these same items are suspended by this action at the wholesale and retail levels. However, in order to avoid the confusion which would result from sub-dividing CPR 7 categories, it has been found advisable in some cases to suspend an entire category though it includes some items not suspended at the manufacturing level, or, in other cases, to keep the entire category under control.

In view of the above considerations, it is the judgment of the Director of Price Stabilization that price controls on sales of these commodities are not required at this time to carry out the purposes of the Defense Production Act of 1950, as amended.

The Director may at any time modify or terminate this suspension if he determines that such action is required in the interest of the stabilization program. In any event, this suspension will be terminated as to any segment of these industries when controls are reimposed on the principal fabrics used by that segment in the manufacture of these commodities.

All records which were required to be prepared and preserved under the applicable ceiling price regulations in effect prior to this amendment must continue to be preserved.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 3 of General Overriding Regulation 4, Revision 1, is amended by adding the following paragraphs:

(n) The following articles, when sold by the manufacturer (including a manufacturing retailer):

(1) Women's, misses' and junior misses' apparel, apparel furnishings and apparel accessories made of textile materials, leather, fur, plastic, other materials which are normally sewed as part of the assembly operation, or a combination of such materials. The terms "women's", "misses'", and "junior misses'" refer to articles sold in the size ranges or groupings commonly designated by those terms. Specifically excluded from this paragraph, however, are articles for surgical corrective or orthopedic use such as knitted elastic corrective garments abdominal belts or orthopedic braces.

(2) Component parts manufactured exclusively for further processing into or for use as a part of any article included in subparagraph (1) above. Examples of such component parts are hat bodies, pockets, collars, brassiere and underwear straps, and shoulder pads.

(o) The following articles, when sold at wholesale or retail, except sales made in the territories and possessions of the United States. A sale at wholesale or retail is a sale by a person who buys an article and resells it without substantially changing its form. (The articles suspended by this paragraph are described, for convenience, in terms of the categories named in CPR 7—Retail Ceiling Prices for Certain Consumer Goods. However, all wholesale and retail sales of the articles described are suspended from price control regardless of whether their ceiling prices have been determined under the General Ceiling Price Regulation or under CPR 7.)

(1) All articles covered by the following CPR 7 categories:

NOTE: The suspension of each of these categories is as broad as the coverage of the category. All articles in the category are suspended. This means that if the category includes children's sizes as well as women's, misses', or junior misses' sizes, the children's sizes are also suspended from price control.

Category 201—Women's Sportswear and Beachwear

Among the articles included are:

Shorts, culottes and pedal pushers.
Playsuits, sunsuits, and halters.
Polo shirts and basque shirts.
Bathing suits.
Beach coats, robes, and capes.
Beach pajamas.
Beach bags.
Bathing and shower caps.
Sweat shirts.

Category 202—Women's Knitted Outerwear

Among the garments included are:

Sweaters, sweater coats, jackets, and cardigans.
Jerkins and vestees.
Dresses, skirts, and suits.

Category 203—Women's Rainwear

Among the garments included are:

Raincoats.
Raincapes.
Rain jackets.
Rain hats.
Rain hoods.

Category 204—Women's Foundation Garments

Among the articles included are:

Corsets, girdles, and corselettes.
Brassieres.
Garters and garter belts.
Sanitary belts and aprons.
Combinations or all-in-ones.
Leg shields.
Supports (not including articles for surgical, corrective or orthopedic use, such as abdominal belts or orthopedic braces).
Bust forms.
Bust developing and slenderizing appliances.

Category 205—Women's Military Uniforms

This category includes uniforms for all the armed services and the Red Cross. The articles covered are:

Coats, capes, and suits.
Separate uniform jackets and skirts.
Uniform blouses.
Uniform dresses.
Uniform hats and caps.
Uniform slacks.
Raincoats and capes and rain hats and hoods.

Category 216—Women's and Children's Handkerchiefs and Related Items

This category includes:

Pocket handkerchiefs.
Fancy handkerchiefs.
Evening handkerchiefs.
Sport handkerchiefs.

Category 217—Women's and Children's Neckwear and Related Items

This category includes:

Artificial flowers or ornaments for hair, dresses or coats, scarves and kerchiefs.[1]
Dickies, vestees, gilets, and bibs.
Collars, cuffs, and collar and cuff sets.
Fascinators, parkas, and babushkas.
Ties.
Ruchings and edgings.
Blousettes.

Category 218—Women's and Children's Handbags

This category includes:

Handbags, purses, and pocketbooks.
Muff bags.
Belts.
Wallets, keyholders, etc.
Appliance to attach handbag to a table.

Category 919-1—Bathing Accessories

Examples of the articles included in this category are:

Bathing belts.
Rubber flowers.[2]
Rubber and wooden beach sandals.
Cosmetic cases.

Category 919-7—Sanitary Goods

This category does not include the following items covered by Category 915: sanitary napkins, tampons, facial tissue. Examples of articles included are:

Dress shields.
Back shields.
Chafe guards.
Rubber bloomers.
Sanitary petticoats.
Sanitary step-ins.

Category 1001—Women's Fur Trimmed and Fur Lined Coats

This category includes coats for women, misses and junior misses.

Fur trimmed coats.
Fur lined coats.
Coats with removable fur linings.
Removable fur linings.

Category 1002—Women's Untrimmed Coats

This category includes coats for women, misses and junior misses.

Category 1006—Women's Suits

Included are women's suits usually bought in the size range of 32's, 34's, etc., women's half sizes, women's extra large or extra long suits.

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[1] Artificial flowers have previously been exempted from price control by Amendment 3 to General Overriding Regulation 5, Revision 1, as amended.

[2] See footnote 1.

Category 1007—Misses' and Junior Misses' Suits

This category includes suits bought in sizes 10 to 20 and 7 to 17.

Category 1009A—Wedding Dresses

Included are: All wedding dresses in women's, misses', and juniors' sizes.

Category 1010—Women's Dresses Costing Over $2.53

Category 1010A—Junior Size Dresses Costing Over $2.53

Category 1011—Misses' Dresses Costing Over $2.53

Category 1011A—Women's, Misses' and Juniors' Dresses Costing $2.53 and Less

Category 1014—Women's Jackets

Included are jackets bought in sizes 36's, 38's, etc. misses' jackets bought in sizes 10 to 20 and jackets bought in junior sizes 7 to 17.

Category 1017—Women's and Misses' Skirts

This category includes skirts bought in women's sizes, misses' sizes and in junior sizes, also in waist sizes corresponding to these sizes.

Category 1020—Women's and Misses' Blouses

This category covers blouses usually bought in sizes 34's, 36's, etc., sizes 10 to 20 and 7 to 17 and in any sizes that correspond to these.

Category 1023—Women's Slacks and Slack Suits

Included are garments in all sizes for women, misses and juniors, and in waist sizes equivalent to these sizes.

Category 1026—Women's Ski and Snow Suits

Included are garments in all sizes for women, misses and juniors, and in waist sizes equivalent to these sizes.

Category 1029—Women's, Misses' and Junior Misses' Separate Ski Pants

(2) Women's, misses' and junior misses' sizes of all articles covered by the following categories:

NOTE: The suspension of each of these categories is limited to women's, misses' and junior sizes. Only articles in the category which are in these sizes are suspended. This means that if the category includes other sizes they continue under price control.

Category 107A—Hunting and Fishing Apparel

Cotton shell coats, jackets and vests (lined and unlined).
Hunting and fishing coats, jackets, breeches, vests, and caps.

Category 206—Women's and Girls' Civilian Uniforms and Washable Service Apparel

Among the garments included are:

Uniforms (such as elevator operators', usherettes', nurses', waitresses', maids', messengers', beauticians', laundry workers', etc.) and separate parts of uniforms.
Uniform coats and capes.
Uniform dresses.
Uniform blouses.
Uniform hats and caps.
Uniform slacks and overalls.
Uniform aprons.
Separate uniform jackets and skirts.
Work and shop aprons, frocks, dresses, brunch coats, smocks, gowns, jackets, coats, slacks, coveralls, hats, caps, work gloves, etc.
All other aprons and hooverettes.

Category 210—Women's and Children's Riding Wear and Jackets

Among the garments included are:

All riding breeches and jodhpurs.
All plastic and all leather and imitation leather coats, windbreakers, jackets and vests.

Category 211—Women's and Children's Woven Underwear and Nightwear

Among the garments included are:

Union suits and combinations.
Undershirts and vests.
Bloomers, panties and briefs, drawers, and step-ins.
Slips and petticoats.
Chemises and camisoles.
Dance sets.
Sleeping pajamas and sleepers.
Nightgowns.
Bed jackets and shoulderettes.

Category 211A—Women's and Children's Knitted Underwear and Nightwear

Union suits and combinations.
Undershirts and vests.
Bloomers, panties and briefs, drawers, and step-ins.
Slips and petticoats.
Chemises and camisoles.
Dance sets.
Sleeping pajamas and sleepers.
Nightgowns.
Bed jackets and shoulderettes.

Category 212—Women's and Children's Lounging Wear

This category includes garments made from both woven and knitted fabrics. Among the garments included are:

Housecoats.
Negligees and bathrobes.
Dressing gowns and lounging robes.
Hostess gowns.
Lounging or hostess tunics and slacks.
Cocktail coats.
Lounging pajamas.

Category 214—Women's and Children's Millinery[3]

Among the articles included are:

Hats.
Berets.
Bonnets.
Bridal veils.

Category 215—Women's and Children's Gloves and Mittens

This category does not include any athletic gloves covered by Category 351. Among the articles included are:

Gloves.
Mittens.
Mitts.
Appliances to hold gloves to handbags.

(3) Women's, misses' and junior misses' fur garments.[4]

(Sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective November 26, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12735; Filed, Nov. 26, 1952; 12:00 m.]

[3] Women's millinery has previously been exempted from price control by Amendment 11 to General Overriding Regulation 4, Revision 1.

[4] Luxury fur garments have previously been exempted from price control by section 2 (g), added to this General Overriding Regulation 4, Revision 1, by Amendment 5.

[General Overriding Regulation 7, Revision 1, Amdt. 13]

GOR 7—EXEMPTION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

IMPORTED SPICES, SEEDS AND HERBS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 13 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7, Revision 1, exempts imported spices, seeds, and herbs from price control.

Imported spices do not enter significantly into the cost of living of the average American family or into business costs. Imported spices are appropriately separable from other materials and there is no evidence to show that decontrol of imported spices will have a significant adverse effect on the price level.

The exemption from control of imported spices presents no substantial threat of diversion of materials and manpower from sellers remaining under control. In addition, control of imported spices involves administrative difficulties for OPS and the sellers of imported spices which are disproportionate in relation to the contribution of control of imported spices to the price stabilization program.

FINDINGS OF THE DIRECTOR

In formulating this amendment the Director of Price Stabilization has consulted extensively with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Paragraph (h) of section 2 of Article II of General Overriding Regulation 7, Revision 1, is amended to read as follows:

(h) No ceiling price regulation heretofore issued or which may hereafter be issued by OPS shall apply to spices, seeds, and herbs, whether produced in the United States or imported.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on November 26, 1952.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12736; Filed, Nov. 26, 1952; 12:00 m.]

[General Overriding Regulation 9, Amdt. 28]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

EXEMPTION OF USED GLASS CONTAINERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 28 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control the sales, in the 48 states and the District of Columbia, of used glass bottles and containers. These are for the most part beer, wine or fruit juice bottles, and include those sold to bottlers and packers as "reconditioned." This exemption has no relation to the return of "deposit" bottles.

The collection of used bottles as junk and the business of "reconditioning" them together make up an insignificantly small industry, with an entirely negligible effect on the economy of the Continental United States. However, the reasons applicable to the Continental United States do not apply to the territories and possessions, which, for lack of adequate bottle-making facilities of their own, have frequently had to rely heavily on imports of used glass containers as well as new containers.

In view of the nature of this amendment special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Paragraph (a) of section 2 of General Overriding Regulation 9 is amended by adding at the end thereof the following subparagraph (29):

(29) *Certain sales of used glass containers.* This exemption applies to sales of used glass containers in the 48 states of the United States, and the District of Columbia, but does not apply to sales to and in the territories and possessions of the United States. "Used glass containers" are used bottles and glass containers such as, but not limited to beer, wine or fruit juice bottles whether or not they have been "reconditioned" by being washed, sterilized, sorted and packed.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 28 to General Overriding Regulation 9 is effective November 26, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12737; Filed, Nov. 26, 1952; 12:00 m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-45, Schedule 9, Revocation]

M-45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

SCHED. 9—METHYLENE CHLORIDE

REVOCATION

Schedule 9 (16 F. R. 8831) to NPA Order M-45 is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Schedule 9 to NPA Order M-45, nor deprive any person of any rights received or accrued under that schedule prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect November 26, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12721; Filed, Nov. 26, 1952; 10:57 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

[Gen. Order 24, Rev., Supp. 6, WSA Function Series]

PART 310—MERCHANT MARINE TRAINING

SUBPART C—APPOINTMENT AND TRAINING OF CADETS IN THE UNITED STATES MERCHANT MARINE CADET CORPS

QUARTERS, SUBSISTENCE AND ALLOWANCES

Section 310.62 *Quarters, subsistence and allowances*, contained in General Order 24 Revised dated August 30, 1945 (WSA Function Series) published in the FEDERAL REGISTER issue of September 1, 1945 (10 F. R. 11251), is amended by adding a new paragraph (g) to read as follows:

(g) The Supervisor, subject to the provisions of existing and applicable laws, is authorized to incur expenses in connection with the transportation and burial of the remains of a Cadet-Midshipman who dies while a member of the United States Merchant Marine Cadet Corps.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 216, 52 Stat. 965 as amended; 46 U. S. C. 1126)

Dated: November 20, 1952.

[SEAL] A. W. GATOV,
Maritime Administrator.

[F. R. Doc. 52-12625; Filed, Nov. 26, 1952; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10209]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

ASSIGNMENT OF SHIP TELEGRAPH AND TELEPHONE FREQUENCIES

Correction

In Table 1-a of F. R. Doc. 52-12342, appearing at page 10561 of the issue for Wednesday, November 19, 1952, the following changes should be made:

In the "P2" column, "4137" should read "4137.5"

In the "P12" column, "2081.75" should read "2081.25".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 36, as amended (7 CFR Part 936), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted during the 2 months' period of December 1952 and January 1953, among the producers who, during the current marketing season beginning on March 1, 1952 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of California, in the production of any fruit (as such term is defined in the amended marketing agreement and order) for shipment in fresh form to determine whether such producers favor the termination of the said amended marketing agreement and order as to any one or more of the fruits covered thereby. Oscar H. Chapin and Harry J. Krade of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of

the Secretary of Agriculture to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By determining the time of commencement and termination of the period of the referendum, and by giving opportunity to each of the aforesaid producers to cast his ballot, in the manner herein authorized, relative to the aforesaid termination of the amended marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing any such fruit or in rendering services for or advancing the interests of the producers of such fruits, may vote for the producers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form); and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By giving public notice, as prescribed in paragraph (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to the Western Marketing Field Office, Fruit and Vegetable Branch, Room 302, 701 K Street, Sacramento 14, California, and the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of California; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each producer whose name and address are known; and (iii) by such other means as said referendum agents or any of them may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents or any of them determine that voting shall be at meetings. At each such meeting, balloting shall continue until all of the producers who are present, and who desire to do so, have had an opportunity to vote. Any producer may cast his ballot at any such meeting in lieu of voting by mail.

(5) By giving ballots to producers at the meeting, and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving public notice of the time and place of each meeting authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3) hereof.

(8) By authorizing the chairman of the State Production and Marketing Administration Committee to appoint any member or members of a PMA county committee, in the State of California, and by appointing any other persons deemed necessary or desirable, to assist the said referendum agents in performing their duties hereunder. Each such person so appointed shall serve without compensation and may be authorized, by the said referendum agents or any of them, to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7) and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth; and shall forward to the Western Marketing Field Office, Fruit and Vegetable Branch, Room 302, 701 K Street, Sacramento 14, California, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer to whom a ballot form was given;

(ii) A register containing the name and address of each producer from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method used in giving publicity to such referendum.

(b) Upon receipt by the said Western Marketing Field Office of all ballots cast in accordance with the provisions hereof, Oscar H. Chapin, who is hereby designated as agent-in-charge, shall: (i) canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and (ii) forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they, or any of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent or appointee shall endorse above his signautre, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the amended marketing agreement and order, and of this order, may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C., at the offices of the Field Representatives, Fruit and Vegetable Branch, Production and Marketing Administration, Room 302, 701 K Street, Sacramento, California, or 333 Fell Street, San Francisco, California, or at the office of the California Tree Fruit Agreement, 1515 Ninth Street, Sacramento, California. Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained at said offices of the Field Representatives, or from any referendum agent or appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601)

Done at Washington, D. C., this 24th day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12623; Filed, Nov. 26, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

BRAZOS HARBOR, TEX.

SCHEDULE OF TOLLS

The Secretary of the Army, pursuant to the authority conferred upon him by the Rivers and Harbors Act approved August 8, 1917 (40 Stat. 250), is considering for approval the proposed schedule of tolls or charges for the landing of vessels or the loading, discharge, or transfer of freight on the Brazos River at Freeport, Texas, as submitted by the Navigation and Canal Commissioners of the Brazos River Harbor and Navigation District, Brazoria County, Texas.

The proposed schedule of tolls or charges are generally comparable to those of Gulf Ports in the same competitive area. The proposed schedule is available for inspection and review at Room 2231, Building T-7, Gravelly Point, Washington, D. C., and will become effective on and after the date of approval by the Secretary of the Army and continue in effect thereafter until further notice. Prior to approval of such schedule of tolls, consideration will be given to any written data, views, or arguments pertaining thereto which are submitted in writing to the Chief of Engineers, Corps of Engineers, Building T-7, Gravelly Point, Washington, D. C., within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-12616; Filed, Nov. 26, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19023, Amdt.]

MARTHA SCHUMANN

In re: Debt owing to Martha Schumann. F-28-30403.

Vesting Order 19023, dated September 25, 1952, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 from the aforesaid Vesting Order 19023 and substituting therefor the following subparagraph:

2. That the property described as follows: A one-half interest in that certain debt or other obligation of the Federal Trust Company, 24 Commerce Street, Newark 2, New Jersey, arising out of a Thrift Account, account numbered 39424, held in the name of Edward Schumann maintained with the aforesaid company, and any and all rights to demand, enforce and collect the aforesaid one-half interest,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Martha Schumann, the aforesaid national of a designated enemy country (Germany);

All other provisions of said Vesting Order 19023, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12620; Filed, Nov. 26, 1952; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

NOVEMBER 20, 1952.

Notice is given that the plats of original surveys of the following described lands, accepted August 12, 1952, will be officially filed in the Land Office, Fairbanks, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

FAIRBANKS MERIDIAN

(1) T. 7 S., R. 5 E.,

The area described contains 3,282.61 acres. The land is located approximately 58 miles southeast of Fairbanks on the Richardson Highway. The land is hilly and wooded with spruce and birch. It is about 1½ miles northwest of Birch Lake and is fairly good agricultural ground.

(2) T. 8 S., R. 9 E.,

The area described contains 4,611.43 acres. The land is about 84 miles southeast of Fairbanks along the Richardson Highway. It is covered by a thin layer of gravel and is generally level with a few rolling hills. A few spruce and willow also covers the area.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, home or headquarters site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 42 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office.

ALFRED P. STEGER,
Manager.

[F. R. Doc. 52-12591; Filed, Nov. 26, 1952; 8:45 a. m.]

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

NOVEMBER 20, 1952.

Notice is given that the plat of original survey of the following described lands, accepted July 23, 1952, will be officially filed in the Land Office, Fairbanks, Alaska, effective at 10:00 a. m., on the 35th day after the date of this notice:

FAIRBANKS MERIDIAN

T. 8 S., R. 8 E.,

The area described contains 1,251.38 acres. The land is located approximately 80 miles southeast of Fairbanks in the Shaw Creek area, along the Richardson Highway. It is generally level, sparsely covered with spruce and willow wth a thin cover of gravel.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the Homestead or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, home or headquarter site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (52 Stat. 747, 43 U. S. C. 279-284), as amended, subject to

the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations, and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office.

ALFRED P. STEGER,
Manager.

[F. R. Doc. 52-12592; Filed, Nov. 26, 1952; 8:45 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 23; Docket No. 30—Revocation]

PERMA-SIDE CO.

REVOCATION OF SUSPENSION ORDER

As of June 30, 1952, John G. Alexander, Esq., as General Counsel for the National Production Authority, transmitted to the Chief Hearing Commissioner, National Production Authority, for appropriate action in an administrative adversary proceeding, statement of charges in seven counts against Samuel Rosenmutter, doing business as Perma-Side Company, 940 East Second Street, Los Angeles, Calif.

Hon. George P. Jones, of Santa Ana, Calif., was designated as the NPA commissioner to hear the aforesaid matter.

In the course of the hearing, which was had August 15, 1952, a stipulation was entered into between counsel for the National Production Authority and the respondent in which count 7 of the statement of charges was withdrawn by the Government, while the charges contained in counts 1 to 6 were admitted by the respondent. At the conclusion of the hearing, tentative findings, conclusion, and order was presented to the commissioner by counsel for the National Production Authority for his signature, which he signed, and which has been published as Suspension Order 23, Docket No. 30.

This order provided:

1. That all priority assistance be withdrawn and withheld from the respondent for a period of 6 months commencing from the 1st day of September 1952.

2. That all allocations and allotments of controlled material under the control of the National Production Authority be withheld from the respondent for a period of 6 months commencing from the 1st day of September 1952.

3. That the respondent be prohibited from producing or acquiring Class "A" products and from producing Class "B" products (as defined in National Production Authority CMP Regulation No. 1, as amended November 23, 1951, and as may be amended hereafter), and from acquiring, using, or disposing of any materials under control of the National Production Authority, except as may be directed by the Administrator of the National Production Authority for a period of 6 months commencing from the 1st day of September 1952.

4. That all privileges of self-certification and self-authorization granted by the National Production Authority with respect to controlled materials and materials under control of the National Production Authority be withdrawn and withheld from Samuel Rosenmutter, doing business as Perma-Side Company, for a period of 6 months commencing from the 1st day of September 1952.

As of October 20, 1952, the aforesaid respondent petitioned the Chief Hearing Commissioner for relief under the provisions of paragraph (c) of section 5 of NPA Rules of Practice, 17 F. R. 8156. Among other things, irreparable harm was alleged, as was also the allegation that the above-identified suspension order was contrary to the intent of section 102 (b) of P. L. 429, 82d Congress, June 30, 1952, Ch. 530, 2d Session, S. 2594, 66 Stat. 296.

By designation of this office, a hearing on the facts was conducted by Commissioner Jones, on October 27, 1952, at Los Angeles, Calif. NPA Regional Attorney E. J. Spielman representing the Government and Attorney William Strong representing the petitioner, to wit, Samuel Rosenmutter, d/b/a Perma-Side Company. This proceeding was stenographically reported and the transcript, consisting of some 92 pages, now constitutes a part of the record.

The evidence as disclosed by the aforesaid transcript shows clearly that had the petitioner herein (respondent in the original proceeding) made his applications for aluminum and received his allotments properly, on time and in order, he would have been entitled to receive 135,814 pounds of aluminum during the last 2 quarters of 1951 and the 4 quarters of 1952. Up to the present time he has actually received only 95,068 pounds. To restate the matter, his allotments, from the third quarter of 1951 to and through the second quarter of 1952, totaled 55,814 pounds, while he was entitled under self-certification during the third and fourth quarters of 1952, to 80,000 pounds, amounting in all to 135,814 pounds. Deducting therefrom the 95,068 pounds actually received, said petitioner was entitled to 40,746 pounds above receipts. Therefore, the economic stock-pile was not depleted by the aforesaid Rosenmutter beyond what he was actually entitled to; as a matter of fact, it is conceded on the record that he should have a credit with said economic stock-pile in the amount of 40,746 pounds.

It is shown further by the evidence that the said Rosenmutter's activities fall within the small business class, as do the activities of four of his distributors. Combined, these concerns employ some 50 employees who are out of employment or otherwise vitally affected by the above-identified suspension order of August 15, 1952.

Under the provisions of paragraph (c) of section 5 of NPA Rules of Practice, 17 F. R. 8156, it is accordingly ordered that the aforesaid suspension order is hereby revoked, set aside, and held for naught, and that said Samuel Rosenmutter, d/b/a Perma-Side Company, be forthwith restored to the privilege of procuring such aluminum allocations as he may be entitled to through self-certification procedure or otherwise.

Ex cathedra, it may be here added that Commissioner Jones is in accord with the action here taken.

Issued this 13th day of November 1952, at Washington, D. C.

NATIONAL PRODUCTION AUTHORITY,
By MORRIS R. BEVINGTON,
Deputy Chief Hearing Commissioner.

[F. R. Doc. 52-12722; Filed, Nov. 26, 1952; 10:57 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5766]

AIR AMERICA, INC.; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of Air America, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 4, 1952, at 10:00 a. m., e. s. t., in Room 5800, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., November 24, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-12618; Filed, Nov. 26, 1952; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1767, G-2035, G-2040, G-2047, G-2048, G-2049, G-2050, G-2091]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER INSTITUTING INVESTIGATION, DENYING REQUESTS FOR SHORTENED PROCEDURE, CONSOLIDATING PROCEEDINGS, FIXING DATE OF HEARING, AND SPECIFYING ORDER OF PROCEDURE

NOVEMBER 20, 1952.

In the matters of Panhandle Eastern Pipe Line Company, and Panhandle Eastern Pipe Line Company, Southeastern Michigan Gas Company, Citizens Gas Fuel Company, Citizens Gas Company, Michigan Gas Utilities Company; Docket Nos. G-1767, G-2035, G-2040, G-2047, G-2048, G-2049, G-2050, G-2091.

On August 14, 1951, Panhandle Eastern Pipe Line Company (Panhandle) filed an application at Docket No. G-1767 for a disclaimer of jurisdiction, or, in the alternative, a certificate of public convenience and necessity authorizing it to acquire and operate measuring facilities for the sale of gas to a glass plant of the Brockway Glass Company, Inc. (Brockway), near Lapel, Indiana.

The contract for service to Brockway, included in the application, provides for a volume obligation of 1,500 Mcf per day, of which the first 150 Mcf is to be sold on a firm basis and the remainder interruptible. The contract further provides:

28. The volumes of gas being sold hereunder to Buyer on a firm basis are contemplated to be an uninterruptible supply of gas: *Provided, however,* If there should occur at any point on the pipe line system of Seller a shortage of gas, Seller shall first, so far as practicable, curtail or interrupt deliveries of gas to customers purchasing gas from Seller on an interruptible basis; thereafter, Seller shall have the right to curtail and interrupt gas sold to Buyer hereunder on a firm basis, to the extent reasonably necessary in the judgment of Seller.

The obligation of Panhandle to provide firm service to its resale customers has been the subject of a number of proceedings before the Commission, including those which recently culminated in the issuance of Opinion Nos. 218 and 218-A, issued on August 31, 1951, and October 15, 1951, respectively. It was there noted that Panhandle's design capacity is 850,000 Mcf per day while its firm obligations considerably exceeded that figure. Of its firm obligations, only 3,000 Mcf was for direct sales of Panhandle, 2,000 Mcf being for the Bureau of Mines' installation at Mexico, Missouri, and 1,000 Mcf for farm tap customers.

Although the above-quoted provision of the Brockway contract may seek to recognize the priority of Panhandle's firm rate schedule obligations, it also appears to be designed to create, in effect, a new interruptible service between the firm classifications of Panhandle's tariff and the interruptible classification contemplated in Panhandle's "I" Rate Schedules. Thus, in the event of curtailment, wholesale customers purchasing interruptible gas under the "I" schedules would seem to be subject to curtailment before direct customers purchasing what would appear to be interruptible gas under contracts containing conditions similar to the one quoted above. This would appear to constitute the making or granting of an undue preference or advantage to certain customers and the subjecting of other customers to undue prejudice or disadvantage, and to constitute the maintenance of unreasonable differences in rates, charges, service, facilities and in other respects, either as between localities or as between classes of service.

A temporary certificate of public convenience and necessity was issued at Docket No. G-1767 on August 20, 1951, on condition that all service thereunder would be on an interruptible basis.

During the proceedings in Docket No. G-1612, et al., testimony was adduced indicating that Panhandle has commenced firm service, in whole or in part, to a number of its attached direct sale customers. Amended or new contracts covering service to these customers, filed with the Commission about that time under the provisions of Part 155 of the Commission's rules and regulations, all contain provisions similar to the above-quoted paragraph of the Brockway contract.

In addition, it appears that service was commenced to the Mueller Brass Company (Mueller) located in Port Huron, Michigan. Gas service in Port Huron is rendered by the Southeastern Michigan Gas Company (Southeastern). By Commission order issued December 1, 1950, Panhandle was authorized to sell and deliver natural gas to Southeastern at Clawson, Michigan, and Southeastern was authorized to construct and operate pipe-line facilities for the transportation of such gas to the Port Huron-Marysville area of Michigan. Panhandle, having no facilities which extend to Port Huron, entered into a transportation agreement with Southeastern for the delivery of gas to Mueller. No certificate authority for the sale to Mueller has been obtained by Panhandle, and Southeastern has neither obtained certificate authority to perform the transportation service for Panhandle nor filed a tariff, rate schedule, and service agreement covering the transportation service and charges therefor.

On August 26, 1952, Panhandle filed an application at Docket No. G-2035 for a disclaimer of jurisdiction, or, in the alternative, authority to sell and deliver natural gas to the food products processing plant of Mrs. Tucker's Products Division of Anderson, Clayton & Company located near Jacksonville, Illinois. A portion of the gas proposed to be sold is stated to be on a firm basis. The contract covering the sale, however, defines the firm classification in language similar to that quoted above from the Brockway contract.

On September 4, 1952, Panhandle filed an application at Docket No. G-2040, for a disclaimer of jurisdiction, or, in the alternative, authority to sell and deliver natural gas to the aluminum plant of Bohn Aluminum and Brass Corporation (Bohn) located in Adrian, Michigan. An amendment, filed September 11, 1952, eliminated the request for disclaimer of jurisdiction. Delivery is proposed to be made through the facilities of the Citizens Gas Fuel Company, the distribution company in Adrian. The nature of service classification of the gas proposed to be sold to Bohn is not clear, the contract stating that Seller may "curtail or interrupt" deliveries in order to meet the requirements of customers receiving service contemplating an "uninterruptible" supply of gas. There is no specification, however, of the status of Panhandle's proposed service in relation to the existing interruptible classification under its filed rate schedules.

An application for a certificate of public convenience and necessity, Docket No. G-2048, was filed by Panhandle on September 11, 1952, requesting authority to construct and operate 5½ miles of 6-inch diameter lateral transmission pipeline parallel to a portion of Panhandle's existing lateral to Adrian. These facilities are proposed to be constructed in order to permit deliveries to Bohn during the winter months when large volumes of firm gas must also be delivered to Citizens Gas Fuel Company. There is, therefore, a relationship between Docket Nos. G-2040 and G-2048. Temporary authorization in these dockets was issued on October 23, 1952.

On September 11, 1952, Panhandle filed an application at Docket No. G-2047, for a disclaimer of jurisdiction, or, in the alternative, a certificate of public convenience and necessity authorizing the construction and operation of a metering and regulating station and appurtenant equipment through which to serve natural gas to be used as fuel in the chemical plant of National Petro-Chemicals Corporation (Petro-Chemicals) located near Tuscola, Illinois. The contract for the sale of this gas states that it is contemplated to be sold as an uninterruptible supply; however, in the event of a shortage of gas Panhandle shall have the right to curtail such sales to the extent reasonably necessary, in its judgment, after first curtailing, so far as practicable, deliveries of gas to customers purchasing gas on an interruptible basis. Although the service to Petro-

Chemicals is not described as being firm, as in the case of the Brockway contract, the conditions under which there may be curtailment or interruption, in substance, appear to be similar.

In addition to its sale of gas to Petro-Chemicals for fuel purposes, Panhandle has contracted with Petro-Chemicals to sell to it certain volumes of ethane and heavier hydrocarbons contained in the stream of natural gas being transported in Panhandle's pipeline. The stream of gas in Panhandle's main line will be diverted through one of two 34-inch pipelines to be constructed by Petro-Chemicals, which will carry it to the Petro-Chemicals plant where the ethane and heavier hydrocarbons will be removed. The natural gas remaining after the removal of such components will be returned to the inlet of Panhandle's Tuscola Compressor Station by means of the second 34-inch pipeline.

Petro-Chemicals was organized by Panhandle and National Distillers Products Corporation, to engage in the extraction and manufacture of various chemicals from natural gas. By written contract, Panhandle has agreed and has become entitled to purchase 40 percent of the capital stock of Petro-Chemicals at a cost of $5,775,000 and to invest an additional $1,707,328 by purchase of additional shares of stock or loans, and to invest an additional $1,200,000 in Petro-Chemicals if additional funds are required to complete the project or to maintain its working capital. The extraction plant will be built by Petro-Chemicals and turned over to Panhandle to be managed and operated.

The application for a certificate of public convenience and necessity, in the alternative, filed at Docket No. G-2047, encompasses only the construction and operation of a measuring and regulating station and appurtenant equipment through which the fuel being sold to the plant is proposed to be metered. No application has been filed for the construction and operation by Panhandle of the connection of Panhandle's main line with the 34-inch lines to Petro-Chemicals' plant, or for the operation by Panhandle of the latter lines and Petro-Chemicals' plant.

It appears that the Petro-Chemicals plant and the pipelines serving it will comprise a means for Panhandle to transport natural gas in interstate commerce. The construction and operation of the facilities to be built and operated by Panhandle, and the operation of that portion of the facilities to be built by Petro-Chemicals and operated by Panhandle, may therefore be subject to the certificate jurisdiction of the Commission, and an investigation is warranted in order to determine such jurisdiction.

Examination of Panhandle's application indicates that, among other effects, the removal of ethane and heavier hydrocarbons from Panhandle's pipeline gas may reduce the volume of gas available for resale customers and may reduce the Btu content in the gas that is available. It is possible that this could have serious consequences on Panhandle's ability to meet its requirements and conditions of service, set out in its tariff, rate schedules and service agreements, and in the various orders of the Commission relating to such matters. It therefore appears that investigation of these matters should be instituted, together with the investigation to determine the Commission's jurisdiction.

On September 11, 1952, Panhandle filed an application at Docket No. G-2049, for a disclaimer of jurisdiction, or, in the alternative, authority to sell and deliver natural gas to the DeKalb Agricultural Association located at Tuscola, Illinois. Delivery is proposed to be made through the facilities of Citizens Gas Company, the distributing company in Tuscola. The conditions under which there may be curtailment or interruption appear to be substantially the same as those described as being in the Petro-Chemicals contract.

On September 11, 1952, Panhandle filed an application at Docket No. G-2050, for a disclaimer of jurisdiction, or, in the alternative, authority to sell and deliver natural gas to Monroe Paper Products Company in Monroe, Michigan. Delivery is proposed to be made through the facilities of Michigan Gas Utilities Company, the distributing company in Monroe. The proposed sale is to be on a temporary or "dump" basis.

No applications for certificates of public convenience and necessity have been filed by Citizens Gas Fuel Company of Adrian, Michigan, Citizens Gas Company of Tuscola, Illinois, and Michigan Gas Utilities Company, for authority to transport natural gas for the account of Panhandle to the plants of Bohn, DeKalb Agricultural Association, and Monroe Paper Products Company at Docket Nos. G-2040, G-2049, and G-2050, respectively. It appears that this operation may constitute transportation of natural gas in interstate commerce subject to the jurisdiction of the Commission; and if that be the case, prior to the rendition of such service, Citizens Gas Fuel Company, Citizens Gas Company, and Michigan Gas Utilities Company should secure certificates of public convenience and necessity and file appropriate tariffs, rate schedules, and service agreements.

Due notice of the filing of the applications has been given, including publication in the FEDERAL REGISTER, concerning Docket No. G-1767, on August 30, 1951 (16 F. R. 8806), Docket No. G-2035 on September 16, 1952 (17 F. R. 8308), Docket No. G-2040 on September 20, 1952 (17 F. R. 8464), Docket No. G-2047 on September 26, 1952 (17 F. R. 8598), Docket No. G-2048 on September 26, 1952 (17 F. R. 8599), Docket No. G-2049 on September 26, 1952 (17 F. R. 8599), and Docket No. G-2050 on September 26, 1952 (17 F. R. 8599).

Panhandle has requested that each of the applications, Docket Nos. G-1767, G-2035, G-2040, G-2047, G-2048, G-2049, and G-2050 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). It appears, however, that these proceedings involve common questions of law and fact, either with respect to jurisdiction or to possible discriminatory aspects of the service involved, which can be determined only after unabridged hearings. The other docket herein considered either involves the same common questions of law and fact or is intimately interrelated to dockets involving such matters.

The Commission finds:

(1) Panhandle, a Delaware corporation having its principal place of business at Kansas City, Missouri, owns and operates, among other facilities, a natural-gas transmission pipeline system located in the States of Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Ohio and Michigan, and by reason of such operations is engaged in the transportation and sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission's order of October 17, 1945, at Docket No. G-254, 4 F. P. C. 1081.

(2) Southeastern, a Michigan corporation having its principal place of business at Port Huron, Michigan, owns and operates among other facilities, a natural-gas transmission pipeline system, located in the State of Michigan, and by reason of such operations is engaged in the transportation of natural gas in interstate commerce, subject to the jurisdiction of the Commission, and is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission's order of December 1, 1950, at Docket No. G-1415.

(3) It is necessary and proper in the public interest that an investigation be instituted by the Commission, upon its own motion, to determine whether:

(a) Panhandle's maintenance of priorities of service for its direct sale customers, different from those set forth in its filed tariff and rate schedules, is unjust, unreasonable, unduly discriminatory, or preferential.

(b) The proposed transportation of natural gas by Panhandle to, through, and from the Petro-Chemicals plant is a transportation of natural gas in interstate commerce, subject to the jurisdiction of the Commission, so that Panhandle's construction and operation of some facilities and its operation of other facilities for such transportation, without prior certificate authorization, is a violation of the Natural Gas Act, including particularly section 7.

(c) The removal of ethane and heavier hydrocarbons from the natural gas transported by Panhandle, incident to the proposed transportation described in (b) above, will affect Panhandle's service to its resale customers, in a manner contrary to the provisions of its tariff, rate schedules, and service agreements on file with the Commission, the various Commission orders pertaining to such service, the Natural Gas Act, and the rules and regulations of the Commission thereunder.

(d) Panhandle is violating the Natural Gas Act, including particularly section 7, by reason of its sale of natural gas to Mueller without having first secured a certificate of public convenience and necessity authorizing such sale.

(e) Southeastern is violating the Natural Gas Act, including particularly sections 4 and 7, by reason of its transportation of natural gas, sold by Panhandle to Mueller, without having first secured a certificate of public convenience and necessity authorizing such transportation, and without having first filed with the Commission a tariff, rate schedule, and service agreement showing the applicable rates and charges for such transportation.

(f) Citizens Gas Fuel Company of Adrian, Michigan, will, by reason of its transportation of natural gas, proposed to be sold by Panhandle to Bohn under the authorization sought by Panhandle at Docket No. G-2040, become a "natural-gas company" within the meaning of the Natural Gas Act, so that the rendition of such transportation service without certificate authorization and the filing of appropriate tariff, rate schedule, and service agreement, will be in violation of the Natural Gas Act, including particularly sections 4 and 7.

(g) Citizens Gas Company of Tuscola, Ill., will, by reason of its transportation of natural gas, proposed to be sold by Panhandle to DeKalb Agricultural Association under the authorization sought by Panhandle at Docket No. G-2049, become a "natural-gas company" within the meaning of the Natural Gas Act, so that the rendition of such transportation service, without certificate authorization and the filing of appropriate tariff, rate schedule and service agreement, will be in violation of the Natural Gas Act, including particularly sections 4 and 7.

(h) Michigan Gas Utilities Company will, by reason of its transportation of natural gas proposed to be sold by Panhandle to Monroe Paper Products Company under the authorization sought by Panhandle at Docket No. G-2050, become a "natural-gas company" within the meaning of the Natural Gas Act, so that the rendition of such transportation service, without certificate authorization and the filing of appropriate tariff, rate schedule, and service agreement, will be in violation of the Natural Gas Act, including particularly sections 4 and 7.

(4) Good cause has not been shown for granting Panhandle's requests that its applications at Docket Nos. G-1767, G-2035, G-2040, G-2047, G-2048, G-2049, and G-2050 be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and said requests should be denied as hereinafter ordered.

(5) It is appropriate for carrying out the provisions of the Natural Gas Act that hearings be held as hereinafter ordered in Docket Nos. G-1767, G-2035, G-2040, G-2047, G-2048, G-2049, G-2050, and in the investigation initiated herein, which is docketed as G-2091 and that good cause exists for consolidating all of these dockets for purposes of hearing.

The Commission orders:

(A) Pursuant to the provisions of the Natural Gas Act, including particularly sections 4, 5, 7, 14, 15, and 16, and the Commission's rules and regulations thereunder, investigation be and the same hereby is instituted with respect to the matters set forth in finding (3) above for the purpose of ascertaining the relevant facts as a basis for such action by the Commission as may be appropriate in the circumstances.

(B) Panhandle's requests that its applications in Docket Nos. G-1767, G-2035, G-2040, G-2047, G-2048, G-2049 and G-2050 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)), be and the same hereby are denied.

(C) The proceedings in Docket Nos. G-1767, G-2035, G-2040, G-2047, G-2048, G-2049, G-2050, and G-2091 be and the same hereby are consolidated for the purpose of hearing.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 7, 14, 15 and 16, and the Commission's rules of practice and procedure, a public hearing be held commencing on December 16, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters presented and the issues involved in the consolidated proceedings.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

(F) At the hearing, except for such deviation and additions as the Presiding Examiner may determine to be required in the interest of expedition, Panhandle shall go forward first and shall present its case-in-chief as to the matters herein consolidated. Thereafter each of Panhandle's witnesses shall be cross-examined. Following the completion of such cross-examination, Southeastern, Citizens Gas Fuel Company, Citizens Gas Company, Michigan Gas Utilities Company, Interveners, and the Staff, in the order named, shall each present their case-in-chief, to the followed, upon completion of all such presentations, by cross-examination thereof.

Date of issuance: November 21, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12594; Filed, Nov. 26, 1952; 8:46 a. m.]

[Docket Nos. G-1824, G-1980]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 21, 1952.

Notice is hereby given that on November 21, 1952, the Federal Power Commission issued its order entered November 19, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12614; Filed, Nov. 26, 1952; 8:48 a. m.]

[Docket No. G-1982]

TREASURE STATE PIPE LINE CO.

NOTICE OF ORDER AUTHORIZING EXPORTATION OF NATURAL GAS FROM UNITED STATES TO CANADA

NOVEMBER 21, 1952.

Notice is hereby given that on November 19, 1952, the Federal Power Commission issued its order entered November 18, 1952, in the above-entitled matter, authorizing the exportation of natural gas from the United States to Canada, said authorization not to extend beyond the date of termination of the Presidential Permit granted to Applicant on October 30, 1952, in Docket No. G-1983.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12613; Filed, Nov. 26, 1952; 8:47 a. m.]

[Docket No. G-2047]

PANHANDLE EASTERN PIPE LINE

NOTICE OF AMENDMENT TO APPLICATION

NOVEMBER 21, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed an amendment on November 17, 1952, to its September 11, 1952, application in the alternative for (1) a disclaimer of Commission jurisdiction or (2) a certificate of public convenience and necessity, notice of which application was published in the FEDERAL REGISTER on September 26, 1952 (17 F. R. 8599).

The amendment requests a disclaimer of jurisdiction, or, in the alternative, a certificate of public convenience and necessity for Panhandle's operation of the 34-inch service line to be used to carry the stream of gas from which hydrocarbons are to be extracted and fuel gas is proposed to be sold to National Petro-Chemicals Corporation and of any connection appurtenant thereto. The subject service line will be constructed by National Petro-Chemicals Corporation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of December 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12593; Filed, Nov. 26, 1952; 8:45 a. m.]

[Docket No. G-2069]

PHILADELPHIA ELECTRIC CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 21, 1952.

Notice is hereby given that on November 21, 1952, the Federal Power Commission issued its order entered November 20, 1952, issuing certificate of public con-

venience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12615; Filed, Nov. 26, 1952; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 93]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

NOVEMBER 26, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Kansas City, Missouri-Kansas, Area. (The area consists of the following in Missouri: All of Jackson, Clay, and Platte Counties; and the following in Kansas: Kansas City and the townships of Prairie, Quindaro, Shawnee and Wyandotte, all in Wyandotte County; the townships of Aubry, Mission, Oxford, and Shawnee, and the cities of Fairway, Leawood, Mission Hills, Mission Woods, Westwood, Westwood Hills, Lenexa, and Shawnee, all in Johnson County.)

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-12700; Filed, Nov. 26; 1952; 10:39 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2955]

OHIO EDISON CO.

ORDER PERMITTING SUBMISSION TO STOCKHOLDERS OF PROPOSED AMENDMENT TO ARTICLES OF INCORPORATION TO AUTHORIZE ADDITIONAL SHARES OF PREFERRED STOCK AND INCREASE PAR VALUE OF COMMON STOCK

NOVEMBER 21, 1952.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company, having filed a declaration, and an amendment thereto, pursuant to sections 6 (a), 7 and 12 (e) of the act and Rule U-62 promulgated thereunder with respect to the following proposed transactions:

Ohio's construction program for 1953 anticipates expenditures approximating $57,000,000. In addition, Ohio has obligated itself to invest approximately $3,300,000 in the common stock of the Ohio Valley Electric Corporation, a new corporation formed by various public utility companies to provide the Atomic Energy Commission with its electric energy requirements for its proposed plant near Portsmouth, Ohio. Ohio estimates that based upon the present level of earnings and current expectations as to the progress of the construction program additional securities will be sold to the public in 1953 for approximately $32,000,000. Ohio believes that it would be desirable, assuming favorable market conditions, to raise the necessary funds for 1953 by the public sale, early in the year, of 150,000 additional shares of preferred stock and, at or about the same time, of an additional 479,846 shares of common stock on a rights offering.

Ohio states that under its Articles of Incorporation it has only 13,700 shares of authorized but unissued preferred stock. The Articles also provide that additional shares of preferred stock may be issued only if the excess of the aggregate par value of the outstanding common stock (which presently has a par value of $8 per share) over $14,366,776 is at least equal to the product of $75 times the number of shares of preferred stock outstanding (including the shares to be issued) in excess of 200,000. This provision would, so long as the par value of the common stock is $8 per share, limit the number of additional shares of preferred stock issuable at present to approximately 34,000 shares and the number of such shares issuable after the sale of an additional 479,846 shares of common stock to approximately 85,000 shares.

In order to enable Ohio to issue and sell additional shares of preferred stock in 1953, as contemplated, the company proposes to submit to the common stockholders a proposed amendment to the Articles of Incorporation which will

(a) Increase the authorized number of shares of preferred stock, par value $100 per share, from 500,000 to 1,000,000; and

(b) Increase the par value of the shares of common stock from $8 per share to $12 per share.

Ohio proposes to submit to its common stockholders, at a special meeting to be called for that purpose, the proposed amendment to its Articles. For the amendment to become effective, it must be approved by the holders of two-thirds of the outstanding shares of common stock. In connection with such special meeting, Ohio proposes to solicit proxies to be voted in favor of the proposed amendment and it further proposes, if it shall become necessary or advisable in its opinion, to employ professional proxy solicitors.

To reflect the proposed increase in the par value of its presently outstanding common stock, Ohio proposes to transfer to Common Stock Capital an amount equal to $4 per share of common stock outstanding, such transfer to be made from Premium on Common Stock Account and from Capital Surplus Account of $12,010,452 and $7,183,388, respectively.

The declarant's expenses are estimated at not to exceed $10,500 for printing and mailing, $1,500 for counsel fees, $1,500 for solicitation costs, and if professional proxy solicitors are employed $10,000 for expenses and compensation of such solicitors.

Declarant states that no State or other Federal Commission has jurisdiction over the proposed transactions and the company requests that the Commission's order herein become effective forthwith upon issuance.

Said declaration, as amended, having been filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the Act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the Act and Rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the fees and expenses of counsel and of any professional proxy solicitors who may be employed in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-12595; Filed, Nov. 26, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Construction Industry Stabilization Commission, Wage Stabilization Board

[Amdt. 2]

CALIFORNIA

AREA WAGE RATES

Area wage rates for the state of California up to approximately October 17, 1952, are hereby added to the list previously published in the FEDERAL REGISTER issue of October 30, 1952, at F. R. 9784.

The following table shows the area wage rates that have been published and the FEDERAL REGISTER citation.

Alabama	17 F. R. 9784
Arizona	17 F. R. 9789
Arkansas	17 F. R. 10576

THOMAS J. KALIS,
DUNCAN CAMPBELL,
Co-Chairmen,
ROBERT J. LUDWIG,
Administrative Assistant, Construction Industry Stabilization Commission.

Area rates approved and issued by the Construction Industry Stabilization Commission for the State of California up to approximately October 17, 1952.

SEC. 4 *Area wage rates for California.*

Asbestos Workers

Case C-5398: Counties of Kings, Tulare, Fresno, Riverside, Kern, Mono, Inyo, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, Los Angeles, Orange, San Diego, and Imperial; building construction only.

Asbestos mechanic	$2.90

Case C-8227: San Francisco and area within the territorial jurisdiction of International Association of Heat and Frost Insulators and Asbestos Workers, Local 16; building and heavy construction only.

Asbestos worker mechanic	$2.90

Blacksmiths

Case C-7821: Counties of San Diego, Imperial, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Kern, Inyo, and Mono; building construction only.

Blacksmith	$2.40
Blacksmith helper	2.12

Boilermakers

Case C-4845: Entire State of California; building construction only.

Foreman	$3.00
Assistant foreman (pusher)	2.85
Journeyman boilermaker	2.75
Boilermaker helper	2.45

Bricklayers

Case Nos. C-6048, C-6891, C-7141, C-7877, C-7321, C-8418, C-8594, C-9958: Counties of Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, and Ventura; building construction only.

Journeyman bricklayer and cement block layer	$3.175

Case C-9200: City of Fresno; building construction only.

Journeyman bricklayer	$3.20

Case C-7430: Counties of Monterey and Santa Cruz; building construction only.

Journeyman bricklayer	$3.375

Case C-6085: Counties of Santa Clara and San Benito; building construction only.

Journeyman bricklayer and block layer	$3.45

Carpenters

Case C-8116: Counties of Alpine, Amador, Butte, Calaveras, Contra Costa, Colusa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Sonoma, Solano, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba; building, heavy and highway construction.

Journeyman carpenter	$2.54
Journeyman millwright, shingler, floor layer (hardwood), and saw filer	2.665
Millwright, bridge and heavy timber (Solano and Contra Costa Counties only)	2.665
Power saw operator (Solano only)	2.665

Cases C-7425 and C-7617: Counties of San Diego, Imperial, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Kern, Inyo and Mono; building, heavy and highway construction.

Journeyman carpenter	$2.57
Journeyman carpenter (Kern County only)	2.65
Journeyman shingler	2.70
Journeyman shingler (Kern County only)	2.77
Journeyman floor layer	2.77
Journeyman millwright	2.77
Journeyman saw filer and table power saw operator	2.65
Journeyman saw filer and table power saw operator (Kern, Inyo, and Mono Counties only)	2.72
Piledrivers:	
Piledriver foreman	3.00
Pile driver man:	
Bridge or dock carpenter	2.70
Derrick bargeman	2.52
Head rock slinger	2.67
Rock slinger	2.47

Case C-9014: Counties of Los Angeles, Orange, Riverside, San Bernardino, Imperial, San Diego, Ventura, Santa Barbara, San Luis Obispo, Kern, Inyo, and Mono; building construction only.

Foreman	$2.97
Drywall installer—Journeymen	2.72
Drywall installer:	
First 3 months	2.07
Second 3 months	2.27
Third 3 months	2.52

Case C-7703: Counties of San Francisco, Alameda, San Mateo, and Marin; building, heavy and highway construction.

Construction carpenter	$2.60
Shingler	2.73
Hardwood floorlayer	2.73
Millwright	2.73

Case C-8503: Counties of Alameda, Alpine, Amador, Butte, Calaveras, Contra Costa, Colusa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Mariposa, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba; building, heavy and highway construction.

Pile driver, bridge, wharf and dock builder	$2.7075
Foreman	3.0375

Case C-8502: Counties of Alameda, Alpine, Amador, Butte, Calaveras, Contra Costa, Colusa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Mariposa, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba; building, heavy and highway construction.

Diver, per day	$56.20
Tender, per hour	3.0375
Standby man, per hour	2.7075

Cement Finishers and Masons

Case C-9323: Counties of Fresno, Tulare, Madera, and Kings; building and highway construction only.

Cement finisher (mason) journeyman	$2.57
Mastic, magnesite and all composition finishers	2.71
Power machine operator	2.71
Cement mason foreman	2.71
Mastic, magnesite and all composition foreman	2.85

Cases C-7425 and C-7617: Counties of San Diego, Imperial, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Kern, Inyo, and Mono; building, heavy and highway construction.

Journeyman cement mason	$2.57
Journeyman cement mason—composition or mastic	2.69
Journeyman cement floor finishing machine operator	2.60

Case C-8418: Pasadena and area within the territorial jurisdiction of Bricklayers, Masons and Plasterers Union, Local 15; building construction only.

Mason	$3.175

Case C-8200: Counties of Alameda, Alpine, Amador, Butte, Calaveras, Contra Costa, Colusa, Del Norte, Eldorado, Glenn, Humboldt, Lake, Lassen, Mariposa, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba; building, heavy and highway construction.

Journeyman cement mason	$2.57
Mastic, magnesite and all composition mason	2.71
Power machine operator (Whitman or Kelly Float)	2.71
Cement mason foreman	2.71
Mastic, magnesite and all composition foreman	2.845

Electrical Workers

Case C-5645: Counties of Modoc and Siskiyou; building and heavy construction only.

Inside wireman	$2.65
Wireman foreman	2.90
Bench man or shop repairman	2.45
Appliance serviceman	2.55
Apprentice wireman:	
First 6 months	1.325
Second 6 months	1.46
Third 6 months	1.59
Fourth 6 months	1.72
Fifth 6 months	1.855
Sixth 6 months	1.99
Seventh 6 months	2.12
Eighth 6 months	2.28

Case C-6630: Bakersfield and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 428; building and heavy construction only.

Journeyman electrician	$3.00

Case C-6570: Eureka and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 482; building and heavy construction only.

Foreman	$3.15
Subforeman	3.005
Journeyman electrician	2.90
Journeyman cable splicer	3.20

Cases C-7890 and C-5644: Fresno and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 100; building and heavy construction only.

Journeyman electrician and lineman	$3.00
Groundman	2.18

Apprentice wireman:
- First 6 months—50 percent of journeyman rate.
- Second 6 months—55 percent of journeyman rate.
- Third 6 months—60 percent of journeyman rate.
- Fourth 6 months—65 percent of journeyman rate.
- Fifth 6 months—70 percent of journeyman rate.
- Sixth 6 months—75 percent of journeyman rate.
- Seventh 6 months—80 percent of journeyman rate.
- Eighth 6 months—85 percent of journeyman rate.

Case C–8314: El Centro and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 447; building and heavy construction only.

Journeyman electrician and lineman	$3.00
Cable splicer	3.275
Apprentice:	
First 6 months—50 percent of journeyman rate.	
Second 6 months—55 percent of journeyman rate.	
Third 6 months—60 percent of journeyman rate.	
Fourth 6 months: 65 percent of journeyman rate.	
Fifth 6 months—70 percent of journeyman rate.	
Sixth 6 months—75 percent of journeyman rate.	
Seventh 6 months—80 percent of journeyman rate.	
Eighth 6 months—85 percent of journeyman rate.	

Case C–5220: Los Angeles and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 11; building and heavy construction only.

Journeyman wireman	$3.00

Case C–5500: Los Angeles and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 18; building and heavy line construction only.

Journeyman lineman	$3.00
Foreman	3.25
General foreman	3.50
Probationary lineman	2.625
Helper	2.25
Electric mechanic	3.00
Cable splicer	3.30
Radio towerman	4.00

Case C–7328: Modesto and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 684; building and heavy construction only.

Foreman	2.96
Subforeman	2.835
Journeyman wireman	2.71
Cable splicer	3.06
Journeyman lineman	2.71

Case C–6062: Monterey and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 1072; building and heavy construction only.

Journeyman wireman	$2.90
Journeyman lineman	2.90
Journeyman maintenance man	2.90
Journeyman motor winder	2.625
Journeyman cable spicer	3.15
Job foreman	3.025
Foreman	3.15
General foreman	3.40
Groundman	2.25
Apprentice:	
First 6 months—35 percent of journeyman rate.	
Second 6 months—40 percent of journeyman rate.	
Third 6 months—45 percent of journeyman rate.	
Fourth 6 months—55 percent of journeyman rate	
Fifth 6 months—65 percent of journeyman rate.	
Sixth 6 months—75 percent of journeyman rate.	
Seventh 6 months—90 percent of journeyman rate.	
Eighth 6 months—90 percent of journeyman rate.	

Case C–7711: Oakland and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 595; building and heavy construction only.

General foreman, in charge of 5 or more subforemen	$3.585
General foreman, in charge of 4 or less subforemen	3.41
Foreman and subforeman	3.235
Journeyman electricians	2.885
Journeyman cable splicer	3.235

Case C–8993: Oakland and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 1245; building and heavy construction only.

Journeyman lineman	$3.00

Also maintenance of customary differentials for general foreman, foreman, line equipment man, assembly man, groundman, journeyman cable splicer.

Case C–4791: Counties of Shasta, Lassen, Tehama, Plumas, Glenn, Colusa, Butte, Sutter, Yuba, Yolo, Sacramento, Amador, and Trinity, also that portion of Sierra, Nevada, El Dorado, Placer, and Alpine counties which is west of the main watershed through these counties; building and heavy construction only.

Journeyman wireman	$3.00
Journeyman cable splicer	3.35

Case C–5602: Salinas and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 243; building and heavy construction only.

Journeyman electrician	$2.90

Case C–6540: County of Contra Costa; building and heavy construction only.

General foreman	$3.585
Assistant general foreman	3.41
Foreman	3.235
Journeyman electrician	2.885
Cable splicer	3.235

Case C–8283: San Bernardino and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 477; building and heavy construction only.

Journeyman wireman, lineman, and crane operator	$3.00
Journeyman welder	3.00
Journeyman cable splicer	3.30
Radio towerman	4.00
Apprentice wireman and lineman	(1)
Groundman	(2)
Cable splicer foreman	3.55

[1] 50 percent through 85 percent of journeyman wage.

[2] 75 percent of journeyman wage.

Case C–7194: San Diego and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 569; building and heavy construction only.

Journeyman tube bender and sign erector	$2.80
Apprentice:	
Class 1, after 24 months	2.06
Class 2, after 18 months	1.96
Class 3, after 12 months	1.86
Class 4, after 6 months	1.76
Class 5, starting rate	1.66

Case C–7891: San Diego and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 569; building and heavy construction only.

Journeyman electrician	$3.00
Apprentice:	
First year:	*Percent*
First 6 months	50
Second 6 months	55
Second year:	
First 6 months	60
Second 6 months	65
Third year:	
First 6 months	70
Second 6 months	75
Fourth year:	
First 6 months	80
Second 6 months	85

Case C–7898: San Diego and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 465; building and heavy construction only (line).

General foreman	$3.50
Foreman	3.25
Journeyman lineman	3.00
Cable splicer foreman	3.50
Journeyman cable splicer	3.25
Apprentice lineman:	
First 6 months	2.50
Second 6 months	2.61
Third 6 months	2.72
Fourth 6 months	2.83
Fifth 6 months	2.94
Sixth 6 months	3.00
Groundman	2.25

Case C–2949 and C–3906: San Francisco and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 6; building and heavy construction only.

Journeyman inside wireman	$3.00
Inside wireman foreman	3.35
Inside general foreman	3.70
Cable splicer	3.35
Journeyman lineman	3.00
Lineman foreman	3.35
Lineman general foreman	3.70
Groundman	2.30
Apprentice (inside wireman):	*Percent*
First 6 months	50
Second 6 months	55
Third 6 months	60
Fourth 6 months	65
Fifth 6 months	70
Sixth 6 months	75
Seventh 6 months	80
Eighth 6 months	85

Case C–6210: San Jose and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 332; building and heavy construction only.

Journeyman electrician	$3.00
Foreman	3.35
Subforeman	3.35
General foreman	3.70
Journeyman cable splicer	3.35

Case C–3794: County of San Luis Obispo; building and heavy construction only.

Foreman	$3.12
Subforeman	2.90
Journeyman electrical worker and lineman	2.75
Journeyman cable splicer	2.90
Groundman	2.15
Apprentice:	
First year:	
First 6 months	2.25
Second 6 months	2.30
Second year:	
First 6 months	2.35
Second 6 months	2.40
Third year:	
First 6 months	2.50
Second 6 months	2.60

Case C–3907: San Mateo and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 617; building and heavy construction only.

Journeyman inside wireman	$3.00
Inside wireman foreman	3.35
Inside wireman general foreman	3.70
Cable splicer	3.35

Case C–7724: County of Orange; building and heavy construction only (Line).

Journeyman lineman	$3.00

Case C–7725: County of Orange; building and heavy construction only.

Journeyman wireman	$3.00

Case C–7128: Santa Barbara and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 413; building and heavy construction only.

Journeyman wireman and lineman electrician	$3.00
Journeyman cable splicer	3.25
Groundman	2.25

Case C–7134: Santa Cruz and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 609; building and heavy construction only.

Journeyman electrician	$2.79

Case C–2750: Counties of Marin, Sonoma, Mendocino, and Lake; building and heavy construction only.

Journeyman wireman and lineman	$2.75
Cable splicer	3.05
Groundman	2.00

Case C–6265: Counties of Marin, Sonoma, Mendocino, and Lake; building and heavy construction only.

Journeyman electrician	$3.00

Case C–5387: Counties of San Joaquin and Calaveras; building and heavy construction only.

Apprentice electrician:
- First 6 months—50 percent of journeyman rate.
- Second 6 months—52.5 percent of Journeyman's rate.
- Third 6 months—55 percent of journeyman's rate.
- Fourth 6 months—57.5 percent of journeyman's rate.
- Fifth 6 months—60 percent of journeyman's rate.
- Sixth 6 months—65 percent of journeyman's rate.
- Seventh 6 months—70 percent of journeyman's rate.
- Eighth 6 months—75 percent of journeyman's rate.

Case C–7900: Counties of San Joaquin and Calaveras; building and heavy construction only. (Domestic, commercial and industrial)

Journeyman electrician	$3.00

Case C–8169: Taft and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 343; building and heavy construction only.

Journeyman electrician, lineman, and wireman	$3.00

Also maintenance of the existing differentials for other classifications.

Case C–6030: Counties of Solano and Napa; building and heavy construction only.

Electrician, apprentice:
- First 6 months—50 percent of journeyman's rate.
- Second 6 months—55 percent of journeyman's rate.
- Third 6 months—60 percent of journeyman's rate.
- Fourth 6 months—65 percent of journeyman's rate.
- Fifth 6 months—70 percent of journeyman's rate.
- Sixth 6 months—75 percent of journeyman's rate.
- Seventh 6 months—80 percent of journeyman's rate.
- Eighth 6 months—90 percent of journeyman's rate.

Case C–7899: Ventura and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 952; building and heavy construction only.

Journeyman electrician	$3.00
Journeyman lineman	3.00
Journeyman cable splicer	3.30
Groundman	2.25

Case C–8428: Watsonville and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 526; building and heavy construction only.

Journeyman electrician	$2.90

Elevator Constructors

Case C–4284: All of California south of the Tehachapi line; construction, repair, contract service and modernization in elevator industry.

Elevator constructor mechanic	$2.825
Elevator constructor helper	1.98
Elevator constructor foreman	3.18

Case C–5187: Entire State north of the Tehachapi line; construction, repair, contract service, and modernization in elevator industry.

Elevator constructor foreman	$3.335
Journeyman constructor mechanic	2.965
Journeyman constructor helper	2.075

Glaziers

Case C–4326: Counties of Shasta, Tehama, Trinity, and Modoc; building construction only.

Journeyman glazier	$2.625

Case C–9078: Counties of San Francisco, Alameda, and Santa Clara; building construction only.

Journeyman glazier and glassworker	$2.45

Case C–615: City of Stockton; building construction only.

Glaziers	$2.30

Iron Workers

Case C–824!: Entire State of Arizona, excluding Davis Dam area (California); but including Blythe, California area; and Lordsburg, New Mexico area; building, heavy and highway construction.

Journeyman iron worker	$2.73

Case C–8402: Counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura, Santa Barbara, San Luis Obispo, Kern (south of the Tehachapi), Inyo, and Mono; building, heavy and highway construction.

Pan working foreman	$2.37
Pan setter	2.25
Pan setter helper	2.00

Case C–3790: Counties of Kern (in part), Santa Barbara (in part), Ventura, Los Angeles, San Bernardino, Riverside, San Diego, Imperial, Inyo (in part), and Orange; building, heavy and highway construction.

Journeyman structural and ornamental iron worker	$2.70

Case C–8387: Counties of Kern (in part), Santa Barbara (in part), Ventura, Los Angeles, Orange, San Bernardino, Riverside, San Diego, Imperial, and Inyo (in part); building, heavy and highway construction.

Reinforcing iron worker	$2.61

Case C–8956: Counties of Santa Barbara (northern part), Kern, Inyo, and all other counties lying north in the State of California; building, heavy and highway construction.

Structural ironworker and rigger	$2.85
Ornamental ironworker and fence erector	2.70
Reinforced ironworker	2.60

Laborers

Case C–5160: Entire State of California; mainline pipeline construction only.

Laborer	$1.90

Case C–7773: County of Fresno; building construction only.

General laborer	$1.75
Cesspool and septic tank workers:	
First 30 days	1.85
After 30 days	1.94
Driller (helper)	1.97
Cesspool pumpman, per week	86.85

Cases C–7425 and 7617: Counties of San Diego, Imperial, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Kern, Inyo, and Mono; building, heavy and highway construction.

Laborer, General and Construction:	
Underground Laborer, Inc	$1.94
Caisson bellowers	2.07
Operator and tender of pneumatic and electric tools, vibrator, machine and similar mechanic tools not separately classified herein	2.14
Miner—hand or machine	2.29
Motorman	2.29
Cement dumper—on 1 yard or larger mixer and hand bulk cement	2.14
Cribber or shorer	2.29
Powderman	2.29
Chucktender	2.03
Mucker, dumpman and trackman in tunnels	2.09
Asphalt raker and ironer	2.14
Buggymobile man	2.14
Cutting torch operator—demolition	1.99
Concrete curer—impervious membrane	2.12
Drillers—core, diamond or wagon	2.37
Drillers—all others	2.22
Fine grader—highway and street paving only	2.04
Flagman	1.94
Watchman	1.86
Guine chaser	2.02
Landscape gardener and nursery man	2.04
Riprap stonepaver	2.12
Rock slinger	2.19
Hard rock slinger	2.44
Sandblaster—nozzleman	2.37
Sandblaster—pot tender	2.12
Scaler	1.99
Scaler—using boatswain's chair or safety belt or power tools	2.19
Septic tank digger and installer leadman	2.09
Cesspool digger and installer	2.11
Sewer pipe layer—exterior caulker	2.24
Sewer pipe caulker—using caulking tools	2.12
Sewer pipe caulker—cement joints	1.99
Tarman and mortarman	1.99
Window cleaner	2.09

Case C–8323: Counties of Los Angeles, Orange, Riverside, San Bernardino, Imperial, San Diego, Ventura, San Luis Obispo, Kern, Inyo, Mono, and Santa Barbara; building construction only.

Brick tender	$2.25

Case C–8558: Counties of Los Angeles, Inyo, Mono, Orange, Riverside, San Bernardino, Imperial, Ventura, Santa Barbara, San Luis Obispo, and Kern; building construction only.

Junior housemover	$1.94
Journeyman housemover	2.16
Yard maintenance man	2.16
Foreman	2.41

Case C–8688: Counties of Los Angeles, Orange, Riverside, San Bernardino, Imperial, San Diego, Ventura, San Luis Obispo, Kern, Inyo, Mono, and Santa Barbara; building, heavy and highway construction.

Nozzle man	$2.50
Rod man	2.50
Gun man	2.25
Material man	2.10
Rebound man	1.975

Case C–8223: Counties of San Diego, Imperial, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Kern, Inyo, and Mono; building construction only.

Laborer	$1.94
Mechanic	2.17
Loader and gateman helper	2.04
Helper	1.94

Case C–5649: Counties of Marin, San Francisco, San Mateo, Alameda and Contra Costa; building construction only.

Hod carrier, tending bricklayer	$2.60

Case C–8921: Counties of Alameda and Contra Costa; building construction only.

Hod carrier (plasterer)	$3.08

Case C–6996: Counties of Santa Clara and San Benito; building construction only.

Hod carrier tending brick, and bricklayer	$2.60

Case 8769: City of San Francisco; building construction only.

Hod carrier tending plasterer	$2.75

Case C–9444: County of San Mateo; building construction only.

Plasterer's hod carrier	$3.025

Case C–9522: Cities and towns of Stockton, Lodi, Tracy, Manteca, Jackson, San Andreas, and Angels Camp: Counties of San Joaquin, Calaveras, and Amador; building construction only.

Brick hod carrier	$2.60

Case C–3821: County of Solano; building construction only.

Journeyman hod carrier (other than brick)	$3.00

Case C–4646: County of Solano; building construction only.

Hod carrier (brick only)	$2.45

Lathers

Case C–7098: County of San Diego; building construction only.

Journeyman wood, wire, and metal lather	$3.25

Case C–7358: The southeast part of Los Angeles County, the city of Long Beach, south part of Compton; cities of Paramount, Bellflower, Artesia, Norwalk, Lakewood, and the northwest part of Orange County; towns of Cypress, Los Alamitos, Westminster, Seal Beach, Hunting Beach, Sunset Beach, and the west parts of Stanton and Buena Park; building construction only.

Journeyman lather	$3.375

Case C–8326: Los Angeles and the area within the territorial jurisdiction of Wood, Wire and Metal Lathers International Union, Local 42; building construction only.

Apprentice:	
First 66⅔ hours—40 percent of journeyman rate.	
Second 66⅔ hours—50 percent of journeyman rate.	
Third 66⅔ hours—60 percent of journeyman rate.	
Fourth 66⅔ hours—70 percent of journeyman rate.	
Fifth 66⅔ hours—75 percent of journeyman rate.	
Sixth 66⅔ hours—80 percent of journeyman rate.	

Case C–7814: Los Angeles and area within the territorial jurisdiction of Wood, Wire and Metal Lathers International Union, Local 42A; building construction only.

Journeyman wood, wire and metal lather	$3.375
Foreman	3.75

Case C–8035: Area beginning at intersection of the Los Angeles and San Bernardino County lines west on Fifth Street in Pomona to the intersection of Valley Boulevard, west on Valley Boulevard to Fremont Avenue in Alhambra. North on Fremont to Monterey Road, west on Monterey Road in South Pasadena to west city limits, north on the line of west city limits to Pasadena City limits following west city limits of Pasadena to Linda Vista Road, west to Chevy Chase Drive, north to Foothill Boulevard, west to Canada Street, all territory northeast of these lines in Los Angeles County, Calif.; building construction only.

Wood, wire, and metal lather	$3.4375
Foreman	3.8125

Case C–8606: Counties of Sacramento, Yolo, and parts of Solano, Placer, El Dorado, Nevada, and Amador; building construction only.

Journeyman wood, wire, and metal lather	$3.15

Case C–9164: City of San Francisco; counties of San Francisco and that portion of San Mateo County which is north of San Bruno; building construction only.

	Column A	*Column B*
Journeyman lather	$3.15	$3.25

The rate in Column A may be made effective the next payroll period beginning on or after August 28, 1952, and the rate in Column B may be made effective January 3, 1953.

Case C–4376: County of Santa Clara; building construction only.

Journeyman lather	$3.4375

Case C–6095: San Mateo and area within the territorial jurisdiction of Wood, Wire and Metal Lathers International Union, Local 278; building construction only.

Wood, wire, and metal lather	$3.4375

Case C–8109: Area starting in the city of Redondo at the ocean, east on Knob Hill Drive to Sepulveda Boulevard, east to Alameda Boulevard, south on Alameda Boulevard to ocean. All territory south and west of these lines, including Catalina Island; building construction only.

Wood, wire, and metal lather	$3.375

Case C–4110: City of Vallejo and the western section of Solano County; all of Napa County; building construction only.

Journeyman lather	$3.00

Case C–7815: County of Ventura; building construction only.

Journeyman wood, wire, and metal lather	$3.4375

Marble, Mosaic, and Terrazzo Helpers

Case C–7762: Alhambra and area within the territorial jurisdiction of International Association of Marble Stone, and Slate Polishers, Rubbers and Sawyers, Tile and Marble Setters Helpers and Terrazzo Workers Helpers, Local 117; building construction only.

Terrazzo helper and floor machine operator	$2.21
Base machine operator	2.475

Case C–5597: Counties of Los Angeles, Orange, and Ventura; building construction only.

Tile layers helper	$2.1875
Beginner, first 3 months	1.75

Case C–8836: Counties of Los Angeles, Orange, Riverside, San Bernardino, Imperial, San Diego (except San Diego City proper), Ventura, Santa Barbara, San Luis Obispo, Kern, Kings, Tulare, and Inyo; building, heavy and highway construction.

Marble setter's helper	$2.025
Floor grinder	2.29
Apprentice:	
First 3 months	1.65
Second 3 months	1.76
Stockman (where used)	2.29

Case C–8727: Counties of San Barnardino and Riverside; building construction only.

Tile setter's helper	$2.20

Case C–7004: County of San Diego; building construction only.

Tile setter helper	$2.05
Tile setter helper:	
First month	1.50
Second month	1.70
Third month	1.90

Case C–6470: County of San Diego; building construction only.

Terrazzo helper	$2.475
Skilled helper and floor machine operator, including all hand work	2.21

Case C–1564: Counties of San Francisco, Alameda, Contra Costa, Marin, Solano, Sonoma, Santa Clara, San Mateo, Mendocino, Napa, Humboldt, Merced, Siskiyou, and Monterey; building construction only.

Tile layer helper	$2.25

Case C–9048: Area of Northern California bounded in the south by the Tehachapi Mountain in Kern County; in the north by the Oregon State line; in the west by the Pacific Ocean; and in the east by the Nevada State line; building construction only.

Terrazzo helper	$2.13

Marble Setters

Case C–7117: Counties of Imperial, Riverside, San Bernardino, Orange, Kern, Kings, Tulare, Inyo, Ventura, Santa Barbara, San Luis Obispo, Los Angeles, and San Diego; with the exception of the city of San Diego; building construction only.

Journeyman marble mason	$2.75
Apprentice marble mason:	
First 6 months	2.20
Second 6 months	2.3375
Third 6 months	2.475
Fourth 6 months	2.6125

Case C–5843: San Francisco and area within the territorial jurisdiction of Bricklayers, Masons and Plasterers' International Union, Marble Masons Local 25; building construction only.

Journeyman marble mason	$2.825

Mason and Plasterer Tenders

Case C–2702: Kern County; building construction only.

Plasterer tender	$2.625

Case C–3116: Counties of Fresno, Madera, Kings, and Tulare; building construction only.

Mason tender	$2.25

Case C–7542: County of Ventura; building construction only.

Plasterer tender	$2.875

Case C–7562: Counties of Los Angeles and Orange; building construction only.

Journeyman plasterer tender	$3.1125

Case C–8324: County of Santa Barbara; building construction only.

Plasterer tender	$2.875

Case C–8678: Counties of Napa and Lake; building construction only.

Mason tender	$2.70

Case C–6893: County of San Diego; building construction only.

Plasterer tender	$3.00

Mosaic and Terrazzo Workers

Case C–5121: Counties of Fresno, Madera, Merced, Tulare, Kings, and Mariposa; building construction only.

Journeyman terrazzo worker	$2.90

Case C–5906: Los Angeles and area within the territorial jurisdiction of Bricklayers, Masons and Plasterers International Union, Mosaic and Terrazzo Workers, Local 27; building construction only.

Terrazzo mechanic	$2.77

Case C–8210: Counties of Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, Lake, Napa, Solano, Sonoma, Marin, San Francisco and San Mateo; building construction only.

Terrazzo mechanic	$2.76

Operating Engineers

Case C–8450: Counties of Los Angeles, Orange, Riverside, San Bernardino, Imperial, San Diego, Ventura, San Luis Obispo, Santa Barbara, Kern, Inyo, and Mono; building, heavy and highway construction.

A-frame boom truck	$2.52
Apprentice engineer, including fireman, oiler, greaser	2.12
Air compressor operator	2.24
Asphalt plant fireman	2.35
Asphalt or crushing plant engineer	2.52
Boring machine operator (excluding pneumatic or equipment of similar capacity)	2.60
Boxman or mixer box operator (concrete or asphalt plant)	2.35
Concrete or asphalt spreading, mechanical tamping or finishing machine operator	2.53
Concrete mixer operator—paving type and mobile mixer	2.62
Concrete mixer operator—skip type	2.38
Concrete pump or pumpcrete gun operator	2.38
Dinkey operator	2.38
Drilling machine operator, including water wells	2.66
Elevating grader operator	2.66
Engineer—generating plant	2.33
Heavy duty repairman	2.52
Heavy duty repairman helper	2.12
Highline cableway operator	2.66
Highline cableway signalman	2.66
Locomotive engineer	2.66
Elevator hoist operator	2.45
Material loader or conveyor operator	2.24
Motor patrol operator, including any type of power blade	2.66
Oshkosh or DW10 or tournapull operator	2.66
Pavement breaker operator	2.45
Pile driver operator	2.74
Pump operator	2.24
Road oil mixing machine operator	2.57
Roller operator	2.45
Ross carrier driver	2.38
Skip loader operator—wheel type	2.38
Screed operator	2.24
Stationary pipe wrapping and cleaning machine operator	2.52
Surface heater and planer operator	2.57
Tow blade or grader operator	2.38
Tractor hi-lift shovel operator	2.74
Tractor operator—bulldozer, tamper, scraper, or drag type shovel or boom attachment	$2.52
Tractor scraper or drag type shovel—tandem	2.92
Train handler (other than engine crew)	2.12
Traveling pipe wrapping and cleaning machine operator	2.74
Trenching machine operator	2.60
Universal equipment operator (shovel, drag-line derrick, derrick-barge, clamshell or crane)	2.74

Case C–8500: Counties of San Luis Obispo, Kern, Inyo, San Bernardino, Imperial, Orange, Santa Barbara, Mono, Ventura, Riverside, San Diego, and Los Angeles; building and heavy construction only (motor truck).

Engineer operator	$2.71
Apprentice engineer	2.09
Engineer—heavy duty repairman	2.49
Engineer—heavy duty repairman's helper	2.09

Case C–7766: 46 northern counties above the northerly boundaries of Kern and San Luis Obispo Counties and the westerly boundaries of Inyo and Mono Counties; building, heavy and highway construction.

Apprentice (oiler, fireman, watchman) (7 bay counties—San Francisco, Alameda, Contra Costa, San Mateo, Santa Clara, Marin, Solano)	$2.28
Apprentice (oiler, fireman, watchman) (all other counties)	2.17
Asphalt plant engineer	2.67
Box man or mixer box operator (concrete or asphalt plant)	2.34
Brakeman, switchman and deckhand	2.28
Fuller-Kenyon pump cement hog and similar types of equipment	2.72
Compressor operator	2.28
Compressor (more than one)	2.61
Concrete batch plant operator	2.67
Concrete batch plant operator (multiple unit, four or more)	2.83
Concrete mixer (up to one yard)	2.28
Concrete mixer (over one yard)	2.61
Concrete pump or pump crete gun	2.61
Derrick (including Chicago boom)	2.83
Drilling machinery engineer (not to apply to water liner, wagon drill, or jackhammer)	2.67
Dual mixer (apprentice engineer required)	2.72
Euclid loader and or similar type of equipment (apprentice engineer required)	3.00
Fireman in hot plant	2.28
Fork lift or lumber stacker (on construction job site)	2.56
Handi-crane (no oiler required)	2.72
Heavy duty repairman	2.67
Heavy duty repairman, helper (7 bay counties—San Francisco, Alameda, Contra Costa, San Mateo, Santa Clara, Marin, and Solano)	2.28
Heavy duty repairman, helper (all other counties)	2.17
Highline cableway	3.00
Highline cableway signal man	2.65
Locomotive	2.39
Locomotive (steam over 30 tons)	2.67
Material hoist	2.56
Mechanical finisher (concrete or asphalt) (airport, highway and street work)	2.67
Mixermobile	2.72
Motorman	2.39
Mucking machine	2.80
Pavement breaker, Emsco type and similar types of equipment	2.72
Portable crushers	2.67
Power blade loader	2.90
Power grader, power planer, motor patrol or any type power blade	2.83
Power shovels and/or other excavating equipment with shovel-type controls (7 bay counties—San Francisco, Alameda, Contra Costa, San Mateo, Santa Clara, Marin, Solano) (up to and including 1 yard)	3.00
Power shovels and/or other excavating equipment with shovel-type controls (7 bay counties—San Francisco, Alameda, Contra Costa, San Mateo, Santa Clara, Marin, Solano) (over 1 yard)	$3.11
Power shovels and/or other excavating equipment with shovel-type controls (all other counties) (up to and including 1 yard)	2.83
Power shovels and/or other excavating equipment with shovel-type controls (all other counties) over 1 yard)	3.00
Pugmill (all) woodsmixer type	2.72
Pumps	2.28
LeTourneau pulls (Jeeps, Terra Cobras, LaPlant Choate, and similar types of equipment)	2.83
Refrigeration plant operator	2.72
Roller	2.67
Ross carrier (on construction job site)	2.39
Scoopmobile (when used as a hoist)	2.56
Scoopmobile (when used as a loader)	2.72
Screed man	2.23
Self-propelled elevating grade plane	2.72
Spreader machine (Barber Green, Jaeger, etc.) engineer and screed man used in operation)	2.67
Soil stabilizer operator (P & H or equal)	3.00
Surface heater	2.67
Towermobile	2.56
Tractor	2.67
Tractor (boom)	2.83
Tractor (tandem)	3.00
Tractor-type shovel loader (scale not to apply when used as blade or bulldozer)	2.83
Trenching machine	2.72
Truck type loader	2.83
Truck crane	2.83
All hoisting equipment on specialty craft work	2.90
The Wage Stabilization Board has voted to approve the following:	
Chief of party	2.97
Instrumentman	2.70
Head chainman, rodman, grade setter (not guinea chaser)	2.42
Rear chainman	2.23

Case C–9801: 46 northern counties of California above the northerly boundaries of Kern and San Luis Obispo Counties and the westerly boundaries of Inyo and Mono Counties; heavy and marine construction only.

Engineer on derrick barges, pile driver	$2.90
Deck engineer (including repair work)	2.67
Apprentice (fireman oiler)	2.28

Painters

Case C–8756:

Area A: Orange County; San Bernardino County; Riverside County—excluding the Palm Springs area; and the Eastern portion of Los Angeles County; border as follows: East of Irwindale Avenue in Azusa; north to Foothill Boulevard; to San Gabriel Forest Highway; to San Gabriel Canyon Road; south on Irwindale Avenue to San Bernardino Road; west on San Bernardino Road to Sunset Avenue; on Sunset Avenue to Valley Boulevard; east on Valley Boulevard to Seventh Avenue; to Los Altos Drive; to Hacienda Boulevard; to Orange County Line.

Area B: From the east city limits of Banning, southeast along the San Jacinto Mountains to the Riverside County line, easterly along the south county line to the Coachella Branch of the All-American Canal. North to the Colorado River Aqueduct along said Aqueduct, northeasterly to Highway No. 99 to the east city limits of Banning, including all of the town of Cabazon. Building construction only.

	Area A	Area B
Journeyman brush painter	$2.50	$2.75
Journeyman brush painter, swing stage	2.75	3.00
Journeyman brush painter over 40 feet	2.75	3.00
Paperhanger	2.625	2.875
Sheet rock taper	2.75	3.00
Paint burner	2.75	3.00
Journeyman spray painter and spray tender	2.75	3.50
Spray painter and spray tender, swing stage	3.00	3.75
Sandblaster	2.75	2.85
Sandblaster, swing stage	3.00	3.10
Structural steel and bridge painter	2.75	2.875
Structural steel and bridge painter, swing stage	3.00	3.125
Structural steel spray painter and tender	3.00	3.125
Structural steel spray painter and tender, swing stage	3.25	3.375
Structural steel painter over 40 feet	3.25	3.375
Structural climbing steel	3.00	3.375
Rigger on steel construction	2.75	2.925
Steeple jack	4.10	4.275
Pressure roller stippler	2.75	3.50

Case C–7678: All of Kern County except the city of Taft; building construction only.

Journeyman paperhanger	$2.855
Journeyman painter	2.605
Swing stage	2.755
Structural steel and pipe (in place)	2.755
Spray painter and sand blaster	2.895
Swing stage spray painter and sand blaster	3.045
Foreman	2.855
Taping joints, sheet rock	2.855

Case C–7333: Cities of Chico, Oroville, Gridley, Biggs, Orland, Willows, Live Oak, Gerber, Corning, Richvale, Nelson, Durham, Paradise, and Stirling City; counties of Butte and part of Glenn, Tehama, Plumas, and Sutter; building construction only.

Journeyman painter	$2.35

Case C–7747: County of Imperial; building construction only.

Journeyman brush painter	$2.405

Case C–8795: Fresno and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 294; building construction only.

Journeyman painter, paperhanger and decorator	$2.50

The Commission voted to approve the maintenance of established differentials for swing stage painters, paperhangers, and spray painters which were in effect on January 25, 1951, over the journeyman rate then in effect.

Case C–6279: County of Los Angeles, except Pomona area; building, heavy and highway construction.

Journeyman painter	$2.56
Journeyman, brush painter, swing stage	2.68
Structural steel and bridge painter	2.68
Structural steel and bridge painter, swing stage	2.83
Sandblaster or spray painter	2.81
Sandblaster or spray painter, swing stage	2.93
Paint burner	2.68
Paperhanger	2.68
Steeplejack work	3.81
In-charge man	(1)
Apprentices:	
First 6 months—50 percent.	
Second 6 months—60 percent.	
Third 6 months—65 percent.	
Fourth 6 months—70 percent.	
Fifth 6 months—75 percent.	
Sixth 6 months—80 percent.	
Seventh 6 months—90 percent.	
Eighth 6 months—95 percent.	
Thereafter 100 percent.	

[1] Not less than $1 per day additional.

Case C–6071: Counties of Merced and Mariposa; building construction only.

Journeyman painter	$2.45
Spray nozzle man	[2] 1.25

[2] Additional differential.

Case C–8638: Counties of Stanislaus and Tuolumne; building construction only.

Journeyman brush painter	$2.50

Case C–6400: Monterey Peninsula Bay area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 272; building construction only.

Journeyman painter	$2.57

Case C–8296: City of Napa; County of Napa; building construction only.

House painter	$2.515

Case C–9627: County of Sonoma; building construction only.

Painter (brush)	$2.60
Painter (spray) and sandblaster	2.92
Paint burner and swing stage	2.74
Structural steel and bridge painter	2.85
Apprentice:	
First 6 months—50 percent.	
Second 6 months—55 percent.	
Third 6 months—60 percent.	
Fourth 6 months—65 percent.	
Fifth 6 months—70 percent.	
Sixth 6 months—75 percent.	
Seventh 6 months—85 percent.	
Eighth 6 months—95 percent.	

Case C–4326: Counties of Shasta, Tehama (except city of Corning), Trinity, and Modoc; building construction only.

Journeyman painter, brush	$2.625
Journeyman sign painter	2.875
Journeyman swing stage	2.875
Journeyman bosun chair	3.375
Journeyman sand blaster	2.875
Journeyman sand blaster pot tender	2.625
Journeyman spray painter	3.375

Case C–6924: Counties of Sacramento and Yolo; building construction only.

Journeyman brush painter	$2.625
Journeyman spray painter	2.91

Case C–8844: Toro Creek to the Salinas River; northernmost boundary; Pajaro River to San Benito County line. Southeasternmost boundary; San Luis Obispo County line and all of Camp Roberts; building construction only.

Journeyman painter	$2.57
Taper, sander, paperhanger and sign painter	2.77
Steeple jack painter	2.77

Case C–7503: County of San Diego; building construction only.

Journeyman painter, brush	$2.53
Journeyman paperhanger	2.655
Journeyman swing stage painter	2.68
Journeyman painter working over 35 feet	2.68
Journeyman structural steel painter and rigger	2.78
Journeyman bridge painter	2.78
Journeyman tank tower painter	2.78
Journeyman aerial tower painter	3.33
Journeyman sandblaster	2.73
Journeyman spray painter	3.08
Apprentice:	
First 6 months—50 percent of journeyman wage rate.	
Second 6 months—55 percent of journeyman wage rate.	
Third 6 months—60 percent of journeyman wage rate.	
Fourth 6 months—65 percent of journeyman wage rate.	
Fifth 6 months—70 percent of journeyman wage rate.	
Sixth 6 months—75 percent of journeyman wage rate.	
Seventh 6 months—85 percent of journeyman wage rate.	
Eighth 6 months—95 percent of journeyman wage rate.	

Case C–9196: Counties of Santa Clara, Santa Cruz, San Benito and southern part of San Mateo; building heavy and highway construction.

Sign painter	$2.675
Sign painter helper	2.175

Case C–6202: County of San Luis Obispo; building construction only.

Journeyman brush painter	$2.45
Journeyman spray painter, swing stage and steel construction	2.70
Journeyman paperhanger	2.45
Taper and floater	2.70
Apprentice:	
First year	1.36
Second year	1.72
Third year	2.23

Case C–8765: Southern half of Santa Barbara County on a line from the ocean through the Santa Ynez River at Buellton; building construction only.

Journeyman painter	$2.63

Case C–8193: County of San Joaquin; building construction only.

Spray painter	$2.515
Sheet rock taper and painter	2.515
Brush painter	2.515
Paperhanger	2.515
Steel painter	2.515
Swinging stage man	2.515

Case C–7757: City of Watsonville; county of Santa Cruz; building construction only.

Journeyman painter	$2.50
Journeyman foreman (per day)	1.00
Spray painter (over the scale)	2.90

Case C–8294: County of Solano; building construction only.

Journeyman painter	$2.625
Journeyman grainer, paperhanger, decorator and sheet rock finisher	2.75
Journeyman structural steel painter	2.875

Case C–9528: County of Tulare; building, heavy and highway construction.

Journeyman painter and decorator	$2.50
Journeyman spray painter	2.70

Cases C–6224 and C–6328: City of San Francisco; counties of Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara; building, heavy and highway construction only.

Journeyman painter, decorator, and paperhanger	$2.60

Plasterers

Case C–3059: Counties of Kern, Inyo, and Mono; building construction only.

Journeyman plasterer	$3.125

Case C–5729: Counties of Shasta, Tehama, Trinity, Siskiyou, Modoc, and northwest half of Lassen; building construction only.

Journeyman plasterer	$3.125

Case C–6778: Counties of Los Angeles and Orange; building and heavy construction only.

Journeyman plasterer	$3.4375

Case C–8992: County of San Diego; building construction only.

Journeyman plasterer	$3.25

Case C–8660: City of San Francisco; county of San Francisco; building construction only.

Journeyman plasterer	$3.275

Case C–8864: Counties of Santa Clara and San Benito; building construction only.

Journeyman plasterer	$3.43

Case C–4888: County of Marin; building construction only.

Journeyman plasterer	$3.125

Case C–4357: County of Solano; building construction only.

Journeyman plasterer	$3.30

Case C–9368: Cities of Elcerrito, Richmond, Crockett, Walnut Creek, Danville, and Alamo; county of Alameda and that part of Contra Costa County adjacent to Alameda County extending to a line that follows the road from city of Matinez to the city of Pacheco and then in a straight line through the summit of Mount Diablo to the boundary line of Alameda and Contra Costa Counties; building construction only.

	Column A	*Column B*
Journeyman plasterer	$3.50	$3.54

The rate in Column A may be made effective the next payroll period beginning on or after September 24, 1952, and the rate in Column B may be made effective January 5, 1953.

Plumbers

Case C–4998: Entire State of California; mainline pipeline construction only.

Journeyman pipe fitter	$2.775
Pipe fitter welder	2.775
Pipe fitter apprentice	[1] 1.35

[1] Or 15 cents per hour over and above the common laborer rate in any given area.

Case C–8198: St. Louis, Mo., and area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Joint Council of Lead Burners, Local 495; building, heavy and highway construction.

Journeyman lead burner	$3.175
Lead burned apprentice:	
First 3 months—30 percent of journeyman rate.	
Next 9 months—35 percent of journeyman rate.	

Case C–8546: Entire State of California excluding the cities of Los Angeles and San Francisco; building construction only.

Journeyman sprinkler fitter	$2.79

Case C–9283: Counties of Humboldt and Del Norte; building construction only.

Plumber	$2.90
Pipe fitter	2.90
Gas fitter	2.90
Foreman	3.15
Apprentices:	
First 6 months—40 percent of journeyman rate.	
Second 6 months—45 percent of journeyman rate.	
Third 6 months—50 percent of journeyman rate.	
Fourth 6 months—55 percent of journeyman rate.	
Fifth 6 months—60 percent of journeyman rate.	
Sixth 6 months—65 percent of journeyman rate.	
Seventh 6 months—70 percent of journeyman rate.	
Eighth 6 months—75 percent of journeyman rate.	
Ninth 6 months—80 percent of journeyman rate.	
Tenth 6 months—90 percent of journeyman rate.	

Case C–3892: Counties of Los Angeles and Orange; building construction only.

Refrigeration fitter	$2.55

Case C–6449: Los Angeles and area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 78; building construction only.

Plumbing apprentice:	
First 6 months—50 percent of journeyman rate.	
Second 6 months—55 percent of journeyman rate.	
Third 6 months—60 percent of journeyman rate.	
Fourth 6 months—65 percent of journeyman rate.	
Fifth 6 months—70 percent of journeyman rate.	
Sixth 6 months—74 percent of journeyman rate.	
Seventh 6 months—78 percent of journeyman rate.	
Eighth 6 months—82 percent of journeyman rate.	
Ninth 6 months—86 percent of journeyman rate.	
Tenth 6 months—90 percent of journeyman rate.	

Case C–8599: Area within the city limits of Los Angeles and 25 miles beyond the city limits. The Owens River Valley Aqueduct area is not to be considered as part of the city of Los Angeles; building construction only.

Journeyman sprinkler fitter	$2.90

Case C–8288: Counties of Los Angeles, Orange, Riverside, San Bernardino, Imperial, San Diego, Ventura, Santa Barbara and San Luis Obispo; building and highway construction only (utility pipe fitting).

Journeyman plumber	$2.79
Foreman	3.04
General foreman	3.29

Case C–8383: Counties of Alpine, Amador, Butte, Calaveras, Colusa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Santa Cruz, Sierra, Stanislaus, Sutter, Tulare, Toulumne, Yolo, Yuba, El Dorado, Fresno, Glenn, Kings, Madera, Mariposa, Merced, Monterey, Kern, Inyo, and Mono; building, heavy and highway construction only.

Journeyman plumber and pipe fitter	$2.90

Case C–8273: County of Alameda; building and heavy construction only.

Journeyman plumber and gas fitter	$2.90

Case C–3209: Counties of Siskiyou, Modoc, Trinity, Lassen and north portions of Tehama; building construction only.

Journeyman plumber	$2.75

Case C–7990 A and B: San Francisco and area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38; building and heavy construction only.

Journeyman plumber	$2.90

Case C–7622: Counties of Los Angeles, Orange, Riverside, San Bernardino, Imperial, San Diego, Ventura, Santa Barbara, and San Luis Obispo; building and heavy construction only.

Journeyman plumber and pipe fitter	$2.90
Journeyman lead burner	3.15

Case C–8272: Counties of Los Angeles, Orange, Riverside, San Bernardino, Imperial, San Diego, Ventura, Santa Barbara (in part), and San Luis Obispo; building, heavy and highway construction.

Journeyman plumber	$2.90
Foreman	3.15
General foreman	3.40

Case C–8252: Counties of Santa Clara and San Benito; building construction only.

Journeyman plumber	$2.90

Case C–8220: County of San Mateo; building construction only.

Journeyman plumber	$2.90

Case C–2337: Counties of Solano, Napa, and Lake; building construction only.

Journeyman plumber	$2.75

Roofers

Case C–8744: Counties of Fresno, Kings, Tulare, Madera, and Merced; building construction only.

Journeyman roofer	$2.625

Case C–2749: Counties of Riverside and San Bernardino; building construction only.

Journeyman roofer	$2.65

Case C–9457: Counties of Sacramento and Yolo; building construction only.

Journeyman roofer and waterproofer	$2.625

Case C–3405: County of San Diego; building construction only.

Journeyman roofer	$2.35

Case C–8685: Counties of San Francisco and San Mateo; building construction only.

Enameller and pipe wrapper	$2.90
Roofer and damp, waterproof worker	2.65
Extra man	1.90

Case C–3837: County of Santa Barbara; building construction only.

Journeyman roofer and Kettleman	$2.65
Apprentice and improver:	
First 6 months	1.90
Second 6 months	2.025
Third 6 months	2.15
Fourth 6 months	2.40
Fifth 6 months	2.65

Case C–9490: Counties of Los Angeles, Orange, and Ventura; building construction only.

Journeyman roofer	$2.75
Apprentice roofer	2.00

Case C–6043: Cities of Stockton and Modesto; counties of San Joaquin and Stanislaus; building construction only.

Journeyman roofer	$2.625

Sheet Metal Workers

Case C–4566: County of Modoc; building and heavy construction only.

Journeyman sheet metal worker	$2.61

Case C–4366: County of Humboldt; building construction only.

Journeyman sheet metal worker	$2.475

Case C–8341: Counties of Fresno, Madera, Tulare, and Kings; building construction only.

	Column A	*Column B*
Journeyman sheet metal worker	$2.635	$2.69

The rate in Column A may be made effective the next full payroll period beginning on or after August 7, 1952, and the rate in Column B may be made effective January 1, 1953.

Case C–6295: Counties of Los Angeles, Orange, Riverside, and San Bernardino; building construction only (excluding residential heating work).

Journeyman sheet metal worker	$2.625

Case C–6779: Counties of Los Angeles, Orange, Riverside, and San Bernardino; building construction only.

Journeyman sheet metal worker, engaged in residential heating work	$2.45

Case C–8424: Cities of Modesto, Turlock, and Merced; Counties of Stanislaus, Merced,

Tuolumne, and Mariposa; building construction only.

Journeyman sheet metal worker..... $2.625

Case C–8174: Counties of Alameda and Contra Costa; building construction only.

Journeyman sheet metal worker... $2.69375

Case C–6756: Counties of Sacramento, Yolo, Placer, Nevada, Yuba, Sutter, Colusa, El Dorado, and Amador; building construction only.

Journeyman sheet metal worker..... $2.65

Case C–9331: Counties of Monterey and Santa Cruz; building construction only.

Journeyman sheet metal worker..... $2.775

Case C–5587: Counties of San Diego and Imperial; building construction only.

Journeyman sheet metal worker..... $2.625

Case C–8147: City and county of San Francisco; building construction only.

Journeyman sheet metal worker... $2.69375

Case C–8433: Counties of Santa Clara and San Benito; building construction only.

Journeyman sheet metal worker..... $2.695

Case C–8461: County of San Mateo; building construction only.

Journeyman sheet metal worker..... $2.695

Case C–8413: Counties of Marin, Sonoma, and Mendocino; building construction only.

Journeyman sheet metal worker..... $2.625

Case C–3028: County of Lake; building construction only.

Journeyman sheet metal worker..... $2.475

Case C–8059: Counties of Santa Barbara, Ventura, and San Luis Obispo; building construction only.

Journeyman sheet metal worker..... $2.625

Case C–7787: Cities of Stockton, Lodi, and Tracy; counties of San Joaquin, Alpine, and Calaveras; building construction only.

Journeyman sheet metal worker..... $2.625

Case C–8471: Counties of Solano and Napa; building construction only.

Journeyman sheet metal worker..... $2.69375

Soft Floor Layers

Case C–8655: Counties of Los Angeles, San Bernardino, Riverside, and Orange; building construction only.

Linoleum, carpet and soft tile mechanic..... $2.80

Tile mechanic—journeyman's rate.

Case C–7643: Counties of Sacramento, Yolo, Colusa and part of Amador County up to town of Ione; building construction only.

Journeyman carpet, linoleum and soft tile layer..... $2.50

Case C–4326: Counties of Shasta, Tehama, Trinity, and Modoc; building construction only.

Journeyman linoleum layer..... $2.625

Case C–7888: County of San Diego; building construction only.

Journeyman carpet, linoleum and resilient floor covering worker..... $2.66
Foreman..... 2.79
Window shade and venetian blind hanger..... 2.00

Case C–9139: Counties of Santa Clara, Santa Cruz, San Benito, and Monterey; building construction only.

Carpet layer, linoleum layer, soft tile layer, and metal tile layer..... $2.65

Steamfitters

Case C–7622: Counties of Los Angeles, Orange, Riverside, San Bernardino, Imperial, San Diego, Ventura, Santa Barbara, and San Luis Obispo; building and heavy construction only.

Steamfitter..... $2.90

Case C–8383: Counties of Alpine, Amador, Butte, Calaveras, Colusa, Nevada, Placer, Plumas, Sacramento, San Joaquin, Santa Cruz, Sierra, Stanislaus, Sutter, Tulare, Tuolumne, Yolo, Yuba, El Dorado, Fresno, Glenn, Kings, Madera, Mariposa, Merced, Monterey, Kern, Inyo, and Mono; building, heavy and highway construction.

Steamfitter..... $2.90

Case C–3209: Counties of Siskiyou, Modoc, Trinity, Lassen and north portions of Tehama and Plumas Counties to south boundary of jurisdiction of Local 662 as described: Beginning at the NW. corner of Glenn County and traveling in an easterly direction until U. S. Highway No. 99 west is encountered, thence northerly to the town of Corning. Thence following the city limits of the town of Corning around to the north of Corning, thence easterly until county road between Corning and Vina, is encountered, thence easterly to town of Vina, thence south via Highway No. 99 east, until it intersects with the Tehama County-Butte County boundary line, thence easterly along the county line until it junctions with U. S. Highway No. 66 near the town of Storrie, thence easterly via U. S. Highway No. 66 to the town of Indian Falls, thence southeasterly via State Highway No. 24, until it intersects with California-Nevada State boundary line; building construction only.

Steamfitter..... $2.75

Case C–8221: Counties of Alameda and Contra Costa; building and heavy construction only.

Steamfitter..... $2.90

Case C–7990 A and B: San Francisco and area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 38; building and heavy construction only.

Steamfitter..... $2.90

Case C–8220: County of San Mateo; building construction only.

Steamfitter..... $2.90

Case C–2937: Counties of Solano, Napa and Lake; building construction only.

Steamfitter..... $2.75

Stone Masons

Case C–7921: Counties of Kern, Inyo, and Mono; building construction only.

Stone mason..... $3.175

Case C–7141: Beginning at the Pacific Ocean and the Orange County line and proceeding in a northerly direction to Rosecrans Avenue, and thence in a westerly direction to the Pacific Ocean, and thence along the coast line to point of beginning, to include the Cities of Long Beach, Compton, Torrance, Bellflower, Gardena, Artesia, Wilmington, San Pedro, Redondo Beach, Hermosa Beach, Manhattan Beach, Palos Verdes, and Lakewood; building construction only.

Stone mason..... $3.175

Case C–6891: Counties of Los Angeles and Ventura, excepting the cities of Long Beach, Pasadena: Districts of Venice and Ocean Park; building construction only.

Stone mason..... $3.175

Case C–7430: Counties of Monterey and Santa Cruz; building construction only.

Stone mason..... $3 375

Case C–6085: Counties of Santa Clara and San Benito; building construction only.

Stone mason..... $3 45

Case C–7877: Districts of Venice, Santa Monica, and Malibu; building construction only.

Stone mason..... $3 175

Teamsters

Cases C–7425 and C–7617: Counties of San Diego, Imperial, Riverside, San Bernardino, Orange, Los Angeles, Ventura, Santa Barbara, San Luis Obispo, Kern, Inyo, and Mono; building, heavy and highway construction (Except Kern, Inyo, and Mono.)

Driver of dump trucks of less than 4 yards water level..... $2 02
Driver of dump trucks 4 yards but less than 8 yards water level..... 2 04
Driver of dump trucks 8 yards but less than 12 yards water level..... 2 09
Driver of dump trucks 12 yards but less than 16 yards water level..... 2 17
Driver of dump trucks 16 yards or more water level..... 2 37
Driver of trucks—legal payload capacity less than 6 tons..... 2 02
Driver of trucks—legal payload capacity between 6- and 10-ton..... 2 04
Driver of trucks—legal payload capacity between 10-and 15-ton..... 2 09
Driver of trucks—legal payload capacity between 15- and 20-ton..... 2 17
Driver of trucks—legal payload capacity 20 tons or more..... 2 37
Driver of euclid type spreader truck.. 2 37
Driver of dumpster truck..... 2 37
Driver of transit mix truck under 3 yards..... 2 04
Driver of transit mix truck 3 yards or more..... 2 37
Gas and oil pipeline worker truck driver including winch truck and all sizes of trucks..... 2 19
Driver of road oil spreader trucks..... 2 19
Bootmen..... 2 19
Dumprete truck—less 6½ yards water level..... 2 24
Dumprete truck—6½ yard and over.. 2 37
Ross carrier driver—highway..... 2 37
Water truck driver—under 2,500 gallons..... 2 07
Water truck driver—2,500 gallons or more..... 2 19
Industrial lift truck driver..... 2 02
Truck greaser and tireman..... 2 12
Truck repairman..... 2 49
Truck repairman—helper..... 2 12
Warehouseman and teamster..... 1 94
Warehouseman—clerk..... 2 07
Winch truck driver—12½ cents per hour additional when operating power winch A-frames or similar special attachments..... 1 25
(Kern, Inyo, Mono Counties.) Drivers of dump trucks of less than 4 yards water level..... 2 04
Drivers of dump trucks, 4 yards less than 8 yards water level..... 2 13
Driver of dump trucks, 8 yards less than 14 yards water level..... 2 32
Driver of dump truck, 14 yards less than 18 yards water level..... 2 38
Driver of dump truck, 18 yards and over water level..... 2 50
Driver of euclid sprender truck. Same as dump truck above.
Driver of dumpster truck..... 2 13
Gas and oil pipeline work, truck driver including winch truck and all sizes truck..... 2 19
Driver of road oil spreader truck..... 2 07
Bootman..... 2 07
Ross carrier driver—highway..... 2 32

Water truck driver—under 2,500 gallons..... $2. 17
Water truck driver—2,500 gallons or more..... 2. 19
Industrial lift-truck driver..... 2. 02
Truck greaser and tireman..... 2. 12
Truck repairman—jobsite..... 2. 69
Truck repairman—helper jobsite..... 2. 24
Helper, warehousemen, teamster..... 2. 04
Warehousemen clerk..... 2. 07
Winch truck driver when operator power winch A-frame or similar special attachment..... 2. 19
Pick-up truck driver..... 2. 04
Heavy duty low bed transports with gooseneck tractor trailer combination..... 2. 32
Driver of buggymobile truck..... 2. 19
Driver of flat rack truck under 18,000 pounds..... 2. 07
Driver of flat rack truck, 18,000 pounds and over..... 2. 19
Driver of transit mixer truck, 2 yards.. 2. 07
Driver of transit mixer truck, 3 yards.. 2. 14
Driver of transit mixer truck, 4 yards.. 2. 22
Driver of transit mixer truck, 5 yards.. 2. 24

Case C–7603 A: Counties of San Francisco and San Mateo; building, heavy and highway construction.

Under 4 yards (water level)..... $1. 92
4 yards and under 6 yards (water level) 2. 06
6 yards and under 8 yards (water level) 2. 16
8 yards and over (water level)..... 2. 57
3 yards and under (manufacturer's mixing capacity rating)..... 2. 04
4 yards and 5 yards (manufacturer's mixing capacity rating)..... 2. 14
Pickup carrying under 1,000 pounds.. 1. 59
Flat rack truck carrying between 1,000 pounds and 4,500 pounds.... 1. 91
Flat rack truck carrying over 4,500 pounds..... 2. 00
Heavy duty transport..... 2. 30
Teamster on winch truck..... 2. 03
Teamster on winch truck, A-frame type..... 2. 30
Helper, warehousemen, teamster.... 1. 89
Dumpster truck—paid according to water level yardage. Use dump truck scale.
Water truck driver..... 2. 00
Road oiler..... 2. 00
Automotive oiler and greaser..... 2. 00
Euclid type (tractor) truck. Use dump truck scale.
Bootman..... 2. 03
Ross Carrier or other type carrier.... 2. 30
Truck repairman—job site construction..... 2. 66
Truck repairman helper—job site construction..... 2. 16
Where on a greasing truck an engineer-oiler and a teamster-oiler work interchangeably servicing both trucks and other equipment, their rate shall be identical with the exception of overtime, when the truck greaser shall be paid time and one-half overtime..... 2. 27
Combination road oiler and bootman..... 2. 43
Leaderman-truck dispatcher — job site construction only..... [2] .125
Warehouse clerk—job site construction only..... [3] .125

[2] Per hour above highest classification supervised.
[3] Per hour above warehouse classification.

Case C–7603 B: Counties of Alameda and Contra Costa; building, heavy and highway construction.

Under 4 yards (water level)..... $1. 95
4 yards and under 6 yards (water level) 2. 09
6 yards and under 8 yards (water level) 2. 19
8 yards and over (water level)..... $2. 60
3 yards and under (manufacturer's mixing capacity rating)..... 2. 04
4 yards and 5 yards (manufacturer's mixing capacity rating)..... 2. 14
Flat rack or pickup truck carrying less than 10,500 pounds..... 1. 99
Flat rack or pickup truck carrying over 10,500 pounds..... 2. 12
Heavy duty transport..... 2. 30
Winch truck and "A" frame driver (when winch is not used on a flat rack truck the flat rack will apply).. 2. 26
Helper, warehouseman and teamster.. 1. 99
Dumpster truck—paid according to water level yardage. Use dump truck scale.
Driver of tank truck or water truck—400-gallon tank capacity or less... 1. 95
Driver of tank truck or water tank—in excess of 400-gallon tank..... 2. 09
Lift jitney and fork lift driver..... 2. 12
Road oiler..... 2. 09
Automotive oiler and greaser..... 2. 02
Euclid type (tractor) truck. Use dump truck scale.
Bootman..... 2. 03
Ross carrier or other type carrier..... 2. 33
Truck repairman—job site construction..... 2. 66
Truck repairman helper—job site construction..... 2. 16
Where on a greasing truck an engineer-oiler and teamster-oiler work interchangeably servicing both trucks and other equipment, their rate shall be identical with the exception of overtime, when the truck greaser shall be paid time and one-half overtime..... 2. 27
Combination road oiler and bootman..... 2. 43
Leaderman-truck dispatcher—job site construction only..... [2] .125
Warehouse clerk—job site construction only..... [3] .125

[2] Per hour above highest classification supervised.
[3] Per hour above warehouse classification.

Case C–7603 C: Counties of Marin, Sonoma, Napa, Solano, and Santa Clara; building, heavy and highway construction.

Under 4 yards (water level)..... $1. 92
4 yards and under 6 yards (water level) 2. 06
6 yards and under 8 yards (water level) 2. 16
8 yards and over (water level)..... 2. 57
3 yards and under (manufacturer's mixing capacity rating)..... 2. 01
4 yards and 5 yards (manufacturer's mixing capacity rating)..... 2. 11
Pickup carrying under 1,000 pounds.. 1. 89
Flat rack truck carrying between 1,000 pounds, and 4,500 pounds... 1. 91
Flat rack truck carrying over 4,500 pounds..... 2. 00
Heavy duty transport..... 2. 30
Teamster on winch truck..... 2. 08
Teamster on winch truck, "A" frame type..... 2. 30
Helper, warehouseman, teamster.... 1. 89
Water truck driver..... 2. 00
Road oiler..... 2. 00
Automotive oiler and greaser..... 2. 00
Bootman..... 2. 08
Ross carrier or other type carrier... 2. 30
Truck repairman—job site construction..... 2. 66
Truck repairman helper—job site construction..... 2. 16
Where on a greasing truck an engineer-oiler and a teamster-oiler work interchangeably servicing both trucks and other equipment, their rate shall be identical with the exception of overtime, when the truck greaser shall be paid time and one-half overtime..... [1] 2. 27

[1] Napa and Sonoma.

Combination road oiler and bootman.. $2. 43
Leaderman — truck dispatcher — job site construction only..... [2] .125
Warehouseman clerk—job site construction only..... [2] .125

[2] Per hour above highest classification supervised.
[3] Per hour above warehouse classification $2.17.

Case C–8620: Counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Mariposa, Mendocino, Merced, Modoc, Monterey, Nevada, Placer, Plumas, Sacramento, San Benito, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba; building, heavy and highway construction.

Dump truck drivers:
Under 4 yards (water level)..... $1.89
4 yards and under 8 yards (water level)..... 1. 99
8 yards and under 12 yards (water level)..... 2. 19
12 yards and over..... 2. 39
Double headers—heavy transport and trailer of substantially identical capacity, an additional 50 cents per day.

Tile Layers

Case C–5121: Counties of Fresno, Madera, Merced, Tulare, Kings, and Mariposa; building construction only.

Journeyman tile layer..... $2. 90

Case C–5464: Counties of Los Angeles, Orange, and Ventura; building construction only.

Tile layer..... $2. 85
Apprentice:
First 6 months..... 1. 71
Second 6 months..... 1. 765
Third 6 months..... 2. 1375
Fourth 6 months..... 2. 1375
Fifth 6 months..... 2. 28
Sixth 6 months..... 2. 4225

Case C–7430: Counties of Monterey and Santa Cruz; building construction only.

Tile setter..... $3.375

Case C–8712: Counties of San Bernardino and Riverside; building construction only.

Journeyman tile setter..... $3. 00

Case C–3131: Counties of Siskiyou, Humboldt, Mendocino, Sonoma, Napa, Solano, Marin, Alameda, Contra Costa, San Mateo, Santa Clara, San Francisco, Del Norte, Lake, San Benito, and Trinity; building construction only.

Journeyman tile layer..... $3. 00

Case C–9429: Counties of San Joaquin, Calaveras and Amador, Central California, cities and towns of Stockton, Lodi, Tracy, Manteca, Jackson, San Andreas, and Angels Camp; building construction only.

Journeyman tile setter..... $2.83

Case C–9378: Counties of Santa Barbara and San Louis Obispo; building construction only.

Journeyman tile setter..... $2. 85

[F. R. Doc. 52–12619; Filed, Nov. 26, 1952; 8:49 a. m.]

Office of Price Stabilization

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation were filed with

the Division of the Federal Register on November 19, 1952.

REGION I

Boston Order 1–G1–2, Amendment 1, changes certain food items for retail sales in certain Eastern Massachusetts Marketing areas, filed 2:47 p. m.

Boston Order 1–G2–2, Amendment 1, changes certain food items for retail sales in certain Eastern Massachusetts Marketing areas, filed 2:48 p. m.

Boston Order 1–G3–2, Amendment 1, changes certain food items for retail sales in certain Eastern Massachusetts Marketing areas, filed 2:48 p. m.

Boston Order 1–G4–2, Amendment 1, changes certain food items for retail sales in certain Eastern Massachusetts Marketing areas, filed 2:48 p. m.

REGION II

Syracuse Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in several counties in Syracuse, Rochester and a number of areas, filed 2:48 p. m.

Syracuse Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in several counties in Syracuse, Rochester and a number of areas, filed 2:49 p. m.

Syracuse Order 1–G3–2, covering retail prices for certain dry grocery items sold by retailers in several counties in Syracuse, Rochester and a number of areas, filed 2:49 p. m.

Syracuse Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in several counties in Syracuse, Rochester and a number of areas, filed 2:49 p. m.

REGION III

Philadelphia Order 1–G1–2, establishing retail prices for certain dry grocery items sold by retailers in the Philadelphia area, filed 2:50 p. m.

Philadelphia Order 1–G1–2, Amendment 1, changes certain food items for retail sales in the Philadelphia area, filed 2:49 p. m.

Philadelphia Order 1–G2–2, establishing retail prices for certain dry grocery items sold by retailers in the Philadelphia area, filed 2:50 p. m.

Philadelphia Order 1–G2–2, Amendment 1, changes certain food items for retail sales in the Philadelphia area, filed 2:49 p. m.

Philadelphia Order 1–G3–2, establishing retail prices for certain dry grocery items sold by retailers in the Philadelphia area, filed 2:50 p. m.

Philadelphia Order 1–G3–2, Amendment 1, changes certain food items for retail sales in the Philadelphia area, filed 2:49 p. m.

Philadelphia Order 1–G4–2, establishing retail prices for certain dry grocery items sold by retailers in the Philadelphia area, filed 2:50 p. m.

Philadelphia Order 1–G4–2, Amendment 1, changes certain food items for retail sales in the Philadelphia area, filed 2:50 p. m.

REGION IV

Baltimore Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the Baltimore area, filed 2:51 p. m.

Baltimore Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the Baltimore area, filed 2:51 p. m.

Baltimore Order 1–G3–2, covering retail prices for certain dry grocery items sold by retailers in the Baltimore area, filed 2:51 p. m.

Baltimore Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the Baltimore area, filed 2:51 p. m.

Baltimore Order 1–G4A–2, covering retail prices for certain dry grocery items sold by retailers in the Baltimore area, filed 2:51 p. m.

Richmond Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the Richmond area, filed 2:52 p. m.

Richmond Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the Richmond area, filed 2:52 p. m.

Richmond Order 1–G3–2, covering retail prices for certain dry grocery items sold by retailers in the Richmond area, filed 2:52 p. m.

Richmond Order 1–G3A–2, covering retail prices for certain dry grocery items sold by retailers in the Richmond area, filed 2:53 p. m.

Richmond Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the Richmond area, filed 2:53 p. m.

Richmond Order 1–G4A–2, covering retail prices for certain dry grocery items sold by retailers in the Richmond area, filed 2:53 p. m.

REGION V

Atlanta Order 1–G1–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:54 p. m.

Atlanta Order 1–G2–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:54 p. m.

Atlanta Order 1–G3–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:54 p. m.

Atlanta Order 1–G3A–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:54 p. m.

Atlanta Order 1–G4–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:54 p. m.

Atlanta Order 1–G4A–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Atlanta area, filed 2:54 p. m.

Columbia Order 1–G1–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 2:54 p. m.

Columbia Order 1–G2–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 2:55 p. m.

Columbia Order 1–G3–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 2:55 p. m.

Columbia Order 1–G3A–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 2:55 p. m.

Columbia Order 1–G4–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 2:55 p. m.

Columbia Order 1–G4A–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Columbia area, filed 2:56 p. m.

Jackson Order 1–G1–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jackson area, filed 2:56 p. m.

Jackson Order 1–G3–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jackson area, filed 2:56 p. m.

Jackson Order 1–G4–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jackson area, filed 2:56 p. m.

Montgomery Order 1–G1–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 2:56 p. m.

REGION VI

Cleveland Order II–G1–1, establishing retail prices for certain dry grocery items sold by retailers in the northwestern Ohio area, filed 2:57 p. m.

Cleveland Order II–G2–1, establishing retail prices for certain dry grocery items sold by retailers in the Northwestern Ohio area, filed 2:57 p. m.

Cleveland Order II–G3–1, establishing retail prices for certain dry grocery items sold by retailers in the Northwestern Ohio area, filed 2:57 p. m.

Cleveland Order II–G4–1, establishing retail prices for certain dry grocery items sold by retailers in the Northwestern Ohio area, filed 2:57 p. m.

Cleveland Order III–G1–1, establishing retail prices for certain dry grocery items sold by retailers in the Southeastern Ohio area, filed 2:57 p. m.

Cleveland Order III–G2–1, establishing retail prices for certain dry grocery items sold by retailers in the Southeastern Ohio area, filed 2:58 p. m.

Cleveland Order III–G3–1, establishing retail prices for certain dry grocery items sold by retailers in the Southeastern Ohio area, filed 2:58 p. m.

Cleveland Order III–G4–1, establishing retail prices for certain dry grocery items sold by retailers in the Southeastern Ohio area, filed 2:58 p. m.

REGION VII

Indianapolis Order 1–G1–2, Amendment 1, changes certain food prices for retail sales in the Indianapolis area, filed 2:58 p. m.

Indianapolis Order 1–G2–2, Amendment 1, changes certain food prices for retail sales in the Indianapolis area, filed 2:58 p. m.

Indianapolis Order 1–G3–3, covering retail prices for certain dry grocery items sold by retailers in the Indianapolis area, filed 2:58 p. m.

Indianapolis Order 1–G4–3, covering retail prices for certain dry grocery items sold by retailers in the Indianapolis area, filed 2:59 p. m.

Indianapolis Order 1–G4A–1, covering retail prices for certain dry grocery items sold by retailers in the Indianapolis area, filed 2:58 p. m.

Indianapolis Order II–G1–1, covering retail prices for certain dry grocery items sold by retailers in the Indianapolis area, filed 2:59 p. m.

Indianapolis Order II–G2–1, covering retail prices for certain dry grocery items sold by retailers in the Indianapolis area, filed 2:59 p. m.

Milwaukee Order 1–G1–2, Amendment 1, changes and deletes certain food items for retail sales in the Milwaukee area, filed 2:59 p. m.

Milwaukee Order 1–G2–2, Amendment 1, changes and deletes certain food items for retail sales in the Milwaukee area, filed 2:59 p. m.

Milwaukee Order 1–G3–2, Amendment 1, changes and deletes certain food items for retail sales in the Milwaukee area, filed 2:59 p. m.

Milwaukee Order 1–G4–2, Amendment 1, changes and deletes certain food items for retail sales in the Milwaukee area, filed 3:00 p. m.

Chicago Order 1–G1–2, Amendment 1, changes, adds and deletes certain food items for retail sales in the Chicago area, filed 3:00 p. m.

Chicago Order 1–G2–2, Amendment 1, changes, adds and deletes certain food items for retail sales in the Chicago area, filed 3:00 p. m.

Chicago Order 1–G3–2, Amendment 1, changes and adds certain food items for retail sales in the Chicago area, filed 3:00 p. m.

Chicago Order 1–G4–2, Amendment 1, changes and adds certain food items for retail sales in the Chicago area, filed 3:00 p. m.

REGION X

Little Rock Order 1–G3–2, Amendment 2, changes certain food items for retail sales in the Little Rock area, filed 3:00 p. m.

Little Rock Order 1–G4–2, Amendment 2, changes certain food items for retail sales in the Little Rock area, filed 3:01 p. m.

San Antonio Order 1–G1–2, Amendment 1, changes the prices for retail sales of certain food items in the San Antonio area, filed 3:01 p. m.

San Antonio Order 1–G2–2, Amendment 1, changes the prices for retail sales of certain food items in the San Antonio area, filed 3:01 p. m.

San Antonio Order 1–G3–2, Amendment 1, changes, deletes and adds the prices of certain food items for retail sales in the San Antonio area, filed 3:01 p. m.

San Antonio Order 1–G3A–2, Amendment 1, changes the prices of certain food items for retail sales in the San Antonio area, filed 3:01 p. m.

San Antonio Order 1–G4–2, Amendment 1, changes the prices of certain food items for retail sales in the San Antonio area, filed 3:01 p. m.

San Antonio Order 1–G4A–1, Amendment 1, changes the prices of certain food items for retail sales in the San Antonio area, filed 3:01 p. m.

REGION XI

Salt Lake City Order 1–G4–2, Amendment 1, changes certain food items for retail sales in the Salt Lake City area, filed 3:01 p. m.

Cheyenne Order 1–G1–2, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 3:02 p. m.

Cheyenne Order 1–G2–2, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 3:02 p. m.

Cheyenne Order 1–G4–2, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 3:02 p. m.

Cheyenne Order 1–G4A–2, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 3:02 p. m.

REGION XII

Phoenix Order 1–G1–1, Amendment 4, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 3:02 p. m.

Phoenix Order 1–G2–1, Amendment 4, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 3:02 p. m.

Phoenix Order 1–G3–1, Amendment 4, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 3:03 p. m.

Phoenix Order 1–G3A–1, Amendment 4, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 3:03 p. m.

Phoenix Order 1–G4–1, Amendment 4, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 3:03 p. m.

Phoenix Order 1–G4A–1, Amendment 4, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Phoenix area, filed 3:03 p. m.

San Francisco Order 1–G1–2, Amendment 4, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 3:04 p. m.

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San Francisco Order 1–G2–1, Amendment 4, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 3:04 p. m.

San Francisco Order 1–G3–1, Amendment 4, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 3:04 p. m.

San Francisco Order 1–G3A–1, Amendment 4, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 3:04 p. m.

San Francisco Order 1–G4–1, Amendment 4, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 3:05 p. m.

San Francisco Order 1–G4A–1, Amendment 4, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the San Francisco area, filed 3:05 p. m.

San Francisco Order II–G1–15, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Fresno area, filed 3:03 p. m.

San Francisco Order II–G2–15, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Fresno area, filed 3:04 p. m.

San Francisco Order II–G4–15, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Fresno area, filed 3:04 p. m.

San Francisco Order II–G4A–15, Amendment 2, changes the retail ceiling prices for certain food items to reflect changes in wholesale prices in the Fresno area, filed 3:04 p. m.

REGION XIII

Seattle Order 1–G1–2, Amendment 1, changes certain food items for retail sales in Western Washington Area I, filed 3:05 p. m.

Seattle Order 1–G2–2, Amendment 1, changes certain food items for retail sales in Western Washington Area I, filed 3:05 p. m.

Seattle Order 1–G4–2, Amendment 1, changes certain food items for retail sales in Western Washington Area I, filed 3:05 p. m.

Seattle Order 1–G4A–2, Amendment 1, changes certain food items for retail sales in Western Washington Area I, filed 3:05 p. m.

Seattle Order II–G4–1, Amendment 1, changes certain food items for retail sales in Western Washington Area II, filed 3:06 p. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–12626; Filed, Nov. 24, 1952; 5:03 p. m.]

[Region II, Redelegation of Authority 48]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 2 AND 3 OF GOR 25

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 78 (17 F. R. 10038) this redelegation of authority is hereby issued.

1. *Authority to act under sections 2 and 3 of GOR 25.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region II:

(a) To disapprove or reduce under section 2 any ceiling price proposed, reported, or established under any ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, so as to bring it in line with the level of ceiling prices otherwise established by that ceiling price regulation;

(b) To issue an order, under section 3 of GOR 25, fixing an in-line ceiling price for any person subject to a ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, who fails to prepare or keep any record or file any report required in connection with the establishment of his ceiling price, or who fails to establish a ceiling price or to apply to the Office of Price Stabilization for the establishment of a ceiling price if such action is required by the applicable regulation.

This redelegation of authority shall take effect on November 25, 1952.

JAMES G. LYONS,
Regional Director, Region II.

NOVEMBER 24, 1952.

[F. R. Doc. 52–12627; Filed, Nov. 24, 1952; 5:04 p. m.]

[Region IV, Redelegation of Authority 47]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 2 AND 3 OF GOR 25

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 78 (17 F. R. 10088), this redelegation of authority is hereby issued.

1. *Authority to act under sections 2 and 3 of GOR 25.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV:

(a) To disapprove or reduce under section 2 any ceiling price proposed, reported, or established under any ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, so as to bring it in line with the level of ceiling prices otherwise established by that ceiling price regulation;

(b) To issue an order, under section 3 of GOR 25, fixing an in-line ceiling price for any person subject to a ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, who fails to prepare or keep any record or file any report required in connection with the establishment of his ceiling price, or who fails to establish a ceiling price or to apply to the Office of Price Stabilization for the establishment of a ceiling price if such action is required by the applicable regulation.

This redelegation of authority shall take effect on December 1, 1952.

W. F. BAILEY,
Regional Director, Region IV.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12628; Filed, Nov. 24, 1952; 5:04 p. m.]

[Region V, Redelegation of Authority 52]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 2 AND 3 OF GOR 25

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 78 (17 F. R. 10088) this redelegation of authority is hereby issued.

1. *Authority to act under sections 2 and 3 of GOR 25.* Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization:

(a) To disapprove or reduce under section 2 any ceiling price proposed, reported, or established under any ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, so as to bring it in line with the level of ceiling prices otherwise established by that ceiling price regulation;

(b) To issue an order, under section 3 of GOR 25, fixing an in-line ceiling price for any person subject to a ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, who fails to prepare or keep any record or file any report required in connection with the establishment of his ceiling price, or who fails to establish a ceiling price or to apply to the Office of Price Stabilization for the establishment of a ceiling price if such action is required by the applicable regulation.

This redelegation of authority shall take effect as of November 12, 1952.

CHARLES B. CLEMENT,
Acting Director of Regional Office V.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12629; Filed, Nov. 24, 1952; 5:04 p. m.]

[Region VI, Redelegation of Authority 27, Amdt. 3, Corr.]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1; CORRECTION

Due to clerical error the number "14" was omitted after the number "13" in item 2 (c) of Redelegation of Authority 27, Amendment 3, issued September 29, 1952, but effective September 26, 1952 (17 F. R. 8787). Accordingly, item 2 (c) of Redelegation of Authority No. 27, Amendment 3, is corrected to read as follows:

(c) To grant, deny, request further information or take such other action as the National Office may direct with respect to applications made by Class 2 or Class 2A slaughterers under sections 9, 13, 14, 15 (b), 19 (b) (3) or 19 (b) (5) of Distribution Regulation 1, Revision 1.

SYDNEY A. HESSE,
Regional Director, Region VI.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12630; Filed, Nov. 24, 1952; 5:04 p. m.]

[Region VI, Redelegation of Authority 47]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 2 AND 3 OF GOR 25

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 78 (17 F. R. 10088), this redelegation of authority is hereby issued.

1. *Authority to act under sections 2 and 3 of GOR 25.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan and Louisville, Kentucky:

(a) To disapprove or reduce under section 2 any ceiling price proposed, reported, or established under any ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, so as to bring it in line with the level of ceiling prices otherwise established by that ceiling price regulation;

(b) To issue an order, under section 3 of GOR 25, fixing an in-line ceiling price for any person subject to a ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, who fails to prepare or keep any record or file any report required in connection with the establishment of his ceiling price, or who fails to establish a ceiling price or to apply to the Office of Price Stabilization for the establishment of a ceiling price if such action is required by the applicable regulation.

This redelegation of authority shall take effect as of November 19, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12631; Filed, Nov. 24, 1952; 5:04 p. m.]

[Region VII, Redelegation of Authority 24, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 47 (b), CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 53, Amendment 2 (17 F. R. 9093), this Amendment 2 to Redelegation of Authority No. 24 is hereby issued.

Redelegation of Authority No. 24 is amended by redesignating the present paragraph 4 as paragraph 5 and adding a new paragraph, designated paragraph 4 to read as follows:

4. *Authority under section 47 (b) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to accept statements or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98.

This Redelegation of Authority No. 24, Amendment 2, shall take effect on November 25, 1952.

B. EMMET HARTNETT,
Director of Regional Office No. VII.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12632; Filed, Nov. 24, 1952; 5:04 p. m.]

[Region IX, Redelegation of Authority 28, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 47 (b), CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 53, Amendment 2, dated October 10, 1952 (17 F. R. 9093), this Amendment 2 to Redelegation of Authority No. 28 (17 F. R. 1957), as amended (17 F. R. 6720), is hereby issued.

Redelegation of Authority No. 28 is further amended by redesignating the present paragraph 4 as paragraph 5 and adding a new paragraph, designated paragraph 4, to read as follows:

4. *Authority under section 47 (b) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to accept statements or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98.

This Amendment 2 to Redelegation of Authority No. 28 shall take effect as of October 30, 1952.

M. A. BROOKS,
Regional Director, Region IX.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12633; Filed, Nov. 24, 1952; 5:05 p. m.]

[Region IX, Redelegation of Authority 33, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 60, Revision 1, dated October 1, 1952 (17 F. R. 8784), this Revision 1 of Redelegation of Authority No. 33 (17 F. R. 4546), is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This Revision 1 of Redelegation of Authority No. 33 shall take effect as of October 30, 1952.

M. A. BROOKS,
Regional Director, Region IX.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12634; Filed, Nov. 24, 1952; 5:05 p. m.]

[Region IX, Redelegation of Authority 48]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 76, dated October 6, 1952 (17 F. R. 8997), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX:

(a) To act under sections 6 and 7 of the General Ceiling Price Regulation, in respect to all matters referred to therein pertaining to applications and reports submitted by wholesalers, retailers and suppliers of services;

(b) To act under sections 6 and 7 of the General Ceiling Price Regulation, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers whose total gross sales for the last complete fiscal year of commodities manufactured were less than $250,000, and those submitted by new manufacturers who have not yet completed a fiscal year but who do not expect the total gross sales of their manufactured commodities to reach $250,000 during the first complete fiscal year;

(c) To act on any application or report under sections 6 and 7 of the General Ceiling Price Regulation, specifically referred for action by the National Office or the Regional Office.

This redelegation of authority shall take effect as of October 30, 1952.

M. A. BROOKS,
Regional Director, Region IX.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12636; Filed, Nov. 24, 1952; 5:05 p. m.]

[Region XII, Redelegation of Authority 52, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO THE GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 71 (17 F. R. 7063), Redelegation of Authority No. 52 (17 F. R. 7554) is amended to read as follows:

1. *Authority to act under section 3 (f) of SR 65 to GCPR.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to act under section 3 (f) of SR 65 to the GCPR. All actions in respect to section 3 (f) of SR 65 to the GCPR, taken by field offices previous to this authority, are hereby confirmed and validated.

This amendment shall take effect as of November 3, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12637; Filed, Nov. 24, 1952; 5:06 p. m.]

[Region XIII, Redelegation of Authority 36]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 2 AND 3 OF GOR 25

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 78 (17 F. R. 10088), this redelegation of authority is hereby issued.

1. *Authority to act under sections 2 and 3 of GOR 25.* Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively:

(a) To disapprove or reduce under section 2, any ceiling price proposed, reported, or established under any ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authority, so as to bring it in line with the level of ceiling prices otherwise established by that ceiling price regulation;

(b) To issue an order, under section 3 of GOR 25, fixing an in-line ceiling price for any person subject to a ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, who fails to prepare or keep any record or file any report required in connection with the establishment of his ceiling price, or who fails to establish a ceiling price or to apply to the Office of Price Stabilization for the establishment of a ceiling price if such action is required by the applicable regulation.

This redelegation of authority shall take effect as of November 17, 1952.

HAROLD WALSH,
Regional Director, Office of Price Stabilization, Region XIII.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12638; Filed, Nov. 24, 1952; 5:06 p. m.]

[Region XIV; Redelegation of Authority 21]

TERRITORIAL DIRECTORS

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 2 AND 3 OF GOR 25

By virtue of the authority vested in me as Director of Region XIV, Office of Price Stabilization, pursuant to Delegation of Authority 78 (17 F. R. 10088), this redelegation of authority is hereby issued.

1. *Authority to act under sections 2 and 3 of GOR 25.* Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization in Alaska, Hawaii, Puerto Rico, and the Virgin Islands:

(a) To disapprove or reduce under section 2 any ceiling price proposed, reported, or established under any ceiling price regulation, in connection with which the Territorial Director is authorized to act on an individual price determination or authorization, so as to bring it in line with the level of ceiling prices otherwise established by that ceiling price regulation;

(b) To issue an order, under section 3 of GOR 25, fixing an in-line ceiling price for any person subject to a ceiling price regulation, in connection with which the Territorial Director is authorized to act on an individual price determination or authorization, who fails to prepare or keep any record or file any report required in connection with the establishment of his ceiling price, or who fails to establish a ceiling price or to apply to the Office of Price Stabilization for the establishment of a ceiling price if such action is required by the applicable regulation.

This redelegation of authority shall take effect on November 25, 1952.

EDWARD J. FRIEDLANDER,
Regional Director.

NOVEMBER 24, 1952.

[F. R. Doc. 52-12639; Filed, Nov. 24, 1952; 5:06 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27559]

PHOSPHATE ROCK FROM FLORIDA TO BOONVILLE, IND., AND LEXINGTON, MISS.

APPLICATION FOR RELIEF

NOVEMBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and other carriers.

Commodities involved: Phosphate rock, ground or not ground, slush and floats, and soft phosphate, not acidulated nor ammoniated, carloads.

From: Points in Florida.

To: Boonville, Ind., and Lexington, Miss.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: ACL RR. I. C. C. No. B-3232, Supp. 66; SAL RR. I. C. C. No. A-8153, Supp 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12570; Filed, Nov. 25, 1952; 8:47 a. m.]

[4th Sec. Application 27560]

PHOSPHATE ROCK FROM FLORIDA TO NACOGDOCHES, TEX.

APPLICATION FOR RELIEF

NOVEMBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, ground or not ground, not acidulated nor ammoniated, carloads.

From: Points in Florida.

To: Nacogdoches, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: ACL RR. I. C. C. No. B-3232, Supp. 66; SAL RR. I. C. C. No. A-8153, Supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12571; Filed, Nov. 25, 1952; 8:47 a. m.]

[4th Sec. Application 27561]

PHOSPHATE ROCK FROM FLORIDA TO CHARLESTON, S. C.

APPLICATION FOR RELIEF

NOVEMBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and the Southern Railway Company.

Commodities involved: Phosphate rock, slush and floats, and soft phosphate, carloads.

From: Points in Florida.

To: Charleston, S. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: ACL RR. I. C. C. No. B-3232, Supp. 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12572; Filed, Nov. 25, 1952; 8:47 a. m.]

[4th Sec. Application 27562]

PHOSPHATE ROCK FROM FLORIDA TO LAUREL AND NEWTON, MISS.

APPLICATION FOR RELIEF

NOVEMBER 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company, and other carriers.

Commodities involved: Phosphate rock, slush and floats, and soft phosphate, not acidulated nor ammoniated, carloads.

From: Points in Florida.

To: Laurel and Newton, Miss.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: SAL RR. I. C. C. No. A-8153, Supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12573; Filed, Nov. 25, 1952; 8:47 a. m.]

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OF THE UNITED STATES

VOLUME 17 1934 NUMBER 233

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TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Rev. 2]

PART 811—SUGAR REQUIREMENTS, CONTINENTAL UNITED STATES

REQUIREMENTS FOR 1952

Basis and purpose. The revised determination set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1952 is necessary. The purpose of this revision is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act.

Immediate availability of a part of the additional supply of sugar provided by this determination of sugar requirements is necessary to insure orderly marketing and to maintain a continuous and stable supply of sugar at prices that are not excessive to consumers. Therefore, in order effectively to carry out the purposes of the Sugar Act, it is necessary that the revision of the determination be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) is impracticable and contrary to the public interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001) Sugar Regulation 811, the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States for 1952, as revised (16 F. R. 12929; 17 F. R. 9615), is hereby further revised to read as follows:

§ 811.4 *Sugar requirements, 1952.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1952 is hereby determined to be 7,900,000 short tons, raw value.

Statement of bases and considerations. On December 20, 1951, the supply of sugar required from quota sources in 1952 was determined to be 7,700,000 short tons, raw value. It was indicated at that time that distribution in the 12 months ended October 31, 1951, was about 7,850,000 short tons, raw value, that about 150,000 tons had been used in the 12 months from "invisible" inventories and that further depletion in such inventories probably would occur by December 31, 1951. Final distribution data for 1951 show a total of about 7,737,000 tons and "invisible" inventory statistics indicate the use of an additional quantity of approximately 250,000 tons. Thus, total use in 1951 appears to have been about 8,000,000 short tons. These quantities were utilized at annual average prices of 6.06 cents per pound for raw sugar and 8.38 cents, wholesale, New York basis, for refined sugar. Prices of 5.75 cents for raw sugar and 8.25 cents for refined prevailed at the time that the 7,700,000 ton determination was made. In that determination it was stated that these prices were too low to maintain the domestic sugar industry as required by the Sugar Act of 1948 and the quantity established reflected a reduction of 400,000 tons as a price stimulus.

On October 21, 1952, Revision 1 to Sugar Regulation 811 increased sugar requirements to 7,800,000 short tons, raw value. At that time it was pointed out that sugar distribution in 1952 to September 1 exceeded that for the corresponding period of 1951 by 240,000 tons but that it was necessary to continue a negative allowance for price effect.

Beginning in early June, the price of raw sugar, duty paid, New York, fluctuated between 6.37 and 6.62 cents per pound and the generally quoted basic price for refined sugar was 8.80 cents. Average prices for the first ten months of 1952 were 6.27 cents for raw sugar and 8.59 cents for refined sugar. In light of the criteria set forth in section 201 of the Sugar Act of 1948 and trends of other prices, refined sugar prices have not at-

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FEDERAL REGISTER

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tained levels which are "excessive to consumers".

By November 1, refiners, importers and processors of mainland sugarcane and sugar beets had distributed 6,992,171 short tons of sugar, raw value. This was 334,000 tons more than was distributed in the comparable period of 1951. In 1952 distribution in September and October was more than 100,000 tons higher than the highest for the same months in any of these four years. If November-December distribution should be about 1,100,000 tons as in the preceding four years, total 1952 distribution should be about 8,100,000 tons. The difference between actual distribution and total quota charges for a year is accounted for by changes in refiners and importers stocks.

Although an increase in quotas is necessary for continued market activity, in consideration of all stock and price data, the increase is limited to 100,000 tons, continuing a negative allowance for price effect.

Accordingly, the total of the quotas is increased by this action to 7,900,000 short tons, raw value.

(Sec. 403, 61 Stat. 932; 7 U. S. C., Sup. 1153)

Done at Washington, D. C., this 25th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 52-12694; Filed, Nov. 28, 1952; 8:53 a. m.]

[Sugar Reg. 813, Amdt. 6]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

DETERMINATION AND PRORATION OF 1952 QUOTAS

Basis and purpose. The amendments herein are issued pursuant to sections 202 and 204 (b) of the Sugar Act of 1948 and are made for the purpose of giving effect to the revision of the determination of sugar requirements made by the Secretary of Agriculture.

After providing for quotas in specific amounts for domestic sugar producing areas and the Republic of the Philippines, section 202 of the act provides that the difference between the sum of such quotas and total requirements shall be prorated to foreign countries other than the Republic of the Philippines on the basis of stated percentages. Thus, the statute states specifically how quotas are to be revised when there is a change in sugar requirements. Furthermore, in order to make available the additional sugar authorized by this amendment to meet current demand at stable prices and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001), Sugar Regulation 813 (16 F. R. 13032; 17 F. R. 5691, 6758, 8449, 10498), establishing sugar quotas for 1952 is hereby amended as hereinafter set forth.

1. Section 813.32 is changed to read:

§ 813.32 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1952 the following quotas.

Area:	*Quotas in terms of short tons, raw value*
Republic of the Philippines	974,000
Cuba	2,621,851
Other foreign countries	36,149

2. Paragraphs (e) and (f) of § 813.33 are changed to read:

§ 813.33 *Determination and proration of area deficits.* * * *

(e) *Deficit in proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* It is hereby determined, pursuant to section 204 (b) of the act, that unfilled prorations to foreign countries of the quota for foreign countries other than Cuba and the Republic of the Philippines established under section 202 (c) of the act amount to 36,625,299 pounds of sugar, raw value, and that by September 1, 1952, Colombia, Costa Rica, the Dominican Republic, Haiti, Netherlands, Peru, and the United Kingdom had filled their

prorations of such quota in effect on that date.

(f) *Allotment of unfilled prorations of quota for foreign countries other than Cuba and the Republic of the Philippines.* An amount of sugar equal to the unfilled prorations to foreign countries determined in paragraph (e) of this section is hereby prorated, pursuant to subsections (b) and (d) of section 204 of the act as follows:

Country:	*Additional prorations in pounds, raw value*
Colombia	508
Costa Rica	39,100
Dominican Republic	12,658,870
Haiti	1,749,512
Netherlands	413,577
Peru	21,098,054
United Kingdom	665,678

3. Paragraph (a) of § 813.34 is changed to read:

§ 813.34 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Basic prorations.* The quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Country:	*Proration in pounds, raw value*
Belgium	427,264
Canada	819,089
China and Hong Kong	418,272
Czechoslovakia	382,251
Dominican Republic	9,681,027
Dutch East Indies	306,879
Guatemala	486,197
Haiti	1,337,961
Honduras	4,983,262
Mexico	8,756,833
Netherlands	316,288
Nicaragua	14,838,437
Peru	16,134,997
Salvador	11,916,826
United Kingdom	509,085
Venezuela	421,013
Other countries	62,319
Subtotal	71,798,000
Unallotted reserve	500,000
Total	72,298,000

Statement of bases and considerations—Revised quotas due to increase in requirements. The revised quotas for Cuba and "Other Foreign Countries" have been established by prorating the amount by which the revised estimate of requirements exceeds the quotas for domestic areas and the Republic of the Philippines on the basis of 98.64 per centum to Cuba and 1.36 per centum to "Other Foreign Countries" as provided in section 202 (c) of the act. In addition, the revised quota for "Other Foreign Countries", after setting aside 500,000 pounds for an unallotted reserve, has been prorated on the basis of the division of the quota made in General Sugar Quota Regulations, Series 4, No. 1, issued December 12, 1936, as provided in section 202 (c).

Area deficit. Section 204 (b) of the act provides that if on the first day of September in any calendar year any part or all of any proration of the basic quota to a foreign country other than Cuba and the Republic of the Philippines has not been filled, the Secretary may revise the prorations and allot the unfilled portions to those foreign countries which have filled their prorations by such date. Such revision was made by S. R. 813, Amendment 3 (17 F. R. 8449) on the basis of the basic quota for such countries prevailing on that date. Inasmuch as only Colombia, Costa Rica, the Dominican Republic, Haiti, Netherlands, Peru, and the United Kingdom had filled their prorations of the smaller basic quota then prevailing, the unfilled portions of the quota established in § 813.32 herein and prorated in § 813.34 (a) is reallotted in § 813.33 (f) to the seven countries indicated above.

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the quotas for all areas are as follows:

BASIC AND ADJUSTED QUOTAS, 1952

[Short tons, raw value]

Production area	Basic quota	Adjusted quota [1]
Domestic beet sugar	1,800,000	1,600,000
Mainland cane sugar	500,000	535,296
Hawaii	1,052,000	982,000
Puerto Rico	910,000	970,569
Virgin Islands	6,000	6,400
Philippines	974,000	774,000
Cuba	2,621,851	2,987,556
Other foreign countries: [2]		
Belgium	213.6	
Canada	409.5	
China and Hongkong	209.1	.3
Czechoslovakia	191.1	
Dominican Republic	4,840.6	13,865.8
Dutch East Indies	153.4	
Guatemala	243.1	
Haiti	669.0	1,916.3
Honduras	2,491.6	
Mexico	4,378.4	2,504.8
Netherlands	158.2	364.9
Nicaragua	7,419.2	3,764.9
Peru	8,067.5	23,109.6
Salvador	5,958.4	
United Kingdom	254.6	587.4
Venezuela	210.5	
Other countries	31.2	35.0
Unallotted reserve	250.0	
Subtotal	36,149.0	46,149.0
Total	7,900,000	7,900,000

[1] The following quantities may be entered as direct-consumption sugar: Hawaii, 29,616 tons; Puerto Rico, 126,033; Philippines 59,920; Cuba, 375,000. Regardless of deficit prorations, by reason of section 204 (c) of the act each production area retains its basic quota.

[2] Prorations of basic quota may be filled with direct-consumption or raw sugar. Prorations of Philippine deficit, shown in S. R. 813, Amdt. 1, may be filled with raw sugar only.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153)

Done at Washington, D. C., this 25th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary.*

[F. R. Doc. 52-12695; Filed, Nov. 28, 1952; 8:53 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 171]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.600 *Grapefruit Regulation 171*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 1, 1952. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 1, 1952; the recommendation and supporting information for continued regulation subsequent to November 30, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 25; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 1, 1952, and ending at 12:01 a. m., e. s. t., December 29, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193 of this title; 17 F. R. 7408).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of November 1952.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 52-12753; Filed, Nov. 28, 1952; 9:32 a. m.]

[Orange Reg. 226]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.599 *Orange Regulation 226*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 1, 1952. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 1, 1952; the recommendation and supporting information for continued regulation subsequent to November 30 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 25; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 1, 1952, and ending at 12:01 a. m., e. s. t., December 29, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2\frac{10}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Oranges (§ 51.302 of this title; 17 F. R. 7879): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{10}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{14}{16}$ inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.302 of this title; 17 F. R. 7879).

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 225 (7 CFR 933.596; 17 F. R. 10438).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of November 1952.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 52-12754; Filed, Nov. 28, 1952; 9:32 a. m.]

[Tangerine Reg. 128]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.601 *Tangerine Regulation 128*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 1, 1952. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 1, 1952; the recommendation and supporting information for continued regulation subsequent to November 30 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 25; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the

period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 1, 1952, and ending at 12:01 a. m., e. s. t., December 15, 1952, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§ 51.417 of this title; 17 F. R. 8377).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of November 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-12755; Filed, Nov. 28, 1952; 9:33 a. m.]

[Lemon Reg. 463]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.570 *Lemon Regulation 463*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 25, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 30, 1952, and ending at 12:01 a. m., P. s. t., December 7, 1952, is hereby fixed as follows:

(i) District 1: 25 carloads;

(ii) District 2: 212 carloads;

(iii) District 3: 13 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601)

Done at Washington, D C., this 26th day of November 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Nov. 23, 1952]

DISTRICT NO. 1

[12:01 a. m. Nov. 30, 1952, to 12:01 a. m. Dec. 14, 1952]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	34.997
Lemon Cove Association	25.777
Tulare County Lemon & Grapefruit Association	27.933
California Citrus Groves, Inc., Ltd.	.000
Harding & Leggett	5.740
Zaninovich Brothers, Inc.	5.553

DISTRICT NO. 2

Total	100.000
American Fruit Growers, Inc., Corona	.068
American Fruit Growers, Inc., Fullerton	.316
American Fruit Growers, Inc., Upland	.101
Eadington Fruit Co.	.526
Ventura Coastal Lemon Co.	5.447
Ventura Pacific Co.	4.173
Glendora Lemon Growers Association	1.697
La Verne Lemon Association	.356
La Habra Citrus Association	.653
Yorba Linda Citrus Association, The	.450
Escondido Lemon Association	1.035
Cucamonga Mesa Growers	.384
Etiwanda Citrus Fruit Association	.101
Mountain View Fruit Association	.000
San Dimas Lemon Association	.716
Upland Lemon Growers Association	2.691
Central Lemon Association	.196
Irvine Citrus Association	.312
Placentia Mutual Orange Association	.664
Corona Citrus Association	.100
Corona Foothill Lemon Co.	.622
Jameson Co.	.369
Arlington Heights Citrus Co.	.240
College Heights Orange & Lemon Association	2.241
Chula Vista Citrus Association, The	.490
Escondido Cooperative Citrus Association	.066
Fallbrook Citrus Association	1.183
Lemon Grove Citrus Association	.227
Carpinteria Lemon Association	4.295
Carpinteria Mutual Citrus Association	4.750
Goleta Lemon Association	6.239
Johnston Fruit Co.	7.824
North Whittier Heights Citrus Association	.140
Hazeltine Packing Co.	.295
San Fernando Heights Lemon Association	.744
Sierra Madre-Lamanda Citrus Association	.410
Briggs Lemon Association	2.312
Culbertson Lemon Association	1.476
Fillmore Lemon Association	.489
Oxnard Citrus Association	6.147
Rancho Sespe	.603
Santa Clara Lemon Association	5.923
Santa Paula Citrus Fruit Association	2.004
Saticoy Lemon Association	6.218
Seaboard Lemon Association	7.529
Somis Lemon Association	4.826
Ventura Citrus Association	1.338
Ventura County Citrus Association	1.013
Limoneira Co.	2.337
Teague-McKevett Association	.469
East Whittier Citrus Association	.288
Leffingwell Rancho Lemon Association	.376
Murphy Ranch Co.	.675

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Chula Vista Mutual Lemon Association	0.497
Index Mutual Association	.204
La Verne Cooperative Citrus Association	1.032
Ventura County Orange & Lemon Association	3.560
Whittier Mutual Orange & Lemon Association	.008
Dunning Ranch	.070
Huarte, Joseph D.	.000
Latimer Harold	.065
Orange Belt Fruit Distributors	.296
Paramount Citrus Association, Inc.	.073
Santa Rosa Lemon Association	.000

DISTRICT NO. 3

Total	100.000
Consolidated Citrus Growers	7.560
Phoenix Citrus Packing Co.	2.516
Arizona Citrus Growers	49.574
Desert Citrus Growers Co.	12.849
Tempeco Groves	10.336
Arlington Heights Citrus Co.	7.342
Mesa Harvest Produce Co.	1.613
Pioneer Fruit Co.	5.980
Allen & Allen Citrus Packing Co.	.000
Maricopa Citrus Co.	.000
Mutual Citrus Products Co., Inc.	.000
Sunny Valley Citrus Packing Co.	1.497
Valley Citrus Packing Co.	.733

[F. R. Doc. 52-12752; Filed, Nov. 28, 1952; 9:32 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—CONTROL OF FACILITIES FOR THE PRODUCTION OF FISSIONABLE MATERIAL

ELECTRONUCLEAR MACHINES

Title 10, Chapter I, Part 50, Code of Federal Regulations, entitled "Control of Facilities for the Production of Fissionable Material" is hereby amended in the following respect, effective December 1, 1952:

Section 50.2 *Definitions*, is amended by addition of a new paragraph (f) reading as follows:

(f) The term "electronuclear machines" does not include X-ray generators.

(60 Stat. 755-775; 42 U. S. C. 1801-1819)

Dated at Washington, D. C., this 21st day of November 1952.

By order of the Commission.

M. W. BOYER,
General Manager.

[F. R. Doc. 52-12640; Filed, Nov. 28, 1952; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 21]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act, would be impracticable. Part 610 is amended as follows:

1. Section 610.13 *Green civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Reno, Nev. (LFR)	Desert Peak (INT), Nev.	11,600
Desert Peak (INT), Nev.	Lovelock, Nev. (LFR).	10,000

2. Section 610.14 *Green civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Liberty, Mo. (LF/RBN).	Columbia, Mo. (LFR).	2,200

3. Section 610.15 *Green civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Blythe, Ariz. (LFR)	White Tank (INT), Ariz.	6,000
White Tank (INT), Ariz.	Phoenix, Ariz. (LFR).	5,000

4. Section 610.206 *Red civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Grand Junction, Colo. (VAR).[1]	Int. E crs. Grand Junction, Colo. (VAR), and 22° True rad. Kremmling, Colo. (VOR).	16,000
Int. E crs. Grand Junction, Colo. (VAR), and 22° True rad. Kremmling, Colo. (VOR).	Kremmling, Colo. (VOR).	16,000
Kremmling, Colo. (VOR).	Denver, Colo. (VOR).	16,000
Superior, Colo. (FM)	Denver, Colo. (VOR) (eastbound only).	10,000

[1] 11,000'—Minimum crossing altitude at Grand Junction (VAR), eastbound.

5. Section 610.212 *Red civil airway No. 12* is amended to read in part:

From—	To—	Minimum altitude
Liberty, Mo. (LF/RBN).	Kirksville, Mo. (LFR).	2,300

6. Section 610.251 *Red civil airway No. 51* is amended by adding:

From—	To—	Minimum altitude
Erie, Pa. (LFR)	Bradford, Pa. (RBN).	4,000
Bradford, Pa. (RBN)	Elmira, N. Y. (LFR).	4,500

7. Section 610.304 *Red civil airway No. 104* is amended to eliminate:

From—	To—	Minimum altitude
Erie, Pa. (LFR)	Bradford, Pa. (RBN).	4,000
Bradford, Pa. (RBN)	Elmira, N. Y. (LFR).	4,500

8. Section 610.6006 *VOR civil airway No. 6* is amended by adding:

From—	To—	Minimum altitude
Half Moon Bay (INT), Calif.	Oakland, Calif. (VOR).	4,500

9. Section 610.6016 *VOR civil airway No. 16* is amended by adding:

From—	To—	Minimum altitude
Hassayampa, Ariz. (VOR).	Phoenix, Ariz. (VOR).	5,000

10. Section 610.6027 *VOR civil airway No. 27* is amended to read in part:

From—	To—	Minimum altitude
Paso Robles, Calif. (VOR).	Salinas, Calif. (VOR).	5,000
Salinas, Calif. (VOR), via W. alter.	Lightship (INT), Calif. via W. alter.	5,000
Lightship (INT), Calif. via W. alter.	Ukiah, Calif. (VOR), via W. alter.	6,000

11. Section 610.6095 *VOR civil airway No. 95* is amended to read in part:

From—	To—	Minimum altitude
Phoenix, Ariz. (VOR)	Winslow, Ariz. (VOR).	10,000

12. Section 610.6105 *VOR civil airway No. 105* is added to read:

From—	To—	Minimum altitude
Phoenix, Ariz. (VOR)	Prescott, Ariz. (VOR).	10,000

13. Section 610.6107 *VOR civil airway No. 107* is added to read:

From—	To—	Minimum altitude
Santa Barbara, Calif. (VOR).	Bakersfield, Calif. (VOR).	9,000
Int, 150° true rad, Coalinga, Calif. (VOR), with direct radials between Santa Barbara, Calif. (VOR), and Bakersfield, Calif. (VOR).	Bakersfield, Calif. (VOR) (eastbound only).	8,000

14. Section 610.6109 *VOR civil airway No. 109* is added to read:

From—	To—	Minimum altitude
Paso Robles, Calif. (VOR).	Coalinga, Calif. (VOR).	7,000
Coalinga, Calif. (VOR).[1]	Fresno, Calif. (VOR).	8,000

[1] 5,000'—Minimum crossing altitude at Coalinga (VOR), southwest-bound.

15. Section 610.6113 *VOR civil airway No. 113* is added to read:

From—	To—	Minimum altitude
Modesto, Calif. (VOR)[1]	Reno, Nev. (VOR)---	13,000

[1] 5,000'—Minimum crossing altitude at Modesto (VOR), northeast-bound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective December 2, 1952.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-12641; Filed, Nov. 28, 1952; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5736]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BEE JAY PRODUCTS, INC., ET AL.

Subpart—*Using, selling or supplying lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, jar games, spindle games, or other lottery devices which are to be used or which, due to their design, are suitable for use in the sale and distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Bee Jay Products, Inc., Chicago, Illinois, and Universal Manufacturing Company, Kansas City, Missouri, et al., Docket 5736, September 29, 1952]

In the Matter of Bee Jay Products, Inc., and Joseph Berkowitz, Reuben Berkowitz, and Maurcy M. Ball, Individually and as Officers of Bee Jay Products, Inc., and Universal Manufacturing Company, a Corporation, and Mrs. Anna Berkowitz, Reuben Berkowitz, and Bertha Berkowitz, Individually and as Officers of Universal Manufacturing Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on January 25, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair acts and practices in commerce in violation of the provisions of that act. After the filing by respondents of an answer to the complaint, a hearing was held before a hearing examiner of the Commission theretofore duly designated by it at which hearing counsel for all of the respondents except Maurcy M. Ball and Mrs. Anna Berkowitz requested leave to withdraw their answer to the complaint and to substitute therefor an answer admitting all of the material allegations of fact in the complaint and waiving all intervening procedure and further hearing as to the facts, the substitute answer reserving, however, the right of such respondents to appeal from any decision rendered in the proceeding by the hearing examiner and/or the Commission. The substitute answer was tendered upon condition that the initial decision of the hearing examiner in the proceeding be deferred until the determination by the Commission of another proceeding, that of Superior Products, Docket No. 5561. The request to file such substitute answer being granted by the hearing examiner, it was duly received and filed as a part of the record in the proceeding. At the hearing testimony was received with respect to respondents Maurcy M. Ball and Mrs. Anna Berkowitz, the two respondents not joining in the substitute answer, and such testimony was duly recorded and filed in the office of the Commission. Thereafter, the Commission having rendered its final decision in the Superior Products case, the hearing examiner, on February 15, 1952, filed his initial decision herein.

Within the time permitted by the Commission's rules of practice, counsel for all respondents, other than Maurcy M. Ball and Mrs. Anna Berkowitz, filed with the Commission an appeal from said initial decision and thereafter this proceeding regularly came on for final consideration by the Commission upon the record herein, including briefs in support of and in opposition to said appeal (respondents' application for oral argument of counsel before the Commission having been denied); and the Commission, having issued its order granting said appeal in part and denying it in part and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion drawn therefrom[1] and its order, the same to be in lieu of the initial decision of the hearing examiner.

[1] Filed as part of the original document.

It is ordered, That respondents Bee Jay Products, Inc., a corporation, and Universal Manufacturing Company, a corporation, and their respective officers, and Joseph Berkowitz, Reuben Berkowitz and Bertha Berkowitz, individually and as officers of either or both of said corporations, and their respective agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act push cards, punchboards, jar games, spindle games, or other lottery devices which are to be used or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That respondents Bee Jay Products, Inc., Universal Manufacturing Company, Joseph Berkowitz, Reuben Berkowitz and Bertha Berkowitz shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents Mrs. Anna Berkowitz, deceased, and Maurcy M. Ball.

Issued: September 29, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-12666; Filed, Nov. 28, 1952; 8:48 a. m.]

[Docket 5940]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NUCLEAR PRODUCTS CO.

Subpart—*Advertising falsely or misleadingly:* § 3.195 *Safety;* § 3.205 *Scientific or other relevant facts.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1890 *Safety;* § 3.1895 *Scientific or relevant facts.* In connection with the offer and sale, sale or distribution in commerce, of devices containing the element polonium as an active ingredient, (1) representing, directly or by implication, that such devices are safe for use, unless it is clearly and conspicuously disclosed, in immediate connection with the representation, that the polonium in said devices is dangerous to health if inhaled into the lungs or ingested; (2) representing, directly or by implication, that polonium is harmless; or, (3) offering for sale, selling or distributing such devices unless adequate cautionary or warning notices are clearly and conspicuously impressed or imprinted upon said devices or permanently attached thereto, indicating possible harmful effects of ingesting or inhaling polonium and directing the user not to touch the polonium element and to keep the device away from children; prohibited, subject to the provision, however, as respects the above third prohibition, that such warning or cautionary notices may be condensed if they clearly refer to and are amplified by adequate directions for safe use separately printed and enclosed in the carton or permanent container in which said devices are shipped and kept.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Nuclear Products Company, Costa Mesa, Calif., Docket 5949, September 20, 1952]

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission, respondent's answer, and a stipulation whereby it was stipulated and agreed that a statement of facts, signed and executed by counsel for respondent and J. W. Brookfield, Jr., counsel supporting the complaint, might be taken as the facts in the proceeding and in lieu of testimony in support of and in opposition to the charges stated in the complaint, and might serve as the basis of findings as to the facts and conclusion based thereon and order disposing of the proceeding, respondent, however, expressly requesting the right to file proposed findings, conclusion and order.

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint, answer thereto, stipulation and proposed findings, conclusions and orders submitted by counsel, oral argument not having been requested and said examiner, having approved said stipulation and having found, after duly considering the record in the matter, that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on September 20, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent, Nuclear Products Company, a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of devices containing the element polonium as an active ingredient, do forthwith cease and desist from:

1. Representing, directly or by implication, that such devices are safe for use, unless it is clearly and conspicuously disclosed, in immediate connection with the representation, that the polonium in said devices is dangerous to health if inhaled into the lungs or ingested.

[1] Filed as part of the original document.

2. Representing, directly or by implication, that polonium is harmless.

3. Offering for sale, selling or distributing such devices unless adequate cautionary or warning notices are clearly and conspicuously impressed or imprinted upon said devices or permanently attached thereto, indicating possible harmful effects of ingesting or inhaling polonium and directing the user not to touch the polonium element and to keep the device away from children; provided, however, that such warning or cautionary notices may be condensed if they clearly refer to and are amplified by adequate directions for safe use separately printed and enclosed in the carton or permanent container in which said devices are shipped and kept.

By "Decision of the Commission and order to file report of compliance", Docket 5949, September 19, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 19, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-12665; Filed, Nov. 28, 1952; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Federal Savings and Loan Insurance Corporation

PART 161—DEFINITIONS

WHO ARE INSURED MEMBERS FOR PURPOSES OF INSURANCE OF ACCOUNTS

NOVEMBER 25, 1952.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for insurance of accounts (24 CFR 167.1), notice and public procedure having been duly afforded (17 F. R. 9079), effective November 29, 1952, § 161.2 of the rules and regulations for insurance of accounts (24 CFR 161.2) is hereby amended to read as follows:

§ 161.2 *Insured member.* An "insured member" may be an individual, a partnership, an association, or a corporation holding an insured account. Each officer, employee, or agent of the United States, of any State of the United States, of the District of Columbia, of any Territory of the United States, of Puerto Rico, of the Virgin Islands, of any county, of any municipality, or of any political subdivision thereof, herein called "public unit," having official custody of public funds and lawfully investing the same in an insured account is an insured member in such custodial capacity separate and distinct from any other officer, employee, or agent of the same or any public unit having official custody of public funds and lawfully investing the same in the same insured institution in custodial capacity. Each valid trust estate invested by the fiduciary in an insured account is an insured member separate and distinct from any other valid trust estate invested by the same or another fiduciary in the same insured institution. If the owner or the beneficiary of any such trust estate has any other investment in the same insured institution, held in a different capacity and right, he is, as to such investment, an insured member separate and distinct from such trust estate. In the event the funds of more than one trust estate, such trust estate being the interest of each beneficiary in such trust funds, are invested by the fiduciary in one insured account in an insured institution and the interest of each particular trust estate in such insured account is disclosed upon the records of the insured institution or upon the records of the fiduciary maintained in good faith and in the regular course of business, each such trust estate will be considered as a separate insured account as disclosed upon such records. In the event a fiduciary invests in one insured account funds of more than one trust estate which are commingled, each such trust estate in such insured account will be considered as a separate insured account for an amount determined by apportioning the total amount in the insured account to the trust estates having an interest therein upon the same ratio as the interest of such trust estates in the total commingled fund out of which the investment was made by the fiduciary.

Resolved further, that, this amendment being for the purpose of conformity with the amendment of section 401 (b) of the National Housing Act, as amended, in Public Law 558 of the 82d Congress, approved July 16, 1952, no reason exists for the deferment of its effective date under the provisions of section 4 of the Administrative Procedure Act, and the amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725. Interprets and applies sec. 401, 48 Stat. 1255, as amended by Pub. Law 558, 82d Cong.; 12 U. S. C. 1724)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 52-12670; Filed, Nov. 28, 1952; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 581—PERSONNEL REVIEW BOARDS

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

Section 581.3 is hereby rescinded and the following is substituted therefor:

§ 581.3 *Army Board for correction of military records*—(a) *Purpose.* This section establishes procedures for making

application, and the consideration of applications, for the correction of military records by the Secretary of the Army acting through the Army Board for Correction of Military Records (hereinafter referred to as the Board).

(b) *Establishment, functions, and jurisdiction of the Board*—(1) *Establishment and composition.* (i) Pursuant to the provisions of section 207 of the Legislative Reorganization Act of 1946, as amended, the Army Board for Correction of Military Records is established in the Office of the Secretary of the Army.

(ii) The Board will consist of civilian officers or employees of the Department of the Army in such number, not less than three, as may be appointed by the Secretary of the Army. Three members present shall constitute a quorum of the Board. The Secretary of the Army will designate one member as the Chairman. In the event of absence or incapacity of the Chairman, an Acting Chairman chosen by the Board shall act as Chairman for all purposes.

(2) *Function.* The function of the Board is to consider all applications properly before it for the purpose of determining the existence of an error or an injustice and to make appropriate recommendations to the Secretary of the Army.

(3) *Jurisdiction.* The Board shall have jurisdiction to review and determine all matters properly brought before it consistent with existing law.

(c) *Application for correction*—(1) *General requirements.* (i) The application for correction should be submitted on DD Form 149 (Application for Correction of Military or Naval Record) or exact facsimile thereof, and should be addressed to: Army Board for Correction of Military Records, Department of the Army, Washington 25, D. C. Forms and explanatory matter may be obtained from The Adjutant General, Washington 25, D. C. For those applicants in the military service, these forms may be obtained through publications supply channels.

(ii) Except as provided in subdivision (iii) of this subparagraph, the application shall be signed by the person requesting corrective action with respect to his record and will either be sworn to or will contain a provision to the effect that the statements submitted in the application are made with full knowledge of the penalty provided by law for making a false statement or claim. (18 U. S. C. 287, 1001.)

(iii) When the record in question is that of a person who is incapable of making application himself, or whose whereabouts are unknown, or when such person is deceased, for the purpose of bringing the matter before the Board the application may be made (except where compliance with the provisions of the law with respect to time limitations for filing an application may require otherwise) by such person as the Board shall determine to be competent and suitable and to have a proper interest therein, including but not limited to a spouse, a parent, or relative. Such proof of suitability and proper interest shall be submitted as may be required by the Board.

(2) *Time limit for filing application.* The claimant, his heirs at law, or legal representatives, must file a request for correction of a record with the Secretary of the Army prior to October 25, 1961, or within 3 years of discovery of the alleged error or injustice, whichever be the later. The failure to file such request within the time prescribed may be excused by the Board on its finding that it is in the interest of justice to do so.

(3) *Exhaustion of other remedies.* No application will be considered until the applicant has exhausted all effective administrative remedies afforded him by existing law or regulations, and such legal remedies as the Board shall determine are practical and appropriately available to the applicant.

(4) *Other proceedings not stayed.* The application to the Board for correction of a record shall not operate as a stay of any proceedings being taken with respect to the person involved.

(5) *Denial of application.* It shall be adequate ground for denial of any application that a sufficient basis for review has not been established or that effective relief cannot be granted.

(d) *Entitlement to hearing*—(1) *General.* When an application has been found to be within the jurisdiction of the Board and sufficient evidence has been presented indicating probable error or injustice, the applicant will be entitled to a hearing before the Board either in person or by counsel of his own selection or in person with counsel.

(2) *Notice.* (i) In each case in which a hearing is authorized, the Board will transmit to the applicant and counsel, if any, a written notice stating the time and place of hearing. The notice will be mailed to the applicant and counsel, if any, at least 30 days prior to the date of hearing, except that an earlier date may be set where the applicant waives his right to such notice in writing.

(ii) Upon receipt of notice of hearing, the applicant will notify the Board in writing at least 15 days prior to the date set for hearing as to whether he will be present at the hearing and will indicate to the Board the name of counsel, if represented by counsel, and the names of such witnesses as he may intend to call in his behalf. Cases in which the applicant notifies the Board that he does not desire to be present at the hearing, will be considered in accordance with paragraph (e) (2) (ii) of this section.

(3) *Counsel.* As used in this section, the term "counsel" will be construed to include members in good standing of the Federal Bar or the Bar of any State, accredited representatives of veterans organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (40 Stat. 2031; 38 U. S. C. 101), and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the request of the applicant for correction, unless barred by law.

(4) *Witnesses.* The applicant will be permitted to present witnesses in his behalf at hearings before the Board. It will be the responsibility of the applicant to notify his witnesses and to arrange for their appearance at the time and place set for hearing.

(5) *Access to records.* (i) The applicant shall have access to such official records as are deemed necessary to an adequate presentation of his case. It will be the responsibility of the applicant to procure such evidence not contained in the official records of the Department of the Army as he desires to present in support of his case.

(ii) Classified or privileged matter shall not be disclosed or made available without express finding of the Chairman that such disclosure is required in the case and is not detrimental to the public interest. Such disclosure must be in accordance with law and departmental regulations concerning the security of classified material. When appropriate the applicant may be supplied only with a summary or extract of classified matter.

(e) *Hearing*—(1) *Convening of Board.* The Board will be convened at the call of the Chairman and will recess or adjourn at his order.

(2) *Conduct of hearing.* (i) The hearing shall be conducted by the Chairman, and shall be subject to his rulings so as to insure a full and fair hearing. The Board shall not be limited by legal rules of evidence but shall maintain reasonable bounds of competency, relevancy, and materiality.

(ii) If the applicant, after being duly notified, has indicated to the Board that he does not desire to be present or to be represented by counsel at the hearing, the Board will consider the case on the basis of all the material before it, including, but not limited to, the application for correction filed by the applicant, any documentary evidence filed in support of such application, any brief submitted by or in behalf of the applicant, and all available pertinent records.

(iii) If the applicant, after being duly notified, has indicated to the Board that he will be present or be represented by counsel at the hearing, and without good cause and timely notice to the Board, he or his representative fails to appear at the time and place set for the hearing, the Board may consider the case in accordance with the provisions of subdivision (ii) of this subparagraph, or will make such other disposition of the case as is indicated under the circumstances.

(iv) All testimony before the Board shall be given under oath or affirmation. The proceedings of the Board and the testimony given before it will be recorded verbatim.

(3) *Continuance.* The Board may continue a hearing on its own motion. A request for continuance by or in behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

(f) *Action on application*—(1) *Action by the Board*—(i) *Deliberations, findings, decisions, and recommendations.* (a) Only members of the Board and its staff shall be present during the deliberations of the Board.

(b) Whenever, during the course of its review of the case, it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed by the records or by the testimony and other evidence before the Board, the Board may require the applicant to obtain, or the Board may obtain, such further information as it may consider essential to a complete and impartial determination of the facts and issues.

(c) Following a hearing, the Board will make written findings, decisions, and recommendations. A majority vote of the members present on any matter before the Board will constitute the action of the Board and shall be so recorded.

(d) Where the Board deems it necessary to submit comments or recommendations to the Secretary of the Army as to matters arising from but not directly related to the issues of any case, such comments and recommendations shall be the subject of separate communication.

(ii) *Minority report.* In case of a disagreement between members of the Board a minority report may be submitted, either as to the findings, decision, or the recommendations or to all, including the reasons therefor.

(iii) *Records of proceedings.* When the Board has completed its proceedings, a record thereof shall be prepared. Such record shall indicate whether or not a quorum was present at the hearing and at the Board's deliberations. The record shall include the application for relief, a transcript of any testimony, affidavits, papers, and documents considered by the Board, briefs and written arguments filed in the case, the findings, decision and recommendations of the Board and all other papers, documents, and reports necessary to reflect a true and complete history of the proceedings. The record so prepared will be certified by the Chairman or his designee as being true and complete.

(iv) *Withdrawal.* The Board may permit an applicant to withdraw his application without prejudice at any time before its proceedings are forwarded to the Secretary of the Army.

(2) *Action by Secretary of the Army.* The record of proceedings of the Board will be forwarded to the Secretary of the Army who will direct such action in each case as he determines to be appropriate, which may include the return of the record to the Board for further consideration when deemed necessary.

(3) *Staff action.* (i) Upon final action by the Secretary of the Army the complete record in each case will be returned to the Board. The Board will transmit the decision of the Secretary of the Army to The Adjutant General for appropriate action.

(ii) Upon receipt of the record of proceedings after final action by the Secretary of the Army, the Board will communicate the decision to the applicant and counsel, if any.

(iii) When all necessary administrative action has been completed the applicant will be informed of such action by The Adjutant General.

(iv) Written notice specifying the action taken and the date thereof will be transmitted to the Chairman of the Board.

(v) The record of the decision of the Secretary of the Army will not be filed in the military records of the subject of the application where the effect of such action would be to nullify the relief granted.

(vi) The applicant shall not be entitled to copies of the record of proceedings, but such record shall be made available for his inspection except where, in the discretion of the Chairman, it is detrimental to the public interest.

(4) *Reconsideration.* After final adjudication further hearing before the Board will be granted only upon presentation by the applicant of newly discovered relevant evidence not previously considered by the Board and then only upon recommendation of the Board and approval by the Secretary of the Army.

(g) *Settlement of claims*—(1) *Authority.* (i) The Department of the Army is authorized to settle and pay claims for amounts paid as fines or forfeitures or for losses of pay (including retired or retirement pay), allowances, compensation, emoluments, or other monetary benefits as the case may be which are found to be due, under applicable provisions of law, on account of military service, and as the result of action heretofore or hereafter taken under section 207 of the Legislative Reorganization Act of 1946, as amended, except as provided in subdivision (ii) of this subparagraph.

(ii) The Department of the Army is not authorized to pay any claim heretofore compensated by Congress through enactment of a private law, or to pay any amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Administrator of Veterans' Affairs.

(2) *Application for settlement.* (i) Settlement and payment of claims shall be made only upon a claim of the person whose record has been corrected or of his legal representative, his heirs at law, or his beneficiaries. Such claim for settlement and payment may be filed as a separate part of the application for correction of the record.

(ii) In case the person whose record has been corrected is deceased, and where no demand is presented by a duly appointed legal representative of the estate, payments otherwise due shall be made to the decedent's widow, widower, legal heirs, or beneficiaries, in the order of precedence or succession as may be prescribed by the applicable provisions of law relating to the kind of payment involved and when not otherwise so provided, in the order of precedence as set forth in the act of February 25, 1946 (60 Stat. 30; 10 U. S. C. 868), or as may be prescribed by the applicable provisions of law relating to the kind of payment involved.

(iii) Upon request, the applicant or applicants shall be required to furnish requisite information to determine their status as proper parties to the claim for purposes of payment under applicable provisions of law.

(3) *Settlement.* (i) Settlement of claims shall be upon the basis of the decision and recommendations of the Board, as approved by the Secretary of the Army. Computation of the amounts due shall be made by the appropriate Finance Office. In no case will the amount found due exceed the amount which would otherwise have been paid or have become due under applicable laws had no error or injustice occurred. To the extent authorized by law and regulations, amounts found due may be reduced by the amount of any existing indebtedness to the Government arising from military service.

(ii) Prior to or at the time of payment, the person or persons to whom payments are to be made shall be advised by the appropriate Finance Officer as to the nature and amount of the various benefits represented by the total settlement, and shall be advised further that acceptance of such settlement shall constitute a complete release by the claimants involved of any claim against the United States on account of the correction of the record.

(4) *Report of settlement.* (i) In every case where payment is made, the amount of such payment and the names of the payee or payees, shall be reported to the Chairman of the Board.

(ii) The Chairman of the Board shall make a semiannual report to the Secretary of the Army of all claims paid during the period covered by the report, including a statement of the amount paid, the names of the payee or payees and a brief description of the claim in each case.

(h) *Miscellaneous*—(1) *Staff assistance.* (i) At the request of the Board, The Adjutant General will assemble the original or certified copies of all available military records pertinent to the relief requested. Such records and all supporting papers will be transmitted to the Board.

(ii) The Board is authorized to call upon the Office of the Secretary of the Army, and the Department of the Army General and Special Staffs for investigative and advisory services and upon any other Department of the Army agency for assistance within the specialized jurisdiction of that agency.

(2) *Expenses.* No expenses of any nature whatsoever voluntarily incurred by the applicant, his counsel, his witnesses, or by any other person in his behalf will be paid by the Government.

(3) *Changes in procedures.* The Board may initiate recommendations for such changes in procedures as established herein as may be considered necessary for the proper functioning of the Board. Such changes will be subject to the approval of the Secretary of the Army and of the Secretary of Defense.

[AR 15-185, Nov. 14, 1952] (Sec. 207, 60 Stat. 831, as amended; 5 U. S. C. 1011a)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-12669; Filed, Nov. 28, 1952; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Manpower Policy 10]

USE OF DOMESTIC AND FOREIGN MIGRATORY AGRICULTURAL WORKERS

Preface. This policy has been recommended by the interagency Manpower Policy Committee and by the national Labor-Management Manpower Policy Committee of the Office of Defense Mobilization. It is issued for information and guidance to labor and management concerned with defense production; and assigns to Government agencies the responsibility for providing assistance and leadership in the fields of action required of them.

I. *Purpose.* Food and fiber production is a basic part of the defense production program. Increasing quantities are needed for continued maintenance of a strong domestic economy, a constantly increasing population, the armed forces, and for export to countries of the free world. Production at levels adequate to meet those requirements is essential to the national health, safety, and interest.

The purpose of this statement is to focus attention on the immediate policy and program actions which should be taken under existing legislation to help make available sufficient migratory workers required to meet agricultural production goals; to enlist on a local, State, and national basis the support and assistance of employers, workers, and public and private agencies in the development and execution of these programs; and to set forth the policies of the Federal Government and the responsibilities of Government agencies concerned with agricultural manpower programs. The scope of the paper does not include many long-range problems involving migratory farm workers, the solution of which will require additional study and action.

II. *Policy statement.* It is the policy of the Federal Government to take action through appropriate governmental agencies and to encourage the taking of actions by employers, workers, community groups, and appropriate local and State agencies which will aid in achieving the following objectives, limited in scope to existing legislation:

A. To meet, insofar as possible, seasonal farm labor requirements by the fullest possible employment and utilization of local labor.

B. Provide the greatest possible continuity of employment and income from productive employment for migratory workers and workers available from areas of underemployment and areas of seasonal unemployment to meet the labor requirements that cannot be met through full utilization of the local labor supply.

C. Encourage the use of agricultural workers from territorial possessions of the United States to the extent practical and necessary, in preference to bringing in supplementary workers from foreign sources.

D. Attract domestic workers by the improvement of employment and living conditions of seasonal agricultural workers and thus minimize the necessity for the employment of foreign workers.

E. Develop greater cooperation among employers, workers, and other private groups and appropriate public agencies in recruiting and making full use of seasonal agricultural workers.

F. When labor is not available from local and other domestic sources, bring in only the minimum number of supplementary foreign workers necessary to meet seasonal agricultural labor requirements for employment under conditions and in numbers which will not adversely affect wages and working conditions of domestic agricultural workers. Such foreign labor temporarily employed in the United States should be employed, as at present, with the consent of both their Government and ours.

III. *Recommendations.* Employers, workers, community groups, and public and private agencies have an important responsibility to assist in meeting these objectives in the following manner:

A. Assist in meeting seasonal agricultural labor requirements through full use of the public employment offices and other organizations. Employers should provide accurate information on production and minimum labor requirements as far in advance of the season as possible and continue to work with the public employment office by participating in recruitment and utilization programs. Workers should cooperate by registering their qualifications and indicating their availability for employment as early as possible in advance of the season.

B. Continue to take action to improve employment conditions and to provide the greatest possible continuity of employment and income from productive employment.

C. Continue to expand and improve reception, supervision, and on-the-job training of seasonal farm workers.

D. Continue to cooperate through the exchange of workers and equipment between employers and between communities.

E. Continue to increase production efficiency through improved farm practices such as improved seed, machinery, chemicals, management, and land use.

F. Continue to improve educational, housing, transportation, recreational and health facilities available for migratory and out-of-area workers.

G. Cooperate to insure that only foreign workers who have entered the United States legally are employed.

H. Cooperate to improve employer-worker relations on the farm.

I. Cooperate in seeing that proper standards of operation are observed by labor contractors.

J. Assist in attaining integration of migratory workers into the community and encourage their participation in the community life.

IV. *Assignment of responsibility.* In order that the desired objectives can be achieved in accordance with the above-stated policy, the following assignments of responsibility are made to the specified departments and agencies of the Government:

A. The Department of Labor shall:

1. Encourage and assist State employment security agencies to determine more accurately seasonal labor requirements through detailed analysis of all pertinent data.

2. Encourage and assist State employment security agencies to determine more accurately seasonal domestic labor supplies through extensive information and recruitment programs.

3. Encourage and assist agricultural employers to specify minimum numbers and job qualifications of workers needed.

4. Encourage State employment security agencies to provide migrant workers with adequate information concerning living and working conditions at the time of recruitment.

5. Improve and expand information on labor market demand and supply for both workers and employers.

6. Expand the use of effective methods for recruiting workers not normally in the agricultural labor market such as day-haul programs, exchange of workers, and through special arrangements, employment of youth, part-time workers, and others.

7. Encourage expansion of recruitment programs for workers from underemployed areas to make possible longer and more continuous employment.

8. Continue to cooperate with the Department of Agriculture in studies of under-employment and seasonal unemployment to provide more factual data for the purpose of directing available workers to areas of labor demand.

9. Exercise leadership in cooperation with the Department of State under existing legislative authority in making arrangements for obtaining the minimum number of foreign workers necessary to meet shortages in the domestic agricultural labor supply in accordance with standards provided by law and international agreements.

10. Continue to provide information on prevailing wage determination in connection with Public Law 78, 82d Congress, certification of need for foreign workers by area, numbers of foreign workers employed, and terms and working conditions provided by law and international agreements.

11. Continue to improve procedures under Public Law 78, 82d Congress, for determining need for Mexican National agricultural workers and for insuring that the employment of Mexican National agricultural workers does not adversely affect the wages and working conditions of domestic agricultural workers similarly employed.

12. Insure that Mexican National agricultural workers are not employed below the appropriate prevailing wage rate through determination of pre-season and prevailing agricultural wage rates as required under Public Law 78 by collecting and analyzing wage information and by other appropriate methods such as public hearings.

13. Develop, in cooperation with Labor-Management Manpower Committees, a program for more effective consultation with labor, management, and other interested groups at the local, state, regional, and national level on problems of recruitment and utilization of agricultural labor.

14. Promote public understanding of and compliance with the child-labor provisions of the Fair Labor Standards Act with respect to agricultural employment.

15. Cooperate with appropriate state and federal agencies, and other organizations with respect to the provision for necessary educational opportunity for migrant farm workers and their children.

16. Develop and make available information concerning the problems involved in the inter-state transportation of agricultural workers. Cooperate with appropriate state agencies in developing suggested minimum requirements with respect to provision of adequate and safe transportation of agricultural workers.

17. Develop and make available information concerning the problems arising out of the methods of operation of labor contractors in the recruitment and employment of agricultural workers. Cooperate with appropriate State agencies in developing suggested minimum requirements for labor contractors.

18. Encourage employers, workers, private industries, local and State agencies in the development of suitable rest stops which will provide migrant agricultural workers with adequate stop-over and over-night accommodations.

19. Cooperate with State committees on migratory labor and other State and local interested groups in the development of State and community programs to improve conditions for migrants.

20. Collect information on State experience in adapting and applying labor laws to agricultural workers and make available such information.

B. *The Department of Agriculture shall:*

1. Continue to provide information on production plans, programs and progress, on current and prospective levels of agricultural employment, on trends in farm population and potential labor supply and on labor utilization and farm wages to manpower agencies for use in the effective guidance and recruitment of migratory workers.

2. Encourage and provide assistance to attain maximum productivity of the seasonal farm work force through better use of land, improved cultural and animal husbandry practices, fuller use of chemicals and fertilizers, use of improved seed, expanded use of labor-saving machinery and methods and provision of credit for production and housing.

3. Render leadership and assistance to employers, employer groups and agencies to improve working and living conditions for migrant workers including management, supervision, work methods, housing and continuity of employment, and in the planning and conducting of on-the-job training programs for seasonal workers.

4. Conduct in cooperation with the Department of Labor studies of underemployment, and seasonal unemployment to provide more factual information on living and working conditions for use in guiding workers to areas of labor demand.

C. *The Federal Security Agency shall:*

1. Assist appropriate State and private agencies to understand the problems of migratory farm workers with respect to their need for educational, health, recreational and emergency services.

D. *The Department of Justice shall:*

1. After consultation with and concurrence by the Department of State concerning the sources from which foreign workers shall be admitted for temporary employment in this country, grant permission to and assist employers for whom certification has been made by the Secretary of Labor and who are otherwise eligible under immigration laws, to bring in foreign workers for employment in agriculture and insure their departure on completion of their term of legal stay in the United States.

2. Continue to apprehend and deport illegal entrants. Report such action in respect to agricultural workers to the Secretary of Labor.

E. *The Housing and Home Finance Agency shall:*

1. Continue to make housing under its control available to migratory agricultural workers to the maximum extent permitted by present law.

V. This policy shall take effect on November 29, 1952.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

[F. R. Doc. 52-12749; Filed, Nov. 26, 1952; 3:53 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Supplementary Regulation 2, Interpretation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 2—ALTERNATIVE METHODS FOR PREPARING LIST DATE PRICING CHART AND PRICING

INT. 1—ELECTION OF METHODS OF PREPARING PRICE CHARTS (SECTION 2)

Retail sellers subject to CPR 7 initially may file charts prepared by the method prescribed in CPR 7 or by one of the alternative methods prescribed in CPR 7, SR 2.

Some retailers have asked if, subsequent to May 30, 1951, which is the deadline for filing price charts under CPR 7, charts filed on or before that date and prepared as provided in CPR 7 may be amended by substituting therefor charts prepared under the alternative methods prescribed in CPR 7, SR 2.

A seller was given the option on February 27, 1951 of preparing and filing price charts under SR 2 to CPR 7 rather than under CPR 7. Under CPR 7, section 22, amendments to price charts prepared under CPR 7 may be made subsequent to May 30, 1951 only if permitted by provisions added to CPR 7 after that date. Since no provision has been added to CPR 7 which permits charts prepared under CPR 7, SR 2 to be substituted for the charts prepared and filed under CPR 7, a retailer who on or before May 30, 1951 elected to file a chart prepared by the method provided in CPR 7 may not thereafter revoke such an election by amending his chart.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12775; Filed, Nov. 28, 1952; 11:46 a. m.]

[Ceiling Price Regulation 7, Interpretation 6]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

INT. 6—ELECTION OF METHODS OF PREPARING PRICE CHARTS (SECTIONS 11 (a) AND 22 (2))

Retail sellers subject to CPR 7 initially may file charts prepared by the method prescribed in CPR 7 or by one of the alternative methods prescribed in CPR 7, SR 2.

Some retailers have asked if, subsequent to May 30, 1951, which is the deadline for filing price charts under CPR 7, charts filed on or before that date and prepared as provided in CPR 7 may be amended by substituting therefor charts prepared under the alternative methods prescribed in CPR 7, SR 2.

A seller was given the option on February 27, 1951, of preparing and filing price charts under SR 2 to CPR 7 rather than under CPR 7. Under CPR 7, section 22, amendments to price charts prepared under CPR 7 may be made subsequent to May 30, 1951 only if permitted by provisions added to CPR 7 after that date. Since no provision has been added to CPR 7 which permits charts prepared under CPR 7, SR 2 to be substituted for the charts prepared and filed under CPR 7, a retailer who on or before May 30, 1951 elected to file a chart prepared by the method provided in CPR 7 may not thereafter revoke such an election by amending his chart.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12776; Filed, Nov. 28, 1952; 11:47 a. m.]

[Ceiling Price Regulation 34, Amdt. 12 to Supplementary Regulation 3]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

APPROVAL OF ADDITIONAL FLAT RATE MANUALS AND LABOR SCHEDULES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 12 to

Supplementary Regulation 3 (16 F. R. 8828) to Ceiling Price Regulation 34, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds various flat rate manuals and labor schedules and supplements thereof to the list of approved flat rate manuals and labor schedules in section 2 of Supplementary Regulation 3 to Ceiling Price Regulation 34.

The Statement of Considerations which accompanied Supplementary Regulation 3 to Ceiling Price Regulation 34, and Amendment 1 to that regulation are equally applicable to this amendment and are incorporated herein by this reference.

The character of the approval granted by this amendment made it impracticable and unnecessary to consult formally with representatives of the industry and trade associations although in each instance representatives of the publishers of the manuals were consulted and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 3 to Ceiling Price Regulation 34 is amended in the following respects:

1. Section 2 is amended by adding after paragraph (uu), paragraph (vv) and (ww) as follows:

(vv) Lincoln-Mercury 1953 Supplement to 1952 suggested Labor Time Schedule.

(ww) Willys Flat Rate Manual 1949–52.

2. Appendices VV and WW are added after Appendix UU as follows:

APPENDIX VV

This is the Notice for the Lincoln-Mercury 1953 Supplement.

NOTICE

You are permitted by OPS to use this Supplement to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table at the front of the 1952 Manual to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $____, Relining brakes on 1951 Blank Cars, $____); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period, December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual, states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important. In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your Manual.

APPENDIX WW

This is the Notice for the Willys Flat Rate Manual, 1949–52.

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table at the back of the Manual to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $____, Relining brakes on 1951 Blank Cars, $____); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period, December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual, states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your Manual.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 12 to Supplementary Regulation 3 to Ceiling Price Regulation 34 shall be effective on December 3, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12780; Filed, Nov. 28, 1952; 11:48 a. m.]

[Ceiling Price Regulation 34, Amdt. 2 to Supplementary Regulation 22]

CPR 34—SERVICES

SR 22—SERVICE CHARGES FOR BANKS

MODIFICATIONS OF APPROVAL REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Supplementary Regulation 22 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 22 to Ceiling Price Regulation 34 permits certain changes in banking practices to be instituted prior to written approval from OPS in those cases where the applicant is not required to submit special financial data to OPS.

Previously, section 3 to Supplementary Regulation 22 of Ceiling Price Regulation 34, required OPS to approve, in writing, all applications thereunder, for permission to change from one method of computing earnings credit on depositors' checking accounts to another method. Information available to the OPS indicates that there is no significant difference in the amount of earnings credit under any of the methods described in section 3. Therefore, there is no requirement under that section that applications contain special financial data. Accordingly, since there is no financial data to be analyzed by OPS there is no need to continue the requirement that written authority must be given by OPS before the bank can change its method of computing earnings credit on depositors checking accounts.

Similarly, under section 8 (b) of Supplementary Regulation 22 to Ceiling Price Regulation 34, any bank that did not have a branch office during the base period is authorized to institute in new branch offices, the schedule of ceiling prices at the principal bank for the same service to the same class of purchaser. This section is available to any bank that did not have branch offices during the base period and the application is in effect merely a reporting of ceiling prices. Accordingly, section 8 (c) is amended to permit new branch banks to institute the schedule of service charges of their principal bank ten days after filing an application therefor without written approval from OPS.

Provision is not made for such automatic approval of section 8 (a) since that section is made available only to banks that had branch offices with uniform prices during the base period. It is therefore necessary for this office to consider the application with respect to determining if all the branch banks did, in fact, have uniform prices during the base period.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended, is amended in the following respects:

1. Section 3 is amended by striking out the last two sentences and inserting in lieu thereof the following: "You may not change your method of computing earnings credit on depositors' checking accounts under this section until your application therefor has been approved by OPS, but your application shall be considered approved 10 days after mailing the application or in the event any additional information is requested by OPS, ten days after mailing such additional information, unless within that time OPS notifies you that your application has been disapproved. Nothing in this section shall be construed to authorize any bank to lower the rate it allows to its depositors with respect to credit on depositors' checking account, and in your application you must certify that your bank will not lower its rate of credit on depositor's checking accounts."

2. Section 8 (c) is amended to read as follows:

(c) If you are applying for permission to establish ceiling prices for your services under paragraph (a) or (b) of this section your application must contain a list of the addresses of the principal bank and all branch offices together with a schedule of the ceiling prices for services in effect at the principal office on the date of your application and if you have ever been authorized to adjust your service charges by the Office of Price Stabilization, you must adequately identify the order under which you were authorized to make such adjustment. You may not supply the service for which you are requesting a ceiling price under paragraph (a) of this section until you are advised in writing of OPS approval, which will be given only where granting such approval is consistent with the purpose of the Defense Production Act of 1950, as amended. You may not supply the services for which you are requesting ceiling prices under paragraph (b) until your application therefor has been approved by OPS, but your application under section 8 (b) shall be considered approved 10 days after mailing the application or in the event any additional information is requested by OPS, ten days after mailing such additional information unless within that time OPS notifies you that your application has been disapproved.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended, shall become effective December 3, 1952.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12781; Filed, Nov. 28, 1952; 11:48 a. m.]

[Ceiling Price Regulation 54, Revision 1, Amdt. 1]

CPR 54—ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

CEILING PRICE OF SECONDARY ALUMINUM INGOT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 54, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 54, Revision 1 changes the ceiling prices for secondary aluminum ingot from a delivered basis to a shipping point basis with an allowance for transportation charges.

The ceiling prices for secondary aluminum ingot under CPR 54 were set forth on a delivered basis. Most shipments of secondary aluminum ingot occur in large quantities that travel comparatively short distances. In such cases, the cost of transportation per pound of ingot is not large and in view of the margin between the ceiling prices for aluminum scrap and secondary aluminum ingot can be absorbed by the seller. In view of the past increases in transportation costs, the cost of transporting small quantities large distances often is 2 to 3 cents per pound and in these shipments sufficient margin does not exist for the seller to obtain a profit. This amendment maintains the same ceiling prices for secondary aluminum ingot as in the original regulation but sets forth these prices on a shipping point basis with an allowance for transportation costs up to 75 cents per 100 pounds, instead of on a delivered basis. If the cost of transporting the ingot to the buyer's receiving point is in excess of 75 cents per 100 pounds, the buyer may charge for the transportation costs incurred in excess of 75 cents per 100 pounds. This allowance is the amount which was used in determining the ceiling delivered prices set forth in this regulation as originally issued.

This amendment is not expected to have any appreciable effect on the prices of secondary aluminum ingot.

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable, and has given consideration to their recommendations.

AMENDATORY PROVISIONS

The first paragraph of section 6 (a), (1) of Ceiling Price Regulation 54, Revision 1, is amended to read as follows:

(1) The ceiling price for each kind of secondary aluminum ingot listed in Table F, when sold by any person other than the United States Government, is that applicable price set forth in that table. These prices include an allowance for the cost of transportation up to 75 cents per 100 pounds. If secondary aluminum ingot is transported from the point of shipment to the buyer's receiving point by a public (common or contract) carrier, the actual transportation costs in excess of 75 cents per 100 pounds may be charged to and paid by the buyer. If secondary aluminum ingot is transported from the point of shipment to the buyer's receiving point in a vehicle owned or controlled by the buyer, an allowance equal to the lowest published motor common carrier charge for transporting such ingot, up to 75 cents per 100 pounds, shall be made from the ceiling price listed in Table F. If secondary aluminum ingot is transported from the point of shipment to the buyer's receiving point in a vehicle owned or controlled by the seller, and if the lowest published motor common carrier charge exceeds 75 cents per 100 pounds, the seller may make a transportation charge equal to the amount by which such motor common carrier charge exceeds 75 cents per 100 pounds.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 54, Revision 1, shall become effective December 3, 1952.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12785; Filed, Nov. 28, 1952; 11:49 a. m.]

[Ceiling Price Regulation 67, Interpretation 1]

CPR 67—RESELLERS' CEILING PRICES FOR MACHINERY AND RELATED MANUFACTURED GOODS

INT. 1—CARRY-OVER PRICES BY DISTRIBUTORS (SECTIONS 14 (A) AND 17 (Q))

Certain manufacturers under Ceiling Price Regulation 30, and certain distributors who are resellers under Ceiling Price Regulation 67, have "carry-over" or refinancing agreements with the dealers to whom they sell which permit the dealer to refinance if payment is not made by an agreed maturity date. These agreements usually provide that if a "carry-over," or refinancing after delivery to the dealer is necessary, the seller's price in effect at the time of the refinancing will be the price ultimately paid by the dealer. The question has been raised as to whether or not a dealer who purchases from such a seller and subsequently refinances may be charged the new ceiling price in effect at the time of the "carry-over" of refinancing if this new ceiling price exceeds the ceiling price in effect at the time of delivery.

Section 46 of Ceiling Price Regulation 30 prohibits the sale of any commodity subject to that regulation in excess of the ceiling price established thereunder. The term "sell" is defined to include delivery. To the same effect, only more explicitly with respect to the use of the term "delivery," CPR 67 in addition to defining the term "sell," to include delivery, provides (section 14 (a)) that "No person shall sell or deliver • • • at a price higher than the ceiling price established by this regulation." The General Ceiling Price Regulation which,

prior to CPRs 30 and 67, established ceiling prices for both the manufacturers and distributors, and which still cover those manufacturers who have elected not to use CPR 30, contains a similar definition of the term "sell," to include delivery. Accordingly, a "carry-over" or refinancing provision in any agreement between sellers under CPR 30 or CPR 67 and their dealers, permitting a subsequent revision of prices to an amount in excess of the ceiling price in effect at the time of the sale (which term, as indicated, includes delivery) to the dealer, is prohibited.

In addition, section 38 of CPR 30 provides that a commodity subject to the regulation may not be delivered at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery. This serves explicitly to prohibit sellers under that regulation from engaging in the practice described.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12777; Filed, Nov. 28, 1952; 11:47 a. m.]

[Ceiling Price Regulation 98, Amdt. 7]

CPR 98—RESELLERS OF IRON AND STEEL PRODUCTS

STAINLESS STEEL STRIP

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 98 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation (CPR) 98 extends to stainless steel strip the pricing technique provided for stainless sheets sold by warehouse resellers.

Stainless strip was originally omitted from the coverage of CPR 98 because only a limited number of warehouses carry stainless strip as a stock item and because the tonnage handled by them is not substantial. As a result the resale of stainless steel strip has remained under the coverage of Supplementary Regulation (SR) 29 to the General Ceiling Price Regulation (GCPR).

The resulting different pricing system of stainless sheets and strip was not disturbing until recently because the application of SR 29 to the GCPR to stainless strip yielded ceiling prices substantially similar to those which would have resulted from the application of the pricing technique provided by CPR 98 for stainless sheets. However, this situation changed by the issuance of Amendments 3 and 6 to CPR 98. These amendments permit warehouse resellers to increase their ceiling prices after the suppliers increased their prices on the basis of a regulation issued by OPS, irrespective of the inventories which the warehouse resellers may have on hand. On the other hand, Amendments 11 and 13 to SR 29 to the GCPR permit comparable ceiling price increases only after the reseller's inventory purchased at the previous lower prices is exhausted. In view of the fact that stainless steel strip is closely related to stainless steel sheet and may be slit from sheets for many uses, the elimination of their different treatment price-wise is justified and necessary to re-establish the historical warehouse pricing practices.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendations.

Every effort has been made to conform this amendment to existing business practices or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation and to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 98 is amended as follows:

1. Section 13 (a) is amended by modifying the first line in Table C from "stainless sheets" to read:

Stainless sheets and strip.

2. Section 13 (b) is amended by modifying its title from "stainless steel sheets, bars, angles, and plates" to read:

Stainless steel sheets and strip, bars, angles, and plates.

3. Appendix A is amended by modifying the 29th unnumbered item listed therein from "stainless sheets" to read:

Stainless sheets and strip.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 3, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12782; Filed, Nov. 28, 1952; 11:48 a. m.]

[Ceiling Price Regulation 110, Amdt. 3]

CPR 110—MANUFACTURERS OF COPPER WIRE MILL PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 110 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 110 makes several miscellaneous changes to remove ambiguities in the regulation and to provide a method of in line pricing for products which differ only slightly from other products which have been covered specifically in this regulation.

Ceiling Price Regulation 110 is intended to cover the sale of copper wire mill products by the manufacturer of the copper wire mill product involved. It is not intended that a person, even though he is a manufacturer of some copper wire mill products, who buys a copper wire mill product from its manufacturer and resells this product without performing any operations on it, have his sale price for the copper wire mill product covered by this regulation. Resellers of these products are covered by CPR 67. This amendment clarifies the coverage of this regulation to indicate clearly that the regulation covers sales of copper wire mill products by the manufacturer of the product and not by any person who happens to sell a copper wire mill product.

In establishing the ceiling price for special wiring harnesses and assemblies, this regulation requires the manufacturer to base the ceiling price on several factors. One of these factors is the ceiling price under the regulation for the wire used in the manufacture of these special wiring harnesses and assemblies. Since a manufacturer of copper wire mill products may have different ceiling prices for this wire depending on the class of purchaser to whom he sells, there may be doubt as to which of his ceiling prices for wire he should use. This amendment indicates that he must use the ceiling price for the sales of his wire to manufacturers rather than to any other class of purchaser in computing the ceiling price of special wiring harnesses and assemblies.

This regulation sets forth certain formulas and prices for listed copper wire mill products. Products that are not listed are priced on the basis of the individual manufacturer's selling price in effect on January 25, 1951. Some of these unlisted products differ only slightly from the listed products, and have historically been priced by applying a dollars and cents differential or formula to the price of the similar listed product. This amendment permits this historical practice to be continued by providing that those products that differ only in gauge, stranding construction, type or thickness of insulation, or covering from a listed product, and which were priced by applying a differential or formula to the listed product, may continue to be priced according to historical practice.

In the establishment of a ceiling price for unlisted products, this amendment makes a slight change with respect to copper wire mill products purchased from another manufacturer and used in the manufacture of another wire mill product. Whereas previously, the ceiling price of such a product depended on the manufacturer's price during the base period December 19, 1950, to January 25, 1951, inclusive, this amendment permits a manufacturer to adjust this ceiling price, to reflect the increased cost under this regulation of a copper wire product used in the manufacture of his product over its cost during the base period.

In computing the ceiling price for rolling and drawing services, a price of 24½ cents per pound is used for copper. This price is intended to be 24½ cents per pound, Connecticut Valley basis with the customary differentials being used for the price of copper in other parts of the country. This amendment clarifies that intention by adding the words "Connecticut Valley basis"—after the price of 24½ cents per pound. A definition of the word manufacturer as used in this regulation is also added by this amendment to clarify the coverage of this regulation and to persons to whom it applies.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 110 is amended in the following respects:

1. Section 1 (c) is amended to read as follows:

(c) *Persons and transactions covered.* (1) This regulation applies to all sales, including export sales and sales for export, of copper wire mill products by the manufacturer, to sales or transfers of reels, spools, and other containers furnished in connection with such products by the manufacturer thereof, and to all sales of the services covered by this regulation by the manufacturer of copper wire mill products.

(2) This regulation also applies, insofar as his purchases are concerned, to any person who in the regular course of trade or business buys the products and services covered by this regulation from the manufacturer.

2. Section 2 (a) (5) is amended to read as follows:

(5) You must allow, in addition to class of purchaser discounts provided for in the price books, any other class of purchaser discounts which you had in effect on January 25, 1951. You may charge, in addition to adders provided for in the price books, any adders which you had in effect on January 25, 1951.

3. Section 2 (f) (1) is amended to read as follows:

(1) Ascertain the ceiling price established by this regulation for sales to manufacturers, of wire if any, manufactured by you and used in the product you are pricing.

4. Section 2 (g) (1) is amended to read as follows:

(1) Ascertain the ceiling price established by this regulation for sales to manufacturers, of wire if any, manufactured by you and used in the product you are pricing.

5. Section 3 (b) is amended to read as follows:

(b) *Ceiling prices.* (1) If the product you are pricing differs from a product covered in section 2 in gauge, stranding, construction, type or thickness of insulation, or covering, and if you had in effect on January 25, 1951, a dollars and cents differential or formula which you applied to the price of such product to compute the price of the product you are pricing, then you may apply the same differential or formula to such product covered by section 2, to compute the ceiling price of the product you are pricing.

(2) If you cannot determine your ceiling price in accordance with subparagraph (1), you must determine your ceiling price by selecting the first of the following prices which applies to the product you are pricing.

(i) The highest price for the sale of the same product to a purchaser of the same class set forth in a published price list which you had in effect during the base period;

(ii) The highest price you charged for a delivery of the same products to a purchaser of the same class during the base period;

(iii) The highest price at which you offered in writing to deliver the product to a purchaser of the same class during the base period.

(3) If the ceiling price of the product you are pricing is determined under subparagraph (2) above, and you use a copper wire mill product purchased from another manufacturer in the manufacture of your finished product, and if the ceiling price of the purchased wire mill product under this regulation is in excess of your cost of this purchased product from your regular supplier as of January 25, 1951, you may increase the ceiling price of the product you are pricing as determined under subparagraph (2) above by adding the actual dollar and cents increased cost of the product which you are purchasing over its cost from your regular supplier on January 25, 1951 in proportion to the amount actually used in your finished product. "Your regular supplier" is the person from whom you purchased the largest quantity of the product in question during the year 1950.

6. Section 5 (a) (2) (i) is amended to read as follows:

(i) For copper bars, a price of 24½ cents per pound, Connecticut Valley basis.

7. Section 16 (p) is added to read as follows:

(p) "Manufacturer" means any person engaged in one or more operations in the fabrication, processing or assembling of any product covered by this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 3, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12783; Filed, Nov. 28, 1952; 11:49 a. m.]

[Ceiling Price Regulation 160, Amdt. 1]

CPR 160—CEILING PRICES FOR USED STEEL DRUMS SOLD IN ALASKA AND FOR THE SERVICE OF RECONDITIONING

EXEMPTION OF CERTAIN USED STEEL DRUMS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 160 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 160 established dollar and cent ceiling prices at all levels of distribution for certain used steel drums sold in the Territory of Alaska. Although the Alaskan regulation was patterned after Ceiling Price Regulation 36, the mainland regulation, certain exemptions for ICC–5 and ICC–5B drums were made in that regulation which were not incorporated into CPR 160. It has been determined that the inclusion of these types of drums in the coverage of CPR 160 has created certain inequities and distorted the customary price pattern.

This amendment corrects these inequities by revising sections 1 and 9 of CPR 160 to exclude ICC–5 and ICC–5B drums from the coverage of that regulation. The ceiling prices for these drums will be the ceiling prices established under the General Ceiling Price Regulation.

ICC–5 and ICC–5B type drums do not generally enter commercial trade channels, but are used by oil companies in their own transportation service or for certain deliveries of products on a returnable barrel basis. They are also used extensively by the military.

The initial cost of these drums at Richmond, California, before the recent steel increases was $9.95 per drum for ICC–5 galvanized and $7.10 per drum for ICC–5 ungalvanized and painted, as compared with $5.12 for other types. Industry should, therefore, receive a higher price for these types of drums than that provided in CPR 160.

In the formulation of this amendment, consultation with industry representatives, including trade association representatives, was impracticable.

In the judgment of the Director of Price Stabilization, the revisions provided in this amendment are fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Section 1 of Ceiling Price Regulation 160 is amended to read as follows:

SECTION 1. *What this regulation does.* This regulation establishes ceiling prices at all levels of distribution for (a) empty raw and reconditioned used steel drums, and (b) the service of reconditioning raw steel drums covered by this regulation. The term "drum" when used in this regulation means any single-walled cylindrical or bilged steel shipping package, liquid tight, having a welded side seam, with a capacity of 40 to 58 gallons inclusive, constructed of steel sheets of 16–20 U. S. Standard gauge, inclusive, except 55-gallon drums fabricated of 16 gauge steel, numbered as ICC–5 or

ICC–5B drums. This regulation supersedes Ceiling Price Regulation 9 and the General Ceiling Price Regulation for all such sales.

2. Paragraph (b) of Section 9 of Ceiling Price Regulation 160 is amended to read as follows:

(b) "Drum" as used in this regulation is defined in section 1.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 160 is effective November 28, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52–12779; Filed, Nov. 28, 1952; 11:47 a. m.]

[General Ceiling Price Regulation, Amdt. 5 to Supplementary Regulation 95, Revision 1]

GCPR, SR 95—CEILING PRICES FOR PROCESSORS AND DISTRIBUTORS OF FLAXSEED FEED PRODUCTS

REVISION OF CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 95, Revision 1 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment increases processors' ceiling prices of linseed meal and other flaxseed feed products at all producing points by $4.00 a ton. Under Supplementary Regulation (SR) 95, Revision 1, to the General Ceiling Price Regulation (GCPR) a ceiling price of $78.00 a ton, bulk, was established for linseed meal produced at Minneapolis, the principal producing center. Higher ceiling prices, reflecting normal differentials, were provided for other producing points. This amendment raises the ceiling price of linseed meal produced at Minneapolis to $82.00 a ton, bulk. Present differentials provided for other points of production are maintained.

This upward adjustment in ceiling prices of flaxseed feed products is the result of a reappraisal of price relationships of linseed meal to competing feeds, changes in market conditions, and a study of new data which have become available since the time that the $78.00 ceiling was established. The Director has kept under continuing study the various factors which affect the demand for and the price of linseed meal and other flaxseed feed products. Account has been taken of the prospective supply of linseed meal in the current season relative to supplies of other feeds. As new and more complete information as to the size of this year's crops have become available, it has been possible to develop more reliable estimates of the relative supply position of linseed meal in the general feed picture. Consideration has also been given to the demand pattern for linseed meal compared to that of other feeds. Because of special properties which make linseed meal desirable for winter feeding, there is a normal tendency for demand to strengthen during the winter months. This is reflected in linseed meal prices, which normally are at a higher level during these months. The Director has, in addition, examined current processing margins as affected by changes in raw material costs and returns from sales of end products. Moreover, normal price relationships of linseed meal to competing feeds have been evaluated in the light of additional data now available on crop production and prospective feed supplies.

In the formulation of this amendment, there has been consultation with industry representatives, to the extent practicable, and consideration has been given to their recommendations. Special circumstances have rendered consultation with trade association representatives impracticable.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act.

AMENDATORY PROVISIONS

Table I of Supplementary Regulation 95, Revision 1 to the General Ceiling Price Regulation is amended to read as follows:

TABLE I

Base points	Oil meal or cake (standard protein content 32 percent)	Sized linseed oil cake, linseed pellets or cubes (standard protein content 32 percent)	Linseed feed (standard protein content 30 percent)	Linseed feed pellets or cubes (standard protein content 30 percent)	Flaxseed screenings oil feed (standard protein content 22 percent)	Flaxseed screenings oil feed pellets or cubes (standard protein content 22 percent)
Minneapolis and Red Wing, Minn.	$82.00	$84.25	$77.00	$79.25	$64.00	$66.25
Chicago, Ill.	86.50	88.75	81.50	83.75	68.50	70.75
Cleveland, Ohio	89.50	91.75	84.50	86.75	71.50	73.75
Emporia and Fredonia, Kans.	89.50	91.75	84.50	86.75	71.50	73.75
Buffalo, N. Y.	89.50	91.75	84.50	86.75	71.50	73.75
New York Harbor area and Philadelphia	91.50	93.75	86.50	88.75	73.50	75.75
Texas mill points	90.50	92.75	85.50	87.75	72.50	74.75
Los Angeles and Fresno, Calif.	[1] 84.00	[1] 86.25	79.00	81.25	66.00	68.25
San Francisco, Calif.	[1] 87.00	[1] 89.25	82.00	84.25	69.00	71.25
Conrad and Great Falls, Mont.	95.00	97.25	90.00	92.25	77.00	79.25

[1] Standard protein content 28 percent up to 34 percent. For 34 percent or greater protein content, add $2.50 per ton.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective data. This amendment is effective November 26, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52–12745; Filed, Nov. 26, 1952; 3:06 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 100, Revision 1, Interpretation 1, Steel Special Order 1, Interpretation 1]

GCPR, SR 100—ADJUSTMENTS FOR IRON AND STEEL PRODUCTS

STEEL S. O. 1—ADJUSTABLE PRICING ORDER FOR STEEL MILL PRODUCTS

INCREASES IN CEILING PRICES FOR STEEL MILL PRODUCTS DELIVERED AFTER THE STEEL STRIKE, BUT PURCHASED, FABRICATED AND READY FOR DELIVERY PRIOR TO THE STRIKE

The question has been asked whether a steel mill may charge the price increases permitted under Supplementary Regulation 100, Revision 1, to the General Ceiling Price Regulation, for steel mill products which were purchased, fabricated and ready for delivery prior to the commencement of the steel strike (June 2, 1952) and not delivered until after July 26, 1952, the date when the steel strike was terminated.

Steel Special Order 1 was issued on July 30, 1952 and provides, in part: "On and after July 26, 1952 all steel mill producers subject to this order are authorized to deliver their steel mill products which are subject to this order at prices to be adjusted upwards in accordance with such future order or orders which the Director of Price Stabilization may be required to issue by reason of [an] * * * official and mandatory directive of the Acting Director of the Office of Defense Mobilization."

On August 19, 1952 Supplementary Regulation 100, Revision 1, to the General Ceiling Price Regulation was issued. This supplementary regulation set forth the specific amounts by which ceiling prices of steel mill products could be increased, as provided in Steel Special Order 1.

Steel Special Order 1 and SR 100, Revision 1, to GCPR permit an increase in ceiling prices of all steel mill products covered by them and delivered on or after July 26, 1952, even though such products may have been fabricated and ready for delivery prior to the steel strike. The criterion by which it is determined whether such products are subject to the permitted ceiling price increases is that the delivery of the product occurred on or after July 26, 1952. The date of delivery, rather than the date of completion of fabrication of the product or date when it was ready for delivery, was made the criterion in order to expedite the flow of steel products which might otherwise have been held up pending issuance of the regulation granting the increased prices.

No opinion is expressed as to whether or not a particular contract with a steel mill supplier for the sale of steel mill products permits the supplier to increase his prices under the contract to a purchaser with respect to the material in question.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52–12774; Filed, Nov. 28, 1952; 11:46 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 100, Revision 1, Interpretation 2]

GCPR, SR 100—ADJUSTMENTS FOR IRON AND STEEL PRODUCTS

INT. 2—APPLYING ADJUSTMENTS PERMITTED UNDER GCPR, SR 100, REV. 1 (SECTIONS 7 AND 8)

The Office of Price Stabilization has been asked whether steel mill producers of stainless steel products may apply the increase permitted under Supplementary Regulation 100, Revision 1, to the General Ceiling Price Regulation, to the base price, standard quantity extras and boxing, packaging, and packing extras.

Section 7 of SR 100, Rev. 1, to the GCPR provides as follows:

"If you produce any stainless steel mill product, your ceiling price for this product is your ceiling price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation plus an amount to be calculated by multiplying your ceiling base price plus extras and deductions established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation by 4.7 percent."

The term "extras and deductions" is defined in section 8 as meaning additions to or deductions from the base price to make adjustments for variations in the products, such as variations in size or other physical characteristics, chemical analysis, processing, quality or quantity; it does not include any outgoing freight costs or other delivery charges.

In light of the foregoing ceiling price adjustment procedure, the increase for stainless steel products permitted under SR 100, Rev. 1, to the GCPR, should be applied only to the base price, plus the standard quantity extras; that is before boxing, packaging and packing extras are applied, as variations in the latter extras are not variations in the product such as indicated above.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52–12778; Filed, Nov. 28, 1952; 11:47 a. m.]

[General Overriding Regulation 35, Supplementary Regulation 1, Corr.]

GOR 35—PASS THROUGH FOR STEEL, PIG IRON, COPPER AND ALUMINUM COST INCREASES

ADJUSTMENTS FOR BOLTS, NUTS, SCREWS AND RIVETS; CORRECTION

General Overriding Regulation 35, Supplementary Regulation 1, Adjustments for Bolts, Nuts, Screws and Rivets, issued November 7, 1952, contains a misprint in section 2. Accordingly, this section is hereby corrected by striking out the word "this" and adding the numeral "2" after the word "section" in the seventh line of the paragraph preceding the colon, so that this paragraph shall read as follows

SEC. 2. *Optional industry-wide increases.* If you are a producer of bolts, nuts, screws or rivets, instead of using the increases provided by General Overriding Regulation 35, you may, at your option, add to your ceiling price as established by paragraphs (b), (c) and (d) of section 2 or pursuant to section 5 of Ceiling Price Regulation 118, an amount not to exceed the following:

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52–12784; Filed, Nov. 28, 1952; 11:49 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 93 to Schedule A]

[Rent Regulation 2, Amdt. 91 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

COLORADO AND WYOMING

Effective November 28, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Colorado				
(43) Denver	B	Adams County, except that portion of the city of Aurora located therein and all unincorporated localities; Arapahoe County, except that portion of the city of Aurora located therein, the city of Englewood, the town of Littleton and all unincorporated localities; and Jefferson County, except the city of Golden, the town of Morrison and all unincorporated localities.	Mar. 1, 1942	Aug. 1, 1942
Wyoming				
(368) Casper	A	Natrona County, except the city of Casper and all unincorporated localities.	Aug. 1, 1952	Nov. 6, 1952

These amendments decontrol the following based on resolutions submitted under section 204 (j) (3) of the act:

The City of Denver in Denver County, Colorado, a portion of the Denver Defense-Rental Area and all unincorporated localities in the area;

The City of Casper in Natrona County, Wyoming, a portion of the Casper Defense-Rental Area, and all unincorporated localities in the area.

The City of Denver is the major portion of the Denver Defense-Rental Area and the City of Casper is the major portion of the Casper Defense-Rental Area.

[F. R. Doc. 52–12667; Filed, Nov. 28, 1952; 8:48 a. m.]

[Rent Regulation 3, Amdt. 97 to Schedule A]

[Rent Regulation 4, Amdt. 40 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

WYOMING

Effective November 28, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Name of defense-renta area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(368) Casper.....	Wyoming...	Natrona County, except the city of Casper and all unincorporated localities.	Aug. 1, 1952	Nov. 6, 1952

These amendments decontrol the following based on a resolution submitted under section 204 (j) (3) of the act:

The City of Casper in Natrona County, Wyoming, a portion of the Casper Defense-Rental Area, and all unincorporated localities in the area.

The City of Casper is the major portion of the Casper Defense-Rental Area.

[F. R. Doc. 52-12668; Filed, Nov. 28, 1952; 8:48 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

Pursuant to authority vested in the Governor by Rules 9 and 12 of Executive Order 4314 of September 25, 1925 (35 CFR 4.11, 4.19), a new § 4.20b is added, reading as follows:

§ 4.20b *Advance papers required by air mail.* (a) In addition to the information required by § 4.20 to be delivered to the boarding party by vessels arriving in the Canal Zone, the master of any vessel destined for entry into Canal Zone waters shall dispatch to the Port Captain of the port of entry, sufficiently in advance so that it shall arrive in the Canal Zone at least 48 hours prior to the vessel's arrival, the following information in duplicate:

(1) List of passengers transiting only: Panama Canal Form 20 may be used; if such form is not used, the name, sex, age, color, nationality, port of embarkation, and final destination of each passenger in this category shall be furnished.

(2) List of passengers to be discharged: Panama Canal Form 18 may be used; if such form is not used, the name, sex, age, color, nationality, port of embarkation, and final destination of each passenger in this category shall be furnished.

(3) Crew list: Panama Canal Form 1509–9 may be used; if such form is not used, the full name, capacity or duty, birthplace, age, and citizenship of each crew member shall be furnished.

(4) Cargo declaration: Panama Canal Form 4363–16 may be used; if such form is not used, the general description, number of tons, country or port of origin, and the country or port of destination of the cargo shall be furnished.

(5) Statement of the vessel's port of departure, destination, and ports of call, within the last three months, with corresponding actual or estimated dates.

(6) Expected time of arrival in Canal Zone waters.

(b) Notification of any corrections to or changes in the information furnished under paragraph (a) of this section shall be given promptly by air mail or by radio to the United States Navy Radio Station, Balboa, Canal Zone, addressed to the Port Captain, at the Canal Zone port of arrival.

(c) The master of a vessel which has entered Canal Zone waters and in connection with such entry has furnished the information required by this section within a period of one month prior to its estimated time of arrival, may, if desired, in lieu of the information required by paragraph (a) of this section, give notification only of changes from the prior information furnished.

(d) All information required to be furnished by this section shall be certified as correct by the master of the vessel.

(e) Failure to comply with the requirements of this section will subject the vessel to delay in transiting and/or clearance, but not to fine.

(Sec. 5, 37 Stat. 562, as amended; 2 C. Z. Code 9, 48 U. S. C. 1318)

Issued at Balboa Heights, Canal Zone, November 14, 1952.

J. S. SEYBOLD,
Governor of the Canal Zone.

Confirmed: November 24, 1952.

W. M. WHITMAN,
Secretary,
Panama Canal Company.

[F. R. Doc. 52-12643; Filed, Nov. 28, 1952; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

SERVICE OF DOCUMENTS AND PROOF OF SERVICE

In the matter of amendment of § 1.767 (b) of the Commission's rules and regulations.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of November 1952;

The Commission having under consideration § 1.767 (b) of its rules and regulations which is concerned with the service of documents and proof of service in Commission proceedings, and which provides, in part, that proof of service of documents upon all parties upon whom service is required or permitted under the Commission's rules, except common carriers, shall be made by appropriate affidavit describing the service which shall be attached to the original and copies of which shall be attached to all copies filed with the Commission; and

It appearing, that the requirement that proof of service be made by affidavit has been found to be unnecessary and that such proof of service can and should be made by means of an appropriate certificate of service; and

It further appearing, that this proposed amendment is procedural in nature and therefore the notice and procedure provided for in section 4 of the Administrative Procedure Act are unnecessary and this order may be made effective immediately; and

It further appearing, that authority for the proposed amendment is contained in section 4 (i) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, Effective immediately, that the undesignated second paragraph of § 1.767 (b) be amended to read as follows:

Proof of service as provided in the foregoing shall be made by appropriate certificate describing the service which shall be signed and attached to the original and copies of which shall be attached to all copies filed with the Commission. If service has been made by a delivery of a copy to the attorney, written acknowledgment thereof on the original filed will be considered proof of service; in such case an appropriate notation of such acknowledgement shall be made on all copies filed.

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12687; Filed, Nov. 28, 1952; 8:51 a. m.]

[Docket No. 10207]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

FREQUENCIES BELOW 3000 KC, FOR BUSINESS AND OPERATIONAL PURPOSES

In the matter of amendment of §§ 7.365 and 8.362 of the Commission's rules.

1. These proceedings were instituted by a notice of proposed rule making issued by the Commission on May 29, 1952. The rules amendments were proposed in order to make clear that medium frequencies (2738 kc and 2214 kc) in the 2 Mc band would not be available for use by limited coast stations or by ship stations for communications with limited coast stations where the communications desired were primarily over distances for which frequencies above 30 Mc would be suitable. The rationale underlying the proposal was to insure that, in the interest of efficient frequency utilization, frequencies be assigned for uses commensurate with their propagational characteristics.

2. The period during which comments on this proposal could be filed has expired. Numerous comments were received from licensees operating ship and coast stations in the Lake Dallas, Texas and Lake Texoma, Texas, area. These comments protested the proposed rules amendments on the assumption that they would, by reason of the proposed amendments, be deprived of their currently authorized ship-shore use of the frequency 2738 kc. It is apparent that these comments are based on a misunderstanding of the proposed rule amendments.

3. The proposal dealt solely with the conditions under which frequencies in the 2 Mc band would be authorized for use by limited coast stations and by ship stations for communication with such coast stations. Limited coast stations are coast stations not open to public correspondence whose primary purpose is to serve the business and operational needs of ships. Ship and coast stations in the Lake Dallas and Lake Texoma areas presently authorized to use the frequency 2738 kc are classified under the Commission's rules as "public." These proposed rule amendments, therefore, have no application to such coast stations, nor to public ship stations when communicating with them.

4. The use by public coast stations and by ship stations of the frequency 2738 kc is governed by existing rules provisions which were adopted effective July 23, 1951, after proposed rule making which did not elicit any unfavorable comments. These existing rules provisions provide as follows:

• • • each public coast station licensed prior to July 23, 1951, for the use of telephony on the radio channel of which 2738 kc is the authorized carrier frequency may continue to be licensed for use of this radio-channel until expiration of the current term of the particular coast station license which provides such authorization. [Section 7.304 (a)]

• • • each ship station licensed prior to July 23, 1951, for communication, by telephony on the radio-channel of which 2738 kc is the authorized carrier frequency, with one or more public coast stations using telephony on this radio-channel, may continue to be licensed for such operation until expiration of the current term of the particular ship station license which provides such authorization. [Section 8.354 (c)]

The net effect of these existing rules provisions is to preclude public coast and ship stations from securing a renewal of their outstanding licenses so as to obtain continued authority to use the frequency 2738 kc. This effect of the existing rules provisions is, however, independent of the proposed rule amendments which are the subject of this proceeding. The matter of public coast and ship use of 2738 kc will be considered in a forthcoming separate proceeding in connection with the promulgation of a revised over-all plan of assignment for 2 Mc maritime mobile frequencies which is necessitated by certain international agreements to which the United States is a party.

5. Other comments received in this proceeding appeared to be directed primarily to the effect of the proposed rules upon a pending application of the Kansas City Southern Railway Company for authority to construct a limited cost station utilizing the frequency 2738 kc on a swing span bridge at Simmesport, Louisiana. Although the proposed rules would make clear that such communications on the frequency 2738 kc were precluded if they were primarily of a short range nature, communications of this type would be available if frequencies above 30 Mc were utilized. Having in mind the purpose of the proposed rules, it does not appear that the lack of VHF radio equipment on vessels should be considered to be a valid reason for authorizing new radio installations for short range communication on the frequency 2738 kc since it is apparent that such authorizations would encourage perpetuation of such usage.

6. In view of the foregoing it is ordered that, effective December 23, 1952, Parts 7 and 8 of the Commission's rules are amended as set forth below.

Adopted: November 19, 1952.

Released: November 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 7.365 by adding a new paragraph (c) to read as follows:

(c) In no event, however, shall the carrier frequencies 2738 kc and 2214 kc be available for assignment under this section in any instance in which the desired radio communication is primarily over distances for which frequencies above 30 Mc would be suitable.

2. Amend § 8.362 by redesignating paragraph (c) as paragraph (d) and adding a new paragraph (c) to read as follows:

(c) In no event, however, shall the carrier frequencies 2738 kc and 2214 kc be available for assignment under this section in any instance in which the desired radio communication is primarily over distances for which frequencies above 30 Mc would be suitable.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 52-12686; Filed, Nov. 28, 1952; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 918]

[Docket No. AO 219-A1]

MILK IN MEMPHIS, TENN., MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER REGULATING HANDLING

Notice is hereby given that the hearing on proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Memphis, Tennessee, marketing area, heretofore scheduled (17 F. R. 10474) to begin at 10:00 a. m., c. s. t., at the Federal Post Office Building, Front and Madison Streets, Memphis, Tennessee, on December 2, 1952, is postponed to a later date to be announced.

Dated: November 25, 1952, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-12692; Filed, Nov. 28, 1952; 8:53 a. m.]

[7 CFR Part 995]

[Docket No. AC-197-A1]

MILK IN LIMA, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Lima, Ohio, on June 23 and 24, 1952, pursuant to notice thereof which was issued on June 5, 1952 (17 F. R. 5195).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on October 17, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on October 24, 1952 (17 F. R. 9627).

The material issues of record were concerned with the following:

(1) Increasing the level of the Class I price premiums, providing a separate classification and lower price for cream utilized for fluid consumption, and substituting a cheese price formula for the butter-cheese formula as one of the three alternative methods of determining the basic formula price;

(2) Enlarging the marketing area to include all of Allen County, Ohio;

(3) Altering the definition of Class I milk to designate specifically the products covered instead of depending upon the requirements of local health authorities;

(4) Providing that other source milk be allocated on a pro rata basis with producer milk under certain conditions;

(5) Determining the producer butterfat differential on the basis of a fixed ratio of the market price for butter; and

(6) Increasing the rate of assessment for marketing services performed by the market administrator.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) *Pricing provisions.* The Class I price differentials should be increased by an annual average of 20 cents per hundredweight, cream should continue to be priced at the Class I level, and the butter-cheese formula currently included as one of the three alternative methods of determining the basic formula price should be deleted.

Producers proposed that the Class I price in Lima for any given month be set at the higher of two alternatives, one being the Class I price under the Cleveland order less the handler location differential from Lima to Cleveland and the second being the arithmetical average of the Class I prices provided by the Toledo and Dayton-Springfield orders. This proposal was based upon the close competition for milk supplies between Lima and the other three markets. Cleveland shippers are located throughout the same territory as those supplying Lima, and a Cleveland handler maintains a country station in Lima from which some milk is bottled and distributed locally and the greater portion is shipped bulk to Cleveland. The Lima milkshed overlaps with those of Toledo to the north and Dayton-Springfield to the south. Producers considered it necessary that Class I prices under the Lima order be at least equal to Cleveland order prices at all times, and to the average of the competing markets to the north or south whenever such average was higher than the net Cleveland price.

Handlers opposed this method of pricing and proposed instead that increases in the Class I differential averaging 9½ cents annually would be sufficient to restore order prices to competitive levels. They testified that the producer proposal would fail to result in blend prices equal to those in the competing markets even though Class I prices would be the same. Such differences would result from variations in the classification and utilization of milk in the various markets. They also felt that abnormal conditions in any one of the three competitive markets would affect Lima prices even though the abnormal condition might not extend to the Lima supply and distribution territories.

It is apparent that the need for raising the level of Class I prices in Lima originated in price actions taken in the competing markets in the fall of 1951. Effective October 1, 1951, the Dayton-Springfield order was amended to provide for a supply-demand adjustment and, of more immediate effect, for an emergency increase of 35 cents per hundred pounds through February, 1952 to help offset drought conditions. A supply-demand adjustment became effective in Toledo at the same time. It resulted in a 14-cent increase in October and 50-cent increases each month from November through February. These price increases in Toledo and Dayton-Springfield coincided with an aggressive policy on the part of Cleveland handlers to obtain increased supplies of milk for that market. They paid sufficient premiums in the Lima, Toledo, and Dayton-Springfield areas to meet the local competition. The Lima handlers also found it necessary to pay premiums in order to maintain their regular supplies of milk. Although there is considerable intermarket competition for milk, it was not shown at the hearing that marketing conditions in Lima are so subsidiary to those in one or a combination of the competing markets as to require identical pricing. The emergency period in Dayton-Springfield terminated at the end of February and the amount of the supply-demand adjustment has steadily declined as the supply-demand ratio has returned to more normal levels. The supply-demand ratio in Toledo improved somewhat during the summer months, with a corresponding decrease in the amount of the price adjustment.

In the circumstances, maintaining the Class I differential at 85 cents per hundredweight during April, May, and June and increasing them to $1.15 during February, March, and July and to $1.45 during August through January will best serve the needs of this market. During August the highest rate of differential will apply, instead of the intermediate rate, as at present, in order to maintain closer competitive relationships with Cleveland and to encourage producers to increase fall production. The proposed Class I differentials average $1.225 per hundredweight. This is only slightly above the differential for Grade A milk under the Dayton-Springfield order and somewhat below the differentials, inclusive of the supply-demand adjustments which prevailed in Toledo during the year beginning October 1, 1951.

The proposals by handlers and producers that skim milk and butterfat utilized in the form of fluid cream and specified cream products be classified separately and priced at a definite rate per hundredweight below the Class I price were abandoned by both parties at the hearing.

The present butter-cheese formula was designed some years ago to measure the value of milk for all manufacturing purposes rather than the value of milk used for making cheese. Also it reflects a much higher proportion of butter relative to cheese than is currently being produced, and the prices developed by the formula are usually considerably below the other basic formula prices. It should, therefore, be deleted.

A revised formula, designed to measure the value of milk for cheese-making was introduced at the hearing. However, it appears that there has not been opportunity for as full a consideration of the formula as the problem warrants and it should not be adopted at this time.

(2) *Marketing area.* No change should be made in the marketing area.

Handlers proposed that the present marketing area which includes only the city of Lima be extended to include all of Allen County. They testified that the city and county health authorities were to be combined for the purpose of milk inspection and regulation. The same requirements would be extended throughout the county as are presently in effect for Lima. It was their position that once such uniformity was achieved the pricing and other provisions of the order would be equally applicable throughout Allen County.

At the time of the hearing the proposed consolidation had not been effectuated. However, the hearing examiner specified that official notice could be taken of a Grade A ordinance for the county if as and when such ordinance was passed. The matter was not mentioned in any of the briefs submitted, so apparently no action had been taken by July 12. Since milk of less than Grade A standards can be sold in Allen County outside the city of Lima the pricing provisions of the order are not directly applicable and the proposal must be denied.

(3) *Classification.* The uses of milk which constitute Class I utilization should be specifically designated in the order.

At present certain uses are specifically designated, but the order also classifies as Class I any skim milk and butterfat disposed of as "any other milk product defined by the Lima, Ohio Board of Health".

Health Department requirements are an important consideration in the production and marketing, and hence in the classification and pricing, of milk but are not the sole determinant. The classification of milk should be established and altered only upon formal consideration of all aspects of the problem.

(4) *Allocation of milk.* The provisions relating to the allocation of milk from producers and from other sources to the classified utilization of milk by handlers should not be changed.

The order now provides that other source milk be allocated to Class I only after producer milk, exclusive of shrinkage, has been so allocated. One of the handlers proposed that a quantity of other source milk not to exceed 15 percent of the handler's total Class I utilization or the quantity received in bottled form and disposed of as Class I without further processing or packaging be allocated on a pro rata basis with producer milk. This proposal was designed to meet a problem arising from this handler's sales of milk in 2-quart paper containers. The proponent took the position that the proposed amendment was the most satisfactory means of dealing with the problem although certain alternative solutions were advanced.

It was brought out that the proposed allocation would constitute an incentive for all handlers in the market to displace producer milk with milk from other sources up to the specified limit. Since alternatives are available to the proponent without involving the possibility of such far-reaching changes in the market structure, this proposal should be denied.

(5) *Producer butterfat differential.* The producer butterfat differential should be computed by multiplying the price of 92-score butter at Chicago by 0.13.

The order now provides that the butterfat differential to producers be equal to the weighted average of the handler butterfat differentials on Class I and Class II sales of producer milk. This provision gives each individual producer a pro rata share of the butterfat differentials charged to handlers. However, it should be noted that the entire sales proceeds from the milk sold to handlers is pooled for redistribution for producers. Such redistribution should be related to the supply and demand for the butterfat and skim milk components. In this regard the comparatively high butterfat differential to handlers on Class I milk and the large proportion of Class I sales in this market yield especially high producer butterfat differentials. There has been a steady increase in the average butterfat test of milk received from producers and it is clear that the high butterfat differentials must have contributed substantially to this trend. In addition, the average test of milk received from producers has exceeded the average test of the Class I sales of producer milk in every month since August 1950 and by increasing margins.

It is concluded, therefore, that there is no continued need for such high butterfat differentials to producers as have prevailed heretofore. At the price levels prevailing in 1951 the proposed differentials would have ranged from a low of 8.0 cents in the summer months to a high of 9.4 cents in December as compared with order differentials ranging from 9.4 cents in June to 11.4 cents in December.

(6) *Marketing services.* To defray the cost of performing marketing services for producers who are not members of a cooperative association determined to be performing such services, the rate of deduction from payments to producers should be increased to 6 cents per hundredweight.

The deduction for marketing services has remained at 4 cents per hundredweight since the inception of the order. This amount has proved insufficient to cover the costs of the necessary services and should be increased. Testimony based on experience under other Federal orders showed that comparatively low rates were charged for those services performed on a contract basis in Lima.

Reissuance of order, as amended. The entire order should be recodified in accordance with Revised Regulations of the Division of the Federal Register issued October 12, 1948.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order as hereby proposed to be amended will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of September 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Lima, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Lima, Ohio, Marketing Area," and "Order Regulating the Handling of Milk in the Lima, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 25th day of November 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Lima, Ohio, Marketing Area

Sec.
995.0 Findings and determinations.

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995.2 Secretary.
995.3 U. S. D. A.
995.4 Person.
995.5 Lima, Ohio, marketing area.
995.6 Grade A milk.
995.7 Fluid milk plant.
995.8 Producer.
995.9 Producer milk.
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995.110 Agents.
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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

AUTHORITY: §§ 995.1 to 995.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 995.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lima, Ohio, on June 23

and 24, 1952, upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lima, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient qauntity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Lima, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, as set forth below:

DEFINITIONS

§ 995.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1946 ed. 601 et seq.).

§ 995.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 995.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 995.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 995.5 *Lima, Ohio, marketing area.* "Lima, Ohio, marketing area" called the "marketing area" in this subpart means the territory within the corporate limits of Lima, in the County of Allen, State of Ohio.

§ 995.6 *Grade A milk.* "Grade A milk" means milk produced by a person holding a dairy farm inspection permit issued by the Lima, Ohio, Board of Health for the production of Grade A milk, which is permitted by such health authority to be disposed of as Grade A milk.

§ 995.7 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of Grade A milk all or a portion of which is sold or disposed of in the marketing area as Class I milk.

§ 995.8 *Producer.* "Producer" means any person who produces Grade A milk received (a) at a fluid milk plant, or (b) at any other plant by diversion from a fluid milk plant for the account of a handler or a cooperative association.

§ 995.9 *Producer-milk.* "Producer-milk" means milk produced by one or more producers under the conditions set forth in § 995.8.

§ 995.10 *Handler.* "Handler" means any person who (a) operates a fluid milk plant; (b) receives milk at a plant and either directly or indirectly disposes of milk, skim milk, buttermilk, or flavored milk drink from such plant to a wholesale or retail stop(s) in the marketing area other than a fluid milk plant; or (c) any cooperative association with respect to producer milk diverted by it from a fluid milk plant to any plant not a fluid milk plant for the account of such association.

§ 995.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided,* That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 995.12 *Other source milk.* "Other source milk" means all skim milk and butterfat received other than producer milk, except (a) receipts from a producer-handler, and (b) any non-fluid milk product received and disposed of in the same form.

§ 995.13 *Cooperative association.* "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 995.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 995.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 995.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 995.76:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 995.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 995.30 or § 995.31, or (2) payments pursuant to §§ 995.70, 995.71, 995.73, 995.76, 995.77, 995.78, or 995.80;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month the minimum prices for skim milk and butterfat for each class computed pursuant to §§ 995.51, and 995.52 and the butterfat differential computed pursuant to § 995.75; and

(2) On or before the 12th day after the end of such month, the uniform price computed pursuant to § 995.61.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this subpart as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 995.30 *Monthly reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the month at his fluid milk plant(s) (in the case of a handler not operating a fluid milk plant, all other source milk received), and milk diverted pursuant to §§ 995.8 and 995.82:

(a) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 995.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request: On or before the 22d day after the end of each month his producer payroll for the month, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amounts and dates of payments to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 995.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 995.33 *Retention of records.* All books and records, required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 995.40 *Basis of classification.* All skim milk and butterfat (in any form) received at a fluid milk plant as (a) producer milk, (b) a transfer from another fluid milk plant, and (c) other source milk, shall be classified in the classes set forth in § 995.41.

§ 995.41 *Classes of utilization.* Subject to the conditions set forth in §§ 995.42, 995.43, 995.44, and 995.45, the classes of utilization of milk shall be:

(a) Class I milk shall be all skim milk and butterfat disposed of (1) in fluid form (other than as livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cultured milk products, concentrated milk, and sweet or sour cream, eggnog and any cream product in fluid form having more than 8 percent butterfat; and (2) as all skim milk and butterfat not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat accounted for as (1) used to produce a product other than those specified in paragraph (a) of this section, (2) having been dumped or disposed of for livestock feeding, (3) actual plant shrinkage of skim milk and butterfat received in producer milk but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (4) actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided,* That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each such source to their total.

§ 995.42 *Interplant transfers.* Skim milk and butterfat disposed of in the form of milk, cream, or skim milk by a handler to any milk processing or milk manufacturing plant, including any other fluid milk plant, shall be Class I milk, unless (a) Class II use is indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 7th day after the end of the month within which such disposition was made, and (b) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such reported utilization: *Provided,* That, in no event shall the amount so reported be greater than the total amount so used by the receiver.

§ 995.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 995.44 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 995.45 *Allocation of butterfat classified.* The market administrator shall determine the classification of butterfat in producer milk as follows:

(a) Subtract from the total pounds of butterfat in Class II milk the total pounds of butterfat shrinkage pursuant to § 995.41 (b) (3) and (4).

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class.

(c) Subtract from the pounds of butterfat remaining in each class, in sequence beginning with Class II milk, the pounds of butterfat in other source milk other than butterfat shrinkage in other source milk subtracted pursuant to paragraph (a) of this section.

(d) Add to the pounds of butterfat remaining in Class II milk the pounds of butterfat shrinkage in producer milk subtracted pursuant to paragraph (a) of this section; and if the remaining pounds of butterfat in all classes exceed the pounds of butterfat received in producer milk, subtract such excess from the remaining pounds of butterfat in each class, in sequence beginning with Class II milk. The pounds of butterfat remaining shall be the pounds in each class allocated to producer milk.

§ 995.46 *Allocation of skim milk classified.* Skim milk shall be allocated to each class in accordance with the same procedure as outlined for butterfat in § 995.45.

MINIMUM PRICES

§ 995.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk for the month as provided in this section shall be the highest of the prices determined pursuant to paragraphs (a) and (b), of this section:

(a) The market administrator shall compute (to the nearest tenth of a cent) an average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.

Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5; and

(2) From the simple average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for each month by the U. S. D. A., deduct 5.5 cents, and multiply the result by 8.2.

§ 995.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class I milk, shall be determined by the market administrator as follows:

(a) To the basic formula price add the following amounts for the months indicated:

April, May, June	$0.85
February, March, July	1.15
All others	1.45

(b) Add together the amounts determined in § 995.50 (c) (1) and (2), divide the sum into the amount determined in § 995.50 (c) (1) and multiply by 100.

(c) Multiply the price determined in paragraph (a) of this section by the percent determined in paragraph (b) of this section and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(d) From the price determined in paragraph (a) of this section subtract the amount computed in paragraph (c) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight.

§ 995.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class II milk, shall be determined by the market administrator as follows:

(a) The market administrator shall compute (to the nearest tenth of a cent) an average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices have been reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Coldwater, Ohio.
Nestles Milk Products Co., (uninspected milk price), Marysville, Ohio.
Fisher Dairy and Cheese Co., Wapakoneta, Ohio.
Swift and Co., Lima, Ohio.

(b) Multiply the price computed in paragraph (a) of this section by the percentage computed in § 995.51 (b), and then divide by .035. The resulting amount shall be Class II butterfat price per hundredweight.

(c) Subtract from the price computed in paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class II skim milk price per hundredweight.

DETERMINATION OF UNIFORM PRICE

§ 995.60 *Value of producer milk.* Except as provided in § 995.80 the value of producer milk received by each handler during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, and adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator: *Provided*, That, if a handler after the substraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat which on the basis of his reports for the month, pursuant to § 995.30, has been credited to his producers as having been received from them, there shall be added to the value of his producer milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to § 995.45 (d) and § 995.46 by the applicable class price.

§ 995.61 *Computation of uniform price.* For each month the market administrator shall compute a uniform price per hundredweight of producer milk by:

(a) Combining into one total the values computed pursuant to §§ 995.60 and 995.80 for all handlers who reported pursuant to § 995.30 for such month, except those in default in payments required pursuant to §§ 995.73 and 995.80 for the preceding month;

(b) Subtracting, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 995.75 multiplied by 10;

(c) Adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator;

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Dividing the result by the total hundredweight of producer milk represented by the amounts computed pursuant to § 995.60; and

(f) Subtracting not less than 4 cents nor more than 5 cents.

§ 995.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price computed pursuant to § 995.61, and the butterfat differential computed pursuant to § 995.75;

(c) The amount to be paid by such handler to the producer-settlement fund pursuant to § 995.73 or § 995.80, or the amount due such handler from the producer-settlement fund pursuant to § 995.74, as the case may be; and

(d) The amounts to be paid by such handler pursuant to §§ 995.76 and 995.77.

PAYMENTS

§ 995.70 *Time and method of final payment.* On or before the 18th day after the end of each month, each handler shall pay to each producer, or to a cooperative association with respect to milk which was caused to be delivered to him by such association either directly or from producers who have authorized such association to collect payment for them, for milk received from such producer or so delivered by such cooperative association, respectively, during such month not less than the uniform price adjusted by the butterfat differential pursuant to § 995.75, less the amount of payment made pursuant to § 995.71.

§ 995.71 *Partial payment.* On or before the last day of each month, each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the uniform price for the preceding month for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such month: *Provided*, That in the event any producer discontinues shipping to such handler during any month, such partial payments shall not be made and full payment for all milk received from such producer during such month shall be made on the 18th day after the end of such month pursuant to § 995.70.

§ 995.72 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 995.73 and 995.80, and out of which he shall make all payments to handlers pursuant to § 995.74.

§ 995.73 *Equalization payments to the producer-settlement fund.* On or before the 14th day after the end of each month each handler shall make full payment to the market administrator of any amount by which the total value of his milk for such month is greater than the sum required to be paid by such handler pursuant to §995.70.

§ 995.74 *Equalization payments out of the producer-settlement fund.* On or before the 16th day after the end of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler pursuant to § 995.70 is greater than the total value of the milk of such handler for such month, less any unpaid obligations of the handler: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments to such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 995.75 *Producer butterfat differential.* In making payments pursuant to § 995.70 the uniform price shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest tenth of a cent) computed as follows: Multiply by 1.3 the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, and divide the result by 10.

§ 995.76 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 995.22 (d), each handler shall pay the market administrator, on or before the 14th day after the end of each month, 3 cents per hundredweight of milk, or such amount not to exceed 3 cents as the Secretary may from time to time prescribe, with respect to receipts during such month, of (a) producer milk (including any milk of such handler's own production), and (b) other source milk classified as Class I milk: *Provided*, That a handler who receives only other source milk shall make such payments with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk.

§ 995.77 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 995.70, with respect to all milk received each month from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight of milk, or such amount not to exceed 6 cents as the Secretary may from time to time prescribe, and on or before the 18th day after the end of such month shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 995.70 as may be authorized by the membership agreement or contract between such cooperative association and such producers, and shall pay such deductions on or before the 18th day after the end of such month to the cooperative association rendering such services of which such producers are members.

§ 995.78 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator, pursuant to §§ 995.73, 995.74, 995.76, 995.77, or 995.80, or (b) any producer or cooperative association from such handler pursuant to § 995.70 the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 995.80 *Milk subject to special payments.* (a) Milk received by a handler the handling of which is subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act shall not be subject to the pricing and payment provisions of this section, except that for any month for which the Class I milk price determined pursuant to § 995.51 (a) exceeds the corresponding minimum Class I milk price (adjusted by any applicable location differential) provided by such other order, the handler shall pay into the producer-settlement fund on or before the 14th day after the end of each month, with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk, an amount computed by the market administrator as follows: From the total value of such skim milk and butterfat at the prices determined pursuant to § 995.51 (c) and (d) subtract the total value of such skim milk and butterfat at prices computed by applying the procedures prescribed in § 995.51 (b), (c), and (d) to the highest Class I milk price provided by such other order.

(b) Any handler who receives only other source milk, which milk is not subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act, shall pay into the producer-settlement fund on or before the 14th day after the end of each month a sum computed by the market administrator by multiplying the hundredweight of all skim milk and butterfat disposed of by such handler within the marketing area as any item included in Class I milk during such month by the respective differences between the prices for skim milk and butterfat in Class I milk and Class II milk for such month.

§ 995.81 *Milk caused to be delivered by cooperative associations.* Milk referred to as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

§ 995.82 *Milk diverted.* (a) Producer milk diverted by an operator of a fluid milk plant from such plant to a plant not a fluid milk plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(b) Producer milk diverted by a cooperative association from a fluid milk plant to a plant not a fluid milk plant shall be deemed to have been received by such association.

§ 995.83 *Producer-handlers.* Sections 995.40 through 995.46, 995.50 through 995.52, 995.60 through 995.62 and 995.70 through 995.78 shall not apply to the milk of a producer-handler.

TERMINATION OF OBLIGATIONS

§ 995.90 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such

books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 995.100 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 995.101 *When suspended or terminated.* Whenever the Secretary finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this subpart, or any such provision of this subpart.

§ 995.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 995.103 *Liquidation.* Upon the suspension or the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 995.110 *Agents.* The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 995.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this subpart, to other persons or circumstances shall not be effected thereby.

[F. R. Doc. 52-12693; Filed, Nov. 28, 1952; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 9552]

THEATER TELEVISION SERVICE

POSSIBLE LOCATION IN RADIO SPECTRUM

In the matter of allocation of frequencies and promulgation of rules and regulations for a theater television service.

The National Exhibitors Theater Television Committee and the Motion Picture Association of America, Inc., parties who presented portions of their direct cases during the session of the theater television hearing held in October, have, at the request of the Commission, filed a statement relative to the possible location of theater television in the radio spectrum. This statement sets forth the frequencies involved in the two separate proposed allocations which those parties have suggested and also notes that frequencies above 10,700 Mc might be used. In order to give notice of these proposals to all interested persons, the Commission here sets forth these proposals as they appear in the statement filed with the Commission:

The first proposal, in summary form, is as follows:

(a) Allocate the frequencies from 5925 to 6285 Mc for the use of theater television.

(b) Provide a reasonable transition period within which the present occupants of 5925 Mc to 6285 Mc can move to frequencies between 6285 and 6425.

(c) Consideration be given to the possibility of using the frequencies between 3500 to 3700 Mc for the purpose of common carrier fixed operations.

(d) Examination be made as to whether the land mobile services in 6425 to 6575 Mc should be accommodated in common carrier bands and the frequencies between 6425 and 6575 be used for theater television mobile pick-up.

Proposal No. 2 would classify theater television as an industrial radio service on a frequency sharing basis and expand the 6575 to 6875b Mc and downward to include 6425 to 6575 Mc for theater television requirements.

If theater television must share frequencies below 7125 Mc with other services on a non-priority basis, it will be necessary to use frequencies above 10,700 Mc in larger centers of population.

If frequencies are allocated for theater television in bands above 10,700 Mc, they should begin at 10700 Mc and progress upward from that point.

We have not planned to make any further or different allocation proposal.

Further sessions of this hearing will be held beginning January 26, 1953, and, as provided in an order [1] adopted herein today, appearances of all parties or any person who wishes to appear and participate in this proceeding must be filed with the Commission by December 1, 1952.

Adopted: November 12, 1952.

Released: November 14, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12690; Filed, Nov. 28, 1952; 8:52 a. m.]

[47 CFR Parts 2, 3]

[Docket No. 9552]

THEATER TELEVISION SERVICE

ORDER CONTINUING HEARING

In the matter of allocation of frequencies and promulgation of rules and regulations for a theater television service.[2]

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of November 1952:

The Commission having under consideration its prior orders in this proceeding and the record herein:

It appearing, that a portion of this hearing was held between October 20 and October 27, 1952, and that the hearing was, on October 27, adjourned until January 12, 1953; and

It further appearing, that this proceeding has been pending for a considerable period of time and that the Commission's records may not accurately reflect the parties who are presently interested in this hearing; and

It further appearing, that the conduct of this proceeding can be expedited if the Commission is informed in advance of the substance of the testimony which will be presented at the next session and if the parties exchange in advance exhibits which it is contemplated will be offered; and

It further appearing, that it would be more convenient to postpone the hearing to a later date in January 1953;

It is ordered, That, regardless of appearances, list of witnesses and statements of testimony which have previously been filed in this proceeding, all persons who desire to appear and submit evidence at the January 1953 session of this hearing, with the exception only of those parties who filed appearances on the record at the October 20, 1952, session, shall file a notice of appearance with the Commission on or before December 1, 1952; and

It is further ordered, That all parties who file such a notice of appearance and also those who filed an appearance on the record on October 20, 1952, shall, on or before December 22, 1952, file with the Commission an original and fourteen copies of a statement setting forth a list of their witnesses who will testify and a summary, not merely an outline or list of subjects, of the testimony which each witness will present, including specific proposals to be made at the hearing pursuant to the specified issues, or if no testimony is to be offered, a statement to the effect that the party will limit its participation to cross-examination; and

It is further ordered, That, on or before December 22, 1952, each party shall file with the Commission 18 copies of each exhibit it plans to offer at the hearing and shall on that date serve copies of such exhibits on other parties to the proceeding in accordance with a list of parties to be published by the Commission; and

It is further ordered, That the hearing herein now scheduled for January 12, 1953, is postponed to January 26, 1953, when it will be held before the Commission en banc at 10 a. m. in Washington, D. C., at a place to be designated by a subsequent notice.

Released: November 14, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12684; Filed, Nov. 28, 1952; 8:50 a. m.]

[1] See F. R. Doc. 52-12684, *infra.*

[2] See F. R. Doc. 52-12690, *supra.*

[47 CFR Part 4]

[Docket No. 10345]

TELEVISION AUXILIARY BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 4 of the Commission's rules and regulations governing television auxiliary broadcast stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The adoption of the Commission's new television rules makes it necessary that we review the portions of the radio frequency spectrum now allocated for use by television auxiliary stations, i. e., television pickup, television STL, and television intercity relay stations, to determine the manner in which such frequencies should now be reapportioned to accommodate the needs of television broadcasting stations. First, § 4.602 of the Commission's rules now provides for the use of television auxiliary frequencies only by stations operating in the VHF television band (Channels 2–13); it does not provide for such use by television broadcast stations operating in the UHF band (Channels 14–83). Second, heretofore § 3.606 assigned a maximum of only seven channels to any single community, while the rules as now amended assign as many as ten channels to certain communities. Accordingly, the frequency bands allocated to the television auxiliary stations must be reapportioned and the available spectrum space "rechanneled" in order to accommodate the changes effected by the television broadcast rules as now amended.

3. The frequency bands allocated for use by television auxiliary broadcast stations and for common carriers when providing such service to broadcasters are 1990–2110 Mc, 6875–7125 Mc, and 12,700–13,200 Mc. The present rules provide for seven channels in the 2000 Mc band, six of which are 17 Mc wide and one of 18 Mc, ten channels in the 7000 Mc band and twenty channels in the 13,000 Mc band all of 25 Mc bandwidths. Seven channels in each of the above bands are available for the use of television broadcasters on an individually exclusive basis. Six channels are available in the 13,000 Mc band for the shared use by broadcasters and common carriers.[1] The remaining three channels in the 7000 Mc band and seven channels in the 13,000 Mc band have not been assigned to television broadcast stations in order that they might be available on a nationwide basis to communication common carriers for television pickup and STL service to broadcasters.

4. It is proposed to rechannel the 2000 Mc band and the 7000 Mc band to provide a total of ten exclusive individual assignments in each band for the use of the television broadcast licensees in any one city. It is also proposed to reserve the remaining 60 megacycles in the 7000 Mc band and 175 megacycles in the 13,000 Mc band for the exclusive use of communications common carriers in order that they may continue to provide television pickup and television STL service to television broadcast stations on a nationwide basis. It is proposed to accomplish this rechanneling by reducing the channel bandwidth to 12 Mc in the 2000 Mc band and to 19 Mc in the 6875–7065 Mc band, thereby leaving 60 Mc in the band 7065–7125 Mc reserved for common carriers. No rechanneling of the band 13,000 Mc is proposed. However, three of the 25 Mc channels now listed in § 4.602 (c), as available on a non-exclusive basis, are proposed to be made available on an exclusive basis to provide a total of ten individually exclusive 25 Mc channels in the band 12,950–13,200 Mc. In addition, it is proposed to provide for the use of ISM bands 2450–2500 Mc and 10,500–10,700 Mc on a shared basis with other television auxiliaries, and with stations in other radio services. Licensees utilizing frequencies in the ISM bands must accept any interference which may result from the incidental radiations of ISM equipment.

5. It is believed that the proposed reduction in channel width may be achieved with minimum effect on existing television auxiliary stations since the normal distribution of such stations and their associated receiving points in a given area plus the discrimination that may be obtained by the use of cross-polarization on adjacent channels will reduce mutual interference. Furthermore, it is not proposed to require that the frequency swing and band width of emissions (other than spurious emissions) be restricted to the assigned channel except where necessary to prevent interference to adjacent channel stations. It is recognized that in a few cases modification of existing equipment may be necessary in order to permit simultaneous adjacent channel operation, but the proposed rules including the frequency apportionment table have been devised so as to result in a minimum dislocation of existing stations.

6. It is proposed to amend § 4.637 (emission authorized) to permit emission band width to exceed the assigned channel width where such operation will not cause interference to adjacent channel stations. In view of the present state of the art with respect to equipment operating in the frequency bands allocated to the television auxiliary broadcast service, the Commission does not consider it desirable to impose greater restrictions on licensees at this time. In those areas where adjacent channel operation is necessary, the licensees of television auxiliary broadcast stations will be required to take such steps as may be necessary to confine their emissions to the assigned channel.

7. The Commission is also proposing to adopt two new sections in the television auxiliary broadcast rules, and to amend two existing rules, in order to meet certain needs not provided when the original rules were adopted. A new § 4.633 is proposed which will provide for the issuances of temporary authorizations for the operation of television pickup equipment for special projects of limited duration. A new § 4.682 is proposed to be added regarding station identification. Section 4.682 (e) is proposed to be amended to provide for the licensing of "stand-by" STL transmitters to be used in the event of failure of the regular STL transmitters. Section 4.651 is proposed to be amended to clarify the rules with respect to changes in equipment, so as to indicate the manner in which such changes may be made.

8. Authority for the issuance of the proposed amendments is vested in the Commission under sections 303 (a), (b), (c), (d), (e), (f), (g), (r), and 4 (i) of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth below, may file with the Commission on or before December 19, 1952, written data, views or arguments concerning said proposals. Persons favoring the amendments as proposed may file written data, views, or arguments supporting said proposals by the same date. Replies to such data,

[1] These frequencies are listed in § 4.602 of the rules.

views or arguments may be filed on or before January 2, 1953. The Commission will consider all such comments before taking final action in the matter, and if comments are submitted which warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

10. This proceeding does not involve any change in frequency allocations set forth in Part 2 of our rules and heretofore made by the Commission. Accordingly, no data views or arguments will be accepted in this proceeding proposing any such changes in frequency allocations.

11. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: November 12, 1952.

Released: November 17, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 4.602 is proposed to be amended as follows:

Delete the present language and substitute therefor the following:

§ 4.602 *Frequency assignment.* (a) The following frequencies are allocated for assignment to individual television broadcast station licensees for television pickup, television STL, and television intercity relay stations, on an exclusive basis:

Television broadcast channel assignment	Required polarization of radiated electric field	Band A (Mc)	Band B (Mc)	Band C (Mc)
2	Horizontal	1960–2002	6632–6651	12950–12975
3 or 4	Vertical	2002–2014	6651–6670	12975–13000
UHF (1)	Horizontal	2014–2026	6670–6689	13000–13025
5 or 6	Vertical	2026–2038	6689–6708	13025–13050
7 or 8	Horizontal	2038–2050	6708–6727	13050–13075
UHF (2)	Vertical	2050–2062	6727–6746	13075–13100
9 or 10	Horizontal	2062–2074	6746–6765	13100–13125
11 or 12	Vertical	2074–2086	6765–6784	13125–13150
UHF (3)	Horizontal	2086–2098	6784–6913	13150–13175
13	Vertical	2098–2110	6913–6932	13175–13200

The channels designated UHF (1), UHF (2), and UHF (3) will be assigned in the numerical order of the UHF television channel assignments to the particular city. Where there are more than three UHF television channels assigned to a particular city, the fourth UHF television station will be assigned the channels reserved in the table in paragraph (a) of this section for the lowest numbered VHF channel that is not assigned to that city, the fifth UHF television station will be assigned the channel reserved for the next higher numbered VHF channel not assigned to that city; etc.

(b) In cities where there are less than ten television broadcast channel assignments, the television auxiliary channels designated in the table in paragraph (a) of this section for television channels not assigned to such cities shall be available on a shared basis to all television broadcast station licensees in that city for television pickup and television intercity relay purposes. However, such channels will not be assigned for television STL purposes. All such authorizations for these frequencies will be issued subject to the condition that they will be withdrawn upon the later assignment of a television broadcast channel to that community for which the table in paragraph (a) of this section makes the frequencies available on an exclusive basis.

(c) The following additional frequencies may be assigned to television pickup, television STL, and television intercity relay stations on a shared basis:

Band D (Mc)	Band E (Mc)	Band F (Mc) [1]
2450–2463	10500–10525	10800–10825	12875–12900
2463–2475	10525–10550	10825–10850	12900–12925
2475–2487	10550–10575	10850–10875	12925–12950
2487–2500	10575–10600	10875–10700	

[1] Shared with communications common carriers providing pickup and STL service to television broadcast station licensees.

The frequencies shown in Band D and Band E above are allocated to accommodate the incidental radiations of industrial, scientific, and medical equipment, and stations operating therein must accept any interference that may be caused by the operation of such devices. Such frequencies are shared with services other than the auxiliary broadcast service, and the channeling shown above is not necessarily that which will be employed by such other services.

(d) The use of frequencies discussed in this part for television intercity relay purposes shall be on a secondary basis, subject to the condition that no harmful interference shall be caused to stations operating in accordance with the Table of Frequency Allocations.

(e) In the event that a television broadcast station licensee engages a communications common carrier to provide a pickup or STL service, the frequencies available to that licensee as prescribed by the table in paragraph (a) of this section may be authorized for use by the communications common carrier for the purpose of providing such service to that licensee.

2. Section 4.632 is proposed to be amended as follows:

Delete the period at the end of § 4.632 (c) and add the following: ": *Provided, however*, That a license may be issued for an additional STL transmitter for use on a stand-by basis in the event of failure of the regular STL transmitter: *And provided further*, That the two transmitters may not be operated simultaneously. Such license will specify the same channel and call sign that is authorized for the regular STL station."

3. Add a new § 4.633 as follows:

§ 4.633 *Temporary authorizations.* (a) Special temporary authority may be granted for the operation, as a television auxiliary broadcast station, of equipment licensed to another television broadcast station, or other class of station, or equipment of suitable design not heretofore licensed. Such authority will normally be granted only for special operation of a temporary nature.

(b) A request for special temporary authority for the operation of a television auxiliary broadcast station may be made by informal application, signed by the applicant under oath or affirmation, and shall be filed with the Commission at least 10 days prior to the date of the proposed operation: *Provided*, That an application filed within less than 10 days of the proposed operation may be accepted upon a satisfactory showing of the reasons for the delay in submitting the request.

(c) An application for special temporary authority shall set forth full particulars of the purpose for which the request is made, and shall show the type of equipment, power output, emission, and frequency or frequencies proposed to be used, as well as the time, date and location of the proposed operation. In the event that the proposed antenna installation will increase the height of any natural formation, or existing man-made structure, by more than 20 feet, a vertical plan sketch showing the height of the structure proposed to be erected, the height above ground of any existing structure, the elevation of the site above mean sea level, and the geographic coordinates of the proposed site, shall be submitted with the application.

(d) A request for special temporary authority shall specify a channel or channels consistent with the provisions of Section 4.602 of this part: *Provided*, That in the case of events of widespread interest and importance which cannot be transmitted successfully on these frequencies, frequencies assigned to other services may be requested upon a showing that operation thereon will not cause interference to established stations: *And, provided further*, That in no case will a television auxiliary broadcast operation be authorized on frequencies employed for the safety of life and property.

4. Section 4.637 is amended as follows:

§ 4.637 *Emission and bandwidth.* (a) Television auxiliary broadcast stations operating on frequencies above 1500 Mc may be authorized to employ any type of emission suitable for the transmission of the visual and accompanying aural signals. The bandwidth of such emissions shall not be in excess of that necessary to provide satisfactory service: *Provided*, That such emissions shall be limited to the assigned channel where necessary to avoid interference to other stations operating on adjacent channels.

(b) Television auxiliary broadcast stations operating on frequencies below 1500 Mc may be authorized to employ either frequency modulation or amplitude modulation, or both, depending upon the equipment employed. The emissions of such stations shall be confined to the assigned channel.

5. Section 4.651 is amended as follows:

Delete the present language of this Section and substitute therefor the following:

§ 4.651 *Equipment changes.* (a) Commission authority upon appropriate formal application (FCC Form 313) therefor is required for any of the following equipment changes:

(1) A change of the transmitter as a whole (except replacement with an identical transmitter), or a change in the power output.

(2) A change of frequency assignment.

(3) A change in the location of a television STL or television intercity relay station (except relocation of the equipment within the same building) or a change in the area of operation of a television pickup station.

(4) Any change in the antenna system of a television STL or television intercity relay station which will result in a change of more than 20 feet in the height above ground of the antenna and supporting structure, or that will result in a change of the direction of the main radiation lobe.

Other equipment changes not specifically referred to in subparagraphs (1), (2), (3) and (4) of this paragraph may be made at the discretion of the licensee provided that the Engineer-in-Charge of the radio district in which the station is located, and the Commission at its Washington office, are notified in writing upon the completion of such changes, and provided that the changes are appropriately reflected in the next application for renewal of license of the television auxiliary broadcast station filed by the licensee.

6. Add a new § 4.682 as follows:

§ 4.682 *Station identification.* (a) Each television auxiliary broadcast station shall identify itself by transmitting its call sign at the beginning and end of each period of operation; and during operation, shall identify itself on the hour by transmitting its own call sign or the call sign of the television broadcast station with which it is associated.

(b) Identification transmissions during operation need not be made when to make such transmissions would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases, the identification transmission shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

(c) Where more than one television auxiliary broadcast station is employed in an integrated relay system, the station at the point of origination may originate the transmission of the call signs of all the stations in the relay system.

(d) The transmission of the call sign shall normally employ the type of emission for which the station is authorized i. e., a visual transmitter shall employ visual identification and an aural transmitter shall employ aural identification. However, the Commission may at its discretion specify that other suitable identifying signals be transmitted.

[F. R. Doc. 52-12689; Filed, Nov. 28, 1952; 8:52 a. m.]

[47 CFR Part 8]

[Docket No. 10348]

SHIP RADIOTELEGRAPHY

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 8 of the Commission's rules regarding frequencies for ship radiotelegraphy in the band between 22,000 and 22,400 kc.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The proposed amendment to the rules is intended as a part of the Commission's program of implementation of the International Radio Regulations (Atlantic City, 1947) in accordance with the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva 1951). It is proposed to amend Part 8 of the Commission's rules to provide that effective June 3, 1953, certain calling and working frequencies now available will not be available, and that effective June 3, 1953, certain calling and working frequencies will be available for ship radiotelegraphy in the band 22,000 to 22,400 kc only in accordance with the provisions of Article 33 of the Atlantic City Radio Regulations as reflected in Appendix 3 to Part 8.

3. The purpose of this proceeding is to make known in advance to the licensees those changes in availability of frequencies which will become effective in the maritime mobile service of radiotelegraphy for ship stations operating in this band. The proposed amendments also reflect the reservation of the frequencies 22,075 kc, 22,195 kc, 22,215 kc, 22,225 kc, 22,332.5 kc, and 22,395 kc as indicated in the Commission's report and order in Docket No. 10209, dated November 3, 1952.

4. The proposed amendments are contained in the appendix attached hereto. They are issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted or should be adopted in the form set forth may file with the Commission on or before January 9, 1953, a written statement setting forth his comments. Comments and replies to the original comments may be filed within 10 days thereafter. The Commission will consider all comments filed before taking action in this matter.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of statements or comments shall be furnished the Commission.

Adopted: November 19, 1952.

Released: November 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 8.321 (a) (1) is amended by adding the phrase "Not available after June 3, 1953." after each of the following frequencies in kilocycles listed therein:

22080	Calling	22110	22140
22100		22120	

2. Section 8.321 (a) (2) is amended to read as follows:

(2) Each of the specific frequencies in kilocycles designated in this subparagraph may be authorized as an assigned working frequency exclusively for use by ship stations (public or limited) on board passenger ships and by aircraft stations for communication with stations of the maritime mobile service, when such ship and aircraft stations employ telegraphy in accordance with the provisions of Subpart E of this part: *Provided*, That subsequent to June 3, 1953, these frequencies shall be assigned to individual stations in conformity with the applicable provisions of Appendix 3 to this part:

22085	22115	22145	22165
22095	22125	22155	22175
22105	22135		

2. Section 8.321 (a) (3) is amended to read as follows:

(3) Each of the specific frequencies in kilocycles designated in this subparagraph may be authorized as an assigned working frequency exclusively for use by ship stations (public or limited) on board cargo ships, when such stations employ telegraphy in accordance with the provisions of Subpart E of this part: *Provided*, That, subsequent to June 3, 1953, these frequencies shall be assigned to individual stations in conformity with the applicable provisions of Appendix 3 to this part:

Group A

22272.5	22287.5	22302.5	22317.5
22275	22290	22305	22320
22277.5	22292.5	22307.5	22322.5
22280	22295	22310	22325
22282.5	22297.5	22312.5	22327.5
22285	22300	22315	22330

Group B

22335	22350	22365	22380
22337.5	22352.5	22367.5	22382.5
22340	22355	22370	22385
22342.5	22357.5	22372.5	22387.5
22345	22360	22375	22390
22347.5	22362.5	22377.5	22392.5

3. Section 8.321 (a) (4) is amended to read as follows:

(4) Each of the specific frequencies in kilocycles designated in this subparagraph may be authorized as an assigned calling frequency exclusively for use by ship stations (public or limited) when such stations employ telegraphy in accordance with the provisions of Subpart E of this part; *Provided*, That, subsequent to June 3, 1953, these frequencies shall be assigned to individual stations in conformity with the applicable provisions of Appendix 3 of this part:

22230	22240	22255	22265
22235	22250	22260	

[F. R. Doc. 52-12691; Filed, Nov. 28, 1952; 8:52 a. m.]

[47 CFR Part 17]

[Docket No. 10344]

CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA TOWERS AND SUPPORTING STRUCTURES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Subpart C of Part 17 of the Commission's rules concerning the construction, marking, and lighting of antenna towers and supporting structures.

1. Part 17 of the Commission's rules specifies the manner in which antenna structures 500 feet and under in height shall be painted and lighted. For antenna structures above 500 feet in height the Commission's rules require that such structures shall be painted and lighted in accordance with specifications to be determined by the Commission after aeronautical study.

2. Having in mind a probable substantial increase in the number of antenna structures above 500 feet in height the Commission is of the opinion that the public interest would be served if general standards for painting and lighting such structures above 500 feet in height were adopted and made a part of the Commission's rules.

3. For antenna structures below 500 feet in height, the proposed standards would remove minor differences between present Part 17 and the obstruction marking criteria of other civil and military agencies and with recently developed international standards and would provide prospective applicants with a guide in connection with the painting and lighting of antenna structures.

4. Accordingly, under the authority of sections 4 (i), 303 (f), (q), and (r) of the Communications Act of 1934, as amended, the Commission proposes to amend Subpart C of Part 17 of its rules as set forth below for the purpose of specifying the manner in which antenna structures shall be painted and lighted, and notice is hereby given of rule making proceedings in the above-described matter.

5. Any interested person who desires to express views in this matter may file with the Commission on or before December 15, 1952, a written statement setting forth his comments. Within fifteen (15) days from the last day for filing of the original comments, comments in reply thereto may be filed. The Commission will consider such comments before taking action in this matter. If any comments appear to warrant the holding of an oral argument, notice of the time and place therefor will be given. An original and fourteen (14) copies of all statements shall be furnished.

Adopted: November 12, 1952.

Released: November 13, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

SUBPART C—SPECIFICATIONS FOR OBSTRUCTION MARKING AND LIGHTING OF ANTENNA STRUCTURES

§ 17.21 *Painting and lighting, when required.* Antenna structures shall be painted and lighted when:

(a) They require special aeronautical study; or

(b) They exceed 170 feet in height above the ground.

(c) The Commission may modify the above requirement for painting and/or lighting of antenna structures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.

§ 17.22 *Particular specifications to be used.* (a) Where special aeronautical study is not required, the Commission will assign painting and lighting specifications as set forth hereafter.

(b) Where special aeronautical study is required, the Commission will, insofar as is consistent with the safety of life and property in the air, also assign painting and lighting specifications listed hereafter.

(c) However, where antenna installations are of such a nature that their painting and lighting in accordance with these specifications are confusing or endanger rather than assist airmen, the Commission will specify the type of painting and lighting to be used in the individual situation.

§ 17.23 *Specifications for the painting of antenna structures as required by § 17.21.* Antenna structures shall be painted throughout their height with alternate bands of aviation surface orange and white, terminating with aviation surface orange bands at both top and bottom. The width of the bands shall be approximately one-seventh the height of the structure, provided however, that the bands shall not be more than 40 feet nor less than 1½ feet in width.

§ 17.24 *Specifications for the lighting of antenna structures up to and including 150 feet in height.* (a) Antenna structures up to and including 150 feet in height above the ground located in areas set forth in § 17.15 shall be lighted as follows:

(1) There shall be installed at the top of the tower at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes. The two lights shall burn simultaneously and shall be positioned so as to insure unobstructed visibility of at least one of the lights from aircraft at any angle of approach.

§ 17.25 *Specifications for the lighting of antenna structures over 150 feet up to and including 300 feet in height.* (a) Antenna structures over 150 feet up to and including 300 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At the approximate mid point of the over-all height of the tower there shall be installed at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.26 *Specifications for the lighting of antenna structures over 300 feet up to and including 450 feet in height.* (a) Antenna structures over 300 feet up to and including 450 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At the approximate two-thirds and one-third of the over-all height of the tower, there shall be installed at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive devise adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.27 *Specifications for the lighting of antenna structures over 450 feet up to and including 600 feet in height.* (a) Antenna structures over 450 feet up to and including 600 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. These beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At approximately one-half of the over-all height of the tower one similar flashing 300 mm electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately three-fourths and one-fourth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.28 *Specifications for the lighting of antenna structures over 600 feet up to and including 750 feet in height.* (a) Antenna structures over 600 feet up to and including 750 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At approximately two-fifths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately four-fifths, three-fifths and one-fifth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.29 *Specifications for the lighting of antenna structures over 750 feet up to and including 900 feet in height.* (a) Antenna structures over 750 feet up to and including 900 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(2) At approximately two-fifths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately five-sixths, one-half, and one-sixth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sentitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.30 *Specifications for the lighting of antenna structures over 900 feet up to and including 1,050 feet in height.* (a) Antenna structures over 900 feet up to and including 1,050 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type) both lamps to burn simultaneously, and aviation red color filters. Where a rod or other construction of less than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. These beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately four-sevenths and two-sevenths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately six-sevenths, five-sevenths, three-sevenths and one-seventh of the over-all height of the tower at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.31 *Specifications for the lighting of antenna structures over 1,050 feet up*

to and including 1,200 feet in height. (a) Antenna structures over 1,050 feet up to and including 1,200 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately three-fourths, one-half and one-fourth of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately seven-eighths, five-eighths, three-eighths, and one-eighth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.32 *Specifications for the lighting of antenna structures over 1,200 feet up to and including 1,350 feet in height.* (a) Antenna structures over 1,200 feet up to and including 1,350 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. These beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately two-thirds, four-ninths and two-ninths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately eight-ninths, seven-ninths, five-ninths, one-third and one-ninth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.33 *Specifications for the lighting of antenna structures over 1,350 feet and up to and including 1,500 feet in height.* (a) Antenna structures over 1,350 feet up to and including 1,500 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. These beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately four-fifths, three-fifths, two-fifths, and one-fifth of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed heights.

(3) On levels at approximately nine-tenths, seven-tenths, one-half, three-tenths, and one-tenth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.34 *Specifications for the lighting of antenna structures over 1,500 feet in height.* Antenna structures over 1,500 feet in height above the ground shall be lighted in accordance with specifications to be determined by the Commission after aeronautical study which will include lighting recommendations.

§ 17.35 *Antenna farms and multiple structure antenna arrays.* In the case of antenna structures which are so grouped as to present a common potential menace to air navigation, the foregoing requirements for painting and lighting may be modified as a result of aeronautical study.

§ 17.36 *Specifications for the marking and lighting of guy wires used on antenna structures.* (a) Where guy wires are used on antenna structures which are more than 500 feet in height above the ground and where the ground connections of the outer guy wires are more than 500 feet from the base of the structure, the guy wires shall be marked and lighted as follows:

(1) For each 120 feet, or fraction thereof, of the over-all length of each outer guy wire there shall be displayed one marker, spherical in shape with a diameter of not less than 1 foot. The markers shall be aviation surface orange in color.

(2) For each 120 feet, or fraction thereof, of the over-all length of each outer guy wire there shall be displayed one light consisting of at least a 100-watt lamp (A–21 Clear, Traffic Signal type), or equal illuminant, enclosed in an aviation red obstruction light globe.

(3) In the event it is not possible to install adequate obstruction lighting on the outer guy wires of the structure, there shall be displayed at each of the ground connection locations of the outer guy wires a flood lamp. These lamps shall burn simultaneously, shall be mounted clear of any nearby natural or artificial features, and shall be so directed as to illuminate the outer edges of the aviation surface orange markers installed on the guy wires. In addition a flood lamp shall be placed at each location on the periphery of the circular area around the structure (having a radius equal to the horizontal distance from the base of the structure to the ground connection locations of the outer guy wires) equidistance between the ground connection locations of the outer guy wires. These lamps shall burn simultaneously, shall be mounted clear of any nearby natural or artificial features and shall be directed to the point on the tower where the outer guy wires are attached.

(4) In the event the marking and lighting requirements contained in paragraphs (1), (2), and (3) are not feasible, alternate marking and lighting may be specified by the Commission after aeronautical study which will include marking and lighting recommendation.

§ 17.37 *Lighting of structures during construction.* During construction of an antenna structure, for which obstruction lighting is required, at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes, shall be installed at the uppermost point of the structure. In addition, as the height of the structure exceeds each level at which permanent obstruction lights will be required, two similar lights shall be installed at each such level. These temporary warning lights shall be displayed nightly from sunset to sunrise until the permanent obstruction lights have been installed and placed in operation, and shall be positioned so as to insure unobstructed visibility of at least one of the lights at any angle of approach. In lieu of the above temporary warning lights, the permanent obstruction lighting fixtures may be installed and operated at each required level as each such level is exceeded in height during construction.

§ 17.38 *Inspection of tower lights and associated control equipment.* The licensee of any radio station which has an antenna structure requiring illumination pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a) (1) Shall make an observation of the tower lights at least once each 24 hours either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively;

(2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of Civil Aeronautics Administration any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals not to exceed 3 months all automatic or mechanical control devices, indicators and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

§ 17.39 *Recording of tower light inspections in the station record.* The licensee of any radio station which has an antenna structure requiring illumination shall make the following entries in the station record of the inspections required by § 17.29.

(a) The time the tower lights are turned on and off each day if manually controlled;

(b) The time the daily check of proper operation of the tower lights was made, if automatic alarm system is not provided;

(c) In the event of any observed or otherwise known failure of a tower light:

(1) Nature of such failure.

(2) Date and time the failure was observed, or otherwise noted.

(3) Date, time and nature of the adjustments, repairs, or replacements were made.

(4) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light or top light not corrected within 30 minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(d) Upon completion of the periodic inspection required at least once each three months:

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 17.40 *Cleaning and repainting.* All towers shall be cleaned or repainted as often as necessary to maintain good visibility.

§ 17.41 *Time when lights shall be exhibited.* All lighting shall be exhibited from sunset to sunrise unless otherwise specified.

§ 17.42 *Spare lamps.* A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

§ 17.43 *Lighting equipment.* The lighting equipment, color of filters, and shade of paint referred to in the specifications are further defined in the following Government and/or Army-Navy Aeronautical Specifications, Bulletins, and Dawings: (Lamps are referred to by standard numbers.)

Aviation red	Army-Navy Specification	AN–C–56.[1]
Outside white	Federal Specifications	TT–P–40, Type 1 or 2.[2]
Aviation surface orange	do	TT–P–59.[2], [3]
Code Beacon	CAA Specifications	446 (sec. II–d–Style 4).[4]
Obstruction light globe, prismatic.	Army-Navy Drawing	AN–L–10A [4] or CAA Specification L–810.
Obstruction light globe, Fresnel	do	
Single multiple obstruction light fitting assembly.	do	
Obstruction light fitting assembly.	do	
100-watt lamp		#100 A21/TS.[5]
111-watt lamp		#111 A21/TS (3,000 hours).
500-watt lamp		#500 PS 40/45.[5]
620-watt lamp		#620 PS 40/45 (3,000 hours).

[1] Copies of Army-Navy Specifications or drawings can be obtained by contacting Commanding General, Air Material Command, Wright Field, Dayton, Ohio, or the Bureau of Aeronautics, Navy Department, Washington 25, D. C. Information concerning Army-Navy Specifications or drawings can also be obtained from the Office of Federal Airways, Civil Aeronautics Administration, Department of Commerce, Washington 25, D. C.

[2] Copies of this specification can be obtained from the Government Printing Office for 5 cents.

[3] At the Air Routes and Ground Aids Division Meeting of the International Civil Aviation Organization during November 1949, the designation "Aviation Surface Orange", was adopted to replace "International Orange".

[4] Copies of this specification can be obtained from the Office of Federal Airways, Civil Aeronautics Administration, Department of Commerce.

[5] It is strongly recommended that the 111-watt and 620-watt, 3,000-hour lamps, be used instead of the 100-watt and 500-watt lamps whenever possible in view of the extended life, lower maintenance cost, and greater safety which they provide.

§ 17.44 *Painting and lighting existing structures.* Nothing in the criteria set forth in §§ 17.11 to 17.17 or this subpart concerning antenna structures or locations shall apply to painting and lighting those structures authorized prior to the effective date of this part except where lighting and painting requirements are reduced, in which case the lesser requirements may apply.

[F. R. Doc. 52–12688; Filed, Nov. 28, 1952; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150–21]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization. Abolition of offices of Collectors and Deputy Collectors of Ohio Collection Districts; establishment of offices of District Commissioner and Directors of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Ohio Collection Districts shall become effective as of 12 o'clock midnight, November 30, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., December 1, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Cleveland District, and which shall be comprised of the State of Ohio.

3. *Location of headquarters.* The headquarters office shall be located in the City of Cleveland, Ohio.

4. *Establishment of offices of Director of Internal Revenue.* Effective as of 12:01 a. m., December 1, 1952, there are hereby created the following offices within the Cleveland District:

(a) Director of Internal Revenue for the First Collection District of Ohio (as presently constituted). The headquarters of such office shall be located in Cincinnati, Ohio, and the office shall have the operating title of Director of Internal Revenue, Cincinnati.

(b) Director of Internal Revenue for the Tenth Collection District of Ohio (as presently constituted). The headquarters of such office shall be located in Toledo, Ohio, and the office shall have the operating title of Director of Internal Revenue, Toledo.

(c) Director of Internal Revenue for the Eleventh Collection District of Ohio (as presently constituted). The headquarters of such office shall be located in Columbus, Ohio, and the office shall have the operating title of Director of Internal Revenue, Columbus.

(d) Director of Internal Revenue for the Eighteenth Collection District of Ohio (as presently constituted). The headquarters of such office shall be located in Cleveland, Ohio, and the office shall have the operating title of Director of Internal Revenue, Cleveland.

Dated: November 21, 1952.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-12647; Filed, Nov. 28, 1952; 8:45 a. m.]

[Treasury Department Order 150-22]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization. Abolition of offices of Collector and Deputy Collectors of Michigan Collection District; establishment of offices of District Commissioner and Director of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Michigan Collection District shall become effective as of 12 o'clock midnight, November 30, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., December 1, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Detroit District, and which shall be comprised of the State of Michigan.

3. *Location of headquarters.* The headquarters office shall be located in the City of Detroit, Michigan.

4. *Establishment of office of Director of Internal Revenue.* Effective as of 12:01 a. m., December 1, 1952, there is hereby created within the Detroit District the office of Director of Internal Revenue for the Collection District of Michigan (as presently constituted). The headquarters of such office shall be located in Detroit, Michigan, and the office shall have the operating title of Director of Internal Revenue, Detroit.

Dated: November 21, 1952.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-12648; Filed, Nov. 28, 1952; 8:46 a. m.]

Bureau of Internal Revenue

[Operations Reorganization Order 3 (Supp. 1)]

DISTRICT COMMISSIONER OF INTERNAL REVENUE FOR DETROIT DISTRICT AND DIRECTOR OF INTERNAL REVENUE, DETROIT

DELEGATION OF AUTHORITY WITH RESPECT TO FUNCTIONS OF OFFICE

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue, paragraph 8 of Operations Reorganization Order No. 3, dated September 4, 1952 (17 F. R. 8126), is amended, effective at 12:01 a. m., December 1, 1952, to read as follows:

8. *Effective date.* Subject to the exceptions stated below, this order shall be effective with respect to each District Commissioner and Director upon the entrance on duty of such official.

(a) The provisions hereof (other than the provisions of paragraph 6 (b) hereof and paragraph 7 of Exhibit A) shall not be applicable within the Chicago District or the New York City District, to which districts Commissioner's Reorganization Order No. Chi–1 and Commissioner's Reorganization Order No. NYC–1, respectively, shall continue to apply, as modified by paragraph 6 (b) hereof and paragraph 7 of Exhibit A.

(b) None of the provisions hereof shall apply to the Detroit District, to which Operations Reorganization Order No. Det–1 [1] is applicable.

Dated: November 24, 1952.

[SEAL] JUSTIN F. WINKLE,
Assistant Commissioner.

[F. R. Doc. 52–12742; Filed, Nov. 28, 1952 8:53 a. m.]

[Operations Reorganization Order Det–1]

DISTRICT COMMISSIONER OF INTERNAL REVENUE FOR DETROIT DISTRICT AND DIRECTOR OF INTERNAL REVENUE, DETROIT

DELEGATION OF FUNCTIONS

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue:

1. *Delegation to District Commissioner.* There is hereby delegated to the District Commissioner of Internal Revenue for the Detroit District the authority to perform, manage, administer, and provide technical direction of all functions which by this order and subsequent orders are vested in field offices of the Bureau of Internal Revenue within his district. In such capacity, such District Commissioner is vested with the responsibility for district policies, programs and procedures and for directing and coordinating the work of the Director of Internal Revenue within his district. There shall be in the office of the District Commissioner the following positions: Assistant District Commissioner (Administrative); Assistant District Commissioner (Alcohol and Tobacco Tax); Assistant District Commissioner (Appellate). Without limiting the generality of the delegations made hereinabove to the District Commissioner, there are delegated to the District Commissioner and the Assistant District Commissioners the functions more particularly described below in Exhibit A.

2. *Limitations on authority.* The authority delegated in paragraph 1 shall not include the authority which, by Commissioner's Reorganization Order No. 2, or by other orders relating to the same authority, is vested in any Assistant District Commissioner, Appellate, or reserved to the Commissioner. Likewise, the authority delegated in paragraph 1 does not include the functions, relating to the assessment and collection of taxes and the accountability therefor, delegated to the Director of Internal Revenue in paragraph 3 (a) of this order.

[1] See F. R. Doc. 52–12741, *infra.*

3. *Delegation to Director.* (a) to insure the preservation of the right to maintain suit for the refund of taxes against the Director of Internal Revenue in the same manner as suits were maintained against his predecessor Collector, there are hereby delegated to the Director of Internal Revenue all functions relating to the assessment and collection of taxes and the accountability therefor of the predecessor office of Collector of Internal Revenue for the Collection District with respect to which such Director was appointed.

(b) In addition to the functions described in subparagraph (a) of this section, there are hereby delegated to such Director of Internal Revenue, subject to the exercise of appropriate authority by the District Commissioner, the following:

(i) All of the functions of the predecessor office of Collector of Internal Revenue not specifically delegated to such Director in subparagraph (a).

(ii) The functions previously performed by the District Intelligence Division and the Internal Revenue Agent in Charge, which relate to activities within the area constituting such Director's district.

Without limiting the delegations hereinabove made, the functions hereby delegated to each of such Directors include those more particularly described below in Exhibit B.

4. *Assistant Director of Internal Revenue.* There shall be in the office of the Director of Internal Revenue the position of Assistant Director of Internal Revenue. Such Assistant Director of Internal Revenue shall, in case of the sickness or absence of the Director, or in case of the temporary disability of the Director to discharge his duties, perform the functions of the Director; in case of a vacancy occurring in the office of the Director, the Assistant Director shall perform the functions of the Director until another Director is appointed, unless the Secretary of the Treasury shall direct such functions to be performed by such other employee as he may designate.

5. *Authority to redelegate.* The functions herein transferred to the District Commissioner and the Director of Internal Revenue may, within the framework of the organization described below in Exhibits A and B, be delegated by each to subordinates within his district in such manner as he shall from time to time direct.

6. *Continuing duties.* (a) Notwithstanding any Treasury Department Order abolishing the offices of Deputy Collector, the individuals occupying the positions of Deputy Collectors immediately prior to the effective date of such order shall, until changed by appropriate authority, continue to perform the functions they were authorized to perform at such time and to perform such functions in accordance with authorized regulations and procedures in effect at such time. Such individuals shall have the operating title of "Internal Revenue Agent".

(b) All officers and employees now or hereafter assigned as collection officers shall have the functions provided under the Internal Revenue Code, and regulations adopted pursuant thereto, for deputy collectors; all officers and employees now or hereafter assigned as examining officers shall have the functions provided under such Code and regulations for internal revenue agents; and all officers and employees now or hereafter assigned as inspectors (Alcohol and Tobacco tax) or storekeeper-gaugers (Alcohol and Tobacco tax) shall have the functions provided under such Code and regulations for such officers and employees.

7. *Continuation of functions.* Pending the issuance of further instructions, all officers and employees within the District (including all officers and employees within the jurisdiction of the Director of Internal Revenue) shall continue to perform the functions they were authorized to perform immediately prior to the effective date of this order, and to comply with procedures in effect at such time.

8. *Effective date.* This order shall be effective at 12:01 a. m., December 1, 1952.

Dated: November 24, 1952.

[SEAL] JUSTIN F. WINKLE,
Assistant Commissioner.

EXHIBIT A

FUNCTIONS OF OFFICE OF DISTRICT COMMISSIONER

1. *District Commissioner.* Responsible within established policies and procedures for the administration of all Internal Revenue laws and related statutes, including those more particularly described hereinafter, within the district; supervises the work of the Director of Internal Revenue, Detroit; responsible for the activities relating to personnel, training, information and office services; prepares budget estimates, allots and controls funds for the district.

2. *Assistant District Commissioner, Administrative.* Under the District Commissioner, plans and directs the activities of the headquarters office. Responsible for budgetary functions, personnel matters, space allocations, and purchasing of supplies and equipment, training programs, preparation of necessary statistics; and for supervision and coordination of: All activities relating to personnel, training, information, office services, communications (including teletype), requests for space and operating reports within the headquarters office.

3. *Assistant District Commissioner, Alcohol and Tobacco Tax.* Under the District Commissioner is responsible, within the District, for the administration and enforcement of the internal revenue laws relating to alcohol, alcoholic beverages and tobacco, the Federal Alcohol Administration Act, the National and Federal Firearms Acts, the Liquor Enforcement Act of 1936, the Act of August 9, 1939, as it relates to firearms, the shipment of liquor in interstate commerce, and for the investigation of Bureau of Internal Revenue cases involving claims against the Government under the Federal Tort Claims Act. More specifically, is charged with the supervision and regulation of the liquor and tobacco industries; approval and denial of bonds, permits, plats and plans; the determination of liquor and tobacco taxes and penalties; the investigation, detection, and prevention of violations of laws relating to alcoholic liquors, tobacco and firearms, the seizure, custody, forfeiture and disposition of contraband or other property seized under such laws, and the supervision over the activities of all agents and employees engaged in the enforcement of such laws.

4. *Assistant District Commissioner, Appellate.* (a) Under the District Commissioner (except as provided in Commissioner's Reorganization Order No. 2), plans, directs, and coordinates the appellate activities of the District.

(b) Under direct delegation from the Commissioner: (1) Exercises exclusive authority to determine the tax liability in Federal income, profits, estate, gift, excise (other than alcohol, tobacco, narcotics, and firearms), and employment tax cases originating in the office of the Director of Internal Revenue, Detroit, and not docketed in The Tax Court of the United States, in which the taxpayer has protested the determination of tax liability made by the Director and has requested consideration by the Appellate Division; and (2) Exercises exclusive authority to settle, with the concurrence of Appellate Counsel, any case docketed in the Tax Court and calendared for hearing within the District. Provided: That he will not eliminate the ad valorem fraud or negligence penalty except with the concurrence of Appellate Counsel; act in any case in which criminal prosecution is under consideration; or modify any determination of an issue under Section 722 except with concurrence of the Excess Profits Tax Council.

(c) With respect to such taxes, exercises exclusive authority with respect to Closing Agreements for past years considered under Section 3760 and rejections of Offers in Compromise involving tax liability in excess of $5,000 considered under Section 3761. Insofar as the District is concerned, exercises final approval authority on acceptance of Offers in Compromise involving tax liability in excess of $5,000. Signs on behalf of the Commissioner all statutory notices issued by the Appellate Division.

EXHIBIT B

FUNCTIONS OF OFFICE OF DIRECTOR OF INTERNAL REVENUE

1. *Director of Internal Revenue.* Responsible for the execution of established policies and procedures covering the assessment and collection of all Internal Revenue taxes, sale of revenue stamps, and the enforcement of all Internal Revenue laws and related statutes within the district; supervises and coordinates the work of the several field divisions and branch offices; responsible for the activities relating to personnel, training programs, information and office services, the receipt of all types of tax returns and adequate service to the public, the preparation of budget estimates and control of funds for the district; provided, however, that in no instance shall such functions include any function delegated to the Assistant District Commissioner, Appellate, or to the Assistant District Commissioner, Alcohol and Tobacco Tax. Such functions are hereinafter more particularly described and shall be performed through the heads of the following divisions to be established in his office.

2. *Collection Division.* Responsible for the receipt of all tax returns and funds tendered in payment of all taxes; the administration of all taxpayers' accounts, general accounting and the processing of returns; the preparation of the accounting documents required to effect the transfer of funds erroneously received and deposited; the direction, supervision, and coordination of the activities of the Collection and Audit Divisions and field offices.

3. *Audit Division.* Responsible for the examination of all classes of tax returns (except alcohol and tobacco taxes), the collection of delinquent accounts with all related duties, and canvassing for delinquent returns.

4. *Intelligence Division.* Responsible for planning programs and policies relating to tax fraud investigations (other than alcohol and tobacco tax cases), investigations of charges against persons enrolled to practice before the Treasury Department and of applicants for enrollment, of other such special

investigations as the Commissioner may direct, review of reports submitted by special agents in his district, for the investigation of tax fraud, enrollment, and other types of cases delegated to the Intelligence Division, and the preparation of prosecution and tax reports thereon, for operation of special racketeer tax drive and approval of all such cases for closing, and enforcement of the wagering tax law.

Makes appropriate recommendations covering prosecution, fraud penalty, and civil liability features of cases. Assists U. S. Attorneys in court trial of cases.

Reviews reports submitted by special agents with a view to determining whether the special agent's report is complete and his recommendation is sound.

[F. R. Doc. 52-12741; Filed, Nov. 28, 1952; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 62532]

CALIFORNIA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM THE ORLAND PROJECT

NOVEMBER 24, 1942.

An order of the Bureau of Reclamation dated August 31, 1951, concurred in by the Assistant Director, Bureau of Land Management, November 15, 1951, revoked the Departmental order of September 3, 1909, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388) the following-described land in connection with the Orland Project, California, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 6 W.,
Sec. 15, lots 9, 10, 11, 14, 15, and 16;
Sec. 22, lots 1, 2, 3, 6, 7, 8, 9, 10, 15, and 16;
Sec. 27, lots 1, 2, 7, 8, 9, 10, 15, and 16.

The above areas aggregate 835.13 acres.

The lands are mountainous and too rough for cultivation, and have no value for small tract or recreational purposes.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Sacramento, California.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 52-12664; Filed, Nov. 28, 1952; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Sheltered Shop—Rehabilitation Center for the Physically Handicapped, Inc., 20 Wall Street, Stamford, Conn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 15 cents per hour, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

Federation of the Handicapped, 241 West Twenty-third Street, New York 11, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour, whichever is higher. Certificate is effective November 10, 1952, and expires October 31, 1953.

The Lott Day School, Inc., 255 Heffner at Kelsey, Toledo 5, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 5 cents per hour for a training period of 240 hours, and 10 cents thereafter, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

Minnesota Homecrafters, Inc., 1324 East First Street, Duluth, Minn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 160 hours and a training period of 160 hours, and 22 cents thereafter, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

Minnesota Homecrafters, Inc., 3938 Minnehaha Avenue, Minneapolis, Minn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 160 hours and a training period of 160 hours, and 22 cents thereafter, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representation that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be canceled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 17th day of November 1952.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 52-12642; Filed, Nov. 28, 1952; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10274]

WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of the Western Union Telegraph Company; new and increased charges for tickers furnished in connection with leased facilities.

The Commission having under consideration a motion, filed by the Western Union Telegraph Company on October 29, 1952, requesting that the hearing in the above-entitled matter, scheduled to begin November 12, 1952, be postponed until January 15, 1953; and

It appearing, that both counsel and the principal witness for the respondent Western Union Telegraph Company are so committed to engage in other hearings as to cause conflict with the time of the scheduled hearing herein; and

It further appearing, that no opposition to the granting of the motion has been filed with the Commission, and that the granting thereof will serve the ends of justice and conduce to the orderly dispatch of business; now therefore,

It is ordered, This 7th day of November 1952, that the motion is granted, and the hearing presently scheduled to commence on November 12, 1952, is continued until Thursday, January 15, 1953, at 10:00 a. m., Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12685; Filed, Nov. 28, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2007]

CITIES SERVICE GAS CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 25, 1952.

Notice is hereby given that on November 24, 1952, the Federal Power Commission issued its order entered November 20, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12662; Filed, Nov. 28, 1952; 8:47 a. m.]

[Project No. 2120]

MONTANA POWER CO.

NOTICE OF APPLICATION FOR LICENSE

NOVEMBER 24, 1952.

Public notice is hereby given that the Montana Power Company, of Butte, Montana, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for a license for constructed water-power Project No. 2120 (known as the Rainbow Hydroelectric Development) located on the Missouri River approximately 5 miles northeast of Great Falls in Cascade County, Montana—the original development having been completed with six units in 1910 and enlarged in 1917 by adding two additional units—and consisting of a rock-filled, timber-crib dam 26 feet high and 1,146 feet long with a concrete core located above the crest of Rainbow Falls; timber flashboards which increase the height of the dam an additional 10 feet; six waste gates on the right end of the dam; a reservoir about 1½ miles long providing usable storage of 1,055 acre-feet; two 15½-foot diameter steel conduits extending 2,350 feet from the forebay at the dam to the regulating reservoir and 12 penstocks, each 8 feet in diameter and 300 feet long extending from the regulating reservoir to the powerhouse to supply water to the original 6 units; a 14-foot diameter wood stave pipeline 2,214 feet long connecting the forebay to a surge tank and a 14-foot diameter steel penstock 217 feet long running from the surge tank with four steel penstocks each 8 feet in diameter and 171 feet long branching off to the powerhouse to supply water to the additional two units; a powerhouse, located downstream from the dam on the left bank, containing six units each consisting of a 6,000-horsepower turbine connected to a 4,000-kilowatt generator and two units, each consisting of an 8,000-horsepower turbine connected to 5,500-kilowatt generator; a 102-kilovolt transmission line about 350 feet long connecting the plant to the Rainbow switching Station; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 9th day of January 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12663; Filed, Nov. 28, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27563]

ACETIC ACID AND ANHYDRIDE FROM KINGS MILL, TEX., TO LOUISIANA, TENNESSEE, AND OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Acetic acid, glacial or liquid, and acetic anhydride, carloads.

From: Kings Mill, Tex.

To: Baton Rouge, North Baton Rouge, and New Orleans, La., Memphis, Tenn., and specified points in official and Illinois territories.

Grounds for relief: Rail and market competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3894, Supp. 139; F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 182.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12649; Filed, Nov. 28, 1952; 8:46 a. m.]

[4th Sec. Application 27564]

CAUSTIC SODA AND SODA ASH FROM OHIO, MICHIGAN, NEW YORK, AND WEST VIRGINIA TO TENNESSEE

APPLICATION FOR RELIEF

NOVEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt and C. W. Boin, Agents, for carriers parties to schedules listed below.

Commodities involved: Caustic soda, soda ash, and monohydrate or sesquecarbonate of sodium, carloads.

From: Specified points in Ohio, Michigan, New York, and West Virginia.

To: Holston and Kingsport, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, I. C. C. No. 4510, Supp. 8; C. W. Boin, Agent, I. C. C. No. A-968, Supp 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12650; Filed, Nov. 28, 1952; 8:46 a. m.]

[4th Sec. Application 27565]

MINE RUN SALT FROM TEXAS AND LOUISIANA TO ALABAMA

APPLICATION FOR RELIEF

NOVEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt, mine run, carloads.

From: Points in Louisiana and Texas.

To: Lensanto, Emco, and Listerhill, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3903, Supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12651; Filed, Nov. 28, 1952; 8:46 a. m.]

[4th Sec. Application 27566]

SULPHURIC ACID FROM FRONT ROYAL, VA., TO GREENVILLE AND PORT RAYON, TENN.

APPLICATION FOR RELIEF

NOVEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Front Royal, Va.

To: Greenville and Port Rayon, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1200, Supp. 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12652; Filed, Nov. 28, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-136]

LONG ISLAND LIGHTING CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

NOVEMBER 24, 1952.

In the matter of Long Island Lighting Company, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company; File No. 54-136.

The Commission by order dated November 16, 1949 (Holding Company Act Release No. 9510), having approved a plan filed under section 11 (e) of the act proposing the consolidation of Long Island Lighting Company, a then registered holding company, and two of its public-utility subsidiary companies, Queens Borough Gas and Electric Company and Nassau & Suffolk Lighting Company and the recapitalization of the resultant consolidated corporation, which was to be known as Long Island Lighting Company ("Consolidated Corporation"); and

That order having reserved jurisdiction over the payments of all fees and expenses incurred in connection with the plan, and subsequently, applications for payment of fees and expenses were filed by participants in the proceedings relating to the plan; and

The Commission by order dated July 30, 1952 (Holding Company Act Release No. 11413 Corrected), having released jurisdiction over the payment of certain fees and expenses, and continued the reservation of jurisdiction with respect to all other fees and expenses; and

The Consolidated Corporation having subsequent to said order of July 30, 1952, filed certain information with respect to the fees and expenses which it paid to two experts employed by it in connection with the section 11 (e) plan, but who had not filed applications on their own behalf; and

The Consolidated Corporation having requested that the Commission release jurisdiction over these fees and expenses, which are described as follows:

	Fee	Expenses	Total
Dr. J. Rhoads Foster	$3,000.00	$2,346.34	$5,346.34
W. C. Gilman & Co.	8,170.00	130.39	8,300.39

It appearing to the Commission that the fees and expenses enumerated above are reasonable in amount and appropriate.

It is ordered, That jurisdiction be, and the same hereby is, released with respect to these payments.

It is further ordered, That the reservation of jurisdiction over fees and expenses contained in the Commission's order of November 16, 1949, hereby is expressly continued except insofar as specifically released in the order of July 30, 1952, and herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12680; Filed, Nov. 28, 1952; 8:50 a. m.]

[File No. 70-2910]

ARKANSAS POWER & LIGHT CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

NOVEMBER 24, 1952.

The Commission, by orders dated August 26, 1952, and September 10, 1952, having granted the application, as amended, of Arkansas Power & Light Company ("Arkansas"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, with respect to the issuance and sale of $15,000,000 principal amount of First Mortgage Bonds, -- percent Series, due 1982, pursuant to the competitive bidding requirements of Rule U-50; and

The Commission's supplemental order of September 10, 1952, with respect thereto, having reserved jurisdiction with respect to legal fees and expenses; and

The record having been completed with respect to these matters, and certain of the legal fees having been modified, and the Commission finding that the said legal fees, as modified, are not unreasonable, and that it is appropriate to release jurisdiction heretofore reserved with respect thereto, as follows:

Reid & Priest (New York counsel for the company)	$8,750
House, Moses & Holmes (local counsel to the company)	5,750
White & Case (independent counsel for the purchasers; fee to be paid by the purchasers)	8,000

It is ordered, That jurisdiction heretofore reserved with respect to legal fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12679; Filed, Nov. 28, 1952; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region IX, Redelegation of Authority 35, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 13, SECTION 8 (a) (2) AND SECTION 9 (b)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 62, Amendment 1, dated October 1, 1952 (17 F. R. 8784), this Amendment 1 to Redelegation of Authority No. 35 (17 F. R. 4546), is hereby issued.

Redelegation of Authority No. 35 is amended by adding a new paragraph designated (4) to read as follows:

(4) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by district offices under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13, prior to the issuance of this redelegation of authority are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority No. 35 shall take effect as of October 30, 1952.

M. A. BROOKS, *Regional Director, Region IX.*

NOVEMBER 24, 1952.

[F. R. Doc. 52-12635; Filed, Nov. 24, 1952; 5:05 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 30]

HESTER FIELD, ST. JAMES PARISH, LOUISIANA

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Hester Field, St. James Parish, Louisiana.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Hester Field, St. James Parish, Louisiana. This condensate is produced in conjunction with natural gas and during the base period there was a lack of competitive factors due to the fact that production was curtailed by a lack of gas outlets. As a result, the crude condensate produced from the Hester Field, St. James Parish, Louisiana, was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the requested ceiling price of $2.85 per barrel flat does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the Hester Field, St. James Parish, Louisiana shall be: $2.85 per barrel flat.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS, *Director of Price Stabilization.*

NOVEMBER 21, 1952.

[F. R. Doc. 52-12547; Filed, Nov. 21, 1952; 12:41 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 31]

CERTAIN FIELDS IN TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Sublime, Frelsburg, Glasscock, Columbus, and Chesterville Fields, Colorado County, Texas; West Bernard and Lissie Fields, Wharton County, Texas; and the Halletsville Field, Lavaca County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Sublime, Frelsburg, Glasscock, Columbus, and Chesterville Fields, Colorado County, Texas; West Bernard and Lissie Fields, Wharton County, Texas; and the Halletsville Field, Lavaca County, Texas. During the base period there was a lack of competitive factors and adequate low cost pipe line transportation had not been installed and, as a result this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that this requested ceiling price of $2.85 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40° does not exceed the ceiling price of comparable crude petroleum produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the Sublime, Frelsburg, Glasscock, Columbus and Chesterville Fields, Colorado County, Texas; West Bernard and Lissie Fields, Wharton County, Texas; and the Halletsville Field, Lavaca County, Texas, shall be: $2.85 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12548; Filed, Nov. 21, 1952; 12:41 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 32]

BIG HILL FIELD, JEFFERSON COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Big Hill Field, Jefferson County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Big Hill Field, Jefferson County, Texas. During the base period there was a lack of competitive factors and as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that this requested ceiling price of $2.88 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.46 per barrel for below 20° API gravity does not exceed the ceiling price of comparable crude petroleum produced in this same area.

Special provisions. For the reasons set forth in the Statement of Consideration and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the Big Hill Field, Jefferson County, Texas shall be: $2.88 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.46 per barrel for below 20° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12549; Filed, Nov. 21, 1952; 12:41 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 33]

LEONA RIVER FIELD, ZAVALA COUNTY, TEXAS

CRUDE CONDENSATE CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude condensate produced from the Leona River Field, Zavala County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude condensate produced from the Leona River Field, Zavala County, Texas. During the base period there was a lack of competitive factors and as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that the requested price of $2.80 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.38 per barrel for below 20° does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the Leona River Field, Zavala County, Texas shall be: $2.80 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40° down to $2.38 per barrel for below 20° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This special order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12550; Filed, Nov. 21, 1952; 12:42 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 34]

NORTH WITHERS FIELD, WHARTON COUNTY, TEXAS

CRUDE CONDENSATE CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude condensate produced from the North Withers Field, Wharton County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude condensate produced from the North Withers Field, Wharton County, Texas. During the base period there was a lack of competitive factors and as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the requested price of $2.88 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.54 per barrel for below 24° API gravity does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *it is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the North Withers Field, Wharton County, Texas, shall be: $2.88 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.54 per barrel for below 24° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12551; Filed, Nov. 21, 1952; 12:42 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 35]

WEST EL CAMPO FIELD, WHARTON COUNTY, TEXAS

CRUDE CONDENSATE CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude condensate produced from the West El Campo Field, Wharton County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude condensate produced from the West El Campo Field, Wharton County, Texas. During the base period there was a lack of competitive factors and as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the requested price of $2.88 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.54 per barrel for below 24° API gravity does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *it is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the West El Campo Field, Wharton County, Texas, shall be: $2.88 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.54 per barrel for below 24° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12552; Filed, Nov. 21, 1952; 12:43 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 36]

FRIO COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS FOR CERTAIN FIELDS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Doering Ranch and Marrs Fields, Frio County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Doering Ranch and Marrs Fields, Frio County, Texas. During the base period there was a lack of competitive factors and as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that this requested ceiling price of $2.80 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.38 per barrel for below 20° API gravity does not exceed the ceiling price of comparable crude petroleum produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *it is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the Doering Ranch and Marrs Fields, Frio County, Texas, shall be: $2.80 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.38 per barrel for below 20° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12553; Filed, Nov. 21, 1952; 12:43 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ROSINA TREML ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rosina Treml, Steyr, Upper Austria; $246.26 cash in the Treasury of the United States.

Anna Riesenhuber, Garsten-Sarning 33, near Steyr, Upper Austria; $258.48 cash in the Treasury of the United States.

Thomas Holzmayer, Garsten, near Steyr, Upper Austria; $246.26 cash in the Treasury of the United States. Claim No. 15656.

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12674; Filed, Nov. 28, 1952; 8:49 a. m.]

CURT PULVERMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Curt Pulvermann, Buenos Aires, Argentina; Claim No. 43077; $29,956.08 cash in the Treasury of the United States.

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12675; Filed, Nov. 28, 1952; 8:49 a. m.]

[Vesting Order 19067]

PAULINE ROTHMAN

In re: Estate of Pauline Rothman, also known as Paula Geyersbach, and as Maria Auguste Geiersbach, deceased. File No. 017-27615.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Bertha Karoline Wilhelmine Johanna Drossard, Ernst Joseph Geiersbach, Johanna Gertrud Rosskamp, Elisabeth Bock Leenarts, Caroline Josephina Margaretha Pankau, Adelheide Bachus, Maria Wolinsky and Margot Elvire Irene Collo-Gilljam, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Friedrich Wilhelm Geiersbach, deceased, and of Wilhelm Carl Joseph Vecqueray, deceased who there is reasonable cause to believe are and, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Pauline Rothman, also known as Paula Geyersbach, and as Maria Auguste Geiersbach, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Treasurer of the City of New York, as depositary, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 24, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12671; Filed, Nov. 28, 1952; 8:49 a. m.]

MARIE VIVAN

REVOCATION OF NOTICE OF INTENTION TO RETURN VESTED PROPERTY AND RETURN ORDER NO. 995

The claim described below was filed by Marie Vivan. Since she died on August 8, 1951, prior to return of the property, the notice of intention to return vested property (15 F. R. 6137, September 12, 1950) and Return Order No. 995 dated June 26, 1951, (16 F. R. 6708, July 19, 1951) are hereby revoked.

Claimant, Claim No., Property, and Location

Marie Vivan, Pasiano, Udine, Italy, 36371; $3,150.00 in the Treasury of the United States.

All right, title, interest and claim of Maria Vivan in and to any and all causes of action arising out of the death of Giovanni Battisti Vivan under the common law and any Federal or State statutes with the exception of those arising under the Workman's Compensation Law of the State of Michigan and against the Waterway Construction Company, Detroit, Michigan, and the Associated Indemnity Company, San Francisco, California.

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12678; Filed, Nov. 28, 1952; 8:50 a. m.]

LORENZO VIVAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lorenzo Vivan, Pasiano, Udine, Italy; Guido Vivan, Pasiano, Udine, Italy; Vittorio Vivan, Pasiano, Udine, Italy; Claim No. 36371; $3,150.00 in the Treasury of the United States, one-third thereof to each claimant.

All right, title, interest and claim of Marie Vivan, Lorenzo Vivan, Guido Vivan and Vittorio Vivan, in and to any and all causes of action arising out of the death of Giovanni Battisti Vivan under the common law and any Federal or State Statutes with the exception of those arising under the Workmen's Compensation Law of the State of Michigan and against the Waterway Construction Company, Detroit, Michigan, and the Associated Indemnity Company, San Francisco, California.

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12672; Filed, Nov. 28, 1952; 8:49 a. m.]

FRANZ WALLISCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Franz Wallisch, Vienna, Austria; Claim No. 42683; $1,516.11 cash in the Treasury of the United States.

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12677; Filed, Nov. 28, 1952; 8:50 a. m.]

SPLADIS, SOCIETE POUR L'APPLICATION D'INVENTIONS SCIENTIFIQUES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

SPLADIS, Societe pour l'Application d'Inventions Scientifiques, Geneva, Switzerland; Claim No. 1934; property described in Vesting Order No. 670 (8 F. R. 5003, April 17, 1943), relating to United States Letters Patent Nos. 2,216,567 and 2,274,734.

Property described in Vesting Order No. 296 (7 F. R. 9842, November 26, 1942), relating to United States Patent Application Serial Nos. 298,570 (now United States Letters Patent No. 2,310,520); 276,250 (now United States Letters Patent No. 2,330,569) and 369,033 (now United States Letters Patent No. 2,328,439).

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12673; Filed, Nov. 28, 1952; 8:49 a. m.]

ADRIANO CAVALIERI DUCATI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Adriano Cavalieri Ducati, Milano, Italy; Claim No. 41025; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,223,887 and property described in Vesting Order No. 2246 (8 F. R. 14020, October 14, 1943) relating to United States Letters Patent No. 2,223,061; subject, however, to royalty free non-exclusive License Agreements dated June 14, 1944 (License No. 828-1) and July 12, 1945 (License No. 1495-2) by and between the Alien Property Custodian and Raytheon Manufacturing Company, Newton, Massachusetts, relating to United States Letters Patent Nos. 2,223,887 and 2,223,061 respectively.

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12676; Filed, Nov. 28, 1952; 8:49 a. m.]

VOL 17

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FEDERAL REGISTER

VOLUME 17 NUMBER 234

Washington, Tuesday, December 2, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[Administration Letter 291 (451)]

PART 361—ROUTINE

SUBPART B—SERVICING FARM OWNERSHIP AND FARM HOUSING LOANS

PAYMENTS ON LOAN ACCOUNTS

1. Section 361.22 (d) (1), Title 6, Code of Federal Regulations (16 F. R. 12539) is amended to delete reference to Form FHA–528, "Annual Income Return." This form is no longer used to record the accumulated amounts matured on direct and insured Farm Ownership loans. Section 361.22 (d) (1), as amended, will read as follows:

§ 361.22 *Definitions.* • • •

(d) *Maturity status*—(1) *Direct and insured Farm Ownership loans.* A borrower with a direct or insured Farm Ownership loan will be current when his cumulative regular payments through the last preceding March 31 are equal to the accumulated amounts matured. Such a borrower will be prepaid or delinquent, respectively, when such regular payments are greater or less than such accumulated amounts matured.

(Sec. 41 (1) 60 Stat. 1066; 7 U. S. C. 1015 (i))

2. Section 361.24 (a) (1) and (2) (i), Title 6, Code of Federal Regulations (16 F. R. 12540) is amended to delete reference to Form FHA–528 and to provide for notification to the borrower by memorandum as to whether the borrower's income for the year was "normal or above normal" or "below normal" and the required payment on his account for the year. Section 361.24 (a) (1) and (2) (i), as amended, will read as follows:

§ 361.24 *Payment plans*—(a) *Farm Ownership loans.* • • •

(1) *Payment Plan I.* Payment Plan I applies to each borrower with a direct Farm Ownership loan whose loan was approved prior to November 1, 1946, and who signed Form FSA-LE 228, "Variable Payment Agreement," or Form FSA–550, "Promissory Note (Variable Payment Plan)" if he has not transferred to Payment Plan II. Payment Plan I applies also to a transferee who assumed the obligation of a variable payment transferor whose loan was approved prior to November 1, 1946, unless the transferor or transferee has signed Form FHA–165, "Variable-Payment Agreement." Under Payment Plan I, the amount to be matured each year will be determined by the County Supervisor from an analysis of the year's farm operations and on the basis of the borrower's ability to pay. The County Supervisor will notify the borrower by memorandum of the amount of the payment on his account to be made for the year.

(2) *Payment Plan II.* • • •

(i) On the basis of an analysis of the year's farm operations, the County Supervisor will determine each year following the borrower's first full crop year on the farm whether the borrower's income for the year was "normal or above-normal" or "below-normal," unless deferred payments have been authorized. If deferred payments have been authorized, the first such determination will be made for the year for which the first full annual installment is scheduled on the promissory note. The County Supervisor will notify the borrower by memorandum of such determination and of the minimum required payment on his account for the year. Such minimum required payment will never exceed the amount of one annual installment on the note plus other charges for the year.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 48, 60 Stat. 1070, sec. 48, 50 Stat. 531; 7 U. S. C. 1022)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

NOVEMBER 14, 1952.

Approved: November 26, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12723; Filed, Dec. 1, 1952; 8:54 a. m.]

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[FHA Instruction 465.5]

PART 372—SECURITY SERVICING AND LIQUIDATIONS; FARM OWNERSHIP LOANS

SUBPART E—MANAGEMENT AND DISPOSITION OF ACQUIRED FARMS

Subpart E of Part 372, Title 6, Code of Federal Regulations (14 F. R. 5703, 15 F.R. 651, 16 F. R. 5411) is revised to read as follows:

Sec
372.81 General.
372.82 Delegation of authority.
372.83 State Office routine subsequent to acquisition of farms.
372.84 Miscellaneous matters pertaining to the sale of acquired farms.
372.85 Easements and rights-of-way.

AUTHORITY: §§ 372.81 to 372.85 issued under sec. 41 (f), 60 Stat. 1066, sec. 4 (c), 64 Stat. 98; 7 U. S. C. 1015 (f), 40 U. S. C. 442 (c). Interpret or apply secs. 43 (b), 51, 60 Stat. 1067, 1070; 7 U. S. C. 1017 (b), 1025. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 372.81 *General.* This subpart prescribes the authorities, policies, and procedures for the management of acquired farms from the time title to such farms is vested in the United States until they are sold or otherwise disposed of, and for their sale or other disposition. However, if the acquired farm represents an asset of a State Rural Rehabilitation Corporation and an agreement, pursuant to section 2 (f) of the Rural Rehabilitation Corporation Trust Liquidation Act (Public Law 499, 81st Congress) (hereinafter referred to as a "section 2 (f) agreement") is not currently in effect, the State Director will not sell the property until otherwise authorized but will retain it in inventory and manage it in the same manner as stipulated for other acquired farms.

(a) *Applicability.* For the purposes of this subpart, acquired farms are farms which before acquisition were security for:

(1) Direct loans made pursuant to title I of the Bankhead-Jones Farm Tenant Act, as amended, including such loans made under a section 2 (f) agreement.

(2) Loans insured under title I of the Bankhead-Jones Farm Tenant Act, as amended.

(3) Credit sales of farms pursuant to sections 43 and 51 of the Bankhead-Jones Farm Tenant Act, as amended, and Public Law 563, 79th Congress.

(4) Credit sales by a State Rural Rehabilitation Corporation, directly or under an agreement with the Secretary of Agriculture.

(5) Loans for farm improvements or farm development made from Loans, Grants, and Rural Rehabilitation funds.

(6) Loans where the note and mortgage were assigned to the Government as security for, or the payment of, loans to, or in liquidation of, Defense Relocation Corporations, and Land Leasing and Land Purchasing Associations.

(7) The following types of Operating loans:

(i) Production and Subsistence loans.
(ii) Rural Rehabilitation loans.
(iii) Emergency Crop and Feed loans.
(iv) Flood, and Flood and Windstorm Restoration loans, made during the fiscal years 1944, 1945, and 1946.

(b) *Expeditious disposition of acquired farms.* Acquired farms will be sold or otherwise disposed of as expeditiously as possible consistent with the protection of the Government's investment in such farms.

§ 372.82 *Delegation of authority.* Subject to the policies and procedures prescribed in this subpart:

(a) The State Director is authorized to:

(1) Sell acquired farms and to execute deeds and other documents and instruments necessary in connection with such sales.

(b) The State Director or his delegate is authorized to:

(1) Lease or operate acquired farms.
(2) Execute caretakers' agreements.
(3) Enter into agreements prorating the payment of rent as between the Government and purchasers of acquired farms.
(4) When appropriate, pay taxes or to make payments in lieu of taxes on acquired farms.
(5) Authorize such repairs and maintenance of acquired farms as may be necessary to protect the Government's interest.

§ 372.83 *State Office routine subsequent to acquisition of farms.* When title to a farm becomes vested in the Government the State Director will take such of the following actions with respect to each acquired farm as may be appropriate:

(a) *Suitability of acquired farms for title I purposes.* If the farm is, or can be developed into, or used in the development of an efficient family-type unit having a total value, as repaired, improved, or enlarged, not exceeding the average value of efficient family-type units in the county, the State Director will determine that the farm is suitable for title I purposes. The County Supervisor will be advised when the decision is reached as to the suitability or nonsuitability of an acquired farm for title I purposes.

(b) *Care of growing crops on acquired farms.* At the time of acquisition, upon the advice of the representative of the Office of the Solicitor, the State Director shall instruct the County Supervisor with respect to the disposition to be made of any crops growing on acquired farms.

(c) *Care and leasing of acquired farms.* The State Director will furnish the County Supervisor with instructions regarding the care and leasing of acquired farms.

(1) *Caretaking.* Whenever it is impracticable to lease an acquired farm, and caretaking is deemed necessary to protect the Government's interest, such a farm may be placed under a caretaker's arrangement on terms approved by the State Director. Form FHA–529, "Caretaker's Agreement," to be signed by the caretaker, should be specific with respect to such items as the period covered by the agreement, care of the property, cultivation, harvesting, and care of growing crops, and the compensation to be allowed the caretaker for his services. Compensation allowed the caretaker for his services will be paid by use of Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal." In no event, will the Government operate an acquired farm under a caretaker's agreement for a period exceeding one year from the date of acquisition. No provision shall be included in the caretaker's agreement which will interfere with the expeditious sale or other disposition of the farm.

(2) *Leasing.* Acquired farms will be leased for the current cropping season, or the remainder thereof, when it is determined that such leasing is necessary to protect the Government's investment. Form FHA–435, "Lease of Farm," will be used in such cases. The term of a lease may not exceed one year. Subject to the limitations on the period for sale, a farm may be leased for subsequent periods when necessary to protect the Government's interest. All leases will be on the best reasonable terms obtainable as determined by the State Director. Rent must be payable in cash, but the amount may be based on the market value of shares of agricultural commodities as provided on Form FHA–435. Leases will be on terms that will not delay unnecessarily the sale of farms.

(d) *Maintenance and minor repairs on acquired farms.* (1) Expenses for maintenance and minor repairs necessary to protect the Government's interest, which

cannot practicably be deferred until after sale, may be incurred and paid by the Government. Where the contemplated expenditures for maintenance or repairs amount to $500 or less, the State Director will authorize the work to be done on a confirmatory basis. Upon completion of the maintenance or repairs a certified invoice or Standard Form 1034 will be obtained from the contractor and forwarded to the appropriate Area Finance Office for payment. Such invoice or voucher must include an itemization of the maintenance or repairs.

(2) Where the contemplated expenditures for maintenance or repairs amount to more than $500, the Area Finance Office will prepare and issue an invitation to bid for the work to be performed.

(e) *Taxation on acquired farms.* Except as provided herein the Farmers Home Administration is required, in accordance with section 50 (a) of the Farmers Home Administration Act of 1946, to pay taxes on farms acquired on behalf of the Government which are determined to be suitable for title I purposes, and, in accordance with section 50 (b) of the act, to make payments in lieu of taxes on farms acquired on behalf of the Government which are determined to be unsuitable for title I purposes.

(1) Taxes will be paid on acquired real property which represents an asset of a State Rural Rehabilitation Corporation, provided:

(i) There is a section 2 (f) agreement in effect whereunder the corporation or agency or official designated by the State legislature has authorized the Government to pay such taxes; and

(ii) The real estate would be taxable under State laws if it had been transferred to such corporation or agency or official under section 2 (d) of the Rural Rehabilitation Corporation Trust Liquidation Act, with no return transfer to the United States under a section 2 (f) agreement.

(2) In the absence of a section 2 (f) agreement tax payments will not be made on acquired farms which represent assets of a State Rural Rehabilitation Corporation.

(Sec. 50, 60 Stat. 1070, sec. 2 (f), 64 Stat. 99; 7 U. S. C. 1024, 40 U. S. C. 440 (f))

(f) *Sale of acquired farms within the Farm Ownership Program.* Acquired farms will be sold as expeditiously as possible, and will not be held for an unreasonable length of time for within-program disposal.

(1) *Determination of selling price.* The State Director will establish a selling price, based upon the normal earning capacity value of the farm, taking into consideration such amounts as may be required to repair, improve, or enlarge the farm to meet established Farm Ownership minimum standards. If the acquired land, or a part thereof, will be sold for the purpose of enlarging another Farm Ownership unit, the sales price of the land to be added will be established on the basis of an earning capacity report, prepared for the enlarged farm in accordance with §§ 322.1 to 322.3 of this chapter and will be consistent with the normal market value of comparable properties in the community and must be within the certified value for the enlarged farm. If there are buildings on the land being added, and such buildings are needed by the borrower in carrying out his farming operations, consideration will be given to the use value of such buildings, to be acquired by the purchaser, in arriving at the sales price of the real property being sold to the borrower. If there are buildings that will not be sold to the borrower, such buildings should be disposed of in accordance with §§ 372.101 to 372.109 of this chapter prior to consummation of the sale of the land, and if such buildings are not removed from the land being sold by the date of the sale, adequate provisions will be stipulated in the sales instruments to allow sufficient time for removal. Also, the fair and reasonable value of the Government's interest in the mineral rights will be considered in determining the selling price.

(2) *Disposition of growing crops.* Growing crops, when not harvested under a caretaker's agreement, may be sold with the farm or separately. The State Director will determine the selling price thereof separately from that of the farm. Such crops may be sold for cash, but title I funds may not be loaned to enable a purchaser to make such purchases. When growing crops are sold on credit to a person eligible for the benefits of title I, either with the farm or separately, a separate note will be taken to evidence the sale price, payable not later than when the crops will be harvested. The separate note will be secured by a lien on the growing crops. When the growing crops are sold to any person not eligible for the benefits of title I, such crops will be sold pursuant to §§ 372.101 to 372.109.

(3) *Selection of purchaser.* The purchaser will be selected from applicants tentatively approved in accordance with §§ 316.21 to 316.24 of this chapter with preference accorded veterans as provided in §§ 316.1 to 316.6 and §§ 321.1 to 321.8 of this chapter.

(4) *Sale to present Farm Ownership borrower.* An acquired farm, or part thereof, may be sold to a present Farm Ownership borrower, provided the State Director determines (i) the borrower's present unit is not an efficient family-type unit, and (ii) the addition of the acquired unit, or part thereof, will result in the borrower having an efficient family-type unit.

(g) *Methods of selling acquired farms within the Farm Ownership Program.* Acquired farms determined to be suitable for title I purposes may be sold within the program to present Farm Ownership borrowers or to applicants for Farm Ownership loans under such of the following methods as may be prescribed by the State Director.

(1) *Sale to Farm Ownership borrower.* An acquired farm, or part thereof, may be sold to a Farm Ownership borrower in a manner consistent with the policies and procedures for making a subsequent loan for farm enlargement purposes, on a credit basis, through a subsequent direct loan, through a subsequent insured mortgage loan or through a new direct or insured mortgage loan. If additional funds are needed by the Farm Ownership borrower with which to perform farm development necessary to make the enlarged farm an efficient family-type unit, such funds may be provided, in the case of sale on credit, through a direct loan processed simultaneously with the credit sale. In the case of sales through either new or subsequent direct or insured mortgage loans, such funds may be included in the loan made in connection with the purchase of the land.

(2) *Sale to Farm Ownership applicant.* The sale of acquired real estate to an approved Farm Ownership applicant, other than a present Farm Ownership borrower, may be accomplished by a sale on a credit basis when funds are not needed for repairs, improvements or enlargement; by a sale on a credit basis when funds are needed for repairs, improvements or enlargement, or by a sale through a direct or insured loan, which may include funds for repairs, improvements or enlargement. Where the State Director determines it to be impracticable to sell an acquired farm to a Farm Ownership applicant by any other method, the sale may be accomplished through a direct or insured loan.

(h) *Disposal of farms outside the Farm Ownership Program.* Acquired farms, or parts thereof, determined to be not suitable for title I purposes and suitable farms which cannot be sold to an eligible purchaser within a reasonable time will be sold as expeditiously as possible outside the program by the Farmers Home Administration unless special reasons require their transfer to the appropriate Government agency for disposal. The State Director is authorized to sell such farms at public or private sale to any individual at the best price obtainable, after public notice. Such sale may be accomplished by selling the land and buildings separately if such method of sale will result in the Government realizing a greater return from the sale. The sale may be either for cash or on terms of at least twenty percent cash with the balance secured by a first mortgage on the property and payable in equal annual installments within five years with interest at five percent on the unpaid principal payable annually.

(Secs. 1 (a), 43 (d), 44 (b), 50, 60, Stat 1072, 1068, 1069, 1070, sec. 2 (f), 64 Stat. 99; 7 U. S. C. 1001 (a), 1017 (d), 1018 (b), 1024, 40 U. S. C. 440 (f))

§ 372.84 *Miscellaneous matters pertaining to the sale of acquired farms.* The following general provisions will apply in connection with the sale of acquired farms:

(a) *Applications.* Applications to purchase acquired farms within the Farm Ownership Program will be processed in substantially the same manner as applications for initial loans as prescribed in Parts 331 and 332 of this chapter.

(b) *Type of deed form.* Conveyances will be made by deed without warranty and will be executed by the State Director. If legally possible, and the sale is to be made within the Farm Ownership Program, the deed should create an estate with the right of survivorship. All minerals or mineral rights of the Government will be conveyed to the purchaser.

(c) *Abstracts of title.* Abstracts of title owned by the Government which cover only the land involved in a particular sale will be sold with the farm by adequate provision in the sales agreement. When the sale is on credit terms or a loan is made in connection with the sale, the abstract will be retained by the Government as additional security until the security instruments securing the credit sale or loan are fully satisfied.

(d) *Sales expense.* No expenses incident to the sale, such as revenue stamps, recording of mortgage, intangible taxes, or title insurance when required, will be borne by the Government.

(e) *Title clearance.* Title clearance for farms suitable for title I purposes will be effected in accordance with the applicable provisions of §§ 327.1 to 327.8 of this chapter.

(f) *Closing sales of acquired farms.* Each sale of an acquired farm will be closed in accordance with closing instructions issued by the representative of the office of the Solicitor.

(g) *Cancellation of outstanding leases.* When an outstanding lease on an acquired farm is to be canceled pursuant to the terms of the sale, Form FHA-244, "Cancellation of Lease," will be used, one signed copy of which will be delivered to the lessee.

(h) *Sale subject to outstanding lease.* When it is necessary or desirable, the State Director may sell an acquired farm subject to an outstanding agricultural or mineral lease. In such cases the State Director will address a letter to the lessee informing him of the conveyance by the Government of its interest under the lease and furnish him with the name and address of the purchaser of the farm.

(i) *Proration of rent.* Ordinarily lease benefits will be sold with the property, however, when an acquired farm, or part thereof, is under lease which is not sold with the land and the Government's interest canceled at the time of sale, the rent has not become due before the sale is closed, and the lease does not contain provisions governing the proration of rent in the event of sale of the farm, the State Director will arrange for any prorated distribution of rent between the Government and the purchaser which is found by the State Director to be equitable and not detrimental to the financial interest of the Government.

(Sec. 9, 60 Stat. 1080; 7 U. S. C. 1031)

§ 372.85 *Easements and rights-of-way.* Generally, it will not be the policy of the Farmers Home Administration to grant or sell easements or rights-of-way on acquired real property, title to which is vested in the Government. When a request is received for an easement or right-of-way on such acquired real property, the State Director will make a determined effort to dispose of the property, thereby making it possible for the easement or right-of-way to be obtained from the purchaser of such property. In a case where it is impossible to sell the property, thereby enabling the purchaser to enter into an easement or right-of-way permit, the State Director will refer the matter to the National Office, giving a complete report on the case. Such a case will be handled on an individual case basis.

(Secs. 43 (d), 60 Stat. 1068; 7 U. S. C. 1017 (d))

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

NOVEMBER 7, 1952.

Approved: November 26, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12724; Filed, Dec. 1, 1952; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 542, Rev., Amdt. 2]

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF CERTAIN FRUITS FROM MEXICO

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 319.56-2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), the administrative instructions (7 CFR Supp. 319.56-2g) prescribing methods of treatment of oranges, grapefruit, tangerines, and Manila mangoes from Mexico are hereby amended in the following respects:

1. Section 319.56-2g (a) (1) is amended to read as follows:

(1) Either of the approved vapor-heat schedules of treatment specified in paragraph (b) of this section will meet the treatment requirements imposed under § 319.56-2 as a condition of the issuance of permits for (i) the importation from Mexico of commercially-sound oranges, free of leaves and other plant debris, or (ii) the importation from Mexico during the 5-month period beginning November 1 and ending the following March 31, of commercially-sound tangerines, with tight skins and free from air pockets or puffiness, and free of leaves and other debris.

2. Section 319.56-2g (a) (2) is amended to read as follows:

(2) The approved vapor-heat schedule of treatment specified in paragraph (b) (1) of this section will meet the treatment requirements imposed under § 319.56-2 as a condition of the issuance of permits for the importation from Mexico of commercially sound grapefruit and Manila mangoes, free of leaves and other plant debris.

The purpose of the foregoing amendment is to authorize an additional schedule of vapor-heat treatment, previously authorized for oranges only, as a condition for the issuance of permits for the importation from Mexico during the 5-month period beginning November 1 and ending the following March 31, of commercially sound tangerines, with tight skins and free from air pockets or puffiness, and free of leaves and other debris. Accordingly, the foregoing amendment relieves restrictions now in effect. In order to be of maximum benefit to shippers, the new authorization should be made effective as soon as possible. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and public procedure on the foregoing amendment are unnecessary, impracticable, and contrary to the public interest, and since this amendment relieves restrictions it may properly be made effective under said section 4 less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 5, 37 Stat. 316; 7 U. S. C. 159)

This amendment shall be effective November 20, 1952.

Done at Washington, D. C., this 20th day of November, 1952.

[SEAL] AVERY S. HOYT,
Chief,
Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 52-12751; Filed, Dec. 1, 1952; 8:59 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-226-A2]

PART 925—MILK IN THE PUGET SOUND, WASHINGTON, MARKETING AREA

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AUTHORITY: §§ 925.1 to 925.102 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 925.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional finding.* It is hereby found and determined that good cause exists for making this order, as amended, effective December 1, 1952. Such action is necessary in the public interest in order to promote the orderly marketing of milk for the Puget Sound marketing area. Accordingly, any further delay in the effective date of this order, as amended, will impair orderly marketing. The provisions of this order are well known to handlers. The public hearing was held March 11–14, 1952, the recommended decision was published in the FEDERAL REGISTER (17 F. R. 6777) on July 24, 1952, and the final decision (17 F. R. 10564) was executed by the Secretary on November 13, 1952. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. It would be contrary to the public interest, therefore, to delay such effective date for 30 days after publication of the order in the FEDERAL REGISTER (See sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, as amended) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who during the determined representative period (July 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 925.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 925.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 925.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 925.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 925.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which includes members who are producers as defined in § 925.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 925.6 *Puget Sound, Washington, Marketing Area.* "Puget Sound, Washington, Marketing Area" (hereinafter called the "marketing area") means all territory lying west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; all territory lying within townships 23N and 24N within range 8E in King County; all territory lying west of range 8E and north of township 18N in Pierce County, except Fox, McNeil, and Anderson Islands and the peninsula on which Lake Bay and Gig Harbor are located northward to the Kitsap County line; all territory lying within Thurston County; all territory, except the town of Vader, lying west of range 5E in Lewis County; all territory lying east of range 10W and north of township 12N in Pacific County; and all territory lying

south of township 19N in Grays Harbor County; all in the State of Washington. As used in this section, "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above-described area. "District No. 1" of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, Thurston, and Grays Harbor. "District No. 2" of the marketing area shall include that part of the marketing area lying within the counties of Skagit and Whatcom, and "District No. 3" of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific.

§ 925.7 *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk or milk products.

§ 925.8 *Fluid milk plant.* "Fluid milk plant" means any plant, other than the plant of a producer-handler, located in the marketing area which is approved by any health authority having jurisdiction in the marketing area as a plant from which milk may be distributed for consumption as fluid milk in the marketing area, and from which during the month Class I milk pursuant to § 925.41 (a) (1) is disposed of (including sales at such plant, plant store or eating place) within the marketing area.

§ 925.9 *Country plant.* "Country plant" means any plant, other than a fluid milk plant or the plant of a producer-handler, which is approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area: *Provided*, That any such plant located outside of the marketing area other than the plant at Sequim operated by the Kristoferson Dairy, Inc., (or its successor), and the plant of the Dungeness-Sequim Cooperative Creameries at Dungeness shall not be a country plant if the percentage of either butterfat or skim milk in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1), is less than:

(a) 50 percent in the current month during the period October through December; or

(b) 20 percent in the current month during the period January through September, except that if the percentage was more than 50 percent for the entire period of October through December immediately preceding no percentage shall be required for such months of January through September:

And provided further, That any plant which otherwise meets the requirements of this section may withdraw from country plant status for any month in the January–September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

§ 925.10 *Nonpool plant.* "Nonpool plant" means any plant other than a fluid milk plant or a country plant.

§ 925.11 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 925.12 *Producer.* "Producer" means any dairy farmer, other than a producer-handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area, for the production of milk qualified for disposition to consumers in fluid form within the marketing area.

§ 925.13 *Producer milk.* "Producer milk" or "milk received from producers" means milk qualified as described in § 925.12 and either received directly from a farm at a fluid plant or country plant or caused to be diverted by a handler for his account from such a plant to a nonpool plant: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 925.14 *Other source milk.* "Other source milk" means (a) all skim milk and butterfat received from a producer-handler (or the plant of a producer-handler) in any form (including bottled products), and (b) all other skim milk and butterfat other than in (1) producer milk, and (2) milk and milk products received from fluid milk plants and country plants.

§ 925.15 *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant or any other plant from which milk in any of the forms specified in § 925.41 (a) is disposed of to any place or establishment within the marketing area other than a plant: *Provided*, That this paragraph shall not be deemed to include any such person with respect to any of the items specified in § 925.41 (a) disposed of to military or other ocean transport vessels leaving the marketing area if the items so disposed of originated at a plant located outside the marketing area and were not received or processed at any fluid milk plant or country plant; and

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a fluid milk plant or a country plant to a nonpool plant.

§ 925.16 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler, and who processes milk from his own farm production and distributes all or a portion of such milk within the marketing area in any of the forms specified in § 925.41 (a), but who received no milk from producers: *Provided*, That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 925.17 *Base.* "Base" means a quantity of milk, expressed in pounds per day or per month, computed pursuant to § 925.60 (a) and (b) respectively.

§ 925.18 *Base milk.* "Base milk" means: (a) Milk delivered by a producer during a month in the period February through July, inclusive, of each year beginning with 1954, and during each month in the period March through July 1953, inclusive, which is (1) not in excess of his daily base computed pursuant to § 925.60 (a), multiplied by the number of days of delivery in such month, or (2) not in excess of his base computed pursuant to § 925.60 (b): *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant, the days of nondelivery shall be considered as days of delivery for the purposes of this paragraph; and (b) all milk delivered by a producer in each of the months of August, September, October, November, December, and January of each year effective August 1, 1953, and during the months of October 1952 through February 1953.

§ 925.19 *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of the Secretary.

§ 925.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 925.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety

thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30 to 925.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 925.80 to 925.88, inclusive.

(i) On or before the 13th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 13th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 925.70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 925.70 (a) (6);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 925.80 (a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 925.87 and 925.88.

(2) Each handler whose total value of milk is computed pursuant to § 925.70 (b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 925.51 (a) and the Class I butterfat differential pursuant to § 925.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51 (b) and the Class II butterfat differential pursuant to § 925.52 (b), both for the preceding month; and

(2) On or before the 13th day of each month, the uniform price(s) computed pursuant to § 925.71 and the butterfat differential(s) computed pursuant to § 925.82, both applicable to producer milk received during the preceding month; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 925.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15 (a), except a producer-handler, shall report for the preceding month to the market administrator with respect to milk and milk products received at each of such handler's fluid milk plants and country plants, and at each of his plants where milk or milk products subject to payments required under § 925.70 (b) were handled, and each cooperative association which is a handler pursuant to § 925.15 (b) shall report with respect to milk diverted on its account during the preceding month, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk received (except manufactured Class II milk products (1) disposed of in the form in which received without further processing by the handler, or (2) used to produce other Class II milk products).

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(e) The aggregate quantities of base milk and excess milk received; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 925.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 925.32 *Other reports.* At such times and in such manner as the market administrator may prescribe:

(a) Each handler shall report to the market administrator such information in addition to that required under § 925.30 as may be requested by the market administrator with respect to milk and milk products handled by him;

(b) Each producer-handler shall report to the market administrator relative to his receipts and utilization of milk and milk products.

§ 925.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 925.30, 925.31, and 925.32 and to payments required to be made pursuant to §§ 925.80 through 925.88.

§ 925.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 925.35 *Handler report to producers.* (a) In making payments to producers pursuant to § 925.80, each handler, on or before the 19th day of each month, shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month (1) the identification of the handler and the producer; (2) the total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery; (3) the minimum rate(s) at which payment to the producer is required under the provisions of § 925.80; (4) the rate per hundredweight and amount of any premiums or payments above the minimum prices provided by the order; (5) the amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and (6) the net amount of payment to the producer.

(b) In making payment to a cooperative association in aggregate each handler upon request shall furnish to the cooperative association with respect to each producer for whom such payment is made, any or all of the above information specified in paragraph (a) of this section.

CLASSIFICATION

§ 925.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 *Classes of utilization.* Subject to the conditions set forth in §§ 925.42, 925.43 and 925.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid or frozen form as milk, skim milk, skim milk drinks, buttermilk, flavored milk, flavored milk drink, and cream (sweet or sour), and used in the production of concentrated milk, flavored milk and flavored milk drinks not sterilized (but not including (i) those products commonly known as evaporated milk, condensed milk, and condensed skim milk (ii) flavored milk or flavored milk drink in hermetically sealed containers; and (iii) any item named in this subparagraph disposed of pursuant to paragraph (b) (3) of this section), (2) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream and other frozen dessert mixes disposed of to a commercial processor, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products, eggnog and yogurt, (3) contained in monthly inventory variations (4) shrinkage of producer milk in excess of that pursuant to paragraph (b) (4) of this section and shrinkage allocated to receipts from other handlers pursuant to § 925.42 (b), and (5) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of as (or used to produce, in the case of ice cream and frozen desserts and mixes for such products (liquid or powder), cottage cheese and aerated cream products) any product other than those included under paragraph (a) (1) and (2) of this section, (2) disposed of for livestock feed, (3) disposed of in bulk in any of the forms specified in paragraph (a) (1) of this section to bakeries, soup companies and candy manufacturing establishments in their capacity as such and to nonpool plants subject to the conditions of § 925.44 (c) (2), (4) in actual shrinkage of producer milk computed pursuant to § 925.42 but not in excess of 2 percent of the quantities of skim and butterfat, respectively, in producer milk, and (5) in actual shrinkage of other source milk computed pursuant to § 925.42.

§ 925.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, other source milk, and receipts from other handlers: *Provided*, That if milk is transferred from a fluid milk plant or a country plant to a nonpool plant located on the same premises as the transferor plant, the transfer to the nonpool plant shall be reduced by an amount determined by multiplying the total shrinkage in such nonpool plant by the percentage which the amount so transferred is to the total receipts at such nonpool plant.

§ 925.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first received such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 925.30.

(c) Except as provided in § 925.44 (c) (1), any skim milk or butterfat classified in one class shall be reclassified if used or reused by any handler in another class.

§ 925.44 *Transfers.* Skim milk and butterfat moved in any of the forms specified in § 925.41 (a) (1) from one plant to another shall be assigned (separately) to each class in the following manner:

(a) From a country plant or fluid milk plant to a fluid milk plant: As Class I milk to the extent Class I milk is available at the transferee plant, subject to the following conditions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other handlers at the transferor plant, such excess shall be assigned last to the Class I available at the transferee plant:

(2) If more than one transferor plant is involved, the available Class I milk shall be assigned to the transferor plants in the following order:

(i) To fluid milk plants located in District No. 1;

(ii) To country plants located in District No. 1 or in the counties of Kitsap and Mason;

(iii) To fluid milk plants not located in District No. 1; and

(iv) To country plants not located in District No. 1 or in the counties of Kitsap and Mason.

(3) If Class I is not available in amounts equal to the sum of transfers in the manner indicated in subparagraph (2) of this paragraph, the receiving handler may designate to which plant the available Class I milk shall be assigned; and

(4) If at a plant located in District No. 1 or in the counties of Kitsap and Mason any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) similarly located are assigned to Class II milk, they shall be allocated to the uses stated in § 925.54 (a) (1) insofar as such uses are available after allocating to such uses the other source milk at such plant.

(b) From a country plant or fluid milk plant to a country plant: As Class II milk, subject to the following conditions:

(1) The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction pursuant to § 925.45 (b) (2) of other source milk at such plant and after the subtraction of producer shrinkage, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk;

(2) If more than one transferor plant is involved, the available Class II milk shall be assigned to the transferor plants in the following order:

(i) To country plants not located in District No. 1 or in the counties of Kitsap and Mason;

(ii) To fluid milk plants not located in District No. 1;

(iii) To country plants located in District No. 1 or in the counties of Kitsap and Mason; and

(iv) To fluid milk plants located in District No. 1;

(3) If Class II milk is not available in amounts equal to the sum of transfers in the manner indicated in subparagraph (2) of this paragraph, the receiving handler may designate to which plant the available Class II milk shall be assigned.

(4) If at a plant located in District No. 1 or in the counties of Kitsap and Mason any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) similarly located are assigned to Class II milk, they shall be allocated to the uses stated in § 925.54 (a) (1) insofar as such uses are available after allocating to such uses the other source milk at such plant.

(c) From a country plant or fluid milk plant to a nonpool plant:

(1) As Class I milk if the transfer is to a nonpool plant located outside the marketing area or to the plant of a producer-handler, except as provided for in subparagraph (2) of this paragraph.

(2) As Class II milk if the transfer is to a nonpool plant located in the marketing area or within any of the counties of Clallam, Jefferson, Grays Harbor Island, Kitsap and Mason, in the State of Washington, which is not engaged in the distribution of milk for consumption in fluid form: *Provided*, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in

§ 925.41 (a) (1) to any other nonpool plant distributing milk in fluid form which is not located in the marketing area, such disposition up to the quantity of producer milk transferred to the first nonpool plant shall be classified as Class I milk: *Provided further*, That if the preceding proviso does not apply the transferred quantity shall be deemed to have been utilized first for the manufacture of Class II milk products other than evaporated milk in hermetically sealed cans, butter, nonfat dry milk solids, powdered whole milk, and cheddar cheese to the extent that such other Class II milk products were manufactured at such nonpool plant: *And provided also*, That if the market administrator is not permitted to audit the records of such nonpool plant for the purpose of use verification, the entire transfer shall be classified as Class I milk.

§ 925.45 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class;

(b) Allocate skim milk in the following manner;

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 925.41 (b) (4);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received and in overage allocated to other source milk (§ 925.70 (a) (5)): *Provided*, That if the receipts of skim milk in other source milk plus the overage allocated to other source milk are greater than the pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other fluid milk plants and country plants and assigned to such class pursuant to § 925.44;

(4) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 925.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the preceding month.

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 4.

(c) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pounds for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 *Class prices.* Subject to the differentials provided in § 925.52 the following are the minimum prices per hundredweight to handlers for Class I milk and Class II milk:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.65: *Provided*, That the price for Class I milk for the months of April through June, inclusive, of any year shall not be higher than the price computed pursuant to the above provisions of this paragraph for the month of March immediately preceding, and the price for Class I milk for any October through January period, inclusive, shall not be lower than the price computed pursuant to the provisions of this paragraph for the month of September immediately preceding.

(b) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at San Francisco, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents.

§ 925.52 *Butterfat differentials to handlers.* If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 925.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 925.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk:* Multiply by 1.25 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the preceding month, divide the result by 10, and round to the nearest tenth of a cent.

(b) *Class II milk:* Multiply by 1.15 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the month, divide the result by 10, and round to the nearest tenth of a cent.

§ 925.53 *Location adjustment to handlers on Class I milk.* In computing the value of each handler's milk there shall be credited with respect to skim milk and butterfat, respectively, in producer milk received at a plant not located in District No. 1 or in the counties of Kitsap and Mason and classified as Class I milk, 40 cents per hundredweight: *Provided*, That an additional 10 cents shall be credited with respect to skim milk and butterfat so received and classified at any plant located in Clallam or Jefferson Counties.

§ 925.54 *Location adjustment to handlers on Class II milk.* In computing each handler's value of milk there shall be added with respect to each fluid milk plant and country plant located in District No. 1 or in the counties of Kitsap and Mason, an amount of money computed as follows:

(a) Compute the sum (in pounds) of: (1) The total utilization at such plant (including any disposition of skim milk and butterfat from such plant for similar uses at nonpool plants) of skim milk and butterfat, respectively, in evaporated milk in hermetically sealed cans, butter, nonfat dry milk solids, powdered whole milk, cheddar cheese, shrinkage allowable as Class II milk pursuant to § 925.41 (b) (4) and (5), and (2) the total quantity of skim milk and butterfat transferred to other fluid milk plants and country plants located in District No. 1 or in the counties of Kitsap and Mason and allocated to the uses specified in subparagraph (1) of this paragraph (as provided in § 925.44 (a) (4) and (b) (4));

(b) Subtract such sum from the total quantity of Class II milk for such plant, including that resulting from the disposition of skim milk or butterfat from such plant to nonpool plants;

(c) Subtract from the net amounts of skim milk and butterfat, respectively, resulting from paragraph (b) of this section to the extent of such amounts, the amounts of skim milk and butterfat received at such plant from fluid milk plants and country plants not located in District No. 1 or in the counties of Kitsap and Mason and assigned to Class II milk pursuant to § 925.44 (but exclusive of the quantity by which transfers received from a transferor plant exceeds the total of receipts from producers and other handlers at such transferor plant); and

(d) Multiply by 25 cents per hundredweight the lesser of the following quantities: (i) The net amount resulting from paragraph (c) of this section, or (ii) the total amount of producer milk received at such plant directly from farms which is available for Class II milk after the assignment of transfers pursuant to § 925.44.

DETERMINATION OF BASE

§ 925.60 *Computation of producer bases.* Subject to the rules set forth in § 925.61, the market administrator shall determine bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) During each of the months of February through July, inclusive, of each year beginning with 1954, the daily base of each producer whose milk was received by a handler(s) on not less than one hundred twenty (120) days during the immediately preceding months of August through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in such five-month period by the number of days from the date of first delivery to the end of such five-month period, and during each of the months of March through July 1953, inclusive, the daily base of each producer whose milk was received by a handler(s) on not less than ninety (90) days during the immediately preceding months of October through January, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in such four-month period by the number of days from the date of first delivery to the end of such four-month period: *Provided*, That with respect to any producer on "every-other-day" delivery the days of non-delivery intervening days of delivery shall be considered as days of delivery for the purpose of ascertaining whether delivery was made on not less than the minimum number of days required pursuant to this paragraph.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have beginning with March 1953 a monthly base in the months of February through July, inclusive, computed by applying the appropriate monthly percentage in the following table to his deliveries to a handler(s):

February	70	May	45
March	65	June	50
April	55	July	55

§ 925.61 *Base rules.* The following rules shall be observed in determination of bases:

(a) A base may be transferred during the period of February through July, inclusive, upon written notice to the market administrator on or before the last day of the month of transfer, but only under the following circumstances:

(1) Upon the death, retirement or entry into military service of a producer, the entire base may be transferred to a member (or members) of his immediate family who continues to supply producer milk from the same farm.

(2) If a base is held jointly and such joint holding is terminated the entire base may be transferred as a unit to one of the joint holders or to a new joint holding in which at least one of the original joint holders is a participant.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a) to begin the next February 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month in the period February through July, inclusive, a producer holding a base established pursuant to § 925.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the end of such six-month period such producer's base shall be computed in the manner provided by § 925.60 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promply post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 925.12 may establish or earn a base pursuant to the provisions of §925.60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

DETERMINATION OF UNIFORM PRICE

§ 925.70 *Computation of value of milk.* (a) Except as provided in paragraph (b) of this section, the total value of milk received during any month by each handler including a cooperative association, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 925.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 925.53;

(3) Add the total amount of all location adjustments computed pursuant to § 925.54;

(4) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(5) Add, if such handler had overage, an amount computed by multiplying the pounds of such overage (except overage prorated to other source milk) deducted from each class pursuant to § 925.45 by the applicable class price: *Provided*, That if (i) overage results in a fluid milk plant or country plant having receipts of other source milk, the total overage shall be prorated between other source milk and all other receipts, and (ii) overage results in a nonpool plant located on the same premises as a fluid milk plant or country plant, such overage shall be prorated between the quantity transferred from the fluid milk plant or country plant and other source milk in such nonpool plant, and the transferor handler shall be charged at the applicable class price for the amount of overage allocated to the transferred quantity.

(6) Add, with respect to other source milk received at each fluid milk plant and country plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District No. 1 or in the counties of Kitsap or Mason, such difference shall be reduced by 40 cents per hundredweight: *Provided*, That with respect to skim milk and butterfat so received and classified at any plant located in Clallam and Jefferson Counties, there shall be a further reduction of 10 cents per hundredweight.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was only within Districts Nos. 2 and 3, such difference shall be reduced by 40 cents per hundredweight.

§ 925.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and who made the payments pursuant to § 925.84 for the preceding month;

(b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 925.81 (a);

(c) Deduct the aggregate of the values of the location adjustments on excess milk computed pursuant to § 925.81 (b);

(d) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;

(f) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk, rounded to the nearest one-tenth cent;

(g) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (f) of this section from the net amount computed pursuant to paragraph (e) of this section: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(h) Divide the net amount obtained in paragraph (g) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(i) Divide the amount obtained in paragraph (f) of this section plus any amount subtracted pursuant to the proviso of paragraph (g) of this section by the hundredweight of excess milk, and subtract any fractional part of one cent. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 925.80 *Time and method of payment to producers and to cooperative associations.* (a) On or before the 19th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 925.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 17th day after the end of such month: *And provided further*, That if by such date such handler has not received full payment for such month pursuant to § 925.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81.

(b) On or before the 17th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price adjusted by the amounts of any location adjustments applicable pursuant to §§ 925.53 and 925.54.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 925.81 *Location adjustments to producers.* In making payments to producers pursuant to § 925.80 (a) (1) the following adjustments for location are applicable:

(a) Deductions may be made per hundredweight of base milk received from producers as follows: 50 cents at plants located in Clallam and Jefferson Counties, and 40 cents at other plants not located in District No. 1 or in the counties of Kitsap and Mason.

(b) Beginning with March 1953, 25 cents per hundredweight shall be added for the months of February through July, inclusive, to the uniform price for excess milk received from producers at plants located in District No. 1, or in the counties of Kitsap and Mason.

§ 925.82 *Producer butterfat differential.* In making payments pursuant to § 925.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) The butterfat differential for base milk shall be computed by multiplying the butterfat differential for Class I milk by the percentage of the butterfat contained in base milk that is allocated to Class I, and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, adding together the resulting amounts, and rounding to the nearest tenth of a cent.

(b) The butterfat differential for excess milk shall be the same as the butterfat differential for Class II milk.

§ 925.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 925.84 and out of which he shall make all payments to handlers pursuant to § 925.85.

§ 925.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a).

§ 925.85 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 925.84, 925.86, 925.87 and 925.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 925.86 *Adjustments of accounts.* Whenever verification by the market administrator of reports or payment of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 925.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefore to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 925.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 925.88 *Expense of administration.* As his prorata share of the expense of administration of this order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 925.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last-known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administration, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claims was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 925.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 925.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay out-

standing obligations of the office of the market administrator and to pay necessary expense of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 925.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

§ 925.102 *Producers - handlers.* Sections 925.40 to 925.45, inclusive, 925.50 to 925.54, inclusive, 925.70 to 925.71, inclusive, and 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

Issued at Washington, D. C., this 25th day of November 1952, to be effective on and after the 1st day of December 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12725; Filed, Dec. 1, 1952; 8:55 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 100, Revision 1]

GCPR, SR 100—ADJUSTMENT FOR IRON AND STEEL PRODUCTS

COPPER CLAD AND COPPER COATED STEEL PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 100, Revision 1 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation (SR) 100, Revision (Rev.) 1 to the General Ceiling Price Regulation (GCPR) provides ceiling price adjustments for copper clad and copper coated steel products such as wire, sheet and strip.

Some steel mills manufacture copper clad and copper coated steel products such as wire, sheet and strip. At present, in the absence of more specific provisions, these products fall in categories (1) and (5) of section 3 (c) of GCPR, SR 100, Rev. 1 for which a ceiling price increase of 4.7 percent is provided. This increase does not fully carry out the policy of this Agency to grant ceiling price increases to reflect the increased costs of production or acquisition of steel, copper and some other metals because the 4.7 percent increase only takes account of the increased cost of production of steel and neglects the far greater increases in the cost of acquisition of copper.

This amendment remedies the situation by providing that the 4.7 percent increase be applied not to the total ceiling price of copper clad and copper coated steel products but only to that part of it which remains after deducting from that ceiling price the value of the copper content of the product, computed on the basis of the price of domestic copper of 24.5 cents per pound, and by providing that the value of the copper content be reflected in the ceiling price of the product on the basis of an average price of 28.34 cents per pound. Thus, in effect, on the copper content of copper clad and copper coated steel products an increase of 28.34 cents minus 24.5 cents or 3.84 cents per pound is granted.

The 3.84 cents increase per pound has been arrived at as follows: The price of copper currently quoted by the Bank of Chile is the equivalent of 36.5 cents per pound delivered Connecticut Valley basis. The difference between this figure and the 24.5 cents domestic price is 12 cents. In accordance with the Directive issued by the Office of Defense Mobilization on May 21, 1952, this Agency permitted brass mills and copper wire mills to add to their ceiling prices an amount representing 80 percent of their increases in the cost of acquisition of copper. The same 80 percent applied to the 12 cents price increase per pound is 9.6 cents per pound. It is anticipated that the ratio of consumption of foreign copper to domestic refined copper used in the production of copper clad products will be 40 percent foreign copper and 60 percent domestic copper in conformity with the recent allocations by the National Production Authority. An application of the 40 percent foreign ratio to the 9.6 cents previously computed yields an average increase in the recoverable cost of 3.84 cents per pound of the total copper used.

Should considerable changes occur in the price of imported copper or in the ratio of imported to total copper used in the production of copper clad and copper coated steel products the Director of Price Stabilization will consider a revision of the adjustments provided by this amendment.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant facts of general applicability. In the judgment of the Director, the provisions of this regulation comply with all the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable under existing conditions, and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Section 3 of Supplementary Regulation 100, Revision 1 to the General Ceiling Price Regulation is amended by adding to it the following paragraph (d):

(d) If you produce copper clad or copper coated steel products, such as wire, sheet or strip, your ceiling price for this product is your ceiling price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation adjusted as follows:

(1) Multiply the amount of the copper contained in the product by $0.245 per pound.

(2) Deduct the amount calculated under (1) form the ceiling price of the product.

(3) Multiply the remainder by 104.7 percent.

(4) Multiply the copper contained in the product by $0.2834 per pound.

(5) Add together the amounts calculated under (3) and (4).

The amount of copper which you must consider in your calculations is the net copper content of your product as distinguished from its copper base alloy content.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 6, 1952.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

DECEMBER 1, 1952.

[F. R. Doc. 52-12823; Filed, Dec. 1, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 100, Amdt. 2 to Revision 1]

GCPR, SR 100—ADJUSTMENTS FOR IRON AND STEEL PRODUCTS

CHANGES IN METHOD OF CALCULATING CERTAIN PRICE ADJUSTMENTS; CORRECTIONS OF TYPOGRAPHICAL ERRORS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Revision 1, Supplementary Regulation 100 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation (SR) 100, to Revision 1 to the General Ceiling Price Regulation corrects certain typographical errors, and also permits certain producers of merchant wire products to calculate their adjustments on the basis of columnar price lists, which is their historical pricing method, rather than by using the dollar-and-cents figures heretofore provided for in the supplementary regulation.

The persons affected by the change in the method of calculating price adjustments are producers of nails, staples, woven fence, welded fence, wire netting, fence posts, wire bale ties, barbed and twisted wire. In all these industries the prices for items that are stock products have been historically expressed by means of a schedule of prices consisting of numbered columns, each column representing an increase in price of approximately one dollar per ton converted to the increase for the customary selling unit of the item, such as a keg of nails. Prices for nonstock items and cut nail products are expressed as a specified sum per hundred pounds plus extras. Therefore, price changes in stock items, either up or down, are customarily indicated by a change in the number of the applicable column, such references thus giving the new price in dollars and cents per hundred pounds. Due to the diversity and number of items priced on the column basis, it is impracticable to express a price change in any other manner than by adjusting such prices by an increase or decrease in the number of the applicable column. Consequently, this amendment sets out the price increases permitted by SR 100, Revision 1, in terms of columns instead of dollars-and-cents for merchant wire products. It is assumed that selling prices contained in price lists in effect immediately before the issuance of SR 100, Revision 1 to the GCPR were at ceiling. The change-over from a dollar per ton basis to a columnar basis, on the whole, does not result in any marked change in the price level of merchant wire products from that previously provided under SR 100, Revision 1.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable and unnecessary.

AMENDATORY PROVISIONS

Supplementary Regulation 100, Revision 1 to the General Ceiling Price Regulation is amended in the following respects:

1 Section 3 (a) is amended to read as follows:

(a) If you produce any of the following carbon steel mill products, your ceiling price for this product is your ceiling price established by the General Ceiling Price Regulation (GCPR) or a supplementary regulation to the GCPR issued on or before April 24, 1952, or an individual letter order issued prior to this regulation plus the applicable amount set forth below for such products.

Where the applicable amount set forth below is expressed as a number of columns, your new ceiling price is the price in the column of your price list found by adding the applicable number of columns to the number of the column containing your present ceiling price.

Example: Your ceiling price for cement coated nails, 3d sinker type, immediately before the issuance of Revision 1, SR 100 to the GCPR, was contained in column 103 of your price list. Column No. 103 plus 9 columns equals Column No. 112. The dollars-and-cents price in Column No. 112 for cement coated nails, 3d sinker type, is $8.51. Your new ceiling price for this item is $8.51.

If you customarily did not express your prices in numbered columns in a price list, your ceiling price may be increased by the same number of dollars per ton as the number of columns listed in this section.

2. The table contained in section 3 (a) is amended in the following respects:

Item (36) (vi) is amended to read:	
(vi) Tubing H-40	11.00.
Item (38) is amended to read:	
(i) Nails—wire stock items	9 columns.
(ii) Nails—wire non-stock items	9.00.
(iii) Nails—cut	9.00.
Item (39) is amended to read:	
(i) Staples—stock items	8 columns.
(ii) Staples—non-stock items	8.00.
Item (41) is amended to read:	
(41) Woven fence	9 columns.
Item (42) is amended to read:	
(42) Welded fence	14 columns.
Item (43) is amended to read:	
(43) Wire netting	14 columns.
Item (44) is amended to read:	
(44) Fence posts, commonly produced by steel mills	8 columns.
Item (45) is amended to read:	
(45) Wire bale ties—coil and loop	9 columns.
Item (46) is amended to read:	
(46) Barbed and twisted wire	8 columns.
Item (55) is amended to read:	
(55) Wire hoops	8.00.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment to Supplementary Regulation 100, Revision 1 to the General Ceiling Price Regulation is effective December 6, 1952.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

DECEMBER 1, 1952.

[F. R. Doc. 52-12824; Filed, Dec. 1, 1952; 4:00 p. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 10]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

EXEMPTION OF COIN OPERATED AMUSEMENT MACHINES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 10 to General Overriding Regulation 5, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

In line with the policy of exempting commodities from price control when the administrative burden of maintaining controls over them is disproportionate to any benefits accruing to the stabilization program, this amendment decontrols coin operated amusement machines, such as phonographs, skill games, strength-testing devices, and others. Sales of these machines are not significant in the defense program, and they do not enter into the cost of living of the American family. These machines are not purchased by the public; they are sold to "operators," who impose a service charge for the privilege of playing the machines.

These machines have been selling generally below their ceilings, and there is little likelihood that this exemption will result in any significant increase in their price levels. In any event, price control over these machines involves difficulties, both for the sellers and for this Agency, which are disproportionate to any benefits accruing to the stabilization program. The constant introduction of new models of amusement machines, and the resulting necessity of establishing new ceiling prices, has made price control in this industry extremely burdensome, both to the sellers and to OPS. Exemption of these machines will not affect the price control program, and will enable OPS to focus its energies on more important fields.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 5, Revision 1, is hereby amended by adding new section 19 to Article II, to read as follows:

SEC. 19. *Amusement machines.* The following amusement machines:

(a) Coin operated amusement machines, including, but not limited to, phonographs, skill games, strength-testing devices and pin-ball games. Specifically excluded, however, are machines

will indicate how these minimum prices

[General Overriding Regulation 35, Supple-

does not result in any marked change in

costs of production or acquisition of steel, tions.

woven fence, welded fence, wire netting,

which dispense merchandise of any kind, whether or not such machines are also operated for amusement.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 1, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

DECEMBER 1, 1952.

[F. R. Doc. 52-12820; Filed, Dec. 1, 1952; 11:05 a. m.]

[General Overriding Regulation 14, Amdt. 27]

GOR 14—EXCEPTED AND SUSPENDED SERVICES, ADDITIONAL EXCEPTED SERVICES

COIN OPERATED AMUSEMENT MACHINES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 27 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment removes from price control fees and charges for operation of coin operated amusement machines such as juke boxes and other phonographs, skill games, strength-testing devices, and pinball machines.

This exemption applies only to machines operated for amusement purposes. It does not apply to charges for operation of machines which dispense any commodity, even though those machines may also be operated for amusement. For example, charges for operation of "claw machines" which may dispense articles of merchandise, are not covered. Moreover, charges for rental or maintenance of any coin operated machines are not included in this exemption action.

In the judgment of the Director, controls over the services exempted by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. Experience has shown that the administrative burden of retaining control over such service fees and charges is out of proportion to the benefits gained.

In the formulation of this amendment there was consultation with industry representatives, including trade association representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended by adding at the end of paragraph (a) of Section 3 a new subparagraph (114) as follows:

(114) Operation of coin operated amusement machines, including, but not limited to, phonographs, skill games, strength-testing devices and pinball games; provided, however, that this exemption shall not apply to the charges for operation of machines which dispense any commodity, whether or not such machines are also operated for amusement.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment to General Overriding Regulation 14 shall become effective December 1, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

DECEMBER 1, 1952.

[F. R. Doc. 52-12822; Filed, Dec. 1, 1952; 4:00 p. m.]

[General Overriding Regulation 32, Special Order 10]

GOR 32—ADJUSTMENT OF CEILING PRICES FOR MATERIALS TO THE MINIMUM PRICES FIXED BY STATE LAWS

SO 10—SELLERS OF CIGARETTES IN PENNSYLVANIA

CEILING PRICES RAISED TO CONFORM WITH THE PENNSYLVANIA UNFAIR CIGARETTE SALES ACT

Statement of considerations. This special order raises the ceiling prices of Pennsylvania cigarette sellers above those previously established under regulations of the Office of Price Stabilization (OPS) where necessary to conform to the minimum prices required to be charged by the Pennsylvania Unfair Cigarette Sales Act. This action does not presently affect ceiling prices of Pennsylvania cigarette sellers which are at or above the minimum prices required by that Act immediately prior to the effective date of this special order. Provision is also made for the adjustment of ceiling prices of cigarette sellers subject to the Pennsylvania Unfair Cigarette Sales Act in the event of a change in the minimum prices computed pursuant to that Act and in some instances for the establishment of ceiling prices for new brands of cigarettes sold in Pennsylvania.

This special order is issued pursuant to section 5 of General Overriding Regulation (GOR) 32. That regulation was issued by the OPS to conform to the requirements of section 402 (1) of the Defense Production Act of 1950, as amended. GOR 32 sets forth certain facts which must be shown to exist in a particular State before the OPS is required by the above-noted statutory provision to raise ceiling prices to the minimum prices required by the law of that State.

It appears from the information contained in the application of the Department of Revenue of the Commonwealth of Pennsylvania that the Pennsylvania Unfair Cigarette Sales Act was in effect and enforced on June 30, 1952, and on November 6, 1952 (the date of application); that the Act has not been held invalid by any court of competent jurisdiction; and that the ceiling prices of some cigarette sellers in the Commonwealth of Pennsylvania are lower than the minimum sales prices required to be charged by that Act.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of GOR 32 this special order is hereby issued.

1. Ceiling prices of cigarette sellers subject to the Pennsylvania Unfair Cigarette Sales Act, hereinafter referred to as the Pennsylvania Act, which are below the minimum sales prices computed pursuant to that Act, as specified in paragraph 5 hereof, are hereby raised to those minimum sales prices.

2. If the minimum prices for brands of cigarettes sold in Pennsylvania on November 6, 1952 (the date of application by the Department of Revenue of the Commonwealth of Pennsylvania) have increased after that date pursuant to the Pennsylvania Act, such higher minimum prices shall become ceiling prices as hereinafter specified in this paragraph, upon the sending of a report by the Department of Revenue of the Commonwealth of Pennsylvania by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. That report will indicate the reason for the change as well as the computations by which the new required minimum prices have been determined and will list the new prices for various brands of cigarettes. The higher minimum prices so reported shall be established as ceiling prices for the sellers affected by paragraph 1 hereof and any other seller subject to the Pennsylvania Act whose ceiling prices would, as a result of such change, be below the new required minimum prices. If the minimum prices for brands of cigarettes sold in Pennsylvania on November 6, 1952, are decreased after that date pursuant to the Pennsylvania Act, ceiling prices of the sellers affected by paragraph 1 hereof shall be established at the new required minimum prices. However, where such lower minimum prices are below the ceiling prices in effect immediately prior to the date of this special order, these ceiling prices shall be in effect after such change in the minimum prices.

3. If new brands of cigarettes are sold in Pennsylvania after November 6, 1952, the cigarette sellers subject to the Pennsylvania Act who are unable to compute ceiling prices for the new brands pursuant to section 5 of the General Ceiling Price Regulation (because their comparison brands are not priced under section 3 of the General Ceiling Price Regulation but are priced under paragraph 1 or 2 of this special order) shall take as their ceiling prices for such new brands the minimum sales prices computed for them in accordance with the Pennsylvania Act. These prices will be established as ceiling prices for such cigarette sellers upon the sending of a report by the Department of Revenue of the Commonwealth of Pennsylvania by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. This report will set forth the brand names of the cigarettes and the minimum sales prices required to be charged for them in accordance with the Pennsylvania Act and

will indicate how these minimum prices were computed.

4. Nothing in this special order shall prevent a cigarette seller subject to the Pennsylvania Act whose ceiling prices would be affected by the filing of a report by the Department of Revenue of the Commonwealth of Pennsylvania as set forth in paragraph 2 or 3 hereof, from filing such report in his own behalf. The individual seller may use as his ceiling prices the minimum prices required by the Pennsylvania Act upon his mailing of such report unless and until such seller is notified by the OPS that the reported prices are disapproved or that further information is required. In the event of a request for further information, the reported minimum prices shall not be used as ceiling prices until such further information is sent by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C.

5. As used in this special order, the term "Pennsylvania Unfair Cigarette Sales Act" means that act as amended up to June 30, 1952 (Laws of Pennsylvania 1949, Act No. 478).

6. This special order or any provision hereof may be revoked, suspended, or amended by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This special order is effective December 1, 1952.

NOTE: The record-keeping and reporting requirements of this special order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

DECEMBER 1, 1952.

[F. R. Doc. 52-12821; Filed, Dec. 1, 1952; 11:05 a. m.]

[General Overriding Regulation 35, Amdt. 2]

GOR 35—PASS THROUGH FOR STEEL, PIG IRON, COPPER AND ALUMINUM COST INCREASES

CORRECTION OF CERTAIN ITEMS IN APPENDIX A

Due to typographical error, Item (36) (vi) and Item (55) were incorrectly listed in Part A of Appendix A of General Overriding Regulation 35. They should read as follows:

Item (36) (vi) is corrected to read:

(vi) Tubing H-40 ..... 11.00

Item (55) is corrected to read:

(55) Wire hoops 8.00

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 6, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

DECEMBER 1, 1952.

[F. R. Doc. 52-12825; Filed, Dec. 1, 1952; 4:00 p. m.]

[General Overriding Regulation 35, Supplementary Regulation 3]

GOR 35—PASS THROUGH FOR STEEL, PIG IRON, COPPER AND ALUMINUM COST INCREASES

SR 3—OPTIONAL METHOD OF CALCULATING CERTAIN ADJUSTMENTS BASED ON MERCHANT WIRE MILL PRICE CHANGES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to General Overriding Regulation 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to General Overriding Regulation (GOR) 35 gives users of certain merchant wire products listed in Appendix A of GOR 35 the option either to adjust their prices on the basis of the dollars-and-cents figures now in the Appendix or to adjust their prices on a columnar price list basis. The optional columnar price adjustment provided in this supplementary regulation conforms to the changes provided by Amendment 2 to Supplementary Regulation (SR) 100, Revision 1, to the General Ceiling Price Regulation (GCPR).

The changes in SR 100, Revision 1 to the GCPR, made by that amendment, permit certain merchant wire producers to calculate their adjustments on the basis of columnar price lists, which is their historical pricing method, rather than by using the dollars-and-cents figures previously provided.

The persons affected by the change in calculating price adjustments provided for in Amendment 2 to SR 100, Revision 1, are producers of nails, staples, woven fence, welded fence, wire netting, fence posts, wire bale ties, barbed and twisted wire. The prices for items that are stock products have been historically expressed by producers of these items by means of a schedule of prices consisting of numbered columns, each column representing an increase in price of approximately one dollar per ton converted to the increase for the customary selling unit of the item, such as a keg of nails. Prices for non-stock items and cut nail products are expressed as a specified sum per hundred pounds plus extras. Therefore, price changes in stock items, either up or down, are customarily indicated by a change in the number of the applicable column, such references thus giving the new price in dollars-and-cents per customary selling unit of the item. Due to the diversity and number of items priced on the column basis, it is impracticable for producers of those items to express a price change in any other manner than by adjusting such prices by an increase or decrease in the number of the applicable column. Consequently, this supplementary regulation sets out the price increases permitted by SR 100, Revision 1, in terms of columns instead of dollars-and-cents for merchant wire products. It is assumed that the mill selling prices contained in price lists in effect immediately before the issuance of SR 100, Revision 1 to the GCPR, were at ceiling.

The change-over from a dollar per ton basis to a columnar basis, on the whole, does not result in any marked change in the price level of merchant wire products.

Purchasers from mill suppliers and from warehouses may, in calculating their ceiling prices, use the prices found in the appropriate columns specified in section 2 of this supplementary regulation immediately and without awaiting receipt of notification from their suppliers. In the alternative, such purchasers may continue to reflect in their ceiling prices the amounts of the ceiling price increases for merchant wire products now set out in Appendix A of GOR 35. If such purchasers adopt the column prices contained in this supplementary regulation, they must notify their customers of the new increases found by using column prices, regardless of whether these raise or lower the amounts of the increases previously contained in Appendix A. If the use of the column pricing method effects no change, no notice need be given.

Customers of the sellers referred to in the previous paragraph, and all subsequent processors, must continue to use the increases of which they have already received notice until they receive a new notice from their suppliers informing them of a price change made pursuant to this supplementary regulation (or the applicable distributor's regulation). On receipt of such a notice, these persons have the option to continue using, in the adjustment of their own ceiling prices, the metal cost increase of which they have previously received notice or the new amount.

In view of the nature of this supplementary regulation, special circumstances have made consultation with all industry representatives, including trade association representatives, impracticable. However, the relief provided by this regulation has been requested by many individual manufacturers and representatives of trade associations. In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and comply in all respects with the applicable provisions of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Purchasers of merchant wire products from mill suppliers or warehouses.
3. Subsequent processors.
4. Applicability of provisions of General Overriding Regulation 35.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 804, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits the substitution of metal cost increases calculated on the basis of column prices for the dollars-and-cents increases previously set forth in Appendix A for the merchant wire products listed in section 2 below. It requires sellers calculating their ceiling prices on the basis of column prices to

notify their customers if the change results in a change in the seller's ceiling prices as adjusted under GOR 35 prior to this supplementary regulation. However, persons receiving such a notice may, but need not, recalculate their own ceiling prices to reflect the change in their supplier's ceiling prices.

SEC. 2. *Purchasers of merchant wire products from mill suppliers or warehouses.* (a) If you purchase any of the merchant wire products listed below from a mill supplier or warehouse, you may, but are not required to, recalculate your ceiling prices by substituting for the adjustment you calculated under GOR 35 immediately prior to the issuance of this supplementary regulation, the price contained in the column of your supplier's price list found by adding the number of columns specified below in this section to the number of the column containing your supplier's present price.

Example: You purchase cement coated nails, 3d sinker type, from X mill. Assume that the mill's ceiling price for this product was contained in Column No. 103 of its price list and that the price specified there was $8.00 before the effective date of GOR 35. Assume further that, prior to the issuance of this supplementary regulation, you adjusted your ceiling price for the product in which you use these nails under section 6 of GOR 35 to reflect an increase of $0.00 per ton, or $.45 per cwt. in the cost of this item to you. The number of columns specified below for this item is 9. Adding 9 columns to Column 103 brings you to Column 112. Assume the amount specified there is $8.51. You may recalculate your ceiling price for the product in which these nails are a manufacturing material to reflect an increase of $.51 per cwt. over your supplier's price ($8.00) before the issuance of SR 100, Rev. 1, to the GCPR instead of an increase of $.45 per cwt.

The item number contained under Part A of Appendix A of GOR 25:	*adjustment permitted* Column
Item (38)—Wire nails, wire stock items (cut and wire non-stock item adjustments remain at $9.00)	9 columns.
Item (39)—Staples—stock items (non-stock item adjustments remain at $8.00)	8 columns.
Item (41)—Woven fence	9 columns.
Item (42)—Welded fence	14 columns.
Item (43)—Wire netting	14 columns.
Item (44)—Fence posts, commonly produced by steel mills	8 columns.
Item (45)—Wire bale ties—coil and loop	9 columns.
Item (46)—Barbed and twisted wire	8 columns.

(b) If you calculate your ceiling prices in accordance with paragraph (a) of this section, and the result is a ceiling price different from that you calculated under GOR 35 before the issuance of this supplementary regulation, you must notify your customers of the increase over your unadjusted ceiling price in the manner specified in section 13 of GOR 35. If you recalculate your ceiling price in accordance with paragraph (a) of this section, and the result is the same as the ceiling price you calculated under GOR 35 before the issuance of this supplementary regulation, you need not give your customers any notice other than that you have already given them under section 13 of GOR 35.

SEC. 3. *Subsequent processors.* (a) If you purchase the merchant wire products listed in section 2 above but do not buy them from mill suppliers or warehouses, or if you purchase products in which these merchant wire products are used as a manufacturing material, and your supplier has, prior to the effective date of this regulation, notified you of an increase in his ceiling price reflecting a metal cost pass-through, in calculating your ceiling price you continue to use that increase until he notifies you of a different increase which he has calculated pursuant to this supplementary regulation (or, if your supplier is a distributor of these merchant wire products, pursuant to the applicable distributor's regulation, such as SR 29 to the GCPR). If you receive such a notice, you may, but are not required to, recalculate your ceiling prices by substituting for the adjustment which you computed under GOR 35 immediately prior to the issuance of this supplementary regulation, the new figure furnished you by your supplier.

SEC. 4. *Applicability of provisions of GOR 35.* Except to the extent expressly modified or supplemented by this regulation, all provisions of GOR 35 shall be applicable to any producer subject to this supplementary regulation.

Effective date. This supplementary regulation to General Overriding Regulation 35 is effective December 6, 1952.

EDWARD P. PHELPS, JR.,
Acting Director of Price Stabilization.

DECEMBER 1, 1952.

[F. R. Doc. 52-12826, Filed, Dec. 1, 1952; 4:01 p. m.]

[General Overriding Regulation 40]

GOR 40—ADJUSTMENTS FOR RETAILERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation 40 is hereby issued.

STATEMENT OF CONSIDERATIONS

On January 26, 1951, the General Ceiling Price Regulation was issued freezing the prices of most goods and services at all levels of production and distribution. At the time of its issuance, no general provision for the adjustment of individual hardship cases was included since it was virtually impossible to predict the specific types of hardship situations which an order of this scope might create.

On February 26, 1951, Ceiling Price Regulation 7 was issued. This regulation was tailored to meet the needs of pricing certain categories of merchandise at the retail level of distribution. It provided pricing rules to relieve certain inequities and squeezes which existed under the General Ceiling Price Regulation. Although it was believed that for these categories of merchandise no immediate need for a hardship provision would exist, it has become apparent since the issuance of the regulation that there are a small number of retail sellers operating under CPR 7 who, due to unusual circumstances, find themselves in a loss position as a result of markups imposed by the regulation.

On May 15, 1951, Supplementary Regulation 27 to the General Ceiling Price Regulation was issued to afford relief to those retail sellers who suffered a financial hardship as a result of introductory sales. That supplementary regulation permitted the retail sellers to increase ceiling prices to the extent necessary to bring such ceiling prices in line with "normal" prices of competitors. However, such adjustments are limited to sellers who are subject to GCPR and do not apply to sellers who operate under CPR 7.

On May 28, 1951, Supplementary Regulation 29 to the General Ceiling Price Regulation was issued. In addition to providing for changes in the retail ceiling prices to reflect suppliers' price changes pursuant to any ceiling price regulations, it provides for alleviation of certain replacement squeezes imposed by the General Ceiling Price Regulation.

The Office of Price Stabilization recognizes that even after the issuance of CPR 7 and Supplementary Regulations 27 and 29 to the General Ceiling Price Regulation, there still exists a need for a regulation that will provide relief for a limited number of sellers at retail to price under CPR 7 and GCPR and their supplements and who find themselves in an over-all loss position as a result of the ceiling prices or markups or terms and conditions of sale required by the regulations.

Following in some respects the provisions of GOR 10 (applicable to manufacturers only), the accompanying general overriding regulation is being issued. In general this regulation provides that a retailer may use this regulation if his sales of articles covered by Appendix A of CPR 161 or Appendix B of CPR 7 or of certain furs, which articles are bought and sold in substantially the same form, account for 75 percent or more of his total annual dollar volume and if his ceiling prices for such articles determined under, or terms or conditions of sale required by, CPR 7 or the GCPR or their supplements contribute to a current net operating loss in his over-all operations. It is not intended to provide adjustments for losses resulting from other factors such as seasonal, temporary or non-recurring factors, uneconomical operations, illegal wage payments and the like; nor is it intended to provide an inefficient retailer with higher ceiling prices or markups than those of his competitors; nor to permit a seller to abandon services or terms or conditions of sale offered by his competitors.

No retailer covered by this regulation will be prevented thereby from taking advantage of any special adjustment provisions of any other regulation which may be applicable to him.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Who may apply under this regulation.
3. How to apply under this regulation.
4. Action on application.
5. Delegation of authority.
6. Geographical applicability.
7. Definitions.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation permits retailers to apply for and receive an upward adjustment in their CPR 7 or GCPR ceiling prices or permission to change their terms or conditions of sale established under these regulations for certain consumer goods, if these ceiling prices or terms or conditions of sale are out-of-line with those of their closest competitors and are contributing to a current net operating loss in their over-all operation. This regulation does not, however, prevent a retailer from applying for an adjustment under any other regulation.

SEC. 2. *Who may apply under this regulation.* Any retail establishment which has sustained a net operating loss during its most recent representative period of operations of at least six months due to ceiling prices or terms and conditions of sale which are out of line with those of the competitors and which are established under CPR 7 or the GCPR may apply for relief under this regulation if 75 percent or more of its total dollar sales during that period were of "consumer goods." By "consumer goods" are meant the articles listed in the appendices to CPR 7 (Retail Ceiling Prices for Certain Consumer Goods) and CPR 161 (Consumer Durable Goods) and also fur garments, including furs, fur shells, fur linings, fur trimmings and fur collars. Only ceiling prices and terms and conditions of sale applicable to such consumer goods will be adjusted under this regulation. A "retail establishment" includes all departments within a departmentalized unit. It also includes all retail units under common ownership or control. However, any unit, or group of units, which independently prepares and executes its own merchandising plans, purchases most of the articles it offers for sale, establishes its own pricing and selling policies, engages most of its own employees and controls most of its own publicity and advertising may file under this regulation as a retail establishment.

SEC. 3. *How to apply under this regulation.* You apply under this regulation by filing an application with the Retail Branch, Consumer Goods Division, OPS, Washington 25, D. C. Your application must be signed by an owner, officer or duly authorized agent. It must include the following information for each retail unit covered by your application. However, if your records are kept in such a way that it is more convenient for you to submit any of the following information for a group of units included within the retail establishment covered by your application rather than for each retail unit individually, you may do so. (If no other period is indicated, the information should be given for the most recent completed fiscal year.):

(a) Name and address;

(b) Type of seller (e. g. men's, women's and children's wear; household furniture; or department store; single unit, chain unit, or a mail order establishment);

(c) Estimated percentage of sales made for cash, on charge or on installment;

(d) If the ceiling prices which are to be adjusted are GCPR ceiling prices, a list of the articles whose ceiling prices are to be adjusted, giving the GCPR ceiling price, and the proposed adjusted ceiling price of each;

(e) If the ceiling prices which are to be adjusted are CPR 7 ceiling prices and you wish to adjust individual cost-price lines, a list of the categories (identified by the appropriate CPR 7 Appendix B numbers) containing cost-price lines to be adjusted and a list of the cost-price lines giving the present percentage markup and the proposed percentage markup of each cost-price line;

(f) If the ceiling prices which are to be adjusted are CPR 7 ceiling prices and you wish to adjust by categories, a list of the categories (identified by the appropriate CPR 7 Appendix B numbers) for which an adjustment is requested, giving the present percentage markup and the proposed percentage markup of each;

(g) If no change is requested in ceiling prices but you wish to change your terms or conditions of sale, a statement of your existing and your proposed terms or conditions of sale;

(h) If you have filed a CPR 7 pricing chart with, or have received an authorization or order from any OPS office, an identification of such OPS office;

(i) The names and addresses of the three competitors conducting businesses most nearly like that operated by you, selling the same class of merchandise in the same general price ranges, catering to the same classes of purchasers, situated in comparable locations in the same trading area (or if none exists in the same trading area, then in a similar trading area). If a change in your terms or conditions of sale is requested, a statement of the terms or conditions of sale of these three competitors;

(j) A detailed annual profit and loss statement, itemizing the cost of goods sold and selling, administrative and general expenses for each fiscal year of operation beginning after December 31, 1948. If in the regular course of business semi-annual profit and loss statements are prepared, include these statements also;

(k) A detailed profit and loss statement, itemizing the cost of goods sold and selling, general and administrative expenses, covering the most recent period of at least six months during which you have sustained a net operating loss;

(l) A statement as to whether your records are kept pursuant to the "Retail Method of Inventory" or the "Cost Method of Inventory"; whether the inventories shown in your profit and loss statements are actual or estimated, and if estimated, what accounting method was used in arriving at the estimate; whether any change has been made during the period covered by these statements in the method of costing inventory and, if so, the date and character of such change;

(m) If an adjustment in ceiling prices is requested, the profit and loss statement for the period specified in paragraph (k) adjusted to reflect what the income during that period would have been had the ceiling prices you are proposing been in effect during that period. If a change in terms and conditions of sale is requested, the profit and loss statement for the period specified in paragraph (k) adjusted to reflect what the income during that period would have been had the terms and conditions you are proposing been in effect during that period. If an adjusted profit and loss statement for this period is unduly burdensome to compute or would not adequately present your case, you may, in lieu of that statement, submit other calculations to support your belief that the ceiling price adjustments requested will bring you no higher than the break-even point or that the proposed changes in terms or conditions of sale will bring you as close above the break-even point as it is possible to accomplish by the minimum change in your terms and conditions of sale.

(n) A statement that in your best judgment you will continue to operate at a net operating loss if you continue to sell at the ceiling prices or under the terms and conditions of sale established for consumer goods under the GCPR or CPR 7;

(o) If your application excludes any retail units under common ownership or control with units covered by the application, a statement that the retail units covered by your application do the following independently of the excluded retail units: prepare and execute their own merchandising plans; purchase most of the articles they offer or sell; establish their own pricing and selling policies; engage most of their own employees; and control most of their own publicity and advertising.

SEC. 4. *Action on application.* The Office of Price Stabilization will grant or deny, in whole or in part, an appli-

cation under this regulation, or request further information, and may, as a condition of granting an application, in whole or in part, require, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942 the submission of reports of subsequent operations. Your application will be carefully reviewed to ascertain whether any unreasonable or excessive costs have been included and to determine whether your net operating loss is due to ceiling prices or terms or conditions of sale for consumer goods established under CPR 7 or the GCPR. No adjustment will be granted to the extent that your net operating loss is due to: seasonal, temporary or non-recurring factors affecting your operations; an abnormal reduction in volume of sales; the payment of unlawful wages or excessive salaries, or of unlawful prices for merchandise; the incurring of selling, administrative and general costs or other overhead costs which are abnormally high relative to sales or other costs unless such excess was unavoidable in the exercise of normal business judgment and management; any abnormal transactions with affiliated corporations or businesses; or abnormal reserves for contingencies, or any other unusual accounting factors. Any adjustment granted under this regulation may be revoked or modified at any time. No adjustment will be granted under this regulation which will give you ceiling prices or terms and conditions of sale which are out-of-line with the ceiling prices or terms and conditions of sale established for your closest competitors. No adjustment will be granted under this regulation which will bring you above a break-even position. However, a change in terms and conditions of sale will be authorized which will bring you above the break-even point if such change is the minimum which must be made in order to bring you up to that point.

SEC. 5. *Delegation of authority.* The National Office of the Office of Price Stabilization may refer any application for adjustment filed pursuant to this regulation to the appropriate Regional Director. Any Regional Director, or any District Director authorized by the appropriate Regional Director, may in cases properly referred to him take action in accordance with sections 3 and 4 of this regulation.

SEC. 6. *Geographical applicability.* This regulation applies in the 48 states and the District of Columbia.

SEC. 7. *Definitions.* Unless a different meaning is given below or the context otherwise requires all terms used herein have the same meaning as in the regulation otherwise applicable to you.

(a) *CPR 7.* This term includes Ceiling Price Regulation 7, Retail Ceiling Prices for Certain Consumer Goods, as amended, and all supplements thereto.

(b) *GCPR.* This term includes the General Ceiling Price Regulation, as amended, and all supplements thereto.

(c) *Net operating loss.* This term means that amount by which the cost of merchandise and services plus total operating expenses exceeds net sales. Net sales are total gross sales minus returns and allowances to customers.

(d) *Retailer or retail establishment.* A retailer or retail establishment is a seller who in the regular course of business makes sales at retail. A sale at retail means a sale to an ultimate consumer, other than an industrial or commercial user, of an article bought and sold in substantially the same form.

Effective date. This general overriding regulation is effective December 6, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD H. PHELPS, JR.,
Acting Director of Price Stabilization.

DECEMBER 1, 1952.

[F. R. Doc. 52-12827; Filed, Dec. 1, 1952; 4:01 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[Revised CMP Regulation No. 6, Direction 9]

CMP REG. 6—CONSTRUCTION

DIR. 9—AUTOMATIC REVALIDATION OF CERTAIN ALLOTMENTS AND ORDERS

This direction to Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation with representatives of all industries affected by this direction has been rendered impracticable because the direction affects many different industries.

Sec.
1. What this direction does.
2. Automatic revalidation of certain allotments and orders.
3. Return of unused revalidated allotments.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction provides for the automatic revalidation of allotments issued pursuant to the provisions of section 8 of Revised CMP Regulation No. 6 and permits placement of authorized controlled material orders calling for deliveries of controlled materials in the calendar quarter next succeeding the quarter for which the allotment is made.

SEC. 2. *Automatic revalidation of certain allotments and orders.* (a) Notwithstanding any provisions of Revised CMP Regulation No. 6, any person who has received an allotment, pursuant to the provisions of section 8 of Revised CMP Regulation No. 6, may himself revalidate such allotment; and he may place authorized controlled material orders calling for delivery in the quarter next succeeding the quarter for which the allotment is made, without making any application to the claimant agency which issued the allotment or to NPA for authority to take such action.

(b) (1) To revalidate an allotment pursuant hereto, the purchaser need only indicate on his purchase order that he desires delivery in the calendar quarter next succeeding the quarter provided for in the allotment. (For example, if he has received an allotment valid for the fourth calendar quarter of 1952, and if he desires, for any reason, to receive delivery in the first quarter of 1953 instead of in the fourth quarter of 1952, in placing his purchase order, the purchaser shall identify such order by the allotment number and the designation of the appropriate calendar quarter in which he desires delivery, i. e., in the instance of this example 1Q53.)

(2) If a purchase order has already been placed pursuant to an allotment valid in any particular calendar quarter and if the purchaser desires, for any reason, to receive delivery in the calendar quarter next succeeding the quarter for which the allotment is valid, he may revalidate such allotment and purchase order, and request delivery in the next succeeding quarter, either by furnishing a revised copy of the purchase order to the supplier, or by furnishing the supplier written information clearly identifying the original purchase order and specifying the quarter in which delivery is requested.

(3) All purchase orders placed pursuant to this direction shall be certified in the manner described in section 12 of Revised CMP Regulation No. 6.

(c) This direction does not apply to allotments bearing the program identifications A, B, C, or E.

SEC. 3. *Return of unused revalidated allotments.* As of the end of the quarter for which the allotment was revalidated, any person whose allotment has been revalidated must determine whether he has used his entire allotment by placing authorized controlled material orders or making allotments to his contractors or to persons who are to produce Class A products for him for the construction project, and if he has any excess, he must return it by the tenth day of the month after the close of that quarter.

This direction shall take effect December 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12829; Filed, Dec. 1, 1952; 11:20 a. m.]

[Revised CMP Regulation No. 6, Amendment 1 of November 28, 1952]

REVISED CMP REG. 6—CONSTRUCTION

AMENDMENT OF TABLE III

This amendment to Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

This amendment affects Table III of Revised CMP Regulation No. 6 as amended October 3, 1952, and conforms that table to the revised listing of controlled materials which is set forth in CMP Regulation No. 1 as amended November 18, 1952.

Table III of Revised CMP Regulation No. 6 is amended to read as follows:

TABLE III TO REVISED CMP REGULATION NO. 6—CONTROLLED MATERIALS

["Controlled material" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated in this schedule, whether new, remelted, rerolled, or redrawn, including used and second-quality materials, shearings, and material sorted or salvaged from scrap which are sold for other than remelting, rerolling, or redrawing purposes.]

CARBON STEEL (INCLUDING WROUGHT IRON)[1]

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled, stock for projectile and shell bodies.[2]
Bar, hot-rolled, other (including light shapes).
Bar, reinforcing (straight lengths—as rolled).
Bar, cold-finished.
(b) Sheet, strip (uncoated and coated).
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Sheet, all other coated.
Sheet, enameling.
Roofing, galvanized, corrugated, V-crimped channel drains.
Ridge roll, valley, and flashing.
Siding, corrugated and brick.
Strip, hot-rolled.
Strip, cold-rolled.
Strip, galvanized.
Electrical sheet and strip.
Tin mill black plate.
Tin plate, hot-dipped.
Ternes, special coated manufacturing.
Tin plate, electrolytic.
(c) Plate.[3]
(d) Structural shapes,[4] piling.
(e) Pipe, tubing.[5]
Includes:
Standard pipe (including type of couplings furnished by mill).[6]
Oil country goods (casings, tubular goods, type of couplings furnished by mill).
Line pipe (including type of couplings furnished by mill).
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.
(f) Wire, wire products.
Includes:
Wire—drawn.
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted.
Spikes and brads—steel wire, galvanized, and cement-coated.
Staples, bright and galvanized (farm and poultry).
Wire rope and strand.
Welded wire mesh and woven wire netting.
Barbed and twisted wire.
Wire fence, woven and welded (farm and poultry).
Bale ties.
Coiled automatic baler wire.
(g) Tool steel (including die blocks and tool steel forgings).
(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, shell quality for body stock only.[7]
Billets, shell quality for component parts and rockets.

[1] For the purpose of this schedule "carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) All grades of electrical sheets and strip; (2) low-alloy, high-strength steels; and (3) clad and coated carbon steels not included with alloy steels; e. g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels. "Low-alloy, high-strength steels" means only the proprietary grades promoted and sold for this purpose.

[2] Includes projectile body stock, sizes under 2⅞ inches and component parts, all sizes.

[3] Carbon plates not only include the following minimum size specifications, but also floor plates of any thickness:

0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 6 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 6 inches wide.

[4] "Structural shapes" means rolled flanged sections having at least one dimension of their cross section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flange sections.

[5] For operations relating to allotments and deliveries of controlled materials beginning with the first calendar quarter of 1953, steel pipe or tubing exceeding 36 inches O. D. is not a controlled material, but is a Class A product.

[6] Standard pipe includes the following:

Ammonia pipe.
Bedstead tubing.
Driven well pipe.
Drive pipe.
Dry kiln pipe.
Dry pipe for locomotives.
English gas and steam pipe.
Furniture pipe.
Ice machine pipe.
Mechanical service pipe.
Nipple pipe.
Pipe for piling.
Pipe for plating and enameling.
Pump pipe.
Signal pipe.
Standard pipe coupling.
Structural pipe.
Turbine pump pipe.
Water main pipe.
Water well casing.
Water well reamed and drifted pipe.

[7] Includes only projectile body stock, sizes 2⅞ inches and larger, rounds, and round-cornered squares.

ALLOY STEEL[8] (EXCEPT STAINLESS STEEL)

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled projectile and shell quality.
Bar, hot-rolled, other (including light shapes).
Bar, cold-finished.
(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Strip, hot-rolled.
Strip, cold-rolled.
(c) Plate.[9]
Includes:
Rolled armor.
Other.
(d) Structural shapes.[4]
(e) Pipe, tubing.[6]
Includes:
Oil-country goods.
Pressure tubing—seamless and welded.
Mechanical tubing—seamless and welded.
(f) Wire.
(g) Tool steel (including die blocks and tool steel forgings).
(h) Other mill forms and products (not including forgings except for wheels).
Includes:
Ingots.
Billets, projectile and shell quality.
Blooms, slabs, other billets, tube rounds, sheet bars.
Wire rods.
Rails.
Wheels, rolled or forged (railroad).
Axles (railroad).
(i) Castings.

[8] For purposes of this schedule "alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheets and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless) are alloy steels.

[9] Alloy steel plates include the following size specifications:

0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 12 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 12 inches wide.

STAINLESS STEEL [9]
(a) Seamless tubing.[4]
(b) Other mill forms and products (not including forgings).
Includes:
Bar, bar shapes (including light shapes).
Includes:
Bar, hot-rolled (including light shapes).
Bar, cold-finished.
Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Strip, hot-rolled.
Strip, cold-rolled.
(b) Other mill forms and products (not including forgings)—Continued.
Includes:—Continued.
Plate.[11]
Structural shapes.[4]
Tubing (except seamless).[5]
Wire, wire products.
Includes:
Wire, drawn.
Wire rope and strand.
Welded wire mesh and woven wire netting.
Ingots, blooms, billets, tube rounds, sheet bars, wire rods.
(c) Castings.[12]

COPPER AND COPPER-BASE ALLOY BRASS MILL PRODUCTS [13]

Copper (unalloyed):
(a) Bar, rod, shapes, wire (except electrical wire).
(b) Sheet, strip, plate, rolls.
(c) Pipe, tubing (seamless).
Copper-base alloy: [14]
(d) Bar, rod, wire, shapes.
(e) Sheet, strip, plate rolls, military ammunition cups and discs.
(f) Pipe, tubing (seamless).

COPPER WIRE MILL PRODUCTS

All copper wire and cable for electrical conduction including but not limited to:
Bare and tinned.
Weatherproof.
Magnet wire.
Insulated building wire.
Paper and lead power cable.
Paper and lead telephone cable.
Asbestos cable.
Portable and flexible cord and cable.
Communication wire and cable.
Shipboard cable.
All copper wire and cable for electrical conduction including but not limited to—Continued.
Automotive and aircraft wire and cable.
Insulated power cable.
Signal and control cable.
Coaxial cable.
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.

COPPER AND COPPER-BASE ALLOY FOUNDRY PRODUCTS AND POWDER

Includes:
Copper, brass, and bronze castings.[15]
Copper, brass, and bronze powder.

ALUMINUM [16]

Rolled bar, rod, wire (including drawn wire), structural shapes.
Aluminum cable steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, tubing (including drawn or welded tubing).
Sheet, strip, plate.
Pig or ingot, granular or shot.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect November 28, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12793; Filed, Nov. 28, 1952; 2:49 p. m.]

[NPA Order M-6A, Schedule 4 of December 1, 1952]

M-6A—STEEL DISTRIBUTORS

SCHED. 4—SEMI-FINISHED STEEL PRODUCTS

This schedule to NPA Order M-6A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this schedule, consultation with industry representatives has been rendered impracticable due to the need for immediate action. This schedule is issued under NPA Order M-6A and is made a part of that order.

Sec.
1. What this schedule does.
2. Definitions.
3. Distributors' deliveries.
4. Canadian distributor deliveries.
5. Communications.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this schedule does.* This schedule prohibits delivery of the semi-finished steel products mentioned in section 3 of this schedule by steel distributors except pursuant to authorized controlled material orders.

SEC. 2. *Definitions.* All definitions contained in NPA Order M-6A are applicable to this schedule.

SEC. 3. *Distributors' deliveries.* No steel distributor (except steel distributors located in the Dominion of Canada) shall make delivery of, nor shall any person accept delivery from any steel distributor of, any carbon or alloy ingots, billets, blooms, slabs, sheet bars, tube rounds, skelp, wire rods, or hot-rolled sheets in coils, unless such delivery is made pursuant to an authorized controlled material order.

SEC. 4. *Canadian distributor deliveries.* Deliveries of carbon or alloy ingots, billets, blooms, slabs, sheet bars, tube rounds, skelp, wire rods, or hot-rolled sheets in coils will be made by Canadian steel distributors pursuant to instructions issued by the Canadian Government through its Department of Defense Production.

SEC. 5. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-6A, Schedule 4.

This schedule shall take effect December 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12831; Filed, Dec. 1, 1952; 11:29 a. m.]

TITLE 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

Subchapter A—Patents

PART 1—RULES OF PRACTICE IN PATENT CASES

Subchapter B—Trade-Marks

PART 100—RULES OF PRACTICE IN TRADE-MARK CASES

MISCELLANEOUS AMENDMENTS

The following amendments are made, to take effect on January 1, 1953, except as follows:

The addition to § 1.55 made by amendment number 12, relating to the time for filing claims of priority and certified copies of foreign applications, shall not apply in the case of United States applications pending on January 1, 1953, in which the notice of allowance (§ 1.311) has been sent prior to such date, and with respect to such applications the specified papers may be filed at any time prior to the granting of the patent.

The time specified in amendments number 71, 72, and 87 for filing civil actions to review decisions of the Patent Office in patent and trade-mark cases will not apply in the case of decisions rendered prior to January 1, 1953, and with respect to such decisions the time for filing a civil action is six months from the date of the decision.

1. Section 1.6 is amended to read as follows:

§ 1.6 *Receipt of letters and papers.* (a) Letters and other papers received in the Patent Office are stamped with the date of receipt. No papers are received in the Patent Office on Saturdays, Sundays or holidays within the District of Columbia.

(b) Mail placed in the Patent Office pouch up to midnight on weekdays, excepting Saturdays and holidays, by the post office at Washington, D. C., serving the Patent Office, is considered as having been received in the Patent Office on the day it was so placed in the pouch.

(c) In addition to being mailed or delivered by hand during office hours, letters and other papers may be deposited up to midnight in a box provided at the guard's desk at the Fourteenth and E Street entrance of the Patent Office on weekdays except Saturdays and holidays, and all papers deposited therein are considered as received in the Patent Office on the day of deposit.

2. Section 1.7 is amended by inserting "Saturday," before "Sunday" in the headnote and by changing the second sentence to read as follows: "When the day, or the last day, fixed by statute or by or under this part for taking any action or paying any fee falls on Saturday, Sunday, or on a holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding day which is not a Saturday, Sunday, or a holiday."

3. Section 1.13 is amended by cancelling the phrase "a chief of division, duly designated" and substituting "an officer of the Patent Office authorized".

4. Section 1.21 is amended as follows:

a. The following line is added to Item 4:

For each claim which is in excess of twenty as well as in excess of the number of claims in the original patent	1.00

b. In Item 7, "15.00" is changed to "25.00".

c. Item 8 is changed to read as follows:

8. On filing each disclaimer or dedication under 35 U. S. C. 253	10.00

d. In Item 9, ".50" is changed to "1.00".
e. In item 11, ".20" is changed to ".30".
f. In item 12, ".20" is changed to ".30".
g. In Item 14, ".50" is changed to "1.00", both occurrences.
h. New Item 31 reading as follows is added:

31. For certificate of correction of applicant's mistake	10.00

5. Section 1.41 is amended to read as follows:

§ 1.41 *Applicant for patent.* (a) A patent must be applied for and the application papers must be signed and the necessary oath executed by the actual inventor in all cases, except as provided by §§ 1.42, 1.43, and 1.47. (See § 1.147.)

(b) Unless the contrary is indicated, the word "applicant" when used in these sections refers to the inventor, joint inventors who have applied for a patent, or to the person mentioned in §§ 1.42, 1.43, or 1.47 who has applied for a patent in place of the inventor.

6. Section 1.42 is amended to read as follows:

§ 1.42 *When the inventor is dead.* In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may sign the application papers and make the necessary oath, and apply for and obtain the patent. Where the inventor dies during the time intervening between the filing of his application and the granting of a patent thereon, the letters patent may be issued to the legal representative upon proper intervention by him.

7. Section 1.43 is amended to read as follows:

§ 1.43 *When the inventor is insane or legally incapacitated.* In case an inventor is insane or otherwise legally incapacitated, the legal representative (guardian, conservator, etc.) of such inventor may sign the application papers and make the necessary oath, and apply for and obtain the patent.

8. Section 1.44 is amended to read as follows:

§ 1.44 *Proof of authority.* In the cases mentioned in §§ 1.42 and 1.43, proof of the power or authority of the legal representative must be recorded in the Patent Office or filed in the application before the grant of a patent.

9. Section 1.45 is amended to read as follows:

§ 1.45 *Joint inventors.* (a) Joint inventors must apply for a patent jointly and each must sign the application papers and make the required oath; neither of them alone, nor less than the entire number, can apply for a patent for an invention invented by them jointly, except as provided in § 1.47.

(b) If an application for patent has been made through error and without any deceptive intention by two or more persons as joint inventors when they were not in fact joint inventors, the application may be amended to remove the names of those not inventors upon filing a statement of the facts verified by all of the original applicants, and an oath as required by § 1.65 by the applicant who is the actual inventor, provided the amendment is diligently made.

(c) If an application for patent has been made through error and without any deceptive intention by less than all the actual joint inventors, the application may be amended to include all the joint inventors upon filing a statement of the facts verified by, and an oath as required by § 1.65 executed by, all the actual joint inventors, provided the amendment is diligently made.

10. Section 1.46 is amended by changing the first sentence to read as follows: "In case the whole or a part interest in the invention or in the patent to be issued is assigned, the application must still be made by the inventor or one of the persons mentioned in §§ 1.42, 1.43, or 1.47."

11. Section 1.47 is amended to read as follows:

§ 1.47 *Filing by other than inventor.* (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself and the omitted inventor. Such application must be accompanied by proof of the pertinent facts and must state the last known address of the omitted inventor. The Patent Office shall forward notice of the filing of the application to the omitted inventor at said address. Should such notice be returned to the Office undelivered, or should the address of the omitted inventor be unknown, notice of the filing of the application shall be published in the Official Gazette. The omitted inventor may subsequently join in the application on filing an oath of the character required by § 1.65. A patent may be granted to the inventor upon a showing satisfactory to the Commissioner.

12. Section 1.55 is amended by designating the present paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:

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[4] See footnote 4, page 10863.
[5] See footnote 5, page 10863.
[9] "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements. However, stainless steel containing less than 1 percent nickel is not a controlled material, nor is it a Class A or a Class B product.
[11] Stainless steel plates include the following size specifications: 3/16 inch (0.1875) or thicker, over 10 inches wide.
[12] "Stainless steel castings" means any steel casting which is heat- corrosion- or abrasion-resistant, containing 50 percent or more of iron and 8 percent or more of chromium with or without nickel, molybdenum, or other alloying elements.
[13] Includes anodes—rolled, forged, or sheared from cathodes.
[14] "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67-38.
[15] Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner and/or outer diameter before delivery to a customer.) Castings include anodes cast in a foundry or by an ingot maker.
[16] Aluminum foil and aluminum powder (atomized or flake, including paste) are not controlled materials or Class A or Class B products.

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(b) An applicant may claim the benefit of the filing date of a prior foreign application under the conditions specified in 35 U. S. C. 119. The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath as required by § 1.65. The claim for priority and the certified copy of the foreign application specified in the second paragraph of 35 U. S. C. 119 must be filed in the case of interference when specified in §§ 1.216 and 1.224; when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner; and in all other cases they must be filed not later than the date the final fee is paid. If the papers filed are not in the English language, a translation need not be filed except in the three particular instances specified in the preceding sentence, in which event a sworn translation or a translation certified as accurate by a sworn or official translator must be filed.

13. Section 1.57 is amended by changing the headnote to read *"Signature"*, and by substituting the following for the first sentence: "The application must be signed by the applicant in person. The signature to the oath will be accepted as the signature to the application provided the oath is attached to and refers to the petition, specification and claim to which it applies."

14. Section 1.58 is cancelled.

15. Section 1.61 is amended by cancelling paragraph (c) and by changing paragraph (a) to read as follows:

§ 1.61 *Petition.* (a) The petition must be addressed to the Commissioner of Patents and request the grant of a patent. The residence, and post office address of the petitioner must appear in the petition if not stated elsewhere in the application. The petition need not be separately signed when part of and attached to the specification and oath, otherwise it must be signed by the petitioner.

16. Section 1.65 is amended by cancelling paragraph (d) and changing paragraphs (a) and (b) to read as follows:

§ 1.65 *Oath of applicant.* (a) The applicant, if the inventor, must make oath or affirmation that he does verily believe himself to be the original and first inventor or discoverer of the process, machine, manufacture, composition of matter, or improvement thereof, for which he solicits a patent; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides, and whether he is a sole or joint inventor of the invention claimed in his application. In every original application the applicant must distinctly state under oath that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States for more than one year prior to his application, or patented or described in any printed publication in any country before his invention or more than one year prior to his application, or patented in any foreign country prior to the date of his application on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in this country. The oath shall state whether or not any application for patent on the same invention has been filed in any foreign country, either by the applicant or by his legal representatives or assigns, or with the knowledge and consent of the applicant. If any such application has been filed, the applicant shall name the country in which the earliest such application was filed, and shall give the day, month, and year of its filing; he shall also identify by country and by day, month, and year of filing, every such foreign application filed more than twelve months before the filing of the application in this country. This oath must be subscribed to by the affiant. See § 1.153 for oath in design cases and § 1.162 for oath in plant patent applications.

(b) If the application is made as provided in §§ 1.42, 1.43, or 1.47, the oath shall state the relationship of the affiant to the inventor and, upon information and belief, the facts which the inventor is required by this section to make oath to.

17. Section 1.66 is amended by changing the first sentence in paragraph (a) to read as follows: "The oath or affirmation may be made before any person within the United States authorized by law to administer oaths, or, when made in a foreign country, before any diplomatic or consular officer of the United States authorized to administer oaths, or before any officer having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States, the oath being attested in all cases in this and other countries, by the proper official seal of the officer before whom the oath or affirmation is made. Such oath or affirmation shall be valid as to execution if it complies with the laws of the State or country where made."

18. Section 1.67 is amended by inserting "prior to the date of his application in this country" after "foreign country" in paragraph (a) and by changing paragraph (b) to read as follows:

§ 1.67 *Supplemental oath for matter not originally claimed.* • • •

(b) In proper cases the oath here required may be made on information and belief by an applicant other than inventor.

19. Section 1.71 is amended by changing "devised" to "contemplated" in paragraph (b) and by changing paragraph (a) to read as follows:

§ 1.71 *Detailed description and specification of the invention.* (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

20. Section 1.72 is amended by changing the period at the end to a comma and adding: "If it does not otherwise appear at the beginning of the application."

21. Section 1.75 is amended by cancelling "part, improvement, or combination" in paragraph (a) and substituting "subject matter".

22. Section 1.76 is amended to read as follows:

§ 1.76 *Signature to the specification.* The specification need not be signed when followed by the oath and constituting part of the original application papers, otherwise it must be signed by the applicant in person. (See § 1.57.)

23. Section 1.77 is amended by adding to item (f) "(See § 1.76)".

24. Section 1.78 is amended by cancelling the second sentence of paragraph (a) and changing the first sentence to read: "When an applicant files an application claiming an invention disclosed in a prior filed copending application of the same applicant, the second application must contain or be amended to contain a reference in the specification to the prior application, identifying it by serial number and filing date and indicating the relationship of the applications, if the benefit of the filing date of the prior application is claimed; if no such reference is made the prior application must be referred to in a separate paper filed in the later application."

25. Section 1.79 is amended by changing the period at the end to a comma and adding: "but an application disclosing unclaimed subject matter may contain a reference to a later filed application of the same applicant or owned by a common assignee disclosing and claiming that subject matter."

26. Section 1.82 is changed to read as follows:

§ 1.82 *Signature to drawing.* Signatures are not required on the drawing if it accompanies and is referred to in the other papers of the application, otherwise the drawing must be signed. The drawing may be signed by the applicant in person or have the name of the applicant placed thereon followed by the signature of the attorney or agent as such.

27. Section 1.84 is amended by cancelling "and signatures" in paragraph (b), canceling "in pencil" in paragraph (d) and changing paragraph (h) to read as follows:

§ 1.84 *Standards for drawings.* • • •

(h) *Location of signature and names.* The signature of the applicant, or the name of the applicant and signature of the attorney or agent, may be placed in the lower right-hand corner of each sheet within the marginal line, or may be placed below the lower marginal line.

28. Section 1.93 is amended to read as follows:

§ 1.93 *Specimens.* When the invention relates to a composition of matter, the applicant may be required to furnish specimens of the composition, or of its

ingredients or intermediates, for the purpose of inspection or experiment.

29. Section 1.102 is amended by changing the semicolon in paragraph (b) to a period and cancelling the rest of the paragraph.

30. The centerhead preceding § 1.141 is amended by changing the word "Division" to "Restriction".

31. Section 1.141 is amended by cancelling from the beginning of the section up to and including the phrase "and not" and substituting: "Two or more independent and distinct inventions may not be claimed in one application, except".

32. Section 1.142 is amended by changing the headnote and paragraph (a) to read as follows:

§ 1.142 *Requirement for restriction.* (a) If two or more independent and distinct inventions are claimed in a single application, the Examiner in his action shall require the applicant in his response to that action to elect that invention to which his claim shall be restricted, this official action being called a requirement for restriction (also known as a requirement for division). If the distinctness and independence of the inventions be clear, such requirement will be made before any action on the merits; however, it may be made at any time before final action in the case, in the discretion of the Examiner.

33. Section 1.143 is amended to read as follows:

§ 1.143 *Reconsideration of requirement.* If the applicant disagrees with the requirement for restriction, he may request reconsideration and withdrawal or modification of the requirement, giving the reasons therefor. (See § 1.111.) In requesting reconsideration the applicant must indicate a provisional election of one invention for prosecution, which invention shall be the one elected in the event the requirement becomes final. The requirement for restriction will be reconsidered on such a request. If the requirement is repeated and made final, the Examiner will at the same time act on the claims to the invention elected.

34. Section 1.144 is amended to read as follows:

§ 1.144 *Petition from requirement for restriction.* After a final requirement for restriction, the applicant, in addition to making any response due on the remainder of the action, may petition the Commissioner to review the requirement. Petition may be deferred until after final action on or allowance of claims to the invention elected, but must be filed not later than appeal. A petition will not be considered if reconsideration of the requirement was not requested. (See § 1.181.)

35. Section 1.145 is amended to read as follows:

§ 1.145 *Subsequent presentation of claims for different invention.* If, after an office action on an application, the applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in §§ 1.143 and 1.144.

36. Section 1.147 is amended by changing "division" to "restriction" in the first sentence.

37. Section 1.153 is amended by changing the headnote to read: *"Title, description and claim, oath."*, redesignating the present paragraph as paragraph (a) and by adding the following paragraph (b):

(b) The oath required of the applicant must comply with § 1.65 except that the period of twelve months specified therein with respect to foreign applications is six months in the case of designs.

38. Section 1.154 is amended by changing the cross-reference at the end to "(See § 1.57)".

39. Section 1.162 is amended by changing the parenthetical expression to "(or as provided in §§ 1.42, 1.43 and 1.47)".

40. Section 1.164 is amended by changing "neither required nor" in the last sentence to "not".

41. Section 1.172 is amended by changing paragraph (a) to read:

§ 1.172 *Specification.* (a) Reissue applications must be signed and sworn to by the inventors, except as otherwise provided (See §§ 1.42, 1.43, 1.47), and must be accompanied by the written assent of all assignees, if any, owning an undivided interest in the patent, but a reissue application may be made and sworn to by the assignee of the entire interest if the application does not seek to enlarge the scope of the claims of the original patent.

42. Section 1.175 is amended by cancelling paragraph (b) and by changing paragraphs (b), (c), (d), and (e) to read:

§ 1.175 *Reissue oath.* • • •

(b) When it is claimed that such patent is inoperative or invalid "by reason of a defective specification or drawing," particularly specifying such defects.

(c) When it is claimed that such patent is inoperative or invalid "by reason of the patentee claiming more or less than he had a right to claim in the patent," distinctly specifying the excess or insufficiency in the claims.

(d) Particularly specifying the errors relied upon, and how they arose or occurred.

(e) That said errors arose "without any deceptive intention" on the part of the applicant.

43. Section 1.191 is amended by cancelling "and every applicant who has been twice required to divide his application (§ 1.143)," in paragraph (a) and by changing "§§ 1.144 and 1.205" to "§ 1.206" in paragraph (c).

44. Section 1.192 is amended by changing "six months from the date of" in paragraph (a) to "the time allowed for response to" and by adding the following sentence to paragraph (a): "Two extra copies of the brief are required if an oral hearing is requested."

45. Section 1.193 is amended by inserting "of argument" after "points" in paragraph (b) and by adding the following sentence to paragraph (b): "However if the examiner's answer states a new ground of rejection appellant may file a reply thereto within sixty days from the date of such answer; such reply may include any amendment or material appropriate to the new ground."

46. Section 1.197 is amended by cancelling the present paragraph (b) and by adding the following paragraphs (b) and (c):

§ 1.197 *Action following decision.* • • •

(b) Any request or petition for rehearing or reconsideration must be filed within thirty days from the date of the decision.

(c) When an appeal is or stands dismissed or when the time for appeal to the court or review by civil action (§ 1.304) has expired and no such appeal or civil action has been filed, proceedings in the application are considered terminated as of the dismissal or expiration date except in those applications in which claims stand allowed or in which the nature of the decision requires further action by the examiner. If an appeal to the court or a civil action has been filed, proceedings in the application are similarly considered terminated when the appeal or civil action is terminated.

47. Section 1.209 is amended by cancelling the last sentence in paragraph (b).

48. Section 1.216 (b) (2) is amended by changing "R. S. 4887; 35 U. S. C. 32," to "35 U. S. C. 119".

49. Section 1.217 (a) (2) is amended by changing "the proviso in 60 Stat. 943 sec. 9, 35 U. S. C. 109," to "the second sentence of 35 U. S. C. 104,".

50. Section 1.223 is amended by changing the second sentence of paragraph (a) to read: "This includes joint applicants or patentees; a new preliminary statement will not be received in the event the application is amended or the patent is corrected to remove the names of those not inventors nor will a preliminary statement alleging different dates be received if an application is amended or a patent is corrected to include a joint inventor, except by motion under § 1.222."

51. Section 1.224 is amended by changing the second sentence to read: "A prior foreign application cannot be relied upon unless the necessary papers to prove a date of priority under 35 U. S. C. 119, including a translation, § 1.55, are filed within three months, or within such extension of time as may be granted, from the filing of the preliminary statement, if they have not previously been filed."

52. Section 1.276 is amended by inserting "and affidavits under § 1.204 of the nature specified in § 1.131" after "and § 1.202" in the first undesignated paragraph and by changing the second undesignated paragraph to read:

The notices will also ordinarily specify the motion period (§ 1.231) and may also include an order to show cause (§ 1.225).

53. Section 1.232 is amended by changing "the claims of which have" to "a claim of which has" in paragraph (a)

and by inserting "by the parties" before the period in paragraph (b).

54a. Section 1.233 is amended by changing paragraph (b) to read:

§ 1.232 *Motions to amend.* • • •

(b) Such motions must, if possible, be made within the time set, but if a motion to dissolve the interference has been brought by another party, such motions may be made within thirty days from the filing of the motion to dissolve. In case of action by the primary examiner under § 1.237 (a), such motions may be made within thirty days from the date of the primary examiner's decision on motion wherein an action under § 1.237 (a) was incorporated or the date of the communication giving notice to the parties of the proposed dissolution of the interference.

b. And by adding the following before the period in the second sentence of paragraph (e): "and such a declaration as to added claims need not be signed or sworn to by the inventor in person."

55. Section 1.236 is amended by cancelling "but not in addition thereto" in the second sentence of paragraph (b) and adding "in addition to his principal brief referred to in paragraph (a) of this section" before the period at the end of this sentence.

56. Section 1.241 is amended by changing "each party" to "each opposing party" and by inserting a comma after "disclosure".

57. Section 1.243 is amended by changing "Board of Interference Examiners" to "Board of Patent Interferences" in each occurrence.

58. Section 1.247 is amended by changing "declaration of the interference" to "time the other party has the right of access thereto (§ 1.226)" in paragraph (a) and by changing paragraph (f) to read "statutory disclaimers under 35 U. S. C. 253".

59. Section 1.251 is amended by changing paragraph (b) to read:

§ 1.251 *Assignment of times for taking testimony.* • • •

(b) The time for taking testimony will ordinarily be assigned in notices sent to the parties after motions under §§ 1.232 to 1.235 have been determined or, if no such motions have been filed, after the close of the motion period (§ 1.231). The date for final hearing will ordinarily be set in the same notices.

60. Section 1.254 is amended by changing "Board of Interference Examiners" to "Board of Patent Interferences".

61. Section 1.255 is amended by changing "Interference Examiners" to "Patent Interferences".

62. Section 1.256 is amended by changing "Board of Interference Examiners" to "Board of Patent Interferences", each occurrence, and by changing paragraph (c) to read:

§ 1.256 *Final hearing.* • • •

(c) Petitions for rehearing or reconsideration or modification of the decision must be filed within thirty days from the date of the decision.

63. Section 1.258 (a) is amended by changing "Board of Interference Examiners" to "Board of Patent Interferences".

64. Section 1.259 is amended by changing "Board of Interference Examiners" to "Board of Patent Interferences", each occurrence.

65. Section 1.263 is amended to read:

§ 1.263 *Statutory disclaimer by patentee.* The disclaimer referred to in § 1.262, when made by a patentee in interference is not a disclaimer under 35 U. S. C. 253. If a disclaimer under the statute (See § 1.321) cancelling claims involved in the interference from the patent, is made by the patentee, including all assignees as shown by the records of the Patent Office, the interference will be dissolved pro forma as to such claims.

66. Section 1.277 is amended by changing paragraph (b) to read:

§ 1.277 *Form of deposition.* • • •

(b) In order to have a ribbon copy of the record available as required by § 1.253 (f), a carbon copy of the deposition may be executed by the witnesses and the officer and filed as required by § 1.276.

67. Section 1.282 is amended by changing paragraph (b) to read:

§ 1.282 *Official records and printed publications.* • • •

(b) In the case of prior applications, the filing date of which is claimed, compliance with the requirements of §§ 1.216 and 1.224 is sufficient notice under this section.

68. The centerhead preceding § 1.301 is changed to read "Review of Patent Office Decisions by Court".

69. Section 1.301 is amended to read as follows:

§ 1.301 *Appeal to U. S. Court of Customs and Patent Appeals.* Any applicant dissatisfied with the decision of the Board of Appeals, and any party to an interference dissatisfied with the decision of the Board of Patent Interferences, may appeal to the U. S. Court of Customs and Patent Appeals. The appellant must take the following steps in such an appeal: (a) In the Patent Office give notice to the Commissioner and file the reasons of appeal (See §§ 1.302 and 1.304); (b) in the court, file a petition of appeal and a certified transcript of the record within a specified time after filing the reasons of appeal, and pay the fee for appeal, as provided by the rules of the court. The transcript will be transmitted to the Court by the Patent Office on order of and at the expense of the appellant.

70. Section 1.302 is amended by changing paragraph (a) to read:

§ 1.302 *Notice and reasons of appeal.* (a) When an appeal is taken to the U. S. Court of Customs and Patent Appeals, the appellant shall give notice thereof to the Commissioner, and file in the Patent Office, within the time specified in § 1.304, his reasons of appeal specifically set forth in writing.

71. New § 1.303 reading as follows is established:

§ 1.303 *Civil action under 35 U. S. C. 145, 146.* (a) Any applicant dissatisfied with the decision of the Board of Appeals, and any party dissatisfied with the decision of the Board of Patent Interferences, may, instead of appealing to the U. S. Court of Customs and Patent Appeals (§ 1.301), have remedy by civil action under 35 U. S. C. 145 and 146 respectively. Such civil action must be commenced within the time specified in § 1.304.

(b) If an applicant in an ex parte case has taken an appeal to the U. S. Court of Customs and Patent Appeals, he thereby waives his right to proceed under 35 U. S. C. 145.

(c) If a defeated party to an interference proceeding has taken an appeal to the U. S. Court of Customs and Patent Appeals, and any adverse party to the interference shall, within twenty days after the appellant shall have filed notice of the appeal to the court (§ 1.302), file notice with the Commissioner that he elects to have all further proceedings conducted as provided in 35 U. S. C. 146, certified copies of such notices will be transmitted to the U. S. Court of Customs and Patent Appeals for such action as may be necessary. The notice of election must be served as provided in § 1.248.

72. New § 1.304 reading as follows is established:

§ 1.304 *Time for appeal or civil action.* The time for filing the notice and reasons of appeal to the U. S. Court of Customs and Patent Appeals (§ 1.302) or for commencing a civil action (§ 1.303) is sixty days from the date of the decision of the Board of Appeals or the Board of Patent Interferences. If a petition for rehearing or reconsideration is filed within thirty days after the date of the decision of the Board of Appeals or Board of Patent Interferences, the time is extended to thirty days after action on the petition. No petition for rehearing or reconsideration filed outside the time specified herein after such decision, nor any proceedings on such petition shall operate to extend the period of sixty days hereinabove provided. If a defeated party to an interference has taken an appeal to the U. S. Court of Customs and Patent Appeals and an adverse party has filed notice under 35 U. S. C. 141 that he elects to have all further proceedings conducted under 35 U. S. C. 146 (§ 1.303 (c)), the time for filing a civil action thereafter is specified in 35 U. S. C. 141.

73. Section 1.305 and the centerhead preceding this section are cancelled.

74. Section 1.311 is amended by changing "the act of April 30, 1928, 45 Stat. 467; 35 U. S. C. 45" to "35 U. S. C. 266".

75. Section 1.314 is amended by changing the last two sentences to read: "In the absence of request to suspend issue of the patent up to three months, the patent ordinarily will issue in regular course in about five weeks. The issue closes weekly on Thursday, and the patents ordinarily bear date as of the fifth Tuesday thereafter."

76. Section 1.321 is amended to read as follows:

§ 1.321 *Statutory disclaimer in patent.* A disclaimer under 35 U. S. C. 253 must identify the patent and the claim or claims which are disclaimed, and be signed by the person making the disclaimer, who shall state therein the extent of his interest in the patent. A disclaimer not a disclaimer of a complete claim or claims may be refused recordation. A notice of the disclaimer is published in the Official Gazette and attached to the printed copies of the specification. In like manner any patentee or applicant may disclaim or dedicate to the public the entire term, or any terminal part of the term, of the patent granted or to be granted. (See § 1.21 for fee.)

77. Section 1.322 is amended to read as follows:

§ 1.322 *Certificate of correction of Office mistake.* (a) A certificate of correction under 35 U. S. C. 254 may be issued at the request of the patentee or his assignee and endorsed on the patent itself. Such certificate will not be issued at the request or suggestion of anyone not owning an interest in the patent, nor on motion of the Office, without first notifying the patentee (including any assignee of record) and affording him an opportunity to be heard.

(b) If the nature of the mistake on the part of the Office is such that a certificate of correction is deemed inappropriate in form, the Commissioner may issue a corrected patent in lieu thereof, as a more appropriate form for certificate of correction, without expense to the patentee.

78. Section 1.323 is amended to read as follows:

§ 1.323 *Certificate of correction of applicant's mistake.* Whenever a mistake of a clerical or typographical nature or of minor character which was not the fault of the Office, appears in a patent and a showing is made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, which shall be endorsed on the patent itself, if the correction does not involve such changes in the patent as would constitute new matter or would require re-examination.

79. New § 1.324 reading as follows is established:

§ 1.324 *Correction of error in joining inventor.* Whenever a patent is issued and it appears that there was a misjoinder or nonjoinder of inventors and that such misjoinder or omission occurred by error and without deceptive intention, the Commissioner may, on application of all the parties and the assignees and satisfactory proof of the facts, or on order of a court before which such matter is called in question, issue a certificate deleting the misjoined inventor from the patent or adding the non-joined inventor to the patent.

80. New § 1.325 reading as follows is established:

§ 1.325 *Other mistakes not corrected.* Mistakes other than those provided for in §§ 1.322, 1.323, 1.324, and not affording legal grounds for reissue will not be corrected after the date of the patent.

81. Section 1.331 (a) is amended by changing "R. S. 4898; 35 U. S. C. 47" and "R. S. 4898" to "35 U. S. C. 261".

82. Section 100.16 is amended to read as follows:

§ 100.16 *Times for taking action; expiration on Saturday, Sunday or holiday.* Whenever periods of time are specified in these sections in days, calendar days are intended unless otherwise indicated. When the day, or the last day, fixed by statute or by or under these sections for taking any action or paying any fee falls on Saturday, Sunday, or on a holiday within the District of Columbia, the action may be taken or the fee paid, on the next succeeding day which is not a Saturday, Sunday, or a holiday.

83. Section 100.21 is amended by changing ".26" to ".30" in items (u) and (v) and by changing "20" to "30" in item (x).

84. Section 100.46 is amended by changing "R. S. 487, as amended; 35 U. S. C. 11" in the cross reference at the end to read "35 U. S. C. 32".

85. Section 100.262 is amended by adding the following sentence at the end of the second paragraph: "Petition for rehearing or reconsideration or modification of the decision on appeal must be filed within thirty days from the date of the decision."

86. Section 100.263 is amended by adding the following sentence at the end: "Petition for rehearing or reconsideration or modification of the decision on appeal must be filed within thirty days from the date of the decision."

87. Section 100.264 is amended by changing "section 4915, Revised Statutes (35 U. S. C. 63)," to read "35 U. S. C. 145 or 146," and by changing "§§ 1.301, 1.302 and 1.305" to read §§ 1.301 to 1.304".

(Sec. 41, 60 Stat. 440, Pub. Law 593, 82d Cong.; 15 U. S. C. 1123. Interpret or apply Pub. Law 593, 82 Cong.)

[SEAL] JOHN A. MARZALL,
Commissioner of Patents.

Approved:

THOMAS W. S. DAVIS,
Acting Secretary of Commerce.

[F. R. Doc. 52-12698; Filed, Dec. 1, 1952; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—LACREEK NATIONAL WILDLIFE REFUGE, SOUTH DAKOTA

FISHING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that the present prohibition against the use of live bait in connection with noncommercial fishing in certain waters of the Lacreek National Wildlife Refuge, South Dakota, is no longer necessary, and may be rescinded.

Since the following revocation is a relaxation of existing regulations applicable to the Lacreek National Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective on the date of publication of this document in the FEDERAL REGISTER, § 33.95 *Bait restrictions*, is hereby revoked.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: November 25, 1952.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 52-12712; Filed, Dec. 1, 1952; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

REMOVAL OF THE 5 PERCENT LIMITATION IN THE DEDUCTION OF MEDICAL EXPENSES FOR TAXPAYERS AGED 65 OR OVER

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62; 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 307 of the Revenue Act of 1951 (82d Cong., 1st Sess.), approved October 20, 1951, relating to the removal of the 5 percent limitation in the deduction of medical ex-

penses for taxpayers aged 65 or over, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.23 (x)–1 the following:

SEC. 307. MEDICAL EXPENSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 23 (x).* Section 23 (x) (relating to medical, dental, etc., expenses) is hereby amended to read as follows:

(a) *Amendment of section 23 (x).* Sec- penses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent specified in section 25 (b) (3)—

(1) If neither the taxpayer nor his spouse has attained the age of 65 before the close of the taxable year, to the extent that such expenses exceed 5 per centum of the adjusted gross income; or

(2) If either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year, (A) the amount of such expenses for the care of the taxpayer and his spouse, and (B) the amount by which such expenses for the care of such dependents exceed 5 per centum of the adjusted gross income.

The deduction under this subsection shall not be in excess of $1,250 multiplied by the number of exemptions allowed under section 25 (b) for the taxable year (exclusive of exemptions allowed under section 25 (b) (1) (B) or (C), with a maximum deduction of $2,500, except that the maximum deduction shall be $5,000 in the case of a joint return of husband and wife under section 51 (b). The term "medical care", as used in this subsection, shall include amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body (including amounts paid for accident or health insurance). The determination of whether an individual is married at any time during the taxable year shall be made in accordance with the provisions of section 51 (b) (5).

(b) *Effective date.* The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.23 (x)–1, as amended by Treasury Decision 5687, approved February 16, 1949, is further amended as follows:

(A) By striking therefrom paragraph (c) and inserting in lieu thereof the following:

(c) In the case of medical expenses for the care of a person who is the taxpayer's spouse or dependent, the deduction under section 23 (x) is allowable if the status of such person as "spouse" or "dependent" of the taxpayer exists either at the time the expenses were incurred or at the time the payment of the expenses was made. Thus, payments made in June 1942, by A, for medical services rendered B, his wife, in 1941 may be deducted by A for 1942 even though prior to payment for that year B died or secured a divorce; and payments made in July 1942, by C for medical services rendered D in 1941 may be deducted by C for 1942 even though C and D were not married until June 1942. However, with respect to taxable years beginning after December 31, 1950, the status of a person as the "spouse" of the taxpayer must exist as of the close of the taxable year of the taxpayer in which either the expenses were incurred or the payment was made, or, in the case of the death of the spouse in either such year, as of the time of such death. In determining whether such status exists a taxpayer who is legally separated from his spouse under a decree of separate maintenance is not considered as married.

(B) By inserting in the first sentence of paragraph (e), immediately following "after December 31, 1943," the following: "and before January 1, 1951,".

(C) By striking the last sentence of paragraph (e) and inserting in lieu thereof the following new paragraphs (f) and (g) and by redesignating present paragraphs (f), (g) and (h) as paragraphs (h), (i) and (j):

(f) For taxable years beginning after December 31, 1950, there is no 5 percent limitation on the deduction for medical expenses, not compensated for by insurance or otherwise, expended for the care of taxpayer or his spouse, where either the taxpayer or his spouse has attained the age of 65 before the close of the taxable year. In such cases the taxpayer may deduct (subject to the maximum deduction allowable as described in this section for taxable years beginning after December 31, 1947): (1) The amount of all payments for the medical care of the taxpayer and his spouse; and (2) the amount by which his payments for the medical care of his dependents exceeds 5 percent of his adjusted gross income. In determining the amount of medical expenses deductible under subparagraph (2) of this paragraph (see section 23 (x) (2) (B)) the amount deductible under subparagraph (1) of this paragraph (see section 23 (x) (2) (A)) shall not be included for the purpose of meeting the 5 percent limitation. (For computations illustrating this rule, see examples (6) and (7) at the end of this section.) In determining the age of an individual for the purposes of the unlimited deduction of medical payments for old age, the last day of the taxable year of the taxpayer is the controlling date. Thus, a taxpayer who has not attained the age of 65 at the end of the taxable year may not claim the unlimited deduction with respect to payments made for the medical care of himself or his spouse if the spouse dies before attaining the age of 65 even though such spouse would have attained the age of 65 before the close of the taxable year of the taxpayer.

(g) The deduction for medical expenses shall not be deemed to have been allowed for any taxable year for which the taxpayer claimed and was allowed the standard deduction under section 23 (aa).

(D) By inserting after example 5 the following:

Example (6). Taxpayer E, who attained the age of 65 years on February 22, 1951, makes his return on the basis of the calendar year. During the year 1951, E has adjusted gross income of $8,000, and pays the following medical bills: (a) $240 (3% of adjusted gross income) for the medical care of himself and his spouse, and (b) $320 (4% of adjusted gross income) for the medical care of his dependent son. The allowable deduction under section 23 (x) is $240. No deduction is allowable for the amount of $320 paid for medical care of the dependent son since the amount of such payment (determined without regard to the payments for the care of the taxpayer and his spouse) does not exceed 5 percent of adjusted gross income.

Example (7). H and W make a joint return for the calendar year 1951 on which four exemptions are allowed (exclusive of exemptions under section 25 (b) (1) (B) or (C)), one for each taxpayer and two for their dependent minor children. W became 65 years of age on August 15, 1951. The adjusted gross income of H and W in 1951 is $40,000 and they pay in such year the following amounts for medical care: (a) $1,500 for the medical care of H; (b) $2,500 for the medical care of W; and (c) $3,500 for the medical care of the children. The allowable deduction under section 23 (x) for medical expenses paid in 1951 is $5,000 computed as follows:

Payment for medical care of H and W in 1951		$4,000
Payment for medical care of children in 1951	$3,500	
Less 5 percent of $40,000 (adjusted gross income)	2,000	
		1,500
		$5,500
Maximum allowable deduction in 1951		$5,000

[F. R. Doc. 52-12748; Filed, Dec. 1, 1952; 8:58 a. m.]

[26 CFR Part 40]

EXCESS PROFITS TAXES; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

EXCESS PROFITS CREDIT BASED ON INCOME IN CONNECTION WITH CERTAIN TAXABLE ACQUISITIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 130 (26 CFR Part 40) to section 521 of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 40.435–1 the following:

SEC. 521. EXCESS PROFITS CREDIT BASED ON INCOME IN CONNECTION WITH CERTAIN TAXABLE ACQUISITIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(b) Technical amendments.

(1) Section 435 (a) (3) (relating to amount of excess profits credit) is hereby amended by inserting before the period at the end thereof the following: ", and in the case of certain taxable acquisitions, see part IV of this subchapter."

• • • • •

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title (incl. sec. 521) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 2. There is inserted immediately preceding § 40.461–1, as added by Treasury Decision 5865, approved November 13, 1951, the following:

SEC. 521. EXCESS PROFITS CREDIT BASED ON INCOME IN CONNECTION WITH CERTAIN TAXABLE ACQUISITIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(b) *Technical amendments.*

• • • • •

(2) Section 461 (relating to definitions under part II) is amended by inserting at the end thereof the following new subsections:

(g) *Component corporation which was a purchasing corporation in a previous transaction.* See section 462 (b) (4) for rules applicable if the component corporation was a purchasing corporation (as defined in part IV) in a previous part IV transaction, or if (as an acquiring corporation in a previous part II transaction) it was subject to the provisions of section 462 (b) (4).

(h) *Definition of part II transaction.* For the purpose of this subchapter, the term "part II transaction" means a transaction described in section 461 (a).

• • • • •

SEC. 523. EFFECTIVE DATE OF TITLE I (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 560 (d), the amendments made by this title (incl. sec. 521) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 3. There is inserted immediately preceding § 40.462–1, as added by Treasury Decision 5865, the following:

SEC. 521. EXCESS PROFITS CREDIT BASED ON INCOME IN CONNECTION WITH CERTAIN TAXABLE ACQUISITIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(b) *Technical amendments.*

• • • • •

(3) Section 462 (b) (relating to the method of recomputing the excess profits net income of an acquiring corporation under part II) is hereby amended by adding at the end thereof the following new paragraph:

(4) If the average base period net income of the acquiring corporation is determined under section 435 (d) with reference to this subsection, and if the provisions of section 474 (b) (relating to the computation of excess profits net income in the case of certain purchasing corporations) were applicable to the component corporation immediately prior to the part II transaction (or would have been applicable, if such part II transaction had occurred in a taxable year of the component corporation ending after June 30, 1950), then the excess profits net income (or deficit therein) of the component corporation shall, for the purpose of this subsection, be determined with the application of the provisions of section 474 (b). For the purpose of this paragraph, if a component corporation was an acquiring corporation in a previous part II transaction and, immediately prior to the later part II transaction, the provisions of this paragraph were applicable to such component corporation, its excess profits net income (or deficit therein) shall be determined with the application of the provisions of the preceding sentence. This paragraph shall be applicable to an acquiring corporation only if—

(A) the properties acquired by the acquiring corporation from the component corporation include substantially all of the properties (other than cash), or properties acquired in the ordinary course of business in the replacement of properties, which the component corporation acquired either from the selling corporation in the part IV transaction or from a previous component corporation subject (immediately prior to such acquisition) to the provisions of this paragraph;

(B) the business or businesses acquired by the acquiring corporation were operated by the acquiring corporation from the date of such transaction to the end of the taxable year or were transferred during the taxable year by the acquiring corporation in a part II transaction to which the provisions of this paragraph are applicable; and

(C) in the event that the part II transaction is one described in section 461 (a) (1) (E), the provisions of section 462 (i) (6) are satisfied.

(4) Section 462 (i) (6) (relating to allocation rules in the case of transactions described in section 461 (a) (1) (E)) is hereby amended by adding at the end thereof the following: "Notwithstanding the provisions of paragraph (1), if an acquiring corporation in a transaction described in section 461 (a) (1) (E) determines its average base period net income under section 435 (d) by recomputing its excess profits net income under the provisions of section 462 (b) (4), the amount of the component corporation's excess profits net income for any month which shall be taken into account by the acquiring corporation shall be such portion of the component corporation's excess profits net income for such month as is determined on the basis of the earnings experience of the assets transferred and the assets retained by the component corporation.

• • • • •

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title [incl. sec. 521] shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 4. Section 40.462–1, as added by Treasury Decision 5865, is amended by adding at the end thereof the following:

(d) *Recomputation of excess profits net income of acquiring corporation with reference to that of a component corporation which was a purchasing corporation in a Part IV transaction.* (1) This paragraph is applicable where a purchasing corporation in a Part IV transaction becomes a component corporation in a later Part II transaction and immediately prior to the Part II transaction the provisions of section 474 (b) were applicable in computing the average base period net income of the component corporation (or such provisions would have been applicable to the component if the Part II transaction had occurred in a taxable year of the component corporation ending after June 30, 1950). In such case if the average base period net income of the acquiring corporation in the Part II transaction is determined under the general average method of section 435 (d) by recomputing the excess profits net income with reference to section 462 (b), in applying paragraphs (b) and (c) of this section to the acquiring corporation the excess profits net income (or deficit therein) of the component corporation must be determined with the application of the provisions of section 474 (b), whether or not the component corporation computed its average base period net income with the application of section 474 (b). For the application of the provisions of section 474 (b) to a purchasing corporation in a Part IV transaction, see §§ 40.474–1 and 40.474–2. This paragraph shall not be applicable to the acquiring corporation unless each of the following conditions is met:

(i) The properties acquired by the acquiring corporation from the component corporation must include substantially all the properties (other than cash), or properties acquired in the ordinary course of business in the replacement of properties, which such component corporation acquired from the selling corporation in the Part IV transaction or from a previous component corporation to which the provisions of section 462 (b) (4) and of this paragraph were applicable;

(ii) The business or businesses acquired by the acquiring corporation must have been operated by the acquiring corporation from the date of the Part II transaction to the end of the taxable year, unless such business or businesses were transferred during the taxable year by the acquiring corporation in a subsequent Part II transaction to which the provisions of section 462 (b) (4) and of this paragraph are applicable; and

(iii) In the event the Part II transaction is a transaction described in section 461 (a) (1) (E) the provisions of section 462 (i) (6), relating to the allocation of base period experience, must be satisfied. See § 40.462–9 (c).

(2) Similarly, in the case of successive Part II transactions, subparagraph (1) of this paragraph is also applicable if a purchasing corporation in a Part IV transaction becomes a component corporation in a Part II transaction and thereafter its acquiring corporation becomes a component corporation in a later Part II transaction, and if immediately prior to the later Part II transaction the provisions of section 462 (b) (4) and of (d) of this section were applicable in computing the average base period net income of the previous acquiring corporation (or such provisions would have been applicable to the previous acquiring corporation if the later Part II transaction had occurred in a taxable year of the previous acquiring corporation ending after June 30, 1950). In such case, if the later acquiring corporation determines its average base period net income under the general average method of section 435 (d) by recomputing the excess profits net income with reference to section 462 (b), in applying paragraphs (b) and (c) of this section to such later acquiring corporation the excess profits net income (or deficit therein) of its component corporation (that is, the previous acquiring corporation) shall be determined with the application of the provisions of section 474, whether or not the component

corporation, determined its average base period net income by recomputing its excess profits net income with reference to section 462 (b). As in the case of the first acquiring corporation, this paragraph is applicable to the second acquiring corporation only if the conditions set forth in subparagraph (1) (i), (ii), and (iii) of this paragraph are met in the case of the second acquiring corporation.

PAR. 5. Section 40.462–9, as added by Treasury Decision 5865, is amended by adding at the end thereof the following:

(c) *Part II transaction following Part IV transaction.* If an acquiring corporation in a transaction described in section 461 (a) (1) (E) determines its average base period net income under the general average method of section 435 (d), if the component corporation in such transaction was a purchasing corporation in a previous Part IV transaction (or was an acquiring corporation from such a purchasing corporation), and if the acquiring corporation recomputes its excess profits net income with the application of the provisions of section 462 (b) (4), the allocation of the base period experience of the component corporation shall be made on the basis of the special rule provided in section 462 (i) (6) in lieu of the allocation provided in paragraph (a) or (b) of this section. The special rule provided in section 462 (i) (6) requires that the allocation be made as follows:

(1) For the period prior to the date of the Part IV transaction, the excess profits net income or deficit (or portion thereof) properly attributable to the business or businesses involved in the Part IV transaction and acquired by the acquiring corporation in the Part II transaction shall be the amounts which, with respect to such business or businesses, were available under Part IV to the purchasing corporation in the Part IV transaction (or would have been available if the Part IV transaction had occurred in a taxable year of the purchasing corporation ending after June 30, 1950).

(2) For the period after the date of the Part IV transaction, the excess profits net income or deficit (or portion thereof) properly attributable to such business or businesses shall be determined under the principles of paragraph (b) of this section but without regard to the requirement of a written agreement for the application of such principles.

(3) If the acquiring corporation acquires, in the Part II transaction, properties of the component corporation not used in such business or businesses, the excess profits net income or deficit properly attributable to such properties shall be determined under paragraph (b) of this section without regard to the requirement for a written agreement as to such allocation.

PAR. 6. There is inserted immediately preceding § 40.463–1, as added by Treasury Decision 5865, the following:

SEC. 521. EXCESS PROFITS CREDIT BASED ON INCOME IN CONNECTION WITH CERTAIN TAXABLE ACQUISITIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(b) *Technical amendments.*

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(5) Section 463 (relating to capital changes) is amended by inserting at the end thereof the following new subsection:

(c) *Component corporation which was a purchasing corporation in a previous transaction.* The Secretary shall provide by regulations for the application of this section in cases to which section 462 (b) (4) is applicable.

* * * * * * *

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title (incl. sec. 521) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 7. There is inserted immediately after § 40.463–2, as added by Treasury Decision 5865, the following:

§ 40.463–3 *Capital changes in case of Part II transaction following Part IV transaction.* In the case of an acquiring corporation in a Part II transaction to which the provisions of section 462 (b) (4) (relating to the determination of the excess profits net income or deficit with the application of the provisions of section 474 (b) in the case of a component corporation which was a purchasing corporation in a previous Part IV transaction) are applicable, the net capital addition or reduction of the acquiring corporation shall be determined under § 40.463–1 by recomputing the items of transferred capital addition and reduction of the component corporation with the application of the provisions of § 40.474–5. Such adjustment shall be made whether or not the component corporation computed its excess profits credit with the application of the provisions of Part IV. The adjustment provided in this section shall also be made in the case of a component corporation which was an acquiring corporation in a previous Part II transaction to which the provisions of section 462 (b) (4) were applicable or would have been applicable if such previous Part II transaction had occurred in a taxable year of the component corporation ending after June 30, 1950. In such case the adjustment shall be made with respect to the later acquiring corporation whether or not the previous acquiring corporation computed its excess profits credit by application of Part II.

PAR. 8. There is inserted immediately preceding § 40.464–1, as added by Treasury Decision 5865, the following:

SEC. 521. EXCESS PROFITS CREDIT BASED ON INCOME IN CONNECTION WITH CERTAIN TAXABLE ACQUISITIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(b) *Technical amendments.*

* * * * * * *

(6) Section 464 (relating to capital changes during the base period) is amended by inserting at the end thereof the following new subsection:

(c) The Secretary shall provide by regulations for the application of this section in cases to which section 462 (b) (4) is applicable.

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title (incl. sec. 521) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 9. There is inserted immediately after § 40.464–2, as added by Treasury Decision 5865 the following:

§ 40.464–3 *Base period capital addition in case of Part II transaction following Part IV transaction.* In the case of an acquiring corporation in a Part II transaction to which the provisions of section 462 (b) (4) (relating to the determination of the excess profits net income or deficit with the application of the provisions of section 474 (b) in the case of a component corporation which was a purchasing corporation in a previous Part IV transaction) are applicable, the base period capital addition of the acquiring corporation shall be determined under § 40.464–1 by computing the component corporation's yearly base period capital and its base period capital addition (whichever is available to the acquiring corporation) with the application of the provisions of § 40.474–6. Such adjustment shall be made whether or not the component corporation computed its excess profits credit with the application of the provisions of Part IV. The adjustment provided in this section shall also be made in the case of a component corporation which was an acquiring corporation in a previous Part II transaction to which the provisions of section 462 (b) (4) were applicable or would have been applicable if the previous Part II transaction had occurred in a taxable year of the component corporation ending after June 30, 1950. In such case the adjustment shall be made with respect to the later acquiring corporation whether or not the previous acquiring corporation computed its excess profits credit by application of Part II.

PAR. 10. There is added immediately after § 40.472–8 the following:

SEC. 521. EXCESS PROFITS CREDIT BASED ON INCOME IN CONNECTION WITH CERTAIN TAXABLE ACQUISITIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *General rule.* Subchapter D (relating to the excess profits tax) of chapter 1 is hereby amended by inserting immediately following section 472 the following new part:

PART IV—EXCESS PROFITS CREDIT BASED ON INCOME IN CONNECTION WITH CERTAIN TAXABLE ACQUISITIONS OCCURRING PRIOR TO DECEMBER 1, 1950.

SEC. 474. EXCESS PROFITS CREDIT BASED ON INCOME—CERTAIN TAXABLE ACQUISITIONS.

(a) *Definitions.* For the purpose of this part—

(1) *Purchasing corporation.* The term "purchasing corporation" means a corporation which, before December 1, 1950, acquired—

(A) In a transaction other than a transaction described in section 461 (a), substantially all of the properties (other than cash) of another corporation, of a partnership, or of a business owned by a sole proprietorship; or

(B) Properties of another corporation or of a partnership if (i) such properties constituted, immediately prior to the acquisition, substantially all of the properties (other than cash) of one or more separate businesses of such other corporation or such partnership, (ii) such other corporation or such partnership was engaged in one or more separate businesses other than those described in clause (i), and (iii) substantially all of the properties (other than cash) of such other corporation or such partnership were acquired, in furtherance of a single plan of complete liquidation for such other corporation or such partnership, by the purchasing corporation, and by one or more other persons, in transactions other than transactions described in section 461 (a).

(2) *Selling corporation.* The term "selling corporation" means a corporation, a partnership, or a business owned by a sole proprietorship, as the case may be, properties of which were acquired by a purchasing corporation in a transaction described in paragraph (1).

(3) *Part IV transaction.* The term "part IV transaction" means a transaction described in paragraph (1).

(b) *Average base period net income of purchasing corporation.* The average base period net income of a purchasing corporation, if computed with reference to this part, shall be determined under section 435 (d). The average base period net income under section 435 (d) of a purchasing corporation shall be determined by computing its excess profits net income either with or without reference to this part, whichever produces the lesser tax under this subchapter for the taxable year for which the tax is being computed. If computed with reference to this part, the excess profits net income of a purchasing corporation for any month of its base period shall be its excess profits net income (or deficit therein), computed without reference to this part, and increased or decreased, as the case may be, by the addition or reduction resulting from including—

(1) In the case of a transaction described in subsection (a) (1) (A), the excess profits net income (or deficit therein) for such month of the selling corporation, or

(2) In the case of a transaction described in subsection (a) (1) (B), the excess profits net income (or deficit therein) for such month of the selling corporation properly attributable to the business or businesses acquired by the purchasing corporation and properly allocable to such purchasing corporation.

The excess profits net income of a purchasing corporation for any month, recomputed as provided in the previous sentence, shall not be less than zero.

(c) *Limitations.* This part shall apply only if each of the following conditions is satisfied:

(1) The selling corporation (A) did not, after the part IV transaction (or the last transaction described in subsection (a) (1) (B)), continue any business activities other than those incident to its complete liquidation, and (B) within a reasonable time after ceasing business activities, completely liquidated in a transaction other than a transaction described in section 461 (a), and ceased existence.

(2) During so much of the base period of the purchasing corporation and of the period thereafter as preceded the part IV transaction, the properties acquired in the part IV transaction were substantially all of the properties (other than cash) which were used, or which in the ordinary course of business replaced properties used, by the selling corporation (or by a component corporation, as defined in section 461 (b), of such selling corporation) in the production of the excess profits net income (or deficit therein) which under subsection (b) increases or decreases the excess profits net income of the purchasing corporation. For the purpose of this paragraph, if a business in the hands of both the selling corporation and the purchasing corporation was operated under a substantially identical franchise or license, granted by the same person, such franchise or license shall be deemed acquired by the purchasing corporation from the selling corporation.

(3) The business or businesses acquired in the part IV transaction (including the properties so acquired or properties in replacement thereof) were operated by the purchasing corporation from the date of such transaction to the end of the taxable year or were transferred during the taxable year by the purchasing corporation in a part II transaction to which the provisions of section 462 (b) (4) are applicable.

(d) *Special rules.* (1) For the purpose of subsection (a) (1), the properties of a selling corporation shall be considered to have been acquired by a purchasing corporation only if acquired from—

(A) such selling corporation, or

(B) persons who received the properties upon the liquidation of such selling corporation and who forthwith transferred such properties to the purchasing corporation in a transaction other than a transaction described in section 461 (a).

(2) The computations required by this part in the case of a selling corporation which is a partnership or a business owned by a sole proprietorship shall be made, under regulations prescribed by the Secretary, as if such partnership or such business owned by a sole proprietorship had been a corporation.

(3) In no case shall more than 100 per centum of the excess profits net income (or deficit therein) for any month of a selling corporation be allocated to the purchasing corporation or, in the case of transactions described in subsection (a) (1) (B), to the several persons (or to any one or more of such persons) receiving the properties of such selling corporation in such transactions.

(e) *Successive transactions.* (1) *Part IV transaction following part IV transaction.* In the case of a selling corporation which was a purchasing corporation in a previous part IV transaction, or which acquired properties of a purchasing corporation in a transaction to which section 462 (b) (4) is applicable, the computations under this part with respect to the selling corporation shall be made without regard to the previous part IV transaction.

(2) *Part IV transaction following part II transaction.* Subject to the provisions of paragraph (1), in the case of a selling corporation which was an acquiring corporation as defined in section 461 (a) in a previous transaction, its excess profits net income (or deficit therein) which increases or decreases the excess profits net income (or deficit therein) of the purchasing corporation under subsection (b) (1) or (2), and its capital changes which are taken into account under this part in determining the capital changes of the purchasing corporation, shall be determined with the application of the rules of part II to such selling corporation with respect to the part II transaction.

(3) *Part II transaction following part IV transaction.* For rules applicable in the case of a part II transaction following a part IV transaction, see sections 462 (b) (4), 463 (c), and 464 (c).

(f) *Regulations.* The Secretary shall by regulations prescribe rules for the application of this part. Such regulations shall include the following rules:

(1) *Base period capital addition.* Rules (consistent with the principles of section 464) for the determination of the base period capital addition of the purchasing corporation by reference to the capital changes of the selling corporation and of the purchasing corporation.

(2) *Net capital addition or reduction.* Rules (consistent with the principles of section 463) for the determination of the net capital addition or reduction of the purchasing corporation by reference to the capital changes of the selling corporation and of the purchasing corporation.

(3) *Excess profits net income.* Rules (consistent with the principles of section 462 (i)) for the determination of the amount of excess profits net income (or deficit therein) of the selling corporation attributable to the business or businesses acquired by a purchasing corporation in a transaction described in subsection (a) (1) (B) and properly allocable to such purchasing corporation.

(4) *Duplication.* Rules for the application under this part of the principles of section 462 (j) (1) and the other provisions of part II relating to the prevention of duplication.

(5) *Excess profits credit.* In the event that the part IV transaction occurred in a taxable year of the purchasing corporation which ended after June 30, 1950, rules (consistent with the principles of section 462 (j) (2)) for the determination of the excess profits credit of such corporation for the year in which the transaction occurred.

Such rules shall not include the principles of section 461 (c) (relating to the excess profits credit of the component corporation), of section 462 (b) (2) (relating to constructive excess profits net income for months during which a corporation was not in existence), of section 462 (1) (relating to minimum average base period net income in the case of certain acquiring corporations), or of such other provisions of part II as relate to sections 435 (e), 442, 443, 444, 445, or 446.

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SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title (incl. sec. 521) shall be applicable only with respect to taxable years ending after June 30, 1950.

§ 40.474–1 *Purpose and scope of Part IV*—(a) *General purpose.* The term "Part IV" when used in these regulations means section 474. Part IV provides rules under which a "purchasing corporation", subject to the conditions and limitations contained therein, may utilize the earnings experience of a "selling corporation" in computing the purchasing corporation's excess profits credit based on income. The term "purchasing corporation" means a corporation which, before December 1, 1950, acquired properties from a "selling corporation" in a transaction meeting the requirements set forth in section 474. See paragraph (b) of this section. A "selling corporation" may be a corporation, a partnership, or a business owned by a sole proprietorship. The excess profits credit of the selling corporation is not determined under Part IV. A foreign corporation cannot be a purchasing corporation and neither a foreign corporation, a foreign partnership, nor a foreign sole proprietorship can be a selling corporation. The average base period net income of a purchasing corporation may be determined by computing its excess profits net income either with or without reference to Part IV, whichever produces the lesser tax. However, if the average base period net income of the purchasing corporation is computed with reference to Part IV, such average base period net income must be determined under the general average method

of section 435 (d). If such average base period net income is computed under the growth alternative of section 435 (e) or under an alternative method provided in section 442, 443, 444, 445, 446, or any subsection of section 459, the excess profits net income of the purchasing corporation may not be computed with reference to Part IV.

(b) *Part IV transactions.* The term "Part IV transaction" means one of the transactions described in section 474 (a) (1). Such transactions do not include any acquisition of property in a transaction described in section 461 (a). The following transactions are Part IV transactions:

(1) The acquisition, before December 1, 1950, by a purchasing corporation, in a transaction other than a transaction described in section 461 (a), of substantially all the properties (other than cash) of another corporation, of a partnership, or of a business owned by a sole proprietorship; or

(2) The acquisition, before December 1, 1950, by a purchasing corporation, in a transaction other than a transaction described in section 461 (a), of part, as distinguished from substantially all, of the properties of another corporation or of a partnership, if the following conditions are met:

(i) Such properties constituted immediately prior to such acquisition substantially all the properties (other than cash) of one or more separate businesses of the other corporation or the partnership;

(ii) The other corporation or the partnership was engaged in one or more separate businesses other than those described in subdivision (i) of this subparagraph; and

(iii) Substantially all the properties (other than cash) of the other corporation or the partnership, including the properties acquired by the purchasing corporation, were acquired, in furtherance of a single plan of complete liquidation of the other corporation or the partnership, by the purchasing corporation and by one or more other persons, whether or not the acquisition by any of such other persons constituted a Part IV transaction but only if the acquisition by any of such other persons was not a transaction described in section 461 (a).

In determining whether the properties acquired by the purchasing corporation in a Part IV transaction constituted substantially all the properties of the transferor, or of a separate business of the transferor, as the case may be, proper regard must be had to any previous dispositions of property by the selling corporation. Properties will be considered to have been acquired in a Part IV transaction only if such properties were acquired from the selling corporation or from shareholders of the selling corporation who received such properties upon the complete liquidation of such corporation and who forthwith transferred them to the purchasing corporation in a transaction other than a transaction described in section 461 (a). In determining whether the transaction is a transaction described in subparagraph (2) of this paragraph the properties acquired by the purchasing corporation shall be considered to have constituted the properties of a separate business of the selling corporation only if such business was a going business unit for which adequate and separate records were maintained. Similarly, in the case of a transaction described in subparagraph (1) of this paragraph, a business owned by a sole proprietorship means a going business unit for which adequate and separate records were maintained.

(c) *Limitations on application of Part IV.* A purchasing corporation may compute its average base period net income under section 435 (d) with reference to Part IV only if each of the following conditions is satisfied:

(1) After the Part IV transaction described in paragraph (b) (1) of this section, or the last transaction described in paragraph (b) (2) of this section, the selling corporation did not engage in any business activities other than those incident to its complete liquidation and, within a reasonable time after ceasing business activities, the selling corporation was completely liquidated in a transaction other than a transaction described in section 461 (a), and its existence terminated.

(2) During so much of the base period of the purchasing corporation and of the period thereafter as preceded the Part IV transaction, the properties acquired by the purchasing corporation in such transaction were substantially all the properties (other than cash) which were used (or which in the ordinary course of business replaced properties used) by the selling corporation (or by a component corporation of such selling corporation in case the latter was an acquiring corporation in a previous Part II transaction) in the production of the excess profits net income or deficit therein which under section 474 (b) increases or decreases the excess profits net income of the purchasing corporation. See § 40.474-2. Thus, for example, if the selling corporation during the base period of the purchasing corporation and prior to the Part IV transaction disposed of properties used in the business acquired by the purchasing corporation, so that the purchasing corporation did not acquire substantially all the properties used in such business, Part IV is not applicable. Similarly, in the case of a transaction described in section 474 (a) (1) (A), if the selling corporation during the base period of the purchasing corporation disposed of the properties used in one business and acquired properties for another business, the properties used in the latter business being acquired by the purchasing corporation, Part IV is not applicable. If the selling corporation described in the preceding sentence had also owned throughout the base period prior to the Part IV transaction a second business, and if the acquisition by the purchasing corporation of the business referred to in the preceding sentence was a transaction described in section 474 (a) (1) (B), Part IV is not applicable if the excess profits net income of the selling corporation available to the purchasing corporation under section 474 (b) (2) includes excess profits net income for months prior to the date the business acquired by the purchasing corporation was owned by the selling corporation. If a business was operated by the selling corporation prior to the Part IV transaction under a franchise or license granted by any person, for example, a franchise or license not transferable by the selling corporation, and if after such transaction the purchasing corporation operated the same business under a substantially identical franchise or license granted by the same person, such franchise or license will be considered to have been acquired by the purchasing corporation from the selling corporation.

(3) The business or business transferred to the purchasing corporation in the Part IV transaction (including the properties actually transferred or properties acquired in replacement thereof) were operated by the purchasing corporation from the date of such transaction to the end of the taxable year of the purchasing corporation for which the excess profits credit is computed, unless during the taxable year such business or businesses were transferred by the purchasing corporation in a Part II transaction to which the provisions of section 462 (b) (4) are applicable. See § 40.462-1 (d).

§ 40.474-2 *Rules for determining average base period net income of a purchasing corporation.*—(a) *In general.* The average base period net income of a purchasing corporation, for the purpose of the excess profits credit based on income and computed under the general average method (section 435 (a)), may be determined by computing the excess profits net income with or without reference to Part IV, whichever results in the lesser excess profits tax. If computed without reference to Part IV, the excess profits net income of the purchasing corporation is computed with reference to its base period experience, but without reference to the base period experience of the selling corporation. The excess profits net income of the purchasing corporation, if computed with reference to Part IV, shall be its excess profits net income or deficit in excess profits net income for each month of its base period (as defined in section 435 (b)) or each month of the substitute period provided in section 435 (d), whichever is applicable, increased or decreased by the addition or reduction resulting from including the excess profits net income or deficit for that month of the selling corporation to the extent provided in section 474 (b). In applying the provisions of section 474 (b) to a purchasing corporation which acquired properties in two or more Part IV transactions all selling corporations in such transactions must be taken into account. The excess profits net income of the purchasing corporation for any month recomputed with the application of the provisions of section 474 (b) shall in no event be less than zero. As used in the regulations under Part IV the term "base period experience" refers to the excess profits net income or deficit in excess profits net income. See § 40.474-3 for rules applicable in recomputing the excess profits net income (or deficit therein) in the case of successive transactions under Parts II and IV.

(b) *Method of recomputation of excess profits net income of a purchasing corporation with reference to that of the selling corporation.* The following steps are required for the recomputation of the excess profits net income of a purchasing corporation with reference to the base period experience of the selling corporation:

(1) The excess profits net income or deficit in excess profits net income for each month in the base period of the purchasing corporation and, for the purpose of the substitute period provided in section 435 (d), for each month in the additional period ending March 31, 1950, must be determined for the purchasing corporation and for each selling corporation. Except as provided below with respect to the selling corporation for its taxable year in which the Part IV transaction occurred, the excess profits net income or deficit in excess profits net income of any corporation for any month during any part of which such corporation was in existence is determined by dividing the excess profits net income computed under section 433 (b) (or deficit in excess profits net income computed under section 433 (c)) for the taxable year in which such month falls by the number of full calendar months in such taxable year. In the case of a transaction described in section 474 (a) (1) (B), there is taken into account the portion of the excess profits net income or deficit properly attributable to the business or businesses acquired by the purchasing corporation and properly allocable to such purchasing corporation. In determining the excess profits net income or deficit of the selling corporation for any month during the taxable year in which the Part IV transaction occurred, the excess profits net income or deficit for such taxable year shall be determined without regard to any items arising after the date of the transaction and the number of months in the taxable year shall be determined without regard to the period after the date of the transaction. The excess profits net income of any corporation for any month during no part of which such corporation was in existence shall be zero. For the purpose of the substitute period provided in section 435 (d), the excess profits net income for January, February, or March 1950, is subject to the precentages specified in section 435 (e) (2) (E).

(2) For each month of the purchasing corporation's base period (or, if applicable, the substitute period provided in section 435 (d)) preceding the date of the Part IV transaction, the excess profits net income or deficit in excess profits net income of the purchasing corporation for that month as determined under subparagraph (1) of this paragraph shall be increased or decreased, as the case may be, by the excess profits net income or deficit in excess profits net income of each selling corporation for that month so determined; except that, if the purchasing corporation acquires only a part of the selling corporation's properties in a transaction described in section 474 (a) (1) (B), then the increase or decrease shall be made for only that portion of such selling corporation's excess profits net income or deficit in excess profits net income properly attributable to the business or businesses acquired by the purchasing corporation and properly allocable to the purchasing corporation under paragraph (c) of this section.

(c) *Allocation of excess profits net income of selling corporation to purchasing corporation.* In the case of a Part IV transaction described in section 474 (a) (1) (B), that is, a transaction in which a part as distinguished from all or substantially all the properties of a selling corporation is transferred to a purchasing corporation, the portion of the base period experience of the selling corporation allocated to the purchasing corporation shall be determined under the rules provided in § 40.462-9 (b) for the allocation of the excess profits net income or deficit of a component corporation to an acquiring corporation, subject to the following exceptions:

(1) The agreement referred to in § 40.462-9 (b) shall not be required.

(2) The Commissioner may, for good cause shown, permit the allocation to reflect, as to certain items, an allocation, under the principle of § 40.462-9 (a), based upon the fair market value of the properties (other than cash).

(3) Cash shall not be taken into account in making the allocation.

(4) The provisions of § 40.462-9 (b) (2) which permit allocation of more than 100 percent of the excess profits net income of a partnership shall not be applicable.

(d) *Special rules for partnerships and sole proprietors.* In the case of a business owned by a sole proprietorship or a partnership its excess profits net income or deficit in excess profits net income for each month falling within the purchasing corporation's base period (or the substitute period provided in section 435 (d) if applicable) prior to the date of the Part IV transaction shall be determined as if such partnership or such business owned by a sole proprietorship had been a corporation. See section 474 (d) (2). Among the adjustments which are necessary in such a case are the following:

(1) A reasonable deduction for salary or compensation to each partner or to the sole proprietor for personal services actually rendered shall be allowed.

(2) The credit for dividends received shall be that applicable to corporations.

(3) The treatment of capital gains and losses and of taxes (whether state, local, or other) shall be that applicable to corporations.

(4) The deduction for charitable contributions shall be that allowed by section 23 (q).

(e) *Limitation in case of Part IV transaction occurring in a taxable year ending after June 30, 1950.* In the case of a Part IV transaction occurring in a taxable year of the purchasing corporation ending after June 30, 1950, for the purpose of computing the purchasing corporation's excess profits credit for such taxable year, there is available to the purchasing corporation only a proportionate part of the amount of the monthly excess profits net income (or deficit) of the selling corporation which is otherwise available to the purchasing corporation. Such proportionate part shall be determined by the ratio which the number of days in the taxable year of the purchasing corporation after the day of the transaction bears to the total number of days in such taxable year. In computing the excess profits credit of the purchasing corporation for subsequent taxable years the limitation stated in this paragraph is not applicable.

(f) *Examples.* The computation of the average base period net income of the purchasing corporation determined under the general average method of section 435 (d) by computing the excess profits net income with reference to section 474 (b) may be illustrated by the following example:

Example. The P Corporation was in existence and commenced business prior to January 1, 1943. The S_1 Corporation and the S_2 Corporation each came into existence on January 1, 1947. The P Corporation, the S_1 Corporation, and the S_2 Corporation each makes its income tax returns on the calendar year basis. On January 1, 1949, the P Corporation purchased for cash all the properties of the S_1 Corporation, and on January 5, 1949, it purchased for cash all the properties of the S_2 Corporation in Part IV transactions. The excess profits net income for each of the corporations for the base period taxable years is as follows:

EXCESS PROFITS NET INCOME

	For taxable year			
	1946	1947	1948	1949
P Corporation	−$18,000	$24,000	$42,000	$36,000
S_1 Corporation	0	18,000	30,000	-------
S_2 Corporation	0	12,000	18,000	-------

The excess profits net income for each month in such taxable years is as follows:

EXCESS PROFITS NET INCOME

	For each month in calendar year			
	1946	1947	1948	1949
P Corporation	−$1,500	$2,000	$3,500	$8,000
S_1 Corporation	0	1,500	2,500	-------
S_2 Corporation	0	1,000	1,500	-------
Total	−1,500	4,500	7,500	8,000

The excess profits net income of the P Corporation for each month as recomputed under section 474 (b) is the total excess profits net income for that month as shown in the above table, except that for each month in 1946 the recomputed excess profits net income is increased to zero. Since the 36 consecutive months in the years 1947, 1948, and 1949 have the highest aggregate excess profits net income, the average base period net income is such aggregate excess profits net income divided by 3. The average base period net income of the P Corporation recomputed under section 474 (b) is $80,000, determined as follows:

Aggregate for months in 1947 (12 × $4,500)	$54,000
Aggregate for months in 1948 (12 × $7,500)	90,000
Aggregate for months in 1949 (12 × $8,000)	96,000
Aggregate for 36 months	240,000
Aggregate divided by 3	80,000

This figure, subject to the percentage prescribed in section 435 (a), may be used by the P Corporation in computing its excess profits

credit based on income for the purpose of determining its excess profits tax for 1950 and future excess profits tax taxable years, provided all the conditions and limitations applicable under section 474, for example, the provisions of § 40.474–4, are met.

§ 40.474–3 *Successive transactions*—(a) *Part IV transaction following Part IV transaction.* In the case of a purchasing corporation which acquired properties of a selling corporation, if such selling corporation was itself a purchasing corporation in a previous Part IV transaction, the computations under section 474 for the purpose of computing the excess profits credit of the purchasing corporation in the later Part IV transaction shall be made with respect to the selling corporation without regard to the previous Part IV transaction. For example, the P corporation acquires the property of the S corporation in a Part IV transaction on January 1, 1950. The S corporation came into existence on January 1, 1949, and on the same date acquired all the properties of the Y corporation in a Part IV transaction. In computing the P corporation's excess profits credit with reference to section 474, any computation required with respect to the S corporation shall be made without regard to the excess profits net income (or deficit therein) of the Y corporation.

(b) *Part IV transaction following Part II transaction*—(1) *Component corporation not a purchasing corporation.* If a purchasing corporation acquired properties of a selling corporation in a Part IV transaction, if the selling corporation previously had acquired properties of a component corporation in a Part II transaction to which section 462 (b) (4) was not applicable, and if the excess profits net income of the purchasing corporation is recomputed with the application of the provisions of section 474 (b), the excess profits net income or deficit in excess profits net income of the selling corporation which increases or decreases the excess profits net income or deficit in excess profits net income of the purchasing corporation under section 474 (b), shall be determined with the application of the rules of Part II to such selling corporation with respect to the previous Part II transaction. See sections 461 through 465, and the regulations thereunder. This rule must be followed whether or not the selling corporation determined its average base period net income by recomputing its excess profits net income with the application of Part II.

(2) *Component corporation a purchasing corporation.* If a purchasing corporation acquired properties of a selling corporation in a Part IV transaction, and if the selling corporation previously had acquired properties of another corporation in a Part II transaction to which section 462 (b) (4) and the regulations thereunder are applicable, that is, a transaction in which the component corporation was a purchasing corporation in a Part IV transaction preceding the Part II transaction, the computations under section 474 for the purpose of computing the excess profits credit of the purchasing corporation in the later Part IV transaction shall be made with respect to the selling corporation in such transaction without regard to the previous Part IV transaction in which the component of the selling corporation had been a purchasing corporation. For example, the P corporation acquired the properties of the S corporation in a Part IV transaction on January 1, 1950. The S corporation previously had acquired all the properties of the C corporation in a Part II transaction on January 1, 1948. The C corporation came into existence on January 1, 1947, and on the same date purchased all the properties of the D corporation in a Part IV transaction. Any computations required under section 474 with respect to the S corporation's excess profits credit shall be made without regard to the excess profits net income (or deficit therein) of the D corporation.

(c) *A purchasing corporation as an acquiring corporation under Part II.* Both Part II and Part IV may be applied in the case of a corporation which is qualified both as a purchasing corporation and as an acquiring corporation and which computes its average base period net income under the general average method of section 435 (d).

(d) *Part II transaction following Part IV transaction.* For rules applicable in the case of a purchasing corporation which becomes a component corporation in a Part II transaction, see sections 462 (b) (4), 463 (c), and 434 (c) and the regulations thereunder.

§ 40.474–4 *Rules for the prevention of duplication*—(a) *In general.* (1) The purpose of the rules prescribed in this section is to prevent certain duplications in base period income in cases where after December 31, 1945, and before December 1, 1950, assets of a purchasing corporation are used to purchase properties of a selling corporation in a Part IV transaction. See section 474 (f) (4). In such cases the excess profits net income of the selling corporation, or portion thereof attributable to the properties acquired by the purchasing corporation, shall be excluded in determining the purchasing corporation's excess profits net income or deficit and its average base period net income with reference to the recomputations provided under Part IV. The adjustment required under this section shall be made in the cases described in this section and in all other cases in which a similar adjustment may be required to prevent duplication, in a manner consistent with principles underlying such described cases.

(2) Except to the extent that duplication of experience occurs, no adjustment is necessary under this section:

(i) Where stock of the purchasing corporation is issued directly to the selling corporation in exchange for properties of the selling corporation; or

(ii) Where properties of the selling corporation are acquired through a bona fide long-term increase in the capital structure of the purchasing corporation made in conjunction with and for the purpose of such acquisition. A bona fide long-term increase in the capital structure within the meaning of this subparagraph (whether an increase in equity capital or in borrowed capital as defined in section 439 (b)) shall be deemed to have occurred only to the extent that such increase is reflected in the capital structure throughout the period beginning with the time such increase is originally made and ending with the close of the taxable year of the purchasing corporation for which the tax is computed. For the purpose of determining whether such increase is reflected in the capital structure, proper adjustment shall be made to eliminate the effect of any loss occurring after the original increase is made, and, in the case of such determination as of any time during the taxable year, the determination shall be made without regard to the earnings and profits of such taxable year. If the increase in capital structure is the result of a Part II transaction, this subparagraph and § 40.474–2 (c) shall be applied in the light of the facts applicable both to the taxpayer and to the component corporation in such transaction. For the purpose of this subparagraph, an increase in the capital structure does not result from the conversion of inadmissible assets into admissible assets, or from the accumulation of earnings and profits prior to the beginning of the first taxable year which begins after the date of the acquisition.

(3) If properties of the selling corporation are acquired partly in the manner described in subparagraph (2) of this paragraph and partly in another manner, the adjustment required under this section shall be made to the extent the acquisition is made in such other manner. See paragraph (c) of this section. As to adjustment under regulations pursuant to section 474 (f) (4) of the net capital addition or reduction see § 40.474–5, and as to adjustment under regulations pursuant to section 474 (f) (4) of the base period capital addition, see § 40.474–6.

(b) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). The P Corporation and the S Corporation commenced business before January 1, 1946, and make their income tax returns on the calendar year basis. The P Corporation sold certain assets for cash and on July 1, 1950, it used such cash to purchase properties of the S Corporation in a Part IV transaction. In applying section 474 (b) in determining the average base period net income of the P Corporation, the rule provided in paragraph (a) (1) of this section requires the exclusion of the S Corporation's entire experience for the base period. The S Corporation's base period capital addition and its net capital addition or reduction for 1950 are also required to be excluded. See §§ 40.474–5 and 40.474–6.

Example (2). The S Corporation commenced business before January 1, 1946, and makes its income tax returns on the calendar year basis. The P Corporation was organized on December 10, 1949. On January 1, 1949, the P Corporation issued its stock for cash and on the same day used such cash to acquire all the properties of the S Corporation in a Part IV transaction. In determining the P Corporation's average base period net income under section 435 (d), based on a recomputation of its excess profits net income under section 474 (b), this section does not require the elimination of any part of the excess profits net income (or deficit) of the S Corporation. See paragraph (a) (2) of this section. Under regulations pursuant to section 474 (f) (1), however, the P Corporation will not be allowed any base period capital addition for the cash paid in for its stock which was used in acquiring the properties of the S Corporation. See § 40.474–6.

Example (3). The P Corporation and the S Corporation both commenced business before January 1, 1946, and make their income tax returns on the calendar year basis. Before January 1, 1946, the P Corporation became the owner of one-half the stock of the S Corporation. On July 1, 1950, the S Corporation was liquidated and the P Corporation received all of the properties which had been used in the operation of one of two separate businesses operated by the S Corporation. The acquisition of such properties qualifies as a Part IV transaction. In applying section 474 (b) in determining the average base period net income of the P Corporation the rule provided in paragraph (a) (1) of this section requires the exclusion of the base period experience of the business operated by the S Corporation. The S Corporation's base period capital addition and its net capital addition or reduction for 1950 are also required to be excluded. See §§ 40.474–5 and 40.474–6.

(c) *Acquisition resulting in partial duplication.* If a purchasing corporation acquires properties of a selling corporation in a Part IV transaction, and only a part of the total consideration transferred by the purchasing corporation consists of stock issued directly by the purchasing corporation or of cash or other assets acquired by the purchasing corporation through a bona fide long-term increase in its capital structure, only that part of the selling corporation's base period experience before the acquisition which is not attributable to such stock so issued or to such cash or assets so acquired is to be excluded in computing the purchasing corporation's average base period net income under section 435 (d), based on a recomputation of excess profits net income under section 474 (b). The portion of the selling corporation's experience not to be excluded under this section with respect to any part of the base period (and of the additional period through March 31, 1950, for the purpose of the substitute period provided in section 435 (d)) prior to the day of the transaction is an amount which bears the same ratio to the whole of the selling corporation's experience for such part of such period (or, in the case of a transaction described in section 474 (a) (1) (B), the part of the selling corporation's experience properly attributable to the properties acquired by the purchasing corporation) as the sum of the fair market value of the stock of the purchasing corporation issued directly to the selling corporation, plus the fair market value of the other assets or cash acquired in the manner described in paragraph (a) (2) of this section, bears to the fair market value of the total consideration received by the selling corporation for such properties. The adjustment under this section in cases described in this paragraph may be illustrated by the following example:

Example. The P Corporation and the S Corporation each commenced business before January 1, 1946, and makes its income tax returns on the basis of the calendar year. On January 1, 1948, the P Corporation in a Part IV transaction purchased all the properties of the S Corporation for $100,000 in cash, of which $60,000 was derived by the P Corporation from the sale of certain assets and $40,000 was derived from the issuance and sale of new shares of its stock, such new stock constituting a bona fide long-term increase in its capital structure. For the purpose of computing the P Corporation's average base period net income under section 435 (d), based on a recomputation of the excess profits net income under section 474 (b), 60 percent of the S Corporation's monthly excess profits net income (or deficit) for 1946 and 1947 is to be excluded under this section.

§ 40.474–5 *Net capital addition or reduction under Part IV*—(a) *In general.* If the purchasing corporation acquires properties of a selling corporation in a Part IV transaction occurring in a taxable year ending after June 30, 1950, and if the purchasing corporation's average base period net income for the purpose of the excess profits credit for any taxable year ending after the date of the transaction is computed with the application of Part IV, the net capital addition or net capital reduction of the purchasing corporation for such taxable year shall be computed under section 435 (g) with the application of the following rules:

(1) If the Part IV transaction involved a transaction described in § 40.474–4 (a) (2) (i) or (ii), that is, a transaction in which there is no duplication of base period experience, the net capital addition or net capital reduction of the purchasing corporation shall be computed after making proper adjustment by decreasing the daily capital addition or increasing the daily capital reduction, as the case may be, for each day after the date of the Part IV transaction, to the extent necessary so that such amounts shall not reflect the transaction described in § 40.474–4 (a) (2). Thus, in the example in § 40.474–4 (c), if the Part IV transaction had occurred in a taxable year ending after June 30, 1950, the $40,000 derived from the issuance and sale of new shares of stock shall not be included in determining the amount paid in for stock under section 435 (g) (3) (A) for such taxable year, and the equity capital as of the beginning of any taxable year beginning after the Part IV transaction would be reduced by $40,000 for the purpose of applying section 435 (g) (3) (B) or section 435 (g) (4) (B) to such taxable year.

(2) Under principles corresponding to those set forth in section 462 (j) (1) and § 40.463–1 (e), the net capital addition or net capital reduction of the purchasing corporation is computed without regard to any capital changes of the selling corporation in any case subject to the provisions of § 40.474–4 unless the case involves a transaction described in § 40.474–4 (a) (2) (i) in which no gain or loss is recognized upon the exchange of the stock for the properties.

(3) If the Part IV transaction is subject to the provisions of § 40.474–4 by reason of an exchange described in § 40.474–4 (a) (2) (i) in which no gain or loss was recognized, the purchasing corporation shall compute its net capital addition or net capital reduction under the rules provided in § 40.463–1 as if the purchasing corporation were an acquiring corporation and the selling corporation were a component corporation. If in such case the selling corporation was a party to a Part II transaction occurring before the Part IV transaction, the rules set forth in § 40.463–2 shall also be applicable as if the purchasing corporation were an acquiring corporation and the selling corporation were a component corporation.

(b) *Example.* The rules prescribed by paragraph (a) of this section may be illustrated by the following example:

Example. The P Corporation and the S Corporation each makes its income tax returns on the basis of the calendar year. The P Corporation issued its stock on June 1, 1950, for $1,000,000 in cash, such new stock constituting a bona fide long-term increase in its capital structure, and on July 1, 1950, used such cash to acquire all the properties of the S Corporation in a Part IV transaction. The P Corporation computes its excess profits credit under Part IV. In computing the daily capital addition of the P Corporation for each day of 1950 after July 1, 1950, the $1,000,000 paid in for stock on June 1, 1950, shall be disregarded. In computing the equity capital of the P Corporation on January 1, 1951, for the purpose of comparing such amount with its equity capital on January 1, 1950, such equity capital on January 1, 1951, shall be reduced by $1,000,000, the amount paid in for the stock. The same adjustment (a decrease of $1,000,000) shall be made for such purpose in computing equity capital for the first day of each subsequent taxable year. Under principles corresponding to those set forth in § 40.463–1 (e), the net capital addition or net capital reduction of the P Corporation is computed without regard to any capital changes of the S Corporation.

§ 40.474–6 *Base period capital addition under Part IV*—(a) *In general.* If the purchasing corporation acquires properties of the selling corporation in a Part IV transaction occurring after the beginning of the second taxable year of the purchasing corporation preceding its first taxable year ending after June 30, 1950, and if the purchasing corporation's average base period net income for the purpose of the excess profits credit for any taxable year ending after the date of the transaction is computed with the application of Part IV, the base period capital addition of the purchasing corporation for such taxable year shall be computed under section 435 (f) with the application of the following rules:

(1) If the Part IV transaction involved a transaction described in § 40.474–4 (a) (2) (i) or (ii), that is, a transaction in which there is no duplication of base period experience, the base period capital addition of the purchasing corporation shall be computed after making proper adjustment by decreasing the yearly base period capital for any day specified in section 435 (f) after the date of the Part IV transaction to the extent necessary so that such amount shall not reflect the transaction described in § 40.474–4 (a) (2). Thus, in the example in § 40.474–4 (c), if the Part IV transaction had occurred after the beginning of the second taxable year of the purchasing corporation preceding its first taxable year ending after June 30, 1950, the yearly base period capital for each day specified in section 435 (f) after the date of the Part IV transaction shall be reduced by the $40,000 derived from the issuance and sale of new shares of stock.

(2) Under principles corresponding to those set forth in section 462 (j) (1) and § 40.464–1 (d), the base period capital addition of the purchasing corporation is computed without regard to the base period capital addition or yearly base period capital of the selling corporation in any case subject to the provisions of § 40.474–4, unless the case involves a transaction described in § 40.474–4 (a) (2) (i) in which no gain or loss is recognized upon the exchange of the stock for the properties.

(3) If the Part IV transaction is subject to the provisions of § 40.474–4 by reason of an exchange described in § 40.474–4 (a) (2) (i) in which no gain or loss was recognized, the purchasing corporation shall compute its yearly base period capital or base period capital addition with reference to the yearly base period capital or base period capital addition of the selling corporation under the rules provided in § 40.464–1 as if the purchasing corporation were an acquiring corporation and the selling corporation were a component corporation. If, in such case, the selling corporation was a party to a Part II transaction occurring before the Part IV transaction, the rules set forth in § 40.464–2 shall also be applicable as if the purchasing corporation were an acquiring corporation and the selling corporation were a component corporation.

(b) *Example.* The rules prescribed by paragraph (a) of this section may be illustrated by the following example:

Example. The P Corporation and the S Corporation each makes its income tax returns on the basis of the calendar year. The P Corporation issued its stock on June 1, 1949, for $1,000,000 in cash, such new stock constituting a bona fide long-term increase in its capital structure, and on July 1, 1949, used such cash to acquire all the properties of the S Corporation in a Part IV transaction. The P Corporation computes its excess profits credit under Part IV. In computing the base period capital addition of the P Corporation, its yearly base period capital for 1950 shall be reduced by $1,000,000, the amount paid in for the stock. Under principles corresponding to those set forth in § 40.464–1 (d), the base period capital addition of the P Corporation is computed without regard to any capital changes of the S Corporation.

[F. R. Doc. 52–12747; Filed, Dec. 1, 1952; 8:58 a. m.]

[26 CFR Part 316]

EXCISE TAXES ON SALES BY MANUFACTURER

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 3450 and 3791 of the Internal Revenue Code (53 Stat. 419, 467; 26 U. S. C. 3450, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 46 (26 CFR Part 316), relating to excise taxes on sales by the manufacturer under Chapter 29 of the Internal Revenue Code, to the Revenue Act of 1951 (Pub. Law 183, 82d Cong., 1st Sess.), approved October 20, 1951; to Public Law 251 (82d Cong., 1st Sess.), approved October 31, 1951; to Public Law 352 (82d Cong., 2d Sess.), approved May 21, 1952, and for other purposes, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 316.0, as amended by Treasury Decision 5854, approved September 13, 1951, is further amended by renumbering paragraph (b) (16) as (b) (17) and inserting the following after item (a) (15):

(16) Mechanical pencils, fountain and ball point pens, and mechanical lighters for cigarettes, cigars, and pipes; and

PAR. 2. There is inserted immediately preceding § 316.2 the following:

SEC. 481. AUTOMOBILES, TRUCKS, AND PARTS OR ACCESSORIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(g) *Effective date of subsection (f).* The amendment made by subsection (f) shall be effective with respect to articles purchased (by the user thereof) on or after the first day of the first month which begins more than ten days after the date of the enactment of this act.

* * * * * * *

SEC. 482. NAVIGATION RECEIVERS SOLD TO THE UNITED STATES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(f) *Effective dates.* The amendments made by subsections (a) and (b) shall take effect as provided in section 480. The amendments made by subsections (c) and (e) shall be applicable with respect to articles used in receivers sold to the United States on or after the first day of the first month which begins more than ten days after the date of the enactment of this act, and the amendment made by subsection (d) shall be applicable with respect to articles resold to the United States on or after such first day.

SEC. 488. REPEAL OF TAX ON ELECTRICAL ENERGY (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(b) *Effective date.* (1) Except as provided in paragraph (2), the provisions of subsection (a) shall apply to electrical energy sold on or after the first day of the first month which begins more than ten days after the date of the enactment of this act.

(2) In the case of electrical energy sold which is billed to the customer for a period beginning before the effective date specified in paragraph (1) and ending on or after such date, the provisions of subsection (a) shall apply to that portion of the amount billed for the electrical energy sold during such period which the number of days in such period on and after such effective date bears to the total number of days in such period. This section shall not apply to electrical energy sold before such effective date for which a bill was rendered prior to such date.

SEC. 490. EFFECTIVE DATE OF PART VIII (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise expressly provided in this part, the amendments made by this part (secs. 481–489, inc.) shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this act.

PUBLIC LAW 251 (82D CONG., 1ST SESS.), APPROVED OCTOBER 31, 1951

* * * * * * *

SEC. 4. Notwithstanding the provisions of section 460 of the Revenue Act of 1951, the effective date of so much of the amendment made by section 485 of such Act to section 3406 (a) (3) of the Internal Revenue Code as relates to electric heating pads shall be April 1, 1952.

PUBLIC LAW 352 (82D CONG., 2D SESS.), APPROVED MAY 21, 1952

* * * * * * *

(b) The provisions of subsection (a) shall be effective as of November 1, 1951.

PAR. 3. Section 316.2, as amended by Treasury Decision 5854 (26 CFR 316.2), is further amended by adding at the end thereof the following new paragraphs (g), (h), and (i):

(g) Part VIII of Title IV of the Revenue Act of 1951, effective November 1, 1951, provides for an increase in the rates of tax on chassis and bodies for trucks and other automobiles and parts or accessories therefor, except that beginning April 1, 1954, the rates revert to the rates in effect prior to November 1, 1951; the removal of the tax on certain sporting goods, the increase of the rate of tax on those sporting goods which remain subject to tax (other than certain fishing tackle), except that beginning April 1, 1954, the rate reverts to the rate in effect prior to November 1, 1951; an increase in the rate of tax on photographic film, the limiting of the tax to certain cameras, lenses, and film, and the reduction of the rate of tax on cameras and lenses; a change in the method of computing tax liability on sales of rebuilt automobile parts or accessories sold on an exchange basis; a refund or credit to manufacturers of automobile parts or accessories used or sold as repair or replacement parts for farm equipment; an exemption of certain types of communication, detection, or navigation receivers sold to the United States for its exclusive use, and components taxable under section 3404 (b) used or sold for use by the vendee as material in the manufacture or production of, or as a component part of, such receivers, together with complementary credit or refund provisions; tax-free sales of refrigerator components to vendees for resale to manufacturers of refrigeration equipment; the imposition of tax on mechanical pencils, fountain and ball point pens, and mechanical lighters for cigarettes, cigars, and pipes; the limiting of the appliances previously taxable under section 3406 (a) (3) to those of the household type, the addition of certain appliances to be taxed thereunder, and the limiting of the tax on electric direct motor driven fans and air circulators to those not of the industrial type; the removal of the tax on tires for toys, etc.; and the repeal of the tax on electrical energy.

(h) The provisions of Public Law 251, 82d Congress, approved October 31, 1951, remove the tax on electric heating pads effective April 1, 1952.

(i) The provisions of Public Law 352, 82d Congress, approved May 21, 1952, discontinue the tax on unperforated microfilm effective November 1, 1951.

PAR. 4. Immediately preceding § 316.7, there is inserted the following:

SEC. 482. NAVIGATION RECEIVERS SOLD TO THE UNITED STATES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(e) *Use by manufacturer of taxable parts.* Section 3444 (b) (relating to tax on use by manufacturer of taxable articles) is hereby amended to read as follows:

(b) This section shall not apply with respect to the use by the manufacturer, producer, or importer of articles described in section 3404 (b) if such articles are used by him as material in the manufacture or production of, or as a component part of, communication, detection, or navigation receivers of the type used in commercial, military, or marine installations if such receivers are to be sold to the United States for its exclusive use.

* * * * * * *

PAR. 5. Section 316.7, as amended by Treasury Decision 5854, is further amended as follows:

(A) By amending paragraph (a) to read as follows:

(a) If a person manufactures, produces, or imports an article covered by this part, with the exceptions noted in the paragraphs (b) and (c) of this section, and uses it for any purpose (other than as material in the manufacture or production of, or as a component part of, another article manufactured or produced by him which will be taxable or sold free of tax under the provisions of § 316.21, 316.22 or 316.61a), he shall be liable for tax with respect to the use of such article in the same manner as if it were sold by him.

(B) By inserting immediately after paragraph (b) a new paragraph (c) to read as follows and by redesignating the present paragraph (c) as paragraph (d):

(c) If a person manufactures, produces, or imports an article taxable under section 3404 (b) and uses it as material in the manufacture or production of, or as a component part of, a communication, detection, or navigation receiver of the type used in commercial, military, or marine installations, he incurs no liability for tax with respect to such use of the article, provided he sells the receiver to the United States on or after November 1, 1951, for its exclusive use. (See § 316.61a.)

PAR. 6. Immediately preceding § 316.30, there is inserted the following:

SEC. 481. AUTOMOBILES, TRUCKS, AND PARTS OR ACCESSORIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(b) *Removal of tax on tires for toys, etc.* Paragraph (1) of section 3109 (a) (relating to tax on tires) is hereby amended by adding at the end thereof the following: "The tax imposed by this paragraph shall not apply to (A) tires which are not more than 20 inches in diameter and not more than one and three-fourths inches in cross-section, if such tires are of all-rubber construction (whether hollow center or solid) without fabric or metal reinforcement, or (B) tires of extruded tiring with internal wire fastening agent."

PAR. 7. Section 316.30, as amended by Treasury Decision 5343, approved March 15, 1944, is further amended as follows:

(A) By redesignating paragraphs (a), (b), (c), and (d) as subparagraphs (1), (2), (3), and (4), and changing the headnote to read as follows:

§ 316.30 *Scope of tax—*(a) *In general.* * * *

(B) By adding a new paragraph (b) at the end thereof to read as follows:

(b) *Certain tires not subject to tax.* On and after November 1, 1951, the tax does not apply to sales of (1) tires of all rubber construction (whether hollow center or solid) having no fabric or metal reinforcement if such tires are not more than 20 inches in diameter measured to the outside circumference and not more than one and three-fourths inches in cross-section measured on a horizontal plane, or (2) tires of any size or dimensions manufactured or produced from extruded tiring the ends of which are fastened or held together by means of a wire or other metallic material inserted into the extruded tiring.

PAR. 8. Immediately preceding § 316.50, there is inserted the following:

SEC. 481. AUTOMOBILES, TRUCKS, AND PARTS OR ACCESSORIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Increase in tax on trucks.* Section 3403 (a) (tax on trucks, busses, etc.) is hereby amended by striking out "5 per centum" and inserting in lieu thereof "8 per centum, except that on and after April 1, 1954, the rate shall be 5 per centum".

(b) *Increase in tax on passenger automobiles and motorcycles.* Section 3403 (b) (tax on automobile chassis and bodies, etc.) is hereby amended to read as follows:

(b) *Other chassis and bodies, etc.* Other automobile chassis and bodies, chassis and bodies for trailers and semitrailers (other than house trailers) suitable for use in connection with passenger automobiles, and motorcycles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof), except tractors, 10 per centum, except that on and after April 1, 1954, the rate shall be 7 per centum. A sale of an automobile, trailer, or semitrailer shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body."

* * * * * * *

PAR. 9. Section 316.50, as amended by Treasury Decision 5099, approved November 28, 1941, is further amended by adding at the end thereof the following new paragraph (g):

(g) The tax does not apply to house trailers sold on and after November 1, 1951.

PAR. 10. Paragraph (b) of § 316.50a, as added by Treasury Decision 5099, is amended by adding at the end thereof the following sentence: "On and after November 1, 1951, the term shall not include house trailers."

PAR. 11. Section 316.51, as amended by Treasury Decision 5099, is further amended to read as follows:

§ 316.51 *Rates of tax.* The tax is payable by the manufacturer on the sale price of the articles listed at the rates specified below:

(a) Automobile truck chassis and bodies; highway tractors; automobile bus chassis and bodies; automobile truck and bus trailer and semitrailer chassis and bodies:

	Percent
October 1, 1941 to October 31, 1951, inclusive	5
November 1, 1951 to March 31, 1954, inclusive	8
On and after April 1, 1954	5

(b) Other automobile chassis and bodies; other automobile trailer and semitrailer chassis and bodies; motorcycles:

	Percent
October 1, 1941 to October 31, 1951, inclusive	7
November 1, 1951 to March 31, 1954, inclusive	10
On and after April 1, 1954	7

(c) House trailers:

	Percent
October 1, 1941 to October 31, 1951, inclusive	7
On and after November 1, 1951	None

In each case the taxable sale price shall be determined in accordance with the provisions of §§ 316.8 to 316.15, inclusive.

PAR. 12. The first two sentences of § 316.52, as amended by Treasury Decision 5099, are further amended to read as follows: "If the manufacturer of a truck body installs it on an 'other automobile chassis' manufactured by him, he must record and bill the sale of the body and chassis separately, and pay tax on the separate sale price of the body and chassis at the rate applicable to each such article. In case a passenger body is installed by the manufacturer thereof on an 'automobile truck chassis' manufactured by him, the transaction must be handled in a similar manner, and the tax paid at the rate applicable to each separate article."

PAR. 13. Immediately preceding § 316.54, there is inserted the following:

SEC. 481. AUTOMOBILES, TRUCKS, AND PARTS OR ACCESSORIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(e) *Technical amendment.* Section 3403 (e) (relating to certain credits against the tax imposed by section 3403) is hereby amended by striking out "In the case of an article taxable under subsection (a), 5 per centum, and in the case of an article taxable under subsection (b), 7 per centum" and inserting in lieu thereof "In the case of an article taxable under subsection (a) or subsection (b), the applicable percentage rate of tax provided in such subsections".

* * * * * * *

PAR. 14. Section 316.54, as amended by Treasury Decision 5854, is further amended as follows:

(A) The second sentence of paragraph (b) is amended to read as follows: "For example, if the sale price of an automobile is $2,000, the tax payable thereon $200, and the cost to the automobile manufacturer of the tires, inner tubes or automobile radio or television receiving set, sold on or in connection therewith is $80, the manufacturer will be permitted

within the period of 30 days from the date of publication of this notice in the

energy sold before such effective date for which a bill was rendered prior to such date.

and the repeal of the tax on electrical energy.

apply to (A) tires which are not more than 20 inches in diameter and not more than

by Treasury Decision 5099, is further amended to read as follows:

set, sold on or in connection therewith is $80, the manufacturer will be permitted

to take a credit against the tax payable on the selling price of the automobile in an amount equal to 10 percent of $80, or $8."

(B) Paragraph (c) is amended by striking out "rate of 7 percent" and inserting in lieu thereof "applicable rate".

PAR. 15. Immediately preceding § 316.55, there is inserted the following:

SEC. 481. AUTOMOBILES, TRUCKS, AND PARTS OR ACCESSORIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(c) *Increase in tax on parts or accessories.* Section 3403 (c) (tax on parts or accessories for automobiles, etc.) is hereby amended by striking out "5 per centum" and inserting in lieu thereof "8 per centum, except that on and after April 1, 1954, the rate shall be 5 per centum".

(d) *Rebuilt parts or accessories.* Section 3403 (c) (tax on parts or accessories) is hereby amended by adding at the end thereof the following: "In determining the sale price of a rebuilt automobile part or accessory there shall be excluded from the price, in accordance with regulations prescribed by the Secretary, the value of a like part or accessory accepted in exchange."

• • • • •

PAR. 16. Immediately following § 316.55, there is inserted the following new section:

§ 316.55a *Rebuilt parts or accessories sold on an exchange basis.* On and after November 1, 1951, the tax on the sale of rebuilt automobile parts or accessories will be determined without taking into consideration the value of a like part or accessory accepted in exchange. The total amount charged in terms of cash in an exchange will be the basis for tax. For example, if a rebuilt automobile engine is sold for $100 on an exchange basis, the tax on the rebuilt engine will be computed on the basis of $100.

PAR. 17. Section 316.56, as amended by Treasury Decision 5099, is further amended to read as follows:

§ 316.56 *Rates of tax.* The tax is payable by the manufacturer on the sale price of the articles listed at the rates specified below:

AUTOMOBILE PARTS AND ACCESSORIES

	Percent
October 1, 1941 to October 31, 1951, inclusive	5
November 1, 1951 to March 31, 1954, inclusive	8
On and after April 1, 1954	5

In each case the taxable sale price shall be determined in accordance with the provisions of §§ 316.8 to 316.15, inclusive.

PAR. 18. Immediately preceding § 316.60, there is inserted the following:

SEC. 482. NAVIGATION RECEIVERS SOLD TO THE UNITED STATES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Exemption on sales to United States of certain radio sets.* Section 3404 (a) (relating to manufacturers' excise tax on radio receiving sets, etc.) is hereby amended by adding at the end thereof the following new sentence: "No tax shall be imposed under this subsection with respect to the sale to the United States for its exclusive use of a communication, detection, or navigation receiver of the type used in commercial, military, or marine installations."

(b) *Tax-free sales of radio parts.* Section 3404 (b) (relating to manufacturers' excise tax on component parts of radio receiving sets, etc.) is hereby amended by adding at the end thereof the following new sentence: "Under regulations prescribed by the Secretary, no tax shall be imposed under this subsection with respect to the sale of any article for use by the vendee as material in the manufacture or production of, or as a component part of, communication, detection, or navigation receivers of the type used in commercial, military, or marine installations if such receivers are to be sold by the vendee to the United States for its exclusive use. If any article sold tax-free to such vendee is not so used by him, or being so used the receiver is not so sold, the vendee shall be considered as the manufacturer or producer of such article."

• • • • •

PAR. 19. Immediately following § 316.61, there is inserted the following new section:

§ 316.61a *Specific exemption of certain communication receivers, etc., and component parts*—(a) *Receivers.* (1) On and after November 1, 1951, the tax imposed under section 3404 (a) does not apply with respect to the sale to the United States for its exclusive use of a communication, detection, or navigation receiver of the type used in commercial, military, or marine installations. To establish the right to exemption from the tax with respect to such sale, it is necessary that the manufacturer (i) have in his possession a copy of the Government purchase order, or of the prime contract awarded to him, under which the sale is made by him to the United States, or (ii) obtain from an authorized officer of the United States and retain in his possession a properly executed exemption certificate in the form prescribed by this section.

(2) If the articles covered by such purchase order, prime contract, or certificate are used otherwise than for the exclusive use of the United States, or if any of such articles are resold to employees or others, a responsible officer of the United States shall report such fact to the manufacturer. The tax applicable to the sale of such articles shall be included by the manufacturer in his return for the month during which such report is received by him.

(3) The certificate required by this section shall be in substantially the following form:

EXEMPTION CERTIFICATE

(To support tax-free sales to the United States of communication, detection, or navigation receivers under section 3404 (a) of the Internal Revenue Code, as amended by section 482 of the Revenue Act of 1951.)

_____, 19__.
(Date)

The undersigned hereby certifies that he is _____ of _____
(Title of officer) (United States

_____; that he is authorized
governmental unit)

to execute this certificate; and that the article or articles specified in the accompanying order, or on the reverse side hereof, are purchased from _____ for the
(Name of company)

exclusive use of the United States.

It is understood that the exemption from tax in the case of sales of articles under this exemption certificate to the United States is limited to the sale of articles purchased for its exclusive use, and it is agreed that if articles purchased tax free under this exemption certificate are used otherwise or are sold to employees or others, such fact will be reported to the manufacturer of the article or articles covered by this certificate. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

_____
(Signature)

_____
(Title of officer)

(4) The articles covered by the exemption certificate must be fully identified as to type, quantity, and date of sale. If it is impracticable to furnish a separate exemption certificate for each order or contract, a certificate covering all orders between given dates (such period not to exceed six months) will be acceptable.

(5) Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be retained as provided in § 316.202.

(6) Where the evidence required to support a tax-free sale is obtained subsequent to the sale but prior to the time the manufacturer is required to file a return covering taxes due for the month during which the sale was made he shall include the tax on such sale in his return for that month, in the item "Total tax due", but may deduct an amount equivalent to the tax applicable to such sale and pay the net tax resulting, making appropriate explanation either on the face of the return or on a rider attached thereto. If such evidence is not so obtained, the manufacturer must include the tax on such sale in his return for the month in which the sale was made. However, if such evidence is later obtained a claim for refund of tax paid may be filed on Form 843, or a credit taken upon a subsequent return, but such action must be taken within the 4-year period of limitation prescribed by section 3313.

(7) No sale of a receiver may be made free of tax by the manufacturer to a dealer for resale to the United States. However, where a tax-paid receiver is sold by a dealer on or after November 1, 1951, to the United States for its exclusive use, the manufacturer may be allowed a credit or refund in the amount of tax paid on the article in accordance with the provisions of § 316.204.

(b) *Components for receivers.* (1) On and after November 1, 1951, no tax attaches under section 3404 (b) with respect to the sale by the manufacturer of any component named in such section for use by his vendee as material in the manufacture or production of, or as a component part of, a communication, detection, or navigation receiver of the type used in commercial, military, or marine installations if such receiver is to be sold by such vendee to the United States for its exclusive use.

(2) To establish the right to exemption with respect to any component taxable under section 3404 (b), the manufacturer must obtain prior to or at the time of the sale, and retain in his possession, a certificate substantially in the

form prescribed below showing that the article is to be used by his vendee as material in the manufacture or production of, or as a component part of, a communication, detection, or navigation receiver of the type used in a commercial, military, or marine installation which the vendee will manufacture and sell to the United States for its exclusive use.

(3) If any person purchases a component free of tax under an exemption certificate for use in the manufacture of a receiver of the character described above to be sold to the United States for its exclusive use and if the component is not so used or, being so used, the receiver is not so sold, such person shall be considered the manufacturer of such component and shall be liable for tax on his use or resale of the component.

(4) The following form of exemption certificate will be acceptable for the purpose of this paragraph:

EXEMPTION CERTIFICATE

(To support tax-free sales of components under section 3404 (b) of the Internal Revenue Code, as amended by section 482 of the Revenue Act of 1951, to manufacturers of communication, detection, or navigation receivers for sale to the United States.)

_____, 19__.
(Date)

The undersigned hereby certifies that he is engaged in the manufacture of _____
(Communication, detection, or navigation)
_____ receivers of the types used in _____
(Commercial, military, _____ installations; that the articles or marine)

specified in the accompanying order or contract will be used by him as material in the manufacture or production of, or as a component part of, such receivers; and that the receivers will be sold by him to the United States for its exclusive use.

It is understood that if any of the components purchased under this certificate are resold separately by the undersigned, or are used for any purposes other than that stated above, the undersigned will be considered as the manufacturer of the components so purchased and shall pay to the Government the tax on such resale or use unless his resale or use of the articles is exempt from tax under another provision of the law.

It is further understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

_____
(Name)

_____
(Address)

(5) If it is impracticable to furnish a separate exemption certificate with each order or contract, a certificate covering all orders between given dates (such period not to exceed six months) will be acceptable.

(6) The certificates and proper records of orders, invoices, etc., shall be retained by the manufacturer of the components as provided in § 316.202.

(7) Where a certificate is not in the possession of the manufacturer at the time he sells the components, he is liable for the tax and is not entitled to a credit or refund on the ground that the receiver is to be sold by his vendee to the United States. The manufacturer of the receiver may, however, be allowed a credit or refund in the amount of the tax paid on the components in accordance with the provisions of § 316.204 after he sells the receiver to the United States.

(8) The exemption provided for under this paragraph extends only to the sale of taxable components known to be intended for use by the vendee as material in the manufacture or production of, or as a component part of, a communication, detection, or navigation receiver to be sold by such vendee to the United States for its exclusive use. The exemption does not extend to the sale of a taxable component to the manufacturer of another component even though the latter component is to be sold to a manufacturer for use as material in the manufacture or production of, or as a component part of, a communication, detection, or navigation receiver to be sold by such manufacturer to the United States for its exclusive use. The limitation of this exemption is illustrated by the following example: A holds a prime contract with the United States for the manufacture of a detection receiver: B subcontracts with A to supply A with the chassis to be used in the manufacture of such receiver; and C subcontracts with B to supply B with certain taxable tubes to be used in the manufacture of the chassis. A is not required to pay tax on his sale of the complete receiver to the United States. B, likewise, is not required to pay tax on his sale of the chassis to A. However, C is required to pay tax on his sale of tubes to B, since B is not the manufacturer of the detection receiver sold to the United States.

(9) For provisions with respect to tax-free sales for further manufacture under section 3442, see §§ 316.20 to 316.23, inclusive.

PAR. 20. Immediately preceding § 316.70, there is inserted the following:

SEC. 483. TAX-FREE SALES OF REFRIGERATOR COMPONENTS TO WHOLESALERS FOR RESALE TO MANUFACTURERS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 3405 (b) is hereby amended by inserting "(hereinafter referred to as 'refrigerating equipment')" before the period at the end of the first sentence and by striking out the second and third sentences and inserting in lieu thereof the following: "Under regulations prescribed by the Secretary, the tax under this subsection shall not apply in the case of sales of any such refrigerator components by the manufacturer, producer, or importer to (1) a manufacturer or producer of refrigerating equipment, or (2) a vendee for resale to a manufacturer or producer of refrigerating equipment if such components are in due course so resold. If any such refrigerator components are resold by the manufacturer or producer to whom sold or resold otherwise than on or in connection with, or with the sale of, complete refrigerating equipment manufactured or produced by him, then for the purposes of this section such manufacturer or producer shall be considered the manufacturer or producer of the refrigerator components so resold by him."

PAR. 21. Section 316.70, as amended by Treasury Decision 5854, is further amended by striking out the first sentence of paragraph (c) (4) and inserting in lieu thereof a new sentence to read as follows: "A manufacturer of household type refrigerators, other type refrigerators, household type units for the quick freezing or frozen storage of foods, other quick-freeze units, or refrigerating or cooling apparatus may purchase tax free for use as components in the manufacture of such articles any of the refrigerating and freezing apparatus specified in section 3405 (b)."

PAR. 22. Section 316.71, as amended by Treasury Decision 5854, is further amended by striking out the last sentence of paragraph (b) and inserting in lieu thereof a new sentence to read as follows: "Sales of such refrigerating apparatus as component parts of complete refrigerators, refrigerating or cooling apparatus, or quick-freeze units are not subject to tax."

PAR. 23. Section 316.72, as added by Treasury Decision 5854, is amended as follows:

(A) By redesignating paragraphs (e), (f), (g), (h), (i) and (j) as paragraphs (i), (j), (k), (l) and (m) and by striking paragraph (d) and inserting in lieu thereof the following:

(d) Prior to November 1, 1951, this exemption from tax does not apply in the case of a sale of refrigerator components by the manufacturer thereof to a wholesaler, jobber, dealer, etc., where such wholesaler, jobber, dealer, etc., does not qualify as a manufacturer of complete refrigerators, refrigerating or cooling apparatus, or quick-freeze units.

(e) On and after November 1, 1951, a manufacturer of taxable refrigerator components, as specified in section 3405 (b), may sell such refrigerator components tax free to a wholesaler, jobber, dealer, or any other person buying for resale to a manufacturer of complete refrigerators, refrigerating or cooling apparatus, or quick-freeze units. Tax-free sales of such refrigerator components may not be made to repairmen or servicemen for repair or service work.

(f) In order to make a tax-free sale it is necessary that the manufacturer of the components (1) obtain from the wholesaler, etc., prior to or at the time of the sale and retain in his possession, a statement showing that the component is being purchased for resale to a manufacturer of complete refrigerators, refrigerating or cooling apparatus, or quick-freeze units, and (2) obtain proof that the component has been so resold. Such proof shall be either an exemption certificate in the form set forth below properly executed by the manufacturer purchasing the component for further manufacture, or a statement by the wholesaler, etc., that he has obtained from his vendee, and has in his possession, available for inspection by internal revenue officers, such a certificate. The statement referred to in subparagraph (1) of this paragraph suspends the liability of the manufacturer of the component for payment of the tax for a period of two months from the date of his sale. If within such period the manufacturer of the component has not obtained proof of the tax-free character of the resale by the wholesaler, etc., then the temporary suspension of liability for the payment of the tax ceases, and the

manufacturer of the component shall include the tax on the sale of such component in his return for the month in which such 2-month period expires. If such proof subsequently becomes available, a credit for the tax paid may be taken upon a subsequent return or a claim for refund may be filed at any time within the 4-year period of limitation prescribed by section 3313.

(g) Where the manufacturer of the taxable component elects to pay the tax instead of making a tax-free sale, he may take a credit or file a refund claim for the tax so paid when he has in his possession the evidence set forth above with respect to tax-free sales.

(h) The foregoing exemption and credit or refund provisions apply only where there is not more than one intervening sale between the manufacturer of the component and the manufacturer of the complete refrigerator, refrigerating or cooling apparatus, or quick-freeze unit.

(B) By striking out the words "refrigerators, refrigerating and cooling apparatus, or quick-freeze units" in the first paragraph of the "Exemption Certificate" and inserting in lieu thereof the words "complete refrigerators, refrigerating or cooling apparatus, or quick-freeze units".

PAR. 24. Immediately preceding § 316.90, there is inserted the following:

SEC. 484. SPORTING GOODS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 3406 (a) (1) (relating to manufacturers' excise tax on sporting goods) is hereby amended to read as follows:

(1) *Sporting goods.* Badminton nets; badminton rackets (measuring 22 inches over all or more in length); badminton racket frames (measuring 22 inches over all or more in length); badminton racket string; badminton shuttlecocks; badminton standards; billiard and pool tables (measuring 45 inches over all or more in length); billiard and pool balls and cues for such tables; bowling balls and pins; clay pigeons and traps for throwing clay pigeons; cricket balls; cricket bats; croquet balls and mallets; curling stones; deck tennis rings, nets, and posts; golf bags (measuring 26 inches or more in length); golf balls; golf clubs (measuring 30 inches or more in length); lacrosse balls; lacrosse sticks; polo balls; polo mallets; skis; ski poles; snowshoes; snow toboggans and sleds (measuring more than 60 inches over all in length); squash balls; squash rackets (measuring 22 inches over all or more in length); squash racket frames (measuring 22 inches over all or more in length); squash racket string; table tennis tables, balls, nets, and paddles; tennis balls; tennis nets; tennis rackets (measuring 22 inches over all or more in length); tennis racket frames (measuring 22 inches over all or more in length); tennis racket string; 15 per centum, except that on and after April 1, 1954, the rate shall be 10 per centum; fishing rods, creels, reels, and artificial lures, baits, and flies; 10 per centum.

PAR. 25. Section 316.90, as added by Treasury Decision 5099, is amended as follows:

(A) By redesignating present paragraphs (a) through (d) as subparagraphs (1) through (4) and by changing the headnote to read as follows:

§ 316.90 *Scope of tax*—(a) *For the period October 1, 1941, to October 31, 1951, inclusive.* • • •

(B) By adding at the end thereof the following:

(b) *For the period beginning November 1, 1951.* On and after November 1, 1951, the tax does not apply with respect to sales of the following:

Baseball paraphernalia and equipment.
Basketball paraphernalia and equipment.
Football paraphernalia and equipment.
Hockey paraphernalia and equipment.
Indoor baseball paraphernalia and equipment.
Soccer paraphernalia and equipment.
Softball paraphernalia and equipment.
Volley ball paraphernalia and equipment.
Water polo paraphernalia and equipment.
Wrestling paraphernalia and equipment.
Boxing apparatus and equipment.
Fencing apparatus and equipment.
Track apparatus and equipment.
Gymnasium apparatus and equipment.
Push balls.
Mass balls.
Skates.
Snow toboggans and sleds (measuring sixty inches or less overall in length).

All articles subject to tax during the period October 1, 1941 to October 31, 1951, inclusive, and not listed above continue to be subject to tax.

PAR. 26. Section 316.91, as added by Treasury Decision 5099, is amended to read as follows:

§ 316.91 *Rates of tax.* The tax is payable by the manufacturer on the sale price of the articles listed at the rates specified below:

(a) All articles, except fishing tackle:

	Percent
October 1, 1941 to October 31, 1951, inclusive	10
November 1, 1951 to March 31, 1954, inclusive	15
On and after April 1, 1954	10

(b) Fishing tackle:

	Percent
All periods	10

In each case the taxable price shall be determined in accordance with the provisions of §§ 316.8 to 316.15, inclusive.

PAR. 27. Immediately preceding § 316.110, there is inserted the following:

SEC. 485. ELECTRIC, GAS, AND OIL APPLIANCES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 3406 (a) (3) (relating to manufacturers' excise tax on electric, gas, and oil appliances) is hereby amended (1) by striking out "Electric direct motor-driven fans and air circulators"; and inserting in lieu thereof "Electric direct motor-driven fans and air circulators (not of the industrial type); and the following appliances of the household type:", (2) by striking out "electric heating pads and blankets" and inserting in lieu thereof "electric blankets, sheets, and spreads," and (3) by inserting after "juicers;" the following: "electric belt-driven fans; electric exhaust blowers; electric or gas clothes driers; electric door chimes; electric dehumidifiers; electric dishwashers; electric floor polishers and waxers; electric food choppers and grinders; electric hedge trimmers; electric ice cream freezers; electric mangles; electric motion or still picture projectors; electric pants pressers; electric garbage disposal units; and power lawn mowers;".

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SEC. 4. Notwithstanding the provisions of section 490 of the Revenue Act of 1951, the effective date of so much of the amendment made by section 485 of such Act to section 3406 (a) (3) of the Internal Revenue Code as relates to electric heating pads shall be April 1, 1952.

PAR. 28. Section 316.110, as amended by Treasury Decision 5348, is further amended as follows:

(A) By redesignating present paragraphs (a) through (d) as subparagraphs (1) through (4) and by changing the heading to read as follows:

§ 316.110 *Scope of tax*—(a) *For the period October 1, 1941, to October 31, 1951, inclusive.* • • •

(B) By adding the following new paragraphs at the end thereof:

(b) *For the period beginning November 1, 1951*—(1) *Electric direct motor-driven fans and air circulators.* On and after November 1, 1951, section 3406 (a) (3) imposes a tax on sales by the manufacturer of all electric direct motor-driven fans and air circulators except those of the industrial type. The following list is illustrative of the direct motor-driven fans and air circulators which are of the non-industrial type and therefore subject to tax:

Ceiling fans of the wood blade type (regardless of whether the blades are made of wood or other material).
Hassock type radial discharge fans and air circulators and modifications thereof, regardless of blade diameter.
Exhaust or intake ventilating fans of the household type for use in window or attic.
Exhaust or intake ventilating fans of the household kitchen type (built-in wall and built-in ceiling types).
Desk, bracket, and pedestal type fans and air circulators with blade diameter of 16 inches and less.

(2) *Household type electric, gas, or oil appliances.* On and after November 1, 1951, section 3406 (a) (3) imposes a tax on sales by the manufacturer of the appliances listed below if they are of the household type. The term "household type" is general in application so that any article falling within the category of those named in the following list is considered of the "household type" and subject to tax if it has an actual practical commercial fitness for household use or if it is specifically designed and constructed for use in the household:

Electric, gas, or oil water heaters.
Electric flat irons.
Electric air heaters (not including furnaces).
Electric immersion heaters.
Electric blankets, sheets, and spreads.
Electric heating pads (only if sold prior to April 1, 1952).
Electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises.
Electric mixers, whippers, and juicers.
Electric belt-driven fans.
Electric exhaust blowers.
Electric or gas clothes driers.
Electric door chimes.
Electric dehumidifiers.
Electric dishwashers.
Electric floor polishers and waxers.
Electric food choppers and grinders.
Electric hedge trimmers.
Electric ice cream freezers.
Electric mangles.
Electric motion or still picture projectors.

Electric pants pressers.
Electric garbage disposal units.
Power lawn mowers.

(3) *Parts or accessories.* The tax also attaches to any parts or accessories sold on or in connection with, or with the sale of, any taxable direct motor-driven fan or air circulator or any household type appliance.

PAR. 29. Immediately preceding § 316.120, there is inserted the following:

SEC. 486. ADJUSTMENTS OF TAX RATES ON PHOTOGRAPHIC APPARATUS AND FILM; REPEAL OF TAX ON CERTAIN ITEMS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Items subject to tax.* Section 3406 (a) (4) (relating to the manufacturers' excise tax on photographic apparatus) is hereby amended to read as follows:

(4) *Photographic apparatus.* Cameras and camera lenses, and unexposed photographic film in rolls (including motion picture film), 20 per centum. The tax imposed under this paragraph shall not apply to X-ray cameras, to cameras weighing more than four pounds exclusive of lens and accessories, to still camera lenses having a focal length of more than one hundred and twenty millimeters, to motion picture camera lenses having a focal length of more than thirty millimeters, to X-ray film, to film more than one hundred and fifty feet in length, or to film more than twenty-five feet in length and more than thirty millimeters in width. Any person who acquires unexposed photographic film not subject to tax under this paragraph and sells such unexposed film in form and dimensions subject to tax hereunder (or in connection with a sale cuts such film to form and dimensions subject to tax hereunder) shall for the purposes of this subsection be considered the manufacturer of the film so sold by him.

(b) *Floor stocks refunds on bulbs.* (1) With respect to any photo-flash or other bulb upon which the tax imposed under section 3406 (a) (4) of the Internal Revenue Code has been paid, and which on the effective date specified in section 489 of this Act is held by any person and intended for sale, or for use in the manufacture or production of any article intended for sale, there shall be credited or refunded to the manufacturer or producer of such bulb (without interest), subject to such regulations as may be prescribed by the Secretary, and amount equal to so much of the tax so paid as has been paid by such manufacturer or producer to such person as reimbursement for the elimination on such effective date of the tax on such bulb, if claim for such credit or refund is filed with the Secretary prior to the expiration of three months after such effective date. No credit or refund shall be allowable under this paragraph for any bulb held by any person for sale which was purchased by such person as a component part of any other article.

(2) No person shall be entitled to credit or refund under paragraph (1) unless he has in his possession such evidence of the inventories with respect to which he has made the reimbursements described in paragraph (1) as the regulations under paragraph (1) shall prescribe.

(3) All provisions of law, including penalties, applicable with respect to the tax imposed under section 3406 (a) (4) of the Internal Revenue Code shall, insofar as applicable and not inconsistent with this subsection, be applicable in respect of the credits and refunds provided for in this subsection to the same extent as if such credits or refunds constituted credits or refunds of such taxes.

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That (a) the second sentence of section 3406 (a) (4) of the Internal Revenue Code as amended by section 486 (a) of the Revenue Act of 1951 is further amended by adding after the comma following the words "to X-ray film" the following: "to unperforated microfilm,".

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PAR. 30. Section 316.120, as amended by Treasury Decision 5189, approved November 30, 1942, is further amended as follows:

(A) By redesignating present paragraphs (a) through (h) as subparagraphs (1) through (8) and by changing the heading to read as follows:

§ 316.120 *Scope of tax*—(a) *For the period October 1, 1941, to October 31, 1951, inclusive.* • • •

(B) By adding at the end thereof the following:

(b) *For the period beginning November 1, 1951.* (1) On and after November 1, 1951, section 3406 (a) (4) imposes a tax on sales by the manufacturer of the following articles:

Cameras (other than X-ray cameras) weighing four pounds or less exclusive of lens and accessories.
Still camera lenses having a focal length of one hundred and twenty millimeters or less.
Motion picture camera lenses having a focal length of thirty millimeters or less.
Unexposed photographic film (other than X-ray film and unperforated microfilm) in rolls (1) one hundred and fifty feet or less in length and thirty millimeters or less in width and (2) twenty-five feet or less in length and more than thirty millimeters in width.
Parts or accessories of any of the above articles sold on or in connection therewith, or with the sale therof.

(2) Beginning November 1, 1951, any person who acquires unexposed photographic film in dimensions not subject to tax and cuts such film to dimensions which are subject to tax shall be considered the manufacturer of such film and shall be liable for tax on his sales of such cut film.

PAR. 31. Section 316.122, as amended by Treasury Decision 5189, is further amended to read as follows:

§ 316.122 *Rates of tax.* The tax is payable by the manufacturer on the sale price of the articles listed at the rates specified below:

(a) Cameras and lenses:

	Percent
October 1, 1941 to October 31, 1942, inclusive	10
November 1, 1942 to October 31, 1951, inclusive	25
On and after November 1, 1951	20

(b) Unexposed photographic film in rolls (except X-ray film):

	Percent
October 1, 1941 to October 31, 1942, inclusive	10
November 1, 1942 to October 31, 1951, inclusive	15
On and after November 1, 1951	20

(c) Unperforated microfilm:

	Percent
October 1, 1941 to October 31, 1942, inclusive	10
November 1, 1942 to October 31, 1951, inclusive	15
On and after November 1, 1951	None

(d) Unexposed photographic plates and sensitized paper:

	Percent
October 1, 1941 to October 31, 1942, inclusive	10
November 1, 1942 to October 31, 1951, inclusive	15
On and after November 1, 1951	None

(e) Photographic apparatus and equipment:

	Percent
October 1, 1941 to October 31, 1942, inclusive	10
November 1, 1942 to October 31, 1951, inclusive	25
On and after November 1, 1951	None

(f) Apparatus and equipment designed for use in taking, developing, etc., pictures:

	Percent
October 1, 1941 to October 31, 1942, inclusive	10
November 1, 1942 to October 31, 1951, inclusive	25
On and after November 1, 1951	None

In each case the taxable sale price shall be determined in accordance with the provisions of §§ 316.8 to 316.15, inclusive.

PAR. 32. Immediately following § 316.194, there is inserted the following:

SEC. 488. REPEAL OF TAX ON ELECTRICAL ENERGY (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Repeal of tax.* Section 3411 (relating to tax on electrical energy for domestic or commercial consumption), and sections 3441 (d) and 3447 (c) (related provisions), are hereby repealed.

(b) *Effective date.* (1) Except as provided in paragraph (2), the provisions of subsection (a) shall apply to electrical energy sold on or after the first day of the first month which begins more than ten days after the date of the enactment of this act.

(2) In the case of electrical energy sold which is billed to the customer for a period beginning before the effective date specified in paragraph (1) and ending on or after such date, the provisions of subsection (a) shall apply to that portion of the amount billed for the electrical energy sold during such period which the number of days in such period on and after such effective date bears to the total number of days in such period. This section shall not apply to electrical energy sold before such effective date for which a bill was rendered prior to such date.

§ 316.195 *Termination of tax.* Effective November 1, 1951, no tax shall apply to electrical energy sold for domestic or commercial consumption on or after that date. Whether or not the tax is applicable is dependent upon the period during which the electrical energy was sold and not upon the date the bill for such electrical energy was rendered to the purchaser. Therefore, the tax will apply to electrical energy sold before November 1, 1951, regardless of whether the bill was rendered to the purchaser before or after that date. Where electrical energy is sold and billed to the customer for a period beginning prior to November 1, 1951, and ending on or after

such date, the tax will not apply to that portion of the total amount billed which the number of days in such period on and after November 1, 1951, bears to the total number of days in the entire period. For example, if a bill is rendered for the period October 15, 1951, to November 14, 1951 (both dates inclusive), a total of 31 days, no tax will apply to fourteen thirty-firsts of the total amount billed.

PAR. 33. The heading "Subpart U—Miscellaneous Provisions", as designated by Treasury Decision 5099, is redesignated as "Subpart V—Miscellaneous Provisions", and immediately following Subpart T a new Subpart U is added to read as follows:

SUBPART U—MECHANICAL PENCILS, FOUNTAIN AND BALL POINT PENS, AND MECHANICAL LIGHTERS FOR CIGARETTES, CIGARS, AND PIPES

SEC. 487. IMPOSITION OF TAX ON MECHANICAL PENCILS, FOUNTAIN AND BALL POINT PENS, AND MECHANICAL LIGHTERS FOR CIGARETTES, CIGARS, AND PIPES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Chapter 29 (relating to manufacturers' excise and import taxes) is hereby amended by adding after section 3407 the following new section:

SEC. 3408. TAX ON MECHANICAL PENCILS, FOUNTAIN AND BALL POINT PENS, AND MECHANICAL LIGHTERS FOR CIGARETTES, CIGARS, AND PIPES.

(a) *Imposition of tax.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equal to 15 per centum of the price for which so sold: Mechanical pencils, fountain pens, and ball point pens; mechanical lighters for cigarettes, cigars, and pipes.

(b) *Exemption if article taxable as jewelry.* No tax shall be imposed under this section on any article taxable under section 2400 (relating to jewelry tax). If any article, on the sale of which tax has been paid under this section, is further manufactured or processed resulting in an article taxable under section 2400, the person who sells such article at retail shall, in the computation of the retailers' excise tax due on such sale, be entitled to a credit or refund in an amount equal to the tax paid under this section.

§ 316.196 *Scope of tax.* The tax imposed by section 3408 attaches to the sale by the manufacturer on and after November 1, 1951, of mechanical pencils, fountain pens, ball point pens, and mechanical lighters for cigarettes, cigars, and pipes.

§ 316.197 *Use of terms.* (a) The term "mechanical pencil" includes any writing instrument containing a movable marking or writing substance in which the desired length of the marking or writing substance is controlled by a locking, propelling or repelling device.

(b) The term "fountain pen" includes a writing instrument of the type equipped with a reservoir for holding ink or other writing fluid which feeds the point when the instrument is in use.

(c) The term "ball point pen" includes a writing instrument of the type having an inking reservoir or magazine which feeds a ball writing part when the instrument is in use.

(d) The term "mechanical lighters for cigarettes, cigars, and pipes" includes any articles designed to produce by means of any type of mechanical action a flame or other heat generating source for the lighting of cigarettes, cigars, and pipes.

§ 316.198 *Exemption if articles taxable as jewelry.* (a) The tax imposed by section 3408 does not apply to the sale by the manufacturer of any article named therein if such article is, when sold, subject to the tax imposed by section 2400 (relating to jewelry, etc.). For further details, see § 320.33 (Regulations 51).

(b) Where subsequent to the sale by the manufacturer and prior to the sale at retail, any article named in section 3408 is further manufactured or processed in any manner so that it becomes subject to the tax imposed under section 2400, the person who sells such article at retail shall, in computing the retailers' excise tax due on such sale, be entitled to a credit or refund in an amount equal to the tax paid under section 3408. However, such credit or refund is not allowable to the manufacturer who originally paid tax under section 3408, but is allowable only to the person who sells the article at retail.

§ 316.199 *Rate of tax.* The tax is payable by the manufacturer at the rate of 15 per cent of the sale price as determined under §§ 316.8 to 316.15, inclusive.

PAR. 34. Immediately preceding § 316.204, there is inserted the following:

SEC. 481. AUTOMOBILES, TRUCKS, AND PARTS OR ACCESSORIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(f) *Parts or accessories for farm equipment.* Section 3443 (a) (3) (A) is hereby amended by striking out the period at the end of clause (v) and inserting in lieu thereof a semicolon, and by inserting after clause (v) the following:

(vi) in the case of articles taxable under section 3403 (c) (other than spark plugs, storage batteries, leaf springs, coils, timers, and tire chains), used or resold for use as repair or replacement parts or accessories for farm equipment (other than equipment taxable under subsection (a) or (b) of section 3403);.

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SEC. 482. NAVIGATION RECEIVERS SOLD TO THE UNITED STATES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(c) *Refund in case of use of parts.* Section 3443 (a) (1) (relating to credits and refunds) is hereby amended to read as follows:

(1) To a manufacturer or producer, in the amount of any tax under this chapter which has been paid with respect to the sale of—

(A) Any article (other than a tire, inner tube, or automobile radio or television receiving set taxable under section 3404) purchased by him and used by him as material in the manufacture or production of, or as a component part of, an article with respect to which tax under this chapter has been paid, or which has been sold free of tax by virtue of section 3442, relating to tax-free sales;

(B) any article described in section 3404 (b) purchased by him and used by him as material in the manufacture or production of, or as a component part of, communication, detection, or navigation receivers of the type used in commercial, military, or marine installations if such receivers have been sold by him to the United States for its exclusive use.

(d) *Refund in case of resale to United States.* Section 3443 (a) (3) (A) is hereby amended by adding at the end thereof the following:

(vii) in the case of a communication, detection, or navigation receiver of the type used in commercial, military, or marine installations resold to the United States for its exclusive use.

* * * * *

PAR. 35. Section 316.204, as amended by Treasury Decision 5880, approved February 11, 1952, is further amended as follows:

(A) By inserting "(1)" immediately after the words "with respect to the sale of" in the first sentence of the paragraph (a) and by changing the period at the end thereof to a comma and adding the following: "Or (2) any article described in section 316.61 purchased and used by such manufacturer as a component part of a receiver of the type described in § 316.61a which is sold by him on or after November 1, 1951, directly to the United States for its exclusive use."

(B) By adding at the end thereof the following new paragraphs:

(m) By virtue of the provisions of section 3443 (a) (3) (A) (vii) of the Code, as added by section 482 (d) of the Revenue Act of 1951, a manufacturer of a communication, detection, or navigation receiver of the type used in commercial, military, or marine installations may be allowed a refund or may take credit on a subsequent return in the amount of any tax paid by him on the sale of such a receiver, if on or after November 1, 1951, such receiver is sold by any person to the United States for its exclusive use. Refund or credit will be allowed in such cases only upon the submission of the evidence required by the preceding paragraphs relating to transactions within the scope of section 3443 (a) (3) (A).

(n) Under the provisions of section 3443 (a) (3) (A), prior to November 1, 1951, no credit or refund was allowable with respect to tax paid on automobile parts or accessories sold for use or for resale for use as repair or replacement parts or accessories for farm equipment even though it was known at the time of the sale that the articles would be so used. On and after November 1, 1951, a manufacturer may be allowed a refund or may take credit against the tax shown to be due upon any subsequent monthly return, in the amount of tax paid by him with respect to the sale of any article taxable under section 3403 (c) (other than spark plugs, storage batteries, leaf springs, coils, timers, and tire chains) used, or resold for use, on or after November 1, 1951, as a repair or replacement part or as an accessory for farm equipment (other than equipment taxable under subsection (a) or (b) of section 3403), provided he can establish the date the tax on his sale of such article was paid to the United States and the amount of such tax, and he has in his possession a certificate from the ultimate vendor in the form prescribed in the following paragraph. Where the certificate is obtained prior to the time the manufacturer is required to file a return covering taxes due for the month in which the sale was made, he should include the tax on such sale in his return for that month, in the item "Total tax due", but he may deduct an amount equivalent to the tax applicable to such sale and pay the net tax resulting, making appropriate explanation on a rider attached to the return. If the certificate is not so obtained, the manufacturer must include the tax on such sale in his return for the month in which the sale was made and when the certificate is later obtained he may file a claim for refund on Form 843, or take a credit upon any subsequent return, but such action must be taken within the four-year period of limitation prescribed by section 3313.

(o) The following is the form of certificate which will be acceptable for the purposes of paragraph (n) of this section.

CREDIT OR REFUND CERTIFICATE

(For use by ultimate vendors (retailers, repairmen, etc.) to support a credit or claim for refund under section 3443 (a) (3) (A) (vi) of the Internal Revenue Code.)

The undersigned vendor hereby certifies that the automobile parts or accessories (other than spark plugs, storage batteries, leaf springs, coils, timers, and tire chains) specified below or on the reverse side hereof were purchased tax paid and used, or resold for use by his vendee, as repair or replacement parts or accessories for farm equipment (other than automobile truck chassis and bodies, etc., taxable under section 3403 (a) or (b) of the Internal Revenue Code); that the purpose for which such parts or accessories were used or resold comes within the credit or refund provision of section 3443 (a) (3) (A) (vi) of the Internal Revenue Code, as added by section 481 (f) of the Revenue Act of 1951; that he consents to the allowance of a credit or refund to

_____
(Name and address of manufacturer)

in the amount of the tax paid by such manufacturer on the sale of the articles; and that he has not heretofore given his consent to the allowance of this credit or refund to any other manufacturer and has not made application for a credit or refund of this Federal tax from any other source.

It is understood by the undersigned that the fraudulent use of this certificate will subject him to a fine of not more than $10,000, or to imprisonment of not more than five years, or both, together with the cost of prosecution.

_____
(Name)

_____
(Address)

_____
(Date)

Suppliers' invoice No.	*Article and quantity*
Date of use or resale	*Name and address of customer*

If it is impracticable to furnish a separate certificate for each use or resale, a certificate covering each use or resale between given dates (such period not to exceed 6 months) will be acceptable. Such certificate and supporting records shall be retained by the manufacturer as provided by § 316.202.

[F. R. Doc. 52-12746; Filed, Dec. 1, 1952; 8:58 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

MISSOURI RIVER BASIN PROJECT, SOUTH DAKOTA

FIRST FORM RECLAMATION WITHDRAWAL

SEPTEMBER 15, 1952.

Pursuant to the authority delegated by Departmental Order No.. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902, (32 Stat. 388):

BLACK HILLS PRINCIPAL MERIDIAN, SOUTH DAKOTA

T. 1 N., R. 4 E.,
Sec. 1, Lot 2.
T. 2 N., R. 4 E.,
Sec. 36, NE¼SE¼, S½SE¼.
T. 1 N., R. 5 E.,
Sec. 3, SE¼SW¼;
Sec. 4, S½NW¼, E½SW¼;
Sec. 5, Lot 4, S½N½;
Sec. 6, Lots 1 and 2;
Sec. 10, SW¼NE¼, NE¼NW¼, N½SE¼;
Sec. 11, W½NE¼.
T. 2 N., R. 5 E.,
Sec. 31, Lots 5, 6, 13 to 19, incl., NW¼NE¼ SE¼;
Sec. 32, E½W½SW¼, E½SW¼, SE¼SE¼;
Sec. 33, SW¼SW¼;
Sec. 34, W½SW¼.

The above areas aggregate 1,357.77 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM PINCUS,
Assistant Director,
Bureau of Land Management.

NOVEMBER 14, 1952.

Notice for Filing Objections to Order Withdrawing Public Lands for the Missouri River Basin Project, South Dakota

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of South Dakota, for use in connection with the proposed Pactola Dam and Reservoir, Rapid Valley Unit, Missouri River Basin Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
Assistant Commissioner.

[F. R. Doc. 52-12714; Filed, Dec. 1, 1952; 8:52 a. m.]

RIVERTON PROJECT, WYOMING

PUBLIC NOTICE OF ANNUAL RENTAL CHARGES

NOVEMBER 13, 1952.

1. *Water rental.* Irrigation water will be furnished upon a rental basis during the irrigation seasons of 1953 and 1954, and thereafter until further notice to the irrigable lands described in Public Notice No. 28 for the North Pavillion area, and Public Notice No. 30 for the North Portal area, Riverton Project, Wyoming.

2. *Charges and terms of payment.* A minimum water rental charge shall be payable for irrigable lands described in Public Notices Nos. 28 and 30, whether water is used or not. Such minimum charge need not be paid in any year for any acreage which the Riverton Project Superintendent certifies to be temporarily non-irrigable during such year due to seepage, land subsidence, shallow or impermeable soils, or excessive amounts of salts. Payment of the minimum water rental charge will entitle the water user to two acre-feet of water per irrigable acre. The minimum charge shall be payable in advance on January 1 of each year and no water will be furnished until such charge is paid in full. Charges for water furnished in excess of two acre-feet per irrigable acre shall be payable on January 1 for water furnished during the preceding year.

(a) The minimum water rental charge for lands in the North Pavillion Area described in Public Notice No. 28 shall be $2.00 per irrigable acre. Water in addition to two acre-feet per irrigable acre, if available, shall be furnished at the rate of $0.60 for the first additional half acre-foot per irrigable acre and at the rate of $0.75 for the second additional half acre-foot per irrigable acre. All quantities in excess of a total of three acre-feet per irrigable acre shall be furnished at the rate of $2.00 per acre-foot.

(b) The minimum water rental charge for lands in the North Portal area described in Public Notice No. 30 shall be $1.50 per irrigable acre during 1953; and, thereafter until further notice, such charge shall be $2.00 per irrigable acre. During 1953 water in addition to two

Trend Gathering System, Inc., seeks a

The Commission finds:

and listed on the New York Stock Ex-

acre-feet, if available, shall be furnished at the rate of $0.50 for the first additional acre-foot per irrigable acre; and at the rate of $0.75 per acre-foot for each additional acre-foot thereafter. After 1953, and thereafter until further notice, water in addition to two acre-feet per irrigable acre, if available, shall be furnished at the rate of $0.60 for the first additional half acre-foot per irrigable acre and at the rate of $0.75 for the second additional half acre-foot per irrigable acre; and all quantities in excess of a total of three acre-feet per irrigable acre shall be furnished at the rate of $2.00 per acre-foot.

3. *Water for other lands.* Irrigation water, when available, will also be furnished at the rates described in paragraph 2, to other lands in the North Pavillion and North Portal areas upon the filing each year of a temporary water rental application covering such other lands. The approval of a water rental application for these lands shall not be deemed to constitute an action leading to a continuing right to receive water in subsequent years.

4. *Discounts and penalties.* If payment of the minimum charge is made on or before December 31, a discount of 5 percent of such charge will be allowed. If payment of the charge for additional water is made on or before December 31 of the year in which used, a discount of 5 percent of such charge will be allowed. If payment of the minimum charge is not made on April 1 of each year, and if payment for additional water furnished to any lands is not made on April 1, subsequent to the year in which such additional water is delivered, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue, and no water will be delivered until all charge and penalties have been paid in full.

5. *Place of payment.* Payment of water rental charges shall be made at the Reclamation Office in Riverton, Wyoming, or mailed to the Bureau of Reclamation, Riverton, Wyoming.

6. *Public Notices Nos. 28 and 30, supplemented.* This notice supersedes Public Notice No. 31 and supplements subparagraphs 24 (b) and 24 (c) of Public Notice No. 28, and subparagraphs 25 (b) and 25 (c) of Public Notice No. 30, Riverton Project.

K. F. VERNON,
Regional Director.

[F. R. Doc. 52-12713; Filed, Dec. 1, 1952; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6370]

DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER TO ARKANSAS POWER & LIGHT COMPANY

NOVEMBER 25, 1952.

In the matter of United States Department of Interior, and Southwestern Power Administration; Docket No. E-6370.

Notice is hereby given that pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 890) the Secretary of the Interior filed with the Federal Power Commission for confirmation and approval rates and charges for the sale of electric power and energy from the Norfolk and Bull Shoals Projects by the Southwestern Power Administration (SPA) to Arkansas Power & Light Company as set forth in the contract between the United States and Arkansas Power and Light Company executed September 22, 1952.

In summary, the contract between the parties provides as follows:

The term of the contract is for the period from date of its execution to January 1, 1954, or until service is begun under the contract dated January 29, 1952, between SPA, Arkansas Power & Light Company and Reynolds Metals Company which ever is earlier.

SPA will sell 12,000,000 kwh per month to the Company scheduled at a rate of delivery not less than 10,000 kw and not greater than 60,000 kw under SPA Rate Schedule "A" heretofore approved by the Commission.

SPA will sell to the Company such additional power and energy as it determines in its sole judgment to be available, to be scheduled and delivered, under SPA Rate Schedule "A" as the parties from time to time mutually agree.

SPA will sell to the Company off-peak dump energy at a rate of 1.25 mills per kwh.

The Company during its off-peak periods will supply SPA with power at a demand governed by the actual load of SPA's customers (but not to exceed 20,000 kw). In return SPA, in the following month, will deliver electric energy to the Company during on-peak hours at a rate derived by dividing by 200 the total number of kwh received by SPA during the previous month. The Company will compensate SPA for the capacity utilized in returning the energy at a rate of $0.70 per kw per month.

The proposed contract would supersede a similar existing agreement dated April 10, 1951, which expires December 31, 1952.

Any person desiring to make comments or suggestions with respect to the above should submit the same on or before December 15, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12743; Filed, Dec. 1, 1952; 8:56 a. m.]

[Docket No. E-6464]

ARIZONA PUBLIC SERVICE CO. AND NORTHERN ARIZONA LIGHT & POWER CO.

NOTICE OF APPLICATION

NOVEMBER 25, 1952.

Take notice that on November 24, 1952, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Arizona Public Service Company (hereinafter called "Public Service") and Northern Arizona Light and Power Company (hereinafter called "Northern"), both of which are corporations organized under the laws of the State of Arizona and doing business in said State, with their principal business offices at Phoenix, Arizona, and Prescott, Arizona, respectively. Applicants seek an order authorizing the merger or consolidation of all of the facilities of Northern with and into those of its parent, Public Service. The facilities to be merged are all of the facilities of Applicants, which are located in the State of Arizona; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 15th day of December 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12744; Filed, Dec. 1, 1952; 8:57 a. m.]

[Docket Nos. G-1947, G-1959]

TEXAS EASTERN TRANSMISSION CORP. AND WILCOX TREND GATHERING SYSTEM, INC.

ORDER OMITTING INTERMEDIATE DECISION AND FIXING DATE FOR ORAL ARGUMENT

NOVEMBER 25, 1952.

In the matter of Texas Eastern Transmission Corporation, Docket No. G-1947; Wilcox Trend Gathering System, Inc., Docket No. G-1959.

On October 22, 1952, counsel for Wilcox Trend Gathering System, Inc. (Wilcox) moved orally on the record that, pursuant to § 1.32 (c) of the Commission's rules of practice and procedure, the intermediate decision procedure in the above-entitled proceedings be waived and that oral argument before the Commission be granted in lieu of the filing of reply briefs. Counsel for Texas Eastern Transmission Corporation (Texas Eastern) joined in said motion. Commission Staff counsel and counsel for National Coal Association, et al., opposed said motion.

At the same time, Commission Staff counsel moved that the hearing stand in recess pending further order of the Commission. Said motion was supported by counsel for National Coal Association, et al., and was opposed by counsel for the Applicants.

Applicant, Texas Eastern Transmission Corporation, seeks a certificate of public convenience and necessity in Docket No. G-1947 to construct and operate a 24-inch natural-gas transmission pipeline which would extend approximately 315 miles from a point in Lavaca County, Texas, to a connection, with its existing 20-inch pipeline near Castor, Bienville Parish, Louisiana. Applicant Wilcox Trend Gathering System, Inc., seeks a certificate of public convenience and necessity authorizing it to construct and operate a natural-gas transmission pipeline, which would extend from a point in the Hagist Ranch Field in McMullen County, Texas, approximately 157 miles to a point of connection with Texas Eastern's proposed 24-inch line near Provident City, Texas.

Texas Eastern would purchase 100,000 Mcf of gas per day from Wilcox at the delivery point near Provident City, and would transport such gas, as well as gas purchased by it from producers in the area, through its proposed 24-inch pipeline to the connection with its existing system near Castor, Louisiana. These additional quantities of gas would enable Texas Eastern to supplement its existing reserves in Louisiana, which it appears are declining.

The record shows that Wilcox has entered into more than thirty gas-purchase contracts with producers in Texas, and that each of said contracts contains a provision that, if a certificate of public convenience and necessity is not issued to Wilcox on or before November 1, 1952, the producer may cancel the contract. This provision has been amended to extend the November 1 date to December 15, 1952. Wilcox alleges that if a certificate is not issued by or before December 15, 1952, the producers from whom Wilcox proposes to purchase gas may cancel their gas sales contracts. Texas Eastern alleges that if a certificate is not issued to Wilcox by said date, Texas Eastern will face the loss of the gas supplies now under contract. Texas Eastern further alleges that such additional supplies are necessary in order to insure its ability to meet the total requirements on the Texas Eastern system.

Wilcox furthe alleges, and the record shows, that one of its gas-purchase contracts requires that it commence to take or pay for gas on December 1, 1952, and that under certain other contracts, gas must be taken or paid for by January 31, 1953.

The Commission hereby takes official notice of the extraordinary and increasingly crowded state of its docket, and of the growing difficulties experienced in concluding proceedings before the Commission stemming from the limited availability of personnel, including presiding examiners, to hear and initially decide cases.

The Presiding Examiner allowed the parties opportunity to file briefs, and initial briefs have been submitted by the Applicants and by Commission Staff counsel. Counsel for the Applicants have requested, in addition to omission of the intermediate decision procedure, that oral argument before the Commission be granted in lieu of the filing of reply briefs.

The aforementioned motion by Commission Staff counsel to recess the hearing pending further order of the Commission alleges that the applications herein, by reason of the Supreme Court's denial of certiorari in Algonquin Gas Transmission Corporation et al. v. Northeastern Gas Transmission Company, et al. (No. 70 October Term 1952), are not ripe for decision.

The Commission finds:

(1) Due and timely execution of its functions imperatively and unavoidably requires that the Commission omit the intermediate decision procedure in the above-entitled proceedings.

(2) Good cause exists and it is appropriate in carrying out the provisions of the Natural Gas Act that the request of counsel for the Applicants for oral argument be granted and that decision be reserved on the motion filed by Commission Staff counsel to recess the hearings pending further order by the Commission.

The Commission orders:

(A) The intermediate decision be and the same is hereby omitted with respect to the proceedings in Docket Nos. G-1947 and G-1959.

(B) Oral argument before the Commission concerning all the matters involved and the issues presented in the above-entitled proceedings be and the same hereby is set for December 3, 1952, at 10 a. m., e. s. t., in the Hearing Room, Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(C) Decision on the motion by Commission Staff counsel to recess the hearing in the above-entitled matters pending further order of the Commission be and the same is hereby reserved.

Date of issuance: November 25, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12699; Filed, Dec. 1, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1467, 7-1468, 7-1469]

TWENTIETH CENTURY FOX FILM CORP. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of November A. D. 1952.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for Unlisted Trading Privileges in: Twentieth Century Fox Film Corporation, (Delaware), Common Stock, $1 Par Value, 7-1467; National Theatres, Inc., Common Stock, $1 Par Value, 7-1468; Washington Water Power Company, Common Stock, No Par Value, 7-1469.

The Philadelphia-Baltimore Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of Twentieth Century Fox Film Corporation (Delaware), registered and listed on the New York Stock Exchange; the Common Stock, $1 Par Value, of National Theatres, Inc., registered and listed on the New York Stock Exchange; and the Common Stock, No Par Value, of Washington Water Power Company, registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to December 23, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-12715; Filed, Dec. 1, 1952; 8:52 a. m.]

[File Nos. 70-2936, 70-2940]

REPUBLIC SERVICE CORP. AND GENERAL PUBLIC UTILITIES CORP.

ORDER AUTHORIZING PROPOSED CAPITAL CONTRIBUTION AND EXCHANGE OF SECURITIES

NOVEMBER 25, 1952.

In the matter of Republic Service Corporation, File No. 70-2936; and General Public Utilities Corporation, File No. 70-2940.

Republic Service Corporation ("Republic"), a registered holding company, having filed an application-declaration and an amendment thereto pursuant to sections 9 (a) and 12 (d) of the Public Utility Holding Company Act of 1935 ("the act") and the applicable Rules thereunder; and General Public Utilities Corporation ("GPU"), a non-affiliate, also a registered holding company, having filed an application-declaration relating to the same matter pursuant to sections 6, 7, 9, and 10 of the act and the applicable rules thereunder; which several transactions are summarized as follows:

Republic proposes to deliver to GPU all the outstanding capital stock of Republic's wholly owned subsidiary Brockway Light, Heat and Power Company ("Brockway"), being 1,000 common shares of the par value of $100 each, in exchange for 20,150 shares of the common stock of GPU of the par value of $5 each; and GPU proposes in turn to deliver to Republic 20,150 shares of its common stock, now held in its treasury, in exchange for the 1,000 common shares of Brockway. Immediately prior to the exchange, Republic proposes to contribute to Brockway the total amount of all open account indebtedness owing

by Brockway to Republic, which amounted to $50,000 as of June 30, 1952,

been received from the Borough within the period of time as extended by

financing is done, the proceeds there-

by Brockway to Republic, which amounted to $50,000 as of June 30, 1952.

Applicants state that Brockway is engaged in distributing electric energy in the Borough of Brockway and Snyder Township, in Jefferson County, Pennsylvania; that Brockway normally purchases all its electric energy requirements from GPU's subsidiary Pennsylvania Electric Company ("Penelec"), whose service area almost surrounds that of Brockway.

Republic represents that the exchange of its investment in Brockway for the GPU stock is a step in its over-all program to divest itself of its investments in its public utility subsidiaries and thus cease to be a holding company under the act. Republic expressly consents to the imposition of the following condition in the order of the Commission granting its application and permitting its declaration to become effective: That, within one year from the date of said order, Republic will either divest itself of its holdings of the GPU stock or cease to be a holding company as defined in the act.

GPU represents that it will retain Brockway as a part of its integrated electric utility system, and that it contemplates merging the properties of Brockway with those of Penelec. GPU states that closer coordination between Penelec's operations and those of Brockway will result in operating economies.

The applicants state that the exchange was effected by arm's-length bargaining, and that no brokerage fees or commissions will be paid in connection with the transactions. Republic estimates its expenses at approximately $2,500, including a legal fee of $1,200 and an accounting fee of $1,000. GPU estimates its expenses other than legal at approximately $750 and states that all legal work in its behalf is being done by its regularly retained counsel, whose over-all compensation will include compensation for services rendered herein. GPU's counsel state that their over-all compensation will include charges aggregating from $2,600 to $2,850 for their services in this matter.

Applicants further state that no other regulatory commission has jurisdiction over the steps to be taken in carrying out the proposed transactions, and they request that the Commission's order herein be made effective upon issuance.

Such applications-declarations having been duly filed, and notice of filing having been duly given as prescribed by Rule U-23, and the Borough of Brockway ("Borough") having filed an objection to the consummation of the proposed transactions, expressing an interest in acquiring Brockway's properties for municipal ownership and operation, and having requested an extension to December 1, 1952, of the period within which a request for hearing might be filed; and the Commission on November 17, 1952, having authorized an extension for one week, or until November 24, 1952, of the period within which the Borough might request a hearing and having forthwith notified the Borough of such extension of time; and no request for hearing having been received from the Borough within the period of time as extended, nor from any other person, and no hearing having been ordered; and

The Commission finding with respect to said applications-declarations as amended that the applicable provisions of the act and rules are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said applications-declarations as amended be granted and permitted to be come effective, subject to the terms and conditions hereinafter stated:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act:

(1) That the amended application-declaration filed by Republic herein be and is hereby granted and permitted to become effective forthwith; subject, however, to the condition that within one year from the date of this order Republic shall either divest itself of its holdings of the GPU stock or cease to be a holding company as defined in the act;

(2) That the application-declaration filed by GPU herein be and is hereby granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12716; Filed, Dec. 1, 1952; 8:53 a. m.]

[File No. 70-2959]

ARLINGTON GAS LIGHT CO.

NOTICE REGARDING FILING OF PROPOSED NOTE ISSUES

NOVEMBER 25, 1952.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Arlington Gas Light Company ("Arlington"), a public-utility subsidiary company of New England Electric System, a registered holding company. Arlington has designated sections 6 (a) and 7 of the act and Rule U-23 thereunder as applicable to the proposed transactions, which are summarized as follows:

The declaration states that Arlington presently has outstanding $1,435,000 principal amount of 3¼ percent promissory notes due April 1, 1953, issued pursuant to a bank loan agreement with the National City Bank of New York. Arlington proposes to issue to this bank, from time to time but not later than December 31, 1952, additional unsecured promissory notes in an aggregate principal amount not in excess of $350,000 and upon the same terms and conditions as the presently outstanding notes.

Arlington desires to issue the proposed notes in order to have available funds for the temporary financing of its construction program through December 31, 1952, and to reimburse its treasury for prior construction expenditures. Arlington proposes that if any permanent financing is done, the proceeds therefrom will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $500. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Arlington requests that the Commission's Order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than December 8, 1952, at 5:30 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12717; Filed, Dec. 1, 1952; 8:53 a. m.]

[File No. 70-2954]

PHILADELPHIA CO. ET AL.

ORDER PERMITTING TAX AGREEMENT AMONG PARENT AND SUBSIDIARIES

NOVEMBER 25, 1952.

In the matter of Philadelphia Company, Duquesne Light Company, Allegheny County Steam Heating Company, Cheswick and Harmar Railroad Company; File No. 70-2954.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company ("Standard") also a registered holding company, Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia, and Allegheny County Steam Heating Company ("Allegheny"), and Cheswick and Harmar Railroad Company ("Cheswick"), nonutility subsidiaries of Duquesne, having filed a joint declaration, and amendments thereto, pursuant to section 12 (f) of the act and Rule U-45 promulgated thereunder with respect to the following transactions:

On October 1, 1952, the Commission approved Steps I and I-A of a plan of liquidation of Standard, filed pursuant to section 11 (e) of the act. (Holding Company Act Release No. 11510.) Step I involves the retirement of the Prior Preference Stock of Standard through the distribution of portfolio stocks of Standard, including common stock of Duquesne. Step I-A involves the settlement of various intercompany claims between Standard and its parent Standard Power and Light Corporation ("Power"), also a registered holding company, and provides, among other things, for the transfer of 31,000 shares of the common stock of Duquesne by Standard to Power. On November 7, 1952, the United States District Court for the District of Delaware issued an order approving and enforcing Steps I and I-A. Standard has indicated that it intends to consummate these Steps on December 1, 1952.

It is also proposed under Step I of the aforementioned plan that Philadelphia will enter into separate agreements with Duquesne and its subsidiaries Allegheny and Cheswick with respect to the apportionment of Federal income and excess profits taxes, and refunds thereof, if any, covering the period from 1942 through 1950 during which such companies joined with Standard in the filing of consolidated tax returns. The agreement with Duquesne provides in substance that (a) Duquesne will pay its share (as determined under previous agreements) of any additional Federal income and excess profits taxes, on a consolidated tax return basis, for all years through 1950 up to an aggregate of (i) $8,117,571, the amount accrued on its books for such taxes as of July 3, 1952, (ii) $2,000,000, representing the estimated possible additional liability for such taxes, and (iii) its share of any interim refunds of such income and excess profits taxes received after July 3, 1952; (b) that Philadelphia will assume all liability for such taxes for the years through 1950 in excess of such aggregate amount; and (c) that if the share of Duquesne of the net aggregate of the taxes finally determined to be payable is less than the amount of such taxes paid by Duquesne prior to July 3, 1952, Philadelphia will be entitled to the resulting net refunds and interest thereon.

The agreements with Allegheny and Cheswick provide in substance that (a) Allegheny and Cheswick will pay their share of any additional Federal income and excess profits taxes on a consolidated tax return basis, for all years through 1950 up to an aggregate of (i) the respective amounts accrued therefor on their books as of July 3, 1952 ($57,031.52 in the case of Allegheny and $6,412.16 in the case of Cheswick), and (ii) their respective shares of interim refunds received after July 3, 1952; and (b) that Philadelphia will assume all liability for such taxes for the years through 1950 in excess of such respective aggregate amounts and will be entitled to receive all net refunds and interest thereon for such years.

In its findings and opinion approving Step I of the aforesaid Standard plan, this Commission found that the proposed agreements would be fair and equitable to Standard's security holders and to Philadelphia, Duquesne, Allegheny and Cheswick. In the present filing specific approval is sought as to the execution of the proposed agreements since Duquesne, Allegheny and Cheswick were not parties to the proceeding involving Step I of the Standard plan.

The declarants estimate that their expenses will not exceed $100 and state that services of counsel are not to be separated from their general services in connection with Step I of the Standard plan, for which compensation will be sought in connection with the reorganization of Standard.

The filing indicates that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed tranactions.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration, as amended, that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, that the estimated fees and expenses are not unreasonable and that it is not necessary to impose any terms and conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith, and deeming it appropriate to grant applicants' request for tax recitals conforming to the requirements of Supplement R of the Internal Revenue Code, as amended:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered and recited, That the exchanges, expenditures, distributions and receipts hereinafter described which are proposed by Philadelphia, Duquesne, Allegheny and Cheswick are hereby authorized and approved and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of Supplement R of the Internal Revenue Code, as amended, the property to be exchanged, distributed and received upon such transactions, and the expenditures to be made, being specified and itemized as follows:

The execution and delivery by and between Duquesne, Allegheny and Cheswick, on the one hand, and Philadelphia, on the other, of agreements relating to Federal income and excess profits taxes for the periods (ending on or prior to December 31, 1950) in which Duquesne, Allegheny and/or Cheswick were included in consolidated Federal tax returns filed for Standard and other companies in the Standard system, in the forms filed as exhibits in this proceeding and heretofore approved in this order, the distribution to Philadelphia by Duquesne, Allegheny and Cheswick of such rights as Philadelphia may acquire under said agreements to receive any refunds of consolidated Federal income and excess profits taxes and the performance by Duquesne, Allegheny, Cheswick and Philadelphia of the acts and obligations on their parts to be performed under said agreements.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12720; Filed, Dec. 1, 1952; 8:54 a. m.]

[File No. 70-2960]

GULF POWER CO.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE OF SHORT TERM BANK LOAN NOTES

NOVEMBER 25, 1952.

Notice is hereby given than an application-declaration has been filed with this Commission by Gulf Power Company ("Gulf"), a public utility subsidiary of the Southern Company, a registered holding company. Gulf has designated section 6 (b) or, in the alternative, sections 6 (a) and 7 of the act as applicable to the proposed transactions, which are summarized as follows:

Gulf proposes to issue and sell, from time to time prior to June 1, 1953, up to $4,000,000 principal amount of short term bank loan notes to fifteen banks, whose participations are designated in the filing. The notes will mature not later than nine months from the dates of issue and will bear interest at the current rate for nine-month bank loans at the time of their issuance, which is 3 percent at the present time. In the event that the interest rate is in excess of 3¼ percent per annum at the time any of said notes is to be issued, Gulf will file an amendment to this filing stating the rate of interest and other details of the note or notes at least 5 days prior to the execution and delivery thereof.

The application-declaration states that the proceeds to be derived from the sale of these notes will be used to finance improvements, extensions and additions to its utility plant or to reimburse its treasury in part for expenditures incurred for such purposes. Gulf proposes to retire the notes out of the proceeds from the sale of additional

securities of a type and in an amount not yet determined.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transactions.

Gulf estimates that the expenses in connection with the proposed transactions will not exceed $500 and it requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than December 9, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At anytime after December 9, 1952, said application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12718; Filed, Dec. 1, 1952; 8:53 a. m.]

[File No. 812-801]

INVESTORS DIVERSIFIED SERVICES, INC. ET AL.

NOTICE OF APPLICATION STATEMENT OF ISSUES ORDER FOR HEARING

NOVEMBER 25, 1952.

In the matter of Investors Diversified Services, Inc., Investors Stock Fund, Inc., Investors Syndicate of America, Inc., File No. 812-801.

Notice is hereby given that Investors Diversified Services, Inc. ("I. D. S."), Investors Stock Fund, Inc. ("Stock Fund"), and Investors Syndicate of America, Inc. ("Investors Syndicate") have filed a joint application pursuant to sections 6 (c), 17 (a), 17 (b), 17 (d) and 22 (d) of the Investment Company Act of 1940 ("the act") and Rule N-17D-1 thereunder, relating to a retirement plan proposed to be offered to certain employees of I. D. S., including officers, who become eligible under its terms.

I. D. S. is registered under the Act as a face-amount certificate company. It is engaged in servicing its outstanding face-amount certificates sold prior to the enactment of the act and is also the distributor of the securities of, and the investment adviser for Investors Syndicate, a registered face-amount certificate company and a wholly-owned subsidiary, and Investors Mutual, Inc., Stock Fund and Investors Selective Fund, Inc., registered open-end investment companies organized and promoted by I. D. S. It also has a wholly-owned subsidiary, Investors Syndicate Title & Guaranty Company of New York, engaged in selling face-amount certificates in New York State and a wholly owned subsidiary, Investors Syndicate of Canada, Ltd., engaged in selling face-amount certificates in Canada and in distributing the securities of and managing Investors Mutual of Canada, Ltd., an open-end investment company. I. D. S. is controlled by Alleghany Corporation, a holding company.

Under the proposed plan, I. D. S. will contribute for past and future service and eligible employees will also contribute from date of eligibility to retirement or termination of eligibility. I. D. S. may not contribute in any one year more than ten percent of its total obligation for past service but not more than $150,000, plus not more than four percent of the annual gross salary to all employees for future service. Total contributions in any one year by I. D. S. may not exceed twenty percent of its net income (including undistributed earnings of subsidiaries and before taxes) for the preceding fiscal year. It appears that the annual cost to I. D. S., before tax savings, would be $112,000 annually for ten years for past service and would range from $126,000 in 1952 to $162,000 in 1957 for future service. Eligible employees are to contribute three percent of annual earnings up to $3,600 plus 4½ percent of such earnings in excess thereof. The contributions will be placed in trust and invested in shares of Stock Fund and in fully-paid face-amount certificates of Investors Syndicate, without loading charge. To be eligible, employees including officers must have completed two years of service, be at least thirty years of age and not over sixty, except that those over sixty at the effective date of the plan will participate. Adoption of the plan is contingent upon approval of the Bureau of Internal Revenue under section 165 of the Internal Revenue Code and of the Wage and Salary Stabilization Boards.

Section 17 (d) of the act and Rule N-17D-1 thereunder prohibit affiliated persons, such as officers or employees, of a registered investment company from participating in a pension plan unless the Commission issues an order upon application therefor, prior to submission of such plan to security holders for approval or prior to its adoption if not so submitted.

Sections 17 (a) and (b) prohibit the sale and purchase of securities between affiliated persons, such as the acquisition of securities of Stock Fund and Investors Syndicate by the plan, unless the Commission issues an order upon application therefor after finding that the prescribed standards of section 17 (b) have been met.

Section 22 (d) prohibits the sale of redeemable securities of registered investment companies, such as those of Stock Fund to the plan, below the current public offering price described in the prospectus, except in certain instances not here pertinent.

Section 6 (c) permits the Commission upon application to exempt any person or transaction from any provision of the act, conditionally or unconditionally, if necessary or appropriate in the public interest and consistent with the protection of investors and the purposes of the act.

For a more detailed statement of matters of fact and law, all interested persons are referred to said application which is on file at the office of the Commission at 425 Second Street NW., Washington 25, D. C.

The Division of Corporation Finance has advised the Commission that upon a preliminary examination of the application, it deems the following matters and issues to be raised thereby, without prejudice to the specification of additional issues upon examination:

1. Whether the provisions of the plan are consistent with the public interest and the protection of investors, and the provisions, policies and purposes of the act.

2. Whether the cost of the plan in relation to the financial position of I. D. S. is detrimental to certificate holders.

3. Whether, and the extent to which, the issuance of the order requested should be subject to conditions or arrangements as may appear necessary or appropriate in the public interest and the protection of investors.

It appearing to the Commission that a hearing upon the application is necessary and appropriate:

It is ordered, Pursuant to section 40 (a) of said act, that a public hearing on the aforesaid application be held on December 15, 1952, at 10:00 a. m., e. s. t., in Room 193 of the offices of the Commission, 425 Second Street NW., Washington 25, D. C.

It is further ordered, That Harold B Teegarden or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing and any officer or officers so designated to preside at such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to hearing officers under the Commission's rule of practice.

Notice of such hearing is hereby given to Investors Diversified Services, Inc., Investors Stock Fund, Inc., Investors Syndicate of America, Inc., and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any person desiring to be heard in said proceeding should file with the hearing officer or the Secretary of the Commission, on or before December 10, 1952, his application therefor as provided by Rule XVII of the rules of practice of the Commission, setting forth therein any matters or issues he desires raised by the aforesaid application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12719; Filed, Dec. 1, 1952; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

INVENTORIES AND SALES OF RETAILERS

NOTICE OF CONSIDERATION FOR SURVEYS

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct an annual retail trade survey of year-end inventories; annual sales; and accounts receivable, charge and installment, as of the end of the year, under the provisions of the act of Congress approved June 19, 1948, 62 Stat. 473. This survey will provide the only continuing source of important information on these phases of retail trade in the various kinds of retail business and, on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public, and the distributive trade and other government agencies, and are not publicly available from non-governmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all retail stores in the United States, but only from a selected sample, in order to provide, with measurable reliability, national inventory figures, sales-inventory ratios, and charge and installment accounts receivable as of the end of the year. Reports will be requested from some stores on the basis of their sales size and or location in Census Sample Areas. Reports will also be requested from some retail firms who operate stores outside Census Sample Areas but whose headquarters are located therein. A group of the largest individual stores and the largest retail firms in terms of number of stores operated will be requested to report regardless of their location.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington 25, D. C.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census and will receive consideration.

[SEAL] ROY V. PEEL, *Director.*

Approved:

THOMAS W. S. DAVIS, *Acting Secretary of Commerce.*

[F. R. Doc. 52-12697; Filed, Dec. 1, 1952; 8:45 a. m.]

Federal Maritime Board

MITSUI STEAMSHIP CO., LTD. ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7878 between Mitsui Steamship Co., Ltd., and Waterman Steamship Corporation covers the transportation of cargo under through bills of lading from Japan, Korea, Formosa, Manchuria (Manchuko), Siberia, China, Hong Kong, Siam, Indo-China, Kwantung, and the Philippine Islands to San Juan, Ponce, or Mayaguez, Puerto Rico, with transhipment at Seattle, Portland, San Francisco, Los Angeles Harbor, or Long Beach.

(2) Agreement No. 6080-8, between the Member Lines of the United States Atlantic and Gulf-Santo Domingo Conference, modifies the basic agreement of that Conference (No. 6080) to include shipments of coal and coke in bulk moving to Dominican Republic and raw sugar moving from Dominican Republic; to remove provision for the establishment and maintenance of through rates and charges and divisions thereof on through shipments orginating at ports within the scope of the agreement destined to ports beyond the scope of the agreement; and to remove provision for the establishment and maintenance of divisions of through rates and charges on through shipments originating at ports beyond the scope of the agreement and destined to ports within the scope thereof.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice, in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 26, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-12756; Filed, Dec. 1, 1952; 8:59 a. m.]

National Production Authority

[Suspension Order 44; Docket No. 46]

COWIN AND CO., INC.

MODIFICATION OF SUSPENSION ORDER

The above-entitled matter is before the Chief Hearing Commissioner, National Production Authority, on the prayer for relief by the respondent under the provisions of paragraph (c) of section 5 of NPA Rules of Practice, 17 F. R. 8156, from the provisions of a suspension order entered November 3, 1952, by NPA Hearing Commissioner Stanley H. Johnson, of Denver, Colo.

Appearances:

Rex H. Kitts, of the law firm of Faegre & Benson, of Minneapolis, Minn., for the respondent.

Robert H. Winn, Assistant General Counsel, attorney Jonathan B. Rintels, both of Washington, D. C.; Berthold J. Harris, Regional Attorney, Chicago, Ill., and W. J. Steichen, Regional Compliance Officer, Minneapolis, Minn., for the National Production Authority.

It is alleged by the respondent aforesaid that by agreement reached by counsel for Cowin & Company, Inc., and the National Production Authority, prior to the entry of the aforesaid order of disposition of November 3, 1952, no objection would be raised by the Government to a recoupment of such amount as might be decided upon by the hearing commissioner, apportioned among the various product codes under which the respondent receives allotments as said respondent may elect.

It is further alleged that through inadvertence the above agreement was not timely communicated to said hearing commissioner, and as a result the suspension order as now entered requires the respondent to reduce in K-1 by 58,000 pounds, and in K-7 by 438,000 pounds.

Said order of November 3, 1952, now provides:

1. That respondent's total allotments of carbon steel under K-1 be reduced 58,000 pounds as follows: 18,000 pounds during the remainder of the fourth quarter 1952, and 20,000 pounds each in the first and second quarters 1953.

2. That respondent's total allotments of carbon steel under K-7 be reduced 438,000 pounds as follows: 138,000 pounds or more at the option of respondent in the fourth quarter 1952; one-half of the balance in the first quarter 1953; and the remainder in the second quarter 1953.

3. That respondent's total allotments of aluminum be reduced 11,763 pounds, as follows: 10,000 pounds in the fourth quarter 1952, and the balance in the first quarter 1953.

Respondent specifically prays that the above-quoted original paragraphs 1, 2, and 3 of said order of November 3, 1952, be set aside and that there be substituted therefor the following provisions:

1. That respondent's total allotments of carbon steel under K-1 and K-7 be reduced 496,000 pounds as follows: 156,000 pounds or more at the option of respondent in the fourth quarter 1952; one-half of the balance in the first quarter 1953; and the remainder in the second quarter 1953.

2. That respondent's total allotments of aluminum be reduced 11,763 pounds, as follows: 10,000 pounds in the fourth quarter 1952, and the balance in the first quarter 1953.

Counsel for the National Production Authority has joined counsel for the respondent in the foregoing prayer, and with the concurrence of Hearing Commissioner Stanley H. Johnson the aforesaid order of November 3, 1952, is hereby amended by striking therefrom the above quoted paragraphs 1, 2, and 3 of said order and by the substitution therefor of paragraphs 1 and 2 as set out above.

Said order of November 3, 1952, is further amended by substituting the word "purchases" in the 23d and 24th lines of the third textual paragraph of the order for the word "purposes."

Issued at Washington, D. C., this 20th day of November 1952.

NATIONAL PRODUCTION AUTHORITY,
By MORRIS R. BEVINGTON,
Deputy Chief Hearing Commissioner.

[F. R. Doc. 52-12794; Filed, Nov. 28, 1952; 2:50 p. m.]

[Suspension Order 47; Docket No. 41]

TREASURE ISLE POOL AND CABANAS, INC., ET AL.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 1st day of October 1952 before Russell A. Rasco, a hearing commissioner of the National Production Authority, on a statement of charges by the General Counsel, National Production Authority, in accordance with the National Production Authority's General Administrative Order 16–06, as amended (16 F. R. 8628), dated July 21, 1951, and Rules of Practice 1, Revised (17 F. R. 8156), dated September 8, 1952; and

The respondents, Treasure Isle Pool and Cabanas, Inc., Evelyn Homes, Inc., White Star Realty Company, Inc., Bernard A. Kornblum, and Irving Greenfield, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings, and having filed answers to the charges through their attorney, Hymen Lake, Esq., who represented said respondents at said hearing; and

The respondents and their said attorney having entered into an agreed statement of facts with counsel for National Production Authority dated September 23, 1952, wherein respondents admit the commission of the acts charged in Charges 1 and 2 of the statement of charges dated August 1, 1952, and filed herein by the General Counsel and that the orders, regulations, directions, delegations, statement, and implementation cited in said statement of charges were lawfully issued, published, and in full force and effect at all the times set out in said statement of charges, and wherein it is agreed that the respondents relied upon the opinion of their architect in constructing said project, who advised them that said construction was not prohibited by said orders for the reason that it was commenced prior to October 1, 1951, and only controlled materials which were in respondents' inventory on or before October 1, 1951, would be incorporated into the structures described in said statement of charges; and said agreed statement of facts having been introduced in evidence in lieu of the presentation of other evidence in support of and in opposition to the facts alleged in said statement of charges, in accordance with a stipulation therein contained; and the respondents, together with counsel for all parties having been heard, it is hereby determined:

Findings of fact and law: 1. Treasure Isle Pool and Cabanas, Inc., Evelyn Homes, Inc., and White Star Realty Company, Inc., are corporations organized and existing under the laws of the State of Florida, with their principal places of business in Dade County, Fla.; that White Star Realty Company and Evelyn Homes, Inc., are engaged in the business of developing, as owner and builder or improver respectively, real estate in the area of Greater Miami, Fla.; that Treasure Isle Pool and Cabanas, Inc., is engaged in the operation and management, as lessee of White Star Realty Company, Inc., of the swimming pool, cabanas, and bathhouses referred to in Charge 1 of said statement of charges; that Bernard A. Kornblum was, during the period hereinafter set out in Findings No. 2, and is now, the president of Treasure Isle Pool and Cabanas, Inc., and Evelyn Homes, Inc.; and that Irving Greenfield was, during the period hereinafter set out in Findings No. 2, and is now, secretary of Treasure Isle Pool and Cabanas, Inc., vice president and treasurer of Evelyn Homes, Inc., and secretary and treasurer of White Star Realty Company, Inc.; and they were the active executive heads of said corporations during the period next hereinafter set out.

2. During the period beginning September 29, 1951, and ending on or about April 20, 1952, said corporate respondents constructed a project within the terms and meaning of Table I construction, as defined and listed in the construction orders of the National Production Authority in effect during said period, consisting of NPA Order M–4A, as amended August 20, 1951, CMP Regulation No. 6, as amended August 3, 1951, and March 6, 1952, and Direction 1 to CMP Regulation No. 6, as amended August 22, 1951, to-wit: A swimming pool, cabanas, and bathhouses, on the north side of North Treasure Drive and east of Hispanola Avenue, North Bay Village, Dade County, Florida, in which the total requirements of steel and copper controlled materials for said construction were 23 tons of carbon steel and 540 pounds of copper.

3. That the individual respondents herein, Bernard A. Kornblum and Irving Greenfield, while being at least the owners of a part of the stock in said corporate respondents, managed, dominated, controlled and were responsible for the direction and supervision of the acts of said corporate respondents during the time of the construction of the swimming pool, cabanas and bathhouses, as set forth in Findings No. 2 hereof.

4. That section 3 (d) of National Production Authority Direction 1 to its CMP Regulation No. 6, as amended August 22, 1951, prohibits the construction of the type of project described in Findings No. 2 hereof, in which the total requirements for completion of such construction exceeds two (2) tons of carbon steel and two hundred (200) pounds of copper and copper-base alloy; and section 4 (a) of National Production Authority Order M–4A, as amended August 20, 1951, prohibits the commencement of such construction, while section 4 (b) of said order prohibits the continuation thereof after September 30, 1951, and section 3 (a) (2) of National Production Authority CMP Regulation No. 6, as amended March 6, 1952, prohibits the continuation of such construction after March 5, 1952; and said provisions of said order, regulation, and direction were in full force and effect during the period set out in Findings No. 2 hereof.

5. That no evidence was submitted that the violations by the respondents were willful or done with the intent to violate the Act or defeat its purposes, but on the other hand it was stipulated by the respondents that the respondents relied upon the opinion of their architect in constructing said project, who advised them that said construction was not prohibited by said orders because it would be commenced prior to October 1, 1951, and only controlled materials that were in the inventory on or before October 1, 1951, would be incorporated into the structures described in said statement of charges, which conclusively shows that the respondents knew of the regulations, and the failure to properly examine such regulations and ascertain the contents of such regulations is tantamount to a willful violation.

Conclusions: That during the period beginning September 29, 1951, and ending on or about April 20, 1952, the respondents, and each of them, herein violated the provisions of the National Production Authority order, regulation, and direction as hereinabove cited, in that they constructed a Table I project, to-wit: a swimming pool, cabanas, and bathhouses, on the north side of North Treasure Drive and East of Hispanola Avenue, North Bay Village, Dade County, Florida, in which the total requirements of steel and copper controlled materials for said construction exceeded by twenty-one (21) tons, the two (2) tons of carbon steel, and exceeded by three hundred and forty (340) pounds, the two hundred (200) pounds of copper permitted by the provisions in said orders for use in such construction.

In order to remedy the disruptions in the priority and allocation program and in order to correct the unauthorized and improper use of controlled materials occasioned by the violations herein found, and in order to prevent future violations of National Production Authority orders, regulations, and directives by the respondents,

It is ordered: 1. That all priority assistance be and is hereby withdrawn and withheld from White Star Realty Company, Inc., Evelyn Homes, Inc., Treasure Isle Pool and Cabanas, Inc., and from Bernard A. Kornblum and Irving Greenfield, as an officer or as officers of said corporations, or either of them, and individually, and each of their respective successors and assigns, for a period of ninety (90) days beginning October 1, 1952.

2. That all allocations and allotments of controlled materials and materials under the control of the National Production Authority be and they are hereby withdrawn and withheld from White Star Realty Company, Inc., Evelyn Homes, Inc., Treasure Isle Pool and Cabanas, Inc., and from Bernard A. Kornblum and Irving Greenfield, as an officer or as officers of said corporations, or either of them, and individually, and each of their respective successors and assigns, for a period of ninety (90) days beginning October 1, 1952.

3. That White Star Realty Company, Inc., Evelyn Homes, Inc., Treasure Isle Pool and Cabanas, Inc., and Bernard A. Kornblum and Irving Greenfield, as an officer or officers of said corporations, or either of them, and individually, and each of their respective successors and assigns, be and they are hereby prohibited from acquiring, using or disposing of controlled materials and materials under the control of the National Production Authority, for a period of ninety (90) day beginning October 1, 1952.

4. That all privileges of self-certification and self-authorization now, or which may be hereafter, granted by the National Production Authority with respect to controlled materials and materials under the control of the National Production Authority be, and they are hereby, withdrawn and withheld from White Star Realty Company, Inc., Evelyn Homes, Inc., Treasure Isle Pool and Cabanas, Inc., and Bernard A. Kornblum and Irving Greenfield, as an officer or as officers of said corporations, or either of them, and individually, and each of their respective successors and assigns, for a period of ninety (90) days beginning October 1, 1952.

Issued at Coral Gables, Fla., this 13th day of November A. D. 1952.

NATIONAL PRODUCTION AUTHORITY,
By R. A. RASCO,
Hearing Commissioner.

[F. R. Doc. 52–12832; Filed, Dec. 1, 1952; 11:30 a. m.]

[NPA Delegation 5, as Amended December 2, 1952]

DEFENSE MATERIALS PROCUREMENT ADMINISTRATOR

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN METALS AND MINERALS

NPA Delegation 5 as last amended May 16, 1952, is hereby further amended to read as follows:

Pursuant to Executive Orders 10161, 10200, and 10281 (15 F. R. 6105; 16 F. R. 61; 16 F. R. 8789), Defense Production Administration Delegation No. 1, as amended (16 F. R. 738; 16 F. R. 4504), and the delegation of authority in NPA Organizational Statement No. 1 (17 F. R. 4305), all issued under the Defense Production Act of 1950, as amended, there are hereby delegated to the Defense Materials Procurement Administrator all functions conferred upon the Secretary of Commerce by Defense Production Administration Delegation No. 1, as amended, with respect to the source materials listed in column II of the commodities listed in column I of Appendix A of this delegation.

For better general understanding of the relationship between and the respective responsibilities of the Defense Materials Procurement Agency and the National Production Authority in the field of metals and minerals, Appendix A delineates, also, the claimant responsibilities of Defense Materials Procurement Agency (column III), and the allocating and claimant responsibilities remaining with the National Production Authority (columns IV and V) for the listed commodities.

The authority herein delegated shall be exercised in conformity with such production policies and programs as may be established by the National Production Authority.

The functions herein delegated may be redelegated within the Defense Materials Procurement Agency in the discretion of the Administrator thereof.

This amended delegation shall take effect December 2, 1952.

NATIONAL PRODUCTION AUTHORITY,
R. A. MCDONALD,
Administrator.

APPENDIX A OF NPA DELEGATION 5

Commodity Column I	DMPA allocating responsibility Column II	DMPA claimant responsibility Column III	NPA allocating responsibility Column IV	NPA claimant responsibility Column V
Abrasives				
Diamonds		Diamond mines and mills	Bort, stones, etc	Diamond tool manufacturers.
Diatomite	Crude diatomite	Diatomite mines and mills	Milled or calcined diatomite	Diatomite consumers.
Corundum	Ore concentrate and crystal corundum.	Mines; crushing and grading plants.	Crushed and graded corundum	Abrasive wheel manufacturers, optical lens grinders.
Emery	Ore	Mines; crushing and grading plants.	Crushed emery	Abrasive wheel, paper, and compound plants.
Garnet	Ore and concentrate	Mines; concentrating, crushing and grading plants.	Crushed and graded garnet	Abrasive paper and wheel plants, sandblasters.
Grinding and sharpening stones (natural).	Crude stone	Quarries and stonecutting mills	Grinding and sharpening stones	Abrasive stone users.
Grinding pebbles and mill	Crude stone	Quarries, concentrating and cutting mills.	Pebbles, shaped liners and blocks	Ceramic and other grinding plants.
Pumice	Crude pumice	Mines; crushing and grading plants.	Crushed and graded pumice	Construction firms, cleansing and abrasive product plants.
Quartzite (Silica quartz).	Crude ores	Mines; quarries, crushing and grading plants.	Crushed and graded silica; quartz crystals.	Cutting plants; producers of silicon metal, ferrosilicon and other silicon alloys.
Tripoli, amorphous silica, cottenstone (rottle).	Crude tripoli, etc	Mines; crushing and grading plants.	Crushed and graded tripoli, etc	Buffing and cleansing compound plants, other consumers.
Aluminum	Crude, dried, and calcined bauxite, including refractory grades and abrasive; alumina.	Bauxite mines, drying and calcining plants; aluminum plants; reduction plants.	Aluminum, pig or ingot, primary or secondary; sheet, bars, plates, and all fabricated forms; refractory products.	Foundries, rolling mills, extrusion mills, forging mills, and all other fabricating plants; secondary smelters, producers of refractories.
Antimony		Mines, mills, smelters, refineries	Ores and concentrates; residues, slab metal oxides, sulphides, antimonates and chlorides.	Fabricators and manufacturers of antimony-bearing products.
Arsenic		Concentrators, primary smelters and refineries.	Concentrates; residues; crude and refined oxides and metal.	Arsenic product manufacturers and chemical plants.
Asbestos	Unmilled asbestos	Asbestos mines and mills	Milled and graded asbestos fiber	Asbestos products plants.
Barite and witherite	Crude	Barium mineral mines, beneficiating, grinding and grading plants.	Concentrated, ground and graded barium minerals.	Barium chemical, lithopone, paint, glass plants.
Beryllium	Ores	Mines, mills and plants, processing ore and producing beryllium chemicals, metals and alloys.	Primary and secondary beryllium metal, alloys, chemicals and compounds.	Atomic Energy Commission; instrument manufacturers; chemical and phosphor manufacturers; X-ray tube manufacturers; dielectric manufacturers.
Bismuth		Concentrators, smelters and refineries.	Concentrates; base bullion; residues; refined metal.	Bismuth, chemical and alloy producers.
Boron	Crude boron ores and brines	Mines; concentrating plants	Borax and boric acid; other boron chemicals; boron metal and alloys.	Producers of boric acid, ferro-boron, boron metals and alloys.
Bromine	Bitterns, brines	Recovery plants	Bromine and bromine compounds	Anti-knock compound plants.
Cadmium		Concentrators, smelters and refineries.	Concentrates; residues; refined metal	Fabricators and manufacturers of cadmium-bearing products.
Calcium chloride (natural)		Brine processing plants	Natural calcium chloride	Calcium chloride consumers.
Cerium and other rare-earth metals.	Ores	Mines, dredges, mills and chemical plants processing ore and producing rare-earth chemicals and metals.	Compounds, chemicals and metals	Flint and alloys producers; glass and carbon arc manufacturers.
Chromium	Ores, concentrates	Mines; concentrating plants; sintering plants.	Chromium metal; ferro-chrome and all other chromium alloys; chromium chemicals and chromium-bearing refractories.	Reduction plants; electro-reduction plants; ferroalloy plants; chemical producers, refractory manufacturers.

management, as lessee of White Star

in constructing said project, who advised

Production Authority, for a period of

APPENDIX A OF NPA DELEGATION 5—Continued

Commodity Column I	DMPA allocating responsibility Column II	DMPA claimant responsibility Column III	NPA allocating responsibility Column IV	NPA claimant responsibility Column V
Clays: Kaolin	Crude ore	Mines, mills	Refractory products	Producers of refractories except in mining and mining operations.
Ball clay	Crude ore; calcined clay	Mines, mills	Refractory products	Producers of refractory products.
Bentonite	Crude ore	Mines, mills	Refractory products	Producers of refractory products.
Fuller's earth	Crude	Mines, mills	Milled and graded fuller's earth	Vegetable oil refiners, machine shops.
Fire clay	Crude ore	Mines, mills	Refractory products	Producers of refractory products.
Common clay	Crude common-clay shale	Clay pits and mines	Structural clay products	Brick and tile plants, structural clay products plants.
Cobalt	Ores, concentrates	Mines, concentrating plants	Cobalt metal, oxides, alloys, salts, pigments, frit and all other cobalt products.	Refineries; reduction plants; smelters; chemical producers.
Columbium	Ores; concentrates	Mines; concentrating plants	Columbium metal; ferrocolumbium; ferrotantalum columbium and chemicals; scrap.	Reduction plants; ferroalloy plants; rolling mills, fabricating plants, chemical producers.
Copper	Ores, concentrates, matte, and anode starting sheets.	Mines; mill concentrates; leaching plants; electrolytic plants; primary smelters and refineries.	Copper blister; refined copper; copper and copper-base alloy scrap; brass mill castings; copper-base alloy ingot; copper and copper-base alloy shot and wafile; intermediate shapes; copper precipitates.	Wire mills, brass mills, foundries, ingot makers, and miscellaneous fabricators of copper and copper base alloys.
Cryolite		Mines, concentrating, grinding and grading mills.	All grades of finished cryolite both natural and synthetic.	Aluminum, metallurgical plants, ceramic plants; glass products, abrasive products, insecticides.
Feldspar	Crude feldspar	Feldspar mines, flotation grinding and grading mills.	Concentrated, ground and graded feldspar.	Ceramic plants.
Fluorspar	Crude ore	Mines, mills, excepting exclusively drying plants.	All grades of finished fluorspar including concentrates.	Producers of refractories, aluminum, steel, chemicals, glass products, ceramics and insecticides.
Gem stones		Gem stone mines and synthetic plants.	Crude, natural and synthetic gem stones.	Jewelry makers, jewel bearing makers.
Germanium		Concentrators, smelters and refineries.	Concentrates, residues, chemicals and metal.	Fabricators and manufacturers of germanium-bearing products.
Graphite	Crude graphite	Graphite mines and mills	Processed and graded graphite	Crucible, pencil, lubricant and paint plants; foundries.
Gypsum	Crude gypsum	Gypsum mines	Gypsum products	Building material plants.
Indium		Concentrators, smelters and refineries.	Concentrates, residues, chemicals and metal.	Fabricators and manufacturers of indium-bearing products
Iron and steel	Iron ore, concentrates, sinter, including sintered pyrites.	Mines, concentrating plants, sintering plants.	Pig iron; steel castings, ingots and products; scrap; chemical products.	Blast furnaces, steel foundries, plants, fabricators.
Kyanite	Crude ore, mullite	Mines, mills, mullite plants	Refractory products	Producers of refractory products.
Lead	Lead ores, concentrates, base bullion, matte, speiss residues.	Mines, mills, primary smelters and refineries.	Refined pig lead; antimonial lead; alloys made at secondary smelters; lead pigments and chemicals; scrap.	Secondary smelters; pigment manufacturers; chemical plants; battery manufacturers; cable manufacturers; producers of tetraethyl lead, and other fabricators and manufacturers of lead-bearing products.
Limestone and marl	Limestone, dolomite	Mines, quarries, and lime plants	Cement, quick and hydrated lime	Cement plants, concrete products plants, and other cement and lime consumers.
Lithium	Ores	Mines, mills, plants producing lithium concentrates.	Chemicals and metal	Chemical and grease manufacturers; ceramic and glass companies; Atomic Energy Commission.
Magnesite	Ores	Mines, magnesium compound recovery and burning plants.	Refractory grades	Producers of refractories.
Magnesium	Dolomite; magnesite; magnesium chloride.	Dolomite and magnesite mining.	Magnesium ingot, primary, secondary, and alloy; sheet, and all fabricated forms; refractory products.	Reduction plants; melting and refining plants; secondary smelters; extrusion, rolling mills, and all other fabricating plants; producers of refractories.
Manganese	Ores, concentrates	Mines, concentrating plants, sintering plants.	Manganese metal; ferromanganese and all other manganese alloys; manganese dioxide; chemical products.	Reduction plants; electric reduction plants; ferroalloy plants; chemical producers; battery manufacturers.
Mercury	Ores, concentrates	Mines, mills and retorts	Metal	Chemical plants and miscellaneous manufacturers.
Mica	Mica, crude, trimmed, scrap	Mines, mica synthesis units, splitting or processing plants.	Processed mica	Electrical equipment, roofing and wallpaper makers.
Molybdenum	Ores, concentrates	Mines, concentrating plants	Ferromolybdenum; molybdenum metal; molybdenum oxide; calcium molybdate; other alloys and chemicals.	Producers of ferromolybdenum, molybdenum oxide and metal, calcium molybdate and other chemicals and alloys.
Monazite, bastnasite	Monazite, bastnasite	Mines	Rare earth products	Producers of rare earth products.
Nickel	Ores, concentrates	Mines, concentrators; plants producing nickel matte and oxide.	Nickel matte, metal oxide, salts, alloys, scrap and secondary metal and chemicals.	Reduction plants; melters; refiners; chemical producers; nickel platers; producers from secondary sources.
Nitrogen compounds		Mines and refineries	Natural nitrates	Mixed fertilizer plants.
Olivine	Crude ore	Mines, mills	Refractory products	Producers of refractory products.
Perlite	Crude perlite	Perlite mines, mills and expanding plants.	Expanded perlite	Construction firms.
Phosphate rock	Crude prosphate rock	Mines, mills and reduction plants.	Concentrated and graded phosphate rock.	Superphosphate plants.
Platinum-group metals	Unrefined materials, including grain nuggets, ores, concentrates.	Mines, dredges, mills, smelters and refineries.	Refined metals, including bars, grains, sheets, wire, solder.	Jewelers, manufacturers of electrical and chemical equipment and products, dental laboratories, manufacturers of medical equipment, pen point makers.
Potash	Crude potash	Potash mines and mills, refineries and brine-processing plants.	Potash mill products	Mixed fertilizer plants.
Quartz, raw	Quartz, raw	Mines, grading and cutting plants, synthesis plants.	Crystal units	Electrical products plants.
Roofing granules		Granule plants	Roofing granules	Asphalt roofing plants.
Rutile	Ores	Rutile mining and primary milling and concentrating plants.	Rutile concentrates, ground and graded.	Processing, grinding and secondary milling plants; processors of rutile concentrates.
Salt	Salt crude	Mines, mills, evaporated salt plants.	Evaporated and graded salt, milled and graded salt.	Salt-consuming plants.
	Salt brines	Salt brine wells		
Sand and gravel		Sand pits, sand and gravel plants.	Graded sand and gravel	Construction firms, glass plants, foundries, etc.
Selenium	Selenium-bearing slimes	Selenium producing and refining plants.	Selenium metal, alloys and compounds.	Selenium consumers.
Slag	Crude slag	Slag-processing plants	Processed slag	Construction firms.
Slate	Crude slate	Mines, mills	Split or dimension slate	Construction firms.
Sodium compounds	Natural sodium minerals and brines.	Brine wells, mines and refineries	Refined natural sodium carbonates, sulfate, etc.	Ceramic, paper, detergent plants.

APPENDIX A OF NPA DELEGATION 5—Continued

Commodity Column I	DMPA allocating responsibility Column II	DMPA claimant responsibility Column III	NPA allocating responsibility Column IV	NPA claimant responsibility Column V
Dimension stone	Block stone	Quarries and mills	Dimension stone	Construction firms, monument retailers.
Crushed stone	Broken stone	Burning plants, stone crushing and grading plants.	Crushed and graded stone	Furnace operators, chemical plants, construction firms.
Strontium minerals	Ore	Mines and mills	Strontium mineral concentrates	Chemical plants.
Sulfur, sulfites	Pyrites	Mines producing sulfur or sulfur-bearing ores.	Sulfur and sulfur compounds	Most sulfur acid plants, chemical, paper, and rubber industries.
Talc, pyrophyllite	Crude talc and pyrophyllite, crude block talc.	Mines and mills, block talc processing plants.	Ground and graded talc and pyrophyllite, block talc products.	Ceramic, paint, rubber, insecticide and roofing plants, electrical equipment makers.
Tantalum	Ores; concentrates	Mines; concentrating plants	Tantalum metal, alloys, ferrotantalum columbium, and chemicals; scrap.	Reduction plants; ferroalloy plants; chemical producers.
Tellurium	Tellurium-bearing slimes	Tellurium producing and refining plants	Tellurium metal, alloys and compounds.	Tellurium consumers.
Thallium	Cottrell dusts, residues from zinc, cadmium and lithopone works; ores (Mercur, Utah).	Mills, plants producing compounds or metal.	Chemicals and metal	Manufacturers of rodenticides, optical crystals, low-melting alloys, heavy liquids.
Tin	Ores, concentrates	Mines, mills, primary smelters and refineries.	Pig tin; oxides and chlorides; scrap	Secondary smelters; tin manufacturers and fabricators.
Titanium	Titanium ores and concentrates except rutile and brookite.	Titanium ore mining, concentration and plants for the production of titanium sponge.	Ferrotitanium and alloys covered by M-80; titanium sponge and alloy ingot, primary and secondary; sheet and all fabricated forms.	Ferrotitanium plants; melting plants and secondary smelters; foundries, rolling mills and all other fabricating plants.
Topaz	Crude topaz	Mines, dredges and concentrating and grinding plant.	Topaz concentrate	Metallurgical plants.
Tungsten	Ores, concentrates and synthetic scheelite.	Mines; concentrating plants; synthetic scheelite plants west of the Mississippi.	Tungsten metal, powder, wire, rod, sheet; ferrotungsten; scrap tungsten chemicals and pigments.	Reduction plants; tungsten powder plants; ferroalloy plants; chemical producers; producers from secondary sources; synthetic scheelite plants east of the Mississippi.
Vanadium	Ores; concentrates; carbonaceous residues containing vanadium.	Mines, concentrating plants	Ferrovanadium; vanadium pentoxide; vanadium metal and other vanadium chemicals and alloys.	Producers of ferrovanadium, vanadium metal, vanadium pentoxide, calcium vanadate and other vanadium chemicals and alloys.
Vermiculite	Concentrates	Vermiculite mines, mills and exfoliating plants.	Exfoliated vermiculite	Producers of vermiculite products.
Wollastonite		Mines and mills	Beneficiated and graded wollastonite	Ceramic plants, etc.
Zinc	Ores, concentrates	Mines, mills, primary smelters and refiners.	Slab zinc; zinc dust; zinc pigments and chemicals; fumes and residues; scrap.	Secondary smelters; ingot makers; pigment manufacturers; chemical plants; galvanizers; die casters; brass mills and other fabricators and manufacturers of zinc or zinc-bearing products.
Zirconium	Zirconium-bearing ores	Zirconium ore mining and concentration plants.	Zirconium metal; zirconium silicon and other alloys as defined in M-80; scrap.	Reduction plants; ferroalloy plants; fabricating plants; rolling mills.

[F. R. Doc. 52-12830; Filed, Dec. 1, 1952; 11:29 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27567]

SCRAP IRON AND STEEL FROM SOUTHERN TERRITORY TO NEWBERRY, PA.

APPLICATION FOR RELIEF

NOVEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap iron and steel, carloads.

From: Points in southern territory.

To: Newberry, Pa.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 950, Supp. 187.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12701; Filed, Dec. 1, 1952; 8:48 a. m.]

[4th Sec. Application 27568]

PIG LEAD FROM NORTHWEST, WEST, AND SOUTHWEST, TO RICHMOND, NORFOLK, AND LYNCHBURG, VA.

APPLICATION FOR RELIEF

NOVEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to CMStP&P RR. tariff I. C. C. No. B-7498, D&RGW RR. tariff I. C. C. No. 783, and other tariffs.

Commodities involved: Pig Lead, carloads.

From: Points in Idaho, Montana, rado, Utah, and New Mexico.

To: Lynchburg, Norfolk, and Richmond, Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12702; Filed, Dec. 1, 1952; 8:49 a. m.]

haul provision of section 4 (1) of the

[4th Sec. Application 27569]

SULPHURIC ACID FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO BREWSTER, FLA.

APPLICATION FOR RELIEF

NOVEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Brewster, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1200, Supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12703; Filed, Dec. 1, 1952; 8:49 a. m.]

[4th Sec. Application 27570]

BENZOL (BENZINE) FROM MINNEQUA, COLO., TO FOX, GADSDEN, AND TUSCALOOSA, ALA.

APPLICATION FOR RELIEF

NOVEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to his tariff I. C. C. No. A-3589.

Commodities involved: Benzol (benzine), in tank-car loads.

From: Minnequa, Colo.

To: Fox, Gadsden, and Tuscaloosa, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. J. Hennings' tariff I. C. C. No. A-3589, Supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12704; Filed, Dec. 1, 1952; 8:50 a. m.]

[4th Sec. Application 27571]

LIQUEFIED PETROLEUM GAS, FROM DURKEE, WYO., TO BOZEMAN, MONT.

APPLICATION FOR RELIEF

NOVEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago Burlington & Quincy Railroad Company, for itself, the Great Northern Railway Company, and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Durkee, Wyo.

To: Bozeman, Mont.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: CB&Q RR. I. C. C. No. 20362, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12705; Filed, Dec. 1, 1952; 8:50 a. m.]

[4th Sec. Application 27572]

ELECTRICAL GOODS FROM BROOKLYN AND NEW YORK, N. Y., AND ELIZABETHPORT AND MANVILLE, N. J., TO ANDERSON, S. C.

APPLICATION FOR RELIEF

NOVEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-968.

Commodities involved: Electric motors, etc., in mixed carloads.

From: Brooklyn and New York, N. Y., and Elizabethport and Manville, N. J.

To: Anderson, S. C.

Grounds for relief: Rail and motor competition and circuitous routes.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-968, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12706; Filed, Dec. 1, 1952; 8:50 a. m.]

[4th Sec. Application 27573]

PEANUTS FROM SOUTHWESTERN POINTS TO ALTOONA AND HERSHEY, PA.

APPLICATION FOR RELIEF

NOVEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmier, Agent, for carriers parties to his tariff I. C. C. No. 3835.

Commodities involved: Peanuts, shelled, not salted, carloads.

From: Specified points in Arkansas, New Mexico, Oklahoma, and Texas.

To: Altoona and Hershey, Pa.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3835, Supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12707; Filed, Dec. 1, 1952; 8:50 a. m.]

[4th Sec. Application 27574]

LUMBER FROM WISCONSIN TO WESTERN TRUNK LINE POINTS

APPLICATION FOR RELIEF

NOVEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to his tariff I. C. C. No. A-3640.

Commodities involved: Lumber and related articles, in carloads.

From: Stations on the GB&W RR., Green Bay to New London, Wis., inclusive.

To: Points in western trunk-line territory, including Montana.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Schedules filed containing proposed rates: C. J. Hennings' tariff I. C. C. No. A-3640, Supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12708; Filed, Dec. 1, 1952; 8:51 a. m.]

[4th Sec. Application 27575]

SUGAR FROM CALIFORNIA TO TEXAS AND ARKANSAS

APPLICATION FOR RELIEF

NOVEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to his tariff I. C. C. No. 1547.

Commodities involved: Beet or cane sugar, carloads.

From: Specified points in California.

To: Points in Texas, in specified groups, also Texarkana, Ark.-Tex.

Grounds for relief: Rail and market competition, circuity, grouping, and to maintain rate relations with other origins.

Schedules filed containing proposed rates: C. J. Hennings tariff I. C. C. No. 1547, Supp. 80.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12709; Filed, Dec. 1, 1952; 8:51 a. m.]

[4th Sec. Application 27576]

BRICK, DRAIN TILE, AND RELATED ARTICLES FROM UTICA, MO., TO MINNESOTA

APPLICATION FOR RELIEF

NOVEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to his tariff I. C. C. No. A-3686.

Commodities involved: Brick, drain tile, and related articles, carloads.

From: Utica, Mo.

To: Stations in southern Minnesota.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. J. Hennings I. C. C. No. A-3686, Supp. 65.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12710; Filed, Dec. 1, 1952; 8:51 a. m.]

[4th Sec. Application 27577]

MEATS AND PACKING HOUSE PRODUCTS FROM SPENCER, IOWA, TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to his tariff I. C. C. No. A-3911.

Commodities involved: Fresh meats and packing house products, carloads.

From: Spencer, Iowa.

To: Points in southern territory.

Grounds for relief: Circuity, grouping, additional origin, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. J. Hennings' I. C. C. No. A-3911, Supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they

intend to take at the hearing with re-

Fields	*Parishes*
Bethany	Caddo
Blanchard	Caddo
Cotton Valley	Webster
Dixie	Webster
Elm Grove	Caddo
Haynesville	Claiborne
Hosston	Caddo
Oil City	Caddo
Pelican	Lincoln
Shongaloo	Webster
Sligo	Bossier
Spider	Bossier
Taylortown	Caddo
Terryville	Lincoln
Vivian	Caddo
Walnut Hill	Lincoln
Webster	Webster

From the information available to this

intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12711; Filed, Dec. 1, 1952; 8:51 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 37]

SOUTHERN LOUISIANA

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS FOR CERTAIN FIELDS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the following listed Southern Louisiana fields:

Fields	*Parishes*
Anse La Butte	Lafayette and St. Martin.
Arnaudville	St. Martin.
Bay Baptiste	Terrebonne.
Bayou des Allemands	St. Charles and Lafourche.
Bayou des Glaise	Iberville.
Bayou Jean Lacroix	Terrebonne.
Bayou Mallet	Acadia.
Bayou Perot	Jefferson.
Bayou Plaquemines	Iberville.
Bayou Sale	St. Mary.
Bourg	Terrebonne.
Branch	Acadia.
Burton	St. James.
Cankton	St. Landry.
College Point/St. James	St. James.
Crowley	Acadia.
DeLarge	Terrebonne.
Delta Farms	Lafourche and Jefferson.
Duck Lake	St. Martin.
Dulac	Terrebonne.
East Golden Meadow	Lafourche.
East Lake Verret	Assumption.
Fordoche	Pointe Coupee.
Gross Tete	West Baton Rouge.
Iberia	Iberia.
Krotz Springs	St. Landry.
Lake Raccourci	Lafourche.
Lake Sand	Iberia.
Lapeyrouse	Terrebonne.
Laurel Ridge	Iberville.
Lirette	Terrebonne.
Lottie	Pointe Coupee.
Napoleonville	Assumption.
North Cankton	St. Landry and Lafayette.
North Crowley	Acadia.
North Jeanerette	St. Mary.
Northwest Branch	Acadia.
Opelousas	St. Landry.
Pine Prairie	Evangeline.
Port Barre	St. Landry.
Potash	Plaquemines.
Raceland	Lafourche.
Roanoke	Jefferson Davis.
Savoy	St. Landry.
Sherburne	Pointe Coupee.
Shuteston	St. Landry.
South Shuteston	St. Landry.
South Bayou Mallet	Acadia.
St. Martinville	St. Martin.
Valentine	Lafourche.
Westwego	Jefferson.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the above Southern Louisiana Fields. During the base period there was a lack of competitive factors and curtailed production of condensate caused by a lack of outlets for natural gas and as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the requested ceiling price of $2.85 per barrel flat does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the above listed Southern Louisiana Fields shall be: $2.85 per barrel flat.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS, *Director of Price Stabilization.*

NOVEMBER 21, 1952.

[F. R. Doc. 52-12554; Filed, Nov. 21, 1952; 12:43 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 38]

MARIPOSA FIELD, BROOKS COUNTY, TEXAS

CRUDE DISTILLATE CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude distillate produced from the Mariposa Field, Brooks County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude distillate produced from the Mariposa Field, Brooks County, Texas. During the base period there was a lack of competitive factors and as a result, this crude petroleum was sold at a lower price than that paid for crude distillate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the requested price of $2.80 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.38 per barrel for below 20° API gravity does not exceed the ceiling price of comparable crude distillate produced in the same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude distillate produced from the Mariposa Field, Brooks County, Texas, shall be: $2.80 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.38 per barrel for below 20° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS, *Director of Price Stabilization.*

NOVEMBER 21, 1952.

[F. R. Doc. 52-12555; Filed, Nov. 21, 1952; 12:43 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4034 et al.]

INDIANA-OHIO LOCAL SERVICE CASE; REOPENED

NOTICE OF HEARING

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (h) and 1001 of said act, the above-entitled proceeding is assigned for hearing on December 4, 1952, at 10:00 a. m., e. s. t., in Room 4223, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

The reopened hearing is limited to receiving additional evidence on the fitness, willingness and ability of Lake Central.

(a) Under the management contemplated by the trust agreement referred to in the Board's Order, E-6984, of November 25, 1952, and

(b) With respect to the carrier's financing plans, to engage properly in the air transportation to be authorized over route 88 in Docket No. 4034 et al., and to comply with the act and the Board's rules, regulations and requirements thereunder.

Dated at Washington, D. C., November 26, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-12750; Filed, Dec. 1, 1952; 8:50 a. m.]

FEDERAL REGISTER

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10415

AMENDMENT OF EXECUTIVE ORDER NO. 9949,[1] ENTITLED "MODIFYING EXECUTIVE ORDER NO. 9721, PROVIDING FOR THE TRANSFER OF PERSONNEL TO CERTAIN PUBLIC INTERNATIONAL ORGANIZATIONS"

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes, and as President of the United States, I hereby amend Executive Order No. 9949, entitled "Modifying Executive Order No. 9721, Providing for the Transfer of Personnel to Certain Public International Organizations", by striking out the words "within five years from the date of his transfer to such Board", occurring in the second paragraph of the said order, and inserting in lieu thereof the words "on or before December 31, 1953".

HARRY S. TRUMAN

THE WHITE HOUSE,
December 2, 1952.

[F. R. Doc. 52-12872; Filed, Dec. 2, 1952; 12:09 p. m.]

EXECUTIVE ORDER 10416

AMENDMENT OF EXECUTIVE ORDERS NO. 10251[2] AND NO. 10282,[3] SUSPENDING THE EIGHT-HOUR LAW AS TO CERTAIN LABORERS AND MECHANICS EMPLOYED BY THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF THE INTERIOR, RESPECTIVELY

By virtue of the authority vested in me by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (40 U. S. C. 321), and as President of the United States, it is ordered that Executive Order No. 10251 of June 7, 1951, and Executive Order No. 10282 of August 29, 1951, suspending the eight-hour law with respect to laborers and mechanics employed by the Department of Defense and the Department of the Interior, respectively, on public work essential to the national defense, be, and they are hereby, amended as follows:

The proviso in the penultimate paragraph of each of the said orders fixing the rate of pay for overtime thereunder is amended to read as follows:

"*Provided*, that the wages of all laborers and mechanics so employed shall be computed on a basic day rate of eight hours of work with overtime to be paid at a rate not less than time and one-half for all hours of work in excess of eight hours in any one day."

HARRY S. TRUMAN

THE WHITE HOUSE,
December 2, 1952.

[F. R. Doc. 52-12873; Filed, Dec. 2, 1952; 12:09 p. m.]

[1] 13 F. R. 2089.
[2] 16 F. R. 5465.
[3] 16 F. R. 8813.

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDA

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723.405 Proclamation of the results of the cigar-filler tobacco marketing quota referendum for the marketing year beginning October 1, 1953, and for the three-year period beginning October 1, 1953.
723.406 Proclamation of the results of the cigar-filler and cigar-binder tobacco marketing quota referendum for the marketing year beginning October 1, 1953, and for the three-year period beginning October 1, 1953.

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AUTHORITY: §§ 723.404 to 723.406 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312.

§ 723.404 *Basis and purpose.* Sections 723.404 to 723.406 are issued to announce the results of the cigar-filler tobacco and cigar-filler and cigarbinder tobacco marketing quota referenda for the marketing year beginning October 1, 1953, and for the three-year period beginning October 1, 1953. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for cigar-filler tobacco and for cigar-filler and cigar-binder tobacco for the 1953–54 marketing year (17 F. R. 8892). The Secretary announced (17 F. R. 8924) that referenda would be held on October 29, 1952, to determine whether cigar-filler tobacco producers and cigar-filler and cigar-binder tobacco producers were in favor of or opposed to marketing quotas for the marketing year beginning October 1, 1953, and to determine whether cigar-filler tobacco producers and cigar-filler and cigar-binder tobacco producers were in favor of or opposed to marketing quotas for the three-year period beginning October 1, 1953. Since the only purpose of this proclamation is to announce the results of the referenda, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 723.405 *Proclamation of the results of the cigar-filler tobacco marketing quota referendum for the marketing year beginning October 1, 1953, and for the three-year period beginning October 1, 1953.* In a referendum of farmers engaged in the production of the 1952 crop of cigar-filler tobacco held on October 29, 1952, 1,670 farmers voted. Of those voting 440 or 26.3 percent favored quotas for a period of three years beginning October 1, 1953; 202 or 12.1 percent favored quotas for only the one year beginning October 1, 1953; and 1,028 or 61.6 percent were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for cigar-filler tobacco for the marketing year beginning October 1, 1953, proclaimed on October 1, 1952 (17 F. R. 8892) becomes ineffective. Therefore, marketing quotas will not be in effect on cigar-filler tobacco for the marketing year beginning October 1, 1953.

§ 723.406 *Proclamation of the results of the cigar-filler and cigar-binder tobacco marketing quota referendum for the marketing year beginning October 1, 1953, and for the three-year period beginning October 1, 1953.* In a referendum of farmers engaged in the production of the 1952 crop of cigar-filler and cigar-binder tobacco held on October 29, 1952, 4,854 farmers voted. Of those voting 2,994 or 61.7 percent favored quotas for a period of three years beginning October 1, 1953; 643 or 13.2 percent favored quotas for only the one year beginning October 1, 1953; and 1,217 or 25.1 percent were opposed to quotas. Therefore, the national marketing quota of 77,000,000 pounds proclaimed on October 1, 1952 (17 F. R. 8892) for cigar-filler and cigar-binder tobacco for the 1953–54 marketing year will be in effect for the year beginning October 1, 1953.

Done at Washington, D. C. this 28th day of November, 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12808; Filed, Dec. 2, 1952; 8:50 a. m.]

[1026 (Peanuts-51)-5, Amdt. 1]

PART 729—PEANUTS

REGULATIONS GOVERNING DISTRIBUTION OF PROCEEDS RECEIVED BY COMMODITY CREDIT CORPORATION FROM SALE OF VALENCIA TYPE EXCESS PEANUTS OF 1951 CROP FOR CLEANING AND SHELLING

Basis and purpose. The amendment contained herein permits the State or County PMA Committee to make payment to the Treasurer of the United States of amounts due a producer from distribution of proceeds received by Commodity Credit Corporation from the sale of Valencia type excess peanuts of the 1951 crop for cleaning and shelling, to the extent of any indebtedness of the producer to the United States, in any instance where a producer cannot be located or has failed or refused to sign an application for payment without good cause.

Prior to preparing this amendment, public notice of its formulation was published in the FEDERAL REGISTER (17 F. R. 9563) in accordance with section 4 of the Administrative Procedure Act (5

U. S. C. 1003). No data, views, or recommendations pertaining to the amendment were received within the time prescribed.

Section 729.289 of the Regulations Governing the Distribution of Proceeds Received by Commodity Credit Corporation from the Sale of Valencia Type Excess Peanuts of the 1951 Crop for Cleaning and Shelling (17 F. R. 4644) is hereby changed to read as follows:

§ 729.289 *Application for payment.* In order to receive payment, each producer must sign an application for payment (CCC Peanut Form 836) certifying the correctness of his percentage and poundage shares. The applicable provisions of the "General Procedure for Applications for Payment", PMA Instruction No. 1066.1 (formerly ACP–207), a copy of which shall be available for public inspection in the office of each county committee, shall apply to the signing of applications for payment or other documents under these regulations. The county committee shall make the application for payment with respect to each farm available for signature by the producer(s) either in the office of the county committee or by mailing such application for payment to the farm operator with a request that he obtain each producer's signature on such application. The county committee shall mail to each producer, at his last known address, a notice informing him whether the application for payment is available in the office of the county committee for signature or is being mailed to the farm operator for signature by each producer. Such notice shall specify the time within which all producers must sign such application and, if the application was mailed to the farm operator, the notice shall also specify the time within which the application must be returned to the county committee. No payment shall be made to any producer on the farm until all producers on the farm have signed the application for payment: *Provided, however,* That, if the county committee determines, after expiration of the time for signature specified in the notice to each producer, that any producer cannot be located or that he has failed or refused to sign such application without good cause, the county committee may determine the amount due each producer in accordance with § 729.288 and payment may be made on the basis of such determination to each producer who has signed such application, and such determination of amount due and payments made thereunder shall be final and conclusive with respect to all producers on the farm: *And provided, further,* That if the county committee determines, after expiration of the time for signature specified in the notice to each producer, that any producer, who it determined could not be located or had refused to sign such application without due cause, is indebted to the United States, the State or county committee shall issue a sight draft on Commodity Credit Corporation, in favor of the Treasurer of the United States, for the smaller of (a) the amount of the producer's indebtedness to the United States or (b) the amount due the producer determined in accordance with § 729.288, and shall mail to the producer, at his last known address, a notice informing him of the action taken; such action by the county committee shall not, however, irrespective of whatever period of time for signature was specified in the original notice to each producer, be taken prior to sixty days from the date of such notice, and shall not affect any right of the debtor to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Done at Washington, D. C., this 28th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary.

[F. R. Doc. 52–12807; Filed, Dec. 2, 1952; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 949—MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

§ 949.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions of said order as hereby amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, effective not later than December 1, 1952. Any delay beyond that date in the effective date of this order would result in hardship to producers whose pastures and fields have been seriously affected by drought and heat. Supplies of producer milk in San Antonio would suffer because of shifting of milk to other markets or because of decreased milk production on the dairy farms supplying San Antonio handlers.

The provisions of the said order are known to handlers, having been published in a decision which appeared in the FEDERAL REGISTER November 22, 1952 (17 F. R. 10658). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found therefore that good cause exists for making this order effective December 1, 1952. (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the San Antonio, Texas, marketing area) of more than 50 per cent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum thereon and who, during the determined representative period (September 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the San Antonio, Texas, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended as follows:

1. Change the period at the end of § 949.51 (c) to a colon and add the following: *"Provided,* That there shall be added to such price 46 cents from the effective date hereof through February 1953, and 23 cents during March 1953."

2. Delete the factor "1.2" in § 949.81 and substitute therefor "1.1".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 28th day of November 1952, to be effective on and after December 1, 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52–12809; Filed, Dec. 2, 1952; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 42]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.14, the Winters, California, area (D–408), published on May 20, 1952 in 17 F. R. 4558, is deleted.

2. In § 608.41, the Cherry Point, North Carolina, areas, published on November 8, 1952 in 17 F. R. 10139, are amended by changing the "Description by geographical coordinates" column to read: "1. (D–123): Beginning at a point 3 statute miles E. of Amber Civil Airway No. 9 at lat. 35°46'15" N., long. 76°44'00" W.; clockwise along the arc of a circle with a radius of 60 statute miles centered at lat. 34°54'30" N., long. 76°53'00" W. to a point 3 nautical miles from the shoreline at lat. 35°06'05" N., long. 75°51'05" W.; southwesterly paralleling the shoreline at a distance of 3 nautical miles to lat. 34°17'50" N., long. 77°37'35" W.; clockwise along the arc of a circle with a radius of 60 statute miles centered at lat. 34°54'30" N., long. 76°53'00" W. to a point 3 statute miles E. of Amber Civil Airway No. 9 at lat. 34°21'20" N., long. 77°41'30" W.; northeasterly paralleling the E. edge of Amber Civil Airway No. 9 at a distance of 3 statute miles to lat. 35°46'15" N., long. 76°44'00" W., point of beginning. 2. (D–125): Beginning at a point 3 statute miles E. of Amber Civil Airway No. 9 at lat. 35°46'15" N., long. 76°44'00" W.; southwesterly paralleling the E. edge of Amber Civil Airway No. 9 at a distance of 3 statute miles to lat. 34°21'20" N., long. 77°41'30" W.; clockwise along the arc of a circle with a radius of 60 statute miles centered at lat. 34°54'30" N., long. 76°53'00" W. to lat. 35°46'15" N., long. 76°44'00" W., point of beginning."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 5, 1952.

[SEAL] JOSEPH D. BLATT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–12761; Filed, Dec. 2, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

OTHER COSTS, EXPENSES AND RESERVES

Section 1459.8 is amended by adding a new paragraph (e) to read as follows:

(e) *Research and development expenses.* (1) Research and development expenses allowable as costs under the Internal Revenue Code for the year under review will be allocated to renegotiable business to the extent that such expenses are required for, or incidental to the performance of, any renegotiable contract.

(2) Other research and development expenses, likewise allowable in the year under review as costs under the Internal Revenue Code, may be allocated to renegotiable business under certain conditions, as follows:

(i) If the expense was incurred in accordance with the usual business practice of the contractor, in basic research not immediately related to any current business but expected to produce ultimate benefit to the contractor's business as a whole; or

(ii) If the expense was incurred in developing processes or products as a preparation to enable the contractor to bid or negotiate for future defense business, or to perform such business more efficiently.

(3) If the contractor has incurred in prior years research and development expenses which benefit performance of current renegotiable business, such expenses, to the extent that they exceed costs allowed under subparagraphs (1) and (2) of this paragraph and were not allowed as costs or considered in any prior renegotiation, may be considered under the provisions of § 1460.10 of this subchapter.

(4) Research and development expenses not meeting the foregoing criteria, and in particular such expenses incurred for product or process research in preparation for reconversion and post-emergency non-defense business, may not be allocated in any part to renegotiable business, or considered in renegotiation for any year.

(5) In some cases, a contractor may capitalize expenditures on research and development, pursuant to its method of accounting employed for tax purposes. Such expenditures are then of course not allowable as costs in renegotiation. However, at times there may be deductions allowed for Federal tax purposes, when such expenditures are later charged off in whole or in part. The allocation of such deductions to renegotiable business will be governed by the principles set forth above with respect to allocation of costs.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: November 26, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52–12758; Filed, Dec. 2, 1952; 8:45 a. m.]

PART 1466—TERMINATION OF RENEGOTIATION

Sec.
1466.1 Statutory provision.
1466.2 Definition of "termination date."
1466.3 Renegotiability of amounts received or accrued and allowability of costs paid or incurred after termination date.
1466.4 Fiscal year proceedings in which amounts received or accrued and costs paid or incurred after the termination date will be considered.

AUTHORITY: §§ 1466.1 to 1466.4 issued under sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219. Interpret or apply sec. 102, 65 Stat. 8; 50 U. S. C. App. Sup. 1212.

§ 1466.1 *Statutory provision.* Section 102 (a) of the act provides as follows:

The provisions of this title shall be applicable (1) to all contracts with the Departments specifically named in section 103 (a), and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of January 1951, whether such contracts or subcontracts were made on, before, or after such first day, and (2) to all contracts with the Departments designated by the President under section 103 (a), and related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of the first month beginning after the date of such designation, whether such contracts or subcontracts were made on, before, or after such first day; but the provisions of this title shall not be applicable to receipts or accruals attributable to performance, under contracts or subcontracts, after December 31, 1953.

§ 1466.2 *Definition of "termination date."* "Termination date" means December 31, 1953.

§ 1466.3 *Renegotiability of amounts received or accrued and allowability of costs paid or incurred after termination date*—(a) *In general.* The act applies only to amounts received or accrued which are attributable to performance under contracts on or before the termination date. It is immaterial whether the contracts under which such amounts are derived are completed before or after the termination date. The purpose of this section is to state the circumstances under which amounts received or ac-

crued and costs paid or incurred after the termination date from contracts performed in whole or in part on or before the termination date will be considered to be attributable to performance on or before the termination date.

(b) *Amounts received or accrued—(1) Completed contract method of accounting.* If a contractor, pursuant to § 1459.1 (b) of this subchapter, employed a completed contract method of accounting for the fiscal year of the contractor which included the termination date, there will be considered as attributable to performance on or before the termination date an amount of receipts or accruals which bears the same relationship to the total income derived from the contract as the amount of work performed under the contract on or before the termination date bears to the total amount of work performed under the contract.

(2) *Cash receipts and disbursements method of accounting.* If a contractor, pursuant to § 1459.1 (b) of this subchapter, employed a cash receipts and disbursements method of accounting for the fiscal year of the contractor which included the termination date, only those amounts received on or before the termination date will be considered to be attributable to performance on or before the termination date.

(3) *Other methods of accounting.* If a contractor, pursuant to § 1459.1 (b) of this subchapter, employed for the fiscal year of the contractor which included the termination date a method of accounting other than one of the methods described in subparagraphs (1) and (2) of this paragraph, only those amounts accrued on or before the termination date will be considered to be attributable to performance on or before the termination date.

(4) *When accounting method does not properly reflect renegotiable receipts.* The Board may determine that additional amounts received or accrued by a contractor after the termination date are attributable to performance on or before the termination date when, in the opinion of the Board, the amounts received or accrued on or before the termination date are disproportionate to the performance of the contractor on or before such date. For example, if a manufacturer's representative employs a cash receipts and disbursements method of accounting and if his receipts on or before the termination date are substantially out of proportion to services performed by him on or before the termination date, amounts received after the termination date which are referable to such services will be determined to be attributable to performance on or before the termination date.

(c) *Costs paid or incurred.* Costs paid or incurred after the termination date will be allowed in renegotiation in accordance with the provisions of Part 1459 of this subchapter to the extent that they are paid or incurred in respect of receipts or accruals to which the act applies. Costs paid or incurred on or before the termination date will not be allowed in renegotiation to the extent that they are paid or incurred in respect of receipts or accruals to which the act does not apply by virtue of section 102 (a) thereof and this part.

§ 1466.4 *Fiscal year proceedings in which amounts received or accrued and costs paid or incurred after the termination date will be considered.* Amounts received or accrued after the termination date which are renegotiable pursuant to § 1466.3 will be renegotiated in the renegotiation proceeding relating to the fiscal year in which such amounts were received or accrued in accordance with the method of accounting employed by the contractor pursuant to § 1459.1 (b) of this subchapter for the fiscal year of the contractor which included the termination date. Costs paid or incurred after the termination date which are allowable pursuant to the provisions of § 1466.3 (c) will be allowed in the renegotiation proceeding relating to the fiscal year in which they are paid or incurred in accordance with the method of accounting employed by the contractor pursuant to § 1459.1 (b) of this subchapter for the fiscal year of the contractor which included the termination date.

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

Section 1470.3 *Filing of financial statement* is amended by adding a new paragraph (i) to read as follows:

(i) *Fiscal years after termination date.* The Standard Form of Contractor's Report shall be filed for each fiscal year of the contractor ending after the fiscal year which includes the termination date (See § 1466.2 of this subchapter) in which the contractor has received or accrued from renegotiable prime contracts or subcontracts any amounts which the contractor has reason to believe, or which the Board has advised the contractor, are attributable to performance on or before the termination date.

(Sec. 109, Pub. Law 9, 82d Cong.)

Dated: November 26, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-12759; Filed, Dec. 2, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 4, Amdt. 1 to Supplementary Regulation 1]

CPR 4—ANTHRACITE DELIVERED FROM MINE OR PREPARATION PLANT

SR 1—ANTHRACITE BRIQUETS PRODUCED AT OR MADE AT PLANTS IN PENNSYLVANIA ANTHRACITE FIELD

ADJUSTMENT OF CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 1 to SR 1 to CPR 4, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 1 adjusts the ceiling price of anthracite briquets by an amount which has been shown to be required under the Industry Earnings Standard.

Anthracite briquets are manufactured by two single-line companies operating in the anthracite coal field. Both companies have submitted a petition for amendment to the Office of Price Stabilization requesting relief under the Industry Earnings Standard. This standard requires that an industry whose current earnings are less than 85 percent of its average earnings during the three best years 1946–1949, with adjustments made for any changes in the net worth, is entitled to have its ceiling prices adjusted so as to permit it to earn at least 85 percent of its average during the base period.

A survey of the anthracite briquet industry was conducted by this office and, as of the end of 1951, the industry's earnings indicated that it was entitled to relief. Since the end of 1951 there have been various increases in the costs of raw materials (anthracite, bituminous coal and asphalt). The available information indicates that the industry is entitled to an increase of one dollar in its ceiling price. This adjustment will increase the ceiling price of anthracite briquets to $11.95 per ton, f. o. b. the plant.

In the judgment of the Director of the Office of Price Stabilization, this amendment is generally fair and equitable and will effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

As far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 1 to CPR 4 is amended in the following respect:

1. Appendix A to Supplementary Regulation 1 to CPR 4, is amended as follows:

APPENDIX A

The following ceiling price subject to the exceptions set forth in this supplementary regulation is established for anthracite briquets, f. o. b. manufacturing plants.

	Ceiling price per net ton
Anthracite briquets	$11.95

NOTE: Persons subject to the regulation shall continue to observe their customary and standard cash discount practices.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 1 to SR 1, CPR 4, shall become effective as of November 28, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12796; Filed, Nov. 28, 1952; 4:25 p. m.]

[Ceiling Price Regulation 22, Interpretation 35]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

INT. 35—CEILING PRICES OF MERGED AND SUCCESSOR CORPORATIONS (SECTION 48a)

A corporate manufacturer of window sashes of various types sells his entire output of light steel sashes to an affiliated corporate distributor. Both corporations are to a large extent commonly owned, and they share the same premises, which are owned by the manufacturer.

The question arises as to the applicability of section 48a of Ceiling Price Regulation 22 where the manufacturer and distributor are consolidated to form a third corporation, or where the distributor is merged into the manufacturer or the manufacturer is merged into the distributor.

Section 48a would apply in the event of a consolidation or either of the proposed mergers. Although the two preexisting corporations had shared the same premises, each must be considered to have been operating in a separate establishment and, in taking over, the transferee (whether the surviving corporation in a merger, or the new corporation resulting from a consolidation) would be deemed to be continuing the business of its transferor or transferors in an establishment which the transferee had not previously operated. Nor would the fact that the manufacturer owned the real estate serve to prevent the applicability of section 43a, such ownership being distinguished from owning the business establishment of another located thereon.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 2, 1952.

[F. R. Doc. 52-12874; Filed, Dec. 2, 1952; 12:18 p. m.]

[Ceiling Price Regulation 30, Interpretation 22]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

INT. 22—CARRY-OVER PRICES BY MANUFACTURERS (SECTIONS 33, 45 (U) AND 46 (a))

Certain manufacturers under Ceiling Price Regulation 30, and certain distributors who are resellers under Ceiling Price Regulation 67, have "carry-over" or refinancing agreements with the dealers to whom they sell which permit the dealer to refinance if payment is not made by an agreed maturity date. These agreements usually provide that if a "carry-over" or refinancing after delivery to the dealer is necessary, the seller's price in effect at the time of the refinancing will be the price ultimately paid by the dealer. The question has been raised as to whether or not a dealer who purchases from such a seller and subsequently refinances may be charged the new ceiling price in effect at the time of the "carry-over" of refinancing if this new ceiling price exceeds the ceiling price in effect at the time of delivery.

Section 46 of Ceiling Price Regulation 30 prohibits the sale of any commodity subject to that regulation in excess of the ceiling price established thereunder. The term "sell" is defined to include delivery. To the same effect, only more explicitly with respect to the use of the term "delivery," CPR 67 in addition to defining the term "sell," to include delivery, provides (section 14 (a)) that "No person shall sell or deliver * * * at a price higher than the ceiling price established by this regulation." The General Ceiling Price Regulation which, prior to CPRs 30 and 67, established ceiling prices for both the manufacturers and distributors, and which still cover those manufacturers who have elected not to use CPR 30, contains a similar definition of the term "sell," to include delivery. Accordingly, a "carry-over" or refinancing provision in any agreement between sellers under CPR 30 or CPR 67 and their dealers, permitting a subsequent revision of prices to an amount in excess of the ceiling price in effect at the time of the sale (which term, as indicated, includes delivery) to the dealer, is prohibited.

In addition, section 38 of CPR 30 provides that a commodity subject to the regulation may not be delivered at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery. This serves explicitly to prohibit sellers under that regulation from engaging in the practice described.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 2, 1952.

[F. R. Doc. 52-12875; Filed, Dec. 2, 1952; 12:18 p. m.]

[General Ceiling Price Regulation, Interpretation 60]

INT. 60—PARITY PASS-THROUGH TO COMPANY ACTING BOTH AS PROCESSOR AND DISTRIBUTOR (SECTION 11 (b) AND (c))

A company customarily both processes dry milk powder in its own plant, and purchases that product from other processors and resells it without substantial change of form. It appears that the company is entitled under section 11 (b) of the General Ceiling Price Regulation to a parity pass-through of less than two cents per pound on the powder processed and sold by it whereas it is entitled to a parity pass-through under section 11 (c) of two cents on the powder which it sells as a distributor. Under these circumstances, GCPR does not authorize a parity pass-through increasing the ceiling price on the powder which is processed by the company to the level to which the company is authorized to raise its ceiling price as a distributor by means of a parity pass-through.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 2, 1952.

[F. R. Doc. 52-12876; Filed, Dec. 2, 1952; 12:18 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 29, Interpretation 1]

GCPR, SR 29—CEILING PRICES FOR CERTAIN SALES AT RETAIL AND AT WHOLESALE

INT. 1—EFFECT OF ADJUSTMENT UNDER SECTION 4 ON PRICING OF INVENTORY (SECTION 4)

Inquiries have been received as to whether the adjustment of ceiling prices under section 4 of SR 29 to GCPR of commodities purchased from a manufacturer who has changed his price for a commodity pursuant to CPR 22 permits or requires the adjustment of the ceiling prices of inventory. The references to increases and decreases in ceiling prices as contained in section 4 (a) and (b) to reflect changes in manufacturers' prices relate to the sale of "that" commodity "when purchased from the supplier after the increase (or decrease) is put into effect." The section 4 adjustment applies only to the quantity purchased at the changed price. The limitation to the commodity purchased after the increase or decrease is in effect, serves to exclude inventory.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 2, 1952.

[F. R. Doc. 52-12877; Filed, Dec. 2, 1952; 12:18 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 29, Interpretation 2]

GCPR, SR 29—CEILING PRICES FOR CERTAIN SALES AT RETAIL AND AT WHOLESALE

INT. 2—TREATMENT OF SEPARATELY STATED FREIGHT CHARGES IN DETERMINING NET INVOICE COST (SECTIONS 3, 4, 5)

The question has been raised as to whether the term "net invoice cost" as used in sections 3, 4, and 5 of SR 29 to GCPR includes separately stated freight charges. Those provisions of the GCPR not inconsistent with and not excluded

by its supplementary regulations are applicable thereto, including the definition of "net invoice cost" in section 22 which excludes separately stated freight charges. The exclusion is applicable both to the base period invoice and the invoice upon which the markup is to be applied. As pointed out in Interpretation 21 to GCPR, the inclusion of freight in the new invoice would operate to include it twice.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 2, 1952.

[F. R. Doc. 52-12877; Filed, Dec. 2, 1952; 12:18 p. m.]

[General Overriding Regulation 4, Amdt. 14 to Revision 1]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

SUSPENSION OF MEN'S AND YOUNG MEN'S APPAREL, APPAREL FURNISHINGS AND APPAREL ACCESSORIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 14 to General Overriding Regulation 4, Revision 1, is hereby issued.

Statement of considerations. This amendment adds to the commodities suspended from price control most items of men's and young men's apparel, apparel furnishings and apparel accessories. This action is taken in line with the policy of suspending or otherwise relaxing controls on commodities when their selling prices generally are materially below ceilings and are not expected to reach ceiling prices in the foreseeable future.

As stated in the Statement of Considerations accompanying the suspension of price controls over women's, misses' and junior misses' apparel, the yarns and fabrics used in the manufacture of the bulk of apparel items have been suspended from price control for more than four months and their prices are still generally some 20 to 25 percent below their ceilings.

A recently completed study of men's and young men's apparel, apparel furnishings and apparel accessories has indicated that, at this time, price controls on these items are not necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

The men's and young men's apparel group includes a wide range of items such as suits, overcoats, tailored sport clothing, shirts, shorts and pajamas, work clothing, knit outerwear and underwear. By October 1952, according to Bureau of Labor Statistics figures, manufacturers' prices in the group most closely corresponding to the items suspended by this amendment had declined 6.6 percent from their high in April and May 1951. At retail, men's clothing prices in September 1952, the latest month for which consumer price data are available, were down 4.0 percent from the peak reached in September 1951. Since May 1952 there have been substantial increases in production of nearly all men's and young men's apparel items and goods are plentiful in the markets. Many of the tailored clothing manufacturers have announced their prices for the spring of 1953, and in most cases of record such prices are the same as or below the prices for the previous spring season. In no known instance has a manufacturer announced an increase in price, and there is no indication that any material rise in prices in this area in the foreseeable future is likely.

The men's and young men's apparel items suspended at the manufacturing level by this action are covered by CPR 45, Rev. 1. Since the use of that regulation has not been made mandatory, manufacturers have had the option of determining their ceiling prices for these items under that regulation or the GCPR. In general, these same items are suspended by this action at the wholesale and retail levels. However, in order to avoid the confusion which would result from subdividing CPR 7 categories, it has been found advisable in some cases to suspend an entire category though it includes some items not suspended at the manufacturing level, or, in other cases, to keep the entire category under control.

In view of the above considerations, it is the judgment of the Director of Price Stabilization that price controls on sales of these commodities are not required at this time to carry out the purposes of the Defense Production Act of 1950, as amended.

The Director may at any time modify or terminate this suspension if he determines that such action is required in the interest of the stabilization program. In any event, this suspension will be terminated as to any segment of these industries when controls are reimposed on the principal fabrics used by that segment in the manufacture of these commodities.

All records which were required to be prepared and preserved under the applicable ceiling price regulations in effect prior to this amendment must continue to be preserved.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations.

Amendatory provisions. Section 3 of General Overriding Regulation 4, Revision 1, is amended by adding the following paragraphs:

(p) The following articles, when sold by the manufacturer (including a manufacturing retailer):

(1) Men's and young men's apparel, apparel furnishings and apparel accessories made of textile materials, leather, fur, plastic, other materials which are normally sewed as part of the assembly operation, or a combination of such materials. The terms "men's" and "young men's" refer to articles sold in the size ranges or groupings commonly designated by those terms. Specifically excluded from this paragraph, however, are articles for surgical, corrective or orthopedic use, such as knitted elastic corrective garments, abdominal belts, or orthopedic braces.

(2) Component parts manufactured exclusively for further processing into or for use as a part of any article included in subparagraph (1) above. Examples of such component parts are hat bodies, pockets, collars, and shoulder pads.

(q) The following articles, when sold at wholesale or retail, except sales made in the territories and possessions of the United States. A sale at wholesale or retail is a sale by a person who buys an article and resells it without substantially changing its form. (The articles suspended by this paragraph are described, for convenience, in terms of the categories named in CPR 7, Retail Ceiling Prices for Certain Consumer Goods. However, all wholesale and retail sales of the articles described are suspended from price control regardless of whether their ceiling prices have been determined under the General Ceiling Price Regulation or CPR 7.)

(1) All articles covered by the following categories:

NOTE: The suspension of each of these categories is as broad as the coverage of the category. All articles in the category are suspended. This means that if the category includes boys' sizes as well as men's or young men's sizes, the boys' sizes are also suspended from price control.

Category 101—Men's Tailored Topcoats and Overcoats

Among the articles included are:

Tailored topcoats and overcoats.
Tailored fingertip-length coats, and tailored rain and reversible coats of all lengths.
Detachable coat linings.

Category 102—Men's Suits and Sport Coats

Among the articles included are:

Tailored suits made of cotton, rayon, wool or other fibres, or of mixtures.
Separate tailored sport coats.

Category 103—Men's Trousers and Related Items

This category does not include any staple work clothing. Among the articles included are:

Separate trousers, pants, and slacks.
Breeches, riding pants and jodhpurs
Knickers and walking shorts.
Vests made of woven cloth.

Category 104—Men's Slack Suits

Category 105—Men's Civilian Uniforms

Among the garments included are:

Uniform suits (such as conductors', chauffeurs', policemen's, firemen's, bands, military schools, etc.).
Uniform overcoats and topcoats.
Uniform jackets.
Uniform trousers.
Uniform hats and caps.

Category 105A—Men's Overalls, including Bib and Dungarees, and Overall Jackets

Category 105B—Men's Work Shirts, Work Pants and Match Sets, including Work Uniforms

Category 105C—Men's Work Accessories, including Gloves, Bandannas, Hosiery,[1] Caps and Hats (including straw) which are used primarily as work or farm hats

Category 105D—Men's One-piece Work Suits and Men's Smocks

Category 106—Men's U. S. Regulation Military Uniforms

Suits, topcoats and overcoats.
Fingertip length coats and rain and reversible coats of all lengths.
Separate jackets, middies, and blouses made in the manner commonly used for jackets.
Separate trousers, breeches, and tropical shorts.

Category 107—Men's Sports and Utility Heavy Outerwear

Sport and loafer jackets and non-tailored coats except water repellent jackets and sleeveless styles.
Leather coats and jackets.
Combination leather and fabric coats and jackets.
Wool coats and jackets made of woven cloth (such as mackinaws, parkas, loafer coats, swagger coats, melton jackets).
Ski and skating jackets and pants.

Category 107B—Men's Raincoats and Water Repellent Garments

Jackets, such as water repellent poplin.
Non-tailored raincoats, rain caps and hats.
Suits.
Pants.
Overalls.
Aprons.
Vests.
Leggings.

Category 119—Men's and Boys' Handkerchiefs, Scarves and Mufflers

Among the articles included are:

Pocket handkerchiefs.
Sport handkerchiefs.
Fancy handkerchiefs.
Woolen mufflers and scarves.
Knitted mufflers and scarves.

Category 120—Men's and Boys' Neckties

Among the articles included are:

Bow ties.
Four-in-hand ties.
Cravats.
Ascot ties.

Category 121—Men's and Boys' Sundries

The articles included are:

Suspenders, garters, and arm bands.
Belts.
Separate collars.
Spats.
Men's wallets.

(2) Men's and young men's sizes of all articles covered by the following categories:

NOTE: The suspension of each of these categories is limited to men's and young men's sizes. Only articles in the category which are in these sizes are suspended. This means that if the category includes other sizes they remain under price control.

Category 107A—Hunting and Fishing Apparel

Cotton shell coats, jackets and vests (lined and unlined).
Hunting and fishing coats, jackets, breeches, vests and caps.

Category 114—Men's and Boys' Bathing Wear

Bathing suits and trunks.

Category 115—Men's and Boys' Sweaters

This category includes all knitted outerwear and garments combined of knitted and other fabrics. Among the garments included are:

Sweaters.
Sweater vests.
Sweater coats.
Knitted pull-overs.
Knitted cardigans.

Category 116—Men's and Boys' Underwear and Nightwear

This category includes all underwear and nightwear garments made of either knitted or woven fabrics. Among the garments included are:

Union suits.
Shorts, drawers, and briefs.
Undershirts and T shirts.
Pajamas.
Nightshirts and sleeping coats.

Category 117—Men's and Boys' Shirts

This category includes all types of shirts made from all fabrics, except that it does not include any staple work shirts. It includes military shirts. Among the garments included are:

Dress shirts.
Neck-band shirts.
Collar-attached shirts.
Business shirts.
Sport shirts.
Polo and basque shirts.
Boys' blouses.
Sweat shirts.

Category 122—Men's and Boys' Gloves and Mittens

This category does not include any staple work gloves or athletic gloves covered by Categories 105C and 351. Among the articles included are:

Gloves.
Mittens.

Category 123—Men's and Boys' Hats (other than Straws)

This category does not include any military or civilian uniform hats and caps covered by Categories 105, 105C, 106 and 111, or hats and caps covered by Categories 107B and 112A. It includes:

Hats and caps.
Helmets.
Hoods.
Ear Muffs.

Category 123A—Men's and Boys' Straw Hats

This category covers all types of summer straw hats, except work hats covered by Category 105C. It includes soft styles and stiff styles that are made of woven straw, grass fibres or any imitation thereof and any combination of these materials with any other material.

Category 124—Men's and Boys' Lounging Wear

Among the garments included are:

Bathrobes, beach robes, beach coats, and dressing gowns.
Smoking jackets and coats.
Cocktail and lounging jackets and coats.

(3) Men's and young men's fur garments.[2]

(Sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154)

[1] Hosiery has previously been suspended from price control by Amendment 8 to General Overriding Regulation 4, Revision 1.

[2] Luxury fur garments have previously been exempted from price control by section 2 (g), added to this General Overriding Regulation 4, Revision 1, by Amendment 5.

Effective date. This amendment shall become effective December 2, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

DECEMBER 2, 1952.

[F. R. Doc. 52-12879; Filed, Dec. 2, 1952; 12:18 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

GALVESTON BAY, TEXAS; SEAPLANE RESTRICTED AREA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.186 is hereby prescribed establishing and governing the use of a seaplane restricted area in Galveston Bay, Texas, as follows:

§ 207.186 *Galveston Bay, Texas; seaplane restricted area*—(a) *The area.* The waters of Galveston Bay within a rectangular area approximately 1½ miles wide and 5¼ miles long bounded by straight lines connecting the following coordinates: Latitude 29°24', longitude 94°48'; latitude 29°25', longitude 94°49'; latitude 29°28', longitude 94°45'; latitude 29°27', longitude 94°44'.

(b) *The regulations.* (1) At all times between the hours of 8:00 a. m. and 5:00 p. m., Monday through Friday of each week, when a United States Coast Guard vessel is patrolling the area or standing by in the area, no surface craft of any kind shall enter or remain in the area except as provided otherwise in this section.

(2) Clearance for surface craft operating in the area on set schedules and on prescribed routes may be granted upon written application to the enforcing agency.

(3) Changes in schedules and routes may be made upon written application to the enforcing agency.

(4) Off-schedule operations of craft may be authorized upon special application in each case. These applications shall be made in writing to the enforcing agency, except as provided in subparagraph (5) of this paragraph.

(5) Commercial fishermen, geophysical exploration crews and personnel of oil companies holding leases within the area will not be required to operate on set schedules or over prescribed routes, but in order to enter the area between the hours of 8:00 a. m. and 5:00 p. m., Monday through Friday of each week, they shall have proper identification and the approval of the enforcing agency.

(6) Whenever there is a shrimp run in the area, air rescue practice operations will be suspended and the area will not be restricted.

NOTE: The determination that a shrimp run exists will be evidenced by the presence of at least eight (8) commercial shrimp trawlers in the area. These trawlers will each communicate with the Coast Guard

vessel on duty and express the desire to conduct shrimping operations in the area. When the prescribed number of commercial trawlers have done so, the Coast Guard vessel will inform the Air Rescue Squadron and practice operations will be suspended.

(7) Surface craft found in the area in violation of the regulations in this section will be warned by the Coast Guard vessel on duty. When warned in this manner, the surface craft will leave the area immediately and by the most direct route.

(8) The regulations in this section shall be enforced by the Commanding Officer, Ellington Air Force Base, Houston, Texas, and by such agencies as he may designate.

[Regs., Nov. 6, 1952, 800.2121-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-12757; Filed, Dec. 2, 1952; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (g) of § 1.4, entitled *Fishing*, is amended to read as follows:

(g) The possession of live or dead minnows, chubs, or other bait fish, or the use thereof as bait, or the placing or depositing of fish eggs, fish roe, food, or other substance in any waters for the purpose of attracting, collecting, or feeding fish, is prohibited except in Acadia National Park, Everglades National Park, Hawaii National Park, Fort Jefferson National Monument, the Green and Nolin Rivers in Mammoth Cave National Park, and the waters of Glacier Bay National Monument in which commercial fishing is permitted in accordance with regulations approved by the Secretary on February 28, 1941 (50 CFR, Cum. Supp., 222.17).

2. Paragraph (g), entitled *Effective date*, of § 20.45, entitled *Everglades National Park*, is revoked and a new paragraph designated (g) is added, reading as follows:

(g) *Fishing; bait.* The placing or depositing of fish eggs, fish roe, food, or other substance in any inland lake, bay, canal, river or other body of water being ⅛ of a mile inland from the nearest recognizable shoreline, for the purpose of attracting, collecting, or feeding fish, is prohibited.

3. Paragraph (h) of § 20.45, entitled *Everglades National Park*, is amended to read as follows:

(h) *Feeding of animals.* The feeding, touching, teasing or molesting of any crocodile or alligator is prohibited.

(39 Stat. 535; 16 U. S. C. 3)

Issued this 26th day of November 1952.

VERNON D. NORTHROP,
Acting Secretary of the Interior.

[F. R. Doc. 52-12763; Filed, Dec. 2, 1952; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

SPECIAL RULES OF PRACTICE GOVERNING PROCEDURE OF BOARD OF SUSPENSION AND FOURTH SECTION BOARD

NOVEMBER 26, 1952.

The Commission has adopted special rules governing procedure before the Board of Suspension and the Fourth Section Board to become effective December 1, 1952.

§ 1.200 *Special rules of practice governing the procedure of the Board of Suspension and Fourth Section Board.* (a) The proceedings of the Board of Suspension and the Fourth Section Board shall be informal. No transcription of such proceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) Petitions for reconsideration of the action of the Board of Suspension when tariffs or schedules have been suspended, and petitions for reconsideration of any action taken by the Fourth Section Board, may be filed by any interested party with the Commission for the attention of the designated appellate division within 30 days following receipt of notice of such action. In all other respects, such petitions and the answers thereto will be governed by the Commission's general rules of practice.

(c) When the Board of Suspension has declined to suspend a proposed tariff or schedule, or any part thereof, a petition by any interested party may be filed with the Commission for reconsideration by the designated appellate division, provided it is filed at least 10 days prior to the effective date of the tariff or schedule in question. Telegraphic notice or the equivalent thereof must be given by the petitioner to the respondent or respondents. Answers to such petitions, in order to receive consideration, must reach the Commission in Washington at least 5 days before the effective date of the tariffs or schedules. Petitions and answers may rely on the information previously filed with the Board of Suspension or they may contain additional facts or argument. Written or telegraphic communications in intelligible form will be sufficient.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 543, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

[SEAL] G. W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12791; Filed, Nov. 28, 1952; 4:54 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[27 CFR Part 5]

ALCOHOL AND TOBACCO TAX DIVISION

LABELING AND ADVERTISING OF DISTILLED SPIRITS; NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of section 5 of the Federal Alcohol Administration Act (49 Stat. 981 as amended; 27 U. S. C. 205), of a public hearing to be held on December 19, 1952, at 10 a. m. at Room 1630 Department of Justice Building, Washington, D. C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to a proposal, the substance of which is stated below, to amend Regulations, No. 5 (27 CFR Part 5) relating to labeling and advertising of distilled spirits.

Written data, views or arguments relevant and material to the proposal may be submitted in duplicate for consideration (1) by mailing the same addressed to the Head, Alcohol and Tobacco Tax Division, Bureau of Internal Revenue, Washington 25, D. C., provided that they are received prior to the termination of the hearing, or (2) by presenting the same at the said hearing.

Substance of proposal. To amend section 35 of such regulations (27 CFR 5.35) so as to permit the phrase "bottled by", in lieu of the phrases "distilled by", "blended by", "made by", "prepared by", etc. (now required by subsections (*a*) and (*b*) of section 35) to appear on labels of distilled spirits bottled by or for the distiller or rectifier thereof, as follows:

1. By deleting the present paragraphs (a) and (b) of § 5.35, and inserting in lieu thereof the following new paragraph (a):

(a) *Bottled by.* On labels of domestic distilled spirits, there shall be stated the phrase "bottled by", immediately followed by the name of the bottler and the place where such distilled spirits are bottled. If the bottler is the actual bona fide operator of more than one bottling plant engaged in bottling the same brand of distilled spirits, there may be stated immediately following the name of such bottler the addresses of the plants at which such product is bottled: *Provided, That the State of distillation is stated as provided by paragraph (e) of this section: Provided further:*

(1) That, where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase "bottled by", followed by the bottler's name and address, the phrase "distilled by", followed by the name (or trade name as the case may be) under which the particular spirits were distilled, and the address (or addresses) of the distiller;

(2) That, where distilled spirits are bottled by or for the rectifier thereof, there may be stated, in lieu of the phrase "bottled by", followed by the bottler's name and address, the phrases "blended by", "made by", "prepared by", "manufactured by", or "produced by" (whichever may be appropriate to the act of rectification involved), followed by the name (or trade name as the case may be) under which the distilled spirits were rectified, and the address (or addresses) of the rectifier.

2. By redesignating the present paragraph (c) as paragraph (b) and by amending the phrase "by paragraphs (a) and (b)" in the first sentence of paragraph (c) (4) to read "by paragraph (a)".

3. By deleting paragraphs (d) and (e) and inserting in lieu thereof a new paragraph (c) as follows:

(c) *Bottled for.* In addition to the requirements of paragraphs (a) and (b) of this section, there may also be stated the name and address of the person for whom the distilled spirits are bottled, immediately preceded by the words "bottled for" or "distributed by", or other similar statement.

4. By redesignating the present paragraphs (f), (g), and (h) as (d), (e), and (f), respectively.

[SEAL] DWIGHT E. AVIS,
Head, Alcohol and Tobacco Tax Division, Bureau of Internal Revenue.

[F. R. Doc. 52-12795; Filed, Dec. 2, 1952; 8:48 a. m.]

NOTICES

POST OFFICE DEPARTMENT

FOURTH-CLASS MAIL

PROPOSED INCREASED POSTAGE RATES AND OTHER REFORMATIONS

The Comptroller General of the United States has ruled, in decisions dated March 19, 1952 and June 17, 1952 (B-108245), that (1) the general provisions relating to the Post Office Department contained in Chapter IV of the Supplemental Appropriation Act, 1951, approved September 27, 1950 (64 Stat. 1050; 31 U. S. C. 695), constitutes permanent legislation; and (2) in withdrawing appropriated funds from the general funds of the Treasury to the Post Office Department on or after July 1, 1952, the Post Office Department must certify that "its latest cost analysis shows that the fourth-class mail rates are producing sufficient revenues to cover the cost of carrying such mail, or that a further petition has been filed with the Interstate Commerce Commission for an increase in the rates to cover the deficiences therein as disclosed by the annual cost accounting operations of the Post Office Department." Such petition was filed with the Interstate Commerce Commission on June 25, 1952, and notice of such filing was published in Volume 17 of the FEDERAL REGISTER at page 5832.

On the basis of the best information now available the increases in the fourth-class mail rates and other reformations, hereinafter set forth, are necessary to produce sufficient revenues to cover the cost of carrying such mail.

Pursuant to the notice of this Department (17 F. R. 5832), interested parties are afforded an opportunity to present written data, views, or arguments for consideration by this Department prior to the filing of the proposed increased postage rates for fourth-class mail, and other reformations, with the Interstate Commerce Commission pursuant to section 207, 43 Stat. 1067, as amended (39 U. S. C. 247), and Chapter IV, 64 Stat. 1050 (31 U. S. C. 695).

Accordingly, (1) available information (which is subject to refinement) on which the following rate increases and other reformations are based, may be obtained from the Comptroller, Bureau of Accounts, Post Office Department, Washington 25, D. C., upon request; (2) representatives of the Post Office Department will be available for conference with respect to the proposed rate increases and other reformations on December 15, 1952, at 10 a. m., in Room 3237, Post Office Department, Twelfth Street and Pennsylvania Avenue, NW., Washington, D. C.; and (3) all written data, views, or arguments for consideration by the Post Office Department in determining the extent and character of rates and other reformations to be established with respect to fourth-class mail must be transmitted to the Postmaster General, Post Office Department, Washington 25, D. C., not later than the thirtieth day after the publication of this notice in the FEDERAL REGISTER.

Increases in postage rates for fourth-class mail, and other reformations necessary to produce sufficient revenues to cover the cost of carrying such mail, are as follows:

ZONES

Weight (pounds)	Local	1 and 2	3	4	5	6	7	8
1	$0.18	$0.23	$0.23	$0.24	$0.26	$0.28	$0.30	$0.32
2	.22	.27	.28	.31	.35	.40	.45	.50
3	.21	.31	.34	.38	.44	.52	.60	.68
4	.23	.35	.39	.45	.53	.63	.75	.85
5	.24	.39	.44	.51	.62	.75	.90	1.03
6	.26	.43	.49	.58	.71	.86	1.04	1.20
7	.27	.46	.54	.65	.80	.98	1.19	1.38
8	.29	.50	.59	.71	.89	1.10	1.34	1.55
9	.30	.54	.64	.78	.98	1.21	1.49	1.73
10	.32	.58	.69	.85	1.07	1.33	1.63	1.90
11	.33	.62	.74	.91	1.16	1.44	1.78	2.08
12	.35	.66	.79	.98	1.25	1.56	1.93	2.25
13	.36	.69	.84	1.05	1.34	1.67	2.08	2.43
14	.38	.73	.89	1.11	1.43	1.79	2.22	2.60
15	.39	.77	.94	1.18	1.52	1.91	2.37	2.78
16	.41	.81	.99	1.25	1.61	2.02	2.52	2.95
17	.42	.85	1.04	1.31	1.70	2.14	2.67	3.13
18	.43	.89	1.09	1.38	1.79	2.25	2.81	3.30
19	.45	.92	1.14	1.45	1.88	2.37	2.96	3.48
20	.46	.96	1.19	1.51	1.97	2.49	3.11	3.65
21	.48	1.00	1.24	1.58	2.06	2.60	3.26	3.83
22	.49	1.04	1.29	1.65	2.15	2.72	3.40	4.00
23	.51	1.08	1.34	1.71	2.24	2.83	3.55	4.18
24	.52	1.12	1.39	1.78	2.33	2.95	3.70	4.35
25	.54	1.17	1.44	1.85	2.42	3.06	3.85	4.53
26	.55	1.19	1.49	1.91	2.51	3.18	3.99	4.70
27	.57	1.23	1.55	1.98	2.60	3.30	4.14	4.88
28	.58	1.27	1.60	2.05	2.69	3.41	4.29	5.05
29	.60	1.31	1.65	2.12	2.78	3.53	4.44	5.23
30	.61	1.35	1.70	2.18	2.87	3.64	4.59	5.40
31	.63	1.38	1.75	2.25	2.96	3.76	4.73	5.58
32	.64	1.42	1.80	2.32	3.04	3.87	4.88	5.75
33	.66	1.46	1.85	2.38	3.14	3.99	5.03	5.93
34	.67	1.50	1.90	2.45	3.23	4.11	5.18	6.10

ZONES—continued

Weight (pounds)	Local	1 and 2	3	4	5	6	7	8
35	$0.68	$1.54	$1.95	$2.52	$3.32	$4.22	$5.32	$6.28
36	.70	1.58	2.00	2.58	3.41	4.34	5.47	6.45
37	.71	1.61	2.05	2.65	3.50	4.45	5.62	6.63
38	.73	1.65	2.10	2.72	3.59	4.57	5.77	6.80
39	.74	1.69	2.15	2.78	3.68	4.69	5.91	6.98
40	.76	1.73	2.20	2.85	3.77	4.80	6.06	7.15
41	.77	1.77	2.25	2.92	3.86	4.92	6.21	7.33
42	.79	1.81	2.30	2.98	3.95	5.03	6.36	7.50
43	.80	1.84	2.35	3.05	4.04	5.15	6.50	7.68
44	.82	1.88	2.40	3.12	4.13	5.26	6.65	7.85
45	.83	1.92	2.45	3.18	4.22	5.38	6.80	8.03
46	.85	1.96	2.50	3.25	4.31	5.50	6.95	8.20
47	.86	2.00	2.55	3.32	4.40	5.61	7.09	8.38
48	.88	2.04	2.60	3.38	4.49	5.73	7.24	8.55
49	.89	2.07	2.65	3.45	4.58	5.84	7.39	8.73
50	.91	2.11	2.70	3.52	4.67	5.96	7.54	8.90
51	.92	2.15	2.75	3.58	4.75	6.07	7.68	9.08
52	.93	2.19	2.81	3.65	4.84	6.19	7.83	9.26
53	.95	2.23	2.86	3.72	4.93	6.31	7.98	9.43
54	.96	2.26	2.91	3.79	5.02	6.42	8.13	9.61
55	.98	2.30	2.96	3.85	5.11	6.54	8.28	9.78
56	.99	2.34	3.01	3.92	5.20	6.65	8.42	9.96
57	1.01	2.38	3.06	3.99	5.29	6.77	8.57	10.13
58	1.02	2.42	3.11	4.05	5.38	6.89	8.72	10.31
59	1.04	2.46	3.16	4.12	5.47	7.00	8.87	10.48
60	1.05	2.49	3.21	4.19	5.56	7.12	9.01	10.66
61	1.07	2.53	3.26	4.25	5.65	7.23	9.16	10.83
62	1.08	2.57	3.31	4.32	5.74	7.35	9.31	11.01
63	1.10	2.61	3.36	4.39	5.83	7.46	9.46	11.18
64	1.11	2.65	3.41	4.45	5.92	7.58	9.60	11.36
65	1.13	2.69	3.46	4.52	6.01	7.70	9.75	11.53
66	1.14	2.72	3.51	4.59	6.10	7.81	9.90	11.71
67	1.16	2.76	3.56	4.65	6.19	7.93	10.05	11.88
68	1.17	2.80	3.61	4.72	6.28	8.04	10.19	12.06
69	1.18	2.84	3.66	4.79	6.37	8.16	10.34	12.23
70	1.20	2.88	3.71	4.85	6.46	8.28	10.49	12.41

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-12792; Filed, Nov. 29, 1952; 1:51 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

ORDER OF RESTORATION FROM POWER SITE RESERVE NO. 590; CORRECTION

NOVEMBER 24, 1952.

The second paragraph of Order of Restoration from Power Site Reserve No. 590, Arizona, dated November 14, 1952 (17 F. R. 10604) is hereby corrected to read as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far

as they were withdrawn or reserved for power purposes, are hereby restored to disposition under any applicable public-land law, subject to the provisions of section 24 of the Federal Power Act, as amended.

HAROLD T. TYSK,
Acting Regional Administrator.

[F. R. Doc. 52-12762; Filed, Dec. 2, 1952; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043; and June 2, 1952; 17 F. R. 3818).

Calhoun Garment Co., Calhoun City, Miss., effective 12-18-52 to 12-17-53; 10 percent of the productive factory force (boys' and students' semidress pants).

Calhoun Garment Co., Calhoun City, Miss., effective 11-24-52 to 5-23-53; 100 learners for expansion purposes (boys' and students' semidress pants).

Carteret Shirt, Inc., 652 Roosevelt Avenue, Carteret, N. J., effective 11-21-52 to 11-20-53; 10 percent of the productive factory force (men's shirts).

Cluett, Peabody & Co., Inc., Virginia, Minn., effective 11-19-52 to 11-18-53; 10 percent of the productive factory force (white shirts).

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky., effective 11-28-52 to 11-27-53; 10 percent of the productive factory force (denim bib overalls and denim overall jackets).

Eagle Bros., Mahanoy City, Pa., effective 11-23-52 to 11-22-53; 10 percent of the productive factory force (dress and sport shirts).

Elfin Dress Corp., Cass and Greene Streets, Middletown, Del., effective 11-17-52 to 11-16-53; 10 learners (dresses).

Florence Manufacturing Co., Inc., Chase Avenue, Florence, S. C., effective 11-28-52 to 11-27-53; 10 percent of the productive factory force (ladies' cotton house dresses).

Hebron Pants Factory, Hebron, Md., effective 11-29-52 to 11-28-53; 10 percent of the productive factory force (cotton work pants).

L. J. Kral Manufacturing Co., P. O. Box 412 Seventh Street, New Kensington, Pa., effective 11-20-52 to 5-19-53; 25 learners for expansion purposes (women's blouses).

Leslie Ann, Inc., Plant No. 2, Donaldson, Pa., effective 11-17-52 to 11-16-53; 10 percent of the productive factory force (ladies' dresses).

Leslie Ann, Inc., Sixth and Colliery Avenue, Tower City, Pa., effective 11-18-52 to 11-17-53; 10 percent of the productive factory force (ladies' dresses).

Linden Apparel Corp., Linden, Tenn., effective 11-23-52 to 11-22-53; 10 percent of the productive factory force (dungarees and coats).

Malden Form Brassiere Co., Inc., Route No. 1, Princeton, W. Va., effective 11-21-52 to 11-20-53; 10 percent of the productive factory force (brassieres).

Mandel Manufacturing Co., 1110 Washington Avenue, St. Louis, Mo., effective 11-20-52 to 11-19-53; 10 percent of the productive factory force. Learners may not be employed at subminimum wage rates in the production of women's, misses', and children's suits and skirts (junior sportswear).

Martin Manufacturing Co., Inc., Robersonville, N. C., effective 11-17-52 to 5-16-53; 30 learners for expansion purposes (ladies' cotton dresses and ladies' and children's robes).

Monticello Manufacturing Co., Monticello, Miss., effective 11-24-52 to 11-23-53; 10 percent of the productive factory force (men's work pants).

N & W Industries, Inc., Rocky Mount, Va., effective 11-17-52 to 11-16-53; 10 percent of the productive factory force (dungarees).

N & W Industries, Inc., Rocky Mount, Va., effective 11-17-52 to 5-16-53; 15 learners for expansion purposes (dungarees).

Wm. H. Noggle & Sons, Inc., Grant and High Streets, Manheim, Pa., effective 11-29-52 to 11-28-53; 10 percent of the productive factory force (men's and boys' shirts).

Wm. H. Noggle & Sons, Inc., Rexmont, Pa., effective 11-30-52 to 11-29-53; five learners (boys' pajamas).

Oberman Manufacturing Co., Fayetteville, Ark., effective 11-30-52 to 11-29-53; 10 percent of the productive factory force (men's and boys' single pants and shirts).

Pittston Apparel Co., Inc., East and Tompkins Streets, Pittston, Pa., effective 11-20-52 to 11-19-53; 10 percent of the productive factory force (corsets and brassieres).

Reliance Manufacturing Co., "Magnolia" Factory, Laurel, Miss., effective 12-1-52 to 11-30-53; 10 percent of the productive factory force (sport shirts and pajamas).

Resort Dress Manufacturing Corp., Main Street, Route No. 31, Stanhope, N. J., effective 11-19-52 to 11-18-53; five learners (dresses).

Seminole Manufacturing Co., Aberdeen, Miss., effective 12-1-52 to 11-30-53; 10 percent of the productive factory force (trousers).

Seminole Manufacturing Co., Columbus, Miss., effective 12-1-52 to 11-30-53; 10 percent of the productive factory force (trousers).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952; 17 F. R. 8633).

El Moro Cigar Co., corner South Greene Street and Edwards Place, Greensboro, N. C., effective 11-30-52 to 11-29-53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours at 65 cents per hour.

Pennstate Cigar Corp., 426 East Allegheny Avenue, Philadelphia 34, Pa., effective 11-30-52 to 11-29-53; 10 percent of the productive factory workers engaged in the learner occupations; cigar machine operating, 320 hours, machine stripping, 160 hours, packing (cigars retailing for 6 cents or less), 160 hours; each 65 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Newton Glove Manufacturing Co., Newton, N. C., effective 11-21-52 to 11-20-53; 10 percent of the productive factory force engaged in machine stitching operations (work gloves).

North Star Manufacturing Co., 2317 Pacific Avenue, Tacoma, Wash., effective 11-21-52 to 11-20-53; six learners (canvas and leather-faced work gloves).

Wells Lamont Corp., Fort Morgan, Colo., effective 11-20-52 to 11-19-53; 10 percent of the productive factory force engaged in machine stitching operations (leather palm and all leather gloves).

Wells Lamont Corp., Eupora, Miss., effective 11-20-52 to 11-19-53; 10 percent of the productive factory force engaged in machine stitching operations (canton flannel work gloves).

Wells Lamont Corp., Philadelphia, Miss., effective 11-20-52 to 11-19-53; 10 percent of the productive factory force engaged in machine stitching operations (canton flannel work gloves).

Western Glove Co., Orting, Wash., effective 11-21-52 to 11-20-53; six learners (canvas and leather-faced canvas gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

The Bella Co., Jordan Avenue, Mount Pleasant, Tenn., effective 11-24-52 to 11-23-53; five learners.

Berkshire Knitting Mills, Andrews, N. C., effective 11-24-52 to 7-23-53; 50 learners for expansion purposes.

Berkshire Knitting Mills, Andrews, N. C., effective 11-24-52 to 11-23-53; 5 percent of the productive factory force.

Black Mountain Hosiery Mills, Inc., Black Mountain, N. C., effective 11-21-52 to 11-20-53; five learners.

Black Mountain Hosiery Mills, Inc., Black Mountain, N. C., effective 11-21-52 to 7-20-53; five learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Clarke County Telephone Co., Osceola, Iowa, effective 11-28-52 to 11-27-53.

Northern Ohio Telephone Co., Carey, Ohio, effective 11-28-52 to 11-27-53.

Northern Ohio Telephone Co., Lodi, Ohio, effective 11-28-52 to 11-27-53.

Northern Ohio Telephone Co., Loudonville, Ohio, effective 11-28-52 to 11-27-53.

Northern Ohio Telephone Co., New London, Ohio, effective 11-28-52 to 11-27-53.

Northern Ohio Telephone Co., Seville, Ohio, effective 11-28-52 to 11-27-53.

Thermal Belt Telephone Co., Tryon, N. C., effective 11-30-52 to 11-29-53.

Wabasha County Telephone Co., Plainview, Minn., effective 11-17-52 to 11-16-53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Knitters Co., 19 East Magnolia Street, Hazleton, Pa., effective 11-29-52 to 11-28-53; four learners (infants' and children's knitted outerwear).

Oneita Knitting Mills, Andrews, S. C., effective 11-21-52 to 11-20-53; 5 percent of the productive factory force (knitted underwear).

Reidler Knitting Mills, Inc., 757 West Broad Street, Hazleton, Pa., effective 11-24-52 to 11-23-53; 5 percent of the productive factory force (cotton knit underwear).

Reliance Manufacturing Co., Beacon Factory, Loogootee, Ind., effective 11-21-52 to 11-20-53; 5 percent of the productive factory force (men's underwear shorts).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Auerbach Shoe Co., Lynn Street, Norway, Maine, effective 11-21-52 to 11-20-53; 10 percent of the productive factory force.

Middletown Footwear, Inc., Middletown, N. Y., effective 11-21-52 to 11-20-53; 10 percent of the productive factory force.

Windsor Shoe Co., Inc., Greencastle, Pa., effective 11-18-52 to 11-17-53; 10 percent of the productive factory force.

Windsor Shoe Co., Inc., Littlestown, Pa., effective 11-18-52 to 11-17-53; 10 percent of the productive factory force.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Fabriko, Inc., Green Lake, Wis., effective 11-20-52 to 5-19-53; six learners. Learners are not authorized at subminimum wage rates in the manufacture of loafer sox. Sewing machine operators, 240 hours at 65 cents per hour (advertising caps, aprons, etc.).

Levine Bros. Bag Co., 38-46 Mill Street, Kingston, N. Y., effective 11-24-52 to 5-23-53; two learners; mending machine operators, 160 hours at 65 cents per hour (reconditioning of cotton and burlap bags).

Palm Beach Co., Danville, Ky., effective 12-6-52 to 12-5-53; 7 percent of the productive factory force; machine operators (except cutting), pressers, handsewers, each 480 hours, 65 cents per hour for the first 240 hours and 70 cents per hour for the remaining 240 hours (men's clothes).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 25th day of November 1952.

ROBT. G. GRONEWALD,
Authorized Representative of the Administrator.

[F. R. Doc. 52-12764; Filed, Dec. 2, 1952; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5766]

AIR AMERICA, INC.; ENFORCEMENT PROCEEDING

NOTICE OF REASSIGNMENT OF DATE OF HEARING

In the matter of Air America, Inc., Enforcement Proceeding.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding which was previously assigned to be held on December 4, 1952, is now assigned to be held on December 17, 1952, at 10:00 a. m., e. s. t., in Room 4833, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., November 28, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-12797; Filed, Dec. 2, 1952; 8:48 a. m.]

[Docket No. 5546]

DELTA AIR LINES, INC., AND CHICAGO AND SOUTHERN AIR LINES, INC.; MERGER CASE

NOTICE OF ORAL ARGUMENT

In the matter of the joint application of Delta Air Lines, Inc., and Chicago and Southern Air Lines, Inc., as amended, under sections 408, 401 (j) and 801 of the Civil Aeronautics Act of 1938, as amended, for approval of an Agreement of Merger.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on December 11, 1952, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 26, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-12798; Filed, Dec. 2, 1952; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 11, Revision 2]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 5, Revision (16 F. R. 11875) Delegation of Authority 11, Revision 2, is hereby issued.

1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to take any action provided for by Distribution Regulation 1, Revision 1, with respect to Class 2 or Class 2A slaughterers.

2. The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

3. This Delegation of Authority 11, Revision 2, supersedes Delegation of Authority 11, Revision 1, issued March 11, 1952, and all amendments thereto.

4. This delegation of authority shall take effect on November 26, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12732; Filed, Nov. 26, 1952; 11:59 a. m.]

[Delegation of Authority 80]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENTS OF CEILING PRICES OF CERTAIN SELLERS OF AUTOMOTIVE AND FARM EQUIPMENT REPAIR SERVICES UNDER SUPPLEMENTARY REGULATION 26 TO CEILING PRICE REGULATION 34

By virtue of the authority vested in the Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this delegation of authority is hereby issued.

1. *Authority to act under section 4 of SR 26 to CPR 34.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to process applications for adjustment filed under section 4 of Supplementary Regulation 26 to Ceiling Price Regulation 34; to issue letter orders establishing adjusted ceiling prices for automotive and farm equipment repair services covered thereby; to issue letter orders denying such applications for adjustment; and to request additional information as provided in section 4 of Supplementary Regulation 26 to Ceiling Price Regulation 34.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on December 3, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

DECEMBER 2, 1952.

[F. R. Doc. 52-12880; Filed, Dec. 2, 1952; 12:18 p. m.]

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation were filed with the Division of the FEDERAL REGISTER on November 20, 1952.

REGION I

Manchester Order 1-G1-2, Amendment 1, changes the ceiling price, adds and deletes certain food items for retail sales in the New Hampshire area excepting Coos, Carroll, and Grafton Counties, filed 1:56 p. m.

Manchester Order 1-G2-2, Amendment 1, changes the ceiling price, adds and deletes certain food items for retail sales in the New Hampshire area excepting Coos, Carroll, and Grafton Counties, filed 1:56 p. m.

productive factory force (cotton work pants).

each 65 cents per hour.

force (cotton knit underwear).

amended, that the hearing in the above-entitled proceeding which was previous-

Stabilization.

Hampshire area excepting Coos, Carroll, and Grafton Counties, filed 1:56 p. m.

Manchester Order 1–G3–2, Amendment 1, changes the ceiling price, adds and deletes certain food items for retail sales in the New Hampshire area excepting Coos, Carroll, and Grafton Counties, filed 1:57 p. m.

Manchester Order 1–G4–2, Amendment 1, changes the ceiling price, adds and deletes certain food items for retail sales in the New Hampshire area excepting Coos, Carroll, and Grafton Counties, filed 1:57 p. m.

Manchester Order 1–G4A–2, Amendment 1, changes the ceiling price, adds and deletes certain food items for retail sales in the New Hampshire area excepting Coos, Carroll, and Grafton Counties, filed 1:57 p. m.

Hartford Order 1–G1–1, Amendment 4, covering retail prices for certain dry grocery items sold by retailers in Hartford area No. 1, filed 1:57 p. m.

Hartford Order 1–G1–2, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in Hartford area No. 1, filed 1:59 p. m.

Hartford Order 1–G2–2, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in Hartford area No. 1, filed 1:59 p. m.

Hartford Order 1–G3–2, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in Hartford area No. 1, filed 1:59 p. m.

Hartford Order 1–G4–2, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in Hartford area No. 1, filed 2:00 p. m.

Portland Order II–G1–1, covering retail prices for certain dry grocery items sold by retailers in several counties in the Maine area, filed 2:00 p. m.

Portland Order II–G2–1, covering retail prices for certain dry grocery items sold by retailers in several counties in the Maine area, filed 2:01 p. m.

Portland Order II–G3–1, covering retail prices for certain dry grocery items sold by retailers in several counties in the Maine area, filed 2:01 p. m.

Portland Order II–G4–1, covering retail prices for certain dry grocery items sold by retailers in several counties in the Maine area, filed 2:02 p. m.

REGION II

New York Order 1–G1–2, establishing retail prices for certain dry grocery items sold by retailers in several counties in the New York area, filed 2:02 p. m.

New York Order 1–G2–2, establishing retail prices for certain dry grocery items sold by retailers in several counties in the New York area, filed 2:03 p. m.

New York Order 1–G3–2, establishing retail prices for certain dry grocery items sold by retailers in several counties in the New York area, filed 2:03 p. m.

New York Order 1–G4–2, establishing retail prices for certain dry grocery items sold by retailers in several counties in the New York area, filed 2:04 p. m.

REGION III

Wilmington Order 1–G1–2, Amendment 1, changes and deletes certain food items for retail sales in the Wilmington area, filed 2:04 p. m.

Wilmington Order 1–G2–2, Amendment 1, changes certain food items for retail sales in the Wilmington area, filed 2:04 p. m.

Wilmington Order 1–G3–2, Amendment 1, changes certain food items for retail sales in the Wilmington area, filed 2:05 p. m.

Wilmington Order 1–G4–2, Amendment 1, changes certain food items for retail sales in the Wilmington area, filed 2:05 p. m.

Pittsburgh Order II–G1–1, covering retail prices for certain dry grocery items sold by retailers in the Erie area, filed 2:06 p. m.

Pittsburgh Order II–G2–1, covering retail prices for certain dry grocery items sold by retailers in the Erie area, filed 2:06 p. m.

Pittsburgh Order II–G3–1, covering retail prices for certain dry grocery items sold by retailers in the Erie area, filed 2:07 p. m.

Pittsburgh Order II–G4–1, covering retail prices for certain dry grocery items sold by retailers in the Erie area, filed 2:08 p. m.

REGION IV

Washington, D. C., Order 1–G1–1, Amendment 4, changes and deletes certain food items for retail sales in the District of Columbia area, filed 2:08 p. m.

Washington, D. C., Order 1–G2–1, Amendment 4, changes and deletes certain food items for retail sales in the District of Columbia area, filed 2:08 p. m.

Washington, D. C., Order 1–G4–1, Amendment 4, changes and deletes certain food items for retail sales in the District of Columbia area, filed 2:09 p. m.

Baltimore Order 1–G3–1, Amendment 4, changes and deletes certain food items for retail sales in the Baltimore area, filed 2:09 p. m.

Baltimore Order 1–G4–1, Amendment 4, changes and deletes certain food items for retail sales in the Baltimore area, filed 2:09 p. m.

Charlotte Order 1–G3–1, Amendment 4, changes, adds and deletes certain food items for retail sales in the Charlotte area, filed 2:10 p. m.

Charlotte Order 1–G4–1, Amendment 4, changes, adds and deletes certain food items for retail sales in the Charlotte area, filed 2:10 p. m.

Charlotte Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the Charlotte area, filed 2:12 p. m.

Charlotte Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the Charlotte area, filed 2:13 p. m.

Charlotte Order 1–G3–2, covering retail prices for certain dry grocery items sold by retailers in the Charlotte area, filed 2:13 p. m.

Charlotte Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the Charlotte area, filed 2:13 p. m.

Charlotte Order 1–G4A–1, covering retail prices for certain dry grocery items sold by retailers in the Charlotte area, filed 2:14 p. m.

Charlotte Order 1–G3A–2, covering retail prices for certain dry grocery items sold by retailers in the Charlotte area, filed 2:15 p. m.

Washington, D. C., Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the District of Columbia area, filed 2:15 p. m.

Washington, D. C., Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the District of Columbia area, filed 2:15 p. m.

Washington, D. C., Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the District of Columbia area, filed 2:15 p. m.

Charleston Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the Charleston area, filed 2:16 p. m.

Charleston Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the Charleston area, filed 2:16 p. m.

Charleston Order 1–G3–2, covering retail prices for certain dry grocery items sold by retailers in the Charleston area, filed 2:16 p. m.

Charleston Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the Charleston area, filed 2:17 p. m.

REGION V

Nashville Order 1–G1–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:17 p. m.

Nashville Order 1–G2–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:18 p. m.

Nashville Order 1–G3–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:19 p. m.

Nashville Order 1–G4–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:19 p. m.

Nashville Order 1–G4A–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Nashville area, filed 2:19 p. m.

Montgomery Order 1–G2–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 2:20 p. m.

Montgomery Order 1–G3–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 2:20 p. m.

Montgomery Order 1–G4–2, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Montgomery area, filed 2:20 p. m.

REGION VII

Milwaukee Order II–G1–1, covering retail prices for certain dry grocery items sold by retailers in the Green Bay area, filed 2:21 p. m.

Milwaukee Order II G2–1, covering retail prices for certain dry grocery items sold by retailers in the Green Bay area, filed 2:21 p. m.

Milwaukee Order II–G3–1, covering retail prices for certain dry grocery items sold by retailers in the Green Bay area, filed 2:22 p. m.

Milwaukee Order II–G4–1, covering retail prices for certain dry grocery items sold by retailers in the Green Bay area, filed 2:23 p. m.

REGION VIII

Minneapolis Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the Minneapolis-St. Paul area, filed 2:23 p. m.

Minneapolis Order 1–G2–2, covering retail prices for certain dry grocery items sold by retailers in the Minneapolis-St. Paul area, filed 2:23 p. m.

Minneapolis Order 1–G3–2, covering retail prices for certain dry grocery items sold by retailers in the Minneapolis-St. Paul area, filed 2:24 p. m.

Minneapolis Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the Minneapolis-St. Paul area, filed 2:24 p. m.

Minneapolis Order 1–G4A–1, covering retail prices for certain dry grocery items sold by retailers in the Minneapolis-St. Paul area, filed 2:25 p. m.

REGION IX

Wichita Order 1–G4–2, Amendment 1, changes certain food items for retail sales in the Sedgwick County area, filed 2:25 p. m.

Kansas City Order 1–G1–2, Amendment 1, changes and adds certain food items for retail sales in the Kansas City area, filed 2:26 p. m.

Kansas City Order 1–G2–2, Amendment 1, changes and adds certain food items for retail sales in the Kansas City area, filed 2:26 p. m.

Kansas City Order 1–G3–2, Amendment 1, changes and adds certain food items for retail sales in the Kansas City area, filed 2:26 p. m.

Kansas City Order 1–G4–2, Amendment 1, changes and adds certain food items for retail sales in the Kansas City area, filed 2:26 p. m.

Des Moines Order 1–G1–2, covering retail prices for certain dry grocery items sold by retailers in the Des Moines area, filed 2:26 p. m.

Des Moines Order 1–G2–2, covering retail prices for certain dry grocery items sold by

retailers in the Des Moines area, filed 2:28 p. m.

Des Moines Order 1–G3–2, covering retail prices for certain dry grocery items sold by retailers in the State of Iowa, filed 2:29 p. m.

Des Moines, Order 1–G4–2, covering retail prices for certain dry grocery items sold by retailers in the State of Iowa, filed 2:29 p. m.

Des Moines Order II–G1–1, covering retail prices for certain dry grocery items sold by retailers in the state of Iowa, except in the Des Moines area, filed 2:29 p. m.

Des Moines Order II–G2–1, covering retail prices for certain dry grocery items sold by retailers in the state of Iowa, except in the Des Moines area, filed 2:30 p. m.

Des Moines Order II–G1–1, Amendment 1, changes the price of certain food items for retail sales in the state of Iowa, except in the Des Moines area, filed 2:30 p. m.

Des Moines Order II–G2–1, Amendment 1, changes the price of certain food items for retail sales in the state of Iowa, except in the Des Moines area, filed 2:31 p. m.

Des Moines Order 1–G1–2, Amendment 1, changes the price of certain food items for retail sales in the Des Moines area, filed 2:31 p. m.

Des Moines Order 1–G2–2, Amendment 1, changes the price of certain food items for retail sales in the Des Moines area, filed 2:31 p. m.

Des Moines Order 1–G3–2, Amendment 1, changes the price of certain food items for retail sales in the state of Iowa, filed 2:32 p. m.

Des Moines Order 1–G4–2, Amendment 1, changes the price of certain food items for retail sales in the state of Iowa, filed 2:32 p. m.

REGION X

Oklahoma City Order 1–G4–2, Amendment 2, changes and deletes certain food items for retail sales in the State of Oklahoma, filed 2:32 p. m.

Dallas Order 1–G1–2, Amendment 1, changes certain food items for retail sales in the Dallas area, filed 2:33 p. m.

Dallas Order 1–G2–2, Amendment 1, changes certain food items for retail sales in the Dallas area, filed 2:33 p. m.

Dallas Order 1–G3–2, Amendment 2, changes certain food items for retail sales in the Dallas area, filed 2:33 p. m.

Dallas Order 1–G3A–2, Amendment 1, changes certain food items for retail sales in the Dallas area, filed 2:33 p. m.

Dallas Order 1–G4–2, Amendment 2, changes certain food items for retail sales in the Dallas area, filed 2:34 p. m.

Dallas Order 1–G4A–1, Amendment 1, changes certain food items for retail sales in the Dallas area, filed 2:34 p. m.

REGION XI

Cheyenne Order 1–G1–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 2:34 p. m.

Cheyenne Order 1–G2–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 2:34 p. m.

Cheyenne Order 1–G4–1, Amendment 4, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 2:35 p. m.

Cheyenne Order 1–G4A–1, Amendment 2, covering retail prices for certain dry grocery items sold by retailers in the Cheyenne area, filed 2:35 p. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–12773; Filed, Nov. 28, 1952; 11:46 a. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 10]

PACKARD MOTOR CAR CO.

APPROVAL OF REVISIONS ATTACHED TO LETTER TO DEALERS DATED NOVEMBER 5, 1952

Statement of considerations. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain modifications and supplements to time allowances which appear in the Packard 1951 Flat Rate Manual which covers 1952 models.

The Director of Price Stabilization has determined from the data submitted by the publisher of the Packard 1951 Flat Rate Manual which covers 1952 models that the approval of these modifications and supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. 1. On and after the effective date of this order, the modifications and supplements to the Packard 1951 Flat Rate Manual which covers 1952 models as covered in Packard Application #52T–34 are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS November 26, 1952, by Special Order No. 10 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective November 26, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52–12681; Filed, Nov. 25, 1952; 4:42 p. m.]

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 11]

GENERAL MOTORS CORP., OLDSMOBILE DIVISION

APPROVAL OF REVISIONS ATTACHED TO LETTER TO DEALERS, DATED NOVEMBER 7, 1952

Statement of considerations. This Special Order, pursuant to section 5 of Supplementary Regulation 3 to Ceiling Price Regulation 34, approves certain modifications and supplements to time allowances which appear in the Oldsmobile 1952 Flat Rate Manual.

The Director of Price Stabilization has determined from the data submitted by the publisher of the Oldsmobile 1952 Flat Rate Manual that the approval of these modifications and supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. 1. On and after the effective date of this order, the modifications and supplements to the Oldsmobile 1952 Flat Rate Manual as covered in Oldsmobile Application #O–1 are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS November 26, 1952, by Special Order No. 11 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective November 26, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 25, 1952.

[F. R. Doc. 52–12682; Filed, Nov. 25, 1952; 4:42 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E–6458]

GULF STATES UTILITIES CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

NOVEMBER 26, 1952.

Notice is hereby given that on November 25, 1952, the Federal Power Commission issued its order entered November 24, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–12766; Filed, Dec. 2, 1952; 8:47 a. m.]

[Docket Nos. G–1142, G–1508, G–2019 and G–2074]

UNITED GAS PIPE LINE CO.

ORDER CONSOLIDATING PROCEEDINGS, FIXING DATE OF HEARING, SPECIFYING PROCEDURE, AND PERMITTING INTERVENTION

NOVEMBER 25, 1952.

By order of October 12, 1948, at Docket No. G–1142, the Commission on its own motion, instituted an investigation for the purpose of enabling it to determine, among other things, whether any rates charged by United Gas Pipe Line Company (United) for the sale of natural gas subject to the jurisdiction of the Commission are unjust, unreasonable, unduly discriminatory or preferential; and if, after hearing, it shall find that any such rates are unjust, unreasonable, unduly discriminatory or preferential, to fix just, reasonable, nondiscriminatory or nonpreferential rates to be thereafter observed and in force.

By order issued October 16, 1950, at Docket No. G–1508, the Commission re-

quired United to file with the Commission in conformity with Part 154 of the Commission's general rules and regulations a tariff constituting a restatement of all its effective schedules of rates, charges, classifications, practices, regulations and contracts for the transportation or sale of natural gas subject to the jurisdiction of the Commission, except as otherwise permitted by said Part, on or before January 2, 1951, or to show good cause why it should not file such a tariff.

By order issued November 30, 1950, the Commission consolidated the proceedings at Docket Nos. G–1142 and G–1508 for purposes of hearing. Later, by order issued April 25, 1951, the hearing fixed to commence upon such consolidated proceedings was postponed to a date and place to be thereafter fixed by further order of the Commission.

By its order issued August 1, 1952, at Docket No. G–2019, the Commission suspended, in part, the operation of a rate tariff—designated FPC Gas Tariff, Original Volume No. 1—tendered for filing on July 3, 1952, by United Gas Pipe Line Company (United) so far as it related to proposed Rate Schedules PL–3, T–1, T–2, and T–3, including the applicable General Terms and Conditions together with pre-existing contract statements pertinent thereto, as well as certain proposed notices of cancellation listed in Appendix A to such order.

By its order issued October 15, 1952, at Docket No. G–2074, the Commission suspended the operation of proposed First Revised Sheet Nos. 14 and 15 to United's FPC Gas Tariff, Original Volume No. 1; consolidated the proceeding upon the rate increase application at Docket No. G–2074 with that at Docket No. G–2019 for purposes of hearing; and ordered that a public hearing be held at a time and place and at a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classifications, or services, and concerning the lawfulness of proposed notices of cancellation, subject to the jurisdiction of the Commission, as set forth in the suspended matters.

On September 22 and October 9, 1952, petitions seeking leave to intervene in the proceeding upon the rate increase application at Docket No. G–2019 were filed by Mississippi River Fuel Corporation and Southern Natural Gas Company, respectively.

It appears desirable to consolidate the rate investigation proceeding at Docket No. G–1142 and the show cause proceeding at Docket No. G–1508 with the suspension proceedings at Docket Nos. G–2019 and G–2074 so that issues raised by these various proceedings may be heard together.

The Commission finds:

(1) Good cause exists for further consolidating the proceedings at Docket Nos. G–1142 and G–1508 with the consolidated proceedings at Docket Nos. G–2019 and G–2074 for purposes of hearing.

(2) A public hearing in these proceedings should be held at the time and place and at the date hereinafter designated.

(3) It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest, that the procedure hereinafter prescribed shall be followed at the hearing in order to conduct these proceedings with reasonable dispatch.

(4) The participation of Mississippi River Fuel Corporation and Southern Natural Gas Company in the proceeding at Docket No. G–2019 may be in the public interest.

The Commission orders:

(A) The above-entitled proceedings be and they hereby are consolidated for purposes of hearing.

(B) A public hearing be held commencing on December 15, 1952, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues raised by the proceedings and pleadings at Docket Nos. G–1142 and G–1508; concerning the lawfulness of the rates, charges, and classifications, subject to the jurisdiction of the Commission, as set forth in Rate Schedules PL–3, T–1, T–2, and T–3, including the applicable general terms and conditions together with the pre-existing contract statements pertinent thereto, of FPC Gas Tariff, Original Volume No. 1, filed on July 3, 1952, by United Gas Pipe Line Company; concerning the lawfulness of the proposed notices of cancellation set forth in Appendix A to the order issued August 1, 1952, at Docket No. G–2019; and concerning the lawfulness of the rates, charges, and classifications, subject to the jurisdiction of the Commission, as set forth in First Revised Sheet Nos. 14 and 15 of United's aforesaid gas tariff, and as filed at Docket No. G–2074.

(C) United Gas Pipe Line Company shall go forward first with the presentation of its evidence at Docket Nos. G–1142, G–1508, G–2019 and G–2074.

(D) After United Gas Pipe Line Company has concluded the presentation of its evidence in the consolidated dockets, other parties, including Counsel for the Staff of the Commission shall conduct as much of their cross-examination as they are then prepared to undertake. Thereafter, the Presiding Examiner shall recess the hearing to a date to be fixed by further order of the Commission, in order to permit such preparation for the remainder of their cross-examination as the facts and circumstances may warrant.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.37 (f)) of the Commission's rules of practice and procedure.

(F) Petitioners, Mississippi River Fuel Corporation and Southern Natural Gas Company, be and they are hereby permitted to become interveners in the proceeding at Docket No. G–2019, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in such petitions for leave to intervene: and *Provided, further,* That admission of such interveners shall not be construed as recognition by the Commission that such interveners might be aggrieved because of any order of the Commission entered in the proceeding at Docket No. G–2019.

Date of issuance: November 26, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12771; Filed, Dec. 2, 1952; 8:47 a. m.]

[Docket No. G–1710]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER ACCEPTING AND ALLOWING RATE SCHEDULES TO BECOME EFFECTIVE

NOVEMBER 26, 1952.

Notice is hereby given that on November 25, 1952, the Federal Power Commission issued its order entered November 25, 1952, in the above-entitled matter, accepting and allowing rate schedules to become effective October 1, 1952, and terminating proceedings upon the submission by Transcontinental of copies of new rate schedules.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12767; Filed, Dec. 2, 1952; 8:47 a. m.]

[Docket No. G–2020]

LONE STAR GAS CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 26, 1952.

Notice is hereby given that on November 25, 1952, the Federal Power Commission issued its order entered November 25, 1952, authorizing and approving abandonment of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12768; Filed, Dec. 2, 1952; 8:47 a. m.]

[Docket No. G–2037]

PANHANDLE EASTERN PIPE LINE CO.

ORDER PERMITTING WITHDRAWAL OF PETITION FOR LEAVE TO INTERVENE AND FIXING DATE OF HEARING

NOVEMBER 26, 1952.

On September 2, 1952, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation with its principal place of business at Kansas City, Missouri, filed an application, amended on October 10, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural-gas transmission pipeline facilities, subject to the jurisdiction of the Commission, for the purpose of increasing the capacity of its so-called Peoria lateral in Illinois, all as more fully described in said application, as amended, on file with the Commission and open to public inspection.

Temporary authorizations to construct and operate the facilities described in the application, as amended, were granted by the Commission on September 24 and November 6, 1952.

On September 29, 1952, Illinois Power Company filed a petition seeking leave to intervene in this proceeding, but subsequently, on October 30, 1952, requested withdrawal of such petition.

The Commission finds:

(1) Good cause has been shown by Illinois Power Company for the withdrawal of its petition to intervene.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings and no pending request to be heard, protest or petition having been timely filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on September 13, 1952 (17 F. R. 8280).

(3) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) The petition of Illinois Power Company for leave to intervene in this proceeding be and it is hereby withdrawn.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on December 15, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issued presented by such application, as amended: *Provided, however,* That the Commission may after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: November 26, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12770; Filed, Dec. 2, 1952; 8:47 a. m.]

[Docket No. IT–5460]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

NOVEMBER 26, 1952.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act, 16 U. S. C. 824a,

Montana-Dakota Utilities Co., on November 24, 1952, filed with the Federal Power Commission an application for authorization by the Commission to transmit energy over facilities authorized by Permit signed by the President of the United States on May 18, 1942, from points in the State of North Dakota to points in the Province of Saskatchewan, Dominion of Canada, not to exceed per annum the quantities and not in excess of the rates indicated to the points as follows:

At North Portal: 150,000 kilowatt-hours at rate of 60 kilowatts.

At North Gate: 20,000 kilowatt-hours at rate of 10 kilowatts.

At Elmore: 2,000 kilowatt-hours at rate of 5 kilowatts.

At Marlenthal: 4,000 kilowatt-hours at rate of 10 kilowatts.

Any person desiring to be heard or to make any protest with reference to the application should on or before December 17, 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12765; Filed, Dec. 2, 1952; 8:47 a. m.]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

NOTICE OF ORDER APPROVING REVISED EXHIBIT K–1 AS PART OF LICENSE

NOVEMBER 26, 1952.

Notice is hereby given that on November 25, 1952, the Federal Power Commission issued its order entered November 20, 1952, approving revised Exhibit K–1 as part of license in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–12769; Filed, Dec. 2, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27578]

SUPERPHOSPHATE FROM OMAHA AND SOUTH OMAHA, NEBR., TO DENVER, COLO.

APPLICATION FOR RELIEF

NOVEMBER 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to his tariff I. C. C. No. A–3600.

Commodities involved: Superphosphate, other than ammoniated, carloads.

From: Omaha and South Omaha, Nebr.

To: Denver, Colo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. J. Hennings' I. C. C. No. A–3600, Supp. 146.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–12786; Filed, Dec. 2, 1952; 8:48 a. m.]

[4th Sec. Application 27579]

RUBBER TIRES FROM MEMPHIS, TENN., TO ROME, N. Y.

APPLICATION FOR RELIEF

NOVEMBER 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1324, pursuant to fourth-section order No. 16101.

Commodities involved: Rubber tires and parts, carloads.

From: Memphis, Tenn.

To: Rome, N. Y.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52–12787; Filed, Dec. 2, 1952; 8:48 a. m.]

[4th Sec. Application 27580]

SAND, GRAVEL AND CRUSHED STONE FROM CAYUGA, TERRE HAUTE, KERN, AND GREENCASTLE, IND., TO CHARLESTON, ILL.

APPLICATION FOR RELIEF

NOVEMBER 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for The New York, Chicago and St. Louis Railroad Company and The New York Central Railroad Company.

Commodities involved: Sand, gravel, and crushed stone, carloads.

From: Cayuga, Terre Haute, Kern, and Greencastle, Ind.

To: Charleston, Ill.

Grounds for relief: Wayside pit competition.

Schedules filed containing proposed rates: NYC&StL RR. I. C. C. No. 6034, Supp. 85; NYC RR. I. C. C. No. 1198, Supp. 38; NYC RR. I. C. C. No. 176, Supp. 361.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12788; Filed, Dec. 2, 1952; 8:48 a. m.]

[4th Sec. Application 27581]

GROUND RICE HULLS BETWEEN POINTS IN SOUTHWEST AND SOUTH

APPLICATION FOR RELIEF

NOVEMBER 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Ground rice hulls, carloads.

Between: Points in the Southwest, including Mississippi River crossings, Memphis, Tenn., and south thereof.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4037, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12789; Filed, Dec. 2, 1952; 8:48 a. m.]

[4th Sec. Application 27582]

CEMENT FROM KNOXVILLE, TENN., TO MURPHY, N. C.

APPLICATION FOR RELIEF

NOVEMBER 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company.

Commodities involved: Cement and related articles, carloads.

From: Knoxville, Tenn.

To: Murphy, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1244, Supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12790; Filed, Dec. 2, 1952; 8:48 a. m.]

RENEGOTIATION BOARD

STATEMENT OF ORGANIZATION

REGIONAL BOARDS

The Statement of Organization published in the issue of February 13, 1952 (F. R. Doc. 52-1774; 17 F. R. 1400), as heretofore amended, is hereby further amended by deleting section 3 (b) in its entirety and inserting in lieu thereof the following:

(b) The Board has created six regional boards with authority to conduct renegotiation proceedings in cases assigned to them. Each of the regional boards is composed of a chairman and four members. After the Board determines that a contractor should be assigned for renegotiation, the case is assigned to a regional board selected according to its proximity, its relative work load, and its experience and special skills. The locations of the regional boards are as follows:

LOCATION

(1) Boston Regional Renegotiation Board, 140 Federal Street, Boston 10, Mass.

(2) Chicago Regional Renegotiation Board, 219 South Clark Street, Chicago 4, Ill.

(3) Detroit Regional Renegotiation Board, David Broderick Tower Building, 10 Witherell Street, Detroit 26, Mich.

(4) Los Angeles Regional Renegotiation Board, 5505 Hollywood Boulevard, Los Angeles 28, Calif.

(5) New York Regional Renegotiation Board, John Wanamaker Building, 70 East Tenth Street, New York 3, N. Y.

(6) Washington Regional Renegotiation Board, Rizik Building, 1737 L Street NW., Washington 25, D. C.

Dated: November 26, 1952.

JOHN T. KOEHLER, *Chairman, The Renegotiation Board.*

[F. R. Doc. 52-12760; Filed, Dec. 2, 1952; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 6, Revocation]

PLACEMENT OF PROCUREMENT IN THE BROCKTON, MASS., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Brockton, Massachusetts, is no longer classified as a Group IV, surplus labor area, and is now classified as a Group III area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 6 is revoked.

OFFICE OF DEFENSE MOBILIZATION, HENRY H. FOWLER, *Director.*

[F. R. Doc. 52-12840; Filed, Dec. 1, 1952; 3:59 p. m.]

[Defense Manpower Policy No. 4, Notification 18, Revocation]

PLACEMENT OF PROCUREMENT IN THE IONIA-BELDING-GREENVILLE MICH., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Ionia-Belding-Greenville, Michigan, is no longer classified as a Group IV, surplus labor area, and is now an unclassified area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 18 is revoked.

OFFICE OF DEFENSE MOBILIZATION, HENRY H. FOWLER, *Director.*

[F. R. Doc. 52-12841; Filed, Dec. 1, 1952; 3:59 p. m.]

[Defense Manpower Policy No. 4, Notification 23, Revocation]

PLACEMENT OF PROCUREMENT IN THE PORT HURON, MICH., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Port Huron, Michigan, is no longer classified as a Group IV, surplus labor area, and is now an unclassified area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 23 is revoked.

OFFICE OF DEFENSE MOBILIZATION, HENRY H. FOWLER, *Director.*

[F. R. Doc. 52-12842; Filed, Dec. 1, 1952; 3:59 p. m.]

[Defense Manpower Policy No. 4, Notification 43, Revocation]

PLACEMENT OF PROCUREMENT IN THE RICHMOND, IND., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Richmond, Indiana, is no longer classified as a Group IV, surplus labor area, and is now an unclassified area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 43 is revoked.

OFFICE OF DEFENSE MOBILIZATION, HENRY H. FOWLER, *Director.*

[F. R. Doc. 52-12843; Filed, Dec. 1, 1952; 3:59 p. m.]

[Defense Manpower Policy No. 4, Notification 44, Revocation]

PLACEMENT OF PROCUREMENT IN THE LA CROSSE, WIS., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that La Crosse, Wisconsin, is no longer classified as a Group IV, surplus labor area, and is now an unclassified area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 44 is revoked.

OFFICE OF DEFENSE MOBILIZATION, HENRY H. FOWLER, *Director.*

[F. R. Doc. 52-12844; Filed, Dec. 1, 1952; 4:00 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-202]

ALABAMA POWER CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER COMMUNICATION TO BE SENT TO STOCKHOLDERS

NOVEMBER 26, 1952.

In the matter of Alabama Power Company, Birmingham Electric Company, and the Southern Company; File No. 54-202.

The Commission on October 21, 1952, having entered its order approving a plan filed by Alabama Power Company ("Alabama") and Birmingham Electric Company ("Birmingham"), and joined in by the Southern Company, pursuant to section 11 (e) of the act, proposing, inter alia, the merger of Alabama and Birmingham; and

The Commission by said order having reserved jurisdiction over the communication to be sent to the stockholders of Birmingham, at or about the effective date of the plan, advising them of their rights under the plan; and

Said plan, on November 26, 1952, having been approved and ordered enforced by the United States District Court for the Northern District of Alabama; and

Birmingham having advised the Commission that said plan is to become effective on December 1, 1952, and having submitted the definitive communication to be sent to its stockholders at or about such effective date advising them of their rights under the plan; and

The Commission having examined said communication, and deeming it appropriate in the public interest and the interests of investors to release the jurisdiction heretofore reserved herein with respect to such communication:

It is hereby ordered, That the jurisdiction heretofore reserved over the communication to be sent the stockholders of Birmingham advising them of their rights under the plan be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12772; Filed, Dec. 2, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19069]

MRS. GEORGE F. MEYER ET AL.

In re: Interest in real property owned by Mrs. George F. Meyer and others. D-28-7437.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Mrs. George F. Meyer, Mrs. Kate Wartman and Mrs. Louisa Isemann, also known as Mrs. Louisa Isenann, each of whose last known address is Seefelden, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Carl Meyer, deceased, who

there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows: An undivided three-fourths (¾ths) interest in certain real property situated in the County of McLennan, State of Texas, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Mrs. Carl Meyer, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons named in subparagraph 1 and referred to in subparagraph 2 be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain tract or parcel of land in McLennan County, Texas, the same being Ten acres out of the G. W. Humphreys survey on the waters of the South Bosque and better described as follows:

Beginning at Ernest Bickel's NE. corner, which is 326$^{88}/_{100}$ varas N. 60 E. from the NW. corner of said G. W. Humphreys survey; Thence S. 30 E. with Ernest Bickel's East line 1554 varas to Ernest Bickel's SE. corner; Thence N. 60 E. 36½ varas to SE. corner of this; Thence N. 30 W. 1554 varas to NE. corner of this; Thence S. 60 W. 36½ varas to the beginning, and being ten acres off of the West side of the 63 acres conveyed to J. F. Bickel by J. O. Winkler and wife January 1st, 1904.

[F. R. Doc. 52-12799; Filed, Dec. 2, 1952; 8:49 a. m.]

[Vesting Order 19070]

MINNA BRANDT AND HENRICH BRANDT

In re: Rights of Minna Brandt, a/k/a Wilma Schmidt, and Henrich Brandt under Insurance Contract. File No. F-28-32012-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Minna Brandt, a/k/a Wilma Schmidt, whose last known address is Hettstedt, Sudharz Bahnhof str. 1, Germany, Russian Zone, and Henrich Brandt, whose last known address is Kirchwalside, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 7871150 issued by the New York Life Insurance Company, New York, New York, to Minna Brandt, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Minna Stechmann, a resident of the United States, and of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Minna Brandt, a/k/a Wilma Schmidt, and Henrich Brandt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12800; Filed, Dec. 2, 1952; 8:49 a. m.]

[Vesting Order 19071]

WILLIAM C. HAISCH

In re: Rights of William C. Haisch under Insurance Contract. File No. F-28-30631-H-3.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That William C. Haisch, whose last known address is Hohnweiler Post Lippoldsweiler, Kreisbacknang, Wuerttbg., U. S. Zone 14-A, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Certificate of Membership No. 141776 issued by the Aid Association for Lutherans, Appleton, Wisconsin, to William C. Haisch, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Emma Haisch, a resident of the United States, and of the aforesaid Aid Association for Lutherans, together with the right to demand, enforce, receive and collect the same is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by William C. Haisch, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12801; Filed, Dec. 2, 1952; 8:49 a. m.]

[Vesting Order 19072]

CERTAIN UNKNOWN GERMAN NATIONALS

In re: Bank account owned by German nationals whose names are unknown. F-28-32022.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons who own the property described in subparagraph 2 hereof, whose names are unknown and who, if individuals, there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and which if partnerships, corporations, associations or other business organizations, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Aetna State Bank, 2375 Lincoln Avenue, Chicago 14, Illinois, arising out of an account entitled Hansa Charity Fund, maintained at the aforesaid bank and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12802; Filed, Dec. 2, 1952; 8:49 a. m.]

[Vesting Order 19073]

ROSANNA HAHN

In re: Debt owing to Rosanna Hahn. F-28-31495.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Rosanna Hahn, whose last known address is Madau, Hauptstr. 12, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by a check drawn by the City Bank Farmers Trust Company, 22 William Street, New York 15, New York, dated March 13, 1941, numbered T19764, payable to Rosanna Hahn, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in and under said check,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Rosanna Hahn, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12803; Filed, Dec. 2, 1952; 8:49 a. m.]

[Vesting Order 19074]

COUNTESS MARIA LANCKORONSKA

In re: Interest in bank account owned by Countess Maria Lanckoronska, also known as Countess Maria Lanchoronska. F-28-2151.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Countess Maria Lanckoronska, also known as Countess Maria Lanchoronska, whose last known address is 34 Neumann Strasse, Frankfort Algemeine, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: A one-fourth interest in that certain debt or other obligation of the Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account in the name of the Union Bank of Switzerland, Zurich, Switzerland, Identified Dual Nationals maintained with the aforesaid Company, together with any and all rights to demand, enforce and collect said one-fourth interest,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Countess Maria Lanckoronska, also known as Countess Maria Lanchoronska, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12804; Filed, Dec. 2, 1952; 8:49 a. m.]

[Vesting Order 19075]

CLARA MUSMAN

In re: Securities owned by and debts owing to Clara Musman. D-28-8604.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Clara Musman, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Clara Musman, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. One (1) share of $10.00 par value capital stock of St. Joseph Lead Company, 250 Park Avenue, New York 17, New York, evidenced by certificate numbered AO22615, registered in the name of Charles A Cordes, together with all declared and unpaid dividends thereon,

b. All rights and interests in and under one (1) Scrip Certificate, numbered S-1629, for one-fourth (¼) share of $10.00 par value capital stock of St. Joseph Lead Company, 250 Park Avenue, New York 17, New York, issued in bearer form,

c. Three (3) shares of common stock of Republic National Gas Company, c/o Continental Illinois National Bank and Trust Company, 231 South La Salle Street, Chicago 90, Illinois, evidenced by certificate numbered MC31734, registered in the name of Charles A. Cordes, together with all declared and unpaid dividends thereon,

d. Thirty-nine (39) shares of common stock of American General Corporation, c/o Transfer General Corporation, 1 Exchange Place, Jersey City 2, New Jersey, evidenced by certificate numbered CO95291, registered in the name of Charles A. Cordes, together with all declared and unpaid dividends thereon,

e. Those certain debts or other obligations evidenced by four (4) checks issued by Republic Natural Gas Company and drawn on the Continental Illinois National Bank and Trust Company, said checks payable to Charles A. Cordes, numbered, dated and in the amounts set forth below:

Check No.	Date	Amount
16949	Oct. 25, 1950	$3.00
19939	Apr. 25, 1951	3.90
24123	Oct. 25, 1951	1.80
28156	Apr. 25, 1952	2.25

together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said checks, and

f. That certain debt or other obligation evidenced by a check, numbered C-13, dated August 30, 1950, in the amount of $13.00, issued by the American General Corporation, drawn on the First National Bank of New Jersey, and payable to Charles A. Cordes, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in and under said check

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Clara Musman and the personal representatives, heirs, next of kin, legatees and distributees of Clara Musman, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12805; Filed, Dec. 2, 1952; 8:49 a. m.]

ERNA KRUGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Erna Kruger, also known as Ernestina Krueger, Berlin, Germany; Claim No. 41803; $1,001.93 in the Treasury of the United States.

Executed at Washington, D. C., on November 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12806; Filed, Dec. 2, 1952; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 236

Washington, Thursday, December 4, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2999

UNITED NATIONS HUMAN RIGHTS DAY, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations on December 10, 1948, as a common standard of achievement for all nations and all peoples, and the anniversary of its adoption is now celebrated each year by free peoples throughout the world; and

WHEREAS the first ten amendments to the Constitution of the United States, our great American Bill of Rights, became effective on December 15, 1791, so that the anniversary of this significant event in our own history falls close to the anniversary of the adoption of the Universal Declaration of Human Rights; and

WHEREAS many of the rights and freedoms set forth in our Bill of Rights and in the Universal Declaration of Human Rights, including the immeasurable privileges of freedom of speech, religion, assembly, and petition, are similarly affirmed in the constitutions and basic laws of our States and territories; and

WHEREAS it is fitting that this anniversary should be observed by our schools, our churches, our labor unions, and our religious, educational, and civic organizations of all kinds the freedom of which has been safeguarded through these guarantees of individual liberty:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, having in 1949 designated December 10 of that year and each succeeding year as United Nations Human Rights Day, do hereby call upon the people of the United States to celebrate December 10, 1952, by studying the Universal Declaration of Human Rights and the Constitution of the United States, and the constitutions of our States and territories, and by giving thanks for the priceless heritage of liberty embodied in these great documents.

We do not forget that in past years men in many lands have died to win these freedoms and preserve them for our generation. It is to defend and safeguard these same freedoms that the United Nations is resisting communist aggression in Korea, and is seeking to promote the liberty and security of all peoples.

In this celebration let us join with the peoples of the other free nations of the world in recognition of our common purpose to defend and further the rights and freedoms of all people as proclaimed in the Universal Declaration of Human Rights, and in so doing renew our determination that here in our own land the great guarantees in our Bills of Rights shall not be lost or weakened or curtailed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 1st day of December in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-12884; Filed, Dec. 2, 1952; 2:56 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 517—FRUITS AND BERRIES, FRESH

SUPPART—ORANGE EXPORT PAYMENT PROGRAM TMX 135A (FISCAL YEAR 1953)

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517.375 General statement.
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AUTHORITY: §§ 517.375 to 517.387 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. Sup. 612c.

§ 517.375 *General statement.* (a) In order to encourage the exportation of fresh and processed oranges produced in the United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to U. S. exporters of products listed in § 517.377 which are exported to an eligible country designated in § 517.376, subject to the terms and conditions set forth in this subpart.

(b) Information pertaining to this subpart and forms prescribed for use under this subpart may be obtained from the following Representatives of the Secretary.

West Coast States: M. T. Coogan and Warren C. Noland, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, 117 West Ninth Street, Room 103, Los Angeles 15, Calif. (Phone: Prospect 4711.)

Florida: M. F. Miller, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, P. O. Box 19, Lakeland, Fla. (Phone: Lakeland 2137.)

All other States: F. N. Andary and Granville B. Coffman, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, Washington 25, D. C. (Phone: Re. 7-4142, Ext. 3450.)

§ 517.376 *Eligible countries.* An eligible country is any country or area specifically named in this section:

Austria.	Iceland.
Belgium.	Ireland.
Denmark.	Luxembourg.
France.	Netherlands, The.
Finland.	Norway.
Germany, Federal Republic of.	Sweden.
Greenland.	Switzerland.
	United Kingdom.

§ 517.377 *Eligible products and rate of payment.* The applicable rate of payment per unit for the eligible products listed shall be as follows:

Eligible products	Unit	Rate
Fresh oranges:		
California, Arizona	1⅘ bushel box	$1.25
Florida, Texas	1⅗ bushel box	1.25
Canned single strength orange juice	Case 24, No. 2 cans	.75
	Case 12, No. 3 cyl. cans	.85
	Case 6, No. 10 cans	.85
Canned blended grapefruit and orange juice	Case 24, No. 2 cans	.65
	Case 12, No. 3 cyl. cans	.75
	Case 6, No. 10 cans	.75
Canned citrus salad	Case 24, No. 303 cans	.80
	Case 24, No. 2 cans	.95
Frozen concentrated orange juice	Net gallon	.55
Frozen concentrated blended grapefruit and orange juice	do	.60
Canned concentrated orange juice:		
41.5° to 48° Brix	do	.55
60° Brix or more	do	.60
Preserved concentrated orange juice (60° Brix or more)	do	.60

§ 517.378. *Eligibility for payment—*(a) *Application for export payment.* (1) No payment will be made under this subpart, unless the exporter files an application (see § 517.387 (c)) with the designated Representative of the Secretary, as indicated in § 517.375 (b) and such application is approved by the Representative of the Secretary. The application must be prepared separately for each sales contract and shall be filed as promptly as possible after the date of sale but in no event later than the date of export. No payment will be made if such application is filed after the date of export unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives such delay. The Secretary will approve applications meeting the requirements of this subpart, so long as funds which have been allocated to this subpart are available, in the order in which the applications are received or on such other basis as he may determine to be equitable, will give written notice of approval or disapproval to the exporter, and will notify the exporter as promptly as possible after receipt of any application if any information shown in such form does not conform with the terms and conditions of this subpart. No payment will be made in excess of the sum indicated in the approved application, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, approves a larger amount.

(2) In the event the sales contract covered by any approved application is cancelled or will not be completed by exportation of the product, the exporter shall promptly so notify the Representative of the Secretary who approved the application. Such notices shall be furnished not later than thirty (30) days after the intended date of export shown in the approved application, but in no event later than the date of filing of claim for payment, and also shall request modification of the application to the extent that the quantity exported is less than the quantity covered by the approved application.

(b) *Dates of export.* No payment under this subpart will be made in connection with any exportation unless the products are exported on or after the effective date of this subpart and prior to the date specified in paragraph (h) of this section. Products shall be deemed to have been exported when loaded on board the exporting carrier provided such products are not thereafter unloaded from such carrier in the United States, its territories, or possessions, and are not diverted to an ineligible country. The date of export of any lot shall be considered to be the date of loading on board the exporting carrier on which movement of such lot from the United States is effected. The date of the on-board bill of lading (or loading tally sheet, see § 517.380 (a) (3)) shall be considered to be the date the products were loaded on board, unless an "on-board" date is shown.

(c) *Minimum size of lot.* No payment will be made under this subpart for the exportation of any lot of less than one hundred (100) units of the eligible products. A unit is 1 box of fresh fruit; 1 case of citrus products or 1 gallon or equivalent of concentrated juice. A lot is that quantity of products loaded to any one export carrier at any one departure consigned to any one consignee.

(d) *Inspection.* Exporters shall furnish, at no expense to the Secretary, certificates of inspection for fresh or processed products exported pursuant to this subpart indicating that the product meets the applicable requirements set forth in § 517.379. Such certificates for fresh fruit shall be issued by representatives of the Federal or Federal-State inspection services and for processed products by representatives of the Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, PMA, USDA. Inspection of all concentrated products containing sweetening ingredients or preservatives shall be performed during the process of manufacture and also on the finished product after processing. For fresh oranges the period from date of inspection for standards for export to date of exportation, both dates inclusive, must not exceed sixteen (16) days, and for processed products the period from date of completion of inspection to date of exportation, both dates inclusive, must not exceed ninety (90) days: *Provided,* That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time of such period.

(e) *Packaging.* All products to be exported under this subpart shall be suitably packed for export in new boxes or cases (or new kegs or barrels for preserved concentrate if so specified in sales contract) acceptable for export shipment in accordance with standard commercial practice for export and in a manner which reasonably shall assure their arrival in good condition in the country of destination. The best known practices to prevent shrinkage and decay shall be followed in packing fresh fruit for export shipment.

(f) *Re-entry or diversion.* The exporter shall undertake, as a part of his application, which is required in paragraph (a) of this section, that the products exported under this subpart will thereafter not re-enter the United States or its territories or possessions, or be diverted to other than an eligible

country as listed in this subpart, in fresh or processed form. In the event of such re-entry or diversion to other than an eligible country, the exporter shall refund to the Secretary any export payment received under this subpart with respect to the quantity so re-entered or diverted.

(g) *Use of Mutual Security funds for purchase prohibited.* Exporters are cautioned to advise their foreign buyers that funds appropriated under Chapter XI, entitled Mutual Security, of the Supplemental Appropriation Act, 1953, may not be used to pay any part of the purchase price of products exported under this subpart. This does not prohibit exporters from making sales without benefit of export payments to buyers using such funds.

(h) *Final dates.* The final date for filing an application shall be 12:00 o'clock midnight September 30, 1953. The final date of export shall be 12:00 o'clock midnight September 30, 1953.

§ 517.379 *Product specifications.* No payment will be made under this subpart unless the respective products exported meet the following applicable requirements:

(a) Fresh oranges: (1) Fresh oranges produced in California and Arizona shall meet the requirements for the Standards for Export and for Standard Pack; also not less than 85 percent of the oranges in any lot shall meet the requirements for U. S. No. 1 Grade, and the remainder, U. S. No. 2 Grade. Each fruit shall be individually wrapped. "Standards for Export," "Standard Pack," "U. S. No. 1" and "U. S. No. 2" shall have the meanings as defined in "U. S. Standards for Oranges (California and Arizona)," effective June 12, 1951.

(2) Fresh oranges produced in Florida and Texas shall meet the requirements for Standard Pack provided that such fruit shall be individually wrapped, or packed in boxes lined with diphenyl paper, or blind packed, i. e., fruit on the top, bottom, and sides of the box shall be individually wrapped. When wrapped, each fruit shall be fairly well enclosed in its individual wrapper. Also, not less than 85 percent of the oranges in any lot shall meet the requirements for U. S. No. 1 Grade, and the remainder, U. S. No. 2 Grade, except for discoloration. The oranges shall meet the requirements for U. S. No. 1 Grade for discoloration and shall also meet the following standards for export: Not more than a total of 10 percent, by count, of the fruit in any container shall be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, growth cracks, damage by creasing, or serious damage by dryness or mushy condition, except that for any lot:

Not more than 5 percent of the fruit shall be soft;

Not more than ½ of 1 percent of the fruit shall be affected by decay;

Not more than 5 percent of the fruit shall be damaged by skin breakdown;

Not more than 3 percent of the fruit shall have broken skins which are not healed;

Not more than 3 percent of the fruit shall have growth cracks;

Not more than 5 percent of the fruit shall be damaged by creasing; and

Not more than 5 percent of the fruit shall be seriously damaged by dryness or mushy condition.

Any lot of fruit shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the fruit in any container has any of the defects enumerated in the standards for export. "Standard Pack," "U. S. No. 1" and "U. S. No. 2" shall have the meanings as defined in "U. S. Standards for Florida Oranges," effective September 28, 1952, and "U. S. Standards for Oranges," effective November 15, 1949 for Texas oranges.

(b) Canned single-strength orange juice shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Orange Juice," effective July 29, 1949. If a sweetening ingredient is added, the product shall meet the requirements for U. S. Grade A "sweet."

(c) Canned blended grapefruit and orange juice shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice," effective July 29, 1949. If a sweetening ingredient is added the product shall meet the requirements for U. S. Grade A "sweet."

(d) Canned citrus salad shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Grapefruit and Orange for Salad" effective August 7, 1950.

(e) Frozen concentrated orange juice (packed in metal containers) shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Orange Juice," effective September 23, 1950.

(f) Frozen concentrated blended grapefruit and orange juice (packed in metal containers) shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Blended Grapefruit Juice and Orange Juice," effective December 10, 1951.

(g) Canned or preserved concentrated (hot-pack) orange juices shall meet the following requirements:

(1) General: The product shall be prepared from the unfermented juice obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines; shall be prepared and processed under sanitary conditions and in accordance with good commercial practice; and, the product, including any labeling, shall conform in every respect with the provisions of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder. Canned concentrated juices shall be sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. Preserved concentrated orange juice shall be prepared with the addition of suitable chemical preservatives as specified. All containers shall be sound and clean. Cans shall be free from rust and serious dents.

(2) Canned concentrated orange juice 3 plus 1 (41.5° to 48° Brix), shall meet the following requirements:

(i) *Style I, without sugar added.* The orange juice from which the concentrate is prepared shall be evaporated to more than 52° Brix but not above 56° Brix concentration and single strength orange juice shall be admixed to standardize the finished concentrate to a Brix value of not less than 41.5° and not more than 44°. No other ingredients may be added. The ratio of the Brix value to acid shall be not less than 12:1 and not more than 17:1. The concentrate shall contain not less than 0.02 milliliter nor more than 0.07 milliliter of recoverable oil per 100 grams of the concentrate.

(ii) *Style II, sugar added.* The orange juice from which the concentrate is prepared shall be evaporated to more than 52° Brix but not above 56° Brix concentration; refined sugar (sucrose) shall be added prior to, during, or after concentration; single strength orange juice shall be admixed to standardize the concentrate to a Brix value of not less than 40° exclusive of added sugar; and the finished concentrate including added sugar shall have a Brix value of not less than 42°, and not more than 48°. No other ingredients may be added. The ratio of the Brix value to acid shall not be less than 12:1 and not more than 14:1. The concentrate shall contain not less than 0.02 milliliter nor more than 0.07 milliliter of recoverable oil per 100 grams of concentrate.

(iii) *Requirements for the reconstituted juice.* Reconstituted juice is the product obtained by mixing thoroughly 3 parts by volume of water and 1 part by volume of the concentrated juice. The reconstituted juice shall reconstitute properly, shall possess a very good color, shall be practically free from defects, shall possess a very good flavor; and shall contain not less than 30 milligrams of Vitamin C (Ascorbic Acid) per 100 ml. of the reconstituted juice.

(iv) *Explanation of terms and analyses.* (a) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter after standing (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(b) "Very good color" means that the reconstituted juice possesses a bright yellow to yellow-orange color typical of properly pasteurized and concentrated orange juice and is free from browning due to scorching, oxidation, caramelization, or other causes and is not off color for any reason.

(c) "Practically free from defects" means that juice cells may be present or that small seeds or portions thereof that pass through a screen with perforations not exceeding ⅛ inch in diameter may be present provided such substances do not materially affect the appearance or drinking quality of the juice; or other defects may be present that are not more than slightly objectionable.

(d) "Very good flavor" means that the reconstituted juice possesses a flavor equivalent to U. S. Grade A or U. S. Fancy canned orange juice as defined in the United States Standards for Grades of Canned Orange Juice (effective July 29, 1949), exclusive of the Brix, acid, and Brix-acid ratio requirements as stated therein. Distilled water is used in reconstituting the product for testing flavor.

(e) "Brix value", "recoverable oil", "acid", or other terms and their applicable methods not specifically defined herein shall be in accordance with the latest United States Standards for Grades of Frozen Concentrated Orange Juice.

(3) Canned concentrated orange juice, (60° Brix or more) without sugar added, shall meet the requirements for U. S. Grade A as defined in the United States Standards for Grades of Canned Concentrated Orange Juice, effective August 16, 1943, and as amended November 1, 1944. The Brix value of the concentrate is the refractometric sucrose value corrected for anhydrous citric acid. The canned concentrate, if produced from Navel oranges, may posses a characteristic bitter flavor in the reconstituted product, provided such bitterness does not seriously affect the palatability of the product, and provided further, that the sales contract specifically calls for Navel concentrated orange juice.

(4) Preserved concentrated orange juice, (60° Brix or more): The concentrated orange juice, prior to the addition of chemical preservatives, shall meet the quality requirements of subparagraph (3) of this paragraph:

Sulphur dioxide alone or sodium benzoate or benzoic acid or any combination of sodium benzoate and benzoic acid shall be added within the following ranges but only in a quantity necessary as a preservative for the respective concentrations:

Sulphur dioxide: 350 p. p. m. to 750 p. p. m.
Sodium benzoate and or benzoic acid: ⅛ of 1 percent to ⅛ of 1 percent.

(5) Chemical methods: Chemical analyses shall be made in accordance with the methods of the Association of the Official Agricultural Chemists or in accordance with methods that give equivalent results.

§ 517.380 *Claims for payment supported by evidence of compliance.* (a) The exporter shall file claims for payment with the PMA office specified in the approved application not later than thirty (30) days after the date of export of such lot: *Provided*, That, upon request of the exporter indicating substantial reason therefor, the Secretary may, if he deems it desirable, grant an extension of time for such filing. Each claim for payment shall be filed in an original and three copies on voucher Form FDA-504, "Public Voucher—Diversion Programs," shall show the serial number of the related approved application, and shall be supported by:

(1) Two certified copies of the sales contract;

(2) Two certified copies of the sales invoice to the foreign buyer showing:

(i) The f. a. s. sales price,

(ii) The payment to be made by the Secretary, and

(iii) The balance f. a. s. U. S. port to be paid by the buyer (other charges, if any, such as ocean freight, insurance, etc., shall be shown separately on the invoice).

(3) Two copies of the on-board export bill of lading signed by an agent of the exporting carrier (except that where loss, destruction or damage occurs subsequent to loading on board exporting carrier but prior to issuance of the on-board bill of lading, two copies of a loading tally sheet or similar document may be submitted in lieu of such bill of lading) and in the case of exportation via a contiguous country, two signed copies of the on-board bill of lading covering the movement from such contiguous country;

(4) The original (or a signed copy) and one copy of the inspection certificate(s) required in paragraph (d) of § 517.378, and;

(5) Such other documents, if any, as may be required by the Secretary, evidencing purchase, sale and exportation of the commodity on which payment is claimed.

(b) The export bill of lading must show the quantity and description of the commodity, inspection certificate number, or other reference sufficient to relate the commodity loaded on board the export carrier to the commodity covered by the related inspection certificate, the date and place of loading, the fact that such commodity is on board, the destination of the commodity and the name and address of both the exporter and consignee. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in the application, the exporter shall furnish with each copy of such bill of lading a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this program for the commodity covered by such bill of lading.

(c) The foregoing required evidence will not be accepted as conclusive if the Secretary has reason to believe that exportation of all or any quantity of the products was not actually accomplished or that there has not been compliance with other requirements of this subpart, and in any such instance the Secretary may require such additional evidence as he deems reasonable.

§ 517.381 *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales, and deliveries of products exported or to be exported in connection with this subpart. Such records, accounts, and other documents relating to any transaction in connection with this subpart shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for at least two years after the effective date of this subpart.

§ 517.382 *Amendment and termination.* The Secretary may amend or terminate this subpart at any time upon public announcement thereof. Such amendment or termination, however, shall not apply to applications approved under this subpart prior to the effective time of such amendment or termination.

§ 517.383 *Persons not eligible.* No member of, or Delegate to, Congress or Resident Commissioner shall be admitted to any share or part of any payment made under this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 517.384 *Set-off.* The Secretary may set-off, against any amount owed to any exportor under this subpart, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 517.385 *Joint payment or assignment.* An exporter may name a joint payee on vouchers for payment or may assign the proceeds of any application for export payment to a recognized financing institution as provided in this subpart. The exporter may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law No. 811, 76th Congress, as amended, the proceeds of any application for export payment to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of assignment, in accordance with the instructions on Form PMA-66 "Notice of Assignment" which form must be used in giving notice of assignment to PMA. The "Instrument of Assignment" may be executed on Form PMA-347 or the assignee may use his own form of assignment. The PMA may be obtained from any Representative of the Secretary.

§ 517.386 *Good faith.* Whereas it is the intent of this subpart to encourage the exportation of fresh and processed oranges produced in the United States by making such products available to foreign buyers at prices below domestic market prices in the amount of the payment offered in this subpart; now, therefore, if the Secretary determines that any exporter has not acted in good faith in carrying out the purpose of this subpart, has not passed on to foreign buyers the incentive payment offered in this subpart, or otherwise fails to discharge fully any obligation assumed by him under this subpart, such exporter may be denied the right to continue participating in this subpart, or the right to receive payment under this subpart in connection with any exportations previously made under this subpart, or both.

§ 517.387 *Definitions.* As used in this subpart, the following terms have the following meanings:

(a) "Secretary" means the Secretary of the United States Department of

Agriculture, or any authorized Representative of the Secretary.

(b) "Exporter" means any individual, corporation, partnership, association, or other business entity, located in the United States and engaged in the business of selling and exporting fresh or processed citrus fruits, produced and packed in the continental United States.

(c) "Application" means Form FV–461, "Application for Export Payment."

(d) "Sales contract" may be in the form of offer and acceptance, confirmation of sale or purchase, or other documentary evidence of consummation of sale including contracts between exporter and buyer, and includes a transaction involving the transfer of a product from an exporter to his foreign branch, affiliate or associate.

(e) "Date of sale" means the date on which both buyer and seller signed a written contract, or the date on which buyer accepts an offer of sale or confirms the purchase, or the date on which the seller accepts an offer to purchase or confirms the sale. In the absence of documentary evidence establishing the date of consummation of sale the date of sale shown in the application will be considered to be the date the sale was consummated.

(f) "F. a. s." means free alongside ship or other export carrier.

(g) "On-board export bill of lading" includes any bill of lading covering the exportation of fresh or processed oranges from the United States.

(h) "Public announcement" and "public notice" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

(i) "Filed." Applications, claims and related documents are deemed to be filed when they are postmarked, if mailed, or when received by the designated PMA office if otherwise delivered.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This offer shall be effective on December 5, 1952.

Dated this 1st day of December 1952.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 52–12860; Filed, Dec. 3, 1952; 8:50 a. m.]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—GRAPEFRUIT EXPORT PAYMENT PROGRAM TMX 135A (FISCAL YEAR 1953)

Sec.
517.390 General statement.
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517.392 Eligible products and rate of payment.
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AUTHORITY: §§ 517.390 to 517.402 issued under sec. 32, 49 Stat. 774, as amended; 7 U. S. C. Sup. 612c.

§ 517.390 *General statement.* (a) In order to encourage the exportation of fresh and processed grapefruit produced in the United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to U. S. exporters of products listed in § 517.392 which are exported to an eligible country designated in § 517.391, subject to the terms and conditions set forth in this subpart.

(b) Information pertaining to this subpart and forms prescribed for use under this subpart may be obtained from the following Representatives of the Secretary.

West Coast States: M. T. Coogan and Warren C. Noland, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, 117 West Ninth Street, Room 103, Los Angeles 15, Calif. (Phone: Prospect 4711.)

Florida: M. F. Miller, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, P. O. Box 19, Lakeland, Fla. (Phone: Lakeland 2137.)

All other States: F. N. Andary and Granville B. Coffman, Fruit and Vegetable Branch, PMA, U. S. Department of Agriculture, Washington 25, D. C. (Phone: Re. 7–4142, Ext. 3450.)

§ 517.391 *Eligible countries.* An eligible country is any country or area specifically named in this section.

Austria.	Iceland.
Belgium.	Ireland.
Denmark.	Luxembourg.
France.	Netherlands, The.
Finland.	Norway.
Germany, Federal Republic of.	Sweden.
Greenland.	Switzerland.
	United Kingdom.

§ 517.392 *Eligible products and rate of payment.* The applicable rate of payment per unit for the eligible products listed shall be as follows:

Eligible products	Unit	Rate
Fresh grapefruit:		
California, Arizona	13⅗ bushel box	$0.75
Florida, Texas	1⅗ bushel box	.75
Canned single strength grapefruit juice	(Case 24, No. 2 cans	.60
	(Case 12, No. 3 cyl. cans	.65
	(Case 6, No. 10 cans	.65
Canned blended grapefruit and orange juice	(Case 24, No. 2 cans	.65
	(Case 12, No. 3 cyl. cans	.75
	(Case 6, No. 10 cans	.75
Canned citrus salad	(Case 24, No 303 cans	.80
	(Case 24, No. 2 cans	.95
Canned grapefruit sections	(Case 24, No. 303 cans	.80
	(Case 24, No. 2 cans	.95
Frozen concentrated grapefruit juice	Net gallon	.45
Frozen concentrated blended grapefruit and orange juice	do	.50
Canned concentrated grapefruit juice (55° Brix or more)	do	.70

§ 517.393 *Eligibility for payment*—(a) *Application for export payment.* (1) No payment will be made under this subpart, unless the exporter files an application (see § 517.402 (c)) with the designated Representative of the Secretary, as indicated in § 517.390 (b) and such application is approved by the Representative of the Secretary. The application must be prepared separately for each export sales contract and shall be filed as promptly as possible after the date of sale but in no event later than the date of export. No payment will be made if such application is filed after the date of export unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives such delay. The Secretary will approve applications meeting the requirements of this subpart, so long as funds which have been allocated to this subpart are available, in the order in which the applications are received or on such other basis as he may determine to be equitable, will give written notice of approval or disapproval to the exporter, and will notify the exporter as promptly as possible after receipt of any application if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum indicated in the approved application, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, approves a larger amount.

(2) In the event the sales contract covered by any approved application is canceled or will not be completed by exportation of the product, the exporter shall promptly so notify the Representative of the Secretary who approved the application. Such notices shall be furnished not later than thirty (30) days after the intended date of export shown in the approved application, but in no event later than the date of filing of claim for payment, and also shall request modification of the application to the extent that the quantity exported is less than the quantity covered by the approved application.

(b) *Dates of export.* No payment under this subpart will be made in connection with any exportation unless the products are exported on or after the effective date of this subpart and prior to the date specified in paragraph (h) of this section. Products shall be deemed to have been exported when loaded on board the exporting carrier provided such products are not thereafter unloaded from such carrier in the United States, its territories or possessions, and are not diverted to an ineligible country. The date of export of any lot shall be considered to be the date of loading on board the exporting carrier on which movement of such lot from the United States is effected. The date of the on-board bill of lading (or loading tally sheet, see § 517.395 (a) (3)) shall be considered to be the date the products were loaded on board, unless an "on-board" date is shown.

(c) *Minimum size of lot.* No payment will be made under this subpart for the exportation of any lot of less than one hundred (100) units of the eligible products. A unit is 1 box of fresh fruit, 1 case of citrus products, or 1 gallon or equivalent of concentrated juice. A lot is that quantity of products loaded to any one export carrier at any one departure consigned to any one consignee.

(d) *Inspection.* Exporters shall furnish, at no expense to the Secretary, certificates of inspection for fresh or processed products exported pursuant to this subpart indicating that the product meets the applicable requirements set forth in § 517.394. Such certificates for fresh fruit shall be issued by representatives of the Federal or Federal-State Inspection Services and for processed products by representatives of the Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, PMA, USDA. Inspection of all concentrated products containing sweetening ingredients shall be performed during the process of manufacture and also on the finished product after processing. For fresh fruit the period from date of inspection to date of exportation, both dates inclusive, must not exceed sixteen (16) days, and for processed products the period from date of completion of inspection to date of exportation, both dates inclusive, must not exceed ninety (90) days: *Provided*, That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time of such period.

(e) *Packaging.* All products to be exported under this subpart shall be suitably packed for export in new boxes or cases acceptable for export shipment in accordance with standard commercial practice for export and in a manner which reasonably shall assure their arrival in good condition in the country of destination. The best known practices to prevent shrinkage and decay shall be followed in packing fresh fruit for export shipment.

(f) *Re-entry or diversion.* The exporter shall undertake, as a part of his application, which is required in paragraph (a) of this section, that the products exported under this subpart will thereafter not re-enter the United States or its territories or possessions, or be diverted to other than an eligible country as listed in this subpart, in fresh or processed form. In the event of such re-entry or diversion to other than an eligible country, the exporter shall refund to the Secretary any export payment received under this subpart with respect to the quantity so re-entered or diverted.

(g) *Use of Mutual Security funds for purchases prohibited.* Exporters are cautioned to advise their foreign buyers that funds appropriated under Chapter XI, entitled Mutual Security, of the Supplemental Appropriation Act, 1953, may not be used to pay any part of the purchase price of products exported under this subpart. This does not prohibit exporters from making sales without benefit of export payments to buyers using such funds.

(h) *Final dates.* The final date for filing an application shall be 12:00 o'clock midnight September 30, 1953. The final date of export shall be 12:00 o'clock midnight September 30, 1953.

§ 517.394 *Product specifications.* No payment will be made under this subpart unless the respective products exported meet the following applicable requirements:

(a) California and Arizona fresh grapefruit shall meet the requirements of U. S. No. 2 Grade, or better, the Standards for Export, and Standard Pack, as defined in "U. S. Standards for Grapefruit (California and Arizona)," effective January 9, 1950, provided that such fruit shall be individually wrapped, or packed in boxes lined with diphenyl paper, or blind packed, i. e., fruit on the top, bottom, and sides of the box shall be individually wrapped. When wrapped, each fruit shall be fairly well enclosed in its individual wrapper.

(b) Florida and Texas fresh grapefruit shall meet the requirements of U. S. 2 Grade, or better, and for Standard Pack, provided that such fruit shall be individually wrapped, or packed in boxes lined with diphenyl paper, or blind packed, i. e., fruit on the top, bottom, and sides of the box shall be individually wrapped. When wrapped, each fruit shall be fairly well enclosed in its individual wrapper. Such fruit shall also meet the following standards for export: Not more than a total of 10 percent, by count, of the fruit in any container shall be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, growth cracks, damage by creasing, or serious damage by dryness or mushy condition, except that for any lot:

Not more than 5 percent of the fruit shall be soft;

Not more than ½ of 1 percent of the fruit shall be affected by decay;

Not more than 5 percent of the fruit shall be damaged by skin breakdown;

Not more than 3 percent of the fruit shall have broken skins which are not healed;

Not more than 3 percent of the fruit shall have growth cracks;

Not more than 5 percent of the fruit shall be damaged by creasing; and

Not more than 5 percent of the fruit shall be seriously damaged by dryness or mushy condition.

Any lot of fruit shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the fruit in any container has any of the defects enumerated in the standards for export. "U. S. No. 2" and "Standard Pack" shall have the meanings as defined in "U. S. Standards for Florida Grapefruit," effective September 14, 1952, and in "U. S. Standards for Grapefruit," effective November 15, 1949, for Texas grapefruit.

(c) Canned single-strength grapefruit juice shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Grapefruit Juice", effective July 29, 1949. If a sweetening ingredient is added, the product shall meet the requirements for U. S. Grade A "sweet".

(d) Canned blended grapefruit and orange juice shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice," effective July 29, 1949. If a sweetening ingredient is added the product shall meet the requirements for U. S. Grade A "sweet."

(e) Canned citrus salad shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Grapefruit and Orange for Salad," effective August 7, 1950.

(f) Canned grapefruit sections shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Grapefruit," effective November 25, 1952.

(g) Frozen concentrated grapefruit juice (packed in metal containers) shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Grapefruit Juice," effective December 10, 1951.

(h) Frozen concentrated blended grapefruit and orange juice (packed in metal containers) shall meet the requirements of U. S. Grade A, Style I or Style II, as defined in "United States Standards for Grades of Frozen Concentrated Blended Grapefruit Juice and Orange Juice" effective December 10, 1951.

(i) Canned concentrated grapefruit juice (55° Brix or more) shall meet the requirements of "Tentative United States Standards for Grades of Canned Concentrated Grapefruit Juice," effective November 15, 1945.

§ 517.395 *Claims for payment supported by evidence of compliance.* (a) The exporter shall file claims for payment with the PMA office specified in the approved application not later than thirty (30) days after the date of export of such lot: *Provided*, That, upon request of the exporter indicating substantial reason therefor, the Secretary may, if he deems it desirable, grant an extension of time for such filing. Each claim for payment shall be filed in an original and three copies on voucher Form FDA–564, "Public Voucher—Diversion Programs," shall show the serial number of the related approved application, and shall be supported by:

(1) Two certified copies of the sales contract;

(2) Two certified copies of the sales invoice to the foreign buyer showing:

(i) The f. a. s. sales price,

(ii) The payment to be made by the Secretary, and,

(iii) The balance f. a. s. U. S. port to be paid by the buyer (other charges, if any, such as ocean freight, insurance, etc., shall be shown separately on the invoice);

(3) Two copies of the on-board export bill of lading signed by an agent of the exporting carrier (except that where loss, destruction or damage occurs subsequent

to loading on board exporting carrier but prior to issuance of the on-board bill of lading, two copies of a loading tally sheet or similar document may be submitted in lieu of such bill of lading) and in the case of exportation via a contiguous country, two signed copies of the on-board bill of lading covering the movement from such contiguous country;

(4) The original (or a signed copy) and one copy of the inspection certificate(s) required in paragraph (d) of § 517.393, and;

(5) Such other documents, if any, as may be required by the Secretary, evidencing purchase, sale and exportation of the commodity on which payment is claimed.

(b) The export bill of lading must show the quantity and description of the commodity, inspection certificate number, or other reference sufficient to relate the commodity loaded on board the export carrier to the commodity covered by the related inspection certificate, the date and place of loading, the fact that such commodity is on board, the destination of the commodity, and the name and address of both the exporter and consignee. If the shipper or consignor named in such bill of lading is other than the exporter (seller) named in the application, the exporter shall furnish with each copy of such bill of lading a waiver by such shipper or consignor, in favor of such exporter, of any right to claim payment under this subpart for the commodity covered by such bill of lading.

(c) The foregoing required evidence will not be accepted as conclusive if the Secretary has reason to believe that exportation of all or any quantity of the products was not actually accomplished or that there has not been compliance with other requirements of this subpart, and in any such instance the Secretary may require such additional evidence as he deems reasonable.

§ 517.396 *Records and accounts.* The exporter shall maintain adequate records showing purchases, sales, and deliveries of products exported or to be exported in connection with this subpart. Such records, accounts, and other documents relating to any transaction in connection with this subpart shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for at least two years after the effective date of this subpart.

§ 517.397 *Amendment and termination.* The Secretary may amend or terminate this subpart at any time upon public announcement thereof. Such amendment or termination, however, shall not apply to applications approved under this subpart prior to the effective time of such amendment or termination.

§ 517.398 *Persons not eligible.* No member of, or Delegate to, Congress or Resident Commissioner shall be admitted to any payment made under this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 517.399 *Set-off.* The Secretary may set off, against any amount owed to any exporter under this subpart, any amount owed by such exporter to Commodity Credit Corporation, the United States Department of Agriculture, or any other agency of the United States.

§ 517.400 *Joint payment or assignment.* An exporter may name a joint payee on vouchers for payment or may assign the proceeds of any application for export payment to a recognized financing institution as provided in this subpart. The exporter may assign, in accordance with the provisions of the Assignment of Claims Act of 1940, Public Law No. 811, 76th Congress, as amended, the proceeds of any application for export payment to a bank, trust company, Federal lending agency, or other recognized financing institution: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of assignment, in accordance with the instructions on Form PMA–66 "Notice of Assignment" which form must be used in giving notice of assignment to PMA. The "Instrument of Assignment" may be executed on Form PMA–347 or the assignee may use his own form of assignment. The PMA forms may be obtained from any Representative of the Secretary.

§ 517.401 *Good faith.* Whereas it is the intent of this subpart to encourage the exportation of fresh and processed grapefruit produced in the United States by making such products available to foreign buyers at prices below domestic market prices in the amount of the payment offered in this subpart; now, therefore, if the Secretary determines that any exporter has not acted in good faith in carrying out the purpose of this subpart, has not passed on to foreign buyers the incentive payment offered in this subpart, or otherwise fails to discharge fully any obligation assumed by him under this subpart, such exporter may be denied the right to continue participating in this subpart, or the right to receive payment under this subpart in connection with any exportations previously made under this subpart, or both.

§ 517.402 *Definitions.* As used in this subpart, the following terms have the following meanings:

(a) "Secretary" means the Secretary of the United States Department of Agriculture, or any authorized Representative of the Secretary.

(b) "Exporter" means any individual, corporation, partnership, association, or other business entity, located in the United States and engaged in the business of selling and exporting fresh or processed citrus fruits, produced and packed in the continental United States.

(c) "Application" means Form FV–461, "Application for Export Payment."

(d) "Sales contract" may be in the form of offer and acceptance, confirmation of sale or purchase, or other documentary evidence of consummation of sale including contracts between exporter and buyer, and includes a transaction involving the transfer of a product from an exporter to his foreign branch, affiliate or associate.

(e) "Date of sale" means the date on which both buyer and seller signed a written contract, or the date on which buyer accepts an offer of sale or confirms the purchase, or the date on which the seller accepts an offer to purchase or confirms the sale. In the absence of documentary evidence establishing the date of consummation of sale the date of sale shown in the application will be considered to be the date the sale was consummated.

(f) "F. a. s." means free alongside ship or other export carrier.

(g) "On-board export bill of lading" includes any bill of lading covering the exportation of fresh or processed grapefruit from the United States.

(h) "Public announcement" and "public notice" means the issuance of a press release or the publication of a notice in the FEDERAL REGISTER.

(i) "Filed." Applications, claims and related documents are deemed to be filed when they are postmarked, if mailed, or when received by the designated PMA office if otherwise delivered.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This offer shall be effective on December 5, 1952.

Dated this 1st day of December 1952.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 52–12859; Filed, Dec. 3, 1952; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5405]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FRED SCHAMBACH

Subpart—*Advertising falsely or misleadingly:* § 3.75 *Free goods or services;* § 3.155 *Prices—Exaggerated as regular and customary.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods.* Subpart—*Using, selling or supplying lottery devices:* § 3.2475 *Devices for lottery selling.* In connection with the offering for sale, sale or distribution of merchandise in commerce, (1) supplying to or placing in the hands of others push cards or other lottery devices, either with other merchandise or separately, which said push cards or other lottery devices are to be used, or which due to their design, are suitable for use in the sale or distribution of said merchandise to the public; (2) selling or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise or lottery scheme; (3) representing, directly or by implication, that any of said merchandise has a retail or list price in excess of the actual price at which such merchandise ordinarily is sold to consumers; or, (4) using the word "free", or any other word or words of similar import or meaning, in advertising to designate or refer to any article of merchandise which is not in fact a gift or gratuity or is not given without requiring the purchase of other merchandise or the performance of some service inuring, directly or indirectly to the benefit of the respondent; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Fred Schambach, New York, N. Y., Docket 5405, September 30, 1952]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence and the recommended decision of the hearing examiner; and the Commission having made its findings as to the facts and conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Fred Schambach, an individual, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push cards or other lottery devices, either with other merchandise or separately, which said push cards or other lottery devices are to be used, or which due to their design, are suitable for use in the sale or distribution of said merchandise to the public.

2. Selling or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise or lottery scheme.

3. Representing, directly or by implication, that any of said merchandise has a retail or list price in excess of the actual price at which such merchandise ordinarily is sold to consumers.

4. Using the word "free", or any other word or words of similar import or meaning, in advertising to designate or refer to any article of merchandise which is not in fact a gift or gratuity or is not given without requiring the purchase of other merchandise or the performance of some service inuring, directly or indirectly, to the benefit of the respondent.

It is further ordered, That respondent Fred Schambach, an individual, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: September 30, 1952.

By the Commission, Commissioners Mason and Carretta dissenting.[2]

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52–12855; Filed, Dec. 3, 1952; 8:50 a. m.]

[1] Filed as part of the original document.
[2] Dissenting opinion by Mr. Carretta joined in by Mr. Mason filed as part of the original document.

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Regs. 111; T. D. 5949]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

REGULATED INVESTMENT COMPANIES

On September 5, 1952, notice of proposed rule making with respect to amendments to conform Regulations 111 to sections 121 (e) and 222 of the Revenue Act of 1950 (Pub. Law 814, 81st Cong., 2d Sess.), approved September 23, 1950, to sections 201 (c) and (e) of the Excess Profits Tax Act of 1950 (Pub. Law 909, 81st Cong., 2d Sess.), approved January 3, 1951, and to section 121 (d) of the Revenue Act of 1951 (Pub. Law 183, 82d Cong., 1st Sess.), approved October 20, 1951, relating to regulated investment companies, was published in the FEDERAL REGISTER (17 F. R. 8049). After consideration of such relevant suggestions as were presented by interested persons regarding the proposals, the amendments to Regulations 111 (26 CFR Part 29) are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.362–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(e) *Regulated investment companies.* (1) Section 362 (b) (3) (relating to normal tax on regulated investment companies) is hereby amended to read as follows:

(3) In the case of taxable years beginning after June 30, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 25 per centum of the amount thereof. In the case of taxable years beginning after December 31, 1949, and before July 1, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 23 per centum of the amount thereof.

(2) Section 362 (b) (4) (relating to surtax on regulated investment companies) is hereby amended to read as follows:

(4) In the case of taxable years beginning after June 30, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q surtax net income a tax equal to 20 per centum of the amount thereof in excess of $25,000. In the case of taxable years beginning after December 31, 1949, and before July 1, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q surtax net income a tax equal to 19 per centum of the amount thereof in excess of $25,000.

(3) The amendments made by this subsection shall be applicable only with respect to taxable years beginning after December 31, 1949.

* * * * *

SEC. 222. REGULATED INVESTMENT COMPANIES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Effective with respect to taxable years ending after the date of the enactment of this act, section 362 (b) (relating to method of taxation of regulated investment companies and shareholders) is hereby amended by adding at the end thereof the following:

(8) For the purposes of this subsection, any dividend or portion thereof declared by a company after the close of the taxable year and prior to the time prescribed by law for the filing of its return for the taxable year (including the period of any extension of time granted for filing such return) shall, to the extent the company so elects in such return, be treated as having been paid during such taxable year, but only if distribution of such dividend is actually made to shareholders in the 12-month period following the close of such taxable year and not later than the date of the first regular dividend payment made after such declaration.

SEC. 201. SURTAX ON CORPORATIONS (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

* * * * *

(c) *Regulated investment companies.* Section 362 (b) (4) of such code (Internal Revenue Code) (relating to surtax on regulated investment companies) is hereby amended by striking out "20 per centum" and inserting in lieu thereof "22 per centum".

* * * * *

(e) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years beginning on or after July 1, 1950.

SEC. 121. INCREASE IN RATE OF CORPORATION NORMAL TAX (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(d) *Regulated investment companies.* Section 362 (b) (relating to tax on regulated investment companies) is hereby amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

(3) In the case of taxable years beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 28¾ per centum of the amount thereof. In the case of taxable years beginning after March 31, 1951, and before April 1, 1954, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 30 per centum of the amount thereof. In the case of taxable years beginning after March 31, 1954, there shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 25 per centum of the amount thereof.

(4) In the case of taxable years beginning after December 31, 1950, there shall be levied, collected, and paid for each taxable year upon its Supplement Q surtax net income a tax equal to 22 per centum of the amount thereof in excess of $25,000.

* * * * *

SEC. 125. EFFECTIVE DATE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951, except that the amendments made to sections * * * 362 * * * of the Internal Revenue Code shall be applicable to taxable years beginning after December 31, 1950, and ending after March 31, 1951. * * *

PAR. 2. Section 29.362–2, as amended by Treasury Decision 5517, approved June 12, 1946, is further amended as follows:

(A) By striking out that portion of the first sentence thereof which follows the parenthetical phrase "(relating to records required to be kept for the purpose of ascertaining the actual owner-

ship of its outstanding stock)," and in-

pany distributes during the taxable year

March 15, 1951. X Company files its Fed-

(f) *Preliminary report.* As soon as

corporation for its general benefit.

branch, affiliate or associate.

the word "free", or any other word or

ship of its outstanding stock)," and inserting in lieu thereof the following:

• • • it is taxable:

(a) Upon its Supplement Q net income (as defined in section 362 (b) (1)):

(1) For taxable years beginning before January 1, 1950, at the rate of 24 percent of the amount thereof;

(2) For taxable years beginning after December 31, 1949, and before July 1, 1950, at the rate of 23 percent of the amount thereof;

(3) For taxable years beginning after June 30, 1950, and before January 1, 1951, and for taxable years beginning after December 31, 1950, and ending before April 1, 1951, at the rate of 25 percent of the amount thereof;

(4) For taxable years beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951, at the rate of 28¾ percent of the amount thereof;

(5) For taxable years beginning after March 31, 1951, and before April 1, 1954, at the rate of 30 percent of the amount thereof;

(6) For taxable years beginning after March 31, 1954, at the rate of 25 percent of the amount thereof.

(b) Upon its Supplement Q surtax net income (as defined in section 362 (b) (2)):

(1) For taxable years beginning before January 1, 1946, at the rate of 16 percent of the amount thereof;

(2) For taxable years beginning after December 31, 1945, and before January 1, 1950, at the rate of 14 percent of the amount thereof;

(3) For taxable years beginning after December 31, 1949, and before July 1, 1950, at the rate of 19 percent of the amount thereof in excess of $25,000;

(4) For taxable years beginning after June 30, 1950, at the rate of 22 percent of the amount thereof in excess of $25,000.

(c) Upon the excess of any net long-term capital gain over the sum of the net short-term capital loss and the amount of capital gain dividends (as defined in section 362 (b) (7)) paid during the year, at the rate of 25 percent of such excess.

(B) By inserting immediately after the fifth sentence thereof (beginning "See § 29.27 (b)–2") the following new sentence: "For certain distributions made after the close of the taxable year which the regulated investment company may elect to treat as paid during the taxable year for purposes of section 362 (b), see § 29.362–6."

PAR. 3. Section 29.362–5 is amended by adding at the end thereof the following new sentence: "For additional rules applicable to certain distributions made after the close of the taxable year which may be designated as capital gain dividends, see § 29.362–6."

PAR. 4. There is inserted immediately after § 29.362–5 the following new section:

§ 29.362–6 *Distribution of dividends after close of taxable year.* (a) Effective with respect to any taxable year ending after September 23, 1950, section 362 (b) (8) provides that:

(1) In determining under section 362 (b) whether a regulated investment company distributes during the taxable year to its shareholders as taxable dividends (other than capital gain dividends) an amount not less than 90 percent of its net income for the taxable year computed without regard to net long-term and net short-term capital gains;

(2) In computing the Supplement Q net income and the Supplement Q surtax net income; and

(3) In determining the amount of capital gain dividends paid during the taxable year,

any dividend (or portion thereof) declared by the company after the close of such taxable year and prior to the time prescribed by law for the filing of its return for such taxable year (including the period of any extension of time granted for filing such return) shall, to the extent the company so elects in such return, be treated as having been paid during such taxable year. This section is applicable only if distribution of the entire amount of such dividend is actually made to shareholders in the 12-month period following the close of such taxable year and not later than the date of the first regular dividend payment made after such declaration.

(b) The election must be made in the return filed by the company for the taxable year. The election shall be made by the taxpayer by treating the dividend (or portion thereof) to which such election applies as a dividend paid during the taxable year in computing its Supplement Q net income and its Supplement Q surtax net income, or if the dividend (or portion thereof) to which such election applies is to be designated by the company as a capital gain dividend, in computing the amount of capital gain dividends paid during such taxable year. The election provided in section 362 (b) (8) may be made only to the extent that the earnings and profits of the taxable year (computed with the application of section 362 (a)) exceed the total amount of distributions out of such earnings and profits actually made during the taxable year (not including distributions with respect to which a prior election has been made under section 362 (b) (8)). The dividend or portion thereof, with respect to which the regulated investment company has made a valid election under section 362 (b) (8), shall be considered as paid out of earnings and profits of the taxable year for which such election is made, and not out of earnings and profits of the taxable year in which the distribution is actually made. However, the dividend or portion thereof subject to the election will be includible in the gross income of shareholders of the regulated investment company for the taxable year in which the dividend is received by them.

Example (1). X Company, a regulated investment company, had a net income (and earnings or profits) for the calendar year 1950 of $100,000. During that year the company distributed to shareholders taxable dividends aggregating $88,000. On March 10, 1951, the company declared a dividend of $37,000 payable to shareholders on March 20, 1951. Such dividend consists of the first regular quarterly dividend for 1951 of $25,000 plus an additional $12,000 representing that part of the net income for 1950 which was not distributed in 1950. On March 15, 1951, X Company files its Federal income tax return and elects therein to treat $12,000 of the total dividend of $37,000 to be paid to shareholders on March 20, 1951, as having been paid during the taxable year 1950. Assuming that X Company actually distributes the entire amount of the dividend of $37,000 on March 20, 1951, an amount equal to $12,000 thereof will be treated for the purposes of section 362 (b) as having been paid during the taxable year 1950. Such amount ($12,000) will be considered a distribution out of the earnings and profits of the company for the taxable year 1950, and will be treated as a taxable dividend to the shareholders for the taxable year in which such distribution is received by them.

Example (2). Y Company, a regulated investment company, had a net income (and earnings or profits) for the calendar year 1950 of $100,000, and for 1951 a net income (and earnings or profits) of $125,000. On January 1, 1950, the company had a deficit in its earnings and profits accumulated since February 28, 1913, of $115,000. During the year 1950 the company distributed to shareholders taxable dividends aggregating $85,000. On March 5, 1951, the company declared a dividend of $65,000 payable to shareholders on March 31, 1951. On March 15, 1951, Y Company files its Federal income tax return in which it includes $40,000 of the total dividend of $65,000 to be paid to shareholders on March 31, 1951, as a dividend paid by it during the taxable year 1950. On March 31, 1951, Y Company distributes the entire amount of the dividend of $65,000 declared on March 5, 1951. The election under section 362 (b) (8) is valid only to the extent of $15,000, the amount of undistributed earnings or profits for 1950. The remainder ($50,000) of the dividend paid on March 31, 1951, may not be the subject of an election, but such amount will be regarded as a distribution by Y Company for the taxable year 1951. Assuming that the only other distribution by the Y Company during 1951 is a distribution of $75,000 paid as a dividend on October 31, 1951, the total amount of the distribution of $65,000 paid to shareholders on March 31, 1951, is to be treated as taxable dividends to the shareholders. Of this amount $15,000 is to be treated as distributed out of the earnings or profits of the company for the taxable year 1950, and the remaining $50,000 as a distribution out of the earnings or profits for the year 1951. The distribution of $75,000 on October 31, 1951, is, of course, a taxable dividend out of the earnings and profits for the year 1951.

(c) A dividend (or portion thereof) with respect to which an election has been made under section 362 (b) (8) and which the company desires to designate as a capital gain dividend need not be so designated within 30 days after the close of the taxable year, but will be properly designated as a capital gain dividend if it is designated as such in a written notice mailed to the shareholders at the time of the payment of the dividend. Such designated capital gain dividends are to be aggregated with the designated capital gain dividends actually paid during such taxable year (not including such dividends with respect to which a prior election has been made under section 362 (b) (8)) for the purpose of determining whether the aggregate of the designated capital gain dividends with respect to such taxable year of the company is greater than the excess of the net long-term capital gain over the net short-term capital loss of the company.

(d) After the expiration of the time for filing the return for the taxable year for which an election is made under section 362 (b) (8), such election shall be irrevocable with respect to the dividend or portion thereof to which it applies.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: November 28, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-12845; Filed, Dec. 3, 1952; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 601—LABOR

MISCELLANEOUS AMENDMENTS

1. Sections 590.303, 590.303–1, 590.303–2, 590.303–3, 590.303–4, 590.303–5, 590.303–6, 590.303–7 and 590–603–3 are rescinded and the following substituted therefor:

§ 590.303 *Fraud, criminal conduct, suspension, administrative debarment and statutory debarment.* Sections 590–303 to 590.303–7 set forth the procedures to be followed throughout the Army establishment in connection with:

(a) The suspensions due to reports of allegations of fraud or criminal conduct as indicated in § 590.303–1.

(b) The debarment by administrative action as indicated in § 590.303–2.

(c) The statutory debarment of contractors, as indicated in § 590.303–3; and

(d) Certain other administrative actions, as indicated in §§ 590.303–4 to 590.303–7 inclusive.

§ 590.303–1 *Suspension due to allegations or suspicions of fraud and criminal conduct—(a) General.* The prompt reporting of all matters relating to fraud or criminal conduct in connection with procurement activities, in order that such reports may arrive as expeditiously as possible at the appropriate office of the Department of the Army, as indicated in this section, is of extreme importance. All persons concerned with Army contracts will be alert for and report the possibility or evidence of fraud or criminal conduct, at all times. Normally a suspension will be effected on a temporary basis, as indicated in paragraph (d) of this section pending the development of further evidence which would furnish an adequate basis for debarment as covered in § 590.303–2, relating to debarment by administrative action. Upon the receipt of such information, it will be immediately reported as indicated in paragraph (b) of this section relating to reporting procedure.

(b) *Reporting procedure of this section.* All reports and exhibits, and all supplements thereto, including letters of transmittal and interim correspondence, will be expeditiously transmitted through channels, in sextuplicate, to the Head of the Procuring Activity who will make the following distribution: Three copies direct to the Office of the Under Secretary of the Army (Assistant Judge Advocate General), one copy direct to the Office of the Assistant Chief of Staff, G–4, Department of the Army (Attention: Chief, Purchases Branch), and a fifth copy thereof direct to the Office of The Inspector General. In cases where all the information is not readily available to the reporting agency, preliminary reports will be so forwarded, and will be followed as soon as practicable by complete documented reports as indicated in this section. All reports should contain a full statement of the pertinent facts indicating alleged criminal conduct, fraudulent activity, or suspicion thereof and will be supported by appropriate exhibits. All such reports initiated by disposal, inspection, audit, engineering, and other advisory or technical personnel, under Department of the Army contracts, will be addressed to the Contracting Officer concerned and will be adequately documented by initiating personnel. The Contracting Officer will take whatever action he deems necessary and appropriate consistent with the protection of the interests of the Government. Such reports, accompanied by the remarks, conclusions and recommendations of the Contracting Officer, will then be forwarded, through channels, for the addition of remarks, conclusions, and recommendations of each successive office.

(c) *Coordination of actions with The Inspector General, the Department of Justice and other agencies.* An Assistant Judge Advocate General has been designated as the representative of the Under Secretary of the Army to handle matters relating to fraudulent acts or criminal conduct by personnel within the Army Establishment or by private commercial concerns or individuals in connection with procurement activities and to coordinate actions concerning such activities with The Inspector General, the Department of Justice, and other agencies, when appropriate.

(d) *Suspensions.* The determination to suspend a suspected contractor, will be the responsibility and within the authority of the Under Secretary of the Army (Assistant Judge Advocate General). Recommendations of the reporting agency and intermediate echelons, concerning suspensions, will be furnished when submitting reports relating to fraud or criminal conduct. Formal suspension directives will be issued by the Office of the Under Secretary of the Army (Assistant Judge Advocate General).

(e) *Responsibility of Heads of Procuring Activities.* The Heads of Procuring Activities will be responsible for taking the appropriate administrative actions indicated in paragraphs (f) through (l) of this section upon receipt of notice of suspension or when reporting suspicion or evidence of fraud or criminal conduct. The Heads of Procuring Activities are authorized to communicate directly with the Office of the Under Secretary of the Army (Assistant Judge Advocate General) as to developments in connection with status of or action to be taken in connection with matters which are within the purview of § 590.303.

(f) *Preliminary report.* As soon as possible after receipt of the notice of suspension, and not later than 30 days, or concurrent with the reporting of suspicion of fraud or criminal conduct, the Heads of Procuring Activities will submit a brief report in triplicate to the Office of the Under Secretary of the Army (Assistant Judge Advocate General), and will furnish an information copy of the report to the Assistant Chief of Staff, G–4, Department of the Army (Attention: Chief, Purchases Branch) and an information copy of such report to the Office of The Inspector General, indicating the current contractual relationship between the suspended contractor and the agency submitting the report. This report will consist of a brief statement of the status of outstanding contracts, if any, either proposed, current, or terminated but unsettled. Information relating to current contracts will be reported as outlined in paragraph (g) of this section. The extent to which such persons or firms are considered necessary and essential suppliers will be indicated. Negative reports indicating no current or presently proposed contracts are required.

(g) *Procurement—(1) Current contracts.* The administration of contracts on which performance is current is within the responsibility and authority vested in the Head of a Procuring Activity.

(2) *Service reporting suspicion of fraud.* It will be the additional responsibility of the Head of a Procuring Activity reporting suspicion or evidence of fraud or criminal conduct, and administering a current contract, to determine whether it will be in the best interests of the Government to (i) continue contract administration in any of its phases (such as acceptance of deliveries, inspection at contractor's plant, issuance of certain instructions), except payment, where specifically required by the provisions of the contract and to avert a technical or actionable breach of contract by the Government; or (ii) to exercise any contract right (such as termination for default or convenience, rejection or recovery due to latent defects). In making such determination, full consideration will be given to the nature of and the circumstances surrounding the suspicion or evidence of fraud or criminal conduct being reported. The facts, circumstances, requirements, and provisions considered in reaching such determination will be included in the preliminary report required by paragraph (f) of this section. In cases where doubt exists as to the effect of continuation of any phase of administration on the investigation and possible prosecution of the suspected contractor, it will be appropriate to refer the matter, together with the recommendations of the Head of the Procuring Activity thru channels to the Office of the Under Secretary of the Army (Assistant Judge Advocate General), for determination.

(3) *Services receiving notice of suspension.* In cases where a current contract(s) is (are) being administered by a Procuring Activity not the initiating agency of the report of suspected

fraud or criminal conduct, a statement of the minimum contract administration immediately required by the contract (such as acceptance of deliveries, rejection, price analyses, etc.) will be included in the preliminary report, paragraph (f) of this section.

(4) *Contract administration continued until final determination.* In both instances indicated in subparagraphs (2) and (3) of this paragraph, contract administration at the minimum required will be continued in operation, with the exception of payment until final determination of the matter has been accomplished as indicated in paragraph (d) of this section relating to suspensions.

(5) *Procurement with suspended contractors.* No additional procurement will be made from, nor any commitments of any nature given to, firms or individuals who have been placed in suspension, until the matter has been referred through channels, in the manner set forth in paragraph (d) of this section and written clearance for each individual procurement has been obtained. However, bids submitted by suspended contractors will be received, recorded and retained in accordance with established procedures. In cases where a suspended contractor is the low bidder (or in the case of surplus or salvage sales, the high bidder), information relating to the low (or high) bid and the next higher bid will be reported in the same manner as stated in paragraph (b) of this section relating to reporting procedure, for determination as to the necessity of placement of any awards with the suspended contractor. Bids from suspended contractors will not be automatically rejected by Contracting Officers solely because of the suspension.

(h) *Terminations.* Negotiation towards settlement of terminated contracts will cease with the suspension of a contractor. Negotiations must likewise cease with respect to terminated subcontracts either let or held by the suspended contractor. All delegations of authority, if any, under JTR 642 (PR 15) or under Part 407 of this title or Part 597 of this subchapter will be immediately revoked without explanation.

(i) *Payments.* (1) No payments of any type will be made to any suspended contractor either under procurement or termination unless the suspension is modified or removed. Upon receipt of notice of suspension, disbursing officers will promptly forward any administrative approved vouchers in or coming into their possession to the Office, Chief of Finance (ATTN: Receipts and Disbursements Division). Procuring agencies, holding or in receipt of properly certified invoices covering amounts properly due the suspended contractor, will prepare and process (administratively approve) the necessary vouchers and will forward the certified vouchers to the aforesaid office, through their assigned Disbursing Officers inviting attention to the fact that the contractor concerned is under suspension. This procedure will be followed whenever any additional or new amounts become due during the period of suspension.

(2) In cases where, in the opinion of the Contracting Officer, it is believed that circumstances surrounding either the procurement or the suspicion of fraud or criminal conduct are of such a nature as to permit or require complete or partial release of withheld funds due and owing the suspended contractor, a recommendation for such release, including a full statement of the particulars supporting such recommendation, may be made by the Contracting Officer, through channels, for the addition of the remarks, conclusions and recommendations of each successive office, for determination as indicated in paragraph (d) of this section concerning suspensions.

(j) *Release from suspension.* After a contractor has been placed in suspension, as indicated above, such suspension will not be lifted until such action has been directed in the manner indicated in paragraph (d) of this section relating to the effecting of a suspension.

(k) *Departmental inquiries.* When a firm or individual has been suspended because of suspicion of fraud or criminal conduct, the Contracting Officer will ordinarily address his own inquiries, in triplicate, as to the status and progress of the case in question, through channels, to the Office of the Under Secretary of the Army (Assistant Judge Advocate General), and will not communicate with the local offices of the Department of Justice, the United States Attorney, or the Federal Bureau of Investigation in such connection.

(l) *Communications with suspended contractors.* Reports required by §§ 590.603 to 590.603–7 and all actions accomplished relating thereto are confidential. In the event a suspended contractor makes inquiry as to reason or cause of any of prohibitions indicated above, or for any other reason, the supplying of any information relating to the suspension, even by referring to the fact that the contractor has been suspended, either by reference or detail, is prohibited. Instead, the contractor will be advised that consideration is being given his contract, or contractual relationship, by the Office of the Under Secretary of the Army (Assistant Judge Advocate General) and that all contractor inquiries regarding such matters should be addressed in writing direct to that office.

§ 590.303–2 *Debarment by administrative action*—(a) *General.* Debarment of a contractor for acts constituting fraud or attempted fraud against the United States or deliberate and gross violation of contract provisions may be effected by the Department of the Army but must be based on adequate evidence rather than on allegation or accusation. The Comptroller General states:

> When the interests of the United States require the debarment of a bidder no question will be raised by this office with respect thereto, provided the length of time of such debarment is definitely stated and not unreasonable, and the reasons for the debarment, with a statement of the specific instances of the bidder's dereliction, are made of record and a copy thereof furnished the bidder and this office.

(b) *Determination of debarment.* The determination to debar a bidder from future bidding on Army Establishment contracts will be the responsibility and within the authority of the Under Secretary of the Army (Assistant Judge Advocate General). Recommendations of the reporting agency and intermediate echelons, concerning debarments, will be furnished with any request for debarment. Recording of the debarment and furnishing advice of the action to the contractor and the Comptroller General will be a function of the Office of the Under Secretary of the Army (Assistant Judge Advocate General).

(c) *Requests for debarment.* Debarment action may be initiated by any Procuring Activity and forwarded through appropriate channels to the office first named in paragraph (b) of this section for consideration in accordance with the procedures established in this section.

(d) *Adequacy of request for debarment; responsibility.* A request for debarment will be submitted in triplicate and contain a complete certified statement of the facts concerning the bidder's dereliction, including affidavits, depositions, records of action, if applicable, and any other relevant data. Names and addresses of all persons having knowledge of the circumstances will be included. The Head of a Procuring Activity will be responsible for the adequacy and propriety of all requests initiated under this command.

(e) *Procedure after debarment.* When it has been determined, pursuant to the provisions of paragraph (b) of this section, that it is in the best interest of the Government to debar a contractor from future bidding on Army contracts and the Procuring Activities are so notified, the following procedure will become effective:

(1) Debarred contractors will not be carried on any bidder's mailing list and bids will not be invited from them

(2) No awards will be made to any debarred contractor during the period specified for debarment.

(3) In the event that a bid is tendered by any debarred contractor, it shall be received and recorded with the other bids offered on the purchase. If the bid is low, it will then be rejected, and the reason therefor shall be stated in the certificate to the General Accounting Office as follows:

> In accordance with the decision of the Comptroller General of the United States contained in his letter to the Secretary of War, dated July 23, 1929, the bid of _____ is rejected because of previous unsatisfactory business dealings with the Department of the Army.

(4) All inquiries relating to debarred bidders will be forwarded, in triplicate, in the same manner as stated in paragraph (c) of this section, relating to request for debarment.

§ 590.303–3 *Statutory debarment of contractors.* Contracts shall not be placed with persons or firms who are indicated to be in any of the following categories of disqualified bidders:

(a) Persons and firms listed by the Comptroller General in accordance with section 3 of the Walsh-Healey Public Contracts Act (41 U. S. Code 37) which have been found by the Secretary of

Labor to have violated any of the representations and stipulations required by that act.

(b) Persons and firms listed by the Department of Labor which have been held ineligible to be awarded contracts subject to the Walsh-Healey Public Contracts Act for the reason that they do not qualify as "manufacturers" or "regular dealers" within the meaning of section 1 (a) of said act.

(c) Persons and firms listed by the Comptroller General in accordance with section 3 of the Davis-Bacon Act (40 U. S. Code 276a–2) found by the Comptroller General to have violated said act.

(d) Persons and firms which have violated any of the provisions of the Buy American Act (41 U. S. Code Supp. IV, 10a–d). Inquiries from contractors or individuals listed as ineligible or disqualified by the Comptroller General and the Department of Labor under the Walsh-Healey or Davis-Bacon Acts shall be answered by indicating the nature of the prohibition as indicated on the consolidated list and requesting that the inquirer communicate with:

> Wage and Hour and Public Contracts Divisions,
> Department of Labor,
> Fourteenth Street and Constitution Avenue NW.,
> Washington 25, D. C.

§ 590.303–4 *Consolidated listing of suspended and ineligible contractors and disqualified bidders.* In conjunction with the information and actions contained in the preceding paragraphs a consolidated confidential list will be issued by the Office of the Under Secretary of the Army (Assistant Judge Advocate General), for the use and guidance of all interested agencies of the Army Establishment. The comprehensive list will be composed of an alphabetical listing of all firms or persons suspended, ineligible, or disqualified from entering into contractual relationships with the Government. Information will be supplied indicating the reason for and the extent of the suspension or prohibition. Care will be taken by contracting personnel to give full effect to modifications of or releases from suspension. The listing shall comprise the following groups and firms which are subject to the prohibitions indicated:

(a) *Suspensions initiated by the Army and affecting Army contracts.* Contractors who have been placed in suspension or debarred by administrative determination in accordance with the procedures and prohibitions prescribed in §§ 590.303–1 and 590.303–2, or suspended or debarred under like circumstances by the other military departments.

(b) *Disqualifications initiated by agencies other than the Military and prohibitions effected.* (1) Persons and firms listed by the Comptroller General in accordance with section 3 of the Walsh-Healey Public Contracts Act which have been found by the Secretary of Labor to have violated any of the representations and stipulations required by that act. No contracts will be awarded to such persons or firms or to any firm, corporation, partnership, or association in which such persons have a controlling interest, for a period of 3 years from the dates on which it was determined such breaches occurred. (See Part 411 of this title for specific provisions of Walsh-Healey Act.)

(2) Persons and firms listed by the Department of Labor which have been held ineligible to be awarded contracts subject to the Walsh-Healey Public Contracts Act for the reason that they do not qualify as "manufacturers" or "regular dealers" within the meaning of section 1 (a) of said act. Such persons, corporations, or firms will not be awarded any contract unless a change in status is shown and so determined by the Department of Labor prior to the award of any such contract.

(3) Persons and firms listed by the Comptroller General in accordance with section 3 of the Davis-Bacon Act found by the Comptroller General to have violated said act. No contract is to be awarded to any contractor, or any firm, in which the contractor has an interest for a period of 3 years from the publication of the list containing the names of the violators.

§ 590.303–5 *Procurement outside United States.* Sections 590.303 to 590.303–7 are applicable to procurement outside the United States, its Territories and possessions in principle and policy, but Contracting Officers will be guided by the laws of the local foreign government of the country in which procurement is to be effected and by such procedural instructions (based on the procedures contained herein) as may be issued by the Head of a Procuring Activity. Suspensions by major oversea commanders will be coordinated with local authorities of the military departments. A report, in triplicate, setting forth the basis for and the action being taken in any case of suspected fraud or criminal conduct will be furnished in the manner set out in § 590.303–1 (b), for information as the incidents occur. A closing report of completed action will be furnished also.

§ 590.303–6 *Additions to and removals from consolidated list of ineligible or suspended contractors and disqualified bidders.* Interim notices indicating additions to, modifications of, or removals from the consolidated list will be issued by the Office of the Under Secretary of the Army (Assistant Judge Advocate General), when appropriate.

§ 590.303–7 *Exchange of lists.* The Office of the Under Secretary of the Army, (Assistant Judge Advocate General), will supply the Departments of the Navy and the Air Force with copies of the consolidated list, and any interim changes thereto, for information and guidance and will publish additional information received from those Departments.

§ 590.603–3 *Contracts required to be numbered.* (a) All contracts involving the payment of $20,000 or more on a single payment voucher shall be numbered and forwarded to the General Accounting Office without delay. See § 590.606–3.

(b) All contracts involving the payment of less than $20,000 on a single payment voucher, may or may not be numbered depending upon the needs of the Procuring Activity, and shall be attached to the related voucher upon which payment is made and accompany such voucher in the regular transmission of the Disbursing Officer's account to the General Accounting Office. See § 590.606–4.

(c) All multiple payment contracts regardless of amount shall be numbered except as authorized in subparagraph (2) of this paragraph. In case of doubt as to whether the amount to be paid under a contract is more or less than $20,000 or whether more than one payment may be necessary, the contract shall be numbered.

(1) When any related supplemental document, required to be deposited with the General Accounting Office, is transmitted in connection with an unnumbered contract, and if such related supplemental document serves to remove the contract from the category of contracts not required to be numbered, a number will be assigned to the original contract and will be shown on such supplemental document in addition to the voucher citation in the event any payments have been made prior to the issuance of the supplemental document.

(2) Where later determination is made that more than one payment and/or collection is involved, payments, not to exceed five in number on any given contract may be made with respect to partial deliveries under unnumbered contracts provided that the original signed contract is attached to the first payment voucher, and the following information is included on each subsequent payment voucher with respect to all preceding payments under the contract: Name of Disbursing Officer, period of account, voucher number, amount paid.

(3) Where more than five payments and/or collections become necessary, a number must be assigned to such contract.

(4) Where later determination is made that the amount to be paid or collected equals $20,000 or more, a number must also be assigned to such contract.

(d) In instances cited in paragraph (c) (1), (3) and (4) of this section, in which payments have been made a citation to the name of the Disbursing Officer, period of account, and number of the disbursement or collection voucher to which the original unnumbered contract was attached will be furnished promptly to the General Accounting Office by the Contracting Officer concerned.

(e) The instructions contained in this section do not apply to DA AGO Form 383 used in connection with the Small Purchases Procedure (Subpart G of this part). See §§ 590.603–2 (b), 590.705–1 (b) and 590.705–10 (e).

2. Sections 601.451 and 601.454 are rescinded and the following substituted therefor:

§ 601.451 *List of ineligible contractors and disqualified bidders.* The list of persons and firms found by the Comptroller General to have violated the re-

quirements of the Davis-Bacon Act is prepared and issued by the Office of the Under Secretary of the Army (Assistant Judge Advocate General), for the use and guidance of all interested agencies of the Army Establishment in the Consolidated Listing of Suspended and Ineligible Contractors and Disqualified Bidders. (See § 590.303 (d) of this subchapter.)

§ 601.654 *Lists of disqualified persons and firms.* (a) This includes the list of:

(1) Persons or firms found by the Secretary of Labor to have breached or violated contractual representations and stipulations required by the Walsh-Healey Act, published by the Comptroller General.

(2) Persons and firms which have been held ineligible to be awarded contracts subject to the Walsh-Healey Act, published by the Department of Labor.

(b) These lists are prepared and issued, from time to time, by the Office of the Under Secretary of the Army (Assistant Judge Advocate General), for the use and guidance of all interested agencies of the Department of the Army (§ 590.303 (d) of this subchapter).

[Proc. Cir. 20, Sept. 30, 1952, and Proc. Cir. 22, Nov. 17, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-12839; Filed, Dec. 3, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 15, Collation 2.]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

COLL. 2—INCLUDING AMENDMENTS 1–20

Ceiling Price Regulation 15 is republished to incorporate the text of Amendments 1 through 20, inclusive. Ceiling Price Regulation 15 was issued March 28, 1951 (16 F. R. 2735). Statements of Consideration for Ceiling Price Regulation 15, and for Amendments 1–20, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation and the amendments are shown in a note preceding the first section of the regulation.

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39. Table of ceiling prices based on any given "net cost" and mark-up (Table C).

AUTHORITY: Sections 1 to 39 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DEVIATION: Sections 1–39 contained in Ceiling Price Regulation 15, March 28, 1951 (16 F. R. 2735), except as otherwise noted in brackets following text affected.

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ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all retail stores, other than "independent" retail stores doing an annual business of less than $375,000 and for all retail stores, whether "independent" or not, doing an annual business of $375,000 or more. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Stabilization (hereinafter called OPS), and regardless of any contract or any other law. All other retail stores (Group 1 and Group 2 stores) selling these food products are covered by Ceiling Price Regulation No. 16.

SEC. 2. *How you find out whether your store is covered by this regulation and what group it is in.*—(a) *What stores are covered.* Your store is covered by this regulation if it is a Group 3 or 4 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. For the purposes of this regulation, "Great Lakes Marine Suppliers" shall be considered as retailers. The provisions of this regulation do not apply to "retail route sellers", to sales of "specially prepared dietetic foods" by "health food stores" or "health food departments", or to automatic vending machines or farmers selling produce grown on their own farms.

(b) *What are Group 3 and 4 stores.* For the purpose of this regulation, Group 3 and 4 stores are defined as follows:

(1) *Group 3.* Your store is in Group 3 if its "annual gross sales" are less than $375,000 and if it is not an "independent" store. Your store is an "independent" store if it is not one of 4 or more stores under one ownership whose combined "annual gross sales" are $750,000 or more.

(2) *Group 4.* Your store is in Group 4 if its "annual gross sales" are $375,000 or more.

(If you are not sure what group your store is in, use the directions in Section 29 for figuring its "annual gross sales." See section 35 for definitions of Group 1 and 2 stores.)

(c) *How to display a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation displayed on a sign reading "OPS–3" or "OPS–4", whichever it is, or on a sign which the OPS may furnish to you. The sign must be displayed so that it can be clearly seen by your customers.

(d) *When you may choose to treat your store as a Group 4 store.* If your store is a Group 3 store, you may choose to treat it as a Group 4 store and display a sign in your store as a member of that group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a Group 4 store; and

(2) Notify the OPS district office for your area of this fact.

(e) *When you must notify OPS of the Group in which your store falls.* Within 30 days after the issuance of this regulation, you must notify the OPS District office for your area, of the Group of each of your stores, using OPS Public Form No. 5 which you may obtain from the OPS District office for your area. If you open a new retail store after May 14, 1951, you must notify, within 15 days, the OPS District office for your area of the Group of the store, using OPS Public Form No. 5 which you may obtain from the OPS District Office for your area. Even though you sell food products, if none of these products are subject to this regulation, you need not furnish this notification. In the event that this regulation is amended to cover one or more of the food products you sell, you must furnish the notification within 30 days of the effective date of the amendment.

[Paragraph (e) amended by Amdts. 1 and 19]

Dry Groceries

SEC. 3. *How and when you figure your ceiling prices for "dry groceries".*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you had to pay for the most recent delivery of the item to you before April 30, 1951, plus (2) the mark-up given you for it in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business on May 14, 1951, you must have figured your ceiling price for each item of "dry groceries" listed as Table A which you have in stock at that time. Between April 5, 1951 and May 14, 1951, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into effect on all items not later than May 14, 1951. If you do not put the new price for an item into effect before May 14, 1951, you must continue to use your existing ceiling for that item until May 14. If you receive delivery of any item between April 5, 1951 and May 14, 1951, for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

[Paragraph (b) amended by Amdt. 1]

(c) *Special rule for certain items of the 1950 pack.* If, in the case of any item of the 1950 pack of food commodity groups 8, 10, 11, 12, 13, 32 and 33 in Table A, your last purchase of the particular item was made prior to January 26, 1951, you may continue to use your legal ceiling price for such item under the General Ceiling Price Regulation, until you receive delivery of a purchase made after that date. When you receive delivery of such a purchase, you must figure your ceiling price for the item in accordance with the provisions of this regulation.

(d) *Pricing special promotions.* Where you have a "special promotion" consisting of two or more items bound together for joint sale or bearing appropriate printing or labeling referring to the joint sale, you shall compute your ceiling price for the joint sale as follows:

(1) Determine which item or items are the regular portion of the "special promotion" and which item or items are the "special" portion.

(2) For the regular item or items compute your ceiling prices according to this regulation, disregarding entirely the special item or items.

(3) For the special item or items you may charge up to 50 percent of your existing ceiling price for those items.

(4) If you have no existing ceiling price for the special item or items you may use as your markup a maximum of 3 cents per item,

(5) Your ceiling price for the joint sale is the sum of the ceiling price for the regular item plus the price determined under subparagraph (3) or (4) of this paragraph for the special items. You may not price any special promotion on the same items under this paragraph for a period of more than 120 days. Also you may not price under this paragraph another special promotion on the same items until six months after the conclusion of the previous such offering.

[Paragraph (d) added by Amdt. 6]

SEC. 4. *Directions for applying the rule for "dry groceries".*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the item, based on its most recent delivery to you before May 14, 1951. Your "net cost" will be the amount you paid your supplier less all discounts except (1) discounts on items in Category #5, "Cookies, toast and crumbs" and Category #5A, "Crackers," (section 37 (b) (5) and (5A)), (2) the discount for prompt payment, and (3) swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. This exception shall not apply to any shipments by water. In such cases, there may be added also as part of the cost of transportation the cost of moving the shipment from the place at which it was processed to the dock, the cost of unloading at that dock, wharfage, handling, tollage and usage charges, the cost of marine insurance, the cost of loading the goods on a car, truck or other conveyance at the port of discharge and the cost of transporting that shipment from the port of discharge to receiving point. However, cost of loading the shipment at the place at which it was processed, segregation charges, and cost of unloading at receiving point may not be added. If you are located on an island or otherwise accessible only by water, for any items delivered from a warehouse under the same ownership or control, where a combination of land and water transportation is required, you may include in your "net cost" the actual cost of the water transportation between the warehouse and your store, including any charges for loading and unloading the water carrier. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries."

[Paragraph (a) amended by Amdts. 1, 5, 9 and 19]

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.), to the nearest half-cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three quarters of a cent are rounded up to the next cent.) Your invoice cost may be the cost of a carton, case or barrel for instance, and not the cost of the package, can or other unit you sell. You must get the net cost of the single unit you sell by dividing the cost for the carton, case or barrel by the number of units in the carton, case or barrel.

[Subparagraph (3) added by Amdt. 18; deleted by Amdt. 20]

(3) If you are figuring your net cost of canned baby food on the basis of a purchase from a manufacturer on a net price basis (that is, a net price to you which includes all cash discounts), and you receive a notice from him pursuant to SR 107 to the GCPR, you may use as your "net cost" the adjusted net cost furnished in the notice, plus transportation charges you paid, if any, as defined in this section.

[Subparagraph (4) added by Amdt. 18; redesignated (3) by Amdt. 20]

(4) If you are figuring your ceiling price for an item on the basis of a purchase made from a "service fee wholesaler", your "net cost" shall be his estimated ceiling price for the item figured on a single unit basis plus transportation charges you paid, if any, as defined in this section. You will be notified by the "service fee wholesaler" of his estimated ceiling price either on his invoice or order form or other written document.

[Subparagraph (3) added by Amdt. 2; amended by Amdt. 7; redesignated (5) by Amdt. 18; redesignated (4) by Amdt. 20]

(5) For items you "manufacture or otherwise process" use the special rules in section 23.

[Subparagraph (3) redesignated (4) by Amdt. 2; redesignated (6) by Amdt. 18; redesignated (5) by Amdt. 20]

(b) *Mark-up.* Turn to Table A to find the mark-up for the item given your group of store. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(c) *Ceiling price.* (1) Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change the ceiling price except in accordance with section 6.

[Paragraph (c) amended by Amdt. 18; Subparagraph (2) deleted by Amdt. 20]

(2) Your ceiling price for the item is the sum of the ceiling price for the regular item plus the price determined under subparagraph (3) or (4) of this paragraph for the special items. You may not price any special promotion on the same items under this paragraph for a period of more than 120 days. Also you may not price under this paragraph another special promotion on the same items until six months after the conclusion of the previous such offering.

[Paragraph (d) added by Amdt. 6]

SEC. 4. *Directions for applying the rule for "dry groceries".*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the item, based on its most recent delivery to you before May 14, 1951. Your "net cost" will be the amount you paid your supplier less all discounts except (1) discounts on items in Category #5, "Cookies, toast and crumbs" and Category #5A, "Crackers," (section 37 (b) (5) and (5A)), (2) the discount for prompt payment, and (3) swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. This exception shall not apply to any shipments by water. In such cases, there may be added also as part of the cost of transportation the cost of moving the shipment from the place at which it was processed to the dock, the cost of unloading at that dock, wharfage, handling, tollage and usage charges, the cost of marine insurance, the cost of loading the goods on a car, truck or other conveyance at the port of discharge and the cost of transporting that shipment from the port of discharge to receiving point. However, cost of loading the shipment at the place at which it was processed, segregation charges, and cost of unloading at receiving point may not be added. If you are located on an island or otherwise accessible only by water, for any items delivered from a warehouse under the same ownership or control, where a combination of land and water transportation is required, you may include in your "net cost" the actual cost of the water transportation between the warehouse and your store, including any charges for loading and unloading the water carrier. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries."

[Paragraph (a) amended by Amdts. 1, 5, 9 and 19]

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.), to the nearest half-cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three quarters of a cent are rounded up to the next cent.) Your invoice cost may be the cost of a carton, case or barrel for instance, and not the cost of the package, can or other unit you sell. You must get the net cost of the single unit you sell by dividing the cost for the carton, case or barrel by the number of units in the carton, case or barrel.

[Subparagraph (3) added by Amdt. 18; deleted by Amdt. 20]

(3) If you are figuring your net cost of canned baby food on the basis of a purchase from a manufacturer on a net price basis (that is, a net price to you which includes all cash discounts), and you receive a notice from him pursuant to SR 107 to the GCPR, you may use as your "net cost" the adjusted net cost furnished in the notice, plus transportation charges you paid, if any, as defined in this section.

[Subparagraph (4) added by Amdt. 18; redesignated (3) by Amdt. 20]

(4) If you are figuring your ceiling price for an item on the basis of a purchase made from a "service fee wholesaler", your "net cost" shall be his estimated ceiling price for the item figured on a single unit basis plus transportation charges you paid, if any, as defined in this section. You will be notified by the "service fee wholesaler" of his estimated ceiling price either on his invoice or order form or other written document.

[Subparagraph (3) added by Amdt. 2; amended by Amdt. 7; redesignated (5) by Amdt. 18; redesignated (4) by Amdt. 20]

(5) For items you "manufacture or otherwise process" use the special rules in section 23.

[Subparagraph (3) redesignated (4) by Amdt. 2; redesignated (6) by Amdt. 18; redesignated (5) by Amdt. 20]

(b) *Mark-up.* Turn to Table A to find the mark-up for the item given your group of store. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(c) *Ceiling price.* (1) Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change the ceiling price except in accordance with section 6.

[Paragraph (c) amended by Amdt. 18; Subparagraph (2) deleted by Amdt. 20]

(d) *Invoices.* You must write your "net cost" per unit of the purchase on which you have figured your ceiling price either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attach to that invoice or other record. You must keep separate, or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for "new items" of "dry groceries."* A "new item" of "dry groceries" is an item of "dry groceries" which you did not have in stock at the opening of business on May 14, 1951. You must figure the ceiling price for a new item before selling it, following the rules in section 4, but basing your "net cost" on the first delivery of the item to you on or after May 14, 1951.

In pricing new items it is a violation to use the net cost of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner. If your first purchase is of this type you must find out and use in figuring your ceiling price, what the net cost would be of a purchase from a type of supplier usually used for a similar item and of a quantity in which a similar item is usually purchased.

[Sec. 5 amended by Amdt. 1]

SEC. 6. *How do you figure your ceiling prices each week, starting Monday, May 14, 1951.* Before making any sale of an item of "dry groceries" on each Monday after May 14, 1951 (or on Tuesday if Monday is a holiday and your store is closed) you must refigure your ceiling price for any item if your "net cost" of that item is different from the "net cost" on which your existing ceiling price is based. You must follow the rules in section 4 basing your "net cost," however, on the largest single delivery of a customary quantity received by you from your customary type of supplier during the seven days preceding Monday. If you cannot determine your "largest single delivery" because you have received more than one delivery of the same quantity, use the most recent of these deliveries.

Any group of stores under one ownership pricing from a central point may refigure ceiling prices for items so priced, based on the "net cost" of deliveries received during the seven days preceding the previous Friday. These prices must not be put into effect until the following Monday.

[Sec. 6 amended by Amdt. 1]

SEC. 7. *Dry groceries which you import.* This regulation shall not apply to you for sales of any dry grocery item purchased by you directly from a foreign seller or his agent for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with the General Ceiling Price Regulation or any other applicable ceiling price regulation covering the sale of the item by importers.

Perishables

SEC. 8. *How and when you figure your ceiling prices for "perishables"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, variety, grade and size and also, for each growing area where the governing regulation at the producing or wholesale level makes distinctions by growing areas) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the seven days preceding Monday of each week, plus (2) the markup given you for it in Table B. However, separate ceiling prices shall not be figured for each brand with respect to fresh fruits and vegetables.

[Paragraph (a) amended by Amdt. 10]

(b) *When you must figure your ceiling prices.* By the opening of business on May 14, 1951, you must have figured your ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after May 14, 1951, and changed on Monday of each week for any item if your "net cost" of that item has changed in the preceding seven days. Never change your ceiling price on any day but Monday.

For the items which you receive for the first time or which you have not had in stock for 7 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Monday after that, you must treat the item as you would any other item of perishables covered under this regulation.

Stores under one ownership pricing from a central point may refigure ceiling prices for items so priced based on the net cost of deliveries received during the seven days preceding Friday of each week. These prices must not be put into effect until the following Monday.

[Paragraph (b) amended by Amdt. 1]

SEC. 9. *Directions for applying the rule for "perishables"*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the seven-day period before the Monday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid, which may include costs for icing, refrigeration, and ventilation, but which may not include costs for local trucking and local unloading.

(1) Your net cost must be based on purchases from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on the basis of the "selling unit", (for example, 1 pound) listed in Table B for the commodity group which includes the item you are pricing. Always figure net cost to the nearest half cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three-quarters of a cent are rounded up to the next cent.)

(3) If you have an item in stock at the opening of business on May 14, 1951, but you did not receive delivery of the item during the week before, you shall, in figuring your first ceiling price for the item on May 14, 1951, base your net cost on its most recent delivery to you.

[Paragraph (3) amended by Amdt. 1]

(b) *Mark-up.* Turn to Table B to find the mark-up for the item given for your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups.

(c) *Ceiling price.* (1) Next turn to Table C. Using the directions given there, you will get your ceiling price for the item.

(2) *Sales in other quantities.* You may sell an item in a quantity other than the "selling unit" given in Table B. If you sell an item in a quantity other than the "selling unit" given in Table B, you must reduce or increase your ceiling price proportionately. If figuring a price for a quantity different from the "selling unit" results in a fraction of a cent, you may charge the next higher cent. Separate ceiling prices shall be figured for each container size of an item purchased already packaged in consumer containers.

[Subparagraph (2) amended by Amdt. 10]

SEC. 10. *Price which you must display.* At all times, you must have your current selling price for each item of food covered by this regulation clearly shown on the item or at or near the place in your store where the item is offered for sale. Of course, this displayed price must never exceed your ceiling price.

[Sec. 10 amended by Amdts. 18 and 20]

SEC. 11. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it by any scheme, or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in section 4 or 9 would be and use that net cost to figure your ceiling price. You may never use the net cost of a purchase from another retailer to figure a ceiling price if it results in a net cost higher than you would have if you purchased the item from your regular supplier or any other source normally available to you.

SEC. 12. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, and quantity and name of each food item sold, and the price you charged for it.

SEC. 13. *Records.* After April 5, 1951, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPS representative and to furnish on request of any OPS representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPS representative the records you used in deciding what group your store is in.

Stores under one ownership pricing from a central point must also keep available at all times in each store a list showing the current selling price, as set at the central point, of each item so priced. These price lists must also be kept for one year in the warehouse from which the food items are delivered to the store or the office which covers the territory in which the warchouse is located. On request, such price lists must be shown to any OPS representative.

SEC. 14. *Prohibitions.* On and after May 14, 1951, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

[Sec. 14 amended by Amdts. 1 and 2]

SEC. 15. *Notice of dollars-and-cents ceiling prices.* From time to time the OPS may, by order, fix in your area or community, dollars-and-cents ceiling prices for some or all of the "dry groceries" or "perishables" under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and those orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation, you must continue to figure your prices under this regulation.

SEC. 16. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Director may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Tables A or B, you must figure your ceiling price for that food product in accordance with sections 3, 4 and 5 or sections 8 and 9 according to whether the food product is a "dry grocery" item or "perishable" item. However, in doing so, you shall substitute the effective date of such amendment for the date May 14, 1951, wherever it appears in the applicable sections.

[Paragraph (a) amended by Amdts. 1 and 11]

(b) Whenever an amendment changes either a commodity definition in Table A or B by transferring a food product from one commodity group to another or the mark-up for your group of retailers, you must, by the opening of business on the effective date of such amendment, refigure your ceiling prices for the items affected by such amendment. However, in doing so, you must use as your "net cost" the same "net cost" you used in figuring the ceiling prices you had on the effective date of the amendment.

[Paragraph (b) amended by Amdt. 14]

(c) Unless otherwise specifically provided, if your "net cost" of any item covered by this regulation is based upon a delivery from a person owned or controlled by (or owning or controlling) you, who is not subject to this regulation, and the item is not "manufactured or otherwise processed" by such person or by you, your "net cost" may not exceed the "net cost" which would result if such person had been subject to this regulation, plus transportation (not including local trucking or local unloading) to your usual receiving point.

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 17. *Additions allowed for certain extra services rendered by you*—(a) *Addition allowed for delivery by you to your customers.* If you deliver to your customers' homes or places of business any of the items covered by this regulation you may add to the total value of the delivery, as a separate charge, 25 cents for such delivery if the total value thereof is $3.00 or more.

(b) *Addition allowed for accepting and filling telephone orders.* If you generally offer to all your customers the service of taking orders by telephone, and assembling orders as "will call" or for later delivery, you may add as a separate charge to the total value of any order taken by telephone and assembled, a fee of 15 cents. A copy of all telephone orders to which you have added this additional fee must be retained by you for a period of one year.

SEC. 18. *Additions for packaging.* (a) If you buy in bulk any item covered by this regulation (except spices, tea and gelatin) and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or Kraft bags or similar type bags, on which the name, weight and ingredients of the commodity are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

(1) 2 cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2½ cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(3) 1 cent per pound for every such bag or container with a net weight of 5 pounds or more but not to exceed a total of 5 cents.

[Paragraph (a) amended by Amdt. 2]

SEC. 19. *Gift and holiday packages assembled by you.* If you assemble, into gift or holiday packages, any food items covered by this regulation, with or without any items not covered by this regulation, you must figure your ceiling price for such package under whichever of the following paragraphs applies:

(a) For packages assembled in cardboard, wooden, or other plain containers (for example, "overseas" or "servicemen's" packages), your ceiling prices will be the sum of the following, multiplied by 1.05:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable ceiling price regulation. If you have no ceiling price for any item (or article), use your current selling price for that item.

(2) Your direct cost of the packaging materials used for the particular package, including the container.

(b) For packages assembled in permanent containers designed and constructed for re-use (including but not limited to trays, cedar boxes, hampers, teakwood chests, fancy baskets), your ceiling price will be the sum of the following, multiplied by 1.15:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable ceiling price regulation. If you have no ceiling price for any item (or article), use your current selling price for that item.

(2) Your ceiling price for the container figured under the applicable ceiling price regulation. If you have no ceiling price for the container, use your direct cost for the container.

(3) Your direct cost of the packaging materials used for the particular package.

SEC. 20. *Special allowance for forwarding gift package to a donee in a foreign country.* If you deliver a food package directly, upon order of the purchaser to a donee (other than a member of the armed forces of the United States) in a foreign country outside of the North American continent, you may add to you ceiling price an amount not to exceed 50 cents for forwarding such package, plus the actual mailing and insurance charges.

This allowance may be applied only to the shipment and delivery of individual food gift packages and not of wholesale lots.

SEC. 21. *How you figure your "net cost" in certain cases*—(a) *Frozen fruits, berries, and vegetables.* If, after you have figured a ceiling price for an item of frozen fruits, berries, fruit or berry juices, vegetables or vegetable juices, you do not receive additional deliveries of such an item from a supplier but you have had such item in storage from which you supply your store, for a period of at least four weeks since you last figured your ceiling price for the item, you may on the fourth Monday after you last figured your ceiling price for the item, add to the "net cost" (before the rounding of fractions) on which your existing ceiling price is based, your actual costs, per unit, incident to storage for the period since you last figured your ceiling price.

(b) *Smoked fish which you process.* (1) If you buy smoked fish in the form of slabs (gutted, headed and halved) and sell it in slices, you shall multiply your "net cost" per pound for the item by 1.20. To get your ceiling price per pound for such slices, apply the mark-up for your group of retailer to the resulting figure.

(2) If, prior to offering for sale, you change the form of an item of smoked fish bought drawn (gutted) to dressed (headed, with fins off), and sell it whole,

in chunks or in slices, you shall multiply your "net cost" per pound for the item by 1.10. To get your ceiling price per pound, apply the mark-up for your group of retailer to the resulting figure.

[Paragraph (c) added by Amdt. 10; deleted by Amdt. 16]

[Paragraph (d) added by Amdt. 10; deleted by Amdt. 16]

SEC. 21a. *Additional allowance for warehousing and delivery of frozen foods.* If the price you pay for any item of frozen foods is no higher than the manufacturer's or processor's ceiling price for the item, you may, in determining your ceiling price for the item use whichever of the following is applicable.

(a) *Complete warehousing and delivery.* If you receive, handle and deliver any item of frozen foods in the following manner, you may multiply your "net cost" of the item by 1.08 before applying the markup allowed for your store group in Table A:

(1) Your usual receiving point of the item is a warehouse owned, leased, or controlled by you, which is designed for the purpose of maintaining frozen foods at proper temperatures, and the item is stored in such a warehouse.

(2) You accept title to the item prior to, or at the time, it is first placed in storage in such warehouse.

(3) You assemble orders for delivery in such warehouse or in a breakup room in such warehouse.

(4) You ship or deliver the item to your retail store in special containers, or in trucks that are designed to maintain frozen foods at proper temperatures, and such containers or trucks are owned, leased, or controlled by you.

If, at any time, you discontinue entirely the above method of doing business for the item you may no longer multiply your "net cost" of that item of frozen foods by 1.08 before applying the markup allowed for your store group in Table A. In the event, however, your method of performing the above functions changes in part for the item, you must immediately report the circumstances to the OPS district office for the area where the warehouse at which you receive your frozen foods is located, and apply in writing under the provisions of paragraph (b) of this section. Pending action by such district office on your application under the provisions of paragraph (b) of this section, you may upon filing such application begin to add the additional percentage figure, not to exceed 8 percent of the "net cost" for the item, set forth in answer to paragraph (b) (3) of this section to your "net cost" for the item of frozen foods before applying the markup allowed for your store group in Table A.

(b) *Partial and contract warehousing and delivery.* If you do not receive, handle and deliver an item of frozen foods in the precise manner and in all the respects outlined in paragraph (a) of this section, but you do perform some of these functions, or you contract to have some or all of such functions performed for you, you may apply in writing to the OPS district office for the area where the warehouse at which you receive your frozen foods is located, for authority to add a specific percentage markup, not to exceed 8 percent, to your "net cost", to reflect an allowance for your actual warehousing, assembly and delivery costs for the item. Your application must be filed in duplicate with such OPS district office and must contain for your calendar or fiscal year 1950, (if not in business all of 1950 use your most recent fiscal period) the following information:

(1) A complete description of the actual warehousing, assembly and delivery functions performed by you or which you contract to have performed for you in connection with the distribution of frozen foods which you own.

(2) A statement showing, for each of the functions described in paragraph (a) (1), (3), and (4) of this section, the "net cost" of frozen foods so handled, and the actual out-of-pocket expenses incurred by you because of the performance of such warehousing, assembly and delivery functions which you would not have incurred if you had not handled frozen foods in such manner. If you cannot segregate your handling costs because you contract for more than one of the functions described above and such contract does not specify the portion allotted to each such function, your statement must include a complete description of your contractual arrangements.

(3) A statement showing such actual warehousing, assembly and delivery costs incurred by you in terms of a percentage of your "net cost", not to exceed 8 percent, for frozen foods handled in such manner.

If such OPS district office does not notify you within 10 days from the date that you file your application, you may begin to add the additional percentage figure set forth in answer to sub-paragraph (3) of this paragraph, to your "net cost" of the item of frozen foods before applying the frozen food markup for your store group in Table A, subject to any action which may be later taken by such OPS district office. In no event may such percentage markup exceed 8 percent of the "net cost" for any item of frozen foods. If, any time, after you are authorized to use such percentage markup, your method of performing these warehousing, assembly and delivery functions changes in any material respect, you must report the circumstances to such OPS district office, and upon a review of the facts your percentage markup allowance, not to exceed 8 percent of the "net cost" for the item, may be adjusted to reflect the changes in your method of operation.

(c) *Retailers who have not previously performed partial or contract warehousing and delivery.* If you did not perform any of the warehousing, assembly and delivery functions outlined in paragraph (a) of this section prior to the effective date of this amendment and you now desire to perform some of such functions or contract to have some or all of such functions performed for you, you may apply to the OPS district office for the area where the warehouse in which you will receive your frozen foods is located, for authority to add a specific markup to your "net cost" not to exceed 8 percent, to reflect an allowance for the actual warehousing, assembly and delivery costs for any item of frozen foods you handle in the proposed manner. Your application must be filed in duplicate with the OPS district office and must contain the following information:

(1) A complete description of the actual warehousing, assembly and delivery functions which you intend to perform or which you will contract to have performed for you in connection with the distribution of frozen foods.

(2) A statement showing for each of the functions described in paragraph (a) (1), (3), and (4) of this section, the estimated "net cost" of frozen foods to be so handled, and the actual out-of-pocket expenses which you estimate will be incurred by you because of the performance of such warehousing, assembly and delivery functions which you will not incur if you do not handle frozen foods in such manner. The figures contained in this statement shall be estimated for a six months period from the date of your application. If you cannot segregate your handling costs because you are contracting for more than one of the functions described above, and such contract does not specify the portion allotted to each such function, your statement must include a complete description of your proposed contractual arrangements.

(3) A statement showing an estimated percentage markup, not to exceed 8 percent, to your "net cost" for frozen foods which will be necessary to reflect an allowance for the actual warehousing, assembly and delivery cost which will be incurred by you if you handle frozen foods in such manner.

You may not operate under this section until you are notified in writing by such OPS district office of the additional percentage markup, not to exceed 8 percent, which you will be allowed to use. In addition, within twenty-five days after the close of the first six months of operation you shall submit to such OPS district office a new application under the provisions of paragraph (b) of this section using your actual cost data for this six months period, so that your percentage markup, not to exceed 8 percent, may be adjusted to reflect your actual warehousing, assembly and delivery costs.

(d) If you price any item of frozen foods under the provisions of this section you may not use the provisions of section 21, paragraph (a) in arriving at your "net cost."

[Sec. 21a added by Amdt. 4]

SEC. 21b. *How you may figure your ceiling prices for "perishables" on a weighted average net cost basis.* Sections 8 and 9 of this regulation require you to use in figuring your ceiling price for "perishables" the net cost of the largest delivery to you in the seven-day period before the Monday (or Friday for stores which price from a central point) for which you are figuring your price. If you so desire, however, you may use as the net cost of an item of "perishables" the weighted average net cost of all deliveries of that item to you during that seven-day period. Before beginning to figure "net cost" in this manner you must notify in writing the OPS district office for your area. After notification you may not use the net cost of the largest delivery during the seven-day period to figure your ceiling price for any of the "perishables" listed in Table B and you must, thereafter, use the weighted average method for all "perishables". However, you must continue to use all other provisions of sections 8 and 9 in figuring your ceiling prices for these items.

[Sec. 21b added by Amdt. 10]

SEC. 22. *Additions for delivery from your warehouse to your store.* If your store is located at a distance of 125 miles or more from your warehouse which is your usual receiving point, you may, in determining your ceiling price for an item delivered from the warehouse to your store, use whichever of the following is applicable:

(1) If the store is located at a distance of from 125 through 199 miles from such warehouse, you may add 1 to your mark-up figure. (Example: If your mark-up figure on breakfast cereals in Table A is 16 percent, you change it to 17 percent.)

(2) If the store is located at a distance of from 200 through 299 miles from such warehouse, you may add 2 to your mark-up figure.

(3) If the store is located at a distance of from 300 through 399 miles from such warehouse, you may add 3 to your mark-up figure.

(4) If the store is located at a distance of 400 miles or more from such warehouse, you may add 4 to your mark-up figure.

SEC. 23. *How you figure your ceiling prices for foods you "manufacture or otherwise process".* If you "manufacture or otherwise process" and sell at retail any item covered by this regulation, you will figure your "net cost" or ceiling price for such item under whichever of the following provisions applies:

(a) If the item is one for which the OPS has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers, but the regulation makes no provision for manufacturers selling at retail the lowest ceiling price under that regulation for sales delivered to your usual receiving point shall be your "net cost."

(b) If the item is one for which the OPS has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers and makes a provision for manufacturers selling at retail, you shall figure your ceiling price for such item as a manufacturer under that regulation. You will not attempt to figure a "net cost" and apply a mark-up under this regulation.

(c) If the item is one for which the OPS has not issued, or does not later issue, a regulation establishing dollars-and-cents ceiling prices for sales by manufacturers, you shall figure your ceiling price for such item as a manufacturer under the appropriate regulation covering the sales of such item by manufacturers. You will not attempt to figure a "net cost" and apply a mark-up under this regulation.

(d) If, after you have established a ceiling price for an item which you "manufacture or otherwise process", the manufacturer's regulation which you used in figuring your ceiling price under paragraph (a), (b), or (c) of this section is amended so that either (1) the manufacturer's regulation is no longer the type described in the applicable paragraph of this section or (2) the type of regulation is not changed but the prices set forth therein are changed; you must, within 5 days after the effective date of such amendment, refigure your ceiling price for the item under the applicable paragraph of this section based on the manufacturer's regulation as amended.

(e) For the purpose of this regulation you shall be considered a manufacturer of any item which you manufacture or otherwise process directly, or which is manufactured for you by a person to whom you supply the raw material.

SEC. 24. *Special pricing provisions for manufacturers selling some commodities at retail.* Any person, the larger part of whose business is the manufacturing or processing of foods, but

(a) His entire business in connection with a particular commodity consists of the purchase and resale of such commodity without materially changing its form, and

(b) The larger part of his sales of such commodity are made to ultimate consumers other than commercial, industrial or institutional users,

(c) Shall figure his ceiling prices for sales of such commodity to ultimate consumers other than commercial, industrial or institutional users in accordance with the provisions of this regulation, and shall, for such purposes, be considered a retailer covered by this regulation.

SEC. 25. *Mail order and express sales.* Your mail order sales and your express sales are exempt from the provisions of this regulation. For the purposes of this section mail order and express sales are sales in which the items sold are delivered through the mails or via express within the North American continent.

[Section 25 amended by Amdt. 12]

ARTICLE III—ADJUSTMENT PROVISIONS

SEC. 26. *How you may, under certain conditions, apply to use Group 1 mark-ups.* (a) If your store meets the gross margin requirements specified in this section and does business in the manner outlined below, you may apply under paragraph (b) of this section to use the mark-ups provided in Ceiling Price Regulation No. 16 for Group 1 stores:

(1) Most of your sales in your grocery department are made by sales clerks who assist customers in selecting, collecting, and wrapping merchandise;

(2) Your store generally offers to all its customers the services of taking orders by telephone, carrying monthly charge accounts, and providing delivery service;

(3) The general level of your prices for grocery products was during January 1951 at least as high as the level maintained by Group 1 stores, and was generally higher than that maintained by Group 3 and 4 stores, for such products in your community; and

(4) The total gross margin in your fiscal year 1950 was at least 23 percent on all sales in your food departments or at least 23 percent on the combined sales of the food departments in all the stores for which you seek adjustment in your organization. Do not count a restaurant as a food department. If not in business during all of 1950, use your most recent fiscal period.

[Subparagraph (4) amended by Amdt. 9]

(b) Your application must be filed in duplicate with the OPS district office for your area on a form which you may get from that office. You may combine on one form the applications of more than one of your stores. If your application is finally approved, OPS will tell you when to begin using the Group 1 mark-ups, and from such time on you shall display a sign in your store designating it as a "Group 1" store, and it shall be considered a Group 1 store for the purpose of all "special pricing provisions" contained in Ceiling Price Regulation No. 16.

(c) If, however, under Maximum Price Regulation No. 422 issued in 1943 by the Office of Price Administration (1) you were either a Group 3 or Group 4 store on the basis of sales volume, and (2) you can establish that you were authorized by the Office of Price Administration to use Group 1 mark-ups, and (3) such authority was never revoked, and (4) you meet the gross margin requirements specified above, and (5) you certify that your method of doing business has not changed in any material respect since the time you were authorized to use Group 1 mark-ups, you may consider yourself a Group 1 store under Ceiling Price Regulation No. 16 as soon as you have filed your application in accordance with this section. This authority may be withdrawn if it is determined that your store does not qualify for adjustment under this section.

SEC. 26a. *How certain stores or food departments, selling mostly "specialty" food items may under specific conditions apply to be excluded from using the markups in this regulation for the purpose of establishing their ceiling prices.* (a) If your store or food department meets the average markup requirement specified in this section and does business in the manner outlined below you may apply under paragraph (b) of this section to be excluded from using the markups in this regulation for the purpose of establishing your ceiling prices.

(1) Most of your sales in your store or food department are sales of "specialty" food items made by sales clerks who assist customers in selecting, collecting and wrapping or packaging merchandise.

(2) Your store or food department generally offers to all its customers the services of accepting and filling telephone orders, carrying monthly charge accounts and providing delivery.

(3) The general level of your prices in your store or food department was higher than Group 1 stores in your community during your fiscal year 1950.

(4) The average markup on "net cost" was at least 40 percent on all food sales for your fiscal year 1950 or at least 40 percent on the combined food sales in all the stores for which you seek adjustment in your organization. Do not count a restaurant as a food department. If not in business during all of 1950, use your most recent fiscal period.

[Subparagraph (4) amended by Amdt. 9]

(b) You must before September 30, 1951, file with the OPS district office for your area an application in duplicate (1) showing clearly that you do business as outlined in paragraph (a) above of this section, and (2) showing the number of items you normally sell in your store or food department, and (3) showing your average markup on "net cost" for fiscal year 1950 (if not in business during all of 1950 use your most recent fiscal period), and (4) showing the percentage of food items which produce an average markup on "net cost" of 40 percent or more to the total number of food items you sell in your store or food department. You may consider your store or food department excluded from using the markups in this regulation for the purpose of establishing your ceiling prices as soon as you have filed your application in accordance with this section. Then figure all your ceiling prices for food items under the General Ceiling Price Regulation, as amended. This authority may be withdrawn if it is determined by OPS that your store or food department does not qualify for adjustment under this section. Applications for adjustments are governed by Price Procedural Regulation 1.

(c) Any adjustment granted at any time under this section shall not apply to fresh fruits and vegetables or to items under this regulation for which dollars-and-cents ceiling prices at retail are fixed in any regulation or order which has been or may be issued by OPS. In figuring your ceiling prices for fresh fruits and vegetables you shall consider yourself a Group 1 store for the purpose of all "special pricing provisions" and markups contained in Ceiling Price Regulation 16. You shall also consider yourself a Group 1 store under any OPS regulation or order fixing dollars-and-cents ceiling prices at retail for items under this regulation.

[Paragraph (c) added by Amdt. 10]

(d) If you desire to operate as a "specialty" food store or food department, you may apply under this section to be excluded from using the markups of this regulation for the purpose of establishing your ceiling prices, provided your operation is planned to meet the following criteria:

(1) At least 51 percent of your dollar volume of sales will be made by sales clerks who assist customers in selecting, collecting, and wrapping or packaging merchandise.

(2) Your store or food department generally will offer to all of its customers the services of accepting and filling telephone orders, carrying charge accounts, and providing delivery.

(3) That the estimated dollar volume of sales of "specialty" food items of your store or food department (excluding restaurants) will constitute at least 60 percent of your total dollar volume of all sales.

You must file a statement signed by you or your authorized representative and forwarded by Registered Mail, return receipt requested, to the OPS District Office for your area, stating your trade name and address, and that you meet the above criteria, and including a list of 25 or more of the "specialty" food items which were considered in the 60 percent estimate of your total dollar volume of "specialty" food item sales.

You may, for a "trial period" of four months, consider your new operation a "specialty" food store or food department as soon as you have submitted the above statement, and may for that period figure your ceiling prices under the GCPR.

[Paragraph (d) added by Amdt. 19]

(e) At the end of your trial period, you must re-examine the operation of your store or food department to determine from actual records of four months' operation during that period that you have met the criteria listed in paragraph (d) of this section.

If you find that your trial period experience meets these criteria and you wish to continue to operate as a specialty store and price under the GCPR, you must, within 15 days after the end of the trial period, file with the OPS District Office for your area a statement containing your trade name and address and signed by you or your authorized representative to this effect. You must include as a part of your statement a list of 25 or more of the best-selling items you have included when re-examining your operation for compliance with paragraph (d) (3) of this section. You may then continue to operate as a "specialty store" unless you receive notice from the OPS District Office for your area that permission to operate as a "specialty store" under this section has been revoked because upon examination of the facts it has been determined that you have not met the criteria.

If you do not furnish this data within 15 days after the expiration of your trial period, or if you determine that your store or food department has not met the criteria as estimated in your application, you must, beginning the third Monday after the trial period, establish your ceiling prices under the provisions of CPR 15. You then may not re-apply under the provisions of paragraph (d) above for at least six months from the end of the trial period.

[Paragraph (e) added by Amdt. 19]

[Section 26a added by Amdt. 2; amended by Amdt. 6]

SEC. 26b. *How certain stores that ship most of their sales via mail or express may under specific conditions apply to be excluded from using the markups in this regulation for the purpose of establishing their ceiling prices.* (a) If your store or food department ships 65 percent or more by dollar volume of the items it sells via mail or express, you may obtain permission to be excluded from using the markups in this regulation for the purpose of establishing your ceiling prices.

(b) In order to obtain this permission you must file an application with the OPS District Office for your area and furnish the following information:

(1) Your total dollar volume of food sales in the calendar year or fiscal year preceding the date of your application.

(2) Total dollar volume of food sales shipped via mail or express in the calendar year or your fiscal year preceding the date of your application.

(c) You may consider your store or food department excluded from the requirement that you use the markups prescribed by this regulation for the purpose of establishing your ceiling prices as soon as you have filed your application in accordance with this section. You must then figure all your ceiling prices for food items under the General Ceiling Price Regulation, as amended. This authority may be withdrawn if it is determined by OPS that your store or food department does not qualify for adjustment under this section.

[Sec. 26b added by Amdt. 17]

SEC. 26c. *How some Group 3 stores may, under certain conditions, be reclassified as Group 1 or 2 stores.* (a) If, for the calendar year 1950, 60 percent or more of your stores had annual gross sales per store of $75,000 or less, you may apply to have your Group 3 stores reclassified as Group 1 or Group 2 stores on the basis of their individual 1950 sales volume.

(b) Your application for reclassification shall be filed with the Distribution Branch, Food and Restaurant Division, Office of Price Stabilization, Washington 25, D. C. This application must list all the stores in your chain, giving the name or number and gross sales for the calendar year 1950 for each store. You may consider your Group 3 stores reclassified as Group 1 or 2 stores as soon as you have submitted your application in accordance with this section. This reclassification may be disapproved if it is determined that you do not qualify under this section.

[Sec. 26c added by Amdt. 19]

SEC. 27. *How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.* If your store is necessary to provide an adequate supply of food products in a locality; and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find it impossible to operate under the markups fixed by this regulation, you may apply for an adjustment of such markups by filing with the OPS district office for your area two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry; service, delicatessen); (4) the approximate number of its food customers; (5) the total number of stores selling food in its community; (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the markups fixed by this regulation.

If you have more than one store you may file one application for all your stores which meet the conditions stated above. Your application must state separately for each store the specific information this section calls for.

SEC. 28. *Applications for adjustment.* Any Regional Office of the OPS, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation. Applications for adjustment

are governed by Price Procedural Regulation 1.

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 29. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales," take your total sales for the calendar year 1950. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1950 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1950 you must divide your total sales from the time you began operation up to May 14, 1951, by the number of weeks you were in business. This will give you your weekly average sales. Multiply this figure by 52, and the result is your "annual gross sales."

[Paragraph (b) amended by Amdt. 1]

SEC. 30. *How you determine your group in certain special cases.*—(a) *Department stores.* If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store. If the total "annual gross sales" of all the food retailers in that store is not readily available, you shall apply, in writing, within thirty days after the issuance of this regulation, to the OPS district office for your area for a determination of your group, stating your own "annual gross sales" figure for the applicable year. Each District Director is authorized to act on requests covering stores located within his district, and action taken shall be by order.

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after May 14, 1951, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store, and you must figure your ceiling prices accordingly. (If you are a Group 1 store, you must figure your ceiling prices under Ceiling Price Regulation No 16.) However, after you have been in business for 3 months you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

If you find that your store should now be in another group, you may continue to use the Group 1 or 3 markups until the second Monday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the markups for your new group. You shall use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Monday. If, under that section, you would not have been required to refigure your ceiling price for any item on that Monday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

[Paragraph (c) amended by Amdt. 1]

(d) *Discontinuance of stores.* (1) If you are not an "independent" store and you close one or more of your stores so that you now have less than 4 stores under one ownership, you may find your group for each of the remaining stores by determining the "annual gross sales" under section 29 (a), treating each store as an "independent" store.

(2) If you are not an "independent" store and you close one or more of your stores, but 4 or more stores continue under one ownership, you may refigure the combined "annual gross sales" under section 29 (a) for those remaining in operation. If the combined "annual gross sales" are not $750,000 or more, you may then determine your group for each store, treating each as an "independent" store.

(3) If you find that any store is now in another group, you may refigure all of your ceiling prices for that store before the opening of business on any Monday. You must use as your "net cost" the same "net cost" which you would have used in refiguring under sections 4 and 9 your ceiling prices on that Monday of this regulation if a Group 4 store (or under sections 4 and 9 of Ceiling Price Regulation No. 16 if a Group 1 or Group 2 store). If, under that section, you would not have been required to refigure your ceiling price for any item on that Monday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store is now in Group 1 or Group 2, it is subject to all other provisions of Ceiling Price Regulation No. 16.

SEC. 31. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 32. *Transfer of business and stock in trade.* If, after May 14, 1951, you acquire in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner as if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail stores to another, your ceiling prices shall be those for the group of retailer to which you belong under this regulation.

[Sec. 32 amended by Amdt. 1]

SEC. 33. *Export sales.* The ceiling prices at which a person may export any product covered by this regulation shall be determined in accordance with the applicable price regulation covering export sales issued by the OPS.

SEC. 34. *Relation to other regulations.* The provisions of this Ceiling Price Regulation No. 15 except as otherwise provided in this regulation, shall, on and after May 14, 1951, supersede the provisions of the General Ceiling Price Regulation, and any other price regulation or order issued by the OPS with respect to sales and deliveries for which ceiling prices are established by this regulation.

[Sec. 34 amended by Amdt. 1]

SEC. 35. *Definitions.*—(a) *"Retail route seller."* A "retail route seller" is a retailer who distributes food products to ultimate consumers who are not commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(b) *Health food stores.* A "health food store" or "health food department" is one whose sales to consumers consist principally of "specially prepared dietetic foods." For the purpose of this regulation a "health food department" is a separate and distinct department operated by separate and specially trained personnel and for which separate records and accounts are maintained. "Specially prepared dietetic foods" are foods manufactured and sold for restricted diets and for special dietetic purposes, including but not limited to specially prepared foods for diabetic or arthritic conditions, or high blood pressure; specially prepared weight building or tonic foods; and vitamin or mineral supplements.

(c) *Delivery.* Delivery to you of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(d) *Usual receiving point.* Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending upon where you normally receive the particular item you are pricing under this regulation.

(e) *Item.* You must determine a separate ceiling price for each item; that is, for each kind, brand, size, variety, grade, container-type and container-size.

(f) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, printing of butter, and other similar operations, and packaging of spices, tea, and gelatin.

Packaging as used in section 18 shall not be considered manufacturing or processing under this regulation.

(g) *Group 1 retailer.* A retailer is in Group 1 if he is an "independent" retailer with an "annual gross sales" of less than $75,000.

(h) *Group 2 retailer.* A retailer is in Group 2 if he is an "independent" retailer with an "annual gross sales" of $75,000 or more, but less than $375,000.

(i) *Great Lakes marine supplier.* A "Great Lakes marine supplier" means a person operating a selling establishment which buys and resells food products for the most part to "operators of a lake vessel or vessels," for consumption aboard such vessel or vessels, with delivery from shore locations by use of truck or launch facilities. "Operator of a lake vessel or vessels" means any person who owns or operates a lake vessel or vessels, other than passenger boats, engaged in shipping upon the Great Lakes, and who in operating such vessels purchases or receives food products covered by this regulation from a Great Lakes marine supplier for consumption aboard such vessels.

[Paragraph (i) amended by Amdt. 6]

(j) *Specialty foods.* Specialty foods shall mean food items normally classed as table delicacies or luxury items such as sea squab, terrapin stew, brandied fruits, fancy imported foods, wild game, etc., which the average wholesale grocer and retailer does not stock as a complete line of merchandise.

[Paragraph (j) added by Amdt. 2]

(k) *Canned.* "Canned" means processed and packaged in any container, whether or not hermetically sealed.

[Paragraph (k) added by Amdt. 15]

SEC. 36. *Geographical applicability.* The provisions of this regulation shall apply to the 48 States of the United States and to the District of Columbia.

SEC. 37. *Table of markups for "dry groceries" (Table A)*—(a) *Table A—Markups over "net cost" allowed to Groups 3 and 4 retailers for dry groceries covered by this regulation by commodities.*

TABLE A—MARKUPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food Commodities	Allowed markups over net cost: Group 3, retailer other than independent with annual volume under $375,000	Allowed markups over net cost: Group 4, any retailer with annual volume of $375,000 or more
	Percent	*Percent*
1. Baby foods	18	16
2. Cereals, breakfast	20	18
3. Cocoa, chocolate and cereal drink preparations	22	21
4. Coffee	12	11
4a. Coffee concentrates	16	15
5. Cookies, toast and crumbs	30	30
5a. Crackers	25	25
6. Corn meal, hominy and flour mixes	25	21
7. Dog and cat foods	24	24
8. Fish, processed	25	25
8a. Salmon and tuna, processed	21	21
9. Flour, packaged (5-pound containers or less)	23	17
9a. Flour	20	14
10. Frozen foods	30	30
11. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	30	30
12. Fruit cocktail, pineapple, peaches and pears (canned) except juices [1]		
13. Fruits, dried and dehydrated [1]		
14. Gelatin and pudding mixtures	23	18
15. Jams, jellies, preserves, and honey	35	35
15a. Peanut butter	31	31
16. Lard, pure	17	15
17. Macaroni and spaghetti products	27	26
18. Mayonnaise and salad dressing	22	22
19. Meat, canned	23	22
19a. Luncheon meats	19	18
20. Milk, canned	10	9
21. Oils, cooking and salad	24	16
22. Oleomargarine	18	18
23. Pickles and relishes [1]		
24. Rice	24	20
25. Shortening, hydrogenated	9	9
26. Shortening, other	17	13
27. Soups, canned	19	19
28. Soups, dehydrated	31	27
29. Spices	46	46
30. Syrups	24	21
31. Tea	25	25
32. Vegetables and vegetable juices (canned) except corn, green beans, peas, tomatoes and tomato juice	30	30
33. Corn, green beans, peas, tomatoes and tomato juice (canned)		
34. Vegetables, dried and dehydrated [1]		
35. Vinegar	34	33
36. Miscellaneous foods	35	35

[1] All commodities in this category are excluded from price control.

[Section 37 (a) amended by Amdt. 14]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) "*Baby foods*" means "baby" or "junior" cereals, fruits, vegetables, meats, puddings, soups and mixtures thereof, packed in hermetically sealed containers.	(1) "*Baby foods*". Excluded are: Dry baby cereals.	(1) "*Baby foods*". Excluded are: Fruits, vegetables (including creamed vegetables), and their juices, and combinations of fruits, vegetables, or their juices, with no other ingredients added except water sufficient for preparation, salt or sugar. Soups are not within this exclusion.
(2) "*Cereals, breakfast*" means cereal items commonly used as breakfast foods, both uncooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Not included in this definition are barley, corn meal, corn grits, hominy grits and flakes, rice and wheat bran flour.	(2) "*Cereals, breakfast*". Excluded are: Steel cut oats.	(2) "*Cereals, breakfast*". Excluded are: Wheat germ and imported "cereals, breakfast" if imported in consumer size containers.
(3) "*Cocoa, chocolate, and cereal-drink preparations*" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup packed in consumer sizes, chocolate bits, and cooking chocolate and packaged powdered skim milk (spray process). Not included in this definition is any powdered milk product containing 40 percent or more milk sugars.	(3) "*Cocoa, chocolate, and cereal-drink preparations*". Excluded are: Chocolate confections, bittersweet bars, milk chocolate, powdered whole milk; powdered skim milk (except spray process).	(3) "*Cocoa, chocolate, and cereal-drink preparations*". Excluded are: Powdered malted milk and any preparations containing 35 percent or more powdered malted milk, and imported cocoa, chocolate and cereal drink preparations if imported in consumer size containers.
(4) "*Coffee*" means roasted coffee, whole or ground, decaffeinated coffee, and any mixtures of coffee with other products for beverage purposes. Not included in this definition are all "coffee concentrates," including "frozen coffee concentrates."	(4) "*Coffee*". Excluded are: Green coffee in containers of the customary unit and weight in which they are imported into the United States.	(4) "*Coffee*". Excluded are: Imported coffee if imported in consumer size containers (2 pounds or less) and coffee packaged in bags, each containing only the amount necessary to make 1 ordinary cup of coffee.
(4a) "*Coffee concentrates*" includes but is not limited to instant and soluble coffee concentrates whether or not mixed with other ingredients. Not included in this definition is frozen coffee concentrate.	(4a) "*Coffee concentrates*". Excluded are: None.	(4a) "*Coffee concentrates*". Excluded are: Imported coffee concentrates if imported in consumer size containers.
(5) "*Cookies, toast and crumbs*" includes, but is not limited to biscuits, Christmas cookies, fig bars or cookies, pretzels rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal and related matzo products. Not included in this definition are any items which are bought by you in bulk and sold loose, or any "crackers" as defined below.	(5) "*Cookies, toast and crumbs*". Excluded are: Any bakery product which you manufacture except "crackers," Passover matzo. Passover matzo meal and related Passover products, any item which is purchased in consumer sizes in tin or glass containers, baked goods, fresh, such as bread, pies, cakes, rolls, doughnuts, coffee cakes, candies (except cookies, toast and crumbs), and rice crackers.	(5) "*Cookies, toast and crumbs*". Excluded are: Imported cookies and toast, if imported in consumer size containers.
(5a) "*Crackers*" means all types of soda, sprayed, butter and graham crackers. Not included in this definition are any items which are bought by you in bulk and sold loose.	(5a) "*Crackers*". Excluded are: Any cracker product which you manufacture, and any cracker item which is purchased in consumer sizes in tin or glass containers.	(5a) "*Crackers*". Excluded are: Imported crackers, if imported in consumer size containers.

meet the above criteria, and including a endar year or your fiscal year preced- list of 25 or more of the "specialty" food ing the date of your application. adjustment under the provisions of this regulation. Applications for adjustment

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(6) "*Corn meal, hominy and flour mixes*" means corn meal, corn grits, hominy, hominy grits, hominy flakes, prepared hominy and flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice and potatoes, including, but not limited to, prepared pancake, biscuit, pie crust and gingerbread mix and any item containing ingredients to prepare crust and filling for a pie. Not included in this definition is canned hominy, which is in "Vegetables and vegetable juices, canned".	(6) "*Corn meal, hominy and flour mixes*". Excluded are: None.	(6) "*Corn meal, hominy and flour mixes*". Excluded are: Water ground corn meal.
(7) "*Dog and cat food*" shall not include any item prepared by you for pet food, or any frozen dog or cat food.	(7) "*Dog and cat food*". Excluded are: None.	(7) "*Dog and cat food*". Excluded are: None.
(8) "*Fish, processed*" includes canned fish, canned seafood, and salted or otherwise processed fish, such as fish cakes. Not included in this definition are canned crab meat, lobster, oysters, salmon and tuna, and frozen food products in which fish or seafood are combined with other ingredients.	(8) "*Fish, processed*". Excluded are: Kippered, marinated, dried or smoked fish and seafoods (except sardines).	(8) "*Fish, processed*". Excluded are: Canned clams, shrimp a la Newburg, shad, turtle or terrapin, anchovy roll fillets; frozen fish and seafood; fresh fish and seafood; fish and seafood pâtes, pastes and purees; sauce containing fish and seafood; fish roe, caviar, fish and seafood hors d'oeuvres; and imported "fish, processed" if imported in consumer size containers.
(8a) "*Salmon and tuna, processed*".	(8a) "*Salmon and tuna, processed*". Excluded are: Frozen, kippered, marinated, dried or smoked salmon or tuna.	(8a) "*Salmon and tuna, processed*". Excluded are: None.
(9) "*Flour, packaged*" means packaged flour (in containers of 5 pounds or less) milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including but not limited to, all-purpose family flour, self-rising flour, cake flour and enriched flour. Not included in this definition are all flour mixes.	(9) "*Flour, packaged*". Excluded are: None.	(9) "*Flour, packaged*". Excluded are: Potato flour, water ground wheat flour and water ground buckwheat flour.
(9a) "*Flour, other*" means all flour in containers of more than 5 pounds milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including but not limited to, all-purpose family flour, self-rising flour, cake flour and enriched flour. Not included in this definition are all flour mixes.	(9a) "*Flour, other*". Excluded are: None.	(9a) "*Flour, other*". Excluded are: Potato flour, water ground wheat flour and water ground buckwheat flour.
(10) "*Frozen foods*" means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including but not limited to dog and cat food, Chinese foods, macaroni products, coffee concentrates, concentrated fresh milk, pies and pastries, meat stews, corned beef hash, meat pies, and food products in which fish or seafood, meat or poultry are combined with other ingredients.	(10) "*Frozen foods*". Excluded are: Meat, poultry, ice cream, sherbet and confections.	(10) "*Frozen foods*". Excluded are: Hollandaise sauce, fish and seafood, prepared pastry doughs, all fruits, berries, fruit or berry juices and concentrates, vegetables, vegetable juices, mushrooms, cocoanut, cooked spaghetti products with or without sauce, bean sprouts, Chinese mixed vegetables, Chinese chow mein, Chinese chop suey, soups, gravies and pork and beans.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(11) "*Fruits, berries and fruit juices, canned*" includes fountain fruits, and noncarbonated liquid fruit beverages such as grapeade, lemonade and orangeade. Not included in this definition are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, baby foods, fruit cocktail, pineapple (except pineapple juice), peaches, pears and frozen fruits.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: None.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: Brandied, liquor flavored or stuffed melon, fruit rind, fruits or berries; whole or half citrus fruits; cocktail slices and sticks; maraschino cherries; all varieties of canned apples, applesauce, apricots, berries, currants, cherries, figs, fruit for salad (including fruit mixtures), fruit and berry juices and nectars, including apple and other fruit ciders, plums, prunes, mangoes, citrus fruits, juices and concentrates, grapes, nectarines, quinces, papayas and guavas.
(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*".	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*".	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*".
All commodities in this category are excluded from price control.		
(13) "*Fruits, dried and dehydrated*".	(13) "*Fruits, dried and dehydrated*".	(13) "*Fruits, dried and dehydrated*".
All commodities in this category are excluded from price control, including all dried, dehydrated and stuffed fruits either whole, pitted or in macerated form.		
(14) "*Gelatin and pudding mixtures*" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, rennet, and pie fillings.	(14) "*Gelatin and pudding mixtures*". Excluded are: None.	(14) "*Gelatin and pudding mixtures*". Excluded are: Wine gelatins, wine dessert powders, and all imported gelatin and pudding mixtures if imported in consumer size containers.
(15) "*Jams, jellies, preserves and honey*" includes but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, honey butter and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Not included in this definition are cranberry jelly or sauce and peanut butter.	(15) "*Jams, jellies, preserves and honey*". Excluded are: Honey packed with blossom and comb honey.	(15) "*Jams, jellies, preserves and honey*". Excluded are: Wine jellies, preserved kumquats, lemon marmalade, guava jelly, and imported jams, jellies, preserves and honey if imported in consumer size containers.
(15a) "*Peanut butter*" includes all smooth or crunch type nut butters.	(15a) "*Peanut butter*". Excluded are: None.	(15a) "*Peanut butter*". Excluded are: None.
(16) "*Lard, pure*" includes, but is not limited to, rendered pork fat. Not included in this definition are lard compounds, which are classed as "shortenings, other".	(16) "*Lard, pure*". Excluded are: None.	(16) "*Lard, pure*". Excluded are: None.
(17) "*Macaroni and spaghetti products*" includes but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, sea shells, noodles, macaroni dinners, spaghetti dinners, canned macaroni and canned spaghetti. Not included in this definition are meat ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meat balls, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.	(17) "*Macaroni and spaghetti products*". Excluded are: None.	(17) "*Macaroni and spaghetti products*". Excluded are: Imported macaroni and spaghetti products if imported in consumer size containers.

If you find that your store should now be in another group, you may continue from one group of retail stores to another

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(18) "*Mayonnaise and salad dressing*" includes, but is not limited to, relish spreads, other mayonnaise spreads and French dressing. Not included in this definition are meat spreads.	(18) "*Mayonnaise and salad dressing*". Excluded are: None.	(18) "*Mayonnaise and salad dressing*". Excluded are: Bottled table dressings and sauces of the following flavors: avocado, dill, onion, poppy seed, sherry, chive, garlic and mint; tartar sauce, hollandaise sauce, cheese dressings, and imported mayonnaise and salad dressing if imported in consumer size containers.
(19) "*Meat, canned*" includes but is not limited to, canned or glass chicken products, turkey products, chicken and noodles, corned beef, meat ravioli, chili con carne, meat stews, meat spreads, and spaghetti and meat balls. Not included in this definition are pigs feet, scrapple, tamales, enchiladas, tripe, veal loaf, mincemeat, frozen food products in which meat, chicken or turkey are combined with other ingredients, frozen meat gravies, frozen meat stews and pies, and any meat or meat product which is in a pliable plastic or similar type of container and luncheon meats.	(19) "*Meat, canned*". Excluded are: Breast of chicken, chicken fricassee, whole or half chicken, chicken a la king, "Smithfield" ham and "Smithfield" ham products and any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts.	(19) "*Meat, canned*". Excluded are: Tongue spread, deviled tongue, pickled pork knuckles, pickled pork tidbits, liver paste, meat gravy, smoked tongue, liver, hearts, gizzards, cocktail frankfurters, canned wild game, meat or poultry pates, pate de foie gras, rattlesnake meat, turtle meat, and imported canned meat if imported in consumer sizes of 2 pounds or less, except beef and beef products.
(19a) "*Luncheon meats, canned*" includes, but is not limited to, spiced ham, pressed ham, chopped ham, spiced pork and spiced beef and pork. Not included in this definition are pigs feet, scrapple, tamales, tripe, veal loaf, mincemeat, frozen food products in which meat, chicken or turkey are combined with other ingredients, frozen meat gravies, any frozen meat or meat product which is in a pliable plastic or similar type of container and any "canned meat" as defined in category (19) above.	(19a) "*Luncheon meats, canned*". Excluded are: Any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts.	(19a) "*Luncheon meats, canned*". Excluded are: Imported luncheon meats if imported in consumer sizes of 2 pounds or less, except beef products.
(20) "*Milk, canned*" means evaporated or condensed cow milk, including but not limited to, filled evaporated milk products.	(20) "*Milk, canned*". Excluded are: None.	(20) "*Milk, canned*". Excluded are: None.
(21) "*Oils, cooking and salad*" means all vegetable oils, fruit leaf plant oils, and cooking fats other than lard and shortening. Not included in this definition are olive oil, prepared dressings, and spice oils.	(21) "*Oils, cooking and salad*". Excluded are: None.	(21) "*Oils, cooking and salad*". Excluded are: None.
(22) "*Oleomargarine*" means any product labeled "Oleomargarine"	(22) "*Oleomargarine*". Excluded are: None.	(22) "*Oleomargarine*". Excluded are: None.
(23) "*Pickles and relishes*".	(23) "*Pickles and relishes*".	(23) "*Pickles and relishes*".
All commodities in this category are excluded from price control, including pickled fruits and vegetables, pickled relishes and stuffed pickles.		
(24) "*Rice*" means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective Sept. 4, 1946). Not included in this definition are rice flour, rice flakes, popped rice, and canned Spanish rice.	(24) "*Rice*". Excluded are: Screenings and brewers' rice graded as Class XIII and Class XIV, respectively by the Department of Agriculture bulletin of Standards for Milled Rice (effective Sept. 4, 1946).	(24) "*Rice*". Excluded are: Wild rice.
(25) "*Shortening, hydrogenated*" means all fully hydrogenated shortening.	(25) "*Shortening, hydrogenated*". Excluded are: None.	(25) "*Shortening, hydrogenated*". Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(26) "*Shortening, other*" means shortenings other than fully hydrogenated shortening. Not included in this definition are butter, lard, oleomargarine, and suet.	(26) "*Shortening, other*". Excluded are: None.	(26) "*Shortening, other*". Excluded are: None.
(27) "*Soups, canned*" includes soups, broths and chowder. Not included in this definition are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.	(27) "*Soups, canned*". Excluded are: All bisques (except tomato, chicken, celery and mushroom).	(27) "*Soups, canned*". Excluded are: French onion soup (consumer size containers), consomme madrilene, jellied chicken consomme, vichysoisse, black bean soup, borscht, cheese soup, consomme julienne, minestrone, mushroom broth, onion a la Bretton, petite marmite, turtle, wine and sherry flavored, fish or sea food soups (except clam chowder), smoked turkey and game bird soups, almond, artichoke, avocado, broccoli, cucumber and watereress soups, and all imported soups if imported in consumer size containers.
(28) "*Soups, dehydrated*" means dry mixtures sold for soup making, including but not limited to, dry vegetable and dry noodle soup mixtures. Not included in this definition are other macaroni or noodle products, lentils and dried peas.	(28) "*Soups, dehydrated*". Excluded are: None.	(28) "*Soups, dehydrated*". Excluded are: Bouillon cubes and bouillion powders.
(29) "*Spices*" includes imported spices and domestic spices mixed or combined with imported spices, seeds and herbs. Included in this definition are caraway seeds, dried peppers, dry chili, chili powder, herbs, dry mustard, poultry seasoning, poppy seed, sesame seed, thyme, and cream of tartar. Not included in this definition are table salt and spice oils.	(29) "*Spices*". Excluded are: Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States; spices in assorted sets, contained in wooden or other type trays designed as permanent kitchen furniture, and spices and herbs packed in glass.	(29) "*Spices*". Excluded are: Imported spices, seeds and herbs if imported in consumer size containers, and domestic spices produced in the United States that are not mixed or combined with imported spices, seeds and herbs.
(30) "*Syrups*" means all malt, molasses, cane, maple, corn syrups, and imitations or blends. Not included in this definition are chocolate and ice cream sundae syrups.	(30) "*Syrups*". Excluded are: Unmixed corn syrups, molasses sold for feeding purposes, sorghum syrup and fruit syrups for making beverages.	(30) "*Syrups*". Excluded are: Rock candy syrup, and imported syrup, if imported in consumer size containers.
(31) "*Tea*" includes all bulk or packaged tea, teabags and concentrated tea.	(31) "*Tea*". Excluded are: Assam, Darjeeling, Formosa, Oolong, Ceylon, Kee-Mun, Lapsang, Souchong, Jasmine, and Fancy Green Teas and blends thereof, mate, and sales of tea in containers of the customary unit and weight in which they are imported into the United States.	(31) "*Tea*". Excluded are: Imported tea, if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(32) "*Vegetables and vegetable juices, canned*" includes baked beans with ham, mushroom sauce, Chinese style foods, including soy sauce and brown sauce. Not included in this definition are vegetable soups, "baby" or "junior" foods, pickles, corn, green beans, peas (except canned black-eye, crowder, cream and field peas), shoestring and julienne potatoes, french fried onions, tomatoes, tomato juice and frozen vegetables.	(32) "*Vegetables and vegetable juices, canned*". Excluded are: None.	(32) "*Vegetables and vegetable juices, canned*". Excluded are: Artichoke products, asparagus, cabbage (red or white), brussel sprouts, broccoli, beans (lima or wax), beets, carrots, celery, eggplant, fresh and dry black-eye, crowder, cream and field peas and fresh shelled beans (all varieties), cauliflower, fresh field corn, salsify, tomato sauce, seafood cocktail sauce, hominy, soy beans, mixtures of vegetables, mushrooms, okra, onions, poi, peppers (all varieties), parsnips, pimentos, potatoes white and sweet, pumpkin, sauerkraut, squash, spinach, succotash, rhubarb, rutabagas, turnips, turnip greens, vegetable greens, vegetable juices and mixtures thereof, tomato paste, tomato pulp or puree, chili sauce, tomato catsup, canned beans including pork and beans but excluding beans with ham or other meat, bean sprouts, Chinese mixed vegetables, Chinese chow mein, and Chinese chop suey.
(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned*".	(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned*".	(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned.*"
All commodities in this category are excluded from price control.		
(34) "*Vegetables, dried and dehydrated*".	(34) "*Vegetables, dried and dehydrated*".	(34) "*Vegetables, dried and dehydrated*".
All commodities in this category are excluded from price control, including dried and dehydrated beans, peas, mushrooms and lentils.		
(35) "*Vinegar*" includes, but is not limited to, pure cider vinegar and distilled vinegar.	(35) "*Vinegar*". Excluded are: Malt and fruit vinegar (except apple).	(35) "*Vinegar*". Excluded are: Wine and herbal vinegar and imported vinegars if imported in consumer size containers.
(36) "*Miscellaneous foods*" shall include all other dry grocery items except those specifically excluded in paragraphs (c) and (d) of this section. Non-food items are, of course, not included. Among the items included under this heading are the following: Baking powder. Baking soda. Barley (pearl). Brown bread, and date and nut bread, canned. Brewers yeast in consumer size packages not to exceed 2 pounds. Cocoanut, shredded, desiccated or moist. "Cookies, crackers, toast and crumbs" bought by you in bulk and sold loose Corn starch packaged in containers of 10 pounds or less Crab meat, canned Enchiladas (tins, jars, paper or corn wrapped).	(36) "*Miscellaneous foods.*" Excluded are: Beer. Bread. Buttermilk, fresh. Candy (except pure maple sugar candy). Corn starch (packaged in containers of more than 10 pounds). Corn sugar. Cream, fresh Eggs Feed, animal, poultry or pet foods (except dog and cat food) Fruit cake, except holiday fruit cake. Gift or holiday packages bought assembled, and containing one or more items covered by this regulation. Goat milk. Ice cream in cones.	(36) "*Miscellaneous foods.*" Excluded are: All package and bulk sales of the following prepared salads and ready-to-serve desserts: cabbage, potato, mixed vegetables, macaroni, waldorf, apple-pecan in gelatin, fresh banana in gelatin, fruit cocktail in gelatin, lemon aspic in gelatin, pineapple in gelatin, and crushed pineapple in pineapple gelatin. Antipasto. Apple chips, crunchy, canned and packaged. Apple nougats, canned or packaged. Apple-pie mix. Apple and other fruit pomaceas Babas in tins. Bacon rinds, fried. Bamboo shoots, canned. Cane or beet sugar.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(36) "*Miscellaneous foods*"—Continued Fruit pectins Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger. Lobster, canned Macaroni salad, canned. Meat flavorings. Meat sauces, except catsup, cocktail sauce and chili sauce. Mustard, prepared. Oysters (canned) except smoked. Puddings, date, fig or plum. Powdered milk product containing 40 percent or more milk sugars. Scrapple, canned. Spanish rice, canned Table salt packaged in cartons, bags, or packets containing 100 pounds or less, meat-curing and smoked salt, Kosher salt in cartons and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt. (Excluded are onion, celery or garlic salt.) Spice oils. Tamales, canned. Tripe, canned. Vanilla extract. Veal loaf, canned. Yeast.	(36) "*Miscellaneous foods*"—Con. Excluded are—Continued Ice cream, sherberts and frozen confections. Liquors Meat (except "meat, canned"). Milk, fresh. Mineral oil. Nuts. Peanuts. Poultry, other than canned. Salt not covered by sec. 37 (b) (36). Soft drinks. Tamales, bulk. Tortillas. Vitamin concentrates. Wine. Yogurt.	(36) "*Miscellaneous foods*"—Con. Excluded are—Continued Capers. Cherry-pie mix. Chutney, canned. Citrus fruit beverage bases and other fruit beverage bases (not fruit ades or soft drinks made therefrom). Clam juice. Cones for ice cream. Crab meat, deviled. Crapes suzette. Easter egg dye. Egg-nog, bottled. Flavorings in containers of 16 ounces or less. Food colorings in containers of 16 ounces or less. Food flavoring extracts (except vanilla). Fresh fruits and vegetables. Fried worms, canned. Fruit cake, holiday, that is fruit cake which: (1) contains not less than 50 percent by weight of fruits and nuts in relation to the total weight of the fruit cake mix; and which (2) is packaged by the manufacturer in a wrapper or container which indicates that such fruit cake is packaged expressly for sale during the Thanksgiving or Christmas season or both. Ginger, candied. Gravy and gravy mixes, canned or dehydrated. Horseradish. Lobster a la Newburg. Maple sugar, pure. Maple sugar candy, pure. Meat loaf spice mixtures, canned. Mincemeat. Monosodium glutumate when sold in containers of 16 ounces or less. Olives. Olive oil. Olive spreads. Onions, French Fried, canned. Oysters, smoked. Palm hearts, canned. Pickled boneless or samlhoneless pigs feet in containers of 28 ounces or less. Popcorn and popping corn. Potatoes, white, peeled, whole or sliced, chemically treated. Potato chips. Potatoes, julienne and shoestring. Potato starch. Prepared pastry doughs. Processed pumpkin seeds. Pumpkin-pie mix. Snails, canned. Sauces, hot. Sauces, fish. Sweetpotato-pie mix, canned. Tapioca food starch sold in bulk. Tom and Jerry batter. Tomato aspic and any other vegetable aspic, canned.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
		(36) "*Miscellaneous foods*"—Con. Excluded are—Continued Toppings in hermetically sealed containers when processed from vegetable oils, stabilizers and dry milk solids with not more than 15 percent of the total ingredients by weight consisting of dry milk solids. Truffles. Vegetable flakes. Vegetable powders. Vegetable protein, hydrolized, when sold in containers of 16 ounces or less. Vegetable salt. Walnut sauce. Water chestnuts, canned.

[Section 37 revised by Amdt. 20; Paragraphs (b) and (c) amended by 3; Paragraph (d) added by Amdt. 3; Subparagraph (b) (19) amended by Amdt. 6; Subparagraphs (b) (6), (10) and (36) and (c) (3), (10), (19) and (36) amended by Amdt. 9; Subparagraphs (c) (36) and (d) (36) amended by Amdt. 10; Subparagraphs (b) (4), (5), (8), (9), (10), (15), and (19), (c) (4), (5), (8), (9), (10), (15) and (19), and (d) (4), (5), (8), (9), (10), (15) and (19) amended by Amdt. 14; Subparagraphs (b) (8), (12), (19), (32), (33) and (36), (c) (8), (10) and (36) and (d) (4), (8), (10), (32) and (36) amended by Amdt. 15; Subparagraph (d) (36) amended by Amdt. 16]

SEC. 38. *Table of markups for "perishables" (Table B)*—(a) *Table B: Markups over "net cost" allowed to Group 3 and Group 4 retailers for "perishables" covered by this regulation by commodities.*

TABLE B—MARKUPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

Food Commodities	Allowed markups over net cost		Selling unit in which ceiling price must be calculated
	Group 3, retailer other than independent with annual volume under $375,000	Group 4, any retailer with annual volume of $375,000 or more	
(1) Dairy products:	*Percent*	*Percent*	
Butter	10	10	1 pound.
Cheese	27	25	1 pound or 1 package.

[Subparagraph (2) added by Amdt. 8, deleted by Amdt. 20; Subparagraph (3) added by Amdt. 10, deleted by Amdt. 16; Paragraph (a) amended by Amdt. 14]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) "*Dairy products*". "*Butter*" (packaged) means only butter from milk, including but not limited to, processed salted, unsalted and whipped butter. Not included in this definition are peanut, nut, fruit or honey butters "*Cheese*" shall include all packaged cheese, cheese spreads, and cheese foods purchased packaged.	"*Butter*". Excluded are: Bulk or tub butter. "*Cheese*". Excluded are: Imported packaged cheese if imported in consumer size containers. Cheese gift packages of assorted cheeses if assembled by you, and all types of bulk cheese.	"*Butter*". Excluded are: None. "*Cheese*". Excluded are: None.

[Paragraph (b) amended by Amdts. 3, 6, 8, 10 and 13; Paragraph (c) added by Amdt. 3, amended by Amdts. 6, 8 and 10; Paragraph (d) added by Amdt. 3, amended by Amdts. 8, 10 and 15; Subparagraphs (b) (3), (c) (3) and (d) (3) deleted by Amdt. 16]

[Section 38 revised by Amdt. 20]

SEC. 39. *Table of ceiling prices based on any given "net cost" and mark-up (Table C)*—(a) *Table C: Retail ceiling prices obtained by applying any given percentage mark-up to any given net cost.*

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM ½¢ TO 10¢ PER UNIT

Net cost (per unit)	½¢	1¢	1½¢	2¢	2½¢	3¢	3½¢	4¢	4½¢	5¢	5½¢	6¢	6½¢	7¢	7½¢	8¢	8½¢	9¢	9½¢	10¢
Mark-up (percent)	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	11
11	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
12	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
13	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	11
14	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	12
15	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	10	11	12
16	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
17	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
18	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
19	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
20	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
21	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	12	12
22	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	12	12
23	1	2	2	3	3	4	4	5	6	6	7	7	8	8	9	9	10	11	12	12
24	1	2	2	3	3	4	4	5	6	6	7	7	8	8	9	9	10	11	12	13
25	1	2	2	3	3	4	4	5	6	6	7	7	8	8	9	9	10	11	12	13
26	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	10	11	12	13
27	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	10	11	12	13
28	1	2	2	3	3	4	5	5	6	6	7	8	8	9	9	10	10	11	12	13
29	1	2	2	3	3	4	5	5	6	6	7	8	8	9	9	10	10	11	12	13
30	1	2	2	3	3	4	5	5	6	7	7	8	8	9	9	10	10	11	12	13
31	1	2	2	3	3	4	5	5	6	7	7	8	8	9	9	10	11	11	12	13
32	1	2	2	3	3	4	5	5	6	7	7	8	8	9	9	10	11	11	12	13
33	1	2	2	3	3	4	5	5	6	7	7	8	8	9	9	10	11	11	12	13
34	1	2	2	3	3	4	5	5	6	7	7	8	8	9	9	10	11	11	12	13
35	1	2	2	3	3	4	5	5	6	7	7	8	8	9	9	10	11	12	12	13
36	1	2	2	3	3	4	5	5	6	7	7	8	8	9	10	10	11	12	12	13
37	1	2	2	3	3	4	5	5	6	7	8	8	8	9	10	10	11	12	12	13
38	1	2	2	3	3	4	5	6	6	7	8	8	8	9	10	10	11	12	13	13
39	1	2	2	3	3	4	5	6	6	7	8	8	8	9	10	11	11	12	13	13
40	1	2	2	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13	13
41	1	2	2	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13	13
42	1	2	2	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13	14
43	1	2	2	3	4	4	5	6	6	7	8	9	9	9	10	11	12	12	13	14
44	1	2	2	3	4	4	5	6	6	7	8	9	9	9	10	11	12	12	13	14
45	1	2	2	3	4	4	5	6	7	7	8	9	9	9	10	11	12	12	13	14
46	1	2	2	3	4	4	5	6	7	7	8	9	9	10	10	11	12	12	13	14
47	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	12	13	13	14
48	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
49	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
50	1	2	2	3	4	5	5	6	7	8	8	9	10	11	11	12	13	14	14	15

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 18¢ PER UNIT

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Mark up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	11	12	12	13	13	14	14	15	15	16	16	17	17	18	19	19
7	11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19
8	11	12	12	13	14	14	15	15	16	16	17	17	18	19	19	20
9	11	12	13	13	14	14	15	15	16	16	17	17	18	19	19	20
10	12	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20
11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20
12	12	12	13	13	14	15	15	16	16	17	17	18	18	19	20	20
13	12	12	13	14	14	15	15	16	16	17	18	18	19	19	20	21
14	12	13	13	14	14	15	15	16	17	17	18	18	19	20	20	21
15	12	13	13	14	14	15	16	16	17	17	18	19	19	20	20	21
16	12	13	13	14	15	15	16	16	17	17	18	19	19	20	20	21
17	12	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21
18	12	13	14	14	15	15	16	17	17	18	18	19	19	20	21	21
19	12	13	14	14	15	15	16	17	17	18	18	19	19	20	21	22
20	13	13	14	14	15	16	16	17	17	18	19	19	20	21	21	22
21	13	13	14	15	15	16	16	17	18	18	19	20	20	21	22	22
22	13	13	14	15	15	16	16	17	18	18	19	20	20	21	22	22
23	13	14	14	15	15	16	17	17	18	19	19	20	20	21	22	22
24	13	14	14	15	16	16	17	17	18	19	19	20	21	21	22	23
25	13	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23
26	13	14	15	15	16	17	17	18	18	19	19	20	20	21	22	23
27	13	14	15	15	16	17	17	18	18	19	19	20	20	21	22	23
28	13	14	15	15	16	17	17	18	19	19	20	20	21	21	22	23
29	14	14	15	15	16	17	18	18	19	19	20	20	21	21	22	23
30	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23	24
31	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24
32	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23	24
33	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
34	14	15	15	16	17	17	18	19	19	20	21	21	22	23	24	24
35	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	24
36	14	15	16	16	17	18	18	19	20	20	21	22	23	23	24	25
37	14	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25
38	14	15	16	17	17	18	19	19	20	21	21	22	23	24	24	25
39	15	15	16	17	17	18	19	19	20	21	22	22	23	24	25	25
40	15	15	16	17	18	18	19	20	20	21	22	23	23	24	25	25
41	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25	26
42	15	16	16	17	18	18	19	20	21	21	22	23	24	24	25	26
43	15	16	16	17	18	19	19	20	21	22	22	23	24	24	25	26
44	15	16	17	17	18	19	19	20	21	22	22	23	24	25	25	26
45	15	16	17	17	18	19	20	20	21	22	23	23	24	25	26	26
46	15	16	17	18	18	19	20	20	21	22	23	23	24	25	26	26
47	15	16	17	18	18	19	20	21	21	22	23	24	24	25	26	27
48	16	16	17	18	19	19	20	21	22	22	23	24	25	25	26	27
49	16	16	17	18	19	19	20	21	22	23	23	24	25	26	26	27
50	16	17	17	18	19	20	20	21	22	23	23	24	25	26	26	27

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit)	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28
7	20	20	21	21	22	22	23	24	24	25	25	26	26	27	27	28
8	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28	29
9	20	21	21	22	22	23	23	24	25	25	26	26	27	28	28	29
10	20	21	21	22	23	23	24	24	25	25	26	26	27	28	29	29
11	21	21	22	22	23	23	24	24	25	26	26	27	27	28	28	29
12	21	21	22	22	23	24	24	25	25	26	26	27	27	28	29	29
13	21	21	22	23	23	24	24	25	25	26	27	27	28	28	29	29
14	21	22	22	23	23	24	25	25	26	26	27	28	28	29	29	30
15	21	22	22	23	24	24	25	25	26	26	27	28	28	29	30	30
16	21	22	23	23	24	24	25	26	26	27	27	28	28	29	30	30
17	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30	30
18	22	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31
19	22	23	23	24	24	25	26	26	27	27	28	29	29	30	30	31
20	22	23	23	24	25	25	26	26	27	28	28	29	29	30	31	31
21	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31	32
22	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31	32
23	23	23	24	25	25	26	26	27	28	28	29	30	30	31	31	32
24	23	24	24	25	25	26	27	27	28	29	29	30	30	31	32	32
25	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
26	23	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33
27	23	24	25	25	26	27	27	28	29	29	30	30	31	32	32	33
28	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33
29	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33	34
30	24	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34
31	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33	34
32	24	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34
33	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35
34	25	25	26	27	27	28	29	29	30	31	31	32	33	34	34	35
35	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34	35
36	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35	35
37	25	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36
38	26	26	27	28	28	29	30	30	31	32	32	33	34	35	35	36
39	26	26	27	28	28	29	30	31	31	32	33	33	34	35	35	36
40	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36	36
41	26	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37
42	26	27	28	28	29	30	31	31	32	33	33	34	35	36	36	37
43	26	27	28	28	29	30	31	31	32	33	34	34	35	36	36	37
44	27	27	28	28	29	30	30	31	32	33	34	34	35	36	37	37
45	27	28	28	28	29	30	30	31	32	33	33	34	35	36	36	37
46	27	28	28	28	29	30	31	31	32	33	34	34	35	36	37	37
47	27	28	28	29	30	31	31	32	32	33	34	35	35	36	37	37
48	27	28	29	29	30	30	31	32	33	33	34	35	36	36	37	38
49	28	28	29	30	30	31	31	32	33	34	34	35	36	37	37	38
50	28	29	29	30	31	32	32	33	34	34	35	36	36	37	38	38

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit)	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	28	29	29	30	30	31	31	32	32	33	33	34	34	35	36	36
7	28	29	29	30	30	31	32	32	33	33	34	34	35	35	36	36
8	29	29	30	30	31	31	32	32	33	33	34	35	35	36	36	37
9	29	29	30	31	31	32	32	33	33	34	34	35	35	36	37	37
10	29	30	30	31	31	32	32	33	34	34	35	35	36	36	37	37
11	29	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38
12	30	30	31	31	32	32	33	33	34	34	35	35	36	36	37	38
13	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38	38
14	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38	39
15	30	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39
16	31	31	32	32	33	34	34	35	35	36	37	37	38	38	39	39
17	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40
18	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40
19	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40	40
20	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41
21	32	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41
22	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41	41
23	33	33	34	34	35	36	36	37	38	38	39	40	40	41	41	42
24	33	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42
25	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42	43
26	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42	43
27	34	34	35	36	36	37	37	38	39	39	40	41	41	42	43	43
28	34	35	35	36	36	37	38	38	39	40	40	41	42	42	43	44
29	34	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44
30	34	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44
31	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45
32	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45
33	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45	45
34	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45	46
35	36	36	37	38	38	39	40	41	41	42	43	43	44	45	45	46
36	36	37	37	38	39	39	40	41	41	42	43	44	44	45	46	46
37	36	37	38	38	39	40	40	41	42	42	43	44	45	45	46	47
38	37	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47
39	37	38	38	39	40	40	41	42	42	43	44	44	45	46	47	47
40	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47	48
41	37	38	39	39	40	41	42	42	43	44	44	45	46	47	47	48
42	38	38	39	40	40	41	42	43	43	44	45	45	46	47	48	48
43	38	39	39	40	41	41	42	43	44	44	45	46	46	47	48	49
44	38	39	40	40	41	42	42	43	44	45	45	46	47	47	48	49
45	38	39	40	41	41	42	43	43	44	45	46	46	47	48	49	49
46	39	39	40	41	42	42	43	44	45	45	46	47	47	48	49	50
47	39	40	40	41	42	43	43	44	45	46	46	47	48	48	49	50
48	39	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50
49	39	40	41	42	42	43	44	45	45	46	47	48	48	49	50	51
50	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50	51

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7	37	37	38	39	39	40	40	41	41	42	42	43	43	44	44	45
8	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	45
9	38	38	39	39	40	40	41	41	42	43	43	44	44	45	45	46
10	38	39	39	40	40	41	41	42	42	43	43	44	45	45	46	46
11	38	39	39	40	41	41	42	42	43	43	44	44	45	46	46	47
12	39	39	40	40	41	41	42	43	43	44	44	45	45	46	46	47
13	39	40	40	41	41	42	42	43	44	44	45	46	46	47	47	48
14	39	40	40	41	42	42	43	43	44	44	45	46	46	47	48	48
15	40	40	41	41	42	43	43	44	44	45	45	46	46	47	48	49
16	40	41	41	42	42	43	44	44	45	45	46	46	47	48	49	49
17	40	41	42	42	43	43	44	44	45	46	46	47	47	48	49	50
18	41	41	42	42	43	44	44	45	45	46	46	47	48	48	49	50
19	41	42	42	43	43	44	45	45	46	46	47	47	48	49	49	50
20	41	42	43	43	44	44	45	46	46	47	47	48	48	49	50	51
21	42	42	43	44	44	45	45	46	47	47	48	48	49	50	51	51
22	42	43	43	44	45	45	46	46	47	48	48	49	49	50	51	52
23	42	43	44	44	45	46	46	47	47	48	49	49	50	50	51	52
24	43	43	44	45	45	46	47	47	48	48	49	50	50	51	52	53
25	43	44	44	45	46	46	47	48	48	49	49	50	51	51	52	53
26	43	44	45	45	46	47	47	48	49	49	50	50	51	52	52	53
27	44	44	45	46	46	47	48	48	49	50	50	51	51	52	53	54
28	44	45	45	46	47	47	48	49	49	50	51	51	52	53	53	54
29	45	45	46	46	47	48	48	49	50	50	51	52	52	53	54	55
30	45	46	46	47	47	48	49	49	50	51	51	52	53	53	54	55
31	45	46	47	47	48	48	49	50	50	51	52	52	53	54	54	55
32	46	46	47	48	48	49	50	50	51	51	52	53	53	54	55	56
33	46	47	47	48	49	49	50	51	51	52	53	53	54	55	56	56
34	46	47	48	48	49	50	50	51	52	52	53	54	55	55	56	57
35	47	47	48	49	49	50	51	51	52	53	53	54	55	56	56	57
36	47	48	48	49	50	50	51	52	52	53	54	54	55	56	57	58
37	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58
38	48	48	49	50	50	51	52	52	53	54	54	55	56	57	57	58
39	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58	59
40	48	49	50	50	51	52	53	53	54	55	55	56	57	58	58	59
41	49	49	50	51	51	52	53	54	54	55	55	56	57	58	58	59
42	49	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60
43	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59	60
44	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60	60
45	50	51	51	52	53	54	54	55	56	56	57	57	58	59	60	61
46	50	51	52	53	53	54	55	55	56	57	57	58	59	60	60	61
47	51	51	52	53	54	54	55	56	56	57	57	58	59	60	61	62
48	51	52	53	53	54	55	56	56	57	57	58	59	60	60	61	62
49	51	52	53	54	54	55	56	56	57	58	58	59	60	61	62	63
50	52	53	53	54	55	56	56	57	58	58	59	60	61	62	62	63

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
7	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
8	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
9	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
10	47	47	48	48	49	50	50	51	51	52	52	53	53	54	54	55
11	47	48	48	49	49	50	51	51	52	52	53	53	54	54	55	56
12	48	48	49	49	50	50	51	52	52	53	53	54	54	55	55	56
13	48	49	49	50	50	51	51	52	53	53	54	54	55	55	56	57
14	48	49	50	50	51	51	52	52	53	54	54	55	55	56	56	57
15	49	49	50	51	51	52	52	53	53	54	55	55	56	56	57	58
16	49	50	50	51	52	52	53	53	54	55	55	56	56	57	57	58
17	50	50	51	51	52	53	53	54	54	55	56	56	57	57	58	59
18	50	51	51	52	53	53	54	54	55	55	56	57	57	58	58	59
19	51	51	52	52	53	54	54	55	55	56	56	57	58	58	59	60
20	51	52	52	53	53	54	55	55	56	56	57	57	58	59	59	60
21	51	52	53	53	54	54	55	56	56	57	57	58	59	59	60	61
22	52	52	53	54	54	55	56	56	57	57	58	59	59	60	60	61
23	52	53	54	54	55	55	56	57	57	58	58	59	60	60	61	62
24	53	53	54	55	55	56	56	57	58	58	59	59	60	61	62	62
25	53	54	54	55	56	56	57	58	58	59	59	60	60	61	62	63
26	54	54	55	55	56	57	57	58	58	59	60	60	61	62	62	63
27	54	55	55	56	57	57	58	58	59	60	60	61	61	62	63	64
28	55	55	56	57	57	58	59	59	60	60	61	62	62	63	64	65
29	55	56	57	57	58	59	59	60	60	61	62	62	63	64	64	65
30	56	56	57	58	58	59	60	60	61	62	62	63	64	64	65	66
31	56	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66
32	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67
33	57	58	58	59	60	60	61	62	62	63	64	64	65	66	66	67
34	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67	68
35	58	58	59	60	61	61	62	63	63	64	65	65	66	67	67	68
36	58	59	60	60	61	62	62	63	64	64	65	66	66	67	68	69
37	59	59	60	61	62	62	63	64	64	65	66	66	67	68	68	69
38	59	60	60	61	62	63	63	64	65	65	66	67	67	68	69	70
39	60	60	61	62	62	63	64	64	65	66	66	67	68	68	69	70
40	60	61	61	62	63	63	64	65	66	66	67	68	68	69	70	71
41	60	61	62	62	63	64	65	65	66	67	67	68	69	70	70	71
42	61	61	62	63	64	64	65	66	66	67	68	68	69	70	71	72
43	61	62	63	63	64	65	66	66	67	68	68	69	70	71	71	72
44	62	62	63	64	65	65	66	67	67	68	69	69	70	71	72	73
45	62	63	64	64	65	66	66	67	68	68	69	70	71	71	72	73
46	62	63	64	65	65	66	67	68	68	69	70	71	71	72	73	74
47	63	64	64	65	66	67	67	68	69	69	70	71	72	72	73	74
48	63	64	65	66	66	67	68	69	69	70	71	72	72	73	74	75
49	64	65	65	66	67	68	68	69	70	71	71	72	73	74	74	75

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 50½¢ TO 58¢

Net cost (per unit)	50½¢	51¢	51½¢	52¢	52½¢	53¢	53½¢	54¢	54½¢	55¢	55½¢	56¢	56½¢	57¢	57½¢	58¢
Mark-up (percent)	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	54	54	55	55	56	56	57	57	58	58	59	59	60	60	61	61
7	54	55	55	56	56	57	57	58	58	59	59	60	60	61	62	62
8	55	55	56	56	57	57	58	58	59	59	60	60	61	62	62	63
9	55	56	56	57	57	58	58	59	59	60	60	61	62	62	63	63
10	56	56	57	57	58	58	59	59	60	61	61	62	62	63	63	64
11	56	57	57	58	58	59	59	60	60	61	62	62	63	63	64	64
12	57	57	58	58	59	59	60	60	61	62	62	63	63	64	64	65
13	57	58	58	59	59	60	60	61	62	62	63	63	64	64	65	66
14	58	58	59	59	60	60	61	62	62	63	63	64	64	65	66	66
15	58	59	59	60	60	61	62	62	63	63	64	64	65	66	66	67
16	59	59	60	60	61	61	62	63	63	64	64	65	66	66	67	67
17	59	60	60	61	61	62	63	63	64	64	65	66	66	67	67	68
18	60	60	61	61	62	63	63	64	64	65	65	66	67	67	68	68
19	60	61	61	62	62	63	64	64	65	65	66	67	67	68	68	69
20	61	61	62	62	63	64	64	65	65	66	67	67	68	68	69	70
21	61	62	62	63	64	64	65	65	66	67	67	68	68	69	70	70
22	62	62	63	63	64	65	65	66	66	67	68	68	69	70	70	71
23	62	63	63	64	65	65	66	66	67	68	68	69	69	70	71	71
24	63	63	64	64	65	66	66	67	68	68	69	69	70	71	71	72
25	63	64	64	65	66	66	67	68	68	69	69	70	71	71	72	73
26	64	64	65	66	66	67	67	68	69	69	70	71	71	72	72	73
27	64	65	65	66	67	67	68	69	69	70	70	71	72	72	73	74
28	65	65	66	67	67	68	68	69	70	70	71	72	72	73	74	74
29	65	66	66	67	68	68	69	70	70	71	72	72	73	74	74	75
30	66	66	67	68	68	69	70	70	71	72	72	73	74	74	75	76
31	66	67	67	68	69	69	70	71	71	72	73	74	74	75	76	76
32	67	67	68	69	69	70	71	71	72	73	73	74	75	75	76	77
33	67	68	68	69	70	70	71	72	72	73	74	74	75	76	76	77
34	68	68	69	70	70	71	72	72	73	74	74	75	76	76	77	78
35	68	69	70	70	71	72	72	73	74	74	75	76	76	77	78	78
36	69	69	70	71	71	72	73	73	74	75	75	76	77	78	78	79
37	69	70	71	71	72	73	73	74	75	75	76	77	77	78	79	79
38	70	70	71	72	72	73	74	74	75	76	76	77	78	78	79	80
39	70	71	72	72	73	74	74	75	76	76	77	78	78	79	80	81
40	71	71	72	73	74	74	75	76	76	77	78	78	79	80	81	81
41	71	72	73	73	74	75	75	76	77	78	78	79	80	80	81	82
42	72	72	73	74	75	75	76	77	77	78	79	80	80	81	82	82
43	72	73	74	74	75	76	77	77	78	79	79	80	81	82	82	83
44	73	73	74	75	76	76	77	78	78	79	80	81	81	82	83	84
45	73	74	75	75	76	77	78	78	79	80	80	81	82	83	84	84
46	74	75	75	76	77	77	78	79	80	80	81	82	82	83	84	85
47	74	75	76	76	77	78	79	79	80	81	82	82	83	84	85	85
48	75	75	76	77	78	78	79	80	81	81	82	83	84	85	85	86
49	75	76	77	77	78	79	80	80	81	82	83	83	84	85	86	86
50	76	77	77	78	79	80	80	81	82	83	83	84	85	86	86	87

ITEMS WITH A "NET COST" OF FROM 58½¢ TO 66½¢

Net cost (per unit)	58½¢	59¢	59½¢	60¢	60½¢	61¢	61½¢	62¢	62½¢	63¢	63½¢	64¢	64½¢	65¢	65½¢	66¢	66½¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	62	63	63	64	64	65	65	66	66	67	67	68	68	69	69	70	70
7	63	63	64	64	65	65	66	66	67	67	68	68	69	70	70	71	71
8	63	64	64	65	65	66	66	67	68	68	69	69	70	70	71	71	72
9	64	64	65	65	66	66	67	68	68	69	69	70	70	71	71	72	72
10	64	65	65	66	67	67	68	68	69	69	70	70	71	72	72	73	73
11	65	65	66	67	67	68	68	69	69	70	70	71	72	72	73	73	74
12	66	66	67	67	68	68	69	69	70	71	71	72	72	73	73	74	74
13	66	67	67	68	68	69	69	70	71	71	72	72	73	73	74	75	75
14	67	67	68	68	69	70	70	71	71	72	72	73	74	74	75	75	76
15	67	68	68	69	70	70	71	72	72	73	73	74	74	75	76	76	77
16	68	68	69	70	70	71	71	72	73	73	74	74	75	76	76	77	77
17	68	69	70	70	71	71	72	73	73	74	74	75	75	76	77	77	78
18	69	70	70	71	71	72	73	73	74	74	75	76	76	77	77	78	78
19	70	70	71	71	72	73	73	74	74	75	76	76	77	77	78	79	79
20	70	71	71	72	73	73	74	74	75	76	76	77	77	78	79	79	80
21	71	71	72	73	73	74	74	75	76	76	77	77	78	79	79	80	81
22	71	72	73	73	74	74	75	76	76	77	77	78	79	79	80	81	81
23	72	73	73	74	74	75	76	76	77	77	78	79	79	80	81	81	82
24	73	73	74	74	75	76	76	77	78	78	79	79	80	81	81	82	82
25	73	74	74	75	76	76	77	78	78	79	79	80	81	81	82	83	83
26	74	74	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84
27	74	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84	84
28	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84	84	85
29	75	76	77	77	78	79	79	80	81	81	82	83	83	84	85	85	86
30	76	77	77	78	79	79	80	81	81	82	83	83	84	85	85	86	86
31	77	77	78	79	79	80	81	81	82	83	83	84	84	85	86	86	87
32	77	78	79	79	80	81	81	82	83	83	84	84	85	86	86	87	88
33	78	78	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88
34	78	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89
35	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90
36	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90	90
37	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90	90	91
38	81	81	82	83	83	84	85	86	86	87	88	88	89	90	90	91	92
39	81	82	83	83	84	85	85	86	87	88	88	89	90	90	91	92	92
40	82	82	83	84	85	86	86	87	88	88	89	90	90	91	92	92	93
41	82	83	84	85	85	86	87	87	88	89	90	90	91	92	92	93	94
42	83	84	84	85	86	87	87	88	89	90	90	91	92	92	93	94	94
43	84	84	85	86	87	87	88	89	89	90	91	92	92	93	94	94	95
44	84	85	86	86	87	88	89	89	90	91	91	92	93	94	94	95	96
45	85	86	86	87	88	88	89	90	91	91	92	93	94	94	95	96	96
46	86	86	87	88	88	89	90	91	91	92	93	93	94	95	96	96	97
47	86	87	87	88	89	90	90	91	92	93	93	94	95	96	96	97	98
48	87	87	88	89	90	90	91	92	93	93	94	95	95	96	97	98	98
49	87	88	89	89	90	91	92	92	93	94	95	95	96	97	98	98	99
50	88	89	89	90	91	92	92	93	94	95	95	96	97	98	98	99	100

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 67¢ TO 75¢

Net cost (per unit)	67¢	67½¢	68¢	68½¢	69¢	69½¢	70¢	70½¢	71¢	71½¢	72¢	72½¢	73¢	73½¢	74¢	74½¢	75¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	71	72	72	73	73	74	74	75	75	76	76	77	77	78	78	79	80
7	72	72	73	73	74	74	75	75	76	77	77	78	78	79	79	80	80
8	72	73	73	74	75	75	76	76	77	77	78	78	79	79	80	81	81
9	73	74	74	75	75	76	76	77	77	78	78	79	79	80	81	81	82
10	74	74	75	75	76	76	77	78	78	79	79	80	81	81	82	82	83
11	74	75	75	76	77	77	78	78	79	80	80	81	81	82	82	83	84
12	75	76	76	77	77	78	78	79	80	80	81	81	82	82	83	84	84
13	76	76	77	77	78	79	79	80	80	81	82	82	83	83	84	85	85
14	76	77	78	78	79	79	80	80	81	82	82	83	83	84	84	85	86
15	77	78	78	79	79	80	81	81	82	82	83	83	84	85	85	86	86
16	78	78	79	79	80	81	81	82	82	83	84	84	85	85	86	87	87
17	78	79	80	80	81	81	82	83	83	84	84	85	86	86	87	87	88
18	79	80	80	81	81	82	83	83	84	84	85	86	86	87	87	88	89
19	80	80	81	82	82	83	83	84	85	85	86	86	87	88	88	89	89
20	80	81	82	82	83	83	84	85	85	86	86	87	88	88	89	89	90
21	81	82	82	83	83	84	85	85	86	87	87	88	88	89	90	90	91
22	82	82	83	84	84	85	85	86	87	87	88	88	89	90	90	91	92
23	82	83	84	84	85	85	86	87	87	88	89	89	90	91	91	92	93
24	83	84	84	85	86	86	87	88	88	89	89	90	91	91	92	93	94
25	84	84	85	86	86	87	88	88	89	90	90	91	91	92	93	94	95
26	84	85	86	86	87	88	88	89	90	90	91	91	92	93	94	95	96
27	85	86	86	87	88	88	89	90	90	91	92	92	93	94	95	96	96
28	86	86	87	88	88	89	90	90	91	92	92	93	93	94	95	96	97
29	86	87	88	88	89	90	90	91	92	92	93	94	94	95	96	97	98
30	87	88	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98
31	88	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98	99
32	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99
33	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99	100
34	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99	100	101
35	90	91	92	92	93	94	95	95	96	96	97	98	99	99	100	101	101
36	91	92	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102
37	92	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102	103
38	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102	103	104
39	93	94	95	95	96	97	97	98	99	99	100	101	102	102	103	104	105
40	94	95	95	96	97	97	98	99	99	100	101	102	102	103	104	105	106
41	94	95	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106
42	95	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106	107
43	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106	107	108
44	96	97	98	99	99	100	101	102	102	103	104	104	105	106	107	107	108
45	97	98	98	99	100	101	102	102	103	104	104	105	106	107	107	108	109
46	98	98	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110
47	98	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110
48	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111
49	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111	112
50	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111	112	113

[Above portion of Table C amended by Amdt. 6]

(b) *Instructions for use of Table A, Table B, and Table C.* Tables A and B contain the mark-ups for all commodities in this regulation. Table C is included to assist you in determining ceiling prices without burdensome calculations.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the mark-ups to be used by Group 3 and Group 4 retailers in figuring their ceiling prices. Table B gives the same information for "perishables." However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables." For a detailed list of the items in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and "Commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find a percentage mark-up for your group of retailers.

If a percentage mark-up is shown, you get your ceiling price for the item by turning to Table C, which shows the ceiling price for all items with per unit net costs ranging from ½¢ to 75¢. Percentage mark-ups over net cost are listed in the column at the extreme left of Table C, and "net cost" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the "net cost" of a single unit (one can, one jar, etc.). For perishables, it means the "net cost" of the selling unit listed in the list column of Table B.

[Above paragraph amended by Amdts. 18 and 20]

To determine your ceiling price from Table C, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If your net cost per unit is more than 75 cents, you cannot use Table C to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. For perishables, your net cost must be in terms of the selling unit specified in Table B.

Example (1). A Group 3 retailer wishes to figure a new ceiling price for "xx" Brand, 11 ounces canned tomato soup, which he must put into effect by May 14, 1951, in accordance with section 3. His most recent purchase of a customary quantity of this item from a customary type of supplier delivered to his usual receiving point was a carload purchased from a packer and delivered at a cost of $4.40 a case (48) on December 22, 1950. He must first figure to the nearest half-cent, his "net cost" on a single unit basis (sec. 4, (a) (2)), that is, for a single can. He therefore divides the cost for the case, $4.40, by the number of single units in the case, 48, and gets a result of $0.0916 before rounding. Rounding to the nearest half-cent, this becomes $0.09. (If the figure had been $0.0925 before rounding, he would have rounded to $0.095.) He then turns to Table A to find the mark-up to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned tomato soup this group is "Soup (canned)." Going across the page on that line, he will find his mark-up for the item in the column for Group 3 retailers. In this case, his mark-up is 19 percent. Having his mark-up and net cost, Table C will give him his ceiling price without further computations. Checking across the top of Table C, he will find a column headed by his net cost $0.09. Going down this $0.09 column until he comes to the figure on the same line as his percentage mark-up of 19 percent listed in the column at the extreme left of Table C he will find his ceiling price for the item to be 11 cents per can.

[Example (1) amended by Amdt. 1]

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.
By: JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-12920: Filed, Dec. 3, 1952; 12:02 p. m.]

[Ceiling Price Regulation 16, Collection 21

existing ceiling, a purchase made at a price higher than

[Ceiling Price Regulation 16, Collation 2]

CPR 16—Ceiling Prices of Certain Foods Sold at Retail in Group 1 and Group 2 Stores

COLL. 2—INCLUDING AMENDMENTS 1–20

Ceiling Price Regulation 16 is republished to incorporate the text of Amendments 1 through 20, inclusive. Ceiling Price Regulation 16 was issued March 28, 1951 (16 F. R. 2750). Statements of Consideration for Ceiling Price Regulation 16, and for Amendments 1–20, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation and the amendments are shown in a note preceding the first section of the regulation.

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AUTHORITY: Sections 1 to 34 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended, 50 U. S. C. App. Sup., 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 34 contained in Ceiling Price Regulation 16, March 28, 1951 (16 F. R. 2750), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 16, April 5, 1951, 16 F. R. 2750. Amendment 1, April 27, 1951, 16 F. R. 3651. Amendment 2, May 10, 1951, 16 F. R. 4438. Amendment 3, May 18, 1951, 16 F. R. 4094. Amendment 4, July 18, 1951, 16 F. R. 6799. Amendment 5, August 17, 1951, 16 F. R. 8108. Amendment 6, August 27, 1951, 16 F. R. 8454. Amendment 7, September 22, 1951, 16 F. R. 9469. Amendment 8, October 2, 1951, 16 F. R. 10066. Amendment 9, December 26, 1951, 16 F. R. 12868. Amendment 10, January 28, 1952, 17 F. R. 719. Amendment 11, January 31, 1952, 17 F. R. 989. Amendment 12, March 31, 1952, 17 F. R. 2649. Amendment 13, April 9, 1952, 17 F. R. 3103. Amendment 14, June 2, 1952, 17 F. R. 4928. Amendment 15, June 7, 1952, 17 F. R. 4983. Amendment 16, June 6, 1952, 17 F. R. 5191. Amendment 17, August 12, 1952, 17 F. R. 7221. Amendment 18, August 19, 1952, 17 F. R. 7536. Amendment 19, November 5, 1952, 17 F. R. 9850. Amendment 20, November 24, 1952, 17 F. R. 10696.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all "independent" retail stores doing an annual business of under $375,000. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation issued by the Office of Price Stabilization (hereinafter called OPS, and regardless of any contract or any other law. All other retail stores (Group 3 and Group 4 stores) selling these food products are covered by Ceiling Price Regulation No. 15.

SEC. 2. *How you find out whether your store is covered by this regulation and what group it is in*—(a) *What stores are covered.* Your store is covered by this regulation if it is a Group 1 or 2 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. For the purposes of this regulation, "Great Lakes marine suppliers" shall be considered as retailers. The provisions of this regulation do not apply to "retail route sellers", to sales of "specially prepared dietetic foods" by "health food stores" or "health food departments", or to automatic vending machines or farmers selling produce grown on their own farms.

[Paragraph (a) amended by Amdt. 2]

(b) *What are Groups 1 and 2 stores.* For the purpose of this regulation, Groups 1 and 2 stores are defined as follows:

(1) *Group 1.* Your store is in Group 1 if it is an "independent" store with "annual gross sales" of less than $75,000. Your store is an "independent" store if it is not one of four or more stores under one ownership whose combined "annual gross sales" are $750,000 or more.

(2) *Group 2.* Your store is in Group 2 if it is an "independent" store with "annual gross sales" of $75,000 or more, but less than $375,000.

(If you are not sure what group your store is in, use the directions in section 26 for figuring the "annual gross sales" of your store. See section 30 for definitions of Group 3 and Group 4 retailers.

(c) *How to display a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation displayed on a sign reading "OPS–1" or "OPS–2," whichever it is, or on a sign which the OPS may furnish to you. The sign must be displayed so that it can be clearly seen by your customers.

(d) *When you choose to treat your store as a Group 2, 3 or 4 store.* You may choose to treat your store as either a Group 2 store under this regulation or a Group 3 or Group 4 store under Ceiling Price Regulation No. 15 and display a sign in your store as a member of such other group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a member of the group you choose; and

(2) Notify the OPS district office for your area of these facts.

[Paragraph (d) amended by Amdt. 6]

(e) *When you must notify OPS of the group in which your store falls.* Within 30 days after the issuance of this regulation, you must notify the OPS district office for your area of the group of your store, using OPS Public Form No. 5 which you may obtain from the OPS district office for your area. If you open a new retail store after May 14, 1951, you must notify, within 15 days, the OPS district office for your area of the group of the store, using OPS Public Form No. 5 which you may obtain from the OPS district office for your area. Even though you sell food products, if none of these products are subject to this regulation, you need not furnish this notification. In the event that this regulation is amended to cover one or more of the food products you sell, you must furnish the notification within 30 days of the effective date of the amendment.

[Paragraph (e) amended by Amdts. 1 and 19]

SEC. 3. *How and when you figure your ceiling prices for "dry groceries"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you had to pay for the most recent delivery of the item to you before May 14, 1951, plus (2) the mark-up given you for it in Table A.

[Paragraph (a) amended by Amdt. 1]

(b) *When you must figure your ceiling prices.* By the opening of business on May 14, 1951, you must have figured your ceiling price for each item of "dry groceries" listed in Table A which you have in stock at that time. Between April 5, 1951, and May 14, 1951, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into effect on all items not later than May 14, 1951. If you do not put the new price for an item into effect before May 14, 1951, you must continue to use your existing ceiling for that item until May 14, 1951. If you receive delivery of any item between April 5, 1951, and May 14, 1951, for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

[Paragraph (b) amended by Amdt. 1]

(c) *Special rule for certain items of the 1950 pack.* If, in the case of any item of the 1950 pack of food commodity groups 8, 10, 11, 12, 13, 32 and 33 in Table A, your last purchase of the particular item was made prior to January 26, 1951, you may continue to use your legal ceiling price for such item under the General Ceiling Price Regulation until you receive delivery of a purchase made after that date. When you receive delivery of such a purchase, you must figure your ceiling price for the item in accordance with the provisions of this regulation.

(d) *Pricing special promotions.* Where you have a "special promotion" consisting of two or more items bound together for joint sale or bearing appropriate printing or labeling referring to the joint sale, you shall compute your ceiling price for the joint sale as follows:

(1) Determine which item or items are the regular portion of the "special promotion" and which item or items are the "special" portion.

(2) For the regular item or items compute your ceiling prices according to this regulation, disregarding entirely the special item or items.

(3) For the special item or items you may charge up to 50 percent of your existing ceiling price for those items.

(4) If you have no existing ceiling price for the special item or items you may use as your markup a maximum of 3 cents per item.

(5) Your ceiling price for the joint sale is the sum of the ceiling price for the regular item plus the price determined under subparagraphs (3) or (4) of this paragraph for the special items. You may not price any special promotion on the same items under this paragraph for a period of more than 120 days. Also you may not price under this paragraph another special promotion on the same items until six months after the conclusion of the previous such offering.

[Paragraph (d) added by Amdt. 6]

SEC. 4. *Directions for applying the rule for "dry groceries"*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the item, based on its most recent delivery to you before May 14, 1951. Your "net cost" will be the amount you paid your supplier less all discounts except (1) discounts on items in Category No. 5, "Cookies, toast and crumbs" and Category No. 5A, "Crackers," (section 32 (b) (5) and (5A)), (2) the discount for prompt payment, and (3) swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. This exception shall not apply to any shipments by water. In such cases, there may be added also as part of the cost of transportation the cost of moving the shipment from the place at which it was processed to the dock, the cost of unloading at that dock, wharfage, handling, tollage and usage charges, the cost of marine insurance the cost of loading the goods on a car, truck or other conveyance at the port of discharge and the cost of transporting that shipment from the port of discharge to receiving point. However, cost of loading the shipment at the place at which it was processed, segregation charges, and cost of unloading at receiving point may not be added. If you are located on an island or otherwise accessible only by water, for any items delivered from a warehouse under the same ownership or control, where a combination of land and water transportation is required, you may include in your "net cost" the actual cost of the water transportation between the warehouse and your store, including any charges for loading and unloading the water carrier. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries."

[Paragraph (a) amended by Amdts. 1, 4, 9 and 19.]

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.), to the nearest half cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three-quarters of a cent are rounded up to the next cent.) Your invoice cost may be the cost of a carton, case or barrel, for instance, and not the cost of the package, can or other unit you sell. You must get the net cost of the single unit you sell by dividing the cost of the carton, case or barrel by the number of units in the carton, case or barrel.

(3) When figuring your net cost of canned baby food (Category #1, Table A), compute your net cost on a unit of three cans to the nearest half-cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three-quarters cent are rounded up to the next cent.) You must get the net cost of a unit of three cans by dividing your invoice cost per case by one-third of the number of cans in the case. (For example, you would divide the cost of a case of twenty-four cans by eight.) To determine your ceiling price for a single can of baby food divide your ceiling price for a unit of three cans by three and, in the event that any fraction results, round up to the next cent.

[Subparagraph (3) added by Amdt. 18]

(4) If you are figuring your net cost of canned baby food on the basis of a purchase from a manufacturer on a net price basis (that is, a net price to you which includes all cash discounts), and you receive a notice from him pursuant to SR 107 to the GCPR, you may use as your "net cost" the adjusted net cost furnished in the notice, plus transportation charges you paid, if any, as defined in this section.

[Subparagraph (4) added by Amdt. 18]

(5) If you are figuring your ceiling price for an item on the basis of a purchase made from a "service fee wholesaler", your "net cost" shall be his estimated ceiling price for the item figured on a single unit basis plus transportation charges you paid, if any, as defined in this section. You will be notified by the "service fee wholesaler" of his estimated ceiling price either on his invoice or order form or other written document.

[Subparagraph (3) added by Amdt. 2; amended by Amdt. 7; redesignated (5) by Amdt. 18.]

(b) *Markup.* Turn to Table A to find the markup for the item given your group of store. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(c) *Ceiling price.* (1) Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change the ceil-

ing price except in accordance with sec-

termined by you in accordance with Gen-

item during the week before May 24,

ceiling price in effect at any particular

or places of business any of the items

add to your ceiling price an amount not

ing price except in accordance with section 6.

(2) If you sell canned baby food (Category #1, Table A), determine your ceiling price for a single can by dividing your ceiling price for the multiple unit by three and rounding any resulting fractions of a cent to the next higher cent. Moreover, if you sell canned baby food you must offer for sale multiple units of three cans as well as single units of one can.

[Paragraph (c) amended by Amdt. 18]

(d) *Invoices.* You must write your "net cost" per unit of the purchase on which you have figured your ceiling price either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record. You must keep separate or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for "new items" of "dry groceries".* A "new item" of "dry groceries" is any item of "dry groceries" which you did not have in stock at the opening of business on May 14, 1951. You must figure the ceiling price for a new item before selling it, following the rules in section 4, but basing your "net cost" on the first delivery of the item to you on or after May 14, 1951.

In pricing new items it is a violation to use the net cost of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner. If your first purchase is of this type you must find out and use in figuring your ceiling price, what the net cost would be of a purchase from a type of supplier usually used for a similar item and of a quantity in which a similar item is usually purchased.

[Sec. 5 amended by Amdt. 1]

SEC. 6. *How you figure your ceiling prices each week, starting Monday, May 14, 1951.* Before making any sale of an item of "dry groceries" on each Monday after May 14, 1951 (or on Tuesday if Monday is a holiday and your store is closed) you must refigure your ceiling price for any item if your "net cost" of that item is different from the "net cost" on which your existing ceiling price is based. You must follow the rules in section 4 basing your "net cost," however, on the largest single delivery of a customary quantity received by you from your customary type of supplier during the seven days preceding Monday. If you cannot determine your "largest single delivery" because you have received more than one delivery of the same quantity, use the most recent of these deliveries.

[Sec. 6 amended by Amdt. 1]

SEC. 7. *Dry groceries which you import.* This regulation shall not apply to you for sales of any dry grocery item purchased by you directly from a foreign seller or his agent for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with General Ceiling Price Regulation or any other applicable ceiling price regulation covering the sale of the item by importers.

PERISHABLES

SEC. 8. *How and when you figure your ceiling prices for "perishables"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, variety, grade and size and also, for each growing area where the governing regulation at the producing or wholesale level makes distinction by growing areas) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the seven days preceding Monday of each week, plus (2) the markup given you for it in Table B. However, separate ceiling prices shall not be figured for each brand with respect to fresh fruits and vegetables.

[Paragraph (a) amended by Amdt. 10]

(b) *When you must figure your ceiling prices.* By the opening of business on May 14, 1951, you must have figured your ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after May 14, 1951, and changed on Monday of each week for any item if your "net cost" of that item has changed in the preceding 7 days. Never change your ceiling price on any day but Monday.

For items which you receive for the first time or which you have not had in stock for 7 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Monday after that, you must treat the item as you would any other item of perishables covered under this regulation.

[Paragraph (b) amended by Amdt. 1]

SEC. 9. *Directions for applying the rule for "perishables"*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the 7-day period before the Monday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid, which may include costs for icing, refrigeration, and ventilation, but which may not include costs for local trucking and local unloading.

(1) Your net cost must be based on purchases from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on the basis of the "selling unit" (for example, 1 pound), listed in Table B for the commodity group which includes the item you are pricing. Always figure net cost to the nearest half cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three-quarters of a cent are rounded up to the next cent.)

(3) If you have an item in stock at the opening of business on May 14, 1951 but you did not receive delivery of the item during the week before, you shall, in figuring your first ceiling price for the item on May 14, 1951, base your net cost on its most recent delivery to you.

[Subparagraph (3) amended by Amdt. 1]

(b) *Markup.* Turn to Table B to find the markup for the item given for your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups.

(c) *Ceiling price.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item.

(1) *Sales in other quantities.* You may sell an item in a quantity other than the "selling unit" given in Table B. If you sell an item in a quantity other than the "selling unit" given in Table B, you must reduce or increase your ceiling price proportionately. If figuring a price for a quantity different from the "selling unit" results in a fraction of a cent, you may charge the next higher cent. Separate ceiling prices shall be figured for each container size of an item purchased already packaged in consumer containers.

[Subparagraph (1) amended by Amdt. 10]

SEC. 10. *Price which you must display.* At all times, you must have your current selling price for each item of food covered by this regulation clearly shown on the item or at or near the place in your store where the item is offered for sale. However, you must display for canned baby foods (category #1, Table A, your current selling prices for multiple units of three cans. Of course, this displayed price must never exceed your ceiling price.

SEC. 11. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it by any scheme or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in section 4 or 9 would be and use that net cost to figure your ceiling price. You may never use the net cost of a purchase from another retailer to figure a ceiling price if it results in a net cost higher than you would have if you purchased the item from your regular supplier or any other source normally available to you.

SEC. 12. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, and quantity and name of each food item sold, and the price you charged for it.

SEC. 13. *Records.* After April 5, 1951, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPS representative and to furnish on request of any OPS representative a written record of your

ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPS representative the records you used in deciding what group your store is in.

SEC. 14. *Prohibitions.* On and after May 14, 1951, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that Act.

[Sec. 14 amended by Amdts. 1 and 2]

SEC. 15. *Notice of dollars-and-cents ceiling prices.* From time to time the OPS may, by order, fix in your area or community, dollars-and-cents ceiling prices for some or all of the "dry groceries" or "perishables" under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and those orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation, you must continue to figure your prices under this regulation.

SEC. 16. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Director may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Tables A or B, you must figure your ceiling price for that food product in accordance with sections 3, 4 and 5 or sections 8 and 9 according to whether the food product is a "dry grocery" item or "perishable" item. However, in doing so, you shall substitute the effective date of such amendment for the date May 14, 1951, wherever it appears in the applicable sections.

[Paragraph (a) amended by Amdts. 1 and 11]

(b) Whenever an amendment changes either a commodity definition in Tables A or B by transferring a food product from one commodity group to another or the markup for your group of retailers, you must by the opening of business on the effective date of such amendment refigure your ceiling prices for the items affected by such amendment. However, in doing so, you must use as your "net cost" the same "net cost" you used in figuring the ceiling prices you had on the effective date of the amendment.

[Paragraph (b) amended by Amdt. 14.]

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 17. *Addition allowed for deliveries made by you to your customers.* (a) If you deliver to your customers' homes or places of business any of the items covered by this regulation, you may add to the total value of the delivery, as a separate charge, 25 cents for such delivery, if the total value thereof is $3 or more.

SEC. 18. *Additions for packaging.* (a) If you buy in bulk any item covered by this regulation (except spices, tea and gelatin) and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or Kraft bags or similar type bags, on which the name, weight and ingredients of the commodity are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

(1) 2 cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2½ cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(3) 1 cent per pound for every such bag or container with a net weight of 5 pounds or more but not to exceed a total of 5 cents.

[Paragraph (a) amended by Amdt. 2]

SEC. 19. *Gift and holiday packages assembled by you.* If you assemble, into gift or holiday packages, any food items covered by this regulation, with or without any items not covered by this regulation, you must figure your ceiling price for such package under whichever of the following paragraphs applies:

(a) For packages assembled in cardboard, wooden, or other plain containers (for example, "overseas" or "servicemen's" packages), your ceiling price will be the sum of the following, multiplied by 1.05:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable ceiling price regulation. If you have no ceiling price for any item (or article), use your current selling price for that item.

(2) Your direct cost of the packaging materials used for the particular package, including the container.

(b) For packages assembled in permanent containers designed and constructed for re-use (including but not limited to trays, cedar boxes, hampers, teakwood chests, fancy baskets), your ceiling price will be the sum of the following, multiplied by 1.15:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable ceiling price regulation. If you have no ceiling price for any item (or article), use your current selling price for that item.

(2) Your ceiling price for the container figured under the applicable ceiling price regulation. If you have no ceiling price for the container, use your direct cost for the container.

(3) Your direct cost of the packaging materials used for the particular package.

SEC. 20. *Special allowance for forwarding gift package to a donee in a foreign country.* If you deliver a food package directly upon order of the purchaser to a donee (other than a member of the armed forces of the United States) in a foreign country outside of the North American continent, you may add to your ceiling price an amount not to exceed 50 cents for forwarding such package, plus the actual mailing and insurance charges. This allowance may be applied only to the shipment and delivery of individual food gift packages and not of wholesale lots.

SEC. 21. *Sections in Ceiling Price Regulation No. 15 which you must use if they apply to your method of doing business.* Ceiling Price Regulation No. 15, which covers the same food items as this regulation, but for Groups 3 and 4 stores, contains a number of special pricing provisions which you are required to follow if you perform the operations they cover. (You may obtain a copy of Ceiling Price Regulation No. 15 from the OPS District Office for your area.) The sections of that regulation which you must follow if they apply to you are as follows:

(a) Section 21 *How you figure your "net cost" in certain cases* (applies to you if you have items of frozen fruits, berries, or vegetables in storage for a period of 4 weeks or more; if you process smoked fish prior to offering it for sale).

[Paragraph (a) amended by Amdts. 10 and 16]

(b) Section 22 *Additions for delivery from your warehouse to your store* (applies to you if your usual receiving point is a warehouse over 125 miles from your store).

(c) Section 23 *How you figure your ceiling prices for foods you "manufacture or otherwise process"* (applies to you if you manufacture or process any of the foods covered by this regulation).

(d) Section 25 *Mail Order Sales* (applies to you if you make mail order sales).

(e) Section 33 *Export Sales* (applies to you if you make export sales).

(f) Section 21a—*Additional allowance for warehousing and delivery of frozen foods*—(applies if you warehouse and deliver frozen foods to your retail store).

[Paragraph (f) added by Amdt. 12]

SEC. 21a. *How you may figure your ceiling prices for "perishables" on a weighted average net cost basis.* Sections 8 and 9 of this regulation require you to use in figuring your ceiling price for "perishables" the net cost of the largest delivery to you in the seven-day period before the Monday (or Friday for stores which price from a central point) for which you are figuring your prices. If you so desire, however, you may use as the net cost of an item of "perishables" the weighted average net cost of all deliveries of that item to you during that seven-day period. Before beginning to figure "net cost" in this manner you must notify in writing the OPS district office for your area. After notification you may not use the net cost of the largest delivery during the seven-day period to figure your ceiling price for any of the "perishables" listed in Table B and you must, thereafter, use the weighted average method for all "perishables". However, you must continue to use all other provisions of sections 8 and 9 in figuring your ceiling prices for these items.

[Sec. 21a added by Amdt. 10]

SEC. 22. *How you figure ceiling prices for items if you are also a wholesaler and*

receive such items from a warehouse

whose business is the manufacturing or

(2) Your store or food department

orders, carrying charge accounts,

more by dollar volume of the items it

District Director is authorized to act on

receive such items from a warehouse owned or controlled by you. (a) If, prior to January 1951 you owned or controlled a warehouse physically separate and apart from your retail store, and you acted as a wholesaler distributing from such warehouse, food products to independent retail stores not owned or controlled by you, and you still own or control such a warehouse, you may, in figuring your ceiling price for each item customarily obtained by you from such warehouse and sold by you from your retail store to the ultimate consumer other than commercial, industrial or institutional users, use as the basis of your "net cost," the net cost you used in figuring your ceiling prices for your wholesale sales under Ceiling Price Regulation No. 14 plus the mark-up allowed in that regulation for a Class 1 (retailer-owned cooperative) wholesaler. To get your ceiling prices, reduce the resulting figure to the "net cost" of a single unit and apply the mark-up for your group of retailer as set forth in section 4.

(b) Within 10 days after you first figure your prices in accordance with the provisions of this section, you must notify the OPS district office for your area in writing that you have so figured your prices.

(c) If you qualify under paragraph (a) of this section, and

(1) Your sales of food to independent retail stores not owned or controlled by you were equal to at least 25 percent of the total sales of food made by you at retail; and

(2) At least 80 percent of such wholesale food sales were of items sold at wholesale by you only; and

(3) During your fiscal year 1950 the average wholesale mark-up on all food items sold at wholesale by you only was at least 18 percent on cost;

you may file an application for permission to use as the basis of your "net cost", in figuring your retail ceiling prices on items sold at wholesale by you only, your wholesale ceiling prices of such items figured under Ceiling Price Regulation No. 14. Such application must be filed in duplicate with the Distribution Branch Food and Restaurant Division, OPS, Washington, D. C., and shall contain the following information:

(1) That you have previously qualified under this section, by submitting a certified copy of the letter submitted to your local OPS office in compliance with paragraph (b) of this section.

(2) A breakdown of total sales, for the fiscal year 1950, showing that your sales to independent retail stores were equal to at least 25 percent of total sales at retail.

(3) A breakdown of the above sales at wholesale to show that at least 80 per cent of the items were sold by you only.

(4) A statement that during the fiscal year 1950 the average wholesale mark-up on all food items sold at wholesale only by you was at least 18 percent on cost.

[Paragraph (c) added by Amdt. 5]

SEC. 23. *Special pricing provisions for manufacturers selling some commodities at retail.* Any person, the larger part of whose business is the manufacturing or processing of foods, but:

(a) His entire business in connection with a particular commodity consists of the purchase and resale of such commodity without materially changing its form, and

(b) The larger part of his sales of such commodity are made to ultimate consumers other than commercial, industrial or institutional users.

(c) Shall figure his ceiling prices for sales of such commodity to utlimate consumers other than commercial, industrial or institutional users in accordance with the provisions of this regulation, and shall for such purposes be considered a retailer covered by this regulation.

ARTICLE III—ADJUSTMENT PROVISIONS

SEC. 24. *How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for markup adjustments.* (a) If your store is necessary to provide an adequate supply of food products in a locality; and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find it impossible to operate under the markups fixed by this regulation, you may apply for an adjustment of such markups by filing with the OPS district office for your area two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry; service, delicatessen); (4) the approximate number of its food customers; (5) the total number of stores selling food in its community; (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the markups fixed by this regulation.

If you have more than one store you may file one application for all your stores which meet the conditions stated above. Your application must state separately for each store the specific information this section calls for.

(b) Any Regional Office of the OPS, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation. Applications for adjustment are governed by Price Procedural Regulation 1.

SEC. 24a. *How certain stores or food departments, selling mostly "specialty" food items may under specific conditions apply to be excluded from using the markups in this regulation for the purpose of establishing their ceiling prices.* (a) If your store or food department meets the average markup requirement specified in this section and does business in the manner outlined below you may apply under paragraph (b) of this section to be excluded from using the markups in this regulation for the purpose of establishing your ceiling prices.

(1) Most of your sales in your store or food department are sales of "specialty" food items made by sales clerks who assist customers in selecting, collecting and wrapping or packaging merchandise.

(2) Your store or food department generally offers to all its customers the services of accepting and filling telephone orders, carrying monthly charge accounts and providing delivery.

(3) The general level of your prices in your store or food department was higher than Group 1 stores in your community during your fiscal year 1950.

(4) The average markup on "net cost" was at least 40 percent on all food sales for your fiscal year 1950 and also, if you are not an independent store, at least 40 percent on the combined food sales in all the stores for which you seek adjustment in your organization. Do not count a restaurant as a food department. If not in business during all of 1950, use your most recent fiscal period.

(b) You must before September 30, 1951, file with the OPS district office for your area an application in duplicate (1) showing clearly that you do business as outlined in paragraph (a) of this section and (2) showing the number of items you normally sell in your store or food department, and (3) showing your average markup on "net cost" for fiscal year 1950 (if not in business during all of 1950 use your most recent fiscal period), and (4) showing the percentage of food items which produce an average markup on "net cost" of 40 percent or more to the total number of food items you sell in your store or food department. You may consider your store or food department excluded from using the markups in this regulation for the purpose of establishing your ceiling prices as soon as you have filed your application in accordance with this section. Then figure all your ceiling prices for food items under the General Ceiling Price Regulation, as amended. This authority may be withdrawn if it is determined by OPS that your store or food department does not qualify for adjustment under this section. Applications for adjustments are governed by Price Procedural Regulation 1.

(c) Any adjustment granted at anytime under this section shall not apply to fresh fruits and vegetables or to items under this regulation for which dollars-and-cents ceiling prices at retail are fixed in any regulation or order which has been or may be issued by OPS. If you are a Group 2 store you shall consider yourself a Group 1 store and use the applicable markups in this regulation for fresh fruits and vegetables. You shall also consider yourself a Group 1 Store under any OPS regulation or order fixing dollars-and-cents ceiling prices at retail for items under this regulation.

(d) If you desire to operate as a "specialty" food store or food department, you may apply under this section to be excluded from using the markups of this regulation for the purpose of establishing your ceiling prices, provided your operation is planned to meet the following criteria:

(1) At least 51 percent of your dollar volume of sales will be made by sales clerks who assist customers in selecting, collecting, and wrapping or packaging merchandise.

(2) Your store or food department generally will offer to all of its customers the services of accepting and filling telephone orders, carrying charge accounts, and providing delivery.

(3) That the estimated dollar volume of sales of "specialty" food items of your store or food department (excluding restaurants) will constitute at least 60 percent of your total dollar volume of all sales.

You must file a statement signed by you or your authorized representative and forwarded by Registered Mail, return receipt requested, to the OPS District Office for your area, stating your trade name and address, and that you meet the above criteria, and including a list of 25 or more of the "specialty" food items which were considered in the 60 percent estimate of your total dollar volume of "specialty" food item sales.

You may, for a "trial period" of four months, consider your new operation a "specialty" food store or food department as soon as you have submitted the above statement, and may for that period figure your ceiling prices under the GCPR.

[Paragraph (d) added by Amdt. 19]

(e) At the end of your trial period, you must re-examine the operation of your store or food department to determine from actual records of four months' operation that you have met the criteria listed in paragraph (d) of this section.

If you find that your trial period experience meets these criteria and you wish to continue to operate as a specialty store and price under the GCPR, you must, within 15 days after the end of the trial period, file with the OPS District Office for your area a statement containing your trade name and address and signed by you or your authorized representative to this effect. You must include as a part of your statement a list of 25 or more of the best-selling items you have included when re-examining your operation for compliance with paragraph (d) (3) of this section. You may then continue to operate as a "specialty store" unless you receive notice from the OPS District Office for your area that permission to operate as a "specialty store" under this section has been revoked because upon examination of the facts it has been determined that you have not met the criteria.

If you do not furnish this data within 15 days after the expiration of your trial period, or if you determine that your store or food department has not met the criteria as estimated in your application, you must, beginning the third Monday after the trial period, establish your ceiling prices under the provisions of CPR 16. You then may not re-apply under the provisions of paragraph (d) of this section for at least six months from the end of the trial period.

[Paragraph (e) added by Amdt. 19]

[Sec. 24a added by Amdt 2; amended by Amdts. 6 and 10]

SEC. 24b. *How certain stores that ship most of their sales via mail or express may under specific conditions apply to be excluded from using the markups in this regulation for the purpose of establishing their ceiling prices.* (a) If your store or food department ships 65 percent or more by dollar volume of the items it sells via mail or express, you may obtain permission to be excluded from using the markups in this regulation for the purpose of establishing your ceiling prices.

(b) In order to obtain this permission you must file an application with the OPS District Office for your area and furnish the following information:

(1) Your total dollar volume of food sales in the calendar year or fiscal year preceding the date of your application.

(2) Total dollar volume of food sales shipped via mail or express in the calendar year or your fiscal year preceding the date of your application.

(c) You may consider your store or food department excluded from the requirement that you use the markups prescribed by this regulation for the purpose of establishing your ceiling prices as soon as you have filed your application in accordance with this section. You must then figure all your ceiling prices for food items under the General Ceiling Price Regulation, as amended. This authority may be withdrawn if it is determined by OPS that your store or food department does not qualify for adjustment under this section.

[Sec. 24b added by Amdt. 17]

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 25. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales", take your total sales for the calendar year 1950. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1950 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1950 you must divide your total sales from the time you began operation up to May 14, 1951 by the number of weeks you were in business. This will get you your weekly average sales. Multiply this figure by 52, and the result is your "annual gross sales".

[Paragraph (b) amended by Amdt. 1]

SEC. 26. *How you determine your group in certain special cases*—(a) *Department stores.* If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store. If the total "annual gross sales" of all the food retailers in that store is not readily available, you shall apply, in writing, within 30 days after the issuance of the regulation to the OPS District Office for your area, for a determination of your group, stating your own "annual gross sales" figure for the applicable year. Each District Director is authorized to act on requests covering stores located within his district, and action taken shall be by order.

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after May 14, 1951, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store, and you must figure your ceiling prices accordingly. (If you are a Group 3 store, you must figure your ceiling prices under Ceiling Price Regulation No. 15.) However, after you have been in business for 3 months you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

Furthermore, if by reason of the new store you are now one of four or more stores under one ownership, you must at the end of the three-month period refigure the combined "annual gross sales" for all your stores. If the combined "annual gross sales" are $750,000 or more, all of your stores must then be considered as Group 3 or Group 4 stores. You may continue to use the existing ceiling prices in each store until the second Monday following the end of the 3 month period, by which time you must have refigured all of your ceiling prices in each store, using the mark-ups for its proper group.

If you find that only the new store should now be in another group, you may continue to use the Group 1 mark-ups until the second Monday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the mark-ups for your new group in which this store falls. You shall use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Monday. If, under that section, you would not have been required to refigure your ceiling price for any item on that Monday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

[Paragraph (c) amended by Amdt. 1]

SEC. 27. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 28. *Transfer of business and stock in trade.* If, after May 14, 1951, you acquire in any way the business assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner as if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquire the store

which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail stores to another, your ceiling prices shall be those for the group of retailer to which you belong under this regulation.

[Sec. 28 amended by Amdt. 1]

SEC. 29. *Relation to other regulations.* The provisions of this Ceiling Price Regulation No. 16, except as otherwise provided in this regulation, shall, on and after May 14, 1951, supersede the provisions of the General Ceiling Price Regulation, and any other price regulation or order issued by the OPS with respect to sales and deliveries for which ceiling prices are established by this regulation.

[Sec. 29 amended by Amdt. 1]

SEC. 30. *Definitions.* (a) *Retail route seller.* A "retail route seller" is a retailer who distributes food products to ultimate consumers who are not commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(b) *Health food stores.* A "health food store" or "health food department" is one whose sales to consumers consists principally of "specially prepared dietetic foods." For the purpose of this regulation a "health food department" is a separate and distinct department operated by separate and specially trained personnel and for which separate records and accounts are maintained. "Specially prepared dietetic foods" are foods manufactured and sold for restricted diets and for special dietetic purposes, including but not limited to, specially prepared foods for diabetic or arthritic conditions, or high blood pressure; specially prepared weight building or tonic foods; and vitamin or mineral supplements.

(c) *Delivery.* Delivery to you of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(d) *Usual receiving point.* Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending upon where you normally receive the particular item you are pricing under this regulation.

(e) *Item.* You must determine a separate ceiling price for each item; that is, for each kind, brand, size, variety, grade, container-type, and container-size.

(f) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, printing of butter, and other similar operations, and packaging of spices, tea and gelatin.

Packaging as used in section 18 shall not be considered manufacturing or processing under this regulation.

(g) *Group 3 retailer.* A retailer is in Group 3 if he has an "annual gross sales" of less than $375,000 and he is not an "independent" retailer.

(h) *Group 4 retailer.* A retailer is in Group 4 whether "independent" or not, if he has an "annual gross sales" of $375,000 or more.

(i) *Great Lakes marine supplier.* A "Great Lakes marine supplier" means a person operating a selling establishment which buys and resells food products for the most part to "operators of a lake vessel or vessels," for consumption aboard such vessel or vessels, with delivery from shore locations by use of truck or launch facilities. "Operator of a lake vessel or vessels" means any person who owns or operates a lake vessel or vessels, other than passenger boats, engaged in shipping upon the Great Lakes, and who in operating such vessels purchases or receives food products covered by this regulation from a Great Lakes marine supplier for consumption aboard such vessels.

(j) *Specialty foods.* Specialty foods shall mean food items normally classed as table delicacies or luxury items such as sea squab, terrapin stew, brandied fruits, fancy imported foods, wild game, etc., which the average wholesale grocer and retailer does not stock as a complete line of merchandise.

[Paragraph (j) added by Amdt. 2]

(k) *Canned.* "Canned" means processed and packaged in any container, whether or not hermetically sealed.

[Paragraph (k) added by Amdt. 15]

SEC. 31. *Geographical applicability.* The provisions of this regulation shall apply to the 48 States of the United States and to the District of Columbia.

SEC. 32. *Table of markups for "dry groceries" (Table A)—(a) Table A: Markups over "net cost" allowed to Groups 1 and 2 retailers for dry groceries covered by this regulation by commodities.*

TABLE A—MARKUPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed markups over net cost independent retailers with annual volumes	
	Group 1, under $75,000	Group 2, $75,000 or more but less than $375,000
	Percent	*Percent*
1. Baby foods	25	25
2. Cereals, breakfast	24	24
3. Cocoa, chocolate and cereal drink preparations	29	28
4. Coffee	17	17
4a. Coffee concentrates	19	19
5. Cookies, toast and crumbs	30	30
5a. Crackers	25	25
6. Corn meal, hominy and flour mixes	29	28
7. Dog and cat foods	27	27
8. Fish, processed	32	32
8a. Salmon and tuna, processed	32	32
9. Flour	32	32
10. Frozen foods	30	30
11. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	31	31
12. Fruit cocktail, pineapple, peaches and pears (canned) except fruit juices		
13. Fruits, dried and dehydrated [1]		
14. Gelatin and pudding mixtures	28	28
15. Jams, jellies, preserves and honey	36	36
15a. Peanut butter	32	32
16. Lard, pure	20	18
17. Macaroni and spaghetti products	32	32
18. Mayonnaise and salad dressing	24	24
19. Meat, canned	25	25
19a. Luncheon meats	21	21
20. Milk, canned	23	23
21. Oils, cooking and salad	23	23
22. Oleomargarine	20	15
23. Pickles and relishes [1]		
24. Rice	26	26
25. Shortening, hydrogenated	9	9
26. Shortening, other	18	15
27. Soups, canned	27	25
28. Soups, dehydrated	34	34
29. Spices	45	45
30. Syrups	28	28
31. Tea	26	26
32. Vegetables and vegetable juices (canned) except corn, green beans, peas, tomatoes and tomato juice	32	32
33. Corn, green beans, peas, tomatoes and tomato juice (canned)		
34. Vegetables, dried and dehydrated [1]		
35. Vinegar	39	37
36. Miscellaneous foods	40	40

[1] All commodities in this category are excluded from price control.

[Table A amended by Amdt. 14]

(a) *Commodities excluded from price control at wholesale and retail*	(b) *Commodity definitions. These definitions apply to both domestic and imported items*	(c) *Commodities excluded from this regulation, but subject to OPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
	(6) *"Corn meal, hominy and flour mixes".* Excluded are: None.	(6) *"Corn meal, hominy and flour mixes".* Excluded are: None.	(6) *"Corn meal, hominy and flour mixes".* Excluded are: Water ground corn meal.
	(7) *"Dog and cat food".* Excluded are: None.	(7) *"Dog and cat food".* Excluded are: None.	(7) *"Dog and cat food".* Excluded are: None.
	(8) *"Fish, processed".* Excluded are: Fresh or frozen fish and seafoods (except sardines).	(8) *"Fish, processed".* Excluded are: Fresh or frozen fish and seafoods (except sardines).	(8) *"Fish, processed".* Excluded are: Canned clams, shrimp in Newburg, shad, turtle or terrapin, anchovy roll fillets; frozen fish and seafood; fresh fish and seafood; fish and seafood pâtés, fish and shellfish sauce; soups containing fish and seafood; fish roe, caviar, fish and seafood hors d'oeuvres; and imported "fish, processed" if imported in consumer size containers.
	(8a) *"Salmon and tuna, processed".* Excluded are: Canned salmon or tuna.	(8a) *"Salmon and tuna, processed".* Excluded are: Canned, marinated, dried or smoked salmon or tuna.	(8a) *"Salmon and tuna, processed".* Excluded are: None.
	(9) *"Flour".* Excluded are: None.	(9) *"Flour".* Excluded are: None.	(9) *"Flour".* Excluded are: Enriched flour, water ground wheat flour and water ground buckwheat flour.
	(10) *"Frozen foods".* Excluded are: Meat, poultry, ice cream, sherbet, and confections.	(10) *"Frozen foods".* Excluded are: Fresh or cold-packed foods sold from refrigerated cabinets or lockers, including but not limited to dog and cat food, Chinese foods, macaroni and spaghetti products, cooked fresh coffee concentrates, cooked fresh meat, meat pies, and food products in which fish or seafood, meat or poultry are combined with other ingredients.	(10) *"Frozen foods".* Excluded are: Hollandaise sauce, fish and seafood, prepared pastry doughs, all fruits, berries, fruit or berry juices and concentrates, vegetables, vegetable juices, mushrooms, coconut, cooked or sprouted soybeans, bean sprouts, bamboo shoots, Chinese mixed vegetables, Chinese chow mein, Chinese chop suey, soups, gravies and pork and beans.

(b) *Commodity definitions. These definitions apply to both domestic and imported items*	(c) *Commodities excluded from this regulation, but subject to OPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) *"Baby foods"* means "baby" or "junior" cereals, fruits, vegetables, meats, puddings, soups and mixtures thereof, packed in hermetically sealed containers.	(1) *"Baby foods".* Excluded are: Dry baby cereals.	(1) *"Baby foods".* Excluded are: Fruits, vegetables (including tomato juice, vegetables), and their juices, and combinations of fruits, vegetables, or their juices, with no other ingredients added except water sufficient for preparation, salt or sugar. Items are sold within this exclusion.
(2) *"Cereals, breakfast"* means cereal items commonly used as breakfast foods, both uncooked and ready-to-eat, which are in the form of flakes, granules, bran flakes, farina, puffed rice, and rolled oats. Not included in this definition are barley, corn meal, corn grits, hominy grits and flakes, rice and wheat bran flour.	(2) *"Cereals, breakfast".* Excluded are: Shredded wheat.	(2) *"Cereals, breakfast".* Excluded are: Wheat germ and imported "cereals, breakfast" if imported in consumer size containers.
(3) *"Cocoa, chocolate, and cereal drink preparations."* Included in this definition are, but not limited to, cocoa mixes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup packed in consumer sizes, chocolate bits, and cooking chocolate and packaged powdered skim milk (spray process). Not included in this definition is any powdered milk mix containing 40 percent or more milk sugars.	(3) *"Cocoa, chocolate, and cereal drink preparations".* Excluded are: Chocolate confections, bittersweet bars, milk chocolate, powdered whole milk, powdered skim milk (except spray process).	(3) *"Cocoa, chocolate, and cereal drink preparations".* Excluded are: Powdered malted milk and any preparations containing 35 percent or more powdered malted milk, and imported cocoa, chocolate and cereal drink preparations if imported in consumer size containers.
(4) *"Coffee"* means roasted coffee, whole or ground, decaffeinated coffee, and any mixtures of coffee with other products for beverage purposes. Not included in this definition are all "coffee concentrates," including "frozen coffee concentrates."	(4) *"Coffee".* Excluded are: Green coffee in containers of the type customary in and weight in which they are imported into the United States.	(4) *"Coffee".* Excluded are: Imported coffee if imported in consumer size containers (2 pounds or less) and coffee packaged in bags, each containing only the amount necessary to make 1 ordinary cup of coffee.
(4a) *"Coffee concentrates"* includes but is not limited to instant and soluble coffee concentrates whether or not mixed with other ingredients. Not included in this definition is frozen coffee concentrate.	(4a) *"Coffee concentrates".* Excluded are: None.	(4a) *"Coffee concentrates".* Excluded are: Imported coffee concentrates if imported in consumer size containers
(5) *"Cookies, toast, and crumbs"* includes, but is not limited to biscuits, Christmas cookies, fig bars or cookies, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookie crumbs, and cereal and related matzo products. Not included in this definition are any items which are bought by you in bulk and sold loose, or any "crackers" as defined below.	(5) *"Cookies, toast, and crumbs".* Excluded are: Any bakery product which you manufacture except "crackers," Passover matzo, Passover matzo meal and related Passover products, any item which is purchased in consumer sizes in tin or glass containers and bread, pies, cakes, rolls, doughnuts, coffee cakes, candies (except cookies), toast and crumbs), and rice crackers.	(5) *"Cookies, toast, and crumbs".* Excluded are: Imported cookies and toast, if imported in consumer size containers.
(5a) *"Crackers"* means all types of soda, sprayed, butter and graham crackers. Not included in this definition are any items which are bought by you in bulk and sold loose.	(5a) *"Crackers".* Excluded are: Any cracker product which you manufacture, and any cracker item which is purchased in consumer size tin or glass containers.	(5a) *"Crackers".* Excluded are: Imported crackers, if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(11) "*Fruits, berries and fruit juices, canned*" includes fountain fruits, and noncarbonated liquid fruit beverages such as grapeade, lemonade and orangeade. Not included in this definition are apple butter, fruit butters, jams, jellies fruit preserves, coconut, baby foods, fruit cocktail, pineapple (except pineapple juice), peaches, pears and frozen fruits.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: None.	(11) "*Fruits, berries and fruit juices, canned*". Excluded are: Brandied, liquor flavored or stuffed melon, fruit rind, fruits or berries; whole or half citrus fruits; cocktail slices and sticks; maraschino cherries; all varieties of canned apples, applesauce, apricots, berries, currants, cherries, figs, fruit for salad (including fruit mixtures), fruit and berry juices and nectars, including apple and other fruit ciders, plums, prunes, mangoes, citrus fruits, juices and concentrates, grapes, nectarines, quinces, papayas and guavas.
(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*".	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*"	(12) "*Fruit cocktail, pineapple, peaches and pears (canned) except juices*".
All commodities in this category are excluded from price control.		
(13) "*Fruits, dried and dehydrated*".	(13) "*Fruits, dried and dehydrated*".	(13) "*Fruits, dried and dehydrated*".
All commodities in this category are excluded from price control, including all dried dehydrated and stuffed fruits either whole, pitted or in macerated form.		
(14) "*Gelatin and pudding mixtures*" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, rennet, and pie fillings.	(14) "*Gelatin and pudding mixtures*". Excluded are: None.	(14) "*Gelatin and pudding mixtures*". Excluded are: Wine gelatins, wine dessert powders, and all imported gelatin and pudding mixtures if imported in consumer size containers.
(15) "*Jams, jellies, preserves and honey*" ~~includes but is not limited to,~~ tomato preserves, marmalade, fruit preserves, fruit butters, honey butter and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Not included in this definition are cranberry jelly or sauce and peanut butter.	(15) "*Jams, jellies, preserves and honey*". Excluded are: Honey packed with blossom and comb honey.	(15) "*Jams, jellies preserves and honey*". Excluded are: Wine jellies, preserved kumquats, lemon marmalade, guava jelly, and imported jams, jellies, preserves and honey if imported in consumer size containers.
(15a) "*Peanut butter*" includes all smooth or crunch type nut butters.	(15a) "*Peanut butter*". Excluded are: None.	(15a) "*Peanut butter*". Excluded are: None.
(16) "*Lard, pure*" includes, but is not limited to, rendered pork fat. Not included in this definition are lard compounds, which are classed as "shortenings, other".	(16) "*Lard, pure*". Excluded are: None.	(16) "*Lard, pure*". Excluded are: None.
(17) "*Macaroni and spaghetti products*" includes but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, sea shells, noodles, macaroni dinners, spaghetti dinners, canned macaroni and canned spaghetti. Not included in this definition are meat ravioli, tamales, ~~dry noodle soup mixtures, spaghetti and~~ meat balls, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.	(17) "*Macaroni and spaghetti products*". Excluded are: None.	(17) "*Macaroni and spaghetti products*". Excluded are: Imported macaroni and spaghetti products if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(18) "*Mayonnaise and salad dressing*" includes, but is not limited to, relish spreads, other mayonnaise spreads and French dressing. Not included in this definition are meat spreads.	(18) "*Mayonnaise and salad dressing*". Excluded are: None.	(18) "*Mayonnaise and salad dressing*". Excluded are: Bottled table dressings and sauces of the following flavors: avocado, dill onion, poppy seed, sherry, chive, garlic and mint; tartar sauce, hollandaise sauce, cheese dressings, and imported mayonnaise and salad dressing if imported in consumer size containers.
(19) "*Meat, canned*" includes but is not limited to, canned or glass chicken products, turkey products, chicken and noodles, corned beef, meat ravioli, chili con carne, meat stews, meat spreads, and spaghetti and meat balls. Not included in this definition are pigs feet, scrapple, tamales, enchiladas, tripe, veal loaf, mincemeat, frozen food products in which meat, chicken or turkey are combined with other ingredients, frozen meat gravies, frozen meat stews and pies, and any meat or meat product which is in a pliable plastic or similar type of container, and luncheon meats.	(19) "*Meat, canned*". Excluded are: Breast of chicken, chicken fricassee, whole or half chicken, chicken a la king, "Smithfield" ham and "Smithfield" ham products and any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts	(19) "*Meat, canned*". Excluded are: Tongue spread, deviled tongue, pickled pork knuckles, pickled pork tidbits, liver paste, meat gravy, smoked tongue, liver, hearts, gizzards, cocktail frankfurters, canned wild game, meat or poultry pates, pate de foie gras, rattlesnake meat, turtle meat, and imported canned meat if imported in consumer sizes of 2 pounds or less, except beef and beef products.
(19a) "*Luncheon meats, canned*" includes, but is not limited to, spiced ham, pressed ham, chopped ham, spiced pork and spiced beef and pork. Not included in this definition are pigs feet, scrapple, tamales, tripe, veal loaf, mincemeat, frozen food products in which meat, chicken or turkey are combined with other ingredients, frozen meat gravies any frozen meat or meat product which is in a pliable plastic or similar type of ~~container and any "canned meat" as~~ defined in category (19) above.	(19a) "*Luncheon meats, canned*". Excluded are: Any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts	(19a) "*Luncheon meats, canned*". Excluded are: Imported luncheon meats if imported in consumer sizes of 2 pounds or less, except beef products.
(20) "*Milk, canned*" means evaporated or condensed cow milk, including but not limited to, filled evaporated milk products.	(20) "*Milk, canned*". Excluded are: None.	(20) "*Milk, canned*". Excluded are: None.
(21) "*Oils, cooking and salad*" means all vegetable oils, fruit leaf plant oils, and cooking fats other than lard and shortening. Not included in this definition are olive oil, prepared dressings, and spice oils.	(21) "*Oils, cooking and salad*" Excluded are: None	(21) "*Oils, cooking and salad*". Excluded are: None.
(22) "*Oleomargarine*" means any product labeled "Oleomargarine".	(22) "*Oleomargarine*". Excluded are: None.	(22) "*Oleomargarine*" Excluded are: None.
(23) "*Pickles and relishes*"	(23) "*Pickles and relishes*".	(23) "*Pickles and relishes*".
All commodities in this category are excluded from price control, including pickled fruits and vegetables, pickled relishes and stuffed pickles		
(24) "*Rice*" means all rice (including second heads) of the grades defined by the Department of Agriculture bulletin of Standards for Milled Rice (effective Sept. 1, 1947). Not included in this definition are rice flour, rice flakes, popped rice, and canned Spanish rice.	(24) "*Rice*". Excluded are: Screenings and brewers' rice graded as Class XIII and Class XIV, respectively, by the Department of Agriculture bulletin of Standards for Milled Rice (effective Sept. 4, 1949).	(24) "*Rice*". Excluded are: Wild rice.
(25) "*Shortening, hydrogenated*" means all fully hydrogenated shortening.	(25) "*Shortening, hydrogenated*". Excluded are: None.	(25) "*Shortening, hydrogenated*". Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(26) "*Shortening, other*" means shortenings other than fully hydrogenated shortening. Not included in this definition are butter, lard, oleomargarine, and suet.	(26) "*Shortening, other*". Excluded are: None.	(26) "*Shortening, other*". Excluded are: None.
(27) "*Soups, canned*" includes soups, broths and chowder. Not included in this definition are meat stews, "baby" or "junior" soups, dehydrated soups and frozen soups.	(27) "*Soups, canned*". Excluded are: All bisques (except tomato, chicken, celery and mushroom).	(27) "*Soups, canned*". Excluded are: French onion soup (consumer size containers), consomme madrilene, jellied chicken consomme, vichyssoise, black bean soup, borscht, cheese soup, consomme julienne, minestrone, mushroom broth, onion a la Bretton, petite marmite, turtle, wine and sherry flavored, fish or seafood soups (except clam chowder), smoked turkey and game bird soups, almond, artichoke, avacado, broccoli, cucumber and watercress soups, and all imported soups if imported in consumer size containers.
(28) "*Soups, dehydrated*" means dry mixtures sold for soup making, including but not limited to, dry vegetable and dry noodle soup mixtures. Not included in this definition are other macaroni or noodle products, lentils and dried peas.	(28) "*Soups, dehydrated*". Excluded are: None.	(28) "*Soups, dehydrated*". Excluded are: Bouillon cubes and bouillon powders.
(29) "*Spices*" includes imported spices and domestic spices mixed or combined with imported spices, seeds and herbs. Included in this definition are caraway seeds, dried peppers, dry chili, chili powders, herbs, dry mustard, poultry seasoning, poppy seed, sesame seed, thyme, and cream of tartar. Not included in this definition are table salt and spice oils.	(29) "*Spices*" Excluded are. Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States; spices in assorted sets, contained in wooden or other type trays designed as permanent kitchen furniture, and spices and herbs packed in glass.	(29) "*Spices*". Excluded are: Imported spices, seeds and herbs if imported in consumer size containers, and domestic spices produced in the United States that are not mixed or combined with imported spices, seeds and herbs.
(30) "*Syrups*" means all malt, molasses, cane, maple, corn syrups, and imitations or blends. Not included in this definition are chocolate and ice cream sundae syrups.	(30) "*Syrups*". Excluded are: Unmixed corn syrups, molasses sold for feeding purposes, sorghum syrup and fruit syrups for making beverages.	(30) "*Syrups*". Excluded are: Rock candy syrup, and imported syrup, if imported in consumer size containers.
(31) "*Tea*" includes all bulk or packaged tea, teabags and concentrated tea.	(31) "*Tea*". Excluded are: Assam, Darjeeling, Formosa, Oolong, Ceylon, Kee-Mun, Lapsang, Souchong, Jasmine, and Fancy Green Teas and blends thereof, mate, and sales of tea in containers of the customary unit and weight in which they are imported into the United States.	(31) "*Tea*". Excluded are Imported tea, if imported in consumer size containers.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(32) "*Vegetables and vegetable juices, canned*" includes baked beans with ham, mushroom sauce, Chinese style foods, including soy sauce and brown sauce. Not included in this definition are vegetable soups, "baby" or "junior" foods, pickles, corn, green beans, peas (except canned black-eye, crowder, cream and field peas), shoestring and julienne potatoes, french fried onions, tomatoes, tomato juice and frozen vegetables.	(32) "*Vegetables and vegetable juices, canned*". Excluded are: None	(32) "*Vegetables and vegetable juices, canned*". Excluded are: Artichoke products, asparagus, cabbage (red or white), brussel sprouts, broccoli, beans (lima or wax), beets, carrots, celery, eggplant, fresh and dry black-eye, crowder, cream and field peas and fresh shelled beans (all varieties), cauliflower, fresh field corn, salsify, tomato sauce, seafood cocktail sauce, hominy, soy beans, mixtures of vegetables, mushrooms, okra, onions, pol, peppers (all varieties), parsnips, pimentos, potatoes white and sweet, pumpkin, sauerkraut, squash, spinach, succotash, rhubarb, rutabagas, turnips, turnip greens, vegetable greens, vegetable juices and mixtures thereof, tomato paste, tomato pulp or puree, chili sauce, tomato catsup, canned beans including pork and beans but excluding beans with ham or other meat, bean sprouts, Chinese mixed vegetables, Chinese chow mein, and Chinese chop suey.
(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned.*"	(33) "*Corn, green beans, peas, tomatoes and tomato juice, canned*".	(33) "*Corn, green beans peas, tomatoes and tomato juice, canned*".
All commodities in this category are excluded from price control.		
(34) "*Vegetables, dried and dehydrated.*"	(34) "*Vegetables, dried and dehydrated*"	(34) "*Vegetables, dried and dehydrated*".
All commodities in this category are excluded from price control, including dried and dehydrated beans, peas mushrooms and lentils.		
(35) "*Vinegar*" includes, but is not limited to, pure cider vinegar and distilled vinegar.	(35) "*Vinegar*". Excluded are: Malt and fruit vinegar (except apple).	(35) "*Vinegar*". Excluded are: Wine and herbal vinegar and imported vinegars if imported in consumer size containers.
(36) "*Miscellaneous foods*" shall include all other dry grocery items except those specifically excluded in paragraphs (c) and (d) of this section. Non-food items are, of course, not included. Among the items included under this heading are the following: Baking powder. Baking soda. Barley, pearl. Brown bread, and date and nut bread, canned. Brewers yeast in consumer size packages not to exceed 2 pounds. Cocoanut, shredded, desiccated or moist. "Cookies, crackers, toast and crumbs" bought by you in bulk and sold loose. Corn starch packaged in containers of 10 pounds or less. Crab meat, canned. Enchiladas (tins, jars, paper or corn wrapped). Fruit pectins. Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger.	(36) "*Miscellaneous foods.*" Excluded are: Beer. Bread. Buttermilk, fresh. Candy (except pure maple sugar candy). Corn starch (packaged in containers of more than 10 pounds). Corn sugar. Cream, fresh. Eggs. Feed, animal, poultry or pet foods (except dog and cat food). Fruit cake, except holiday fruit cake Gift or holiday packages bought assembled, and ~~containing one or more items~~ covered by this regulation. Goat milk. Ice cream in cones Ice cream, sherbets and frozen confections. Liquors. Meat (except "meat,	(36) "*Miscellaneous foods.*" Excluded are: All package and bulk sales of the following prepared salads and ready-to-serve desserts: cabbage, potato, mixed vegetables, macaroni, waldorf, apple-pecan in gelatin, fresh banana in gelatin, fruit cocktail in gelatin, lemon aspic in gelatin, pineapple in gelatin, and crushed pineapple in pineapple gelatin. Antipasto. Apple chips, crunchy, canned and packaged. Apple nougats, canned or packaged. Apple-pie mix. Apple and other fruit pomaces. Babas in tins. Bacon rinds, fried. Bamboo shoots, canned. Cane or beet sugar. Capers. Cherry-pie mix. Chutney, canned. Citrus fruit beverage bases and

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
		(36) "*Miscellaneous food.*"—Continued Truffles. Vegetable flakes. Vegetable powders. Vegetable protein, hydrolized, when sold in containers of 16 ounces or less. Vegetable salt. Walnut sauce. Water chestnuts, canned.

[Paragraphs (b) and (c) amended by Amdt. 3; Paragraph (d) added by Amdt. 3; Subparagraph (b) (19) amended by Amdt. 6; Subparagraphs (b) (6) and (10), and (c) (3), (10) and (19) amended by Amdt. 9; Subparagraphs (c) (36) and (d) (36) amended by Amdt. 10; Subparagraphs (b) (4), (5), (8), (10), (15), and (19), and (c) (4), (5), (8), (10), (15) and (19), and (d) (4), (5), (8), (10), (15) and (19) amended by Amdt. 14; Subparagraphs (b) (8), (12), (19), (32), (33) and (36), and (c) (8), (10) and (36), and (d) (4), (8), (10), (32) and (36) amended by Amdt. 15; Subparagraph (d) (36) amended by Amdt. 16]

[Sec. 32 revised by Amdt. 20]

SEC. 33. (a) *Table of markups for "perishables" (Table B)—(a) Table B: Markups over "net costs" allowed to Group 1 and Group 2 retailers for "perishables" covered by this regulation by commodities.*

TABLE B—MARKUPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed markups over net cost independent retailers with annual volumes		Selling unit in which ceiling price must be calculated
	Group 1, under $750,000	Group 2, $750,000 or more but less than $375,000	
	Percent	*Percent*	
(1) Dairy products: Butter	10	10	1 pound.
Cheese	20	20	1 pound or 1 package.

[Subparagraph (2) added by Amdt. 8, deleted by Amdt. 20; Subparagraph (3) added by Amdt. 10, deleted by Amdt. 16; Table B amended by Amdt. 14]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodity excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(1) "*Dairy products*". "*Butter*" (packaged) means only butter from milk or cream, and limited to, processed salted, unsalted and whipped butter. Not included in this definition are peanut, nut, fruit or honey butters	"*Butter*" Excluded are: Bulk or tub butter.	"*Butter*" Excluded are: None.
"*Cheese*" shall include all packaged cheese, cheese spreads, and cheese foods purchased packaged.	"*Cheese*" Excluded are: Individual packaged cheese if imported in consumer size containers. Cheese gift packages of assorted cheeses if assembled by you, and all types of bulk cheese.	"*Cheese*" Excluded are: None.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items	(c) *Commodities excluded from this regulation, but subject to GCPR or other applicable regulations*	(d) *Commodities excluded from price control at wholesale and retail*
(30) "*Miscellaneous foods*"—Continued Lobster canned. Macaroni salad, canned Meat flavorings Meat sauce, except catsup, cocktail sauce and chili sauce. Mustard, prepared. Oysters (canned) except smoked. Pudding, date, fig or plum. Powdered milk product containing 40 percent or more milk sugars. Scrapple, canned. Spaghetti, canned. Table salt packaged in cartons, bags, or packets containing 100 pounds or less, meat-curing and smoked salt, Kosher salt in cartons and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt, flavored salt, celery or garlic salt.) Spice oils. Tamales, canned. Tripe, canned. Vanilla extract. Veal loaf, canned. Yeast.	(36) "*Miscellaneous foods*"—Continued Excluded are—Continued canned"), Milk, fresh. Mineral oil. Nuts. Peanuts. Poultry, other than canned. Salt not covered by sec. 32 (b) (30). Soft drinks. Tamales, bulk. Truffles. Vitamin concentrates. Wine. Yogurt.	(36) "*Miscellaneous foods*"—Continued Excluded are—Continued other fruit beverage bases (but not fruit ades or soft drinks made therefrom). Cloves. Cocoa for ice cream. Crab meat, deviled. Crepes suzette. Easter egg dye. Egg nog, bottled. Flavorings in containers of 16 ounces or less. Food coloring in containers of 16 ounces or less. Fresh fruits and vegetables. Fried wontons, canned. Fruit cake, holiday (1) containing not less than 30 percent by weight of fruits and nuts in relation to the total weight of the fruit cake mix; and which (2) is packaged by the manufacturer in a wrapper or container which indicates that such fruit cake is packaged expressly for sale during the Thanksgiving or Christmas season or both. Ginger, candied. Gravy and gravy mixes, canned or dehydrated. Horseradish. Lobster a la Newburg. Maple sugar. Maple sugar candy, pure. Meat loaf spice mixtures canned. Monosodium glutamate when sold in containers of 16 ounces or less. Olives. Olive oil. Olive spreads. Onions, French fried, canned. Ovaltine, prepared. Palm hearts, canned. Pickled boneless or semiboneless pigs feet in containers of 28 ounces or less. Popcorn and popping corn. Potatoes, white, peeled, whole or sliced, chemically treated. Potato chips. Potatoes, julienne and shoestring. Potato starch. Prepared pastry doughs. Processed pumpkin seeds. Pumpkin-pie mix. Salad, mixed. Sauces, hot. Sauces, fish. Sweetpotato-pie mix, canned. Tapioca food starch sold in bulk. Tom and Jerry batter Toppings aspic and other vegetable gelatin, canned. Toppings in hermetically sealed containers when processed from vegetable oils, stabilizers and dry solids with not more than 15 percent of the total ingredients weight consisting of dry milk solids.

[Paragraph (b) amended by Amdts. 3, 6, 8, 10, and 13; Paragraph (c) added by Amdt. 3, amended by Amdts. 6, 8, 10; Paragraph (d) added by Amdt. 3, amended by Amdts. 8 and 10; Subparagraphs (b) (2), (c) (2) and (d) (2) deleted by Amdt. 20; Subparagraphs (b) (3), (c) (3) and (d) (3) deleted by Amdt. 16]

[Sec. 33 revised by Amdt. 20]

SEC. 34. *Table of ceiling prices based on any given "net cost" and mark-up (Table C)*—(a) *Table C. Retail ceiling prices obtained by applying any given percentage mark-up to any given net cost.*

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM ½¢ TO 10¢ PER UNIT

Net cost (per unit)	½¢	1¢	1½¢	2¢	2½¢	3¢	3½¢	4¢	4½¢	5¢	5½¢	6¢	6½¢	7¢	7½¢	8¢	8½¢	9¢	9½¢	10¢
Mark up (percent)	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
2	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
3	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
4	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
5	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
6	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
11	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
12	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
13	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
14	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	12
15	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	12
16	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
17	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
18	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
19	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
20	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
21	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
22	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
23	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
24	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
25	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
26	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
27	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
28	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
29	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
30	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
31	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
32	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
33	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	12
34	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	13
35	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	13
36	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	13
37	1	1	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	13
38	1	1	2	3	3	4	4	5	6	6	7	7	8	8	9	9	10	10	11	13
39	1	1	2	3	3	4	4	5	6	6	7	7	8	8	9	9	10	10	11	13
40	1	1	2	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11	13
41	1	1	2	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11	13
42	1	1	2	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11	13
43	1	1	2	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11	13
44	1	1	2	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11	13
45	1	1	2	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11	13
46	1	1	2	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11	13
47	1	1	2	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11	13
48	1	1	2	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11	13
49	1	1	2	3	4	4	5	5	6	7	8	8	9	10	10	11	12	12	13	14
50	1	1	2	3	4	5	5	6	7	8	8	9	10	11	11	12	13	14	14	15

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 18¢ PER UNIT

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Mark up (percent)	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1	11	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19
2	11	12	12	13	13	14	14	15	16	16	16	17	17	18	18	19
3	11	12	12	13	14	14	15	15	16	16	17	17	18	18	19	19
4	11	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20
5	12	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20
6	12	12	13	13	14	15	15	16	16	17	17	18	18	19	20	20
7	12	12	13	14	14	15	15	16	16	17	17	18	18	19	20	21
8	12	13	13	14	14	15	16	16	17	17	18	18	19	19	20	21
9	12	13	13	14	14	15	16	16	17	17	18	19	19	20	20	21
10	12	13	13	14	15	15	16	16	17	17	18	19	19	20	21	21
11	12	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22
12	13	13	14	14	15	16	16	17	17	18	19	19	20	21	21	22
13	13	13	14	15	15	16	16	17	18	18	19	20	20	21	22	22
14	13	14	14	15	15	16	17	17	18	19	19	20	21	21	22	23
15	13	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23
16	13	14	14	15	16	17	17	18	19	19	20	21	21	22	23	24
17	13	14	15	15	16	17	17	18	19	20	20	21	22	23	23	24
18	13	14	15	15	16	17	17	18	19	20	21	21	22	23	24	24
19	14	14	15	15	16	17	18	18	19	20	21	22	22	23	24	25
20	14	14	15	16	16	17	18	19	19	20	21	22	23	24	24	25
21	14	14	15	16	17	17	18	19	20	21	21	22	23	24	25	25
22	14	15	15	16	17	18	18	19	20	21	22	23	23	24	25	26
23	14	15	16	16	17	18	19	19	20	21	22	23	24	24	25	26
24	15	15	16	17	17	18	19	20	20	21	22	23	24	25	25	26
25	15	16	16	17	18	18	19	20	21	22	22	23	24	25	26	27
26	15	16	16	17	18	19	19	20	21	22	23	24	24	25	26	27
27	15	16	17	17	18	19	20	20	21	22	23	24	25	26	26	27
28	15	16	17	18	18	19	20	21	22	23	24	25	25	26	27	28
29	15	16	17	18	19	19	20	21	22	23	24	25	26	27	27	28
30	16	16	17	18	19	20	20	21	22	23	24	25	26	27	28	29
31	16	17	17	18	19	20	21	22	22	23	24	25	26	27	28	29
32	16	17	18	18	19	20	21	22	23	24	25	26	26	27	28	29
33	16	17	18	19	19	20	21	22	23	24	25	26	27	28	29	30
34	16	17	18	19	20	21	21	22	23	24	25	26	27	28	29	30
35	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
36	17	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
37	17	18	18	19	20	21	22	23	24	25	26	27	28	29	30	31
38	17	18	19	19	20	21	22	23	24	25	26	27	28	29	30	32
39	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
40	18	18	19	20	21	22	23	24	25	26	27	28	29	30	31	33
41	18	19	19	20	21	22	23	24	25	26	27	28	29	30	32	33
42	18	19	20	21	21	22	23	24	25	26	27	28	30	31	32	33
43	18	19	20	21	22	23	24	24	25	26	28	29	30	31	32	34
44	18	19	20	21	22	23	24	25	26	27	28	29	30	32	33	34
45	19	19	20	21	22	23	24	25	26	27	28	30	31	32	33	35
46	19	20	20	21	22	23	24	25	26	28	29	30	31	33	34	35
47	19	20	21	22	23	24	24	25	27	28	29	31	32	33	34	36
48	19	20	21	22	23	24	25	26	27	28	30	31	32	34	35	36
49	20	20	21	22	23	24	25	26	28	29	30	32	33	34	36	37
50	20	21	22	23	24	25	26	27	28	30	31	32	34	35	36	38

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit)	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	27
7	20	20	21	21	22	22	23	24	24	25	25	26	26	27	27	28
8	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28	28
9	20	21	21	22	22	23	23	24	25	25	26	26	27	27	28	29
10	20	21	21	22	23	23	24	24	25	25	26	26	27	28	28	29
11	21	21	22	22	23	23	24	24	25	26	26	27	27	28	29	29
12	21	21	22	22	23	24	24	25	25	26	26	27	27	28	29	30
13	21	21	22	23	23	24	24	25	25	26	27	27	28	28	29	30
14	21	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30
15	21	22	22	23	24	24	25	25	26	26	27	28	28	29	30	30
16	21	22	23	23	24	24	25	26	26	27	27	28	28	29	30	31
17	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30	31
18	22	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31
19	22	23	23	24	24	25	26	26	27	27	28	29	29	30	30	31
20	22	23	23	24	25	25	26	26	27	28	28	29	29	30	31	31
21	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31	32
22	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31	32
23	23	23	24	25	25	26	26	27	28	28	29	30	30	31	32	32
24	23	24	24	25	25	26	27	27	28	29	29	30	30	31	32	33
25	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
26	23	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33
27	23	24	25	25	26	27	27	28	29	29	30	30	31	32	33	34
28	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33	34
29	24	25	25	26	26	27	28	28	29	30	30	31	31	32	33	34
30	24	25	25	26	27	28	28	29	29	30	31	31	32	33	33	34
31	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33	34
32	24	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34
33	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35
34	25	25	26	27	27	28	29	29	30	31	31	32	33	34	34	35
35	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34	35
36	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35	36
37	25	26	27	27	28	29	29	30	31	31	32	33	34	34	35	36
38	26	26	27	28	28	29	30	30	31	32	32	33	34	35	35	36
39	26	26	27	28	28	29	30	31	31	32	33	33	34	35	35	36
40	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36	37
41	26	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37
42	26	27	28	28	29	30	31	31	32	33	33	34	35	36	36	37
43	26	27	28	29	29	30	31	31	32	33	34	34	35	36	36	37
44	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37	38
45	27	28	28	29	30	30	31	32	33	33	34	35	36	36	37	38
46	27	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38
47	27	28	29	29	30	31	32	32	33	34	35	35	36	37	37	38
48	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38	38
49	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38	39
50	28	29	29	30	31	32	32	33	34	35	35	36	37	38	38	39

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit)	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	28	29	29	30	30	31	31	32	32	33	33	34	34	35	36	36
7	28	29	29	30	30	31	32	32	33	33	34	34	35	35	36	36
8	29	29	30	30	31	31	32	32	33	33	34	35	35	36	36	37
9	29	29	30	31	31	32	32	33	33	34	34	35	35	36	37	37
10	29	30	30	31	31	32	32	33	34	34	35	35	36	36	37	38
11	29	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38
12	30	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38
13	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38	38
14	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38	39
15	30	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39
16	31	31	32	32	33	34	34	35	35	36	37	37	38	38	39	39
17	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40
18	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40
19	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40	40
20	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41
21	32	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41
22	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41	41
23	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42
24	33	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42
25	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42	43
26	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42	43
27	34	34	35	36	36	37	37	38	39	39	40	41	41	42	43	43
28	34	35	35	36	36	37	38	38	39	40	40	41	42	42	43	44
29	34	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44
30	34	35	36	36	37	37	38	39	40	40	41	42	42	43	44	44
31	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45
32	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45
33	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45	45
34	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45	46
35	36	36	37	38	38	39	40	41	41	42	43	43	44	45	45	46
36	36	37	37	38	39	39	40	41	41	42	43	44	44	45	46	46
37	36	37	38	38	39	40	40	41	42	42	43	44	45	45	46	47
38	37	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47
39	37	38	38	39	40	40	41	42	42	43	44	44	45	46	47	47
40	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47	48
41	37	38	39	39	40	41	42	42	43	44	44	45	46	47	47	48
42	38	38	39	40	40	41	42	43	43	44	45	45	46	47	48	48
43	38	39	39	40	41	41	42	43	44	44	45	46	46	47	48	49
44	38	39	40	40	41	42	42	43	44	45	45	46	47	47	48	49
45	38	39	40	41	41	42	43	44	44	45	46	46	47	48	49	49
46	39	39	40	41	42	42	43	44	45	45	46	47	47	48	49	50
47	39	40	40	41	42	43	43	44	45	46	46	47	48	48	49	50
48	39	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50
49	40	40	41	42	42	43	44	45	45	46	47	48	48	49	50	51
50	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50	51

[Above portion of Table C amended by Amdt. 6]

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7	37	37	38	39	39	40	40	41	41	42	42	43	43	44	44	45
8	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	46
9	38	38	39	39	40	40	41	41	42	43	43	44	44	45	46	46
10	38	39	39	40	40	41	41	42	42	43	43	44	45	45	46	47
11	38	39	39	40	41	41	42	42	43	43	44	44	45	46	46	47
12	39	39	40	40	41	41	42	43	43	44	44	45	45	46	47	47
13	39	40	40	41	41	42	42	43	44	44	45	45	46	46	47	48
14	39	40	40	41	42	42	43	43	44	44	45	46	46	47	48	48
15	40	40	41	41	42	43	43	44	44	45	45	46	46	47	48	49
16	40	41	41	42	42	43	44	44	45	45	46	46	47	47	48	49
17	40	41	42	42	43	43	44	44	45	46	46	47	47	48	48	49
18	41	41	42	42	43	44	44	45	45	46	46	47	47	48	49	50
19	41	42	42	43	43	44	45	45	46	46	47	47	48	48	49	50
20	41	42	43	43	44	44	45	46	46	47	47	48	48	49	50	51
21	42	42	43	44	44	45	45	46	47	47	48	48	49	49	50	51
22	42	43	43	44	45	45	46	46	47	47	48	49	49	50	51	52
23	42	43	44	44	45	46	46	47	47	48	48	49	50	50	51	52
24	43	43	44	45	45	46	47	47	48	48	49	50	50	51	51	52
25	43	44	44	45	46	46	47	48	48	49	49	50	51	51	52	53
26	43	44	45	45	46	47	47	48	49	49	50	50	51	52	52	53
27	44	44	45	46	46	47	48	48	49	50	50	51	51	52	53	54
28	44	45	45	46	47	47	48	49	49	50	51	51	52	52	53	54
29	45	45	46	46	47	48	48	49	50	50	51	52	52	53	54	55
30	45	46	46	47	47	48	49	49	50	51	51	52	53	53	54	55
31	45	46	47	47	48	48	49	50	50	51	52	52	53	54	55	56
32	46	46	47	48	48	49	50	50	51	51	52	53	53	54	55	56
33	46	47	47	48	49	49	50	51	51	52	53	53	54	55	56	57
34	46	47	48	48	49	50	50	51	52	52	53	54	54	55	56	57
35	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57
36	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56	57
37	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58
38	48	48	49	50	50	51	52	52	53	54	54	55	56	56	57	58
39	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58	59
40	48	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59
41	49	49	50	51	51	52	53	54	54	55	56	56	57	58	58	59
42	49	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60
43	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59	60
44	50	50	51	52	53	53	54	55	55	56	57	57	58	59	60	61
45	50	51	51	52	53	54	54	55	56	57	57	58	59	59	60	61
46	50	51	52	53	53	54	55	55	56	57	58	58	59	60	61	62
47	51	51	52	53	54	54	55	56	57	57	58	59	60	61	62	63
48	51	52	53	53	54	55	56	56	57	58	59	59	60	61	62	63
49	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62	63
50	52	53	53	54	55	56	56	57	58	59	59	60	61	62	62	63

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent)	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
7	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
8	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
9	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
10	47	47	48	48	49	50	50	51	51	52	52	53	53	54	55	56
11	47	48	48	49	49	50	51	51	52	52	53	53	54	54	55	56
12	48	48	49	49	50	50	51	52	52	53	53	54	54	55	56	57
13	48	49	49	50	50	51	52	52	53	53	54	54	55	56	56	57
14	48	49	50	50	51	51	52	53	53	54	55	55	56	56	57	58
15	49	49	50	51	51	52	52	53	54	54	55	56	56	57	58	58
16	49	50	50	51	52	52	53	53	54	55	55	56	57	57	58	59
17	50	50	51	51	52	53	53	54	54	55	56	57	57	58	58	59
18	50	51	51	52	53	53	54	54	55	56	56	57	58	58	59	60
19	51	51	52	52	53	54	54	55	55	56	57	57	58	59	59	60
20	51	52	52	53	53	54	55	55	56	56	57	58	58	59	60	61
21	51	52	53	53	54	54	55	56	56	57	57	58	59	59	60	61
22	52	52	53	54	54	55	56	56	57	57	58	58	59	60	61	62
23	52	53	54	54	55	55	56	57	57	58	58	59	60	60	61	62
24	53	53	54	55	55	56	56	57	58	58	59	59	60	61	62	63
25	53	54	54	55	56	56	57	57	58	59	59	60	60	61	62	63
26	54	54	55	55	56	57	57	58	58	59	60	60	61	62	62	63
27	54	55	55	56	57	57	58	58	59	60	60	61	61	62	63	64
28	55	55	56	56	57	58	58	59	59	60	61	61	62	63	63	64
29	55	55	56	57	57	58	59	59	60	60	61	62	62	63	64	65
30	55	56	57	57	58	59	59	60	60	61	62	62	63	64	64	65
31	56	56	57	58	58	59	60	60	61	61	62	63	63	64	65	66
32	56	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66
33	57	57	58	59	59	60	61	61	62	62	63	64	64	65	66	67
34	57	58	58	59	60	60	61	62	62	63	63	64	65	65	66	67
35	58	58	59	59	60	61	61	62	63	63	64	64	65	66	66	67
36	58	58	59	60	61	61	62	63	63	64	64	65	66	66	67	68
37	58	59	60	60	61	62	62	63	64	64	65	66	66	67	68	68
38	59	59	60	61	61	62	63	63	64	65	65	66	67	67	68	69
39	59	60	60	61	62	63	63	64	64	65	66	67	67	68	69	70
40	60	60	61	62	62	63	64	64	65	66	66	67	68	68	69	70
41	60	61	61	62	63	63	64	65	65	66	67	67	68	69	70	71
42	60	61	62	62	63	64	65	65	66	67	67	68	69	69	70	71
43	61	61	62	63	64	64	65	66	66	67	68	68	69	70	71	72
44	61	62	63	63	64	65	66	66	67	67	68	69	70	70	71	72
45	62	62	63	64	65	65	66	67	67	68	69	69	70	71	72	73
46	62	63	64	64	65	66	66	67	68	68	69	70	71	71	72	73
47	62	63	64	65	65	66	67	67	68	69	70	70	71	72	73	74
48	63	64	64	65	66	66	67	68	69	69	70	71	72	72	73	74
49	64	65	65	66	67	68	68	69	70	71	71	72	73	74	74	75
50																

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 50½¢ TO 58¢

Net cost (per unit)	50½¢	51¢	51½¢	52¢	52½¢	53¢	53½¢	54¢	54½¢	55¢	55½¢	56¢	56½¢	57¢	57½¢	58¢
Mark-up (percent)	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	54	54	55	55	56	56	57	57	58	58	59	59	60	60	61	61
7	54	55	55	56	56	57	57	58	58	59	59	60	60	61	62	62
8	55	55	56	56	57	57	58	58	59	59	60	60	61	62	62	63
9	55	56	56	57	57	58	58	59	59	60	60	61	62	62	63	63
10	56	56	57	57	58	58	59	59	60	61	61	62	62	63	63	64
11	56	57	57	58	58	59	59	60	60	61	62	62	63	63	64	64
12	57	57	58	58	59	59	60	60	61	62	62	63	63	64	64	65
13	57	58	58	59	59	60	60	61	62	62	63	63	64	64	65	66
14	58	58	59	59	60	60	61	62	62	63	63	64	64	65	66	66
15	58	59	59	60	60	61	62	62	63	63	64	64	65	66	66	67
16	59	59	60	60	61	61	62	63	63	64	64	65	66	66	67	67
17	59	60	60	61	61	62	63	63	64	64	65	66	66	67	67	68
18	60	60	61	61	62	63	63	64	64	65	65	66	67	67	68	68
19	60	61	61	62	62	63	64	64	65	65	66	67	67	68	68	69
20	61	61	62	62	63	64	64	65	65	66	67	67	68	68	69	70
21	61	62	62	63	64	64	65	66	66	67	67	68	68	69	70	71
22	62	62	63	63	64	65	65	66	66	67	68	68	69	70	70	71
23	62	63	63	64	65	65	66	67	67	68	68	69	70	70	71	72
24	63	63	64	64	65	66	66	67	68	68	69	69	70	71	71	72
25	63	64	64	65	66	66	67	68	68	69	69	70	71	71	72	73
26	64	64	65	66	66	67	67	68	69	69	70	71	71	72	72	73
27	64	65	65	66	67	67	68	69	69	70	70	71	72	72	73	74
28	65	65	66	67	67	68	68	69	70	70	71	72	72	73	74	74
29	65	66	66	67	68	68	69	70	70	71	72	72	73	74	74	75
30	66	66	67	68	68	69	70	70	71	72	72	73	74	74	75	76
31	66	67	67	68	69	69	70	71	71	72	73	73	74	75	75	76
32	67	67	68	69	69	70	71	71	72	73	73	74	75	75	76	77
33	67	68	68	69	70	70	71	72	72	73	74	74	75	76	76	77
34	68	68	69	70	70	71	72	72	73	74	74	75	76	76	77	78
35	68	69	70	70	71	72	72	73	74	74	75	76	76	77	78	78
36	69	69	70	71	71	72	73	73	74	75	75	76	77	78	78	79
37	69	70	71	71	72	73	73	74	75	75	76	77	77	78	79	79
38	70	70	71	72	72	73	74	75	75	76	77	77	78	79	79	80
39	70	71	72	72	73	74	74	75	76	76	77	78	78	79	80	81
40	71	71	72	73	74	74	75	76	76	77	78	78	79	80	81	81
41	71	72	73	73	74	75	75	76	77	78	78	79	80	80	81	82
42	72	72	73	74	75	75	76	77	77	78	79	80	80	81	82	82
43	72	73	74	74	75	76	77	77	78	79	79	80	81	82	82	83
44	73	73	74	75	76	76	77	78	78	79	80	81	81	82	83	84
45	73	74	75	75	76	77	78	78	79	80	80	81	82	83	83	84
46	74	74	75	76	77	77	78	79	80	80	81	82	82	83	84	85
47	74	75	76	76	77	78	78	79	80	81	82	82	83	84	85	85
48	75	75	76	77	78	78	79	80	81	81	82	83	84	84	85	86
49	75	76	77	77	78	79	80	80	81	82	83	83	84	85	86	86
50	76	77	77	78	79	80	80	81	82	83	83	84	85	86	86	87

ITEMS WITH A "NET COST" OF FROM 58½¢ TO 67½¢

Net cost (per unit)	58½¢	59¢	59½¢	60¢	60½¢	61¢	61½¢	62¢	62½¢	63¢	63½¢	64¢	64½¢	65¢	65½¢	66¢	66½¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	62	63	63	64	64	65	65	66	66	67	67	68	68	69	69	70	70
7	63	63	64	64	65	65	66	66	67	67	68	68	69	70	70	71	71
8	63	64	64	65	65	66	66	67	68	68	69	69	70	70	71	71	72
9	64	64	65	65	66	66	67	68	68	69	69	70	70	71	71	72	72
10	64	65	65	66	67	67	68	68	69	69	70	70	71	72	72	73	73
11	65	65	66	67	67	68	68	69	70	70	71	72	72	73	73	74	74
12	66	66	67	67	68	68	69	70	71	71	72	72	73	74	74	75	75
13	66	67	67	68	68	69	69	70	71	71	72	72	73	74	74	75	76
14	67	67	68	68	69	70	70	71	72	72	73	74	74	75	75	76	76
15	67	68	68	69	70	70	71	72	72	73	74	74	75	75	76	77	77
16	68	68	69	70	70	71	72	72	73	74	74	75	75	76	77	77	78
17	68	69	70	70	71	72	72	73	74	74	75	76	76	77	77	78	78
18	69	70	70	71	72	72	73	74	74	75	76	76	77	77	78	79	79
19	70	70	71	71	72	73	73	74	75	76	76	77	77	78	79	79	80
20	70	71	71	72	73	73	74	75	76	76	77	77	78	79	79	80	81
21	71	71	72	73	73	74	74	75	76	77	77	78	79	79	80	81	81
22	71	72	73	73	74	74	75	76	76	77	77	78	79	79	80	81	82
23	72	73	73	74	74	75	76	76	77	78	78	79	79	80	81	82	82
24	73	73	74	74	75	76	76	77	78	78	79	79	80	81	82	82	83
25	73	74	74	75	76	76	77	78	78	79	79	80	81	81	82	83	84
26	74	74	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84
27	74	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84	85
28	75	76	76	77	77	78	79	79	80	81	81	82	83	83	84	84	85
29	75	76	77	77	78	79	79	80	81	81	82	83	83	84	84	85	86
30	76	77	77	78	79	79	80	81	81	82	83	83	84	85	85	86	86
31	77	77	78	79	79	80	81	81	82	83	83	84	84	85	86	86	87
32	77	78	79	79	80	81	81	82	83	83	84	84	85	86	86	87	88
33	78	78	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88
34	78	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89
35	79	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90
36	80	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90	90
37	80	81	82	82	83	84	84	85	86	86	87	88	88	89	90	90	91
38	81	81	82	83	83	84	85	86	86	87	88	88	89	90	90	91	92
39	81	82	83	83	84	85	85	86	87	88	88	89	90	90	91	92	92
40	82	83	83	84	85	85	86	87	88	88	89	90	90	91	92	92	93
41	82	83	84	85	85	86	87	87	88	89	90	90	91	92	92	93	94
42	83	84	84	85	86	87	87	88	89	89	90	91	92	92	93	94	94
43	84	84	85	86	87	87	88	89	89	90	91	92	92	93	94	94	95
44	84	85	86	86	87	88	89	90	90	91	91	92	93	94	94	95	96
45	85	86	86	87	88	88	89	90	91	91	92	93	94	94	95	96	96
46	86	86	87	88	88	89	90	91	91	92	93	93	94	95	96	96	97
47	86	87	87	88	89	90	90	91	92	93	93	94	95	96	96	97	98
48	87	87	88	89	90	90	91	92	93	93	94	95	95	96	97	98	98
49	87	88	89	89	90	91	92	92	93	94	95	95	96	97	98	98	99
50	88	89	89	90	91	92	92	93	94	95	95	96	97	98	98	99	100

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 67¢ TO 75¢

Net cost (per unit)	67¢	67½¢	68¢	68½¢	69¢	69½¢	70¢	70½¢	71¢	71½¢	72¢	72½¢	73¢	73½¢	74¢	74½¢	75¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	71	72	72	73	73	74	74	75	75	76	76	77	77	78	78	79	80
7	72	72	73	73	74	74	75	75	76	77	77	78	78	79	79	80	80
8	72	73	73	74	75	75	76	76	77	77	78	78	79	79	80	80	81
9	73	74	74	75	75	76	76	77	77	78	78	79	79	80	80	81	82
10	74	74	75	75	76	76	77	78	78	79	79	80	80	81	82	82	83
11	75	76	76	77	77	78	78	79	80	80	81	81	82	82	83	84	84
12	76	76	77	77	78	79	79	80	80	81	82	82	83	83	84	85	85
13	76	77	78	78	79	79	80	80	81	82	82	83	83	84	85	85	86
14	77	78	78	79	79	80	81	81	82	82	83	83	84	85	85	86	87
15	78	78	79	79	80	81	81	82	82	83	84	84	85	85	86	87	87
16	78	79	80	80	81	81	82	82	83	84	84	85	85	86	87	87	88
17	79	80	80	81	81	82	83	83	84	84	85	85	86	87	87	88	89
18	80	80	81	82	82	83	83	84	84	85	86	86	87	88	88	89	90
19	80	81	82	82	83	83	84	85	85	86	86	87	88	88	89	90	91
20	81	82	82	83	83	84	85	85	86	87	87	88	88	89	90	91	92
21	82	82	83	84	84	85	85	86	87	87	88	89	89	90	90	91	92
22	82	83	84	84	85	85	86	87	87	88	89	89	90	90	91	92	93
23	83	84	84	85	86	86	87	87	88	89	89	90	91	91	92	93	94
24	84	84	85	86	86	87	88	88	89	89	90	91	91	92	93	94	95
25	84	85	86	86	87	88	88	89	89	90	91	91	92	93	93	94	95
26	85	86	86	87	88	88	89	90	90	91	91	92	93	93	94	95	96
27	86	86	87	88	88	89	90	90	91	92	92	93	94	94	95	96	97
28	86	87	88	88	89	90	90	91	92	92	93	94	94	95	96	97	98
29	87	88	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98
30	88	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98	99
31	88	89	90	90	91	92	92	93	94	94	95	96	96	97	98	99	100
32	89	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99	100
33	90	90	91	92	92	93	94	94	95	96	96	97	98	98	99	100	101
34	90	91	92	92	93	94	95	95	96	97	97	98	99	99	100	101	101
35	91	92	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102
36	92	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102	103
37	92	93	94	95	95	96	97	97	98	99	99	100	101	101	102	103	104
38	93	94	95	95	96	97	97	98	99	99	100	101	101	102	103	104	104
39	94	95	95	96	97	97	98	99	99	100	101	102	102	103	104	104	105
40	94	95	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106
41	95	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106	107
42	96	97	97	98	99	99	100	101	102	102	103	104	104	105	106	107	107
43	96	97	98	99	99	100	101	102	102	103	104	104	105	106	107	107	108
44	97	98	99	99	100	101	102	102	103	104	104	105	106	107	107	108	109
45	98	99	99	100	101	102	103	104	104	105	105	106	107	107	108	109	110
46	98	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110
47	99	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111
48	100	101	101	102	103	104	104	105	106	107	107	108	109	110	110	111	112
49	101	101	102	103	104	104	105	105	107	107	108	109	110	110	111	112	113

[Above portion of Table C amended by Amdt. 6]

(b) *Instructions for use of Table A, Table B, and Table C.* Tables A and B contain the mark-ups for all commodities in this regulation. Table C is included to assist you in determining ceiling prices without burdensome calculations.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the mark-ups to be used by Group 1 and Group 2 retailers in figuring their ceiling prices. Table B gives the same information for "perishables." However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables." For a detailed list of the items in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and the "Commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find a percentage mark-up for your group of retailers.

If a percentage mark-up is shown, you get your ceiling price for the item by turning to Table C, which shows the ceiling price for all items with per unit net costs ranging from ½ to 75 cents. Percentage mark-ups over net cost are listed in the column at the extreme left of Table C, and "net cost" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the "net cost" of a single unit (one can, one jar, etc.) For perishables, it means the "net cost" of the selling unit listed in the last column of Table B.

[Above Paragraph amended by Amdts. 18 and 20]

To determine your ceiling price from Table C, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If your net cost per unit is more than 75 cents, you cannot use Table C to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. For perishables, your net cost must be in terms of the selling unit specified in Table B.

Example. A Group 1 retailer wishes to figure a new ceiling price for "XX Brand," 11 oz. canned tomato soup, which he must put into effect by May 14, 1951, in accordance with section 3. In figuring his ceiling price, his "net cost" must be based on a purchase of a customary quantity from a customary type of supplier delivered to his "usual receiving point" by a customary means of delivery. Therefore, if prior to May 14, 1951, a Group 1 retailer's most recent purchase was five cases of XX Brand, 11 oz. canned tomato soup which he has purchased from a wholesaler (his customary type of supplier), at a delivered cost of $4.60 a case (48 cans), he must under sections 3 and 4 figure and put into effect a new ceiling price for the item by May 14, 1951. This is the most recent delivery of a customary quantity of the item he has received prior to May 14th (from his customary type of supplier delivered to his usual receiving point by a customary means of delivery). He must first figure, to the nearest half cent, his "net cost" on a single unit basis (section 4 (a) (2)), that is, for a single can. He therefore divides the cost for the case, $4.60, by the number of single units in the case, 48, and gets a result of $0.0958, before rounding. Rounding to the nearest half cent, this becomes $0.095 (if the figure had been $0.0924 before rounding, he would have rounded to $0.09). He then turns to Table A to find the markup to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned tomato soup, this group is "soups, (canned)." Going across the page on that line, he will find his markup for the item in the column for Group 1 retailers. In this case his markup is 27 percent. Having his mark-up and net cost, Table C will give him his ceiling price without computations. Checking across the top of Table C, he finds a column headed by his net cost, $0.095. Going down this $0.095 column until he comes to the figure on the same line as the 27 percent markup listed in the column at the extreme left of Table C, he will find a ceiling price for the item to be $0.12 per can.

[Example amended by Amdt. 1]

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.
By: JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-12921; Filed, Dec. 3, 1952; 12:03 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 29, Interpretation 3]

GCPR, SR 29—CEILING PRICES FOR CERTAIN SALES AT RETAIL AND WHOLESALE

INT. 3—ADJUSTMENT OF CEILING PRICES FOR CIGARETTES (SECTION 2 (a))

The question has been raised as to whether General Ceiling Price Regulation, Supplementary Regulation 29 is applicable for modification of wholesalers' and retailers' ceiling prices in connection with the sale of cigarettes under the GCPR.

As stated in section 2 (a) Supplementary Regulation 29 covers generally the adjustment of ceiling prices of commodities for which ceiling prices have been established under the General Ceiling Price Regulation. The exclusions in section 2 (a) from the operation of the regulation relating to agricultural commodities listed in section 11 (a) of General Ceiling Price Regulation or food products processed from these commodities do not include cigarettes, inasmuch as cigarettes are neither an agricultural commodity nor a food product processed therefrom. Although tobacco is one of the agricultural commodities listed in section 11 (a) of the GCPR, cigarettes are a non-food commodity processed from tobacco. In addition, the fact that cigars are specifically excluded from the provisions of SR 29, under paragraph 2 (e) is a clear indication that other tobacco products are included under SR 29.

Inasmuch as ceiling prices at wholesale and retail for cigarettes were established under General Ceiling Price Regulation, the adjustment provisions of Supplementary Regulation 29 are available therefor.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 3, 1952.

[F. R. Doc. 52-12923; Filed, Dec. 3, 1952; 12:03 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter W—Timber and Stone Lands

[Circular 1835]

PART 284—TIMBER CUTTING, SALE OR USE

ADVERTISEMENT; POSTING OF NOTICE

Section 284.3 is amended to read as follows:

§ 284.3 *Advertisement; posting of notice.* After consideration of the report, the Regional Administrator or other authorized officer will, if he deems it advisable, offer the timber for sale under sealed bids by advertising as follows:

(a) In cases of small quantities of timber amounting in value to $1,000 or less, the sale shall be advertised for at least ten days by the posting of notices only.

(b) Where the timber to be sold exceeds $1,000 in value, the sale shall be advertised in a newspaper of general circulation in the county in which the timber to be sold is situated, once a week for four consecutive weeks next preceding the time set for the opening of the bids. And if the proposed sale be for 20,000,000 feet, board measure, or more, of timber available by location to a single logging operation, an advertisement of the proposed sale shall be inserted once in two lumber trade journals of general circulation. During the period of advertising, copies of the advertisement shall be posted where they will attract the notice of the general public.

(c) Where, in the judgment of the Regional Administrator, immediate sale of timber exceeding $1,000 in value is necessary in order to prevent loss to the Government due to expected rapid deterioration of the timber from insect or fungus attacks or from other causes, the sale may be effected, notwithstanding the provisions of paragraph (b) of this section, after the posting of public notices for not less than ten days and the publication of notice once during the ten-day posting period in a newspaper of general circulation in the county wherein the timber to be sold is situated.

(R. S. 2478, sec. 1, 37 Stat. 1015, as amended; 43 U. S. C. 1201, 16 U. S. C. 614)

VERNON D. NORTHROP,
Acting Secretary of the Interior.

NOVEMBER 26, 1952.

[F. R. Doc. 52-12813; Filed, Dec. 3, 1952; 8:45 a. m.]

Appendix—Public Land Orders

[Public Land Order 874]

ALASKA

WITHDRAWING PUBLIC LAND FOR THE USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force for military purposes:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W., Sec. 29, SW¼NW¼.

The area described contains 40 acres.

It is intended that the land described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

MARTIN G. WHITE,
Acting Assistant Secretary of the Interior.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12814; Filed, Dec. 3, 1952; 8:45 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

COMPENSATORY EXTENSIONS OF WATERFOWL AND COOT SEASONS

Basis and purpose. To extend the waterfowl and coot season by the number of days sportsmen were not permitted to hunt such birds during the prescribed season due to emergency State action closing extensive areas to shooting as a forest fire prevention measure. It has been determined that these slight compensatory extensions are not likely to result in a diminution of the birds to any greater extent than was contemplated for the original period.

Pursuant to authority conferred by § 6.4 of the Migratory Bird Treaty Act Regulations (16 F. R. 7513) the waterfowl and coot seasons approved August 26, 1952 (17 F. R. 7903) are hereby extended for the 1952–53 season by adding at the end of each such open season in each of the States or respective areas within a State where hunting of these birds has been precluded by emergency action of the Governor or other State official to prevent forest fires, that number of consecutive days which equals the number of days during which such hunting was so precluded, except that no such season shall thereby be extended beyond January 10, 1953.

Since this amendment is a relaxation of existing regulations, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.), and it shall become effective immediately.

(Secs. 3, 4, 40 Stat. 755, as amended; 16 U. S. C. 704, 705)

ALBERT M. DAY,
Director,
Fish and Wildlife Service.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12812; Filed, Dec. 3, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INCOME FROM DISCHARGE OF INDEBTEDNESS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 304 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.22 (b) (9)–1 the following:

SEC 304. INCOME FROM DISCHARGE OF INDEBTEDNESS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 22 (b) (9).* Effective with respect to discharges of indebtedness occurring within taxable years ending after December 31, 1950, section 22 (b) (9) (relating to income from discharge of indebtedness) is hereby amended (1) by striking out "if the taxpayer makes and files at the time of filing the return, in such manner as the Commissioner, with the approval of the Secretary, by regulations prescribes, its consent" and inserting in lieu thereof "if the taxpayer, at such time and in such manner as the Secretary by regulations prescribes, makes and files its consent", and (2) by striking out the last sentence thereof.

* * * * *

PAR. 2. Section 29.22 (b) (9)–1, as amended by Treasury Decision 5839, approved April 17, 1951, is further amended as follows:

(A) By redesignating present subparagraphs (1) through (5) as paragraphs (a) through (e), and by striking from the newly designated paragraph (a) "and before January 1, 1952," and by striking from the newly designated paragraph (c) "and prior to January 1, 1952,".

(B) By striking the second sentence of paragraph (a) and inserting in lieu thereof the following: "To be entitled to the benefits of the provisions of section 22 (b) (9) for years beginning after December 31, 1941, and ending before January 1, 1951, a corporation must file with its return for the taxable year a consent to the provisions of the regulations, in effect at the time of the filing of the return, prescribed under section 113 (b) (3) (see §§ 29.113 (b) (3)–1 and 29.113 (b) (3)–2, relating to adjustments of basis). With respect to discharges of indebtedness occurring within taxable years ending after December 31, 1950, the consent must be filed with the return for the taxable year; except that the consent may be filed with an amended return or claim for credit or refund, where the taxpayer establishes to the satisfaction of the Commissioner reasonable cause for failure to file the consent with its original return, such as an expected change in the regulations resulting from a change in the law (see, for example, § 29.113 (b) (3)–1 (g))."

PAR. 3. Section 29.22 (b) (9)–2 is amended by adding at the end thereof the following: "In a case where a consent is permitted (under § 29.22 (b) (9)–1) after the original return has been filed, the original and duplicate of Form 982 shall be filed with the amended return or claim for credit or refund, as the case may be, and the consent shall be to the regulations which, at the time of the filing of the consent, are applicable to the taxable year for which such consent is filed."

PAR. 4. There is inserted immediately preceding § 29.22 (b) (10)–1 the following:

SEC. 304. INCOME FROM DISCHARGE OF INDEBTEDNESS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Amendment of section 22 (b) (10).* Section 22 (b) (10) (relating to income from discharge of indebtedness of a railroad corporation) is hereby amended by striking out "December 31, 1951" and inserting in lieu thereof "December 31, 1954".

PAR. 5. Section 29.22 (b) (10)–1, as amended by Treasury Decision 5839, approved April 17, 1951, is further amended by striking from the first sentence and from the last sentence "January 1, 1952" and inserting in lieu thereof in each instance "January 1, 1955".

PAR. 6. Section 29.113 (b) (3)–1 as amended by Treasury Decision 5402, approved September 5, 1944, is further amended by inserting immediately following the paragraph thereof denominated (e) the following:

(f) Effective with respect to a discharge of indebtedness occurring within a taxable year ending after December 31, 1950, any reduction in basis which remains to be taken (by reason of an exclusion from gross income under section 22 (b) (9)) after the application of (1) shall be applied first against property of a character subject to the allowance for depreciation under section 23 (l), property with respect to which a deduction for amortization is allowable under section 23 (t), and property with respect to which a deduction for depletion is allowable under section 23 (m) (but not including property specified in section 114 (b) (2), (3), or (4)), in the order in which such property is described in subparagraphs (2) and (3) of this paragraph. Any further adjustment in basis required to be made under section 22 (b) (9) shall be applied against other property in the order prescribed in subparagraphs (2), (3), and (4) of this paragraph.

PAR. 7. Section 29.113 (b) (3)–2 is amended as follows:

(A) By inserting immediately after the second sentence of paragraph (a) thereof the following: "Such adjustment, however, shall be consistent with the principles of § 29.113 (b) (3)–1 (g) where the discharge of indebtedness occurs within a taxable year ending after December 31, 1950."

(B) By striking the first sentence of paragraph (b) and inserting in lieu thereof the following: "A request for variations from the general rule prescribed in § 29.113 (b) (3)–1 shall be filed by the taxpayer with its return for the taxable year in which the discharge of indebtedness occurred unless a consent is permitted (under § 29.22 (b) (9)–1) after the original return has been filed, in which case such request shall be filed with the amended return or claim for credit or refund, as the case may be."

[F. R. Doc. 52-12846; Filed, Dec. 3, 1952; 8:48 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 325 of the Revenue Act of 1951, approved October 20, 1951, relating to tax treatment of coal royalties, such regulations are amended as follows:

PARAGRAPH 1. Section 29.23 (m)–1, as amended by Treasury Decision 5461, approved July 9, 1945, is further amended as follows:

(A) By amending the second sentence of paragraph (b) thereof to read as follows: "However, no depletion deduction shall be allowed the owner with respect to any timber or coal which such owner has disposed of under any form of contract by virtue of which he retains an economic interest in such timber or coal, if such disposal is considered a sale of timber or coal under section 117 (k) (2) of the Code."

(B) By adding at the end of paragraph (f) thereof the following undesignated paragraph:

Rents and royalties paid or incurred by a taxpayer with respect to coal shall be excluded from the "gross income from the property" without regard to the treatment under section 117 (k) (2) of such rents and royalties in the hands of the recipient.

PAR. 2. Section 29.102–4, as amended by Treasury Decision 5796, approved July 19, 1950, is further amended by inserting immediately preceding the last paragraph thereof the following undesignated paragraph:

In determining "section 102 net income", section 117 (k) (2), in the case of coal, shall have no application. See § 29.117–8 (c).

PAR. 3. Section 29.113 (a) (14)–1, as amended by Treasury Decision 5394, approved July 27, 1944 is further amended by inserting in the second sentence of paragraph (b) thereof after "determination of loss upon timber" the following: "or coal".

PAR. 4. There is inserted immediately preceding § 29.117–1 the following:

SEC. 325. TAX TREATMENT OF COAL ROYALTIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Definition of property used in the trade or business.* Section 117 (j) (1) (relating to the definition of property used in the trade or business) is hereby amended by adding after the word "timber" in the second sentence thereof the following: "or coal".

(b) *Gain or loss upon certain disposals of timber or coal.* Section 117 (k) (2) (relating to the disposal of timber) is hereby amended to read as follows:

(2) In the case of the disposal of timber or coal (including lignite), held for more than 6 months prior to such disposal, by the owner thereof under any form or type of contract by virtue of which the owner retains an economic interest in such timber or coal, the difference between the amount received for such timber or coal and the adjusted depletion basis thereof shall be considered as though it were a gain or loss, as the case may be, upon the sale of such timber or coal. Such owner shall not be entitled to the allowance for percentage depletion provided for in section 114 (b) (4) with respect to such coal. This paragraph shall not apply to income realized by the owner as a co-adventurer, partner, or principal in the mining of such coal. The date of disposal of such coal shall be deemed to be the date such coal is mined. In determining the gross income, the adjusted gross income, or the net income of the lessee, the deductions allowable with respect to rents and royalties shall be determined without regard to the provisions of this paragraph. This paragraph shall have no application, in the case of coal, for the purposes of applying section 102 or subchapter A of chapter 2 (including the computation under section 117 (c) (1) of a tax in lieu of the tax imposed by section 500).

(c) *Clerical amendment.* The heading to section 117 (k) (relating to the gain or loss upon the cutting of timber) is hereby amended to read as follows: "(k) *Gain or loss in the case of timber or coal.*".

• • • • • •

(f) *Effective date.* • • • the amendments made by this section shall be applicable only with respect to taxable years ending after December 31, 1950 (whether the contract was made on, before, or after such date), but shall apply only with respect to amounts received or accrued after such date.

PAR. 5. Section 29.117–3 as proposed to be amended by notice of proposed rule making published August 8, 1952 (17 F. R. 7249), is further amended by adding at the end the following new paragraph (d):

(d) Where amounts are received or accrued after December 31, 1950, from the disposal of coal to which the provisions of section 117 (k) (2) are applicable, the computation under section 117 (c) (1) of a tax in lieu of the tax imposed by section 500 shall be made without regard to section 117 (k) (2); that is, the partial tax under section 117 (c) (1) (A), insofar as it involves the tax under section 500, is computed without regard to section 117 (k) (2).

PAR. 6. Section 29.117–7 as proposed to be amended by notice of proposed rule making published May 16, 1952 (17 F. R. 4494), is further amended by adding after the word "timber" in subdivision (iii) of paragraph (a) (1) thereof, the phrase ", or disposal of coal,".

PAR. 7. Section 29.117–8, as added by Treasury Decision 5394, is amended as follows:

(A) By amending the headnote to read as follows:

§ 29.117–8 *Gain or loss upon the cutting and disposal of timber and the disposal of coal.* • • •

(B) By adding at the end thereof the following new paragraph (c):

(c) *Gain or loss upon the disposal of coal.* (1) With respect to taxable years ending after December 31, 1950, but only with respect to amounts received or accrued after such date, if a taxpayer disposes of coal (including lignite), held for more than six months prior to such disposal, under any form or type of contract whereby he retains an economic interest in such coal, the difference between the amount received for such coal and the adjusted depletion basis thereof under section 114 (b) (1) shall be considered to be a gain or loss upon the sale of such coal.

(2) The adjusted depletion basis under section 114 (b) (1), for the purpose of this section, includes adjustments for development and exploration expenditures and for deductions under section 113 (b) (1) (J) and (M). For the purpose of this section, the date of disposal of the coal shall be deemed to be the date the coal is mined. If the coal has been held for more than six months on the date that it is mined, it is immaterial that it had been held for six months or less on the date of the contract. For the purpose of section 117 (j), such coal shall be considered to be property used in the trade or business, along with other property of the taxpayer used in the trade or business as defined in section 117 (j) (1). Whether gain or loss resulting from the disposition of the coal will be deemed to be gain or loss resulting from the sale of a capital asset held for more than six months will depend upon the application of section 117 (j) to that and other transactions of the taxpayer.

(3) There shall be no allowance for percentage depletion provided for in section 114 (b) (4) with respect to amounts received any part of which are considered to be received from the sale of coal under section 117 (k) (2). In computing the gross income, adjusted gross income, or the net income of the lessee, the deductions allowable with respect to rents and royalties shall be determined without regard to the provisions of section 117 (k) (2). Section 117 (k) (2) shall have no application with respect to amounts received by a taxpayer as a coadventurer, partner, or principal in the mining of coal.

(4) To the extent any advance payments are treated, under section 117 (k) (2) as received from the sale of coal for any taxable year, and the grant of the coal rights for which such payments are made expires, terminates, or is abandoned in a later taxable year before the coal which has been paid for has been mined, the grantor shall recompute the tax liability for the prior taxable year and treat such payments to such extent as not received from the sale of the coal; such recomputation should be in the form of an "amended return" if necessary.

PAR. 8. There is inserted immediately preceding § 29.481–1 the following:

SEC. 325. TAX TREATMENT OF COAL ROYALTIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • • •

(d) *Technical amendment.* Section 421 (a) (4) is hereby amended by striking out "cutting or disposal of timber" and inserting in lieu thereof "cutting of timber, or the disposal of timber or coal,".

• • • • • •

(f) *Effective date.* • • • the amendments made by this section shall be applicable only with respect to taxable years ending after December 31, 1950 (whether the contract was made on, before, or after such date), but shall apply only with respect to amounts received or accrued after such date.

PAR. 9. Section 29.481–1, as added by Treasury Decision 5855, approved September 13, 1951, is further amended by adding after "timber" in paragraph (c) (4) (ii) thereof, the phrase "or disposal of coal".

[F. R. Doc. 52–12850; Filed, Dec. 3, 1952; 8:49 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

SALE OF LAND WITH UNHARVESTED CROP

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 323 (relating to sale of land with unharvested crop) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.24–1 the following:

SEC. 323. SALE OF LAND WITH UNHARVESTED CROP (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • • •

(b) *Treatment of deductions*—(1) *Amendment of section 24.* Section 24 (relating to items not deductible) is hereby amended by adding at the end thereof a new subsection to read as follows:

(f) *Sale of land with unharvested crop.* Where an unharvested crop sold by the taxpayer is considered under the provisions of section 117 (j) (3) as "property used in the trade or business", in computing net income no deduction (whether or not for the taxable year of the sale and whether for expenses, depreciation, or otherwise) attributable to the production of such crop shall be allowed.

• • • • • •

(c) *Effective date.* • • • The amendments made by subsection (b) shall be applicable to any taxable year for which a deduction is disallowed by reason of sales, exchanges, or conversions to which subsection (a) is applicable.

PAR. 2. There is inserted immediately after § 29.24–9 the following:

§ 29.24–10 *Items attributable to an unharvested crop sold with the land.* In computing net income no deduction shall be allowed in respect of items attributable to the production of an unharvested crop which is sold, exchanged, or involuntarily converted in a taxable year beginning after December 31, 1950, with the land and which is considered as property used in the trade or business under section 117 (j) (3). See § 29.117–7. Such items shall be so treated whether or not the taxable year involved is that of the sale, exchange, or conversion of such crop and whether they are for expenses, depreciation, or otherwise. If the taxable year involved is not that of the sale, exchange, or conversion of such crop, a recomputation of the tax liability for such year shall be made; such recomputation should be in the form of an "amended return" if necessary. For the adjustments to basis as a result of such disallowance, see § 29.113 (b) (1)–1.

PAR. 3. There is inserted immediately preceding § 29.113 (b) (1)–1 the following:

SEC. 323. SALE OF LAND WITH UNHARVESTED CROP (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • • •

(b) *Treatment of deductions.* • • •

(2) *Amendment of section 113 (b) (1).* Section 113 (b) (1) (relating to adjustments to basis) is hereby amended by adding at the end thereof a new subparagraph to read as follows:

(L) for deductions to the extent disallowed under section 24 (f), notwithstanding the provisions of any other subparagraph of this paragraph.

(c) *Effective date.* • • • The amendments made by subsection (b) shall be applicable to any taxable year for which a deduction is disallowed by reason of sales, exchanges, or conversions to which subsection (a) is applicable.

PAR. 4. Section 29.113 (b) (1)–1, as amended by Treasury Decision 5873, approved December 7, 1951, is hereby amended by adding at the end thereof the following new paragraph (k):

(k) In the case of an unharvested crop which is sold, exchanged, or involuntarily converted in a taxable year beginning after December 31, 1950, with the land and which is considered as property used in the trade or business under section 117 (j) (3), the basis of such crop shall be increased by the amount of the items which are attributable to the production of such crop and which are disallowed, under section 24 (f) and § 29.24–10, as deductions in computing net income. See §§ 29.24–10 and 29.117–7. The basis of any other property shall be decreased by the amount of any such items which are attributable to such other property, notwithstanding any provision of section 113 (b) (1) or of this section to the contrary. For example, if the items attributable to the production of an unharvested crop consist only of fertilizer costing $100 and $50 depreciation on a tractor used only to cultivate such crop and such items are disallowed under section 24 (f) and § 29.24–10, the adjustments to the basis of such crop shall include an increase of $150 for such items and the adjustments to the basis of the tractor shall include a reduction of $50 for the depreciation on the tractor.

PAR. 5. There is inserted immediately preceding §29.117–1 the following:

SEC. 323. SALE OF LAND WITH UNHARVESTED CROP (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Treatment of gain or loss.* Section 117 (j) (relating to sale or exchange of property used in the trade or business) is hereby amended—

(1) By inserting immediately before the period at the end of the second sentence of paragraph (1) thereof the following: "and unharvested crops to which paragraph (3) is applicable"; and

(2) By adding at the end thereof a new paragraph to read as follows:

(3) *Sale of land with unharvested crop.* In the case of an unharvested crop on land used in the trade or business and held for more than 6 months, if the crop and the land are sold or exchanged (or compulsorily or involuntarily converted as described in paragraph (2)) at the same time and to the same person, the crop shall be considered as "property used in the trade or business."

• • • • • •

(c) *Effective date.* The amendment made by subsection (a) shall be applicable only with respect to sales, exchanges, and conversions, occurring in taxable years beginning after December 31, 1950. • • •

PAR. 6. Section 29.117–7, as proposed to be amended by notice of proposed rule making published May 16, 1952 (17 F. R. 4494), is hereby amended as follows:

(A) By adding at the end of paragraph (a) (1) (iv) thereof the following:

(v) Gains and losses from the sale, exchange, or involuntary conversion in a taxable year beginning after December 31, 1950, of an unharvested crop under the conditions specified in paragraph (e) of this section.

(B) By adding at the end thereof the following:

(e) *Unharvested crops.* The conditions referred to in paragraph (a) (1) (v) of this section are: (1) the unharvested crop is on land which is "section 117 (j) property", as defined in paragraph (a) (3) of this section, and such land has been held for more than six months; (2) such crop and such land are sold, exchanged, or converted at the same time and to the same person; and (3) no right or option is retained by the taxpayer, at the time of the sale, exchange, or conversion, to reacquire, directly or indirectly, the land (other than one customarily incident to a mortgage or other security transaction). The length of time for which the crop, as distinguished from the land, has been held is immaterial. A leasehold or estate for years is not "land" for the purpose of this section.

[F. R. Doc. 52–12849; Filed, Dec. 3, 1952; 8:49 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

SURTAX ON CORPORATIONS IMPROPERLY ACCUMULATING SURPLUS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791) and pur-

suant to section 315 of the Revenue Act of 1951 (Pub. Law 183, 82d Cong., 1st Sess.), approved October 20, 1951.

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 315 of the Revenue Act of 1951 (Pub. Law 183, 82d Cong., 1st Sess.) approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.102–1 the following:

SEC. 315. SURTAX ON CORPORATIONS IMPROPERLY ACCUMULATING SURPLUS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Long-term capital gains.* Section 102 (d) (1) (relating to definition of section 102 net income) is hereby amended by adding at the end thereof the following new subparagraph:

(D) *Long-term capital gains.* The excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year, minus the taxes imposed by this chapter attributable to such excess. The taxes attributable to such excess shall be an amount equal to the difference between (i) the taxes imposed by this chapter (except the tax imposed by this section) for such year and (ii) such taxes computed for such year without including such excess in net income.

(b) *Effective date.* The amendment made by subsection (a) shall be applicable only with respect to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.102–4, as amended by Treasury Decision 5796, approved July 19, 1950, is further amended as follows:

(A) By changing the period at the end of the second sentence to a semicolon and by adding at the end thereof the following: "(e) for taxable years beginning after December 31, 1950, the amount remaining after deducting from the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year (computed without regard to any capital loss carry-over) the taxes attributable to such excess. For purposes of (e) above, the taxes attributable to such excess shall be the amount remaining after deducting from the taxes imposed by chapter 1 for such year (determined without regard to the taxes imposed by section 102) the taxes similarly imposed and determined for such year without including any excess of net long-term capital gain over the net short-term capital loss for such year in net income. For example, if the taxpayer pays the alternative tax as computed under section 117 (c) the tax attributable to the excess of the net long-term capital gain over the net short-term capital loss shall be the amount computed under section 117 (c) (1) (B)."

(B) By changing the period at the end of the fifth sentence to a comma and by adding at the end thereof the following: "and, in addition, for taxable years beginning after December 31, 1950, the deduction enumerated in paragraph (e) of this section."

(C) By striking the period at the end of the sixth sentence and adding at the end thereof the following: "(including, for taxable years beginning after December 31, 1950, the deduction enumerated in paragraph (e) of this section)."

[F. R. Doc. 52–12847; Filed, Dec. 3, 1952; 8:48 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

DEFINITION OF REGULATED INVESTMENT COMPANY AMENDED TO INCLUDE CERTAIN VENTURE CAPITAL REGISTERED MANAGEMENT INVESTMENT COMPANIES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR, Part 29) to section 337 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.361–1 the following:

SEC. 337. TAX TREATMENT OF CERTAIN INVESTMENT COMPANIES (REVENUE ACT OF 1591, APPROVED OCTOBER 20, 1951).

(a) *Inclusion of certain registered management companies in the definition of regulated investment company.* Section 361 (relating to definition of regulated investment companies) is hereby amended by adding at the end thereof the following new subsection:

(c) *Certain investment companies.* If the Securities and Exchange Commission determines in accordance with regulations issued by it, and certifies to the Secretary not more than 60 days prior to the close of the taxable year of a registered management investment company, that such investment company is principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available, such investment company may, in the computation of 50 per centum of the value of its assets under subparagraph (A) of subsection (b) (3) for any quarter of such taxable year, include the value of any securities of an issuer, notwithstanding the fact that such investment company holds more than 10 per centum of the outstanding voting securities of such issuer, but only if the investment company has not continuously held any security of such issuer (or of any predecessor company of such issuer as determined under regulations prescribed by the Secretary) for 10 or more years preceding such quarter of such taxable year. The provisions of this subsection shall not apply at the close of any quarter of a taxable year to an investment company if at the close of such quarter more than 25 per centum of the value of its total assets is represented by securities of issuers with respect to each of which the investment company holds more than 10 per centum of the outstanding voting securities of such issuer and in respect of each of which or any predecessor thereof the investment company has continuously held any security for 10 or more years preceding such quarter unless the value of its total assets so represented is reduced to 25 per centum or less within 30 days after the close of such quarter. The terms used in this subsection shall have the same meaning as in subsection (b) (3) of this section. For the purposes of this subsection, unless the Securities and Exchange Commission determines otherwise, a corporation shall be considered to be principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available, for at least 10 years after the date of the first acquisition of any security in such corporation or any predecessor thereof by such investment company if at the date of such acquisition the corporation or its predecessor was principally so engaged, and an investment company shall be considered as any date to be furnishing capital to any company whose securities it holds if within 10 years prior to such date it has acquired any of such securities, or any securities surrendered in exchange therefore, from such other company or predecessor thereof. For the purposes of the certification hereunder, the Securities and Exchange Commission shall have authority to issue such rules, regulations and orders, and to conduct such investigations and hearings, either public or private, as it may deem appropriate.

(b) *Technical amendment.* Section 361 (b) (3) (A) is hereby amended by inserting after "the total assets of the taxpayer and" the following: ", except and to the extent provided in subsection (c),".

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.361–1 is amended as follows:

(A) By redesignating present subparagraphs (1) through (3) of paragraph (b) as subdivisions (i), (ii), and (iii) and striking out the period in the headnote of paragraph (b) of the section and inserting in lieu thereof the following: "— (1) *In general.*".

(B) By inserting in the second sentence of paragraph (b) of the section, immediately after "5 percent of the value of the total assets of the corporation and", the following: ", except and to the extent provided in section 361 (c) in the case of certain venture capital registered management investment companies qualifying thereunder,".

(C) By adding at the end of paragraph (b) of the section the following:

(2) *Venture capital registered management investment companies.* (i) Section 361 (c) provides, for taxable years beginning after December 31, 1950, that under certain conditions set forth below a registered management investment company which has been certified by the Securities and Exchange Commission for the taxable year may, in the computation of 50 percent of the value of its assets under clause (A) of section 361 (b) (3) for any quarter of such taxable year, include, with respect to securities other than Government securities or securities of other regulated investment companies, the value of any securities of an issuer, notwithstanding the fact that such registered management investment company holds more than 10 percent of the outstanding voting securities of such issuer, but only if the investment company has not continuously held any security of such issuer or of any predecessor company of such issuer for 10 or more years preceding such quarter of such taxable year. All other provisions and requirements of section 361 and the regulations thereunder are applicable in determining whether such registered management investment company qualifies as a regulated investment company within the meaning of such section.

(ii) The provisions of section 361 (c) are applicable only to a registered management investment company which the Securities and Exchange Commission has determined, in accordance with regulations issued by it, and has certified to the Secretary, not more than 60 days prior to the close of the taxable year of such investment company, to be principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available. For the purpose of the aforementioned determination and certification, unless the Securities and Exchange Commission determines otherwise, a corporation shall be considered to be principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available, for at least 10 years after the date of the first acquisition of any security in such corporation or any predecessor thereof by such investment company if at the date of such acquisition the corporation or its predecessor was principally so engaged, and an investment company shall be considered at any date to be furnishing capital to any company whose securities it holds if within 10 years prior to such date it has acquired any of such securities, or any securities surrendered in exchange therefor, from such other company or its predecessor.

(iii) Section 361 (c) does not apply in the quarterly computation of 50 percent of the value of the assets of an investment company under clause (A) of section 361 (b) (3) for any taxable year if at the close of any quarter of such taxable year more than 25 percent of the value of its total assets (including the 50 percent or more mentioned in such clause (A)) is represented by securities (other than Government securities or the securities of other regulated investment companies) of issuers as to each of which (i) such investment company holds more than 10 percent of the outstanding voting securities of such issuer and (ii) such investment company has continuously held any security of such issuer (or any security of a predecessor of such issuer) for 10 or more years preceding such quarter, unless the value of its total assets so represented is reduced to 25 percent or less within 30 days after the close of such quarter.

(iv) As used in section 361 (c) and this subparagraph, the term "predecessor company" means any corporation the basis of whose securities in the hands of the investment company is, under the provisions of section 113, the same in whole or in part as the basis of any of the securities of the issuer and any corporation with respect to whose securities any of the securities of the issuer were received directly or indirectly in a transaction or series of transactions in which no gain or loss was recognized. The other terms used in this subparagraph have the same meaning as when used in section 361 (b) (3) (see subparagraph (1) of this paragraph).

[F. R. Doc. 52–12851; Filed, Dec. 3, 1952; 8:49 a. m.]

[26 CFR Part 40]

EXCESS PROFITS TAXES; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Regulations 130 (26 CFR Part 40) are hereby amended by adding at the end of § 40.456–2 (b) the following: "Income from the sale of tangible property, however, even though such income may arise out of research and development which has extended over a period of more than 12 months is not income to which section 456 is applicable. Such income from the sale of tangible property accordingly may not constitute or be included in any class of income for purposes of section 456 (b)."

[F. R. Doc. 52–12852; Filed, Dec. 3, 1952; 8:49 a. m.]

[26 CFR Part 40]

EXCESS PROFITS TAXES; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

CONSOLIDATION OF NEWSPAPERS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 130 (26 CFR Part 40) to section 518 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended by inserting immediately after § 40.458–8 the following:

SEC. 518. CONSOLIDATION OF NEWSPAPERS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 459, as added by section 516 and 517 of this act, is hereby amended by adding after subsection (b) thereof the following new subsection:

(c) *Consolidation of newspaper operations.* In the case of a taxpayer engaged primarily in the newspaper publishing business in its last taxable year ending before July 1, 1950, if—

(1) After the close of the first half of the base period of the taxpayer and prior to July 1, 1950, the taxpayer consolidated its mechanical, circulation, advertising, and accounting operations in connection with its newspaper publishing business with such operations of another corporation engaged in the newspaper publishing business in the same area; and

(2) The taxpayer establishes to the satisfaction of the Secretary that, during the period beginning with the consolidation and ending with the close of the first taxable year beginning after the consolidation, such consolidation resulted in substantial reductions in the amounts which would otherwise have been paid or incurred as expenses in the conduct of the operations described in paragraph (1); and either

(3) The total deductions of the taxpayer under section 23, computed without regard to section 23 (s) and (bb), for the first taxable year beginning after such consolidation were not in excess of 80 per centum of the average of such deductions for the two taxable years of the taxpayer next preceding the taxable year in which such operations were consolidated; or

(4) The excess profits net income of the taxpayer, computed as provided in section 433 (b), for the first taxable year of the taxpayer beginning after such consolidation was 125 per centum or more of the amount determined under section 435 (d) (4);

the taxpayer's average base period net income determined under this subsection shall be an amount computed under section 435 (d) plus an amount equal to the excess of the average of the amounts paid or incurred as expenses in the conduct of the operations described in paragraph (1) during the two taxable years of the taxpayer next preceding the taxable year in which such operations were consolidated over such amounts paid or incurred during the first taxable year of the taxpayer beginning after such consolidation. In determining such excess amount

proper adjustment shall be made for increase in labor costs and newsprint following such consolidation. Proper adjustment shall also be made for any case in which a taxable year referred to in this subsection is a period of less than twelve months. This subsection shall not be applicable to any taxable year of the taxpayer unless the consolidation described in paragraph (1) was continued throughout such taxable year.

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title [including sec. 518] shall be applicable only with respect to taxable years ending after June 30, 1950.

§ 40.459 (c)–1 *Consolidation of newspapers.* (a) A taxpayer which was engaged primarily in the newspaper publishing business in its last taxable year ending before July 1, 1950, which after the close of the last half of its base period and before July 1, 1950, consolidated certain of its operations with those of another corporation engaged in the same business in the same area, and which satisfies all the requirements set forth in paragraphs (1) and (2) and in either paragraph (3) or paragraph (4) of section 459 (c) may compute its average base period net income, for the purpose of computing its excess profits tax for any taxable year ending after June 30, 1950, under the provisions of section 459 (c) instead of under any other applicable provision of the Code. The average base period net income may be computed under section 459 (c) in determining the excess profits tax for any taxable year, however, only if the consolidation described in paragraph (1) of section 459 (c) was continued throughout such taxable year. The average base period net income computed under section 459 (c) shall be used in computing the taxpayer's excess profits tax for any taxable year if, and only if, the use of such average base period net income computed under section 459 (c) results in a lesser excess profits tax than would result from any other allowable computation of such tax.

(b) If the taxpayer is to compute its average base period net income under section 459 (c), it must establish to the satisfaction of the Commissioner, under the provisions of paragraph (2) of section 459 (c), that the consolidation referred to in paragraph (1) of section 459 (c) resulted in substantial reductions in the amounts which otherwise would have been paid or incurred as expenses (within the meaning of section 23 (a) (1) (A)) in the conduct of the operations described in paragraph (1) of section 459 (c) during the period beginning with such consolidation and ending with the close of the first taxable year beginning after such consolidation. If the taxpayer first claims the benefits of section 459 (c) on its return or on an amended return or in a claim for refund, it must attach a statement to such return or amended return or claim for refund containing sufficient information to enable the Commissioner to determine whether the requisite substantial reductions in expenses occurred.

(c) The taxpayer must satisfy the conditions of either paragraph (3) or paragraph (4) of section 459 (c) in order to be allowed to compute its average base period net income under section 459 (c). Under the provisions of paragraph (4), the excess profits net income of the taxpayer, computed as provided in section 433 (b), for its first taxable year beginning after the consolidation described in paragraph (1) of section 459 (c) must be 125 percent or more of the amount determined under section 435 (d) (4), which relates to the computation of the average base period net income under the general average method. Section 433 (b) provides for the computation of excess profits net income for taxable years in the base period for the purpose of computing average base period net income. For the purpose of the test set forth in paragraph (4) of section 459 (c), however, the excess profits net income for the first taxable year of the taxpayer beginning after the consolidation shall be computed in the manner provided in section 433 (b) without regard to whether or not such first taxable year is a taxable year in the base period.

(d) Computation of average base period net income under section 459 (c):

(1) The average base period net income computed under section 459 (c) shall be the sum of the following two amounts:

(i) The amount computed under section 435 (d) (relating to the computation of average base period net income under the general average method); and

(ii) An amount equal to the amount by which the average of the amounts paid or incurred as expenses in the conduct of the operations described in paragraph (1) of section 459 (c) during the two taxable years of the taxpayer immediately preceding the taxable year in which the consolidation described in paragraph (1) of section 459 (c) occurred exceeded such amounts paid or incurred during the first taxable year of the taxpayer beginning after such consolidation.

(2) In determining the excess amount described in subdivision (ii) of subparagraph (1) of this paragraph, proper adjustment shall be made for any increase in the cost per unit of labor or newsprint, due to wage or price increases, following such consolidation. If the taxpayer can show by relevant data and under generally accepted principles of accounting that its average unit costs of labor or newsprint in its first taxable year beginning after the consolidation were higher, due to wage or price increases, than its average unit costs of labor or newsprint in its two taxable years immediately preceding the taxable year in which the consolidation took place, then the amount specified in subdivision (ii) of subparagraph (1) of this paragraph shall be determined by substituting for the costs of labor or newsprint in such first taxable year amounts determined on the basis of its average unit costs of labor or newsprint in such two taxable years immediately preceding the taxable year in which the consolidation occurred.

(3) If the first taxable year beginning after the consolidation described in section 459 (c) (1) or if either of the two taxable years immediately preceding the taxable year in which such consolidation occurred is a taxable year of less than 12 months, then, in determining the amount specified in subdivision (ii) of subparagraph (1) of this paragraph, the amounts paid or incurred as expenses in such taxable year in the conduct of the operations described in paragraph (1) of section 459 (c) shall be such amounts as would be reflected in a computation on an annualized basis under the method set forth in section 433 (a) (2) (A). Similarly, if the first taxable year beginning after the consolidation or either of the two taxable years immediately preceding the taxable year in which the consolidation occurred was a taxable year of less than 12 months, then in determining whether the taxpayer meets the requirement set forth in paragraph (3) of section 459 (c) the total deductions of the taxpayer referred to in such paragraph (3) for such short taxable year shall be the amount which would be reflected in a computation on an annualized basis under the method set forth in section 433 (a) (2) (A). If the first taxable year beginning after the consolidation was a taxable year of less than 12 months, the excess profits net income for such short taxable year shall also be annualized under the method set forth in section 433 (a) (2) (A). In each case proper adjustment shall be made to prevent distortion with respect to nonrecurring items.

(4) If the average base period net income is computed under section 459 (c) and this section for the purpose of determining the excess profits tax for any taxable year, the base period capital addition provided in section 435 (f) shall not be allowed in determining such tax for such year.

[F. R. Doc. 52-12848; Filed, Dec. 3, 1952; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 725]

BURLEY AND FLUE-CURED TOBACCO

NOTICE OF DETERMINATIONS TO BE MADE WITH RESPECT TO NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR 1953–54 MARKETING YEAR

The Secretary of Agriculture is preparing to apportion the national marketing quota proclaimed for flue-cured tobacco for the 1953–54 marketing year (17 F. R. 6022) among the several States, and to convert the State marketing quotas into State acreage allotments.

Section 313 (a) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1313 (a)), requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 313 (small farms and "new" farms), among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed, with such adjustments as

are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trend in production, giving due consideration to seed bed and other plant diseases during such five-year period.

The act (7 U. S. C. 1313 (g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

The Secretary is preparing, also, to review the present supply and demand outlook for flue-cured tobacco to determine whether the national marketing quota of 1,234 million pounds proclaimed on July 1, 1953, for the 1953–54 marketing year will meet market demands and avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

Section 312 (a) of the act (7 U. S. C. 1312 (a)) authorizes the Secretary to increase, but not decrease, the amount of the national marketing quota if he determines that such increase is necessary in order to meet marketing demands or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. The proposed review of the quota is in line with the policy of the Department to make periodic reviews of all such determinations as later information with respect to the supply and demand outlook becomes available.

In making these determinations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C. All submissions must be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 28th day of November 1952.

[SEAL] HAROLD K. HILL,
Acting Administrator.

[F. R. Doc. 52-12857; Filed, Dec. 3, 1952; 8:50 a. m.]

[7 CFR Ch. IX]

[Docket No. AO-242]

MILK IN NORTH CENTRAL TRI-STATE MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Notice is hereby given that the hearing on a proposed marketing agreement and order to regulate the handling of milk in the North Central Tri-State marketing area originally scheduled to begin at 10:00 a. m., c. s. t., December 9, 1952 (17 F. R. 10266), in the Council Chambers, City Hall, Rochester, Minnesota, is hereby postponed until February 24, 1953, at 10:00 a. m., c. s. t., in the Council Chambers, City Hall, Rochester, Minnesota.

Done at Washington, D. C., this 28th day of November 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-12828; Filed, Dec. 3, 1952; 8:46 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 154]

[Docket No. R-124]

REGULATIONS UNDER NATURAL GAS ACT

ORDER FIXING DATE OF ORAL ARGUMENT AND FOR FILING OF WRITTEN COMMENTS

NOVEMBER 25, 1952.

In the matter of amendment of general rules and regulations to govern the filing of rate increase applications under the provisions of section 4 (e) of the Natural Gas Act, as amended. Docket No. R-124.

By notice of proposed rule making dated September 30, 1952, published in the FEDERAL REGISTER of October 8, 1952 (17 F. R. 8989-8991), the Commission proposed for adoption a general rule to govern the filing of rate increase applications to replace the existing rule governing such filings.

Interested persons were advised that they could submit data, views and comments in writing concerning the proposed rule not later than November 21, 1952. On or before that date, the Commission received such views and comments, together with numerous requests for an opportunity to present the views orally with respect to the proposed rule.

The Commission finds:

(1) It is necessary or appropriate to carry out the provisions of the Natural Gas Act that interested persons be afforded an opportunity to present their views orally with respect to the proposed rules as hereinafter ordered.

(2) It is appropriate as hereinafter ordered, that interested persons be afforded an opportunity prior to the oral argument to supplement their written views and comments which have already been presented, or where none has been filed with the Commission to submit written views or comments.

The Commission orders:

(A) Oral argument be held on December 18, 1952, at 10 o'clock a. m., e. s. t., in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C., for the purpose of affording interested persons an opportunity to present their views orally with respect to the proposed general rule to govern the filing of rate increase applications as set forth in the notice of rule making of September 30, 1952.

(B) On or before December 11, 1952, interested persons who have not already done so, may submit their comments or views in writing with respect to the proposed rule referred to in paragraph (A) hereof, and interested persons who have already submitted written comments or views, may file such additional written comments or views as they may desire; an original and 9 copies of such comments or views to be submitted.

(C) On or before December 11, 1952, interested persons desiring to participate in the oral argument shall advise the Secretary of the Commission of their desire to do so and shall state the amount of time they wish to have allotted to them for such purpose.

Date of issuance: November 28, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12819; Filed, Dec. 3, 1952; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF AIR FORCE FOR MILITARY PURPOSES [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

MASTIN G. WHITE,
Acting Assistant Secretary of the Interior.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12815; Filed, Dec. 3, 1952; 8:45 a. m.]

[1] See F. R. Doc. 52-12814, Title 43, Chapter I, Appendix, *supra*.

W. Janss, and the National Production Au-

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ADMINISTRATOR OF PRODUCTION AND MARKETING ADMINISTRATION

DELEGATION OF AUTHORITY TO DETERMINE COMMODITIES IN SHORT SUPPLY

I hereby delegate the authority to determine those commodities which are in short supply for purposes of implementing Title III, Chapter XI of the Supplemental Appropriation Act, 1953 (66 Stat. 637) to the Administrator of the Production and Marketing Administration to be exercised in conformity with standards and procedures prescribed by me.

This delegation of authority shall be effective as of November 28, 1952.

Done at Washington, D. C., this 28th day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12858; Filed, Dec. 3, 1952; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5783]

ALL AMERICAN AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the application of All American Airways, Inc., under section 408 of the Civil Aeronautics Act of 1938, as amended, and such other sections thereof as may be applicable, for approval of a proposed corporate reorganization of said company.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 9, 1952, at 10:00 a. m., e. s. t., in Room 5040, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 1, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-12853; Filed, Dec. 3, 1952; 8:49 a. m.]

[Docket No. 4522 et al.]

FRONTIER AIRLINES, INC., ET AL.; ROUTE 93 RENEWAL CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the applications of Frontier Airlines, Inc., under Docket No. 4522, for renewal of its authority to serve Route 93 for a period of five years, the extension of its route to Fort Huachuoa, Ariz.; and under Docket No. 4611 for a certificate amendment authorizing nonstop service between Douglas, Ariz., and El Paso, Tex.; the application of Bonanza Air Lines, Inc., under Docket No. 4471 to extend its route No. 105 to all points presently certificated on Route 93; the application of Trans World Airlines, Inc., under Docket No. 5210, for a certificate amendment to eliminate the intermediate point Winslow, Ariz., therefrom, the investigation instituted by the Board on petition of American Airlines, Inc., under Docket No. 5394, to determine whether said airline should be authorized to suspend service temporarily at Douglas, Ariz.; and the petition of Frontier Airlines, Inc., under Docket No. 5207, to suspend the authority of Trans World Airlines, Inc., to serve Winslow, Ariz., on its route No. 2, and the authority of Bonanza Air Lines, Inc., to serve the intermediate point, Prescott, Ariz., on its route No. 105.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding, heretofore assigned for December 9, 1952, is cancelled and will be reassigned in January.

Dated at Washington, D. C., December 1, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-12854; Filed, Dec. 3, 1952; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1319]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF ORDER AFFIRMING ORDER DISMISSING APPLICATION FOR TEMPORARY CERTIFICATE

NOVEMBER 28, 1952.

Notice is hereby given that on November 26, 1952, the Federal Power Commission issued its order entered November 25, 1952, affirming order (17 F. R. 10125-6) dismissing application for temporary certificate in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12816; Filed, Dec. 3, 1952; 8:46 a. m.]

[Docket No. G-1879]

UNITED GAS PIPE LINE CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 28, 1952.

Notice is hereby given that on November 26, 1952, the Federal Power Commission issued its order entered November 25, 1952, amending order (17 F. R. 7064) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12817; Filed, Dec. 3, 1952; 8:46 a. m.]

[Docket No. G-2086]

INDIANA GAS & WATER COMPANY, INC.

NOTICE OF APPLICATION

NOVEMBER 28, 1952.

Take notice that on November 10, 1952, Indiana Gas & Water Company, Inc. (Applicant), an Indiana corporation with its principal place of business at 1630 North Meridian Street, Indianapolis 2, Indiana, filed an application for a disclaimer of jurisdiction, or, in the alternative, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the operation of certain natural-gas transmission pipeline facilities hereinafter described; and the interconnection of such facilities with other natural-gas transmission pipeline facilities owned and operated by Panhandle Eastern Pipe Line Company (Panhandle).

Applicant proposes to operate:

(1) 19.03 miles of 8-inch pipeline owned by it and extending northerly from the main transmission pipeline of Panhandle in Putnam County, Indiana, to the latter's existing metering and regulating station near Crawfordsville, Indiana. Such facilities parallel the 6-inch lateral pipeline facilities owned and operated by Panhandle.

(2) 12.37 miles of 6-inch pipeline owned by it and extending northerly from the main transmission pipeline of Panhandle in Hendricks County, Indiana, to the latter's existing metering and regulating station near Lebanon, Indiana. Such facilities parallel 4-inch lateral pipeline facilities owned and operated by Panhandle.

(3) Related casing, valves, fittings, flanges, and other equipment.

Applicant states that the proceedings now pending at Docket Nos. G-1813 and G-1937 involve other independent applications pertaining to the construction and operation of the facilities heretofore described. Docket No. G-1813 is the proceeding upon the application of Applicant to construct the facilities heretofore described. Docket No. G-1937 is the proceeding upon the application of Panhandle to operate the major portion of such facilities. Applicant states it has constructed such facilities, and seeks authority now to operate such facilities under a certificate to be made effective only for the period from the date of its issuance in this proceeding until final disposition of the proceedings at Docket Nos. G-1813 and G-1937, by the issuance of the certificates therein applied for, at which time the certificate herein requested shall terminate.

Applicant states further that such facilities are interconnected with Panhandle's measuring and regulating stations near Crawfordsville and Lebanon and with the existing lateral pipelines owned and operated by Panhandle, but which facilities are valved off at the point of interconnection with the lateral lines. To make the interconnections for which authority is sought herein, Applicant states, will require only the opening of such valves.

Applicant asserts that the immediate operation of such facilities, in the conjunction with those owned and operated by Panhandle, is essential in order to assure the maintenance of adequate service to its customers. By means of such operation Applicant states it will be able to deliver up to 20,500 Mcf at Crawfordsville and up to 5,600 Mcf at Lebanon pursuant to the terms of the service agreement entered into with Panhandle on July 10, 1951.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of December 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12818; Filed, Dec. 3, 1952; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 84]

ALBION, MICHIGAN, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

DECEMBER 2, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as:

Albion, Michigan, Area. (The area consists of the city of Albion and the townships of Albion, Eckford, Marengo, and Sheridan; all in Calhoun County, Michigan.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-12864; Filed, Dec. 3, 1952; 9:46 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 37; Docket No. 44]

DELMAN CORP. AND LEONARD C. NEUFELD

MODIFICATION OF SUSPENSION ORDER

In an NPA administrative adversary proceeding before him in the above-entitled matter, Hearing Commissioner Frederick J. Moreau, of Lawrence, Kans., on October 3, 1952, entered an order of disposition which provided that:

In order to correct the unauthorized use of aluminum in the manufacture of windshield washers occasioned by the violations found herein, it is accordingly ordered: 1. That all allocations, allotments, and priorities of materials, including by self-allotment and self-certification, for use in the manufacture of windshield washers be withdrawn and withheld from the Delman Corporation, its successors and assigns, and Leonard C. Neufeld, his successors and assigns, for a period commencing October 1, 1952, and ending March 31, 1953: *Provided, however*, That the Delman Corporation and Leonard C. Neufeld, their successors and assigns, are nevertheless permitted to extend allotments and priorities received by them from Ford Motor Company for the production of windshield washers, which are Class "A" products for the use of the said Ford Motor Company pursuant to contracts now in force or which may later be entered into by the Delman Corporation, and

Leonard C. Neufeld, their successors and assigns, and the Ford Motor Company: *And provided further*, That the respondents are hereby permitted to use such supplies of aluminum as they have on hand as of October 1, 1952, for the purpose of manufacturing windshield washers which are Class "B" products during the period beginning October 1, 1952, and ending March 31, 1953.

As of October 16, 1952, under the above caption, The Delman Corporation, of 506 Third Street, Des Moines, Iowa, filed with the Chief Hearing Commissioner a petition, under the provisions of paragraph (c) of section 5 of NPA Rules of Practice, 17 F. R. 8156, reading in part as follows:

Comes now The Delman Company, and moves that the Suspension Order had and entered herein on October 3, 1952, be supplemented so as to permit The Delman Company to manufacture Class "A" windshield washers for the Chrysler Corporation pursuant to allotments and priorities extended by the Chrysler Corporation during the period of suspension October 1, 1952, to March 31, 1953, and for reasons in support of said Motion respectfully states:

1. That The Delman Corporation, named as Respondent in the above-entitled Administrative Proceedings, is now dissolved, and all its assets, liabilities, rights and obligations through mesne assignments have been conveyed to and assumed by The Delman Company, a limited partnership, with its principal place of business in Des Moines, Iowa.

2. That The Delman Company, a limited partnership, is now operating the business formerly owned and operated by The Delman Corporation, and is now manufacturing windshield washers pursuant to and under the restrictions of the Suspension Order entered herein on October 3, 1952.

3. That Leonard C. Neufeld was President of The Delman Corporation and is now a General Partner in The Delman Company.

The foregoing cause was referred to Hearing Commissioner Martin Tollefson, of Des Moines, Iowa, and was heard by him in the United States Court House at Des Moines, Iowa. Its purpose was to enable the Chief Hearing Commissioner, on the record as developed, to determine whether he should or should not, in the instant case, exercise the authority vested in him to revoke or modify the aforesaid suspension order of October 3, 1952. It commenced October 28, and ended October 30, 1952.

Commenting thereon, said hearing commissioner has stated in substance as follows:

During all of these periods of hearing, the respondents were represented by Mr. Peter W. Janss, and the National Production Authority by its regional attorney, Mr. John M. Cleary, Jr. The hearing commenced by the presentation of evidence by the respondents who had the burden of proof to establish by reliable, probative, and substantial evidence the allegations recited in • • • their motion for relief.

The gist of the respondents' desire as contained in their motion was that the suspension order of October 3, 1952, be modified to permit the re-extension of allotments received from the Chrysler Corporation for the manufacture of Class A products for factory assembly line installations; or in the words of the motion to permit "The Delman Company to manufacture Class A products for the use of the Chrysler Corporation pursuant to contracts now in force, or which may later be entered into, between the Delman Company and the Chrysler Corporation, the use of critical materials in which shall be pursuant to allotments and priorities extended by the said Chrysler Corporation • • •." In short, the respondents request that the order of October 3, 1952, be supplemented by adding the words "and the Chrysler Corporation" after the words "Ford Motor Company" wherever they appear in such order.

On the recommendation of the hearing commissioner herein, and with the concurrence of counsel for the National Production Authority, it is ordered that original Suspension Order No. 37, Docket No. 44, issued October 3, 1952, be modified by adding the words "and the Chrysler Corporation" after the words "Ford Motor Company" wherever they appear in the aforesaid suspension order, conditioned however on the respondents' filing monthly reports for the period of the original suspension order, showing the nature of their compliance with that order as modified, such reports to be filed with the Local District Manager, National Production Authority, United Savings & Loan Building, Des Moines, Iowa.

It is further ordered that the above-identified original suspension order, and as modified in these proceedings, shall be applicable to The Delman Company as the successor and assignee of The Delman Corporation and Leonard C. Neufeld.

Issued at Washington, D. C., this 25th day of November 1952.

NATIONAL PRODUCTION AUTHORITY,
By MORRIS R. BEVINGTON,
Deputy Chief Hearing Commissioner.

[F. R. Doc. 52-12911; Filed, Dec. 3, 1952; 11:39 a. m.]

[Suspension Order 48; Docket No. 69]

ACME PACKING CO. AND FIRST CALL DOG FOOD CO.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 6th day of November 1952, before William B. Owens, Esquire, a hearing commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementa-

tion 1 to National Production Authority General Administrative Order 16–06 (16 F. R. 8799), dated August 30, 1951, and Delegation of Authority under NPA–GAO 16–06 (17 F. R. 2098); and

The respondents, Thompson Merrick and Herbert C. Petersen, individually, and as co-partners doing business under the firm names and style of Acme Packing Company and First Call Dog Food Company, having been duly apprised of the specific violations charged and having appeared in these proceedings by their attorney, William G. Mackay, an attorney at law, 111 Sutter Street, San Francisco, Calif.; and

The National Production Authority being represented by E. J. Spielman, regional attorney; and

The respondents and their attorney having entered into a stipulation dated October 29, 1952, stipulating that the statement of facts contained in said stipulation may be entered in evidence in lieu of the presentation of other evidence in support of and in opposition to the statement of charges; and

Due deliberation having been had, it is hereby determined:

Findings of fact. 1. During the period commencing July 1, 1951, and ending December 31, 1951, Thompson Merrick and Herbert C. Petersen, individually, and as co-partners doing business under the firm names and style of Acme Packing Company and First Call Dog Food Company, committed acts prohibited by National Production Authority Order M–25 as amended July 1, 1951, as follows:

(a) The unauthorized use of 395 base boxes of tin plate amounting to 186,045 cans for the packing of pet food, in excess of its permitted use of cans during the third calendar quarter 1951, commencing July 1, 1951, and ending September 30, 1951, in violation of section 6 (b) of said National Production Authority Order M–25 as amended July 1, 1951.

(b) The unauthorized use of 2,007 base boxes of tin plate amounting to 945,297 cans for the packing of pet food, in excess of its permitted use of cans during the fourth calendar quarter 1951, commencing October 1, 1951, and ending December 31, 1951, in violation of section 6 (b) of said National Production Authority Order M–25 as amended August 23, 1951.

2. During the third calendar quarter 1951 and the fourth calendar quarter 1951, respondents by purchasing, accepting delivery of, and using approximately 1,091,842 cans contrary to the provisions of section 6 (b) of National Production Authority Order M–25, as alleged in the preceding charges 1 (a) and 1 (b), in violation of section 10 of National Production Authority Order M–25 as amended July 1, 1951, falsely certified to their suppliers that all purchases from such suppliers of items regulated by said order and the acceptance and use of said items by the respondents will be in compliance with said order and any amendments thereto.

3. During the month of November 1951, the respondents, Thompson Merrick and Herbert C. Petersen, individually, and as co-partners doing business under the firm name and style of First Call Dog Food Company, committed acts prohibited by section 5 of National Production Authority Order M–25 as amended August 23, 1951, in that during said period said respondents accepted delivery of approximately 357,960 cans totalling 760 base boxes, at a time when their inventory thereof exceeded, or by acceptance of such delivery was made to exceed, a practicable minimum working inventory of cans (as defined in section 10.4 of National Production Authority Reg. 1) required by them for packing pet foods, a product listed in Schedule I of said order, in accordance with the quota and material limitations set forth in Schedule I entitled "Can Specifications."

4. During the fourth calendar quarter 1951, commencing October 1, 1951, and ending December 31, 1951, the respondents, Thompson Merrick and Herbert C. Petersen, individually, and as co-partners doing business under the firm name and style of Acme Packing Company, committed acts prohibited by section 5 of National Production Authority Order M–25 as amended August 23, 1951, in that during said period said respondents accepted delivery of approximately 737,586 cans or 1,566 base boxes at a time when their inventory thereof exceeded, or by acceptance of such delivery was made to exceed, a practicable minimum working inventory of cans (as defined in section 10.4 of National Production Authority Reg. 1) required by them for packing pet foods, a product listed in Schedule I of said order, in accordance with the quota and material limitations set forth in Schedule I entitled "Can Specifications."

5. On February 6, 1951, and March 5, 1951, the respondents, Thompson Merrick and Herbert C. Petersen, individually, and as co-partners doing business under the firm name and style of First Call Dog Food Company, committed an act in violation of section 102.11 of National Production Authority Order M–25 dated January 27, 1951, as amended, in that they furnished false information in the course of operation under said order by making an application to the National Production Authority in writing, for an adjustment under section II of National Production Authority Order M–25 for the establishment of a quarterly packing base for packing animal and pet food under the firm name and style of First Call Dog Food Company; said respondents furnished false information and made materially false statements with respect to their organization, plant, and facilities, which false and misleading statements were made with intent to be acted upon by the National Production Authority; that as a result of such false and misleading information and statements furnished by the said respondents, the National Production Authority on April 26, 1951, granted the First Call Dog Food Company authority to use a quarterly packing base of 882 base boxes of tin plate for packing animal pet food; that upon discovery of such false and misleading information and statements furnished by said respondents, the National Production Authority on October 12, 1951, cancelled and revoked the quarterly packing base of 882 base boxes of tin plate granted to the First Call Dog Food Company as aforesaid; that in truth and in fact the First Call Dog Food Company owned no plant or packing facilities, had no organization and employed no personnel; that the name "First Call Dog Food" was in fact merely a brand name used on labels by the respondents for pet food packed by Acme Packing Company.

Special findings. The above findings of fact are in accord with the stipulation entered herein, which was affirmed by respondents at the hearing as correctly stating the facts. At the hearing, respondent Thompson Merrick, by way of explanation and mitigation, stated that respondents had acted upon interpretations of NPA Order M–25, and upon a method of determining authorized use quotas, different from those applied by the National Production Authority, as follows:

(1) That respondents understood that under the special allocation of 882 base boxes to First Call Dog Food Company in April 1951, they were permitted to use the entire 882 base boxes in each 1951 quarter, in addition to the percentage of 1949 actual use allowed to Acme; that they were so informed by a representative of the National Production Authority who visited their plant in July 1951.

The National Production Authority, in effect, treated the allocation of 882 base boxes to "First Call" as a 1949 actual use figure, and applied the 1951 percentages to that base.

A calculation based on respondents' construction and upon the 1949 actual use by Acme and the actual 1951 use by both Acme and First Call (shown by the investigator's figures, which are conceded to have been accurately taken from respondents' records), indicates a total excess receipt and use of cans of around 1,900 base boxes, as compared with a total of 2,402 base boxes alleged in the statement of charges. Thus, under respondents' method of calculation, there is still a substantial unexplained excess receipt and use of cans, particularly in the fourth quarter after the special allocation had been revoked.

(2) That respondents construed section 102.6 of NPA Order M–25, January 27, 1951 (which, with slight variation in wording, became section 9 in later amended forms of the order), as permitting them to use cans which they had in their inventory on January 27, 1951 (approximately 146,000 cans), in addition to Acme's quota and the 882 base boxes allocated to First Call. Section 102.6 deals with the metal content, weight, etc., of plate permitted to be used in cans, and the intent of the section was evidently simply to permit the use of cans already made up under different specifications, rather than to "freeze" them in the warehouses. Nothing in the section indicates that such cans were not to be included in determining allowable use quotas. In fact the last sentence of section 102.6 (a) states: "The restrictions of section 102.5 are not excepted by this paragraph (a)." Section 102.5 relates to "Restrictions on amount that may be packed." Respondents' interpretation was not reasonably justified.

(3) That respondents understood that under section 102.5 of NPA Order M–25 (January 27, 1951), they could accept full carload shipments of cans, although less than a carload would give them the "practicable minimum working inventory" permitted by the order; that they thereby "picked up" additional cans each quarter which they assumed they were entitled to use in addition to Acme's quota, the special allocation of 882 base boxes to First Call, and the cans in their inventory on January 27, 1951.

Assuming that the "carload" provision may permit some temporary extension of the inventory limitations, there cannot reasonably be read into this provision a permission to use the "extra" cans a carload might deliver in addition to the authorized quotas. Such interpretation would tend to defeat the intent and purpose of the order. Apparently no inquiry was made by respondents, either of their own counsel or of the National Production Authority, as to the correctness of the interpretations suggested in paragraphs (2) and (3) above.

The fifth charge in the statement of charges (the most serious in the Commissioner's view), is of misrepresentation and the withholding of pertinent information by respondents, in applying in the name of First Call Dog Food Company for an allocation of cans to that company, which, in fact, was not a packer. Little by way of explanation was offered by respondents as to this charge.

First Call Dog Food Company is a partnership with the same members as the Acme Packing Company, also a partnership. First Call is not, never has been, and, so far as appears, was never intended to be a packing company. Realistically, it may be said to be one of Acme's brand names. On the view most favorable to respondents, however, if separate identities are to be recognized, First Call was in the same position as the seven or eight "private label accounts for whom Acme packed pet food." As respondents state: "People of that type haven't any allocation for cans," nor, it would seem, are they entitled to any. They are not packers. It could not reasonably be contended that each of these "private label accounts" could properly have applied for an allocation of cans to them, without revealing that they were not packers, and intended to turn the cans over to Acme for packing, yet First Call's position, on the most favorable view, was no different.

The circumstances surrounding the First Call application, make it difficult to view it without suspicion. Most of Acme's packing was for its seven or eight "private label accounts." Only about 16 percent of its pack was under its own labels, of which it had several. The partners admittedly wanted to increase the pack of their own brands. First Call Dog Food Company was formed, or "reactivated," late in 1950 with that in mind, but before any packing under that label could be done, NPA Order M–25 "froze" Acme's can quota at a percentage of Acme's 1949 base year quarterly pack, which of course included nothing for First Call. There was, in all probability, no likelihood that Acme's quota would be increased when the only reason was their desire to increase their output of pet food under what was essentially one of their own labels. The limitations imposed by the 1951 percentages mean that Acme's packing for their "private label accounts" had to be correspondingly reduced. Presumably, if any increase in Acme's quota were obtained, a corresponding increase should be extended to their "private label accounts" if commitments to them were fairly met, leaving little for increasing Acme's pack under its own and the First Call label.

It is difficult to accept the contention, implicit in respondents' statements on this phase of the case, that they did not realize the misleading implication in the application, filed in the name of First Call Dog Food Company, for an adjustment allowing them an allocation of cans for packing pet food. They should have realized it.

The letter of February 6, 1951, signed, "First Call Dog Food Company," requesting an adjustment to allow them some cans, states: "We have had no packing history in 1949 or 1950. We are appealing to your good office for relief. We started our program too late in the year to do much canning of our product." There was nothing to indicate First Call's connection with Acme Packing Company, or that First Call was not itself a packer. To persons unacquainted with the true situation the latter would indicate that the applicant was, or had intended to become, a packer, who had been caught by the suddenly instituted regulation, based on a prior packing record which the applicant could not show. That this was the assumption on which the adjustment was granted is indicated by the letter of April 26, 1951, granting the special allocation of 882 base boxes to First Call, which states: "An adjustment * * * is hereby granted to permit you to use as a quarterly base, 882 base boxes * * * for packing animal and pet food." Had it been disclosed that, in reality, the application was for an increase in Acme's allocation, the adjustment would in all probability not have been granted. When this was later discovered the special allocation was revoked. No adequate or reasonable explanation has been presented for the facts alleged in the fifth charge and conceded by the stipulation, although the stipulation does not concede wilfulness. At least, there was gross carelessness on respondents' part.

Obviously a suspension order will work hardship on respondents, on their 10 or 12 semiskilled employees, and on those represented by the "private label accounts" who may be unable to have their products packed elsewhere. Clearly, however, there were substantial violations of the order through which respondents obtained and used a considerably greater number of cans than they were entitled to, thereby tending to disrupt the control program in a period of emergency and of shortages in essential materials. These violations cannot be disregarded simply because of hardship to the violators without virtually nullifying the effectiveness of the order.

The commissioner is not in a position to ascertain and weigh the full extent of hardship to those for whom Acme packs under the "private label accounts," who undoubtedly merit careful consideration.

Conclusions. A suspension order should issue as hereinafter specified, subject, however, to modification by the National Production Authority, to relieve any satisfactorily established severe hardship to the persons for whose "private label accounts" Acme has been packing, other than First Call Dog Food Company. To permit the completion of such unfilled orders as respondents may have on hand and in process of packing, and avoid spoilage of pet foods, the provisions of this order shall become effective as of December 1, 1952, and continue in force as hereinafter provided.

In order to correct the unauthorized ordering, procurement, delivery, and use of cans occasioned by the violations found herein, and in order to prevent future violations of National Production Authority regulations, orders, and directives by said respondents, it is accordingly ordered:

1. That all priority assistance be withdrawn and withheld from Thompson Merrick and Herbert C. Petersen, individually, and as co-partners doing business under the firm names and style of Acme Packing Company and First Call Dog Food Company, for the period commencing December 1, 1952, and ending June 30, 1953.

2. That all allocations and allotments of controlled materials and materials under control of the National Production Authority, including but not limited to materials under control of the National Production Authority Order M–25, be withdrawn and withheld from Thompson Merrick and Herbert C. Petersen, individually, and as co-partners doing business under the firm names and style of Acme Packing Company and First Call Dog Food Company, for the period commencing December 1, 1952, and ending June 30, 1953.

3. That Thompson Merrick and Herbert C. Petersen, individually, and as co-partners doing business under the firm names and style of Acme Packing Company and First Call Dog Food Company, be prohibited from acquiring, using, or disposing of controlled materials or materials under control of National Production Authority, including but not limited to materials under control of the National Production Authority Order M–25, for the period commencing December 1, 1952, and ending June 30, 1953.

4. That all privileges of self-authorization, self-certification, and automatic allotment granted by the National Production Authority with respect to controlled materials and materials under control of National Production Authority, including but not limited to materials under control of the National Production Authority Order M–25, be withdrawn and withheld from Thompson Merrick and Herbert C. Petersen, individually, and as co-partners doing business under the firm names and style of Acme Packing Company and First Call Dog Food Company, for the period commencing December 1, 1952, and ending June 30, 1953.

Issued this 19th day of November 1952, at Palo Alto, Calif.

NATIONAL PRODUCTION AUTHORITY,
By WILLIAM B. OWENS,
Hearing Commissioner.

[F. R. Doc. 52-12912; Filed, Dec. 3, 1952; 11:39 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27583]

MIXED CARLOADS MERCHANDISE FROM NEW YORK, N. Y., TO MACON, GA.

APPLICATION FOR RELIEF

DECEMBER 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise, in mixed carloads.

From: New York, N. Y., and points grouped therewith.

To: Macon, Ga.

Grounds for relief: Rail and motor competition and circuitous routes.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-967.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12833; Filed, Dec. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27584]

COMMODITY RATES BETWEEN TEAYS, OHIO, AND POINTS IN UNITED STATES AND CANADA

APPLICATION FOR RELIEF

DECEMBER 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to Consolidated Freight Classification, Agent W. S. Flint's I. C. C. O. C. No. 64.

Involving: Commodity rates.

Between: Teays, Ohio, and points in the United States or Canada.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12834; Filed, Dec. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27585]

VARIOUS COMMODITIES BETWEEN SOUTHERN AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to tariffs listed in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

Between: Southern and Illinois territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12835; Filed, Dec. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27586]

FERTILIZER FROM RIDGEWOOD, FLA., TO OFFICIAL AND ILLINOIS TERRITORY

APPLICATION FOR RELIEF

DECEMBER 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Ridgewood, Fla.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, and grouping.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-816, Supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12836; Filed, Dec. 3, 1952; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 237

Washington, Friday, December 5, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10417

CREATING A BOARD OF INQUIRY TO REPORT ON A LABOR DISPUTE AFFECTING THE CONSTRUCTION AND OPERATION OF ATOMIC ENERGY FACILITIES

WHEREAS there exists a labor dispute at the plant of the American Locomotive Company at Dunkirk, New York, between the said Company and certain of its employees represented by Local 2286 and Local 4498, United Steel Workers of America, CIO; and

WHEREAS in my opinion such dispute has resulted in a strike affecting a substantial part of an industry engaged in trade or commerce among the several States or with foreign nations, or in the production of goods for commerce, which strike, if permitted to continue, will imperil the national safety:

NOW, THEREFORE, by virtue of the authority vested in me by section 206 of the Labor Management Relations Act, 1947, 61 Stat. 155, I hereby create a Board of Inquiry, consisting of such members as I shall appoint, to inquire into the issues involved in such dispute.

The Board shall have powers and duties as set forth in Title II of the said Act. The Board shall report to the President in accordance with the provisions of section 206 of the said Act on or before December 10, 1952.

Upon submission of its report, the Board shall continue in existence to perform such other functions as may be required under the said Act, until the Board is terminated by the President.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 3, 1952.

[F. R. Doc. 52-12929; Filed, Dec. 3, 1952; 3:59 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 882—DISCHARGE OR RELEASE FROM ACTIVE DUTY

HARDSHIP

Sections 882.16 to 882.25 supersede §§ 882.16 to 882.27 (15 F. R. 1268; 32 CFR 882.16 to 882.27). The word "Hardship" is designated the centerhead for §§ 882.16 to 882.25.

HARDSHIP

Sec.
882.16 General.
882.17 Definition.
882.18 Delegation of authority.
882.19 Requirements.
882.20 Application.
882.21 Evidence required.
882.22 Other factors relating to separation.
882.23 Concealment of dependency.
882.24 Release or discharge.
882.25 Restriction on reenlistment.

AUTHORITY: Sections 882.16 to 882.25 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 29, 39 Stat. 187, as amended, sec. 4, 55 Stat. 627; 10 U. S. C. 652, 50 U. S. C. App. 354.

DERIVATION: AFR 39-13.

§ 882.16 *General*—(a) *Purpose.* Sections 882.16 to 882.25 outline the conditions under which an airman may be separated by reason of undue hardship.

(b) *Policy*—(1) *Existence of hardship conditions.* An airman may be separated for reasons of hardship when the evidence submitted indicates that undue and unforeseeable hardship conditions have arisen in his family since entrance into the service and that his separation will contribute materially to the care or support of his family and alleviate the hardship. Undue hardship exists when the family of an airman must endure hardship conditions beyond those conditions normally incident to military service as a result of his military status. Undue hardship does not necessarily exist solely because of altered present or expected income or because the airman is separated from his family or must suffer the inconveniences normally incident to military service.

(2) *Death or disability of member of family not a prerequisite.* Hardship conditions warranting separation may exist in instances other than death or disability of a member of the airman's family.

§ 882.17 *Definition.* For the purpose of §§ 882.16 to 882.25 the term "members of the family" includes the spouse, children, father, mother, brothers, sisters, any person who has stood in loco parentis to the airman prior to his entry into the

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FEDERAL REGISTER

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service, and members of the immediate family of the airman's spouse.

§ 882.18 *Delegation of authority.* Authority to order discharge under the provisions of §§ 882.16 to 882.25 is delegated to commanders of all units or installations, commanded by or the normal command of general officers, commanding officers of personnel centers, training centers, oversea replacement depots, ports of aerial embarkation, and all active Air Force installations having an authorized military strength of 4,000 or more men.

§ 882.19 *Requirements.* Separation is authorized and may be directed when it is determined that:

(a) Undue and genuine hardship exists.

(b) Hardship is not of a temporary nature.

(c) Conditions have arisen or have been aggravated to an excessive degree since entry into the service.

(d) The airman has made every reasonable effort to alleviate hardship by means of application for family allowance and voluntary contributions which has proven inadequate.

(e) Separation of the airman will result in the elimination of or will materially alleviate the condition and means of alleviation are not readily available other than by such separation.

§ 882.20 *Application.* Any airman will be permitted to submit a written application for separation for hardship. Such requests will be submitted as prescribed in paragraphs (a) through (d) of this section:

(a) *When airman is in the United States.* An airman based in the United States will submit his application to his immediate commanding officer and his application will be supported by the evidence required in § 882.21. An airman assigned to an oversea unit but temporarily in the United States will submit his application directly to the Director of Military Personnel, Headquarters United States Air Force, Washington 25, D. C.

(b) *When airman is overseas.* An airman based overseas will submit his application, with such supporting evidence as he may have readily available, to his immediate commanding officer. An airman assigned to a unit or installation within the United States but temporarily in an oversea theater, will submit his application, with such supporting evidence as he may have readily available, to the commander of the oversea theater in which he is located.

(c) *When airman is en route overseas.* Applications for separation because of hardship under the provisions of §§ 882.16 to 882.25 will not be accepted at personnel processing groups (or ports of aerial embarkation) from airmen en route overseas, except where hardship conditions have arisen since the airman's departure from his home installation which, in the opinion of the organization commander and/or the commander of the personnel processing group (or port of aerial embarkation), may warrant his separation.

(d) *When families of airmen may submit application.* Families of airmen based overseas may submit the application, together with the necessary documentary evidence, to the airman's immediate commander or forward the documentary evidence to the airman so that he may make application. Any application received in Headquarters United States Air Force from the family of an airman will be forwarded to the airman's commanding officer for action.

(e) *Reapplication.* Applications that have been given final disapproval will become part of the field personnel records of the airman. A new application will not be processed unless the airman has new material evidence to support a new application.

§ 882.21 *Evidence required.*—(a) *Form to be used.* The evidence required for a hardship separation normally will be in affidavit form. The evidence must be that required to substantiate the hardship conditions as outlined in § 882.19.

(b) *Affidavits and certificates.* (1) Affidavits or statements by or on behalf of an airman's dependents and by at least two disinterested agencies or persons substantiating the hardship claim may be accepted from responsible agencies or persons having first-hand knowledge of the circumstances involved.

(2) If hardship is the result of death of a member of the airman's family occurring after his entrance into the service, a certificate or other valid proof of death will be furnished. If hardship is the result of disability of a member of the airman's family occurring after his entrance into the service, a physician's certificate will be furnished stating specifically when such disability occurred and the nature thereof.

(3) The names, ages, occupations, locations, monthly incomes of the members of the airman's family, and reasons why these members cannot provide the necessary care or support of the airman's family will also be furnished. Evidence of prospective civilian employment will not be required unless the hardship is basically financial and reasonable doubt exists whether the airman will be able to exceed his military pay if separated.

§ 882.22 *Other factors relating to separation.*—(a) *Indebtedness to the Government.* Indebtedness to the Government or to a person does not prevent separation when the airman is eligible otherwise.

(b) *Under charges or in confinement.* When an airman is under charges or in confinement, he will not be separated until proper disposition has been made of his case. A sentence of confinement will be fully served unless sooner terminated by remission for mitigating causes arising from the airman's own good conduct before a separation for any cause may be given.

(c) *When airman's services are needed in his organization.* When an airman is eligible for separation under the provisions of §§ 882.16 to 882.25, separation will not be disapproved because his services are needed in his organization.

(d) *Four or more dependents.* In determining final action on applications for hardship separation, the existence of four or more dependents is a factor which should be given due consideration. However, four or more dependents will not be considered as conclusive evidence warranting separation.

(e) *Airmen serving on involuntary extension of enlistment.* Commanders will take cognizance of the fact that hardship conditions which do not warrant separation under the provisions of §§ 882.16 to 882.25 during the normal term of enlistment may be aggravated and intensified because of an involuntary extension of such enlistment. Consequently, maximum feasible leniency should be exercised in considering applications from airmen serving on an involuntary extension of enlistment.

(f) *Assistance to airmen and their dependents.* Airmen or their dependents on their own initiative may request American Red Cross local chapters or other agencies to substantiate applications for separation.

§ 882.23 *Concealment of dependency.* When an application for discharge under the provisions of §§ 882.16 to 882.25 reveals the existence of dependents which were concealed at the time of enlistment, a determination will be made whether the airman concerned should be granted a waiver of fraudulent enlistment or discharged under the provisions of regulations governing discharge of individuals for fraudulent enlistment.

§ 882.24 *Release or discharge.* Airmen separated under the provisions of §§ 882.16 to 882.25 who have Reserve service obligations under the Universal Military Training and Service Act (62 Stat. 604, as amended; 50 U. S. C. App. 451–473), will not be discharged but will be released from active military service and transferred to or will revert to Reserve status.

(a) *If released.* DD Form 217 AF, "Certificate of Service," and DD Form 214, "Report of Separation from the Armed Forces of the United States," will be furnished an airman released from active military service under the provisions of §§ 882.16 to 882.25.

(b) *If discharged.* DD Form 256F, "Honorable Discharge," or DD Form 257AF, "General Discharge," will be furnished.

§ 882.25 *Restriction on reenlistment.* Airmen being discharged under the provisions of §§ 882.16 to 882.25 are ineligible to reenlist in the Air Force for a period of at least one year from date of discharge and then only if they can meet the current enlistment requirements.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52-12862; Filed, Dec. 4, 1952; 8:45 a. m.]

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TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 600—DESIGNATION OF CIVIL AIRWAYS

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

REPUBLICATION OF REGULATIONS

The regulations in Parts 600 and 601 of Title 14, Chapter II, are hereby republished in their entirety and contain all amendments to date including Amendment 80 to Part 600, dated Nov. 11, 1952, 17 F. R. 9804, and Amendment 85 to Part 601, dated Nov. 11, 1952, 17 F. R. 9805.

F. B. LEE,
Acting Administrator of Civil Aeronautics.

PART 600—DESIGNATION OF CIVIL AIRWAYS

SUBPART A—INTRODUCTION

Sec.
600.1 Basis and purpose.
600.2 Explanation of term.
600.3 Scope.
600.10 Designation of civil airways.

SUBPART B—COLORED CIVIL AIRWAYS

GREEN CIVIL AIRWAYS

600.11 Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).
600.12 Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).
600.13 Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).
600.14 Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).
600.15 Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).
600.16 Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).
600.17 Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).
600.18 Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).
600.19 Green civil airway No. 9 (Hawaiian Islands).

AMBER CIVIL AIRWAYS

600.101 Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).
600.102 Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska).
600.103 Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).
600.104 Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).
600.105 Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).
600.106 Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).
600.107 Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border).
600.108 Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.).
600.109 Amber civil airway No. 9 (Charleston, S. C., to New York, N. Y.).
600.110 Amber civil airway No. 10 (Hawaiian Islands).
600.111 Amber civil airway No. 11 (Hawaiian Islands).
600.112 Amber civil airway No. 12 (Hawaiian Islands).

RED CIVIL AIRWAYS

600.201 Red civil airway No. 1 (Portland, Oreg., to Goodland, Kans.).
600.202 Red civil airway No. 2 (Butte, Mont., to Rapid City, S. Dak.).
600.203 Red civil airway No. 3 (Phillipsburg, Pa., to Hartford, Conn.).
600.204 Red civil airway No. 4 (Albuquerque, N. Mex., to Tucumcari, N. Mex.).
600.205 Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).
600.206 Red civil airway No. 6 (Las Vegas, Nev., to Omaha, Nebr.).
600.207 Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).
600.208 Red civil airway No. 8 (Dayton, Ohio, to Williamsport, Pa.).
600.209 Red civil airway No. 9 (San Diego, Calif., to Winslow, Ariz.).
600.210 Red civil airway No. 10 (Pueblo, Colo., to Charleston, S. C.).
600.211 Red civil airway No. 11 (Enid, Oklahoma, to Boston, Mass.).
600.212 Red civil airway No. 12 (Kansas City, Mo., to Williamsport, Pa.).
600.213 Red civil airway No. 13 (Butler, Pa., to Boston, Mass.).
600.214 Red civil airway No. 14 (Lone Rock, Wis., to Bowling Green, Ky.).
600.215 Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).
600.216 Red civil airway No. 16 (Tallahassee, Fla., to Florence, S. C.).
600.217 Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).
600.218 Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).
600.219 Red civil airway No. 19 (Detroit, Mich., to Norfolk, Va.).
600.220 Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).
600.221 Red civil airway No. 21 (Pittsburgh, Pa., to Boston, Mass.).
600.222 Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).
600.223 Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).
600.224 Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).
600.225 Red civil airway No. 25 (Tallahassee, Fla. to Miami, Fla.).
600.226 Red civil airway No. 26 (Syracuse, N. Y., to Allentown, Pa.).
600.227 Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).
600.228 Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).
600.229 Red civil airway No. 29 (Rochester, N. Y., to Baltimore, Md.).
600.230 Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).
600.231 Red civil airway No. 31 (Cheyenne, Wyo., to Minneapolis, Minn.).
600.232 Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).
600.233 Red civil airway No. 33 (Richmond, Va., to Boston, Mass.).
600.234 Red civil airway No. 34 (Charleston, W. Va., to Elizabeth City, N. C.).
600.235 Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).
600.236 Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).
600.237 Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).
600.238 Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).
600.239 Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).
600.240 Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).
600.241 Red civil airway No. 41 (Yakutat, Alaska, to Gustavus, Alaska).
600.242 Red civil airway No. 42 (Milwaukee, Wis., to LaFayette, Ind.).
600.243 Red civil airway No. 43 (Chicago, Ill., to LaFayette, Ind.).
600.244 Red civil airway No. 44 (Bellingham, Wash., to United States-Canadian Border).
600.245 Red civil airway No. 45 (Blackstone, Va., to Allentown, Pa.).
600.246 Red civil airway No. 46 (Jamestown, N. Dak., to Rochester, Minn.).
600.247 Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).
600.248 Red civil airway No. 48 (Missoula, Mont., to Livingston, Mont.).
600.249 Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).
600.250 Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).
600.251 Red civil airway No. 51 (Erie, Pa., to Elmira, N. Y.).
600.252 Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).
600.253 Red civil airway No. 53 (Joplin, Mo., to Springfield, Mo.).
600.254 Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).
600.255 Red civil airway No. 55 (Burlington, Iowa, to Columbus, Ohio).
600.256 Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).
600.257 Red civil airway No. 57 (Moline, Ill., to Youngstown, Ohio).
600.258 Red civil airway No. 58 (Salinas, Calif., to Hollister, Calif.).
600.259 Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).
600.260 Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).
600.261 Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).
600.262 Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.).
600.263 Red civil airway No. 63 (Battle Creek, Mich., to the United States-Canadian Border).
600.264 Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).
600.265 Red civil airway No. 65 (Oceanside, Calif., to Blythe, Calif.).
600.266 Red civil airway No 66 (Santa Barbara, Calif., to Los Angeles, Calif.).
600.267 Red civil airway No. 67 (Crestview, Fla, to Dothan, Ala.).
600.268 Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).
600.269 Red civil airway No. 69 (Midland, Tex., to Big Springs, Tex.).
600.270 Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).
600.271 Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).
600.272 Red civil airway No. 72 (Millville, N. J., to Idlewild, N. Y.).
600.273 Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).
600.274 Red civil airway No. 74 (Louisville, Ky., to Cincinnati, Ohio).
600.275 Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to the United States-Canadian Border, Abbotsford, B. C.).
600.276 Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).
600.277 Red civil airway No. 77 (Lynchburg, Va., to Millville, N. J.).
600.278 Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).
600.279 Red civil airway No. 79 (Port Angeles, Wash., to Everett, Wash.).
600.280 Red civil airway No. 80 (Lewistown, Mont., to Miles City, Mont.).
600.281 Red civil airway No. 81 (Cadillac, Mich., to Elkins, W. Va.).
600.282 Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).
600.283 Red civil airway No. 83 (Gila Bend, Ariz., to Rodeo, N. Mex.).
600.284 Red civil airway No. 84 (Lafayette, La., to Atlanta, Ga.).
600.285 Red civil airway No. 85 (Dayton, Ohio, to Martinsburg, Pa.).

600.286 Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).
600.287 Red civil airway No. 87 (Hawaiian Islands).
600.288 Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).
600.289 Red civil airway No. 89 (St. Joseph, Mo., to Peoria, Ill.).
600.290 Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).
600.291 Red civil airway No. 91 (Salt Flat, Tex., to Hobbs, N. Mex.).
600.292 Red civil airway No. 92 (New York, N. Y., to Islip, N. Y.).
600.293 Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).
600.294 Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).
600.295 Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).
600.296 Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).
600.297 Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).
600.298 Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).
600.299 Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).
600.312 Red civil airway No. 112 (Hawaiian Islands).

BLUE CIVIL AIRWAYS

600.601 Blue civil airway No. 1 (Pendleton, Oreg., to Spokane, Wash.).
600.602 Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).
600.603 Blue civil airway No. 3 (Tallahassee, Fla., to Lafayette, Ind.).
600.604 Blue civil airway No. 4 (Nantucket, Mass., to United States-Canadian Border).
600.605 Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).
600.606 Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).
600.607 Blue civil airway No. 7 (Paso Robles, Calif., to Williams, Calif.).
600.608 Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).
600.609 Blue civil airway No. 9 (Columbia, Mo., to United States-Canadian Border).
600.610 Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).
600.611 Blue civil airway No. 11 (Toledo, Ohio, to Niagara Falls, N. Y.).
600.612 Blue civil airway No. 12 (The Dalles, Oreg., to Ellensburg, Wash.).
600.613 Blue civil airway No. 13 (Houston, Tex., to Minneapolis, Minn.).
600.614 Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).
600.615 Blue civil airway No. 15 (Huntington, W. Va., to Erie, Pa.).
600.616 Blue civil airway No. 16 (Dillon, Mont., to Helena, Mont.).
600.617 Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).
600.618 Blue civil airway No. 18 (Philadelphia, Pa., to United States-Canadian Border).
600.619 Blue civil airway No. 19 (Miami, Fla., to Orlando, Fla.).
600.620 Blue civil airway No. 20 (Atlantic City, N. J., to Allentown, Pa.).
600.621 Blue civil airway No. 21 (Louisville, Ky., to Erie, Pa.).
600.622 Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.)
600.623 Blue civil airway No. 23 (Detroit, Mich., to Flint, Mich.).
600.624 Blue civil airway No. 24 (El Centro, Calif., to Daggett, Calif.).
600.625 Blue civil airway No. 25 (Cordova, Alaska, to Big Delta, Alaska).
600.626 Blue civil airway No. 26 (Anchorage, Alaska, to Nenana, Alaska).
600.627 Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).
600.628 Blue civil airway No. 28 (Charleston, S. C., to Spartanburg, S. C.).
600.629 Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).
600.630 Blue civil airway No. 30 (Brownsville, Tex., to Amarillo, Tex.).
600.631 Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).
600.632 Blue civil airway No. 32 (Pendleton, Oreg., to Talkeetna, Alaska).
600.633 Blue civil airway No. 33 (Archbold, Ohio, to Saginaw, Mich.).
600.634 Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).
600.635 Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).
600.636 Blue civil airway No. 36 (Thurman, Colo., to North Platte, Nebr.).
600.637 Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).
600.638 Blue civil airway No. 38 (Annette Island, Alaska, to United States-Canadian Border).
600.639 Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).
600.640 Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).
600.641 Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).
600.642 Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).
600.644 Blue civil airway No. 44 (Advance, Mo., to United States-Canadian Border).
600.646 Blue civil airway No. 46 (Memphis, Tenn., to Paducah, Ky.).
600.647 Blue civil airway No. 47 (Front Royal, Va., to Dunkirk, N. Y.).
600.648 Blue civil airway No. 48 (New York, N. Y., to Poughkeepsie, N. Y.).
600.649 Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).
600.650 Blue civil airway No. 50 (Augusta, Maine, to the United States-Canadian Border).
600.651 Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).
600.652 Blue civil airway No. 52 (Paso Robles, Calif., to Fresno, Calif.).
600.653 Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).
600.654 Blue civil airway No. 54 (Salinas, Calif., to Hamilton Field, Calif.).
600.655 Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).
600.656 Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).
600.657 Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).
600.658 Blue civil airway No. 58 (Sioux Falls, S. Dak., to Watertown, S. Dak.).
600.659 Blue civil airway No. 59 (Pensacola, Fla., to Goodway, Ala.).
600.660 Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).
600.661 Blue civil airway No. 61 (Springfield, Mo., to Kansas City, Mo.).
600.662 Blue civil airway No. 62 (Ypsilanti, Mich., to Traverse City, Mich.).
600.664 Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).
600666 Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.).
600.667 Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).
600.668 Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).
600.669 Blue civil airway No. 69 (St. Louis, Mo., to Des Moines, Iowa).
600.670 Blue civil airway No. 70 (Ardmore, Okla., to Tulsa, Okla.).
600.671 Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).
600.672 Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).
600.673 Blue civil airway No. 73 (Brookville, Pa., to Buffalo, N. Y.).
600.674 Blue civil airway No. 74 (Carlsbad, N. Mex., to Santa Fe, N. Mex.).
600.675 Blue civil airway No. 75 (Miami, Fla., to Tampa, Fla.).
600.676 Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).
600.677 Blue civil airway No. 77 (Promontory Point, Utah, to Corinne, Utah).
600.678 Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).
600.679 Blue civil airway No. 79 (Burlington, Iowa, to Iowa City, Iowa).
600.681 Blue civil airway No. 81 (Charleston, W. Va., to United States-Canadian Border).
600.682 Blue civil airway No. 82 (Lebo, Kans., to Topeka, Kans.).
600.684 Blue civil airway No. 84 (Bangor, Maine, to Millinocket, Maine).
600.685 Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.).
600.686 Blue civil airway No. 86 (Goshen, Ind., to Dayton, Ohio).
600.687 Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).

OTHER CIVIL AIRWAYS

600.1001 Dubois, Idaho, to West Yellowstone, Mont., civil airway.
600.1004 Winslow, Ariz., to Las Vegas, Nev., civil airway.

SUBPART C—VOR CIVIL AIRWAYS

600.6001 VOR civil airway No. 1 (Norfolk, Va., to New York, N. Y.).
600.6002 VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.).
600.6003 VOR civil airway No. 3 (Key West, Fla., to Bangor, Maine).
600.6004 VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.).
600.6005 VOR civil airway No. 5 (Jacksonville, Fla., to Cleveland, Ohio).
600.6006 VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.).
600.6007 VOR civil airway No. 7 (Miami, Fla., to Milwaukee, Wis.).
600.6008 VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.).
600.6009 VOR civil airway No. 9 (New Orleans, La., to Naperville, Ill.)
600.6010 VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.).
600.6011 VOR civil airway No. 11 (Houston, Tex., to Detroit, Mich.).
600.6012 VOR civil airway No. 12 (Daggett, Calif., to Philadelphia, Pa.).
600.6013 VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.).
600.6014 VOR civil airway No. 14 (Roswell, well, N. Mex. to Boston, Mass.).
600.6015 VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.).
600.6016 VOR civil airway No. 16 (Los Angeles, Calif., to Nashville, Tenn.).
600.6017 VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.).
600.6018 VOR civil airway No. 18 (Dallas, Tex., to Tuscaloosa, Ala.).
600.6019 VOR civil airway No. 19 (El Paso, Tex., to Sheridan, Wyo.).
600.6020 VOR civil airway No. 20 (Laredo, Tex., to Montgomery, Ala.).
600.6021 VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border).
600.6022 VOR civil airway No. 22 (New Orleans, La., to Tallahassee, Fla.).
600.6023 VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.).
600.6024 VOR civil airway No. 24 (Jamestown, N. Dak., to Redwood Falls, Minn.).
600.6025 VOR civil airway No. 25 (Oakland, Calif., to Ellensburg, Wash.).

Sec.
600.6026 VOR civil airway No. 26 (Rapid City, S. Dak., to Minneapolis, Minn.).
600.6027 VOR civil airway No. 27 (Santa Barbara, Calif., to Medford, Oreg.).
600.6028 VOR civil airway No. 28 (Oakland, Calif., to Modesto, Calif.).
600.6029 VOR civil airway No. 29 (Philadelphia, Pa., to United States-Canadian Border).
600.6030 VOR civil airway No. 30 (Milwaukee, Wis., to New York, N. Y.).
600.6031 VOR civil airway No. 31 (Baltimore, Md., to Syracuse, N. Y.).
600.6032 VOR civil airway No. 32 (Wells, Nev., to Fort Bridger, Wyo.).
600.6033 VOR civil airway No. 33 (Baltimore, Md., to Buffalo, N. Y.).
600.6034 VOR civil airway No. 34 (Rochester, N. Y., to New York, N. Y.).
600.6035 VOR civil airway No. 35 (Pittsburgh, Pa., to Syracuse N. Y.).
600.6036 VOR civil airway No. 36 (Buffalo, N. Y., to New York N. Y.).
600.6037 VOR civil airway No. 37 (Elkins, W. Va., to Erie, Pa.).
600.6038 VOR civil airway No. 38 (Chicago Heights, Ill., to Columbus, Ohio).
600.6039 VOR civil airway No. 39 (Gordonsville, Va., to Boston, Mass.).
600.6040 VOR civil airway No. 40 (Flint, Mich., to Pittsburgh, Pa.).
600.6041 VOR civil airway No. 41 (Pittsburgh, Pa., to Youngstown, Ohio).
600.6042 VOR civil airway No. 42 (Detroit, Mich., to Pittsburgh, Pa.).
600.6043 VOR civil airway No. 43 (Columbus, Ohio, to Erie, Pa.).
600.6044 VOR civil airway No. 44 (Martinsburg, W. Va., to Baltimore, Md.).
600.6045 VOR civil airway No. 45 (Columbus, Ohio, to Lansing, Mich.).
600.6046 VOR civil airway No. 46 (Cleveland, Ohio, to Pittsburgh, Pa.).
600.6047 VOR civil airway No. 47 (Louisville, Ky., to Detroit, Mich.).
600.6048 VOR civil airway No. 48 (Burlington, Iowa, to Chicago Heights, Ill.).
600.6049 VOR civil airway No. 49 (Dillon, Mont., to Drummond, Mont.).
600.6050 VOR civil airway No. 50 (Kirksville, Mo., to Peoria, Ill.).
600.6051 VOR civil airway No. 51 (Louisville, Ky., to Indianapolis, Ind.).
600.6052 VOR civil airway No. 52 (Des Moines, Iowa, to St. Louis, Mo.).
600.6053 VOR civil airway No. 53 (Louisville, Ky., to Madison, Wis.).
600.6054 VOR civil airway No. 54 (Texarkana, Ark., to Muscle Shoals, Ala.).
600.6055 VOR civil airway No. 55 (Dayton, Ohio, to Muskegon, Mich.).
600.6056 VOR civil airway No. 56 (Tallahassee, Fla., to Florence, S. C.).
600.6057 VOR civil airway No. 57 (Muscle Shoals, Ala., to Graham, Tenn.).
600.6058 VOR civil airway No. 58 (Pittsburgh, Pa., to Hartford, Conn.).
600.6059 VOR civil airway No. 59 (Evansville, Ind., to Bradford, Ill.).
600.6060 VOR civil airway No. 60 (Albuquerque, N. Mex., to Tucumcari, N. Mex.).
600.6061 VOR civil airway No. 61 (Wichita Falls, Tex., to Lawton, Okla.).
600.6062 VOR civil airway No. 62 (Santa Fe, N. Mex., to Anton Chico, N. Mex.).
600.6063 VOR civil airway No. 63 (Quincy, Ill., to Milwaukee, Wis.).
600.6064 VOR civil airway No. 64 (Ontario, Calif., to Blythe, Calif.).
600.6065 VOR civil airway No. 65 (Columbia, Mo., to Des Moines, Iowa).
600.6066 VOR civil airway No. 66 (San Diego, Calif., to Midland, Tex.).
Sec.
600.6067 VOR civil airway No. 67 (Mason City, Iowa, to Rochester, Minn.).
600.6068 VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.).
600.6069 VOR civil airway No. 69 (Walnut Ridge, Ark., to St. Louis, Mo.).
600.6070 VOR civil airway No. 70 (Palacios, Tex., to Lake Charles, La.).
600.6071 VOR civil airway No. 71 (Pine Bluff, Ark., to Kansas City, Mo.).
600.6072 VOR civil airway No. 72 (Bradford, Pa., to Binghamton, N. Y.).
600.6073 VOR civil airway No. 73 (Tulsa, Okla., to Salina, Kans.).
600.6074 VOR civil airway No. 74 (Ponca City, Okla., to Little Rock, Ark.).
600.6075 VOR civil airway No. 75 (Morgantown, W. Va., to Petersburg, W. Va.).
600.6076 VOR civil airway No. 76 (Lubbock, Tex., to San Angelo, Tex.).
600.6077 VOR civil airway No. 77 (San Angelo, Tex., to Wichita, Kans.).
600.6078 VOR civil airway No. 78 (Huron, S. Dak., to Watertown, S. Dak.).
600.6079 VOR civil airway No. 79 (Culberson, Tex., to Lubbock, Tex.).
600.6080 VOR civil airway No. 80 (Sioux Falls, S. Dak., to Redwood Falls, Minn.).
600.6081 VOR civil airway No. 81 (Midland, Tex., to Amarillo, Tex.).
600.6082 VOR civil airway No. 82 (Minneapolis, Minn., to La Crosse, Wis.).
600.6083 VOR civil airway No. 83 (Carlsbad, N. Mex., to Santa Fe, N. Mex.).
600.6084 VOR civil airway No. 84 (Lansing, Mich., to Flint, Mich.).
600.6085 VOR civil airway No. 85 (Rock River, Wyo., to Casper, Wyo.).
600.6086 VOR civil airway No. 86 (Butte, Mont., to Whitehall, Mont.).
600.6087 VOR civil airway No. 87 (Gila Bend, Ariz., to Hassayampa, Ariz.).
600.6088 VOR civil airway No. 88 (Dayton, Ohio, to Mansfield, Ohio).
600.6089 VOR civil airway No. 89 (Cheyenne, Wyo., to Rapid City, S. Dak.).
600.6090 VOR civil airway No. 90 (Lansing, Mich., to Detroit, Mich.).
600.6091 VOR civil airway No. 91 (Wilton, Conn., to Plattsburg, N. Y.).
600.6092 VOR civil airway No. 92 (Toledo, Ohio, to Mansfield, Ohio).
600.6093 VOR civil airway No. 93 (Baltimore, Md., to Lancaster, Pa.).
600.6094 VOR civil airway No. 94 (Salt Flat, Tex., to Hobbs, N. Mex.).
600.6095 VOR civil airway No. 95 (Phoenix, Ariz., to Winslow, Ariz.).
600.6096 VOR civil airway No. 96 (Fort Wayne, Ind., to Toledo, Ohio).
600.6097 VOR civil airway No. 97 (Charleston, S. C., to Minneapolis, Minn.).
600.6098 VOR civil airway No. 98 (San Francisco, Calif., to Bakersfield, Calif.).
600.6099 VOR civil airway No. 99 (Lafayette, La., to Baton Rouge, La.).
600.6100 VOR civil airway No. 100 (San Francisco, Calif., to Fresno, Calif.).
600.6101 VOR civil airway No. 101 (Ogden, Utah, to Burley, Idaho).
600.6102 VOR civil airway No. 102 (Lubbock, Tex., to Wichita Falls, Tex.).
600.6103 VOR civil airway No. 103 (Pendleton, Oreg., to Spokane, Wash.).
600.6104 VOR civil airway No. 104 (United States-Canadian Border to Plattsburg, N. Y.).
600.6105 VOR civil airway No. 105 (Phoenix, Ariz., to Prescott, Ariz.).
600.6106 VOR civil airway No. 106 (Selinsgrove, Pa., to Scranton, Pa.).
600.6107 VOR civil airway No. 107 (Santa Barbara, Calif., to Bakersfield, Calif.)
Sec.
600.6108 VOR civil airway No. 108 (Bangor, Maine, to Princeton, Maine).
600.6109 VOR civil airway No. 109 (Paso Robles, Calif., to Fresno, Calif.).
600.6110 VOR civil airway No. 110 (San Francisco, Calif., to Modesto, Calif.).
600.6111 VOR civil airway No. 111 (Salinas, Calif., to Los Banos, Calif.).
600.6112 VOR civil airway No. 112 (Portland, Oreg., to Pendleton, Oreg.).
600.6113 VOR civil airway No. 113 (Modesto, Calif., to Reno, Nev.).
600.6114 VOR civil airway No. 114 (Dalhart, Tex., to New Orleans, La.).
600.6115 VOR civil airway No. 115 (Crestview, Fla., to Montgomery, Ala.).
600.6116 VOR civil airway No. 116 (Austin, Tex. to Houston, Tex.).
600.6117 VOR civil airway No. 117.
600.6118 VOR civil airway No. 118 (Laramie, Wyo., to Cheyenne, Wyo.).

AUTHORITY: §§ 600.1 to 600.6118 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452.

SUBPART A—INTRODUCTION

§ 600.1 *Basis and purpose.* The basis of this part is found in sections 205 and 302 of the Civil Aeronautics Act of 1938, as amended. The purpose of this part is to designate civil airways in order to provide suitable and, insofar as possible, safe routes for aircraft operating in interstate, overseas, or foreign air commerce.

§ 600.2 *Explanation of term.* As used in this part, "civil airway" shall mean a path through the navigable airspace of the United States suitable for interstate, overseas, or foreign air commerce. Civil airways are classified as follows:

(a) Colored civil airways: (1) Green civil airways, (2) Amber civil airways, (3) Red civil airways, (4) Blue civil airways.

(b) VOR civil airways: (1) Even numbered civil airways, (2) Odd numbered civil airways.

§ 600.3 *Scope.* (a) Except where otherwise provided in Subpart B and in Subpart C, each civil airway shall include the navigable airspace of the United States above all that area on the surface of the earth lying within 5 miles of the center of the center line prescribed for each such airway, but shall not include any of the airspace of an airspace reservation as provided for in section 4 of the Air Commerce Act of 1926, as amended.

(b) The center line of each civil airway shall be a line extended in the manner hereinafter prescribed through the center of the points or intersections specified for such airway.

(c) Except where otherwise provided in Subpart C, one or more alternate VOR civil airways shall be established between specified points along, and shall be a part of, each VOR civil airway. The center line of an alternate VOR civil airway shall depart from and return to the main VOR civil airway via the intersection of radials having an angle of 15 degrees (unless otherwise specified) separation from the main VOR civil airway.

§ 600.10 *Designation of civil airways.* The paths through the navigable airspace of the United States described in Subpart B and Subpart C are designated as civil airways.

SUBPART B—COLORED CIVIL AIRWAYS

GREEN CIVIL AIRWAYS

§ 600.11 *Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).* That airspace over United States territory lying within 2 miles either side of the southwest course of the Vancouver, British Columbia, radio range between the intersection of the north course of the Patricia Bay, British Columbia, radio range and the southwest course of the Vancouver, British Columbia, radio range and the Vancouver, British Columbia, radio range station. That airspace over United States territory lying within 5 miles either side of direct lines from the Megantic, Quebec, Canada, radio range station via the Millinocket, Maine, radio range station to the Fredericton, New Brunswick, radio range station.

§ 600.12 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* From the King County Airport, Seattle, Wash., via the Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Coeur D'Alene, Idaho, radio range station; Mullan Pass, Idaho, radio range station; Superior, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; the intersection of the southeast course of the Helena, Mont., radio range and the northwest course of the Bozeman, Mont., radio range; Bozeman, Mont., radio range station; the intersection of the southeast course of the Bozeman, Mont., radio range and the west course of the Livingston, Mont., radio range; Livingston, Mont., radio range station; Billings, Mont., radio range station; Miles City, Mont., radio range station; the intersection of the northeast course of the Miles City, Mont., radio range and the west course of the Dickinson, N. Dak., radio range; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Jamestown, N. Dak., radio range station; the intersection of the east course of the Jamestown, N. Dak., radio range and the west course of the Fargo, N. Dak., radio range; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; Lone Rock, Wis., radio range station; Madison, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; the intersection of the east course of the Lansing, Mich., radio range and the north course of the Detroit, Mich., radio range; Detroit, Mich., radio range station to the intersection of the east course of the Detroit, Mich., radio range and the United States-Canadian Border. From the intersection of the east course of the Clear Creek, Ontario, Canada, radio range and the United States-Canadian Border via the intersection of the east course of the Clear Creek, Ontario, Canada, radio range and the southwest course of the Buffalo, N. Y., radio range; Buffalo, N. Y., radio range station; the intersection of the east course of the Buffalo, N. Y., radio range and the southwest course of the Rochester, N. Y., radio range; Rochester, N. Y., radio range station; the intersection of the southeast course of the Rochester, N. Y., radio range and the west course of the Syracuse, N. Y., radio range; Syracuse, N. Y., radio range station; Albany, N. Y., radio range station; Westfield, Mass., radio range station; the intersection of the southeast course of the Westfield, Mass., radio range and the southwest course of the Boston, Mass., radio range to the Boston, Mass., radio range station.

§ 600.13 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* From the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Fairfield, Calif., radio range via the San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Sacramento, Calif., radio range station; the intersection of the northeast course of the Sacramento, Calif., radio range and the southwest course of the Reno, Nev., radio range; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Battle Mountain, Nev., radio range station; Elko, Nev., radio range station; the intersection of the northeast course of the Elko, Nev., radio range and the west course of the Lucin, Utah, radio range; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range; the intersection of the northwest course of the Laramie, Wyo., radio range and the northwest course of the Cheyenne, Wyo., radio range; Cheyenne, Wyo., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Moline, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Goshen, Ind., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; the intersection of the east course of the Youngstown, Ohio, radio range and the west course of the Philipsburg, Pa., radio range; Philipsburg, Pa., radio range station; Allentown, Pa., radio range station; the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia), radio range to the New York, N. Y. (LaGuardia), radio range station.

§ 600.14 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* From the Camarillo, Calif., radio range station via the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; Needles, Calif., radio range station; Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; Zuni, N. Mex., radio range station; Acomita, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; Otto, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; the intersection of the east course of the Amarillo, Tex., radio range and the southwest course of the Gage, Okla., radio range; Gage, Okla., radio range station; Wichita, Kans., radio range station; Lebo, Kans., non-directional radio beacon; Kansas City, Mo., radio range station; the intersection of the northeast course of the Kansas City, Mo., radio range and the west course of the Columbia, Mo., radio range; Columbia Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the east course of the Indianapolis, Ind., radio range and the west course of the Columbus, Ohio, radio range; Columbus, Ohio, radio range station; the intersection of the east course of the Columbus, Ohio, radio range and the west course of the Pittsburgh, Pa., radio range; Pittsburgh, Pa., radio range station; the intersection of the northeast course of the Pittsburgh, Pa., radio range and the west course of the Altoona, Pa., radio range; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the east course of the Harrisburg, Pa., radio range and the southwest course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station to the Municipal Airport, Philadelphia, Pa.

§ 600.15 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).* From the Los Angeles, Calif., radio range station via the Riverside, Calif., radio range station; the intersection of the east course of the Riverside, Calif., radio range and the west course of the Blythe, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the south course of the Phoenix, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; the intersection of the southeast course of the Tucson, Ariz., radio range and the west course of the Cochise, Ariz., radio range; Cochise, Ariz., radio range station; Rodeo, N. Mex., radio range; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station, excluding the portion which lies outside the continental United States; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Texarkana, Ark., radio range station; Memphis, Tenn., radio range station; Jackson, Tenn., radio range station; Nashville, Tenn., radio range station; the intersection of the northeast course of the Nashville, Tenn., radio range and the northwest course of the Smithville, Tenn., radio range; Smithville, Tenn., radio

range station; the intersection of the southeast course of the Smithville, Tenn., radio range and the west course of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; the intersection of the northeast course of the Gordonsville, Va., radio range and the south course of the Washington, D. C., radio range; Andrews, Md., radio range station; Millville, N. J., radio range station; the intersection of the northeast course of the Millville, N. J., radio range and the southwest course of the Mitchel Field, N. Y. (AFB), radio range; the Mitchel Field, N. Y. (AFB), radio range station; the intersection of the northeast course of the Mitchel Field, N. Y. (AFB), radio range and the southwest course of the Boston, Mass., radio range to the intersection of the southwest course of the Boston, Mass., radio range and the southeast course of the Westfield, Mass., radio range.

§ 600.16 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).* From the Laredo, Tex., radio range station via the Alice, Tex., radio range station; Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; the intersection of the southeast course of the Palacios, Tex., radio range and the southwest course of the Galveston, Tex., radio range; Galveston, Tex., radio range station; Lake Charles, La., radio range station; New Orleans, La., radio range station; the intersection of the east course of the New Orleans, La., radio range and the southwest course of the Mobile, Ala., radio range; Mobile, Ala., radio range station; Maxwell Field, Ala., radio range station; the intersection of the east course of the Maxwell Field, Ala., radio range and the southwest course of the Atlanta, Ga., radio range; Atlanta, Ga., radio range station; Spartanburg, S. C., radio range station; the intersection of the northeast course of the Spartanburg, S. C., radio range and the west course of the Charlotte, N. C., radio range; the intersection of the north course of the Charlotte, N. C., radio range and the southwest course of the Greensboro, N. C., radio range; Greensboro, N. C., radio range station; Blackstone, Va., radio range station; the intersection of the northeast course of the Blackstone, Va., radio range and the southwest course of the Richmond, Va., radio range; Richmond, Va., radio range station; and the Norfolk, Va., radio range station to the Municipal Airport, Norfolk, Va.

§ 600.17 *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* From the Nome, Alaska, radio range station via the Moses Point, Alaska, radio range station; the intersection of the east course of the Moses Point, Alaska, radio range and the north course of the Unalakleet, Alaska, radio range; Galena, Alaska, radio range station; the intersection of the east course of the Galena, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

§ 600.18 *Green civil airway No. 8 (Cold Bay, Alaska to Northway, Alaska).* From the Cold Bay, Alaska, radio range station via the King Salmon, Alaska, radio range station; the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Homer, Alaska, radio range; Homer, Alaska, radio range station; the intersection of the northeast course of the Homer, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range to the Anchorage, Alaska, radio range station. From the intersection of the northeast course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range via the Gulkana, Alaska, radio range station; the intersection of the northeast course of the Gulkana, Alaska, radio range and the southwest course of the Northway Alaska, radio range to the Northway, Alaska, radio range station.

§ 600.19 *Green civil airway No. 9 (Hawaiian Islands).* From the intersection of the south course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range via the Honolulu, T. H., radio range station to the intersection of the northeast course of the Honolulu, T. H., radio range and the north course of the Hilo, T. H., radio range excluding the portion below 6,000 feet which overlaps the Kaneohe Naval Airspace Reservation.

AMBER CIVIL AIRWAYS

§ 600.101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).* That airspace over United States territory from the intersection of the southeast course of the San Diego, Calif., radio range and the United States-Mexican Border via the San Diego, Calif., radio range station; the intersection of the northwest course of the San Diego, Calif., radio range and the southeast course of the Long Beach, Calif., radio range; Long Beach, Calif., radio range station; Los Angeles, Calif., radio range station; Newhall, Calif., radio range station; Bakersfield, Calif., radio range station; Fresno Calif. radio range station; Sacramento, Calif., radio range station; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station excluding the portion which overlaps the Fort Lewis, Wash., danger area; Seattle, Wash., radio range station; Everett, Wash., radio range station; Bellingham, Wash., radio range station to the Vancouver, British Columbia, radio range station. That airspace over United States territory from the Sandspit, British Columbia, radio range station via the intersection of the northwest course of the Sandspit, British Columbia, radio range and the southwest course of the Annette Island, Alaska, radio range; Sitka (Biorka Island), Alaska, radio range station; Yakutat, Alaska radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the southeast course of the Hinchinbrook, Alaska, radio range; Hinchinbrook, Alaska, radio range station; the intersection of the northwest course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; Skwentna, Alaska, radio range station; Puntilla Lake, Alaska, nondirectional radio beacon; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station to the Nome, Alaska, radio range station.

§ 600.102 *Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska).* From the Long Beach, Calif., radio range station via the intersection of the northeast course of the Long Beach, Calif., radio range and the east course of the Los Angeles, Calif., radio range; Daggett, Calif., radio range station; Silver Lake, Calif., radio range station; the intersection of the northeast course of the Silver Lake, Calif., radio range and the southwest course of the Las Vegas, Nev., radio range; Las Vegas, Nev., radio range station; the intersection of the northeast course of the Las Vegas, Nev., radio range and the southwest course of the Enterprise, Utah, radio range; Enterprise, Utah, radio range station; thence via Latitude 38°24'30", Longitude 113°01'40"; Delta, Utah, radio range station; the intersection of the northeast course of the Delta, Utah, radio range and the south course of the Salt Lake City, Utah, radio range; Salt Lake City, Utah, radio range station; Ogden, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; Idaho Falls, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Helena, Mont., radio range station; the intersection of the north course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station; Cut Bank, Mont., radio range station to the intersection of the northwest course of the Cut Bank, Mont., radio range and the United States-Canadian Border. From the intersection of the northwest course of the Snag, Yukon Territory, radio range and the United States-Canadian Border via the Northway, Alaska, radio range station; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the east course of the Fairbanks, Alaska, radio range; Fairbanks, Alaska, radio range station; Bettles, Alaska, radio range station; Umiat, Alaska, radio range station to the Point Barrow, Alaska, radio range station.

§ 600.103 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).* From the intersection of the west course of the El Paso, Tex., radio range and the south course of the Truth or Consequences, N. Mex., radio range via the Truth or Consequences, N. Mex., radio range station; to the Albuquerque, N. Mex., radio range station. From the intersection of the east course of the Otto, N. Mex., radio range and the southwest course of the Las Vegas, N. Mex., radio range, via the

Las Vegas, N. Mex., radio range station; the intersection of the northeast course of the Las Vegas, N. Mex., radio range and the south course of the Trinidad, Colo., radio range; Trinidad, Colo., radio range station; Pueblo, Colo., radio range station; the intersection of the north course of the Pueblo, Colo., radio range and the south course of the Denver, Colo., radio range; Denver, Colo., radio range station; Cheyenne, Wyo., radio range station; the intersection of the north course of the Cheyenne, Wyo., radio range and the east course of the Casper, Wyo., radio range; Casper, Wyo., radio range station; the intersection of the north course of the Casper, Wyo., radio range and the southeast course of the Sheridan, Wyo., radio range; Sheridan, Wyo., radio range station; Billings, Mont., radio range station; the intersection of the northwest course of the Billings, Mont., radio range and the southeast course of the Lewistown, Mont., radio range and the Lewistown, Mont., radio range station; to the Great Falls, Mont., radio range station.

§ 600.104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).* From the Municipal Airport, Brownsville, Tex., via the Brownsville, Tex., radio range station; the intersection of the northwest course of the Brownsville, Tex., radio range and the south course of the Alice, Tex., radio range; Alice, Tex., radio range station; the intersection of the north course of the Alice, Tex., radio range and the south course of the San Antonio, Tex., radio range; San Antonio, Tex., radio range station; the intersection of the north course of the San Antonio, Tex., radio range and the southwest course of the Austin, Tex., radio range; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the northwest course of the Waco, Tex., radio range and the south course of the Fort Worth, Tex., radio range; Fort Worth, Tex., radio range station; the intersection of the north course of the Fort Worth, Tex., radio range and the south course of the Oklahoma City, Okla., radio range; Oklahoma City, Okla., radio range station; the intersection of the east course of the Oklahoma City, Okla., radio range and the southwest course of the Tulsa, Okla., radio range; Tulsa, Okla., radio range station; the intersection of the northeast course of the Tulsa, Okla., radio range and the south course of the Chanute, Kans., radio range; Chanute, Kans., radio range station to the intersection of the northeast course of the Chanute, Kans., radio range and the southwest course of the Kansas City, Mo., radio range. From the Kansas City, Mo., radio range station; via the St. Joseph, Mo., radio range station; Omaha, Nebr., radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; Bismarck, N. Dak., radio range station; the intersection of the north course of the Bismarck, N. Dak., radio range and the southeast course of the Minot, N. Dak., radio range to the Minot, N. Dak., radio range station.

§ 600.105 *Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).* From the Grand Isle, La., nondirectional radio marker beacon via Latitude 29°14'00", Longitude 90°09'00"; New Orleans, La., radio range station; Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Memphis, Tenn., radio range station; Advance, Mo., radio range station; St. Louis, Mo., radio range station; the intersection of the north course of the St. Louis, Mo., radio range and the southwest course of the Springfield, Ill., radio range; Springfield, Ill., radio range station; Joliet, Ill., radio range station; the intersection of the northeast course of the Joliet, Ill., radio range and the south course of the Milwaukee, Wis., radio range to the Milwaukee, Wis., radio range station.

§ 600.106 *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* From the Jacksonville, Fla., radio range station via the Alma, Ga., radio range station; Macon, Ga., radio range station; Atlanta, Ga., radio range station; Chattanooga, Tenn., radio range station to the Nashville, Tenn., radio range station. From the intersection of the northwest course of the Nashville, Tenn., radio range and the southwest course of the Bowling Green, Ky., radio range; Bowling Green, Ky., radio range station; the intersection of the northeast course of the Bowling Green, Ky., radio range and the south course of the Louisville, Ky., radio range; Louisville, Ky., radio range station; Cincinnati, Ohio, radio range station to the intersection of the northeast course of the Cincinnati, Ohio, radio range and the west course of the Columbus, Ohio, radio range. From the Columbus, Ohio, radio range station to the intersection of the northeast course of the Columbus, Ohio, radio range and the west course of the Cleveland, Ohio, radio range. From the intersection of the east course of the Cleveland, Ohio, radio range and the southwest course of the Clear Creek, Ontario, Canada, radio range to the intersection of the southwest course of the Clear Creek, Ontario, Canada, radio range and the United States-Canadian Border.

§ 600.107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border).* From the Key West, Fla., radio range station via the intersection of the northeast course of the Key West, Fla., radio range and the southwest course of the Homestead, Fla., radio range; Homestead, Fla., radio range station; Miami, Fla., radio range station; the intersection of the east course of the Miami, Fla., radio range and the south course of the West Palm Beach, Fla., radio range; West Palm Beach, Fla., radio range station; the intersection of the north course of the West Palm Beach, Fla., radio range and the southeast course of the Melbourne, Fla., radio range; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Jacksonville, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; the intersection of the northeast course of the Charleston, S. C., radio range and the southeast course of the Florence, S. C., radio range; Florence, S. C., radio range station; the intersection of the northeast course of the Florence, S. C., radio range and the south course of the Raleigh, N. C., radio range; Raleigh, N. C., radio range station; Richmond, Va., radio range station; the intersection of the north course of the Richmond, Va., radio range and the southwest course of the Washington, D. C., radio range; Washington, D. C., radio range station; the intersection of the northeast course of the Washington, D. C., radio range and the west course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; Newark, N. J., radio range station; the intersection of the northeast course of the Newark, N. J., radio range and the northeast course of the New York, N. Y. (LaGuardia), radio range; Hartford, Conn., radio range station; the intersection of the northeast course of the Hartford, Conn., radio range and the west course of the Boston, Mass., radio range; Boston, Mass., radio range station; the intersection of the northeast course of the Boston, Mass., radio range and the southwest course of the Portland, Maine, radio range; Portland, Maine, radio range station; Augusta, Maine, radio range station; Millinocket, Maine, radio range station; Presque Isle, Maine, radio range station via a direct line between the Presque Isle, Maine, radio range station and the Mont Joli, Quebec, Canada, radio range station to the U. S.-Canadian Border.

§ 600.108 *Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.).* From the Los Angeles, Calif., VHF radio range station via the intersection of the west course of the Los Angeles, Calif., VHF radio range and the southeast course of the Camarillo, Calif., radio range; Camarillo, Calif., radio range station; Santa Barbara, Calif., radio range station; the intersection of a line bearing 302° True from the Santa Barbara, Calif., radio range and the southeast course of the Paso Robles VHF radio range; Paso Robles, Calif., VHF radio range station; the intersection of the northwest course of the Paso Robles, Calif., VHF radio range and the southeast course of the Salinas, Calif., VHF radio range; Salinas, Calif., VHF radio range station; the intersection of northwest course of the Salinas, Calif., VHF radio range and the southwest course of the Travis AFB, Fairfield, Calif., radio range; Travis AFB, Fairfield, Calif., radio range station to the intersection of the northeast course of the Travis AFB, Fairfield, Calif., radio range and the northwest course of the Sacramento, Calif., radio range. From the Red Bluff, Calif., radio range station via the Whitmore, Calif., radio range station; the intersection of the northeast course of the Whitmore, Calif., radio range and the south course of the Klamath Falls, Oreg., radio range; Klamath Falls, Oreg., radio range station; the intersection of the north course of the Klamath Falls, Oreg., radio range and the southwest course of the Redmond, Oreg., radio range; Redmond, Oreg., radio range station to The Dalles, Oreg., radio range station.

§ 600.109 *Amber civil airway No. 9 (Charleston, S. C., to New York, N. Y.).* From the intersection of the northeast course of the Charleston, S. C., radio range and the southwest course of the Myrtle Beach, S. C., VHF radio range via the Myrtle Beach, S. C., VHF radio range station; Wilmington, N. C., VHF radio range station; New Bern, N. C., VHF radio range station; Williamston, N. C., VHF radio range station (excluding the portions between 11,000 feet and 16,000 feet and between 21,000 feet and 45,000 feet above mean sea level, during the hours of darkness, which lie within the Cherry Point, N. C. night danger area); the intersection of the northeast course of the Williamston, N. C., VHF radio range and southwest course of the Norfolk, Va., radio range to the Norfolk, Va., radio range station. From the Norfolk, Va., VHF radio range station via the intersection of the north course of the Norfolk, Va., VHF radio range and the southwest course of the Salisbury, Md., VHF radio range; Salisbury, Md., VHF, radio range station; the intersection of the northeast course of the Salisbury, Md., VHF radio range and a line bearing 211° True from the Atlantic City, N. J. (Navy), radio range station; Atlantic City, N. J. (Navy), radio range station to the intersection of a line bearing 360° True from the Atlantic City, N. J. (Navy), radio range station and the northeast course of the Millville radio range, excluding the portion which overlaps danger areas. From the intersection of the south course of the Matawan, N. J., VHF radio range and the northeast course of the Millville, N. J., radio range via the Matawan, N. J., VHF radio range station, excluding that portion more than 2 miles either side of the south course of the Matawan, N. J., VHF radio range, to the intersection of the north course of the Matawan, N. J., VHF radio range and the east course of the Allentown, Pa., radio range.

§ 600.110 *Amber civil airway No. 10 (Hawaiian Islands).* From the intersection of the west course of the Hilo, T. H., radio range and the south course of the Honolulu, T. H., radio range to the Honolulu, T. H., radio range station excluding the portion above 10,000 feet.

§ 600.111 *Amber civil airway No. 11 (Hawaiian Islands).* From the intersection of the south course of the Maui, T. H., radio range and the west course of the Hilo, T. H., radio range via the Maui, T. H., radio range station to the intersection of the north course of the Maui, T. H., radio range and the northeast course of the Honolulu, T. H., radio range.

§ 600.112 *Amber civil airway No. 12 (Hawaiian Islands).* From the intersection of the south course of the Hilo, T. H., radio range and point 37 miles south of the Hilo, T. H., radio range station via the Hilo, T. H., radio range station to the intersection of the north course of the Hilo, T. H., radio range and the northeast course of the Honolulu, T. H., radio range.

RED CIVIL AIRWAYS

§ 600.201 *Red civil airway No. 1 (Portland, Oreg., to Goodland, Kans.).* From the Portland, Oreg., radio range station via the intersection of the east course of the Portland, Oreg., radio range and the northwest course of The Dalles, Oreg., radio range; The Dalles, Oreg., radio range station; the intersection of the east course of The Dalles, Oreg., radio range and the west course of the Pendleton, Oreg., radio range; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; the intersection of the southeast course of the Boise, Idaho, radio range and the northwest course of the Burley, Idaho, radio range; Burley, Idaho, radio range station; Malad City, Idaho, radio range station; the intersection of the southeast course of the Malad City, Idaho, radio range and the north course of the Fort Bridger, Wyo., radio range to the Rock Springs, Wyo., radio range station. From the intersection of the northwest course of the Laramie, Wyo., radio range and the northwest course of the Cheyenne, Wyo., radio range via the Laramie, Wyo., radio range station to the intersection of the southeast course of the Laramie, Wyo., radio range and the north course of the Denver, Colo., radio range. From the Denver, Colo., radio range station to the Goodland, Kans., non-directional radio beacon, excluding the portion which overlaps danger areas.

§ 600.202 *Red civil airway No. 2 (Butte, Mont., to Rapid City, S. Dak.).* From the Butte, Mont., radio range station via the Whitehall, Mont., radio range station to the Bozeman, Mont., radio range station. From the intersection of the southeast course of the Sheridan, Wyo., radio range and the north course of the Casper, Wyo., radio range via the intersection of the southeast course of the Sheridan, Wyo., radio range and the west course of the Rapid City, S. Dak., radio range to the Rapid City, S. Dak., radio range station.

§ 600.203 *Red civil airway No. 3 (Philipsburg, Pa., to Hartford, Conn.).* From the Philipsburg, Pa., radio range station to the Harrisburg, Pa., radio range station. From the Philadelphia, Pa., radio range station via the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the New York, N. Y. (New York, LaGuardia Field), radio range to the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the New York, N. Y. (New York, LaGuardia), radio range. From the New York, N. Y. (New York, LaGuardia Field), radio range station to the intersection of the northeast course of the New York, N. Y. (New York, LaGuardia Field), radio range and the northeast course of the Newark, N. J., radio range.

§ 600.204 *Red civil airway No. 4 (Albuquerque, N. Mex., to Tucumcari, N. Mex.).* From the Albuquerque, N. Mex., radio range station via the intersection of the north course of the Albuquerque, N. Mex., radio range and a line bearing 244° True from the Santa Fe, N. Mex., non-directional radio beacon; Santa Fe, N. Mex., non-directional radio beacon; Las Vegas, N. Mex., radio range station to the intersection of the southeast course of the Las Vegas, N. Mex., radio range and the west course of the Tucumcari, N. Mex., radio range.

§ 600.205 *Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).* From the Sioux Falls, S. Dak., radio range station, via the Minneapolis, Minn., radio range station to the St. Paul Airport, St. Paul, Minn.

§ 600.206 *Red civil airway No. 6 (Las Vegas, Nev., to Omaha, Nebr.).* From the intersection of the northeast course of the Las Vegas, Nev., radio range and the southwest course of the St. George, Utah, VHF radio range via the St. George, Utah, VHF radio range station; the Bryce Canyon, Utah, VHF radio range station; the Hanksville, Utah, VHF radio range station; the intersection of the northeast course of the Hanksville, Utah, VHF radio range and the southwest course of the Grand Junction, Colo., VHF radio range; the Grand Junction, Colo., VHF radio range station; the intersection of the northeast course of the Grand Junction, Colo., VHF radio range and the southwest course of the Eagle, Colo., VHF radio range; the Eagle, Colo., VHF radio range station; the intersection of the northeast course of the Eagle, Colo., VHF radio range and the west course of the Denver, Colo., VHF radio range to the Denver, Colo., VHF radio range station. From the Denver, Colo., radio range station to the Akron, Colo., radio range station. From the Grand Island, Nebr., radio range station via the Lincoln, Nebr., radio range station to the Omaha, Nebr., radio range station.

§ 600.207 *Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).* From the intersection of the south course of the Greenville, S. C., radio range and the southwest course of the Spartanburg, S. C., radio range, via the Greenville, S. C., radio range station to the intersection of the east course of the Greenville, S. C., radio range and the southwest course of the Spartanburg, S. C., radio range. From the intersection of the northeast course of the Spartanburg, S. C., radio range and the west course of the Charlotte, N. C., radio range, via the Charlotte, N. C., radio range station to the intersection of the north course of the Charlotte, N. C., radio range and the southwest course of the Greensboro, N. C., radio range. From the intersection of the southwest course of the Greensboro, N. C., radio range and the southeast course of the Winston-Salem, N. C., radio range via the Winston-Salem, N. C., radio range station and the Winston-Salem, N. C., Municipal Airport to the Greensboro, N. C., radio range station.

§ 600.208 *Red civil airway No. 8 (Dayton, Ohio, to Williamsport, Pa.).* From the intersection of the west course of the Wright-Patterson AFB radio range, Fairfield, Ohio, and the northwest course of the Cincinnati, Ohio, radio range via the Wright-Patterson AFB radio range station; the intersection of the east course of the Wright-Patterson AFB radio range and the south course of the Columbus, Ohio, radio range; the Zanesville, Ohio, non-directional radio beacon; the Bergholz, Ohio, non-directional radio beacon; the Butler, Pa., non-directional radio beacon; the Brookville, Pa., non-directional radio beacon; the intersection of the southwest course of the Elmira, N. Y., radio range and the west course of the Williamsport, Pa., radio range to the Williamsport, Pa., radio range station.

§ 600.209 *Red civil airway No. 9 (San Diego, Calif., to Winslow, Ariz.).* From the San Diego, Calif., radio range station via the intersection of the east course of the San Diego, Calif., radio range and the west course of the El Centro, Calif., radio range; El Centro, Calif., radio range station; Yuma, Ariz., radio range station, excluding the portion which lies outside the continental United States; the intersection of the east course of the Yuma, Ariz., radio range and the west course of the Gila Bend, Ariz., radio range; Gila Bend, Ariz., radio range station to the intersection of the east course of the Gila Bend, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range. From the Phoenix, Ariz., radio range station via the Payson, Ariz., non-directional radio beacon to the Winslow, Ariz., radio range station.

§ 600.210 *Red civil airway No. 10 (Pueblo, Colo., to Charleston, S. C.).* From the Pueblo, Colo., radio range station via the Dalhart, Tex., non-directional radio beacon; the Amarillo, Tex., radio range station; Wichita Falls, Tex., radio range station; the intersection of the southeast course of the Wichita Falls, Tex., radio range and the north course of the Fort Worth, Tex., radio range; Dallas, Tex. radio range station; Shreveport, La., radio range station; Monroe, La., radio range station; Jackson, Miss., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; the intersection of the east course of the Birmingham, Ala., radio range and the west course of the Campbellton, Ga., radio range; Campbellton, Ga., radio range station; Atlanta, Ga., radio range station, excluding the portion below 5,000 feet which overlaps the Camp Gordon, Ga., Danger Area, to the Augusta, Ga., radio range station. From the intersection of the northeast course of the Augusta, Ga., radio range and the northwest course of the Charleston, S. C., radio range to the Charleston, S. C., radio range station.

§ 600.211 *Red civil airway No. 11 (Enid, Oklahoma, to Boston, Mass.).* From the intersection of the northwest course of the Enid, Okla. (Vance AFB) radio range and the northeast course of the Gage, Okla., radio range via the Enid, Okla. (Vance AFB), radio range station to the intersection of the southeast course of the Enid, Okla. (Vance AFB), radio range and the north course of the Oklahoma City, Okla., radio range. From the intersection of the northeast course of the Tulsa, Okla., radio range and the south course of the Chanute, Kans., radio range via the Springfield, Mo., radio range station; Vichy, Mo., radio range station to the intersection of the northeast course of the Vichy, Mo., radio range and the west course of the St. Louis, Mo., rario range. From the intersection of the east course of the St. Louis, Mo., radio range and the west course of the Evansville, Ind., radio range via the Evansville, Ind., radio range station; Louisville, Ky., radio range station; the intersection of the east course of the Louisville, Ky., radio range and the southwest course of the Huntington, W. Va., radio range to the Huntington, W. V., radio range station. From the intersection of the east course of the Clear Creek, Ont., Canada, radio range and the southwest course of the Buffalo, N. Y., radio range to the Danville, N. Y., non-directional radio beacon. From the Elmira, N. Y., radio range station via the Albany, N. Y., radio range station to the intersection of the northeast course of the Hartford, Conn., radio range and the west course of the Boston, Mass., radio range. From the Boston, Mass., radio range station to the intersection of the east course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range.

§ 600.212 *Red civil airway No. 12 (Kansas City, Mo., to Williamsport, Pa.).* From the interesection of the northeast course of the Kansas City, Mo., radio range and the west course of the Columbia, Mo., radio range via the Kirksville, Mo., radio range station; Burlington, Iowa, radio range station; Joliet, Ill., radio range station; the intersection of the east course of the Joliet, Ill., radio range and the west course of the South Bend, Ind., radio range; South Bend, Ind., radio range station to the Detroit, Mich., radio range station. From the intersection of a direct line between the Windsor, Ont., Canada, radio range and the Erie, Pa., radio range station with the United States-Canadian Border via the Erie, Pa., radio range station; Phillipsburg, Pa., radio range station to the Williamsport, Pa., radio range station.

§ 600.213 *Red civil airway No. 13 (Butler, Pa., to Boston, Mass.).* From the Butler, Pa., non-directional radio beacon to the Phillipsburg, Pa., radio range station. From the intersection of the east course of the Phillipsburg, Pa., radio range and the southwest course of the Wilkes-Barre, Pa., radio range via the Wilkes-Barre, Pa., radio range station; Stewart Field, N. Y., radio range station; Poughkeepsie, N. Y., radio range station; Hartford, Conn., radio range station; Providence, R. I., radio range station to the intersection of the north course of the Providence, R. I., radio range and the west course of the Boston, Mass., radio range.

§ 600.214 *Red civil airway No. 14 (Lone Rock, Wis., to Bowling Green, Ky.).* From the Lone Rock, Wis., radio range station via the Rockford, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; Chicago, Ill., radio range station; Indianapolis, Ind., radio range station to the intersection of the south course of the Indianapolis, Ind., radio range and the west course of the Louisville, Ky., radio range. From the intersection of a line bearing 354° True from the Godman AFB, Fort Knox, Ky., non-directional radio beacon and the west course of the Louisville, Ky., radio range via the Godman AFB non-directional radio beacon to the intersection of a line bearing 171° True from the Godman AFB non-directional radio beacon and the northeast course of the Bowling Green, Ky., radio range, excluding the portion which overlaps danger areas.

§ 600.215 *Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).* From the intersection of the northeast course of the Reno, Nev., radio range and the northwest course of the Fallon, Nev., radio range via the Fallon, Nev., radio range station; the intersection of the southeast course of the Fallon, Nev., radio range with a point at Lat. 38°39'50", Long. 117°51'00"; the Tonopah, Nev., radio range station; the intersection of the south course of the Tonopah, Nev., radio range with a point at Lat. 37°25'30", Long. 117°09'30"; thence via Lat. 36°17'45", Long. 116°25'30" to the Goodspring, Nev., non-directional radio beacon. From the Las Vegas, Nev., radio range station to the intersection of the southeast course of the Las Vegas, Nev., radio range and the west course of the Prescott, Ariz., radio range. From the Prescott, Ariz., radio range station via the intersection of the southeast course of the Prescott, Ariz., radio range and the northwest course of the Phoenix, Ariz., radio range to the Phoenix, Ariz., radio range station.

§ 600.216 *Red civil airway No. 16 (Tallahassee, Fla., to Florence, S. C.).* From the Tallahassee, Fla., radio range station via the Albany, Ga., radio range station; the intersection of the north course of the Albany, Ga., radio range and the southwest course of the Macon, Ga., radio range to the Macon, Ga., radio range station excluding the portion above 19,000 feet which lies within the Tyndall AFB danger area (Area II), between sunset and sunrise. From the Augusta, Ga., radio range station via the Columbia, S. C., radio range station; the intersection of the east course of the Columbia, S. C., radio range and the southwest course of the Florence, S. C., radio range to the Florence, S. C., radio range station.

§ 600.217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).* From the intersection of the southwest course of the Belleville, Ill., Scott AFB radio range with a point on the southwest course of the Scott AFB radio range 48 miles southwest of the Belleville, Ill., Scott AFB radio range station via the Belleville, Ill., Scott AFB radio range station to the intersection of the northeast course of the Scott AFB radio range and the west course of the Effingham, Ill., radio range. From the Chanute AFB, Rantoul, Ill., radio range station to the intersection of the northeast course of the Chanute AFB radio range and the southeast course of the Chicago, Ill., radio range. From the Fort Wayne, Ind., radio range station via the Findlay, Ohio, non-directional radio beacon; the Mansfield, Ohio, non-directional radio beacon to the Pittsburgh, Pa., radio range station. From the McKeesport, Pa., non-directional radio beacon to the Johns-

town, Pa., non-directional radio beacon. From the Martinsburg, W. Va., radio range station via the intersection of the northeast course of the Arcola, Va., radio range and the west course of the Baltimore, Md., radio range; Baltimore, Md., radio range station to the intersection of the east course of the Baltimore, Md., radio range and the southwest course of the Millville, N. J., radio range, except that the portion of the civil airway which overlaps the Aberdeen danger area (published in § 608.28 of this chapter) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control.

§ 600.218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* From the intersection of the northwest course of the Indianapolis, Ind., radio range and the northwest course of the Cincinnati, Ohio, radio range via the Cincinnati, Ohio, radio range station; the intersection of the southeast course of the Cincinnati, Ohio, radio range and the northwest course of the Huntington, W. Va., radio range; Huntington, W. Va., radio range station; Charleston, W. Va., radio marker station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station to the intersection of the east course of the Front Royal, Va., radio range and the northwest course of the Washington, D. C., radio range.

§ 600.219 *Red civil airway No. 19 (Detroit, Mich., to Norfolk, Va.).* From the Detroit, Mich., radio range station via the intersection of the southeast course of the Detroit, Mich., radio range and the west course of the Wellington, Ohio, VHF radio range; Wellington, Ohio, VHF radio range station to the intersection of the east course of the Wellington, Ohio, VHF radio range and the northwest course of the Akron, Ohio, radio range. From the Akron, Ohio, radio range station to the intersection of the southeast course of the Cleveland, Ohio, radio range and the west course of the Pittsburgh, Pa., radio range. From the intersection of the west course of the Pittsburgh, Pa., radio range and the northwest course of the Morgantown, W. Va., radio range via Morgantown, W. Va., radio range station to the intersection of the southeast course of the Morgantown, W. Va., radio range and the west course of the Front Royal, Va., radio range. From the intersection of the southwest course of the Arcola, Va., radio range and the west course of the Quantico, Va. (Navy), radio range to the Quantico, Va. (Navy), radio range station, excluding the portion more than 1 mile north of the west course of the Quantico, Va. (Navy), radio range. From the intersection of the north course of the Richmond, Va., radio range and the northwest course of the Tappahannock, Va., radio range via the Tappahannock, Va., radio range station to the intersection of the southeast course of the Tappahannock, Va., radio range and the north course of the Norfolk, Va. (Navy), radio range, excluding those portions more than 2 miles either side of the northwest course of the Tappahannock, Va., radio range and the portion which overlaps the Patuxent, Md., Danger Area.

§ 600.220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).* From the Lansing, Mich., radio range station via the intersection of the northwest course of the Detroit, Mich., radio range and the northwest course of the Selfridge Field, Mich., radio range and the intersection of the northwest course of the Windsor, Ontario, Canada, radio range and the northwest course of the Selfridge Field, Mich., radio range to the intersection of the northwest course of the Windsor, Ontario, Canada, radio range and the United States-Canadian Border. From the intersection of the northwest course of the Cleveland, Ohio, radio range and the United States-Canadian Border via the Cleveland, Ohio, radio range station; Akron, Ohio, radio range station; Pittsburgh, Pa., radio range station; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northwest course of the Washington, D. C., radio range; the Washington, D. C., radio range station to the intersection of the southeast course of the Washington, D. C., radio range with Red civil airway No. 77.

§ 600.221 *Red civil airway No. 21 (Pittsburgh, Pa., to Boston, Mass.).* From the intersection of the northeast course of the Pittsburgh, Pa., radio range and the west course of the Altoona, Pa., radio range via the intersection of the northeast course of the Pittsburgh, Pa., radio range and the north course of the Altoona, Pa., radio range to the Selinsgrove, Pa., nondirectional radio beacon. From the Williamsport, Pa., radio range station via the Crystal Lake, Pa., nondirectional radio beacon to the Newark, N. J., radio range station. From the intersection of the east course of the New York (La Guardia), N. Y., radio range and the southwest course of the Bridgeport, Conn., radio range via the Bridgeport, Conn., radio range station to the intersection of the norteast course of the Bridgeport, Conn., radio range and the southeast course of the Hartford, Conn., radio range. From the intersection of the southeast course of the Hartford, Conn., radio range and the west course of the Quonset Point, R. I. (Navy), radio range via the intersection of the west course of the Quonset Point, R. I. (Navy), radio range and the southwest course of the Providence, R. I., radio range; Providence, R. I., radio range station, excluding that portion more than 2 miles east of the southwest course of the Providence, R. I., radio range; Squantum, Mass. (Navy), radio range station, excluding that portion which lies more than 4 miles east of the southwest course of the Squantum, Mass. (Navy), radio range between the Providence, R. I., radio range station and a point 5 miles northeast to the intersection of the northeast course of the Squantum, Mass. (Navy), radio range and the east course of the Boston, Mass., radio range.

§ 600.222 *Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).* From the Mount Clemens, Mich., Selfridge AFB radio range station to the intersection of the southeast course of the Selfridge AFB radio range and the west course of the Clear Creek, Ont., Canada, radio range, excluding the portion which lies outside the continental United States. From the intersection of the west course of the Buffalo, N. Y., radio range and the United States-Canadian Border via the Buffalo, N. Y., radio range station; the intersection of the northeast course of the Buffalo, N. Y., radio range and the northwest course of the Rochester, N. Y., radio range to the Rochester, N. Y., radio range station. From the Syracuse, N. Y., radio range station via the Utica, N. Y., radio range station to the intersection of the southeast course of the Utica, N. Y., radio range and the west course of the Albany, N. Y., radio range.

§ 600.223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).* From the intersection of a direct line between the Houghton, Mich., radio range station and the Lakehead, Ontario, Canada, radio range station and the United States-Canadian Border via the Houghton, Mich., radio range station; Grand Marais, Mich., radio range station; the Sault Ste. Marie, Mich., radio range station to the intersection of the southeast course of the Sault Ste. Marie, Mich., radio range and the United States-Canadian Border. From the intersection of the southeast course of the Toronto, Ontario, Canada, radio range and the United States-Canadian Border via the intersection of the southeast course of the Toronto, Ontario, Canada, radio range and the northeast course of the Buffalo, N. Y., radio range; the intersection of the east course of the Buffalo, N. Y., radio range and the northwest course of the Elmira, N. Y., radio range; Elmira, N. Y., radio range station; the intersection of the southeast course of the Elmira, N. Y., radio range and the northwest course of the New York, N. Y. (LaGuardia), radio range; the New York, N. Y. (LaGuardia), radio range station to the intersection of the east course of the New York, N. Y. (LaGuardia), radio range and the northeast course of the Mitchel Field, N. Y. (Army), radio range.

§ 600.224 *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).* From the Amarillo, Tex., radio range station via the intersection of the east course of the Amarillo, Tex., radio range and the southwest course of the Oklahoma City, Okla., radio range to the Oklahoma City, Okla., radio range station.

§ 600.225 *Red civil airway No. 25 (Tallahassee, Fla., to Miami, Fla.).* From the intersection of the east course of the Tallahassee, Fla., radio range and the northwest course of the Cross City, Fla., radio range via the Cross City, Fla., radio range station; the intersection of the southeast course of the Cross City, Fla., radio range and the north course of the Tampa, Fla., radio range; Tampa, Fla., radio range station; Fort Myers, Fla., radio range station and the intersection of the southeast course of the Fort Myers, Fla., radio range and the west course of the Miami, Fla., radio range to the Miami, Fla., radio range station.

§ 600.226 *Red civil airway No. 26 (Syracuse, N. Y., to Allentown, Pa.).* From the Syracuse, N. Y., radio range station via the intersection of the south course of the Syracuse, N. Y., radio range and the north course of the Wilkes-Barre, Pa., radio range; Wilkes-Barre, Pa., radio range station to the intersection of the southeast course of the Wilkes-Barre, Pa., radio range and the west course of the Allentown, Pa., radio range.

§ 600.227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).* From the intersection of the south course of the Atlanta, Ga., NAS radio range and the northeast course of the Campbellton, Ga., radio range via the Atlanta, Ga., NAS radio range station; the intersection of the north course of the Atlanta, Ga., NAS radio range and the south course of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Corbin, Ky., radio range station; the intersection of the north course of the Corbin, Ky., VHF VAR radio range and a line bearing 150° True from the Lexington, Ky., non-directional radio beacon; Lexington, Ky., non-directional radio beacon; the intersection of a line bearing 358° True from the Lexington, Ky., non-directional radio beacon and the south course of the Dayton, Ohio, radio range; Dayton, Ohio, radio range station; Toledo, Ohio, radio range station to the intersection of the north course of the Toledo, Ohio, radio range and the west course of the Detroit, Mich., radio range.

§ 600.228 *Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).* From the Rockford, Ill., radio range station via the intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range; Chicago, Ill., radio range station; the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Grand Rapids, Mich., radio range station. From the Lansing, Mich., radio range station to the Willow Run Airport, Ypsilanti, Mich.

§ 600.229 *Red civil airway No. 29 (Rochester, N. Y., to Baltimore, Md.).* From the intersection of the southwest course of the Rochester, N. Y., radio range and the east course of the Buffalo, N. Y., radio range to the intersection of the southwest course of the Rochester, N. Y., radio range and the northwest course of the Elmira, N. Y., radio range. From the intersection of the southwest course of the Elmira, N. Y., radio range and the north course of the Williamsport, Pa., radio range via the Williamsport, Pa., radio range station; Harrisburg, Pa., radio range station to the intersection of the south course of the Harrisburg, Pa., radio range and the west course of the Baltimore, Md., radio range. From the Baltimore, Md., radio range station to the intersection of the south course of the Baltimore, Md., radio range and the southeast course of the Andrews, Md., radio range, excluding that portion which lies more than two miles east of the south course of the Baltimore, Md., radio range between the intersection of the south course of the Baltimore, Md., radio range and the southern boundary of Red civil airway No. 45 and the intersection of the south course of the Baltimore, Md., radio range and the southeast course of the Washington, D. C., radio range, and excluding those portions which overlap danger areas.

§ 600.230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).* From the Shreveport, La., radio range station via the intersection of the south course of the Shreveport, La., radio range and the northwest course of the Alexandria, La., radio range; Alexandria, La., radio range station; intersection of the southeast course of the Alexandria, La., radio range and the northwest course of the Baton Rouge, La., radio range; Baton Rouge, La., radio range station to the intersection of the southeast course of the Baton Rouge, La., radio range and the west course of the New Orleans, La., radio range. From the New Orleans, La., radio range station to the Mobile, Ala., radio range station. From the intersection of the northeast course of the Mobile, Ala., radio range and the west course of the Crestview, Fla., radio range via the Crestview, Fla., radio range station; the intersection of the east course of the Crestview, Fla., radio range and the northwest course of the Tallahassee, Fla., radio range; the Tallahassee, Fla., radio range station to the Jacksonville, Fla., radio range station excluding the portion above 19,000 feet which lies within the Tyndall AFB danger area (Area II), between sunset and sunrise.

§ 600.231 *Red civil airway No. 31 (Cheyenne, Wyo., to Minneapolis, Minn.).* From the intersection of the east course of the Cheyenne, Wyo., radio range and the southwest course of the Scottsbluff, Nebr., radio range via the Scottsbluff, Nebr., radio range station; the intersection of the northeast course of the Scottsbluff, Nebr., radio range and the south course of the Rapid City, S. Dak., radio range; Rapid City, S. Dak., radio range station; the intersection of the east course of the Rapid City, S. Dak., radio range and the west course of the Pierre, S. Dak., radio range; Pierre, S. Dak., radio range station; the intersection of the east course of the Pierre, S. Dak., radio range and the southwest course of the Huron, S. Dak., radio range; Huron, S. Dak., radio range station; Watertown, S. Dak., radio range station; Willmar, Minn., radio range station to the intersection of the east course of the Willmar, Minn., radio range and the northwest course of the Minneapolis, Minn., radio range. From the Minneapolis, Minn., radio range station via the Stanton, Minn., non-directional radio beacon to the intersection of the southeast course of the Minneapolis, Minn., radio range and the north course of the Rochester, Minn., radio range.

§ 600.232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).* From the Laredo, Tex., radio range station via the intersection of the northeast course of the Laredo, Tex., radio range and the southwest course of the Kelly, Tex., radio range; Kelley, Tex., radio range station to the intersection of the northeast course of the Kelly, Tex., radio range and the west course of the San Antonio, Tex., radio range. From the Austin, Tex., radio range station via the Smithville, Tex., non-directional radio beacon; the Richmond, Tex., radio range station to the intersection of the southeast course of the Richmond, Tex., radio range and the southwest course of the Houston, Tex., radio range.

§ 600.233 *Red civil airway No. 33 (Richmond, Va., to Boston, Mass.).* From the Richmond, Va., radio range station via the Gordonsville, Va., radio range station; Arcola, Va., radio range station; the intersection of the northeast course of the Arcola, Va., radio range and the southwest course of the Allentown, Pa., radio range; the Allentown, Pa., radio range station to the Stewart Field, N. Y., radio range station. From the intersection of the east course of the Poughkeepsie, N. Y., radio range and the southwest course of the Westover, Mass., (AFB) radio range via the Westover, Mass., (AFB) radio range station to the intersection of the northeast course of the Westover, Mass., (AFB) radio range and the west course of the Boston, Mass., radio range.

§ 600.234 *Red civil airway No. 34 (Charleston, W. Va., to Elizabeth City, N. C.).* From the Charleston, W. Va., radio range station via the Pulaski, Va., radio range station to the Greensboro, N. C., radio range station. From the intersection of the northeast course of the Greensboro, N. C., radio range and the northwest course of the Raleigh, N. C., radio range; Raleigh, N. C., radio range station; the intersection of the southeast course of the Raleigh, N. C., radio range and the southwest course of the Rocky Mount, N. C., VHF radio range; Rocky Mount, N. C., VHF radio range station; the intersection of the northeast course of the Rocky Mount, N. C., VHF radio range and the west course of the Elizabeth City, N. C., VHF radio range; Elizabeth City, N. C., VHF radio range station to the Weeksville, N. C. (Coast Guard), radio range station, excluding that portion overlapping danger areas.

§ 600.235 *Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).* From the Pueblo, Colo., radio range station via the La Junta, Colo., radio range station; Garden City, Kans., radio range station; Hutchinson, Kans., radio range station to the intersection of the east course of the Hutchinson, Kans., radio range and the southwest course of the Forbes AFB (Topeka, Kans.) radio range. From a point on the center line of the southwest course of the Forbes AFB radio range 15 miles southwest of the radio range station via the Forbes AFB radio range station to the intersection of the northeast course of the Forbes AFB radio range and the south course of the St. Joseph, Mo., radio range.

§ 600.236 *Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).* From the Stanton, Minn., non-directional beacon via the Rochester, Minn., radio range station to the intersection of the east course of the Rochester, Minn., radio range and the northwest course of the La Crosse, Wis. radio range.

§ 600.237 *Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).* From the Tyler, Tex., radio range sta-

tion to the intersection of the north course of the Tyler, Tex., radio range and the west course of the Texarkana, Tex., radio range. From the intersection of the northeast course of the Texarkana, Ark., radio range and the southwest course of the Little Rock, Ark., radio range via the Little Rock, Ark., radio range station; Stuttgart, Ark., radio range station to the intersection of the east course of the Stuttgart, Ark., radio range and the west course of the Memphis, Tenn., radio range. From the Charleston, W. Va., radio range station via the Roanoke, Va., radio range station; Lynchburg, Va., radio range station; to the Gordonsville, Va., radio range station.

§ 600.238 *Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).* From the intersection of the southeast course of the Big Spring, Tex., radio range and the southwest course of the San Angelo, Tex., radio range via the San Angelo, Tex., radio range station to the intersection of the southeast course of the San Angelo, Tex., radio range and the southeast course of the Big Spring, Tex., radio range. From the intersection of the northwest course of the Kelly, Tex., radio range and the west course of the San Antonio, Tex., radio range to the San Antonio, Tex., radio range station.

§ 600.239 *Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).* From the Bethel, Alaska, radio range station via the Aniak, Alaska, radio range station; the McGrath, Alaska, radio range station; the Minchumina, Alaska, radio range station and the Nenana, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

§ 600.240 *Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).* From the Kodiak, Alaska, radio range station via the intersection of the north course of the Kodiak, Alaska, radio range and the south course of the Homer, Alaska, radio range to the Homer, Alaska, radio range station. From the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range via the Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range to the Anchorage (Merrill), Alaska, radio range station.

§ 600.241 *Red civil airway No. 41 (Yakutat, Alaska, to Gustavus, Alaska).* From the intersection of the southeast course of the Yakutat, Alaska, radio range and the southwest course of the Gustavus, Alaska, radio range to the Gustavus, Alaska, radio range station.

§ 600.242 *Red civil airway No. 42 (Milwaukee, Wis., to LaFayette, Ind.).* From the intersection of the west course of the Milwaukee, Wis., radio range and the northwest course of the Chicago, Ill., radio range to the intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range. From the Glenview, Ill. (Navy), radio range station to the intersection of the southwest course of the Glenview, Ill. (Navy), radio range and the west course of the Chicago, Ill., radio range. From the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Goshen, Ind., radio range to the intersection of the southeast course of the Rockford, Ill., radio range and the southeast course of the Chicago, Ill., radio range.

§ 600.243 *Red civil airway No. 43 (Chicago, Ill., to La Fayette, Ind.).* From the intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range via the intersection of the east course of the Rockford, Ill., radio range and the north course of the Harvey, Ill., radio range; Harvey, Ill., radio range station to the intersection of the south course of the Harvey, Ill., radio range and the southeast course of the Rockford, Ill., radio range.

§ 600.244 *Red civil airway No. 44 (Bellingham, Wash., to United States-Canadian Border).* From the Bellingham, Wash., radio range station to the intersection of the northeast course of the Bellingham, Wash., radio range and the United States-Canadian Border.

§ 600.245 *Red civil airway No. 45 (Blackstone, Va., to Allentown, Pa.).* From the Blackstone, Va., radio range station via the Manakin, Va., nondirectional radio beacon; the intersection of the south course of the Quantico, Va. (Navy), radio range and the southwest course of the Washington, D. C., radio range; Quantico, Va. (Navy), radio range station to the intersection of the north course of the Quantico, Va. (Navy), radio range and the northwest course of the Washington, D. C., radio range, excluding that portion which lies more than 2 miles west of the north course of the Quantico, Va. (Navy), radio range between the range station and the intersection of the north course of the Quantico, Va. (Navy), radio range and the northwest course of the Washington, D. C., radio range. From the Washington, D. C., radio range station via a point located at 39°01′ North Latitude and 76°33′30″ West Longitude; the Baltimore, Md., radio range station to the intersection of the north course of the Baltimore, Md., radio range and the southwest course of the Allentown, Pa., radio range.

§ 600.246 *Red civil airway No. 46 (Jamestown, N. Dak., to Rochester, Minn.).* From the Jamestown, N. Dak., radio range station via the Aberdeen, S. Dak., radio range station to the Watertown, S. Dak., radio range station. From the intersection of a direct line between the Stanton, Minn., non-directional radio beacon and the Mason City, Iowa, nondirectional radio beacon with the west course of the Rochester, Minn., radio range to the Rochester, Minn., radio range station.

§ 600.247 *Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).* From the Tampa, Fla., radio range station via the Orlando, Fla., radio range station to the Daytona Beach, Fla., radio range station.

§ 600.248 *Red civil airway No. 48 (Missoula, Mont., to Livingston, Mont.).* From the Missoula, Mont., radio range station to the intersection of the southwest course of the Great Falls, Mont., radio range and the north course of the Helena, Mont., radio range. From the intersection of the southeast course of the Helena, Mont., radio range and the northwest course of the Bozeman, Mont., radio range via a point located at 46°15′ north latitude and 111°00′ west longitude to the Livingston, Mont., radio range station.

§ 600.249 *Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).* From the Elko, Nev., radio range station via the Wendover, Utah, radio range station; the intersection of the east course of the Wendover, Utah, radio range and the west course of the Salt Lake City, Utah, radio range; the Salt Lake City, Utah, radio range station; Fort Bridger, Wyo., radio range station to the interesction of the north course of the Fort Bridger, Wyo., radio range and the southeast course of the Malad City, Idaho, radio range.

§ 600.250 *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).* From the intersection of the east course of the Galena, Alaska, radio range and the southwest course of the Tanana, Alaska, radio range via the Tanana, Alaska, radio range station to the intersection of the southeast course of the Tanana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range.

§ 600.251 *Red civil airway No. 51 (Erie, Pa., to Elmira, N. Y.).* From the Erie, Pa., radio range station via the Bradford, Pa., non-directional radio beacon to the Elmira, N. Y., radio range station.

§ 600.252 *Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).* From the intersection of the northeast course of the Memphis, Tenn., radio range and the northwest course of the Muscle Shoals, Ala., radio range via the Muscle Shoals, Ala., radio range station to the intersection of the southeast course of the Muscle Shoals, Ala., radio range and the north course of the Birmingham, Ala., radio range.

§ 600.253 *Red civil airway No. 53 (Joplin, Mo., to Springfield, Mo.).* From the Joplin, Mo., radio range station to the intersection of the east course of the Joplin, Mo., radio range and the southwest course of the Springfield, Mo., radio range.

§ 600.254 *Red civil airway No. 54 (Burley, Idaho to Salt Lake City, Utah).* From the Burley, Idaho, radio range station via the Promontory Point, Utah, non-directional radio beacon to a point located at Latitude 40°47′00″, Longitude 112°23′00″.

§ 600.255 *Red civil airway No. 55 (Burlington, Iowa, to Columbus, Ohio).* From the Burlington, Iowa, radio range station via the Peoria Ill., radio range station to the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range. From the intersection of the northeast course of the Chicago, Ill., radio range and a line bearing 293° True from the South Bend, Ind., radio range station via the South Bend, Ind., radio range station via the South Bend, Ind., radio range station; Goshen, Ind., radio range station; Findlay, Ohio, non-directional radio beacon to the Columbus, Ohio, radio range station.

§ 600.256 *Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).* From the intersection of the northwest course of the Red Bluff, Calif., radio range and the northwest course of the Whitmore, Calif., radio range to the Whitmore, Calif., radio range station.

§ 600.257 *Red civil airway No. 57 (Moline, Ill., to Youngstown, Ohio).* From the Moline, Ill., radio range station via the Rockford, Ill., radio range station; Milwaukee, Wis., radio range station; Battle Creek, Mich., radio range station to the Toledo, Ohio, radio range station. From the intersection of the west course of the Cleveland, Ohio, radio range and the northwest course of the Akron, Ohio, radio range via the Akron, Ohio, radio range station to the Youngstown, Ohio, radio range station.

§ 600.258 *Red civil airway No. 58 (Salinas, Calif., to Hollister, Calif.).* From the Salinas, Calif., VHF radio range station to the intersection of the northeast course of the Salinas, Calif., VHF radio range and the northwest course of the Fresno, Calif., radio range.

§ 600.259 *Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).* From the Garden City, Kans., radio range station via the intersection of the south course of the Garden City, Kans., radio range and the northwest course of the Gage, Okla., radio range; Gage, Okla., radio range station to the Oklahoma City, Okla., radio range station.

§ 600.260 *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).* From the Oakland, Calif., radio range station via the Stockton, Calif., radio range station to the intersection of the east course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range.

§ 600.261 *Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).* From the Butler, Pa., nondirectional radio beacon via the Johnstown, Pa., nondirectional radio beacon to the intersection of the southeast course of the Pittsburgh, Pa., radio range and the south course of the Altoona, Pa., radio range. From the intersection of the northwest course of the Arcola, Va., radio range and the northwest course of the Front Royal, Va., radio range via the Arcola, Va., radio range station to the intersection of the southeast course of the Arcola, Va., radio range and the southwest course of the Washington, D. C., radio range.

§ 600.262 *Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.).* From the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northeast course of the Morgantown, W. Va., radio range via the Johnstown, Pa., non-directional radio beacon to the Altoona, Pa., radio range station.

§ 600.263 *Red civil airway No. 63 (Battle Creek, Mich., to the United States-Canadian Border).* From the intersection of the southwest course of the Grand Rapids, Mich., radio range and the west course of the Battle Creek, Mich., radio range via the Battle Creek, Mich., radio range station; the intersection of the east course of the Battle Creek, Mich., radio range and the west course of the Salem, Mich., VHF radio range; the Salem, Mich., VHF radio range station to the intersection of the east course of the Salem, Mich., VHF radio range and the northwest course of the Windsor, Ontario, Canada, radio range. From the intersection of the northwest course of the Romulus, Mich., radio range and the northwest course of Sarnia, Ontario, Canada, radio range to the United States-Canadian Border.

§ 600.264 *Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).* From the intersection of the southwest course of the Annette Island, Alaska, radio range and the United States-Canadian Border to the Annette Island, Alaska, radio range station.

§ 600.265 *Red civil airway No. 65 (Oceanside, Calif., to Blythe, Calif.).* From the Oceanside, Calif., non-directional radio beacon via the Julian, Calif.; non-directional radio beacon to the Hayfield Lake, Calif., non-directional radio beacon.

§ 600.266 *Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.).* From the Santa Barbara, Calif., radio range station to the Newhall, Calif., radio range station.

§ 600.267 *Red civil airway No. 67 (Crestview, Fla., to Dothan, Ala.).* From the Crestview, Fla., radio range station to the Dothan, Ala., radio range station, excluding the portion above 19,000 feet which lies within the Tyndall AFB danger area (Area II), between sunset and sunrise.

§ 600.268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).* From the Midland, Tex., radio range station via the San Angelo, Tex., radio range station; the intersection of the northeast course of the San Angelo, Tex., radio range and the south course of the Abilene, Tex., radio range to the Abilene, Tex., radio range station. From the intersection of the west course of the Fort Worth, Tex., radio range and the northwest course of the Waco, Tex., radio range via the intersection of the northwest course of the Waco, Tex., radio range and the west course of the Dallas, Tex., radio range to the Dallas, Tex., radio range station. From the Duncanville, Tex., non-directional radio beacon via the Tyler, Tex., radio range station; the Longview, Tex., Gregg County nondirectional radio beacon to the Shreveport, La., radio range station.

§ 600.269 *Red civil airway No. 69 (Midland, Tex., to Big Spring, Tex.).* From the Midland, Tex., radio range station to the intersection of the northeast course of the Midland, Tex., radio range and the southwest course of the Big Spring, Tex., radio range.

§ 600.270 *Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).* From the Midland, Tex., radio range station via the intersection of the south course of the Lubbock, Tex., radio range and the northwest course of the Big Spring, Tex., radio range to the Lubbock, Tex., radio range station.

§ 600.271 *Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).* From the intersection of the east course of the El Paso, Tex., radio range and the southwest course of the Roswell, N. Mex., radio range via the Roswell, N. Mex., radio range station; the intersection of the northeast course of the Roswell, N. Mex., radio range and the west course of the Lubbock, Tex., radio range to the Lubbock, Tex., radio range station.

§ 600.272 *Red civil airway No. 72 (Millville, N. J., to Idlewild, N. Y.).* From the intersection of the southwest course of the Millville, N. J., radio range and the south course of the New Castle, Del., radio range via the New Castle, Del., radio range station to the intersection of the north course of the New Castle, Del., radio range and the west course of the Philadelphia, Pa., radio range. From the intersection of the east course of the Harrisburg, Pa., radio range and the southwest course of the Willow Grove, Pa., radio range via the Willow Grove, Pa., radio range station to the intersection of the northeast course of the Willow Grove, Pa., radio range and the east course of the Allentown, Pa., radio range. From the Idlewild, N. Y., radio range station to the intersection of the southeast course of the Idlewild, N. Y., radio range and the southwest course of the Islip, N. Y., VHF radio range.

§ 600.273 *Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.)* From the intersection of the west course of the New Castle, Del., radio range and the west course of the Philadelphia, Pa., radio range via the New Castle, Del., radio range station to the intersection of the east course of the New Castle, Del., radio range and the northeast course of the Millville, N. J., radio range.

§ 600.274 *Red civil airway No. 74 (Louisville, Ky., to Cincinnati, Ohio).* From the Louisville, Ky., radio range station via the intersection of the north course of the Louisville, Ky., radio range and a line bearing 241° True from the Cincinnati, Ohio, radio range station to the Cincinnati, Ohio, radio range station.

§ 600.275 *Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).* From the Vancouver, B. C., radio range station to the intersection of the northwest course of the Bellingham, Wash., radio range and the west course of the Abbotsford, B. C., radio range; Abbotsford, B. C., radio range station to the intersection of the east course of the Abbotsford, B. C., radio range and the northeast course of

the Bellingham, Wash., radio range, excluding those portions lying outside the limits of the continental United States.

§ 600.276 *Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).* From the Williams, Calif., radio range station to the intersection of the east course of the Williams, Calif., radio range and the northeast course of the Sacramento, Calif., radio range.

§ 600.277 *Red civil airway No. 77 (Lynchburg, Va., to Millville, N. J.).* From the Lynchburg, Va., radio range station via the Richmond, Va., radio range station; Tappahannock, Va., radio range station to the Mileville, N. J., radio range station, excluding that portion below 6000 feet which lies over danger areas.

§ 600.278 *Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).* From the intersection of the south course of the Medford, Oreg., radio range and the west course of the Klamath Falls, Oreg., radio range to the Klamath Falls, Oreg., radio range station.

§ 600.279 *Red civil airway No. 79 (Port Angeles, Wash., to Everett, Wash.).* From the intersection of the west course of the Everett, Wash., radio range and the northwest course of the Seattle, Wash., radio range to the Everett, Wash., radio range station.

§ 600.280 *Red civil airway No. 80 (Lewistown, Mont., to Miles City, Mont.).* From the intersection of the southeast course of the Lewistown, Mont., radio range and the north course of the Billings, Mont., radio range to the Miles City, Mont., radio range station.

§ 600.281 *Red civil airway No. 81 (Cadillac, Mich., to Elkins, W. Va.).* From the Cadillac, Mich., non-directional radio beacon via the Lansing, Mich., radio range station to the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Detroit, Mich., radio range. From the Columbus, Ohio, radio range station via the Parkersburg, W. Va., VHF VAR radio range station to the intersection of the southeast course of the Parkersburg, W. Va., VHF VAR radio range and the west course of the Elkins, W. Va., radio range.

§ 600.282 *Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).* From the Skwentna, Alaska, radio range station to the intersection of the southeast course of the Skwentna, Alaska, radio range and the northeast course of the Anchorage, Alaska, radio range.

§ 600.283 *Red civil airway No. 83 (Gila Bend, Ariz., to Rodeo, N. Mex.).* From the intersection of the west course of the Phoenix, Ariz., radio range and the north course of the Gila Bend, Ariz., radio range via the Gila Bend, Ariz., radio range station to the Tucson, Ariz., radio range station. From the intersection of the southeast course of the Tucson, Ariz., radio range and the west course of the Cochise, Ariz., radio range via the intersection of the southeast course of the Tucson, Ariz., radio range and the northwest course of the Douglas, Ariz., radio range; Douglas, Ariz., radio range station; the intersection of the northeast course of the Douglas, Ariz., radio range and the southwest course of the Rodeo, N. Mex., radio range to the Rodeo, N. Mex., radio range station.

§ 600.284 *Red civil airway No. 84 (Lafayette, La., to Atlanta, Ga.).* From the Lafayette, La., non-directional radio beacon via the intersection of a bearing of 113° True from the Lafayette, La., non-directional radio beacon with a bearing of 277° True from a point 20 miles south of the New Orleans, La., radio range station on the south course of the New Orleans, La., radio range to a point 20 miles south of the New Orleans, La., radio range station on the south course of the New Orleans, La., radio range. From the Meridian, Miss., radio range station via the Montgomery, Ala., Maxwell AFB, radio range station; the intersection of the east course of the Maxwell AFB radio range and the northwest course of the Columbus, Ga., radio range; Columbus, Ga., radio range station; the intersection of the north course of the Columbus, Ga., radio range and the south course of the Campbellton, Ga., radio range excluding the portion which overlaps danger areas, to the intersection of the south course of the Campbellton, Ga., radio range and the southwest course of the Atlanta, Ga., radio range.

§ 600.285 *Red civil airway No. 85 (Dayton, Ohio, to Martinsburg, Pa.).* From the Dayton, Ohio, radio range station to the Mansfield, Ohio, non-directional radio beacon. From the Akron, Ohio, radio range station via the Butler, Pa., non-directional radio beacon to the intersection of the northeast course of the Pittsburgh, Pa., radio range and the west course of the Altoona, Pa., radio range.

§ 600.286 *Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).* From the intersection of the northeast course of the Millinocket, Maine, radio range and the northwest course of the Houlton, Maine, radio range to the Houlton, Maine, radio range station, excluding that portion outside the continental limits of the United States.

§ 600.287 *Red civil airway No. 87 (Hawaiian Islands).* From the intersection of the northwest course of the Port Allen, T. H., radio range and a point 100 miles northwest of the Port Allen, T. H., radio range station via the Port Allen, T. H., radio range station to the intersection of the southeast course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range. From the Honolulu, T. H., radio range station via the Maui, T. H., radio range station to the intersection of the southeast course of the Maui, T. H., radio range and the North course of the Hilo, T. H., radio range. From the Hilo, T. H., radio range station to the intersection of the east course of the Hilo, T. H., radio range and a point 100 miles east of the Hilo, T. H., radio range station.

§ 600.288 *Red civil airway No. 88 (Albuquerque, N. Mex., to Roswell, N. Mex.).* From the Albuquerque, N. Mex., radio range station via the Roswell, N. Mex., radio range station; the intersection of the southeast course of the Roswell, N. Mex., radio range and the west course of the Hobbs, N. Mex., radio range; Hobbs, N. Mex., radio range station to the intersection of the east course of the Hobbs, N. Mex., radio range and the south course of the Lubbock, Tex., radio range.

§ 600.289 *Red civil airway No. 89 (St. Joseph, Mo., to Peoria, Ill.).* From the St. Joseph, Mo., radio range station to the intersection of the east course of the St. Joseph, Mo., radio range and the northeast course of the Kansas City, Mo., radio range. From the Kirksville, Mo., radio range station via the Quincy, Ill., non-directional radio beacon to the Peoria, Ill., radio range station.

§ 600.290 *Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).* From the Camarillo, Calif., radio range station to the Burbank, Calif., radio range station.

§ 600.291 *Red civil airway No. 91 (Salt Flat, Tex., to Hobbs, N. Mex.).* From the intersection of the east course of the Salt Flat, Tex., radio range and the southwest course of the Carlsbad, N. Mex., radio range via the Carlsbad, N. Mex., radio range station to the Hobbs, N. Mex., radio range station.

§ 600.292 *Red civil airway No. 92 (New York, N. Y., to Islip, N. Y.).* From the intersection of the southwest course of the Islip, N. Y., VHF VAR radio range and the southeast course of the Newark, N. J., radio range via the Islip, N. Y., VHF VAR radio range station to the intersection of the northeast course of the Islip, N. Y., VHF VAR radio range and the southeast course of the Bridgeport, Conn., radio range.

§ 600.293 *Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).* From the Lincoln, Nebr., radio range station to the intersection of the east course of the Lincoln, Nebr., radio range and the southeast course of the Omaha, Nebr., radio range.

§ 600.294 *Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).* From the Providence, R. I., radio range station via the Otis AFB, Falmouth, Mass., non-directional radio beacon located at Lat. 41°36'15", Long. 70°32'31", to the Hyannis, Mass., non-directional radio beacon, excluding that portion which lies more than 2 miles north of the centerline between the intersection of the east course of the Providence radio range and the northeast course of the Quonset Point, R. I. (Navy) radio range and the Otis AFB non-directional radio beacon and excluding that portion which lies more than 4 miles north of the centerline between the Otis AFB non-directional radio beacon and the Hyannis, Mass., airport.

§ 600.295 *Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).* From the Elmira, N. Y., radio range station to the Utica, N. Y., radio range station.

§ 600.296 *Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).* From the Palacios, Tex., radio range station via the Houston, Tex., radio range station; Beaumont, Tex., radio range station to the Lake Charles, La., radio range station. From the intersection of the east course of the Lake Charles, La., radio range and the southwest course of the Baton Rouge, La., radio range via the Baton Rouge, La., radio range station to the Madisonville, La., fan marker.

§ 600.297 *Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* That airspace over United States territory from the Lakehead, Ontario, Canada, radio range station via the Sault Ste. Marie, Mich., radio range station to the Wiarton, Ontario, Canada, radio range station.

§ 600.298 *Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).* From the Vichy, Mo., radio range station to the Belleville, Ill., Scott AFB radio range station.

§ 600.299 *Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).* From the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Iliamna, Alaska, radio range via the Iliamna, Alaska, radio range station to the intersection of the southeast course of the Iliamna, Alaska, radio range the west course of the Homer, Alaska, radio range.

§ 600.312 *Red civil airway No. 112 (Hawaiian Islands).* From the Lanai, T. H. omnirange station to the intersection of the Lanai omnirange 337° True en route radial and the Honolulu, Oahu, T. H. omnirange 61° True en route radial.

BLUE CIVIL AIRWAYS

§ 600.601 *Blue civil airway No. 1 (Pendleton, Oreg., to Spokane, Wash.).* From the Pendleton, Oreg., radio range station, via the intersection of the east course of the Pendleton, Oreg., radio range and the southwest course of the Walla Walla, Wash., radio range and the Walla Walla, Wash., radio range station to the Spokane, Wash., radio range station.

§ 600.602 *Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).* From the intersection of the north course of the Crestview, Fla., radio range and the southeast course of the Craig, Ala., AFB, radio range via the intersection of the southeast course of the Craig, Ala., AFB, radio range and the south course of the Birmingham, Ala., radio range; Birmingham, Ala., radio range station; the intersection of the north course of the Birmingham, Ala., radio range and the southwest course of the Chattanooga, Tenn., radio range via the Chattanooga, Tenn., radio range station to the intersection of the northeast course of the Chattanooga, Tenn., radio range and the west course of the Knoxville, Tenn., radio range. From the Elkins, W. Va., radio range station via the Pittsburgh, Pa., radio range station; the Butler, Pa., non-directional radio beacon; the intersection of the east course of the Youngstown, Ohio, radio range and the south course of the Erie, Pa., radio range to the Erie, Pa., radio range station.

§ 600.603 *Blue civil airway No. 3 (Tallahassee, Fla., to La Fayette, Ind.).* From the intersection of the northwest course of the Tallahassee, Fla., radio range and the southeast course of the Dothan, Ala., radio range via the Dothan, Ala., radio range station; the intersection of the northwest course of the Dothan, Ala., radio range and the east course of the Maxwell AFB, Montgomery, Ala., radio range, excluding that portion which lies more than 2 miles west of the northwest course of the Dothan, Ala., radio range between Lat. 31°20'00", Long. 85°34'00" and Lat. 31°34'00", Long. 85°42'00", and excluding the portion above 19,000 feet which lies within the Tyndall AFB danger area (Area II), between sunset and sunrise, the Maxwell AFB, Montgomery, Ala., radio range station; to the intersection of the north course of the Maxwell AFB, Montgomery, Ala., radio range and the east course of the Birmingham, Ala., radio range. From the Muscle Shoals, Ala., radio range station to the intersection of the northeast course of the Muscle Shoals, Ala., radio range and the southwest course of the Nashville, Tenn., radio range. From the Nashville, Tenn., radio range station via the intersection of the northwest course of the Nashville, Tenn., radio range and the south course of the Evansville, Ind., radio range; Evansville, Ind., radio range station; Terre Haute, Ind., radio range station; the intersection of the north course of the Terre Haute, Ind., radio range and the southwest course of the Lafayette, Ind., radio range; Lafayette, Ind., radio range station to the intersection of the northeast course of the Lafayette, Ind., radio range and the north course of the Indianapolis, Ind., radio range. From the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range via the Goshen, Ind., radio range station; the intersection of the north course of the Goshen, Ind., radio range and the southwest course of the Grand Rapids, Mich., radio range; Grand Rapids, Mich., radio range station; Cadillac, Mich., non-directional radio beacon; Traverse City, Mich., radio range station; Pellston, Mich., non directional radio beacon to the Sault Ste. Marie, Mich., radio range station.

§ 600.604 *Blue civil airway No. 4 (Nantucket, Mass., to United States-Canadian Border).* From the Nantucket, Mass., VHF radio range station via the intersection of the northwest course of the Nantucket, Mass., VHF radio range and the southeast course of the Squantum, Mass. (Navy) radio range to the Squantum, Mass. (Navy) radio range station. From the intersection of the northeast course of the Boston, Mass., radio range and the southeast course of the Concord, N. H., radio range; Concord, N. H., radio range station; Burlington, Vt., radio range station to the intersection of the northwest course of the Burlington, Vt., radio range and the United States-Canadian Border.

§ 600.605 *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).* From the Municipal Airport, Galveston, Tex., via the Galveston, Tex., radio range station; Houston, Tex., radio range station; the intersection of the northwest course of the Houston, Tex., radio range and the southeast course of the Bryan, Tex., radio range; Bryan, Tex., radio range station; Waco, Tex., radio range station; the intersection of the northeast course of the Waco, Tex., radio range and the south course of the Dallas, Tex., radio range; Dallas, Tex., radio range station to the intersection of the northwest course of the Dallas, Tex., radio range and the north course of the Fort Worth, Tex., radio range. From the Oklahoma City, Okla., radio range station via the intersection of the north course of the Oklahoma City, Okla., radio range and the southeast course of the Wichita, Kans., radio range; Wichita, Kans., radio range station to the intersection of the north course of the Wichita, Kans., radio range and the east course of the Hutchinson, Kans., radio range.

§ 600.606 *Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).* From the Abilene, Tex., radio range station via the Wichita Falls, Tex., radio range station to the intersection of the northeast course of the Wichita Falls, Tex., radio range and the south course of the Oklahoma City, Okla., radio range. From the intersection of the southeast course of the Scott AFB, Belleville, Ill., radio range and a point 25 miles southeast of the Scott AFB, Belleville, Ill., radio range station via the Scott AFB Belleville, Ill., radio range station to the intersection of the northwest course of the Scott AFB, Belleville, Ill., radio range and the southwest course of the Springfield, Ill., radio range. From the Springfield, Ill., radio range station via the Peoria, Ill., radio range station to the intersection of the north course of the Peoria, Ill., radio range and the northeast course of the Burlington, Iowa, radio range. From the intersection of the west course of the Goshen, Ind., radio range and the south course of the South Bend, Ind., radio range via the South Bend, Ind., radio range station to the intersection of the north course of the South Bend, Ind., radio range and the northeast course of the Chicago, Ill., radio range. From the intersection of the northeast course of the Chicago, Ill., radio range and the southwest course of the Grand Rapids, Mich., radio range to the Muskegon, Mich., radio range station.

§ 600.607 *Blue civil airway No. 7 (Paso Robles, Calif., to Williams, Calif.).* From the Paso Robles, Calif., VHF radio range station via the intersection of the northwest course of the Paso Robles, Calif., VHF radio range and the southeast course of the Oakland, Calif., radio range to the intersection of the southeast course of the Oakland, Calif., radio range and the northwest course of the Fresno, Calif., radio range. From the intersection of the west course of the Fresno, Calif., radio range and the south course of the Travis AFB, Fairfield, Calif., radio range via the Travis AFB, Fairfield, Calif., radio range station to the Williams, Calif., radio range station.

§ 600.608 *Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).* From the Fargo, N. Dak., radio range station, via the Grand Fork, N. Dak., radio range station and the

Pembina, N. Dak., radio range station to the intersection of the north course of the Pembina, N. Dak., radio range and the United States–Canadian Border.

§ 600.609 *Blue civil airway No. 9 (Columbia, Mo., to United States-Canadian Border).* From the Columbia, Mo., radio range station via the Kirksville, Mo., radio range station; the intersection of the northwest course of the Kirksville, Mo., radio range and the south course of the Des Moines, Iowa, radio range; Des Moines, Iowa, radio range station; the intersection of the north course of the Des Moines, Iowa, radio range and the southwest course of the La Crosse, Wis., radio range; the intersection of the southwest course of the La Crosse, Wis., radio range and the south course of the Rochester, Minn., radio range; the Rochester, Minn., radio range station to the intersection of the north course of the Rochester, Minn., radio range and the southeast course of the Minneapolis, Minn., radio range. From the Minneapolis, Minn., radio range station via the Duluth, Minn., radio range station to the intersection of the southwest course of the Lakehead, Canada, radio range and the United States-Canadian Border.

§ 600.610 *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* From the Fresno, Calif., radio range station via the intersection of the west course of the Fresno, Calif., radio range and the southeast course of the Oakland, Calif., radio range; Oakland, Calif., radio range station; the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Williams, Calif., radio range to the Williams, Calif., radio range station.

§ 600.611 *Blue civil airway No. 11 (Toledo, Ohio, to Niagara Falls, N. Y.).* From a point at Lat. 41°28′40″, Long. 82°48′00″ via a point at Lat. 41°38′20″, Long. 82°48′00″ to the intersection of the north course of the Wellington, Ohio, VHF radio range and the northwest course of the Cleveland, Ohio, radio range, excluding portions overlapping danger areas. From the Cleveland, Ohio, radio range station via the Erie, Pa., radio range station; the intersection of the northeast course of the Erie, Pa., radio range and the southwest course of the Buffalo, N. Y., radio range to the intersection of the southwest course of the Buffalo, N. Y., radio range and the east course of the Clear Creek, Ont., Can., radio range. From the Buffalo, N. Y., radio range station to the Niagara Falls Airport, Niagara Falls, N. Y., excluding the portion which lies outside the United States.

§ 600.612 *Blue civil airway No. 12 (The Dalles, Oreg., to Ellensburg, Wash.).* From The Dalles, Oreg., radio range station via the Yakima, Wash., radio range station; the intersection of the northwest course of the Yakima, Wash., radio range and the south course of the Ellensburg, Wash., radio range to the Ellensburg, Wash., radio range station.

§ 600.613 *Blue civil airway No. 13 (Houston, Tex., to Minneapolis, Minn.).* From the Houston, Tex., radio range station via the Lufkin, Tex., non-directional radio beacon; the Shreveport, La., radio range station; the intersection of the northwest course of the Shreveport, La., radio range and the south course of the Texarkana, Ark., radio range; Texarkana, Ark., radio range station; Van Buren, Ark., non-directional radio beacon; Joplin, Mo., radio range station; the intersection of the north course of the Joplin, Mo., radio range and the southeast course of the Kansas City, Mo., radio range to the Kansas City, Mo., radio range station. From the intersection of the northeast course of the Kansas City, Mo., radio range and the south course of the Des Moines, Iowa, radio range to the intersection of the south course of the Des Moines, Iowa, radio range and the northwest course of the Kirksville, Mo., radio range. From the Mason City, Iowa, non-directional radio beacon to the Stanton, Minn., non-directional radio beacon.

§ 600.614 *Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).* From the intersection of the west course of the El Centro, Calif., radio range and a bearing 165° True from the Julian, Calif., non-directional radio beacon to the Julian, Calif., non-directional radio beacon. From the Riverside, Calif., radio range station via the intersection of the northwest course of the Riverside, Calif., radio range and the southeast course of the Palmdale, Calif., radio range and the Palmdale, Calif., radio range station to the intersection of the northwest course of the Palmdale, Calif., radio range and the south course of the Bakersfield, Calif., radio range. From the intersection of the northwest course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range via the Stockton, Calif., radio range station to the intersection of the north course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range.

§ 600.615 *Blue civil airway No. 15 (Huntington, W. Va., to Erie, Pa.).* From the intersection of the northwest course of the Huntington, W. Va., radio range and the south course of the Columbus, Ohio, radio range to the Columbus, Ohio, radio range station. From the intersection of the east course of the Columbus, Ohio, radio range and the southwest course of the Akron, Ohio, radio range via the Akron, Ohio, radio range station to the intersection of the northeast course of the Akron, Ohio, radio range and the southwest course of the Erie, Pa., radio range.

§ 600.616 *Blue civil airway No. 16 (Dillon, Mont., to Helena, Mont.).* From the Dillon, Mont., radio range station via the Butte, Mont., radio range station to the intersection of the north course of the Butte, Mont., radio range and the east course of the Drummond, Mont., radio range. From the intersection of the west course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range to the intersection of the southwest course of the Great Falls, Mont., radio range and the north course of the Helena, Mont., radio range.

§ 600.617 *Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).* From the intersection of the northeast course of the Bangor, Maine, radio range and the south course of the Houlton, Maine, radio range via the Houlton, Maine, radio range station; the intersection of the north course of the Houlton, Maine, radio range and the southeast course of the Presque Isle, Maine, radio range via the Presque Isle, Maine, radio range station to the Municipal Airport, Caribou, Maine, excluding that portion which lies outside the continental United States.

§ 600.618 *Blue civil airway No. 18 (Philadelphia, Pa., to United States-Canadian Border.)* From the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia), radio range via the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the Idlewild, N. Y., radio range; the Idlewild, N. Y., radio range station to the intersection of the northeast course of the Idlewild, N. Y., radio range and the east course of the New York, N. Y. (LaGuardia), radio range. From the intersection of the northwest course of the New York, N. Y. (LaGuardia), radio range and the southwest course of the Poughkeepsie, N. Y., radio range via the Poughkeepsie, N. Y., radio range station, excluding that portion which lies more than two miles west of the southwest course of the Poughkeepsie, N. Y., radio range between a point 25 miles northeast from the intersection of the northwest course of the New York, N. Y. (LaGuardia), radio range and the southwest course of the Poughkeepsie, N. Y., radio range and a point 10 miles south of the Poughkeepsie, N. Y., radio range; the Albany, N. Y., radio range station; Burlington, Vt., radio range station to the intersection of the northeast course of the Burlington, Vt., radio range and the United States-Canadian Border.

§ 600.619 *Blue civil airway No. 19 (Miami, Fla., to Orlando, Fla.).* From the Miami, Fla., radio range station via the intersection of the north course of the Miami, Fla., radio range and the southeast course of the Orlando, Fla., radio range, excluding that portion which lies more than 2 miles east of the north course of the Miami, Fla., radio range between Latitude 25°58′00″ and Latitude 26°17′00″, to the Orlando, Fla., radio range station.

§ 600.620 *Blue civil airway No. 20 (Atlantic City, N. J., to Allentown, Pa.).* From the Atlantic City, N. J. (Navy) radio range station via the intersection of the west course of the Atlantic City, N. J. (Navy) radio range and the southeast course of the Millville, N. J., radio range; the intersection of the southeast course of the Millville, N. J., radio range and the southeast course of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station to the Allentown, Pa., radio range station.

§ 600.621 *Blue civil airway No. 21 (Louisville, Ky., to Erie Pa.).* From the intersection of the south course of the Louisville, Ky., radio range and a line bearing 268° True from the Lexington, Ky., non-directional radio beacon via the Lexington, Ky., non-directional radio beacon; the intersection of a line bearing 82° True from the Lexington, Ky., non-directional radio beacon and the southwest course of the Huntington, W. Va., radio range to the intersection of the east course of the Louisville, Ky., radio range and the southwest course of the Huntington, W. Va., radio range. From the Charleston, W. Va., radio range station via the intersection of the north course of the Charleston, W. Va., radio range and the southwest course of the Parkersburg, W. Va., VHF radio range; Parkersburg, W. Va., VHF radio range station to the intersection of the northeast course of the Parkersburg, W. Va., VHF radio range and the west course of the Pittsburgh, Pa., radio range. From the intersection of the northwest course of the Pittsburgh, Pa., radio range and the south course of the Youngstown, Ohio, radio range via the Youngstown, Ohio, radio range station to the intersection of the north course of the Youngstown, Ohio, radio range and the southwest course of the Erie, Pa., radio range.

§ 600.622 *Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.).* From the intersection of the southwest course of the Memphis, Tenn., radio range and the southeast course of the Little Rock, Ark., radio range via the Little Rock, Ark., radio range station; Van Buren, Ark., non-directional radio beacon; Tulsa, Okla., radio range station to the intersection of the northwest course of the Tulsa, Okla., radio range and the southeast course of the Wichita, Kans., radio range.

§ 600.623 *Blue civil airway No. 23 (Detroit, Mich., to Flint, Mich.).* From the intersection of the north course of the Detroit, Mich., radio range and the east course of the Lansing, Mich., radio range to the Flint, Mich., non-directional radio beacon.

§ 600.624 *Blue civil airway No. 24 (El Centro, Calif., to Daggett, Calif.).* From the El Centro, Calif., radio range station via the intersection of the northwest course of the El Centro, Calif., radio range and the southeast course of the Indio, Calif., radio range; Indio, Calif., radio range station to the Daggett, Calif., radio range station.

§ 600.625 *Blue civil airway No. 25 (Cordova, Alaska, to Big Delta, Alaska).* From the Hinchinbrook, Alaska, radio range station via the intersection of the northeast course of the Hinchinbrook, Alaska, radio range and the south course of the Gulkana, Alaska, radio range; Gulkana, Alaska, radio range station and the intersection of the north course of the Gulkana, Alaska, radio range and the south course of the Big Delta, Alaska, radio range to the Big Delta, Alaska, radio range station.

§ 600.626 *Blue civil airway No. 26 (Anchorage, Alaska, to Nenana, Alaska).* From the Anchorage, Alaska, radio range station via the Talkeetna, Alaska, airport; Summit, Alaska, radio range station; the intersection of the northeast course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range via the Nenana, Alaska, radio range station to the intersection of the northwest course of the Nenana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range.

§ 600.627 *Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).* From the Kodiak, Alaska, radio range station via the intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the King Salmon radio range; King Salmon, Alaska, radio range station; Bethel, Alaska, radio range station; Nome, Alaska, radio range station to the Kotzebue, Alaska, airport.

§ 600.628 *Blue civil airway No. 28 (Charleston, S. C., to Spartanburg, S. C.)* From the Charleston, S. C., radio range station via the intersection of the northwest course of the Charleston, S. C., radio range and the southeast course of the Columbia, S. C., radio range; Columbia, S. C., radio range station; the intersection of the west course of the Columbia, S. C. radio range and the southeast course of the Spartanburg, S. C., radio range to the Spartanburg, S. C., radio range station.

§ 600.629 *Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).* From the intersection of the northeast course of the Raleigh, N. C., radio range and the southeast course of the Lynchburg, Va., radio range to the Lynchburg, Va., radio range station.

§ 600.630 *Blue civil airway No. 30 (Brownsville, Tex., to Amarillo, Tex.).* From the intersection of the southeast course of the Alice, Tex., radio range and the southwest course of the Corpus Christi, Tex., radio range via the Corpus Christi, Tex., radio range station, excluding that portion which lies more than 2 miles southeast of the southwest course of the Corpus Christi, Tex., radio range; Kelly (San Antonio, Tex.) radio range station; the intersection of the northwest course of the Kelly (San Antonio, Tex.) radio range and the southeast course of the Big Spring, Tex., radio range; Big Spring, Tex., radio range station to the intersection of the northwest course of the Big Spring, Tex., radio range and the south course of the Lubbock, Tex., radio range. From the Lubbock, Tex., radio range station via the intersection of the north course of the Lubbock, Tex., radio range and the south course of the Amarillo, Tex., radio range to the Amarillo, Tex., radio range station.

§ 600.631 *Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).* From the intersection of the west course of the Peoria, Ill., radio range and the south course of the Moline, Ill., radio range to the Moline, Ill., radio range station. From the intersection of the southwest course of the Madison, Wis., radio range and the northwest course of the Rockford, Ill., radio range to the Madison, Wis., radio range station.

§ 600.632 *Blue civil airway No. 32 (Pendleton, Oreg., to Talkeetna, Alaska).* From the Pendelton, Oreg., radio range station via the intersection of the northwest course of the Pendleton, Oreg., radio range and the southeast course of the Yakima, Wash., radio range to the Yakima, Wash., radio range station. From the Seattle, Wash., radio range station via the intersection of the northwest course of the Seattle, Wash., radio range and the south course of the Patricia Bay, British Columbia, radio range; the Patricia Bay, British Columbia, radio range station to the intersection of the north course of the Patricia Bay, British Columbia, radio range and the southeast course of the Comox, British Columbia, radio range, excluding the portion which lies outside the continental United States. From the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range to the intersection of the northwest course of the Anchorage, Alaska, radio range and the northeast course of the Kenai, Alaska, radio range. From the Skwentna, Alaska, radio range station to the Talkeetna, Alaska, non-directional radio beacon.

§ 600.633 *Blue civil airway No. 33 (Archbold, Ohio, to Saginaw, Mich.).* From the Archbold, Ohio, non-directional radio beacon to a point at the intersection of a straight line between the Archbold, Ohio, non-directional radio beacon and the Jackson, Mich., non-directional radio beacon with the west course of the Detroit, Mich., radio range. From the Lansing, Mich., radio range station to the Saginaw, Mich., non-directional radio beacon.

§ 600.634 *Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).* From the intersection of the north course of the Terre Haute, Ind., radio range and the southeast course of the Rantoul (Chanute), Ill., AFB radio range via the Rantoul, Ill. (Chanute), AFB radio range station to the intersection of the northwest course of the Rantoul, Ill. (Chanute), AFB radio range and the southwest course of the Joliet, Ill., radio range.

§ 600.635 *Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).* From the Camarillo, Calif., radio range station to the intersection of the northeast course of the Camarillo, Calif., radio range and the southeast course of the Bakersfield, Calif., radio range.

§ 600.636 *Blue civil airway No. 36 (Thurman, Colo., to North Platte, Nebr.).* From the intersection of the south course of the Akron, Colo., radio range and a line bearing 281° True from the Goodland, Kans., non-directional radio beacon via the Akron, Colo., radio range station to the North Platte, Nebr., radio range station.

§ 600.637 *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).* From the intersection of the east course of the Sinclair, Wyo., radio range and the northwest course of the Laramie, Wyo., radio range via the Casper, Wyo., radio range station to the intersection of the southeast course of the Sheridan, Wyo., radio range and the west course of the Rapid City, S. Dak., radio range.

Tucson, Ariz., radio range and the north-

(*Albuquerque, N. Mex., to Robbs, N.*

(*Palacios, Tex., to Baton Rouge, La.*).

course of the Er
Erie, Pa., radio

No. 237——

Pembina, N. Dak., radio range station to the intersection of the north course of the Pembina, N. Dak., radio range and the United States-Canadian Border.

§ 600.609 *Blue civil airway No. 9 (Columbia, Mo., to United States-Canadian Border).* From the Columbia, Mo., radio range station via the Kirksville, Mo., radio range station; the intersection of the northwest course of the Kirksville, Mo., radio range and the south course of the Des Moines, Iowa, radio range; Des Moines, Iowa, radio range station; the intersection of the north course of the Des Moines, Iowa, radio range and the southwest course of the La Crosse, Wis., radio range; the intersection of the southwest course of the La Crosse, Wis., radio range and the south course of the Rochester, Minn., radio range; the Rochester, Minn., radio range station to the intersection of the north course of the Rochester, Minn., radio range and the southeast course of the Minneapolis, Minn., radio range. From the Minneapolis, Minn., radio range station via the Duluth, Minn., radio range station to the intersection of the southwest course of the Lakehead, Canada, radio range and the United States-Canadian Border.

§ 600.610 *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* From the Fresno, Calif., radio range station via the intersection of the west course of the Fresno, Calif., radio range and the southeast course of the Oakland, Calif., radio range; Oakland, Calif., radio range station; the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Williams, Calif., radio range to the Williams, Calif., radio range station.

§ 600.611 *Blue civil airway No. 11 (Toledo, Ohio, to Niagara Falls, N. Y.).* From a point at Lat. 41°28'40'', Long. 82°48'00'' via a point at Lat. 41°38'20'', Long. 82°48'00'' to the intersection of the north course of the Wellington, Ohio, VHF radio range and the northwest course of the Cleveland, Ohio, radio range, excluding portions overlapping danger areas. From the Cleveland, Ohio, radio range station via the Erie, Pa., radio range station; the intersection of

tional radio beacon; the Shreveport, La., radio range station; the intersection of the northwest course of the Shreveport, La., radio range and the south course of the Texarkana, Ark., radio range; Texarkana, Ark., radio range station; Van Buren, Ark., non-directional radio beacon; Joplin, Mo., radio range station; the intersection of the north course of the Joplin, Mo., radio range and the southeast course of the Kansas City, Mo., radio range to the Kansas City, Mo., radio range station. From the intersection of the northeast course of the Kansas City, Mo., radio range and the south course of the Des Moines, Iowa, radio range to the intersection of the south course of the Des Moines, Iowa, radio range and the northwest course of the Kirksville, Mo., radio range. From the Mason City, Iowa, non-directional radio beacon to the Stanton, Minn., non-directional radio beacon.

§ 600.614 *Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).* From the intersection of the west course of the El Centro, Calif., radio range and a bearing 165° True from the Julian, Calif., non-directional radio beacon to the Julian, Calif., non-directional radio beacon. From the Riverside, Calif., radio range station via the intersection of the northwest course of the Riverside, Calif., radio range and the southeast course of the Palmdale, Calif., radio range and the Palmdale, Calif., radio range station to the intersection of the northwest course of the Palmdale, Calif., radio range and the south course of the Bakersfield, Calif., radio range. From the intersection of the northwest course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range via the Stockton, Calif., radio range station to the intersection of the north course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range.

§ 600.615 *Blue civil airway No. 15 (Huntington, W. Va., to Erie, Pa.).* From the intersection of the northwest course of the Huntington, W. Va., radio range and the south course of the Columbus, Ohio, radio range to the Columbus, Ohio,

§ 600.617 *Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).* From the intersection of the northeast course of the Bangor, Maine, radio range and the south course of the Houlton, Maine, radio range via the Houlton, Maine, radio range station; the intersection of the north course of the Houlton, Maine, radio range and the southeast course of the Presque Isle, Maine, radio range via the Presque Isle, Maine, radio range station to the Municipal Airport, Caribou, Maine, excluding that portion which lies outside the continental United States.

§ 600.618 *Blue civil airway No. 18 (Philadelphia, Pa., to United States-Canadian Border.)* From the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the New York, N. Y. (LaGuardia), radio range via the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the Idlewild, N. Y., radio range; the Idlewild, N. Y., radio range station to the intersection of the northeast course of the Idlewild, N. Y., radio range and the east course of the New York, N. Y. (LaGuardia), radio range. From the intersection of the northwest course of the New York, N. Y. (LaGuardia), radio range and the southwest course of the Poughkeepsie, N. Y., radio range via the Poughkeepsie, N. Y., radio range station, excluding that portion which lies more than two miles west of the southwest course of the Poughkeepsie, N. Y., radio range between a point 25 miles northeast from the intersection of the northwest course of the New York, N. Y. (LaGuardia), radio range and the southwest course of the Poughkeepsie, N. Y., radio range and a point 10 miles south of the Poughkeepsie, N. Y., radio range; the Albany, N. Y., radio range station; Burlington, Vt., radio range station to the intersection of the northeast course of the Burlington, Vt., radio range and the United States-Canadian Border.

§ 600.619 *Blue civil airway No. 19 (Miami, Fla., to Orlando, Fla.).* From the Miami, Fla., radio range station via the intersection of the north course of the Miami, Fla., radio range and the

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§600.638 *Blue civil airway No. 38 (Annette Island, Alaska, to United States-Canadian Border).* From the intersection of the south course of the Annette Island, Alaska, radio range and the United States-Canadian Border via the Annette Island, Alaska, radio range station; the Petersburg, Alaska, radio range station; the intersection of the northwest course of the Petersburg, Alaska, radio range and the southeast course of the Gustavus, Alaska, radio range; Gustavus, Alaska, radio range station; Haines, Alaska, radio range station to the intersection of the northeast course of the Haines, Alaska, radio range and the United States-Canadian Border.

§ 600.639 *Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).* From the Savannah, Ga., radio range station via the intersection of the northwest course of the Savannah, Ga., radio range and the south course of the Augusta, Ga., radio range; Augusta, Ga., radio range station; the intersection of the north course of the Augusta, Ga., radio range and the south course of the Greenville, S. C., radio range to the Greenville, S. C., radio range station. From the Tri-City, Tenn., radio range station via the Paynesville, W. Va., non-directional radio beacon; the intersection of the southeast course of the Huntington, W. Va., radio range and the south course of the Charleston, W. Va., radio range to the Charleston, W. Va., radio range station. From the intersection of the west course of the Elkins, W. Va., radio range and the southwest course of the Morgantown, W. Va., radio range via the Morgantown, W. Va., radio range station to the intersection of the northeast course of the Morgantown, W. Va., radio range and the east course of the Pittsburgh, Pa., radio range. From the intersection of the northeast course of the Altoona, Pa., radio range and the northeast course of the Pittsburgh, Pa., radio range via the intersection of the northeast course of the Altoona, Pa., radio range and the southwest course of the Elmira, N. Y., radio range to the Elmira, N. Y., radio range station.

§ 600.640 *Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).* From the Concord, N. H., radio range station via a point at 43°38′ north latitude and 72°20′ west longitude and a point at 44°12′ north latitude and 72°34′ west longitude to the Burlington, Vt., radio range station.

§ 600.641 *Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).* From the Hartford, Conn., radio range station via the intersection of the northwest course of the Hartford, Conn., radio range and the south course of the Westfield, Mass., radio range; Westfield, Mass., radio range station; the intersection of the north course of the Westfield, Mass., radio range and the southwest course of the Concord, N. H., radio range; Concord, N. H., radio range to the Portland, Maine, radio range station. From the Bangor, Maine, radio range station to the intersection of the northeast course of the Bangor, Maine, radio range and the United States-Canadian border.

§ 600.642 *Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).* From the intersection of the east course of the South Bend, Ind., radio range and the south course of the Battle Creek, Mich., radio range via the Battle Creek, Mich., radio range station; the intersection of the north course of the Battle Creek, Mich., radio range and the southeast course of the Grand Rapids, Mich., radio range; Grand Rapids, Mich., radio range station to the Saginaw, Mich., non-directional radio beacon.

§ 600.644 *Blue civil airway No. 44 (Advance, Mo., to United States-Canadian Border).* From the Advance, Mo., radio range station via the Paducah, Ky., non-directional radio beacon; Evansville, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the south course of the Goshen, Ind., radio range and the southwest course of the Fort Wayne, Ind., radio range; Fort Wayne, Ind., radio range station; the intersection of the northeast course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range; the intersection of the north course of the Toledo, Ohio, radio range and the southwest course of the Windsor, Ontario, Canada, radio range to the intersection of the southwest course of the Windsor, Ontario, Canada, radio range and the United States-Canadian Border.

§ 600.646 *Blue civil airway No. 46 (Memphis, Tenn., to Paducah, Ky.).* From the Memphis, Tenn., radio range station via the intersection of a line bearing 10° True from the Memphis, Tenn., radio range station and a line bearing 216° True from the Dyersburg, Tenn., non-directional radio beacon; Dyersburg, Tenn., non-directional radio beacon to the Paducah, Ky., non-directional radio beacon.

§ 600.647 *Blue civil airway No. 47 (Front Royal, Va., to Dunkirk, N. Y.).* From the intersection of the southeast course of the Front Royal, Va., radio range and the southwest course of the Arcola, Va., radio range via the Front Royal, Va., radio range station; the intersection of the northwest course of the Front Royal, Va., radio range and the northwest course of the Washington, D. C., radio range; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the south course of the Altoona, Pa., radio range; Altoona, Pa., radio range station to the intersection of the northeast course of the Altoona, Pa., radio range and the northeast course of the Pittsburgh, Pa., radio range. From the Philipsburg, Pa., radio range station via the Bradford, Pa., non-directional radio beacon to the Dunkirk, N. Y., non-directional radio beacon.

§ 600.648 *Blue civil airway No. 48 (New York, N. Y., to Poughkeepsie, N. Y.).* From the intersection of the northeast course of the Newark, N. J., radio range and the southeast course of the Stewart Field, N. Y., radio range to the intersection of the southeast course of the Stewart Field, N. Y., radio range and the south course of the Poughkeepsie, N. Y., radio range.

§ 600.649 *Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).* From the intersection of the northeast course of Salisbury, Md., VHF radio range and the southeast course of the Philadelphia, Pa., radio range via the intersection of the southeast course of Philadelphia, Pa., radio range and the southeast course of Millville, N. J., radio range; Millville, N. J., radio range station to the intersection of the northwest course of the Millville, N. J., radio range and the southwest course of the Philadelphia, Pa., radio range.

§ 600.650 *Blue civil airway No. 50 (Augusta, Maine, to the United States-Canadian Border).* From the Augusta, Maine, radio range station to the Bangor, Maine, radio range station. From the intersection of the northeast course of the Bangor, Maine, radio range and the west course of the St. John, New Brunswick, Canada, radio range to the intersection of the west course of the St. John, New Brunswick, Canada, radio range and the United States-Canadian Border.

§ 600.651 *Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).* From the intersection of the east course of the Wendover, Utah, radio range and the south course of the Lucin, Utah, radio range via the Lucin, Utah, radio range station; the intersection of the north course of the Lucin, Utah, radio range and the southwest course of the Burley, Idaho, radio range; Burley, Idaho, radio range station; the intersection of the northeast course of the Burley, Idaho, radio range and the southwest course of the Pocatello, Idaho, radio range; Pocatello, Idaho, radio range station to the Dubois, Idaho, radio range station.

§ 600.652 *Blue civil airway No. 52 (Paso Robles, Calif., to Fresno, Calif.).* From the intersection of the southeast course of the Salinas, Calif., VHF radio range and the southwest course of the Fresno, Calif., radio range to the Fresno, Calif., radio range station.

§ 600.653 *Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).* From the intersection of the southwest course of the Boston, Mass., radio range and the southeast course of the Hartford, Conn., radio range to the Hartford, Conn., radio range station.

§ 600.654 *Blue civil airway No. 54 (Salinas, Calif., to Hamilton Field, Calif.).* From the Salinas, Calif., VHF radio range station via the Evergreen, Calif., non-directional radio beacon to the San Francisco, Calif., radio range station. From the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Fairfield-Suisun, Calif. (AFB), radio range to a point at Latitude 38°02′45″ Longitude 122°31′40″.

§ 600.655 *Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).* From the Crestview, Fla., radio range station to the Maxwell Field, Montgomery, Ala., radio range station.

§ 600.656 *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).* From the Weeksville, N. C. (Coast Guard), radio range station via the intersection of the northwest course of the Weeksville, N. C. (Coast Guard), radio range and the southwest course of the Norfolk, Va., VHF radio range to the Norfolk, Va., VHF radio range station. From the intersection of the northwest course of the Norfolk, Va., radio range and the south course of the Langley Field, Va. (AFB), radio range via the Langley Field, Va. (AFB), radio range station; the intersection of the north course of the Langley Field, Va. (AFB), radio range and the southeast course of the Andrews, Md., radio range to the Andrews, Md., radio range station, excluding that portion more than 3 miles east of the south and north courses of the Langley Field, Va. (AFB), radio range and the southeast course of the Andrews, Md., radio range, and excluding that portion more than 3 miles west of the southeast course of the Andrews, Md., radio range and the north course of the Langley Field, Va. (AFB), radio range between the Andrews, Md., radio range station and a point 18 miles south of the intersection of the north course of the Langley Field, Va. (AFB), radio range and the southeast course of the Andrews, Md., radio range.

§ 600.657 *Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).* From the intersection of the northeast course of the Elko, Nev., radio range and the west course of the Lucin, Utah, radio range via the intersection of the northeast course of the Elko, Nev., radio range and the southwest course of the Burley, Idaho, radio range to the intersection of the southwest course of the Burley, Idaho, radio range and the north course of the Lucin, Utah, radio range.

§ 600.658 *Blue civil airway No. 58 (Sioux Falls, S. Dak., to Watertown, S. Dak.).* From the Sioux Falls, S. Dak., radio range station to the Watertown, S. Dak., radio range station.

§ 600.659 *Blue civil airway No. 59 (Pensacola, Fla., to Goodway, Ala.),* From the Pensacola, Fla., radio range station to the intersection of the north course of the Pensacola, Fla., radio range and the northeast course of the Mobile, Ala., radio range.

§ 600.660 *Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).* From the intersection of the northwest course of the Salinas, Calif., VHF radio range and the west course of the Moffett Field (Sunnyvale), Calif., (Navy) radio range via the Moffett Field (Sunnyvale), Calif., (Navy) radio range station to the intersection of the northeast course of the Moffett Field (Sunnyvale), Calif., (Navy) radio range and the west course of the Stockton, Calif., radio range.

§ 600.661 *Blue civil airway No. 61 (Springfield, Mo., to Kansas City, Mo.).* From the Springfield, Mo., radio range station via the intersection of the northwest course of the Springfield, Mo., radio range and the southeast course of the Kansas City, Mo., radio range to the intersection of the southeast course of the Kansas City, Mo., radio range and the north course of the Joplin, Mo., radio range.

§ 600.662 *Blue civil airway No. 62 (Ypsilanti, Mich., to Traverse City, Mich.).* From the intersection of the west course of the Detroit, Mich., radio range and the south course of the Salem, Mich., VHF radio range via the Salem, Mich., VHF radio range station; Flint, Mich., non-directional radio beacon to the Saginaw, Mich., non-directional radio beacon, the Gladwin, Mich., non-directional radio beacon to the Traverse City, Mich., radio range station.

§ 600.664 *Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).* From the Wink, Tex., radio range station to the Hobbs, N. Mex., radio range station.

§ 600.666 *Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.).* From the intersection of the southeast course of the Bridgeport, Conn., radio range and the east course of the New York, N. Y. (LaGuardia), radio range via the Bridgeport, Conn., radio range station to the intersection of the northwest course of the Bridgeport, Conn., radio range and the east course of the Poughkeepsie, N. Y., radio range.

§ 600.667 *Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).* From the Yuma, Ariz., radio range station via the Blythe, Calif., radio range station; Needles, Calif., radio range station to the intersection of the north course of the Needles, Calif., radio range and the southeast course of the Las Vegas, Nev., radio range.

§ 600.668 *Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).* From Midland, Tex., radio range station to the intersection of the northwest course of the Midland, Tex., radio range and the east course of the Hobbs, N. Mex., radio range.

§ 600.669 *Blue civil airway No. 69 (St. Louis, Mo., to Des Moines, Iowa).* From the St. Louis, Mo., radio range station via the Quincy, Ill., non-directional radio beacon; Ottumwa, Iowa, non-directional radio beacon to the Des Moines, Iowa, radio range station.

§ 600.670 *Blue civil airway No. 70 (Ardmore, Okla., to Tulsa, Okla.).* From the Ardmore, Okla., non-directional radio beacon to the Tulsa, Okla., radio range station.

§ 600.671 *Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).* From the Toledo, Wash., radio range station via the Shelton, Wash., radio range station to the Seattle, Wash., radio range station.

§ 600.672 *Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).* From the Enid, Okla. (Vance AFB) radio range station to the intersection of the northeast course of the Enid, Okla. (Vance AFB) radio range and the north course of the Oklahoma City, Okla., radio range.

§ 600.673 *Blue civil airway No. 73 (Brookville, Pa., to Buffalo, N. Y.).* From the Brookville, Pa., non-directional radio beacon via the Bradford, Pa., non-directional radio beacon to the Buffalo, N. Y., radio range station.

§ 600.674 *Blue civil airway No. 74 (Carlsbad, N. Mex., to Santa Fe, N. Mex.).* From the Carlsbad, N. Mex., radio range station to the Roswell, N. Mex., radio range station. From the intersection of the south course of the Otto, N. Mex., radio range with a direct line between the Albuquerque, N. Mex., radio range station and the Roswell, N. Mex., radio range station via the Otto, N. Mex., radio range station to the Santa Fe, N. Mex., non-directional radio beacon.

§ 600.675 *Blue civil airway No. 75 (Miami, Fla., to Tampa, Fla.).* From the Miami, Fla., radio range station to the Tampa, Fla., radio range station.

§ 600.676 *Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).* From the Sinclair, Wyo., radio range station to the Casper, Wyo., radio range station.

§ 600.677 *Blue civil airway No. 77 (Promontory Point, Utah, to Corinne, Utah).* From the Promontory Point, Utah, non-directional radio beacon to the Corinne, Utah, non-directional radio beacon.

§ 600.678 *Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).* From a point located at Lat. 41°34′30″, Long. 112°46′00″ to the Malad City, Idaho, radio range station.

§ 600.679 *Blue civil airway No. 79 (Burlington, Iowa, to Iowa City, Iowa).* From the Burlington, Iowa radio range station to the intersection of the north course of the Burlington, Iowa, radio range and the west course of the Moline, Ill., radio range.

§ 600.681 *Blue civil airway No. 81 (Charleston, W. Va., to United States-Canadian Border).* From the intersection of the north course of the Charleston, W. Va., radio range and the southwest course of the Parkersburg, W. Va., VHF radio range via the Zanesville, Ohio, non-directional radio beacon to the Akron, Ohio, radio range station. From the intersection of the east course of the Cleveland, Ohio, radio range and the southeast course of the Sarnia, Ontario, Canada, radio range to the intersection of the southeast course of the Sarnia, Ontario, Canada, radio range with the United States-Canadian Border.

§ 600.682 *Blue civil airway No. 82 (Lebo, Kans., to Topeka, Kans.).* From the Lebo, Kans., non-directional radio beacon to the Forbes AFB radio range station, Topeka, Kans.

§ 600.684 *Blue civil airway No. 84 (Bangor, Maine, to Millinocket, Maine).* From the Bangor, Maine, radio range station to the Millinocket, Maine, radio range station.

§ 600.685 *Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.).* From the Hutchinson, Kans., radio range station to the intersection of the south course of the Hutchinson, Kans., radio range and the southwest course of the Wichita, Kans., radio range.

§ 600.686 *Blue civil airway No. 86 (Goshen, Ind., to Dayton, Ohio).* From the intersection of the east course of the Goshen, Ind., radio range and the northwest course of the Fort Wayne,

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Ind., radio range via the Fort Wayne, Ind., radio range station to the Dayton, Ohio, radio range station.

§ 600.687 *Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).* From the Lexington, Ky., non-directional radio beacon via the intersection of a line bearing 7° True from the Lexington, Ky., non-directional radio beacon and the south course of the Wright-Patterson, Ohio, AFB radio range; Wright-Patterson AFB radio range station to the intersection of the northeast course of the Wright-Patterson AFB radio range and the west course of the Columbus, Ohio radio range.

OTHER CIVIL AIRWAYS

§ 600.1001 *Dubois, Idaho, to West Yellowstone, Mont., civil airway.* From the Dubois, Idaho, intermediate field of the Civil Aeronautics Administration to the Municipal Airport, West Yellowstone, Mont.

§ 600.1004 *Winslow, Ariz., to Las Vegas, Nev., civil airway.* From the Winslow Municipal Airport, Winslow, Ariz., via the South Rim Airport, Grand Canyon, Ariz., and the Boulder City Airport, Boulder City, Nev., to the McCarran Field, Las Vegas, Nev.

SUBPART C—VOR CIVIL AIRWAYS

§ 600.6001 *VOR civil airway No. 1 (Norfolk, Va., to New York, N. Y.).* From the Norfolk, Va., VHF VAR station via the intersection of the north course of the Norfolk VHF VAR station and the Salisbury omnirange 206° True radial; Salisbury, Md., omnirange station; intersection of the Salisbury omnirange 39° True and the Atlantic City omnirange 203° True radials; Atlantic City, N. J., omnirange station; intersection of the Atlantic City omnirange 23° True radial and the south course of the Matawan VHF VAR station to the Matawan, N. J., VHF VAR station. Those portions of this airway overlapping danger areas and those portions between Atlantic City, N. J., omnirange station and Matawan, N. J., VHF VAR radio range station more than 2 miles either side of the center line are excluded.

§ 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* From the Seattle, Wash., omnirange station to the Ellensburg, Wash., omnirange station. From the intersection of the Butte omnirange 002° True and the Helena omnirange 272° True radials to the Helena, Mont., omnirange station. From the Miles City, Mont., omnirange station via the Golva, N. Dak., omnirange station; Dickinson, N. Dak. omnirange station; Bismarck, N. Dak., omnirange station, including a north alternate; Jamestown, N. Dak., omnirange station, including a north alternate; Fargo, N. Dak., omnirange station, including a north alternate; Alexandria, Minn., omnirange station, including a north alternate; Minneapolis, Minn., omnirange station, including a north alternate; La Crosse, Wis., omnirange station, including a north alternate; Lone Rock, Wis., omnirange station, including a north alternate; Milwaukee, Wis., omnirange station, including a north alternate; Muskegon, Mich., omnirange station, including a north alternate; Lansing, Mich., omnirange station, including a south alternate, to the Detroit, Mich., omnirange station, including a north alternate. From the Buffalo, N. Y. omnirange station via the Rochester, N. Y., omnirange station; Syracuse, N. Y., omnirange station; Albany, N. Y., omnirange station; Gardner, Mass., omnirange station to the Boston, Mass., omnirange station.

§ 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Bangor, Maine).* From the Key West, Fla., omnirange station via the Miami, Fla., omnirange station, including an east alternate and excluding the portion which overlaps Airspace Warning Areas; the intersection of the Miami, Fla., omnirange 37° True and the West Palm Beach, Fla., omnirange 183° True radials; the West Palm Beach, Fla., omnirange station; the Vero Beach, Fla., omnirange station, including an east alternate; Daytona Beach, Fla., omnirange station, including a west alternate; Jacksonville, Fla., cmnirange station, including an east alternate; Brunswick, Ga., omnirange station; Savannah, Ga., omnirange station, including an east alternate; Charleston, S. C., omnirange station, including a west alternate; Florence, S. C., omnirange station, including an east alternate; Lumberton, S. C., omnirange station to the Raleigh, N. C., omnirange station, including an east alternate. From the Baltimore, Md., omnirange station via the intersection of the Baltimore omnirange 36° True and the West Chester omnirange 241° True radials; West Chester, Pa., omnirange station; Wilton, Conn., omnirange station to the Hartford, Conn., omnirange station. From the Boston, Mass., omnirange station via the Kennebunk, Maine, omnirange station; Augusta, Maine, omnirange station to the Bangor, Maine, omnirange station.

§ 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* From the Seattle, Wash., omnirange station via the Ellensburg, Wash., omnirange station; intersection of the Ellensburg omnirange 191° True and the Yakima omnirange 304° True radials; Yakima Wash., omnirange station, excluding those portions which overlap danger areas; Pendleton, Oreg; omnirange station; Baker, Oreg., omnirange station; Ontario, Oreg., omnirange station; Boise, Idaho, omnirange station; intersection of the Boise omnirange 129° True and the Gooding omnirange 288° True radials; Gooding, Idaho, omnirange station; Burley, Idaho, omnirange station; Malad City, Idaho, omnirange station; Rock Springs, Wyo., omnirange station; Cherokee, Wyo., omnirange station, including a north alternate; Rock River, Wyo., omnirange station including a north alternate; Laramie, Wyo., omnirange station; Denver, Colo., omnirange station; Thurman, Colo., omnirange station; Goodland, Kans., omnirange station, including a north alternate; Hill City, Kans., omnirange station, including a north alternate; Russell, Kans., omnirange station; Salina, Kans., omnirange station, including a north alternate from Hill City omnirange station to Salina omnirange station; Topeka, Kans., omnirange station, including a south alternate; intersection of the Topeka omnirange 78° True and the Kansas City omnirange 261° True radials; Kansas City, Mo., omnirange station; Columbia, Mo., omnirange station, including a south alternate and also a north alternate via the intersection of the Kansas City omnirange 76° True and the Columbia omnirange 291° True radials, excluding those portions which overlap danger areas; St. Louis, Mo., omnirange station, including a north alternate; Evansville, Ind., omnirange station, including a south alternate; the intersection of the Evansville omnirange 80° True and the Louisville omnirange 269° True radials; Louisville, Ky., omnirange station, including a north alternate from Evansville omnirange station to Louisville omnirange station, to the Lexington, Ky., omnirange station. From the Elkins, W. Va., omnirange station via the Front Royal, Va., omnirange station to the Herndon, Va., omnirange station.

§ 600.6005 *VOR civil airway No. 5 (Jacksonville, Fla., to Cleveland, Ohio).* From the Jacksonville, Fla., omnirange station via the Alma, Ga., omnirange station, including a west alternate, to the Macon, Ga., omnirange station, including an east alternate. From the Nashville, Tenn., omnirange station via the Bowling Green, Ky., omnirange station, including an east alternate; the intersection of the Bowling Green omnirange 48° True and the Louisville omnirange 189° True radials; Louisville, Ky., omnirange station, including an east alternate from Bowling Green omnirange station to Louisville omnirange station; Cincinnati, Ohio, omnirange station, including an east alternate; the intersection of the Cincinnati omnirange 45° True and the Columbus omnirange 246° True en route radials; Columbus, Ohio, omnirange station; Mansfield, Ohio, omnirange station to Cleveland, Ohio, omnirange station.

§ 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.).* From the intersection of the Oakland omnirange 217° True and the Salinas omnirange 319° True radials (Half Moon Bay intersection) via the Oakland, Calif., omnirange station; Sacramento, Calif., omnirange station; intersection of Sacramento omnirange 40° True and the Reno omnirange 268° True radials; Reno, Nev., omnirange station; Lovelock, Nev., omnirange station; Battle Mt., Nev., omnirange station to the Wells, Nev., omnirange station. From the Ogden, Utah, omnirange station via the Fort Bridger, Wyo., omnirange station; Rock Springs, Wyo., omnirange station, including a north alternate via the intersection of the Fort Bridger omnirange 64° True and the Rock Springs omnirange 284° True radials; Cherokee, Wyo., omnirange station, including a north alternate; Rock River, Wyo., omnirange station, including a north alternate; Sidney, Nebr., omnirange station, including a north alternate; North Platte, Nebr., omnirange station, including a north alternate; Grand Island, Nebr., omnirange station, including a north alternate; Omaha, Nebr., omnirange station; Des Moines, Iowa, omnirange station, including a south alternate; Iowa City, Iowa, omnirange station, including a north alternate and a south alternate via the intersection of the Des Moines 112° True and the Iowa City omnirange 252° True radials; Moline, Ill., omnirange station, including a south alternate, and also a north alternate from the Des Moines omnirange station to the Moline omnirange station via the intersection of the Des Moines omnirange 71° True and the Moline omnirange 296° True radials; Naperville, Ill., omnirange station, including a north alternate; Chicago Heights, Ill., omnirange station; Goshen, Ind., omnirange station, including a south alternate; Toledo, Ohio, omnirange station, including a north alternate; Cleveland, Ohio, omnirange station, excluding danger areas; Youngstown, Ohio, omnirange station, including a north alternate; Philipsburg, Pa., omnirange station, including a north alternate via the intersection of the Youngstown omnirange 87° True and the Philipsburg omnirange 303° True radials; Selinsgrove, Pa., omnirange station; Allentown, Pa., omnirange station to the Caldwell, N. J., omnirange station.

§ 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Milwaukee, Wis.).* From the Miami, Fla., omnirange station via the Fort Myers, Fla., omnirange station, including a west alternate; Tampa, Fla., omnirange station; the intersection of the Tampa omnirange 13° True and the Cross City omnirange 154° True radials; Cross City, Fla., omnirange station; Tallahassee, Fla., omnirange station, including a west alternate, to the Marianna, Fla., omnirange station. From the Evansville, Ind., omnirange station via the Terre Haute, Ind., omnirange station, including a west alternate; La Fayette, Ind., omnirange station, including a west alternate; Chicago Heights, Ill., omnirange station, including an east and a west alternate; the intersection of the Chicago Heights omnirange 342° True and the Milwaukee omnirange 179° True radials to the Milwaukee, Wis., omnirange station.

§ 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.).* From the Long Beach, Calif., omnirange station via the Ontario, Calif., omnirange station; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station to the Morman Mesa, Nev., omnirange station. From the Denver, Colo., omnirange station via the Akron, Colo., omnirange station, including a north alternate; Imperial, Nebr., omnirange station, including a south alternate; Lexington, Nebr., omnirange station, including a south alternate; Grand Island, Nebr., omnirange station, including a south alternate; Omaha, Nebr., omnirange station; Des Moines, Iowa, omnirange station, including a south alternate; Iowa City, Iowa, omnirange station, including a north alternate and also a south alternate via the intersection of the Des Moines omnirange 112° True and the Iowa City omnirange 252° True radials; Moline, Ill., omnirange station, including a south alternate and also a north alternate via the intersection of the Des Moines 71° True and the Moline omnirange 296° True radials from the Des Moines omnirange station to the Moline omnirange station; Naperville, Ill., omnirange station, including a north alternate; South Bend, Ind., omnirange station; Goshen, Ind., omnirange station; Findlay, Ohio, omnirange station; Mansfield, Ohio, omnirange station, including a north alternate; the intersection of the Mansfield omnirange 100° True and the Pittsburgh omnirange 291° True radials; Pittsburgh, Pa., omnirange station; Martinsburg, W. Va., omnirange station to the Herndon, Va., omnirange station.

§ 600.6009 *VOR civil airway No. 9 (New Orleans, La., to Naperville, Ill.).* From the New Orleans, La., omnirange station via the McComb, Miss., omnirange station, including a west alternate; Jackson, Miss., omnirange station, including a west alternate; Greenwood, Miss., omnirange station, including a west alternate; Memphis, Tenn., omnirange station, including an east alternate; Malden, Mo., omnirange station, including a west alternate; Farmington, Mo., omnirange station, including a west alternate; St. Louis, Mo., omnirange station, including a west alternate; Springfield, Ill., omnirange station, including a west alternate; Pontiac, Ill., omnirange station, including an east alternate, to Naperville, Ill., omnirange station, including an east alternate.

§ 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.).* From the Pueblo, Colo., omnirange station via the Lamar, Colo., omnirange station, including a north alternate; Garden City, Kans., omnirange station, including a north alternate; Dodge City, Kans., omnirange station; Hutchinson City, Kans., omnirange station, including a south alternate; Emporia, Kans., omnirange station, including a north alternate; Kansas City, Mo., omnirange station, including a north alternate, excluding the portion which overlaps danger areas; Kirksville, Mo., omnirange station, including a north alternate via the intersection of the Kansas City omnirange 35° True and the Kirksville omnirange 257° True radials, and a south alternate via the intersection of the Kansas City omnirange 76° True and the Kirksville omnirange 227° True radials; Burlington, Iowa, omnirange station, including a south alternate; Bradford, Ill., omnirange station, including a north alternate; Naperville, Ill., omnirange station, including a south alternate; intersection of the Naperville omnirange 69° True and the South Bend omnirange 287° True radials; South Bend, Ind., omnirange station; Litchfield, Mich., omnirange station, including a north alternate; Detroit, Mich., omnirange station, including a north alternate; Erie, Pa., omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; Allentown, Pa., omnirange station to the Matawan, N. J., VHF VAR station via the Allentown omnirange 110° True radial.

§ 600.6011 *VOR civil airway No. 11 (Houston, Tex., to Detroit, Mich.).* From the Houston, Tex., omnirange station via the Lufkin, Tex., omnirange station to the Shreveport, La., omnirange station. From the Pine Bluff, Ark., omnirange station via the Memphis, Tenn., omnirange station, including an east alternate; the intersection of the Memphis omnirange 360° True and the Dyersburg omnirange 220° True radials; Dyersburg, Tenn., omnirange station; Paducah, Ky., omnirange station; Evansville, Ind., omnirange station; Scotland, Ind., omnirange station; Indianapolis, Ind., omnirange station; the intersection of the Indianapolis omnirange 21° True and the Fort Wayne omnirange 226° True radials; Fort Wayne, Ind., omnirange station to the Detroit, Mich., omnirange station.

§ 600.6012 *VOR civil airway No. 12 (Daggett, Calif., to Philadelphia, Pa.).* From the Daggett, Calif., omnirange station via the Needles, Calif., omnirange station; Prescott, Ariz., omnirange station; Winslow, Ariz., omnirange station; Zuni, N. Mex., omnirange station; Acomita, N. Mex., omnirange station; Albuquerque, N. Mex., omnirange station; Otto, N. Mex., omnirange station, including a south alternate; Anton Chico, N. Mex., omnirange station; Tucumcari, N. Mex., omnirange station, including a north alternate; Amarillo, Tex., omnirange station, including a north alternate; Gage, Okla., omnirange station, including a north alternate; Anthony, Kans., omnirange station, including a north alternate; Wichita, Kans., omnirange station, including a north alternate; Emporia, Kans., omnirange station, including a north alternate via the intersection of the Wichita omnirange 38° True and the Emporia omnirange 259° True radials; Kansas City, Mo., omnirange station, including a north alternate, excluding the portion which overlaps danger areas; Columbia, Mo., omnirange station, including a south alternate and also north alternate via the intersection of the Kansas City omnirange 76° True and the Columbia omnirange 291° True radials; St. Louis, Mo., omnirange station, including a north alternate; Vandalia, Ill., omnirange station, including a north alternate; Terre Haute, Ind., omnirange station, including a north alternate; Indianapolis, Ind., omnirange station; Dayton, Ohio, omnirange station, including a north alternate; Columbus, Ohio, omnirange station, including a north alternate; Pittsburgh, Pa., omnirange station, including a south alternate; Harrisburg, Pa., omnirange station to the West Chester, Pa., omnirange station, including a north alternate via the intersection of the Harrisburg omnirange 81° True and the West Chester omnirange 304° True radials.

§ 600.6013 *VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.).* From the Houston, Tex., omnirange station via the Lufkin, Tex., omnirange station; Shreveport, La., omnirange station to the Texarkana, Ark., omnirange

station. From the Fort Smith, Ark., omnirange station via the Neosho, Mo., omnirange station; Butler, Mo., omnirange station, including a west alternate; Kansas City, Mo., omnirange station, including an east alternate; Lamoni, Iowa, omnirange station, including an east alternate; Des Moines, Iowa, omnirange station, including an east and a west alternate; Mason City, Iowa, omnirange station, including an east and a west alternate; Minneapolis, Minn., omnirange station, including a west alternate; Grantsburg, Wis., omnirange station to the Duluth, Minn., omnirange station.

§ 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.).* From the Roswell, N. Mex., omnirange station via the Lubbock, Tex., omnirange station, including a north alternate; Childress, Tex., omnirange station; Hobart, Okla., omnirange station; Oklahoma City, Okla., omnirange station; Tulsa, Okla., omnirange station, including a north alternate; Neosho, Mo., omnirange station; Springfield, Mo., omnirange station, including a north and a south alternate; Vichy, Mo., omnirange station, including a north alternate; St. Louis, Mo., omnirange station, including a north alternate; Vandalia, Ill., omnirange station, including a north alternate; Terre Haute, Ind., omnirange station, including a north alternate; Indianapolis, Ind., omnirange station; Findlay, Ohio, omnirange station; Cleveland, Ohio, omnirange station; Erie, Pa., omnirange station, including a north alternate; Buffalo, N. Y., omnirange station; Rochester, N. Y., omnirange station; Syracuse, N. Y., omnirange station; Albany, N. Y., omnirange station; Gardner, Mass., omnirange station to the Boston, Mass., omnirange station.

§ 600.6015 *VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.).* From the Galveston, Tex., omnirange station via the Houston, Tex., omnirange station; College Station, Tex., omnirange station; Waco, Tex., omnirange station, including an east alternate; Dallas, Tex., omnirange station, including an east alternate via the intersection of the Waco omnirange 036° True and the Dallas omnirange 178° True radials; Ardmore, Okla., omnirange station to the Tulsa, Okla., omnirange station, including an east alternate. From the Kansas City, Mo., omnirange station via the St. Joseph, Mo., omnirange station, including an east alternate; Omaha, Nebr., omnirange station, including an east alternate; Sioux City, Iowa, omnirange station, including an east alternate; Sioux Falls, S. Dak., omnirange station, including an east alternate; Huron, S. Dak., omnirange station, including a west alternate; Aberdeen, S. Dak., omnirange station, including a west alternate; Bismarck, N. Dak., omnirange station including a west alternate, to the Minot, N. Dak., omnirange station.

§ 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Nashville, Tenn.).* That airspace over the United States territory from the Ontario, Calif., omnirange station via the intersection of the Ontario omnirange 91° True and the Blythe omnirange 288° True radials; Blythe, Calif., omnirange station to the Hassayampa, Ariz., omnirange station to the Phoenix, Ariz., omnirange station. From the Tucson, Ariz., omnirange station via the Cochise, Ariz., omnirange station; Columbus, N. Mex., omnirange station; El Paso, Tex., omnirange station, including a north alternate; Salt Flat, Tex., omnirange station; Wink, Tex., omnirange station, including a north alternate; Midland, Tex., omnirange station, including a north alternate; Big Spring, Tex., omnirange station; Abilene, Tex., omnirange station, including a south alternate; Mineral Wells, Tex., omnirange station, including a north alternate; Fort Worth, Tex., omnirange station; Dallas, Tex., omnirange station, including a north and a south alternate; Sulphur Spring, Tex., omnirange station, including a north alternate; Texarkana, Ark., omnirange station, including a north alternate; Pine Bluff, Ark., omnirange station, including a south alternate; Memphis, Tenn., omnirange station, including a south alternate; Jackson, Tenn., omnirange station, including a south alternate; Graham, Tenn., omnirange station, including a south alternate, to the Nashville, Tenn., omnirange station.

§ 600.6017 *VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.).* That airspace over United States territory from the Laredo, Tex., omnirange station via Cotulla, Tex., omnirange station; San Antonio, Tex., omnirange station; Austin, Tex., omnirange station; Waco, Tex., omnirange station, including an east alternate; Ft. Worth, Tex., omnirange station; Ardmore, Okla., omnirange station; Oklahoma City, Okla., omnirange station, including an east alternate; Gage, Okla., omnirange station, Garden City, Kans., omnirange station to the Goodland, Kans., omnirange station, including a west alternate.

§ 600.6018 *VOR civil airway No. 18 (Dallas, Tex., to Tuscaloosa, Ala.).* From the Dallas, Tex., omnirange station via the Quitman, Tex., omnirange station; Shreveport, Tex., omnirange station; Monroe, La., omnirange station; Jackson, Miss., omnirange station, including a south alternate; Meridian, Miss., omnirange station, including a south alternate to the Tuscaloosa, Ala., omnirange station, including a north alternate.

§ 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Sheridan, Wyo.).* That airspace over United States territory from the El Paso, Tex., omnirange station via the intersection of the El Paso omnirange 271° True and the Truth or Consequences omnirange 162° True radials; Truth or Consequences, N. Mex., omnirange station; the intersection of the Truth or Consequences, N. Mex., omnirange 21° True and the Albuquerque, N. Mex., omnirange 169° True radials; Albuquerque, N. Mex., omnirange station; the intersection of the Albuquerque omnirange 23° True and the Santa Fe omnirange 253° True radials; Santa Fe, N. Mex., omnirange station; Las Vegas, N. Mex., omnirange station; Raton, N. Mex., omnirange station, including an east alternate, to the Pueblo, Colo., omnirange station. From the Denver, Colo., omnirange station via the Cheyenne, Wyo., omnirange station, including an east alternate; Douglas, Wyo., omnirange station, including an east alternate; Casper, Wyo., omnirange station, including an east alternate; Crazy Woman, Wyo., omnirange station, including an east alternate to the Sheridan, Wyo., omnirange station, including an east alternate.

§ 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Montgomery, Ala.).* That airspace over United States territory from Laredo, Tex., omnirange station via the Corpus Christi, Tex., omnirange station; Palacios, Tex., omnirange station; Houston, Tex., omnirange station; Beaumont, Tex., omnirange station; Lake Charles, La., omnirange station; Lafayette, La., omnirange station; New Orleans, La., omnirange station; intersection of the New Orleans omnirange 066° True and the Mobile omnirange 242° True radials; Mobile, Ala., omnirange station; Evergreen, Ala., omnirange station to the Montgomery, Ala., omnirange station.

§ 600.6021 *VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border).* From the Long Beach, Calif., omnirange station via the Ontario, Calif., omnirange station; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station; Milford, Utah, omnirange station; Delta, Utah, omnirange station; intersection of the Delta omnirange 023° True and Salt Lake City omnirange 179° True radials; Salt Lake City, Utah, omnirange station; Ogden, Utah, omnirange station; Malad City, Idaho, omnirange station; Pocatello, Idaho, omnirange station; intersection of the Pocatello omnirange 33° True and the Dubois omnirange 170° True radials; Dubois, Idaho, omnirange station; Dillon, Mont., omnirange station; Whitehall, Mont., omnirange station; Helena, Mont., omnirange station; intersection of the Helena omnirange 004° True and the Great Falls omnirange 222° True radials; Great Falls, Mont, omnirange station; Cut Bank, Mont, omnirange station to the United States-Canadian Border via the Cut Bank omnirange 347° True radial.

§ 600.6022 *VOR civil airway No. 22 (New Orleans, La., to Tallahassee, Fla.).* From the New Orleans, La., omnirange station via the intersection of the New Orleans omnirange 081° True and the Mobile omnirange 200° True radials; Mobile, Ala., omnirange station; intersection of the Mobile 070° True and the Crestview omnirange 274° True radials; Crestview, Fla., omnirange station; Marianna, Fla., omnirange station to the Tallahassee, Fla., omnirange station, excluding that portion above 19,000 feet which lies within the Tyndall AFB danger area (Area II) between sunset and sunrise.

§ 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.).* From the San Diego, Calif., omnirange station via the intersection of the San Diego omnirange 337° True and the Long Beach omnirange 133° True radials to the Long Beach, Calif., omnirange station. From the Bakersfield, Calif., omnirange station via the Fresno, Calif., omnirange station; Modesto, Calif., omnirange station; Sacramento, Calif., omnirange station; Red Bluff, Calif., omnirange station; Fort Jones, Calif., omnirange station; Medford, Oreg., omnirange station; Eugene, Oreg., omnirange station; Portland (Manor), Oreg., omnirange station, including a west alternate via the intersection of the Eugene omnirange 341° True and the Newburg omnirange 204° True radials, the Newburg, Oreg., omnirange station, and the intersection of the Newburg omnirange 020° True and the Portland (Manor) omnirange 247° True radials; intersection of the Portland (Manor) omnirange 353° True and the Seattle omnirange 197° True radials, excluding that portion which overlaps the Fort Lewis danger area; Seattle, Wash. omnirange station; intersection of the Seattle omnirange 359° True and the Bellingham omnirange 169° True radials to the Bellingham, Wash., omnirange station.

§ 600.6024 *VOR civil airway No. 24 (Jamestown, N. Dak., to Redwood Falls, Minn.).* From the Jamestown, N. Dak., omnirange station via the Aberdeen, S. Dak., omnirange station; Watertown, S. Dak., omnirange station, including a north alternate, to the Redwood Falls, Minn., omnirange station, including a north alternate.

§ 600.6025 *VOR civil airway No. 25 (Oakland, Calif., to Ellenburg, Wash.).* From the Oakland, Calif., omnirange station via the Ukiah, Calif., omnirange station to the Red Bluff, Calif., omnirange station. From the Yakima, Wash., omnirange station via the intersection of the Yakima omnirange 304° True and the Ellensburg omnirange 191° True radials to the Ellensburg, Wash., omnirange station, excluding those portions which overlap danger areas.

§ 600.6026 *VOR civil airway No. 26 (Rapid City, S. Dak., to Minneapolis, Minn.).* From the Rapid City, S. Dak., omnirange station via the Philip, S. Dak., omnirange station, including a north alternate; Pierre, S. Dak., omnirange station, including a south alternate; Huron, S. Dak., omnirange station, including a south alternate; Redwood Falls, Minn., omnirange station, including a south alternate, to the Minneapolis, Minn., omnirange station, including a south alternate.

§ 600.6027 *VOR civil airway No. 27 (Santa Barbara, Calif., to Medford, Oreg.).* From the Santa Barbara, Calif., omnirange station via the Paso Robles, Calif., omnirange station including a west alternate via the intersection of the Santa Barbara omnirange 304° True and the Paso Robles omnirange 169° True radials; intersection of the Paso Robles omnirange 335° True and the Salinas omnirange 134° True radials; Salinas, Calif., omnirange station; San Francisco, Calif., omnirange station including an east alternate from the Paso Robles, Calif., omnirange station to the San Francisco, Calif., omnirange station via the intersection of the Paso Robles omnirange 335° True and the San Francisco omnirange 141° True radials; intersection of the San Francisco omnirange 304° True and the Ukiah omnirange 162° True radials; Ukiah, Calif., omnirange station, including an east alternate from the San Francisco, Calif., omnirange station to the Ukiah, Calif., omnirange station via the Oakland, Calif., omnirange station and the intersection of the Oakland omnirange 305° True and the Ukiah omnirange 162° True radials, and also a west alternate from the Salinas, Calif., omnirange station to the Ukiah, Calif., omnirange station via the intersection of the Salinas omnirange 319° True and the Ukiah omnirange 162° True radials; Fortuna, Calif., omnirange station; Crescent City, Calif., omnirange station to the Medford, Oreg., omnirange station.

§ 600.6028 *VOR civil airway No. 28 (Oakland, Calif., to Modesto, Calif.).* From the Oakland, Calif., omnirange station to the Modesto, Calif., omnirange station.

§ 600.6029 *VOR civil airway No. 29 (Philadelphia, Pa., to United States-Canadian Border).* From the West Chester, Pa., omnirange station via the Allentown, Pa., omnirange station; Scranton, Pa., omnirange station; Binghampton, N. Y., omnirange station; Syracuse, N. Y., omnirange station; Watertown, N. Y., omnirange station; the intersection of the Watertown omnirange 33° True and the Massena omnirange 241° True radials; Massena, N. Y., omnirange station to the United States-Canadian Border via the Massena omnirange 38° True radial.

§ 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis., to New York, N. Y.).* From the Milwaukee, Wis., omnirange station via the Litchfield, Mich., omnirange station; the intersection of the Litchfield omnirange 115° True and the Toledo omnirange 301° True radials; Toledo, Ohio, omnirange station; the intersection of the Toledo omnirange 119° True radial and the west course of the Wellington, Ohio, VHF VAR station; Wellington, Ohio, VHF VAR station; the intersection of the east course of the Wellington, Ohio, VHF VAR station and the Youngstown omnirange 250° True radial; Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station, including a north alternate via the Youngstown omnirange 87° True and the Philipsburg omnirange 303° True radials; Selinsgrove, Pa., omnirange station; Allentown, Pa., omnirange station to the Caldwell, N. J., omnirange station.

§ 600.6031 *VOR civil airway No. 31 (Baltimore, Md., to Syracuse, N. Y.).* From the Baltimore, Md., omnirange station via the Harrisburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; the intersection of the Selinsgrove omnirange 11° True and the Elmira omnirange 168° True radials; Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station.

§ 600.6032 *VOR civil airway No. 32 (Wells, Nev., to Fort Bridger, Wyo.).* From the Wells, Nev., omnirange station via to the Wendover, Utah, omnirange station; Salt Lake City, Utah, omnirange station to the Fort Bridger, Wyo., omnirange station.

§ 600.6033 *VOR civil airway No. 33 (Baltimore, Md., to Buffalo, N. Y.).* From the Baltimore, Md., omnirange station via the Harrisburg, Pa., omnirange station; Philipsburg, Pa., omnirange station; intersection of the Philipsburg omnirange 333° True and the Buffalo omnirange 178° True radials to the Buffalo, N. Y., omnirange station.

§ 600.6034 *VOR civil airway No. 34 (Rochester, N. Y., to New York, N. Y.).* From the Rochester, N. Y., omnirange station via the Binghamton, N. Y., omnirange station; Scranton, Pa., omnirange station to the intersection of the Scranton omnirange 117° True and the Allentown-Poughkeepsie direct radials.

§ 600.6035 *VOR civil airway No. 35 (Pittsburgh, Pa., to Syracuse, N. Y.).* From the Pittsburgh, Pa., omnirange station via the Philipsburg, Pa., omnirange station; Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station.

§ 600.6036 *VOR civil airway No. 36 (Buffalo, N. Y., to New York, N. Y.).* From the Buffalo, N. Y., omnirange station via the Elmira, N. Y., omnirange station; Scranton, Pa., omnirange station to the intersection of the Scranton omnirange 117° True radial and the Allentown-Poughkeepsie direct radials.

§ 600.6037 *VOR civil airway No. 37 (Elkins, W. Va., to Erie, Pa.).* From the Elkins, W. Va., omnirange station via the Morgantown, W. Va., omnirange station; Pittsburgh, Pa., omnirange station to the Erie, Pa., omnirange station.

§ 600.6038 *VOR civil airway No. 38 (Chicago Heights, Ill., to Columbus, Ohio).* From the Chicago Heights, Ill., omnirange station via the Fort Wayne, Ind., omnirange station, including a south alternate; Findlay, Ohio, omnirange station, including a south alternate, to the Columbus, Ohio, omnirange station, including a south alternate.

§ 600.6039 *VOR civil airway No. 39 (Gordonsville, Va., to Boston, Mass.).* From the Gordonsville, Va., omnirange station via the Herndon, Va., omnirange station to the intersection of the Herndon omnirange 45° True and the Baltimore omnirange 281° True radials. From the intersection of the Baltimore, Md., omnirange 15° True and the Allentown, Pa., omnirange 228° True radials via the Allentown, Pa., omnirange station to the Poughkeepsie, N. Y., omnirange station. From the Gardner, Mass., omnirange station to the Boston, Mass., omnirange station.

§ 600.6040 *VOR civil airway No. 40 (Flint, Mich., to Pittsburgh, Pa.).* From the intersection of the Lansing, Mich., omnirange 71° True and the Detroit, Mich., omnirange 343° True radials via the Detroit, Mich., omnirange station; the intersection of the Detroit omnirange 143° True radial and the west course of the Wellington, Ohio, VHF VAR station; Wellington, Ohio, VHF VAR station; the intersection of the Cleveland omnirange 139° True radial and the east course of the Wellington, Ohio, VHF VAR station; intersection of the Cleveland 139° True and the Pitts-

Blythe omnirange 288° True radials; Pueblo, Colo., omnirange station. From range station. From the Bakersfield,

burgh 291° True radials to the Pittsburgh, Pa., omnirange station.

§ 600.6041 *VOR civil airway No. 41 (Pittsburgh, Pa., to Youngstown, Ohio).* From the Pittsburgh, Pa., omnirange station via the intersection of the Pittsburgh omnirange 320° True and the Youngstown omnirange 180° True radials to the Youngstown, Ohio, omnirange station.

§ 600.6042 *VOR civil airway No. 42 (Detroit, Mich., to Pittsburgh, Pa.).* From the Detroit, Mich., omnirange station via the intersection of the Detroit omnirange 096° True and the Cleveland 321° True radials; Cleveland, Ohio, omnirange station; the intersection of the Cleveland omnirange 116° True and the Pittsburgh, Pa., 320° True radials to the Pittsburgh, Pa., omnirange station.

§ 600.6043 *VOR civil airway No. 43 (Columbus, Ohio, to Erie, Pa.).* From the Columbus, Ohio, omnirange station via the Youngstown, Ohio, omnirange station to the Erie, Pa., omnirange station.

§ 600.6044 *VOR civil airway No. 44 (Martinsburg, W. Va., to Baltimore, Md.).* From the Martinsburg, W. Va., omnirange station to the Baltimore, Md., omnirange station.

§ 600.6045 *VOR civil airway No. 45 (Columbus, Ohio, to Lansing, Mich.).* From the Columbus, Ohio, omnirange station via the Toledo, Ohio, omnirange station to the Lansing, Mich., omnirange station.

§ 600.6046 *VOR civil airway No. 46 (Cleveland, Ohio, to Pittsburgh, Pa.).* From the Cleveland, Ohio, omnirange station via the intersection of the Cleveland omnirange 139° True and the Pittsburgh, Pa., omnirange 291° True radials to the Pittsburgh, Pa., omnirange station.

§ 600.6047 *VOR civil airway No. 47 (Louisville, Ky., to Detroit, Mich.).* From the Louisville, Ky., omnirange station via the intersection of the Louisville omnirange 356° True and the Cincinnati omnirange 241° True radials; Cincinnati, Ohio, omnirange station; Dayton, Ohio, omnirange station, including a west alternate; Findlay, Ohio, omnirange station, including a west alternate; Toledo, Ohio, omnirange station to the Detroit, Mich., omnirange station, including a west alternate.

§ 600.6048 *VOR civil airway No. 48 (Burlington, Iowa, to Chicago Heights, Ill.).* From the Burlington, Iowa, omnirange station via the intersection of the Burlington omnirange 93° True and the Pontiac omnirange 258° True radials; Pontiac, Ill., omnirange station; the intersection of the Pontiac omnirange 56° True and the Chicago Heights omnirange 228° True radials to the Chicago Heights, Ill., omnirange station, including a south alternate from Pontiac omnirange station to Chicago Heights omnirange station.

§ 600.6049 *VOR civil airway No. 49 (Dillon, Mont., to Drummond, Mont.).* From the Dillon, Mont., omnirange station via the Butte, Mont., omnirange station to the intersection of the Butte omnirange 002° True and the Helena omnirange 272° True radials.

§ 600.6050 *VOR civil airway No. 50 (Kirksville, Mo., to Peoria, Ill.).* From the Kirksville, Mo., omnirange station via the Quincy, Ill., omnirange station, including a south alternate, to the intersection of the Pontiac omnirange 258° True and the Bradford omnirange 188° True radials.

§ 600.6051 *VOR civil airway No. 51 (Louisville, Ky., to Indianapolis, Ind.).* From the Louisville, Ky., omnirange station via the intersection of the Louisville omnirange 356° True and the Indianapolis 137° True radials to the Indianapolis, Ind., omnirange station.

§ 600.6052 *VOR civil airway No. 52 (Des Moines, Iowa, to St. Louis, Mo.).* From the Des Moines, Iowa, omnirange station via the Ottumwa, Iowa, omnirange station, including a south alternate via the intersection of the Des Moines omnirange 133° True and the Ottumwa omnirange 271° True radials; Quincy, Ill., omnirange station, including a north alternate, to the St. Louis, Mo., omnirange station, including a north alternate.

§ 600.6053 *VOR civil airway No. 53 (Louisville, Ky., to Madison, Wis.).* From the Louisville, Ky., omnirange station via the intersection of the Louisville omnirange 333° True and the Indianapolis omnirange 170° True radials; Indianapolis, Ind., omnirange station, including a west alternate from Louisville omnirange station to Indianapolis, omnirange station; Lafayette, Ind., omnirange station, including a west alternate; Chicago Heights, Ill., omnirange station, including an east and a west alternate; Naperville, Ill., omnirange station; the intersection of the Naperville omnirange 278° True and the Janesville omnirange 175° True radials; Janesville, Wis., omnirange station to the intersection of the Janesville omnirange 331° True and the Lone Rock-Milwaukee direct radials.

§ 600.6054 *VOR civil airway No. 54 (Texarkana, Ark., to Muscle Shoals, Ala.).* From the Texarkana, Ark., omnirange station via the Little Rock, Ark., omnirange station, including a north alternate; Memphis, Tenn., omnirange station, including a north alternate, to the Muscle Shoals, Ala., omnirange station.

§ 600.6055 *VOR civil airway No. 55 (Dayton, Ohio, to Muskegon, Mich.).* From the Dayton, Ohio, omnirange station via the Fort Wayne, Ind., omnirange station, including a west alternate; Goshen, Ind., omnirange station; South Bend, Ind., omnirange station to the Muskegon, Mich., omnirange station.

§ 600.6056 *VOR civil airway No. 56 (Tallahassee, Fla., to Florence, S. C.).* From the Tallahassee, Fla., omnirange station via the Albany, Ga., omnirange station to the Macon, Ga., omnirange station. From the Augusta, Ga., omnirange station via the Columbia, S. C., omnirange station; the intersection of the Columbia omnirange 90° True and the Florence, S. C., 226° True radials to the Florence, S. C., omnirange station, excluding that portion which overlaps the Savannah River Airspace Reservation.

§ 600.6057 *VOR civil airway No. 57 (Muscle Shoals, Ala., to Graham, Tenn.).* From the Muscle Shoals, Ala., omnirange station to the Graham, Tenn., omnirange station.

§ 600.6058 *VOR civil airway No. 58 (Pittsburgh, Pa., to Hartford, Conn.).* From the Pittsburgh, Pa., omnirange station via the Philipsburg, Pa., omnirange station; intersection of the Philipsburg omnirange 71° True and the Scranton omnirange 256° True radials; Scranton, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station to the Hartford, Conn., omnirange station.

§ 600.6059 *VOR civil airway No. 59 (Evansville, Ind., to Bradford, Ill.).* From the Evansville, Ind., omnirange station to the Vandalia, Ill., omnirange station, including an east alternate. From the Springfield, Ill., omnirange station via the intersection of the Springfield omnirange 357° True and the Bradford omnirange 188° True radials to the Bradford, Ill., omnirange station.

§ 600.6060 *VOR civil airway No. 60 (Albuquerque, N. Mex., to Tucumcari, N. Mex.).* From the Albuquerque, N. Mex., omnirange station via the Otto, N. Mex., omnirange station, including a south alternate; Las Vegas, N. Mex., omnirange station to the Tucumcari, N. Mex., omnirange station.

§ 600.6061 *VOR civil airway No. 61 (Wichita Falls, Tex., to Lawton, Okla.).* From the Wichita Falls, Tex., omnirange station to the Lawton, Okla., omnirange station.

§ 600.6062 *VOR civil airway No. 62 (Santa Fe, N. Mex., to Anton Chico, N. Mex.).* From the Santa Fe, N. Mex., omnirange station to the Anton Chico, N. Mex., omnirange station.

§ 600.6063 *VOR civil airway No. 63 (Quincy, Ill., to Milwaukee, Wis.).* From the Quincy, Ill., omnirange station via the Burlington, Iowa, omnirange station; Moline, Ill., omnirange station; Janesville, Wis., omnirange station, including a west alternate, to the Milwaukee, Wis., omnirange station.

§ 600.6064 *VOR civil airway No. 64 (Ontario, Calif., to Blythe, Calif.).* From the Ontario, Calif., omnirange station via the intersection of the Ontario omnirange 115° True and the Thermal omnirange 271° True radials; Thermal, Calif., omnirange station to the Blythe, Calif., omnirange station.

§ 600.6065 *VOR civil airway No. 65 (Columbia, Mo., to Des Moines, Iowa).* From the Columbia, Mo., omnirange station via the Kirksville, Mo., omnirange station, including an east alternate, to the Des Moines, Iowa, omnirange station, including an east alternate.

§ 600.6066 *VOR civil airway No. 66 (San Diego, Calif., to Midland, Tex.).* From the San Diego, Calif., omnirange station via the intersection of the San Diego 108° True and the Yuma, Ariz., omnirange 267° True radials; Yuma, Ariz., omnirange station; intersection of the Yuma omnirange 87° True and the Gila Bend omnirange 261° True radials; Gila Bend, Ariz., omnirange station; Tucson, Ariz., omnirange station; the intersection of the Tucson omnirange 91° True and the Douglas omnirange 200° True radials; Douglas, Ariz., omnirange station; the intersection of the Douglas 63° True and the Columbus, N. Mex., omnirange 277° True radials; Columbus, N. Mex., omnirange station; El Paso, Tex., omnirange station, including a north alternate; Hudspeth, Tex., omnirange station; Culberson, Tex., omnirange station; the intersection of the Culberson omnirange 90° True and the Midland omnirange 234° True radials to the Midland, Tex., omnirange station.

§ 600.6067 *VOR civil airway No. 67 (Mason City, Iowa, to Rochester, Minn.).* From the Mason City, Iowa, omnirange station to the Rochester, Minn., omnirange station, including an east alternate.

§ 600.6068 *VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.).* From the Albuquerque, N. Mex., omnirange station via the Corona, N. Mex., omnirange station, including a north alternate via the intersection of the Albuquerque omnirange 103° True and the Corona omnirange 328° True radials; Roswell, N. Mex., omnirange station, including a north alternate; Hobbs, N. Mex., omnirange station; Midland, Tex., omnirange station, including a south alternate; San Angelo, Tex., omnirange station, including a south alternate; Junction, Tex., omnirange station; San Antonio, Tex., omnirange station; intersection of the San Antonio omnirange 167° True and the Corpus Christi omnirange 316° True radials; Corpus Christi, Tex., omnirange station; intersection of the Corpus Christi 238° True and the Brownsville 338° True radials to the Brownsville, Tex., omnirange station, excluding the portion lying outside the United States.

§ 600.6069 *VOR civil airway No. 69 (Walnut Ridge, Ark., to St. Louis, Mo.).* From the Walnut Ridge, Ark., omnirange station via the Farmington, Mo., omnirange station to the St. Louis, Mo., omnirange station, including a west alternate.

§ 600.6070 *VOR civil airway No. 70 (Palacios, Tex., to Lake Charles, La.).* From the Palacios, Tex., omnirange station via the Galveston, Tex., omnirange station to the Lake Charles, La., omnirange station.

§ 600.6071 *VOR civil airway No. 71 (Pine Bluff, Ark., to Kansas City, Mo.).* From the Pine Bluff, Ark., omnirange station via the intersection of the Pine Bluff omnirange 007° True and the Little Rock omnirange 141° True radials to the Little Rock, Ark., omnirange station. From the Flippin, Ark., omnirange station via the Springfield, Mo., omnirange station; Butler, Mo., omnirange station, including an east alternate, to the Kansas City, Mo., omnirange station, including an east alternate.

§ 600.6072 *VOR civil airway No. 72 (Bradford, Pa., to Binghamton, N. Y.).* From the intersection of the Elmira, N. Y., omnirange 254° True and the Buffalo, N. Y., omnirange 178° True radials via the Elmira, N. Y., omnirange station to the Binghamton, N. Y., omnirange station.

§ 600.6073 *VOR civil airway No. 73 (Tulsa, Okla., to Salina, Kans.).* From the Tulsa, Okla., omnirange station via the Wichita, Kans., omnirange station, including an east alternate; Hutchinson, Kans., omnirange station; the intersection of the Hutchinson omnirange 25° True and the Salina omnirange 184° True radials to the Salina Kans., omnirange station.

§ 600.6074 *VOR civil airway No. 74 (Ponca City, Okla., to Little Rock, Ark.).* From the Ponca City, Okla., omnirange station via the Tulsa, Okla., omnirange station, including a south alternate; Ft. Smith, Ark., omnirange station; intersection of the Ft. Smith omnirange 098° True and the Little Rock 302° True radials to the Little Rock, Ark., omnirange station.

§ 600.6075 *VOR civil airway No. 75 (Morgantown, W. Va., to Petersburg, W. Va.).* From the Morgantown, W. Va., omnirange station via the Morgantown omnirange 134° True radial to its point of intersection with the Elkins, W. Va., omnirange 83° True radial.

§ 600.6076 *VOR civil airway No. 76 (Lubbock, Tex., to San Angelo, Tex.).* From the Lubbock, Tex., omnirange station via the intersection of the Lubbock omnirange 180° True and the Big Spring, Tex., omnirange 331° True radials; the Big Spring, Tex., omnirange station to the San Angelo, Tex., omnirange station, including a north alternate.

§ 600.6077 *VOR civil airway No. 77 (San Angelo, Tex., to Wichita, Kans.).* From the San Angelo, Tex., omnirange station via the intersection of the San Angelo omnirange 72° True and the Abilene omnirange 181° True radials; Abilene, Tex., omnirange station; Wichita Falls, Tex., omnirange station, including an east alternate; Oklahoma City, Okla., omnirange station, including an east alternate; Ponca City, Okla., omnirange station to the Wichita, Kans., omnirange station.

§ 600.6078 *VOR civil airway No. 78 (Huron, S. Dak., to Watertown, S. Dak.).* From the Huron, S. Dak., omnirange station to the Watertown, S. Dak., omnirange station, including a south alternate.

§ 600.6079 *VOR civil airway No. 79 (Culberson, Tex., to Lubbock, Tex.).* From the Culberson, Tex., omnirange station via the intersection of the Culberson omnirange 90° True and the Wink omnirange 235° True radials; Wink, Tex., omnirange station; Hobbs, N. Mex., omnirange station; the intersection of the Hobbs omnirange 86° True and the Lubbock omnirange 199° True radials to the Lubbock, Tex., omnirange station.

§ 600.6080 *VOR civil airway No. 80 (Sioux Falls, S. Dak., to Redwood Falls, Minn.).* From the Sioux Falls, S. Dak., omnirange station to the Redwood Falls, Minn., omnirange station, including a south alternate.

§ 600.6081 *VOR civil airway No. 81 (Midland, Tex., to Amarillo, Tex.).* From the Midland, Tex., omnirange station via the Lubbock, Tex., omnirange station to the Amarillo, Tex., omnirange station, including an east alternate.

§ 600.6082 *VOR civil airway No. 82 (Minneapolis, Minn., to La Crosse, Wis.).* From the Minneapolis, Minn., omnirange station via the Rochester, Minn., omnirange station, including a south alternate, to the La Crosse, Wis., omnirange station, including a south alternate.

§ 600.6083 *VOR civil airway No. 83 (Carlsbad, N. Mex., to Santa Fe, N. Mex.).* From the Carlsbad, N. Mex., omnirange station via the Roswell, N. Mex., omnirange station; Corona, N. Mex., omnirange station, including an east alternate; Otto, N. Mex., omnirange station to the Santa Fe, N. Mex., omnirange station.

§ 600.6084 *VOR civil airway No. 84 (Lansing, Mich., to Flint, Mich.).* From the Lansing, Mich., omnirange station to the intersection of the Lansing omnirange 71° True and the Detroit omnirange 343° True radials.

§ 600.6085 *VOR civil airway No. 85 (Rock River, Wyo., to Casper, Wyo.).* From the Rock River, Wyo., omnirange station to the Casper, Wyo., omnirange station, including an east alternate.

§ 600.6086 *VOR civil airway No. 86 (Butte, Mont., to Whitehall, Mont.).* From the Butte, Mont., omnirange station to the Whitehall, Mont., omnirange station.

§ 600.6087 *VOR civil airway No. 87 (Gila Bend, Ariz., to Hassayampa, Ariz.).* From the Gila Bend, Ariz., omnirange station to the Hassayampa, Ariz., omnirange station.

§ 600.6088 *VOR civil airway No. 88 (Dayton, Ohio, to Mansfield, Ohio).* From the Dayton, Ohio., omnirange station to the Mansfield, Ohio, omnirange station, including a north alternate.

§ 600.6089 *VOR civil airway No. 89 (Cheyenne, Wyo., to Rapid City, S. Dak.).* From the Cheyenne, Wyo., omnirange station via the Chadron, Nebr., omnirange station, including an east alternate, to the Rapid City, S. Dak., omnirange station, including a west alternate.

§ 600.6090 *VOR civil airway No. 90 (Lansing, Mich., to Detroit, Mich.).* From the Lansing, Mich., omnirange station via the intersection of the Lansing omnirange 99° True and the Detroit, Mich., omnirange 343° True radials to the Detroit, Mich., omnirange station.

§ 600.6091 *VOR civil airway No. 91 (Wilton, Conn., to Plattsburg, N. Y.).* From the Wilton, Conn., omnirange station via the Poughkeepsie, N. Y., omnirange station; Albany, N. Y., omnirange station to the Plattsburg, N. Y., omnirange station.

§ 600.6092 *VOR civil airway No. 92 (Toledo, Ohio, to Mansfield, Ohio).*

From the Toledo, Ohio, omnirange station to the Mansfield, Ohio, omnirange station.

§ 600.6093 *VOR civil airway No. 93 (Baltimore, Md., to Lancaster, Pa.).* From the Baltimore, Md., omnirange station to the intersection of the Baltimore omnirange 15° True and the Allentown omnirange 228° True radials.

§ 600.6094 *VOR civil airway No. 94 (Salt Flat, Tex., to Hobbs, N. Mex.).* From the Salt Flat, Tex., omnirange station via the Carlsbad, N. Mex., omnirange station to the Hobbs, N. Mex., omnirange station.

§ 600.6095 *VOR civil airway No. 95 (Phoenix, Ariz., to Winslow, Ariz.).* From the Phoenix Ariz., omnirange station to the Winslow, Ariz., omnirange station.

§ 600.6096 *VOR civil airway No. 96 (Fort Wayne, Ind., to Toledo, Ohio.).* From the Fort Wayne, Ind., omnirange station to the Toledo, Ohio, omnirange station.

§ 600.6097 *VOR civil airway No. 97 (Charleston, S. C., to Minneapolis, Minn.).* From the Charleston, S. C., omnirange station via the Columbia, S. C., omnirange station to the Spartanburg, S. C., omnirange station. From the Knoxville, Tenn., omnirange station via the Lexington, Ky., omnirange station; Cincinnati, Ohio, omnirange station; Indianapolis, Ind., omnirange station, including an east and a west alternate; intersection of the Indianapolis omnirange 342° True and the Chicago Heights omnirange 140° True radials; Chicago Heights, Ill., omnirange station; intersection of the Chicago Heights omnirange 342° True and the Janesville omnirange 112° True radials; Janesville, Wis., omnirange station; Lone Rock, Wis., omnirange station, including a west alternate; La Crosse, Wis., omnirange station to the Minneapolis, Minn., omnirange station.

§ 600.6098 *VOR civil airway No. 98 (San Francisco, Calif., to Bakersfield, Calif.).* From the San Francisco, Calif., omnirange station via the Coalinga, Calif., omnirange station to the Bakersfield, Calif., omnirange station.

§ 600.6099 *VOR civil airway No. 99 (Lafayette, La., to Baton Rouge, La.).* From the Lafayette, La., omnirange station to the Baton Rouge, La., omnirange station.

§ 600.6100 *VOR civil airway No. 100 (San Francisco, Calif., to Fresno, Calif.).* From the San Francisco, Calif., omnirange station to the Fresno, Calif., omnirange station.

§ 600.6101 *VOR civil airway No. 101 (Ogden, Utah, to Burley, Idaho).* From the Ogden, Utah, omnirange station to the Burley, Idaho, omnirange station.

§ 600. 6102 *VOR civil airway No. 102 (Lubbock, Tex., to Wichita Falls, Tex.).* From the Lubbock, Tex., omnirange station via the Guthrie, Tex., omnirange station to the Wichita Falls, Tex., omnirange station.

§ 600.6103 *VOR civil airway No. 103 (Pendleton, Oreg., to Spokane, Wash.).* From the Pendleton, Oreg., omnirange station to the Spokane, Wash., omnirange station.

§ 600.6104 *VOR civil airway No. 104 (United States-Canadian Border to Plattsburg, N. Y.).* From the United States-Canadian Border via the Massena, omnirange 318° True radial to the Massena, N. Y., omnirange station; to the Plattsburg, N. Y., omnirange station.

§ 600.6105 *VOR civil airway No. 105 (Phoenix, Ariz., to Prescott, Ariz.).* From the Phoenix, Ariz., omnirange station to the Prescott, Ariz., omnirange station.

§ 600.6106 *VOR civil airway No. 106 (Selinsgrove, Pa., to Scranton, Pa.).* From the Selinsgrove, Pa., omnirange station to the Scranton, Pa., omnirange station.

§ 600.6107 *VOR civil airway No. 107 (Santa Barbara, Calif., to Bakersfield, Calif.).* From the Santa Barbara, Calif., omnirange station to the Bakersfield, Calif., omnirange station.

§ 600.6108 *VOR civil airway No. 108 (Bangor, Maine, to Princeton, Maine).* From the Bangor, Maine, omnirange station to the Princeton, Maine, omnirange station.

§ 600.6109 *VOR civil airway No. 109 (Paso Robles, Calif., to Fresno, Calif.).* From the Paso Robles, Calif., omnirange station via the Coalinga, Calif., omnirange station to the Fresno, Calif., omnirange station.

§ 600.6110 *VOR civil airway No. 110 (San Francisco, Calif., to Modesto, Calif.).* From the point of intersection of the San Francisco omnirange 218° True and the Salinas omnirange 319° True radials (Saratoga Intersection) via the San Francisco, Calif., omnirange station; intersection of the San Francisco omnirange 038° True and the Modesto omnirange 273° True radials (Altamont Intersection) to the Modesto, Calif., omnirange station.

§ 600.6111 *VOR civil airway No. 111 (Salinas, Calif., to Los Banos, Calif.).* From the Salinas, Calif., omnirange station to the intersection of the San Francisco omnirange 111° True and the Salinas omnirange 062° True radials (Los Banos Intersection).

§ 600.6112. *VOR civil airway No. 112 (Portland, Oreg., to Pendleton, Oreg.).* From the Portland (Manor), Oreg., omnirange station via the The Dalles, Oreg., omnirange station; intersection of the The Dalles omnirange 096° True and the Pendleton omnirange 254° True radials to the Pendleton, Oreg., omnirange station.

§ 600.6113 *VOR civil airway No. 113 (Modesto, Calif., to Reno, Nev.).* From the Modesto, Calif., omnirange station to the Reno, Nev., omnirange station.

§ 600.6114 *VOR civil airway No. 114 (Dalhart, Tex., to New Orleans, La.).* From the Dalhart, Tex., omnirange station via the Amarillo, Tex., omnirange station; Childress, Tex., omnirange station; Wichita Falls, Tex., omnirange station; Dallas Tex., omnirange station; Gregg County, Tex., omnirange station; Shreveport, La., omnirange station; intersection of the Shreveport omnirange 169° True and the Alexandria omnirange 312° True radials; Alexandria, La., omnirange station; Baton Rouge, La., omnirange station to the New Orleans, La., omnirange station.

§ 600.6115 *VOR civil airway No. 115 (Crestview, Fla., to Montgomery, Ala.).* From the Crestview, Fla., omnirange station to the Montgomery, Ala., omnirange station.

§ 600.6116 *VOR civil airway No. 116 (Austin, Tex., to Houston, Tex.).* From the Austin, Tex., omnirange station to the Houston, Tex., omnirange station.

§ 600.6117 *VOR civil airway No. 117.* [Unassigned].

§ 600.6118 *VOR civil airway No. 118 (Laramie, Wyo., to Cheyenne, Wyo.).* From the Laramie, Wyo., omnirange station to the Cheyenne, Wyo., omnirange station.

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

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GREEN CIVIL AIRWAYS

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601.101 Amber civil airway No. 1 control areas (United States-Mexican Border to Nome, Alaska).
601.102 Amber civil airway No. 2 control areas (Long Beach, Calif., to Point Barrow, Alaska).
601.103 Amber civil airway No. 3 control areas (El Paso, Tex., to Great Falls, Mont.)
601.104 Amber civil airway No. 4 control areas (Brownsville, Tex., to Minot, N. Dak.).

Sec.
601.105 Amber civil airway No. 5 control areas (Grand Isle, La., to Milwaukee, Wis.).
601.106 Amber civil airway No. 6 control areas (Jacksonville, Fla., to United States-Canadian Border).
601.107 Amber civil airway No. 7 control areas (Key West, Fla., to United States-Canadian Border).
601.108 Amber civil airway No. 8 control areas (Los Angeles, Calif., to The Dalles, Oreg.).
601.109 Amber civil airway No. 9 control areas (Charleston, S. C., to New York, N. Y.).
601.110 Amber civil airway No. 10 control areas (Hawaiian Islands).
601.111 Amber civil airway No. 11 control areas (Hawaiian Islands).
601.112 Amber civil airway No. 12, control areas (Hawaiian Islands).

RED CIVIL AIRWAYS

601.201 Red civil airway No. 1 control areas (Portland, Oreg., to Goodland, Kans.).
601.202 Red civil airway No. 2 control areas (Butte, Mont., to Rapid City, S. Dak.).
601.203 Red civil airway No. 3 control areas (Phillipsburg, Pa., to Hartford, Conn.).
601.204 Red civil airway No. 4 control areas Albuquerque, N. Mex., to Tucumcari, N. Mex.).
601.205 Red civil airway No. 5 control areas (Sioux Falls, S. Dak., to St. Paul, Minn.).
601.206 Red civil airway No. 6 control areas (Las Vegas, Nev., to Omaha, Nebr.).
601.207 Red civil airway No. 7 control areas (Atlanta, Ga., to Greensboro, N. C.).
601.208 Red civil airway No. 8 control areas (Dayton, Ohio, to Williamsport, Pa.).
601.209 Red civil airway No. 9 control areas (San Diego, Calif., to Winslow, Ariz.).
601.210 Red civil airway No. 10 control areas (Pueblo, Colo., to Charleston, S. C.).
601.211 Red civil airway No. 11 control areas (Enid, Okla., to Boston, Mass.).
601.212 Red civil airway No. 12 control areas (Kansas City, Mo., to Williamsport, Pa.).
601.213 Red civil airway No. 13 control areas (Butler, Pa., to Boston, Mass.).
601.214 Red civil airway No. 14 control areas (Lone Rock, Wis., to Bowling Green, Ky.).
601.215 Red civil airway No. 15 control areas (Reno, Nev., to Phoenix, Ariz.).
601.216 Red civil airway No. 16 control areas (Tallahassee, Fla., to Florence, S. C.).
601.217 Red civil airway No. 17 control areas (St. Louis, Mo., to Baltimore, Md.).
601.218 Red civil airway No. 18 control areas (Indianapolis, Ind., to Washington, D. C.).
601.219 Red civil airway No. 19 control areas (Detroit, Mich., to Norfolk, Va.).
601.220 Red civil airway No. 20 control areas (Lansing, Mich., to Washington, D. C.).
601.221 Red civil airway No. 21 control areas (Pittsburgh, Pa., to Boston, Mass.).
601.222 Red civil airway No. 22 control areas (Mount Clemens, Mich., to Albany, N. Y.).
601.223 Red civil airway No. 23 control area (United States-Canadian Border to New York, N. Y.).
601.224 Red civil airway No. 24 control areas (Amarillo, Tex., to Oklahoma City, Okla.).
601.225 Red civil airway No. 25 control areas (Tallahassee, Fla., to Miami, Fla.).
601.226 Red civil airway No. 26 control areas (Syracuse, N. Y., to Allentown, Pa.).
601.227 Red civil airway No. 27 control areas (Atlanta, Ga., to Detroit, Mich.).
601.228 Red civil airway No. 28 control areas (Rockford, Ill., to Detroit, Mich.).
601.229 Red civil airway No. 29 control areas (Rochester, N. Y., to Baltimore, Md.).
601.230 Red civil airway No. 30 control areas (Shreveport, La., to Jacksonville, Fla.).
601.231 Red civil airway No. 31 control areas (Cheyenne, Wyo., to Minneapolis, Minn.).
601.232 Red civil airway No. 32 control areas (Laredo, Tex., to Houston, Tex.).
601.233 Red civil airway No. 33 control areas (Richmond, Va., to Boston, Mass.).
601.234 Red civil airway No. 34 control areas (Charleston, W. Va., to Elizabeth City, N. C.).
601.235 Red civil airway No. 35 control areas (Pueblo, Colo., to St. Joseph, Mo.).
601.236 Red civil airway No. 36 control areas (Rochester, Minn., to La Crosse, Wis.).
601.237 Red civil airway No. 37 control areas (Tyler, Tex., to Gordonsville, Va.).
601.238 Red civil airway No. 38 control areas (Big Spring, Tex., to San Antonio, Tex.).
601.239 Red civil airway No. 39 control areas (Bethel, Alaska, to Fairbanks Alaska).
601.240 Red civil airway No. 40 control areas (Kodiak, Alaska, to Anchorage, Alaska).
601.241 Red civil airway No. 41 control areas (Yakutat, Alaska, to Gustavus, Alaska).
601.242 Red civil airway No. 42 control areas (Milwaukee, Wis., to Lafayette, Ind.).
601.243 Red civil airway No. 43 control areas (Chicago, Ill., to Lafayette, Ind.).
601.244 Red civil airway No. 44 control areas (Bellingham, Wash., to United States-Canadian Border).
601.245 Red civil airway No. 45 control areas (Blackstone, Va., to Allentown, Pa.
601.246 Red civil airway No. 46 control areas (Jamestown, N. Dak., to Rochester, Minn.).
601.247 Red civil airway No. 47 control areas (Tampa, Fla., to Daytona Beach, Fla.).
601.248 Red civil airway No. 48 control areas (Missoula, Mont., to Livingston, Mont.).
601.249 Red civil airway No. 49 control areas (Elko, Nev., to Fort Bridger, Wyo.).
601.250 Red civil airway No. 50 control areas (Galena, Alaska, to Fairbanks, Alaska).
601.251 Red civil airway No. 51 control areas (Erie, Pa., to Elmira, N. Y.).
601.252 Red civil airway No. 52 control areas (Memphis, Tenn., to Birmingham, Ala.).
601.253 Red civil airway No. 53 control areas (Joplin, Mo., to Springfield, Mo.).
601.254 Red civil airway No. 54 control areas (Burley, Idaho, to Salt Lake City, Utah).
601.255 Red civil airway No. 55 control areas (Burlington, Iowa, to Columbus, Ohio).
601.256 Red civil airway No. 56 control areas Red Bluff, Calif., to Whitmore, Calif.).
601.257 Red civil airway No. 57 control areas (Moline, Ill., to Youngstown, Ohio).
601.258 Red civil airway No. 58 control areas (Salinas, Calif., to Hollister, Calif.).
601.259 Red civil airway No. 59 control areas (Garden City, Kans., to Oklahoma City, Okla.).
601.260 Red civil airway No. 60 control areas (Oakland, Calif., to Stockton, Calif.).
601.261 Red civil airway No. 61 control areas (Butler, Pa., to Washington, D. C.).
601.262 Red civil airway No. 62 control areas (Pittsburgh, Pa., to Altoona, Pa.).
601.263 Red civil airway No. 63 control areas (Battle Creek, Mich., to the United States-Canadian Border).
601.264 Red civil airway No. 64 control areas (United States-Canadian Border to Annette Island, Alaska).
601.265 Red civil airway No. 65 control areas Oceanside, Calif., to Blythe, Calif.).
601.266 Red civil airway No. 66 control areas (Santa Barbara, Calif., to Los Angeles, Calif.).
601.267 Red civil airway No. 67 control areas (Crestview, Fla., to Dothan, Ala.).
601.268 Red civil airway No. 68 control areas (Midland, Tex., to Shreveport, La.).
601.269 Red civil airway No. 69 control areas (Midland, Tex., to Big Spring, Tex.).
601.270 Red civil airway No. 70 control areas (Midland, Tex., to Lubbock, Tex.).
601.271 Red civil airway No. 71 control areas (El Paso, Tex., to Lubbock, Tex.).
601.272 Red civil airway No. 72 control areas (Millville, N. J., to Idlewild, N. Y.).
601.273 Red civil airway No. 73 control areas (Baltimore, Md., to Millville, N. J.).
601.274 Red civil airway No. 74 control areas (Louisville, Ky., to Cincinnati, Ohio).
601.275 Red civil airway No. 75 control areas (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).
601.276 Red civil airway No. 76 control areas (Williams, Calif., to Auburn, Calif.).
601.277 Red civil airway No. 77 control areas (Lynchburg, Va., to Millville, N. J.).
601.278 Red civil airway No. 78 control areas (Medford, Oreg., to Klamath Falls, Oreg.).
601.279 Red civil airway No. 79 control areas (Port Angeles, Wash., to Everett, Wash.).
601.280 Red civil airway No. 80 control areas (Lewistown, Mont., to Miles City, Mont.).
601.281 Red civil airway No. 81 control areas (Cadillac, Mich., to Elkins, W. Va.).
601.282 Red civil airway No. 82 control areas (Skwentna, Alaska, to Anchorage, Alaska).
601.283 Red civil airway No. 83 control areas (Gila Bend, Ariz., to Rodeo, N. Mex.).
601.284 Red civil airway No. 84 control areas (Lafayette, La., to Atlanta, Ga.).

Sec.
601.285 Red civil airway No. 85 control areas (Dayton, Ohio, to Martinsburg, Pa.).
601.286 Red civil airway No. 86 control areas (Millinocket, Maine, to Houlton, Maine).
601.287 Red civil airway No. 87 control areas (Hawaiian Islands).
601.288 Red civil airway No. 88 control areas (Albuquerque, N. Mex., to Hobbs, N. Mex.).
601.289 Red civil airway No. 89 control areas (St. Joseph, Mo., to Peoria, Ill.).
601.290 Red civil airway No. 90 control areas (Oxnard, Calif., to Burbank, Calif.).
601.291 Red civil airway No. 91 control areas (Salt Flat, Tex., to Hobbs, N. Mex.).
601.292 Red civil airway No. 92 control areas (New York, N. Y., to Islip, N. Y.).
601.293 Red civil airway No. 93 control areas (Lincoln, Nebr., to Omaha, Nebr.).
601.294 Red civil airway No. 94 control areas (Providence, R. I., to Hyannis, Mass.).
601.295 Red civil airway No. 95 control areas (Elmira, N. Y., to Utica, N. Y.).
601.296 Red civil airway No. 96 control areas (Palacios, Tex., to Baton Rouge, La.).
601.297 Red civil airway No. 97 control areas (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).
601.298 Red civil airway No. 98 control areas (Vichy, Mo., to Belleville, Ill.).
601.299 Red civil airway No. 99 control areas (Illamna, Alaska, to Homer, Alaska.).
601.312 Red civil airway No. 112 control areas (Hawaiian Islands).

BLUE CIVIL AIRWAYS

601.601 Blue civil airway No. 1 control areas (Pendleton, Oreg., to Spokane, Wash.).
601.602 Blue civil airway No. 2 control areas (Montgomery, Ala., to Erie, Pa.).
601.603 Blue civil airway No. 3 control areas (Tallahassee, Fla., to Sault Ste. Marie, Mich.).
601.604 Blue civil airway No. 4 control areas (Nantucket, Mass., to United States-Canadian Border).
601.605 Blue civil airway No. 5 control areas (Galveston, Tex., to Wichita, Kans.).
601.606 Blue civil airway No. 6 control areas (Abilene, Tex., to Muskegon, Mich.).
601.607 Blue civil airway No. 7 control areas (Paso Robles, Calif., to Williams, Calif.).
601.608 Blue civil airway No. 8 control areas (Fargo, N. Dak., to United States-Canadian Border).
601.609 Blue civil airway No. 9 control areas (Columbia, Mo., to United States-Canadian Border).
601.610 Blue civil airway No. 10 control areas (Fresno, Calif., to Williams, Calif.).
601.611 Blue civil airway No. 11 control areas (Toledo, Ohio, to Niagara Falls, N. Y.).
601.612 Blue civil airway No. 12 control areas (The Dalles, Oreg., to Ellensburg, Wash.).
601.613 Blue civil airway No. 13 control areas (Houston, Tex., to Minneapolis, Minn.).
601.614 Blue civil airway No. 14 control areas (El Centro, Calif., to Sacramento, Calif.).
601.615 Blue civil airway No. 15 control areas (Huntington, W. Va., to Erie, Pa.).
601.616 Blue civil airway No. 16 control areas Dillon, Mont., to Helena, Mont.).
601.617 Blue civil airway No. 17 control areas (Bangor, Maine, to Presque Isle, Maine).
601.618 Blue civil airway No. 18 control areas (Philadelphia, Pa., to United States-Canadian Border).
601.619 Blue civil airway No. 19 control areas (Miami, Fla., to Orlando, Fla.).
601.620 Blue civil airway No. 20 control areas (Atlantic City, N. J., to Allentown, Pa.).
601.621 Blue civil airway No. 21 control areas (Louisville, Ky., to Erie, Pa.).
601.622 Blue civil airway No. 22 control areas (Memphis, Tenn., to Wichita, Kans.).
601.623 Blue civil airway No. 23 control areas (Detroit, Mich., to Flint, Mich.).
601.624 Blue civil airway No. 24 control areas (El Centro, Calif., to Daggett, Calif.).
601.625 Blue civil airway No. 25 control areas (Cordova, Alaska, to Big Delta, Alaska).
601.626 Blue civil airway No. 26 control areas (Anchorage, Alaska, to Nenana, Alaska).
601.627 Blue civil airway No. 27 control areas (Kodiak, Alaska, to Kotzebue, Alaska).
601.628 Blue civil airway No. 28 control areas (Charleston, S. C., to Spartanburg, S. C.).
601.629 Blue civil airway No. 29 control areas (Raleigh, N. C., to Lynchburg, Va.).
601.630 Blue civil airway No. 30 control areas (Brownsville, Tex., to Amarillo, Tex.).
601.631 Blue civil airway No. 31 control areas (Burlington, Iowa, to Madison, Wis.).
601.632 Blue civil airway No. 32 control areas (Pendleton, Oreg., to Taikeetna, Alaska).
601.633 Blue civil airway No. 33 control areas (Archbold, Ohio, to Saginaw, Mich.).
601.634 Blue civil airway No. 34 control areas (Terre Haute, Ind., to Peoria, Ill.).
601.635 Blue civil airway No. 35 control areas (Oxnard, Calif., to Bakersfield, Calif.).
601.636 Blue civil airway No. 36 control areas (Thurman, Colo., to North Platte, Nebr.).
601.637 Blue civil airway No. 37 control areas (Casper, Wyo., to Rapid City, S. Dak.).
601.638 Blue civil airway No. 38 control areas (Annette Island, Alaska, to United States-Canadian Border).
601.639 Blue civil airway No. 39 control areas (Savannah, Ga., to Elmira, N. Y.).
601.640 Blue civil airway No. 40 control areas (Concord, N. H., to Burlington, Vt.).
601.641 Blue civil airway No. 41 control areas (Hartford, Conn., to United States-Canadian Border).
601.642 Blue civil airway No. 42 control areas (Goshen, Ind., to Saginaw, Mich.).
601.644 Blue civil airway No. 44 control areas (Advance, Mo., to United States-Canadian Border).
601.646 Blue civil airway No. 46 control areas (Memphis, Tenn., to Paducah, Ky.).
601.647 Blue civil airway No. 47 control areas (Front Royal, Va., to Dunkirk, N. Y.).
601.648 Blue civil airway No. 48 control areas (New York, N. Y., to Poughkeepsie, N. Y.).
601.649 Blue civil airway No. 49 control areas (Atlantic City, N. J., to Philadelphia, Pa.).
601.650 Blue civil airway No. 50 control areas (Augusta, Maine, to United States-Canadian Border).
601.651 Blue civil airway No. 51 control areas (Wendover, Utah, to Dubois, Idaho).
601.652 Blue civil airway No. 52 control areas (Paso Robles, Calif., to Fresno, Calif.).
601.653 Blue civil airway No. 53 control areas (Providence, R. I., to Hartford, Conn.).
601.654 Blue civil airway No. 54 control areas (Salinas, Calif., to Hamilton Field, Calif.).
601.655 Blue civil airway No. 55 control areas (Crestview, Fla., to Montgomery, Ala.).
601.656 Blue civil airway No. 56 control areas (Elizabeth City, N. C., to Washington, D. C.).
601.657 Blue civil airway No. 57 control areas (Elko, Nev., to Burley, Idaho).
601.658 Blue civil airway No. 58 control areas (Sioux Falls, S. Dak., to Watertown, S. Dak.).
601.659 Blue civil airway No. 59 control areas (Pensacola, Fla., to Goodway, Ala.).
601.660 Blue civil airway No. 60 control areas (Sunnyvale, Calif., to Stockton, Calif.).
601.661 Blue civil airway No. 61 control areas (Springfield, Mo., to Kansas City, Mo.).
601.662 Blue civil airway No. 62 control areas (Ypsilanti, Mich., to Traverse City, Mich.).
601.664 Blue civil airway No. 64 control areas (Wink, Tex., to Hobbs, N. Mex.).
601.666 Blue civil airway No. 66 control areas (Bridgeport, Conn., to Poughkeepsie, N. Y.).
601.667 Blue civil airway No. 67 control areas (Yuma, Ariz., to Las Vegas, Nev.).
601.668 Blue civil airway No. 68 control areas (Midland, Tex., to Hobbs, N. Mex.).
601.669 Blue civil airway No. 69 control areas (St. Louis, Mo., to Des Moines, Iowa).
601.670 Blue civil airway No. 70 control areas (Ardmore, Okla., to Tulsa, Okla.).
601.671 Blue civil airway No. 71 control areas (Toledo, Wash., to Seattle, Wash.).
601.672 Blue civil airway No. 72 control areas (Enid, Okla., to Wichita, Kans.).
601.673 Blue civil airway No. 73 control areas (Brookville, Pa., to Buffalo, N. Y.).
601.674 Blue civil airway No. 74 control areas (Carlsbad, N. Mex., to Santa Fe, N. Mex).
601.675 Blue civil airway No. 75 control areas (Miami, Fla., to Tampa, Fla.).
601.676 Blue civil airway No. 76 control areas (Sinclair, Wyo., to Casper, Wyo.).
601.677 Blue civil airway No. 77 control areas (Promontory Point, Utah, to Corinne, Utah).
601.678 Blue civil airway No. 78 control areas (Spring Bay, Utah, to Malad City, Idaho).
601.679 Blue civil airway No 79 control areas (Burlington, Iowa, to Iowa City, Iowa).

Sec.
601.681 Blue civil airway No. 81 (Charleston, W. Va., to United States-Canadian Border).
601.682 Blue civil airway No. 82 control areas (Lebo, Kans, to Topeka, Kans.).
601.684 Blue civil airway No. 84 control areas (Bangor, Maine, to Millinocket, Maine).
601.685 Blue civil airway No. 85 control areas (Hutchinson, Kans., to Wichita, Kans.).
601.686 Blue civil airway No. 86 control areas (Goshen, Ind., to Dayton, Ohio).
601.687 Blue civil airway No. 87 control areas (Lexington, Ky., to Dayton, Ohio).

SUBPART C—CONTROL AREA EXTENSIONS

601.1001 Control area extension (Moses Lake, Wash.).
601.1002 Control area extension (Austin, Tex.).
601.1003 Control area extension (Beaumont, Tex.).
601.1004 Control area extension (Brownsville, Tex.).
601.1005 Control area extension (Jacksonville, Fla.).
601.1006 Control area extension (Lake Charles, La.).
601.1007 Control area extension (Laredo, Tex.).
601.1008 Control area extension (Savannah, Ga.).
601.1009 Control area extension (Augusta, Ga.).
601.1010 Control area extension (Charlotte, N. C.).
601.1011 Control area extension (Daytona Beach, Fla.).
601.1012 Control area extension (Florence, S. C.).
601.1013 Control area extension (Fort Myers, Fla.).
601.1014 Control area extension (Greenville, S. C.).
601.1015 Control area extension (Greenwood, Miss.).
601.1016 Control area extension (Jackson, Tenn.).
601.1017 Control area extension (Reading, Pa.).
601.1018 Control area extension (Meridian, Miss.).
601.1019 Control area extension (Nashville, Tenn.).
601.1020 Control area extension (Smithville, Tenn.).
601.1021 Control area extension (Belleville, Ill).
601.1022 Control area extension (West Palm Beach, Fla.).
601.1023 Control area extension (Akron, Colo.).
601.1024 Control area extension (Burlington, Iowa).
601.1025 Control area extension (New Orleans, La.).
601.1026 Control area extension (Grand Island, Nebr.).
601.1027 Control area extension (Kansas City, Mo.).
601.1028 Control area extension (Monroe, La.).
601.1029 Control area extension (Corpus Christi, Tex.).
601.1030 Control area extension (Victorville, Calif.).
601.1031 Control area extension (North Platte, Nebr.).
601.1032 Control area extension (Scottsbluff, Nebr.).
601.1033 Control area extension (St. Joseph, Mo.).
601.1034 Control area extension (Springfield, Mo.).
601.1035 Control area extension (Little Rock, Ark.).
601.1036 Control area extension (Vichy, Mo.).
601.1037 Control area extension (Pensacola, Fla.).
601.1038 Control area extension (Great Falls, Mont.).
601.1039 Control area extension (Portland, Oreg.).
601.1040 Control area extension (Medford, Oreg.).
601.1041 Control area extension (Boise, Idaho).
601.1042 Control area extension (Columbus, Ohio).
601.1043 Control area extension (Bowling Green, Ky.).
601.1044 Control area extension (Ypsilanti, Mich.).
601.1045 Control area extension (Presque Isle, Maine).
601.1046 Control area extension (Montpelier, Vt.).
601.1047 Control area extension (Bangor, Maine).
601.1048 Control area extension (Red Bluff, Calif.).
601.1049 Control area extension (Utica, N. Y.).
601.1050 Control area extension (Bakersfield, Calif.).
601.1051 Control area extension (Portland, Maine).
601.1052 Control area extension (Atlanta, Ga.).
601.1053 Control area extension (Houston, Tex.).
601.1054 Control area extension (Sinclair, Wyo.).
601.1055 Control area extension (Elmira, N. Y.).
601.1056 Control area extension (Buffalo, N. Y.).
601.1057 Control area extension (Binghamton, N. Y.).
601.1058 Control area extension (Martinsburg, W. Va.).
601.1059 Control area extension (Lynchburg, Va.).
601.1060 Control area extension (Elkins, W. Va.).
601.1061 Control area extension (Mt. Clemens, Mich.).
601.1062 Control area extension (Raleigh, N. C.).
601.1063 Control area extension (Roanoke, Va.).
601.1064 Control area extension (Chicopee Falls, Mass.).
601.1065 Control area extension (Biloxi, Miss.).
601.1066 Control area extension (New York, N. Y.).
601.1067 Control area extension (Dayton, Ohio).
601.1068 Control area extension (Riverside, Calif.).
601.1069 Control area extension (Santa Barbara, Calif.).
601.1070 Control area extension (Oceanside, Calif.).
601.1071 Control area extension (Burbank, Calif.).
601.1072 Control area extension (Sumter, S. C.).
601.1073 Control area extension (Fresno, Calif.).
601.1074 Control area extension (Los Angeles, Calif.).
601.1075 Control area extension (Ada, Okla.).
601.1076 Control area extension (Phoenix, Ariz.).
601.1077 Control area extension (Elko, Nev.).
601.1078 Control area extension (Reno, Nev.).
601.1079 Control area extension (Rock Springs, Wyo.).
601.1080 Control area extension (Louisville, Ky.).
601.1081 Control area extension (Windsor Locks, Conn.).
601.1082 Control area extension (Montgomery, Ala.).
601.1083 Control area extension (Bartlesville, Okla.).
601.1084 Control area extension (Quincy, Ill.).
601.1085 Control area extension (Edwards Air Force Base, Calif.).
601.1086 Control area extension (Memphis, Tenn.).
601.1087 Control area extension (Akron, Ohio).
601.1088 Control area extension (Alexandria, Minn.).
601.1089 Control area extension (Cincinnati, Ohio).
601.1090 Control area extension (Columbus, Ohio).
601.1091 Control area extension (Detroit, Mich.).
601.1092 Control area extension (Dickinson, N. Dak.).
601.1093 Control area extension (Fargo, N. Dak.).
601.1094 Control area extension (Flint, Mich.).
601.1095 Control area extension (Fort Wayne, Ind.).
601.1096 Control area extension (Glenview, Ill.).
601.1097 Control area extension (Grand Forks, N. Dak.).
601.1098 Control area extension (Casper, Wyo.).
601.1099 Control area extension (Indianapolis, Ind.).
601.1100 Control area extension (Lone Rock, Wis.).
601.1101 Control area extension (Madison, Wis.).
601.1102 Control area extension (Minneapolis, Minn.).
601.1103 Control area extension (Minot, N. Dak.).
601.1104 Control area extension (Rockford, Ill.).
601.1105 Control area extension (Muskegon, Mich.).
601.1106 Control are extension (Whidbey Island, Wash.).
601.1107 Control area extension (Topeka, Kans.).
601.1108 Control area extension (Salina, Kans.).
601.1109 Control area extension (Goodland, Kans.).
601.1110 Control area extension (Hobbs, N. Mex.).
601.1111 Control area extension (San Diego, Calif.).
601.1112 Control area extension (Fort Dix, N. J.).
601.1113 Control area extension (San Francisco, Calif.).
601.1114 Control area Extension (Chanute, Kans.).
601.1115 Control area extension (Dodge City, Kans.).
601.1116 Control area extension (Hutchinson, Kans.).
601.1117 Control area extension (Lincoln, Nebr.).
601.1118 Control area extension (Grand Junction, Colo.).
601.1119 Control area extension (St. Louis, Mo.).
601.1120 Control area extension (Iowa City, Iowa.).
601.1121 Control area extension (White Plains, N. Y.).
601.1122 Control area extension (Tri-City, Tenn.).
601.1123 Control area extension (Birmingham, Ala.).
601.1124 Control area extension (Eugene, Oreg.).
601.1125 Control area extension (Tallahassee, Fla.).

Sec.
601.1126 Control area extension (Lewiston, Idaho).
601.1127 Control area extension (Pocatello, Idaho).
601.1128 Control area extension (Twin Falls, Idaho).
601.1129 Control area extension (Pendleton, Oreg.).
601.1130 Control area extension (Redmond, Oreg.).
601.1131 Control area extension (Roseburg, Oreg.).
601.1132 Control area extension (Salem, Oreg.).
601.1133 Control area extension (Spokane, Wash.).
601.1134 Control area extension (Yakima, Wash.).
601.1135 Control area extension (Bismarck, N. Dak.).
601.1136 Control area extension (Dickinson, N. Dak.).
601.1137 Control area extension (Jamestown, N. Dak.).
601.1138 Control area extension (Minot, N. Dak.).
601.1139 Control area extension (Williston, N. Dak.).
601.1140 Control area extension (Aberdeen, S. Dak.).
601.1141 Control area extension (Huron, S. Dak.).
601.1142 Control area extension (Pierre, S. Dak.).
601.1143 Control area extension (Rapid City, S. Dak.).
601.1144 Control area extension (Sioux Falls, S. Dak.).
601.1145 Control area extension (Watertown, S. Dak.).
601.1146 Control area extension (Billings, Mont.).
601.1147 Control area extension (Bozeman, Mont.).
601.1148 Control area extension (Butte, Mont.).
601.1149 Control area extension (Cut Bank, Mont.).
601.1150 Control area extension (Glasgow, Mont.).
601.1151 Control area extension (Glendive, Mont.).
601.1152 Control area extension (Havre, Mont.).
601.1153 Control area extension (Kalispell, Mont.).
601.1154 Control area extension (Lewistown, Mont.).
601.1155 Control area extension (Miles City, Mont.).
601.1156 Control area extension (Missoula, Mont.).
601.1157 Control area extension (Sidney, Mont.).
601.1158 Control area extension (Cheyenne, Wyo.).
601.1159 Control area extension (Lander, Wyo.).
601.1160 Control area extension (Rock Springs, Wyo.).
601.1161 Control area extension (Sheridan, Wyo.).
601.1162 Control area extension (Worland, Wyo.).
601.1163 Control area extension (Yellowstone, Wyo.).
601.1164 Control area extension (Alamogordo, N. Mex.).
601.1165 Control area extension (Albuquerque, N. Mex.).
601.1166 Control area extension (Clovis, N. Mex.).
601.1167 Control area extension (Farmington, N. Mex.).
601.1168 Control area extension (Gallup, N. Mex.).
601.1169 Control area extension (Las Vegas, N. Mex.).
601.1170 Control area extension (Roswell, N. Mex.).
601.1171 Control area extension (Santa Fe, N. Mex.).
601.1172 Control area extension (Silver City, N. Mex.).
601.1173 Control area extension (Tucumcari, N. Mex.).
601.1174 Control area extension (Ely, Nev.).
601.1175 Control area extension (Lovelock, Nev.).
601.1176 Control area extension (Tonopah, Nev.).
601.1177 Control area extension (Winnemucca, Nev.).
601.1178 Control area extension (Ardmore, Okla.).
601.1179 Control area extension (Clinton, Okla.).
601.1180 Control area extension (Enid, Okla.).
601.1181 Control area extension (Lawton, Okla.).
601.1182 Control area extension (Muskogee, Okla.).
601.1183 Control area extension (Oklahoma City, Okla.).
601.1184 Control area extension (Pawhuska, Okla.).
601.1185 Control area extension (Ponca City, Okla.).
601.1186 Control area extension (Tulsa, Okla.).
601.1187 Control area extension (Woodward, Okla.).
601.1188 Control area extension (Abilene, Tex.).
601.1189 Control area extension (Amarillo, Tex.).
601.1190 Control area extension (Big Spring, Tex.).
601.1191 Control area extension (Brownwood, Tex.).
601.1192 Control area extension (Childress, Tex.).
601.1193 Control area extension (Corpus Christi, Tex.).
601.1194 Control area extension (Dallas, Tex.).
601.1195 Control area extension (Del Rio, Tex.).
601.1196 Control area extension (El Paso, Tex.).
601.1197 Control area extension (Fort Worth, Tex.).
601.1198 Control area extension (Galveston, Tex.).
601.1199 Control area extension (Harlingen, Tex.).
601.1200 Control area extension (Houston, Tex.).
601.1201 Control area extension (Laredo, Tex.).
601.1202 Control area extension (Lubbock, Tex.).
601.1203 Control area extension (Marfa, Tex.).
601.1204 Control area extension (Midland, Tex.).
601.1205 Control area extension (Palacios, Tex.).
601.1206 Control area extension (Pecos, Tex.).
601.1207 Control area extension (Port Arthur, Tex.).
601.1208 Control area extension (San Angelo, Tex.).
601.1209 Control area extension (San Antonio, Tex.).
601.1210 Control area extension (Sherman, Tex.).
601.1211 Control area extension (Stamford, Tex.).
601.1212 Control area extension (Sweetwater, Tex.).
601.1213 Control area extension (Temple, Tex.).
601.1214 Control area extension (Tyler, Tex.).
601.1215 Control area extension (Victoria, Tex.).
601.1216 Control area extension (Waco, Tex.).
601.1217 Control area extension (Wichita Falls, Tex.).
601.1218 Control area extension (Cedar City, Utah).
601.1219 Control area extension (Delta, Utah).
601.1220 Control area extension (Ogden, Utah).
601.1221 Control area extension (Price, Utah).
601.1222 Control area extension (Richfield, Utah).
601.1223 Control area extension (Salt Lake City, Utah).
601.1224 Control area extension (Vernal, Utah).
601.1225 Control area extension (Wendover, Utah).
601.1226 Control area extension (Casa Grande, Ariz.).
601.1227 Control area extension (Douglas, Ariz.).
601.1228 Control area extension (Flagstaff, Ariz.).
601.1229 Control area extension (Globe, Ariz.).
601.1230 Control area extension (Kingman, Ariz.).
601.1231 Control area extension (Nogales, Ariz.).
601.1232 Control area extension (Phoenix, Ariz.).
601.1233 Control area extension (Prescott, Ariz.).
601.1234 Control area extension (Safford, Ariz.).
601.1235 Control area extension (Tucson, Ariz.).
601.1236 Control area extension (Winslow, Ariz.).
601.1237 Control area extension (Yuma, Ariz.).
601.1238 Control area extension (Bakersfield, Calif.).
601.1239 Control area extension (Blythe, Calif.).
601.1240 Control area extension (Burney, Calif.).
601.1241 Control area extension (Daggett, Calif.).
601.1242 Control area extension (Eureka, Calif.).
601.1243 Control area extension (Fresno, Calif.).
601.1244 Control area extension (Hamilton Field, Calif.).
601.1245 Control area extension (Los Angeles, Calif.).
601.1246 Control area extension (Mercury, Calif.).
601.1247 Control area extension (Merced, Calif.).
601.1248 Control area extension (Mojave, Calif.).
601.1249 Control area extension (Monterey, Calif.).
601.1250 Control area extension (Oakland, Calif.).
601.1251 Control area extension (Oxnard, Calif.).
601.1252 Control area extension (Paso Robles, Calif.).
601.1253 Control area extension (Red Bluff, Calif.).
601.1254 Control area extension (Sacramento, Calif.).
601.1255 Control area extension (Salinas, Calif.).
601.1256 Control area extension (San Diego, Calif.).
601.1257 Control area extension (San Francisco, Calif.).
601.1258 Control area extension (Santa Barbara, Calif.).
601.1259 Control area extension (Santa Maria, Calif.).
601.1260 Control area extension (Stockton, Calif.).
601.1261 Control area extension (Sunnyvale, Calif.).
601.1262 Control area extension (Susanville, Calif.).
601.1263 Control area extension (Ukiah, Calif.).
601.1264 Control area extension (Visalia, Calif.).
601.1265 Control area extension (Williams, Calif.).
601.1266 Control area extension (Yuba City, Calif.).
601.1267 Control area extension (Anchorage, Alaska).
601.1268 Control area extension (Big Delta, Alaska).
601.1269 Control area extension (Cordova, Alaska).
601.1270 Control area extension (Fairbanks, Alaska).
601.1271 Control area extension (Kodiak, Alaska).
601.1272 Control area extension (Kotzebue, Alaska).
601.1273 Control area extension (McGrath, Alaska).
601.1274 Control area extension (Nenana, Alaska).
601.1275 Control area extension (Nome, Alaska).
601.1276 Control area extension (Northway, Alaska).
601.1277 Control area extension (Taikeetna, Alaska).
601.1278 Control area extension (Annette Island, Alaska).
601.1279 Control area extension (Juneau, Alaska).
601.1280 Control area extension (Ketchikan, Alaska).
601.1281 Control area extension (Petersburg, Alaska).
601.1282 Control area extension (Sitka, Alaska).
601.1283 Control area extension (Wrangell, Alaska).
601.1284 Control area extension (Yakutat, Alaska).
601.1285 Control area extension (Hilo, Hawaii).
601.1286 Control area extension (Honolulu, Hawaii).
601.1287 Control area extension (Kahului, Hawaii).
601.1288 Control area extension (Lihue, Hawaii).
601.1289 Control area extension (Puunene, Hawaii).
601.1290 Control area extension (Upolu Point, Hawaii).
601.1291 Control area extension (Wahiawa, Hawaii).
601.1292 Control area extension (Wailuku, Hawaii).
601.1293 Control area extension (Barter Island, Alaska).
601.1294 Control area extension (Bethel, Alaska).
601.1295 Control area extension (Cold Bay, Alaska).
601.1296 Control area extension (Fort Yukon, Alaska).
601.1297 Control area extension (Galena, Alaska).
601.1298 Control area extension (Gulkana, Alaska).
601.1299 Control area extension (Homer, Alaska).
601.1300 Control area extension (Iliamna, Alaska).
601.1301 Control area extension (Kenai, Alaska).
601.1302 Control area extension (King Salmon, Alaska).
601.1303 Control area extension (Kodiak, Alaska).
601.1304 Control area extension (Kotzebue, Alaska).
601.1305 Control area extension (McGrath, Alaska).
601.1306 Control area extension (Nenana, Alaska).
601.1307 Control area extension (Nome, Alaska).
601.1308 Control area extension (Northway, Alaska).
601.1309 Control area extension (Taikeetna, Alaska).
601.1310 Control area extension (Annette Island, Alaska).
601.1311 Control area extension (Juneau, Alaska).
601.1312 Control area extension (Ketchikan, Alaska).
601.1313 Control area extension (Petersburg, Alaska).
601.1314 Control area extension (Sitka, Alaska).
601.1315 Control area extension (Wrangell, Alaska).
601.1316 Control area extension (Yakutat, Alaska).

Sec.
601.1317 Control area extension (Hilo, Hawaii).
601.1318 Control area extension (Honolulu, Hawaii).
601.1319 Control area extension (Kahului, Hawaii).
601.1320 Control area extension (Lihue, Hawaii).
601.1321 Control area extension (Puunene, Hawaii).
601.1322 Control area extension (Upolu Point, Hawaii).
601.1323 Control area extension (Wahiawa, Hawaii).
601.1324 Control area extension (Wailuku, Hawaii).
601.1325 Control area extension (Barter Island, Alaska).
601.1326 Control area extension (Bethel, Alaska).
601.1327 Control area extension (Cold Bay, Alaska).
601.1328 Control area extension (Fort Yukon, Alaska).
601.1329 Control area extension (Galena, Alaska).
601.1330 Control area extension (Gulkana, Alaska).
601.1331 Control area extension (Homer, Alaska).
601.1332 Control area extension (Iliamna, Alaska).
601.1333 Control area extension (Kenai, Alaska).
601.1334 Control area extension (King Salmon, Alaska).

Sec.	
601.1126	Control area extension (Knoxville, Tenn.).
601.1127	Control area extension (Colorado Springs, Colo.).
601.1128	Control area extension (Jackson, Miss.).
601.1129	Control area extension (Washington, D. C.).
601.1130	Control area extension (Spokane, Wash.).
601.1131	Control area extension (Ottumwa, Iowa).
601.1132	Control area extension (Willmar, Minn.).
601.1133	Control area extension (Seattle, Wash.).
601.1134	Control area extension (Columbus, Ga.).
601.1135	Control area extension (Marianna, Fla.).
601.1136	Control area extension (San Juan, P. R.).
601.1137	Control area extension (Key West, Fla.).
601.1138	Control area extension (Orlando, Fla.).
601.1139	Control area extension (Lexington, Ky.).
601.1140	Control area extension (Youngstown, Ohio).
601.1141	Control area extension (Boston, Mass.).
601.1142	Control area extension (Boston, Mass.).
601.1143	Control area extension (Nantucket, Mass.).
601.1144	Control area extension (Nantucket, Mass.).
601.1145	Control area extension (Nantucket, Mass.).
601.1146	Control area extension (New York, N. Y.).
601.1147	Control area extension (New York, N. Y.).
601.1148	Control area extension (Millville, N. J.).
601.1149	Control area extension (Norfolk, Va.).
601.1150	Control area extension (Wilmington, N. C.).
601.1151	Control area extension (Wilmington, N. C.).
601.1152	Control area extension (Charleston, S. C.).
601.1153	Control area extension (Jacksonville, Fla.).
601.1154	Control area extension (Bismarck, N. Dak.).
601.1155	Control area extension (Omaha, Nebr.).
601.1156	Control area extension (Albany, Ga.).
601.1157	Control area extension (Chicago, Ill.).
601.1158	Control area extension (Cleveland, Ohio).
601.1159	Control area extension (Moline, Ill.).
601.1160	Control area extension (South Bend, Ind.).
601.1161	Control area extension (Chicago, Ill.).
601.1162	Control area extension (Danville, Va.).
601.1163	Control area extension (Vero Beach, Fla.).
601.1164	Control area extension (Quonset Point, R. I.).
601.1165	Control area extension (Oakland, Calif.).
601.1166	Control area extension (Mobile, Ala.).
601.1167	Control area extension (Winston-Salem, N. C.).
601.1168	Control area extension (Ponca City, Okla.).
601.1169	Control area extension (Idlewild, N. Y.).
601.1170	Control area extension (Campbellton, Ga.).
601.1171	Control area extension (El Paso, Tex.).
601.1172	Control area extension (Rantoul, Ill.).
601.1173	Control area extension (San Francisco, Calif.).
601.1174	Control area extension (Santa Ana, Calif.).
601.1175	Control area extension (Charleston, S. C.).
601.1176	Control area extension (Santa Barbara, Calif.) (Santa Barbara-Honolulu rhumb line route).
601.1177	Control area extension (Long Beach, Calif.) (Long Beach-Honolulu route).
601.1178	Control area extension (Honolulu, T. H.).
601.1179	Control area extension (Hilo, T. H.).
601.1180	Control area extension (San Antonio, Tex.).
601.1181	Control area extension (Elizabeth City, N. C.).
601.1182	Control area extension (Enid, Okla.).
601.1183	Control area extension (Wake Island).
601.1184	Control area extension (Douglas, Ariz.).
601.1185	Control area extension (Cochise, Ariz.).
601.1186	Control area extension (Tucson, Ariz.).
601.1187	Control area extension (Jackson, Mich.).
601.1188	Control area extension (Milwaukee, Wis.).
601.1189	Control area extension (Daggett, Calif.).
601.1190	Control area extension (Fairfield, Calif.).
601.1191	Control area extension (Thermal, Calif.).
601.1192	Control area extension (Merced, Calif.).
601.1193	Control area extension (Monterey, Calif.).
601.1194	Control area extension (Sacramento, Calif.).
601.1195	Control area extension (Silver Lake, Calif.).
601.1196	Control area extension (Yuma, Ariz.).
601.1197	Control area extension (Dubois, Idaho).
601.1198	Control area extension (Idaho Falls, Idaho).
601.1199	Control area extension (Greensboro, N. C.).
601.1200	Control area extension (Columbia, S. C.).
601.1201	Control area extension (Saginaw, Mich.).
601.1202	Control area extension (Tucumcari, N. Mex.).
601.1203	Control area extension (Acomita, N. Mex.).
601.1204	Control area extension (Zuni, N. Mex.).
601.1205	Control area extension (Albuquerque, N. Mex.).
601.1206	Control area extension (Midland, Tex.).
601.1207	Control area extension (Carlsbad, N. Mex.).
601.1208	Control area extension (Salt Flat, Tex.).
601.1209	Control area extension (Columbus, N. Mex.).
601.1210	Control area extension (Rodeo, N. Méx.).
601.1211	Control area extension (Dallas, Tex.).
601.1212	Control area extension (Craig AFB, Selma, Ala.).
601.1213	Control area extension (Chatsworth, Calif.).
601.1214	Control area extension (Brownsville, Tex.).
601.1215	Control area extension (Galveston, Tex.).
601.1216	Control area extension (New Orleans, La.).
601.1217	Control area extension (New Orleans, La.).
601.1218	Control area extension (New Orleans, La.).
601.1219	Control area extension (Pensacola, Fla.).
601.1220	Control area extension (Johnstown, Pa.).
601.1221	Control area extension (Dothan, Ala.).
601.1222	Control area extension (Pine Bluff, Ark.).
601.1223	Control area extension (Allentown, Pa.).
601.1224	Control area extension (Philipsburg, Pa.).
601.1225	Control area extension (Erie, Pa.).
601.1226	Control area extension (Tampa, Fla.).
601.1227	Control area extension (Lovelock, Nev.).
601.1228	Control area extension (Tampa, Fla.).
601.1229	Control area extension (Tampa, Fla.).
601.1230	Control area extension (Miami, Fla.).
601.1231	Control area extension (Miami, Fla.).
601.1232	Control area extension (Miami, Fla.).
601.1233	Control area extension (Key West, Fla.).
601.1234	Control area extension (Key West, Fla.).
601.1235	Control area extension (West Palm Beach, Fla.).
601.1236	Control area extension (Seattle, (Clear Lake), Wash.).
601.1237	Control area extension (Waco, Tex.).
601.1238	Control area extension (Amarillo, Tex.).
601.1239	Control area extension (Lubbock, Tex.).
601.1240	Control area extension (Tyler, Tex.).
601.1241	Control area extension (Tulsa, Okla.).
601.1242	Control area extension (Stockton, Calif.).
601.1243	Control area extension (La Crosse, Wis.).
601.1244	Control area extension (Terre Haute, Ind.).
601.1245	Control area extension (Port Allen, Kauai, T. H.).
601.1246	Control area extension (Evansville, Ind.).
601.1247	Central area extension (Toledo, Ohio).
601.1248	Control area extension (Grantsburg, Wis.).
601.1249	Control area extension (Aberdeen, S. Dak.).
601.1250	Control area extension (Jamestown, N. Dak.).
601.1251	Control area extension (Mansfield, Ohio).
601.1252	Control area extension (Janesville, Wis.).
601.1253	Control area extension (Bradford, Ill.).
601.1254	Control area extension (Pontiac, Ill.).
601.1255	Control area extension (Findlay, Ohio).
601.1256	Control area extension (Pittsburgh, Pa.).
601.1257	Control area extension (Goshen, Ind.).
601.1258	Control area extension (Lafayette, Ind.).
601.1259	Control area extension (Huron, S. Dak.).

Sec.	
601.1260	Control area extension (Redwood Falls, Minn.).
601.1261	Control area extension (Lansing, Mich.).
601.1262	Control area extension (Mason City, Iowa).
601.1263	Control area extension (Rochester, Minn.).
601.1264	Control area extension (Dyersburg, Tenn.).
601.1265	Control area extension (Golva, N. Dak.).
601.1266	Control area extension (Litchfield, Mich.).
601.1267	Control area extension (Springfield, Ill.).
601.1268	Control area extension (Sioux Falls, S. Dak.).
601.1269	Control area extension (Watertown, S. Dak.).
601.1270	Control area extension (Harrisburg, Pa.).
601.1271	Control area extension (Front Royal, Va.).
601.1272	Control area extension (Baltimore, Md.).
601.1273	Control area extension (Syracuse, N. Y.).
601.1274	Control area extension (Niagara Falls, N. Y.).
601.1275	Control area extension (Fairbanks, Alaska).
601.1276	Control area extension (Cheyenne, Wyo.).
601.1277	Control area extension (Denver, Colo.).
601.1278	Control area extension (Des Moines, Iowa).
601.1279	Control area extension (Rapid City, S. Dak.).
601.1280	Control area extension (Sheridan, Wyo.).
601.1281	Control area extension (Pueblo, Colo.).
601.1282	Control area extension (Wichita, Kans.).
601.1283	Control area extension (Toledo, Wash.).
601.1284	Control area extension (Oklahoma City, Okla.).
601.1285	Control area extension (Shreveport, La.).
601.1286	Control area extension (Fort Worth, Tex.).
601.1287	Control area extension (Houghton, Mich.).
601.1288	Control area extension (Sault Ste. Marie, Mich.).
601.1289	Control area extension (Valparaiso, Fla.).
601.1290	Control area extension (Joplin, Mo.).
601.1291	Control area extension (Garden City, Kans.).
601.1292	Control area extension (Manakin, Va.).
601.1293	Control area extension (Fort Smith, Ark.).
601.1294	Control area extension (Everett, Wash.).
601.1295	Control area extension (Falmouth, Mass.).
601.1296	Control area extension (Nantucket, Mass.).
601.1297	Control area extension (Paducah, Ky.).
601.1298	Control area extension (Promontory Point, Utah).
601.1299	Control area extension (Valdosta, Ga.).
601.1300	Control area extension (Prescott, Ariz.).
601.1301	Control area extension (Winslow, Ariz.).
601.1302	Control area extension (Lawton, Okla.).
601.1303	Control area extension (Albany, N. Y.).
601.1304	Control area extension (Poughkeepsie, N. Y.).
601.1305	Control area extension (Wilton, Conn.).
601.1306	Control area extension (Mountain Home, Idaho).
601.1307	Control area extension (Minchumina, Alaska).
601.1308	Control area extension (Gustavus, Alaska).
601.1309	Control area extension (Kodiak, Alaska).
601.1310	Control area extension (Anchorage, Alaska) (Anchorage-Sandspit route).
601.1311	Control area extension (Oscoda, Mich.).
601.1312	Control area extension (Zanesville, Ohio).
601.1313	Control area extension (Sioux City, Iowa).
601.1314	Control area extension (Kirksville, Mo.).
601.1315	Control area extension (Emporia, Kans.).
601.1316	Control area extension (La Junta, Colo.).
601.1317	Control area extension (Tuscaloosa, Ala.).
601.1318	Control area extension (Muscle Shoals, Ala.).
601.1319	Control area extension (Key West, Fla.).

SUBPART D—CONTROL ZONES

601.1981	Scope of control zones.
601.1982	Designation of control zones.
601.1983	Three mile radius zones.
601.1984	Five mile radius zones.

ADDITIONAL CONTROL ZONES

601.2001	Albany, N. Y., control zone.
601.2002	Augusta, Maine, control zone.
601.2003	Baltimore, Md., control zone.
601.2004	Bangor, Maine, control zone.
601.2005	Boston, Mass., control zone.
601.2006	Buffalo, N. Y., control zone.
601.2007	Burlington, Vt., control zone.
601.2008	Concord, N. H., control zone.
601.2009	Erie, Pa., control zone.
601.2010	Harrisburg, Pa., control zone.
601.2011	Hartford, Conn., control zone.
601.2012	Millinocket, Maine, control zone.
601.2013	Newark, N. J., control zone.
601.2014	Norfolk, Va., control zone.
601.2015	Philadelphia, Pa., control zone.
601.2016	Wheeling, W. Va., control zone.
601.2017	Pittsburgh, Pa., control zone.
601.2018	Portland, Maine, control zone.
601.2019	Providence, R. I., control zone.
601.2020	Richmond, Va., control zone.
601.2021	Rochester, N. Y., control zone.
601.2022	Washington, D. C., control zone.
601.2023	Albuquerque, N. Mex., control zone.
601.2024	Amarillo, Tex., control zone.
601.2025	Big Spring, Tex., control zone.
601.2026	Brownsville, Tex., control zone.
601.2027	Dallas, Tex., control zone.
601.2028	El Paso, Tex., control zone.
601.2029	Fort Worth, Tex., control zone.
601.2030	Galveston, Tex., control zone.
601.2031	Houston, Tex., control zone.
601.2032	Laredo, Tex., control zone.
601.2033	Little Rock, Ark., control zone.
601.2034	Monroe, La., control zone.
601.2035	New Orleans, La., control zone.
601.2036	Ponca City, Okla., control zone.
601.2037	San Angelo, Tex., control zone.
601.2038	Shreveport, La., control zone.
601.2039	Tulsa, Okla., control zone.
601.2040	Smyrna, Tenn., control zone.
601.2041	Akron, Colo., control zone.
601.2042	Burlington, Iowa, control zone.
601.2043	Casper, Wyo., control zone.
601.2044	Cheyenne, Wyo., control zone.
601.2045	Colorado Springs, Colo., control zone.
601.2046	Columbia, Mo., control zone.
601.2047	Denver, Colo., control zone.
601.2048	Des Moines, Iowa, control zone.
601.2049	Fort Bridger, Wyo., control zone.
601.2050	Garden City, Kans., control zone.
601.2051	Grand Island, Nebr., control zone.
601.2052	Quincy, Ill., control zone.
601.2053	Huron, S. Dak., control zone.
601.2054	Hutchinson, Kans., control zone.
601.2055	Joplin, Mo., control zone.
601.2056	Kansas City, Mo., control zone.
601.2057	Kirksville, Mo., control zone.
601.2058	La Junta, Colo., control zone.
601.2059	Laramie, Wyo., control zone.
601.2060	Pellston, Mich., control zone.
601.2061	Lincoln, Nebr., control zone.
601.2062	Mason City, Iowa, control zone.
601.2063	North Platte, Nebr., control zone.
601.2064	Omaha, Nebr., control zone.
601.2065	Pierre, S. Dak., control zone.
601.2066	Pueblo, Colo., control zone.
601.2067	Rapid City, S. Dak., control zone.
601.2068	Rock Springs, Wyo., control zone.
601.2069	St. Joseph, Mo., control zone.
601.2070	St. Louis, Mo., control zone.
601.2071	Scottsbluff, Nebr., control zone.
601.2072	Sheridan, Wyo., control zone.
601.2073	Rawlings, Wyo., control zone.
601.2074	Sioux City, Iowa, control zone.
601.2075	Springfield, Mo., control zone.
601.2076	Topeka, Kans., control zone.
601.2077	Trinidad, Colo., control zone.
601.2078	Vichy, Mo., control zone.
601.2079	Watertown, S. Dak., control zone.
601.2080	Wichita, Kans., control zone.
601.2081	Coeur d'Alene, Idaho, control zone.
601.2082	Akron, Ohio, control zone.
601.2083	Alexandria, Minn., control zone.
601.2084	Battle Creek, Mich., control zone.
601.2085	Bismarck, N. Dak., control zone.
601.2086	Chicago, Ill., control zone.
601.2087	Cincinnati, Ohio, control zone.
601.2088	Dodge City, Kans., control zone.
601.2089	Cleveland, Ohio, control zone.
601.2090	Columbus, Ohio, control zone.
601.2091	Dayton, Ohio, control zone.
601.2092	Detroit, Mich., control zone.
601.2093	Dickinson, N. Dak., control zone.
601.2094	Duluth, Minn., control zone.
601.2095	Belleville, Ill., control zone.
601.2096	Evansville, Ind., control zone.
601.2097	Fargo, N. Dak., control zone.
601.2098	Flint, Mich., control zone.
601.2099	Fort Wayne, Ind., control zone.
601.2100	Glenview, Ill., control zone.
601.2101	Goshen, Ind., control zone.
601.2102	Grand Forks, N. Dak., control zone.
601.2103	Grand Rapids, Mich., control zone.
601.2104	Huntington, W. Va., control zone.
601.2105	Indianapolis, Ind., control zone.
601.2106	Jamestown, N. Dak., control zone.
601.2107	Joliet, Ill., control zone.
601.2108	Lansing, Mich., control zone.
601.2109	La Fayette, Ind., control zone.
601.2110	Lone Rock, Wis., control zone.
601.2111	Louisville, Ky., control zone.
601.2112	Madison, Wis., control zone.
601.2113	Milwaukee, Wis., control zone.
601.2114	Minneapolis, Minn., control zone.
601.2115	Minot, N. Dak., control zone.
601.2116	Moline, Ill., control zone.
601.2117	Muskegon, Mich., control zone.
601.2118	Langley AFB, Va., control zone.
601.2119	Peoria, Ill., control zone.
601.2120	Rochester, Minn., control zone.
601.2121	Rockford, Ill., control zone.
601.2122	Detroit, Mich., control zone.
601.2123	South Bend Ind., control zone.
601.2124	Roswell, N. Mex., control zone.
601.2125	Terre Haute, Ind., control zone.
601.2126	Toledo, Ohio, control zone.
601.2127	Youngstown, Ohio, control zone.
601.2128	Wilmington, N. C., control zone.
601.2129	Bowling Green, Ky., control zone.
601.2130	Atlanta, Ga., control zone.
601.2131	Augusta, Ga., control zone.
601.2132	Biloxi, Miss., control zone.
601.2133	Birmingham, Ala., control zone.
601.2134	Charleston, S. C., control zone.
601.2135	Charlotte, N. C., control zone.
601.2136	Chattanooga, Tenn., control zone.
601.2137	Columbia, S. C., control zone.
601.2138	Crestview, Fla., control zone.
601.2139	Cross City, Fla., control zone.
601.2140	Daytona Beach, Fla., control zone.

Sec.
601.2141 Dothan, Ala., control zone.
601.2142 Florence, S. C., control zone.
601.2143 Fort Myers, Fla., control zone.
601.2144 Greensboro, N. C., control zone.
601.2145 Greenville, S. C., control zone.
601.2146 Greenwood, Miss., control zone.
601.2147 Jack's Creek, Tenn., control zone.
601.2148 Jackson, Miss., control zone.
601.2149 Jacksonville, Fla., control zone.
601.2150 Key West, Fla., control zone.
601.2151 Knoxville, Tenn., control zone.
601.2152 Macon, Ga., control zone.
601.2153 Melbourne, Fla., control zone.
601.2154 Memphis, Tenn., control zone.
601.2155 Meridian, Miss., control zone.
601.2156 Miami, Fla., control zone.
601.2157 Mobile, Ala., control zone.
601.2158 Mobile, Ala., control zone.
601.2159 Montgomery, Ala., control zone.
601.2160 Muscle Shoals, Ala., control zone.
601.2161 Nashville, Tenn., control zone.
601.2162 Orlando, Fla., control zone.
601.2163 Pensacola, Fla., control zone.
601.2164 Raleigh, N. C., control zone.
601.2165 Savannah, Ga., control zone.
601.2166 Spartanburg, S. C., control zone.
601.2167 Tallahassee, Fla., control zone.
601.2168 Tampa, Fla., control zone.
601.2169 Tri-City, Tenn., control zone.
601.2170 West Palm Beach, Fla., control zone.
601.2171 Winston-Salem, N. C., control zone.
601.2172 Alma, Ga., control zone.
601.2173 Bakersfield, Calif., control zone.
601.2174 Burbank, Calif., control zone.
601.2175 El Centro, Calif., control zone.
601.2176 Fresno, Calif., control zone.
601.2177 Las Vegas, Nev., control zone.
601.2178 Long Beach, Calif., control zone.
601.2179 Los Angeles, Calif., control zone.
601.2180 Oakland, Calif., control zone.
601.2181 Ogden, Utah, control zone.
601.2182 Palmdale, Calif., control zone.
601.2183 Grand Junction, Colo., control zone.
601.2184 Prescott, Ariz., control zone.
601.2185 Sacramento, Calif., control zone.
601.2186 San Diego, Calif., control zone.
601.2187 San Francisco, Calif., control zone.
601.2188 Salt Lake City, Utah, control zone.
601.2189 Olathe, Kans., control zone.
601.2190 Atlantic City, N. J., control zone.
601.2191 Zanesville, Ohio, control zone.
601.2192 Ontario, Calif., control zone.
601.2193 Kahului, Maui, T. H., control zone.
601.2194 Hilo, Hawaii, T. H., control zone.
601.2195 Windsor Locks, Conn., control zone.
601.2196 Wilmington, Del., control zone.
601.2197 Morgantown, W. Va., control zone.
601.2198 Montpelier, Vt., control zone.
601.2199 Syracuse, N. Y., control zone.
601.2200 Allentown, Pa., control zone.
601.2201 Williamsport, Pa., control zone.
601.2202 Philadelphia, Pa., control zone.
601.2203 Martinsburg, W. Va., control zone.
601.2204 Presque Isle, Maine, control zone.
601.2205 Chincoteague, Va., control zone.
601.2206 New York, N. Y., control zone.
601.2207 White Plains, N. Y., control zone.
601.2208 Stockton, Calif., control zone.
601.2209 Tucson, Ariz., control zone.
601.2210 Santa Barbara, Calif., control zone.
601.2211 Edwards Air Force Base, Calif., control zone.
601.2212 Sumter, S. C., control zone.
601.2213 Salina, Kans., control zone.
601.2214 Goodland, Kans., control zone.
601.2215 San Juan, P. R., control zone.
601.2216 Seattle, Wash., control zone.
601.2217 Aberdeen, S. Dak., control zone.
601.2218 Sioux Falls, S. Dak., control zone.
601.2219 Iowa City, Iowa, control zone.
601.2220 Lubbock, Tex., control zone.
601.2221 La Crosse, Wis., control zone.
601.2222 Austin, Tex., control zone.
601.2223 Charleston, W. Va., control zone.
601.2224 Anderson, S. C., control zone.
601.2225 Mansfield, Ohio, control zone.
601.2226 Springfield, Ill., control zone.
601.2227 Dover, Del., control zone.
601.2228 Fairbanks, Alaska, control zone.
601.2229 Fairfield, Calif., control zone.
601.2230 Brunswick, Ga., control zone.
601.2231 Vero Beach, Fla., control zone.
601.2232 Norfolk, Va., control zone.
601.2233 Quonset Point, R. I., control zone.
601.2234 Miami, Fla., control zone.
601.2235 Truth or Consequences, N. Mex., control zone.
601.2236 Whidbey Island, Wash., control zone.
601.2237 Dyersburg, Tenn., control zone.
601.2238 New York, N. Y., control zone.
601.2239 Cordova, Alaska, control zone.
601.2240 Milton, Fla., control zone.
601.2241 Macon, Ga., control zone.
601.2242 Lexington, Ky., control zone.
601.2243 Hempstead, N. Y., control zone.
601.2244 Quantico, Va., control zone.
601.2245 Chanute, Kans., control zone.
601.2246 Oklahoma City, Okla., control zone.
601.2247 Abilene, Tex., control zone.
601.2248 San Antonio, Tex., control zone.
601.2249 Corpus Christi, Tex., control zone.
601.2250 Tyler, Tex., control zone.
601.2251 Albany, Ga., control zone.
601.2252 El Toro, Calif., control zone.
601.2253 Kenai, Alaska, control zone.
601.2254 Falmouth, Mass., control zone.
601.2255 Aquadilla, P. R., control zone.
601.2256 Parkersburg, W. Va., control zone.
601.2257 Rantoul, Ill., control zone.
601.2258 Wichita Falls, Tex., control zone.
601.2259 Kodiak, Alaska, control zone.
601.2260 Fort Smith, Ark., control zone.
601.2261 Yakataga, Alaska, control zone.
601.2262 Honolulu, T. H., control zone.
601.2263 Lafayette, La., control zone.
601.2264 Dunkirk, N. Y., control zone.
601.2265 Wright-Patterson AFB, Ohio, control zone.
601.2266 Springfield, Ohio, control zone.
601.2267 Baltimore, Md., control zone.
601.2268 Ottumwa, Iowa, control zone.
601.2269 Fort Dix, N. J., control zone.
601.2270 Enid, Okla., control zone.
601.2271 Saginaw, Mich., control zone.
601.2272 Wake Island control zone.
601.2273 Cincinnati, Ohio, control zone.
601.2274 Craig AFB, Selma, Ala., control zone.
601.2275 Pensacola, Fla., control zone.
601.2276 Westover, Mass., control zone.
601.2277 Carlsbad, N. Mex., control zone.
601.2278 New Bedford, Mass., control zone.
601.2279 Anchorage, Alaska, control zone.
601.2280 Hobbs, N. Mex., control zone.
601.2281 Tacoma, Wash., control zone.
601.2282 Mt. Clemens, Mich., control zone.
601.2283 Atlanta, Ga., control zone.
601.2284 Traverse City, Mich., control zone.
601.2285 Victorville, Calif., control zone.
601.2286 Columbus, Ga., control zone.
601.2287 San Antonio, Tex., control zone.
601.2288 Longview, Tex., control zone.
601.2289 Houghton, Mich., control zone.
601.2290 Grand Marais, Mich., control zone.
601.2291 Sault Ste. Marie, Mich., control zone.
601.2292 Oceana, Va., control zone.
601.2293 Chicago, Ill., control zone.
601.2294 St. Paul, Minn., control zone.
601.2295 Andrews, Md., control zone.
601.2296 Valparaiso, Fla., control zone.
601.2297 Jackson, Mich., control zone.
601.2298 Omaha, Nebr., control zone.
601.2299 Limestone, Maine, control zone.
601.2300 Upolu Point, Hawaii, T. H., control zone.
601.2301 Waco, Tex., control zone.
601.2302 Willow Grove, Pa., control zone.
601.2303 Great Falls, Mont., control zone.
601.2304 Fort Knox, Ky., control zone.
601.2305 Lawton, Okla., control zone.
601.2306 Paducah, Ky., control zone.
601.2307 Brunswick, Maine, control zone.
601.2308 Valdosta, Ga., control zone.
601.2309 Valdosta, Ga., control zone.
601.2310 Oscoda, Mich., control zone.
601.2311 San Antonio, Tex., control zone.
601.2312 Columbus, Ind., control zone.
601.2313 Pittsburgh, Pa., control zone.
601.2314 Bryan, Tex., control zone.
601.2315 San Bernardino, Calif., control zone.
601.2316 Marianna, Fla., control zone.
601.2317 Tuscaloosa, Ala., control zone.
601.2318 Myrtle Beach, S. C., control zone.

SUBPART E—COLORED CIVIL AIRWAY REPORTING POINTS

DESIGNATION OF REPORTING POINTS

601.4001 Designation of reporting points.

GREEN CIVIL AIRWAYS

601.4011 Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).
601.4012 Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).
601.4013 Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).
601.4014 Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).
601.4015 Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).
601.4016 Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).
601.4017 Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).
601.4018 Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).
601.4019 Green civil airway No. 9 (Hawaiian Islands).

AMBER CIVIL AIRWAYS

601.4101 Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).
601.4102 Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska).
601.4103 Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).
601.4104 Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).
601.4105 Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).
601.4106 Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).
601.4107 Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border).
601.4108 Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.).
601.4109 Amber civil airway No. 9 (Charleston, S. C., to New York, N. Y.).
601.4110 Amber civil airway No. 10 (Hawaiian Islands).
601.4111 Amber civil airway No. 11 (Hawaiian Islands).
601.4112 Amber civil airway No. 12 (Hawaiian Islands).

RED CIVIL AIRWAYS

601.4201 Red civil airway No. 1 (Portland, Oreg., to Goodland, Kans.).
601.4202 Red civil airway No. 2 (Butte, Mont., to Rapid City, S. Dak.).
601.4203 Red civil airway No. 3 (Phillipsburg, Pa., to Hartford, Conn.).
601.4204 Red civil airway No. 4 (Albuquerque, N. Mex., to Tucumcari, N. Mex.).
601.4205 Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).
601.4206 Red civil airway No. 6 (Las Vegas, Nev., to Omaha, Nebr.).
601.4207 Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.).
601.4208 Red civil airway No. 8 (Dayton, Ohio, to Williamsport, Pa.).
601.4209 Red civil airway No. 9 (San Diego, Calif., to Winslow, Ariz.).

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601.4210 Red civil airway No. 10 (Pueblo, Colo., to Charleston, S. C.).
601.4211 Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).
601.4212 Red civil airway No. 12 (Kansas City, Mo., to Williamsport, Pa.).
601.4213 Red civil airway No. 13 (Butler, Pa., to Boston, Mass.).
601.4214 Red civil airway No. 14 (Lone Rock, Wis., to Bowling Green, Ky.).
601.4215 Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).
601.4216 Red civil airway No. 16 (Tallahassee, Fla., to Florence, S. C.).
601.4217 Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).
601.4218 Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).
601.4219 Red civil airway No. 19 (Detroit, Mich., to Norfolk, Va.).
601.4220 Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).
601.4221 Red civil airway No. 21 (Pittsburgh, Pa., to Boston, Mass.).
601.4222 Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).
601.4223 Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).
601.4224 Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).
601.4225 Red civil airway No. 25 (Tallahassee, Fla., to Miami, Fla.).
601.4226 Red civil airway No. 26 (Syracuse, N. Y., to Allentown, Pa.).
601.4227 Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).
601.4228 Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).
601.4229 Red civil airway No. 29 (Rochester, N. Y., to Baltimore, Md.).
601.4230 Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).
601.4231 Red civil airway No. 31. (Cheyenne, Wyo., to Minneapolis, Minn.).
601.4232 Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).
601.4233 Red civil airway No. 33 (Richmond, Va., to Boston, Mass.).
601.4234 Red civil airway No. 34 (Charleston, W. Va., to Elizabeth City, N. C.).
601.4235 Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).
601.4236 Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).
601.4237 Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).
601.4238 Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).
601.4239 Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).
601.4240 Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).
601.4241 Red civil airway No. 41 (Yakutat, Alaska, to Gustavus, Alaska).
601.4242 Red civil airway No. 42 (Milwaukee, Wis., to LaFayette, Ind.).
601.4243 Red civil airway No. 43 (Chicago, Ill., to LaFayette, Ind.).
601.4244 Red civil airway No. 44 (Bellingham, Wash., to United States-Canadian Border).
601.4245 Red civil airway No. 45 (Blackstone, Va., to Allentown, Pa.).
601.4246 Red civil airway No. 46 (Jamestown, N. Dak., to Rochester, Minn.).
601.4247 Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.).
601.4248 Red civil airway No. 48 (Missoula, Mont., to Livingston, Mont.).
601.4249 Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.).
601.4250 Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska).
601.4251 Red civil airway No. 51 (Erie, Pa., to Elmira, N. Y.).
601.4252 Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.).
601.4253 Red civil airway No. 53 (Joplin, Mo., to Springfield, Mo.).
601.4254 Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).
601.4255 Red civil airway No. 55 (Burlington, Iowa, to Columbus, Ohio).
601.4256 Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).
601.4257 Red civil airway No. 57 (Moline, Ill., to Youngstown, Ohio).
601.4258 Red civil airway No. 58 (Salinas, Calif., to Hollister, Calif.).
601.4259 Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).
601.4260 Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.).
601.4261 Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).
601.4262 Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.).
601.4263 Red civil airway No. 63 (Battle Creek, Mich., to United States-Canadian Border).
601.4264 Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).
601.4265 Red civil airway No. 65 (Oceanside, Calif., to Blythe, Calif.).
601.4266 Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.).
601.4267 Red civil airway No. 67 (Crestview, Fla., to Dothan, Ala.).
601.4268 Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).
601.4269 Red civil airway No. 69 (Midland, Tex., to Big Spring, Tex.).
601.4270 Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.).
601.4271 Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.).
601.4272 Red civil airway No. 72 (Millville, N. J., to Idlewild, N. Y.).
601.4273 Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).
601.4274 Red civil airway No. 74 (Louisville, Ky., to Cincinnati, Ohio).
601.4275 Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).
601.4276 Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).
601.4277 Red civil airway No. 77 (Lynchburg, Va., to Millville, N. J.).
601.4278 Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).
601.4279 Red civil airway No. 79 (Port Angeles, Wash., to Everett, Wash.).
601.4280 Red civil airway No. 80 (Lewistown, Mont., to Miles City, Mont.).
601.4281 Red civil airway No. 81 (Cadillac, Mich., to Elkins, W. Va.).
601.4282 Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).
601.4283 Red civil airway No. 83 (Gila Bend, Ariz., to Rodeo, N. Mex.).
601.4284 Red civil airway No. 84 (Lafayette, La., to Atlanta, Ga.).
601.4285 Red civil airway No. 85 (Dayton, Ohio, to Martinsburg, Pa.).
601.4286 Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).
601.4287 Red civil airway No. 87 (Hawaiian Islands).
601.4288 Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).
601.4289 Red civil airway No. 89 (St. Joseph, Mo., to Peoria, Ill.).
601.4290 Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).
601.4291 Red civil airway No. 91 (Salt Flat, Tex., to Hobbs, N. Mex.).
601.4292 Red civil airway No. 92 (New York, N. Y., to Islip, N. Y.).
601.4293 Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).
601.4294 Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).
601.4295 Red civil airway No. 95 (Elmira, N. Y. to Utica, N. Y.).
601.4296 Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).
601.4297 Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).
601.4298 Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).
601.4299 Red civil airway No. 99 (Illamna, Alaska, to Homer, Alaska).
601.4312 Red civil airway No. 112 (Hawaiian Islands).

BLUE CIVIL AIRWAYS

601.4601 Blue civil airway No. 1 (Pendleton, Oreg., to Spokane, Wash.).
601.4602 Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.).
601.4603 Blue civil airway No. 3 (Tallahassee, Fla., to Sault Ste. Marie, Mich.).
601.4604 Blue civil airway No. 4 (Nantucket, Mass., to United States-Canadian Border).
601.4605 Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).
601.4606 Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).
601.4607 Blue civil airway No. 7 (Paso Robles, Calif., to Williams, Calif.).
601.4608 Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).
601.4609 Blue civil airway No. 9 (Columbia, Mo., to United States-Canadian Border).
601.4610 Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).
601.4611 Blue civil airway No. 11 (Toledo, Ohio, to Niagara Falls, N. Y.).
601.4612 Blue civil airway No. 12 (The Dallas, Oreg., to Ellensburg, Wash.).
601.4613 Blue civil airway No. 13 (Houston, Tex., to Minneapolis, Minn.).
601.4614 Blue civil airway No. 14 (El Centro, Calif. to Sacramento, Calif.).
601.4615 Blue civil airway No. 15 (Huntington, W. Va., to Erie, Pa.).
601.4616 Blue civil airway No. 16 (Dillon, Mont., to Helena, Mont.).
601.4617 Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).
601.4618 Blue civil airway No. 18 (Philadelphia, Pa., to United States-Canadian Border).
601.4619 Blue civil airway No. 19 (Miami, Fla., to Orlando, Fla.).
601.4620 Blue civil airway No. 20 (Atlantic City, N. J., to Allentown, Pa.).
601.4621 Blue civil airway No. 21 (Louisville, Ky., to Erie, Pa.).
601.4622 Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.).
601.4623 Blue civil airway No. 23 (Detroit, Mich., to Flint, Mich.).
601.4624 Blue civil airway No. 24 (El Centro, Calif., to Daggett, Calif.).
601.4625 Blue civil airway No. 25 (Cordova, Alaska, to Big Delta, Alaska).
601.4626 Blue civil airway No. 26 (Anchorage, Alaska, to Nenana, Alaska).
601.4627 Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).
601.4628 Blue civil airway No. 28 (Charleston, S. C., to Spartanburg, S. C.).
601.4629 Blue civil airway No. 29 (Raleigh, N. C., to Lynchburg, Va.).
601.4630 Blue civil airway No. 30 (Brownsville, Tex., to Amarillo, Tex.).

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601.4631 Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).
601.4632 Blue civil airway No. 32 (Pendleton, Oreg., to Talkeetna, Alaska).
601.4633 Blue civil airway No. 33 (Archbold, Ohio, to Saginaw, Mich.).
601.4634 Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).
601.4635 Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).
601.4636 Blue civil airway No. 36 (Thurman, Colo., to North Platte, Nebr.).
601.4637 Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).
601.4638 Blue civil airway No. 38 (Annette Island, Alaska, to United States-Canadian Border).
601.4639 Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).
601.4640 Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).
601.4641 Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).
601.4642 Blue civil airway No. 42 (Goshen, Ind., to Saginaw, Mich.).
601.4644 Blue civil airway No. 44 (Advance, Mo., to United States-Canadian Border).
601.4646 Blue civil airway No. 46 (Memphis, Tenn., to Paducah, Ky.).
601.4647 Blue civil airway No. 47 (Front Royal, Va., to Dunkirk, N. Y.).
601.4648 Blue civil airway No. 48 (New York, N. Y., to Poughkeepsie, N. Y.).
601.4649 Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).
601.4650 Blue civil airway No. 50 (Augusta, Maine, to United States-Canadian Border).
601.4651 Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).
601.4652 Blue civil airway No. 52 (Paso Robles, Calif., to Fresno, Calif.).
601.4653 Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).
601.4654 Blue civil airway No. 54 (Salinas, Calif., to Hamilton Field, Calif.).
601.4655 Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).
601.4656 Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).
601.4657 Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).
601.4658 Blue civil airway No. 58 (Sioux Falls, S. Dak., to Watertown, S. Dak.).
601.4659 Blue civil airway No. 59 (Pensacola, Fla., to Goodway, Ala.).
601.4660 Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).
601.4661 Blue civil airway No. 61 (Springfield, Mo., to Kansas City, Mo.).
601.4662 Blue civil airway No. 62 (Ypsilanti, Mich., to Traverse City, Mich.).
601.4664 Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).
601.4666 Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.).
601.4667 Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).
601.4668 Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).
601.4669 Blue civil airway No. 69 (St. Louis, Mo., to Des Moines, Iowa).
601.4670 Blue civil airway No. 70 (Ardmore, Okla., to Tulsa, Okla.).
601.4671 Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).
601.4672 Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).
601.4673 Blue civil airway No. 73 (Brookville, Pa., to Buffalo, N. Y.).
601.4674 Blue civil airway No. 74 (Carlsbad, N. Mex., to Santa Fe, N. Mex.).
601.4675 Blue civil airway No. 75 (Miami, Fla., to Tampa, Fla.).
601.4676 Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).
601.4677 Blue civil airway No. 77 (Promontory Point, Utah, to Corinne, Utah).
601.4678 Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).
601.4679 Blue civil airway No. 79 (Burlington, Iowa, to Iowa City, Iowa).
601.4681 Blue civil airway No. 81 (Charleston, W. Va., to United States-Canadian Border).
601.4682 Blue civil airway No. 82 (Lebo, Kans., to Topeka, Kans.).
601.4684 Blue civil airway No. 84 (Bangor, Maine, to Millinocket, Maine).
601.4685 Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.).
601.4686 Blue civil airway No. 86 (Goshen, Ind., to Dayton, Ohio).
601.4687 Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).

OTHER REPORTING POINTS

601.5001 Other reporting points.

SUBPART F—VOR CIVIL AIRWAY CONTROL AREAS

601.6001 VOR civil airway No. 1 control areas (Norfolk, Va., to New York, N. Y.).
601.6002 VOR civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).
601.6003 VOR civil airway No. 3 control areas (Key West, Fla., to Bangor, Maine).
601.6004 VOR civil airway No. 4 control areas (Seattle, Wash., to Washington, D. C.).
601.6005 VOR civil airway No. 5 control areas (Jacksonville, Fla., to Cleveland, Ohio).
601.6006 VOR civil airway No. 6 control areas (Oakland, Calif., to New York, N. Y.).
601.6007 VOR civil airway No. 7 control areas (Miami, Fla., to Milwaukee, Wis.).
601.6008 VOR civil airway No. 8 control areas (Long Beach, Calif., to Washington, D. C.).
601.6009 VOR civil airway No. 9 control areas (New Orleans, La., to Naperville, Ill.).
601.6010 VOR civil airway No. 10 control areas (Pueblo, Colo., to New York, N. Y.).
601.6011 VOR civil airway No. 11 control areas (Houston, Tex., to Detroit, Mich.).
601.6012 VOR civil airway No. 12 control areas (Daggett, Calif., to Philadelphia, Pa.).
601.6013 VOR civil airway No. 13 control areas (Houston, Tex., to Duluth, Minn.).
601.6014 VOR civil airway No. 14 control areas (Roswell, N. Mex., to Boston, Mass.).
601.6015 VOR civil airway No. 15 control areas (Galveston, Tex., to Minot, N. Dak.).
601.6016 VOR civil airway No. 16 control areas (Los Angeles, Calif., to Nashville, Tenn.).
601.6017 VOR civil airway No. 17 control areas (Laredo, Tex., to Goodland, Kans.).
601.6018 VOR civil airway No. 18 control areas (Dallas, Tex., to Tuscaloosa, Ala.).
601.6019 VOR civil airway No. 19 control areas (El Paso, Tex., to Sheridan, Wyo.).
601.6020 VOR civil airway No. 20 control areas (Laredo, Tex., to Montgomery, Ala.).
601.6021 VOR civil airway No. 21 control areas (Long Beach, Calif., to United States-Canadian Border).
601.6022 VOR civil airway No. 22 control areas (New Orleans, La., to Tallahassee, Fla.).
601.6023 VOR civil airway No. 23 control areas (San Diego, Calif., to Bellington, Wash.).
601.6024 VOR civil airway No. 24 control areas (Jamestown, N. Dak., to Redwood Falls, Minn.).
601.6025 VOR civil airway No. 25 control areas (Oakland, Calif., to Ellensburg, Wash.).
601.6026 VOR civil airway No. 26 control areas (Rapid City, S. Dak., to Minneapolis, Minn.).
601.6027 VOR civil airway No. 27 control areas (Santa Barbara, Calif., to Medford, Oreg.).
601.6028 VOR civil airway No. 28 control areas (Oakland, Calif., to Modesto, Calif.).
601.6029 VOR civil airway No. 29 control areas (Philadelphia, Pa., to United States-Canadian Border).
601.6030 VOR civil airway No. 30 control areas (Milwaukee, Wis., to New York, N. Y.).
601.6031 VOR civil airway No. 31 control areas (Baltimore, Md., to Syracuse, N. Y.).
601.6032 VOR civil airway No. 32 control areas (Wells, Nev., to Fort Bridger, Wyo.).
601.6033 VOR civil airway No. 33 control areas (Baltimore, Md., to Buffalo, N. Y.).
601.6034 VOR civil airway No. 34 control areas (Rochester, N. Y., to New York, N. Y.).
601.6035 VOR civil airway No. 35 control areas (Pittsburgh, Pa., to Syracuse, N. Y.).
601.6036 VOR civil airway No. 36 control areas (Buffalo, N. Y., to New York, N. Y.).
601.6037 VOR civil airway No. 37 control areas (Elkins, W. Va., to Erie, Pa.).
601.6038 VOR civil airway No. 38 control areas (Chicago Heights, Ill., to Columbus, Ohio).
601.6039 VOR civil airway No. 39 control areas (Gordonsville, Va., to Boston, Mass.).
601.6040 VOR civil airway No. 40 control areas (Flint, Mich., to Pittsburgh, Pa.).
601.6041 VOR civil airway No. 41 control areas (Pittsburgh, Pa., to Youngstown, Ohio).
601.6042 VOR civil airway No. 42 control areas (Detroit, Mich., to Pittsburgh, Pa.).
601.6043 VOR civil airway No. 43 control areas (Columbus, Ohio, to Erie, Pa.).
601.6044 VOR civil airway No. 44 control areas (Martinsburg, W. Va., to Baltimore, Md.).
601.6045 VOR civil airway No. 45 control areas (Columbus, Ohio, to Lansing, Mich.).
601.6046 VOR civil airway No. 46 control areas (Cleveland, Ohio, to Pittsburgh, Pa.).
601.6047 VOR civil airway No. 47 control areas (Louisville, Ky., to Detroit, Mich.).
601.6048 VOR civil airway No. 48 control areas (Burlington, Iowa, to Chicago Heights, Ill.).
601.6049 VOR civil airway No. 49 control areas (Dillon, Mont., to Drummond, Mont.).
601.6050 VOR civil airway No. 50 control areas (Kirksville, Mo., to Peoria, Ill.).

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601.6051 VOR civil airway No. 51 control areas (Louisville, Ky., to Indianapolis, Ind.).
601.6052 VOR civil airway No. 52 control areas (Des Moines, Iowa, to St. Louis, Mo.).
601.6053 VOR civil airway No. 53 control areas (Louisville, Ky., to Madison, Wis.).
601.6054 VOR civil airway No. 54 control areas (Texarkana, Ark., to Muscle Shoals, Ala.).
601.6055 VOR civil airway No. 55 control areas (Dayton, Ohio, to Muskegon, Mich.).
601.6056 VOR civil airway No. 56 control areas (Tallahassee, Fla., to Florence, S. C.).
601.6057 VOR civil airway No. 57 control areas (Muscle Shoals, Ala., to Graham, Tenn.).
601.6058 VOR civil airway No. 58 control areas (Pittsburgh, Pa., to Hartford, Conn.).
601.6059 VOR civil airway No. 59 control areas (Evansville, Ind., to Bradford, Ill.).
601.6060 VOR civil airway No. 60 control areas (Albuquerque, N. Mex., to Tucumcari, N. Mex.).
601.6061 VOR civil airway No. 61 control areas (Wichita Falls, Tex., to Lawton, Okla.).
601.6062 VOR civil airway No. 62 control areas (Santa Fe, N. Mex., to Anton Chico, N. Mex.).
601.6063 VOR civil airway No. 63 control areas (Quincy, Ill., to Milwaukee, Wis.).
601.6064 VOR civil airway No. 64 control areas (Ontario, Calif., to Blythe, Calif.).
601.6065 VOR civil airway No. 65 control areas (Columbia, Mo., to Des Moines, Iowa).
601.6066 VOR civil airway No. 66 control areas (San Diego, Calif., to Midland, Tex.).
601.6067 VOR civil airway No. 67 control areas (Mason City, Iowa, to Rochester, Minn.).
601.6068 VOR civil airway No. 68 control areas (Albuquerque, N. Mex., to Brownsville, Tex.).
601.6069 VOR civil airway No. 69 control areas (Walnut Ridge, Ark., to St. Louis, Mo.).
601.6070 VOR civil airway No. 70 control areas (Palacios, Tex., to Lake Charles, La.).
601.6071 VOR civil airway No. 71 control areas (Pine Bluff, Ark., to Kansas City, Mo.).
601.6072 VOR civil airway No. 72 control areas (Bradford, Pa., to Binghamton, N. Y.).
601.6073 VOR civil airway No. 73 control areas (Tulsa, Okla., to Salina, Kans.).
601.6074 VOR civil airway No. 74 control areas (Ponca City, Okla., to Little Rock, Ark.).
601.6075 VOR civil airway No. 75 control areas (Morgantown, W. Va., to Petersburg, W. Va.).
601.6076 VOR civil airway No. 76 control areas (Lubbock, Tex., to San Angelo, Tex.).
601.6077 VOR civil airway No. 77 control areas (San Angelo, Tex., to Wichita, Kans.).
601.6078 VOR civil airway No. 78 control areas (Huron, S. Dak., to Watertown, S. Dak.).
601.6079 VOR civil airway No. 79 control areas (Culberson, Tex., to Lubbock, Tex.).
601.6080 VOR civil airway No. 80 control areas (Sioux Falls, S. Dak., to Redwood Falls, Minn.).
601.6081 VOR civil airway No. 81 control areas (Midland, Tex., to Amarillo, Tex.).
601.6082 VOR civil airway No. 82 control areas (Minneapolis, Minn., to La Crosse, Wis.).
601.6083 VOR civil airway No. 83 control areas (Carlsbad, N. Mex., to Santa Fe, N. Mex.).
601.6084 VOR civil airway No. 84 control areas (Lansing, Mich., to Flint, Mich.).
601.6085 VOR civil airway No. 85 control areas (Rock River, Wyo., to Casper, Wyo.).
601.6086 VOR civil airway No. 86 control areas (Butte, Mont., to Whitehall, Mont.).
601.6087 VOR civil airway No. 87 control areas (Gila Bend, Ariz., to Hassayampa, Ariz.).
601.6088 VOR civil airway No. 88 control areas (Dayton, Ohio, to Mansfield, Ohio).
601.6089 VOR civil airway No. 89 control areas (Cheyenne, Wyo., to Rapid City, S. Dak.).
601.6090 VOR civil airway No. 90 control areas (Lansing, Mich., to Detroit, Mich.).
601.6091 VOR civil airway No. 91 control areas (Wilton, Conn., to Plattsburg, N. Y.).
601.6092 VOR civil airway No. 92 control areas (Toledo, Ohio, to Mansfield, Ohio).
601.6093 VOR civil airway No. 93 control areas (Baltimore, Md., to Lancaster, Pa.).
601.6094 VOR civil airway No. 94 control areas (Salt Flat, Tex., to Hobbs, N. Mex.).
601.6095 VOR civil airway No. 95 control areas (Phoenix, Ariz., to Winslow, Ariz.).
601.6096 VOR civil airway No. 96 control areas (Fort Wayne, Ind., to Toledo, Ohio).
601.6097 VOR civil airway No. 97 control areas (Charleston, S. C., to Minneapolis, Minn.).
601.6098 VOR civil airway No. 98 control areas (San Francisco, Calif., to Bakersfield, Calif.).
601.6099 VOR civil airway No. 99 control areas (Lafayette, La., to Baton Rouge, La.).
601.6100 VOR civil airway No. 100 control areas (San Francisco, Calif., to Fresno, Calif.).
601.6101 VOR civil airway No. 101 control areas (Ogden, Utah, to Burley, Idaho).
601.6102 VOR civil airway No. 102 control areas (Lubbock, Tex., to Wichita Falls, Tex.).
601.6103 VOR civil airway No. 103 control areas (Pendleton, Oreg., to Spokane, Wash.).
601.6104 VOR civil airway No. 104 control areas (United States-Canadian Border to Plattsburg, N. Y.).
601.6105 VOR civil airway No. 105 control areas (Phoenix, Ariz., to Prescott, Ariz.).
601.6106 VOR civil airway No. 106 control areas (Selinsgrove, Pa., to Scranton, Pa.).
601.6107 VOR civil airway No. 107 control areas (Santa Barbara, Calif., to Bakersfield, Calif.).
601.6108 VOR civil airway No. 108 control areas (Bangor, Maine, to Princeton, Maine).
601.6109 VOR civil airway No. 109 control areas (Paso Robles, Calif., to Fresno, Calif.).
601.6110 VOR civil airway No. 110 control areas (San Francisco, Calif., to Modesto, Calif.).
601.6111 VOR civil airway No. 111 control areas (Salinas, Calif., to Los Banos, Calif.).
601.6112 VOR civil airway No. 112 control areas (Portland, Oreg., to Pendleton, Oreg.).
601.6113 VOR civil airway No. 113 control areas (Modesto, Calif., to Reno, Nev.).
601.6114 VOR civil airway No. 114 control areas (Delhart, Tex., to New Orleans, La.).
601.6115 VOR civil airway No. 115 control areas. (Crestview, Fla., to Montgomery, Ala.).
601.6116 VOR civil airway No. 116 control areas (Austin, Tex., to Houston, Tex.).
601.6117 VOR civil airway No. 117 control areas.
601.6118 VOR civil airway No. 118 control areas (Laramie, Wyo., to Cheyenne, Wyo.).

SUBPART G—VOR CIVIL AIRWAY REPORTING POINTS

601.7001 VOR reporting points.

AUTHORITY: §§ 601.1 to 601.7001 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

SUBPART A—INTRODUCTION, GENERAL

§ 601.1 *Basis and purpose.* The basis of this part is found in sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended, and in §§ 60.73 and 60.74 of this title. The purpose of this part is to designate control areas, control zones, and reporting points in order to provide for the safety of aircraft operating in interstate, overseas, and foreign air commerce.

§ 601.2 *Explanation of terms.* As used in this part:

(a) "Control area" shall mean an airspace of defined dimensions extending upward from an altitude of 700 feet above the surface within which air traffic control is exercised.

(b) "Control zone" shall mean an airspace of defined dimensions extending upward from the surface to include one or more airports and within which rules additional to those governing flight in control areas apply for the protection of air traffic.

(c) "Reporting point" shall mean a geographic location in relation to which the position of an aircraft shall be reported.

CONTROL AREAS

§ 601.9 *Extent of control areas.* Whenever a point prescribed in designating a control area coincides with a point specified in designating the center line of a civil airway, such control area shall include all of the area within a 5-mile radius of such point, unless otherwise provided in Subpart B, Subpart C, and Subpart F. In addition, such control area shall include all of the airspace between the main and alternate VOR civil airways unless otherwise specified.

§ 601.10 *Designation of control areas.* The portions of the civil airways and control area extensions described in Subpart B, Subpart C, and Subpart F are designated as control areas.

SUBPART B—COLORED CIVIL AIRWAY CONTROL AREAS

GREEN CIVIL AIRWAYS

§ 601.11 *Green civil airway No. 1 control areas (Patricia Bay, British Columbia, to United States-Canadian Border via Millinocket, Maine).* All of Green civil airway No. 1.

§ 601.12 *Green civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).* All of Green civil airway No. 2.

§ 601.13 *Green civil airway No. 3 control areas (San Francisco, Calif., to New York, N. Y.).* All of Green civil airway No. 3.

§ 601.14 *Green civil airway No. 4 control areas (Los Angeles, Calif., to Philadelphia, Pa.).* All of Green civil airway No. 4.

§ 601.15 *Green civil airway No. 5 control areas (Los Angeles, Calif., to Boston, Mass.).* All of Green civil airway No. 5.

§ 601.16 *Green civil airway No. 6 control areas (Laredo, Tex., to Norfolk, Va.).* All of Green civil airway No. 6.

§ 601.17 *Green civil airway No. 7 control areas (Nome, Alaska, to Fairbanks, Alaska).* All of Green civil airway No. 7.

§ 601.18 *Green civil airway No. 8 control areas (Cold Bay, Alaska, to Northway, Alaska).* From a line extended at right angles across such airway through a point 50 miles southwest of the King Salmon, Alaska, radio range station to the Northway, Alaska, radio range station.

§ 601.19 *Green civil airway No. 9 control areas (Hawaiian Islands).* All of Green civil airway No. 9 including all that area within 5 miles either side of the direct en route radials from the intersection of the south course of the Port Allen, Kauai, T. H., radio range and the 246° True en route radial of the Honolulu, Oahu, T. H., omnirange station via the Honolulu omnirange 246° True en route radial to the Honolulu omnirange station; from the Honolulu, Oahu, T. H., omnirange station to the intersection of the Honolulu omnirange 61° True en route radial and the Maui, T. H., omnirange 351° True en route radial via the Honolulu omnirange 61° True en route radial.

AMBER CIVIL AIRWAYS

§ 601.101 *Amber civil airway No. 1 control areas (United States-Mexican Border to Nome, Alaska).* All of Amber civil airway No. 1.

§ 601.102 *Amber civil airway No. 2 control areas (Long Beach, Calif., to Point Barrow, Alaska).* All those portions of Amber civil airway No. 2 within the limits of the continental United States. From the intersection of the northwest course of the Snag, Yukon Territory, radio range station and the United States-Canadian Border to a line extended at right angles through a point 25 miles northwest of the Fairbanks, Alaska, radio range station.

§ 601.103 *Amber civil airway No. 3 control areas (El Paso, Tex., to Great Falls, Mont.).* All of Amber civil airway No. 3.

§ 601.104 *Amber civil airway No. 4 control areas (Brownsville, Tex., to Minot, N. Dak.).* All of Amber civil airway No. 4.

§ 601.105 *Amber civil airway No. 5 control areas (Grand Isle, La., to Milwaukee, Wis.).* All of Amber civil airway No. 5.

§ 601.106 *Amber civil airway No. 6 control areas (Jacksonville, Fla., to United States-Canadian Border).* All of Amber civil airway No. 6.

§ 601.107 *Amber civil airway No. 7 control areas (Key West, Fla., to United States-Canadian Border).* All of Amber civil airway No. 7.

§ 601.108 *Amber civil airway No. 8 control areas (Los Angeles, Calif., to The Dalles, Oreg.).* All of Amber civil airway No. 8.

§ 601.109 *Amber civil airway No. 9 control areas (Charleston, S. C., to New York, N. Y.).* All of Amber civil airway No. 9.

§ 601.110 *Amber civil airway No. 10 control areas (Hawaiian Islands).* All of Amber civil airway No. 10 including all that area within 5 miles either side of the direct en route radials from the intersection of the west course of the Hilo, Hawaii, T. H., radio range and the Honolulu omnirange 179° True en route radial to the Honolulu, Oahu, T. H., omnirange station via the Honolulu 179° True en route radial, excluding the portion above 10,000 feet.

§ 601.111 *Amber civil airway No. 11 control areas (Hawaiian Islands).* All of Amber civil airway No. 11 including all that area within 5 miles either side of the direct en route radials from the intersection of the Maui omnirange 191° True en route radial and the Lanai omnirange 111° True en route radial via the Maui 191° True en route radial to the Maui, T. H., omnirange station, excluding the portion which overlaps the Kahoolawe danger area; from the Maui, T. H., omnirange station to the intersection of the Maui omnirange 351° True en route radial and the Honolulu omnirange 61° True en route radial via the Maui omnirange 351° True en route radial.

§ 601.112 *Amber civil airway No. 12 control areas (Hawaiian Islands).* All of Amber civil airway No. 12 including all that area within 5 miles either side of the direct en route radials from the intersection of the Hilo, T. H., omnirange 173° True en route radial and a point 36 miles south of the Hilo omnirange to the Hilo, T. H., omnirange station via the Hilo omnirange 173° True en route radial; from the Hilo, T. H., omnirange station to the intersection of the Hilo omnirange 06° True en route radial and the Upolu omnirange 96° True en route radial via the Hilo omnirange 06° True en route radial.

RED CIVIL AIRWAYS

§ 601.201 *Red civil airway No. 1 control areas (Portland, Oreg., to Goodland, Kans.).* All of Red civil airway No. 1.

§ 601.202 *Red civil airway No. 2 control areas (Butte, Mont., to Rapid City, S. Dak.).* All of Red civil airway No. 2.

§ 601.203 *Red civil airway No. 3 control areas (Philipsburg, Pa., to Hartford, Conn.).* All of Red civil airway No. 3.

§ 601.204 *Red civil airway No. 4 control areas (Albuquerque, N. Mex., to Tucumcari, N. Mex.).* All of Red civil airway No. 4.

§ 601.205 *Red civil airway No. 5 control areas (Sioux Falls, S. Dak., to St. Paul, Minn.).* All of Red civil airway No. 5.

§ 601.206 *Red civil airway No. 6 control areas (Las Vegas, Nev., to Omaha, Nebr.).* All of Red civil airway No. 6.

§ 601.207 *Red civil airway No. 7 control areas (Atlanta, Ga., to Greensboro, N. C.).* All of Red civil airway No. 7.

§ 601.208 *Red civil airway No. 8 control areas (Dayton, Ohio, to Williamsport, Pa.).* All of Red civil airway No. 8.

§ 601.209 *Red civil airway No. 9 control areas (San Diego, Calif., to Winslow, Ariz.).* All of Red Civil airway No. 9.

§ 601.210 *Red civil airway No. 10 control areas (Pueblo, Colo., to Charleston, S. C.).* All of Red civil airway No. 10.

§ 601.211 *Red civil airway No. 11 control areas (Enid, Okla., to Boston, Mass.).* All of Red civil airway No. 11.

§ 601.212 *Red civil airway No. 12 control areas (Kansas City, Mo., to Williamsport, Pa.).* All of Red civil airway No. 12.

§ 601.213 *Red civil airway No. 13 control areas (Butler, Pa., to Boston, Mass.).* All of Red civil airway No. 13.

§ 601.214 *Red civil airway No. 14 control areas (Lone Rock, Wis., to Bowling Green, Ky.).* All of Red civil airway No. 14.

§ 601.215 *Red civil airway No. 15 control areas (Reno, Nev., to Phoenix, Ariz.).* From the Las Vegas, Nev., radio range station to the Phoenix, Ariz., radio range station.

§ 601.216 *Red civil airway No. 16 control areas (Tallahassee, Fla., to Florence, S. C.).* All of Red civil airway No. 16.

§ 601.217 *Red civil airway No. 17 control areas (St. Louis, Mo., to Baltimore, Md.).* All of Red civil airway No. 17.

§ 601.218 *Red civil airway No. 18 control areas (Indianapolis, Ind., to Washington, D. C.).* All of Red civil airway No. 18.

§ 601.219 *Red civil airway No. 19 control areas (Detroit, Mich., to Norfolk, Va.).* All of Red civil airway No. 19.

§ 601.220 *Red civil airway No. 20 control areas (Lansing, Mich., to Washington, D. C.).* All of Red civil airway No. 20.

§ 601.221 *Red civil airway No. 21 control areas (Pittsburgh, Pa., to Boston, Mass.).* All of Red civil airway No. 21.

§ 601.222 *Red civil airway No. 22 control areas (Mount Clemens, Mich., to Albany, N. Y.).* All of Red civil airway No. 22.

§ 601.223 *Red civil airway No. 23 control areas (United States-Canadian Border to New York, N. Y.).* All of Red civil airway No. 23.

§ 601.224 *Red civil airway No. 24 control areas (Amarillo, Tex., to Oklahoma City, Okla.).* All of Red civil airway No. 24.

§ 601.225 *Red civil airway No. 25 control areas (Tallahassee, Fla., to Miami, Fla.).* All of Red civil airway No. 25.

§ 601.226 *Red civil airway No. 26 control areas (Syracuse, N. Y., to Allentown, Pa.).* All of Red civil airway No. 26.

§ 601.227 *Red civil airway No. 27 control areas (Atlanta, Ga., to Detroit, Mich.).* All of Red civil airway No. 27.

§ 601.228 *Red civil airway No. 28 control areas (Rockford, Ill., to Detroit, Mich.).* All of Red civil airway No. 28.

§ 601.229 *Red civil airway No. 29 control areas (Rochester, N. Y., to Baltimore, Md.).* All of Red civil airway No. 29.

§ 601.230 *Red civil airway No. 30 control areas (Shreveport, La., to Jacksonville, Fla.).* All of Red civil airway No. 30.

§ 601.231 *Red civil airway No. 31 control areas (Cheyenne, Wyo., to Minneapolis, Minn.).* All of Red civil airway No. 31.

§ 601.232 *Red civil airway No. 32 control areas (Laredo, Tex., to Houston, Tex.).* All of Red civil airway No. 32.

§ 601.233 *Red civil airway No. 33 control areas (Richmond, Va., to Boston, Mass.).* All of Red civil airway No. 33.

§ 601.234 *Red civil airway No. 34 control areas (Charleston, W. Va., to Elizabeth City, N. C.).* All of Red civil airway No. 34.

§ 601.235 *Red civil airway No. 35 control areas (Pueblo, Colo., to St. Joseph, Mo.).* All of Red civil airway No. 35.

§ 601.236 *Red civil airway No. 36 control areas (Rochester, Minn., to La Crosse, Wis.).* All of Red civil airway No. 36.

§ 601.237 *Red civil airway No. 37 control areas (Tyler, Tex., to Gordonsville, Va.).* All of Red civil airway No. 37.

§ 601.238 *Red civil airway No. 38 control areas (Big Spring, Tex., to San Antonio, Tex.).* All of Red civil airway No. 38.

§ 601.239 *Red civil airway No. 39 control areas (Bethel, Alaska, to Fairbanks, Alaska).* From a line extended at right angles across such airway through a point 25 miles southwest of the McGrath, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

§ 601.240 *Red civil airway No. 40 control areas (Kodiak, Alaska, to Anchorage, Alaska).* All of Red civil airway No. 40.

§ 601.241 *Red civil airway No. 41 control areas (Yakutat, Alaska, to Gustavus, Alaska).* All of Red civil airway No. 41.

§ 601.242 *Red civil airway No. 42 control areas (Milwaukee, Wis., to La Fayette, Ind.)* All of Red civil airway No. 42.

§ 601.243 *Red civil airway No. 43 control areas (Chicago, Ill., to La Fayette, Ind.).* All of Red civil airway No. 43.

§ 601.244 *Red civil airway No. 44 control areas (Bellingham, Wash., to United States-Canadian Border).* All of Red civil airway No. 44.

§ 601.245 *Red civil airway No. 45 control areas (Blackstone, Va., to Allentown, Pa.).* All of Red civil airway No. 45.

§ 601.246 *Red civil airway No. 46 control areas (Jamestown, N. Dak., to Rochester, Minn.).* All of Red civil airway No. 46.

§ 601.247 *Red civil airway No. 47 control areas (Tampa, Fla., to Daytona Beach, Fla.).* All of Red civil airway No. 47.

§ 601.248 *Red civil airway No. 48 control areas (Missoula, Mont., to Livingston, Mont.).* All of Red civil airway No. 48.

§ 601.249 *Red civil airway No. 49 control areas (Elko, Nev., to Fort Bridger, Wyo.).* All of Red civil airway No. 49.

§ 601.250 *Red civil airway No. 50 control areas (Galena, Alaska, to Fairbanks, Alaska).* All of Red civil airway No. 50.

§ 601.251 *Red civil airway No. 51 control areas (Erie, Pa., to Elmira, N. Y.).* All of Red civil airway No. 51.

§ 601.252 *Red civil airway No. 52 control areas (Memphis, Tenn., to Birmingham, Ala.).* All of Red civil airway No. 52.

§ 601.253 *Red civil airway No. 53 control areas (Joplin, Mo., to Springfield, Mo.).* All of Red civil airway No. 53.

§ 601.254 *Red civil airway No. 54 control areas (Burley, Idaho, to Salt Lake City, Utah).* All of Red civil airway No. 54.

§ 601.255 *Red civil airway No. 55 control areas (Burlington, Iowa, to Columbus, Ohio).* All of Red civil airway No. 55.

§ 601.256 *Red civil airway No. 56 control areas (Red Bluff, Calif., to Whitmore, Calif.).* All of Red civil airway No. 56.

§ 601.257 *Red civil airway No. 57 control areas (Moline, Ill., to Youngstown, Ohio).* All of Red civil airway No. 57.

§ 601.258 *Red civil airway No. 58 control areas (Salinas, Calif., to Hollister, Calif.).* All of Red civil airway No. 58.

§ 601.259 *Red civil airway No. 59 control areas (Garden City, Kans., to Oklahoma City, Okla.).* All of Red civil airway No. 59.

§ 601.260 *Red civil airway No. 60 control areas (Oakland, Calif., to Stockton, Calif.).* All of Red civil airway No. 60.

§ 601.261 *Red civil airway No. 61 control areas (Butler, Pa., to Washington, D. C.).* All of Red civil airway No. 61.

§ 601.262 *Red civil airway No. 62 control areas (Pittsburgh, Pa., to Altoona, Pa.).* All of Red civil airway No. 62.

§ 601.263 *Red civil airway No. 63 control areas (Battle Creek, Mich., to the United States-Canadian Border).* All of Red civil airways No. 63.

§ 601.264 *Red civil airway No. 64 control areas (United States-Canadian Border to Annette Island, Alaska).* From the United States-Canadian Border to the Annette Island, Alaska, radio range station.

§ 601.265 *Red civil airway No. 65 control areas (Oceanside, Calif., to Blythe, Calif.).* All of Red civil airway No. 65.

§ 601.266 *Red civil airway No. 66 control areas (Santa Barbara, Calif., to Los Angeles, Calif.).* All of Red civil airway No. 66.

§ 601.267 *Red civil airway No. 67 control areas (Crestview, Fla., to Dothan, Ala.).* All of Red civil airway No. 67.

§ 601.268 *Red civil airway No. 68 control areas (Midland, Tex., to Shreveport, La.).* All of Red civil airway No. 68.

§ 601.269 *Red civil airway No. 69 control areas (Midland, Tex., to Big Spring, Tex.).* All of Red civil airway No. 69.

§ 601.270 *Red civil airway No. 70 control areas (Midland, Tex., to Lubbock, Tex.).* All of Red civil airway No. 70.

§ 601.271 *Red civil airway No. 71 control areas (El Paso, Tex., to Lubbock, Tex.).* All of Red civil airway No. 71.

§ 601.272 *Red civil airway No. 72 control areas (Millville, N. J., to Idlewild, N. Y.).* All of Red civil airway No. 72.

§ 601.273 *Red civil airway No. 73 control areas (Baltimore, Md., to Millville, N. J.).* All of Red civil airway No. 73.

§ 601.274 *Red civil airway No. 74 control areas (Louisville, Ky., to Cincinnati, Ohio).* All of Red civil airway No. 74.

§ 601.275 *Red civil airway No. 75 control areas (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).* All of Red civil airway No. 75.

§ 601.276 *Red civil airway No. 76 control areas (Williams, Calif., to Auburn, Calif.).* All of Red civil airway No. 76.

§ 601.277 *Red civil airway No. 77 control areas (Lynchburg, Va., to Millville, N. J.).* All of Red civil airway No. 77.

§ 601.278 *Red civil airway No. 78 control areas (Medford, Oreg., to Klamath Falls, Oreg.).* All of Red civil airway No. 78.

§ 601.279 *Red civil airway No. 79 control areas (Port Angeles, Wash., to Everett, Wash.).* All of Red civil airway No. 79.

§ 601.280 *Red civil airway No. 80 control areas (Lewistown, Mont., to Miles City, Mont.).* All of Red civil airway No. 80.

§ 601.281 *Red civil airway No. 81 control areas (Cadillac, Mich., to Elkins, W. Va.).* All of Red civil airway No. 81.

§ 601.282 *Red civil airway No. 82 control areas (Skwentna, Alaska, to Anchorage, Alaska).* All of Red civil airway No. 82.

§ 601.283 *Red civil airway No. 83 control areas (Gila Bend, Ariz., to Rodeo, N. Mex.).* All of Red civil airway No. 83.

§ 601.284 *Red civil airway No. 84 control areas (Lafayette, La., to Atlanta, Ga.).* All of Red civil airway No. 84.

§ 601.285 *Red civil airway No. 85 control areas (Dayton, Ohio to Martinsburg, Pa.).* All of Red civil airway No. 85.

§ 601.286 *Red civil airway No. 86 control areas (Millinocket, Maine, to Houlton, Maine).* All of Red civil airway No. 86.

§ 601.287 *Red civil airway No. 87 control areas (Hawaiian Islands).* All of Red civil airway No. 87 including all that area within 5 miles either side of the en route and altitude change radials and the area between the altitude change and en route radials from the Lihue, Kauai, T. H., omnirange station to the Honolulu, Oahu, T. H., omnirange station via the intersection of the Lihue omnirange 126° True en route radial and the Honolulu omnirange 246° True en route radial and via the intersection of the Lihue omnirange 141° True altitude change radial and the Honolulu omnirange 246° True en route radial; from the Honolulu, Oahu, T. H., omnirange station to the Lanai, T. H. omnirange station via the direct en route radials and via the intersections of the Honolulu omnirange 132° True and 149° True altitude change radials and the Lanai omnirange 282° True altitude change radial; from the Lanai, T. H., omnirange station to the Upolu, Hawaii, T. H., omnirange station via the intersection of the Lanai omnirange 111° True en route radial and the Upolu omnirange 302° True en route radial excluding the portion which overlaps the Kahoolawe danger area, from the Lanai omnirange station to the Maui, T. H., omnirange station via the direct en route radials and from the intersection of the Lanai omnirange 111° True en route radial and the Maui omnirange 237° True en route radial to the Maui, T. H., omnirange station, excluding the portion which overlaps the Kahoolawe danger area; from the Upolu, Hawaii, T. H., omnirange station to the Hilo, Hawaii, T. H., omnirange station via the intersection of the Upolu omnirange 96° True en route radial and the Hilo omnirange 336° True en route radial; from the Hilo, Hawaii, T. H., omnirange station via the Hilo omnirange 89° True en route radial to the intersection of the southeast course of the Maui, T. H., radio range and the Hilo omnirange 89° True en route radial.

§ 601.288 *Red civil airway No. 88 control areas (Albuquerque, N. Mex., to Hobbs, N. Mex.).* All of Red civil airway No. 88.

§ 601.289 *Red civil airway No. 89 control areas (St. Joseph, Mo., to Peoria, Ill.).* All of Red civil airway No. 89.

§ 601.290 *Red civil airway No. 90 control areas (Oxnard, Calif., to Burbank, Calif.).* All of Red civil airway No. 90.

§ 601.291 *Red civil airway No. 91 control areas (Salt Flat, Tex., to Hobbs, N. Mex.).* All of Red civil airway No. 91.

§ 601.292 *Red civil airway No. 92 control areas (New York, N. Y., to Islip, N. Y.).* All of Red civil airway No. 92.

§ 601.293 *Red civil airway No. 93 control areas (Lincoln, Nebr., to Omaha, Nebr.).* All of Red civil airway No. 93.

§ 601.294 *Red civil airway No. 94 control areas (Providence, R. I., to Hyannis, Mass.).* All of Red civil airway No. 94.

§ 601.295 *Red civil airway No. 95 control areas (Elmira, N. Y., to Utica, N. Y.).* All of Red civil airway No. 95.

§ 601.296 *Red civil airway No. 96 control areas (Palacios, Tex., to Baton Rouge, La.).* All of Red civil airway No. 96.

§ 601.297 *Red civil airway No. 97 control areas (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* All of Red civil airway No. 97.

§ 601.298 *Red civil airway No. 98 control areas (Vichy, Mo., to Belleville, Ill.).* All of Red civil airway No. 98.

§ 601.299 *Red civil airway No. 99 control areas (Iliamna, Alaska, to Homer, Alaska).* All of Red civil airway No. 99.

§ 601.312 *Red civil airway No. 112 control areas (Hawaiian Islands).* All of Red civil airway No. 112.

BLUE CIVIL AIRWAYS

§ 601.601 *Blue civil airway No. 1 control areas (Pendleton, Oreg., to Spokane, Wash.).* All of Blue civil airway No. 1.

§ 601.602 *Blue civil airway No. 2 control areas (Montgomery, Ala., to Erie, Pa.).* All of Blue civil airway No. 2.

§ 601.603 *Blue civil airway No. 3 control areas (Tallahassee, Fla., to Sault Ste. Marie, Mich.).* All of Blue civil airway No. 3.

§ 601.604 *Blue civil airway No. 4 control areas (Nantucket, Mass., to United States-Canadian Border).* All of Blue civil airway No. 4.

§ 601.605 *Blue civil airway No. 5 control areas (Galveston, Tex., to Wichita, Kans.).* All of Blue civil airway No. 5.

§ 601.606 *Blue civil airway No. 6 control areas (Abilene, Tex., to Muskegon, Mich.).* All of Blue civil airway No. 6.

§ 601.607 *Blue civil airway No. 7 control areas (Paso Robles, Calif., to Williams, Calif.).* All of Blue civil airway No. 7.

§ 601.608 *Blue civil airway No. 8 control areas (Fargo, N. Dak., to United States-Canadian Border).* All of Blue civil airway No. 8.

§ 601.609 *Blue civil airway No. 9 control areas (Columbia, Mo., to United States-Canadian Border).* All of Blue civil airway No. 9.

§ 601.610 *Blue civil airway No. 10 control areas (Fresno, Calif., to Williams, Calif.).* All of Blue civil airway No. 10.

§ 601.611 *Blue civil airway No. 11 control areas (Toledo, Ohio, to Niagara Falls, N. Y.).* All of Blue civil airway No. 11.

§ 601.612 *Blue civil airway No. 12 control areas (The Dalles, Oreg., to Ellensburg, Wash.).* All of Blue civil airway No. 12.

§ 601.613 *Blue civil airway No. 13 control areas (Houston, Tex., to Minneapolis, Minn.).* All of Blue civil airway No. 13.

§ 601.614 *Blue civil airway No. 14 control areas (El Centro, Calif., to Sacramento, Calif.).* All of Blue civil airway No. 14.

§ 601.615 *Blue civil airway No. 15 control areas (Huntington, W. Va., to Erie, Pa.).* All of Blue civil airway No. 15.

§ 601.616 *Blue civil airway No. 16 control areas (Dillon, Mont., to Helena, Mont.).* All of Blue civil airway No. 16.

§ 601.617 *Blue civil airway No. 17 control areas (Bangor, Maine, to Presque Isle, Maine).* All of Blue civil airway No. 17.

§ 601.618 *Blue civil airway No. 18 control areas (Philadelphia Pa., to United States-Canadian Border).* All of Blue civil airway No. 18.

§ 601.619 *Blue civil airway No. 19 control areas (Miami, Fla., to Orlando, Fla.).* All of Blue civil airway No. 19.

§ 601.620 *Blue civil airway No. 20 control areas (Atlantic City, N. J., to Allentown, Pa.).* All of Blue civil airway No. 20.

§ 601.621 *Blue civil airway No. 21 control areas (Louisville, Ky., to Erie, Pa.).* All of Blue civil airway No. 21.

§ 601.622 *Blue civil airway No. 22 control areas (Memphis, Tenn., to Wichita, Kans.).* All of Blue civil airway No. 22.

§ 601.623 *Blue civil airway No. 23 control areas (Detroit, Mich., to Flint, Mich.).* All of Blue civil airway No. 23.

§ 601.624 *Blue civil airway No. 24 control areas (El Centro, Calif., to Daggett, Calif.).* All Blue civil airway No. 24.

§ 601.625 *Blue civil airway No. 25 control areas (Cordova, Alaska, to Big Delta, Alaska).* All of Blue civil airway No. 25.

§ 601.626 *Blue civil airway No. 26 control areas (Anchorage, Alaska, to Nenana, Alaska).* All of Blue civil airway No. 26.

§ 601.627 *Blue civil airway No. 27 control areas (Kodiak, Alaska to Kotzebue, Alaska).* From the Kodiak, Alaska, radio range station to a line extended at right angles across such airway through a point 50 miles northwest of the King Salmon, Alaska, radio range station. From a line extended at right angles across such airway through a point 50 miles southeast of the Nome, Alaska, radio range station to a line extended at right angles across such airway through a point 50 miles north of the Nome, Alaska, radio range station.

§ 601.628 *Blue civil airway No. 28 control areas (Charleston, S. C., to Spartanburg, S. C.).* All of Blue civil airway No. 28.

§ 601.629 *Blue civil airway No. 29 control areas (Raleigh, N. C., to Lynchburg, Va.).* All of Blue civil airway No. 29.

§ 601.630 *Blue civil airway No. 30 control areas (Brownsville, Tex., to Amarillo, Tex.).* All of Blue civil airway No. 30.

§ 601.631 *Blue civil airway No. 31 control areas (Burlington, Iowa, to Madison, Wis.).* All of Blue civil airway No. 31.

§ 601.632 *Blue civil airway No. 32 control areas (Pendleton, Oreg., to Talkeetna, Alaska).* All of Blue civil airway No. 32.

§ 601.633 *Blue civil airway No. 33 control areas (Archbold, Ohio, to Saginaw, Mich.).* All of Blue civil airway No. 33.

§ 601.634 *Blue civil airway No. 34 control areas (Terre Haute, Ind., to Peoria, Ill.).* All of Blue civil airway No. 34.

§ 601.635 *Blue civil airway No. 35 control areas (Oxnard, Calif., to Bakersfield, Calif.).* All of Blue civil airway No. 35.

§ 601.636 *Blue civil airway No. 36 control areas (Thurman, Colo., to North Platte, Nebr.).* All of Blue civil airway No. 36.

§ 601.637 *Blue civil airway No. 37 control areas (Casper, Wyo., to Rapid City, S. Dak.).* All of Blue civil airway No. 37.

§ 601.638 *Blue civil airway No. 38 control areas (Annette Island, Alaska, to United States-Canadian Border).* All of Blue civil airway No. 38.

§ 601.639 *Blue civil airway No. 39 control areas (Savannah, Ga., to Elmira, N. Y.).* All of Blue civil airway No. 39.

§ 601.640 *Blue civil airway No. 40 control areas (Concord, N. H., to Burlington, Vt.).* All of Blue civil airway No. 40.

§ 601.641 *Blue civil airway No. 41 control areas (Hartford, Conn., to United States-Canadian Border).* All of Blue civil airway No. 41.

§ 601.642 *Blue civil airway No. 42 control areas (Goshen, Ind., to Saginaw, Mich.).* All of Blue civil airway No. 42.

§ 601.644 *Blue civil airway No. 44 control areas (Advance, Mo., to United States-Canadian Border).* All of Blue civil airway No. 44.

§ 601.646 *Blue civil airway No. 46 control areas (Memphis, Tenn., to Paducah, Ky.).* All of Blue civil airway No. 46.

§ 601.647 *Blue civil airway No. 47 control areas (Front Royal, Va., to Dunkirk, N. Y.).* All of Blue civil airway No. 47.

§ 601.648 *Blue civil airway No. 48 control areas (New York, N. Y., to Poughkeepsie, N. Y.).* All of Blue civil airway No. 48.

§ 601.649 *Blue civil airway No. 49 control areas (Atlantic City, N. J., to Philadelphia, Pa.).* All of Blue civil airway No. 49.

§ 601.650 *Blue civil airway No. 50 control areas (Augusta, Maine to United States-Canadian Border).* All of Blue civil airway No. 50.

§ 601.651 *Blue civil airway No. 51 control areas (Wendover, Utah, to Dubois Idaho).* All of Blue civil airway No. 51.

§ 601.652 *Blue civil airway No. 52 control areas (Paso Robles, Calif., to Fresno, Calif.).* All of Blue civil airway No. 52.

§ 601.653 *Blue civil airway No. 53 control areas (Providence, R. I., to Hartford, Conn.).* All of Blue civil airway No. 53.

§ 601.654 *Blue civil airway No. 54 control areas (Salinas, Calif., to Hamilton Field, Calif.).* All of Blue civil airway No. 54.

§ 601.655 *Blue civil airway No. 55 control areas (Crestview, Fla., to Montgomery, Ala.)* All of Blue civil airway No. 55.

§ 601.656 *Blue civil airway No. 56 control areas (Elizabeth City, N. C., to Washington, D. C.).* All of Blue civil airway No. 56.

§ 601.657 *Blue civil airway No. 57 control areas (Elko, Nev., to Burley, Idaho).* All of Blue civil airway No. 57.

§ 601.658 *Blue civil airway No. 58 control areas (Sioux Falls, S. Dak., to Watertown, S. Dak.).* All of Blue civil airway No. 58.

§ 601.659 *Blue civil airway No. 59 control areas (Pensacola, Fla., to Goodway, Ala.).* All of Blue civil airway No. 59.

§ 601.660 *Blue civil airway No. 60 control areas (Sunnyvale, Calif., to Stockton, Calif.).* All of Blue civil airway No. 60.

§ 601.661 *Blue civil airway No. 61 control areas (Springfield, Mo., to Kansas City, Mo.).* All of Blue civil airway No. 61.

§ 601.662 *Blue civil airway No. 62 control areas (Ypsilanti, Mich., to Traverse City, Mich.).* All of Blue civil airway No. 62.

§ 601.664 *Blue civil airway No. 64 control areas (Wink, Tex., to Hobbs, N. Mex.).* All of Blue civil airway No. 64.

§ 601.666 *Blue civil airway No. 66 control areas (Bridgeport, Conn., to Poughkeepsie, N. Y.).* All of Blue civil airway No. 66.

§ 601.667 *Blue civil airway No. 67 control areas (Yuma, Ariz., to Las Vegas, Nev.).* All of Blue civil airway No. 67.

§ 601.668 *Blue civil airway No. 68 control areas (Midland, Tex., to Hobbs, N. Mex.).* All of Blue civil airway No. 68.

§ 601.669 *Blue civil airway No. 69 control areas (St. Louis, Mo., to Des Moines, Iowa).* All of Blue civil airway No. 69.

§ 601.670 *Blue civil airway No. 70 control areas (Ardmore, Okla., to Tulsa, Okla.).* All of Blue civil airway No. 70.

§ 601.671 *Blue civil airway No. 71 control areas (Toledo, Wash., to Seattle, Wash.).* All of Blue civil airway No. 71.

§ 601.672 *Blue civil airway No. 72 control areas (Enid, Okla., to Wichita, Kans.).* All of Blue civil airway No. 72.

§ 601.673 *Blue civil airway No. 73 control areas (Brookville, Pa., to Buffalo, N. Y.).* All of Blue civil airway No. 73.

§ 601.674 *Blue civil airway No. 74 control areas (Carlsbad, N. Mex., to Santa Fe, N. Mex).* All of Blue civil airway No. 74.

§ 601.675 *Blue civil airway No. 75 control areas (Miami, Fla., to Tampa, Fla.).* All of Blue civil airway No. 75.

§ 601.676 *Blue civil airway No. 76 control areas (Sinclair, Wyo., to Casper, Wyo.).* All of Blue civil airway No. 76.

§ 601.677 *Blue civil airway No. 77 control areas (Promontory Point, Utah, to Corinne, Utah).* All of Blue civil airway No. 77.

§ 601.678 *Blue civil airway No. 78 control areas (Spring Bay, Utah, to Malad City, Idaho).* All of Blue civil airway No. 78.

§ 601.679 *Blue civil airway No. 79 control areas (Burlington, Iowa, to Iowa City, Iowa).* All of Blue civil airway No. 79.

§ 601.681 *Blue civil airway No. 81 (Charleston, W. Va., to United States-Canadian Border).* All of Blue civil airway No. 81.

§ 601.682 *Blue civil airway No. 82 control areas (Lebo, Kans., to Topeka, Kans.).* All of Blue civil airway No. 82.

§ 601.684 *Blue civil airway No. 84 control areas (Bangor, Maine to Millinocket, Maine).* All of Blue civil airway No. 84.

§ 601.685 *Blue civil airway No. 85 control areas (Hutchinson, Kans., to Wichita, Kans.).* All of Blue civil airway No. 85.

§ 601.686 *Blue civil airway No. 86 control areas (Goshen, Ind., to Dayton, Ohio).* All of Blue civil airway No. 86.

§ 601.687 *Blue civil airway No. 87 control areas (Lexington, Ky., to Dayton, Ohio).* All of Blue civil airway No. 87.

SUBPART C—CONTROL AREA EXTENSIONS

§ 601.1001 *Control area extension (Moses Lake, Wash.).* All that area south of Green civil airways No. 2 within a 30-mile radius of the Larson AFB, Moses Lake, Wash., excluding the portions which overlap the Moses Lake Danger Area and the Hanford, Wash., Airspace Reservation.

§ 601.1002 *Control area extension (Austin, Tex.).* All that area within a 25-mile radius of the Austin, Tex., radio range station, excluding the portion which overlaps the Randolph AFB Caution Area.

§ 601.1003 *Control area extension (Beaumont, Tex.).* From the Beaumont, Tex., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station and extending 5 miles either side of the south course of the radio range to a point 25 miles south of the radio range station.

§ 601.1004 *Control area extension (Brownsville, Tex.).* From the Brownsville, Tex., radio range station, extending within 5 miles either side of the north course of the Brownsville radio range, to a point 30 miles north of the radio range station.

§ 601.1005 *Control area extension (Jacksonville, Fla.).* From the Jacksonville, Fla., radio range station extending 5 miles either side of the ILS localizer course to a point 10.5 miles southwest of the outer marker excluding that portion which lies south of Latitude 30°16'45".

§ 601.1006 *Control area extension (Lake Charles, La.).* All that area within a 25-mile radius of the Lake Charles radio range station in the southeast, southwest and northwest quadrants of the radio range and within a 15-mile radius of the radio range station in the northeast quadrant of the radio range including the area within 5 miles on the east side of the north course of the Lake Charles radio range extending from the radio range station to a point 25 miles north.

§ 601.1007 *Control area extension (Laredo, Tex.).* From the Laredo, Tex., radio range station extending 5 miles either side of the northwest course of the radio range to a point 20 miles northwest of the radio range station and extending 5 miles either side of the southeast course of the radio range to a point 25 miles southeast of the radio range station, excluding the portion which lies outside the continental limits of the United States.

§ 601.1008 *Control area extension (Savannah, Ga.).* From the Savannah, Ga., radio range station extending 5 miles either side of the southeast course of the Savannah radio range to a point 20 miles southeast of the range station, extending 5 miles either side of the southwest course of the radio range to a point 30 miles southwest of the radio range station, extending 5 miles either side of the northwest course of the radio range to a point 25 miles northwest of the radio range station, and within 5 miles either side of the centerline of the east-west runway of Travis Field, Savannah, Ga., from Amber civil airway No. 7 to a point 20 miles west of Travis Field, excluding the portion overlapping the Camp Stewart danger area.

§ 601.1009 *Control area extension (Augusta, Ga.).* All that area within 5 miles either side of the centerline of the north-south runway of Bush Field, Augusta, Ga., extending to a point 30 miles south of Bush Field.

§ 601.1010 *Control area extension (Charlotte, N. C.).* All that area within a 25-mile radius of the Charlotte, N. C., radio range station and all that area within 5 miles either side of the Charlotte ILS localizer course extending from the localizer to a point 30 miles southwest.

§ 601.1011 *Control area extension (Daytona Beach, Fla.).* From the Daytona Beach, Fla., radio range station, extending within 5 miles of the west course of the Daytona Beach radio range, to a point 20 miles west of the radio range station.

§ 601.1012 *Control area extension (Florence, S. C.).* From the Florence, S. C., radio range station extending 5 miles either side of the southeast course of the radio range to a point 20 miles southeast of the radio range station, and extending 5 miles either side of the northwest course of the radio range to a point 25 miles northwest of the radio station.

§ 601.1013 *Control area extension (Fort Myers, Fla.).* From the Fort Myers, Fla., radio range station extending 5 miles either side of the southwest course of the radio range to a point 20 miles southwest of the radio range station, and extending 5 miles either side of the northeast course of the radio range to Blue civil airway No. 75.

§ 601.1014 *Control area extension (Greenville, S. C.).* Within 5 miles either side of the north and south courses of the Greenville radio range extending from the radio range station to points 20 miles north and south and within 5 miles either side of the west course of the radio range extending from the radio range station to a point 25 miles west.

§ 601.1015 *Control area extension (Greenwood, Miss.).* From the Greenwood, Miss., radio range station extending 5 miles either side of the east course of the radio range to a point 20 miles east of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station and extending 5 miles either side of the 138° True and 318° True radials of the Greenwood omnirange to points 20 miles southeast and northwest of the omnirange station.

§ 601.1016 *Control area extension (Jackson, Tenn.).* Within 5 miles either side of the north course of the Jackson, Tenn., radio range extending from the radio range station to a point 20 miles north.

§ 601.1017 *Control area extension (Reading, Pa.).* From the Reading, Pa., ILS localizer extending 5 miles either side of the localizer course to its intersection with the east course of the Harrisburg, Pa., radio range.

§ 601.1018 *Control area extension (Meridian, Miss.).* From the Meridian, Miss., radio range station extending 5 miles either side of the north course of the Meridian, Miss., radio range to a point 20 miles north of the radio range station and extending from the ILS localizer 5 miles either side of the localizer course to a point 30 miles south of the ILS localizer.

§ 601.1019 *Control area extension (Nashville, Tenn.).* From the Nashville, Tenn., radio range station extending 5 miles either side of the northeast course of the radio range to a point 30 miles northeast of the radio range station, and from the ILS localizer extending 5 miles either side of the localizer course to a point 30 miles south of the ILS localizer, including all the area within a 25-mile radius of the Nashville, Tenn., radio range station lying within the northwest and northeast quadrants of the Nashville radio range, and all that area within a 15 mile radius of the Nashville, Tenn., omnirange station.

§ 601.1020 *Control area extension (Smithville, Tenn.).* From the Smithville, Tenn., radio range station extending 5 miles either side of the northeast course of the radio range to a point 20 miles northeast of the radio range station.

§ 601.1021 *Control area extension (Belleville, Ill.).* All that area within a 25-mile radius of the Scott AFB radio range station, Belleville, Ill.

§ 601.1022 *Control area extension (West Palm Beach, Fla.).* From the West Palm Beach, Fla., radio range station, extending within 5 miles either side of the west course of the West Palm Beach radio range, to a point 20 miles west of the radio range station.

§ 601.1023 *Control area extension (Akron, Colo.).* From the Akron, Colo., radio range station, extending within 5 miles either side of the north course of the Akron radio range, to a point 20 miles north of the radio range station.

§ 601.1024 *Control area extension (Burlington, Iowa).* All that area within a 15-mile radius of the Burlington omnirange station.

§ 601.1025 *Control area extension (New Orleans, La.).* All that area within a 25-mile radius of the New Orleans, La., radio range station located in the southeast quadrant and including all the area bounded on the west by the south course of the New Orleans, La., radio range on the south and east by the shoreline and on the north by Green civil airway No. 6.

§ 601.1026 *Control area extension (Grand Island, Nebr.).* From the Grand Island, Nebr., radio range station, extending within 5 miles either side of the north course of the Grand Island radio range, to a point 20 miles north of the radio range station and within 5 miles either side of the 180° True and 360° True radials of the Grand Island omnirange station to points 25 miles north and south.

§ 601.1027 *Control area extension (Kansas City, Mo.).* All that area within a 42-mile radius of the Kansas City, Mo., Municipal Airport excluding that area outside existing civil airways that lies within the south quadrant of the Kansas City radio range and excluding the portion below 4,000 feet which overlaps the Lake City, Mo., Danger Area.

§ 601.1028 *Control area extension (Monroe, La.).* From the Monroe, La., radio range station extending 5 miles either side of the southwest course of the radio range to a point 20 miles southwest of the radio range station, and extending 5 miles either side of the northeast course of the radio range to a point 25 miles northeast of the radio range station.

§ 601.1029 *Control area extension (Corpus Christi, Tex.).* All that area within a 25-mile radius of the Corpus Christi, Tex., radio range station lying within the west and north quadrants of the radio range.

§ 601.1030 *Control area extension (Victorville, Calif.).* All that area within

the vicinity of George AFB, Victorville, Calif., bounded on the north by Green 4, on the southwest by Blue 14 and on the southeast by Amber 2.

§ 601.1031 *Control area extension (North Platte, Nebr.).* All that airspace within a 25-mile radius of the North Platte radio range bounded on the south by Green civil airway No. 3, and the airspace bounded on the east by a line 5 miles east of and parallel to the south course of the radio range, on the south by VOR civil airway No. 8, and on the northwest by Blue civil airway No. 36.

§ 601.1032 *Control area extension (Scottsbluff, Nebr.).* From the Scottsbluff, Nebr., radio range station, extending within 5 miles either side of the southeast course of the Scottsbluff radio range, to a point 20 miles southeast of the radio range station.

§ 601.1033 *Control area extension (St. Joseph, Mo.).* All that area within a 25-mile radius of the St. Joseph, Mo., radio range station in the northwest and southwest quadrants of the radio range excluding the portion which overlaps the Kansas City, Mo., control area and within 5 miles either side of the 355° True radial of the St. Joseph omnirange extending from the omnirange station to a point 25 miles north.

§ 601.1034 *Control area extension (Springfield, Mo.).* All that area within a 25-mile radius of the Springfield, Mo., radio range station.

§ 601.1035 *Control area extension (Little Rock, Ark.).* From the Little Rock, Ark., radio range station extending 5 miles either side of the northeast course of the radio range to a point 25 miles northeast of the radio range station.

§ 601.1036 *Control area extension (Vichy, Mo.).* From the Vichy, Mo., radio range station, extending within 5 miles either side of the southeast course of the Vichy radio range, to a point 20 miles southeast of the radio range station and within 5 miles either side of the northwest course of the Vichy radio range extending from the radio range station to a point 25 miles northwest.

§ 601.1037 *Control area extension (Pensacola, Fla.).* From the Pensacola, Fla., radio range station extending 5 miles either side of the south course of the radio range to a point 20 miles south of the radio range station.

§ 601.1038 *Control area extension (Great Falls, Mont.).* From the Great Falls, Mont., radio range station, extending within 5 miles either side of the northeast course of the Great Falls radio range, to a point 30 miles northeast of the radio range station.

§ 601.1039 *Control area extension (Portland, Oreg.).* All that airspace within a 20-mile radius of the Portland, Oreg., radio range station lying within the southeast, southwest and northwest quadrants of the radio range including that airspace within 5 miles either side of the Portland, Oreg., ILS localizer course extending from the Sauvies Island non-directional radio beacon to a point 15 miles northwest of the non-directional beacon, and within 5 miles either side of the west course of the Portland, Oreg., radio range to a point 30 miles west of the radio range station.

§ 601.1040 *Control area extension (Medford, Oreg.).* From the Medford, Oreg., radio range station, extending within 5 miles either side of the west course of the Medford radio range, to a point 20 miles west of the radio range station.

§ 601.1041 *Control area extension (Boise, Idaho).* From the Boise, Idaho, radio range station, extending within 5 miles either side of the southwest course of the Boise radio range, to a point 20 miles southwest of the radio range station.

§ 601.1042 *Control area extension (Columbus, Ohio).* All that area bounded on the north by Green civil airway No. 4, on the east by Blue civil airway No. 15, on the south by Red civil airway No. 8 and on the west by Red civil airway No. 27, including all that area within a 15 mile radius of the Columbus omnirange station.

§ 601.1043 *Control area extension (Bowling Green, Ky.).* From the Bowling Green, Ky., radio range station extending 5 miles either side of the southeast course of the radio range to a point 20 miles southeast of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station and all that area within a 15 mile radius of the Bowling Green omnirange station.

§ 601.1044 *Control area extension (Ypsilanti, Mich.).* From the Willow Run Airport, Ypsilanti, Mich., ILS localizer extending 5 miles either side of the localizer course to a point 20 miles southwest of the ILS outer marker.

§ 601.1045 *Control area extension (Presque Isle, Maine).* From the Presque Isle, Maine, radio range station extending 5 miles either side of the west course of the radio range to a point 15 miles west of the radio range station, and extending 5 miles either side of the northeast course of the radio range to its intersection with the U. S.-Canadian Border including all that area bounded on the north and northeast by Blue civil airway No. 17, on the south by Red civil airway No. 86 and on the northwest by Amber civil airway No. 7.

§ 601.1046 *Control area extension (Montpelier, Vt.).* From the Montpelier, Vt., radio range station, within 5 miles either side of the northeast course of the Montpelier, Vt., radio range, extending 20 miles northeast of the Montpelier, Vt., radio range station.

§ 601.1047 *Control area extension (Bangor, Maine).* From the Bangor, Maine, radio range station within 5 miles either side of the northwest course of the Bangor, Maine, radio range, extending 30 miles northwest of the Bangor, Maine, radio range station and within 5 miles either side of the southeast course of the Bangor, Maine, radio range, extending 10 miles southeast of Dow Field.

§ 601.1048 *Control area extension (Red Bluff, Calif.).* From the Red Bluff, Calif., radio range station extending 5 miles either side of the east course of the radio range to a point 25 miles east of the radio range station, and extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station.

§ 601.1049 *Control area extension (Utica, N. Y.).* From the Utica, N. Y., radio range station, within 5 miles either side of the northwest course of the Utica, N. Y., radio range, extending 20 miles northwest of the Utica, N. Y., radio range station and within 5 miles either side of the northeast course of the Utica radio range extending from the radio range station to a point 15 miles northeast.

§ 601.1050 *Control area extension (Bakersfield, Calif.).* From the Bakersfield, Calif., radio range station extending within 5 miles either side of the southwest course of the Bakersfield, Calif., radio range to a point 25 miles southwest of the radio range station.

§ 601.1051 *Control area extension (Portland, Maine).* From the Portland, Maine, radio range station, within 5 miles either side of the northwest course of the Portland, Maine, radio range extending 20 miles northwest of the Portland, Maine, radio range station.

§ 601.1052 *Control area extension (Atlanta, Ga.).* All that airspace within a 50-mile radius of the Atlanta radio range station excluding the portion which overlaps caution areas.

§ 601.1053 *Control area extension (Houston, Tex.).* All that area within a 40-mile radius of the Houston, Tex., radio range station.

§ 601.1054 *Control area extension (Sinclair, Wyo.).* From the Sinclair, Wyo., radio range station extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station.

§ 601.1055 *Control area extension (Elmira, N. Y.).* Within a 15-mile radius of the Elmira, N. Y., omnirange station.

§ 601.1056 *Control area extension (Buffalo, N. Y.).* Within a 15-mile radius of the Buffalo, N. Y., omnirange station.

§ 601.1057 *Control area extension (Binghamton, N. Y.).* Within a 15-mile radius of the Binghamton, N. Y., omnirange station.

§ 601.1058 *Control area extension (Martinsburg, W. Va.).* From the Martinsburg, W. Va., radio range station, within 5 miles either side of the southwest course of the Martinsburg, W. Va., radio range, extending 20 miles southwest of the Martinsburg, W. Va., radio range station; and within 5 miles either side of the northeast course of the Martinsburg, W. Va., radio range, extending 10 miles northeast of the Shepherd Airport and all that area within a 15 mile radius of the Martinsburg omnirange station.

§ 601.1059 *Control area extension (Lynchburg, Va.).* From the Lynchburg, Va., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station.

§ 601.1060 *Control area extension (Elkins, W. Va.).* From the Elkins, W. Va., radio range station, within 5 miles either side of the south course of the Elkins radio range, extending 10 miles south of the Elkins, W. Va., airport and all that area within a 15 mile radius of the Elkins omnirange station.

§ 601.1061 *Control area extension (Mt. Clemens, Mich.).* From the Selfridge AFB radio range station extending 5 miles either side of the north course of the radio range to a point 50 miles north of the radio range station, including all that area bounded on the south by Red civil airway No. 1, on the west by Red civil airway No. 20, on the north by Red civil airway No. 63, and on the east by the International Boundary (St. Clair River) southward to Lat. 42°27'30", Long. 82°44'40".

§ 601.1062 *Control area extension (Raleigh, N. C.).* From the Raleigh, N. C., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles southwest of the ILS localizer.

§ 601.1063 *Control area extension (Roanoke, Va.).* From the Roanoke, Va., radio range station extending 5 miles either side of the south course of the Roanoke, Va., radio range to a point 20 miles south of the radio range station.

§ 601.1064 *Control area extension (Chicopee Falls, Mass.).* From the Westover radio range station, Chicopee Falls, Mass., within 5 miles either side of the northwest course of the Westover radio range, Chicopee Falls, Mass., extending to a point 25 miles northwest of the Westover radio range station.

§ 601.1065 *Control area extension (Biloxi, Miss.).* All that area within a 25-mile radius of the Keesler AFB, Biloxi, Miss., radio range station, excluding Airspace Warning Areas.

§ 601.1066 *Control area extension (New York, N. Y.).* All that area within a 40-mile radius of the Empire State Building, New York, N. Y., located at Latitude 40°45'00", Longitude 73°59'15".

§ 601.1067 *Control area extension (Dayton, Ohio).* All that area within a 15-mile radius of the Dayton, Ohio, omnirange station including the area extending 5 miles either side of the west course of the Dayton radio range from the radio range station to its intersection with the northeast course of the Indianapolis, Ind., radio range and extending from the Dayton ILS localizer 5 miles either side of the localizer course to a point 20 miles southwest of the ILS outer marker.

§ 601.1068 *Control area extension (Riverside, Calif.).* From the Riverside, Calif., radio range station extending 5 miles either side of the southeast course of the Riverside, Calif., radio range to a point 25 miles southeast of the radio range station.

§ 601.1069 *Control area extension (Santa Barbara, Calif.).* Within 5 miles either side of the north, south and west courses of the Santa Barbara radio range extending from the radio range station to points 25 miles north, 20 miles south and 25 miles west of the radio range station.

§ 601.1070 *Control area extension (Oceanside, Calif.).* From the Oceanside, Calif., non-directional radio beacon extending 5 miles either side of a track of 293° True to a point of intersection with a track of 221° True from the Los Angeles, Calif., radio range station.

§ 601.1071 *Control area extension (Burbank, Calif.).* From the Burbank, Calif., radio range station extending 5 miles either side of the southwest course of the Burbank radio range to the intersection of the southwest course of the Burbank radio range and the west course of the Los Angeles, Calif., VHF radio range, and all that area bounded on the south by the northern limits of Green civil airway No. 5, on the west by the eastern limits of Amber civil airway No. 1, on the east by the western limits of Amber civil airway No. 2, and on the north by a line 5 miles north of and parallel to the center line of the on-course signal of the southeast course of the Burbank, Calif., radio range from the eastern limits of Amber civil airway No. 1 to the western limits of Amber civil airway No. 2.

§ 601.1072 *Control area extension (Sumter, S. C.).* From the Shaw AFB radio range station, Sumter, S. C., extending 5 miles either side of the southwest course of the Shaw AFB radio range between the southern boundary of Red civil airway No. 16 and the northeast boundary of Blue civil airway No. 28, excluding the portion which overlaps the Shaw AFB danger area.

§ 601.1073 *Control area extension (Fresno, Calif.).* All that area within a 35-mile radius of the Fresno Air Terminal extending clockwise from a line bearing 153° True from the Fresno Air Terminal to a line bearing 316° True from the Fresno Air Terminal, and extending 5 miles either side of the northeast course of the Fresno, Calif., radio range from the radio range station to a point 20 miles northeast.

§ 601.1074 *Control area extension (Los Angeles, Calif.).* From the Los Angeles, Calif., radio range station extending 5 miles either side of the west and south courses of the radio range to points 40 miles west and south of the radio range station, excluding the portion which lies over danger areas; from the Los Angeles, Calif., radio range station extending 5 miles either side of a track of 221° True to a point 40 miles from the radio range station; from the Los Angeles, Calif., VHF radio range station extending 5 miles either side of the south course of the Los Angeles, Calif., VHF radio range to a point 40 miles south of the radio range station including that area from the intersection of the southeast course of the Camarillo, Calif., radio range and the west course of the Los Angeles, Calif., VHF radio range extending 5 miles either side of the southeast course of the Camarillo, Calif., radio range to its intersection with a bearing 221° True from the Los Angeles, Calif., radio range station.

§ 601.1075 *Control area extension (Ada, Okla.).* All that area within a 15-mile radius of the Ada, Okla., Municipal Airport.

§ 601.1076 *Control area extension (Phoenix, Ariz.).* From the Phoenix, Ariz., radio range station extending 5 miles either side of the east course of the Phoenix, Ariz., radio range to a point 25 miles east of the radio range station.

§ 601.1077 *Control area extension (Elko, Nev.).* From the Elko, Nev., radio range station extending 5 miles either side of the north course of the Elko, Nev., radio range to a point 25 miles from the radio range station, and extending 5 miles on either side of the south course of the Elko, Nev., radio range to a point 25 miles south of the radio range station.

§ 601.1078 *Control area extension (Reno, Nev.).* From the Reno, Nev., radio range station extending 5 miles either side of the north course of the Reno, Nev., radio range to a point 50 miles north of the radio range station.

§ 601.1079 *Control area extension (Rock Springs, Wyo.).* From the Rock Springs, Wyo., radio range station extending 5 miles either side of the north course of the Rock Springs, Wyo., radio range to a point 25 miles north of the radio range station, and extending 5 miles either side of the south course of the Rock Springs Wyo., radio range to a point 25 miles south of the radio range station.

§ 601.1080 *Control area extension (Louisville, Ky.).* All that area within a 15-mile radius of the Louisville omnirange station excluding danger areas, and all that area within 5 miles either side of the 122° True radial of the Louisville omnirange extending from the omnirange station to a point 25 miles southeast, the area within 5 miles either side of the 154° True radial of the omnirange extending from the omnirange station to a point 25 miles southeast, and the area within 5 miles either side of the Louisville ILS localizer course extending from the localizer to a point 13.2 miles southwest.

§ 601.1081 *Control area extension (Windsor Locks, Conn.).* All that area in the vicinity of Bradley Field, Windsor Locks, Conn., bounded on the southwest and west by Blue 41, on the northwest by Red 33, on the northeast by Green 2 and on the east by Amber 7, and all that area southwest of Bradley Field bounded on the northwest by Red 33, on the northeast by Blue 41 and on the south by Red 13.

§ 601.1082 *Control area extension (Montgomery, Ala.).* From the Maxwell AFB, Montgomery, Ala., radio range station extending 5 miles either side of the west course of the Maxwell AFB radio range to a point 25 miles west of the radio range station.

§ 601.1083 *Control area extension (Bartlesville, Okla.).* All that area within a 20-mile radius of the Phillips Airport, Bartlesville, Okla.

§ 601.1084 *Control area extension (Quincy, Ill.).* All that area within a 25-mile radius of the Quincy non-directional radio beacon.

§ 601.1085 *Control area extension (Edwards Air Force Base, Calif.).* All that airspace bounded on the south by Green civil airway No. 4, on the southwest by Blue civil airway No. 14, on the north by Lat. 34°58'00", on the east by Long. 117°48'00", including the airspace within 5 miles either side of a line bearing 56° True extending from the Edwards Air Force Base and passing through the Edwards omnirange station site at Lat. 35°00'18", Long. 117°41'14" to a point 15 miles northeast of the omnirange station site, excluding the portions which overlap danger areas.

§ 601.1086 *Control area extension (Memphis, Tenn.).* All that area within a 25-mile radius of the Memphis, Tenn., radio range station and all that area within a 10-mile radius of the Memphis Naval Air Station excluding the portion which lies within Amber Civil Airway No. 5.

§ 601.1087 *Control area extension (Akron, Ohio).* From the Akron-Canton Airport, Akron, Ohio, ILS localizer extending 5 miles either side of the localizer course to a point 20 miles south of the ILS outer marker, and extending 5 miles either side of a direct line between the Akron, Ohio, radio range station and the Brecksville, Ohio, fan marker.

§ 601.1088 *Control area extension (Alexandria, Minn.).* From the Alexandria, Minn., radio range station extending 5 miles either side of the north course of the Alexandria, Minn., radio range to a point 20 miles north of the radio range station, including all that area within a 15 mile radius of the Alexandria omnirange station, and all that area within 5 miles either side of the 50° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1089 *Control area extension (Cincinnati, Ohio).* All that area within a 15-mile radius of the Cincinnati, Ohio, omnirange station, that area south of the Cincinnati, Ohio, radio range station bounded on the northeast by Red civil airway No. 18, on the south by latitude 38°52', and on the west by Blue civil airway No. 87, and that area bounded on the east by Blue civil airway No. 87, on the southwest by Red civil airway No. 27, and on the northwest by Amber civil airway No. 6.

§ 601.1090 *Control area extension (Columbus, Ohio).* From the Columbus, Ohio, ILS localizer extending 5 miles either side of the localizer course to a point 20 miles west of the ILS outer marker.

§ 601.1091 *Control area extension (Detroit, Mich.).* All that area within a 15-mile radius of the Detroit omnirange station and all that area north of the Detroit-Wayne Major Airport bounded on the east by Red civil airway No. 20, on the south by Red civil airway No. 63, on the west by Green civil airway No. 2, and on the north by Red civil airway No. 63.

§ 601.1092 *Control area extension (Dickinson, N. Dak.).* From the Dickinson, N. Dak., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station including all that area within a 15-mile radius of the Dickinson omnirange station, and all that area within 5 miles either side of the 15° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1093 *Control area extension (Fargo, N. Dak.).* From the Fargo, N. Dak., radio range station extending 5 miles either side of the east course of the radio range to a point 20 miles east of the Glyndon fan marker, and extending from the ILS localizer 5 miles either side of the localizer course to a point 20 miles south of the outer marker, and all that area within a 15 mile radius of the Fargo omnirange station.

§ 601.1094 *Control area extension (Flint, Mich.).* From the Flint, Mich., outer compass locator extending 5 miles either side of the 88° and 268° True courses of the outer compass locator to points 25 miles east and west of the outer compass locator.

§ 601.1095 *Control area extension (Fort Wayne, Ind.).* All that area within a 15-mile radius of the Fort Wayne omnirange station including that area within 5 miles either side of the 318° True radial of the omnirange extending from the omnirange station to a point 25 miles northwest and that area within 5 miles either side of the Fort Wayne ILS localized course extending from the localizer to a point 20 miles southeast of the outer marker.

§ 601.1096 *Control area extension (Glenview, Ill.).* From the Glenview, Ill., radio range station extending 5 miles either side of the northwest course of the Glenview, Ill., radio range to a point 20 miles northwest of the radio range station.

§ 601.1097 *Control area extension (Grand Forks, N. Dak.).* From the Grand Forks, N. Dak., radio range station extending 5 miles either side of the south course of the Grand Forks, N. Dak., radio range to a point 20 miles south of the radio range station.

§ 601.1098 *Control area extension (Casper, Wyo.).* All that area within a 25-mile radius of the Casper, Wyo., radio range station in the northeast, southwest and northwest quadrants of the radio range, excluding the portion which overlaps danger areas.

§ 601.1099 *Control area extension (Indianapolis, Ind.).* From the Weir-Cook Municipal Airport, Indianapolis, Ind., ILS localizer extending 5 miles either side of the ILS localizer course to a point 20 miles southwest of the ILS outer marker and all that area within a 15-mile radius of the Indianapolis omnirange station.

§ 601.1100 *Control area extension (Lone Rock, Wis.).* From the Lone Rock, Wis., radio range station extending 5 miles either side of the west course of the Lone Rock, Wis., radio range to a point 20 miles west of the radio range station and all that area within a 15-mile radius of the Lone Rock omnirange station, including the area within 5 miles either side of the 24° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast.

§ 601.1101 *Control area extension (Madison, Wis.).* From the Madison, Wis., radio range station extending 5 miles either side of the southeast course of the radio range to a point 20 miles southeast of the radio range station and extending 5 miles either side of the northwest course of the radio range to a point 25 miles northwest of the radio range station, and extending 5 miles either side of a bearing 183° True from the Madison outer marker to a point 25 miles south of the outer marker.

§ 601.1102 *Control area extension (Minneapolis, Minn.).* All that area within a 30-mile radius of the Minneapolis-St. Paul International Airport lying within the east, south, and west quadrants of the Minneapolis radio range, including all that area within a 15-mile radius of the Minneapolis omnirange station.

§ 601.1103 *Control area extension (Minot, N. Dak.).* All that area within a 15-mile radius of the Minot, N. Dak., omnirange station.

§ 601.1104 *Control area extension (Rockford, Ill.).* From the Rockford, Ill., radio range station extending 5 miles either side of the west course of the Rockford, Ill., radio range to a point 20 miles west of the radio range station.

§ 601.1105 *Control area extension (Muskegon, Mich.).* From the Muskegon, Mich., radio range station extending 5 miles either side of the southeast course of the Muskegon, Mich., radio range to a point 20 miles southeast of the radio range station and all that area within a 15 mile radius of the Muskegon omnirange station.

§ 601.1106 *Control area extension (Whidbey Island, Wash.).* All that area beginning at lat. 48°30'00", long. 123°07'15", thence northeast to lat. 48°35'50", long. 122°58'40", thence eastnortheast to lat. 48°42'15", long. 122°41'00", thence southerly to lat. 48°01'20", long. 122°27'10", thence northwesterly to lat. 48°06'30", long. 122°52'35", thence northwesterly to lat. 48°12'00", long. 122°59'30", thence to point of beginning, excluding the portions which overlap danger areas.

§ 601.1107 *Control area extension (Topeka, Kans.).* All that area within a 25-mile radius of the Topeka, Kans., omnirange station.

§ 601.1108 *Control area extension (Salina, Kans.).* All that area north of Salina, Kans., within a 30-mile radius of a point at latitude 38°52'39", longitude 97°38'54" bounded on the south by the northern boundary of VOR civil airway

No. 4, and the area within 5 miles either side of the 142° True radial of the Salina, Kans., omnirange extending from the omnirange station to a point 25 miles southeast.

§ 601.1109 *Control area extension (Goodland, Kans.).* From the Goodland, Kans., omnirange station extending 5 miles either side of the 22° True radial of the omnirange to a point 20 miles north and within 5 miles either side of the 202° True radial of the Goodland omnirange extending from the omnirange station to a point 25 miles southwest.

§ 601.1110 *Control area extension (Hobbs, N. Mex.).* From the Hobbs, N. Mex., radio range station extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station.

§ 601.1111 *Control area extension (San Diego, Calif.).* From the San Diego, Calif., radio range station extending 5 miles either side of the southwest course of the San Diego, Calif., radio range to a point 25 miles southwest of the radio range station.

§ 601.1112 *Control area extension (Fort Dix, N. J.).* All that area bounded on the north by Red civil airway No. 3, on the east by Amber civil airway No. 9, on the southeast by Green civil airway No. 5, on the southwest by Red civil airway No. 73 and on the west by Blue civil airway No. 20, excluding the portion which overlaps the Fort Dix, N. J., danger area and the Lakehurst, N. J., caution area.

§ 601.1113 *Control area extension (San Francisco, Calif.).* All that area bounded on the northeast by a line extending through the San Francisco, Calif., and Moffett Field, Calif., radio range stations, on the northwest by a line 5 miles northwest of and parallel to the southwest course of the San Francisco, Calif., radio range, on the west by a line 3 nautical miles off shore, on the southeast by a line 5 miles southeast of and parallel to the southwest course of the Moffett Field radio range, and including all that area northeast of the San Francisco, Calif., radio range station bounded on the northwest by Amber civil airway No. 8, on the northeast by Blue civil airway No. 10 and on the southeast and southwest by Green civil airway No. 3, and including all that area northeast of the San Francisco radio range station bounded on the northwest by Green civil airway No. 3, on the east by Blue civil airway No. 7 and on the south by Red civil airway No. 60, and all that area beginning at a point on the western boundary of Blue civil airway No. 10 at the point of intersection with lat. 38°15'00", thence along the western boundaries of Blue civil airway No. 10, Blue civil airway No. 54 and Amber civil airway No. 8 to a point at which the western boundary of Amber civil airway No. 8 intersects the coastline, thence along the coastline in a northwesterly direction to Point Reyes, Calif., thence in a northeasterly direction to lat. 38°15'-00", long. 122°45'00", thence to the point of beginning.

§ 601.1114 *Control area extension (Chanute, Kans.).* From the Chanute, Kans., radio range station extending 5 miles either side of the east course of the Chanute, Kans., radio range to a point 20 miles east of the radio station.

§ 601.1115 *Control area extension (Dodge City, Kans.).* From the Dodge City, Kans., Municipal Airport, extending 5 miles either side of a track 360° true to its intersection with the east course of the Garden City, Kans., radio range, within 5 miles either side of a track bearing 180° True from the Dodge City, Kans., non-directional radio beacon extending to a point 25 miles south of the non-directional radio beacon and within 5 miles either side of the 341° and 161° True radials of the Dodge City omnirange station extending from the omnirange station to points 25 miles north and south of the omnirange station.

§ 601.1116 *Control area extension (Hutchinson, Kans.).* All that area within a 25-mile radius of the Hutchinson, Kans., radio range station.

§ 601.1117 *Control area extension (Lincoln, Nebr.).* From the Lincoln, Nebr., radio station extending 5 miles either side of the north course of the Lincoln, Nebr., radio range to the intersection of the north course of the Lincoln, Nebr., radio range and the west course of the Omaha, Nebr., radio range, the extending 5 miles either side of the south course of the Lincoln, Nebr., radio range to a point 20 miles south of the radio range station including all that area within a 20-mile radius of the Lincoln, Nebr., radio range station in the southwest quadrant of the radio range.

§ 601.1118 *Control area extension (Grand Junction, Colo.).* All that area bounded on the northeast by a line beginning at a point on Red civil airway No. 6 five miles northeast of and parallel to the Grand Junction, Colo., ILS localizer course, on the northwest by a line 5 miles northwest of and parallel to a 235° True bearing from the Grand Junction non-directional radio beacon, and on the south by Red civil airway No. 6.

§ 601.1119 *Control area extension (St. Louis, Mo.).* All that area within a 25-mile radius of the St. Louis, Mo., radio range station in the northeast and southwest quadrants of the radio range.

§ 601.1120 *Control area extension (Iowa City, Iowa).* Within a 5-mile radius of the Iowa City Airport extending 5 miles either side of a bearing 91° True from the airport to its intersection with the north course of the Burlington, Iowa, radio range, and extending from the Iowa City non-directional radio beacon 5 miles either side of a bearing 271° True from the non-directional radio beacon to a point 25 miles west of the non-directional radio beacon.

§ 601.1121 *Control area extension (White Plains, N. Y.).* From the Westchester Airport White Plains, N. Y., ILS localizer extending 5 miles either side of the localizer course to its intersection with the south course of the New Hackensack, N. Y., radio range.

§ 601.1122 *Control area extension (Tri-City, Tenn.).* From the Tri-City, Tenn., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles east of the localizer.

§ 601.1123 *Control area extension (Birmingham, Ala.).* All that area within a 25-mile radius of the Birmingham radio range station including the area 5 miles either side of the ILS localizer course extending from the localizer to a point 30 miles southwest of the localizer and excluding caution areas.

§ 601.1124 *Control area extension (Eugene, Oreg.).* From the Eugene, Oreg., radio range station extending 5 miles either side of the west course of the radio range to a point 25 miles west of the radio range station and all that area north of the Eugene radio range station bounded on the east by Amber civil airway No. 1, on the west by long. 123°20'00" and on the north by lat. 44°38'00".

§ 601.1125 *Control area extension (Tallahassee, Fla.).* Within 5 miles either side of the Tallahassee (Dale Mabry Field) ILS localizer course extending from the localizer to a point 30 miles southeast, within 5 miles either side of the south course of the Tallahassee radio range extending from the radio range station to a point 25 miles south, and within 5 miles either side of the 162° True and 342° True radials of the Tallahassee omnirange extending from the omnirange station to points 20 miles southeast and northwest, excluding the airspace above 19,000 feet overlapping Tyndall AFB danger area (Area II) (No. D–336) between sunset and sunrise.

§ 601.1126 *Control area extension (Knoxville, Tenn.).* From the ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles southwest of the ILS localizer.

§ 601.1127 *Control area extension (Colorado Springs, Colo.).* All that area within a 25-mile radius of the Colorado Springs, Colo., radio range station in the northeast and southeast quadrants of the radio range.

§ 601.1128 *Control area extension (Jackson, Miss.).* From the Jackson, Miss., ILS localizer extending 5 miles either side of the ILS localizer course to a point 30 miles northwest of the ILS localizer.

§ 601.1129 *Control area extension (Washington, D. C.).* All that area within a 40 mile radius of the Washington National Airport, excluding that portion northeast of the airport bounded on the west by the eastern boundary of Red civil airways Nos. 29 and 45 and on the south by the northern boundary of Green civil airway No. 5 and excluding the Washington Airspace Reservation and all danger areas.

§ 601.1130 *Control area extension (Spokane, Wash.).* From the Geiger Field, Spokane, Wash., ILS localizer extending 5 miles either side of the ILS localizer course to a point 20 miles from the ILS localizer.

§ 601.1131 *Control area extension (Ottumwa, Iowa).* From the Ottumwa, Iowa, non-directional radio beacon extending 5 miles either side of a bearing 187° True from the non-directional radio beacon to a point 20 miles south of the non-directional radio beacon.

§ 601.1132 *Control area extension (Willmar, Minn.).* From the Willmar, Minn., radio range station extending 5 miles either side of the south course of the Willmar radio range to a point 20 miles south of the radio range station.

§ 601.1133 *Control area extension (Seattle, Wash.).* From the Seattle, Wash., radio range station extending 5 miles either side of a true bearing of 258° to a point 25 miles from the radio range station; all that area southwest of the Seattle, Wash., radio range station bounded on the north and west by Blue civil airway No. 71 and on the east by Amber civil airway No. 1 excluding the portion which overlaps the Fort Lewis, Wash., danger area, and all that area bounded on the east by Blue civil airway No. 71, on the south by lat. 46°35'00", and on the west by long. 123°03'00".

§ 601.1134 *Control area extension (Columbus, Ga.).* Within 5 miles either side of the southwest course of the Columbus radio range extending from the radio range station to a point 20 miles southwest and within 5 miles either side of the 57° True radial of the Columbus omnirange extending from the omnirange station to a point 20 miles northeast excluding the airspace overlapping danger areas, and the area within 5 miles either side of a line bearing 235° True through the Muskogee County Airport ILS outer compass locator extending from Red civil airway No. 84 on the northeast to Red civil airway No. 84 on the southwest.

§ 601.1135 *Control area extension (Marianna, Fla.).* Within 5 miles either side of the 130° True radial of the Marianna omnirange extending from the omnirange station to a point 20 miles southeast, excluding the airspace above 19,000 feet overlapping Tyndall AFB danger area (Area II) (No. D–336) between sunset and sunrise.

§ 601.1136 *Control area extension (San Juan, P. R.).* Within a radius of 100 nautical miles of the Isle Grande Airport, San Juan, P. R., excluding the airspace over existing airspace danger areas and warning areas. (Designated to conform with Recommendation No. 6 of the Rules of the Air and Air Traffic Control Committee of the Second ICAO Caribbean Regional Air Navigation Meeting, as approved by the Council of ICAO.).

§ 601.1137 *Control area extension (Key West, Fla.).* From the Key West, Fla., radio range station extending 5 miles either side of the west course of the Key West radio range to the Eastern boundary of the New Orleans Oceanic control area, excluding that portion below 6,000 feet between a point 20 miles west of the radio range station and the Eastern boundary of the New Orleans Oceanic control area.

§ 601.1138 *Control area extension (Orlando, Fla.).* From the Orlando, Fla., radio range station extending 5 miles on the southeast side and parallel to the northeast course of the Orlando, Fla., radio range to the intersection of the northeast course of the Orlando, Fla., radio range and the northwest course of the Melbourne, Fla., radio range including all that area north of the northeast course of the Orlando radio range between Red civil airway No. 47 and Amber civil airway No. 7, and from the Orlando, Fla., radio range station extending 5 miles either side of the northwest course of the radio range to a point 25 miles northwest of the radio range station.

§ 601.1139 *Control area extension (Lexington, Ky.).* Within 5 miles either side of a line bearing 222° True extending from the Lexington, Ky., non-directional radio beacon to a point 20 miles southwest, and within 5 miles either side of the 123° True radial of the Lexington omnirange extending from the omnirange station to a point 25 miles southeast.

§ 601.1140 *Control area extension (Youngstown, Ohio).* All that area within a 15-mile radius of the Youngstown, Ohio, omnirange station including the area 5 miles either side of a bearing of 225° True extending from the Youngstown ILS outer compass locator to a point 25 miles southwest of the outer compass locator.

§ 601.1141 *Control area extension (Boston, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range to a circle 15 miles in radius centered at the midway point of a direct line between the intersection of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range and the Yarmouth, Nova Scotia, radio range station to a circle 5 miles in radius centered on the Yarmouth, Nova Scotia, radio range station, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1142 *Control area extension (Boston, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range to a circle 15 miles in radius centered at the intersection of the southeast course of the Boston, Mass., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1143 *Control area extension (Nantucket, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., VHF radio range station to a circle 15 miles in radius centered at the midway point on a direct line between the Nantucket, Mass., VHF radio range station and the Yarmouth, Nova Scotia, radio range station to a circle 5 miles in radius centered on the Yarmouth, Nova Scotia, radio range station, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1144 *Control area extension (Nantucket, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., VHF radio range station to a circle 15 miles in radius centered at the intersection of the east course of the Nantucket, Mass., VHF radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1145 *Control area extension (Nantucket, Mass.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Nantucket, Mass., VHF radio range station to a circle 15 miles in radius centered at the intersection of the south course of the Nantucket, Mass., VHF radio range and the Western Boundary of the ICAO Control area, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1146 *Control area extension (New York, N. Y.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the east course of the New York (LaGuardia), N. Y., radio range and the northeast course of the Mitchel Field (AFB), N. Y., radio range to a circle 5 miles in radius centered at the intersection of the east course of the New York (LaGuardia), N. Y., radio range and the southwest course of the Nantucket, Mass., VHF radio range to a circle 5 miles in radius centered on the Nantucket, Mass., VHF radio range station excluding that area below 2000 feet between the intersection of the east course of the New York, N. Y. (LaGuardia) radio range and the southwest course of the Providence, R. I., radio range to the Nantucket, Mass., VHF radio range station.

§ 601.1147 *Control area extension (New York, N. Y.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered at the intersection of the southeast course of the Newark, N. J., radio range and the southwest course of the Mitchel Field (AFB), N. Y., radio range to a circle 15 miles in radius centered at the intersection of the southeast course of the Newark, N. J., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet except that area which lies within the confines of civil airways.

§ 601.1148 *Control area extension (Millville, N. J.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Millville, N. J., radio range station and the intersection of the southeast course of the Millville, N. J., radio range and the Atlantic Ocean U. S. Coastline to a circle 15 miles in radius centered on the intersection of the southeast course

of beginning.

ensack, N. Y., radio range.

(*Ottumwa, Iowa*). From the Ottumwa,

radio range station extending 5 miles on

Scotia, radio range station to a circle 5

the intersection of the southeast course

of the Millville, N. J., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1149 *Control area extension (Norfolk, Va.).* Within a 25 mile radius of a point at Lat. 36°58'00", Long. 76°25'00", extending 5 miles either side of the north course of the Norfolk, Va. (Navy), radio range from the radio range station to its intersection with the southeast course of the Tappahannock, Va., radio range excluding the Plum Tree Island Danger Area, and extending 5 miles either side of the east course of the Norfolk, Va. (Navy), radio range to its intersection with the south course of the Chincoteague, Va. (Navy), radio range, excluding that portion below 2000 feet between the shoreline of the United States and the intersection of the east course of the Norfolk, Va. (Navy), radio range and the south course of the Chincoteague, Va. (Navy), radio range including the area within 5 miles either side of the east course of the Langley, Va., AFB radio range extending from the intersection of the east course of the Langley AFB radio range and the northeast course of the Norfolk, Va., radio range to the intersection of the east course of the Langley AFB radio range and the south course of the Chincoteague, Va., (Navy) radio range, excluding that portion below 2,000 feet beyond the shoreline of the United States.

§ 601.1150 *Control area extension (Wilmington, N. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Wilmington, N. C., VHF radio range station to a circle 15 miles in radius centered at the midway point on a direct line between the Wilmington, N. C., VHF radio range station and the West Palm Beach, Fla., radio range station to a circle 5 miles in radius centered on the West Palm Beach, Fla., radio range station, excluding that portion below 2,000 feet and above 20,500 feet which lies outside the continental limits of the United States.

§ 601.1151 *Control area extension (Wilmington, N. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Wilmington, N. C., VHF radio range station to a circle 5 miles in radius centered at Latitude 33°55'00", Longitude 77°19'00" to a circle 15 miles in radius centered at the intersection of the southeast course of the Wilmington, N. C., VHF radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1152 *Control area extension (Charleston, S. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Charleston, S. C., radio range station and a circle 5 miles in radius centered at the intersection of the southeast course of the Charleston, S. C., radio range and the Atlantic Ocean U. S. Coastline to a circle 15 miles in radius centered at the intersection of the southeast course of the Charleston, S. C., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1153 *Control area extension (Jacksonville, Fla.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Jacksonville, Fla., radio range station to a circle 15 miles in radius centered on the intersection of the east course of the Jacksonville, Fla., radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet and above 20,500 feet which lies outside the continental limits of the United States.

§ 601.1154 *Control area extension (Bismarck, N. Dak.).* All that area within a 15-mile radius of the Bismarck omnirange station including all that area 5 miles either side of the ILS localizer course extending from the localizer to a point 20 miles southeast of the outer marker, and all that area within 5 miles either side of the 114° True radial of the omnirange station extending from the omnirange station to a point 25 miles southeast.

§ 601.1155 *Control area extension (Omaha, Nebr.).* All that area within a 25-mile radius of the Omaha, Nebr., radio range station in the northwest and northeast quadrants of the radio range.

§ 601.1156 *Control area extension (Albany, Ga.).* Within 5 miles either side of the west course of the Albany radio range extending from the radio range station to a point 25 miles west and within 5 miles either side of the 335° True radial of the Albany omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1157 *Control area extension (Chicago, Ill.).* From the Chicago, Ill., O'Hare International Airport ILS localizer extending 5 miles either side of the localizer course to a point 20 miles northwest of the outer marker.

§ 601.1158 *Control area extension (Cleveland, Ohio).* Within a 30-mile radius of the Cleveland, Ohio, omni-directional radio range station, excluding that portion which lies outside the continental limits of the United States.

§ 601.1159 *Control area extension (Moline, Ill.).* From the Quad City Airport, Moline, Ill., extending 5 miles either side of the west course of the Moline, Ill., ILS localizer to a point 5 miles west of its intersection with the north course of the Burlington, Iowa, radio range, and extending eastward from the Quad City Airport between the southern boundary of Green civil airway No. 3 and a line 5 miles south of and parallel to the east course (back course) of the Moline, Ill., ILS localizer to a point 25 miles east of the Quad City Airport and all that area within a 15-mile radius of the Moline omnirange station.

§ 601.1160 *Control area extension (South Bend, Ind.).* From the South Bend, Ind., ILS localizer extending 5 miles either side of the localizer course to a point 20 miles east of the outer marker and all that area within a 15-mile radius of the South Bend omnirange station.

§ 601.1161 *Control area extension (Chicago, Ill.).* All that area within a 30-mile radius of the Chicago-Midway Airport excluding the portion overlapping danger areas; all that area within a 15-mile radius of the Chicago Heights omnirange station; all that area east of the Chicago Midway Airport bounded on the northwest by Red civil airway No. 28, on the east by Blue civil airway No. 6 and on the south by Red civil airway No. 12, and all that area southeast of Chicago Midway Airport bounded on the north by Red civil airway No. 12, on the east by Blue civil airway No. 6, on the south by Green civil airway No. 3 and on the west by Red civil airway No. 14.

§ 601.1162 *Control area extension (Danville, Va.).* Within a 5-mile radius of the Danville Municipal Airport extending 5 miles either side of a track bearing 356° True from the airport to a point 10 miles north, and extending 5 miles either side of a track bearing 57° True from the airport to a point 10 miles northeast of the airport.

§ 601.1163 *Control area extension (Vero Beach, Fla.).* From the Vero Beach, Fla., non-directional radio marker beacon extending 5 miles either side of a track 291° True to its intersection with Blue civil airway No. 19.

§ 601.1164 *Control area extension (Quonset Point, R. I.).* All that area bounded by a line beginning at a point on the southern boundary of Red civil airway No. 94 at lat. 41°35'00", long. 71°06'30", thence westward along that airway boundary to the southeastern boundary of Red civil airway No. 21, thence southwesterly along the southeastern boundary of that airway to lat. 41°32'00", long. 71°33'25", thence perpendicularly southeastward to a point 3 miles from the southwest course of the Providence, R. I., radio range, thence southwestward paralleling the southwest course of the Providence, R. I., radio range to a point at lat. 41°17'00", long. 71°44'45" on an arc of a circle with a 27-mile radius centered on the Quonset Point, R. I., NAS radio range station, thence counterclockwise along this arc to lat. 41°17'15", long. 71°00'40", thence northwestward to lat. 41°29'25", long. 71°12'00", thence northeastward to lat. 41°35'00", long. 71°06'30", point of beginning, excluding the portions which overlap danger areas and caution areas.

§ 601.1165 *Control area extension (Oakland, Calif.).* All that area in the vicinity of Hayward, Calif., bounded by the eastern boundary of Blue civil airway No. 10, the southern boundary of Red civil airway No. 60 and the northern boundary of Blue civil airway No. 60.

§ 601.1166 *Control area extension (Mobile, Ala.).* All that area within a 25-mile radius of the Mobile radio range station including the area 5 miles on the southwest side and 2 miles on the northeast side of the southeast course of the Mobile radio range extending from the radio range station to a point 10 miles southeast of the intersection of the southeast course of the Mobile radio range and the Western Boundary of the ICAO Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

miles southeast of the intersection of the southeast course of the Mobile radio range and the west course of the Pensacola, Fla., radio range, excluding the portion below 2,000 feet and above 20,500 feet which lies outside the continental limits of the U. S. and excluding caution areas and the area 5 miles either side of the 292° True radial of the Mobile omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1167 *Control area extension (Winston-Salem, N. C.).* From the Smith-Reynolds Airport, Winston-Salem, N. C., ILS localizer extending 5 miles either side of the localizer course to a point 30 miles southeast of the ILS localizer, and from the Winston-Salem radio range station extending 5 miles on the southwest side of the northwest course of the radio range and to the southern boundary of Red civil airway No. 34 on the northeast side of the northwest course of the radio range to a point 25 miles northwest of the Winston-Salem radio range station.

§ 601.1168 *Control area extension (Ponca City, Okla.).* Within a 15-mile radius of the Ponca City Airport and within 5 miles either side of the 284° True radial of the Ponca City omnirange extending from the omnirange station to a point 25 miles west.

§ 601.1169 *Control area extension (Idlewild, N. Y.).* From the intersection of the southwest course of the Islip, N. Y., VHF radio range and the west course of the Nantucket, Mass., VHF radio range extending 5 miles either side of the west course of the Nantucket, Mass., VHF radio range to the Nantucket, Mass., VHF radio range station, excluding that portion below 2,000 feet.

§ 601.1170 *Control area extension (Campbellton, Ga.).* From the Campbellton, Ga., radio range station extending 5 miles either side of the north course of the radio range to its intersection with the northwest course of the Atlanta, Ga., radio range, and extending 5 miles either side of the south course of the Campbellton radio range to its intersection with the southwest course of the Atlanta, Ga., radio range.

§ 601.1171 *Control area extension (El Paso, Tex.).* Within 5 miles either side of the north course of the El Paso radio range extending from the radio range station to a point 10 miles north of the Newman non-directional radio beacon, excluding the portion which overlaps danger areas, and all that area south of El Paso bounded on the northeast by VOR civil airway No. 66, on the south by a line 5 miles south of and parallel to a direct line between the Clint, Tex., non-directional radio beacon and the Hudspeth, Tex., omnirange station, and on the west by a line 5 miles west of and parallel to the centerline of the south course of the El Paso, Tex., radio range, excluding the portion which lies outside the continental limits of the United States.

§ 601.1172 *Control area extension (Rantoul, Ill.).* Within a 25-mile radius of the Rantoul (Chanute), Ill., AFB radio range station.

§ 601.1173 *Control area extension (San Francisco, Calif.).* All that airspace bounded by a line beginning at a point on the coastline at 37°51'00", Long. 122°33'40", thence easterly along the coastline to Lat. 37°14'00", Long. 122°24'55", thence southwestward along a bearing of 240° True from the Pescadero, Cal., non-directional radio beacon (located at Lat. 37°14'09", Long. 122°23'57") to Lat. 36°16'00", Long. 124°26'00", thence northwesterly along the eastern boundary of the Oakland Flight Information Region to Lat. 37°42'00", Long. 125°24'00", thence easterly to Lat. 37°50'15", Long. 124°26'00", thence to Lat. 37°43'00", Long. 124°00'00", thence to Lat. 37°47'00", Long. 123°00'00", thence to Lat. 37°51'00", Long. 122°33'40" the point of beginning.

§ 601.1174 *Control area extension (Santa Ana, Calif.).* All that area bounded on the northeast by Amber civil airway No. 1, on the southwest by the Oceanside, Calif., control area extension (293° True from the Oceanside non-directional radio beacon) and on the west by the Los Angeles, Calif., control area extension (163° True from the Los Angeles radio range station.

§ 601.1175 *Control area extension (Charleston, S. C.).* Within 5 miles either side of the 341° True radial of the Charleston, S. C., omnirange extending from the omnirange station to a point 20 miles northwest.

§ 601.1176 *Control area extension (Santa Barbara, Calif.) (Santa Barbara-Honolulu rhumb line route).* From the Santa Barbara, Calif., radio range station extending 5 miles either side of a rhumb line bearing 244° True from the Santa Barbara, Calif., radio range station to its intersection with the Eastern Boundary of the Oakland Flight Information Region.

§ 601.1177 *Control area extension (Long Beach, Calif.) (Long Beach-Honolulu route).* From the Long Beach, Calif., radio range station extending 5 miles either side of the southwest course of the Long Beach, Calif., radio range to its intersection at Lat. 31°56'30", Long. 120°04'00" with a rhumb line bearing 251° True from the San Diego, Calif., radio range station thence 5 miles either side of that rhumb line to its intersection with the Eastern Boundary of the Oakland Flight Information Region.

§ 601.1178 *Control area extension (Honolulu, T. H.).* All that area within a radius of 25 miles from the Honolulu radio range station extending clockwise from a point 25 miles northeast of the radio range station on Green civil airway No. 9 to a point 25 miles southwest of the radio range station on Green civil airway No. 9.

§ 601.1179 *Control area extension (Hilo, T. H.).* All that area within a radius of 25 miles from the Hilo radio range station extending clockwise from a point 25 miles north of the Hilo radio range station on Amber civil airway No. 12 to a point 25 miles east of the Hilo radio range station on Red civil airway No. 87, including all that area within 5 miles either side of the 41° True radial of the Hilo omnirange extending from the omnirange station to the intersection of the Hilo omnirange 41° True radial with the Upolu omnirange 96° True radial, and all that area within 5 miles either side of the Upolu omnirange 96° True radial extending from the intersection of the Upolu omnirange 96° True radial and the Hilo omnirange 336° True radial to the intersection of the Upolu omnirange 96° True radial and the Hilo omnirange 41° True radial.

§ 601.1180 *Control area extension (San Antonio, Tex.).* All that area within a 60-mile radius of the San Antonio, Tex., radio range station.

§ 601.1181 *Control area extension (Elizabeth City, N. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Weeksville, N. C. (Navy) radio range station to a circle 10 miles in radius centered on the intersection of the southeast course of the Weeksville, N. C. (Navy) radio range and the western boundary of the New York Oceanic Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1182 *Control area extension (Enid, Okla.).* All that area within a 25-mile radius of the Enid, Okla., Vance AFB, radio range station.

§ 601.1183 *Control area extension (Wake Island).* From the Wake Island non-directional radio beacon extending 5 miles either side of rhumb lines to points 3 nautical miles off the shoreline of the Island of Wake between the following points: Wake-Honolulu; Wake-Tokyo; Wake-Guam; Wake-Midway.

§ 601.1184 *Control area extension (Douglas, Ariz.).* From the Douglas, Ariz., radio range station extending 5 miles either side of the southwest and southeast courses of the radio range to their intersection with the U. S.-Mexican Border.

§ 601.1185 *Control area extension (Cochise, Ariz.).* From the Cochise, Ariz., radio range station extending 5 miles either side of the southeast course of the radio range to a point 25 miles southeast of the radio range station.

§ 601.1186 *Control area extension (Tucson, Ariz.).* From the Tucson, Ariz., radio range station extending 5 miles on the northwest side of the southwest course of the Tucson radio range to a point 25 miles southwest of the radio range station.

§ 601.1187 *Control area extension (Jackson, Mich.).* From the Jackson, Mich., nondirectional radio beacon extending 5 miles either side of a 313° True bearing from the nondirectional radio beacon to a point 25 miles northwest, and all that area south of the nondirectional radio beacon bounded on the north by Red civil airway No. 63, on the east by Red civil airway No. 62, on the south by Red civil airway No. 12, and on the west by Red civil airway No. 57.

§ 601.1188 *Control area extension (Milwaukee, Wis.).* From the Milwaukee, Wis., radio range station extending 5 miles either side of the north course of

centered at the intersection of the south-

Bend, Ind., ILS localizer extending 5

the radio range station to a point 10

range station.

the radio range to a point 25 miles north of the radio range station, and all that area west of the Milwaukee, Wis., radio range station bounded on the north by Green civil airway No. 2, on the southeast by Red civil airway No. 57 and on the southwest by Red civil airway No. 42, and all that area within a 15-mile radius of the Milwaukee omnirange station.

§ 601.1189 *Control area extension (Daggett, Calif.)*. From the Daggett, Calif., radio range station extending 5 miles either side of the north course of the radio range to a point 20 miles north of the radio range station.

§ 601.1190 *Control area extension (Fairfield, Calif.)*. All that area northeast of the Fairfield, Calif., Travis AFB radio range station bounded on the west by Blue civil airway No. 7, on the northeast by Amber civil airway No. 1 and on the southeast by Amber civil airway No. 8, and all that area west of the Travis AFB radio range station bounded on the southwest by Blue civil airway No. 54, on the south by Amber civil airway No. 8, on the east by Blue civil airway No. 7, on the north by a line between points at Lat. 38°21'30", Long. 121°57'00" and Lat. 38°08'30", Long. 122°33'10", and on the west by Long. 122°33'10".

§ 601.1191 *Control area extension (Thermal, Calif.)*. From the Thermal, Calif., radio range station extending 5 miles either side of a direct line between the Thermal, Calif., radio range station and the Hayfield Lake, Calif., non-directional radio beacon to the Hayfield Lake, Calif., non-directional radio beacon.

§ 601.1192 *Control area extension (Merced, Calif.)*. All that area northwest and southeast of the Merced (Castle), Calif., radio range station bounded on the west by a line parallel to and 5 miles southwest of the northwest and southeast courses of the Merced, Calif. (Castle) radio range extending from its intersection with Blue civil airway No. 14 to its intersection with Blue civil airway No. 10.

§ 601.1193 *Control area extension (Monterey, Calif.)*. The area bounded by a line 5 miles southeast of and parallel to the 229° True radial of the Salinas VOR radio range extending from the western boundary of VOR civil airway No. 27W to a point at latitude 36°27'30" N., longitude 121°52'30" W; thence to a point 3 nautical miles offshore and 5 statute miles southeast of the southwest course of the Moffett, Calif., NAS radio range; thence in a northeasterly direction parallel to the southwest course of the Moffett NAS radio range to the western boundary of VOR civil airway No. 27W; thence southeasterly along the western boundary of VOR civil airway No. 27W to the point of beginning, excluding the area below 3000 feet within the boundaries of the Ford Ord Danger Area.

§ 601.1194 *Control area extension (Sacramento, Calif.)*. Within a 25-mile radius of Mather AFB, Sacramento, Calif., including all that area northwest of Mather AFB bounded on the north by Red civil airway No. 76, on the southeast by Green civil airway No. 3 and on the southwest by Amber civil airway No. 1.

§ 601.1195 *Control area extension (Silver Lake, Calif.)*. From the Silver Lake, Calif., radio range station extending 5 miles either side of the southeast and northwest courses of the radio range to points 25 miles southeast and northwest of the radio range station.

§ 601.1196 *Control area extension (Yuma, Ariz.)*. From the Yuma, Ariz., radio range station extending 5 miles either side of the south course of the radio range to a point 15 miles south of the radio range station.

§ 601.1197 *Control area extension (Dubois, Idaho)*. From the Dubois, Idaho, radio range station extending 5 miles either side of the east course of the Dubois radio range to its intersection with the northeast course of the Idaho Falls, Idaho, radio range.

§ 601.1198 *Control area extension (Idaho Falls, Idaho)*. From the Idaho Falls, Idaho, radio range station extending 5 miles either side of the northwest course of the radio range to its intersection with Blue civil airway No. 51, and extending 5 miles either side of the northeast course of the radio range to its intersection with the east course of the Dubois, Idaho, radio range.

§ 601.1199 *Control area extension (Greensboro, N. C.)*. From the Greensboro, N. C., radio range station extending 5 miles either side of the southeast course of the radio range to a point 25 miles southeast of the radio range station including the area between the Greensboro control area extension and the Winston-Salem, N. C., control area extension.

§ 601.1200 *Control area extension (Columbia, S. C.)*. From the Columbia Airport extending 5 miles either side of the centerline of the northeast-southwest runway to a point 30 miles southwest of the airport, and within 5 miles either side of the 282° True radial of the Columbia omnirange extending from the omnirange station to a point 20 miles west.

§ 601.1201 *Control area extension (Saginaw, Mich.)*. From the Saginaw, Mich., non-directional radio beacon extending 5 miles either side of a track 347° True to a point 25 miles northwest of the non-directional radio beacon.

§ 601.1202 *Control area extension (Tucumcari, N. Mex.)*. From the Tucumcari, N. Mex., radio range station extending 5 miles either side of the north and south courses of the radio range to points 25 miles north and south of the radio range station.

§ 601.1203 *Control area extension (Acomita, N. Mex.)*. From the Acomita, N. Mex., radio range station extending 5 miles either side of the south course of the radio range to a point 25 miles south of the radio range station.

§ 601.1204 *Control area extension (Zuni, N. Mex.)*. From the Zuni, N. Mex., radio range station extending 5 miles either side of the south course of the radio range to a point 25 miles south of the radio range station.

§ 601.1205 *Control area extension (Albuquerque, N. Mex.)*. All that area within a 25-mile radius of the Albuquerque, N. Mex., radio range station in the northwest quadrant of the radio range bounded on the south by Green civil airway No. 4 and on the east by the north course of the Albuquerque, N. Mex., radio range.

§ 601.1206 *Control area extension (Midland, Tex.)*. From the Midland, Tex., radio range station extending 5 miles on the northeast side of the southeast course of the radio range to a point 25 miles southeast of the radio range station, and all that area between the Midland, Tex., radio range station and the El Paso, Tex., radio range station bounded on the north by Green civil airway No. 5 and on the south by VOR civil airway No. 66.

§ 601.1207 *Control area extension (Carlsbad, N. Mex.)*. From the Carlsbad, N. Mex., radio range station extending 5 miles either side of the northwest course of the radio range to a point 25 miles northwest of the radio range station, and extending 5 miles either side of the southeast course of the radio range to its intersection with Green civil airway No. 5.

§ 601.1208 *Control area extension (Salt Flat, Tex.)*. From the Salt Flat, Tex., radio range station extending 5 miles either side of the north course of the radio range to a point 15 miles north of the radio range station.

§ 601.1209 *Control area extension (Columbus, N. Mex.)*. From the Columbus, N. Mex., radio range station extending 5 miles either side of the north course of the radio range to a point 25 miles north of the radio range station.

§ 601.1210 *Control area extension (Rodeo, N. Mex.)*. From the Rodeo, N. Mex., radio range station extending 5 miles either side of the northeast course of the radio range to a point 25 miles northeast of the radio range station.

§ 601.1211 *Control area extension (Dallas, Tex.)*. All that area southeast of the Dallas, Tex., radio range station bounded on the west by Blue civil airway No. 5, on the north by Red civil airway No. 10, on the east by a line beginning at Lat. 32°42'15", Long. 96°21'15" and extending via Lat. 32°17'00", Long. 96°25'00" to the Waco, Tex., radio range station.

§ 601.1212 *Control area extension (Craig AFB, Selma, Ala.)*. Within 5 miles either side of the northwest and southeast courses of the Craig AFB radio range extending from Red civil airway No. 84 to Green civil airway No. 6.

§ 601.1213 *Control area extension (Chatsworth, Calif.)*. All that area bounded on the northwest by Green civil airway No. 4, on the east by Amber civil airway No. 1, and on the south by Red civil airway No. 90.

§ 601.1214 *Control area extension (Brownsville, Tex.)*. All that area either

side of a rhumb line between the Brownsville, Tex., radio range station and the Tampa, Fla., radio range station extending 5 miles on either side of such line from the Brownsville, Tex., radio range station to the coastline, excluding the portion lying within the Territory of Mexico, thence diverging at an angle of 15° on the north side and bounded on the south side by the northern boundary of the Mexico Oceanic Control Area to the western boundary of the New Orleans Oceanic Control Area excluding that portion below 2,500 feet between the U.S. shoreline and the New Orleans Oceanic Control Area.

§ 601.1215 *Control area extension (Galveston, Tex.)*. All that area extending from the Houston, Tex., control area to the New Orleans Oceanic Control Area, bounded on the west by a line from lat. 29°04'40", long. 95°00'00", to lat. 28°02'20", long. 94°20'00", and bounded on the east by a line from lat. 29°16'00", long. 94°43'15" to lat. 28°15'00", long. 92°42'00" excluding that portion below 2,500 feet between the United States shoreline and the New Orleans Oceanic Control Area.

§ 601.1216 *Control area extension (New Orleans, La.)*. All that area either side of the south course of the New Orleans, La., radio range between the southern terminus of Amber civil airway No. 5 and the New Orleans Oceanic Control Area boundary, extending 5 miles on each side to the coastline, thence diverging at an angle of 5° on the east side and 15° on the west side to the northern boundary of the New Orleans Oceanic Control Area excluding that portion below 2,500 feet between the U. S. shoreline and the New Orleans Oceanic Control Area and excluding the portion which lies west of long. 90°15'00".

§ 601.1217 *Control area extension (New Orleans, La.)*. All that area either side of a rhumb line between the Callender, La., non-directional radio beacon and the Havana, Cuba, non-directional radio beacon extending 5 miles on either side of such line from the Callender non-directional radio beacon to the coastline, thence diverging at an angle of 15° from each side to the northern boundary of the New Orleans Oceanic Control Area excluding that portion below 2,500 feet between the U. S. shoreline and the New Orleans Oceanic Control Area.

§ 601.1218 *Control area extension (New Orleans, La.)*. All that area from the U. S. shoreline to the New Orleans Oceanic Control Area bounded on the north by a direct line from the Callender, La., non-directional radio beacon to a point coinciding with the northernmost limit of the New Orleans Oceanic Control Area at lat. 29°25'00", long. 87°00'00", on the southeast by the New Orleans Oceanic Control Area boundary, on the southwest by the New Orleans, La., Control Area Extension No. 1217, on the west by the U. S. shoreline, excluding that portion below 2,500 feet between the U. S. shoreline and the New Orleans Oceanic Control Area.

§ 601.1219 *Control area extension (Pensacola, Fla.)*. Within 5 miles either side of the northeast and southwest courses of the Saufley Field NAAS radio range extending from Blue civil airway No. 59 to a point 10 miles southwest of the Saufley Field NAAS radio range station, excluding the portion overlapping the Pensacola danger areas.

§ 601.1220 *Control area extension (Johnstown, Pa.)*. From the Johnstown, Pa., non-directional radio beacon extending 5 miles either side of a bearing 219° True from the non-directional radio beacon to Red civil airway No. 20.

§ 601.1221 *Control area extension (Dothan, Ala.)*. From the Dothan, Ala., radio range station extending 5 miles either side of the northeast course of the radio range to a point 25 miles northeast of the radio range station, excluding the portion above 19,000 feet which lies within the Tyndall AFB danger area (Area II), between sunset and sunrise.

§ 601.1222 *Control area extension (Pine Bluff, Ark.)*. Within 5 miles either side of the 20° True and 200° True radials of the Pine Bluff, Ark., omnirange extending from Green civil airway No. 5 on the northeast to a point 25 miles southwest of the omnirange station.

§ 601.1223 *Control area extension (Allentown, Pa.)*. All that area within a 15-mile radius of the Allentown, Pa., omnirange station.

§ 601.1224 *Control area extension (Philipsburg, Pa.)*. All that area within a 15-mile radius of the Philipsburg, Pa., omnirange station.

§ 601.1225 *Control area extension (Erie, Pa.)*. All that area within a 15-mile radius of the Erie, Pa., omnirange station.

§ 601.1226 *Control area extension (Tampa, Fla.)*. From the Tampa, Fla., radio range station to the eastern boundary of the New Orleans Oceanic Control Area along a rhumb line between the Tampa, Fla., radio range station and the Callendar, La., non-directional radio beacon, extending 5 miles either side of the rhumb line at the Tampa radio range station thence diverging to a width of 10 miles either side of the rhumb line at its intersection with the eastern boundary of the New Orleans Oceanic Control Area, excluding that portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1227 *Control area extension (Lovelock, Nev.)*. From the Lovelock, Nev., omnirange station extending 5 miles either side of the 18° True radial of the omnirange to a point 15 miles north, and extending 5 miles either side of the 198° True radial of the omnirange to Green civil airway No. 3.

§ 601.1228 *Control area extension (Tampa, Fla.)*. All that area 5 miles either side of a straight line from the Tampa, Fla., radio range station to the Key West, Fla., radio range station, excluding that portion below 2,000 feet between its intersection with the southwest course of the Fort Myers, Fla., radio range and Amber civil airway No. 7 and excluding the portion which overlaps Airspace Warning Areas.

§ 601.1229 *Control area extension (Tampa, Fla.)*. All that area along a straight line between the Tampa, Fla., radio range station and the Tyndall AFB, Fla., radio range station, extending 5 miles either side of the line at the radio range stations thence diverging to 10 miles either side of the line at a point halfway between the radio range stations, excluding the portion which lies within the Tyndall AFB danger area (Area I), excluding the portion above 19,000 feet which lies within the Tyndall AFB Warning Area, between sunset and sunrise, and excluding the portion below 2,000 feet which dies outside the continental limits of the United States.

§ 601.1230 *Control area extension (Miami, Fla.)*. From the intersection of the southeast course of the Fort Myers, Fla., radio range and the west course of the Miami, Fla., radio range to the eastern boundary of the New Orleans Oceanic Control Area, along a rhumb line between that intersection and the Brownsville, Tex., radio range station, extending 5 miles either side of the rhumb line between that intersection and a point on the coastline at Lat. 25°48'50", Long. 81°30'40", thence extending 5 miles on the south side and diverging on the north side of the rhumb line to a width of 10 miles at its intersection with the eastern boundary of the New Orleans Oceanic Control Area, excluding the portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1231 *Control area extension (Miami, Fla.)*. From the Miami, Fla., radio range station extending 5 miles either side of a straight line to the Key West, Fla., radio range station, excluding the portion below 700 feet and excluding the portion which overlaps Airspace Warning Areas.

§ 601.1232 *Control area extension (Miami, Fla.)*. An area bounded by a line beginning on the eastern edge of Amber civil airway No. 7 at Lat. 25°53'00", thence easterly to the western boundary of the Miami Oceanic/Nassau Control Area at Lat. 25°55'00", Long. 79°00'00", thence due south along that boundary to Lat. 24°40'00"; thence southwesterly to Lat. 24°00'00" Long. 80°25'00"; thence due north to the eastern edge of Amber No. 7, thence along Amber 7 to Lat. 25°53'00", point of beginning, excluding that portion below 1,000 feet which lies outside the continental limits of the United States.

§ 601.1233 *Control area extension (Key West, Fla.)*. From the Key West, Fla., radio range station to the northern boundary of the Havana, Cuba, Control Area, extending 5 miles either side of a rhumb line between the Key West, Fla., radio range station and the Rancho Boyeros, Havana, Cuba, non-directional radio beacon, excluding the portion below 2,000 feet which lies outside the continental limits of the United States.

§ 601.1234 *Control area extension (Key West, Fla.)*. From the intersection of the southwest course of the

Homestead, Fla., radio range and the northeast course of the Key West, Fla., radio range to the northern boundary of the Havana, Cuba, Control Area, extending 5 miles either side of a rhumb line between that intersection and the Rancho Boyeros, Havana, Cuba, nondirectional radio beacon, excluding the portion below 2,000 feet between Amber Civil Airway No. 7 and the Havana, Cuba, Control Area boundary.

§ 601.1235 *Control area extension (West Palm Beach, Fla.).* From the West Palm Beach, Fla., radio range station extending 5 miles either side of the east course of the West Palm Beach, Fla., radio range to its intersection with the western boundary of the Miami Oceanic/Nassau Control Area, excluding the portion below 2,000 feet outside the continental limits of the United States and excluding the portion which overlaps Airspace Warning Areas.

§ 601.1236 *Control area extension (Seattle (Clear Lake), Wash.).* All that airspace bounded by a line beginning on the eastern edge of VOR civil airway No. 23 at Lat. 48°32'00", thence due east to Long. 122°14'00", thence clockwise along the arc of a circle 5 miles in radius centered at Lat. 48°27'30", Long. 122° 14'00", to Lat. 48°28'25", Long. 122° 07'40", thence southeast to Lat. 48°12' 30", Long. 122°03'05", thence southwest to a point on the eastern edge of Amber civil airway No. 1 at Lat. 47°59'00", thence northerly along the eastern edge of Amber civil airway No. 1 and VOR civil airway No. 23 to point of beginning.

§ 601.1237 *Control area extension (Waco, Tex.).* All that area within a 25-mile radius of the Waco, Tex., radio range station in the east quadrant of the radio range bounded on the northwest by the present control area and on the southwest by Blue civil airway No. 5.

§ 601.1238 *Control area extension (Amarillo, Tex.).* All that area within a 25-mile radius of the Amarillo radio range station.

§ 601.1239 *Control area extension (Lubbock, Tex.).* All that area within a 25-mile radius of the Lubbock, Tex., radio range station.

§ 601.1240 *Control area extension (Tyler, Tex.).* All that airspace within a 25-mile radius of the Tyler, Tex., radio range station including the area between the Dallas, Tex., radio range station and the Shreveport, La., radio range station bounded on the north by Red 10, on the south by Red 68 and on the west by Blue 5.

§ 601.1241 *Control area extension (Tulsa, Okla.).* All that area within a 25-mile radius of the Tulsa, Okla., radio range station.

§ 601.1242 *Control area extension (Stockton, Calif.).* All that area within a 15-mile radius of the Modesto, Calif., omnirange station; all that area southwest of the Stockton, Calif., radio range station bounded on the west by Blue civil airway No. 7, on the north by Red civil airway No. 60, on the east by Blue civil airway No. 14 and on the south by the northern boundary of the Vernalis Danger Area; all that area northwest of the Stockton, Calif., radio range station bounded on the south by Red civil airway No. 60, on the west by Blue civil airway No. 7, on the northwest by Green civil airway No. 3, on the east by Amber civil airway No. 1 and Blue civil airway No. 14, excluding the portion which overlaps the Antioch Danger Area.

§ 601.1243 *Control area extension (La Crosse, Wis.).* Within a 25-mile radius of the La Crosse Airport from Green civil airway No. 2 on the southeast course of the La Crosse radio range extending clockwise to Red civil airway No. 36, and all that area within a 15 mile radius of the La Crosse omnirange station.

§ 601.1244 *Control area extension (Terre Haute, Ind.).* Within 5 miles either side of the 2° True radial of the Terre Haute omnirange station extending from the omnirange station to a point 25 miles north, including all that area within a 15 mile radius of the Terre Haute omnirange station.

§ 601.1245 *Control area extension (Port Allen, Kauai, T. H.).* All that area within a radius of 25 miles from the Port Allen radio range station extending clockwise from the north course of the Port Allen radio range to Red civil airway No. 87.

§ 601.1246 *Control area extension (Evansville, Ind.).* All that area within a 15-mile radius of the Evansville omnirange station excluding the portion which overlaps danger areas, and the area within 5 miles either side of a line bearing 37° True extending from the Evansville outer marker to a point 25 miles northeast of the outer marker.

§ 601.1247 *Control area extension (Toledo, Ohio).* All that area within a 15-mile radius of the Toledo, Ohio, omnirange station excluding the portion which overlap the Danger Areas and Caution Areas.

§ 601.1248 *Control area extension (Grantsburg, Wis.).* All that area within a 15-mile radius of the Grantsburg omnirange station excluding the portion which overlaps Caution Areas.

§ 601.1249 *Control area extension (Aberdeen, S. Dak.).* All that area within a 15 mile radius of the Aberdeen omnirange station.

§ 601.1250 *Control area extension (Jamestown, N. Dak.).* All that area within a 15-mile radius of the Jamestown omnirange station including the area within 5 miles either side of the 191° True radial of the omnirange extending from the omnirange station to a point 25 miles south.

§ 601.1251 *Control area extension (Mansfield, Ohio).* All that area within a 15-mile radius of the Mansfield omnirange station including the area within 5 miles either side of the 130° True radial of the omnirange extending from the omnirange station to a point 25 miles southeast including all that area west of the Mansfield omnirange station bounded on the southeast by Red civil airway No. 85, on the southwest by Red civil airway No. 55 and on the north by Red civil airway No. 17.

§ 601.1252 *Control area extension (Janesville, Wis.).* All that area within a 15-mile radius of the Janesville omnirange station.

§ 601.1253 *Control area extension (Bradford, Ill.).* All that area within a 15-mile radius of the Bradford omnirange station.

§ 601.1254 *Control area extension (Pontiac, Ill.).* All that area within a 15-mile radius of the Pontiac omnirange station.

§ 601.1255 *Control area extension (Findlay, Ohio).* All that area within a 15-mile radius of the Findlay omnirange station.

§ 601.1256 *Control area extension (Pittsburgh, Pa.).* All that area within a 15-mile radius of the Pittsburgh omnirange station.

§ 601.1257 *Control area extension (Goshen, Ind.).* All that area within a 15-mile radius of the Goshen, Ind., omnirange station.

§ 601.1258 *Control area extension (Lafayette, Ind.).* All that area within a 15-mile radius of the Lafayette omnirange station.

§ 601.1259 *Control area extension (Huron, S. Dak.).* All that area within a 15-mile radius of the Huron omnirange station.

§ 601.1260 *Control area extension (Redwood Falls, Minn.).* All that area within a 15-mile radius of the Redwood Falls omnirange station.

§ 601.1261 *Control area extension (Lansing, Mich.).* All that area within a 15-mile radius of the Lansing omnirange station including the area within 5 miles either side of the 232° True radial of the omnirange extending from the omnirange station to a point 25 miles southwest.

§ 601.1262 *Control area extension (Mason City, Iowa).* All that area within a 15-mile radius of the Mason City omnirange station.

§ 601.1263 *Control area extension (Rochester, Minn.).* All that area within a 15-mile radius of the Rochester omnirange station including the area within 5 miles either side of the 222° True radial of the omnirange extending from the omnirange station to a point 25 miles southwest.

§ 601.1264 *Control area extension (Dyersburg, Tenn.).* Within 5 miles either side of a line bearing 95° True and 275° True extending from the Dyersburg non-directional radio beacon to points 20 miles east and west and within 5 miles either side of the 78° True and 258° True radials of the Dyersburg omnirange extending from the omnirange station to points 20 miles northeast and southwest.

§ 601.1265 *Control area extension (Golva, N. Dak.).* All that area within a 15-mile radius of the Golva omnirange station.

§ 601.1266 *Control area extension (Litchfield, Mich.).* All that area within a 15-mile radius of the Litchfield omnirange station.

§ 601.1267 *Control area extension (Springfield, Ill.).* All that area within a 15-mile radius of the Springfield omnirange station.

§ 601.1268 *Control area extension (Sioux Falls, S. Dak.).* All that area within a 15-mile radius of the Sioux Falls omnirange station.

§ 601.1269 *Control area extension (Watertown, S. Dak.).* All that area within a 15-mile radius of the Watertown omnirange station.

§ 601.1270 *Control area extension (Harrisburg, Pa.).* All that area within a 15-mile radius of the Harrisburg omnirange station.

§ 601.1271 *Control area extension (Front Royal, Va.).* All that area within a 15-mile radius of the Front Royal omnirange station.

§ 601.1272 *Control area extension (Baltimore, Md.).* All that area within a 15-mile radius of the Baltimore omnirange station, excluding the portion which overlaps Danger Areas.

§ 601.1273 *Control area extension (Syracuse, N. Y.).* All that area within a 15-mile radius of the Syracuse omnirange station.

§ 601.1274 *Control area extension (Niagara Falls, N. Y.).* All that area within 5 miles either side of a direct line extending from the Niagara Falls ILS outer marker to the Dunkirk, N. Y., nondirectional radio beacon, excluding the portion which lies outside the continental United States.

§ 601.1275 *Control area extension (Fairbanks, Alaska).* From the Fairbanks ILS localizer extending 5 miles either side of the localizer course to a point 25 miles northeast of the localizer.

§ 601.1276 *Control area extension (Cheyenne, Wyo.).* All that area within a 25-mile radius of the Cheyenne, Wyo., radio range station in the southeast quadrant of the radio range and all that area within 5 miles either side of the 32° True radial of the Cheyenne, Wyo., omnirange station from the omnirange station extending to a point 25 miles northeast.

§ 601.1277 *Control area extension (Denver, Colo.).* All that area within a 25-mile radius of the Denver, Colo., radio range station in the southeast quadrant of the radio range, excluding the portion which overlaps danger areas and all that area within 5 miles either side of a track bearing 40° True from the Denver, Colo., (Stapleton) ILS outer compass locator extending to a point 25 miles northeast of the ILS outer compass locator, and within 5 miles either side of a track bearing 174° True from the Aurora non-directional radio beacon to a point 25 miles south of the Aurora non-directional radio beacon.

§ 601.1278 *Control area extension (Des Moines, Iowa).* All that area within a 25-mile radius of the Des Moines, Iowa, radio range station in the northwest and northeast quadrants of the radio range.

§ 601.1279 *Control area extension (Rapid City, S. Dak.).* All that area within a 25-mile radius of the Rapid City, S. Dak., radio range station in the northwest, northeast and southeast quadrants of the radio range.

§ 601.1280 *Control area extension (Sheridan, Wyo.).* All that area within a 25-mile radius of the Sheridan, Wyo., radio range station in the north and east quadrants of the radio range.

§ 601.1281 *Control area extension (Pueblo, Colo.).* All that area within a 25-mile radius of the Pueblo, Colo., radio range station in the northeast and southeast quadrants of the radio range and all that area within 5 miles either side of the 181° True radial of the Pueblo omnirange extending from the omnirange station to a point 25 miles south.

§ 601.1282 *Control area extension (Wichita, Kans.).* All that area bounded on the north by a line 10 miles north of and parallel to the 259° True and 79° True radials of the Emporia, Kans., omnirange, on the east by a line 10 miles east of and parallel to the 209° True and 29° True radials of the Emporia, Kans., omnirange, on the south by a line 10 miles south of and parallel to the 85° True and 265° True radials of the Anthony, Kans., omnirange and on the west by a line 10 miles west of and parallel to the 195° True and 15° True radials of the Hutchinson, Kans., omnirange.

§ 601.1283 *Control area extension (Toledo, Wash.).* From the Toledo, Wash., radio range station extending 5 miles either side of the west course of the Toledo, Wash., radio range to a point 25 miles west of the radio range station, excluding the portion which overlaps danger areas.

§ 601.1284 *Control area extension (Oklahoma City, Okla.).* All that area within a 25-mile radius of the Oklahoma City, Okla., radio range station.

§ 601.1285 *Control area extension (Shreveport, La.).* All that area within a 40-nautical-mile radius of Barksdale Air Force Base.

§ 601.1286 *Control area extension (Fort Worth, Tex.).* All that area southwest of the Fort Worth, Tex., radio range station bounded on the north by Green civil airway No. 5, on the east by Amber civil airway No. 4 and on the south and west by Red civil airway No. 68, and all that area northeast of the Fort Worth radio range station bounded on the west by Amber civil airway No. 4, on the east by Blue civil airway No. 5, on the south by Green civil airway No. 5 and on the southwest by Red civil airway No. 10.

§ 601.1287 *Control area extension (Houghton, Mich.).* From the Houghton, Mich., radio range station extending 5 miles either side of the north and south courses of the radio range to points 25 miles north and south of the radio range station.

§ 601.1288 *Control area extension (Sault Ste. Marie, Mich.).* Within 5 miles either side of a bearing 330° True extending from the Kinross Airport through the Kinross outer marker to its intersection with the west course of the Sault Ste. Marie, Mich., radio range.

§ 601.1289 *Control area extension (Valparaiso, Fla.).* From the Valparaiso, Fla., Eglin AFB radio range station extending 5 miles on the west side and 2 miles on the east side of the north course of the Eglin AFB radio range to Red civil airway No. 30, and extending 5 miles either side of the south course of the radio range to the Eglin AFB Airspace Warning Area.

§ 601.1290 *Control area extension (Joplin, Mo.).* All that area within a 25-mile radius of the Joplin, Mo., radio range station excluding the portion which overlaps the Olathe Caution Area.

§ 601.1291 *Control area extension (Garden City, Kans.).* Within 5 miles either side of the 120° True radial of the Garden City omnirange extending from the omnirange station to a point 25 miles southeast and within 5 miles either side of the north course of the Garden City radio range extending from the radio range station to a point 25 miles north.

§ 601.1292 *Control area extension (Manakin, Va.).* All that area within 5 miles either side of the northwest course of the Richmond, Va., radio range extending from the intersection of the northwest course of the Richmond, Va., radio range and the southwest course of the Washington, D. C., radio range to a point 15 miles northwest.

§ 601.1293 *Control area extension (Fort Smith, Ark.).* Within 5 miles either side of the 54° True and 234° True radials of the Fort Smith omnirange extending from the Fort Smith Municipal Airport to a point 25 miles northeast of the omnirange station, excluding the portion which overlaps danger areas.

§ 601.1294 *Control area extension (Everett, Wash.).* All that airspace bounded on the north by a line 5 miles north of and parallel to the east course of the Everett, Wash., radio range, on the northeast by an arc of a circle 5 miles in radius centered on the intersection of the east course of the Everett, Wash., radio range and the northeast course of the Seattle, Wash., radio range, on the southeast by a line 5 miles southeast of and parallel to the northeast course of the Seattle, Wash., radio range, on the south by Green civil airway No. 2 and on the west by Amber civil airway No. 1.

§ 601.1295 *Control area extension (Falmouth, Mass.).* All that area within 5 miles either side of a direct line extending from the Otis Air Force Base, Falmouth, Mass., to the Martha's Vinyard Airport and the area within 5 miles either side of a line bearing 180° True from the Martha's Vinyard Airport extending from the airport to New York control area extension No. 1146, excluding the portion which overlaps danger areas.

§ 601.1296 *Control area extension (Nantucket, Mass.).* All that area within 5 miles either side of a direct line extending from the Nantucket VHF VAR radio range station to the Martha's Vinyard Airport.

§ 601.1297 *Control area extension (Paducah, Ky.).* All that area within 5 miles either side of a line bearing 220°

True extending from the Paducah, Ky., non-directional radio beacon to a point 20 miles southwest.

§ 601.1298 *Control area extension (Promontory Point, Utah.)*. All that area bounded on the north by Green civil airway No. 3, on the east by Amber civil airway No. 2, on the south by a line 5 miles south of and parallel to Green civil airway No. 3, and on the west by Longitude 112°45'00".

§ 601.1299 *Control area extension (Valdosta, Ga.)*. All that area bounded on the north by Latitude 32°00'00", on the east by Amber civil airway No. 6, on the south by Red civil airway No. 30, and on the west by Red civil airway No. 16.

§ 601.1300 *Control area extension (Prescott, Ariz.)*. Within 5 miles either side of the northwest course of the Prescott, Ariz., radio range extending from the radio range station to a point 25 miles northwest.

§ 601.1301 *Control area extension (Winslow, Ariz.)*. Within 5 miles either side of the north and south courses of the Winslow, Ariz., radio range extending from the range station to points 25 miles north and south and within 5 miles either side of the 300° True and 120° True radials of the Winslow, Ariz., omnirange extending from the omnirange station to points 25 miles northwest and southeast.

§ 601.1302 *Control area extension (Lawton, Okla.)*. All that area bounded on the west by long. 98°30'00", on the north by the Fort Sill, Okla., danger area, on the southeast by VOR civil airway No. 77, and on the south by VOR civil airway No. 61.

§ 601.1303 *Control area extension (Albany, N. Y.)*. All that area within a 15-mile radius of the Albany, N. Y., omnirange station.

§ 601.1304 *Control area extension (Poughkeepsie, N. Y.)*. All that area within a 15-mile radius of the Poughkeepsie, N. Y., omnirange station.

§ 601.1305 *Control area extension (Wilton, Conn.)*. All that area within a 15-mile radius of the Wilton, Conn., omnirange station.

§ 601.1306 *Control area extension (Mountain Home, Idaho)*. Within 5 miles either side of a direct line extending from the Mountain Home non-directional radio beacon to the Boise, Idaho, radio range station; within 5 miles either side of the Mountain Home non-directional radio beacon to the Gooding, Idaho, non-directional radio beacon, and all that area within a 25-mile radius of the Mountain Home Air Force Base bounded on the northeast by Red civil airway No. 1 excluding the portion which overlaps danger areas.

§ 601.1307 *Control area extension (Minchumina, Alaska)*. Within 5 miles either side of the southeast course of the Minchumina radio range extending from the radio range station to a point 25 miles southeast.

§ 601.1308 *Control area extension (Gustavus, Alaska)*. Within 5 miles either side of the northwest course of the Gustavus, Alaska, radio range extending from the radio range station to a point 15 miles northwest.

§ 601.1309 *Control area extension (Kodiak, Alaska)*. Within 5 miles either side of the east course of the Kodiak, Alaska radio range extending from the radio range station to a point 25 miles east.

§ 601.1310 *Control area extension (Anchorage, Alaska) (Anchorage-Sandspit route)*. All that airspace within 5 miles either side of direct lines between the Whittier, Alaska, Fan Marker, the Middleton Island, Alaska, nondirectional radio beacon and the Sandspit, British Columbia, radio range station extending from the Whittier Fan Marker to the United States-Canadian Border.

§ 601.1311 *Control area extension (Oscoda, Mich.)*. All that airspace within a 30-mile radius of the Oscoda Air Force Base excluding the portion which overlaps danger areas.

§ 601.1312 *Control area extension (Zanesville, Ohio)*. All that airspace within 5 miles either side of a line bearing 30° True and 210° True from the Zanesville non-directional beacon extending from Green civil airway No. 4 to a point 20 miles southwest of the Zanesville Municipal Airport.

§ 601.1313 *Control area extension (Sioux City, Iowa)*. All that airspace within a 25-mile radius of the Sioux City omnirange station extending from the 234° True radial clockwise to the western boundary of Amber civil airway No. 4 and within 5 miles either side of a line bearing 136° True from the Sioux City outer compass locator extending from the outer compass locator to a point 25 miles southeast.

§ 601.1314 *Control area extension (Kirksville, Mo.)*. Within 5 miles either side of the 316° True radial of the Kirksville omnirange extending from the omnirange station to a point 25 miles northwest.

§ 601.1315 *Control area extension (Emporia, Kans.)*. Within 5 miles either side of the 134° True and 314° True radials of the Emporia omnirange extending from the omnirange station to points 25 miles southeast and northwest.

§ 601.1316 *Control area extension (La Junta, Colo.)*. All that airspace northwest of the La Junta radio range station bounded on the northeast by a line 5 miles northeast of and parallel to the northwest course of the La Junta radio range, on the south by VOR civil airway No. 10 and on the west by Amber civil airway No. 3.

§ 601.1317 *Control area extension (Tuscaloosa, Ala.)*. Within 5 miles either side of the 60° True radial of the Tuscaloosa omnirange extending from the omnirange station to a point 20 miles northeast.

§ 601.1318 *Control area extension (Muscle Shoals, Ala.)*. Within 5 miles either side of the 118° True and 298° True radials of the Muscle Shoals omnirange extending from the omnirange station to points 20 miles southeast and northwest.

§ 601.1319 *Control area extension (Key West, Fla.)*. Within 5 miles either side of the 313° True radial of the Key West omnirange extending northwest from the omnirange station to the eastern boundary of the Key West Warning Area (No. W-174).

SUBPART D—CONTROL ZONES

§ 601.1981 *Scope of control zones.* Each control zone shall include the navigable air space above all that area on the surface of the earth flying within the specified radius of the center points prescribed for such zone (except where otherwise described in this part), but shall not include any of the air space of an air-space reservation.

§ 601.1982 *Designation of control zones.* The portions of the navigable airspace of the United States described in Subpart D are designated as control zones.

§ 601.1983 *Three mile radius zones.* Within a 3 mile radius of the following airports:

Acomita, N. Mex.: CAA intermediate field.
Altoona, Pa.: Altoona-Blair County Airport.
Baker, Oreg.: Baker Municipal Airport.
Baton Rouge, La.: East Baton Rouge Parish Airport.
Bellingham, Wash.: Bellingham Municipal Airport.
Blackstone, Va.: Blackstone AAF.
Bozeman, Mont.: Gallatin-Bozeman Municipal Airport.
Burley, Idaho: Burley Municipal Airport.
Butte, Mont.: Butte Municipal Airport.
Columbus, N. Mex.: CAA intermediate field excluding the portion which lies outside the continental United States.
Crows Landing, Calif.: Navy ALF.
Cut Bank, Mont.: Cut Bank Municipal Airport.
Daggett, Calif.: Daggett Municipal Airport.
Dillon, Mont.: Dillon Intermediate field.
Dubois, Idaho: Dubois Intermediate field.
Ellensburg, Wash.: Bowers Field.
El Morro, N. Mex.: CAA Intermediate field.
Ephrata, Wash.: Ephrata Municipal Airport.
Eugene, Oreg.: Mahlen-Sweet Airport.
Everett, Wash.: Paine AFB.
Glendale, Calif.: Grand Central Airport.
Gooding, Idaho: Gooding Municipal Airport.
Helena, Mont.: Helena Municipal Airport.
Klamath Falls, Oreg.: Klamath Falls, Municipal Airport.
Lakehurst, N. J.: Naval Air Station.
Lewistown, Mont.: Lewistown Municipal Airport.
Manchester, N. H.: Grenier Air Force Base.
Miles City, Mont.: Miles City, Municipal Airport.
Missoula, Mont.: Missoula County Airport.
Monterey, Calif.: Monterey Peninsula Airport.
Needles, Calif.: Needles Airport.
Niagara Falls, N. Y.: Municipal Airport.
Palacios, Tex.: Palacios Airport.
Paso Robles, Calif.: Paso Robles County Airport.
Pendleton, Oreg.: Pendleton Municipal Airport.
Pocatello, Idaho: Phillips Airport.
Redmond, Oreg.: Redmond-Roberts Field.
Rodeo, N. Mex.: CAA Intermediate field.
Salem, Oreg.: Salem-McNary Airport.
Santa Monica, Calif.: Santa Monica Municipal Airport.
Schenectady, N. Y.: Schenectady Airport.
Spokane, Wash.: Fairchild AFB.

The Dalles, Oreg.: The Dalles Municipal Airport.
Toledo, Wash.: Toledo-Winlock Airport.
Yakima, Wash.: Yakima Municipal Airport.

§ 601.1984 *Five mile radius zones.* Within a 5 mile radius of the following airports:

Alexandria, La.: Municipal Airport.
Alice, Tex.: Alice Airport.
Annette Island, Alaska: Annette Island Airport.
Atlanta, Ga.: Naval Air Station.
Baton Rouge, La.: Harding Field.
Beaumont, Tex.: Jefferson County Airport.
Bedford, Mass.: Lawrence G. Hanscom Field.
Bendix, N. J.: Teterboro Air Terminal.
Big Delta, Alaska: Big Delta Airport.
Billings, Mont.: Billings Municipal Airport.
Binghamton, N. Y.: Broome County Airport.
Boise, Idaho: Boise Air Terminal.
Bridgeport, Conn.: Bridgeport Municipal Airport.
Chandler, Ariz.: Williams AFB.
Delta, Utah: Delta Airport.
Elkins, W. Va.: Elkins Airport.
Elko, Nev.: Elko Airport.
Elmira, N. Y.: Chemung County Airport.
Fairbanks, Alaska: Eielson Air Force Base.
Farewell, Alaska: Farewell Airport.
Gage, Okla.: Gage Airport.
Galena, Alaska: Galena Airport.
Gordonsville, Va.: CAA intermediate field.
Great Falls, Mont.: Great Falls Municipal Airport.
Gulkana, Alaska: Gulkana Airport.
Gustavus, Alaska: Gustavus Airport.
Homer, Alaska: Homer Airport.
Houlton, Maine: Houlton Airport.
Idaho Falls, Idaho: Idaho Falls Airport.
Iliamna, Alaska: Iliamna Airport.
Islip, N. Y.: MacArthur Field.
Juneau, Alaska: Juneau Airport.
King Salmon, Alaska: King Salmon Airport.
Lake Charles, La.: Lake Charles AAF.
Las Vegas, N. Mex.: Las Vegas Airport.
Lihue, Kauai, T. H.: Lihue Airport.
Lucin, Utah: CAA Intermediate field.
Lynchburg, Va.: Preston Glann Airport.
McGrath, Alaska: McGrath Airport.
Medford, Oreg.: Medford Municipal Airport.
Memphis, Tenn.: Naval Air Station.
Merced, Calif.: Castle Field.
Midland, Tex.: Midland Air Terminal.
Minchumina, Alaska: Minchumina, Airport.
Montgomery, Ala.: Dannelly Field.
Moses Lake, Wash.: Larson AFB.
Moses Point, Alaska: Moses Point Airport.
Mountain Home, Idaho: Mountain Home AFB.
Mountain View, Calif.: Moffett NAS.
Nantucket, Mass.: Nantucket Memorial Airport.
Nenana, Alaska: Nenana Airport.
Newburgh, N. Y.: Stewart AAF.
New Orleans, La.: New Orleans Airport.
Nome, Alaska: Nome Airport.
Northway, Alaska: Northway Airport.
Old Town, Maine: Old Town Airport.
Otto, N. Mex.: CAA Intermediate field.
Philipsburg, Pa.: Philipsburg Airport.
Phoenix, Ariz.: Luke AFB.
Phoenix, Ariz.: Sky Harbor Municipal Airport.
Portland, Oreg.: Portland International Airport.
Pulaski, Va.: Leving Field.
Reading, Pa.: Reading Municipal Airport.
Red Bluff, Calif.: Red Bluff Municipal (Bidwell, Field).
Reno, Nev.: United Air Lines Airport.
Riverside, Calif.: March Field.
Roanoke, Va.: Woodrum Field.
Rome, N. Y.: Griffiss AFB.
Salinas, Calif.: Salinas Airport.
Salt Flat, Tex.: CAA Intermediate field.
San Marcos, Tex.: San Marcos Air Force Base.
San Rafael, Calif.: Hamilton AFB.
Santa Fe, N. Mex.: Santa Fe Airport.
Seattle, Wash.: Boeing Field.
Seattle, Wash.: Seattle-Takoma Airport.
Skwentna, Alaska: Skwentna Airport.
Spokane, Wash.: Geiger Municipal Airport.
Summit, Alaska: Summit Airport.
Tanacross, Alaska: Tanacross Airport.
Tanana, Alaska: Tanana Airport.
Texarkana, Ark.: Texarkana Airport.
Tucumcari, N. Mex.: Tucumcari Airport.
Unalakleet, Alaska: Unalakleet Airport.
Walla Walla, Wash.: Walla Walla Municipal Airport.
Wendover, Utah: Wendover AFB.
Westfield, Mass.: Barnes Airport.
Westhampton Beach, Long Island, N. Y.: Suffolk County Airport.
Wilkes-Barre, Pa.: Wilkes-Barre-Scranton Airport.
Wink, Tex.: Wink Airport.
Winslow, Ariz.: Winslow Airport.
Worcester, Mass.: Worcester Airport.
Yakutat, Alaska: Yakutat Airport.

ADDITIONAL CONTROL ZONES

§ 601.2001 *Albany, N. Y., control zone.* Within a 5-mile radius of the Albany Municipal Airport and within 2 miles either side of the north course of Albany radio range extending 10 miles from the radio range station.

§ 601.2002 *Augusta, Maine, control zone.* Within a 5-mile radius of the Augusta State Airport and within 2 miles either side of the southwest course of Augusta radio range extending 10 miles from the radio range station.

§ 601.2003 *Baltimore, Md., control zone.* Within a 5-mile radius of the Baltimore Municipal Airport extending 5 miles either side of the south course of the Baltimore, Md., radio range to a point 10 miles south of the radio range station.

§ 601.2004 *Bangor, Maine, control zone.* Within a 5-mile radius of Dow Field and within 2 miles either side of the northwest course of Bangor radio range extending to the East Corinth fan marker.

§ 601.2005 *Boston, Mass., control zone.* Within a 5-mile radius of Logan International Airport, within 2 miles either side of the north course of Boston radio range extending to the Peabody fan marker and within 2 miles either side of the southwest course of Boston radio range extending to the Franklin fan marker.

§ 601.2006 *Buffalo, N. Y., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the northeast course of the Buffalo, N. Y., radio range to the Walcottsville fan marker, within 2 miles either side of the southwest course of the Buffalo radio range to the Angola fan marker, and within 2 miles either side of the east course of the Buffalo radio range to the East Pembroke fan marker.

§ 601.2007 *Burlington, Vt., control zone.* Within a 5-mile radius of the Burlington Municipal Airport and within 2 miles either side of the northwest course of Burlington radio range extending to the Grand Isle fan marker.

§ 601.2008 *Concord, N. H., control zone.* Within a 5-mile radius of the Concord Municipal Airport and within 2 miles either side of the southeast course of Concord radio range extending 10 miles from the radio range station.

§ 601.2009 *Erie, Pa., control zone.* Within a 5-mile radius of Port Erie Airport and within 2 miles either side of the southwest course of Erie radio range extending to the North Springfield fan marker.

§ 601.2010 *Harrisburg, Pa., control zone.* Within a 5-mile radius of Harrisburg State Airport and within 2 miles either side of the east and west courses of Harrisburg radio range extending 10 miles east and west of the radio range station.

§ 601.2011 *Hartford, Conn., control zone.* Within a 5-mile radius of Brainard Field and within 2 miles either side of the southeast course of Hartford radio range extending 10 miles from the radio range station.

§ 601.2012 *Millinocket, Maine, control zone.* Within a 5-mile radius of Millinocket Municipal Airport and within 2 miles either side of the east course of Millinocket radio range extending 10 miles from the radio range station.

§ 601.2013 *Newark, N. J., control zone.* Within a 5-mile radius of Newark Municipal Airport and within 2 miles either side of the southwest course of Newark radio range extending to the Metuchen fan marker.

§ 601.2014 *Norfolk, Va., control zone.* Within a 5-mile radius of Norfolk Municipal Airport and within 2 miles either side of the southwest course of Norfolk radio range extending to the Deep Creek fan marker.

§ 601.2015 *Philadelphia, Pa., control zone.* Within a 5-mile radius of the Philadelphia International Airport and within 2 miles either side of the west course of the Philadelphia radio range extending to the Boothwyn fan marker.

§ 601.2016 *Wheeling, W. Va., control zone.* Within a 3-mile radius of the Wheeling-Ohio County Airport extending 2 miles either side of the southwest course of the Wheeling, W. Va., VHF radio range to the Wheeling, W. Va., VHF radio station.

§ 601.2017 *Pittsburgh, Pa., control zone.* Within a 5-mile radius of the Allegheny County Airport anud within 2 miles either side of the west course of Pittsburgh radio range extending to the Cecil fan marker.

§ 601.2018 *Portland, Maine, control zone.* Within a 5-mile radius of Portland Municipal Airport and within 2 miles either side of the northwest course of Portland radio range extending 10 miles from the radio range station.

§ 601.2019 *Providence, R. I., control zone.* Within a 5-mile radius of the Theodore Francis Green Airport extending 2 miles either side of the southwest course of the Providence radio range to a point 14 miles southwest of the radio range station.

§ 601.2020 *Richmond, Va., control zone.* Within a 5-mile radius of Byrd

Field, Richmond, Va., extending 2 miles either side of the southwest course of the Richmond, Va., radio range to the Chester fan marker, and extending 2 miles either side of the ILS localizer course to a point 10 miles southwest of the ILS outer marker and to a point 10 miles northeast of the ILS middle marker.

§ 601.2021 *Rochester, N. Y., control zone.* Within a 5-mile radius of the Rochester Municipal Airport and within 2 miles either side of the east course of Rochester radio range extending 10 miles from the radio range station.

§ 601.2022 *Washington, D. C., control zone.* Within a 5-mile radius of the Washington National Airport (excluding the portion overlapping the Washington Airspace Reservation) and extending to include the segment of a circle 15 miles in radius centered on the Washington National Airport bounded on the west by a line 2 miles west of the southwest course of the Washington radio range and on the east by a line 2 miles east of the ILS localizer course, and further extending 2 miles on the east side and 4 miles on the west side of the northeast course of the Washington radio range to the Riverdale, Md., non-directional radio beacon.

§ 601.2023 *Albuquerque, N. Mex., control zone.* Within a 5-mile radius of Kirtland AFB and within 2 miles either side of the south course of Albuquerque radio range extending to the Peralta fan marker.

§ 601.2024 *Amarillo, Tex., control zone.* Within a 5-mile radius of Amarillo Air Terminal extending 2 miles either side of the west course of the Amarillo, Tex., radio range to the Soncy fan marker and extending 2 miles either side of the east course of the radio range to the intersection of the east course of the Amarillo, Tex., radio range with the northwest course of the Clarendon, Tex., radio range, and extending 2 miles either side of the ILS localizer course to the ILS outer marker.

§ 601.2025 *Big Spring, Tex., control zone.* Within a 5-mile radius of Webb AFB and within 2 miles either side of the west course of Big Spring radio range extending to the Stanton fan marker.

§ 601.2026 *Brownsville, Tex., control zone.* Within a 5-mile radius of Brownsville International Airport (excepting that portion of such circle which lies within Mexico) and within 2 miles either side of the northwest course of Brownsville radio range extending to the Los Fresnos fan marker.

§ 601.2027 *Dallas, Tex., control zone.* Within a 5-mile radius of Love Field, within 2 miles either side of the south course of Dallas radio range extending to the Duncanville fan marker, and within 2 miles either side of the north course of Dallas radio range extending to the Dallas intersection (intersection of the north course of Dallas radio range and the northeast course of Fort Worth radio range).

§ 601.2028 *El Paso, Tex., control zone.* Within a 5-mile radius of the El Paso International Airport extending 2 miles either side of the east course of the El Paso, Tex., radio range to the Hueco fan marker and extending 2 miles either side of the north course of the radio range to the Newman non-directional radio beacon, excluding the portion which lies outside the continental United States.

§ 601.2029 *Fort Worth, Tex., control zone.* All that area within a 5-mile radius of Meacham Field, within a 5-mile radius of Carswell Air Force Base, within 2 miles either side of the north course of the Fort Worth radio range extending from the radio range station to the Haslet fan marker and within 2 miles either side of the south course of the radio range extending from the radio range station to the intersection of the south course of the Fort Worth radio range with the west course of the Dallas, Tex., radio range.

§ 601.2030 *Galveston, Tex., control zone.* Within a 5-mile radius of Galveston Airport and within 2 miles either side of the northwest course of Galveston radio range extending 3 miles northwest of the radio range station.

§ 601.2031 *Houston, Tex., control zone.* Within a 5-mile radius of the Houston Municipal Airport and within a 5-mile radius of the Ellington AFB, extending 2 miles either side of the southeast course of the Houston radio range to the Webster fan marker, extending 2 miles either side of the southwest course of the Houston radio range to the Arcola fan marker, and extending 2 miles either side of the northwest course of the Houston radio range to the Houston fan marker.

§ 601.2032 *Laredo, Tex., control zone.* Within a 5-mile radius of Laredo AFB Airport and within 2 miles either side of the northwest course of Laredo radio range extending 3 miles northwest of the radio range station excepting that portion of such zone that would lie within Mexico.

§ 601.2033 *Little Rock, Ark., control zone.* Within a 5-mile radius of Adams Field extending 2 miles either side of the southeast course of the Little Rock radio range to the Keo fan marker.

§ 601.2034 *Monroe, La., control zone.* Within a 5-mile radius of Selman Field and within 2 miles either side of the southwest course of Monroe radio range extending 4 miles southwest of the radio range station.

§ 601.2035 *New Orleans, La., control zone.* Within a 5-mile radius of Moisant International Airport, within 2 miles either side of the west course of New Orleans radio range extending to the La Place fan marker and within 2 miles either side of the east course of New Orleans radio range extending to the boundary of the New Orleans Control Zone.

§ 601.2036 *Ponca City, Okla., control zone.* Within a 10-mile radius of Ponca City Airport.

§ 601.2037 *San Angelo, Tex., control zone.* Within a 10-mile radius of Mathis Field.

§ 601.2038 *Shreveport, La., control zone.* Within a 5-mile radius of the Shreveport Municipal Airport extending 5 miles either side of the northwest course of the Shreveport radio range from the Airport to the Dixie Fan Marker, and within a 7-mile radius of Barksdale AFB extending 5 miles either side of the southeast course of the Barksdale AFB radio range from the Air Force Base to the Elm Grove Fan Marker.

§ 601.2039 *Tulsa, Okla., control zone.* Within a 5-mile radius of Tulsa Airport, within 2 miles either side of the northeast course of Tulsa radio range extending to the Verdigris River fan marker, within 2 miles either side of the northwest course of Tulsa radio range extending to the Skiatook fan marker, within 2 miles either side of the southwest course of Tulsa radio range extending to the Red Fork fan marked and within 2 miles either side of a line bearing 03° True from the Owasso nondirectional radio beacon extending from the beacon to a point 10 miles north and within 2 miles either side of the 340° True and 160° True radials of the Tulsa omnirange extending from the Tulsa Municipal Airport to a point 10 miles northwest of the omnirange station.

§ 601.2040 *Smyrna, Tenn., control zone.* Within a 5-mile radius of Sewart Air Force Base and within 2 miles either side of a line bearing 139° True extending from the Sewart AFB non-directional radio beacon to a point 10 miles southeast.

§ 601.2041 *Akron, Colo., control zone.* Within a 3-mile radius of the CAA intermediate field and within 2 miles either side of the north and south courses of Akron radio range extending 10 miles north of the radio range station.

§ 601.2042 *Burlington, Iowa, control zone.* Within a 5-mile radius of Burlington Municipal Airport and within 2 miles either side of the south course of Burlington radio range extending 10 miles from the radio range station.

§ 601.2043 *Casper, Wyo., control zone.* Within a 5-mile radius of Natrona County Airport extending east 2 miles either side of the west and east courses of the Casper radio range to the Parkerton fan marker and within 2 miles either side of a line bearing 269° True from the Casper ILS localizer extending from the Casper Natrona County Airport to a point 10 miles west of the ILS outer marker.

601.2044 *Cheyenne, Wyo., control zone.* Within a 5-mile radius of the Cheyenne Municipal Airport extending 2 miles either side of the northwest course of the radio range to the Silver Crown fan marker, extending 2 miles either side of the east course of the radio range to the Hillsdale fan marker, extending 2 miles either side of the ILS localizer course to the Hillsdale fan marker and within 2 miles either side of the 32° True radial of the Cheyenne omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2045 *Colorado Springs, Colo., control zone.* Within a 5-mile radius of Peterson Municipal Airport and within 2 miles either side of the north course of the Colorado Springs radio range extending from the radio range station to a point 10 miles north, and within 2 miles either side of a track bearing 180° True from the ILS outer compass locator extending to a point 10 miles south of the ILS outer compass locator.

§ 601.2046 *Columbia, Mo., control zone.* Within a 5-mile radius of Columbia Municipal Airport and within 2 miles either side of the west course of Columbia radio range extending 10 miles from the radio range station.

§ 601.2047 *Denver, Colo., control zone.* Within a 10-mile radius of Stapleton Field extending 2 miles either side of the north course of the Denver radio range to the Dacono fan marker, and extending 2 miles either side of the south course of the radio range to the Franktown fan marker, and extending 2 miles either side of the east course of the radio range to the Watkins fan marker, and extending 2 miles either side of the ILS localizer course to a point 15 miles northeast of the end of the Northeast-Southwest Runway.

§ 601.2048 *Des Moines, Iowa, control zone.* Within a 5-mile radius of the Des Moines Municipal Airport extending 2 miles either side of the south course of the radio range to a point 10 miles from the radio range station, within 2 miles either side of the ILS localizer course extending to a point 10 miles southeast of the airport and within 2 miles either side of the 176° and 356° True radials of the Des Moines omnirange extending from the omnirange station to a point 10 miles south.

§ 601.2049 *Fort Bridger, Wyo., control zone.* Within a 3-mile radius of the CAA intermediate field and within 2 miles either side of the east course of Fort Bridger radio range extending 10 miles from the radio range station.

§ 601.2050 *Garden City, Kans., control zone.* Within a 5-mile radius of the (old) Garden City Municipal Airport including a 5-mile radius of the (new) Garden City Municipal Airport extending 2 miles either side of the north course of the Garden City radio range to a point 10 miles north of the radio range station and extending 2 miles either side of the 300° True radial of the Garden City omnirange to a point 10 miles northwest of the omnirange station.

§ 601.2051 *Grand Island, Nebr., control zone.* Within a 5-mile radius of the Grand Island Airport and within 2 miles either side of the north course of Grand Island radio range extending 10 miles from the radio range station.

§ 601.2052 *Quincy, Ill., control zone.* Within a 5-mile radius of the Quincy-Baldwin Airport and within 2 miles either side of the 35° True and 215° True radials of the Quincy omnirange extending from the airport to a point 10 miles southwest of the omnirange station.

§ 601.2053 *Huron, S. Dak., control zone.* Within a 5-mile radius of the Huron Municipal Airport extending 2 miles either side of the southwest course of the radio range to its intersection with the east course of the Pierre, S. Dak., radio range.

§ 601.2054 *Hutchinson, Kans., control zone.* Within a 5-mile radius of the Hutchinson Municipal Airport, within an 8-mile radius of the Hutchinson Naval Air Station, within 2 miles either side of the south course of the Hutchinson radio range extending from the radio range station to a point 23 miles south, and within 2 miles either side of the 222° True radial of the Hutchinson omnirange extending from the Hutchinson Municipal Airport to a point 10 miles southwest of the omnirange station.

§ 601.2055 *Joplin, Mo., control zone.* Within a 5-mile radius of the Joplin Municipal Airport and within 2 miles either side of the north and south courses of the Joplin radio range extending from the airport to a point 10 miles north of the radio range station, and within 2 miles either side of a line bearing 318° True from the airport extending through the ILS outer marker to a point 10 miles northwest of the ILS outer marker.

§ 601.2056 *Kansas City, Mo., control zone.* Within a 5-mile radius of the Kansas City Municipal Airport, within 2 miles either side of the north course of the Kansas City radio range extending from the radio range station to the Linkville Fan Marker, and within 2 miles either side of a line bearing 13° True from the airport extending through the Kansas City ILS outer marker compass locator to a point 5 miles north of the ILS outer marker compass locator.

§ 601.2057 *Kirksville, Mo., control zone.* Within a 3-mile radius of the Kirksville Airport, within 2 miles either side of the southeast course of the Kirksville radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 316° True and 136° True radials of the Kirksville omnirange extending from the airport to a point 10 miles northwest of the omnirange station.

§ 601.2058 *La Junta, Colo., control zone.* Within a 5-mile radius of the La Junta Airport and within 2 miles either side of the northeast course of La Junta radio range extending 10 miles from the radio range station.

§ 601.2059 *Laramie, Wyo., control zone.* Within a 5-mile radius of Brees Field, within 2 miles either side of the northwest course of the Laramie radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 332° True radial of the Laramie omnirange extending from the omnirange station to a point 10 miles northwest.

§ 601.2060 *Pellston, Mich., control zone.* Within a 5-mile radius of Emmet County Airport, Pellston, Mich., extending 2 miles either side of a track bearing 132° True from the Pellston non-directional radio beacon to a point 10 miles southeast.

§ 601.2061 *Lincoln, Nebr., control zone.* Within a 5-mile radius of the Lincoln Municipal Airport and within 2 miles either side of the north course of Lincoln radio range extending 10 miles from the radio range station.

§ 601.2062 *Mason City, Iowa, control zone.* Within a 5-mile radius of Mason City Municipal Airport extending 2 miles either side of a track of 180° true from the Mason City nondirectional radio beacon to a point 10 miles south of the radio beacon.

§ 601.2063 *North Platte, Nebr., control zone.* Within a 5-mile radius of Lee Bird Municipal Field, within 2 miles either side of the south course of the North Platte radio range extending from the radio range station to a point 10 miles south, and within 2 miles either side of the 30° True and 210° True radials of the North Platte omnirange extending from Lee Bird Municipal Field to a point 10 miles southwest of the omnirange station.

§ 601.2064 *Omaha, Nebr., control zone.* Within a 5-mile radius of the Omaha, Nebr., Municipal Airport extending 2 miles either side of the north course of the Omaha radio range to the California, Iowa, Fan Marker, and extending 2 miles either side of the ILS localizer course to a point 10 miles northwest of the Omaha Municipal Airport.

§ 601.2065 *Pierre, S. Dak., control zone.* Within a 5-mile radius of the Pierre Airport and within 2 miles either side of the east course of Pierre radio range extending 10 miles from the radio range station.

§ 601.2066 *Pueblo, Colo., control zone.* Within a 5-mile radius of the Pueblo Municipal Airport and within 2 miles either side of the southeast course of Pueblo radio range extending 10 miles from the radio range station and within 2 miles either side of the 181° True radial of the Pueblo omnirange extending from the omnirange station to a point 10 miles south.

§ 601.2067 *Rapid City, S. Dak., control zone.* Within a 5-mile radius of the Rapid City AFB and within a 5 mile radius of the Rapid City Municipal Airport extending 2 miles either side of the south course of the Rapid City radio range to a point 10 miles south of the radio range station and extending 2 miles either side of the east course of the radio range to a point 10 miles east of the radio range station.

§ 601.2068 *Rock Springs, Wyo., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the east course of the radio range to the Point of Rocks fan marker, and extending 2 miles either side of the ILS localizer course to the Point of Rocks fan marker.

§ 601.2069 *St. Joseph, Mo., control zone.* Within a 5-mile radius of the Rosecrans Field extending 2 miles either side of the south course of the radio range to a point 10 miles from the radio range station and extending 2 miles either side of the ILS localizer course to a point 10 miles from the radio range station.

§ 601.2070 *St. Louis, Mo., control zone.* Within a 5-mile radius of Lam-

International Airport extending 2 miles

Field.

control zone. Within a 5-mile radius of

miles either side of the southwest course

Municipal Airport and within 2 miles

zone. Within a 5-mile radius of Lam-

bert-St. Louis Municipal Airport extending 2 miles either side of the east course of the St. Louis radio range to the Spanish Lake fan marker and extending 2 miles either side of the ILS localizer course to the Spanish Lake fan marker and within 2 miles either side of the 323° and 143° True radials of the St. Louis omnirange extending from the Lambert-St. Louis Airport to a point 10 miles northwest of the omnirange station.

§ 601.2071 *Scottsbluff, Nebr., control zone.* Within a 5-mile radius of Scottsbluff Municipal Airport and within 2 miles either side of the southeast and northwest courses of Scottsbluff radio range extending 10 miles southeast of the radio range station.

§ 601.2072 *Sheridan, Wyo., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the southeast course of the radio range to the Ucross fan marker.

§ 601.2073 *Rawlings, Wyo., control zone.* Within a 5-mile radius of the Municipal Airport, Rawlings, Wyo., extending 2 miles either side of the east and west courses of the Sinclair, Wyo., radio range to a point 10 miles east of the radio range station.

§ 601.2074 *Sioux City, Iowa, control zone.* Within a 5-mile radius of the Sioux City Municipal Airport, within 2 miles either side of the south course of the Sioux City radio range extending from the radio range station to the Sloan Fan Marker; within 2 miles either side of the 142° True radial of the Sioux City omnirange extending from the omnirange station to a point 10 miles southeast, and within 2 miles either side of a line bearing 136° True from the Sioux City ILS outer marker compass locator, extending from the ILS outer marker compass locator to a point 10 miles southeast.

§ 601.2075 *Springfield, Mo., control zone.* Within a 5-mile radius of Springfield Municipal Airport and within 2 miles either side of the southeast and northwest courses of Springfield radio range extending 10 miles northwest of the radio range station and within 2 miles either side of the 19° and 199° True radials of the Springfield omnirange extending from the Springfield Municipal Airport to a point 10 miles northeast of the omnirange station.

§ 601.2076 *Topeka, Kans., control zone.* All that area within an 8-mile radius of the Philip Billard Airport and within 2 miles either side of the Topeka ILS localizer course extending to a point 15 miles northwest of the ILS localizer; within 2 miles either side of the 40° True radial of the Topeka omnirange extending to a point 10 miles northeast of the omnirange station, and that area within a 5-mile radius of Forbes Air Force Base, Topeka, Kans., and within 2 miles either side of the southwest course of the Forbes AFB radio range extending to a point 10 miles southwest of the Forbes AFB radio range station.

§ 601.2077 *Trinidad, Colo., control zone.* Within a 3-mile radius of Trinidad Municipal Airport and within 2 miles either side of the north course of Trinidad radio range extending 10 miles from the radio range station.

§ 601.2078 *Vichy, Mo., control zone.* Within a 3-mile radius of the Vichy Intermediate Field and within 2 miles either side of the southeast and northwest courses of the Vichy radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 69° and 249° True radials of the Vichy omnirange extending from the Vichy Intermediate Field to a point 10 miles northeast of the omnirange station.

§ 601.2079 *Watertown, S. Dak., control zone.* Within a 5-mile radius of the Watertown Airport and within 2 miles either side of the east course of Watertown radio range extending 10 miles from the radio range station.

§ 601.2080 *Wichita, Kans., control zone.* Within a 5-mile radius of the Wichita Municipal Airport extending 2 miles either side of the north course of the Wichita radio range to the Kechi fan marker and extending 2 miles either side of the localizer course to a point 10 miles south of the airport.

§ 601.2081 *Coeur d'Alene, Idaho, control zone.* Within a 3-mile radius of the Coeur d'Alene Air Terminal, Coeur d'Alene, Idaho, and within 2 miles either side of the north course of Coeur d'Alene radio range, extending to the Coeur d'Alene radio range station.

§ 601.2082 *Akron, Ohio, control zone.* Within a 5-mile radius of the Akron Municipal Airport extending 2 miles either side of the southwest course of the Akron, Ohio, radio range to a point 10 miles southwest of the radio range station, including a 5-mile radius of the Akron-Canton County Airport extending 2 miles either side of the Akron-Canton ILS localizer course to a point 10 miles south of the outer marker.

§ 601.2083 *Alexandria, Minn., control zone.* Within a 5-mile radius of the Alexandria Municipal Airport extending 2 miles either side of the north course of the Alexandria radio range to a point 10 miles north of the radio range station, and within 2 miles either side of the 230° and 50° True radials of the Alexandria omnirange extending from the Alexandria airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2084 *Battle Creek, Mich., control zone.* Within a 5-mile radius of Kellogg Field and within 2 miles either side of the south course of the Battle Creek, Mich., radio range, extending 10 miles south of the radio range station.

§ 601.2085 *Bismarck, N. Dak., control zone.* Within a 5-mile radius of the Bismarck Municipal Airport extending 2 miles either side of the east course of the Bismarck radio range to a point 10 miles east of the radio range station, extending 2 miles either side of the Bismarck ILS localizer course to a point 10 miles southeast of the outer marker, and extending 2 miles either side of the 114° True radial of the Bismarck omnirange to a point 10 miles southeast of the omnirange station.

§ 601.2086 *Chicago, Ill., control zone.* Within a 6-mile radius of the Chicago-Midway Airport extending 2 miles either side of the northwest course of the Chicago radio range to its intersection with the northeast course of the Joliet, Ill., radio range, excluding the portion overlapping the O'Hare International Airport control zone; extending 2 miles either side of the southeast course of the Chicago radio range to its intersection with the east course of the Harvey, Ill., radio range, extending 2 miles either side of the back course of the Chicago-Midway Airport ILS localizer to its intersection with the east course of the Harvey, Ill., radio range, and extending 2 miles either side of the Chicago-Midway Airport ILS localizer course to a point 10 miles northwest of the Chicago-Midway outer marker, excluding the portion which overlaps the O'Hara International Airport control zone.

§ 601.2087 *Cincinnati, Ohio, control zone.* Within a 5-mile radius of the Lunken Airport extending 2 miles either side of the southwest and northeast courses of the Cincinnati, Ohio, radio range to the Loveland fan marker.

§ 601.2088 *Dodge City, Kans., control zone.* Within a 5-mile radius of the Dodge City Municipal Airport extending 2 miles either side of a 360° True bearing from the Dodge City non-directional beacon to a point 10 miles north of the non-directional beacon, and extending 2 miles either side of the 161° and 341° True radials of the Dodge City omnirange from the Dodge City Municipal Airport to a point 10 miles northwest of the omnirange station.

§ 601.2089 *Cleveland, Ohio, control zone.* Within a 5-mile radius of the Cleveland Municipal Airport extending 2 miles either side of the west course of the Cleveland radio range to the Elyria fan marker, extending 2 miles either side of the Cleveland ILS localizer course to a point 10 miles southwest of the outer marker, and extending 2 miles either side of the 294° and 114° True radials of the Cleveland omnirange to a point 10 miles northwest of the omnirange station.

§ 601.2090 *Columbus, Ohio, control zone.* Within a 5-mile radius of the Port Columbus Municipal Airport extending 2 miles either side of the west course of the Columbus, Ohio, radio range to the Hilliard fan marker; extending 2 miles either side of the east course of the Columbus, Ohio, radio range to the Newark fan marker, extending 2 miles either side of the south course of the Columbus, Ohio, radio range to and including a 5-mile radius of the Lockbourne, Ohio, Air Force Base, and extending 2 miles either side of the 50° and 230° True radials of the Columbus omnirange from the Port Columbus control zone to a point 10 miles northeast of the omnirange station.

§ 601.2091 *Dayton, Ohio, control zone* Within a 5-mile radius of the Dayton Municipal Airport extending 2 miles either side of the west course of the Dayton radio range from the radio range station to the Verona fan marker, extending 2 miles either side of the southwest course of the Dayton ILS localizer from the localizer to a point 10 miles southwest of the outer compass locator, extending 2 miles either side of the northeast course of the ILS localizer from the localizer to a point 10 miles northeast of the Tipp City nondirectional radio beacon, and extending 2 miles either side of the 360° True radial of the Dayton omnirange from the omnirange station to a pont 10 miles north of the omnirange station.

§ 601.2092 *Detroit, Mich., control zone.* Within a 5-mile radius of the Detroit City Airport extending 2 miles either side of the northwest course of the Windsor, Ontario, Canada, radio range to the United States-Canadian Border and excluding that portion which lies outside the continental limits of the United States.

§ 601.2093 *Dickinson, N. Dak., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the north course of the Dickinson radio range, extending 10 miles north of the radio range station and extending 2 miles either side of the 15° True radial of Dickinson omnirange to a point 10 miles north of the omnirange station.

§ 601.2094 *Duluth, Minn., control zone.* Within a 5-mile radius of the Williamson-Johnson Airport and within 2 miles either side of the south course of the Duluth, Minn., radio range, extending 10 miles south of the radio range station.

§ 601.2095 *Belleville, Ill., control zone.* Within a 5-mile radius of the Scott Air Force Base extending 2 miles either side of the southwest course of the Scott AFB, Belleville, Ill., radio range to a point 10 miles southwest of the radio range station.

§ 601.2096 *Evansville, Ind., control zone.* Within a 5-mile radius of Dress Memorial Municipal Airport extending 2 miles either side of the north course of the Evansville radio range to a point 10 miles north of the radio range station, and within 2 miles either side of the centerline of the northeast-southwest runway of the Dress Memorial Municipal Airport extending from the Evansville outer marker to a point 10 miles northeast.

§ 601.2097 *Fargo, N. Dak., control zone.* Within a 5-mile radius of the Fargo-Hector Airport, extending 2 miles either side of the east course of the Fargo radio range to the Glyndon fan marker and extending 2 miles either side of the west course of the radio range to the Wheatland fan marker, and extending 2 miles either side of the 181° and 01° True radials of the Fargo omnirange station from the Fargo-Hector Airport control zone to a point 10 miles south of the omnirange station.

§ 601.2098 *Flint, Mich., control zone.* Within a 5-mile radius of the Bishop Airport, Flint, Mich., extending 2 miles either side of a bearing of 341° True from the airport to a point 10 miles northwest and extending 2 miles either side of a bearing of 268° True from the airport through the Flint outer compass locator to a point 10 miles west of the Flint outer compass locator.

§ 601.2099 *Fort Wayne, Ind., control zone.* Within a 5-mile radius of Baer Field, Fort Wayne, Ind., extending 2 miles either side of the southwest course of the Fort Wayne radio range to a point 10 miles southwest of the radio range station, extending 2 miles either side of the Fort Wayne ILS localizer course from the localizer to a point 10 miles southeast of the outer marker, and extending 2 miles either side of the 318° and 138° True radials of the Fort Wayne omnirange from the Baer Field control zone to a point 10 miles northwest of the omnirange station.

§ 601.2100 *Glenview, Ill., control zone.* Within a 5-mile radius of the Glenview, Ill., Naval Air Station and within 2 miles either side of the northwest course of the Glenview, Ill., radio range, extending 10 miles northwest of the radio range station.

§ 601.2101 *Goshen, Ind., control zone.* Within a 5-mile radius of the Goshen Airport and within 2 miles either side of the west course of the Goshen, Ind., radio range, extending 10 miles west of the radio range station.

§ 601.2102 *Grand Forks, N. Dak., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of the Grand Forks, N. Dak., radio range, extending 10 miles south of the radio range station.

§ 601.2103 *Grand Rapids, Mich., control zone.* Within a 5-mile radius of the Kent County Airport and within 2 miles either side of the southeast course of the Grand Rapids radio range, extending 10 miles southeast of the radio range station.

§ 601.2104 *Huntington, W. Va., control zone.* Within a 5-mile radius of the Mayes Airport, Chesapeake, Ohio, and within 2 miles either side of the west course of the Huntington, W. Va., radio range, extending 10 miles west of the radio range station.

§ 601.2105 *Indianapolis, Ind., control zone.* Within a 5-mile radius of the Weir Cook County Airport, extending 2 miles either side of the west course of the Indianapolis radio range to the Clayton fan marker, extending 2 miles either side of the Weir-Cook County Airport localizer course to a point 10 miles southwest of the outer marker and extending 2 miles either side of the 323° and 143° True radials of the Indianapolis omnirange from the Weir-Cook County Airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2106 *Jamestown, N. Dak., control zone.* Within a 5-mile radius of the Jamestown Municipal Airport extending 2 miles either side of the east course of the Jamestown radio range to a point 10 miles east of the radio range station and extending 2 miles either side of the 191° and 11° True radials of the Jamestown omnirange station from the Municipal Airport control zone to a point 10 miles south of the omnirange station.

§ 601.2107 *Joliet, Ill., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the west course of the radio range to a point 10 miles west of the radio range station.

§ 601.2108 *Lansing, Mich., control zone.* Within a 5-mile radius of the Capital City Airport extending 2 miles either side of the east course of the Lansing radio range to a point 10 miles east of the radio range station and extending 2 miles either side of the 232° and 52° True radials of the Lansing omnirange from the Capital City Airport control zone to a point 10 miles southwest of the omnirange station.

§ 601.2109 *LaFayette, Ind., control zone.* Within a 5-mile radius of Purdue University Airport extending 2 miles either side of the southwest course of the LaFayette radio range to a point 10 miles southwest of the radio range station and extending 2 miles either side of the 129° True radial of the LaFayette omnirange to a point 10 miles southeast of the omnirange station.

§ 601.2110 *Lone Rock, Wis., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the west course of the Lone Rock radio range to a point 10 miles west of the radio range station, and extending 2 miles either side of the 24° and 204° True radials of the Lone Rock omnirange from the Lone Rock Municipal Airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2111 *Louisville, Ky., control zone.* Within a 5-mile radius of Standiford Field and within a 5 mile radius of Bowman Field extending 2 miles either side of the east course of the Louisville radio range to the Eastwood fan marker, extending 2 miles either side of the Standiford Field ILS localizer course from the localizer to the limits of the Fort Knox, Ky., danger area, extending 2 miles either side of the 122° and 302° True radials of the Louisville omnirange from the Standiford Field control zone to a point 10 miles southeast of the omnirange station, and extending 2 miles either side of the 154° and 334° True radials of the Louisville omnirange from the Bowman Field control zone to a point 10 miles southeast of the omnirange station.

§ 601.2112 *Madison, Wis., control zone.* Within 5-mile radius of Madison Municipal Airport extending 2 miles either side of the southeast course of the Madison radio range to a point 10 miles southeast of the radio range station, and within 2 miles either side of the 183° and 03° True bearings from the outer marker extending from the Madison Municipal Airport control zone to a point 10 miles south of the outer marker.

§ 601.2113 *Milwaukee, Wis., control zone.* Within a 5-mile radius of the General Mitchell Airport extending 2 miles either side of the south course of the Milwaukee radio range to the

Franksville fan marker, and extending 2 miles either side of the 187° and 07° True radials of the Milwaukee omnirange from the General Mitchell Airport control zone to a point 10 miles south of the omnirange station.

§ 601.2114 *Minneapolis, Minn., control zone.* Within a 5-mile radius of the Minneapolis-St. Paul International Airport extending 2 miles either side of the southeast course of the Minneapolis radio range to the Hastings Fan Marker.

§ 601.2115 *Minot, N. Dak., control zone.* Within a 5-mile radius of the Port O'Minot Field and within 2 miles either side of the southeast course of the Minot radio range, extending 10 miles southeast of the radio range station.

§ 601.2116 *Moline, Ill., control zone.* Within a 5-mile radius of the Quad City Airport extending 2 miles either side of the ILS localizer course to a point 16 miles west of the ILS localizer, and extending 2 miles either side of the 294° and 114° True radials of the Moline omnirange from the Quad City Airport control zone to a point 10 miles northwest of the Moline omnirange station.

§ 601.2117 *Muskegon, Mich., control zone.* Within a 5-mile radius of Muskegon County Airport extending 2 miles either side of the southeast course of the radio range to a point 10 miles southeast of the radio range station, and extending 2 miles either side of the 145° True radial of the Muskegon omnirange to a point 10 miles southeast of the omnirange station.

§ 601.2118 *Langley AFB, Va., control zone.* Within a 5-mile radius of Langley AFB and within a 5-mile radius of Patrick Henry Airport, excluding the portion which overlaps danger areas.

§ 601.2119 *Peoria, Ill., control zone.* Within a 5-mile radius of the Greater Peoria Airport and within 2 miles either side of the north course of the Peoria, Ill., radio range, extending 10 miles north of the radio range station.

§ 601.2120 *Rochester, Minn., control zone.* Within a 5-mile radius of the Rochester Airport extending 2 miles either side of the south course of the radio range to a point 10 miles south of the radio range station, and extending 2 miles either side of the 222° and 42° True radials of the Rochester omnirange from the Rochester Airport control zone to a point 10 miles southwest of the omnirange station.

§ 601.2121 *Rockford, Ill., control zone.* Within a 5-mile radius of the Machesney Airport and within a 5 mile radius of the Greater Rockford Airport, extending 2 miles either side of a 182° True bearing from the Rockford radio range station to the Greater Rockford Airport, and extending 2 miles either side of the west and northwest courses of the Rockford radio range from the radio range station to points 10 miles west and northwest of the radio range station.

§ 601.2122 *Detroit, Mich., control zone.* Within a 5-mile radius of the Detroit-Wayne Major Airport and within a 6 mile radius of the Willow Run Airport extending 2 miles either side of the Willow Run ILS localizer front course to a point 10 miles southwest of the outer marker, extending 2 miles either side of the back course of the Willow Run ILS localizer to a point 10 miles northeast of the Ford non-directional radio beacon, and extending 2 miles either side of the 309° and 129° True radials of the Detroit omnirange from the Wayne Major control zone to a point 10 miles northwest of the omnirange station.

§ 601.2123 *South Bend, Ind., control zone.* Within a 5-mile radius of St. Joseph County Airport extending 2 miles either side of the west course of the South Bend radio range to the New Carlisle fan marker, extending 2 miles either side of the South Bend, Ind., ILS localizer course from the St. Joseph County Airport control zone to a point 10 miles east of the outer marker, and extending 2 miles either side of the 359° True radial of the South Bend omnirange to a point 10 miles north of the omnirange station.

§ 601.2124 *Roswell, N. Mex., control zone.* Within a 15-mile radius of the Roswell, N. Mex., radio range station.

§ 601.2125 *Terre Haute, Ind., control zone.* Within a 5-mile radius of Hulman Field, Terre Haute, Ind., extending 2 miles either side of the northeast and southwest courses of the Terre Haute radio range to a point 10 miles southwest of the radio range station, and extending 2 miles either side of the 02° True radial of the Terre Haute omnirange from the airport to a point 10 miles north of the omnirange station.

§ 601.2126 *Toledo, Ohio, control zone.* Within a 5-mile radius of the Toledo Municipal Airport, within 2 miles either side of the north course of the Toledo, Ohio radio range extending from the Airport to the radio range station, and within 2 miles either side of a line bearing 134° True from the Toledo Municipal Airport through the Genoa non-directional radio beacon extending from the Airport to a point 10 miles southeast of the Genoa non-directional radio beacon.

§ 601.2127 *Youngstown, Ohio, control zone.* Within a 5-mile radius of the Youngstown Municipal Airport extending 2 miles either side of the north course of the Youngstown radio range to a point 10 miles north of the radio range station, extending 2 miles either side of a bearing of 225° True from the Youngstown outer compass locator to a point 10 miles southwest, and extending 2 miles either side of the 359° True radial of the Youngstown omnirange from the omnirange station to a point 10 miles north.

§ 601.2128 *Wilmington, N. C., control zone.* Within a 5-mile radius of the New Hanover County Airport, Wilmington, N. C., extending 2 miles either side of the northeast and southwest courses of the Wilmington, N. C., VHF radio range to a point 10 miles northeast of the radio range station.

§ 601.2129 *Bowling Green, Ky., control zone.* Within a 5-mile radius of the Bowling Green Municipal Airport extending 2 miles either side of the southeast course of the Bowling Green radio range to a point 10 miles southeast of the radio range station, and extending 2 miles either side of the 203° True radial of the Bowling Green omnirange to a point 10 miles southwest of the omnirange station.

§ 601.2130 *Atlanta, Ga., control zone.* Within a 5-mile radius of the Municipal Airport, within 2 miles either side of the southeast course of the Atlanta, Ga., radio range, extending to the Jonesboro fan marker and within 2 miles either side of the northwest course of the Atlanta radio range, extending 10 miles northwest of the radio range station.

§ 601.2131 *Augusta, Ga., control zone.* Within a 5-mile radius of Bush Field, Augusta, Ga., extending 2 miles either side of a direct line from Bush Field to the Augusta, Ga., radio range station and extending 2 miles either side of the west course of the Augusta radio range to a point 10 miles west of the radio range station.

§ 601.2132 *Biloxi, Miss., control zone.* Within a 5-mile radius of Keesler Field and within 2 miles either side of the northeast course of Keesler Field radio range, extending 5 miles northeast of the radio range station.

§ 601.2133 *Birmingham, Ala., control zone.* Within a 5-mile radius of Birmingham Airport and within 2 miles either side of the north course of the Birmingham, Ala., radio range, extending 10 miles north of the Birmingham, Ala., radio range station.

§ 601.2134 *Charleston, S. C., control zone.* Within a 5-mile radius of the Charleston Municipal Airport, within 2 miles either side of the northwest course of the Charleston radio range extending from the radio range station to the Summerville fan marker and within 2 miles either side of the 161° True and 341° True radials of the Charleston omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2135 *Charlotte, N. C., control zone.* Within a 5-mile radius of Douglas Airport extending 2 miles either side of the south course of the Charlotte radio range to the Fort Mill fan marker.

§ 601.2136 *Chattanooga, Tenn., control zone.* Within a 5-mile radius of Lovell Field and within 2 miles either side of the northeast course of the Chattanooga, Tenn., radio range, extending 10 miles northeast of the radio range station.

§ 601.2137 *Columbia, S. C., control zone.* Within a 5-mile radius of the Columbia Airport, within 2 miles either side of the east and west courses of the Columbia radio range extending from the airport to a point 5 miles east of the radio range station, and within 2 miles either side of the 102° True and 282° True radials of the Columbia omnirange extending from the airport control zone to a point 10 miles west of the omnirange station.

§ 601.2138 *Crestview, Fla., control zone.* Within a 5-mile radius of the Crestview Airport, within 2 miles either side of the east course of the Crestview radio range extending from the radio range station to a point 10 miles east, and within 2 miles either side of the 110° and 290° True radials of the Crestview omnirange extending from the airport control zone to a point 10 miles west of the omnirange station.

§ 601.2139 *Cress Cross City, Fla., control zone.* Within a 5-mile radius of Cross City Airport and within 2 miles either side of the southeast course of Cress Cross City, Fla., radio range, extending 10 miles southeast of the radio range station.

§ 601.2140 *Daytona Beach, Fla., control zone.* Within a 5-mile radius of Daytona Beach Airport and within 2 miles either side of the west course of Daytona Beach, Fla., radio range, extending 10 miles west of the radio range station.

§ 601.2141 *Dothan, Ala., control zone.* Within a 5-mile radius of Dothan Airport and within 2 miles either side of the southwest course of Dothan, Ala., radio range, extending 10 miles southwest of the radio range station, excluding the portion above 19,000 feet which lies within the Tyndall AFB danger area (Area II), between sunset and sunrise.

§ 601.2142 *Florence, S. C., control zone.* Within a 5-mile radius of the Florence Municipal Airport, within 2 miles either side of the southeast course of the Florence radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 51° True and 231° True radials of the Florence omnirange extending from the airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2143 *Fort Myers, Fla., control zone.* Within a 5-mile radius of Page Field and within 2 miles either side of the southwest course of Fort Myers, Fla., radio range, extending 10 miles southwest of the radio range station and within 2 miles either side of the 227° True radial of the Fort Myers omnirange extending from the omnirange station to a point 10 miles southwest.

§ 601.2144 *Greensboro, N. C., control zone.* Within a 5-mile radius of the Greensboro-High Point Airport and within 2 miles either side of the northeast course of the Greensboro, N. C., radio range, extending 10 miles northeast of the radio range station.

§ 601.2145 *Greenville, S. C., control zone.* Within a 5-mile radius of the Greenville Airport and within 2 miles either side of the south course of Greenville, S. C., radio range, extending 10 miles south of the radio range station.

§ 601.2146 *Greenwood, Miss., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the east course of Greenwood, Miss., radio range, extending 10 miles east of the radio range station and within 2 miles either side of the 138° True and 318° True radials of the Greenwood omnirange extending from the airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2147 *Jack's Creek, Tenn., control zone.* Within a 5-mile radius of Jack's Creek intermediate field and within 2 miles either side of the north course of Jack's Creek, Tenn., radio range, extending 10 miles north of the radio range station.

§ 601.2148 *Jackson, Miss., control zone.* Within a 5-mile radius of Hawkins Airport extending 2 miles either side of the north course of the Jackson radio range to the Flora Fan Marker and within 2 miles either side of the 162° True and 342° True radials of the Jackson omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2149 *Jacksonville, Fla., control zone.* Within a 5-mile radius of Municipal Airport No. 1 and within 2 miles either side of the east course of Jacksonville, Fla., radio range, extending to the Fort George Island fan marker.

§ 601.2150 *Key West, Fla., control zone.* Within a 5-mile radius of Meacham Airport and within 2 miles either side of the west course of Key West, Fla., radio range, extending 10 miles west of the radio range station and within 2 miles either side of the 313° True radial of the Key West omnirange extending from the omnirange station to a point 10 miles northwest.

§ 601.2151 *Knoxville, Tenn., control zone.* Within a 5-mile radius of the McGhee-Tyson Airport extending 2 miles either side of the north course of the radio range to the Inskip fan marker.

§ 601.2152 *Macon, Ga., control zone.* Within a 5-mile radius of Cochran Field extending 2 miles either side of the northwest course of the radio range to a point 10 miles northwest of the range station.

§ 601.2153 *Melbourne, Fla., control zone.* Within a 5-mile radius of the Melbourne-Eau Gallie Airport and within a 5-mile radius of the Patrick AFB extending 2 miles either side of the north course of the Melbourne radio range from the radio range station to a point 10 miles north.

§ 601.2154 *Memphis, Tenn., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of Memphis, Tenn., radio range, extending to the Nesbitt fan marker and within 2 miles either side of the 109° True radial of the Memphis omnirange extending from the airport control zone to a point 10 miles east of the omnirange station.

§ 601.2155 *Meridian, Miss., control zone.* Within a 5-mile radius of Key Field and within 2 miles either side of the northwest course of Meridian, Miss., radio range, extending 10 miles northwest of the radio range station.

§ 601.2156 *Miami, Fla., control zone.* Within a 5-mile radius of the Miami International Airport and within 2 miles either side of the east and west courses of the Miami radio range extending west to the Krome Fan Marker.

§ 601.2157 *Mobile, Ala., control zone.* Within a 5-mile radius of Bates Field, within 2 miles either side of a direct line between Bates Field and Mobile radio range station and within 2 miles either side of the northeast course of Mobile, Ala., radio range, extending 10 miles northeast of the radio range station and within 2 miles either side of the 112° True and 292° True radials of the Mobile omnirange extending from the Bates Field control zone to a point 10 miles northwest of the omnirange station.

§ 601.2158 *Mobile, Ala., control zone.* Within a 5-mile radius of Brookley Air Force Base and within 2 miles either side of the northwest course of Mobile, Ala., radio range, extending 10 miles northwest of the radio range station.

§ 601.2159 *Montgomery, Ala., control zone.* Within a 5-mile radius of Maxwell AFB, Montgomery, Ala., extending 2 miles either side of the west course of the Maxwell AFB radio range to a point 10 miles west of the radio range station, and extending 2 miles either side of the north course of the Maxwell AFB radio range to a point 10 miles north of the radio range station.

§ 601.2160 *Muscle Shoals, Ala., control zone.* Within a 5-mile radius of Muscle Shoals Airport and within 2 miles either side of the southeast course of Muscle Shoals radio range, extending 10 miles southeast of the radio range station and within 2 miles either side of the 118° True radial of the Muscle Shoals omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2161 *Nashvile, Tenn., control zone.* Within a 5-mile radius of Berry Field and within 2 miles either side of the east course of Nashville, Tenn., radio range, extending to the Mount Juliet fan marker.

§ 601.2162 *Orlando, Fla., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the northeast course of Orlando, Fla., radio range, extending 10 miles northeast of the radio range station.

§ 601.2163 *Pensacola, Fla., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the south course of Pensacola, Fla., radio range, extending 10 miles south of the radio range station.

§ 601.2164 *Raleigh, N. C., control zone.* Within a 5-mile radius of Raleigh-Durham Airport and within 2 miles either side of the southeast course of Raleigh, N. C., radio range, extending 10 miles southeast of the radio range station.

§ 601.2165 *Savannah, Ga., control zone.* Within a 5-mile radius of Travis Field including a 5-mile radius of Hunter AFB, Savannah, Ga., extending to include the area 2 miles either side of the northwest and southeast courses of the Savannah radio range to a point 10 miles southeast of the radio range station, extending 2 miles either side of the southwest course of the radio range to the Richmond Hill fan marker, and extend-

ing 2 miles either side of the centerline of the east-west runway of Travis Field to a point 10 miles west of Travis Field and within 2 miles either side of the 196° True radial of the Savannah omnirange extending from the omnirange station to a point 10 miles south.

§ 601.2166 *Spartanburg, S. C., control zone.* Within a 5-mile radius of Memorial Airport and within 2 miles either side of the southwest course of Spartanburg, S. C., radio range, extending 10 miles southwest of the radio range station.

§ 601.2167 *Tallahassee, Fla., control zone.* Within a 5-mile radius of Dale Mabry Field, within 2 miles either side of the northwest course of the Tallahassee radio range extending from the radio range station to a point 10 miles northwest, and within 2 miles either side of the 162° True and 342° True radials of the Tallahassee omnirange extending from the airport control zone to a point 10 miles northwest of the omnirange station, excluding the airspace above 19,000 feet overlapping Tyndall AFB Danger Area (Area II) (No. D–336) between sunset and sunrise.

§ 601.2168 *Tampa, Fla., control zone.* Within a 5-mile radius of Tampa International Airport extending 2 miles either side of a line from that airport to the Tampa radio range station and extending 2 miles either side of the southeast course of the Tampa radio range to a point 10 miles southeast of the radio range station, and within a 5-mile radius of the Pinellas County Airport extending 2 miles either side of a line from that airport to the Tampa radio range station including the area within 2 miles either side of the 274° True radial of the Tampa omnirange extending from the Pinellas County Airport control zone to a point 10 miles west of the omnirange station.

§ 601.2169 *Tri-City, Tenn., control zone.* Within a 5-mile radius of the Tri-City Airport and within 2 miles either side of the northeast course of Tri-City, Tenn., radio range, extending 10 miles northeast of the radio range station.

§ 601.2170 *West Palm Beach, Fla., control zone.* Within a 5-mile radius of Palm Beach International Airport and within 2 miles either side of the west course of West Palm Beach, Fla., radio range, extending 10 miles west of the radio range station.

§ 601.2171 *Winston-Salem, N. C., control zone.* Within a 5-mile radius of Smith-Reynolds Airport and within 2 miles either side of the southeast and northwest courses of Winston-Salem radio range, extending 10 miles southeast of the radio range station.

§ 601.2172 *Alma, Ga., control zone.* Within a 5-mile radius of Alma Intermediate Field and within 2 miles either side of the northwest course of the Alma, Ga., radio range, extending 10 miles northwest of the radio range station.

§ 601.2173 *Bakersfield, Calif., control zone.* Within a 5-mile radius of the Bakersfield-Kern County Airport and within 2 miles either side of the northwest course of Bakersfield, Calif., radio range, extending 11 miles northwest of the radio range station.

§ 601.2174 *Burbank, Calif., control zone.* Within a 5-mile radius of the Lockheed Air Terminal extending to and including a 3-mile radius of the Grand Central Airport, Glendale, Calif., and 2 miles either side of the northwest course of the Burbank radio range to a point 7 miles northwest of the radio range station.

§ 601.2175 *El Centro, Calif., control zone.* Within a 5-mile radius of the Naval Air Station extending to and including a 2-mile radius of the El Centro radio range station and 2 miles either side of the east course of the El Centro radio range to a point 10 miles east of the radio range station.

§ 601.2176 *Fresno, Calif., control zone.* Within a 5-mile radius of Fresno Air Terminal extending to and including a 3-mile radius of Chandler Field, and extending 2 miles either side of the northwest and southeast courses of the Fresno, Calif., radio range to a point 10 miles from the radio range station.

§ 601.2177 *Las Vegas, Nev., control zone.* Within a 5-mile radius of McCarran Field, Las Vegas, Nev., extending 2 miles either side of the southwest course of the Las Vegas, Nev., radio range to and including a 5-mile radius of the Las Vegas, Nev., Air Force Base.

§ 601.2178 *Long Beach, Calif., control zone.* Within a 5-mile radius of the Municipal Airport (Daugherty Field) extending to and including a 5 mile radius of the Los Alamitos Naval Air Station and 2 miles either side of the southeast course of the Long Beach radio range to the Huntington Beach fan marker.

§ 601.2179 *Los Angeles, Calif., control zone.* Within a 5-mile radius of the Los Angeles International Airport extending 2 miles either side of the east course of the Los Angeles, Calif., radio range to a point 6 miles east of the airport and extending 2 miles either side of the northwest course of the Los Angeles, Calif., radio range to the Burbank, Calif., control zone.

§ 601.2180 *Oakland, Calif., control zone.* Within a 5-mile radius of the Oakland Municipal Airport extending 2 miles either side of the northwest course of the Oakland, Calif., radio range to a point 10 miles northwest of the radio range station, extending 2 miles either side of the southeast course of the radio range to the Newark fan marker, and extending 2 miles either side of the southwest course of the radio range to a point 6.25 miles southwest of the Oakland radio range station.

§ 601.2181 *Ogden, Utah, control zone.* Within a 5-mile radius of the Ogden Municipal Airport (Hinckley Field) extending to and including a 3-mile radius of Hill AFB and within 2 miles either side of the south course of the Ogden, Utah, radio range to the Layton, Utah, fan marker.

§ 601.2182 *Palmdale, Calif., control zone.* Within a 3-mile radius of the Palmdale Airport and within 2 miles either side of the northeast course of Palmdale, Calif., radio range, extending 10 miles northeast of the radio range station.

§ 601.2183 *Grand Junction, Colo., control zone.* Within a 5-mile radius of the Grand Junction Municipal Airport extending 2 miles either side of the ILS localizer course to a point 10 miles northwest of the ILS localizer, and extending 2 miles either side of the east course of the Grand Junction, Colo., VHF radio range to the radio range station.

§ 601.2184 *Prescott, Ariz., control zone.* Within a 5-mile radius of the Municipal Airport (Ernest Love Field) and within 2 miles either side of the southeast course of Prescott, Ariz., radio range to and including the area within a 2-mile radius of Prescott radio range station.

§ 601.2185 *Sacramento, Calif., control zone.* Within a 5-mile radius of the Sacramento Municipal Airport extending 2 miles either side of the southwest course of the Sacramento radio range to a point 10 miles southwest of the radio range station and within a 5-mile radius centered on McClellan AFB and a 5-mile radius centered on Mather AFB and within 5 miles either side of a course of 58° true from Mather AFB extending for a distance of 12 miles from Mather AFB and within the area inside of tangent lines drawn from the circumference of the 5 miles, Sacramento area to the circumference of the McClellan and Mather 5-mile areas.

§ 601.2186 *San Diego, Calif., control zone.* Within a 5-mile radius of the Municipal Airport (Lindbergh Field), extending 2 miles either side of the north course of the San Diego radio range to the La Jolla fan marker and including a 5-mile radius of the Miramar, Calif., Naval Auxiliary Air Station.

§ 601.2187 *San Francisco, Calif., control zone.* Within a 5-mile radius of the San Francisco Municipal Airport extending 2 miles either side of the southeast course of the San Francisco radio range to the Belmont fan marker, extending 2 miles either side of the northwest course of the radio range to a point 10 miles northwest of the radio range station, and extending 2 miles either side of the northeast course of the radio range to a point 6.25 miles northeast of the radio range station.

§ 601.2188 *Salt Lake City, Utah, control zone.* Within a 5-mile radius of Municipal Airport No. 1, within 2 miles either side of the north course of Salt Lake City, Utah, radio range, extending to Layton fan marker and within 2 miles either side of the west course of the Salt Lake City radio range, extending 10 miles west of the radio range station.

§ 601.2189 *Olathe, Kans., control zone.* Within a 10-mile radius of the Naval Air Station excluding that portion which lies within Green civil airway No. 4 and extending 2 miles either side of the south course of the Olathe, Kans., Navy radio range to a point 10 miles south of the radio range station.

§ 601.2190 *Atlantic City, N. J., control zone.* Within a 7-mile radius of the Naval Air Station extending 2 miles either side of the southeast course of the Atlantic City, N. J., Navy radio range to a point 8 miles southeast of the radio range station excluding that portion which lies within danger areas.

§ 601.2191 *Zanesville, Ohio, control zone.* Within a 5-mile radius of the Zanesville Municipal Airport and within 2 miles either side of a line bearing 210° True from the Municipal Airport extending from the airport to a point 10 miles southwest.

§ 601.2192 *Ontario, Calif., control zone.* Within a 5-mile radius of the Ontario International Airport and within 2 miles either side of a line bearing 89° True extending from the airport to the centerline of the northwest course of the Riverside, Calif., radio range.

§ 601.2193 *Kahului, Maui, T. H., control zone.* Within a 5-mile radius of the Kahului Airport extending 2 miles either side of the north course of the Maui radio range to the Maui radio range station.

§ 601.2194 *Hilo, Hawaii, T. H., control zone.* Within a 5-mile radius of the Hilo General Lyman Airport extending 2 miles either side of the east course of the Hilo radio range to a point 10 miles east of the radio range station.

§ 601.2195 *Windsor Locks, Conn., control zone.* Within a 5-mile radius of Bradley Field extending 2 miles either side of the ILS localizer course to a point 10 miles from the ILS localizer.

§ 601.2196 *Wilmington, Del., control zone.* Within a 5-mile radius of the New Castle County Airport extending 2 miles either side of the south course of the New Castle radio range to a point 10 miles south of the radio range station.

§ 601.2197 *Morgantown, W. Va., control zone.* Within a 5-mile radius of the Morgantown Airport extending 2 miles either side of the southeast and northwest courses of the Morgantown radio range to a point 10 miles northwest of the radio range station.

§ 601.2198 *Montpelier, Vt., control zone.* Within a 5-mile radius of the Barre-Montpelier Airport extending 2 miles either side of the northeast course of the Montpelier radio range to a point 10 miles northeast of the radio range station.

§ 601.2199 *Syracuse, N. Y., control zone.* Within a 3-mile radius of Clarence E. Hancock Airport, within 2 miles either side of the Syracuse ILS localizer course extending from the localizer to the outer marker and within 2 miles either side of a direct line extending westward from the airport to the Syracuse radio range station.

§ 601.2200 *Allentown, Pa., control zone.* Within a 5-mile radius of the Allentown-Bethlehem Airport extending 2 miles either side of the northeast course of the Allentown radio range to a point 10 miles from the radio range station.

§ 601.2201 *Williamsport, Pa., control zone.* Within a 5-mile radius of the Williamsport Municipal Airport extending 2 miles either side of the west course of the Williamsport radio range to the radio range station.

§ 601.2202 *Philadelphia, Pa., control zone.* Within a 5-mile radius of the North Philadelphia Airport extending 2 miles either side of the northeast course of the Philadelphia radio range to a point 10 miles northeast of the radio range station.

§ 601.2203 *Martinsburg, W. Va., control zone.* Within a 5-mile radius of the Martinsburg Airport extending 2 miles either side of the southwest course of the Martinsburg radio range to a point 10 miles southwest of the radio range station.

§ 601.2204 *Presque Isle, Maine, control zone.* Within a 5-mile radius of the Presque Isle AFB extending 5 miles either side of the south course of the Spragueville radio range to a point 10 miles south of the radio range station.

§ 601.2205 *Chincoteague, Va., control zone.* Within a 5-mile radius of the Naval Air Station extending 2 miles either side of the west course of the Chincoteague radio range to a point 8 miles west of the radio range station excluding that portion which lies within danger areas.

§ 601.2206 *New York, N. Y., control zone.* Within a 5-mile radius of LaGuardia Field extending 5 miles to either side of the northeast course of the LaGuardia field radio range to the Port Chester fan marker.

§ 601.2207 *White Plains, N. Y., control zone.* Within a 5-mile radius of the West Chester County Airport extending 2 miles either side of the ILS localizer course to the ILS outer marker.

§ 601.2208 *Stockton, Calif., control zone.* Within a 5-mile radius of the Stockton Field Airport extending 2 miles either side of the southeast course of the Stockton radio range to a point 10 miles southeast of the radio range station.

§ 601.2209 *Tucson, Ariz., control zone.* Within a 5-mile radius of the Davis-Monthan AFB extending to and including a 5 mile radius of Tucson Municipal Airport No. 2.

§ 601.2210 *Santa Barbara, Calif., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the west course of the Santa Barbara radio range to a point 10 miles west of the radio range station.

§ 601.2211 *Edwards Air Force Base, Calif., control zone.* Within a 5-mile radius of the Edwards Air Force Base, excluding the portion which overlaps danger areas.

§ 601.2212 *Sumter, S. C., control zone.* Within a 5-mile radius of Shaw AFB, Sumter, S. C., extending 2 miles either side of the southwest course of the Shaw AFB radio range to a point 10 miles southwest of the radio range station.

§ 601.2213 *Salina, Kans., control zone.* Within a 5-mile radius of the Smoky Hill AFB and within a 5-mile radius of the Salina Municipal Airport extending 2 miles either side of the 142° True and 322° True radials of the Salina, Kans., omnirange from the Salina Municipal Airport to a point 10 miles northwest of the omnirange station, and extending 2 miles either side of the 10° True and 190° True radials of the Salina, Kans., omnirange from the Smoky Hill AFB to a point 10 miles north-northeast of the omnirange station.

§ 601.2214 *Goodland, Kans., control zone.* Within a 5-mile radius of the Goodland, Kans., Municipal Airport and within 2 miles either side of the 22° True radial of the Goodland omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2215 *San Juan, P. R., control zone.* Within a 5-mile radius of the Naval Air Station extending 2 miles either side of the west course of the San Juan radio range to a point 10 miles west of the radio range station.

§ 601.2216 *Seattle, Wash., control zone.* Within a 5-mile radius of the Naval Air Station extending 1½ miles either side of a track 341° True to a point 7 miles northwest of the airport excluding that portion west of a line connecting Latitude 47°44'00", Longitude 122° 20'10" and Latitude 47°37'00", Longitude 122°19'10".

§ 601.2217 *Aberdeen, S. Dak., control zone.* Within a 5-mile radius of the Aberdeen Municipal Airport, Saunders Field, extending 2 miles either side of the south course of the Aberdeen radio range to a point 10 miles south of the radio range station.

§ 601.2218 *Sioux Falls, S. Dak., control zone.* Within a 5-mile radius of the Sioux Falls Municipal Airport extending 2 miles either side of the northwest course of the Sioux Falls radio range to a point 10 miles northwest of the radio range station.

§ 601.2219 *Iowa City, Iowa, control zone.* Within a 5-mile radius of the Iowa City Municipal Airport extending 2 miles either side of a track 91° True from the airport to its intersection with the north course of the Burlington, Iowa, radio range.

§ 601.2220 *Lubbock, Tex., control zone.* Within a 5-mile radius of Lubbock Municipal Airport, within a 5-mile radius of Reese AFB, and within 2 miles either side of the east course of the Lubbock radio range extending from the Lubbock Municipal Airport to the radio range station.

§ 601.2221 *LaCrosse, Wis., control zone.* Within a 5-mile radius of the LaCrosse Municipal Airport extending 2 miles either side of the northwest course of the LaCrosse radio range to a point 10 miles northwest of the radio range station and extending 2 miles either side of the 146° True radial of the LaCrosse omnirange to a point 10 miles southeast of the omnirange station.

§ 601.2222 *Austin, Tex., control zone.* All that area within a 5-mile radius of the Robert Mueller Airport, within a 5-mile radius of Bergstrom Air Force Base, within 2 miles either side of the northwest course of the Austin, Tex., radio range extending from the radio

range station to a point 10 miles northwest.

§ 601.2223 *Charleston, W. Va., control zone.* Within a 5-mile radius of the Kanawha County Airport, extending 2 miles either side of the ILS localizer course to a point 10 miles northeast of the outer marker, and within 2 miles either side of the east and west courses of the Charleston, W. Va., radio range extending from the localizer course to a point 10 miles west of the radio range station.

§ 601.2224 *Anderson, S. C., control zone.* Within a 5-mile radius of the Anderson Airport extending 2 miles either side of the southwest course of the Spartanburg, S. C., radio range to a point 10 miles southwest of the Anderson Airport.

§ 601.2225 *Mansfield, Ohio, control zone.* Within a 5-mile radius of the Mansfield Municipal Airport extending 2 miles either side of a track 308° True to a point 10 miles northwest of the airport and extending 2 miles either side of the 130° and 310° True radials of the Mansfield omnirange from the Mansfield Municipal Airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2226 *Springfield, Ill., control zone.* Within a 5-mile radius of Capital Airport, Springfield, Ill., extending 2 miles either side of the southwest course of the Springfield radio range to a point 10 miles southwest of the radio range station, and extending 2 miles either side of the 40° True radial of the Springfield, Ill., omnirange station to a point 10 miles northeast of the omnirange station.

§ 601.2227 *Dover, Del., control zone.* All that area within a 6-mile radius of the Dover, Del., Air Force Base, excluding that portion which overlaps danger areas.

§ 601.2228 *Fairbanks, Alaska, control zone.* Within a 15-mile radius of Fairbanks International Airport excluding the portion which overlaps danger areas.

§ 601.2229 *Fairfield, Calif., control zone.* Within a 5-mile radius of the Travis Air Force Base, extending 2 miles either side of the southwest course of the Travis AFB radio range to the intersection of the southwest course of the Travis AFB radio range and the northwest course of the Oakland, Calif., radio range, and extending 3 miles either side of the northeast course of the Travis AFB radio range to a point 20 miles northeast of the radio range station.

§ 601.2230 *Brunswick, Ga., control zone.* Within a 5-mile radius of the McKinnon Airport extending 2 miles either side of the north course of the Jacksonville, Fla., radio range to a point 10 miles north of the airport.

§ 601.2231 *Vero Beach, Fla., control zone.* Within a 5-mile radius of the Vero Beach Municipal Airport extending 2 miles either side of a track 291° True to a point 10 miles west of the airport.

§ 601.2232 *Norfolk, Va., control zone* Within a 5-mile radius of the Naval Air Station excluding that portion which lies within the Norfolk Municipal Airport control zone.

§ 601.2233 *Quonset Point, R. I., control zone.* Within a 5-mile radius of the Naval Air Station excluding that portion which lies within the Providence, R. I., control zone.

§ 601.2234 *Miami, Fla., control zone.* Within a 5-mile radius of the MCAS, Miami, Fla. centered on Latitude 25°52′45″, Longitude 80°15′00″, excluding that portion which lies within the Miami International Airport control zone.

§ 601.2235 *Truth or Consequences, N. Mex., control zone.* Within a 5-mile radius of the Truth or Consequences Municipal Airport extending 2 miles either side of the 13° True radial of the Hot Springs, N. Mex., omnirange extending from the omnirange station to a point 10 miles north.

§ 601.2236 *Whidbey Island, Wash., control zone.* Within a 5-mile radius of the Naval Air Station (Ault Field) extending to and including a 5 mile radius of the Whidbey Island Seaplane Base (Oak Harbor), Wash., excluding that portion lying within danger areas.

§ 601.2237 *Dyersburg, Tenn., control zone.* Within a 5-mile radius of the Dyersburg Municipal Airport and within 2 miles either side of a line bearing 95° True extending from the Dyersburg nondirectional radio beacon to a point 10 miles east of the Dyersburg Municipal Airport and within 2 miles either side of the 78° true radial of the Dyersburg omnirange extending from the airport control zone to a point 10 miles northeast of the omnirange station.

§ 601.2238 *New York, N. Y., control zone.* Within a 5-mile radius of the New York International Airport including a 5-mile radius of the Floyd Bennett NAS, extending 2 miles either side of the southeast course of the Idlewild, N. Y., radio range to its intersection with the southwest course of the Mitchel AFB radio range, extending 2 miles either side of the southwest course of the Idlewild, N. Y., radio range to its intersection with the northeast course of the Philadelphia, Pa., radio range and extending 2 miles either side of a direct line from the Scotland, N. Y., nondirectional radio beacon to the Floyd Bennett NAS.

§ 601.2239 *Cordova, Alaska, control zone.* Within a 5-mile radius of the Cordova, Alaska (Mile 13) Airport extending 2 miles either side of the southeast course of the Cordova, Alaska (localizer) radio range to Amber civil airway No. 1 and extending 2 miles either side of the southwest course of the Cordova, Alaska (localizer) radio range to Amber civil airway No. 1.

§ 601.2240 *Milton, Fla., control zone.* Within a 5-mile radius of North Whiting Naval Air Station extending 2 miles either side of the northwest course of the North Whiting (Navy) radio range to a point 10 miles northwest of the radio range station.

§ 601.2241 *Macon, Ga., control zone.* Within a 5-mile radius of Robbins AFB excluding that portion overlapping the Cochran Field control zone.

§ 601.2242 *Lexington, Ky., control zone.* Within a 5-mile radius of the Blue Grass Airport, Lexington, Ky., within 2 miles either side of a line bearing 222° True from the Lexington nondirectional radio beacon to a point 10 miles southwest of the non-directional beacon and within 2 miles either side of the 303° and 123° True radials of the Lexington omnirange extending from the Blue Grass Airport control zone to a point 10 miles southeast of the omnirange station.

§ 601.2243 *Hempstead, N. Y., control zone.* Within a 5-mile radius of Mitchel Air Force Base extending 2 miles either side of the southeast course of the Mitchel AFB radio range to the Babylon fan marker.

§ 601.2244 *Quantico, Va., control zone.* Within a 5-mile radius of the Marine Corps Air Station, excluding that portion overlapping danger areas.

§ 601.2245 *Chanute, Kans., control zone.* Within a 3-mile radius of the Chanute Municipal Airport extending 2 miles either side of the east course of the radio range to a point 10 miles from the radio range station.

§ 601.2246 *Oklahoma City, Okla., control zone.* Within a 5-mile radius of Will Rogers Municipal Airport and within 2 miles either side of the west course of the Oklahoma City radio range extending from the radio range station to the Mustang fan marker; within 2 miles either side of a direct line between the Will Rogers Municipal Airport and Tinker AFB including a 5-mile radius of Tinker AFB and within 2½ miles either side of the south and north courses of the Tinker AFB radio range extending from the AFB to a point 5 miles north of the Tinker AFB radio range station.

§ 601.2247 *Abilene, Tex., control zone.* Within a 5-mile radius of the Abilene Municipal Airport and within 2 miles either side of the north course of the Abilene radio range extending from the radio range station to the Phantom Hill fan marker; within a 3-mile radius of the Abilene Army Airfield and within 2 miles either side of the 174° True and 354° True radials of the Abilene omnirange extending from Abilene Army Airfield to a point 10 miles north of the omnirange station, and within 2 miles either side of a direct line extending from the Abilene Army Airfield to the Abilene radio range station.

§ 601.2248 *San Antonio, Tex., control zone.* Within a 5-mile radius of the San Antonio Airport extending 2 miles either side of the north course of the San Antonio radio range to the Cibolo Creek fan marker.

§ 601.2249 *Corpus Christi, Tex., control zone.* Within a 3-mile radius of the Cliff Maus Airport extending 2 miles either side of the northwest course of the radio range to the Odem fan marker.

§ 601.2250 *Tyler, Tex., control zone.* Within a 5-mile radius of Pounds Field extending 2 miles either side of the northwest course of the radio range to a point 5 miles northwest of the radio range station.

§ 601.2251 *Albany, Ga., control zone.* Within a 5-mile radius of the Municipal Airport extending 2 miles either side of the west and east courses of the Albany radio range to a point 10 miles east of the radio range station, including a 5-mile radius of Turner Air Force Base, and extending 2 miles either side of the north and south courses of the Albany radio range to a point 10 miles south of the radio range station and within 2 miles either side of the 155° True and 335° True radials of the Albany omnirange extending from the Municipal Airport control zone to a point 10 miles northwest of the omnirange station.

§ 601.2252 *El Toro, Calif., control zone.* Within a 5-mile radius of the El Toro, Calif., MCAS, including the area within 5 miles either side of the north and south courses of the El Toro, Calif., radio range between Amber civil airway No. 1, Amber civil airway No. 2, and Green civil airway No. 5.

§ 601.2253 *Kenai, Alaska, control zone.* Within a 5-mile radius of the Kenai Airport extending 2 miles either side of the southeast course of the Kenai radio range to Green Civil Airway No. 8.

§ 601.2254 *Falmouth, Mass., control zone.* Within a 3-mile radius of the Otis AFB, Falmouth, Mass., excluding that portion overlapping danger areas.

§ 601.2255 *Aguadilla, P. R., control zone.* Within a 10-mile radius of the Ramey AFB, Aguadilla, P. R.

§ 601.2256 *Parkersburg, W. Va., control zone.* Within a 5-mile radius of the Wood County Airport, Parkersburg, W. Va., extending 2 miles either side of the southwest course of the Parkersburg, W. Va., VHF radio range to a point 10 miles southwest of the VHF radio range station.

§ 601.2257 *Rantoul, Ill., control zone.* Within a 5-mile radius of the Chanute AFB, Rantoul, Ill., extending 2 miles either side of the southwest course of the Chanute AFB radio range to a point 10 miles southwest of the radio range station.

§ 601.2258 *Wichita Falls, Tex., control zone.* Within a 5-mile radius of Sheppard (Kell) Field, Wichita Falls, Tex., extending 2 miles either side of the southeast course of the Wichita Falls, Tex., radio range to the Jolly fan marker.

§ 601.2259 *Kodiak, Alaska, control zone.* Within a 5-mile radius of the Kodiak Naval Air Base, Kodiak, Alaska, extending 2 miles either side of the southwest course of the Kodiak radio range to the radio range station.

§ 601.2260 *Fort Smith, Ark., control zone.* Within a 5-mile radius of the Fort Smith Municipal Airport extending 2 miles either side of a track 8° True to a point 10 miles north of the airport and within 2 miles either side of the 54° True and 234° True radials of the Fort Smith omnirange extending from the airport to a point 10 miles northeast of the omnirange station.

§ 601.2261 *Yakataga, Alaska, control zone.* Within a 5-mile radius of the Yakataga Airport extending 2 miles either side of the south course of the Yakataga radio range to Amber civil airway No. 1.

§ 601.2262 *Honolulu, T. H., control zone.* Within a 5-mile radius of the Honolulu International Airport extending 2 miles either side of the southwest course of the Honolulu radio range to a point 10 miles southwest of the radio range station.

§ 601.2263 *Lafayette, La., control zone.* Within a 5-mile radius of the Lafayette Municipal Airport extending 5 miles either side of a track 7° True to a point 10 miles north of the airport.

§ 601.2264 *Dunkirk, N. Y., control zone.* Within a 5-mile radius of the Dunkirk Municipal Airport extending 2 miles either side of a track 358° True from the Dunkirk non-directional radio beacon to a point 10 miles north of the non-directional radio beacon.

§ 601.2265 *Wright-Patterson AFB, Ohio, control zone.* Within a 5-mile radius of the Wright-Patterson AFB (Patterson) including a 5 mile radius of the Wright-Patterson AFB (Wright), extending 2 miles either side of the southwest course of the Wright-Patterson AFB radio range to the Fairfield, Ohio, Fan Marker and extending 2 miles either side of the northeast course of the Wright-Patterson AFB radio range to a point 10 miles northeast of Wright-Patterson AFB (Patterson).

§ 601.2266 *Springfield, Ohio, control zone.* Within a 5-mile radius of the Springfield Municipal Airport extending 2 miles either side of a 51° True track from the end of the northeast-southwest runway to a point 10 miles northeast of the Springfield Airport.

§ 601.2267 *Baltimore, Md., control zone.* Within a 5-mile radius of the Baltimore, Md., Friendship International Airport, extending 2 miles either side of the ILS localizer course to a point 10 miles west of the outer marker.

§ 601.2268 *Ottumwa, Iowa, control zone.* Within a 5-mile radius of the Ottumwa Municipal Airport extending 2 miles either side of a bearing 187° True from the Ottumwa non-directional radio beacon to a point 10 miles south of the airport and within 2 miles either side of the 311° and 131° True radials of the Ottumwa omnirange extending from the Ottumwa Municipal Airport to a point 10 miles southeast of the omnirange station.

§ 601.2269 *Fort Dix, N. J., control zone.* Within a 7-mile radius of the McGuire Air Force Base extending 5 miles either side of the southwest course of the McGuire AFB radio range to a point 10 miles southwest of the radio range station, excluding that portion which lies over Red civil airway No. 3, the Fort Dix, N. J., danger area, and the Lakehurst, N. J., caution area.

§ 601.2270 *Enid, Okla., control zone.* Within a 5-mile radius of the Vance Air Force Base extending 2 miles either side of the northeast course of the Vance AFB radio range to a point 10 miles northeast of the radio range station.

§ 601.2271 *Saginaw, Mich., control zone.* Within a 5-mile radius of the Tri City Airport, Saginaw, Mich., extending 2 miles either side of a track 347° True from the Saginaw non-directional radio beacon to a point 10 miles north of the non-directional radio beacon.

§ 601.2272 *Wake Island control zone.* Within a 5-mile radius of Wake Island Airport (Lat. 19° 16′ 53″, Long. 166° 38′ 40″), within 2 miles either side of a line bearing 102° True extending from the Wake HHW Type non-directional radio beacon (Lat. 19° 18′ 18″, Long. 166° 38′ 22″), to a point 10 miles east, and within 2 miles either side of a line bearing 282° True extending from the Wake MHW Type non-directional radio beacon (Lat. 19° 17′ 05″, Long. 166° 37′ 26″) to a point 10 miles west.

§ 601.2273 *Cincinnati, Ohio, control zone.* Within a 5-mile radius of Greater Cincinnati Airport, Covington, Ky., extending 2 miles either side of the front course of the Cincinnati ILS localizer to its intersection with the southwest course of the Cincinnati radio range, extending 2 miles either side of the back course of the Cincinnati ILS localizer to its intersection with the northwest course of the Cincinnati radio range, and extending 2 miles either side of the 223° True radial of the Cincinnati omnirange to a point 10 miles southwest of the omnirange station.

§ 601.2274 *Craig AFB, Selma, Ala., control zone.* Within a 5-mile radius of the Craig Air Force Base extending 2 miles either side of the southeast course of the Craig AFB radio range to a point 10 miles southeast of the radio range station.

§ 601.2275 *Pensacola, Fla., control zone.* Within a 5-mile radius of the NAAS Saufley Field, Pensacola, Fla., excluding that portion which overlaps Blue civil airway No. 59.

§ 601.2276 *Westover, Mass., control zone.* Within a 5-mile radius of Westover AFB extending 2 miles either side of the northeast course of the Westover AFB (Chicopee) radio range to a point 10 miles northeast of the Quabbin fan marker, excluding that portion which overlaps the Barnes Airport, Westfield, Mass., control zone, and excluding the airspace within ½ mile radius of the Springfield, Mass., Municipal Airport.

§ 601.2277 *Carlsbad, N. Mex., control zone.* Within a 5-mile radius of the Carlsbad, N. Mex., Municipal Airport extending 2 miles either side of the southeast course of the Carlsbad radio range to a point 5 miles southeast of the radio range station.

§ 601.2278 *New Bedford, Mass., control zone.* Within a 5-mile radius of the New Bedford Municipal Airport extending 2 miles either side of the ILS localizer course to a point 10 miles southwest of the localizer.

§ 601.2279 *Anchorage, Alaska, control zone.* Within a 10-mile radius of Anchorage International Airport (lat. 61°10′00″, long. 149°59′30″).

§ 601.2280 *Hobbs, N. Mex., control zone.* Within a 15-mile radius of Lea County Airport, Hobbs, N. Mex.

§ 601.2281 *Tacoma, Wash., control zone.* Within a 5-mile radius of McChord Air Force Base extending 2 miles either side of the southwest course of the McChord AFB radio range to a point 10 miles northwest of the ILS outer marker

§ 601.2302 *Willow Grove, Pa., control*

Greater Pittsburgh Airport

tion; Lone Rock, Wis., radio range sta-

Pa.). The intersection of the southwest

control zone.

Cochran Field control zone.

range station.

§ 601.2281 *Tacoma, Wash., control zone.* Within a 5-mile radius of McChord AFB, excluding the portion which overlaps the Fort Lewis, Wash., danger area.

§ 601.2282 *Mt. Clemens, Mich., control zone.* Within a 7-mile radius of Selfridge AFB extending 2 miles either side of the north course of the Selfridge AFB radio range to a point 10 miles north of the radio range station.

§ 601.2283 *Atlanta, Ga., control zone.* Within a 5-mile radius of Dobbins AFB extending 2 miles either side of the west course of the Atlanta NAS radio range from the Dobbins AFB control zone to the Atlanta NAS control zone.

§ 601.2284 *Traverse City, Mich., control zone.* Within a 5-mile radius of Traverse City Airport extending 2 miles either side of the southeast course of the Traverse City radio range to a point 10 miles southeast of the radio range station.

§ 601.2285 *Victorville, Calif., control zone.* Within a 5-mile radius of George AFB, Victorville, Calif., extending 2 miles either side of a track bearing 360° True from the George AFB to a point 15 miles north.

§ 601.2286 *Columbus, Ga., control zone.* Within a 5-mile radius of the Muscogee County Airport, within 2 miles either side of the north course of the Columbus, Ga., radio range extending from the radio range station to include a 5-mile radius of Lawson Air Force Base, within 2 miles either side of the southwest course of the radio range extending from the radio range station to a point 10 miles southwest, and within 2 miles either side of the 57° True radial of the Columbus omnirange extending from the omnirange station to a point 10 miles northeast, excluding the airspace which overlaps danger areas.

§ 601.2287 *San Antonio, Tex., control zone.* Within a 5-mile radius of Randolph Air Force Base, San Antonio, Tex., extending 2 miles either side of the southeast course of the Randolph AFB radio range to a point 10 miles southeast of the radio range station.

§ 601.2288 *Longview, Tex., control zone.* Within a 5-mile radius of Gregg County Airport extending 2 miles either side of a track bearing 188° True from the Longview non-directional radio beacon to a point 10 miles south.

§ 601.2289 *Houghton, Mich., control zone.* Within a 5-mile radius of the Houghton County Airport extending 2 miles either side of the north course of the Houghton radio range to a point 10 miles north of the radio range station.

§ 601.2290 *Grand Marais, Mich., control zone.* Within a 5-mile radius of Grand Marais Airport extending 2 miles either side of the west course of the Grand Marais radio range to a point 10 miles west of the radio range station.

§ 601.2291 *Sault Ste. Marie, Mich., control zone.* Within a 10-mile radius of Kinross Airport, Sault Ste. Marie, Mich., extending 5 miles either side of the ILS localizer course to a point 10 miles northwest of the ILS outer marker compass locator, excluding that portion which lies outside the continental United States.

§ 601.2292 *Oceana, Va., control zone.* Within a 5-mile radius of the Oceana Virginia Naval Auxiliary Air Station excluding the portion overlapping danger areas.

§ 601.2293 *Chicago, Ill., control zone.* Within a 5-mile radius of the Chicago O'Hare International Airport extending 2 miles either side of the O'Hare ILS localizer course to a point 10 miles northwest of the O'Hare outer marker.

§ 601.2294 *St. Paul, Minn., control zone.* Within a 5-mile radius of Holman Field, St. Paul, Minn., extending 2 miles either side of the 40° True and 220° True radials of the Minneapolis, Minn., omnirange from the Holman Field control zone to a point 10 miles southwest of the Minneapolis omnirange station.

§ 601.2295 *Andrews, Md., control zone.* Within a 5-mile radius of the Andrews, Md., Air Force Base extending 2½ miles other side of the north course of the Andrews AFB radio range to the Andrews AFB radio range station excluding that portion which overlaps the Washington National Airport Control zone.

§ 601.2296 *Valparaiso, Fla., control zone.* Within a 5-mile radius of Elgin AFB, Valparaiso, Fla., extending 2 miles either side of the north course of the Elgin AFB radio range to the southern boundary of Red civil airway No. 30.

§ 601.2297 *Jackson, Mich., control zone.* Within a 5-mile radius of Reynolds Airport, Jackson, Mich., extending 2 miles either side of a line bearing 313° True from the Jackson, Mich., non-directional radio beacon to a point 10 miles northwest.

§ 601.2298 *Omaha, Nebr., control zone.* Within a 5-mile radius of Offutt AFB, excluding the portion which overlaps Amber civil airway No. 4, and within 2 miles either side of a direct line from the center of Offutt AFB to the Weeping Water, Nebr., non-directional radio beacon extending from the Offutt AFB to a point 10 miles southwest of the Offutt Air Force Base.

§ 601.2299 *Limestone, Maine, control zone.* Within a 6-mile radius of Limestone AFB and within 2 miles either side of the northeast course of the Presque Isle, Maine, radio range extending from the Limestone AFB to the Presque Isle radio range station excluding that portion which lies outside of the United States and excluding that portion which overlaps the Presque Isle control zone.

§ 601.2300 *Upolu Point, Hawaii, T. H., control zone.* Within a 5-mile radius of the Upolu Point Airport and within 2 miles either side of the 261° True radial of the Upolu Point omnirange extending from the omnirange station to a point 10 miles west.

§ 601.2301 *Waco, Tex., control zone.* Within a 5-mile radius of the Waco Municipal Airport and within a 5-mile radius of the Connally AFB, Waco, Tex.

§ 601.2302 *Willow Grove, Pa., control zone.* Within a 5-mile radius of a point located at lat. 40°11'40", long. 75°06'25" and within 2 miles either side of the northeast and northwest courses of the Willow Grove (Navy) radio range extending from the radio range station to points 10 miles northeast and northwest.

§ 601.2303 *Great Falls, Mont., control zone.* Within a 5-mile radius of the Great Falls Air Force Base, excluding the portion which overlaps the Great Falls Municipal Airport control zone.

§ 601.2304 *Fort Knox, Ky., control zone.* Within a 5-mile radius of the Godman Air Force Base and within 2 miles either side of a line bearing 354° True extending from the Godman AFB non-directional radio beacon to a point 10 miles north, excluding the portion which overlaps danger areas.

§ 601.2305 *Lawton, Okla., control zone.* Within a 3-mile radius of Lawton Municipal Airport and within 2 miles either side of the 357° True and 177° True radials of the Lawton omnirange extending from the Lawton Municipal Airport to a point 10 miles south of the omnirange station.

§ 601.2306 *Paducah, Ky., control zone.* Within a 5-mile radius of the Paducah Municipal Airport (Barkley Field) and within 2 miles either side of a line bearing 220° True, from the non-directional radio beacon extending from the Paducah Municipal Airport to a point 10 miles southwest.

§ 601.2307 *Brunswick, Maine, control zone.* All that area within a 5-mile radius of the Brunswick, Me., Naval Air Station excluding the portion which overlaps Amber civil airway No. 7.

§ 601.2308 *Valdosta, Ga., control zone.* All that area within a 10-mile radius of Moody AFB, Valdosta, Ga.

§ 601.2309 *Valdosta, Ga., control zone.* All that area within a 5-mile radius of the Valdosta Municipal Airport, excluding that portion which overlaps the Moody AFB control zone.

§ 601.2310 *Oscoda, Mich., control zone.* Within a 10-mile radius of the Oscoda AFB extending 5 miles either side of the ILS localizer course to a point 10 miles southwest of the ILS outer marker compass locator, excluding the portion which overlaps danger areas.

§ 601.2311 *San Antonio, Tex., control zone.* Within a 5-mile radius of Kelly AFB and within 5 miles either side of a direct line from the Kelly AFB through the Leon nondirectional radio beacon extending from the AFB to a point 2½ miles northwest of the Leon non-directional radio beacon.

§ 601.2312 *Columbus, Ind., control zone.* Within a 5-mile radius of Atterbury AFB and within 2 miles either side of a line bearing 44° True from the Atterbury AFB to a point 10 miles northeast excluding the portion which overlaps danger areas.

§ 601.2313 *Pittsburgh, Pa., control zone.* Within a 5-mile radius of Greater Pittsburgh Airport and within 2 miles either side of the Greater Pittsburgh Airport ILS localizer southeast course extending southeastward from the ILS localizer to the boundary of the Allegheny County Airport Control Zone.

§ 601.2314 *Bryan, Tex., control zone.* All that airspace within a 3-mile radius of the Easterwood Airport, College Station, Tex., including the airspace within a 5 mile radius of Bryan Air Force Base, Bryan, Tex.

§ 601.2315 *San Bernardino, Calif., control zone.* Within a 5-mile radius of Norton Air Force Base and within 2¼ miles either side of a line bearing 248° True extending from the Norton AFB to the centerline of the northwest course of the Riverside, Calif., radio range.

§ 601.2316 *Marianna, Fla., control zone.* Within a 5-mile radius of the Marianna Airport and within 2 miles either side of the 130° True radial of the Marianna omnirange extending from the omnirange station to a point 10 miles southeast.

§ 601.2317 *Tuscaloosa, Ala., control zone.* Within a 5-mile radius of the Van De Graaff Airport and within 2 miles either side of the 60° True radial of the Tuscaloosa omnirange extending from the omnirange station to a point 10 miles northeast.

§ 601.2318 *Myrtle Beach, S. C., control zone.* Within a 5-mile radius of the Myrtle Beach Municipal Airport and within 2 miles either side of the northeast course of the Myrtle Beach VHF VAR radio range extending from the VHF VAR radio range station to a point 10 miles northeast.

Subpart E—Colored Civil Airway Reporting Points

Designation of Reporting Points

§ 601.4001 *Designation of reporting points.* The locations described in Subpart E and Subpart G are designated as reporting points.

Green Civil Airways

§ 601.4011 *Green civil airway No. 1 (Patricia Bay, British Columbia), to United States-Canadian Border via Millinocket, Maine).* Millinocket, Maine, radio range station.

§ 601.4012 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Coeur d'Alene, Idaho, radio range station; Mullan Pass, Idaho, radio range station; Superior, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; Bozeman, Mont., radio range station; Livingston, Mont., radio range station; Billings, Mont., radio range station; Miles City, Mont., radio range station; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Jamestown, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; LaCrosse, Wis., radio range station; Lone Rock, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; the intersection of the north course of the Salem, Mich., VHF radio range and the east course of the Lansing, Mich., radio range; Detroit, Mich., radio range station; Buffalo, N. Y., radio range station; Rochester, N. Y., radio range station; Syracuse, N. Y., radio range station; Albany, N. Y., radio range station; Westfield, Mass., radio range station; the intersection of the northeast course of Hartford, Conn., radio range and the southeast course of the Westfield, Mass., radio range; Franklin, Mass., fan type radio marker beacon or the intersection of the northeast course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range; Boston, Mass., radio range station.

§ 601.4013 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Bay Point, Calif., fan type radio marker station; Sacramento, Calif., radio range station; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Elko, Nev., radio range station; Lucin, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Sinclair, Wyo., radio range station; Cheyenne, Wyo., radio range station; the intersection of the east course of the Cheyenne, Wyo., radio range and the southwest course of the Scottsbluff, Nebr., radio range; the Sidney, Nebr., nondirectional radio beacon; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Moline, Ill., radio range station; the intersection of the southeast course of the Rockford, Ill., radio range and the west course of the Chicago, Ill., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; the intersection of the southeast course of the Detroit, Mich., radio range and the west course of the Cleveland, Ohio, radio range; Cleveland, Ohio, radio range station; Youngstown, Ohio, radio range station; Brookville, Pa., non-directional radio marker beacon; Philipsburg, Pa., radio range station; Selinsgrove, Pa., non-directional radio beacon; Allentown, Pa., radio range station; the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the Newark, N. J., radio range; the intersection of the east course of the Allentown, Pa., radio range and the southwest course of the New York (La Guardia), N. Y. radio range; the intersection of the southwest course of the New York (La Guardia), N. Y., radio range and the northwest course of the Floyd Bennett, N. Y. (Navy), radio range; New York (La Guardia), N. Y., radio range station.

§ 601.4014 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* The intersection of the southwest course of the Newhall, Calif., radio range and the northwest course of the Burbank, Calif., radio range; the intersection of the north course of the Los Angeles, Calif., radio range and the southwest course of the Palmdale, Calif., radio range or the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; Needles, Calif., radio range station; Prescott, Ariz., radio range station; Winslow, Ariz., radio range station; Zuni, N. Mex., radio range station; Acomita, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; the intersection of the east course of the Otto, N. Mex., radio range and the southwest course of the Las Vegas, N. Mex., radio range; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; Wichita, Kans., radio range station; Lebo, Kans., nondirectional radio beacon; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; the intersection of the northeast course of the Indianapolis, Ind., radio range and the northwest course of the Cincinnati, Ohio, radio range of the Greenfield, Ind., radio marker beacon; the intersection of the west course of the Columbus, Ohio, radio range and the north course of the Dayton, Ohio, radio range; Columbus, Ohio, radio range station; the intersection of the east course of the Columbus, Ohio, radio range and a track 360° magnetic from the Zanesville, Ohio, non-directional radio beacon; the intersection of the west course of the Pittsburgh, Pa., radio range and the northwest course of the Morgantown, W. Va., radio range; Pittsburgh, Pa., radio range station; Altoona, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the southwest course of the Allentown, Pa., radio range and the east course of the Harrisburg, Pa., radio range; Philadelphia, Pa., radio range station.

§ 601.4015 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.).* Riverside, Calif., radio range station; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the south course of the Phoenix, Ariz., radio range and the northwest course of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; Rodeo, N. Mex., radio range station; Columbus, N. Mex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Texarkana, Ark., radio range station; the intersection of the southwest course of the Memphis, Tenn., radio range and the southeast course of the Little Rock, Ark., radio range; Memphis, Tenn., radio range station; Jackson, Tenn., radio range station; Nashville, Tenn., radio range station; Smithville, Tenn., radio range station; Knoxville, Tenn., radio range station; Tri-City, Tenn., radio

range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; Quantico, Va. (Navy), radio range station; Andrews, Md., radio range station; the intersection of the south course of the New Castle, Del., radio range and the southwest course of the Millville, N. J., radio range; Millville, N. J., radio range station; the intersection of the southeast course of the Newark, N. J., radio range and the southwest course of the Mitchel Field, N. Y., AFB radio range; the intersection of the east course of the New York, N. Y. (La Guardia), radio range and the northeast course of the Mitchel Field AFB radio range; the intersection of the southwest course of the Boston, Mass., radio range and the southeast course of the Hartford, Conn., radio range; the intersection of the west course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range.

§ 601.4016 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.).* Laredo, Tex., radio range station; Alice, Tex., radio range station; Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; the intersection of the northeast course of the Galveston, Tex., radio range and the south course of the Beaumont, Tex., radio range; Lake Charles, La., radio range station; New Orleans, La., radio range station; Mobile, Ala., radio range station; Maxwell AFB, Ala., radio range station; Atlanta, Ga., radio range station; Spartanburg, S. C., radio range station; Greensboro, N. C., radio range station; Blackstone, Va., radio range station; Richmond, Va., radio range station; Norfolk, Va., radio range station.

§ 601.4017 *Green civil airway No. 7 (Nome, Alaska, to Fairbanks, Alaska).* Moses Point, Alaska, radio range station; the intersection of the east course of the Moses Point, Alaska, radio range and the north course of the Unalakleet, Alaska, radio range; Galena, Alaska, radio range station; the intersection of the east course of the Galena, Alaska, radio range and the southwest course of the Tanana, Alaska, radio range; the intersection of the southeast course of the Tanana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range; the intersection of the west course of the Fairbanks, Alaska, radio range and the northwest course of the Nenana, Alaska, radio range; Fairbanks, Alaska, radio range station.

§ 601.4018 *Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska).* King Salmon, Alaska, radio range station; the intersection of the northeast course of the King Salmon, Alaska, radio range and the southwest course of the Iliamna, Alaska, radio range; the intersection of the southeast course of the Iliamna, Alaska, radio range and the west course of the Homer, Alaska, radio range; the intersection of the west course of the Homer, Alaska, radio range and the southwest course of the Kenai, Alaska, radio range; Homer, Alaska, radio range station; the intersection of the east course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range; Anchorage, Alaska, radio range station; the intersection of the northeast course of the Anchorage, Alaska, radio range and the southeast course of the Skwentna, Alaska, radio range; Gulkana, Alaska, radio range station; Northway, Alaska, radio range station.

§ 601.4019 *Green civil airway No. 9 (Hawaiian Islands).* The intersection of the south course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range; the intersection of the southeast course of the Port Allen, T. H., radio range and the southwest course of the Honolulu, T. H., radio range; Honolulu, T. H., radio range station; the intersection of the northeast course of the Honolulu, T. H., radio range and the north course of the Maui, T. H., radio range; the intersection of the northeast course of the Honolulu, T. H., radio range and the north course of the Hilo, T. H., radio range.

AMBER CIVIL AIRWAYS

§ 601.4101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska).* San Diego, Calif., radio range station; the intersection of the northwest course of the San Diego, Calif., radio range and the southeast course of the Long Beach, Calif., radio range; Bakersfield, Calif., radio range station; Los Angeles, Calif., radio range station; Fresno, Calif., radio range station; Merced, Calif. (Castle), radio range station; the intersection of the east course of the Stockton, Calif., radio range and the southeast course of the Sacramento, Calif., radio range; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; McChord AFB radio range station, Tacoma, Wash.; Everett, Wash., radio range station; Bellingham, Wash., radio range station; Sitka (Biorka Island), Alaska, radio range station; the intersection of the northwest course of the Sitka (Biorka Island), Alaska, radio range and the southwest course of the Gustavus, Alaska, radio range; Yakutat, Alaska, radio range station; the intersection of the northwest course of the Yakutat, Alaska, radio range and the south course of the Yakataga, Alaska, radio range; the intersection of the east course of the Hinchinbrook, Alaska, radio range and the southeast course of the Cordova, Alaska, radio range; Hinchinbrook, Alaska, radio range station; the intersection of the northwest course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range; the intersection of the northeast course of the Kenai, Alaska, radio range and the northwest course of the Anchorage, Alaska, radio range; Skwentna, Alaska, radio range station; Puntilla Lake, Alaska, nondirectional radio beacon; Farewell, Alaska, radio range station; McGrath, Alaska, radio range station; Unalakleet, Alaska, radio range station; Nome, Alaska, radio range station.

§ 601.4102 *Amber civil airway No. 2 (Long Beach, Calif., to Point Barrow, Alaska).* Las Vegas, Nev., radio range station; Enterprise, Utah, radio range station; Delta, Utah, radio range station; Salt Lake City, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; the intersection of the north course of the Helena, Mont., radio range and the southwest course of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station; Cut Bank, Mont., radio range station; Big Delta, Alaska, radio range station; the intersection of the northwest course of the Big Delta, Alaska, radio range and the east course of the Fairbanks, Alaska, radio range.

§ 601.4103 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).* Truth or Consequences, N. Mex., radio range station; Las Vegas, N. Mex., radio range station; Trinidad, Colo., radio range station; Pueblo, Colo., radio range station; Colorado Springs, Colo., radio range station; Denver, Colo., radio range station; the intersection of the north course of the Cheyenne, Wyo., radio range and the northeast course of the Laramie, Wyo., radio range; Casper, Wyo., radio range station; Sheridan, Wyo., radio range station; Lewistown, Mont., radio range station.

§ 601.4104 *Amber civil airway No. 4 (Brownsville, Tex., to Minot, N. Dak.).* Brownsville, Tex., radio range station; the intersection of the south course of the Alice, Tex., radio range and the southwest course of the Corpus Christi, Tex., radio range; the intersection of the south course of the San Antonio, Tex., radio range and the southeast course of the Kelly, Tex., radio range; San Antonio, Tex., radio range station; Cibolo, Tex., fan type radio marker station or the intersection of the north course of the San Antonio, Tex., radio range and the southwest course of the Austin, Tex., radio range; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the south course of the Fort Worth, Tex., radio range and the west course of the Dallas, Tex., radio range; Oklahoma City, Okla., radio range station; Tulsa, Okla., radio range station; Chanute, Kans., radio range station; St. Joseph, Mo., radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; Minot, N. Dak., radio range station.

§ 601.4105 *Amber civil airway No. 5 (Grand Isle, La., to Milwaukee, Wis.).* Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Advance, Mo., radio range station; Springfield, Ill., radio range station; the intersection of the east course of the Peoria, Ill., radio range and the southwest course of the Joliet, Ill., radio range; Joliet, Ill., radio range station.

§ 601.4106 *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* Jacksonville, Fla., radio range station; Alma, Ga., radio range station; Macon, Ga., radio range station; Chattanooga, Tenn., radio range station; Bowling Green, Ky., radio range station; Louisville, Ky., radio range station.

§ 601.4107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border).* Key West, Fla., radio range station; the intersection of the northeast course of the Key West, Fla., radio range and the southwest course of the Homestead, Fla., radio range; Miami, Fla., radio range station; West Palm Beach, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Brunswick, Ga., radio marker beacon; Savannah, Ga., radio range station; Charleston, S. C., radio range station; Florence, S. C., radio range station; Lumberton, N. C., nondirectional radio beacon; Raleigh, N. C., radio range station; the intersection of the southwest course of the Richmond, Va., radio range and the southeast course of the Blackstone, Va., radio range; the intersection of the southwest course of the Washington, D. C., radio range and the southeast course of the Quantico, Va., radio range; Washington, D. C., radio range station; the intersection of the northeast course of the Washington, D. C., radio range and the west course of the Baltimore, Md., radio range; Newark, N. J., radio range station; Hartford, Conn., radio range station; Portland, Maine, radio range station; Augusta, Maine, radio range station; the intersection of the southwest course of the Millinocket, Maine, radio range and the northwest course of the Bangor, Maine, radio range; Presque Isle, Maine, radio range station.

§ 601.4108 *Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.).* The intersection of the west course of the Los Angeles, Calif., VHF radio range and the southeast course of the Camarillo, Calif., radio range; Camarillo, Calif., radio range station; Santa Barbara, Calif., radio range station; Paso Robles, Calif., VHF radio range station; Salinas, Calif., VHF radio range station; the intersection of the southwest course of the San Francisco, Calif., radio range and the northwest course of the Salinas, Calif., VHF radio range; the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Fairfield, Calif., radio range; the intersection of the southwest course of the Travis AFB, Fairfield, Calif., radio range and the northwest course of the Oakland, Calif., radio range; Travis AFB, Fairfield, Calif., radio range station; Whitmore, Calif., radio range station; Klamath Falls, Oreg., radio range station; Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station.

§ 601.4109 *Amber civil airway No. 9 (Charleston, S. C., to New York, N. Y.).* Myrtle Beach, S. C., VHF radio range station; Wilmington, N. C., VHF radio range station; New Bern, N. C., VHF radio range station; Williamston, N. C., VHF radio range station; the intersection of the northeast course of the Williamston, N. C., VHF radio range and the southwest course of the Norfolk, Va., radio range; Salisbury, Md., VHF radio range station.

§ 601.4110 *Amber civil airway No. 10 (Hawaiian Islands).* Intersection of the south course of the Honolulu, T. H., radio range and the west course of the Hilo, T. H., radio range.

§ 601.4111 *Amber civil airway No. 11 (Hawaiian Islands).* Intersection of the south course of the Maui, T. H., radio range and the west course of the Hilo, T. H., radio range.

§ 601.4112 *Amber civil airway No. 12 (Hawaiian Islands).* Hilo, T. H., radio range station; the intersection of the east course of the Maui, T. H., radio range and the north course of the Hilo, T. H., radio range.

RED CIVIL AIRWAYS

§ 601.4201 *Red civil airway No. 1 (Portland, Oreg., to Goodland, Kans.).* Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; Gooding, Idaho, non-directional radio beacon; Burley, Idaho, radio range station; Laramie, Wyo., radio range station; Goodland, Kans., non-directional radio beacon.

§ 601.4202 *Red civil airway No. 2 (Butte, Mont., to Rapid City, S. Dak.).* Butte, Mont., radio range station; Rapid City, S. Dak., radio range station.

§ 601.4203 *Red civil airway No. 3 (Philipsburg, Pa., to Hartford, Conn.).* No reporting point designation.

§ 601.4204 *Red civil airway No. 4 (Albuquerque, N. Mex., to Tucumcari, N. Mex.).* No reporting point designation.

§ 601.4205 *Red civil airway No. 5 (Sioux Falls, S. Dak., to St. Paul, Minn.).* No reporting point designation.

§ 601.4206 *Red civil airway No. 6 (Las Vegas, Nev., to Omaha, Nebr.).* St. George, Utah, VHF radio range station; Bryce Canyon, Utah, VHF radio range station; Hanksville, Utah, VHF radio range station; Grand Junction, Colo., VHF radio range station; Eagle, Colo., VHF radio range station; Akron, Colo., radio range station; Lincoln, Nebr., radio range station.

§ 601.4207 *Red civil airway No. 7 (Atlanta, Ga., to Greensboro, N. C.)* Greenville, S. C., radio range station; Charlotte, N. C., radio range station.

§ 601.4208 *Red civil airway No. 8 (Dayton, Ohio, to Williamsport, Pa.).* The intersection of the south course of the Dayton, Ohio radio range and the west course of the Wright-Patterson, Ohio, AFB radio range; the intersection of the east course of the Wright-Patterson, Ohio, AFB radio range and the south course of the Columbus, Ohio, radio range; Williamsport, Pa., radio range station.

§ 601.4209 *Red civil airway No. 9 (San Diego, Calif., to Winslow, Ariz.).* El Centro, Calif., radio range station; Gila Bend, Ariz., radio range station.

§ 601.4210 *Red civil airway No. 10 (Pueblo, Colo., to Charleston, S. C.).* The intersection of the southwest course of the La Junta, Colo., radio range and the northeast course of the Trinidad, Colo., radio range; Dalhart, Tex., non-directional radio beacon; Wichita Falls, Tex., radio range station; Dallas, Tex., radio range station; the intersection of the north course of the Tyler, Tex., radio range and the west course of the Shreveport, La., radio range; Shreveport, La., radio range station; Monroe, La., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; Augusta, Ga., radio range station.

§ 601.4211 *Red civil airway No. 11 (Enid, Okla., to Boston, Mass.).* The intersection of the south course of the Joplin, Mo., radio range and the northeast course of the Tulsa, Okla., radio range; Springfield, Mo., radio range station; Vichy, Mo., radio range station; the intersection of the northeast course of the Scott Field, Belleville, Ill., radio range and the northwest course of the Evansville, Ind., radio range; Evansville, Ind., radio range station; Huntington, W. Va., radio range station; Elmira, N. Y., radio range station; the intersection of the northeast course of the Westover Field, Chicopee Falls, Mass., radio range and the west course of the Boston, Mass., radio range; the intersection of the east course of the Boston, Mass., radio range and the northeast course of the Squantum, Mass. (Navy) radio range.

§ 601.4212 *Red civil airway No. 12 (Kansas City, Mo., to Williamsport, Pa.).* Kirksville, Mo., radio range station; Burlington, Iowa, radio range station; South Bend, Ind., radio range station; the intersection of the east course of the South Bend, Ind., radio range and the south course of the Battle Creek, Mich., radio range; the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Romulus, Mich., radio range.

§ 601.4213 *Red civil airway No. 13 (Butler, Pa., to Boston, Mass.).* Wilkes-Barre, Pa., radio range station; Poughkeepsie, N. Y., radio range station; Providence, R. I., radio range station.

§ 601.4214 *Red civil airway No. 14 (Lone Rock, Wis., to Bowling Green, Ky.).* Rockford, Ill., radio range station; Chicago, Ill., radio range station; the intersection of the east course of the Harvey, Ill., radio range and the southeast course of the Chicago, Ill., radio range; the intersection of the northeast course of the La Fayette, Ind., radio range and the northwest course of the Indianapolis, Ind., radio range.

§ 601.4215 *Red civil airway No. 15 (Reno, Nev., to Phoenix, Ariz.).* The intersection of the southeast course of the Las Vegas, Nev., radio range and the north course of the Needles, Calif., radio range.

§ 601.4216 *Red civil airway No. 16 (Tallahassee, Fla., to Florence, S. C.).* Albany, Ga., radio range station; Columbia, S. C., radio range station.

§ 601.4217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.).* Scott AFB, Belleville, Ill., radio range station; Fort Wayne, Ind., radio range station;

Findlay, Ohio, nondirectional radio beacon; Mansfield, Ohio, nondirectional radio beacon; the intersection of the northeast course of the Arcola, Va., radio range and the west course of the Baltimore, Md., radio range; Baltimore, Md., radio range station.

§ 601.4218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* Cincinnati, Ohio, radio range station; Charleston, W. Va., radio range station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station.

§ 601.4219 *Red civil airway No. 19 (Detroit, Mich., to Norfolk, Va.).* Wellington, Ohio, VHF radio range station; Morgantown, W. Va., radio range station.

§ 601.4220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.).* Akron, Ohio, radio range station; the intersection of the south course of the Youngstown, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range; the intersection of the northwest course of the Washington, D. C., radio range and the east course of the Martinsburg, W. Va., radio range.

§ 601.4221 *Red civil airway No. 21 (Pittsburgh, Pa., to Boston, Mass.).* The intersection of the northeast course of the Pittsburgh, Pa., radio range and the north course of the Altoona, Pa., radio range; the Crystal Lake, Pa., non-directional radio beacon; the intersection of the northeast course of the Allentown, Pa., radio range and the northwest course of the Newark, N. J., radio range.

§ 601.4222 *Red civil airway No. 22 (Mount Clemens, Mich., to Albany, N. Y.).* The intersection of the northeast course of the Buffalo, N. Y., radio range and the northwest course of the Rochester, N. Y., radio range; Utica, N. Y., radio range station, the intersection of the southeast course of the Utica, N. Y., radio range and the west course of the Albany, N. Y., radio range.

§ 601.4223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.).* The Houghton, Mich., radio range station; Sault Ste. Marie, Mich., radio range station; the intersection of the northeast course of the Buffalo, N. Y., radio range and the southeast course of the Toronto, Ont., Canada, radio range; the intersection of the northeast course of the Allentown, Pa., radio range and the northwest course of the New York (La Guardia), N. Y., radio range; the Paterson, N. J., non-directional radio beacon.

§ 601.4224 *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).* No reporting point designation.

§ 601.4225 *Red civil airway No. 25 (Tallahassee, Fla., to Miami, Fla.).* Cross City, Fla., radio range station; Tampa, Fla., radio range station; Fort Myers, Fla., radio range station.

§ 601.4226 *Red civil airway No. 26 (Syracuse, N. Y., to Allentown, Pa.).* The intersection of the southeast course of the Elmira, N. Y., radio range and the north course of the Wilkes-Barre, Pa., radio range.

§ 601.4227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).* Corbin Ky., radio range station; Dayton, Ohio, radio range station.

§ 601.4228 *Red civil airway No. 28 (Rockford, Ill., to Detroit, Mich.).* The intersection of the east course of the Rockford, Ill., radio range and the northwest course of the Chicago, Ill., radio range; the intersection of the northeast course of the Chicago, Ill., radio range and the north course of the South Bend, Ind., radio range.

§ 601.4229 *Red civil airway No. 29 (Rochester, N. Y., to Baltimore, Md.).* No reporting point designation.

§ 601.4230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.).* Alexandria, La., radio range station; Baton Rouge, La., radio range station; Keesler AFB, Biloxi, Miss., radio range station; Crestview, Fla., radio range station; Tallahassee, Fla., radio range station.

§ 601.4231 *Red civil airway No. 31 (Cheyenne, Wyo., to Minneapolis, Minn.).* Scottsbluff, Nebr., radio range station; Pierre, S. Dak., radio range station; Watertown, S. Dak., radio range station; Willmar, Minn., radio range station.

§ 601.4232 *Red civil airway No. 32 (Laredo, Tex., to Houston, Tex.).* Kelly, Tex., radio range station.

§ 601.4233 *Red civil airway No. 33 (Richmond, Va., to Boston, Mass.).* Arcola, Va., radio range station; the intersection of the northeast course of the Arcola, Va., radio range and the south course of the Harrisburg, Pa., radio range.

§ 601.4234 *Red civil airway No. 34 (Charleston, W. Va., to Elizabeth City, N. C.).* Pulaski, Va., radio range station; Rocky Mount, N. C., VHF radio range station; Elizabeth City, N. C., VHF radio range station.

§ 601.4235 *Red civil airway No. 35 (Pueblo, Colo., to St. Joseph, Mo.).* La Junta, Colo., radio range station; Garden City, Kans., radio range station; Hutchinson, Kans., radio range station.

§ 601.4236 *Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).* Rochester, Minn., radio range station.

§ 601.4237 *Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.).* Tyler, Tex., radio range station; Little Rock, Ark., radio range station; Lynchburg, Va., radio range station.

§ 601.4238 *Red civil airway No. 38 (Big Spring, Tex., to San Antonio, Tex.).* San Angelo, Tex., radio range station; the intersection of the northwest course of the Kelly, Tex., radio range and the west course of the San Antonio, Tex., radio range.

§ 601.4239 *Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).* Minchumina, Alaska, radio range station; Nenana, Alaska, radio range station.

§ 601.4240 *Red civil airway No. 40 (Kodiak, Alaska, to Anchorage, Alaska).* Kodiak, Alaska, radio range station; Shuyak, Alaska, non-directional radio beacon; Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range.

§ 601.4241 *Red civil airway No. 41 (Yakutat, Alaska, to Gustavus, Alaska).* Gustavus, Alaska, radio range station.

§ 601.4242 *Red civil airway No. 42 (Milwaukee, Wis., to La Fayette, Ind.)* No reporting point designation.

§ 601.4243 *Red civil airway No. 43 (Chicago, Ill., to La Fayette, Ind.).* No reporting point designation.

§ 601.4244 *Red civil airway No. 44 (Bellingham, Wash., to United States-Canadian Border).* No reporting point designation.

§ 601.4245 *Red civil airway No. 45 (Blackstone, Va., to Allentown, Pa.),* Manakin, Va., non-directional radio beacon.

§ 601.4246 *Red civil airway No. 46 (Jamestown, N. Dak., to Rochester, Minn.).* No reporting point designation.

§ 601.4247 *Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.),* Orlando, Fla., radio range station.

§ 601.4248 *Red civil airway No. 48 (Missoula, Mont., to Livingston, Mont.),* No reporting point designation.

§ 601.4249 *Red civil airway No. 49 (Elko, Nev., to Fort Bridger, Wyo.),* Wendover, Utah, radio range station.

§601.4250 *Red civil airway No. 50 (Galena, Alaska, to Fairbanks, Alaska),* Tanana, Alaska, radio range station.

§ 601.4251 *Red civil airway No. 51 (Erie, Pa., to Elmira, N. Y.).* Bradford, Pa., non-directional radio beacon.

§ 601.4252 *Red civil airway No. 52 (Memphis, Tenn., to Birmingham, Ala.),* Muscle Shoals, Ala., radio range station.

§ 601.4253 *Red civil airway No. 53 (Joplin, Mo., to Springfield, Mo.).* Joplin, Mo., radio range station.

§ 601.4254 *Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).* No reporting point designation.

§ 601.4255 *Red civil airway No. 55 (Burlington, Iowa, to Columbus, Ohio),* Peoria, Ill., radio range station.

§ 601.4256 *Red civil airway No. 56 (Red Bluff, Calif., to Whitmore, Calif.).* No reporting point designation.

§ 601.4257 *Red civil airway No. 57 (Moline, Ill., to Youngstown, Ohio),* Battle Creek, Mich., radio range station.

§ 601.4258 *Red civil airway No. 58 (Salinas, Calif., to Hollister, Calif.).* No reporting point designation.

§ 601.4259 *Red civil airway No. 59 (Garden City, Kans., to Oklahoma City, Okla.).* No reporting point designation.

§ 601.4260 *Red civil airway No. 60 (Oakland, Calif., to Stockton, Calif.),* Stockton, Calif., radio range station.

§ 601.4261 *Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).* The intersection of the northwest course of

the Arcola, Va., radio range and the west course of the Martinsburg, W. Va., radio range.

§ 601.4262 *Red civil airway No. 62 (Pittsburgh, Pa., to Altoona, Pa.).* No reporting point designation.

§ 601.4263 *Red civil airway No. 63 (Battle Creek, Mich., to United States-Canadian Border).* Salem, Mich., VHF radio range station.

§ 601.4264 *Red civil airway No. 64 (United States-Canadian Border to Annette Island, Alaska).* Annette Island, Alaska, radio range station.

§ 601.4265 *Red civil airway No. 65 (Oceanside, Calif., to Blythe, Calif.).* No reporting point designation.

§ 601.4266 *Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.).* No reporting point designation.

§ 601.4267 *Red civil airway No. 67 (Crestview, Fla., to Dothan, Ala.),* Dothan, Ala., radio range station.

§ 601.4268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.).* Midland, Tex., radio range station.

§ 601.4269 *Red civil airway No. 69 (Midland, Tex., to Big Spring, Tex.).* No reporting point designation.

§ 601.4270 *Red civil airway No. 70 (Midland, Tex., to Lubbock, Tex.)* No reporting point designation.

§ 601.4271 *Red civil airway No. 71 (El Paso, Tex., to Lubbock, Tex.)* Roswell, New Mex., radio range station; Lubbock, Tex., radio range station.

§ 601.4272 *Red civil airway No. 72 (Millville, N. J., to Idlewild, N. Y.).* No reporting point designation.

§ 601.4273 *Red civil airway No. 73 (Baltimore, Md., to Millville, N. J.).* No reporting point designation.

§ 601.4274 *Red civil airway No. 74 (Louisville, Ky., to Cincinnati, Ohio).* No reporting point designation.

§ 601.4275 *Red civil airway No. 75 (United States-Canadian Border, Vancouver, B. C., to United States-Canadian Border, Abbotsford, B. C.).* No reporting point designation.

§ 601.4276 *Red civil airway No. 76 (Williams, Calif., to Auburn, Calif.).* No reporting point designation.

§ 601.4277 *Red civil airway No. 77 (Lynchburg, Va., to Millville, N. J.).* No reporting point designation.

§ 601.4278 *Red civil airway No. 78 (Medford, Oreg., to Klamath Falls, Oreg.).* No reporting point designation.

§ 601.4279 *Red civil airway No. 79 (Port Angeles, Wash., to Everett, Wash.).* No reporting point designation.

§ 601.4280 *Red civil airway No. 80 (Lewistown, Mont., to Miles City, Mont.).* No reporting point designation.

§ 601.4281 *Red civil airway No. 81 (Cadillac, Mich., to Elkins, W. Va.).* No reporting point designation.

§ 601.4282 *Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).* No reporting point designation.

§ 601.4283 *Red civil airway No. 83 (Gila Bend, Ariz., to Rodeo, N. Mex.).* Douglas, Ariz., radio range station.

§ 601.4284 *Red civil airway No. 84 (Lafayette, La., to Atlanta, Ga.).* Craig AFB radio range station, Selma, Ala.

§ 601.4285 *Red civil airway No. 85 (Dayton, Ohio, to Martinsburg, Pa.).* Butler, Pa., non-directional radio beacon.

§ 601.4286 *Red civil airway No. 86 (Millinocket, Maine, to Houlton, Maine).* No reporting point designation.

§ 601.4287 *Red civil airway No. 87 (Hawaiian Islands).* Intersection of the northwest course of the Port Allen, T. H., radio range and a point 100 miles northwest of the Port Allen, T. H., radio range station; Port Allen, T. H., radio range station; Maui, T. H., radio range station; intersection of the east course of the Maui, T. H., radio range and the east course of the Hilo, T. H., radio range.

§ 601.4288 *Red civil airway No. 88 (Albuquerque, N. Mex., to Hobbs, N. Mex.).* Hobbs, N. Mex., radio range station.

§ 601.4289 *Red civil airway No. 89 (St. Joseph, Mo., to Peoria, Ill).* No reporting point designation.

§ 601.4290 *Red civil airway No. 90 (Oxnard, Calif., to Burbank, Calif.).* No reporting point designation.

§ 601.4291 *Red civil airway No. 91 (Salt Flat, Tex., to Hobbs, N. Mex.).* Carlsbad, N. Mex., radio range station.

§ 601.4292 *Red civil airway No. 92 (New York, N. Y., to Islip, N. Y.).* No reporting point designation.

§ 601.4293 *Red civil airway No. 93 (Lincoln, Nebr., to Omaha, Nebr.).* No reporting point designation.

§ 601.4294 *Red civil airway No. 94 (Providence, R. I., to Hyannis, Mass.).* No reporting point designation.

§ 601.4295 *Red civil airway No. 95 (Elmira, N. Y., to Utica, N. Y.).* The intersection of the south course of the Syracuse, N. Y., radio range and the northeast course of the Elmira, N. Y., radio range.

§ 601.4296 *Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).* The intersection of the southwest course of the Houston, Tex., radio range and the southeast course of the Richmond, Tex., radio range; Houston, Tex., radio range station; Beaumont, Tex., radio range station.

§ 601.4297 *Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* No reporting point designation.

§ 601.4298 *Red civil airway No. 98 (Vichy, Mo., to Belleville, Ill.).* No. reporting point designation.

§ 601.4299 *Red civil airway No. 99 (Iliamna, Alaska, to Homer, Alaska).* The Iliamna, Alaska, radio range station.

§ 601.4312 *Red civil airway No. 112 (Hawaiian Islands).* No reporting point designation.

BLUE CIVIL AIRWAYS

§ 601.4601 *Blue civil airway No. 1 (Pendleton, Oreg., to Spokane, Wash.).* Walla Walla, Wash., radio range station.

§ 601.4602 *Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.),* Erie, Pa., radio range station.

§ 601.4603 *Blue civil airway No. 3 (Tallahassee, Fla., to Sault Ste. Marie, Mich.).* Traverse City, Mich., radio range station; Pellston, Mich., non-directional radio beacon.

§ 601.4604 *Blue civil airway No. 4 (Nantucket, Mass., to United States-Canadian Border).* Concord, N. H., radio range station; the intersection of the southeast course of the Burlington, Vt., radio range and the southwest course of the Montpelier, Vt., radio range; Burlington, Vt., radio range station.

§ 601.4605 *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).* Galveston, Tex., radio range station; the intersection of the northwest course of the Houston, Tex., radio range and the northeast course of the Richmond, Tex., radio range; Bryan, Tex., radio range station.

§ 601.4606 *Blue civil airway No. 6 (Abilene, Tex., to Muskegon, Mich.).* No reporting point designation.

§ 601.4607 *Blue civil airway No. 7 (Paso Robles, Calif., to Williams, Calif.).* The intersection of the northeast course of the Salinas, Calif., radio range and the southeast course of the Oakland, Calif., radio range.

§ 601.4608 *Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).* Grand Forks, N. Dak., radio range station; Pembina, N. Dak., radio range station.

§ 601.4609 *Blue civil airway No. 9 (Columbia, Mo., to United States-Canadian Border).* Duluth, Minn., radio range station.

§ 601.4610 *Blue civil airway No. 10 (Fresno, Calif., to Williams, Calif.).* Los Banos, Calif., fan type radio marker station or the intersection of the northwest course of the Fresno, Calif., radio range and the south course of the Stockton, Calif., radio range; Evergreen, Calif., non-directional radio marker beacon.

§ 601.4611 *Blue civil airway No. 11 (Toledo, Ohio, to Niagara Falls, N. Y.).* No reporting point designation.

§ 601.4612 *Blue civil airway No. 12 (The Dalles, Oreg., to Ellensburg, Wash.).* Yakima, Wash., radio range station.

§ 601.4613 *Blue civil airway No. 13 (Houston, Tex., to Minneapolis, Minn.),* Van Buren, Ark., non-directional radio beacon.

§ 601.4614 *Blue civil airway No. 14 (El Centro, Calif., to Sacramento, Calif.).* The intersection of the northwest course of the Riverside, Calif., radio range and the southeast course of the Palmdale, Calif., radio range.

§ 601.4615 *Blue civil airway No. 15 (Huntington, W. Va., to Erie, Pa.).* No reporting point designation.

§ 601.4616 *Blue civil airway No. 16 (Dillon, Mont., to Helena, Mont.).* No reporting point designation.

§ 601.4617 *Blue civil airway No. 17 (Bangor, Maine, to Presque Isle, Maine).* Houlton, Maine, radio range station.

§ 601.4618 *Blue civil airway No. 18 (Philadelphia, Pa., to United States-Canadian Border).* No reporting point designation.

§ 601.4619 *Blue civil airway No. 19 (Miami, Fla., to Orlando, Fla.).* The intersection of the north course of the Miami, Fla., radio range and the west course of the West Palm Beach, Fla., radio range.

§ 601.4620 *Blue civil airway No. 20 (Atlantic City, N. J., to Allentown, Pa.).* No reporting point designation.

§ 601.4621 *Blue civil airway No. 21 (Louisville, Ky., to Erie, Pa.).* Parkersburg, W. Va., VHF radio range station.

§ 601.4622 *Blue civil airway No. 22 (Memphis, Tenn., to Wichita, Kans.).* No reporting point designation.

§ 601.4623 *Blue civil airway No. 23 (Detroit, Mich., to Flint, Mich.).* No reporting point designation.

§ 601.4624 *Blue civil airway No. 24 (El Centro, Calif., to Daggett, Calif.).* Indio, Calif., radio range station; the intersection of the northwest course of the Indio, Calif., radio range and the east course of the Riverside, Calif., radio range.

§ 601.4625 *Blue civil airway No. 25 (Cordova, Alaska, to Big Delta, Alaska).* No reporting point designation.

§ 601.4626 *Blue civil airway No. 26 (Anchorage, Alaska, to Nenana, Alaska).* The intersection of the north course of the Anchorage, Alaska (Merrill), Localizer radio range and the southeast course of the Skwentna, Alaska, radio range; Talkeetna, Alaska, non-directional radio beacon; Summit, Alaska, radio range station.

§ 601.4627 *Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska).* The intersection of the west course of the Kodiak, Alaska, radio range and the southeast course of the King Salmon, Alaska, radio range.

§ 601.4628 *Blue civil airway No. 28 (Charleston, S. C., to Spartanburg, S. C.).* No reporting point designation.

§ 601.4629 *Blue civil airway No. 29 (Raliegh, N. C., to Lynchburg, Va.).* The intersection of the northeast course of the Greensboro, N. C., radio range and the southeast course of the Lynchburg, Va., radio range.

§ 601.4630 *Blue civil airway No. 30 (Brownsville, Tex., to Amarillo, Tex.).* No reporting point designation.

§ 601.4631 *Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.).* No reporting point designation.

§ 601.4632 *Blue civil airway No. 32 (Pendleton, Oreg., to Talkeetna, Alaska).* The intersection of the northwest course of the Seattle, Wash., radio range and the south course of the Patricia Bay, B. C., radio range.

§ 601.4633 *Blue civil airway No. 33 (Archbold, Ohio, to Saginaw, Mich.).* No reporting point designation.

§ 601.4634 *Blue civil airway No. 34 (Terre Haute, Ind., to Peoria, Ill.).* No reporting point designation.

§ 601.4635 *Blue civil airway No. 35 (Oxnard, Calif., to Bakersfield, Calif.).* No reporting point designation.

§ 601.4636 *Blue civil airway No. 36 (Thurman, Colo., to North Platte, Nebr.).* No reporting point designation.

§ 601.4637 *Blue civil airway No. 37 (Casper, Wyo., to Rapid City, S. Dak.).* No reporting point designation.

§ 601.4638 *Blue civil airway No. 38 (Annette Island, Alaska, to United States-Canadian Border).* Petersburg, Alaska, radio range station; the intersection of the northwest course of the Petersburg, Alaska, radio range and the northeast course of the Sitka (Biorka Island), Alaska, radio range; Haines, Alaska, radio range station.

§ 601.4639 *Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).* The intersection of the southeast course of the Pittsburgh, Pa., radio range and the northeast course of the Morgantown, W. Va., radio range.

§ 601.4640 *Blue civil airway No. 40 (Concord, N. H., to Burlington, Vt.).* Montpelier, Vt., radio range station.

§ 601.4641 *Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).* No reporting point designation.

§ 601.4642 *Blue civil airway No. 42 (Goshen, Ind., to Saginaw Mich.).* No reporting point designation.

§ 601.4644 *Blue civil airway No. 44 (Advance, Mo., to United States-Canadian Border).* No reporting point designation.

§ 601.4646 *Blue civil airway No. 46 (Memphis, Tenn., to Paducah, Ky.).* Dyersburg, Tenn., non-directional radio beacon; Paducah, Ky., non-directional radio beacon.

§ 601.4647 *Blue civil airway No. 47 (Front Royal, Va., to Dunkirk, N. Y.).* The intersection of the south course of the Altoona, Pa., radio range and the southeast course of the Pittsburgh, Pa., radio range.

§ 601.4648 *Blue civil airway No. 48 (New York, N. Y., to Poughkeepsie, N. Y.).* No reporting point designation.

§ 601.4649 *Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.).* No reporting point designation.

§ 601.4650 *Blue civil airway No. 50 (Augusta, Maine, to United States-Canadian Border).* Bangor, Maine, radio range station.

§ 601.4651 *Blue civil airway No. 51 (Wendover, Utah, to Dubois, Idaho).* No reporting point designation.

§ 601.4652 *Blue civil airway No. 52 (Paso Robles, Calif., to Fresno, Calif.).* No reporting point designation.

§ 601.4653 *Blue civil airway No. 53 (Providence, R. I., to Hartford, Conn.).* No reporting point designation.

§ 601.4654 *Blue civil airway No. 54 (Salinas, Calif., to Hamilton Field, Calif.)* No reporting point designation.

§ 601.4655 *Blue civil airway No. 55 (Crestview, Fla., to Montgomery, Ala.).* No reporting point designation.

§ 601.4656 *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.).* Langley, Va., AFB radio range station; the intersection of the southeast course of the Andrews, Md., radio range and the northeast course of the Tappahannock, Va., radio range.

§ 601.4657 *Blue civil airway No. 57 (Elko, Nev., to Burley, Idaho).* No reporting point designation.

§ 601.4658 *Blue civil airway No. 58 (Sioux Falls, S. Dak., to Watertown, S. Dak.).* No reporting point designation.

§ 601.4659 *Blue civil airway No. 59 (Pensacola, Fla., to Goodway, Ala.).* Pensacola, Fla., radio range station.

§ 601.4660 *Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).* No reporting point designation.

§ 601.4661 *Blue civil airway No. 61 (Springfield, Mo., to Kansas City, Mo.).* No reporting point designation.

§ 601.4662 *Blue civil airway No. 62 (Ypsilanti, Mich., to Traverse City, Mich.).* The Saginaw, Mich., nondirectional radio beacon.

§ 601.4664 *Blue civil airway No. 64 (Wink, Tex., to Hobbs, N. Mex.).* No reporting point designation.

§ 601.4666 *Blue civil airway No. 66 (Bridgeport, Conn., to Poughkeepsie, N. Y.).* Bridgeport, Conn., radio range station.

§ 601.4667 *Blue civil airway No. 67 (Yuma, Ariz., to Las Vegas, Nev.).* No reporting point designation.

§ 601.4668 *Blue civil airway No. 68 (Midland, Tex., to Hobbs, N. Mex.).* No reporting point designation.

§ 601.4669 *Blue civil airway No. 69 (St. Louis, Mo., to Des Moines, Iowa).* Quincy, Ill., non-directional radio beacon; Ottumwa, Iowa, non-directional radio beacon.

§ 601.4670 *Blue civil airway No. 70 (Ardmore, Okla., to Tulsa, Okla.).* Ardmore, Okla., non-directional radio beacon.

§ 601.4671 *Blue civil airway No. 71 (Toledo, Wash., to Seattle, Wash.).* Shelton, Wash., radio range station.

§ 601.4672 *Blue civil airway No. 72 (Enid, Okla., to Wichita, Kans.).* Vance AFB radio range station.

§ 601.4673 *Blue civil airway No. 73 (Brookville, Pa., to Buffalo, N. Y.).* No reporting point designation.

§ 601.4674 *Blue civil airway No. 74 (Carlsbad, N. Mex., to Santa Fe, N. Mex.).* No reporting point designation.

§ 601.4675 *Blue civil airway No. 75 (Miami, Fla., to Tampa, Fla.)* The intersection of the northeast course of the Fort Myers, Fla., radio range with the southeast course of the Tampa, Fla., radio range.

§ 601.4676 *Blue civil airway No. 76 (Sinclair, Wyo., to Casper, Wyo.).* No reporting point designation.

§ 601.4677 *Blue civil airway No. 77 (Promontory Point, Utah, to Corinne, Utah).* No reporting point designation.

§ 601.4678 *Blue civil airway No. 78 (Spring Bay, Utah, to Malad City, Idaho).* No reporting point designation.

§ 601.4679 *Blue civil airway No. 79 (Burlington, Iowa, to Iowa City, Iowa).* No reporting point designation.

§ 601.4681 *Blue civil airway No. 81 (Charleston, W. Va., to United States-Canadian Border).* No reporting point designation.

§ 601.4682 *Blue civil airway No. 82 (Lebo, Kans., to Topeka, Kans.).* No reporting point designation.

§ 601.4684 *Blue civil airway No. 84 (Bangor, Maine, to Millinocket, Maine).* No reporting point designation.

§ 601.4685 *Blue civil airway No. 85 (Hutchinson, Kans., to Wichita, Kans.).* No reporting point designation.

§ 601.4686 *Blue civil airway No. 86 (Goshen, Ind., to Dayton, Ohio).* No reporting point designation.

§ 601.4687 *Blue civil airway No. 87 (Lexington, Ky., to Dayton, Ohio).* No reporting point designation.

OTHER REPORTING POINTS

§ 601.5001 *Other reporting points.* Whidbey Island, Wash.; Navy Radio Range.

Bass Intersection: The intersection of the southeast course of the Weeksville, N. C. (Navy) radio range and the Western boundary of the New York Oceanic Control Area.

Carp Intersection: Intersection of the southeast course of the Wilmington, N. C., VHF radio range and the western boundary of the New York Oceanic control area.

Cod Intersection: Intersection of the east course of the Nantucket, Mass., VHF radio range and the western boundary of the New York Oceanic control area.

East Charleston Intersection: Intersection of the southeast course of the Charleston, S. C., radio range and the centerline of the Wilmington, N. C.-West Palm Beach, Fla., Domestic control area.

East Melbourne Intersection: Intersection of the northeast course of the Melbourne, Fla., radio range and the centerline of the Wilmington, N. C.-West Palm Beach, Fla., Domestic control area.

East Nantucket Intersection: Intersection of the east course of the Nantucket, Mass., VHF radio range and the southeast course of the Squantum, Mass. (Navy) radio range.

East Norfolk Intersection: Intersection of the east course of the Norfolk, Va. (Navy) radio range and the northeast course of the Weeksville, N. C. (Navy) radio range.

Eel Intersection: Intersection of the southeast course of the Boston, Mass., radio range and the western boundary of the New York Oceanic control area.

Gateway Intersection: Intersection of the east course of the Jacksonville, Fla., radio range and the centerline of the Wilmington, N. C.-West Palm Beach, Fla., Domestic Control area.

North Nantucket Intersection: Intersection of the east course of the Boston, Mass., radio range and the centerline of the Nantucket, Mass.-Yarmouth, N. S., Domestic control area.

Shad Intersection: Intersection of the southeast course of the Millville, N. J., radio range and the western boundary of the New York Oceanic control area.

Seal Intersection: Intersection of the south course of the Nantucket, Mass., VHF radio range and the western boundary of the New York Oceanic control area.

South Bangor Intersection: Intersection of the southeast course of the Bangor, Maine, radio range and the centerline of the Nantucket, Mass.-Yarmouth, N. S., Domestic control area.

South Island Intersection: Intersection of the southeast course of the Newark, N. J., radio range and the northeast course of the Atlantic City, N. J. (Navy) radio range.

South Millville Intersection: Intersection of the southeast course of the Millville, N. J., radio range and the southeast course of the Atlantic City, N. J. (Navy) radio range.

South Portland Intersection: Intersection of the southeast course of the Portland, Maine, radio range and the centerline of the East Boston, Mass.-Yarmouth, N. S., Domestic control area.

Smelt Intersection: Intersection of the southeast course of the Charleston, S. C., radio range and the western boundary of the New York Oceanic control area.

Trout Intersection: Intersection of the east course of the Jacksonville, Fla., radio range and the western boundary of the New York Oceanic control area.

Tuna Intersection: Intersection of the southeast course of the Newark, N. J., radio range and the western boundary of the New York Oceanic control area.

Vineyard Intersection: Intersection of the west course of the Nantucket, Mass., VHF radio range and the southeast course of the Quonset Point, R. I. (Navy) radio range.

San Pedro Intersection: The intersection of the southeast course of the Los Angeles, Calif., radio range and the southwest course of the Long Beach, Calif., radio range.

Bon Secour Intersection: The intersection of the southeast course of the Mobile, Ala., radio range and the west course of the Pensacola, Fla., radio range.

Gulfstream Intersection: The intersection of the southeast course of the Miami, Fla., radio range and the northeast course of the Key West, Fla., radio range.

Abeam Annette Intersection: The intersection of the southwest course of the Annette, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Abeam Sitka Intersection: The intersection of the southwest course of the Sitka, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Abeam Gustavus Intersection: The intersection of the southwest course of the Gustavus, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Abeam Yakutat Intersection: The intersection of the southwest course of the Yakutat, Alaska, radio range and the centerline of the Anchorage-Sandspit route.

Abeam Yakataga Intersection: The intersection of the centerline of the Anchorage-Sandspit route and a line bearing 90° therefrom and lying over the Yakataga, Alaska, radio range station.

SUBPART F—VOR CIVIL AIRWAY CONTROL AREAS

§ 601.6001 *VOR civil airway No. 1 control areas (Norfolk, Va., to New York, N. Y.).* All of VOR civil airway No. 1.

§ 601.6002 *VOR civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).* All of VOR civil airway No. 2 including north and south alternates.

§ 601.6003 *VOR civil airway No. 3 control areas (Key West, Fla., to Bangor, Maine).* All of VOR civil airway No. 3 including east and west alternates.

§ 601.6004 *VOR civil airway No. 4 control areas (Seattle, Wash., to Washington, D. C.).* All of VOR civil airway No. 4 including north and south alternates.

§ 601.6005 *VOR civil airway No. 5 control areas (Jacksonville, Fla., to Cleveland, Ohio).* All of VOR civil airway No. 5 including east and west alternates.

§ 601.6006 *VOR civil airway No. 6 control areas (Oakland, Calif., to New York, N. Y.).* All of VOR civil airway No. 6 including north and south alternates.

§ 601.6007 *VOR civil airway No. 7 control areas (Miami, Fla., to Milwaukee, Wis.).* All of VOR civil airway No. 7 including east and west alternates.

§ 601.6008 *VOR civil airway No. 8 control areas (Long Beach, Calif., to Washington, D. C.).* All of VOR civil airway No. 8 including north and south alternates.

§ 601.6009 *VOR civil airway No. 9 control areas (New Orleans, La., to Naperville, Ill.).* All of VOR civil airway No. 9 including east and west alternates.

§ 601.6010 *VOR civil airway No. 10 control areas (Pueblo, Colo., to New York, N. Y.).* All of VOR civil airway No. 10 including north and south alternates.

§ 601.6011 *VOR civil airway No. 11 control areas (Houston, Tex., to Detroit, Mich.).* All of VOR civil airway No. 11 including an east alternate.

§ 601.6012 *VOR civil airway No. 12 control areas (Daggett, Calif., to Philadelphia, Pa.).* All of VOR civil airway No. 12 including north and south alternates.

§ 601.6013 *VOR civil airway No. 13 control areas (Houston, Tex., to Duluth, Minn.).* All of VOR civil airway No. 13 including east and west alternates.

§ 601.6014 *VOR civil airway No. 14 control areas (Roswell, N. Mex., to Boston, Mass.).* All of VOR civil airway No. 14 including north and south alternates.

§ 601.6015 *VOR civil airway No. 15 control areas (Galveston, Tex., to Minot, N. Dak.).* All of VOR civil airway No. 15 including east and west alternates.

§ 601.6016 *VOR civil airway No. 16 control areas (Los Angeles, Calif., to Nashville, Tenn.).* All of VOR civil airway No. 16 including north and south alternates.

§ 601.6017 *VOR civil airway No. 17 control areas (Laredo, Tex., to Goodland, Kans.).* All of VOR civil airway No. 17 including east and west alternates.

§ 601.6018 *VOR civil airway No. 18 control areas (Dallas, Tex., to Tuscaloosa, Ala.).* All of VOR civil airway No. 18 including north and south alternates.

§ 601.6110 *VOR civil airway No. 110*

§ 601.6019 *VOR civil airway No. 19 control areas (El Paso, Tex., to Sheridan, Wyo.).* All of VOR civil airway No. 19 including east alternates.

§ 601.6020 *VOR civil airway No. 20 control areas (Laredo, Tex., to Montgomery, Ala.).* All of VOR civil airway No. 20.

§ 601.6021 *VOR civil airway No. 21 control areas (Long Beach, Calif., to United States-Canadian Border).* All of VOR civil airway No. 21.

§ 601.6022 *VOR civil airway No. 22 control areas (New Orleans, La., to Tallahassee, Fla.).* All of VOR civil airway No. 22.

§ 601.6023 *VOR civil airway No. 23 control areas (San Diego, Calif., to Bellington, Wash.).* All of VOR civil airway No. 23 including a west alternate.

§ 601.6024 *VOR civil airway No. 24 control areas (Jamestown, N. Dak., to Redwood Falls, Minn.).* All of VOR civil airway No. 24 including north alternates.

§ 601.6025 *VOR civil airway No. 25 control areas (Oakland, Calif., to Ellensburg, Wash.).* All of VOR civil airway No. 25.

§ 601.6026 *VOR civil airway No. 26 control areas (Rapid City, S. Dak., to Minneapolis, Minn.).* All of VOR civil airway No. 26 including north and south alternates.

§ 601.6027 *VOR civil airway No. 27 control areas (Santa Barbara, Calif., to Medford, Oreg.).* All of VOR civil airway No. 27 including east and west alternates.

§ 601.6028 *VOR civil airway No. 28 control areas (Oakland, Calif., to Modesto, Calif.).* All of VOR civil airway No. 28.

§ 601.6029 *VOR civil airway No. 29 control areas (Philadelphia, Pa., to United States-Canadian Border).* All of VOR civil airway No. 29.

§ 601.6030 *VOR civil airway No. 30 control areas (Milwaukee, Wis., to New York, N. Y.).* All of VOR civil airway No. 30 including a north alternate.

§ 601.6031 *VOR civil airway No. 31 control areas (Baltimore, Md., to Syracuse, N. Y.).* All of VOR civil airway No. 31.

§ 601.6032 *VOR civil airway No. 32 control areas (Wells, Nev., to Fort Bridger, Wyo.).* All of VOR civil airway No. 32.

§ 601.6033 *VOR civil airway No. 33 control areas (Baltimore, Md., to Buffalo, N. Y.).* All of VOR civil airway No. 33.

§ 601.6034 *VOR civil airway No. 34 control areas (Rochester, N. Y., to New York, N. Y.).* All of VOR civil airway No. 34.

§ 601.6035 *VOR civil airway No. 35 control areas (Pittsburgh, Pa., to Syracuse, N. Y.).* All of VOR civil airway No. 35.

§ 601.6036 *VOR civil airway No. 36 control areas (Buffalo, N. Y., to New York, N. Y.).* All of VOR civil airway No. 36.

§ 601.6037 *VOR civil airway No. 37 control areas (Elkins, W. Va., to Erie, Pa.).* All of VOR civil airway No. 37.

§ 601.6038 *VOR civil airway No. 38 control areas (Chicago Heights, Ill., to Columbus, Ohio).* All of VOR civil airway No. 38 including south alternates.

§ 601.6039 *VOR civil airway No. 39 control areas (Gordonsville, Va., to Boston, Mass.).* All of VOR civil airway No. 39.

§ 601.6040 *VOR civil airway No. 40 control areas (Flint, Mich., to Pittsburgh, Pa.).* All of VOR civil airway No. 40.

§ 601.6041 *VOR civil airway No. 41 control areas (Pittsburgh, Pa., to Youngstown Ohio).* All of VOR civil airway No. 41.

§ 601.6042 *VOR civil airway No. 42 control areas (Detroit, Mich., to Pittsburgh, Pa.).* All of VOR civil airway No. 42.

§ 601.6043 *VOR civil airway No. 43 control areas (Columbus, Ohio, to Erie, Pa.).* All of VOR civil airway No. 43.

§ 601.6044 *VOR civil airway No. 44 control areas (Martinsburg, W. Va., to Baltimore, Md.).* All of VOR civil airway No. 44.

§ 601.6045 *VOR civil airway No. 45 control areas (Columbus, Ohio, to Lansing, Mich.).* All of VOR civil airway No. 45.

§ 601.6046 *VOR civil airway No. 46 control areas (Cleveland, Ohio, to Pittsburgh, Pa.).* All of VOR civil airway No. 46.

§ 601.6047 *VOR civil airway No. 47 control areas (Louisville, Ky., to Detroit, Mich.).* All of VOR civil airway No. 47 including west alternates.

§ 601.6048 *VOR civil airway No. 48 control areas (Burlington, Iowa, to Chicago Heights, Ill.).* All of VOR civil airway No. 48 including a south alternate.

§ 601.6049 *VOR civil airway No. 49 control areas (Dillon, Mont., to Drummond, Mont.).* All of VOR civil airway No. 49.

§ 601.6050 *VOR civil airway No. 50 control areas (Kirksville, Mo., to Peoria, Ill.).* All of VOR civil airway No. 50 including a south alternate.

§ 601.6051 *VOR civil airway No. 51 control areas (Louisville, Ky., to Indianapolis, Ind.).* All of VOR civil airway No. 51.

§ 601.6052 *VOR civil airway No. 52 control areas (Des Moines, Iowa, to St. Louis, Mo.).* All of VOR civil airway No. 52 including north and south alternates.

§ 601.6053 *VOR civil airway No. 53 control areas (Louisville, Ky., to Madison, Wis.).* All of VOR civil airway No. 53 including east and west alternates.

§ 601.6054 *VOR civil airway No. 54 control areas (Texarkana, Ark., to Muscle Shoals, Ala.).* All of VOR civil airway No. 54 including a north alternate.

§ 601.6055 *VOR civil airway No. 55 control areas (Dayton, Ohio, to Muskegon, Mich.).* All of VOR civil airway No. 55 including a west alternate.

§ 601.6056 *VOR civil airway No. 56 control areas (Tallahassee, Fla., to Florence, S. C.).* All of VOR civil airway No. 56.

§ 601.6057 *VOR civil airway No. 57 control areas (Muscle Shoals, Ala., to Graham, Tenn.).* All of VOR civil airway No. 57.

§ 601.6058 *VOR civil airway No. 58 control areas (Pittsburgh, Pa., to Hartford, Conn.).* All of VOR civil airway No. 58.

§ 601.6059 *VOR civil airway No. 59 control areas (Evansville, Ind., to Bradford, Ill.).* All of VOR civil airway No. 59 including an east alternate.

§ 601.6060 *VOR civil airway No. 60 control areas (Albuquerque, N. Mex., to Tucumcari, N. Mex.).* All of VOR civil airway No. 60 including a south alternate.

§ 601.6061 *VOR civil airway No. 61 control areas (Wichita Falls, Tex., to Lawton, Okla.).* All of VOR civil airway No. 61.

§ 601.6062 *VOR civil airway No. 62 control areas (Santa Fe, N. Mex., to Anton Chico, N. Mex.).* All of VOR civil airway No. 62.

§ 601.6063 *VOR civil airway No. 63 control areas (Quincy, Ill., to Milwaukee, Wis.).* All of VOR civil airway No. 63 including a west alternate.

§ 601.6064 *VOR civil airway No. 64 control areas (Ontario, Calif., to Blythe, Calif.).* All of VOR civil airway No. 64.

§ 601.6065 *VOR civil airway No. 65 control areas (Columbia, Mo., to Des Moines, Iowa).* All of VOR civil airway No. 65 including an east alternate.

§ 601.6066 *VOR civil airway No. 66 control areas (San Diego, Calif., to Midland, Tex.).* All of VOR civil airway No. 66 including a north alternate.

§ 601.6067 *VOR civil airway No. 67 control areas (Mason City, Iowa, to Rochester, Minn.).* All of VOR civil airway No. 67 including an east alternate.

§ 601.6068 *VOR civil airway No. 68 control areas (Albuquerque, N. Mex., to Brownsville, Tex.).* All of VOR civil airway No. 68 including north and south alternates.

§ 601.6069 *VOR civil airway No. 69 control areas (Walnut Ridge, Ark., to St. Louis, Mo.).* All of VOR civil airway No. 69 including a west alternate.

§ 601.6070 *VOR civil airway No. 70 control areas (Palacios, Tex., to Lake Charles, La.).* All of VOR civil airway No. 70.

§ 601.6071 *VOR civil airway No. 71 control areas (Pine Bluff, Ark., to Kansas City, Mo.).* All of VOR civil airway No. 71 including east alternates.

§ 601.6072 *VOR civil airway No. 72 control areas (Bradford, Pa., to Binghamton, N. Y.).* All of VOR civil airway No. 72.

§ 601.6073 *VOR civil airway No. 73 control areas (Tulsa, Okla., to Salina, Kans.).* All of VOR civil airway No. 73 including an east alternate.

§ 601.6074 *VOR civil airway No. 74 control areas (Ponca City, Okla., to Little Rock, Ark.).* All of VOR civil airway No. 74 including south alternates.

§ 601.6075 *VOR civil airway No. 75 control areas (Morgantown, W. Va., to Petersburg, W. Va.).* All of VOR civil airway No. 75.

§ 601.6076 *VOR civil airway No. 76 control areas (Lubbock, Tex., to San Angelo, Tex.).* All of VOR civil airway No. 76 including a north alternate.

§ 601.6077 *VOR civil airway No. 77 control areas (San Angelo, Tex., to Wichita, Kans.).* All of VOR civil airway No. 77 including east alternates.

§ 601.6078 *VOR civil airway No. 78 control areas (Huron, S. Dak., to Watertown, S. Dak.).* All of VOR civil airway No. 78 including a south alternate.

§ 601.6079 *VOR civil airway No. 79 control areas (Culberson, Tex., to Lubbock, Tex.).* All of VOR civil airway No. 79.

§ 601.6080 *VOR civil airway No. 80 control areas (Sioux Falls, S. Dak., to Redwood Falls, Minn.).* All of VOR civil airway No. 80 including a south alternate.

§ 601.6081 *VOR civil airway No. 81 control areas (Midland, Tex., to Amarillo, Tex.).* All of VOR civil airway No. 81 including an east alternate.

§ 601.6082 *VOR civil airway No. 82 control areas (Minneapolis, Minn., to La Crosse, Wis.).* All of VOR civil airway No. 82 including south alternates.

§ 601.6083 *VOR civil airway No. 83 control areas (Carlsbad, N. Mex., to Santa Fe, N. Mex.).* All of VOR civil airway No. 83 including an east alternate.

§ 601.6084 *VOR civil airway No. 84 control areas (Lansing, Mich., to Flint Mich.).* All of VOR civil airway No. 84.

§ 601.6085 *VOR civil airway No. 85 control areas (Rock River, Wyo., to Casper, Wyo.).* All of VOR civil airway No. 85 including an east alternate.

§ 601.6086 *VOR civil airway No. 86 control areas (Butte, Mont., to Whitehall, Mont.)* All of VOR civil airway No. 86.

§ 601.6087 *VOR civil airway No. 87 control areas (Gila Bend, Ariz., to Hassayampa, Ariz.).* All of VOR civil airway No. 87.

§ 601.6088 *VOR civil airway No. 88 control areas (Dayton, Ohio, to Mansfield, Ohio).* All of VOR civil airway No. 88 including a north alternate.

§ 601.6089 *VOR civil airway No. 89 control areas (Cheyenne, Wyo., to Rapid City, S. Dak.).* All of VOR civil airway No. 89 including east and west alternates.

§ 601.6090 *VOR civil airway No. 90 control areas (Lansing, Mich., to Detroit, Mich.).* All of VOR civil airway No. 90.

§ 601.6091 *VOR civil airway No. 91 control areas (Wilton, Conn., to Plattsburg, N. Y.).* All of VOR civil airway No. 91.

§ 601.6092 *VOR civil airway No. 92 control areas (Toledo, Ohio, to Mansfield, Ohio).* All of VOR civil airway No. 92.

§ 601.6093 *VOR civil airway No. 93 control areas (Baltimore, Md., to Lancaster, Pa.).* All of VOR civil airway No. 93.

§ 601.6094 *VOR civil airway No. 94 control areas (Salt Flat, Tex., to Hobbs, N. Mex.).* All of VOR civil airway No. 94.

§ 601.6095 *VOR civil airway No. 95 control areas (Phoenix, Ariz., to Winslow, Ariz.).* All of VOR civil airway No. 95.

§ 601.6096 *VOR civil airway No. 96 control areas (Fort Wayne, Ind., to Toledo, Ohio).* All of VOR civil airway No. 96.

§ 601.6097 *VOR civil airway No. 97 control areas (Charleston, S. C., to Minneapolis, Minn.).* All of VOR civil airway No. 97 including an east alternate and west alternates.

§ 601.6098 *VOR civil airway No. 98 control areas (San Francisco, Calif., to Bakersfield, Calif.).* All of VOR civil airway No. 98.

§ 601.6099 *VOR civil airway No. 99 control areas (Lafayette, La., to Baton Rouge, La.).* All of VOR civil airway No. 99.

§ 601.6100 *VOR civil airway No. 100 control areas (San Francisco, Calif., to Fresno, Calif.).* All of VOR civil airway No. 100.

§ 601.6101 *VOR civil airway No. 101 control areas (Ogden, Utah, to Burley, Idaho).* All of VOR civil airway No. 101.

§ 601.6102 *VOR civil airway No. 102 control areas (Lubbock, Tex., to Wichita Falls, Tex.).* All of VOR civil airway No. 102.

§ 601.6103 *VOR civil airway No. 103 control areas (Pendleton, Oreg., to Spokane, Wash.).* All of VOR civil airway No. 103.

§ 601.6104 *VOR civil airway No. 104 control areas (United States-Canadian Border to Plattsburg, N. Y.).* All of VOR civil airway No. 104.

§ 601.6105 *VOR civil airway No. 105 control areas (Phoenix, Ariz., to Prescott, Ariz.).* All of VOR civil airway No. 105.

§ 601.6106 *VOR civil airway No. 106 control areas (Selinsgrove, Pa., to Scranton, Pa.).* All of VOR civil airway No. 106.

§ 601.6107 *VOR civil airway No. 107 control areas (Santa Barbara, Calif., to Bakersfield, Calif.).* All of VOR civil airway No. 107.

§ 601.6108 *VOR civil airway No. 108 control areas (Bangor, Maine, to Princeton, Maine).* All of VOR civil airway No. 108.

§ 601.6109 *VOR civil airway No. 109 control areas (Paso Robles, Calif., to Fresno, Calif.).* All of VOR civil airway No. 109.

§ 601.6110 *VOR civil airway No. 110 control areas (San Francisco, Calif., to Modesto, Calif.).* All of VOR civil airway No. 110.

§ 601.6111 *VOR civil airway No. 111 control areas (Salinas, Calif., to Los Banos, Calif.).* All of VOR civil airway No. 111.

§ 601.6112 *VOR civil airway No. 112 control areas (Portland, Oreg., to Pendleton, Oreg.).* All of VOR civil airway No. 112.

§ 601.6113 *VOR civil airway No. 113 control areas (Modesto, Calif., to Reno, Nev.).* All of VOR civil airway No. 113.

§ 601.6114 *VOR civil airway No. 114 control areas (Dalhart, Tex., to New Orleans, La.).* All of VOR civil airway No. 114.

§ 601.6115 *VOR civil airway No. 115 control areas (Crestview, Fla., to Montgomery, Ala.).* All of VOR civil airway No. 115.

§ 601.6116 *VOR civil airway No. 116 control areas (Austin, Tex., to Houston, Tex.).* All of VOR civil airway No. 116.

§ 601.6117 *VOR civil airway No. 117 control areas.* [Unassigned].

§ 601.6118 *VOR civil airway No. 118 control areas (Laramie, Wyo., to Cheyenne, Wyo.).* All of VOR civil airway No. 118.

SUBPART G—VOR CIVIL AIRWAY REPORTING POINTS

§ 601.7001 *VOR reporting points.*

Aberdeen, S. Dak., omnirange station.
Abilene, Tex., omnirange station.
Akron, Colo., omnirange station.
Albany, Ga., omnirange station.
Albany, N. Y. omnirange station.
Albuquerque, N. Mex., omnirange station.
Alexandria, La., omnirange station.
Alexandria, Minn., omnirange station.
Allentown, Pa., omnirange station.
Alma, Ga., omnirange station.
Altoona Intersection: The intersection of the Philipsburg, Pa., omnirange 202° True and the Harrisburg, Pa., omnirange 273° True radials.
Amarillo, Tex., omnirange station.
Andres Intersection: The intersection of the Naperville, Ill., omnirange 155° True and the Chicago Heights, Ill., omnirange 228° True radials.
Anthony, Kans., omnirange station.
Anton Chico, N. Mex., omnirange station.
Ardmore, Okla., omnirange station.
Augusta, Ga., omnirange station.
Austin, Tex., omnirange station.
Baker, Oreg., omnirange station.
Baltimore, Md., omnirange station.
Baton Rouge, La., omnirange station.
Beaumont, Tex., omnirange station.
Big Spring, Tex., omnirange station.
Binghamton, N. Y., omnirange station.
Bismarck, N. Dak., omnirange station.
Boise, Idaho, omnirange station.
Boston, Mass., omnirange station.
Bowling Green, Ky., omnirange station.
Bradford, Ill., omnirange station.
Bradford Intersection: The intersection of the Buffalo, N. Y., omnirange 178° True and the Elmira, N. Y., omnirange 254° True radials.
Branchville Intersection: The intersection of the Scranton, Pa., omnirange 117° True and the Allentown, Pa., omnirange 53° True radials.
Brunswick, Ga., omnirange station.
Burley, Idaho, omnirange station.
Buffalo, N. Y., omnirange station.

Butler, Mo., omnirange station.
Caldwell, N. J., omnirange station.
Carlsbad, N. Mex., omnirange station.
Casper, Wyo., omnirange station.
Chadron, Nebr., omnirange station.
Charleston, S. C., omnirange station.
Cherokee, Wyo., omnirange station.
Cheyenne, Wyo., omnirange station.
Chicago Heights, Ill., omnirange station.
Childress, Tex., omnirange station.
Cincinnati, Ohio, omnirange station.
Cleveland, Ohio, omnirange station.
Coalinga, Calif., omnirange station.
College Station, Tex., omnirange station.
Columbia, Mo., omnirange station.
Columbia, S. C., omnirange station.
Columbus, N. Mex., omnirange station.
Columbus, Ohio, omnirange station.
Conowingo intersection: The intersection of the Baltimore, Md., omnirange 36° True and West Chester, Pa., omnirange 241° True radials.
Corono, N. Mex., omnirange station.
Cotulla, Tex., omnirange station.
Crazy Woman, Wyo., omnirange station.
Crescent City, Calif., omnirange station.
Crestview, Fla., omnirange station.
Cross City, Fla., omnirange station.
Culberson, Tex., omnirange station.
Dayton, Ohio, omnirange station.
Daytona Beach, Fla., omnirange station.
Dalhart, Tex., omnirange station.
Dallas, Tex., omnirange station.
Delaware Springs intersection: The intersection of the Salt Flat, Tex., omnirange 85° True and the Carlsbad, N. Mex., omnirange 215° True radials.
Des Moines, Iowa, omnirange station.
Detroit, Mich., omnirange station.
Dickinson, N. Dak., omnirange station.
Dodge City, Kans., omnirange station.
Douglas, Wyo., omnirange station.
Duluth, Minn., omnirange station.
El Dorado, Ark., omnirange station.
Elkins, W. Va., omnirange station.
Elmira, N. Y., omnirange station.
El Paso, Tex., omnirange station.
Emporia, Kans., omnirange station.
Erie, Pa., omnirange station.
Evansville, Ind., omnirange station.
Fairville intersection: The intersection of Rochester, N. Y., omnirange 091° True and the Elmira, N. Y., omnirange 356° True radials.
Fargo, N. Dak., omnirange station.
Farmington, Mo., omnirange station.
Fayetteville, Ark., omnirange station.
Findlay, Ohio, omnirange station.
Fort Bridger, Wyo., omnirange station.
Fort Myers, Fla., omnirange station.
Fort Smith, Ark., omnirange station.
Fort Wayne, Ind., omnirange station.
Fort Worth, Tex., omnirange station.
Flint intersection: The intersection of the Lansing, Mich., omnirange 74° True and the Detroit, Mich., omnirange 343° True radials.
Flintstone intersection: The intersection of the Front Royal, Va., omnirange 335° True and the Martinsburg, W. Va., omnirange 398° True radials.
Flippin, Ark., omnirange station.
Florence, S. C., omnirange station.
Fortuna, Calif., omnirange station.
Fresno, Calif., omnirange station.
Front Royal, Va., omnirange station.
Gage, Okla., omnirange station.
Galveston, Tex., omnirange station.
Garden City, Kans., omnirange station.
Gardner, Mass., omnirange station.
Gooding, Idaho, omnirange station.
Goodland, Kans., omnirange station.
Gordonsville, Va., omnirange station.
Goshen, Ind., omnirange station.
Grand Island, Nebr., omnirange station.
Grantsburg, Wis., omnirange station.
Gregg County, Tex., omnirange station.
Greenwood, Miss., omnirange station.
Guthrie, Tex., omnirange station.
Harrington intersection: The intersection of the Truth or Consequences, N. Mex., omnirange 162° True and the El Paso, Tex., omnirange 271° True radials.
Harrisburg, Pa., omnirange station.
Hartford, Conn., omnirange station.
Herndon, Va., omnirange station.
Hill City, Kans., omnirange station.
Hobart, Okla., omnirange station.
Hobbs, N. Mex., omnirange station.
Hope intersection: The intersection of the Minneapolis, Minn., omnirange 184° True and the Rochester, Minn., omnirange 275° True radials.
Houston, Tex., omnirange station.
Hudspeth, Tex., omnirange station.
Huron, S. Dak., omnirange station.
Hutchinson, Kans., omnirange station.
Imperial, Nebr., omnirange station.
Indianapolis, Ind., omnirange station.
Iowa City, Iowa, omnirange station.
Jackson, Miss., omnirange station.
Jackson, Tenn., omnirange station.
Jacksonville, Fla., omnirange station.
Jamestown, N. Dak., omnirange station.
Junction, Tex., omnirange station.
Kansas City, Mo., omnirange station.
Key West, Fla., omnirange station.
Kirksville, Mo., omnirange station.
Knoxville, Tenn., omnirange station.
La Crosse, Wis., omnirange station.
Lafayette, Ind., omnirange station.
Lafayette, La., omnirange station.
Lake Carey intersection: The intersection of the Binghamton, N. Y., omnirange 160° True and the Scranton, Pa., omnirange 299° True radials.
Lake Charles, La., omnirange station.
Lamar, Colo., omnirange station.
Lamoni, Iowa, omnirange station.
Lancaster intersection: The intersection of the Harrisburg, Pa., omnirange 108° True and the Allentown, Pa., omnirange 228° True radials.
Lansing, Mich., omnirange station.
Laramie, Wyo., omnirange station.
Las Vegas, N. Mex., omnirange station.
Lawton, Okla., omnirange station.
Lexington, Ky., omnirange station.
Lexington, Nebr., omnirange station.
Lisbon intersection: The intersection of the Herndon, Va., omnirange 45° True and the Baltimore, Md., omnirange 281° True radials.
Little Rock, Ark., omnirange station.
Lubbock, Tex., omnirange station.
Lufkin, Tex., omnirange station.
Lumberton, N. C., omnirange station.
Macon, Ga., omnirange station.
Malad City, Idaho, omnirange station.
Malden, Miss., omnirange station.
Manchester intersection: The intersection of the Lansing, Mich., omnirange 141° True and the Detroit, Mich., omnirange 257° True radials.
Mansfield, Ohio omnirange station.
Marianna, Fla., omnirange station.
Martinsburg, W. Va., omnirange station.
Mason City, Iowa, omnirange station.
Massena, N. Y., omnirange station.
McComb, Miss., omnirange station.
Medford, Oreg., omnirange station.
Medicine Bow, Wyo., omnirange station.
Memphis, Tenn., omnirange station.
Mercer intersection: The intersection of the Youngstown, Ohio, omnirange 101° True and the Erie, Pa., omnirange 174° True radials.
Meridian, Miss., omnirange station.
Miami, Fla., omnirange station.
Midland, Tex., omnirange station.
Miles City, Mont., omnirange station.
Milford intersection: The intersection of the Lansing, Mich., omnirange 99° True and the Detroit, Mich., omnirange 343° True radials.
Milwaukee, Wis., omnirange station.
Mineral Wells, Tex., omnirange station.
Minneapolis, Minn., omnirange station.
Minot, N. Dak., omnirange station.
Mobile, Ala., omnirange station.
Moline, Ill., omnirange station.
Monroe, La., omnirange station.
Morgantown, W. Va., omnirange station.
Mt. Lola intersection: The intersection of the Reno, Nev., omnirange 268° True and the Sacramento, Calif., omnirange 40° True radials.
Muscle Shoals, Ala., omnirange station.
Muskegon, Mich., omnirange station.
Naperville, Ill., omnirange station.
Nashville, Tenn., omnirange station.
Neosho, Mo., omnirange station.
New Orleans, La., omnirange station.
Northfield intersection: The intersection of the Minneapolis, Minn., omnirange 184° True and the Rochester, Minn., omnirange 319° True radials.
North Platte, Nebr., omnirange station.
Oakland, Calif., omnirange station.
Oakwood intersection: The intersection of the Watertown, S. Dak., omnirange 160° True and the Huron, S. Dak., omnirange 088° True radials.
Oklahoma City, Okla., omnirange station.
Omaha, Nebr., omnirange station.
Ontario, Calif., omnirange station.
Otto, N. Mex., omnirange station.
Ottumwa, Iowa, omnirange station.
Paducah, Ky., omnirange station.
Palacios, Tex., omnirange station.
Palm Springs intersection: The intersection of the Thermal, Calif., omnirange 340° True and the Ontario, Calif., omnirange 91° True radials.
Paso Robles, Calif., omnirange station.
Pendleton, Oreg., omnirange station.
Petersburg intersection: The intersection of the Morgantown, W. Va., omnirange 134° True and the Elkins, W. Va., omnirange 83° True radials.
Phillipsburg, Pa., omnirange station.
Phillip, S. Dak., omnirange station.
Pierre, S. Dak., omnirange station.
Pine Bluff, Ark., omnirange station.
Pittsburgh, Pa., omnirange station.
Point Reyes intersection: Intersection of the Oakland, Calif., omnirange 305° True and the Uklah, Calif., omnirange 162° True radials.
Ponca City, Okla., omnirange station.
Poughkeepsie, N. Y., omnirange station.
Pueblo, Colo., omnirange station.
Quincy, Ill., omnirange station.
Quitman, Tex., omnirange station.
Raleigh, N. C., omnirange station.
Rapid City, S. Dak., omnirange station.
Raton, N. Mex., omnirange station.
Red Bluff, Calif., omnirange station.
Redwood Falls, Minn., omnirange station.
Rochester, Minn., omnirange station.
Rochester, N. Y., omnirange station.
Rock Springs, Wyo., omnirange station.
Roswell, N. Mex., omnirange station.
Russell, Kans., omnirange station.
St. Joseph, Mo., omnirange station.
St. Louis, Mo., omnirange station.
Sacramento, Calif., omnirange station.
Salina, Kans., omnirange station.
Salinas, Calif., omnirange station.
Salisbury, Md., omnirange station.
Salt Flat, Tex., omnirange station.
San Angelo, Tex., omnirange station.
San Antonio, Tex., omnirange station.
San Francisco, Calif., omnirange station.
Santa Barbara, Calif., omnirange station.
Santa Fe, N. Mex., omnirange station.
Savannah, Ga., omnirange station.
Scranton, Pa., omnirange station.
Seeley intersection: The intersection of the Yuma, Ariz., omnirange 267° True and the Thermal, Calif., omnirange 155° True radials.
Selinsgrove, Pa., omnirange station.
Sheridan, Wyo., omnirange station.
Shreveport, La., omnirange station.
Sidney, Nebr., omnirange station.
Sioux City, Iowa, omnirange station.
Sioux Falls, S. Dak., omnirange station.
South Bend, Ind., omnirange station.
South Haven intersection: The intersection of the Litchfield, Mich., omnirange 290° True and the South Bend, Ind., omnirange 003° True radials.
Spartanburg, S. C., omnirange station.
Springfield, Ill., omnirange station.
Springfield, Mo., omnirange station.
Sulphur Springs, Tex., omnirange station.
Syracuse, N. Y., omnirange station.

Tallahassee, Fla., omnirange station.
Tampa, Fla., omnirange station.
Tecumseh intersection: The intersection of the Detroit, Mich., omnirange 228° True and the Toledo, Ohio, omnirange 321° True radials.
Terre Haute, Ind., omnirange station.
Texarkana, Ark., omnirange station.
The Dalles, Oreg., omnirange station.
Thurmon, Colo., omnirange station.
Toledo, Ohio, omnirange station.
Topeka, Kans., omnirange station.
Trumansburg intersection: The intersection of the Elmira, N. Y., omnirange 29° True and the Rochester, N. Y., omnirange 130° True radials.
Truth or Consequences, N. Mex., omnirange station.
Tucumcari, N. Mex., omnirange station.
Tulsa, Okla., omnirange station.
Tuscaloosa, Ala., omnirange station.
Ukiah, Calif., omnirange station.
Vero Beach, Fla., omnirange station.
Vichy, Mo., omnirange station.
Waco, Tex., omnirange station.
Walnut Ridge, Ark., omnirange station.
Walton intersection: The intersection of the Moline, Ill., omnirange 82° True and the Bradford, Ill., omnirange 360° True radials.
Watertown, N. Y., omnirange station.
Watertown, S. Dak., omnirange station.
Westchester, Pa., omnirange station.
West Palm Beach, Fla., omnirange station.
Wichita, Kans., omnirange station.
Wichita Falls, Tex., omnirange station.
Williamsport intersection: The intersection of the Phillpsburg, Pa., omnirange 71° True and the Selinsgrove, Pa., omnirange 11° True radials.
Wilton, Conn., omnirange station.
Wink, Tex., omnirange station.
Youngstown, Ohio, omnirange station.

[F. R. Doc. 52-12885; Filed, Dec. 4, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Det. 878.5]

PART 878—SUGARCANE: VIRGIN ISLANDS

FAIR AND REASONABLE PRICES FOR 1953 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and due consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on September 29, 1952, the following determination is hereby issued:

§ 878.5 *Fair and reasonable prices for the 1953 crop of Virgin Islands sugarcane.* A processor-producer of sugarcane in the Virgin Islands who applies for payment under the act shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1953 crop, if the requirements of this determination are met.

(a) *Definitions.* For the purpose of this determination, the term:

(1) "Raw sugar" means 96° raw sugar.

(2) "Settlement period" means the two-week period in which sugarcane is delivered by the producer to the processor-producer. The first such period shall start on Monday of the week grinding commences and successive periods shall start at two-week intervals thereafter.

(3) "Average price of raw sugar" means the simple average of the daily spot quotations of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty paid basis by adding to each daily quotation the United States duty prevailing on Cuban raw sugar on that day, for the period on which settlement is based, except that, if the Director of the Sugar Branch determines that for any such period such average price does not reflect the true market value of raw sugar because of inadequate volume or other factors, the Director may designate the average price to be effective under this determination.

(4) "F. o. b. mill price" means the average price of raw sugar minus selling and delivery expenses (converted to a pound unit) actually incurred by the processor-producer in the marketing of 1953 crop raw sugar (other than bags or storage in company warehouses).

(5) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of sugarcane determined for each settlement period in accordance wtih the following procedure:

(i) A representative sample of not less than six stalks of sugarcane shall be taken from each producer's truckload or partial load and the juice extracted by a laboratory power mill. Correlating factors based on experience shall be established not less than twice weekly between the laboratory mill juice and the factory crusher juice brix and sucrose, respectively. These correlating factors then shall be applied to the laboratory mill analysis of brix and sucrose to bring the laboratory mill analysis to the equivalent of factory crusher juice analysis.

(ii) Application shall then be made of the formula, $R=(S-0.3B)F$, in which:

R = Recoverable sugar yield, 96° polarization.
S = Polarization of the crusher juice obtained from the sugarcane of each producer.
B = Brix of the crusher juice obtained from the sugarcane of each producer.
F = Factor obtained from the fraction whose numerator is the average yield of sugar, 96° polarization, obtained from the aggregate grinding during each settlement period in which the sugarcane of the producer has been ground and whose denominator is the average polarization of the crusher juice minus three-tenths of the brix of the crusher juice, both components of the denominator being obtained from the aggregate grinding during the settlement period in which the sugarcane of the producer has been ground.

(b) *Basic payment.* The processor-producer shall pay, or contract to pay, the producer for sugarcane delivered during a settlement period the f. o. b. mill price of that portion of the raw sugar determined by applying the following applicable percentage to the yield of raw sugar from the producer's sugarcane.

Yield of raw sugar per 100 pounds of sugarcane (pounds):	Percentage
6.0	59.0
7.0	60.0
8.0	61.0
9.0	62.0
10.0	63.0
11.0	64.0
12.0	65.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(c) *Molasses payment.* The processor-producer shall pay the producer for each 100 pounds of sugarcane delivered an amount computed by applying the following applicable percentage to the net proceeds derived from the sale of blackstrap molasses produced per 100 pounds of sugarcane for the 1953 crop:

Yield of raw sugar per 100 pounds of sugarcane (pounds):	Percentage
6.0	86.0
7.0	80.0
8.0	74.0
9.0	68.0
10.0	62.0
11.0	56.0
12.0	50.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(d) *Reporting requirement.* The processor-producer shall submit in duplicate to the Caribbean Area Office of the Production and Marketing Administration, San Juan, Puerto Rico, a certified statement of the actual deductions made in determining the f. o. b. mill price of raw sugar and the net proceeds from blackstrap molasses.

(e) *Subterfuge.* The processor-producer shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid by a processor-producer (i. e., a producer who is directly or indirectly a processor of sugarcane—hereinafter referred to as "processor") for sugarcane of the 1953 crop purchased from other producers. It prescribes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* In determining fair and reasonable prices, the act requires that a public hearing be held and investigations be made. Accordingly, on September 29, 1952, a public hearing was held in Christiansted, St. Croix, Virgin Islands, at which time interested parties presented testimony with respect to fair and reasonable prices for the 1953 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in the Virgin Islands. In this price determination, consideration has been given to testimony presented at the hearing and to information resulting from investigations.

(c) *1953 price determination.* The 1953 price determination differs from that of 1952 in two respects. First, the method of sampling and testing the sugarcane of individual producers provides for the use of a laboratory mill to test samples of each lot of cane purchased. Second, payment for all sugarcane delivered by a producer during a settlement period is based solely upon the average price of raw sugar, converted to the f. o. b. mill price, for that settlement period.

At the public hearing, the representative of the Virgin Islands Corporation, which is the only processor of sugarcane in the area, recommended that the method of sampling and testing sugarcane be changed inasmuch as it has been very difficult to obtain from the mill a true sample of the crusher juice from the many small bundles of cane delivered by producers. Grower representatives concurred in the recommendation and it is incorporated into the determination to provide for greater equity as among growers delivering sugarcane of varying quality.

The simplified method of settling for growers' cane on the basis solely of the average price of raw sugar during the sugarcane delivery period, rather than, as in the past, partially upon such basis and partially on the basis of raw sugar prices during the early months of the following year, recognizes the increased quota available to the Virgin Islands in 1953 and the fact that growers' production has not expanded to the same degree as has the Corporation's.

The representative of the Corporation recommended changes in sugarcane delivery terms, charges and allowances which were opposed by producers. Following the hearing, however, the Corporation and independent producers agreed to increase hauling allowances under the present method of delivery. In view of such agreement, this determination does not contain specific provisions regarding terms for the transportation and delivery of sugarcane.

A representative of the small growers recommended that in the event molasses is marketed at prices less than those in a comparable area such as Puerto Rico, growers should have a voice in such marketing. The recommendation has not been adopted because of the difficulty of establishing objectively the market value of molasses in comparable areas under varying conditions. Finally, the producer representatives recommended the adoption of a scale for sugar settlement which would return to producers for each 100 pounds of sugarcane ground, an additional pound of sugar above the quantity specified under the scale in the 1952 determination. A witness for the Virgin Islands Corporation recommended that the scale used for the 1952 crop be continued for the 1953 crop and presented financial data to support the contention that it would be economically unfeasible for the Corporation to pay for sugarcane in accordance with the scale recommended by producers.

An examination of conditions within the sugar industry in the Virgin Islands indicates, as it has in the past, that the standards customarily considered in price determinations in other cane producing areas, cannot be applied in the usual manner. The Virgin Islands Corporation, operated under the direction of the Department of Interior primarily to promote the general welfare of the people of the Islands, is both the largest producer and only processor of sugarcane. Financial results of the Corporation have been generally unfavorable and annual losses on sugar operations continue to mount despite the Corporation's efforts to reduce losses through improvements in agricultural and milling operations.

During the past two years, Virgin Islands sugarcane producers have enjoyed unusually favorable crop conditions, as a result of which, in conjunction with increased acreage, production has doubled. Nevertheless, it is recognized that independent producers still are subject to the hazards to agricultural production characteristic of the Virgin Islands and associated with insufficient rainfall, the poor moisture-retention quality of the soil, and low sugarcane yields. It is further recognized that the present basis for sharing the proceeds from raw sugar and molasses may not result in individually profitable operations for all producers. However, the sharing relationship specified in this determination provides returns to producers which compare favorably with those obtained by sugarcane producers in other offshore areas.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 28th day of November 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary.

[F. R. Doc. 52-12865; Filed, Dec. 4, 1952; 8:46 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Amdt. 2]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.26 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.26 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California, except Modoc and Siskiyou Counties;
Hartford County, in Connecticut;
St. Clair County; Columbia Township, in Monroe County; Peoria and Limestone Townships, in Peoria County, in Illinois;
City of Baltimore, in Maryland;
Bristol County, in Massachusetts;
Franklin and St. Louis Counties, in Missouri;
Burlington, Camden, Gloucester, Hudson, Morris, and Ocean Counties, in New Jersey;
Albany and New York Counties and Clarkstown Township, in Rockland County, in New York;
Council Grove, Mustang, Oklahoma and Greeley Townships, in Oklahoma County, in Oklahoma;
Bucks, Delaware and York Counties, in Pennsylvania;
The State of Rhode Island;
That part of Parker County lying north of U. S. Highway 180 and east of State Highway No. 51, in Texas.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas, in order to prevent the spread of said disease from said States, hereby quarantines the areas specified in paragraph (a) of this section and in addition:

Bergen, Essex, and Union Counties, in New Jersey;
Montgomery County, in Pennsylvania.

Effective date. This amendment shall become effective upon issuance. This amendment includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established, Albany County, in New York.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10538) apply with respect to shipments of swine and carcasses, parts and offal of swine from this area.

The foregoing amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111, 120, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 2d day of December 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12891; Filed, Dec. 4, 1952; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 22[1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE

MISCELLANEOUS AMENDMENTS

1. Section 371.25 *General license GMC unmanufactured cotton* is hereby deleted.

2. Section 373.9 *Special provisions for diamonds*, paragraph (d) *Export clearance of loose diamonds*, is amended by deleting the word "industrial" in the first sentence of the paragraph. The remainder of paragraph (d) is unchanged. The first sentence, as amended, is to read as follows: "Every shipment of loose diamonds in any form must be inspected by the U. S. Appraiser of Merchandise at New York, regardless of the means of exportation or the port of exit."

3. Section 379.1 *Presentation for export*, paragraph (f) *Shipments via mail*, is amended in the following particulars:

Subparagraph (1) *Export clearance* is amended to read as follows:

(1) *Export clearance.* In exporting merchandise by surface or air parcel post, the sender (exporter) must (i) whenever a validated license is required, enter the complete validated license number on the address side of the wrapper on the package and present the validated license to the postmaster, or (ii) whenever a validated license is not required, place the appropriate general license symbol on the address side of the wrapper on the package, followed by the words "Export License Not Required." The general license symbol and the phrase will constitute certification to the postmaster and the Office of International Trade that a validated export license is not required for the shipment. Only one shipment may be made against a validated export license if exportation is by mail. In all cases the sender must surrender his license to the postmaster at the time of shipment.

4. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b), *Table of compliance orders* is amended by adding the following entries:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Allmalde, S. A., 205 rue Americaine, Ixelles Brussels, Belgium.	8-3-49	Duration....	General and validated licenses, all commodities, any destination. (Company related to Bernard Liebermann, which see.)	14 F. R. 4913, 8-9-49.
Bluds, George, c/o Caymex Corp., 50 Broad St., New York, N. Y.	11-3-52	5-3-53	General and validated licenses, all Positive List commodities, any destination.	17 F. R. 10149, 11-8-52.
Caymex Corp., 50 Broad St., New York, N. Y.	11-3-52	5-3-53	do	17 F. R. 10149, 11-8-52.
Centralimpex, S. A., 205 rue Americaine, Ixelles Brussels, Belgium.	8-3-49	Duration....	General and validated licenses, all commodities, any destination. (Company related to Bernard Liebermann, which see.)	14 F. R. 4913, 8-9-49.
Intercontinental Import-Export, S. A., 70 rue du Lombard, Brussels, Belgium.	8-3-49	do	do	14 F. R. 4913, 8-9-49.
IPSA, A. G. fur Petroleum Industrie, Rothkreuz, Switzerland.	9-24-51	do	General and validated licenses, all commodities, any destination. (Company related to Albert von Tscharner, which see.)	16 F. R. 10888, 10-31-51.

5. Section 398.1 *DO (priority) ratings and allotment symbols (CMP) for foreign aircraft* is amended in the following particulars:

a. In paragraph (a) *Delegation of authority* the words "foreign countries other than those listed in § 398.53" are substituted for the words "foreign countries other than those listed in paragraph (c) of this section".

b. Paragraph (c) *Ratings not assigned by OIT* is amended to read as follows:

(c) *Ratings not assigned by OIT.* Requests for DO ratings or allotment symbols on purchase orders for delivery of maintenance, repair and operating supplies and supporting navigational aids to foreign civil air carriers registered in any of the countries listed in § 398.53 shall be submitted to the Office of Aviation Defense Requirements, Civil Aeronautics Administration, Temporary Building T-4, Washington 25, D. C.

6. Part 398, Priority ratings and supply assistance, is amended by adding a new section (§ 398.53) to read as follows:

§ 398.53 *Supplement 3: Countries for which the Mutual Security Agency is the claimant agency.*

EUROPEAN COUNTRIES

Austria.
Belgium-Luxembourg Economic Union.
Denmark, including Faroe Islands.
France, including the Saar.
Germany (Federal Republic).
Greece, including the Aegean Islands.
Iceland.
Ireland.
Italy.
Netherlands.
Norway, including Spitzbergen.
Portugal, including the Azores.
Sweden.
Switzerland, including Liechtenstein.
Trieste, Free Territory of.
Turkey.
United Kingdom, including the Channel Islands.
Yugoslavia.

OVERSEAS TERRITORIES

Belgian Overseas Territories:
Belgian Congo.
Ruanda-Urundi.
British Overseas Territories:
Gibraltar.
Malta and Gozo.
Cyprus.
British West Africa:
Nigeria, including British Cameroons.
Gold Coast, including British Togoland and Ashanti.
Sierra Leone.
Gambia.
Northern Rhodesia.
Southern Rhodesia.
Nyasaland.
British East Africa:
Kenya.
Uganda.
Tanganyika.
Zanzibar and Pemba.
Somaliland Protectorate.
Basutoland, Bechuanaland Protectorate, Swaziland.
St. Helena, Ascension Island.
Mauritius and Dependencies.
Seychelles.
Aden (Colony and Protectorate).
Bahrein Island, Kuwait, Qatar and Trucial Oman.
British Malaya, including Singapore.
British Borneo (North Borneo, Sarawak and Brunei).
Hong Kong.
British Oceania:
Fiji Islands.
British Solomon Islands.
Other British Islands of the Pacific.
Bermuda.
British West Indies:
Bahamas.
Jamaica and Dependencies.
Windward Islands, including Dominica.
Leeward Islands.
Barbadoes.
Trinidad and Tobago.
British Honduras.
British Guiana.
Falkland Islands and Dependencies.
French Overseas Departments, Protectorates and Territories:
Overseas Departments:
Algeria.
French Guiana.
Guadeloupe.
Martinique.
Reunion Island.
Protectorates:
French Zone of Morocco.
Tunisia.
Overseas Territories:
Somaliland.
French West Africa, including French Togo.

[1] This amendment was published in Current Export Bulletin No. 685, dated November 28, 1952, part 1 appearing in the reprint pages, dated November 28, 1952.

...th opposite the commodities listed ...ow is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
861450	Microscopes, and specially fabricated parts and accessories, n. e. c.: Other microscopes, specially fabricated parts and accessories, n. e. c., except diamond tipped, multi-projectors, and microscope slides	50

This part of the amendment shall be... effective as of 12:01 a. m., Novem... '28, 1952.

... The following revisions are made in ...mmodity descriptions. These revi... include changes in validated ...nse control where indicated.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar-value limits	Validated license required	Commodity
660100	Ores, n. e. c.: Iron ore	Lb.	NONF	25	RO	B D
660200	Metals, n. e. c.: Aluminum, unwrought	No.	MINE	None	RO	A

This part of the amendment shall be... effective as of December 28, 1952. ...shipments of any commodities re... from general license to Country ...up R or Country Group O destina... as a result of changes set forth in ...t 3 of this amendment which were on ...k, on lighter, laden aboard an export... carrier, or in transit to a port of exit ...suant to actual orders for export ...r to 12:01 a. m. December 5, 1952, ...y be exported under the previous ...eral license provisions up to and in... December 29, 1952. Any such ...ment not laden aboard the exporting ...el on or before December 29, 1952, ...uires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

[SEAL] LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-12894; Filed, Dec. 4, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 100, Interpretation 1]

CPR 109—RETAIL SALES OF NEW AND USED MECHANICAL FARM EQUIPMENT

INT. 1—SEPARATE STATEMENT OF EXTRA CHARGES IN INVOICE (SECTION 11 (e))

In accordance with section 11 of CPR 100, retail sellers of farm equipment covered by this regulation are required to furnish to purchasers an invoice containing the information set forth in the lettered paragraphs of this section. Paragraph 11 (e) requires "A separate statement of any extra charges permitted by this regulation."

Sellers of new complete farm equipment and new parts determine their ceiling prices for such commodities under section 2, 3 or 4 of CPR 100, depending upon the individual retail seller's pre-Korea pricing practice.

Sections 2 and 3 of CPR 100 specify that the retail seller's ceiling price shall be "the sum of the following," and the "following" includes many specified charges, such as transportation costs, manufacturers' or wholesale distributors' handling charges, etc. Consequently, section 11 (e) of CPR 100 does not require such retail dealers who are required to determine their ceiling prices under section 2 or 3 to list the specified charges in the invoice required by section 11 because these charges are actually a part of the ceiling price as determined under section 2 or 3. (An exception to this is taxes, which under sections 2 (b) (7) and 3 (b) (5) may be added to the seller's ceiling prices. Consequently, a seller pricing under section 2 or 3 must separately state in his in-

voice any charges made by him for such taxes.)

On the other hand, those retail sellers who determine their ceiling prices under section 4 of CPR 100 are required to list any extra charges in their invoice since section 4 states that the specified charges, such as transportation costs, service and handling charges, etc., may be added to the seller's ceiling price. In addition, section 4 (d) specifically requires that a seller separately state in his invoice each additional charge which he adds to his ceiling prices under that section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 4, 1952.

[F. R. Doc. 52-12962; Filed, Dec. 4, 1952; 12:02 p. m.]

CPR 181—STOCK MILLWORK

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 181 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollar-and-cent ceiling prices for direct-mill sales of stock millwork, including doors, frames, windows, blinds and shutters, sash, window screens and screen doors, made in whole or in large part from the following species: Ponderosa pine (pinus ponderosa) Idaho pine (Pinus monticola); Sugar pine (Pinus lambertina); Northern or Northeastern pine (Pinus strobus). The regulation also provides a modification of the GCPR ceiling prices on direct-mill sales of hollow core flush veneered doors in all woods except Douglas Fir, which is covered in CPR 175, and for various stock millwork specialties. Dollars-and-cents ceiling prices for direct-mill sales of Douglas Fir window and door frames are also included in this regulation.

Nature of the industry. The millwork industry is made up of several product groupings which cover items that are built into and become part of a building. This regulation is concerned only with the standard or "stock" items of millwork.

Many companies manufacture stock millwork, but about 90 percent of them are small producers who make millwork in conjunction with the wholesale or retail distribution of lumber and other building materials. There are approximately 100 medium size millwork manufacturers whose sales volume is considerable. However, of the total industry output of stock millwork, a major portion is manufactured by about 30 companies on a mass production basis.

Whereas the small producers are scattered throughout the country, the large mills are located principally in Iowa, Wisconsin, and Illinois, about 60 percent of the total stock millwork production is concentrated in this area. Other centers of production, though somewhat less important, are located in New England, the lower Mississippi Valley, Texas, California and Washington.

Based on data furnished by the National Woodwork Manufacturers Association, it is estimated that the total value of shipments of stock millwork during 1951 was approximately $160,000,000. It is estimated that the value of screen doors sold in 1951 amounted to about $5,000,000.

Nature of this regulation. The stock millwork industry has developed a special system of pricing which is recognized and adhered to by most manufacturers in the industry. List prices and list extras are contained in standard catalogs, published under the auspices of trade associations in the millwork industry; as for example, Catalog 8–A "Standard Pine Frames" and Catalog 40 "Sash, Doors, Screens" which are both published by the National Door Manufacturers Association. The basic lists and list extras remain unchanged over long periods of time. Individual manufacturers issue price sheets, which are kept current, containing discounts and/or percentage additions to be applied to the basic list. For most items the ceiling prices under this regulation are determined by reference to these basic price lists, adjusted by the discounts or additions prevailing during the base period.

Most items of stock millwork are sold f. o. b. mill with carload rate of freight allowed within an established price zone. The regulation, therefore, establishes ceiling prices for a basic zone (Zone 1) which embraces the principal millwork production area and which has traditionally served as the center of the millwork market. The regulation provides that individual manufacturers may apply their base period (December 19, 1950–January 25, 1951) differentials for delivery to points outside of Zone 1. If a manufacturer did not quote prices for Zone 1 or had not established differentials for those zones in which he sold millwork, he may use the delivery differentials appearing in the price schedule of his closest competitor.

Zone pricing does not extend to all items of millwork. Solid core flush veneered doors as well as certain stock millwork specialties are usually priced f. o. b. mill, no freight allowed. Screen doors and blinds and shutters are usually priced f. o. b. mill, carload rate of freight allowed to all zones. In the latter case, there exists what amounts to a "delivered U. S. A." price. The regulation provides that manufacturers who used the f. o. b. mill method of pricing during the period December 19, 1950 to January 25, 1951, must continue to use that basis of quotation. Also, manufacturers who sold on what amounts to be a delivered basis (f. o. b. mill, carload rate of freight allowed to all zones) during the base period must continue to do so.

It has been a long established practice in the millwork industry to publish price schedules at the dealer carload level. However, over the years, there has developed a tendency to sell through jobbers to avoid the expense of a large sales organization. It is estimated that about 50 percent of the mills now publish price schedules at the jobber level only. Those continuing to price at the dealer carload level grant concessions from the published price schedules for sales to jobbers. For purposes of this regulation it was considered administratively desirable to establish ceiling prices at the dealer carload level, and to provide for concessions when sales are made through jobbers. In analyzing manufacturers' price schedules for setting prices under this regulation, all prices were adjusted to the dealer carload levels.

This regulation establishes mill level ceiling prices, and does not deal with pricing at the various distribution levels. The transactions covered are described as "direct-mill sales". Such a sale exists when a shipment originating at a mill reaches its ultimate destination with the shipment intact, regardless of who actually effected the sale and whether or not the title passes to an intermediate buyer. Thus the term direct-mill sale does not include a transaction where a shipment passes through a yard or warehouse and is actually unloaded before being resold. The treatment of the matter in the regulation conforms to the industry's traditional marketing practices.

Levels of prices in this regulation. The new ceiling prices established by this regulation will be approximately 3 percent above the average ceilings for stock millwork and from 3 to 4.5 percent above the average ceilings for screen doors established under the General Ceiling Price Regulation. These higher ceilings reflect increases in direct costs that have occurred in the millwork and screen door industry since January 1, 1952. This pass-through of recent direct cost increases has been found necessary in order to satisfy the requirement that ceiling prices be generally fair and equitable under the Industry Earnings Standard. Partial data available to the Office of Price Stabilization indicates that during the year 1951 the ratio of net profit before taxes to net worth in these industries fell below 85 percent of the average for the years 1947–1949. Because the data available was not collected for the purpose of making an earnings standard study of these industries, the information may not be adequate to give a final and conclusive indication of the earnings situation in these industries. Accordingly, a comprehensive study of earnings will be made by OPS in order to determine whether or not further adjustments in these ceilings are necessary.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practical in the formulation of this regulation, the Director of Price Stabilization has given due considera-

1. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
360302	Linters (specify grade): Grades 1 to 4 inclusive (U. S. Official Standard) (notes included).
360305	Grades 5 to 7, inclusive (U. S. Official Standard) (cottonseed hull fiber included).
360306	Agricultural insecticides containing 25 percent or more by weight of the DDT (dichlorodiphenyl trichloroethane) isomer known as the para, para isomer (not including technical DDT (dichlorodiphenyl trichloroethane) containing less than 25 percent of the para, para isomer)
820580	Other fibers (DDT (dichlorodiphenyl trichloroethane) content not quantity the weight of the DDT content).

This part of the amendment shall become effective as of 12:01 a. m., November 28, 1952.

2. The dollar value limit in the column headed "GLV dollar-value limit" set forth opposite the commodities listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
861450	Microscopes, and specially fabricated parts and accessories, n. e. c.: Other microscopes, specially fabricated parts and accessories, n. e. c., except diamond tipped, multi-projectors, and microscope slides	50

This part of the amendment shall become effective as of December 28, 1952.

3. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
656501	Tin ore and concentrates [1]
730610	Specialized mining machines and equipment, n. e. c., and parts, n. e. c.: Underground loading machines (report underground mine conveyors in 730615)

[1] The above revised entry is substituted for the first entry presently on the Positive List under Schedule B No. 656501. The effect of this revision is to clarify the coverage.

[2] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 730610. The effect of this revision is to change the control from R to R0 for shushers, 50 horsepower up to but not including 200 horsepower, and, to add the commodities included in the above entry to the IC/DV procedure (see § 373.34), effective Jan. 12, 1953, as indicated in the column headed "Commodity Lists."

This part of the amendment shall become effective as of December 28, 1952.

4. The letter "A" set forth in the column headed "Commodity Lists" opposite the commodity entries listed below is hereby deleted to indicate that these commodities are no longer subject to the IC/DV procedure (see § 373.34):

Dept. of Commerce Schedule B No.	Commodity
615450	Tools (all metals), n. e. c.: Hacksaw blades, flower,
619480	Welding rods and wires: Steel and lead base (specify by name and metal content).

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R Doc 52-12810; Filed, Dec 4, 1952; 8:45 a m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 19 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

[1] This amendment was published in Current Export Bulletin No. 685, dated Nov. 28, 1952.

tion to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period May 24, 1950 to June 24, 1950, inclusive; to those prevailing during the period January 25 through February 24, 1951, as well as to the level of prices prevailing just before the issuance of this regulation; and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This included two meetings with the Stock Millwork Industry Advisory Committee.

Every effort has been made to conform this regulation to business practices existing with respect to the production, sale and distribution of the items of stock millwork covered by this regulation. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

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AUTHORITY: Sections 1 to 33 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes dollars-and-cents ceiling prices for direct mill sales of stock millwork and stock millwork specialties. The General Ceiling Price Regulation is superseded by this regulation as to the transactions covered herein.

SEC. 2. *Products covered.* This regulation covers open windows and sash, lineal sash stock, glazed windows and sash, panel doors, open garage doors, frames and frame stock, wired window and sash screens, outside blinds and shutters, hollow core flush doors veneered in all woods except Douglas fir (pseudotsuga taxifolia), solid core flush veneered doors having softwood cores, screen doors, and miscellaneous stock millwork items, made in whole or in part from lumber cut from the following species of wood: Ponderosa pine (Pinus ponderosa), Idaho pine (Pinus monticola), Sugar pine (Pinus lambertina), or Northern or Northeastern pine (Pinus strobus). It also covers Douglas fir window and door frames. It does not cover stock hardwood veneer panel, sash or flush doors; nor does it cover special millwork manufactured according to architect's details. This regulation also covers stock millwork specialties made in whole or in part from Ponderosa pine (Pinus ponderosa), Idaho pine (Pinus monticola), Sugar pine (Pinus lambertina), or Northern or Northeastern pine (Pinus strobus). These latter stock millwork specialties include, but are not limited to, the following items that cannot be priced from Lists 8, 8A, 9A, or 10A:

Ornamental entrance frames.
Complete casement sash and window units (including frames).
Louvre frames.
Complete gable frame and sash units.
Combination storm and screen units.
Door and frame units.
Stairwork.
Hardwood panel and sash doors.
Overhead garage doors without hardware.
Porch work.
Lock-joint or mitered trim, KD or set up.
Mantels, China or corner closets, breakfast nooks and linen cabinets.
Ironing boards.
Telephone and medicine cabinets.
Sectional kitchen units in the white.
Disappearing stairways.
Softwood mouldings, only when they are part of lock-joint or mitered trim.

The products covered by this regulation, described above generally and referred to in detail in the ceiling price tables, are those described in the following millwork and glass lists as published on the effective date of this regulation:

(1) "Standard Woodwork Lists, Catalog No. 50," corrected to December 1, 1951, published by the Pinney Printing Company, Clinton, Iowa. (Standard Woodwork Lists, Catalog No. 50 is Catalog No. 40 corrected to show the new Commercial Standards CS–163–49 and other minor corrections.)

(2) "Standard Pine Frames, Catalogs No. 8–A, 9–A and 10–A" published by the Pinney Printing Company, Clinton, Iowa.

(3) "Standard Pine Frame Base List No. 8," published by the Standard Frame List Publishing Company, Spokane, Washington.

(4) "Jobber's 'A' Light Glass List" of August 15, 1938, revised January 16, 1946, copyrighted 1946 by the National Glass Distributors' Association.

(5) "8000 Series Standard Moulding Book," Eighth Edition, copyrighted 1946 and published by Western Pine Club of New York, 70 East 45th Street, New York 17, New York.

(6) "Special List Extras Catalog No. 47–A Applying to Standard Lists Catalog No. 47", carrying list extras applicable to softwood door and window lists in Catalog 47 and list prices for solid core flush veneered doors.

NOTE: Extras for solid core flush veneered doors are net and are listed in section 19 of this regulation.

(7) "Design Book No. 25", published by Universal Catalog Bureau, Dubuque, Iowa.

(8) "Catalog No. 40 Standard Lists", published by National Door Manufacturers Association, Inc., Chicago, Illinois.

SEC. 3. *Transactions covered.* This regulation covers all direct-mill sales of the products covered by this regulation. A direct-mill sale is a sale in which the shipment originates at a producer's mill, factory or factory warehouse, no matter who the seller is, and no matter whether he usually is known as a millwork manufacturer, wholesaler, distributor, or by any other name. A direct-mill shipment which is temporarily stored in a distribution warehouse but does not become a part of the stock of the warehouse for purposes of resale or redistribution does not, because of such storage, lose its character as a direct-mill sale.

SEC. 4. *Geographical applicability.* The provisions of this regulation shall apply within the forty-eight States of the United States and the District of Columbia.

SEC. 5. *Explanation of ceiling prices—*(a) *General explanation.* (1) The basic ceiling prices established by this regulation for all products covered by it, except solid core flush veneered doors having softwood core screen doors, and outside blinds and shutters, are for carload direct-mill sales f. o. b. mill, carload rate of freight allowed, to destinations within a certain geographical area referred to in this regulation as Zone 1. Basic ceiling prices for carload direct-mill sales of solid core flush veneered doors having softwood cores are stated f. o. b. mill, no freight allowed (see section 20), and for screen doors and outside blinds and shutters, are stated f. o. b. mill, carload rate of freight allowed to all destinations (see sections 16 and 21).

(2) If, during the period December 19, 1950 to January 25, 1951, inclusive, you offered to sell some or all of the products

covered by this regulation on an f. o. b. mill carload rate of freight allowed basis, you shall continue that practice for all items covered by this regulation, except as provided differently in section 7 of this regulation.

(3) Section 6 explains how to determine ceiling prices for carload direct-mill sales, f. o. b. mill, carload rate of freight allowed to destinations outside of Zone 1. Section 7 explains how to determine ceiling prices for carload direct-mill sales, f. o. b. mill, no freight allowed. Section 8 explains how to determine ceiling prices for less-than-carload direct-mill sales, f. o. b. mill, no freight allowed.

(b) *Explanation of terms.* (1) The term "f. o. b. mill, with carload rate of freight allowed", means that where shipment is by rail, the seller must allow the buyer all rail charges, computed at the carload rate on the actual weight of the shipment, which are paid by the buyer. Where the shipment is by truck the seller must allow the buyer all trucking charges paid by the buyer, not in excess of the applicable rail charges for the same shipment.

(2) The term "carload" applies where the total weight of the shipment of products covered by this regulation equals or exceeds the weights set out in applicable railroad tariffs for minimum carload quantities, even though shipped by truck.

(3) The geographic area referred to in this regulation as Zone 1 includes:

(i) All of Illinois and Wisconsin; the upper peninsula of Michigan; that portion of Minnesota south of a direct line from Saint Paul to the Southwestern corner of the State, but not including Saint Paul; all Iowa except Sioux City and Council Bluffs; that portion of Texas and Oklahoma south of a line drawn through Amarillo, but not including Amarillo, and across Oklahoma through McAlester, but not including McAlester, to the Arkansas State line; all of Arkansas, except Fort Smith; all of Missouri except St. Joseph, Kansas City, and Joplin; all of Louisiana; Memphis as the only point in Tennessee; East Chicago, Indiana Harbor, Whiting, Hammond and Gary as the only points in Indiana.

(ii) If you had established variations to the above area and had published price lists showing that these variations were in effect during the period of December 19, 1950 to January 25, 1951, inclusive, you may consider the area as published to be your Zone 1.

SEC. 6. *Ceiling prices for carload direct-mill sales, f. o. b. mill, carload rate of freight allowed to destinations outside of Zone 1.* (a) The ceiling prices for carload direct-mill sales of the products covered by this regulation, f. o. b. mill, carload rate of freight allowed to destinations outside of Zone 1, shall be the ceiling prices for carload direct-mill sales, f. o. b. mill, carload rate of freight allowed to destinations within Zone 1 adjusted by the differentials for delivery to those points outside of Zone 1 which you had in effect during the period December 19, 1950 to January 25, 1951, inclusive, plus freight increases on outbound freight authorized by the Interstate Commerce Commission in Ex Parte 175, effective May 2, 1952.

(b) If you did not quote prices for Zone 1 delivery, or had not established differentials for points outside Zone 1 during the period December 19, 1950 to January 25, 1951, inclusive, you shall use the applicable delivery differentials for deliveries outside Zone 1 appearing in the price schedule of your most closely competitive seller in effect during that period.

SEC. 7. *Ceiling prices for carload direct-mill sales, f. o. b. mill, no freight allowed.* (a) Notwithstanding any other provision in this regulation, if, during the period December 19, 1950 to January 25, 1951, inclusive, you offered to sell some or all of the products covered by this regulation in carload direct-mill sales, "f. o. b. mill, no freight allowed", you shall continue that practice as to the items offered for sale during that period, and you shall continue to use the same terms of sale which you had in effect during that period as to those items.

(b) To establish your ceiling prices for carload direct-mill sales f. o. b. mill, no freight allowed, for those items, you shall adjust your prices in effect during that period for carload direct-mill sales, f. o. b. mill, no freight allowed by adding thereto or subtracting therefrom the differentials you had in effect during such period between your prices for direct-mill sales, f. o. b. mill, no freight allowed, and your prices for direct-mill sales, f. o. b. mill carload rate of freight allowed for Zone 1 delivery.

(c) If you did not have differentials in effect during that period you shall use the appropriate differentials of your most closely competitive seller who published prices for Zone 1 delivery during that period, in determining the adjustment differentials to be applied to the ceiling prices in this regulation for delivery to destinations within Zone 1.

SEC. 8. *Ceiling prices for less-than-carload direct-mill sales, f. o. b. mill, no freight allowed.* The ceiling prices for less-than-carload direct-mill sales f. o. b. mill, no freight allowed, of the products covered by this regulation shall be calculated as follows:

(a) From the ceiling price for a carload direct-mill sale, f. o. b. mill carload rate of freight allowed to the destination involved, computed as provided in this regulation;

(b) Deduct freight charge computed on the actual weight of the shipment at the carload rate from the mill to the place of delivery; and

(c) Increase the result so obtained by 5 percent. The total is the ceiling price for a less-than-carload direct-mill sale f. o. b. mill, no freight allowed.

(d) If shipment is made by common carrier, you may add to the ceiling price as computed above the actual common carrier transportation charges incurred by you. If shipment is by truck owned or controlled by you, or by contract carrier, a transportation charge not in excess of the applicable common carrier charge, may be added.

NOTE: A less-than-carload sale takes place only when a less-than-carload freight rate applies at the manufacturer's point of origin of the shipments.

SEC. 9. *Discounts.* If you customarily granted a service discount or concession, or quoted jobber carload prices during the period December 19, 1950 to January 25, 1951, inclusive, on sales to the class of customers to which you granted service discounts, concessions or jobber carload prices, the otherwise applicable ceiling prices for carload sales of the products covered by this regulation are reduced by the appropriate application of not less than the following discounts:

Open sash, windows, K.D. sash and lineal sash stock	4	points.
Glazed sash and windows	3	points.
Pine doors including toilet and blind doors	4	points.
Combination doors	4	points.
Frames, including inside door jambs	1½	points.
Lineal frame stock	4	points.
Window screens	4	points.
Blinds and shutters	10	percent.
Screen doors	10	percent.
Flush veneered doors with solid cores	3	points.
Flush veneered doors with solid cores, net extras	Net.	
Other net extras except treating, priming, crating and paper wrapping	10	percent.

SEC. 10. *Ceiling prices for open windows and sash, and lineal sash stock—*(a) *Ponderosa pine open windows and sash.* Your ceiling prices for carload direct-mill sales of Ponderosa pine open windows and sash f. o. b. mill, carload rate of freight allowed to destinations within Zone 1, whether sold alone or with other millwork, shall be the net prices computed by applying the following percentage additions to the list prices and list extras contained in Standard Woodwork Lists, Catalog No. 50:

Description of product	Percentage additions
No. 1 Ponderosa pine windows and sash:	
Modular openings; stock sticking; set up, cleated in bundles; 10 or more of a size and kind.	
All 1⅛" plain rail windows	+3
All 2-, 3-, 4-, and 6-light (3 wide only) cellar and barn sash	+3
All 2-light and 4-light windows and 1-light sash	+14
All other types of windows and sash	+12
All 1⅛" storm sash	+10

(b) *Northern, Idaho or Sugar pine windows and sash.* Your ceiling prices for carload direct-mill sales of Northern, Idaho or Sugar pine open windows and sash, f. o. b. mill, carload rate of freight allowed to destinations within Zone 1, whether sold alone or with other millwork, where specifically requested by the buyer, shall be the net prices computed as provided in paragraph (a) of this section, but with the percentage additions adjusted as follows:

1. Northern pine: 32½ points to be added to the percentage additions set out in paragraph (a) above.

2. Idaho pine: 15 points to be added to the percentage additions set out in paragraph (a) above.

3. Sugar pine: 3 points to be added to percentage additions set out in paragraph (a) above.

If you furnish those woods at your option, your ceiling prices shall be those established in paragraph (a) of this section.

(c) *Deductions.* Your ceiling prices for carload direct-mill sales established in paragraphs (a) and (b) of this section are subject to the following deductions:

1. Knock-down windows and sash. Less than 2,500 windows and 5,000 sash: 1 point longer discount, or shorter percentage addition to the list.

2,500 or more windows or 5,000 or more sash: 2 points longer discount, or shorter percentage addition to the list.

2. Blue stain Ponderosa pine open windows and sash: 4 points longer discount, or shorter percentage addition to the list.

(d) *Additions.* Your carload direct-mill ceiling prices established in paragraphs (a) and (b) of this section may be adjusted by applying not more than the following additions for the following services, specifications and conditions of sale:

1. Orders for five to nine of a size and kind: 10 percent of the net price for each unit in sales of 10 of a size and kind.

2. Orders for less than five of a size and kind: 20 percent of the net price for each unit in sales of 10 of a size and kind.

3. For 1¾" Open Sash listed on page 35 of List No. 50: Shorten discount for 1⅜" open windows and sash 8 points, or lengthen percentage addition to the list 8 points.

For all other 1¾" Windows and Sash use discount as for 1¾" open windows and sash and adjust by increasing price 10 points, after applying rule 6, page 3, Special List Extras Catalog No. 47–A.

4. Special machining on window (involving the use of Unique, Grand Rapids, Pullman, N. S. W. or R. O. W. balances): Net extra per window as follows:

Quantities	Unique	Grand Rapids	Pullman		NSW	R O W and all others
			1 or 2 springs	More than 2 springs		
1 to 99	$0.14	$0.14	$0.16	$0.30	$0.20	$0.20
100 to 499	.05	.05	.08	.16	.10	.10
500 or more	.00	.00	.03	.06	.04	.04

5. Full crating for shipment: $1.00 per bundle to the net price.

6. For non-modular sizes and layouts use same practice of pricing as used during the period December 19, 1950 to January 25, 1951, inclusive.

7. Windows and sash are priced to include toxic treating or toxic and water repellent treating if customarily furnished by the manufacturer during the period December 19, 1950 to January 25, 1951, inclusive.

8. Priming other than provided in subparagraph 7 above, add as follows:

	Net per sash (except storm sash)	Net per window or storm sash
Dipped with regular sash primer	0.15	0.30
Dipped with lead and oil primer	.19	.38
Dipped with linseed oil primer	.19	.38
No divided lights	.32	.64
Divided lights	*Per light* .04½	*Per light* .04½

9. Wider stiles and rails: Ohio, Philadelphia, Baltimore and Washington sizes including cellar and barn sash, open: 8 points. Indianapolis and Wilkes-Barre openings, open: 9 points. You shall comply with the layouts and openings shown in Catalog No. 40.

(e) *Ponderosa pine lineal sash stock.* Your ceiling prices for carload direct-mill sales of Ponderosa pine lineal sash stock, f. o. b. mill, carload rate of freight allowed to destinations within Zone 1, whether sold alone or with other millwork (other than mouldings) shall be the net prices computed by applying the following percentage additions to the list prices on page 56 of Standard Woodwork Lists, Catalog No. 50.

Description of product	*Percentage Additions*
Sash stock, lineal, random lengths cutting grade, Ponderosa pine. Cutting grade to contain cuts 3' and longer. 8' and shorter free from defects; 9' and 10', 1 defect; 11' and 12', 2 defects; 13' and 16', 3 defects.	
Bars, muntin stock and rails list under $3.00	+103
Stiles, rails and bars, list $3.00 and over	+106

(f) *Addition.* Your carload direct-mill ceiling prices established in paragraph (e) of this section may be adjusted by applying not more than the following additions for the following service:

1. Treating lineal sash stock with toxic and water repellent 10 points.

SEC. 11. *Ceiling prices for glazed windows and sash*—(a) *Ponderosa pine glazed windows and sash.* Your ceiling prices for carload direct-mill sales of Ponderosa pine glazed windows and sash, f. o. b. mill, carload rate of freight allowed to destinations within Zone 1, whether sold alone or with other millwork, shall be the net prices computed by applying the base discounts listed below to the list prices in Standard Lists Catalog No. 50 and list extras contained in special Lists Extras Catalog No. 47–A:

Description of product	*Base discounts (percent)*
No. 1 Ponderosa pine windows and sash: Modular openings; stack stickings; single strength "B" (SSB) or double strength "B" (DSB) glass; full bundles; not face crated.	
All 1⅛" plain rail windows	33⅓
All 2-, 3-, 4- and 6-light (3 wide only) cellar and barn sash	33
1⅛" storm sash	32½
All other types 2-light and 4-light windows and 1-light sash	31
All other types divided light windows and sash	32

(b) *Northern, Idaho or Sugar pine glazed windows and sash.* Your ceiling prices for carload direct-mill sales of Northern, Idaho or Sugar pine glazed windows and sash, f. o. b. mill, carload rate of freight allowed to destinations within Zone 1, whether sold alone or with other millwork, where specifically requested by the buyer, shall be the net prices computed by adding to the ceiling prices established in paragraph (a) of this section the differences between (1) the net ceiling prices for Ponderosa pine open windows and sash (as established in paragraph (a) of section 10) and (2) the net ceiling prices for Northern, Idaho or Sugar pine open windows and sash where specifically requested by the buyer (as established in paragraph (b) of section 10). If you furnish those woods at your option, the ceiling prices shall be those established in paragraph (a) of this section.

(c) *Additions.* Your ceiling prices for carload direct-mill sales established in paragraphs (a) and (b) of this section may be adjusted by applying not more than the following additions for the following services, and specifications and conditions of sale:

1. If face crated: 2 points shorter discount. If full carton packed: add $1.00 per bundle.

2. Less than full bundle lots of one size and kind: 4 points shorter discount.

3. Glazing with "A" glass: 3 points shorter discount.

4. All 1¾" glazed windows and sash listed page 35 Catalog No. 50, shorten 1⅜" discount 5 points. Other 1¾" glazed windows and sash shorten 1¾" open window discount 10 points after applying rule 6, on page 3, special Lists Extras, Catalog 47–A applying to Catalog 47 (also Catalog 50), plus glass and glazing.

5. Windows or sash back puttied: 2 lights: 1 point shorter discount; more than 2 lights: 1½ points shorter discount.

6. Windows or sash bedded in putty: 2 light windows or 1 light sash: 3 points shorter discount. All other windows or sash: 3½ points shorter discount.

7. Glass in other than stock size windows and sash: apply to Jobber's "A" Light Glass List of August 15, 1938, revised January 16, 1946, the following discounts for glass (only), and add net extra for glazing:

Discounts applicable to glass

	Percent
SSB or DSB	70
SSA or DSA	67
⅛" Florentine, Maze or Syenite (from DSA list):	
12" x 16" and under	60
Over 12" x 16"	62

Net extras for glazing

	Cents
1 light sash	13½
2 light windows and 2 light storm sash	27
For each additional light	4½

8. Wider stiles and rails: Ohio, Philadelphia, Baltimore, and Washington sizes, including cellar and barn sash, glazed: 4 points shorter discount. Indianapolis and Wilkes-Barre openings, glazed: 5 points shorter discount.

SEC. 12. *Ceiling prices for panel doors*—(a) *Ponderosa pine panel doors.* Your ceiling prices for carload direct-mill sales of Ponderosa pine panel doors f. o. b. mill, carload rate of freight allowed to destinations within Zone 1, whether sold alone or with other millwork, shall be the net prices computed by applying the following base discounts and percentage additions to the list prices and list extras contained in Standard Woodwork Lists, Catalog No. 50:

Description of product	*Base discounts or percentage additions*
1⅜" No. 1 Ponderosa pine doors, 5 of a size and kind.	
Panel doors:	
4 and 5 panels, raised or flat Ponderosa pine or laminated fir panels	+15½
Colonial doors:	
6 or 8 panels, raised or flat Ponderosa pine, or laminated pine or fir panels	+11

Description of product	*Base discounts or percentage additions*
1-, 2- and 3-panel doors:	
Fir plywood panels	+11
Pine plywood panels	+14
Gum wood panels	+13½
Unselected Birch panels	+17½
Sash doors, storm doors and side lights 1⅛" and 1¾" thick: solid raised panels or flat fir or pine plywood	+7
French doors, designs 622 to 628 and 637 to 643:	
1⅜" thick	−2
Toilet and Blind doors, 1⅛" thick:	
Design ND 726 Raised panels or flat laminated fir or pine panels	+2
Designs 727 to 731	+6
Cupboard doors, ¾" and 1⅛":	
Solid raised cross panels	Net
Flat pine or fir laminated panels	−2
Combination storm and screen doors complete:	
Sash glazed SSB screen wired	−12½
Sash glazed SSB screen open	−9½
Sash open screen wired	−9½
Sash open screen open	−8

(b) *Northern pine doors.* Your ceiling prices for carload direct-mill sales of Northern, Idaho or Sugar pine doors f. o. b. mill, carload rate of freight allowed to destinations within Zone 1, whether sold alone or with other millwork, where specifically requested by the buyer, shall be the net prices computed in the same manner as provided in paragraph (a) of this section, but with base discounts or percentage additions adjusted as follows:

1. Northern pine: 38 points shorter than base discounts or longer than percentage additions set out in paragraph (a) above.

2. Idaho pine: 20 points shorter than base discounts or longer than percentage additions set out in paragraph (a) above.

3. Sugar pine: 3 points shorter than base discounts or longer than percentage additions set out in paragraph (a) above.

If you furnish these woods at your option, the ceiling prices shall be those established in paragraph (a) of this section.

(c) *Additions.* Your ceiling prices for carload direct-mill sales established in paragraphs (a) and (b) of this section may be adjusted by applying not more than the following additions for the following services, specifications and conditions of sale:

1. For 1¾" thick doors: 7 points to 1⅜" prices.

2. Glass and glazing extras for doors: Apply to Jobber's "A" Light Glass List of August 15, 1938, revised January 16, 1946, the following discounts for glass only, and add net extra for glazing:

Discounts applicable to glass	*Percent*
SSB or DSB	70
SSA and DSA	67
⅛" Florentine, Maze or Syenite (from DSA List):	
12" x 16" and under	60
Over 12" x 16"	62

Net extras for glazing per door not bedded (for bedding in putty, add 50 percent to net extras):

1 light up to 60 united inches	$0.25
1 light over 60 united inches	.42
3 lights	.32
4 lights	.40
2 horizontal lights	.30
3 horizontal lights	.45
4 horizontal lights	.55
5 horizontal lights	.65
6 lights	.51
8 lights	.64
9 lights marginal	.86
11 lights marginal	.90
9 equal lights	.68
10 equal lights	.78
12 equal lights	.90
15 equal lights	1.22
Mirror doors, light	1.15
Additional lights	.10
Design 600	.65
Design 606	.93
Design 607	1.25
Design 608	.90

3. Preservative treatment with water repellent and toxic preservative: Entire door: 30 cents net each. Panels only treated: 15 cents per door.

4. Preservative treatment with toxic preservative only: Entire door: 25 cents net each. Panels only treated: 15 cents per door.

5. Crating (other than combination doors): Sash doors open: $1.60 net per bundle. Glazed doors: $2.30 net per bundle. Cupboard doors: 85 cents net per bundle. Panel and toilet doors: $1.60 net per bundle.

6. Crating combinations doors: ¼ dozen to a crate: 4 points shorter discount. ½ dozen to a crate: 3 points shorter discount. ½ dozen to a crate: 8 points shorter discount.

7. Wider than standard combination doors: ¾" to 1" wider than standard (standard combination doors are usually ¼" wider, but may be net width, and 1" longer than regular doors): 20 cents to the list price, when specifically ordered by the purchaser.

8. Panel, French and sash doors in less than 5 of a size and kind: Add 20 percent of the net price each.

9. Combination doors: Less than 10 of a size and kind: add 10 percent to the net price each. Less than 5 of a size and kind: Add 20 percent to net price each.

10. For cutting horns off stiles: 10 cents net per door.

11. For fitting door to openings: 25 cents net per door.

12. For beveling stiles: Add to the above extra: 20 cents net per door.

13. For varnishing or painting top and bottom edges: 20 cents net per door.

14. For mortising for lock: 40 cents net per door.

15. For recessing for face plate: Add to above extra: 30 cents net per door.

16. Applying (only) lock and face plate: 50 cents net per door.

17. For slotting for hinges: 16 cents net per hinge.

18. For applying (only) hinges to door: 12 cents net per hinge.

19. For cutting letter slot: Straight cut: 50¢ net per opening. Medium bevel cut: 80¢ net per opening.

SEC. 13. *Ceiling prices for open garage doors*—(a) *Ponderosa pine open garage doors.* Your ceiling prices for carload direct-mill sales of Ponderosa pine open garage doors, f. o. b. mill, carload rate of freight allowed to destinations within Zone 1, whether sold alone or with other millwork, shall be the following net prices: (The design numbers refer to pages 97 and 98 in Standard Woodwork Lists, Catalog No. 50).

Description of product	*Ceiling prices*
1¾" Ponderosa pine mill-run grade garage doors; open; in pairs or sets of 3.	
N. D. 720 3 Vertical, flat panels: 8–0 x 8–0, open, beads	$29.65
N. D. 721 2 Vertical, raised panels, 4 lights: 8–0 x 8–0, open, beads	30.25
N. D. 722 6 Vertical flat panels, 6 lights: 8–0 x 8–0, open, beads	30.25
N. D. 723 4 Vertical, flat panels, 4 lights: 8–0 x 8–0, open, beads	32.40
N. D. 724 4 Vertical, flat panels, 6 lights: 8–0 x 8–0, open, beads	30.25
N. D. 725 4 Horizontal, raised panels, 6 lights: 8–0 x 8–0, open, beads	31.60

(b) *Additions.* Your ceiling prices for carload direct-mill sales established in paragraph (a) of this section may be adjusted by applying not more than the following additions for the following services, specifications and conditions of sale:

1. Garage doors glazed with SSB glass: $2.00 net per pair or set.

2. Less than 2 pairs or less than 2 sets of a size and kind: Add 10 percent of the net price of 1 pair or set.

3. Garage doors crated: $1.65 per bundle.

4. Garage doors rot-proofed with an approved toxic or toxic and water repellent solution: $0.70 per pair or set.

5. Single doors to fill opening of a pair or set: $2.50 per opening.

6. All panel doors with no glass opening: $1.00 per pair or set to open price.

(c) *Deductions.* Your ceiling prices for carload direct-mill sales established in paragraph (a) of this section, shall be subject to the following deductions:

1. Garage doors 1⅜" thick: $1.05 per pair or set, from the 1¾" price.

2. Garage doors 7' 6" high: $0.25 per pair or set, from the 8' 0" high price.

3. Garage doors 7' 0" high: $0.50 per pair or set, from the 8' 0" high price.

4. Garage doors with glass beads omitted: $0.03 per light.

SEC. 14. *Ceiling prices for Ponderosa pine and Douglas fir frames and Ponderosa pine lineal frame stock*—(a) *Ponderosa pine frames.* Your ceiling prices for carload direct-mill sales of Ponderosa pine frames f. o. b. mill, carload rate of freight allowed to destinations within Zone 1, whether sold alone or with other millwork, shall be the net prices computed by applying the following base discounts or percentage additions to the list prices and list extras contained in Standard Pine Frames, Catalog No. 10–A:

Description of product	*Base discounts or percentage additions*
Knocked down or semi-assembled Ponderosa pine frames: 1,200 or more frames.	
Window frames:	
Designs 5, 7, 9, 11 and similar	−6
Designs 6, 8, 10, 12, 14, 15, 17, 18 and similar	−3
Designs 13 and 16 and similar	−5½
Casement and cellar frames	−4½
Door frames:	
Outside door frames	−1½
Inside door jambs ¾" x 3⅝"	+7½
Inside door jambs ¾" x 5¼"	+7

(b) *Douglas Fir frames.* Your ceil-

SEC. 15. *Ceiling prices for Ponderosa*

Description of product	*Ceiling prices*

(b) *Douglas Fir frames.* Your ceiling prices for carload direct-mill sales of Douglas Fir frames f. o. b. mill, carload rate of freight allowed to destinations within Zone 1, whether sold alone or with other millwork, shall be the net prices computed in the same manner as provided in paragraph (a) of this section, but with Ponderosa pine base discounts or percentage additions adjusted as follows:

Douglas Fir window frames: Shorten addition to the list or lengthen discount from the list 2 points.

Douglas Fir door frames: Shorten addition to the list or lengthen discount from the list 1 point.

(c) *Additions.* Your ceiling prices for carload direct-mill sales established in paragraphs (a) and (b) of this section may be adjusted by applying not more than the following additions for the following services, specification and conditions of sale:

1. 500 to 1,200 frames to one order: 1 point.
2. 200 to 500 frames to one order: 3 points.
3. Less than 200 frames to one order: 5 points.
4. For smaller quantities:

	Percent
24 to 15 to one order	+5
14 to 10 to one order	+10
Less than 10 to one order	+25

5. Priming joints and dadoes with aluminum paint or lead and oil: 5 cents net per single frame.
6. Preservative treatment with both water repellent and toxic preservative, entire frame: 20 cents net per frame.
7. Treatment with toxic solution, entire frame: 12 cents net per frame.
8. Single notching inside head jambs (for Pullman or similar balances): 2 cents net each notch. Double notching: 3 cents net each notch.
9. Boring pulley stile of window frame for spring bolt: 6 cents net per frame.
10. Slotting door frame for hinges: 8 cents net per hinge.
11. Applying (only) hinges: 4 cents net per hinge.
12. Housing jamb for keeper: 15 cents net per frame.
13. Applying (only) keeper to jamb: 7 cents net per jamb.
14. Applying weather strip: 60 cents net per frame.

(d) *Ponderosa pine lineal frame stock.* Your ceiling prices for carload direct-mill sales of Ponderosa pine lineal frame stock f. o. b. mill, carload rate of freight allowed to destinations within Zone 1, whether sold alone or with other millwork (other than mouldings) shall be the net prices computed by applying the following percentage additions to the list prices and list extras contained in the 8000 Series Standard Moulding Book.

Description of product	Percentage additions
Frame stock, lineal, random length, Ponderosa pine.	
Clear Grade:	
Under $3.00 list	+120
$3.00 list and over	+124
Cutting Grade:	
1 defect 8' to 10'	
2 defects 12' to 14'	
3 defects 16'	
Under $3.00 list	+108
$3.00 list and over	+116

SEC. 15. *Ceiling prices for Ponderosa pine wired window and sash screens.*—(a) *Basic ceiling prices.* Your basic ceiling prices for direct-mill sales of Ponderosa pine window and sash screens, f. o. b. mill, carload rate of freight allowed to destinations within Zone 1, set up wired in the white (unpainted) when sold in quantities equal to or exceeding one-half carload shall be the net prices computed by applying the following base discounts to the list prices and list extras printed on pages 106 through 108, inclusive, of Standard Woodwork Lists, Catalog No. 50.

Description of product	Base discounts (percent)
No. 1 Ponderosa pine window and sash screens; 1⅛" thick; in the white: Modular openings and Standard layout; set up and wired; cleated 12 to a bundle; 12 or more of a size and kind.	
18 x 14 mesh, galvanized wire	−24½
18 x 14 mesh, bronze wire	−28½
18 x 14 mesh, aluminum wire (use 16 mesh bronze list)	−29½

(b) *Additions.* Your ceiling prices for direct-mill sales established in paragraph (a) of this section may be adjusted by applying not more than the following additions for the following services, specifications and conditions of sale:

1. Ohio, Baltimore, and Washington openings: 2½ points shorter discount.
2. Segment head: $1.75 net per screen.
3. Circle or gothic head: $2.30 net per screen.
4. Raised, mitered mouldings: 15 cents per screen.
5. Check or filler strips attached to half screens: 15 cents net per screen.
6. Grooving half screens and furnishing softwood sliding strips: 25 cents net per screen: Hardwood sliding strips: 30 cents net per screen.
7. Lots of 1 to 5 of a size and kind: 10 percent of the net price each, for 12 of a size and kind.
8. Lots of 6 to 11 of a size and kind: 5 percent of the net price each, for 12 of a size and kind.
9. Preservative treatment with both water repellent and toxic preservative: 5 cents net per screen: toxic preservative only: 4 cents net per screen.
10. One coat linseed oil and white lead: 15 cents net per sash screen: 30 cents net per window screen.

(c) *Deductions.* Your ceiling prices for direct-mill sales established in paragraph (a) of this section are subject to deductions of 2 cents net per screen for ¾" screens.

SEC. 16. *Ceiling prices for outside blinds and shutters.*—(a) *Ponderosa pine blinds and shutters.* Your ceiling prices for carload direct-mill sales of Ponderosa pine outside blinds and shutters f. o. b. mill, carload rate of freight allowed to all destinations, whether sold alone or with other millwork, shall be the net prices as follows (Design numbers refer to Design Book No. 25):

Description of product	Ceiling prices
No. 2 and better Ponderosa pine blinds, with stationary slats, and shutters; rotproof treated; cleated in bundles; 10 or more of a size and kind.	
Net prices per lineal foot in height, per pair, figured in even inches: Openings up to 2' 10⅝" wide, inclusive, 1⅛" thick	$1.19
Openings up to 2' 10⅝" wide inclusive, 1⅜" thick	1.28

(b) *Northern, Idaho, or Sugar pine outside blinds and shutters.* Your ceiling prices for carload direct-mill sales of Northern, Idaho, or sugar pine blinds and shutters, f. o. b. mill, carload rate of freight allowed to all destinations, whether sold alone or with other millwork, where specifically requested by the buyer, shall be the net prices as established in paragraph (a) above, plus the following percentage additions:

1. Northern pine: +75 percent.
2. Idaho white pine: +45 percent.
3. Sugar pine: +12½ percent.

If you furnish these woods at your option, the ceiling prices shall be those established in paragraph (a) of this section.

(c) *Additions.* Your ceiling prices for carload direct-mill sales established in paragraphs (a) and (b) of this section may be adjusted by applying not more than the following additions for the following services, specifications and conditions of sale:

1. Five to nine pair of a size and kind: 20 percent.
2. Less than five pair of a size and kind: 30 percent.
3. Face crated: Add net per bundle for sizes not over 3'0" x 6'0" as follows:

1⅛" thick blinds, 6 pair of a size and kind to a bundle: 75 cents net per bundle.

1⅜" thick blinds, 5 pair of a size and kind to a bundle: 75 cents net per bundle.

4. Stiles and top rails wider than 2¼"; add for each ½" or part thereof: 10 percent.
5. Bottom and cross rails wider than 4⅝"; add for each 1" or part thereof: 5 percent.
6. Each 2" or fraction thereof additional width of opening: $0.02 net per lineal foot in height per pair.
7. No. 1 quality: 10 percent.
8. Single blinds, take ½ the price of a pair which is double the width of a single blind, and add: 25 percent.
9. Blinds 4'0" high or higher, with one long stationary slat panel high: 25 percent.
10. Blinds, with 3 long stationary slat panels high: 30 percent.
11. Blinds, slat and panelled, in designs and cutouts shown in Catalog 25, use the extras for these features you had in effect during the period December 19, 1950 to January 25, 1951, inclusive.
12. Blinds and shutters with Segment, Circle and Gothic, add as follows:

	Shutters	Slat blinds
		Per pair
Segment head	$1.35	$1.60
Circle head	1.85	2.45
Gothic head	2.50	2.95

(b) *Additions.* Your basic ceiling prices for direct-mill sales established in paragraph (a) of this section may be adjusted by applying not more than the following additions for the following services, specifications and conditions of sale:

1. Doors thicker than 1¾":
   2" thickness add 5 points.
   2¼" thickness add 10 points.
2. Less than 5 of a size and kind: Add 20 percent of the net price each for 5 of a size and kind.
3. Crating for domestic shipment: Add $1.00 per door.
4. For paper wrapping: Add 40 cents per door.

	Cheatnut oil finish, unstained birch, plain red and white oak, pine	Other woods
5. Light openings with sunken beads		
1 rectangular light, moulded	$2.75	$3.15
1 rectangular light, not moulded	1.10	1.10
2 or more rectangular lights (not made by inserting bars) add per light	2.25	2.75
Divided rectangular lights (made by inserting bars in 1-light door) add per light	.85	1.20
Lights for 2 panel doors, use average lights for 2 panel and add per light	.11	.11
Circle light, 5" beads 2 sides	6.65	7.45
Circle light, 5" to 11" beads 2 sides	7.75	8.55
Circle light, 11" to 20" beads 2 sides	8.90	9.65
Peak head lights, beads 2 sides per light	3.35	3.75
Peak top and bottom lights, beads 2 sides per light	4.10	4.90
Diamond light—per light	3.35	3.90
6. Louvers and wood grilles		
For louver openings, no beads, add per opening	1.10	1.10
For louver opening beads 2 sides	2.75	3.15
For louver opening beads, add for fraction thereof		
For wood grilles, $1.10 plus following extras for wood louver:		
If louver is not wider than 24" and not higher than 12"	5.00	5.85
For each additional 6" in height or fraction thereof, add	1.10	1.25
Wider than 24" and higher than 12"	5.55	6.45
For each additional 6" in height or fraction thereof, add	1.10	1.25
If grille construction, double the regular louver basis above.		
For V type louvers, double the regular louver basis above.		
Irregular top doors:		
Segment or peak top	3.90	4.65
Circle or gothic top	4.45	5.30

	Other woods
Cheatnut oil finish, unstained birch, plain red and white oak, pine	
7. Two wood doors	
Compute the average of both woods and add per door as follows: Width differential will apply for each 2" or fraction thereof	2.50
V grooves: Reeded V grooves, add per groove per side	.25
Stepped V grooves, add per groove, per side	.15
If joint of veneer must coincide with groove, triple the foregoing extras.	
8. Dutch doors	
Cut through center rail, not rabbeted, add	$1.95 $2.35
Cut through center rail, rabbeted, add	3.35 3.95
Shelf and bracket, 1 side	7.75 8.55
Shelf and bracket, 2 sides	10.50 12.50

NOTE: For other extras not listed above, apply the differentials you had in effect during the period December 19, 1950 to January 25, 1951, inclusive, to the prices in paragraph (a) above.

(c) *Deductions.* Your basic ceiling prices, for direct-mill sales established in paragraph (a) of this section are subject to the following deductions:

1. 1⅜" thick flush doors: 1 point from percentage additions.
2. 1¾" thick flush doors: 2 points from percentage additions.

SEC. 20. *Ceiling prices for screen doors.*—(a) *Ponderosa pine screen doors.* Your ceiling prices for carload direct-mill sales of screen doors, f. o. b. mill, carload rate of freight allowed to destination anywhere in the United States made in accordance with the patterns set out in Appendix A hereto,[1] whether sold alone or with other millwork, shall be the following net prices:

[1] Filed as a part of the original document.

13. For shutters, add the following, net per pair to the ceiling prices of regular stock stationary slat blinds set out in paragraph (a) of this section:

	Percent
1 flat panel	10
2 flat panels	15
3 flat panels	20
1 raised ¼" thick panel	25
2 raised ¼" thick panels	30
3 raised ¼" thick panels	35
Bead and butt, two ¾" panels	50

14. Priming joints with lead and oil:

	Per pair
20 or more pair	$0.20
10 to 20 pair	.25
Less than 10 pair	.40

15. Wedging and glueing:

	Per pair
20 or more pair	$0.25
10 to 20 pair	.35
Less than 10 pair	.40

SEC. 17. *Ceiling prices for stock millwork specialties.* (a) Your ceiling prices to each class of your purchasers for carload direct-mill sales of stock millwork specialties covered by this regulation, whether sold alone or with other millwork, shall be your ceiling prices established under the General Ceiling Price Regulation to the same class of your purchasers in effect during the period December 19, 1950 to January 25, 1951, inclusive, plus 3 percent.

(b) If during the period December 19, 1950 to January 25, 1951, inclusive, you offered to sell some or all of the products covered by this regulation in carload direct-mill sales f. o. b. mill, no freight allowed, you shall continue that practice as to the items offered for sale during that period, and you shall continue to use the same terms of sale which you had in effect during that period as to those items.

SEC. 18. *Ceiling prices for hollow core flush doors veneered in all woods except Douglas Fir.* Your ceiling prices f. o. b. mill, no freight allowed, to each class of your purchasers for carload direct-mill sales of hollow cored flush doors veneered in all woods except Douglas Fir (ceiling prices for which are established in CPR 175), whether sold alone or with other millwork, shall be your ceiling prices established under the General Ceiling Price Regulation f. o. b. mill, no freight allowed, to the same class of your purchasers, in effect during the period December 19, 1950 to January 25, 1951, inclusive, plus 3 percent.

SEC. 19. *Ceiling prices for solid core flush veneered doors having softwood cores.*—(a) *Basic price.* Your basic ceiling prices, f. o. b. mill, no freight allowed, for carload direct-mill sales of solid core flush veneered doors having softwood cores, sold alone or with other millwork, shall be the net price computed by applying the following percentage additions to the list prices shown in Catalog No. 47-A, page 61:

PERCENTAGE ADDITIONS

Description of product	Standard thickness	1⅜" thickness	1¾" thickness	1⅞" thickness	2" thickness
No. 1 flush veneered doors 1¾" thick; 5 of a size and kind	Rotary cut faces	Sliced cut faces	Rotary cut faces	Sawn faces	Sawn faces
	Percent	Percent	Percent	Percent	Percent
Birch, unselected	+7	+14½			+82½
Red or white	Not	+8			
Gum, unselected	+13½				
Red or white	+13½		+11½		
Oak, plain red	+13½	+13½	+11½		
Plain white	+13½	+13½	+17½		
Combed grain white		+32			
Mahogany, quartered:					
Plain striped		+22	+29½		
Philippine		+32	+32	+15	+16 +14½
Walnut, American Black					

1¾" PONDEROSA PINE SCREEN DOORS—Continued

Description of product	Price per dozen							
Ponderosa pine screen doors; 1¾" thick; in the white; not crated or bundled	2'0" x 6'6"	2'6" x 6'8" 2'8" x 6'8"	2'8" x 7'0"	2'10" x 6'10"	2'10" x 7'0" 3'0" x 6'8"	3'0" x 7'0"
H-1						
24" stiles and top rail 58" to 11" bottom rail Open, with mouldings bundled 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	$49.04 58.89 67.35	$50.65 61.50 72.54	$51.92 63.07 70.99	$52.61 64.11 77.71	$52.67 64.84 79.24	$53.97 66.56 82.85
H-2						
34" stiles and top rail 5¾" bottom rail 1" cross rail 1" mullions 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	74.56	77.06	79.36	79.82	80.54	82.55
I-1						
23" stiles and top rail 5¾" bottom rail 2⅜" cross rails 2⅜" mullions Open, with mouldings bundled 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	54.56 64.15 70.60	56.56 67.15 75.33	57.34 68.72 82.42	58.56 69.99 84.91	58.56 70.57 87.26	60.07 72.70 92.07
I-2						
34" stiles and top rail 5¾" bottom rail 3⅜" cross rails 3⅜" mullions Open, with mouldings bundled 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	69.49 78.26 79.32	69.29 78.32 86.42	68.61 77.09 89.55	67.83 74.46 95.63	67.88 80.33 95.31	69.49 80.19 101.77
N-2						
34" stiles and top rail 5¾" to 7¼" bottom rail 3⅜" cross rails Open, with mouldings bundled 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	60.32 72.79 76.21	62.32 72.79 82.89	64.90 74.93 87.03	64.90 75.68 89.67	70.71 91.92	69.06 79.11 87.21
Q-2						
34" stiles and top rail 5¾" to 7¼" bottom rail 3⅜" cross rails Open, with mouldings bundled 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	77.16 84.04	79.90 90.00	81.42 94.32	82.65 96.25	83.11 97.43	84.86 101.74
R-2						
34" stiles and top rail 5¾" to 7¼" bottom rail 3⅜" cross rails 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	78.58 85.12	81.12 91.12	82.99 95.26	84.22 98.15	85.10 100.09	86.92 104.16

Description of product	Price per dozen					
Ponderosa pine screen doors; 1¾" thick; in the white; not crated or bundled	2'0" x 6'6"	2'6" x 6'8" 2'8" x 6'8"	2'8" x 7'0"	2'10" x 6'10"	2'10" x 7'0" 3'0" x 6'8"	3'0" x 7'0"
A-2						
34" stiles and top rail 5¾" to 11" bottom rail Open, with mouldings bundled 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	$59.24 73.48 90.67	$54.46 67.79 77.89	$51.92 63.07 70.99	$56.90 70.53 94.19	$56.94 71.55 86.09	$59.24 73.48 90.67
B-2						
34" stiles and top rail 5¾" to 7¼" bottom rail 1" cross rail 1" mullions 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	64.81 77.50 96.22	60.41 70.83 80.93	62.07 73.03 86.39	73.97 88.11	62.71 74.65 89.84	64.81 77.50 96.22
C-1						
23" stiles and top rail 5¾" bottom rail 2⅜" cross rails Open, with mouldings bundled 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	49.00 64.94 84.14	46.21 59.84 71.02	47.04 61.31 74.03	47.43 62.39 77.37	47.78 63.77 80.42	49.00 64.94 84.14
C-2						
34" stiles and top rail 5¾" bottom rail 3⅜" cross rails 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	77.71 94.36	73.13 89.29	74.49 87.74	75.43 89.41	76.07 90.33	77.71 94.36
D-1						
23" stiles and top rail 5¾" bottom rail 2⅜" cross rails Open, with mouldings bundled 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	60.61 61.02 68.25	52.22 63.77 74.95	53.14 65.33 78.65	54.27 66.61 81.69	54.27 67.39 84.04	55.68 69.41 88.51
D-2						
34" stiles and top rail 5¾" to 7¼" bottom rail 2⅜" cross rails Open, with mouldings bundled 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	66.37 82.06 100.58	61.75 74.95 84.95	62.27 75.59 94.57	64.51 77.06 92.17	66.37 78.37 94.63	66.37 82.06 100.58
F-1						
23¼" stiles and top rail 5¾" bottom rail 2⅜" cross rails Open, with mouldings bundled 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	46.26 55.16 66.67	43.73 59.84 71.02	49.53 62.29 74.86	49.53 63.27 77.24	52.02 64.01 79.20	52.02 64.33 83.25
G-1						
23¼" stiles and top rail 5¾" bottom rail 1⅜" cross rails 1" mullions 14 x 18 mesh galvanized wire 14 x 18 mesh bronze wire	57.09 65.38	59.50 70.08	61.02 73.64	62.00 75.60	62.88 77.28	64.50 80.49

(b) *Additions.* Your ceiling prices established in paragraph (a) of this section shall be adjusted by applying not more than the following additions for the following services, specifications and conditions of sale:

(1) For toxic and water repellent preservative, add $2.30 per dozen net.

(2) For crating and bundling, you may use the extras you had in effect during the period December 19, 1950 to January 25, 1951, inclusive.

(c) *Differentials.* If you sold screen doors during the period December 19, 1950 to January 25, 1951, inclusive, in thicknesses other than 1⅛", or in woods other than Ponderosa pine, with or without stain, paint, or varnish finish, or with wider layouts, aluminum wire cloth or any other type of woven mesh, or with grilles or other additions to the doors for their physical or visual improvement, you shall apply the differentials, including those for classes of purchasers, which you had in effect during that period, to the ceiling prices established in paragraphs (a) and (b) of this section.

SEC. 21. *Charges for special cars and bracing.*—(a) *Special cars.* If you ship millwork in a pool car, community car or stop-over car, no addition to the ceiling prices may be made, except that in the case of stop-over shipments by rail car, you may require the purchaser to pay stop-over charges made by the railroad.

(b) *Bracing.* Where bracing is required to permit partial unloading of a railroad car, a charge not to exceed $9.00 may be made by you for one brace and $6.50 for each additional brace.

SEC. 22. *Ceiling prices for items not specifically priced.* If you cannot ascertain a ceiling price for items subject to this regulation under any other provisions of this regulation, as, for example, should you wish to sell items with special workings, grades, specification, thicknesses, services, or other extras not specifically mentioned in this regulation, you must file an application signed by an authorized person, with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., by registered mail, return receipt requested for approval of a ceiling price.

(a) *Application.* Your application must contain the following:

(1) Your trade name and the address of your plant or plants.

(2) As complete a description as possible of the item for which the application is filed. This should include the species, grade, thickness, measurements of the item, together with a detailed description of the workings, specifications, services, or other extras involved.

(3) Your proposed ceiling price, f. o. b. mill or delivered price, together with a statement indicating why you believe it is in line with the level of ceiling prices established under this regulation.

(4) Your ceiling prices (f. o. b. mill no freight allowed; or f. o. b. mill carload rate of freight allowed, and destinations) immediately prior to the effective date of this regulation for your class of purchaser receiving your longest discount and for your class of purchaser receiving your shortest discount, both for the item in your application and for the most comparable item for which a specific ceiling price is established in this regulation. Explain the difference between the ceiling price requested and the ceiling price of the most comparable item either in terms of established price differentials, list or applicable base discounts, or percentage additions, or by furnishing a detailed analysis of the costs or cost comparisons of manufacturing the respective items.

(b) *Quotation of proposed prices.* After an application has been filed under this section, and before action by the Director of Price Stabilization, you may sell your item at a ceiling price no higher than the ceiling price proposed in your application: *Provided*, That you agree to and later, refund to the buyer, the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After the receipt of an application made under this section, the Director of Price Stabilization will approve, modify or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 20 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to non-retroactive disapproval or modification at a later time.

SEC. 23. *Excise, sales and similar taxes.* Any person may collect, in addition to the ceiling price established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sale of a product covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of tax collected.

SEC. 24. *Transfer of business or stock in trade.* If the business, assets, or stock in trade of any stock millwork or stock millwork specialties business making products subject to this regulation are sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in the same products, in an establishment separate from any other stock millwork or stock millwork specialties establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 25. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices proposed under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 26. *Invoices.* On all sales of items covered by this regulation, you must submit an invoice to the buyer which shows the same information required under items (1) to (8) inclusive of section 29 of this regulation.

SEC. 27. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, revised.

SEC. 28. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 29. *Records.*—(a) *Current records.* Every person who sells and every person who in the regular course of trade or business, buys items covered by this regulation, shall make and keep for inspection by the Director of Price Stabilization, for a period or two years after each sale, accurate records or invoices of each sale or purchase. The records must show the following:

(1) Date of purchase or sale;

(2) Names and addresses of buyer and seller;

(3) The prices charged or paid, including all additions, extras, and discounts, together with the quantity involved;

(4) Whether the sale is on a carload or less than carload basis;

(5) Whether the sale is on an "f. o. b. mill, no freight allowed," or "f. o. b. mill carload rate of freight allowed" basis;

(6) A description of the item sold, including the species, grade, thickness, and measurements. Any working, specification, extra, or service which bears upon the price charged for your commodity must be separately set forth on the invoice, but the invoice need not show separately the charges for such items.

(7) The point of origin and destination of shipment;

(8) The applicable rail or truck rate; or the amount added for transportation, or the points applied to base discount or percentage addition for transportation.

The retention by a buyer of an invoice furnished by a seller which includes the factual information required to be made a matter of record by this paragraph, shall be considered as compliance with the provisions of this paragraph.

(b) *Existing records.* On and after the effective date of this regulation, for so long as the Defense Production Act

of 1950, as amended, shall remain in effect and for two years thereafter, you shall preserve all your existing records relating to the discounts, percentage additions, concessions and differentials referred to in sections 5 through 23; and you shall also continue to preserve, for the applicable periods indicated in section 16 of the General Ceiling Price Regulation, all records which you made and kept under the provisions of section 16 of the General Ceiling Price Regulation with respect to sales and purchases of the items covered by this regulation.

SEC. 30. *Interpretations.* If you wish an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office. Any action taken by you in reliance upon, and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 31. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation. Prices lower than the ceiling prices may be charged, paid, or offered.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement actions, and actions for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of the ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 32. *Evasions.* Any means or devices which result in obtaining directly or indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information in records which this regulation requires to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 33. *Definitions.* As used in this regulation the terms below have the following meanings:

(a) *Carload.* This term is defined in section 5.

(b) *Direct-mill sale.* This term is defined in section 3.

(c) *Director of Price Stabilization.* This term extends to any official (including officials of regional or local offices) to whom the Director of Price Stabilization delegates a function, power or authority referred to in this regulation.

(d) *F. o. b. mill, no freight allowed.* This term is defined in section 7.

(e) *F. o. b. mill, carload rate of freight allowed.* This term is defined in section 5.

(f) *Most closely competitive seller.* This term means the seller of products covered by this regulation with whom you are in most direct competition even though he may perform a different function with respect to the product he is selling.

(g) *Most comparable item.* This term means the item which differs the least from the item to be priced as determined by the use of the following tests:

(1) Identity of item (similarity of use);

(2) Design and size;

(3) Type of material;

(4) Type of purchaser.

(h) *Person.* This term includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of the foregoing, and the United States and any other Government or their political subdivisions or agencies.

(i) *Point.* As used in this regulation, one "point" is one percent of the applicable base price list.

(j) *Purchaser of the same class.* The meaning of this term is determined by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may, but need not be, based on the characteristic or distributive level of the buyer, for example, wholesalers, jobbers, dealers, contractors, municipalities, or government agencies. It may, but need not, be based on the location of the purchaser or the quantity of the item purchased by him. It may, but need not, be based on differing terms or conditions of sale or delivery. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a purchaser of a separate class.

(k) *Records.* This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(l) *Sell.* This term includes sell, supply, dispose, barter, trade, exchange, lease, transfer, deliver and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed in corollary terms.

(m) *You.* The pronoun "you" indicates any person who sells products subject to this regulation. The term "your" shall be construed accordingly.

Effective date. This regulation shall become effective December 9, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

DECEMBER 4, 1952.

[F. R. Doc. 52-12963; Filed, Dec. 4, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 12]

GCPR, SR 12—SEASONAL WATER CARRIERS ON GREAT LAKES AND OTHER INLAND WATER CARRIERS

NEW CEILING RATES FOR INTERIM PERIOD FOR CONTRACT WATER CARRIERS OF IRON ORE ON THE GREAT LAKES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 12 to General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 12 to the General Ceiling Price Regulation was issued specifically to provide a method of establishing ceiling rates for contract water carriers operating on the Great Lakes who could not, by virtue of their peculiar operating season, establish ceiling rates under the General Ceiling Price Regulation. This amendment to Supplementary Regulation 12 establishes new ceiling rates for an interim period for the transportation of iron ore by contract water carriers operating on the Great Lakes. This is an operation which is of great importance to the defense effort.

The vast majority of the ceiling rates which have been established under Supplementary Regulation 12 were based on contracts entered into during the fall and early winter of 1949 and no increases in these ceiling rates have been approved by the Director of Price Stabilization. The carriers that are engaged in the transportation of iron ore on the Great Lakes are subject to varying seasonal operational factors, as well as other intermittent and varying hazards which seriously affect their operations. During 1952, the contract water carriers of iron ore on the Great Lakes have been subject to unusual cost increases, including the maintenance of a full labor force during an extended period in which they were unable to receive shipments of iron ore, which have resulted in a severe impairment of normal earnings and this condition will be aggravated during the latter part of 1952. This amendment is designed to provide relief for these carriers during the period from July 26, 1952, the date on which shipping operations were resumed, through December 31, 1952. It is the opinion of the Director of Price Stabilization that the 10 cents per ton ceiling price increase permitted by this amendment will offset, to some extent, the reverses sustained by these carriers during 1952 and will enable them to continue this essential service.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives to the extent practicable, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and will effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

A new section 5 is added to read as follows:

SEC. 5. *Adjustments for carriers of iron ore.* (a) This section provides an adjustment for an interim period for all contract water carriers transporting iron ore on the Great Lakes.

(b) The ceiling rates for the transportation of iron ore by contract carriers on the Great Lakes shall be the ceiling rates in effect on December 1, 1952, plus ten (10) cents per ton.

(c) The adjusted ceiling rates established by this section shall be effective as to all transactions from July 26, 1952, to December 31, 1952, inclusive. Thereafter, the ceiling rates for the service described shall be the ceiling rates in effect on December 1, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 3, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 3, 1952.

[F. R. Doc. 52-12940; Filed, Dec. 3, 1952; 4:45 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Procedural Regulation 3, Amdt. 1]

RPR 3—PROCEDURES FOR ADJUSTMENTS, ADMINISTRATIVE REVIEW AND INTERPRETATIONS

REPORT OF ORAL HEARING

Effective December 4, 1952, Rent Procedural Regulation 3 is amended as set forth below. .

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 2d day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Section 12 (b) is amended to read as follows:

(b) *Report of oral hearing.* If a stenographic report of the oral hearing is to be made on behalf of the Area Rent Director, the notice of hearing shall so state. Otherwise, either or both parties may, at his or their expense, have a stenographic report prepared, certified and filed in the area rent office in duplicate, by a qualified reporter approved by the presiding officer upon application made prior to the date of hearing. A stenographic report of the oral hearing, certified by the presiding officer, shall become a part of the record. When a stenographic report is not made, the presiding officer shall prepare and sign in duplicate a written summary of the testimony, which summary shall thereupon become a part of the record. A copy of the stenographic report or summary of testimony shall be available for inspection during business hours in the area rent office.

[F. R. Doc. 52-12890; Filed, Dec. 4, 1952; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

CHANGE OF BENEFICIARY; EFFECTIVE DATE OF PREMIUM WAIVER

1. In Part 6, § 6.60 is revised to read as follows:

§ 6.60 *Change of beneficiary.* The insured under United States Government life insurance shall have the right at any time and from time to time and without the consent or knowledge of the beneficiary to change the beneficiary. A change of beneficiary must be made by written notice to the Veterans' Administration over the signature of the insured and shall not be binding on the United States unless received by the Veterans' Administration. A change of beneficiary must be forwarded to the Veterans' Administration by the insured or his agent and must contain sufficient information to identify the insured. Whenever practicable, such notices shall be given on forms prescribed by the Veterans' Administration. Upon receipt by the Veterans' Administration, a change of beneficiary shall be deemed effective as of the date the insured signed the written notice. The United States shall be protected in all payments made to the beneficiary last of record and before receipt of notice of a change of beneficiary, and no payments so made shall be paid again to the changed beneficiary. The insured may exercise any right or privilege given under the provisions of a United States Government life insurance policy without the consent of the beneficiary. An original designation of a beneficiary may be made by the last will and testament, but no change of beneficiary may be made by the last will and testament. The provisions of the "beneficiary" clause in United States Government life insurance policies are hereby amended accordingly.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

2. In Part 8, § 8.41 (b) is amended to read as follows:

§ 8.41 *Effective date of premium waiver.* • • •

(b) Upon written application of the beneficiary as provided in § 8.40, waiver of premiums may be granted effective as of the date 6 months' continuous total disability commenced, but, except as hereafter provided in this paragraph, waiver in such cases shall not be effective as to any premium which became due more than 1 year prior to the date of insured's death: *Provided,* That the Administrator may grant waiver of premiums in excess of such 1-year period in any case in which he finds that the insured's failure to submit timely application or satisfactory evidence to show the existence or continuance of total disability was due to circumstances beyond the insured's control: *Provided further,* That upon written application of the beneficiary made on or before August 1, 1947, or within 1 year of the date of the insured's death where death occurred on or before August 1, 1947, the Administrator shall grant waiver of any premium which became due not more than 5 years prior to the date of enactment of the Insurance Act of 1946 (Pub. Law 589, 79th Cong., approved August 1, 1946), if otherwise authorized under the provisions of section 602 (n) of the act, as amended: *Provided further,* That on permanent plans of National Service life insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951 and on insurance issued under section 620 of the National Service Life Insurance Act, as amended, waiver of premiums shall not be effective prior to the premium due date in the month in which application for insurance is made or the effective date of such insurance, whichever is the later date: *Provided further,* That on permanent plans of National Service life insurance reinstated pursuant to section 5 of the Servicemen's Indemnity Act of 1951, waiver of premiums shall not be effective prior to the effective date of reinstatement of such insurance.

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 808. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective December 5, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-12856; Filed, Dec. 4, 1952; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

At a general session of the Interstate Commerce Commission, held at its of-

fice in Washington, D. C., on the 28th day of November A. D. 1952.

There being under consideration Rule 5 (j) and (k), Rule 45 (b), Rule 46 (b), and Rule 53 (b) of the general rules of practice (§§ 1.5 (j), (k), 1.45 (b), 1.46 (b)), and 1.53 (b):

It is ordered, that the general rules of practice be amended as follows:

1. Delete the words "formal-complaint" from the phrase "formal-complaint proceedings" wherever such words occur in paragraphs (j) and (k) of § 1.5 *Definitions*. As amended these paragraphs will read:

§ 1.5 *Definitions.* • • •

(j) The term "shortened procedure" means the procedure specified in § 1.44 and rules therein mentioned. Such rules provide, upon written consent of the parties, and upon the Commission's initiative or its approval of a request therefor made prior to hearing by any party, for the filing and serving of pleadings in proceedings with a view to avoiding an oral hearing.

(k) The term "modified procedure" means the procedure specified in §§ 1.45 to 1.54, inclusive, which rules provide for the filing and serving of pleadings in proceedings with a view to limiting the matters upon which subsequent oral evidence, if any, will be introduced.

2. Add the following sentence at the end of paragraph (b) of § 1.45 *Modified procedure; how initiated:* "As used in §§ 1.49, 1.51, and 1.53 (a), the term 'complainant' shall comprehend the term 'respondent' or 'applicant,' and the term 'defendant' shall include the term 'protestant,' according as procedure under §§ 1.45 to 1.54, inclusive, may be ordered in a particular proceeding."

As amended this paragraph will read:

§ 1.45 *Modified procedure; how initiated.* • • •

(b) *Order directing modified procedure.* An order directing modified procedure will list the names and addresses of the persons who at that time are parties to the proceeding, and direct that they comply with the modified-procedure rules. As used in §§ 1.49, 1.51, and 1.53 (a) the term "complainant" shall comprehend the term "respondent" or "applicant," and the term "defendant" shall include the term "protestant," according as procedure under §§ 1.45 to 1.54, inclusive, may be ordered in a particular proceeding.

3. Delete the word "complaint" wherever it occurs in paragraph (b) of § 1.46 *Modified procedure; effect of order,* and paragraph (b) of § 1.53 *Modified procedure; hearings,* and substitute in lieu thereof the word "proceeding." As amended, these paragraphs will read:

§ 1.46 *Modified procedure; effect of order.* • • •

(b) *Default where failure to comply.* If within any time period provided in the modified-procedure rules a party fails to file a pleading required by those rules, or otherwise fails to comply therewith, such party shall be deemed to be in default and to have waived any further hearing. Thereafter the proceeding may be disposed of without further notice to the defaulting party, and without other formal proceedings as to such party.

§ 1.53 *Modified procedure; hearings.* • • •

(b) *Hearing issues limited.* The order setting the proceeding for oral hearing, if hearing is deemed necessary, will specify the matters upon which the parties are not in agreement and respecting which oral evidence is to be introduced.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12886; Filed, Dec. 4, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

CANTON LIVESTOCK SALES CO.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Canton Livestock Sales Company, Canton, South Dakota, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 2d day of December 1952.

[SEAL] DAVID M. PETTUS, *Acting Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 52-12892; Filed, Dec. 4, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 49; Docket No. 52]

DURALUM PRODUCTS CO., INC., ET AL.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 1st and 21st days of October 1952, before George E. Brower, a hearing commissioner of the National Production Authority on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628) dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799), redesignated as RP-1, Rules of Practice Before Hearing Commissioners (16 F. R. 8894), and

The respondents, Duralum Products Co., Inc., a New York corporation; Leon M. Gordon as president of Duralum Products Co., Inc., and individually; Murray Kruta as secretary and treasurer of Duralum Products Co., Inc., and individually; all of 33-25 127th Street, City of New York, County of Queens, State of New York, having been duly apprised of the specific violations charged and the action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings, and no answer having been filed on behalf of any or all of the respondents, and

The National Production Authority being represented by Herbert L. Saunders, attorney, and the respondents being represented by Roth and Margolis, attorneys-at-law, Julius Roth, of counsel; and

On motion of the National Production Authority, Charge 1 of the statement of charges was amended to indicate figures differing from those set forth in the statement of charges, and said amendment to Charge 1 was consented to by the attorney for respondents and testimony and evidence having been offered and received in support of the charges and in opposition thereto and the hearing commissioner having been advised in the premises, it is hereby determined:

Findings of facts. 1. During the period from December 1, 1950, to June 30, 1951, Duralum Products Co., Inc., used in the manufacture of storm doors, storm windows, screen doors, and screen windows approximately 10,000 pounds of aluminum in excess of the limitations on such use as set forth in National Production Authority Order M-7, section 26.25 (a), as amended December 1, 1950 (15 F. R. 8576); section 26.25 (b), as amended December 1, 1950 (15 F. R. 8576); section 5 (b), as amended February 1, 1951 (16 F. R. 1122); section 5 (b) and section 6 (b), as amended March 1, 1951 (16 F. R. 2327), March 31, 1951 (16 F. R. 2922), and April 6, 1951 (16 F. R. 3118); section 6 (c), as amended May 1, 1951 (16 F. R. 3916), as amended June 1, 1951 (16 F. R. 5259).

2. During the third calendar quarter of 1951, Duralum Products Co., Inc., requested for delivery and received 19,468 pounds of aluminum controlled materials in excess of 19,440 pounds, the amount required to fulfill its authorized production schedule for said third calendar quarter 1951 in violation of section 17 (a) of National Production Authority CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127).

3. During the fourth calendar quarter of 1951, Duralum Products Co., Inc., requested for delivery and received 47,920 pounds of aluminum controlled materials whereas said Duralum Products Co., Inc., had no authorized production schedule for said fourth calendar quarter 1951, thereby violating section 17 (a) of National Production Authority CMP Regulation No. 1 as amended November 23, 1951 (16 F. R. 11860).

4. During the first calendar quarter of 1952, Duralum Products Co., Inc., requested for delivery and received 46,286 pounds of aluminum controlled materials, whereas said Duralum Products Co., Inc., had no authorized production schedule for said first calendar quarter 1952, thereby violating section 17 (a) of National Production Authority CMP Regulation No. 1 as amended November 23, 1951 (16 F. R. 11860).

5. During the second calendar quarter of 1952, Duralum Products Co., Inc., requested for delivery and received 34,842 pounds of aluminum controlled materials in excess of 4,552 pounds, the amount required to fulfill its authorized production schedule for said second quarter of 1952 in violation of section 17 (a) of National Production Authority CMP Regulation No. 1 as amended November 23, 1951 (16 F. R. 11860).

6. Duralum Products Co., Inc., failed to maintain accurate records of inventories, receipts, deliveries, and uses of aluminum forms and products commencing with January 1, 1950, in violation of section 26.30 (a) of National Production Authority Order M-7 dated November 13, 1950 (15 F. R. 7764), as amended December 1, 1950 (15 F. R. 8576); section 11 (a) of National Production Authority Order M-7 as amended February 1, 1951 (16 F. R. 1122), as amended March 9, 1951 (16 F. R. 2337), as amended April 6, 1951 (16 F. R. 3118), as amended May 1, 1951 (16 F. R. 3916), as amended June 1, 1951 (16 F. R. 5259).

7. During the period commencing December 1, 1950, and terminating on June 30, 1952, Leon M. Gordon and Murray Kruta dominated, managed, and controlled Duralum Products Co., Inc., and directed and supervised Duralum Products Co., Inc., during the time Duralum Products Co., Inc., requested for delivery, received, and used the unauthorized quantities of aluminum set forth in paragraphs 1 through 5 above.

Conclusions. During the period commencing December 1, 1950, and terminating on June 30, 1951, Duralum Products Co., Inc., a New York corporation, Leon M. Gordon, and Murray Kruta, all of 33-25 127th Street, City of New York, County of Queens, State of New York, violated the provisions of National Production Authority Order M-7, as hereinabove cited by using in the manufacture of storm doors, storm windows, screen doors, and screen windows approximately 10,000 pounds of aluminum in excess of the quantities permitted; and

During the third calendar quarter 1951, fourth calendar quarter 1951, first calendar quarter 1952, and second calendar quarter 1952, the respondents requested for delivery and received a total of 148,516 pounds of aluminum controlled materials for unauthorized production in violation of National Production Authority CMP Regulation No. 1 as hereinabove cited.

In order to correct the unauthorized receipt and use of aluminum in the manufacture of storm doors, storm windows, screen doors, and screen windows occasioned by the violations found herein;

It is accordingly ordered: 1. That all outstanding allotments and allocations of aluminum for the fourth calendar quarter of 1952, including automatic allotments and allocations acquired through self-certification and/or self-authorization, directive, or otherwise, to respondent Duralum Products Co., Inc., of 33-25 127th Street, City of New York, County of Queens, State of New York, for the manufacture of doors and/or windows during the fourth calendar quarter 1952, be and they hereby are reduced in the amount of 10,000 pounds; and all excess allotments and allocations and purchase orders placed pursuant to such excess allotments and allocations shall be cancelled or reduced in accordance with section 13 of National Production Authority CMP Regulation No. 1 as amended November 23, 1951 (16 F. R. 11860), and Controlled Materials Plan Form CMP-12.

2. That commencing with the first calendar quarter 1953 all allotments and allocations of aluminum, including automatic allotments and allocations acquired through self-certification and/or self-authorization, directive, or otherwise, to said Duralum Products Co., Inc., for the manufacture of doors and/or windows during said first quarter or succeeding quarters, be and the same hereby are reduced to 10,000 pounds for each of said calendar quarters, or 50 percent of said allotments and allocations, whichever is greater; and all excess allotments and allocations and purchase orders placed pursuant to such excess allotments and allocations shall be cancelled or reduced in accordance with section 13 of National Production Authority CMP Regulation No. 1 as amended November 23, 1951 (16 F. R. 11860), and Controlled Materials Plan Form CMP-12, or as shall otherwise be provided.

3. The terms of this order shall continue for the duration of the Defense Production Act of 1950 as amended, or as hereafter amended or extended, until such time as the allotments and allocations of aluminum as withdrawn and withheld by the terms of this order total 80,000 pounds.

4. That said Duralum Products Co., Inc., its successors or assigns, Leon M. Gordon and Murray Kruta, as officers of Duralum Products Co., Inc., and individually, be and hereby are prohibited from acquiring and using aluminum in excess of the amounts permitted by the terms of this order in each of all foresaid periods.

Issued this 21st day of November 1952, at New York City, N. Y.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE E. BROWER,
Hearing Commissioner.

[F. R. Doc. 52-12913; Filed, Dec. 4, 1952; 10:48 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation No. 19]

ADMINISTRATOR OF GENERAL SERVICES

DELEGATION OF AUTHORITY TO PURCHASE AND SELL COLUMBIUM-TANTALUM ORES AND CONCENTRATES OF DOMESTIC ORIGIN

1. Pursuant to the authority vested in me as Defense Materials Procurement Administrator by Executive Order No. 10281, August 28, 1951 (16 F. R. 8789), I hereby delegate to the Administrator of General Services the authority to purchase, for Government use and resale, columbium-tantalum ores and concentrates, of domestic origin, under the terms, conditions and policies set forth in Amendment 1 to Revision 1 of the Columbium-Tantalum Purchase Program Regulation, dated October 24, 1952 (17 F. R. 9775); I further delegate to the Administrator of General Services the authority to sell the columbium-tantalum ores and concentrates purchased by the Administrator of General Services pursuant to this delegation.

2. The authority herein delegated shall be exercised in accordance with the provisions of section 303 (a) of the Defense Production Act, as amended,

and other applicable law, and in accordance with such policies as may be established by the Defense Materials Procurement Administrator.

3. The authority hereby delegated may be redelegated to officers and employees of the General Services Administration.

4. This delegation is effective as of the date hereof.

Dated: November 28, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-12861; Filed, Dec. 4, 1952; 8:45 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[DPAV-1 (h)]

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN VOLUNTARY PLAN TO CONTRIBUTE TANKER CAPACITY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following company is herewith published which has accepted the request to participate in the voluntary plan entitled "Voluntary Plan under Public Law 774, 81st Congress, for the Contribution of Tanker Capacity for National Defense Requirements," dated January 18, 1951, which request, original list of companies accepting such request, and voluntary plan were published on March 1, 1951, at 16 F. R. 1964. Additional lists of companies accepting such request were published on April 14, 1951, at 16 F. R. 3315; on May 3, 1951, at 16 F. R. 3931; on July 4, 1951, at 16 F. R. 6545; on August 22, 1951, at 16 F. R. 8378; on September 25, 1951, at 16 F. R. 9734; on February 6, 1952, at 17 F. R. 1161; and on March 20, 1952, at 17 F. R. 2400.

Olga Konow, Inc., 25 Broadway, New York 4, N. Y.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: December 4, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-12952; Filed, Dec. 4, 1952; 10:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 144]

ALBION, MICHIGAN, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950 and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Director of Defense Mobilization, dated December 2, 1952, that the Albion, Michigan, area (this area consists of the city of Albion and the townships of Albion, Eckford, Marengo, and Sheridan; all in Calhoun County, Michigan) is a critical defense housing area, and in view of the suspension of Regulation X on September 16, 1952 by the Board of Governors of the Federal Reserve System and announcement of a period of residential credit control relaxation by such Board, with the concurrence of the Housing and Home Finance Administrator, effective on that same date (17 F. R. 8350), it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Albion, Michigan, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

DECEMBER 2, 1952.

[F. R. Doc. 52-12946; Filed, Dec. 4, 1952; 10:19 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6463]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

NOVEMBER 28, 1952.

Take notice that on November 24, 1952, an application was filed with the Federal Power Commission, pursuant to sections 203 and 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing it to merge or consolidate facilities by taking over, operating and acquiring the utility properties to be constructed by or for Dakotas Electric Cooperative, Inc., to consist of an electric transmission line from DeVaul to Hettinger, North Dakota, a switching structure and substations, and for authority to assume upon purchase of facilities described above, two notes in the respective face amounts of $343,638.27 and $950,000, evidencing the indebtedness of Dakotas Electric Cooperative, Inc., to the United States of America in connection with the construction of said facilities and other facilities. This application is supplemental to the application in Docket No. E-6210, notice of which has heretofore been issued and published in the FEDERAL REGISTER (April 16, 1949, 14 F. R. 1855), all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 19th day of December 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12883; Filed, Dec. 4, 1952; 8:47 a. m.]

[Docket Nos. G-996, G-1916, G-1917, G-1429, G-1908, G-1909, G-1526, G-1919, G-1920, G-1816, G-1817, G-1818, G-1918, G-1926, G-1927, G-1923, G-1924]

NORTHWEST NATURAL GAS CO. ET AL.

ORDER DENYING MOTIONS, ALLOWING AN AMENDMENT, AND RECONVENING HEARING

NOVEMBER 25, 1952.

In the matters of Northwest Natural Gas Company, Docket Nos. G-996, G-1916, G-1917; Pacific Northwest Pipe Line Corporation, Docket Nos. G-1429, G-1908, G-1909; Westcoast Transmission Company, Inc., Docket Nos. G-1526, G-1919, G-1920; Glacier Gas Company, Docket Nos. G-1816, G-1817, G-1818; Northern Natural Gas Company, Docket Nos. G-1918, G-1926, G-1927; Trans-Northwest Gas, Inc., Docket Nos. G-1923, G-1924.

On July 7, 1952, the Presiding Examiner recessed the hearing in the above-entitled consolidated proceedings, subject to further order of the Commission, and submitted to the Commission for disposition the following motions:

(a) Motion made orally by staff counsel on July 1, 1952, to deny all of the above applications largely on the grounds that each of the applicants had been given an opportunity in accordance with the Commission's procedural order issued May 28, 1952, to present evidence as to its proposed supply of natural gas and that none of the applicants had presented evidence disclosing a firm supply of natural gas. Counsel for intervener, Trans-Canada Pipe Lines Limited, joined in this motion.

(b) Motions made by counsel for Trans-Canada Pipe Lines Limited on June 23, 1952, to strike all the testimony of Northwest Natural Gas Company and to dismiss its applications; on June 30, 1952, to dismiss the applications of Northern Natural Gas Company; on July 2, 1952, to dismiss the applications of Pacific Northwest Pipe Line Corporation, Westcoast Transmission Company, Inc., Glacier Gas Company, and Trans-Northwest Gas, Inc. These motions were largely grounded on the failure of applicants to present evidence disclosing a firm supply of natural gas.

(c) Motion made by counsel for Glacier Gas Company on July 7, 1952, for severance of its applications from the hearing in the above-consolidated proceedings on the ground that it was not able to go forward with evidence in accordance with the procedural order.

Subsequently, and after the recess of the hearing, Pacific Northwest Pipe Line Corporation, on August 27, 1952, submitted and requested permission to file a "Second Amended Application" in Docket No. G-1429, in lieu of its prior applications in said Docket No. G-1429, in Docket No. G-1908 for authorization to import and to export natural gas, and in Docket No. G-1908 for a presidential permit. Notice thereof was duly given by publication in the FEDERAL REGISTER on September 13, 1952 (17 F. R. 8279). On September 5, 1952, interveners, National Coal Association, United Mine Workers of America, Fuels Research Council, Inc., Anthracite Institute, Western States Fuel Policy Council, Montana Coal Operators Association, Utah Coal Operators Association, Coal Producers Association of Washington, Southern Wyoming Coal Operators Association, Sheridan-Wyoming Coal Company, Inc., and The Chesapeake & Ohio Railway Company filed a joint motion in opposition to permitting the filing of said Second Amended Application by Pacific Northwest Pipe Line Corporation.

In Docket Nos. G-1526, G-1919, and G-1920, Westcoast Transmission Company, Inc., filed on October 14, 1952, a "First Supplement to Applications" consisting of a judgment and order under The Pipelines Act of Canada, granting leave to Westcoast Transmission Company, Limited, the corporate parent and proposed supplier of Westcoast Transmission Company, Inc., to construct a pipeline consisting of one or more lines of pipe for the transportation of natural gas from a point in the vicinity of the Pouce Coupe area in the Province of Alberta, through the Towns of Dawson Creek and Prince George in the Province of British Columbia, to a point in the vicinity of the City of Vancouver in the Province of British Columbia, including a branch line from a point in the vicinity of the Town of Abbotsford to a point on the international boundary in the vicinity of the Town of Huntingdon. Also, Westcoast Transmission Company, Inc., filed on October 27, 1952, a "Second Supplement to Applications", consisting of two licenses issued to Westcoast Transmission Company, Limited, to construct a specified pipeline for the exportation of surplus natural gas and to export surplus natural gas, both by the Deputy Minister of Trade and Commerce of Canada.

The Commission finds:

(1) Because of the aforementioned events and of time which has elapsed since the hearing in these proceedings was recessed and the further time which will lapse before such hearing could in any event be appropriately reconvened, it is in the public interest and appropriate in carrying out the provisions of the Natural Gas Act, that the above motions be denied and that the hearings be reconvened as hereinafter ordered.

(2) In the specific circumstances of this case, it is desirable that permission be granted the Pacific Northwest Pipe Line Corporation to file its "Second Amended Application" in Docket No. G-1429, and its applications filed in Docket Nos. G-1908 and G-1909 should accordingly be dismissed.

(3) In the interest of orderly progress and expedition in the reconvened hearing, each applicant in these proceedings should be required as hereinafter ordered to submit to the Commission and furnish to each party to the proceedings on the applications filed by it, one copy of all of the information and data specified in § 157.14 of the Commission's regulations under the Natural Gas Act (see Order No. 163, Docket No. R-120, issued August 11, 1952), and also one appropriately indexed copy of each exhibit which said applicant will propose to introduce at the reconvened hearing, except that said applicant need not submit or furnish copies of such information, data, and exhibits as it has heretofore introduced in these proceedings and on which it proposes to rely hereafter without amendment or supplementation in any manner or form.

(4) Except as hereinafter ordered, the procedural order issued May 28, 1952, should be followed.

The Commission orders:

(A) The aforesaid motions made orally by staff counsel on July 1, 1952, by counsel for Trans-Canada Pipe Line Limited on June 23, June 30, and July 2, 1952, and by counsel for Glacier Gas Company on July 7, 1952, be and the same hereby are all denied.

(B) Permission, pursuant to § 1.11 of the Commission's rules of practice and procedure, be and the same hereby is granted to Pacific Northwest Pipe Line Corporation to file its "Second Amended Application" submitted on August 27, 1952, in Docket No. G-1429.

(C) The applications filed by Pacific Northwest Pipe Line Corporation in Docket Nos. G-1908 and G-1909 be and the same hereby are both dismissed, and the proceedings in said dockets be and the same hereby are terminated.

(D) The public hearing herein, heretofore recessed on July 7, 1952, be and the same hereby is reconvened to commence on February 16, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

(E) At said reconvened hearing, each applicant in these consolidated proceedings be and the same is hereby granted leave to submit, in the sequence specified in the procedural order herein, issued May 28, 1952, such further testimony, information, and data as it wishes with respect to the matters specified in paragraphs (A) (i) and (A) (ii) of the aforementioned order issued May 28, 1952; thereafter, the procedure specified in said order shall be followed except for such deviations as the Presiding Examiner shall determine to be required by orderly progress of these proceedings and the public interest.

(F) Each applicant shall submit to the Commission and shall furnish to each party to the proceedings on the applications filed by it the copies specified in Finding (3) hereof not later than January 16, 1953: *Provided, however,* That the Commission hereby reserves the right hereafter to request such further information and data as circumstances may require as to any one or more of the applicants herein.

Date of issuance: December 1, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12881; Filed, Dec. 4, 1952; 8:47 a. m.]

[Docket Nos. ID-554, ID-976, ID-1067, ID-1076, ID-1139, ID-1144, ID-1146]

FRANK J. PFEIFFER ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

DECEMBER 1, 1952.

In the matters of Frank J. Pfeiffer, Docket No. ID-554; Irwin L. Moore, Docket No. ID-976; Thomas J. Rouner, Docket No. ID-1067; George M. Nelson, Docket No. ID-1076; G. L. Furr, Docket No. ID-1139; A. Wilson Barstow, Docket No. ID-1144; Harold Turner, Docket No. ID-1146.

Notice is hereby given that on November 28, 1952, the Federal Power Commission issued its orders entered November 25, 1952, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12882; Filed, Dec. 4, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2953]

THE COLUMBIA GAS SYSTEM, INC., AND NATURAL GAS CO. OF WEST VIRGINIA

ORDER AUTHORIZING ISSUANCE AND SALE OF SHARES OF COMMON STOCK AND INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

NOVEMBER 28, 1952.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Natural Gas Company of West Virginia ("Natural Gas"), a subsidiary company of Columbia, having filed a joint application and an amendment thereto, with this Commission pursuant to sections 6 (b), 9, and 10 of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Natural Gas proposes to issue and sell and Columbia proposes to acquire, at par, 1,500 shares of common stock, par value $100 per share, ($150,000), and a maximum of $200,000 principal amount of 3⅝ percent Installment Promissory Notes. Natural Gas represents that the proceeds in the amount of $350,000 to be derived from Columbia would be used to finance the remainder of its 1952 construction program. Columbia states that it would first purchase common stock when and as funds are required up

[4th Sec. Application 27593]

Filed by: R. E. Boyle, Jr., Agent, for

to a maximum amount of 1,500 shares and thereafter it would purchase 3⅝ percent Notes as funds are needed, up to a maximum principal amount of $200,000. It is further stated that Natural Gas would not issue or sell any such common stock or 3⅝ percent Notes subsequent to March 31, 1953.

It is further stated that the 3⅝ percent Notes proposed to be issued by Natural Gas would be payable in twenty-five equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount thereof would be payable semi-annually on February 15 and August 15.

The issuance and sale of the common stock and Notes by Natural Gas having been expressly authorized by the Public Utilities Commission of the State of Ohio by order dated October 31, 1952; and

Said application having been filed on October 28, 1952, an amendment thereto having been filed on November 24, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-12863; Filed, Dec. 4, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27587]

LIMESTONE FROM OHIO TO ITHACA, N. Y.

APPLICATION FOR RELIEF

DECEMBER 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to schedule listed below.

Commodities involved: Limestone, carloads.

From: Producing points in Ohio named in the application.

To: Ithaca, N. Y.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, I. C. C. No. 3758, Supp. 448.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12837; Filed, Dec. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27588]

GRAIN, GRAIN PRODUCTS, AND RELATED ARTICLES FROM COLORADO, WYOMING, AND NEBRASKA TO TEXAS

APPLICATION FOR RELIEF

DECEMBER 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Fort Worth and Denver City Railway Company and other carriers.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Colorado, Wyoming, and Nebraska.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3941, Supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12838; Filed, Dec. 3, 1952; 8:47 a. m.]

[4th Sec. Application 27589]

PAPER AND PAPER ARTICLES FROM HELENA, ARK., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 2, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Helena, Ark.

To: Points in official and Illinois territories.

Grounds for relief: Competition with rail carriers, circuitous routes, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1201, Supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12866; Filed, Dec. 4, 1952; 8:46 a. m.]

[4th Sec. Application 27590]

SKIDS OR PLATFORMS FROM OFFICIAL AND ILLINOIS TERRITORIES TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 2, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Skids or platforms, wooden, empty, returned, carloads.

From: Points in official and Illinois territories.

To: Southern territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1201, Supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12867; Filed, Dec. 4, 1952; 8:46 a. m.]

[4th Sec. Application 27591]

PULPBOARD FROM PORT ST. JOE, FLA., TO LAWRENCE, KANS., AND INTERMEDIATE POINTS IN WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

DECEMBER 2, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Pulpboard, in carloads.

From: Port St. Joe, Fla.

To: Lawrence, Kans., and intermediate points in western trunk-line territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1201, Supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12868; Filed, Dec. 4, 1952; 8:46 a. m.]

[4th Sec. Application 27592]

PETROLEUM PRODUCTS FROM WESTERN TRUNK-LINE AND SOUTHWESTERN TERRITORIES AND LOUISIANA TO RED BAY, ALA., GROUP

APPLICATION FOR RELIEF

DECEMBER 2, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum products and related articles, carloads.

From: Points in western trunk-line and southwestern territories and points in the New Orleans, Baton Rouge, La., group.

To: Red Bay, Ala., and points grouped therewith.

Grounds for relief: Competition with rail carriers, circuitous routes, and grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3802, Supp. 129; C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12869; Filed, Dec. 4, 1952; 8:46 a. m.]

[4th Sec. Application 27593]

TILE FROM NEW ORLEANS, LA., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

DECEMBER 2, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers, pursuant to fourth-section order No. 16101.

Commodities involved: Tile, facing or flooring, asphalt composition, carloads.

From: New Orleans, La.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12870; Filed, Dec. 4, 1952; 8:46 a. m.]

[4th Sec. Application 27594]

AMMUNITION BOXES FROM GREENWOOD, MERIDIAN, AND WEST POINT, MISS., TO JOLIET ARSENAL (AREA 2), ILL.

APPLICATION FOR RELIEF

DECEMBER 2, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172, pursuant to fourth section order No. 16101.

Commodities involved: Boxes, ammunition or shell shipping, wooden, carloads.

From: Greenwood, Meridian, and West Point, Miss.

To: Joliet Arsenal (Area 2), Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commis-

January 1, 1947 was a national of a consultation and certification, hav-

EXHIBIT A

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12871; Filed, Dec. 4, 1952; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19076]

BODEN & HAACK

In re: Stock owned by Boden & Haack.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Boden & Haack, the last known address of which is Wachtstr. 17/24, Bremen, Germany, is a corporation, partnership, association, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: One (1) share of $200.00 par value capital stock of the New Orleans Cotton Exchange of New Orleans, Louisiana, evidenced by certificate numbered 5774, registered in the name of Fritz Entholt presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Boden & Haack, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 1, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-12887, Filed, Dec. 4, 1952; 8:48 a. m.]

[Vesting Order 19077]

EMIL BURKHARDT

In re: Securities owned by Emil Burkhardt. 28-01.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Emil Burkhardt, whose last known address is Pforzheim, Wilferdingerstrasse 30, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: Twelve (12) First Mortgage 4½ percent 60 year Brazil Railway Company Gold Bonds numbered B12165/175 and B12188, said bonds owned by Emil Burkhardt, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emil Burkhardt, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 1, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-12888; Filed, Dec. 4, 1952; 8:48 a. m.]

Amendment to [Vesting Order 13661, Amdt.]

TAMAKI-JOB-JIMUSHO ET AL.

In re: Debts owing to Tamaki-Job-Jimusho and other persons whose names are unknown.

Vesting Order 13661, dated August 19, 1949, is hereby amended as follows and not otherwise:

a. By deleting from subparagraph 2 of said Vesting Order 13661 the amount "$7,031.85" set forth in two instances in said subparagraph and substituting therefor the amount "$6,382.10".

b. By deleting subparagraph 5 from said Vesting Order 13661 and substituting the following subparagraph:

5. That the property described as follows: Those certain debts or other obligations evidenced by checks drawn by The Chase National Bank of the City of New York in an aggregate amount of $6,382.10, said checks described in the aforesaid Exhibit A together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in and under said checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraph 3 hereof, the aforesaid nationals of a designated enemy country (Germany or Japan);

c. By deleting from Vesting Order 13661, Exhibit A, attached thereto and by reference made a part thereof, and substituting therefor the Exhibit A, attached hereto and by reference made a part hereof.

All other provisions of said Vesting Order 13661, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 1, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A

Date issued	No.	Drawn on—	Amount	Payee
Dec. 15, 1936	13-198	Deutsche Bank, Berlin	$225.00	Unknown.
Aug. 11, 1939	32-162	Dresdner Bank Leipzig	1,517.00	Do.
Aug. 29, 1939	22-339	do	45.00	Do.
Sept. 21, 1940	141511	do	150.00	Do.
Sept. 29, 1939	65544	American Express Co., Berlin	46.36	Otto Harrassowitz.
Oct. 18, 1939	65633	do	89.65	Karl Leibinger.
Nov. 13, 1939	23-359112	do	200.04	Otto Scherf.
Oct. 21, 1939	65685	do	90.86	Hipp & Schreiber, Fridingen bei Tuttlingen.
Oct. 30, 1939	65723	do	40.25	Leo Baruch.
Nov. 2, 1939	65737	do	34.91	George Fischer.
Do	65736	do	31.91	Hans Fischer.
Nov. 15, 1939	65809	do	183.39	Wilhelm Duft.
Nov. 16, 1939	65814	do	93.50	Karl Leibinger.
Nov. 28, 1939	65856	do	97.55	Hipp & Schreiber, Fridingen bei Tuttlingen.
Dec. 1, 1939	65881	do	47.93	Ludwig Rohrscheid.
Do	22-356115	do	75.04	Knorr & Barth GmbH.
Dec. 27, 1939	66012	do	28.74	Unknown.
Jan. 3, 1940	66061	do	111.41	George Fischer.
Jan. 16, 1940	66146	do	33.47	Emil Arh Most-Brax.
Jan. 18, 1940	66161	do	40.15	Karl W. Hoersemann.
Dec. 31, 1940	38-359096	100th Bank Ltd., Tokyo	2,999.25	Japan Tourist Bureau.
July 15, 1941	67751	do	197.98	Torakichi Urushisata.

[F. R. Doc. 52-12889; Filed, Dec. 4, 1952; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 238

Washington, Saturday, December 6, 1952

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 464]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.571 *Lemon Regulation 464*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 3, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 7, 1952, and ending at 12:01 a. m., P. s. t., December 14, 1952, is hereby fixed as follows:

(i) District 1: 30 carloads;

(ii) District 2: 207 carloads;

(iii) District 3: 13 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 463 (17 F. R. 10804) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of December 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-12979; Filed, Dec. 5, 1952; 8:55 a. m.]

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FEDERAL REGISTER

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[Docket No. AO–197–A1]

PART 995—MILK IN THE LIMA, OHIO, MARKETING AREA

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AUTHORITY: §§ 995.1 to 995.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 995.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lima, Ohio, on June 23 and 24, 1952, upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lima, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient qauntity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, effective not later than January 1, 1952. Any delay beyond that date in making this order amending the order effective will tend to disrupt the orderly marketing of milk in the Lima, Ohio, marketing area. The changes effected by this order amending the order do not require persons affected to make substantial or extensive preparation prior to the effective date. Proposed amendments which would result in changes similar to those effected by this order amending the order were considered at a public hearing on June 23–24, 1952; a recommended decision in this proceeding, to which interested parties were given an opportunity to file written exceptions, was issued on October 17, 1952; and a decision in this proceeding was issued on November 25, 1952. Under these circumstances persons affected by this order amending the order have been afforded a reasonable time within which to prepare for its effective date. Therefore, good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1000) for making this order amending the order effective.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order which is marketed within the Lima, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (September 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Lima, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, as set forth below:

DEFINITIONS

§ 995.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1946 ed. 601 et seq.).

§ 995.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or such other officer or employee of the United

States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 995.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 995.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 995.5 *Lima, Ohio, marketing area.* "Lima, Ohio, marketing area" called the "marketing area" in this subpart means the territory within the corporate limits of Lima, in the County of Allen, State of Ohio.

§ 995.6 *Grade A milk.* "Grade A milk" means milk produced by a person holding a dairy farm inspection permit issued by the Lima, Ohio, Board of Health for the production of Grade A milk, which is permitted by such health authority to be disposed of as Grade A milk.

§ 995.7 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of Grade A milk all or a portion of which is sold or disposed of in the marketing area as Class I milk.

§ 995.8 *Producer.* "Producer" means any person who produces Grade A milk received (a) at a fluid milk plant, or (b) at any other plant by diversion from a fluid milk plant for the account of a handler or a cooperative association.

§ 995.9 *Producer-milk.* "Producer-milk" means milk produced by one or more producers under the conditions set forth in § 995.8.

§ 995.10 *Handler.* "Handler" means any person who (a) operates a fluid milk plant; (b) receives milk at a plant and either directly or indirectly disposes of milk, skim milk, buttermilk, or flavored milk drink from such plant to a wholesale or retail stop(s) in the marketing area other than a fluid milk plant; or (c) any cooperative association with respect to producer milk diverted by it from a fluid milk plant to any plant not a fluid milk plant for the account of such association.

§ 995.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided,* That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 995.12 *Other source milk.* "Other source milk" means all skim milk and butterfat received other than producer milk, except (a) receipts from a producer-handler, and (b) any non-fluid milk product received and disposed of in the same form.

§ 995.13 *Cooperative association.* "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 995.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 995.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 995.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 995.76:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 995.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 995.30 or § 995.31, or (2) payments pursuant to §§ 995.70, 995.71, 995.73, 995.76, 995.77, 995.78, or 995.80;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month the minimum prices for skim milk and butterfat for each class computed pursuant to §§ 995.51, and 995.52 and the butterfat differential computed pursuant to § 995.75; and

(2) On or before the 12th day after the end of such month, the uniform price computed pursuant to § 995.61.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this subpart as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 995.30 *Monthly reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the month at his fluid milk plant(s) (in the case of a handler not operating a fluid milk plant, all other source milk received), and milk diverted pursuant to §§ 995.8 and 995.82:

(a) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 995.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request: On or before the 22d day after the end of each month his producer payroll for the month, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amounts and dates of payments to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 995.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 995.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 995.40 *Basis of classification.* All skim milk and butterfat (in any form) received at a fluid milk plant as (a) producer milk, (b) a transfer from another fluid milk plant, and (c) other source milk, shall be classified in the classes set forth in § 995.41.

§ 995.41 *Classes of utilization.* Subject to the conditions set forth in §§ 995.42, 995.43, 995.44, and 995.45, the classes of utilization of milk shall be:

(a) Class I milk shall be all skim milk and butterfat disposed of (1) in fluid form (other than as livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cultured milk products, concentrated milk, and sweet or sour cream, eggnog and any cream product in fluid form having more than 8 percent butterfat; and (2) as all skim milk and butterfat not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat accounted for as (1) used to produce a product other than those specified in paragraph (a) of this section, (2) having been dumped or disposed of for livestock feeding, (3) actual plant shrinkage of skim milk and butterfat received in producer milk but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (4) actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided,* That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each such source to their total.

§ 995.42 *Interplant transfers.* Skim milk and butterfat disposed of in the form of milk, cream, or skim milk by a handler to any milk processing or milk manufacturing plant, including any other fluid milk plant, shall be Class I milk, unless (a) Class II use is indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 7th day after the end of the month within which such disposition was made, and (b) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such reported utilization: *Provided,* That, in no event shall the amount so reported be greater than the total amount so used by the receiver.

§ 995.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 995.44 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 995.45 *Allocation of butterfat classified.* The market administrator shall determine the classification of butterfat in producer milk as follows:

(a) Subtract from the total pounds of butterfat in Class II milk the total pounds of butterfat shrinkage pursuant to § 995.41 (b) (3) and (4).

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class.

(c) Subtract from the pounds of butterfat remaining in each class, in sequence beginning with Class II milk, the pounds of butterfat in other source milk other than butterfat shrinkage in other source milk subtracted pursuant to paragraph (a) of this section.

(d) Add to the pounds of butterfat remaining in Class II milk the pounds of butterfat shrinkage in producer milk subtracted pursuant to paragraph (a) of this section; and if the remaining pounds of butterfat in all classes exceed the pounds of butterfat received in producer milk, subtract such excess from the remaining pounds of butterfat in each class, in sequence beginning with Class II milk. The pounds of butterfat remaining shall be the pounds in each class allocated to producer milk.

§ 995.46 *Allocation of skim milk classified.* Skim milk shall be allocated to each class in accordance with the same procedure as outlined for butterfat in § 995.45.

MINIMUM PRICES

§ 995.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk for the month as provided in this section shall be the highest of the prices determined pursuant to paragraphs (a) and (b), of this section:

(a) The market administrator shall compute (to the nearest tenth of a cent) an average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location
Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5; and

(2) From the simple average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for each month by the U. S. D. A., deduct 5.5 cents, and multiply the result by 8.2.

§ 995.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class I milk, shall be determined by the market administrator as follows:

(a) To the basic formula price add the following amounts for the months indicated:

April, May, June	$0.85
February, March, July	1.15
All others	1.45

(b) Add together the amounts determined in § 995.50 (c) (1) and (2), di-

vide the sum into the amount determined in § 995.50 (c) (1) and multiply by 100.

(c) Multiply the price determined in paragraph (a) of this section by the percent determined in paragraph (b) of this section and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(d) From the price determined in paragraph (a) of this section subtract the amount computed in paragraph (c) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight.

§ 995.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class II milk, shall be determined by the market administrator as follows:

(a) The market administrator shall compute (to the nearest tenth of a cent) an average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices have been reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Coldwater, Ohio.
Nestles Milk Products Co., (uninspected milk price), Marysville, Ohio.
Fisher Dairy and Cheese Co., Wapakoneta, Ohio.
Swift and Co., Lima, Ohio.

(b) Multiply the price computed in paragraph (a) of this section by the percentage computed in § 995.51 (b), and then divide by .035. The resulting amount shall be Class II butterfat price per hundredweight.

(c) Subtract from the price computed in paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class II skim milk price per hundredweight.

DETERMINATION OF UNIFORM PRICE

§ 995.60 *Value of producer milk.* Except as provided in § 995.80 the value of producer milk received by each handler during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, and adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator: *Provided*, That, if a handler after the substraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat which on the basis of his reports for the month, pursuant to § 995.30, has been credited to his producers as having been received from them, there shall be added to the value of his producer milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to § 995.45 (d) and § 995.46 by the applicable class price.

§ 995.61 *Computation of uniform price.* For each month the market administrator shall compute a uniform price per hundredweight of producer milk by:

(a) Combining into one total the values computed pursuant to §§ 995.60 and 995.80 for all handlers who reported pursuant to § 995.30 for such month, except those in default in payments required pursuant to §§ 995.73 and 995.80 for the preceding month;

(b) Subtracting, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 995.75 multiplied by 10;

(c) Adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator;

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Dividing the result by the total hundredweight of producer milk represented by the amounts computed pursuant to § 995.60; and

(f) Subtracting not less than 4 cents nor more than 5 cents.

§ 995.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price computed pursuant to § 995.61, and the butterfat differential computed pursuant to § 995.75;

(c) The amount to be paid by such handler to the producer-settlement fund pursuant to § 995.73 or § 995.80, or the amount due such handler from the producer-settlement fund pursuant to § 995.74, as the case may be; and

(d) The amounts to be paid by such handler pursuant to §§ 995.76 and 995.77.

PAYMENTS

§ 995.70 *Time and method of final payment.* On or before the 18th day after the end of each month, each handler shall pay to each producer, or to a cooperative association with respect to milk which was caused to be delivered to him by such association either directly or from producers who have authorized such association to collect payment for them, for milk received from such producer or so delivered by such cooperative association, respectively, during such month not less than the uniform price adjusted by the butterfat differential pursuant to § 995.75, less the amount of payment made pursuant to § 995.71.

§ 995.71 *Partial payment.* On or before the last day of each month, each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the uniform price for the preceding month for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such month: *Provided*, That in the event any producer discontinues shipping to such handler during any month, such partial payments shall not be made and full payment for all milk received from such producer during such month shall be made on the 18th day after the end of such month pursuant to § 995.70.

§ 995.72 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 995.73 and 995.80, and out of which he shall make all payments to handlers pursuant to § 995.74.

§ 995.73 *Equalization payments to the producer-settlement fund.* On or before the 14th day after the end of each month each handler shall make full payment to the market administrator of any amount by which the total value of his milk for such month is greater than the sum required to be paid by such handler pursuant to §995.70.

§ 995.74 *Equalization payments out of the producer-settlement fund.* On or before the 16th day after the end of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler pursuant to § 995.70 is greater than the total value of the milk of such handler for such month, less any unpaid obligations of the handler: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments to such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 995.75 *Producer butterfat differential.* In making payments pursuant to § 995.70 the uniform price shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest tenth of a cent) computed as follows: Multiply by 1.3 the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, and divide the result by 10.

§ 995.76 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 995.22 (d), each handler shall pay the market administrator, on or before the 14th day after the end of each month, 3 cents per hundredweight of milk, or such amount not to exceed 3 cents as the Secretary may from time to time prescribe, with respect to receipts during such month, of (a) producer milk (including any milk of such handler's own production), and (b) other source milk classified as Class I milk: *Provided*, That a handler who receives only other source milk shall make such payments with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk.

§ 995.77 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 995.70, with respect to all milk received each month from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight of milk, or such amount not to exceed 6 cents as the Secretary may from time to time prescribe, and on or before the 18th day after the end of such month shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 995.70 as may be authorized by the membership agreement or contract between such cooperative association and such producers, and shall pay such deductions on or before the 18th day after the end of such month to the cooperative association rendering such services of which such producers are members.

§ 995.78 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator, pursuant to §§ 995.73, 995.74, 995.76, 995.77, or 995.80, or (b) any producer or cooperative association from such handler pursuant to § 995.70 the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 995.80 *Milk subject to special payments.* (a) Milk received by a handler the handling of which is subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act shall not be subject to the pricing and payment provisions of this section, except that for any month for which the Class I milk price determined pursuant to § 995.51 (a) exceeds the corresponding minimum Class I milk price (adjusted by any applicable location differential) provided by such other order, the handler shall pay into the producer-settlement fund on or before the 14th day after the end of each month, with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk, an amount computed by the market administrator as follows: From the total value of such skim milk and butterfat at the prices determined pursuant to § 995.51 (c) and (d) subtract the total value of such skim milk and butterfat at prices computed by applying the procedures prescribed in § 995.51 (b), (c), and (d) to the highest Class I milk price provided by such other order.

(b) Any handler who receives only other source milk, which milk is not subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act, shall pay into the producer-settlement fund on or before the 14th day after the end of each month a sum computed by the market administrator by multiplying the hundredweight of all skim milk and butterfat disposed of by such handler within the marketing area as any item included in Class I milk during such month by the respective differences between the prices for skim milk and butterfat in Class I milk and Class II milk for such month.

§ 995.81 *Milk caused to be delivered by cooperative associations.* Milk referred to as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

§ 995.82 *Milk diverted.* (a) Producer milk diverted by an operator of a fluid milk plant from such plant to a plant not a fluid milk plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(b) Producer milk diverted by a cooperative association from a fluid milk plant to a plant not a fluid milk plant shall be deemed to have been received by such association.

§ 995.83 *Producer-handlers.* Sections 995.40 through 995.46, 995.50 through 995.52, 995.60 through 995.62 and 995.70 through 995.78 shall not apply to the milk of a producer-handler.

TERMINATION OF OBLIGATIONS

§ 995.90 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 995.100 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 995.101 *When suspended or terminated.* Whenever the Secretary finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this subpart, or any such provision of this subpart.

§ 995.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 995.103 *Liquidation.* Upon the suspension or the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 995.110 *Agents.* The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 995.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this subpart, to other persons or circumstances shall not be effected thereby.

Issued at Washington, D. C., this 3d day of December 1952, to be effective on and after the 1st day of January 1953.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12943; Filed, Dec. 5, 1952; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5951; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

ALTERNATIVE TAX ON CORPORATIONS IN CASE OF CAPITAL GAINS; TREATMENT OF CAPITAL GAINS AND LOSSES

On August 8, 1952, notice of proposed rule making with respect to amendments to conform Regulations 111 to section 123 (relating to the alternative tax on corporations in the case of capital gains and losses) and section 322 (relating to the treatment of capital gains and losses) of the Revenue Act of 1951 (82d Cong., 1st Sess.), approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 7249). No objection to the rules proposed having been received, the amendments of Regulations 111 (26 CFR Part 29) set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.22 (n)-1, as added by Treasury Decision 5425, approved December 29, 1944, the following:

SEC. 322. CAPITAL GAINS AND LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • • •

(c) *Technical amendments*—(1) *Amendment of section 22 (n).* Section 22 (n) (relating to the definition of adjusted gross income) is hereby amended by striking out the word "and" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and", and by inserting after paragraph (6) the following new paragraph:

(7) *Long-term capital gains.* The deduction allowed by section 23 (ee).

• • • • • •

(d) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning on or after the date of the enactment of this act. • • •

PAR. 2. Section 29.22 (n)-1, as added by Treasury Decision 5425, is amended as follows:

(A) By striking the word "and" immediately preceding "(6)" in paragraph (c) thereof.

(B) By striking the period at the end of paragraph (c) and inserting in lieu of such period a semicolon and the following: "and (7) for taxable years beginning on or after October 20, 1951, the deduction for long-term capital gains allowed by sections 23 (ee) and 117 (b)."

PAR. 3. There is inserted immediately after § 29.23 (bb)-1, as added by Treasury Decision 5873, approved December 7, 1951, the following:

SEC. 322. CAPITAL GAINS AND LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Treatment of long-term capital gains and losses*—(1) *Amendment of section 23.* Section 23 (relating to deductions from gross income) is hereby amended by adding at the end thereof the following new subsection:

(ee) *Long-term capital gains.* In the case of a taxpayer other than a corporation, the deduction for long-term capital gains provided in section 117 (b).

• • • • • •

(d) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning on or after the date of the enactment of this act. • • •

PAR. 4. There is inserted immediately preceding § 29.117-1 the following:

SEC. 123. COMPUTATION OF ALTERNATIVE CAPITAL GAINS TAX (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 117 (c) (1) (relating to alternative tax on corporations) is hereby amended by striking out the second paragraph and inserting in lieu thereof the following:

(A) A partial tax shall first be computed upon the net income reduced by the amount of such excess, at the rates and in the manner as if this subsection had not been enacted.

(B) There shall then be ascertained an amount equal to 25 per centum of such excess, except that in the case of any taxable year beginning after March 31, 1951, and before April 1, 1954, there shall be ascertained an amount equal to 26 per centum of such excess.

(C) The total tax shall be the partial tax computed under subparagraph (A) plus the amount computed under subparagraph (B).

SEC. 322. CAPITAL GAINS AND LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Treatment of long-term capital gains and losses.*

• • • • • •

(2) *Amendment of section 117 (b).* Section 117 (b) (relating to treatment of long-term capital gains and losses) is hereby amended to read as follows:

(b) *Deduction from gross income.* In the case of a taxpayer other than a corporation, if for any taxable year the net long-term capital gain exceeds the net short-term capital loss, 50 per centum of the amount of such excess shall be a deduction from gross income. In the case of an estate or trust, the deduction shall be computed by excluding the portion (if any), of the gains for the taxable year from sales or exchanges of capital assets, which, under section 162 (b) or (c), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

(b) *Alternative tax.* Section 117 (c) (2) (relating to alternative tax) is hereby amended to read as follows:

(2) *Other taxpayers.* If for any taxable year the net long-term capital gain of any taxpayer (other than a corporation) exceeds the net short-term capital loss, there shall be levied, collected, and paid, in lieu of the tax imposed by sections 11 and 12 (or, in the case of certain tax-exempt trusts, in lieu of the tax imposed by section 421), a tax determined as follows, if and only if such tax is less than the tax imposed by such sections:

(A) A partial tax shall first be computed upon the net income reduced by an amount equal to 50 per centum of such excess, at the rates and in the manner as if this subsection had not been enacted.

(B) There shall then be ascertained an amount equal to 25 per centum of the excess of the net long-term capital gain over the net short-term capital loss. In the case of any taxable year beginning after October 31, 1951, and before November 1, 1953, there shall be ascertained, in lieu of the amount computed under the preceding sentence, an amount equal to 26 per centum of the excess of the net long-term capital gain over the net short-term capital loss.

(C) The total tax shall be the partial tax computed under subparagraph (A) plus the amount computed under subparagraph (B).

(c) *Technical amendments.*

• • • • • •

(2) *Amendment of section 117 (a).* Paragraphs (2) and (4) of section 117 (a) (relating to definitions of short-term capital gain and long-term capital gain) are each hereby amended by striking out "net income" and inserting in lieu thereof "gross income."

(3) *Amendment of section 117 (j).* Section 117 (j) (2) (A) (relating to gains and losses from involuntary conversion and from the sale or exchange of certain property used in the trade or business) is hereby amended to read as follows:

(A) In determining under this paragraph whether gains exceed losses, the gains described therein shall be included only if and to the extent taken into account in computing gross income and the losses described therein shall be included only if and to the extent taken into account in computing net income, except that subsection (d) shall not apply.

• • • • • •

(d) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning on or after the date of the enactment of this act. In determining under section 117 (e) of the Internal Revenue Code the amount of the carryover to a taxable year beginning on or after such date, of the capital loss for a taxable year beginning before such date, such amendments shall not affect the computation of the amount of the net capital loss or of the net capital gain for any taxable year beginning before such date.

PAR. 5. Section 29.117-1, as amended by Treasury Decision 5893, approved April 4, 1952, is further amended as follows:

(A) By striking the second sentence of paragraph (b) thereof and inserting in lieu thereof the following: "Gains and losses from the sale or exchange of such property are not treated as gains and losses from the sale or exchange of capital assets, except to the extent provided in section 117 (j)."

(B) By striking from the fifth sentence of paragraph (b) thereof the words "is not subject to the limitations of section 117 (b), (c), and (d)" and inserting in lieu thereof the words "is not subject to the provisions of section 117."

(C) By striking from the fourth sentence of paragraph (d) thereof the words "are not subject to the percentage provisions of section 117 (b) and losses from such transactions are not subject to the limitation on losses provided in section 117 (d)" and inserting in lieu thereof the words "are not subject to the limitations provided in section 117".

(D) By striking from the paragraph (g) of such section (beginning "Gains and losses from the sale or exchange") the second sentence thereof.

(E) By striking the second sentence from paragraph (i) thereof, beginning "In the determination of adjustable gross income".

PAR. 6. Section 29.117-2, as amended by Treasury Decision 5893, is further amended as follows:

(A) By striking all that precedes paragraph (b) thereof and inserting in lieu thereof the following:

§ 29.117-2 *Percentage of capital gain or loss taken into account; deduction for long-term capital gains; limitation on capital losses; net capital loss carryover*—(a) *General*—(1) *Taxable years beginning prior to October 20, 1951.* In computing the net capital gain, net capital loss, adjusted gross income, and net income of a taxpayer, other than a corporation, for a taxable year beginning prior to October 20, 1951 (the date of the enactment of the Revenue Act of 1951), only the following percentages of the gain or loss (computed under section 111, recognized under section 112, and taken into account without regard to section 117) upon the sale or exchange of a capital asset shall be taken into account:

(i) One hundred percent if the capital asset has been held for 6 months or less;

(ii) Fifty percent if the capital asset has been held for more than 6 months.

For instance, if unimproved real estate purchased by an individual for $20,000 is a capital asset and is sold by him for $25,000 after having been held for more than 6 months, only 50 percent of the recognized gain ($5,000), or $2,500, shall be taken into account in computing net income; or if such property is sold for $14,000, only 50 percent of the recognized loss ($6,000), or $3,000 shall be so taken into account. (In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 211 and the regulations thereunder for the determination of the net amount of capital gains subject to tax with respect to taxable years beginning on or after January 1, 1950.)

(2) *Taxable years beginning on or after October 20, 1951.* (i) In computing gross income, adjusted gross income, net income, net capital gain, and net capital loss, for a taxable year beginning on or after October 20, 1951, 100 percent of any gain or loss (computed under section 111, recognized under section 112, and taken into account without regard to section 117) upon the sale or exchange of a capital asset shall be taken into account regardless of the period for which the capital asset has been held. Nevertheless, the net short-term capital gain or loss and the net long-term capital gain or loss must be separately computed. In computing the adjusted gross income or the net income of a taxpayer other than a corporation, if for any such taxable year the net long-term capital gain exceeds the net short-term capital loss, 50 percent of the amount of the excess is allowable as a deduction from gross income under sections 23 (ee) and 117 (b). For instance, if an individual realizes $2,000 of long-term capital gain and sustains $1,500 of short-term capital loss during the taxable year, the whole amount of the gain ($2,000) is includible in gross income. Since the net long-term capital gain exceeds the net short-term capital loss by $500, 50 percent of the excess ($250) is allowable as a deduction under section 23 (ee).

(ii) In the case of an estate or trust, for the purpose of computing the deduction allowable under section 23 (ee), any long-term or short-term capital gains which under section 162 (b) or (c) are includible in the gross income of its income beneficiaries as gains derived from the sale or exchange of capital assets must be excluded in determining whether for the taxable year of the estate or trust its net long-term capital gain exceeds its net short-term capital loss. For example, during 1952 a trust realized a gain of $1,000 upon the sale of stock held for 10 months. Under the terms of the trust instrument all of such gain must be distributed not later than 30 days after the close of the year to A, the sole income beneficiary. The trust is not entitled to any deduction with respect to such gain under sections 23 (ee) and 117 (b). On the other hand, assuming A had no other capital gains or losses in 1952, he would be entitled to a deduction of $500.

(B) By striking the second, third, and fourth sentences of paragraph (b) thereof and inserting in lieu of such sentences the following:

• • • Thus, where in a taxable year beginning prior to October 20, 1951, an individual taxpayer, having an ordinary net income of $5,000, has a loss of $4,000 from the sale of a capital asset which he held for more than 6 months, of which loss $2,000 (50 percent of $4,000) is taken into account, such net long-term capital loss of $2,000 is allowable only to the extent of $1,000, the remaining $1,000 being a net capital loss. If the taxpayer's ordinary net income had been $400 instead of $5,000, only $400 of the net long-term capital loss of $2,000 would have been allowed, leaving a net capital loss of $1,600. If the taxable year in this illustration were a taxable year beginning on or after October 20, 1951, the entire $4,000 loss would be taken into account as a net long-term capital loss, of which $1,000 and $400 would be allowable as deductions under the respective assumptions, and the net capital loss would be $3,000 and $3,600, respectively. (For carry-over of a net capital loss, see paragraph (c) of this section.) • • •

(C) By striking all that follows the first paragraph of paragraph (c) of such section and inserting in lieu thereof the following:

The practical operation of the provisions of section 117 (c) (1) may be illustrated by the following example:

Example. For the taxable years 1950 to 1954, inclusive, an individual is assumed to have a net short-term capital loss, net short-term capital gain, net long-term capital loss, net long-term capital gain, and net income as follows:

	1950	1951	1952	1953	1954
Carry-over from prior years:					
From 1950		($50,000)	($20,500)	($20,500)	
From 1952				(19,500)	($13,000)
Net short-term loss (computed without regard to the carry-overs)	($30,000)	(5,000)	(10,000)		
Net short-term gain (computed without regard to the carry-overs)				40,000	
Net long-term loss:					
50 percent taken into account	(20,500)				
100 percent taken into account			(10,000)	(5,000)	
Net long-term gain:					
50 percent taken into account		25,000			
100 percent taken into account					15,000
Ordinary net income (computed without regard to capital gains and losses)	500	500	500	1,000	500
Net capital gain (computed without regard to the carry-overs)		20,500		36,000	
Net capital loss	(20,000)		(19,500)		
Deduction allowable under section 23 (ee)			None	None	1,000
Net income (computed with regard to deduction allowable under section 23 (ee))			None	None	1,500

Net Capital Loss of 1950

The net capital loss is $50,000. This figure, computed by taking into account 100 percent of short-term gains and losses and 50 percent of long-term gains and losses, is the excess of the losses from sales or exchanges of capital assets over the sum of (1) gains from such sales or such exchanges, and (2) ordinary net income of $500. This amount may be carried forward in full as a short-term loss to 1951. However, in 1951 there was a net capital gain of $20,500, as defined by section 117 (a) (10) (B) and limited by section 117 (e) (1), against which this net capital loss of $50,000 is allowed in part. The remaining portion—$29,500—may be carried forward to 1952 and 1953 since there was no net capital gain in 1952. In 1953 this $29,500 is allowed in full against net capital gain of $36,000, as defined by section 117 (a) (10) (B) and limited by section 117 (e) (1). For 1952 and 1953 the net long-term capital loss is computed by taking into account 100 percent of gains and losses upon the sale or exchange of capital assets held for more than 6 months. However, in determining the amount of the capital loss carry-over ($29,500) to 1952 and 1953, the net capital loss for 1950 is computed by taking into account only 50 percent of gains and losses upon the sale or exchange of capital assets held for more than 6 months, and the net capital gain for 1951 is similarly computed.

Net Capital Loss of 1952

The net capital loss is $19,500. This figure, computed by taking into account 100 percent of both long-term and short-term gains and losses, is the excess of the losses from sales or exchanges of capital assets over the sum of (1) gains from such sales or exchanges and (2) ordinary net income of $500. This amount may be carried forward in full as a short-term loss to 1953. However, in 1953 there was a net capital gain of $6,500, as defined by section 117 (a) (10) (B) and limited by section 117 (e) (1), against which this net capital loss of $19,500 is allowed in part. The remaining portion—$13,000—may be carried forward to 1954. Since this amount is treated as a short-term capital loss in 1954 under section 117 (e) (1), the excess of the net long-term capital gain over the net short-term capital loss is $2,000. Half of this excess is allowable as a deduction under sections 23 (ee) and 117 (b). Thus, the taxpayer has a net income of $1,500 for 1954.

PAR. 7. Section 29.117–3, as amended by Treasury Decision 5928, approved August 28, 1952, is further amended as follows:

(A) By striking the second sentence of paragraph (a) thereof and inserting in lieu thereof the following: "For any taxable year beginning prior to October 20, 1951 (the date of the enactment of the Revenue Act of 1951), this alternative tax is the sum of (1) a partial tax, computed at the rates provided by sections 11 and 12 on the net income, excluding therefrom for this purpose the whole amount of such excess of the net long-term capital gain (determined by taking into account only 50 percent of the gains and losses upon the sale or exchange of capital assets held for more than 6 months) over the net short-term capital loss, plus (2) 50 percent of such excess. In the case of a taxable year beginning on or after October 20, 1951, this alternative tax is the sum of (1) a partial tax, computed at the rates provided by sections 11 and 12 on the net income reduced by an amount equal to 50 percent of the excess of the net long-term capital gain (determined by taking into account 100 percent of the gains and losses upon the sale or exchange of capital assets held for more than 6 months) over the net short-term capital loss, plus (2) 25 percent (or 26 percent if the taxable year begins after October 31, 1951, and before November 1, 1953) of the excess of the net long-term capital gain over the net short-term capital loss."

(B) By inserting immediately after the words "25 percent" in the second sentence of paragraph (b) thereof the following: "(or 26 percent if the taxable year begins after March 31, 1951, and before April 1, 1954)".

(C) By inserting immediately after the words "provisions of this section" in the first sentence of paragraph (c) thereof the following: "(other than those applicable to a taxable year beginning on or after October 20, 1951)".

PAR. 8. Section 29.117–6, as amended by Treasury Decision 5881, is further amended as follows:

(A) By striking from the first sentence of paragraph (a) thereof the words "the percentage of the recognized gain or loss to be taken into account under section 117 (b) from a short sale shall be computed" and inserting in lieu thereof the following: "whether the recognized gain or loss from a short sale is long-term or short-term capital gain or loss shall be determined".

(B) By striking from the second sentence of paragraph (a) thereof the words "100 percent of the recognized gain or loss would be taken into account under section 117 (b)" and inserting in lieu thereof the following: "the recognized gain or loss would be considered short-term capital gain or loss".

PAR. 9. Section 29.117–7, as amended by Treasury Decision 5881, is further amended as follows:

(A) By striking therefrom paragraphs (b) and (c) and inserting in lieu thereof the following:

(b) In determining whether such gains exceed such losses for the purposes of section 117 (j), losses upon the destruction in whole or in part, theft or seizure, requisition or condemnation of the property described in section 117 (j) are included whether or not there was a conversion of such property into money or other property. For example, if a capital asset held for more than six months, with an adjusted basis of $400, is stolen, and the loss from this theft is not compensated for by insurance or otherwise, the $400 loss is included in the computations under section 117 (j) to determine whether gains exceed losses. Furthermore, in making this computation for any taxable year, the gains and losses described in section 117 (j) are taken into account in full, that is, 100 percent of such gains and losses is taken into account. For example, if a taxpayer for a taxable year beginning before October 20, 1951, sustains a loss of $400 upon the sale under threat of condemnation of a capital asset, held for more than six months, such loss is taken into account for the purpose of section 117 (j) to the extent of $400, even though only $200 would be taken into account under section 117 (b), prior to its amendment by the Revenue Act of 1951, in computing net income. Similarly, the provisions of section 117 (d) limiting the deduction of capital losses are not applicable to exclude any losses from the computations under section 117 (j). With these exceptions, gains are included in the computations under section 117 (j) only to the extent that they are taken into account in computing gross income, and losses are included only to the extent that they are taken into account in computing net income. Thus, losses which are not deductible items under section 24 or section 118 are not included in the computations under section 117 (j). Similarly, if a taxpayer reports on the installment basis under section 44 the gain on the sale of property described in section 117 (j), only the portion of the gain reported under section 44 is included in the computations for such taxable year under section 117 (j). Any gains and losses which are not recognized under section 112 are not included in the computations under section 117 (j). Thus, if property is involuntarily converted into similar property, so that the gain on such conversion is not recognized under the provisions of section 112 (f), such gain is not included in the computations under section 117 (j).

(c) If it is determined under the above computations that the gains exceed the losses, all of such gains and losses are treated as gains and losses from the sale or exchange of capital assets held for more than six months. All such gains and losses are then subject to the limitations of section 117 (c) and (d), relating to the alternative tax in the case of capital gains and losses and the extent to which capital losses are allowed; and in the case of taxable years beginning prior to October 20, 1951, such gains and losses are taken into account only to the extent of 50 percent. If it is determined under the above computations that the gains do not exceed the losses, none of such gains and losses are treated as gains and losses from the sale or exchange of capital assets. Such gains and losses are then to be taken into account in full, and such losses are not subject to the limitations provided in section 117 (d). For example, if the taxpayer during the taxable year 1942 has losses of $1,000 on the sale of certain depreciable machinery used in his trade or business, held for more than six months, and a gain of $400 on the sale under threat of condemnation of a capital asset held for more than six months, such losses exceed such gain, and such losses and gain are not treated as losses and gain from the sale or exchange of capital assets. The gain on the sale of the capital asset would therefore be taken into account in full, instead of to the extent of 50 percent.

(B) By inserting in the second sentence of Example (1) thereof immediately following the words "section 117 (b)," the following: "prior to its amendment by the Revenue Act of 1951,".

(C) By inserting in the second sentence of the second paragraph of Example (1) thereof immediately following the words "section 117 (b)," the following: "prior to its amendment by the Revenue Act of 1951,".

(D) By inserting in the second sentence of Example (3) thereof immediately following the words "section 117 (b)" the following: ", prior to its amendment by the Revenue Act of 1951,".

PAR. 10. There is inserted immediately preceding § 29.122–1 the following:

SEC. 322. CAPITAL GAINS AND LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * *

(c) *Technical amendments.*

* * * * * *

(4) *Amendment of section 122 (d) (4).* Section 122 (d) (4) (relating to computation of net operating loss deduction) is hereby amended to read as follows:

"(4) The amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from such sales or exchanges. The deduction provided in section 23 (ee) shall not be allowed.

* * * * * *

(d) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning on or after the date of the enactment of this act. * * *

PAR. 11. Section 29.122–3 is amended as follows:

(A) By striking subparagraph (4) from paragraph (a) thereof and inserting in lieu thereof the following:

(4) Gains and losses recognized upon sales or exchanges of capital assets held for more than 6 months shall be taken into account in full. The deduction provided in sections 23 (ee) and 117 (b), applicable to taxable years beginning on or after October 20, 1951, shall not be allowed;

(B) By striking out the words "(as defined in section 117 (a) (4))" from the second sentence of paragraph (d) (1) thereof.

PAR. 12. There is inserted immediately preceding § 29.162–1 the following:

SEC. 322. CAPITAL GAINS AND LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * *

(c) *Technical amendments.*

* * * * * *

(5) *Amendment of section 162 (a).* Section 162 (a) (relating to computation of net income of estates and trusts) is hereby amended by striking out the semicolon and inserting in lieu thereof a period and the following: "Where any amount of the income so paid or set aside is attributable to gain from the sale or exchange of capital assets held for more than six months, proper adjustment of the deduction otherwise allowable under this subsection shall be made for any deduction allowable to the trust under section 23 (ee);".

(d) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning on or after the date of the enactment of this act. * * *

PAR. 13. Section 29.162–1, as amended by Treasury Decision 5838, approved April 17, 1951, is further amended by inserting, immediately before the last sentence of paragraph (a) thereof, the following: "For any taxable year beginning before October 20, 1951 (the date of the enactment of the Revenue Act of 1951), if an amount of the income so paid or set aside is attributable to gain from the sale or exchange of capital assets held for more than six months, the amount of the deduction allowable under section 162 (a) must be determined with reference to the requirement that only 50 percent of such gains be included in gross income of the trust. See United States v. Benedict et al., Trustees, (1950) 338 U. S. 692. Similarly, in a taxable year beginning on or after October 20, 1951, where any amount of the income so paid or set aside for the charitable uses or purposes referred to or described in section 162 (a) is attributable to gain from the sale or exchange of capital assets held for more than six months, the amount of the deduction allowable under section 162 (a) must be determined with regard to the inclusion of 100 percent of such gains in gross income and with appropriate adjustment for the deduction provided in sections 23 (ee) and 117 (b) of 50 percent of the excess, if any, of the net long-term capital gain over the net short-term capital loss. See § 29.117–2 (a) (2). The application of these rules is illustrated in the following examples:

Example (1). Under the terms of a trust created by the will of a decedent, the trust net income (including capital gains) is to be distributed, one-half to certain individual beneficiaries and one-half to M University, an organization exempt from taxation under section 101 (6). During 1951 the trust has ordinary net income of $100,000, and in addition $100,000 of gains from the sale of capital assets held for more than six months, of which only 50 percent, or $50,000, is includible in gross income. The trust pays $100,000—one-half of its net income under the terms of the trust—to M University. The deduction allowable to the trust under section 162 (a) is limited to $75,000, since only 50 percent of the capital gains is included in gross income for tax purposes.

Example (2). During 1952 the trust referred to in example (1) also has ordinary net income of $100,000, plus $100,000 of gains from the sale of capital assets held for more than six months. In computing the gross income of the trust for tax purposes 100 percent of such gains are includible. M University receives a total of $100,000 from the trust in respect of the year 1952. However, the amount allowable to the trust as a deduction under section 162 (a) is subject to appropriate adjustment for the deduction allowable under section 23 (ee). In view of the distributions made to individual beneficiaries, the deduction allowable to the trust under section 23 (ee) is limited by the provisions of section 117 (b) to $25,000. Since the whole of this deduction is attributable to the distribution to M University, the deduction allowable in 1952 to the trust under section 162 (a) will be $75,000.

PAR. 14. Section 29.162–2, as amended by Treasury Decision 5458, approved June 15, 1945, is further amended by inserting immediately following the words "section 117 (b)" appearing in the first example of paragraph (a) thereof, the following: "prior to its amendment by the Revenue Act of 1951".

PAR. 15. Section 29.189–1 is amended as follows:

(A) By striking the first sentence of paragraph (a) (1) and inserting in lieu thereof the following: "The partnership's gains and losses from sales or exchanges of capital assets held for more than six months shall be taken into account in full."

(B) By striking the sentence in paragraph (b) (2) and inserting in lieu thereof the following: "The partnership's gains and losses from sales or exchanges of capital assets held for more than six months shall be taken into account in full."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: December 2, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–12934; Filed, Dec. 5, 1952; 8:50 a. m.]

[T. D. 5930; Regs. 111, 130]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

CHANGES IN CORPORATION INCOME TAX AND EXCESS PROFITS TAX RATES

On October 1, 1952, notice of proposed rule making, regarding amendments to conform Regulations 111 (26 CFR Part 29) to sections 121 (a), (b), (c), (d), and (g) (1), (2), (4), and (5), 122, and 123 of the Revenue Act of 1950, approved September 23, 1950, sections 201 (a), (b), and (e) and 202 of the Excess Profits Tax Act of 1950, approved January 3, 1951, and sections 121 (a), (c), (f) (other than the addition of section 15 (c) of the Internal Revenue Code), and (g), 122, 124, 125, 311, and 612 of the Revenue Act of 1951, approved October 20, 1951, and to conform Regulations 130 (26 CFR Part 40) to sections 121 (b) and 125 of the Revenue Act of 1951, was published in the FEDERAL REGISTER (17 F. R. 8692). No objection to the rules proposed having been received, the amendments to Regulations 111 and 130 set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.13–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Amendment of section 13.* Section 13 (relating to the normal tax on corporations) is hereby amended to read as follows:

SEC. 13. NORMAL TAX ON CORPORATIONS.

(a) *Definitions.* For the purposes of this chapter—

(1) *Adjusted net income.* The term "adjusted net income" means the net income minus the credit provided in section 26 (a), relating to interest on certain obligations of the United States and Government corporations.

(2) *Normal tax net income—(A) Calendar year 1950 and taxable years beginning after June 30, 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, and in the case of taxable years beginning after June 30, 1950, the term "normal-tax net income" means the adjusted net income minus the sum of the following credits:

(i) The credit for dividends received provided in section 26 (b);

(ii) In the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h); and

(iii) In the case of a western hemisphere trade corporation (as defined in section 109), the credit provided in section 26 (i).

(B) *Other taxable years beginning before July 1, 1950.* In the case of taxable years (other than the calendar year 1950, to which subparagraph (A) applies) beginning before July 1, 1950, the term "normal-tax net income" means the adjusted net income minus the credit for dividends received provided in section 26 (b).

(b) *Imposition of tax*—(1) *Taxable years beginning after June 30, 1950.* In the case of taxable years beginning after June 30, 1950, there shall be levied, collected, and paid for each taxable year upon the normal-tax net income of every corporation (except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q) a tax of 25 per centum of the normal-tax net income.

(2) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, there shall be levied, collected, and paid for such taxable year upon the normal-tax net income of every corporation (except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q) a tax of 23 per centum of the normal-tax net income.

(3) *Other taxable years beginning before July 1, 1950.* In the case of taxable years (other than the calendar year 1950, to which paragraph (2) applies) beginning before July 1, 1950, there shall be levied, collected, and paid for each taxable year upon the normal-tax net income of every corporation the normal-tax net income of which is more than $25,000 (except a corporation subject to a tax imposed by section 14, section 231 (a), Supplement G, or Supplement Q) whichever of the following taxes is the lesser:

(A) *General rule.* A tax of 24 per centum of the normal-tax net income; or

(B) *Alternative tax (corporations with normal-tax net income over $25,000, but not over $50,000).* A tax of $4,250, plus 31 per centum of the amount of the normal-tax net income in excess of $25,000.

For computation of tax in case the taxable year ends after June 30, 1950, see section 108 (f).

(c) *Exempt corporations.* For corporations exempt from taxes under this chapter, see section 101.

(d) *Tax on personal holding companies.* For surtax on personal holding companies, see section 500.

(e) *Improper accumulation of surplus.* For surtax on corporations which accumulate surplus to avoid surtax on shareholders, see section 102.

* * * * *

SEC. 123. EFFECTIVE DATE OF PART II (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (inc. sec. 121 (a)) shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before July 1, 1950, and ending after June 30, 1950, see section 131.

SEC. 121. INCREASE IN RATE OF CORPORATION NORMAL TAX (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 13.* Subsections (a) and (b) of section 13 (relating to normal tax on corporations) are hereby amended to read as follows:

(a) *Definitions.* For the purposes of this chapter—

(1) *Adjusted net income.* The term "adjusted net income" means the net income minus the credit provided in section 26 (a), relating to interest on certain obligations of the United States and Government corporations.

(2) *Normal-tax net income.* The term "normal-tax net income" means the adjusted net income minus the sum of the following credits:

(A) The credit for dividends received provided in section 26 (b);

(B) In the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h); and

(C) In the case of a western hemisphere trade corporation (as defined in section 109), the credit provided in section 26 (i).

(b) *Imposition of tax.* There shall be levied, collected, and paid for each taxable year upon the normal-tax net income of every corporation (except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q)—

(1) *Calendar year 1951.* In the case of a taxable year beginning on January 1, 1951, and ending on December 31, 1951, a tax of 28¾ per centum of the normal-tax net income.

(2) *Taxable years beginning after March 31, 1951, and before April 1, 1954.* In the case of taxable years beginning after March 31, 1951, and before April 1, 1954, a tax of 30 per centum of the normal-tax [net] income.

(3) *Taxable years beginning after March 31, 1954.* In the case of taxable years beginning after March 31, 1954, a tax of 25 per centum of the normal-tax net income.

* * * * *

SEC. 125. EFFECTIVE DATE (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part (inc. sec. 121 (a)) shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951, * * * For treatment of taxable years (other than the calendar year 1951) beginning before April 1, 1951, and ending after March 31, 1951, see section 131.

PAR. 2. Section 29.13–1, as amended by Treasury Decision 5517, approved June 12, 1946 (26 CFR 29.13–1), is further amended as follows:

(A) By redesignating paragraphs (b) through (e) as subparagraphs (2) through (5) and by striking out the period and dash in the heading of the section and the first sentence of paragraph (a) and inserting in lieu thereof the following: "— (a) Taxable years beginning before July 1, 1950 (other than the calendar year 1950) (1) For taxable years beginning before July 1, 1950 (other than the calendar year 1950), section 13 imposes an income tax on corporations in general the normal-tax net income of which is more than $25,000." * * *

(B) By striking out the third, fourth, and fifth sentences of redesignated paragraph (a) (2) of the section and inserting in lieu thereof the following: "For taxable years beginning after December 31, 1945, and before July 1, 1950 (other than the calendar year 1950), the normal-tax net income is the adjusted net income minus the credit for dividends received provided in section 26 (b). Section 26 (b) applicable to such taxable years relates to dividends received from a domestic corporation which is subject to taxation under chapter 1 (85 percent of dividends received). For taxable years beginning in 1945 and ending in 1946, see § 29.108–2. For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–5."

(C) By striking out in redesignated paragraph (a) (5) of the section "This section may be illustrated by the following examples:" and inserting in lieu thereof "The computation of the tax under section 13 may be illustrated by the following examples:".

(D) By adding at the end of the section the following new paragraph (b):

(b) *Calendar year 1950 and taxable years beginning after June 30, 1950.* (1) For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, section 13 imposes an income tax on corporations generally. Every corporation is liable to the tax imposed by such section, except (i) corporations expressly exempt from all taxation under chapter 1 (see section 101); (ii) corporations subject to tax under Supplement U (see section 421); (iii) foreign corporations not engaged in trade or business within the United States (see section 231 (a)); (iv) insurance companies (see Supplement G); and (v) regulated investment companies (see Supplement Q).

(2) It makes no difference that a domestic corporation subject to any tax imposed by section 13 may derive no income from sources within the United States. The tax imposed by section 13 for a taxable year is computed upon the "normal-tax net income" for the taxable year, that is, the adjusted net income for such year minus (i) the credit for dividends received provided in section 26 (b) for such year, and (ii), in the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h) for such year, and (iii), in the case of a Western Hemisphere trade corporation (see section 109), the credit provided in section 26 (i) for such year. For taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6. For taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108–9. The "adjusted net income" of a corporation is the net income as defined in section 21 minus the credit provided in section 26 (a), relating to interest on certain obligations of the United States and its instrumentalities.

(3) The tax imposed by section 13 is payable upon the basis of returns rendered by the corporations liable thereto, except that in some cases a tax is to be paid at the source of the income (see also sections 47, 52, 53, 144, and 235). For what the term "corporation" includes and for the difference between domestic and foreign corporations, see section 3797 (a). For treatment of the tax imposed on foreign corporations engaged in trade or business within the United States, see § 29.231–1 (b). In the case of foreign corporations not engaged in trade or business within the United States, the tax is as provided in section 231 (a). In the case of insurance companies, the tax is as provided in Supplement G (sections 201 to 207, inclusive). In the case of regulated investment companies, the tax is as provided in Supplement Q (sections 361 and 362). In the case of corporations subject to tax under Supplement U, the tax is as provided in sections 421 to 424, inclusive. For surtax on corporations generally, see § 29.15–1. For surtax on personal holding companies, see sections 500 to 511, inclusive. For surtax on corporations improperly accumulating surplus, see section 102. For treatment of capital gains and losses, see section 117. For treatment of mutual savings banks conducting life insurance business, see section 110.

(4) The tax imposed by section 13 for a taxable year which is the calendar year 1950 and for a taxable year beginning after June 30, 1950, is computed by applying to the "normal-tax net income" the rate in effect for such taxable year. The rates of tax under section 13 applicable for the respective taxable years are as follows:

	Percent
For a taxable year which is the calendar year 1950	23
For taxable years beginning after June 30, 1950, and before April 1, 1951 (other than the calendar year 1951)	25
For a taxable year which is the calendar year 1951	28¾
For taxable years beginning after March 31, 1951, and before April 1, 1954	30
For taxable years beginning after March 31, 1954	25

(5) The computation of the tax under section 13 may be illustrated by the following example:

Example. The A Corporation, a domestic corporation (which is neither a public utility referred to in section 26 (h) nor a Western Hemisphere trade corporation referred to in section 26 (i)), has for the calendar year 1951 a net income of $130,000, including interest on United States obligations (allowable as a credit under section 26 (a)) in the amount of $10,000 and cash dividends received (allowable as a credit under section 26 (b) (1)) in the amount of $10,000. The corporation's tax under section 13 for the calendar year 1951 is $32,056.25, computed as follows:

Net income	$130,000.00
Less credit for interest on United States obligations	10,000.00
Adjusted net income	120,000.00
Less credit for dividends received (85 percent of $10,000)	8,500.00
Normal-tax net income	111,500.00
Tax under section 13 (b) (1) (28¾ percent of $111,500)	32,056.25

PAR. 3. There is inserted immediately preceding § 29.14–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(b) *Amendment of section 14 (a).* So much of section 14 (relating to normal tax on special classes of corporations) as precedes subsection (b) thereof is hereby amended to read as follows:

SEC. 14. TAX ON SPECIAL CLASSES OF CORPORATIONS IN CASE OF TAXABLE YEARS (OTHER THAN THE CALENDAR YEAR 1950) BEGINNING BEFORE JULY 1, 1950.

(a) *Imposition of tax in cases of taxable years (other than the calendar year 1950) beginning before July 1, 1950.* In the case of taxable years beginning before July 1, 1950 (other than a taxable year beginning on January 1, 1950, and ending on December 31, 1950), there shall be levied, collected, and paid for each taxable year upon the normal-tax net income of the following corporations (in lieu of the tax imposed by section 13 (b) (3)) the tax hereinafter in this section specified. For computation of tax in case the taxable year ends after June 30, 1950, see section 108 (f).

* * * * *

SEC. 123. EFFECTIVE DATE OF PART II (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (inc. sec. 121 (b)) shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before July 1, 1950, and ending after June 30, 1950, see section 131.

SEC. 121. INCREASE IN RATE OF CORPORATION NORMAL TAX (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(g) *Technical amendment.* Section 14 (relating to normal tax on special classes of corporations in the case of taxable years beginning before July 1, 1950) is hereby repealed.

SEC. 125. EFFECTIVE DATE (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part (inc. sec. 121 (g)) shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951, * * *

PAR. 4. Section 29.14–1 is amended as follows:

(A) By striking out the heading and the first sentence of paragraph (a) and inserting in lieu thereof the following:

§ 29.14–1 *Tax on special corporations for taxable years beginning before July 1, 1950 (other than the calendar year 1950).* (a) Section 14 and this section are applicable with respect to taxable years beginning after December 31, 1941, and before July 1, 1950 (other than the calendar year 1950).

(B) By adding after the third sentence of paragraph (c) of the section the following: "For taxable years beginning in 1945 and ending in 1946, see § 29.108–2. For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–5."

PAR. 5. There is inserted immediately preceding § 29.15–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(c) *Amendment of section 15.* Section 15 (relating to surtax on corporations) is hereby amended to read as follows:

SEC. 15. SURTAX ON CORPORATIONS.

(a) *Corporation surtax net income.* For the purposes of this chapter—

(1) *Calendar year 1950 and taxable years beginning after June 30, 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, and in the case of taxable years beginning after June 30, 1950, the term "corporation surtax net income" means the net income minus the sum of the following credits:

(A) The credit for dividends received provided in section 26 (b);

(B) In the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h);

(C) In the case of a western hemisphere trade corporation (as defined in section 109), the credit provided in section 26 (i).

(2) *Other taxable years beginning before July 1, 1950.* In the case of taxable years (other than the calendar year 1950, to which paragraph (1) applies) beginning before July 1, 1950, the term "corporation surtax net income" means the net income minus the credit for dividends received provided in section 26 (b) and minus, in the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h). For the purposes of this paragraph, dividends received on the preferred stock of a public utility shall be disregarded in computing the credit for dividends received provided in section 26 (b).

(b) *Imposition of tax*—(1) *Taxable years beginning after June 30, 1950.* In the case of taxable years beginning after June 30, 1950, there shall be levied, collected, and paid for each taxable year upon the corporation surtax net income of every corporation (except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q) a surtax of 20 per centum of the amount of the corporation surtax net income in excess of $25,000.

(2) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, there shall be levied, collected, and paid for such taxable year upon the corporation surtax net income of every corporation (except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q) a surtax determined by computing a tentative surtax of 19 per centum of the amount of the corporation surtax net income in excess of $25,000, and by reducing such tentative surtax by an amount equal to 1 per centum of the lower of (A) the amount of the credit provided in section 26 (a), or (B) the amount by which the corporation surtax net income exceeds $25,000.

(3) *Other taxable years beginning before July 1, 1950.* In the case of taxable years (other than the calendar year 1950, to which paragraph (2) applies) beginning before July 1, 1950, there shall be levied, collected, and paid for each taxable year upon the corporation surtax net income of every corporation (except a western hemisphere trade corporation as defined in section 109, and except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q) a surtax as follows:

(A) *Surtax net incomes not over $25,000.* Upon corporation surtax net incomes not over $25,000, 6 per centum of the amount thereof.

(B) *Surtax net incomes over $25,000 but not over $50,000.* Upon corporation surtax net incomes over $25,000, but not over $50,000, $1,500 plus 22 per centum of the amount of the corporation surtax net income over $25,000.

(C) *Surtax net incomes over $50,000.* Upon corporation surtax net incomes over $50,000, 14 per centum of the corporation surtax net income.

For computation of tax in case the taxable year ends after June 30, 1950, see section 108 (f).

* * * * *

SEC. 123. EFFECTIVE DATE OF PART II (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (inc. sec. 121 (c)) shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before July 1, 1950, and ending after June 30, 1950, see section 131.

SEC. 201. SURTAX ON CORPORATIONS (TITLE II, EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

(a) *Rate of tax.* Section 15 (b) (1) of the Internal Revenue Code (relating to rate

of surtax in the case of taxable years beginning after June 30, 1950) is hereby amended by striking out "20 per centum" and inserting in lieu thereof "22 per centum".

• • • • •

(e) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years beginning on or after July 1, 1950.

SEC. 121 INCREASE IN RATE OF CORPORATION NORMAL TAX (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(f) *Amendment of section 15.* Section 15 (relating to surtax on corporations) is hereby amended to read as follows:

SEC. 15. SURTAX ON CORPORATIONS.

(a) *Corporation surtax net income.* For the purposes of this chapter, the term "corporation surtax net income" means the net income minus the sum of the following credits:

(1) The credit for dividends received provided in section 26 (b);

(2) In the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h);

(3) In the case of a western hemisphere trade corporation (as defined in section 109), the credit provided in section 26 (i).

(b) *Imposition of tax.* There shall be levied, collected, and paid for each taxable year upon the corporation surtax net income of every corporation (except a corporation subject to a tax imposed by section 231 (a), Supplement G, or Supplement Q) a surtax of 22 per centum of the amount of the corporation surtax net income in excess of $25,000.

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SEC. 125. EFFECTIVE DATE (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part (inc. sec. 121 (f)) shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951. • • • For treatment of taxable years (other than the calendar year 1951) beginning before April 1, 1951, and ending after March 31, 1951, see section 131.

SEC. 612. CREDIT IN PRIOR TAXABLE YEARS FOR DIVIDENDS RECEIVED ON PREFERRED STOCK OF A PUBLIC UTILITY (TITLE VI, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

In the case of taxable years beginning before April 1, 1951, any reference in section 15 (a) or 26 (b) of the Internal Revenue Code to dividends received on the preferred stock of a public utility shall be construed as referring only to dividends received on the preferred stock of a public utility with respect to which the credit provided in section 26 (h) of such Code for dividends paid was allowable.

PAR. 6. Section 29.15–1, as amended by Treasury Decision 5517, is further amended as follows:

(A) By redesignating present paragraphs (b) through (h) as subparagraphs (2) through (8) and by striking out the period and dash in the heading of the section and the first sentence of paragraph (a) of the section and inserting in lieu thereof the following: "— (a) *Taxable years beginning before July 1, 1950 (other than the calendar year 1950).* (1) For taxable years beginning before July 1, 1950 (other than the calendar year 1950), section 15 imposes a surtax upon the corporation surtax net income of every corporation, except (1) corporations expressly exempt from taxation under chapter 1 (see section 101), (2) Western Hemisphere trade corporations (see section 109), (3) foreign corporations taxable under section 231 (a), (4) insurance companies (see Supplement G), or (5) regulated investment companies (see Supplement Q)."

(B) By striking out the second sentence of redesignated paragraph (a) (2) and the second sentence of redesignated paragraph (a) (4) of the section and inserting in lieu of each of the following: "For the purposes of determining the corporation surtax net income, dividends received on the preferred stock of a public utility with respect to which the credit for dividends paid is allowable under section 26 (h) must be disregarded in computing the credit provided in section 26 (b) for dividends received."

(C) By inserting in the first sentence of redesignated paragraph (a) (4) and in the first sentence of redesignated paragraph (a) (5) of the section after "For taxable years beginning after December 31, 1945," the following: "and before July 1, 1950 (other than the calendar year 1950),".

(D) By adding at the end of redesignated paragraph (a) (7) of the section the following: "For treatment of taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–5."

(E) By adding at the end of the section the following new paragraph (b):

(b) *Calendar year 1950 and taxable years beginning after June 30, 1950.* (1) For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, section 15 imposes a surtax upon the corporation surtax net income of every corporation, except (i) corporations expressly exempt from all taxation under chapter 1 (see section 101), (ii) corporations subject to tax under Supplement U (see section 421), (iii) foreign corporations not engaged in trade or business within the United States (see section 231 (a)), (4) insurance companies (see Supplement G), and (5) regulated investment companies (see Supplement Q). For surtax on corporations improperly accumulating surplus, see section 102. For treatment of capital gains and losses, see section 117. For treatment of mutual savings banks conducting life insurance business, see section 110.

(2) For such taxable years, the "corporation surtax net income" of a corporation is its net income for the taxable year minus (i) the credit for dividends received provided in section 26 (b) for such year, and (ii), in the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h) for such year, and (iii), in the case of a Western Hemisphere trade corporation (see section 109), the credit provided in section 26 (i) for such year. The credit provided in section 26 (a) for interest received on obligations of the United States or its instrumentalities is not allowable in computing corporation surtax net income for any taxable year.

(3) Section 15 imposes a surtax only upon so much of the corporation surtax net income as is in excess of $25,000. For a taxable year which is the calendar year 1950, the surtax on corporations is determined by computing a tentative surtax of 19 percent of the amount of the corporation surtax net income in excess of $25,000, and by reducing such tentative surtax by an amount equal to 1 percent of the lower of (i) the amount of the credit provided in section 26 (a), relating to interest on certain obligations of the United States and its instrumentalities, or (ii) the amount by which the corporation surtax net income exceeds $25,000. For taxable years beginning after June 30, 1950, the surtax on corporations is at the rate of 22 percent and is upon corporation surtax net income in excess of $25,000.

(4) For treatment of taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6. For treatment of taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108–9.

(5) The computation of the surtax on corporations may be illustrated by the following examples:

Example (1). The A Corporation, a domestic corporation (which is neither a public utility referred to in section 26 (h) nor a Western Hemisphere trade corporation referred to in section 26 (i)), has for the calendar year 1950 a net income of $86,000. The net income includes cash dividends received from a corporation (allowable as a credit under section 26 (b) (1)) in the amount of $10,000, and interest on United States obligations (allowable as a credit under section 26 (a) in determining adjusted net income for purposes of corporation normal tax) in the amount of $10,000. The A Corporation's surtax for the calendar year 1950 is $9,875, computed as follows:

Net income		$86,000
Less credit for dividends received (85 percent of $10,000)		8,500
Corporation surtax net income		77,500
Tentative surtax (19 percent of $52,500, the excess of $77,500 over $25,000)		9,975
Less the lower of:		
1 percent of $10,000 (amount of the credit provided in sec. 26 (a))	$100	
or		
1 percent of $52,500 (the excess of $77,500 (corporation surtax net income) over $25,000)	525	
		100
Surtax		9,875

Example (2). The facts are the same as in example (1), above, except that the taxable year is the calendar year 1951 instead of the calendar year 1950. The A Corporation's surtax for the calendar year 1951 is $11,550, computed as follows:

Net income	$86,000
Less credit for dividends received (85 percent of $10,000)	8,500
Corporation surtax net income	77,500
Surtax (22 percent of $52,500, the excess of $77,500 over $25,000)	11,550

PAR. 7. There is inserted immediately preceding § 29.26–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

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(g) *Technical Amendments.* (1) Section 26 (h) (2) (relating to definition of public utility) is hereby amended by striking out "As used in this subsection and section 15 (a)" and inserting in lieu thereof "As used in this subsection, subsection (b), and sections 13 and 15".

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SEC. 122. CREDITS OF CORPORATIONS (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Dividends received credit.* Section 26 (b) (relating to credits allowed corporations with respect to dividends received) is hereby amended to read as follows:

(b) *Dividends received.* An amount equal to the sum of:

(1) *In general.* 85 per centum of the amount received as dividends (other than dividends received in taxable years described in paragraph (2) on the preferred stock of a public utility) from a domestic corporation which is subject to taxation under this chapter; and

(2) *Certain preferred stock*—(A) *Taxable years beginning after June 30, 1950.* In the case of taxable years beginning after June 30, 1950, 59 per centum of the amount received as dividends on the preferred stock of a public utility which is subject to taxation under this chapter.

(B) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, 57 per centum of the amount received as dividends on the preferred stock of a public utility which is subject to taxation under this chapter.

For the purpose of this subsection (but not for the purposes of computing adjusted net income), if the whole or any part of a dividend is received after August 31, 1950, in property other than money, then, with respect to such property, the shareholder shall not be considered to have received as a dividend an amount in excess of the adjusted basis of such property in the hands of the distributing corporation at the time of distribution increased in the amount of gain or decreased in the amount of loss recognized to the distributing corporation by reason of such distribution. The credit allowed under this subsection shall not be allowed in respect of dividends received from a corporation organized under the China Trade Act, 1922, 42 Stat. 849 (U. S. C., title 15, c. 4), or from a corporation which under section 251 is taxable only on its gross income from sources within the United States by reason of its receiving a large percentage of its gross income from sources within a possession of the United States. In no event shall the credit allowed by this subsection exceed 85 per centum of the adjusted net income computed without regard to the deduction allowed by section 23 (s).

(b) *Credit for dividends paid on certain preferred stock.* The first sentence of section 26 (h) (1) (relating to amount of credit for dividends paid on certain preferred stock) is hereby amended to read as follows: "In the case of a public utility, the amount of dividends paid during the taxable year on its preferred stock, except that (A) in the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, only an amount equal to 33 per centum of the lower of (i) the amount of dividends paid during such taxable year on its preferred stock or (ii) the adjusted net income for such taxable year minus the credit for dividends received provided in subsection (b) for such year, and (B) in the case of any taxable year beginning after June 30, 1950, only an amount equal to 31 per centum of the lower of (i) the amount of dividends paid during such taxable year on its preferred stock or (ii) the adjusted net income for such taxable year minus the credit for dividends received provided in subsection (b) for such year."

(c) *Western hemisphere trade corporations.* Section 26 (relating to credits of corporations) is hereby amended by adding at the end thereof the following new subsection:

(i) *Western hemisphere trade corporations.* In the case of a Western Hemisphere trade corporation (as defined in section 109)—

(1) *Taxable years beginning after June 30, 1950.* In the case of any taxable year beginning after June 30, 1950, an amount equal to 31 per centum of its normal-tax net income computed without regard to the credit provided in this subsection.

(2) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, an amount equal to 33 per centum of its normal-tax net income computed without regard to the credit provided in this subsection.

SEC. 123. EFFECTIVE DATE OF PART II (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (inc. secs. 121 (g) (1) and 122) shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before July 1, 1950, and ending after June 30, 1950, see section 131.

SEC. 202. CREDITS OF CORPORATIONS (TITLE II, EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

(a) *Credit for dividends paid on certain preferred stock.* Section 26 (h) (1) (B) of the Internal Revenue Code (relating to credit for dividends paid on certain preferred stock) is hereby amended by striking out "31 per centum" and inserting in lieu thereof "30 per centum".

(b) *Western hemisphere trade corporations.* Section 26 (i) (1) of such code (relating to credit of western hemisphere trade corporations) is hereby amended by striking out "31 per centum" and inserting in lieu thereof "30 per centum".

(c) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years beginning on or after July 1, 1950.

SEC. 122. CREDITS OF CORPORATIONS (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Dividends received credit.* Paragraphs (1) and (2) of section 26 (b) (relating to credit for dividends received) are hereby amended to read as follows:

(1) *In general.* 85 per centum of the amount received as dividends (other than dividends described in paragraph (2) on the preferred stock of a public utility) from a domestic corporation which is subject to taxation under this chapter.

(2) *Certain preferred stock*—(A) *Calendar year 1951.* In the case of a taxable year beginning on January 1, 1951, and ending on December 31, 1951, 61 per centum of the amount received as dividends on the preferred stock of a public utility which is subject to taxation under this chapter and with respect to which the credit provided in section 26 (h) for dividends paid is allowable.

(B) *Taxable years beginning after March 31, 1951, and before April 1, 1954.* In the case of taxable years beginning after March 31, 1951, and before April 1, 1954, 62 per centum of the amount received as dividends on the preferred stock of a public utility which is subject to taxation under this chapter and with respect to which the credit provided in section 26 (h) for dividends paid is allowable.

(C) *Taxable years beginning after March 31, 1954.* In the case of taxable years beginning after March 31, 1954, 59 per centum of the amount received as dividends on the preferred stock of a public utility which is subject to taxation under this chapter and with respect to which the credit provided in section 26 (h) for dividends paid is allowable.

(b) *Credit for dividends paid on certain preferred stock.* The first sentence of section 26 (h) (1) (relating to amount of credit for dividends paid on certain preferred stock) is hereby amended to read as follows: "In the case of a public utility, (A) for a taxable year beginning on January 1, 1951, and ending on December 31, 1951, an amount equal to 28 per centum of the lesser of (i) the amount of dividends paid during the taxable year on its preferred stock or (ii) the adjusted net income for such taxable year minus the credit for dividends received provided in subsection (b) for such year, (B) for a taxable year beginning after March 31, 1951, and before April 1, 1954, an amount equal to 27 per centum of the lesser of (i) the amount of dividends paid during the taxable year on its preferred stock or (ii) the adjusted net income for such taxable year minus the credit for dividends received provided in subsection (b) for such year, and (C) for a taxable year beginning after March 31, 1954, an amount equal to 30 per centum of the lower of (i) the amount of dividends paid during the taxable year on its preferred stock or (ii) the adjusted net income for such taxable year minus the credit for dividends received provided in subsection (b) for such year.

(c) *Western Hemisphere trade corporations.* Section 26 (i) (relating to credit of a Western Hemisphere trade corporation) is hereby amended to read as follows:

(i) *Western Hemisphere trade corporations.* In the case of a Western Hemisphere trade corporation (as defined in section 109)—

(1) *Calendar year 1951.* In the case of a taxable year beginning on January 1, 1951, and ending on December 31, 1951, an amount equal to 28 per centum of its normal-tax net income computed without regard to the credit provided in this subsection.

(2) *Taxable years beginning after March 31, 1951, and before April 1, 1954.* In the case of a taxable year beginning after March 31, 1951, and before April 1, 1954, an amount equal to 27 per centum of its normal-tax net income computed without regard to the credit provided in this subsection.

(3) *Taxable years beginning after March 31, 1954.* In the case of a taxable year beginning after March 31, 1954, an amount equal to 30 per centum of its normal-tax net income computed without regard to the credit provided in this subsection.

SEC. 125. EFFECTIVE DATE (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part (inc. sec. 122) shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951. • • • For treatment of taxable years (other than the calendar year 1951) beginning before April 1, 1951, and ending after March 31, 1951, see section 131.

SEC. 311. CREDIT FOR DIVIDENDS RECEIVED (TITLE III, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Dividends from foreign corporation engaged in trade or business in the United States.* Section 26 (b) (relating to dividends received credit) is hereby amended by inserting after paragraph (2) the following new paragraph:

(3) *Dividends received from certain foreign corporations.* In the case of dividends received from a foreign corporation (other than a foreign personal holding company) which is subject to taxation under this chapter, if, for an uninterrupted period of not less than 36 months ending with the close of such foreign corporation's taxable year in which such dividends are paid (or, if the corporation has not been in existence for 36 months at the close of such taxable year, for the period the foreign corporation has

profits of $10,000 for each taxable year during

been in existence as of the close of such taxable year) such foreign corporation has been engaged in trade or business within the United States and has derived 50 per centum or more of its gross income from sources within the United States—

(A) an amount equal to 85 per centum of the dividends received out of its earnings or profits specified in clause (2) of the first sentence of section 115 (a), but such amount shall not exceed an amount which bears the same ratio to 85 per centum of such dividends received out of such earnings or profits as the gross income of such foreign corporation for the taxable year from sources within the United States bears to its gross income from all sources for such taxable year, and

(B) an amount equal to 85 per centum of the dividends received out of that part of its earnings or profits specified in clause (1) of the first sentence of section 115 (a) accumulated after the beginning of such uninterrupted period, but such amount shall not exceed an amount which bears the same ratio to 85 per centum of such dividends received out of such accumulated earnings or profits as the gross income of such foreign corporation from sources within the United States for the portion of such uninterrupted period ending at the beginning of such taxable year bears to its gross income from all sources for such portion of such uninterrupted period.

For determination of earnings or profits distributed in any taxable year, see section 115 (b).

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(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1950.

SEC. 612. CREDIT IN PRIOR TAXABLE YEARS FOR DIVIDENDS RECEIVED ON PREFERRED STOCK OF A PUBLIC UTILITY (TITLE VI, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

In the case of taxable years beginning before April 1, 1951, any reference in section 15 (a) or 26 (b) of the Internal Revenue Code to dividends received on the preferred stock of a public utility shall be construed as referring only to dividends received on the preferred stock of a public utility with respect to which the credit provided in section 26 (h) of such Code for dividends paid was allowable.

PAR. 8. Section 29.26–5, as amended by Treasury Decision 5384, approved June 30, 1944, is further amended as follows:

(A) By amending the first sentence of paragraph (a) (1) of the section to read as follows: "A credit is provided in section 26 (h) for dividends paid during the taxable year by certain public utility corporations on certain preferred stock."

(B) By inserting in the first sentence of paragraph (a) (2) of the section after "For the purposes of section 26 (h)" the following: "and this section".

(C) By striking out the heading and the first sentence of paragraph (b) of the section and inserting in lieu thereof the following:

(b) *Amount of credit.* (1) For taxable years beginning before July 1, 1950 (other than the calendar year 1950), the credit provided in section 26 (h) is an amount equal to the dividends paid during the taxable year by a public utility on its preferred stock. For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, the credit provided in section 26 (h) is an amount equal to a specified percent of the lesser of (i) the amount of the dividends paid during the taxable year by a public utility on its preferred stock or (ii) the adjusted net income of the public utility for such taxable year minus the credit for dividends received allowable to such public utility for such taxable year under section 26 (b). The specified percent applicable for the respective taxable years is as follows:

	Percent
For a taxable year which is the calendar year 1950	33
For taxable years beginning after June 30, 1950, and before Apr. 1, 1951 (other than the calendar year 1951)	30
For a taxable year which is the calendar year 1951	28
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	27
For taxable years beginning after Mar. 31, 1954	30

For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–5. For taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6. For taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108–9.

(2) For taxable years beginning after December 31, 1943, the amount of dividends paid in a given taxable year shall not include any amount distributed in such year with respect to dividends unpaid and accumulated in any taxable year ending prior to October 1, 1942.

(D) By striking out in the second sentence of paragraph (c) (2) of the section "the appropriate allocable portion of the total amount of dividends paid on such stock will be allowable as a credit under such section" and inserting in lieu thereof "the appropriate allocable portion of the total amount of dividends paid on such stock will be considered as having been paid on stock which was issued prior to October 1, 1942".

(E) By striking out the fourth and sixth sentences of the example following paragraph (c) (2) of the section.

PAR. 9. There is inserted immediately after § 29.26–5, as amended by Treasury Decision 5384, the following new sections:

§ 29.26–6 *Credit for dividends received*—(a) *Dividends on stock of domestic corporation.* A credit is provided in section 26 (b) for dividends received from a domestic corporation which is subject to taxation under chapter 1 of the Internal Revenue Code. Such credit of a corporation for a taxable year is, except as provided in paragraph (d) of this section, an amount equal to 85 percent of such dividends received by the corporation during the taxable year. For the purpose of determining the corporation surtax net income for taxable years beginning before July 1, 1950 (other than the calendar year 1950), dividends received on the preferred stock of a public utility with respect to which the credit for dividends paid provided in section 26 (h) is allowable to the distributing corporation shall be disregarded in determining the credit under this paragraph. The credit under this paragraph for a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, shall be determined without regard to dividends received on the preferred stock of a public utility with respect to which the credit for dividends paid provided in section 26 (h) is allowable to the distributing corporation. For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–5. For credit for such dividends received on the preferred stock of a public utility, see paragraph (b) of this section. If a credit for dividends paid is not allowable to the distributing corporation under section 26 (h) with respect to the dividends on its preferred stock, such dividends received from a domestic public utility corporation subject to taxation under chapter 1 are includible in determining the credit under this paragraph.

(b) *Dividends on certain preferred stock of public utilities.* For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, a credit is provided in section 26 (b) (2) for dividends received on certain preferred stock of certain public utility corporations subject to taxation under chapter 1 of the Internal Revenue Code. Such credit is allowable only for dividends received on the preferred stock of a public utility with respect to which the credit for dividends paid provided in section 26 (h) is allowable to the distributing corporation. The credit of a corporation under section 26 (b) (2) for a taxable year is, except as provided in paragraph (d) of this section, an amount equal to the following percent of such dividends received by the corporation during the taxable year:

	Percent
For a taxable year which is the calendar year 1950	57
For taxable years beginning after June 30, 1950, and before Apr. 1, 1951 (other than the calendar year 1951)	59
For a taxable year which is the calendar year 1951	61
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	62
For taxable years beginning after Mar. 31, 1954	59

For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–5. For taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6. For taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108–9.

(c) *Dividends on stock of certain foreign corporations.* (1) For taxable years beginning after December 31, 1950, a credit is provided in section 26 (b) (3) for dividends received from a foreign corporation (other than a foreign personal holding company as defined in section 331) which is subject to taxation under chapter 1 of the Internal Revenue Code if, for an uninterrupted period of not less than 36 months ending with the close of the foreign corporation's taxable year in which the dividends are paid, such foreign corporation has been engaged in trade or business within the United States and has derived 50 percent or more of its gross income from sources within the United States. If the foreign corporation has been in existence less than 36 months as of the close of the taxable year in which the dividends are paid, then the applicable uninterrupted period to be taken into consideration in lieu of the uninterrupted period of 36 or more months is the entire period such corporation has been in existence as of the close of such taxable year. An uninterrupted period which satisfies the twofold requirement with respect to business activity and gross income may start at a date later than the date on which the foreign corporation first commenced an uninterrupted period of engaging in trade or business within the United States, but the applicable uninterrupted period is in any event the longest uninterrupted period which satisfies such twofold requirement.

(2) The credit of a corporation under section 26 (b) (3) for a taxable year is, except as provided in paragraph (d) of this section, an amount equal to 85 percent of such dividends:

(i) Received out of the foreign corporation's earnings or profits for its taxable year in which the dividends are paid (computed as of the close of such taxable year without diminution by reason of any distributions made during such taxable year) without regard to the amount of the earnings and profits at the time the distribution was made, but not in excess of an amount which bears the same ratio to 85 percent of such dividends received as the gross income of the foreign corporation for such taxable year from sources within the United States bears to its gross income from all sources for such year, and

(ii) Received out of that part of the foreign corporation's earnings or profits accumulated after February 28, 1913, which has accumulated after the beginning of the applicable uninterrupted period, but not in excess of an amount which bears the same ratio to 85 percent of such dividends received as the gross income of the foreign corporation from sources within the United States for that portion of the applicable uninterrupted period which ends at the beginning of its taxable year in which the dividends are paid bears to its gross income from all sources for the same portion of such applicable uninterrupted period.

(3) The determination of earnings or profits distributed in any taxable year shall be made in accordance with the principles of section 115 (b) of the Internal Revenue Code. For the determination of the source of income, see section 119 and the regulations thereunder.

(4) The application of section 26 (b) (3) may be illustrated by the following examples:

Example (1). Corporation A (a foreign corporation filing its income tax return on a calendar year basis) whose stock is 100 percent owned by Corporation B (a domestic corporation filing its income tax return on a calendar year basis) for the first time engaged in trade or business within the United States on January 1, 1940, and qualifies under section 26 (b) (3) for the entire period beginning on that date and ending on December 31, 1951. Corporation A had accumulated earnings or profits of $50,000 immediately prior to January 1, 1940, and had earnings or profits of $10,000 for each taxable year during the uninterrupted period from January 1, 1940, through December 31, 1951. It derived for the period from January 1, 1940, through December 31, 1950, 90 percent of its gross income from sources within the United States, and in 1951 derived 95 percent of its gross income from sources within the United States. During the calendar years 1940, 1941, 1942, 1943, and 1944 Corporation A distributed in each year $15,000; during the calendar years 1945, 1946, 1947, 1948, 1949, and 1950 it distributed in each year $5,000; and during the year 1951, $50,000. For 1951 a dividends received credit of $31,025 is allowable to Corporation B with respect to the $50,000 received from Corporation A, computed as follows:

(i) $8,075 which is $8,500 (85 percent of the $10,000 of earnings or profits of the taxable year) multiplied by 95 percent (the portion of the gross income of Corporation A derived during the taxable year from sources within the United States), plus

(ii) $22,950 which is $25,500 (85 percent of $30,000 (that part of the earnings or profits accumulated after the beginning of the uninterrupted period)) multiplied by 90 percent (the portion of the gross income of Corporation A derived from sources within the United States during that portion of the uninterrupted period ending at the beginning of the taxable year).

Example (2). If in example (1) Corporation A for the taxable year 1951 had incurred a deficit of $10,000 (shown to have been incurred prior to December 31), and if it had distributed $50,000 on December 31, 1951, the dividends received credit allowable to Corporation B would be $15,300, computed by multiplying $17,000 (85 percent of $20,000 earnings or profits accumulated after the beginning of the uninterrupted period) by 90 percent (the portion of the gross income of Corporation A derived from United States sources during that portion of the uninterrupted period ending at the beginning of the taxable year).

(5) For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–5. For taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6.

(d) *Limitations on credit.* No credit is allowable under section 26 (b) in respect of dividends received from a corporation organized under the China Trade Act, 1922, 42 Stat. 849 (U. S. C., title 15, c. 4), or from a corporation which under section 251 is taxable only on its gross income from sources within the United States by reason of its receiving a large percentage of its gross income from sources within a possession of the United States. For taxable years beginning before January 1, 1946, the credit under section 26 (b) is limited to 85 percent of the corporation's adjusted net income reduced by the credit provided in section 26 (e) for income subject to the excess profits tax imposed by subchapter E of chapter 2 of the Internal Revenue Code. For taxable years beginning after December 31, 1945, and ending before January 1, 1950, the credit under section 26 (b) is limited to 85 percent of the corporation's adjusted net income. For taxable years ending after December 31, 1949, the credit under section 26 (b) (that is, the sum of the credits determined under paragraphs (a), (b), and (c) of this section) is limited to 85 percent of the corporation's adjusted net income computed without regard to the deduction for net operating loss allowed by section 23 (s). For the purpose of section 26 (b) and this section (but not for the purpose of computing adjusted net income), if the whole or any part of a dividend is received after August 31, 1950, in property other than money, the amount of such dividend in such property shall not be considered to be in excess of the adjusted basis of such property in the hands of the distributing corporation at the time of distribution increased in the amount of gain or decreased in the amount of loss recognized to the distributing corporation by reason of such distribution. In no event shall the amount of the dividend in property other than money be treated as an amount greater than the fair market value of such property received by the shareholder. For definition of the term "adjusted net income", see section 13 (a) (1) and § 29.13–1. For taxable years beginning in 1945 and ending in 1946, see § 29.108–2.

§ 29.26–7 *Credit of Western Hemisphere trade corporations.* For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, a credit is provided in section 26 (i) for Western Hemisphere trade corporations as defined in section 109. The credit under section 26 (i) of a Western Hemisphere trade corporation for a taxable year is an amount equal to the following percent of its normal-tax net income for such taxable year computed without regard to such credit:

	Percent
For a taxable year which is the calendar year 1950	33
For taxable years beginning after June 30, 1950, and before Apr. 1, 1951 (other than the calendar year 1951)	30
For a taxable year which is the calendar year 1951	28
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	27
For taxable years beginning after Mar. 31, 1954	30

For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–5. For taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6. For taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108–9.

PAR. 10. There is inserted immediately preceding § 29.52–1 the following:

SEC. 124. FILING OF CORPORATION RETURNS FOR TAXABLE YEARS ENDING AFTER MARCH 31, 1951, AND BEFORE OCTOBER 1, 1951 (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

In the case of a corporation subject to a tax imposed by chapter 1 of the Internal Revenue Code for a taxable year ending after March 31, 1951, but prior to October 1, 1951, such corporation shall after the date of the enactment of this act and on or before January 15, 1952, make a return for such taxable year with respect to the tax imposed by chapter 1 of the Internal Revenue Code for such taxable year. The return required by this section for such taxable year shall constitute the return for such taxable year for all purposes of the Internal Revenue Code; and no return for such taxable year, with respect to any tax imposed by chapter 1 of

such code, filed on or before the date of the enactment of this act shall be considered for any of such purposes as a return for such year. The taxes imposed by chapter 1 of such code (determined with the amendments made by this act) for such taxable year shall be paid on January 15, 1952, in lieu of the time prescribed in section 56 (a) of such code. All payments with respect to any tax for such taxable year imposed by chapter 1 of such code under the law in effect prior to the enactment of this act, to the extent that such payments have not been credited or refunded, shall be deemed payments made at the time of the filing of the return required by this section on account of the tax for such taxable year under Chapter 1 determined with the amendments made by this act.

PAR. 11. There is inserted immediately after § 29.52–3, as added by Treasury Decision 5861, approved October 18, 1951, the following new section:

§ 29.52–4 *Certain corporation returns for taxable years ending after March 31, 1951, and before October 1, 1951.* The return of a corporation subject to a tax imposed by chapter 1 of the Internal Revenue Code for a taxable year ending after March 31, 1951, and before October 1, 1951, shall be filed after October 20, 1951 (the date of enactment of the Revenue Act of 1951), and on or before January 15, 1952. Such return shall constitute the return for such taxable year, and no return for such taxable year filed on or before October 20, 1951, shall be considered as a return for such taxable year. The taxes for such taxable year shall be paid on or before January 15, 1952. All payments of tax (including interest, penalties, and additions to the tax) for such taxable year made on or before October 20, 1951, shall be deemed to be payments of tax made at the time of the filing of the return required by this section to be filed on or before January 15, 1952, except to the extent any such payments are credited or refunded prior to the time such return is filed. The provisions of § 29.56–1 (b) (3) (ii) and (iv) shall apply with respect to the payment of such tax by installment payments, and for such purpose, the date prescribed for the payment of the tax as a single payment is January 15, 1952.

PAR. 12. Section 29.53–1, as amended by Treasury Decision 5893, approved April 4, 1952, is further amended by adding at the end of the section the following undesignated paragraph:

For provisions relating to the time for filing certain corporation returns for taxable years ending after March 31, 1951, and before October 1, 1951, see § 29.52–4.

PAR. 13. Section 29.104–1 is amended to read as follows:

§ 29.104–1 *Tax on banks.* For taxable years beginning before July 1, 1950 (other than the calendar year 1950), a bank, as defined in section 104 (a), is, under section 104 (b), subject to the tax imposed by section 13 if it has a normal-tax net income of more than $25,000 (see § 29.13–1), or to the tax provided by section 14 (b) if it has a normal-tax net income of not more than $25,000 (see § 29.14–1). For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, a bank, as defined in section 104 (a), is, under section 104 (b), subject to the normal tax on corporations imposed by section 13 (see § 29.13–1). Such a bank is also subject to the surtax imposed by section 15 (see § 29.15–1). For treatment of mutual savings banks conducting life insurance business, see section 110.

PAR. 14. Section 29.109–1 is amended as follows:

(A) By striking out the first sentence and so much of the second sentence of paragraph (a) as precedes the colon and inserting in lieu thereof the following: "The term 'Western Hemisphere trade corporation' for the purposes of chapter 1 of the Internal Revenue Code means a domestic corporation which meets the following tests:".

(B) By striking out in the last sentence of paragraph (a) of the section "A domestic corporation is not excluded from the exemption" and inserting in lieu thereof "A domestic corporation is not excluded from the definition".

(C) By striking out in the first sentence of paragraph (b) of the section "A corporation which claims exemption as a Western Hemisphere trade corporation" and inserting in lieu thereof "A corporation which claims to qualify as a Western Hemisphere trade corporation".

PAR. 15. There is inserted immediately preceding § 29.119–1 the following:

SEC. 311. CREDIT FOR DIVIDENDS RECEIVED (TITLE III, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(b) *Technical amendment.* Section 119 (a) (2) (B) (relating to rules as to source of income in the case of dividends) is hereby amended by inserting before the semicolon at the end thereof the following: "to the extent exceeding the amount which is 100/85ths of the amount of the credit allowable under section 26 (b) in respect of such dividends".

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1950.

PAR. 16. Section 29.119–3 is amended as follows:

(A) By changing the last sentence of paragraph (b) of the section to read as follows: "However, for the purpose of section 131, relating to credits for taxes of foreign countries and possessions of the United States, dividends from a foreign corporation shall, for taxable years beginning before January 1, 1951, be treated as income from sources without the United States; and, for taxable years beginning after December 31, 1950, as income from such sources to the extent exceeding the amount which is 100/85ths of the amount of the credit, if any, allowable under section 26 (b) in respect of such dividends."

(B) By striking out in the last undesignated paragraph of the section "(except for the purposes of section 131)" and inserting in lieu thereof the following: "(except for the purpose of section 131 to the extent indicated in paragraph (b) of this section)".

PAR. 17. There is inserted immediately preceding § 29.122–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * * * *

(g) *Technical amendments.*

* * * * * * *

(2) Section 122 (d) (relating to amount of net operating loss deduction) is hereby amended by striking out "without the credit provided in section 26 (e)" and inserting in lieu thereof "without the credits provided in section 26 (b) and (e)".

* * * * * * *

SEC. 123. EFFECTIVE DATE OF PART II (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (inc. sec. 121 (g) (2)) shall be applicable only with respect to taxable years ending after December 31, 1949. * * *

PAR. 18. Section 29.122–5 is amended by striking out at the end of paragraph (a) (2) the first sentence "the credit provided in section 26 (e) for income subject to the excess profits tax shall not be allowed" and by inserting in lieu thereof the following: "the credits provided in section 26 (e) for income subject to the excess profits tax, section 26 (h) for dividends paid by a public utility on its preferred stock, and section 26 (i) in the case of a Western Hemisphere trade corporation, shall not be allowed."

PAR. 19. There is inserted immediately preceding § 29.204–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * * * *

(g) *Technical amendments.*

* * * * * * *

(4) Effective with respect to taxable years beginning after June 30, 1950, and with respect to taxable years beginning on January 1, 1950, and ending on December 31, 1950, section 204 (a) (1) (relating to insurance companies other than life or mutual) is hereby amended by striking out "at the rates specified in section 13 or section 14 (b) and in section 15 (b)" and inserting in lieu thereof "computed as provided in section 13 (b) and in section 15 (b)."

* * * * * * *

PAR. 20. Section 29.204–1, as amended by Treasury Decision 5369, approved May 11, 1944, is further amended by striking out paragraph (c) and inserting in lieu thereof the following:

(c) Insurance companies are subject to both normal tax and surtax. For taxable years beginning before July 1, 1950 (other than the calendar year 1950), the normal tax shall be at the rate specified in section 13 (b) for such years if the company has a normal-tax net income of more than $25,000, or at the rate specified in section 14 (b) for such years if it has a normal-tax net income of not more than $25,000. For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, the normal tax shall be computed as provided in section 13 (b) for such years. For what constitutes normal-tax net income for the respective taxable years, see § 29.13–1. For taxable years beginning before July 1, 1950 (other than the calendar year 1950), the surtax shall be at the rate specified in section 15 (b) for such years. For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, the surtax shall be computed as provided in section 15 (b) for such years. For what constitutes corporation surtax net income for the respective taxable years, see § 29.15–1. For alternative tax where the net long-term capital gain for any taxable year exceeds the net short-term capital loss, see section 117 (c) and the regulations thereunder.

PAR. 21. There is inserted immediately preceding § 29.207–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * * * *

(d) *Mutual insurance companies other than life or marine.* (1) Section 207 (a) (1) (relating to normal tax and surtax on mutual insurance companies, other than life or marine) is hereby amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

(A) *Taxable years beginning after June 30, 1950.* In the case of taxable years beginning after June 30, 1950—

(i) *Normal tax.* A normal tax on the normal-tax net income, computed at the rate provided in section 13 (b) (1), or 50 per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax on the corporation surtax net income, computed as provided in section 15 (b) (1).

(B) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950—

(i) *Normal tax.* A normal tax on the normal-tax net income, computed at the rate provided in section 13 (b) (2), or 46 per centum of the amount by which the normal-tax net income exceed $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax on the corporation surtax net income, computed as provided in section 15 (b) (2).

(2) Section 207 (a) (3) (relating to normal tax and surtax on interinsurers or reciprocal underwriters) is hereby amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

(A) *Taxable years beginning after June 30, 1950.* In the case of taxable years beginning after June 30, 1950—

(i) *Normal tax.* A normal tax on the normal-tax net income, computed at the rate provided in section 13 (b) (1), or 50 per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax on the corporation surtax net income, computed as provided in section 15 (b) (1), or 30 per centum of the amount by which the corporation surtax net income exceeds $50,000, whichever is the lesser.

(B) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950—

(i) *Normal tax.* A normal tax on the normal-tax net income, computed at the rate provided in section 13 (b) (2), or 46 per centum of the amount by which the normal-tax net income exceeds $50,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax on the corporation surtax net income, in an amount computed as provided in section 15 (b) (2), or in an amount equal to one and one-half times the surtax which would be computed under section 15 (b) (2) if the corporation surtax net income were reduced by $25,000, whichever amount is the lesser.

(3) The amendments made by this subsection shall apply only with respect to taxable years beginning after June 30, 1950, and to taxable years beginning on January 1, 1950, and ending on December 31, 1950.

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SEC. 201. SURTAX ON CORPORATIONS (TITLE II, EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

* * * * * * *

(b) *Mutual insurance companies other than life or marine.* Section 207 (a) (3) (A) (ii) of such code (relating to surtax on interinsurers or reciprocal underwriters) is hereby amended by striking out "30 per centum" and inserting in lieu thereof "33 per centum".

* * * * * * *

(e) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years beginning on or after July 1, 1950.

SEC. 121. INCREASE IN RATE OF CORPORATION NORMAL TAX (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(c) *Mutual insurance companies other than life or marine.*

(1) Section 207 (a) (1) (relating to normal tax and surtax on mutual insurance companies, other than life or marine) is hereby amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

(A) *Taxable years beginning after December 31, 1950, and before April 1, 1951.* In the case of taxable years beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951—

(i) *Normal tax.* A normal tax of 28¾ per centum of the normal-tax net income, or 57½ per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax of 22 per centum of the corporation surtax net income in excess of $25,000.

(B) *Taxable years beginning after March 31, 1951, and before April 1, 1954.* In the case of taxable years beginning after March 31, 1951, and before April 1, 1954—

(i) *Normal tax.* A normal tax of 30 per centum of the normal-tax net income, or 60 per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax of 22 per centum of the corporation surtax net income in excess of $25,000.

(C) *Taxable years beginning after March 31, 1954.* In the case of a taxable year beginning after March 31, 1954—

(i) *Normal tax.* A normal tax of 25 per centum of the normal-tax net income, or 50 per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax of 22 per centum of the corporation surtax net income in excess of $25,000.

(2) Section 207 (a) (3) (relating to a normal tax and surtax on interinsurers and reciprocal underwriters) is hereby amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

(A) *Taxable years beginning after December 31, 1950, and before April 1, 1951.* In the case of taxable years beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951—

(i) *Normal tax.* A normal tax of 28¾ per centum of the normal-tax net income, or 57½ per centum of the amount by which the normal-tax net income exceeds $50,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax of 22 per centum of the corporation surtax net income in excess of $25,000, or 33 per centum of the amount by which the corporation surtax net income exceeds $50,000, whichever is the lesser.

(B) *Taxable years beginning after March 31, 1951, and before April 1, 1954.* In the case of taxable years beginning after March 31, 1951, and before April 1, 1954—

(i) *Normal tax.* A normal tax of 30 per centum of the normal-tax net income, or 60 per centum of the amount by which the normal-tax net income exceeds $50,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax of 22 per centum of the corporation surtax net income in excess of $25,000, or 33 per centum of the amount by which the corporation surtax net income exceeds $50,000, whichever is the lesser.

(C) *Taxable years beginning after March 31, 1954.* In the case of a taxable year beginning after March 31, 1954—

(i) *Normal tax.* A normal tax of 25 per centum of the normal-tax net income, or 50 per centum of the amount by which the normal-tax net income exceeds $50,000, whichever is the lesser; plus

(ii) *Surtax.* A surtax of 22 per centum of the corporation surtax net income in excess of $25,000, or 33 per centum of the amount by which the corporation surtax net income exceeds $50,000, whichever is the lesser.

* * * * * * *

SEC. 125. EFFECTIVE DATE (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part (inc. sec. 121 (c)) shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951, except that the amendments made to sections 207 * * * of the Internal Revenue Code shall be applicable to taxable years beginning after December 31, 1950, and ending after March 31, 1951. In the case of an insurance company subject to the tax imposed by section 207, the provisions of section 26 (b) of such code applicable to the calendar year 1951 shall be applicable to a taxable year beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951. * * *

PAR. 22. Section 29.207–1, as amended by Treasury Decision 5600, approved February 2, 1948, is further amended as follows:

(A) By adding after the third sentence of paragraph (a) (2) of this section the following: "With respect to the credit for dividends received provided in section 26 (b) for taxable years beginning after December 31, 1950, and before April 1, 1951, and ending after March 31, 1951, the provisions of section 26 (b) applicable to the calendar year 1951 shall, in the case of such companies, be applicable to such taxable years."

(B) By inserting in the heading of paragraph (c) of the section after *"Taxable years beginning after December 31, 1945"* the following: *", and before July 1, 1950 (other than the calendar year 1950)"*.

(C) By inserting in the first sentence of paragraph (c) (1) of the section after "For any taxable year beginning after December 31, 1945," the following: "and before July 1, 1950 (other than the calendar year 1950),".

(D) By adding at the end of the section the following new paragraphs (d) and (e):

(d) *Calendar year 1950; taxable years beginning after June 30, 1950, and before January 1, 1951; and taxable years beginning after December 31, 1950, and ending before April 1, 1951.* (1) For a taxable year which is the calendar year 1950, for any taxable year beginning after June 30, 1950, and before January 1, 1951, and for any taxable year beginning after December 31, 1950, and ending before

April 1, 1951, the tax under section 207 (a) (1) and 207 (a) (3), except as hereinafter indicated, is computed upon normal-tax net income at the rate provided in section 13 (b) applicable to such year and upon corporation surtax net income as provided in section 15 (b) applicable to such year. The tax under section 207 (a) (2), except as hereinafter indicated, is 1 percent of the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest.

(2) Under section 207 (a) (1) companies with normal-tax net incomes of over $3,000 and not over $6,000 pay a normal tax, at a specified rate, on that portion of the normal-tax net income in excess of $3,000. The rates applicable for the respective taxable years in computing the normal tax of such companies are as follows:

	Percent
For a taxable year which is the calendar year 1950	46
For taxable years beginning after June 30, 1950, and before Jan. 1, 1951	50
For taxable years beginning after Dec. 31, 1950, and ending before Apr. 1, 1951	50

Under section 207 (a) (2) companies with gross amounts of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest, of over $75,000 and not over $150,000 pay a tax equal to 2 percent of that portion in excess of $75,000. Under section 207 (a) (3) interinsurers and reciprocal underwriters with normal-tax net incomes of over $50,000 and not over $100,000 pay a normal tax, at a specified rate, on that portion of the normal-tax net income in excess of $50,000. The rates applicable for the respective taxable years in computing the normal tax of such interinsurers and reciprocal underwriters are as follows:

	Percent
For a taxable year which is the calendar year 1950	46
For taxable years beginning after June 30, 1950, and before Jan. 1, 1951	50
For taxable years beginning after Dec. 31, 1950, and ending before Apr. 1, 1951	50

(3) For a taxable year which is the calendar year 1950, the surtax under section 207 (a) (3) of an interinsurer or reciprocal underwriter with corporation surtax net income of over $50,000 and not over $100,000 is an amount equal to one and one-half times the surtax which would be computed under section 15 (b) (2) applicable to such taxable year if the corporation surtax net income of such interinsurer or reciprocal underwriter were reduced by $25,000. If, for a taxable year which is the calendar year 1950, an interinsurer or reciprocal underwriter has any partially tax-exempt interest for which a credit is provided in section 26 (a) and has corporation surtax net income of over $100,000 and not over $102,777.72, the surtax under section 207 (a) (3) of such interinsurer or reciprocal underwriter is the lesser of (i) the amount of the surtax computed as provided in section 15 (b) (2) applicable to such taxable year, or (ii) an amount equal to one and one-half times the surtax which would be computed under section 15 (b) (2) applicable to such taxable year if the corporation surtax net income were reduced by $25,000. For a taxable year beginning after June 30, 1950, and before January 1, 1951, or a taxable year beginning after December 31, 1950, and ending before April 1, 1951, the surtax under section 207 (a) (3) of an interinsurer or reciprocal underwriter with corporation surtax net income of over $50,000 and not over $100,000 is an amount equal to 33 percent of that portion of its corporation surtax net income in excess of $50,000.

(4) Section 207 (a) (4) provides for an adjustment of the amount computed under section 207 (a) (1), section 207 (a) (2) (A), and section 207 (a) (3) where the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 and less than $125,000. The adjustment reduces the tax otherwise computed under those sections to an amount which bears the same proportion to such tax as the excess over $75,000 bears to $50,000.

(5) The application of section 207 (a) (1), (2), (3), and (4) may be illustrated by the following examples:

Example (1). The X Company, a mutual casualty insurance company, for the calendar year 1950 has corporation surtax net income of $35,000 and, due to partially tax-exempt interest of $5,000, normal-tax net income of $30,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $120,000, and the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $100,000. Under section 207 (a) (1), without application of section 207 (a) (4), the normal tax would be 23 percent of $30,000, or $6,900, since this is less than $12,420, 46 percent of $27,000 (excess of normal-tax net income of $30,000 over $3,000); and the surtax computed as provided in section 15 (b) (2) would be $1,850, tentative surtax of 19 percent of $10,000 (excess of corporation surtax net income of $35,000 over $25,000), or $1,900, reduced by $50, 1 percent of $5,000 (the lower of $5,000, amount of partially tax-exempt interest, or $10,000, excess of corporation surtax net income of $35,000 over $25,000). The combined tax of $8,750 ($6,900 plus $1,850) would then be reduced by applying section 207 (a) (4), since the gross receipts are between $75,000 and $125,000. The tax under section 207 (a) (1), as thus adjusted, would be 90 percent of $8,750, or $7,875, since $45,000 (excess of $120,000 over $75,000) is 90 percent of $50,000. Under section 207 (a) (2) (A), without reference to section 207 (a) (4), the tax is 2 percent of $25,000 (excess of $100,000 over $75,000), or $500, since this is less than $1,000, 1 percent of $100,000. Applying section 207 (a) (4) reduces this to $450, or 90 percent of $500. Since $7,875, the tax under section 207 (a) (1), as adjusted, exceeds $450, the tax under section 207 (a) (2), as adjusted, the tax under section 207 (a) (1), as adjusted, is applicable. The X Company would accordingly pay a combined normal tax and surtax of $7,875.

Example (2). The Y Exchange, an interinsurer, for the calendar year 1950 has corporation surtax net income of $100,000 and, due to partially tax-exempt interest of $20,000, normal-tax net income of $80,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $3,000,000. Under section 207 (a) (3) the normal tax of the Y Exchange for the taxable year is 46 percent of $30,000 (excess of normal-tax net income of $80,000 over $50,000), or $13,800, since this is less than $18,400, 23 percent of $80,000. The surtax under section 207 (a) (3) of the Y Exchange for the taxable year is $13,950, one and one-half times $9,300, the surtax which would be computed under section 15 (b) (2) if the corporation surtax net income were reduced by $25,000 ($9,500 (19 percent of $50,000, excess of $75,000, corporation surtax net income of $100,000 reduced by $25,000, over $25,000) reduced by $200 (1 percent of $20,000, the lower of $20,000, amount of partially tax-exempt interest, or $50,000, excess of $75,000, corporation surtax net income of $100,000 reduced by $25,000, over $25,000)), since this is less than the surtax on corporation surtax net income of $100,000 computed as provided in section 15 (b) (2). The surtax computed as provided in section 15 (b) (2) would be $14,050, tentative surtax of $14,250 (19 percent of $75,000, excess of corporation surtax net income of $100,000 over $25,000) reduced by $200 (1 percent of $20,000, the lower of $20,000, amount of partially tax-exempt interest, or $75,000, excess of corporation surtax net income over $25,000). Since the Y Exchange is not subject to the tax imposed by section 207 (a) (2) and is not entitled to the adjustment provided in section 207 (a) (4), as its gross receipts are not less than $125,000, its total tax under section 207 (a) is $27,750 ($13,800 plus $13,950).

Example (3). The Z Exchange, an interinsurer, for the calendar year 1950 has corporation surtax net income of $102,700 and, due to partially tax-exempt interest of $52,700, normal-tax net income of $50,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $2,500,000. The Z Exchange is not subject to normal tax under section 207 (a) (3) for the taxable year as its normal-tax net income does not exceed $50,000. The surtax under section 207 (a) (3) of the Z Exchange for the taxable year is $14,229, one and one-half times $9,486, the surtax which would be computed under section 15 (b) (2) if the corporation surtax net income were reduced by $25,000 ($10,013 (19 percent of $52,700, excess of $77,700, corporation surtax net income of $102,700 reduced by $25,000, over $25,000) reduced by $527 (1 percent of $52,700, the lower of $52,700, amount of partially tax-exempt interest, or $52,700, excess of $77,700, corporation surtax net income of $102,700 reduced by $25,000, over $25,000)), since this is less than the surtax on corporation surtax net income of $102,700 computed as provided in section 15 (b) (2). The surtax computed as provided in section 15 (b) (2) would be $14,236, tentative surtax of $14,763 (19 percent of $77,700, excess of corporation surtax net income of $102,700 over $25,000) reduced by $527 (1 percent of $52,700, the lower of $52,700, amount of partially tax-exempt interest, or $77,700, excess of corporation surtax net income over $25,000). Since the Z Exchange has no normal tax, is not subject to the tax imposed by section 207 (a) (2), and is not entitled to the adjustment provided in section 207 (a) (4), as its gross receipts are not less than $125,000, its total tax under section 207 (a) is $14,229.

Example (4). If in the above example the partially tax-exempt interest were $53,500, the surtax under section 207 (a) (3) of the Z Exchange for the calendar year 1950, computed as provided in section 15 (b) (2), would be $14,228 (tentative surtax of $14,763, 19 percent of $77,700, reduced by $535 1 percent of $53,500), since it is less than $14,229, one and one-half times $9,486, the surtax which would be computed under section 15 (b) (2) if the corporation surtax net income were reduced by $25,000.

(e) *Taxable years beginning after December 31, 1950, and ending after March 31, 1951.* (1) For any taxable year beginning after December 31, 1950, and ending after March 31, 1951, the normal tax under section 207 (a) (1) and 207 (a) (3), except as hereinafter indicated, is computed upon normal-tax net income at the following rates:

	Percent
For taxable years beginning after Dec. 31, 1950, and before Apr. 1, 1951, and ending after Mar. 31, 1951	28¾
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	30
For taxable years beginning after Mar. 31, 1954	25

(2) For any taxable year beginning after December 31, 1950, and ending after March 31, 1951, the surtax under section 207 (a) (1) and 207 (a) (3), except as hereinafter indicated, is computed on that portion of the corporation surtax net income in excess of $25,000 at the rate of 22 percent. The tax under section 207 (a) (2), except as hereinafter indicated, is 1 percent of the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest.

(3) Under section 207 (a) (1) companies with normal-tax net incomes of over $3,000 and not over $6,000 pay a normal tax, at a specified rate, on that portion of the normal-tax net income in excess of $3,000. The rates applicable for the respective taxable years in computing the normal tax of such companies are as follows:

	Percent
For taxable years beginning after Dec. 31, 1950, and before Apr. 1, 1951, and ending after Mar. 31, 1951	57½
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	60
For taxable years beginning after Mar. 31, 1954	50

Under section 207 (a) (2) companies with gross amounts of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest, of over $75,000 and not over $150,000 pay a tax equal to 2 percent of that portion in excess of $75,000. Under section 207 (a) (3) interinsurers and reciprocal underwriters with normal-tax net incomes of over $50,000 and not over $100,000 pay a normal tax computed on that portion of the normal-tax net income in excess of $50,000 at the following rates:

	Percent
For taxable years beginning after Dec. 31, 1950, and before Apr. 1, 1951, and ending after Mar. 31, 1951	57½
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	60
For taxable years beginning after Mar. 31, 1954	50

Under section 207 (a) (3) interinsurers and reciprocal underwriters with corporation surtax net incomes of over $50,000 and not over $100,000 pay a surtax, at the rate of 33 percent, on that portion of the corporation surtax net income in excess of $50,000.

(4) Section 207 (a) (4) provides for an adjustment of the amount computed under section 207 (a) (1), section 207 (a) (2) (A), and section 207 (a) (3) where the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 and less than $125,000. The adjustment reduces the tax otherwise computed under those sections to an amount which bears the same proportion to such tax as the excess over $75,000 bears to $50,000.

(5) The application of section 207 (a) (1), (2), (3), and (4) may be illustrated by the following examples:

Example (1). The W Company, a mutual casualty insurance company, for the calendar year 1952 has corporation surtax net income of $5,500 and, due to partially tax-exempt interest of $800, normal-tax net income of $4,700. The gross amount of income of the W Company from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $150,000. Its normal tax under section 207 (a) (1) for the calendar year 1952 is 60 percent of $1,700 ($4,700—$3,000), or $1,020, since its normal-tax net income is not over $6,000. It is not liable for surtax for the calendar year 1952 as its surtax net income does not exceed $25,000. It has no surtax and, therefore, its total tax under section 207 (a) (1) is the normal tax of $1,020. The tax under section 207 (a) (2) is 2 percent of $75,000 ($150,000—$75,000), or $1,500. Since the tax under section 207 (a) (2) exceeds the tax under section 207 (a) (1), the tax under section 207 (a) is $1,500, namely, that imposed by section 207 (a) (2).

Example (2). If in the above example the normal-tax net income were not over $3,000, the corporation surtax net income were not over $25,000, the gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) were $90,000, and the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, were $70,000, the W Company would be required to file an income tax return but due to section 207 (a) no income tax would be imposed.

Example (3). The X Company, a mutual casualty insurance company, for the calendar year 1952 has corporation surtax net income of $28,000 and, due to partially tax-exempt interest of $5,000, normal-tax net income of $23,000. The gross amount of income of the X Company from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $1,200,000. Under section 207 (a) (1) its normal tax for the calendar year 1952 is 30 percent of $23,000, or $6,900, and the surtax is 22 percent of $3,000 ($28,000–$25,000), or $660. The combined tax under section 207 (a) (1) is $7,560 ($6,900 plus $660). The tax under section 207 (a) (2) is 1 percent of $1,200,000, or $12,000. Since the tax under section 207 (a) (2) exceeds the tax under section 207 (a) (1), the tax under section 207 (a) is $12,000, namely, that imposed by section 207 (a) (2).

Example (4). The Y Company, a mutual fire insurance company subject to the tax imposed by section 207, for the calendar year 1952 has corporation surtax net income of $35,000 and, due to partially tax-exempt interest of $5,000, normal-tax net income of $30,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $120,000, and the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $100,000. Under section 207 (a) (1), without application of section 207 (a) (4), the normal tax would be 30 percent of $30,000, or $9,000, since this is less than $16,200, 60 percent of $27,000 (excess of normal-tax net income of $30,000 over $3,000); and the surtax would be 22 percent of $10,000 (excess of corporation surtax net income of $35,000 over $25,000), or $2,200. The combined tax of $11,200 ($9,000 plus $2,200) would then be reduced by applying section 207 (a) (4), since the gross receipts are between $75,000 and $125,000. The tax under section 207 (a) (1), as thus adjusted, would be 90 percent of $11,200, or $10,080, since $45,000 (excess of $120,000 over $75,000) is 90 percent of $50,000. Under section 207 (a) (2) (A), without reference to section 207 (a) (4), the tax is 2 percent of $25,000 (excess of $100,000 over $75,000), or $500, since this is less than $1,000, 1 percent of $100,000. Applying section 207 (a) (4) reduces this to $450, or 90 percent of $500. Since $10,080, the tax under section 207 (a) (1), as adjusted, exceeds $450, the tax under section 207 (a) (2), as adjusted, the tax under section 207 (a) (1), as adjusted, is applicable. The Y Company would accordingly pay a combined normal tax and surtax of $10,080.

Example (5). The Z Exchange, an interinsurer, for the calendar year 1952 has corporation surtax net income of $60,000 and, due to partially tax-exempt interest of $12,000, normal-tax net income of $48,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $2,700,000. The Z Exchange is not liable for normal tax under section 207 (a) (3) for the calendar year 1952 as its normal-tax net income does not exceed $50,000. Its surtax is 33 percent of $10,000 ($60,000—$50,000), or $3,300, since that amount is less than $7,700. 22 percent of $35,000 (excess of corporation surtax net income of $60,000 over $25,000). Since the Z Exchange has no normal tax, is not subject to the tax imposed by section 207 (a) (2), and is not entitled to the adjustment provided in section 207 (a) (4), its total tax under section 207 (a) is $3,300.

PAR. 23. There is inserted immediately preceding § 29.231–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * * * *

(g) *Technical amendments.*

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(5) Effective with respect to taxable years beginning after June 30, 1950, and with respect to taxable years beginning on January 1, 1950, and ending on December 31, 1950, section 231 (b) (relating to foreign corporations engaged in trade or business within the United States) is hereby amended by striking out "section 14 (c) (1)" and inserting in lieu thereof "section 13".

PAR. 24. Section 29.231–1, as amended by Treasury Decision 5709, approved June 27, 1949, is further amended by striking out all of paragraph (b) of such section other than the last paragraph thereof which is redesignated subparagraph (6) and inserting in lieu thereof the following:

(b) *Resident foreign corporations.* (1) A resident foreign corporation is not taxable upon the items of fixed or determinable annual or periodical income enumerated in section 231 (a) at the rate specified in that section. For taxable years beginning before July 1, 1950 (other than the calendar year 1950), a resident foreign corporation is, under section 14 (c) (1), liable to a tax of 24 percent of its normal-tax net income (regardless of the amount thereof). For a taxable year which is the calendar year

1950, and ending before Apr. 1, 1951, the tax under section 207 (a) (1) and 207 (a) (3), except as hereinafter indicated, is computed upon normal-tax net income at the rate provided in section 13 (b) applicable to such year and upon corporation surtax net income as provided in section 15 (b) applicable to such year. The tax under section 207 (a) (2), except as hereinafter indicated, is 1 percent of the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest.

(2) Under section 207 (a) (1) companies with normal-tax net incomes of over $3,000 and not over $6,000 pay a normal tax, at a specified rate, on that portion of the normal-tax net income in excess of $3,000. The rates applicable for the respective taxable years in computing the normal tax of such companies are as follows:

	Percent
For a taxable year which is the calendar year 1950	46
For taxable years beginning after June 30, 1950, and before Jan. 1, 1951	50
For taxable years beginning after Dec. 31, 1950, and ending before Apr. 1, 1951	50

(3) For a taxable year which is the calendar year 1950, the surtax under section 207 (a) (3) of an interinsurer or reciprocal underwriter with corporation surtax net income of over $50,000 and not over $100,000 is an amount equal to one and one-half times the surtax which would be computed under section 15 (b) (2) applicable to such taxable year if the corporation surtax net income of such interinsurer or reciprocal underwriter were reduced by $25,000. If, for a taxable year which is the calendar year 1950, an interinsurer or reciprocal underwriter has any partially tax-exempt interest for which a credit is provided in section 26 (a) and has corporation surtax net income of over $100,000 and not over $102,777.72, the surtax under section 207 (a) (3) of such interinsurer or reciprocal underwriter is the lesser of (i) the amount of the surtax computed as provided in section 15 (b) (2) applicable to such taxable year, or (ii) an amount equal to one and one-half times the surtax which would be computed under section 15 (b) (2) applicable to such taxable year if the corporation surtax net income were reduced by $25,000. For a taxable year beginning after June 30, 1950, and before January 1, 1951, or a taxable year beginning after December 31, 1950, and ending before April 1, 1951, the surtax under section 207 (a) (3) of an interinsurer or reciprocal underwriter with corporation surtax net income of over $50,000 and not over $100,000 is an amount equal to 33 percent of that portion of its corporation surtax net income in excess of $50,000.

(4) Section 207 (a) (4) provides for an adjustment of the amount computed under section 207 (a) (1), section 207 (a) (2) (A), and section 207 (a) (3) where the gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 and less than $125,000. The adjustment reduces the tax otherwise computed under those sections to an amount which bears the same proportion to such tax as the excess over $75,000 bears to $50,000.

(5) The application of section 207 (a) (1), (2), (3), and (4) may be illustrated by the following examples:

Example (1). The X Company, a mutual casualty insurance company, for the calendar year 1950 has corporation surtax net income of $35,000 and, due to partially tax-exempt interest of $5,000, normal-tax net income of $30,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $120,000, and the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $100,000. Under section 207 (a) (1), without application of section 207 (a) (4), the normal tax would be 23 percent of $30,000, or $6,900, since this is less than $12,420, 46 percent of $27,000 (excess of normal-tax net income of $30,000 over $3,000); and the surtax computed as provided in section 15 (b) (2) would be $1,850, tentative surtax of 19 percent of $10,000 (excess of corporation surtax net income of $35,000 over $25,000), or $1,900, reduced by $50, 1 percent of $5,000 (the lower of $5,000, amount of partially tax-exempt interest, or $10,000, excess of corporation surtax net income of $35,000 over $25,000). The combined tax of $8,750 ($6,900 plus $1,850) would then be reduced by applying section 207 (a) (4), since the gross receipts are between $75,000 and $125,000. The tax under section 207 (a) (1), as thus adjusted, would be 90 percent of $8,750, or $7,875, since $45,000 (excess of $120,000 over $75,000) is 90 percent of $50,000. Under section 207 (a) (2) (A), without reference to section 207 (a) (4), the tax is 2 percent of $25,000 (excess of $100,000 over $75,000), or $500, since this is less than $1,000, 1 percent of $100,000. Applying section 207 (a) (4) reduces this to $450, or 90 percent of $500. Since $7,875, the tax under section 207 (a) (1), as adjusted, exceeds $450, the tax under section 207 (a) (2), as adjusted, the tax under section 207 (a) (1), as adjusted, is applicable. The X Company would accordingly pay a combined normal tax and surtax of $7,875.

Example (2). The Y Exchange, an interinsurer, for the calendar year 1950 has corporation surtax net income of $100,000 and, due to partially tax-exempt interest of $20,000, normal-tax net income of $80,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $3,000,000. Under section 207 (a) (3) the normal tax of the Y Exchange for the taxable year is 46 percent of $30,000 (excess of normal-tax net income of $80,000 over $50,000), or $13,800, since this is less than $18,400, 23 percent of $80,000. The surtax under section 207 (a) (3) of the Y Exchange for the taxable year is $13,950, one and one-half times $9,300, the surtax which would be computed under section 15 (b) (2) if the corporation surtax net income were reduced by $25,000 ($9,500 (19 percent of $50,000, excess of $75,000, corporation surtax net income of $100,000 reduced by $25,000, over $25,000) reduced by $200 (1 percent of $20,000, the lower of $20,000, amount of partially tax-exempt interest, or $50,000, excess of $75,000, corporation surtax net income of $100,000 reduced by $25,000, over $25,000)), since this is less than the surtax on corporation surtax net income of $100,000 computed as provided in section 15 (b) (2). The surtax computed as provided in section 15 (b) (2) would be $14,050, tentative surtax of $14,250 (19 percent of $75,000, excess of corporation surtax net income of $100,000 over $25,000) reduced by $200 (1 percent of $20,000, the lower of $20,000, amount of partially tax-exempt interest, or $75,000, excess of corporation surtax net income over $25,000). Since the Y Exchange is not subject to the tax imposed by section 207 (a) (2) and is not entitled to the adjustment provided in section 207 (a) (4), as its gross receipts are not less than $125,000, its total tax under section 207 (a) is $27,750 ($13,800 plus $13,950).

Example (3). The Z Exchange, an interinsurer, for the calendar year 1950 has corporation surtax net income of $102,700 and, due to partially tax-exempt interest of $52,700, normal-tax net income of $50,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $2,500,000. The Z Exchange is not subject to normal tax under section 207 (a) (3) for the taxable year as its normal-tax net income does not exceed $50,000. The surtax under section 207 (a) (3) of the Z Exchange for the taxable year is $14,229, one and one-half times $9,486, the surtax which would be computed under section 15 (b) (2) if the corporation surtax net income were reduced by $25,000 ($10,013 (19 percent of $52,700, excess of $77,700, corporation surtax net income of $102,700 reduced by $25,000, over $25,000) reduced by $527 (1 percent of $52,700, the lower of $52,700, amount of partially tax-exempt interest, or $52,700, excess of $77,700, corporation surtax net income of $102,700 reduced by $25,000, over $25,000)), since this is less than the surtax on corporation surtax net income of $102,700 computed as provided in section 15 (b) (2). The surtax computed as provided in section 15 (b) (2) would be $14,236, tentative surtax of $14,763 (19 percent of $77,700, excess of corporation surtax net income of $102,700 over $25,000) reduced by $527 (1 percent of $52,700, the lower of $52,700, amount of partially tax-exempt interest, or $77,700, excess of corporation surtax net income over $25,000). Since the Z Exchange has no normal tax, is not subject to the tax imposed by section 207 (a) (2), and is not entitled to the adjustment provided in section 207 (a) (4), as its gross receipts are not less than $125,000, its total tax under section 207 (a) is $14,229.

Example (4). If in the above example the partially tax-exempt interest were $53,500, the surtax under section 207 (a) (3) of the Z Exchange for the calendar year 1950, computed as provided in section 15 (b) (2), would be $14,228 (tentative surtax of $14,763, 19 percent of $77,700, reduced by $535 1 percent of $53,500), since it is less than $14,229, one and one-half times $9,486, the surtax which would be computed under section 15 (b) (2) if the corporation surtax net income were reduced by $25,000.

(e) *Taxable years beginning after December 31, 1950, and ending after March 31, 1951.* (1) For any taxable year beginning after December 31, 1950, and ending after March 31, 1951, the normal tax under section 207 (a) (1) and 207 (a) (3), except as hereinafter indicated, is computed upon normal-tax net income at the following rates:

	Percent
For taxable years beginning after Dec. 31, 1950, and before Apr. 1, 1951, and ending after Mar. 31, 1951	28¾
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	30
For taxable years beginning after Mar. 31, 1954	25

(2) For any taxable year beginning after December 31, 1950, and ending after March 31, 1951, the surtax under section 207 (a) (1) and 207 (a) (3), except as hereinafter indicated, is computed on that portion of the corporation surtax net income in excess of $25,000 at the rate of 22 percent. The tax under section 207 (a) (2), except as hereinafter indicated, is 1 percent of the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest.

(3) Under section 207 (a) (1) companies with normal-tax net incomes of over $3,000 and not over $6,000 pay a normal tax, at a specified rate, on that portion of the normal-tax net income in excess of $3,000. The rates applicable for the respective taxable years in computing the normal tax of such companies are as follows:

	Percent
For taxable years beginning after Dec. 31, 1950, and before Apr. 1, 1951, and ending after Mar. 31, 1951	57½
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	60
For taxable years beginning after Mar. 31, 1954	50

Under section 207 (a) (2) companies with gross amounts of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and minus wholly tax-exempt interest, of over $75,000 and not over $150,000 pay a tax equal to 2 percent of that portion in excess of $75,000. Under section 207 (a) (3) interinsurers and reciprocal underwriters with normal-tax net incomes of over $50,000 and not over $100,000 pay a normal tax computed on that portion of the normal-tax net income in excess of $50,000 at the following rates:

	Percent
For taxable years beginning after Dec. 31, 1950, and before Apr. 1, 1951, and ending after Mar. 31, 1951	57½
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	60
For taxable years beginning after Mar. 31, 1954	50

Under section 207 (a) (3) interinsurers and reciprocal underwriters with corporation surtax net incomes of over $50,000 and not over $100,000 pay a surtax, at the rate of 33 percent, on that portion of the corporation surtax net income in excess of $50,000.

(4) Section 207 (a) (4) provides for an adjustment of the amount computed under section 207 (a) (1), section 207 (a) (2) (A), and section 207 (a) (3) where the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 and less than $125,000. The adjustment reduces the tax otherwise computed under those sections to an amount which bears the same proportion to such tax as the excess over $75,000 bears to $50,000.

(5) The application of section 207 (a) (1), (2), (3), and (4) may be illustrated by the following examples:

Example (1). The W Company, a mutual casualty insurance company, for the calendar year 1952 has corporation surtax net income of $5,500 and, due to partially tax-exempt interest of $800, normal-tax net income of $4,700. The gross amount of income of the W Company from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $150,000. Its normal tax under section 207 (a) (1) for the calendar year 1952 is 60 percent of $1,700 ($4,700—$3,000), or $1,020, since its normal-tax net income is not over $6,000. It is not liable for surtax for the calendar year 1952 as its surtax net income does not exceed $25,000. It has no surtax and, therefore, its total tax under section 207 (a) (1) is the normal tax of $1,020. The tax under section 207 (a) (2) is 2 percent of $75,000 ($150,000—$75,000), or $1,500. Since the tax under section 207 (a) (2) exceeds the tax under section 207 (a) (1), the tax under section 207 (a) is $1,500, namely, that imposed by section 207 (a) (2).

Example (2). If in the above example the normal-tax net income were not over $3,000, the corporation surtax net income were not over $25,000, the gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) were $90,000, and the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, were $70,000, the W Company would be required to file an income tax return but due to section 207 (a) no income tax would be imposed.

Example (3). The X Company, a mutual casualty insurance company, for the calendar year 1952 has corporation surtax net income of $28,000 and, due to partially tax-exempt interest of $5,000, normal-tax net income of $23,000. The gross amount of income of the X Company from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $1,200,000. Under section 207 (a) (1) its normal tax for the calendar year 1952 is 30 percent of $23,000, or $6,900, and the surtax is 22 percent of $3,000 ($28,000–$25,000), or $660. The combined tax under section 207 (a) (1) is $7,560 ($6,900 plus $660). The tax under section 207 (a) (2) is 1 percent of $1,200,000, or $12,000. Since the tax under section 207 (a) (2) exceeds the tax under section 207 (a) (1), the tax under section 207 (a) is $12,000, namely, that imposed by section 207 (a) (2).

Example (4). The Y Company, a mutual fire insurance company subject to the tax imposed by section 207, for the calendar year 1952 has corporation surtax net income of $35,000 and, due to partially tax-exempt interest of $5,000, normal-tax net income of $30,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $120,000, and the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policyholders and wholly tax-exempt interest, is $100,000. Under section 207 (a) (1), without application of section 207 (a) (4), the normal tax would be 30 percent of $30,000, or $9,000, since this is less than $16,200, 60 percent of $27,000 (excess of normal-tax net income of $30,000 over $3,000); and the surtax would be 22 percent of $10,000 (excess of corporation surtax net income of $35,000 over $25,000), or $2,200. The combined tax of $11,200 ($9,000 plus $2,200) would then be reduced by applying section 207 (a) (4), since the gross receipts are between $75,000 and $125,000. The tax under section 207 (a) (1), as thus adjusted, would be 90 percent of $11,200, or $10,080, since $45,000 (excess of $120,000 over $75,000) is 90 percent of $50,000. Under section 207 (a) (2) (A), without reference to section 207 (a) (4), the tax is 2 percent of $25,000 (excess of $100,000 over $75,000), or $500, since this is less than $1,000, 1 percent of $100,000. Applying section 207 (a) (4) reduces this to $450, or 90 percent of $500. Since $10,080, the tax under section 207 (a) (1), as adjusted, exceeds $450, the tax under section 207 (a) (2), as adjusted, the tax under section 207 (a) (1), as adjusted, is applicable. The Y Company would accordingly pay a combined normal tax and surtax of $10,080.

Example (5). The Z Exchange, an interinsurer, for the calendar year 1952 has corporation surtax net income of $60,000 and, due to partially tax-exempt interest of $12,000, normal-tax net income of $48,000. The gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is $2,700,000. The Z Exchange is not liable for normal tax under section 207 (a) (3) for the calendar year 1952 as its normal-tax net income does not exceed $50,000. Its surtax is 33 percent of $10,000 ($60,000—$50,000), or $3,300, since that amount is less than $7,700. 22 percent of $35,000 (excess of corporation surtax net income of $60,000 over $25,000). Since the Z Exchange has no normal tax, is not subject to the tax imposed by section 207 (a) (2), and is not entitled to the adjustment provided in section 207 (a) (4), its total tax under section 207 (a) is $3,300.

PAR. 23. There is inserted immediately preceding § 29.231–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (PART II, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * * * *

(g) *Technical amendments.*

* * * * * * *

(5) Effective with respect to taxable years beginning after June 30, 1950, and with respect to taxable years beginning on January 1, 1950, and ending on December 31, 1950, section 231 (b) (relating to foreign corporations engaged in trade or business within the United States) is hereby amended by striking out "section 14 (c) (1)" and inserting in lieu thereof "section 13".

PAR. 24. Section 29.231–1, as amended by Treasury Decision 5709, approved June 27, 1949, is further amended by striking out all of paragraph (b) of such section other than the last paragraph thereof which is redesignated subparagraph (6) and inserting in lieu thereof the following:

(b) *Resident foreign corporations.* (1) A resident foreign corporation is not taxable upon the items of fixed or determinable annual or periodical income enumerated in section 231 (a) at the rate specified in that section. For taxable years beginning before July 1, 1950 (other than the calendar year 1950), a resident foreign corporation is, under section 14 (c) (1), liable to a tax of 24 percent of its normal-tax net income (regardless of the amount thereof). For a taxable year which is the calendar year

1950 and for taxable years beginning after June 30, 1950, a resident foreign corporation is, under section 13, liable to a tax in an amount equal to a specified percent of its normal-tax net income. The rates of tax under section 13 applicable for the respective taxable years are as follows:

	Percent
For a taxable year which is the calendar year 1950	23
For taxable years beginning after June 30, 1950, and before Apr. 1, 1951 (other than the calendar year 1951)	25
For a taxable year which is the calendar year 1951	28¾
For taxable years beginning after Mar. 31, 1951, and before Apr. 1, 1954	30
For taxable years beginning after Mar. 31, 1954	25

(2) The normal-tax net income of a resident foreign corporation is its net income from sources within the United States (gross income from sources within the United States minus the statutory deductions provided in sections 23 and 232) less, for taxable years beginning before January 1, 1946, the credits provided in section 26 (a), (b), and (e) for such years, and less, for taxable years beginning after December 31, 1945, the credits provided in section 26 (a) and (b) for such years.

(3) A resident foreign corporation is also liable to the corporation surtax imposed by section 15.

(i) For taxable years beginning before January 1, 1946, the rates of corporation surtax are as follows:

(*a*) Upon corporation surtax net incomes of $25,000 or less, 10 percent of the amount thereof.

(*b*) Upon corporation surtax net incomes over $25,000 but not over $50,000, $2,500 plus 22 percent of the amount of such income in excess of $25,000.

(*c*) Upon corporation surtax net incomes of more than $50,000, 16 percent of the entire amount thereof.

(ii) For a taxable year beginning after December 31, 1945, and before July 1, 1950 (other than the calendar year 1950), the rates of corporation surtax are as follows:

(*a*) Upon corporation surtax net incomes of $25,000 or less, 6 percent of the amount thereof.

(*b*) Upon corporation surtax net incomes over $25,000 but not over $50,000, $1,500 plus 22 percent of the amount of such income in excess of $25,000.

(*c*) Upon corporation surtax net incomes of more than $50,000, 14 percent of the entire amount thereof.

(iii) For a taxable year which is the calendar year 1950, the surtax is determined by computing a tentative surtax of 19 percent of the amount of the corporation surtax net income in excess of $25,000, and by reducing such tentative surtax by an amount equal to 1 percent of the lower of:

(*a*) The amount of the credit provided in section 26 (a), or

(*b*) The amount by which the corporation surtax net income exceeds $25,000.

(iv) For taxable years beginning after June 30, 1950, the surtax is at the rate of 22 percent and is upon corporation surtax net income in excess of $25,000.

(4) The corporation surtax net income of a resident foreign corporation is its net income from sources within the United States (gross income from sources within the United States minus the statutory deductions provided in sections 23 and 232) less, for taxable years beginning before January 1, 1946, the credits provided in section 26 (b) and (e) for such years, and less, for taxable years beginning after December 31, 1945, the credit provided in section 26 (b) for such years. For the purpose of determining the corporation surtax net income of a resident foreign corporation, the credit provided in section 26 (b) is limited, for a taxable year beginning before January 1, 1946, to 85 percent of its net income from sources within the United States reduced by the credit provided in section 26 (e) for such year, and, for a taxable year beginning after December 31, 1945, and ending before January 1, 1950, to 85 percent of its adjusted net income from sources within the United States, and, for a taxable year ending after December 31, 1949, to 85 percent of its adjusted net income from sources within the United States computed without regard to the deduction for net operating loss allowed by section 23 (s).

(5) For taxable years beginning in 1945 and ending in 1946, see § 29.108–2. For taxable years beginning before July 1, 1950, and ending after June 30, 1950 (other than the calendar year 1950), see § 29.108–5. For taxable years beginning after June 30, 1950, and before April 1, 1951, and ending after March 31, 1951 (other than the calendar year 1951), see § 29.108–6. For taxable years beginning before April 1, 1954, and ending after March 31, 1954, see § 29.108–9.

PAR. 25. Section 29.251–3 is amended by striking out the first sentence of the section and inserting in lieu thereof the following: "For taxable years beginning before July 1, 1950 (other than the calendar year 1950), a domestic corporation entitled to the benefits of section 251 is, under section 251 (c) (1), subject to the tax imposed by section 13 if it has a normal-tax net income of more than $25,000 (see § 29.13–1), or to the tax provided by section 14 (b) if it has a normal-tax net income of not more than $25,000 (see § 29.14–1). For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, a domestic corporation entitled to the benefits of section 251 is, under section 251 (c) (1), subject to the normal tax on corporations imposed by section 13 (see § 29.13–1)."

PAR. 26. Section 29.261–1 is amended by striking out the first sentence of the section and inserting in lieu thereof the following: "For taxable years beginning before July 1, 1950 (other than the calendar year 1950), a China Trade Act corporation is, under section 261 (a), subject to the tax imposed by section 13 (b) if it has a normal-tax net income of more than $25,000 (see § 29.13–1), or to the tax provided by section 14 (b) if it has a normal-tax net income of not more than $25,000 (see § 29.14–1). For a taxable year which is the calendar year 1950 and for taxable years beginning after June 30, 1950, a China Trade Act corporation is, under section 261 (a), subject to the normal tax on corporations imposed by section 13 (see § 29.13–1)."

PAR. 27. There is inserted immediately preceding § 40.430–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION NORMAL TAX (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Maximum tax.* Section 430 (a) (2) (relating to the limitation on the rate of the excess profits tax) is hereby amended as follows:

(1) By inserting after "(2)" the following: "(A) in the case of taxable years ending before April 1, 1951,".

(2) By striking out the period at the end of paragraph (2) and inserting ", or" and by adding after paragraph (2) the following:

(B) in the case of taxable years beginning on January 1, 1951, and ending on December 31, 1951, an amount equal to 17¼ per centum of the excess profits net income for the taxable year, except that in the case of an affiliated group of includible corporations making or required to make a consolidated return for the taxable year under section 141, such amount shall be reduced by an amount which bears the same ratio (but not in excess of 100 per centum) to the increase of 2 per centum in the surtax imposed by reason of section 141 (c) as the amount of the consolidated excess profits net income bears to the amount of the consolidated corporation surtax net income, or

(C) in the case of taxable years beginning after March 31, 1951, an amount equal to 18 per centum of the excess profits net income for the taxable year, except that in the case of an affiliated group of includible corporations making or required to make a consolidated return for the taxable year under section 141, such amount shall be reduced by an amount which bears the same ratio (but not in excess of 100 per centum) to the increase of 2 per centum in the surtax imposed by reason of section 141 (c) as the amount of the consolidated excess profits net income bears to the amount of the consolidated corporation surtax net income, or.

* * * * *

SEC. 125. EFFECTIVE DATE (PART II, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part (inc. sec. 121 (b)) shall be applicable only with respect to taxable years beginning after March 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951. * * * For treatment of taxable years (other than the calendar year 1951) beginning before April 1, 1951, and ending after March 31, 1951, see section 131.

PAR. 28. Section 40.430–2 is amended as follows:

(A) By inserting in paragraph (a) (1) (ii) the following introductory phrase to the first sentence: "In the case of taxable years ending before April 1, 1951,".

(B) By striking out the period at the end of paragraph (a) (1) (ii) of the section and inserting in lieu thereof a comma and "or" and by inserting after such (ii) as so amended the following:

(iii) In the case of a taxable year which is the calendar year 1951, an amount equal to 17¼ percent of the excess profits net income for the taxable year, except that in the case of an affiliated group of includible corporations making or required to make a consolidated return for the taxable year under section 141, such amount shall be reduced by an amount which bears the same ratio (but not in excess of 100 percent) to the increase of 2 percent in the surtax imposed by reason of section 141 (c) as the amount of the consolidated excess profits net income bears to the amount of the consolidated corporation surtax net income, or

(iv) In the case of taxable years beginning after March 31, 1951, an amount equal to 18 percent of the excess profits net income for the taxable year, except that in the case of an affiliated group of includible corporations making or required to make a consolidated return for the taxable year under section 141, such amount shall be reduced by an amount which bears the same ratio (but not in excess of 100 percent) to the increase of 2 percent in the surtax imposed by reason of section 141 (c) as the amount of the consolidated excess profits net income bears to the amount of the consolidated corporation surtax net income.

(C) By striking out in paragraph (a) (2) of the section "section 430 (a) (2)" wherever appearing therein and inserting in lieu thereof "section 430 (a) (2) (A)".

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: December 2, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–12933; Filed, Dec. 5, 1952; 8:49 a. m.]

[T. D. 5952; Regs. 130]

PART 40—EXCESS PROFITS TAXES; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

EQUITY CAPITAL OF SECTION 204 INSURANCE COMPANIES

On October 1, 1952, notice of proposed rule making with respect to regulations under section 437 (c) of the Internal Revenue Code, as amended by Public Law 166, 82d Congress, approved October 10, 1951, was published in the FEDERAL REGISTER (17 F. R. 8692). No objection to the rules having been received, the amendments of Regulations 130 set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 40.437–1 the following:

PUBLIC LAW 166 (82d CONGRESS), APPROVED OCTOBER 10, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 437 (c) of the Internal Revenue Code is amended by striking out "(other than mutual and other than life or marine)" and inserting in lieu thereof "taxable under the provisions of section 204".

SEC. 2. The amendment made by section 1 shall have the same effect as if it had been a part of the said section 437 (c) on January 3, 1951.

PAR. 2. The first sentence of paragraph (b) (5) of § 40.437–5 is amended by deleting the parenthetical phrase "(other than mutual and other than life or marine)" and inserting in lieu thereof "taxable under the provisions of section 204". Such sentence as amended will read as follows: "In the case of an insurance company taxable under the provisions of section 204, the equity capital shall include 50 percent of its reserves required by law, except the reserve for unearned premiums used in computing borrowed capital under section 439 (b) (2)."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 2, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–12935; Filed, Dec. 5, 1952; 8:50 a. m.]

[T. D. 5953; Regs. 130]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

MINERAL PROPERTIES; DETERMINING NONTAXABLE INCOME FROM EXEMPT EXCESS OUTPUT

On August 26, 1952, notice of rule making, clarifying certain provisions of Regulations 130, relating to nontaxable income from certain mining operations and to reflect certain provisions of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 7789). After consideration of all relevant matters presented by interested persons regarding the rules proposed, the amendments to Regulations 130 (26 CFR Part 40) set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 40.453–1, the following:

SEC. 515. NONTAXABLE INCOME FROM CERTAIN MINING PROPERTIES (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 453 (relating to nontaxable income from exempt excess output) is hereby amended as follows:

(a) By amending the first sentence of subsection (a) (13) thereof to read as follows: "The term 'unit net income' means the amount ascertained by dividing the net income (computed with the allowance for depletion) from the coal, ore, sulphur, potash, metallurgical grade limestone, chemical grade limestone, or timber recovered from the mineral property, or timber block, as the case may be, during the taxable year by the number of units of such mineral or timber recovered from such property in such year."

(b) By inserting immediately after the words "coal mining property" in subsection (b) (2) thereof the following: ", or of a sulphur, potash, metallurgical grade limestone, or chemical grade limestone mineral property,".

(c) By striking out so much of subsection (b) (4) as precedes the second sentence and inserting in lieu thereof the following:

(4) *Certain properties not in operation during normal period.* For any taxable year, the nontaxable income from exempt excess output of a metal or coal mining property, of a sulphur, potash, metallurgical grade limestone, or chemical grade limestone mineral property, of a timber block, or of a natural gas property, which was not in operation during the normal period, shall be an amount equal to one-third of the net income for such taxable year (computed with the allowance for depletion) from such property or timber block, as the case may be.

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * the amendments made by this title (including section 515) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 2. Section 40.453–2 (g) is amended to read as follows:

(g) *Alternative computation of exempt excess output for more than one mineral property.* (1) Section 453 (a) (10) provides that where more than one mineral property (as defined in paragraph (f) of this section) is owned or operated by a producer or lessor (as defined in paragraph (a) (1) and (2) of this section), such producer or lessor may elect to treat the mineral properties as one property for the purpose of applying section 453 (b) (1). If the taxpayer elects under section 453 (a) (10), such properties shall be aggregated and treated as one property to the extent provided under the rules set forth in paragraph (m) (2) and (3) of this section. In the case of a taxpayer making the election under section 453 (a) (10), a coal or mineral property not in operation during the normal period (see section 453 (a) (4) and paragraph (d) of this section) shall be included with such properties which were in operation during the normal period to the extent such property which was not in operation during the normal period may be so included under the rules set forth in paragraph (m) (2) and (3) of this section.

(2) In the case of a taxpayer making the election under section 453 (a) (10), the net income from the coal or mineral property shall be computed in a manner similar to that described in paragraph (j) of this section with respect to a mineral property as if the properties aggregated under subparagraph (1) of this paragraph were a mineral property, except that the amount of depletion allowed in the computation of such net income shall be the sum of the amounts computed according to sections 23 (m) and 114, and the regulations thereunder.

(3) The election pursuant to section 453 (a) (10) shall be made in a statement attached to Schedule EP (Form 1120) accompanying the income tax return, filed on or before the last day required by law for the filing of such return, for the taxable year for which the election is being made. The last day required by law for filing of such return includes the last day of the period of any extension of time granted for such filing. Such election must be made for each taxable year for which the benefits of section 453 (a) (10) are claimed and such an election does not preclude the taxpayer from electing for a subsequent year to compute nontaxable income from exempt excess output by treating the mineral properties as separate properties under the rules set forth in paragraph (f) of this section. If the taxpayer has failed so to elect or desires to change its election, such election or change in election may, subject to the

approval of the Commissioner, be made by the taxpayer filing with the Commissioner of Internal Revenue, Washington 25, D. C., within the period of limitations for the filing of claims for credit or refund with respect to the year or years involved, a notice of its election or change in election accompanied by a recomputation of its income and excess profits taxes for such years. If the recomputation results in an overpayment for any of such years, the taxpayer should file a claim for refund on Form 843 in accordance with the provisions of section 322.

PAR. 3. Section 40.453–2 (m) is amended as follows:

(A) By striking the word "ore" wherever appearing in subparagraph (1) and by inserting in lieu thereof the following: "mineral".

(B) By adding the following new sentence at the end of subparagraph (2): "A coal property not in operation during the normal period (see section 453 (a) (4) and paragraph (d) of this section) shall be included with properties which were in operation during the normal period to the extent such properties which were not in operation during the normal period may be so included under the rules set forth in this section.

(C) By amending subparagraph (3) to read as follows:

(3) For the purpose of section 453 (a) (13) and section 453 (b) (2), a mineral property shall include the aggregate of all tracts or parcels of land containing mineral deposits in which economic interests were owned, and from which minerals were extracted, by the taxpayer at any time after the beginning of the normal period (excluding, however, any tract or parcel of land in which an economic interest was acquired, and from which minerals were extracted, by any other person subsequent to the last date of ownership and operation by the taxpayer) to the extent that such tracts or parcels of land were operated by the taxpayer as an operation unit, regardless of whether the economic interest in one tract or parcel of land differed from that in another. The mineral property of a lessor is the tract or parcel of land containing mineral deposits in which an economic interest is owned by the lessor. It need not necessarily be coextensive with the mineral property in the case of the producer. A mineral property not in operation during the normal period (see section 453 (a) (4) and paragraph (d) of this section) shall be included with properties which were in operation during the normal period to the extent such properties which were not in operation during the normal period may be so included under the rules set forth in this section.

(D) By amending subparagraph (4) of such paragraph to read as follows:

(4) The net income (computed with the allowance for depletion) from the coal or the mineral recovered from the mining property during a taxable year for which the benefits of section 453 (b) (2) are claimed shall be the net income from the mining property from which such coal or mineral is recovered, computed in a manner similar to that described in paragraph (j) of this section with respect to a mineral property as if such mining property were a mineral property, except that the amount of depletion allowed in the computation of such net income shall be the sum of the amounts computed according to sections 23 (m) and 114, and the regulations thereunder.

(E) By striking the word "ore" wherever appearing in subparagraph (13) of such paragraph and by inserting in lieu thereof the following: "mineral".

PAR. 4. Section 40.453–3 (b) is amended as follows:

(A) By striking the headnote of such paragraph which reads *Metal and coal mines* and inserting in lieu thereof *Mines in operation during normal period.*

(B) By inserting immediately after subparagraph (4) the following new subparagraph:

(5) The computation of nontaxable income from exempt excess output in the case of those mineral properties, in addition to metal or coal mining properties, which are referred to in section 453 (b) (2) shall be made in a manner consistent with that set forth in subparagraphs (1) through (4) of this paragraph.

PAR. 5. Section 40.453–4 is amended as follows:

(A) By striking the heading of such section which reads "*Mines, timber properties, and natural gas properties not in operation during normal period.*" and by inserting in lieu thereof the following: "*Certain properties not in operation during normal period.*"

(B) By inserting immediately after "coal mining property," wherever appearing in such section the following: "certain other mineral properties referred to in section 453 (b) (4),".

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JUSTIN F. WINKLE,
Commissioner of Internal Revenue.

Approved: December 2, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–12936; Filed, Dec. 5, 1952; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulation

MANUAL FOR CONTROL OF GOVERNMENT PROPERTY IN POSSESSION OF NON-PROFIT RESEARCH AND DEVELOPMENT CONTRACTORS

APPENDIX C—MANUAL FOR CONTROL OF GOVERNMENT PROPERTY IN POSSESSION OF NON-PROFIT RESEARCH AND DEVELOPMENT CONTRACTORS

PART I—INTRODUCTION

100. *Scope of Manual.* This manual sets forth basic requirements to be observed by the Departments of the Army, Navy and Air Force, for establishing and maintaining control over Government property furnished to or acquired by contractors in the case of research and development contracts with educational or other non-profit organizations, provided such contracts are executed on a non-profit basis.

101. *Effective date.* This manual shall be complied with on and after 1 July 1952.

102. *Applicability of Manual.* Subject to paragraph 100 above, this manual applies to all types of contracts, leases, and bailments, pursuant to which Government property is furnished to or acquired by a contractor.

103. *Definitions.* As used in this manual, the following terms have the meanings shown:

103.1 *Educational or other non-profit organization.* The term "educational or other non-profit organization" means any corporation, foundation, trust, or institution operated for scientific or educational purposes, not organized for profit, no part of the net earnings of which inures to the profit of any private shareholder or individual.

103.2 *Contract Administrator.* The term "Contract Administrator" means the individual duly designated by appropriate authority in the military departments to administer the contract. In the case of the Army and Air Force, this is a Contracting Officer, and in the Navy, the authorized representative of the Contracting Officer having administrative cognizance over the contract.

103.3 *Government Property.* The term "Government Property" means all physical property owned by or leased to the Government, or acquired by the Government under the terms of a contract, except that property to which the Government has acquired a lien or title solely as a result of partial, advance or progress payments shall not for the purpose of this section be classified as Government Property. With this exception, it includes both Government-furnished property and Contractor-acquired property, which are defined as follows:

(a) *Government-furnished property* is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the Contractor; and

(b) *Contractor-acquired property* is property procured or otherwise provided by the Contractor for the performance of a contract, pursuant to the terms of which title is vested in the Government.

The term "provide" as used in this manual in such phrases as "Government provided property" and "property provided by the Government" shall include both the furnishing by the Government and the acquisition by the Contractor as defined in this paragraph 103.3.

103.4 *Classification of Government property.* The terms "classify", and "classification" as used herein with reference to Government property refer to the grouping of property into different categories having different incidents. For purposes of this manual, Government property shall be classified in five categories, defined as follows:

(a) *Real property.* The term "real property" means lands, buildings, structures, improvements and appurtenances thereto. It does not include plant equipment as defined in subparagraph (b) below.

(b) *Plant equipment.* The term "plant equipment" means personal property consisting of machinery, vehicles, machine tools, and other equipment which, in view of its intended use, is expected to remain of substantial value over a period of more than one year in its original form, without being expended and without appreciable modification or incorporation into another piece of equipment, except that items of value of less than $100.00 each will not be considered as "plant equipment" within this definition but will be considered as minor equipment. The term does not include special tooling as defined in subparagraph (e) below.

(c) *Minor equipment.* The term "minor equipment" means any item of equipment of a capital nature which would be plant equipment except that its value is less than $100.00 each. It does not include any items acquired under material or special tooling clauses in a supply or service contract.

(d) *Material.* The term "material" means all property other than real property, plant equipment, minor equipment or special tooling. It may be incorporated into or attached to the end products to be delivered to the Government; or it may be consumed, expended or used in the performance of a contract. It includes, but is not limited to, raw and processed material, parts, components, assemblies, expendable small tools, and consumable supplies.

(e) *Special tooling.* The term "special tooling" means property of such specialized nature that its use, without substantial modification or alteration, is limited to the production of the particular articles or performance of the particular services for which acquired or furnished. It includes, but is not limited to jigs, dies, fixtures, molds, patterns, special taps, special gauges, and special test equipment.

103.5 *Property Administrator.* The term "Property Administrator" means the Government representative who is responsible to the Contract Administrator for reviewing the Contractor's property control procedures, for checking the records maintained by the Contractor for Government-furnished and Contractor-acquired property, for making usage checks of Government property, and for the maintenance of such Government property records as are required by this manual.

103.6 *Property Account.* The term "Property Account" means the official records of the Government property provided to a Contractor by a Department, which are established and maintained under the provisions of this manual. Separate property accounts will be maintained either on an individual contract basis or Contractor basis.

103.7 *Stock record.* The term "stock record" means a perpetual inventory form of record which shows the quantities received and issued, and the balance on hand with respect to each item of material and special tooling.

103.8 *Salvage.* The term "salvage" means property which is recovered for further use. In addition, this term includes property which, because of its worn, damaged, deteriorated, or incomplete condition, or specialized nature, has no reasonable prospect of sale or use as serviceable property without major repairs or alterations, but which has some value in excess of its material content.

103.9 *Scrap.* The term "scrap" means property in such condition that it has no reasonable prospect of being sold except for its material content.

PART II—GOVERNMENT ADMINISTRATIVE PROVISIONS

200. *Scope of part.* This part sets forth (i) the duties and responsibilities of Government representatives charged with the control of Government property (ii) the sources from which Government property may be received or acquired, and (iii) the instructions to Government representatives for the control of Government property, both physically and administratively.

201. *Duties and responsibilities of the Contract Administrator with respect to the control of Government property.* (a) The function of the Contract Administrator with respect to the control of Government property is to insure that the Contractor complies with the provisions of the contract and this manual pertaining to Government property and that the Government's interests therein are fully protected at all times. He shall require the Contractor to (i) exercise reasonable care and proper usage of all Government property, (ii) establish and maintain adequate records therefor, and (iii) maintain controls that will assure the recording of all debits and credits to the property record as hereinafter defined.

(b) It is incumbent upon the Contract Administrator to familiarize himself with the provisions of this manual and the contract involved.

(c) He shall require the Contractor to correct all deficiencies in complying with the provisions of the contract and this manual pertaining to Government property.

(d) He shall take proper action with respect to recommendations of the Property Administrator relating to usage or control of Government property.

(e) He shall make appropriate written findings with respect to the Contractor's liability for Government property lost, damaged, destroyed, or unreasonably consumed, as may be required by this manual.

202. *Designation of Property Administrator.* (a) A Property Administrator shall be designated for each Government contract involving Government property. In appropriate cases the Contract Administrator may be assigned the additional duty of Property Administrator.

(b) When a Contractor is engaged simultaneously in the performance of contracts for more than one procuring activity, one Property Administrator may be designated for all contracts upon mutual agreement of the procuring activities concerned.

(c) Assistant Property Administrators for specific contracts may be appointed in accordance with the procedures of each Department.

(d) Property Administrators may be civilian or military personnel.

(e) The Property Administrator will not be required by virtue of his duty as Property Administrator to post a bond.

203. *Duties and responsibilities of the Property Administrator.* (a) The Property Administrator shall familiarize himself with the provisions of this manual and the contract provisions pertaining to Government property.

(b) He shall, as the authorized representative of the Contract Administrator, insure compliance with the contract requirements relative to Government property and insure fulfillment of all obligations imposed by this manual.

(c) He shall examine any documents, including but not limited to consumption or usage reports, adjustment reports, reports of spoilage or shrinkage, sales, shipments, transfers, etc., recorded by the Contractor in the property accounts, to the extent necessary to establish the correctness and completeness of such records.

(d) It shall be his responsibility to report to the Contracting Officer any instances of what he deems to be improper usage of Government property. To the extent necessary to fulfill this function selective physical inspections of Government property shall be made.

(e) He shall periodically examine property records to determine whether such records reflect the status of Government property and indicate compliance with the provisions of the contract and applicable directives. He shall report promptly in writing to the Contract Administrator any non-compliance by the Contractor with the contract provisions and applicable directives.

(f) He will observe the following procedure in connection with loss, damage, and destruction of Government property in the possession of the Contractor:

(i) He will require the Contractor to report to him all cases of loss, damage, or destruction of Government property in its possession, as soon as such fact becomes known. He will forward such report to the Contract Administrator, together with his own report of the facts of the case and his recommendations thereon. If the Contract Administrator is the Contracting Officer, he will thereupon determine the Contractor's liability, subject to the terms of the contract; otherwise he will forward the papers to the Contracting Officer, who will make such determination. In making any such determination, consideration will be given to the reports and recommendations submitted and to any additional facts which the Contractor may submit. The Contractor and the Property Administrators shall be furnished with a written copy of such determination. A copy shall be held in the files of the Contract Administrator.

(ii) When inventory adjustments or usage checks disclose consumption of property which is considered unreasonable by the Property Administrator, or when instances of losses, damages to, or destruction of Government property, which have not been reported by the Contractor, are discovered by the Property Administrator, he shall prepare a statement of the items and amount of loss involved. This statement shall be furnished the Contractor for investigation and written justification. Further procedure shall be in accordance with that prescribed in (i) above.

(iii) When end items are lost, destroyed, or damaged beyond repair while such items are in the physical possession or control of the Contractor, the action prescribed in subparagraph (i) above will be required.

(iv) Where it has been determined that the Contractor is liable to the Government by reason of the loss, damage, or destruction of Government property, a letter of advice from the Contract Administrator shall be considered a valid credit to the official Government property records, provided:

(A) When the Contractor pays by check, the letter of advice will identify the check received by number, date, and amount.

(B) When a settlement is made by offset against amounts due to the Contractor on a public voucher, the letter of advice will cite the actual voucher (Form 1034) on which the deduction is made.

(C) When collection of the claim against the Contractor is to be made by the fiscal office designated for the contract, the letter of advice will have attached thereto a copy of the document used by the Contract Administrator to notify the fiscal office to effect collection.

(v) When property is rendered unserviceable by damage thereto, the letter of advice from the Contract Administrator will be considered a valid credit to the Government property account when supported by or appropriately cross-referenced to shipping documents or listing covering proper disposition of the unserviceable items.

(h) He shall take the action necessary to insure that his records of the transactions discussed in paragraph 204 below are complete.

(i) He shall review and approve the contractor's scrap procedures and records as provided in paragraph 212 of this manual.

(j) He shall advise the Contract Administrator on all property matters.

204. *Shipment and receipt of Government-furnished property.* In the case of Government property shipped to a Contractor's plant from a military installation or from another Contractor's plant, the Contractor becomes responsible therefor upon delivery of the property to his plant. The shipping activity shall furnish the Property Administrator, who is responsible for the receiving Contractor's property account, with copies of the documents necessary to permit the property account to reflect the transaction. On receipt of the property the Contractor will furnish the Property Administrator with documented evidence of such receipt.

205. *Sources from which Government property may be furnished or acquired.*

205.1 *Military installations or other Contractor's plants.* Government property may

be shipped to a Contractor from military installations or plants or department contractors.

205.2 *Direct purchase by the Contractor.* Direct purchases shall be subject to a determination by the Contract Administrator that the items are allocable to the contract involved and are reasonably necessary therefor. For purposes of property control within the scope of this manual, it shall be considered that property purchased by a Contractor, for which direct reimbursement is to be requested, becomes Government property upon its receipt by the Contractor. This is "Contractor-acquired" property. This provision shall not be deemed to alter or modify contractual provisions relating to passage of title.

205.3 *Withdrawal from Contractor-owned stores.* For purposes of property control, within the scope of this manual, property withdrawn from Contractor-owned stores, for direct charge to the contract, shall be considered Government property at the time of approval of the claim for reimbursement, or at the time of issuance for use of such property for the performance of the contract, whichever is earlier. This also is "Contractor-acquired" property.

205.4 *Contract provisions, termination, contract changes.* Pursuant to specific contractual provisions, or as a result of termination of a contract, or change orders issued under a contract, the Government may acquire title to property.

205.5 *Advance, progress, or partial payments.* Pursuant to the terms of a contract the Government may acquire title to property upon the making of advance, progress, or partial payments to the Contractor. Property to which the Government has acquired a lien or title solely as a result of partial, advance, or progress payments shall not be subject to the provisions of this manual.

206. [Reserved].

207. *Contractor's records.*

207.1 *General policy.* In order to satisfactorily perform work under a Government contract, a contractor must maintain adequate control records for all Government property, whether furnished to or acquired by a contractor for the account of the Government. It is the Government's policy to designate and use such records as the official contract records, and not to maintain duplicate property control records, other than those required by paragraph 213, and other than such real property and plant equipment records as may be required by the respective departments. Exceptions to this policy may be authorized by the respective departments in special circumstances, such as where the administrative expense of maintaining Government personnel at the Contractor's plant or providing frequent official visits to the plant would exceed the cost of maintaining Government records or otherwise not to be in the best interest of the Government.

207.2 *The Contractor's property control system.* The Contractor's property control system shall be reviewed and approved in writing by the Contract Administrator. If any corrective action is necessary, it will be required of the Contractor prior to approval. Consistent with the provisions of the contract, the principles and requirements stated in the subparagraphs below shall be observed by the Contract Administrator in approving the Contractor's property control system.

207.3 *Records for material in stores.* For material maintained by the Contractor in stocks or stores, the Contractor's property control system shall be such as to provide the following information:

(i) Contract number, or equivalent code designation.
(ii) Nomenclature or description of item.
(iii) Quantity received.
(iv) Quantity issued.
(v) Balance on hand.
(vi) Posting reference.
(vii) Date received or issued.
(viii) Price.
(ix) Disposition action taken.

207.4 *Records for material issued directly upon receipt, for minor equipment, and for special tooling.* For material, whether Government-furnished or Contractor-acquired, issued by the Contractor directly so as to be considered expended under the contract, for minor equipment, and for special tooling, the Government invoices, Contractor's purchase documents, or other documentary evidence of acquisition and issue, will be accepted as adequate property control records.

207.5 *Records of plant equipment.* Individual records for each item of plant equipment shall be maintained. The following information will be available from such records:

(i) Name and address of Contractor.
(ii) Name and address of manufacturer of the plant equipment item.
(iii) Model No. of the plant equipment item.
(iv) Year built or acquired.
(v) Serial number.
(vi) U. S. Government identification number.
(vii) Description and classification of the item.
(viii) Acquisition reference.
(ix) Disposition reference.
(x) Contract number under which acquired.
(xi) Cost (F. o. b. Manufacturer).

207.6 *Records of real property.* Records of real property shall be as provided in paragraph 306 (d).

207.7 *Separated components.* Property records shall be required for any usable components which are permanently removed from items of Government property, as a result of modification, or otherwise, to the same extent as would be the case if such components had been provided separately by the Government; provided that the Contractor shall not be required to augment his property control system for the purpose of recording minor equipment, special tooling or materials, except upon return to stocks or stores.

207.8 *Custodial records.* Custodial records normally should be maintained for items issued from tool cribs or the like, guard force items, protective clothing and other items issued for the use of individuals in the performance of their work under the contract. However, it is the general policy of the Government to accept for the control of Government property of the above character the same system as employed by the Contractor for his own similar property.

207.9 *Consolidated stock record.* Where a Contractor has more than one Government contract, under which Government property is provided, a consolidated record for materials may be authorized, provided the total quantity of any item is allocated to each contract by contract number and each requisition of property from the Contractor's stores is charged to the contract on which the property is to be used. The supporting document or issue slip shall show the contract number or equivalent code designation to which the issue is charged.

207.10 *Pricing.* Property records shall show a unit price for each item except for items constructed for research or development purposes by the Contractor. In the case of Contract-acquired property the price shall be determined in accordance with the system established by the Contractor in conformance with sound accounting principles and consistently applied. The unit price of Government-furnished property shall be as determined by the Government and furnished to the Contractor.

208. [Reserved.]

209. *Identification and marking.* Government property shall be recorded and identified by the Contractor promptly upon receipt as provided in the contractual provisions. The Government shall furnish the number with which the plant equipment shall be marked.

209.1 *Marking identifications.* Marking identifications shall be as follows:

(a) A suitable indication of Government ownership such as the words "U. S. Government Property," or the abbreviation "USA," "USN," or "USAF."

(b) With respect to plant equipment, a three-part identification number consisting solely of numerals except as provided in (c) below. The first part shall designate the owning military department, such as U. S. Army, U. S. Navy, or U. S. Air Force; the second part shall be the property account number; and the third part shall be a serial number. In case plant equipment furnished by the Government is already identified as property of the military departments, no change shall be made in the markings.

(c) In the case of items included within a standard departmental registration system, for example, automotive construction, or weight-handling equipment, application for a proper registration number will be made to the cognizant department, which number shall be used in lieu of any other identification number.

209.2 *Recording identification numbers.* Assigned property identification numbers will be recorded on applicable property records.

210. *Segregation or commingling of Government property and Contractor's property.* Ordinarily Government property, particularly material, should be segregated and kept physically separate from Contractor-owned property at all times. There will be occasions, however, where commingling of property would be advantageous to the Government. The Contract Administrator should consider and arrange with the Contractor plans for segregation and commingling of property. This agreement reached with respect to commingling shall be reduced to writing by the Contract Administrator. Commingling may be allowed in the following types of cases:

(a) Where such commingling is approved by the Contract Administrator.

(b) Where the Government property involved is plant equipment, special tooling or minor equipment which is clearly identified or marked as Government property and is supported by appropriate control records.

211. *Physical inventories.*

211.1 *Before termination or completion.* It shall be the responsibility of the Contract Administrator to review and approve the type and frequency of physical inventories to be taken. In this respect he may accept and approve in writing the Contractor's established procedures if he determines that they adequately protect the interests of the Government and are in conformity with applicable regulations.

211.2 *Upon termination or completion.* Upon termination or completion of a contract, a physical inventory adequate for disposal purposes shall be required of all Government property applicable to the contract in the custody, control or possession of the Contractor. Standard items that have been modified may be described as standard items, with a general description of the modification. Items that have been constructed, such as test equipment, should be described in sufficient detail to permit a potential user to determine whether they are of sufficient interest to warrant further inspection.

211.3 *Inventories and selective checks by the Contract Administrator.*

(a) The Contract Administrator may, at his discretion, join with the Contractor in the taking of any inventory, required to be made by the Contractor.

(b) The Contract Administrator should make selective checks of the inventory being

taken by the Contractor when he determines that such procedure is necessary to protect the interests of the Government. When selective checks are used they must embrace a representative number of items in the account and must adequately cover, by class and price range, all Government property involved.

211.4. *Quantitative and monetary controls.* As directed or required by proper authority, the Contract Administrator shall require the Contractor's physical inventories to be prepared on both a quantitative and monetary basis and be classified by categories such as material, special tooling, minor equipment, plant equipment, etc.

211.5 *Discrepancies.* The Contract Administrator shall proceed to adjust any discrepancies disclosed as a result of inventorying in accordance with the provisions of the contract and this manual.

212. *Control of scrap and salvage.* Procedures for the control of scrap and salvage shall not be applicable to non-profit research and development contracts unless the Contracting Officer determines that the scrap or salvage is substantial in amount and that the Government is not receiving sufficient benefits from the use or disposal thereof, in which event the procedures set forth in paragraph 403 of Appendix B, Armed Services Procurement Regulation, shall be applied.

213. *Records to be maintained by Government personnel.*

213.1 *Records of specific contracts where property is involved.* (a) Where a contract provides for the use of Government property a copy of the contract shall be made available or furnished to the Property Administrator.

(b) The Property Administrator shall maintain a record of each contract assigned to him for property administration. That record shall contain the following minimum information:

(i) Contract number and name of Contractor.
(ii) Type of contract (CPFF, fixed price, research and development, etc.)
(iii) End item to be produced or services to be performed, and the points of inspection and acceptance.
(iv) Record of amendments and changes pertaining to Government property.
(v) Listing and type of all subcontracts which involve Government property.
(vi) Provisions of contract pertaining to liability of the Contractor for loss, damage or improper use of Government property.
(vii) Record of Contract Administrators and dates of tenure.
(viii) Record of Property Administrators and dates of tenure.
(ix) Record of Plant Representatives (or Officers-in-Charge) and dates of tenure.
(x) Record of written approval of Contractor's property control procedures.
(xi) Record of deviations granted in property procedures. (The deviations granted shall be in accordance with procedural regulations issued by each department.)
(xii) Record of property audits and inspections performed by the responsible agencies in each department.
(xiii) Records of property inspections during production and usage checks performed.
(xiv) Record of any deficiencies found in property control and the corrective action taken.
(xv) Interim and final clearance data for Government property.
(xvi) A written statement from the Contractor listing the names of personnel authorized to receipt for Government property for the Contractor.
(xvii) A file of all documents evidencing receipt of Government-furnished property by the Contractor.
(xviii) A file containing copies of all instruments affecting relief from responsibility for Government property.

213.2 *Control records to be maintained.* The Property Administrator shall maintain a system of file control that will permit the ready location of any document that he is required by this manual to maintain.

213.3 *Record of end items.* The Property Administrator shall maintain a record of all end items produced under the contract, based upon authenticated receiving reports or processed vendors' shipping documents, as follows:

(a) When there is no lapse of time between Government inspection and acceptance of the end items and shipment from the Contractor, the records shall, as a minimum, consist of a summarization of quantities accepted and shipped. When end items are accepted by the Government and stored with the Contractor, the record shall show the quantities stored and location.

(b) Some contracts provide that end items are to be retained by the Contractor for further use under the contract. Upon acceptance of such items, they shall be considered to be "Government-furnished property" and shall be recorded by the Contractor as required by the terms of the contract.

214. *Numbering property accounts.* A property account, consisting of records maintained either by a Contractor or Government personnel, shall be assigned a property account number.

215. *Auditing property accounts.* Records of Government property shall be audited by the departments as frequently as conditions warrant, and upon termination or completion of the contract. These audits will include records maintained by the Contractor and such records as may be maintained by Government personnel in connection with such property. The Property Administrator and the Contractor shall make all property records, including correspondence related thereto, available for inspection by the auditors.

PART III—CONTRACTOR'S OBLIGATIONS

300. *Scope of part.* This part covers (i) the duties and responsibilities of the Contractor with respect to Government property, (ii) the liability of the Contractor for Government property lost, damaged, or for which the Contractor is otherwise unable to account, and (iii) the obligations of the Contractor with respect to the control of Government property, both physically and administratively. This Part III of this manual is designed so that it may be incorporated by reference in the contract, as desired.

301. *General.* The Contractor shall be directly responsible for and accountable for all Government property in accordance with the provisions of the contract and this Part III of this manual. The Contractor shall maintain and make available such records as are required by Part III of this manual, and must account for all Government property until relieved for responsibility therefor in accordance with the procedures as set forth hereinafter. Liability for loss, damage, or excessive use of property in a given instance will necessarily depend upon all circumstances surrounding the particular case and must be considered and determined in accordance with the provisions of the contract. The Contractor shall furnish all necessary data substantiating any request for discharge from responsibility.

302. *Definitions.* The definitions used in Part I of this manual apply to those terms defined therein when used in this Part III of this manual or in the contract.

302.1 *Contracting Officer.* As used in this Part III, the term "Contracting Officer" shall include any authorized representative of the Contracting Officer acting within the limits of his authority, including the Contract Administrator and the Property Administrator, as those terms are defined in paragraphs 103.2 and 103.5 of Part I.

303. *Contractor's responsibility.* A Contractor shall be responsible for all Government property in his custody or control in accordance with the terms of the contract. The Contractor may be relieved of responsibility for Government property by any of the following methods, subject in any case to specific contract provisions or specific instructions of the Contracting Officer within the scope of the contract:

(a) *Consumption of property in the performance of the contract.* To the extent that property has been consumed or expended for proper purposes and in reasonable amounts in the performance of the contract, the Contractor shall be relieved of responsibility for such property.

(b) *Retention by the contractor.* This may occur when the contract is completed or terminated, or otherwise in accordance with the provisions of the contract. The Contractor shall be relieved of responsibility for all property which has been retained by the Contractor, provided that the Government shall have approved the retention and shall have been reimbursed therefor in accordance with the terms of the contract or applicable regulations.

(c) *Sale of property.* The Contractor shall be relieved of responsibility for Government property sold with the approval of the Contracting Officer, in accordance with applicable regulations, provided, however, that the proceeds from such sale shall have been received by or credited to the Government.

(d) *Shipment of Government property from a contractor's plant.* The Contractor shall be relieved of responsibility when Government property is shipped from the Contractor's plant pursuant to the instructions of the Contracting Officer.

(e) *Written advice of Contracting Officer.* The Contractor shall be relieved of responsibility for Government property lost, damaged, destroyed, or consumed, in excess of that normally anticipated in the manufacturing or processing operation, as the result of appropriate action by the Contracting Officer to determine the liability of the Contractor provided such determination is furnished to the Contractor in writing and the Government shall have been adequately reimbursed when appropriate.

304. *Contractor's liability.* Subject to the terms of the contract, the Contractor may be liable when shortages of Government property are disclosed or when Government property is lost, damaged, or destroyed, or when there is evidence of unreasonable use or consumption of Government property as measured by the allowances provided for by the terms of the contract or the appropriate bill of materials.

305. *Receipting for Government property.* The Contractor shall furnish promptly to the Contracting Officer a written receipt for all Government-furnished property received. The Contractor shall also furnish the Contracting Officer a written statement listing the names of personnel authorized to receipt for Government property for the Contractor.

306. *Property control records.* The Contractor shall maintain proper control over all Government property in accordance with methods which have been established by the Contractor and approved by the Contracting Officer consistent with the following:

(a) *Material issued directly upon receipt, minor equipment and special tooling*—

(i) *Fixed price contracts.* In the case of Government-furnished material which is issued directly by the Contractor upon receipt so as to be considered expended under the contract, and in the case of minor equipment, and special tooling, the documents evidencing receipt and issue maintained by

(iii) Quantity received.
(iv) Quantity issued.

208. [Reserved.]

(b) The Contract Administrator should make selective checks of the inventory being

the Contractor will be accepted as property control records.

(ii) *Cost type contracts.* For material, whether Government-furnished or Contractor-acquired, issued by the Contractor directly so as to be considered expended under the contract, for minor equipment, and for special tooling, the Government invoices, Contractor's purchase documents or other documentary evidence of acquisition and issue, will be accepted as adequate property control records.

(b) *Material maintained in stocks.* In the case of material furnished by the Government under fixed price contracts, and in the case of material furnished by the Government or procured by the Contractor, title to which vests in the Government, under cost-type contracts, which material is maintained by the Contractor in stock or stores, the Contractor shall compile and maintain appropriate records covering the description, cost when known, acquisition and disposition, and such other information as may be required to identify the property. Records of consumption on a unit or accumulated basis shall also be maintained. The Contractor shall be prepared to locate such property within a reasonable time after request therefor.

(c) *Plant equipment.* In the case of plant equipment furnished by the Government under fixed price contracts, or in the case of plant equipment furnished by the Government or procured by the Contractor, title to which vests in the Government, under cost-type contracts, the Contractor shall compile and maintain individual property records covering the description, cost, acquisition, and disposition of each item of plant equipment and such other information as may be required to identify the property. The Contractor shall be prepared to locate any item of such property within a reasonable time after request therefor.

(d) *Real property.* In the case of real property furnished by the Government under fixed price contracts, and in the case of real property furnished by the Government or acquired by the Contractor, title to which vests in the Government, under cost-type contracts, the Contractor shall maintain a continuous itemized record of the description, location, acquisition cost, and disposition of all Government real property, including unimproved real property, all alterations and all construction work, and any site connected with such alteration or construction, acquired by purchase, lease or otherwise. This itemized record may be in the form of a cross-reference to maps, drawings, plans and specifications.

307. *Identification and marking.* The Contractor shall record and identify as such all Government property promptly upon receipt, and such property shall remain so identified so long as it remains in the custody, control or possession of the Contractor, in accordance with the following:

(a) *Material, minor equipment and special tooling.* Government-furnished material in stock or stores, minor equipment and special tooling, shall be identified as Government property by marking, labeling, tagging, or other suitable device, except where:

(i) No materials of the same type at the same location are owned by the Contractor, his employees, or other contracting agencies.

(ii) Property is of bulk type or by its general nature of packing or handling precludes adequate marking, as may be determined by the Contracting Officer.

(iii) Property is commingled as otherwise authorized herein, and marking and identification are waived by the Contracting Officer.

(b) *Plant equipment.* Unless already so marked, Government-furnished plant equipment and plant equipment acquired by the Contractor, title to which vests in the Government, shall be marked by the Contractor with an identification number to be furnished by the Government, unless the size or nature of a particular item makes marking impracticable, in which case such item shall be assigned an identification number for record purposes, which number shall be shown in the plant equipment property record.

(c) *Components.* Components which are permanently removed from items of Government property as a result of modification, or otherwise, shall be marked or identified by the Contractor according as to whether the component is classified as material, plant equipment, minor equipment or special tooling. Material, minor equipment and special tooling permanently removed from Government property need not be marked or identified except when returned to stock or stores.

307.1 *Method of identification.* Identification shall be affected by affixing a metal, fibre, plastic or other plate directly to the equipment; by using indelible ink, acid or electric etch, steel dies, or any other legible, permanent, conspicuous, and tamperproof method. Identification shall consist of the following markings:

(i) A suitable identification of Government ownership such as the words "U. S. Government Property," or the abbreviation "USA," "USN," or "USAF."

(ii) The Contractor shall affix to each item of plant equipment the identification number furnished by the Government. In case the plant equipment furnished by the Government is already identified as property of the U. S. Government, the markings shall not be removed. In addition to the markings prescribed by the Government, the Contractor may use a severable marking of its own, for its own records, provided that the Contractor shall remove such marking upon return of the equipment to the Government, or upon making any other disposition.

308. *Segregation and commingling.* The Contractor shall keep Government property segregated except where commingling is approved by the Contract Administrator as being to the mutual benefit of the Government and the Contractor, or where the Government property involved is plant equipment, special tooling or minor equipment which is clearly identified or marked as Government property and is supported by appropriate control records.

309. *Inventories.*

(a) *Interim physical inventory.* The Contractor shall take a physical inventory of Government property whenever required by the Contracting Officer, but such inventory shall not normally be required of the Contractor more often than once a year. The inventory shall show the quantity and monetary value of each item of property inventoried, and shall normally be limited to materials and minor equipment held in stocks and stores, and plant equipment. It shall be classified by categories of whatever items are inventoried, such as material, special tooling, minor equipment, plant equipment, etc.

(b) *Joint inventory and selective checks.* The Contracting Officer, if he desires, may join with the Contractor in taking the inventory required to be taken by the Contractor. The Contracting Officer shall have the right to take an inventory or make selective checks whenever he deems it necessary to protect the Government's interest. The Contractor agrees to make available to the Contracting Officer or his authorized representatives at all reasonable times at the office of the Contractor all of its property records under this contract, and to allow access to any premises where any of the Government property is located.

(c) *Terminal physical inventory.* The Contractor shall take upon completion or termination of the contract, a physical inventory adequate for disposal purposes of all Government property applicable to the contract in the custody, control, or possession of the Contractor. The inventory shall be prepared on both a quantitative and monetary basis and be classified by categories, such as material, special tooling, minor equipment, plant equipment, etc. Standard items that have been modified may be described as standard items, with a general description of the modification. Items that have been constructed, such as test equipment, should be described in sufficient detail to permit a potential user to determine whether they are of sufficient interest to warrant further inspection.

310. *Control of scrap and salvage.* Procedures for the control of scrap and salvage shall not be required unless the Contracting Officer determines that the scrap or salvage is substantial in amount and that the Government is not receiving sufficient benefits from the use or disposal thereof in which event the following procedures shall be applicable:

(a) The Contractor shall establish a procedure whereby all Government property that can be salvaged shall be returned to Government stock, which procedure shall be subject to the approval of the Contracting Officer.

(b) If the Contracting Officer determines that the Contractor's scrap procedures and records are adequate to protect the Government's interest, he shall approve same in writing and furnish the Contractor a copy thereof. If the Contracting Officer determines that corrective measures are necessary to protect the Government's interests, he shall so advise the Contractor.

(R. S. 161; 5 U. S. C. 22)

J. D. SMALL,
Chairman, Munitions Board.

[F. R. Doc. 52-12896; Filed, Dec. 5, 1952; 8:45 a. m.]

Subchapter A—Armed Services Procurement Regulation

RULES FOR NOTICE AND HEARING UNDER GRATUITIES CLAUSE

APPENDIX D—RULES FOR NOTICE AND HEARING UNDER GRATUITIES CLAUSE IN ARMED SERVICES PROCUREMENT REGULATION 406.104-16

1. *Introduction.* Section 631 of the Department of Defense Appropriation Act, 1952, Public Law 179, 82d Congress, requires all contracts, other than contracts for personal services, which call for the expenditure of funds appropriated for the military departments under the Act to contain a clause permitting the termination of the contractor's right to proceed under any such contract and permitting the Government to pursue the remedies that it could pursue in the event of breach of contract if it is found after notice and hearing by the Secretary of the department with which the contract was made, or by his duly authorized representative, that gratuities (in the form of entertainment, gifts or otherwise) were offered or given by the contractor or by his agent or representative to any officer or employee of the Government with a view toward securing a Government contract or favorable treatment with respect to the awarding or amending, or the making of any determination with respect to the performing of such contract. The military departments have prescribed the use of such clause, as set forth in the Armed Services Procurement Regulation, paragraph 406.104-16, in contracts as required by the above Act and in other procurement contracts. It is the purpose of these rules to make provision for the giving of the notice of hearing for the conduct of the hearing, and for other procedural matters incident to the exercise of the rights and special remedies provided by the prescribed clause, wherever it is now

or may hereafter be used in contracts of the military departments. In the interest of uniformity in proceedings before the three military departments, these rules are hereby adopted. Nothing herein shall be construed to affect or impair (1) the pursuit of other remedies available to the Government in any instance, or (2) the right of termination of any contract for any reason available to the Government under the terms of such contract.

2. *Definitions. Department.* The term "department" means the Department of the Army, the Department of the Navy, or the Department of the Air Force.

Secretary. The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of any military department.

Designee. The term "designee" means the person or board to whom authority has been delegated by the Secretary under Rule 3. The designee is the Secretary's authorized representative.

3. *Delegation of authority.* The Secretary may delegate to any person, military or civilian, or board of such persons within his Department all the authority of the Secretary conferred by statute or the prescribed contract clause to give notice of hearings, to conduct hearings and to make findings of fact with respect to (i) whether a gratuity was offered or given by a contractor or any agent or representative of such contractor to a Government officer or employee with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending or the making of any determinations with respect to the performance of such contract; and (ii) where appropriate, the amount of the costs incurred by the contractor in providing such gratuity. If the Secretary delegates his authority to a board, one of the members thereof shall be a person trained in the law, and the Secretary shall designate one member to be the presiding officer of the board.

4. *Notice and contents.* Whenever information coming to the attention of the Department indicates that the procedures provided herein may be properly invoked, the Department may cause a written notice to be served upon the contractor in the manner hereinafter provided. The notice shall be signed by the Secretary or his designee and dated and shall include the following items:

(a) A statement of the time, place, and purpose of the hearing, and the authority and jurisdiction under which it will be held. The statement as to purpose need only identify the contract clause, the contract or contracts involved, and the ultimate facts to be determined. The time of the hearing shall not be less than 10 days after service of the notice.

(b) Brief allegations setting forth the circumstances surrounding the offering or giving of the gratuity, including a description of the alleged gratuity itself and its estimated cost to the contractor; an identification of the offeree or donee and of the offerer or donor and the latter's relationship to the contractor; and the approximate date and place of the alleged offer or gift. Such allegations need be only sufficient to apprise the contractor reasonably of the issues involved in the hearing.

(c) A request that the contractor answer in writing the allegations of the notice, including in his answer such facts or argument as he may wish, and that he attend the hearing to adduce such evidence with respect to the alleged offer or gift as he may desire.

A suggested form of notice is set out as an appendix to these rules.

5. *Service of notice.* Service shall be made by mailing or delivering a copy of the notice to the contractor. Delivery of a copy means handing it to the party to be served, or, if the party is a corporation, partnership, or unincorporated association, handing it to an officer, partner, managing or general agent, or any other agent authorized by appointment or by law to receive service of process, or by leaving the copy at the contractor's office with the person in charge thereof. Service by mail shall be made only by registered mail and service shall be complete upon mailing. The manner of service shall be evidenced by the signed endorsement of the person making the service upon a copy of the notice to be included in the record of the proceeding. Service of notice may be accepted or waived by the contractor by written endorsement on a copy of the notice.

6. *Continuances and delays.* The authority to grant continuances or to adjourn the hearing shall rest with the person presiding at the hearing. Continuances will only be allowed for the most compelling reasons.

7. *Parties.* The parties to the hearing will be the contractor concerned and the Government. No intervention by other persons shall be permitted.

8. *Representation and hearing assistants.* The parties may be represented at the hearing and proceedings incident thereto by legal counsel. Upon the appearance of record of legal counsel of the contractor in the proceedings, service of papers as may thereafter be required may be made upon such legal counsel. The Department will make available such technical assistants, including a reporter, secretary or notary, as may be required.

9. *Transcript.* Testimony and arguments shall be reported verbatim. The reporter or secretary shall make available to the contractor and to the Government transcripts of the proceedings, including all testimony and copies of all documentary exhibits upon the payment of the reasonable costs thereof as the Department may by order fix.

10. *Hearings.* Hearings shall be conducted by the Secretary or his designee. Hearings will be as informal as may be reasonably appropriate under all the circumstances. Evidence and testimony, although not ordinarily admissible under legal rules of evidence, may be received subject to the discretion of the person presiding at the hearing. Immaterial, irrelevant, or unduly repetitious evidence shall be excluded. The parties may stipulate as to any facts or testimony. The testimony of witnesses shall be under oath and witnesses shall be subject to cross-examination. The hearing officer shall make such rulings with respect to the conduct of hearings as circumstances may require to ensure the orderly and expeditious presentation of evidence in a manner fair to the parties and consistent with these Rules and requirements of due process of law.

11. *Depositions.* Following service of the notice of hearing, a deposition may be taken as herein provided, and placed in evidence whenever the ends of justice will be served thereby.

(a) *Notice to take.* When either party desires to take a deposition, unless the parties stipulate as to the time when, and place where, the deposition is to be taken, the name of the officer before whom it is to be taken, and the names and addresses of the witnesses, the moving party shall give to the opposite party at least ten days' notice of the time when and the place where such deposition will be taken, the name and address and official title of the officer before whom it is proposed to take the deposition, and the names of the witnesses. A deposition may be taken either upon written interrogatories or upon oral examination, as may be specified in the notice. If the deposition is to be taken upon written interrogatories, copies thereof must accompany the notice to take depositions; if the opposite party desires to submit cross-interrogatories, written cross interrogatories should be served upon the party giving the notice within 5 days from the receipt of the notice to take the deposition. Notices may be served upon the contractor as provided by Rule 4 or upon his legal counsel of record. Service upon the Government may be made upon the person signing the notice of hearing or the Government representative of record. If service is made by mail, the mail shall be registered and service will be complete upon mailing.

(b) *Taking depositions.* Depositions may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken, to administer oaths. Witnesses shall be under oath and shall be subject to cross-examination as at the hearing. Objections will be reserved for determination at the hearing; provided, however, objections as to the form of questions shall be made and noted in the deposition. Each deposition shall show the caption of the proceeding, the place and date of taking, the names of the witnesses, and the party by whom called. The officer taking a deposition shall enclose the original deposition and exhibits, in a sealed packet, with postage or other transportation prepaid, and forward the same to the Secretary or his designee.

(c) *Use of deposition.* Testimony taken by deposition will not be considered until offered in whole or in part and received in evidence. A deposition taken by one party may be offered by the opposite party.

12. *Submissions without appearance: absence of parties.* If the contractor fails or refuses to appear or to make a written submission without appearing at the hearing, the hearing shall proceed upon such evidence as the Government may offer. The unexcused absence of any party shall not be occasion for delay of the hearing. Notwithstanding the nonappearance of the contractor at the hearing, proposed findings, conclusions, and argument may be submitted in writing on the contractor's behalf as provided in Rule 13.

13. *Argument and request for findings.* Within the discretion of the person presiding at the hearing, limited oral argument may be presented by the parties upon the completion of the hearing. Within ten days after the hearing is completed, both parties may file in writing with the person or board conducting the hearing proposed findings and conclusions with reasons and argument in support thereof. Copies will be provided to the opposite party.

14. *Findings and decision.* As soon as practicable after completion of the hearing and the timely submission of proposed findings and conclusions, the person or board that conducted the hearing shall make written findings and conclusions with respect to all material issues; reasons for the findings will be included at such length as may be appropriate. The findings where adverse to the contractor will include, in addition to other appropriate items, the following: (i) a description of the gratuity that was offered or given; (ii) a statement of the costs incurred by the contractor in providing the gratuity; (iii) the name and relationship to the contractor of the person by whom the gratuity was offered or given on the contractor's behalf; (iv) the name and position of the officer or employee of the Government to whom the gratuity was offered or given; (v) a description of the contract which the Contractor sought to secure by the offering or giving of the gratuity, or a statement as to the nature of the favorable treatment so sought with respect to the awarding or amending, or the making of any determinations with respect to the performing of a contract. When the findings are made by a designee they shall be forwarded to the Secretary with recommendations as to whether the right of the contractor to proceed under any contract mentioned in the notice of hearing shall be terminated, and

with an identification number to be fur-

contract in the custody, control, or posses-

the prescribed clause, wherever it is now

incorporated association, handing it to an

days from the receipt of the notice to take

notice of hearing shall be terminated, and

as to the exemplary damages to be imposed against the contractor, which shall be in an amount which shall not be less than three nor more than ten times the costs incurred in providing the gratuity.

Approved this 5th day of July 1952 by: Earl D. Johnson, Assistant Secretary of the Army; H. R. Askins, Assistant Secretary of the Navy; Roswell L. Gilpatric, Under Secretary of the Air Force.

APPENDIX TO RULES

Form of Notice

Before the ---------- of the ----------

File No. --------

In the Matter of the XYZ Corporation, Contract --------: Proceedings Pursuant to Clause -------- of Contract No. ---------.

To: XYZ Corporation,
Rockefeller Plaza,
New York City, New York.

1. You are hereby notified that at --- M. on -------- 1952, at room ---- of the -------- Building, --------, a hearing will be held before ---------- to determine whether or not under the provisions of clause ------ of Government contract ---------- a gratuity has been offered or given on behalf of the XYZ Corporation to an officer or employee of the Government of the United States with a view toward securing (a contract) (favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of a contract). If it is found that a gratuity was so offered or given, your right to proceed under the contract may be terminated, and a penalty imposed in accordance with the contract clause mentioned above. In the event of such termination the Government will be entitled to pursue the remedies available for breach of contract.

2. The hearing at the time and place aforesaid will be held under the authority of (cite applicable Public Law and clause of contract(s)). Enclosed is a copy of the Rules promulgated by the Secretary of the ------ ---- pursuant to which the hearing will be conducted. Papers pertaining to the proceedings may be captioned as above.

3. The contract(s) involved in the hearing, and which is (are) subject to termination if a gratuity is found to have been given or offered to secure favorable action as aforesaid, is (are) identified as follows:

Contract number ------ dated ---------- under the cognizance of ---------- and executed by ---------- on behalf of the Government as the Contracting Officer.

4. The gratuity offered or given and the circumstances relating thereto are alleged to be as follows: (Include in a concise statement the nature of the alleged gratuity; a fair estimate of the costs incurred by the contractor in providing the gratuity; the identity of the offeree or donee and his position with the government; the identity of the offerer or donor and his relationship to the contractor; and the approximate date, time, and place of the alleged offer or gift. Also allege as appropriate, that the gratuity was (offered) (given) with a view toward securing a Government contract or favorable treatment with respect to awarding or amending, or the making of a determination with respect to the performing of a Government contract. Identify or describe the contracts involved). On proof of the facts alleged as aforesaid, the Government, in accordance with the applicable statutory and contract provisions mentioned in paragraph 2, may terminate your right to proceed under the contract identified in paragraph 3 and to pursue the remedies available for breach of contract; also to impose exemplary damages as provided in such law and contract provision.

5. If you desire to be heard in this matter, you are requested to file with the Department on or before the time of the hearing a written answer and to appear at the hearing.

Dated: ----------

By direction of the -------- of the ----------

NOTE: Portions set apart by parentheses should be stricken or modified as appropriate to conform to the facts.

(R. S. 161; 5 U. S. C. 22)

J. D. SMALL,
Chairman, Munitions Board.

[F. R. Doc. 52-12896; Filed, Dec. 5, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 3 to Supplementary Regulation 100, Revision 1]

GCPR, SR 100—ADJUSTMENTS FOR IRON AND STEEL PRODUCTS

EXTRAS AND DEDUCTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Supplementary Regulation 100, Revision 1, to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Several provisions of Supplementary Regulation 100, Revision 1 to the General Ceiling Price Regulation provide ceiling price increases expressed in percentages to be applied to a ceiling base price plus extras and deductions. The definition of "extras and deductions," as set forth in section 8 (a) caused some confusion in the industry as to the coverage of that term and has proven to be unduly narrow. In particular, it has appeared that extras for packaging have not been covered by that definition, although packaging is affected by labor and other cost increases to the same extent as other mill operations. This amendment eliminates that defect of the definition of section 8 (a) and brings it in line with industry practices.

In the formulation of this amendment there has been consultation with industry representatives including trade associations to the extent practicable and due consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 8 (a) of Supplementary Regulation 100, Revision 1, to the General Ceiling Price Regulation is amended to read as follows:

(a) *Extras and deductions.* As used in this supplementary regulation, the term "extras and deductions" means additions to or deductions from the base price customarily employed by producers of steel mill products. It does not include any outgoing freight costs or other delivery charges, but does include all other commonly employed steel mill extras such as finish, machining, gauge, width, length, size, and shape, shearing or cutting, packaging and protection, physicals including annealing, testing and quantity."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 4, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 4, 1952.

[F. R. Doc. 52-12978; Filed, Dec. 4, 1952; 5:01 p. m.]

[General Overriding Regulation 41]

GOR 41—ADJUSTMENTS UNDER THE INDUSTRY EARNINGS STANDARD FOR CONSUMER GOODS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this general overriding regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation 41 establishes new ceiling prices for manufacturers of certain consumer goods where the level of ceiling prices previously established for the industry has been found to be below the minimum prescribed by the "industry earnings standard" (the "Johnston Formula").

The industry earnings standard provides that the level of ceiling prices for an industry shall normally be considered "fair and equitable" under the Defense Production Act of 1950, as amended, if the dollar profits of the industry amount to not less than 85 percent of the average earnings for the industry's best three years during the period 1946–1949, inclusive, adjusted for changes in net worth.

It is expected that commodities will be added to the coverage of this regulation from time to time. The commodities and the amount of the adjustment to be permitted will be listed in Appendix A. Except as provided in this regulation, all provisions of the basic regulations which would otherwise be applicable to the commodity and which are not inconsistent with this regulation remain in effect. Since the adjustment made by this regulation may take cognizance of certain increases in cost recognized in other adjustment regulations, to avoid duplication it will be specifically indicated what regulations may be used in conjunction with the adjustment taken under this regulation.

The first commodities to be included in this general overriding regulation are sheet and cast aluminum household cooking utensils. The Office of Price Stabilization has recently completed financial surveys of these industries. The surveys were undertaken as the result of information submitted by industry members and trade association representatives at various informal meetings which indicated that the level of ceiling prices heretofore in effect for these industries were below the minimum prescribed by the industry earnings standard. Financial data were obtained from representative groups of

manufacturers, whose total sales represent over 70 percent of the sheet aluminum household cooking utensil industry and 65 percent of the total sales of the cast aluminum household cooking utensil industry. Based upon this data, the Director of Price Stabilization has determined that in order for the dollar profits of each industry to meet the industry earnings standard, ceiling prices for the sheet and cast aluminum household cooking utensil industries will have to be established at 107 percent and 108.5 percent, respectively, above the industries' highest selling prices since July 1, 1952. Such ceiling prices will be generally fair and equitable.

This adjustment reflects all increases in cost of steel, other materials, wages, and freight that are currently in effect. Manufacturers of sheet and cast aluminum household cooking utensils covered by this regulation may not, therefore, adjust their ceiling prices under GOR 35 (Pass Through for Steel, Pig Iron, Copper and Aluminum Cost Increases) and SR 35 to CPR 22 or SR 122 to the GCPR (Adjustments to Reflect Increased Outbound Transportation Costs). Moreover, if they have already done so, they must deduct the amount of such adjustments before taking the adjustment allowed by this regulation.

Manufacturers continue to have the election to determine their ceiling prices under the various regulations that were issued pursuant to the so-called "Capehart Amendment." If they do so, however, they may not use this regulation. In addition, any manufacturers who have already taken advantage of the "Capehart Regulations" must deduct the amount of those adjustments which are reflected in their selling prices before taking the adjustment allowed by this regulation since the basis upon which the determination of the amount of the adjustment necessary to meet the "industry earnings standard" was selling prices at or near ceilings which did not include "Capehart adjustments."

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the judgment of the Director, the provisions of this regulation are generally fair and equitable; are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling prices for commodities dealt in during the adjustment period.
3. Ceiling prices for commodities which cannot be determined under section 2.
4. Records and reports.
5. Relationship of this regulation to other adjustment regulations.

AUTHORITY: Sections 1 through 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803 as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation, issued to give effect to the industry earnings standard, establishes new ceiling prices for sales by manufacturers of commodities listed in Appendix A. These new ceiling prices are to be used in place of those previously established under the GCPR, CPR 22 or CPR 161. All provisions of those regulations otherwise applicable to you and not inconsistent with this regulation remain in effect.

SEC. 2. *Ceiling prices for commodities dealt in during the adjustment period.* (a) Except as provided in subparagraphs (1), (2) and (3) of this paragraph you determine the ceiling price to each of your classes of purchasers for a sale of a commodity listed and defined in Appendix A by multiplying the highest price at which you delivered the commodity during the adjustment period to such class of purchaser by the appropriate percentage adjustment. The adjustment period and appropriate percentage adjustment are listed in Appendix A in the columns opposite the commodity. You may not use a price as the highest price at which you delivered a commodity to a class of purchaser unless you made at least 20 percent by dollar volume of your total deliveries of that commodity during the adjustment period to that class of purchaser at that price or a higher price. If your highest price during the adjustment period exceeded the applicable ceiling price, your ceiling price under this regulation is determined by multiplying your ceiling price in effect at the time you received your highest price by the percentage adjustment listed in Appendix A for that commodity.

(1) If the adjustment period for your commodity is shorter than five months, and you did not deliver the commodity during that period, you may, in the computations required in paragraph (a) above, use the highest price at which you offered it for delivery during that period to a purchaser of the same class. The offer must have been made in writing and communicated to a substantial number of customers.

(2) For commodities listed below (and defined in Appendix A) you may not use as your highest price, a price which includes adjustments made under either GOR 35 (Pass Through for Steel, Pig Iron, Copper and Aluminum Cost Increases) or SR 35 to CPR 22 or SR 122 to the GCPR (Adjustments to Reflect Increased Outbound Transportation Costs). If your highest price includes such adjustments you must reduce it by the dollar amount of such adjustments before using it to determine your new ceiling price under this regulation.

(i) Sheet aluminum household cooking utensils.

(ii) Cast aluminum household cooking utensils.

(3) For commodities listed below (and defined in Appendix A) you may not use as your highest price, a price which includes adjustments made under GOR 20, GOR 21 or SR 17 or 18 to CPR 22 (the "Capehart Regulations"). If your highest price includes such adjustments you must reduce it by the dollar amount of such adjustments before using it to determine your ceiling price under this regulation.

(i) Sheet aluminum household cooking utensils.

(ii) Cast aluminum household cooking utensils.

SEC. 3. *Ceiling prices for commodities which cannot be determined under section 2.* (a) If you cannot determine a ceiling price for the sale of a commodity under section 2, but you did, prior to the date this regulation became effective as to sales of that commodity by you determine ceiling price for that commodity under section 4 or 6 of the GCPR, sections 30 through 33 of CPR 22 or sections 3 through 5 of CPR 161, whichever is applicable, you may recompute that ceiling price, using as the ceiling price of any reference commodity, a ceiling price determined under this regulation. You need not report this recomputation.

(b) If you cannot determine a ceiling price for the sale of a commodity under section 2 or under paragraph (a) of this section 3, you must establish such ceiling price in accordance with CPR 161 (Consumer Durable Goods Regulation).

SEC. 4. *Records and reports*—(a) *Record-keeping requirements.* In addition to the records and reports required by other OPS regulations applicable to you, you must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, all records necessary to determine whether you have correctly computed your adjusted ceiling prices under this regulation.

(b) *Reports.* The Director of Price Stabilization may from time to time require information or reports subject to the approval of the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

SEC. 5. *Relationship of this regulation to other adjustment regulations.* (a) Notwithstanding any provision of this regulation, you may elect to use GOR 20, GOR 21, SR 17 or SR 18 to CPR 22 to establish your ceiling prices. If you so elect, you may not use this regulation.

(b) You may not use the provisions of GOR 35 to adjust ceiling prices determined under this regulation for the following commodities (as defined in Appendix A):

(1) Sheet aluminum household cooking utensils.

(2) Cast aluminum household cooking utensils.

(c) You may not use the provisions of SR 35 to CPR 22 or SR 122 to the GCPR to adjust ceiling prices determined under this regulation for the following commodities to reflect cost increases which had taken place before the date this regulation became effective as to such commodities:

(1) Sheet aluminum household cooking utensils.

(2) Cast aluminum household cooking utensils.

Effective date. This regulation is effective December 10, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

DECEMBER 5, 1952.

vision.

tras such as finish, machining, gauge, tained from representative groups of ing utensils.

APPENDIX A

Listed below are the commodities covered by General Overriding Regulation 41, the applicable adjustment period, and the percentage adjustment.

Commodity	Adjustment period	Percentage adjustment
(a) Sheet aluminum household cooking utensils, except electrical appliances.	July 1, 1952, to Dec. 5, 1952, inclusive.	107
(b) Cast aluminum household cooking utensils, except electrical appliances.	do	108.5

[F. R. Doc. 52-12992; Filed, Dec. 5, 1952; 10:52 a. m.]

[Ceiling Price Regulation 34, Amdt. 3 to Supplementary Regulation 22]

CPR 34—SERVICES

SR 22—SERVICE CHARGE FOR BANKS

NO MINIMUM BALANCE CHECKING ACCOUNTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 22 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 22 to Ceiling Price Regulation 34 permits banks to institute "no minimum balance" checking accounts of a type which they do not presently offer.

A "no minimum balance" checking account is defined for the purposes of this regulation as a checking account where, regardless of the balance in the depositor's checking account, the only service charge to the depositor is a flat charge for each check drawn and each deposit made, or a flat charge for each check drawn with no charge for deposits. If a bank institutes a new type of account pusuant to this amendment, it must continue to supply each type of account which it offered during the base period or since that time. Thus, this amendment makes it possible for a bank to offer to its depositors a selection of the type of account most economical or convenient to them.

The technical nature of this amendment has made formal consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended, is further amended in the following respects:

1. Section 10 is renumbered section 11.

2. A new section 10 is added after section 9 to read as follows:

SEC. 10. *No minimum balance checking accounts.* (a) If you wish to supply any type of no minimum balance checking account which you do not presently supply, you may apply to the appropriate OPS District Office for the establishment of a ceiling price therefor. Your application must be filed by registered mail, return receipt requested, must be signed by you, and must contain a statement of your name and address; a description of the no minimum balance checking account service you wish to supply; and your proposed ceiling price for the service, which may not be higher than the ceiling price of the bank closest to you serving a comparable market and supplying the identical no minimum balance checking account service. Your application must also state the name and address of that bank. You may not sell the service for which a ceiling price is requested under this section until that price has been approved by OPS, but your proposed price shall be considered approved 20 days after receipt of your application by OPS, as shown by the return postal receipt, unless, within that time, OPS notifies you otherwise. If you institute a new type of account under this section, you must continue to supply each type of account which you supplied during the base period or since.

(b) For the purposes of this section, a no minimum balance checking account is a type of checking account where, regardless of the balance in the depositor's account, the only service charge to the depositor is a flat charge for each check drawn and each deposit made, or a flat charge for each check drawn with no charge for deposits, or a charge paid in advance for a specified number of checks. There may also be a maintenance charge on such accounts.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 10, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

TIGHE E. WOODS,
Director of Price Stabilization.

DECEMBER 5, 1952.

[F. R. Doc. 52-12991; Filed, Dec. 5, 1952; 10:52 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-63—Revocation]

M-63—SOFTWOOD PLYWOOD

REVOCATION

NPA Order M-63 (16 F. R. 7701) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-63, as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective December 5, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-12999; Filed, Dec. 5, 1952; 11:37 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 94 to Schedule A]

[Rent Regulation 2, Amdt. 92 to Schedule A]

RR-1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

COLORADO AND WYOMING

Effective December 6, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

(43) [Revoked and decontrolled.]
(368) [Revoked and decontrolled.]

These amendments decontrol the following:

Denver, Colorado, Defense-Rental Area.
Casper, Wyoming, Defense-Rental Area.

[F. R. Doc. 52-12931; Filed, Dec. 5, 1952; 8:49 a. m.]

[Rent Regulation 1, Amdt. 95 to Schedule A]

[Rent Regulation 2, Amdt. 93 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

OHIO

Effective December 6, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item indicated below of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

(224) [Revoked and decontrolled].

These amendments decontrol the following:

Akron, Ohio, Defense-Rental Area.

[F. R. Doc. 52-12932; Filed, Dec. 5, 1952; 8:49 a. m.]

[Rent Regulation 3, Amdt. 98 to Schedule A]

[Rent Regulation 4, Amdt. 41 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

WYOMING

Effective December 6, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

(368) [Revoked and decontrolled.]

These amendments decontrol the following:

Casper, Wyoming, Defense-Rental Area.

[F. R. Doc. 52-12930; Filed, Dec. 5, 1952; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 205—REPORTS OF MOTOR CARRIERS

QUARTERLY REPORTS OF PASSENGER REVENUES, EXPENSES AND STATISTICS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of November A. D. 1952.

The matter of periodical reports to be required of motor carriers being under consideration pursuant to provisions of section 220 (a) of the Interstate Commerce Act, as amended (49 Stat. 563, 54 Stat. 926, 49 U. S. C. 320) and,

It appearing, that all Class I common and contract motor carriers of passengers are required by an order dated July 31, 1951, to file quarterly reports of revenues, expenses, and statistics and that on September 30, 1952, such carriers were notified that a modified report form had been approved to include a Report of Man-Hours Paid for and Compensation of Drivers (see FEDERAL REGISTER issue of October 11, 1952, 17 F. R. 9080); and,

It further appearing, that written views or arguments relating to such modifications could be filed by interested parties on or before November 10, 1952 and all representations so received having been given full consideration;

It is ordered, that the order of July 31, 1951, in the matter of quarterly reports for Class I motor carriers of passengers be, and it is hereby vacated and set aside; and it is further ordered, that:

§ 205.11 *Quarterly reports of passenger revenues, expenses, and statistics.* Each Class I common and contract motor carrier of passengers subject to the provisions of section 220 of the Interstate Commerce Act shall file duly verified quarterly reports commencing with the period January 1, 1953 to March 31, 1953, (both dates inclusive) in accordance with the Quarterly Report of Revenues, Expenses and Statistics—Class I Motor Carriers of Passengers form, including the Report of Man-Hours Paid for and Compensation of Drivers, which is hereby approved and made a part of this section.[1] Quarterly reports shall be forwarded, in triplicate, to the office of the Bureau of Motor Carriers of the Interstate Commerce Commission for the district in which the carrier is domiciled within thirty days after the close of the period to which they relate.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

Notice. A copy of this order shall be served on each Class I motor carrier of passengers subject to the act and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12908; Filed, Dec. 5, 1952; 8:47 a. m.]

PART 205—REPORTS OF MOTOR CARRIERS

QUARTERLY REPORT OF PROPERTY REVENUES, EXPENSES AND STATISTICS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of November A. D. 1952.

The matter of periodical reports to be required of motor carriers being under consideration pursuant to provisions of section 220 (a) of the Interstate Commerce Act, as amended (49 Stat. 563, 54 Stat. 926, 49 U. S. C. 320) and,

It appearing, that all Class I common and contract motor carriers of property are required by an order dated July 31, 1951, to file quarterly reports of revenues, expenses, and statistics and that on September 30, 1952, such carriers were notified that a modified report form had been approved to include a Report of Man-Hours Paid for and Compensation of Drivers and Helpers (see FEDERAL REGISTER issue of October 11, 1952, 17 F. R. 9079); and,

It further appearing, that written views or arguments relating to such modifications could be filed by interested parties on or before November 10, 1952, and all representations so received having been given full consideration;

It is ordered, that the order of July 31, 1951, in the matter of quarterly reports for Class I motor carriers of property be, and it is hereby vacated and set aside; and, it is further ordered, that:

§ 205.12 *Quarterly report of property revenues, expenses and statistics.* Each Class I common and contract motor carrier of property subject to the provisions of section 220 of the Interstate Commerce Act, shall file duly verified quarterly reports commencing with the period January 1, 1953, to March 31, 1953, (both dates inclusive) in accordance with the Quarterly Report of Revenues, Expenses and Statistics for Class I Motor Carriers of Property form, including the Report of Man-Hours Paid for and Compensation of Drivers and Helpers, which is hereby approved and made a part of this section.[1] Quarterly reports shall be forwarded, in triplicate, to the office of the Bureau of Motor Carriers of the Interstate Commerce Commission for the district in which the carrier is domiciled within thirty days after the close of the period to which they relate.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

Notice. A copy of this order shall be served on each Class I motor carrier of property subject to the Act and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-12909; Filed, Dec. 5, 1952; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 43]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.14 a Camp Roberts, California, area (D-415), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP ROBERTS (D-415) (San Francisco Chart).	Beginning at lat. 35°49'45" N., long. 120°49'00" W.; SE. to lat. 35°43'45" N., long. 120°45'30" W.; due W. to long. 120°48'45" W.; NW. to lat. 35°46'30" N., long. 120°52'00" W.; NE. to 35°49'45" N., long. 120°49'00" W., point of beginning.	Surface to 5,000 feet above terrain.	Daylight hours only.	6th Army, Camp Roberts, Calif.

[1] Not filed with Federal Register Division.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 9, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-12897; Filed, Dec. 5, 1952; 8:45 a. m.]

[Amdt. 22]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

Station; frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (degs.)	Station to airport: Distance (mi.)	Field elevation (ft.)		Ceiling and visibility minimums: Day Ceiling (ft.)	Day Visibility (mi.)	Night Ceiling (ft.)	Night Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
CASPER, WYO. Natrona Co. Airport 269 kc; CPR; SBRAZ-DTV	N—Min. en route alt. E—Min. en route alt. E—6,000′ (Parkerton FM) (Final) S—Min. en route alt. W—Min. en route alt. (Casper VOR to LFR—172°, 13 mi, 7,000′)	E	10 mi—6,500′ N side E crs 15 mi—7,000′ N side E crs 20 mi—7,000′ N side E crs 25 mi—7,000′ N side E crs	6,000	256	7.7	5,347	R S* A T	500 #500 800 300	2.0 1.5 2.0 1.0	500 #500 800 300	2.0 2.0 2.0 1.0	Climb to 7,500′ on N crs within 25 mi, or as directed by ATC. *Runway 25. Straight-in minimums less than 500-2 authorized only when ILS LMM operating and utilized, otherwise regular minimums apply. #500-1 day, 500-1.5 night for acft with stall speeds of 75 mph or less. CAUTION: 5,900′ terrain 5 mi SSW and W of arpt. NOTE: Deviation from standard criteria authorized for straight-in minimums, initial approach altitudes, and missed approach procedure.
DOUGLAS, ARIZ. Bisbee-Douglas International Airport 379 kc; DUG; BMRLZ-DTV	NE—Min. en route alt. SE—Min. en route alt. SW—Min. en route alt. NW—Min. en route alt.	NW	10 mi—7,000′ N side NW crs 15 mi—7,000′ N side NW crs 20 mi—9,000′ N side NW crs 25 mi—9,000′ N side NW crs	6,150	122	3.5	4,158	R A T	2,000 2,000 400	2.0 2.0 1.0	2,000 2,000 500	3.0 3.0 2.0	If visual contact not established after passing LFR, climb to 10,000′ on NW crs within 25 mi, or as directed by ATC. NOTE: No standby equipment. ADF procedures not authorized. SHUTTLE: SE crs to 9,000′ within 15 mi.
GALVESTON, TEX. Galveston Airport 263 kc; GLS; SBMRLZ-DTV	NE—Min. en route alt. S—Min. en route alt. SW—Min. en route alt. N—Min. en route alt. (Galveston VOR to LRF—160°, 1.8 mi, 1,300′)	N	10 mi—1,400′ W side N crs 15 mi—1,400′ W side N crs 20 mi—NA 25 mi—NA	860	126	4.2	7	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,300′ on S crs within 25 mi, or as directed by ATC. *Runway 13. CAUTION: 231′ msl obstruction located 1.6 mi NE of airport.
GULFPORT, MISS. Gulfport Airport (Using Keesler AFB LFR) 391 kc; BIX; MRLWZ	NE—Min. en route alt. SE—Min. en route alt. SW—Min. en route alt. NW—Min. en route alt.	NE	10 mi—1,500′ N side NE crs 15 mi—1,500′ N side NE crs 20 mi—1,500′ N side NE crs 25 mi—1,500′ N side NE crs	1,040	249	10.0	28	R A T	1,000 1,000 300	1.0 2.0 1.0	1,000 1,000 300	2.0 2.0 1.0	Climb to 1,500′ on SW crs within 25 mi, or as directed by ATC.
LAKE CHARLES, LA. Lake Charles AFB 242 kc; LCH; SBRAZ-DTV	N—Min. en route alt. E—Min. en route alt. S—Min. en route alt. W—Min. en route alt. (Lake Charles VOR to LFR—67°, 5.0 mi, 1,300′)	S	10 mi—1,200′ E side S crs 15 mi—1,200′ E side S crs 20 mi—1,200′ E side S crs 25 mi—1,200′ E side S crs	800	347	2.4	18	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	1.5 1.0 2.0 1.0	Climb to 1,300′ on N crs within 25 mi, or as directed by ATC.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station, frequency; identification; class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (degs.)	Station to airport: Distance (mi.)	Field elevation (ft.)		Ceiling and visibility minimums: Day Ceiling (ft.)	Day Visibility (mi.)	Night Ceiling (ft.)	Night Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
LAREDO, TEX. Laredo AFB 206 kc; LRD; SBRAZDTV	NE—Min. en route alt. SE—Min. en route alt. SW—Min. en route alt. NW—Min. en route alt. (Laredo VOR to LFR—317°, 8.4 mi, 1,700′).	NW	10 mi—1,700′ W side NW crs 15 mi—1,700′ W side NW crs 20 mi—1,700′ W side NW crs 25 mi—1,700′ W side NW crs	1,200	137	3.1	512	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 1,900′ on SE crs within 25 mi. *Runway 14.
LINCOLN, NEBR. Lincoln Airport 385 kc; LNK; SBMRLZDTV.	N—Min. en route alt. E—Min. en route alt. S—Min. en route alt. W—Min. en route alt.	N	10 mi—2,400′ W side N crs 15 mi—NA 20 mi—NA 25 mi—NA	1,900	170	2.4	1,191	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 #500 800 300	1.5 1.0 1.5 2.0 1.0	Climb to 2,600′ on S crs within 25 mi, or as directed by ATC. *Runways 14 and 17. #500-1 for acft with stall speeds of 75 mph or less. NOTE: Deviation from standard criteria authorized for straight-in rate of descent and for procedure turn.
MERCED, CALIF. Merced Airport (Using Castle AFB LFR) 206 kc; MER; MRAZ	NE—Min. en route alt. SE—Min. en route alt. SW—Min. en route alt. NW—Min. en route alt.	NE	10 mi—1,700′ N side NE crs 15 mi—1,700′ 20 mi—NA 25 mi—NA	1,200	158	3.0	155	R (R) A T	600 500 800 300	1.5 1.0 2.0 1.0	600 500 800 300	1.5 1.0 2.0 1.0	Climb to 3,000′ on SW crs; within 25 mi, or as directed by ATC.
MILWAUKEE, WIS. General Mitchell Airport 242 kc; MKE; SBRAZ-DTV	N—Min. en route alt. E—Min. en route alt. S—Min. en route alt. S—2,000′ (Kenosha FM) S—1,400′ (Franksville FM) (Final) W—Min. en route alt. W—2,300′ (Genesee FM)	S	10 mi—1,000′ E side S crs 15 mi—1,000′ E side S crs 20 mi—1,000′ E side S crs 25 mi—2,000′ E side S crs	1,400	352	2.2	698	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 500 800 300	1.5 1.5 1.0 2.0 1.0	Climb to 2,600′ on N crs within 25 mi, or as directed by ATC. *Runway 1.
PIERRE, S. DAK. Pierre Airport 347 kc; PIR; SBRAZ-DTV	N—Min. en route alt. E—Min. en route alt. S—Min. en route alt. W—Min. en route alt. (Pierre VOR to LFR—232°, 2.0 mi, 3,000′)	E	10 mi—3,000′ N side E crs 15 mi—3,000′ N side E crs 20 mi—3,000′ N side E crs 25 mi—3,000′ N side E crs	2,500	268	3.3	1,742	R (R) A T*	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	2.0 1.5 2.0 1.0	Climb to 3,500′ on W crs within 25 mi, or as directed by ATC. *All take-offs to the NW will be restricted to 400-1.
ST. JOSEPH, MO. Rosecrans Memorial Airport 341 kc; STJ; SBMRLZ-DTV	N—Min. en route alt. E—Min. en route alt. S—Min. en route alt. W—Min. en route alt. (St. Joseph VOR to LFR—170°, 17.0 mi, 2,400′)	S	10 mi—2,200′ E side S crs* 15 mi—NA 20 mi—NA 25 mi—NA	1,700	360	3.7	821	R (R) S# A T	700 500 500 800 300	1.5 1.0 1.0 2.0 1.0	700 500 500 800 300	1.5 1.5 1.0 2.0 1.0	Climb to 2,400′ on N crs within 25 mi, or as directed by ATC. *Procedure turn not authorized beyond 10 mi account conflicting Kansas City traffic. #Runway 35. CAUTION: 400′ bluffs W, NW and E of field.
SINCLAIR, WYO. Rawlins Airport 368 kc; SIR; SBRAZ-DTV	N—Min. en route alt. E—Min. en route alt. S—Min. en route alt. W—Min. en route alt.	E	10 mi—*8,600′ N side E crs 15 mi—NA 20 mi—NA 25 mi—NA	8,300	257	5.6	6,784	R A T	1,500 1,500 500	3.0 3.0 1.0	2,000 2,000 (BCOB) #1,500	5.0 5.0 3.0	If visual contact not established over LFR, climb to 10,000′ on W crs within 25 mi, or as directed by ATC. *Procedure turn must be accomplished within 10 mi on account of high terrain to E. #Take-off to SW only. CAUTION: High unlighted terrain surrounding arpt. NOTE: (1) Rawlins Arpt not approved for acft with stall speeds in excess of 75 mph. (2) Deviation from standard criteria authorized for landing minimums and for procedure turn.

LOW FREQUENCY RANGE PROCEDURES—Continued

Station: frequency; identification class	Minimum initial approach altitude from the direction and radio fix indicated	Final approach range course	Procedure turn minimum at distances from radio range station	Minimum altitude over range—final approach (ft.)	Station to airport: Magnetic bearing (degs.)	Station to airport: Distance (mi.)	Field elevation (ft.)	Ceiling and visibility minimums	Day: Ceiling (ft.)	Day: Visibility (mi.)	Night: Ceiling (ft.)	Night: Visibility (mi.)	If visual contact not established over airport at authorized landing minimums, or if landing not accomplished; remarks
SPRINGFIELD, MO. Springfield Airport 254 kc; SGF; SBRAZ-DTV	NE—Min. en route alt. SE—Min en route alt. SW—Min. en route alt. NW—Min. en route alt. (Springfield VOR to LFR—229°, 7.0 mi, 2,400')	NW	10 mi—2,400' W side NW crs 15 mi—2,400' W side NW crs 20 mi—2,400' W side NW crs 25 mi—2,400' W side NW crs	1,900	134	4.2	1,267	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 #500 800 300	1.5 1.0 1.5 2.0 1.0	Climb to 3,000' on SE crs within 25 mi, or as directed by ATC. *Runway 13. #500–1 for acft with stall speeds of 75 mph or less. CAUTION: 1,630' msl tower, 4.5 mi SE of arpt on missed approach.
VICHY, MO. Vichy Airport 344 kc; VIH; BMRLZ-DTV	NE—Min. en route alt. SE—Min. en route alt. SW—Min. en route alt. NW—Min. en route alt. (Vichy VOR to LFR—192°, 4.5 mi, 2,200')	SE	10 mi—2,300' N side SE crs 15 mi—2,300' N side SE crs 20 mi—2,300' N side SE crs 25 mi—2,300' N side SE crs	1,800	310	2.7	1,148	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 #500 800 300	1.5 1.0 1.5 2.0 1.0	Climb to 2,500' on NW crs within 25 mi, or as directed by ATC. * Runway 32. #500–1 for acft with stall speeds of 75 mph or less. NOTE: ADF procedures not authorized.
WATERTOWN, S. DAK. Watertown Airport 382 kc; ATY; BMRLZ-DTV	N—Min. en route alt. E—Min. en route alt. S—Min. en route alt. W—Min. en route alt. (Watertown VOR to LFR—136°, 5.0 mi, 2,900').	E	10 mi—3,000' N side E crs 15 mi—3,000' N side E crs 20 mi—3,000' N side E crs 25 mi—3,000' N side E crs	2,500	252	2.9	1,747	R (R) A T	500 500 800 300	1.5 1.0 2.0 1.0	500 500 800 300	1.5 1.0 2.0 1.0	Climb to 3,000' on W crs, or as directed by ATC. NOTE: ADF procedures not authorized.
YOUNGSTOWN, OHIO Youngstown Airport 212 kc; YNG; SBMRLZ-DTV.	N—Min. en route alt. ~~N—1,740' (Gustavus FM) (Final)~~ E—Min. en route alt. S—Min. en route alt. W—Min. en route alt.	N	10 mi—2,200' W side N crs 15 mi—2,200' W side N crs 20 mi—2,200' W side N crs 25 mi—2,200' W side N crs	1,740	185	3.4	1,196	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	500 500 #500 800 300	1.5 1.0 1.5 2.0 1.0	Climb to 2,600' on S crs within 25 mi, or as directed by ATC. *Runway 18. #500–1 for acft with stall speeds of 75 mph or less.

2. The high frequency range procedures prescribed in § 609.7 are amended to read in part:

VHF VISUAL-AURAL (VAR) RANGE PROCEDURES

PASO ROBLES, CALIF. San Luis Obispo Co. Airport	(PROCEDURE CANCELED)
SALINAS, CALIF. Salinas Airport	(PROCEDURE CANCELED)

3. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

Station: frequency; identity; class	Initial approach to station: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final approach course; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums: Clear	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
DALLAS, TEX. Love Field	(PROCEDURE CANCELED)													
MILWAUKEE, WIS. General Mitchell Airport 219 kc; MK; LOM	Milwaukee LFR	LOM	194	2.5	2,000	5 185	10 mi—2,000' E side course 15 mi—2,000' E side course 20 mi—2,000' E side course 25 mi—2,000' E side course	1,400	4.6	698	R (R) * S# A T	500 500 500 500 800 300	1.5 1.0 1.5 1.0 2.0 1.0	Climb to 2,600' on crs of 5° within 25 mi of LOM. *Night minimums. #Runway 1. NOTE: (1) LOM to be monitored continuously during approach. (2) LMM located 0.67 mi from end of Rwy 1; Freq. 201 kc, Ident. KE.
	Franksville FM	LOM	353	8.0	2,000									
	Franksville FM (Final)	LOM	353	8.0	1,400									
	Genesee FM	LOM	105	25.0	2,000									
	Int. E crs Milwaukee LFR & 244° brg to LOM	LOM	244	10.0	2,000									
ST. LOUIS, MO. Lambert-St. Louis Airport 219 kc; ST; LOM	(All directions—MEA from primary fixes)					238 58	10 mi—1,900' N side course 15 mi—1,900' N side course 20 mi—1,900' N side course 25 mi—1,900' N side course	1,300*	4.84	543	R (R) S# A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,000' on crs of 238° within 25 mi of LOM, or as directed by ATC. *773' msl tank located 0.4 mi E of LFR stn. Do not descend below 1,100' until after passing abeam LFR stn. NOTE: Deviation from standard criteria authorized in terrain clearance for landing. #Runway 24.
	Int. NW crs Scott LFR & E crs St. Louis LFR (Woodriver Int.)	LOM	255	9.0	1,900									
	St. Louis LFR	LOM	48	2.0	1,900									
	St. Louis VOR	LOM	110	12.0	1,900									
	Int. NW crs Scott LFR & N crs St. Louis LFR (Jerseyville Int.)	LOM	169	22.0	1,900									
TOPEKA, KANS. Philip Billard Airport 304 kc; TOP; MHW	(All directions—MEA from primary fixes)					125 305	10 mi—2,100' W side course 15 mi—2,100' W side course 20 mi—2,100' W side course 25 mi—2,100' W side course	2,100	4.51	880	R (R) S* A T	600 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 2,500' on crs of 125° outbound from Rbn within 25 mi, or as directed by ATC. *Runway 12. CAUTION: 1,018' msl stack located 1-3/4 mi S of Rbn. NOTE: Deviation from standard criteria authorized for straight-in rate of descent.
	Int. SE crs ILS & SW crs Kans. City LFR	Rbn	305	33.0	2,500									
	Int. 252° brg to Salina VOR & NW crs Forbes LFR	Rbn	71	16.0	2,500									
	Forbes LFR	Rbn	357	15.0	2,400									
	Topeka VOR	Rbn	251	7.0	2,100									
ZANESVILLE, OHIO Zanesville Airport 263 kc; ZZV; BMHTV	(All directions—MEA from primary fixes)					32 212	10 mi—2,200' E side crs 15 mi—2,200' E side crs 20 mi—2,200' E side crs 25 mi—2,200' E side crs	1,660	2.7	899	R (R) A T	500 500 1,000 (BCOB) 300	1.5 1.0 2.0 1.0	Make right climbing turn to 2,200' and return to Rbn, or as directed by ATC. NOTE: Rbn must be monitored continuously during approach.
	Int. 280° brg to Columbus VOR & 180° brg to Rbn	Rbn	180	3.0	2,200									
	Int. E crs Columbus LFR & 180° brg to Rbn	Rbn	180	12.0	2,200									
	Int. 265° brg to Columbus VOR & 180° brg to Rbn	Rbn	180	15.0	2,200									
DENVER, COLO. Stapleton Field (Procedure No. 1) 359 kc; DE; LOM	Denver LFR	LOM	68	4.0	6,500	206 26	10 mi.—6,500' S side crs 15 mi.—6,500' S side crs 20 mi.—6,500' S side crs 25 mi.—6,500' S side crs	6,500	4.19	5,325	R (R) S* A T	500 500 500 800 300	1.5 1.0 1.0 2.0 1.0	Climb to 8,900' on S crs Denver LFR, or as directed by ATC. *Runway 21. SHUTTLE: On N crs Denver LFR within 25 mi. When directed by ATC, shuttle approved on S crs Denver LFR between rng stn and Aurora FM, and on E crs Denver LFR within 25 mi. CAUTION: 5,918' msl radio tower, 4.7 mi. ESE of arpt.
	Dupont Int.	LOM	128	5.0	6,500									
	Henderson FM	LOM	145	9.0	6,500									
	Watkins FM	LOM	237	12.0	6,500									
	Aurora FM	LOM	353	10.0	7,000									
	~~Denver VOR~~	~~LOM~~	~~216~~	~~5.0~~	~~6,500~~									

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

Station: frequency; identity; class	Initial approach to station: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final approach course; degrees inbound; outbound	Procedure turn minimum at distances from station	Minimum altitude over station on final approach (ft.)	Distance from station to approach end of runway (mi.)	Field elevation (ft.)	Minimums: Clear	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
DENVER, COLO. Stapleton Field (Procedure No. 2, Using Aurora Rbn) 296 kc; AUR; MHW	Denver VOR	Rbn	200	13.0	7,000	344	10 mi.—7,000′ E side crs	**6,200	3.6	5,325	R	500	1.5	Climb to 6,500′ on crs of 348° from Denver LFR within 25 mi, or as directed by ATC. *Descent below 8,900′ not authorized until 3 mi N of Franktown FM due to 6,715′ terrain 6 mi NW of Franktown. **Do not descend below 5,825′ msl until 15 mi N of Aurora Rbn on account of 5,525′ msl tower at Lowry Field. #Runway 35. SHUTTLE: On N crs Denver LFR within 25 mi. When directed by ATC, shuttle approved on S crs Denver LFR between rng stn and Aurora FM, and on E crs Denver LFR within 25 mi. CAUTION: 5,918′ msl tower, 4.7 mi ESE of airport.
	Denver LFR	Rbn	164	7.0	7,000	164	15 mi.—NA				(R)	500	1.0	
	Franktown FM* (Northbound only)	Rbn	332	22.0	7,000		20 mi.—NA				S#	500	1.0	
	Watkins FM	Rbn	217	18.0	7,000		25 mi.—NA				A	800	2.0	
	Aurora FM (Final)	Rbn	309	3.0	6,200		(Procedure turn must be accomplished within 10 mi on account of high terrain to S)				T	300	1.0	
LOS ANGELES, CALIF. Los Angeles International Airport 266 kc; LA; LOM	Los Angeles LFR	LOM	74	2.0	2,000	248	10 mi—2,000′ S side crs	1,500	6.04	125	R	600	1.5	Climb to 2,000′ on crs of 248° within 25 mi of LOM, or as directed by ATC. *Runways 25L & R.
	La Habra FM	LOM	253	18.0	3,000	68	15 mi—NA				(R)	500	1.0	
	Downey FM & Rbn	LOM	253	9.0	1,500		20 mi—NA				S*	500	1.0	
							25 mi—NA				A	800	2.0	
											T	300	1.0	
OTTUMWA, IOWA. Ottumwa Airport 260 kc; OTM; BHDTV	(All directions—MEA from primary fixes)					370	10 mi—1,900′ E side crs	1,440	0.0	845	R	600	1.5	Climb to 2,200′ on crs of 360° within 25 mi of Rbn, or as directed by ATC.
						180	15 mi—1,900′ E side crs				(R)	600	1.0	
							20 mi—1,900′ E side crs				A	800	2.0	
	~~Ottumwa VOR~~	~~Rbn~~	~~305~~	~~8.0~~	~~1,500~~		~~25 mi—1,900′ E side crs~~				T	300	1.0	
WICHITA, KANS. Wichita Airport 219 kc; IC; LOM	(All directions—MEA from primary fixes)					2	10 mi—2,800′ E side crs	2,800	5.37	1,371	R	$500	1.5	Climb to 2,800′ on crs of 2° within 25 mi of LOM, or as directed by ATC. #Runway 6L/24R not authorized at night. *Runway 36L.
						182	15 mi—2,800′ E side crs				(R)	#500	1.0	
							20 mi—2,800′ E side crs				S*	#500	1.0	
							25 mi—2,800′ E side crs				A	#800	2.0	
	Towanda FM	LOM	213	24.0	2,800						T	#300	1.0	
	Wichita LFR	LOM	179	7.0	2,800									
	Viola FM	LOM	61	20.0	2,800									
	Oxford FM	LOM	343	20.0	2,800									
	Wichita VOR	LOM	178	17.0	2,800									

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

INSTRUMENT LANDING SYSTEM PROCEDURES

ILS location and range from which initial approach to ILS shall be made	Transition to ILS: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final ILS approach course, degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path intercept. (ft.)	Glide path altitude over markers (ft.): Outer	Middle	Distance from markers to approach end of runway (mi.): Outer	Middle	Field elevation (ft.)	Minimums:	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
AKRON, OHIO Akron-Canton Airport (Procedure No. 1) Freq. 109.5 mc Ident. CAK	Bergholz Rbn	Outer marker	343	33.0	2,500	S 6 186	2,500′—E side S crs	2,400	2,340	1,430	4.31	0.78	1,228	R	500	1.5	Climb to 2,500′ on crs of 45° to SE crs of Akron LFR, or as directed by ATC. *Runway 36.
	Akron LFR	Outer marker	176	13.0	2,500									(R)	500	1.0	
	Int. SE crs Akron LFR and 270° brg to LOM	Outer marker	270	18.0	2,500									S*	400	3/4	
														A	800	2.0	
	Int. SW crs Akron LFR and 90° brg to LOM	Outer marker	90	14.0	2,500									T	300	1.0	
	Int. SE crs Akron LFR and N crs ILS	Outer marker	186	11.0	2,500												
(Procedure No. 2)	LOM	Lakemore Int.*	6	11.4	2,500	N 186 6	2,500′—E side N crs	2,500 (Over Lakemore Int.)			5.8 (From Lakemore Int.)		1,228	R	500	1.5	Climb to 2,500′ on S crs ILS to LOM, or as directed by ATC. *Fix formed by the intersection of SE crs Akron LFR and N crs Akron-Canton ILS localizer. #Runway 18.
	Int. NE crs Akron LFR and N crs ILS (Final)	Lakemore Int.	186	4.3	1,980									(R)	500	1.0	
														S#	800	1.0	
														A	800	2.0	
	Int. E crs Wellington VAR and N crs ILS (Final)	Lakemore Int.	186	5.8	1,980									T	300	1.0	
	Int. 75° brg to Youngstown VOR and N crs ILS (Final)	Lakemore Int.	186	7.3	1,980												
	Int. 56° brg to Youngstown VOR and S crs ILS	Lakemore Int.	6	10.6	2,500												
	Int. 323° brg to Cleveland VOR and N crs ILS	Lakemore Int.	6	2.4	2,500												
	Int. 300° brg to Cleveland VOR and N crs ILS	Lakemore Int.	186	15.8	2,500												
	Int. 281° brg to Cleveland VOR and N crs ILS	Lakemore Int.	186	26.5	2,500												
	Int. E crs Cleveland VOR and N crs ILS	Lakemore Int.	186	25.0	2,500												
BAKERSFIELD, CALIF. Bakersfield-Kern Co. Airport No. 1 Freq. 109.9 mc Ident. BFL	Bakersfield LFR	SE crs ILS	141	1.5	2,000	SE 300 120	1,820′—S side SE crs (Within 10 mi-NA beyond 10 miles)	1,820	1,820	690	4.71	0.62	515	R	700	2.0	Climb to 3,000′ on NW crs of Bakersfield LFR, or on crs of 320° from VOR within 25 mi, or as directed by ATC. *Runway 30. #Take-offs or landings on Rwys 7 and 25 not authorized. NOTE: No reduction in landing minimums for acft with stall speeds of 75 mph or less.
	Bakersfield VOR	SE crs ILS	131	4.5	2,000									S*	400	1.0	
														A	800	2.0	
														T	300	1.0	
BUFFALO, N. Y. Buffalo Airport Freq. 110.3 mc Ident. BUF (Procedure No. 1)	SW crs Buffalo LFR	SW crs ILS	52	0.0	2,000	NE 232 52	1,800′—N side NE crs	1,800	1,750	930	4.20	0.66	711	R	500	1.5	Climb to 2,000′ on SW crs ILS, or as directed by ATC. *Runway 23.
	Wolcottsville FM	LOM	224	8.0	1,800									(R)	500	1.0	
														S*	400	3/4	
														A	800	2.0	
														T	300	1.0	

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final ILS approach course, degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (ft.)	Glide path altitude over markers (ft.): Outer	Middle	Distance from markers to approach end of runway (mi.): Outer	Middle	Field elevation (ft.)	Minimums:	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
CLEVELAND, OHIO Cleveland-Hopkins Airport Freq. 109.9 mc Ident. CLE	Cleveland LFR	LOM	224	4.5	2,100	SW 54 234	2,100′—S side SW ers (Within 5 mi) 2,200′—within 25 mi	2,100	2,070	1,020	4.50	0.71	789	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Make right climbing turn, climb to 2,600′ on E ers Cleveland LFR, or on crs of 101° from Cleveland VOR, or as directed by ATC. *Runway 5L.
	Cleveland VOR	LOM	161	6.0	2,100												
	Elyria FM	SW ers ILS	135	8.0	2,100												
	Int. NW ers Akron LFR and SW ers ILS	LOM	54	8.0	2,200												
	Avon Lake FM	LOM	171	10.0	2,100												
	N. Royalton FM	LOM	303	11.0	2,600												
EUGENE, OREG. Mahlon Sweet Airport Freq. 109.9 mc Ident. EUG	Eugene LFR	N ers ILS (outbound)	338	**	2,000	N 158 338	2,000′—E side N ers (Procedure turn to W—NA due to high terrain)	1,570	1,570	550	4.59	0.63	365	R (R) S* A T	600 500 #400 800 300	1.5 1.0 1.0 2.0 1.0	Turn right, climb to 3,000′ on N ers Eugene LFR within 25 mi of LFR, or as directed by ATC. *Runway 16. #500–1 when approach lights or glide path are inoperative. **Eugene LFR stn (251 kc) is adjacent to W side of N ers ILS. ##Freq. 379 kc, Ident. EU. NOTE: Deviation from standard criteria authorized for procedure turn and missed approach procedure.
	Cottage Grove FM	S ers ILS (inbound)	320	12.0	3,100												
	Eugene VOR	LOM##	343	0.2	2,000												
FRESNO, CALIF. Fresno Air Terminal Freq. 110.3 mc Ident. FNO	Fresno LFR	SE ers ILS (LOM)	71	11.0	1,700	SE 288 108	1,700′—S side SE ers (Within 10 mi of OM)	1,700	1,400	535	4.44	0.70	331	R (R) S# A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb on heading of 288° to 1,500′, then turn left and climb to 2,000′ on W ers Fresno LFR, or on crs of 272° from Fresno VOR within 20 mi, or as directed by ATC. #Runway 29. NOTE: Deviation authorized on direction of procedure turn due to more suitable terrain.
	Bowles FM	SE ers ILS (LOM)	15	12.0	1,700												
	Fresno VOR	SE ers ILS (LOM)	56	8.0	1,700												
HOUSTON, TEX. Houston Airport Freq. 109.9 mc Ident. HOU	Houston VOR	LOM	219	6.0	1,200	SW 35 215	1,300′—S side SW ers	1,260	1,260	250	4.78	0.66	50	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 1,600′ on NE ers ILS within 25 mi, or as directed by ATC. *Runway 3.
	Houston LFR	SW ers ILS	309	2.5	1,200												
	Houston FM	SW ers ILS	129	6.0	1,200												
	Arcola FM	SW ers ILS	15	4.5	1,200												
	Houston FM	LOM	168	9.0	1,200												
	Webster FM	LOM	284	13.0	1,200												
INDIANAPOLIS, IND. Indianapolis Airport Freq. 109.9 mc Ident. IND	Clayton FM	SW ers ILS	105	8.0	1,900	SW 44 224	1,900′—S side SW ers	1,900	1,920	1,055	4.30	0.90	796	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 2,300′ on E ers Indianapolis LFR to NW ers Cincinnati LFR, or as directed by ATC. *Runway 4.
	Indianapolis LFR	SW ers ILS	193	4.0	1,900												
	Int. E ers Indianapolis LFR and SW ers ILS	LOM	224	5.5	1,900												
	Int. S ers Indianapolis LFR and SW ers ILS	LOM	224	0.5	1,900												
MIAMI, FLA. Miami International Airport Freq. 109.5 mc Ident. MIA	Miami LFR	LOM*	85	1.5	1,100	W 85 265	1,100′—N side W ers	1,100	1,100	200	4.40	0.66	9	R (R) S# A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 1,400′ on E ers ILS, or as directed by ATC. *Right turn from S or left turn from N from Miami LFR stn to the outer marker not authorized. #Runway 9R. NOTE: Deviation authorized in direction of procedure turn to avoid conflict with traffic at Tamiami Airport.
	Miami VOR	LOM	263	1.5	1,100												
	Krome FM	LOM	91	10.0	1,100												

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS: From—	To—	Magnetic course (degs.)	Distance (mi.)	Minimum altitude (ft.)	Final ILS approach course, degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude at glide path interception (ft.)	Glide path altitude over markers (ft.): Outer	Middle	Distance from markers to approach end of runway (mi.): Outer	Middle	Field elevation (ft.)	Minimums:	Ceiling (ft.)	Visibility (mi.)	If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
MILWAUKEE, WIS. General Mitchell Airport Freq. 110.3 mc Ident. MKE	Milwaukee LFR	Outer Marker	194	2.5	2,000	S 5 185	2,000′—E side S ers	2,000	2,006	918	4.60	0.67	698	R (R) (C) S# A T	500 500 500 400 800 300	1.5 1.0 1.5 3/4 2.0 1.0	Climb to 2,600′ on N ers Milwaukee LFR within 25 mi, or as directed by ATC. *Night minimums. #Runway 1.
	Int. N ers Milwaukee and S ers ILS	Outer Marker	185	4.3	2,000												
	Franksville FM	S ers ILS	340	3.8	2,000												
	Int. W ers Milwaukee LFR and S ers ILS	Outer Marker	185	2.5	2,000												
MINNEAPOLIS, MINN. Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) Freq. 110.3 mc Ident. MSP	Minneapolis LFR	LOM	132	1.5	2,100	SE 293 113	2,100′—N side SE ers	2,100	2,060	1,035	4.70	0.65	840	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 2,500′ on NW crs of Minneapolis LFR or on crs of 299° from Minneapolis VOR to Hamel FM, or as directed by ATC. *Runway 29L.
	Minneapolis VOR	LOM	104	1.5	2,100												
	Hastings FM	Glide path interception (final)	295	8.0	2,100												
	Stanton Rbn	SE ers ILS	360	23.0	2,200												
	Jordan FM	LOM	61	26.0	2,200												
NEW YORK, N. Y. New York International Airport Freq. 109.5 mc Ident. IDL (Procedure No. 1)	Int. SE ers Newark LFR and SW ers ILS	LOM	42	11.2	1,000	SW 42 222	1,200′—S side SW ers	1,000	770	230	2.90	0.63	12	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 500′ on NE ers ILS, make a standard rate climbing turn to the right to a heading of 130°, intersecting the SW crs of Mitchel LFR, climb to 1,500′ outbound on the SW crs of Mitchel LFR, or as directed by ATC. *Runway 4R.
	Idlewild LFR	LOM	222	0.0	1,200												
OAKLAND, CALIF. Oakland Airport Freq. 109.9 mc Ident. OAK	Newark FM and Rbn	Hayward Rbn	340	7.0	2,500	E 274 94	3,500′—S side E crs*	2,500	1,320	230	4.75	0.66	5	R (R) S# A T	600 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 3,000′ on NW crs Oakland LFR within 15 mi, or on crs of 310° from Oakland VOR within 15 mi, or as directed by ATC. *Procedure turn on Oakland LFR transition only. Upon completion of procedure turn and transition to localizer crs inbound, descent is authorized to cross Hayward Rbn at 2,500′. #Runway 27R.
	Oakland LFR	Hayward Rbn	98	11.0	3,500												
	Oakland VOR	Hayward Rbn	93	12.0	3,500												
RALEIGH, N. C. Raleigh-Durham Airport Freq. 108.3 mc Ident. RDU	Raleigh LFR	LOM	263	8.0	2,000	SW 49 229	1,600′—S side SW ers	1,585	1,585	615	4.43	0.62	435	R (R) S* A T	500 500 400 800 300	1.5 1.0 3/4 2.0 1.0	Climb to 1,600′ on NE crs of Raleigh LFR within 25 mi, or as directed by ATC. *Runway 5.
	Int. NW ers Raleigh LFR and SW ers ILS	LOM	229	5.0	1,600												
	Raleigh VOR	LOM	303	12.0	2,000												
ROCK SPRINGS, WYO. Rock Springs Airport Freq. 110.3 mc Ident. RKS	Rock Springs LFR	LOM	90	1.5	9,200	E 254 74	9,200′—N side E crs	8,700	7,850	6,950*	4.50	0.70	6,752	R (R) ** S+ A T#	500 500 500 500 *400 800 300	1.5 2.0 1.0 2.0 3/4 2.0 1.0	Climb to 10,000′ on W ers Rock Springs LFR. *When glide path or approach lights are inoperative, regular approach minimums apply and descent to 7,200′ msl authorized at middle marker, this rate of descent being a deviation from standard criteria. **Night minimums. #Night take-offs authorized on Rwys 7 and 25 only. +Runway 25.
	Int. E ers ILS and W ers Rock Springs LFR	LOM	74	4.5	9,200												
	Point of Rocks FM	E ers ILS	235	7.0	9,200												
	Rock Springs VOR	E ers ILS	62	2.5	9,200												

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

ILS location and range from which initial approach to ILS shall be made	Transition to ILS					Glide path altitude over markers (ft.)		Distance from markers to approach end of runway (mi.)		Field elevation (ft.)	Minimums			If visual contact not established at authorized landing minimums, or if landing not accomplished; remarks
	From—	To—	Magnetic course (degrs.)	Distance (mi.)	Minimum altitude (ft.)	Outer	Middle	Outer	Middle			Ceiling (ft.)	Visibility (mi.)	
SACRAMENTO, CALIF. Sacramento Airport Freq. 110.3 mc Ident. SAC	Sacramento VOR	SW crs ILS (LOM)	18	0.7	1,200	1,169	213	4.60	0.59	21	R (R) S# A T	600 500 400 800 900	1.5 1.0 3/4 2.0 1.0	Climb to 2,500' on NE crs Sacramento LFR within 20 mi, or on crs of 22° from Sacramento VOR with in 20 mi, or as directed by ATC. •Procedure turn not authorized beyond Clarksburg FM. #Runway 2.
	Sacramento LFR	SW crs ILS (LOM)	187	3.0	1,200									
	Clarksburg FM	SW crs ILS (LOM)	22	8.0	1,200									
	Travis LFR	SW crs ILS (LOM)	43	19.0	1,200									
	Int. SE crs Sacramento LFR and N crs Stockton (Galt Int.)	SW crs ILS (LOM)	298	16.0	1,200									
ST. JOSEPH, MO. Rosecrans Memorial Airport Freq. 110.3 mc Ident. STJ	St. Joseph LFR	Outer marker	125	0.8	2,100	1,880	1,050	4.18	0.86	821	R (R) S** A T	700 500 500 800 900	1.5 1.0 1.5 3/4 2.0 1.0	Climb to 2,400' on N crs ILS within 25 mi, or as directed by ATC. •Procedure turn beyond 10 mi NA due to conflicting Kansas City (traffic. **Night minimums. #Runway 35.
	St. Joseph VOR	N crs ILS	153	2.0	2,400									
ST. LOUIS, MO. Lambert-St. Louis Airport Freq. 110.3 mc Ident. STL	St. Louis VOR	Outer marker	110	12.0	1,880	1,880	750	4.84	0.64	543	R (R) S** A T	500 500 500 800 900	1.5 1.0 3/4 2.0 1.0	Climb to 2,000' on SW crs ILS within 10 mi, or as directed by ATC. •Runway 24.
	Int. NW crs Scott LFR and NE crs ILS	Outer marker	238	8.0	1,880									
	Int. SW crs ILS and NE crs Vichy LFR	Outer marker	58	17.0	3,000									
	St. Louis LFR	NE crs ILS (outbound)	35	1.0	1,880									
	Jerseyville Int.	LOM	169	22.0	1,880									
	Int. NW crs Scott LFR and E crs St. Louis LFR	NE crs ILS	285	3.5	1,880									

Final ILS approach course; degrees inbound; outbound	Procedure turn minimum on ILS	Minimum altitude over radio path intersection (ft.)
SW 16 196	2,200'—S side SW crs*	1,169
S 352 172	2,200'—E side S crs*	2,200
NE 238 58	1,800'—N side NE crs	1,880

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JOSEPH D. BLATT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-12811; Filed, Dec. 5, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR Part 94]

RINDERPEST AND FOOT-AND-MOUTH DISEASE

NOTICE OF PROPOSED DETERMINATION OF NONEXISTENCE IN CANADA AND IMPOSING PROHIBITIONS AND RESTRICTIONS ON IMPORTATION OF SPECIFIED ANIMALS AND ANIMAL PRODUCTS ON ACCOUNT OF CERTAIN DISEASES

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), that the Secretary of Agriculture pursuant to the authority conferred upon him by section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) and section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111) proposes to determine, and to give notice of such determination, that neither rinderpest nor foot-and-mouth disease now exists in Canada, and to amend the regulations in 9 CFR Part 94, as amended (B. A. I. Order 373) imposing prohibitions and restrictions on the importation of specified animals and animal products on account of rinderpest and foot-and-mouth disease and certain other diseases by striking the word "Canada" from § 94.1 of the regulations.

The proposed determination, notification, and amendment, would remove the present prohibition under section 306 of the Tariff Act upon importation into the United States of cattle, sheep, other domestic ruminants, and swine, and of fresh, chilled or frozen beef, veal, mutton, lamb, or pork from Canada and render the commodities specified in 9 CFR Part 94, as amended (B. A. I. Order 373), and originating in said country, no longer subject to the provisions of that part.

Any person who wishes to submit written data, views, or arguments concerning the proposed determination and amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., on or before January 16, 1953.

Done at Washington, D. C., this 4th day of December 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12954; Filed, Dec. 4, 1952; 8:53 a. m.]

Production and Marketing Administration

[7 CFR Part 51]

U. S. STANDARDS FOR PINEAPPLES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Pineapples under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952) to supersede Suggested Tentative United States Grades for Pineapples issued December 4, 1931, and United States Standards for Porto Rican Pineapples issued October 27, 1931.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t. on the thirtieth (30) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.355 *Standards for pineapples*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of pineapples of similar varietal characteristics, which are mature, firm, dry and well formed, which have well developed eyes, and which are free from decay and sunscald, and free from injury caused by bruising, sunburn, and gummosis, and free from damage caused by disease, insects, rodents or mechanical or other means. The butts shall be well trimmed, well cured, and free from damage caused by cracks. The tops shall be of characteristic color, single, straight, well attached to the fruit and free from crown slips. The length of the tops shall be not less than 5 inches nor more than 1½ times the length of the fruit. (See Size and Marking Requirements.)

(i) In order to allow for variations incident to proper grading and handling other than for size and marking, not more than a total of 10 percent, by count, of the pineapples in any lot may fail to meet the requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for pineapples which are seriously damaged, including therein not more than 1 percent for pineapples affected by decay.

(2) *U. S. No. 1.* U. S. No. 1 consists of pineapples of similar varietal characteristics, which are mature, firm, dry and well formed, which have well developed eyes, and which are free from decay and sunscald, and free from damage caused by bruising, sunburn, gummosis, disease, insects, rodents or mechanical or other means. The butts shall be well trimmed, fairly well cured and shall not be badly cracked. The tops shall be of characteristic color, single, reasonably straight, well attached to the fruit, and shall have not more than 5 crown slips, not more than 2 of which may be more than 2¾ inches in length. The length of the tops shall be not less than 4 inches nor more than twice the length of the fruit. (See Size and Marking Requirements.)

(i) In order to allow for variations incident to proper grading and handling, other than for size and marking, not more than a total of 10 percent, by count, of the pineapples in any lot may fail to meet the requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for pineapples which are seriously damaged, including therein not more than 1 percent for pineapples affected by decay.

(3) *U. S. No. 2.* U. S. No. 2 consists of pineapples of similar varietal characteristics, which are mature, firm and fairly well formed, which have fairly well developed eyes, and which are free from decay, and sunscald, and free from serious damage caused by bruising, sunburn, gummosis, disease, insects, rodents or mechanical or other means. The butts shall be fairly well cured. The tops shall be of characteristic color, well attached to the fruit, not completely curved over and shall consist of not more than 2 fairly well developed stems but may have any number of crown slips. (See Size and Marking Requirements.)

(i) In order to allow for variations incident to proper grading and handling, other than for size and marking, not more than a total of 10 percent, by count, of the pineapples in any lot may fail to meet the requirements of the grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for pineapples affected by decay.

(b) *Unclassified.* Unclassified consists of pineapples which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(i) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified.

(ii) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one decayed or otherwise defective fruit may be permitted in any package.

(d) *Size and marking requirements.* (1) The pineapples in each container shall be fairly uniform in size and the count shall be plainly stamped, stenciled or otherwise marked on the container.

(2) In order to allow for variations incident to proper packing not more than 5 percent of the packages in any lot may fail to meet the requirements pertaining to size and marking.

(e) *Definitions.* (1) "Similar varietal characteristics" means that the pineapples in any lot are similar in type and character of growth.

(2) "Mature" means that the pineapple has reached the stage of develop-

ment which will insure a proper completion of the ripening process.

(3) "Firm" means that the fruit does not yield to slight pressure.

(4) "Dry" means that the surface of the fruit is free from moisture other than that resulting from condensation.

(5) "Well formed" means that the fruit shows good shoulder development and is not lopsided or distinctly pointed, and that the sides are not noticeably flattened.

(6) "Well developed eyes" means eyes which have developed normally.

(7) "Injury" means any defect which more than slightly affects the appearance or the edible or shipping quality of the fruit. Sunburn which will not more than slightly affect the appearance of the fruit when ripe, or gummosis which is very slight shall not be considered as injury.

(8) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Sunburn which will not materially affect the appearance of the fruit when ripe, or gummosis which is slight or does not materially discolor the eyes shall not be considered as damage.

(9) "Well trimmed" means that the bracts on the stem next to the base of the fruit have been removed and the stem has been cut off so that the fruit will stand straight when placed butt end down on a flat surface.

(10) "Well cured" means that the cut portion of the butt has completely caloused over.

(11) "Characteristic color" means that at shipping points the tops are of good green color characteristic of well-grown pineapples, and in the receiving markets, are fairly good green color and relatively free from dryness and discoloration.

(12) "Single top" means that the fruit does not have more than one prominent main stem at the crown of the fruit.

(13) "Crown slips" means the small, secondary top growths at the crown of the fruit.

(14) "Fairly well cured" means that the cut portion of the butt is free from bleeding.

(15) "Fairly well formed" means that the fruit is not excessively lopsided or excessively flattened at the shoulders or sides.

(16) "Fairly well developed eyes" means eyes which show fairly normal development and are not badly misshapen.

(17) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit.

(18) "Fairly uniform in size" means that for counts 18 or less in standard southeastern pineapple crates, the pineapples do not vary more than ⅝ inch in diameter, and for counts over 18 in number the pineapples do not vary more than ½ inch in diameter. Diameter shall be the greatest dimension measured at right angles to a line from top to butt.

Done at Washington, D. C., this 2d day of December 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-12944; Filed, Dec. 5, 1952; 8:52 a. m.]

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF CANNED GREEN BEANS AND CANNED WAX BEANS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the amendment, as herein proposed, of United States Standards for Grades of Canned Green Beans and Canned Wax Beans (16 F. R. 6790), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

In § 52.165 (e), Table No. I, is amended to read as follows:

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF GREEN BEANS AND WAX BEANS

Container size or designation	Styles of canned beans			
	Whole	Whole vertical pack or whole asparagus style	Short cuts and cuts less than 1½ inches	French style and cuts 1½ inches and longer
8 Z tall	4¾	5¼	5	4¾
8 ounce jar	4½		4¾	4½
No. 1 (picnic)	5¾	6¼	6	5¾
No. 1 tall	9	10	9¼	9
No. 300	8¼	9¼	8½	8¼
No. 300 jar	8½		8¾	8½
No. 303	9¼	10	9½	9¼
No. 303 jar	9¾		10	9¾
No. 2	11¼	12¾	11½	11¼
No. 2½	16¼	18	16¾	16¼
No. 2½ jar	16¾		16¾	16¼
No. 10	61	66	63	61

Done at Washington, D. C., this 2d day of December 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-12945; Filed, Dec. 5, 1952; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 61]

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING AND ORAL ARGUMENT

By notice dated July 25, 1952, and published in the FEDERAL REGISTER on July 30, 1952 (17 F. R. 6971), the Board gave notice that it has under consideration the adoption of a revision of Part 40 of the Civil Air Regulations. Reference is made to said notice for a full explanation of the purpose and background of the proposed rules. Copies of the notice may be obtained from the Director, Bureau of Safety Regulation, Civil Aeronautics Board, Washington 25, D. C.

In the notice dated July 25, 1952, the Board requested that it be advised with respect to any matter contained in the notice concerning which interested persons desired to present oral argument to the Board. The Board having received requests which appeared to warrant it, notice is hereby given that the Board will hear oral argument with respect to the matters described herein on January 8, 1953, at 10 a. m., e. s. t., in Room 5042, Department of Commerce Building, Washington, D. C. In order that all interested persons may have the opportunity to ascertain the arguments to be presented to the Board and thereby present views which differ from those proposed to be presented by the persons requesting opportunity for oral argument, persons desiring to be heard are requested to inform John M. Chamberlain, Director, Bureau of Safety Regulation, Civil Aeronautics Board, Washington 25, D. C., not later than December 24, 1952, with regard to each of the matters described herein concerning which they desire to present oral argument and to submit a brief statement containing the nature of the argument to be presented. It is contemplated that replies to this notice will be utilized for the purpose of allocation of time to each speaker for presentation of oral argument. Each person desiring to present oral argument will be notified as soon as practicable of the time allocation. As a general guide, however, it is expected that in view of the number of issues to be heard and the number of persons expected to participate in oral argument that approximately 20 minutes will be allocated for the presentation of the views in favor of a particular proposal and a similar time for the opposition views. Where more than one person desires to present argument in favor of or in opposition to a particular proposal, it is proposed that the total time for such presentation will be divided between such persons. Copies of replies received in response to this notice will be available after December 29, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

In the event interested persons desire to review the comments submitted to the Board in response to the notice of proposed rule making dated July 25, 1952, all such persons are advised that these comments are currently on file at the Docket Section of the Board and are available for examination.

As a result of comment received in response to the notice dated July 25, 1952, the Board desires to hear oral argument with respect to the following matters:

NONTRANSPORT CATEGORY PERFORMANCE LIMITATIONS

Proposed performance limitations for application to nontransport category aircraft were circulated as Draft Release No. 52-11, dated April 2, 1952. As a result of comment received this proposal was reconsidered, and it appeared to be advisable that the runway length margins for landing be increased. Accordingly, these margins were increased from 30 percent to 40 percent. With this change the nontransport category performance limitations were incorporated into §§ 40.62 through 40.65 of the proposed revision to Part 40.

As a result of the Board's publication of the notice of proposed revision of Part 40 on July 25, 1952, the Air Line Pilots Association (ALPA) submitted two recommendations for substantive changes in these limitations. The first of these was the application of temperature accountability to the take-off requirement, and the second was an increase in the runway gradient correction requirement to take account of all gradient. The Air Transport Association (ATA), on the other hand, recommended that the amount of gradient excepted in the take-off requirement be increased from ½ percent to one percent and that the runway length margins for landing be reduced to 30 percent as originally proposed in Draft Release No. 52-11.

In view of the foregoing the Board desires to hear oral argument as to:

1. Whether temperature accountability should be incorporated into the take-off requirements applicable to nontransport category aircraft and, if so, to what extent and in what form should account of temperature be taken.

2. What account should be taken of runway gradient in applying the take-off requirements applicable to nontransport category aircraft.

3. What runway length margins should apply to the landing distance requirements applicable to nontransport category aircraft.

RADIO EQUIPMENT FOR OPERATIONS UNDER VFR OVER ROUTES NOT NAVIGATED BY PILOTAGE OR FOR OPERATIONS UNDER IFR

With the advent of VHF airways in domestic United States the situation has arisen whereby in particular operations the scheduled air carriers may use a combination of VHF and LF/MF navigation facilities. Under such circumstances § 40.92 (c) of proposed Part 40 would require that aircraft be equipped with one VHF and one LF/MF receiver; providing that the aircraft is so fueled that in case of failure of any one such receiver the aircraft could proceed to a suitable alternate airport possessing ground radio navigation facilities the signals of which may be received by the remaining equipment. This requirement intended to insure that there in fact exists an equivalent of the dual airborne equipment required under the existing rules.

The ALPA proposes that this section be reworded as follows: "When the safety of a flight would not be adversely affected by the failure of a single receiver system, an aircraft engaged in such a flight may be equipped with two low frequency and one VHF or two VHF and one low frequency radio range receiving systems, provided that the ground facilities are so located in relation to the route and the aircraft so fueled that in case of failure of the single receiver system the flight may proceed to a suitable alternate which has ground radio navigation facilities the signals of which may be received by the dual receiver in the aircraft."

In view of the foregoing the Board desires to hear oral argument as to whether compliance with the requirement stated in § 40.92 (c) constitutes effective duplication of navigation receiving equipment and, if not, what alternative requirements should be included to achieve such an end.

CHECK AIRMEN

Section 40.120 (b) of proposed Part 40 requires that an air carrier provide a sufficient number of check airmen holding airman certificates and ratings appropriate to the type of check to be conducted. A check airman is defined as "an airman designated by air carrier and approved by the Administrator to examine other airmen to determine their proficiency with respect to procedures and technique and their competence to perform their respective airman duties" (§ 40.2 (a) (15)). The above provisions include a three-fold safeguard to insure the competence of check airmen: first, the holding of appropriate certificates and ratings; second, specific selection and designation for such duty by the air carrier; and third, approval by the Administrator.

The Flight Engineers' International Association (FEIA) proposes an additional condition in § 40.120 (b) by requiring that check airmen be "actively engaged in the same occupation as the airmen being checked." This proposal raises certain issues as to whether such a condition would prohibit the use of professional check airmen and whether such a prohibition would constitute an undesirable impediment to the exercise of managerial discretion. It is further questioned whether any occupational experience as flight engineer is necessary for proper evaluation of the competence of flight engineers.

In view of the foregoing the Board desires to hear oral argument as to whether it is necessary that a check airman be actively engaged in the same occupation as the airman to be checked, in order to insure his competence to serve as a check airman.

RECURRENT AIRMAN TRAINING

Section 40.126 of proposed Part 40 requires the air carrier to provide such training as is necessary to insure the continued competence of each crew member and dispatcher and to insure that each possesses adequate knowledge and familiarity with all new equipment and procedures to be used by him. This section also requires that the air carrier shall, at intervals established as a part of a training program, check the competence of each crew member and dispatcher as a means of insuring that each such individual is in fact competent to perform his duties.

The FEIA has recommended that this requirement specify that the "interval" for checking crew members and dispatchers be not less than six months. The reason stated for this proposal is that unless a minimum period is specified the voluntary training programs would not be carried out.

In view of the foregoing the Board desires to hear oral argument as to whether it is necessary or desirable that a maximum period of time be specified between air carrier checks of the competence of crew members and dispatchers.

PILOT CHECKS

The ATA proposes the amendment of § 40.132 (b) (Proficiency check) by deleting that portion of the requirement which would assure a rotation of the aircraft types used in proficiency checks for the purpose of checking the pilot's competence with respect to the type of aircraft in which he is required to serve as pilot in command. The ATA states that, because the line check has been newly introduced into the Civil Air Regulations in proposed Part 40 and since § 40.132 (c) assures that either a line check or a proficiency check must be given each 12 months in each such aircraft type, the pilot's competence with respect to particular aircraft types will be subject to adequate flight check.

In view of the foregoing the Board desires to hear oral argument as to whether it is necessary to require that semiannual proficiency checks be given in such a manner that a rotation of aircraft types to be used by the pilot is assured.

PILOT ROUTE AND AIRPORT QUALIFICATION REQUIREMENTS

The ATA proposes the amendment of § 40.135 (c) by allowing a simulated approach in a synthetic trainer to be used as an alternative means of satisfying the requirement that each pilot shall fly through the approach procedures for which the lowest minimums are authorized for each regular, provisional, and refueling airport.

Proposed § 40.135 (d) requires that a pilot in command who is to fly below the level of terrain within a horizontal distance of twenty-five miles on either side of the center line of the route to be flown shall, prior to serving in such operations, make one round trip as pilot or additional member of the flight crew under day VFR conditions. The ATA, however, proposes that the "one round trip" be amended to read "two one-way trips".

The above requirement also specifies that, when night operation is authorized below the level of terrain within twenty-five miles of the center line of the route to be flown, one way of such round trip

shall be made under night VFR conditions before a pilot shall serve as pilot in command in such operations. The ATA, however, proposes that the requirement to conduct a qualifying flight at night should be deleted as being unnecessary.

Proposed § 40.136 (Maintenance of pilot route qualifications) requires that for the purpose of maintaining pilot route and airport qualifications each pilot being utilized as pilot in command shall within the preceding twelve months have made at least one trip as pilot or other flight crew member between terminals into which he is scheduled to fly and one actual entry or one simulated entry utilizing a synthetic trainer into each regular, provisional, and refueling airport into which he is scheduled to fly. The ATA proposes deleting that portion of this section which requires an actual or simulated entry into an airport because of the alleged burden imposed upon the air carrier to show compliance. Furthermore, the ATA maintains that insufficient contribution to safety would be made by such a requirement.

In view of the foregoing the Board desires to hear oral argument as to:

1. Whether a simulated approach in a synthetic trainer may be substituted for an actual approach in an aircraft for the purpose of qualifying a pilot initially to operate into a particular regular, provisional, or refueling airport.

2. Whether it is necessary that a pilot be required to make a qualifying flight under day VFR operations in both directions on a route on which he is to serve as pilot in command and on which he is to fly below the level of terrain within a horizontal distance of twenty-five miles on either side of the center line of the route to be flown.

3. Whether it is necessary that a pilot be required to make a qualifying flight at night prior to serving during the hours of darkness as pilot in command on a route on which he will be required to fly below the level of terrain within twenty-five miles on either side of the center line of such route.

4. Whether it is necessary that a pilot be required, in order to maintain route qualification, to make either one actual entry or one simulated entry, utilizing a synthetic trainer into each regular, provisional, or refueling airport into which he is scheduled to fly.

FLIGHT ENGINEER QUALIFICATION FOR DUTY

With respect to flight engineer qualification for duty the Board proposed to continue in effect a requirement identical to that contained in current Part 61. This proposed rule, which is contained in § 40.138 of proposed Part 40, requires a flight engineer to have had, within the preceding twelve months, either a flight check or fifty hours of experience as a flight engineer on the type aircraft on which he is to serve.

The FEIA proposes that the period of time specified in this requirement be reduced from twelve months to six months. Prior to the receipt of this proposal, information had not been brought to the attention of the Board to the effect that the twelve-month period was inadequate.

In view of the foregoing the Board desires to hear oral argument as to whether it is necessary to require that the recent experience or flight check requirements of § 40.138 be made applicable semi-annually.

RESPONSIBILITY OF DISPATCHER

The Board proposed in § 40.151 (b) that the responsibility of the dispatcher be specified as follows:

The aircraft dispatcher shall be responsible:

(1) For monitoring the progress of each flight and the issuance of instructions and information necessary for the continued safety of the flight.

(2) For the cancellation, delay, or redispatch of a flight, if, in his opinion or in the opinion of the pilot in command, the flight cannot operate or continue to operate safely.

The ATA has expressed the apprehension that, unless dispatchers are required by regulation to exercise their authority only in accordance with policies of the air carrier, they may assume the regulations give them authority beyond the control of air carrier management.

In view of the foregoing the Board desires to hold oral argument as to whether it is desirable that the Civil Air Regulations specify that the responsibilities of aircraft dispatchers for the cancellation, delay, or redispatch of a flight shall be exercised only in accordance with the policies of the air carrier.

CONTINUATION OF FLIGHT WITH REQUIRED EQUIPMENT INOPERATIVE

In the event any item of equipment required for a particular operation becomes unserviceable en route, § 40.182 (b) would require the pilot in command to comply with the procedures specified in the manual for such occurrence.

The ATA proposes the deletion of the word "en route" in order to enable flights to be rescheduled after a turn around without repairs or replacement having been accomplished. This proposal is made because of the ATA view that it is "neither economical or feasible to provide parts, specialist type mechanic personnel, and service facilities to permit such repairs" at all such turn around points. As illustrative of the operation which is contemplated, the ATA states that the rule should permit flights to terminate at an east coast airport and originate a "westbound flight which would terminate at San Francisco or some other station having the required parts and qualified people, at which time repairs would be effected."

In view of the foregoing the Board desires to hear oral argument as to whether authority to continue the operation of an aircraft with the required equipment inoperative should extend beyond the scheduled terminus of a particular flight.

FLIGHT ALTITUDE RULES

The Board proposed to prohibit generally the operation of aircraft in passenger operations at altitudes less than 1,000 ft. above the surface or above any mountain, hill, or other obstruction to flight. It was also contemplated, however, that this requirement (§ 40.193) would authorize the Administrator to establish other altitudes for any route or portion thereof where he finds, after considering the character of the terrain being traversed, the quantity and quality of meteorological services, the navigational facilities available, and other flight conditions, that the safe conduct of flight permits or requires such other altitudes.

The ATA recommends that this requirement be amended to permit day VFR operations at 500 ft. above the surface rather than 1,000 ft. The ATA bases this recommendation on the fact that the operating experience of the air carriers does not indicate the need for a 1,000-ft. altitude and that VFR operations at altitudes between 500 ft. and 1,000 ft. above the surface are necessary for certain air carrier operations.

In proposed § 40.193 the Board had included certain restrictions with respect to over-the-top operations at altitudes lower than those prescribed for IFR operations. These provisions were identical to the provisions of Part 61 in existence at the time proposed Part 40 was published. Since that time, however, Part 61 was amended to include certain alternative limitations to be applied to such operations (CAR Amendment 61-8, effective September 10, 1952).

The ATA recommendation is that neither the provisions included in proposed Part 40 nor the provisions of CAR Amendment 61-8 be included in Part 40 but that, in lieu of such provisions, over-the-top operations be treated as VFR operations so far as the flight altitude rules are concerned.

In view of the foregoing the Board desires to hear oral argument as to whether:

1. It is desirable that the rules permit flight altitudes with 500-ft. clearance above obstacles without requiring special authorization by the Administrator in each case in which flight is contemplated below 1,000 feet.

2. Special flight altitude limitations should apply to the operations of scheduled air carrier aircraft when operated over-the-top at flight altitudes lower than those prescribed for IFR operations and, if so, whether the provisions of CAR Amendment 61-8, effective September 10, 1952, constitute reasonable limitations.

INCLUSION OF TOTAL TIME SINCE OVERHAUL IN THE MAINTENANCE LOG

Proposed Part 40 contains a requirement for a maintenance log to be carried in aircraft in a place readily accessible to the flight crew (§ 40.207). No provision is made in this section, however, for keeping a record in the maintenance log of the total time since last overhaul for engines and airplanes. The ALPA proposes that such a requirement be included in order that pilots may be advised as to the length of service of aircraft and engines since the last overhaul.

In view of the foregoing the Board desires to hear oral argument as to whether it is desirable that the Civil Air Regulations require indication in the maintenance log of time since last overhaul for aircraft and engines.

Although the comment received in response to the July 25, 1952, notice requested opportunity for oral argument on matters other than those proposed herein, such matters are either to be handled as separate rule-making proceedings or are not considered to involve issues concerning which the Board desires to hear oral argument.

The oral argument presented pursuant to this notice may be an explanation of, in addition to, or in lieu of written comment submitted in response to the previous notice dated July 25, 1952.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated: December 2, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-12928; Filed, Dec. 5, 1952; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10353]

TELEVISION BROADCAST STATIONS

TRANSMITTERS AND ASSOCIATED EQUIPMENT; OPERATION

In the matter of amendment of § 3.687 (i) (1) rules governing Television Broadcast Stations; Docket No. 10353.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Section 3.687 (i) (1) of the Commission's rules governing Television Broadcast Stations presently provides as follows: "Spurious emissions, including radio frequency harmonics, shall be maintained at as low a level as the state of the art permits."

3. A study of the needs and requirements of the television broadcast service and other radio services and experience with various cases of interference, including interference to safety services, due to spurious emissions from television transmitters, indicates that it is necessary at this time to specify a minimum value of suppression of such emissions. Correspondence and exchange of information with various manufacturers of television transmitters indicates that a suppression of 60 db at the transmitter output terminals can presently be obtained by the inclusion of harmonic filters.

4. Further study will be given this problem. Such further study may indicate that more stringent requirements of spurious emission attenuation than 60 db are required. However, to avoid the difficulty of having large numbers of transmitters constructed and installed without the inclusion of harmonic filters or other means of spurious emission reduction, it is proposed as an emergency measure, to employ the figure of 60 db for all power levels, pending a determination as to what additional amount of attenuation can be achieved in practice.

5. Inasmuch as it is desirable to specify an attenuation figure for all spurious emissions, it is proposed to employ the figure of 60 db for all frequencies at least 3 mc removed from the edge of the television channel. Since considerable study and research would be required to make a specification for spurious emission attenuation nearer to the edge of the channel, no figure is now being proposed for that frequency region.

6. In view of the foregoing, it is proposed to amend § 3.687 (i) (1) of the rules governing Television Broadcast Stations by deleting the present provision and substituting the following:

§ 3.687 *Transmitters and associated equipment* • • •

(i) *Operation.* (1) Spurious emissions, including radio frequency harmonics, shall be maintained at as low a level as the state of the art permits. As measured at the output terminals of the transmitter (including harmonic filter, if required) all emissions removed in frequency in excess of 3 mc above or below the respective channel edge shall be attenuated no less than 60 db below the visual transmitter power. In the event of interference caused to any service greater attenuation will be required.

7. Authority for the issuance of the proposed amendment is vested in the Commission under sections 303 (e), (f), (r) and 4 (i) of the Communications Act of 1934, as amended.

8. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before January 12, 1953, written data, views, or arguments concerning said proposal. Persons favoring the amendment as proposed may file data, views, or arguments supporting said amendment by the same date. Replies to such data, views, or arguments may be filed on or before January 26, 1953. The Commission will consider all such comments before taking final action in the matter, and if comments are submitted which warrant the holding of oral argument, notice of the time and place of such argument will be given.

9. Interested persons who desire to submit written data, views or arguments as provided above shall, in accordance with § 1.764 of the Commission's rules and regulations, furnish the Commission with an original and 14 copies thereof.

Adopted: November 26, 1952.

Released: November 28, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-12924; Filed, Dec. 5, 1952; 8:48 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10284, 10285, 10352]

LUFKIN AMUSEMENT CO. ET AL.

MEMORANDUM OPINION AND ORDERS DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Lufkin Amusement Company, Beaumont, Texas, Docket No. 10284, File No. BPCT-545; Port Arthur College, Port Arthur, Texas, Docket No. 10285, File No. BPCT-839; Joe B. Carrigan, Trustee, and James K. Smith, a partnership, d/b as Smith Radio Company, Port Arthur, Texas, Docket No. 10352, File No. BPCT-1013.

1. The Commission has before it for consideration the following pleadings: (a) "Motion for Show Cause Order" filed August 14, 1952, by Smith Radio Company; (b) "Reply to Motion for Show Cause Order" filed August 21, 1952, by Port Arthur College; (c) "First Amended Original Rule for Show Cause Order" filed August 27, 1952, by Smith Radio Company; (d) a supplement to motion for show cause order filed August 29, 1952, by Smith Radio Company; (e) "Reply to Supplements to Motion for Show Cause Order" filed September 18, 1952, by Port Arthur College; (f) "Petition to Dismiss Application" of Lufkin Amusement Company filed September 23, 1952, by Smith Radio Company; (g) and "Reply to Petition to Dismiss Application" filed October 22, 1952, by Lufkin Amusement Company.

2. In its Sixth Report and Order (FCC 52-294) released April 14, 1952, the Commission assigned to Beaumont-Port Arthur, Texas, Channels 4, 6, 31 and 37, with Channel 37 reserved for use by a non-commercial educational station. On July 11, 1952, the Commission designated for hearing the mutually exclusive applications of Lufkin Amusement Company and Port Arthur College for Channel 4. On July 16, 1952, Smith Radio Company filed its application (BPCT-1013) for Channel 4. On August 6, 1952, the Commission advised Smith Radio Company that its application is mutually exclusive with the applications of Lufkin Amusement Company and Port Arthur College and, therefore, that the necessity of a consolidated hearing is indicated. The application of Smith Radio Company has not, as yet, been designated for such consolidated hearing.

3. In its motion for show cause order filed August 14, 1952, petitioner requests that "Port Arthur College be cited to ap-

pear and answer herein before a consolidated hearing is had and to show cause why it * * * should not be removed from Channel 4, a commercial radio channel as designated by the Federal Communications Commission." In support of its request, petitioner asserts that Port Arthur College has erroneously filed for Channel 4 and should be removed to the channel which has been reserved for non-commercial educational use in Beaumont-Port Arthur, Texas, since "it is the intention and announced purpose of designating commercial channels and educational channels that applicants falling within the commercial category should be excluded from educational channels and educational institutions be excluded from commercial channels"; that Port Arthur College, by virtue of the terms of its corporate charter, is without legal power to construct and operate a commercial television broadcast station; and that the Commission is without power to grant a construction permit or a license to Port Arthur College for the purpose of constructing and operating a commercial television broadcast station.

4. Port Arthur College requests in its reply to the foregoing motion for show cause order that the motion be denied. Port Arthur College urges (1) that neither the statutory provisions nor the Commission's rules authorize a competing applicant to request by petition a proceeding requiring an applicant for a broadcast construction permit to show cause why it should not be removed as an applicant for the broadcast facilities it has requested; (2) that the articles of incorporation of Port Arthur College provide for the construction and operation of AM, FM, and television broadcasting stations; and (3) that nothing in the Communications Act of 1934, as amended, or in the Commission's rules, precludes an educational institution from constructing and operating a commercial television broadcast station.

5. The contention advanced by petitioner that educational institutions are precluded from applying for and constructing and operating a commercial television broadcast station is without merit. In our Sixth Report and Order released April 14, 1952, we denied the proposals of the University of Missouri and the Bob Jones University for partial commercial operation by educational institutions on non-commercial educational channels. In paragraph 57 thereof, we said "* * *. It is recognized that the type of operation (partial commercial operation) proposed by these Universities may be accomplished by the licensing of educational institutions in the commercial television broadcast service." Moreover, in a memorandum opinion and order (FCC 52-1381) issued in the television rule making proceedings in Docket 8736 et al., released October 31, 1952, we stated "* * *. While it has been convenient to refer to unreserved channels as 'commercial', they are not in fact 'commercial' channels. The unreserved channels may be used commercially, or noncommercially, as the licensee sees fit. Indeed, we have recently granted an authorization for Michigan State University to employ an unreserved channel which it indicated will be operated on a noncommercial basis. The reservation of channels was established in order to afford educational institutions the time necessary to prepare for the operation of a television station. Since such channels were set aside, the condition was imposed that they may be employed only on a noncommercial basis * * *."

6. In its supplement to motion for show cause order petitioner asserts, in substance, that in view of the findings and conclusions of the Commission that the Port Arthur College application is entitled to be heard in a consolidated proceeding and in view of the matters raised by petitioner relative to the lack of legal power of Port Arthur College to engage in commercial television broadcasting, "a hearing is deemed required by law to determine this most important consideration before and preliminary and ancillary to the general hearing on the merits of the case" and that such a hearing should be held at a near date. Petitioner urges that section 309 (b) of the Communications Act of 1934, as amended by Communications Act Amendments, 1952, requires such a hearing. Port Arthur College replied to petitioner's supplements to motion for show cause order asserting that section 309 (b) of the Communications Act of 1934, as amended, does not provide for "ancillary hearings" on show cause or other motions prior to the full hearing on the merits of conflicting broadcast applications required by section 309 and the decision in Ashbacker Radio Corporation v. Federal Communications Commission, 326 U. S. 327. Further, Port Arthur College urges that petitioner's contentions that Port Arthur College is without legal power to engage in commercial television broadcasting are unfounded.

7. We are of the opinion that section 309 (b) of the Communications Act of 1934, as amended, does not require an ancillary proceeding preliminary to a hearing on the merits of an application. In effect, section 309 (b) provides that when a finding is made that an application cannot be granted without a hearing, the Commission shall notify the applicant and other known parties in interest of the grounds and reasons for the inability to make such finding as well as all objections to the application. The applicant is given an opportunity to reply and after the Commission considers any such reply, it shall formally designate the application for hearing, if it is unable to find that such application can be granted without a hearing. In such designation for hearing, the Commission shall state the grounds and reasons therefor and specify with particularity the matters and things in issue. Section 309 (b) further provides that such a hearing shall be a full hearing in which both the burden of proceeding with the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues, shall be upon the applicant.

8. As a party in interest, petitioner is entitled to bring to the Commission's attention matters, such as the legal qualifications of a competitor, which it believes should be placed in issue in the hearing which is otherwise required by the mutually exclusive competitive situation of the two applicants. And the opposing party is entitled to an opportunity to reply and inform the Commission why it believes this matter is not one which should be included in the hearing. The assertions made by petitioner with respect to the legal qualifications of Port Arthur College are matters which may, in the discretion of the Commission, be placed in issue when the applications are designated for hearing. It is to be noted, that in designating the mutually exclusive applications of Lufkin Amusement Company and Port Arthur College for hearing on July 11, 1952, we expressly included an issue as to the legal, technical, financial and other qualifications of Lufkin and Port Arthur College to construct and operate the proposed stations. The assertions advanced by petitioner with respect to the legal power of Port Arthur College to engage in commercial television broadcasting are matters which can be appropriately developed under the issue, as presently framed.

9. In its "Petition to Dismiss Application" of Lufkin Amusement Company, Smith Radio Company asserts that the application does not set forth complete answers in certain respects and, therefore, that under the provisions of § 1.371, footnote 10, subsection (j) the application is incomplete and must be dismissed. Lufkin Amusement Company, in its reply to Smith Radio Company's petition to dismiss its application, requests that said petition be denied and states that on October 22, 1952, the date of filing its reply, it filed with the Commission an amendment to its application which contained the information claimed by Smith Radio Company to have been omitted. On November 7, 1952, the Motions Commissioner granted Lufkin's petition to amend its application. Therefore, the questions raised by Smith Radio Company in its petition to dismiss application of Lufkin Amusement Company have become moot and do not require further consideration.

10. In view of the foregoing, *It is ordered*, That the requests contained in the above respective pleadings filed by Smith Radio Company are dismissed.

11. *It is further ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the application of Joe B. Carrigan, Trustee, and James K. Smith, a partnership, d/b as Smith Radio Company be designated for hearing in the same consolidated proceeding with the above-entitled applications to commence at 10:00 a. m. on December 15, 1952, at Washington, D. C. upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of any of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of these applicants would provide the more fair, efficient, and equitable distribution of television service.

6. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

Adopted: November 26, 1952.

Released: December 1, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12927; Filed, Dec. 5, 1952; 8:48 a. m.]

[Docket No. 10349]

HAROLD L. SUDBURY (KLCN)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Harold L. Sudbury (KLCN) Blytheville, Arkansas, Docket No. 10349, File No. BMP-5961; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of November 1952;

The Commission having under consideration petitions for reconsideration filed by Mississippi Broadcasting Company, Inc., licensee of Station WCOC, Meridian, Mississippi, on October 29, 1952, and supplemented November 14, 1952, and Ft. Massac Broadcasting Company, licensee of Station WMOK, Metropolis, Illinois, on November 7, 1952, each requesting the Commission to reconsider its action of October 8, 1952, in granting the above-entitled application of Harold L. Sudbury for modification of construction permit to change the operating power of Station KLCN from 1 kw to 5 kw, and an opposition to the original WCOC petition filed by Station KLCN on November 13, 1952;

It appearing, that the engineering affidavits, together with supporting field intensity measurements attached to the WCOC and WMOK petitions, indicate that the proposed operation of KLCN will cause objectionable interference to WCOC and WMOK and that the Commission's further study of the matter, including an analysis of the field intensity measurements submitted by the petitioners, also indicates that the proposed KLCN operation will cause objectionable interference to WCOC and WMOK;

It is ordered, That pursuant to section 309 (c) of the Communications Act of 1934, as amended, the Commission's action of October 8, 1952, granting the application of Harold L. Sudbury to change the operating power of Station KLCN from 1 kw to 5 kw, is rescinded, and that said application is designated for hearing at a time and place to be designated in a subsequent order upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of the proposed station would involve objectionable interference with Stations WCOC, Meridian, Mississippi, and WMOK, Metropolis, Illinois, and any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations:

It is further ordered, That Walter H. Firmin, Noah J. Korte, William R. Tiner, Don M. Park, Eddie Clark, J. B. Humma, S. F. Chase, Robert V. Gillespie, Bernard Lurie, and Elva M. Firmin, a Limited Partnership, d/b as Fort Massac Broadcasting Company, licensee of Radio Station WMOK, Metropolis, Illinois, is made a party to the preceeding:

It is further ordered, That Mississippi Broadcasting Company, Inc., licensee of Station WCOC, Meridian, Mississippi, is made a party to the proceeding:

It is further ordered, That the above-described petitions of Mississippi Broadcasting Company, Inc., and Fort Massac Broadcasting Company are granted.

Released: November 28, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12925; Filed, Dec. 5, 1952; 8:48 a. m.]

[Docket No. 10351]

INDIANA BELL TELEPHONE CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of the application of Indiana Bell Telephone Company, Docket No. 10351, File No. P-C-3020; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire the capital stock of Brownsburg Telephone Corporation, Central Indiana Telephone Company, Converse Consolidated Telephone Company, Daleville and Middletown Telephone Company, Sims Telephone Company, Inc., The Citizens' Telephone Company of Zionsville, Indiana, Union Telephone Company, and Noblesville Telephone Company, Inc., common carriers furnishing telephone service in the State of Indiana, will be of advantage to persons to whom service is to be rendered and in the public interest;

It is ordered, That pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon the said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 16th day of December 1952, and that a copy of this order shall be served upon the Governor of Indiana; the Public Service Commission of Indiana; Indiana Bell Telephone Company; The Indiana National Bank of Indianapolis, Administrator of the John T. Detchon Estate; Fletcher Trust Company; Brownsburg Telephone Corporation; Central Indiana Telephone Company; Converse Consolidated Telephone Company; Daleville and Middletown Telephone Company; Sims Telephone Company, Inc.; The Citizens' Telephone Company of Zionsville, Indiana; Union Telephone Company; Noblesville Telephone Company, Inc.; and the Postmasters of Brownsburg, Sheridan, Terhune, Converse, Daleville, Middletown, Sims, Zionsville, Amboy, Andrews, Bakers Corner, Carmel, Center, Greentown, Ekin, Greenfield, Kirklin, Lagro, Upland, Matthews, Mooresville, Morgantown, Nashville, Summitville and Noblesville, Indiana:

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in the cities referred to above, and in Hendricks, Hamilton, Clinton, Miami, Boone, Delaware, Henry, Huntington, Howard, Tipton, Hancock, Wabash, Grant, Morgan, Brown and Madison Counties, Indiana.

Released: November 28, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12926; Filed, Dec. 5, 1952; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5766]

AIR AMERICA, INC.; ENFORCEMENT PROCEEDING

NOTICE OF RE-ASSIGNMENT OF DATE OF HEARING

In the matter of Air America, Inc., Enforcement Proceeding.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding which was assigned to be held on December 17, 1952, is now assigned to be held on January 6, 1953, at 10:00 a. m., e. s. t., in Room 4823, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., December 3, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-12941; Filed, Dec. 5, 1952; 8:51 a. m.]

[Docket No. 5067 et al.]

AIR TRANSPORT ASSOCIATES, INC., ET AL.; PACIFIC NORTHWEST-ALASKA TARIFF INVESTIGATION

NOTICE OF REOPENED HEARING

In the matter of certain fares, rates, charges, routings, rules, and regulations between the vicinities of Portland, Oreg., and Seattle, Wash., on the one hand, and Anchorage and Fairbanks, Alaska, on the other, of Air Transport Associates, Inc., Alaska Airlines, Inc., Northwest Airlines, Inc., Pacific Northern Airlines, Inc., Pan American World Airways, Inc., United Air Lines, Inc., Western Air Lines, Inc., General Airways, Inc., Agent R. C. Lounsbury's (C. A. B. No. 124), All American Airways, Inc., American Air Export and Import Company, Aviation Corporation of Seattle, Argonaut Airways Corporation, Air Cargo Express, Inc., Blatz Airlines, Inc., California Air Charter, Inc., Coastal Cargo Co., Inc., Meteor Air Transport, Inc., Monarch Air Service, Peninsular Air Transport, S. S. W., Inc., Unit Export Company, Inc., World Airways, Inc., Modern Air Transport, Inc., Aero Finance Corporation, Air Services, Inc., Arctic-Pacific, Inc., Arnold Air Service, Inc., Federated Airlines, Inc., Freight Air, Inc., Great Lakes Airlines, Inc., Lavery Airways, Inc., Miami Airline, Inc., New England Air Express, Inc., Overseas National Airways, Pearson Alaska, Inc., Royal Air Service, Sourdough Air Transport, Southern Air Transport, Inc., Standard Air Cargo, Trans-Alaskan Airlines, Inc., Trans-Ocean Air Lines, known as the Pacific Northwest-Alaska Tariff Investigation.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 403, 404, 411, and 1002 thereof, the hearing in the above-entitled proceeding will be reopened and resumed on December 16, 1952, at 10:00 a. m., e. s. t., in Room 2045, Temporary Building No. 4, 17th Street, between Constitution and Independence Avenues NW., Washington 25, D. C. before Examiner Paul N. Pfeiffer.

The reopened hearing is limited to consideration of the following question:

What effect, if any, has the ocean-van, ocean-tow barge service between Seattle, Wash., Anchorage and Fairbanks, Alaska, upon the issuance of the reasonable level of United States-Alaska air cargo rates and air passenger fares and the common freight rating of Portland, Oreg. and Seattle, Wash.?

Notice is further given that any persons other than parties of record desiring to be heard during the reopened hearing shall file with the Board on or before December 16, 1952 a statement setting forth the issues of fact or law raised by this reopened hearing which he desires to controvert.

Dated at Washington, D. C., December 3, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-12942; Filed, Dec. 5, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1175]

ATLANTIC SEABOARD CORP.

NOTICE OF INTERIM ORDER GRANTING REQUEST FOR MODIFICATION OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 2, 1952.

Notice is herby given that on December 1, 1952, the Federal Power Commission issued its interim order entered November 25, 1952, granting request for modification of order (14 F. R. 4832) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12915; Filed, Dec. 5, 1952; 8:47 a. m.]

[Docket No. G-1447]

UNITED GAS PIPE LINE CO.

NOTICE OF ORDER ALLOWING RATE SCHEDULE TO TAKE EFFECT AND ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 2, 1952.

Notice is hereby given that on December 1, 1952, the Federal Power Commission issued its order entered November 28, 1952, allowing rate schedule to take effect as of the date of issuance of this order, amending order of February 26, 1951 (16 F. R. 2131), and issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12916; Filed, Dec. 5, 1952; 8:47 a. m.]

[Docket No. G-1677]

COLORADO INTERSTATE GAS CO.

NOTICE OF ORDER ON REHEARING

DECEMBER 2, 1952.

Notice is hereby given that on November 24, 1952, the Federal Power Commission issued its order entered November 20, 1952, on rehearing and amending paragraph B of order issued February 21, 1952 (17 F. R. 1840), in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12917; Filed, Dec. 5, 1952; 8:48 a. m.]

[Docket Nos. G-1732, G-2028]

MANUFACTURERS LIGHT AND HEAT CO., AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE OF FINDINGS AND ORDER

DECEMBER 2, 1952.

In the matters of the Manufacturers Light and Heat Company, Docket No. G-1732; the Manufacturers Light and Heat Company, and Cumberland and Allegheny Gas Company, Docket No. G-2028.

Notice is hereby given that on November 28, 1952, the Federal Power Commission issued its order entered November 25, 1952, in the above-entitled matters, issuing certificates of public convenience and necessity to the Manufacturers Light and Heat Company and Cumberland and Allegheny Gas Company, Docket No. G-2028; authorizing and approving abandonment of facility in said docket; and modifying certificate of public convenience and necessity (16 F. R. 10391) issued to the Manufacturers Light and Heat Company, Docket No. G-1732.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12918; Filed, Dec. 5, 1952; 8:48 a. m.]

[Docket No. G-2088]

LONE STAR GAS CO.

NOTICE OF APPLICATION

DECEMBER 2, 1952.

Take notice that on November 14, 1952, Lone Star Gas Company (Applicant), a Texas corporation having its principal place of business at Dallas, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing it to purchase, acquire, and operate a gas transmission pipeline owned by Clifford D. Mooers, sole owner of the Grandfield Gas Company.

Said pipeline consists of approximately 6.2 miles of pipe varying in diameter from four to six inches, and extends from a point of connection in Wichita County, Texas, with Applicant's existing system to a point at or near the City of Grandfield, Tillman County, Oklahoma. Applicant has purchased the gas distribution plant in the City of Grandfield hitherto owned and operated by said Clifford D. Mooers, and would provide service to said city through the transmission line hereinbefore described. Cost of purchase of said line and appurtenant facilities is $20,600. Gas supply for service to Grandfield would continue to be derived from Applicant's existing system.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure, on or before the 22d day of December 1952. The application is on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12914; Filed, Dec. 5, 1952; 8:47 a. m.]

[Docket No. G-2096]

ALABAMA-TENNESSEE NATURAL GAS CO.

ORDER PERMITTING CHANGE IN PRESENTLY EFFECTIVE RATE SCHEDULE DURING SUSPENSION PERIOD AND SUSPENDING PROPOSED NEW TARIFF SHEETS

NOVEMBER 28, 1952.

The Commission, by order issued September 16, 1952, suspended and deferred the use of Alabama-Tennessee Natural Gas Company's (Alabama-Tennessee) proposed Third Revised Sheet No. 4 and First Revised Sheets Nos. 5, 6, and 7 to its FPC Gas Tariff, Original Volume No. 1, until February 18, 1953, and until such further time thereafter as said proposed sheets might be made effective in the manner prescribed by the Natural Gas Act, and ordered that a public hearing concerning the lawfulness of Alabama-Tennessee's proposed tariff sheets be held upon a date to be fixed by further order of the Commission.

On October 31, 1952, Alabama-Tennessee filed Original Sheets Nos. 7-A and 7-B to its FPC Gas Tariff, Original Volume No. 1, which was continued in effect by the suspension referred to, proposing to change its single general service Rate Schedule G-1 by instituting a penalty of $10.00 per Mcf of gas taken without prior approval in excess of 1 percent over the contracted maximum daily delivery obligation.

The proposed penalty provision is alleged to be modeled after the provision of Alabama-Tennessee's supplier, Tennessee Gas Transmission Company, and Alabama-Tennessee states that the proposed provision is necessary because the sum of its maximum delivery obligations under all of its gas sales contracts approximates the amount available to it under its supply contract. Therefore, it is further alleged, that the penalty provision is a necessary policing measure.

The penalty provision would apply only to wholesale customers receiving about 18,165 Mcf, or 57.5 percent of the total available supply of 31,565 Mcf, whereas the remainder of 17,250 Mcf is sold to customers who, it appears, would not be subject to the penalty. The penalty provision may, therefore, result in discrimination against the wholesale customers. Furthermore, discrimination between customers to whom the penalty provision would apply may result from the fact that no basis is stated upon which Alabama-Tennessee's approval for over-runs is to be given nor how a buyer may qualify for such approval.

Six customer-companies have protested the proposed penalty provision, asserting that the proposed penalty provision is excessive, that their present maximum entitlements are insufficient to meet their estimated requirements, and that for small customers with little load diversity the proposed penalty could be financially disastrous.

The proposed-penalty provision has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) Special permission should be granted for the filing of said proposed Original Sheets Nos. 7-A and 7-B to Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1, in accordance with § 154.66 (c) of the Commission's rules.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by said Original Sheets Nos. 7-A and 7-B, and that said sheets be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Alabama-Tennessee be and it is hereby permitted to file Original Sheets Nos. 7-A and 7-B to Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1.

(B) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held at a time and place to be fixed by further order of the Commission concerning the lawfulness of Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by the aforesaid Original Sheets Nos. 7-A and 7-B.

(C) Pending such hearing and decision thereon, Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by said Original Sheets Nos. 7-A and 7-B, be and the same are hereby suspended and the use thereof deferred until May 1, 1953, and until such further time thereafter as said proposed sheets may be made effective in the manner prescribed by the Natural Gas Act.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(E) The effective date of this order shall be November 28, 1952.

Date of issuance: December 2, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12910; Filed, Dec. 5, 1952; 8:47 a. m.]

[Project No. 553]

CITY OF SEATTLE, WASHINGTON

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

DECEMBER 2, 1952.

Notice is hereby given that on September 5, 1952, the Federal Power Commission issued its order entered September 3, 1952, further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12919; Filed, Dec. 5, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1472]

WASHINGTON WATER POWER CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

In the matter of Application by the Los Angeles Stock Exchange for Unlisted Trading Privileges in Washington Water Power Company, Common Stock, No Par Value; File No. 7-1472.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of December A. D. 1952.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Washington Water Power Company, a security registered and listed on the New York Stock Exchange, on the San Francisco Stock Exchange, and on the Spokane Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to December 30, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the ol-

ficial file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-12898; Filed, Dec. 5, 1952; 8:45 a. m.]

[File No. 7-1473]

CINCINNATI GAS & ELECTRIC CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

In the matter of application by the Boston Stock Exchange, for unlisted trading privileges in the Cincinnati Gas & Electric Company, Common Stock, $17 Par Value; File No. 7-1473.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of December A. D. 1952.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $17 Par Value, of the Cincinnati Gas & Electric Company, a security registered and listed on the Cincinnati Stock Exchange and on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to December 19, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-12899; Filed, Dec. 5, 1952; 8:46 a. m.]

[File No. 7-1474]

WASHINGTON WATER POWER CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

In the matter of application by the Boston Stock Exchange, for Unlisted Trading Privileges in Washington Water Power Company, Common Stock, No Par Value; File No. 7-1474.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of December A. D. 1952.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of Washington Water Power Company, a security registered and listed on the New York Stock Exchange, on the San Francisco Stock Exchange, and on the Spokane Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to December 19, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-12900; Filed, Dec. 5, 1952; 8:46 a. m.]

[File No. 59-99]

NORTHERN STATES POWER CO. (MINNESOTA) ET AL.

ORDER FURTHER EXTENDING DATE OF HEARING

DECEMBER 2, 1952.

In the matter of Northern States Power Company (Minnesota), and its subsidiary companies, respondents; File No. 59-99.

The respondents Northern States Power Company (Minnesota) and subsidiaries having requested in writing that the date of hearing, originally set for October 28, and extended to December 9, 1952, be further extended; and

It appearing to the Commission, upon the basis of the facts stated and representations made by the respondents, that a further extension of the date of hearing should be granted:

It is ordered, That the date of the hearing be and is hereby extended to January 28, 1953, at 10:00 o'clock a. m., e. s. t.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-12901; Filed, Dec. 5, 1952; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 19]

SCREEN-PRINTED SILK SCARVES

NOTICE OF PUBLIC HEARING

A public hearing has been ordered by the United States Tariff Commission to be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m. on February 24, 1953 in the investigation with respect to screen-printed silk scarves instituted on August 25, 1952, under section 7 of the Trade Agreements Extension Act of 1951 (17 F. R. 7870).

Request to appear: Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above public hearing was ordered by the Tariff Commission on the 1st day of December 1952.

Issued: December 2, 1952.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 52-12893; Filed, Dec. 5, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27595]

CRUSHED STONE FROM BLOOMINGTON, IND., TO EFFINGHAM, ILL.

APPLICATION FOR RELIEF

DECEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Illinois Central Railroad Company.

Commodities involved: Crushed stone, carloads.

From: Bloomington, Ind.

To: Effingham, Ill.

Grounds for relief: Wayside pit competition.

Schedules filed containing proposed rates: IC RR. tariff I. C. C. No. A-11667, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12902; Filed, Dec. 5, 1952; 8:46 a. m.]

[4th Sec. Application 27596]

CEMENT FROM NAVARRO, NORTHAMPTON, AND YORK, PA., TO DODGE CITY, KANS.

APPLICATION FOR RELIEF

DECEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Cement and related articles, carloads.

From: Navarro, Northampton, and York, Pa.

To: Dodge City, Kans.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-850, Supp. 120.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12903; Filed, Dec. 5, 1952; 8:46 a. m.]

[4th Sec. Application 27597]

LIME FROM SOUTHERN POINTS TO FLORIDA

APPLICATION FOR RELIEF

DECEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Lime, common, hydrated, quick or slack, carloads.

From: Points in southern territory.

To: Points in Florida.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1345.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12904; Filed, Dec. 5, 1952; 8:46 a. m.]

[4th Sec. Application 27598]

LESS THAN CARLOAD TRAFFIC IN CONTAINERS FROM MISSOURI AND KANSAS TO MISSOURI KANSAS AND NEBRASKA

APPLICATION FOR RELIEF

DECEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Missouri Pacific Railroad Company and Missouri Pacific Railroad Corporation of Nebraska.

Commodities involved: Less than carload shipments of freight, in containers furnished by the carriers.

Between: Kansas City, Mo.-Kans., and St. Joseph, Mo., on the one hand, and stations in Kansas and Nebraska, on the other.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: MoPac RR. tariff I. C. C. No. A-10360.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12905; Filed, Dec. 5, 1952; 8:46 a. m.]

[4th Sec. Application 27599]

BALTIMORE STEAM PACKET COMPANY CLASS RATES BETWEEN POINTS IN EAST, SOUTHEAST, AND THE SOUTH

APPLICATION FOR RELIEF

DECEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Gray, Agent, on behalf of the Baltimore Steam Packet Company and carriers parties to the schedule listed below.

Involving: Class rates over routes partly by rail and partly by water differentially related to docket 28300 all-rail rates.

Territory: From Kentucky, North Carolina, Tennessee, Virginia, and West Virginia to Baltimore, Md., and from stations in Maryland and Virginia, also from Baltimore, Md., on traffic originating at interior points to destinations in official territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates made with relation to all-rail rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: W. J. Gray, Agent, I. C. C. No. 305.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12906; Filed, Dec. 5, 1952; 8:47 a. m.]

[4th Sec. Application 27600]

BALTIMORE STEAM PACKET COMPANY CLASS RATES FROM MARYLAND AND VIRGINIA TO WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

DECEMBER 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Gray, Agent, and C. J. Hennings, Alternate Agent, on behalf of the Baltimore Steam Packet Company and carriers parties to the schedules listed below:

Involving: Class rates over routes partly by rail and partly by water differentially related to docket 28300 all-rail rates.

Territory: From points in Maryland and Virginia, also from Baltimore, Md., on traffic originating at interior points, to destinations in western trunk-line territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates made with relation to all-rail rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: W. J. Gray, Agent, I. C. C. No. 306; C. J. Hennings, Alternate Agent, I. C. C. No. A-3967.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-12907; Filed, Dec. 5, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19078]

ARTHUR DIETZEL ET AL.

In re: Securities owned by Arthur Dietzel and others.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Arthur Dietzel, whose last known address is Leipzig 27, Lausitzerstr. 51, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That Stillhaltekommissar, the last known address of which is Abwicklungsstelle in den Westgebieten, Bad Nauheim, Germany, is a corporation, partnership, association, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Albert Timpe, deceased, and of Elisa Maria Sommer, also known as Elisa Maria von Caimero Sommer, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

4. That the person who owns the property referred to in subparagraph 6 hereof, who if an individual there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and which, if a partnership, corporation, association or business organization there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of or had its principal place of business in Germany, is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

5. That the property described as follows:

a. Ten (10) shares of $100 par value 6 percent cumulative preferred stock of Brazil Railway Company, a corporation organized under the laws of the State of Maine, evidenced by certificates numbered 6413 and 7172 for 5 shares each, registered in the name of and owned by Arthur Dietzel, said certificates presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

b. Two (2) Brazil Railway Company 6 percent 1913-23 Bearer Notes numbered A209,073/4, said notes owned by Arthur Dietzel and, presently in the custody of the Attorney General of the United States, together with all rights thereunder and thereto,

c. Two (2) Brazil Railway Company Secured Debentures numbered 6448/9 issued in bearer form, said debentures owned by Stillhaltekommissar and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

d. Six (6) Brazil Railway Company Secured Debentures numbered 5687/92 issued in bearer form, said debentures owned by Stillhaltekommissar and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

e. One (1) Certificate for Pool Rights, numbered 46, issued by Great Verde Extension Syndicate, Jerome, Arizona, for 1,000 shares of 25 cents par value of the Great Verde Extension Copper Company, said certificate owned by the personal representatives, heirs, next of kin, legatees and distributees of Albert Timpe, deceased, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

f. Two thousand three hundred eighty-nine (2,389) shares of Class A stock of The Realization Company, Reno, Nevada, a corporation organized under the laws of the State of Nevada, evidenced by certificate numbered 1416, registered in the name of Albert Timble, owned by the personal representatives, heirs, next of kin, legatees and distributees of Albert Timpe, deceased, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

g. One thousand (1,000) shares of capital stock of Esperanza Exploration Company, a corporation organized under the laws of the State of Arizona, evidenced by certificate numbered 11, registered in the name of Albert Tempe, said certificate owned by the personal representatives, heirs, next of kin, legatees and distributees of Albert Timpe, deceased, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon, and

h. Thirteen (13) warrants of the Argentine Railway Company, Portland, Maine, numbered B78049/61 each for 1 share of $100.00 par value common stock of the aforesaid Company, said warrants issued in bearer form, owned by the personal representatives, heirs, next of kin, legatees and distributees of Elisa Maria Sommer, also known as Elisa Maria von Caimero Sommer, deceased, and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

6. That the property described as follows: Eleven (11) The Cuba Railroad Company First Mortgage 5 Percent Fifty Year Gold Bonds, numbered 1019, 1958, 2304, 2526, 2528, 2584, 4982, 6804, 8699, 11,045, and 13,633, each of $1,000 face value and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the person referred to in subparagraph 4 hereof, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

7. That the national interest of the United States requires that the persons named in subparagraphs 1 and 2, and referred to in subparagraphs 3 and 4, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-12937; Filed, Dec. 5, 1952; 8:51 a. m.]

[Vesting Order 19079]

HANS DOLLINGER ET AL.

In re: Securities owned by Hans Dollinger and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Names and Last Known Addresses

Dr. Arno and Margarete Scheunert, c/o Frl. Monika Reiserer, Muenchen 25, Seefelderstr. 12, Germany.

Grafin Therese von Bruhl, Gut Holzen bei Ebenhausen, Isar, Germany.

Hans Dollinger, Unterweessen 36, b., Marquartstein, Germany.

Vormundschaft Julie Soloviev, c/o Carl Hocker, Coburg, Germany.

Christine Schoeffel, Marktredwitz, Markt 56, Germany.

Karl Hassel, Nuernberg, Fleischbruecke 1, Germany.

on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Three hundred (300) shares of $10.00 par value common stock of The Brazilian Hardwood Corporation, a corporation organized under the laws of the State of Maine, said certificates numbered 70/75 for 50 shares each, registered in the name of Arno Scheunert, presently in the custody of the Attorney General of the United States and owned by Dr. Arno and Margarete Scheunert, together with all declared and unpaid dividends thereon,

b. Fifty (50) Brazil Railway Company, Portland, Maine, Secured Debentures, numbered 7116/65 and issued in bearer form, said debentures presently in the custody of the Attorney General of the United States and owned by Grafin Therese von Bruhl, together with any and all rights thereunder and thereto,

c. Fifty (50) Brazil Railway Company, Portland, Maine, Secured Debentures, numbered 8965/9014 and issued in bearer form, said debentures presently in the custody of the Attorney General of the United States and owned by Grafin Therese von Bruhl, together with any and all rights thereunder and thereto,

d. Two (2) Union Pacific Railroad Company First Mortgage Railroad and Land Grant 4 percent Gold Bonds, numbered M45383 and M51816, of $1,000.00 face value each, said bonds presently in the custody of the Attorney General of the United States and owned by Hans Dollinger, together with any and all rights thereunder and thereto,

e. One (1) Whiting Manufacturing Company Twenty Year 6 percent Mortgage Gold Bond, numbered 464B, said bond presently in the custody of the Attorney General of the United States and owned by Vormundschaft Julie Soloviev, together with any and all rights thereunder and thereto,

f. One thousand (1,000) shares of no par value stock of Consolidated American Royalty Corporation, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered C3290/94 for 200 shares each, registered in the name of and owned by Christine Schoeffel, said certificates presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon,

g. One (1) Missouri Pacific Railroad Company First and Refunding Mortgage 5 percent Gold Bond, Series I, numbered M57253 of $1,000 face value, said bond presently in the custody of the Attorney General of the United States and owned by Karl Hassel, together with any and all rights thereunder and thereto,

h. One (1) 500 Fifth Avenue, Inc. First Mortgage Leasehold 6½ Percent Sinking Fund Gold Bond, numbered D1074, of $500.00 face value, said bond presently in the custody of the Attorney General of the United States and owned by Karl Hassel, together with any and all rights thereunder and thereto,

i. One (1) 500 Fifth Avenue, Inc. First Mortgage Leasehold 6½ Percent Sinking Fund Gold Bond, numbered M5861 of $1,000 face value, said bond presently in the custody of the Attorney General of the United States and owned by Karl Hassel, together with any and all rights thereunder and thereto,

j. Four (4) coupons detached from 500 Fifth Avenue, Inc. First Mortgage Leasehold 6½ Percent Sinking Fund Gold Bond, numbered D1074, said coupons numbered 22/25 of $16.25 face value each, presently in the custody of the Attorney General of the United States and owned by Karl Hassel, together with any and all rights thereunder and thereto, and

k. Four (4) coupons detached from 500 Fifth Avenue, Inc. First Mortgage Leasehold 6½ Percent Sinking Fund Gold Bond, numbered M5861, said coupons numbered 22/25, of $32.50 face value each, presently in the custody of the Attorney General of the United States and owned by Karl Hassel, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-12938; Filed, Dec. 5, 1952; 8:51 a. m.]

[Vesting Order 19080]

JOHANNA LUHRS

In re: Bank account owned by Johanna Luhrs. F-28-32005-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Johanna Luhrs, whose last known address is Langener Land Strasse

NATIONAL ARCHIVES

No. 6 A., Wesermunde, Bezirk Lehe, Province Hannover, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Lincoln Savings Bank of Brooklyn, 531 Broadway, Brooklyn 6, New York, arising out of a savings account, entitled Johanna Luhrs, maintained with the aforesaid Bank, together with all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Johanna Luhrs, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12939; Filed, Dec. 5, 1952; 8:51 a. m.]

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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

U. S. STANDARDS FOR CAULIFLOWER

On November 11, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (F. R. Doc. 52-1204; 17 F. R. 10266) regarding proposed United States Standards for Cauliflower.

A period of fifteen days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice of rule making, the following United States Standards for Cauliflower are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 51.171 *Standards for cauliflower*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of compact heads of cauliflower which are not discolored, or over-mature, and which are free from soft or wet decay and are free from damage caused by wilting, fuzziness, riciness, enlarged bracts, bruises, hollow stems, dirt or other foreign matter, disease, insects, or mechanical or other means. Unless otherwise specified, the heads shall be not less than 4 inches in diameter. Jacket leaves shall be fresh, green, and free from damage caused by disease and free from serious damage by any other cause. Unless otherwise specified, jacket leaves shall be well trimmed.

(i) In order to allow for variations, other than for size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the cauliflower in any lot may fail to meet the requirements of this grade but not more than one-tenth of this amount, or 1 percent, may be affected by soft rot or wet decay affecting the curd. In addition, not more than 5 percent, by count, of the heads in any lot may be smaller than the specified minimum size.

(b) *Unclassified.* Unclassified consists of cauliflower which has not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(i) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(ii) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and two off-sized specimens may be permitted in any package.

(d) *Definitions.* (1) "Compact" means that the flower clusters are closely united and the head feels solid.

(2) "Discolored" means that the head is of some abnormal color.

(3) "Over-mature" means a stage of growth which is beyond that of a compact, properly developed head. An over-mature head usually is loose or open and ordinarily is turning yellow.

(4) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the curd, or any disease which materially affects the appearance, or the shipping quality of the jacket leaves. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Fuzziness which gives the head a distinctly fuzzy appearance on more than one-half of the head;

(ii) Riciness, when the appearance of the head is materially injured by a very

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FEDERAL REGISTER

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abnormal rough or granular surface on the curd;

(iii) Enlarged bracts, when the appearance of the head is materially injured by leaves (bracts) growing up through and extending above the curd; and,

(iv) Mold which causes the flesh of the curd to disintegrate or which exceeds ⅜ inch in diameter in the aggregate, or any single spot of mold which exceeds ⅛ inch in diameter.

(5) "Diameter" means the average diameter of the head exclusive of the jacket leaves.

(6) "Serious damage" means any injury to the jacket leaves which seriously affects their appearance.

(7) "Well trimmed" means that the jacket leaves shall be limited to the number and length necessary to protect the head. No jacket leaves are required on heads which are individually wrapped, or packed with cushions, partitions or other means which protect the head from bruising.

(e) *Effective time.* The United States Standards for Cauliflower contained in this section and which supersede the United States Standards for Cauliflower (13 F. R. 2249) effective May 27, 1948, shall become effective five (5) days after the date of publication in the FEDERAL REGISTER.

It is hereby found that it is impractical, unnecessary, and contrary to the public interest to postpone the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER because the packing season for cauliflower has already commenced and it is in the public interest that the standards be in effect as soon as possible; and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(Sec. 705, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 4th day of December 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-12980; Filed, Dec. 8, 1952; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tangerine Reg. 129]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.602 *Tangerine Regulation 129*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 8, 1952. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 8, 1952; the recommendation and supporting information for continued regulation subsequent to December 7 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 4; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) Tangerine Regulation 128 (7 CFR 933.601; 17 F. R. 10803) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., December 8, 1952, and ending at 12:01 a. m., e. s. t., December 22, 1952, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2;

(ii) Any tangerines, grown in the State of Florida, which grade U. S. No. 2, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches); or

(iii) Any tangerines, grown in the State of Florida, which grade U. S. Fancy, U. S. No. 1, U. S. No. 1 Bronze, or U. S. No. 1 Russet, that are of a size smaller than $2^{29}/_{32}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines, smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida tangerines (§ 51.417 of this title; 17 F. R. 8377).

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. Fancy," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§ 51.417 of this title; 17 F. R. 8377).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of December 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-12998; Filed, Dec. 8, 1952; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.108 *Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.)* is amended between the Santa Barbara, Calif., radio range and the Travis AFB, Calif., radio range to read: "Santa Barbara, Calif., radio range station; the intersection of the northwest course of the Santa Barbara, Calif., radio range and the southeast course of the Salinas, Calif., radio range; Salinas, Calif., radio range station; the intersection of the northwest course of the Salinas, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range excluding the airspace below 3,000 feet which overlaps the Fort Ord Danger Area; Travis AFB, Calif., radio range station;"

2. Section 600.223 *Red civil airway No. 23 (United States-Canadian Border to New York, N. Y.)* is amended between the intersection of the southeast course of the Toronto, Ont., Canada radio range and the United States-Canadian Border and the Elmira, N. Y., radio range station to read: "That airspace over United States territory from the Toronto, Ont., Canada, radio range station via the Dansville, N. Y., non-directional radio beacon; Elmira, N. Y., radio range station;"

3. Section 600.234 is amended by changing the headnote to read: *"Red civil airway No. 34 (Portsmouth, Ohio, to Elizabeth City, N. C.)"* and by amending the first portion to read: "From the intersection of the northwest course of the Huntington, W. Va., radio range and the south course of the Columbus, Ohio, radio range via the intersection of the northwest course of the Huntington, W. Va., radio range and the west course of the Charleston, W. Va., radio range; Charleston, W. Va., radio range station; Pulaski, Va., radio range station to the Greensboro, N. C., radio range station."

4. Section 600.245 is amended by changing the headnote to read: *"Red civil airway No. 45 (Blackstone, Va., to Willow Grove, Pa.)"* and by adding a last portion to read: "From the Lancaster, Pa., non-directional radio beacon to the Willow Grove, Pa., (Navy) radio range station."

5. Section 600.258 is amended to read:

§ 600.258 *Red civil airway No. 58 (Salinas, Calif., to Los Banos, Calif.).*

From the Salinas, Calif., radio range station to the intersection of the northeast course of the Salinas, Calif., radio range and the northwest course of the Fresno, Calif., radio range.

6. Section 600.604 *Blue civil airway No. 4 (Nantucket, Mass., to United States-Canadian Border)* is amended after "Concord, N. H., radio range station;" to read: "Burlington, Vt., radio range station to the Montreal, Que., Canada, radio range station, excluding the airspace which lies outside the continental United States."

7. Section 600.607 is amended to read:

§ 600.607 *Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).* From the intersection of the northeast course of the Salinas, Calif., radio range and the southeast course of the Oakland, Calif., radio range to the intersection of the southeast course of the Oakland, Calif., radio range and the northwest course of the Fresno, Calif., radio range. From the intersection of the northwest course of the Fresno, Calif., radio range and the south course of the Travis AFB, Calif., radio range via the Travis AFB, Calif., radio range station to the Williams, Calif., radio range station.

8. Section 600.608 is amended to read:

§ 600.608 *Blue civil airway No. 8 (Fargo, N. Dak., to United States-Canadian Border).* That airspace over United States territory from the Fargo, N. Dak., radio range station via the Grand Forks, N. Dak., radio range station; Pembina, N. Dak., radio range station to the Winnipeg, Ont., Canada, radio range station.

9. Section 600.609 is amended by changing the headnote to read: *"Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border)"* by amending the first portion to read: "From the Springfield, Mo., radio range station via the Columbia, Mo., radio range station; Kirksville, Mo., radio range station;" and by changing the last portion to read: "From the Minneapolis, Minn., radio range station via the Duluth, Minn., radio range station to the Lakehead, Ont., Canada, radio range station, excluding the airspace which lies outside the continental United States."

10. Section 600.632 *Blue civil airway No. 32 (Pendleton, Oreg., to Talkeetna, Alaska)* is amended between the Seattle, Wash., radio range station and the Comox, British Columbia, radio range to read: "From the Seattle, Wash., radio range station via the intersection of the northwest course of the Seattle, Wash., radio range and the south course of the Patricia Bay, British Columbia, radio range; the Patricia Bay, British Columbia, radio range station to the intersection of the north course of the Patricia Bay, British Columbia, radio range and the southeast course of the Comox, British Columbia, radio range, excluding the airspace which overlaps danger areas and excluding the portion which lies outside the continental United States."

11. Section 600.652 is amended to read:

§ 600.652 *Blue civil airway No. 52 (Paso Robles, Calif., to Fresno, Calif.).* From the intersection of the southeast course of the Salinas, Calif., radio range and the southwest course of the Fresno, Calif., radio range to the Fresno, Calif., radio range station.

12. Section 600.654 is amended to read:

§ 600.654 *Blue civil airway No. 54 (Salinas, Calif., to Hamilton AFB, Calif.).* From the Salinas, Calif., radio range station via the Evergreen, Calif., nondirectional radio beacon to the San Francisco, Calif., radio range station. From the intersection of the northwest course of the Oakland, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range to a point at latitude 38°02'45", longitude 122°31'40".

13. Section 600.660 is amended to read:

§ 600.660 *Blue civil airway No. 60 (Sunnyvale, Calif., to Stockton, Calif.).* From the intersection of the northwest course of the Salinas, Calif., radio range and the west course of the Moffett NAS, Calif., radio range via the Moffett NAS, Calif., radio range station to the intersection of the northeast course of the Moffett NAS, Calif., radio range and the west course of the Stockton, Calif., radio range.

14. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended after "Chicago Heights, Ill., omnirange station;" to read: "Goshen, Ind., omnirange station, including a south alternate; Waterville, Ohio, omnirange station, including a north alternate; Cleveland, Ohio, omnirange station; Youngstown, Ohio, omnirange station, including a north alternate; Philipsburg, Pa., omnirange station, including a north alternate via the intersection of the Youngstown omnirange 87° True and the Philipsburg omnirange 303° True radials; Selinsgrove, Pa., omnirange station; Allentown, Pa., omnirange station to the Caldwell, N. J., omnirange station."

15. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended before Imperial, Nebr., omnirange station to read: "From the Long Beach, Calif., omnirange station via the Ontario, Calif., omnirange station; Daggett, Calif., omnirange station; Las Vegas, Nev., omnirange station to the Mormon Mesa, Nev., omnirange station. From the Kremmling, Colo., omnirange station via the Denver, Colo., omnirange station, including a north alternate; Akron, Colo., omnirange station, including a north alternate;"

16. Section 600.6021 *VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border)* is amended between the Las Vegas, Nev., omnirange station and the Milford, Utah, omnirange station to read: "Las Vegas, Nev., omnirange station; Mormon Mesa, Nev., omnirange station, including an east alternate via the intersection of the Las Vegas omnirange 086° True and the Mormon Mesa omnirange 196° True radials; Milford, Utah, omnirange station;"

17. Section 600.6030 *VOR civil airway No. 30 (Milwaukee, Wis., to New York, N. Y.)* is amended before Wellington, Ohio, VHF VAR station to read: "From the Milwaukee, Wis., omnirange station via the Litchfield, Mich., omnirange station; Waterville, Ohio, omnirange station; the intersection of the Waterville omnirange 111° True radial and the west course of the Wellington, Ohio, VHF VAR station;"

18. Section 600.6045 is amended to read:

§ 600.6045 *VOR civil airway No. 45 (Columbus, Ohio, to Lansing, Mich.).* From the Columbus, Ohio, omnirange station via the Waterville, Ohio, omnirange station to the Lansing, Mich., omnirange station.

19. Section 600.6047 is amended to read:

§ 600.6047 *VOR civil airway No. 47 (Louisville, Ky., to Detroit, Mich.).* From the Louisville, Ky., omnirange station via the intersection of the Louisville omnirange 356° True and the Cincinnati omnirange 241° True radials; Cincinnati, Ohio, omnirange station; Dayton, Ohio, omnirange station, including a west alternate; Findlay, Ohio, omnirange station, including a west alternate; Waterville, Ohio, omnirange station to the Detroit, Mich., omnirange station, including a west alternate.

20. Section 600.6092 is amended to read:

§ 600.6092 *VOR civil airway No. 92 (Toledo, Ohio, to Mansfield, Ohio).* From the Waterville, Ohio, omnirange station to the Mansfield, Ohio, omnirange station.

21. Section 600.6096 is amended to read:

§ 600.6096 *VOR civil airway No. 96 (Fort Wayne, Ind., to Toledo, Ohio).* From the Fort Wayne, Ind., omnirange station to the Waterville, Ohio, omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. December 9, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-12947; Filed, Dec. 8, 1952; 8:45 a. m.]

[Amdt. 1]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 601 is amended as follows:

1. Section 601.234 is amended by changing headnote to read: *"Red civil airway No. 34 control areas (Portsmouth, Ohio, to Elizabeth City, N. C.)."*

2. Section 601.245 is amended by changing headnote to read: *"Red civil airway No. 45 control areas (Blackstone, Va., to Willow Grove, Pa.)."*

3. Section 601.258 is amended to read:

§ 601.258 *Red civil airway No. 58 control areas (Salinas, Calif., to Los Banos, Calif.).* All of Red civil airway No. 58.

4. Section 601.607 is amended to read:

§ 601.607 *Blue civil airway No. 7 control areas (Hollister, Calif., to Williams, Calif.).* All of Blue civil airway No. 7.

5. Section 601.609 is amended by changing the headnote to read: *"Blue civil airway No. 9 control areas (Springfield, Mo., to United States-Canadian Border)."*

6. Section 601.1032 is amended to read:

§ 601.1032 *Control area extension (Scottsbluff, Nebr.).* Within 5 miles either side of the northwest and southeast courses of the Scottsbluff, Nebr., radio range extending from the radio range station to a point 25 miles northwest and to a point 20 miles southeast.

7. Section 601.1058 is amended to read:

§ 601.1058 *Control area extension (Martinsburg, W. Va.).* Within 5 miles either side of the southwest and northeast courses of the Martinsburg radio range extending from the radio range station to a point 20 miles southwest and to a point 33 miles northeast, and that airspace within a 15-mile radius of the Martinsburg, W. Va., omnirange station.

8 Section 601.1069 is amended to read:

§ 601.1069 *Control area extension (Santa Barbara, Calif.).* Within 5 miles either side of the west and southeast courses of the Santa Barbara radio range extending from the radio range station to a point 25 miles west and 20 miles southeast.

9. Section 601.1073 is amended to read:

§ 601.1073 *Control area extension (Fresno, Calif.).* Within 5 miles either side of the northeast course of the Fresno, Calif., radio range extending from the radio range station to a point 20 miles northeast, within 5 miles either side of the Fresno ILS localizer front course extending to a point 15 miles southeast of the Fresno Air Terminal, and that airspace within a 35-mile radius of the Fresno Air Terminal extending clockwise from a line bearing 153° True from the Fresno Air Terminal to a line 5 miles northeast of and parallel to the back course of the Fresno ILS localizer.

10. Section 601.1247 *Control area extension (Toledo, Ohio)* is revoked.

11. Section 601.1247 is added to read:

§ 601.1247 *Control area extension (Las Vegas, Nev.).* All that airspace bounded on the northwest by Amber civil airway No. 2, on the east by a line 5 miles east of and parallel to a track of 176° True from the Las Vegas, Nev., radio range station and on the south by a line 5 miles south of and parallel to a track of 86° True from the Good Springs, Nev., nondirectional radio beacon.

12. Section 601.1983, *Three mile zones,* is amended by adding the following airport:

Santa Rosa, Calif.: Santa Rosa ALF.

13. Section 601.1984, *Five mile zones,* is amended by adding the following airports:

Watertown, N. Y.: Watertown Municipal Airport.
Massena, N. Y.: Massena Municipal Airport.

14. Section 601.2126 is amended to read:

§ 601.2126 *Toledo, Ohio, control zone.* Within a 5-mile radius of the Toledo Municipal Airport, within 2 miles either side of a line bearing 134° True from the Toledo Municipal Airport through the Genoa non-directional radio beacon extending from the Toledo Municipal Airport to a point 10 miles southeast of the Genoa non-directional radio beacon, within 2 miles either side of the north and south courses of the Toledo radio range extending from the radio range station northward to the Toledo Municipal Airport and to a point 10 miles south.

15. Section 601.2232 is amended to read:

§ 601.2232 *Norfolk, Va., control zone.* Within a 5-mile radius of the Naval Air Station and within 2½ miles either side of the west course of the Norfolk, Va., Navy radio range extending to a point 2½ miles west of the Eclipse Fan Marker excluding the portion overlapping the Norfolk Municipal Airport control zone.

16. Section 601.4101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska.)* is amended after "the intersection of the northwest course of the San Diego, Calif., radio range and the southeast course of the Long Beach, Calif., radio range;" by adding the following reporting point: "Long Beach, Calif., radio range station;"

17. Section 601.4108 is amended to read:

§ 601.4108 *Amber civil airway No. 8 (Los Angeles, Calif., to The Dalles, Oreg.).* The intersection of the west course of the Los Angeles, Calif., VHF radio range and the southeast course of the Camarillo, Calif., radio range; Camarillo, Calif., radio range station; Santa Barbara, Calif., radio range station; the intersection of the northwest course of the Santa Barbara, Calif., radio range and the southeast course of the Salinas, Calif., radio range; Salinas, Calif., radio range station; the intersection of the northwest course of the Salinas, Calif., radio range and the southwest course of the San Francisco, Calif., radio range; the intersection of the northwest course of the San Francisco, Calif., radio range and the southwest course of the Travis AFB, Calif., radio range; the intersection of the southwest course of the Travis AFB, Calif., radio range and the northwest course of the Oakland, Calif., radio range; Travis AFB, Calif., radio range station; Whitmore, Calif., radio range station; Klamath Falls, Oreg., radio range station; Redmond, Oreg., radio range station; The Dalles, Oreg., radio range station.

18. Section 601.4234 is amended by changing headnote to read: *"Red civil airway No. 34 (Portsmouth, Ohio, to Elizabeth City, N. C.)."*

19. Section 601.4245 is amended by changing headnote to read: *"Red civil airway No. 45 (Blackstone, Va., to Willow Grove, Pa.)."*

20. Section 601.4258 is amended to read:

§ 601.4258 *Red civil airway No. 58 (Salinas, Calif., to Los Banos, Calif.).* No reporting point designation.

21. Section 601.4607 is amended to read:

§ 601.4607 *Blue civil airway No. 7 (Hollister, Calif., to Williams, Calif.).* The intersection of the northeast course of the Salinas, Calif., radio range and the southeast course of the Oakland, Calif., radio range.

22. Section 601.4609 is amended by changing headnote to read: *"Blue civil airway No. 9 (Springfield, Mo., to United States-Canadian Border)."*

23. Section 601.6021 is amended to read:

§ 601.6021 *VOR civil airway No. 21 control areas (Long Beach, Calif., to United States-Canadian Border.).* All of VOR civil airway No. 21, including an east alternate.

24. Section 601.7001 *VOR reporting points,* is amended by deleting the following:

Harrington intersection: The intersection of the Truth or Consequences, N. Mex., omnirange 162° True and the El Paso, Tex., omnirange 271° True radials.

Manchester intersection: The intersection of the Lansing, Mich., omnirange 141° True and the Detroit, Mich., omnirange 257° True radials.

Tecumseh intersection: The intersection of the Detroit, Mich., 228° True and the Toledo, Ohio, omnirange 321° True radials.

and by adding the following:

Evergreen, Ala., omnirange station.

Adrian intersection: The intersection of the Detroit, Mich., omnirange 228° True and the Waterville, Ohio, omnirange 328° True radials.

Long Beach, Calif., omnirange station.

Napoleon intersection: The intersection of the Detroit, Mich., omnirange 257° True and the Waterville, Ohio, omnirange 328° True radials.

(Sec. 205 (52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. December 9, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-12948; Filed, Dec. 8, 1952; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 132—ELECTRIC POWER SYSTEM, COLORADO RIVER IRRIGATION PROJECT, ARIZONA

EDITORIAL NOTE: Part 133 of this chapter, *infra*, provides in § 133.1 thereof that the regulations in this part shall no longer be applicable to the San Carlos Project, Arizona. Consequently, the part heading is changed to read as set forth above, and references to the San Carlos Project are deleted, wherever they occur within this part.

PART 133—ELECTRIC POWER SYSTEM, SAN CARLOS IRRIGATION PROJECT, ARIZONA

INTERIM REGULATIONS AND RATES

Sec.

133.1 Effective date; changes.
133.2 Authority of Project Engineer.
133.3 Disputes.
133.4 Applications; contracts.
133.5 Deposits.
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133.7 Installations or extensions financed by consumer.
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133.15 Apparatus detrimental to service.
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133.18 Bills for service.
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133.22 Discontinuance by consumer.
133.23 Fraud; tampering.
133.24 Compensation of employees.
133.25 Hardship cases.
133.26 Interruptions to service.
133.27 Contingent upon appropriations.
133.51 Rate schedule No. 1; combination.
133.52 Rate schedule No. 2; general.

AUTHORITY: §§ 133.1 to 133.52 issued under R. S. 161, sec. 5, 43 Stat. 476, 45 Stat. 210, 211; 5 U. S. C. 22.

§ 133.1 *Effective date; changes.* The regulations in this part are approved for the conduct of the electric power system of the San Carlos Project, Arizona, hereinafter referred to as the Project. The regulations in Part 132 shall no longer be applicable to the said Project. The regulations in this part shall become effective with the first billings made after the first day of the second calendar month which begins after the date of publication in the FEDERAL REGISTER. The regulations in this part are subject to change by the proper authority and such changes shall apply to all contracts then and thereafter in effect.

§ 133.2 *Authority of Project Engineer.* The Project Engineer is responsible for the operation of the electric power system and the enforcement of the regulations in this part. He is authorized to carry out and enforce the regulations either directly or through the power manager or other Project employees designated by him.

§ 133.3 *Disputes.* Any aggrieved party may file with the Project Engineer a written complaint regarding the application of the regulations. Within fifteen days after its receipt, the Project Engineer shall render a written decision thereon and serve a copy thereof on the aggrieved party. Within fifteen days from receipt of such decision, the aggrieved party may take an appeal to the Commissioner of Indian Affairs who shall render his decision within sixty days and his decision shall be final. Pending the determination of an appeal, electric service shall be continued, except in cases in which the question of the existence of dangerous conditions on the premises of the consumer is involved, provided the consumer pays the amount of each bill for electric service prior to the time when it becomes delinquent. If the question of the amount of a bill is involved in an appeal, the consumer shall be deemed to have paid the bill under protest and the payment shall be held in a special deposit account until the final decision has been made.

§ 133.4 *Applications; contracts.* In order to contract for the delivery of power, a written application for service under this part accompanied by the required cash deposit and guarantee of the required minimum revenues to the Project, shall be filed with the Project Engineer. Upon acceptance by him, the application will become a contract. In general, such application will be accepted where service lines exist. When special terms and conditions are involved in contracting for service, the Project Engineer shall require the execution of a form of contract in which such terms and conditions are fully set forth. Each contract involving the construction of a new extension shall be for a period of at least one year, but if the consumer vacates the premises, he shall be liable for the unpaid guaranteed revenue only to the extent that it is not liquidated by the succeeding occupant of the premises. The Project Engineer is authorized to reject applications which he deems to be adverse to the best interests of the Project.

§ 133.5 *Deposits.* A cash deposit in an amount equal to twice the estimated monthly bill, but in no case less than $10.00 will be required from each applicant except that when the premises to be serviced are owned by the applicant, no deposit need be required until a delinquency in the payment of a bill has occurred. Any cash deposit, less the amount of any unpaid bills, shall be refunded after the termination of service. Before extensions are constructed each applicant must deposit an amount sufficient to cover his portion of the required minimum charges for a period of not less than one year, and must otherwise establish his credit and satisfy the Project Engineer of his intention to take service and his ability to meet the guarantee.

§ 133.6 *Extensions.* The length of an extension constructed for each dollar of monthly revenue guaranteed to the Project shall not exceed the following:

	Feet
In urban areas:	
Single phase extensions	100
Three phase extensions	80
In rural areas:	
Single phase extensions	330
Three phase extensions	210

The length of an extension shall include the horizontal length of both the primary and secondary circuits exclusive of the service drops. Insofar as practicable, all extensions shall be constructed along established highways. The prospective consumer, or consumers, shall furnish or procure satisfactory rights-of-way necessary for the lines and other facilities of the Project incidental to the furnishing of service. The Project Engineer may decline to construct any extension which, in his opinion, will be excessive in cost, or detrimental to the best interest of the Project, or for which funds are not available. All extensions when constructed shall be and remain the property of the United States.

§ 133.7 *Installation or extension financed by consumer.* If funds, material or labor are not otherwise available for an installation or extension, of if an extension to a prospective consumer will require new construction beyond the distances specified in § 133.6 of this part, the consumer or prospective consumer may, after executing an appropriate contract satisfactory to the Project Engineer, construct the needed installation or extension, or deposit funds estimated to be sufficient to pay for the construction. Such installations or extensions shall be built in accordance with suitable plans and specifications approved by the Project Engineer. The contract may provide that part or all of the cost of the installation or extension, but not more than the amount specified on the said contract, shall be refunded to the consumer by allowing him a monthly credit not to exceed 20 per cent of the bill for each month during the life of the contract or until the specified amount be refunded in full, but no claim for credit shall extend beyond the life of the contract. Unless the approval of the Commissioner of Indian Affairs or his duly authorized representative has been obtained, no refund shall be made for that portion of an extension not located along a public highway. All installations and extensions constructed under the provisions of this section shall be and remain the property of the United States.

§ 133.8 *Temporary service.* Temporary service refers to service to circuses, bazaars, fairs, construction works, and other activities or businesses of such a nature that service to the premises occupied by them will probably be discontinued within five months. An applicant for temporary service shall be required to deposit with the Project Engineer of sum of money equal to the estimated cost of installing and removing the necessary facilities and also an additional sum equal to the estimated bill for electric service: *Provided, however,* That such additional sum need not be greater than three times the estimated monthly bill. After termination of service, there shall be refunded any amount remaining on deposit in excess of the actual cost of installing and removing facilities, plus the unpaid amount of bills for electric power and energy, as determined by the Project Engineer.

§ 133.9 *Type of service.* Service for lights and the usual domestic and other appliances, including motors of less than five horsepower shall be single phase, nominally 115 or 230 volts and two or three wire, except when special written approval for another type of service has been obtained from the Project Engineer. Three-phase service at suitable voltage may be furnished for motor installations of five-horsepower and over, provided a three-phase circuit of the required voltage and capacity is available where the service is desired. All service will be sixty cycle.

§ 133.10 *Service connections.* On each new service the consumer shall provide and maintain a service entrance at a location convenient to the lines of the Project, and all connections from the service entrance to the meter base and from the meter base to the main line circuit breaker or distribution center. The meter socket and meter will be furnished by the United States. The meter socket shall be installed, however, by the consumer and in a suitable location, preferably on the outside of the building, or on the service pole, where the meter will be accessible to the meter reader at all times. The meter socket shall not be more than seven feet nor less than five feet above the ground or floor. The entire service installation must be satisfactory to the Project Engineer and must conform to the provisions, then in force, of the National Electrical Code of the National Board of Fire Underwriters for Electric Wiring and Apparatus. When alterations of a consumer's premises make it necessary to move an existing meter loop, the consumer may be required to install a meter socket in the new loop, located in conformity with the stipulations of this section. When an inspection is required by municipal ordinance, the Project Engineer shall require a certificate of inspection and approval by the municipal inspector before connecting a new service.

§ 133.11 *Connection methods.* Service to a consumer's premises will ordinarily be supplied by means of overhead conductors. A consumer may at his own expense provide for an underground service. Such an underground service must be installed in accordance with the provisions of the National Electrical Code and shall be terminated on the pole at a location and in the manner directed by the Project Engineer. No connection from the circuits of the Electrical Power System to a consumer's service entrance shall be made except by the Project or its agents.

§ 133.12 *Multiple meter installations.* In the case of new installations in multiple-occupancy buildings such as apartment houses in connection with which more than one meter in a building is required, the meters shall be assembled at one central location. Each meter shall be clearly marked so as to make it possible to identify the consumer.

§ 133.13 *Consumer responsibility.* The consumer shall furnish, install and maintain at his own risk and expense in good and safe condition all protective devices, electric wires, lines, machinery, apparatus, and appliances which may be required or used for receiving and consuming electric energy obtained from the Project. The consumer shall be responsible for conforming to the regulations of the National Board of Fire Underwriters and to any other regulations applicable to his installation.

§ 133.14 *Change of equipment.* In the event that a consumer proposes to make any material change in the amount, size or character of the electrical equipment installed on his premises, he shall immediately give written notice of his intention to the Project Engineer.

§ 133.15 *Apparatus detrimental to service.* The Project Engineer may refuse to supply loads of a character detrimental to the system, or to service to other consumers, and he may require the installation of suitable corrective devices.

§ 133.16 *Motor starting equipment.* Motors having a rated capacity of three horsepower or more shall be provided with such starting and overload equipment as may be required by the Project Engineer.

§ 133.17 *Service discontinued.* The Project Engineer may discontinue electric service to any consumer who shall continue to use appliances or apparatus detrimental to the Electric Power System after he has been notified to correct the condition and has failed to do so within a reasonable time.

§ 133.18 *Bills for service.* Meters will normally be read and bills for electric service will be rendered at regular intervals. Payments by consumers should be made in person or remitted by check or money order, payable to the order of the Treasurer of the United States, and mailed to the designated office of the Project.

§ 133.19 *Special bills.* Special bills, removal bills, bills for temporary service, bills rendered when premises are vacated or bills rendered to persons discontinuing service are due on presentation.

§ 133.20 *Bills due prior to service.* Bills for connection or reconnection of service, and required cash deposits shall be paid before service is connected, or reconnected.

§ 133.21 *Delinquent bills.* Bills for electric service will be delinquent if not paid on or before the twentieth day following the date of issue. When such delinquency occurs, the Project Engineer shall discontinue service and service shall not be restored until the consumer has paid all bills then due plus a reconnection charge of $2.00 and has made the deposit required under § 133.5. Discontinuance of service for delinquency shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.

§ 133.22 *Discontinuance by consumer.* Notice of his desire to have service disconnected shall be given by the consumer at least two days in advance. In the absence of such notice the contractor will be held liable for payment for all electrical energy furnished to such vacated premises until service is discontinued. Final bills may be paid by application of the consumer's guarantee deposit to the extent that they are covered thereby. Any surplus remaining in the deposit will be returned to the consumer after the contract is terminated. Where the deposit is insufficient, the consumer will be billed for the difference which shall be immediately due and payable.

§ 133.23 *Fraud; tampering.* Service shall be discontinued to any consumer, or to any premises at any time when, in the opinion of the Project Engineer, such action is necessary to protect against abuse, fraud, or theft. Tampering or in any way interfering with meters, transformers, poles, conductors, or any part of the property of the Project is prohibited and is subject to prosecution pursuant to law.

§ 133.24 *Compensation of employees.* All employees are strictly forbidden to demand or accept any personal compensation for services rendered to a consumer, or any gratuity by reason of the rendition of services.

§ 133.25 *Hardship cases.* The Project Engineer may relax temporarily strict enforcement of a regulation when in his judgment such enforcement would work undue hardship upon a consumer, but all such cases shall be reported promptly to the Commissioner of Indian Affairs with an explanation by the Project Engineer of the reason for taking such action. The Commissioner of Indian Affairs may cancel the action taken by the Project Engineer.

§ 133.26 *Interruptions to service.* The United States will furnish energy continuously so far as reasonable diligence will permit. But the United States, its officers, agents or employees, assume no liability for damages due to interruptions of service to the consumer.

§ 133.27 *Contingent upon appropriations.* All contracts are subject to appropriations made by Congress from year to year of monies sufficient to perform the work or render the service provided therein. No liability shall accrue against the United States by reason of the lack of appropriations.

§ 133.51 *Rate Schedule No. 1; combination rate*—(a) *Application of schedule.* This schedule is applicable to either single phase or three phase service for all purposes. It is especially suit-

able for residences, farms, stores, commercial uses and installations with similar load characteristics having normal load factors and maximum demands of less than 50 kilowatts. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation, or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.*

(1) 4 cents per kilowatt-hour for the first 50 kilowatt-hours.

(2) 3 cents per kilowatt-hour for the next 50 kilowatt-hours.

(3) 2 cents per kilowatt-hour for the next 200 kilowatt-hours.

(4) 1.5 cents per kilowatt-hour for all additional kilowatt-hours.

(c) *Minimum bill.* The minimum bill shall be $2.00 per month except when a higher minimum bill is stipulated in the contract.

§ 133.52 *Rate Schedule No. 2; general rate*—(a) *Application of schedule.* This schedule is applicable to three phase electric service for all purposes. Unless specifically permitted by the contract, use must be limited to the customer's premises and the power supplied must not be resold. If more than one meter is required by the customer's installations, or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.*

(1) 3.0 cents per kilowatt-hour for first 25 kilowatt-hours per kilowatt of billing demand.

(2) 2.0 cents per kilowatt-hour for next 100 kilowatt-hours per kilowatt of billing demand.

(3) 1.5 cents per kilowatt-hour for all additional kilowatt-hours.

(c) *Discounts.* The following discounts will be applied in accordance with the contract demand as defined below. Discounts do not apply to the minimum charge.

	Percent
Less than 25 kw. of contract demand	0
25 kw. and more but less than 32 kw. of contract demand	10
32 kw. and more but less than 40 kw. of contract demand	12
40 kw. and more but less than 48 kw. of contract demand	14
48 kw. and more but less than 58 kw. of contract demand	16
58 kw. and more but less than 70 kw. of contract demand	18
70 kw. and more but less than 85 kw. of contract demand	20
85 kw. and more but less than 100 kw. of contract demand	22
100 kw. and more but less than 125 kw. of contract demand	24
125 kw. and more but less than 150 kw. of contract demand	26
150 kw. and more but less than 175 kw. of contract demand	28
175 kw. and more but less than 210 kw. of contract demand	30
210 kw. and more but less than 245 kw. of contract demand	32
245 kw. and more but less than 295 kw. of contract demand	34
295 kw. and more but less than 360 kw. of contract demand	36
360 kw. and more but less than 600 kw. of contract demand	38
600 kw. and more of contract demand	40

(d) *Minimum bill.* The minimum bill shall be $1.00 per month per kilowatt of billing demand and no discount shall apply to this minimum.

(e) *Contract demand.* Each contract shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand. The stated quantity need not be the same for all months of the year but the contract demand shall not be less than 20 kilowatts in any month for which a demand is stipulated.

(f) *Actual demand.* The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters or, if meters are unavailable, the actual demand shall be the connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customer's use of connected lights, appliances and equipment or from check metering.

(g) *Billing demand.* The billing demand for a month shall be the contract demand, or the actual demand for that month, whichever is the greater.

OSCAR L. CHAPMAN,
Secretary of the Interior.

DECEMBER 2, 1952.

[F. R. Doc. 52-12949; Filed, Dec. 8, 1952; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter A—Aid of Civil Authorities and Public Relations

PART 805—SAFEGUARDING MILITARY INFORMATION

INVESTIGATION AND CLEARANCE OF PRIVATE CONTRACTOR FACILITIES; FACILITY CLEARANCES

Paragraph (b) (2) of section 805.32 is changed as follows:

§ 805.32 *Facility clearances.* • • •

(b) Facility security clearances, when required by paragraph (a) of this section, will be granted by major air commands concerned to prospective bidders or contractors: *Provided,* That:

• • • • •

(2) Except as indicated in subparagraph (5) of this paragraph, a check of the central records of the Federal Bureau of Investigation and the records of such other agencies as may be pertinent reveals no adverse information concerning:

(i) The facility.

(ii) Officers of the facility.

(iii) Directors of the facility. All directors who are aliens. With respect to United States citizens, all directors who will require access to classified security information in the conduct of the corporate business, provided those directors who will not require access to classified security information are designated by official action of the Board of Directors and made a matter of record in the corporate minutes and a copy of such minutes is filed with the military department granting the facility clearance.

(iv) Owners and key employees who will have access to classified security information.

• • • • •

[AFR 205-17A] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a)

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE MOBILIZATION AND TRAINING

1. Paragraph (a) of § 861.1003 is changed as follows:

§ 861.1003 *Mobilization assignment*—(a) *To whom given.* A mobilization assignment may be given to a member of the Air Force Reserve who is in an inactive duty status and who volunteers and is assigned by competent authority to a mobilization position in which it is anticipated he will serve if ordered into the active military service in the event of mobilization. This person must signify, in writing, willingness to accept an assignment in the Organized Air Reserve.

• • • • •

2. Paragraph (a) of § 861.1004 is changed as follows:

§ 861.1004 *Mobilization designation*—(a) *To whom given.* A member of the Air Force Reserve who is qualified may be earmarked for a mobilization position by means of a mobilization designation. A mobilization designation may be given to a qualified member of the Air Force Reserve who is in an inactive duty status and who volunteers and is assigned by competent authority to a mobilization position in which it is anticipated such a person will serve if ordered into the active military service in the event of mobilization. A mobilization designation may be given to a qualified person who is either unwilling to accept a mobilization assignment in the Organized Air Force Reserve or for whom no vacancy exists as an assignee. Such a person must signify, in writing, willingness to accept an assignment in the Volunteer Air Reserve.

• • • • •

3. Section 861.1009 is revised as follows:

§ 861.1009 *Training.* (a) Whenever practicable, a person having a mobilization assignment or designation will accomplish inactive duty training with the unit or activity in which such mobilization assignment or designation is held.

(b) A Reservist having a mobilization assignment to a unit or activity with which it is not practicable for such Reservist to participate in inactive duty training may be attached to another activity or unit for training. (See § 861.1005.)

(c) Mobilization assignees may not be given inactive duty training attachments with any category of the Volunteer Air Reserve.

(d) A mobilization designee may receive inactive duty training with a Volunteer Air Reserve Training Unit, with the consent of the Volunteer Air Reserve Training Unit commander and the commander of the activity with which such a person holds a designation.

(e) Active duty training of Reservists having mobilization assignments normally will be accomplished with the unit or activity in which such assignment or designation is held.

(f) A person with a mobilization assignment will be required to participate in a minimum of six training periods each quarter. Tours of active duty during a quarter may be credited towards the training period requirement for that quarter on the basis of one day of active duty equal to one training period. A mobilization assignee who fails to meet the minimum number of training periods a quarter will be relieved of assignment. In exceptional cases only, and upon written request of the person concerned, major air commands may waive this requirement once in any fiscal year. This waiver authority may be further delegated to major subordinate commands.

[AFR 45-3A] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 4, 62 Stat. 89, as amended; 10 U. S. C. 422)

INACTIVE DUTY TRAINING PAY AND ALLOWANCES

4. Paragraphs (a) and (b) of § 861.1102 are changed as follows:

§ 861.1102 *Definitions*—(a) *Training period.* A duly authorized and scheduled period of instruction performed by a person with a mobilization assignment. Such training period will be of at least two hours' duration and normally will be of four hours' duration. The term "training period" will include authorized attendance at a scheduled class of instruction of not less than two hours' duration under the contract school training program for members of Organized Air Reserve units and mobilization assignees.

(b) *Unit training assembly.* A duly authorized and scheduled period of instruction conducted by a United States Air Force Reserve Table of Organization and Equipment unit, Table of Distribution unit, or Corollary unit. Such unit training assembly will be of at least two hours' duration and normally will be of four hours' duration.

• • • • •

5. Paragraph (d) is added to § 861.1103:

§ 861.1103 *Eligibility.* • • •

(d) Officers and airmen assigned to Air Force Reserves units or holding mobilization assignments who are authorized to enroll in a course of instruction under the contract school training program are authorized inactive duty pay for attendance at each scheduled class of instruction. The combined total of such classes attended and other training periods or unit training assemblies attended, however, will not exceed the total number authorized for the training category to which assigned.

6. Paragraph (b) of § 861.1104 is changed as follows:

§ 861.1104 *Mobilization assignees.*

• • •

(b) Not more than 24 paid training periods in each fiscal year will be authorized personnel with mobilization assignments.

• • • • •

7. Section 861.1106 is revised as follows:

§ 861.1106 *Number of training periods and assemblies.* (a) A maximum of six training periods or unit training assemblies only will be authorized for pay purposes in any one calendar month for personnel assigned to training categories in which 48 paid drills each fiscal year are authorized.

(b) A maximum of four training periods or unit training assemblies only will be authorized for pay purposes in any one calendar month for personnel assigned to training categories in which 24 paid drills each fiscal year are authorized.

[AFR 45-10A & B] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 4, 62 Stat. 89, sec. 501, 63 Stat. 825; 10 U. S. C. 422, 37 U. S. C. 301)

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52-12976; Filed, Dec. 8, 1952; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 59]

GCPR, SR 59—CEILING PRICES FOR MURIATE OF POTASH

REVISED CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Supplementary Regulation 59 to the General Ceiling Price Regulation is issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 59 permits two producers with a 42-cent ceiling price for muriate of potash per unit of K_2O f. o. b. Carlsbad, New Mexico and Wendover, Utah, to raise their ceiling price by 1 cent per unit. This action will permit producers of 22 percent of domestic production of muriate of potash to sell at the same price at which the rest of the industry is now selling the product.

It has been customary in the industry ever since 1934 to sell muriate of potash at uniform prices. Roughly 90 percent of the production of the industry is centered in the Carlsbad, New Mexico, area and all producers in that area customarily charged identical f. o. b. Carlsbad prices. The balance of the production was obtained partly in Utah and partly in California. The Utah production was sold f. o. b. Wendover, Utah, at the Carlsbad price level while the California production was sold at a higher price, freight equalized with Carlsbad. When SR 59 was issued in September 1951, it established a ceiling price for muriate of potash at a 42-cent base, thereby permitting producers of 3 percent of the domestic production to raise their ceilings to the GCPR "freeze" level of the rest of the industry. These small producers had been unable to raise their prices prior to the end of the GCPR base period because of contract commitments, and SR 59 restored the traditional price uniformity in the industry.

Subsequent to this action restoring the traditional price uniformity in the industry, producers of 78 percent of the production of muriate of potash were able to qualify, under existing regulations, for varying amounts of upward adjustments of their ceiling prices. As a result, the selling price for this large segment of production rose to a 43-cent level, although some of the producers in that segment obtained ceiling prices higher than 43 cents. Meanwhile, new producers of muriate of potash coming into production had received ceiling prices in line with the higher ceilings established subsequent to the issuance of SR 59.

Two established producers, however, because of conditions peculiar to their operations, have been unable to increase their ceiling prices under existing regulations above the 42-cent level, and by this action, their ceiling prices are being increased less than 2½ percent in order to secure conformity with the industry's customary pricing practices. The 43-cent price level permitted by this Amendment compares with a pre-Korean level of 40 cents, and a GCPR level of 42 cents. Since the one producer at Trona, California, has already established a ceiling price in excess of that permitted by SR 59, it is no longer necessary for SR 59 to be applicable to that point. Accordingly, reference to Trona, California is deleted.

Muriate of potash is an important fertilizer product. About 90 percent of the potash produced in the United States is consumed in the manufacture of fertilizers for agricultural use. Potash is in short supply and the entire production of the industry is being moved as quickly as it is made available. The United States Department of Agriculture anticipates shortages of this product even with new additional production which has been introduced recently. This Amendment will tend to encourage the increased production of the product.

In the formulation of this Amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 2 (b) of Supplementary Regulation 59 to the General Ceiling Price Regulation is amended by changing the ceiling prices for the shipping points of Carlsbad, New Mexico and Wendover, Utah from $0.42 to $0.43 per unit of K_2O (f. o. b. plant) and by deleting the line establishing a ceiling price f. o. b. Trona, California.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 8, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 8, 1952.

[F. R. Doc. 52-13057; Filed, Dec. 8, 1952; 11:09 a. m.]

[General Overriding Regulation 14, Amdt. 29]

GOR 14—Excepted and Suspended Services

CUPPAGE RIGHTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 29 exempts from ceiling price regulations the rates, fees and charges made by timber owners for the right to face, tap or cup standing trees for sap and gum, known in the trade as "cuppage rights".

Numerous commodities involved in the production of naval stores have already been removed from price control. These include the sale of crude pine gum, stumpage, and stumps. The situation thus presented is one in which the sale of the right to face, tap or cup standing trees remains under price control, although sales of stumps, the raw product, and the tree itself are no longer subject to ceiling price regulation. Those items representing the end products of naval stores operations, such as turpentine, rosin, tar, and pine oil which remain under price control are, at present market prices, well below ceiling so that exemption of auxiliary services in connection therewith will have little, if any, effect upon living costs, business costs, or the national defense effort.

Approximately 5 percent of the trees faced each year for naval stores products are owned by the United States. Many of the Southern States also lease public lands for cuppage operations. This exemption will permit various government agencies to accept bids for naval stores offerings on the basis of current costs and market prices. In the formulation of this amendment, there has been extensive consultation with representatives of the Forest Service of the United States Department of Agriculture, the Department of the Interior, and other agencies, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respects:

The following new subparagraph is added at the end of paragraph (a) of section 3:

(116) Cuppage rights.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 29 to General Overriding Regulation 14 shall become effective December 8, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 8, 1952.

[F. R. Doc. 52-13056; Filed, Dec. 8, 1952; 11:09 a. m.]

Chapter X—Defense Solid Fuels Administration, Department of the Interior

[Solid Fuels Order 4 as amended, Revocation]

SFO-4—Distribution of Bituminous Coal

REVOCATION

Order SFO-4 issued October 19, 1952 (17 F. R. 9558), and amended October 25, 1952, which controlled the shipment of bituminous coal from certain coal mines, is hereby revoked.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective December 9, 1952.

DEFENSE SOLID FUELS ADMINISTRATION,
CHAS. W. CONNOR,
Defense Solid Fuels Administrator.

[F. R. Doc. 52-13055; Filed, Dec. 8, 1952; 10:23 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Correction to Schedule A]

[Rent Regulation 2, Correction to Schedule A]

RR 1—Housing

RR 2—Rooms in Rooming Houses and Other Establishments

Schedule A—Defense-Rental Areas

PENNSYLVANIA

Effective November 5, 1952, that part of Amendment 86 to Schedule A of Rent Regulation 1 and Amendment 84 to Schedule A of Rent Regulation 2 which pertains to Item 261 (Erie Defense-Rental Area) is corrected to read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 4th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania				
(261) Erie	B	In Erie County, the city of Erie and the townships of Harborcreek, Lawrence Park, Millcreek, and Northeast.	Mar. 1, 1942	July 1, 1942

[F. R. Doc. 52-12972; Filed, Dec. 8, 1952; 8:48 a. m.]

[Rent Regulation 1, Amdt. 96 to Schedule A]

[Rent Regulation 2, Amdt. 94 to Schedule A]

RR 1—Housing

RR 2—Rooms in Rooming Houses and Other Establishments

Schedule A—Defense-Rental Areas

PENNSYLVANIA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective December 8, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 4th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania				
(262) Harrisburg	B	Cumberland County, except the townships of Hopewell, Lower Mifflin, North Newton, Shippensburg, Southampton, South Newton and Upper Mifflin, and the boroughs of Lemoyne, Newburg, Newville and Shippensburg; Dauphin County; and in Perry County, the townships of Penn, Rye, and Wheatfield, and the boroughs of Duncannon and Marysville.	Mar. 1, 1942	Nov. 1, 1942
	C	do	Aug. 1, 1952	Dec. 8, 1952
	B	In Franklin County, the township of Hamilton and the borough of Waynesboro.	Mar. 1, 1942	Dec. 1, 1952

[F. R. Doc. 52-12973; Filed, Dec. 8, 1952; 8:48 a. m.]

[Rent Regulation 1, Amdt. 97 to Schedule A]

[Rent Regulation 2, Amdt. 95 to Schedule A]

RR 1—Housing

RR 2—Rooms in Rooming Houses and Other Establishments

Schedule A—Defense-Rental Areas

PENNSYLVANIA

Effective December 9, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item indicated below of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 4th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania				
(261) Erie	B	In Erie County, the city of Erie and the townships of Lawrence Park, Millcreek, and Northeast.	Mar. 1, 1942	July 1, 1942

These amendments decontrol the following based on a resolution submitted under section 204 (j) (3) of the act:

The Township of Harborcreek in Erie County, Pennsylvania, a portion of the Erie Defense-Rental Area.

[F. R. Doc. 52-12974; Filed, Dec. 8, 1952; 8:48 a. m.]

[Rent Regulation 3, Amdt. 99 to Schedule A]

[Rent Regulation 4, Amdt. 42 to Schedule A]

RR 3—Hotels

RR 4—Motor Courts

Schedule A—Defense-Rental Areas

PENNSYLVANIA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective December 8, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 4th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(262) Harrisburg	Pennsylvania.	Cumberland County, except the townships of Hopewell, Lower Mifflin, North Newton, Shippensburg, Southampton, South Newton and Upper Mifflin, and the boroughs of Lemoyne, Newburg, Newville and Shippensburg; Dauphin County, and in Perry County, the townships of Penn, Rye, and Wheatfield, and the boroughs of Duncannon and Marysville.	Aug. 1, 1952	Dec. 8, 1952

[F. R. Doc. 52-12975; Filed, Dec. 8, 1952; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10326]

PART 1—PRACTICE AND PROCEDURE

NETWORKS AND LICENSEES OF BROADCAST STATIONS; ANNUAL FINANCIAL REPORT FORM

In the matter of amendment of F. C. C. Form 324, Annual Financial Report of Networks and Licensees of Broadcast Stations.

On October 1, 1952, the Commission adopted a notice of proposed rule making in the above-entitled matter. The notice was published in the FEDERAL REGISTER (17 F. R. 9078) in accordance with section 4 (a) of the Administrative Procedure Act. The period in which interested persons were afforded an opportunity to submit written comments has expired and no such comments were received.

The revision of F. C. C. Form 324 attached as an appendix to the aforementioned notice of proposed rule making is modified in the following respects:

(a) Pages 1 and 2 containing identification data, most of which are available in other reports and application forms, are deleted. However, the following items previously shown on these pages are transferred to other sections of the report:

(1) The period covered by the report and the information requested at line 9 of page 1 (name of person in charge of correspondence) are transferred to the cover page.

(2) The information requested at line 13 of page 2 (the name of every organization, if any, from which the respondent receives programs) is transferred to the page on which the income statement appears.

(3) The information requested at line 14 of page 2 (the extent to which FM programs duplicate AM programs) is transferred to the cover page.

(b) The requirement, at the foot of the page on which the income statement appears, for showing the portion of total revenues (if less than $25,000) received from each of the nation-wide networks, is deleted. This deletion is consistent with the deletion, made under the proposed rule making, of Schedule 9, "Analysis of Time Devoted to Networks," contained in the 1951 report form.

(c) After giving further consideration to the Commission's present need for the information and the extent to which it is available from other sources, Schedule 7, "Program Log Analysis," is deleted from this form.

(d) A certification is substituted for the verification under oath.

(e) Minor editorial changes and rearrangements are made, including those necessitated by the aforementioned modifications.

(f) With respect to stations operated under Special Temporary Authority, General Instruction 1 is modified to require that permittees of all broadcast stations file Form 324, whereas the proposed rule making referred only to permittees of FM stations. This modification is deemed essential in order to obtain annual financial data on as much of the TV industry as possible, and in lieu of individual requests it is deemed more desirable to obtain the data through the filing of Form 324.

Modifications (a) through (e) above are minor in nature and generally involve a relaxation of the requirements imposed on licensees and permittees; therefore, notice of proposed rule making with respect to them is unnecessary. With respect to modification (f) above, a further notice of proposed rule making would be impracticable in that it would involve delay in the printing of the forms and the receipt of essential information. Moreover, further rule making with respect to this modification is unnecessary in view of the fact that the considerations involved in requiring this form to be filed by permittees of standard and television broadcast stations are identi-

cal with those involved with respect to the licensees of all broadcast stations and the permittees of FM broadcast stations.

It is ordered, therefore, That pursuant to authority under section 4 (i) and 303(r) of the Communications Act of 1934, as amended, F. C. C. Form 324, Annual Financial Report of Networks and Licensees of Broadcast Stations, as set out in the appendix attached to the aforementioned notice of proposed rule making, and modified as set out herein, be, and is hereby adopted.

It is further ordered, That each network and licensee of broadcast stations and each permittee whose station was operated during the year covered by this report shall prepare and file its annual financial report to the Commission for the year 1952 and for each year thereafter until further order of the Commission, in the form and manner therein prescribed.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: November 28, 1952.

Released: November 28, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12963; Filed, Dec. 8, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR Part 319]

FOREIGN QUARANTINE NOTICES

NURSERY STOCK, PLANTS, AND SEEDS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to section 5 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159), is considering the amendment of §§ 319.37-13 and 319.37-15 of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR Supp. 319.37-13 and 319.37-15) as follows:

1. The first sentence in § 319.37-13 (a) would be amended to read: "All restricted plant material from countries with official systems of inspection, except that imported pursuant to § 319.37-2, shall be accompanied by an original certificate attached to the invoice, and each container shall bear a copy-certificate, issued by an authorized official of the country of export, stating (1) the country where the restricted plant material covered by the certificate was grown, (2) that the restricted plant material has been thoroughly inspected by him, or under his direction, both during the growing season and at the time of packing, and was found, and believed to be, free from plant pests, and (3) that all materials used for packing the restricted plant material have been approved under § 319.37-16."

2. After the first sentence in § 319.37-13 (a) a new sentence would be added to read: "Said certificate shall also state, except in the case of restricted plant material imported in accordance with § 319.37-5 or certified in accordance with § 319.37-15, that the restricted plant material covered by the certificate is free from sand, soil, and earth other than packing materials approved under § 319.37-16."

3. Section 319.37-15 would be amended to read:

§ 319.37-15 *Freedom from sand, soil, and earth.* Except for importations under § 319.37-5, all restricted plant material to be imported shall be free from sand, soil, and earth, and any shipment arriving in the United States which is not free from sand, soil, and earth, may be refused entry, except that this requirement shall not bar the use of packing materials approved under § 319.37-16 nor the importation of restricted plant material that is accompanied by a certificate by an authorized official of the country of export, in addition to the certificate required in § 319.37-13, stating that the restricted plant material was (a) freed from sand, soil, and earth, (b) subsequently potted and established in ground peat, exfoliated vermiculite, Osmunda fiber, or other packing material approved under § 319.37-16 that had been stored under shelter and had not been previously used for growing or packing plants, and (c) grown thereafter on raised benches in a manner to prevent recontamination with sand, soil, or earth.

Under the present provisions of the regulations under the nursery stock, plant, and seed quarantine, restricted plant material now is generally allowed importation only when freed from sand, soil, and earth. It may be packed in an approved packing material to preserve vitality. The proposed amendments, if adopted, would allow the importation under specified conditions of restricted plant material that is growing in an approved material. The hazards involved in permitting the importation of such restricted plant material have been fully considered by Departmental entomologists and plant pathologists, particularly with respect to the possible introduction of plant diseases. With the safeguards provided by the proposed amendments, it is considered that adequate protection would be afforded against the introduction of dangerous insects and plant diseases.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 5, 37 Stat. 316, as amended; 7 U. S. C. 159)

Done at Washington, D. C., this 4th day of December 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-12955; Filed, Dec. 8, 1952; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10354]

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.606 Table of Assignments, rules governing television broadcast stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has ascertained that the assignments of UHF Channel 42 in Abbeville, Louisiana, and that of UHF Channel 38 in Lafayette, Louisiana, do not meet the required minimum assignment separations as provided by § 3.610 (c) of the Commission's rules governing television broadcast stations. In order to correct this sub-standard assignment spacing, the Commission proposes to make the following change in the Table of Assignments:

City	Channel No.	
	Delete	Add
Abbeville, La	42-	27+

3. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before December 23, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 3, 1952.

Released: December 4, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12964; Filed, Dec. 8, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Cheyenne 073280]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

In exchange made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), 43 U. S. C. sec. 315 g), the following described lands have been reconveyed to the United States:

Sixth Principal Meridian

T. 48 N., R. 102 W., 6th Principal Meridian,
Sec. 3, S½SW¼;
Sec. 10, N½NW¼, SE¼NW¼.

The area described aggregates 200 acres.

The lands are level to rough in topography. The vegetative cover consists of gramma, wheatgrass, blackroot and sagebrush. There is no timber upon the lands. The lands are primarily suitable for grazing purposes.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Cheyenne Land and Survey Office in Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to: Cheyenne Land and Survey Office, 405 Federal Building, Box 578, Cheyenne, Wyoming.

ALBIN D. MOLOHON,
Regional Administrator.

[F. R. Doc. 52-12977; Filed, Dec. 8, 1952; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ROBERTO MOTTA Y COMPANIA LIMITADA ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7879 between Roberto Motta y Compania Limitada and the Panama Canal Company covers the transportation of cargo on through bills of lading from Pacific Coast ports of Central America to New York, with transhipment at Cristobal, Canal Zone.

(2) Agreement No. 7881 between United States Lines Company and Bull Insular Line, Inc., covers the transportation of cargo under through bills of lading from ports in the United Kingdom, of Great Britain, Northern Ireland, the Irish Free State, and in the Vigo, Hamburg range of Continental Europe, to ports in the Virgin Islands (U. S. A.), with transhipment at New York.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 4, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-12981; Filed, Dec. 8, 1952; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9136, 10243, 10316]

PIONEER BROADCASTERS, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Pioneer Broadcasters, Inc., Portland, Oregon, Docket No. 9136, File No. BPCT-431; KXL Broadcasters, Portland, Oregon, Docket No. 10243, File No. BPCT-954; Mount Hood Radio & Television Broadcasting Corporation, Portland, Oregon, Docket No. 10316, File No. BPCT-1029; for construction permits for new television stations (Channel 6).

The Commission having under consideration a petition filed November 25, 1952, by Mount Hood Radio and Television Broadcasting Corporation, requesting a continuance of the hearing in the above-entitled proceeding presently scheduled for December 1, 1952, to December 8, 1952, or to a reasonable date following the Commission's action upon Mount Hood's pending Petition for Review of the Hearing Examiner's action

[F. R. Doc. 52-12955; Filed, Dec. 8, 1952; 8:46 a. m.]

§ 1.764 of the Commission's rules and

on petition for leave to amend its application; and

It appearing, that such Petition for Review was filed with the Commission on November 24, 1952, and, under the Commission's rules and regulations, other parties have the right to file replies thereto; that, therefore, the Commission's ruling cannot reasonably be expected prior to the presently scheduled date for the resumption of the hearing; and

It further appearing, that other counsel in the proceeding, including counsel for the Broadcast Bureau, have informally consented to a waiver of § 1.745 of the Commission's rules and regulations to permit the immediate consideration and grant of the instant petition for continuance;

It is ordered, this 26th day of November 1952, that the petition for continuance be and it is hereby granted; and the hearing on the above-entitled applications now scheduled for December 1, 1952, be and it is hereby continued to December 10, 1952, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12968; Filed, Dec. 8, 1952; 8:47 a. m.]

[Docket No. 10151]

WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of the Western Union Telegraph Company, Docket No. 10151; Divestment of its international telegraph operations in accordance with Section 222 (c) (2) of the Communications Act of 1934, as amended.

It appearing that the above-entitled proceeding is presently scheduled to reconvene to Wednesday, December 10, 1952; and

It further appearing that the Examiner presently conducting this proceeding is now engaged in hearing the applications for permit to construct a commercial television station to operate on Channel 8 in the Tampa-St. Petersburg area, Docket Nos. 10250, 10251, and 10252; that these hearings have been in process since October 15; that they will not be concluded before the middle of December; and that the orderly dispatch of Commission business requires that these hearings be completed at the earliest possible date; and

It further appearing that the parties to this proceeding have been advised of the above facts and are agreeable to a postponement of the further hearing date until January 28, 1953;

It is ordered, This the 25th day of November 1952, that the further hearing in the above-entitled proceeding is continued from December 10, 1952, to Wednesday, January 28, 1953, beginning at 10:00 a. m., in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12966; Filed, Dec. 8, 1952; 8:47 a. m.]

[Docket Nos. 10272, 10273]

BRUSH-MOORE NEWSPAPERS, INC., AND STARK BROADCASTING CORP.

ORDER CONTINUING HEARING

In re applications of the Brush-Moore Newspapers, Inc., Canton, Ohio, Docket No. 10272, File No. BPCT-264; Stark Broadcasting Corporation, Canton, Ohio, Docket No. 10273, File No. BPCT-949; for construction permits for new television stations.

The Commission having under consideration a joint petition filed November 20, 1952, by the Brush-Moore Newspapers, Inc., and the Stark Broadcasting Company, both of Canton, Ohio, requesting a continuance of the hearing on the above-entitled applications now scheduled for December 8, 1952, in Washington, D. C., either until January 12, 1953, or until 15 days after the Commission rules upon the joint petition of these parties requesting assignment of an additional UHF channel to Canton, Ohio; and

It appearing, that if the joint petition of these applicants for an additional UHF channel in Canton, Ohio, were granted by the Commission a hearing may be obviated; and

It appearing further, that the time within which objections might have been filed to this joint petition has expired and none has been filed and that a grant of said petition would conduce to the dispatch of the Commission's business and the ends of justice;

It is ordered, This 28th day of November, 1952, that the petition is granted; and the hearing on the above-entitled application now scheduled for December 8, 1952, in Washington, D. C., is hereby continued to January 12, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12970; Filed, Dec. 8, 1952; 8:47 a. m.]

[Docket Nos. 10278, 10279]

KENDRICK BROADCASTING CO., INC., AND ROSSMOYNE CORP.

ORDER CONTINUING HEARING

In re applications of Kendrick Broadcasting Company, Inc., Harrisburg, Pennsylvania, Docket No. 10278, File No. BPCT-937; Rossmoyne Corporation, Harrisburg, Pennsylvania, Docket No. 10279, File No. BPCT-966; for construction permits for television stations.

The Commission having before it a motion filed on November 25, 1952, on behalf of Kendrick Broadcasting Company, Inc. for a continuance of the hearing now scheduled to commence on December 1, 1952, to January 5, 1953; and

It appearing, that counsel for Kendrick Broadcasting Company, Inc. is now and will be engaged in a proceeding before the Commission (Dockets 10250 et al.) and will be unavailable to commence this hearing on December 1, 1952; and

It further appearing, that no other attorney in the firm in which counsel is affiliated is familiar enough with the case to represent adequately the interest of Kendrick Broadcasting Company, Inc.; and

It further appearing, that counsel for Rossmoyne Corporation, counsel for licensee of Station WHP, Harrisburg, Pennsylvania, and counsel for the Chief of the Commission's Broadcast Bureau have consented to a waiver of § 1.745 of the Commission's rules relating to practice and procedure;

It is ordered, This 28th day of November 1952, that the motion for continuance of hearing is granted and that the hearing herein is continued until the 5th day of January 1953, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. D. Doc. 52-12969; Filed, Dec. 8, 1952; 8:47 a. m.]

[Docket Nos. 10289, 10290]

HEAD OF THE LAKES BROADCASTING CO. AND RED RIVER BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In the matter of Head of the Lakes Broadcasting Co., Superior, Wisconsin, Docket No. 10289, File No. BPCT-621; Red River Broadcasting Co., Inc., Duluth, Minnesota, Docket No. 10290, File No. BPCT-903.

The Commission having under consideration the scheduled date for the resumption of hearing in companion Docket Nos. 10291 and 10292, namely, December 9, 1952, and the scheduled date for the initial taking of testimony in the above-captioned matter, namely, December 17, 1952;

It appearing, that an informal meeting of counsel was held in the Examiner's office, pursuant to his call, during which agreement was reached upon the hereinafter ordered continuance; that the December 17, 1952, date had been designated with the expectation that hearing would resume in Docket Nos. 10291 and 10292 on December 3, 1952; that the resumption of hearing in those dockets, however, was deferred until December 9, 1952; that the participants in that proceeding should be afforded an opportunity to complete the presentation of testimony in their case without unnecessary interruption; that the hearing in the above-captioned matter should therefore be continued; and that the length of such continuance is conditioned upon the intervention of the holiday season, the presidential inauguration and the attendant scarcity of hotel accommodations for witnesses, and counsel's participation in other matters;

It is ordered, This 1st day of December 1952, that the hearing in Docket Nos. 10289 and 10290, now scheduled for December 17, 1952, is continued to February 17, 1953, beginning at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12971; Filed, Dec. 8, 1952; 8:47 a. m.]

[Docket No. 10346]

JAMES GERITY, JR.

ORDER CONTINUING HEARING

In re application of James Gerity, Jr., Pontiac, Michigan, Docket No. 10346, File No. BP-8651; for construction permit.

The Commission having under consideration the petition filed on November 20, 1952, by Adelaide Lillian Carrell, licensee of Radio Station WCLC, Flint, Michigan, for continuance of the hearing herein for a period of thirty days; and the opposition filed thereto on November 24, 1952, by the Chief of the Commission's Broadcast Bureau wherein it was requested that the hearing be continued indefinitely; and

It appearing, that Adelaide Lillian Carrell, who was made a party respondent by the Commission's order released November 14, 1952, has not had sufficient time to prepare for the hearing now scheduled for November 28, 1952; and

It further appearing, that the application of James Gerity, Jr., above mentioned, was filed approximately twenty days before the date originally scheduled for the hearing on the Pontiac, Michigan, applications with which this application was consolidated by the Commission's order released November 14, 1952; and

It further appearing, that all competing applicants in this hearing have dismissed their applications or amended their applications to other frequencies and have had their applications removed from the Hearing Docket, leaving the application of James Gerity, Jr. alone in the hearing with respondent Adelaide Lillian Carrell; and

It further appearing, that it may be unfair to proceed with this case since many other applications for AM facilities have been waiting hearing many months; and

It further appearing, that counsel for James Gerity, Jr., has consented to a waiver of § 1.745 of the Commission's rules and regulations and consented that the petition and opposition thereto may be considered immediately;

It is ordered, This 26th day of November 1952, that the hearing herein is continued without date, subject to further order scheduling a definite date for hearing, either upon the Commission's or the Examiner's own motion or upon appropriate motion being duly filed by any party to this proceeding or by the Chief of the Commission's Broadcast Bureau.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12967; Filed, Dec. 8, 1952; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6462]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

DECEMBER 4, 1952.

Notice is hereby given that on December 3, 1952, the Federal Power Commission issued its order entered December 2, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12958; Filed, Dec. 8, 1952; 8:46 a. m.]

[Docket No. E-6465]

PENNSYLVANIA WATER & POWER CO.

NOTICE OF APPLICATION

DECEMBER 2, 1952.

Take notice that on November 26, 1952, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Pennsylvania Water & Power Company, a corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in the States of Pennsylvania and Maryland, with its business office at Baltimore, Maryland, seeking an order authorizing the sale of high-tension terminal and interconnection facilities of the Violet Hill substation, situated in Spring Garden Township, York County, Pennsylvania, together with the land appurtenant thereto, to the Metropolitan Edison Company. The consideration for the sale of this property, the application states, is $110,357.47 to be paid in cash; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 22d day of December 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12950; Filed, Dec. 8, 1952; 8:45 a. m.]

[Docket No. E-6466]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

DECEMBER 2, 1952.

Take notice that on December 1, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Community Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of New Mexico and Texas, with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of a maximum amount of 137,181 shares of capital stock as a stock dividend at the rate of one share for each five shares held on the record date. Stockholders entitled to a fractional share interest will receive, in lieu of fractional shares or scrip, cash based on the closing price of the capital stock on the New York Curb Exchange on the next business day following the record date for such stock dividend. The proposed capital stock is to be issued pro rata to existing stockholders as of the record date; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 22d day of December 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12956; Filed, Dec. 8, 1952; 8:46 a. m.]

[Docket No. E-6469]

METROPOLITAN EDISON CO.

NOTICE OF APPLICATION

DECEMBER 3, 1952.

Take notice that on December 2, 1952, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Metropolitan Edison Company, a corporation organized under the laws of the State of Pennsylvania and doing business in said State, with its principal business office at Reading, Pennsylvania, seeking an order disclaiming jurisdiction over the transaction hereinafter described, or, in the alternative, an order authorizing the purchase by it of the high-tension terminal and interconnection facilities of the Violet Hill substation owned by Pennsylvania Water & Power Company and situated in Spring Garden Township, York County, Pennsylvania, together with the land appurtenant thereto. This application is a companion to the application by Pennsylvania Water & Power Company, Docket No. E-6465. The consideration for the facilities to be purchased are stated in the application to be $110,357.47, subject to certain adjustments; all as more fully appears in

the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 22d day of December 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12957; Filed, Dec. 8, 1952; 8:46 a. m.]

[Docket Nos. G-1781, G-2055]

UNITED FUEL GAS CO.

ORDER POSTPONING HEARING, CONSOLIDATING PROCEEDINGS FOR HEARING, AND FIXING DATE OF HEARING AND SPECIFYING PROCEDURE FOR CONSOLIDATED PROCEEDINGS

DECEMBER 2, 1952.

The Commission, by order in Docket No. G-2055, issued September 12, 1952, suspended the operation of United Fuel Gas Company's (United) proposed FPC Gas Tariff, Third Revised Volume No. 1, and directed that a hearing be held at a date and place to be fixed thereafter concerning the lawfulness of the rates, charges, classifications or services, subject to the jurisdiction of the Commission, as set forth in said tariff.

United's presently effective tariff, Second Revised Volume No. 1, suspended by the Commission in Docket No. G-1781, was made effective under bond as of February 6, 1952, and hearing thereon commenced October 6, 1952. Thereafter, on November 7, 1952, the Presiding Examiner recessed the hearing until December 8, 1952.

The issues presented in Docket No. G-2055 appear to be identical with those in Docket No. G-1781. However, in Docket No. G-2055 there is included in United's cost of service, the cost of purchasing gas from Tennessee Gas Transmission Company (Tennessee) under Tennessee's FPC Gas Tariff, Third Revised Volume No. 1 and First Revised Volume No. 2, which was suspended by order of the Commission in Docket No. G-2052. In the course of hearing, counsel for United indicated that United would move to put the suspended rates in Docket No. G-2055 into effect as of February 15, 1953, if Tennessee so moved.

It thus appears that United's proposed rate increase in Docket No. G-2052 may become effective, subject to refund, prior to the Commission's determination in Docket No. G-1781 of the justness and reasonableness of the proposed increase there involved. In view of the identity of issues presented in United's Second Revised Volume No. 1 and Third Revised Volume No. 1, with the aforementioned exception, and having due regard for the requirement of section 4 (e) that matters involving proposed rate increases be given preference and disposed of as speedily as possible, it appears to the Commission that Docket No. G-2055 should be set for hearing and consolidated for hearing with Docket No. G-1781 and the hearings in the latter docket be postponed to a date when the consolidated proceedings may go forward.

The Commission finds:

(1) Good cause exists for consolidating the proceedings in Docket Nos. G-1781 and G-2055 for the purpose of hearing, and for postponement of the hearings in Docket No. G-1781 as hereinafter ordered.

(2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest, that the procedure hereinafter prescribed shall be followed at the consolidated proceedings in order to conduct them in an orderly and expeditious manner.

The Commission orders:

(A) The proceeding in Docket No. G-2055 be and it hereby is consolidated for hearing with the proceeding in Docket No. G-1781, now set to reconvene at the time and place named in the said paragraph (B), and the evidence heretofore adduced in the hearing in Docket No. G-1781 be and the same hereby is made a part of this consolidated hearing.

(B) The hearings in Docket No. G-1781 be and the same are hereby postponed to December 17, 1952, on which date a public hearing be held at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., in the consolidated proceedings, concerning the lawfulness of the rates, charges, classifications or services, subject to the jurisdiction of the Commission, as set forth in United's proposed FPC Gas Tariffs, Second Revised Volume No. 1 and Third Revised Volume No. 1.

(C) At the consolidated proceedings the burden of proof to justify the proposed increases and changes in tariff provisions, as provided by section 4 (e) of the Natural Gas Act, shall be upon United.

(D) At the consolidated proceedings United shall go forward first and shall present its justification, in accordance with the provisions of section 4 (e), in support of the rate proposed in Docket No. G-2055. After United has completed this presentation, other parties to the proceeding, including Commission Staff Counsel, shall proceed with such cross-examination as they are able to conduct at that time and, upon completion of such cross-examination, upon request of any of the parties thereto, the hearing may be recessed by the Presiding Examiner subject to further order of the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: December 3, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12951; Filed, Dec. 8, 1952; 8:45 a. m.]

[Docket No. G-2036]

UNITED FUEL GAS CO.

NOTICE OF FINDINGS AND ORDER

DECEMBER 4, 1952.

Notice is hereby given that on December 3, 1952, the Federal Power Commission issued its order entered December 2, 1952, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12959; Filed, Dec. 8, 1952; 8:46 a. m.]

[Project No. 1061]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER AMENDING LICENSE (MINOR-PART)

DECEMBER 4, 1952.

Notice is hereby given that on August 29, 1952, the Federal Power Commission issued its order entered August 26, 1952, amending license (Minor-Part) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12960; Filed, Dec. 8, 1952; 8:46 a. m.]

[Project Nos. 2073, 2074]

WISCONSIN MICHIGAN POWER CO.

NOTICE OF ORDER EXTENDING TIME FOR COMPLETION OF CONSTRUCTION

DECEMBER 4, 1952.

Notice is hereby given that on December 2, 1952, the Federal Power Commission issued its order entered November 25, 1922, in the above-entitled matters, extending time for completion of construction in Project No. 2073 to April 1, 1953, and Project No. 2074 to May 1, 1953.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-12961; Filed, Dec. 8, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2970]

SOUTHERN CO. AND GULF POWER CO.

NOTICE OF FILING REGARDING SALE OF SHARES OF COMMON STOCK BY SUBSIDIARY TO PARENT

DECEMBER 3, 1952.

Notice is hereby given that a joint application-declaration has been filed with this Commission by the Southern Company ("Southern"), a registered holding company, and Gulf Power Company ("Gulf Power"), a public utility subsidiary of Southern. Applicants-declarants have designated sections 6, 7, 9 (a), 10, and 12 (f) of the act and Rule U-43 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Gulf Power proposes to issue 134,817 shares of its authorized and unissued common stock, without par value, and to sell such shares to Southern, which owns all of the common stock of Gulf Power, for a cash consideration of $3,000,000 (of which $2,000,000 is to be received for 89,878 shares in January 1953, and $1,000,000 is to be received for 44,939 shares in May 1953). The price per share represents the approximate book value of the outstanding shares of common stock of Gulf Power as at August 31, 1952. It is stated that the proceeds from the sale of such shares will be used by Gulf Power to finance improvements, extensions and additions to its utility plant.

The joint application-declaration states that the proposed issuance and sale of the shares of common stock by Gulf Power are subject to the jurisdiction of the Florida Railroad and Public Utilities Commission and that the expenses to be incurred in connection with the proposed transactions are estimated at $5,750, including counsel fees of $500.

It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than December 29, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 29, 1952, said joint application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12953; Filed, Dec. 8, 1952; 8:45 a. m.]

[File No. 812-809]

NORTH AMERICAN SECURITIES CO. ET AL.

NOTICE OF APPLICATION

DECEMBER 4, 1952.

In the matter of North American Securities Company, North American Investment Corporation, Commonwealth Investment Company, Commonwealth Stock Fund, Inc.; File No. 812-809.

Notice is hereby given that North American Securities Company (Applicant), 2500 Russ Building, San Francisco 4, California, has filed an application under Rule N-17D-1 of the general rules and regulations under the Investment Company Act of 1940 for an order approving the continuance of the practice of paying each year at Christmas time one-half of one month's salary to each and all of its employees or, in the event that the Commission shall determine to confine its approval to the current year 1952 an order approving such payment for the said current year 1952. Employees with less than a full year's service receive such part of one-half of one month's salary as is proportionate to the number of months of employment in the year in question.

Applicant is a wholly owned subsidiary and the investment adviser of North American Investment Corporation, a registered, closed-end management investment company, and it is the underwriter and investment adviser of Commonwealth Investment Company and Commonwealth Stock Fund, Inc., both registered, open-end management investment companies. Applicant has approximately 52 employees, all of whom will be eligible to receive the payment mentioned above. Seven of the employees are affiliated persons, as officers or directors, of North American Investment Corporation or Commonwealth Investment Company or Commonwealth Stock Fund, Inc., or of all three companies. Applicant's personnel formerly were employed by its parent, North American Investment Corporation, which now has no paid employees. For the past seven years Applicant's personnel have received a Christmas bonus on the basis stated above.

The total amount of the payments proposed to be made in December 1952, to the employees of Applicant will be approximately $9,500, or approximately 38 percent of Applicant's estimated net income before income taxes and the payment of the bonus. The proposed payments, however, will be far less than 5 percent of the combined estimated net income, plus net gain realized on investments, of Applicant and its parent, North American Investment Corporation.

The proposed payments by Applicant do not fall within the exceptions provided in Rule N-17D-1, therefore, Applicant may not make the proposed payments unless the Commission grants the application by order.

All persons are referred to said application which is on file in the Washington, D. C., office of the Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after December 19, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided by Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 18, 1952, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12993; Filed, Dec. 8, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 34, as Amended, Supplementary Regulation 3, as Amended, Section 5, Special Order 12]

PACKARD MOTOR CAR CO.

APPROVAL OF REVISIONS ATTACHED TO LETTER TO DEALERS, DATED NOVEMBER 19, 1952

Statement of considerations. This Special Order, pursuant to section 5 of Supplementary Regulation 3 of Ceiling Price Regulation 34, approves certain modifications and supplements to time allowances which appear in the Packard 1951 Flat Rate Manual which covers 1952 models.

The Director of Price Stabilization has determined from the data submitted by the publisher of the Packard 1951 Flat Rate Manual which covers 1952 models that the approval of these modifications and supplements would not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. 1. On and after the effective date of this order, the modifications and supplements to the Packard 1951 Flat Rate Manual which covers 1952 models as covered in Packard Application No. 52T-37 are authorized for use in establishing the time allowances for the operations described therein.

2. The following notice must be printed or stamped in a prominent position in the publication "Approved by OPS December 4, 1952, by Special Order No. 12 issued under section 5 of SR 3 to CPR 34."

3. All provisions of Ceiling Price Regulation 34, as amended, and Supplementary Regulation 3, as amended, except as changed by this Special Order shall remain in full force and effect.

4. This Special Order or any provision thereof may be revoked, suspended or amended at any time by the Director of Price Stabilization.

Effective date. This order shall become effective December 4, 1952.

JOSEPH H. FREEHILL, *Acting Director of Price Stabilization.*

DECEMBER 3, 1952.

[F. R. Doc. 52-12922; Filed, Dec. 8, 1952; 12:03 p. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 240

Washington, Wednesday, December 10, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10418

EXECUTIVE ORDER 10321 [1] AMENDED

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171, 54 Stat. 989, 1003, 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), Executive Order 10321, dated January 24, 1952, is hereby amended by striking out "1950" and inserting in lieu thereof "1951".

This Executive order shall be effective upon its filing for publication in the FEDERAL REGISTER.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 6, 1952.

[F. R. Doc. 52-13061; Filed, Dec. 8, 1952; 12:55 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of § 6.112 (a) is amended to read as follows:

§ 6.112 *Department of Commerce*—(a) *General.* • • •

(5) NC/PD. Agents to take and transmit meteorological observations in connection with airways whose duties require only part of their time, and whose compensation does not exceed $190 a month; for such employment in isolated locations in Alaska the compensation may not exceed $210 a month.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-13019; Filed, Dec. 9, 1952; 8:56 a. m.]

[1] 17 F. R. 791.

NOTICE

The National Archives Building will be officially closed on Monday, December 15, 1952, between 8:45 a. m. and 2:00 p. m. Notice is hereby given that no documents will be filed with the Federal Register Division, or made available for public inspection, during those hours.

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811]

PART 811—SUGAR REQUIREMENTS, CONTINENTAL UNITED STATES

REQUIREMENTS FOR 1953

Basis and purpose. The determination set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secretary of Agriculture make such determination for the calendar year 1953 during December of 1952. The determination has been based, insofar as required by section 201 of the act, on official statistics of the Department of Agriculture and statistics published by other agencies of the Federal Government. The purpose of such determination is to provide the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1953. The determination provides a basis for the establishment of sugar quotas for such year pursuant to section 202 of the act.

Prior to the issuance of this determination, notice was given (17 F. R. 9564) that the Secretary of Agriculture was preparing, among other things, to determine the sugar requirements for the calendar year 1953 and that any interested person might present any data, views, or arguments with respect thereto at a public hearing to be held in Washington, D. C., on November 13, 1952. In addition, the notice stated that

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FEDERAL REGISTER

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any interested person might present any data, views, or arguments with respect thereto in writing not later than November 26, 1952. In making this determination due consideration has been given to the data, views and arguments expressed at the hearing held on November 13, 1952, and the data, views and arguments submitted in writing on or before November 26, 1952, in accordance with the Administrative Procedure Act (60 Stat. 237).

Since the Sugar Act of 1948 requires that the Secretary of Agriculture determine sugar requirements for the calendar year 1952 during the month of December 1952, it is not possible to comply with the 30-day effective date requirement of the Administrative Procedure Act. Accordingly, this determination shall be effective when published in the FEDERAL REGISTER.

§ 811.4 *Sugar requirements 1953.* (a) The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1953 is hereby determined to be 7,800,000 short tons, raw value.

Statement of bases and considerations. Section 201 of the Sugar Act of 1948 reads as follows:

> The Secretary shall determine for each calendar year, beginning with the calendar year 1948, the amount of sugar needed to meet the requirements of consumers in the continental United States; such determinations shall be made during the month of December in each year for the succeeding calendar year (in the case of the calendar year 1948, during the first ten days thereof) and at such other times during such calendar year as the Secretary may deem necessary to meet such requirements. In making such determinations the Secretary shall use as a basis the quantity of direct consumption sugar distributed for consumption, as indicated by official statistics of the Department of Agriculture, during the twelve-month period ending October 31 next preceding the calendar year for which the determination is being made, and shall make allowances for a deficiency or surplus in inventories of sugar, and for changes in consumption because of changes in population and demand conditions, as computed from statistics published by agencies of the Federal Government; and, in order that such determinations shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will not be excessive to consumers and which will fairly and equitably maintain and protect the welfare of the domestic sugar industry, the Secretary, in making any such determination, in addition to the consumption, inventory, population, and demand factors above specified and the level and trend of consumer purchasing power, shall take into consideration the relationship between the prices at wholesale for refined sugar that would result from such determination and the general cost of living in the United States as compared with the relationship between prices at wholesale for refined sugar and the general cost of living in the United States obtaining during 1947 prior to the termination of price control of sugar as indicated by the Consumers' Price Index as published by the Bureau of Labor Statistics of the Department of Labor.

(b) Pursuant to the provisions of this section the determination of sugar requirements has been based upon the following:

(1) *Distribution of sugar for consumption during the twelve-month period ended October 31, 1952.* For the twelve months ended October 31, 1952, the quantity of sugar distributed for consumption in the continental United States was approximately 8,069,000 short tons, raw value.

(2) *Inventories of sugar.* (i) Sugar inventories of wholesalers, retailers and industrial consumers on September 30, 1952, were 41,000 short tons lower than a year earlier. Thus, adjusting the distribution shown above for the change in these inventories, the use of sugar in the twelve months ended October 31, 1952, approximated 8,100,000 tons. Unless distribution of sugar in December is abnormally high, a further reduction in inventories will take place by the end of 1952, probably to a level no higher than that which prevailed on January 1, 1952. Refiners' and importers' stocks of sugar on October 31, 1952, were about 124,000 tons lower than a year earlier. Stocks of Gulf refiners on December 31, 1952, may be higher than a year ago due to the size of the mainland cane crop but stocks of other refiners and importers may be lower.

(ii) Larger stocks of sugar in the hands of refiners, importers, other distributors and users would be desirable from many points of view. However, experience demonstrates that larger supplies, because they induce anticipation of lower prices, fail to encourage, and may actually discourage, such accumulation of stocks. Therefore, quota increases to provide for stocks in excess of the quantities necessary to maintain stable rates of refining and distribution are not appropriate until prevailing prices and the rates of movement of sugar indicate that larger stocks will be acquired and held at prices consistent with the objectives of the Sugar Act. Accordingly, neither a deficiency nor a surplus in inventories at the end of the quota year is anticipated and the small allowance that is made is to account for the difference between distribution and estimated use of sugar in the twelve months ended October 31, 1952.

[Sugar Reg. 813]

sugar not in excess of the following, country other

202, 204, 207, 208, 209, 210 and 212, 61 Stat.

(3) *Population and demand conditions.* The population of the continental United States on July 1, 1953, is now estimated by the Bureau of the Census to be about 1.4 percent greater than on July 1, 1952. About 100,000 short tons of sugar, raw value, should be required by this increase and an allowance is made accordingly. The purchasing power of consumers is not expected to differ from that of the base period sufficiently to significantly affect the demand for sugar.

(4) *Relationship between wholesale sugar prices and cost of living.* (i) During the First ten months of 1952 the wholesale price of refined sugar averaged about 1.31 cents per pound less than the price necessary to maintain the relationship between the price of sugar and the Consumers' Price Index that existed during the last ten months of price control in 1947. In October 1952, the latest month for which the index is available, a price of 9.97 cents per pound would have been required to maintain such relationship. The current wholesale price of 8.8 cents per pound in the East and on the West Coast, therefore, is 1.17 cents per pound below the level required to be considered in making this determination. Since lower prices prevail in the Midwest and South Central States, an even greater divergence exists in those areas. Average quoted prices of refined sugar during the first 10 months of 1952 were about 4 percent higher than in the corresponding period of 1947, whereas prices paid by farmers, including interest, taxes and wage rates, increased about 21 percent in the same period. The acreage planted to sugar beets was reduced in 1951 and 1952. Data for the first 10 months of 1951 and 1952 show increases in sugar prices and in prices paid by farmers that were about equal.

(ii) Sugar prices followed a slowly rising trend through most of 1952 in contrast with the rapid rise and fall in 1951. However, the average prices for the two years, together with current "futures" quotations for 1953, show that strong measures are necessary to achieve the price objectives of the act. Accordingly, a reduction of 400,000 short tons, raw value, is made in the determination as a price stimulus.

(iii) The allowances stated in this section when applied to distribution in the base period result in 7,800,000 short tons, raw value, as the level of requirements determined in this section.

It is hereby found and concluded that the determination made above will meet the requirements of the Sugar Act of 1948, as amended.

(Secs. 201, 403, 61 Stat. 923, 932; 7 U. S. C., Sup. 1111, 1153)

Done at Washington, D. C., this 5th day of December 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13039; Filed, Dec. 9, 1952; 8:56 a. m.]

[Sugar Reg. 813]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

QUOTAS AND DEFICITS, 1953

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318) and the Administrative Procedure Act (60 Stat. 237), the regulations of this part are hereby made, prescribed and published to be in force and effect for the calendar year 1953 or until amended or superseded by regulations hereafter made during the calendar year 1953.

Basis and purpose. The sugar quotas set forth below have been established pursuant to section 202 of the Sugar Act of 1948 (hereinafter called the "act") in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed to meet the requirements of consumers in the continental United States for the calendar year 1953. The purpose of Sugar Regulation 813 is to establish quotas representing the quantities of sugar which the producing areas may supply to the continental United States market during the calendar year 1953. Prior to the issuance of this regulation, notice was given (17 F. R. 9564) that the Secretary of Agriculture was preparing, among other things, to establish sugar quotas for the calendar year 1953 and to determine whether any domestic area, the Republic of the Philippines, or Cuba would be unable to market the full quota for such area in 1953 and to re-allot any quota deficit so determined. In accordance with the Administrative Procedure Act due consideration has been given to the data, views and arguments submitted in writing by interested persons and to the data, views and arguments expressed at the public hearing held on November 13, 1952, in Washington, D. C., for the purpose of affording interested persons an opportunity to express their views with respect to the establishment of sugar quotas for the calendar year 1953.

Since the sugar quotas for some areas are relatively small, thereby making it possible for such areas to exceed their quotas within a few days after the beginning of the quota year, it is not possible to comply with the 30-day effective date requirement of the Administrative Procedure Act. Accordingly, §§ 813.41 through 813.48 will become effective January 1, 1953.

Sec.
813.41 Basic quotas for domestic areas.
813.42 Basic quotas for other areas.
813.43 [Reserved.]
813.44 Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.
813.45 Direct-consumption portion of quotas or prorations.
813.46 Liquid sugar quotas.
813.47 Restrictions on marketing and shipment.
813.48 Inapplicability of quota regulations.

AUTHORITY: §§ 813.41 to 813.48 issued under sec. 403, 61 Stat. 932, as amended; 7 U. S. C. Sup. 1153. Interpret or apply secs. 202, 204, 207, 208, 209, 210 and 212, 61 Stat. 924, 925, 927, 928, as amended, 929; 7 U. S. C. Sup. 1112, 1114, 1117, 1118, 1119, 1120, 1122.

§ 813.41 *Basic quotas for domestic areas.* There are hereby established pursuant to subsection (a) of section 202 of the act, for domestic sugar producing areas for the calendar year 1953, the following quotas:

Area:	Quotas in terms of short tons, raw value
Domestic beet sugar	1,800,000
Mainland cane sugar	500,000
Hawaii	1,052,000
Puerto Rico	1,080,000
Virgin Islands	12,000

§ 813.42 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1953 the following quotas:

Area:	Quotas in terms of short tons, raw value
Republic of the Philippines	974,000
Cuba	2,286,720
Other foreign countries	95,280

§ 813.43 [Reserved.]

§ 813.44 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Basic prorations.* The quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Country:	Proration in short tons, raw value
Dominican Republic	23,661
El Salvador	3,545
Haiti	2,290
Mexico	9,810
Nicaragua	6,706
Peru	44,504
Subtotal	90,516
Not prorated	4,764
Total	95,280

The portion of the quota established in § 813.42 for foreign countries other than Cuba and the Republic of the Philippines which is not prorated may be filled by countries not receiving specific prorations or quotas, but no such country shall enter a quantity in excess of one per centum of such quota (952.8 short tons, raw value).

§ 813.45 *Direct-consumption portion of quotas or prorations*—(a) *Domestic areas.* Pursuant to subsections (a), (b) and (c) of section 207 of the act, the quotas established in § 813.41 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	Direct-consumption sugar, short tons, raw value
Hawaii	29,616
Puerto Rico	126,033
Virgin Islands	0

(b) *Other areas.* (1) Pursuant to subsections (d), (e) and (h) of section 207 of the act, the quotas established in § 813.42 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	Direct-consumption sugar, short tons, raw value
Republic of the Philippines	59,920
Cuba	375,000
Other foreign countries	32,395

(2) Notwithstanding the foregoing limitation, the following listed countries may enter within the limits of the prorations established in § 813.44 a minimum quantity of sugar for direct consumption equal to the quantities listed below for each such country:

Country:	Direct-consumption sugar, pounds, raw value
Canada	7,552
China and Hongkong	42,987
Colombia	857
Costa Rica	2,163
Dominican Republic	2,405,958
El Salvador	4,041,686
Haiti	376,163
Mexico	1,276,612
Nicaragua	9,059,531
Peru	4,377,617
United Kingdom	144,490

§ 813.46 *Liquid sugar quotas.* There are hereby established, pursuant to section 208 of the act, for foreign countries for the calendar year 1953 quotas for liquid sugar as follows:

Country:	Liquid sugar, wine gallons, 72 percent total sugar content
Cuba	7,970,558
Dominican Republic	830,894
British West Indies	300,000
Other foreign countries	0

§ 813.47 *Restrictions on marketing and shipment.* Pursuant to section 209 of the act, all persons are hereby prohibited, during the calendar year 1953 from:

(a) Bringing or importing into the continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands; or foreign countries, (1) any sugar or liquid sugar after the applicable quota, or the proration of any such quota, has been filled, or (2) any direct-consumption sugar after the direct-consumption portion of any such quota or proration thereof has been filled.

(b) Shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane sugar area after the quota for such area has been filled.

§ 813.48 *Inapplicability of quota regulations.* Pursuant to section 212 of the act, §§ 813.41 to 813.47 shall not apply to (a) the first ten short tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba and the Republic of the Philippines, in the calendar year 1953; (b) the first ten short tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba and the Republic of the Philippines, in the calendar year 1953, for religious, sacramental, educational, or experimental purposes; (c) liquid sugar imported from any foreign country, other than Cuba and the Republic of the Philippines, in individual sealed containers not in excess of one and one-tenth gallons each; or (d) any sugar or liquid sugar imported, brought into, or produced or manufactured in the United States for the distillation of alcohol, or for livestock feed or for the production of livestock feed.

STATEMENT OF BASES AND CONSIDERATIONS

The basic quotas established for domestic areas are in amounts specified in the act. Section 202 of the act provides that the quota for the Republic of the Philippines shall be 952,000 short tons "as specified in section 211 of the Philippine Trade Act of 1946." Quotas under the Sugar Act are established in terms of "short tons, raw value." On the basis of the average polarization of Philippine sugar brought into the continental United States during the four years 1948–51 and the first ten months of 1952, the statutory quota of 952,000 short tons is equivalent to 974,000 short tons, raw value. The portion of this quota which may be imported as direct-consumption sugar, established as 56,000 short tons in subsection (d) of section 207 of the act, may be filled entirely with refined sugar and is, therefore, determined to be equivalent to 59,920 short tons, raw value.

The basic quotas for other foreign countries have been established by applying the statutory percentages to the difference between the consumption estimate and the sum of the quotas established for domestic areas and the Republic of the Philippines. In accordance with subsection (c) of section 202 of the act, ninety-five percent of the quota for foreign countries other than Cuba and the Republic of the Philippines has been prorated to those countries which entered more than two percent of the average importations within the quotas for the years 1948, 1949 and 1950 on the basis of the average quantity imported from each such country within the quotas for those years. The remaining five percent of the quotas has not been prorated to specific countries and may be filled by countries not receiving specific prorations. The amounts of the quotas and prorations which may be filled by direct-consumption sugar are as specified in the act. The liquid sugar quotas equal those specified in the act.

Current crop estimates from both official and trade sources make it appear that the sugar industry of the Republic of the Philippines will most likely be able to fill the quota for 1953 so a deficit proration for that area is not warranted at this time. Levels of production attained during the past two years in the domestic beet area raises the possibility of a deficit in 1953 for this area. However, no information will be available even for planting intentions for 1953 for some time, and the 1953-crop production is of primary significance to the question of how large a deficit, if any, may occur.

Done at Washington, D. C., this 5th day of December 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13040; Filed, Dec. 9, 1952; 8:56 a. m.]

Subchapter H—Determination of Wage Rates

[Sugar Determination 864.5]

PART 864—SUGARCANE (PRODUCTION AND CULTIVATION), LOUISIANA

CALENDER YEAR 1953

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Thibodaux, Louisiana, on July 31, 1952, the following determination is hereby issued:

§ 864.5 *Fair and reasonable wage rates for persons employed in the production and cultivation of sugarcane in Louisiana during the calendar year 1953*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production and cultivation of sugarcane in Louisiana during the calendar year 1953, if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm in the production and cultivation of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the date of issuance of this section, not less than the following:

(i) *Basic wage rates and adjustments for sugar price changes.* When the average price of raw sugar is within the base price range of $5.60 to $6.00, inclusive, per one hundred pounds for the four-week period immediately preceding the four-week period during which the work is performed, and for each full 10 cents that such price shall average more than $6.00 or less than $5.60, the basic day wage rates in the following table shall be applicable:

TABLE OF RAW SUGAR PRICE RANGES AND APPLICABLE BASIC WAGE RATES [1]

Operations	Price ranges: 4-week average price of 100 pounds of raw sugar						
At least	$5.201	$5.301	$5.401	$5.501	$5.601	$5.701	$5.801
But not more than	$5.300	$5.400	$5.500	$5.600	$5.700	$5.800	$5.900
				Basic price range, $5.60–$6.00			
Adult tractor drivers, per 9-hour day	$3.900	$3.950	$4.000	$4.050	$4.125	$4.200	$4.275
All other adult workers, per 9-hour day	3.100	3.150	3.200	3.250	3.325	3.400	3.475
Workers between 14 and 16 years of age per 8-hour day	2.400	2.450	2.500	2.550	2.625	2.700	2.775

[1] For each successive full 10-cent price change above $6.00 or below $5.60, the basic wage rates shall be increased or decreased, correspondingly, by the same amounts as shown above for each full 10-cent price change.

(ii) *Hourly rates.* Where workers are employed on an hourly basis, the basic wage rate per hour shall be determined by dividing the applicable basic day wage rate in subdivision (i) of this subparagraph by 9 in the case of adult workers, and by 8 in the case of workers between 14 and 16 years of age.

(iii) *Piecework rates.* The piecework rate for any class of work shall be that agreed upon between the producer and worker: *Provided,* That the hourly rate of earnings for each worker for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable hourly rate specified in subdivision (ii) of this subparagraph.

(iv) *Determination of average sugar prices.* The four-week average price of raw sugar shall be determined by taking the simple average of the daily "spot" quotations of 96° raw sugar of the Louisiana Sugar Exchange, Inc., converted to a one hundred pound basis, except that if the Director of the Sugar Branch determines that for any four-week period such average price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, the Director may designate the average price to be effective under this section. For the purpose of this section, the average price of raw sugar prevailing during the period from November 14 through December 11, 1952, shall determine the wage rates from January 1 through January 8, 1953, and thereafter the wage rates in successive four-week work periods shall be determined by the average price of raw sugar prevailing in the immediately preceding four-week period.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a habitable house, medical attention, and similar items.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined in this section through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local county Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the office of the local county PMA Committee. Upon receipt of a wage claim the county PMA Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer, and, after making such investigation as it deems necessary, notify the producer and laborer in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Production and Marketing Administration Committee, 1517 Sixth Street, Alexandria, Louisiana, which shall likewise consider the facts and notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the State PMA Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed in the production and cultivation of sugarcane in Louisiana during the calendar year 1953 as one of the conditions for payment under the act.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, the act requires that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary of Agriculture under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Thibodaux, Louisiana, on July 31, 1952, at which interested persons presented tesimony with respect to fair and reasonable wage rates for production and cultivation work during the calendar year 1953. In addition, investigations have been made of the conditions affecting wage rates in Louisiana. In this determination consideration has been given to testimony presented at the hearing and to the information resulting from investigations. The primary factors which have been considered are (1) cost of living; (2) prices of sugar and byproducts; (3) income from sugarcane; (4) cost of production; and (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *1953 wage determination.* This determination differs from the 1952 production and cultivation determination in the following respects: (1) Minimum wage rates for male workers are increased approximately five percent; (2) the wage differential of 50 cents per day heretofore provided between adult male and adult female workers is eliminated; (3) the average price and wage periods of the wage-price escalator is extended from two weeks to four weeks; and (4) wage classifications involving no differences in wage rates are consolidated.

At the public hearing, representatives of sugarcane producers recommended no change in the wage rates from those provided in the 1952 production and cultivation determination. Producer representatives also recommended that the wage-price escalator be applicable to a four-week rather than a two-week period. Representatives of workers cited the low standard of living of persons employed in Louisiana sugarcane fields and recommended minimum wages of 75 cents per hour for unskilled and $1.00 per hour for skilled workers.

An examination of data available to the Department concerning costs, returns and profits of sugarcane producers in Louisiana indicates that producers' income, despite the adverse effects in recent years of climatic conditions, low yields and other physical factors, will permit a small increase in the wage determination rate levels. However, the economic position of the average grower does not permit an increase of the proportions recommended by representatives of the workers. The wage increase provided in this determination, together with those made in recent years, have somewhat more than offset increases in living costs which have occurred in either the last year or the last three years. The slight improvement in the standard of living in this area where field wages are low is consistent with producers' limited ability to pay higher wages.

The discontinuance of the differential in wage rates for adult male and female workers is in accordance with general policy to eliminate distinction in wage payments for work of similar classification. This action completes the elimination of the female wage differential from all Sugar Act wage determinations.

As in previous wage determinations, in addition to cash wages, the worker must be furnished, without charge, customary perquisites such as habitable housing, medical attention and similar items. After consideration of all pertinent factors, the wages in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 4th day of December 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-13041; Filed, Dec. 9, 1952; 8:57 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES OF PRUNE ADMINISTRATIVE COMMITTEE FOR 1952–53 CROP YEAR AND FIXING RATE OF ASSESSMENT FOR SUCH YEAR

Notice was published in the November 20, 1952, issue of the FEDERAL REGISTER (17 F. R. 10602) that the Secretary of Agriculture was considering a proposed rule to approve a budget of expenses for the Prune Administrative Committee for the 1952–53 crop year, and fix a rate of assessment for such year, as hereinafter set forth. Such budget and rate of assessment were proposed after consideration of the recommendation submitted by the said committee and other information available to the Secretary, in accordance with the applicable provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, 1951 Supp. Part 993) regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed within the period provided therefor.

After consideration of all matters pertaining thereto, including the recommendations of the Prune Administrative Committee, it is hereby found and determined, and it is, therefore, ordered, that the budget of expenses for the Prune Administrative Committee, and the rate of assessment, for the crop year beginning August 1, 1952, shall be as follows:

§ 993.303 *Budget of expenses of the Prune Administrative Committee and rate of assessment for the 1952–53 crop year*—(a) *Budget of expenses.* Expenses in the amount of $87,100 are reasonable and are likely to be incurred by the Prune Administrative Committee for its maintenance and functioning for the crop year beginning August 1, 1952.

(b) *Rate of assessment.* (1) Each handler shall pay to the Prune Administrative Committee, in accordance with the amended marketing agreement and the amended order, an assessment rate of 65 cents for each ton of salable tonnage prunes handled by him as the first handler thereof and on all prunes sold to him from surplus tonnage for resale to other than Federal governmental agencies, during the crop year beginning August 1, 1952, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

(2) Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

It is hereby found and determined that good cause exists for not postponing the effective time of the order with respect to the aforesaid budget of expenses and rate of assessment for 30 days, or any lesser period, after publication of it in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) in that: (1) The rate of assessment hereby fixed is applicable to all dried prunes handled during the currrent crop year; (2) handlers have for several months been receiving deliveries of dried prunes from producers which receipts are, by the terms of the amended marketing agreement and amended order, subject to be assessments set forth hereinabove; (3) it is essential that the Prune Administrative Committee be enabled to obtain assessment funds promptly to defray expenses of administering the program; and (4) compliance with this section will not require any special preparation on the part of handlers.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 5th day of December 1952, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-12997; Filed, Dec. 9, 1952; 8:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5967]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

TILLER-FAITH PIANO CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.90 *History of product or offering;* § 3.155 *Prices—Exaggerated as regular and customary; Forced or sacrifice sales; Usual as reduced, special, etc.;* § 3.205 *Scientific or other relevant facts;* § 3.240 *Special or limited offers;* § 3.260 *Terms and conditions.* Subpart—*Misbranding or mislabeling:* § 3.1280 *Price.* Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1650 *History of product;* § 3.1740 *Scientific or other relevant facts; Prices:* § 3.1805 *Exaggerated as regular and customary;* § 3.1810 *Fictitious marking;* § 3.1825 *Usual as reduced or to be increased.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1950 *Forced sale and price concessions;* § 3.2063 *Scientific or other relevant facts;* § 3.2070 *Special offers, savings and discounts;* § 3.2080 *Terms and conditions.* In connections with the solicitation or the offering for sale, sale and distribution of pianos in commerce, representing, (1) that respondents are forced to sell their pianos; (2) that pianos offered for sale have been repossessed from the purchasers thereof or obtained in any manner other than through normal channels of purchase when such pianos have not in fact been so repossessed or obtained; (3) that any amount has been paid by others on the purchase price of said pianos; (4) that prices at which respondents' pianos are offered for sale are special or reduced prices when such prices are in fact the regular and customary prices at which such pianos are sold by respondents; or, (5) that the customary or regular prices at which respondents' pianos are sold by the respondents are in excess of the prices at which such pianos are advertised or offered for sale; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Tiller-Faith Piano Company, Inc., et al., Evansville, Ind., Docket 5967, October 3, 1952]

In the Matter of Tiller-Faith Piano Co., Inc., a Corporation; B. T. Faith Piano Co., Inc., a Corporation; and Benjamin T. Faith, Armand A. Tiller, Mary Woodburn Faith, and Mona Frances Tiller, Individually and as Officers of Said Corporations

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in commerce and unfair methods of competition therein, in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice," dated October 9, 1952, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith,[1] was accepted by the Commission on October 3, 1952, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusions, reads as follows:

It is ordered, That respondent Tiller-Faith Piano Company, Inc., a corporation, Armand A. Tiller, and Mona Frances Tiller, individually and as officers of said corporate respondent, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the solicitation or the offering for sale, sale, and distribution of pianos in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

1. That they are forced to sell their pianos;

2. That pianos offered for sale have been repossessed from the purchasers thereof or obtained in any manner other than through normal channels of purchase when such pianos have not in fact been so repossessed or obtained;

3. That any amount has been paid by others on the purchase price of said pianos;

4. That prices at which their pianos are offered for sale are special or reduced prices when such prices are in fact the regular and customary prices at which such pianos are sold by respondents;

5. That the customary or regular prices at which their pianos are sold by the respondents are in excess of the prices at which such pianos are advertised or offered for sale.

It is further ordered, That the complaint, insofar as it affects B. T. Faith Piano Company, Inc., a corporation, Benjamin T. Faith, and Mary Woodburn Faith, be, and it hereby is, dismissed.

[1] Filed as part of the original document.

It is further ordered, That the respondent, Tiller-Faith Piano Company, Inc., a corporation, and Armand A. Tiller, and Mona Frances Tiller, individually and as officers of said corporation shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By direction of the Commission.

Issued: October 9, 1952.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-13011; Filed, Dec. 9, 1952; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53150]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

RELEASE OF PACKAGES; NOTICE TO IMPORTER OF PROBABLE UNPAID DUTIES OR TAXES

It has come to the attention of the Bureau that there is a lack of uniformity in interpreting the provisions of § 8.29 (c), Customs Regulations of 1943, relating to a notice to be furnished the importer of record that the examiner believes that unpaid duties or taxes will be found due with respect to imported merchandise covered by an invoice before the examiner. This notice is to be given to the importer of record regardless of the place of examination and whether or not the examiner reaches his conclusion prior to or after the release of the examination packages.

Section 8.29 (c), Customs Regulations of 1943 (19 CFR 8.29 (c)), as amended, is, therefore, further amended to read as follows:

(c) If the examiner believes that increased or additional duties or taxes imposed upon or by reason of importation will be found due in respect of any merchandise in the shipment, he shall indicate the reason by means of an explanatory notation, such as "Rate Advance," "Value Advance," "Excess," etc. If the estimated aggregate of the increase is over $50, the notation shall so state. This notation shall be on or accompany the delivery permit if it involves packages designated for examination at the appraiser's stores and the examiner is in possession of information indicating a probable increase in duties or taxes prior to issuance of the permit. Otherwise, the notation shall be furnished, on such form as may be appropriate at the port, to the importer of record promptly upon receipt of such information, whether the merchandise has been examined at the appraiser's stores or elsewhere.

(Sec. 505, 46 Stat. 732, sec. 624, 46 Stat. 759, 19 U. S. C. 1505, 1624)

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: November 28, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-12987; Filed, Dec. 9, 1952; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5955]

PART 458—INSPECTION OF RETURNS

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED VALUE EXCESS-PROFITS, CAPITAL STOCK, ESTATE, AND GIFT TAX RETURNS BY SENATE COMMITTEE ON RULES AND ADMINISTRATION

PARAGRAPH 1. Pursuant to the provisions of sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171, 54 Stat. 989, 1008, 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204) and of the Executive order of this date issued thereunder,[1] Treasury Decision 5878, approved on January 24, 1952 (26 CFR 458.310) is hereby amended by striking out "1950" and inserting in lieu thereof "1951".

PAR. 2. Because of the necessity of the immediate application of the aforementioned amendment, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

PAR. 3. This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

JOHN W. SNYDER,
Secretary of the Treasury.

Approved: December 6, 1952.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 52-13062; Filed, Dec. 8, 1952; 12:55 p. m.]

[1] See Title 3, Executive Order 10418, *supra*.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 6 to Supplementary Regulation 4]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 4—UNIFORM CEILING PRICES FOR BRANDED ARTICLES

EXTENSION OF TERMINAL DATES OF SPECIAL ORDERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment to Supplementary Regulation 4 to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 4 to Supplementary Regulation 4 to Ceiling Price Regulation 7 extended to January 2, 1953 the automatic revocation dates of certain special orders issued under section 43 of CPR 7 which remained unrevoked as of September 1, 1952. That extension was granted because of studies which were being made in various commodity areas in connection with possible suspension or decontrol. The extension relieved the holders of unexpired section 43 orders from the burden of applying for SR 4 authorizations in view of the fact that at some later date the commodities covered by many of the orders might be suspended or decontrolled.

A number of the studies have been completed and many commodities have, in consequence, been decontrolled or have been suspended from price control. Other studies are still to be completed. Due to the indefiniteness of the time when a decision will be made regarding the suspension or decontrol of the commodities involved in these studies, the Director of Price Stabilization deems it advisable at this time to indefinitely extend the automatic revocation dates of all unexpired section 43 orders. The reasons for granting the extension set forth in the Statement of Considerations accompanying Amendment 4 to SR 4 are equally applicable in connection with the action now being taken.

The effect of this amendment is to indefinitely extend the automatic revocation date of all section 43 orders bearing order numbers 206 and higher. At such time as the Director of Price Stabilization considers it appropriate to re-establish specific automatic revocation dates for these orders, dates will be fixed to give the holders of unexpired orders ample opportunity to make applications under SR 4.

In view of the remedial nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISION

Section 10 (a) (1) of Supplementary Regulation 4 to Ceiling Price Regulation 7 is amended to read as follows:

SEC. 10. *Orders under section 43 of Ceiling Price Regulation 7*—(a) *Expiration of orders.* (1) Except as provided in subparagraph (2), each special order issued to a manufacturer or wholesaler and in effect under section 43 of Ceiling Price Regulation 7 (including orders amended as provided in paragraph (c) of this section) shall continue in effect but shall expire and be deemed revoked on the date uniform ceiling prices for any of his articles covered by that order are authorized under this supplementary regulation or on the following applicable date, whichever is earlier:

For orders numbered—
1 through 206:
Expiration date is Sept. 1, 1952.
206 and following:
Specific expiration date, or dates, to be subsequently fixed by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective as of December 1, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 9, 1952.

[F. R. Doc. 52-13085; Filed, Dec. 9, 1952; 12:13 p. m.]

[Ceiling Price Regulation 46, Collation 1]

CPR 46—COPPER SCRAP AND COPPER SCRAP ALLOY

COLL. 1—INCLUDING AMENDMENTS 1–2

Ceiling Price Regulation 46 is republished to incorporate the text of Amendments 1 and 2. Ceiling Price Regulation 46 was issued June 21, 1951 (16 F. R. 5932). Statements of Consideration for Ceiling Price Regulation 46 and for Amendments 1 and 2, as previously published, are applicable to this republication. The effective dates of this regulation and of the amendments are shown in a note preceding the first section of this regulation.

REGULATORY PROVISIONS

Sec.
1. Products covered by this regulation.
2. Transactions covered by this regulation.
3. Persons covered.
4. Geographical applicability.
5. Exemptions.
6. Prohibitions.
7. Permission to carry out certain prior contracts.
8. General pricing provisions.
9. Ceiling base prices.
10. Quantity premiums.
10a. Premiums for dealer-to-dealer transactions.
11. Preparation premiums for sales of prepared scrap not used in the production of refined copper or brass or bronze ingots.
12. Other premiums.
13. Ceiling delivered prices.
14. Definitions.
15. Excise, sales, and similar taxes.
16. Record-keeping requirements.
17. Penalties.
18. Petitions for amendment.

AUTHORITY: Sections 1 to 18 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1–18 contained in Ceiling Price Regulation 46, June 21, 1951 (16 F. R. 5932), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 46, June 26, 1951, 16 F. R. 5932. Amendment 1, August 6, 1951. However, until August 13, 1951, any person may deliver copper alloy scrap at a price in excess of the applicable ceiling price established by this amendment in order to carry out any contract entered into before July 31, 1951, if the material so delivered was purchased at a price in excess of the ceiling price established by this amendment and if before July 31, 1951, it was received by, or was in transit to, the person making delivery, 16 F. R. 7591, 7825. Amendment 2, March 12, 1952, 17 F. R. 2051.

SECTION 1. *Products covered by this regulation.* This regulation establishes ceiling prices for all grades of copper scrap and copper alloy scrap. Copper scrap or copper alloy scrap does not include:

(a) Cupro-nickel scrap, other than copper-nickel solids and borings;

(b) Brass mill scrap. Such scrap includes all kinds and grades of nonferrous scrap materials which are the waste or by-product of any kind of fabrication of new sheet, tube, wire, rod or other brass mill products; uncontaminated, fired or demilitarized brass cartridge and artillery cases; and any new sheet, tube, wire, rod or other brass mill products sold for remelting purposes, whether such products are in the form originally sold by the brass mill or have been further fabricated, processed, altered or assembled. Brass mill scrap does not include, however, any material which meets the foregoing requirements but which is unsuitable for brass mill use.

(c) Copper-bearing material, such as ashes, skimmings, buffings, grindings, spatters, washings, mud and all similar residues containing copper, and irony brass or similar material which does not meet the specifications herein for any grade of copper scrap or copper alloy scrap.

SEC. 2. *Transactions covered by this regulation.* (a) This regulation applies to sales and deliveries of copper scrap and copper alloy scrap by any person, including importers and exporters, except as set forth in paragraph (b) of this section.

[Paragraph (a) amended by Amdt. 2]

(b) This regulation does not apply to sales and deliveries of copper scrap and copper alloy scrap in connection with the conversion of railroad scrap, or to sales and deliveries of used railroad bearings made in connection with the purchase of new railroad bearings.

[Paragraph (b) amended by Amdt. 2]

(c) For the purposes of this section the term "Conversion of railroad scrap" means a transaction, consummated pursuant to a written agreement, in which all of the following conditions are satisfied:

(1) A person owning, operating, or maintaining railroad rolling stock sells or delivers to a foundry copper scrap or copper alloy scrap generated from such person's use or processing of castings or other products of the type produced by the foundry;

(2) The foundry converts copper scrap or copper alloy scrap into castings or other products of the type from which the scrap was generated; and

(3) The foundry returns to the person from whom it obtained such scrap an equivalent amount of castings or other products of the type from which the scrap was generated.

SEC. 3. *Persons covered.* This regulation applies to any person who engages as a seller in any of the transactions covered by this regulation. It also applies to any person who in the regular course of trade or business buys or receives copper scrap or copper alloy scrap from such seller.

SEC. 4. *Geographical applicability.* This regulation applies in the forty-eight States of the United States, its Territories and Possessions, and the District of Columbia.

SEC. 5. *Exemptions.* Notwithstanding the provisions of any price regulation or order heretofore or hereafter issued by the Office of Price Stabilization, except an amendment to this regulation, all transactions described in section 2 (b) of this regulation are exempt from price control.

SEC. 6. *Prohibitions* — (a) *Against transactions above ceiling prices.* Regardless of any contract or other obligation (except as provided in section 7 of this regulation), on and after the effective day of this regulation no person covered by this regulation shall sell or deliver, or buy or receive in the regular course of trade or business, any copper scrap or copper alloy scrap at a price in excess of the applicable ceiling price set forth in this regulation. No person shall offer, solicit, attempt, or agree to do any of the foregoing.

Lower prices than those set forth in this regulation may be charged, demanded, paid or offered.

(b) *Against tie-in transactions.* No person covered by this regulation shall sell copper scrap or copper alloy scrap on condition (1) that the buyer purchase from any person any commodity or service, or (2) that the buyer sell to any person any commodity or service. No person covered by this regulation who buys copper scrap or copper alloy scrap in the regular course of trade or business shall participate in any such tie-in transaction.

(c) *Against evasion.* No person covered by this regulation shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery or transfer of copper scrap or copper alloy scrap, alone or in conjunction with any other product, or by way of any commission, service, transportation, or other charge, or discount, premium, or other trade understanding or otherwise.

SEC. 7. *Permission to carry out certain prior contracts.* Regardless of any provisions of this regulation, until July 10, 1951, any person covered by this regulation may deliver copper scrap or copper alloy scrap at a price in excess of the applicable ceiling price established herein in order to carry out any contract entered into before June 21, 1951, if the material so delivered was purchased at a price in excess of the ceiling price established herein and if before June 21, 1951, it was received by, or was in transit to, the person making delivery.

SEC. 8. *General pricing provisions*—(a) *Pricing basis.* Section 9 of this regulation sets forth ceiling base prices for various grades of copper scrap and copper alloy scrap. Sections 10, 11 and 12 of this regulation set forth certain premiums which may be charged, when applicable, in addition to the ceiling base prices.

The ceiling base prices in section 9 of this regulation apply f. o. b. point of shipment, but the delivered price (price f. o. b. point of shipment plus transportation costs paid by the buyer) may not exceed the ceiling delivered price set forth in section 13 of this regulation.

When copper scrap or copper alloy scrap is sold on a "where is" basis, the applicable ceiling base price in section 9 must be reduced by an amount no less than the cost to the buyer of loading such material on the conveyance in which it is transported to the buyer's receiving point.

(b) *Mixed shipments.* When grades of copper scrap and copper alloy scrap having different ceiling prices under the provisions of this regulation are shipped in one vehicle, the ceiling price for the entire shipment shall be the ceiling price applicable to the lowest priced grade contained therein unless each grade is invoiced separately and is so loaded in the vehicle that it can be readily distinguished and separately weighed.

SEC. 9. *Ceiling base prices.* The ceiling base price, f. o. b. point of shipment, for each grade of copper scrap or copper alloy scrap listed in Table A is the applicable price set forth in that table.

Payment shall be made on the basis of the weight and classification of material determined at the buyer's receiving point.

Unless otherwise specified in Table A, borings and turnings shall be classified on the basis of button analysis in accordance with accepted laboratory standards and payments shall be computed on the basis of the wet or natural analysis. Solids shall be classified on the basis of analysis in accordance with accepted laboratory standards.

The following deductions, when applicable, must be made in the applicable price set forth in Table A:

(a) For each grade preceded by an asterisk, a deduction of not less than .25 cents per pound for each .10 percent or fraction thereof of the following impurities, singly or combined, in excess of the allowable percentage stated in the specifications: Antimony, alloyed iron, aluminum, silicon and manganese.

[Paragraph (a) amended by Amdt. 2]

(b) For copper alloy borings and turnings containing more than 3 percent free iron which can be removed by magnetizing, a deduction of not less than .15 cents per pound for each 1 percent or fraction thereof of iron in excess of 3 percent;

(c) Borings and turnings containing more than 10 percent free iron or containing any free iron which cannot be removed by magnetizing shall be classified as refinery brass if they meet the specifications set forth in Table A for that grade.

TABLE A

GROUP I. COPPER SCRAP AND REFINERY BRASS

Grade	Specifications	Price (cents per pound of scrap unless otherwise indicated)
No. 1 heavy copper and No. 1 copper wire.	Consists of unalloyed clean, unsweated copper wire, copper cable, and pieces, having a copper content of not less than 98.5 percent. Must be free of wire and cable smaller than 16 B & S wire gauge; ashy wire and cable; burnt wire and cable which is brittle; and brazed, soldered, tinned, plated and painted material.	19.25 For No. 1 heavy copper, a deduction of not less than 0.25 cent per pound must be made for the weight of all pieces which exceed 12 inches in width or diameter or 48 inches in length.
No. 2 copper wire and mixed heavy copper.	Consists of copper wire, cable and pieces having a copper content of not less than 95 percent. Must be free of silicon bronze, aluminum bronze, and copper-nickel alloys.	17.75 For mixed heavy copper, a deduction of not less than 0.25 cent per pound must be made for the weight of all pieces which exceed 12 inches in width or diameter or 48 inches in length. For copper content less than 96 percent a deduction of not less than 0.242 cent per pound must be made. For copper content in excess of 96 percent an addition of 0.242 cent per pound may be made for each 1 percent or fraction thereof of copper in excess of 96 percent.
Copper tuyeres	Consists of copper tuyeres, including Bosh plates.	17.50 A deduction of not less than 0.242 cent per pound must be made for each 1 percent or fraction thereof of adhering iron and non-metallics in excess of 5 percent.
Light copper	Consists of miscellaneous copper having a copper content of not less than 90 percent. Must be free of radiators, gaskets, bronze and brass screens, and electrotype shells.	16.50 For copper content less than 92 percent, a deduction of not less than 0.242 cent per pound must be made for each 1 percent or fraction thereof of copper below 92 percent. For copper content in excess of 92 percent, an addition of 0.242 cent per pound may be made for each 1 percent or fraction thereof of copper in excess of 92 percent.
No. 1 copper borings	Consists only of unalloyed copper borings and turnings, having a copper content of not less than 98.5 percent. Must be free of all other material and contamination other than free iron, oil, moisture and non-metallics.	19.25
No. 2 copper borings	Consists of copper borings and turnings having a copper content of not less than 95 percent. Must be free of silicon bronze borings, aluminum bronze borings and copper-nickel alloy borings.	17.75 For copper content less than 96 percent, a deduction of not less than 0.242 cent per pound must be made. For copper content in excess of 96 percent, an addition of 0.242 cent for each 1 percent or fraction thereof of copper in excess of 96 percent may be made. In the case of shipments of less than 5,000 pounds, a flat price of 16 cents per pound of material may be charged.
Lead-covered copper wire and cable.	Consists of tinned and untinned copper wire and cable covered with a sheathing of lead. May contain rubber, plastic, fabric and paper insulation, but must be free of steel-armored and other metallically armored material.	The ceiling price is the sum of: the ceiling price set forth in this table for the copper scrap content; plus the ceiling price for the lead scrap content; minus 0.75 cent per pound of material. In the case of shipments of less than 5,000 pounds, a flat price of 11.25 cents per pound of material may be charged.
Insulated copper wire and cable.	Consists of tinned and untinned copper wire, cable and pieces covered with rubber, plastic, paint, enamel, fabric, and other insulation. Must be free of steel-armored and other metallically armored material, asbestos covering, and porcelain.	The ceiling price is the ceiling price set forth in this table for the copper scrap content minus 0.75 cent per pound of material. In the case of shipments of less than 5,000 pounds, a flat price of 8.25 cents per pound of material may be charged.
Refinery brass	Consists of any copper scrap which has a dry copper content of 50 percent or more but which fails to meet the specifications for any other grade of copper scrap set forth in this table.	17.25 cents per pound of dry copper content for material having a dry copper content in excess of 60 percent. 17 cents per pound of the dry copper content for material having a dry copper content of 50 to 60 percent, inclusive. For shipments of less than 10,000 pounds a deduction of $15 per shipment must be made. In case of shipments of less than 2,000 pounds, a flat price of 8.25 cents per pound of material may be charged.
Conductivity bronze	Consists of wire and cable having a copper content of not less than 98 percent, balance tin, cadmium and silicon. Must be free of burnt wire, and brazed, soldered, plated and printed material. Includes trolley wire.	19.25

TABLE A—Continued

GROUP II. COPPER ALLOY SCRAP

All moisture, oil, grease, free iron, dirt, putty and other non-metallics must first be deducted before determining the weight of any of the following grades of scrap for pricing purposes

Grade	Specifications	Price (cents per pound of scrap unless otherwise indicated)
Bellmetal	Must have a copper content of not less than 80 percent, a tin content of not less than 16 percent, and a lead content of not more than 1 percent.	31.75
High grade bronze gears	Must have a copper content of not less than 87 percent, a tin content of not less than 9 percent, and a lead content of not more than 1 percent.	26.75
*Tinny phosphor bronze solids and borings.	Must have a copper content of not less than 88 percent, a tin content of not less than 3 percent, a lead content of not more than 1 percent. Combined silicon, manganese, and aluminum must not exceed 0.10 percent.	26.25 cents per pound of copper content plus 94 cents per pound of tin content. In the case of shipments of less than 5,000 pounds, a flat price of 21.25 cents per pound of scrap may be charged if the buyer determines by inspection that the material meets the specification.
*High grade low lead bronze solids and borings.	Must have a copper content of not less than 75 percent, a tin content of not less than 5 percent and a lead content of not more than 3 percent. May not contain more than 0.50 percent aluminum, 0.50 percent alloyed iron, 0.35 percent manganese, and silicon combined.	For material with a lead content of 1 percent or less: 26.25 cents per pound of copper content. 90 cents per pound of tin content. For material with a lead content of 1.01 percent to 2 percent: 19.75 cents per pound of copper content. 84 cents per pound of tin content. For material with a lead content of 2.01 percent to 3 percent: 13.25 cents per pound of copper content. 76 cents per pound of tin content. In case of shipments of less than 5,000 pounds, a flat price of 26.25 cents per pound of scrap may be charged if the buyer determines by inspection that the material meets the specification.
*High lead bronze solids and borings.	Must have a copper content of not less than 70 percent and a tin content of not less than 5 percent and a zinc content of not more than 4 percent. May not contain more than 0.50 percent antimony, 0.50 percent alloyed iron, or 0.35 percent aluminum, silicon, and manganese combined.	19.25 cents per pound of copper content plus 73 cents per pound of tin content. In the case of shipments of less than 5,000 pounds, a flat price of 15 cents per pound of scrap may be charged if the buyer determines by inspection that the material meets the specification.
Soft red brass solids (No. 1).	Consists of clean red brass castings having a copper content of not less than 82 percent and a tin content of not less than 4 percent.	18.50
*Soft red brass borings (No. 1 composition borings).	Must have a copper content of not less than 77 percent, a tin content of not less than 3 percent, and a zinc content of not more than 0.35 percent alloyed iron, or 0.35 percent aluminum, manganese, and silicon combined.	19.25 cents per pound of copper content plus 83 cents per pound of tin content. In the case of shipments of less than 5,000 pounds, a flat price of 15.25 cents per pound of material may be charged.
*Mixed brass borings and solids.	Must have a copper content of not less than 71 percent, a tin content of not less than 2 percent. May not contain more than 0.35 percent antimony, 0.35 percent alloyed iron, or 0.35 percent aluminum, manganese, and silicon combined.	19.25 cents per pound of copper content plus 60 cents per pound of tin content. In the case of shipments of less than 2,000 pounds, a flat price of 12.75 cents per pound may be charged.
Copper-nickel solids and borings.	Consists of solids, borings, and turnings having a copper content of not less than 10 percent, balance nickel.	17.75
Bronze paper mill wire cloth.	Consists of bronze Fourdrinier wire cloth and screen, having a copper content of not less than 88 percent, a tin content of not less than 3 percent, and a lead content of not more than 1 percent.	20.75
Ford aluminum bronze gears.	Consists of clean aluminum bronze Ford gears.	18.25
Aluminum bronze solids and turnings.	Consists of aluminum bronze solids, other than Ford gears.	17.25 cents per pound of dry copper content for material having a dry copper content in excess of 60 percent. 17 cents per pound of the dry copper content for material having a dry copper content of 50 to 60 percent, inclusive. For shipments of less than 10,000 pounds a deduction of $15 per shipment must be made. In the case of shipments of less than 2,000 pounds, a flat price of 11.25 cents per pound of material may be charged.
	Must have a copper content of not less than 88 percent.	17.25
Contaminated gilling metal solids and turnings.	Consists of clean copper and brass screens, other than bronze paper mill wire cloth, having a copper content of not less than 75 percent.	16.00
Unlined standard red car boxes.	Consists of clean standard red car boxes free of yellow boxes and journal-bushed boxes.	16.25
Lined standard red car boxes.	Consists of clean standard lined red car boxes free of yellow boxes and journal-bushed boxes.	17.25
Cocks, faucets, and flange fittings.	Consists of clean mixed red and yellow cocks and faucets, red pipe fittings, and red journal bushings. Must be free of yellow cocks and faucets, yellow brass valves, and yellow brass flanges. The cocks and faucets must contain a minimum of 85 percent copper and the journal bushings must be free of fine die cast cocks and faucets.	16.00
Mixed brass screens.	Consists of all clean copper and brass screens, other than bronze paper mill wire cloth, having a copper content of not less than 75 percent.	16.00
Zinc bronze solids and borings.	Must have a copper content of not less than 78 percent. Must not contain more than 2 percent impurities (including lead and tin). Balance zinc.	16.25
Red brass breakage (from composition).	Consists of heavy red brass castings, including but not limited to faucets, fixed aluminum bronze parts, and journal bushings. May not contain more than 10 percent adhering iron.	15.25
Automobile radiators—unsweated.	Consists of mixed copper and brass unsweated automobile and truck radiators.	14.75
Automobile radiators—sweated.	Consists of nickel silver having a minimum copper content of 55 percent and minimum nickel content of 8 percent. Must be free of stainless steel and all foreign material.	14.25
Nickel silver solids and turnings.	Must have a copper content of not less than 40 percent. May not contain more than 1 percent other impurities and 1 percent other impurities combined. Balance lead.	11.00
*Copper lead solids and borings.	Consists of clean yellow brass solids free of silicon bronze, aluminum bronze, manganese bronze, and iron.	13.50
Heavy yellow brass solids.	Consists of clean yellow brass solids free of silicon bronze, aluminum bronze, manganese bronze, and iron.	12.50
Yellow brass borings	Consists of yellow brass borings. May not contain more than 0.25 percent antimony, 0.50 percent alloyed iron, and 0.35 percent aluminum, manganese, and silicon combined.	

TABLE A—Continued

GROUP II. COPPER ALLOY SCRAP—continued

Grade	Specifications	Price (cents per pound of scrap unless otherwise indicated)
Manganese bronze propellers.	Consists of clean manganese bronze propellers having a minimum copper content of 55 percent and a maximum lead content of 0.40 percent.	16.75 A deduction of not less than 1 cent per pound must be made for the weight of material exceeding 3½ feet in any dimension.
Manganese bronze solids.	Consists of clean manganese bronze solids, having a minimum copper content of 55 percent and a maximum lead content of 0.40 percent. Must be free of aluminum bronze, silicon bronze and adhering iron.	15.50 A deduction of not less than 1 cent per pound must be made for the weight of material exceeding 3½ feet in any dimension.
Manganese bronze borings.	Shall consist of borings, turnings, and chips having a copper content of not less than 55 percent and a lead content of not more than 0.40 percent. Must be free of aluminum bronze and silicon bronze.	14.75
Fired rifle shells	Consists of contaminated fired rifle shells free of gun powder, bullets, and iron.	18.25
Brass pipe	Consists of brass pipe and tubing free of Muntz metal, Admiralty tubing, soldered, tinned, plated, corroded, and aluminum-painted material, and material with cast brass connections.	16.50
Admiralty condenser tubes.	Consists of clean Admiralty condenser tubing, plated or unplated, free of nickel, silver, cupro-nickel, and corroded material.	15.50
Muntz metal condenser tubes.	Consists of clean Muntz metal condenser tubes, plated or unplated. Must be free of nickel silver, cupro-nickel, and corroded material.	15.25
Old rolled brass	Consists of old sheet brass free of soldered, tinned, plated, corroded and aluminum-painted material, and free of Muntz metal.	15.50
Plated rolled brass sheet, pipe and reflectors.	Consists of clean plated brass sheet, pipe, tubing, and reflectors. Must be free of Muntz metal, Admiralty tubing, soldered, tinned, corrodied, and aluminum-painted material, and material with cast brass connections.	15.25

[Table A amended by Amdts. 1 and 2]

(d) *Unlisted grades.* (1) The ceiling price for a kind or grade of copper or copper alloy scrap not listed in Table A is the price established by the OPS upon application by the seller. Any such application must be filed with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information: The name and address of the seller; a description of the kind and analysis of the scrap for which a ceiling price is to be established; a proposed ceiling price; and a statement of the reasons why the applicant believes such price to be in line with the ceiling prices for copper and copper alloy scrap otherwise established in this regulation.

(2) Any ceiling price established by OPS pursuant to this paragraph (d) will be in line with the ceiling price for copper and copper alloy scrap otherwise established in this section.

(3) After receipt of an application pursuant to this paragraph (d), OPS may approve or disapprove the proposed ceiling price or request additional information. Pending any such action, the proposed ceiling price may be charged provided that the seller agrees with the buyer to refund the amount, if any, by which the price charged exceeds the ceiling price established by OPS.

(4) If a seller of copper or copper alloy scrap is required to file an application by this paragraph (d) and fails to do so, OPS may issue an order establishing a ceiling price for him. The ceiling price set forth in such order will be in line with the ceiling price for copper and copper alloy scrap otherwise established in this regulation and will apply to all deliveries for which a ceiling price was not otherwise established in this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this paragraph (d) or of the various penalties for his failure to do so.

[Paragraph (d) added by Amdt. 2]

SEC. 10. *Quantity premiums.* In addition to the applicable ceiling base price determined in accordance with sections 8 and 9 of this regulation, a quantity premium may be charged in accordance with the provisions of this section.

No quantity premium may be charged for any scrap for which a preparation premium is charged in accordance with section 11 of this regulation.

(a) *Delivery period.* The applicable quantity premium set forth in Table B below may be charged if the seller delivers, within a period of three calendar days (excluding Saturdays, Sundays, and holidays), the specified quantity of material (1) to a public carrier for transportation to the buyer, (2) to the buyer at his receiving point by a carrier owned or controlled by the seller, or (3) upon a conveyance owned or controlled by the buyer. The amount of material delivered during any one day may be counted only once in determining whether a quantity premium may be charged and paid.

TABLE B

Quantity	Premium (cents per pound)
40,000 pounds or more of either group I or Group II material, singly or combined	1¼
60,000 pounds or more of either Group I or Group II material	1¾

(b) *Determination of weight.* Whether a delivery or series of deliveries qualifies for a quantity premium shall be determined on the basis of the weight of the scrap determined at the buyer's receiving point and the following shall be deducted from the total weight of the material delivered:

[Above paragraph amended by Amdt. 1]

(1) The weight of all containers, dunnage, and other tare;

(2) The weight of insulation on insulated copper wire and cable;

(3) The weight of all material which is not copper scrap or copper alloy scrap;

(4) The weight of all copper scrap and copper alloy scrap for which a preparation premium is charged in accordance with section 11 of this regulation.

SEC. 10a. *Premiums for dealer-to-dealer transactions.* In addition to the ceiling prices set forth in Table A, a maximum premium of 1.75 cents per pound may be charged or paid when a dealer sells any quantity of a kind or grade of copper or copper alloy scrap to another dealer. No quantity or preparation premium may be charged or paid for any such scrap for which a premium is charged in accordance with this section.

[Section 10a added by Amdt. 2]

SEC. 11. *Preparation premiums for sale of prepared scrap not used in the production of refined copper or brass or bronze ingots*—(a) *Ordinary preparation.* In addition to the applicable ceiling base price determined in accordance with sections 8 and 9 of this regulation, a preparation premium may be charged for copper and copper alloy scrap in accordance with the provisions of this paragraph, when the scrap is not to be used in the production of refined copper or brass or bronze ingots.

The premiums set forth in Tables C and D may be charged only for:

(1) Solids in crucible shapes or briquettes; and

(2) Borings which have been demagnetized and do not contain more than 0.25 percent free iron.

TABLE C

The premiums set forth herein apply to deliveries in any quantity:

Grade of scrap:	Premium (cents per pound)
No. 1 heavy copper and No. 1 copper wire	3.75
No. 2 copper wire and mixed heavy copper	3.50
No. 1 copper borings	2.50
High grade low lead bronze solids	3.25
High grade low lead bronze borings	2.50
High lead bronze solids	3.25
High lead bronze borings	2.50
Soft red brass solids	3.25
Soft red brass borings	2.50
Unlined standard red car boxes	2.50
Cocks, faucets and fittings	3.00

Grade of scrap—Continued	Premium (cents per pound)
Heavy yellow brass solids	3.25
Yellow brass borings	2.50
Manganese bronze propellers	3.25
Manganese bronze solids	4.00
Aluminum bronze solids	4.00
Conductivity bronze	3.75

TABLE D

The premiums set forth herein apply only to deliveries of 40,000 pounds or more of one or more of the specific grades.

Grade of scrap:	Premium (cents per pound)
Brass pipe	2.75
Admiralty condenser tubes	2.75
Muntz metal condenser tubes	2.75
Old rolled brass	2.75
Plated rolled brass sheet, pipe, and reflectors	2.75

(b) *Special preparation.* Any consumer of copper scrap or copper alloy scrap who desires to purchase such scrap prepared to his specifications in a form not covered in paragraph (a) of this section and who has authorization from the National Production Authority shall apply to the Office of Price Stabilization, Washington 25, D. C., for the establishment of a preparation premium. No application may be made if the copper or copper alloy scrap is to be used in the production of refined copper or brass or bronze ingots.

Any such application shall set forth the following information: The name and address of the applicant; the nature of the applicant's business; the purpose for which the specially prepared material will be used; the name and address of the person or persons from whom the applicant will buy such material; the date and number of the authorization from the National Production Authority permitting the applicant to purchase copper scrap or copper alloy scrap; a statement of the specifications for the specially prepared material; a description of the manner in which such material will be prepared; if the applicant previously purchased similar material, the price last paid prior to the issuance of this regulation; and a proposed preparation premium.

The premium established by the Office of Price Stabilization shall be in line with the preparation premiums otherwise established in this regulation.

(c) *Export packing and preparation premium.* Any person other than an exporter who packs in bales, drums, or other containers, or prepares in briquettes, copper scrap or copper alloy scrap for export may charge a premium of 2.75 cents per pound in addition to the applicable ceiling base price determined in accordance with sections 8 and 9 of this regulation.

No quantity or preparation premium (except as provided in this paragraph) may be charged for copper scrap or copper alloy scrap sold to an exporter.

[Section 11 amended by Amdt. 2]

SEC. 12. *Other premiums*—(a) *Exporter premiums.* In addition to the applicable ceiling base price determined in accordance with sections 8 and 9 of this regulation, an exporter of copper scrap or copper alloy scrap may charge the following premiums:

(1) The amount of any export packing or preparation premium, as provided for in paragraph (c) of section 11 of this regulation, paid to another person;

(2) An amount not to exceed 5 percent of the applicable ceiling base price.

No quantity or preparation premiums (except as provided in this paragraph) may be charged by an exporter.

(b) *Premiums for gold and silver content.* Any person who sells copper scrap or copper alloy scrap containing gold or silver to a refiner who customarily recovers such precious metals may charge a premium not exceeding the ceiling price for the gold and silver content of the scrap in addition to the applicable ceiling price otherwise established in this regulation.

SEC. 13. *Ceiling delivered prices.* The ceiling delivered price for copper scrap or copper alloy scrap is the applicable ceiling base price, f. o. b. point of shipment, determined in accordance with sections 8 and 9 of this regulation, plus the applicable premiums determined in accordance with sections 10, 11 and 12 of this regulation, plus whichever of the following transportation charges is applicable:

(a) When delivery is made to the buyer's receiving point by a public (common or contract) carrier, an amount not in excess of the actual charge (including transportation taxes) made by such carrier;

(b) When delivery is made to the buyer's receiving point by a vehicle owned or controlled by the seller, an amount not in excess of the lowest published and applicable motor common carrier charge (not including transportation taxes) for transporting the quantity of copper scrap or copper alloy scrap being priced from the point, or points, of shipment to the buyer's receiving point. In the case of a series of deliveries which qualifies for a quantity premium, the published and applicable motor common carrier charge shall be determined on the basis of the total quantity involved even though separate deliveries are made in lesser quantities, and such charge shall be prorated over the quantities contained in each delivery.

SEC. 14. *Definitions.* When used in this regulation, the term:

(a) "Briquette" means any power compressed, self-adhering bundle whose measurements do not exceed 16 x 10 x 12 inches.

(b) "Consumer" includes any person whose business consists, in whole or in part, of smelting, refining, melting, or otherwise processing copper scrap or copper alloy scrap into a form other than scrap or having such scrap so processed for his account by another person under a toll or conversion agreement. Any parent or subsidiary of a consumer and any person owned, operated, affiliated with, under common control with, or otherwise controlled by an officer, director, partner, or proprietor of a consumer, shall also be considered to be a consumer for the purposes of this regulation even though such person may act as dealer.

(c) "Copper alloy scrap" refers to the grades of scrap listed in Group II in Table A.

(d) "Copper bearing material" includes ashes, skimmings, buffings, grindings, spatters, washings, mud and all other similar residues which contain copper. It also includes irony brass and any similar material which does not meet the specifications for any grade of copper scrap or copper alloy scrap.

(e) "Copper scrap" refers to the grades of scrap listed in Group I in Table A.

(f) "Crucible shape" means clean scrap of uniform grade in lengths not exceeding 16 inches, containing no free iron or other harmful material, and suitable for direct use by the consumer without further preparation.

(g) "Dealer" means any person whose business includes the acquisition of any material for the purpose of sale as waste, scrap or salvage materials.

(h) "Dealer affiliated with a consumer" means a dealer who is the parent or subsidiary of a consumer, who is owned or operated by, or under common control with, a consumer, or who is owned, operated, or controlled by an officer, director, or partner of a consumer. It also includes any dealer who owns or operates a consumer or who has an officer, director, or partner who owns, operates, or controls a consumer.

(i) "Dry Copper Content" means the copper content as determined by electrolytic assay less 1.3 units (26 pounds of copper per net ton of material).

(j) "Exporter" means a person who last sells copper scrap or copper alloy scrap which is transported from a point in the United States, its Territories and Possessions to a point outside thereof.

(k) "Importer" means a person who first sells copper scrap or copper alloy scrap which is transported, either before or after such sale, from a point outside the United States, its Territories and Possessions to a point inside thereof.

(l) "Industrial producer" means any person engaged in manufacturing, fabricating, repairing, mining, or refining or in furnishing communication or transportation services, who produces copper scrap or copper alloy scrap as a by-product of such operations or from obsolescence.

(m) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing; the United States or any agency thereof, or any other government or any of its political subdivisions or any agency of any of the foregoing.

(n) "Point of shipment" means the point from which copper scrap or copper alloy scrap is loaded on a conveyance for shipment to buyer's receiving point. In the case of copper scrap or copper alloy scrap sold by an importer and delivered into the continental United States, its Territories or Possessions by water, the point of shipment means the place within the continental United States, its Territories or Possessions where the material is loaded on a conveyance for transportation directly to the buyer's receiving point. In the case of copper scrap or copper alloy scrap sold by an

importer and transported to the buyer overland from Mexico or Canada the point of shipment means the freight station in the United States at or nearest the point at which the material first enters the United States.

(o) "Scrap" includes all materials which are the waste or by-product of any kind of metal working or by-processing and articles which have been discarded on account of obsolescence, failure, or other reasons. It does not include copper bearing materials, nor does it include articles which are still useful in their existing state when sold and purchased for re-use in such state.

SEC. 15. *Excise, sales and similar taxes.* Any person may collect, in addition to the ceiling prices established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sales of scrap covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the tax collected.

SEC. 16. *Record-keeping requirements.* Every person purchasing or selling the scrap materials covered by this regulation shall keep for inspection by the Director of Price Stabilization, for a period of two years, complete and accurate records of each purchase and sale showing: The date thereof, the name and address of the seller and buyer; the quantity and analysis of each grade of copper scrap or copper alloy scrap sold or purchased; the price charged or paid, f. o. b. point of shipment, for each such grade of scrap; the premiums, if any, charged or paid; the point, or points, of shipment and the buyer's receiving point; and the disposition of transportation charges.

SEC. 17. *Penalties.* Persons violating any of the provisions of this regulation shall be subject to the criminal penalties, civil enforcement actions and suits for damages provided for in the Defense Production Act of 1950.

SEC. 18. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1.

NOTE: All record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Report Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.
By JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-13086; Filed, Dec. 9, 1952; 12:13 p. m.]

[Ceiling Price Regulation 61, Collation 1]

CPR 61—EXPORTS

COLLATION 1—INCLUDING AMENDMENTS 1–4

Ceiling Price Regulation 61 is republished to incorporate the texts of Amendments 1 through 4, inclusive. Ceiling Price Regulation 61 was issued July 30, 1951 (16 F. R. 7597). Statements of Consideration for Ceiling Price Regulation 61, and for Amendments 1–4, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments, are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

ARTICLE I—SCOPE OF REGULATION

Sec.
1. What this regulation does.
2. Applicability and prohibitions.

ARTICLE II—PRICING METHOD

3. Formula for export sales.
4. Formula for sales for export.
5. Calculation of base period percentage export markup.
6. Formula where no sales of the type being priced were made during the base period.

ARTICLE III—GENERAL PROVISIONS

7. Restrictions on multiple handling.
8. Transfer of business or stock in trade.
9. Duties and taxes.
10. Records.
11. Exemptions and suspensions.
12. Evasion.
13. Enforcement.
14. Petitions for amendment.
15. Definitions.
16. Reports.

AUTHORITY: Sections 1 to 16 issued under 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 16 contained in Ceiling Price Regulation 61, July 30, 1951 (16 F. R. 7597), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 61, August 6, 1951, "or any earlier date at which you file information in accordance with section 5 (d)" (16 F. R. 7597).

Amendment 1, August 28, 1951, 16 F. R. 8798.

Amendment 2, January 16, 1952, 17 F. R. 390, 721.

Amendment 3, November 22, 1952, 17 F. R. 10509.

Amendment 4, November 22, 1952, 17 F. R. 10545.

ARTICLE I—SCOPE OF REGULATION

SECTION 1. *What this regulation does.* This regulation provides a formula for computing ceiling prices for commodities which are exported or sold for export from the continental United States.

[Section 1 amended by Amdt. 2]

SEC. 2. *Applicability and prohibitions*—(a) *Applicability.* This regulation is applicable to the exportation of commodities from the continental United States. Exports from a territory or possession of the United States are not covered by this regulation, as amended. Such exports from a territory or possession are subject to the General Ceiling Price Regulation unless they are now, or until they are hereafter, covered by a numbered ceiling price regulation.

This regulation applies to all export sales and sales for export except those sales specifically exempt from price control under any regulation issued by the Director of Price Stabilization. However, the provisions of the following enumerated regulations and of all subsequent regulations will continue in effect insofar as they expressly may apply to export sales or sales for export:

Section 14 of the General Ceiling Price Regulation; Supplementary Regulation 8 to the General Ceiling Price Regulation, dealing with coal exporters; Supplementary Regulation 9 to the General Ceiling Price Regulation, dealing with export commitments entered into before February 2, 1951; Supplementary Regulation 34 to the General Ceiling Price Regulation, dealing with beef sausage; Ceiling Price Regulation 5 on iron and steel scrap; Ceiling Price Regulation 8 on upland cotton; Ceiling Price Regulation 19 on tungsten concentrates; Ceiling Price Regulation 24 on wholesale beef; Ceiling Price Regulation 28 on new cotton, linen and underwear cuttings; Ceiling Price Regulation 29 on scrap materials containing nickel; Ceiling Price Regulation 33 on tungsten products; Ceiling Price Regulation 36 on used steel drums; Ceiling Price Regulation 43 on zinc scrap; Ceiling Price Regulation 46 on copper and copper alloy scrap; Ceiling Price Regulation 47 on brass mill scrap; Ceiling Price Regulation 49 on wood pulp; Ceiling Price Regulation 53 on lead scrap; Ceiling Price Regulation 54 on aluminum scrap; Ceiling Price Regulation 59 on scrap rubber; and Ceiling Price Regulation 74 on pork sold at wholesale.

(b) *Prohibitions.* On and after the effective date of this regulation, (1) you shall not export or sell for export any commodities covered by this regulation at prices higher than the ceiling prices fixed by this regulation; (2) you shall not buy or receive for export in the course of trade or business any commodity covered by this regulation at prices higher than the ceiling prices fixed by this regulation; and (3) you shall not agree, offer, solicit or attempt to do anything prohibited in this regulation. Nothing in this regulation shall prohibit your use of any customary and reasonable invoicing practice: *Provided,* That (i) you do not retain for your own account, directly or indirectly, any amount in excess of the ceiling price allowed under this regulation and (ii) you first obtain written approval from the OPS National Office for the invoicing to your foreign buyer's customer or anyone else of a price which exceeds your ceiling price under this regulation.

(c) *Sales between companies under common control.* Except in respect to companies integrated or related solely for the purposes of the Webb-Pomerene Act (Act of April 10, 1918, c. 50, 40 Stat. 516; 15 U. S. C. sec. 61–65) this regulation permits integrated or related companies, which are domiciled in the continental United States, when the companies are either directly or indirectly under common control, or when their relationship is that of parent and subsidiary to: (1) Notify the OPS National Office in writing that they choose to consider all of such integrated or related companies as a unit so that inter-company transactions will not be subject to the provisions of this regulation; or (2) continue such inter-company transactions on the same basis as though each company in the group were independent and in all respects subject to the provisions of this regulation. If integrated or related companies choose option (1) under this section then this regulation applies to the sale or shipment by such integrated or related companies to the first subsidiary, related or independent company or buyer, domiciled outside the continental United States.

[Paragraph (c) added by Amdt. 2, as corrected]

[Section 2 amended by Amdt. 2]

ARTICLE II—PRICING METHOD

SEC. 3. *Formula for export sales*—(a) *Merchant exporters.* If you are a merchant exporter, your ceiling price on the export sale of any commodity covered by this regulation to any class of buyer shall be either (1) the domestic ceiling price of your supplier applicable to you at point of delivery, plus a percentage markup used in the base period, January 1, 1949–June 30, 1950, calculated in accordance with section 5 of this regulation, or (2), your domestic ceiling price to a buyer of the same class. You may add to either of these prices, the costs of exportation incurred by you in connection with such sale.

If you made no base period sales of the commodity or product line you are pricing to buyers of the class for which you are pricing, your base period percentage markup, when allowed under this section, shall be calculated in accordance with, and otherwise be subject to, section 6 of this regulation.

[Paragraph (a) amended by Amdt. 2]

(b) *Producer exporters.* (1) If you are a producer exporter, your ceiling price for the export sale of any commodity covered by this regulation to any class of foreign buyer, shall be either your domestic ceiling price, at point of delivery, applicable to a sale of the commodity for domestic consumption to a buyer of the same class as the buyer for which you are pricing, or your domestic ceiling price, at point of delivery, to your largest buying class of domestic purchaser. To the domestic ceiling price chosen by you, add a percentage markup used in the base period January 1, 1949, to June 30, 1950, inclusive, calculated in accordance with section 5 of this regulation, plus costs of exportation actually incurred by you in connection with such sale. If you made no base period sales of the commodity or product line you are pricing to foreign buyers of the class for which you are pricing, your markup shall be calculated in accordance with section 5 of this regulation but shall be based on other base period sales as provided for in section 6 of this regulation.

[Subparagraph (1) amended by Amdt. 1]

(2) If you are a producer exporter who sells the commodity you are pricing exclusively in the export trade, and you have no domestic ceiling price for it, you shall determine your export ceiling price in one of the following ways:

(i) You may use your export ceiling price under the General Ceiling Price Regulation as part of your export ceiling price under Ceiling Price Regulation 61; or

(ii) You may use a substitute price in lieu of a domestic ceiling price for the purpose of calculating your export ceiling price under CPR 61. This substitute domestic price shall be determined in accordance with the General Ceiling Price Regulation, or any other price regulation applicable to producers of the commodity you are selling, even though you are not pricing, and do not intend pricing any commodity for domestic sales under that regulation. To this substitute domestic price you may add a markup established in accordance with section 6, as well as the costs of exportation incurred by you in connection with such a sale.

Before you sell at the export ceiling price determined above under this section, you must apply in writing to the Office of Price Stabilization, Export-Import Branch, Washington 25, D. C., setting forth fully the price (including GCPR or substitute domestic) and the method and regulation used to establish it. Unless your proposed export ceiling price is rejected by the Office of Price Stabilization within ten days of the postmarked date of your letter, you may proceed with sales until advised to the contrary. If you have, on January 16, 1952, an export ceiling price approved under this regulation for a commodity sold by you exclusively in the export trade, you may continue to use that ceiling price until you establish another price under this section.

[Subparagraph (2) amended by Amdt. 2]

SEC. 4. *Formula for sales for export*—(a) *Merchant exporters.* If you are a merchant exporter (seller) your ceiling price on the sale for export of any commodity covered by this regulation and sold by you also in the domestic market shall be your domestic ceiling price at point of delivery to a buyer of the same class as the merchant exporter (buyer) for which you are pricing. If the commodity is sold by you exclusively in the export trade, your ceiling price may include either (1) your cost of acquisition plus a markup computed under section 5, or (2) your domestic ceiling price at point of delivery if you were to make a domestic sale to a buyer of the same class as the merchant exporter for which you are pricing. You may add to any of the above prices, the costs of exportation incurred by you in connection with such sale. This paragraph is strictly limited by the provisions of section 7 (*Restrictions on multiple handling*) which you should read together with this paragraph.

(b) *Producer exporters.* (1) If you are a producer exporter, your ceiling price for the sale for export of any commodity covered by this regulation may include your domestic ceiling price at point of delivery to a buyer of the same class as the merchant exporter for which you are pricing, plus a percentage markup used in the base period and calculated under section 5. You may add to this price the costs of exportation incurred by you in connection with such sale.

(2) If you are a producer exporter who sells the commodity you are pricing exclusively in the export trade, and you have no domestic ceiling price for it, you shall determine your ceiling price on a sale for export in one of the following ways:

(i) You may use your ceiling price on sales for export under the General Ceiling Price Regulation as part of your ceiling price on sales for export under Ceiling Price Regulation 61; or

(ii) You may use a substitute price in lieu of a domestic ceiling price for the purpose of calculating your ceiling price on sales for export of the commodity. This substitute domestic ceiling price shall be determined under the General Ceiling Price Regulation or any other price regulation applicable to producers of the commodity you are selling, even though you are not pricing, and do not intend pricing any commodity for domestic sales under that regulation. To this substitute price you may add a markup established in accordance with section 6, as well as the costs of exportation incurred by you in connection with such sale.

Before you sell at the export price determined above under this section, you must apply in writing to the Office of Price Stabilization, Export - Import Branch, Washington 25, D. C., setting forth fully the price (including GCPR or substitute domestic) and the method and regulation used to establish it. Unless your proposed price on a sale for export is rejected by the Office of Price Stabilization within ten days of the postmarked date of your letter, you may proceed with sales until advised to the contrary. If you have, on January 16, 1952, a ceiling price on your sales for export approved under this regulation for a commodity sold by you exclusively in the export trade, you may continue to use that price until you establish another ceiling price under this section.

[Section 4 amended by Amdt. 2]

SEC. 5. *Calculation of base period percentage export markup.* (a) If you are a merchant exporter or a producer exporter and are entitled to a base period percentage markup under the provisions of section 3 or 4 of this regulation for the sale of a commodity covered by this regulation, such markup shall be calculated as set forth below. The markup derived for any product line shall be applied to each commodity falling within such product line (as defined in section 15 (b) (14)).

(1) You shall choose from the base period any representative calendar quarter you wish for each of the groups of commodities set forth in Schedule B of the Department of Commerce,—A Statistical Classification of Domestic and Foreign Commodities exported from the United States,—dated January 1, 1949, as supplemented. These groups are: Group 00—Animals and Animal Products, edible; Group 0—Animals and Animal Products, inedible; Group 1—Vegetable Food Products and Beverages; Group 2—Vegetable Products, inedible except Fibers and Wood; Group 3—Textile Fibers and Manufactures; Group 4—Wood and Paper; Group 5—Non-metallic Minerals; Group 6—Metals and Manufactures, except Machinery and Vehicles; Group 7 — Machinery and Vehicles; Group 8—Chemicals and Related Prod-

ucts; and Group 9 — Miscellaneous. However, you may use the same representative quarter for all, or any number of these groups. If you had no sales of the commodity or product line being priced during the representative quarter chosen by you for the group to which the commodity belongs, you shall take your sales for that commodity or product line in a quarter of the base period nearest in time to that representative quarter.

If you have, on January 16, 1952, a markup calculated in accordance with section 5 of this regulation, you may continue to use that markup. You may, however, re-calculate your markup, using the different quarters as authorized under this section.

If you recalculate or determine for the first time your markup under this section, your report to the Office of Price Stabilization under this regulation must identify the grouping as enumerated and described in this section.

[Subparagraph (1) amended by Amdt. 2]

(2) You determine from your records for a representative calendar quarter of the base period all of your sales of the type upon which your base period markup is to be calculated, i. e., either sales of the commodity or product line you are pricing to the class of buyer for which you are pricing, or sales of a kind you are permitted to use under the provisions of section 6 of this regulation.

(3) You then determine the total dollar sales value of all such sales for each commodity or product line.

(4) You then select, from such sales, any sale or sales which accounted for at least 25 percent of your total dollar sales value of all such sales, and calculate the weighted average percentage markup reflected in such sales over your base period cost of acquisition if you are a merchant exporter, or over your base period domestic selling price if you are a producer exporter, as illustrated in the example below. The result is your percentage markup for sales of the commodity or product line you are pricing to the class of buyer involved. (If you selected a single sale, which accounts for 25 percent or more of your total dollar sales value of such sales, you may use the percentage markup yielded by that single sale.)

(i) *Example:* Suppose the base period sales upon which you are calculating your markup under the provisions of this section were as follows:

Sale	Cost of acquisition or domestic selling price	Costs of exportation [1]	Markup	Export sales price	Percentage markup over cost of acquisition or domestic selling price	Percentage of total sales
No. 1	$200	$26.00	$24.00	$250	12	5
No. 2	325	39.25	35.75	400	11	8
No. 3	950	55.00	95.00	1,100	10	22
No. 4	1,090	61.90	98.10	1,250	9	25
No. 5	1,750	92.50	157.50	2,000	9	40
Total				5,000		

[1] Not to be included in determining the markup.

(ii) You may select sales # 1 and # 3 in order to determine the markup. You may not select either sale # 1 or sale # 3 alone, since neither sale alone accounts for twenty-five percent of the total dollar sales value of base period sales. Taking a weighted average of the percentage markups yielded by the two sales (sale # 1 yielding 12% or $24.00 and sale # 3 yielding 10% or $95.00), you obtain a base period percentage markup of 10.34% ($24.00+$95.00÷$1,150.00).

(b) In every case where you, whether merchant exporter or producer exporter, calculate for the first time the percentage markup you are going to use or do use in the export sale or sale for export of a commodity or product line covered by this regulation, you shall furnish the Office of Price Stabilization District Office in your area by registered letter with the following information in duplicate:

(1) The commodity or product line, including a list of the commodities in the product line;

(2) Whether you are a merchant exporter, or a producer exporter, or both, in respect to each commodity or product line listed;

(3) The class of buyer;

(4) Whether an export sale or sale for export;

(5) Your representative calendar quarter; and

(6) The percentage markup you are permitted to use under this regulation.

(7) If you are not permitted to take a markup, or it is not your present sales policy to take a permissible markup on your export sales or sales for export, you are nevertheless required to report this fact.

This information shall be reported within fifteen days after your first sale of the commodity or product line under this regulation, and may be provided on OPS Public Form No. 72 available at any office of the Office of Price Stabilization. Once you have furnished such information for the sale of a particular commodity or product line to a particular class of buyer, you need not again advise the Office of Price Stabilization with respect to your pricing of that type of sale.

[Paragraphs (b) and (c) deleted by Amdt. 2; Paragraph (d) redesignated (b) by Amdt. 2, amended by Amdt. 3]

SEC. 6. *Formula where no sales of the type being priced were made during the base period.* (a) If you, either merchant exporter or producer exporter, did not sell during the base period the commodity or product line you are pricing to the class of buyer for which you are pricing, and if you are entitled under the provisions of section 3 or 4 of this regulation to a markup on such sale, such markup shall be calculated in accordance with section 5 of this regulation but shall be based on base period sales of the type set forth below in the following order of preference:

(1) Base period sales of the commodity or product line you are pricing to buyers of the class most closely related to the class for which you are pricing.

(2) Base period sales of a "comparison commodity" or comparison product line to buyers of the class for which you are pricing.

(3) Base period sales of a comparison commodity or comparison product line to buyers of the class most closely related to the class for which you are pricing.

If you calculate your base period percentage markup by reference to one of the types of base period sales set forth above, you shall, before making sales of the commodity or product line you are pricing, advise the Office of Price Stabilization, Export-Import Branch, Washington 25, D. C., by registered letter, and in duplicate, of the markup you propose to use, showing in detail how it was computed and naming the comparison commodity or comparison product line and/or class of buyer with respect to which your markup was calculated. The information may be provided on a form available at Office of Price Stabilization offices. Unless this proposed markup is rejected by the Office of Price Stabilization within ten days of the postmarked date of your letter, you may proceed with sales until advised to the contrary.

(b) If you are unable to compute a markup for the commodity or product line you are pricing, under paragraph (a) of this section, or under any provisions of this regulation, you may apply in writing to the Office of Price Stabilization, Export-Import Branch, Washington 25, D. C., for the establishment of a markup which is in line with the markup currently prevailing in the trade. Your application shall contain (1) an explanation of why you are unable to compute a markup under this regulation; (2) a complete description of the commodity or product line; (3) the type of sale being priced (i. e., export sale or sale for export) including the class of buyer involved; (4) the nature of your business; (5) the markup, if any, currently prevailing in the trade for the commodity or product line and how you determined this markup to be the one prevailing; and (6) your proposed markup for the commodity or product line, together with an explanation of the method by which it was computed. The information may be provided on a form available at Office of Price Stabilization offices. Unless this proposed markup is rejected by the Office of Price Stabilization within ten days of the postmarked date of your letter, you may proceed with sales until advised to the contrary.

ARTICLE III—GENERAL PROVISIONS

SEC. 7. *Restrictions on multiple handling.* If you are a merchant exporter making a sale for export of a commodity purchased by you from another merchant exporter, you may not sell at a markup over your domestic ceiling price or your cost of acquisition, whichever is higher, except upon approval of your application for such a markup by the Office of Price Stabilization, Export-Import Branch, Washington 25, D. C. This application shall set out your proposed new ceiling price (including a separate statement of your cost of acquisition, your domestic ceiling price and your proposed markup) and a full justification for your proposed new ceiling price. The Office of Price Stabilization will not allow such markups in the absence of a very clear showing of necessity which is also supported by the customary and reasonable past practice of the applicant.

[Section 7 amended by Amdt. 2]

SEC. 8. *Transfer of business or stock in trade.* If the business, assets, or stock in trade of any business are sold or otherwise transferred after June 30, 1950, and the transferee carries on the business in whole or in part, or continues to deal in the same type of commodities, the markups of the transferee shall be the same as those to which the transferor would have been entitled if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 9. *Refunds of duties and taxes.* If you are a producer exporter or a merchant exporter, and are computing a ceiling price under section 3 or 4 of this regulation for export sales or sales for export of any commodity covered by this regulation, to the extent provided herein you shall in the case of the producer exporter, subtract from your applicable domestic ceiling price f. o. b. your plant, and in the case of the merchant exporter subtract from the domestic ceiling price of your supplier or from your domestic ceiling price:

(a) The amount of any estimated drawback or refund of import duties or excise taxes less the cost incurred in obtaining such amount;

(b) The amount of any excise tax not paid upon a commodity to be exported or sold for export but included in your applicable domestic ceiling price, if you are a producer exporter, or in your domestic ceiling price, or in the domestic ceiling price of your supplier if you are a merchant exporter;

(c) *Provided, however,* That if it was your established and uniform practice during the base period to receive any of the above refunds or taxes for your own account without reducing your export prices accordingly, you may continue to receive them in accordance with such established and uniform practice.

[Section 9 amended by Amdt. 2]

SEC. 10. *Records.* (a) You shall preserve and keep available for examination by the Office of Price Stabilization for so long as the Defense Production Act is in effect and for two years thereafter those records showing how you determined the export markup you charged during the base period, and those records in your possession showing customary price differentials, and the conditions of sale, which you had in effect during the base period.

(b) You shall prepare and keep available for examination by the Office of Price Stabilization for a period of two years records showing for each sale or contract the commodity, the date, the names of the parties thereto, and the prices charged, together with any other records you customarily keep. If you are a merchant exporter, you must also maintain records showing the cost of the commodity or product line to you and the costs of exportation.

SEC. 11. *Exemptions and suspensions.* (a) This regulation does not apply:

(1) To sales of commodities for which export ceiling prices will hereafter be specifically established under other regulations or supplements; or

(2) To sales of commodities which are suspended or exempted from price control by regulation of the Office of Price Stabilization irrespective of whether such regulation is by its terms applicable or inapplicable to export transactions. Such suspension or exemption shall be applicable to the same extent to similar sales covered by CPR 61 as though the suspension or exemption in such other regulation were specifically applicable to export sales and sales for export. For example, if price controls are suspended under another regulation for domestic sales of a commodity by manufacturers, then export sales and sales for export of such commodity by manufacturers or producer-exporters are suspended from price control under CPR 61; if such suspension is applicable to domestic sales by wholesalers, then export sales and sales for export by wholesalers or merchant exporters are suspended from price control under CPR 61. In exclusion of a seller or commodity from the coverage of a regulation because that seller or commodity is covered by another regulation does not constitute a suspension or exemption from price control within the meaning of this section.

[Paragraph (a) amended by Amdt. 4]

(b) Nothing in this regulation shall operate to prevent the performance of a written contract for the export sale of a commodity entered into prior to July 30, 1951, and executed in compliance with the provisions of any validly existing regulation or order of the Office of Price Stabilization, provided that delivery is made on or before December 31, 1951.

(c) This regulation does not apply to export sales of any commodity by the United States Government or any agency thereof.

(d) This regulation does not apply to export sales of commodities which have been transported into the United States for transshipment abroad and which do not enter into the domestic commerce of the United States and which are either:

(1) Entered at Customs in transit on a "Transportation and Exportation (TE) entry" or on an "Exportation (Exp.) entry", or

(2) Stored in transit in a Customs bonded warehouse or stored in a foreign trade zone.

(e) This regulation does not apply to export sales of a commodity which has been processed or manufactured in bond under Customs supervision exclusively from imported materials, which is not withdrawn from bond for domestic consumption in the United States, and which is subsequently exported.

(f) This regulation does not apply to export sales of a commodity manufactured or produced from imported textiles or imported metals: *Provided,* (1) That the constituent imported components thereof make up not less than 90 percent by weight or unit of the exported commodity, and (2) that the Customs Drawback Regulations (Part 22, Customs Regulations of 1943) are complied with in all respects.

(g) The provisions of this section referring to export sales also apply to sales for export.

[Paragraph (g) added by Amdt. 2]

SEC. 12. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commission, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements or combination sales, and trade understandings.

SEC. 13. *Enforcement.* If you violate any provision of this Ceiling Price Regulation you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

SEC. 14. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised (16 F. R. 4974).

SEC. 15. *Definitions.* The terms used in this Ceiling Price Regulation shall be construed in the following manner:

(a) *Sellers and buyers*—(1) *"Producer exporter."* This term means a person who manufacturers, or produces the commodity he exports or sells for export. A person shall, moreover, be considered a producer exporter if the commodity he sells is manufactured either: (i) By another for his account and to his specification, or (ii) by a parent company, by a controlled producer subsidiary, or by any producer company, controlled directly or indirectly by a common parent.

(2) *"Merchant exporter."* This term means a person who is not a producer exporter but who in the normal course of business exports commodities purchased by him for his own account.

(3) *"Exporter."* This term means any person selling a commodity, either directly or through an agent, for delivery or shipment to any place outside the continental United States.

(4) *"Class of buyer."* This term means that group of persons to which you sell commodities covered by this regulation and which you distinguish from other groups of buyers with respect to quantity purchased or trade function. In the case of an export sale, the only permissible groupings according to trade function shall be: the United States Gov-

ernment or its agencies; foreign governments or their agents, including foreign government purchasing missions; industrial end users; distributors; wholesalers; retailers; individual consumers; and American firms purchasing for use in foreign field operations. In the case of a sale for export, the only permissible grouping according to function in the trade shall be merchant exporters.

[Paragraph (a) amended by Amdt. 2]

(b) *Pricing*—(1) *"Domestic ceiling price of your supplier at point of delivery."* This phrase means the highest price at the point of delivery which a merchant exporter may, under applicable ceiling price regulations governing domestic sales, pay his supplier for a commodity which the merchant exporter subsequently exports or sells for export.

(2) *"Base period percentage markup."* This term means a percentage markup calculated in accordance with section 5 of this regulation based on sales during the base period, and representing, in the case of a producer exporter, the differential between base period domestic and export selling prices exclusive of costs of exportation for a commodity or product line, and in the case of a merchant exporter, the base period margin between his costs of acquiring a commodity or product line for exportation purposes and his export selling price therefor exclusive of costs of exportation.

(3) *"Commodity."* This term means materials, articles, products, supplies, and their components.

(4) *"Product line."* This term means all goods of the same general character and use which are normally classed together in your business for purposes of accounting or sales. You may, for example, have your product line, under this regulation, include a line of goods such as one of the following: Cups selling at $0.10–$0.50, all cups, all cups and saucers, all chinaware. You shall list, in your report to the Office of Price Stabilization, all the commodities included in the product line.

[Subparagraph (4) amended by Amdt. 2]

(5) *"Comparison commodity."* This term means a commodity exported or sold for export by you during the base period, which has general characteristics and use similar to those of the commodity you are pricing. Of the commodities having these same general characteristics and use, choose the commodity having a current unit direct cost closest to that of the commodity you are pricing.

(6) *"Base period domestic selling price."* This term means your (producer exporter's) domestic selling price during the base period (to the same class of buyer of the commodity). This domestic selling price must be the one you were using at the time of each export sale or sale for export on the basis of which you calculate your markup under section 5 of this regulation.

[Subparagraph (6) amended by Amdt. 2]

(7) *"Base period cost of acquisition."* This term means the actual cost to you, a merchant exporter, during the base period, of the commodity for which you are calculating your markup under section 5 of this regulation.

(8) *"Costs of exportation."* This term includes costs other than sales commissions actually incurred in or in connection with the export sale or sale for export of a commodity, over and above those incurred and included in the applicable domestic ceiling price if the commodity were sold for domestic consumption, including but not limited to the following: (i) Export packaging, (ii) local drayage, including waiting time at the dock, loading and unloading, tollage, switching, dumping, and trimming, lighterage and wharfage, (iii) inland freight in the continental United States and in the country of delivery (at the export rate where applicable), (iv) ocean freight, (v) insurance, (vi) consular fees, blanks and certification, (vii) demurrage, (viii) costs incurred for storage at the port of exit while awaiting shipment, provided the goods remain packed in the same form as they are to be exported, and have been stored in a warehouse or other storage facilities not owned or controlled by the exporter, (ix) fees paid to a freight forwarder not owned or controlled by the exporter, (x) bank collection charges, (xi) servicing, installing, inspection fees or special engineering costs either before or after exportation, and (xii) foreign taxes.

(9) *"Buyers of the class most closely related to the class for which you are pricing."* This phrase means the class of buyer to which you sold, during the base period, the commodity or product line you are pricing or a comparison commodity, and which is most similar to the class of buyer for which you are pricing, considering trade function, the terms of purchase and the quantity of the order.

(10) *"Your domestic ceiling price at point of delivery."* This phrase means the highest price at which you, a producer exporter, may, under applicable ceiling price regulations governing domestic sales of the commodity you are pricing for export, sell such commodity for domestic consumption at the point of delivery.

(c) *General*—(1) *"Base period."* This term means the period from January 1, 1949, to June 30, 1950, inclusive.

(2) *"Ceiling price."* This term means the highest price at which an export sale or sale for export of a commodity covered by this regulation may be made.

(3) *"General Ceiling Price Regulation."* This term means the General Ceiling Price Regulation issued on January 26, 1951, by the Office of Price Stabilization, as amended and supplemented.

(4) *"You or person."* This term includes any individual, corporation, partnership, cooperative association, or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any government or their political subdivisions or agencies. The term corporation includes the parent company, any controlled subsidiary or any company controlled, directly or indirectly, by a common parent. Control (in respect to affiliated companies or business operations) means the ownership, directly or indirectly, of 50 percent or more of the voting rights or beneficial interest in two or more of such companies or business operations.

[Subparagraph (4) amended by Amdt. 2]

(5) *"Records."* This term includes but is not limited to books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(6) *"Exportation."* This term means the delivery or shipment of a commodity, either directly or through an agent, from the United States or a territory or possession of the United States to any place outside the continental United States or a territory or possession of the United States.

(7) *"Export sale."* This term means a sale of a commodity for direct shipment to a buyer outside the continental United States without resale in the continental United States. Sales to a foreign government purchasing mission, or to an American firm purchasing for use in its foreign field operations shall be considered to be export sales.

[Subparagraph (7) amended by Amdt. 2]

(8) *"Sale for export."* This term means a sale of a commodity to a buyer located in the continental United States if the commodity is destined for export sale by the buyer.

[Subparagraph (8) amended by Amdt. 2]

SEC. 16. *Reports.* Copies of forms that may be used in filing under this regulation may be obtained from any Regional or District Office of the Office of Price Stabilization.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.
BY: JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-13087; Filed, Dec. 9, 1952; 12:14 p. m.]

[General Overriding Regulation 9, Amdt. 29]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

EXEMPTIONS OF SALES OF BOWLING ALLEYS, AND BOWLING ALLEY EQUIPMENT AND ACCESSORIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 29 to General Overriding Regulation 9, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 9 (GOR 9), exempts from price control the sales by manufacturers and resellers of bowling alleys, and bowling alley equipment and accessories, as well as their services of installing these commodities. A companion action under General Overriding Regulation 14 also generally exempts the services of installing, maintaining, or repairing these commodities.

The Defense Production Act of 1950, as amended, specifically exempts from control the fees charged by bowling alley operators for bowling. It must accordingly be concluded that the cost of bowling is not significant in the cost of living, or the cost of the defense program. Further, there is no likelihood that this action in the decontrol of the sales of bowling alleys and related services will affect the sales or prices of other commodities or services through diversion of materials, labor, or production facilities.

In addition, a preliminary survey indicates that regulatory action might be required under the industry earnings standard. In the circumstances, the continued control over this area involves administrative difficulties disproportionate to its economic significance.

Since their own charges are exempt from price control, the bowling alley operators, who purchase these commodities and services, will not be subjected to a "squeeze" between their costs and the prices they are permitted to charge.

This exemption was proposed after the Director of Price Stabilization consulted with representatives of various firms in the industry and gave consideration to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

SEC. 2 (a) is amended by adding a new subparagraph to read as follows:

(30) *Bowling alleys, equipment and accessories.* Sales and installation services by manufacturers and resellers of bowling alleys, bowling alley equipment and bowling alley accessories. "Bowling alley equipment and accessories," includes but is not limited to pinsetters, ball lifts, ball return racks, gutters, bowler settees, bowling balls, etc.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2145)

Effective date. This General Overriding Regulation is effective December 9, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 9, 1952.

[F. R. Doc. 52-13088; Filed, Dec. 9, 1952; 12:14 p. m.]

[General Overriding Regulation 14, Amdt. 28]

GOR 14—EXCEPTED SERVICES

INSTALLATION, REPAIR AND MAINTENANCE OF BOWLING ALLEYS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 28 to General Overriding Regulation 9, is hereby issued.

STATEMENT OF CONSIDERATIONS

This action complements the amendment to General Overriding Regulation 9 (Exemptions of certain industrial materials and manufactured goods), which exempts the sales and installation of bowling alleys by manufacturers and resellers of such commodities.

The reasons set forth in the statement of considerations accompanying the amendment to GOR 9 are applicable to this amendment to GOR 14, and is accordingly incorporated herein by reference as if it were a part hereof.

AMENDATORY PROVISIONS

General Overriding Regulation 14 is amended in the following respects:

Paragraph (a) of sec. 3 is amended by adding a new subparagraph to read as follows:

(115) Installation, maintenance, and repair of bowling alleys and bowling alley equipment and accessories. "Bowling alley equipment and accessories" includes, but is not limited to pin setters, ball lifts, ball return racks, gutters, bowler settees, bowling balls, etc.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2145)

Effective date. This General Overriding Regulation is effective December 9, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 9, 1952.

[F. R. Doc. 52-13089; Filed, Dec. 9, 1952; 12:14 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-80, Schedule 3—Revocation]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

SCHED. 3—TUNGSTEN

REVOCATION

Schedule 3 (16 F. R. 8180) to NPA Order M-80 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under this schedule, nor deprive any person of any rights received or accrued under said schedule prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective December 9, 1952.

NATIONAL PRODUCTION AUTHORITY,
BY GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13082; Filed, Dec. 9, 1952; 10:40 a. m.]

Chapter XVII—Housing and Home Finance Agency

[Priorities and Allocations Order 1, Amdt.]

PA 1—PROCEDURE GOVERNING APPLICATIONS FOR CONSTRUCTION AUTHORIZATION AND ALLOTMENTS UNDER CONTROLLED MATERIALS PLAN FOR HOUSING CONSTRUCTION

MISCELLANEOUS AMENDMENTS

Priorities and Allocations Order 1 issued April 22, 1952 (17 F. R. 3550) is hereby amended as follows:

1. The heading of section 4 is amended by deleting the word "review" and as amended reads as follows: "SEC. 4. *Actions on applications; reconsideration.*".

2. Section 4 (d) is herewith deleted.

3. Section 5 (a) is amended to read as follows:

SEC. 5. *Appeals; grounds.* (a) Any applicant adversely affected by the action taken on his application or request under NPA Order M-100 or Revised CMP Regulation No. 6 may file an appeal with the CMP Appeals Board of the Housing and Home Finance Agency after such action has been taken, initially or upon reconsideration. No new or additional facts may be submitted upon such appeal unless requested by the Board.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective as of the 10th day of December 1952.

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-13000; Filed, Dec. 9, 1952; 8:50 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 98 to Schedule A]

[Rent Regulation 2, Amdt. 96 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA

Effective December 9, 1952, Item 267 in Schedule A of Rent Regulation 1 and Rent Regulation 2 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 5th day of December 1952.

JAMES MC I. HENDERSON,
Director of Rent Stabilization.

In Item 267 (Pittsburgh Defense-Rental Area) that part of the description of the county or counties in the defense-rental area under regulation which pertains to Allegheny County and begins with the words "and all unincorporated localities in Allegheny County, except —" is amended to read as follows: "and all unincorporated localities in Allegheny County, except those in the townships of Crescent, Franklin, Moon, Mount Lebanon, Ohio, Penn, and Shaler, and the Boroughs of Bethel, Churchill, Elizabeth, Ingram, Rosslyn Farms, and Wilkinsburg;"

These amendments decontrol the following based on a resolution submitted under section 204 (j) (3) of the act:

The township of Moon in Allegheny County, Pennsylvania, a portion of the Pittsburgh Defense-Rental Area.

[F. R. Doc. 52-13007; Filed, Dec. 9, 1952; 8:52 a. m.]

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania—Con.				
(267) Pittsburgh....	B	the boroughs of Export, Irwin, Mount Pleasant, North Belle Vernon, North Irwin, Penn, Southside, Trafford, Vandergrift, and West Newton, and all unincorporated localities in Westmoreland County except the township of Sewickley.	Sept. 30, 1952	Oct. 8, 1952.
		In Lawrence County, the city of New Castle and all of the incorporated municipalities except the boroughs of Ellwood City and New Wilmington.	Aug. 1, 1952	Dec. 10, 1952.
	C	Lawrence County, except the borough of New Wilmington, and in Beaver County, that portion of the borough of Ellwood City located therein.		
	A	In Lawrence County, the borough of New Wilmington.	....do.....	Dec. 10, 1952.
	C	That part of Beaver County north and east of the Ohio River, except the townships of Ambridge, Baden, Beaver, and Conway, and that part of the borough of Ellwood City which lies in Beaver County.	Oct. 1, 1950	Feb. 28, 1952.
	C	In Beaver County, the townships of Potter and Center, and the borough of Monaca.	....do.....	Apr. 1, 1952.
	A	In Beaver County, the townships of Center and Potter, and the Borough of Monaca.	....do.....	Feb. 28, 1952.

[F. R. Doc. 52-13008; Filed, Dec. 9, 1952; 8:52 a. m.]

[Rent Regulation 1, Amdt. 100 to Schedule A]

[Rent Regulation 2, Amdt. 98 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA

Effective December 9, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the Item indicated below of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 9th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

(333) [Revoked and decontrolled.]

These amendments decontrol the Wichita Falls, Texas, Defense-Rental Area by reason of the joint determination and certification by the Secretary of Defense and the Director of Defense Mobilization, under section 204 (1) of the Housing and Rent Act of 1947, as amended, that the said Defense-Rental Area is no longer included within a critical defense housing area.

[F. R. Doc. 52-13075; Filed, Dec. 9, 1952; 8:54 a. m.]

[Rent Regulation 3, Amdt. 100 to Schedule A]

[Rent Regulation 4, Amdt. 43 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective December 10, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the Item indicated below of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 5th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania				
(267) Pittsburgh....	B	In Allegheny County, the cities of Clairton, Duquesne, McKeesport, and Pittsburgh, the townships of Aleppo, Baldwin, Elizabeth, Forward, Harmar, Harrison, Indiana, Leet, Neville, Richland, Sewickley, South Fayette, South Versailles, Springdale, Stowe, Baldwin, and Wilkins, the boroughs of Aspinwall, Bell Acres, Bellevue, Ben Avon, Ben Avon Heights, Blawnox, Brackenridge, Braddock, Braddock Hills, Brentwood, Bridgeville, Carnegie, Coraopolis, Dravosburg, East McKeesport, East Pittsburgh, Edgewood, Edgeworth, Elizabeth, Etna, Glassport, Glenfield, Highland Park, Homestead, Jefferson Hills, Leetsdale, McKees Rocks, Millvale, Mt. Oliver, North Braddock, Pleasant Hills, Port Vue, Rankin, Sharpsburg, Swissvale, Tarentum, Thornburg, Trafford, Turtle Creek, Verona, Versailles, Wall, West Elizabeth, West Homestead, West Mifflin, White Oak, and Wilkinsburg, and all unincorporated localities in Allegheny County, except those in the townships of Crescent, Franklin, Moon, Mount Lebanon, Ohio, Penn, and Scott, and the boroughs of Bethel, Churchill, Edgeworth, Forest Hills, Green Tree, Kilbuck, Oakdale, Penn Hills, Pitcairn, Robinson, Rosslyn Farms, Sewickley, Sewickley Heights, Sewickley Hills, Shaler, Thornburg, Upper St. Clair, Wilkins, and Wilmerding; in Armstrong County, the township of Pine, the boroughs of Ford City, Kittanning, North Apollo, and West Kittanning, and all unincorporated localities; in Beaver County, the townships of Center, Hanover, Harmony, and Potter, the boroughs of Aliquippa, Baden, and Conway, and that part of Beaver County north and east of the Ohio River, except the townships of Ambridge, Beaver, and Conway, and all unincorporated localities in Beaver County, except those in the township of Brighton and the boroughs of Bridgewater, Fallston, and Georgetown; in Fayette County, the cities of Connellsville and Uniontown, the boroughs of Belle Vernon, Brownsville, Dawson, Everson, Fairchance, Fayette City, Masontown, South Connellsville, and Vanderbilt, and all unincorporated localities except those in the townships of Henry Clay, Menallen, and Wharton, in Lawrence County, the boroughs of New Wilmington, and all unincorporated localities except those in the township of East Finley, Morris, South Franklin, and West Finley; in Washington County, the cities of Monongahela and Washington, the townships of Canton, East Pike Run, North Strabane, Smith, and South Strabane, the boroughs of Allenport, Beallsville, Bentleyville, Charleroi, Coal Centre, Donora, Long Branch, Charleroi, Coal Centre, Donora, Long Branch, Roscoe, West Brownsville, and all unincorporated localities except those in the townships of East Finley, Morris, South Franklin, and West Finley; in Westmoreland County, the cities of Arnold, Jeannette, Monessen, and New Kensington, the townships of East Huntingdon, Penn, Rostraver, Sewickley, and Washington, the boroughs of Delmont, Export, Irwin, Mount Pleasant, North Belle Vernon, North Irwin, Penn, Southside, Trafford, Vandergrift, and West Newton, and all unincorporated localities in Westmoreland County except the township of Sewickley.	Mar. 1, 1942	July 1, 1942

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(1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective December 10, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 5th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

[Rent Regulation 1, Amdt. 99, to Schedule A]

[Rent Regulation 2, Amdt. 97 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(267) Pittsburgh....	Pennsylvania	That part of Beaver County north and east of the Ohio River, except the townships of Economy and Harmony, and the boroughs of Ambridge, Baden, Beaver, and Conway, and (effective Feb. 28, 1952) that part of the borough of Ellwood City which lies in Beaver County.	Oct. 1, 1950	Feb. 28, 1952
		In Beaver County, the townships of Potter and Center and the borough of Monaca.	....do.....	Apr. 1, 1952
		Lawrence County; and in Beaver County, that portion of the borough of Ellwood City located therein.	Aug. 1, 1952	Dec. 10, 1952

[F. R. Doc. 52-13009; Filed, Dec. 9, 1952; 8:52 a. m.]

[Rent Regulation 3, Amdt. 101 to Schedule A]

[Rent Regulation 4, Amdt. 44 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

TEXAS

Effective December 9, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the Item indicated below of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 9th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

(333) [Revoked and decontrolled.]

These amendments decontrol the Wichita Falls, Texas, Defense-Rental Area by reason of the joint determination and certification by the Secretary of Defense and the Director of Defense Mobilization, under section 204 (1) of the Housing and Rent Act of 1947, as amended, that the said Defense-Rental Area is no longer included within a critical defense housing area.

[F. R. Doc. 52-13076; Filed, Dec. 9, 1952; 8:54 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 206—FISHING AND HUNTING REGULATIONS

CHESAPEAKE BAY, MD. AND VA., AND ITS NAVIGABLE TRIBUTARIES; FISHING STRUCTURES

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U. S. C. 403), § 206.50 governing the construction and maintenance of fishing structures in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries is amended by revising the fishing structure limits in Back River to conform to the newly dredged channel, as follows:

§ 206.50 *Chesapeake Bay, Md. and Va., and its navigable tributaries; fishing structures.* * * *

(g) *Norfolk District.* * * *

(3) *West side of Chesapeake Bay north from Old Point Comfort to York River, including Back River.*

	Latitude	Longitude
	° ′ ″	° ′ ″
Old Point Comfort Light	37 00 05.8	76 18 24.5
Unmarked Point 15	37 00 28.0	76 16 28.9
S "90N"	- - - -	- - - -
S "91N"	- - - -	- - - -
S "92N"	- - - -	- - - -
S "93N"	- - - -	- - - -
Gong (Fl W) "1"	37 05 33.0	76 11 57.0
S "94N"	37 05 45.6	76 15 37.0
(Fl) "7"	37 06 21.9	76 16 17.1
(Fl G) "9"	37 06 30.2	76 16 37.8
(Fl) "11"	37 06 35.8	76 17 26.8
Unmarked Point 26J	37 06 32.7	76 17 34.2
Unmarked Point 26H	37 06 21.8	76 17 16.5
No Limit Line.		
Unmarked Point 25G	37 06 22.8	76 17 43.8
(Fl G) "13"	37 06 29.3	76 17 42.4
Unmarked Point 25F	37 06 19.1	76 18 12.6
Unmarked Point 25E	37 06 16.1	76 18 24.8
Unmarked Point 25D	37 06 13.4	76 18 46.7
Unmarked Point 25C	37 06 10.6	76 19 05.8
Unmarked Point 25B	37 06 09.8	76 19 41.0
Unmarked Point 25A	37 05 21.3	76 20 01.8
(Fl G) "25"	37 04 25.6	76 20 24.7
Unmarked Point 25	37 04 06.9	76 20 57.9
No Limit Line.		
Unmarked Point 28	37 05 11.0	76 20 21.9
Unmarked Point 27	37 05 17.6	76 20 11.0
Unmarked Point 26A	37 05 23.1	76 20 07.5
Unmarked Point 26	37 05 58.3	76 19 52.5
Unmarked Point 25	37 05 54.2	76 20 12.1
Unmarked Point 24	37 05 38.1	76 20 35.0
No Limit Line.		
Unmarked Point 23	37 05 41.8	76 20 39.1
S "27N"	37 06 09.2	76 20 00.1
Unmarked Point 22B	37 06 14.7	76 19 41.3
Unmarked Point 22A	37 06 18.1	76 18 40.2
Unmarked Point 22	37 06 27.7	76 19 08.9
No Limit Line.		
Unmarked Point 21	37 06 37.0	76 19 00.0
Unmarked Point 20	37 06 20.4	76 18 30.4
Unmarked Point 19	37 06 20.8	76 18 14.5
(Fl R) "10"	37 06 40.4	76 17 27.9
Unmarked Point 18C	37 06 28.5	76 16 34.5
Unmarked Point 18B	37 06 27.2	76 16 13.8
Unmarked Point 18A	37 06 05.6	76 15 46.8
S "54N"	37 05 58.2	76 14 53.6
S "55N"	- - - -	- - - -
S "56N"	- - - -	- - - -
S "57N"	- - - -	- - - -
S "58N"	- - - -	- - - -
S "59N"	37 12 20.6	76 17 26.5
S "60N"	37 13 24.8	76 19 17.5
S "61N"	37 12 20.2	76 20 37.7
S "62N"	37 10 36.1	76 22 16.1
No Limit Line.		
S "76N"	37 10 43.3	76 22 27.9
S "77N"	37 12 28.0	76 20 48.9
S "78N"	37 13 31.3	76 19 30.3
S "79N"	37 13 56.5	76 21 10.4
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[Regs., Nov. 18, 1952, 800.217-ENGWO] (30 Stat. 1151; 33 U. S. C. 403)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army.
The Adjutant General.

[F. R. Doc. 52-12983; Filed, Dec. 9, 1952; 8:45 a. m.]

PART 207—NAVIGATION REGULATIONS

YORK RIVER AND HAMPTON ROADS, CHESAPEAKE BAY, VA.; U. S. NAVY ANTITORPEDO NET AREAS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.129 establishing restricted and prohibited areas governing the use and navigation of the waters adjacent to antitorpedo nets across the entrance to York River and in York River across the Thorofare and § 207.141 establishing restricted and prohibited areas governing the use and navigation of the waters of Chesapeake Bay adjacent to antitorpedo nets across the entrance to Hampton Roads are hereby prescribed, as follows:

§ 207.129 *York River, Va.; U. S. Navy antitorpedo net areas*—(a) *York River entrance*—(1) *The prohibited area.* The area is bounded as follows: Beginning at latitude 37°15′52.6″, longitude 76°23′33″; thence to latitude 37°13′42.2″, longitude 76°23′20.8″; thence easterly along the shore to Tue Point at latitude 37°13′45.1″, longitude 76°23′06″; thence to latitude 37°15′46.2″, longitude 76°23′18″; thence westerly along the shore of Jenkins Neck to the point of beginning.

(2) *The restricted area.* The area is bounded as follows: Beginning at latitude 37°14′57.2″, longitude 76°23′13″; thence to latitude 37°14′58.6″, longitude 76°22′53.2″; thence to latitude 37°14′16.2″, longitude 76°22′48″; thence to latitude 37°14′15.5″; longitude 76°23′08.6″; thence to the point of beginning.

(3) *The regulations.* (i) No vessel shall enter the prohibited area at any time without the permission of the Commandant, Fifth Naval District, or his authorized representative, except that when the gate in the net is open, vessels may pass through the prohibited area adjacent thereto, and in so doing shall be governed by the regulations in subdivision (ii) of this subparagraph.

(ii) Vessels may pass through but shall not remain in the restricted area. Anchoring, trawling, fishing, crabbing, and dragging are prohibited within the area, and no object attached to a vessel or otherwise shall be placed on or near the bottom.

(b) *York River, Thorofare entrance*—(1) *The restricted area.* The area is bounded as follows: Beginning at latitude 37°13′25″, longitude 76°25′14″; thence to latitude 37°13′25″, longitude 76°24′58″; thence southerly to and along the shore of Goodwin Island to latitude 37°13′15.2″, longitude 76°24′53″; thence westerly to latitude 37°13′15.2″, longitude 76°25′21″; thence along the shore of Goodwin Neck to the point of beginning.

(2) *The regulations.* (i) Vessels may pass through the restricted area in order to effect passage of the net, but shall not stop in the area.

(ii) Anchoring, trawling, fishing, crabbing, and dragging are prohibited within the area, and no object attached to a vessel or otherwise shall be placed on or near the bottom.

(c) *Enforcement.* This section shall be enforced by the Commandant, Fifth Naval District, Norfolk, Virginia, and such agencies as he may designate.

NOTE: Aids to navigation and other related data are shown on U. S. Coast Survey Charts 492, 494, 1222 and listed in detail in "Notice to Mariners" (N. M. 35, Aug. 30, 1952 (4317)). Mariners are referred to local "Notice to Mariners", C. G., Norfolk for any later changes.

§ 207.141 *Chesapeake Bay, Hampton Roads; U. S. Navy antitorpedo net areas*—(a) *The prohibited areas.* (1) Area "A" is bounded as follows: Beginning at latitude 37°01'10.5", longitude 76°17'40"; thence to latitude 37°01'-20.5", longitude 76°17'35.3"; thence to latitude 37°00'58", longitude 76°16'-07.3"; thence to latitude 37°00'27.5", longitude 76°15'58"; thence to latitude 37°00'24.5", longitude 76°16'12.5"; thence to latitude 37°00'49", longitude 76°16'19.5"; thence to the point of beginning.

(2) *Area "B".* Area "B" is bounded as follows: Beginning at latitude 37°00'13", longitude 76°16'09.6"; thence to latitude 37°00'16", longitude 76°15'54.7"; thence to latitude 37°00'00", longitude 76°15'49.8"; thence to latitude 36°58'14.2", longitude 76°16'23.2"; thence to latitude 36°58'17.3", longitude 76°16'37.5"; thence to latitude 37°00'00", longitude 76°16'05.2"; thence to the point of beginning.

(b) *The restricted area.* The restricted area is bounded as follows: Beginning at latitude 37°00'42.2", longitude 76°16'02.5"; thence to latitude 37°00'45.8", longitude 76°15'45.5"; thence to latitude 37°00'03.3", longitude 76°15'33"; thence to latitude 37°00'00", longitude 76°15'49.8"; thence to latitude 37°00'16", longitude 76°15'54.7"; thence to latitude 37°00'13", longitude 76°16'09.6"; thence to latitude 37°00'24.5, longitude 76°16'12.5"; thence to latitude 37°00'27.5", longitude 76°15'58"; thence to the point of beginning.

(c) *The regulations.* (1) No vessel shall enter either of the two prohibited areas at any time without the permission of the Commandant, Fifth Naval District, or his authorized representative.

(2) Vessels may pass through, but shall not remain in, the restricted area. Anchoring, trawling, fishing, crabbing, and dragging are prohibited within the restricted area, and no object attached to a vessel or otherwise shall be placed on or near the bottom.

(3) This section shall be enforced by the Commandant, Fifth Naval District, Norfolk, Virginia, and such agencies as he may designate.

NOTE: Aids to navigation and other related data are shown on U. S. Coast Survey Charts 400, 1222 and listed in detail in "Notice to Mariners" (N. M. 35, Aug. 30, 1952 (4315)). Mariners are referred to local "Notice to Mariners", C. G., Norfolk, for any later changes.

[Regs., Nov. 19, 1952, 800.211-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-12982; Filed, Dec. 9, 1952; 8:45 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

Subchapter D—Grants

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS

SUBPART H—METHODS OF ADMINISTRATION OF THE STATE PLAN

CORRECTION

Subparagraph (1) of § 53.77 (c) as amended on October 31, 1952, 17 F. R. 9824 is corrected by inserting the word "laboratory" immediately following the word "laundry" so that said subparagraph reads as follows:

(1) That actual construction work will be performed by the lump sum (fixed price) contract method, that adequate methods of obtaining competitive bidding will be or have been employed prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and that the award of the contract will be or has been made to the responsible bidder submitting the lowest acceptable bid: *Provided, however,* That the purchase and installation of equipment which is unique to a hospital, as well as kitchen, laundry, laboratory, and pharmacy equipment, need not be considered construction work for the purpose of this section, except that if open competitive bidding is employed to obtain any or all of these items, the award shall be made to the responsible bidder submitting the lowest acceptable bid.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216)

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved:

LEONARD A. SCHEELE,
Chairman, Federal Hospital Council.

Approved: December 5, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-13010; Filed, Dec. 9, 1952; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 706]

PUERTO RICO: ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY

BEER DIVISION; MINIMUM WAGE RATE

On May 8, 1952, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 421, as amended by Administrative Order No. 422, dated June 3, 1952, appointed Special Industry Committee No. 12 for Puerto Rico (hereinafter called the "Committee") and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the beer division of the alcoholic beverage and industrial alcohol industry in Puerto Rico (hereinafter called the beer division), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the beer division of the alcoholic beverage and industrial alcohol industry, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the beer division, the Committee filed with the Administrator a report containing its recommendation for a minimum wage rate of 53 cents an hour to be paid to employees in the beer division who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on August 30, 1952 (17 F. R. 7946-7949) and circulated to all interested persons, a public hearing upon the Committee's recommendation was held before Hearing Examiner E. West Parkinson, as presiding officer, in Washington, D. C., on October 7, 1952, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding, and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the committee for a minimum wage rate of 53 cents per hour in the beer division of the alcoholic beverage and industrial alcohol industry, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled, "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 12 for Puerto Rico for a Minimum Wage Rate in the Beer Division of the Alcoholic Beverage and Industrial Alcohol Industry," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding, that I propose to amend the wage order for the alcoholic beverage and industrial alcohol industry in Puerto Rico, which is contained in 29 CFR, 1951 Supp, Part 706, as follows:

1. Change the headnote of § 706.1 from "Wage rate" to "Wage rates".

2. Add the following new paragraph (b) to § 706.1, immediately after paragraph (a) thereof:

(b) Wages at a rate of not less than 53 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the beer division of the alcoholic beverage and industrial alcohol industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

3. Delete in its entirety the text "Note" following § 706.1 (a), and reference to such note at the end of § 706.3 (a) (2).

Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Signed at Washington, D. C., this 2d day of December 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-12986; Filed, Dec. 9, 1952; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150-13 (Revised)]

BUREAU OF INTERNAL REVENUE REORGANIZATION

CHANGE IN HEADQUARTERS OF OFFICE OF DIRECTOR OF INTERNAL REVENUE FOR COLLECTION DISTRICT OF WASHINGTON

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952 and in order to change the headquarters of the office of the Director of Internal Revenue for the Collection District of Washington (as presently constituted) from Seattle, Washington, to Tacoma, Washington, the last sentence of Treasury Department Order No. 150-13, dated October 28, 1952, as amended, effective January 1, 1953, to read as follows: "The headquarters of such office shall be located in Tacoma, Washington, and the office shall have the operating title of Director of Internal Revenue, Tacoma."

Dated: December 4, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-12988; Filed, Dec. 9, 1952; 8:47 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

DIRECTOR OF INSTALLATIONS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTIFICATION OF CONSTRUCTION, REPLACEMENT OR REACTIVATION OF BAKERY, LAUNDRY OR DRY-CLEANING FACILITIES

By virtue of the authority vested in me pursuant to section 202 (f) of the National Security Act of 1947, as amended, 5 USC 171a, the following designation and delegation of authority is effective this date.

1. The Director of Installations shall exercise the functions, duties and authority conferred on me by section 604 of the Military Public Works Appropriation Act, 1952 (65 Stat. 766), and by section 804 of the Military Public Works Appropriation Act, 1953 (66 Stat. 647) to certify in writing, in appropriate cases, that the products or services to be furnished by any bakery, laundry or dry-cleaning facilities proposed for construction, replacement or reactivation are not obtainable from commercial sources at reasonable rates.

2. The Director of Installations shall not redelegate the authority contained herein.

ROBERT A. LOVETT,
Secretary of Defense.

NOVEMBER 29, 1952.

[F. R. Doc. 52-12984; Filed, Dec. 9, 1952; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ADAMS NATIONAL HISTORIC SITE, QUINCY, MASS., FORMERLY KNOWN AS ADAMS MANSION NATIONAL HISTORIC SITE

ORDER ADDING CERTAIN LANDS

Whereas, a certain parcel of land with the buildings thereon, situated in Quincy, in the County of Norfolk, and Commonwealth of Massachusetts, associated with members of the Adams family of Massachusetts, distinguished in public service and in literature, was designated as Adams Mansion National Historic Site by Secretarial Order of December 9, 1946 (11 F. R. 14634), pursuant to the provisions of section 2 of the act of August 21, 1935 (49 Stat. 666; 16 U. S. C., 1946 ed., sec. 462); and

Whereas, a certain parcel of land adjoining the aforesaid parcel of land has been donated to the United States as an addition to, and for use in administering, developing, protecting and interpreting, the said national historic site;

Now, therefore, I, Vernon D. Northrop, Acting Secretary of the Interior, by virtue of and pursuant to the authority contained in section 2 of the act of August 21, 1935, supra, do hereby designate as a part of said national historic site, the following described parcel of land:

All that certain lot or parcel of land lying in Quincy, in the County of Norfolk, and Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the southwesterly side of Newport Avenue at the junction of land owned by the said Commission and land owned by the said United States as the Adams Mansion National Historic Site;

Thence running southwesterly by a line curving to the right with a radius of three hundred ninety-six and 71/100 (396.71) feet, one hundred eighty and 02/100 (180.02) feet to a stone bound;

Thence running more westerly by a line curving to the right with a radius of five hundred sixty-seven and 32/100 (567.32) feet, one hundred forty-eight and 35/100 (148.35) feet;

Thence running north 80°16'23" west twenty-eight and 73/100 (28.73) feet;

Thence running still westerly by a line curving to the left with a radius of four hundred eighty-three and 01/100 (483.01) feet, thirty-five and 59/100 (35.59) feet to an iron pipe;

Thence turning to the right and running northwesterly by an extension of the property line between land of the said Adams Mansion National Historic Site and land now or formerly of Fred B. Rice, ninety (90) feet more or less to the top of the southerly bank of Furnace Brook;

Thence turning sharply to the right and running easterly by the top of the southerly bank of Furnace Brook three hundred sixty-five (365) feet more or less to the southwesterly side line of Newport Avenue;

Thence turning to the right and running southwesterly by the southwesterly side line of Newport Avenue sixty (60) feet more or less to the point of beginning; containing thirty-one thousand four hundred (31,400) square feet more or less and being shown on a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Parks Division, Furnace Brook Parkway, Plan of Land in Quincy, Mass., * * * September 22, 1950, Benjamin W. Fink, Director of Park Engineering," being plan accession No. 29364 V. T., a copy of which is recorded in the Norfolk County Registry of Deeds.

The administration, protection, and development of the land hereinabove described as part of the said national historic site shall be exercised in accordance with the provisions of the act of August 21, 1935, supra.

Hereafter, the Adams Mansion National Historic Site, as hereby enlarged, shall be known as Adams National Historic Site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington, this 26th day of November 1952.

[SEAL] VERNON D. NORTHROP,
Acting Secretary of the Interior.

[F. R. Doc. 52-12985; Filed, Dec. 9, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region I, Redelegation of Authority 53]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By viture of the authority vested in the Director of the Regional Office of the Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 75 (17 F. R. 8131) this redelegation of authority is hereby issued.

1. *Authority to act under sections 3, 4, 5, 6, 9 and 15 of CPR 161.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region I, to process in the respects indicated herein ceiling price applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000:

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4, and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4, and 5 of CPR 161;

(c) To issue letter orders disapproving or revising downward, ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5, and 6 of CPR 161.

This redelegation of authority shall take effect as of November 25, 1952.

JOHN FOX,
Acting Regional Director, Region I.

DECEMBER 5, 1952.

[F. R. Doc. 52-13020; Filed, Dec. 5, 1952; 4:46 p. m.]

[Region II, Redelegation of Authority 49]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF CPR 61

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 82 (17 F. R. 10525), this Redelegation of Authority No. 49 is hereby issued.

1. *Authority to act under section 5 of CPR 61.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to receive and examine reports filed under the provision of section 5 of Ceiling Price Regulation 61; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 61; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 5 of Ceiling Price Regulation 61.

This Redelegation of Authority No. 49 shall take effect on December 6, 1952.

JAMES G. LYONS,
Regional Director, Region II.

DECEMBER 5, 1952.

[F. R. Doc. 52-13021; Filed, Dec. 5, 1952; 4:46 p. m.]

[Region II, Redelegation of Authority 50]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER S. R. 22 TO CPR 34, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. II, pursuant to Delegation of Authority No. 83 (17 F. R. 10525), this Redelegation of Authority No. 50 is hereby issued.

1. *Authority to act under Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to accept applications, establish, approve or disapprove ceiling prices or changes in banking practices or to require further information under the provisions of Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.

This Redelegation of Authority No. 50 shall take effect on December 6, 1952.

JAMES G. LYONS,
Regional Director, Region II.

DECEMBER 5, 1952.

[F. R. Doc. 52-13022; Filed, Dec. 5, 1952; 4:46 p. m.]

[Region III, Redelegation of Authority 48]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PENNSYLVANIA

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 47 (b) OF CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 53, Amendment 2 (17 F. R. 9093), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to accept statements or published lists of factors affecting prices and of extras filed under section 47 (b) of Ceiling Price Regulation 98, as amended, to request further information in connection with such filings, and to take all steps necessary to assure that such filings are corrected in accordance with section 47 (b) of Ceiling Price Regulation 98.

This redelegation of authority shall take effect as of November 21, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

DECEMBER 5, 1952.

[F. R. Doc. 52-13023; Filed, Dec. 5, 1952; 4:46 p. m.]

[Region VII, Redelegation of Authority 37, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILLINOIS

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED, SECTION 11 (b) (2)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 68, Amendment 1 (17 F. R. 8597), this Amendment 1 to Redelegation of Authority No. 37 is hereby issued.

Redelegation of Authority No. 37 is amended by inserting a new paragraph 2 to read as follows:

2. *Authority to act under section 11 (b) (2) of CPR 24, as amended.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to act under section 11 (b) (2) of CPR 24, as amended.

This Redelegation of Authority No. 37, Amendment 1, shall take effect on December 6, 1952.

B. EMMET HARTNETT,
Director of Regional Office No. VII.

DECEMBER 5, 1952.

[F. R. Doc. 52-13024; Filed, Dec. 5, 1952; 4:47 p. m.]

[Region VII, Redelegation of Authority 46]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILLINOIS

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 70

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 29, Revision 1 (17 F. R. 8462), this Redelegation of Authority No. 46 is hereby issued.

1. *Authority to act under sections 2, 5, 9, and 12 of Ceiling Price Regulation 70.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin:

(a) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 2 of Ceiling Price Regulation 70;

(b) To act upon and to handle to final conclusion all reports filed pursuant to the provisions of section 5 of Ceiling Price Regulation 70;

(c) To act upon and to handle to final conclusion all requests filed pursuant to the provisions of section 9 of Ceiling Price Regulation 70;

(d) To act upon and to handle to final conclusion all applications for rate adjustment filed pursuant to the provisions of section 12 of Ceiling Price Regulation 70.

This Redelegation of Authority No. 46 shall take effect on December 6, 1952.

B. EMMET HARTNETT,
Director of Regional Office No. VII.

DECEMBER 5, 1952.

[F. R. Doc. 52-13025; Filed, Dec. 5, 1952; 4:47 p. m.]

[Region VIII, Redelegation of Authority 47]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINNESOTA

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 2 AND 3 OF GOR 25

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 78, dated November 5, 1952 (17 F. R. 10088), this redelegation of authority is hereby issued.

1. *Authority to act under sections 2 and 3 of GOR 25.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII:

(a) To disapprove or reduce under section 2 any ceiling price proposed, reported, or established under any ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, so as to bring it in line with the level of ceiling prices otherwise established by that ceiling price regulation;

(b) To issue an order, under section 3 of GOR 25, fixing an in-line ceiling price for any person subject to a ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, who fails to prepare or keep any record or file any report required in connection with the establishment of his ceiling price, or who fails to establish a ceiling price or to apply to the Office of Price Stabilization for the establishment of a ceiling price if such action is required by the applicable regulation.

This redelegation of authority shall take effect as of November 10, 1952.

JOSEPH ROBBIE, JR.,
Regional Director, Region VIII.

DECEMBER 5, 1952.

[F. R. Doc. 52-13026; Filed, Dec. 5, 1952; 4:47 p. m.]

[Region VIII, Redelegation of Authority 48]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINNESOTA

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF CPR 61

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 82, dated November 17, 1952 (17 F. R. 10525), this redelegation of authority is hereby issued.

1. *Authority to act under section 5 of CPR 61.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to receive and examine reports filed under the provisions of section 5 of Ceiling Price Regulation 61; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 61; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 5 of Ceiling Price Regulation 61.

This redelegation of authority shall take effect as of November 22, 1952.

JOSEPH ROBBIE, JR.,
Regional Director, Region VIII.

DECEMBER 5, 1952.

[F. R. Doc. 52-13027; Filed, Dec. 5, 1952; 4:47 p. m.]

[Region VIII, Redelegation of Authority 49]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINNESOTA

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CHANGING AND ESTABLISHING SERVICE CHARGES FOR BANKS UNDER SR 22 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 83, dated November 17, 1952 (17 F. R. 10525), this redelegation of authority is hereby issued.

1. *Authority to act under Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to accept applications, establish, approve or disapprove ceiling prices or changes in banking practices or to require further information under the provisions of Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.

This redelegation of authority shall take effect as of November 19, 1952.

JOSEPH ROBBIE, JR.,
Regional Director, Region VIII.

DECEMBER 5, 1952.

[F. R. Doc. 52-13028; Filed, Dec. 5, 1952; 4:48 p. m.]

[Region X, Redelegation of Authority 47]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEXAS

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 2 AND 3 OF GOR 25

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 78 (17 F. R. 10088), this Region X Redelegation of Authority No. 47 is hereby issued.

1. *Authority to act under sections 2 and 3 of GOR 25.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X:

(a) To disapprove or reduce under section 2 any ceiling price proposed, reported, or established under any ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, so as to bring it in line with the level of ceiling prices otherwise established by that ceiling price regulation;

(b) To issue an order, under section 3 of GOR 25, fixing an in-line ceiling price for any person subject to a ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, who fails to prepare or keep any record or file any report required in connection with the establishment of his ceiling price, or who fails to establish a ceiling price or to apply to the Office of Price Stabilization for the establishment of a ceiling price if such action is required by the applicable regulation.

This redelegation of authority shall take effect as of November 24, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

DECEMBER 5, 1952.

[F. R. Doc. 52-13029; Filed, Dec. 5, 1952; 4:48 p. m.]

[Region X, Redelegation of Authority 49]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEXAS

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CHANGING AND ESTABLISHING SERVICE CHARGES FOR BANKS UNDER SR 22 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 83 (17 F. R. 10525), this Region X Redelegation of Authority No. 49 is hereby issued.

1. *Authority to act under Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to accept applications, establish, approve or disapprove ceiling prices or changes in banking practices or to require further information under the provisions of Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.

This redelegation of authority shall take effect as of November 28, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

DECEMBER 5, 1952.

[F. R. Doc. 52-13030; Filed, Dec. 5, 1952; 4:48 p. m.]

[Region X, Redelegation of Authority 59]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEXAS

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF CPR 61

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 82 (17 F. R. 10525), this Region X Redelegation of Authority No. 50 is hereby issued.

1. *Authority to act under section 5 of CPR 61.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to receive and examine reports filed under the provisions of section 5 of Ceiling Price Regulation 61; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 61; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 5 of Ceiling Price Regulation 61.

This redelegation of authority shall take effect as of November 28, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

DECEMBER 5, 1952.

[F. R. Doc. 52-13031; Filed, Dec. 5, 1952; 4:48 p. m.]

[Region XI, Redelegation of Authority 55]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLORADO

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 25, SECTIONS 2 AND 3

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 78 (17 F.R. 10088) this Redelegation of Authority No. 55 is hereby issued.

1. *Authority to act under sections 2 and 3 of GOR 25.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI:

(a) To disapprove or reduce under section 2 any ceiling price proposed, reported, or established under any ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, so as to bring it in line with the level of ceiling prices otherwise established by that ceiling price regulation;

(b) To issue an order, under section 3 of GOR 25, fixing an in-line ceiling price for any person subject to a ceiling price regulation, in connection with which the District Director is authorized to act on an individual price determination or authorization, who fails to prepare or keep any record or file any report required in connection with the establishment of his ceiling price, or who fails to establish a ceiling price or to apply to the Office of Price Stabilization for the establishment of a ceiling price if such action is required by the applicable regulation.

This Redelegation of Authority No. 55 shall take effect as of November 13, 1952.

DELBERT M. DRAPER,
Regional Director.

DECEMBER 5, 1952.

[F. R. Doc. 52-13032; Filed, Dec. 5, 1952; 4:48 p. m.]

[Region XII, Redelegation of Authority 18, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN ITEMS OF SAUSAGE UNDER SECTIONS 9 AND 10 OF GCPR, SR 34, REVISED

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 35, as amended (16 F. R. 12025, 17 F. R. 8201), Redelegation of Authority No. 18 (17 F. R. 621) is amended to read as follows:

1. *Authority to act under section 10 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to accept filings under section 10 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation.

2. *Authority to act under section 9 of Revised Supplementary Regulation to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to request further information, pursuant to section 9 of Revised Supplementary Regulation 34, to the General Ceiling Price Regulation, with respect to any ceiling price granted, reported or proposed pursuant to Supplementary Regulation 34 to the General Ceiling Price Regulation, issued June 12, 1951, or to Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, except as to an adjusted ceiling price requested under section 5 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, and at any time to disapprove or revise, pursuant to section 9 of Revised Supplementary Regulation 34 to the General Ceiling Price Regulation, any such granted, reported, or proposed ceiling price in order to bring it in line with the general level of prices prevailing under Revised Supplementary Regulation 34.

This amendment shall take effect as of November 17, 1952.

EARL I. CLOUD,
Acting Regional Director of Regional Office No. XII.

DECEMBER 5, 1952.

[F. R. Doc. 52-13033; Filed, Dec. 5, 1952; 4:49 p. m.]

[Region XII, Redelegation of Authority 59]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIFORNIA

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 2 AND 3 OF GOR 25

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 78 (17 F. R. 10088), this redelegation of authority is hereby issued.

1. *Authority to act under sections 2 and 3 of GOR 25.* Authority is hereby redelegated to the Directors of the district offices of the Office of Price Stabilization, Region XII:

(a) To disapprove or reduce under section 2 any ceiling price proposed, reported, or established under any ceiling price regulation, in connection with which the Regional Director is authorized to act on an individual price determination or authorization, so as to bring it in line with the level of ceiling prices otherwise established by that ceiling price regulation;

(b) To issue an order, under section 3 of GOR 25, fixing an in-line ceiling price for any person subject to a ceiling price regulation, in connection with which the Regional Director is authorized to act on an individual price determination or authorization, who fails to prepare or keep any record or file any report required in connection with the establishment of his ceiling price, or who fails to establish a ceiling price or to apply to the Office of Price Stabilization for the establishment of a ceiling price if such action is required by the applicable regulation.

This redelegation of authority shall take effect as of November 26, 1952.

EARL I. CLOUD,
Acting Regional Director of Regional Office No. XII.

DECEMBER 5, 1952.

[F. R. Doc. 52-13034; Filed, Dec. 5, 1952; 4:49 p. m.]

[Region XII, Redelegation of Authority 60]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIFORNIA

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CHANGING AND ESTABLISHING SERVICE CHARGES FOR BANKS UNDER SR 22 TO CPR 34

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 83 (17 F. R. 10525), this redelegation of authority is hereby issued.

1. *Authority to act under Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.* Authority is hereby redelegated to the Directors of the district offices of the Office of Price Stabilization, Region XII, to accept applications, establish, approve or disapprove ceiling prices or changes in banking practices or to require further information under the provisions of Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.

This redelegation of authority shall take effect as of November 29, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

DECEMBER 5, 1952.

[F. R. Doc. 52-13035; Filed, Dec. 5, 1952; 4:50 p. m.]

[Region XII, Redelegation of Authority 61]

DIRECTORS OF THE DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIFORNIA

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 4 OF SR 11 TO CPR 17

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 79 (17 F. R. 10272), this redelegation of authority is hereby issued.

1. *Authority to act under section 4 of Supplementary Regulation 11 of Ceiling Price Regulation 17.* Authority is hereby redelegated to the Directors of the district offices of the Office of Price Stabilization, Region 12, to disapprove or modify by order ceiling prices filed pursuant to section 4 of Supplementary Regulation 11 to Ceiling Price Regulation 17. Authority is hereby redelegated to these Directors to request further information concerning filings made under this section.

This redelegation of authority shall take effect as of November 30, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

DECEMBER 5, 1952.

[F. R. Doc. 52-13036; Filed, Dec. 5, 1952; 4:51 p. m.]

[Region XIII, Redelegation of Authority 37]

DIRECTORS OF THE DISTRICT OFFICES, REGION XIII, SEATTLE, WASHINGTON

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF CPR 61

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 82 (17 F. R. 10525), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to receive and examine reports filed under the provisions of section 5 of Ceiling Price Regulation 61; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 61; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 5 of Ceiling Price Regulation 61.

This redelegation of authority shall become effective as of November 28, 1952.

HAROLD WALSH,
Regional Director, Region XIII.

DECEMBER 5, 1952.

[F. R. Doc. 52-13037; Filed Dec. 5, 1952; 4:51 p. m.]

[Region XIII, Redelegation of Authority 38]

DIRECTORS OF THE DISTRICT OFFICES, REGION XIII, SEATTLE, WASHINGTON

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CHANGING AND ESTABLISHING SERVICE CHARGES FOR BANKS UNDER SR 22 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 83 (17 F. R. 10525), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to accept applications, establish, approve or disapprove ceiling prices or changes in banking practices or to require further information under the provisions of Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.

This redelegation of authority shall become effective as of November 28, 1952.

HAROLD WALSH,
Regional Director, Region XIII.

DECEMBER 5, 1952.

[F. R. Doc. 52-13038; Filed, Dec. 5, 1952; 4:51 p. m.]

FEDERAL POWER COMMISSION

[Project No. 1432]

KADIAK FISHERIES CO.

NOTICE OF AMENDMENT TO LICENSE

DECEMBER 4, 1952.

Public notice is hereby given that Kadiak Fisheries Company, of Seattle, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of the license for water-power Project No. 1432 located on an unnamed creek, tributary to Dry Spruce Bay, in the Kodiak Recording District, Kodiak Island, Alaska, to change the major project to a minor project of not more than 100 horsepower installed capacity and to include in the project two reservoirs created by the construction of a low timber dam at the outlet of Lower Pond and at the outlet of Upper Pond, and raising the surface of each pond level six feet; the extension of the present pipeline 1,090 feet to the Lower Pond; two unconstructed diversion ditches each 3 feet wide by 2 feet deep, one 850 feet in length, the other 950 feet in length; and the rebuilt powerhouse with installation of a 24-inch Pelton type water wheel rated at 100 horsepower and a 75 Kw generator; and to exclude therefrom the diversion dam at the original upper end of the pipeline.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 13th day of January 1953. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-13001; Filed, Dec. 9, 1952; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 85]

WICHITA FALLS, TEXAS, AREA

DECERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

DECEMBER 8, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that one or more of the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, no longer exist in the area designated as: Wichita Falls, Texas, Area.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is no longer a critical defense housing area.

ROBERT A. LOVETT,
Secretary of Defense.

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-13066; Filed, Dec. 8, 1952; 4:33 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-513]

SPRING VALLEY CO., LTD.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

DECEMBER 4, 1952.

The San Francisco Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from registration and listing the Capital Stock, No Par Value, of Spring Valley Company, Ltd.

The application alleges that the reasons for striking this security from registration and listing on this exchange are as follows:

(1) At the annual meeting of the shareholders of the issuer on April 9, 1952, the shareholders voted to complete the dissolution of the company as soon as practicable.

(2) At a meeting of the Board of Directors of the issuer on October 1, 1952, a final liquidating dividend of 42 cents per share was declared payable November 3, 1952, to stockholders of record on October 20, 1952.

Upon receipt of a request, prior to December 31, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12995; Filed, Dec. 9, 1952; 8:49 a. m.]

[File No. 70-2969]

UNITED GAS CORP. AND UNION PRODUCING CO.

NOTICE REGARDING LOAN TO SUBSIDIARY

DECEMBER 4, 1952.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly owned subsidiary, Union Producing Company ("Union"), have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6 (a), 7, 9 (a), 10 and 12 thereof as applicable to the proposed transactions, which are summarized as follows:

United proposes to lend to Union and the latter proposes to borrow from United not to exceed an aggregate amount of $4,000,000 during the period following the date of the entry of the Commission's order herein to the end of 1953, in such installments and at such times as funds may be required and requested by Union. The proceeds of the loan will be used by Union to increase its working capital and to finance in part its leasing, development and drilling program.

The proposed loan will be evidenced by unsecured promissory notes issued by Union to United or order, from time to time, payable on or before six years from the date of issuance and bearing interest at the rate of 5 percent per annum.

The application-declaration states that the promissory notes of Union acquired by United will be pledged under United's Mortgage and Deed of Trust securing its outstanding first mortgage and collateral trust bonds.

The applicants-declarants request that the Commission issue its order herein as promptly as may be practicable and that such order become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than December 18, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 18, 1952, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12994; Filed, Dec. 9, 1952; 8:48 a. m.]

[File No. 70-2972]

EBASCO SERVICES, INC.

NOTICE OF FILING CONCERNING ACQUISITION OF SUBSIDIARY OF SERVICE COMPANY TO PERFORM CERTAIN CONTRACTS IN WESTERN HEMISPHERE

DECEMBER 4, 1952.

Notice is hereby given that Ebasco Services, Incorporated ("Ebasco"), a wholly owned service company subsidiary of Electric Bond and Share Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 9 and 10 thereof as applicable to the proposed transactions which are summarized as follows:

Ebasco has entered into a contract with Cerro de Pasco Copper Corporation of New York ("Cerro"), whereby Ebasco has undertaken to perform certain engineering and construction supervision services in connection with the erection by Cerro of a new hydro-electric development in the Republic of Peru, together with related transmission and other facilities, which construction, it is estimated, will cost over $21,000,000.

The application states that much of the engineering work on this project has already been completed by Ebasco and that construction work is now in progress. The application further states that inasmuch as most of the supervision work to be performed by Ebasco will be done in Peru, that it will be desirable that such work be carried out by a wholly owned subsidiary of Ebasco which may qualify as a Western Hemisphere Trade Corporation within the meaning of section 109 of the United States Internal Revenue Code. Ebasco therefore proposes to utilize the wholly owned Delaware corporation for this purpose.

This corporation, Meridian Engineering Company ("Meridian"), was organized in 1944 by Reid & Priest, counsel for Ebasco, primarily for the purpose of preserving in Delaware the name "Meridian Engineering Company". That company has remained inactive. Ebasco now proposes to pay Reid & Priest, out-of-pocket costs incurred in connection with the formation of Meridian; to have the incorporators of Meridian elect as its directors certain persons who are presently officers of Ebasco; to change the name of Meridian to Ebasco Engineering Corporation ("Ebasco Engineering"); and to change the authorized capital stock from 100 shares of $10 par value common stock to 1,000 shares of $50 par value common stock, all of which shares are to be subscribed for by Ebasco for a total cash consideration of $50,000, which funds will provide Ebasco Engineering with working capital required for its operations. The contract with Cerro will be in part assigned to Ebasco Engineering.

The application states further that Ebasco Engineering may from time to time do other engineering work in the Western Hemisphere outside of the United States or, under appropriate circumstances not presently contemplated, either within the United States or elsewhere in the world. It is stated that Ebasco Engineering will not perform any services for any associate company except upon the same basis that would be applicable to such services if they were being performed directly by Ebasco, and Ebasco stipulates that the same conditions will apply to Ebasco Engineering as would apply to Ebasco under any present or future order of this Commission.

Notice is further given that any interested person may, not later than December 18, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 18, 1952, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-12996; Filed, Dec. 9, 1952; 8:49 a. m.]

SMALL DEFENSE PLANTS ADMINISTRATION

[S. D. P. A. Pool Request 6]

REQUEST TO NATIONAL PRODUCTION POOL TO OPERATE AS A SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to National Production Pool, to operate as a small business production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Small Defense Plants Administration. The voluntary program in accordance with which the pool shall operate has been approved by the Administrator of the Small Defense Plants Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO NATIONAL PRODUCTION POOL

You are requested to operate as a small business production pool in accordance with the voluntary program as set forth in the papers submitted to the Small Defense Plants Administration, Pooling Section, Washington, D. C.

In my opinion, the operations of your corporation as a small business production pool will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense. You may commence your operations thereunder as a small business production pool upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that your operations are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

JOHN E. HORNE
Administrator.

REQUEST TO COMPANIES

You are requested to participate in the operations of the National Production Pool, which will operate as a small business production pool, in accordance with the voluntary program as set forth in the papers submitted by it to the Small Defense Plants Administration, Pooling Section, Washington 25, D. C.

In my opinion, your participation in the operations of this small business production pool will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense.

You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission will be given upon such acceptance, providing that the operations of this production pool and your participation therein are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

JOHN E. HORNE,
Administrator.

The National Production Pool, accepted the request set forth above to operate as a small business production pool.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Sossner Steel Stamps, 161 Grand Street, New York, N. Y.

All-Metal Stamping Corp., 128 Mott Street, New York, N. Y.

Anchor Manufacturing Co., 377 West Broadway, New York, N. Y.

Foremost Precision Products Co., 1306 Intervale Avenue, New York, N. Y.

Kafton-Tricomi Industries, Inc., 675 Hudson Street, New York, N. Y.

Machine & Metal Products Corp., 2714 Gerritsen Avenue, Brooklyn, N. Y.

Mareth Steel Corp., 320 Broadway, New York, N. Y.

Micro Parts Co., 2 Howard Street, New York, N. Y.

(Sec. 708, 64 Stat. 818, Pub. Law 96, as amended by Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: December 4, 1952.

JOHN E. HORNE,
Administrator.

[F. R. Doc. 52-12989; Filed, Dec. 9, 1952; 8:48 a. m.]

[S. D. P. A. Pool Request 7]

REQUEST TO TRI-STATE DEFENSE INDUSTRIES, INC., TO OPERATE AS A SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Tri-State Defense Industries, Inc., to operate as a small business production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Small Defense Plants Administration. The voluntary program in accordance with which the pool shall operate has been approved by the Administrator of the Small Defense Plants Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO TRI-STATE DEFENSE INDUSTRIES, INC.

You are requested to operate as a small business production pool in accordance with the voluntary program as set forth in the papers submitted to the Small Defense Plants Administration, Pooling Section, Washington 25, D. C.

In my opinion, your participation in the operations of this small business production pool will greatly assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to Section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense.

You will became a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission will be given upon such acceptance, providing that the operations of this production pool and your participation therein are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

JOHN E. HORNE,
Administrator.

The Tri-State Defense Industries, Inc., accepted the request set forth above to operate as a small business production pool.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Ace Utilities, Inc., 925 Bergen Street, Brooklyn, N. Y.

Arrow Conduit & Fittings Corp., 129 30th Street, Brooklyn, N. Y.

Eugene J. Brandt & Co., Inc., 847 11th Avenue, New York, N. Y.
Ducate Bros., Park Avenue, Lincoln Park, N. J.
Fluorescent Wiring Devices, 30 Tiffany Place, Brooklyn, N. Y.
Gilton Manufacturing Corp., 141 58th Street, Brooklyn, N. Y.
Paramount Metal Spinning & Stamping Co., Inc., 174 Lafayette Street, New York, N. Y.
Pitz Foundry Inc., 288 Scholes Street, Brooklyn, N. Y.

(Sec. 708, 64 Stat. 818, Pub. Law 96, as amended by Pub. Law 429, 82d Cong: 50 U. S. C. App. 2158; E. O. 10370, July 7, 1952, 17 F. R. 6141)

Dated: December 12, 1952.

JOHN E. HORNE,
Administrator.

[F. R. Doc. 52-12990; Filed, Dec. 9, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27601]

LIME FROM MOSHER, AND STE. GENEVIEVE, MO., AND POINTS IN THE SOUTHWEST TO FLORIDA

APPLICATION FOR RELIEF

DECEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Lime, carloads.

From: Mosher and Ste. Genevieve, Mo., and points in southwestern territory.

To: Florida.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1345; F. C. Kratzmeir, Agent, I. C. C. No. 3986, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13002; Filed, Dec. 9, 1952; 8:50 a. m.]

[4th Sec. Application 27602]

COAL FROM POINTS IN ARKANSAS, OKLAHOMA, KANSAS, AND MISSOURI TO WINONA, MINN.

APPLICATION FOR RELIEF

DECEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Coal, coal briquettes and coalettes, carloads.

From: Points in Arkansas, Oklahoma, Kansas, and Missouri.

To: Winona, Minn.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3920, Supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13003; Filed, Dec. 9, 1952; 8:50 a. m.]

[4th Sec. Application 27603]

PHOSPHATE ROCK FROM FLORIDA TO IOWA, MISSOURI, AND NEBRASKA

APPLICATION FOR RELIEF

DECEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, carloads.

From: Florida.

To: Points in Iowa, Missouri, and Nebraska named in exhibit A of the application.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of a distance formula.

Scehedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B-3232, Supp. 67; SAL RR. tariff I. C. C. No. A-8153, Supp. 65.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13004; Filed, Dec. 9, 1952; 8:51 a. m.]

[4th Sec. Application 27604]

HORSES AND MULES FROM SOUTHERN TERRITORY TO CAMDEN, S. C.

APPLICATION FOR RELIEF

DECEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Horses and mules, valuable for slaughtering purposes only, carloads.

From: Points in southern territory.

To: Camden, S. C.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 698, Supp. 107.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13005; Filed, Dec. 9, 1952; 8:51 a. m.]

[4th Sec. Application 27605]

SAND AND GRAVEL FROM ELMORE, ALA., TO ALBANY AND DOSAGA, GA.

APPLICATION FOR RELIEF

DECEMBER 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and the Louisville and Nashville Railroad Company.

Commodities involved: Sand and gravel, carloads.

From: Elmore, Ala.

To: Albany and Dosaga, Ga.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13006; Filed, Dec. 9, 1952; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19081]

OSCAR SEIFERT

In re: Estate of Oscar Seifert, deceased, File No. F-28-14203; E. T. sec. 14977.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Elsa Broemel, Martha Meissner Ritchel, Marie Roeser and Robert Hesse, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the issue and heirs-at-law, names unknown, of Elsa Broemel, and the heirs-at-law, names unknown, of Martha Meissner Ritchel and Marie Roeser, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Oscar Seifert, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Martha Doran Surman, as Substituted Trustee, acting under the judicial supervision of the Orphans' Court, Essex County Court, Probate Division, Newark, New Jersey;

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-13012; Filed, Dec. 9, 1952; 8:54 a. m.]

[Vesting Order 19082]

INCASSO BANK, N. V., AND CERTAIN UNKNOWN GERMAN NATIONALS

In re: Stock registered in the name of Incasso Bank, N. V., Amsterdam, Holland, and owned by persons whose names are unknown.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Twenty (20) shares of The Kroger Company no par value common stock evidenced by certificate number NCO-45440, registered in the name of Incasso Bank, N. V., Amsterdam, Holland, together with all declared and unpaid dividends thereon;

is and prior to January 1, 1947, was property within the United States;

2. That the property described in subparagraph 1 hereof is and prior to January 1, 1947, was owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are and prior to January 1, 1947, were nationals of a designated enemy country;

and it is hereby determined:

4. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany.

Executed at Washington, D. C., on December 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-13013; Filed, Dec. 9, 1952; 8:54 a. m.]

[Vesting Order 19083]

UNION DEUTSCHE VERLAGSGESELLSCHAFT

In re: Debt owing to Union Deutsche Verlagsgesellschaft. F-28-31945.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Union Deutsche Verlagsgesellschaft, the last known address of which is Germany, is a corporation, partnership, association, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by a check issued by Dodd Mead & Co., Inc., New York drawn on the Fifth Avenue Bank of New York, numbered 74856, dated March 29, 1940, and payable to Union Deutsches Verlagsgesellschaft, said check presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said check,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Union Deutsche Verlagsgesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was, a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13014; Filed, Dec. 9, 1952; 8:54 a. m.]

ALBERT GEORGE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Albert George, Nanterre, (Seine) France, Claim No. 41060; $709.87 in the Treasury of the United States.

Executed at Washington, D. C., on December 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13015; Filed, Dec. 9, 1952; 8:55 a. m.]

SERGE D'AYGUESVIVES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Serge D'Ayguesvives, Boulogne Sur Seine, France, Claim No. 36865; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,109,691.

Executed at Washington, D. C., on December 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13016; Filed, Dec. 9, 1952; 8:55 a. m.]

POL RAVIGNEAUX

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Pol Ravigneaux, Neuilly-Sur-Seine, France, Claim No. 43863; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,194,954; 2,195,783; 2,220,174; and 2,239,973.

Executed at Washington, D. C., on December 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13017; Filed, Dec. 9, 1952; 8:55 a. m.]

KOEFOED ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Koefoed, Hauberg, Marstrand og Helweg, Aktieselskabet, Titan, Copenhagen, Denmark, Claim Nos. 36101, 36102, 36103; property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent No. 2,039,157. Property described in Vesting Order No. 290 (7 F. R. 9833, November 26, 1942) relating to United States Patent Application Serial No. 386,708 (now United States Letters Patent No. 2,313,195). Property described in Vesting Order No. 1712 (8 F. R. 9579, July 13, 1943), identified as Transaction Control No. 252 relating to the disclosure of an invention entitled "Improved Method and Device for Insuring the Proper Order of Threads from a Sheet of Warped Threads" (now United States Letters Patent No. 2,610,382).

Executed at Washington, D. C., on December 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13018; Filed, Dec. 9, 1952; 8:55 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 241

Washington, Thursday, December 11, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10417A

EXCUSING FEDERAL EMPLOYEES FROM DUTY ON FRIDAY, DECEMBER 26, 1952

By virtue of the authority vested in me as President of the United States, it is hereby ordered that the several executive departments, independent establishments, and other governmental agencies in the metropolitan area of the District of Columbia, including the General Accounting Office, the Government Printing Office, and the Navy Yard and Naval Stations, shall be closed all day on Friday, December 26, 1952, the day following Christmas Day; and all employees in the Federal service in the metropolitan area of the District of Columbia, and in the field service of the executive departments, independent establishments, and other agencies of the Government, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty on that day.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 6, 1952.

[F. R. Doc. 52-13097; Filed, Dec. 9, 1952; 12:55 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[Administration Letter 292 (462)]

PART 371—SECURITY SERVICING AND LIQUIDATION: OPERATING LOANS

SUBPART A—GENERAL SECURITY SERVICING

LIEN WAIVERS IN CONNECTION WITH COMMODITY CREDIT CORPORATION LOANS ON COTTON

Section 371.8, Title 6, Code of Federal Regulations (13 F. R. 9451), is amended:

NOTICE

The National Archives Building will be officially closed on Monday, December 15, 1952, between 8:45 a. m. and 2:00 p. m. Notice is hereby given that no documents will be filed with the Federal Register Division, or made available for public inspection, during those hours.

1. To revise subparagraph (a) (4) to include authority for executing lien waivers in connection with Commodity Credit Corporation loans on cotton when the requirements of the present subparagraph (a) (4) of said section cannot be met.

2. To add a new subparagraph (b) (2) to set forth additional procedures and routines for handling certain lien waivers in connection with Commodity Credit Corporation loan on cotton.

Subparagraph (a) (4) of § 371.8 is revised, and paragraph (b) (2) is added to read as follows:

§ 371.8 *Waivers of liens (other than liens on real estate) for borrowers receiving loans under Commodity Credit Corporation Program.* • • •

(a) *Authority.* • • •

(4) When the amount of the commodity loan is less than the market value of the crop pledged, the borrower has paid or will pay from the Commodity Credit Corporation loan the amount due on debts owed the Farmers Home Administration for the crop year (including any delinquencies); except that in connection with Commodity Credit Corporation loans on cotton, when the loan value of the cotton is not sufficient to pay the amount due on debts owed the Farmers Home Administration for the crop year and is less than the market value of the cotton, the lien waivers may nevertheless be executed, provided the conditions and requirements of subparagraph (b) (2) of this section also are met.

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Executed at Washington, D. C., on December 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13013; Filed, Dec. 9, 1952; 8:54 a. m.]

ALBERT GEORGE

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Executed at Washington, D. C., on December 3, 1952.

For the Attorney General.

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[F. R. Doc. 52-13015; Filed, Dec. 9, 1952; 8:55 a. m.]

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Executed at Washington, D. C., on December 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
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[F. R. Doc. 52-13016; Filed, Dec. 9, 1952; 8:55 a. m.]

POL RAVIGNEAUX

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Executed at Washington, D. C., on December 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
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Director, Office of Alien Property.

[F. R. Doc. 52-13017; Filed, Dec. 9, 1952; 8:55 a. m.]

KOEFOED ET AL.

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Executed at Washington, D. C., on December 3, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13018; Filed, Dec. 9, 1952; 8:55 a. m.]

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(b) *Routines for handling lien waivers.* • • •

(2) When the loan value of the cotton is not sufficient to pay the amount due on debts owed the Farmers Home Administration for the crop year and is less than the market value of the cotton, the following additional conditions and requirements must be met:

(i) The borrower must show his address on CCC Cotton Form A as the mailing address of the Farmers Home Administration County Office responsible for servicing his account.

(ii) The borrower must agree on Form FHA–936, "Borrower's Agreement," for the Farmers Home Administration County Supervisor to receive and open all correspondence mailed to him by the Commodity Credit Corporation or its custodian at the mailing address of the Farmers Home Administration County Office, and that such mailing address will not be changed except with the consent of and under conditions established by the Farmers Home Administration; that before the Commodity Credit Corporation loan is received, he will instruct the lending agent and custodian of the Commodity Credit Corporation that if he should ever redeem the cotton, the warehouse receipts are to be delivered to the Farmers Home Administration County Office Supervisor; that before the Commodity Credit Corporation loan is received, he will notify the Production and Marketing Administration County Office that if any CCC Cotton Form AA is ever executed by him as producer in connection with a proposed transfer of his equity in the cotton, such form is to be delivered to the Farmers Home Administration County Supervisor; that he will not redeem the cotton or sell, transfer, or assign his equity therein except with the consent of and under conditions established by the Farmers Home Administration; and, that if he does not redeem the cotton or transfer his equity therein and the cotton is subsequently sold, purchased, or pooled by the Commodity Credit Corporation, he will apply on his Farmers Home Administration account secured by the cotton his share of the sales proceeds or so much thereof as is necessary to pay such account.

(iii) The borrower must execute Form FHA–935, "Request for Delivery of Warehouse Receipts or CCC Cotton Form AA to FHA." The original will be stapled to CCC Cotton Form A and an executed copy will be stapled to the Production and Marketing Administration County Office copy thereof. One copy will be retained in the Farmers Home Administration County Office and another copy will be furnished to the borrower.

(iv) The Farmers Home Administration County Supervisor will receive and open mail sent to the borrower at the County Office address and will inform the borrower of the contents of any mail requiring his attention.

(v) If the borrower expresses a desire to redeem the cotton, the County Supervisor will agree for this to be done provided there is an agreement between the borrower, the County Supervisor, and the custodian that the warehouse receipts will be delivered to the Farmers Home Administration upon repayment of the Commodity Credit Corporation loan. It is the responsibility of the County Supervisor to make arrangements to obtain possession of the warehouse receipts, after receiving notice from the custodian that such receipts are available. After the warehouse receipts are received, the County Supervisor will agree for the cotton to be sold upon the condition that the sales check will be made payable jointly to the borrower and the Farmers Home Administration. All agreements in connection with this paragraph may be oral.

(vi) If the borrower expresses a desire to transfer his equity in the cotton, the Production and Marketing Administration County Office will deliver to the County Supervisor CCC Cotton Form AA which will be executed by the borrower at that time. The County Supervisor will make arrangements for accepting delivery of the CCC Cotton Form AA and will release the executed CCC Cotton Form AA to the transferree (purchaser) in exchange for a check made payable jointly to the borrower and the Farmers Home Administration covering the borrower's equity in the cotton, provided the purchase price is equal to the current fair market value of the borrower's interest in the cotton or the amount owed the Farmers Home Administration which was secured by the cotton. In such case, the check will be for the amount of the proceeds of the sale of the cotton less the amount necessary for the purchaser to redeem the cotton from the Commodity Credit Corporation loan.

(vii) All checks received by the Farmers Home Administration pursuant to the procedure set forth in subdivision (vi) of this subparagraph will be handled in the same manner as other remittances in accordance with the applicable provisions of Part 362 of this chapter and subject to the release authorities contained in this subpart.

(viii) If the borrower repays in full his indebtedness to the Farmers Home Administration and still has an equity in the cotton pledged to the Commodity Credit Corporation, the County Supervisor will deliver to the borrower all items mailed to him at the address of the County Office and will notify the Production and Marketing Administration County Office for the county in which the cotton was produced to change the borrower's address.

(R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (1), 60 Stat. 1066; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (l))

DECEMBER 3, 1952.

[SEAL] DILLARD B. LASSE
Administrator,
Farmers Home Administration.

Approved: December 8, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–13059; Filed, Dec. 10, 1952; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

EDITORIAL NOTE: In F. R. Doc. 52–12016, appearing at page 10134 of the issue for Saturday, November 8, 1952, §§ 725.403 and 725.404 are redesignated §§ 725.405 and 725.406. Sections 725.403 and 725.404 appearing at 17 F. R. 7613, 7614 remain in effect.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

[B. A. I. Order 373, Amdt. 7]

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS); PROHIBITED AND RESTRICTED IMPORTATIONS [REVISED]

DESIGNATION OF COUNTRIES WHERE RINDERPEST OR FOOT-AND-MOUTH DISEASE EXISTS: IMPORTATIONS PROHIBITED; ISLAND OF MARTINIQUE

Pursuant to the authority vested in the Secretary of Agriculture by section 306 of the Tariff Act of 1930 (sec. 306, 46 Stat. 689, 19 U. S. C. 1306) and by section 2 of the act of February 2, 1903, as amended (sec. 2, 32 Stat. 792, as amended, 21 U. S. C. 111), § 94.1 of the regulations relating to prohibitions and restrictions upon importations of certain animals and products because of rinderpest, foot-and-mouth disease, fowl pest (fowl plague), and Newcastle disease (avian pneumoencephalitis) (9 CFR, 1951 Supp. 94.1), is hereby amended by inserting the words "Island of Mar-

See Price Stabilization, Office of.

Price Stabilization, Office of).

Part 94 11189

tinique;" before the words "all of the countries of South America" in the first sentence thereof.

The above action is taken because the Secretary of Agriculture has determined that foot-and-mouth disease now exists on the Island of Martinique and so notified the Secretary of the Treasury. The primary effect of the amendment is to prohibit the importation of cattle, sheep, other domestic ruminants and swine, and fresh, chilled, or frozen beef, veal, mutton, lamb, or pork, from the Island of Martinique, and to prohibit or restrict the importation of meat and meat products of wild ruminants and swine, and certain other meats and products.

The protection of the livestock interests of the United States demands that this amendment be made effective at the earliest possible moment. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure concerning this amendment are impracticable and contrary to the public interest, and good cause is found, under the said section 4, for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

This amendment shall become effective immediately.

(Sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 111)

Done at Washington, D. C., this 8th day of December 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13058; Filed, Dec. 10, 1952; 8:60 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 22]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act, would be impracticable. Part 610 is amended as follows:

1. Section 610.14 *Green civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Kansas City, Mo. (LFR).	Liberty, Mo. (LF/RBN).	2,200

2. Section 610.297 *Red civil airway No. 97* is amended by adding:

From—	To—	Minimum altitude
Sault Ste Marie, Mich. (LFR).[1]	Lakehead, Ont., Can. (LFR).[1]	2,800

[1] For that airspace over United States territory.

3. Section 610.6005 *VOR civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Nashville, Tenn. (VOR):	Bowling Green, Ky. (VOR):	
Direct	Direct	2,100
E. alter	E. alter	2,300

4. Section 610.6008 *VOR civil airway No. 8* is amended by adding:

From—	To—	Minimum altitude
Kremmling, Colo. (VOR), Dir. or N. alter.	Denver, Colo. (VOR),[1] Dir. or N. alter.	16,000

[1] 14,000'—Minimum crossing altitude at Denver (VOR), west-bound.

5. Section 610.6009 *VOR civil airway No. 9* is amended to read in part:

From—	To—	Minimum altitude
McComb, Miss. (VOR), Dir. or W. alter.	Jackson, Miss. (VOR), Dir. or W. alter.	1,800

6. Section 610.6015 *VOR civil airway No. 15* is amended by adding:

From—	To—	Minimum altitude
Galveston, Tex. (VOR)	Houston, Tex. (VOR)	1,300
Houston, Tex. (VOR)	College Station, Tex. (VOR).	1,600

7. Section 610.6021 *VOR civil airway No. 21* is amended by adding:

From—	To—	Minimum altitude
Las Vegas, Nev. (VOR), Via E alter.	Mormon Mesa, Nev. (VOR), Via E alter.	7,000

8. Section 610.6027 *VOR civil airway No. 27* is amended to read in part:

From—	To—	Minimum altitude
Paso Robles, Calif. (VOR), Via E alter.	Int. 335° true rad. Paso Robles, Calif. (VOR), and 134° true rad. Salinas, Calif. (VOR).	5,000

9. Section 610.6068 *VOR civil airway No. 68* is amended by adding:

From—	To—	Minimum altitude
Brownsville, Tex. (VOR).	Int. 338° true rad. Brownsville, Tex. (VOR), and 238° true rad. Corpus Christi, Tex. (VOR).	6,000
Int. 338° true rad. Brownsville, Tex. (VOR), and 238° true rad. Corpus Christi, Tex. (VOR).	Corpus Christi, Tex. (VOR):	
	East-bound	2,000
	West-bound	6,000

10. Section 610.6070 *VOR civil airway No. 70* is added to read:

From—	To—	Minimum altitude
Palacios, Tex. (VOR)..	Int. direct crs. Palacios-Galveston, Tex. (VOR), and 178° true rad. Houston, Tex. (VOR).	2,000
Int. direct crs. Palacios-Galveston, Tex. (VOR), and 178° true rad. Houston, Tex. (VOR).	Galveston, Tex. (VOR).	1,500
Galveston, Tex. (VOR).	Int. direct crs. Galveston, Tex. (VOR), and Lake Charles, La. (VOR), and 163° true rad. Houston, Tex. (VOR).	1,500
Int. direct crs. Galveston, Tex. (VOR), and Lake Charles, La. (VOR), and 163° true rad. Houston, Tex. (VOR).	Int. direct crs. Galveston, Tex. (VOR), and Lake Charles, La. (VOR), and 173° true rad. Beaumont, Tex. (VOR).	4,500
Int. direct crs. Galveston, Tex. (VOR), and Lake Charles, La. (VOR), and 173° true rad. Beaumont, Tex. (VOR).	Lake Charles, La. (VOR).	2,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective December 16, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-13067; Filed, Dec. 10, 1952; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5950; Regs. 111, 130]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

CHANGES IN CORPORATION INCOME TAX AND EXCESS PROFITS TAX RATES

Correction

In F. R. Doc. 52-12933, appearing at page 11091 of the issue for Saturday, December 6, 1952, the bracket heading should read as set forth above.

[T. D. 5954, Regs. 111, 130]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

TAXATION OF MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, AND COOPERATIVE BANKS FOR TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

On July 1, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 5909) conforming Regulations 111 (26 CFR Part 29) to sections 313 and 346 of the Revenue Act of 1951, approved October 20, 1951, and conforming Regulations 130 (26 CFR Part 40) to section 313 of the Revenue Act of 1951. After consideration of all such relevant matter as was presented by interested persons relating to the rules proposed, the amendments to Regulations 111 and 130, set forth below, are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.101 (2)-1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Mutual savings banks.* Section 101 (2) (relating to exemption from tax of mutual savings banks) is hereby repealed.

* * * * * *

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 2. Section 29.101 (2)-1 is amended as follows:

(A) By changing the headnote thereof to read as follows:

§ 29.101 (2)-1 *Mutual savings banks; taxable years beginning prior to January 1, 1952.* * * *

(B) By inserting immediately preceding the first sentence thereof the following new sentence: "The provisions of this section shall be applicable only to taxable years beginning prior to January 1, 1952. For taxable years beginning after December 31, 1951, see § 29.101 (2)-2."

PAR. 3. There is inserted immediately preceding § 29.101 (3)-1 the following new section:

§ 29.101 (2)-2 *Mutual savings banks; taxable years beginning after December 31, 1951.* (a) For taxable years beginning after December 31, 1951, a mutual savings bank not having capital stock represented by shares is subject to both normal tax and surtax as in the case of other corporations. Such a bank is, however, not subject to excess profits tax. For special rules governing the taxation of a mutual savings bank conducting a life insurance business, see section 110 and the regulations prescribed thereunder.

(b) While the general principles for determining the net income of a corporation are applicable to a mutual savings bank not having capital stock represented by shares, there are certain exceptions and special rules governing the computation in the case of such a bank. See § 29.23 (k)-5 for special rules concerning additions to reserves for bad debts. See also § 29.23 (r)-1, relating to dividends paid by banking corporations, for special rules concerning deductions for amounts paid to, or credited to the accounts of, depositors as dividends. Furthermore, in determining the normal tax net income of such a mutual savings bank, the credit for dividends received provided in section 26 (b) shall not be applicable to dividends which were deductible in computing the net income of the distributing corporation under section 23 (r).

(c) The taxable year (fiscal year or calendar year, as the case may be) of a mutual savings bank not having capital stock represented by shares shall be determined without regard to the fact that the taxpayer may have been exempt from tax during any prior period. See sections 41 and 48 and the regulations thereunder. Similarly, in computing net income, the determination of the taxable year for which an item of income or expense is taken into account shall be made under the provisions of sections 41, 42, and 43, and the regulations thereunder, whether or not the item arose during a taxable year beginning before, on, or after December 31, 1951. For the purpose of determining the method of accounting of the mutual savings bank under section 41, a method of accounting recognized under section 41 and under the regulations prescribed thereunder, and utilized in the return of such a bank filed for the first taxable year beginning after December 31, 1951, shall be deemed to constitute the method of accounting regularly employed by the mutual savings bank. The method selected shall be subject to the approval of the Commissioner upon the examination of the return. Any change in the method so selected and so approved may be made only if permission is obtained from the Commissioner under § 29.41-2 to change to another recognized method. For the purpose of computing, under section 122, the net operating loss deduction provided in section 23 (s), the terms "preceding taxable year" and "preceding taxable years", as used in section 122, shall not include any taxable year for which the mutual savings bank was exempt from tax. Thus, if the mutual savings bank was exempt from tax for the immediately preceding taxable year, the net operating loss is not a carry-back to any preceding taxable year, and the net operating loss carry-over to succeeding taxable years is not reduced by the net income for any preceding taxable year. No net operating loss carry-back or carry-over shall be allowed from a taxable year beginning prior to January 1, 1952.

PAR. 4. There is inserted immediately preceding § 29.101 (4)-1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * *

(b) *Building and loan associations and cooperative banks.* Section 101 (4) (relating to exemption from tax of building and loan associations and cooperative banks) is hereby amended to read as follows:

(4) Credit unions without capital stock organized and operated for mutual purposes and without profit; and corporations or associations without capital stock organized prior to September 1, 1951, and operated for mutual purposes and without profit for the purpose of providing reserve funds for, and insurance of, shares or deposits in—

(A) Domestic building and loan associations,

(B) Cooperative banks without capital stock organized and operated for mutual purposes and without profit, or

(C) Mutual savings banks not having capital stock represented by shares;.

* * * * * *

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 5. Section 29.101 (4)-1 is amended as follows:

(A) By changing the headnote thereof to read as follows:

§ 29.101 (4)-1 *Building and loan associations and cooperative banks; taxable years beginning prior to January 1, 1952.* * * *

(B) By inserting immediately preceding the first sentence of paragraph (a) thereof the following: "The provisions of this section shall be applicable only to taxable years beginning prior to January 1, 1952. For taxable years beginning after December 31, 1951, see § 29.101 (4)-2."

PAR. 6. There are inserted immediately preceding § 29.101 (5)-1 the following new sections:

§ 29.101 (4)-2 *Building and loan associations and cooperative banks; taxable years beginning after December 31, 1951.* (a) For taxable years beginning after December 31, 1951, a building and loan association and a cooperative bank not having capital stock represented by shares are subject to both normal tax and surtax as in the case of other corporations. Such institutions are, however, not subject to excess profits tax.

(b) While the general principles for determining the net income of a corporation are applicable to a building and loan association and a cooperative bank not having capital stock represented by shares, there are certain exceptions and special rules governing the computation in the case of such institutions. See § 29.23 (k)-5 for special rules concerning additions to reserves for bad debts. See also § 29.23 (r)-1, relating to dividends paid by banking corporations, for special rules concerning deductions for amounts paid to, or credited to the accounts of, holders of withdrawable accounts as dividends. Furthermore, in determining the normal tax net income of a building and loan association and a cooperative bank, the credit for dividends received provided in section 26 (b) shall not be applicable to dividends which were deductible in computing the net income of the distributing corporations under section 23 (r).

(c) The taxable year (fiscal year or calendar year, as the case may be) of a building and loan association and a cooperative bank not having capital stock represented by shares shall be determined without regard to the fact that the taxpayer may have been exempt from tax during any prior period. See sections 41 and 48 and the regulations

thereunder. Similarly, in computing net income, the determination of the taxable year for which an item of income or expense is taken into account shall be made under the provisions of sections 41, 42, and 43, and the regulations thereunder, whether or not the item arose during a taxable year beginning before, on, or after December 31, 1951. For the purpose of determining the method of accounting of the building and loan association or cooperative bank under section 41, a method of accounting recognized under section 41 and under the regulations prescribed thereunder and utilized in the return of such institution filed for the first taxable year beginning after December 31, 1951, shall be deemed to constitute the method of accounting regularly employed by the institution. The method selected shall be subject to the approval of the Commissioner upon the examination of the return. Any change of the method so selected and so approved may be made only if permission is obtained from the Commissioner to change to another recognized basis in accordance with § 29.41–2. For the purpose of computing, under section 122, the net operating loss deduction provided in section 23 (s), the terms "preceding taxable year" and "preceding taxable years", as used in section 122, shall not include any taxable year for which the building and loan association and cooperative bank were exempt from tax. Thus, if the building and loan association and cooperative bank were exempt from tax for the immediately preceding taxable year, the net operating loss is not a carry-back to any preceding taxable year, and the net operating loss carry-over to succeeding taxable years is not reduced by the net income for any preceding taxable year. No net operating loss carry-back or carry-over shall be allowed from a taxable year beginning prior to January 1, 1952.

§ 29.101 (4)–3 *Credit unions and mutual insurance funds.* Credit unions (other than Federal credit unions which are exempt under section 101 (15)) without capital stock organized and operated for mutual purposes and without profit are exempt from tax under section 101 (4). Corporations or associations without capital stock organized prior to September 1, 1951, and operated for mutual purposes and without profit for the purpose of providing reserve funds for and insurance of shares or deposits in:

(a) Domestic building and loan associations as defined in section 3797 (a) (19),

(b) Cooperative banks without capital stock organized and operated for mutual purposes and without profit, or

(c) Mutual savings banks not having capital stock represented by shares,

are exempt from tax under section 101 (4).

PAR. 7. There is inserted immediately preceding § 29.23 (k)–1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(e) *Bad debt reserves.* Section 23 (k) (1) (relating to deduction from gross income of bad debts) is hereby amended by adding at the end thereof the following: "In the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit, the reasonable addition to a reserve for bad debts shall be determined with due regard to the amount of the taxpayer's surplus or bad debt reserves existing at the close of December 31, 1951. In the case of a taxpayer described in the preceding sentence, the reasonable addition to a reserve for bad debts for any taxable year shall in no case be less than the amount determined by the taxpayer as the reasonable addition for such year; except that the amount determined by the taxpayer under this sentence shall not be greater than the lesser of (A) the amount of its net income for the taxable year, computed without regard to this subsection, or (B) the amount by which 12 per centum of the total deposits or withdrawable accounts of its depositors at the close of such year exceeds the sum of its surplus, undivided profits, and reserves at the beginning of the taxable year."

• • • • •

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 8. Section 29.23 (k)–5 is amended as follows:

(A) By changing the headnote thereof to read as follows:

§ 29.23 (k)–5 *Reserve for bad debts—(a) Taxpayers other than mutual savings banks, building and loan associations and cooperative banks.* • • •

(B) By redesignating paragraphs (a) and (b) as subparagraphs (1) and (2) of paragraph (a).

(C) By inserting at the end thereof the following new paragraph:

(b) *Mutual savings banks, building and loan associations, and cooperative banks—(1) In general.* For taxable years beginning after December 31, 1951, a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit may, as an alternative to a deduction from gross income for specific debts which become worthless in whole or in part deduct amounts credited to a reserve for bad debts in the manner and under the circumstances prescribed in this section. In the case of such an institution the selection of either of the alternative methods for treating bad debts may be made by the taxpayer in the return for its first taxable year beginning after December 31, 1951. The method selected shall be subject to the approval of the Commissioner upon examination of the return. Any change in the method so selected and approved may be made only if permission is granted as provided in § 29.23 (k)–1 (a).

(2) *Definitions.* When used in this paragraph:

(i) The term "institution" means either a mutual savings bank not having capital stock represented by shares, a domestic building and loan association as defined in section 3797 (a) (19), or a cooperative bank without capital stock organized and operated for mutual purposes and without profit.

(ii) "Surplus, undivided profits, and reserves" means the amount by which the total assets of an institution exceed the amount of the total liabilities of such an institution. For this purpose the term "total assets" means the sum of money, plus the aggregate of the adjusted basis of the property other than money held by an institution. Such adjusted basis for any asset is its adjusted basis for determining gain upon sale or exchange for Federal income tax purposes. (See, in general, section 113 and the regulations prescribed thereunder. For special rules with respect to adjustments to basis for prior taxable years during which the institution was exempt from tax, see § 29.113 (b) (1)–4.) The determination of the total assets of any taxpayer shall conform to the method of accounting employed by such taxpayer in determining net income and to the rules applicable in determining its earnings and profits. The term "total liabilities" means all liabilities of the taxpayer, which are fixed and determined, absolute and not contingent, and includes those items which constitute liabilities in the sense of debts or obligations. The total deposits or withdrawable accounts, as defined in subdivision (iv) of this subparagraph, shall be considered a liability. In the case of a building and loan association having permanent nonwithdrawable capital stock represented by shares, the paid-in amount of such stock shall also be considered a liability. Reserves for contingencies and other reserves, however, which are mere appropriations of surplus are not liabilities.

(iii) The term "surplus or bad debt reserves existing at the close of December 31, 1951" means the amount of surplus, undivided profits, and reserves accumulated by the institution prior to January 1, 1952, and in existence at the close of December 31, 1951.

(iv) The term "total deposits or withdrawable accounts" means the aggregate of (*a*) amounts placed with an institution for deposit or investment and (*b*) earnings outstanding on the books of account of the institution at the close of the taxable year which have been credited as dividends upon such accounts prior to the close of the taxable year, except that in the case of a building and loan association, such term does not include permanent nonwithdrawable capital stock represented by shares, or earnings credited thereon.

(3) *Institutions with surplus, reserves, and undivided profits in an amount less than 12 percent of total deposits or withdrawable accounts.* Where 12 percent of the total deposits or withdrawable accounts of an institution at the close of the taxable year exceeds the sum of its surplus, undivided profits, and reserves at the beginning of the taxable year, there is allowable as a deduction from gross income as an addition to a reserve for bad debts any amount determined by the taxpayer not exceeding the lesser of:

(i) The amount of the net income of such institution for the taxable year computed without regard to section 23 (k) (1) or,

(ii) The amount by which 12 percent of the total deposits or withdrawable accounts at the close of the taxable year exceeds the sum of the institution's surplus, undivided profits, and reserves at the beginning of the taxable year.

Bad debt losses sustained during the taxable year shall be charged against the bad debt reserve. Recoveries of debts charged against the bad debt reserve during a prior taxable year in which the institution was subject to tax under this chapter shall be credited to the bad debt reserve. The establishment of such reserve and all adjustments made thereto must be reflected on the regular books of account of the institution at the close of the taxable year, or as soon as practicable thereafter. For the purpose of this paragraph minimum amounts credited in compliance with Federal or State statutes, regulations, or supervisory orders, to reserve or similar accounts, or additional amounts credited to such reserve or similar accounts and permissive under such statutes, regulations, or orders, against which charges may be made for the purpose of absorbing losses sustained by an institution will be deemed to have been credited to the bad debt reserve authorized under this paragraph.

Example (1). On January 1, 1952, and on December 31, 1952, Institution A, which keeps its books on the basis of the calendar year, has total deposits or withdrawable accounts of $10,000,000, all of which amount is insured by an agency of the Federal government. The surplus, reserves, and undivided profits of Institution A at the opening of business on January 1, 1952, total $800,000. A regulation of a Federal agency requires that at the close of the taxable year an amount equal to 0.3 percent of the value of the insured accounts at the beginning of the year be credited by Institution A to a Federal insurance reserve for the sole purpose of absorbing losses. A statute of the State having jurisdiction over Institution A requires that not less than 5 percent of the net profits of Institution A, computed before provisions for dividends, be credited at the close of the year to a "reserve fund" for the purpose of absorbing losses. The credit to such reserve fund of additional amounts in excess of 5 percent of net profits is permissive under such statute, provided that the total amounts credited do not exceed 25 percent of net profits. It is assumed for the purpose of determining the amount to be credited to the State reserve fund that "not less than 5 percent of the net profits" of Institution A, computed under State law before provisions for dividends for the taxable year 1952 amounts to $17,500.

Prior to the taxable year Institution A did not maintain a reserve for bad debts. During 1952 Institution A sustained bad debt losses of $5,000. The net income of Institution A for the taxable year 1952, computed under chapter 1 after taking into account all applicable deductions (including the deduction for dividends provided in section 23 (r) (1)) except the deduction provided in section 23 (k) (1) is $200,000.

The books of account of Institution A show credits for the taxable year 1952 to the following reserves:

Federal insurance reserve	$30,000
State reserve fund	25,000
Bad debt reserve	45,000
Miscellaneous reserves	15,000

There is allowable as a deduction under section 23 (k) (1) $100,000 ($45,000 credited to the bad debt reserve, $30,000 credited to the Federal insurance reserve, and $25,000 representing a permissive amount less than 25 percent of net profits under the State statute, credited to the State reserve fund).

Assuming that Federal income taxes for 1952 amount to $46,500 on the net income of $100,000, the amount credited to the surplus account for 1952 will be $38,500, that is, $53,500 ($100,000 minus $46,500) less the $15,000 credited to miscellaneous reserves for which no bad debt deduction is allowable. Consequently, the surplus, undivided profits, and reserves of Institution A, amounting to $800,000 at the close of December 31, 1951, as increased by amounts credited to these accounts for 1952 will total $948,500 at the close of December 31, 1952, computed as follows:

Surplus, reserves, and undivided profits at close of Dec. 31, 1951	$800,000
Amount credited to miscellaneous reserve accounts for 1952	15,000
Amount credited to State reserve fund for 1952	25,000
Amount credited to Federal insurance reserve for 1952	30,000
Amount credited to surplus for 1952	38,500
Bad debt reserve at close of Dec. 31, 1951	0
Amount credited to reserve for bad debts for 1952	45,000
Less: Bad debt losses sustained during 1952	5,000
Bad debt reserve at close of Dec. 31, 1952	40,000
Surplus, undivided profits and reserves existing at close of Dec. 31, 1952	948,500

Example (2). The net income of Institution B for the taxable year 1952, computed under chapter 1 after all deductions including the deduction for dividends, but before the deduction provided in section 23 (k) (1), is determined to be $250,000. Such $250,000 is credited by Institution B to the bad debt reserve as provided in section 23 (k) (1) and § 29.23 (k)–5 (b) (3). The amount by which 12 percent of the total deposits or withdrawable accounts of Institution B at the close of the taxable year exceeds the sum of such Institution's surplus, undivided profits and reserves at the beginning of the taxable year is $500,000.

During 1954, upon examination of the return of income filed by Institution B for 1952, it is determined that the net income of such institution, properly computed, without regard to section 23 (k) (1) is $275,000. Assuming that Institution B credits the additional $25,000 to its bad debt reserve, there is allowable as a deduction from gross income for such Institution for the taxable year 1952, $275,000.

(4) *Institutions with surplus, reserves, and undivided profits equal to or in excess of 12 percent of deposits or withdrawable accounts.* Where 12 percent of the total deposits or withdrawable accounts of an institution at the close of the taxable year is equal to or less than the sum of such institution's surplus, undivided profits and reserves at the beginning of the taxable year, there may be allowable as a deduction from gross income a reasonable addition to the reserve for bad debts determined under the general provisions of paragraph (a) of this section. In making such determination there will be taken into account (i) surplus, or bad debt reserves existing at the close of December 31, 1951, and (ii) changes in the surplus, undivided profits, and reserves of the institution from December 31, 1951, until the beginning of the taxable year. Deductions for additions to the reserve for bad debts, in addition to the deductions allowed, if any, under subparagraph (3) of this paragraph will be authorized in those cases where the institution proves to the satisfaction of the Commissioner that the bad debt experience of the institution warrants the maintenance of a bad debt reserve in excess of that provided in subparagraph (3) of this paragraph.

PAR. 9. There is inserted immediately after § 29.113 (b) (1)–3 the following new section:

§ 29.113 (b) (1)–4 *Adjusted basis: Mutual savings banks, building and loan associations, and cooperative banks.* (a) The adjustments to the cost or other basis of property provided in section 113 (b) and § 29.113 (b) (1)–1 to § 29.113 (b) (1)–3, inclusive, are applicable in the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit, although such institutions were exempt from tax for taxable years beginning prior to January 1, 1952. Proper adjustment must be made under section 113 (b) for the entire period since the acquisition of property. Thus, adjustment to basis must be made for depreciation allowable for all prior taxable years although such institution may have been exempt from tax during such period. Similarly, in the case of tax exempt and partially taxable bonds purchased at a premium and subject to amortization under section 125, proper adjustment to basis must be made to reflect amortization with respect to such premium from the date of acquisition of the bond.

Example. On January 1, 1952, Z, a mutual savings bank, which keeps its books on a calendar year basis, owns a tax-exempt $1,000 noncallable bond maturing on January 1, 1962. Such bond was acquired by Z on January 1, 1932, for $1,300. It was sold by Z on December 31, 1952, for $1,250. The yearly rate of amortization of the premium, determined by dividing the total premium of $300 by the life of the bond (30 years) is $10. Z realizes a gain of $60 from such sale computed as follows:

(1) Cost of bond	$1,300
(2) Amount of bond premium attributable to years 1942 through 1951, during which Z was exempt from tax ($10 times 10 years)	100
(3) Amount of bond premium amortized from Jan. 1, 1952, through Dec. 31, 1952 ($10 times 1 year)	10
(4) Total amount of adjustments to basis (aggregate of (2) and (3))	110
(5) Adjusted basis of bond at close of 1952 ((1) reduced by (4))	1,190
(6) Gain realized upon sale. Excess of sale price over adjusted basis ($1,250 minus $1,190)	60

The basis of a fully taxable bond purchased at a premium shall be adjusted from the date of the election to amortize

as defined in section 3797 (a) (19), or a such institution for the taxable

such premium in accordance with the provisions of section 125, except that no adjustment shall be allowable for such portion of the premium, attributable to the period prior to the election.

(b) In the case of a mortgage purchased, acquired, or originated at a premium, where the principal of such mortgage is payable in installments, adjustments to the basis of the premium must be made for all taxable years (whether or not the institution was exempt from tax during such years) in which installment payments are received. Such adjustments may be made on an individual mortgage basis or on a composite basis by reference to the average period of payments of the mortgage loans of such institution. For the purpose of this adjustment, the term "premium" includes the excess of the acquisition value of the mortgage over its maturity value. The acquisition value of the mortgage is the cost including buying commissions, attorneys' fees or brokerage fees, but such value does not include amounts paid for accrued interest.

PAR. 10. There is inserted immediately after § 29.23 (q)–1 as amended by Treasury Decision 5924, approved August 4, 1952, the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(f) *Dividends paid to depositors.* Section 23 (r) (relating to the deduction from gross income of certain dividends paid by banking corporations) is hereby amended to read as follows:

(r) *Dividends paid by banking corporations.* (1) In the case of mutual savings banks, cooperative banks, and domestic building and loan associations, amounts paid to, or credited to the accounts of, depositors or holders of accounts as dividends on their deposits or withdrawable accounts, if such amounts paid or credited are withdrawable on demand subject only to customary notice of intention to withdraw.

(2) For deduction of dividends paid by certain other banking corporations, see section 121.

* * * * *

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

§ 29.23 (r)–1 *Dividends paid by mutual savings banks, building and loan associations, and cooperative banks*—(a) *In general.* (1) A mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit may deduct from gross income amounts which during the taxable year are paid to or credited to the accounts of depositors or holders of accounts, as dividends on their deposits or withdrawable accounts, if such amounts paid or credited are withdrawable on demand subject only to customary notice of intention to withdraw.

(2) The deduction provided in section 23 (r) (1) is applicable to the taxable year in which amounts credited as dividends become withdrawable by the depositor or holder of account subject only to customary notice of intention to withdraw. Thus, amounts credited as dividends as of the last day of the taxable year which are not withdrawable by depositors or holders of accounts until the business day next succeeding are deductible under this section in the year subsequent to the taxable year in which they were credited. A deduction under this section will not be denied by reason of the fact that amounts credited as dividends, otherwise deductible under this section, are subject to the terms of a pledge agreement between the institution and the depositor or holder of account. In the case of a building and loan association having nonwithdrawable capital stock represented by shares, no deduction is allowable under this section for amounts paid or credited as dividends on such shares.

(b) *Serial associations, bonus plans, etc.* In the case of a building and loan association which operates in whole or in part as a serial association, which maintains a bonus plan, or which issues shares subject to fines, penalties, forfeitures, or other withdrawal fees, there is deductible under section 23 (r) (1) the total amount credited as dividends upon such shares, credited to a bonus account for such shares, or allocated to a series of shares for the taxable year, notwithstanding that as a customary condition of withdrawal—

(1) Amounts invested in, and earnings credited to, series shares must be withdrawn in multiples of even shares, or

(2) Such association has the right, pursuant to by-law, contract, or otherwise, to retain or recover a portion of the total amount invested in, or credited as earnings upon, such shares, such bonus account or series of shares, as a fine, penalty, forfeiture or other withdrawal fee.

In any taxable year in which the right referred to in subparagraph (2) of this paragraph is exercised, there is includible in the gross income of such association for such taxable year, amounts retained or recovered by the association pursuant to the exercises of such right.

§ 29.23 (r)–2 *Dividends paid by certain banking corporations other than mutual savings banks, building and loan associations, and cooperative banks.* For deduction of dividends paid by certain banking corporations other than mutual savings banks, building and loan associations, and cooperative banks, see section 121.

PAR. 11. There is inserted immediately after § 29.23 (bb)–1, as added by Treasury Decision 5873, approved December 7, 1951, the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(g) *Deduction for repayment of certain loans.* Section 23 (relating to deductions from gross income) is hereby amended by adding at the end thereof the following:

(dd) *Repayment by mutual savings banks, etc., of certain loans.* In the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit, amounts paid by the taxpayer during the taxable year in repayment of loans made prior to September 1, 1951, by (1) the United States or any agency or instrumentality thereof which is wholly owned by the United States, or (2) any mutual fund established under the authority of the laws of any State.

* * * * *

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

§ 29.23 (dd)–1 *Repayment of certain loans by mutual savings banks, building and loan associations, and cooperative banks.* For taxable years beginning after December 31, 1951, there shall be deductible under section 23 (dd) from the gross income of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit, amounts paid by such institutions during the taxable year in repayment of loans made prior to September 1, 1951, by the United States or any agency or instrumentality thereof which is wholly owned by the United States, and amounts paid to a mutual fund established under the authority of the laws of any State. For example, amounts paid by such institution in repayment of loans made by the Reconstruction Finance Corporation prior to September 1, 1951, are deductible under this section. Section 23 (dd) is not applicable, however, in the case of amounts paid to an agency or instrumentality not wholly owned by the United States.

PAR. 12. There is inserted immediately preceding § 29.104–1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(h) *Definition of bank.* Section 104 (a) (relating to definition of bank) is hereby amended by inserting at the end thereof the following: "Such term also means a domestic building and loan association."

* * * * *

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 13. There is inserted immediately preceding § 29.3797–1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(l) *Definition of domestic building and loan association.* Section 3797 (a) (relating to definitions for the purpose of the Internal Revenue Code) is hereby amended by adding at the end thereof the following new paragraph:

(19) *Domestic building and loan association.* The term "domestic building and loan association" means a domestic building and loan association, a domestic savings and loan association, and a Federal savings and loan associations, substantially all the business of

which is confined to making loans to members.

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 14. There is inserted immediately preceding § 29.111–1 the following:

SEC. 346. LIFE INSURANCE DEPARTMENTS OF MUTUAL SAVINGS BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Computation of tax.* Supplement A of chapter 1 is hereby amended by adding at the end thereof the following new section:

SEC. 110. MUTUAL SAVINGS BANKS CONDUCTING LIFE INSURANCE BUSINESS.

(a) *Alternative tax.* In the case of a mutual savings bank not having capital stock represented by shares, authorized under State law to engage in the business of issuing life insurance contracts, and which conducts a life insurance business in a separate department the accounts of which are maintained separately from the other accounts of the mutual savings bank, there shall be levied, collected, and paid, in lieu of the taxes imposed by sections 13 and 15, or section 117 (c) (1), a tax consisting of the sum of the partial taxes determined under paragraphs (1) and (2):

(1) A partial tax computed upon the net income determined without regard to any items of gross income or deductions properly allocable to the business of the life insurance department, at the rates and in the manner as if this section has not been enacted; and

(2) A partial tax computed upon the net income (as defined in section 201 (c) (7)) of the life insurance department determined without regard to any items of gross income or deductions not properly allocable to such department, at the rates and in the manner provided in Supplement G with respect to life insurance companies.

(b) *Limitations of section.* The provisions of subsection (a) shall be applicable only if the life insurance department would, if it were treated as a separate corporation, qualify as a life insurance company under section 201 (b).

* * * * *

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

§ 29.110–1 *Mutual savings bank conducting life insurance business*—(a) *Scope of application.* Section 110 is applicable in the case of a mutual savings bank not having capital stock represented by shares which conducts a life insurance business, if:

(1) The conduct of such business is authorized under State law.

(2) The life insurance business is carried on in a separate department of the bank,

(3) The books of account of the life insurance business are maintained separately from other departments of the bank, and

(4) The life insurance department of the bank, were it separately incorporated, would qualify as a life insurance company under section 201 (b).

(b) *Computation of tax.* In the case of a mutual savings bank conducting a life insurance business to which section 110 is applicable, the tax upon such bank consists of the sum of the following:

(1) A partial tax computed under sections 13 and 15 upon the net income of the bank determined without regard to any items of income or deduction properly allocable to the life insurance department.

(2) A partial tax upon the net income of the life insurance department determined without regard to any items of income or deduction not properly allocable to such department at the rates and in the manner provided in Supplement G with respect to life insurance companies.

PAR. 15. There is inserted immediately preceding § 29.13–1, the following:

SEC. 346. LIFE INSURANCE DEPARTMENTS OF MUTUAL SAVINGS BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Technical amendments.* Section 13 (relating to normal tax on corporations) is hereby amended by adding at the end thereof the following new subsection:

(f) *Mutual savings banks conducting life insurance business.* For special tax, in lieu of the taxes imposed by this section see section 15, in the case of a mutual savings bank conducting a life insurance business, see section 110.

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 16. Section 29.22 (b) (4)–2 (a) is hereby amended as follows:

(A) By inserting immediately following the second sentence thereof which sentence begins with "Section 7 of the Federal Reserve Act" the following: "Section 13 of the Federal Home Loan Bank Act (47 Stat. 725, 12 U. S. C. 1946 ed., 1433) provides that the Federal Home Loan Bank including its franchise, its capital, reserves, and surplus, its advances, and its income shall be exempt from all taxation except taxes upon real estate."

(B) By inserting in the fourth sentence thereof, after "Federal land banks, national farm-loan associations" the following: "Federal home loan banks,".

PAR. 17. There is inserted immediately preceding § 40.454–1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(c) *Exemptions from excess profits tax.* Section 454 (corporations exempt from the excess profits tax) is hereby amended by adding at the end thereof the following:

(h) Any mutual savings bank not having capital stock represented by shares, any domestic building and loan association (as defined in section 3797 (a) (19)), and any cooperative bank without capital stock organized and operated for mutual purposes and without profit.

* * * * *

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 18. Section 40.454–1 is amended by striking from the first sentence of paragraph (e) thereof the words "or (g)" and by inserting in lieu thereof the words "(g), or (h)."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 8, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13069; Filed, Dec. 10, 1952; 8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVIII—United States Court of Military Appeals

PART 1800—RULES OF PRACTICE AND PROCEDURE

ORAL ARGUMENT

Section 1800.44 of the revised Rules of Practice and Procedure of the United States Court of Military Appeals prescribed pursuant to authority contained in Article 67 of the Uniform Code of Military Justice, act of May 5, 1950 (64 Stat. 129), and appearing at 17 F. R. 2046, is amended as follows:

§ 1800.44 *Oral argument.* Oral argument will be heard after briefs have been filed in accordance with §§ 1800.39, 1800.40, or 1800.41.

(a) *Presentation.* The appellant shall be entitled to open and close the argument; in the event both parties desire a review of a decision of a board of review, the accused shall be entitled to open and close.

(b) *Number of counsel.* Not more than two counsel for each side shall be heard in oral argument unless the Court otherwise orders.

(c) *Time.* Not more than thirty minutes on each side shall be allowed for oral argument unless the time is extended by leave of Court.

(d) *Failure of counsel to appear.* If counsel fail to appear at the time set for oral argument the Court may consider the case as having been submitted without argument or, in its discretion, continue the case until a later date.

(e) *Failure of counsel for one party to appear.* If counsel for one party falls to appear the Court may hear oral argument from the counsel appearing or, in its discretion, continue the case until a later date.

(f) *Waiver of oral argument.* A case may be submitted on briefs without oral argument with permission of the Court.

(Art. 67, 64 Stat. 129; 50 U. S. C. 654)

This amendment shall be effective December 1, 1952.

ROBERT E. QUINN,
Chief Judge.
GEORGE W. LATIMER,
Judge.
PAUL W. BROSMAN,
Judge.

[F. R. Doc. 52-13103; Filed, Dec. 10, 1952; 8:55 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 2, Revision 1, Amdt. 4]

GOR 2—SALES TO UNITED STATES, ITS AGENTS AND SUPPLIERS

COMMODITIES DESTINED FOR EXPORTATION BY THE UNITED STATES GOVERNMENT AND SALES TO THE BUREAU OF MINES, UNITED STATES DEPARTMENT OF THE INTERIOR OF HELIUM-BEARING NATURAL GAS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4, to General Overriding Regulation 2, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 4 to General Overriding Regulation 2, Revision 1, (GOR 2, Rev. 1) authorizes persons selling commodities destined for exportation by the United States Government to be reimbursed for special packaging, marking, and handling charges incurred by them as a result of export requirements. This Amendment also exempts from ceiling price regulation sales to the Bureau of Mines, United States Department of the Interior, of helium-bearing natural gas and the right to extract helium from such gas.

Until now, persons selling commodities destined for exportation by the United States or one of its agencies have not generally been allowed to add to their ceiling price special packaging, marking, and handling expenses incurred by them in order to meet export requirements, although regulations covering certain commodities do permit it. Since these expenses often are substantial, and in some cases constitute more than half of the total cost, this amendment permits any seller to add to his ceiling price certain exportation expenses incurred by him in connection with such sales.

The Bureau of Mines is the sole producer of helium in the United States, pursuant to the Act of September 1, 1937 (50 Stat. 885; 50 U. S. C. 161–166). At its plants, helium is extracted from helium-bearing natural gas obtained by the Bureau of Mines under long term contracts with natural gas producing companies.

Demands for helium are increasing and it is necessary for the Bureau of Mines to obtain additional supplies of helium-bearing natural gas, in some cases at higher prices. Some of it must come from new sources whose normal operations are not subject to ceiling price regulation.

Contracts for the extraction of helium from natural gas are not contracts for the purchase and sale of natural gas. The conditions are quite different from those in ordinary gas sales transactions. Consequently, the prevailing market price for natural gas is not always a fair criterion for the determination of the price to be paid for these rights. Of the cost of helium to the ultimate consumer, less than five percent is for the helium-bearing gas. No foreseeable change in the prices paid by the Bureau of Mines under these contracts could have any significant effect on the price of helium. On the other hand, the continuance of ceiling price regulation over these contracts would tend to impede the Bureau of Mines in its efforts to obtain additional supplies of helium-bearing gas and would involve an administrative burden disproportionate to its contribution to the Stabilization program.

In the formulation of this amendment there has been consultation with the Bureau of Mines and other Government agencies and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Article I of General Overriding Regulation 2, Revision 1, entitled "Exemptions" is amended by adding at the end thereof the following new section:

SEC. 10. *Helium and helium-bearing gas sold to the Bureau of Mines.* No price regulation shall apply to the sale of helium-bearing natural gas to the Bureau of Mines, United States Department of the Interior or the right to extract helium from such gas.

2. Article IV of General Overriding Regulation 2, Revision 1, entitled "Alternative Ceiling Prices," as amended, is amended by adding at the end thereof the following new section:

SEC. 44. *Commodities destined for exportation by the United States Government.* Notwithstanding the provisions of any other price regulation, you may add to your domestic ceiling price the costs of exportation incurred by you on sales of any commodity destined for exportation by the United States or any agency thereof. (The terms "exportation" and "costs of exportation" are defined in section 74.)

3. Section 74 of General Overriding Regulation 2, Revision 1, entitled "Definitions" is amended in the following respects: a. The letters of the alphabet (i. e., (a), (b), (c), etc.), which precede the various definitions are hereby deleted. b. The following definitions are inserted in alphabetical order:

"Costs of exportation" means the following costs (other than sales commissions) actually incurred in or in connection with the sale of a commodity destined for exportation, over and above those incurred and included in the applicable domestic ceiling price if the commodity were sold for domestic consumption:

(a) Export packaging and marking, (b) local drayage, including waiting time at the dock, loading and unloading, tollage, switching, dumping and trimming, lighterage and wharfage, (c) inland freight, (d) and other similar charges which you are required to pay by the Government procurement agency.

"Exportation" means the delivery or shipment of a commodity from the United States or a Territory or Possession of the United States.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 shall become effective December 10, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization

DECEMBER 10, 1952.

[F. R. Doc. 52-13120; Filed, Dec. 10, 1952; 11:10 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-82, Direction 1—Revocation]

M-82 — DISTRIBUTION OF BRASS MILL PRODUCTS TO DISTRIBUTORS

DIR. 1—PLACEMENT OF ORDERS BY DISTRIBUTORS FOR ADDITIONAL BRASS MILL PRODUCTS PRIOR TO OCTOBER 1, 1952

Direction 1 (17 F. R. 7693) to NPA Order M-82 is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to M-82, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is issued December 10, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13139; Filed, Dec. 10, 1952; 11:33 a. m.]

[NPA Order M-89, Direction 1—Revocation]

M-89—DISTRIBUTION OF CONTROLLED MATERIALS TO RETAILERS

DIR. 1—FLOOD-DAMAGED AREA RELIEF

REVOCATION

Direction 1 (17 F. R. 4238) to NPA Order M-89, as amended, is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to NPA Order M-89, as amended, nor deprive any person of any rights received or accrued under that direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect December 10, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13138; Filed, Dec. 10, 1952; 11:33 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (a) of § 1.11, entitled *Firearms, etc.*, is amended to read as follows:

(a) Explosives, traps, seines, nets (except landing nets following the capture of fish by the authorized rod and hook-and-line), and loaded or assembled firearms, including air pistols and rifles and blow guns using CO_2 gas cartridges, bows and arrows or cross bows, and other implements designed to discharge missiles capable of destroying animal life, are prohibited within the parks and monuments, except upon the written permission of the superintendent, or his authorized representative, unless they are adequately sealed, cased, broken down, or otherwise packed in such a way as to prevent their use while in the areas: *Provided, however,* That visitors entering the parks and monuments, or traveling through them to places beyond, shall, at entrance, report all such objects in their possession and, if required to do so in the interest of special park protective measures, surrender them to the first park or monument officer whom they encounter. Such objects as may be surrendered will be returned to the owners upon their departure from the area. The park or monument officers are not authorized to accept the responsibility or custody of any other property for the convenience of visitors.

2. Paragraph (e) of § 1.14, entitled *Mountain summit climbing*, is amended to read as follows:

(e) No individual will be permitted to start or continue alone for the summit of Mount McKinley, Mount Rainier, or any major peak in Grand Teton National Park, or Devils Tower, or beyond the toe of the talus slope in Mount Rushmore National Memorial.

3. Paragraph (f) of § 1.48, entitled *Lights*, is amended to read as follows:

(f) The use of red lighting devices of any character on the front of any vehicles, except highway patrol cars, ambulances, fire trucks, and snow plows, is prohibited.

4. Subparagraph (7), entitled *Fort Jefferson National Monument, Florida*, of paragraph (a), § 1.61 *Aircraft*, is redesignated as subparagraph (6).

(39 Stat. 535; 16 U. S. C. 3)

Issued this 5th day of December 1952.

VERNON D. NORTHROP,
Under Secretary of the Interior.

[F. R. Doc. 52-13050; Filed, Dec. 10, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Part 202]

MINIMUM WAGE DETERMINATIONS

DETERMINATION OF PREVAILING MINIMUM WAGE FOR TEXTILE INDUSTRY

This matter is before the Department pursuant to the act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. 35), as amended by the Defense Production Act Amendments of 1952 (sec. 310, P. L. 429, 82d Cong.), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," and known as the Walsh-Healey Public Contracts Act.

The Secretary of Labor, in a minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act and made effective November 16, 1948 (13 F. R. 6083), determined the minimum wage for persons employed in the textile industry in the performance of contracts with agencies of the United States Government subject to the act to be not less than 87 cents per hour. This determination also authorized employment of learners in specified occupations at rates not less than 80 cents an hour for a learning period not longer than 240 hours. This determination is currently in effect as editorially revised and published in the FEDERAL REGISTER on July 20, 1950 (15 F. R. 4634).

The Textile Workers Union of America, CIO, submitted a petition dated January 23, 1952, for determination of a minimum wage of $1.135 an hour in the textile industry with a wage escalator provision of one cent quarterly adjustment for each 1.32 rise in the Consumer's Price Index (Old Series) beginning with February 15, 1951, and urged retention of the currently effective definition of the industry.

The United Textile Workers Union, AFL, submitted a petition, dated March 4, 1952, for determination of a minimum wage of $1.13 an hour with an escalator clause and the other so-called fringe benefits of vacations with pay and holiday and shift premiums as provided in its collective bargaining agreements.

Representations in these petitions with respect to current wage rates provided in collective bargaining agreements and other wage data reported from time to time by textile manufacturing establishments and associations indicated that the 87-cent rate now in effect may not reflect the prevailing minimum wages in the textile industry. This proceeding was, therefore, initiated for the purpose of consideration of an amendment to the current determination which will reflect the minimum wages now prevailing.

An informal panel conference was held on March 4, 1952, at which representatives of the Department of Labor met with representatives of management and labor in the textile industry and discussed various matters concerning the textile industry, including questions of definition of the industry and the obtaining of adequate wage information.

General. Notice of a hearing in this matter to be held on September 4, 1952, was published in the FEDERAL REGISTER on July 26, 1952 (17 F. R. 6871). Copies of the notice and a press release announcing the hearing were mailed to trade associations, unions, and to individual companies in the industry. In addition, the press release was distributed to newspapers and trade publications.

This notice and release advised interested persons of the time and place at which they could appear and offer testimony: (1) As to what are the prevailing minimum wages in the textile industry; (2) as to whether there should be included in any amended determination for this industry provision for employment of learners, beginners, and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to the propriety of the present definition of the industry as set out in the notice of hearing. The notice stated that "The following information is particularly invited with respect to the subject matter of the testimony or statements of each witness; (1) the number of workers covered in the presentation; (2) the number and location of establishments; (3) minimum wages paid at the end of a probationary or learner period, the number of workers receiving such wages, and the occupations in which these employees are found; (4) the entrance rate for learners, beginners or probationary workers, the length of such learning or probationary period, and the number of workers paid such entrance rates; and (5) the product or products made by the establishments included." The notice further stated that "To the extent possible, data should be submitted in such a manner as to permit evaluation thereof on a plant by plant basis."

A notice of change of the hearing date and place to 10 a. m. September 3, 1952, in Conference Room A of the Departmental Auditorium in Washington, D. C., was published in the FEDERAL REGISTER on August 8, 1952 (17 F. R. 7255) and was given the same informal distribution to the press and interested employer and employee organizations as the original notice.

The hearing was held on September 3, 4 and 5, 1952, pursuant to the notice and the rules of practice for Minimum Wage Determinations under the Walsh-Healey Public Contracts Act (17 F. R. 7944). Representatives of employees and employers appeared at the hearing to present evidence and testimony, and the record was kept open for a specified pe-

riod beyond the close of the hearing for receipt of additional data and briefs.

Management appearances at the hearing included representatives of the National Cotton Manufacturers Association, the American Cotton Manufacturers Institute, the Association of Cotton Textile Merchants of New York and of several textile establishments. Labor appearances included representatives of the Textile Workers Union of America (CIO) and the United Textile Workers Union (AFL).

In addition letters, statements and briefs were filed by interested parties both at the hearing and following the close of the hearing. All such material has been made part of the record herein. The hearing record was closed as of October 29, 1952.

Definition. The currently effective definition proposed for adoption in the notice of hearing reads as follows:

(a) *Definition.* For the purpose of this determination the term "textile industry" means:

(1) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in subparagraphs (7) and (8) of this paragraph; except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(2) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in subparagraph (1) of this paragraph;

(3) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(4) The processing of any textile fabric, included in this definition of this industry, into any of the following products: Bags, bandages and surgical gauze, bath mats and related articles, bedspreads, blankets, diapers, dishcloths, scrubbing cloths and wash-cloths, sheets and pillow cases, tablecloths, lunchcloths, napkins, towels, window curtains, shoelaces and similar laces;

(5) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(6) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(7) The manufacturing or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in subparagraph (1) of this paragraph, containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(8) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in subparagraph (1) of this paragraph, with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(9) The manufacturing, dyeing, finishing or processing of rugs, or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

The definition as proposed in the notice of hearing is that contained in the determination now in effect for the industry.

At the hearing there were introduced into the record letters from five concerns recommending that the proposed definition be modified to exclude "varnished fabrics" on the grounds that these products are not generally made in plants making the other products included in the definition and further that the industrial processes required and the wages paid differ from those in the Textile Industry generally. In this connection, Mr. Verl E. Roberts, Assistant Administrator of the Wage and Hour and Public Contracts Divisions, stated for the record that the Divisions have ruled that the present definition does not cover varnished cloth, artificial leather, oil cloth, window shade cloth, linoleum, felt-base floor covering, dental floss, buckram, waxed cloth, and plastic-treated cloth.

The representative of the Textile Workers Union of America argued that coating and impregnating are normal parts of the dyeing and finishing industry. However, it appears from a later statement of this representative and from the Census of Manufactures, 1947, that while dyeing and finishing plants do, to some extent, perform such coating and impregnating operations, the greater proportion of these operations are performed in plants which specialize in this field.

On the basis of the record, therefore, I find that the definition of this industry should continue to exclude such coated or impregnated textile products as varnished cloth, artificial leather, oil cloth, window shade cloth, linoleum, felt base floor covering, dental floss, buckram, waxed cloth and plastic-coated cloth.

The National Association of Wool Manufacturers, in a letter accepted for the record, argued that the definition of the industry should be modified to exclude any product presently included which contains any proportion of wool or man-made fibers (other than rayon or acetate). Moreover, the Association recommended, as it had previously at the public hearing In the Matter of the Redetermination of the Prevailing Minimum Wages in the Woolen and Worsted Industry, held on May 15, 1952, that these products, that is, products containing any proportion of wool of man-made fibers (other than rayon or acetate), should be included in the definition of the woolen and worstead industry. The adoption of this proposal would have the effect of removing from the definition of the textile industry a great variety of items made from mixtures containing minor proportions of wool or any proportion of man-made fibers (other than rayon or acetate) which are normally manufactured by firms engaged primarily in the production of cotton or synthetic rather than woolen or worsted textiles.

The present lines of demarcation between the textile industry, and the woolen and worsted industry and the knitting, knitwear and woven underwear industry, which would also be affected if the proposal were adopted, are based on traditional industry concepts which have been recognized by the Bureau of the Budget, the Bureau of the Census and in the administration of the Fair Labor Standards Act and the Public Contracts Act. While there is an indication of certain trends which may in time justify a reevaluation of these dividing lines, it does not appear that such shifts as have occurred would warrant a change at this time. Consequently, I find that the request of the National Association of Wool Manufacturers should be denied at this time and that the present definition should not be changed in this regard.

With the exception of the two points mentioned above the only other proposals with respect to the definition were made by the petitioners and three independent unions in the textile field all of whom recommended that the present definition of the textile industry be retained. The other parties present made no proposals either for or against the retention of the present definition. As indicated below, adequate wage data are available in this proceeding only for the cotton, silk, and synthetic textile branch of the textile industry and I am proposing at this time a redetermination of the prevailing minimum wage only for this branch, which is defined at the conclusion of this proposed determination.

Nature of available wage data. As a part of its regular program of conducting wage surveys of important industries, the Bureau of Labor statistics made a study of earnings and related wage practices in the cotton and synthetic textile industries. These surveys which relate to a payroll period in March 1952 covered a large number of firms and employees in the textile industry and constitute the primary data upon which a determination of prevailing minimum wages in this industry can be based.

The first of these surveys relates to establishments in the following categories: Broad woven fabric mills primarily engaged in weaving cotton fabrics over 12 inches in width; cotton yarn mills primarily engaged in spinning, twisting, winding or spooling cotton yarn; and cotton thread mills. The second survey includes establishments in the following categories: Broad woven fabric mills primarily engaged in weaving fabrics of spun or filament silk, rayon, nylon or other synthetic fabrics over 12 inches in width; yarn mills primarily engaged in manufacturing spun yarns from silk, rayon, nylon or other synthetic staple fiber products; yarn throwing mills engaged in rewinding, twisting, plying and packaging of filament silk, rayon, nylon or other synthetic fibers; and thread

mills manufacturing thread from silk, rayon, nylon or other synthetic fibers. In addition to workers engaged in producing these items, the surveys cover other workers in these establishments engaged in producing fabricated textile products and in dyeing and finishing operations.

The Bureau of Labor Statistics published the results of these surveys in separate releases for cotton and for silk and synthetic textiles. Subsequently, the Bureau prepared additional tabulations at the request of the Wage and Hour and Public Contracts Divisions. The original releases plus these additional tabulations are contained in Government Exhibits 18 through 24. After the hearing a need arose for additional tabulations and the Bureau of Labor Statistics prepared a series of supplementary tabulations which were also based on information contained in the two surveys. These latter Bureau of Labor Statistics tabulations are hereby made a part of the record and are available to any interested party for examination and comment. For purposes of reference these tables are identified as Supplementary Government Exhibits A–1 through A–8.

The American Cotton Manufacturers Institute employed a statistical agency to conduct a mail questionnaire survey of firms manufacturing textiles and related products. However, the Institute was unwilling to present for the record more than a fragment of the tabulations which had been prepared from the survey and which the Department had been given to understand would be available. The data offered for the record include a tabulation by county of average minimum wages, weighted by number of establishments, for each county in its survey from which two or more establishments submitted replies to the questionnaire, except where such minima were identical. Subsequent to the hearing, the Institute presented a similar tabulation showing county averages weighted by number of employees. These data include watchmen and others of the custodial group not covered by the act. In addition, they include the earnings of workers engaged in the manufacture of products not included in the definition of the textile industry. Even if these limitations were not present, however, it is evident from the data that the ACMI approach would inevitably lead to illogical and inequitable variations in the determined minimum wage from one community or county to another. For example, the Institute's survey reported an average minimum wage weighted by employees for Tallapoosa County, Alabama, of 101.3 cents an hour. The comparable rates for four nearby counties, three of which are contiguous and one of which is one county removed, were as follows: Chambers, 92.1 cents; Lee, 89.7 cents; Elmore, 99.7 cents; and Talladega, 102.7 cents. It is clear also that whatever separation might be made within the counties, on a community basis, or however the communities or counties were aligned, equally disparate results would ensue.

The Textile Workers Union of America and the United Textile Workers of America submitted copies of a number of collective bargaining agreements and lists showing the names and locations of plants in the industry, the type of products manufactured, employment and minimum wages paid. These lists include both union and nonunion establishments and cover a large proportion of the industry.

In addition, information on average hourly earnings from the Bureau of Labor Statistics, employment and production figures from the Census of Manufactures and copies of collective bargaining agreements on file with the Bureau of Labor Statistics were available to the Department.

Locality. In each of the three previous wage determinations for this industry under the Public Contracts Act a single wage was recognized as the prevailing minimum wage in the industry throughout the United States. At the hearing before the Examiner in the present proceeding arguments were presented with regard to whether recognition of a single nation-wide rate for this industry would be consistent with the statutory language and intent of the Public Contracts Act. It was argued by counsel representing the ACMI and a number of other textile manufacturers that the "locality" language of section 1 (b) of the act[1] requires that minimum rates be established by small geographic areas such as communities in which textiles are produced. The ACMI suggested that in some situations a county or even groups of counties could be considered as a locality. It further suggested that the "locality" comprised of groups of counties need not be confined within State lines but might run through more than one State depending on the various factors and circumstances which might be present. In presenting these arguments no attempt was made to list or otherwise define the factors or circumstances which should be taken into account in determining the limits of such localities and, in fact, it was conceded by counsel that neither they nor the firms they were representing were prepared to offer any concrete criteria which might be applied in delincating such localities.

The National Association of Cotton Manufacturers and both of the unions participating in the hearing presented arguments and data in support of a single minimum wage for the industry. A post-hearing brief filed by the NACM presented a number of arguments to show that the statutory language and the purpose and intent of the Public Contracts Act require a construction which would permit recognition of an industry-wide minimum, and that all of the factors present in the textile industry require that a single industry minimum be recognized in this case.

I have carefully weighed all of the arguments presented and I have considered in detail all of the voluminous data contained in the record in attempting to arrive at a proper determination of these questions. Before undertaking a discussion and analysis of the wage data the legal aspects of the arguments presented on the locality question should be dealt with.

It is abundantly evident from the legislative history of the act that its purpose was to prevent the flow of Government business into the hands of firms that pay substandard wages and maintain low employment standards. Its purpose was, in short, to bring about a situation where employers paying fair and reasonable wages would not lose out on Government business to low-paying firms. Under the system of competitive bidding adhered to by the Government, the various contracting agencies must accept the lowest responsible bid. Obviously, in an industry which utilizes standard equipment and has approximately the same raw material costs, any substantial differences in wages would be reflected in bids submitted on Government work. In recognition of this fact and in order to encourage the maintaining of fair wage standards Congress enacted the Public Contracts Act.

With this Congressional purpose in mind, the specific language of the act must be construed. Any construction of the locality language which would result in freezing the lows and the highs in wages would certainly not carry out the purpose of the act. In other words, if the dominant plant or plants in community A were paying substantially lower wages than plants in community B, the recognition of community A and community B, as separate localities would mean that plants in A could continue to underbid plants in B and the situation would be frozen at that level.

The legislative history of the act indicates clearly that Congress gave serious and lengthy consideration to the possible approaches to the problem of arriving at appropriate minimum wages. In recognition of the difficulties inherent in this field, Congress decided to vest in the Secretary of Labor the administrative function of carrying out the minimum wage provisions of the law and established certain criteria to guide the Secretary of Labor in such functions. The factors which have a bearing on minimum wages present such a pattern of diversity from industry to industry as to render any single formula for determining prevailing wages impractical. Consequently, Congress wisely allowed a degree of administrative discretion to be followed by the Secretary of Labor in applying the criteria laid down in the act. The statute, accordingly, directs the Secretary of Labor to determine prevailing minimum wages in accordance with three distinct standards, namely, the prevailing minimum wages for persons employed (1) on similar work or (2) in the particular or similar industries or (3) in groups of industries currently

[1] Section 1 (b) reads as follows: "That all persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under said contract;".

operating in the locality in which the contract is to be performed. In the context of the act it seems proper to conclude that the phrase "currently operating in the locality" was intended to qualify only groups of industries and does not limit "similar work" or "particular or similar industries."

It is clear, then, considering the broad administrative powers provided throughout the act, that it was the Congressional intent to give the Secretary of Labor substantial latitude in regard to determining prevailing minimum wages and to apply any one or combination of the criteria enunciated in the act in order to properly carry out the purposes of the act.

The evidence in the record discloses certain predominant characteristics of the textile industry as follows: The industry is principally located in three sections of the country—New England, the Middle Atlantic States and the South. Competition in the industry is nation-wide in scope and marketing of the products of the industry is similarly on a national scale. Only in rare instances is there found a situation where a mill markets its product within a limited geographic area. Most textile producers maintain sales representatives or agents in the textile center known as Worth Street in New York City and the vast bulk of textiles are sold through such center. Producers of textiles in such widely separated areas as Maine and Alabama compete for the same business in the Worth Street market. It is not uncommon for mills in different sections of the country to perform different production operations on a given lot of textile fabric. For example, textile gray goods woven in South Carolina may be shipped to New Jersey or Rhode Island for finishing operations consisting of bleaching, dyeing, printing, etc. The goods are then sold on the New York market and may be shipped to customers in Maine, California, Florida, or any other place in the United States, or elsewhere in the world.

The record shows also that Government purchases of textiles are not confined within any geographic limits. In the normal case the Government invites bids from firms located in every textile producing area and bids are received from mills in widely separated regions. Pursuant to a single invitation to bid, contracts for a particular item may be awarded to mills in a number of different States. In some instances various steps in the processing of textiles required under a Government contract will take place in different States and different regions. A single firm bidding on Government contracts will frequently be found to have a number of different mills located in different States or areas. In no instance is it possible for a Government contracting agency to have any knowledge of the locus of production prior to receipt of bids and awards of contracts. In other words, there is no way of ascertaining in advance where a proposed Government textile award may be carried out.

From all of the facts referred to above, it is evident that the predominant factors in the textile industry do not point toward any regional or geographic differences in terms of industry characteristics, and that, in an economic sense, the locality of the industry is very broad. Based upon these considerations, I have concluded that the factors present here do not warrant application of the last of the three criteria contained in section 1 (b) of the act, namely, the minimum wages for persons employed in "groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under said contract."

It is my considered judgment, moreover, that even if the "locality" language of the act is construed as limiting the entire wage determination function, it is not necessary to impose a narrow geographic connotation on such language in such a manner as to frustrate the entire purpose for which the statute was enacted. While it is true that the term locality is commonly used to denote a geographic locus or unit the term possesses sufficient flexibility in meaning to convey a broad or narrow sense depending upon the context in which it is used. The word must, therefore, be construed within the context of the act and consistent with the intent and purpose of the act. As I have previously stated, I believe it would be illogical to select this word out of the act and give it a meaning which would cancel out the entire purpose for which the act was conceived. Furthermore, since the time the Public Contracts Act was enacted minimum wage determinations under this act for numerous industries have recognized a single nation-wide minimum wage. In only a few industries smaller localities were recognized. It is reasonable to assume that if this construction of the act did not comport with the Congressional intent, Congress would have acted to alter the construction. The fact that Congress, over a period of 16 years, did not alter the statutory language, even after repeated requests, warrants a conclusion that the construction placed on such language by the Department of Labor conforms with the Congressional purpose. Consequently, even on this basis, and considering the record of this proceeding, I find that the locality in which the products of the textile industry are to be manufactured or furnished under Government contracts is coextensive with the entire area in which the industry operates, and that the rate determined herein for the textile industry is the rate prevailing in such locality.

Within the framework of these considerations, I have analyzed the available wage data to arrive at a proper determination of prevailing minimum wages in this industry.

Analysis of wage data. In the surveys of the cotton and synthetic (and silk) textile industries, the Bureau of Labor Statistics tabulated returns from 467 establishments, employing 289,923 employees. The surveys were limited to plants with 21 or more employees. For plants in this size group, the Bureau's returns covered 40.8 percent of the establishments employing 55.7 percent of the workers. The Census of Manufactures for 1947, the latest available period, indicates that plants with 21 or more employees in these two branches of the textile industry had 99.5 percent of all workers in these branches. The returns were weighted in accordance with generally accepted statistical procedures to represent all the plants and employment in plants with 21 or more workers in the branches surveyed.

As noted above, the Bureau of Labor Statistics surveys were limited to plants primarily engaged in spinning or throwing yarn or thread and related operations or in weaving broad woven fabrics. However, since a number of these plants also produced fabricated products such as sheets, pillow cases, towels, and wash cloths and performed dyeing and finishing operations, wages of workers manufacturing these fabricated items and performing dyeing and finishing operations in such establishments are included in the survey and reflected in the tabulations. A letter received from Maxwell R. Conklin, Chief, Industry Division, Bureau of the Census, dated November 6, 1952, states that in the year 1947, 64 percent of all sheets and pillow cases and 95 percent of all towels and wash cloths were produced in integrated establishments, i. e., establishments engaged in spinning and weaving but also producing fabricated items. The information from Mr. Conklin also indicates that only 22 percent of all bedspreads and bedsets and only 2 percent of such textile house furnishings as laundry bags, blankets, pillows and slip covers (other than sheets, pillow cases, towels, wash cloths, bedspreads and bedsets) were produced in integrated establishments. For purposes of reference the letter received from Mr. Conklin is hereby made part of the record and is identified as Supplementary Government Exhibit B.

A number of wage reductions occurred in New England plants between the date of the survey and the date of the hearing, but these changes did not affect the surveys' data for intervals below $1.06½. With this exception, no question as to the adequacy and accuracy of the surveys was raised by either of the petitioners or the National Association of Cotton Manufacturers. However, representatives of the American Cotton Manufacturers Institute raised a number of questions relating to the sampling procedures used by the Bureau in making the survey and questioned the method followed by the Bureau in obtaining the information on plant minimum entrance rates and plant minimum job rates. With respect to the sampling methods used, it is clear from the testimony of Harry M. Douty, Chief, Division of Wages and Industrial Relations, Bureau of Labor Statistics, that the Bureau, in making these surveys, followed professionally-accepted statistical practices. It is also clear from the testimony that the objections raised with respect to the sampling procedures show an unfamiliarity on the part of the Institute representatives with these standard statistical procedures. There is no question from the evidence in the record that the Bureau of Labor Statistics gave proper weight to both large and small plants,

took into account the different types of products included in its surveys and adequately covered all parts of the country. It is also clear from the record that the sample obtained by the Bureau was more than sufficient to assure adequate coverage and results.

I conclude, therefore, that the surveys are properly representative of all establishments included within the scope of the definitions of the cotton and synthetic (and silk) textile industries used by the Bureau.

I also conclude that the Bureau of Labor Statistics wage data adequately reflect wages of workers producing sheets, pillow cases, towels and wash cloths but contain insufficient information on workers producing bedspreads, bedsets and other textile house furnishings. Moreover, these data do not provide a basis upon which a finding can be made as to the prevailing minimum wages for certain other products and operations now included in the definition of the textile industry, namely, batting, wadding and filling; the processing of waste; narrow fabrics (fabrics 12 inches or less in width); bags; bandages and surgical gauze; bath mats and related articles; diapers; braid and lace; cordage, rope and twine; and carpets and rugs.

The American Cotton Manufacturers Institute also offered testimony of one witness and telegrams and letters from four companies, designed to show that the Bureau of Labor Statistics had excluded certain low-paid workers from the survey. The witness was Robert K. Argo, Personnel Manager of the Alabama Mills, Inc., who testified with respect to his conversation with the field representative of the Bureau who obtained information from the Clanton, Alabama, plant of the company.

Mr. Argo stated that the Bureau's field representative did not obtain any information with respect to employees whose wages were below $1.015 per hour in the Clanton plant, although according to his recollection at the time of the survey the plant had about 15 employees paid 97 cents, the only rate below $1.015 paid in the plant. Mr. Argo also testified that the field agent told him specifically that in accordance with instructions, no data for custodial employees were being recorded.

There has been received in the record a deposition made by Harry M. Douty clarifying portions of the testimony at the hearing regarding Mr. Argo's statement. This deposition shows clearly that, under the instructions given to the Bureau's representatives, wages of custodial employees were to be excluded only in connection with information obtained on minimum plant entrance rates and minimum job rates. With respect to all other information, however, the instructions were specific that the Bureau's representatives were to survey the earnings of all workers in the plant, including custodial employees. Consequently, the earnings of employees earning less than the plant minimum job rate are included in all tables except Tables 4, 5, and 6 of Government Exhibits 18, 19, and 20, both with respect to the Clanton plant of Alabama Mills, Inc., and with respect to all other mills included in the survey. The deposition states the Bureau's original schedule for the Clanton plant showed 14 workers earning 97 cents; eight of these were reported as janitors and properly excluded from Tables 4, 5, and 6, under the Bureau's instructions. All 14 of these workers were included in the other tables. The six workers, other than janitors, reported by the Bureau to be paid 97 cents were not employed in any of the selected occupations for which specific information was obtained. I cannot conclude from the record that these six workers should have been included in Tables 4, 5, and 6. It is obvious, however, that Mr. Argo's contention that no workers in the Clanton plant paid less than $1.015 per hour were included in the Bureau's survey is without merit.

As noted above, four companies submitted statements in the form of telegrams dealing with this general subject. The Summerville Manufacturing Company, Summerville, Georgia, stated that the minimum wage in that plant was 96.5 cents an hour, a rate paid on the following jobs: Scrubbers, yardmen, and cotton truckers. The deposition by Mr. Douty shows that the Bureau reported this plant as paying a minimum job rate of 96.5 cents. This rate was also reported as the minimum entrance rate. The Bureau's record also shows that 16 employees were classified as janitors, three of whom were paid 96.5 cents. The other 13 janitors were paid in excess of this figure. The other three companies, the Pacolet Manufacturing Company, Pacolet, South Carolina, Julia Cade Mills, Inc., Albertville, Alabama, and Whittier Mills Company, Chattahoochee, Georgia, also in telegrams read at the hearing and in later letters supplied information as to minimum wages paid and the occupations to which these rates apply. Mr. Douty's deposition shows that four plants of Pacolet Manufacturing Company were included in the original sample for the survey. The plants were visited by the Bureau representatives, but in each case the company declined to furnish information. The Bureau in consequence substituted other mills of the same general characteristics in accordance with well-established statistical sampling procedures. With respect to Julia Cade Mills, and Whittier Mills, neither was included in the sample for the survey and no Bureau of Labor Statistics information is available.

It should be noted from the letters received from these companies that with the exception of plants No. 3 and 5 of the Pacolet Company, the lowest rate in the plant is paid to sweepers or scrubbers, which occupations were classified by the Bureau of Labor Statistics for the purpose of this survey in the janitorial category.

On the basis of the evidence, I find that the data in the Bureau's tables showing minimum job rates were accurately collected and compiled and may properly be used in evaluating the prevailing minimum wage practices in the cotton, silk, and synthetic branch of the industry.

As indicated heretofore, one of the bases which may be used by the Secretary of Labor in determining prevailing minimum wages is that of "similar work".

With respect to this criterion, evidence in the record points particularly to three occupations which are substantially the same in job content, are common to most firms in the cotton, silk, and synthetic textile branch of the textile industry, and are generally the lowest paid occupations. These occupations are: Janitors (excluding machinery cleaners); battery hands; and hand truckers (including bobbin boys). These occupations were included within the list of "selected occupations" for which the Bureau of Labor Statistics reported separate data. This list, together with the job descriptions applicable thereto, were developed as a result of the Bureau's extensive experience in making surveys of the industry and in consultation with representatives of labor and management. The definitions were designed to permit comparisons between occupations having similar work content in various plants or groups of plants in the industry, regardless of variations from plant to plant in actual nomenclature. There was no criticism in the record that these occupations individually did not have in fact similar content. In consequence, from the record as a whole, it is clear that prevailing minimum wages for "similar work" can be determined by examining data for these individual occupations.

The three occupations are defined by the Bureau as follows:

Janitor (day porter, sweeper, charwoman, janitress): Cleans and keeps in an orderly condition factory working areas and washrooms, or premises of an office, apartment house, or commercial or other establishment. Duties involve a combination of the following: Sweeping, mopping and/or scrubbing, and polishing floors; removing chips, trash and other refuse; dusting equipment, furniture, or fixtures; polishing metal fixtures or trimmings; providing supplies and minor maintenance services, cleaning lavatories, showers, and rest rooms. Workers who specialize in window washing are excluded.

Battery hand: Transfers or loads quills or bobbins of filling to the battery or loading hopper of automatic looms. May convey filling to looms by means of a hand truck.

Trucker, hand (including bobbin boy): Pushes or pulls hand trucks, cars or wheelbarrows used for transporting goods and materials of all kinds about a warehouse, manufacturing plant, or other establishment, and usually loads or unloads hand trucks or wheelbarrows. May stack materials in storage bins, etc., and may keep records of materials moved.

Exhibits at the hearing introduced by the Government include wage data on these three occupations in Exhibits 18, 19, 20, 23, and 24. The area tabulations contained in the last two mentioned exhibits include data for approximately 85 percent of the workers included in the survey. Supplementary Government Ex-

hibits A–1 through A–8 throw additional light on the prevailing minimum wages in the three occupations.

With respect to janitors, Table 3A of Government Exhibit 20 shows 9,299 janitors, slightly less than 2 percent of all of the workers covered by the survey, with an average wage of $1.00 an hour. As Supplementary Government Exhibits 5 and 7 indicate, slightly more than one-fourth of the establishments represented in the survey had no workers whose duties consisted primarily of janitorial services. The absence of reported janitors is particularly conspicuous in northern establishments where more than half of the reporting establishments represented included no workers whose functions were primarily of this type. In such plants the janitorial services made up part of the work of other employees; for example, sweeping around machines in order to permit a continuation of production (work subject to the Walsh-Healey Public Contracts Act) was performed as an incidental part of duties of other production workers.

Supplementary Government Exhibits A–1, A–5, and A–7 provide information as to the lowest rate paid janitors in establishments reporting such workers; and the lowest job rate in establishments which did not report such workers. Altogether 1,120 establishments either reported janitors or reported no janitors but gave information as to the lowest established job rate. Of these establishments, 562 or 50.2 percent either reported $1.00 or more as the minimum rate for janitors or having no janitors, reported $1.00 or more as the lowest job rate. These 562 establishments employ 52.5 percent of the production workers in the industry. In addition, Supplementary Government Exhibit A–1 indicates that over two-fifths of the janitors earn from $1.00 to $1.05, vastly more than are found in any other five-cent interval.

Government Exhibits 23 and 24 indicate the importance of the five-cent interval beginning with $1.00 for janitors in each of the various producing areas reporting separately. Thus, for example, in Alabama and in South Carolina most of the janitors are reported within this range and in North Carolina and Georgia a far larger proportion of the janitors are employed in this interval than in any other. Supplementary Government Exhibit A–7 shows that for establishments having no janitors the rate of $1.00 an hour is by far the most important lowest job rate in the range between 90 cents and $1.05; in this range, almost twice as many establishments reported a minimum job rate of $1.00 as reported any other figure and a similar conclusion is reached on the basis of the number of workers.

From the above it is concluded that $1.00 an hour represents the prevailing minimum wage for janitorial services in the cotton, silk, and synthetic textile branch of the textile industry.

As previously noted, somewhat less than 2 percent of the workers included in the survey are classified as janitors. It is also clear from the record that many of the workers reported as janitors are performing work of types not directly enough connected with production activities to be covered by the Walsh-Healey Public Contracts Act. It is impossible from the record to determine what proportion of janitors are performing such work and the questionnaire returns of the Bureau of Labor Statistics would not yield such information.

There are, however, two other low-paying occupations about which there can be no doubt that the work is of the type covered by the act. These occupations are hand truckers (including bobbin boys) and battery hands. Except for janitors, these two occupations have the lowest reported average hourly earnings. These occupations combined include 33,500 workers, or 6.9 percent of all production workers covered by the surveys.

Supplementary Government Exhibit A–1 as well as Government Exhibits 23 and 24 underscore the importance of the five-cent interval beginning with $1.00 an hour for each of these two occupations. Thus, for the United States, 29.2 percent of the battery hands received wages between $1.00 and $1.05, as contrasted with 3.9 percent in the 95–99.9-cent interval, and as further contrasted with 10.6 percent in all intervals below $1.00. Similarly a total of 27.2 percent of the hand truckers (including bobbin boys) earned between $1.00 and $1.05 as contrasted with 11.4 percent in the preceding five-cent interval. A total of 26.9 percent of the hand truckers (including bobbin boys) received earnings of less than $1.00.

Supplementary Government Exhibits A–4 and A–6 show that most of the establishments reporting either hand truckers or battery hands or both pay a minimum wage to these workers of at least $1.00 an hour and these establishments employ most of the production workers in the industry. It may also be noted that in the South more establishments pay a minimum of $1.00 an hour to either battery hands or hand truckers than pay minimum wages to these workers at any other rate in the range between 90 cents and $1.05. Supplementary Government Exhibit A–6 indicates that in this range the rates of $1.02 and $1.03 are also important in the South.

Supplementary Government Exhibit A–8 shows data for 211 establishments, primarily located in the North, which reported no workers who primarily performed work included within the description of the occupation of hand truckers (including bobbin boys) or the occupation of battery hands. It will be noted that a majority of these establishments employing a majority of the production workers in such establishments reported the lowest job rate as $1.00 or more. Here again, the rate of $1.00 stands out, with more establishments, employing more workers, reporting a minimum job rate of $1.00 than reported a minimum job rate at any other interval in the range from 90 cents to $1.05. This is true both for the South and for the North.

It is clear therefore that the prevailing minimum wage is $1.00 an hour for the work of hand truckers (including bobbin boys) and for the work of battery hands in the cotton, silk, and synthetic textile branch of the textile industry.

As mentioned above, evidence in the record establishes conclusively that janitors, battery hands, and hand truckers are the lowest paid workers in the cotton, silk, and synthetic textile branch of the textile industry. It is clear, therefore, that a determination of prevailing minimum wages for other occupations would result in rates at least as high, and in most instances higher, than the rate for these three occupations. However, even if detailed occupational wage data were available for every possible duty in a textile mill, it would obviously be undesirable to make a separate determination for each such occupation. The necessity for detailed job descriptions and the overlapping of duties between one job and another would lead to complications and misunderstandings in applying the determinations on the part of the industry and to difficult administrative problems in the proper enforcement of such determinations on the part of the Wage and Hour and Public Contracts Divisions of the Department of Labor. In view of these practical considerations, I therefore conclude that it is entirely proper to apply the minimum rate of $1.00 an hour to all occupations in the cotton, silk, and synthetic textile branch of the textile industry which are covered under the regulations issued pursuant to the Walsh-Healey Public Contracts Act. Work performed in one textile mill is by its very nature similar to work performed in other textile mills. Accordingly, on the basis of the prevailing minimum wages for "similar work" in the industry, I have concluded that $1.00 an hour is the prevailing minimum wage for all occupations in the cotton, silk, and synthetic textile branch of the textile industry as defined herein.

A second basis for a determination under section 1 (b) of the Walsh-Healey Public Contracts Act is wages paid in the particular or similar industries. On this approach, there is special significance to the evidence outlined above that $1.00 is the prevailing minimum rate for janitors, for hand truckers, and for battery hands. Government Exhibits 18, 19, 20, 23 and 24 indicate that these are the lowest paid for the country as a whole of the occupations selected for their particular significance in the industry; and, with rare exceptions, this is true in almost every area. There was no disagreement at the hearing that janitors, including sweepers and scrubbers, generally receive as low a rate as any workers in the cotton, silk, and synthetic textile branch of the industry although there was a difference of opinion as to the extent to which such workers are covered by the act. There was also no disagreement with the Bureau of Labor Statistics' explanation that the "selected" or "key" occupations include a complete range of occupations from the lowest-paid to the highest-paid workers. Workers in these occupations comprise 70.5 percent of all workers covered by the surveys. As noted above, apart from janitors, hand truckers (including bobbin boys) and battery hands generally receive the lowest wage among the "selected" or "key" occupations.

The most important additional lines of evidence as to prevailing minimum

wages in the textile industry consist of Tables 1 and 5 of Government Exhibits 18, 19 and 20. Table 1 of Government Exhibit 20 clearly shows the importance of the 5-cent interval beginning with $1.00 for the earnings of all workers. Thus for the United States, this is the most important single 5-cent interval, with 11.9 percent of the workers receiving wages within this range, almost twice as many as in the preceding interval and almost as many as the total in all ranges below $1.00. In the Southeast the concentration in this interval is even sharper, with one worker in seven (14.4 percent) receiving wages between $1.00 and $1.05.

Many of the lowest paid workers included in Tables 1 and 7 of Government Exhibits 18, 19, and 20 are watchmen, general janitors (as distinguished from those cleaning around the machines), and other types of custodial workers who perform work not covered by the provisions of the act. Because of the limitations of these tables, Table 5 is of added significance. This table reports the rates which the plant officials reported as established minimum job rates for non-custodial workers. Table 5A of Government Exhibit 20 shows that most of the textile mills in the survey with an established minimum job rate reported the rate to be $1.00 an hour or more. These plants employ 51.4 percent of the workers in the industry, as compared with 44.3 percent of the workers in plants reporting established job minimum rates of less than $1.00 and 4.3 percent of the workers in plants reporting no established minimum. In terms of number of establishments, only $1.02 is more important (6.6 percent as compared with 6.4 percent); in terms of number of production workers employed in these establishments, only $1.03½ is more important. Each of these rates however is above the minimum job rate reported by most establishments employing most of the workers. Although janitors and other custodial workers are excluded by the Bureau in obtaining information on established minimum job rates from plant officials, it may be noted that Supplementary Government Exhibit A–2 indicates that in about half of the establishments with minimum job rates the minimum janitor rate was identical with the established minimum job rate and that janitor minimum rates were more frequently above than below the established minimum job rate.

Another line of evidence is contained in the listings of plant minimums provided by the two textile unions. These listings were made a matter of public record at the hearing. It appears clear from the record that a very large proportion of the plants included in these listings also reported information to the American Cotton Manufacturers Institute. However, the minimum rates for only four of the plants listed were challenged. Excluding such plants from the tabulation, it appears that the major proportion of the industry has minimum rates of $1.00 an hour or more in effect.

From all the evidence in the record, therefore, I conclude that $1.00 an hour is the prevailing minimum wage for the cotton, silk, and synthetic textile branch of the textile industry.

As noted above, the March 1952 surveys made by the Bureau of Labor Statistics cover plants primarily engaged in spinning and weaving. There is, however, adequate information from other sources indicating that wages in dyeing and finishing establishments are at least as high as those in spinning and weaving plants.

At the hearing a representative of the United Textile Workers of America testified that minimum wages paid in dyeing and finishing plants are higher than those in spinning and weaving plants. This statement was not contradicted.

The listings of plants in the industry supplied by the petitioners contained 510 dyeing and finishing plants employing in excess of 39,000 workers. In his statement at the hearing, the representative of the Textile Workers Union of America stated that only isolated workers in dyeing and finishing establishments were paid less than $1.05.

In addition, representatives of the Textile Workers Union of America and of the National Association of Cotton Manufacturers stated that average hourly earnings in dyeing and finishing plants traditionally exceed those in spinning and weaving plants. An inspection of such figures published by the Bureau of Labor Statistics bears out these statements. A report published by the Bureau shows that in July 1946 the difference was approximately 10 cents an hour. In July of 1952 the average hourly earnings in dyeing and finishing plants were 16 cents more than those in spinning and weaving plants.

An analysis of collective bargaining agreements on file with the Department of Labor as of 1952 gives information on 410 dyeing and finishing (except wool) establishments with almost 32,000 workers. Ninety-seven percent of these plants with 88 percent of the employees had a minimum job rate of $1.00 an hour or more. These figures cover a very large proportion of the industry as indicated by the fact that for 1947 the Census of Manufactures reported 641 dyeing and finishing (except wool) plants employing 69,000 workers.

In addition, it should be recalled that a number of workers in dyeing and finishing departments are included in the two surveys made by the Bureau of Labor Statistics and, where such workers were included, figures relating to average hourly earnings and minimum job rates covered such workers as well as the workers in the other departments.

On the basis of all of the above I, therefore, determine that the prevailing minimum wage for all employees engaged in dyeing and finishing covered by the definition of this Industry is $1.00 an hour.

Learners and apprentices. The notice of hearing invited comment and testimony as to the need for inclusion in any amended determination for a provision covering the employment of learners, beginners, and/or apprentices at subminimum rates. The United Textile Workers of America recommended that learners be permitted at subminimum rates for a period of from 4 to 6 weeks and that the present 3 percent limitation be continued. The record shows that this union recommended that the rates for learners be either 10 cents or $1.00.

The Textile Workers Union of America recommended that there be provision for learners at a rate of not less than $1.03 an hour and further recommended the continuation of the 3 percent tolerance and the learning period presently provided. This latter recommendation was also supported by the Fall River Loomfixers' Union, the Fall River Slasher Tenders' and Helpers Association and the Fall River Drawing-In, Knot-Tiers' and Warp-Twisters' Association. The Soft Fiber Manufacturers' Institute recommended a provision for learners which contained an "adequate" tolerance limitation and an "adequate" learning period. The American Cotton Manufacturers Institute recommended the continuation of the present 3 percent tolerance and the learning period presently provided and that the learner rate should have approximately the same relationship to the prevailing minimum wages as contained in the present determination. No other party made any recommendation with respect to the need for learners.

On the basis of the record, I find that a provision for the employment of learners at subminimum rates should be provided and that the present 3 percent tolerance and learning period for the activities for which the employment of learners at subminimum rates is presently permitted should be continued. I also find that this subminimum rate should reflect the same percentage differential as has previously existed between the industry minimum wage and the learner subminimum wage, namely 8 percent. Accordingly, I find that the wage rate of 92 cents an hour is an appropriate subminimum wage for learners in the cotton, silk, and synthetic textile branch of the textile industry.

No testimony was introduced at the hearing regarding the need for a subminimum rate covering the employment of apprentices. The present determination does not make any provision for the employment of apprentices at subminimum rates. I find that there is no need for a special provision covering the employment of apprentices.

Handicapped workers. The regulations permit employment of handicapped workers at subminimum rates on contract work under the act and this authority was not at issue in the proceedings. It appears advisable to include in the determination, however, specific authorization for such employment.

Fringe benefits. The Textile Workers Union of America recommended that a cost-of-living provision be included in the determination reflecting that provided for in its collective bargaining agreements. The United Textile Workers of America recommended the cost-of-living provision and, in addition, all fringe benefits covered in its contracts. The independent Fall River unions supported the recommendation of the Textile Workers Union of America. None of

the other parties took a position with respect to these fringe benefits.

No determination issued under the act provides for cost-of-living increases, shift differentials, paid holidays, insurance or pension plans or any other similar benefits. Provisions of the type listed above would be administratively cumbersome, and for some of them proper enforcement would be impossible. Moreover, there is considerable legal question as to whether such provisions are truly a part of prevailing minimum wages. For these reasons, I conclude that the determination should not contain provisions relating to these fringe benefits.

Assertion of bias. Following the hearing in this matter a document entitled "Affidavit of Personal Bias or Disqualification of Officers Participating in Decisions" was addressed to me by W. Glen Harlan, attorney for a group of cotton manufacturing companies who were parties to the proceeding. This document asserted that I had prejudged the issue as to a nation-wide minimum wage in this industry, and further that I and other officials of the Department of Labor have in various ways indicated a prejudice as to the wage to be recognized in the industry. The document accordingly requested that I and such other officials of the Department be disqualified to act further in this matter or participate in any decisions to be rendered herein.

The question of bias was initially raised at the hearing by Mr. Harlan and he at that time requested that certain files of the Department of Labor be produced for the purpose of ascertaining whether they contained any evidence to support a charge of bias. A similar request was submitted to me on two separate occasions following the hearing. In each instance I denied the request on the ground that the material requested had no relevance to the proceeding. My ruling in this regard was based upon two primary considerations, first, that the decision which I am required to make in this proceeding must be based solely upon the record, and, consequently, the record should contain only data which relates to the subject matter of the proceeding, namely, prevailing minimum wages in the textile industry; secondly, it is my view that the mere assertion of a captious or frivolous challenge for bias does not warrant a wholesale disclosure of material in the Department files.

It is my duty under the law to make an objective decision based upon all of the evidence and data in the record. I have endeavored to arrive at such a decision with due regard to the purposes of the act and my obligations as an administrative officer of the United States. It is my belief and conviction that all other individuals in the Department of Labor who participated in any way in this proceeding have been similarly guided. I therefore find that the assertion of bias submitted herein is completely without merit.

Proposed decision. Notice is hereby given that, in accordance with all of the considerations expressed herein, I propose to issue a decision in this matter as set forth below. Interested parties may submit, within 15 days from publication of this proposed decision in the FEDERAL REGISTER any exceptions to the proposed decision or any data intended either in rebuttal or in support of any of the tabulations or data received as part of the record following the close of the hearing.

The minimum wage determination for the textile industry contained in § 202.43 of this part (41 CFR Part 202) is amended as follows:

1. Section 202.43 (b) is amended to read as follows:

§ 202.43 *Textile industry.* • • •

(b) *Minimum wage.* (1) The minimum wage for persons employed in the manufacturing or furnishing of the products of the cotton, silk, and synthetic textile branch of the textile industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.00 an hour arrived at either on a time or piece-rate basis. The cotton, silk, and synthetic textile branch includes the manufacturing, processing, bleaching, dyeing, printing or other finishing of any of the following items which are within the scope of the textile industry, as defined herein, and are made primarily of cotton, silk, or synthetic fiber or mixtures of these fibers: Yarn; thread; broad-woven fabrics more than 12 inches in width); sheets and pillow cases; towels; and wash cloths and scrubbing cloths.

(2) The minimum wage for persons employed in the manufacturing or furnishing of the products of the textile industry, other than the products of the cotton, silk, and synthetic textile branch of the industry, under contracts subject to the Walsh-Healey Public Contracts Act shall be 87 cents an hour, arrived at either on a time or piece-rate basis.

2. Section 202.43 (c) is amended to read as follows:

(c) *Subminimum wages authorized.* (1) Learners may be employed subject to the following terms and conditions:

(i) Learners may be employed in the occupations of machine operating, machine tending, machine fixing, and jobs immediately incidental thereto;

(ii) In the performance of contracts for the products of the cotton, silk, and synthetic textile branch of the industry learners may be paid a subminimum rate of 93 cents an hour unless experienced workers in the same plant and occupations are paid on a piece-rate basis, in which case learners must be paid the same piece rates paid to experienced workers and earnings, based upon those piece rates, if such earnings are in excess of 93 cents an hour. In the performance of contracts for products of the textile industry, other than the products of the cotton, silk, and synthetic textile branch of the industry, learners may be paid a subminimum rate of 80 cents an hour unless experienced workers in the same plant and occupations are paid on a piece-rate basis, in which case learners must be paid the same piece rates paid to experienced workers and earnings, based upon those piece rates, if such earnings are in excess of 80 cents an hour;

(iii) The length of the learning period shall be 240 hours unless the learner has had previous experience in the industry in which case the number of hours of such experience must be deducted from the 240 hour learning period.

(iv) The number of learners may not exceed 3 percent of the total number of machine operators, machine tenders, machine fixers and persons engaged in jobs immediately incidental thereto except where, upon application to the Administrator of the Wage and Hour and Public Contracts Divisions or his authorized representative, a special certificate has been issued authorizing employment of learners in excess of 3 percent to meet a plant's abnormal situation created by establishment of new plants, expansion of production or plant facilities, and the like. Such special certificates will not be issued where it appears that experienced workers are available to the employer within the area from which he customarily draws his supply of labor, or that the issue of a special certificate will create unfair competitive labor cost advantages, or will impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.

(2) Handicapped workers may be employed at wages below the applicable minimum wages specified in this section upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525, respectively), under section 14 of the Fair Labor Standards Act as amended.

The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to different acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

Signed at Washington, D. C., this 5th day of December 1952.

MAURICE J. TOBIN
Secretary of Labor.

[F. R. Doc. 52-13064; Filed, Dec. 10, 1952; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 80]

GENERAL RULES OF PROCEDURE ON APPLICATIONS FOR DETERMINATION OF REASONABLE ROYALTY FEE, JUST COMPENSATION, OR GRANT OF AWARD FOR PATENTS, INVENTIONS OR DISCOVERIES

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Atomic Energy Act of 1946, as amended (P. L. 585, 79th Cong.; 66 Stat. 755 ff) and to section 4 (a) of the Administrative Procedures Act of 1946 (P. L. 404, 79th Cong.) and in accordance with § 80.5 of Title 10, Chapter I, Part 50, Code of Federal Regulations, entitled "General Rules of Procedure on Applications for Determination of Reasonable Royalty Fee, Just Compensation or Grant of Award for Patents, Inventions or Discoveries", promulgated on June 18, 1948, and published in the FEDERAL REGISTER for May 8, 1948 (13 F. R. 2487), proposed changes in the general rules are set forth hereunder.

A. There is to be added to the general provisions of the rules a new section designated as § 80.6 to read as follows:

§ 80.6 *Records of Board.* The records of the Board in cases filed before it, including the application, the response, the transcript and any other portion of the record, shall be open to public inspection unless (a) the Board otherwise directs upon a determination that opening of the records to public inspection would be contrary to the public interest or, (b) opening of the records is not in accord with security regulations and requirements of the Commission.

B. There is to be added to the general provisions of the rules a new section designated as § 80.7 to read as follows:

§ 80.7 *Motions.* Motions may be made before the Board upon reasonable notice to the other parties.

C. Paragraph (b) of § 80.44 is to be revised to read as follows:

§ 80.44 *Oral arguments; proposed findings; written arguments.* • • •

(b) The Board may, at its discretion, announce at the hearing a reasonable period within which either party may submit to the Board proposed findings and a proposed recommendation. Such proposals shall be in writing, in quintuplicate, and copies shall be served on the opposing party.

D. Paragraph (a) of § 80.60 is to be revised to read as follows:

§ 80.60 *Final action.* (a) Upon the expiration of the period prescribed in § 80.51, the Board shall proceed to a final consideration of the application on the basis of the entire record, including any exceptions, and the briefs in support filed by either party. The Board shall resolve questions of fact by what it deems to be the greater weight of the evidence and shall make its decision on the entire record. Its findings as to the facts shall be supported by reliable, probative and substantial evidence. The Board shall enter an appropriate order, together with a statement of its reasons or basis, determining as the case may be a reasonable royalty fee, the amount of just compensation, or the amount of an award, or such other disposition as its determination requires.

Interested persons are hereby given an opportunity to submit their views or other relevant information with respect to the proposed changes in the rules in writing to the Atomic Energy Commission, Washington 25, D. C., Attention: Chief, Patent Branch, Office of the General Counsel, within thirty (30) days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Dated at Washington, D. C., this 3d day of December 1952.

WALTER J. WILLIAMS,
Deputy General Manager.

[F. R. Doc. 52-13042; Filed, Dec. 10, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

STOCK DRIVEWAY WITHDRAWAL NO. 56, ARIZONA NO. 2, REDUCED

DECEMBER 2, 1952.

By virtue of the authority contained in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (43 U. S. C. 300), and pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

The order of the Secretary of the Interior dated August 19, 1941, modifying and defining Stock Driveway No. 56, Arizona No. 2, is hereby modified by excluding therefrom the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 7 N., R. 2 E.,
Sec. 34, E½E½, W½SE¼, SE¼SW¼, SW¼NE¼.

The areas described aggregate 320.00 acres.

Most of the lands described above were classified as set out in Arizona Small Tract Classification Order No. 22, dated August 31, 1950 (15 F. R. 6050), subject to valid existing rights and the provisions of existing withdrawals, as suitable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a). These lands are not subject to disposition under any other non-mineral public land law. The remainder of the land is under consideration for similar classification, and is not suitable for homestead or desert land use.

Inquiries concerning the disposition of these lands under the Small Tract Act of June 1, 1938, as amended, shall be addressed to the Manager, U. S. Land and Survey Office, 100 U. S. Courthouse, Phoenix, Arizona.

E. R. SMITH,
Regional Administrator.

[F. R. Doc. 52-13068; Filed, Dec. 10, 1952; 8:52 a. m.]

[Group 262 E]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

DECEMBER 4, 1952.

Notice is given that the plat of survey accepted February 28, 1950, of T. 4 S., R. 5 W., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land and Survey Office at Phoenix, Arizona, effective at 10:30 a. m. on the 35th day after the date of this notice.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 S., R. 5 W.,
Lots 1, 2, 3, 4, E½W½, E½ (All), Sec. 31;
All Sec. 32.

The area described aggregates 1,252.16 acres.

All Sec. 31, T. 4 S., R. 5 W., was withdrawn by the Assistant to the Secretary of the Interior on October 18, 1918, for reclamation purposes in connection with the Sentinel Project.

All Sec. 31, and the SW¼NW¼, SW¼, and SW¼SE¼, Sec. 32, T. 4 S., R. 5 W., are included in Power Site Classification No. 402, approved June 6, 1949.

No application for the remainder of these lands, N½N½, SE¼NW¼, S½NE¼, N½SE¼, and the SE¼SE¼, Sec. 32, T. 4 S., R. 5 W., may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

Available data indicates that the land is rocky and gravelly, except for the land in the southwest part of Section 31 which is nearly level bottom land of the Gila River, and is a sandy loam.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All

applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Phoenix, Arizona.

ELLEN W. KIRSCH,
Acting Manager.

[F. R. Doc. 52-13043; Filed, Dec. 10, 1952; 8:45 a. m.]

ALASKA

ORDER OF TRANSFER OF JURISDICTION OF INTEREST

DECEMBER 3, 1952.

Whereas, the Office of Territories, Department of the Interior, made application, Anchorage 019599, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the lands hereinafter described, for a public works project (Kodiak Water and Sewer System), which was approved under section 4 of the act, and

Whereas, notice of the proposed transfer of jurisdiction was published in the FEDERAL REGISTER, October 28, 1952 (17 F. R. 9706), and no protest to the transfer was filed within the time allowed.

Now, therefore, by virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949, *supra*, and pursuant to section 2.56 of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Jurisdiction of interest in and to the following described lands is hereby transferred to the Office of Territories, Department of the Interior:

Beginning at Corner Number 2 (the Northwest Corner) of United States Land Survey No. 2538-A Government Reserve; the point of beginning, go South 34° 34' East, 1,990.56 feet to a point; thence South 5° 27' West, 1,089.23 feet to a point; thence South 36° 16' West, 210.63 feet to a point; thence South 58° 09' West 357.25 feet to a point; thence South 53° 37' West, 1,152.91 feet to a point; South 41° 06' West, 379.13 feet to a point; thence South 64° 33' West, 945.28 feet to a point; thence South 59° 27' West, 425.64 feet to a point; thence South 74° 26' West, 1,410.0 feet to a point; thence South 61° 33' West, 1,443.61 feet to a point; thence North 5° 05' 30" West, 670 feet plus or minus, to a point, which point is common with the Northeast Corner of the United States Naval Reservation, United States Survey Number 2539; thence North 34° 34' West, 4,250 feet, plus or minus, to a point; thence North 55° 21' East, 10,869.88 feet to a point; thence South 34°39' East, 2,627 feet, plus or minus, to a point; thence South 55° 21' West, 4,300 feet, plus or minus, to the point of beginning; thereby comprising a tract of land containing 1,003 acres, more or less.

Any subsequent conveyance which may be made of the lands to a public body under authority of the act of August 24, 1949, *supra*, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States (1) all fissionable source materials in the land, together with the right of the United States to enter upon the land and prospect for, mine and remove such materials in accordance with the act of August 1, 1946 (60 Stat. 755; 43 U. S. C. 1801), (2) all oil and gas and other mineral deposits in the lands together with the rights of the United States, its agents, representatives, lessees or permittees, to prospect for, mine and remove the same under such regulations as the Secretary may prescribe, (3) a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 305), (4) a right-of-way for roads, highways, tramways, trails, bridges, and appurtenant structures constructed by or under authority of the United States or of any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat. 418; 48 U. S. C. 321d), and (5) such other reservations, covenants, terms, and conditions as may be deemed proper by the Office of Territories, as well as those which may be required for the protection of the Department of the Interior or any agency thereof.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-13049; Filed, Dec. 10, 1952; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Armored Garments, Inc., Spruce Pine, N. C., effective 12-10-52 to 12-9-53; 10 learners (dungarees).

Belton Shirt Co., Inc., Belton, S. C., effective 12-1-52 to 11-30-53; 10 percent of the productive factory force (dress and sport shirts).

Berwick Shirt Co., Tenth and Pine Streets, Berwick, Pa., effective 11-28-52 to 11-27-53; 10 percent of the productive factory force (men's sport shirts).

Burlington Manufacturing Co., 111 West Third Street, Chanute Kans., effective 12-5-52 to 12-5-53; 10 percent of the productive factory force (overalls and dungarees).

Carbon Sportswear, Inc., Coal and Bertsch Streets, Lansford, Pa., effective 11-26-52 to 5-25-53; 25 learners for expansion purposes (ladies' and misses' sportswear and dresses).

Day's Tailor D Clothing, Inc., 2902 A Street, Tacoma, Wash., effective 11-26-52 to 11-25-53; 10 percent of the productive factory force (trousers, jackets and cruisers).

Digby Manufacturing Co., Inc., South Park Avenue, Lakewood, N. J., effective 11-28-52 to 11-27-53; four learners. This certificate does not authorize the employment of learners at subminimum wage rates engaged in the production of ladies' and misses' skirts (blouses, dresses and sportswear).

Fairview Fashions, 25 Portland Street, St. Johnsbury, Vt., effective 11-29-52 to 11-28-53; five learners (dresses).

Forest City Manufacturing Co., Collinsville, Ill., effective 12-5-52 to 12-4-53; 10 percent of the productive factory force (dresses).

Honea Path Shirt Co., Simpsonville, S. C., effective 11-26-52 to 11-25-53; 10 learners (men's sport shirts).

Honea Path Shirt Co., Simpsonville, S. C., effective 11-26-52 to 5-25-53; 15 learners for expansion purposes (men's sport shirts).

Charles Kaufman Co., 109 South Pecos Street, San Antonio 7, Tex., effective 11-28-52 to 11-27-53; five learners (children's dresses).

The H. D. Lee Co., Inc., 405 East Madison, South Bend, Ind., effective 11-28-52 to 11-27-53; 10 percent of the productive factory force (men's work clothing).

R. Lowenbaum Manufacturing Co., 100 South Minnesota Street, Cape Girardeau, Mo., effective 12-5-52 to 12-4-53; 10 percent of the productive factory force (junior dresses).

Mifflin Shirt Co., Mifflin, Pa., effective 11-28-52 to 11-27-53; 10 learners (men's pajamas).

National Pants Co., Macon, Miss., effective 12-1-52 to 5-31-53; 75 learners for expansion purposes (men's and boys' pants).

Wm. H. Noggle & Sons, Inc., Penryn, Pa., effective 12-1-52 to 11-30-53; two learners (pajama pants).

Oberman Manufacturing Co., Wrightsville, Ga., effective 11-26-52 to 11-25-53; 10 percent of the productive factory force (men's sportswear slacks and shell trousers).

Perri-Mode, 11 Avon St., Portland, Maine, effective 12-1-52 to 11-30-53; five learners (dresses).

Regina Manufacturing Co, 44 Carey Avenue, Wilkes-Barre, Pa., effective 12-1-52 to 11-30-53; 10 percent of the productive factory force (dresses).

Reliance Manufacturing Co., "Sunflower" Factory, Cherryvale, Kans., effective 12-1-52 to 11-30-53; 10 percent of the productive factory force (men's work pants and boys' slack pants).

Reliance Manufacturing Co., "Capitol" Factory, Mitchell, Ind., effective 12-13-52 to 12-12-53; 10 percent of the productive factory force (dungarees, play garments, casual jeans).

Shirlee Manufacturing Co., Bart, Pa., effective 11-26-52 to 11-25-53; five learners (lingerie).

Sun Garment Co., Twelfth and Penn Streets, St. Joseph, Mo., effective 11-28-52 to 5-27-53; 30 learners for expansion purposes (uniform shirts).

Twin City Manufacturing Co., Twin City, Ga., effective 12-6-52 to 12-5-53; 10 percent of the productive factory force (men's dress and sport shirts).

Tyson Shirt Co., 620 Corson Street, Norristown, Pa., effective 11-29-52 to 11-28-53; 10 percent of the productive factory force (men's dress and sport shirts).

Weldon Manufacturing Co., Lopez, Pa., effective 11-30-52 to 11-29-53; 10 percent of the productive factory force (pajamas).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Cluett, Peabody & Co., Inc., Eveleth, Minn., effective 11-28-52 to 11-27-53; 5 percent of the productive factory force (men's and boys' shorts).

Nescopeck Knitting Mills, Inc., 213 West Third Street, Nescopeck, Pa., effective 11-24-52 to 11-23-53; 5 learners (cotton tee shirts, wool and cotton coat sweaters).

Norwich Knitting Co., Clayton, N. C., effective 12-3-53 to 3-23-53; 25 additional learners for expansion purposes (supplemental expansion certificate) (knitted underwear and outerwear).

Union Underwear Co., Inc., Frankfort, Ky., effective 12-11-52 to 12-10-53; 5 percent of the productive factory force (men's and boys' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Davis Hand Woven Textile Mill, Keyser, W. Va., effective 12-2-52 to 6-1-53; two learners; hand weaver, power loom weaver, sewing machine operator; each 240 hours at 65 cents per hour (baby shawls and crib blankets, ladies' headscarves and shawls).

P & K, Inc., 122 North Dixie Highway, Momence, Ill., effective 11-28-52 to 5-27-53; 10 learners; fly tying, brazing, machine bending; each 320 hours; 65 cents per hour for the first 160 hours and 70 cents per hour for the remaining 160 hours (replacement certificate) (fishhooks, lures, stringers, and flies).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 1st day of December 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-13063; Filed, Dec. 10, 1952; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

DOMESTIC AND EXPORT PRICE LISTS FOR DECEMBER 1952

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

DECEMBER 1952 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Nonfat dry milk solids, in carload lots only, 1952 production, 27,000,000 pounds.	Spray process, U. S. Extra Grade, 1952 production, 18 cents per pound. Prices apply "in store" at location of stock in any State ("in store" means at the processor's plant or in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer).
Cottonseed oil, bleachable prime summer yellow, 130,000,000 pounds.[1]	Market price or 17¾ cents per pound, whichever is higher, f. o. b. tank cars at points of storage locations.
Linseed oil, raw, 186,300,000 pounds.[1]	Market price on date of sale. (See note on Ceiling Price Certification at the end of this price list.)
Dry edible beans	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price support differential occurs, the price listed will apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable.
Pinto, bagged, 5,300 hundredweight.	No. 1 Grade 1950 and 1951 crops: $8.26 per 100 pounds, basis f. o. b. Denver rate area. $7.86 per 100 pounds, basis f. o. b. Idaho area.
Great Northern, bagged, 360,000 hundredweight.	No. 1 Grade 1949 crop: $9.11 per 100 pounds, basis f. o. b. Morrill, Nebr., area.
Baby lima, bagged, 398,000 hundredweight.[1]	No. 1 Grade 1950 crop: $7.04 per 100 pounds, basis f. o. b. California area.
Small white, bagged, 15,000 hundredweight.	No. 1 Grade 1951 crop: $9.01 per 100 pounds, basis f. o. b. California area.
Pink, bagged 112,000 hundredweight.	No. 1 Grade 1951 crop: $9.11 per 100 pounds basis f. o. b. Idaho and California areas. Available Portland and San Francisco PMA Commodity Offices.
Pea, bagged, 871,000 hundredweight.	No. 1 Grade 1951 crop: $9.38 per 100 pounds, f. o. b. Michigan area.
Small red, bagged, 113 hundredweight.	No. 1 Grade 1948 crop: $9.17 per 100 pounds, f. c. b. Missouri area. Available Kansas City PMA Commodity Office.
Austrian winter pea seed, bagged, 2,125,000 hundredweight.	$4 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Austrian winter peas, bagged. Not certified for purity or germination, 1,657,000 hundredweight.	In Portland, Oreg. and San Francisco areas only. The domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage, plus paid-in freight, as applicable. Purchaser must certify that commodity will be used for feed purposes only.
Blue Lupine seed, bagged, 1,083,000 hundredweight.	$4 per 100 pounds, basis f. o. b. point of production, plus paid-in freight as applicable.
Common and Willamette vetch seed, bagged, 129,400 hundredweight.	$7 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland, Dallas, and New Orleans PMA Commodity offices.
Red clover seed (uncertified), bagged, 55,080 hundredweight.	$37.94 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Red clover seed (certified), bagged, Cumberland, 1,000 hundredweight. Midland, 620 hundred, weight.	$43.28 per 100 pounds, basis f. o. b. point of produciton, plus paid-in freight, as applicable. Available Portland and Kansas City PMA Commodity offices.
Ladine clover seed (certified), bagged, 78,000 hundredweight.	$107.46 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland and San Francisco PMA Commodity offices.
Crimson clover seed, bagged, 130 hundredweight.	$18 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland PMA Commodity Office.
Biennial sweetclover seed, bagged, 30,000 hundredweight.	$10.19 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Chicago, Portland, Kansas City, and Minneapolis PMA Commodity offices.
Smooth bromegrass (uncertified), bagged, 8 hundredweight.	$16.74 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Chicago PMA Commodity Office.
Mountain bromegrass (Bromar certified), bagged, 530 hundredweight.	$22.12 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland PMA Commodity Office.
Hairy Vetch seed, bagged, 70,800 hundredweight.	$1 plus support price at point of production, plus paid-in freight, as applicable. Available Portland, Dallas, and New Orleans PMA Commodity offices.
Birdsfoot Trefoil seed, bagged, 1,150 hundredweight.	$80.77 per 100 pounds, basis f. o. b. point of production, plus paid-in freight as applicable. Available San Francisco and Portland PMA Commodity offices.
Rough pea seed, bagged, 6 hundredweight.	$7 per 100 pounds, basis f. o. b. point of production, plus paid-in freight as applicable. Available Portland PMA Commodity Office.

[1] These same lots are available at export sales prices announced today

DECEMBER 1952 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Primer slender wheat-grass seed (certified) bagged, 30 hundredweight.	$32.20 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland P'MA Commodity office.
Wheat, bulk, 25,000,000 bushels [1]...	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality, and location, plus: (1) 29 cents per bushel if received by truck, or (2) 24 cents per bushel if received by rail or barge. Examples of minimum prices, per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.73; Minneapolis, No. 1 HDNS, ex rail or barge, $2.76; Chicago, No. 1 HW, ex rail or barge, $2.77.
Oats, bulk, 4,400,000 bushels [1].....	At points of production, basis in store, the market price but not less than the applicable 1952 county loan rate plus: 61) 15 cents per bushel if received by truck, or (2) 13 cents per bushel if received by rail or barge. At other points, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 or better, ex rail or barge, $1.04; Minneapolis, No. 3 or better, ex rail or barge, $0.99.
Barley, bulk (Campagna) 1,000,000 bushels. [1]	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality, and location, plus: (1) 21 cents per bushel if received by truck, or (2) 17 cents per bushel if received by rail or barge. Examples of minimum prices per bushel: Minneapolis, No. 1 Barley, ex rail or barge, $1.59.
Corn, bulk, 50,000,000 bushels [1]....	At points of production, basis in store, the market price but not less than the applicable 1952 county loan rate for No. 3 yellow plus: (1) 19 cents per bushel if received by truck, or (2) 15 cents per bushel if received by rail or barge. At other locations, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 yellow, $1.93; St. Louis, No. 3 yellow, $1.95; Minneapolis, No. 3 yellow, $1.81; Omaha, No. 3 yellow, $1.86; Kansas City, No. 3 yellow, $1.91. For other classes, grades, and quality, market differentials will apply.
Grain sorghums, bulk, 124,000 hundredweight.	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality, and location, plus: (1) 37 cents per hundredweight if received by truck, or (2) 32 cents per hundredweight if received by rail or barge. Examples of minimum prices per hundredweight: Kansas City, No. 2 Grain Sorghums, ex rail or barge, $3.16; ex truck, $3.21.
Flaxseed, bulk, 144,000 bushels.....	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon, but not less than the following: $4.39 per bushel, No. 1 Grade, basis in store, Minneapolis. For other markets and grades, adjust by market differentials.

Ceiling Price Certification: Any purchaser from CCC of raw linseed oil, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

[1] These same lots also are available at export sales prices announced today.

DECEMBER 1952 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales price
Cottonseed oil, bleachable prime summer yellow 130,000,000 pounds.[1]	Market price f. o. b. tank cars at points of storage locations.
Linseed oil, raw, 186,300,000 pounds.[1]	14 cents per pound, f. o. b. tank cars at points of storage location. (See note on Ceiling Price Certification at the end of this price list.)
Dry edible beans.....	No. 1 Grade delivered on track present location, on basis costs and freight paid to f. a. s. vessel at location shown below.
Baby lima, bagged, 1950 crop. 398,000 hundredweight.[1]	$4.25 per 100 pounds, San Francisco Bay area. Discount for grades: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1; Appropriate discounts will also be given for "off-color" beans.
Austrian winter peas, bagged, not certified for purity or germination, 1,657, 000 hundredweight.[1]	In Portland, Oreg., and San Francisco areas only. The domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage plus paid-in freight, as applicable.
Wheat, bulk, 25,000,000 bushels.[1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Oats, bulk, 4,400,000 bushels.[1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Barley, bulk (Campagna), 1,000,-000 bushels.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Corn, bulk, 50,000,000 bushels.[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

Ceiling Price Certification: Any purchaser from CCC of raw linseed oil, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

[1] These same lots also are available at domestic sales prices announced today.

(Pub. Law 439, 81st Cong.)

Issued December 5, 1952.

[SEAL] G. F. GEISSLER,
President, Commodity Credit Corporation.

[F. R. Doc. 52-13074; Filed, Dec. 10, 1952; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2539]

NORTHWEST AIRLINES, INC.; MAIL RATE CASE

NOTICE OF ORAL ARGUMENT

In the matter of Mail Rate; transpacific operations period December 31, 1946–December 31, 1950—period 1952 forward.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on December 18, 1952 at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 8, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-13065; Filed, Dec. 10, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6441]

CONSOLIDATED GAS ELECTRIC LIGHT AND POWER CO. OF BALTIMORE AND PENNSYLVANIA WATER & POWER CO.

ORDER SETTING HEARING

DECEMBER 4, 1952.

By complaint filed July 2, 1952, Consolidated Gas Electric Light and Power Company of Baltimore (Consolidated) complains that Pennsylvania Water & Power Company (Penn Water) has overcharged it for electric service by reflecting in its charges certain expenditures made by Penn Water relating principally to litigation, annual charges of Penn Water's FPC license, and return on certain facilities unauthorized by Consolidated, and has not impounded the amounts required by the order of this Commission of January 31, 1949, and the order of the United States Court of Appeals of the District of Columbia of April 29, 1949, staying this Commission's rate reduction orders of January 4, 1949, and October 25, 1949, effective February 1, 1949. The disputed amounts have been billed by Penn Water to Consolidated, but payment on such amounts has been withheld by Consolidated.

The complaint requests this Commission to find such overcharges both under Penn Water's rate schedule on file before February 1, 1949, Rate Schedule FPC No. 1, and under the rate schedule prescribed by Commission order of October 25, 1949, FPC Prescribed Rate Schedule A, stayed by the orders of the Commission and the Court of Appeals until June 25, 1952. The complaint asks the Commission to examine every item of disputed expenditure by Penn Water and to issue a declaratory determination applicable to the construction of Penn Water's rate schedules for the future so as to settle whether Consolidated is obligated to pay the items for the past, present or future. The complaint further asks that the Commission inquire into Penn Water's impoundings of the difference between the rates under the Commission's prescribed rate schedule and the rate schedule previously on file for the period February 1, 1949, to April 29, 1949, during which the prescribed rate was stayed by Commission order and direct the proper amount which should be impounded and its distribution.

Penn Water filed a statement on August 1, 1952, in which it denied the jurisdiction of the Commission to grant the relief requested by Consolidated and denied the correctness of Consolidated's statements relating to the alleged overcharges.

The Commission orders:

(A) A public hearing be held in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C., commencing at 10 a. m., e. s. t., on January 5, 1953, with respect to the issues in this proceeding.

(B) Interested State commissions may participate in the hearing ordered in paragraph (A), as provided by §§ 1.8 and 1.37 (f) of the Commission's general rules and regulations, including rules of practice and procedure, dated January 1, 1948 (18 C. F. R. 1.8 and 1.37 (f)).

Date of issuance: December 5, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-13047; Filed, Dec. 10, 1952; 8:47 a. m.]

[Docket No. G-2045]

PERMIAN OIL AND GAS CO.

ORDER FIXING DATE OF HEARING

DECEMBER 4, 1952.

On September 8, 1952, the Permian Oil and Gas Company (Applicant), an Ohio corporation having its principal place of business in Marietta, Ohio, filed an application, as supplemented and amended on October 16, 1952, and December 3, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 4,520 feet of 3-inch pipe line, a metering and regulating station and appurtenant facilities in Olive Township, Noble County, Ohio, the continued operation of approximately 14 miles, 1,430 feet of existing 2-, 3- and 4-inch pipe line in Noble and Washington Counties, Ohio, and the purchase and transportation of natural gas as hereinafter described, all as more fully described in said application on file with the Commission and open to public inspection.

Paragraph (B) (3) of the order accompanying Opinion No. 231, issued July 3, 1952, in Docket No. G-1693 et al. authorized and directed Texas Eastern Transmission Corporation (Texas Eastern) to reserve not to exceed 300 Mcf of gas a day for Applicant. Applicant proposes to use the gas purchased from Texas Eastern to serve its existing customers in the villages of Caldwell, Dexter City, Macksburg, Elba, Dudley, Olive and South Olive, all in Ohio, and the outlying and intermediate districts thereof. Applicant states that this volume of gas is necessary to supplement its existing supply in local wells which have become depleted.

Applicant has requested, in its second amended application, that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition in opposition to the application has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 23, 1952 (17 F. R. 8491).

Applicant states, in its second amended application, that an emergency exists in that the supplementing supply of gas herein applied for is urgently needed to supply the current requirements of its customers.

The Commission finds:

(1) For good cause, the date fixed for hearing should be less than the 15 days required by § 1.20 (a) of the Commission's rules of practice and procedure.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 11, 1952, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: December 5, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-13048; Filed, Dec. 10, 1952; 8:47 a. m.]

[Docket No. G-2068]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

DECEMBER 4, 1952.

On September 12, 1952, Texas Gas Transmission Corporation (Applicant), a Delaware corporation having its principal place of business at Owensboro, Kentucky, filed an application, as supplemented by additional information on October 29, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a metering station on its pipeline now serving Boonville, Indiana, for the purpose of selling natural gas to Boonville Natural Gas Corporation for resale in the unincorporated town of Chandler, Warrick County, Indiana, and environs, in volumes not to exceed 200 Mcf a day, all as more fully described in said application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 10, 1952 (17 F. R. 9053).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 23, 1952, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: December 5, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-13046; Filed, Dec. 10, 1952; 8:46 a. m.]

[Docket No. G-2093]

CONNECTICUT GAS CO.

NOTICE OF APPLICATION

DECEMBER 5, 1952.

Take notice that on November 24, 1952, the Connecticut Gas Company (Applicant), a Connecticut corporation with its principal place of business at Berlin, Connecticut, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the operation of such of the facilities hereinafter described as may be subject to the requirements of the act and the jurisdiction of the Commission.

The facilities described in the application which are to be used in supplying the service Applicant proposes to furnish are:

(1) A coke oven plant of the Connecticut Coke Company, located in New Haven, Connecticut, for the production of mixed coke-oven and producer gas;

(2) A mixing plant owned by Applicant, located adjacent to the plant described in (1) above, for the mixture of manufactured gas and natural gas;

(3) A transmission pipeline from the mixing plant described in (2) above to the Madison Avenue Holder Station of the Hartford Gas Company. From this pipeline Applicant proposes to sell and deliver natural gas to the Connecticut Light and Power Company at Meriden, Middletown, and Bristol, Connecticut; and to furnish gas to domestic customers of New Haven Gas Light Company, Wallingford Gas Light Company, New Britain Gas Light Company, and Connecticut Light and Power Company, which are

connected directly to the transmission pipeline;

(4) The Madison Avenue Holder Station of Hartford Gas Company and its transfer main from the Holder Station to the Front Street mixing plant of Hartford Gas Company in Hartford;

(5) The Front Street mixing plant of Hartford Gas Company;

(6) Transmission facilities of Hartford Gas Company from its Front Street plant to Applicant's pipelines at Front Street and at the Manchester town line.

Applicant states that it need not construct, extend or acquire any of its presently existing facilities to receive, mix, transport, and sell natural gas and manufactured gas. Applicant states that it is now operating a gas transmission pipeline system running from New Haven to Hartford, Connecticut, and to certain points in the so-called Central and Northern Divisions of the Connecticut Light and Power Company, and that this application is for a certificate of public convenience and necessity to permit this continued operation of this pipeline system with the introduction of natural gas.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 24th day of December 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-13051; Filed, Dec. 10, 1952; 8:48 a. m.]

[Docket Nos. G-2097, G-2024]

UNITED GAS PIPE LINE CO. AND MISSISSIPPI RIVER FUEL CORP.

ORDER INSTITUTING INVESTIGATION, CONSOLIDATING PROCEEDINGS, FIXING DATE OF HEARING, AND REQUIRING UNITED GAS PIPE LINE COMPANY TO SUBMIT SPECIFIED DATA AND INFORMATION

DECEMBER 4, 1952.

In the matter of United Gas Pipe Line Company, Docket No. G-2097; Mississippi River Fuel Corporation, Complainant, v. United Gas Pipe Line Company, Defendant, Docket No. G-2024.

On August 4, 1952, Mississippi River Fuel Corporation (Mississippi) filed a complaint against United Gas Pipe Line Company (United) in the above-entitled proceeding, Docket No. G-2024, designated "Petition for Relief," in which Mississippi prayed that United be required by the Commission to make an accounting and render reports, as more particularly hereinafter referred to, relating to certain contracts entered into between United, as seller, and Mississippi, as buyer, and filed with the Federal Power Commission as rate schedules. The salient facts leading up to the filing of such complaint are as follows:

On September 7, 1945, United, as seller, and Mississippi, as buyer, entered into a contract for the sale and purchase of natural gas, whereby United agreed to supply Mississippi with certain volumes of natural gas on a basis substantially resulting in a maximum of 73,000 Mcf of natural gas per day, at a price consisting of a commodity charge of 5 cents, subject to adjustment for Btu content, and a demand charge of 38 cents per Mcf of billing demand per month. This contract was filed with the Commission and designated as Supplement No. 11 to United's Rate Schedules FPC Nos. 9, 10, and 11.

On March 28, 1949, pursuant to the terms of said contract of September 7, 1945, Mississippi notified United of its desire to increase its maximum daily purchases under said contract from 73,000 Mcf to 195,000 Mcf, commencing November 1, 1949, an increase of 122,000 Mcf per day. Thereafter, on November 16, 1949, the same parties entered into an amendatory agreement—filed with the Commission on November 23, 1949, and designated as Supplement No. 15 to United's Rate Schedules FPC Nos. 9, 10, and 11—providing for the aforesaid maximum daily delivery of 195,000 Mcf, and also for a higher "rolled in" rate for the total deliveries to be made, consisting of a commodity charge of 6½ cents per Mcf, subject to adjustment for Btu content, and a demand charge of 45 cents per Mcf of billing demand per month. This filing effected an increase in rates estimated by United at the time of filing to be about $950,000 annually. The 6½ cents commodity charge represented the approximate weighted average of 5 cents per Mcf related to the 73,000 Mcf a day and 7½ cents per Mcf for the added 122,000 Mcf a day.

On the same date, November 16, 1949, the parties entered into a letter agreement which was filed with the Commission and designated as Supplement No. 1 to Supplement No. 15 to United's Rate Schedules FPC Nos. 9, 10, and 11, providing for an annual adjustment of the commodity charge of 6½ cents specified in Supplement No. 15 to United's Rate Schedules FPC Nos. 9, 10, 11, in the following manner:

It is anticipated that the additional gas requested by Mississippi River Fuel Corporation • • • must be supplied by United Gas Pipe Line Company from purchases of surplus gas in the Carthage Field. United is entering into purchase contracts for the purchase of this surplus gas. These purchase contracts are for twenty (20) years, and the price to be paid thereunder is on a sliding scale of 7½ cents per Mcf for the first 5-year period, increasing one cent each 5 years • • •.

Due to variations in the market demands of both United and others now withdrawing gas from Carthage Field, the amount of surplus gas purchases may, in any years, be less than the amount estimated by United to supply the increased requirements of Mississippi River Fuel Corporation. It is the intention of United, as of March 1st of each year, to make an appropriate adjustment in the commodity charge as set out in its amendatory agreement with Mississippi River Fuel Corporation dated November 16, 1949, in the event that the surplus gas purchases, chargeable to Mississippi River Fuel's increased demand as set out in said agreement, shall be less than 122/195 of Mississippi River Fuel's total requirements from United. The amount of the adjustment, and the method of calculation, shall be approved by the Federal Power Commission.

By order dated December 20, 1949, the Commission allowed said Supplement No. 15 and said Supplement No. 1 thereto to take effect as of December 8, 1949, which order recites, inter alia, that:

Supplement No. 1 to said Supplement No. 15 provides that United will make an adjustment in the commodity charge as of March 1 of each year, as therein provided.

The same order required, inter alia, that:

United shall file as of March 1 in each year the amount of the proposed adjustment in the commodity charge, referred to in said Supplement No. 1 to Supplement No. 15, the method of calculation of such adjustment, and such other details as may be requested by the Commission, and such filing shall be made each year whether or not any adjustment is contemplated by United.

On May 23, 1950, United filed Supplement No. 1 to Supplement No. 1 to Supplement No. 15 to Rate Schedules FPC Nos. 9, 10 and 11, representing an adjustment of $201,892.53 to be paid by United to Mississippi for the period from December 13, 1949, to and including February 28, 1950. It appears from such filing that, for the period covered, United purchased no gas at a price of 7½ cents per Mcf for delivery to Mississippi in the manner contemplated by Supplement No. 1 to Supplement No. 15, and such filing reflected a reduction in the unit commodity price from 6½ cents to 5 cents per Mcf. Such filing shows that during said period of time, United delivered to Mississippi a total of 12,837,462 Mcf of gas and that United billed Mississippi the sum of $1,084,175.13 for such gas; that the aforesaid sum of $201,892.53 remitted is composed of two parts, as follows: (a) The difference between the amount billed at the commodity charge of 6½ cents per Mcf and the adjusted commodity price of 5 cents per Mcf, or $192,561.93; and (b) the difference in the charges due to a Btu adjustment of $9,330.60. By Commission order issued June 27, 1950, said Supplement No. 1 to Supplement No. 1 to Supplement No. 15 was allowed to take effect and it appears that United remitted $201,892.53 to Mississippi.

By letter dated April 24, 1951, United transmitted for filing with the Commission a statement showing, as the proposed adjustment in its charges to Mississippi for the period from March 1, 1950, to February 28, 1951, an amount of $688,789 to be remitted to Mississippi; and by letter dated June 18, 1951, transmitted for filing a revised statement showing the same proposed adjustment. It appears from such statements that United sought to consider certain exchange gas which it received from a transmission pipeline of Texas Eastern Transmission Corporation at a point near Castor, Louisiana, as being the same, under the provisions of Supplement No. 1 to Supplement No. 15 to Rate Schedules FPC Nos. 9, 10, and 11, as surplus gas purchased at 7½ cents per Mcf in the Carthage Field, and that had it not been for such assumption, the amount of the adjustment would have been much larger, or approximately $1,030,000. United has not remitted any amount to Mississippi by way of adjustment for such 12-month period.

By letter dated June 30, 1952, from the Secretary of the Commission, United was called upon to file a statement for the year ending February 29, 1952, as required by the Commission's order dated December 20, 1949, showing the adjustment in charges respecting charges for natural gas sold and delivered during such period pursuant to the provisions of Supplement No. 1 to Supplement No. 15 to United's Rate Schedules FPC Nos. 9, 10, and 11. United has failed and refused to comply with such request and the requirements of its filed and effective rate schedules.

The complaint of Mississippi filed on August 4, 1952, prays that the Commission forthwith order United to make such accounting or render such report or reports as will indicate as of March 1, 1951, and March 1, 1952, what adjustments are necessary in the commodity charge, as to each of the preceding 12-month periods, because of the provisions of effective rate schedules and supplements thereto on file with the Federal Power Commission, and that United be ordered to comply in all particulars with said rate schedules and supplements thereto.

It appears that United, for the 12 months ended February 28, 1951, and again for the 12 months ended February 29, 1952, has failed and refused to make the adjustment in the commodity charge called for by said Supplement No. 1 to Supplement No. 15 to United's FPC Rate Schedules Nos. 9, 10, and 11, and has failed and refused to submit the basic information from which the amount of such adjustment can be determined, as required by said Commission order dated December 20, 1949.

On October 4, 1951, United filed a petition for a declaratory order determining "that Petitioner did not have to make any adjustment or refund to Mississippi under the adjustment rate and that Petitioner be declared to be entitled to a refund from Mississippi in the amount of $201,892.60." The Commission by order issued October 31, 1951 (Docket No. G-1804), dismissed United's petition. From such order of dismissal, United has appealed to the United States Court of Appeals for the Fifth Circuit, thus raising the issue whether the Commission erred in the exercise of its discretion in dismissing United's petition for a declaratory order in the form and manner requested.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, upon its own motion as hereinafter ordered, to determine the correct amount of the adjustment in the charges of United to Mississippi for natural gas sold and delivered during the 12-month periods ended February 28, 1951, and February 29, 1952, under the provisions of United's Rate Schedules FPC Nos. 9, 10, and 11 and supplements theerto; and such amount as may be due and payable from United to Mississippi for each of said 12-month periods.

(2) The matters involved in the proceeding in Docket No. G-2097 involve substantially the same issues and facts as presented in Docket No. G-2024, and good cause, therefore, exists for consolidating such matters for purpose of hearing.

The Commission orders:

(A) An investigation be and it hereby is instituted for the purpose of enabling the Commission to determine the correct amount of the adjustment in the charges of United to Mississippi for natural gas sold and delivered during the 12-month periods ended February 28, 1951, and February 29, 1952, under the provisions of United's Rate Schedules FPC Nos. 9, 10, and 11 and supplements thereto; and to determine such amount as may be due and payable from United to Mississippi for each of said 12-month periods.

(B) That United submit to the Commission in writing and under oath 10 days prior to such public hearing, the following information:

(i) The volume of natural gas which it supplied to Mississippi during the 12-month periods ended February 28, 1951 and February 29, 1952, pursuant to the foregoing rate schedules and supplements thereto, or any of them, which natural gas represented purchases by United of surplus gas in the Carthage Field, and the names of the sellers of such surplus gas to United, as well as the price paid therefor by United; and

(ii) Full information and data for the respective 12-month periods ended February 28, 1951 and February 29, 1952, showing the total volumes of natural gas sold and delivered to Mississippi under United's Rate Schedules FPC Nos. 9, 10, and 11, as supplemented, as well as the adjustments specified under the provisions of Supplement No. 1 to Supplement No. 15 to such rate schedules and the Commission's order of December 20, 1949, appropriately adjusted to reflect any difference in charges due to Btu content of such gas.

(C) The proceedings in this docket be and the same hereby are consolidated with the proceedings in Docket No. G-2024 for purposes of hearing.

(D) The consolidated proceedings be and the same hereby are set for public hearing to be held commencing on January 26, 1953, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters and issues presented by the complaint of Mississippi and the matters and issues presented by paragraphs (A) and (B) hereof.

Date of issuance: December 5, 1952.

By the Commission.[1]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-13044; Filed, Dec. 10, 1952; 8:46 a. m.]

[1] Commissioner Draper dissenting.

[Project No. 1971]

IDAHO POWER CO.

ORDER ON MOTIONS

DECEMBER 3, 1952.

On November 10, 1952, the Idaho Power Company, applicant for license under the Federal Power Act for the proposed Oxbow Project (No. 1971) on Snake River, Idaho and Oregon, filed a supplement to its application for license for the project. The supplement consisted of (1) an amended Exhibit N, revised estimate of the cost of the proposed Oxbow Project, and (2) an amended Exhibit Q, revised statement of plans for comprehensive development. The original Exhibit Q presented a plan to develop the power resources of the stretch of the Snake River between Weiser, Idaho, and a piont about 100 miles downstream with five low head dams (Bayhorse, Sturgill, Brownlee, Oxbow, and Hells Canyon). The amended Exhibit Q includes this plan for five low head dams and in addition presents an alternative plan calling for low head dams at the Oxbow and Hells Canyon sites and a high head dam at the Brownlee site in lieu of the three low head dams at the Brownlee, Sturgill, and Bayhorse sites. Amended Exhibit Q states that the installed capacities and the estimated costs given for each development under the two alternative plans are based on preliminary studies; that further investigation and appraisal of the Brownlee site and the comparative merits of the two plans are being conducted by the applicant; and that the results of the further investigations and studies will be supplied to the Commission.

The supplement does not change or amend the proposal to construct the Oxbow Project, the only project for which a license is requested.

On November 12, 1952, the applicant filed a motion requesting the Commission to postpone the further hearing in this proceeding, now set for January 12, 1953, in Washington, D. C., for approximately 30 days. The motion stated that the additional time was needed in view of the further investigations and appraisals now being conducted with respect to the proposal for a high head dam at the Brownlee site and other work in connection with the alternative plan, for comprehensive development, and in view of the several holiday periods between November 12, 1952, and January 12, 1953. In addition, the Commission takes notice of the fact that it will be extremely difficult, if not impossible, for its staff members and any others from places outside of Washington, D. C., who plan to attend or participate in the hearing to obtain hotel accommodations in or around Washington, D. C., in January 1953, due to the Presidential Inauguration which is to occur January 20, 1953.

The motion, together with a copy of the supplement to the application, was served by the applicant on all parties of record in this proceeding.

On November 21, 1952, the Secretary of the Interior, an intervener in this pro-

ceeding, filed motions in opposition to applicant's motion for continuance and to strike the supplement to the application filed November 10, 1952. In the alternative, the Secretary requested that if the motion to strike the supplement be denied, such denial be without prejudice to his right to answer thereto within 30 days from the date of the Commission's action on the motions and that no action be taken on the motion for continuance and that the Secretary be accorded a period of 10 days from the date of the Commission's action to answer the motion for continuance on the merits. Counsel for the Secretary, by a letter filed November 28, 1952, requested that, if the Commission finds it is not possible to resume the hearings as now scheduled, the deferment should be until about April 15, 1953.

No other party filed an answer to the applicant's motion for continuance within the 10-day period provided for such answers by the Commission's rules and regulations. However, Commission Staff Counsel filed an answer stating that additional time was needed to investigate and study the alternative plan for comprehensive development presented in the amended Exhibit Q and requested postponement of the further hearing.

The supplement to the application is being referred to the Secretary of the Interior for an appropriate report and comment as was the original application for license. This will afford him an opportunity to make any representations and to request any affirmative relief in this matter he deems necessary or appropriate.

The Commission finds:

(1) An applicant for license has the right to supplement its application for license to present revised or amended data and plans for consideration by the Commission and, therefore, the motion of the Secretary of the Interior to strike the supplement should be denied as hereinafter provided.

(2) The Secretary of the Interior was served with a copy of the applicant's motion for continuance of the further hearing and has made representations with respect thereto within the 10-day period provided by the Commission's rules and regulations.

(3) Under the existing circumstances it is appropriate and in the public interest to postpone the further hearing in this matter as hereinafter provided.

The Commission orders:

(A) The motion of the Secretary of the Interior to strike the supplement to the application for license for Project No. 1971, filed November 10, 1952, is hereby denied without prejudice to the right of the Secretary to make further representations or request such affirmative relief as he deems necessary or appropriate.

(B) The further hearing in the above-entitled matter now set to commence on January 12, 1953, is hereby postponed to commence on April 13, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, Twelfth Floor, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: December 5, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-13045; Filed, Dec. 10, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2962]

AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING REGARDING RECLASSIFICATION OF COMMON STOCK AND ISSUANCE OF SHARES; AND STOCK DIVIDEND

DECEMBER 5, 1952.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 and 7 thereof and Rule U-62 of the rules and regulations promulgated thereunder as applicable to the following proposed transactions:

American Gas presently has outstanding 10,041,081 shares of $10 par value common stock. The declaration proposes (1) the reclassification of said shares into 20,082,162 shares of $5 par value common stock, and the issuance of two shares of the $5 par value common stock for each one share of the $10 par value common stock presently held; and (2) the issuance of a stock dividend which is summarized as follows:

On October 29, 1952, the board of directors of American Gas declared a stock dividend at the rate of one share of $10 par value common stock for each forty shares of such stock outstanding in the hands of the public, payable March 10, 1953, to holders of record on February 2, 1953. In the event that the stock reclassification heretofore described shall have become effective on or prior to March 10, 1953, the stock dividend will be at the rate of two shares of $5 par value common stock for each share of the $10 par value common stock which would have been distributable had such reclassification not become effective.

The proposed stock dividend will result in the issuance of 146,913 shares of $10 par value common stock. American Gas proposes to reflect this transaction by debiting earned surplus in the amount of $8,080,215 (an assigned value of $55 per share) and crediting the common stock account with $1,469,130 and premium on capital stock in the amount of $6,611,085. As of September 30, 1952, the earned surplus of American Gas was $71,551,606.

In connection with the stock dividend, American Gas proposes that no fractional shares of common stock will be issued. The details of handling fractional interests will be set forth by amendment herein.

Notice is further given that any interested person may, not later than December 18, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 18, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13054; Filed, Dec. 10, 1952; 8:49 a. m.]

[File Nos. 70-2963, 70-2966, 70-2965, 70-2964]

MONTAUP ELECTRIC CO. ET AL.

NOTICE OF ISSUE, SALE AND ACQUISITION OF DEBENTURE BONDS; ISSUE AND SALE OF UNSECURED NOTES TO BANKS; AND ORDER OF CONSOLIDATION

DECEMBER 5, 1952.

In the matter of Montaup Electric Company, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company, File No. 70-2968; Blackstone Valley Gas and Electric Company, File No. 70-2966; Brockton Edison Company, File No. 70-2965; Fall River Electric Light Company, File No. 70-2964.

Notice is hereby given that applications-declarations have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Montaup Electric Company ("Montaup"), Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River"), all public-utility subsidiary companies of Eastern Utilities Associates, a registered holding company. Applicants-declarants have designated sections 6, 7, 9, 10, and 12 of the act and rules U-42, U-43, U-45, and U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Montaup presently has outstanding with a bank $11,000,000 principal amount of 3 percent promissory notes, due December 30, 1952. Such notes were issued principally to provide Montaup with funds necessary for an additional 60,000 kw generator in its steam plant, which was placed in service on October 1, 1951.

Montaup proposes to issue and sell $11,000,000 principal amount of 30-year 3⅜ percent Debenture Bonds to Blackstone ($4,573,000), Brockton ($2,689,000), and Fall River ($3,738,000) and to use the proceeds therefrom to pay off its presently outstanding promissory notes. Said Debenture Bonds are to be redeemable, in whole at any time or pro rata in part from time to time, at the principal amount and accrued interest to the date of redemption.

Blackstone, Brockton and Fall River expect to have outstanding during December 1952, under a prior loan agreement, unsecured short-term 3 percent promissory notes in the aggregate face amount of $600,000, $1,100,000 and $900,000, respectively. Blackstone, Brockton and Fall River propose to issue to the First National Bank of Boston and certain participating banks on or before December 29, 1953, unsecured promissory notes in the aggregate principal amounts of $6,000,000, $4,450,000 and $5,200,000, respectively. Said notes will be issued by said companies in order to pay off such note indebtedness as may be outstanding during December 1952 under said prior loan agreement, to purchase their proportionate shares of the Debenture Bonds proposed to be issued by Montaup and to provide sufficient funds for their 1953 construction programs. With respect to each company said notes will mature not later than one year less one day after the date of issue of the first of the notes and in no event later than December 29, 1953, and will be prepayable at any time without premium. Each note will bear interest at the prime rate of interest for short-term unsecured loans existing at the time of issuance thereof except that the interest rate on each note outstanding on June 30, 1953, will be adjusted to the prime interest rate existing on that date and each such note will bear such adjusted prime interest rate from that date to maturity or prior payment thereof. It is stated that the prime interest rate for such notes at the present time is 3 percent per annum. It is further stated that in the event that the interest rate of any proposed note would be in excess of 3¼ percent per annum, prior to the issuance thereof, the applicable borrowing company or companies will file an amendment to this proceeding setting forth the then existing proposed interest rate. It is requested that any such amendment become effective five days after the filing thereof unless the Commission notifies the company or companies filing such amendment to the contrary.

The filings indicate that the promissory notes proposed to be issued by Blackstone, Brockton, and Fall River will be refinanced through the issuance of bonds by said companies. The filings state that the Department of Public Utilities of Massachusetts has jurisdiction over the issuance of said Debenture Bonds by Montaup and the acquisition of their proportionate share thereof by Brockton and Fall River and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The filings further state that the fees and expenses to be incurred in connection with the sale and acquisition of the Debenture Bonds will not exceed $14,700, including $2,500 of legal fees and $12,100 for Federal documentary tax, and that the fees and expenses to be incurred in connection with the notes to be issued and sold by Blackstone, Brockton, and Fall River will not exceed $1,000, including $900 of legal fees, for each company. It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than December 22, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter such applications-declarations, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

It appearing to the Commission that the above entitled matters involve common questions of law and fact and that such matters should be consolidated for consideration and disposition:

It is ordered, That the above entitled matters be, and the same hereby are, consolidated for consideration and disposition.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13052; Filed, Dec. 10, 1952; 8:49 a. m.]

[File No. 70-2971]

HEVI DUTY ELECTRIC CO.

NOTICE OF FILING REGARDING EXTENSION OF BANK LOAN NOTE

DECEMBER 5, 1952.

Notice is hereby given that an application has been filed by Hevi Duty Electric Company, a non-utility company which is a subsidiary of the North American Company, a registered holding company. The applicant has designated section 6 (b) of the act as being applicable to the proposed transaction which is summarized as follows:

By order, dated June 16, 1952 (Holding Company Act Release No. 11358), this Commission entered its order permitting Hevi Duty to borrow from the Chemical Bank & Trust Company of New York the sum of $300,000 at an interest rate of 3 percent per annum, such borrowing to be evidenced by an unsecured promissory note to extend for a period of six months with the privilege on the part of the company to renew such loan for an additional six-month period. The present application states that said bank loan becomes due January 2, 1953, and because the company's need for working funds has further increased since the original loan was made, it is now proposed that such bank loan be renewed in the same principal amount at the same interest rate for a further period of six months. No fees, commissions or other remuneration are to be paid to any third person in connection with the proposed transaction.

The company states that no regulatory commission other than this Commission has jurisdiction over the proposed transaction.

The applicant has requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than December 19, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert or may request that he be notified if the Commisison should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13053; Filed, Dec. 10, 1952; 8:49 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[NPA Delegation 6, Supp. 1]

CIVIL AERONAUTICS ADMINISTRATION

DELEGATION OF AUTHORITY FOR PRIORITY ASSISTANCE FOR MATERIALS TO RESTORE PROPERTY DAMAGED BY TYPHOON ON WAKE ISLAND

This Supplement 1 to NPA Delegation 6 (as amended August 21, 1951), is issued pursuant to the Defense Production Act of 1950, as amended. The Civil Aeronautics Administration has been delegated certain authority to apply and assign ratings pursuant to NPA Delegation 6. In addition to such authority, National Production Authority delegated to the Administrator of the Civil Aeronautics Administration by written authorization (therein and hereinafter referred to as "NPA Wake Island Authorization") the following authority of which this supplement is confirmatory:

1. To apply the allotment symbol X4 to contracts and delivery orders of Civil Aeronautics Administration for controlled materials (as the term "controlled materials" is used in CMP Reg-

ulation No. 1), and the rating DO–X4 to contracts and delivery orders of Civil Aeronautics Administration for products and materials other than controlled materials; and to grant to others the right to apply the allotment symbol X4 to their contracts and delivery orders for controlled materials and the rating DO–X4 to their contracts and delivery orders for products and materials other than controlled materials, provided that such controlled materials, products, and other materials are required to reconstruct, repair, or replace any building, structure, facility, or equipment damaged or destroyed as a result of the recent typhoon disaster on Wake Island, so that such building, structure, or facility will be substantially the same as it was prior to that disaster.

2. To redelegate in writing to any agent of Civil Aeronautics Administration designated by the Administrator thereof, the authority granted in this supplement.

3. The allotment symbol and DO rating authorized in the NPA Wake Island Authorization may be used only for delivery orders placed prior to July 1, 1953. Every delivery order bearing the allotment symbol X4 or the rating DO–X4 pursuant thereto must contain a certification in the following form:

"Certified under NPA Wake Island Authorization."

Such certification shall be signed as provided in NPA Reg. 2 and shall constitute a representation to the supplier and to the National Production Authority that the person placing the order is authorized to use the allotment symbol X4 or the rating DO–X4, as the case may be, under the provisions of such authorization, for the purpose of obtaining the materials or products covered by the delivery order.

4. Every grant of the right to use an allotment symbol or rating on a delivery order which might be given by the Administrator of Civil Aeronautics Administration to any person pursuant to the NPA Wake Island Authorization shall be made in writing, addressed to such person, and duly signed in the name and behalf of Civil Aeronautics Administration; and shall incorporate therein by reference the provisions of the NPA Wake Island Authorization.

5. The exercise of this authority shall be subject to and in accordance with all regulations and orders of the National Production Authority, the NPA Wake Island Authorization, and all such requirements, policy statements, and directives as may be issued from time to time by the National Production Authority.

This supplement issued on December 10, 1952. The NPA Wake Island Authorization was issued November 19, 1952.

NATIONAL PRODUCTION AUTHORITY,
R. A. McDONALD,
Administrator.

[F. R. Doc. 52–13140; Filed, Dec. 10, 1952; 11:33 a. m.]

[Suspension Order 50; Docket No. 55]

HUB AUTO SUPPLY, INC., ET AL.

SUSPENSION ORDER

A hearing having been held in the above-entitled proceeding on the 29th day of October 1952, before Ernest J. Brown, a hearing commissioner of the National Production Authority, on a statement of charges made in accordance with the National Production Authority General Administrative Order 16–06 (16 F. R. 8628) dated July 21, 1951, and Rules of Practice 1, Revised (17 F. R. 8156), and upon a stipulation of facts executed by the regional attorney on behalf of the National Production Authority, by the respondents, and by counsel for the respondent Hub Auto Supply, Inc.; and

The respondents Hub Auto Supply, Inc., and William B. Sandler, President of Hub Auto Supply, Inc., and individually, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings; and the said respondents being represented by David M. Brackman, Esq., an attorney at law, and the National Production Authority having been represented by James E. Agnew, Esq., Regional Attorney; and a stipulation of facts having been introduced in lieu of other evidence; and counsel having been heard, and after due deliberation;

It is hereby determined:

Findings of fact. 1. During the period commencing March 24, 1952, and ending on or about April 4, 1952, Hub Auto Supply, Inc., placed controlled material orders bearing allotment symbol DO–R6–2Q52 for delivery of 45 tons of carbon steel controlled materials when and although said Hub Auto Supply, Inc., was not authorized to use such allotment symbol or to place such controlled material orders.

2. During the period commencing on or about April 5, 1952, and ending on or about June 10, 1952, Hub Auto Supply, Inc., used 45 tons of carbon steel controlled materials obtained by use of an allotment, for a purpose other than to fill a related or other authorized production schedule.

3. During the period commencing March 24, 1952, and ending on or about August 12, 1952, Hub Auto Supply, Inc., failed to maintain at its regular place of business documents on which it relied as entitling it to make allotments and accept delivery of carbon steel controlled materials, and failed to make such documents available for inspection by representatives of the National Production Authority.

4. During the period commencing March 24, 1952, and ending on or about August 12, 1952, William B. Sandler was president of Hub Auto Supply, Inc., and dominated and managed its affairs, and directed, supervised, and participated in the acts, or failures to act, attributed to Hub Auto Supply, Inc., in paragraphs numbered 1 through 3, immediately above.

Conclusions. 1. In placing controlled material orders bearing allotment symbol DO–R6–2Q52 for delivery of 45 tons of carbon steel controlled materials when and although not authorized to use such allotment symbol or to place such controlled material orders, Hub Auto Supply, Inc., during the period commencing March 24, 1952, and ending on or about April 4, 1952, committed acts prohibited by, and in violation of, section 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

2. In using 45 tons of carbon steel controlled materials obtained by use of an allotment, for a purpose other than to fill a related or other authorized production schedule, Hub Auto Supply, Inc., during the period commencing on or about April 5, 1952, and ending on or about June 10, 1952, committed acts prohibited by, and in violation of, section 17 (h) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

3. In failing to maintain at its regular place of business documents on which it relied as entitling it to make allotments and accept delivery of carbon steel controlled materials, and in failing to make such documents available for inspection by representatives of the National Production Authority, Hub Auto Supply, Inc., during the period commencing March 24, 1952, and ending on or about August 12, 1952, violated section 23 (b) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

4. In directing, supervising, and participating in the acts and failures to act found to have constituted violations of CMP Regulation No. 1, as amended, by Hub Auto Supply, Inc., while president of said Hub Auto Supply, Inc., William B. Sandler, during the period commencing March 24, 1952, and ending on or about August 12, 1952, committed acts prohibited by, and in violation of, sections 17 (b), 19 (f), and 23 (b) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

In order to correct the unauthorized ordering and use of carbon steel found herein, and in order to prevent future violations of National Production Authority regulations and orders by the respondents,

It is accordingly ordered:

1. That all priority assistance be withdrawn and withheld from Hub Auto Supply, Inc., and from William B. Sandler, as president of Hub Auto Supply, Inc., and individually, their successors and assigns, for a period of 4 months beginning with the date of the issue of this order.

2. That all allocations and allotments of controlled materials and materials under the control of the National Production Authority be withdrawn and withheld from Hub Auto Supply, Inc., and William B. Sandler as president of Hub Auto Supply, Inc., and individually, their successors and assigns, so long as the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

3. That all privileges of self-certification, self-authorization, and automatic allotment granted or authorized by the National Production Authority with respect to controlled materials and materials under the control of the National Production Authority be withdrawn and withheld from Hub Auto Supply, Inc., and William B. Sandler as president of Hub Auto Supply, Inc., and individually, their successors and assigns, so long as the Defense Production Act of 1950, as amended, or as hereafter amended or extended, remains in effect.

4. That Hub Auto Supply, Inc., and William B. Sandler as president of Hub Auto Supply, Inc., and individually, their successors and assigns, be prohibited from acquiring, using, or disposing of controlled materials and materials under the control of the National Production Authority for a period of 4 months beginning with the date of the issue of this order.

Issued at Boston, Mass., this 26th day of November 1952.

NATIONAL PRODUCTION AUTHORITY,
By ERNEST J. BROWN,
Hearing Commissioner.

[F. R. Doc. 52–13141; Filed, Dec. 10, 1952; 11:33 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Dissolution Order 98]

JUNGMANN & CO., INC.

Whereas, by Vesting Order No. 166, executed September 24, 1942 (7 F. R. 8568, October 23, 1942) there was vested 240 shares (80 percent) of the issued and outstanding capital stock of Jungmann & Co., Inc., a Delaware corporation; and,

Whereas, the remaining 60 shares (20 percent) of the issued and outstanding capital stock are owned by the estate of an American citizen to wit: Paul Gutschow; and,

Whereas, Jungmann and Co., Inc., has been substantially liquidated;

Now, under the authority of the Trading with the Enemy Act, as amended, Executive Order 9095, as amended, and Executive Order 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claims, if any, as the Attorney General of the United States may have for money advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved, and that its assets be distributed, and a Certificate of Dissolution having been issued by the Secretary of State of the State of Delaware;

Hereby orders, that the officers and directors of Jungmann & Co., Inc. (to wit: Robert Kramer, Vice-President and Director, and Lewis M. Reed, Secretary and Director, and their successors, or any of them) continue the proceedings for the dissolution of Jungmann and Company, Inc.; and further orders that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of the said corporation and the dissolution thereof; and

(b) They shall then pay all known Federal, State, and local taxes and fees, if any, owed by or accruing against the said corporation; and

(c) They shall then pay such claim, if any, as the Attorney General may have for monies advanced or services rendered to or on behalf of the corporation; and

(d) They shall then pay a final liquidating distribution to the Attorney General and Paul Gutschow of all remaining cash and other assets in the proportion of 80 percent to the Attorney General and 20 percent to Paul Gutschow providing that the amount due the corporation from Helmuth Voss, the German national from whom the 80 percent stock interest was vested, will be applied in part payment of the sum due the Attorney General in such distribution; and providing that the amount heretofore distributed to Paul Gutschow of $18,405.50 will be first applied against the amount shown to be due as Mr. Gutschow's proportionate share; that all remaining cash funds after the applications and payments as herein outlined, will be paid 80 percent to the Attorney General and 20 percent to Paul Gutschow; that separate assignments will be made in favor of the Attorney General and in favor of Paul Gutschow of United States Patent No. 2,090,537 in the proportion of 80 percent to the Attorney General, 20 percent to Paul Gutschow, and that an assignment will be made of any and all other assets as hereinabove described, together with any and all after discovered assets not presently reflected on the books of the company, in favor of the Attorney General of the United States for the benefit of himself and Paul Gutschow as their respective stock interests appear, and with the understanding that any and all sums derived hereafter from the liquidation of the assets will be distributed pro rata to the Attorney General of the United States and Paul Gutschow as their stock interests appear, after first allowing, in respect to the patent assignment, for the application on the debts due the corporation from Albert A. Lund of any sums due him by reason of his interest in said patent or royalties derived therefrom until said debts are extinguished, and

further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading With the Enemy Act, as amended, of any person who may have a claim against said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States, hereunder: *Provided, however,* That nothing herein contained shall be construed as creating additional rights in such person: *Provided, further,* That any such claim against said corporation shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading With the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the said officers and directors of Jungmann & Co., Inc., pursuant to this order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) and subdivision (b) of section 5 of the Trading With the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., December 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52–13070; Filed, Dec. 10, 1952; 8:53 a. m.]

JEAN EMILE PETIT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Jean Emile Petit, Levallois-Perret, France; Claim No. 40473; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,136,314.

Executed at Washington, D. C., on December 4, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52–13071; Filed, Dec. 10, 1952; 8:54 a. m.]

AMALIA SANTULLI AMODEO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Amalia Santulli Amodeo, also known as Amelia Amodeo and Amalia Santulli, Monteforte, Italy; Claim No. 42125; $2,714.26 in the Treasury of the United States.

Executed at Washington, D. C., on December 4, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13072; Filed, Dec. 10, 1952; 8:54 a. m.]

SIGMUND HEXTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Sigmund Hexter, also known as Fritz Siegmund Hoexter, 13A Nurnberg, Herzog-Bernhardstrasse 136, Nurnberg, Germany; Claim No. 42139; $610.50 in the Treasury of the United States.

Executed at Washington, D. C., on December 4, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13073; Filed, Dec. 10, 1952; 8:54 a. m.]

GRCE Records

THE NATIONAL ARCHIVES
CITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 17 NUMBER 242

Washington, Friday, December 12, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10419

RESTORING THE POSSESSION, USE, AND CONTROL OF CERTAIN LAND TO THE TERRITORY OF HAWAII AND TRANSFERRING TITLE TO SUCH LAND TO THE TERRITORY

WHEREAS a certain tract of land at Kaakaukukui, Honolulu, Oahu, Territory of Hawaii, which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, was reserved for naval purposes by a proclamation of the President dated November 10, 1899, and subsequently by letter of January 8, 1904, was transferred by the Navy Department to the Treasury Department for the purpose of establishing an immigration station, which immigration station is now under the control and jurisdiction of the Attorney General (Immigration and Naturalization Service); and

WHEREAS the said tract, more particularly described in Part I of this order, is needed by the Territory of Hawaii for a harbor-improvement project; and

WHEREAS it is deemed desirable and in the public interest that the possession, use, and control of the said tract be restored to the Territory of Hawaii and that title thereto be transferred to the said Territory:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

PART I

Upon the fulfilment of the conditions precedent specified in Part II of this order and the certification thereof by the Commissioner of Immigration and Naturalization as provided in such part, and without further act, the possession, use, and control of the following-described tract of land at Honolulu, Oahu, Territory of Hawaii, shall be restored to the Territory of Hawaii, and title to such tract shall be transferred to the said Territory:

Beginning at the east corner of this parcel of land, the west side of Lot 1, File Plan No. 10, and the east side of the U. S. Immigration Station Lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punchbowl" being 4,142.82 feet South and 5,110.06 feet West and running by azimuths measured clockwise from True South:

1. 84° 25' 3.67 feet across the U. S. Immigration Station Lot;

2. Thence across same on a curve to the left with a radius of 262.22 feet, the chord azimuth and distance being 61° 36' 45" 203.26 feet;

3. 38° 48' 30" 201.62 feet across same;

4. 129° 00' 109.16 feet along the remainder of Tract No. 1 of Presidential Executive Order 5487 and along the east side of Governor's Executive Order 864 to the southeast side of Channel Street;

5. 219° 00' 436.67 feet along the southeast side of Channel Street;

6. 322° 20' 194.51 feet along Channel Street and along the west side of Lot 1, File Plan No. 10, to the point of beginning.

Area: 1.18 acres.

PART II

1. The Territory of Hawaii, by Executive order of its governor acting pursuant to section 73 (q) of said act of April 30, 1900, as amended by the act of August 21, 1941, 55 Stat. 658, shall set aside for the use of the United States of America, as an addition to the existing immigration station under the jurisdiction and control of the Attorney General (Immigration and Naturalization Service), the following-described tract of land at Honolulu, Oahu, Territory of Hawaii:

Beginning at the west corner of this parcel of land, the northeast side of the U. S. Immigration Station Lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Punch-

(Continued on p. 11219)

NOTICE

The National Archives Building will be officially closed on Monday, December 15, 1952, between 8:45 a. m. and 2:00 p. m. Notice is hereby given that no documents will be filed with the Federal Register Division, or made available for public inspection, during those hours.

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bowl" being 4,142.82 feet South and 5,110.06 feet West and running by azimuths measured clockwise from True South:

1. 264° 25' 242.00 feet across Lot 1, File Plan No. 10;
2. 309° 25' 56.57 feet across same to the west side of Ala Moana;
3. 354° 25' 224.94 feet along the west side of Ala Moana;
4. 87° 20' 119.90 feet along the east side of the U. S. Immigration Station Lot;
5. 142° 20' 305.49 feet along same to the point of beginning.

Area: 1.18 acres.

2. The Territory of Hawaii shall remove to the land described in paragraph 1 of this part (hereinafter called the new site) or to such other adjacent land presently under the control and jurisdiction of the Immigration and Naturalization Service as the Commissioner of Immigration and Naturalization (hereinafter called the Commissioner) shall determine, or, if such removal is not practicable, shall reconstruct thereon, the following-described structures now situate on the land described in Part I hereof (hereinafter called the old site): (a) the gardener's cottage used as a residence by the building custodian of the Immigration and Naturalization Service, and (b) the frame and galvanized-iron storage shed and workshop. All work contemplated hereunder on the gardener's cottage shall, in the event that continued residency of the building by the custodian during the period of removal or reconstruction shall be impracticable, be completed within ten days of the commencement thereof or within such additional time as the Commissioner may allow. Material salvaged during the course of such work may be used in reconstruction hereunder. All equipment, such as light fixtures, locks, plumbing, and conduiting that is immovable or is damaged beyond repair shall be replaced with standard equipment, but the Territory shall not be required to furnish any operating equipment, appliances, or furniture.

3. The Territory of Hawaii shall clean up and grade the new site and fill it with good soil.

4. The Territory of Hawaii shall remove the existing stuccoed tile block and ornamental iron fence situate on the old site and shall reconstruct it, together with all required additions thereto, along the new boundary line of the Immigration and Naturalization Service delineated by Courses 1, 2, and 3 of the old site. The Territory of Hawaii shall also construct a stuccoed tile or concrete block fence of suitable height along the boundary line delineated by Courses 1 and 2 of the new site. It shall also construct at a point to be determined by the Commissioner a suitable entrance way through the existing concrete block fence running along the line delineated by Course 5 of the new site.

5. Detailed plans and specifications for all construction and work hereunder shall be prepared by the Territory and shall receive the approval of the Commissioner before the start of work thereon. All plans and specifications shall, as nearly as practicable, be in accordance with the original plans and specifications of the improvements being replaced. All expenses incurred under the foregoing paragraphs, including the cost of preparation of plans and specifications, shall be borne by the Territory of Hawaii.

6. The Territory of Hawaii shall commence the work required hereunder within twelve months and shall complete it within thirty months from the date of this order.

7. The Territory of Hawaii shall have a right-of-entry on the old site for the purpose of completing the work contemplated hereunder; and the Commissioner, prior to the fulfilment of all conditions specified in this part, may grant the Territory of Hawaii a right-of-entry for work on its harbor-improvement project.

8. At the request of the Territory of Hawaii the Commissioner, prior to final acceptance by the Territory of any item of work which has been performed under a contract between the Territory and any contractor, shall inform the Territory as to whether he concurs in such final acceptance. Such concurrence by the Commissioner shall signify that the Territory has satisfactorily completed such item of work.

9. When the Territory of Hawaii has satisfactorily completed all work contemplated hereunder in a first-class and workmanlike manner and has fulfilled all conditions precedent set forth in this part, the Commissioner shall so certify to the Territory.

10. In order that the fulfilment of the conditions specified in this part and the obtaining of certification thereof may not be impeded, the Commissioner shall designate a local representative who shall be empowered to act for the Commissioner with respect to all matters arising under paragraphs 2 to 9, inclusive, of this part.

PART III

The Executive order of the Governor of the Territory of Hawaii issued pursuant to paragraph 1 of Part II hereof shall not be amended, modified, or revoked without the approval of the President of the United States of America.

HARRY S. TRUMAN

THE WHITE HOUSE,
December 11, 1952.

[F. R. Doc. 52–13181; Filed, Dec. 11, 1952; 11:31 a. m.]

LETTER OF DECEMBER 10, 1952

[DATE OF REPORT OF BOARD OF INQUIRY TO REPORT ON A LABOR DISPUTE AFFECTING THE CONSTRUCTION AND OPERATION OF ATOMIC ENERGY FACILITIES]

THE WHITE HOUSE,
December 10, 1952.

DEAR MR. HARRIS:

By the terms of Executive Order 10417 I provided for the Board of which you are Chairman to report to me in accordance with the provisions of Section 206 of the Labor Management Relations Act, 1947, on or before December 10, 1952.

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Treasury Department
See Customs, Bureau of.

I am hereby modifying that Order to provide that the report of the Board shall be submitted to me on or before December 11, 1952.

Very sincerely yours,

HARRY S. TRUMAN

Mr. Abraham J. Harris,
Chairman,
Board of Inquiry under Executive Order 10417,
c/o Federal Mediation and Conciliation Service,
Washington, D. C.

[F. R. Doc. 52-13195; Filed, Dec. 11, 1952; 12:55 p. m.]

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Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENTS OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

CHAPLAIN INTERN

Federal Register Document 52-9063 (17 F. R. 7441) is corrected to read as set out below. These amendments are concerned with the exclusion from the provisions of the Federal Employees Pay Act and the Classification Act and the establishment of maximum stipends for the position of Chaplain Intern at St. Elizabeths Hospital and at Freedmen's Hospital. The previous provisions with respect to the position of Chaplain Intern at Freedmen's Hospital are unchanged. The position of Chaplain Intern at St. Elizabeths Hospital has been divided into two positions, one called Chaplain Intern and the other Chaplain Student Intern. In addition, the position of Chaplain Resident has been excluded from the provisions of the Federal Employees Pay Act and the Classification Act. The maximum stipend for the position of Chaplain Intern at St. Elizabeths Hospital has been amended, and stipends have been prescribed for the positions of Chaplain Student Intern and Chaplain Resident. As amended, §§ 27.1 and 27.2 will read in pertinent part as set out below. These amendments were effective August 1, 1952.

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* • • •

Chaplain intern at Freedmen's Hospital, approved training during second year postgraduate training, and fourth year approved postgraduate training.

Chaplain student intern at St. Elizabeths Hospital, approved training during second year of approved postgraduate theological training.

Chaplain intern at St. Elizabeths Hospital, first year of clinical training following completion of three or more years of approved postgraduate theological training.

Chaplain resident at St. Elizabeths Hospital, second year of clinical training following completion of four or more years of approved postgraduate theological training.

§ 27.2 *Maximum stipends prescribed.* • • •

Chaplain intern—Freedmen's Hospital:	
Approved training during second year postgraduate training, per month	$134
Fourth year approved postgraduate training	2,000
Chaplain student intern—St. Elizabeths Hospital:	
Approved training during second year of approved postgraduate theological training, per month	183
Chaplain intern—St. Elizabeths Hospital:	
First year of clinical training following completion of three or more years of approved postgraduate theological training	2,600
Chaplain resident—St. Elizabeths Hospital:	
Second year of clinical training following completion of four or more years of approved postgraduate theological training	2,800

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-13104, Filed, Dec. 11, 1952; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1, Rice]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

Regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 5272 and 7323, and containing the requirements for the 1952-Crop Rice Price Support Program are hereby amended as follows:

Section 601.1852 *Availability of price support*, paragraph (b) *Area*, is amended by adding South Carolina to the States in which loans and purchase agreements will be available so that the amended paragraph reads as follows:

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available on eligible rice produced in the States of Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, Texas and South Carolina.

Section 601.1853 *Eligible rice*, paragraph (a) is amended by adding South Carolina to the States in which rice must be produced in 1952 if it is to meet the eligibility requirements so that the amended paragraph reads as follows:

(a) The rice must have been produced in 1952 in the States of Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, Texas or South Carolina.

Section 601.1858 *Support rates*, is amended by adding the following paragraph (c) to provide a location differential for rice produced in South Carolina:

(c) *Location differential for South Carolina.* For rice produced in the State of South Carolina, a discount of 77 cents per 100 pounds of rough rice shall be applied to the basic support rate determined under paragraph (a) of this section. This discount shall be in addition to any adjustment for grade made in accordance with paragraph (b) of this section.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 9th day of December 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-13106; Filed, Dec. 11, 1952; 8:51 a. m.]

[721 (Tung Nuts 1952)-1]

PART 643—OILSEEDS

SUBPART—1952 CROP TUNG NUT PRICE SUPPORT PROGRAM

This bulletin states the requirements with respect to the 1952 Crop Tung Nut Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA").

Sec.
643.765 Administration.
643.766 Availability.
643.767 Eligible producer.
643.768 Eligible tung nuts and tung oil.
643.769 Disbursement of loans.
643.770 Approved lending agencies.
643.771 Approved storage facilities.
643.772 Maturity date of loans and period of notification to sell under purchase agreement.
643.773 Applicable forms.
643.774 Personal liability of the producer.
643.775 Determination of quantity.
643.776 Determination of quality under purchase agreement.
643.777 Liens.
643.778 Service charges.
643.779 Insurance.
643.780 Set-offs.
643.781 Interest rate.
643.782 Transfer of producer's right or equity.
643.783 Release of tung oil under loan.
643.784 Liquidation of the loan and delivery under purchase agreement.
643.785 Purchase of notes.
643.786 Storage and handling charges.
643.787 Support prices.
643.788 PMA Commodity Offices.

AUTHORITY: §§ 643.765 to 643.788 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, 1072, as amended, secs. 201, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714b, 714c, 7 U. S. C. Sup., 1446, 1421.

§ 643.765 *Administration.* The program will be administered by PMA, under the general direction and supervision of the President, CCC. In the field, the program will be carried out through State and County PMA Committees (hereinafter called State and County Committees) and PMA Commodity Offices. It will be the responsibility of the State Committee in each state to carry out the provisions of the 1952 tung nut price support program in such a manner that price support will be available to all eligible producers of tung nuts and tung oil. Forms will be distributed through the offices of State and County Committees. All documents in connection with warehouse storage loans on tung oil and purchase agreements on tung nuts and tung oil will be completed and approved by the County Committee which will retain copies of all such documents. County Committees will examine and, where qualified, approve purchase agreements and loan documents found acceptable and will determine the eligibility of producers and the eligibility of tung nuts and tung oil tendered under the program. The County Committee may designate in writing one or more employees of the County Office to perform such functions on behalf of the committee. The names of the employees to be delegated the authority to approve documents on behalf of the County Committee shall be submitted to the State Committee for approval. State and County Committees and PMA Commodity Offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 643.766 *Availability*—(a) *Methods of price support.* Price support will be available to eligible producers of tung nuts by means of purchase agreements for eligible tung nuts and tung oil and nonrecourse loans on eligible tung oil stored in approved storage facilities.

(b) *Area.* The program will be available in the States of Alabama, Georgia, Florida, Louisiana, Mississippi, and Texas.

(c) *When to apply.* Purchase agreements covering tung nuts will be available from the beginning of the marketing year, November 1, 1952, through January 31, 1953. Loans and purchase agreements covering tung oil will be available from November 1, 1952, through June 30, 1953.

(d) *Where to apply.* Application for price support should be made through the office of the County Committee which keeps the farm program records for the farm.

§ 643.767 *Eligible producer.* (a) An eligible producer shall be an individual, partnership, corporation, or other legal entity producing tung nuts of the 1952 crop as landowner, landlord, tenant, or share-cropper. The beneficial interest in the tung nuts and the resultaint tung oil must be in the producer tendering tung nuts or tung oil for purchase under a purchase agreement or tung oil as security for loan and must have always been in such producer or in such producer and a former producer whom such producer succeeded either as landowner, landlord, tenant, or share-cropper before the tung nuts were harvested. Any eligible producer or group of eligible producers may designate in writing on the form or forms prescribed by CCC, an agent to act on the producer's behalf or on the joint behalf of a group of producers in obtaining price support under this program.

(b) Any cooperative association (hereinafter called cooperative) which normally handles the tung nuts of its producer-members shall be considered an eligible producer with respect to tung oil processed by it from 1952 crop tung nuts delivered to it by eligible producer-members: *Provided*, That:

(1) The beneficial interest in such tung nuts processed and in the resultant tung oil is and always has been in such producer-members or in such producer-members and former producers whom such producer-members succeeded either as landowner, landlord, tenant, or share-cropper, before such tung nuts were harvested;

(2) The major part of the tung oil marketed by the cooperative is produced from tung nuts delivered by members who are eligible producers;

(3) The members share proportionately in the proceeds from marketings according to the quantity and quality of tung nuts each delivers to the cooperative;

(4) The cooperative has the legal right to pledge the tung oil as security for a loan as well as the authority to sell such tung oil under purchase agreement;

(5) The cooperative shall maintain a record of the total quantity of tung oil processed by it from tung nuts obtained from all sources and a separate record of the quantity of eligible tung oil processed from 1952 crop tung nuts delivered to the cooperative by eligible producer-members; and the cooperative shall make its books available to CCC for inspection at all reasonable times through June 1955.

§ 643.768 *Eligible tung nuts and tung oil*—(a) *Tung nuts.* Tung nuts must be from the 1952 crop, and must be matured, air dried with hard hulls, dark in color, and suitable for milling.

(b) *Tung oil.* Tung oil must have been extracted from the 1952 tung nut crop and must meet Federal Specifications No. TT-O-395 dated February 3, 1948. The eligibility of tung oil delivered under this program must be evidenced by a certification signed by the producer or in the case of a cooperative by an authorized officer thereof in the form prescribed in § 643.773 (d) or (e) whichever form is appropriate.

§ 643.769 *Disbursement of loans.* Disbursement of loans on tung oil will be made to producers by approved lending agencies operating under agreement with CCC, or by PMA County Offices by means of sight drafts drawn on CCC. Disbursements shall not be made later than 15 days after the final date of the availability of loans, unless a longer period is approved by the President, CCC. The producer shall not present the loan documents for disbursement unless the tung oil represented by the loan documents is in existence and in good condition. If the tung oil was not in existence and in good condition at the time of disbursement, the loan proceeds shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized, the producer shall be personally liable for repayment of the amount of such excess.

§ 643.770 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement on CCC Form 292, or other form prescribed by C.

§ 643.771 *Approved storage facilities.* Approved facilities shall consist of storage facilities made available by tung oil mills and others having adequate facilities for handling and storing tung oil for which a tung oil storage agreement on CC Form 77 for the 1952 crop has been entered into with CCC through the PMA Commodity Offices. The names of owners or operators of approved facilities may be obtained from PMA Commodity Offices and State and county offices.

§ 643.772 *Maturity date of loans and period of notification to sell under purchase agreement.* (a) Loans on tung oil mature on demand but not later than October 31, 1953.

(b) Producers who elect to sell tung nuts under a purchase agreement must notify the County Committee of their intentions within the 30 day period ending March 31, 1953 or ending on such earlier date as may be prescribed by the President, CCC. Producers who elect to sell tung oil under a purchase agreement must notify the County Committee of their intentions within the 30 day period ending October 31, 1953, or ending on such earlier date as may be prescribed by the President, CCC.

§ 643.773 *Applicable forms.* The approved forms consist of the purchase agreement forms, loan forms, and such other forms and documents as may be required, which together with the provisions of this subpart, and any supplements and amendments to this subpart, govern the rights and responsibilities of the producer. Note and loan agreements must have State documentary and revenue stamps affixed thereto when required by law. Purchase agreement or loan documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement (Commodity Purchase Form 1), Delivery Instructions (Commodity Purchase Form 3), Purchase Agreement Settlement (Commodity Purchase Form 4), Lien Waiver for Purchases (Commodity Purchase Form 5) and other applicable

forms prescribed in paragraph (c) of this section.

(b) *Loan documents.* Loan forms shall consist of the Producer's Note and Loan Agreement (Commodity Loan Form B) and other applicable forms prescribed in paragraph (c) of this section.

(c) *Other forms.* Warehouse receipts, chemical analysis certificates issued by approved chemists, producer's certification of eligibility of tung oil, producers group designation of agent, and such other forms as may be prescribed by the President, CCC.

(d) *Producer's certification of eligibility of tung oil.* Before a loan is made on tung oil to a producer, other than a cooperative, or before delivery of tung oil from such producer under a purchase agreement can be accepted by the county committee, the producer must sign an appropriately worded statement in substantially the following form:

I (we) hereby certify as follows:
(1) That the _____ pounds of tung oil located in _____ at _____
(Name of storage facility)
_____ which I (we) am
(Address)
(are) pledging to CCC as collateral for loan (am (are) tendering for delivery to CCC under purchase agreement) was delivered to me (us) as oil processed for my (our) account by _____ out of 1952 crop tung nuts produced by me (us) which I (we) delivered to such plant for toll processing;
(Name of plant)

(2) That such quantity of tung oil is not in excess of the quantity of oil processed from tung nuts produced on my (our) farm or that which the processor determined was extracted from such tung nuts on the basis of their oil content; and

(3) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in me (us) or in me (us) and a former producer whom I (we) succeeded before such tung nuts were harvested.

_____
(Signature of producer)

_____
(Date)

(e) *Cooperative's certification of eligibility of tung oil.* Before a loan is made to a cooperative or delivery of tung oil from such cooperative under a purchase agreement can be accepted by the County Committee, the manager or the official empowered to sign contracts for or on behalf of a cooperative must sign an appropriately worded statement in substantially the following form:

I hereby certify as follows:
(1) That the _____ pounds of tung oil located in _____ at _____
(Warehouse) (Address)
which is being pledged to CCC as collateral for loan (is being tendered for delivery to CCC under purchase agreement) was processed at the cooperative's mill from 1952 crop tung nuts delivered to the cooperative by eligible producer members;

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in such producer-members or in such producer-members and former producers whom such producer-members succeeded, either as landowner, landlord, tenant, or share-cropper, before such tung nuts were harvested.

_____
(Name of cooperative)
By _____
Title _____

_____
(Date)

(f) *Designation of agent by a producer or group of producers.* A single eligible producer may designate an agent to act on behalf of the producer in obtaining price support or two or more eligible producers may designate an agent to act in their joint behalf in obtaining price support. In such event the producer or group of producers shall execute CCC Tung Nut Form 1 for purchase agreements or CCC Tung Nut Form 1-A for loans. A copy of each designation of agent signed by the producer or producers and indicating the maximum quantity of eligible tung nuts which the producer or, each producer in the case of a group, will produce on the producer's own farm, and on which price support is desired, must be delivered to the County Committee before any purchase agreement or loan documents on behalf of a single producer or group of producers are approved by the County Committee.

(g) *Warehouse receipts.* Warehouse receipts representing tung oil in approved warehouse-storage to be placed under loan or to be delivered under a purchase agreement, must meet the following requirements:

(1) Must be issued in the name of the producer, describe the quantity and quality of tung oil delivered to the warehouseman, be signed by the warehouseman and be properly endorsed in blank by the producer so as to vest title in the holder.

(2) Must guarantee that when delivered out by the warehouseman, the oil will meet Federal Specifications No. TT-O-395 dated February 3, 1948.

(3) Must contain a statement showing the insurance coverage carried by the warehouseman on the oil. If such insurance was not effective as of the date of deposit of the tung oil in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the oil is in the warehouse and undamaged.

(4) Must show the date of issue.

(5) Must carry an endorsement in substantially the following form: "Warehouse charges through October 31, 1953, on the tung oil represented by this warehouse receipt have been paid or otherwise provided for and the warehouseman has no lien upon such tung oil for such charges."

(6) Must contain such other terms and conditions as CCC may require in its tung oil storage agreement with approved warehouseman.

§ 643.774 *Personal liability of the producer.* Any fraudulent representation made by any producer or agent of the producer in executing any of the purchase agreement or loan documents or in obtaining the purchase agreement or loan proceeds, or the conversion or unlawful disposition of any portion of the commodity by the producer, will render the producer subject to criminal prosecution under Federal Law and liable for any damages suffered by CCC as a result of purchase of the commodity, and for the amount of the loan (including interest), and for any resulting expense incurred by any holder of the note.

§ 643.775 *Determination of quantity.* (a) *Tung nuts.* The quantity of tung nuts delivered under purchase agreement shall be determined on the basis of net weight at point of delivery to CCC with foreign material and bagging excluded.

(b) *Tung oil.* Where the tung oil pledged to secure a loan or tendered under a purchase agreement is represented by warehouse receipts issued by approved warehouses, the determination of quantity shall be based on the net weight specified on such warehouse receipts. Where tung oil tendered under a purchase agreement is not stored in an approved warehouse, the quantity of such tung oil shall be determined on the basis of approved scale weight at destination of the tank cars.

§ 643.776 *Determination of quality under purchase agreement.* (a) The determination of the oil content of the tung nuts and the quality of tung oil not stored in approved warehouses delivered under purchase agreement shall be made on the basis of a sample submitted by a Federal or Federal-State Inspector or by an authorized employee of the State or County Committee in accordance with instructions issued by the Federal or Federal-State Inspection Service and shall be made by a chemist approved by the Department of Agriculture. The oil content of the tung nuts shall be determined as of the time of delivery to CCC. The time of determining the quality of the tung oil and evidence of such quality shall be as provided in § 643.784 (b) (5). The cost of sampling and analysis shall be borne by the producer.

(b) In the case of tung oil stored in approved warehouses where appropriate warehouse receipts are delivered to CCC in connection with a purchase agreement or a loan on such tung oil, the quality of such tung oil shall be the quality shown on the warehouse receipts.

§ 643.777 *Liens.* If there are any liens or encumbrances on the tung nuts or tung oil, waivers acceptable to the County Committee must be obtained.

§ 643.778 *Service charges.* Producers shall pay to the County Committee service charges on the quantity placed under loan or specified in the purchase agreement, computed at the following rates:

	Rates	Minimum charges
Tung oil	6 cents per hundredweight	$1.50
Tung nuts	18 cents per ton	1.50

No service charges will be refunded.

§ 643.779. *Insurance.* Tung oil tendered for loan or under purchase agreement which is stored in an approved warehouse on a commingled basis must be insured by the warehouseman for not less than the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, hurricane, tornado, and such other hazards as are normally insured against by the warehouseman or required by statute.

§ 643.780. *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the purchase or loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. However, prepayment of only one principal installment on a farm storage facility loan shall be deducted from the price support proceeds of any one crop year. If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or legal action.

§ 643.781 *Interest rate.* Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement.

§ 643.782 *Transfer of producer's interest.*—(a) *Loans.* The right of a producer to transfer either his right to redeem the tung oil under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

§ 643.783 *Release of tung oil under loan.* A producer may at any time obtain release of the tung oil under loan by paying to the holder of the note and loan agreement, the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Partial release prior to maturity may be arranged with the County Committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the commodity to be released. However, the quantity to be released must be equal to the quantity covered by one or more warehouse receipts.

§ 643.784 *Liquidation of the loans and delivery under purchase agreement.*—(a) *Liquidation of the loan.* If the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the tung oil to satisfy the loan in accordance with the provisions of the note and loan agreement and this section. If tung oil is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat pooled tung oil as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity even though part or all of such pooled tung oil is disposed of under such policies at prices less than the current domestic price for such commodity. Any payment due the producer as a result of the sale of the commodity, or out of the proceeds of insurance on the comodity, or any ratable share resulting from the liquidation of a pool, will be made by the appropriate PMA Commodity Office and shall be payable only to the producer without right of assignment by him.

(b) *Delivery and payment under purchase agreement.* (1) A producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of tung nuts or tung oil to CCC but shall have the option of delivering to CCC at the support price any quantity of tung nuts or oil within the maximum of tung nuts or tung oil specified in the purchase agreement executed by him.

(2) A producer who has signed a purchase agreement in terms of tung nuts may, at his option, deliver in lieu of tung nuts and equivalent quantity of eligible tung oil: *Provided*, That such tung oil shall be delivered in accordance with subparagraph (4) or (5) of this paragraph, whichever is applicable. The oil equivalent shall be computed on the basis of 301 pounds of tung oil per ton of tung nuts.

(3) Eligible tung nuts will be purchased on the basis of the weight and oil content as shown by a chemical analysis. CCC will not accept delivery until a determination of eligibility has been made and a sample for chemical analysis has been drawn. The producer shall deliver tung nuts to CCC in accordance with instructions issued by the County Committee on or after March 31, 1953. If the producer is required by such instructions to make delivery to a point more distant from the farm than his usual milling point, CCC will pay the difference, if any, between the cost of transportation from the farm to the designated delivery point and the cost of transportation from the farm to the usual milling point but not in excess of an amount which the County Committee determines is a reasonable difference in cost for such services. The producer must complete delivery of tung nuts within a 15-day period immediately following the date the County Committee issues delivery instructions unless the County Committee determines that more time is needed for delivery.

(4) In the case of tung oil stored in approved storage facilities, the producer must, not later than the day following the final date of the 30-day notification period, prescribed in § 643.772 (b), or during such period of time thereafter as may be specified by CCC, submit to the County Committee warehouse receipts issued in the form prescribed in § 643.773 (g). The total quantity of oil represented by such warehouse receipts shall not exceed the quantity shown on Commodity Purchase Form 1. CCC will not accept delivery of less than the total quantity of tung oil covered by a warehouse receipt. The producer's certification of the eligibility of tung oil, as provided in § 643.773 (d) or (e), whichever is applicable, must accompany the warehouse receipt.

(5) In the case of tung oil stored in storage facilities which have not been approved, delivery will be accepted only f. o. b. tank cars. The County Committee will on or after the final date of the 30-day notification period, prescribed in § 643.772 (b), issue delivery instructions to the producer. Before issuance of such delivery instructions, the producer must submit a chemical analysis certificate covering each tank car offered showing that the oil meets Federal Specifications; or if it is found by the County Committee that a submission of these analyses certificates on tank car lots would cause undue delay in shipment, the producer may (i) submit evidence that a sample of each carlot of oil has been properly drawn and submitted to an approved chemist for analysis: *Provided*, That the producer waives his right of appeal of the findings of the approved chemist and that he agrees that demurrage incurred as a result of delay in receiving the chemical analysis prior to final acceptance, shall be for the producer's account: *And provided further*, That if the tung oil does not meet Federal Specifications the car shall be rejected with all freight, demurrage, and handling charges reverting to the account of the producer; or (ii) the producer may submit chemical analysis certificates showing that the tung oil offered meets Federal Specifications and is stored in sealed identity preserved tanks: *Provided*, That the producer agrees to have such tung oil check loaded into tank cars for delivery to CCC and to bear all handling and other costs prior to acceptance by CCC f. o. b. tank cars. The producer must submit a certification of the eligibility of tung oil, as provided in § 643.773 (d) or (e), whichever is applicable, and complete delivery within a 15-day period immediately following the date the County Committee issues delivery instructions unless the County Committee determines that more time is needed for delivery.

(6) The tung nuts or tung oil will be purchased by CCC at the applicable support rate and payment will be made by sight draft drawn on CCC by the PMA County Office.

§ 643.785 *Purchase of notes.* County Committees will purchase from approved lending agencies, notes evidencing approved loans which are secured by warehouse receipts issued by approved

warehouses. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus an amount to cover interest computed according to the lending agency agreement. Lending agencies are required to submit Commodity Credit Corporation Form 500, or such other form as CCC may prescribe, to the County Committee for all payments received on producer's notes held by them and are required to remit to the County Committee a part of the interest collected, computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the PMA County Committee which approved the loan documents.

§ 643.786 *Storage and handling charges*—(a) *Tung nuts.* CCC will not pay or assume any of the costs of transportation (except as provided in § 643.784 (b) (3)) storage, cleaning, insurance premiums, bags and bagging, sampling, testing and analysis reports, and tagging, accruing prior to delivery of the tung nuts to CCC under a purchase agreement, nor will CCC assume the cost of handling or processing expenses which are necessary to prepare the tung nuts to meet eligibility requirements.

(b) *Tung oil.* CCC will not pay or assume the cost of transportation, sampling, insurance, testing and analysis accruing on the tung oil prior to delivery under a purchase agreement or prior to the maturity date of the loan on tung oil placed under loan, nor any handling or processing charges which are necessary to prepare the tung oil to meet elegibility requirements. Storage charges on tung oil stored in approved warehouses shall be paid by the producer through October 31, 1953. Storage charges accruing on such tung oil after such date will be for the account of CCC. All storage charges on tung oil stored in unapproved warehouses shall be for the account of the producer.

(c) *Unexpired storage time and services.* CCC and any subsequent holder of warehouse receipts covering tung oil shall be entitled to any unexpired portion of the storage time and outloading services to which the producer became entitled under any contract between the producer and the warehouseman.

§ 643.787 *Support prices*—(a) *Tung nuts.* The support price for tung nuts containing 17.5 percent oil shall be $67.20 per ton in all areas. This price shall be adjusted upward or downward by 38 cents per ton for each variation of 1/10 of 1 percent oil from the base of 17.5 percent oil content on the basis of chemical analysis certificate issued by an approved chemist.

(b) *Tung oil.* The support price for eligible tung oil will be 26.5 cents per pound in all areas.

§ 643.788 *PMA Commodity Offices.* The PMA Commodity Offices serving the tung area and the States served by them are shown below:

Address and State
Wirth Building, 120 Marais Street, New Orleans 12, La.; Alabama, Florida, Louisiana, Georgia, and Mississippi.
1114 Commerce Street, Dallas 2, Tex.; Texas.

Issued this 9th day of December 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice-President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-13107; Filed, Dec. 11, 1952; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 87]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA, AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.348 *Grapefruit Regulation 87*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 14, 1952. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 19, 1952, and will so continue until December 14, 1952; the recommendation and supporting information for continued regulation subsequent to December 13, 1952, was promptly submitted to the Department after an open meeting of the Administrative Committee on December 4; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., December 14, 1952, and ending at 12:01 a. m., P. s. t., January 18, 1953, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3 1/16 inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3 1/16 inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), § 51.241 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than 3 1/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 2/16 inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3 5/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a side 3 5/16 inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), § 51.241 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of December 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-13108; Filed, Dec. 11, 1952; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

PART 79—SCRAPIE IN SHEEP

EDITORIAL NOTE: Because of a duplication of part numbers, Part 78—Scrapie in Sheep, appearing at 17 F. R. 10760, is hereby redesignated as Part 79—Scrapie in Sheep.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp. 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp. 146; 17 F. R. 2600, 9663) are amended as indicated below:

1. In § 141.114 *Streptomycin-bacitracin-polymyxin gauze pads* paragraph (b) *Sterility* is amended by inserting "streptomycin," between the words "of" and "bacitracin" in the second sentence.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

2. In § 146.402 *Bacitracin ointment* paragraph (a) *Standards of identity* * * * is amended by deleting the period at the end of the second sentence and adding the words "or rotenone."

3. In § 146.412 *Bacitracin-polymyxin tablets* paragraph (a) (2) is amended by adding the following sentence: "The polymyxin B used conforms to the requirements prescribed for polymyxin by § 146.107 (a)."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

This order which provides for inserting "streptomycin," between the words "of" and "bacitracin" in the second sentence of § 141.114 (b), Streptomycin-bacitracin-polymyxin gauze pads; for deleting the period at the end of the second sentence of § 146.402 (a), Bacitracin ointment, and adding "or rotenone"; and for standards for polymyxin B used in the manufacture of bacitracin-polymyxin tablets (§ 146.412 (a) (2)), shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the changes set forth above.

Dated: December 8, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-13083; Filed, Dec. 11, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter A—Military Renegotiation Regulations Under the 1948 Act

PART 1424—DETERMINATION AND ELIMINATION OF EXCESSIVE PROFITS

REPAYMENT OF EXCESSIVE PROFITS DETERMINED BY ORDER

This part is amended by deleting § 1424.424 *Repayment of excessive profits determined by order* in its entirety and inserting in lieu thereof the following:

§ 1424.424 *Repayment of excessive profits determined by order.* (a) The 1948 Act directs the Secretary of Defense to eliminate excessive profits determined by order by any of the methods set forth in subsection (c) (2) of the Renegotiation Act of February 25, 1944, as amended (see § 1424.421). This authority has been delegated by the Secretary of Defense to the Board and has been redelegated by the Board to the Secretary of Defense and by the Secretary of Defense to the Secretaries of the Departments of the Army, Navy and Air Force.

(b) When the Board makes and enters an order determining excessive profits, or when an order of a Regional Board determining excessive profits is deemed to be the order of the Board pursuant to the provisions of § 1422.272–2 of this subchapter, the Board will direct the Secretary of one of the Departments of the Army, Navy and Air Force to eliminate such excessive profits by any of the methods set forth in subsection (c) (2) of the Renegotiation Act of February 25, 1944, as amended.

(c) Pursuant to such a direction, the Secretary ordinarily shall demand that the full amount of the excessive profits determined by such order be paid by the contractor not later than the thirtieth calendar day after the date of the order; but when, in the discretion of the Secretary, such procedure shall be considered inadequate to protect the interests of the Government in a particular case, the Secretary shall endeavor to effect the collection of such excessive profits by any of the methods set forth in section (c) (2) of the Renegotiation Act of February 25, 1944, as amended, as he shall deem necessary or appropriate. The Secretary shall also endeavor to secure the performance by the contractor of any other provisions which may be included in the order.

(d) Interest at the rate of 6 per centum per annum shall accrue and be payable on excessive profits determined by order from the thirtieth calendar day after the date of the order of the Board or, in Class B cases (see § 1422.232–2 of this subchapter), if the Board does not initiate a review of a determination made by a Regional Board, from the thirtieth calendar day after the date that the order embodying such determination is deemed to be the order of the Board pursuant to the provisions of § 1422.272–2 of this subchapter.

(Sec. 3, 62 Stat. 259, as amended, sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1193, 1219)

Dated: December 8, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-13100; Filed, Dec. 11, 1952; 8:49 a. m.]

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1461—RECOVERY OF EXCESSIVE PROFITS AFTER DETERMINATION

ADMINISTRATION OF DETERMINATION BY AGREEMENT OR ORDER

This part is amended by deleting § 1461.5 *Administration of determinations by agreement or order* in its entirety and inserting in lieu thereof the following:

§ 1461.5 *Administration of determinations by agreement or order.* (a) The Secretary of each of the Departments is authorized to eliminate, by any of the methods set forth in section 105 (b) of the act, all excessive profits which he is directed by the Board to eliminate.

(b) When an agreement is made, or when the Board makes and enters an order determining excessive profits, or when an order of a Regional Board determining excessive profits is deemed to be the order of the Board pursuant to the provisions of § 1475.3 (b) (3) or (4) of this subchapter, respectively, the Board will direct the Secretary of one of the Departments to eliminate such excessive profits by any of the methods set forth in section 105 (b) of the act.

(c) Pursuant to each direction referred to in paragraph (b) of this section, in the case of an agreement, the Secretary shall first endeavor to effect the collection of the amount of excessive

profits determined by such agreement in accordance with the terms and conditions of the agreement and to secure the performance by the contractor of any other provisions which may be included therein. If the contractor does not pay the full amount of such excessive profits in accordance with the terms and conditions of the agreement, the Secretary may use such of the other methods for the elimination of excessive profits set forth in section 105 (b) of the act as he in his discretion shall deem necessary or appropriate to effect the collection of the amount unpaid.

(d) Pursuant to each direction referred to in paragraph (b) of this section, in the case of an order, the Secretary ordinarily shall demand that the full amount of the excessive profits determined by such order be paid by the contractor not later than the thirtieth calendar day after the date of the order; but when, in the discretion of the Secretary, such procedure shall be considered inadequate to protect the interests of the Government in a particular case, the Secretary shall endeavor to effect the collection of such excessive profits by any of the methods set forth in section 105 (b) of the act as he shall deem necessary or appropriate. The Secretary shall also endeavor to secure the performance by the contractor of any other provisions which may be included in the order.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: December 8, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-13101; Filed, Dec. 11, 1952; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 3, Amdt. 3]

CPR 3—COAL, EXCEPT PENNSYLVANIA ANTHRACITE, DELIVERED FROM MINE OR PREPARATION PLANT

TECHNICAL AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 3, is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 2 to Ceiling Price Regulation 3 was issued on November 14, 1952. That amendment provided for certain adjustments in ceiling prices resulting from wage and salary advances, and made other changes in Ceiling Price Regulation 3. It has been found that certain corrections and clarifications should be made in Amendment 2.

Section 4 (d) (2) authorizes increases in ceiling prices and ceiling weighted average realization by reason of certain cost increases "which satisfy the policy and requirements of the Wage Stabilization Board of the Economic Stabilization Agency". At the time this amendment was issued it was contemplated that any wage and salary advances would be authorized by the Wage Stabilization Board. On October 18, 1952, the Wage Stabilization Board approved an increase of only $1.50 per day instead of the $1.90 negotiated by the Bituminous Coal Operators Association and the United Mine Workers of America. This decision was appealed. On December 3, 1952, the President directed the Economic Stabilization Agency to approve the $1.90 increase. A technical question arises as to whether the $1.90 increase satisfies "the policy and requirements of the Wage Stabilization Board of the Economic Stabilization Agency". In order to clarify this point beyond any doubt it is deemed advisable to amend this provision to permit adjustments resulting from increased costs which satisfy the policy and requirements of the Wage Stabilization Board or any agency or official authorized to review the Board's decision.

Section 9 (a) (2) provides that producers must file OPS Public Form No. 155 "within 20 days after the increased costs become effective, or within 20 days after the issuance of this amendment, whichever is later". There was some delay in issuing this form. It has been found also that certain producers have encountered difficulties in completing and returning the forms within the required time. Moreover, when the amendment was issued it was thought that the final decision with respect to the wage increase for bituminous coal miners would be made immediately. The final decision by the President, however, was not made until December 3, 1952. In view of these considerations it is deemed advisable to extend the time for filing this form. A small number of producers have already filed OPS Public Form No. 155 based on a wage increase of $1.50 per day. Those producers may now refile on the same form for the full wage increase of $1.90.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In view of the nature of these amendments consultation with industry representatives, including trade association representatives, has been impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 3, as amended, is further amended as follows:

1. Section 4 (d) (2) is amended by inserting after "Economic Stabilization Agency" the words—"or any agency or official authorized to review the action of such Board", so that the first sentence in the subparagraph will read as follows:

(2) Each producer who incurs increases in costs at his mine or group of mines during the period October 1, 1952, to April 30, 1953, inclusive, by reason of a wage and salary advance and other items related to the payroll and welfare payments (as calculated by such producer on OPS Public Form No. 155), which satisfy the policy and requirements of the Wage Stabilization Board of the Economic Stabilization Agency, or any agency or official authorized to review the action of such Board, may determine his ceiling prices and ceiling weighted average realization for such mine or group of mines as follows:

* * * * *

2. Section 9 (a) (2) is amended to read as follows:

(2) OPS Public Form No. 155 showing the increased costs and the increase in the ceiling weighted average realization authorized by section 4 (d) (2), shall be filed by producers other than "small mine" producers, within 30 days after the increased costs become effective, or on or before December 31, 1952, whichever is later. This form shall be sent by registered mail, return receipt requested, to the Solid Fuels Branch, Rubber, Chemicals, Drugs and Fuels Division, Office of Price Stabilization, Washington 25, D. C. Although a "small mine" producer need not file OPS Public Form No. 155, he must calculate his adjustment under section 4 (d) (2) on this form and keep it on file in accordance with the provisions of section 9 (f) of this regulation. Copies of OPS Public Form No. 155 may be obtained by writing to the Solid Fuels Branch, Rubber, Chemicals, Drugs and Fuels Division, Office of Price Stabilization, Washington 25, D. C.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment 3 to CPR 3 shall become effective as of October 1, 1952, except that as to sales to retail coal dealers the effective date of ceiling prices shall be November 14, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 11, 1952.

[F. R. Doc. 52-13183; Filed, Dec. 11, 1952; 11:51 a. m.]

[Ceiling Price Regulation 11, Amdt. 8]

CPR 11—RESTAURANTS

CLARIFICATION OF CURRENT FOOD COST PER DOLLAR OF SALES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to Ceiling Price Regulation 11 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 7 to Ceiling Price Regulation 11, which became effective on July 14, 1952, was issued in order to permit operators who, on the effective date of the amendment, were subject to the provisions of CPR 11 a five percent leeway between their current and their base period food cost per dollar of sales.

There was no intention to make the provisions of Amendment 7 retroactive so as to affect compliance periods occurring prior to the compliance period during which the amendment became effective either for the purpose of redetermining ceiling prices for sales previously made or to wipe out violations which occurred under the regulation as it read prior to the effective date of the amendment. It now appears, however, that the language used in the amendment was not sufficiently clear to fully express the intention of that amendment as set out in the Statement of Considerations.

The present amendment is therefore being issued to make it clear that the five percent tolerance allowed in computing the current food cost per dollar of sales under CPR 11 applies only to compliance periods beginning with the four month period from April 1 through July 31, 1952, and does not apply to prior compliance periods.

Because this amendment is being issued only to clarify existing provisions, the Director of Price Stabilization has found it unnecessary to consult with industry representatives, including trade association representatives. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Section 3 (a) of Ceiling Price Regulation 11 is amended to read as follows:

(a) *Determination of ceiling prices.* Your ceiling prices for meals, food items and beverages are those prices which reflect a current food cost per dollar of sales no lower than your base period food cost per dollar of sales. However, beginning April 1, 1952, your ceiling prices for meals, food items and beverages are those prices which reflect a current food cost per dollar of sales no lower than your base period food cost per dollar of sales reduced by five percent (5 percent). (Food cost per dollar of sales is defined in section 14.) You must fix your prices so as to maintain during each four month period (or during each sixteen week period if it was your established practice during your base period to keep your records on the basis of a thirteen period year rather than a twelve month year) beginning April 1, 1951, a food cost per dollar of sales no lower than your base period food cost per dollar of sales and, beginning April 1, 1952, a food cost per dollar of sales no lower than your base period food cost per dollar of sales reduced by five percent (5 percent).

EXAMPLE: If your base period food cost per dollar of sales was 40 percent, you must now make sure that your food cost per dollar of sales for each four month period beginning April 1, 1952, is no lower than 38 percent ($0.40 \times 0.05 = 0.02$; $40 - 2 = 38$ percent).

In computing your current food cost per dollar of sales you must use the same methods as those used in your base period. In computing your current food cost per dollar of sales you must treat taxes in the same way as in the base period. You may not add any item of expense in your food cost that you did not include in your base period. However, if it was your custom in the base period to include in your food cost some nominal non-food items such as ice, straws and napkins, you may continue to do so. If you kept separate records showing the cost and gross sales of alcoholic beverages in your base period your ceiling prices for alcoholic beverages must be fixed in accordance with paragraph (b) of this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 8 to Ceiling Price Regulation 11 is effective December 11, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 11, 1952.

[F. R. Doc. 52-13184; Filed, Dec. 11, 1952; 11:51 a. m.]

[Ceiling Price Regulation 34, Amdt. 8]

CPR 34—SERVICES

FURTHER MODIFICATION OF POSTING REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 8 to Ceiling Price Regulation 34 amends section 18 (f) (2), as amended, to remove from the posting requirements of the regulation banks, funeral establishments, establishments to the extent they supply or service prosthetic devices, and establishments in which the posting of a price would be violative of a statute or ordinance.

The complexity of the price structure of services provided by banks differs from the ordinary pricing of a retail or consumer type of service. In view of this and of the special nature of the relationship between the buyers and sellers of these services, it is deemed unnecessary to require banks to post their ceiling prices.

Prosthetic devices are usually tailored to a prescription, having to do with matters peculiar and personal to each purchaser with a resulting pricing formula that is difficult to reduce to a form that when posted has much informational value to the buyer.

The posting of ceiling prices for funeral services are inappropriate by the very nature of the service.

In order to avoid a conflict with local conditions, posting will not be required wherever a state statute or municipal ordinance prohibits the posting of a price for any reason.

These exemptions from the requirement of posting will not impair the price stabilization program, nor will such exemptions have any material effect upon the cost of living or upon the general level of prices. The technical nature and routine character of the provisions of this amendment made it unnecessary to consult formally with industry representatives, including trade association representatives, although wherever feasible various representatives from service fields were informally consulted and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 18 (f) (2) of Ceiling Price Regulation 34, as amended, is further amended by adding a new sentence at the end thereof as follows:

"Provided however, that the provisions of this paragraph shall not apply to the following:

(i) Banks.

(ii) Funeral establishments.

(iii) Establishments to the extent that they supply or service prosthetic devices.

(iv) Establishments in which the posting of a price would violate a state statute or municipal ordinance."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 34 shall be effective December 16, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 11, 1952.

[F. R. Doc. 52-13185; Filed, Dec. 11, 1952; 11:51 a. m.]

[Ceiling Price Regulation 34, Corr. to Supplementary Regulation 26]

CPR 34—SERVICES

SR 26—CEILING PRICES OF CERTAIN SELLERS OF AUTOMOTIVE AND FARM EQUIPMENT REPAIR SERVICES

CORRECTION

Due to a typographical error, section 7 (a) (3) of Supplementary Regulation 26 to Ceiling Price Regulation 34 needs to be, and is hereby, corrected to delete the word "change" in the seventh line of the last sentence thereof and to substitute therefor the word "charge", and as corrected reads as follows:

(3) "Customers labor sales" means your sales to customers of labor on automotive or farm equipment, excluding charges for parts, and including among other customers labor sales the following:

(i) Body repair, if the work was performed by your own employees;

(ii) Paint work, if the work was performed by your own employees;

(iii) Lubrication services (not including oil changes);

(iv) Washing and polishing;

(v) Tire service (not including tire sales);

(vi) Undercoating, if the work was performed by your own employees. "Customers labor sales" does not include any amount for factory warranty work; for work on your own new or used automotive and farm equipment, buildings, or other property; or any amount that does not represent a charge to a customer for work done for him by you or your employees on automotive or farm equipment.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 11, 1952.

[F. R. Doc. 52-13186; Filed, Dec. 11, 1952; 11:51 a. m.]

[Ceiling Price Regulation 50, Amdt. 4]

CPR 50—CEILING PRICES FOR PETROLEUM PRODUCTS SOLD IN THE VIRGIN ISLANDS

CEILING PRICES FOR KEROSENE SOLD IN THE ISLANDS OF ST. THOMAS AND ST. JOHN

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment 4 to Ceiling Price Regulation 50 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 50 provides downward revisions in the retail ceiling prices established for kerosene sold in the Municipality of St. Thomas and St. John, in order to reflect a decrease at the wholesale level.

Historically, petroleum products were imported into the Virgin Islands in returnable steel drums shipped from suppliers in Puerto Rico. This method of importation is expensive because of the additional labor required in handling and storing the commodity. In addition, extra freight costs are incurred in reshipping the empty drums to Puerto Rico for refilling.

Recent legislation passed by the Municipality of St. Thomas and St. John prohibits the transportation of gasoline within city limits except by tank wagon trucks. The petroleum companies therefore have shifted to bulk importations into St. Thomas of all petroleum products in tankers direct from refineries in Aruba. Since Ceiling Price Regulation 9 provides for maintenance of customary markups, this action resulted in immediate reductions in the price at wholesale charged by suppliers to the Municipality of St. Thomas and St. John due to economies resulting from importations direct from the source of supply. In the case of kerosene, the decrease at wholesale in St. Thomas and St. John amounts to nine-tenths of one cent per gallon. This Amendment therefore revises downward ceiling prices of kerosene by one cent per gallon below the previously established ceiling prices for retail sales in the Municipality of St. Thomas and St. John. Ceiling prices for the Municipality of St. Croix are not affected because bulk storage facilities for petroleum products are not yet available in that area. The revised ceilings permit retailers the same margin they received in the period May 24 to June 24, 1950.

In view of the nature of this action, consultation with the industry, including trade association representatives, was deemed impracticable. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Section 11 of Ceiling Price Regulation 50 is amended to read as follows:

SEC. 11. *Ceiling prices for kerosene.* Ceiling prices of kerosene sold at retail in the Virgin Islands of the United States shall be as follows:

Commodity	Quantity	St. Croix	St. Thomas	St. John
Kerosene..	Gallon	$0.30	$0.30	$0.34
	Quart	.08	.08	.09
	4/5 quart	.07	.07	.08
	Two 4/5 quarts	.14	.14	.15

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Ceiling Price Regulation 50 is effective December 16, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 11, 1952.

[F. R. Doc. 52-13187; Filed, Dec. 11, 1952; 11:51 a. m.]

[Ceiling Price Regulation 152, Amdt. 1]

CPR 152—WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

ROUNDING OUT DELIVERY CHARGES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 152 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to CPR 152 requires the rounding of transportation additions to the nearest quarter dollar per 1,000 feet board measure or other measure in computing delivered ceiling prices.

This method of computation is standard in the industry, and the failure of the regulation to permit its continuance was inadvertent. The amendment corrects this situation.

Since the change hereby effected only requires the addition or deduction of odd cents to arrive at the nearest quarter dollar, this amendment makes no change in the level of ceiling prices already established by the regulation.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act.

AMENDATORY PROVISIONS

1. Section 11 (a) is amended by the addition of a new sentence at the end thereof, so that section 11 (a) reads as follows:

(a) This regulation permits you to sell your lumber on a delivered basis, as well as on an f. o. b. basis. For sales on a delivered basis, you may add to the f. o. b. ceiling (or lower) price an appropriate transportation addition as explained in sections 12, 13, and 14. The transportation addition must be rounded to the nearest quarter dollar per 1,000 feet board measure or other measure, whichever may be applicable.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 152 shall become effective December 16, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 11, 1952.

[F. R. Doc. 52-13192; Filed, Dec. 11, 1952; 4:00 p. m.]

[Ceiling Price Regulation 176, Corr.]

CPR 176—NEW ENGLAND HEMLOCK AND OTHER SPECIES OF NEW ENGLAND SOFTWOODS

CORRECTION

Through inadvertence, the grade term "merchantable" was omitted from the heading of Table 1 in Section 7.1 of Ceiling Price Regulation 176.

Accordingly the heading of that table is corrected to read as follows:

TABLE 1

[Basic ceiling prices for merchantable New England hemlock lumber f. o. b. cars or trucks at customary loading out points, square edge, green, D4S or D2S & M, and shiplap, R/L, 6- to 14-foot lengths, inclusive.]

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 11, 1952.

[F. R. Doc. 52-13188; Filed, Dec. 11, 1952; 11:51 a. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 14]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

REVISION OF SUSPENSION OF BOTTLED SOFT DRINKS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 14 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 13 of General Overriding Regulation 7, Revision 1, suspends the application of all ceiling price regulations except Ceiling Price Regulations 11 and 134 to sellers of soft drinks. Ceiling Price Regulations 11 and 134 are the mainland restaurant regulations and the intention of the Office of Price Stabilization is to retain controls on the sale of soft drinks by restaurants and eating and drinking establishments. In the territories and possessions of the United States, however, ceiling prices for restaurants are established by Ceiling Price Regulation 120. This regulation was inadvertently omitted from the exceptions made in section 13 of GOR 7, Revision 1, and the effect of this amendment is to include CPR 120 on the same basis and for the same reasons which prompted the exception of Ceiling Price Regulations 11 and 134 from the suspension order.

Because of the nature and urgency of this amendment, consultation with the industry, including trade association representatives, has been impracticable. In the judgment of the Director, this action is generally fair and equitable and is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Section 13 (a) of General Overriding Regulation 7, Revision 1, is amended to read as follows:

(a) On and after November 20, 1952, the application of all ceiling price regulations, except Ceiling Price Regulations 11, 120, and 134, heretofore or hereafter issued by the Office of Price Stabilization, to sellers of soft drinks is suspended. If, however, you are a seller of soft drinks and were required by any regulation heretofore issued to which this section 13 is applicable, to keep, prepare, or preserve any records concerning soft drinks, you shall continue to preserve and make available for examination by the OPS, in the manner and for the period set forth in that regulation, all such records which you were required to have on November 19, 1952. In addition, the Director of Price Stabilization or his authorized representative may, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, request or require you to submit data pertaining to prices charged for soft drinks and to changes made in the prices of soft drinks after November 20, 1952. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 14 to General Overriding Regulation 7, Revision 1, is effective December 11, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 11, 1952.

[F. R. Doc. 52-13189; Filed, Dec. 11, 1952; 11:51 a. m.]

[General Overriding Regulation 29, Amdt. 1]

GOR 29—ADJUSTMENT OF CEILING PRICES OF CERTAIN ESSENTIAL COMMODITIES AND SERVICES

LIMITATION OF ADJUSTMENTS UNDER SECTION 3 (B) (2) TO DEFENSE CONTRACTS AND SUBCONTRACTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 29 is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 3 (b) (2) of GOR 29 permits special adjustments of ceiling prices, where deemed necessary in order to promote the national defense, to include an amount in excess of total unit operating cost, even though the applicant's current return on net worth exceeds 85 percent of his average return in his normal base period. Section 4 provides that in requesting such an increase the applicant must submit a certification of certain relevant matters from the government agency responsible for the procuring, allocation, production, or distribution of the commodity or service.

This amendment limits special adjustments under section 3 (b) (2) to commodities or services sold for the purpose of fulfilling a defense contract or subcontract. Essential producers of other essential commodities or services may still apply for adjustments under other provisions of the regulation, but may not apply under section 3 (b) (2).

Corresponding to the limitation of the scope of section 3 (b) (2), section 4 (b) is amended to eliminate the reference therein to certification by the National Production Authority and certain other government agencies. As amended, section 4 (b) requires that the certification which must be submitted with an application under section 3 (b) (2) may be obtained only from the defense agency responsible for the procurement of the commodity or service for which an adjustment is requested.

This action limiting the scope of section 3 (b) (2) has been requested by the National Production Authority and is taken only after consultation with the other government agencies involved. Because of the wide coverage of this regulation, special circumstances have rendered formal consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

1. Section 3 (b) (2) is amended to read as follows:

(2) Where the commodity or service for which an adjustment is requested is being sold or will be sold for the purpose of fulfilling a defense contract or subcontract, the Director of Price Stabilization may, if he deems it necessary in order to promote the national defense, establish an adjusted ceiling price which includes an amount over your "total unit operating cost", despite the fact that your "current rate of return on net worth" equals or exceeds 85 percent of your "average rate of return on net worth in your normal base period". Such an adjustment may be limited to a particular contract or to sales to a particular person.

2. Section 4 (b) is amended to read as follows:

(b) If the commodity or service for which an adjustment is requested is being sold or will be sold for the purpose of fulfilling a defense contract or subcontract and you feel that your adjusted ceiling price should include an amount over your "total unit operating costs," regardless of your over-all profit position, you must state why you believe that such an adjustment is necessary to promote the national defense and you must include with your application a certification from the procuring defense agency, stating the following:

(1) The manner in which the production, manufacture or distribution of the commodity or the supply of the service by you is essential to the defense program;

(2) The manner in which the ceiling price impedes, or threatens to impede, the production, manufacture or distribution of the commodity or the supply of the service;

(3) The reasons, if any, as to why it is essential to immediately enter into or perform a contract for the sale of the commodity or service; and

(4) Whether the commodity or service is available at a lower price from another source in the quantities and at the time required.

(Sec. 704 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 16, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 11, 1952.

[F. R. Doc. 52-13193; Filed, Dec. 11, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-77 as Amended Dec. 10, 1952]

M-77—COMMUNICATIONS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of the Defense Production Act of 1950, as amended. In the formulation of this amended order, consultation with industry representatives has been rendered impracticable because of the need for immediate action.

EXPLANATORY

This amended order revises NPA Order M-77 as amended October 17, 1952, by permitting certain self-authorization privileges which, under the October 17, 1952, amendment, would have become effective May 1, 1953, to become effective instead on January 1, 1953, except for aluminum, as to which the increase becomes effective May 1, 1953. Section 3 is amended accordingly.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.

Sec.
3. Self-authorization.
4. Applications for allotments.
5. Emergency excess of allotment.
6. Form of certification.
7. Effect on other orders.
8. Request for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order provides rules for the procurement and use of materials for MRO and operating construction by the operators of the communications systems covered by it.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency, or institution.

(b) "Operator" means any person to the extent engaged in rendering communications service on a revenue basis within the United States, its territories and possessions.

(c) "Communications service" means the transmission of messages by wire or radio, excluding radio broadcasting, television broadcasting, and amateur radio.

(d) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly, or product of any kind.

(e) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition.

(f) "Repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment, or the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with materials of a new or different kind, quality, or design.

(g) "Operating supplies" means any material which is essential to and consumed in the operation of communications service by an operator and used for purposes other than maintenance, repair, operating construction, or other capital additions.

(h) "MRO" means maintenance, repair, and operating supplies.

(i) "Operating construction" means the erection of any building, structure, or project used or useful in rendering communications service, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials which are to be an integral and permanent part of the building, structure, or project, whether such building, structure, or project is owned by an operator or is leased or to be leased to him and where the leased building is or is to be exclusively used or useful in rendering communications service.

(j) "Inventory" shall include all items of new and/or salvaged material and supplies on hand, whether held for current or future use or for sale as junk, until physically incorporated into plant by way of maintenance, repair, construction, or otherwise, and without regard to whether or not such items of material are carried in operator's accounting records under "Materials and Supplies Account," exclusive nevertheless of:

(1) Any material of a superseded type reserved by an operator in segregated stocks for reuse, as a practical measure of conservation to meet probable future operating contingencies;

(2) Any material ordered for use in construction, made to particular specifications, and reasonably usable only in the specific project for which it is made;

(3) Segregated stocks maintained by an operator as reasonably necessary for repair of major breakdowns due to explosion, fire, sabotage, act of the public enemy, flood, storm, or similar catastrophe.

(k) "Material of a superseded type" means equipment no longer manufactured or carried by a manufacturer as a regular item for sale to operators except for repair and maintenance of, or for additions to, existing installations. It does not mean equipment drawn from superseded stock to replenish current working inventories.

(l) "Controlled material" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, as from time to time amended.

(m) "Single project" means all items entering into construction as part of a single plan, whether or not installed or completed at the same time. No project shall be divided for the purpose of bringing it or any part of it within this definition.

(n) "Authorized controlled material order" means an order so defined in CMP Regulation No. 1, as from time to time amended.

(o) "NPA" means the National Production Authority.

(p) The definitions of this order shall be applicable notwithstanding any conflict with any prescribed system of accounting.

SEC. 3. *Self-authorization*—(a) *Small operators (less than 5,000 stations).* Any operator, as herein defined, of a telephone system comprising less than 5,000 telephone instruments in service is hereby assigned the right to place authorized controlled material orders for all controlled materials required by him for delivery on or before December 31, 1952, (1) for MRO and (2) for operating construction projects in which the cost to him of materials for any single project does not exceed $25,000: *Provided*, That the operating construction does not require in excess of the following quantities of controlled materials in any one project in any calendar quarter:

5 tons of carbon steel (not to include more than 2 tons of structural shapes, but no wide-flange beam sections or columns).

1,000 pounds of copper and copper-base alloys.

2,000 pounds of aluminum.

No alloy steel or stainless steel.

(b) *Self-authorization—MRO.* Every operator of a telephone system comprising less than 15,000 telephone instruments in service is hereby assigned the right to place authorized controlled material orders for all controlled materials required by him for delivery on or after January 1, 1953, for MRO.

(c) *Self-authorization — operating construction.* Every operator, regardless of size, is hereby assigned the right to place authorized controlled material orders for delivery on or after January 1, 1953, for all controlled materials required by him for operating construction projects in which he does not require in excess of the following quantities of controlled materials per project per calendar quarter:

25 tons of carbon steel and alloy steel, including all types of structural shapes (not to include more than 2½ tons of alloy steel and no stainless steel).

5,000 pounds of copper and copper-base alloys.

Aluminum: Operators of telephone systems comprising less than 5,000 telephone instruments in service may place orders for delivery from January 1, 1953, through April 30, 1953, for projects requiring not more than 2,000 pounds per quarter; operators of telephone systems comprising 5,000, but less than 15,000, telephone instruments in service may place orders for delivery in April 1953 for projects requiring not more than 2,000 pounds per quarter; every operator, regardless of size, may place orders for delivery on or after May 1, 1953, for projects requiring not more than 4,000 pounds per quarter.

(d) *Form of orders.* Each operator who places authorized controlled material orders in accordance with this section shall do so without making application to NPA and without receiving an allotment for that portion of his controlled material orders placed in accordance with this paragraph. In placing authorized controlled material orders in accordance with this paragraph, he shall use the allotment number "U-1" and shall show the quarter during which delivery is required: As for example, "U-1 2Q53".

(e) *Assignment of rating.* Each operator to whom the provisions of this section apply may also order materials other than controlled materials which he may require for the MRO and operating construction covered by this section, and is hereby assigned the right to apply to such orders a DO rating in connection with the allotment number; that is, "DO-U-1". The date or dates on which delivery is required must also be specified on each delivery order.

(f) *Limitations on use of ratings.* After December 31, 1952, a DO rating authorized pursuant to this section shall not be used for any entire single operating construction project in dollar amounts in excess of $100,000 for building equipment and building materials (other than controlled materials), and $200,000 for equipment and machinery. On or before December 31, 1952, the limitations of paragraph (a) of this section

apply. A DO rating authorized pursuant to this section shall not be used in connection with operating construction to obtain office machinery, office equipment, furniture, or appliances: *Provided, however*, That this prohibition shall not apply to machinery and equipment specially designed for communications-system use such as automatic message accounting machines.

SEC. 4. *Applications for allotments.* (a) Any operator, except to the extent that he is governed by the provisions of section 3 of this order, may hereafter file with NPA on Form NPAF-117 an application for an authorized program and for a quarterly allotment of such controlled materials as he may require for MRO and operating construction. The initial application for each quarter shall be filed with NPA not later than 120 days prior to the beginning of the quarter for which application is made, unless NPA shall designate a later date.

(b) In approving an application wholly or in part, NPA will specify the controlled materials allotted to the applicant for delivery in the calendar quarter during which the allotment is valid, and will authorize a program for MRO and operating construction. This authorized program shall be deemed to be an authorized construction schedule for the purposes of Revised CMP Regulation No. 6, and the use of the schedule and the related allotment, the use of ratings in connection with operating construction, and the placing and form of delivery orders, shall be governed by all provisions of that regulation not inconsistent with this order.

(c) Every operator who applies for an allotment pursuant to this order shall, to the extent that his application is granted, use the allotment number "U-2" to obtain controlled materials and shall show, on each authorized controlled material order, the quarter for which his allotment is valid, such as "U-2 2Q53." He may also order materials other than controlled materials which are necessary to fulfill his authorized program, and is hereby assigned the right to apply to such orders a DO rating in connection with the allotment number; that is, "DO-U-2." The date or dates on which delivery is required must also be specified on each delivery order. A DO rating authorized pursuant to this section shall not be used in connection with operating construction to obtain office machinery or office equipment: *Provided, however*, That this prohibition shall not apply to machinery or equipment specially designed for communications-system use such as automatic message accounting machines.

(d) An operator who manufactures a Class A, Class B, or any other product not for sale but solely for his own use as MRO, or as a minor capital addition, may obtain the products and materials required for such production by using, within the limitations of this order, the allotment symbol or rating provided for in this order.

(e) No operator shall use any allotment number or rating for the purposes of this order except as provided in this order.

SEC. 5. *Emergency excess of allotment.* (a) In the event of any major service breakdown caused by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm, or similar catastrophe, an operator may use the "U-2" allotment number to obtain materials in excess of his allotment to the extent necessary to reestablish service by the use of no greater amount of materials than those rendered unfit for service. In so doing he shall place the word "(emergency)" after the allotment number on his order, and within 10 calendar days after the placing of such order, he shall report the placing of such order to NPA on Form NPAF-117 which shall be accompanied by a statement of the reasons therefor, justifying the use of the emergency rating.

SEC. 6. *Form of certification.* A delivery order placed in accordance with this order must contain, in addition to a DO rating as authorized or an allotment number as authorized, a certification in the following form:

Certified under Revised CMP Regulation No. 6 and NPA Order M-77

which shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place a delivery order under the provisions of Revised CMP Regulation No. 6 and under this order to obtain the products or materials covered by the delivery order.

SEC. 7. *Effect on other orders.* This order supersedes as to operators, the provisions of other NPA orders governing the civilian use of controlled materials. The provisions of this order supersede as to operators those of CMP Regulation No. 5, except that nothing in this order shall be deemed to permit the use of a rating or allotment number to obtain any of the items listed in Schedule I or II of CMP Regulation No. 5 as from time to time amended. The provisions of this order supersede as to operators those of Revised CMP Regulation No. 6 except as otherwise provided in this order. They do not supersede any NPA order or regulation insofar as it provides that ratings shall not be effective to obtain particular products or materials. The inventory limitations of any NPA orders and regulations as from time to time amended shall apply to operators, but in applying such limitations the definition of "inventory" contained in this order shall be used.

SEC. 8. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time of such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-77.

SEC. 11. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect December 10, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13152; Filed, Dec. 10, 1952; 3:20 p. m.]

[NPA Order M-2 as Amended Dec. 11, 1952]

M-2—RUBBER

This order as amended is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950, as amended, and the Rubber Act of 1948, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

This amended order revises NPA Order M-2, as last amended October 28, 1952, by relaxing the reporting requirements contained in section 7.

REGULATORY PROVISIONS

Sec.
1. Explanation.
2. Applicability of other regulations and orders.
3. Definitions.
4. Limitation on inventory of dry natural rubber.
5. Marking of butyl tubes.
6. Limitation on use of pale crepe.
7. Reports of rubber consumption and stocks.
8. Reports by tire, tube, and camelback manufacturers.
9. Records and reports.
10. Request for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Explanation.* This amended order continues in effect only certain of the restrictions heretofore applicable to the use of natural crepe rubber, and requires the marking of tire tubes made of butyl. The order contains no other controls on acquisition, inventories, and consumption of either natural or synthetic rubber. In the interest of national security, however, it has been jointly determined by the appropriate Government agencies that production by the Government-owned synthetic rubber plants should be maintained at levels substantially in excess of the minimum quantities required by the Rubber Act of 1948, as amended; viz, 200,000 long tons per annum for GR–S and 15,000 long tons per annum for butyl. In order to support the higher production levels desirable for national security, GR–S consumption cannot be permitted to fall below the rate of 450,000 long tons per annum, and butyl consumption cannot be permitted to fall below the rate of 60,000 long tons per annum. Since voluntary industry usage appears unlikely to drop below such levels, mandatory consumption of synthetic rubber has not been imposed, but if consumption falls below these levels the order will be amended by establishing industry-wide manufacturing specifications requiring the use of stated percentages of synthetic rubber in all rubber products. This action is in accord with the legislative policy of section 2 of the Rubber Act of 1948, as amended, which states that "In order to strengthen national security through a sound industry it is essential that * * * regulations requiring mandatory use of synthetic rubber * * * be ended and terminated whenever consistent with national security * * * ."

SEC. 2. *Applicability of other regulations and orders.* Nothing contained in this order as amended shall be construed to relieve any person from complying with such limitations as may be contained in any other applicable NPA regulation or order, or any order or regulation of any other competent authority. Moreover, nothing contained in this order as amended shall be construed as relieving any person of any obligation or liability incurred under this order as originally issued or as amended from time to time.

SEC. 3. *Definitions.* As used in this order:

(a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber, both dry and latex, including all grades of wild rubber, but excluding balata, gutta percha, and reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis in solid or latex form, prepared from a diolefin or derivative thereform as an essential component, similar in general properties and applications to natural rubber and specifically capable to vulcanization, but excluding reclaimed synthetic rubber.

(e) "GR–S" means a general-purpose synthetic rubber of the butadiene or butadiene-styrene type produced in the United States, generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Cold rubber" means GR–S polymers produced at low temperatures as classified by the Reconstruction Finance Corporation.

(g) "Butyl" or "GR–I" means special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but excluding reclaimed special-purpose synthetic rubber.

(h) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(i) "New RHC" means total new rubber hydrocarbon. This is the total content of dry natural rubber, natural rubber latex, synthetic rubber (including the oil in oil-extended GR–S), uncured scrap rubber, and uncured in-process materials.

(j) "Pale crepe" means dry natural rubber produced from the fresh coagula of natural liquid latex meeting the specifications of the Rubber Manufacturers Association for pale latex crepes, thick or thin, number IX and 1.

(k) "Consume" means (in the case of dry natural rubber, natural rubber latex, or synthetic rubber) to compound, expend, formulate, or in any manner make any substantial change in the form, shape, or chemical composition thereof.

(l) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(m) "NPA" means the National Production Authority.

SEC. 4. *Limitation on inventory of dry natural rubber.* Inventories of dry natural rubber are subject to the provisions of NPA Reg. 1.

SEC. 5. *Marking of butyl tubes.* Every tire tube containing butyl (GR–I) synthetic rubber shall be marked by the manufacturer with one or more circumferential light blue stripes, applied on the base section of the tube, any one of which stripes shall be $\frac{3}{16}$ inch minimum width. No other tire tube shall be so marked.

SEC. 6. *Limitation on use of pale crepe.* No person shall use or consume any pale crepe in the manufacture of pneumatic tires, shoes, shoe soles, heels, welting, or wrappers.

SEC. 7. *Reports of rubber consumption and stocks.*—(a) *Monthly reports.* (1) Each person who consumes during any month, or owns at the end of any month, any type of rubber listed in this paragraph in an amount equal to or in excess of the amounts specified, shall file for such month a report on Form NPAF–3 in accordance with the instructions accompanying the form, by mailing one copy to the National Production Authority, Washington 25, D. C., on or before the tenth day of the following month. This report sets forth consumption, stocks, receipts, production, and shipments.

Type	*Amount (pounds)*
Dry natural rubber	15,000
Natural rubber latex	5,000
GR–S types, excluding latex [1]	15,000
GR–S type latex [1]	5,000
Neoprene, excluding latex	5,000
Neoprene latex	1,000
Butadiene-acrylonitrile types (N-type) excluding latex	5,000
Butadiene-acrylonitrile type (N-type) latex	1,000
Butyl types [1]	5,000
Reclaimed rubber	15,000

[1] Includes all types, whether obtained from Government or other sources, including imports.

(2) Those persons who are required to report on Form NPAF–3 and who consume rubber for the production of both transportation and nontransportation products shall also file a monthly report on Form NPAF–3A, showing separately consumption by type of rubber for each of the two product groups.

(b) *Annual Reports.* Each person who, during any calendar year, consumes or owns any rubber of the types listed in paragraph (a) of this section which he has not reported on Form NPAF–3 during that year, shall file with NPA an annual report on Form NPAF–4 covering such unreported consumption and year-end inventories in accordance with the instructions accompanying the annual report form. One copy of Form NPAF–4 shall be mailed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–2, not later than the twentieth of January of each year.

SEC. 8. *Reports by tire, tube, and camelback manufacturers.*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file with NPA a report of his production, shipments, and inventory for each calendar month on Form NPAF–5 in accordance with the instructions accompanying the form.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file with NPA a report of his production of cured tires for each week on Form NPAF–6 in accordance with the instructions accompanying the form.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–2.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect December 11, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–13182; Filed, Dec. 11, 1952; 11:40 a. m.]

[Revised CMP Regulation No. 6, Direction 8 as Amended Dec. 10, 1952]

CMP REG. 6—CONSTRUCTION

DIR. 8—REVISIONS OF RESTRICTIONS ON ACQUISITION AND USE OF MATERIALS AND PRODUCTS

This direction as amended under Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

This direction as amended affects Direction 8, issued October 3, 1952, to Revised CMP Regulation No. 6 by amending sections 1, 2, 3, 4, 5, 6, 7, and 8, and Appendix A of the direction, changing the effective date for increased self-authorization of steel and copper controlled material, and of DO-rated orders, from May 1, 1953, to January 1, 1953. Provision is made by the addition of a new section 8 for the allotment numbers to be used on purchase orders calling for delivery after December 31, 1952. Provision is further made by the addition of a new section 9 for the use after April 30, 1953, of aluminum in the construction of recreational, entertainment, and amusement construction projects.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. "Small construction projects."
3. Recreational, entertainment, and amusement construction projects.
4. Construction of multiunit residential structures.
5. Dollar limitation on DO-rated orders.
6. Self-authorization quantities of controlled materials.
7. Placing of purchase orders.
8. Allotment numbers.
9. Use of aluminum in recreational, entertainment, and amusement construction projects.
10. Effect of this direction.

Appendix A—Categories of construction and quantities of controlled materials for which purchase orders may be self-authorized.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* It has been determined that substantial revision and liberalization of the rules relating to construction of recreational, entertainment, and amusement construction projects, to construction of multiunit residential structures, and to self-authorization of purchase orders for materials and products to be used in construction may be permitted. This direction is issued, therefore, to enable persons to go forward with the planning necessarily preliminary to the commencement of construction (as defined in Revised CMP Regulation No. 6) and to place orders for delivery after December 31, 1952, of steel and copper controlled material, and for delivery after April 30, 1953, of aluminum controlled material, so that actual construction work can proceed in the first and second quarters of 1953, and the quarters subsequent thereto, with the minimum possible delay. The revisions consist of the following:

(a) Provision for the right to self-authorize purchase orders up to the quantities specified in this direction, in connection with recreational, entertainment, and amusement construction projects (see sections 3, 5, and 6, and Appendix A of this direction).

(b) Provision that foreign and used steel may be used in recreational, entertainment, and amusement construction projects in the same manner as in all other construction (see section 3 of this direction).

(c) Provision for the right to self-authorize purchase orders up to the quantities specified in this direction, in connection with construction of multiunit residential structures (see sections 4, 5, and 6, and Appendix A of this direction).

(d) Elimination of the distinction made in section 2 and Table II of Re-

vised CMP Regulation No. 6 between "industrial construction" and the category "all other construction"; and reclassification of construction projects into the following categories: (1) Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission; (2) residential construction; (3) highway construction; (4) recreational, entertainment, and amusement construction; and (5) "all other construction." This new category "all other construction," referred to in the preceding sentence, includes both industrial and commercial construction, and the construction of schools and hospitals, public utility systems, water and sewage projects, transportation facilities, and public buildings and facilities (other than highway construction) (see sections 5 and 6, and Appendix A of this direction).

(e) Restatement of the quantities of materials and products for which purchase orders may be self-authorized, and elimination of the restriction on self-authorization of purchase orders for carbon steel wide-flange beam sections or columns (see sections 5 and 6, and Appendix A of this direction).

SEC. 2. *"Small construction projects."* A project shall be considered a "small construction project" for the purposes of this direction if, after December 31, 1952, the owner will be able to complete the project: (a) Without requiring delivery of more controlled materials than the appropriate quantities specified in Appendix A of this direction for the particular category of construction; and (b) without requiring authorization to use a DO rating to procure delivery of building equipment and building materials (other than controlled materials), production equipment and production machinery, in dollar amounts exceeding those specified in section 4 of this direction; and (c) without requiring authorization to use a DO rating to procure any item described in section 23 (b) of Revised CMP Regulation No. 6.

SEC. 3. *Recreational, entertainment, and amusement construction projects.* (a) Effective January 1, 1953, the rules with respect to the commencement or continuance of recreational, entertainment, and amusement construction projects shall be the rules with respect to the right to commence or continue construction set forth in paragraphs (a), (d), and (e) of section 4 of Revised CMP Regulation No. 6. Further, effective January 1, 1953, the self-authorization procedures described in Article IV of Revised CMP Regulation No. 6 shall be applicable to, and the term "small construction project" shall include, construction of recreational, entertainment, and amusement construction projects.

(b) Effective January 1, 1953, the provisions of Article VI of Revised CMP Regulation No. 6 (Use of foreign and used steel) shall be applicable to recreational, entertainment, and amusement construction projects.

SEC. 4. *Construction of multiunit residential structures.* Effective January 1, 1953, the rules with respect to the commencement or continuance of multiunit residential structures shall be the rules with respect to the right to commence or continue construction set forth in paragraphs (a), (d), and (e) of section 4 of Revised CMP Regulation No. 6. Further, effective January 1, 1953, the self-authorization procedures described in Article IV of Revised CMP Regulation No. 6 shall be applicable to, and the term "small construction project" shall include, construction of multiunit residential structures.

SEC. 5. *Dollar limitation on DO-rated orders.* (a) Effective January 1, 1953, the following limitation shall be applicable to the placing of DO-rated purchase orders with respect to any "small construction project" where construction is or was commenced after March 5, 1952: A DO rating authorized pursuant to Article IV of Revised CMP Regulation No. 6 may not be used for any entire single construction project in dollar amounts in excess of the following:

Category of construction	Building equipment and building materials (other than controlled materials)	Production equipment and production machinery
Recreational, entertainment, and amusement construction projects	$15,000	$5,000
Residential construction projects other than multiunit residential structures	No dollar limit	None
All other "small construction projects"	100,000	200,000

(b) The provisions of paragraphs (a) and (b) of section 23 of Revised CMP Regulation No. 6 shall continue to be applicable to all construction projects covered by Article IV of Revised CMP Regulation No. 6 (see section 28 of Revised CMP Regulation No. 6 for exemptions).

SEC. 6. *Self-authorization quantities of controlled materials.* Effective January 1, 1953, the quantities of controlled materials for which the owner of a "small construction project" may self-authorize purchase orders, in connection with construction projects covered by Revised CMP Regulation No. 6, shall be the quantities specified in Appendix A of this direction.

SEC. 7. *Placing of purchase orders.* An owner of a "small construction project" may place his purchase orders at any time, in accordance with the provisions of Article IV of Revised CMP Regulation No. 6, up to the amount specified in section 5 and Appendix A of this direction: *Provided, however,* That such orders shall not call for delivery prior to the appropriate date specified in this direction, of materials or products in excess of the quantities specified in section 23 and Table II of Revised CMP Regulation No. 6. (The appropriate dates specified in this direction are as follows: for steel and copper controlled materials, and for products of the type referred to in section 5 of this direction, January 1, 1953; for aluminum controlled material, May 1, 1953.)

SEC. 8. *Allotment numbers.* An owner who may self-authorize purchase orders pursuant to the provisions of this direction is authorized to use the following allotment numbers on his purchase orders calling for delivery after December 31, 1952:

T-9 for water wells, water and sewage systems and plants under the jurisdiction of the NPA Water Resources Division (see Table IV of Revised CMP Regulation No. 6).
U-7 for all types of residential structures.
U-8 for all other categories of construction.

SEC. 9. *Use of aluminum in recreational, entertainment, and amusement construction projects.* Notwithstanding any provisions contained in section 24 of Revised CMP Regulation No. 6, after April 30, 1953, aluminum may be used in the construction of recreational, entertainment, and amusement construction projects.

SEC. 10. *Effect of this direction.* To the extent that the provisions of this direction are inconsistent therewith, this direction supersedes the provisions of Revised CMP Regulation No. 6.

This direction as amended shall take effect December 10, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

APPENDIX A TO DIRECTION 8 UNDER REVISED CMP REGULATION NO. 6

CATEGORIES OF CONSTRUCTION AND QUANTITIES OF CONTROLLED MATERIALS FOR WHICH PURCHASE ORDERS MAY BE SELF-AUTHORIZED [1]

A. RESIDENTIAL CONSTRUCTION [2]

1. *One- through four-family residential structures:*
   (i) *Residential structure using steel pipe water distribution system, per dwelling unit*—new construction:

	Pounds
Carbon steel (excluding structural shapes)	2,300
Carbon steel (structural shapes)	1,500
Stainless steel and alloy steel	None
Aluminum	275
Copper and copper-base alloys	200

   (ii) *Residential structure using copper pipe water distribution system, per dwelling unit*—new construction:

	Pounds
Carbon steel (excluding structural shapes)	1,950
Carbon steel (structural shapes)	1,500
Stainless steel and alloy steel	None
Aluminum	275
Copper and copper-base alloys	400

NOTES: If a forced hot water heating system is installed, the owner may use and self-authorize purchase orders for an additional 200 pounds of copper and copper-base alloys; and if a radiant heating system is installed, he may use and self-authorize purchase orders for an additional 500 pounds of copper and copper-base alloys.

For alterations, additions, or extensions, not more than 50 percent of the quantities specified above.

2. *Multiunit residential structures:*
   (i) *Walk-up structures, per dwelling unit:*
   2 tons of carbon steel (not to include more than 500 pounds of all types of structural shapes).
   200 pounds of copper and copper-base alloys.
   No aluminum.[3]
   No stainless steel or alloy steel.
   (ii) *Elevator structures, per dwelling unit:*
   3 tons of carbon steel (not to include more than 600 pounds of all types of structural shapes).
   225 pounds of copper and copper-base alloys.
   No aluminum.[3]
   No stainless steel or alloy steel.

B. CONSTRUCTION OTHER THAN RESIDENTIAL CONSTRUCTION

1. *Construction by, or for the account of, the Department of Defense or the Atomic Energy Commission.*
   No self-authorization is permitted.
2. *Construction and maintenance of all rural and urban highways, etc., under the jurisdiction of the Bureau of Public Roads (see Table IV of Revised CMP Regulation No. 6):*
   NOTE: These quantities are per project, and not per quarter.
   25 tons of carbon steel (not to include more than 12 tons of all types of structural shapes).
   500 pounds of copper and copper-base alloys.
   500 pounds of aluminum.
   No stainless steel or alloy steel.
3. *Recreational, entertainment, and amusement construction (see Table I of Revised CMP Regulation No. 6):*
   NOTE: These quantities are per project, per quarter.
   5 tons of carbon steel (not to include more than 2 tons of all types of structural shapes).
   500 pounds of copper and copper-base alloys.
   No aluminum.[4]
   No stainless steel or alloy steel.
4. *All other construction (see section 28 of Revised CMP Regulation No. 6 for exemptions):*
   NOTE: These quantities are per project, per quarter.
   25 tons of carbon steel and alloy steel, including all types of structural shapes (not to include more than 2½ tons of alloy steel and no stainless steel).[5]
   5,000 pounds of copper and copper-base alloys.
   2,000 pounds of aluminum.[6]

[1] Note that an owner of a "small construction project" may self-authorize his purchase orders, in accordance with section 22 of Revised CMP Regulation No. 6, up to the amounts specified in this appendix at any time: *Provided, however,* That such orders shall not call for delivery prior to the appropriate dates specified in section 7 of this direction.

[2] Part A of this appendix does not apply to residential construction by, or for the account of, the Department of Defense, or to construction of federally owned housing on federally owned property under the control of the Atomic Energy Commission. No self-authorization is permitted for such construction.

[3] Effective May 1, 1953, 275 pounds of aluminum per dwelling unit.

[4] Effective May 1, 1953, 300 pounds of aluminum per project, per quarter.

[5] In the construction of chemical plants, the owner may self-authorize 1 ton of stainless steel, per project, per quarter, in addition to the quantities specified.

[6] For "industrial projects" 4,000 pounds of aluminum, per project, per quarter; and effective May 1, 1953, 4,000 pounds of aluminum, per project, per quarter, for the category "all other construction" (section 1).

[F. R. Doc. 52-13153; Filed, Dec. 10, 1952; 3:20 p. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Correction to Schedule A]
[Rent Regulation 2, Correction to Schedule A]

RR 1—HOUSING
RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS
SCHEDULE A—DEFENSE-RENTAL AREAS
PENNSYLVANIA

Effective December 8, 1952. Amendment 96 to Schedule A of Rent Regulation 1 and Amendment 94 to Schedule A of Rent Regulation 2 are corrected so that Item 262 (Harrisburg Defense-Rental Area) reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 9th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania				
(262) Harrisburg	B	Cumberland County, except the townships of Hopewell, Lower Mifflin, North Newton, Shippensburg, Southampton, South Newton, and Upper Mifflin, and the boroughs of Lemoyne, Newburg, Newville and Shippensburg; Dauphin County; and in Perry County, the townships of Penn, Rye, and Wheatfield, and the boroughs of Duncannon and Marysville.	Mar. 1, 1942	Nov. 1, 1942
	C	do	Aug. 1, 1952	Dec. 8, 1952
	A	In Cumberland County, the borough of Lemoyne	do	Do.
	B	In Franklin County, the township of Hamilton and the borough of Waynesboro.	Mar. 1, 1942	Dec. 1, 1942

[F. R. Doc. 52-13092; Filed, Dec. 11, 1952; 8:46 a. m.]

[Rent Regulation 3, Correction to Schedule A]
[Rent Regulation 4, Correction to Schedule A]

RR 3—HOTELS
RR 4—MOTOR COURTS
SCHEDULE A—DEFENSE-RENTAL AREAS
PENNSYLVANIA

Effective December 8, 1952. Amendment 99 to Schedule A of Rent Regulation 3 and Amendment 42 to Schedule A of Rent Regulation 4 are corrected so that Item 262 (Harrisburg Defense-Rental Area) reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 9th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(262) Harrisburg	Pennsylvania.	Cumberland County, except the townships of Hopewell, Lower Mifflin, North Newton, Shippensburg, Southampton, South Newton, and Upper Mifflin, and the boroughs of Newburg, Newville and Shippensburg; Dauphin County; and in Perry County, the townships of Penn, Rye, and Wheatfield, and the boroughs of Duncannon and Marysville.	Aug. 1, 1952	Dec. 8, 1952

[F. R. Doc. 52-13093; Filed, Dec. 11, 1952; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 10176, 10325]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

LIFEBOAT RADIO EQUIPMENT

In the matter of a requirement that lifeboat radio equipment compulsorily provided under the International Convention on Safety of Life at Sea, London, 1948, include provision for reception in the high frequency band, Docket No. 10176; and in the matter of amendment of Part 8 of the Commission's rules regarding technical requirements and related provisions for compulsorily provided lifeboat radio equipment, Docket No. 10325.

1. Docket Nos. 10176 and 10325 both relate to lifeboat radio equipment compulsorily provided as a result of the In-

(2) An artificial antenna for test indication that this requirement is met, a radio station. These entries shall be

1953, the rules with respect to the commencement or continuance of multiunit

who may self-authorize purchase orders pursuant to the provisions of this direc-

authorization is permitted for such construction.

[F. R. Doc. 52-13153; Filed, Dec. 10, 1952; 3:20 p. m.]

In the matter of a requirement that lifeboat radio equipment compulsorily

relate to lifeboat radio equipment compulsorily provided as a result of the In-

ternational Convention for the Safety of Life at Sea, London, 1948. Docket No. 10325 set forth proposed detailed requirements for such equipment and certain related requirements. Docket No. 10176 related to the Commission's proposal that those requirements include provision for reception in the high frequency radiotelegraph band where there was a transmitter requirement for transmission on 8364 kc.

2. The proceedings in Docket No. 10176 were instituted by a notice of proposed rule making issued by the Commission on April 18, 1952. The period for comments on this proposal has expired. No comments with respect to this matter have been received. Accordingly, the rule amendments herein ordered finalized in Docket No. 10325 include a requirement and specifications for radiotelegraph reception throughout the band 8266–8745 kc by compulsorily provided lifeboat radio equipment under certain conditions.

3. The proceedings in Docket No. 10325 were instituted by a notice of proposed rule making adopted by the Commission on October 1, 1952. The period for filing original and reply comments were subsequently extended to October 31, 1952 and November 4, 1952.

4. The American Radio Association, C. I. O., supported the proposal and "urge(d) its immediate adoption." The National Federation of American Shipping, Inc., filed comments regarding the following proposed rules:

(a) Section 8.520 (g) (1): The National Federation of American Shipping felt that this rule implied a requirement that routine tests of lifeboat portable radio equipment be conducted in a lifeboat. This was not the intent of the proposal and the rule has been revised to make clear that there is no such requirement. Further, with regard to § 8.520 (g) (1) the National Federation of American Shipping requested that in such instances where tests of lifeboat equipment were required by a Commission representative to be made with the lifeboat afloat that a rule be adopted requiring "such representative [to] make every effort to conduct [such inspections and tests] at such times as the lifeboat is lowered for other purposes, such as annual inspections required by the Coast Guard." The Commission's Field Offices have heretofore followed such a policy insofar as practicable and will continue to do so. It does not appear to be necessary or appropriate to embody such a matter into rule requirements.

(b) Section 8.557 (a) (7): The National Federation of American Shipping felt that this rule might be interpreted as requiring that the "entire alphabet of the International Morse Code" be shown on the removable plate required to be attached to lifeboat portable radio apparatus. This rule has been revised to indicate that only the Code characters of the lifeboat call sign (in addition to the lifeboat call sign in letters and numerals) need be shown on the plate.

(c) Section 8.557 (b) (4) (v): This rule requires that, with respect to the transmitter in lifeboat portable radio equipment, provision be made "for testing the required automatic keying arrangement without the generation of radio frequency energy." The National Federation of American Shipping requested that the requirement "either be deleted or worded in such a way as not to require an additional control." The Federation reasoned that compliance with this requirement would require an additional switch which would have to be either automatically or manually returned to correct operating position after being used during testing of the automatic keyer; that if automatic, the addition of such a switch to lifeboat portable radio equipment would necessitate that it be manually held in position during test periods and would complicate the routine testing process so that routine tests could not be performed by a single person; that if non-automatic, there would be a danger of leaving the switch in the "test" position. The purpose of this rule was to eliminate the possibility of radiation of false distress or auto-alarm signals during testing of the automatic keying arrangement. Although the use of an artificial antenna during such testing has been suggested, no data have been supplied to show that an artificial antenna could be shielded sufficiently to insure accomplishment of the desired purpose. Further, the proposed rule would not necessarily require an additional switch. It appears to be entirely feasible to incorporate a "test" position, clearly marked as such, in the master switch. Accordingly, it is not considered necessary to modify the proposed rules in this respect.

5. No other comments in Docket 10325 were filed. However, in addition to changes in the proposed rules resulting from comments, other changes are made in the rules herein ordered finalized as follows:

(a) Results of tests of existing non-portable lifeboat radio equipment received since the promulgation of the proposed rules show that such equipment is not capable of meeting the field strength or meter-ampere requirement of proposed § 8.520 (e). It does not appear to be practicable or reasonable to require modification or replacement of such equipment for the purpose of meeting this particular requirement within less than a two year period. Therefore, the finalized rules postpone the application of this requirement to such equipment until November 19, 1954. These tests further indicated, however, that the required power output specified in § 8.558 (a) (1) for the transmitter in new non-portable lifeboat radio equipment could be reduced. It appeared therefrom that a transmitter capable of a power output of 30 watts on the frequency 500 kc into the specified artificial antenna when installed in an installation complying with all other applicable requirements should be capable of meeting the necessary range requirements of the Safety Convention. Accordingly, the rules herein ordered finalized specify a power output of 30 watts on 500 kc in lieu of 35 watts which was originally proposed. A corresponding reduction from 50 to 40 watts in the transmitter power output on 8364 kc is also made.

(b) Section 8.553 (f) (2) regarding the ground system of non-portable radio equipment is revised to provide greater latitude in the arrangement of the ground system and the metal to be used therein. The use of strips as well as plates, or a combination thereof, of any corrosion-resistant metal, rather than copper alone, would be permitted.

(c) Other miscellaneous changes in the proposed rules are of a relatively minor nature and include revision of the list of spare parts so that two spare tubes should be carried instead of one if three or more tubes of a single type are employed in the equipment and a spelling out in general terms of the requirement that components of lifeboat radio equipment be of "acceptable quality for marine service."

6. As heretofore stated the rules here involved were proposed in order to implement certain portions of the International Convention for the Safety of Life at Sea, London, 1948. The Convention came into force, insofar as ships of the United States are concerned, on November 19, 1952. It is, therefore, urgent that these rules be finalized at the earliest possible date.

7. The changes made in the proposed rules other than those made in response to comments filed by the party are minor in nature and for the most part relieve proposed restrictions. Compliance with the notice provisions of section 4–B of the Administrative Procedure Act is therefore unnecessary, and in view of the effective date of the Convention, would be contrary to the public interest. For the same reasons the public interest would be served by making the rules effective immediately.

8. In view of the foregoing considerations, and pursuant to the authority contained in sections (c), (e), (f), (g), (r), and 355, 356, and 359 of the Communications Act of 1934, as amended, *It is ordered*, That:

1. Effective immediately, Part 8 of the Commission's rules is amended as set forth below.

2. The proceedings in Dockets Nos. 10176 and 10325 are terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: December 3, 1952.

Released: December 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 8.519 is deleted.

2. Section 8.520 is amended to read as follows:

§ 8.520 *Lifeboat radio equipment.* (a) Lifeboat radio equipment, portable or non-portable, required by law to be provided, shall comply with applicable requirements of paragraph (b) through (g) of this section.

(b) All lifeboat radio equipment shall include the following components as a minimum:

(1) An antenna for transmitting and receiving which can be quickly utilized by a person in the lifeboat while afloat together with such antenna accessories as are necessary;

(2) An artificial antenna for test purposes.

(3) A transmitter with keying arrangement(s) for the use of radiotelegraphy;

(4) A radio receiver with head receiver;

(5) A power supply of required capacity;

(6) The necessary material or device for a ground connection to the water when the lifeboat is afloat.

(c) Each of the components specified in paragraph (b) of this section shall be of a type of apparatus or shall comprise such items as are approved by the Commission as capable of meeting the provisions of §§ 8.556, 8.557, 8.558 or 8.559, as may be applicable.

(d) Provisions relative to capacity, use and maintenance of storage batteries used as the power supply for lifeboat non-portable radio equipment:

(1) A storage battery power supply of lifeboat radio equipment shall be capable at all times of operating the entire lifeboat radio installation for a period of at least six continuous hours as is stipulated for an emergency power supply in § 8.504 (b).

(2) Storage batteries may be used to operate equipment other than radio except the electric starter and ignition system of a lifeboat motor, provided such additional use will not adversely affect the required capabilities of the battery. All individual circuits connected to the battery shall be independently and properly fused.

(3) Storage batteries shall be kept adequately charged at all times while at sea. The charging of such batteries shall not require their removal from the lifeboats in which they are installed. The necessary charging equipment shall be arranged so as not to interfere with the launching of the lifeboats, and for this purpose shall be easily and quickly removable. The charging circuit for the lifeboat radio storage battery or batteries shall be routed through the main radiotelegraph operating room of the vessel. A device which, during charge of the lifeboat radio battery or batteries, will give a continuous indication of the polarity and the rate of charge, shall be connected in this charging circuit and shall be located in the main radiotelegraph operating room for purposes of frequent observation.

(4) In any installation made on or after November 19, 1952, provisions shall be made to enable charging of the storage battery by means of a generator on the motor lifeboat engine.

(5) Subject to approval of the United States Coast Guard storage batteries shall be mounted in suitable containers that will provide protection from salt water spray and also allow proper ventilation.

(e) Lifeboat non-portable radio equipment shall be capable of developing by day, over the sea and under normal conditions and circumstances, a r. m. s. radio field intensity of 50 microvolts per meter on the frequency 500 kilocycles at a distance of 25 nautical miles. Ability to meet this requirement may be evidenced in the absence of such other means as will provide a reliable indication that this requirement is met, by a product of the maximum height of antenna above the mean surface of the water expressed in meters and a r. m. s. antenna current on the frequency 500 kilocycles expressed in amperes of not less than 10.

(f) Conditions of fitting of lifeboat and radio equipment:

(1) Non-portable radio equipment shall be installed in a cabin large enough to accommodate both the equipment and the person using it and arrangements shall be such that the efficient operation of the lifeboat radio installation shall not be interfered with by the motor boat engine while it is running, whether or not a battery is on charge.

(2) The use of metal masts and stays, unless broken by insulators, or of any structure at electrical ground potential at the masthead(s) is not permitted in lifeboat portable or non-portable radio equipment: *Provided, however*, That this limitation shall not prohibit the use of a metal mast or masts used as the antenna.

(g) Inspections and tests of lifeboat radio equipment:

(1) Inspections and tests [19] of lifeboat radio equipment shall be conducted by a qualified representative of the licensee at weekly intervals while the ship is at sea and within 24 hours prior to the ship's departure from each port but not necessarily more than once each week.

(i) Inspections and tests shall include operation of the transmitter connected to an artificial antenna and determination of the specific gravity in the case of a lead-acid battery, or voltage under normal load in the case of other type of batteries, of any battery provided as a part of the lifeboat radio equipment.

(2) When the vessel is in a harbor or port of the United States an authorized representative of the Commission may require:

(i) Inspection and test of lifeboat radio equipment in a lifeboat afloat to include an actual test of the transmitter and receiver connected to the required antenna to determine that the equipment is in effective operating condition.

(ii) The shipowner, operating company, or station licensee to prove by demonstration, as may be deemed necessary, that a storage battery used as a part of the lifeboat radio equipment is capable of energizing the installation for the required period of time as is prescribed for an emergency transmitter in § 8.504 (b).

(3) The results of inspections and tests shall be made known to the master of the vessel and shall be entered in the ship's log if the ship is not provided with a radio station. These entries shall be made available to duly authorized representatives of the Commission upon request.

3. Section 8.524 (a) (4) is amended to read as follows:

(4) *Lifeboat radio equipment.* One electron tube of each type used for normal operation of the radio installation, including neon or any other type of tube or lamp employed as resonance indicator(s), expect that if three or more electron tubes of a single type are employed, two electron tubes of that type shall be provided: Renewable fuse-cartridges of each type used in connection with the units of the lifeboat radio installation or which are used in circuits connected to the lifeboat radio installation power supply in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in use, there shall be available six spare fuse links of appropriate capacity. For each non-renewable fuse in use, there shall be available six spare fuses of the same type and appropriate capacity. If wire is used, sufficient wire shall be provided to permit six complete fuse replacements. Additionally, non-portable lifeboat radio equipment shall be provided with at least 35 feet of insulated wire suitable for use as antenna wire; 2 antenna insulators; one panel electric light bulb, if used, one screwdriver and one pair of sidecutting pliers.

4. Section 8.525 (b) is amended to read as follows:

(b) Spare parts and auxiliary equipment for the non-portable radio equipment shall be kept in the lifeboat cabin housing the radio equipment. Spare parts and auxiliary equipment for the lifeboat portable radio apparatus shall be so kept as to be convenient for the routine maintenance of the equipment.

5. Section 8.556 is amended to read as follows:

§ 8.556 *General requirements for lifeboat radio equipment.* (a) To be approved by the Commission pursuant to § 8.520, lifeboat radio equipment shall comply with the following general requirements in addition to the applicable specific requirements set forth in §§ 8.557, 8.558 and 8.559, except that equipment to which the provisions of § 8.559 are applicable need not meet the requirements of subparagraphs (1) and (5) of this paragraph.

(1) The design and construction of the radio equipment shall be such that no tools are required to place it in operation for routine tests or for emergency communication.

(2) The components and assembly of the entire lifeboat radio equipment shall insure the utmost dependable operation and the design shall be such that heavy vibration and physical shocks to which a lifeboat is subject will cause no damage. Components shall be housed and treated to withstand saline dampness and to minimize the adverse effect of prolonged exposure to salt water or salt spray.

(3) A durable nameplate shall be mounted on the equipment or made an

[19] Subject to such limitations as may be imposed by the Administration having jurisdiction at foreign ports. It is necessary that each transmitter for use in lifeboats be licensed by the Commission to insure compliance with the rules and regulations of the Commission, during the required tests with an actual antenna. Operation of a transmitter installed in or for use in a lifeboat is ordinarily authorized by the regular ship station license when it has been described in the application for such license and the authorization has been approved by the Commission. See § 8.68.

integral part thereof showing at least the following:

(i) The type or model number;

(ii) The name of the manufacturer;

(iii) The month and year of manufacture.

(4) Each lifeboat equipment shall be provided with a copy of an instruction manual covering the design, installation, operation and maintenance of the equipment.

(5) Simple instructions which are durable and waterproof and suitable for the use of an unskilled person shall be permanently and conspicuously attached to the control panel or surface of the transmitter, receiver or power supply. These instructions shall contain information together with sketches covering the erection of the antenna(s) and the operation of the equipment for automatic transmission; also information as to manual transmission of the radiotelegraph distress signal "S O S" and the international auto-alarm signal, and a statement that the latter signal is effective only if transmitted on the frequency 500 kc.

6. Section 8.557 is amended to read as follows:

§ 8.557 *Requirements for lifeboat portable radio equipment.* (a) There shall be provided as a single unit a portable buoyant apparatus consisting of a transmitter, receiver, power supply, grounding conductor, a collapsible rod antenna or in lieu thereof a collapsible mast, a single wire antenna, and a line for lowering the apparatus.

(1) The apparatus, as a single unit, shall be of sufficient buoyancy to float in sea water and shall be sufficiently rugged in construction to withstand physical shocks and rough handling. The apparatus shall be deemed to comply with this requiremept if, after being dropped into sea water in various positions from a height of at least 20 feet, it can be operated immediately without any repair or adjustment (other than normal antenna circuit tuning) and without departure from required performance. Suitable protection shall be provided for the operating controls, indicating devices and instruments, including the head receiver, against physical harm from accidental or inadvertent blows and from the adverse effects of prolonged exposure to the weather. Operational parts of the apparatus adversely affected by immersion in sea water shall be enclosed so as to provide the necessary protection. Any such enclosure shall be deemed to be water-tight if it can be submerged in sea water so that no part is less than two inches below the surface of the water for a continuous period of two hours without leaking.

(2) The apparatus, as a unit, shall be fitted with durable handles or grips. These shall be so arranged and the distribution of the weight of the apparatus shall be such as to provide for convenient carrying by either one or two persons.

(3) Provision shall be made for securely fastening components of the apparatus, by lashing or other acceptable means, to a lifeboat thwart as may be necessary to enable easy and convenient operation of the lifeboat portable radio equipment.

(4) The apparatus exclusive of the line for lowering shall not weigh more than sixty pounds.

(5) The line for lowering shall consist of not less than 40 feet of 9 thread manila or sisal rope, or the equivalent thereof, which shall be in good condition and securely attached to the apparatus at all times.

Operating frequencies (kilocycles)	Frequency tolerance	Type of emission	Modulation percentage (average of modulation percentage of positive and negative peaks)	Modulation frequency	Power output (into specified artificial antenna)	Artificial antenna
	Percent					
500	0.5	A2	Not less than 70.	Not less than 450 nor greater than 1350 cycles per second.	Not less than 0.25 watt.	1 ohm resistance, 75 micromicrofarads capacitance.
500	.5	A2	do	do	Not less than 1.7 watts.	10 ohms resistance, 75 micromicrofarads capacitance, 40 ohms resistance.
8364	.2	A2	do	do	Not less than 4 watts.	

(6) Components of the apparatus subject to loss by detachment from the unit for operation or test of the equipment shall be so arranged as to insure their availability at all times.

(7) Each apparatus shall be equipped with a durable removable plate showing clearly the lifeboat radio call sign in letters and digits and in characters of the International Morse Code.

(b) (1) The radio transmitter shall comply with the following requirements:

(2) The transmitter radio frequency and modulation frequency control circuits shall be pretuned to the required frequencies and shall be of such design and construction that the operating frequencies are maintained within the prescribed tolerances under varying voltages, antenna circuit characteristics, and other normal conditions of adjustment. The frequency control circuit adjustment(s) shall be securely locked to prevent detuning as a result of shock or vibration and shall not be readily available to the person using the transmitter.

(3) Controls shall be provided on the operating panel for efficient transfer of radio frequency energy at each required operating radio frequency to the required antenna. An initial adjustment of these controls shall effectively resonate the antenna circuit at each required operating radio frequency and this condition shall be maintained without further adjustment of these controls during a normal operating period of the transmitter.

(4) Simple and reliable controls shall be provided so that the operator of the transmitter can quickly and conveniently place it in use for: Manual operation on 500 kc, manual operation on 8364 kc, and automatic operation alternately on these two frequencies: *Provided*, That not more than one manual switch adjustment shall be necessary to place the transmitter in operation for automatic transmission. For manual radiotelegraphy the transmitter and receiver, including their controls, shall be arranged mechanically and electrically so that they can be operated efficiently and conveniently from the same operating position for communication on the required operating frequencies and so that the time necessary to change from transmission to reception, and vice versa, on these frequencies is as short as possible and in no event more than two seconds. For automatic operation provision shall be made as follows:

(i) On 500 kc for transmission of the international alarm signal followed by the international distress signal "S O S", the latter to be transmitted by means of the International Morse Code in one or more groups, each group consisting of three "S O S" signals.

(ii) On 8364 kc for transmission of the international distress signal "S O S" by means of the International Morse Code in one or more groups, each group consisting of three "S O S" signals followed by a dash of not less than 30 seconds in duration.

(iii) For transmission of the specified signals by automatically changing the operating frequency of the transmitter from 500 kc to 8364 kc and vice versa with a transfer time interval not to exceed one second.

(iv) For completely de-energizing the receiver during such operation of the transmitter.

(v) For testing the required automatic keying arrangement without the generation of radio frequency energy.

(vi) The speed of the automatic transmission of the international distress signal shall be at a rate not in excess of 16 words per minute nor less than 8 words per minute. The alarm signal dashes shall have a duration within the limits of 3.8 to 4.2 seconds and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds.

(5) The transmitter shall be equipped with a reliable visual indicator or indicators as may be necessary (such as neon tubes) to indicate antenna circuit resonance at each operating frequency with any antenna provided. Failure of the indicator(s) shall have no adverse effect on the actual operation of the transmitter.

(c) The receiver shall comply with the following requirements:

(1) The receiver shall, when used with a head receiver, be capable without manual tuning of receiving A2 emission over the frequency band 492 kc to 508 kc and shall be capable when manually tuned of receiving A1 and A2 emission on any frequency in the band 8266 to 8745 kc.

(2) The sensitivity of the receiver shall be such that at least 1 milliwatt of audio power is developed in a noninductive load resistor having an ohmic value substantially equal to the value of the impedance of the head receiver at 1,000 cycles per second at a signal to noise power ratio of at least 10 to 1, when the receiver is supplied through the following artificial antennas with the respective radio frequency signals:

Frequency (kilocycles)	Signal strength (microvolts)	Modulation factor	Modulation frequency (cycles per second)	Artificial antenna
500	200	0.3	400	10 ohms resistance and 75 micromicrofarads capacitance.
8364	1000	.3	400	40 ohms resistance.

The noise power present in the output of the receiver when the receiver is adjusted for the reception of type A2 emission on the frequencies 500 kc and 8364 kc shall be determined with an unmodulated input signal of the indicated strength.

(3) The selectivity of the receiver preceding the final detector shall be such that response uniform to within 6 db is obtained over the frequency range 492 to 508 kc.

(4) The audio frequency response of the receiver shall be electrically uniform to within 6 decibels over the range of frequencies between 400 and 1400 cycles per second.

(5) The receiver shall be equipped with only one manually operated volume control.

(d) The power supply shall comply with the following requirements:

(1) The source of power shall be a manually operated electric generator capable of efficiently energizing the lifeboat radio installation. The mechanical power applied to the crank handle(s) or the propelling lever(s) of the generator driving mechanism shall not exceed a maximum of 0.15 horsepower for any required condition of operation of the lifeboat radio installation at any temperature of the generator and its associated driving mechanism between minus 30 degrees and plus 125 degrees Fahrenheit. Under these conditions the speed of rotation of the crank handle(s) shall not be greater than 70 revolutions per minute nor shall the cycles of operation of the propelling lever(s) be greater than 70 cycles per minute. The voltages applied to the radio installation shall not vary from their normal values more than 20 per cent at any generator speed in excess of the normal operating speed which can be manually developed.

(e) The single wire antenna and the collapsible rod antenna or the collapsible mast provided in lieu thereof shall comply with the following requirements:

(1) The collapsible rod antenna shall be of the maximum practicable height as approved by the Commission for each particular type of lifeboat radio apparatus. The collapsible mast provided in lieu of the collapsible rod antenna shall be of the maximum practicable height as approved by the Commission for each particular type of lifeboat radio apparatus and capable of supporting the required single wire antenna.

(2) The single wire antenna shall consist of a length of at least 40 feet of extra-flexible stranded copper wire having a cross-sectional area of not less than 10,000 circular mills together with means for effective insulation of the antenna, means for fastening the wire to the antenna supports, and means for making electrical connection to the transmitter.

(f) The grounding conductor shall comply with the following requirements:

(1) The grounding conductor shall consist of a length of not less than 20 feet of No. 10 bare stranded copper wire or equivalent copper braid effectively weighted at one end for immersion in the sea. This conductor shall be securely fastened to an effective ground terminal on the apparatus.

(g) The artificial antenna shall comply with the following requirements:

(1) The artificial antenna shall provide a reliable load for the transmitter for test purposes, at the frequencies 500 kc and 8364 kc, of approximately the same electrical characteristics as the single wire antenna required by this section.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labeled.

7. Section 8.558 is amended to read as follows:

§ 8.558 *Requirements for lifeboat non-portable radio equipment.* (a) (1) The radio transmitter shall comply with the following requirements:

Operating frequencies (kilocycles)	Frequency tolerance	Type of emission	Modulation percentage (average of modulation percentages of positive and negative peaks)	Modulation frequency	Power output (into specified artificial antenna)	Artificial antenna
	Percent					
500	0.5	A2	Not less than 70.	Not less than 450 nor greater than 1350 cycles per second.	Not less than 30 watts.	10 ohms resistance and 100 micromicrofarads capacitance.
8364	.02	A2	do	do	Not less than 40 watts.	40 ohms resistance.

(2) The transmitter radio frequency and modulation frequency control circuits shall be pretuned to the required frequencies and shall be of such design and construction that the operating frequencies are maintained within the prescribed tolerances under varying voltages, antenna circuit characteristics, and other normal conditions of adjustment. The frequency control circuit adjustment(s) shall be securely locked to prevent detuning as a result of shock or vibration and shall not be readily available to the person using the transmitter.

(3) Controls shall be provided on the operating panel for efficient transfer of radio frequency energy at each required operating radio frequency to the required antenna. An initial adjustment of these controls shall effectively resonate the antenna circuit at each required operating radio frequency and this condition shall be maintained without further adjustment of these controls during a normal operating period of the transmitter.

(4) Simple and reliable controls shall be provided so that the operator of the transmitter can quickly and conveniently place it in use for: Manual operation on 500 kc, manual operation on 8364 kc, and automatic operation alternately on these two frequencies; provided that not more than one manual switch adjustment shall be necessary to place the transmitter in operation for automatic transmission. For manual radiotelegraphy the transmitter and receiver, including their controls, shall be arranged mechanically and electrically so that they can be operated efficiently and conveniently from the same operating position for communication on the required operating frequencies and so that the time necessary to change from transmission to reception, and vice versa, on these frequencies is as short as possible and in no event more than two seconds. For automatic operation provision shall be made as follows:

(i) On 500 kc for transmission of the international alarm signal followed by the international distress signal "S O S", the latter to be transmitted by means of the International Morse Code in one or more groups, each group consisting of three "S O S" signals.

(ii) On 8364 kc for transmission of the international distress signal "S O S" by means of the International Morse Code in one or more groups, each group consisting of three "S O S" signals followed by a dash of not less than 30 seconds in duration.

(iii) For transmission of the specified signals by automatically changing the operating frequency of the transmitter from 500 kc to 8364 kc and vice versa with a transfer time interval not to exceed one second.

(iv) The speed of the automatic transmission of the international distress signal shall be at a rate not in excess of 16 words per minute nor less than 8 words per minute. The alarm signal dashes shall have a duration within the limits of 3.8 to 4.2 seconds and spaces between each of the twelve dashes constituting a series shall have a duration within the limits of 0.8 to 1.2 seconds.

(v) For testing the required automatic keying arrangement without the generation of radio frequency energy.

(5) The transmitter shall be equipped with a radio frequency ammeter of suitable range and scale, connected so as to indicate the current in the antenna circuit for each operating frequency.

(b) The receiver shall comply with the following requirements:

(1) The receiver shall, when used with a head receiver, be capable without manual tuning of receiving A2 emission over the frequency band 492 kc to 508 kc and shall be capable when manually tuned of receiving A1 and A2 emission on any frequency in the band 8266 to 8745 kc.

(2) The sensitivity of the receiver shall be such that at least 1 milliwatt of audio power is developed in a non-inductive load resistor having an ohmic value substantially equal to the value of the impedance of the head receiver at 1.000 cycles per second at a signal to noise power ratio of at least 10 to 1, when the receiver is supplied through the following artificial antennas with the respective radio frequency signals:

Frequency (kilocycles)	Signal strength (microvolts)	Modulation factor	Modulation frequency (cycles per second)	Artificial antenna
500	25	0.3	400	10 ohms resistance and 100 micromicrofarads capacitance.
8364	100	.3	400	40 ohms resistance.

The noise power present in the output of the receiver when the receiver is adjusted for reception of type A2 emission on the frequencies 500 kc and 8364 kc shall be determined with an unmodulated input signal of the indicated strength.

(3) The selectivity of the receiver preceding the final detector shall be such that response uniform to within 6 db is obtained over the frequency range 492 to 508 kc.

(4) The audio frequency response of the receiver shall be electrically uniform to within 6 decibels over the range of frequencies between 400 and 1400 cycles per second.

(5) The receiver shall be equipped with only one manually operated volume control.

(6) The receiver shall be capable of developing a useful audio power for the purpose of the reception of type A2 emission of at least 6 milliwatts into the non-inductive load resistor prescribed in subparagraph (2) of this paragraph.

(c) The power supply shall comply with the following requirements:

(1) The power supply for the transmitter and the receiver shall consist of a storage battery. The necessary power for the transmitter and receiver, at voltages other than the battery voltages may be obtained by the use of a dynamotor or other suitable device approved by the Commission.

(d) The antenna shall comply with the following requirements:

(1) A single wire inverted L-type for use not less than 20 feet above the water line with a horizontal section of the maximum practicable length.

(e) The artificial antenna shall comply with the following requirements:

(1) The artificial antenna shall provide a reliable load for the transmitter for test purposes at the frequencies 500 kilocycles and 8364 kilocycles, of approximately the same electrical characteristics as the antenna required by paragraph (d) (1) of this section.

(2) The artificial antenna shall be housed in a single container and provided with appropriate terminals. If more than two terminals are provided on the artificial antenna, all the terminals shall be properly labeled.

(f) The ground system shall comply with the following requirements:

(1) The radio installation when installed in a metal hull lifeboat shall be effectively grounded to the hull of the lifeboat. This ground connection shall be physically located in a position where it is inaccessible to the normal movement of occupants or accessories in the lifeboat.

(2) The radio installation when installed in a lifeboat having a non-metallic hull shall be effectively grounded to a bare plate and/or strips of a corrosion resistant metal having a total area of at least six square feet and located on the hull of the lifeboat below the waterline.

8. Sections 8.559 and 8.560 are deleted.

9. Add a new § 8.559 to read as follows:

§ 8.559 *Transitional provisions for lifeboat non-portable radio equipment.* Any type of non-portable lifeboat radio equipment which complies with the former requirements of § 8.557 prior to revision [20] of that section effective December 3, 1952, shall be deemed to comply with the requirements of § 8.520 (c) provided the equipment was installed in a motor lifeboat prior to December 3, 1953, and if the equipment meets the following specific requirements from the respective dates set forth:

Requirement	*Date*
Section 8.558 (a) (1): Transmitter requirement that modulation frequency be not less than 450 cycles per second nor greater than 1350 cycles per second, if equipment installed on or after Nov. 19, 1952	Nov. 19, 1952
Section 8.558 (a) (1): Transmitter requirements applicable to transmission on 8364 kc, if equipment installed on or after Nov. 19, 1952	Nov. 19, 1953
Section 8.558 (a) (1): Transmitter requirement that modulation percentage be not less than 70	Nov. 19, 1952
Section 8.558 (a) (4): Transmitter requirements regarding an automatic keying device for operation on 500 kc and, if radio equipment installed on or after Nov. 19, 1952, also for operation on 8364 kc	Nov. 19, 1953
Section 8.558 (b): Receiver requirements regarding reception on frequencies between 8266 and 8745 kc, if equipment installed on or after Nov. 19, 1952	Do.

[20] Copies of former § 8.557 may be secured without charge upon request addressed to Secretary, Federal Communications Commission, Washington 25, D. C.

Requirement	*Date*
Section 8.520 (d) (4): Provision of means for charging the radio battery after the lifeboat is launched, if equipment is installed on or after Nov. 19, 1952	Nov. 19, 1952
Section 8.520 (e): Radio field intensity requirement	Nov. 19, 1954

[F. R. Doc. 52-13111; Filed, Dec. 11, 1952; 8:53 a. m.]

[Docket No. 10237]

PART 12—AMATEUR RADIO SERVICES

OPERATION IN EMERGENCIES

In the matter of amendment of Part 12 of the Commission's rules and regulations to designate specific amateur calling, answering, and emergency frequency bands, and to provide procedure for declaring a communications emergency; Docket No. 10237.

On August 2, 1952, the Commission published a notice of proposed rule making (17 F. R. 8097) which contemplated the addition of a new section to Part 12—Amateur Radio Service (designated as § 12.112) wherein certain small segments of the regularly allocated amateur frequency bands would be set aside, exclusively, as calling and answering frequencies for use in establishing communications contacts, and amendment of § 12.156 of the same part to modernize procedure for declaring a communications emergency, to designate critical areas, and to set forth certain segments of the amateur frequency bands for use, exclusively, in transmitting emergency communications during such communications emergencies. This proposal to amend the amateur rules was made in the light of requests, formal and informal, from different amateur groups that the Commission set aside certain segments of the amateur frequency bands exclusively for the particular type of operation of special interest to each particular group; e. g., one such request was that the segment 29.6 to 29.7 Mc., be set aside exclusively for use of mobile amateur radio stations; another was that the Commission establish special calling and answering frequencies.

The amateurs responded to this notice to the extent that some 640 written comments were received. In addition to submitting written comment, the American Radio Relay League requested oral argument. Another Amateur Radio Association requested a 30-day extension of time for filing comments on the ground that not all amateurs would have adequate opportunity to study the proposed rules and file comments within the period allowed. However, in view of the large number of comments received the requested extension of time was not considered necessary nor would any useful purpose be served by oral argument in view of the disposition the Commission is making of the proposed rules.

The comments received were largely in opposition to adoption of the new rules, particularly § 12.112 which provides for the setting aside of certain segments of the amateur frequency bands, exclusively, for calling and answering purposes. Some objections were also directed to § 12.156 to the extent that it proposed to set forth segments of the amateur frequency bands for transmitting emergency communications and to the extent that it would require the observation of brief listening watches on the frequencies to be set aside for calling and answering. Among the grounds of objection were that to adopt such amendments would complicate, unnecessarily, amateur operating procedures while not accomplishing the intended purpose; would deprive amateurs of considerable frequency space for general amateur communication; and would reduce, substantially, the number of amateurs and amateur stations which otherwise would be available in certain areas for emergency communication or for civil defense operation. It was also contended that many amateurs do not have equipment suitable and necessary for making the frequency shifts required to comply with the proposed rules so that the net result, in all likelihood, would be a loss of frequency space to the amateurs rather than any advantage in establishing contacts.

Study of the content of the opposing comment received leads the Commission to the conclusion that the requests for amendment, heretofore described, clearly represented the views only of the small groups making such requests and that amateurs, generally, and on substantial grounds, are not in favor of such subdivision of the amateur frequency bands. For this reason, the proposed new § 12.112 is being deleted. Comment received, however, indicated that some few amateur groups find it advantageous to use certain calling and answering frequencies. The rules now in effect permit this, and the Commission commends to the attention of the amateur organizations the fact that this may be done on a voluntary basis.

Amateurs who commented unfavorably respecting the proposal to amend § 12.156 to the extent that certain segments of the amateur frequency bands would be set aside, exclusively, for use in transmitting emergency communications during an emergency perhaps were unaware that for the most part the frequencies specified in that proposal have already been set aside in § 12.231 of Subpart B—Rules Governing Radio Amateur Civil Emergency Service, for use by amateurs participating in civil defense communication, and in proposing this amendment, it was the Commission's intention to encourage the development and use of emergency equipment and emergency networks within specified segments of the amateur frequency bands coincident with the Radio Amateur Civil Emergency Service frequency bands. Nevertheless, it may be preferable, as suggested in some of the comments, to delete that part of the proposed amendment of § 12.156, leaving to the Commission's field offices in any stricken area the determination of the frequency band or bands most suitable for use in the particular area concerned. Such procedure would not prevent amateurs interested in civil defense operation from obtaining suitable equipment and developing emergency networks to operate for emergency or civil defense purposes on the frequency band segments set forth in the Rules Governing the Radio Amateur Civil Emergency Service.

Insofar as it relates to establishment of new procedure for declaring a communications emergency, designating the area or areas concerned in such emergency, and prescribing operating procedures respecting the transmission of communications within and to the critical area or areas so designated, no specific opposition was expressed to the proposed amendment of § 12.156.

The Commission considers adoption of that section to the extent specified, essential to the orderly administration of the Amateur Radio Service.

In view of the foregoing considerations and determinations the proposed new § 12.112 is not adopted, but § 12.156 is modified to the extent shown as set forth below. Therefore, pursuant to the authority contained in sections 4 (i), 301, and 303 (c) and (r) of the Communications Act of 1934, as amended:

It is ordered, This 3d day of December 1952, that § 12.156 of Part 12 be and it hereby is amended as set forth below, to become effective on February 2, 1953.

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154. Interprets or applies secs. 301, 303; 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Released: December 4, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 12.156 to read as follows:

§ 12.156 *Operation in emergencies.* In the event of an emergency disrupting normally available communication facilities in any widespread area or areas, the Commission, in its discretion, may declare that a general state of communications emergency exists, designate the area or areas concerned, and specify the amateur frequency bands, or segments of such bands, for use only by amateurs participating in emergency communication within or with such affected area or areas. Amateurs desiring to request the declaration of such a state of emergency should communicate with the Commission's Regional Manager of the area concerned. Whenever such declaration has been made, operation of and with amateur stations in the area concerned shall be only in accordance with the requirements hereinafter set forth, but such requirements shall in nowise affect other normal amateur communication in the affected area when conducted on frequencies not designated for emergency operation.

(a) All transmissions within all designated amateur emergency communication bands other than communications relating directly to relief work, emergency service, or the establishment and maintenance of efficient amateur radio networks for the handling of such communications, shall be suspended. Incidental calling, answering, testing or working (including casual conversation, remarks or messages) not pertinent to constructive handling of the emergency situation shall be prohibited within these bands.

(b) The Commission may designate certain amateur stations to assist in the promulgation of information relating to the declaration of a general state of communications emergency, to monitor the designated amateur emergency communications bands, and to warn non-complying stations observed to be operating in those bands. Such station, when so designated, may transmit for that purpose on any frequency or frequencies authorized to be used by that station, provided such transmissions do not interfere with essential emergency communications in progress; however, such transmissions shall preferably be made on authorized frequencies immediately adjacent to those segments of the amateur bands being cleared for the emergency. Individual transmissions for the purpose of advising other stations of the existence of the communications emergency shall refer to this section by number (§ 12.156) and shall specify, briefly and concisely, the date of the Commission's declaration, the area and nature of the emergency, and the amateur frequency bands or segments of such bands which constitute the amateur emergency communications bands at the time. The designated stations shall not enter into discussions with other stations beyond furnishing essential facts relative to the emergency, or acting as advisors to stations desiring to assist in the emergency, and the operators of such designated stations shall report fully to the Commission the identity of any stations failing to comply, after notice, with any of the pertinent provisions of this section.

(c) The special conditions imposed under the provisions of this section shall cease to apply only after the Commission, or its authorized representative, shall have declared such general state of communications emergency to be terminated; however, nothing in this paragraph shall be deemed to prevent the Commission from modifying the terms of its declaration from time to time as may be necessary during the period of a communications emergency, or from removing those conditions with respect to any amateur frequency band or segment of such band which no longer appears essential to the conduct of the emergency communications.

[F. R. Doc. 52-13110; Filed, Dec. 11, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 965]

[Docket No. AO–166–A16]

HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et. seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Rookwood Room, Hotel Sinton, Fourth and Vine Streets, Cincinnati, Ohio, beginning at 10:00 a. m., e. s. t., December 16, 1952, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. These proposed amendments were proposed by the Cincinnati Sales Association and have not received the approval of the Secretary of Agriculture.

1. Amend § 965.51 (a) (3) by deleting the words "December, January, and February" and substituting therefor the words "December, January, February, and March".

2. Review the Marketing Service Deductions set out in § 965.75 as "not exceeding 4 cents per hundredweight."

Above proposed amendment numbered 1 raises the question of the appropriate level of the Class I price in March. Proper consideration of this question may involve consideration of the changed relationships between prices in March and in other months. In order to permit a complete consideration of this proposal and all of its ramifications, anyone desiring to give testimony with respect to such proposal or any of the provisions of § 965.51 (a) will be permitted to do so.

Copies of this notice and of the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area may be obtained from the Market Administrator, Post Office Box 1195, Cincinnati 1, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: December 9, 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 52–13109; Filed, Dec. 11, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY LOUISIANA STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEE REGARDING MARKETING QUOTA REGULATIONS FOR 1953 CROP

Section 729.432 of the Marketing Quota Regulations for the 1953 Crop of Peanuts (17 F. R. 10611), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Louisiana State Production and Marketing Administration Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the officer or the committee to whom the authority has been redelegated:

LOUISIANA

Sections 729.419, 729.421, 729.422 (a), 729.424 (a), 729.429, and 729.430—Chairman of the State PMA Committee.

Section 729.426 (c)—County PMA Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 373, 374; 52 Stat. 38, 62, 65, as amended, 55 Stat. 88, as amended; 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1373, 1374)

Issued at Washington, D. C., this 9th day of December 1952.

[SEAL] HAROLD K. HILL, *Acting Administrator, Production and Marketing Administration.*

[F. R. Doc. 52–13105; Filed, Dec. 11, 1952; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 142]

SKLUT HIDE & FUR CO. AND MORTON SKLUT

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of Sklut Hide & Fur Co., Morton Sklut, 236 Liberty Street, Wilmington, Delaware, respondents; Case No. 142.

This proceeding was instituted on December 13, 1951, by the transmission of a charging letter issued by the Investigation Staff, Office of International Trade, to Sklut Hide & Fur Co., Morton Sklut, the treasurer of said company ("Sklut"), and others. Respondents Sklut, after receiving the charging letter, conferred through their counsel with officials of the Office of International Trade, and thereafter submitted to the Office of International Trade, with the advice of and through counsel, a statement dated November 20, 1952, in which they admitted for the purpose of this compliance proceeding only certain charges applicable to them in the said charging letter, waived all rights to a hearing thereon and consented to the entry of an order, the terms of which are set forth below.

The other respondents named in the charging letter, having admitted the charges applicable to them in said charging letter and in other charging letters not related to this proceeding, have consented to an order denying their export privileges, such order having been issued on September 19, 1952 (17 F. R. 8551–8553).

The charges to which respondents have entered their consent allege, in substance, that respondents, acting by and through Morton Sklut, violated the Export Control Act of 1949 (63 Stat. 7) as amended, and the regulations issued thereunder, by executing and filing with the Office of International Trade on January 8, 1951, an application prepared by their customer (the other respondents named in the charging letter) in the name of Sklut Hide & Fur Co. to export 1385 kipskins to a named purchaser in Japan, on which respondents represented and certified they were the sellers-exporters and that they held an order for the kipskins from the Japanese consignee, although knowing they held no order from the Japanese purchaser whatsoever; and that the purpose in permitting the use of the Sklut name on said application was to assist their customer (such other respondents) to obtain a license for the export of such kipskins to such customer's purchaser in Japan whose order such customer held but could not fill because of inability to obtain an export license due to quota allocations established by the Office of International Trade.

The charging letter and above-stated proposal for a consent order have been submitted to the Compliance Commissioner for review and the Compliance Commissioner has also informally reviewed the evidence presented by the Investigation Staff in support of the charges. Upon the basis of such review, the Compliance Commissioner has concluded that the charges applicable to and admitted by respondents are substantiated by the evidence and that the proposed consent order is just and fair and should be approved.

It appears from the Compliance Commissioner's report that respondents' participation in the violation was attributable to a misconception of their relationship with their customer and to the belief that they would in fact be the exporters of the kipskins mentioned in the application.

While the Compliance Commissioner has properly found and his report shows that respondents must be held responsible for their violation, the Compliance Commissioner has pointed out certain extenuating factors applicable to respondents in addition to his conclusion that the violation was not wilful and intentional by respondents. When the respondents were informed of this case, they immediately gave full cooperation to the Office of International Trade in connection with the investigation and also voluntarily surrendered unused the license issued pursuant to the application.

In addition, it appears that respondents have an established reputation for integrity and reliability and that this is the only known instance where they have been charged with a breach of export regulations such as those here involved. It further appears that, although respondents have been engaged in the domestic purchase and sale of hides and skins, their primary business was in connection with the export of raw furs which required no validated licenses and that their inexperience with the regulations relating to validated export licenses and applications therefor was a factor in their violation.

The findings and recommendations of the Compliance Commissioner have been carefully considered together with the above evidentiary material, the charging letter, and the proposal for a consent order, and it appears that such findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated licenses held by or issued in the name of respondents Sklut Hide & Fur Co. and Morton Sklut, or either of them, are hereby revoked and shall be forthwith returned to the Office of International Trade for cancellation.

(2) Respondents are hereby denied and declared ineligible to exercise the privileges of obtaining or using export licenses, including validated and general export licenses, for the exportation of any commodity from the United States to any foreign destination, for a period of thirty (30) days from the date of this order. Such denial of export privileges is deemed to include and prohibit participation, directly or indirectly, in any manner or capacity, (a) as a party, or as a representative of a party, to any exportation under validated or general export licenses; and (b) in the financing, forwarding, transporting, or other servicing of exports from the United States pursuant to any validated or general export licenses.

(3) Such denial of export privileges shall extend not only to respondents Sklut Hide & Fur Co. and Morton Sklut but also to any person, firm, corporation, or business organization with which said respondents may be now or hereafter related by ownership or control in the conduct of trade involving exports from the United States under validated and general export licenses, or services connected therewith.

(4) No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated and general export licenses, to or for the respondents, or any person, firm, corporation, or other business organization covered by paragraph (3) hereinabove, without prior disclosure of such facts to, and specific authorization from, the Office of International Trade.

Dated: December 8, 1952.

WALLACE S. THOMAS, *Acting Assistant Director for Export Supply.*

[F. R. Doc. 52–13077; Filed, Dec. 11, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4522 et al.]

FRONTIER AIRLINES, INC. ET AL.; ROUTE NO. 93 RENEWAL CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Frontier Airlines, Inc., under Docket No. 4522, for renewal of its authority to serve Route 93 for a period of five years, the extension of its route to Fort Huachuca, Ariz.; and under Docket No. 4611 for a certificate amendment authorizing nonstop service between Douglas, Ariz., and El Paso, Tex.; the application of Bonanza Air Lines, Inc., under Docket No. 4471 to extend its route No. 105 to all points presently certificated on Route 93; the application of Trans World Airlines, Inc., under Docket No. 5210, for a certificate amendment to eliminate the intermediate point Winslow, Ariz., therefrom; the investigation instituted by the Board on petition of American Airlines, Inc., under Docket No. 5394, to determine whether said airline should be authorized to suspend service temporarily at Douglas, Ariz.; and the petition of Frontier Airlines, Inc., under Docket No. 5207, to suspend the authority of Trans World Airlines, Inc., to serve Winslow, Ariz., on its route No. 2, and the authority of Bonanza Air Lines, Inc., to serve the intermediate point, Prescott, Ariz., on its route No. 105.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 13, 1953 at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 8, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52–13099; Filed, Dec. 11, 1952; 8:49 a. m.]

[Docket No. 5053 et al.]

ALL AMERICAN AIRWAYS, INC.; CERTIFICATE RENEWAL CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of All American Airways, Inc., for renewal of its certificate of public convenience and necessity.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 15, 1953 at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 9, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52–13098; Filed, Dec. 11, 1952; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No E–6384]

MONTANA POWER CO. ET AL.

NOTICE OF ORDER MODIFYING ORDER INSTITUTING AN INVESTIGATION

DECEMBER 8, 1952.

In the matter of the Montana Power Company, Pend Oreille Mines and Metals Company, Puget Sound Power & Light Company, the Washington Water Power Company, Public Utility District No. 1 of Chelan County, Washington, and Public Utility District No. 1 of Pend Oreille County, Washington; Docket No. E–6384.

Notice is hereby given that on December 5, 1952, the Federal Power Commission issued its order entered December 4, 1952, modifying order (17 F. R. 1230–31) instituting an investigation under section 10 (f) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–13094; Filed, Dec. 11, 1952; 8:48 a. m.]

Section 729.426 (c)—County PMA Committee.

November 20, 1952, in which they ad- obtain an export license due to quota a

[Docket No. E-6467]

MONTANA POWER CO.

ORDER INSTITUTING AN INVESTIGATION

DECEMBER 2, 1952.

The Montana Power Co. owns and operates six hydroelectric projects on the Missouri River which have not been licensed under the Federal Power Act. These projects and their approximate distances upstream from the mouth of the river are: Hauser (mile 2379), Holter (mile 2351), Black Eagle (mile 2258), Rainbow (mile 2254), Ryan (mile 2249), and Morony (mile 2245).

The Company has recently filed applications for licenses under the act for the Morony, Ryan, and Rainbow projects and expects to file applications for licenses for the other three plants this year.

The United States, through the Bureau of Reclamation, is now constructing the Canyon Ferry project on the Missouri River about 2396 miles above the mouth of the river. This project will have a total water storage capacity of 2,050,000 acre-feet and an installed hydroelectric generating capacity of 50,000 kilowatts.

Pursuant to the provisions of section 10 (f) of the Federal Power Act, the Commission is required to determine and assess headwater improvement benefit charges against the owner of any project directly benefited by a storage reservoir or other headwater improvements constructed by the United States. An investigation will be required before it can be determined whether any of the six company projects designated above will be directly benefited by the Canyon Ferry project now being constructed by the United States, and if so, the amount to be paid to the United States for the benefits so provided.

The Commission finds: It is appropriate and in the public interest that an investigation be instituted by the Commission as hereinafter provided.

The Commission orders: An investigation is hereby instituted pursuant to the provisions of the Federal Power Act, particularly section 10 (f) thereof, for the purpose of enabling the Commission to determine whether any of the above designated projects of the Montana Power Co. will be directly benefited in the future by the construction and operation of the Canyon Ferry project, and if it so finds, to determine the equitable proportion of the estimated annual charges for interest, maintenance and depreciation on the Canyon Ferry project which it is probable the company as owner of the six designated projects may be required to pay annually: *Provided, however,* That any determination made by the Commission prior to the date of initial operation of the Canyon Ferry project may be subject to change after that project is placed in operation.

Date of issuance: December 8, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-13078; Filed, Dec. 11, 1952; 8:45 a. m.]

[Docket No. E-6468]

SOUTH CAROLINA ELECTRIC & GAS CO. AND CITY OF AUGUSTA, GA.

ORDER INSTITUTING AN INVESTIGATION

DECEMBER 2, 1952.

The South Carolina Electric & Gas Company, of Columbia, South Carolina, owns and operates a hydroelectric project, known as Stevens Creek, located on Savannah River about 8.7 river miles above Augusta, Georgia. The City of Augusta, Georgia owns and operates a dam on the Savannah River about 7.5 river miles above the City of Augusta, which dam diverts water through a power canal also owned by the City. Part of this dam is licensed under the Federal Power Act as minor part Project No. 746.

The United States, through the Chief of Engineers and the Secretary of the Army, is now constructing the Clark Hill project on the Savannah River about 21.7 river miles above the City of Augusta in the interest of flood control, navigation and the generation of hydroelectric power. The Clark Hill reservoir will have a usable storage capacity of 1,340,000 acre-feet and will have an installed generating capacity of 280,000 kilowatts. The first generating unit is expected to commence operation in December 1952, and the project is scheduled for completion in 1954.

Pursuant to the provisions of section 10 (f) of the Federal Power Act, the Commission is required to determine and assess headwater improvement benefit charges against the owner of any project directly benefited by a storage reservoir or other headwater improvements constructed by the United States. An investigation will be required before it can be determined whether either of the two projects designated herein as being located downstream from the Clark Hill project will be directly benefited by that project, and if so, the amount to be paid to the United States for the benefits so provided.

The Commission finds: It is appropriate and in the public interest that an investigation be instituted by the Commission as hereinafter provided.

The Commission orders: An investigation is hereby instituted pursuant to the provisions of the Federal Power Act, particularly section 10 (f) thereof, for the purpose of enabling the Commission to determine whether either of the specified projects downstream from the Clark Hill project will be directly benefited in the future by the construction and operation of that project and if it so finds, to determine the equitable proportion of the estimated annual charges for interest, maintenance and depreciation on the Clark Hill project which it is probable the owners of the two projects or either of them may be required to pay annually: *Provided, however,* That any determination made by the Commission prior to the initial date of operation of the Clark Hill project may be subject to change after that project is placed in operation.

Date of issuance: December 8, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-13079; Filed, Dec. 11, 1952; 8:46 a. m.]

[Docket No. G-1012]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER DISMISSING APPLICATION FOR TEMPORARY CERTIFICATE

DECEMBER 8, 1952.

Notice is hereby given that on December 4, 1952, the Federal Power Commission issued its order entered December 2, 1952, dismissing application for temporary certificate in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-13095; Filed, Dec. 11, 1952; 8:48 a. m.]

[Project No. 1815]

KENNETH J. BOLLES

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

DECEMBER 8, 1952.

Notice is hereby given that on October 16, 1952, the Federal Power Commission issued its order entered October 14, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-13096; Filed, Dec. 11, 1952; 8:48 a. m.]

SMALL DEFENSE PLANTS ADMINISTRATION

[Administrative Order 1, Revised]

ESTABLISHMENT AND OPERATION OF STATE, TERRITORIAL AND REGIONAL ADVISORY BOARDS AND THE NATIONAL ADVISORY BOARD

Pursuant to section 714 (e) (11) of the Defense Production Act of 1950, as amended, the following Administrative Order No. 1, Revised, is hereby issued by the Administrator of the Small Defense Plants Administration.

Sec.
1. Purpose.
2. State, Territorial and Regional Advisory Boards.
3. National Advisory Board.

SECTION 1. *Purpose.* This order restates and amends Administrative Order No. 1 establishing Regional and National Advisory Boards, and describes their organization and functions. This order also establishes and describes the organization and functions of the State and Territorial Advisory Boards.

SEC. 2. *State, Territorial and Regional Advisory Boards*—(a) *Establishment.* There are hereby, or have heretofore been, established 49 State and Territorial Advisory Boards (including Alaska) and 13 Regional Advisory Boards. (A listing of the Regions follows.)

I. Boston.
II. New York.
III. Philadelphia.
IV. Richmond.
V. Atlanta.
VI. Cleveland.
VII. Chicago.
VIII. Minneapolis.
IX. Kansas City.
X. Dallas.
XI. Denver.
XII. San Francisco.
XIII. Seattle.

(b) *Composition of State and Territorial Boards.* (1) Each such State and Territorial Advisory Board shall be composed of persons representative of, and familiar with, small business interests in the state or region. The members of each board shall be appointed by and be responsible to the Administrator and shall serve for a period of one year subject to reappointment. The term of appointment of all Advisory Board Members appointed during or before the calendar year 1952, shall expire on December 31, 1952. Advisory Board Members (with previous service) may be reappointed by the Administrator.

(2) The Chairman of each board shall be the Administrator. Each State and Territorial Advisory Board shall have two or more Vice-Chairmen, one of whom shall be the Regional Director, and the others shall be members of the Board designated by the Administrator. In any state or territory where geographical or other considerations do not make it necessary, there should be but one Vice-Chairman selected from among members of its Board. However, where industrial concentrations are geographically substantially apart, Ketchikan and Anchorage, Seattle and Spokane or Chicago and Springfield, the Administrator may, upon the recommendation of the Regional Director, designate more than one such Vice-Chairmen. The State and Territorial Vice-Chairmen will report to and consult with the Regional Director and other Vice-Chairmen of the Regional Advisory Board.

(c) *Composition of Regional Advisory Boards.* Each such Regional Advisory Board shall be composed of State and Territorial Advisory Board Vice-Chairmen from states or territories within the regional jurisdiction and such other members as may be designated by the Administrator upon the recommendation of such Vice-Chairmen and Regional Directors. Each such Regional Advisory Board shall be composed of persons representative of and familiar with small business interests in the region, and shall serve for a period of one year, subject to reappointment. The term of appointment of all Advisory Board Members appointed during or before the calendar year 1952, shall expire on December 31, 1952. Advisory Board Members with previous service may, in the discretion of the Administrator, be reappointed. The members of each such board shall be appointed by and be responsible to the Administrator. The Chairman of each such Board shall be the Administrator. Each Regional Board shall have two or more Vice-Chairmen, one of whom shall be the Regional Director and the others shall be members of the Board designated by the Administrator as Vice-Chairmen.

(d) *Functions.* The State, Territorial and Regional Advisory Boards shall have the following functions:

(1) Evaluate the programs and policies of government agencies insofar as such programs and policies affect small business concerns within their respective states, territories or regions;

(2) Advise the Administrator, when requested, on the desirability of proposed plans and policies of the Administration as they may affect a particular area;

(3) Propose and submit, when requested, specific plans or suggestions to the Administrator for the solution of specific problems;

(4) Report to the Administrator on business conditions and economic developments in the area; and

(5) Consult and advise with the Administrator on such other matters affecting small business as the Administrator may request.

(e) *Meetings.* (1) Meetings shall be called at such times and places as may be designated by the Administrator: *Provided, however,* That any Vice-Chairman may request the Administrator to call a meeting of that Board. Attendance at meetings shall be restricted to the Chairman and Vice-Chairman, Board members, and such other persons as may be invited by the Administrator. Regional Advisory Boards shall so far as convenient, alternate meetings among states within the region. All Board members shall be invited to attend all meetings of their respective Boards, except that territorial representatives, because of distance and expense, should not ordinarily be asked to travel beyond the confines of their respective territories.

(2) All meetings of the State, Territorial and Regional Advisory Boards will be presided over by the Regional Director or another SDPA employee designated by him.

(3) The Regional Director shall be responsible, subject to the direction of the Administrator, for preparing and distributing the agenda, and keeping full and complete minutes of each meeting, with the members of the Board. Copies of the agenda and minutes of all meetings, together with any plans or recommendations prepared by such Board, shall be forwarded by the Regional Director to the Administrator.

(4) If a member of the State, Territorial, or Regional Advisory Board misses three consecutive meetings he will be removed from the board at the discretion of the Administrator and a new member appointed.

SEC. 3. *National Advisory Board.* (a) There is hereby established a National Advisory Board composed of the Administrator, who shall be Chairman, and the Vice-Chairmen (other than the Regional Director) from each Regional Advisory Board. The National Advisory Board shall consult with and advise the Administrator on such matters as he shall request and shall be responsible to him.

(b) The Administrator or his designee shall preside at all meetings. The Administrator shall designate a member of his staff who shall be present at all meetings, prepare and distribute the agenda for meetings and be responsible for keeping full and complete minutes of each meeting.

(c) Meetings shall be called at such times and places as may be designated by the Administrator. Attendance at meetings shall be restricted to the members of the National Advisory Board and such other persons as may be invited by the Administrator.

[SEAL] JOHN E. HORNE, *Administrator.*

NOVEMBER 17, 1952.

[F. R. Doc. 52-13102; Filed, Dec. 11, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 69-105]

J. NEILS LUMBER CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

DECEMBER 8, 1952.

Notice is hereby given that J. Neils Lumber Company ("Neils") has filed an application with this Commission requesting exemption on behalf of itself and its wholly owned subsidiaries, Montana Light & Power Company ("Montana"), a public-utility company, and Klickitat Log & Lumber Company ("Klickitat"), a common carrier railroad, from the provisions of the Public Utility Holding Company Act of 1935 ("act") pursuant to section 3 (a) (3) (A) thereof.

Notice is further given that any interested person may, not later than December 22, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application may be granted at any time after December 22, 1952.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the facts contained therein, which are summarized as follows:

The application states that Neils is a Minnesota corporation, engaged primarily in the manufacture of wood products in the States of Montana and Washington and has an executive office in Portland, Oregon. In connection with its wood manufacturing operations in its Libby, Montana and Klickitat, Washington plants, Neils also owns and operates steam electric generating facilities. At Klickitat, electricity generated in excess of the needs for the sawmill and other manufacturing facilities and which normally accounts for 10 percent of the total generated, is supplied and sold to the inhabitants numbering approximately 800 and consisting entirely of company employees and persons servicing such employees. At Libby, Montana, the company supplies a nominal amount of electricity to tenants of company houses and sells the small amount of electricity not needed for this purpose and for its own manufacturing operations or to satisfy the interchange agreement with Montana to a non-affiliate, Mountain States Power Company, which serves the remainder of the inhabitants of Libby.

Montana, which was acquired by Neils in order to provide a source of energy for its Libby plant, owns and operates a hydroelectric generating plant at Troy, Montana, and owns distribution lines in the village of Troy and immediate vicinity. It also owns a high voltage transmission line running from Troy to Libby over which it transmits power to Neils at Libby. Montana sells approximately three quarters of its electric energy supply to Neils, and sells the balance to Zonalite Company, a non-affiliate mining company, and to the inhabitants of Troy and vicinity.

For 1951, Montana reported gross revenues of $202,286, of which $113,415 was derived from sales to Neils, and net income of $64,326. Neils' net sales for 1951 totalled $15,125,555 and its net income for the period amounted to $1,799,542.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13084; Filed, Dec. 11, 1952; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List No. 73]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

NOVEMBER 20, 1952.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power (k.w.)	Radiation	Time designation	Class	Probable date to commence operation
NEW	Victoria, B. C.	1	730 kilocycles ND	U	II	Dec. 1, 1953.
NEW	Quebec, Que. (correction)	5	1060 kilocycles DA-1	U	II	
NEW	Chicoutimi, Que.	1	1140 kilocycles DA-1	U	II	Nov. 1, 1953.
CFNS	Saskatoon, Sask.	1	1170 kilocycles DA-1	U	II	Now in operation.
CKCW	Moncton, N. B.	10	1220 kilocycles DA-N	U	II	Nov. 1, 1953.
NEW	St. Georges, Que.	0.25	1400 kilocycles ND	U	IV	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-13112; Filed, Dec. 11, 1952; 8:52 a. m.]

ECONOMIC STABILIZATION AGENCY

Construction Industry Stabilization Commission, Wage Stabilization Board

[Amdt. 3]

COLORADO

AREA WAGE RATES

DECEMBER 8, 1952.

Area wage rates for the State of Colorado up to approximately November 21, 1952, are hereby added to the list previously published in the FEDERAL REGISTER issue of October 30, 1952, at 17 F. R. 9784.

The following table shows the area wage rates that have been published and the FEDERAL REGISTER citation.

Alabama: 17 F. R. 9784.
Arizona: 17 F. R. 9789.
Arkansas: 17 F. R. 10576.
California: 17 F. R. 10784.

THOMAS J. KALIS, DUNCAN CAMPBELL, *Co-Chairmen.*
ROBERT J. LUDWIG, *Administrative Assistant, Construction Industry Stabilization.*

Area rates approved and issued by the Construction Industry Stabilization Commission for the State of Colorado up to approximately November 21, 1952.

SEC. 5 *Area wage rates for Colorado.*

Asbestos Workers

Case C-3047: Halfway from Albuquerque, N. Mex., to Denver, Colo.; building construction only.

Asbestos worker mechanic ---------- $2.6125

Case C-8591: Halfway from Salt Lake City, Utah, to Denver, Colo.; building construction only.

Asbestos worker mechanic ---------- $2.51
Improver:
- First year ---------- 1.65
- Second year ---------- 1.85
- Third year ---------- 2.10
- Fourth year ---------- 2.35

Case C-8768: Halfway from Denver, Colo., and Laramie, Wyo., to Salt Lake City, Utah, Albuquerque, N. Mex., Billings, Mont., Omaha, Nebr., Wichita, Kans., Borger, Tex.; building construction only.

Mechanic ---------- $2.75
Improver:
- First year ---------- 1.83
- Second year ---------- 2.07
- Third year ---------- 2.14
- Fourth year ---------- 2.315

Case C-9058: Halfway from Borger and Amarillo, Tex., to Denver, Colo.; building construction only.

Mechanic ---------- $2.75
Improver:
- Fourth year ---------- 2.15
- Third year ---------- 1.90
- Second year ---------- 1.75
- First year ---------- 1.60

Boilermakers

Case C-8130: Entire State of Colorado; building and heavy construction only.

Master boilermaker ---------- $3.125
Lead mechanic ---------- 3.00
Assistant lead mechanic ---------- 2.875
Boilermaker ---------- 2.75
Boilermaker helper ---------- 2.50

Bricklayers

Case C-6562: Counties of Boulder, Grand, and Jackson; building construction only.

Journeyman bricklayer, block layer, cleaner, caulker and pointer ---------- $3.175

Case C-7601: Counties of Elbert, El Paso, Lincoln, Kit Carson, Cheyenne, Teller, and Park; building construction only.

Journeyman bricklayer, blocklayer, cleaner, caulker and pointer ---------- $3.45

Case C-6087: Counties of Denver, Adams, Arapahoe, Douglas, Jefferson, Clear Creek, and Gilpin; building construction only.

Journeyman bricklayer ---------- $3.45

Case C-5285: Counties of Garfield, Mesa, Delta, Montrose, San Miguel, Ouray, and Gunnison; building construction only.

Journeyman bricklayer ---------- $3.45

Case C-5115: Counties of Pueblo, Crowley, Otoro, Kiowa, Bent, Prowers, Baca, Las Animas, Huerfano, Alamosa, Conejos, and Costilla: building construction only

Journeyman bricklayer ---------- $3.25

Carpenters

Case C-9436: Counties of Rio Grande, Conejos, Costilla, Alamosa, and Saguache; building, heavy and highway construction.

Carpenter ---------- $2.075
Millwright ---------- 2.28

Apprentice:
- First 6 months—50 percent of journeyman wage.
- Second 6 months—55 percent of journeyman wage.
- Third 6 months—60 percent of journeyman wage.
- Fourth 6 months—65 percent of journeyman wage.
- Fifth 6 months—70 percent of journeyman wage.
- Sixth 6 months—75 percent of journeyman wage.
- Seventh 6 months—80 percent of journeyman wage.
- Eighth 6 months—90 percent of journeyman wage.

Foreman 25 cents per hour more than journeyman's rate.

Case C-7244: Denver and area within the territorial jurisdiction of the United Brotherhood of Carpenters and Joiners, Local 2363; building construction only.

Insulation mechanic ---------- $2.20

Case C-7577: All of Boulder County lying west of the North and South Hygiene Road, about 6½ miles west of the eastern county boundary; building construction only.

Journeyman carpenter ---------- $2.50

Case C-8438: Denver and area within the territorial jurisdiction of United Brotherhood of Carpenters and Joiners, Local 55; building construction only.

Journeyman carpenter and millwright ---------- $2.625
Apprentice:

First year:	Percent
First 6 months	55
Second 6 months	60
Second year:	
First 6 months	65
Second 6 months	70
Third year:	
First 6 months	75
Second 6 months	80
Fourth year:	
First 6 months	85
Second 6 months	90
Until the union terms him a journeyman	90

Case C-8735: County of Grand; heavy and highway construction only.

Journeyman carpenter ---------- $2.25

Case C-9012: All of Weld County except the southwest corner of county lines of Boulder and Larimer, thence in a southeasterly line to an intersection of Weld and Adams Counties East line of Range 65 West; building, heavy and highway construction.

Journeyman carpenter ---------- $2.25
Apprentice:
- First year ---------- 1.30
- Second year ---------- 1.50
- Third year ---------- 1.70
- Fourth year ---------- 1.90

Case C-9568: North one-half of Boulder County, Colo., which lies east of Hygiene Rd., running north and south which in turn lies about 6½ miles west of the east line of Boulder County. This part of Boulder County lies to the north of what is known locally as Gunbarrel Hill; building construction only.

Journeyman carpenter ---------- $2.10
Apprentice:

First year:	Percent
First 6 months	55
Second 6 months	60
Second year:	
First 6 months	65
Second 6 months	70
Third year:	
First 6 months	75
Second 6 months	80
Fourth year:	
First 6 months	85
Second 6 months	90
Until the union terms him a journeyman	90

Case C-9303: Counties of Dolores, Montezuma, La Plate, San Juan, Archuleta, Mineral, and that portion of Hinsdale County that lies south of Range line 43 west approximately 10 miles south of parallel 38; building, heavy and highway construction.

Journeyman carpenter and millwright ---------- $2.00
Apprentice:
Percentages of journeyman's rates:
- First 6 months ---------- 50
- Second 6 months ---------- 55
- Third 6 months ---------- 60
- Fourth 6 months ---------- 65
- Fifth 6 months ---------- 70
- Sixth 6 months ---------- 75
- Seventh 6 months ---------- 80
- Eighth 6 months ---------- 85

Case C-8549: Counties of central and western portions of Fremont and northern part of Custer; building construction only.

Journeyman carpenter and joiner ---------- $2.00

Case C-7230: Counties of El Paso, Teller, and parts of Park, Douglas, Elbert, Lincoln, Kit Carson, and Cheyenne; building, heavy and highway construction.

Carpenter foreman ---------- $2.60
Carpenter pusher ---------- 2.475
Journeyman carpenter ---------- 2.35
Apprentice:
- First year ---------- 1.47
- Second year ---------- 1.65
- Third year ---------- 1.80
- Fourth year ---------- 2.075

Case C-8316: County of Larimer; heavy and highway construction only.

Journeyman carpenter ---------- $2.25

Case C-8384: County of Larimer and area within the territorial jurisdiction of United Brotherhood of Carpenters and Joiners, Local 1340; building construction only.

Journeyman carpenter ---------- $2.25

Case C-9445: All of Garfield County except that portion extending west from Grand Valley; all of Rio Blanco County east of Highway 13. All of Pitkin County to and including Aspen and due north to Eagle; Eagle County as far east as Eagle, and north to State Line which includes that portion of Routt County east of Highway 13; building construction only.

Journeyman carpenter ---------- $2.185

Case C-8427: All of Moffat and Rio Blanco Counties lying west of Colorado Highway No. 13; all of Garfield county lying west of Colorado Highway No. 13 and U. S. Highway 6-24; all of Mesa County; that portion of Montrose and Delta Counties lying north and west of a a straight line drawn from Overland Reservoir to Bedrock; building, heavy and highway construction.

Journeyman carpenter and millwright ---------- $2.185
Lead man ---------- 2.32
Foreman ---------- 2.46

Case C-8404: Counties of Lake, Chaffee, and Summit, eastern part of Eagle County between Glenwood Springs and Leadville; western part of Park County (by highway) between Colorado Springs and Leadville; building, heavy and highway construction.

Journeyman carpenter ---------- $2.35
Millwright ---------- 2.60

Case C-9673: Counties of Montrose, Ouray, and San Miguel in their entirety and Delta and Mesa Counties south of a line between Gateway and Overland Reservoir; Delta and Gunnison Counties south and west of a line between Overland Reservoir and Doyleville; Saguache and Hinsdale Counties west of a line between Doyleville and North Creede; Hinsdale and San Juan Counties north of a line between North Creede and Lizard Head Pass; building and heavy construction only.

Carpenter ---------- $2.10

Case C-6617: Counties of Pueblo, Huerfano, and parts of El Paso, Custer, and Fremont; building, heavy and highway construction.

Journeyman carpenter ---------- $2.35
Journeyman millwright ---------- 2.45

Cement Finishers

Case C-8856: Denver and area bounded on the west by the west boundary of Jefferson County; on the north by the north boundary of Jefferson and Adams Counties; on the east by the east line of Township Range 65 West; and on the south by the south line of Township 7 South; building construction only.

Journeyman cement mason ---------- $2.625

Case C-9479:
District "A"—Denver metropolitan area—shall be defined as follows: "That portion of Adams, Arapahoe, Denver, and Jefferson Counties lying within a rectangle whose sides are parallel to Colfax Avenue and to Broadway, and Broadway extended northerly, with the western boundary being 13½ miles west of Broadway and the eastern boundary 13½ miles east of Broadway; the northern side of the rectangular area being 9 miles north of Colfax Avenue, and Colfax Avenue extended westerly, and the southern boundary 12 miles south of Colfax Avenue; and another rectangle adjacent thereto, 3 miles wide north and south, and 6 miles long east and west, extending north to the Boulder County Line and east from the west line of the aforementioned rectangle a distance of 6 miles."

District "B"—Northeastern Colorado area—shall be defined as follows: "All of Sedgwick, Logan, Phillips, Morgan, Washington, Yuma, Clear Creek, and Gilpin Counties; the north half of Kit Carson County (Burlington and north); north third of Lincoln County (Limon and north); north two-thirds of Elbert County; north two-thirds of Douglas County (north of a point halfway between Denver and Colorado Springs); north three-fourths of Jefferson County (except that portion within the Denver metropolitan area as described above); north one-fourth of Park County; south half of Boulder County; south portion of Weld County (south of Greeley); Adams and Arapahoe Counties east and north of the Denver metropolitan area as described above."

District "C"—North Central area—shall be defined as follows: "The north half of Boulder County; the north portion of Weld County (Greeley and north); and all of Summit, Routt, Jackson, Grand, and Larimer Counties"; heavy and highway construction only.

Journeyman cement finisher:
- District "A" ---------- $2.625
- District "B" ---------- 2.55
- District "C" ---------- 2.40

Case C-8516: Pueblo and area within the territorial jurisdiction of Operative Plasterers and Cement Masons International Association; Cement Masons Local 58; building, heavy and highway construction.

Journeyman cement finisher ---------- $2.35
Foreman ---------- 2.60

Electrical Workers

Case C-5613: Colorado Springs and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 113; building and heavy construction only.

Journeyman, construction electrician ---------- $2.52
Foreman, construction electrician ---------- 2.76

Case C-6553: Denver and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 68; building and heavy construction only.

Journeyman electrician	$2.90
Sign hanger, maintenance service man and assembly man	2.79

Case C-6566: Denver and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 68; building and heavy construction only.

Journeyman electrician	$2.90
Foreman	3.15
General foreman	3.40

Case C-9252: Denver and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 111,925, 12 and 113; building and heavy construction only.

All outside industrial and utility construction and maintenance work for the entire State of Colorado:	
Working foreman	$2.79
Cable splicer	2.73
Journeyman lineman	2.62
Apprentice:	
First 6 months	1.75
Second 6 months	1.80
Third 6 months	1.91
Fourth 6 months	2.04
Fifth 6 months	2.15
Sixth 6 months	2.26
Heavy equipment operator	2.34
Truck driver	1.75
Groundman A	1.80
Groundman B	1.64
Powderman and jackhammerman	2.02
Outside industrial work in the Denver metropolitan area within a 15-mile radius of Colfax and Broadway:	
Working foreman	3.01
Cable splicer	2.90
Journeyman lineman	2.80
Apprentice:	
First 6 months	1.86
Second 6 months	1.93
Third 6 months	2.05
Fourth 6 months	2.18
Fifth 6 months	2.30
Sixth 6 months	2.42
Heavy equipment operator	2.48
Truck driver	1.86
Groundman	2.85
Powderman and jackhammerman	2.16

Case C-6393: Fort Collins and area within the territorial jurisdiction of International Brotherhood of Electrical Workers, Local 891; building and heavy construction only.

Journeyman wireman	$2.40

Case C-5511: Counties of Alamosa, Archuleta, Baca, Bent, Chaffee, Conejos, Costilla, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande, and Saguache; building and heavy construction only.

Journeyman electrician	$2.61

Case C-7852: Counties of Alamosa, Archuleta, Baca, Bent, Chaffee, Conejos, Costilla, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande, and Saguache; building and heavy construction only.

Glass blower and sign hanger	$2.61

Elevator Constructors

Case C-7055: City of Pueblo; building construction only.

Elevator constructor foreman	$2.965
Elevator constructor mechanic	2.635
Elevator constructor helper	1.845

Glaziers

Case C-8446: Cities of Colorado Springs, Manitou Springs, and suburbs of Nob Hill, Broadmoor, and Roswell; building construction only.

Journeyman glazier	$2.10

Case C-9066: Counties of Denver and Pueblo; building construction only.

Journeyman glazier	$2.35

Case C-4997: Counties of Rio Blanco, Garfield, Mesa, Delta, Montrose, Ouray, Eagle, Pitkin, and Gunnison; building, heavy and highway construction.

Journeyman glazier	$1.90

Iron Workers

Case C-4118: 30 miles into the north part of Moffat, Routt, Jackson, Larimer, Weld, Logan, and Sedgwick Counties; building, heavy and highway construction.

Journeyman ornamental ironworker (including fence erector)	$2.45
Journeyman structural ironworker	2.45
Machinery mover, rigger, derrickman	2.45
Journeyman reinforcing ironworker	2.45

Case C-7209: Half way from Salt Lake City, Utah to Denver, Colo.; building, heavy and highway construction.

Ornamental ironworker (including fence erector)	$2.425
Structural iron worker	2.425
Machinery mover, rigger and derrickman	2.425
Reinforcing ironworker	2.35

Case C-5726: Denver and area within the territorial jurisdiction of International Association of Bridge, Structural and Ornamental Iron Workers, Local 24; building construction only.

Journeyman structural iron worker, ornamental iron worker (including fence erector) machinery mover, and rigger and reinforcing iron worker	$2.50

Laborers

Case C-5160: Entire State of Colorado; mainline pipeline construction only.

Laborer (State-wide except Denver County)	$1.40
Laborer (Denver County)	1.45

Case C-8775: Counties of Boulder, Larimer, Weld, and Adams, East of Range 65 West; building construction only.

Power-operated tools such as jackhammer, barco hammer, tamper, vibrator, pavement breaker, spader, hammer and drill, sander and self-propelled buggie	$2.075
Construction labor	1.70
Watchman	1.65

Case C-3532: County of El Paso; building construction only.

Drain layer under 8 inches	$1.75
Air tool operator	1.75
All other building labor	1.50

Case C-5226: Denver, Colo., and area within the territorial jurisdiction of International Hod Carriers, Building and Common Laborers Union, Drainlayers, Local 331; building construction only.

Drainlayer	$1.98
Foreman	2.23
Drainlayer on pipe 8 inches or over	2.23

Case C-8068: Denver area bounded on the west by the west boundary of Jefferson County; on the north by the north boundaries of Jefferson and Adams Counties; on the east by the east line of Township Range 65 West and on the south by the south line of Township 7 South; all in the vicinity of Denver, Colo.; building construction only.

Cement finisher tender, power-operated tool such as jackhammer, barco hammer, tamper vibrator, pavement breaker, spader, hammer and drill, sander and self-propelled concrete buggy	$2.075
Construction labor	1.725
Watchman	1.65

Case C-8847: Area A—Entire State of Colorado; tunnel construction only.

Minimum tunnel labor	$1.70
Concrete labor, chuck tender and nipper, and dumpman (if used)	1.80
Miner, timberman, machineman, vibratorman, powderman, blaster, collapsible form mover and setter	1.95
Gunniting nozzleman and pump concrete placement man and sand blaster	2.15
Shifter	2.25

Area B—All of the State of Colorado, except that portion which includes the city and county of Denver and the area immediately adjacent thereto, described as follows: Metropolitan area of Denver shall be defined as that portion of Adams, Arapahoe, Denver, and Jefferson Counties lying within a rectangle whose sides are parallel to Colfax Avenue and to Broadway, and Broadway extended northerly, with the western boundary being 13½ miles west of Broadway and the eastern boundary 13½ miles east of Broadway; the northern side of the rectangular area being 9 miles north of Colfax Avenue, and Colfax Avenue extended westerly, and the southern boundary 12 miles south of Colfax Avenue, and another rectangle adjacent thereto, 3 miles wide north and south and 6 miles long east and west extending north to the Boulder County line and east from the west line of aforementioned rectangle a distance of 6 miles; heavy, highway and engineering construction only.

Minimum labor, including caisson to 6 feet	$1.55
Chuck tender, nipper, and diamond drill helper	1.60
Air tool operator (jackhammer, vibrator, etc.), spotter, signalman, dump man, and wagon drill operator: laborer, caisson, from 6 to 12 feet and power operated concrete buggies	1.70
Laborer on mainline sewer, water main, gas and oil pipeline, and hot asphalt labor (raker, boxtender)	1.75
Laborer on caissons, over 12 feet and on cofferdam, scaler, blaster, powderman, form setter and timberman	1.85
Pipelayer, over 6" pipe	2.05
Sand blaster	2.05

Case C-5135: City of Grand Junction; counties of Moffat, Routt, Rio Blanco, Garfield, Mesa, Delta, Montrose, San Miguel, Ouray, Dolores, Montezuma, La Plata, San Juan, and Gunnison; building construction only.

Brick tender and mortar mixer	$2.00

Case C-8182: City of Grand Junction; counties of Moffat, Routt, Rio Blanco, Garfield, Mesa, Delta, Montrose, San Miguel, Ouray, Dolores, Montezuma, La Plata, San Juan, and Gunnison; building construction only.

Building construction and general laborer	$1.60
Operator and tender of pneumatic tools, vibrating machines and similar mechanical tools	1.765
Powder man	2.04
Power operated concrete buggy	1.875
Sand blaster (nozzleman)	1.875
Dumpman and spotter	1.60
Reinforcing iron rod handler	1.60
Labor foremen (25 cents per hour more than highest paid man under his supervision).	

Case C-7174: Counties of Alamosa, Archuleta, Baca, Bent, Chaffee, Conejos, Costilla, Crowley, Custer, Fremont, Hinsdale, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande, and Saguache; building construction only.

Powderman	$2.25
Pipe layer (concrete and clay over 6 inches)	2.05
Pipe layer (6 inches or under)	1.90
Dumpman, spotter, signalman	1.90
Asphalt raker, ironer, tamper	1.90
Air, gas and electrical tools (jackhammer vibrator)	1.90
Mortar mixer (wet or dry) 3 hours	1.90
Asbestor or insulator helper	1.90
Cement handler (batch plant)	1.75
Watchman (straight time)	1.65
Operator—concrete power buggie	1.90
Tool room man and checker	1.90
Carrying reenforcing rod	1.65
All other labor	1.65
Plumbing shop labor	1.775
Ditch digger	1.65
Labor foreman (minimum) or 25 cents per hour more than the highest paid under his supervision)	1.90

Lathers

Case C-8124: Half distance by Wichita, Kansas to east; half distance by Cheyenne, Wyoming to north; half distance by Colorado Springs, Colorado to south and half the distance by Salt Lake City, Utah to west; building construction only.

Journeyman lather	$3.30

Marble, Mosaic, and Terrazzo Helpers

Case C-8437: Denver and area within the territorial jurisdiction of International Association of Marble, Slate and Stone Polishers, Rubbers and Sawyers, Tile and Marble Setters Helpers and Terrazzo Workers Helpers, Local 85; building construction only.

Marble, slate and stone polishers, rubbers and sawyers, tile setters, helpers and terrazzo workers helpers	$1.90
Base machine men	2.05

Marble Setters

Case C-8806: Entire State of Colorado; building, heavy and highway construction.

Journeyman marble mechanic	$2.90

Mason and Plasterer Tenders

Case C-8775: Counties of Boulder, Larimer, Weld, and Adams, East of Range 65 West; building construction only.

Mason tender, brick tender, plasterer tender, and cement finisher tender	$2.075

Case C-3532: County of El Paso; building construction only.

Mason tender	$1.75

Case C-8068: City of Denver and area bounded on the west by Jefferson County; on the north by Jefferson and Adams Counties; on the east by Range 65 West; and on the south by the south line of Township 7 South; building construction only.

Mason tender, brick tender, and plasterer tender	$2.075

Case C-9717: Counties of Moffat, Routt, Rio Blanco, Garfield, Mesa, Delta, Montrose, San Miguel, Ouray, Dolores, Montezuma, La Plata, San Juan, and Gunnison; building construction only.

Plaster tender, mortar mixer, men building self-supporting scaffolds to 14 feet and all clean-up men	$2.00

Case C-7174: Counties of Alamosa, Archuleta, Baca, Bent, Chaffee, Conejos, Costilla, Crowley, Custer, Fremont, Hinsdale, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande, and Saguache; building construction only.

Mason tender	$1.90
Mortar mixer (wet or dry) 3 hours	1.90

Mosaic and Terrazzo Workers

C-8806: Entire State of Colorado; building, heavy and highway construction.

Journeyman terrazzo mechanic	$2.90

Operating Engineers

Case C-8181: Entire State of Colorado; building construction only.

Air compressor	$2.46
Asphalt plant	2.46
Bulldozer, scraper	2.46
Shovel, crane, derrick, dragline	2.63
Crushing plant, batch plant	2.46
Distributor (bituminous surface)	2.46
Finishing machine (cement, concrete, pavement)	2.46
Fireman, oiler, and batch plant scale operator	1.85
Industrial motorman	2.46
Hoist (1 drum)	2.46
Hoist (2 or more drums)	2.63
Mechanic, heavy duty	2.46
Mechanic's helper	1.85
Mixer (1 cubic yard or over)	2.63
Mixer (less than 1 cubic yard)	2.46
Motor grader	2.46
Pump	2.46
Roller	2.46
Tournapull	2.46
Tractor, over 35 horsepower	2.46
Tractor, 35 horsepower or less	1.85
Trenching machine	2.46
Drill operator	2.46
Brakeman	1.85

Case C-8679: Entire State of Colorado; heavy and highway construction only.

Denver Metropolitan Area

Air compressor	$2.46
Asphalt plant	2.46
Batch plant	2.46
Blade grader	2.46
Bulldozer	2.46
Crane, derrick, dragline	2.63
Crushing plant	2.46
Distributor (bituminous surface)	2.46
Finishing machine (cement, concrete pavement)	2.46
Fireman, oiler, and batch plant scale operator	1.85
Hoist (1 drum)	2.46
Hoist (2 or more drums)	2 63
Mechanic, heavy duty	2.46
Mechanic, helper	1.85
Mixer (1 cubic yard and over)	2.63
Mixer (less than 1 cubic yard)	2.46
Motor grader	2.46
Pump operator	2.46
Roller	2.46
Scraper	2.46
Shovel, power	2 63
Tournapull	2.46
Tractor, over 35 horsepower	2.46
Tractor, 35 horsepower or less	1.85
Trenching machine	2.46

(Operators of machines not classified above shall be paid comparative rates.)

Remainder of State

Air compressor	$2.35
Asphalt plant	2.35
Batch plant	2.35
Blade grader	2.35
Bulldozer	2.35
Crane, derrick, dragline	2.51
Crushing plant	2.35
Distributor (bituminous surface)	2.35
Finishing machine (cement concrete pavement)	2.35
Fireman, oiler, and batch plant scale operator	1.75
Hoist (1 drum)	2.35
Hoist (2 or more drums)	2.51
Mechanic, heavy duty	2.35
Mechanic, helper	1.75
Mixer (1 cubic yard and over)	2.51
Mixer (less than 1 cubic yard)	2.35
Motor grader	2.35
Pump operator	2.35
Roller	2.35
Scraper	2.35
Shovel, power	2 51
Tournapull	2.35
Tractor, over 35 horsepower	2.35
Tractor, 35 horsepower or less	1 75
Trenching machine	2.35
Haulage motorman	2.08

(Operators of machines not classified above shall be paid comparative rates.)

Tunnel Construction—State of Colorado

Mucking machine operator	$2.51
Mechanic and welder	2.35
Mechanic (machine doctor)	2.35
Pumpcrete operator	2.35
Mixer (1 cubic yard and over)	2.51
Mixer (less than 1 cubic yard)	2.35
Hoist (single-drum)	2.35
Hoist (2-drum)	2.51
Pump operator	2.35
Compressor	2.35
Drill operator	2.35
Haulage motorman	2.08
Brakeman and helper	1.75
Jumbo form operator	2.35

(Engineers for machines not listed shall receive a scale comparable to these classifications.)

Painters

Case C-3243: City of Boulder; building construction only.

Journeyman painter	$2.35

Cases C-4859 and C-4860: Counties of El Paso, Lincoln, and south one-half of Elbert, Douglas, Teller, and Park; building construction only.

Journeyman brush painter and taper	$2.22

Also maintenance of the previously established differentials for other classifications of painter, including carpet and linoleum layers.

Case C-7908: Entire State of Colorado; building construction only.

Journeyman sign painter	$2.64
Card writer and theater display artist	2.29
Helper and junior sketch artist	1.835
Apprentice:	
First year	.865
Second year	1.17
Third year	1.47
Fourth year	1.795
Fifth year	2.105

Case C-1178: Denver and area within the territorial jurisdiction of the Brotherhood of Painters, Decorators and Paperhangers, Local 79; building construction only.

Journeyman painter	$2.39

Case C-7465: Counties of Larimer and Jackson; building construction only.

Journeyman house painter (exterior and interior)	$2.00
Pressure roller painting	2.00

Also maintenance of existing differential for spray gun painting.

Case C-4997: Counties of Rio Blanco, Garfield, Mesa, Delta, Montrose, Ouray, Eagle, Pitkin and Gunnison; building, heavy and highway construction.

Journeyman painter, brush	$1.90
Journeyman painter, spray	2.15
Journeyman painter, swing stage over 30 feet	2.40

Case C-7461: Counties of Pueblo, Crowley, Kiowa, Bent, Prowers, Baca, Las Animas, Fre-

mont, and Huerfano; building construction only.

Journeyman painter, brush	$2.15
Journeyman painter, spray	2.40

Plasterers

Case C-2854: Denver and area within the territorial jurisdiction of Operative Plasterers and Cement Masons International Association, Local 32; building construction only.

Journeyman plasterer	$3.30

Plumbers

Case C-4098: Entire State of Colorado; mainline pipeline construction only.

Journeyman pipe fitter	$2.65
Pipe fitter welder	2.65
Pipe fitter apprentice	[1] 1.35

[1] Or 15 cents per hour over and above the common laborer rate in any given area.

Case C-8546: Entire State of Colorado; building construction only.

Journeyman sprinkler fitter	$2.79

Case C-6277: City of Boulder; building construction only.

Journeyman plumber and pipe fitter	$2.65

Case C-6704: Colorado Springs and surrounding area to include counties of El Paso, Park, Teller; southern half of Douglas and Elbert Counties and all of Lincoln County except all north of Highway 24; building construction only.

Journeyman plumber	$2.625

Case C-4853: Denver and area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 3 and Pipe Fitters Local 208; building construction only.

Journeyman plumber and pipe fitter	$2.82
Foreman (general)	3.243
Foreman (assistant general)	3.1725
Foreman	3.102

Case C-7679: Denver and area within the territorial jurisdiction of United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry, Local 208; building construction only.

Journeyman refrigeration fitter (service)	$1.95

Apprentice:	Percent
First 6 months	50
Second 6 months	55
Third 6 months	60
Fourth 6 months	65
Fifth 6 months	70
Sixth 6 months	75
Seventh 6 months	80
Eighth 6 months	85
Ninth 6 months	90
Tenth 6 months	95

Case C-8745: City of Greeley and surrounding area within a 10-mile radius; building construction only.

Journeyman plumber and gas fitter	$2.625

Case C-9703: Counties of Alamosa, Archuleta, Baca, Bent, Chaffee, Cheyenne, Conejos, Costilla, Crowley, Fremont, Hinsdale, Huerfano, Kiowa, Mineral, Otero, Prowers, Rio Grande, Saguache, Pueblo, and Custer; building construction only.

Journeyman plumber	$2.75

Case C-9098: Counties of San Miguel, Dolores, La Plata, and Ouray; building construction only.

Plumber and pipe fitter	$2.50

Case C-9099: Counties of Montrose, Gunnison, Mesa, Moffat, Rio Blanco, and Delta; building construction only.

Journeyman plumber and pipe fitter	$2.40

Case C-5036: County of Las Animas; building construction only.

Journeyman plumber and gas fitter	$2.95

Roofers

Case C-8666: Entire State of Colorado; building construction only.

Journeyman roofer	$2.625

Sheet Metal Workers

Case C-4162: City of Colorado Springs; County of El Paso; building construction only.

Journeyman sheet metal worker	$2.35

Case C-7092: Denver and area within the territorial jurisdiction of Sheet Metal Workers' International Association, Local 9, excluding the city of Boulder and vicinity; building construction only.

Journeyman sheet metal worker	$2.625
Foreman	2.953

Case C-8825: Counties of Mesa, Delta, Montrose and Garfield; building construction only.

Journeyman sheet metal worker	$2.21

Stone Masons

Case C-6562: Counties of Boulder, Grand, and Jackson; building construction only.

Journeyman stone mason	$3.175

Case C-7601: Counties of Elbert, El Paso, Lincoln, Kit Carson, Cheyenne, Teller, and Park; building construction only.

Journeyman stone mason	$3.45

Case C-6087: Counties of Denver, Adams, Arapahoe, Douglas, Jefferson, Clear Creek, and Gilpin; building construction only.

Journeyman stone mason	$3.45

Case C-5285: Counties of Garfield, Mesa, Delta, Montrose, San Miguel, Ouray, and Gunnison; building construction only.

Journeyman stone mason	$3.45

Case C-5115: Counties of Pueblo, Crowley, Otero, Kiowa, Bent, Prowers, Baca, Las Animas, Huerfano, Alamosa, Conejos, and Costilla; building construction only.

Journeyman stone mason	$3.25

Soft Floor Layers

Cases C-4259 and C-4860: Counties of El Paso, Lincoln, and South one-half of Elbert, Douglas, Teller, and Park; building construction only.

Journeyman brush painter and taper	$2.22

Also maintenance of the previously established differentials for other classifications of painters, including carpet and linoleum layers.

Case C-5493: Denver and area within the territorial jurisdiction of Brotherhood of Painters, Decorators and Paperhangers, Local 419 (which extends one-half the distance between any city containing regularly constituted Linoleum, Carpet and Soft Tile Layers, Local Union); building construction only).

Journeyman layer	$2.57
Carpet sewer	1.73

Steamfitters

Case C-9703: Counties of Alamosa, Archuleta, Baca, Bent, Chaffee, Cheyenne, Conejos, Costilla, Crowley, Fremont, Hinsdale, Huerfano, Kiowa, Mineral, Otero, Prowers, Rio Grande, Saguache, Pueblo, and Custer; building construction only.

Steamfitter	$2.75

Case C-5036: County of Las Animas; building construction only.

Steamfitter	$2.35

Teamsters

Case C-8104 A: Denver, metropolitan area and that portion of Adams, Arapahoe, Denver, and Jefferson Counties lying within a rectangle whose sides are parallel to Colfax Avenue and to Broadway, and Broadway extended northerly, with the western boundary being 13½ miles west of Broadway and the eastern boundary 13½ miles east of Broadway; the northern side of the rectangular area being 9 miles north of Colfax Avenue, and Colfax Avenue extended westerly, and the southern boundary 12 miles south of Colfax Avenue; and another rectangle adjacent thereto, 3 miles wide north and south, and 6 miles long east and west, extending north to the Boulder County line and east from the west line of aforementioned rectangle a distance of 6 miles; heavy and highway construction only.

Pick-up truck (4)	$1.75
Dump truck—under 6 yards hauled	1.85
Dump truck—6 yards to 13 yards hauled	1.95
Flat rack	1.85
Semiflat rack truck, highboy (1)	1.95
Koehring dumpter	1.95
Lumber carrier	1.95
Concrete mixer truck—to 5 yards	1.95
Concrete mixer truck—5 yards and over (2)	2.05
Lowboy (3)	2.05
Euclid and similar units—over 13 yards hauled	2.05
Winch pole and "A" frame truck	2.20
Tandem Euclid and similar equipment	2.20
Water truck (5)	1.85
Semiwater truck (6)	1.95
Warehouseman (greaser, tire and service man)	1.85
Truck mechanic	2.10
Truck mechanic helper (7)	1.75
Material checker (8)	1.90
Dumper, spotter, scaleman, etc	(1)

[1] If used, same rate as driver.

Case C-8104B: Entire State of Colorado, excluding the Denver metropolitan area; heavy and highway construction only.

Pick up truck	$1.65
Dump truck—under 6 yards hauled	1.75
Dump truck—6 yards to 13 yards hauled	1.85
Flat rack	1.75
Semi-flat rack truck highboy (1)	1.85
Koehring dumptor	1.85
Lumber carrier	1.90
Concrete mixer truck—to 5 yards	1.90
Concrete mixer truck—5 yards and over (2)	2.00
Lowboy (3)	2.00
Euclid and similar units—over 13 yards hauled	2.05
Winch pole and "A" frame truck	2.10
Tandem Euclid and similar equipment	2.20
Water truck (5)	1.75
Semi-water truck (6)	1.85
Warehouseman (greaser, tire and service man)	1.75
Truck mechanic	2.05
Truck mechanic helper (7)	1.65
Material checker (8)	1.80
Dumper, spotter, scalemen, etc	(1)

[1] If used, same rate as driver or project.

Case C-9203: Denver and area bounded on the west by the west boundary of Jefferson County; on the north by the north boundary of Jefferson and Adams Counties; on the east by the east line of Range 65 West, and on the south by the south line of Township 7 South, all in the vicinity of Denver, Colo.; building construction only.

Drivers of:	
Pick-up truck	$1.75
Dump truck—under 6 yards hauled	1.85
Dump truck—6 yards to 13 yards hauled	1.95
Flat rack	1.85
Semiflat rack truck and highboy	1.95
Koehring dumpter	1.95
Lumber carrier	1.95
Concrete mixer truck to 5 yards	1.95
Concrete mixer truck—5 yards and over	2.05
Lowboy	2.05
Euclid and similar units—over 13 yards hauled	2.05
Winch pole and "A" frame truck	2.20
Tandem Euclid and similar equipment	2.20
Water truck	1.85
Semiwater truck	1.95
Warehouseman (greaser, tire and service man)	1.85
Truck mechanic	2.10
Truck mechanic helper	1.75
Material checker (if used full time and necessary)	1.90
Dumper, spotter, scaleman, etc	(1)
Truck driver helper	1.75

[1] (If used, same rate as driver on project.)

Case C-8106: Area west of the Continental Divide; building construction only.

Dump trucks:	
6 yards hauled	$1.765
6 yards and over	1.875
Flat rack and semi-trailer truck	1.765
Winch pole and "A" frame truck	1.985
Lowboy truck driver	1.985
Truck driver helper	1.60
Warehouseman	1.60
Teamster:	
2 horses or more	1.545
4 horses or more	1.765
Greaser, oiler, or service station man	1.765

Tile Layers

Case C 8806: Entire State of Colorado; building, heavy and highway construction.

Journeyman tile mechanic	$2.90

[F. R. Doc. 52-13118; Filed, Dec. 10, 1952; 10:03 a. m.]

Office of Price Stabilization

[Ceiling Price Regulation 17, Section 11 (d), Special Order No. 6]

ADJUSTMENT OF TANK WAGON CEILING PRICES IN THE WAHKIAKUM COUNTY MARKETING AREA

Statement of considerations. This special order adjusts the ceiling prices for sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) by tank wagon distributors in the Wahkiakum County, Washington, marketing area.

The Office of Price Stabilization was requested to conduct a survey to determine whether increased costs have reduced the net margins of heating oil distributors in the Wahkiakum County, Washington, marketing area below a point sufficient to maintain the level of earnings in the year ending May 31, 1950. The results of that survey show that an upward adjustment is necessary to bring earnings to that level.

There is a large number of heating oil sellers at the tank wagon level in this region and the need for relief is not uniform, but varies from marketing area to marketing area. Thus it is concluded that the adjustment must be on a marketing area basis, rather than on a region-wide basis. For the purpose of this special order the boundaries of the market area have been determined to be the same as the boundaries of Wahkiakum County, Washington.

The adjustment granted by this order does no more than bring earnings to the level of the year ending May 31, 1950. It is therefore consistent with the provisions of section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 11 (d) of Ceiling Price Regulation 17 and Delegation of Authority No. 72, *It is ordered:*

1. That the ceiling price of heating oil distributors in the Wahkiakum County marketing area for tank wagon sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) to consumers shall be increased by $0.003 per gallon. The Wahkiakum County marketing area is defined as the area within the boundaries of Wahkiakum County, Washington.

2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this Order shall remain in full force and effect as to the commodities covered by this Order.

3. This Order may be amended, modified, or revoked at any time.

Effective date. This special order shall become effective on December 10, 1952.

HAROLD WALSH,
Regional Director, Office of Price Stabilization, Region XIII.

DECEMBER 9, 1952.

[F. R. Doc. 52-13090; Filed, Dec. 9, 1952; 12:14 p. m.]

[Ceiling Price Regulation 17, Section 11 (d), Special Order No. 7]

ADJUSTMENT OF TANK WAGON CEILING PRICES IN THE WASCO AND SHERMAN COUNTIES, OREGON, AND KLICKITAT COUNTY, WASHINGTON MARKETING AREA

Statement of considerations. This special order adjusts the ceiling prices for sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) by tank wagon distributors in the marketing area of Wasco and Sherman Counties, Oregon, and Klickitat County, Washington.

The Office of Price Stabilization was requested to conduct a survey to determine whether increased costs have reduced the net margins of heating oil distributors in the above named marketing area below a point sufficient to maintain the level of earnings in the year ending May 31, 1950. The results of that survey show that an upward adjustment is necessary to bring earnings to that level.

There is a large number of heating oil sellers at the tank wagon level in this region and the need for relief is not uniform, but varies from marketing area to marketing area. Thus it is concluded that the adjustment must be on a marketing area basis, rather than on a region-wide basis. For the purpose of this special order the boundaries of the market area have been determined as Wasco and Sherman Counties, Oregon, and Klickitat County, Washington.

The adjustment granted by this order does no more than bring earnings to the level of the year ending May 31, 1950. It is therefore, consistent with the provisions of section 11 (d) of Ceiling Price Regulation 17.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 11 (d) of Ceiling Price Regulation 17 and Delegation of Authority 72, *It is ordered:*

1. That the ceiling price of heating oil distributors in the Wasco and Sherman Counties, Oregon, and Klickitat County, Washington, marketing area for tank wagon sales of heating oils (Kerosene, No. 1 and 2 Oils, Furnace Oil, Range Oil and Stove Oil) to consumers shall be increased by $0.001 per gallon. The Wasco and Sherman Counties, Oregon, and Klickitat County, Washington, marketing area is defined as the area within the boundaries of the respective counties.

2. All provisions of Ceiling Price Regulation 17, except as inconsistent with the provisions of this Order shall remain in full force and effect as to the commodities covered by this Order.

3. This Order may be amended, modified, or revoked at any time.

Effective date. This special order shall become effective on December 10, 1952.

HAROLD WALSH,
Regional Director, Office of Price Stabilization, Region XIII.

DECEMBER 9, 1952.

[F. R. Doc. 52-13091; Filed, Dec. 9, 1952; 12:15 p. m.]

[Delegation of Authority No. 43, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO PROCESS APPLICATIONS FOR ADJUSTMENT FILED BY MANUFACTURERS HAVING YEARLY SALES VOLUME OF $1,000,000 OR LESS, UNDER GOR 10

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this revised delegation of authority is hereby issued.

1. *Authority to act under GOR 10.* Authority is hereby delegated to the Regional Directors of the Office of Price Stabilization to process and act on applications for adjustments, filed by a manufacturer under GOR 10:

(a) Whose total net sales amounted to $1,000,000 or less for his last complete fiscal year; and

(b) Whose sales of commodities covered by his application are confined largely to the OPS Region in which his principal place of business is located; or

(c) Whose application has been specifically referred for action by the National Office.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of Price Stabilization.

This Revision 1 of Delegation of Authority No. 43 shall take effect on December 12, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 11, 1952.

[F. R. Doc. 52-13190; Filed, Dec. 11, 1952; 11:52 a. m.]

[Delegation of Authority No. 76, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this revised delegation of authority is hereby issued.

1. *Authority to act under sections 6 and 7 of the GCPR.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to applications and reports submitted by manufacturers, wholesalers, retailers, and suppliers of services except as follows:

1. Firms which expect to sell a substantial amount of the commodities covered by their report or application to persons located outside the OPS region in which their principal place of business is located, or

2. Manufacturers whose total gross sales of manufactured commodities amounted to $1,000,000 or more for their last complete fiscal year, or a new manufacturer whose total gross sales of manufactured commodities are expected to reach $1,000,000 or more for their first complete fiscal year;

3. Firms who make a report or application for a group of retail sellers which have uniform ceiling prices in accordance with the provisions of section 12 of the GCPR.

(b) To act on any application or report under sections 6 and 7 of the GCPR, as amended, specifically referred for action by the National Office.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This Revision 1 of Delegation of Authority No. 76 shall take effect on December 12, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 11, 1952.

[F. R. Doc. 52-13191; Filed, Dec. 11, 1952; 11:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27606]

CRUDE RUBBER FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO BRISTOL, PA., AND DUNKIRK, N. Y.

APPLICATION FOR RELIEF

DECEMBER 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Crude rubber, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Bristol, Pa., and Dunkirk, N. Y.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 413, Supp. 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13081; Filed, Dec. 11, 1952; 8:46 a. m.]

[4th Sec. Application 27607]

FLY ASH FROM LOUISVILLE, KY., TO OKLAHOMA AND TEXAS

APPLICATION FOR RELIEF

DECEMBER 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Fly ash, carloads.

From: Louisville, Ky.

To: Specified points in Oklahoma and Texas.

Grounds for relief: Rail competition, circuity and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3912, Supp. 155; F. C. Kratzmeir, Agent, I. C. C. No. 3899, Supp. 115; F. C. Kratzmeir, Agent, I. C. C. No. 9319, Supp. 134.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13080; Filed, Dec. 11, 1952; 8:46 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 243

Washington, Saturday, December 13, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Rice]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

WAREHOUSE CHARGES ON SACKED IDENTITY-PRESERVED RICE

Regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 5272, 7323, and containing the requirements for the 1952-Crop Rice Price Support Program are hereby supplemented by adding the following § 601.1861.

§ 601.1861 *Warehouse charges on sacked identity-preserved rice.* Notwithstanding any provisions to the contrary in 1952 C. C. C. Grain Price Support Bulletin 1, Supplement 1, in the case of sacked identity-preserved rice delivered to CCC under a warehouse-storage loan, CCC, in lieu of assuming the receiving and loading out charges, will assume unpiling, weighing, inspection, and repiling (or loading out, if load out is at time of delivery) up to, but not in excess of, the sum of the receiving and loading out charges specified in the applicable schedule of rates supplement.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 9th day of December 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

LIONEL C. HOLM,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-13121; Filed, Dec. 12, 1952; 8:47 a. m.]

NOTICE

The National Archives Building will be officially closed on Monday, December 15, 1952, between 8:45 a. m. and 2:00 p. m. Notice is hereby given that no documents will be filed with the Federal Register Division, or made available for public inspection, during those hours.

[1952 C. C. C. Cotton Bulletin 1, Amdt. 3]

PART 607—COTTON

SUBPART—1952 COTTON PRICE SUPPORT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 4836 and containing the instructions and requirements with respect to the 1952 Cotton Price Support Program is hereby amended as follows:

1. Section 607.340 (a) is amended to provide that loan documents may be forwarded by the custodian to a trust or banking institution for collection, at the request of the holder of a Producer's Equity Transfer, so that amended paragraph (a) reads as follows:

§ 607.340 *Transfer of producer's interest*—(a) *Loans.* If a producer desires to sell his equity in one or more bales of cotton covered by a particular note, he may obtain a Producer's Equity Transfer (CCC Cotton Form AA) covering such bales only from the county committee in the county in which the cotton was produced. The purchaser of the equity will have seven days from the date of the equity transfer in which (1) to pay the amount due on the cotton or (2) to request in writing the custodian (the lending agency or the county committee holding the loan documents) to forward the warehouse receipts to a trust or banking institution for collection. If the warehouse receipts are forwarded to a trust or banking institution for collection, the amount due on the cotton must be repaid within seven days from the date of forwarding of the warehouse receipts. If the amount due is not paid within the ap-

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FEDERAL REGISTER

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plicable prescribed period, the Producer's Equity Transfer shall be void and of no effect and if the warehouse receipts have been forwarded to a trust or banking institution for collection, such documents shall be returned to the custodian. No partial redemption of cotton listed on a Producer's Equity Transfer will be allowed. A producer may transfer his remaining interest in and right to redeem loan cotton only by the use of the prescribed Producer's Equity Transfer.

* * * * * *

2. Section 607.342 is amended to provide that a State committee may determine a maximum larger than 200 bales to be stored in any farm storage structure so that the amended section reads as follows:

§ 607.342 *Safeguarding farm-storage cotton.* The producer obtaining a farm-storage loan is obligated to maintain the farm-storage structure in good repair and to keep the cotton in good condition. The producer will be responsible for any loss or damage occurring through the fault or negligence of the producer or any other person having control of the storage structure or as a result of any cause other than fire, flood, lightning, explosion, windstorm, cyclone, or tornado, except that he will not be responsible for loss in weight of not to exceed 10 pounds per bale which is due to natural shrinkage. The maximum amount of cotton stored in any structure shall be limited to 200 bales, unless the State committee determines that a larger maximum in the State is required to make the program more effective. The conversion or unlawful disposition by the producer of any bale of the cotton will render him personally liable for the payment of the mortgage indebtedness.

3. Section 607.349 (a) is amended to provide that loan documents may be forwarded by the custodian to a trust or banking institution for collection, at the request of the producer, so that the amended paragraph (a) reads as follows:

§ 607.349 *Repayment of loans and delivery under purchase agreements*—(a) *Loans.* Producers may repay loans at any time prior to maturity and secure the return of their collateral. Partial releases will be allowed. The loan documents will be located at the lending agency which made the loan or at the offices of the county committee in the county in which the cotton was produced. A producer may request in writing the custodian (the lending agency or the county committee holding the loan documents) to forward the warehouse receipts to a trust or banking institution for collection.

* * * * * *

4. Section 607.350 is amended to provide that lending agencies which are not recognized banking institutions or Production Credit Associations may sell notes to lending agencies which are recognized banking institutions for tender to CCC, so that the amended section reads as follows:

§ 607.350 *Purchase of notes.* CCC will purchase from approved lending agencies notes evidencing loans which are secured by negotiable warehouse receipts, bills of lading and chattel mortgages. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus an amount computed in accordance with the lending agency agreement to cover interest. Lending agencies are required to submit CCC Form 500 (Revised) or such other form as CCC may prescribe for all payments received on producers' notes and are required to remit to CCC its part of the interest collected, computed in accordance with the lending agency agreement. Lending agencies shall submit notes and reports to the county committee in the county in which the cotton was produced. County committees will purchase notes from lending agencies by drawing sight drafts on CCC. A lending agency which is a recognized banking institution or a Production Credit Association may, if the loan was made by such lending agency, (a) tender loan documents to CCC through the county committee at any time prior

to maturity, (b) maintain its investment in the loan and retain custody of the loan documents, or (c) sell its investment in the loans but retain custody of the loan documents and service the loans in accordance with the provisions of the Lending Agency Agreement. A lending agency which is not a recognized banking institution or Production Credit Association must tender all notes to CCC through the county committee in the county in which the cotton was produced within 15 days from the date of disbursement of the loans or, upon receipt of appropriate instructions from CCC, sell such notes to a lending agency which is a recognized banking institution. The banking institution must tender such notes to CCC through the county committee in the county in which the cotton was produced within 15 days from the date of disbursement of the loans to the producers. Loan documents in which lending agencies have retained their investment until maturity must be tendered to CCC through the county committee in the county in which the cotton was produced within 15 days after the maturity date. Loan documents held pursuant to the servicing feature of the Lending Agency Agreement must also be delivered to the county committee in the county in which the cotton was produced within 15 days after maturity of the loans.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 9th day of December 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-13122; Filed, Dec. 12, 1952; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[B. A. I. Order 371, Amdt. 3]

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

IMPORTATION FROM CANADA

Pursuant to the authority vested in the Secretary of Agriculture by section 2 of the act of February 2, 1903, as amended (sec. 2, 32 Stat. 792, as amended, 21 U. S. C. 111), § 95.21 of the regulations governing the sanitary control of animal byproducts (except casings), and hay and straw, offered for entry into the United States (9 CFR 95.21), is hereby amended in the following respects:

1. The introductory paragraph of § 95.21 is amended to read:

§ 95.21 *Hay and straw; requirements for unrestricted entry.* Hay or straw which does not meet the conditions or requirements of paragraph (a), (b), (c), or (d) of this section shall not be imported except subject to handling and treatment in accordance with § 95.22 of this Part after arrival at the port of entry.

2. A new paragraph (d) is added to § 95.21 to read as follows:

(d) Hay for use as feeding material may be imported without other restriction from that area in Canada located east of the 85th meridian, west longitude, provided such hay was produced in said area and is transported directly from said area to a port of entry located east of the 85th meridian, west longitude, without passing through any area in Canada located west of the 85th meridian, west longitude.

Because of the critical shortage of hay for feeding purposes in the United States, the welfare of the livestock interests of the United States demands that this amendment be made effective immediately. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure concerning this amendment are impracticable and contrary to the public interest, and good cause is found, under the said section 4, for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

Done at Washington, D. C., this 11th of December 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-13194; Filed, Dec. 11, 1952; 12:48 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 44]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, the Antioch, California, area (D-264), published on July 16, 1949, in 14 F. R. 4288, and amended on October 14, 1950, in 15 F. R. 6908, is further amended by changing the "Designated Altitudes" column to read: "Surface to unlimited".

2. In § 608.14, the Chocolate Mountains, California, area (D-304), published on March 17, 1950, in 15 F. R. 1510, amended on May 2, 1950, in 15 F. R. 2463, and on November 18, 1950, in 15 F. R. 7872, is further amended by changing the "Designated Altitudes" column to read: "Surface to unlimited", and by changing the "Time of Designation" column to read: "Continuous".

3. In § 608.75, the Parker, Colorado, area (D-195), published on July 16, 1949, in 14 F. R. 4289, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 39°41'00" N., long. 104°30'00" W.; SE. to lat. 39°39'00" N., long. 104°26'00" W.; due S. to lat. 39°34'00" N.; due W. to long. 104°40'42" W.; due N. to lat 39°36'30" N.; due W. to long. 104°41'48" W.; due N. to lat. 39°37'30" N.; due E. to long. 104°40'48" W.; due N. to lat. 39°41'00" N.; due E. to lat. 39°41'00" N., long. 104°30'00" W., point of beginning." The "Using Agency" column is amended to read: "Denver NAS, Denver, Colorado."

4. In § 608.36, the Black Rock Desert, Nevada, area (D-266), published on July 16, 1949, in 14 F. R. 4293, is amended by changing the "Designated Altitudes" column to read: "Surface to unlimited", by changing the "Time of Designation" column to read: "Continuous", and by changing the "Using Agency" column to read: "12th Naval District, San Francisco, California."

5. In § 608.36, the Tonopah, Nevada, area (D-271), published on July 16, 1949, in 14 F. R. 4293, amended on March 29, 1951, in 16 F. R. 2720, and on October 31, 1951, in 16 F. R. 11068, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 37°53'00" N., long. 116°11'00" W.; due S. to lat. 37°42'00" N.; due E. to long. 115°53'00" W.; due S. to lat. 37°33'00" N.; due E. to long. 115°48'00" W.; due S. to lat. 37°17'00" N.; due E. to long 115°18'00" W.; due S. to lat. 36°41'00" N.; due W. to long. 115°35'30" W.; due S. to lat. 36°35'00" N.; due W. to long. 115°42'00" W.; due N. to lat. 36°41'00" N.; due W. to long. 115°56'00" W.; due N. to lat. 37°16'00" N.; due W. to long. 116°13'00" W.; due S. to lat. 36°41'00" N.; due W. to long. 116°26'30" W.; due N. to lat. 36°51'00" N.; due W. to long. 116°33'30" W.; N. W. to lat. 37°33'00" N., long. 117°02'00" W.; northerly to lat. 37°53'00" N., long. 117°01'00" W.; due E. to lat. 37°53'00" N., long. 116°11'00" W., point of beginning."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 18, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-13113; Filed, Dec. 12, 1952; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The following riders for the 1953 and succeeding crop years are hereby published pursuant to § 420.34, as amended, of the above-identified regulations (14 F. R. 5303, 6787; 15 F. R. 2485, 4161, 9033; 16 F. R. 579, 4300; 17 F. R. 2110, 2385, 5082, 5933, 8206, 10537). Any riders for those counties which have been published previously (14 F. R. 7827; 15 F. R. 2622, 3077, 9271; 16 F. R. 4829, 12111, 12765; 17 F. R. 3265, 3671) are hereby superseded for the 1953 and succeeding crop years.

A Rider No. 1 to the Multiple Crop Insurance Policy for each of the following counties:

Arkansas—§ 420.53.
Arkansas—§ 420.53-1.
Colorado—§ 420.55.
Conejos—§ 420.55-1.
Colorado—§ 420.55.
Morgan—§ 420.55-2.
Colorado—§ 420.55.
Otero—§ 420.55-3.
Colorado—§ 420.55.
Weld—§ 420.55-4.
Colorado—§ 420.55.
Las Animas—§ 420.55-5.
Delaware—§ 420.57.
Kent—§ 420.57-1.
Georgia—§ 420.59.
Jefferson—§ 420.59-4.
Illinois—§ 420.61.
Jasper—§ 420.61-1.
Illinois—§ 420.61.
Hamilton—§ 420.61-2.
Illinois—§ 420.61.
Saline—§ 420.61-4.
Illinois—§ 420.61.
Wayne—§ 420.61-5.
Indiana—§ 420.62.
Hamilton—§ 420.62-1.
Indiana—§ 420.62.
Spencer—§ 420.62-2.
Louisiana—§ 420.66.
Lafayette—§ 420.66-1.
Louisiana—§ 420.66.
St. Martin—§ 420.66-4.
Louisiana—§ 420.66.
Vermilion—§ 420.66-5.
Michigan—§ 420.70.
Gratiot—§ 420.70-1.
Michigan—§ 420.70.
Kent—§ 420.70-2.
Michigan—§ 420.70.
Montcalm—§ 420.70-3.
Michigan—§ 420.70.
Jackson—§ 420.70-4.
Michigan—§ 420.70.
Allegan—§ 420.70-5.
Michigan—§ 420.70.
Lapeer—§ 420.70-6.
Minnesota—§ 420.71.
Sherburne—§ 420.71-9.
Missouri—§ 420.73.
Knox—§ 420.73-2.
Missouri—§ 420.73.
Lewis—§ 420.73-3.
Nebraska—§ 420.75.
Pawnee—§ 420.75-1.
Nebraska—§ 420.75.
Antelope—§ 420.75-2.
Nebraska—§ 420.75.
Washington—§ 420.75-3.
New Jersey—§ 420.78.
Monmouth—§ 420.78-1.
New York—§ 420.80.
Monroe—§ 420.80-1.
Ohio—§ 420.83.
Ashtabula—§ 420.83-1.
Ohio—§ 420.83.
Clermont—§ 420.83-2.
Oklahoma—§ 420.84.
Cleveland—§ 420.84-1.
Oregon—§ 420.85.
Linn—§ 420.85-1.
Oregon—§ 420.85.
Malheur—§ 420.85-2.
Oregon—§ 420.85.
Marion—§ 420.85-3.
Pennsylvania—§ 420.86.
Lebanon—§ 420.86-1.
Tennessee—§ 420.90.
Franklin—§ 420.90-3.
Texas—§ 420.91.
Johnson—§ 420.91-1.
Texas—§ 420.91.
Runnels—§ 420.91-2.
Texas—§ 420.91.
Tarrant—§ 420.91-3.
Texas—§ 420.91.
Taylor—§ 420.91-4.
Utah—§ 420.92.
Emery—§ 420.92-2.
Wisconsin—§ 420.97.
Waupaca—§ 420.97-2.
Wyoming—§ 420.98.
Platte—§ 420.98-1.
Wyoming—§ 420.98.
Washakie—§ 420.98-2.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. and Sup. 1506, 1516)

[SEAL] JOHN W. BRAINARD,
Manager,
Federal Crop Insurance Corporation.

§ 420.53 *Arkansas.*

§ 420.53-1 *Arkansas County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Arkansas County, Ark., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Lespedeza (annual only) for hay or seed, including volunteer lespedeza.

(d) Oats (fall only) planted for harvest as grain. (Insurance on oats to attach the first crop year of the contract only if the application is filed on or before November 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

(e) Rice planted for harvest.

(f) Soybeans planted for harvest as beans, excluding soybeans interplanted in the same row with corn.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop, except volunteer lespedeza in which case insurance shall attach on April 1 provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the hay crop upon baling or stacking, the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the applicable cancellation date. However, any production of corn, oats, rice, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Where vetch is grown with an insured small grain crop all production of vetch shall be counted as pro-

95.21 is amended to read:

duction of such grain crop on a weight basis. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production (on the basis of hay for lespedeza) for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except lespedeza and cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Lespedeza	Acreage not planted to a substitute crop.	The actual production of hay and seed for acreage harvested (except that the Corporation may count the appraised production for seed in place of the hay production for any cutting) and the appraised production (the appraisal for hay or the appraisal for seed, or both, whichever the Corporation elects) for (1) acreage pastured or (2) production not harvested.
4. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
6. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
7. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
8. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested.
9. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for corn, oats, and soybeans; pounds for cotton, lespedeza seed, and rice; and tons (rounded to tenths) for hay.

Notwithstanding the other provisiona of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: October 31.

8. *Definitions.* For all purposes under the contract volunteer lespedeza for harvest within the crop year shall be considered to have been planted as of April 1.

In addition to the provisions of section 13 of the policy, any share of an insured crop paid or to be paid for irrigation water shall be considered for the purpose of determining insurance units only, as a part of the share of the insured.

"Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.55 *Colorado.*

§ 420.55–1 *Conejos County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Conejos County, Colo., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay (insurance on hay to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested).

(b) Barley planted for harvest as grain (insurance on winter barley to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested).

(c) Oats planted for harvest as grain (insurance on winter oats to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested).

(d) Wheat planted for harvest as grain (insurance on winter wheat to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested).

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except alfalfa in which case insurance shall attach on November 1 (preceding harvest) provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the hay crop upon baling or stacking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the applicable cancellation date. However, any production of barley, oats or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop minus the number of bushels or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for barley, oats, and wheat, and tons (rounded to tenths) for hay.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Irrigated acreage.* (a) In addition to the provisions of section 4 of the policy, the following provisions shall apply: (1) The acreage of insured crops in any year shall not exceed that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which reasonably could be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm. (2) Insurance shall not attach with respect to (i) acreage planted to insurable crops the first year after being leveled, (ii) acreage the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) In addition to the causes of loss not insured against as shown in section 8 of the policy, the contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation, and (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which reasonably could be expected.

8. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: July 31.

9. *Definitions.* Notwithstanding the provisions of section 24 (d) "crop year" with respect to alfalfa means each 12-month period beginning with the first day of the insurance period and shall be designated by reference to the calendar year in which the crop is normally harvested.

For all purposes under the contract alfalfa for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.55–2 *Morgan County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Morgan County, Colo., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley (spring only) planted for harvest as grain.

(b) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time reasonably to expect the corn to mature as grain as determined by the Corporation.

(c) Dry edible beans (Pinto).

(d) Grain sorghums planted for harvest as grain.

(e) Oats (spring only) planted for harvest as grain.

(f) Potatoes (excluding acreage of less than one acre on an insurance unit) commonly known as Irish potatoes.

(g) Wheat planted for harvest as grain. (Insurance on winter wheat to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the potato crop upon digging, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of barley, corn (as set forth below), grain sorghums, oats, potatoes or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or

support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subect to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any grain sorghum may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of grain sorghums used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for barley, corn grain, oats, and wheat, pounds for beans, grain sorghums, and potatoes, and in tons (rounded to tenths) for corn silage.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forefited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forefited by the insured.

7. *Irrigated acreage.* (a) In addition to the provisions of section 4 of the policy, where insurance is written on the basis of irrigated coverage the following provisions shall apply: (1) The acreage of insured crops which shall be insured on an irrigated basis in any year shall not exceed that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which could reasonably be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm; (2) insurance shall not attach with respect to acreage planted to insurable crops (i) the first year after being leveled, or (ii) the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) In addition to the causes of loss not insured against as shown in section 8 of the policy, the contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which reasonably could be expected.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: July 31.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.55–3 *Otero County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Otero County, Colo., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain. (Insurance on winter barley to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time reasonably to expect the corn to mature as grain as determined by the Corporation.

(c) Dry edible beans (Pinto).

(d) Dry onions (excluding acreage of less than one acre on an insurance unit) grown from seed.

(e) Grain sorghums planted for harvest as grain.

(f) Oats planted for harvest as grain. (Insurance on winter oats to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

(g) Wheat planted for harvest as grain. (Insurance on winter wheat to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insured acreage of onions.* In addition to the provisions of section 4 of the policy, for any crop year the Corporation reserves the right to limit the insured acreage of onions on any insurance unit to an acreage not less than the average acreage of onions

which the Corporation determines was planted thereon during the 3-year period immediately preceding such crop year.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the onion crop upon pulling, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of barley, corn, (as set forth below), grain sorghums, oats, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any grain sorghum may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of grain sorghums used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for barley, corn grain, oats and wheat, pounds for beans, grain sorghums and onions, and in tons (rounded to tenths) for corn silage.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Irrigated acreage.* (a) In addition to the provisions of section 4 of the policy the following provisions shall apply: (1) The acreage of insured crops which shall be insured in any year shall not exceed that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which reasonably could be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm, and (2) insurance shall not attach with respect to acreage planted to insurable crops (i) the first year after being leveled or (ii) the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) In addition to the causes of loss not insured against as shown in section 8 of the policy, the contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation, and (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which reasonably could be expected.

9. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: July 31.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.55–4 *Weld County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Weld County, Colo., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley (spring only) planted for harvest as grain.

(b) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in

time reasonably to expect the corn to mature as grain, as determined by the Corporation.

(c) Dry edible beans (Pinto).

(d) Oats (spring only) planted for harvest as grain.

(e) Potatoes (excluding acreage of less than one acre on an insurance unit) commonly known as Irish potatoes.

(f) Wheat planted for harvest as grain. (Insurance on winter wheat to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the potato crop upon digging, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of barley, corn, (as set forth below), oats, potatoes, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be be evaluated at a value per unit determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. In order to provide quality protection on dry edible beans, production of beans will be determined on the basis of sound whole beans.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production of such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that any production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for barley, oats and wheat, pounds for beans and potatoes, and in bushels for corn grain or tons (rounded to tenths) for corn silage, whichever is applicable.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Irrigated acreage.* (a) In addition to the provisions of section 4 of the policy, where insurance is written on the basis of irrigated coverage the following provisions shall apply: (1) The acreage of insured crops which shall be insured on an irrigated basis in any year shall not exceed that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which reasonably could be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm, and (2) insurance shall not attach with respect to acreage planted to insurable crops (i) the first year after being leveled or (ii) the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) In addition to the causes of loss not insured against as shown in section 8 of the policy, the contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation and (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which reasonably could be expected.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: July 31.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.55–5 *Las Animas County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Las Animas County, Colo., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain. (Insurance on winter barley to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time reasonably to expect the corn to mature as grain as determined by the Corporation.

(c) Dry edible beans. (Pinto.)

(d) Grain sorghums planted for harvest as grain or silage.

(e) Wheat planted for harvest as grain. (Insurance on winter wheat to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, or grain sorghums (as set forth below), or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn or grain sorghums to be so evaluated for poor quality it must be of a variety adapted to the production of grain and must be harvested as grain or fodder. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Production of grain sorghums shall be counted as grain, except that production for any grain sorghums harvested for silage and the appraised production for any grain sorghums not adapted to the production of grain and not harvested as silage shall be counted as silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage release by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for barley and wheat; pounds for beans; bushels for corn grain or in tons (rounded to tenths) for corn silage; and for grain sorghums pounds for grain or in tons (rounded to tenths) for silage.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Irrigated acreage.* (a) In addition to the provisions of section 4 of the policy, where insurance is written on the basis of irrigated coverage the following provisions shall apply: (1) The acreage of insured crops which shall be insured on an irrigated basis in any year shall not exceed that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which reasonably could be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm, and (2) insurance shall not attach with respect to acreage planted to insurable crops, (i) the first year after being leveled or (ii) the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) In addition to the causes of loss not insured against as shown in section 8 of the policy, the contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation, and (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which reasonably could be expected.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: July 31.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.57 *Delaware.*

§ 420.57–1 *Kent County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Kent County, Del., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain. (Insurance on barley to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Soybeans planted for harvest as beans.

(d) Wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provisions of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.59 *Georgia.*

§ 420.59–4 *Jefferson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Jefferson County, Ga., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans or velvetbeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Oats (fall planted only) planted for harvest as grain. (Insurance on oats to attach the first crop year of the contract only if the application is filed on or before November 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

(d) Peanuts, Spanish and Runner planted for harvest as nuts (excluding acreages of less than one acre on an insurance unit).

(e) Winter wheat seeded for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before November 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn, oats, peanuts or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Where vetch is grown with an insured small grain crop all production of vetch shall be counted as production of such grain crop on a weight basis.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production for such acreage, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for corn, oats and wheat; and pounds for cotton and peanuts.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: October 31.

9. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive crop years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.61 *Illinois.*

§ 420.61–1 *Jasper County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Jasper County, Ill., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans.

(c) Winter wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced

50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the applicable cancellation date. However, any production of corn, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appeal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production or such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.61–2 *Hamilton County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Hamilton County, Ill., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans.

(c) Winter wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the applicable cancellation date. However, any production of corn, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance Contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.61–4 *Saline County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Saline County, Ill., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans.

(c) Winter wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the applicable cancellation date. However, any production of corn, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance Contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.61–5 *Wayne County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Wayne County, Ill., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans.

(c) Winter wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provisions of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.

[1] Production shall be in bushels for all crops.

PRODUCTION SCHEDULE—Continued

Crop	Acreage classification	Total production [1]
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance Contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.62 *Indiana.*

§ 420.62–1 *Hamilton County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Hamilton County, Ind., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

(d) Winter wheat planted for harvest as grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provisions of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production of such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.62–2 *Spencer County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Spencer County, Ind., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Oats planted for harvest as grain.

(d) Soybeans planted for harvest as beans.

(e) Tobacco—types 31 and 35.

(f) Winter wheat planted for harvest as grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, and (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than February 28 following harvest, unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, oats, soybeans or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for barley, corn, oats, soybeans, and wheat, and pounds for tobacco.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.66, *Louisiana.*

§ 420.66–1, *Lafayette Parish.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Lafayette Parish, La., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Rice planted for harvest.

(d) Sugarcane, including acreage harvested for seed, and excluding (i) acreage of less than one acre on an insurance unit and (ii) acreage on which three successive crops have been harvested from one planting. (Insurance on sugarcane to attach the first crop year of the contract only if the application is filed on or before November 30 immediately preceding the closing date for that crop year.)

(e) Sweet potatoes (excluding acreage of less than one acre on an insurance unit).

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the rice crop upon threshing, the sugarcane crop upon cutting, the sweet potato crop upon digging, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 (January 31 following the normal time of harvest for sugarcane) unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn or rice which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitue crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production including an appraisal of corn and sweet potatoes left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage ocurring prior to laying by the crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for corn and sweet potatoes, pounds for cotton and rice, and tons (rounded to tenths), for sugarcane. If any part of the sugarcane production from the insurance unit is processed for sugar, the total number of tons of sugarcane shall be adjusted to standard sugarcane (as determined in accordance with regulations issued by the U. S. Department of Agriculture for the crop year involved).

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: October 31.

8. *Definitions.* (a) "County" means parish in Louisiana.

(b) For all purposes under the contract sugarcane for harvest within the crop year shall be considered to have been planted as follows: (1) the first crop from seed, on the date the planting operation is actually accomplished, and (2) second and third year crops on November 1 preceding the calendar year in which the crop is normally harvested.

(c) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over

indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.66–4 *St. Martin Parish.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in St. Martin Parish, La., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Rice planted for harvest.

(d) Sugarcane, including acreage harvested for seed, and excluding (i) acreage of less than one acre on an insurance unit and (ii) acreage on which three successive crops have been harvested from one planting. (Insurance on sugarcane to attach the first crop year of the contract only if the application is filed on or before November 30 immediately preceding the closing date for that crop year.)

(e) Sweet potatoes (excluding acreage of less than one acre on an insurance unit).

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the rice crop upon threshing, the sugarcane crop upon cutting the sweetpotato crop upon digging, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10 (January 31 following the normal time of harvest for sugarcane) unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn or rice which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn and sweetpotatoes left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for corn and sweet potatoes, pounds for cotton and rice, and tons (rounded to tenths), for sugarcane. If any part of the sugarcane production from the insurance unit is processed for sugar, the total number of tons of sugarcane shall be adjusted to standard sugarcane (as determined in accordance with regulations issued by the U. S. Department of Agriculture for the crop year involved).

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: October 31.

8. *Definitions.* (a) "County" means parish in Louisiana.

(b) For all purposes under the contract sugarcane for harvest within the crop year shall be considered to have been planted as follows: (1) the first crop from seed, on the date the planting operation is actually accomplished, and (2) second and third year crops on November 1 preceding the calendar year in which the crop is normally harvested.

(c) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.66–5 *Vermilion Parish.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Vermilion Parish, La., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Rice planted for harvest.

(d) Sugarcane, including acreage harvested for seed, and excluding (i) acreage of less than one acre on an insurance unit and (ii) acreage on which three successive crops have been harvested from one planting. (Insurance on sugarcane to attach the first crop year of the contract only if the application is filed on or before November 30 immediately preceding the closing date for that crop year.)

(e) Sweetpotatoes (excluding acreage of less than one acre on an insurance unit).

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the rice crop upon threshing, the sugarcane crop upon cutting, the sweet potato crop upon digging, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10 (January 31 following the normal time of harvest for sugarcane) unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn or rice which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield..

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons, determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production of the actual production, including an appraisal of corn and sweet potatoes left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for corn and sweet potatoes, pounds for cotton and rice, and tons (rounded to tenths), for sugarcane. If any part of the sugarcane production from the insurance unit is processed for sugar, the total number of tons of sugarcane shall be adjusted to standard sugarcane (as determined in accordance with regulations issued by the U. S. Department of Agriculture for the crop year involved).

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: October 31.

8. *Definitions.* (a) "County" means parish in Louisiana.

(b) For all purposes under the contract sugarcane for harvest within the crop year shall be considered to have been planted as follows: (1) the first crop from seed, on the date the planting operation is actually accomplished, and (2) second and third year crops on November 1 preceding the calendar year in which the crop is normally harvested.

(c) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.70 *Michigan.*

§ 420.70–1 *Gratiot County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Gratiot County, Mich., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time reasonably to expect the corn to mature as grain as determined by the Corporation.

(c) Dry edible beans (Pea and medium white).

(d) Oats planted for harvest as grain.

(e) Soybeans planted for harvest as beans.

(f) Winter wheat planted for harvest as grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn (as set forth below), oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for barley, oats, soybeans and wheat, pounds for beans, and in bushels for corn grain or in tons (rounded to tenths) for corn silage, whichever is applicable.

(b) If the production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.70–2 *Kent County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Kent County, Mich., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay, including any mixture of alfalfa and brome. (Insurance on hay to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Clover hay, including any mixture of clover and timothy. (Insurance on hay to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

(c) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time reasonably to expect the corn to mature as grain as determined by the Corporation.

(d) Dry edible beans (pea, medium white, red kidney, cranberry, and yellow eye).

(e) Oats planted for harvest as grain.

(f) Winter wheat planted for harvest as grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except hay, in which case insurance shall attach on November 1 (preceding harvest) provided there is a stand on that date sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the hay crop upon baling or stacking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn (as set forth below), oats or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans. The Corporation will value any hay it determines to be unfit for feed due to insurable causes at such price as it deems to be the market value.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for oats and wheat, pounds for beans, tons (rounded to tenths) for hay, and in bushels for corn grain or in tons (rounded to tenths) for corn silage, whichever is applicable.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

8. *Definitions.* Notwithstanding the provisions of Section 24 (d) of the policy "crop year" with respect to hay means each 12-month period beginning with the first day of the insurance period and shall be designated by reference to the calendar year in which the crop is normally harvested.

For all purposes under the contract hay for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.70–3 *Montcalm County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Montcalm County, Mich., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn products for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time reasonably to expect the corn to mature as grain as determined by the Corporation.

(b) Dry edible beans (pea, medium white, red kidney, cranberry, and yellow eye).

(c) Oats planted for harvest as grain.

(d) Potatoes (excluding acreages of less than one acre on an insurance unit) commonly known as Irish Potatoes.

(e) Winter wheat planted for harvest as grain. (Insurance to attach the first crop

year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the potato crop upon digging, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn (as set forth below), oats, potatoes, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds or tons determined by (i) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for oats and wheat, pounds for beans and potatoes, and in bushels for corn grain or in tons (rounded to tenths) for corn silage, whichever is applicable.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Irrigated acreage.* (a) In addition to the provisions of section 4 of the policy, the following provisions shall apply. The acreage of potatoes which shall be insured on an irrigated basis in any year shall not exceed that acreage which can be irrigated adequately with the facilities available and with the supply of irrigation water which could reasonably be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm. Any insurable acreage of potatoes on which the irrigation requirements of this paragraph are not met will be insured on the basis of non-irrigated coverage.

(b) In addition to the causes of loss not insured against as shown in section 8 of the policy, the contract shall not cover loss caused by (1) failure properly to apply irrigation water to potatoes in accordance with good farming practices, as determined by the Corporation, and (2) shortage of irrigation water.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.70-4 *Jackson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Jackson County, Mich., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay, including any mixtures containing alfalfa. (Insurance on hay to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Clover hay, including any mixtures containing clover. (Insurance on hay to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

(c) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time to reasonably expect the corn to mature as grain as determined by the Corporation.

(d) Dry edible beans (pea and medium white).

(e) Oats planted for harvest as grain.

(f) Winter wheat planted for harvest as grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except hay in which case insurance shall attach on November 1 (preceding harvest) provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the hay crop upon baling or stacking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn (as provided below), oats, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans. The Corporation will value any hay it determines to be unfit for feed due to insurable causes at such price as it deems to be the market value.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons determined by (i) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for oats and wheat, pounds for beans, tons (rounded to tenths) for hay, and in bushels for corn grain or in tons (rounded to tenths) for corn silage, whichever is applicable.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

8. *Definitions.* Notwithstanding the provisions of Section 24 (d) of the policy "crop year" with respect to hay means each 12-month period beginning with the first day of the insurance period and shall be designated by reference to the calendar year in which the crop is normally harvested.

For all purposes under the contract hay for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.70-5 *Allegan County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Allegan County, Mich., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time reasonably to expect the corn to mature as grain as determined by the Corporation.

(c) Oats planted for harvest as grain.

(d) Potatoes (excluding acreage of less than one acre on an insurance unit) commonly known as Irish Potatoes.

(e) Winter wheat planted for harvest as grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the potato crop upon digging, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the

field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance until later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn (as set forth below), oats, potatoes, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for barley, oats and wheat, pounds for potatoes, and in bushels for corn grain or tons (rounded to tenths) for corn silage.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.70–6 *Lapeer County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Lapeer County, Mich., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time reasonably to expect the corn to mature as grain as determined by the Corporation.

(c) Dry edible beans (pea and medium white).

(d) Oats planted for harvest as grain.

(e) Potatoes (excluding acreage of less than one acre on an insurance unit) commonly known as Irish Potatoes.

(f) Winter wheat planted for harvest as grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the potato crop upon digging, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, (as set forth below), oats, potatoes, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for barley, oats, and wheat, pounds for beans and potatoes, and in bushels for corn grain or tons (rounded to tenths) for corn silage.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71 *Minnesota.*

§ 420.71–9 *Sherburne County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Sherburne County, Minn., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

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duction of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the Insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 153 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.73 *Missouri.*

§ 420.73–2 *Knox County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Knox County, Mo., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

(d) Winter wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE—Continued

Crop	Acreage classification	Total production [1]
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the Insurance on the insurance units involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 153 crop year.

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satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.73–3 *Lewis County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Lewis County, Mo., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

(d) Winter wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such unit(s) forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.75 *Nebraska.*

§ 420.75–1 *Pawnee County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Pawnee County, Nebr., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance progam the insurable crops are:

(a) Alfalfa hay and mixtures of brome and alfalfa hay. (Insurance on hay to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Grain sorghums planted for harvest as grain.

(d) Oats planted for harvest as grain.

(e) Winter wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except hay, in which case insurance shall attach on November 1 (preceding harvest) provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the hay crop upon baling or stacking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insur-

ance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn, grain sorghums, oats, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at the value per unit determined by the Corporation. The Corporation will value any hay it determines to be unfit for feed due to insurable causes at such price as it deems to be the market value.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn or grain sorghum may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn and grain sorghums used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn, oats, and wheat; pounds for grain sorghums, and tons (rounded to tenths) for hay.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: August 31.

8. *Definitions.* Notwithstanding the provisions of Section 24 (d) "crop year" with respect to alfalfa and mixtures of brome and alfalfa means each 12-month period beginning with the first day of the insurance period and shall be designated by reference to the calendar year in which the crop is normally harvested.

For all purposes under the contract alfalfa and mixtures of brome and alfalfa for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.75–2 *Antelope.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Antelope County, Nebr., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Oats planted for harvest as grain.

(d) Rye planted for harvest as grain. (Insurance on rye to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

(e) Winter wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the applicable cancellation date. However, any production of barley, corn, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for barley, corn, oats, rye, and wheat.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: August 31.

8. *Definitions.* Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.75–3 *Washington County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Washington County, Nebr., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broomcorn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

(d) Winter wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the applicable cancellation date. However, any production of corn, oats, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total

thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn, oats, soybeans, and wheat.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: August 31.

8. *Definitions.* Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.78 *New Jersey.*

§ 420.78–1 *Monmouth County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Monmouth County, N. J., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Cabbage (excluding acreage of less than one acre on an insurance unit).
(c) Corn normally regarded as field corn. The contract will not provide insurance for corn planted thick for silage or fodder purposes, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.
(d) Eggplant planted for commercial purposes (excluding acreage of less than one acre on an insurance unit).
(e) Peppers planted for commercial purposes (excluding acreage of less than one acre on an insurance unit).
(f) Potatoes, commonly known as Irish potatoes (excluding acreage of less than one acre on an insurance unit).
(g) Snap beans (excluding acreage of less than one acre on an insurance unit).
(h) Soybeans planted for harvest as beans.
(i) Sweet corn (excluding acreage of less than one acre on an insurance unit).
(j) Tomatoes planted for commercial purposes (excluding acreage of less than one acre on an insurance unit).
(k) Wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except snap beans, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for snap beans shall be reduced 60 percent for any acreage on which the insured fails to get a stand sufficient that farmers in the area generally would leave the crop for harvest, as determined by the Corporation.

3. *Insured acreage.* In addition to the provisions of Section 4 of the policy, insurance also shall not attach with respect to any acreage planted to an insured crop too early or too late to expect a normal crop to be produced as determined by the Corporation.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the field corn or sweet corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cabbage crop upon cutting, the eggplant, pepper, and tomato crops upon picking, the snap bean crop upon picking, cutting or pulling, the potato crop upon digging, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 31, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, field corn, potatoes, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any field corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage on which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except snap beans.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of boxes, bushels, pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except snap beans.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Snap beans	Acreage on which a sufficient stand is not obtained that farmers in the area generally would leave the crop for harvest, as determined by the Corporation.	Zero appraisal.
4. Snap beans	Acreage on which a sufficient stand is obtained that farmers in the area generally would leave the crop for harvest, as determined by the Corporation.	The appraised production or the actual production.
5. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the box, bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
6. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of boxes, bushels, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable box, bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of boxes, bushels, pounds, or tons harvested.
7. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of boxes, bushels, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for barley, field corn, cabbage, eggplant, peppers, snap beans, soybeans, and wheat; pounds for potatoes, boxes (100 ear) for sweet corn, and tons (rounded to tenths) for tomatoes.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

9. *Definitions.* (a) Notwithstanding any other provisions of the contract, each planting or replanting of snap beans shall be considered as a separate crop for all purposes under the contract, except that all acreage of snap beans shall be considered as one crop for computing the premium.

(b) For all purposes under the contract, any crop which is transplanted shall be considered to have been planted at the time of transplanting to the field.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.80 *New York.*

§ 420.80–1 *Monroe County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Monroe County, N. Y., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Cabbage (excluding acreage of less than one acre on an insurance unit).
(c) Canning peas planted for commercial processing.
(d) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time to reasonably expect the corn to mature as grain as determined by the Corporation.
(e) Dry edible beans (pea, medium white, red kidney, and white marrow).
(f) Oats planted for harvest as grain.
(g) Tomatoes planted for commercial purposes (excluding acreage of less than one acre on an insurance unit).
(h) Winter wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)
(i) Mixtures of oats and spring barley planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Determining coverage(s) and premium rate(s) for mixtures.* (a) If a mixture of oats and spring barley is seeded the oats coverage shall apply.

(b) For the purpose of determining the amount of premium a mixture of oats and spring barley shall be considered as oats.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the canning pea crop upon harvesting, the cabbage crop upon cutting, the tomato crop upon picking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn (as set forth below), oats, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage on which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit

shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. In determining production on acreage where a mixture of oats and spring barley is insured, all production shall be counted as oats on a weight basis. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for barley, oats, and wheat, pounds for beans, tons (rounded to tenths) for canning peas, cabbage, and tomatoes, and in bushels for corn grain or in tons (rounded to tenths) for corn silage.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

9. *Definitions.* For all purposes under the contract time of planting for any crop which is transplanted refers to transplanting the plants in the field.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.83 *Ohio.*

§ 420.83–1 *Ashtabula County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Ashtabula County, Ohio, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time reasonably to expect the corn to mature as grain as determined by the Corporation.

(b) Spring oats planted for harvest as grain.

(c) Winter wheat planted for harvest as grain. Insurance to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn (as set forth below), oats, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.

[1] Production and allowances shall be in bushels for oats and wheat and in bushels for corn grain or tons (rounded to tenths) for corn silage, whichever is applicable.

PRODUCTION SCHEDULE—Continued

Crop	Acreage classification	Total production [1]
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop minus the number of bushels or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for oats and wheat and in bushels for corn grain or tons (rounded to tenths) for corn silage, whichever is applicable.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.83–2 *Clermont County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Clermont County, Ohio, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broomcorn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time to reasonably expect the corn to mature as grain as determined by the Corporation.

(b) Soybeans planted for harvest as beans.

(c) Tobacco—type 31.

(d) Winter wheat planted for harvest as grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, and (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other crops upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than February 28 following harvest, unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn (as set forth below), soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured's small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.

[1] Production and allowances shall be in bushels for soybeans and wheat, pounds for tobacco, and in bushels for corn grain or in tons (rounded to tenths) for corn silage, whichever is applicable.

PRODUCTION SCHEDULE—Continued

Crop	Acreage classification	Total production [1]
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for soybeans and wheat, pounds for tobacco, and in bushels for corn grain or in tons (rounded to tenths) for corn silage, whichever is applicable.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for the units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.84 *Oklahoma.*

§ 420.84–1 *Cleveland County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Cleveland County, Okla., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Grain sorghums planted for harvest as grain.

(d) Oats planted for harvest as grain.

(e) Winter wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn, grain sorghums, oats, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn or grain sorghums may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation or where vetch is seeded with an insured small grain crop, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn and grain sorghums used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.

[1] Production shall be in bushels for corn, oats, and wheat, and pounds for cotton and grain sorghums.

PRODUCTION SCHEDULE—Continued

Crop	Acreage classification	Total production [1]
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn, oats, and wheat, and pounds for cotton and grain sorghums.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: August 31.

8. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.85 *Oregon.*

§ 420.85–1 *Linn County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Linn County, Oreg., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Austrian winter peas planted in the fall for harvest as seed.

(b) Barley planted for harvest as grain.

(c) Mixtures of any two or more of the following crops: Oats, wheat, barley, vetch, common rye grass, and Austrian winter peas, as defined in this section.

(d) Oats planted for harvest as grain.

(e) Common rye grass planted for harvest as seed.

(f) All types of vetch planted in the fall for harvest as seed which are supported under the Commodity Credit Corporation loan program.

(g) Wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Determining coverage(s) and premium rate(s) for mixtures.* (a) If a mixture is planted which consists of oats, wheat or barley (hereinafter called cereal grains), and vetch, common rye grass or Austrian winter peas (hereinafter called seed crops) the applicable seed crop coverage shall apply if the Corporation determines that the amount of the cereal grain in the mixture does not exceed the customary amount seeded to facilitate the production of the seed crop, but if the Corporation determines that more than the customary amount of the cereal grain is in the mixture, the coverage for the cereal grain shall apply. If a mixture of wheat or barley and oats is planted, the oats coverage shall apply. If a mixture of common rye grass and vetch, or a mixture of common rye grass, vetch and a cereal grain, is planted the common rye grass coverage shall apply.

(b) For the purpose of determining the amount of premium, (1) a mixture of any seed crop and a cereal grain shall be considered as the applicable seed crop or cereal grain as determined in (a) above for coverage purposes, (2) a mixture of wheat or barley and oats shall be considered as oats, and (3) a mixture of common rye grass and vetch or a mixture of common rye grass, vetch and a cereal grain shall be considered as common rye grass.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop, except that for common rye grass initially planted in the spring, insurance shall attach on November 1 following the planting, provided there is a stand on that date sufficient that farmers in the area generally would leave it for harvest as seed the following harvest season. Insurance shall cease with respect to any portion of the insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of Austrian winter peas, barley, oats, common rye grass, vetch or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. In determining production on acreage where a mixture of wheat or barley and oats is insured, all production shall be counted as oats on a weight basis. In determining production on acreage where any other mixture is insured, the production of each commodity shall be determined and handled separately. Where any small grain is planted with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.

[1] Production shall be in bushels for barley, oats, and wheat, and in pounds for Austrian winter peas, common rye grass, and vetch.

(b) The coverage per acre for sugar beets not lifted and topped shall be reduced as follows:

(1) 80 percent for any acreage released by the Corporation because of damage occurring prior to thinning.

(ii) 60 percent for any acreage which is released by the Corporation because of damage occurring after thinning and planted to a substitute crop.

(iii) 25 percent for any acreage which is released by the Corporation because of damage occurring after thinning and which is not planted to a substitute crop and not lifted and topped.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except alfalfa and red clover in which case Insurance shall attach on December 16 (preceding harvest) provided there is a stand on that date sufficient that farmers in the area generally would leave the crop for harvest the following harvest season. Insurance shall cease with respect to any portion of the alfalfa crop upon baling or stacking, the red clover crop upon baling, stacking or threshing, the potato crop upon digging, the sugar beet crop upon lifting and topping, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for adding production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of barley, oats, potatoes or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) **The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage** (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production of the insured small grain shall be counted as the insured crop on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except sugar beets.	Acreage released by the Corporation and not planted to a substitute crop.	That portion of the appraised production (on the basis of hay for red clover) for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage would be if the crop were grown and (2) dividing the result thus obtained by the predetermined price for the crop.

[1] Production and allowances shall be in bushels for barley, oats and wheat, in pounds for beans, potatoes, and red clover seed, and in tons (rounded to tenths) for alfalfa, red clover hay and sugar beets.

PRODUCTION SCHEDULE—Continued

Crop	Acreage classification	Total production [1]
2. Each insured crop except red clover and sugar beets.	Acreage not planted to a substitute crop.	The appraised production or the actual production.
3. Red clover	Acreage not planted to a substitute crop.	The actual production of hay and seed for acreage harvested (except that the Corporation may count the appraised production for seed in place of the hay production for any cutting) and the appraised production (the appraisal for hay or the appraisal for seed, or both whichever the Corporation elects) for (1) acreage pastured or (2) production not harvested.
4. Sugar beets	Acreage released by the Corporation because of damage occurring prior to thinning.	The production obtained by dividing the amount of any abandonment payment paid or to be paid to the insured with respect to such acreage under any act of Congress including the Sugar Act of 1948, by the predetermined price, but not in excess of the ton-equivalent represented by the reduced coverage applicable to such acreage.
5. Sugar beets	Acreage released by the Corporation because of damage occurring after thinning and planted to a substitute crop.	That portion of the appraised production which is in excess of the number of tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if the sugar beets were lifted and topped, and (2) dividing the result thus obtained by the predetermined price, plus the production obtained by dividing the amount of any abandonment payment paid or to be paid to the insured with respect to such acreage under any act of Congress including the Sugar Act of 1948, by the predetermined price, but not in excess of the ton-equivalent represented by the reduced coverage applicable to such acreage.
6. Sugar beets	Acreage released by the Corporation because of damage occurring after thinning and which is not planted to a substitute crop and not lifted and topped.	That portion of the appraised production for such acreage which is in excess of the number of tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if the sugar beets were lifted and topped, and (2) dividing the result thus obtained by the predetermined price for the crop, plus the production obtained by dividing the amount of any abandonment payment paid or to be paid to the insured with respect to such acreage under any act of Congress including the Sugar Act of 1948, by the predetermined price, but not in excess of the ton equivalent represented by the reduced coverage applicable to such acreage.
7. Sugar beets	Acreage on which the sugar beets are lifted and topped.	Actual production.
8. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
9. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested.
10. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for barley, oats, and wheat, and in pounds for Austrian winter peas, common rye grass, and vetch.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

9. *Definitions.* Notwithstanding the provisions of Section 24 (d) "crop year" with respect to common rye grass initially planted in the spring means the period beginning with the first day of the insurance period and ending upon harvest and shall be designated by reference to the calendar year in which the crop is normally harvested. For all purposes under the contract common rye grass for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

10. *Reduction of premium based on good experience.* The insured's premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.85–2 *Malheur County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Malheur County, Oreg., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay.
(b) Barley planted for harvest as grain.
(c) Dry edible beans (small reds).
(d) Oats planted for harvest as grain.
(e) Potatoes (excluding acreages of less than one acre on an insurance unit) commonly known as Irish potatoes.
(f) Red clover planted for harvest as hay or seed.
(g) Sugar beets planted for production of sugar.
(h) Wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except sugar beets, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Irrigated acreage.* (a) In addition to the provisions of section 4 of the policy the following provisions shall apply: (1) The acreage of insured crops which shall be insured in any year shall not exceed that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which reasonably could be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm, (2) Insurance shall not attach with respect to acreage planted to insurable crops (i) the first year after being leveled or (ii) the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) In addition to the causes of loss not insured against as shown in section 8 of the policy, the contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation and (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which reasonably could be expected.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

9. *Definitions.* Notwithstanding the provisions of section 24 (d) "crop year" with respect to alfalfa and red clover means each 12-month period beginning with the first day of the insurance period and shall be designated by reference to the calendar year in which the crop is normally harvested.

For all purposes under the contract alfalfa and red clover for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.85–3 *Marion County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Marion County, Oreg., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alta fescue (planted in rows only) for seed.
(b) Alfalfa hay.
(c) Barley planted for harvest as grain.
(d) Clover hay including any mixture containing a predominance of clover.
(e) Common or Willamette vetch planted in the fall for harvest as seed.
(f) Vetch hay and mixtures of oats or wheat with vetch and/or Austrian winter peas, planted for hay.
(g) Oats planted for harvest as grain.
(h) Wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except alta fescue, alfalfa, and clover hay in which cases insurance shall attach on November 1 (preceding harvest) provided there is a stand at that time sufficient that farmers generally in the area would leave the applicable crop for harvest the following harvest season. Insurance shall cease with respect to any portion of the hay crops upon baling or stacking, and all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and

shown on the county actuarial table. However, any production of alta fescue, barley, oats, vetch, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where vetch for seed is planted with an insured small grain crop, the production of each commodity shall be determined and counted separately. Where any small grain is planted with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for barley, oats and wheat, in pounds for alta fescue and vetch, and tons (rounded to tenths) for hay.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

8. *Definitions.* Notwithstanding the provisions of Section 24 (d) "crop year" with respect to alta fescue, alfalfa hay and clover hay means the period beginning with the first day of the insurance period and ending upon harvest and shall be designated by reference to the calendar year in which the crop is normally harvested. For all purposes under the contract alta fescue, alfalfa hay and clover hay for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.86 *Pennsylvania.*

§ 420.86–1 *Lebanon County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Lebanon County, Pa., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted in the fall for harvest as grain. (Insurance on fall barley to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Tobacco, type 41.

(d) Wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before October 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, and (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than March 31 following harvest, unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the applicable cancellation date. However, any production of barley, corn, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at the value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage specified on the acreage report is less than the premium computed for the planted acreage on the insurance unit. Such reduction shall be made on the basis of the ratio of the premium computed for the acreage specified on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of an uninsured volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, or pounds, determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop minus the number of bushels, or pounds harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for barley, corn and wheat; and in pounds for tobacco.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.90 *Tennessee.*

§ 420.90–3 *Franklin County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Franklin County, Tenn., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay.

(b) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(d) Crimson clover planted for harvest as seed.

(e) Potatoes (excluding acreage of less than one acre on an insurance unit) commonly known as Irish potatoes.

(f) Tobacco, type 31.

(g) Wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except alfalfa in which case insurance shall attach on November 1 (preceding harvest) provided there is a stand on that date sufficient that farmers in the area generally would leave the crop for harvest the following harvest season. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the hay crop upon baling or stacking, the potato crop upon digging, all other crops upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than February 28 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, potatoes or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a

volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn and wheat, in pounds for cotton, crimson clover seed, potatoes, and tobacco and in tons (rounded to tenths) for hay.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the determined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insure acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: August 31.

8. *Definitions.* (a) Notwithstanding the provisions of Section 24 (d) of the policy, "crop year" with respect to alfalfa hay means the 12-month period beginning each year with the first day of the insurance period and shall be designated by reference to the calendar year in which the crop is normally harvested.

(b) For all purposes under the contract alfalfa hay for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

(c) "Harvest" with respect to any acreage of cotton means the removel (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.91 *Texas.*

§ 420.91-1 *Johnson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Johnson County, Tex., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley (fall only) planted for harvest as grain. (Insurance on barley to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(d) Grain sorghums planted for harvest as grain.

(e) Oats (fall only) planted for harvest as grain. (Insurance on oats to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

(f) Peanuts (Spanish) planted for harvest as nuts.

(g) Winter wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any insured crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of barley, corn, grain sorghums, oats, peanuts, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn or grain sorghum may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.*—(a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insuranee unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordanee with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Where vetch is grown with an insured small grain crop all production of vetch shall be counted as production of such small grain on a weight basis. The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn and grain sorghums used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for barley, corn, oats, and wheat and pounds for cotton, peanuts, and grain sorghums.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: August 31.

8. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.91-2 *Runnels County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Runnels County, Tex., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(b) Grain sorghums planted for harvest as grain.

(c) Oats (fall and winter only) planted for harvest as grain.

(d) Winter wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insured acreage.* In addition to the provisions of section 4 of the policy, for any crop year, insurance also shall not attach with respect to oats or wheat planted on acreage which was planted to grain or sweet sorghum (a) during the same calendar year, or (b) during the preceding calendar year in the case of winter wheat or oats planted after January 1.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the cotton crop upon picking and all other insured crops upon threshing, or with respect to any portion of any insured crop upon removal from the field, whichever is earlier. However in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of grain sorghums, oats, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any grain sorghum may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ration of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Where vetch is grown with an insured small grain crop all production of vetch shall be counted as production of such grain crop on a weight basis.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of grain sorghums used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for oats and wheat, and pounds for cotton and grain sorghums.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: July 31.

9. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.91–3 *Tarrant County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Tarrant County, Tex., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Grain sorghums planted for harvest as grain.

(d) Oats (fall only) planted for harvest as grain.

(e) Peanuts (Spanish) planted for harvest as nuts.

(f) Winter wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any insured crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price establishd by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, grain, sorghums, oats, peanuts, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn or grain sorghum may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Where vetch is grown with an insured small grain crop all production of vetch shall be counted as production of such small grain crop on a weight basis. The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2 Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn and grain sorghums used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for corn, oats, and wheat, and pounds for cotton, peanuts, and grain sorghums.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30
Maturity date: July 31.
Interest date: October 31.
Cancellation date: August 31.

8. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.91–4 *Taylor County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Taylor County, Tex., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley (fall only) planted for harvest as grain.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Grain sorghums planted for harvest as grain.

(d) Oats (fall and winter only) planted for harvest as grain.

(e) Winter wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insured acreage.* In addition to the provisions of section 4 of the policy, for any crop year, insurance also shall not attach with respect to barley, oats or wheat planted on acreage which was planted to grain or sweet sorghum (a) during the same calendar year, or (b) during the preceding calendar year in the case of winter wheat or oats planted after January 1.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the cotton crop upon picking and all other insured crops upon threshing, or with respect to any portion of any insured crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, grain sorghums, oats, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be real-

ized if the crop were harvested, except that any grain sorghum may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Where vetch is grown with an insured small grain crop all production of vetch shall be counted as production of such small grain crop on a weight basis. The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop except cotton.	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop except cotton.	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of grain sorghums used for ensilage or fodder.
3. Cotton	Acreage released by the Corporation because of damage occurring prior to laying by the crop.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
4. Cotton	Acreage on which the crop is laid by and not harvested.	That portion of the appraised production which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price.
5. Cotton	Acreage harvested	Production, including an appraisal of production left in the field after harvest.
6. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop.
7. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested.
8. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production shall be in bushels for barley, oats, and wheat, and pounds for cotton, and grain sorghums.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: July 31.

9. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.92 *Utah.*

§ 420.92–2 *Emery County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Emery County, Utah, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa for hay.
(b) Barley planted for harvest as grain.
(c) Corn planted for silage.
(d) Oats planted for harvest as grain.
(e) Wheat planted for harvest as grain.
(f) Mixtures of any two or more of the following crops: Barley, oats, and wheat, as defined in this section.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Determining coverage(s) and premium rate(s) for mixtures.* (a) If a mixture of barley and wheat is seeded, the barley coverage shall apply. If any insurable mixture containing oats is seeded the oats coverage shall apply.

(b) For the purpose of determining the amount of premium, a mixture of barley and wheat shall be considered as barley and any insurable mixture containing oats shall be considered as oats.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except alfalfa in which case insurance shall attach on November 1 (preceding harvest) provided there is a stand on that date sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the hay crop upon baling or stacking, the corn crop upon harvesting (cutting the corn for silage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, oats or wheat (excluding insurable mixtures of any of these crops) which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. In determining production on acreage where a mixture of barley and wheat is insured, all the production shall be counted as barley on a weight basis, and where any insurable mixture containing oats is insured, all the production shall be counted as oats on a weight basis. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for barley, oats, and wheat, and in tons (rounded to tenths) for alfalfa and corn silage.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Irrigated acreage.* (a) In addition to the provisions of section 4 of the policy, the following provisions shall apply: (1) The acreage of insured crops in any year shall not exceed that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which could reasonably be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm. (2) Insurance shall not attach with respect to (i) acreage planted to insurable crops the first year after being leveled, or (ii) acreage the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) In addition to the causes of loss not insured against as shown in Section 8 of the policy, the contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation, and (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which could be reasonably expected.

9. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

10. *Definitions.* Notwithstanding the provisions of Section 24 (d) of the policy "crop year" with respect to alfalfa means each 12-month period beginning with the first day of the insurance period and shall be designated by reference to the calendar year in which the crop is normally harvested. For all purposes under the contract alfalfa for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.97 *Wisconsin.*

§ 420.97–2 *Waupaca County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Waupaca County, Wis., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay, including any mixtures containing alfalfa.
(b) Clover hay, including any mixtures containing clover.
(c) Barley planted for harvest as grain.
(d) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time to reasonably expect the corn to mature as grain as determined by the Corporation.
(e) Oats planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except hay in which case insurance shall attach on October 1 (preceding harvest) provided there is a stand on that date sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the hay crop upon baling or stacking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of barley, corn (as set forth below), or oats which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn to be eligible for a quality adjustment it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. The Corporation will value any hay it determines to be unfit for feed due to insurable causes at such price as it deems to be the market value.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acre-

age and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Where oats are seeded in an insured growing hay crop on acreage not released by the Corporation, all production of oat hay shall be counted as production of the insured hay crop. Where corn for fodder is insured the grain content shall be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for barley, corn harvested or to be harvested for grain or fodder, and oats, tons (rounded to tenths) for hay, and corn harvested for ensilage.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

8. *Definitions.* Notwithstanding the provisions of Section 24 (d) of the policy "crop year" with respect to hay means each 12-month period beginning with the first day of the insurance period and shall be designated by reference to the calendar year in which the crop is normally harvested.

For all purposes under the contract hay for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.98 *Wyoming.*

§ 420.98–1. *Platte County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Platte County, Wyo., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay. (Insurance on hay to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

(b) Barley (spring only) planted for harvest as grain.

(c) Corn planted for grain, silage or fodder but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn. However, corn for fodder will not be insured unless it is planted in time reasonably to expect the corn to mature as grain as determined by the Corporation.

(d) Dry edible beans (Pinto and Great Northern).

(e) Oats (spring only) planted for harvest as grain.

(f) Wheat planted for harvest as grain. (Insurance on winter wheat to attach the first crop year of the contract only if the application is filed on or before August 31 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Existing crop insurance contract.* The acceptance by the Corporation of a multiple crop insurance application shall not cancel any existing wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except hay on which insurance shall attach on November 1 (preceding harvest) provided there is a stand on that date sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the hay crop upon bailing or stacking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of barley, corn (as set forth below), oats, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain or fodder. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production, including an appraisal of corn left in the field after harvest.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for barley, oats and wheat, pounds for beans, tons (rounded to tenths) for alfalfa, and in bushels for corn grain or tons (rounded to tenths) for corn silage, whichever is applicable.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Irrigated acreage.* (a) In addition to the provisions of section 4 of the policy, the following provisions shall apply: (1) The acreage of insured crops in any year shall not exceed that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which could reasonably be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm. (2) Insurance shall not attach with respect to acreage planted to insurable crops (i) the first year after being leveled or (ii) the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) In addition to the causes of loss not insured against as shown in section 8 of the policy, the contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation, and (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which could be reasonably expected.

9. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: July 31.

10. *Definitions.* Notwithstanding the provisions of section 24 (d) "crop year" with respect to alfalfa means each 12-month period beginning with the first day of the insurance period and shall be designated by reference to the calendar year in which the crop is normally harvested.

For all purposes under the contract alfalfa for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

11. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.98 *Wyoming.*

§ 420.98–2 *Washakie County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Washakie County, Wyo., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for silage.

(b) Barley (spring only) planted for harvest as grain.

(c) Dry edible beans (Pinto and Great Northern).

(d) Oats (spring only) planted for harvest as grain.

(e) Tame hay. (Insurance on hay to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitue crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except hay on which insurance shall attach on November 1 (preceding harvest) provided there is a stand on that date sufficient that farmers in the area generally would leave it for harvest the following harvest season. Insurance shall cease with respect to any portion of the corn crop upon harvesting (cutting the corn for silage), the hay crop upon baling or stacking, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of barley or oats which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss

so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

Crop	Acreage classification	Total production [1]
1. Each insured crop	Acreage released by the Corporation and planted to a substitute crop.	That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop.
2. Each insured crop	Acreage not planted to a substitute crop.	The appraised production or the actual production.
3. Each insured crop	Acreage put to another use without the consent of the Corporation.	Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop.
4. Each insured crop	Acreage with reduced yield due solely to cause(s) not insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested.
5. Each insured crop	Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against.	Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against.

[1] Production and allowances shall be in bushels for barley and oats, pounds for beans, tons (rounded to tenths) for hay and corn silage.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Irrigated acreage.* (a) In addition to the provisions of section 4 of the policy, the following provisions shall apply: (1) the acreage of insured crops in any year shall not exceed that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which reasonably could be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm. (2) Insurance shall not attach with respect to acreage planted to insurable crops (i) the first year after being leveled or (ii) the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) In addition to the causes of loss not insured against as shown in section 8 of the policy, the contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation, and (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which reasonably could be expected.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: August 31.

9. *Definitions.* For all purposes under the contract hay for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

Notwithstanding the provisions of section 24 (d) of the policy "crop year" with respect to hay means each 12-month period beginning with the first day of the insurance period and shall be designated by reference to the calendar year in which the crop is normally harvested.

10. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

FEDERAL CROP INSURANCE CORPORATION.

[F. R. Doc. 52-13060; Filed, Dec. 12, 1952; 8:50 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 729—PEANUTS

COUNTY ACREAGE ALLOTMENTS FOR THE 1953 CROP; GEORGIA

Basis and purpose. Section 358 (e) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1358 (e)), provides that the Secretary of Agriculture may, if the State Production and Marketing Administration Committee recommends such action and the Secretary determines that such action will facilitate the effective administration of the provisions of the act, provide for the apportionment of the State acreage allotment among the counties in the State on the basis of the past acreage of peanuts harvested for nuts (excluding acreage in excess of farm allotments) in the county during the five years immediately preceding the year in which such apportionment is made, with such adjustments as are deemed necessary for abnormal conditions affecting acreage, for trends in acreage, and for additional allotments for types of peanuts in short supply under the provisions of section 358 (c) of the act. The State Production and Marketing Administration Committee for the State of Georgia has recommended that the 1953 State peanut acreage allotment heretofore established (17 F. R. 10537) be apportioned among the peanut-producing counties in the State pursuant to the provisions of section 358 (e) of the act. It is hereby determined that apportionment of the 1953 Georgia peanut acreage allotment among the counties in the State will facilitate the effective administration of the provisions of the act, and the purpose of this document is to announce such apportionment.

The recommendation of the Georgia State Production and Marketing Administration Committee to apportion the 1953 State peanut acreage allotment among the counties was made after due consideration of such data, views, and recommendations as were received pursuant to public notice (17 F. R. 9563) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003), and the determinations made in § 729.404 were made on the basis of the latest available statistics of the Federal Government. Peanut farmers in Georgia are now making plans for the production of peanuts in 1953. In order that the State and county Production and Marketing Administration committees may establish farm acreage allotments and issue notices thereof to farm operators at the earliest possible date, it is essential that the county acreage allotments contained in § 729.404 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest, and the county acreage allotments contained in § 729.404 shall be effective upon filing of the document with the Director, Division of the Federal Register.

§ 729.404 *1953 county peanut acreage allotments.*

GEORGIA

County:	1953 county acreage allotment
Appling	636
Atkinson	197
Bacon	29
Baker	14,811
Baldwin	86
Bartow	36
Ben Hill	6,814
Berrien	1,978
Bibb	54
Bleckley	2,891
Brooks	5,192
Bryan	324
Bulloch	13,066
Burke	9,925
Colhoun	16,893
Candler	1,586
Chatham	2.5
Chattachoochee	390
Clay	12,156
Coffee	3,848
Colquitt	9,407
Columbia	16
Cook	1,485
Coweta	4
Crawford	365
Crisp	14,021
Dade	2.6
Decatur	16,459
Dodge	8,059
Dooly	18,557
Dougherty	6,884
Early	33,156
Echols	1.9
Effingham	593
Emanuel	3,800
Evans	714
Fayette	4.6
Fulton	8.3
Glascock	923
Grady	8,620
Gwinnett	1.9
Hancock	69
Harris	70
Henry	1.5
Houston	7,529
Irwin	15,081
Jeff Davis	172
Jefferson	5,269
Jenkins	3,599
Johnson	1,499
Jones	6.4
Lamar	5.1
Lanier	7.2
Laurens	10,078
Lee	15,982
Lowndes	947
McDuffie	26
Macon	6,752
Marion	4,195
Miller	19,719
Mitchell	20,981
Monroe	2.3
Montgomery	1,542
Muscogee	57
Newton	30
Peach	1,282
Pierce	8.9
Pulaski	10,100
Quitman	4,541
Randolph	22,434
Richmond	1,025
Schley	3,416
Screven	5,765
Seminole	12,815
Stewart	9,167
Sumter	16,905
Talbot	393
Tattnall	1,264
Taylor	2,885
Telfair	4,167
Terrell	23,025
Thomas	5,561
Tift	12,420
Toombs	2,306
Treutlen	219
Turner	19,570
Twiggs	2,197
Upson	19
Ware	1.8
Warren	113
Washington	3,454
Wayne	47
Webster	9,687
Wheeler	1,225
Wilcox	13,013
Wilkinson	1,222
Worth	29,306
Total, Georgia	546,925

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 358, 65 Stat. 29; 7 U. S. C. 1358)

Issued at Washington, D. C., this 10th day of December 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-13168; Filed, Dec. 12, 1952; 8:58 a. m.]

PART 730—RICE

NATIONAL MARKETING QUOTAS AND ACREAGE ALLOTMENTS ON 1953 CROP

Sec.
730.401 Basis and purpose.
730.402 Marketing quotas on 1953 crop of rice.
730.403 1953 acreage allotments for rice.

AUTHORITY: §§ 730.401 to 730.403 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 352, 354, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1352, 1354.

§ 730.401 *Basis and purpose.* (a) Section 730.402 is issued under sections 301 and 354 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the total supply and normal supply of rice for the marketing year beginning August 1, 1952, and to proclaim that marketing quotas will not be applicable to the 1953 crop of rice. Section 730.403 is issued under sections 304 and 371 (b) of the Agricultural Adjustment Act of 1938, as amended, to announce that no national, State, county, or farm acreage allotments will be determined for 1953. Section 352 of the act requires the Secretary of Agriculture each year to ascertain and proclaim the national acreage allotment of rice.

(b) Section 371 (b) of the act authorizes the Secretary to dispense with the national marketing quota or national acreage allotment for any basic agricultural commodity if he finds, after appropriate investigation, that such action is necessary to effectuate the declared policy of the act, or to meet a national emergency or increase in export demand for the commodity. Section 304 of the act provides that in carrying out the purposes of the act it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers.

(c) The findings and determinations made in § 730.402, which are based on the latest available statistics of the Federal Government, show that marketing quotas for the 1953 crop of rice are not required. Accordingly, § 730.402 states that marketing quotas will not be in effect for that crop.

(d) Pursuant to section 371 (b) of the act, an investigation has been made to determine whether acreage allotments should be in effect for the 1953 crop of rice. On the basis of that investigation, it is hereby found and determined that it is necessary, in order to effectuate the declared policy of the act and to meet the present national emergency in food production, to dispense with national, State, county, and farm acreage allotments for the 1953 crop of rice. That action is made effective by the issuance of § 730.403.

(e) Prior to taking the action herein, public notice was given (17 F. R. 9670), in accordance with the Administrative Procedure Act (5 U. S. C. 1003), that the Secretary was preparing to determine whether marketing quotas and acreage allotments are required for the 1953 crop of rice. The notice also stated that the Secretary had under consideration the matter of dispensing with marketing quotas and acreage allotments under the applicable provisions of the act, including sections 304 and 371 (b). All written submissions which were received within the period stated in the notice have been considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 730.402 *Marketing quotas on 1953 crop of rice.* The total supply of rice for the marketing year beginning August 1, 1952, is determined to be 51.165 thousand 100-lb. bags. The normal supply of rice for such marketing year is determined to be 53.381 thousand 100-lb. bags. Since the total supply of rice for the 1952–53 marketing year is smaller than the normal supply therefor, marketing quotas shall not be in effect on the 1953 crop of rice.

§ 730.403 *1953 acreage allotments for rice.* No national, State, county, or farm acreage allotments of rice will be determined for 1953.

Issued at Washington, D. C., this 10th day of December 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-13169; Filed, Dec. 12, 1952; 8:59 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 465]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.572 *Lemon Regulation 465*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 10, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 14, 1952, and ending at 12:01 a. m., P. s. t., December 21, 1952, is hereby fixed as follows:

(i) District 1: 30 carloads;

(ii) District 2: 185 carloads;

(iii) District 3: 10 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 11th day of December 1952.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Dec. 7, 1952]

DISTRICT NO. 1

[12:01 a. m. Dec. 14, 1952, to 12:01 a. m. Dec. 28, 1952]

Handler	Prorate base (Percent)
Total	100.000
Klink Citrus Association	34.153
Lemon Cove Association	30.956
Tulare County Lemon & Grapefruit Association	30.660
California Citrus Groves, Inc., Ltd.	.000
Harding & Leggett	1.952
Zaninovich Bros., Inc.	2.279

DISTRICT NO. 2

Total	100.000
American Fruit Growers, Inc., Corona	.093
American Fruit Growers, Inc., Fullerton	.368
American Fruit Growers, Inc., Upland	.083
Badington Fruit Co.	.590
Hazeltine Packing Co.	.474
Ventura Coastal Lemon Co.	5.491
Ventura Pacific Co.	3.651
Glendora Lemon Growers Association	1.767
La Verne Lemon Association	.461
La Habra Citrus Association	.698
Yorba Linda Citrus Association	.430
Escondido Lemon Association	1.236
Cucamonga Mesa Growers	.585
Etiwanda Citrus Fruit Association	.170
San Dimas Lemon Association	.772
Upland Lemon Growers Association	3.273
Central Lemon Association	.194
Irvine Citrus Association	.348
Placentia Mutual Orange Association	.540
Corona Citrus Association	.120
Corona Foothill Lemon Co.	.894
Jameson Co.	.641
Arlington Heights Citrus Co.	.275
College Heights Orange & Lemon Association	2.534
Chula Vista Citrus Association, The	.506

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Escondido Cooperative Citrus Association	0.124
Fallbrook Citrus Association	1.240
Lemon Grove Citrus Association	.287
Carpinteria Lemon Association	4.149
Carpinteria Mutual Citrus Association	4.304
Goleta Lemon Association	5.665
Johnston Fruit Co.	7.467
North Whittier Heights Citrus Association	.299
San Fernando Heights Lemon Association	1.137
Sierra Madre-Lamanda Citrus Association	.503
Briggs Lemon Association	1.969
Culbertson Lemon Association	1.495
Fillmore Lemon Association	.517
Oxnard Citrus Association	5.509
Rancho Sespe	.517
Santa Clara Lemon Association	5.622
Santa Paula Citrus Fruit Association	2.343
Saticoy Lemon Association	5.690
Seaboard Lemon Association	7.237
Somis Lemon Association	4.887
Ventura Citrus Association	1.212
Ventura County Citrus Association	1.026
Limoneira Co.	2.201
Teague-McKevett Association	.488
East Whittier Citrus Association	.279
Leffingwell Rancho Lemon Association	.318
Murphy Ranch Co.	.638
Chula Vista Mutual Lemon Association	.569
Index Mutual Association	.274
La Verne Cooperative Citrus Association	1.277
Ventura County Orange & Lemon Association	3.561
Dunning Ranch	.073
Huarte, Joseph D.	.000
Latimer, Harold	.072
Orange Belt Fruit Distributors	.405
Paramount Citrus Association, Inc.	.089
Santa Rosa Lemon Co.	.000

DISTRICT NO. 3

Total	100.000
Consolidated Citrus Growers	8.749
Phoenix Citrus Packing Co.	1.007
Arizona Citrus Growers	46.452
Desert Citrus Growers Co.	11.345
Tempeco Groves	8.716
Arlington Heights Citrus Co.	4.240
Pioneer Fruit Co.	3.795
Allen & Allen Citrus Packing Co.	.869
Maricopa Citrus Co.	1.662
Mesa Harvest Produce Co.	2.697
Mutual Citrus Products Co., Inc.	.000
Sunny Valley Citrus Packing Co.	1.870
Valley Citrus Packing Co.	.967
Morris Bros. Fruit Co.	8.231

[F. R. Doc. 52-13216; Filed, Dec. 12, 1952; 8:54 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 23]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Section 373.41 *Special provisions for rice* is amended in the following particulars:

1. Subdivision (iii) of paragraph (a) *Licensing of exports to Cuba*, subparagraph (1) *Initial licenses*, is hereby deleted.

2. Paragraph (b) *Licensing of exports to Japan, Indonesia, and Ceylon—allocation period August 1, 1952, to December 31, 1952* is amended to read as follows:

(b) *Licensing of exports to Far Eastern countries—(1) Supporting information.* Each application must be supported by: (i) A true copy of the sales contract with the foreign purchaser; (ii) a true copy of the letter of credit; (iii) evidence that the applicant has rice available to cover the sales contract; and (iv) the import license number, where an import license is required by the importing country.

(2) *Sales prior to September 10, 1952.* Applications to be considered under the provisions of this paragraph must be received fully documented in OIT not later than December 22, 1952. Applications in this category received subsequent to December 22, 1952 will be considered in accordance with the provisions of subparagraph (3) of this paragraph. Preference in licensing action will be given to license applications based on sales contracts entered into prior to September 10, 1952 and which meet the provisions of subparagraph (1) of this paragraph. Licenses will be granted in the full amount of application if the total of all such applications for a specific country does not exceed the allocation to that country. If the total of all such applications for a country exceeds the allocation, licenses will be prorated and certain quantity adjustments may be made to facilitate shipments in cargo or half-cargo lots.

(3) *Sales on and subsequent to September 10, 1952.* Applications based on sales entered into on and subsequent to September 10, 1952 and applications under the provisions of subparagraph (2) of this paragraph, received subsequent to December 22, 1952 which meet the conditions of subparagraph (1) of this paragraph, will be considered for licensing if the total of those licenses issued in accordance with subparagraph (2) of this paragraph, does not exhaust the country allocation. These applications, if fully supported as specified in subparagraph (1) of this paragraph, will be considered in the order of receipt in the OIT.

3. The title of paragraph (c) *To defense and occupied areas* is amended to read as follows:

(c) *Defense and occupied areas.*

4 Paragraph (d) *Licensing of exports to other countries and areas—allocation period August 1, 1952, to December 31, 1952* is amended to read as follows:

(d) *Licensing of exports to other countries and areas.* Each application must be supported by: (1) A true copy of the sales contract with the foreign purchaser; (2) a true copy of the letter of credit, or evidence of any other means of financing to be used; and (3) the import license number where an import license is required by the importing country.

5. The first unnumbered paragraph of the Note following paragraph (d) remains unchanged.

6. The second unnumbered paragraph of the Note following paragraph (d) is amended to read as follows:

All licenses issued against the January-March 1953 allocation will expire April 30, 1953, except for applications receiving special handling which will be valid for only 30 days from date of issuance.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of December 12, 1952.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-13174; Filed, Dec. 12, 1952; 8:59 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5691]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RHODES PHARMACAL CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.90 *History of product or offering;* § 3.135 *Nature—Product or service;* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale and distribution of the drug product "Imdrin", or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., by means of the United States Mails, or in commerce, or by any means, to induce, etc., directly or indirectly, the purchase in commerce, etc., of said drug preparation "Imdrin", which advertisements represent, directly or by implication, (a) that the taking of said preparation will constitute an adequate, effective or reliable treatment for neuritis, sciatica, gout, neuralgia, fibrositis, bursitis, or any other kind of arthritic or rheumatic condition; (b) that said preparation will arrest the progress or correct the underlying causes of, or will cure, neuritis, sciatica, gout, neuralgia, fibrositis, or bursitis, or any other kind of arthritic or rheumatic condition; (c) that said preparation will afford any relief of severe aches, pains, and discomforts of neuritis, sciatica, gout, neuralgia, fibrositis, bursitis, or any other arthritic or rheumatic condition, or have any therapeutic effect upon any of the symptoms or manifestations of any such condition in excess of affording temporary and partial relief of minor aches, pains, or fever; (d) that said preparation is remarkable, amazing, or sensational, or that it is a sensational new discovery or scientific research, or a new discovery; (e) that persons afflicted with neuritis, sciatica, gout, neuralgia, fibrositis, bursitis, or any other kind of arthritic or rheumatic condition, so severely that such afflictions interfere with their normal habits of life or their ability to carry on their regular occupations will be enabled, by taking the drug preparation "Imdrin," to resume such normal habits or regular occupations; or, (f) that the taking of said preparation will have any therapeutic effect upon the functioning of the enzyme systems of the blood or bones; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Rhodes Pharmacal Company, Inc., et al., Cleveland, Ohio, Docket 5691, October 3, 1952]

In the Matter of Rhodes Pharmacal Company, Inc., and J. Sanford Rose and Jerome H. Rose, Individually and as Officers of Rhodes Pharmacal Company, Inc.

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission, respondents' answer, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission in support and in opposition to the allegations of said complaint, were introduced before said examiner theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner, upon the complaint, answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel, oral argument not having been requested; and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter, following respondents' appeal from said initial decision, the matter was disposed of by the Commission's "Order Denying Appeal from Initial Decision of the Hearing Examiner, Decision of the Commission and Order to File Report of Compliance," dated October 3, 1952, as follows:

This matter having come on to be heard by the Commission upon respondents' appeal from the initial decision of the hearing examiner, briefs in support of and in opposition to said appeal and oral argument of counsel; and

The Commission, upon consideration of the entire record herein, having decided, for the reasons stated in the written opinion of the Commission which is being issued simultaneously herewith, that all of the findings as to the facts contained in the initial decision are supported by reliable, substantial, and probative evidence of record; that the conclusion contained therein is correct; and that the order to cease and desist therein is proper upon this record and is required to provide proper relief from respondents' illegal practices; and

The Commission, therefore, being of the opinion that respondents' appeal

[1] Filed as part of the original document.

cannot be completed by the effective time of this section.

Chula Vista Citrus Association, The		.506

rice is amended in the following particulars:

from and exceptions to the hearing examiner's initial decision are of no merit and that said initial decision is appropriate in all respects to dispose of this proceeding:

It it ordered, That the appeal of respondents from the initial decision of the hearing examiner be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner shall on the 3d day of October 1952, become the decision of the Commission.

It is further ordered, That respondents, Rhodes Pharmacal Company, Inc., J. Sanford Rose and Jerome H. Rose, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in said initial decision, a copy of which is attached hereto.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondents Rhodes Pharmacal Company, Inc., a corporation, and J. Sanford Rose and Jerome H. Rose, individually and as officers of said corporation, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the drug preparation "Imdrin", or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That the taking of said preparation will constitute an adequate, effective or reliable treatment for neuritis, sciatica, gout, neuralgia, fibrositis, bursitis, or any other kind of arthritic or rheumatic condition;

(b) That said preparation will arrest the progress or correct the underlying causes of, or will cure, neuritis, sciatica, gout, neuralgia, fibrositis, or bursitis, or any other kind of arthritic or rheumatic condition;

(c) That said preparation will afford any relief of severe aches, pains, and discomforts of neuritis, sciatica, gout, neuralgia, fibrositis, bursitis, or any other arthritic or rheumatic condition, or have any therapeutic effect upon any of the symptoms or manifestations of any such condition in excess of affording temporary and partial relief of minor aches, pains, or fever;

(d) That said preparation is remarkable, amazing, or sensational, or that it is a sensational new discovery of scientific research, or a new discovery;

(e) That persons afflicted with neuritis, sciatica, gout, neuralgia, fibrositis, bursitis, or any other kind of arthritic or rheumatic condition, so severely that such afflictions interfere with their normal habits of life or their ability to carry on their regular occupations will be enabled, by taking the drug preparation, "Imdrin" to resume such normal habits or regular occupations;

(f) That the taking of said preparation will have any therapeutic effect upon the functioning of the enzyme systems of the blood or bones.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the drug preparation "Imdrin", which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

By the Commission.[1]

Issued: October 3, 1952.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-13167; Filed, Dec. 12, 1952; 8:58 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 146; 17 F. R. 8533) are amended as indicated below:

1. Section 146.62 (b) is amended to read:

§ 146.62 *Animal feed containing penicillin.* • • •

(b) If it is intended for veterinary use in the cure, mitigation, treatment, or prevention of disease, and—

(1) It contains a drug certified under section 507 of the act for use in mixing such feed, with or without para-aminobenzoic acid (containing not less than 98.0 percent para-aminobenzoic acid);

(2) It has been mixed in accordance with the directions in the labeling of such certified drug; and

(3) The labeling of the feed bears only the indications and directions for use that were approved when the drug was certified; provided that this exemption shall apply also to feeds in which the feed manufacturer has mixed para-aminobenzoic acid (containing not less than 98.0 percent para-aminobenzoic acid) and a drug certified for use without it, if the feed contains 0.1 percent para-aminobenzoic acid and the feed manufacturer has submitted to the Commissioner copies of the feed labeling and has obtained approval of it.

[1] Commissioner Caretta not participating for the reason that oral argument on the merits was heard prior to his appointment to the Commission.

2. a. Section 146.216 is amended by changing the headnote and paragraph (a) to read:

§ 146.216 *Aureomycin therapeutic formula for animal feed; aureomycin-vitamin B_{12} therapeutic formula for animal feed (if it is represented as containing the vitamin B_{12}); aureomycin-para-aminobenzoic acid therapeutic formula for animal feed (if it is represented as containing para-aminobenzoic acid); aureomycin-vitamin B_{12}-para-aminobenzoic acid therapeutic formula for animal feed (if it is represented as containing vitamin B_{12} and para-aminobenzoic acid)*—(a) *Standards of identity, strength, quality, and purity.* Aureomycin therapeutic formula for animal feed is aureomycin with or without vitamin B_{12} and/or para-aminobenzoic acid (containing not less than 98.0 percent para-aminobenzoic acid) in a suitable and harmless diluent. It contains not less than 5.0 grams of aureomycin per pound. Its moisture content is not more than 6 percent.

b. Section 146.216 (c) (1) (ii) is amended to read:

(c) *Labeling.* • • •

(1) • • •

(ii) The number of grams of aureomycin in each pound of the batch, and if it contains vitamin B_{12} and/or para-aminobenzoic acid, the quanity of each such ingredient in each pound of the batch.

c. In § 146.216, subparagraph (2) of paragraph (d) *Request for certification; samples* is amended by changing the words "immediate containers" to read "pounds", and the figures "20" and "100" to read "5" and "12", respectively.

d. In § 146.216, subparagraph (1) of paragraph (e) *Fees* is amended by changing the figure "$1.00" to read "$4.00".

This order, which provides for the addition of para-aminobenzoic acid to aureomycin therapeutic formula for animal feed, and for the conditional exemption from certification of animal feed containing certified drugs with or without para-aminobenzoic acid, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it conditionally relaxes existing requirements for certification of batches of animal feeds, it has been drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the use of para-aminobenzoic acid in animal feeds and to delay relaxing the requirement that feeds containing para-aminobenzoic acid be certified.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

Dated: December 9, 1952.

[SEAL] JOHN L. THUESTON, *Acting Administrator.*

[F. D. Doc. 52-13149; Filed, Dec. 12, 1952; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5956]

PART 7—TAXATION PURSUANT TO TREATIES

SUBPART—NORWAY

Sec.
7.100 Introductory.
7.101 Interest.
7.102 Dividends.
7.103 Patent and copyright royalties and film rentals.
7.104 Natural resource royalties and real property rentals.
7.105 Pensions and life annuities.
7.106 Release of excess tax withheld at source.
7.107 Information to be furnished in ordinary course.
7.108 Beneficiaries of a domestic estate or trust.
7.109 Refund of excess tax withheld during 1951.

AUTHORITY: §§ 7.100 to 7.109 issued under 53 Stat. 32, 467; 26 U. S. C. 62, 3791.

§ 7.100 *Introductory.* (a) The income tax convention between the United States and the Kingdom of Norway, signed June 13, 1949, proclaimed by the President of the United States on December 13, 1951, and effective for taxable years beginning on or after January 1, 1951, hereinafter referred to as the convention, provides in part as follows:

ARTICLE I

(1) The taxes referred to in this Convention are:

(a) In the case of the United States of America: The Federal income tax, including surtaxes.

(b) In the case of Norway: The national and the communal income taxes, including the old age pension tax, the war pension tax, the tax on bank deposits and the seamen's tax.

(2) The present Convention shall also apply to any other income taxes of a substantially similar character imposed by either contracting State subsequently to the date of signature of the present Convention.

ARTICLE II

(1) As used in this Convention:

(a) The term "United States" means the United States of America, and when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(b) The term "Norway" means the Kingdom of Norway; the provisions of the Convention shall not, however, extend to Svalbard and Jan Mayen, nor do they apply to the Norwegian dependencies outside Europe.

(c) The term "permanent establishment" means a branch office, factory, workshop, warehouse or other fixed place of business, but does not include the casual and temporary use of merely storage facilities, nor does it include an agency unless the agent has and exercises a general authority to negotiate and conclude contracts on behalf of an enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the contracting States shall not be deemed to have a permanent establishment in the other State merely because it carries on business dealings in such other State through a bona fide commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the contracting States maintains in the other State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one contracting State has a subsidiary corporation which is a corporation of the other State or which is engaged in trade or business in the other State shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(d) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Norwegian enterprise".

(e) The term "enterprise" includes every form of undertaking whether carried on by an individual, partnership, corporation, or any other entity.

(f) The term "United States enterprise" means an enterprise carried on in the United States by a resident of the United States or by a United States corporation or other entity; the term "United States corporation or other entity" means a partnership, corporation or other entity created or organized in the United States or under the law of the United States or of any State or Territory of the United States.

(g) The term "Norwegian enterprise" means an enterprise carried on in Norway by a resident of Norway or by a Norwegian corporation or other entity; the term "Norwegian corporation or other entity" means a partnership, corporation or other entity created or organized in Norway or under Norwegian laws.

(h) The term "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his authorized representative; and in the case of Norway, the Ministry of Finance and Customs.

(2) In the application of the provisions of the present Convention by one of the contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which such term has under its own tax laws.

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ARTICLE VI

Interest on bonds, securities, notes, debentures, or on any other form of indebtedness derived from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall be exempt from taxation in such former State.

ARTICLE VII

Royalties and other amounts derived, as consideration for the right to use copyrights, artistic and scientific works, patents, designs, secret processes and formulas, trade-marks and other like property (including rentals and like payments in respect of motion picture films), from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not having a permanent establishment in the former State shall be exempt from taxation in such former State: *Provided*, That each of the contracting States reserves the right according to the principles of Article IV to deny a deduction to the payor thereof for such royalty or any portion thereof as is not considered by the Revenue authorities of such State to be reasonable consideration for the right to use the property referred to in this Article.

ARTICLE VIII

(1) Income from real property (not including interest derived from mortgages and bonds secured by real property) and royalties in respect of the operation of mines, quarries, or other natural resources, shall be taxable only in the contracting State in which such property, mines, quarries, or other natural resources are situated.

(2) A resident or corporation of one of the contracting States deriving any such income from sources within the other contracting State may, for any taxable year, elect to be subject to the tax of such other contracting State, on a net basis, as if such resident or corporation were engaged in trade or business within such other contracting State through a permanent establishment therein during such taxable year.

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ARTICLE XI

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(2) Private pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

(3) The term "pensions", as used in this Article, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "life annuities" as used in this Article means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

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ARTICLE XV

With a view to the more effective imposition of the taxes to which the present Convention relates, each of the contracting States undertakes, subject to reciprocity, to furnish such information in the matter of taxation, which the authorities of the State concerned have at their disposal or are in a position to obtain under their own law, as may be of use to the authorities of the other State in the assessment of the taxes in question and to lend assistance in the service of documents in connection therewith. Any information so exchanged shall be treated as secret and shall only be disclosed to persons (including a court) concerned with the assessment, determination and collection of the taxes which are the subject of the present Convention, or the determination of appeals in relation thereto. No information shall be exchanged which would disclose a trade, business, industrial or professional secret. Information and correspondence relating to the subject matter of this Article shall be exchanged between the competent authorities of the contracting States in the ordinary course or on request.

ARTICLE XVI

In accordance with the preceding Article and insofar as may be found to be practicable, the competent authorities of each contracting State shall forward to the competent authorities of the other contracting State as soon as practicable after the close of each calendar year the following information relating to such calendar year:

The names and addresses of all addressees within such other State deriving from sources within the former State dividends, interest, royalties, pensions, annuities, wages, salaries, rents, or other fixed or determinable annual or periodical income, showing the amount of such income with respect to each addressee.

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ARTICLE XVIII

The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it except that such State may refuse to comply with the request for reasons of public policy or if compliance would involve violation of a trade, business, industrial, or professional secret.

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ARTICLE XX

(1) The provisions of this Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers.

(2) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance now or hereafter accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

(3) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to Conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement.

ARTICLE XXI

(1) The competent authorities of the two contracting States may prescribe regulations necessary to carry into effect the present Convention within the respective States. With respect to the provisions of this Convention relating to exchange of information, service of documents, and mutual assistance in the collection of taxes, such authorities may, by common agreement, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, costs of collection, minimum amounts subject to collection and related matters.

(2) The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XXII

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible. It shall have effect for the taxable years beginning on or after the first day of January of the year in which such exchange takes place.

(2) The present Convention shall continue effective for a period of five years and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given and, in such event, the present Convention shall cease to be effective for the taxable years beginning on or after the first day of January next following the expiration of the six-month period.

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(b) As used in this Treasury decision, any term defined in the above articles of the convention shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the Internal Revenue Code.

§ 7.101 *Interest*—(a) *General.* Interest on bonds, securities, notes, debentures, or on any other form of indebtedness, including interest on obligations of the United States, obligations of instrumentalities of the United States, and mortgages and bonds secured by real property, derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Norway, or by a Norwegian corporation or other entity, is exempt from United States tax under the provisions of Article VI of the convention if such alien, corporation, or other entity at no time during the taxable year had a permanent establishment in the United States. Such interest is, therefore, not subject to the withholding provisions of the Internal Revenue Code. As to what constitutes a permanent establishment, see Article II (1) (e) of the convention.

(b) *Application of exemption from withholding.* (1) To stop withholding at the source in the case of coupon bond interest the nonresident alien resident in Norway, or the Norwegian corporation or other entity, shall for each issue of bonds submit Form 1001–NO in duplicate to the paying agent with each presentation of interest coupons. Such form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor, the name and address of the owner of such interest, and the amount of such interest. Such form shall contain a statement that the owner (i) is a resident of Norway, or is a Norwegian corporation or other entity, and (ii) has no permanent establishment in the United States.

(2) The exemption from United States tax contemplated by Article VI of the convention, insofar as it concerns coupon bond interest, is applicable only to the owner of such interest. The person presenting such coupon, or on whose behalf it is presented, shall for the purpose of the exemption from tax be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon is not the owner of the bond, Form 1001, and not Form 1001–NO, shall be executed.

(3) The original and duplicate ownership certificates, Form 1001–NO, shall be forwarded to the Commissioner of Internal Revenue by the withholding agent with the quarterly return on Form 1012, as provided in existing regulations with respect to Form 1001. See § 29.143–7 of this chapter (Regulations 111). Form 1001–NO need not be listed on Form 1012.

(4) For general provisions pertaining to the use, without reference to the provisions of the convention, of ownership certificate, Form 1001, by nonresident aliens and nonresident foreign corporations, see §§ 29.143–4 and 29.143–6 of this chapter.

(5) To stop withholding at the source in the case of interest, other than interest payable by means of coupons, the nonresident alien resident in Norway, or the Norwegian corporation or other entity, shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article VI of the convention. The letter of notification shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor and the name and address of the owner of such interest. It shall also contain a statement that the owner is (i) neither a citizen nor a resident of the United States but is a resident of Norway or (ii) a Norwegian corporation or other entity and that such owner has at no time during the current taxable year had a permanent establishment in the United States. In addition, it shall contain a declaration that it is made under the penalties of perjury, such declaration to consist of a statement similar to the following: "I declare under the penalties of perjury that this letter has been examined by me and to the best of my knowledge and belief is true and correct."

(6) This letter of notification, which shall constitute authorization for the payment of such interest without withholding of United States tax at source, shall be filed with the withholding agent for each successive three-calendar-year period during which such income is paid. For this purpose, the first such period shall commence with the beginning of the calendar year in which such income is first paid on or after January 1, 1952. Each such letter filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period; or, if such first payment first occurs in the calendar year 1952, not later than 45 days following the date of approval of this Treasury decision.

(7) If such letter is also to be used as authorization for the release, pursuant to § 7.106 (a), of excess tax withheld from interest, other than interest payable by means of coupons, it shall also contain a statement that the owner was, at the time when the interest was derived from which the excess tax was withheld, (i) neither a citizen nor a resident of the United States but was a resident of Norway, or (ii) a Norwegian corporation or other entity, and that such owner at no time during the taxable year in which the interest was derived had a permanent establishment in the United States.

(8) Once a letter has been filed in respect of any three-calendar-year period, no additional letter need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that an additional letter shall be filed by the taxpayer. If, after filing a letter of notification, the taxpayer ceases to be eligible for the exemption from United States tax provided by the convention in respect to such income, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the interest as recorded on the books of the payer, the exemption from United States tax will no longer apply unless a letter of notification is duly executed and filed with the withholding agent by the new owner of record of such interest.

(9) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the Commissioner of Internal Revenue, Uniform Audit Branch, Alien Returns Section, Washington 25, D. C.

§ 7.102 *Dividends.* The convention does not change the rate of tax imposed by sections 211 (a) and 231 (a) of the Internal Revenue Code upon dividends. The withholding of the tax with respect to such income derived from sources within the United States by nonresident aliens who are residents of Norway, or by Norwegian corporations or other entities, is not affected by the convention. See sections 143 (b) and 144 of the Internal Revenue Code.

§ 7.103 *Patent and copyright royalties and film rentals*—(a) *General.* Royalties and other amounts (including rentals and like payments for the use of, or for the right to use, motion picture films) derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Norway, or by a Norwegian corporation, or other entity, as consideration for the right to use copyrights, artistic and scientific works, patents, designs, secret processes and formulas, trade-marks, and other like property, are exempt from United States tax under the provisions of Article VII of the convention if such alien, corporation, or other entity at no time during the taxable year had a permanent establishment in the United States. Such items of income are, therefore, not subject to the withholding provisions of the Internal Revenue Code. As to what constitutes a permanent establishment, see Article II (1) (e) of the convention.

(b) *Application of exemption from withholding.* (1) To stop withholding at the source in the case of the items of income described in paragraph (a) of this section, the nonresident alien resident in Norway, or the Norwegian corporation or other entity, shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article VII of the convention. The provisions of § 7.101 (b) of these regulations relating to the execution, filing, and effective period of the letter of notification prescribed therein with respect to interest (other than coupon bond interest), including its use for the release of excess tax withheld, are equally applicable with respect to the income falling within the scope of this section.

(2) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the Commissioner of Internal Revenue, Uniform Audit Branch, Alien Returns Section, Washington 25, D. C.

§ 7.104 *Natural resource royalties and real property rentals.* The convention does not change the rate of tax imposed by sections 211 (a) and 231 (a) of the Internal Revenue Code upon natural resource royalties and real property rentals. The withholding of the tax with respect to such items derived from sources within the United States by nonresident aliens who are residents of Norway, or by Norwegian corporations or other entities, is not affected by the convention. See sections 143 (b) and 144 of the Internal Revenue Code and Article VIII of the convention.

§ 7.105 *Pensions and life annuities*—(a) *General.* Private pensions and life annuities, as defined in Article XI (3) and (4) of the convention, derived from sources within the United States and paid in taxable years beginning on or after January 1, 1951, to a nonresident alien individual who is a resident of Norway are exempt from United States tax under the provisions of Article XI (2) of the convention. Such items of income are, therefore, not subject to the withholding provisions of the Internal Revenue Code.

(b) *Application of exemption from withholding.* (1) To stop withholding at the source in the case of the items of income described in paragraph (a) of this section, the nonresident alien individual who is a resident of Norway shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article XI of the convention. The letter of notification shall show the name and address of both the payer and the owner of the income and shall contain a statement that the owner, an individual, is neither a citizen nor a resident of the United States but is a resident of Norway. In addition, it shall be signed by the owner and shall contain a written declaration that it is made under the penalties of perjury, such declaration to consist of a statement similar to the following: "I declare under the penalties of perjury that this letter has been examined by me and to the best of my knowledge and belief is true and correct".

(2) If such letter is also to be used as authorization for the release, pursuant to § 7.106 (a), of excess tax withheld from such items of income, it shall also contain a statement that the owner was, at the time when the income was paid from which the excess tax was withheld, neither a citizen nor a resident of the United States but was an individual resident of Norway.

(3) This letter shall constitute authorization for the payment of such items of income without withholding of United States tax at source unless the Commissioner of Internal Revenue subsequently notifies the withholding agent that the tax shall be withheld with respect to payments of such items of income made after receipt of such notice. If, after filing a letter of notification, the owner of the income ceases to be eligible for the exemption from United States tax provided by the convention in respect to such income, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of such income as recorded on the books of the payer, the exemption from United States tax will no longer apply unless a letter of notification is duly executed and filed with the withholding agent by the new owner of record of such income.

(4) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the Commissioner of Internal Revenue, Uniform Audit Branch, Alien Returns Section, Washington 25, D. C.

§ 7.106 *Release of excess tax withheld at source*—(a) *General.* (1) In order to bring the convention into force and effect at the earliest practicable date, the exemption from tax otherwise withheld at the source from interest, patent royalties, copyright royalties, film rentals, and the like, and from private pensions and life annuities is hereby made effective beginning January 1, 1952, contingent upon compliance with the provisions of § § 7.101, 7.103, and 7.105.

(2) In the case of every taxpayer whose address at the time of payment was in Norway and who furnishes to the withholding agent the letter of notification prescribed in §§ 7.101 (b), 7.103 (b), or 7.105 (b) as authorization for the release of excess tax withheld, where United States tax at the statutory rate (30 percent as of the date of approval of this Treasury decision) has been withheld on or after January 1, 1952, from interest (other than coupon bond interest), patent royalties, copyright royalties, film rentals, and the like, and from private pensions and life annuities, there shall be released by the withholding agent and paid over to the person from whom it was withheld an amount equal to the tax so withheld.

(3) In the case of every owner, trustee, or agent whose address at the time of payment was in Norway and who furnishes to the withholding agent Form 1001–NO clearly marked "Substitute", where United States tax at the statutory rate (28 percent or 30 percent, as the case may be, as of the date of approval of this Treasury decision) has been withheld on or after January 1, 1952, from coupon bond interest, there shall be released by the withholding agent and paid over to the person from whom it was withheld an amount equal to the tax so withheld, if such taxpayer also attaches to the original copy only of such form a letter signed by the owner, trustee, or agent and containing the following:

(i) The name and address of the obligor;

(ii) The name and address of the owner of the coupon bond interest from which the excess tax was withheld (See § 7.101 (b) as to who shall be deemed to be the owner.);

(iii) The amount of the interest from which the excess tax was withheld, and, if possible, the date of payment;

(iv) A statement that the owner was, at the time when the interest was derived from which the excess tax was withheld, (a) neither a citizen nor a resident of the United States but was a resident of Norway, or (b) a Norwegian corporation or other entity;

(v) A statement that the owner at no time during the taxable year in which such interest was derived had a permanent establishment in the United States; and

(vi) A written declaration that the letter is made under the penalties of perjury, such declaration to consist of a statement similar to the following: "I declare under the penalties of perjury that this letter has been examined by me and to the best of my knowledge and belief is true and correct".

(4) One such substitute form shall be filed in duplicate (but with one copy only of the letter) with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was

withheld and with respect to which such excess is released.

(5) The original (with attachment) and duplicate of substitute Form 1001–NO shall be forwarded to the Commissioner of Internal Revenue by the withholding agent with the quarterly return on Form 1012, as provided in existing regulations with respect to Form 1001. See § 29.143–7 of this chapter (Regulations 111). Substitute Form 1001–NO need not be listed on Form 1012.

(b) *Amounts withheld during 1951.* For provisions respecting the refund of excess tax withheld during the calendar year 1951, see § 7.109.

§ 7.107 *Information to be furnished in ordinary course.* (a) In compliance with the provisions of Articles XV, XVI, and XVIII of the convention the Commisisoner of Internal Revenue will transmit to the Norwegian Ministry of Finance and Customs, as soon as practicable after the close of the calendar year 1952 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The name and address of each person whose address as disclosed on each available Form 1012 and Form 1042 is in Norway deriving from sources within the United States dividends, interest, rent, royalties, salaries, wages, pensions, annuities, and other fixed or determinable annual or periodical income; and the amount of such income as disclosed on such form with respect to each such person.

(2) The duplicate copy of each available ownership certificate, Form 1001–NO, filed pursuant to § 7.101 (b), and substitute Form 1001–NO, filed pursuant to § 7.106 (a), in connection with coupon bond interest.

(b) To facilitate compliance with the above Articles of the convention, every withholding agent shall report on Form 1042 for the calendar year 1952 and each subsequent calendar year, in addition to the items of income upon which United States tax is required to be withheld at source, those items of income paid to a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Norway, and to a nonresident Norwegian corporation or other entity, upon which United States tax is not required to be withheld at the source. Such return shall show the same information with respect to such items of income upon which tax is not required to be withheld at the source as is shown with respect to items of income upon which the tax is required to be withheld at the source. For provisions pertaining to the return on Form 1042, see § 29.143–7 of this chapter.

§ 7.108 *Beneficiaries of a domestic estate or trust.* A nonresident alien who is a resident of Norway and who is a beneficiary of a domestic estate or trust shall be entitled to the exemption from United States tax provided in Articles VI and VII of the convention with respect to interest, royalties, and other like amounts to the extent such item or items are included in his share of the distributed or distributable income of such estate or trust. In order to be entitled in such instance to the exemption from withholding of United States tax, such beneficiary must otherwise satisfy the requirements of these respective Articles of the convention and must execute and submit to the fiduciary of such estate or trust in the United States the appropriate letter of notification prescribed in §§ 7.101 (b) and 7.103 (b).

§ 7.109 *Refund of excess tax withheld during 1951.* (a) If United States tax withheld at the source during the calendar year 1951 from interest, royalties, pensions, or life annuities is in excess of the tax imposed by Chapter 1 (relating to the income tax) of the Internal Revenue Code, as modified by the convention, a claim by the taxpayer for the refund of any overpayment shall be made under section 322 of the Internal Revenue Code by filing Form 843 together with Form 1040NB, Form 1040NB–a, Form 1040B, or Form 1120NB, whichever is applicable, or with an amended return.

(b) The taxpayer's total gross income from sources within the United States, including every item of capital gain subject to tax under the provisions of section 211 (a) (1) (B) or 211 (c) of the Internal Revenue Code, shall be disclosed on the return. In the event that securities are held in the name of a person other than the actual or beneficial owner, the name and address of such person shall be furnished with the claim. There shall also be included in such claim for refund a statement:

(1) That the taxpayer was, at the time when the item or items of income were derived (or "paid", in the case of private pensions and life annuities) from which the excess tax was withheld, (i) a nonresident alien (including a nonresident alien individual, fiduciary, or partnership) who at such time was a resident of Norway, or (ii) a Norwegian corporation or other entity; and

(2) That the taxpayer at no time during the taxable year in which such item or items of income were derived had a permanent establishment in the United States.

(c) If, however, the taxpayer is an individual who during the taxable year was paid from sources within the United States income which consists exclusively of pensions or life annuities entitled to the benefit of Article XI of the convention, the statement specified in subparagraph (1) of this paragraph shall not be required.

Because it is necessary to bring into effect at the earliest practicable date the rules of this Treasury decision respecting exemptions from tax and the rules respecting release or refund of amounts withheld with respect to exempt income, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 9, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–13145; Filed, Dec. 12, 1952; 8:51 a. m.]

[T. D. 5957]

PART 7—TAXATION PURSUANT TO TREATIES

SUBPART—NEW ZEALAND

Sec.
7.600 Introductory.
7.601 Dividends.
7.602 Interest.
7.603 Patent and copyright royalties, natural resource royalties, and real property rentals.
7.604 Film rentals.
7.605 Pensions and life annuities.
7.606 Release of excess tax withheld at source.
7.607 Addressee not actual owner.
7.608 Information to be furnished in ordinary course.
7.609 Beneficiaries of a domestic estate or trust.
7.610 Refund of excess tax withheld during 1951.

AUTHORITY: §§ 7.600 to 7.610 issued under 53 Stat. 32, 467; 26 U. S. C. 62, 3791.

§ 7.600 *Introductory.* (a) The income tax convention between the United States and New Zealand, signed March 16, 1948, proclaimed by the President of the United States on December 20, 1951, and effective as respects the United States tax for taxable years beginning on or after January 1, 1951, hereinafter referred to as the convention, provides in part as follows:

ARTICLE I

(1) The taxes which are the subject of the present Convention are—

(a) In New Zealand: The income-tax and social security charge (hereinafter referred to as New Zealand tax).

(b) In the United States of America: The Federal income taxes, including surtaxes (hereinafter referred to as United States tax).

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either Contracting Government subsequently to the date of signature of the present Convention or by the Government of any territory to which the present Convention is extended under Article XX.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires—

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and of Hawaii, and the District of Columbia.

(b) For the purposes of this Convention New Zealand includes all islands and territories within the limits thereof for the time being including the Cook Islands.

(c) The terms "territory of one of the Contracting Governments" and "territory of the other Contracting Government" mean the United States or New Zealand, as the context requires.

(d) The term "tax" means United States tax or New Zealand tax, as the context requires.

(e) The term "person" includes any body of persons, corporate, or not corporate.

(f) The term "company" means any body corporate.

(g) The term "United States corporation" means a corporation, association, or other like entity created or organized in, or under the laws of, the United States.

(h) The term "New Zealand corporation" means any kind of juridical person created under the laws of New Zealand.

(i) The terms "corporation of one Contracting Government" and "corporation of the other Contracting Government" mean a United States corporation or a New Zealand corporation, as the context requires.

(j) The term "resident of New Zealand" means any person (other than a citizen of the United States or a United States corporation) who is resident in New Zealand for the purposes of New Zealand tax and not resident in the United States for the purposes of United States tax. A corporation is to be regarded as resident in New Zealand if it is incorporated under the laws of, or if its business is managed and controlled in, New Zealand.

(k) The term "resident of the United States" means any individual who is resident in the United States for the purposes of United States tax and not resident in New Zealand for the purposes of New Zealand tax, and any United States corporation and any partnership created or organized in, or under the laws of, the United States, being a corporation or partnership which is not resident in New Zealand for the purposes of New Zealand tax.

(l) The terms "resident of the territory of one of the Contracting Governments" and "resident of the territory of the other Contracting Government" mean a resident of the United States or a resident of New Zealand, as the context requires.

(m) The terms "United States enterprise" and "New Zealand enterprise" mean, respectively, an industrial or commercial enterprise or undertaking carried on by a resident of the United States and an industrial or commercial enterprise or undertaking carried on by a resident of New Zealand; and the terms "enterprise of one of the Contracting Governments" and "enterprise of the other Contracting Government" mean a United States enterprise or a New Zealand enterprise, as the context requires.

(n) The term "industrial or commercial profits" includes manufacturing, mercantile, mining, financial and farming profits, but does not include income in the form of dividends, interest, rents or royalties, insurance premiums, management charges, or remuneration for personal services.

(o) The term "permanent establishment", when used with respect to an enterprise of one of the Contracting Governments, means a branch, management, factory, mine, farm, or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or regularly fills orders on its behalf from a stock of goods or merchandise.

An enterprise of one of the Contracting Governments shall not be deemed to have a permanent establishment in the territory of the other Contracting Government merely because it carries on business dealings in that territory through a bona fide broker or general commission agent acting in the ordinary course of his business as such.

The fact that an enterprise of one of the Contracting Governments maintains a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute that fixed place of business a permanent establishment of the enterprise.

The fact that a corporation of one Contracting Government has a subsidiary corporation which is a corporation of the other Contracting Government or which is engaged in trade or business in the territory of such other Contracting Government (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation. The maintenance within the territory of one of the Contracting Governments by an enterprise of the other Contracting Government of a warehouse for convenience of delivery and not for purposes of display shall not of itself constitute a permanent establishment within that territory even though offers of purchase have been obtained by an agent of the enterprise in that territory and transmitted by him to the enterprise for acceptance.

(2) In the application of the provisions of the present Convention by one of the Contracting Governments any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the laws of that Contracting Government relating to the taxes which are the subject of the present Convention.

* * * * *

ARTICLE VI

(1) The rate of United States tax on dividends derived from sources within the United States by a resident of New Zealand not engaged in trade or business within the United States through a permanent establishment therein shall not exceed 15 percent: Provided that such rate of tax shall not exceed 5 percent if such resident is a corporation controlling, directly or indirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends received from its own subsidiary corporations. Such reduction of the rate to 5 percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate.

(2) In the event that New Zealand should impose at any time tax on dividends derived from sources within New Zealand by a nonresident thereof, including a resident of the United States, not engaged in trade or business within New Zealand through a permanent establishment therein at a rate in excess of 15 percent (or 5 percent in cases corresponding to those within the scope of the proviso in paragraph (1) of this Article), either of the Contracting Governments may terminate this Article provided that notice of termination is given in writing, and, in such event, this Article shall cease to be effective as respects United States tax for the taxable years beginning on or after the first day of January next following the date on which such notice is given.

ARTICLE VII

(1) A resident of the territory of one of the Contracting Governments deriving from sources within the territory of the other Contracting Government—

(a) Royalties in respect of the operation of mines, quarries or natural resources, or

(b) Rentals from real property, or

(c) Royalties or other amounts paid as consideration for the use of, or for the privilege of using, any copyright, patent, design, secret process or formula, trademark or other like property,

may elect for any taxable year to be subject to the tax of such other Contracting Government, on a net basis, as if such resident were engaged in trade or business within the territory of such other Contracting Government through a permanent establishment therein during such taxable year.

(2) The provisions of this Article shall not apply to income falling within the scope of Article VIII of the present Convention.

ARTICLE VIII

(1) Rentals in respect of motion picture films derived from sources within the territory of one of the Contracting Governments by a resident of the territory of the other Contracting Government who is not engaged in trade or business through a permanent establishment in the former territory shall be exempt from tax by the former Government.

(2) The provisions of this Article shall not be construed to affect the New Zealand film hire tax or the income-tax imposed by New Zealand on income which is taxable under New Zealand law and which is derived by any person from the business of renting motion picture films.

* * * * *

ARTICLE XII

(1) Dividends paid by a New Zealand corporation shall be exempt from United States tax except where the recipient is a citizen of, or resident in, the United States or a United States corporation.

(2) Dividends paid by a United States corporation shall be exempt from New Zealand tax except where the recipient is resident in New Zealand.

* * * * *

ARTICLE XVI

(1) The taxation authorities of the Contracting Governments shall exchange such information (being information available under the respective taxation laws of the Contracting Governments) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or for the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than persons (including a court) concerned with the assessment or collection of the taxes which are the subject of the present Convention or the determination of appeals in relation thereto. No information shall be exchanged which would disclose any trade secret or trade process.

(2) The term "taxation authorities" means, in the case of New Zealand, the Commissioner of Taxes or his authorized representative; in the case of the United States, the Commissioner of Internal Revenue or his authorized representative.

ARTICLE XVII

Each of the Contracting Governments may collect such tax imposed by the other Contracting Government as will ensure that the exemption or reduced rate of tax granted under the present Convention by such other Government shall not be enjoyed by persons not entitled to such benefits.

ARTICLE XVIII

* * * * *

(2) The taxation authorities of the two Contracting Governments may prescribe regulations to carry into effect the present Convention within the respective States and rules with respect to the exchange of information.

(3) The taxation authorities of the two Contracting Governments may communicate with each other directly for the purpose of giving effect to the provisions of the present Convention.

ARTICLE XIX

The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the Contracting Governments in the determination of the tax imposed by such Government.

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ARTICLE XXI

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

(2) Upon exchange of instruments of ratification, the present Convention shall have effect—

(a) As respects United States tax, for the taxable years beginning on or after the first day of January in the calendar year in which occurs the exchange of the instruments of ratification,

(b) As respects New Zealand tax, for the year of assessment beginning on the first day of April next following the calendar year in which occurs the exchange of the instruments of ratification.

ARTICLE XXII

The present Convention shall continue effective for a period of two years and indefinitely after that period, but may be terminated by either Contracting Government at the end of such period or at any time thereafter, provided that at least six months' prior notice of termination has been given in writing and, in such event, the present Convention shall cease to be effective—

(a) As respects United States tax, for the taxable years beginning on or after the first day of January next following the expiration of the six-month period,

(b) As respects New Zealand tax, for the years of assessment beginning on or after the first day of April in the second year following the expiration of the six-month period.

• • • • •

(b) As used in this Treasury decision, any term defined in the provisions of the convention shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the Internal Revenue Code.

§ 7.601 *Dividends*—(a) *General.* (1) Under Article VI of the convention the rate of tax imposed with respect to dividends by section 211 (a) of the Internal Revenue Code (relating to nonresident alien individuals not engaged in trade or business within the United States) and by section 231 (a) of the Internal Revenue Code (relating to foreign corporations not engaged in trade or business within the United States) is reduced to 15 percent in the case of dividends derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is resident in New Zealand for the purposes of New Zealand tax, or by a foreign corporation (whether or not created or organized in or under the laws of New Zealand) whose business is managed and controlled in New Zealand or by a corporation incorporated under the laws of New Zealand, if such alien or corporation at no time during the taxable year was engaged in trade or business within the United States through a permanent establishment situated therein. As to what constitutes a permanent establishment, see Article II (1) (o) of the convention.

(2) Thus, if a nonresident alien individual who is resident in New Zealand for the purposes of New Zealand tax performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment within the United States, he is entitled to the reduced rate of tax with respect to dividends derived in that year from United States sources, as provided in Article VI of the convention, even though under the provisions of section 211 (b) of the Internal Revenue Code he has engaged in trade or business within the United States during such year by reason of his having rendered personal services therein.

(3) In the case of dividends paid on or after January 1, 1951, by a New Zealand corporation, as defined in Article II (1) (h) of the convention, no withholding of United States tax is required. See Article XII (1) of the convention.

(b) *Dividends paid by related corporation.* (1) Under the proviso of Article VI (1) of the convention, dividends derived from sources within the United States by a foreign corporation whose business is managed and controlled in New Zealand, or by a corporation incorporated under the laws of New Zealand, which controls directly or indirectly at the time the dividend is paid 95 percent or more of the entire voting power in the corporation paying the dividend are, when received in taxable years beginning on or after January 1, 1951, subject to United States tax at the rate of only 5 percent, if (i) not more than 25 percent of the gross income of the paying corporation for the three-year period immediately preceding the taxable year in which the dividend is paid consists of dividends and interest (other than dividends and interest received by such paying corporations from its own subsidiary corporations, if any), (ii) the relationship between the paying corporation and the foreign corporation, or between the paying corporation and the corporation incorporated under the laws of New Zealand, has not been arranged or maintained primarily with the intention of securing the reduced rate of 5 percent, and (iii) the foreign corporation, or the corporation incorporated under the laws of New Zealand, at no time during the taxable year was engaged in trade or business within the United States through a permanent establishment situated therein.

(2) Any corporation (hereinafter referred to as the claimant) which claims or contemplates claiming that dividends paid or to be paid by it are subject only to the 5 percent rate shall file the following information with the Commissioner of Internal Revenue as soon as practicable: (i) The date and place of its organization; (ii) the number of outstanding shares of stock of the claimant having voting power and the voting power thereof; (iii) the person or persons beneficially owning such stock of the claimant and their relationship to the foreign corporation, or to the corporation incorporated under the laws of New Zealand; (iv) the location, where applicable, of the management and control of the foreign corporation; (v) the amount of the gross income by years of the claimant for the three-year period immediately preceding the taxable year in which the dividend is paid; (vi) the amount of interest and dividends by years included in the gross income of the claimant, and the amount of interest and dividends by years received by the claimant from its own subsidiary corporations, if any; and (vii) the relationship between the claimant and the foreign corporation, or between the claimant and the corporation incorporated under the laws of New Zealand, deriving the dividend from sources within the United States.

(3) As soon as practicable after such information is filed, the Commissioner will determine whether the dividends concerned fall within the scope of the proviso of Article VI (1) of the convention and may authorize the release or refund of excess tax withheld with respect to dividends which come within such proviso. For additional requirements respecting the refund of excess tax withheld during 1951, see § 7.610.

(4) In any case in which the Commissioner has notified the claimant that the dividends fall within the scope of the proviso of Article VI (1) of the convention the reduced withholding rate of 5 percent, to the extent withholding of United States tax is required, will apply to any dividends subsequently paid by the claimant and derived by the foreign corporation, or by the corporation incorporated under the laws of New Zealand, unless the stock ownership of the claimant, or the character of its income, or, where applicable, the place of management and control of the foreign corporation deriving the dividend materially changes; or unless the Commissioner determines that the relationship between the two corporations concerned is being maintained primarily with the intention of securing the reduced rate of tax. In such instance, if such change in stock ownership, character of income, or place of management and control occurs, the claimant shall promptly notify the Commissioner of the then existing facts with respect thereto. The continued application of the reduced rate of 5 percent is also dependent upon the continued fulfillment of subdivision (iii) of subparagraph (1) of this paragraph.

(c) *Effect of address in New Zealand on withholding in case of dividends.* For the purpose of withholding of United States tax in the case of dividends every nonresident alien (including a nonresident alien individual, fiduciary, and partnership) whose address is in New Zealand shall be deemed by United States withholding agents to be a nonresident alien who is (1) resident in New Zealand for the purposes of New Zealand tax and (2) not engaged in trade or business within the United States through a permanent establishment situated therein; and every foreign corporation whose address is in New Zealand shall be deemed by such withholding agents to be either a foreign corporation whose business is managed and controlled in New Zealand or a corporation incorporated under the laws of New Zealand, neither engaged in trade or business within the United States through a permanent establishment situated therein.

(d) *Rate of withholding.* (1) Withholding at source in the case of dividends derived from sources within the United States and paid on or after January 1, 1952, to nonresident aliens (including a nonresident alien individual, fiduciary, and partnership) and to foreign corporations, whose addresses are in New Zealand, shall be at the rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, the Commissioner of Internal Revenue has (i) pursuant to paragraph (b) of this section notified the claimant that such dividends fall within the scope of the proviso of Article VI (1) of the convention or (ii) notified the withholding agent that the reduced rate of withholding shall not apply.

(2) The preceding provisions respecting the application of the reduced withholding rate in the case of dividends paid to nonresident aliens and foreign corporations with addresses in New Zealand are based upon the assumption that the payee of the dividend is the actual owner of the capital stock from which the dividend is derived and consequently is the person liable to United States tax upon such dividend. As to action by the recipient who is not the owner of the dividend, see § 7.607.

(3) The rate at which United States tax has been withheld from any dividend paid at any time after the expiration of the thirtieth day after the date on which this Treasury decision is published in the FEDERAL REGISTER to any person whose address is in New Zealand at the time the dividend is paid shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

§ 7.602 *Interest.* The convention does not change the rate of tax imposed by sections 211 (a) and 231 (a) of the Internal Revenue Code upon interest. The withholding of the tax with respect to such income derived from sources within the United States by a nonresident alien who is resident in New Zealand for the purposes of New Zealand tax, by a foreign corporation whose business is managed and controlled in New Zealand, or by a corporation incorporated under the laws of New Zealand, is not affected by the convention. See sections 143 and 144 of the Internal Revenue Code.

§ 7.603 *Patent and copyright royalties, natural resource royalties, and real property rentals.* The convention does not change the rate of tax imposed by sections 211 (a) and 231 (a) of the Internal Revenue Code upon royalties and like amounts (other than film rentals). The withholding of the tax with respect to such income derived from sources within the United States by a nonresident alien who is resident in New Zealand for the purposes of New Zealand tax, by a foreign corporation whose business is managed and controlled in New Zealand, or by a corporation incorporated under the laws of New Zealand, is not affected by the convention. See sections 143 (b) and 144 of the Internal Revenue Code and Article VII of the convention. For special provisions relating to motion picture film rentals, see § 7.604.

§ 7.604 *Film rentals*—(a) *General.* Rentals derived from sources within the United States as consideration for the use of, or for the right to use, motion picture films and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is resident in New Zealand for the purposes of New Zealand tax, or by a foreign corporation (whether or not created or organized in or under the laws of New Zealand) whose business is managed and controlled in New Zealand, or by a corporation incorporated under the laws of New Zealand, are exempt from United States tax under the provisions of Article VIII of the convention if such alien or corporation at no time during the taxable year was engaged in trade or business within the United States through a permanent establishment situated therein. Such rentals are, therefore, not subject to the withholding provisions of the Internal Revenue Code. As to what constitutes a permanent establishment, see Article II (1) (o) of the convention.

(b) *Application of exemption from withholding.* (1) To stop withholding at the source in the case of the rentals described in paragraph (a) of this section, the nonresident alien resident in New Zealand for the purposes of New Zealand tax, the foreign corporation whose business is managed and controlled in New Zealand, or the corporation incorporated under the laws of New Zealand shall notify the witholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article VIII of the convention. The letter of notification shall be signed by the owner of the rentals, trustee, or agent and shall show the name and address of the obligor and the name and address of the owner of such rentals. It shall also contain a statement that the owner is (i) neither a citizen nor a resident of the United States but is resident in New Zealand for the purposes of New Zealand tax, or (ii) a foreign corporation whose business is managed and controlled in New Zealand, or (iii) a corporation incorporated under the laws of New Zealand, and that such owner has at no time during the current taxable year been engaged in trade or business within the United States through a permanent establishment situated therein. In addition, it shall contain a declaration that it is made under the penalties of perjury, such declaration to consist of a statement similar to the following: "I declare under the penalties of perjury that this letter has been examined by me and to the best of my knowledge and belief is true and correct".

(2) This letter of notification, which shall constitute authorization for the payment of such rentals without withholding of United States tax at source, shall be filed with the withholding agent for each successive three-calendar-year period during which such income is paid. For this purpose, the first such period shall commence with the beginning of the calendar year in which such income is first paid on or after January 1, 1952. Each such letter filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period, or, if that is not possible because of special circumstances, as soon as possible after such first payment.

(3) If such letter is also to be used as authorization for the release, pursuant to § 7.606 (a), of excess tax withheld from such rentals, it shall also contain the following:

(i) The amount of the film rentals from which the excess tax was withheld, and, if possible, the date of payment;

(ii) A statement that the owner was, at the time when the rentals were derived from which the excess tax was withheld, (*a*) neither a citizen nor a resident of the United States but was resident in New Zealand for the purposes of New Zealand tax, or (*b*) a foreign corporation whose business at such time was managed and controlled in New Zealand, or (*c*) a corporation incorporated under the laws of New Zealand; and

(iii) A statement that the owner at no time during the taxable year in which such film rentals were derived was engaged in trade or business within the United States through a permanent establishment situated therein.

(4) Once a letter has been filed in respect of any three-calendar-year period, no additional letter may be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that an additional letter shall be filed by the taxpayer. If, after filing a letter of notification, the taxpayer ceases to be eligible for the exemption from United States tax provided by the convention in respect to such rentals, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the rentals as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless a letter of notification is duly executed and filed with the withholding agent by the new owner of record of such rentals.

(5) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the Commissioner of Internal Revenue, Uniform Audit Branch, Alien Returns Section, Washington 25, D. C.

§ 7.605 *Pensions and life annuities.* The convention does not change the rate of tax imposed by section 211 (a) of the Internal Revenue Code upon private pensions and life annuities. The withholding of the tax with respect to such items of income derived from sources within the United States by a nonresident alien individual who is resident in New Zealand for the purposes of New Zealand tax is not affected by the convention. See section 143 (b) of the Internal Revenue Code.

§ 7.606 *Release of excess tax withheld at source*—(a) *General.* (1) In order to bring the convention into force and effect at the earliest practicable date, the reduced rate of tax of 15 percent to be withheld at the source from dividends and the exemption from tax otherwise withheld at the source from film rentals are hereby made effective beginning January 1, 1952, contingent upon compliance with the provisions of §§ 7.601 and 7.604.

(2) In the case of dividends derived from sources within the United States and paid to a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or to a foreign corporation, whose address at the time of payment was in New Zealand, where United States tax at the statutory rate (30 percent as of the date of approval of this Treasury decision) has been withheld from such dividends on or after January 1, 1952, there shall be released (except as provided in paragraph (b) of this section) by the withholding agent and paid over to the person from whom it was withheld an amount which is equal to the amount obtained by subtracting 15 percent of such dividends from the tax so withheld.

(3) In the case of every taxpayer whose address at the time of payment was in New Zealand and who furnishes to the withholding agent the letter of notification prescribed in § 7.604 (b) as authorization for the release of excess tax withheld, where United States tax at the statutory rate (30 percent as of the date of approval of this Treasury decision) has been withheld from motion picture film rentals on or after January 1, 1952, there shall be released by the withholding agent and paid over to the person from whom it was withheld an amount equal to the tax so withheld.

(b) *Dividends paid by related corporation.* In the case of every corporation receiving notification from the Commissioner of Internal Revenue under the provisions of § 7.601 (b) that dividends paid or to be paid by it fall within the scope of the proviso of Article VI (1) of the convention, where United States tax in excess of the applicable rate of 5 percent has been withheld on or after January 1, 1952, from dividends which come within the scope of such proviso, the withholding agent shall, if so authorized in such notification, release and pay over to the corporation from which it was withheld the excess tax withheld with respect to such dividends.

(c) *Amounts withheld during 1951.* For provisions respecting the refund of excess tax withheld during the calendar year 1951, see § 7.610.

§ 7.607 *Addressee not actual owner.* (a) If the recipient in New Zealand of any dividend from sources within the United States, with respect to which United States tax at the reduced rate of 15 percent has been withheld at source pursuant to § 7.601 (d), is a nominee or representative through whom such dividend flows to a person other than one described in § 7.601 (a) as being entitled to such reduced rate, such recipient in New Zealand shall withhold an additional amount of United States tax equivalent to the United States tax which would have been withheld if the convention had not been in effect (30 percent of such dividend as of the date of approval of this Treasury decision) minus the 15 percent which has been withheld at the source.

(b) In any case in which a fiduciary or partnership with an address in New Zealand receives, otherwise than as a nominee or representative, a dividend from sources within the United States with respect to which United States tax at the reduced rate of 15 percent has been withheld at source pursuant to § 7.601 (d), if a beneficiary of such fiduciary or a partner in such partnership is not entitled to the reduced rate of tax provided in Article VI (1) of the convention, the fiduciary or partnership shall withhold an additional amount of United States tax with respect to the portion of such dividend included in such beneficiary's share of the distributed or distributable income, or in such partner's distributive share of the income, of such fiduciary or partnership, as the case may be. The amount of the additional tax is to be calculated in the same manner as under the immediately preceding paragraph.

(c) If any amount of United States tax is released pursuant to § 7.606 (a) by the withholding agent in the United States with respect to a dividend received by such a person with an address in New Zealand, the latter shall also withhold from such released amount any additional amount of United States tax, otherwise required to be withheld by the preceding provisions of this section in respect of such dividend, in the same manner as if at the time of payment of such dividend United States tax at the rate of only 15 percent had been withheld at source therefrom.

(d) The amounts so withheld by such withholding agents in New Zealand shall be deposited, without converting such amounts into United States dollars, with the New Zealand Commissioner of Taxes on or before the 15th day after the close of the quarter of the calendar year in which such withholding in New Zealand occurs. Each withholding agent making such deposit shall render therewith the appropriate New Zealand form as prescribed in regulations issued by the Commissioner of Taxes. The Commissioner of Taxes has arranged that the amounts so deposited will be remitted by draft in United States dollars to the Director of Internal Revenue, Baltimore, Maryland, U. S. A., on or before the end of the calendar month in which the deposits are made, such draft to be accompanied by the New Zealand form rendered by the withholding agents in New Zealand in connection with such deposits.

§ 7.608 *Information to be furnished in ordinary course.* (a) In compliance with the provisions of Article XVI of the convention the Commissioner of Internal Revenue will transmit to the New Zealand Commissioner of Taxes, as soon as practicable after the close of the calendar year 1952 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

The name and address of each person, whose address as disclosed on each available Form 1012 and Form 1042 is in New Zealand, deriving from sources within the United States dividends, interest, rent, royalties, salaries, wages, pensions, annuities, and other fixed or determinable annual or periodical income; and the amount of such income as disclosed on such form with respect to each such person.

(b) To facilitate compliance with the above Article of the convention, every withholding agent shall report on Form 1042 for the calendar year 1952 and each subsequent calendar year, in addition to the items of income upon which United States tax is required to be withheld at source, those items of income paid to a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is resident in New Zealand for the purposes of New Zealand tax, or to a nonresident foreign corporation whose business is managed and controlled in New Zealand, or to a nonresident corporation incorporated under the laws of New Zealand, upon which United States tax is not required to be withheld at the source. Such return shall show the same information with respect to such items of income upon which tax is not required to be withheld at the source as is shown with respect to items of income upon which the tax is required to be withheld at the source. For provisions pertaining to the return on Form 1042, see § 29.143–7 of this chapter.

§ 7.609 *Beneficiaries of a domestic estate or trust.* A nonresident alien who is resident in New Zealand for the purposes of New Zealand tax and who is a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in the rate of, United States tax provided in Articles VI, VIII, and XII of the convention with respect to dividends and film rentals to the extent such item or items are included in his share of the distributed or distributable income of such estate or trust. In order to be entitled in such instance to the exemption from, or reduction in the rate of, withholding of United States tax such beneficiary must otherwise satisfy the requirements of these respective Articles of the convention and must, where applicable, execute and submit to the fiduciary of such estate or trust in the United States the letter of notification prescribed in § 7.604 (b).

§ 7.610 *Refund of excess tax withheld during 1951.* (a) If United States tax withheld at the source during the calendar year 1951 from dividends or film rentals is in excess of the tax imposed by Chapter 1 (relating to the income tax) of the Internal Revenue Code, as modified by the convention, a claim by the taxpayer for the refund of any overpayment shall be made under section 322 of the Internal Revenue Code by filing Form 843 together with Form 1040NB, Form 1040NB–a, Form 1040B, or Form 1120NB, whichever is applicable, or with an amended return.

(b) The taxpayer's total gross income from sources within the United States, including every item of capital gain subject to tax under the provisions of section 211 (a) (1) (B) or 211 (c) of the Internal Revenue Code, shall be disclosed on the return. In the event that securities are held in the name of a person other than the actual or beneficial owner, the name and address of such person shall be furnished with the claim. There shall also be included in such claim for refund a statement:

(1) That the taxpayer was, at the time when the item or items of income were derived, (i) a nonresident alien as to the United States (including a nonresident alien individual, fiduciary, or partnership) who at such time was resident in New Zealand for the purposes of New Zealand tax, (ii) a foreign corporation whose business at such time was managed and controlled in New Zealand, or (iii) a corporation incorporated under the laws of New Zealand; and

(2) That the taxpayer at no time during the taxable year in which the income was derived was engaged in trade or business within the United States through a permanent establishment situated therein.

(c) As to additional information required in the case of a foreign corporation, or of a corporation incorporated under the laws of New Zealand, claiming the benefit of the 5 percent rate on dividends paid by a related corporation, see § 7.601 (b).

Because it is necessary to bring into effect at the earliest practicable date the rules of this Treasury decision respecting reduced rates of, or exemptions from, tax and the rules respecting release or refund of amounts withheld in excess of such reduced rates, or with respect to exempt income, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved December 9, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–13159; Filed, Dec. 12, 1952; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulation

PART 412—GOVERNMENT PROPERTY

MISCELLANEOUS AMENDMENTS

The following amendments and additions are made to Part 412—Government Property (32 CFR 412). All of the amendments and additions relate to the handling of government property in the possession of research and development contractors, when they are non-profit scientific or educational institutions performing under non-profit contracts. A separate manual for the control of such government property has been issued as Appendix C to this regulation. These changes incorporate the manual into the regulation, and provide for special contract clauses for the above-mentioned contractors, and are applicable to procurements initiated on and after 1 July 1952.

SUBPART A—GENERAL

1. The following § 412.101–9 is added.

§ 412.101–9 *Educational or other non-profit organization.* The term "educational or other nonprofit organization" means any corporation, foundation, trust, or institution operated for scientific or educational purposes, not organized for profit, no part of the net earnings of which inures to the profit of any private shareholder or individual.

2. Section 412.103 is amended to read as follows:

§ 412.103 *Control of Government property.* The "Manual for Control of Government Property in Possession of Contractors" is Appendix B to this subchapter, and the "Manual for Control of Government Property in Possession of non-Profit Research and Development Contractors" is Appendix C to this subchapter. Both Manuals are incorporated into this subchapter and made a part thereof.

SUBPART D—INDUSTRIAL FACILITIES

1. Section 412.409 is amended to read as follows:

§ 412.409 *Identification and records.* Each facilities contract under which industrial facilities are provided by the Government shall require the contractor, without cost to the Government thereunder, to maintain adequate property control records and a system of identification of such industrial facilities in accordance with the provisions of the "Manual for Control of Government Property in Possession of Contractors," (Appendix B) as in effect on the date of the contract, and in the case of facilities furnished to non-profit research and development contractors, in accordance with the provisions of the "Manual for Control of Government Property in Possession of Non-Profit Research and Development Contractors", (Appendix C) as in effect on the date of the contract. Nothing in this paragraph shall limit a contractor's rights with respect to costs properly allocable under other contracts.

SUBPART E—CONTRACT CLAUSES

1. Section 412.501 is amended to read as follows:

§ 412.501 *Applicability.* (a) As used in this subpart, the term "fixed-price contract for supplies or services" shall mean any contract (1) entered into either by formal advertising or by negotiation, but excluding purchase orders for $1,000 or less, letter contracts, letters of intent, preliminary notices of award and amendments or modifications to contracts or purchase orders; (2) at a fixed-price (with or without provisions for price redetermination, escalation, or other form of price adjustment) as covered in §§ 402.402 to 402.404 inclusive of this subchapter; and (3) for supplies or services other than the construction, alteration or repair of buildings, bridges, roads, or other kinds of real property.

(b) As used in this subpart, the term "cost-reimbursement type contract for supplies or services" shall mean any contract (other than a letter contract, letter of intent, preliminary notice of award, or amendment or modification of a contract) entered into by negotiation on a cost or cost-plus-a-fixed-fee basis as covered in §§ 402.404 to 402.406, inclusive, of this subchapter, for supplies or services other than the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property.

2. Section 412.502 is amended to read as follows:

§ 412.502 *Government - furnished property clause for fixed-price contracts.* The following clause shall be used in fixed-price contracts for supplies or services (except contracts for experimental, developmental, or research work with educational or non-profit institutions, where no profit to the Contractor is contemplated) under which a Department is to furnish to the Contractor, material, special tooling, or such industrial facilities as may be furnished under § 412.402 (a).

GOVERNMENT-FURNISHED PROPERTY

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property which the schedule or the specifications state the Government will furnish (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property of a type suitable for use will be delivered to the Contractor at the times stated in the schedule or if not so stated in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, if requested by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall grant to the Contractor a reasonable extension of time in respect of such delivery or performance dates. The Government shall not be liable to the Contractor for damages or loss of profit by reason of any delay in delivery of or failure to deliver any or all of the Government-furnished property, except that in case of such delay or failure, upon the written request of the Contractor, an equitable adjustment shall be made in the delivery or performance dates, or price, or both, and in any other contractual provision affected thereby, in accordance with the procedures provided for in the clause of this contract entitled "Changes."

(b) By notice in writing, the Contracting Officer may decrease the property furnished or to be furnished by the Government under this contract. In any such case, upon the written request of the Contractor, an equitable adjustment shall be made in the delivery or performance dates, or price, or both, and in any other contractual provisions affected by such decrease, in accordance with the procedures provided for in the clause of this contract entitled "Changes."

(c) Title to the Government-furnished property shall remain in the Government. Title to Government-furnished property shall not be affected by the incorporation or attachment thereof to any property not owned

by the Government, nor shall such Government-furnished property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contrator shall maintain adequate property control records of Government-furnished property in accordance with the provisions of the "Manual for Control of Government Property in Possession of Contractors", dated March 1951.

(d) The Government-furnished property shall, unless otherwise provided herein, be used only for the performance of this contract.

(e) The Contractor shall maintain and administer, in accordance with sound industrial practice, a program for the maintenance, repair, protection and preservation of Government-furnished property, until disposed of by the Contractor in accordance with this clause. In the event that damaged or defective Government-furnished property is delivered to the Contractor, or any other damage occurs to Government-furnished property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided, however,* That if the Contractor cannot effect such repair within the time required, the Contractor may reject such property. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in the contract price for any such repair or replacement of Government-furnished property made at the direction of the Government. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at its own expense.

The following provision (f) is for the use in advertised fixed-price contracts:

(f) Unless otherwise provided in this contract, the Contractor, upon delivery to it of any Government-furnished property, assumes the risk of, and shall be responsible for, any loss thereof or damage thereto except for reasonable wear and tear and except to the extent that such property is consumed in the performance of this contract.

The following provision (f) is for use in negotiated fixed-price contracts:

(f) (i) Except for loss, destruction or damage resulting from a failure of the Contractor due to willful misconduct or lack of good faith of any of the Contractor's managerial personnel as defined herein, to maintain and administer the program for the maintenance, repair, protection and preservation of the Government-furnished property, as required by paragraph (e) hereof, and except as specifically provided in clause(s) ____ of this contract, or in the clause or clauses of this contract designated in the Schedule, the Contractor shall not be liable for loss or destruction of or damage to the Government-furnished property (A) caused by any peril while the property is in transit off the Contractor's premises, or (B) caused by any of the following perils while the property is on the Contractor's or subcontractor's premises, or on any other premises where such property may properly be located, or by removal therefrom because of any of the following perils:

(I) Fire; lightning; windstorm, cyclone, tornado, hail; explosion; riot, riot attending a strike, civil commotion; vandalism and malicious mischief; sabotage; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the Contractor or any agent or employee of the Contractor; smoke; sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby rising of a body of water; hostile or warlike action, including action in hindering, combating, or defending against an actual, impending or expected attack by any government or sovereign power (de jure or de facto), or by any authority using military, naval, or air forces, or by an agent of any such government, power, authority, or forces; or

(II) Other peril, of a type not listed above, if such other peril is customarily covered by insurance (or by a reserve for self-insurance) in accordance with the normal practice of the Contractor, or the prevailing practice in the industry in which the Contractor is engaged with respect to similar property in the same general locale.

The perils as set forth in (A) and (B) above are hereinafter called "excepted perils."

The term "Contractor's managerial personnel" as used herein means the Contractor's directors, officers and any of its managers, superintendents, or other equivalent representatives who have supervision or direction of (I) all or substantially all of the Contractor's business; (II) all or substantially all of the Contractor's operation at any one plant or separate location at which the contract is being performed; (III) a separate and complete major industrial operation in connection with the performance of this contract.

(ii) The Contractor represents that it is not including in the price hereunder, and agrees that it will not hereafter include in any price to the Government, any charge or reserve for insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to the Government-furnished property caused by any excepted peril.

(iii) Upon the happening of loss or destruction of or damage to any Government-furnished propery caused by an excepted peril, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has directed that no such organization be employed), shall take all reasonable steps to protect the Government-furnished property from further damage, separate the damaged and undamaged Government-furnished property, put all the Government-furnished property in the best possible order, and furnish to the Contracting Officer a statement of: (A) the lost, destroyed and damaged Government-furnished property (B) the time and origin of the loss, destruction or damage, (C) all known interests in commingled property of which the Government-furnished property is a part, and (D) the insurance, if any covering any part of or interest in such commingled property. The Contractor shall be reimbursed for the expenditures made by it in performing its obligations under this subparagraph (iii) (including charges made to the Contractor by the Loss and Salvage Organization, except any of such charges the payment of which the Government has, at its option, assumed directly), to the extent approved by the Contracting Officer and set forth in a Supplemental Agreement.

(iv) With the approval of the Contracting Officer after loss or destruction of or damage to Government-furnished property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government-furnished property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(v) Except to the extent of any loss or destruction of or damage to Government-furnished property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government-furnished property in accordance with the provisions of this contract, the Government-furnished property (other than property permitted to be sold) shall be returned to the Government is as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (e) above.

(vi) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government-furnished property, caused by an excepted peril, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(vii) (Where applicable.) In the event any aircraft are to be furnished under this contract, any loss or destruction of, or damage to, such aircraft or other Government-furnished property occurring in connection with operations of said aircraft will be governed by the clause of this contract captioned "Flight Risks," to the extent such clause is, by its terms, applicable.

(g) The Government shall at all reasonable times have access to the premises wherein any Government-furnished property is located.

(h) Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government-furnished property not consumed in the performance of this contract (including any resulting scrap), or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government-furnished property, as may be directed or authorized by the Contracting Officer. Recoverable scrap from Government-furnished property shall be reported in accordance with a procedure and in such form as the Contracting Officer may direct. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the Contracting Officer may direct.

(i) Directions of the Contracting Officer and communications of the Contractor issued pursuant to this Clause shall be in writing.

3. Section 412.503 is amended to read as follows.

§ 412.503 *Government property clause for cost-reimbursement type contracts.* The following clause shall be used in cost-reimbursement type contracts for supplies and services (except contracts for experimental, developmental, or research work with educational or nonprofit institutions, where no profit to the Contractor is contemplated) under which a Department is to furnish to the Contractor, or the Contractor is to acquire for the account of the Government, material, special tooling, or industrial facilities within the policy set forth in § 412.402 (a).

GOVERNMENT PROPERTY

(a) The Government shall deliver to the Contractor the property described in the Schedule or the Specifications at the times stated therein, or if not so stated in sufficient time to enable the Contractor to perform this contract. If any of such property

is not delivered to the Contractor by such time or times, the Contracting Officer, upon written request of the Contractor, shall equitably adjust the time of performance of this contract. In no event shall the Government be liable to the Contractor for damages or loss of profit by reason of any delay in or failure to deliver any or all of the items set forth in the Schedule or Specifications.

(b) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs. All the items to be furnished by the Government, as set forth in the Schedule or Specifications, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government property."

(c) Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty. The Contractor shall maintain adequate property control records of the Government property and shall identify the Government property as such in accordance with the provisions of the "Manual for Control of Government property in Possession of Contractors," dated March 1951, which is incorporated herein by reference.

(d) The Government property provided or furnished pursuant to the terms of this contract shall, unless otherwise provided herein, be used only for the performance of this contract.

(e) The Contractor shall maintain and administer in accordance with sound industrial practice, a program for the maintenence, repair, protection and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of Government property.

(f) (i) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto) (A) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who has supervision or direction of (I) all or substantially all of the Contractor's business, or (II) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (III) a separate and complete major industrial operation in connection with the performance of this contract; or (B) which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (A) above, to maintain and administer, in accordance with sound industrial practice, the program for maintenance, repair, protection and preservation of Government property as required by paragraph (e) hereof, or which results from a failure on the part of the Contractor to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (e) hereof; or (C) for which the Contractor is otherwise responsible under the express terms of clause(s) ____ of this contract, or of the clause or clauses designated in the Schedule; or (D) which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or (E) which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement: *Provided,* That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(ii) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(iii) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has designated that no such organization be employed), shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of (A) the lost, destroyed and damaged Government Property, (B) the time and origin of the loss, destruction or damage, (C) all known interests in commingled property of which the Government property is a part, and (D) the insurance, if any, covering any part of or interest in such commingled property. The Contractor shall make repairs and renovations of the damaged Government property or take such other action, as the Contracting Officer directs.

(iv) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, it shall use the proceeds to repair, renovate or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

For use where applicable. (v) In the event any aircraft are to be furnished under this contract, any loss or destruction of, or damage to, such aircraft or other Government property occurring in connection with operations of said aircraft will be governed by the clause of this contract captioned "Flight Risks," to the extent such clause is, by its terms, applicable.

(g) The Government shall at all reasonable times have access to the premises where any of the Government property is located.

(h) The Government property shall remain in the possession of the Contractor for such period of time as is required for the performance of this contract unless the Contracting Officer determines that the interests of the Government require removal of such property. In such case the Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of Government property. In any such instance, the contract may be amended to accomplish an equitable adjustment in the terms and provisions thereof.

(i) Upon the completion of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form acceptable to him, inventory schedules covering all items of the Government property not consumed in the performance of this contract (including any resulting scrap), or not theretofore delivered to the Government, and shall deliver or make such other disposal of the Government property as may be directed by the Contracting Officer. Recoverable scrap shall be reported in accordance with a procedure and in such form as the Contracting Officer may direct. The net proceeds of any such disposal approved by the Contracting Officer shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct.

(j) Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's plant or any portion thereof which is affected by the removal of any Government property.

(k) Directions of the Contracting Officer and communications of the Contractor issued pursuant to this clause shall be in writing.

4. The following § 412.505 is added.

§ 412.505 *Government-furnished property clause for fixed-price contracts (nonprofit research and development contracts).* The following clause shall be used in fixed-price research and development contracts with nonprofit organizations (provided such contracts are executed on a nonprofit basis) under which a Department is to furnish property to the Contractor.

GOVERNMENT-FURNISHED PROPERTY

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property which the schedule or the specifications state the Government will furnish (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property of a type suitable for use will be delivered to the Contractor at the times stated in the schedule, or if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, if requested by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall grant to the Contractor a reasonable extension of time in respect of such delivery or performance dates. The Government shall not be liable to the Contractor for damages or loss by

water; hostile or warlike action, including

directors, officers, or other representatives

reason of any delay in delivery of or failure to deliver any or all of the Government-furnished property, except that in case of such delay or failure, upon the written request of the Contractor, an equitable adjustment shall be made in the delivery or performance dates, or price, or both, and in any other contractual provision affected thereby, in accordance with the procedures provided for in the clause of this contract entitled "Changes."

(b) By notice in writing the Contracting Officer may decrease the property furnished or to be furnished by the Government under this contract. In any such case, upon the written request of the Contractor, an equitable adjustment shall be made in the delivery or performance dates, or price, or both, and in any other contractual provisions affected by such decrease, in accordance with the procedures provided for in the clause of this contract entitled "Changes."

(c) Title to the Government-furnished property shall remain in the Government. Title to Government-furnished property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-furnished property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(d) The Government-furnished property shall, unless otherwise provided herein, and except as may be otherwise approved by the Contracting Officer, be used only for the performance of this contract.

(e) The Contractor shall maintain and administer, in accordance with sound business practice, a program for the maintenance, repair, protection and preservation of Government-furnished property, until disposed of by the Contractor in accordance with this clause. In the event that damaged or defective Government-furnished property is delivered to the Contractor, or any other damage occurs to Government-furnished property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided, however*, That if the Contractor cannot effect such repair within the time required, the Contractor may reject such property. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in the contract price for any such repair or replacement of Government-furnished property made at the direction of the Government. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at its own expense.

(f) The provisions of Part III, Appendix C, Armed Services Procurement Regulation, Manual for Control of Government Property in Possession of Non-Profit Research and Development Contractors, as issued under date of June 1952, insofar as they relate to Government-furnished property, are herein incorporated by reference. The Contractor agrees to comply with the provisions thereof relating to the keeping of property control records, identification and marking, segregation and commingling, taking of inventories, and control of salvage and scrap, and the Contractor also accepts the responsibilities set forth in said Part III with respect to Government-furnished property.

(g) The Contractor agrees to make available to authorized representatives of the Contracting Officer at all reasonable times at the office of the Contractor all of its property records under this contract, and access to any premises where any of the Government-furnished property is located.

(h) (i) The Contractor shall not be liable for any loss of or damage to the Government-furnished property, or for expenses incidental to such loss or damage except that the Contractor shall be liable for any such loss or damage (including expenses incidental thereto):

(A) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives who have supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant, laboratory, or separate location in which this contract is being performed; or

(B) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (A) above, to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection and preservation of Government-furnished property as required by subparagraph (e) above; or

(C) For which the Contractor is otherwise responsible under the express terms of clause(s) ---- of this contract, or of the clause or clauses designated in the (insert "task orders," "schedules," or "specifications" as appropriate); or

(D) Which results from a risk expressly required to be insured under some other provision of this contract, or of the schedules or task orders thereunder, but only to the extent of the insurance so required to be procured and maintained or to the extent of insurance actually procured and maintained, whichever is greater; or

(E) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement;

Provided, That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(ii) The Contractor represents that it is not including in the price hereunder, and agrees that it will not hereafter include in any price to the Government, any charge or reserve for insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to the Government-furnished property, except to the extent that the risk of loss is imposed on the Contractor under (i) (C) above, or insurance has been required under (i) (D) above.

(iii) Upon the happening of loss or destruction of or damage to any Government-furnished property, the Contractor shall notify the Contracting Officer thereof and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has directed that no such organization be employed) shall take all reasonable steps to protect the Government-furnished property from further damage, separate the damaged and undamaged Government-furnished property, put all the Government-furnished property in the best possible order, and furnish to the Contracting Officer a statement of:

(A) The lost, destroyed and damaged Government-furnished property;

(B) The time and origin of the loss, destruction or damage;

(C) All known interests in commingled property of which the Government-furnished property is a part; and

(D) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall be reimbursed for the expenditures made by it in performing its obligations under this subparagraph (iii) (including charges made to the Contractor by the Loss and Salvage Organization, except any of such charges the payment of which the Government has, as its option, assumed directly), to the extent approved by the Contracting Officer and set forth in a Supplemental Agreement or amendment to this contract.

(iv) With the approval of the Contracting Officer after loss or destruction of or damage to Government-furnished property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government-furnished property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(v) Except to the extent of any loss or destruction of or damage to Government-furnished property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government-furnished property in accordance with the provisions of this contract, the Government furnished property (other than property permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (e) above.

(vi) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government-furnished property, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(vii) (Where applicable.) In the event any aircraft are to be furnished under this contract any loss or destruction of, or damage to, such aircraft or other Government-furnished property occurring in connection with operations of said aircraft will be governed by the clause of this contract captioned "Flight Risks," to the extent such clause is, by its terms, applicable.

(i) Upon completion or expiration of this contract, any Government property which has not been consumed in the performance of this contract, or which has not been disposed of as hereinafter provided in subparagraph (i) of this article, or for which the Contractor has not otherwise been relieved of responsibility, shall be disposed of in the same manner, and subject to the same procedures, as is provided in subparagraph (g) of the clause of this contract entitled "Termination for the Convenience of the Government" with respect to termination inventory. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be credited to the price or costs of the work covered by this contract, or shall be paid in such other manner as the Contracting Officer may direct. Pending final disposition of such property, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation thereof.

(j) If the Contractor Officer determines that the interests of the Government require removal of any Government-furnished property, or if the Contractor determines any Government-furnished property to be in excess of its needs under this contract, such Government-furnished property shall be disposed of in the same manner as covered by paragraph (i) above. In the event that the Contracting Officer requires the removal of any Government-furnished property under this subparagagh (j) or subparagraph (i) above, upon written request of the Contractor, an equitable adjustment shall be made in the contract price in accordance with the procedures provided for in the clause of this contract entitled "Changes," to cover the direct cost to the Contractor of such removal and of any property damage occasioned thereby.

5. The following § 412.506 is added.

§ 412.506 *Government property clauses for cost-reimbursement type contracts (nonprofit research and development contracts).* The following shall be used in cost-reimbursement type research and development contracts with nonprofit organizations (provided such contracts are executed on a nonprofit basis) under which a Department is to furnish Government property to the Contractor, or the Contractor is to acquire property for the account of the Government.

GOVERNMENT PROPERTY

(a) The Government shall deliver to the Contractor the property described in the ---------- (insert "task orders," "schedule," or "specifications," as appropriate) at the time or times stated therein, or if not so stated in sufficient time to enable the Contractor to perform this contract. If any of such propery is not delivered to the Contractor by such time or times, the Contracting Officer, upon written request of the Contractor, shall equitably adjust the time of performance of this contract. In no event shall the Government be liable to the Contractor for damages or loss by reason of any delay in or failure to deliver any or all of the items set forth in the ---------- (insert "task orders," "schedule," or "specifications," as appropriate).

(b) The Government may deliver to the Contractor property in addition to that set forth in the ---------- (insert "task orders," "schedule," or "specifications," as appropriate). At the time of such delivery the contract may be amended if appropriate, to accomplish an equitable adjustment in the terms and provisions thereof.

(c) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is to be reimbursed to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs. All the items to be furnished by the Government, as set forth in subparagraphs (a) and (b) above, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government Property."

(d) Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(e) The Government property provided or furnished pursuant to the terms of this contract shall, unless otherwise provided herein and except as may be otherwise approved by the Contracting Officer, be used only for the performance of this contract.

(f) The Contractor shall maintain and administer in accordance with sound business practice a program for the maintenance, repair, protection and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of the Government property.

(g) The provisions of Part III, Appendix C, Armed Services Procurement Regulation, Manual for Control of Government Property in Possession of Non-Profit Research and Development Contracts, as issued under date of June 1952, are herein incorporated by reference. The Contractor agrees to comply with the provisions thereof relating to the keeping of property control records, identification and marking, segregation and commingling, taking of inventories, and control of salvage and scrap, and the Contractor also accepts the responsibilities set forth in said Part III with respect to Government property.

(h) The Contractor agrees to make available to authorized representatives of the Contracting Officer at all reasonable times at the office of the Contractor all of its property records under this contract, and access to any premises where any of the Government property is located.

(i) (i) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(A) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who has supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant, laboratory, or separate location in which this contract is being performed; or

(B) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (A) above, to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection and preservation of Government property as required by subparagraph (f) above, or which results from a failure on the part of the Contractor to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under subparagraph (f) above; or

(C) For which the Contractor is otherwise responsible under the express terms of clause(s) ---- of this contract, or of the clause or clauses designated in the ---------- (insert "task order," "schedules," or "specifications," as appropriate); or

(D) Which results from a risk expressly required to be insured under some other provision of this contract, or of the schedules or task orders thereunder, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(E) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement; provided that, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(ii) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(iii) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has designated that no such organization be employed), shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of:

(A) The lost, destroyed and damaged Government property;

(B) The time and origin of the loss, destruction or damage;

(C) All known interests in commingled property of which the Government property is a part, and

(D) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government property or take such other action as the Contracting Officer directs.

(iv) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, it shall use the proceeds to repair, renovate or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(j) (Where applicable.) In the event any aircraft are to be furnished under this contract, any loss or destruction of, or damage to, such aircraft or other Government property occurring in connection with operations of said aircraft will be governed by the clause of this contract captioned "Flight Risks," to the extent such clause is, by its terms, applicable.

(j) The Government property shall remain in the possession of the Contractor for such period of time as is required for the performance of this contract unless the Contracting Officer determines that the interests of the Government require removal of such property. In such case the Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of Government property. In any such instance, the contract may be

amended to accomplish an equitable adjustment in the terms and provisions thereof.

(k) Upon completion or expiration of this contract, any Government property which has not been consumed in the performance of this contract, or which has not been disposed of as hereinafter provided in subparagraph (1) of this clause, or for which the Contractor has not otherwise been relieved of responsibility, shall be disposed of in the same manner, and subject to the same procedures, as is provided in subparagraph (g) of the clause of this contract entitled 'Termination for the Convenience of the Government" with respect to termination inventory. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be credited to the cost of the work covered by this contract, or shall be paid in such other manner as the Contracting Officer may direct. Pending final disposition of such property, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation thereof.

(l) If the Contracting Officer determines that the interests of the Government require removal of any Government property, or if the Contractor determines any Government property to be in excess of its needs under this contract, such Government property shall be disposed of in the same manner as provided by subparagraph (k) above. In the event that the Contracting Officer requires the removal of any Government property under this subparagraph (l) or subparagraph (k) above, the direct cost to the Contractor of such removal and of any property damage occasioned thereby shall constitute an allowable cost hereunder.

(m) Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's plant or any portion thereof which is affected by the removal of any Government property.

(n) Directions of the Contracting Officer and communications of the Contractor issued pursuant to this clause shall be in writing.

(Sec. 3, 62 Stat. 259; 50 U. S. C. App. Sup. 1198)

J. D. SMALL,
Chairman, Munitions Board.

[F. R. Doc. 52-13114; Filed, Dec. 12, 1952; 8:45 a. m.]

Chapter V—Department of the Army

Subchapter F—Personnel

PART 571—RECRUITING AND ENLISTMENTS

RECRUITING FOR REGULAR ARMY

In § 571.2 (h), subparagraph (19) is revised and subparagraph (22) is added, as follows:

§ 571.2 *Qualifications for enlistment.* * * *

(h) *Classes ineligible for enlistment.* * * *

(19) Selective Service registrants: No waivers will be granted.

(i) Selective Service registrants who have received orders from their Selective Service local boards to report for induction.

(ii) Registrants reclassified into class 1-A-P, unless their classification is changed by their local boards.

(22) Conscientious objectors: Original enlistment of applicants who indicate in any form whatsoever conscientious opposition to the bearing of arms. Included are personnel otherwise eligible for enlistment under § 571.3 (a) (3) of this part. No waivers will be granted.

[Cl, SR 615-105-1, Oct. 16, 1952] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-13148; Filed, Dec. 12, 1952; 8:52 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 52—RURAL DELIVERY

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

1. Section 52.53 *Record of special-delivery matter* is rescinded.

(Sec. 3 (a) (3), 60 Stat. 238; 5 U. S. C. 1002 (a) (3))

2. In § 127.324 *Panama* make the following changes in paragraph (b) (1):

a. Delete the tabulated information immediately following the table of surface parcel rates in subdivision (i).

b. Add a new subdivision (ii) to read as follows:

(ii) Air parcels. Rates: $0.91 for the first 4 ounces; and $0.21 for each additional 4 ounces or fraction.

Weight limit: 44,[1] 70 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 25 cents.
Insurance: No.
C. o. d.: No.
Each air parcel must have affixed the blue Par Avion Label (Form 2978).
(See § 127.55 (b)).

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25; 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-13115; Filed, Dec. 12, 1952; 8:45 a. m.]

PART 53—SPECIAL DELIVERY

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

1. In § 53.3 *Rates on special-delivery matter* add new paragraph (d) to read as follows:

(d) *Official penalty or franked matter.* Official matter in penalty or franked envelopes is not entitled to free special delivery, but shall be chargeable for special delivery service, except in the case of urgent official communications of the Post Office Department only.

(R. S. 161, 396; sec. 2, 24 Stat. 221, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 171)

2. In § 127.264 *Germany* (17 F. R. 660; 8294) amend subdivision (iii) of paragraph (b) (4) to read as follows:

(iii) *Soviet Zone (including the Soviet sector of Berlin).* Only gift parcels may be sent. The East German authorities require that each parcel may contain not more than 8¾ ounces of coffee, cocoa or chocolate, and not more than 1¾ ounces of tobacco products. Parcels containing larger amounts of these items may be confiscated by the East German customs authorities.

3. In § 127.268 *Great Britain and Northern Ireland.* (England, Scotland and Wales; also Northern Ireland) (17 F. R. 10411) amend subdivision (i) of paragraph (a) (8) to read as follows:

(i) The permission of the British Treasury is required for the importation of (*a*) paper money which is or has been legal tender in Great Britain and Northern Ireland; (*b*) British treasury notes; (*c*) all securities regardless of issue, whether canceled or not, and documents certifying to their destruction or cancellation, except sterling "Registered Certificates" relating to securities on which the interest or dividends are not payable by coupons.

4. In § 127.304 *Mexico* amend paragraph (a) (12) by deleting the second sentence of subdivision (ii).

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-13117; Filed, Dec. 12, 1952; 8:46 a. m.]

PART 155—FORMS OF THE POST OFFICE DEPARTMENT

FORMS USED BY FIRST ASSISTANT POSTMASTER GENERAL

Amend Subpart B of Part 155 by inserting the following sections:

§ 155.704b *Form 22—Aux.; orders to change address.* This form is letter size with space for 32 change of address orders. It is for use where a number of patrons using the same mailing address request a change of address to become effective on approximately the same date. The form was designed for use at fraternity and sorority houses at the end of the school term or school year and will eliminate the handling of individual Forms 22 for each of such changes of address. The carrier will furnish Form 22—Aux. to the house manager or agent for completion of the necessary information relating to the individual changes of address to be reported thereon. This information includes the patrons names listed alphabetically, whether the change is permanent or temporary, effective date, mail for which forwarding postage will be guaranteed, and the new address.

[1] Air parcels are limited to 44 pounds in weight.

§ 155.707 *Form 1525; slip—notice to new patron of zone number and delivery unit.* This form is for use by postmasters at offices of the first and second classes to acquaint new patrons of a city delivery route with their postal delivery zone number, if any, and with the name and location of the delivery unit from which such route is served. This form also serves as a reminder to new patrons that certain action should be taken on their part to notify correspondents, and others, of their new address, and invites inquiries regarding the use of the postal service.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-13116; Filed, Dec. 12, 1952; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 182]

CPR 182—SOUTH CENTRAL HARDWOOD AND YELLOW CYPRESS LUMBER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 182 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes specific dollars-and-cents ceiling prices at the manufacturing level for Hardwood and Yellow Cypress lumber produced in the South Central Hardwood Region, consisting of the States of Kansas and Missouri and parts of Illinois, Kentucky, and Tennessee. Although Yellow Cypress is a softwood, it is covered by this regulation because it is found in the same timber stands and sawed in the same mills as the hardwoods. The hardwood lumber covered by this regulation is produced from deciduous trees, the most important of which are the Red and White Oaks, Soft Maple, Poplar, Beech, and Ash.

The South Central hardwood lumber industry consists of some 4,400 mills, most of which are small operations producing less than one million board feet per year. A substantial part of the total production is from a relatively few integrated companies which turn out rough and surfaced lumber, and various lumber products. The total output of the hardwood industry in this area, according to the Census of Manufacturers in 1947, was 560 million board feet, which was about 7.5 percent of the total hardwood lumber production in the United States. Approximately one-half of the lumber produced in this South Central Region is consumed by its own wood-using industries, and by construction users within the region.

Ceiling prices are set at the mill level on an f. o. b. mill basis. The regulation also provides for sales on a delivered basis, in which case established air-dried and green weights set forth in this regulation must be applied in computing transportation additions. A table of percentages is given for use in computing the weights of kiln-dried, surfaced, and resawn lumber.

The regulation requires that the lumber covered be graded in accordance with the 1952 "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers and Thin Lumber," published by the National Hardwood Lumber Association.

Pending the issuance of an applicable service regulation, lumber sold surfaced, resawn, or kiln-dried may include a charge not to exceed the highest amount added for such services in a sale to a purchaser of the same class made during the period of January 25, 1951, through February 24, 1951.

Lumber sold on specifications for special widths or lengths may include a charge not to exceed the highest amount added for such special sizes in a sale to a purchaser of the same class made during the period of January 25, 1951, through February 24, 1951.

The ceiling price of items covered by the regulation for which dollars-and-cents ceiling prices are not shown is the highest price charged to a purchaser of the same class during the period of January 25, 1951, through February 24, 1951.

In recognition of their historic function in this industry, provision is made for allowing commission men, through whom a sale may be made, an addition to the mill ceiling price.

Provision is made for additions to ceiling prices for retail-type sales, mixed carloads or mixed truckload shipments, bundling, stenciling, and anti-stain treatment. These additions are included in this tailored regulation in order to insure continuation under price stabilization of standard industry practices.

In determining the ceiling prices in this regulation, the Director considered: (1) Price data filed with OPS by lumber manufacturers of this region and adjacent regions; (2) price data compiled by private organizations; (3) the normal price relationships of items within and among species in this region; (4) the normal relationship between prices of hardwood lumber in this region and adjacent regions; and (5) the freight rate advantage enjoyed by mills in this region as compared with other hardwood lumber manufacturing regions. Except where it was found necessary to correct distorted price relationships among items of each species, between species, or distorted price relationships between this region and other hardwood regions, the ceiling prices established by this regulation are approximately at the average of the GCPR ceiling prices filed with OPS by mills located in the South Central Region.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24 to June 24, 1950, inclusive; to prices prevailing from January 25 to February 24, 1951, inclusive; to prices prevailing just before the issuance of this regulation; and to relevant factors of general applicability.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included one meeting with the South Central Hardwood Lumber Industry Advisory Committee, and one meeting with a subcommittee thereof.

Every effort has been made to conform this regulation to business practices existing in the South Central Hardwood Region with respect to the production, sale, and distribution of hardwood and Yellow Cypress lumber produced in that area. Insofar as any provisions of this regulation may operate to compel changes in these business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

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AUTHORITY: Sections 1.1 to 6.9 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—COVERAGE

SECTION 1.1 *What this regulation does.* This regulation establishes manufacturers' dollars-and-cents ceiling prices for most standard grades and items of air-dried and green rough hardwood and Yellow Cypress lumber produced in the South Central Hardwood Lumber Region (as defined in section 1.3 (d)). The regulation also provides ceiling prices for special items.

SEC. 1.2 *Which regulation is superseded.* Except as otherwise provided in section 6.4 (a), the General Ceiling Price Regulation is superseded in respect to all transactions covered by this regulation.

SEC. 1.3 *Items, species, and area of production covered.* (a) This regulation covers all hardwood and Yellow Cypress lumber produced in the South Central Hardwood Lumber Region. It does not cover items fabricated from lumber such as flooring, hand rails, mouldings, step treads and thresholds, and sawn timbers such as cross ties, mine ties, switch ties, mine material, navy oak ship stock, and small dimension stock.

(b) The term "hardwood lumber" refers to all lumber produced from broad-leaved deciduous trees, with the exception of Black Walnut (Juglans nigra), and specifically includes the following species: Ash (Fraxinus sp.), Basswood (Tilia sp.), Beech (Fagus grandifolia), Birch (Betula sp.), Cherry (Prunus serotina), Cottonwood (Populus sp.), Soft Elm (Ulmus americana), Black Gum (Nyssa sylvatica), Sap Gum and Red Gum (Liquidambar styraciflua), Hackberry (Celtis occidentalis), Hickory (Carya sp.), Locust (Gleditsia triacanthos), Hard Maple (Acer saccharum), Soft Maple (Acer rubrum), Red Oak (Quercus sp.), White Oak (Quercus sp.), Pecan (Carya illinoensis), Poplar (Liriodendron tulipifera), Sycamore (Platenus occidentalis), Tupelo (Nyssa aquatica), and Willow (Salix nigra).

(c) "Yellow Cypress lumber" or "Yellow Cypress" includes all species of Baldy Cypress (Taxodium distichum) other than Red Cypress.

(d) The term "South Central Hardwood Lumber Region" refers to an area which includes Kansas and Missouri; the following counties in Kentucky: Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Simpson, Todd, Trigg, Union, Warren, and Webster; the following counties in Tennessee: Bedford, Benton, Carroll, Cheatham, Chester, Crockett, Davidson, Decatur, Dickson, Dyer, Gibson, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lake, Lawrence, Lewis, Lincoln, McNairy, Macon, Madison, Marshall, Maury, Montgomery, Moore, Obion, Perry, Robertson, Rutherford, Steward, Sumner, Trousdale, Wayne, Weakley, Williamson, and Wilson; and the following counties in Illinois: Alexander, Franklin, Hardin, Jackson, Johnson, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Union, and Williamson, and those parts of Clinton, Hamilton, Jefferson, St. Clair, Saline, and Washington counties which lie south or southwest of the tracks of the Louisville and Nashville Railroad.

SEC. 1.4 *Sellers and transactions covered.* (a) This regulation applies to every sale by manufacturers of the lumber covered by this regulation, whether effected directly, or through lumber commission salesmen, and whether the sale is made to a wholesaler, retailer, industrial user, or to any other consumer or reseller. Section 3.1 of this regulation provides an addition to cover the services of a lumber commission salesman. Supplementary Regulation 87 to the General Ceiling Price Regulation establishes a formula for determining wholesalers' and other resellers' markups which may be added to manufacturers' selling prices. The ceiling prices for export sales are covered by Ceiling Price Regulation 61, except as otherwise set forth in section 4.1 (a) (3) of this regulation.

(b) The term "manufacturer" includes sawmills, planing mills, and concentration yards. Sawmills are establishments producing rough lumber from logs by sawing. Planing mills are establishments surfacing lumber by planing. Concentration yards are establishments which receive rough lumber, chiefly in green condition, from several manufacturers; prepare it for commercial shipment by grading, resorting, drying, planing, resawing, or other processing; and sell their lumber chiefly to large industrial users, resellers, or building contractors.

(c) The term "lumber commission salesmen" is defined in section 3.1.

SEC. 1.5. *Geographical applicability.* Every manufacturer's sale for delivery (f. o. b. mill or on a delivered basis) in the forty-eight states of the United States or in the District of Columbia, is subject to this regulation, whether or not the sale of the lumber is made in the United States.

SEC. 1.6. *How to determine your ceiling prices.* (a) This section furnishes a general guide as to how to determine your ceiling prices under this regulation. It also shows how ceiling price provisions of this regulation are related to each other.

(b) The basic ceiling prices established in article II of this regulation are f. o. b. mill ceiling prices. Additions to these ceiling prices may be made under the circumstances shown in the table below:

Additions	*Where shown in regulation*
Shipments in straight or mixed cars of the better grades	Section 2.1
Special widths and lengths	Section 2.2
Sales through lumber commission salesmen	Section 3.1
Retail-type sales	Section 3.2
Special services required	Article IV
Sales on a delivered basis	Section 5.2
Mixed car shipments	Section 5.3

(c) The ceiling prices for various standard grades and items of lumber subject to this regulation are shown in section 2.1; for Banding Oak and other listed grades, in section 2.3; for tie siding, in section 2.4; for construction boards, in section 2.5; for residue lumber, in section 2.6; for ungraded lumber, in section 2.7; and for lumber that is kiln-dried, resawn, and surfaced, in section 2.8. Note that under certain circumstances described in section 5.5 you must allow a discount for cash.

ARTICLE II—CEILING PRICES

SEC. 2.1 *Graded rough hardwood and Yellow Cypress lumber.* The ceiling prices f. o. b. mill and the established weights for standard grades of rough hardwood and Yellow Cypress lumber in random widths and lengths, produced in the South Central Hardwood Lumber Region, are as follows: (All prices shown are per thousand feet).

(a) *Hardwood lumber—*

(1) *Firm to Tough Ash (Air-dried or green).*

Thickness (inch)	Established air-dried or green weight (pounds per 1,000 feet)	FAS	FAS 1 Face	No. 1 Common	No. 2 Common	No. 3 Common
4/4	4,000	$160	$150	$115	$65	$45
5/4	4,000	170	160	120	66	45
6/4	4,100	175	165	125	70	45
8/4	4,200	190	180	145	75	45
10/4	4,200	200	190	150	80	----
12/4	4,300	220	210	160	85	----
16/4	4,300	230	220	170	90	----

When an order includes no grades lower than FAS 1 Face in a specified thickness of Firm to Tough Ash, you may add not more than $25.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Firm to Tough Ash. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

When sold as, and shipped in, straight or mixed cars of No. 1 Common or No. 1 Common and Better, you may add not more than $10.00 per thousand feet to the applicable ceiling prices listed above for Firm to Tough Ash of grades No. 1 Common, FAS 1 Face, and FAS.

(5) *Cherry.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,100	5,200	$220	$143	$210	$137	$150	$98	$90	$59	$45	$29
5/4	4,100	5,200	230	149	220	143	165	107	95	62	45	29
6/4	4,200	5,400	240	156	230	150	170	111	95	62	45	29
8/4	4,300	5,500	250	163	240	156	180	117	100	65	----	----
10/4	4,300	5,500	270	175	260	169	190	124	----	----	----	----
12/4	4,400	5,600	280	182	270	176	200	130	----	----	----	----
16/4	4,400	5,600	290	189	280	182	210	137	----	----	----	----

When an order includes no grades lower than FAS 1 Face in a specified thickness of Cherry, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Cherry. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(6) *Cottonwood.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	4,900	$113	$73	$103	$67	$85	$57	$72	$47	$43	$28
5/4	3,000	4,900	118	77	108	70	90	60	73	49	43	28
6/4	3,100	5,100	128	83	118	77	98	64	76	51	43	28
8/4	3,100	5,200	133	86	123	80	103	70	78	----	----	----

When an order includes no grades lower than FAS 1 Face in a specified thickness of Cottonwood, you may add not more than $25.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Cottonwood. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

For 4/4 Cottonwood, Paneled and Wide No. 1, compute your ceiling prices by adding $25.00 per thousand feet to the applicable ceiling prices listed above for 4/4 Cottonwood of No. 1 Common grade.

For 4/4 Cottonwood Box Boards 9" to 12" wide, compute your ceiling prices by adding $25.00 per thousand feet to the applicable ceiling prices listed above for 4/4 Cottonwood of No. 1 Common grade.

For 4/4 Cottonwood Box Boards 13" to 17" wide, compute your ceiling prices by adding $40.00 per thousand feet to the applicable ceiling prices listed above for 4/4 Cottonwood of FAS grade.

(7) *Soft Elm.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,100	5,800	$183	$84	$173	$47	$107	$41	$80	$32	$45	$29
5/4	4,100	5,800	193	93	183	53	115	45	85	36	45	29
6/4	4,200	5,900	198	97	188	57	120	49	90	40	45	29
8/4	4,200	6,000	208	103	198	63	130	57	95	43	45	29
10/4	4,300	6,000	218	108	208	67	135	60	100	46	45	29
12/4	4,300	6,000	228	113	218	70	145	63	105	48	45	29
16/4	4,400	6,000	238	118	228	73	150	67	110	51	----	----

When an order includes no grades lower than FAS 1 Face in a specified thickness of Soft Elm, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Soft Elm. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(2) *Basswood.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2A Common		No. 2B Common		No. 3A Common		No. 3B Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	4,800	$170	$111	$160	$104	$125	$81	$80	$52	$65	$42	$50	$32	$45	$29
5/4	3,100	5,000	180	117	170	111	130	85	85	55	70	45	55	36	45	29
6/4	3,100	5,000	185	120	175	114	135	89	90	58	75	49	60	39	45	29
8/4	3,200	5,000	190	123	180	117	140	91	----	----	----	----	----	----	----	----

When an order includes no grades lower than FAS 1 Face in a specified thickness of Basswood, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Basswood. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(3) *Beech.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 2A Common		No. 2B Common		No. 3A Common		No. 3B Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,700	3,800	$183	$78	$170	$72	$95	$62	$90	$59	----	----	----	----	----	----	----	----
3/4	2,700	3,800	195	87	181	75	95	62	95	59	----	----	----	----	----	----	----	----
4/4	3,200	4,500	195	91	180	75	105	68	95	62	$80	$52	$65	$42	$50	$32	$45	$29
5/4	3,200	4,500	205	94	190	78	110	72	100	65	85	55	70	45	55	36	45	29
6/4	3,300	4,600	215	98	200	83	115	75	105	68	90	58	75	49	60	39	45	29
8/4	3,300	4,600	225	103	210	87	125	85	110	72	95	62	----	----	----	----	----	----

When an order includes no grades lower than FAS 1 Face in a specified thickness of Beech, you may add not more than $10.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Beech. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(4) *Birch.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,100	5,800	$215	$140	$205	$133	$145	$94	$91	$59	$45	$29
5/4	4,100	5,800	225	145	215	140	150	98	95	62	45	29
6/4	4,200	6,000	235	150	225	145	155	101	95	62	45	29
8/4	4,200	6,000	250	160	240	155	160	104	95	62	45	29

When an order includes no grades lower than FAS 1 Face in a specified thickness of Birch, you may add not more than $20.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Birch. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(8) *Plain Black Gum.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	5,100	$133	$86	$123	$80	$113	$73	$61	$40	$30	$25
5/4	3,500	5,300	143	93	133	86	123	80	63	41	39	25
6/4	3,600	5,400	148	96	138	90	128	83	64	42	39	25
8/4	3,800	5,700	158	103	148	96	138	90	66	43	39	25

When an order includes no grades lower than FAS 1 Face in a specified thickness of Plain Black Gum, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Plain Black Gum. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(9) *Quartered Black Gum.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	5,100	$143	$93	$133	$86	$128	$83	$68	$44
5/4	3,500	5,300	153	99	143	93	133	86	73	47
6/4	3,600	5,400	158	103	148	96	138	90	73	47
8/4	3,800	5,700	183	119	173	112	158	103	78	51
10/4	3,900	5,900	198	129	188	122	173	112	78	51
12/4	4,000	6,000	213	138	203	132	193	125	78	51

When an order includes no grades lower than FAS 1 Face in a specified thickness of Quartered Black Gum, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Quartered Black Gum. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(10) *Plain Red Gum.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,600	5,700	$208	$135	$198	$129	$153	$99	$78	$51
5/4	3,700	5,800	218	142	208	135	163	106	78	51
6/4	3,800	6,000	223	145	213	138	163	106	78	51
8/4	4,000	6,300	253	164	243	158	193	125	83	54

When an order includes no grades lower than FAS 1 Face in a specified thickness of Plain Red Gum, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Plain Red Gum. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(11) *Quartered Red Gum.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,600	5,600	$223	$145	$213	$138	$168	$109	$83	$54
5/4	3,700	5,800	233	151	223	145	178	116	88	57
6/4	3,800	6,000	243	158	233	151	193	125	93	60
8/4	4,000	6,300	258	168	248	161	203	132	103	67
10/4	4,100	6,400	263	171	253	164	213	138	108	70
12/4	4,200	6,600	273	177	263	171	223	145	108	70

When an order includes no grades lower than FAS 1 Face in a specified thickness of Quartered Red Gum, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Quartered Red Gum. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(12) *Plain Sap Gum.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,200	3,400	$111	$72	$101	$66	$95	$62	$51	$33	------	------
3/4	2,700	4,200	125	81	115	75	106	69	57	37	------	------
4/4	3,400	5,300	143	93	133	86	123	80	61	40	$37	$24
5/4	3,500	5,500	153	99	143	93	133	86	63	41	37	24
6/4	3,600	5,600	158	103	148	96	138	90	63	41	37	24
8/4	3,800	5,900	163	106	153	99	143	93	63	41	37	24

When an order includes no grades lower than FAS 1 Face in a specified thickness of Plain Sap Gum, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Plain Sap Gum. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

For 4/4", 5/4", and 6/4" Plain Sap Gum, Panel and Wide No. 1, compute your ceiling prices by adding not more than $75.00 per thousand feet to the applicable ceiling prices listed above for the same thicknesses of Plain Sap Gum of No. 1 Common grade.

For 4/4", 5/4", and 6/4" Plain Sap Gum Box Boards 9" to 12" wide compute your ceiling prices by adding $35.00 per thousand feet to the applicable ceiling prices listed above for the same thicknesses of Plain Sap Gum of FAS grade.

For 4/4", 5/4", and 6/4" Plain Sap Gum Box Boards 13" to 17" wide, compute your ceiling prices by adding not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the same thicknesses of Plain Sap Gum of FAS grade.

(13) *Quartered Sap Gum.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	5,300	$148	$96	$138	$90	$128	$83	$73	$47
5/4	3,500	5,500	163	106	153	99	143	93	78	51
6/4	3,600	5,600	168	109	158	103	148	96	78	51
8/4	3,800	5,900	188	122	178	116	163	106	78	51
10/4	3,900	6,100	208	135	198	129	183	119	78	51
12/4	4,000	6,200	223	145	213	138	198	129	78	51

When an order includes no grades lower than FAS 1 Face in a specified thickness of Quartered Sap Gum, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Quartered Sap Gum. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(14) *Hackberry.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,500	3,500	$103	$67	$93	$60	$86	$56	$59	$38	------	------
4/4	3,500	4,900	113	73	103	67	93	60	68	44	$37	$24
5/4	3,600	5,000	118	77	108	70	98	64	73	47	37	24
6/4	3,700	5,100	128	83	118	77	108	70	78	51	37	24
8/4	3,800	5,300	138	90	128	83	113	73	78	51	37	24
10/4	3,900	5,400	148	96	138	90	123	80	83	54	37	24
12/4	4,000	5,600	158	102	148	96	128	83	83	54	37	24

When an order includes no grades lower than FAS 1 Face in a specified thickness of Hackberry, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Hackberry. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(15) *Hickory.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,700	6,200	$123	$80	$113	$73	$98	$64	$53	$34	$37	$24
5/4	4,800	6,400	133	86	123	80	108	70	58	38	37	24
6/4	4,900	6,500	138	90	128	83	113	73	63	41	37	24
8/4	5,100	6,800	158	103	148	96	133	86	68	44	37	24
10/4	5,200	6,900	168	109	158	103	143	93	73	47	------	------
12/4	5,300	7,000	183	119	173	112	158	103	78	51	------	------

When an order includes no grades lower than FAS 1 Face in a specified thickness of Hickory, you may add not more than $10.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Hickory. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(16) *Locust.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,500	3,200	$83	$54	$73	$47	$67	$44	$49	$32	------	------
3/4	3,100	4,000	93	60	83	54	75	49	55	36	------	------
4/4	4,100	5,200	103	67	93	60	83	54	61	40	$37	$24
5/4	4,200	5,400	108	70	98	64	88	57	63	41	37	24
6/4	4,300	5,500	113	73	103	67	90	59	64	42	37	24
8/4	4,500	5,800	118	77	108	70	93	60	66	43	37	24

When an order includes no grades lower than FAS 1 Face in a specified thickness of Locust, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Locust. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(17) *Hard Maple.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3A Common		No. 3B Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,300	5,900	$202	$131	$192	$125	$132	$86	$80	$52	$70	$46	$42	$27
5/4	4,400	6,000	210	137	200	130	140	91	82	53	72	47	45	29
6/4	4,500	6,200	215	140	205	133	145	94	85	55	72	47	45	29
8/4	4,700	6,400	220	143	210	137	150	98	90	59	74	48	47	31

When an order includes no grades lower than FAS 1 Face in a specified thickness of Hard Maple, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Hard Maple. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

For all No. 1 White Hard Maple, compute your ceiling prices by adding $25.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple in all grades.

For No. 1 and No. 2 White Hard Maple when shipped as mixed and loaded separately, compute your ceiling prices by adding $20.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple in all grades.

For all No. 2 White Hard Maple, compute your ceiling prices by adding $15.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple in all grades.

(18) *Soft Maple—WHAD.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,200	3,600	$107	$70	$97	$63	$91	$59	$56	$36	------	------
3/4	2,700	4,400	120	78	110	72	102	66	58	38	------	------
4/4	3,400	5,500	133	86	123	80	113	73	70	46	$37	$24
5/4	3,500	5,700	143	93	133	86	118	77	75	49	37	24
6/4	3,600	5,900	148	96	138	90	123	80	80	52	37	24
8/4	3,800	6,200	158	103	148	96	128	83	83	54	37	24
10/4	3,900	6,400	163	106	153	99	133	86	89	58	------	------
12/4	4,000	6,500	168	109	158	103	138	90	93	60	------	------

When an order includes no grades lower than FAS 1 Face in a specified thickness of Soft Maple—WHAD, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Soft Maple—WHAD. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(19) *Soft Maple—WHND.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	5,500	$123	$80	$113	$73	$98	$64	$68	$44	$37	$24
5/4	3,500	5,700	128	83	118	77	103	67	73	47	37	24
6/4	3,600	5,900	133	86	123	80	108	70	78	51	37	24
8/4	3,800	6,200	138	90	128	83	113	73	83	54	37	24
10/4	3,900	6,400	148	96	138	90	123	80	83	54	------	------
12/4	4,000	6,500	158	103	148	96	128	83	83	54	------	------

When an order includes no grades lower than FAS 1 Face in a specified thickness of Soft Maple—WHND, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Soft Maple—WHND. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(20) *Plain Red Oak.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		Sound Wormy		No. 3A Common		No. 3B Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	3,600	$145	$94	$135	$88	$95	$62	$65	$42	$65	$42	$50	$33	$40	$26
3/4	3,200	4,400	160	104	150	98	105	68	70	46	70	46	50	33	40	26
4/4	4,200	5,800	185	120	175	114	120	78	80	52	70	46	70	46	45	29
5/4	4,300	5,900	195	127	185	120	130	85	85	55	75	49	75	49	45	29
6/4	4,400	6,000	205	133	195	127	140	91	90	59	90	59	80	52	45	29
8/4	4,600	6,300	215	140	205	133	150	98	95	62	95	62	90	59	45	29
10/4	4,700	6,400	240	156	230	150	165	107	100	65	100	65	------	------	------	------
12/4	4,800	6,600	250	163	240	156	170	111	100	65	100	65	------	------	------	------
16/4	5,000	6,800	260	169	250	163	175	114	100	65	100	65	------	------	------	------

When an order includes no grades lower than FAS 1 Face in a specified thickness of Plain Red Oak, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Plain Red Oak. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

For Plain Red Oak Step Plank, compute your ceiling prices by adding $45.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of FAS grade.

For No. 1 Common Plain Red Oak Step Plank, compute your ceiling prices by adding $35.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of No. 1 Common grade.

For FAS Plain Red Oak Sill Stock, compute your ceiling prices by adding $45.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of FAS grade.

For No. 1 Common Plain Red Oak Sill Stock, compute your ceiling prices by adding $25.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of No. 1 Common grade.

When mixed Red and White Oak lumber is shipped, you must apply the Plain Red Oak ceiling prices unless the species are loaded separately in the shipment.

(21) *Quartered Red Oak.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,200	5,800	$220	$143	$210	$137	$150	$98	$85	$55
5/4	4,300	5,900	230	150	220	143	155	101	100	65
6/4	4,400	6,000	235	153	225	146	160	104	100	65
8/4	4,600	6,300	250	163	240	156	170	111	100	65

When an order includes no grades lower than FAS 1 Face in a specified thickness of Quartered Red Oak, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Quartered Red Oak. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(22) *Rift Sawn Red Oak.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,200	5,800	$240	$156	$230	$150	$160	$104
5/4	4,300	5,900	250	163	240	156	170	111
6/4	4,400	6,000	260	169	250	163	180	117
8/4	4,600	6,300	280	182	270	176	195	127

When an order includes no grades lower than FAS 1 Face in a specified thickness of Rift Sawn Red Oak, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Rift Sawn Red Oak. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(23) *Plain White Oak.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		Sound Wormy		No. 3A Common		No. 3B Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	3,600	$160	$104	$150	$98	$95	$62	$65	$42	$65	$42	$50	$33	$40	$26
3/4	3,200	4,400	170	111	160	104	105	68	70	46	70	46	50	33	40	26
4/4	4,200	5,800	210	137	200	130	125	81	82	53	82	53	72	47	45	29
5/4	4,300	5,900	225	146	215	140	140	91	85	55	85	55	75	49	45	29
6/4	4,400	6,000	230	150	220	143	145	94	90	59	90	59	75	49	45	29
8/4	4,600	6,300	240	156	230	150	155	101	100	65	100	65	80	52	45	29
10/4	4,700	6,400	250	163	240	156	165	107	100	65	100	65	------	------	------	------
12/4	4,800	6,600	270	176	260	169	180	117	100	65	100	65	------	------	------	------
16/4	5,000	6,800	280	182	270	176	190	124	100	65	100	65	------	------	------	------

When an order includes no grades lower than FAS 1 Face in a specified thickness of Plain White Oak, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Plain White Oak. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order. For FAS Plain White Oak Step Plank, compute your ceiling prices by adding $55.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of FAS grade.

For No. 1 Common Plain White Oak Step Plank, compute your ceiling prices by adding $45.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of No. 1 Common grade.

For FAS Plain White Oak Sill Stock, compute your ceiling prices by adding $35.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of FAS grade.

For No. 1 Common Plain White Oak Sill Stock, compute your ceiling prices by adding $25.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of No. 1 Common grade.

(24) *Quartered White Oak.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	3,600	$235	$153	$225	$146	$144	$94	------	------	------	------
3/4	3,200	4,400	260	169	250	162	160	104	------	------	------	------
4/4	4,200	5,800	270	175	260	169	170	110	$85	$55	$70	$46
5/4	4,300	5,900	280	182	270	176	180	117	90	58	80	52
6/4	4,400	6,000	290	188	280	182	190	123	90	58	80	52
8/4	4,600	6,300	300	195	290	188	195	127	90	58	80	52
10/4	4,700	6,400	320	208	310	201	210	136	100	65	------	------
12/4	4,800	6,600	345	224	335	217	225	146	100	65	------	------

When an order includes no grades lower than FAS 1 Face in a specified thickness of Quartered White Oak, you may add not more than $40.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Quartered White Oak. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

For 4/4" 2"-5½" wide clear Quartered White Oak Strips, your ceiling price is $200.00 per thousand feet.

For 4/4" 2"-5½" wide No. 1 Common Quartered White Oak Strips, your ceiling price is $140.00 per thousand feet.

(25) *Rift Sawn White Oak.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,200	5,800	$315	$205	$305	$198	$200	$130
5/4	4,300	5,900	325	211	315	205	210	136
6/4	4,400	6,000	335	218	325	211	220	143
8/4	4,600	6,300	345	224	335	218	230	149

When an order includes no grades lower than FAS 1 Face in a specified thickness of Rift Sawn White Oak, you may add not more than $40.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Rift Sawn White Oak. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

For 4/4" 2"-5½" wide FAS Rift Sawn White Oak Strips, your ceiling price is $240.00 per thousand feet.

For 4/4" 2"-5½" wide No. 1 Common Rift Sawn White Oak Strips, your ceiling price is $150.00 per thousand feet.

(26) *Pecan.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,700	6,400	$123	$80	$113	$73	$98	$64	$53	$34	$47	$24
5/4	4,800	6,600	133	86	123	80	108	70	58	38	37	24
6/4	4,900	6,700	138	90	128	83	113	73	63	41	37	24
8/4	5,100	7,000	158	103	148	96	133	86	68	44	37	24
10/4	5,200	7,100	168	109	158	103	143	93	73	47	------	------
12/4	5,300	7,300	183	119	173	112	158	103	78	51	------	------

When an order includes no grades lower than FAS 1 Face in a specified thickness of Pecan, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Pecan. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(27) *Poplar.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		Saps		No. 1 Common		No. 2A Common		No. 2B Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,200	2,900	$140	$91	$130	$85	$120	$78	$105	$68	$70	$46	$50	$33	$35	$23
3/4	2,700	3,500	160	104	150	98	140	91	115	75	75	49	55	36	35	23
4/4	3,400	4,500	200	130	190	124	180	117	140	91	90	59	65	42	40	26
5/4	3,500	4,700	205	133	195	127	185	120	145	94	95	62	67	44	42	27
6/4	3,600	4,800	215	140	205	133	195	127	155	101	100	65	69	45	42	27
8/4	3,800	5,100	230	150	220	143	210	137	165	107	101	66	69	45	42	27
10/4	3,900	5,200	245	159	235	153	225	146	170	111	103	67	69	45	42	27
12/4	4,000	5,300	265	172	255	166	245	159	175	114	105	68	69	45	42	27

When an order includes no grades lower than Saps in a specified thickness of Poplar, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Poplar. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

For all grades and thicknesses of Quartered Poplar, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for plain sawn Poplar.

For Bunk Poplar 4/4" FAS, FAS 1 Face, Saps, and No. 1 Common grades, compute your ceiling prices by adding $25.00 per thousand feet to the applicable ceiling prices listed above for 4/4" plain sawn Poplar of grades FAS, FAS 1 Face, Saps, and No. 1 Common, respectively.

(28) *Plain Sycamore.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,200	3,100	$113	$73	$103	$67	$93	$60	$58	$38	$30	$20
3/4	2,700	3,800	115	75	105	68	95	62	60	39	32	21
4/4	3,400	4,800	118	77	108	70	98	64	63	41	37	24
5/4	3,500	4,900	123	80	113	73	100	65	63	41	37	24
6/4	3,600	5,100	128	83	118	77	108	70	63	41	37	24
8/4	3,800	5,400	146	95	136	88	119	77	67	44	37	24

When an order includes no grades lower than FAS 1 Face in a specified thickness of Plain Sycamore, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Plain Sycamore. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(29) *Quartered Sycamore.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,200	3,100	$123	$80	$113	$73	$103	$67	$58	$38
3/4	2,700	3,800	130	85	120	78	113	73	60	39
4/4	3,100	4,800	138	90	128	83	123	80	63	41
5/4	3,500	5,000	143	93	133	86	128	83	63	41
6/4	3,600	5,100	148	96	138	90	133	86	63	41
8/4	3,800	5,400	153	99	143	93	138	90	63	41

When an order includes no grades lower than FAS 1 Face in a specified thickness of Quartered Sycamore, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Quartered Sycamore. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(30) *Plain Tupelo.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,200	3,300	$111	$72	$101	$66	$95	$62	$51	$33	------	------
3/4	2,700	4,000	125	81	115	75	106	69	57	37	------	------
4/4	3,400	5,100	143	93	133	86	123	80	61	40	$37	$24
5/4	3,500	5,200	153	99	143	93	133	86	63	41	37	24
6/4	3,600	5,400	158	103	148	96	138	90	63	41	37	24
8/4	3,800	5,700	163	106	153	99	143	93	63	41	37	24

When an order includes no grades lower than FAS 1 Face in a specified thickness of Plain Tupelo, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Plain Tupelo. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(31) *Quartered Tupelo.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2A Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	5,100	$148	$96	$138	$90	$128	$83	$73	$47
5/4	3,500	5,200	163	106	153	99	143	93	78	51
6/4	3,600	5,400	168	109	158	103	148	96	78	51
8/4	3,800	5,700	188	122	178	116	163	106	78	51
10/4	3,900	5,800	208	135	198	129	183	119	78	51
12/4	4,000	6,000	223	145	213	138	198	129	78	51

When an order includes no grades lower than FAS 1 Face in a specified thickness of Quartered Tupelo, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Quartered Tupelo. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(32) *Willow.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
3/4	2,400	3,700	$128	$83	$118	$77	$108	$70	$58	$38	$43	$28
4/4	3,000	4,600	143	93	133	86	123	80	66	43	43	28
5/4	3,000	4,600	145	94	135	88	125	81	68	44	43	28
6/4	3,100	4,800	148	96	138	90	128	83	70	46	43	28
8/4	3,200	5,000	153	99	143	93	130	85	73	47	43	28

When an order includes no grades lower than FAS 1 Face in a specified thickness of Willow, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for the specified thickness of Willow. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(b) *Yellow Cypress lumber*—(1) *Yellow Cypress.*

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		Selects		No. 1 Shop		No. 1 Common		No. 2 Common		Box and No. 3 Common		Pecky	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,300	5,700	$198	$129	$178	$116	$108	$70	$108	$70	$83	$54	$58	$38	$71	$46
5/4	3,400	5,800	203	132	183	119	138	90	138	90	88	57	63	41	76	49
6/4	3,400	5,800	208	135	188	122	143	93	143	93	88	57	63	41	76	49
8/4	3,500	6,000	223	145	198	129	148	96	148	96	93	60	68	44	81	53
10/4	3,800	6,500	233	151	203	132	153	99	153	99	103	67	78	51	91	59
12/4	3,800	6,500	238	155	208	135	158	103	158	103	108	70	83	54	96	62
16/4	3,800	6,500	253	164	213	138	163	106	163	106	113	73	----	----	----	----

SEC. 2.2 *Special widths and lengths.* Your ceiling price f. o. b. mill, when not specifically stated elsewhere in this regulation, for lumber covered by this regulation of special width and/or length, is determined as follows:

(a) Take the f. o. b. mill ceiling price of the standard item of the same species, grade and thickness for which a dollars-and-cents ceiling price is set forth in this regulation, and add thereto the highest amount or amounts which you added for such special width and/or length to the price of the same standard item in your f. o. b. sales or contracts to sell to a purchaser of the same class during the period January 25, 1951, through February 24, 1951.

(b) If you did not sell or contract to sell lumber of the same species, grade, and thickness with the special width and/or length during the period January 25, 1951, through February 24, 1951, take the f. o. b. mill ceiling price of the standard item of the same species, grade, and thickness for which a dollars-and-cents ceiling price is set forth in this regulation, and add thereto the highest amount or amounts which you added for such special width and/or length to the price of the most nearly comparable standard item in your f. o. b. sales or contracts to sell to a purchaser of the same class during the period January 25, 1951, through February 24, 1951.

SEC. 2.3 *Bending Oak and other listed grades.* Your ceiling price f. o. b. mill for any item of lumber covered by this regulation within any of the grades or combinations of grades listed below, when not specifically stated elsewhere in this regulation, is the highest f. o. b. mill price at which you sold or contracted to sell such item to a purchaser of the same class during the period January 25, 1951, through February 24, 1951:

Bending Oak.
Bridge Plank and Crossing Plank.
Common Dimension.
Freight Car Stock.
Milpak.
Mine Car Lumber.
Select Car Stock.
Select Dimension.
Sound Square Edge.
Timbers.

SEC. 2.4 *Rough tie siding.* Ceiling prices f. o. b. mill for rough tie siding sold on grade are $5.00 per thousand feet lower than the ceiling prices for the same grade and species of standard lumber in regular widths and lengths as shown in the tables in section 2.1.

SEC. 2.5 *Construction boards.* The ceiling prices f. o. b. mill for construction boards, random lengths, rough, in the grades and sizes shown, are as follows:

Grade	1" x 4"		1" x 6"		1" x 8"		1" x 10"		1" x 12"	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
No. 1	$65	$39	$75	$45	$80	$48	$80	$48	$85	$51
No. 2	55	33	65	39	70	42	70	42	75	45
No. 3	50	30	55	33	60	36	60	36	65	39

SEC. 2.6 *Residue sales.* The ceiling price for residue ungraded lumber is $30.00 per thousand feet f. o. b. mill. The term "residue ungraded lumber" is the below-grade lumber commonly called "culls" or "scoots."

SEC. 2.7 *Ungraded hardwood and Yellow Cypress lumber.* When lumber covered by this regulation is not separately graded or is sold ungraded as Log Run, Mill Run, No. 1 Common and Better, or any other combination of grades, the ceiling price for the entire shipment shall be the ceiling price for the lowest priced species and grade included in the shipment. If any of the lumber so sold is shipped green, the ceiling price of all lumber in the shipment shall be the ceiling price for green lumber of the lowest priced species and grade included in the shipment.

SEC. 2.8 *Kiln-dried, resawn, and surfaced lumber.* If you sell lumber subject to this regulation which is kiln-dried, resawn, and/or surfaced in accordance with the purchaser's specification, compute your f. o. b. mill ceiling prices for such lumber by taking the applicable f. o. b. mill ceiling prices for air-dried rough lumber set forth in this regulation, and adding thereto the highest amount or amounts which you added for such kiln-drying, resawing, and or surfacing in your f. o. b. mill sales or contracts to sell to a purchaser of the same class during the period January 25, 1951, through February 24, 1951. The provisions of this paragraph are to apply until such time as specific additions for kiln-drying, resawing, and/or surfacing are made uniformly applicable to manufacturers covered by this regulation.

SEC. 2.9 *How to calculate weights for shipping kiln-dried, surfaced, and resawn lumber.* This section provides a procedure for determining the weights of kiln-dried, surfaced, and resawn lumber. These weights are authorized for use in determining transportation charges in the calculation of ceiling delivered prices as provided in section 5.2.

(a) *Kiln-dried lumber.* The established shipping weight for kiln-dried lumber is 10 percent less than the applicable air-dried weight shown in the tables of section 2.1, rounded to the nearest 50 pounds. For example, the kiln-dried shipping weight for rough 4/4 Plain Red Oak is 3,800 pounds. (4,200 less 10 percent (420) = 3,780, which is rounded to 3,800.)

(b) To determine shipping weight for surfaced lumber, consult the table in this paragraph. Find the percentage shown for the nominal thickness under the appropriate heading describing the surfacing done, and apply this percentage to the rough weight of the item as shown in section 2.1, or as determined under this section.

Example 1. To calculate the weight for random width 4/4 Plain Red Oak lumber surfaced two sides to 13/16": In price Table (20), the air-dried weight of the rough lumber is shown as 4,200 pounds. In the table given below, Column (1) shows the 4/4 nominal thickness; Column (2), the 13/16" finished thickness, and from Column (3), applicable to "surfaced two sides", the percentage figure of 78 is obtained. The surfaced weight is therefore 78 percent of 4,200, or 3,276 pounds, which is then rounded to 3,300 pounds.

Example 2. To calculate the weight of 4/4" Plain Red Oak lumber 8" stock width surfaced four sides to 13/16" x 7½": The procedure is the same as in Example 1, except that instead of using the 78 percent shown in Column (3), you use the 73 percent figure shown in Column (7) for 8" lumber surfaced four sides to 7½" wide. (Columns 4 through 9 are applicable to both finished thicknesses and finished widths.) The surfaced weight is 73 percent of 4,200, or 3,066 pounds, which is rounded to 3,050 pounds.

PERCENTAGES FOR DETERMINING SHIPPING WEIGHTS OF SURFACED LUMBER

Surfaced 1 or 2 sides (thickness)			Surfaced 4 sides (widths)					
Nominal rough (inches)	Finished thickness (inches)	Percent of rough lumber weight	Percentage of rough weight for lumber surfaced 4 sides to specified widths shown and to thicknesses shown in column 2					
			2" to 1⅝"	4" to 3⅝"	6" to 5⅝"	8" to 7½"	10" to 9½"	12" to 11½"
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
3/8	5/16	44	36	40	42	42	42	43
1/2	7/16	57	46	52	54	54	54	55
5/8	9/16	65	53	59	61	61	62	62
3/4	11/16	71	57	64	66	66	67	68
4/4	13/16	90	73	81	84	84	85	86
	7/8	84	68	76	78	78	79	80
	13/16	78	63	70	73	73	74	74
	29/32	75	61	68	70	70	71	72
	15/16	72	58	65	67	67	68	69
5/4	1 3/16	92	74	83	86	86	87	88
	1 1/16	87	70	79	81	81	82	83
	1 1/16	82	67	74	77	77	78	79
6/4	1 7/16	93	76	84	87	87	88	89
	1 3/8	89	72	80	83	83	84	85
	1 5/16	85	69	77	80	80	81	82
8/4	1 7/8	92	74	83	86	86	87	88
	1 3/4	86	69	77	80	80	81	82
	1 5/8	79	65	72	74	74	75	76
10/4	2 3/4	88	72	80	83	83	84	85
	2 5/8	83	68	76	78	78	79	80
12/4	2 3/4	90	73	82	85	85	86	87
	2 5/8	86	70	78	81	81	82	83
16/4	3 3/4	93	75	84	87	87	88	89
	3 5/8	90	73	81	84	84	85	86

(c) *Resawn lumber.* The weight for rough lumber resawn is the weight of the rough lumber as shown in the tables of section 2.1, less 5 percent for each saw kerf. The weight for lumber surfaced and then resawn is the weight of the surfaced lumber (as calculated in accordance with paragraph (b) of this section), less 5 percent of the rough lumber weight for each saw kerf.

SEC. 2.10 *Ceiling prices for special specifications.*—(a) *Application.* If you cannot ascertain your ceiling price for lumber covered by this regulation under any other provision of this regulation, as, for example, should you wish to sell lumber of a hardwood species for which ceiling prices are not set forth, or lumber with special workings, grades, sizes, services, or other extras not specifically mentioned in this regulation, you must apply by registered mail, return receipt requested, to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for the establishment of a ceiling price. You may file on OPS Public Form No. 132, which is obtainable from any Regional or District Office of the Office of Price Stabilization. Your application must set forth the following:

(1) As complete a description as possible of the item which is the subject of your application.

(2) A statement explaining why you are unable to determine your ceiling price under other provisions of this regulation.

(3) Your proposed ceiling price, which you must determine upon the first of the following bases that you are able to use:

(i) The ceiling price for the most closely comparable item for which a dollars-and-cents ceiling price is established by this regulation, adjusted by the addition or subtraction of the differential between the highest price at which the item that is the subject of your application was sold to a purchaser of the same class on the date nearest to the effective date of this regulation and the highest price at which the most closely comparable item was sold to a purchaser of the same class on the date nearest thereto.

(ii) The price at which you sold to a purchaser of the same class the item that is the subject of your application in your last sale before the effective date of this regulation.

(iii) The ceiling price of your most closely competitive seller to a purchaser of the same class for the item that is the subject of your application. ("Your most closely competitive seller" is the seller of lumber subject to this regulation, selling the item which is the subject of your application, with whom you are in most direct competition on sales of most items.)

(iv) A price which you believe is in line with the level of ceiling prices established by this regulation. You must state why you believe your proposed ceiling price is in line with the level of ceiling prices established by this regulation.

In determining your proposed ceiling prices, you must first use the basis indicated in subdivision (i); if you cannot use subdivision (i), then use subdivision (ii); if you cannot use subdivision (ii), then use subdivision (iii); or if you cannot use subdivision (iii), then use subdivision (iv).

If you use subdivision (ii), (iii), or (iv), you must state in your application why you could not use the basis provided in each of the preceding subdivisions. You must also state how your proposed ceiling price conforms to the basis employed and furnish supporting details.

(b) *Quotation of proposed ceiling prices.* You may quote a proposed ceiling price determined under the provisions of paragraph (a) of this section, and you may sell at that proposed ceiling price, provided that you file an application for approval of that ceiling price within five days after selling at that proposed ceiling price, and provided further that you agree to refund, and later refund, to the buyer, the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 30 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to nonretroactive disapproval or modification at a later date.

(3) No application will be approved under this section unless it is found that the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

(d) *Effect on other transactions.* A special ceiling price approved pursuant to application made under this section shall be your ceiling price for all future sales of the same item unless a specific ceiling price for the item shall subsequently be established by changes in this regulation, or unless the approval is subsequently revoked or modified by the Director of Price Stabilization.

ARTICLE III—COMMISSION-TYPE SALES AND RETAIL-TYPE DIRECT-MILL SALES

SEC. 3.1 *Commission-type sales.*—(a) *Addition allowed.* When a sale of your lumber is brought about by the efforts of a lumber commission salesman, your ceiling price is the otherwise applicable ceiling price on the lumber sold plus 4 percent of the f. o. b. mill ceiling price. However, the amount which you may charge to the buyer, pursuant to this section, over and above the otherwise applicable ceiling price, may not exceed the actual commission which you pay to the lumber commission salesman.

(b) *Lumber commission salesman.* The term "lumber commission salesman" means a person who customarily sells lumber in carload quantities for two or more manufacturers, who does not take title to the lumber, assumes no credit risk, receives his compensation

centage figure of 78 is obtained. The

from the manufacturer in the form of commissions based on the amount of lumber sold, and operates independently of both buyers and sellers.

SEC. 3.2 *Retail-type sales*—(a) *Increased f. o. b. mill ceiling prices.* Except as indicated in paragraphs (b) and (c) of this section, your f. o. b. mill ceiling prices in retail-type sales for all lumber covered by this regulation are 15 percent higher than the f. o. b. mill ceiling prices established by this regulation. The increase applies whether the lumber is green, air-dried, or kiln-dried; whether rough or surfaced; and whether or not it is resawn or otherwise worked.

(b) *Exceptions to the application of the increase.* You may not apply the increase authorized by paragraph (a) of this section:

(1) To your ceiling prices determined under the provisions of sections 2.3 and 2.10; or

(2) To your ceiling additions for special widths and/or lengths or to your ceiling additions for kiln-drying, surfacing, and/or resawing allowable under the provisions of sections 2.2 and 2.8, respectively, when the additions involved are derived from a retail-type sale.

(c) *Charges which you must exclude.* A ceiling price determined under paragraph (a) may not be increased by any charges for commissions paid to a lumber commission salesman as authorized in section 3.1, or by any charges for special services as authorized in section 4.1.

(d) *Delivery charges.* You may add an appropriate delivery charge, computed in the manner authorized in section 5.2, provided that you deliver the lumber by truck.

(e) *Definition.* As used in this section, a retail-type sale is a direct mill sale of not more than 10,000 feet to a purchaser who takes delivery at the mill, or who accepts delivery made by truck at a point not more than 50 miles from the mill. It must be a sale of lumber to a contractor or to a consumer for use in construction, remodelling, repair, or maintenance; it is not a sale for use in manufacturing or for resale in substantially the same form.

ARTICLE IV—CEILING PRICE ADDITIONS

SEC. 4.1 *Ceiling price additions* (a) You may add not more than the amounts indicated below to the ceiling prices as set forth in this regulation for the following special services:

(1) Anti-stain treatment: $1.00 per thousand feet.

(2) Stenciling or grade-marking on the face of each piece in a manner which will permit identification and segregation: $1.00 per thousnd feet. (This addition cannot be made for stenciling a trademark.)

(3) Bundling for export: $3.00 per thousand feet.

(4) Packaging in sling loads or otherwise whereby the load is divided into individual parcels to facilitate mechanical unloading and reloading: $3.00 per thousand feet (covering all materials and labor).

NOTE: If lumber is both bundled for export and packaged in sling loads or otherwise, only one charge of $3.00 per thousand feet may be made.

(5) Marking on each piece the surface measure and/or the width and length sizes: $1.00 per thousand feet.

(6) Inspection and issuance of an inspection certificate by the National Hardwood Lumber Association: an amount which does not exceed the inspection fees and expenses charged to the seller by the Association.

(7) Staking, wiring, and separating lumber in open top cars: $25.00 per car (covering all materials and labor).

(8) Erecting on open top cars bulkheads made in conformity with the specifications of the Mechanical Division of the Association of American Railroads: $10.00 per bulkhead (covering all materials and labor).

(b) Except for anti-stain treatment, the additions provided in paragraph (a) of this section may be made only when the special services are specifically requested by the buyer.

ARTICLE V—OTHER CEILING PRICE PROVISIONS

SEC. 5.1 *Grade terms and grading*—(a) *Terms.* All grade terms used in this regulation have the meanings set forth in the "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association.

(b) *Grading.* Lumber bought and sold under this regulation must be graded in accordance with the "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association.

SEC. 5.2 *Delivered ceiling prices.* You are permitted to sell lumber covered by this regulation on a delivered price basis. The delivered ceiling prices are the ceiling prices f. o. b. mill plus an addition for delivery to the purchaser computed as follows (the transportation addition must be rounded to the nearest half dollar):

(a) *Common or contract carrier.* (1) When shipment is made by common or contract carrier, the transportation addition is computed by multiplying the appropriate established weight by the applicable freight rate in effect at time of shipment.

(2) The term "appropriate established weight" means: the applicable weight as shown in the schedules in section 2.1; or, where no applicable weight is shown in the schedules, the applicable weight as set forth in the Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers, and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association; or, where an applicable weight is not shown in the tables in section 2.1 or is not set forth in such "Rules", the applicable weight as authorized by the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., pursuant to application by letter. Your letter must set forth a description including thickness and species of the item which is the subject of your application.

(b) *Private trucking.* When shipment is by truck owned or controlled by the seller, you may add $2.00 per thousand feet; or an addition computed in the manner set forth in paragraph (a) of this section, using applicable carload rates, or an amount equal to the applicable common carrier motor freight charges.

(c) *Trucking to railhead.* You may not charge any additional amount for a truck haul preceding rail shipment.

(d) *Truck delivery after rail haul.* For truck delivery following a rail haul, you may add as much as the actual costs per thousand feet incurred.

SEC. 5.3 *Mixed carload or mixed truckload shipments.* (a) In a sale of a mixed carload or mixed truckload shipment to one or more purchasers in which each item is loaded separately in the quantity specified in the order or orders, the following addition per thousand feet applicable to the specified quantity may be made to the f. o. b. mill ceiling prices of each item in the shipment:

Quantity of each item ordered:	*Additions per 1,000 feet for that quantity*
4,000 to 5,000 feet	$2.00
3,000 to 3,999 feet	3.00
2,000 to 2,999 feet	4.00
1,000 to 1,999 feet	5.00
999 feet and less	6.00

(b) As used in this section, the term "mixed carload or mixed truckload shipment" refers to a carload or truckload shipment containing two or more items.

SEC. 5.4 *Green lumber.* (a) Ceiling prices for green lumber are established separately in the tables. In every case, except for Ash, in which lumber is sold which weighs more than 15 percent above the applicable air-dried weights shown in this regulation, it must be sold at not more than the ceiling prices applicable to green lumber.

(b) (1) You may obtain authorization from the Director of Price Stabilization, at his discretion, to apply not more than the ceiling prices for dry lumber to a particular sale of green lumber when the purchaser certifies that the nature of his operations requires the lumber involved in the particular sale to be in green condition. The certification must set forth the reason why the purchaser requires the lumber to be green. Application for such authorization must be by letter sent to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., and should contain a statement as to the kind of lumber required, and also a copy of the purchaser's certification covering the lumber involved in the sale.

(2) Approval must be obtained from the Director of Price Stabilization before you may sell, under the provisions of this paragraph, green lumber at prices higher than the ceiling prices otherwise provided in this regulation.

(c) (1) When a buyer requires special items of No. 1 Common or No. 1 Common and Better of a species and thickness not ordinarily cut and stocked by mills, and the buyer is unable to buy dry lumber, he may apply by letter to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for authorization of special ceiling prices for such special items lumber.

(2) An application should be submitted for every order placed under the provisions of this section, and should state the proposed seller's name and address, a description (including species, grade and thickness) of the item or items required, and the reason for the necessity of accepting green lumber. Approval, if granted, will be rendered both to the buyer and the named seller. The approval will allow sale of such special items, cut on special order, and shipped in green or partially dry condition, at not more than 90 percent of the ceiling price for air-dried lumber of the same grade and thickness in the species of Basswood, Poplar, Hackberry, and Soft Maple, and at not more than 87½ percent of the ceiling price for air-dried lumber of the same grade and thickness in all other species.

(3) Approval must be obtained from the Director of Price Stabilization before orders are placed or sales are made under this paragraph.

SEC. 5.5 *Discount for cash.* If the buyer pays cash, your ceiling prices determined under other provisions of this regulation are reduced by the amount of the discount which, during the period from January 25, 1951, through February 24, 1951, you allowed a purchaser of the same class for the payment of cash within the same period of time. If you were not in business between January 25, 1951, and February 24, 1951, your ceiling prices determined under other provisions of this regulation are reduced by 2 percent for cash payment within 10 days from date of invoice or date of bill of lading, whichever is later.

ARTICLE VI—MISCELLANEOUS PROVISIONS

SEC. 6.1 *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices determined under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 6.2 *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 6.3 *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 6.4 *Records*—(a) *Existing records.* On and after the effective date of this regulation, for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, you shall preserve all your existing records relating to the prices which you received or charged for the items, and for the basic, comparison, or standard items and differentials, referred to in sections 2.2, 2.3, 2.8, and 2.10, which you sold or contracted to sell during the period January 25, 1951, through February 24, 1951; and you shall continue to preserve, for the applicable periods specified in section 16 of the General Ceiling Price Regulation, all other existing records that you were required to keep under the provisions of section 16 of the General Ceiling Price Regulation.

(b) *Current records.* Every person who sells and every person who in the regular course of trade or business buys lumber covered by this regulation, totaling $500 or more in any one month, shall make and keep for inspection by the Director of Price Stabilization for a period of two years, accurate records of each sale or purchase made in such month. The records must show the following:

(1) Date of purchase or sale;

(2) Name and address of buyer and seller;

(3) The price or prices of the covered items, including discounts paid or received, and all other direct or indirect considerations given or received, and rebates made or taken;

(4) A description of the item of lumber sold, showing the species, grade, sizes, condition (green, air-dried, or kiln-dried), workings, specifications or other extras, which affect the ceiling price, together with the quantity thereof;

(5) Origin of shipment; and when sold on a delivered basis, destination of shipment;

(6) Means of transportation used.

The retention by a purchaser of an invoice furnished by a seller, or the retention by a seller of a settlement sheet furnished by a buyer, which includes the factual information required to be made a matter of record by this section, shall be considered as compliance with the provisions of this section by the purchaser or seller retaining such invoice or settlement sheet.

(c) *Other records.* If you apply for approval of a proposed ceiling price for special specifications under section 2.10 of this regulation, you shall preserve or make and you shall keep for inspection by the Director of Price Stabilization for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, accurate records from which you obtained the data you submit in connection with your application for such ceiling price.

SEC. 6.5 *Invoices.* (a) On all sales of lumber covered by this regulation, except those for which you receive a settlement sheet from the buyer, you must submit an invoice to the buyer which includes a description (species, grades, and sizes) and the quantity of each item of lumber involved. Any working, condition (green, air-dried or kiln-dried), specification, extra, or service for which a charge is made, or which otherwise has a bearing upon the ceiling price, must be separately set forth in the invoice, but the invoice need not show separately the charges for such items.

(b) For sales made on an f. o. b. basis, in addition to the information required by paragraph (a) of this section, your invoice must show the f. o. b. price.

(c) For sales made on a delivered basis, in addition to the information required by paragraph (a), your invoice must show:

(1) The delivered price;

(2) The destination of the shipment; and

(3) The applicable rail, truck, or water freight rate; or the transportation charged.

SEC. 6.6 *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office. Any action taken by you in reliance upon, and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revision 2.

SEC. 6.7 *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation. Prices lower than the ceiling prices may be charged, paid, or offered.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement actions, and actions for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 6.8 *Evasions.* Any means or devices which result in obtaining directly or indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information in records which this regulation requires to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading,

tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 6.9 *Definitions.* As used in this regulation, the terms in this section have the following meanings:

Appropriate established weight. This term is defined in section 5.2 (a).

Director of Price Stabilization. This term extends to any official (including officials of regional or district offices) to whom the Director of Price Stablization, by order, delegates a function, power, or authority referred to in this regulation.

Feet. This term means board feet for all lumber 4/4" and thicker, and means surface feet for all lumber thinner than 4/4".

F. o. b. mill. This term means loaded on cars at mill railhead or siding; loaded on scow or barge alongside a mill dock; or, where the only means of conveyance used is a truck, other motor vehicle, or wagon, loaded on such vehicles at the mill site.

Kiln-dried lumber. This term refers to green or air-dried lumber that is dried in a kiln to a specified moisture content.

Lumber commission salesman. This term is defined in section 3.1.

Manufacturer, sawmill, planing mill, and concentration yard. These terms are defined in section 1.4 (b). Note particularly that the term "mill" as used throughout the regulation includes sawmills, planing mills, and concentration yards.

Most closely competitive seller. This term is defined in section 2.10 (a) (3) (iii).

Person. This term includes any individual, partnership, corporation, association, or any organized group of persons; their legal successors or representatives; and the United States or any other government or their political subdivisions or agencies.

Purchaser of the same class. The meaning of this term is determined by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may, but need not, be based on the characteristics or distributive level of the buyer; for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, or public institution. It may, but need not, be based on the location of the purchaser or the quantity or kinds of lumber purchased by him. It may, but need not, be based on differing terms or conditions of sale or delivery. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

Records. This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, settlement sheets, and other papers and documents.

Residue and ungraded lumber. These terms are defined in sections 2.6 and 2.7 respectively.

Retail-type sale. This term is defined in section 3.2.

Sell. This term includes sell, supply, dispose, barter, trade, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

South Central hardwood and Yellow Cypress lumber. These terms are defined in section 1.3 (b) and (c).

South Central Hardwood Lumber Region. This term is defined in section 1.3 (d).

Special grading terms. The special grading terms used in this regulation are enumerated and defined in section 5.1.

Surfaced lumber. "Surfaced lumber," also known as "worked" or "dressed" lumber, is lumber planed to a smooth finish, generally surfaced to a specified thickness. The process of producing surfaced lumber is known as "surfacing," "dressing," or "planing."

You. The pronoun "you" indicates any manufacturer who sells lumber subject to this regulation. The term "your" should be construed accordingly.

Effective date. This regulation is effective December 16, 1952.

NOTE: The reporting and record-keeping rquirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 11, 1952.

[F. R. Doc. 52-13206; Filed, Dec. 11, 1952; 4:08 p. m.]

[General Overriding Regulation 32, Special Order 11]

GOR 32—ADJUSTMENT OF CEILING PRICES FOR MATERIALS TO THE MINIMUM PRICES FIXED BY STATE LAWS

SO 11—CIGARETTES SOLD "OUT OF STOCK" BY WHOLESALE TOBACCO DISTRIBUTORS IN MONTANA

CEILING PRICES RAISED TO CONFORM WITH THE MONTANA UNFAIR PRACTICES ACT

Statement of considerations. This special order raises the ceiling prices of Montana wholesale tobacco distributors for "out of stock" cigarette sales where necessary to conform with the level of minimum prices required to be charged by the Montana Unfair Practices Act and Report and Order No. 1, Docket No. 2-49, of the Montana Trade Commission issued pursuant to that act. The term "out of stock" sales as here used means that type of sale which is described in Report and Order No. 1, Docket No. 2-49, of the Montana Trade Commission as any transaction in which the merchandise or any part of it passes through the hands of the distributors regardless of what such transactions are called in the trade. This special order does not affect the ceiling prices for other types of sales of cigarettes subject to the Montana Act nor does it presently affect the ceiling prices for this type of sale where such ceiling prices are at or above the minimum prices required by that act and the Commission's Order, immediately prior to the effective date of this order. Provision is also made for the adjustment of ceiling prices of Montana wholesale tobacco distributors for out of stock cigarette sales in the event of a change in the minimum prices computed pursuant to the Montana Act and the Commission's Order, and in some instances for the establishment of ceiling prices of new brands of cigarettes sold out of stock by wholesale tobacco distributors in Montana.

This special order is issued pursuant to section 5 of General Overriding Regulation (GOR) 32. That regulation was issued by the OPS to conform to the requirements of section 402 (l) of the Defense Production Act of 1950, as amended. GOR 32 sets forth certain facts which must be shown to exist in a particular State before the OPS is required by the above-noted statutory provision to raise ceiling prices to the minimum prices required by the law of that State.

It appears from the information contained in the application of the Montana Trade Commission that the Montana Unfair Practices Act was in effect and enforced on June 30, 1952, and on October 16, 1952 (the date of application); that Report and Order No. 1, Docket No. 2-49, of the Montana Trade Commission was authorized by law and lawfully adopted and issued; that the Act and Report and Order No. 1, Docket No. 2-49, of the Montana Trade Commission have not been held invalid by any court of competent jurisdiction and that the ceiling prices of some cigarettes sold out of stock by wholesale tobacco distributors in the State of Montana are lower than the minimum prices required to be charged by the Montana Act.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 5 of GOR 32 this special order is hereby issued.

1. Ceiling prices for out of stock sales of cigarettes by wholesale tobacco distributors subject to the Montana Unfair Practices Act and Report and Order No. 1, Docket No. 2-49, of the Montana Trade Commission, which are below the minimum sales prices computed pursuant to that act and the Commission's Order, as specified in paragraph 5 hereof, are hereby raised to those minimum sales prices. The terms "out of stock sales" and "wholesale tobacco distributors" are to have the same meaning as that given to them in Report and Order No. 1, Docket No. 2-49, of the Montana Trade Commission.

2. If the minimum prices for brands of cigarettes sold out of stock by Montana wholesale tobacco distributors on October 16, 1952, are increased after that date pursuant to the Montana Unfair Practices Act and Report and Order No. 1, Docket No. 2-49, of the Montana Trade Commission (hereinafter referred to as the Montana Act and the Commission's Order, respectively) such higher minimum prices shall become ceiling prices for those brands as hereinafter specified in this paragraph, upon the sending of a report by the Montana Trade Commission by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. That report will indicate the reason for the change as well as the computations by which the new required minimum prices have been determined and will list the new prices for various brands of cigarettes. The higher minimum prices so reported shall be established as ceiling prices for the sellers affected by paragraph 1 hereof and any other wholesale tobacco distributor subject to the Montana Act and the Commission's Order whose ceiling prices for out of stock sales would, as a result of such change, be below the new required minimum prices. If the minimum prices for brands of cigarettes sold out of stock by wholesale tobacco distributors subject to the Montana Act and the Commission's Order on October 16, 1952, are decreased after that date pursuant to the Montana Act and the Commission's Order, ceiling prices for the sellers affected by paragraph 1 hereof shall be established at the new minimum prices. However, where such lower prices are below the ceiling prices in effect immediately prior to the date of this special order, these ceiling prices shall be in effect after such change in the minimum prices.

3. If new brands of cigarettes are sold in Montana after October 16, 1952, the wholesale tobacco distributors subject to the Montana Act and the Commission's Order who are unable to compute ceiling prices for out of stock sales of the new brands pursuant to section 5 of the General Ceiling Price Regulation (because their comparison brands are not priced under section 3 of the General Ceiling Price Regulation but are priced under paragraph 1 or 2 of this special order) shall take as their ceiling prices for out of stock sales of such new brands the minimum sales prices computed for them in accordance with the Montana Act and the Commission's Order. These prices will be established as ceiling prices for such wholesale tobacco distributors making out of stock cigarette sales upon the sending of a report by the Montana Trade Commission by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C. This report will set forth the brand names of cigarettes and the minimum sales prices required to be charged for them in accordance with the Montana Act and the Commission's Order and will indicate how these minimum prices were computed.

4. Nothing in this special order shall prevent a wholesale tobacco distributor subject to the Montana Act and the Commission's Order whose ceiling prices for out of stock sales of cigarettes would be affected by the filing of the report by the Montana Trade Commission, as set forth in paragraph 2 or 3 hereof, from filing such report in his own behalf. The individual wholesale tobacco distributor may use as his ceiling prices for out of stock sales of cigarettes the minimum prices required by the Montana Act and the Commission's Order upon his mailing of such report unless and until such seller is notified by OPS that the reported prices are disapproved or that further information is required. In the event of a request for further information the reported minimum prices shall not be used as ceiling prices until such further information is sent by registered mail to the Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C.

5. As used in this special order, the term "Montana Unfair Practices Act" means that Act as amended up to June 30, 1952 (Montana Unfair Practices Act, Title 51, Chapter 1, Revised Codes of Montana, 1947, as amended by Chapter 129, Laws of 1949) and the term "Report and Order No. 1, Docket No. 2-49 of the Montana Trade Commission" means that Order as corrected by the Montana Trade Commission on October 16, 1952.

6. This special order or any provision hereof may be revoked, suspended, or amended by the Director of Price Stabilization.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This special order is effective December 13, 1952.

NOTE: The record-keeping and reporting requirements of this special order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 12, 1952.

[F. R. Doc. 52-13241; Filed, Dec. 12, 1952; 11:28 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Reg. 2, Direction 5—Revocation]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

DIR. 5—RESCHEDULING OF DELIVERIES UNDER NPA DIRECTIVES AFFECTED BY WORK STOPPAGE IN STEEL INDUSTRY

REVOCATION

Direction 5 (17 F. R. 7395) to NPA Reg. 2, as amended, is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Direction 5 to NPA Reg. 2, as amended, nor deprive any person of any rights received or accrued under that direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect December 12, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13239; Filed, Dec. 12, 1952; 11:20 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 101 to Schedule A]

[Rent Regulation 2, Amdt. 99 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

MICHIGAN, NEW JERSEY AND PENNSYLVANIA

Effective December 13, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 10th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Michigan				
(152) Albion-Marshall.	B	In Calhoun County, the cities of Albion and Marshall.	Mar. 1, 1942	Oct. 1, 1942
New Jersey				
(190) Northeastern New Jersey.	B	In Essex County, the cities of East Orange, Newark, and Orange, the townships of Caldwell, Cedar Grove, Livingston, and Millburn, the towns of Belleville, Bloomfield, Irvington, Montclair, Nutley, West Orange, the boroughs of Caldwell and Verona, and the village of South Orange; in Hudson County, the cities of Bayonne, Hoboken, Jersey City, and Union City, the townships of North Bergen and Weehawken, the towns of Harrison, Guttenburg, Kearney, Secaucus, West New York, and the borough of East Newark; in Middlesex County, the cities of New Brunswick, Perth Amboy, and South Amboy, the townships of Cranbury, East Brunswick, Madison, Monroe, North Brunswick, Piscataway, Raritan, South Brunswick, and Woodbridge, the boroughs of Carteret, Dunellen, Highland Park, Jamesburg, Metuchen, Middlesex, Sayreville, South Plainfield, and South River; Monmouth County, except the boroughs of Allentown and Redbank, and the townships of Millstone and Upper Freehold; in Somerset County, the townships of Bridgewater, Franklin, and the boroughs of Bound Brook, Manville, Raritan, Somerville, and South Bound Brook; in Union County, the cities of Elizabeth, Linden, and Rahway, the townships of Cranford, Hillside and Union, the town of Westfield, the boroughs of Garwood, Roselle, and Roselle Park; and all unincorporated localities, in Essex, Hudson, Middlesex, Monmouth, Somerset, and Union Counties.	.....do.....	July 1, 1942
	C	Monmouth County, except the boroughs of Allentown, Redbank and Roosevelt, and the townships of Millstone and Upper Freehold.	Aug. 1, 1952	Nov. 6, 1952

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Pennsylvania.				
(272) Williamsport	B	In Lycoming County, the city of Williamsport, the townships of Armstrong, Clinton, Loyalsock, and Old Lycoming, the boroughs of Duboistown, Montgomery, Montoursville, and South Williamsport.	Mar. 1, 1942	Nov. 1, 1942
	C	do	Jan. 1, 1952	Sept. 29, 1952
	A	In Lycoming County, the townships of Anthony, Bastress, Brady, Eldred, Fairfield, Hepburn, Limestone, Lycoming, Mifflin, Mill Creek, Muncy, Nippenose, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf, and Woodward, and the boroughs of Hughesville, Picture Rocks, and Salladsburg.	do	Do.
	B	In Northumberland County, the city of Sunbury and the borough of Northumberland; in Snyder County, the borough of Selinsgrove; in Union County, the borough of Lewisburg.	Mar. 1, 1942	Dec. 1, 1942
	B	In Clinton County, the borough of Renovo	do	Feb. 1, 1944

These amendments decontrol the following based on resolutions submitted under section 204 (j) (3) of the act:

The City of Battle Creek in Calhoun County, Michigan, a portion of what was the Battle Creek Defense-Rental Area, the name of which is changed by these amendments to the Albion-Marshall Defense-Rental Area;

The Borough of Redbank in Monmouth County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area;

The Township of Muncy Creek in Lycoming County, Pennsylvania, a portion of the Williamsport Defense-Rental Area.

These amendments also decontrol the following portions of what is now known as the Albion-Marshall Defense-Rental Area in the state of Michigan:

In Calhoun County, the Townships of Battle Creek, Bedford, Emmett and Pennfield; in Kalamazoo County, the Fort Custer Military Reservation, the City of Galesburg, and the Townships of Charleston and Ross.

[F. R. Doc. 52-13150; Filed, Dec. 12, 1952; 8:53 a. m.]

[Rent Regulation 3, Amdt. 102 to Schedule A]

[Rent Regulation 4, Amdt. 45 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NEW JERSEY AND PENNSYLVANIA

Effective December 13, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 10th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(152)		[Revoked and decontrolled]		
(190) Northeastern New Jersey	New Jersey	Monmouth County, except the boroughs of Allentown, Red Bank, and Roosevelt, and the townships of Millstone and Upper Freehold.	Aug. 1, 1952	Nov. 6, 1952
(272) Williamsport	Pennsylvania	In Lycoming County, the city of Williamsport; the boroughs of Duboistown, Hughesville, Montgomery, Montoursville, Picture Rocks, Salladsburg, and South Williamsport; and the townships of Anthony, Armstrong, Bastress, Brady, Clinton, Eldred, Fairfield, Hepburn, Limestone, Loyalsock, Lycoming, Mifflin, Mill Creek, Muncy, Nippenese, Old Lycoming, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf, and Woodward.	Jan. 1, 1952	Sept. 29, 1952

These amendments decontrol the following based on resolutions submitted under section 204 (j) (3) of the act:

The City of Battle Creek in Calhoun County, Michigan, a portion of what was the Battle Creek Defense-Rental Area, now known as the Albion-Marshall Defense-Rental Area;

The Borough of Redbank in Monmouth County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area;

The Township of Muncy Creek in Lycoming County, Pennsylvania, a portion of the Williamsport Defense-Rental Area.

These amendments also decontrol the following portions of what is now known as the Albion-Marshall Defense-Rental Area in the state of Michigan:

In Calhoun County, the Townships of Battle Creek, Bedford, Emmett and Pennfield; in Kalamazoo County, the Fort Custer Military Reservation, the City of Galesburg, and the Townships of Charleston and Ross.

[F. R. Doc. 52-13151; Filed, Dec. 12, 1952; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 121—SEPARATION OF OPERATING EXPENSES BETWEEN FREIGHT AND PASSENGER SERVICES [1]

STEAM RAILROADS; SEPARATION OF OPERATING EXPENSES, TAXES, EQUIPMENT RENTS, AND JOINT FACILITY RENTS BETWEEN FREIGHT SERVICE AND PASSENGER SERVICE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of November A. D. 1952.

The matter of rules governing the separation of operating expenses, taxes, equipment rents, and joint facility rents between freight service and passenger service on class I line-haul steam railroad companies being under consideration pursuant to the provisions of part I of the Interstate Commerce Act as amended (sec. 12, 24 Stat. 383, as amended, sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 12, 20).

It is ordered, That the order dated November 11, 1935, in the matter of rules governing the separation of operating expenses, taxes, equipment rents, and joint facility rents between freight service and passenger service on large steam railroads, (49 CFR 121.0 to 121.70) be, and it is hereby, vacated and set aside, effective January 1, 1953, except so far as it relates to periods of time prior to that date, and the following order be and it is hereby substituted therefor.

§ 121.0 *Separation of operating expenses.* Effective as of January 1, 1953, and thereafter until otherwise ordered, all class I steam railroad companies, except switching and terminal companies of class I (§ 126.1 of this chapter) subject to the provisions of section 20 of the Interstate Commerce Act as amended:

(a) Shall classify each of its various items of disbursement relating to operating expenses, railway taxes, equipment rents, and joint facility rents according to the relation which such item bears to the freight service and to the passenger and allied services of the carrier. Each such item shall have its character appropriately indicated on the carrier's records according to its relation (1) solely to freight service, or (2) solely to passenger and allied services, or (3) in common to both freight service and passenger and allied services, or (4) to neither freight service or passenger and

[1] The accounts mentioned in this part refer to and agree with Part 10 of this chapter.

allied services. The results of such classification shall be shown in the annual or other reports made by each such carrier to the Interstate Commerce Commission, as may be indicated in forms adopted therefor. Similar analysis shall be made of every journal entry representing a charge or credit to the above-named accounts and the results of such analysis shall be appropriately indicated on the carrier's records;

(b) The operating expenses, railway taxes, equipment rents, and joint facility rents common to both freight service and passenger and allied services shall be apportioned between the two classes of service in accordance with the annexed "Rules Governing the Separation of Operating Expenses, Railway Taxes, Equipment Rents, and Joint Facility Rents Between Freight Service and Passenger Service on Class I Line-Haul Steam Railroads," which are hereby approved and made a part hereof; and the result of such apportionment shall be shown in detail for the various primary accounts in the annual or other reports of each such carrier to the Interstate Commerce Commission as may be indicated in forms adopted therefor (§ 120.11 of this chapter).

It is further ordered, That a copy of this order and the attached rules shall be served upon every class I steam railroad (except switching and terminal companies) subject to part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such steam railroad; and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Objections may be filed. Any interested party may on or before 45 days after the date of this order file with the Commission a written statement of reasons why the said order should not become effective as provided above. Unless otherwise ordered after consideration of such objections, the said order shall become effective as herein ordered.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

GENERAL

Sec.
121.01 Expenses directly assigned.
121.02 Methods.
121.03 Made by accounting divisions.
121.04 Special test.
121.05 Instructions for apportioning.

OPERATING EXPENSES

MAINTENANCE OF WAY AND STRUCTURES

121.1 Superintendence (account 201).
121.2 Roadway maintenance; tunnels and subways; bridges, trestles, and culverts; elevated structures; ties; rails; other track material; ballast; track laying and surfacing; and fences, snowsheds, and signs (accounts 202–221).
121.3 Station and office buildings (account 227).
121.4 Roadway buildings (account 229).
121.5 Water stations (account 231).
121.6 Fuel stations (account 233).
121.7 Shops and enginehouses (account 235).
121.8 Grain elevators; storage warehouses; wharves and docks; and coal and ore wharves (accounts 237–243).
121.9 Communication systems (account 247).
121.10 Signals and interlockers (account 249).
121.11 Power plants (account 253).
121.12 Power-transmission systems; and miscellaneous structures (accounts 257–265).
121.13 Road property; depreciation; retirements; road; and deferred maintenance; way and structures, etc. (accounts 266–268).
121.14 Roadway machines (account 269).
121.15 Dismantling retired road property (account 270).
121.16 Small tools and supplies; removing snow, ice, and sand; and public improvements; maintenance (accounts 271–273).
121.17 Injuries to persons; insurance; stationery and printing; and other expenses (accounts 274–277).
121.18 Maintaining joint tracks, etc. (accounts 278–279).
121.19 Right-of-way expenses (account 281).

MAINTENANCE OF EQUIPMENT

121.20 Superintendence (account 301).
121.21 Shop machinery (account 302).
121.22 Power-plant machinery (account 304).
121.23 Shop and power-plant machinery; depreciation; and dismantling retired shop and power-plant machinery (accounts 305–306).
121.24 Steam locomotives; repairs (account 308).
121.25 Other locomotives; repairs (account 311).
121.26 Freight-train cars, and passenger-train cars; repairs (accounts 314–317).
121.27 Floating equipment; repairs (account 323).
121.28 Work equipment; repairs (account 326).
121.29 Miscellaneous equipment; repairs (account 328).
121.30 Dismantling retired equipment (account 329).
121.31 Retirements; equipment (account 330).
121.32 Equipment; depreciation (account 331).
121.33 Injuries to persons; insurance; stationary and printing; and other expenses (accounts 332–335).
121.34 Joint maintenance of equipment expenses, etc. (accounts 336–337).
121.35 Deferred maintenance; equipment, etc.; and major repairs; equipment, etc. (accounts 339–340).

TRAFFIC

121.36 Superintendence; outside agencies; advertising; traffic associations; fast freight lines; industrial and immigration bureaus; insurance; stationery and printing; and other expenses (accounts 351–359).

TRANSPORTATION; RAIL LINE

121.37 Superintendence (account 371).
121.38 Dispatching trains (account 372).
121.39 Station employees (account 373).
121.40 Weighing, inspection, and demurrage bureaus; and coal and ore wharves (accounts 374–375).
121.41 Station supplies and expenses (account 376).
121.42 Yardmasters and yard clerks; yard conductors and brakemen; yard switch and signal tenders; and yard enginemen (accounts 377–380).
121.43 Yard switching fuel (account 382).
121.44 Yard switching power produced; and purchased (accounts 383–384).
121.45 Water for yard locomotives (account 385).
121.46 Lubricants (and other supplies) for yard locomotives; enginehouse expenses, yard; and yard supplies and expenses (accounts 386–389).
121.47 Operating joint yards and terminals, etc. (accounts 390–391).
121.48 Train enginemen; train fuel; train power produced; and train power purchased (accounts 392–396).
121.49 Water for train locomotives (account 397).
121.50 Lubricants for train locomotives; and other supplies for train locomotives (accounts 398–399).
121.51 Enginehouse expenses; train (account 400).
121.52 Trainmen; and train supplies and expenses (accounts 401–402).
121.53 Operating sleeping cars (account 403).
121.54 Signal and interlocker operation; and crossing protection (accounts 404–405).
121.55 Drawbridge operation (account 406).
121.56 Communication system operation (account 407).
121.57 Operating floating equipment (account 408).
121.58 Stationery and printing (account 410).
121.59 Other expenses (account 411).
121.60 Operating joint tracks and facilities, etc. (accounts 412–413).
121.61 Insurance; clearing wrecks; damage to property; and damage to live stock on right-of-way (accounts 414–417).
121.62 Loss and damage, freight (account 418).
121.63 Loss and damage, baggage (account 419).
121.64 Injuries to persons (account 420).

MISCELLANEOUS OPERATIONS

121.65 Miscellaneous operations: dining and buffet service; hotels and restaurants; grain elevators; producing power sold; other miscellaneous operations; and operating joint miscellaneous facilities, etc. (accounts 441–448).

GENERAL EXPENSES

121.66 General expenses: salaries and expenses of general officers, and of clerks and attendants; general office supplies and expenses; law expenses; insurance; relief department expenses; pensions and gratuities; stationery and printing; valuation expenses; other expenses; and general joint facilities, etc. (accounts 451–462).

INCOME ACCOUNT

TAXES, EQUIPMENT RENTS, AND JOINT FACILITY RENTS

121.67 Hire of freight cars, credit balance (account 503).
121.68 Rent from locomotives (account 504).
121.69 Rent from passenger-train cars (account 505).
121.70 Rent from floating equipment (account 506).
121.71 Rent from work equipment (account 507).
121.72 Joint facility rent income (account 508).
121.73 Railway tax accruals (account 532).

Sec.
121.74 Hire of freight cars, debit balance (account 536).
121.75 Rent for locomotives; for passenger-train cars; and for floating equipment (accounts 537–539).
121.76 Rent for work equipment (account 540).
121.77 Joint facility rents (account 541).

CHARGES AND CREDITS BETWEEN SERVICES

121.78 Charges and credits between services.

AUTHORITY: §§ 121.01 to 121.78 issued under sec. 12, 24 Stat. 383, as amended, sec. 20f, 54 Stat. 933; 49 U. S. C. 12, 904. Interpret or apply sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913.

RULES GOVERNING THE SEPARATION OF RAILWAY OPERATING EXPENSES, TAXES, EQUIPMENT RENTS, AND JOINT FACILITY RENTS BETWEEN FREIGHT SERVICE AND PASSENGER SERVICE

GENERAL

§ 121.01 *Expenses directly assigned.* Carriers shall first assign to freight service or to passenger service, including allied services, the expenses that are directly or naturally assignable to such services, respectively, except as stated below.

§ 121.02 *Methods.* The methods indicated under the various accounts are for dividing the common expenses. The test of whether an item of expense is direct or common should be based upon whether the service performed or the use of the facility is related solely to the freight service or to the passenger service, on the one hand, or, on the other hand, is common to both freight and passenger services.

§ 121.03 *Made by accounting divisions.* The separation shall be made by accounting divisions, where such divisions are maintained, and the aggregate of the accounting divisions reported for the year.

§ 121.04 *Special test.* When the separation of expenses between freight and passenger services is based upon a special test, such test should be made at sufficiently frequent intervals to represent actual operating conditions.

§ 121.05 *Instructions for apportioning.* Where groups of accounts are hereinafter stated, the instructions immediately thereunder apply to each account in the group.

OPERATING EXPENSES

MAINTENANCE OF WAY AND STRUCTURES

§ 121.1 *Superintendence (account 201).* Assign directly as per § 121.01. Apportion common expenses according to propositions of accounts 202 to 265, inclusive, 269 to 277, inclusive, and 281, excluding common expenses in accounts 247, and 274 to 277, inclusive.

§ 121.2 *Roadway maintenance; tunnels and subways; bridges, trestles, and culverts; elevated structures; ties; rails; other track material; ballast; track laying and surfacing; and fences, snowsheds, and signs (accounts 202–221).* (a) Separate all tracks which are maintained by respondent into the following three classes: Yard switching tracks, Way switching tracks, and Running tracks, as defined in subparagraphs (1) through (3) of this paragraph:

(1) *Yard switching tracks.* Includes tracks in yards where separate switching services are maintained, including classification, house, team, industry, and other tracks switched by yard locomotives. Excludes running tracks located within yards which are regularly used by road trains, passing tracks, and all turnouts from these tracks to clearance points.

(2) *Way switching tracks.* Includes station, team, industry, and other switching tracks for which no separate switching service is maintained.

(3) *Running tracks.* Includes running tracks, passing tracks, crossovers, etc., including turnouts from those tracks to clearance points.

(b) The separation of the expenses between yard switching tracks, way switching tracks, and running tracks shall be based either on the work actually performed and materials used for each class of track or on a weighted track-mile basis, developed from special studies. The expenses for each class of track shall be separated between freight service and passenger service as follows:

(1) *Yard switching tracks.* Expenses for exclusively freight or passenger yards shall be directly assigned. Expenses for yards used in common by freight and passenger services shall be apportioned on the basis of the respective switching locomotive hours in the common yards.

(2) *Way switching tracks.* Expenses of exclusively freight or passenger tracks shall be directly assigned. Where the tracks at any one location are used in common by both freight and passenger services, expenses may be assigned to that service which makes the preponderant use of them.

(3) *Running tracks.* Expenses of tracks exclusively used for freight or passenger service shall be directly assigned. The expenses of tracks used in common by both services shall be apportioned on the basis of gross ton-miles (including locomotive ton-miles) handled over these common tracks in the respective services.

§ 121.3 *Station and office buildings (account 227).* Assign directly as per § 121.01. If the sum of the direct freight and the direct passenger expenses is more than 50 percent of the total charges to this account for an accounting division, apportion the common expenses on the basis of the directly assigned expenses in this account for the accounting division involved. Where the sum of the direct freight and the direct passenger expenses does not aggregate 50 percent of the total charges for an accounting division, the common expenses should be apportioned on the basis of special test. Where common expenses exist in any accounting division but the direct expenses are applicable to only one service, i. e., freight or passenger, the common expenses shall be apportioned on the basis of a special test. If the accounting is performed on a system basis rather than by accounting divisions, follow the intent of the above instructions.

§ 121.4 *Roadway buildings (account 229).* Assign directly as per § 121.01. Apportion common expenses according to proportions of accounts 202 to 221, inclusive.

§ 121.5 *Water stations (account 231).* Assigns directly as per § 121.01. Apportion common expenses according to proportions of accounts 385 and 397, after deducting charges for water issued from stations assigned direct.

§ 121.6 *Fuel stations (account 233).* Assign directly as per § 121.01. Apportion common expenses according to proportions of charges to accounts 382 and 394, after deducting charges from fuel stations assigned direct.

§ 127.7 *Shops and enginehouses (account 235).* Assign directly as per § 121.01. Apportion common expenses of shops according to proportions of accounts 308, 311, 314, 317, 323, and 326, excluding common expenses in account 326; of enginehouses according to proportions of accounts 388 and 400.

§ 121.8 *Grain elevators; storage warehouses; wharves and docks; and coal and ore wharves (accounts 237–243).* Assign directly or apportion according to facts in individual instances.

§ 121.9 *Communication systems (account 247).* Assign directly as per § 121.01. Apportion common expenses on basis of accounts 201, 301, 351, 371, and 372 taken together.

NOTE: As accounts 451 and 452 are apportioned on the basis of proportions established for accounts 201 to 448, inclusive, they are not included here as bases for apportioning account 247.

§ 121.10 *Signals and interlockers (account 249).* Assign directly as per § 121.01. Apportion common expenses on the basis of the total locomotive-miles (road and yard) plus train-miles without locomotives (motor car propelled trains) but excluding helper-locomotive-miles.

§ 121.11 *Power plants (account 253).* Assign directly as per § 121.01. Apportion common expenses on basis of power used.

§ 121.12 *Power-transmission systems; and miscellaneous structures (accounts 257–265).* Assign according to the facts in individual instances.

§ 121.13 *Road property—depreciation; retirements; road; and deferred maintenance; way and structures, etc. (accounts 266–268).* Assign directly as per § 121.01. Apportion common expenses according to the proportions of charges under the appropriate maintenance of way and structures accounts.

§ 121.14 *Roadway machines (account 269).* Assign directly as per § 121.01. Apportion common expenses according to proportions of accounts 202 to 221, inclusive.

§ 121.15 *Dismantling retired road property (account 270).* Assign directly as per § 121.01. Apportion common expenses according to proportions of charges under the appropriate maintenance of way and structures accounts.

§ 121.16 *Small tools and supplies; removing snow, ice, and sand; and public improvements; maintenance (accounts 271–273).* Assign directly as per § 121.01. Apportion common expenses according to proportions of accounts 202 to 221, inclusive.

§ 121.17 *Injuries to persons; insurance; stationery and printing; and other expenses (accounts 274–277).* When not determined by the particulars in individual instances, these expenses shall be apportioned according to the percentages used to divide common expenses of account 201.

§ 121.18 *Maintaining joint tracks, etc. (accounts 278–279).* Joint facility debits shall be separated according to use made of the facilities by the debtor carrier regardless of the use by the other carriers. The creditor carrier shall apportion the credits on the basis of accounts 202 to 277, inclusive, and 281, excluding common expenses in account 247.

§ 121.19 *Right-of-way expenses (account 281).* Assign directly as per § 121.01. Apportion common expenses according to proportions of accounts 202 to 221, inclusive.

MAINTENANCE OF EQUIPMENT

§ 121.20 *Superintendence (account 301).* Assign directly as per § 121.01. Apportion common expenses according to the proportions of accounts 302, 304, 306 to 329, inclusive, and 332 to 335, inclusive, excluding common expenses in accounts 328, and 332 to 335, inclusive.

§ 121.21 *Shop machinery (account 302).* Assign directly as per § 121.01. Apportion common expenses according to proportions of accounts 308, 311, 314, 317, 323, and 326 combined.

§ 121.22 *Power-plant machinery (account 304).* Assign directly as per § 121.01. Apportion common expenses on basis of power used.

§ 121.23 *Shop and power-plant machinery; depreciation; and dismantling retired shop and power-plant machinery (accounts 305–306).* Assign directly as per § 121.01. Apportion common expenses according to tenor of accounts 302 and 304.

§ 121.24 *Steam locomotives, repairs (account 308).*—(a) *Where the carrier maintains records of the repairs by individual locomotives or classes of locomotives.* When the individual locomotives or classes of locomotives are used exclusively in road-freight, road-passenger, yard-freight or yard-passenger services, the separation shall be actual. When the individual locomotives or classes of locomotives are used interchangeably in road-freight (including train switching), road-passenger, yard-freight or yard-passenger services, distribute the heavy shop repairs between these services on the basis of the run-out miles of the individual locomotives or classes of locomotives since the previous shopping; and distribute the cost of running repairs between such services on the basis of the miles run by the individual locomotive or class of locomotive in each service during the accounting period for which the separation is being made.

(b) *Where the cost of heavy shop repairs is kept by individual locomotives or classes of locomotives, but the cost of running repairs is not kept either by individual locomotives or classes of locomotives.* The heavy shop repairs should be distributed as indicated in paragraph (a) of this section. The cost of running repairs shall be apportioned among road-freight (including train switching), road-passenger, yard-freight and yard-passenger services on the basis of locomotive-ton-miles or locomotive unit miles for the accounting period for which the separation is being made.

(c) *Where record is not kept of either heavy shop repairs or running repairs by individual locomotives or classes of locomotives.* The expenses shall be distributed among road-freight service (including train switching), road-passenger service, yard-freight, and yard-passenger, on the basis of locomotive-ton-miles or locomotive unit miles for the accounting period for which the separation is being made.

§ 121.25 *Other locomotives; repairs (account 311).* Treat in accordance with the methods used for account 308.

§ 121.26 *Freight-train cars; repairs; and passenger-train cars; repairs (accounts 314–317).* Assign directly.

§ 121.27 *Floating equipment; repairs (account 323).* Apportion according to use made of the floating equipment.

§ 121.28 *Work equipment; repairs (account 326).* Apportion common expenses according to proportions of accounts 202 to 265, inclusive, 269 to 273, inclusive, and 281, excluding common expenses in account 247.

§ 121.29 *Miscellaneous equipment; repairs (328).* Assign directly as per § 121.01. Apportion common expenses according to percentages used to divide common expenses of accounts 201, 301, 351, and 371.

§ 121.30 *Dismantling retired equipment (account 329).* Observe tenor of directions under accounts 308 to 328, inclusive.

§ 121.31 *Retirements; equipment (account 330).* Assign directly.

§ 121.32 *Equipment; depreciation (account 331).* Observe tenor of directions under accounts 308 to 328, inclusive.

§ 121.33 *Injuries to persons; insurance; stationery and printing; and other expenses (accounts 332–335).* When not determined by the particulars in individual instances, these expenses shall be apportioned according to the percentages use to divide common expenses of account 301.

§ 121.34 *Joint maintenance of equipment expenses, etc. (accounts 336–337).* Joint equipment charges shall be treated on appropriate basis according to the use made of the equipment by the debtor carrier, regardless of the use by other carriers. Creditor carrier should apportion the credits on the basis of accounts 302 to 335, inclusive, 339, and 340.

§ 121.35 *Deferred maintenance; equipment, etc.; and major repairs; equipment, etc., (accounts 339–340).* Observe tenor of directions under the appropriate maintenance of equipment accounts 301 to 335, inclusive.

TRAFFIC

§ 121.36 *Superintendence; outside agencies; advertising; traffic associations; fast freight lines; industrial and immigration bureaus; insurance; stationery and printing; and other expenses (accounts 351–359).* Assign directly as per § 121.01. Apportion the unassigned remainder on the basis of the directly assigned expenses in this general account, other than advertising expense.

TRANSPORTATION; RAIL LINE

§ 121.37 *Superintendence (account 371).* Assign directly as per § 121.01. Apportion common expenses according to the proportions of accounts 372 to 420, inclusive, excluding the total expenses in accounts 390, 391, 412, and 413, and common expenses in accounts 407, 410, and 411.

§ 121.38 *Dispatching trains (account 372).* Assign directly as per § 121.01. Apportion common expenses on the basis of transportation service train hours, including train switching hours.

§ 121.39 *Station employees (account 373).* Assign directly as per § 121.01. If the sum of the direct freight and the direct passenger expenses is more than 50 percent of the total charges to this account for an accounting division, apportion the common expenses on the basis of the directly assigned expenses in this account for the accounting division involved. Where the sum of the direct freight and the direct passenger expenses does not aggregate 50 percent of the total charges for an accounting division, the common expenses should be apportioned on the basis of special test. Where common expenses exist in any accounting division but the direct expenses are applicable to only one service, i. e., freight or passenger, and even though the direct charges are over 50 percent of the total charges, the common expenses shall be apportioned on the basis of a special test. If the accounting is performed on a system basis rather than by accounting divisions, follow the intent of the above instructions.

§ 121.40 *Weighing, inspection, and demurrage bureaus; and coal and ore wharves (accounts 374–375).* Assign directly.

§ 121.41 *Station supplies and expenses (account 376).* Assign directly

as per § 121.01. If the sum of the direct freight and the direct passenger expenses is more than 50 percent of the total charges to this account for an accounting division, apportion the common expenses on the basis of the directly assigned expenses in this account for the accounting division involved. Where the sum of the direct freight and the direct passenger expenses does not aggregate 50 percent of the total charges for an accounting division, the common expenses should be apportioned on the basis of special test. Where common expenses apply in any accounting division but the direct expenses are applicable to only service, i. e., freight or passenger, and even though the direct charges are over 50 percent of the total charges, the common expenses shall be apportioned on the basis of a special test. If the accounting is performed on a system basis rather than by accounting divisions, follow the intent of the above instructions.

§ 121.42 *Yardmasters and yard clerks; yard conductors and brakemen; yard switch and signal tenders; and yard enginemen (accounts 377–380).* Expenses for exclusively freight or passenger yards shall be assigned directly. Apportion the expenses of common yards on the basis of the total switching locomotive-hours in those yards.

§ 121.43 *Yard switching fuel (account 382).* Expenses for exclusively freight and passenger yards shall be assigned directly. Apportion the common expenses of each kind of fuel on the basis of the switching locomotive-hours of the locomotives using that kind of fuel in those yards.

§ 121.44 *Yard switching power produced; and purchased (accounts 383–384).* Expenses for exclusively freight and passenger yards shall be assigned directly. Apportion the expenses of the common yards on the basis of the other switching locomotive-hours of the locomotives in those yards using the power produced or purchased.

§ 121.45 *Water for yard locomotives (account 385).* Expenses for exclusively freight and passenger yards shall be assigned directly. Apportion the expenses of common yards on the basis of the steam switching locomotive-hours in those yards.

§ 121.46 *Lubricants, and other supplies for yard locomotives; enginehouse expenses—yard; and yard supplies and expenses (accounts 386–389).* Expenses for exclusively freight or passenger yards shall be assigned directly. Apportion the expenses of common yards on the basis of the total switching locomotive-hours in those yards.

§ 121.47 *Operating joint yards and terminals, etc. (accounts 390–391).* Joint facilities shall be treated on appropriate bases according to the use made of the facilities by the debtor carrier, regardless of the use by other carriers. Creditor carriers shall apportion the total of account 391 on the basis of accounts 373, and 376 to 389, inclusive.

§ 121.48 *Train enginemen; train fuel; train power produced; and train power purchased (accounts 392–396).* Assign directly as per § 121.01. Apportion common expenses on the basis of the direct assignment.

§ 121.49 *Water for train locomotives (account 397).* Assign directly as per § 121.01. Apportion common expenses on the basis of the tons or gallons of fuel consumed by steam locomotives in freight-train and passenger-train services, respectively. Where more than one type of fuel is used by steam locomotives, the kinds of fuel shall be converted to a common equated unit. The equating factors shall be based on the facts in the individual instances.

§ 121.50 *Lubricants for train locomotives; and other supplies for train locomotives (accounts 398–399).* Observe tenor of directions under accounts 392 to 396, inclusive.

§ 121.51 *Enginehouse expenses; train (account 400).* Assign directly as per § 121.01. Common expenses at each enginehouse shall be divided according to the number of engines handled for each service. Where various classes of engines differ considerably in expense of handling at an enginehouse, an arbitrary should be adopted representing such variation and the number of engines handled modified accordingly.

§ 121.52 *Trainmen; and train supplies and expenses (accounts 401–402).* Observe tenor of directions under accounts 392 to 396, inclusive.

§ 121.53 *Operating sleeping cars (account 403).* Assign to passenger.

§ 121.54 *Signal and interlocker operation; and crossing protection (accounts 404–405).* Assign directly as per § 121.01. Apportion common expenses on the basis of the total locomotive-miles (road and yard) plus train-miles without locomotives (motor car propelled trains) but excluding helper-locomotive-miles.

§ 121.55 *Drawbridge operation (account 406).* Assign directly as per § 121.01. Apportion common expenses on the basis of train hours of the particular operating division on which the bridge is located.

§ 121.56 *Communication system operation (account 407).* Assign directly as per § 121.01. Apportion common expenses on the basis of the sum of the charges (assigned or apportioned) to accounts 201, 301, 351, 371, and 372.

NOTE: As accounts 451 and 452 are apportioned on the basis of proportions established for accounts 201 to 448, inclusive, they are not included here as bases for apportioning this account.

§ 121.57 *Operating floating equipment (account 408).* Assign directly as per § 121.01. Apportion common expenses according to the use made of the floating equipment.

§ 121.58 *Stationery and printing (account 410).* When not determined by the particulars in individual instances, apportion according to common expenses in account 371.

§ 121.59 *Other expenses (account 411).* When not determined by the particulars in individual instances, these expenses shall be apportioned according to the percentages used to divide common expenses of account 371.

§ 121.60 *Operating joint tracks and facilities, etc. (accounts 412–413).* Joint facilities shall be treated on appropriate bases according to the use made of the facilities by the debtor carrier, regardless of the use by other carriers. Creditor carrier shall apportion the total of account 413 on the basis of accounts 392 to 402, inclusive.

§ 121.61 *Insurance; clearing wrecks; damage to property; and damage to livestock on right-of-way (accounts 414–417).* Assign directly as per § 121.01. Apportion unassigned remainder on the basis of the directly assigned expenses.

§ 121.62 *Loss and damage, freight (account 418).* Assign to freight.

§ 121.63 *Loss and damage, baggage (account 419).* Assign to passenger.

§ 121.64 *Injuries to persons (account 420).* Assign directly as per § 121.01. Apportion unassigned remainder on the basis of the directly assigned expenses.

MISCELLANEOUS OPERATIONS

§ 121.65 *Dining and buffet service; hotels and restaurants; grain elevators; producing power sold; other miscellaneous operations; and operating joint miscellaneous facilities, etc. (accounts 441–448).* Assign directly as per § 121.01 Apportion remainder on appropriate units according to local conditions.

GENERAL EXPENSES

§ 121.66 *Salaries and expenses of general officers, and of clerks and attendants; general office supplies and expenses; law expenses; insurance; relief department expenses; pensions and gratuities; stationery and printing; valuation expenses; other expenses; and general joint facilities, etc. (accounts 451–462).* Assign directly as per § 121.01. Apportion the remainder according to proportions of accounts 201 to 448, inclusive.

INCOME ACCOUNT

TAXES, EQUIPMENT RENTS, AND JOINT FACILITY RENTS

§ 121.67 *Hire of freight cars, credit balance (account 503).* Assign directly to freight service.

§ 121.68 *Rent from locomotives (account 504).* Assign according to type of locomotive rented.

§ 121.69 *Rent from passenger-train cars (account 505).* Assign directly.

§ 121.70 *Rent from floating equipment (account 506).* Assign according to type of equipment rented.

§ 121.71 *Rent from work equipment (account 507).* Apportion in accordance with rules for treating account 326.

§ 121.72 *Joint facility rent income (account 508).* Assign directly as per § 121.01. Apportion common expenses on basis of the sum of accounts 279, 337, 391, 413, 448, and 462.

§ 121.73 *Railway tax accruals (account 532).* (a) Apportion current income tax accruals in accordance with separation of net railway operating income before deducting Federal and State income taxes. If result for one service upon that basis is a deficit, assign income tax to the other service showing an income.

(b) Apportion large or unusual debit and credit adjustments of prior years' income tax accruals on the basis of the respective tax accruals applicable to the year to which such tax adjustments relate.

(c) Apportion all other tax accruals on the basis of separation of total operating expenses.

§ 121.74 *Hire of freight cars, debit balance (account 536).* Assign directly to freight service.

§ 121.75 *Rent for locomotives; rent for passenger-train cars; and rent for floating equipment (accounts 537–539).* Assign directly.

§ 121.76 *Rent for work equipment (account 540).* Apportion in accordance with rules for treating account 326.

§ 121.77 *Joint facility rents (account 541).* Assign directly as per § 121.01. Apportion common expenses on the basis of the sum of accounts 278, 336, 390, 412, 447 and 461.

CHARGES AND CREDITS BETWEEN SERVICES

§ 121.78 *Charges and credits between services.* Carriers in making apportionments under the preceding rules should not, until further notice, make any allowance for the credit that should be given to the freight service for work performed (such as carrying company fuel) for the passenger service and vice versa.

NOTE A: If compilation of the information in compliance with any of the foregoing rules or parts thereof result in an undue burden or increase in accounting expense, the matter of relief therefrom may be referred to the Bureau of Transport Economics and Statistics for consideration and decision. Also, if data as good or better can be developed through methods and procedures other than any of those above prescribed, permission for substitution thereof should be requested of the said Bureau. Requests in either event should be supported by full particulars.

NOTE B: The total distribution to freight service or passenger service derived under the foregoing rules for separation consists of the solely related or directly assignable amounts plus an apportionment of the common on a service or use basis. Inasmuch as the amounts assigned and/or apportioned to the freight and passenger services, respectively, are based on the performance of both services, the operating expenses, taxes, equipment, and joint facility rents assigned and/or apportioned to either service may not represent the amounts that could be eliminated if either service were discontinued.

[F. R. Doc. 52-13123; Filed, Dec. 12, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

COMPENSATION OF CERTAIN MEMBERS OF ARMED FORCES; ABATEMENT OF INCOME TAX FOR SUCH MEMBERS UPON DEATH

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to sections 305 and 334 of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.22 (b) (13)–1 the following:

SEC. 305. COMPENSATION OF CERTAIN MEMBERS OF THE ARMED FORCES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 22 (b) (13).* Section 22 (b) (13) (relating to exclusion from gross income of compensation of certain members of the armed forces) is hereby amended by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

(A) *Enlisted personnel.* Compensation received for active service as a member below the grade of commissioned officer in the armed forces of the United States for any month during any part of which such member—

(i) Served in a combat zone after June 24, 1950, and prior to January 1, 1954, or

(ii) Was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone prior to January 1, 1954; but this clause shall not apply for any month during any part of which there are no combatant activities in any combat zone as determined under subparagraph (C) (iii) of this paragraph.

(B) *Commissioned officers.* So much of the compensation as does not exceed $200 received for active service as a commissioned officer in the armed forces of the United States for any month during any part of which such officer—

(i) Served in a combat zone after June 24, 1950, and prior to January 1, 1954, or

(ii) Was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone prior to January 1, 1954; but this clause shall not apply for any month during any part of which there are no combatant activities in any combat zone as determined under subparagraph (C) (iii) of this paragraph.

(b) *Definition of service in combat zone.* Clause (iii) of section 22 (b) (13) (C) is hereby amended by striking out "such zone; and" and inserting in lieu thereof "such zone, except that June 25, 1950, shall be considered the date of the commencing of combatant activities in the combat zone designated in Executive Order 10195; and".

• • • • •

(d) *Effective dates.* The amendments made by subsections (a) and (b) shall be applicable to taxable years ending after June 24, 1950. • • •

PAR. 2. Section 29.22 (b) (13)–2, as added by Treasury Decision 5832, approved March 8, 1951, is hereby amended as follows:

(A) By changing the headnote and paragraphs (a) and (b) thereof to read as follows:

§ 29.22 (b) (13)–2 *Compensation of members of the armed forces of the United States for service in a combat zone after June 24, 1950, and prior to January 1, 1954, or for service while hospitalized as a result of such combat-zone service.* In addition to the exemptions and credits otherwise applicable, section 22 (b) (13) provides that there shall be excluded from gross income:

(a) Compensation received for active service as a member below the grade of commissioned officer in the armed forces of the United States for any month during any part of which such member (1) served in a combat zone after June 24, 1950, and prior to January 1, 1954, or (2) was hospitalized at any place as a result of wounds, disease, or injury incurred while so serving provided that during all of such month there are combatant activities in some combat zone.

(b) In the case of compensation received for active service as a commissioned officer in the armed forces of the United States for any month during any part of which such officer (1) served in a combat zone after June 24, 1950, and prior to January 1, 1954, or (2) was hospitalized at any place as a result of wounds, disease, or injury incurred while so serving provided that during all of such month there are combatant activities in some combat zone, so much of such compensation as does not exceed $200.

The exclusions under section 22 (b) (13) and this section are applicable only if active service is performed in a combat zone after June 24, 1950, and prior to January 1, 1954. Compensation is subject to exclusion whether or not it is received outside a combat zone or while the recipient is hospitalized or in a year (including a year after 1953) different from that in which the service was rendered for which the compensation is paid. Service is performed in a combat zone only if it is performed in an area which the President of the United States has designated by Executive order, for the purpose of section 22 (b) (13), as an area in which armed forces of the United States are or have (after June 24, 1950) engaged in combat, and only if it is performed on or after the date designated by the President by Executive order as the date of the commencing of combatant activities in such zone (except that the date June 25, 1950, in the combat zone designated in Executive Order 10195, shall be considered the date of the commencing of combatant activities in such zone) and on or before the date designated by the President by Executive order as the date of the termination of combatant activities in such zone. If a member of the armed forces serves in a combat zone or is hospitalized for any part of a month, he is entitled to the exclusion for such month to the same extent as if he had served in such zone, or had been hospitalized, for the entire month.

(B) By adding after the first undesignated paragraph following paragraph (b) thereof the following:

If an individual is hospitalized for a wound, disease, or injury while serving in a combat zone, the wound, disease, or injury will, unless the contrary clearly appears, be presumed to have been incurred while serving in a combat zone. In certain cases, however, a wound, disease, or injury may have been incurred while serving in a combat zone even though the individual was not hospitalized for it while so serving. And, in exceptional cases, a wound, disease, or injury will not have been incurred while serving in a combat zone even though the individual was hospitalized for it while so serving.

These principles may be illustrated by the following examples:

Example (1). An individual is hospitalized in a combat zone for a specific disease after having served in such zone for three weeks. The incubation period of such disease is from two to four weeks. Such disease was incurred while serving in the combat zone.

Example (2). The facts are the same as in example (1) except that the incubation period is one year. Such disease was not incurred while serving in the combat zone.

Example (3). A member of the Air Force, stationed outside the combat zone, is shot while participating in an aerial flight over the combat zone, but is not hospitalized until he returns to his home base. Such injury was incurred while serving in a combat zone.

Example (4). An individual is hospitalized for a specific disease three weeks after having departed from a combat zone. The incubation period of such disease is from two to four weeks. Such disease was incurred while serving in a combat zone.

An individual is hospitalized only until such time as his status as a hospital patient ceases by reason of his discharge from the hospital.

PAR. 3. There is inserted immediately following § 29.153–4, as added by Treasury Decision 5838, approved April 17, 1951, the following:

SEC. 334. ABATEMENT OF INCOME TAX FOR CERTAIN MEMBERS OF ARMED FORCES UPON DEATH (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Supplement D of chapter 1 of the Internal Revenue Code (relating to returns and payment of tax) is hereby amended by adding at the end thereof the following new section:

SEC. 154. INCOME TAXES OF MEMBERS OF ARMED FORCES UPON DEATH.

In the case of any individual who dies after June 24, 1950, and prior to January 1, 1954, while in active service as a member of the Armed Forces of the United States, if such death occurred while serving in a combat zone (as determined under section 22 (b) (13)) or as a result of wounds, disease, or injury incurred while so serving—

(a) The tax imposed by this chapter shall not apply with respect to the taxable year in which falls the date of his death, or with respect to any prior taxable year ending on or after the first day he so served in a combat zone after June 24, 1950; and

(b) The tax under this chapter and under the corresponding title of each prior revenue law for taxable years preceding those specified in clause (a) which is unpaid at the date of his death (including interest, additions to the tax, and additional amounts) shall not be assessed, and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment.

§ 29.154–1 *Abatement of income taxes of certain members of the armed forces upon death.* (a) If an individual dies after June 24, 1950, and prior to January 1, 1954, while in active service as a member of the armed forces of the United States, and such death occurs while serving in a combat zone, as determined under section 22 (b) (13), or at any place as a result of wounds, disease, or injury incurred while so serving, then

(1) The tax liability of such individual under chapter 1 for the taxable year ending on the date of his death, or for any prior taxable year ending on or after the first day he so served in a combat zone after June 24, 1950, is cancelled and if the tax (including interest, additions to the tax, and additional amounts) is assessed, the assessment shall be abated, and if the amount of such tax is collected (regardless of the date of collection) the amount so collected shall be credited or refunded as an overpayment; and

(2) That amount of tax of such individual for taxable years preceding those specified in subparagraph (1) of this paragraph under chapter 1, or corresponding provisions of prior revenue laws, which remains unpaid as of the date of death shall not be assessed, and if any such unpaid tax (including interest, additions to the tax, and additional amounts) has been assessed, such assessment shall be abated, and if the amount of any such unpaid tax is collected subsequent to the date of death, the amount so collected shall be credited or refunded as an overpayment.

(b) If such an individual and his spouse have for any such year filed a joint return, the tax abated, credited, or refunded pursuant to the provisions of section 154 for such year shall be an amount equal to that portion of the joint tax liability which is the same percentage of such joint tax liability as a tax computed upon the separate income of such individual is of the sum of the taxes computed upon the separate income of such individual and his spouse, but with respect to taxable years ending prior to June 24, 1950, and with respect to taxable years ending prior to the first day such individual served in a combat zone, as determined under section 22 (b) (13), the amount so abated, credited, or refunded shall not exceed the amount unpaid at the date of death. For such purpose, the separate tax of each spouse shall be the tax computed under chapter 1 before the application of sections 32, 35, and 322 (a), but after the application of section 31, as if such spouse were required to make a separate return.

(c) If such an individual and his spouse filed a joint declaration of estimated tax for the taxable year ending with the date of his death, the estimated tax paid pursuant to such declaration may be treated as the estimated tax of either such individual or his spouse, or may be divided between them, in such manner as his legal representative and such spouse may agree. Should they agree to treat such estimated tax, or any portion thereof, as the estimated tax of such individual, the estimated tax so paid shall be credited or refunded as an overpayment for the taxable year ending with the date of his death.

(d) For the purpose of determining the tax which is unpaid at the date of death, any amounts deducted and withheld under subchapter D of chapter 9 constitute payment of a tax imposed under chapter 1.

(e) This section shall have no application whatsoever with respect to the liability of an individual as a transferee of property of a taxpayer where such liability relates to the tax imposed upon the taxpayer by chapter 1.

(f) As to what constitutes active service as a member of the armed forces, service in a combat zone, and wounds, disease, or injury incurred while serving in a combat zone, see § 29.22 (b) (13)–2. As to who are members of the armed forces, see § 29.3797–11.

[F. R. Doc. 52–13146; Filed, Dec. 12, 1952; 8:51 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

COMPUTATION OF NET INCOME; INVENTORIES UNDER ELECTIVE METHOD

Pursuant to the Administrative Procedure Act, approved June 11, 1946, a proposed revision of § 29.22 (d)–1 of Regulations 111 was published in tentative form as the appendix attached to a notice of proposed rule making published in the FEDERAL REGISTER for July 10, 1952 (17 F. R. 6200). The proposed revision of the regulations was to have been issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

After consideration of all relevant matter presented by interested persons with respect to the proposed revision, notice is hereby given that such proposal to revise the regulations is withdrawn.

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

[F. R. Doc. 52–13161; Filed, Dec. 12, 1952; 8:56 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

EARNED INCOME FROM SOURCES WITHOUT THE UNITED STATES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to the provisions of section 321 (relating to earned income from sources without the United States) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.116–1 the following:

SEC. 321. EARNED INCOME FROM SOURCES WITHOUT THE UNITED STATES [REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951].

(a) *Exclusion from gross income.* Section 116 (a) (relating to earned income from sources without the United States) is hereby amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

(1) *Bona fide resident of foreign country.* In the case of an individual citizen of the United States, who establishes to the satisfaction of the Secretary that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, amounts received from sources without the United States (except amounts paid by the United States or any agency thereof) if such amounts constitute earned income (as defined in paragraph (3)) attributable to such period; but such individual shall not be allowed as a deduction from his gross income any deductions properly allocable to or chargeable against amounts excluded from gross income under this paragraph.

(2) *Presence in foreign country for 17 months.* In the case of an individual citizen of the United States, who during any period of 18 consecutive months is present in a foreign country or countries during at least 510 full days in such period, amounts received from sources without the United

(ii) Was hospitalized as a result of wounds, disease, or injury incurred while serving in a

which the President of the United States has designated by Executive order, for

1951, the following:

States (except amounts paid by the United States or any agency thereof) if such amounts constitute earned income (as defined in paragraph (3)) attributable to such period; but such individual shall not be allowed as a deduction from his gross income any deductions properly allocable to or chargeable against amounts excluded from gross income under this paragraph.

• • • • • •

(c) *Effective dates.* The amendment made by subsection (a) shall be applicable to taxable years beginning after December 31, 1950. • • •

PAR. 2. Section 29.116–1, as amended by Treasury Decision 5373, approved May 23, 1944, is further amended as follows:

(A) By revising so much thereof as precedes the first sentence of paragraph (a) thereof to read as follows:

§ 29.116–1 *Earned income from sources without the United States*—(a) *Resident of a foreign country.*

(B) By inserting in the first sentence thereof, immediately after "December 31, 1942,", the following: "and before January 1, 1951,".

(C) By deleting from paragraph (a) thereof the last two sentences, which commence with the words "However, once bona fide residence" and "Whether the individual citizen", respectively.

(D) By redesignating present paragraph (a) as subparagraph (1) and adding the following new subparagraphs (2) and (3):

(2) For taxable years beginning after December 31, 1950, amounts constituting earned income as defined in section 116 (a) (3) shall be excluded from gross income in the case of an individual citizen of the United States who establishes to the satisfaction of the Commissioner that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes with with respect to such citizen an entire taxable year, if such amounts are (i) from sources without the United States, (ii) attributable to such uninterrupted period, and (iii) not paid by the United States or any agency or instrumentality thereof. The exemption from tax thus provided is applicable to such amounts as are attributable to that portion of an uninterrupted period of bona fide foreign residence which falls within a taxable year during the course of which the citizen takes up or terminates bona fide residence in a foreign country, provided that such period includes with respect to him at least one entire taxable year. If attributable to an uninterrupted period in respect of which the citizen qualifies for the exemption from tax thus provided, the amounts shall be excluded from gross income irrespective of when they are received, if received in taxable years beginning after December 31, 1950. The period during which the citizen was a bona fide resident of a foreign country or countries prior to the commencement of his first taxable year beginning after December 31, 1950, may be taken into account in determining whether such citizen has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year.

(3) Though the period of bona fide foreign residence must, in the application of either of the above rules, be continuous and uninterrupted, once bona fide residence in a foreign country or countries has been established, temporary visits to the United States or elsewhere on vacation or business trips will not necessarily deprive the citizen of his status as a bona fide resident of a foreign country. Whether the individual citizen of the United States is a bona fide resident of a foreign country shall be determined, to the extent applicable, by the principles of §§ 29.211–2, 29.211–3, 29.211–4, and 29.211–5, relating to what constitutes residence or nonresidence, as the case may be, in the United States in the case of an alien individual.

(E) By inserting in the first sentence of paragraph (b) thereof, immediately after "December 31, 1941,", the following: "and before January 1, 1951,".

(F) By adding at the end of paragraph (c) thereof, which commences with the words "In any case in which any amount", the following new sentence: "The apportionment and allocation of such expenses, losses, or deductions as between income from sources within, and income from sources without, the United States shall be determined in accordance with the principles of section 119 and the regulations thereunder."

(G) By redesignating present paragraphs (b) through (e) as subparagraphs (4) through (7) and adding the following new subparagraphs (8) through (10):

(8) Amounts derived from sources without the United States shall not be included in gross income solely because they are received within the United States, since the place of receipt is immaterial in determining whether amounts constituting earned income are excluded from gross income under the provisions of section 116 (a). No amounts received for services performed within the United States shall be excluded from gross income by such section. For the allocation or segregation as between sources within, and sources without, the United States in the case of compensation for labor or personal services, see section 119 and the regulations thereunder.

(9) The term "foreign country" includes only territory under the sovereignty of a government other than that of the United States. It does not include a possession or territory of the United States.

(10) If the citizen has at the due date prescribed by law or regulations for filing a return of income been a bona fide resident of a foreign country or countries for an uninterrupted period which does not include with respect to him an entire taxable year, he shall, in applying the rule applicable to taxable years beginning after December 31, 1950, include in gross income on his return all amounts received or accrued as earned income from sources without the United States which are attributable to the portion of such period covered by his return, even though such amounts may ultimately be excluded from gross income when the taxpayer has, in respect of such period, satisfied the requirement of having been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year. Once that requirement has been satisfied and it is determined that amounts attributable to such period and previously returned as gross income are excluded therefrom pursuant to section 116 (a) (1), then a claim for refund or credit of any overpayment of tax resulting from the inclusion of such excluded amounts shall be made under the provisions of section 322. See sections 51, 53, 322, and the regulations thereunder.

(H) By adding a new paragraph (b) as follows:

(b) *Presence in a foreign country.* (1) For taxable years beginning after December 31, 1950, amounts constituting earned income as defined in section 116 (a) (3) shall be excluded from gross income in the case of an individual citizen of the United States who during any period of 18 consecutive months is present in a foreign country or countries during a total of at least 510 full days, if such amounts are (i) from sources without the United States, (ii) attributable to such period, and (iii) not paid by the United States or any agency or instrumentality thereof. If attributable to a period of 18 consecutive months in respect of which the citizen qualifies for the exemption from tax thus provided, the amounts shall be excluded from gross income irrespective of when they are received, if received in taxable years beginning after December 31, 1950. The period during which the citizen was present in a foreign country or countries prior to the commencement of his first taxable year beginning after December 31, 1950, may be taken into account in determining whether such citizen is present in a foreign country or countries during at least 510 full days during any period of 18 consecutive months.

(2) If the citizen has at the due date prescribed by law or regulations for filing a return of income been present in a foreign country or countries during a period of time, but is unable at such date in respect of such period to satisfy the requirements of section 116 (a) (2), he shall include in gross income on his return all amounts received or accrued as earned income from sources without the United States which are attributable to the portion of such period covered by his return, even though such amounts may ultimately be excluded from gross income when the taxpayer has, in respect of such period, satisfied the requirements of having been present in a foreign country or countries for a total of at least 510 full days during a period of 18 consecutive months. Once those requirements have been satisfied and it is determined that amounts attributable to such period and previously returned as gross income are excluded therefrom pursuant to section 116 (a) (2), then a claim for refund or credit of any overpayment of tax resulting from the inclusion of such excluded amounts shall be made under the provisions of section 322. See sections 51, 53, 322, and the regulations thereunder.

(3) The provisions of paragraph (a) of this section respecting the disallowance of certain deductions, the definition of earned income, the source of income, and the immateriality of the place of receipt of amounts constituting earned income are equally effective in the application of this paragraph.

(4) The term "foreign country" includes only territory under the sovereignty of a government other than that of the United States. It would thus not include the high seas or a possession of the United States, but would include the territorial waters of, and the air space over, a foreign country.

(5) The exclusion provided by section 116 (a) (2) applies to income attributable to any period of 18 consecutive months during which the citizen satisfies the 510 full-day requirement, even though such period constitutes a part of a longer period of presence in a foreign country or countries. For this purpose, the term "18 consecutive months" means any period of such duration, that is, any period commencing with the beginning of any day of a calendar month and terminating (i) with the close of the day which precedes that day in the eighteenth succeeding calendar month numerically corresponding to the day of the period's beginning, or, if there is no such corresponding day, (ii) with the close of the last day of such eighteenth succeeding month. Such period need not necessarily commence with the day of arrival in a foreign country, nor terminate with the day of departure therefrom. In no event will the 510 full-day requirement be prorated over a period of less than 18 consecutive months.

(6) Thus, a citizen who arrives in a foreign country on January 1, 1952, and departs therefrom on January 1, 1955, may not be present in such country for 510 full days during the 18-month period commencing with January 1, 1952, and ending with the close of June 30, 1953, because of his visits to the United States during such period, but may satisfy the 510 full-day requirement during the 18–month period commencing with February 15, 1952, and ending with the close of August 14, 1953. In such event, the exclusion will apply to income attributable to the latter period, but not to income attributable to the period commencing with January 1, 1952, and ending with the close of February 14, 1952. Conversely, the mere fact that the 510 full-day requirement has been satisfied with respect to the period ending with the close of August 14, 1953, does not mean that income earned thereafter will be excluded under section 116 (a) (2) unless such income is attributable to another 18-month period during which there is compliance with the 510 full-day requirement.

(7) The term "full day" means, not any consecutive 24-hour period, but a continuous period of twenty-four hours commencing from midnight and ending with the following midnight. In computing the minimum of 510 full days of presence in a foreign country or countries, all separate periods of such presence during the period of 18 consecutive months are to be aggregated. The 510 full days need not be consecutive, but may be interrupted by a number of short periods during which the citizen is not present in a foreign country. Time spent in a foreign country in the employment of the United States Government will count toward satisfaction of the 510 full-day requirement, even though amounts paid by such Government are not exempt from tax under section 116 (a) (2).

Example (1). At 2 p. m. on January 18, 1952, Mr. Brown, a citizen of the United States privately employed, arrived in England on a business trip from the United States. On May 19, 1952, at 10 p. m. he departed from England by steamer and arrived in the United States on May 25, 1952. After spending a period therein on official business, he left the United States by steamer on June 9, 1952, and arrived in France at 3 p. m., June 14, 1952. At 8 a. m. on February 3, 1953, he departed from France by airplane for a brief visit to Puerto Rico, arriving there on February 4; and thence went to England, arriving there at 1 a. m. on February 12, 1953, where he remained until midnight July 18, 1953, at which time the 510 full-day requirement was satisfied in respect of the period of 18 consecutive months which began with January 19, 1952. Mr. Brown continued his presence in England, not leaving such country until 5 a. m. on November 18, 1953, at which time he departed for the United States. During the 18-month period commencing with January 19, 1952, and ending with the close of July 18, 1953, the taxpayer was in a foreign country or countries an aggregate of 510 full days; in addition, during the 18-month period commencing with June 16, 1952, and ending with the close of December 15, 1953, he was in a foreign country or countries an aggregate of 510 full days. The exemption from tax provided by section 116 (a) (2) will thus apply to the entire period which commences with January 19, 1952, and ends with the close of December 15, 1953.

Example (2). On March 6, 1952, at 3 p. m. Mr. Green, a citizen privately employed, arrived in Cuba where he remained until 9 p. m., June 25, 1952, at which time he departed from Cuba for a short business trip to Puerto Rico. Upon completion of his negotiations in that possession, he departed for Mexico, arriving there at 2 p. m. on July 24, 1952, where he remained until 10 a. m., August 22, 1953, at which time he departed from such country for a vacation in the United States. He arrived again in Mexico at 9 a. m. on September 5, 1953, where he remained until 8 a. m., January 1, 1954, at which time he departed from such country for new assignment in the United States. During the 18-month period commencing with March 7, 1952, and ending with the close of September 6, 1953, the taxpayer was in a foreign country or countries an aggregate of 504 full days; during the 18-month period commencing with July 1, 1952, and ending with the close of December 31, 1953, he was in a foreign country an aggregate of 510 full days. The exemption from tax provided by section 116 (a) (2) will thus not apply to any part of the period beginning with March 6, 1952, and ending with the close of June 30, 1952; it will apply, if the taxpayer so desires, to the period commencing with July 1, 1952, and ending with the close of December 31, 1953.

[F. R. Doc. 52–13160; Filed, Dec. 12, 1952; 8:56 a. m.]

[26 CFR Part 40]

EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

MAXIMUM TAX FOR NEW CORPORATIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 130 (26 CFR Part 40) to section 501 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 40.430–1 the following:

SEC. 501. MAXIMUM TAX FOR NEW CORPORATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 430 (relating to imposition of tax) is hereby amended as follows:

(1) By adding at the end of subsection (a) thereof, as amended by section 121 of this act, the following:

(3) In the case of a corporation for which an amount is determined for the taxable year under subsection (e), the amount determined under such subsection.

(2) By redesignating subsection (e) as subsection (f); and

(3) By inserting after subsection (d) the following new subsection:

(e) *New corporations*—(1) *Alternative amount.* In the case of a taxpayer which commenced business after July 1, 1945, and whose fifth taxable year ends after June 30, 1950, the amount referred to in subsection (a) (3) shall be—

(A) If the taxable year is the first or second taxable year of the taxpayer, an amount equal to 5 per centum of the excess profits net income for the taxable year, except that if the excess profits net income exceeds $300,000, the amount shall be the sum of $15,000 plus the amount determined under subparagraph (E) of this paragraph.

(B) If the taxable year is the third taxable year of the taxpayer, an amount equal to 8 per centum of the excess profits net income for the taxable year, except that if the excess profits net income exceeds $300,000, the amount shall be the sum of $24,000 plus the amount determined under subparagraph (E) of this paragraph.

(C) If the taxable year is the fourth taxable year of the taxpayer, an amount equal to 11 per centum of the excess profits net income for the taxable year, except that if the excess profits net income exceeds $300,000, the amount shall be the sum of $33,000 plus the amount determined under subparagraph (E) of this paragraph.

(D) If the taxable year is the fifth taxable year of the taxpayer, an amount equal to 14 per centum of the excess profits net income for the taxable year, except that if the excess profits net income exceeds $300,000, the amount shall be the sum of $42,000 plus the amount determined under subparagraph (E) of this paragraph.

(E) The amount determined under this subparagraph shall be—

(I) If the taxable year ends before April 1, 1951, an amount equal to 15 per centum of the excess of the excess profits net income for the taxable year over $300,000.

(II) If the taxable year begins on January 1, 1951, and ends on December 31, 1951, an amount equal to 17¼ per centum of the excess of the excess profits net income for the taxable year over $300,000.

(III) If the taxable year (other than a taxable year described in clause (II)) ends after March 31, 1951, an amount equal to 18 per centum of the excess of the excess profits net income for the taxable year over $300,000.

(2) *First five taxable years.* For the purpose of this subsection—

(A) The taxable year in which the taxpayer commenced business and the first, second, third, and fourth succeeding taxable years shall be considered its first, second, third, fourth, and fifth taxable years, respectively.

(B) The taxpayer shall be considered to have been in existence and to have had taxable years for any period during which it or any corporation described in any clause of this subparagraph was in existence, and the taxpayer shall be considered to have commenced business on the earliest date on which it or any such corporation commenced business:

(I) Any corporation which during or prior to the taxable year was a party with the taxpayer to a transaction described in section 445 (g) (2) (A), (B), or (C), determined as if the date "July 1, 1945" were substituted for the date "December 1, 1950" in section 445 (g) (2) (C).

(II) Any corporation if a group of not more than four persons who control the taxpayer at any time during the taxable year also controlled such corporation at any time during the period beginning twelve months preceding their acquisition of control of the taxpayer and ending with the close of the taxable year; but only if at any time during such period (and while such persons controlled such corporation) such corporation was engaged in a trade or business substantially similar to the trade or business of the taxpayer during the taxable year. For the purpose of this clause, the term "control" means the ownership of more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock. A person shall not be considered a member of the group referred to in this clause unless during the period referred to in this clause he owns stock in such corporation at a time when the members of the group control such corporation and he owns stock in the taxpayer at a time when the members of the group control the taxpayer. For the purpose of this clause, the ownership of stock shall be determined in accordance with the provisions of section 503, except that constructive ownership under section 503 (a) (2) shall be determined only with respect to the individual's spouse and minor children.

(III) In case the taxpayer during or prior to the taxable year was a purchasing corporation (as defined in part IV), the selling corporation (as defined in such part) whose properties were acquired in the part IV transaction; but this clause shall not apply unless for the taxable year or for any preceding taxable year the conditions of paragraphs (1), (2), and (3) of section 474 (c) were satisfied with respect to such transaction.

(IV) Any corporation which, under regulations prescribed by the Secretary, is determined by one or more additional applications of clauses (I) to (III) to stand indirectly in the same relation to the taxpayer as though such corporation were described in any such clause.

If as of the beginning of December 1, 1950, the adjusted basis for determining gain upon sale or exchange of the aggregate assets theretofore acquired by the taxpayer in transactions described in clauses (I) and (III) (or acquired in the ordinary course of business in replacement of such assets) and held by it at such time constituted less than 20 per centum of the adjusted basis for determining gain upon sale or exchange of its total assets held at such time, then transactions described in such clauses occurring prior to such date shall be disregarded in determining the date as of which the taxpayer shall be considered to have commenced business.

(3) *Limitation.* The provisions of paragraph (1) of this subsection shall not apply to a taxpayer which derives more than 50 per centum of its gross income (determined without regard to dividends and without regard to gains from sales or exchanges of capital assets) for the taxable year from contracts and subcontracts to which the provisions of title I of the Renegotiation Act of 1951 (or the provisions of any prior renegotiation act) are applicable.

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title (including sec. 501) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 2. Section 40.430-2 is amended as follows:

(A) By striking the period at the end of subdivision (ii) of paragraph (a) (1) and inserting in lieu thereof ", or", and by adding after such subdivision (ii) the following new subdivision (iii):

(iii) In the case of a new corporation for which the excess profits tax is determined for the taxable year under section 430 (e), the amount determined under such section and under paragraph (e) of this section.

(B) By redesignating the present paragraph (e) thereof as paragraph (f).

(C) By inserting immediately following paragraph (d) thereof the following new paragraph (e):

(e) *New corporations.* (1) Section 430 (e), together with section 430 (a) (3), provides, in the case of any corporation which commenced business after July 1, 1945, for a maximum excess profits tax for any of its first five taxable years which ends after June 30, 1950. The determination of such maximum excess profits tax, which is the amount referred to in section 430 (a) (3) and in paragraph (a) of this section, depends upon the amount of the excess profits net income and upon whether the taxable year is the first, second, third, fourth, or fifth taxable year of the taxpayer. If the excess profits net income for the taxable year does not exceed $300,000, the maximum excess profits tax will be an amount equal to 5 percent of the excess profits net income for the taxable year if such taxable year is the first or second taxable year of the taxpayer; an amount equal to 8 percent of the excess profits net income if the taxable year is the third taxable year of the taxpayer; an amount equal to 11 percent of the excess profits net income if the taxable year is the fourth taxable year of the taxpayer; and an amount equal to 14 percent of the excess profits net income if the taxable year is the fifth taxable year of the taxpayer. If the excess profits net income for the taxable year exceeds $300,000, the maximum excess profits tax will be an amount equal to the sum of $15,000, if the taxable year is the first or second taxable year of the taxpayer, $24,000, if the taxable year is the third taxable year of the taxpayer, $33,000, if the taxable year is the fourth taxable year of the taxpayer, and $42,000, if the taxable year is the fifth taxable year of the taxpayer, plus, in each case, an amount equal to (i) 15 percent of the amount by which the excess profits net income for such taxable year exceeds $300,000 if the taxable year ends before April 1, 1951, or (ii) 17¼ percent of such excess if the taxable year begins on January 1, 1951, and ends on December 31, 1951 (the calendar year 1951), or (iii) 18 percent of such excess if the taxable year ends after March 31, 1951, but is not the calendar year 1951.

(2) The determination of the maximum excess profits tax, as described in subparagraph (1) of this paragraph, is shown in the following chart:

A	B	C	D
If the excess profits tax taxable year of the taxpayer is—	If excess profits net income for the taxable year does not exceed $300,000, the maximum excess profits tax is—	If excess profits net income for the taxable year exceeds $300,000, the maximum excess profits tax is—	Amount to be added to column C where excess profits net income exceeds $300,000 —
The first or second taxable year.	5 percent of excess profits net income.	$15,000 plus the amount specified in column D.	(i) If the taxable year ends before April 1, 1951, 15 percent of the amount by which the excess profits net income for such taxable year exceeds $300,000, or (ii) If the taxable year begins on January 1, 1951, and ends on December 31, 1951 (the calendar year 1951), 17¼ percent of such excess, or (iii) If the taxable year ends after March 31, 1951 (except the calendar year 1951), 18 percent of such excess.
The third taxable year.	8 percent of excess profits net income.	$24,000 plus the amount specified in column D.	
The fourth taxable year.	11 percent of excess profits net income.	$33,000 plus the amount specified in column D.	
The fifth taxable year.	14 percent of excess profits net income.	$42,000 plus the amount specified in column D.	

(3) The date the corporation commenced business shall be determined for purposes of section 430 (e) and of this section under the rules provided in the regulations promulgated under section 445, relating to the computation of average base period net income in the case of new corporations. See § 40.445–1 (a) (2). The taxable year in which the taxpayer commenced business, unless the taxpayer is considered to have had an earlier constructive existence, shall be considered its first taxable year and the next four succeeding taxable years shall be considered its second, third, fourth, and fifth taxable years, respectively. The taxpayer, however, shall be considered to have been in existence and to have had taxable years for any period during which any corporation described in section 430 (e) (2) (B) (i), (ii), (iii), or (iv), and in subparagraphs (5) through (8), of this paragraph, was in existence, and the taxpayer shall be considered to have commenced business on the earliest date on which it or any such corporation commenced business. See subparagraph (4) of this paragraph for the determination of constructive taxable years of the taxpayer where such other corporation came into existence prior to the date the taxpayer came into existence.

(4) If the taxpayer is deemed under the provisions of section 430 (e) (2) (B) and of this section to have been in existence prior to the date on which it in fact came into existence and to have had taxable years prior to such date, its first five taxable years for purposes of section 430 (e) and of this section shall be determined by reference to the annual accounting period first established by the taxpayer. Any 12-month period ending with the day on which such annual accounting period first established by the taxpayer ends and during all or part of which the taxpayer or any corporation described in section 430 (e) (2) (B) (i)–(iv) and in subparagraphs (5) through (8) of this paragraph was in existence shall be considered a taxable year of the taxpayer for the purpose of determining its first five taxable years. If both the taxpayer and any other such corporation were in existence during all or part of any such 12-month period, such period shall nevertheless be considered to be only one taxable year of the taxpayer. Any such 12-month period, however, shall be considered a taxable year of the taxpayer if any such other corporation was in existence during all or part of such period, even though such period, or the part thereof in which such other corporation was in existence, did not constitute a taxable year of such other corporation. The rule set forth in this paragraph may be illustrated by the following examples:

Examples. (i) Corporation A came into existence and commenced business on April 1, 1947. It adopted the calendar year as its annual accounting period and filed income tax returns for the period April 1, 1947, through December 31, 1947, and for the calendar year 1948. Corporation A was dissolved on June 30, 1949, and an income tax return was filed for the period January 1, 1949, through June 30, 1949. Corporation B came into existence and commenced business on July 1, 1949. Corporation B likewise adopted the calendar year as its annual accounting period and filed income tax returns for the period July 1, 1949, through December 31, 1949, and also for the calendar year 1950 and subsequent calendar years. By reason of a transaction described in section 430 (e) (2) (B), Corporation B is deemed for purposes of section 430 (e) and of this subsection to have commenced business on April 1, 1947, the date Corporation A commenced business, and to have been in existence and to have had taxable years since that date. Since Corporation B first adopted the calendar year as its annual accounting period, any 12-month period ending on December 31 during which either Corporation B or Corporation A was in existence will constitute a taxable year of Corporation B. Since Corporation A came into existence on April 1, 1947, it was in existence during part of the 12-month period January 1, 1947, through December 31, 1947, and such 12-month period will be deemed to be the first taxable year of Corporation B for purposes of section 430 (e) and of this subsection. Corporation A was in existence during the whole 12-month period January 1, 1948, through December 31, 1948, and such period will be deemed to be the second taxable year of Corporation B. Corporation A was in existence during part of the 12-month period January 1, 1949, through December 31, 1949, and Corporation B also was in existence during part of such period. The 12-month period January 1, 1949, through December 31, 1949, accordingly will be considered to be a taxable year of Corporation B and will be its third taxable year for purposes of section 430 (e) and of this subsection. The calendar years 1950 and 1951 will be the fourth and fifth taxable years, respectively, of Corporation B. It is to be noted that the 12-month period January 1, 1949, through December 31, 1949, is deemed to be one taxable year of Corporation B even though both Corporation A and Corporation B were in existence during part of such period and even though Corporation A filed an income tax return for the period January 1, 1949, through June 30, 1949, and Corporation B filed an income tax return for the period July 1, 1949, through December 31, 1949. It is to be further noted that in this example the 12-month period January 1, 1949, through December 31, 1949, would constitute one taxable year of Corporation B even though Corporation A had not been dissolved on June 30, 1949, but had continued in existence until after December 31, 1949.

(ii) Assume in the above example that when Corporation A came into existence and commenced business on April 1, 1947, it adopted the fiscal year ending March 31 as its annual accounting period and filed income tax returns for the fiscal years April 1, 1947, through March 31, 1948, and April 1, 1948, through March 31, 1949, and also an income tax return for the period April 1, 1949, through June 30, 1949. Since Corporation B first adopted the calendar year as its annual accounting period, Corporation B's first five taxable years must be determined by reference to the 12-month periods ending on December 31. Corporation A came into existence on April 1, 1947, and accordingly was in existence during part of the 12-month period January 1, 1947, through December 31, 1947. Such 12-month period January 1, 1947, through December 31, 1947, accordingly will be deemed to be the first taxable year of Corporation B for purposes of section 430 (e) and of this subsection even though the period April 1, 1947, through December 31, 1947, did not constitute a taxable year of Corporation A. Similarly, the 12-month period January 1, 1948, through December 31, 1948, will be deemed to be the second taxable year of Corporation B even though such 12-month period did not constitute a taxable year of Corporation A. The 12-month periods January 1, 1949, through December 31, 1949, January 1, 1950, through December 31, 1950, and January 1, 1951, through December 31, 1951, will be deemed to be Corporation B's third, fourth, and fifth taxable years, respectively.

(5) (i) If any corporation during or prior to the taxable year for which the excess profits tax is being determined was a party with the taxpayer to a transaction described in section 445 (g) (2) (A), (B), or (C), determined as if the date "July 1, 1945" were substituted for the date "December 1, 1950" in section 445 (g) (2) (C), and if such other corporation had commenced business prior to the date on which the taxpayer commenced business, then the taxpayer, under the provisions of section 430 (e) (2) (B) (i), shall be deemed to have commenced business on the date such other corporation commenced business. The taxpayer shall also be considered to have been in existence during the whole period such other corporation was in existence and to have had taxable years during such period as determined under the provisions of subparagraph (4) of this paragraph. For limitation on the application of section 430 (e) (2) (B) (i) in certain cases, see subparagraph (9) of this paragraph.

(ii) The provisions of section 430 (e) (2) (B) (i) and of subdivision (i) of this subparagraph are applicable only if the party to the transaction with the taxpayer was a corporation. They do not apply, for example, where such party was an individual or a partnership. Thus, if an individual who has been operating a certain business as a sole proprietorship incorporates such business and transfers all the assets of the business to a newly formed corporation in a transaction which qualifies as a section 112 (b) (5) transaction, the newly formed corporation will not be deemed to have been in existence during the prior period when the individual was conducting the business as a sole proprietorship nor will the corporation be deemed to have had taxable years during such prior period.

(6) (i) If a group of not more than four persons control the taxpayer at any time during the taxable year for which the excess profits tax is being determined and if this same group of not more than four persons at any time during the period beginning 12 months prior to its acquisition of control of the taxpayer and ending with the close of such taxable year also controlled a second corporation which at some time during such period (and while the group controlled such second corporation) was engaged in a trade or business substantially similar to the trade or business carried on by the taxpayer during such taxable year, then under the provisions of section 430 (e) (2) (B) (ii) the taxpayer will be deemed to have commenced business on the date on which it itself commenced business or on the date on which such second corporation commenced business, whichever is the earlier. If the second corporation commenced business on a date prior to that on which the taxpayer commenced business, the taxpayer for purposes of section 430 (e) and of this section will also be deemed to have been in existence for the entire period during which such second corporation was in existence and to have had taxable years during such period as determined under the provisions of subparagraph (4) of this paragraph.

(ii) For purposes of section 430 (e) (2) (B) (ii) and of subdivision (i) of this subparagraph a group of not more than four persons will be deemed to control the taxpayer or any other corporation if, and only if, the total stock ownership of such persons in the taxpayer or such other corporation represents more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent

the adjusted basis for determining gain upon of new corporations. See § 40.445–1 (a) fourth, and fifth taxable years, respe

of the total value of the shares of all classes of stock. For purposes of section 430 (e) (2) (B) (ii) and of this subdivision the ownership of stock shall be determined in accordance with the provisions of section 503, except that constructive ownership under section 503 (a) (2) shall be determined only with respect to the individual's spouse and minor children. A person will not be considered to be a member of the group of not more than four persons which controls the taxpayer at some time during the taxable year and which also controlled a second corporation at some time during the period referred to in section 430 (e) (2) (B) (ii) and in subdivision (i) of this subparagraph unless such person owned stock in the taxpayer at the time the group controlled the taxpayer during the taxable year and also owned stock in the second corporation at the time the group controlled such second corporation during the prescribed period. The individual does not have to own the same percentage of stock in the taxpayer as in the second corporation, but the individual must own some stock in the corporation at the time the group controls such corporation. It is not necessary for the group to control the taxpayer and second corporation at the same time. If the group controlled the taxpayer at any time during the taxable year for which the excess profits tax is being determined and if the same group also controlled the second corporation at some time during the prescribed period, then the requirements of control provided in section 430 (e) (2) (B) (ii) will be met without regard to whether the group controlled the two corporations at the same time or at different times.

(iii) Whether or not the second corporation, at the time it was controlled by the group, was engaged in a trade or business substantially similar to the trade or business carried on by the taxpayer during the taxable year is a question of fact which must be determined in each particular case in the light of all the circumstances of that case.

(7) (i) If during or prior to the taxable year for which the excess profits tax is being determined the taxpayer was a purchasing corporation in a part IV transaction and if the selling corporation in such part IV transaction had commenced business on a date prior to that on which the taxpayer commenced business, then the taxpayer, under the provisions of section 430 (e) (2) (B) (iii), shall be deemed to have commenced business on the date such selling corporation commenced business. The taxpayer shall also be considered to have been in existence during the whole period such selling corporation was in existence and to have had taxable years during such period as determined under the provisions of subparagraph (4) of this paragraph. The provisions of section 430 (e) (2) (B) (iii) and of this subdivision shall not be applicable, however, unless for the taxable year or any preceding taxable year the conditions of paragraphs (1), (2), and (3) of section 474 (c) were satisfied with respect to the part IV transaction. For limitation on the application of section 430 (e) (2) (B) (iii) in certain cases, see subparagraph (9) of this paragraph.

(ii) The terms "purchasing corporation" and "selling corporation" have the same meaning for purposes of section 430 (e) (2) (B) (iii) as for purposes of part IV. Since an individual operating a business as a sole proprietorship or a partnership, under certain circumstances, can be a selling corporation under part IV, such an individual or partnership, unlike the situation with respect to a transaction described in section 430 (e) (2) (B) (i), can likewise be considered to be a corporation for purposes of section 430 (e) (2) (B) (iii). If the taxpayer acquires assets from a sole proprietorship or from a partnership in a part IV transaction and if the sole proprietorship or the partnership constitutes a selling corporation under part IV, then the taxpayer will be deemed to have commenced business on the date the sole proprietorship or partnership commenced business, provided such date is prior to that on which the taxpayer itself commenced business, and to have been in existence and to have had taxable years, as determined under subparagraph (4) of this paragraph, during all of such prior period.

(8) Section 430 (e) (2) (B) (iv) provides that the three clauses in section 430 (e) (2) (B) (i), (ii), and (iii) may be applied several times to determine when the taxpayer commenced business and what are its first five taxable years. Thus, if the taxpayer under section 430 (e) (2) (B) (iii), for example, is deemed to have commenced business on the date Corporation A commenced business and to have been in existence and to have had taxable years during the period Corporation A was in existence, and if Corporation A under section 430 (e) (2) (B) (i) in turn would be deemed to have commenced business on the date Corporation B had commenced business and to have been in existence and to have had taxable years during the period Corporation B was in existence, then the taxpayer, for purposes of section 430 (e) and of this section, shall be deemed to have commenced business on the date Corporation B commenced business and to have been in existence and to have had taxable years during the entire period beginning with the date Corporation B came into existence. The taxpayer's first five taxable years accordingly will be determined, under the provisions of subparagraph (4) of this paragraph, by reference to the date on which Corporation B came into existence. It is immaterial that the taxpayer had no direct relationship with Corporation B. It is sufficient that Corporation B stands indirectly in the same relationship to the taxpayer as if it were a corporation described in one of the three clauses in section 430 (e) (2) (B) (i), (ii), or (iii). It is immaterial which of the clauses in section 430 (e) (2) (B) (i), (ii), (iii) are to be applied, or how many times they are to be applied, or in what order. The taxpayer shall be considered to have commenced business and its first five taxable years will be determined by reference to that corporation which first came into existence and commenced business and with which the taxpayer directly or indirectly stands in a relationship described in any of the three clauses in section 430 (e) (2) (B) (i), (ii), or (iii).

(9) If as of the beginning of December 1, 1950, the adjusted basis for determining gain upon the sale or exchange of the aggregate assets which had been acquired prior to that date by the taxpayer in one or more transactions described in section 430 (e) (2) (B) (i) or in section 430 (e) (2) (B) (iii) (or acquired in the ordinary course of business in replacement of such assets) and which were held by it at such time constituted less than 20 percent of the adjusted basis for determining gain upon sale or exchange of all the assets held by the taxpayer at such time, then such transactions shall be disregarded in determining the date as of which the taxpayer shall be considered to have commenced business and also in determining the first five taxable years of the taxpayer. The provisions of this subparagraph are applicable only to transactions which occurred prior to December 1, 1950, but have no application to any transaction which occurred on or after December 1, 1950.

(10) The maximum excess profits tax provided in section 430 (e) (1) and in this section shall not be available to a taxpayer which derives more than 50 percent of its gross income (determined without regard to dividends and without regard to gains from sales or exchanges of capital assets) for the taxable year for which the excess profits tax is being determined from contracts or subcontracts to which the provisions of title I of the Renegotiation Act of 1951 (or the provisions of any prior renegotiation act) are applicable. In determining whether the taxpayer has derived more than 50 percent of its income from contracts or subcontracts which are subject to renegotiation, all income from contracts or subcontracts which are the type of contracts or subcontracts that are subject to renegotiation must be taken into account without regard to whether a particular contract or subcontract is in fact renegotiated or whether the applicable statute in effect exempts the receipts and accruals of the particular contract or subcontract from renegotiation. Thus, the determination whether a taxpayer has derived more than 50 percent of its gross income from contracts and subcontracts which are subject to renegotiation shall be made without regard to the provisions of the Renegotiation Act of 1951 which exempt from renegotiation receipts and accruals of less than $250,000 in any taxable year. If a taxpayer, for example, had gross income for the taxable year of $200,000 of which $150,000 was derived from a contract of a type which is subject to renegotiation under title I of the Renegotiation Act of 1951, such taxpayer would not be eligible for the benefits of the maximum excess profits tax provided in section 430 (e) (1) since 75 percent of its gross income for the taxable year was derived from a contract of a type that is subject to renegotiation under title I of the Renegotiation Act of 1951

even though the $150,000 received from such contract in fact is exempt from renegotiation under the provisions of such act.

[F. R. Doc. 52–13165; Filed, Dec. 12, 1952; 8:57 a. m.]

[26 CFR Part 40]

EXCESS PROFITS TAXES; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

TELEVISION BROADCASTING COMPANIES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62) and in section 459 (d) of the Internal Revenue Code as added by section 519 of the Revenue Act of 1951 (Pub. Law 183, 82d Cong., approved October 20, 1951).

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 130 (26 CFR, Part 40) to section 519 of the Revenue Act of 1951, approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. Section 40.435–6 (a) (1) is amended by inserting at the end thereof the following new sentence: "In the case of a taxpayer engaged in the television broadcasting business which computes its average base period net income under section 459 (d), see § 40.459 (d)–5 (c)."

PAR. 2. Section 40.435–7 (a) (2) is amended by inserting at the end thereof the following new sentence: "For rules applicable in the case of a taxpayer engaged in the television broadcasting business which computes its average base period net income under section 459 (d), see § 40.459 (d)–5 (d)."

PAR. 3. There is inserted immediately after § 40.458–8 the following:

SEC. 519. TELEVISION BROADCASTING COMPANIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951)

Section 459, as added by sections 516 to 518 of this Act, is hereby amended by adding after subsection (c) thereof the following new subsections:

(d) *Television broadcasting companies*—(1) *In general.* In the case of a taxpayer engaged in the business of television broadcasting throughout a period beginning before January 1, 1951, and ending with the close of the taxable year, the taxpayer's average base period net income determined under this subsection shall be the amount computed under paragraph (2) or (3), whichever is applicable.

(2) *If engaged in television broadcasting at close of base period.* If the taxpayer was engaged in the business of television broadcasting at the close of its base period, the average base period net income computed under this paragraph shall be computed as follows:

(A) If the taxpayer was engaged during its base period in any business or businesses other than television broadcasting, by computing the average base period net income under section 435 (d) for such other business or businesses (determined without regard to income, deductions, losses, or other items attributable to the television broadcasting business).

(B) By multiplying such part of its total assets (as defined in section 442 (f)) for the last day of its base period, as was attributable to the television broadcasting business by—

(i) The base period rate of return determined under section 447 (c) for the industry classification which includes radio broadcasting, or

(ii) If the taxpayer was engaged during its base period in the business of radio broadcasting, its individual rate of return computed under paragraph (4),

whichever rate of return produces the greater average base period net income under this subsection. If the amount computed under this subparagraph is computed by the use of the rate of return specified in clause (i), the amount so computed shall be reduced by an amount equal to such portion of the total interest paid or incurred by the taxpayer, for the period of 12 months following the close of its base period, as is attributable to its television broadcasting business.

(C) By adding the amount computed under subparagraph (B) to the amount, if any, computed under subparagraph (A).

(3) *Commencing television broadcasting after base period and before 1951.* If the taxpayer acquires its television broadcasting business after the close of its base period and before January 1, 1951, the average base period net income computed under this paragraph shall be computed as provided in paragraph (2), except that—

(A) the applicable rate of return under paragraph (2) (B) shall be multiplied by such part of its total assets (as defined in section 442 (f)), for the last day of the calendar month in which it first engaged in such business, as was attributable to such business, and

(B) the reduction specified in the last sentence of paragraph (2) (B) shall, if applicable, be equal to such portion of the total interest paid or incurred by the taxpayer, for the period of 12 months following the month in which it first engaged in such business, as is attributable to such business.

(4) *Individual rate of return.* The individual rate of return shall be computed as follows:

(A) By determining the amount of the taxpayer's total assets (as defined in section 442 (f) attributable to the business of radio broadcasting for the last day of each month in its base period.

(B) By computing the aggregate of the amounts ascertained under subparagraph (A) and dividing by 48.

(C) By computing for each month in the base period the excess profits net income of the radio broadcasting business (determined without regard to income, deductions, losses, or other items attributable to any other business), by adding such amounts for all of the months in the base period, and by dividing by 4.

(D) By dividing the amount computed under subparagraph (C) by the amount computed under subparagraph (B).

(5) *Rules for application of subsection.* (A) For the purpose of section 435 (a) (1) (B), an average base period net income determined under this subsection shall be considered an average base period net income determined under section 435 (d); but, in computing the base period capital addition under section 435 (f), the computations under such section shall be adjusted, under regulations prescribed by the Secretary, so as to exclude therefrom items attributable to the television broadcasting business.

(B) If any part of the total assets referred to in paragraph (2) (B) or paragraph (3) (A), whichever is applicable, were acquired, directly or indirectly, through the use of assets attributable at any time during the base period to a business of the taxpayer other than television broadcasting, the amount determined under paragraph (2) (A) shall be properly adjusted by eliminating from the excess profits net income (computed for the purpose of paragraph (2) (A)) for each month prior to such acquisition such portion thereof as is attributable to the assets used, directly or indirectly, for such acquisition. For the purpose of this subparagraph, the excess profits net income for any month shall be attributed to such assets on the basis of the ratio, as of the beginning of the day of the acquisition, of such assets to total assets (as defined in section 442 (f)) determined without regard to assets attributable to the television broadcasting business.

(C) The Secretary shall by regulations prescribe rules for the application of this subsection, including rules for the computation of the taxpayer's net capital addition or reduction.

* * * * *

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title (including sec. 519) shall be applicable only with respect to taxable years ending after June 30, 1950.

§ 40.459 (d)–1 *Television broadcasting companies; in general.* (a) A corporation which was engaged in the business of television broadcasting throughout a period beginning before January 1, 1951, and ending with the close of an excess profits tax taxable year may compute its average base period net income for the purpose of determining its excess profits tax for such taxable year under section 459 (d) instead of under any other applicable provision of the Code. The average base period net income computed under section 459 (d) shall be the amount computed under paragraph (2) of section 459 (d) and under § 40.459 (d)–2 if the taxpayer was engaged in the business of television broadcasting at the end of its base period, and shall be the amount computed under paragraph (3) of section 459 (d) and under § 40.459 (d)–3 if the taxpayer did not acquire its television broadcasting business until after the close of its base period. In no event shall the benefit of section 459 (d) be available, however, unless the taxpayer was engaged in the television broadcasting business before January 1, 1951. The amount determined as the average base period net income under section 459 (d) shall be used as the average base period net income in computing the excess profits tax for any taxable year ending after June 30, 1950, if the taxpayer continued in the business of television broadcasting through the end of such taxable year, and if the use of such amount computed under section 459 (d) as the average

(3) of section 474 (c) were satisfied with respect to the part IV transaction. For

erence to that corporation which first came into existence and commenced

title I of the Renegotiation Act of 1951

base period net income would result in a lesser excess profits tax for such taxable year than would result under any other allowable computation of such tax.

(b) A taxpayer which does not actually broadcast television will not be considered to be engaged in the television broadcasting business even though it is engaged in a business which is related to television broadcasting, such as advertising, the manufacturing of television equipment, or the preparation and sale of television programs. A taxpayer which is engaged in the television broadcasting business and also in any other business or businesses, however, may be entitled to the benefit of section 459 (b).

§ 40.459 (d)–2 *Computation of average base period net income if taxpayer was engaged in television broadcasting at close of base period.* If the taxpayer was engaged in the business of television broadcasting at the close of its base period, its average base period net income determined under section 459 (d) shall be computed as follows:

(a) If the taxpayer was engaged during its base period in any business or businesses other than television broadcasting, its average base period net income for such other business or businesses shall be computed under section 435 (d) and § 40.435–1 (d), relating to the computation of average base period net income under the general average method. The determination of the average base period net income of such business or businesses other than television broadcasting shall be made without regard to any income, deductions, losses, or other items which are attributable to the television broadcasting business. See § 40.459 (d)–5 (a). If the taxpayer was not engaged during its base period in any business other than television broadcasting, the amount determined under this subparagraph shall be zero. See § 40.459 (d)–5 (b) for adjustment of the amount computed under this subparagraph where assets attributable to the television broadcasting business were acquired, directly or indirectly, through the use of assets attributable at any time during the base period to a business other than the television broadcasting business.

(b) Such part of the taxpayer's total assets for the last day of its base period as was attributable to the television broadcasting business shall be multiplied:

(1) By the base period rate of return determined under section 447 (c) for the industry classification which includes radio broadcasting, and the amount so determined shall then be reduced by an amount equal to such portion of the total interest paid or incurred by the taxpayer for the period of 12 months following the close of its base period as is attributable to its television broadcasting business, or

(2) If the taxpayer was engaged during its base period in the business of radio broadcasting, by its individual rate of return computed under section 459 (d) (4) and § 40.459 (d)–4,

whichever produces the greater average base period net income under section 459 (d) and this section.

(c) The amount, if any, computed under section 459 (d) (2) (A) and paragraph (a) of this section shall be added to the amount computed under section 459 (d) (2) (B) and paragraph (b) of this section.

The amount determined under paragraph (c) of this section—that is, the total of the amounts determined under paragraphs (a) and (b) of this section—shall be the average base period net income computed under section 459 (d) of a taxpayer which was engaged in the television broadcasting business at the close of its base period.

§ 40.459 (d)–3 *Computation of average base period net income if taxpayer commenced television broadcasting after close of base period and before 1951.* If the taxpayer did not acquire its television broadcasting business until after the close of its base period (but before January 1, 1951), its average base period net income determined under section 459 (d) shall be computed in the same manner as provided in section 459 (d) (2) and § 40.459 (d)–2 as in the case of a taxpayer which was engaged in the television broadcasting business at the close of its base period, except that:

(a) The applicable rate of return specified in section 459 (d) (2) (B) and § 40.459 (d)–2 (b) shall be multiplied by such part of the taxpayer's total assets for the last day of the calendar month in which it first engaged in the television broadcasting business (instead of for the last day of its base period) as was attributable to such television broadcasting business; and

(b) The reduction for interest specified in the last sentence of section 459 (d) (2) (B) and in § 40.459 (d)–2 (b) (1) shall, if applicable, be equal to that portion of the total interest paid or incurred by the taxpayer for the period of 12 months following the month in which it first engaged in the television broadcasting business (instead of for the period of 12 months following the close of its base period) as is attributable to such television broadcasting business.

§ 40.459 (d)–4 *Individual rate of return.* The individual rate of return, for the purpose of the computations provided in sections 459 (d) (2) (B) (ii) and § 40.459 (d)–2 (b) (2) and in sections 459 (d) (3) (A) and § 40.459 (d)–3 (a), in the case of a taxpayer which was engaged in the business of radio broadcasting during its base period, shall be computed as follows:

(a) The taxpayer's total assets attributable to its radio broadcasting business for the last day of each month in its base period shall be determined. See § 40.459 (d)–5 (a) for rules for the determination of the business to which assets are attributable.

(b) The amounts determined under paragraph (a) of this section shall be added together and the aggregate divided by 48.

(c) The excess profits net income for each month in the base period attributable to the radio broadcasting business shall be computed, such excess profits net income being determined without regard to income, deductions, losses, or any other items attributable to any business other than the radio broadcasting business (see § 40.459 (d)–5 (a)). Such amounts of excess profits net income attributable to the radio broadcasting business for each month in the base period shall be added together and the total of such amounts then divided by 4.

(d) The amount computed under paragraph (c) of this section shall be divided by the amount computed under paragraph (b) of this section. That is, the aggregate, divided by 4, of the excess profits net income attributable to the radio broadcasting business for each month in the base period shall be divided by the aggregate, divided by 48, of the taxpayer's total assets attributable to the radio broadcasting business for the last day of each month in the base period. The resulting figure shall be the taxpayer's individual rate of return.

§ 40.459 (d)–5 *Rules for application of section 459 (d)—(a) Determination of business to which items are attributable.* The determination, for the purpose of section 459 (d) and §§ 40.459 (d)–1 through 40.459 (d)–5, whether any income, deductions, losses, interest, assets or any other items are attributable to the television broadcasting business, to the radio broadcasting business, or to any other business activity shall be made in such manner as will clearly reflect the income attributable to each such business or activity, and, in the case of assets will reflect the extent to which assets are used in, or devoted to, the businesses or activities of the taxpayer. Administrative expenses, for example, in the case of a taxpayer which is engaged in the television broadcasting business and also in some other business or businesses may not be attributed to any one business but shall be properly allocated among the various businesses of the taxpayer. If an asset is used in or devoted to the television broadcasting business, or the radio broadcasting business, and also some other business or activity, such asset shall not be included at an amount equal to its full adjusted basis in determining at any time the total assets of the taxpayer which are attributable, as the case may be, to the television broadcasting business or to the radio broadcasting business. In such case, proper adjustment shall be made to reflect the fact that such asset directly or indirectly is used in or devoted to, or is part of, the television broadcasting business, the radio broadcasting business, or some other business or activity. Similarly, proper adjustment shall also be made in the case of any other items (including, for example, interest) as are attributable to more than one business or activity.

(b) *Adjustment of average base period net income of business other than television broadcasting business.* (1) If any part of the total assets attributable to the television broadcasting business which were held by the taxpayer on the date as of which the applicable rate of return is to be applied to its television broadcasting assets was acquired directly or indirectly, through the use of assets which were attributable at any time during the base period to a business

broadcasting business (see paragraph (3) of this paragraph), an adjustment, as provided in section 459 (d) (5) (B) and in subparagraph (2) of this paragraph, must be made in determining under section 459 (d) (2) (A) the average base period net income, if any, of the taxpayer's nontelevision broadcasting business or businesses. The conversion in whole of in part of assets attributable to a business other than the television broadcasting business to use in the television broadcasting business shall be considered for the purpose of section 459 (d) and of this section, to the extent of such conversion, to be an acquisition of television broadcasting assets by the use of assets attributable to a business of the taxpayer other than its television broadcasting business.

(2) If an adjustment is required under the provisions of section 459 (d) (5) (B) and of subparagraph (1) of this paragraph, with respect to any acquisition of assets attributable to the television broadcasting business, then in determining the average base period net income under section 459 (d) (2) (A) of such nontelevision broadcasting business or businesses there shall be excluded from the excess profits net income for each month prior to any such acquisition such portion of such excess profits net income as is attributable to the assets used, directly or indirectly, for such acquisition. In determining the amount which is to be excluded from the excess profits net income for any month, under the provisions of section 459 (d) (5) (B) and of this paragraph, the part of the excess profits net income attributable to any assets which were used, directly or indirectly, to acquire assets attributable to the television broadcasting business shall be determined on the basis of the ratio, as of the beginning of the date of acquisition, of such assets which were so used to the total assets of the taxpayer other than its assets attributable to the television broadcasting business. If the acquisition took place on any day other than the first day of a calendar month, the adjustment for the month in which the acquisition took place shall be reduced to an amount determined on the basis of the ratio of the number of days in such month prior to the day on which the acquisition was made to the total number of days in such month.

(3) The adjustment provided in section 459 (d) (5) (B) and in this subsection shall be made in any case in which assets of the taxpayer not attributable to its television broadcasting business are used, directly or indirectly, to acquire assets attributable to the television broadcasting business prior to the date as of which the applicable rate of return is to be applied to its television broadcasting assets. No such adjustment shall be made, however, where such television broadcasting assets were acquired through a bona fide long-term increase in the capital structure of the taxpayer made in conjunction with and for the purpose of such acquisition. A bona fide long-term increase in the capital structure within the meaning of this paragraph (whether an increase in equity capital or in borrowed capital as defined in section 439 (b)) shall be deemed to have occurred only to the extent that such increase is reflected in the capital structure throughout the period beginning with the time such increase was originally made and ending with the close of the taxable year for which the tax is being computed. For the purpose of determining whether such increase is reflected in the capital structure, proper adjustment shall be made to eliminate the effect of any loss occurring after the original increase is made, and, in the case of such determination as of any time during a taxable year, the determination shall be made without regard to the earnings and profits of such taxable year. If the increase in the capital structure is the result of a Part II transaction, this paragraph and § 40.462–9 (b) (1) (ii) shall be applied in the light of the facts applicable both to the taxpayer and to the component corporation in such transaction. For the purpose of this paragraph, an increase in the capital structure does not result from the conversion of inadmissible assets into admissible assets or from the accumulation of earnings and profits prior to the beginning of the first taxable year which begins after the date of the acquisition. If the assets of the television broadcasting business were acquired partly in the manner described in this paragraph and partly in another manner the adjustment shall be made to the extent the acquisition was made in such other manner.

(c) *Computation of base period capital addition.* The average base period net income under section 459 (d) shall be considered, for the purpose of section 435 (a) (1) (B), to be an average base period net income computed under section 435 (d) which provides for the computation of the average base period net income under the general average method. The base period capital addition provided in section 435 (f) accordingly will be allowed in any case in which the average base period net income computed under section 459 (d) is used in determining the excess profits tax for any excess profits tax taxable year, but such base period capital addition shall be allowed only with respect to the taxpayer's business or businesses other than its television broadcasting business. The following rules shall be applicable in computing the base period capital addition in the case of a taxpayer which computes its average base period net income under section 459 (d):

(1) In computing the yearly base period capital as of any day, there shall be excluded from each item in the computation (such as assets, liabilities, borrowed capital, or the adjustment for interest) any amount attributable or allocable to the assets of the television broadcasting business held on such day (including funds held for the purpose of acquiring television broadcasting assets).

(2) If an adjustment is required to be made under section 459 (d) (5) (B) with respect to assets of the taxpayer used directly or indirectly to acquire television broadcasting assets, the amount of the adjusted basis of assets with respect to which such adjustment is required shall be excluded from assets of the taxpayer in computing equity capital as of any day prior to such acquisition. Such further adjustments shall be made in computing other items (such as liabilities, borrowed capital, or the adjustment for interest) in the determination of yearly base period capital as of such day as are, under generally accepted accounting principles, consistent with the elimination of such amount from total assets.

(3) In making computations necessary for the determination of yearly base period capital for any taxable year, such computations shall be made, under the rules and principles set forth in paragraph (a) of this section, in the light of all the facts of the particular case and consistent with the purpose of restricting the base period capital addition to the business or activities of the taxpayer other than its television broadcasting business and the avoidance of any duplication in the computation of such base period capital addition.

(d) *Computation of net capital addition or reduction.* (1) In the case of a taxpayer which was engaged in the business of television broadcasting at the close of its base period, the net capital addition or reduction, provided in section 435 (g), shall be computed in the same manner as in the case of any taxpayer which computes its average base period net income under the general average method provided in section 435 (d). See §§ 40.437–6 and 40.437–7.

(2) In the case of a taxpayer which did not acquire its television broadcasting business until after the close of its base period (but before January 1, 1951), the net capital addition or reduction, provided in section 435 (g), shall be determined in the same manner as in the case of any taxpayer which computes its average base period net income under the general average method provided in section 435 (d) (see §§ 40.437–6 and 40.437–7), except that the following adjustment shall be made:

(i) There shall be determined the amount of any proceeds obtained from borrowing, from the issuance of capital stock, as paid-in surplus, as a contribution to capital, or in any other manner, on or after the first day of the taxpayer's first taxable year ending after June 30, 1950, and before the first day of the first calendar month following the calendar month in which the taxpayer first engaged in the television broadcasting business.

(ii) There shall be determined the excess of (*a*) the amount of the taxpayer's assets attributable to the television broadcasting business as of the last day of the calendar month in which the taxpayer first engaged in the television broadcasting business over (*b*) the amount of the taxpayer's assets with respect to which an adjustment is required under the provisions of section 459 (d) (5) (B) and of paragraph (b) of this section.

(iii) The amount determined under subdivision (i) of this subparagraph, but not more than the amount determined under subdivision (ii) of this subparagraph, shall be considered, for the purpose of any computations necessary for the determination of the net capital addition or reduction, to have been ob-

(d) and this section.

regard to income, deductions, losses, or of the taxpayer other than the televi

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tained prior to the first day of the taxpayer's first taxable year ending after June 30, 1950.

§ 40.459 (d)–6 *Definitions.* For the purpose of section 459 (d) and §§ 40.459 (d)–1 through 40.459 (d)–5:

(a) The term "total assets" shall have the same meaning as in sections 442 (f) and § 40.442–3 (d) (1).

(b) The "amount of an asset" in the case of property other than money shall be an amount equal to the adjusted basis of such property for determining gain on the sale or exchange thereof, and in the case of money shall be the amount thereof.

SEC. 519. TELEVISION BROADCASTING COMPANIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 459, as added by sections 516 to 518 of this Act, is hereby amended by adding after subsection (c) thereof the following new subsections:

* * * * *

(e) *Basis of assets.* For the purposes of this section, any reference to the adjusted basis of property or to the basis (unadjusted) of property means the adjusted basis or the basis (unadjusted), as the case may be, for determining gain upon sale or exchange.

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title [including sec. 519] shall be applicable only with respect to taxable years ending after June 30, 1950.

§ 40.459 (e)–1 *Basis of assets.* For the purpose of section 459 (including all subsections thereof) and the regulations thereunder, any reference to the adjusted basis of property or to the basis (unadjusted) of property means the adjusted basis or the basis (unadjusted), as the case may be, of such property for determining gain upon the sale or exchange thereof.

[F. R. Doc. 52-13164; Filed, Dec. 12, 1952; 8:57 a. m.]

[26 CFR Part 40]

EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

CLARIFICATION OF TREATMENT OF TAXPAYER'S LIABILITY FOR FEDERAL INCOME AND EXCESS PROFITS TAX FOR PURPOSE OF DETERMINING BOTH EQUITY CAPITAL AND EQUITY INVESTED CAPITAL

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Regulations 130 (26 CFR Part 40) are amended as follows:

PARAGRAPH 1. Section 40.437–5 is amended by redesignating paragraph (c) of such section as paragraph (c) (1), and by adding at the end of such section the following new subparagraph (2):

(2) In computing liabilities as of the beginning of the taxable year, a taxpayer keeping its books and making its income tax returns on the accrual basis shall, in accordance with the principles applicable in the determination of earnings and profits, treat as a liability the Federal income and excess profits taxes imposed for the preceding taxable year. This rule is applicable whether or not such taxes were definite and ascertainable in amount at the close of the preceding year and whether or not such taxes were contested by the taxpayer. The provisions of the Excess Profits Tax Act of 1950 shall be taken into account for this purpose in determining the income and excess profits tax for taxable years ending after June 30, 1950. In general, subsequently enacted legislation will affect the tax computation for those prior taxable years for which returns are required to be filed after the enactment of such legislation.

PAR. 2. Section 40.458–4 is amended by striking the fourth sentence of paragraph (a) (1) and by inserting in lieu thereof the following: "In computing accumulated earnings and profits as of the beginning of the taxable year, a taxpayer keeping its books and making its income tax returns on the accrual basis shall, in accordance with the principles applicable in the determination of earnings and profits, subtract the Federal income and excess profits taxes imposed for the preceding taxable year. This rule is applicable whether or not such taxes were definite and ascertainable in amount at the close of the preceding year and whether or not such taxes were contested by the taxpayer. The provisions of the Excess Profits Tax Act of 1950 shall be taken into account for this purpose in determining the income and excess profits tax for taxable years ending after June 30, 1950. In general, subsequently enacted legislation will affect the tax computation for those prior taxable years for which returns are required to be filed after the enactment of such legislation."

[F. R. Doc. 52-13163; Filed, Dec. 12, 1952; 8:57 a. m.]

[26 CFR Part 405]

COLLECTION OF INCOME TAX AT SOURCE ON WAGES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1429 and 3791 (53 Stat. 178, 467; 26 U. S. C. 1429, 3791), and section 1627 (57 Stat. 138; 26 U. S. C. 1627), of the Internal Revenue Code.

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 116 (26 CFR, Part 405) to the provisions of section 321 of the Revenue Act of 1951, relating to earned income from sources without the United States, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 405.101 the following:

SEC. 321. EARNED INCOME FROM SOURCES WITHOUT THE UNITED STATES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Withholding of tax on wages.* Section 1621 (a) (8) (A) (relating to definition of wages) is hereby amended to read as follows:

(A) for services for an employer (other than the United States or any agency thereof) performed in a foreign country by a citizen of the United States, if at the time of the payment of such remuneration the employer is required by the law of any foreign country to withhold income tax upon such remuneration, or it is reasonable to believe that such remuneration will be excluded from gross income under the provisions of section 116 (a) (1) or (2), or.

(c) *Effective dates.* * * * The amendment made by subsection (b) shall be applicable with respect to wages paid on or after January 1, 1952.

PAR. 2. Section 405.102, as amended by Treasury Decision 5891, approved April 4, 1952, is further amended as follows:

(A) By inserting immediately after "January 1, 1948," in the headnote of paragraph (h) (2) thereof "and before January 1, 1952," so that such heading will read as follows:

(2) *Remuneration paid on or after January 1, 1948, and before January 1, 1952, to citizens resident in foreign countries.*

(B) By inserting immediately after "January 1, 1948," in the first sentence of paragraph (h) (2) thereof "and before January 1, 1952,".

(C) By redesignating paragraph (h) (3) thereof as paragraph (h) (4).

(D) By inserting immediately after paragraph (h) (2) (vi) thereof the following new subparagraph (3):

(3) *Remuneration paid on or after January 1, 1952, to citizens in foreign countries—(i) Elimination of double withholding.* (a) The remuneration paid on or after January 1, 1952, for services performed in a foreign country for an employer (other than the United States or any agency or instrumentality thereof) by a citizen of the United States does not constitute wages under section 1621 (a) (8) (A) and hence is not subject to withholding, if at the time of the payment of such remuneration the employer is required by the law of any foreign country to withhold income tax upon such remuneration. Remuneration paid in respect of services performed in an area other than a foreign country, for example, the United States, a possession of the United States, or the high seas, shall not be excluded from wages under section 1621 (a) (8) (A).

(b) The remuneration is not exempt from withholding under this subdivision if the employer is not required by the law of a foreign country to withhold income tax upon such remuneration. Mere agreements between the employer and the employee whereby the estimated income tax of a foreign country is withheld from the remuneration in anticipation of actual liability under the law of such country will not suffice.

(c) The exemption from withholding provided by this subdivision does not apply by reason of withholding of income tax pursuant to the law of a possession or territory of the United States or of a political subdivision of a foreign state.

(d) A determination under the provisions of this subdivision that the remuneration is not wages and hence is not subject to withholding shall be made independently of the provisions of subdivisions (ii) and (iii) of this subparagraph.

(ii) *Resident of a foreign country.* (a) The remuneration paid on or after January 1, 1952, for services performed in a foreign country for an employer (other than the United States or any agency or instrumentality thereof) by a citizen of the United States does not constitute wages under section 1621 (a) (8) (A) and hence is not subject to withholding, if at the time of payment it is reasonable to believe that such remuneration will be excluded from gross income for the taxable year under the provisions of section 116 (a) (1). Section 116 (a) (1) provides that, in the case of an individual citizen of the United States who establishes to the satisfaction of the Commissioner that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, all amounts received from sources without the United States (except amounts paid by the United States or any agency or instrumentality thereof) shall be excluded from gross income if such amounts constitute earned income, as defined in section 116 (a) (3), which is attributable to such uninterrupted period. See section 116 (a) and the regulations thereunder. Remuneration paid in respect of services performed in an area other than a foreign country, for example, the United States, a possession of the United States, or the high seas, shall not be excluded from wages under section 1621 (a) (8) (A).

(b) The reasonable belief mentioned in section 1621 (a) (8) (A) with respect to the exclusion of the remuneration from gross income may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence might be insufficient upon closer examination by the Commissioner or the courts finally to establish the exclusion from gross income, and exemption from tax, allowed by section 116 (a) (1).

(c) If with respect to his taxable year the employee cannot possibly at the date prescribed by law or regulations for filing a return of income for such year have satisfied the bona fide foreign-residence requirement of section 116 (a) (1), then the remuneration paid in respect of and during such taxable year for services performed in the foreign country shall constitute wages subject to withholding, unless otherwise excluded by section 1621 (a), even though at the time of payment the employer has good reason to believe that ultimately such remuneration will be excluded from gross income under the provisions of section 116 (a) (1). For such purpose the taxable year of the employee shall, in the absence of information to the contrary, be deemed to be the calendar year. In general, if the remuneration paid during any calendar year, or portion thereof, must be returned by the employee as income, even though ultimately the employee may satisfy the bona fide foreign-residence requirement and thereby be entitled in respect of such remuneration to the exclusion provided by section 116 (a) (1), then such remuneration constitutes wages and hence is subject to withholding. Expectation of ultimate exclusion from gross income is not sufficient under this subdivision to exclude from wages remuneration which in the first instance must be returned as income.

(d) The employer may, in the absence of cause for a reasonable belief to the contrary, presume that remuneration for services performed in a foreign country during the taxable year will be excluded from gross income under the provisions of section 116 (a) (1) for each taxable year in respect of which the employee properly executes and files in duplicate with the employer a statement in the following form:

STATEMENT FOR CLAIMING BENEFIT OF SECTION 116 (a) (1)
FOR CALENDAR YEAR ------
OR FISCAL YEAR
BEGINNING ------ AND ENDING ------

(A) My name is ----------. My present address is ---------- I am employed by ----------.

(B) My last address in the United States was ----------. The collection district in which I filed my last income tax return was ----------.

(C) I ---------- file my income tax
(Do or do not)
return on the calendar-year basis.

(D) I file my income tax return on the basis of the fiscal year beginning ----------, 19----, and ending ----------, 19----.

(E) I am a citizen of the United States.

(F) I have been a bona fide resident of the following foreign country or countries, namely, ----------, for an uninterrupted period which began on ----------, 19----.

(G) I expect to remain a bona fide resident of a foreign country or countries from the date of this statement until the end of the taxable year in respect of which this statement is filed.

(H) On the basis of the facts in my case I have good reason to believe that at the date, namely, ----------, 19----, prescribed by law or regulations for filing a return of income in respect of the taxable year I will have satisfied the bona fide foreign-residence requirement prescribed by section 116 (a) (1) of the Internal Revenue Code in respect of the above period of residence in a foreign country or countries falling within the taxable year.

(I) I understand that any exemption from withholding of tax permitted by reason of the filing of this statement is not a determination by the Commissioner of Internal Revenue that any remuneration paid to me for services performed in a foreign country during the taxable year is excludable from gross income under the provisions of section 116 (a) (1) of the Internal Revenue Code.

I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct.

(Signature of taxpayer)

Date ----------, 19----.

(e) If with respect to any employee the employer was entitled (by reason of having received the above statement) to presume for two consecutive taxable years immediately preceding the first day of the employee's current taxable year that the employee's remuneration for services performed in a foreign country or countries during such preceding taxable years would be excluded from gross income for such taxable years under the provisions of section 116 (a) (1), he may, if such employee is residing in a foreign country on the first day of such current taxable year, presume that, in the absence at that time of clear and definite knowledge to the contrary, the remuneration for services performed in a foreign country during such current taxable year will be excluded from gross income for such year under the provisions of section 116 (a) (1). This presumption with respect to such current taxable year will apply whether or not a statement is filed by the employee for such year.

(f) The original of the statement filed with the employer shall be transmitted to the Director of Internal Revenue with the employer's return on Form 941 required by § 405.601 for the quarter of the calendar year within which such statement is filed. The duplicate copy of the statement shall be retained by the employer.

(g) A determination under the provisions of this subdivision that the remuneration is not wages and hence is not subject to withholding shall be made independently of the provisions of subdivisions (i) and (iii) of this subparagraph.

(iii) *Physical presence in a foreign country.* (a) The remuneration paid on or after January 1, 1952, for services performed in a foreign country for an employer (other than the United States or any agency or instrumentality thereof) by a citizen of the United States does not constitute wages under section 1621 (a) (8) (A) and hence is not subject to withholding, if at the time of payment it is reasonable to believe that such remuneration will be excluded from gross income for the taxable year under the provisions of section

116 (a) (2). Remuneration paid in respect of services performed in an area other than a foreign country, for example, the United States, a possession of the United States, or the high seas, shall not be excluded from wages under section 1621 (a) (8) (A).

(b) Section 116 (a) (2) provides that, in the case of an individual citizen of the United States who during any period of 18 consecutive months is present in a foreign country or countries during at least 510 full days in such period, all amounts received from sources without the United States (except amounts paid by the United States or any agency or instrumentality thereof) shall be excluded from gross income if such amounts constitute earned income, as defined in section 116 (a) (3), which is attributable to such period. See section 116 (a) and the regulations thereunder.

Example. At 2 p. m. on January 18, 1952, Mr. Brown, a citizen of the United States privately employed, arrived in England on a business trip from the United States. On May 19, 1952, at 10 p. m. he departed from England by steamer and arrived in the United States on May 25, 1952. After spending a period therein on official business, he left the United States by steamer on June 9, 1952, and arrived in France at 3 p. m., June 14, 1952. At 8 a. m. on February 3, 1953, he departed from France by airplane for a brief visit to Puerto Rico, arriving there on February 4; and thence went to England, arriving there at 1 a. m. on February 12, 1953, where he remained until midnight, July 18, 1953, at which time the 510 full-day requirement was satified in respect of the period of 18 consecutive months which began with January 19, 1952. Mr. Brown continued his presence in England, not leaving such country until 5 a. m. on November 18, 1953, at which time he departed for the United States. During the 18-month period commencing with January 19, 1952, and ending with the close of July 18, 1953, the taxpayer was in a foreign country or countries an aggregate of 510 full days; in addition, during the 18-month period commencing with June 16, 1952, and ending with the close of December 15, 1953, he was in a foreign country or countries an aggregate of 510 full days. The exemption from tax provided by section 116 (a) (2) will thus apply to the entire period which commences with January 19, 1952, and ends with the close of December 15, 1953.

(c) The reasonable belief mentioned in section 1621 (a) (8) (A) with respect to the exclusion of the remuneration from gross income may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence might be insufficient upon closer examination by the Commissioner or the courts finally to establish the exclusion from gross income, and exemption from tax, allowed by section 116 (a) (2).

(d) If with respect to his taxable year the employee cannot possibly at the date prescribed by law or regulations for filing a return of income for such year have satisfied the 510 full-day requirement prescribed by section 116 (a) (2), then the remuneration paid in respect of and during such taxable year for services performed in the foreign country shall constitute wages subject to withholding, unless otherwise excluded by section 1621 (a), even though at the time of payment the employer has good reason to believe that ultimately such remuneration will be excluded from gross income under the provisions of section 116 (a) (2). For such purpose the taxable year of the employee shall, in the absence of information to the contrary, be deemed to be the calendar year. In general, if the remuneration paid during any calendar year, or portion thereof, must be returned by the employee as income, even though ultimately the employee may satisfy the 510 full-day requirement and thereby be entitled in respect of such remuneration to the exclusion provided by section 116 (a) (2), then such remuneration constitutes wages and hence is subject to withholding. Expectation of ultimate exclusion from gross income is not sufficient under this subdivision to exclude from wages remuneration which in the first instance must be returned as income.

Example. On April 1, 1952, Mr. Green, a citizen of the United States who files his return on a calendar-year basis, arrived in Peru to assume charge of the Peruvian branch of the X Corporation, a domestic entity, under the terms of a contract providing for services to be performed in Peru during a three-year period. Even though it is apparent in 1952 that, if the terms of the contract are complied with, Mr. Green will ultimately be entitled to exclude such remuneration from gross income under section 116 (a) (2), X Corporation must deduct and withhold the tax upon remuneration paid him in that year for services performed in Peru under the agreement. This is necessary in view of the fact that Mr. Green, when filing his return on June 15, 1953, must include such remuneration in gross income without regard to any refund or credit which may ultimately be made in respect of the tax thereon.

(e) The employer may, in the absence of cause for a reasonable belief to the contrary, presume that remuneration for services performed in a foreign country during the taxable year, or applicable portion thereof, will be excluded from gross income under the provisions of section 116 (a) (2) for each taxable year in respect of which the employee properly executes and files in duplicate with the employer a statement in the following form:

STATEMENT FOR CLAIMING BENEFIT OF SECTION 116 (a) (2) FOR CALENDAR YEAR ------ OR FISCAL YEAR BEGINNING ------- AND ENDING -------

(A) My name is ----------. My present address is ----------. I am employed by ----------.

(B) My last address in the United States was ----------. The collection district in which I filed my last income tax return was ----------.

(C) I ---------- file my income tax return on the basis of the fiscal year beginning ----------, 19----, and ending ----------, 19----

(D) I file my income tax return on the basis of the calendar-year basis.

(E) I am a citizen of the United States.

(F) Except for occasional absences in areas outside a foreign country which have not disqualified me for the benefit of section 116 (a) (2) of the Internal Revenue Code, I have been present in the following foreign country or countries, namely, ----------, during the period of time which began on ----------, 19----.

(G) I expect to be present in a foreign country or countries, except for occasional absences in areas outside a foreign country not disqualifying me for the benefit of section 116 (a) (2), from the date of this statement until the end of the taxable year in respect of which this statement is filed, or, if not for such period, from the date of this statement until the following date within such taxable year, namely, ----------, 19----.

(H) On the basis of the facts in my case I have good reason to believe that at the date, namely, ----------, 19----, prescribed by law or regulations for filing a return of income in respect of the taxable year I will have satisfied the 510 full-day requirement prescribed by section 116 (a) (2) of the Internal Revenue Code in respect of the above period of presence in a foreign country or countries falling within the taxable year.

(I) In the event I become disqualified for the exclusion provided by section 116 (a) (2) in respect of all or part of the above period of presence in a foreign country or countries falling within the taxable year, I will immediately notify my employer, giving sufficient facts to indicate the part, if any, of such period falling within such year in respect of which I am qualified for such exclusion.

(J) I understand that any exemption from withholding of tax permitted by reason of the filing of this statement is not a determination by the Commissioner of Internal Revenue that any remuneration, paid to me for services performed in a foreign country during the period of presence in a foreign country or countries falling within the taxable year, is excludable from gross income under the provisions of section 116 (a) (2) of the Internal Revenue Code.

I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct.

---------- (Signature of taxpayer)

Date ----------, 19----.

(f) The original of the statement filed with the employer shall be transmitted to the Director of Internal Revenue with the employer's return on Form 941 required by § 405.601 for the quarter of the calendar year within which such statement is filed. The duplicate copy of the statement shall be retained by the employer.

(g) The term "foreign country", as used in this subdivision, does not include the United States, a possession of the United States, or the high seas; it does include the territorial waters of, and the air space over, a foreign country.

(h) A determination under the provisions of this subdivision that the remuneration is not wages and hence is not subject to withholding shall be made independently of the provisions of subdivisions (i) and (ii) of this subparagraph.

[F. R. Doc. 52-13162; Filed, Dec. 12, 1952; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Petroleum Administration for Defense

[Pad Instruction No. 2, Revocation]

PAD INSTRUCTION NO. 2—ESTABLISHMENT OF COMMITTEES AND SUPPLY DIRECTORS

PAD Instruction No. 2 is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under PAD Instruction No. 2, nor does this revocation deprive any person of any rights received or accrued under said order, as originally issued or as amended from time to time, prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended by 65 Stat. 131 and Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2154)

The effective date of this revocation shall be December 12, 1952.

DECEMBER 12, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior and Petroleum Administrator for Defense.

[F. R. Doc. 52-13225; Filed, Dec. 12, 1952; 11:53 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

Paragraph 1 of the material appearing at 16 F. R. 11974, is hereby amended to read as follows:

1. The duties of the Deputy Under Secretary for Transportation shall be to assist the Under Secretary for Transportation in the performance of his duties under Reorganization Plan No. 21 of 1950 and Department Order No. 128 as amended August 6, 1951 (16 F. R. 8189) and as subsequently amended and supplemented, to the extent and in the manner directed by the Under Secretary for Transportation.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-13166; Filed, Dec. 12, 1952; 8:57 a. m.]

Federal Maritime Board

SKIBSAKTIESELSKAPET SEATTLE AND REDERI A.-B. PULP

NOTICE OF CANCELLATION OF AGREEMENT

Notice is hereby given that the Board by order dated November 19, 1952, approved the cancellation of the following described agreement pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7844 between Skibsaktieselskapet Seattle and Rederi A.-B. Pulp provided for the establishment and maintenance of a joint cargo, passenger and mail service under the trade name "Fruit Express Line" between United States and Canadian Pacific Coast ports and ports in Central America, Canal Zone, Colombia, Ecuador, Peru, Chile, West India, Caribbean Sea, Mediterranean Sea, and Europe.

Interested parties may obtain a copy of this agreement at the Regulation Office, Federal Maritime Board, Washington, D. C.

Dated: December 10, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-13119; Filed, Dec. 12, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 128, Special Order 1]

CORPS OF ENGINEERS, U. S. ARMY

CEILING PRICES FOR SHIP DECKING PURCHASED FOR THE U. S. NAVY

Statement of considerations. Ship decking is a highly specialized lumber item, produced by only a few large sawmills. In order to obtain an adequate supply of ship decking to meet its requirements, the U. S. Navy has authorized the purchase of ship decking which deviates from the grade specifications of the West Coast Bureau of Lumber Grades and Inspection, Grading Rules No. 14. The new Navy specification, therefore, requires the establishment of a ceiling price different from the ceiling prices for ship decking graded in exact accordance with West Coast Rules. The new specification permits a combination of defects found only by combining parts of West Coast Rules, Paragraphs 310 and 311.

CPR 128, section 45, Table 31, establishes base ceiling prices for decking grades under paragraph 310, the highest grade. Ceiling prices for lower grades are established through deductions from the base ceiling prices for the highest grade. The new Navy specification falls between West Coast Bureau specifications for paragraphs 310 and 311, in that it is in accordance with paragraph 311 except that it limits the size of knots to one inch or less and the slope of grain to one inch in ten. A lesser deduction is therefore required for the Navy specification than for decking graded under paragraph 311.

This order is accordingly issued to establish sellers' ceiling prices which will reflect the modification of requirements as specified in Paragraph 311. Ship decking for Navy use is procured by the Corps of Engineers, U. S. Army.

Special provisions. For the reasons set forth in the Statement of Considerations, and pursuant to Ceiling Price Regulation 128, this Special Order is hereby issued.

1. The ceiling price, f. o. b. mill, for the sale of Douglas Fir ship decking under paragraph 311 of the West Coast Bureau of Lumber Grades and Inspection, Grading Rules No. 14, as modified by paragraph 2 of this order, to the Corps of Engineers, U. S. Army, shall be $15.00 per M b. m. less than the ceiling prices as specified in CPR 128 for ship decking graded in accordance with paragraph 310 of Rules No. 14.

2. For sales of Douglas Fir ship decking to the Corps of Engineers, U. S. Army, pursuant to this Special Order, the requirements of paragraph 311 of Rules No. 14 shall be modified to the extent that the size of knots shall be limited to one inch or less and the slope of grain to one inch in ten.

Effective date. This Special Order 1 to Ceiling Price Regulation 128 shall become effective December 13, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 12, 1952.

[F. R. Doc. 52-13240; Filed, Dec. 12, 1952; 11:28 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2027]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

DECEMBER 5, 1952.

On August 8, 1952, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity authorizing it to construct and operate a 24-inch river crossing of the Arkansas River near Little Rock, Arkansas, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 23, 1952 (17 F. R. 7759).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 23, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.,

concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Date of issuance: December 8, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-13137; Filed, Dec. 12, 1952; 8:51 a. m.]

[Docket No. G-2087]

TOWN OF BOYCE, LA.

NOTICE OF PETITION

DECEMBER 8, 1952.

Take notice that the Town of Boyce, Louisiana (Petitioner), a municipal corporation located in the Parish of Rapides, State of Louisiana, filed on November 14, 1952, a petition pursuant to section 7 of the Natural Gas Act for:

(1) An order directing Trunkline Gas Company (Trunkline) to establish physical connection of its transmission facilities near Boyce, Louisiana, with the proposed facilities of and to sell and deliver natural gas to Petitioner for resale as hereinafter described; and

(2) An order directing and requiring Trunkline to negotiate and enter into a gas supply contract with Petitioner under a schedule or schedules of rates specified or approved by such order; and

(3) An order amending or supplementing the certificate of public convenience and necessity issued to Trunkline to authorize and direct Trunkline to establish physical connection of its transmission facilities with the proposed facilities of and to sell and deliver natural gas to Petitioner.

Petitioner proposes to construct and operate a natural-gas transmission line from a point of interconnection with Trunkline's existing pipe line to its proposed distribution system, a distance of approximately 3.7 miles, and to construct and operate a distribution system within its corporate limits and the immediate surrounding area serving approximately 1,700 people. Natural gas is not presently distributed in the Town of Boyce. Petitioner requests that Trunkline be ordered and directed to sell and deliver gas to it in volumes not to exceed 400 Mcf a day. Petitioner has been authorized by its electorate to issue, sell and deliver $235,000 of bonds to finance the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of January 1953. The petition is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-13134; Filed, Dec. 12, 1952; 8:50 a. m.]

[Project No. 719]

JESSE I. SMITH

NOTICE OF APPLICATION FOR LICENSE

DECEMBER 10, 1952.

Public notice is hereby given that Jesse I. Smith, of Seattle, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for a new license for constructed water-power Project No. 719 located on James and Phelps Creeks, tributaries of Chiwawa River, in Chelan County, Wash., and consisting of a small diversion dam located on James Creek; 3,350 feet of penstock leading to a powerhouse; a small diversion dam located on Phelps Creek; 9,450 feet of flume and penstock leading to the same powerhouse; the powerhouse located near the junction of Phelps Creek and Chiwawa River and containing two units, one a 390-horsepower Pelton impulse turbine connected to a 300-kva generator and the other a 25-horsepower turbine connected to an 18-kw generator; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 20th day of January 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-13147; Filed, Dec. 12, 1952; 8:52 a. m.]

[Project No. 2036]

EDNA L. SELBY

NOTICE OF ORDER EXTENDING TIME FOR COMPLETION OF CONSTRUCTION

DECEMBER 9, 1952

Notice is hereby given that on December 8, 1952, the Federal Power Commission issued its order entered December 2, 1952, in the above-entitled matter, extending time for completion of construction to June 1, 1953.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-13135; Filed, Dec. 12, 1952; 8:50 a. m.]

[Project No. 2121]

PUBLIC POWER AND WATER CORP.

NOTICE OF APPLICATION FOR LICENSE (MAJOR)

DECEMBER 8, 1952.

Public notice is hereby given pursuant to the provisions of the Federal Power Act (16 U. S. C. 791a–825r) that Public Power and Water Corporation, Trenton, New Jersey, has made application for license for a proposed water-power and navigation Project No. 2121 to be located on International Rapids Section of the St. Lawrence River near Massena, New York. The proposed project would consist of and include the portion of the Iroquois Control Dam to be located within the United States; the Long Sault Dam; the portion of the Barnhart Island powerhouse to be located within the United States with an installation of about 1,100,000 horsepower, a switchyard; a toll-free canal on the United States side with locks at Grass River and Robinson Bay; and appurtenant works and facilities. The normal pool level would be at elevation 238 feet for initial operation. The energy generated would be sold to customers at the switchyard to be located on the United States side of the river.

Any protest against approval of this application, or request for hearing thereon, or petition to intervene, giving reasons for such protest, request or intervention together with the name and address of the parties protesting, requesting or intervening should be submitted on or before the 19th day of January 1953 to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-13133; Filed, Dec. 12, 1952; 8:49 a. m.]

[Project No. 2121]

PUBLIC POWER AND WATER CORP.

ORDER FIXING HEARING

DECEMBER 9, 1952.

On December 4, 1952, Public Power and Water Corporation, with offices at 28 West State Street, Trenton, New Jersey, filed an application for a license under the Federal Power Act for a proposed navigation and hydrolelectric development, Project No. 2121, to be located in and along the International Rapids section of the St. Lawrence River on the United States side of the international boundary line in St. Lawrence County, New York. The application proposes construction of the same facilities as those covered by the application filed for Project No. 2000 by the Power Authority of the State of New York, plus a canal on the United States side paralleling the project.

On December 8th the applicant requested a hearing as soon as possible. Since notice of the application for Project No. 2121 has not been given as required by the Federal Power Act, the applicant should be given an opportunity to support its application, after which the hearing should be recessed until the conclusion of the publication of notice.

The Commission finds: The proposed project is of widespread interest and in view of the conflict with proposed Project No. 2000 it is desirable to hold a hearing respecting the matters and issues presented therein following the conclusion of the hearing already scheduled on the application for Project No. 2000.

It is ordered that: Pursuant to the authority contained in and subject to the jurisdiction conferred upon it by the Federal Power Act and particularly sections 4, 6 and 308 thereof, and the Commission's rules of practice and procedure, a public hearing be held commencing at 10:00 a. m., on December 18, and continuing on December 19, 1952, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., said hearing to be recessed at such time as may be appropriate to be resumed on February 2, 1953, at the same place.

Date of issuance: December 9, 1952.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-13136; Filed, Dec. 12, 1952; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2959]

MISSOURI POWER & LIGHT CO.

ORDER GRANTING AUTHORITY TO ISSUE AND SELL SHORT TERM UNSECURED NOTES

DECEMBER 8, 1952.

Missouri Power & Light Company ("Missouri Power"), a public utility subsidiary of Union Electric Company of Missouri, a registered holding company and, a public utility company, having filed a declaration pursuant to sections 6 (a) and 7 of the act and Rules U-20, U-23 and U-24, promulgated thereunder, with respect to the following proposed transactions:

Missouri Power proposes to enter into a loan agreement with the Chase National Bank of the City of New York whereby such bank will extend to the Company bank loans in the aggregate principal amount of $2,800,000. The first loan in the amount of $1,800,000 will be completed on or before December 10, 1952. The balance of the loan of $1,000,000 is to be made available as needed. Each loan will be evidenced by an unsecured promissory note, which notes in the aggregate will equal the principal amount of the loan. All such notes will mature on December 10, 1953, but may be prepaid without penalty. The interest on the initial loan will be at the rate of 3 percent per annum, and the interest rate on all other loans made as part of the proposed transactions will be at the bank's current prime rate of interest for such paper at the time of borrowing, but not to exceed 3¼ percent. The interest will be payable on June 10, 1953 and at maturity or earlier date of prepayment.

Declarant states that upon completion of the proposed initial loan, the Company will pay off $1,350,000 of unsecured promissory notes now outstanding and held by the Chase National Bank of the City of New York, and the balance of the proceeds of the initial loan will be added to the general funds of the Company to reimburse the treasury for capital expenditures previously made and for other corporate purposes. The balance of the loan is to be utilized as needed to finance the Company's construction program.

It is represented that no State or other Federal Commission has jurisdiction over the proposed transactions and that Missouri Power intends subsequently to fund the proposed loans through the issuance of stocks or bonds or other form of permanent financing.

Declarant estimates that the fees and expenses to be incurred in connection with the proposed transactions will not exceed $1,250, including $500 of legal fees. Declarant requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13142; Filed, Dec. 12, 1952; 8:51 a. m.]

[File No. 70-2959]

ARLINGTON GAS LIGHT CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF PROPOSED NOTES

DECEMBER 9, 1952.

Arlington Gas Light Company ("Arlington"), a public-utility subsidiary company of New England Electric System, a registered holding company having filed a declaration with this Commission, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-23 thereunder, with respect to the following proposed transactions:

The declaration states that Arlington presently has outstanding $1,435,000 principal amount of 3¼ percent promissory notes, due April 1, 1953, issued pursuant to a bank loan agreement with the National City Bank of New York. Arlington proposes to issue to this bank, from time to time but not later than December 31, 1952, additional unsecured promissory notes in an aggregate principal amount not in excess of $350,000 and upon the same terms and conditions as the presently outstanding notes.

Arlington desires to issue the proposed notes in order to have available funds for the temporary financing of its construction program through December 31, 1952 and to reimburse its treasury for prior construction expenditures. Arlington proposes that if any permanent financing is done, the proceeds therefrom will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $500. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Arlington requests that the Commission's order herein become effective forthwith upon issuance.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13143; Filed, Dec. 12, 1952; 8:51 a. m.]

[File No. 70-2963]

OHIO EDISON CO.

NOTICE OF FILING REGARDING SALE OF COMMON STOCK THROUGH A RIGHTS OFFERING AND SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING

DECEMBER 8, 1952.

Notice is hereby given that an application-declaration has been filed with this Commission by Ohio Edison Company ("Ohio Edison"), a registered holding company and a public utility company. The filing has designated sections 6 (a), 7, 12 (c) and 12 (d) of the act and Rules U-42 and U-50 as applicable to the proposed transactions, which are summarized as follows:

By order, dated November 21, 1952, the Commission authorized the submission by Ohio Edison to its stockholders of a proposed amendment to its Articles of Incorporation which would:

[1] Commissioners Doty and Draper dissenting.

(a) Increase the authorized number of shares of preferred stock, par value $100 per share, from 500,000 to 1,000,000; and

(b) Increase the par value of the shares of common stock from $8 per share to $12 per share.

A special stockholders meeting will be held on December 30, 1952, for the purpose of obtaining the requisite stockholder approval of the proposed amendment. Ohio Edison has proposed the following transactions subject to the obtaining of such approval.

Ohio Edison proposes to issue 479,846 shares of its common stock, which will have a par value of $12 per share. The shares of common stock are to be offered, during a period of approximately two weeks expiring January 23, 1953, to the holders of the outstanding common stock of the company for subscription in the ratio of 1 share of common stock for each 10 shares of common stock now held. The holders will also be given the privilege, subject to allotment, of oversubscribing at the subscription price.

The rights to subscribe and oversubscribe are to be evidenced by transferable subscription warrants. No fractional shares are to be issued. The warrants provide that persons subscribing for stock may direct the subscription agent to purchase additional rights required to complete a full share subscription or to sell rights in excess of full share subscriptions. In each case the purchase or sale may not exceed 9 rights for any single stockholder.

The above-described offering is to be underwritten and the company proposes to select the purchasers of any unsubscribed stock and any stock acquired by the company through stabilizing operations, as described below, at competitive bidding pursuant to Rule U-50. At least 42 hours prior to the time for the submission and opening of bids, Ohio Edison will advise the prospective bidders of the susbcription price per share, which will also be the price per share at which unsubscribed shares and any shares acquired by the company through stabilization operations will be sold to the successful bidder. The bidders will be required to specify an aggregate amount of compensation to be paid by the company for their commitments. Under the terms of the bidding the prospective purchasers must agree that, in the event any shares purchased by them from the company shall be sold by them prior to 30 days following the expiration of the subscription period for a price in excess of the subscription price plus $1.50 per share, the purchasers shall pay to the company 50 percent of such excess. The company requests that the ten-day period required by Rule U-50 to elapse between the time of inviting bids and the entering into of an agreement with respect to the sale of the common stock be shortened to six days.

Ohio Edison proposes, if considered necessary or desirable, to stabilize the price of the common stock of the company for the purpose of facilitating the offering and distribution of the additional shares of common stock. In connection therewith the company may, during the period commencing with the second full business day prior to the time for submission of bids for the purchase of the common stock and continuing until such time, purchase shares of its common stock, but not in excess of 47,984 shares, on the New York Stock Exchange, the Midwest Stock Exchange, or otherwise. Such purchases are to be made through brokers with the payment of regular stock exchange commissions.

On or about January 13, 1953, Ohio Edison also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 150,000 shares of -- percent Preferred Stock, $100 par value. The dividend rate and the price per share to be paid the company will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than $100 per share or more than $102.75 per share.

The proceeds of the sale of the common stock and the preferred stock will be used for construction purposes.

The filing indicates that the issuance and sale of the common stock and the issuance and sale of the preferred stock are subject to authorization by the Public Utilities Commission of Ohio.

It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than December 29, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13144; Filed, Dec. 12, 1952; 8:51 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 94]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

DECEMBER 11, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Glendive-Sidney, Montana, Area. (The area consists of all of Dawson and Richland Counties, and all of Roosevelt County except that portion lying west of School District 9, all in Montana.)

HENRY H. FOWLER, *Director of Defense Mobilization.*

[F. R. Doc. 52-13203; Filed, Dec. 11, 1952; 3:54 p. m.]

[CDHA 95]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

DECEMBER 11, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Birdsboro, Pennsylvania, Area. (The area consists of Birdsboro Borough in Berks County, Pennsylvania.)

HENRY H. FOWLER, *Director of Defense Mobilization.*

[F. R. Doc. 52-13204; Filed, Dec. 11, 1952; 3:54 p. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 20]

ROSARIES

NOTICE OF HEARING

A public hearing has been ordered by the United States Tariff Commission to be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., on May 4, 1953, in the investigation with respect to Rosaries instituted on September 19, 1952, under section 7 of the Trade Agreements Extension Act of 1951 (17 F. R. 8524).

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above public hearing was ordered by the Tariff Commission on the 8th day of December 1952.

Issued: December 9, 1952.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 52-13158; Filed, Dec. 12, 1952; 8:55 a. m.]

[Investigation No. 21]

WATCH BRACELETS AND PARTS THEREOF OF METAL OTHER THAN GOLD OR PLATINUM

NOTICE OF HEARING

A public hearing has been ordered by the United States Tariff Commission to be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m. on May 11, 1953, in the investigation with respect to watch bracelets and parts thereof of metal other than gold or platinum instituted on September 26, 1952, under section 7 of the Trade Agreements Extension Act of 1951 (17 F. R. 8792).

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above public hearing was ordered by the Tariff Commission on the 8th day of December 1952.

Issued: December 9, 1952.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 52-13157; Filed, Dec. 12, 1952; 8:55 a. m.]

SMALL DEFENSE PLANTS ADMINISTRATION

[S. D. P. A. Pool Request 7]

REQUEST TO TRI-STATE DEFENSE INDUSTRIES, INC., TO OPERATE AS A SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Correction

In F. R. Doc. 52-12990, appearing at page 11183 of the issue for Wednesday, December 10, 1952, the date "December 12, 1952" in the date line should read "December 4, 1952".

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27608]

SODA ASH FROM SALTVILLE, VA., TO GEORGETOWN, S. C., AND SAVANNAH AND PORT WENTWORTH, GA.

APPLICATION FOR RELIEF

DECEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Soda ash (other than modified soda ash), carloads.

From: Saltville, Va.

To: Georgetown, S. C., Savannah and Port Wentworth, Ga.

Grounds for relief: Competition with rail and water carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1251, Supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13124; Filed, Dec. 12, 1952; 8:47 a. m.]

[4th Sec. Application 27609]

CRUDE SULPHUR FROM LOUISIANA AND TEXAS TO CALVERT, KY.

APPLICATION FOR RELIEF

DECEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Crude sulphur, carloads.

From: Points in Louisiana and Texas.

To: Calvert, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3862, Supp. 163.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13125; Filed, Dec. 12, 1952; 8:47 a. m.]

[4th Sec. Application 27610]

ILMENITE ORE FROM MELBOURNE, FLA., TO CARTERET, N. J.

APPLICATION FOR RELIEF

DECEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Ilmenite ore, carloads.

From: Melbourne, Fla.

To: Carteret, N. J.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1188, Supp. 57.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13126; Filed, Dec. 12, 1952; 8:48 a. m.]

[4th Sec. Application 27611]

PIG IRON FROM DAINGERFIELD AND LONE STAR, TEX., TO EMPORIA, ENTERPRISE, AND SALINA, KANS.

APPLICATION FOR RELIEF

DECEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for The Atchison, Topeka and Santa Fe Railway Company and other carriers.

Commodities involved: Pig iron, carloads.

From: Daingerfield and Lone Star, Tex.

To: Emporia, Enterprise, and Salina, Kans.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3960, Supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13127; Filed, Dec. 12, 1952; 8:48 a. m.]

[4th Sec. Application 27612]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON, MASS., AND NEW HAVEN, CONN.

APPLICATION FOR RELIEF

DECEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Hemingway Brothers Interstate Trucking Company.

Commodities involved: Semi-trailers, loaded with freight or empty, on flat cars.

Between Boston, Mass., and New Haven, Conn.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13128; Filed, Dec. 12, 1952; 8:48 a. m.]

[4th Sec. Application 27613]

PAPER FROM PALATKA, FLA., TO EAST ST. LOUIS, ILL., AND ST. LOUIS, MO.

APPLICATION FOR RELIEF

DECEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1218, pursuant to fourth-section order No. 16101.

Commodities involved: Paper and related articles, carloads.

From: Palatka, Fla.

To: East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13129; Filed, Dec. 12, 1952; 8:48 a. m.]

[4th Sec. Application 27614]

PETROLEUM PRODUCTS FROM PACIFIC COAST TERRITORY, TO BUTTE AND HELENA, MONT.

APPLICATION FOR RELIEF

DECEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. R. Watson, Agent, for the Great Northern Railway Company.

Commodities involved: Gasoline and other petroleum products, in tank-car loads.

From: Pacific coast territory.

To: Butte and Helena, Mont.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. R. Watson, Agent, I. C. C. No. 761, Supp. 165.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13130; Filed, Dec. 12, 1952; 8:49 a. m.]

[4th Sec. Application 27615]

MOTOR-RAIL-MOTOR RATES BETWEEN SPRINGFIELD, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

DECEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and the H. T. Smith Express Company.

Commodities involved: Semi-trailers, loaded with freight or empty, on flat cars.

Between Springfield, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13131; Filed, Dec. 12, 1952; 8:49 a. m.]

[4th Sec. Application 27616]

SHOCK ABSORBERS AND BRAKE CYLINDERS FROM DAYTON, OHIO, TO WOBURN, MASS.

APPLICATION FOR RELIEF

DECEMBER 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 17220.

Commodities involved: Shock absorbers and hydraulic brake cylinders, carloads.

From: Dayton, Ohio.

To: Woburn, Mass.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13132; Filed, Dec. 12, 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19084]

MARIE WALFRIEDA ENGLERT

In re: Estate of Marie Walfrieda Englert, deceased. File No. 017-27757.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anna Haun, Rose Kunkle, Helen Englert, Anton Englert, and August Englert, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever, of the persons named in subparagraph 1 hereof, in and to the Estate of Marie Walfrieda Englert, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Samuel Sapowitch, as administrator, acting under the judicial supervision of the Surrogate's Court of Erie County, State of New York; and it is hereby determined:

4. That the national interest of the United States requires that the persons named in subparagraph 1 hereof, and each of them, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States, the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 10, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-13154; Filed, Dec. 12, 1952; 8:53 a. m.]

[Vesting Order 19085]

VICTOR HENRY DE SOMOSKEOY, JR.

In re: Guardianship Estate of Victor Henry de Somoskeoy, Jr. File D-66-302 and G-1; E. T. Sec. 2522.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82nd Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Victor Henry de Somoskeoy, Jr., whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all the property and estate of Victor Henry de Somoskeoy, Jr., of any nature whatsoever in the possession of the First National Bank and Trust Company of La Porte, as guardian of the estate of Victor Henry de Somoskeoy, Jr., is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the First National Bank and Trust Company of La Porte, as guardian, acting under the judicial supervision of the La Porte Circuit Court of La Porte County, Indiana;

and it is hereby determined:

4. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, subject to all lawful fees and expenses of said First National Bank and Trust Company of La Porte, as guardian of the estate of Victor Henry de Somoskeoy, Jr., to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 10, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-13155; Filed, Dec. 12, 1952; 8:54 a. m.]

[Vesting Order 16989, Amdt.]

LORENZ DURLER

In re: Estate of Lorenz Durler, deceased. D 28-12905.

Vesting Order 16989 dated January 11, 1951, is hereby amended as follows and not otherwise:

By changing paragraph 3 thereof to read as follows:

3. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraphs 1 and 2 hereof in and to the sum of $4,247.35, paid to the State Controller for the State of California, Sacramento, California, on October 3, 1944, pursuant to an order of the Superior Court of the State of California in and for the County of Yolo, California, in the Matter of the Estate of Lorenz Durler, deceased, and any and all additions thereto, including all right, title, interest and claim of said persons in and to a certain proceeding to recover the proceeds of escheated property, brought pursuant to the provisions of Secs. 1026 and 1027 of the Probate Code of California, in which Rosa K. Liebermann, Anne L. Dierker, Marie M. Liebermann, Benedict A. Liebermann, Helena L. Markel, Agnes C. Liebermann, Ruth B. Liebermann, Anna D. Clatz, Rosa Durler, Luise D. Sibald, Emma D. Griephaber, Berta D. Hermann, Paul Durler, Friedrich Durler, Marie D. Kaffer, Rosa Durler, Anna Durler, Karl Durler, Johann Durler, Marie Durler, Ernst Durler, Luise Durler, Franz Durler, Friedrich P. Durler, Klara Durler, and Maria Erika Durler are plaintiffs, and the State of California is defendant, which proceeding is Case No. 435547 in the Superior Court of the State of California in and for the County of Los Angeles, is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which there is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany).

All other provisions of said Vesting Order 16989 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 10, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13136; Filed, Dec. 12, 1952; 8:54 a. m.]

...erence Room

THE NATIONAL ARCHIVES
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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1952 TOBACCO LOAN PROGRAM

PUERTO RICAN TOBACCO, TYPE 46, ADVANCE SCHEDULE

Set forth below is the schedule of advance rates, by grades, for the 1952 crop of type 46 tobacco under the tobacco loan program formulated by Commodity Credti Corporation and Production and Marketing Administration, published May 22, 1952 (17 F. R. 4643).

§ 664.423 *1952 crop; Puerto Rican tobacco, type 46, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Price block I:	
C1F	45
C1P	
C4M	
C5F	
C2P	
Price block II:	
C3F	37
C3P	
C6M	
C6F	
C6S	
Price block III:	
X1F	27
X1P	
Price block IV:	
X2F	21
X2P	
Price block V:	
X2PT	17
X3F	
X4P	
X5S	
Price block VI:	
X4	13
Y1	

[1] The organizations acting for growers in handling the loans are authorized to deduct $1.00 per hundred pounds from the advances to growers to apply against overhead and handling costs. Tobacco can be placed under loan only by the original producer. No advance is authorized for tobacco found to be in unsafe keeping order, unsound, or damaged.

(Sec. 4, 62 Stat. 1070; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, sec. 101, 63 Stat. 1051; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441)

Issued this 11th day of December 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

LIONEL C. HOLM,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-13215; Filed, Dec. 15, 1952; 2:08 p. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 132—ELECTRIC POWER SYSTEM, COLORADO RIVER IRRIGATION PROJECT, ARIZONA[1]

MISCELLANEOUS AMENDMENTS

1. The title of Part 132 is amended to read as set forth above.

2. Sections 132.1 and 132.4 are respectively amended to read as follows:

§ 132.1 *Purpose of regulations.* The rules and regulations in this part are approved for the conduct of electric power system of the Colorado River Project, Arizona. The rules and regulations of this part are subject to change by the proper authority and such changes will apply to all contracts then and afterwards in effect.

§ 132.4 *Applications; contracts.* In order to become a consumer under the Colorado River Project electric power system, an application shall be made which becomes a contract upon the approval of the Project Engineer. In general, service will be rendered to all applicants signing valid contracts where service lines exist. The Project Engi-

[1] Part 132 originally included the San Carlos Project Power System. Separate regulations prescribed for that project are contained in Part 133, of this chapter (17 F. R. 11142).

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FEDERAL REGISTER

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neer is authorized to reject applications where it does not appear that the rules and regulations in this part will be complied with, or when not to the interest of the United States. Upon 30 days' written notice to the contractor, the Project Engineer may suspend or cancel any contract upon failure to comply with rules and regulations or to make payment under the standard schedule of rates. Negotiations for contracts involving special conditions or service within town sites of record will be subject to approval by the Commissioner of Indian Affairs.

3. Section 132.58 is repealed.

(Sec. 5, 43 Stat. 476)

OSCAR L. CHAPMAN,
Secretary of the Interior.

DECEMBER 10, 1952.

[F. R. Doc. 52–13171; Filed, Dec. 15, 1952; 2:01 p. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 7 to Supplementary Regulation 63, Area Milk Price Regulation 5]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 5—CHICAGO MILK MARKETING AREA, STATE OF ILLINOIS

PERMANENT INCREASE IN CEILING PRICES OF FLUID MILK PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, and Delegation of Authority No. 41, this Amendment to Area Milk Price Regulation 5, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The Office of Price Stabilization has just completed an extensive review of milk costs and prices in the Chicago area. This review was undertaken to determine whether or not the ½ cent per sales point increase in the ceiling price of milk in Chicago granted by Amendment 5 to Area Milk Price Regulation 5 was warranted. A careful analysis of these recently obtained data leaves no doubt that this increase was justified under the O. P. S. Industry Earnings Standard. Accordingly, this amendment makes this increase permanent.

In the judgment of the Director, the provisions of this amendment to Area Milk Price Regulation No. 5 in Region VII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act amendments of 1951 and 1952.

The Director gave due consideration to the national effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. In the fromulation of this amendment, the Director has consulted industry representatives, including trade association representatives, to the fullest extent practicable and has given due consideration to their recommendations.

AMENDATORY PROVISIONS

Area Milk Price Regulation 5, issued under Supplementary Regulation 63 to the General Ceiling Price Regulations, is amended in the following respect:

1. Section 4 is amended to read as follows:

SEC. 4. *Ceiling prices for milk for fluid consumption*—(a) *Your ceiling prices.* Your ceiling prices for any milk product for fluid consumption shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect on November 15, 1951, plus (except for sales to vendors) one cent per sales point. Your ceiling price for any milk product for fluid consumption sold to vendors shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect November 15, 1951, plus one-quarter cent per sales point.

(b) *Sales points.* Each of the following categories shall be considered one sales point for the specified container size. To determine the sales point value for a container of another size in any category, divide the contents of that container size by the contents of container size in the same category specified in this section:

(1) One quart of fluid milk products, such as regular milk, homogenized milk, vitamin D milk, special buttermilk, chocolate whole milk, and fluid milk or drinks specially treated or flavored with a butterfat content between 3½ and 6 percent.

(2) One-half gallon of fluid milk products such as skim milk with a butterfat content of less than 3½ percent.

(3) One-third of a quart of concentrated whole milk and allied products having a butterfat content of 10 percent or more.

(4) One pint of cream products having a butterfat content between 10 percent and 15 percent.

(5) One-half pint of cream products having a butterfat content of more than 15 percent.

(6) Sixteen ounces of cottage cheese products.

(7) Sixteen ounces or one pint of specialty products such as yogurt.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 7 to Area Milk Price Regulation 5, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation shall become effective December 15, 1952.

B. EMMET HARTNETT,
Regional Director.

DECEMBER 12, 1952.

[F. R. Doc. 52–13258; Filed, Dec. 12, 1952; 4:40 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 102 to Schedule A]

[Rent Regulation 2, Amdt. 100 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

IOWA, KANSAS, MISSOURI, AND OHIO

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective December 15, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Iowa				
(113) Cedar Rapids	B	In Linn County, the city of Cedar Rapids	Mar. 1, 1942	Dec. 1, 1942
	C	do	Aug. 1, 1952	Dec. 15, 1952
	A	Linn County, except the city of Cedar Rapids	do	Do.
Kansas				
(117) Lawrence-Olathe	A	Douglas County; in Johnson County, the city of Olathe and the townships of Gardner, Lexington, McCamish, Monticello, Olathe, and Spring Hill, in Wyandotte County, the city of Bonner Springs and the township of Delaware.	Aug. 1, 1951	Apr. 14, 1952
	A	Johnson County, except the city of Olathe and the townships of Gardner, Lexington, McCamish, Monticello, Olathe, and Spring Hill; Wyandotte County, except the cities of Kansas City and Bonner Springs and the township of Delaware.	Aug. 1, 1952	Dec. 15, 1952
Missouri				
(170) Kansas City	B	In Clay County, the townships of Gallatin and Liberty; Jackson County, in Platte County, Pettis Township.	Mar. 1, 1942	Sept. 1, 1942
	C	do	Aug. 1, 1952	Dec. 15, 1952
	A	Clay County, except the townships of Gallatin and Liberty.	do	Do.
Ohio				
(238) Erie County-Oak Harbor	B	Erie County, except the village of Milan and those islands in Lake Erie which are part of Erie County; in Ottawa County, the village of Oak Harbor.	Mar. 1, 1942	Oct. 1, 1942
	C	Erie County, except the village of Milan and those islands in Lake Erie which are part of Erie County.	Aug. 1, 1952	Dec. 15, 1952
	A	In Erie County, the village of Milan and those islands in Lake Erie which are part of Erie County.	do	Do.

[F. R. Doc. 52–13197; Filed, Dec. 15, 1952; 2:04 p. m.]

[Rent Regulation 1, Amdt. 28 to Schedule B]

RR 1—HOUSING

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

KANSAS CITY

Effective December 15, 1952, Rent Regulation 1 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Item 68 in Schedule B of Rent Regulation 1—Housing, is amended to read as follows:

68. *Provisions relating to the Kansas City Defense-Rental Area (Item 170 of Schedule A).*

With respect to housing accommodations in the Kansas City Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* (a) The housing accommodation had a maximum rent in effect on November 10, 1952, and the present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947 under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section 141 (a) shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947 for the housing accommodations or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 162 decreasing rents which were in effect on June 30, 1947. Adjustments under this section 141 (a) shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director.

(b) The housing accomodations had a maximum rent in effect on June 30, 1947, and did not have a maximum rent in effect on November 10, 1952, and the present maximum rent does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, (2) plus any increase in rental value because of a major capital improvement or an increase in services, furniture, furnishings, or equipment which occurred after June 30, 1947, (3) minus any decrease in rental value because of any decrease in services, furniture, furnishings, or equipment required by the rent regulations on June 30, 1947, or because of a substantial deterioration. The adjustment under this section 141 (b) shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, (2) plus or minus appropriate increases or decreases in rental value, if any, heretofore specified.

All provisions of this regulation insofar as they are applicable to the Kansas City Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item of Schedule B.

[F. R. Doc. 52-13200; Filed, Dec. 15, 1952; 2:06 p. m.]

[Rent Regulation 2, Amdt. 28 to Schedule B]

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

NEW JERSEY

Effective December 15, 1952, Rent Regulation 2 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

Item 82 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

82. *Provisions relating to Monmouth County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area (Item 190 of Schedule A):*

The application of this regulation is terminated with respect to housing accommodations which on November 18, 1952, were rooms in rooming houses in Monmouth County, New Jersey. For purposes of this Item of Schedule B the definition of a rooming house is the same definition of a rooming house set forth in section 14 of this regulation.

All provisions of this regulation insofar as they are applicable to the territory to which this Item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this Item of Schedule B.

[F. R. Doc. 52-13201; Filed, Dec. 15, 1952; 2:06 p. m.]

[Rent Regulation 3, Amdt. 104 to Schedule A]

[Rent Regulation 4, Amdt. 46 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

IOWA, KANSAS, MISSOURI, AND OHIO

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective December 15, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(113) Cedar Rapids	Iowa	Linn County	Aug. 1, 1952	Dec. 15, 1952
(117) Lawrence-Olathe	Kansas	Douglas County; in Johnson County, the city of Olathe and the townships of Gardner, Lexington, McCamish, Monticello, Olathe and Spring Hill; in Wyandotte County, the city of Bonner Springs and the township of Delaware.	Aug. 1, 1951	Apr. 14, 1952
		Johnson County, except the city of Olathe and the townships of Gardner, Lexington, McCamish, Monticello, Olathe and Spring Hill; Wyandotte County, except the cities of Kansas City and Bonner Springs and the township of Delaware.	Aug. 1, 1952	Dec. 15, 1952
(170) Kansas City	Missouri	Clay County; Jackson County; and in Platte County, Pettis Township.	do	Do.
(238) Erie County-Oak Harbor	Ohio	Erie County	do	Do.

[F. R. Doc. 52-13199; Filed, Dec. 15, 1952; 2:05 p. m.]

[Rent Regulation 3, Amdt. 103 to Schedule A]

RR 3—HOTELS

SCHEDULE A—DEFENSE-RENTAL AREAS

NEW JERSEY

Effective December 15, 1952, Rent Regulation 3 is amended so that the item indicated below of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

(190) [Revoked and decontrolled]

This amendment terminates the application of Rent Regulation 3 to the Northeastern New Jersey Defense-Rental Area on the initiative of the Director of Rent Stabilization, under section 204 (c) of the act.

[F. R. Doc. 52-13198; Filed, Dec. 15, 1952; 2:05 p. m.]

[Rent Regulation 3, Amdt. 16 to Schedule B]

RR 3—HOTELS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

PENNSYLVANIA

Effective December 15, 1952, Rent Regulation 3 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

Item 20 is added to Schedule B of Rent Regulation 3—Hotels, reading as follows:

20. *Provisions relating to the Lebanon, Pennsylvania Defense-Rental Area (Item 262 (b) of Schedule A):*

The application of maximum daily rates established by this regulation for controlled rooms in hotels is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this Item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this Item of Schedule B.

[F. R. Doc. 52-13202; Filed, Dec. 15, 1952; 2:06 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 875]

ARKANSAS

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY FOR FLOOD CONTROL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in the Ouachita National Forest, Arkansas, is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use in connection with the Blakely Mountain Dam and Reservoir Project, Arkansas, under the supervision of the Department of the Army, as authorized by the act of December 22, 1944, 58 Stat. 887, 895, Red-Ouachita River Basin:

FIFTH PRINCIPAL MERIDIAN

T. 1 S., R. 22 W.,
Sec. 33, SW¼SW¼.

The area described contains 40 acres.

This order shall take precedence over, but not otherwise affect, (1) Proclamation No. 1964 of August 19, 1931, establishing a national forest and (2) Federal Power Commission Project No. 271, so far as such proclamation and project affect the above-described land.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

DECEMBER 10, 1952.

[F. R. Doc. 52-13175; Filed, Dec. 15, 1952; 2:02 p. m.]

[Public Land Order 876]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE NAVY IN CONNECTION WITH BOMBING TARGET SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Navy in connection with a bombing target site:

MOUNT DIABLO MERIDIAN

T. 6 S., R. 5 E.,
Sec. 22, NE¼;
Sec. 24, S½SW¼, NW¼SW¼.

The areas described aggregate 280 acres.

It is intended that the lands described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

DECEMBER 10, 1952.

[F. R. Doc. 52-13177; Filed, Dec. 15, 1952; 2:03 p. m.]

[Public Land Order 877]

NEVADA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH AIR FORCE BASE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws and reserved for the use of the Department of the Army in connection with an Air Force Base:

MOUNT DIABLO MERIDIAN

T. 20 S., R. 63 E., unsurveyed
Sec. 8, SE¼;
Sec. 9, S½.

The areas described aggregate 480 acres.

This order shall take precedence over but not otherwise affect the order of November 3, 1936, of the Secretary of the Interior establishing Nevada Grazing District No. 5, so far as such order affects the above-described lands.

It is intended that the lands described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

DECEMBER 10, 1952.

[F. R. Doc. 52-13179; Filed, Dec. 15, 1952; 2:03 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 10176, 10325]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

LIFEBOAT RADIO EQUIPMENT

Notice of Errata

In the matter of a requirement that lifeboat radio equipment compulsorily provided under the International Convention on Safety of Life at Sea, London, 1948, include provision for reception in the high frequency band, Docket No. 10176; and in the matter of amendment of Part 8 of the Commission's rules regarding technical requirements and related provisions for compulsorily provided lifeboat radio equipment, Docket No. 10325.

The report and order in the above-entitled proceeding, dated December 3, 1952, should be corrected by making the following change:

Relating to § 8.520 (g), subparagraph (3) should read:

(3) The results of inspections and tests shall be made known to the master of the vessel and shall be entered in the ship's radio station log or in the ship's log if the ship is not provided with a radio station. These entries shall be made available to duly authorized representatives of the Commission upon request.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 145. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13196; Filed, Dec. 15, 1952; 2:04 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—MUD LAKE NATIONAL WILDLIFE REFUGE, MINNESOTA

PART 35—NORTHEASTERN REGION

SUBPART—MONTEZUMA NATIONAL WILDLIFE REFUGE, NEW YORK

EXPIRATION OF CODIFIED MATERIAL

Notice is hereby given that the regulations contained in §§ 33.121 to 33.124 and §§ 35.21 to 35.24 comprising the above named subparts have expired of their own limitation.

Dated: December 10, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-13170; Filed, Dec. 15, 1952; 2:01 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 40]

EXCESS PROFITS TAXES; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

EXCLUSION OF CERTAIN INCOME DERIVED FROM FOREIGN SOURCES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Regulations 130 (26 CFR Part 40) are amended as follows:

PARAGRAPH 1. Section 40.433 (a)–2 is hereby amended by striking out all of paragraph (m) and substituting in lieu thereof the following:

(m) (1) Under section 433 (a) (1) (M) there shall be excluded income derived from sources within any foreign country to the extent that such income—

(i) But for monetary, exchange, or other restrictions imposed by such foreign country; or

(ii) But for the taxpayer's election to defer the reporting of such income under a method of accounting, approved by the Commissioner, applicable to income which could not be readily converted into United States dollars or into other money or property readily convertible into United States dollars;

would have been includible in the gross income of the taxpayer for any taxable year which preceded its first taxable year ended after June 30, 1950. If such income is includible in the gross income of the taxpayer for a taxable year succeeding the first taxable year ended after June 30, 1950, and, but for such restrictions or such election, would have been includible in the gross income of the taxpayer for its first taxable year ended after June 30, 1950, and if such first taxable year began prior to July 1, 1950, such income shall be excluded in an amount which is the same proportion of such income as the number of days prior to July 1, 1950, in such first taxable year is of the total number of days in such first taxable year. Deductions properly chargeable and allocable to the income excluded under section 433 (a) (1) (M) shall not be allowed.

(2) For the purpose of this paragraph:

(i) The term "blocked foreign income" means income derived from sources within any foreign country during any taxable year which would, but for the restrictions or the election described in subparagraph (1) of this paragraph, have been includible in the gross income of the taxpayer for such taxable year.

(ii) The term "unblocked foreign income" means income which was "blocked foreign income" during the taxable year in which it was derived from sources within any foreign country, but which becomes includible in the gross income of the taxpayer for any subsequent taxable year, whether as a result of the removal of such restrictions, or of such income becoming readily convertible into United States dollars or into other money or property readily convertible into United States dollars, or for other reasons.

(3) In cases where unblocked foreign income cannot be specifically identified as the blocked foreign income or portion thereof of a particular taxable year, the determination whether unblocked foreign income from sources within any foreign country has become includible in the gross income of the taxpayer for a taxable year ending after June 30, 1950, and the determination of the taxable year in which any such unblocked foreign income would have been includible but for the restrictions or the election, shall be made in accordance with the following rules:

(i) The aggregate amount includible in gross income for the taxable year in respect of income derived from sources within such foreign country shall first be deemed attributable to the income derived from sources within such foreign country during such taxable year. To the extent that such unblocked foreign income is attributable to income so derived during the taxable year, such unblocked foreign income shall not be excluded under section 433 (a) (1) (M).

(ii) The amount of such unblocked foreign income in excess of the portion thereof attributable to income derived from sources within such foreign country during such taxable year under the rule stated in subdivision (i) of this subparagraph shall be deemed to be attributable to the earliest blocked foreign income derived from sources within such foreign country, which blocked foreign income has not been previously deemed unblocked in a prior taxable year. Such excess shall be excluded under section 433 (a) (1) (M) only to the extent of the aggregate of the blocked foreign income derived from sources within such foreign country in all taxable years beginning prior to July 1, 1950, but such aggregate shall be reduced by the proportion of the blocked foreign income derived from sources within such foreign country during the taxpayer's first taxable year ending after June 30, 1950, if such taxable year began prior to July 1, 1950, as the number of days after June 30, 1950, in such first taxable year is of the total number of days in such first taxable year.

In determining whether unblocked foreign income which becomes includible in the gross income of the taxpayer for a taxable year ending after June 30, 1950, can be specifically identified as attributable to the blocked foreign income or portion thereof derived from sources within such foreign country in a particular taxable year, effect shall be given to the previous application of the rules in subdivisions (i) and (ii) of this subparagraph to unblocked foreign income derived from sources within such foreign country which became includible in gross income of the taxpayer for a prior taxable year ending after June 30, 1950.

[F. R. Doc. 52-13214; Filed, Dec. 15, 1952; 2:08 p. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 9, Region II]

CALIFORNIA

STOCK DRIVEWAY WITHDRAWAL NO. 235, CALIFORNIA NO. 17, REDUCED

DECEMBER 9, 1952.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, the Departmental order of January 21, 1933, establishing Stock Driveway Withdrawal No. 235, California No. 17, under section 10 of the act of December 10, 1916 (39 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 28 S., R. 35 E.,
Sec. 3, Lots 7, 8, 9, 10 and 13.
T. 26 S., R. 37 E.,
Sec. 7, W½SE¼; Sec. 18, N½NE¼.

The area described aggregates 361.69 acres.

The lands are principally suited for grazing purposes.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law; and (2) application under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Los Angeles, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of this title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of this title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52-13213; Filed, Dec. 15, 1952; 2:07 p. m.]

Bureau of Reclamation

[Commissioner's Order 18]

REGIONAL DIRECTORS AND HEADS OF AREA AND DISTRICT OFFICES

REDELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF SURPLUS POWER FACILITIES

DECEMBER 8, 1952.

SECTION 1. *Redelegation.* Whenever transmission facilities, including land, together with buildings, fixtures, facilities, utilities, and equipment located on such property or adapted to use in connection therewith, have been determined to be surplus in accordance with the provisions of paragraph 7.6.5B of Volume XX of the Bureau Manual, Regional Directors and heads of area and district offices may dispose of such property by negotiated sale, or otherwise.

SEC. 2. *Authority.* This order is issued pursuant to Departmental Order No. 2635.

MICHAEL W. STRAUS,
Commissioner of Reclamation.

[F. R. Doc. 52-13172; Filed, Dec. 15, 1952; 2:02 p. m.]

Office of the Secretary

ARKANSAS

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY FOR FLOOD CONTROL PURPOSES [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

DECEMBER 10, 1952.

[F. R. Doc. 52-13178; Filed, Dec. 15, 1952; 2:03 p. m.]

[1] See F. R. Doc. 52-13175, Title 43, Chapter I, Appendix, *supra*.

CALIFORNIA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE NAVY IN CONNECTION WITH BOMBING TARGET SITE [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

DECEMBER 10, 1952.

[F. R. Doc. 52-13176; Filed, Dec. 15, 1952; 2:02 p. m.]

NEVADA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH AIR FORCE BASE [2]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the

[1] See F. R. Doc. 52-13177, Title 43, Chapter I, Appendix, *supra*.
[2] See F. R. Doc. 52-13179, Title 43, Chapter I, Appendix, *supra*.

filed 9:52 a. m.; III–G1–1, filed 9:53 a. m.; III–G1–1, Amendment 2, filed 4:44 p. m.; I–G3–1 p. m.; II–G3–1, filed 3:15 p. m.; II–G4–1, filed Division of the Federal Register on De-

terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified, or let stand will be given to all interested parties of record and the general public.

JOEL D. WOLFSOHN,
Assistant Secretary of the Interior.

DECEMBER 10, 1952.

[F. R. Doc. 52-13180; Filed, Dec. 15, 1952; 2:04 p. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[General Order 19]

FUNCTIONS WITH RESPECT TO WAGE STABILIZATION TO BE PERFORMED BY THE WAGE STABILIZATION COMMITTEE

Sec.
1. Purpose.
2. Legal basis and authority.
3. The Wage Stabilization Committee.
4. Functions and redelegation.
5. Termination.
6. Effect upon other orders.

SECTION 1. *Purpose.* The purpose of this order is to provide for the continued administration of the wage stabilization program during the period that the Wage Stabilization Board is rendered inoperative by the resignation of the industry members of the Board. This order provides for an interim Wage Stabilization Committee and defines its functions.

SEC. 2. *Legal basis and authority.* This order is promulgated under the authority vested in the Economic Stabilization Administrator by the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Laws 96 and 429, 82d Cong.), Executive Order 10161, as amended, Executive Order 10182, and Executive Order 10205.

SEC. 3. *The Wage Stabilization Committee.* The present Public Members of the Wage Stabilization Board and any persons appointed as Public Members of the Board shall also serve and are hereby designated as members of the Wage Stabilization Committee. The Chairman of the Wage Stabilization Board is hereby designated as Chairman of the Wage Stabilization Committee.

SEC. 4. *Functions and redelegation.* (a) With the exception of promulgating general policies and regulations, the Wage Stabilization Committee is hereby authorized to perform, under the supervision and direction of the Economic Stabilization Administrator, and with respect to persons who are under the jurisdiction of the Wage Stabilization Board, created by section 403 (b) of the Defense Production Act, as amended, and Executive Order 10377 and Executive Order 10390, the wage stabilization functions authorized by Title IV of the Defense Production Act of 1950, as amended.

(b) The Chairman of the Committee is hereby authorized to perform so much of the functions of the Administrator, pursuant to the Defense Production Act of 1950, as amended, and provided for in sections 902 and 903 of Executive Order No. 10161, as amended, as is necessary for the performance of the functions with respect to wage stabilization hereinabove redelegated to the Committee and, except as redelegation may be prohibited therein, so much of the functions of the Administrator pursuant to Executive Order No. 10182, as amended by Executive Order No. 10205, as is necessary for the performance of the functions with respect to wage stabilization so redelegated hereinabove to the Committee.

(c) The Chairman of the Wage Stabilization Committee is hereby authorized to carry out the internal administrative affairs of the Wage Stabilization Committee.

(d) All present employees and other personnel of the Wage Stabilization Board shall comply with all instructions, orders, and directives issued by the Chairman of the Wage Stabilization Committee.

SEC. 5. *Termination.* This order shall terminate as of the date on which the Wage Stabilization Board is rendered operative by appointment of Members representative of business and industry.

SEC. 6. *Effect upon other orders.* Any orders or parts of orders, the provisions of which are inconsistent with the provisions of this order, are hereby superseded or amended accordingly.

Effective date. This order shall become effective immediately.

Issued: Washington, D. C., December 15, 1952.

ROGER L. PUTNAM,
Administrator.

[F. R. Doc. 52-13303; Filed, Dec. 15, 1952; 2:09 p. m.]

Office of Price Stabilization

REGIONS I, II, AND III

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on November 25, 1952.

REGION I

Boston Orders 1-G1-2, Amendment 2, filed 4:44 p. m.; 1-G3-2, Amendment 2, filed 4:45 p. m.; 1-G2-2, Amendment 2, filed 4:45 p. m.; 1-G4-2, Amendment 2, filed 4:46 p. m.; 1-G2-1, Amendment 2, filed 4:44 p. m.; 1-G3-1, Amendment 2, filed 4:45 p. m.; 1-G2-1, Amendment 3, filed 4:44 p. m.; 1-G4-1, Amendment 2, filed 4:45 p. m.; 1-G4-1, Amendment 3, filed 4:46 p. m.

Hartford Orders 1-G1-2 Amendment 2, filed 4:46 p. m.; 1-G2-2 Amendment 2, filed 4:46 p. m.; 1-G3-2, Amendment 2, filed 4:46 p. m.; 1-G4-2, Amendment 2, filed 4:47 p. m.

Manchester Orders 1-G1-2, Amendment 2, filed 4:47 p. m.; 1-G2-2, Amendment 2, filed 4:47 p. m.; 1-G3-2, Amendment 2, filed 4:48 p. m.; 1-G4-2, Amendment 2, filed 4:48 p. m.; 1-G4A-2, Amendment 2, filed 4:48 p. m.

Province Orders 1-G1-2 Amendment 1, filed 4:47 p. m.; 1-G2-2, Amendment 1, filed 4:47 p. m.; 1-G3-2, Amendment 1, filed 4:47 p. m.; 1-G4-2, Amendment 1, filed 4:47 p. m.

REGION II

Syracuse Orders 1-G1-1, Amendment 1, filed 4:48 p. m.; 1-G1-1, Amendment 2, filed 4:48 p. m.; 1-G1-1, Amendment 3, filed 4:49 p. m.; 1-G1-2, Amendment 1, filed 4:49 p. m.; 1-G2-1, Amendment 1, filed 4:49 p. m.; 1-G2-1, Amendment 2, filed 4:49 p. m.; 1-G2-1, Amendment 3, filed 4:49 p. m.; 1-G2-2, Amendment 1, filed 4:49 p. m.; 1-G3-1, Amendment 1, filed 4:50 p. m.; 1-G3-1, Amendment 2, filed 4:50 p. m.; 1-G3-1, Amendment 3, filed 4:50 p. m.; 1-G3-2, Amendment 1, filed 4:50 p. m.; 1-G4-1, Amendment 1, filed 4:50 p. m.; 1-G4-1, Amendment 2, filed 4:51 p. m.; 1-G4-1, Amendment 3; filed 4:51 p. m.; 1-G4-2, Amendment 1, filed 4:51 p. m.; II-G1-1, Amendment 2, filed 4:51 p. m.; II-G2-1, Amendment 3, filed 4:51 p. m.; II-G3-1, Amendment 2, filed 4:51 p. m.; II-G4-1, Amendment 2, filed 4:52 p. m.; III-G1-1, filed 4:52 p. m.; III-G2-1, filed 4:53 p. m.; III-G3-1, filed 4:53 p. m.; III-G4-1, filed 4:53 p. m.

New York Orders 1-G1-2, Amendment 1, filed 4:53 p. m.; 1-G2-2, Amendment 1, filed 4:53 p. m.; 1-G3-2, Amendment 1, filed 4:54 p. m.; 1-G4-2, Amendment 1, filed 4:54 p. m.

REGION III

Pittsburgh Orders 1-G1-1, Amendment 1, filed 4:54 p. m.; 1-G1-1, Amendment 2, filed 4:54 p. m.; 1-G1-2, filed 4:54 p. m.; 1-G1-2, Amendment 1, filed 4:55 p. m.; 1-G1-2, Amendment 2, filed 4:55 p. m.; 1-G2-1, Amendment 1, filed 4:55 p. m.; 1-G2-1, Amendment 2, filed 4:55 p. m.; 1-G2-1, Amendment 3, filed 4:55 p. m.; 1-G2-2, filed 4:56 p. m.; 1-G2-2, Amendment 1, filed 4:56 p. m.; 1-G2-2, Amendment 2, filed 4:56 p. m.; 1-G3-1, Amendment 1, filed 4:56 p. m.; 1-G3-1, Amendment 2, filed 4:56 p. m.

Copies of any of these orders may be obtained in any OPS office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-13207; Filed, Dec. 11, 1952; 4:08 p. m.]

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on November 26, 1952.

REGION III

Pittsburgh Orders 1-G3-2, filed 9:49 a. m.; 1-G3-2, Amendment 1, filed 9:49 a. m.; 1-G3-2, Amendment 2, filed 9:50 a. m.; 1-G4-1, Amendment 1, filed 9:50 a. m.; 1-G4-1, Amendment 2, filed 9:50 a. m.; 1-G4-2, filed 9:51 a. m.; 1-G4-2, Amendment 1, filed 9:52 a. m.; 1-G4-2, Amendment 2, filed 9:52 a. m.; 1-G4-2, Amendment 3, filed 9:52 a. m.; II-G1-1, filed 9:52 a. m.; II-G1-2, filed 9:52 a. m.; II-G2-1, filed 9:52 a. m.; II-G2-2, filed 9:52 a. m.; II-G3-1, filed 9:52 a. m.; II-G3-2, filed 9:52 a. m.; II-G4-1, filed 9:52 a. m.; II-G4-2, filed 9:52 a. m.; III-G1-1, filed 9:53 a. m.; III-G1-2, filed 9:53 a. m.; III-G2-1, filed 9:53 a. m.; III-G2-2, filed 9:53 a. m.; III-G3-1, filed 9:53 a. m.; III-G3-2, filed 9:53 a. m.; III-G4-1, filed 9:55 a. m.

Philadelphia Order II-G1-1, filed 9:55 a. m.; II-G2-1, filed 9:56 a. m.

REGION IV

Charleston Orders II-G1-1, filed 2:45 p. m.; II-G2-1, filed 2:45 p. m.; II-G3-1, filed 2:46 p. m.; II-G4-1, filed 2:46 p. m.

District of Columbia Orders 1-G1-2, Amendment 1, filed 2:47 p. m.; I-G2-2, Amendment 1, filed 2:47 p. m.; I-G4-2, Amendment 1, filed 2:47 p. m.

REGION V

Nashville Orders 1-G1-2, Amendment 2, filed 2:47 p. m.; 1-G2-2, Amendment 2, filed 2:48 p. m.; 1-G3-2, Amendment 2, filed 2:49 p.m.; 1-G4-2, Amendment 2, filed 2:49 p. m.; 1-G4A-2, Amendment 2, filed 2:49 p. m.

Jackson Orders 1-G1-2, Amendment 2, filed 2:49 p. m.; I-G3-2, Amendment 2, filed 2:49 p.m.; I-G4-2, Amendment 2, filed 2:51 p. m.

Atlanta Orders I-G1-2, Amendment 2, filed 2:53 p. m.; 1-G2-2, Amendment 2, filed 2:53 p.m.; I-G3-2, Amendment 2, filed 2:54 p. m.; I-G3A-2, Amendment 2, filed 2:54 p. m.; 1-G4-2, Amendment 2, filed 2:54 p. m.; I-G4A-2, Amendment 2, filed 2:54 p. m.; II-G1-1, filed 2:51 p. m.; II-G2-1, filed 2:51 p.m.; II-G3-1, filed 2:52 p. m.; II-G4-1, filed 2:53 p. m.

REGION VI

Detroit Orders I-G1-2, Amendment 1, filed 2:55 p. m.; I-G1-2, Amendment 2, filed 2:56 p.m.; I-G2-2, Amendment 1, filed 2:56 p. m.; I-G2-2, Amendment 2, filed 2:56 p. m.; I-G3-2, Amendment 1, filed 2:57 p. m.; I-G4-2, Amendment 1, filed 2:57 p. m.; II-G1-1, filed 2:57 p. m.; II-G2-1, filed 2:57 p. m.; II-G3-1, filed 2:58 p. m.; II-G4-1, filed 2:59 p. m.

Cleveland Orders 1-G1-2, Amendment 2, filed 2:59 p. m.; 1-G2-2, Amendment 2, filed 2:59 p. m.; 1-G3-2, Amendment 2, filed 2:59 p.m.; I-G4-2, Amendment 2, filed 3:00 p. m.; II-G1-1, Amendment 1, filed 3:00 p. m.; II-G2-1, Amendment 1, filed 3:00 p. m.; II-G3-1, Amendment 1, filed 3:01 p. m.; II-G4-1, Amendment 1, filed 3:02 p. m.; III-G1-1, Amendment 1, filed 3:02 p. m.; III-G2-1, Amendment 1, filed 3:02 p. m.; III-G3-1, Amendment 1, filed 3:03 p. m.; III-G4-1, Amendment 1, filed 3:03 p. m.

REGION VII

Milwaukee Orders 1-G1-2, Amendment 2, filed 3:03 p. m.; 1-G2-2, Amendment 2, filed 3:03 p. m.; 1-G3-2, Amendment 2, filed 3:04 p. m.; 1-G4-2, Amendment 2, filed 3:04 p.m.; II-G1-1, Amendment 1, filed 3:04 p. m.; II-G2-1, Amendment 1, filed 3:04 p. m.; II-G3-1, Amendment 1, filed 3:05 p. m.; II-G4-1, Amendment 1, filed 3:05 p. m.; III-G1-1, filed 3:06 p. m.; III-G2-1, filed 3:06 p. m.; III-G3-1, filed 3:07 p. m.; III-G4-1, filed 3:07 p. m.

Indianapolis Orders 1-G1-2, Amendment 2, filed 3:07 p. m.; 1-G2-2, Amendment 2, filed 3:07 p. m.; 1-G3-3, Amendment 1, filed 3:07 p.m.; 1-G4-3, Amendment 1, filed 3:08 p. m.; 1-G4A-1, Amendment 1, filed 3:08 p. m.

REGION VIII

Sioux Falls Orders 1-G1-1, Amendment 4, filed 3:08 p. m.; 1-G1-2, filed 3:08 p. m.; 1-G2-1, Amendment 4, filed 3:08 p. m.; 1-G2-2, filed 3:09 p. m.; 1-G4-1, Amendment 4, filed 3:09 p. m.; 1-G4-2, filed 3:09 p. m.; 1-G4A-1, Amendment 4, filed 3:10 p. m.; II-G1-1, Amendment 3, filed 3:10 p. m.; II-G2-1, Amendment 3, filed 3:10 p. m.; II-G3-1, Amendment 3, filed 3:10 p. m.; II-G4-1, Amendment 3, filed 3:10 p. m.

Minneapolis Orders 1-G1-2, Amendment 1, filed 3:11 p. m.; 1-G2-2, Amendment 1, filed 3:11 p. m.; 1-G3-2, Amendment 1, filed 3:11 p.m.; 1-G4-2, Amendment 1, filed 3:11 p. m.; 1-G4A-1, Amendment 1, filed 3:11 p. m.; II-G1-1, filed 3:14 p. m.; II-G2-1, filed 3:15 p. m.; II-G3-1, filed 3:15 p. m.; II-G4-1, filed 3:15 p. m.

Fargo Orders III-G1-2, filed 3:13 p. m.; III-G2-2, filed 3:13 p. m.; III-G3-2, filed 3:14 p. m.; III-G4-2, filed 3:14 p. m.

REGION IX

Omaha Orders 1-G1-2, Amendment 1, filed 3:15 p. m.; 1-G2-2, Amendment 1, filed 3:16 p. m.; 1-G3-2, Amendment 1, filed 3:16 p. m.; 1-G4-2, Amendment 1, filed 3:16 p. m.

Kansas City Orders 1-G1-2, Amendment 2, filed 3:16 p. m.; 1-G2-2, Amendment 2, filed 3:17 p. m.; 1-G3-2, Amendment 2, filed 3:17 p. m.; 1-G4-2, Amendment 2, filed 3:18 p. m.

Wichita Orders 1-G1-2, Amendment 1, filed 3:18 p. m.; 1-G2-2, Amendment 1, filed 3:18 p. m.; 1-G3-2, Amendment 1, filed 3:18 p.m.; 1-G3-2, Amendment 2, filed 3:18 p. m.; 1-G4-2, Amendment 2, filed 3:19 p. m.; 1-G4-2, Amendment 3, filed 3:19 p. m.

Iowa Orders 1-G1-2 Amendment 2, filed 3:19 p. m.; 1-G2-2, Amendment 2, filed 3:20 p. m.; 1-G3-2, Amendment 2, filed 3:20 p. m.; 1-G4-2, Amendment 2, filed 3:21 p. m.; II-G1-1, Amendment 2, filed 3:21 p. m.; II-G2-1, Amendment 2, filed 3:21 p. m.

REGION X

New Orleans Orders 1-G1-2, Amendment 1, filed 3:21 p. m.; 1-G2-2, Amendment 1, filed 3:22 p. m.; 1-G3-2, Amendment 1, filed 3:22 p. m.

REGION XII

Los Angeles Orders 1-G1-1, Amendment 4, filed 3:22 p. m.; 1-G2-1, Amendment 4, filed 3:22 p. m.; 1-G3-1, Amendment 4, filed 3:23 p. m.; 1-G4-1, Amendment 4, filed 3:23 p. m.; 1-G4A-1, Amendment 4, filed 3:23 p. m.; 1-G1-2, filed 3:24 p. m.; 1-G2-2, filed 3:24 p. m.; 1-G3-2, filed 3:24 p. m.; 1-G4-2, filed 3:24 p. m.; 1-G4A-2, filed 3:25 p. m.; II-G1-2, filed 3:25 p. m.; II-G2-2, filed 3:26 p. m.; II-G4-2, filed 3:26 p. m.; II-G4A-2, filed 3:26 p. m.

San Francisco Orders II-G1-15, Amendment 3, filed 3:27 p. m.; II-G2-15, Amendment 3, filed 3:27 p. m.; II-G4-15, Amendment 3, filed 3:27 p. m.; II-G4A-15, Amendment 3, filed 3:27 p. m.

REGION XIII

Portland Orders 1-G1-2, Amendment 1, filed 3:28 p. m.; 1-G1-2, Amendment 2, filed 3:29 p. m.; 1-G2-2, Amendment 1, filed 3:29 p. m.; 1-G2-2, Amendment 2, filed 3:29 p. m.; 1-G4-2, Amendment 1, filed 3:29 p. m.; 1-G4A-2, Amendment 1, filed 3:30 p. m.; 1-G4A-2, Amendment 2, filed 3:30 p. m.

Seattle Orders 1-G1-2, Amendment 2, filed 3:30 p. m.; 1-G2-2, Amendment 2, filed 3:30 p. m.; 1-G4-2, Amendment 2, filed 3:31 p. m.; 1-G4A-2, Amendment 2, filed 3:31 p. m.; II-G4-1, Amendment 2, filed 3:31 p. m.

Spokane Orders 1-G1-1, Amendment 1, filed 3:31 p. m.; 1-G1-1, Amendment 2, filed 3:31 p. m.; 1-G2-1, Amendment 1, filed 3:32 p. m.; 1G2-1, Amendment 2, filed 3:32 p. m.; 1-G4-1, Amendment 1, filed 3:33 p. m.; 1-G4-1, Amendment 2, filed 3:33 p. m.; 1-G4A-1, Amendment 1, filed 3:33 p. m.; 1-G4A-1, Amendment 2, filed 3:33 p. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-13208; Filed, Dec. 11, 1952; 4:08 p. m.]

REGIONS I, II, AND III

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation were filed with the Division of the Federal Register on December 4, 1952.

REGION I

Boston Order 1-G1-2, Amendment 3, filed 3:53 p. m.; 1-G2-2, Amendment 3, filed 3:53 p. m.; 1-G3-2, Amendment 3, filed 3:53 p. m.; 1-G4-2, Amendment 3, filed 3:54 p. m.

Manchester Order 1-G1-2, Amendment 3, filed 3:54 p. m.; 1-G1-2, Amendment 4, filed 3:54 p. m.; 1-G2-2, Amendment 3, filed 3:54 p. m.; 1-G2-2, Amendment 4, filed 3:54 p. m.; 1-G3-2, Amendment 3, filed 3:55 p. m.; 1-G3-2, Amendment 4, filed 3:55 p. m.; 1-G4-2, Amendment 3, filed 3:55 p. m.; 1-G4-2, Amendment 4, filed 3:55 p. m.; 1-G4A-2, Amendment 3, filed 3:55 p. m.; 1-G4A-2, Amendment 4, filed 3:55 p. m.

Montpelier Order 1-G1-2, Amendment 1, filed 3:56 p. m.; 1-G1-2, Amendment 2, filed 3:56 p. m.; 1-G2-2, Amendment 1, filed 3:56 p. m.; 1-G2-2, Amendment 2, filed 3:56 p. m.; 1-G3-2, Amendment 1, filed 3:56 p. m.; 1-G3-2, Amendment 2, filed 3:56 p. m.; 1-G4-2, Amendment 1, filed 3:56 p. m.; 1-G4-2, Amendment 2, filed 3:57 p. m.

Portland Order 1-G1-2, Amendment 1, filed 3:57 p. m.; 1-G2-2, Amendment 1, filed 3:57 p. m.; 1-G3-2, Amendment 1, filed 3:57 p. m.; 1-G4-2, Amendment 1, Filed 3:57 p. m.; II-G3-1, Amendment 1, filed 3:57 p. m.; II-G-1, Amendment 1, filed 3:57 p. m.

REGION II

New York 1-G1-2, Amendment 2, filed 3:58 p. m.; 1-G1-2, Amendment 3, filed 3:58 p. m.; 1-G2-2, Amendment 2, filed 3:58 p. m.; 1-G2-2, Amendment 3, filed 3:58 p. m.; 1-G3-2, Amendment 2, filed 3:58 p. m.; 1-G3-2, Amendment 3, filed 3:59 p. m.; 1-G4-2, Amendment 2, filed 3:59 p. m.; 1-G4-2, Amendment 3, filed 3:59 p. m.

Syracuse Order 1-G1-2, Amendment 2, filed 3:59 p. m.; 1-G1-2, Amendment 3, filed 3:59 p. m.; 1-G2-2, Amendment 2, filed 3:59 p. m.; 1-G2-2, Amendment 3, filed 4:00 p. m.; 1-G3-2, Amendment 3, filed 4:00 p. m.; 1-G4-2, Amendment 2, filed 4:00 p. m.; 1-G4-2, Amendment 3, filed 4:00 p. m.; II-G1-1, Amendment 3, filed 4:00 p. m.; II-G1-1, Amendment 4, filed 4:01 p. m.; II-G2-1, Amendment 4, filed 4:01 p. m.; II-G2-1, Amendment 5, filed 4:01 p. m.; II-G3-1, Amendment 3, filed 4:01 p. m.; II-G3-1, Amendment 4, filed 4:01 p. m.; II-G4-1, Amendment 3, filed 4:01 p. m.; II-G4-1, Amendment 4, filed 4:01 p m.; III-G1-1, Amendment 1, filed 4:02 p. m.; III-G1-1, Amendment 2, filed 4:02 p. m.; III-G2-1, Amendment 1, filed 4:02 p. m.; III-G2-1, Amendment 2, filed 4:02 p. m.; III-G3-1, Amendment 1, filed 4:02 p. m.; III-G3-1, Amendment 2, filed 4:02 p. m.; III-G4-1, Amendment 1, filed 4:03 p. m.; III-G4-1, Amendment 2, filed 4:03 p. m.

REGION III

Philadelphia Order 1-G1-2, Amendment 2, filed 4:03 p. m.; 1-G1-2, Amendment 3, filed 4:03 p. m.; 1-G2-2, Amendment 2, filed 4:03 p. m.; 1-G2-2, Amendment 3, filed 4:03 p. m.; IV-G1-1, filed 4:04 p. m.; IV-G2-1, filed 4:04 p. m.; IV-G3-1, filed 4:04 p. m.; IV-G4-1, filed 4:04 p. m.

Pittsburgh Order 1-G1-2, Amendment 3, filed 4:06 p. m.; 1-G1-2, Amendment 4, filed 4:06 p. m.; 1-G2-2, Amendment 3, filed 4:06 p. m.; 1-G2-2, Amendment 4, filed 4:06 p. m.; 1-G3-2, Amendment 3, filed 4:06 p. m.; 1-G3-2, Amendment 4, filed 4:06 p. m.; 1-G4-2, Amendment 3, filed 4:06 p. m.; 1-G4-2, Amendment 4, filed 4:07 p. m.; II-G1-1, Amendment 1, filed 4:07 p. m.; II-G1-1, Amendment 2, filed 4:07 p. m.; II-G2-1, Amendment 1, filed 4:07 p. m.; II-G2-1, Amendment 2, filed 4:07 p. m.; II-G3-1, Amendment 1, filed 4:07 p. m.; II-G3-1, Amendment 2, filed 4:07 p. m.; II-G4-1, Amendment 1, filed 4:08 p. m.; II-G4-1, Amendment 2, filed 4:08

p. m.; III–G1–1, Amendment 1, filed 4:08 p. m.; III–G1–1, Amendment 2, filed 4:08 p. m.; III–G2–1, Amendment 1, filed 4:08 p. m.; III–G2–1, Amendment 2, filed 4:09 p. m.; III–G3–1, Amendment 1, filed 4:09 p. m.; III–G3–1, Amendment 2, filed 4:09 p. m.; III–G3–1, Amendment 3, filed 4:09 p. m.; III–G4–1, Amendment 1, filed 4:09 p. m.; III–G4–1, Amendment 2, filed 4:09 p. m.; III–G4–1, Amendment 3, filed 4:09 p. m.

Wilmington Order 1–G1–2, Amendment 2, filed 4:04 p. m.; 1–G2–2, Amendment 2, filed 4:04 p. m.; 1–G3–2, Amendment 2, filed 4:05 p. m.; 1–G4–2, Amendment 2, filed 4:05 p. m.; II–G1–1, filed 4:05 p. m.; II–G2–1, filed 4:05 p. m.; II–G3–1, filed 4:05 p. m.; II–G4–1, filed 4:05 p. m.

Copies of any of these orders may be obtained in OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–13209; Filed Dec. 11, 1952; 4:08 p. m.]

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the FEDERAL REGISTER on December 5, 1952.

REGION IV

Baltimore Order 1–G1–2, Amendment 1, filed 9:47 a. m.; 1–G2–2, Amendment 1, filed 9:47 a. m.; 1–G3–2, Amendment 1, filed 9:47 a. m.; 1–G4–2, Amendment 1, filed 9:47 a. m.; 1–G4A–2, Amendment 1, filed 9:47 a. m.; II–G1–1, filed 9:47 a. m.; II–G1–1, Amendment 1, filed 9:48 a. m.; II–G2–1, filed 9:48 a. m.; II–G2–1, Amendment 1, filed 9:48 a. m.; II–G3–1, filed 9:48 a. m.; II–G3–1, Amendment 1, filed 9:49 a. m.; II–G4–1, filed 9:49 a. m.; II–G4–1, Amendment 1, filed 9:49 a. m.

Richmond Order II–G1–1, filed 9:50 a. m.; II–G1–1, Amendment 1, filed 9:51 a. m.; II–G2–1, filed 9:51 a. m.; II–G2–1, Amendment 1, filed 9:51 a. m.; II–G3–1, filed 9:51 a. m.; II–G3–1, Amendment 1, filed 9:51 a. m.; II–G4–1, filed 9:51 a. m.; II–G4–1, Amendment 1, filed 9:52 a. m.

Charlotte Order 1–G4A–1, Amendment 1, filed 9:49 a. m.; 1–G1–2, Amendment 1, filed 9:49 a. m.; 1–G2–2, Amendment 1, filed 9:49 a. m.; 1–G3–2, Amendment 1, filed 9:50 a. m.; 1–G3–2, Amendment 2, filed 9:50 a. m.; 1–G3A–2, Amendment 1, filed 9:50 a. m.; 1–G4–2, Amendment 1, filed 9:50 a. m.; 1–G4–2, Amendment 2, filed 9:50 a. m.

Washington, D. C., Order 1–G1–2, Amendment 2, filed 9:50 a. m.; 1–G2–2, Amendment 2, filed 9:50 a. m.; 1–G4–2, Amendment 2, filed 9:50 a. m.

REGION V

Atlanta Order 1–G1–2, Amendment 3, filed 9:53 a. m.; 1–G2–2, Amendment 3, filed 9:53 a. m.; 1–G3–2, Amendment 3, filed 9:54 a. m.; 1–G3A–2, Amendment 3, filed 9:54 a. m.; 1–G4–2, Amendment 3, filed 9:54 a. m.; 1–G4A–2, Amendment 3, filed 9:55 a. m.; II–G3–1, Amendment 1, filed 9:52 a. m; II–G3A–1, filed 9:52 a. m.; II–G4–1, Amendment 1, filed 9:52 a. m.; II–G4A–1, filed 9:53 a. m.

Columbia Order 1–G3–1, Amendment 3, filed 9:55 a. m.; 1–G4–1, Amendment 3, filed 9:55 a. m.; 1–G1–2, Amendment 2, filed 9:55 a. m.; 1–G1–2, Amendment 3, filed 9:55 a. m.; 1–G1–2, Amendment 4, filed 9:55 a. m.; 1–G2–2, Amendment 2, filed 9:55 a. m.; 1–G2–2, Amendment 3, filed 9:56 a. m.; 1–G2–2, Amendment 4, filed 9:56 a. m.; 1–G3A–2, Amendment 2, filed 9:56 a. m.; 1–G3A–2, Amendment 3, filed 9:56 a. m.; 1–G3A–2, Amendment 4, filed 9:56 a. m.; 1–G4A–2, Amendment 2, filed 9:56 a. m.; 1–G4A–2, Amendment 3, filed 9:57 a. m.; 1–G4A–2, Amendment 4, filed 9:57 a. m.

Jackson Order 1–G1–2, Amendment 3, filed 9:57 a. m.; 1–G3–2, Amendment 3, filed 9:57 a. m.; 1–G4–2, Amendment 3, filed 9:57 a. m.

Nashville Order 1–G1–2, Amendment 3, filed 10:00 a. m.; 1–G1–2, Amendment 4, filed 10:01 a. m.; 1–G2–2, Amendment 3, filed 10:01 a. m.; 1–G2–2, Amendment 4, filed 10:01 a. m.; 1–G3–2, Amendment 3, filed 10:01 a. m.; 1–G3–2, Amendment 4, filed 10:01 a. m.; 1–G3A–2, Amendment 4, filed 10:01 a. m.; 1–G4–2, Amendment 3, filed 10:01 a. m.; 1–G4–2, Amendment 4, filed 10:02 a. m.; 1–G4A–2, Amendment 3, filed 10:02 a. m.; 1–G4A–2, Amendment 4, filed 10:02 a. m.; II–G1–1, filed 9:57 a. m.; II–G2–1, filed 9:57 a. m.; II–G3–1, filed 9:58 a. m.; II–G3A–1, filed 9:59 a. m.; II–G4–1, filed 9:59 a. m.; II–G4A–1, filed 9:59 a. m.; III–G1–1, filed 9:59 a. m.; III–G2–1, filed 9:59 a. m.; III–G3–1, filed 10:00 a. m.; III–G3A–1, filed 10:00 a. m.; III–G4–1, filed 10:00 a. m.; III–G4A–1, filed 10:00 a. m.

REGION VI

Cleveland Order 1–G1–2, Amendment 3, filed 10:02 a. m.; 1–G2–2, Amendment 3, filed 10:02 a. m.; 1–G3–2, Amendment 3, filed 10:03 a. m.; 1–G4–2, Amendment 3, filed 10:03 a. m.; II–G1–1, Amendment 2, filed 10:03 a. m.; II–G1–1, Amendment 3, filed 10:03 a. m.; II–G2–1, Amendment 2, filed 10:03 a. m.; II–G2–1, Amendment 3, filed 10:03 a. m.; II–G3–1, Amendment 2, filed 10:03 a. m.; II–G3–1, Amendment 3, filed 10:04 a. m.; II–G4–1, Amendment 2, filed 10:04 a. m.; II–G4–1, Amendment 3, filed 10:04 a. m.; III–G1–1, Amendment 2, filed 10:04 a. m.; III–G1–1, Amendment 3, filed 10:04 a. m.; III–G2–1, Amendment 2, filed 10:04 a. m.; III–G2–1, Amendment 3, filed 10:04 a. m.; III–G3–1, Amendment 2, filed 10:04 a. m.; III–G3–1, Amendment 3, filed 10:05 a. m.; III–G4–1, Amendment 2, filed 10:05 a. m.; III–G4–1, Amendment 3, filed 10:05 a. m.

Detroit Order 1–G1–2, Amendment 4, filed 3:14 p. m.; 1–G2–2, Amendment 4, filed 3:14 p. m.; 1–G3–2, Amendment 3, filed 3:14 p. m.; 1–G4–2, Amendment 3, filed 3:15 p. m.; II–G1–1, Amendment 2, filed 3:16 p. m.; II–G2–1, Amendment 2, filed 3:16 p. m.; II–G3–1, Amendment 1, filed 3:16 p. m.; II–G4–1, Amendment 1, filed 3:16 p. m.

Louisville Order II–G1–1, filed 3:16 p. m.; II–G2–1, filed 3:16 p. m.; II–G3–1, filed 3:17 p. m.; II–G4–1, filed 3:17 p. m.

REGION VII

Chicago Order 1–G3–2, Amendment 3, filed 3:17 p. m.; 1–G4–2, Amendment 3, filed 3:17 p. m.; II–G3–1, Amendment 3, filed 3:17 p. m.; II–G4–1, Amendment 3, filed 3:17 p. m.; III–G1–1, filed 3:18 p. m.; III–G2–1, filed 3:18 p. m.; III–G3–1, filed 3:18 p. m.; III–G3A–1, filed 3:18 p. m.; III–G4–1, filed 3:18 p. m.; III–G4A–1, filed 3:18 p. m.

Indianapolis Order 1–G1–2, Amendment 3, filed 3:19 p. m.; 1–G2–2, Amendment 3, filed 3:19 p. m.; 1–G4A–1, Amendment 2, filed 3:19 p. m.; II–G1–1, Amendment 1, filed 3:19 p. m.; II–G2–1, Amendment 1, filed 3:19 p. m.; III–G1–1, filed 3:19 p. m.; III–G2–1, filed 3:19 p. m.; IV–G3–1, filed 3:19 p. m.; IV–G4–1, filed 3:19 p. m.

Milwaukee Order 1–G1–2, Amendment 3, filed 3:20 p. m.; 1–G2–2, Amendment 3, filed 3:20 p. m.; 1–G3–2, Amendment 3, filed 3:20 p. m.; 1–G3–2, Amendment 4, filed 3:20 p. m.; 1–G4–2, Amendment 3, filed 3:20 p. m.; 1–G4–2, Amendment 4, filed 3:20 p. m.; II–G1–1, Amendment 2, filed 3:20 p. m.; II–G2–1, Amendment 2, filed 3:20 p. m.; II–G3–1, Amendment 2, filed 3:21 p. m.; II–G3–1, Amendment 3, filed 3:21 p. m.; II–G4–1, Amendment 2, filed 3:21 p. m.; II–G4–1, Amendment 3, filed 3:21 p. m.; III–G3–1, Amendment 1, filed 3:21 p. m.; III–G3–1, Amendment 2, filed 3:21 p. m.; III–G3–1, Amendment 3, filed 3:21 p. m.; III–G4–1, Amendment 1, filed 3:21 p. m.; III–G4–1, Amendment 2, filed 3:21 p. m.

REGION VIII

Minneapolis Order 1–G4A–1, Amendment 3, filed 3:22 p. m.; 1–G1–2, Amendment 3, filed 3:22 p. m.; 1–G2–2, Amendment 3, filed 3:22 p. m.; 1–G3–2, Amendment 3, filed 3:22 p. m.; 1–G4–2, Amendment 3, filed 3:22 p. m.; II–G1–1, Amendment 2, filed 3:22 p. m.; II–G2–1, Amendment 2, filed 3:23 p. m.; II–G3–1, Amendment 2, filed 3:23 p. m.; II–G4–1, Amendment 2, filed 3:23 p. m.

Helena Order 1–G1–2, filed 3:23 p. m.; 1–G2–2, filed 3:23 p. m.; 1–G3–2, filed 3:23 p. m.; 1–G4–2, filed 3:24 p. m.; II–G1–1, filed 3:24 p. m.; II–G2–1, filed 3:24 p. m.

Sioux Falls Order 1–G1–2, Amendment 1, filed 3:24 p. m.; 1–G2–2, Amendment 1, filed 3:24 p. m.; 1–G4–2, Amendment 1, filed 3:24 p. m.; 1–G4A–2, filed 3:25 p. m.; II–G1–2, filed 3:25 p. m.; II–G2–2, filed 3:25 p. m.; II–G3–2, filed 3:25 p. m.; II–G4–2, filed 3:25 p. m.

REGION IX

Kansas City Order 1–G1–2, Amendment 3, filed 3:26 p. m.; 1–G2–2, Amendment 3, filed 3:26 p. m.; 1–G3–2, Amendment 3, filed 3:26 p. m.; 1–G4–2, Amendment 3, filed 3:26 p. m.

Des Moines Order 1–G1–2, Amendment 3, filed 3:26 p. m.; 1–G1–2, Amendment 4, filed 3:26 p. m.; 1–G2–2, Amendment 3, filed 3:27 p. m.; 1–G2–2, Amendment 4, filed 3:27 p. m.; 1–G3–2, Amendment 3, filed 3:27 p. m.; 1–G3–2, Amendment 4, filed 3:27 p. m.; 1–G4–2, Amendment 3, filed 3:27 p. m.; 1–G4–2, Amendment 4, filed 3:27 p. m.; II–G1–1, Amendment 3, filed 3:28 p. m.; II–G1–1, Amendment 4, filed 3:28 p. m.; II–G2–1, Amendment 3, filed 3:28 p. m.; II–G2–1, Amendment 4, filed 3:28 p. m.

St. Louis Order 1–G1–2, filed 3:28 p. m.; 1–G2–2, filed 3:29 p. m.; 1–G3–2, filed 3:29 p. m.; 1–G4–2, filed 3:29 p. m.; II–G1–1, filed 3:29 p. m.; II–G2–1, filed 3:29 p. m.; II–G3–1, filed 3:30 p. m.; II–G4–1, filed 3:30 p. m.

Wichita Order 1–G1–2, Amendment 2, filed 3:30 p. m.; 1–G2–2, Amendment 2, filed 3:30 p. m.; 1–G3–2, Amendment 3, filed 3:30 p. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–13210; Filed, Dec. 11, 1952; 4:08 p. m.]

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on December 8, 1952.

REGION X

Dallas Order 1–G4A–1, Amendment 2, filed 2:54 p. m.; 1–G4A–1, Amendment 3, filed 2:54 p. m.; 1–G1–2, Amendment 2, filed 2:51 p. m.; 1–G1–2, Amendment 3, filed 2:51 p. m.; 1–G2–2, Amendment 2, filed 2:51 p. m.; 1–G2–2, Amendment 3, filed 2:51 p. m.; 1–G3–2, Amendment 3, filed 2:53 p. m.; 1–G3–2, Amendment 4, filed 2:53 p. m.; 1–G3A–2, Amendment 2, filed 2:53 p. m.; 1–G3A–2, Amendment 3, filed 2:53 p. m.; 1–G4–2, Amendment 3, filed 2:53 p. m.; 1–G4–2, Amendment 4, filed 2:54 p. m.; II–G2–1, Amendment 3, filed 2:54 p. m.

Little Rock Order 1–G1–2, Amendment 1, filed 2:54 p. m.; 1–G1–2, Amendment 2, filed 2:55 p. m.; 1–G2–2, Amendment 1, filed 2:55 p. m.; 1–G2–2, Amendment 2, filed 2:55 p. m.; 1–G3–2, Amendment 3, filed 2:55 p. m.; 1–G3–2, Amendment 4, filed 2:55 p. m.; 1–G3A–2, Amendment 1, filed 2:56 p. m.; 1–G3A–2, Amendment 2, filed 2:56 p. m.; 1–G4–2, Amendment 3, filed 2:56 p. m.; 1–G4–2, Amendment 4, filed 2:56 p. m.; 1–G4A–2, Amendment 1, filed 2:57 p. m.; 1–G4A–2, Amendment 2, filed 2:57 p. m.

New Orleans Order 1–G4A–1, Amendment 2, filed 2:58 p. m.; 1–G1–2, Amendment 2, filed 2:57 p. m.; 1–G2–2, Amendment 2, filed 2:57 p. m.; 1–G3–2, Amendment 2, filed 2:58 p. m.; 1–G3–2, Amendment 3, filed 2:58 p. m.; 1–G4–2, Amendment 2, filed 2:58 p. m.

Oklahoma City Order 1–G1–2, Amendment 2, filed 3:00 p. m.; 1–G2–2, Amendment 2, filed 3:00 p. m.; 1–G4–2, Amendment 3, filed 3:00 p. m.; 1–G4–2, Amendment 4, filed 3:03 p. m.

San Antonio Order 1–G1–2, Amendment 2, filed 3:03 p. m.; 1–G1–2, Amendment 3, filed 3:03 p. m.; 1–G1–2, Amendment 4, filed 3:04 p. m.; 1–G2–2, Amendment 2, filed 3:04 p. m.; 1–G2–2, Amendment 3, filed 3:05 p. m.; 1–G2–2, Amendment 4, filed 3:06 p. m.; 1–G3–2, Amendment 2, filed 3:06 p. m.; 1–G3–2, Amendment 3, filed 3:06 p. m.; 1–G3–2, Amendment 4, filed 3:07 p. m.; 1–G3A–2, Amendment 2, filed 3:07 p. m.; 1–G3A–2, Amendment 3, filed 3:08 p. m.; 1–G3A–2, Amendment 4, filed 3:08 p. m.; 1–G4–2, Amendment 2, filed 3:09 p. m.; 1–G4–2, Amendment 3, filed 3:09 p. m.; 1–G4–2, Amendment 4, filed 3:09 p. m.

REGION XI

Cheyenne Order II–G1–1, filed 3:10 p. m.; II–G2–1, filed 3:10 p. m.; II–G4–1, filed 3:11 p. m.

Salt Lake City Order 1–G4–1, Amendment 1, filed 3:11 p. m.; 1–G4–1, Amendment 2, filed 3:11 p. m.; 1–G4–1, Amendment 3, filed 3:12 p.m.; 1–G4–1, Amendment 4, filed 3:12 p. m.; 1–G4–1, Amendment 5, filed 3:12 p. m.; 1–G4–2, Amendment 2, filed 3:13 p. m.; II–G1–1, filed 3:13 p. m.; II–G2–1, filed 3:13 p. m.; II–G4–1, filed 3:14 p. m.; III–G1–1, filed 3:14 p.m.; III–G2–1, filed 3:15 p. m.

REGION XII

Los Angeles Order 1–G3–2, Amendment 1, filed 3:15 p. m.; 1–G4–2, Amendment 1, filed 3:15 p. m.; II–G1–1, Amendment 3, filed 3:16 p. m.; II–G1–1, Amendment 4, filed 3:17 p.m.; II–G2–1, Amendment 3, filed 3:17 p. m.; II–G2–1, Amendment 4, filed 3:17 p. m.; II–G4–1, Amendment 3, filed 3:17 p. m.; II–G4–1, Amendment 4, filed 3:17 p. m.; II–G4A–1, Amendment 3, filed 3:18 p. m.; II–G4A–1, Amendment 4, filed 3:18 p. m.; II–G1–2, Amendment 1, filed 3:15 p. m.; II–G2–2, Amendment 1, filed 3:15 p. m.; II–G4–2, Amendment 1, filed 3:16 p. m.; II–G4A–2, Amendment 1, filed 3:16 p. m.

REGION XIII

Boise Order 1–G1–1, Amendment 1, filed 3:20 p. m.; 1–G1–1, Amendment 2, filed 3:21 p.m.; 1–G2–1, Amendment 1, filed 3:21 p. m.; 1–G2–1, Amendment 2, filed 3:21 p. m.; 1–G4–1, Amendment 2, filed 3:21 p. m.; 1–G4–1, Amendment 3, filed 3:22 p. m.; 1–G4A–1, Amendment 1, filed 3:22 p. m.; 1–G4A–1, Amendment 2, filed 3:23 p. m.

Portland Order 1–G3–1, filed 3:24 p. m.; 1–G3–1, Amendment 1, filed 3:24 p. m.; 1–G4–1, Amendment 5, filed 3:24 p. m.; 1–G1–2, Amendment 3, filed 3:23 p. m.; 1–G2–2, Amendment 3, filed 3:23 p. m.; 1–G4–2, Amendment 2, filed 3:25 p. m.; 1–G4–2, Amendment 3, filed 3:25 p. m.; 1–G4A–2, Amendment 3, filed 3:26 p. m.; II–G1–1, filed 3:26 p. m.; II–G1–1, Amendment 1, filed 3:26 p. m.; II–G2–1, filed 3:27 p. m.; II–G4–1, Amendment 1, filed 3:27 p. m.; II–G4A–1, filed 3:28 p. m.

Spokane Order 1–G1–1, Amendment 3, filed 3:18 p. m.; 1–G2–1, Amendment 3, filed 3:18 p. m.; 1–G4A–1, Amendment 3, filed 3:18 p. m.; 1–G4–2, filed 3:19 p. m.; II–G1–1, filed 3:20 p. m.; II–G2–1, filed 3:20 p. m.; II–G4A–1, filed 3:20 p. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–13211; Filed, Dec. 11, 1952; 4:08 p. m.]

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on December 9, 1952.

REGION I

Hartford Order 1–G1–2, Amendment 3, filed 1:47 p. m.; 1–G2–2, Amendment 3, filed 1:48 p. m.; 1–G3–2, Amendment 3, filed 1:48 p. m.; 1–G4–2, Amendment 3, filed 1:48 p. m.

Portland Order 1–G1–2, Amendment 2, filed 1:49 p. m.; 1–G2–2, Amendment 2, filed 1:49 p. m.; 1–G3–2, Amendment 2, filed 1:50 p. m.; 1–G4–2, Amendment 2, filed 1:50 p. m.; II–G1–1, Amendment 1, filed 1:50 p. m.; II–G2–1, Amendment 1, filed 1:50 p. m.; II–G3–1, Amendment 2, filed 1:51 p. m.; II–G4–1, Amendment 2, filed 1:51 p. m.

Providence Order 1–G1–2, Amendment 2, filed 1:51 p. m.; 1–G2–2, Amendment 2, filed 1:51 p. m.; 1–G3–2, Amendment 2, filed 1:52 p. m.; 1–G4–2, Amendment 2, filed 1:52 p. m.

REGION II

Newark Order 1–G1–2, filed 1:52 p. m.; 1–G2–2, filed 1:53 p. m.; 1–G3–2, filed 1:53 p. m.; 1–G4–2, filed 1:53 p. m.; II–G1–1, filed 1:54 p. m.; II–G1–1, Amendment 1, filed 1:54 p. m.; II–G2–1, filed 1:54 p. m.; II–G2–1, Amendment 1, filed 1:55 p. m.; II–G2–1, Amendment 2, filed 1:55 p. m.; II–G3–1, filed 1:55 p. m.; II–G3–1, Amendment 1, filed 1:55 p. m.; II–G3–1, Amendment 2, filed 1:56 p. m.; II–G4–1, filed 1:56 p. m.; II–G4–1, Amendment 1, filed 1:56 p. m.; II–G4–1, Amendment 2, filed 1:56 p. m.

REGION III

Wilmington Order 1–G1–2, Amendment 3, filed 1:57 p. m.; 1–G2–2, Amendment 3, filed 1:57 p. m.; 1–G3–2, Amendment 3, filed 1:57 p m.; 1–G4–2, Amendment 3, filed 1:57 p. m.; II–G1–1, Amendment 1, filed 1:58 p. m.; II–G2–1, Amendment 1, filed 1:58 p. m.; II–G3–1, Amendment 1, filed 1:58 p. m.; II–G4–1, Amendment 1, filed 1:58 p. m.

REGION IV

Charleston Order 1–G1–2, Amendment 1, filed 1:58 p. m.; 1–G2–2, Amendment 1, filed 1:59 p. m.; 1–G3–2, Amendment 1, filed 1:59 p. m.; 1–G4–2, Amendment 1, filed 1:59 p. m.; II–G1–1, Amendment 1, filed 1:59 p. m.; II–G2–1, Amendment 1, filed 2:00 p. m.; II–G3–1, Amendment 1, filed 2:00 p. m.; II–G4–1, Amendment 1, filed 2:00 p. m.

Charlotte Order 1–G1–2, Amendment 2, filed 2:00 p. m.; 1–G2–2, Amendment 2, filed 2:01 p. m.; 1–G3–2, Amendment 3, filed 2:01 p. m.; 1–G3A–2, Amendment 2, filed 2:01 p. m.; 1–G4–2, Amendment 3, filed 2:01 p. m.; 1–G4A–1, Amendment 2, filed 2:02 p. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–13212; Filed, Dec. 11, 1952; 4:09 p. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

CRITICAL DEFENSE HOUSING AREAS

NOTICE OF DEFENSE HOUSING PROGRAMS

Appearing below are amendments to previously published defense housing programs, additional new defense housing programs, and supplemental housing programs to defense housing programs previously published. These amendments are published herein as amendments to Part II (Defense Housing Programs) initially published in the FEDERAL REGISTER October 27, 1951 (16 F. R. 10963).

Applications relating to the construction of such defense housing may be filed with the local FHA office serving the particular critical defense housing area in which the proposed defense housing is located under appropriate regulations of the FHA; and in connection with such housing, the aids authorized by the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong.) are available. These aids include the more liberal form of Federal Housing Administration mortgage insurance under Title IX of the National Housing Act, as amended, and the special benefits provided in Title III of that act in connection with commitments by the Federal National Mortgage Association for the purchase of mortgages covering defense housing programmed by the Housing and Home Finance Administrator. To be eligible for these special aids all applicable requirements, conditions and restrictions imposed by or pursuant to said Title III or Title IX of the National Housing Act, as amended, must be complied with. Information concerning such requirements, conditions and restrictions may be obtained from the local FHA and FNMA offices.

The critical defense housing areas listed in Part II hereof indicate the areas in connection with which defense housing has been programmed. In order to be eligible for the special aids authorized, the housing must be located within the designated critical defense housing area.

PART II—DEFENSE HOUSING PROGRAMS

AMENDMENTS TO DEFENSE HOUSING PROGRAMS PREVIOUSLY PUBLISHED

Amendment 1. Area program numbered 84 (Tullahoma, Tennessee) appearing in the FEDERAL REGISTER of December 19, 1951 (16 F. R. 12731) is amended by reducing the total number of dwelling units (rental and sale) authorized in the original program from 220 dwelling units to 191, comprised of

178 rental units and 13 sales units. The aforesaid 191 units are either completed or in the course of construction.

Amendment 2. Area Program numbered 106 (Umatilla-Hermiston, Oregon) appearing in the FEDERAL REGISTER of January 24, 1952 (17 F. R. 740) is amended by eliminating and deleting the previously authorized quota of 10 sales units, by reducing the previously authorized 30 two-bedroom rental units to 20, and by eliminating and deleting the previously authorized quota of 10 one-bedroom rental units. As thus amended, the total of all types of dwelling units is reduced form 50 to 20.

Amendment 3. Area program numbered 111 (Ishpeming-Negaunee, Michigan) appearing in the FEDERAL REGISTER of January 24, 1952 (17 F. R. 740) is amended by transferring from the previously authorized quota of 50 two-bedroom sales units, 40 such two-bedroom sales units to 40 two-bedroom rental units at a rental not to exceed $75.00. The sales price of the remaining 10 two-bedroom sales units is amended by increasing the original sales price not to exceed $8,500 to a sales price not to exceed $9,500. The total number of dwelling units of all types remains the same as in the original program, 50.

Amendment 4. Area program numbered 181 (Butte, Montana) appearing in the FEDERAL REGISTER of November 6, 1952 (17 F. R. 10091) is amended by changing the rent for two-bedroom rental units from a rental not to exceed $60.00 to $70.00, for three-bedroom rental units from a rental not to exceed $65.00 to $80.00; and by increasing the maximum sales prices for two-bedroom sales units from $9,000 to $10,500, and by increasing the maximum sales prices for three-bedroom sales units from $10,000 to $11,500. The number of units in each category (rental and sale) remain the same.

Amendment 5. Area program numbered 154 (Indian Head, Maryland) appearing in the FEDERAL REGISTER of April 12, 1952 (17 F. R. 3244), is amended by reducing the maximum sales price with respect to 15 of the 30 authorized two-bedroom sales units from $9,000 to $6,000.

AMENDMENT ADDING NEW DEFENSE HOUSING PROGRAMS AND SUPPLEMENTAL DEFENSE HOUSING PROGRAMS

205. Sault Ste. Marie, Michigan.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	40	$67.50			40
3 or more bedrooms	20	75.00			20
Total	60				60

LIST OF DEFENSE ACTIVITIES

Camp Lucas.
Air Force Installation.

CRITICAL DEFENSE HOUSING AREA

City of Sault Ste. Marie and Soo Township in Chippewa County.

206. Arkadelphia, Arkansas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	5	$65.00	5	$8,000	10
3 or more bedrooms	5	75.00	[1] 10	10,000	15
Total	10		15		25

[1] 5 of these units at a sales price not to exceed $9,000.

LIST OF DEFENSE ACTIVITIES

Reynolds Metal Company.

CRITICAL DEFENSE HOUSING AREA

All of Clark County.

NOTE: Program numbered 207 is reserved for the Point Arena, California, Area. When a program is developed and prepared for this area, such program will be published in the FEDERAL REGISTER as an additional new defense housing program.

208. Osceola, Wisconsin.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	18	$65.00			18
3 or more bedrooms	6	75.00			6
Total	24				24

LIST OF DEFENSE ACTIVITIES

Osceola Air Force Station.

CRITICAL DEFENSE HOUSING AREA

Osceola Village and the towns of Osceola and Farmington in Polk County.

209. Antigo, Wisconsin.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	6	$65.00			6
3 or more bedrooms	6	75.00			6
Total	12				12

LIST OF DEFENSE ACTIVITIES

Personnel of the Armed Forces stationed in the area.

CRITICAL DEFENSE HOUSING AREA

City of Antigo and the towns of Antigo and Rolling in Langlade County and the town of Harrison in Marathon County.

210. Rockville, Indiana.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	30	$67.50			30
3 or more bedrooms	10	75.00			10
Total	40				40

LIST OF DEFENSE ACTIVITIES

Air Force Installation.

CRITICAL DEFENSE HOUSING AREA

Adams Township, including Rockville Town, in Parke County.

211. Oak Ridge, Tennessee.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	[1] 12	$50.00			12
2 bedrooms	[2] 277	70.00	[3] 100	$11,000	377
3 or more bedrooms	135	80.00	[4] 50	12,000	185
Total	424		150		574

[1] These units are to be located in Civil District No. 3, Anderson County.
[2] 12 of these units at a rental not to exceed $60 are to be located in Civil District No. 3, Anderson County.
[3] 80 of these units at a sales price not to exceed $8,000. 25 of these units may be reserved for 60 days for individual eligible defense workers who apply to build single units for their own occupancy.
[4] 40 of these units at a sales price not to exceed $9,000.

LIST OF DEFENSE ACTIVITIES

Atomic Energy Commission.
Air Force Installation, Briceville-Lake City sector.

CRITICAL DEFENSE HOUSING AREA

All of Anderson and Roane Counties, and Civil Districts 1 and 10 in Morgan County.

212. The Dalles, Oregon.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	15	$70.00			15
3 or more bedrooms	10	80.00			10
Total	25				25

LIST OF DEFENSE ACTIVITIES

Army Corps of Engineers and its contractors on The Dalles Dam.

CRITICAL DEFENSE HOUSING AREA

The Dalles City and the precincts of Rowena, West Dalles, South Dalles, Eight Mile, Dulfur, Boyd, Thompson, Columbia, and East Dalles, all in Wasco County, Oregon, and 1950 Census Divisions 9 and 10, in Klickitat County, Washington.

213. Albion, Michigan.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	100	$67.50			100
3 or more bedrooms	100	75.00			100
Total	200				200

LIST OF DEFENSE ACTIVITIES

Albion Malleable Iron Company.
Brooks Furnace Company.
Corning Glass Works.
Gale Manufacturing Company.
Lonergan Manufacturing Corporation.
Service Caster and Truck Corporation.
Union Steel Products Company.

CRITICAL DEFENSE HOUSING AREA

City of Albion and the townships of Albion, Eckford, Marengo, and Sheridan, all in Calhoun County.

121 (A). Yuma, Arizona.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	45	$70.00	15	$7,500	60
3 or more bedrooms	25	80.00	15	8,500	40
Total	70		30		[1] 100

[1] This quota is in addition to the 125 rental units authorized in Program No. 121, approved Dec. 8, 1951.

section 1808 (f) of Chapter 11 of the In- diction heretofore reserved with respect

1-G2-2, Amendment 4, filed 9:56 a. m.; Amendment 2, filed 3:21 p. m.; 1-G2-4, Amendment 3, filed

163. (A). Harlingen, Texas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	20	$47.50			20
3 or more bedrooms					
Total	20				1 20

1 This quota is in addition to the 250 rental and 50 sales units authorized in Program No. 163, approved Apr. 3, 1952.

LIST OF DEFENSE ACTIVITIES

Air Force Installation.

CRITICAL DEFENSE HOUSING AREA

The critical defense area is defined as: Justice Precincts 3, 4, 6, and 7 in Cameron County, and Justice Precinct 1 in Hidalgo County.

33 (B). Lancaster-Palmdale-Mojave, California.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	15	$75.00			15
3 or more bedrooms	15	85.00			15
Total	30				1 80

1 This quota is in addition to the 100 rental and 100 sales units authorized in Program No. 33 dated Aug. 8, 1951, and 550 rental and 350 sales units in Program No. 33 (A) dated July 30, 1952.

LIST OF DEFENSE ACTIVITIES

Boron AF Installation located in the Barstow critical defense housing area.

CRITICAL DEFENSE HOUSING AREA

Antelope Township in Los Angeles County and Judicial Township 11 in Kern County.

DECEMBER 16, 1952.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-13205; Filed, Dec. 15, 1952; 2:07 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-205, 59-95]

NORTH AMERICAN CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO CONSUMMATION OF PLAN

DECEMBER 10, 1952.

In the matter of the North American Company, Union Electric Company of Missouri, File No. 54-205; and the North American Company, respondent; File No. 59-95.

The Commission having issued its findings and opinion and order on October 31, 1952, approving a Plan for the liquidation and dissolution of the North American Company ("North American"), pursuant to section 11 (e) of the act; said Plan having been joined in to the extent necessary for its consummation by Union Electric Company of Missouri ("Union"); an application having been filed by the Commission with the United States District Court for the District of New Jersey for the entry of an order approving said Plan and ordering it enforced; North American having represented to the Commission that upon the entry of such an order North American will declare said Plan to be effective as of approximately January 20, 1953;

It appearing that in connection with and as a part of the final liquidation and dissolution of North American, as required by the Plan, North American and Union have proposed that the presently outstanding 11,450,000 shares of no par value common stock of Union be reclassified into 10,300,000 shares of no par value common stock, that North American surrender certificates representing 11,450,000 shares of no par value common stock of Union and receive in exchange therefor 10,300,000 shares of no par value common stock of Union, that North American surrender for conversion 796,791 shares of no par value common stock of Union and receive 796,791 shares of $10 par value common stock of Union as part of the securities required for distribution, on or about January 20, 1953, to the common stockholders of North American;

North American having requested the Commission to issue an appropriate order, with respect to said transactions, under Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended;

The Commission in said order of October 31, 1952, having reserved jurisdiction, inter alia, with respect to (i) the amount of cash to be paid by North American to its stockholders in lieu of fractional shares of such Union common stock which would otherwise be distributed to such stockholders; and (ii) the terms and provisions of the assistance to be provided by North American to its stockholders receiving four shares or less of such Union common stock, in interim distributions as proposed in said Plan, to enable such stockholders to dispose of such shares without brokerage charges or commissions;

North American, subsequent to the issuance of said order of October 31, 1952, having advised the Commission that the amount of cash to be paid in lieu of fractional shares of such Union common stock is to be determined by the closing sale price or closing bid price on December 31, 1952, whichever is higher, for such Union common stock as traded or quoted on a "when distributed" basis on the New York Stock Exchange; and North American having further advised the Commission that arrangements have been made with the firm of Merrill Lynch, Pierce, Fenner and Beane which will ensure to stockholders receiving four shares or less of such Union common stock, as proposed in the Plan, who desire to sell the same, a price approximating the closing sale price, but not less than the closing bid price, of such Union common stock as traded or quoted on a "when distributed" basis on the New York Stock Exchange on the day preceding the day on which such Union common stock is to be distributed;

The Commission deeming it appropriate and in the public interest to grant North American's request for an order pursuant to Supplement R and section 1808 (f) of the Internal Revenue Code, as amended; and

The Commission having considered the entire record and finding that the proposals respecting the cash to be paid in lieu of fractional shares of such Union common stock and the assistance to be rendered those stockholders of North American receiving four shares or less of such Union common stock who desire to sell the same, are fair and equitable and meet the other applicable standards of the act, and that the jurisdiction heretofore reserved with respect to such matters should be released to the extent indicated below;

It is hereby ordered and recited and the Commission Finds, That:

(a) The proposed surrender by North American to Union of 11,450,000 shares of no par value common stock of Union and the receipt by North American of 10,300,000 shares of no par value common stock of Union, pursuant to the reclassification of no par value common stock of Union; and

(b) The proposed surrender by North American to Union of 796,791 shares of no par value common stock of Union and the proposed issuance by Union and the receipt by North American in exchange therefor of 796,791 shares of $10 par value Union common stock, represented by certificates numbered TNB1, TNB2 and TNB3;

All in connection with and as a part of the final liquidation and dissolution of North American and all as authorized permitted by the order of this Commission of October 31, 1952, and in obedience thereto are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

It is further ordered, That in connection with the first distribution of such Union common stock, as proposed in the Plan, jurisdiction be, and the same hereby, is released with respect to (a) the amount of cash to be paid to the North American stockholders in lieu of fractional shares of such Union common stock and (b) the assistance to be rendered those North American stockholders receiving four shares or less of such Union common stock who desire to sell the same.

It is further ordered, That jurisdiction be, and hereby is, reserved to enter such other or further orders conforming to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, and with respect to all other matters as to which jurisdiction has heretofore been reserved and not herewith specifically released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-13173; Filed, Dec. 15, 1952; 2:02 p. m.]

...ance Room

FEDERAL REGISTER

VOLUME 17 NUMBER 245

Washington, Wednesday, December 17, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, § 6.155 (c) (11) is amended to read as follows:

§ 6.155 *Economic Stabilization Agency.* • • •

(c) *Office of Wage Stabilization.* • • •

(11) Chairman of the Health and Welfare Committee of the Wage Stabilization Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 29, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

2. A new paragraph (f) is added to § 25.103 to read as follows:

§ 25.103 *General provisions.* • • •

(f) Any employee serving continuously in the agency and in the same line of work since the effective date of Title VI of the Classification Act of 1949 who, through no fault of his own, is reassigned on or after that date to a position in a lower grade in the same line of work which is identical to a position in the same agency and geographic location occupied by an emyployee whose salary is determined under the provisions of paragraph (e) of this section may be paid at any rate not in excess of the rate he was receiving in the grade from which reassigned and not in excess of the rate being received by the employee occupying such identical position in the lower grade. This paragraph is effective August 18, 1951, for employees on the rolls of the agency on the date of publication of this amendment in the FEDERAL REGISTER.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-13255; Filed, Dec. 16, 1952; 8:54 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 4 to Supp. 1, Flaxseed]

PART 601—GRAIN AND RELATED COMMODITIES

SUBPART—1952-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

ADDITION OF ST. PAUL, MINN., AND SUPERIOR, WIS., TO LIST OF TERMINAL MARKETS

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 4517, 4836, and 7525 and containing the specific requirements for the 1952-crop Flaxseed Price Support Program are hereby amended as follows:

Section 601.2104 (a) is amended by adding St. Paul Minnesota, and Superior, Wisconsin, to the list of terminal markets and by showing the rate per bushel for No. 1 Flaxseed at these two terminal markets to be $4.03 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 11th day of December 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

LIONEL C. HOLM,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-13287; Filed, Dec. 16, 1952; 8:55 a. m.]

[Amdt. 1]

PART 674—FARM STORAGE FACILITIES

SUBPART—FARM-STORAGE FACILITY LOAN PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration in 17 F. R.

(Continued on p. 11379)

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FEDERAL REGISTER

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5977, governing the making of loans and containing the requirements of the Farm-Storage Facility Loan Program are hereby amended as follows:

Paragraph (a) *Maximum term of loan,* of § 674.180 *Terms and conditions of loan* is amended for the purpose of clarifying the provision relating to the maximum term of the loan, so that the paragraph reads as follows:

(a) *Maximum term of loan.* The maximum term of the loan will be approximately four years from the first anniversary date of the first disbursement of the loan, except that the term of an individual loan may be extended for one year or less by the county committee in case of catastrophic losses of crops or other conditions beyond the control of the borrower. Loans will be secured by chattel mortgages on the storage facilities, real estate mortgage, deed of trust, or other security instrument approved by CCC, on the borrower's farm or other property on which the facility is to be located, or on a sufficient acreage of the farm which, in the judgment of the county committee, will make the site easily accessible for use of other farmers in the area, and constitutes a salable unit. A first mortgage will be required except that where a first mortgage is not obtainable, a second mortgage loan may be made provided the prior lien on the farm is small enough that the borrower's equity in the farm, in the opinion of the county committee, is sufficient to assure his continued tenure of the farm, and provided the prior lien-holder subordinates his lien as to the structure and the site on which it is located, with the right of ingress and egress to the storage facility. No second mortgage loans will be made on structures not located on the farm.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b)

Issued this 11th day of December 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

LIONEL C. HOLM,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-13234; Filed, Dec. 16, 1952; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

1. The publication in the Code of Federal Regulations of multiple crop insurance riders for the two counties designated below is hereby discontinued due to the fact that multiple crop insurance is no longer offered in these counties:

7 CFR 420.88–1 Aiken County, South Carolina (15 F. R. 2656; 16 F. R. 4872).
7 CFR 420.94–1 Northumberland County, Virginia (14 F. R. 7833).

2. The multiple crop insurance rider for Calumet County, Wisconsin (17 F. R. 3316) is hereby revoked due to the

fact that an insurance program was not placed in operation in the county.

[SEAL] JOHN W. BRAINARD,
Manager,
Federal Crop Insurance Corporation.

DECEMBER 11, 1952.

[F. R. Doc. 52-13235; Filed, Dec. 16, 1952; 8:55 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

§ 726.406 *Basis and purpose.* Sections 726.406 and 726.407 are issued to announce the results of the Virginia sun-cured tobacco marketing quota referendum for the marketing year beginning October 1, 1953, and for the three-year period beginning October 1, 1953. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for Virginia sun-cured tobacco for the 1953-54 marketing year (17 F. R. 10135). The Secretary announced (17 F. R. 10149) that a referendum would be held on November 22, 1952, to determine whether Virginia sun-cured tobacco producers were in favor of or opposed to marketing quotas for the marketing year beginning October 1, 1953, and to determine whether Virginia sun-cured tobacco producers were in favor of or opposed to marketing quotas for the three-year period beginning October 1, 1953. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 726.407 *Proclamation of the results of the Virginia sun-cured tobacco marketing quota referendum for the marketing year beginning October 1, 1953, and for the three-year period beginning October 1, 1953.* In a referendum of farmers engaged in the production of the 1952 crop of Virginia sun-cured tobacco held on November 22, 1952, 2,095 farmers voted. Of those voting 2,034 or 97.1 percent favored quotas for a period of three years beginning October 1, 1953; 41 or 2.0 percent favored quotas for only the one year beginning October 1, 1953; and 20 or 0.9 percent were opposed to quotas. Therefore, the national marketing quota of 4,854,000 pounds proclaimed November 5, 1952 (17 F. R. 10135) for Virginia sun-cured tobacco for the 1953-54 marketing year will be in effect for such year and marketing quotas on Virginia sun-cured tobacco will be in effect for three marketing years beginning October 1, 1953.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312)

Done at Washington, D. C., this 12th day of December 1952. Witness my hand and seal of the Department of Agriculture.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-13288; Filed, Dec. 16, 1952; 8:55 a. m.]

PART 727—MARYLAND TOBACCO

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

§ 727.403 *Basis and purpose.* Sections 727.403 and 727.404 are issued to announce the results of the Maryland tobacco marketing quota referendum for the marketing year beginning October 1, 1953, and for the three-year period beginning October 1, 1953. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for Maryland tobacco for the 1953-54 marketing year (17 F. R. 8893). The Secretary announced (17 F. R. 8925) that a referendum would be held on October 29, 1952, to determine whether Maryland tobacco producers were in favor of or opposed to marketing quotas for the marketing year beginning October 1, 1953, and to determine whether Maryland tobacco producers were in favor of or opposed to marketing quotas for the three-year period beginning October 1, 1953. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 727.404 *Proclamation of the results of the Maryland tobacco marketing quota referendum for the marketing year beginning October 1, 1953, and for the three-year period beginning October 1, 1953.* In a referendum of farmers engaged in the production of the 1952 crop of Maryland tobacco held on October 29, 1952, 6,383 farmers voted. Of those voting 4,114 or 64.5 percent favored quotas for a period of three years beginning October 1, 1953; 614 or 9.6 percent favored quotas for only the one year beginning October 1, 1953; and 1,655 or 25.9 percent were opposed to quotas. Therefore, the national marketing quota of 42,000,000 pounds proclaimed on October 1, 1952 (17 F. R. 8893), for Maryland tobacco for the 1953-54 marketing year will be in effect for the year beginning October 1, 1953.

(Sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312)

Done at Washington, D. C., this 11th day of December 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-13233; Filed, Dec. 16, 1952; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 4]

PART 16—AIRCRAFT RADIO EQUIPMENT AIRWORTHINESS

TYPE CERTIFICATION; AIRBORNE RADIO EQUIPMENT

This supplement outlines the Civil Aeronautics Administration's policy governing the environmental tests procedures to be followed in type certificating airborne radio equipment. These procedures were established through the medium of the Radio Technical Commission for Aeronautics' Special Committee 37 and are to be used on all newly designed equipment submitted for type certification approval. A provision has been included permitting the applicant for a type certificate to use either the Civil Aeronautics Manual 16 tests or the new RTCA tests for a period of a year after the effective date of this supplement. Technical Standard Orders will eventually replace the policies stated in this supplement.

The following policies are hereby adopted:

§ 16.30-3 *Environmental test procedures for airborne radio equipment. (CAA policies which apply to § 16.30 (c)).* Environmental test procedures are used to provide a laboratory means of determining the reliability of airborne radio equipment by evaluating its performance under conditions representative of those which are encountered in actual aeronautical operations. In performing these tests, the environmental test procedures contained in Radio Technical Commission for Aeronautics' paper entitled, "Environmental Test Procedures—Airborne Radio Equipment" (Paper 50-52/DO-44 dated March 20, 1952) should be used on newly designed equipment submitted for type certification approval. However, in order to provide a smooth transition to the new environmental test procedures, either the currently used tests contained in Civil Aeronautics Manual 16 dated February 13, 1941,[1] or those contained in the R. T. C. A. paper 50-52/DO-44 may be used at the option of the applicant for a type certificate for a period of one year from (date of publication). After this date, the tests contained in paper 50-52/DO-44 should be used. The environmental test procedures in Civil Aeronautics Manual 16 dated February 13, 1941[1] under which the equipment was originally type certificated should be used on modifications of previously type certificated equipment. However, the tests contained in the R. T. C. A. paper 50-52/DO-44 may be used at the option of the applicant.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

[1] Not filed for publication in the Federal Register.

These policies shall become effective January 1, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-13219; Filed, Dec. 16, 1952; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System

[No. 5737]

PART 141—DEFINITIONS

BAD DEBT RESERVE ELIMINATED AS PART OF GENERAL RESERVES

DECEMBER 12, 1952.

Resolved that pursuant to Part 108 of the General Regulations of the Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), § 141.7 *General reserves* of the rules and regulations for the Federal Savings and Loan System (24 CFR 141.7) is hereby amended, effective December 17, 1952, by repealing the last sentence thereof.

Resolved further that, it being determined this amendment relating to adjustments in reserve accounts is of no particular interest to the public, does not affect a matter of substance and should become effective prior to the expiration of the current calendar year by reason of certain recently adopted regulations of the Commissioner of Internal Revenue relating to the taxing of savings and loan associations, notice and public procedure thereon are unnecessary and deferment of the effective date is not required under the provisions of section 4 of the Administrative Procedure Act, and such amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 52-13256; Filed, Dec. 16, 1952; 8:54 a. m.]

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 5738]

PART 163—OPERATIONS

BAD DEBT RESERVE ELIMINATED AS PART OF FEDERAL INSURANCE RESERVE

DECEMBER 12, 1952.

Resolved that pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), § 163.11 *Setting up, designation, and purpose of Federal insurance reserve* of the rules and regulations for Insurance of Accounts (24 CFR 163.11) is hereby amended, effective December 17, 1952, by repealing the last sentence thereof.

Resolved further that, it being determined this amendment relating to adjustments in reserve accounts is of no particular interest to the public, does not affect a matter of substance and should become effective prior to the expiration of the current calendar year by reason of certain recently adopted regulations of the Commissioner of Internal Revenue relating to the taxing of savings and loan associations, notice and public procedure thereon are unnecessary and deferment of the effective date is not required under the provisions of section 4 of the Administrative Procedure Act, and such amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1703g. Interprets or applies sec. 102, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., December 10, 1952.

[SEAL] WALTER L. GREENE,
Federal Housing Commissioner.

[F. R. Doc. 52-13227; Filed, Dec. 16, 1952; 8:47 a. m.]

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 204—TITLE I MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

WASTE

Section 204.11 (c) is hereby amended to read as follows:

(c) The provisions of this section concerning waste shall not apply to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event the obligation of the mortgagee to repair waste in accordance with such provision shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., December 10, 1952.

[SEAL] WALTER L. GREENE,
Federal Housing Commissioner.

[F. R. Doc. 52-13231; Filed, Dec. 16, 1952; 8:48 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

WASTE

Section 222.15 (c) is hereby amended to read as follows:

(c) The provisions of this section concerning waste shall not apply to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event the obligation of the mortgagee to repair waste in accordance with such provision shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 114, Pub. Law 475, 81st Cong.)

Issued at Washington, D. C., December 10, 1952.

[SEAL] WALTER L. GREENE,
Federal Housing Commissioner.

[F. R. Doc. 52-13229; Filed, Dec. 16, 1952; 8:47 a. m.]

Subchapter D—Multifamily and Group Housing Insurance

PART 243—COOPERATIVE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

WASTE

Section 243.10 (j) is hereby amended to read as follows:

(j) The provisions of this section concerning waste shall not apply to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 75 percent of the original amount specified in the blanket mortgage as the release price applicable to the mortgaged property, and in any event the obligation of the mortgagee to repair waste in accordance with such provision shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., December 10, 1952.

[SEAL] WALTER L. GREENE,
Federal Housing Commissioner.

[F. R. Doc. 52-13231; Filed, Dec. 16, 1952; 8:48 a. m.]

Subchapter K—Single-Family Project Loans, War Housing Insurance

PART 289—PROJECT AND INDIVIDUAL MORTGAGES; RIGHTS AND OBLIGATIONS OF MORTGAGEE

WASTE

Section 289.9 (i) is hereby amended to read as follows:

(i) The provisions of this section concerning waste shall not apply to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 75 percent of the release clause price as specified in the mortgage applicable to the mortgaged property, or in the event a valuation was made at the time the individual mortgage was accepted for insurance, 75 percent of such appraised value; and in any event the obligation of

the mortgagee to repair waste in accordance with such provision shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(Sec. 607, 55 Stat. 61; 12 U. S. C. 1742)

Issued at Washington, D. C., December 10, 1952.

[SEAL] WALTER L. GREENE,
Federal Housing Commissioner.

[F. R. Doc. 52-13228; Filed, Dec. 16, 1952; 8:47 a. m.]

Subchapter N—National Defense Housing Insurance

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

TRANSFER OF PROPERTY TO THE COMMISSIONER; CONDITIONS OF DEFAULT IN MORTGAGE

1. Section 295.10 (c) is hereby amended to read as follows:

(c) For the purposes of this section, the date of default shall be considered as 30 days after the first uncorrected failure to perform a covenant or obligation, or the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due: *Provided, however,* That a mortgagee may, with and subject to the written consent of the Commissioner, apply partial payments to delinquent interest not in excess of 2½ percent, to the exclusion of prior delinquent principal payments, in which event the date of default shall be 30 days after the due date of the earliest monthly payment, any part of which remains unpaid.

2. Section 295.10 is hereby amended by adding at the end thereof the following new paragraph:

(h) Nothing contained in this section shall be construed to prevent the mortgagee, with the consent of the Commissioner, from entering into a written agreement with the mortgagor postponing for a period not to exceed one year that part of the monthly payment or any part thereof which represents amortization of principal where the mortgagor is the owner of a group of properties consisting of a project of not less than ten rental units, each covered by a mortgage insured under section 903 of the National Housing Act and by the provisions of the agreement, and where the agreement obligates the mortgagor to deposit with the mortgagee the entire net income from all of the properties comprising the project, under arrangements satisfactory to the Commissioner, and obligates the mortgagor to resume monthly payments after the effective period of the agreement in such amounts as will completely amortize the mortgage indebtedness within the original maturity. Such agreement will in no way affect the amount of the annual mortgage insurance premiums, which will continue to be calculated in accordance with the original amortization provisions.

(Sec. 907, as added by sec. 201, Public Law 139, 82d Cong.)

Issued at Washington, D. C., December 9, 1952.

[SEAL] WALTER L. GREENE,
Federal Housing Commissioner.

[F. R. Doc. 52-13232; Filed, Dec. 16, 1952; 8:48 a. m.]

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

WASTE

Section 295.11 (c) is hereby amended to read as follows:

(c) The provisions of this section concerning waste shall not apply to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event the obligation of the mortgagee to repair waste in accordance with such provision shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(Sec. 907, as added by sec. 201, Public Law 139, 82d Cong.)

Issued at Washington, D. C., December 10, 1952.

[SEAL] WALTER L. GREENE,
Federal Housing Commissioner.

[F. R. Doc. 52-13230; Filed, Dec. 16, 1952; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS

APPOINTMENT IN MEDICAL, DENTAL, VETERINARY, MEDICAL SERVICE, ARMY NURSE, AND WOMEN'S MEDICAL SPECIALIST CORPS, REGULAR ARMY

Sections 573.1, 573.2, 573.2a, 573.2b, 573.3, 573.4, 573.5, are rescinded and the following substituted therefor:

Sec.
573.1 General.
573.2 Age and special eligibility requirements.
573.3 Service credit.
573.4 Grade determination.
573.5 Application.
573.6 Evaluation boards.
573.7 Action within Department of the Army.

AUTHORITY: §§ 573.1 to 573.7 issued under R. S. 161; 5 U. S. C. 22.

SOURCE: SR 605-25-10, November 12, 1952.

§ 573.1 *General—(a) General eligibility requirements.* General policy, and general eligibility requirements governing appointments in the Regular Army are contained in § 573.10.

(b) *Purpose.* Sections 573.1 to 573.7 prescribe the administrative procedures for the appointment of commissioned officers in the Army Medical Service, Regular Army.

§ 573.2 *Age and special eligibility requirements.* The age requirement for appointment in the various corps of the Army Medical Service, Regular Army, as prescribed in § 573.10, is restated for information and guidance of all concerned, together with special eligibility requirements for each corps as indicated. Female applicants for the Army Nurse Corps and the Women's Medical Specialist Corps must be unmarried and have no dependents under 18 years of age or a child or children under 18 years of age. Such applicants who have any legal or other responsibilities for custody, control, care, maintenance, or support of any child or children under 18 years of age will be ineligible. Those female applicants who have surrendered all rights to custody and control of such children through formal adoption or final divorce proceedings are eligible to apply. These special requirements are in addition to general eligibility requirements prescribed by § 573.10, for appointment in the Regular Army.

(a) *Medical Corps.* Applicant must:

(1) Have reached twenty-first birthday but not the thirty-second birthday on date of appointment as first lieutenant; thirty-seventh birthday on date of appointment as captain; forty-second birthday on date of appointment as major; and forty-eighth birthday on date of appointment as lieutenant colonel.

(2) Be a graduate of a medical school conferring the degree of doctor of medicine which is acceptable to the Department of the Army.

(3) Have had an internship subsequent to graduation which is acceptable to the Department of the Army, or

(4) Have had practical or professional experience equivalent to an internship as determined by the Surgeon General in each case.

(b) *Dental Corps.* Applicant must:

(1) Have reached twenty-first birthday but not the thirty-second birthday on date of appointment as first lieutenant; thirty-seventh birthday on date of appointment as captain; forty-second birthday on date of appointment as major; and forty-eighth birthday on date of appointment as lieutenant colonel.

(2) Be a graduate of a dental school conferring the degree of doctor of dental surgery or doctor of dental medicine which is acceptable to the Department of the Army.

(c) *Veterinary Corps.* Applicant must:

(1) Have reached twenty-first birthday but not the thirty-second birthday on date of appointment. The latter date may be advanced by the number of years, months, and days of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to December 31, 1947, but not to exceed a total of 5 years.

(2) Be a graduate of a veterinary school conferring the degree of doctor of veterinary medicine which is acceptable to the Department of the Army.

(3) Hold a Reserve commission and be assigned to the Veterinary Corps in one of the Reserve components of the Army of the United States.

(4) Have served at least 6 months on current tour of duty.

(5) Have served 60 or more duty days in present assignment to permit rendition of a special, complete, efficiency report.

(d) *Medical Service Corps.* Applicant must:

(1) Have reached twenty-first birthday but not the thirtieth birthday on date of appointment. The latter date may be advanced by the number of years, months, and days of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to December 31, 1947, but not to exceed a total of 5 years.

(2) Possess a baccalaureate degree gained through attendance at a college or university recognized through accreditation (as evidenced in part 3, current Educational Directory, Higher Education, United States Office of Education), except as follows, for appointment in the respective section of the corps as indicated:

(i) *Pharmacy, supply and administration section.* A waiver of the baccalaureate degree may be considered provided applicant achieves a qualifying score upon the Educational Requirements Test DA PRT 2530 and evidences outstanding ability as demonstrated by his military record.

(ii) *Optometry section.* Graduate of a school of optometry giving a full 4-year course acceptable to the Department of the Army.

(iii) *Sanitary engineering section.* Possess a bachelor's degree in sanitary, civil, or chemical engineering from a school acceptable to the Department of the Army.

(iv) *Allied science section.* Possess the appropriate degree from a school or university acceptable to the Department of the Army as indicated for service in one of the specialty fields listed below.

(*a*) *Medical entomology specialist.* Bachelor's degree with a major in the field of entomology, including at least one course in medical entomology.

(*b*) *Medical laboratory specialist.* Possess a master's degree in one of the fields of bacteriology, biochemistry, parasitology, serology, or toxicology, or equivalent training in a science allied to medicine as determined by the Surgeon General.

(*c*) *Nutrition specialist.* Possess a degree of doctor of physiology or its equivalent in the field of nutritional biochemistry or nutritional physiology.

(*d*) *Social work specialist.* Possess a master's degree in social work.

(*e*) *Psychology specialist.* Possess a doctor's degree in psychology.

(3) Have completed 18 months' active Federal commissioned service in the United States Army, performed within the 3-year period immediately preceding submission of an application. Tours of active duty of 90 days or less may not be included in computing service for this program.

(4) Have served at least 6 months on current tour of duty.

(5) Have served 60 or more duty days in present assignment to permit rendition of a special, complete, efficiency report.

(6) Have performed at least 12 months of the required service in duties other than as a student, in a travel status, awaiting assignment, on leave, etc.

(e) *Army Nurse Corps.* Applicant must:

(1) Have reached twenty-first birthday but not have attained twenty-eighth birthday on date of appointment.

(2) Hold a Reserve commission and be assigned to the Army Nurse Corps branch in the Army, and have served in the active military service for at least 6 months immediately prior to appearance before evaluation board. To assure adequate time for administrative processing of an application, applicants who will attain or who have attained the age of 27 years prior to completion of 6 months active duty may request approval from Department of the Army to submit applications prior to completion of 6 months active duty.

(3) Have been graduated from a school of nursing acceptable to the Department of the Army and must possess current nursing registration in the United States, the District of Columbia, or a Territory of the United States.

(f) *Women's Medical Specialist Corps.* Applicant must:

(1) Have reached twenty-first birthday but not have attained twenty-eighth birthday on date of appointment.

(2) Hold a Reserve commission and be assigned to the Women's Medical Specialist Corps branch of the Army Reserve and have served in the active military service for at least 6 months immediately prior to appearance before evaluation board. To assure adequate time for administrative processing of an application, applicants who will attain or who have attained the age of 27 years prior to completion of 6 months active duty may request approval from Department of the Army to submit application prior to completion of 6 months active duty.

(3) Have the educational requirements for appointment in the Women's Medical Specialist Corps, Regular Army.

(i) *Dietitian section.* A bachelor's degree from a college or university with either a major in foods and nutrition or institution management; and, in addition, have completed a dietetic internship, both of which must be acceptable to the Department of the Army.

(ii) *Physical therapist section.* A bachelor's degree from a college or university including satisfactory completion of courses in biological and physical sciences and psychology; and, in addition, have completed a course in physical therapy, both of which must be acceptable to the Department of the Army.

(iii) *Occupational therapist section.* A bachelor's degree from a college or university, and have completed a training course in occupational therapy, both of which must be acceptable to the Department of the Army.

§ 573.3 *Service credit.* Each individual appointed in the Regular Army under the Officer Personnel Act of 1947, as amended, shall at time of appointment be credited with an amount of service equivalent to the total period of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to December 31, 1947, and prior to appointment in the Regular Army, but not to exceed 5 years. In addition to the foregoing, individuals appointed in the following corps will be given service credit on the basis of professional training as indicated below:

Corps and Credit

Medical Corps: 4 years.
Dental Corps: 3 years.
Veterinary Corps: 2 years.
Medical Service Corps: 3 years, if at time of appointment the individual holds a degree of doctor of philosophy or comparable degree recognized by the Surgeon General in a science allied to medicine.

§ 573.4 *Grade determination.* (a) Upon the basis of service credited in § 573.3, individuals who have less than 3 years service credit shall be appointed in the grade of second lieutenant; 3 or more years but less than 7, shall be appointed in the grade of first lieutenant; 7 or more years, shall be appointed in the grade of captain.

(b) Appointment in the Medical Corps or Dental Corps will be in grades determined according to the applicant's age and years of active professional experience subsequent to graduation from a medical or dental school acceptable to the Department of the Army.

Grade	Professional experience	Maximum age
1st lieutenant	No years	Not have attained 32d birthday.
Captain	4 years	Not have attained 37th birthday.
Major	11 years	Not have attained 42d birthday.
Lt. colonel	18 years	Not have attained 48th birthday.

Initial appointments in the Medical Corps or Dental Corps in the grade of colonel are authorized. Persons appointed in this grade will possess outstanding qualifications for special positions determined by the Surgeon General as requirements necessitate.

(c) Individuals appointed in the Army Nurses Corps or Women's Medical Specialist Corps, Regular Army, under the Army-Navy Nurse Act of 1947 shall be appointed in the grade of second lieutenant.

§ 573.5 *Application.* (a) Applications will be submitted on DA Form 62 (Application for Appointment as a Commissioned Officer in the Regular Army), in duplicate. Forms may be obtained at all Army installations, including recruiting stations, and at the Office of the Surgeon General.

(b) Applications will be accompanied by:

(1) Recent photograph, head-and-shoulders type, not smaller than 3 by 5 inches. The applicant's name and current Army service number, if any, will appear on the reverse side.

(2) DD Form 98 (Loyalty Certificate for Personnel of the Armed Forces), and

DD Form 98a (List of Organizations to accompany DD Form 98).

(3) Transcript of all college credits (Medical Service Corps applicants only).

(c) Applications will be forwarded as follows:

(1) Applications for appointment in Medical, Dental, Army Nurse, or Women's Medical Specialist Corps submitted by qualified individuals on active duty within the continental United States may be submitted at any time through command channels to appropriate installation commanders. Installation commanders will, in turn, forward the original and inclosures to the commander of the nearest named Army hospital or Army Area Evaluation Board (§ 573.6 (a) (1)) for evaluation, and the duplicate copy to The Adjutant General, Washington 25, D. C., Attention: AGPB-R. Applicants in an oversea command, if on active duty, will forward applications in accordance with instructions issued by the appropriate oversea commander.

(2) Applications for appointment in the Medical or Dental Corps from qualified members of a Reserve component of the Army of the United States not on active duty or from civilians may be submitted at any time to the commander of the nearest named Army hospital or Army Area Evaluation Board listed in (§ 573.6 (a) (1)). The hospital or Evaluation Board will retain the original and inclosures for use in evaluating the applicant, and will forward, without delay, the duplicate copy to The Adjutant General, Washington 25, D. C., Attention: AGPB-R. Individuals in this category residing in an oversea command will forward applications in accordance with instructions issued by the appropriate oversea commander.

(3) Applications for appointment in the Veterinary Corps and Medical Service Corps:

(i) May be submitted only during the periods May 1 to June 30, and from November 1 to December 31, and will be forwarded through command channels to appropriate installation commanders.

(ii) The indorsement to the application, effected by installation commander, will contain a statement to the effect that the applicant's records have been carefully examined, that he is fully eligible under the regulations of this part, and that nothing is contained therein of a sufficiently derogatory nature to preclude favorable consideration. In the event of derogatory or questionable findings, sufficient explanation of the circumstances will be furnished.

(iii) Normally, a special complete efficiency report will be attached thereto at the appropriate headquarters. The only exception in this regard will be in those instances when the period subsequent to the submission of the last efficiency report does not permit coverage of at least 60 duty days prior to the end of an application period, and the applicant would become ineligible by virtue of age prior to the next application period. This report will constitute full and complete evaluation of the pertinent duty period, and the next efficiency report to be submitted will commence with the date immediately following the closing date of this special report.

(iv) Installation commanders will forward the original and inclosures to the commander of the nearest Evaluation Board (§ 573.6 (a) (1) and (4)) for evaluation, and the duplicate copy to The Adjutant General, Washington 25, D. C., Attention: AGPB-R. Applicants in oversea commands will forward applications in accordance with instructions issued by the appropriate oversea commander.

§ 573.6 *Evaluation boards*—(a) *Appointment.* (1) Commanders of the following named installations and appropriate major commanders will appoint evaluation boards at stations indicated to evaluate applicants for appointment in all Corps of the Army Medical Service except Veterinary Corps:

(i) Headquarters Fifth Army, 1660 East Hyde Park Boulevard, Chicago, Ill.

(ii) Army and Navy Hospital, Hot Springs, Ark.

(iii) William Beaumont Army Hospital, Fort Bliss, Tex.

(iv) Brooke Army Medical Center, Fort Sam Houston, Tex.

(v) Fitzsimons Army Hospital, Denver, Colo.

(vi) Letterman Army Hospital, San Francisco, Calif.

(vii) Walter Reed Army Medical Center, Washington 12, D. C.

(viii) Madigan Army Hospital, Tacoma, Wash.

(ix) Murphy Army Hospital, Waltham, Mass.

(x) Percy Jones Army Hospital, Battle Creek, Mich.

(xi) Valley Forge Army Hospital, Phoenixville, Pa.

(xii) Headquarters First Army, Governors Island, N. Y.

(xiii) United States Army Hospital, Fort Knox, Ky.

(xiv) United States Army Hospital, Fort Benning, Ga.

(xv) United States Army Hospital, Fort Bragg, N. C.

(2) Major commanders will appoint evaluation boards at the stations indicated below to evaluate applicants for appointment in the Veterinary Corps.

(i) Headquarters First Army, Governors Island, N. Y.

(ii) Headquarters Second Army, Fort Meade, Md.

(iii) Headquarters Third Army, Fort McPherson, Ga.

(iv) Headquarters Fourth Army, Fort Sam Houston, Tex.

(v) Headquarters Fifth Army, 1660 East Hyde Park Boulevard, Chicago, Ill.

(vi) Headquarters Sixth Army, Presidio of San Francisco, Calif.

(3) In oversea commands, evaluation boards will be appointed in general hospitals designated by the appropriate oversea commander.

(4) Boards will consist of a minimum of three senior officers of the corps in which the individual is applying for appointment. In the event that three senior officers of the proper corps are not available, senior officers of the Medical Corps will be substituted. No substitutions will be made for veterinary applicant evaluation boards.

§ 573.7 *Action within Department of the Army.* (a) Upon receipt of an application and allied papers, The Adjutant General will review the case including available Department of the Army records in order to determine statutory and administrative eligibility, and will then forward all papers to the Surgeon General. The Surgeon General, after determining physical qualifications, will recommend appointment or nonappointment and return each case to The Adjutant General. When applicable, recommendations for appointment will include grade in which appointment is to be made. Recommendations for nonappointment will include reasons therefor, and such applicants will be notified promptly by The Adjutant General.

(b) The Adjutant General will transmit names of applicants recommended for appointment to the Secretary of the Army for action to effect appointments, and will issue necessary instructions through commanders of major commands concerned to consummate such appointments.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-13218; Filed, Dec. 16, 1952; 8:55 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 4 to Supplementary Regulation 6, Revision 1]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 6—CEILING PRICE FOR MANUFACTURERS FOR THE SALE OF PAINTS, VARNISHES, AND LACQUERS

POSTPONEMENT OF EFFECTIVE DATE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization General Order No. 2, this Amendment 4 to Revision 1 of Supplementary Regulation 6 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment postpones until January 30, 1953, the mandatory effective date of Supplementary Regulation 6, Revision 1, to Ceiling Price Regulation 22.

The revision calls for significant calculations and filings. Unfortunately, typographical errors in the OPS Public Form 150 and the text of the regulation governing the calculation of ceiling prices delayed compliance and necessitated the issuance of a revised form and Amendment 2 and Amendment 3 to the regulation which corrected those errors and extended the filing date to December 15, 1952. However, it has been demonstrated to the satisfaction of the Director of Price Stabilization that that extension of time was inadequate.

In the formulation of this amendment informal consultation has been had with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 6, Revision 1, to Ceiling Price Regulation 22 is amended by changing the last paragraph thereof (effective date) to read as follows:

Effective date. The mandatory effective date of this supplementary regulation is January 30, 1953. However, if you so elect, you may make this regulation effective as to you at any time between August 13, 1952 and January 30, 1953. If you do so elect, this supplementary regulation, on the date you exercise your option, becomes effective as to you for all your commodities covered hereby.

This Amendment 4 to Supplementary Regulation 6, Revision 1 is effective December 15, 1952.

JOSEPH H. FREEHILL,
Acting Director
of Price Stabilization.

DECEMBER 15, 1952.

[F. R. Doc. 52-13328; Filed, Dec. 15, 1952; 4:48 p. m.]

[Ceiling Price Regulation 25, Amdt. 5 to Revision 1]

CPR 25—CEILING PRICES OF BEEF ITEMS SOLD AT RETAIL

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, Economic Stabilization Agency General Order No. 2, and Economic Stabilization Agency General Order No. 5, Revision, this Amendment 5 to the Ceiling Price Regulation 25, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes four substantive changes in Ceiling Price Regulation (CPR) 25, Revision 1, as well as certain clarifications and corrections of a minor nature:

(1) By applying single price schedules to groups of several zones in CPR 25, Revised, an attempt was made to reflect gross profit margins on a relatively uniform basis. Experience has demonstrated that in the cases of stores operating in Zones 19 and 24, the applicable price schedules do not yield the intended gross profit margin. Therefore, this amendment provides new schedules of beef cut ceiling prices for stores operating in Zones 19 and 24. No changes are made in the pertinent price schedules for beef variety meats and by-products. Adjustments on these items are minimal and would not substantially affect gross profit margins.

(2) This amendment removes the item "Lean prediced stew" from all of the ceiling price schedules in Article IV and from the list of standard retail beef cuts in Appendix V. This amendment, on the other hand, will permit retailers to predice boneless neck meat and heel of round.

Prior to controls, retailers customarily merchandised boneless neck or heel of round by displaying it in trays as boneless stew meat. However, before this amendment, retailers who handled prime, choice, and good grades of meat had not been provided a practical method of merchandising heel of round and boneless neck meat as lean prediced stew beef at the ceiling price established for that cut. If they cut boneless neck meat and heel of round into stew meat, they had to sell it at the lower stew beef prices. On the other hand, retailers who handled commercial and utility grades of beef could obtain a considerable price advantage by displaying and selling boneless neck meat and heel of round as lean prediced stew meat.

This amendment will permit retailers who handle prime, choice, and good grades of beef to display these cuts of beef as stew meat without having to sell these items at a discount and will prevent retailers who handle lower grades from obtaining the advantage of selling lower priced cuts as lean prediced stew meat.

(3) This amendment also allows certain specialty stores selling mostly prime grade beef to apply for exemption from the ceiling prices of prime grade beef set forth in Article IV, and for the establishment by the Director of separate and higher ceiling prices applicable to this group of specialty stores. The purpose of this amendment is to parallel similar provisions for specialty stores in CPR 15 and CPR 16 for the reasons set forth in the Statements of Considerations accompanying those regulations, which are incorporated herein.

(4) Because of recent amendments to CPR 24, this amendment also defines and prices two new specialty products, the ceiling prices of which are determined under section 4 (c). A minor change is also made in the definition of specialty product, prefabricated, quick frozen and packaged. The product may now be packaged in a sealed moisture proof container rather than a carton as previously required.

(5) The definitions of cured and smoked tongues, dried beef, and wafer steaks have been amended to conform to the changes made in the definition of these items in CPR 24.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Titles I and IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the National Defense, and comply with all the applicable standards of the Act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 25, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of beef, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 25, Revision 1, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 25, Revision 1, is amended in the following respects:

1. Section 34 is redesignated Section 35 and a new Section 34 is added to read as follows:

SEC. 34. *How certain stores may apply for exemption from the ceiling prices for prime grade beef specified in Article IV and for the establishment of higher ceiling prices.* (a) If your store meets the gross margin requirements specified in paragraph (b) of this section and does business in the manner outlined in that paragraph, you may apply under paragraph (d) of this section to be exempted from the ceiling prices of prime grade beef specified in Article IV of this regulation, and to have your ceiling prices for prime grade beef established for you by the Director of the Office of Price Stabilization. Your application must set forth the information required by paragraphs (b) and (c) of this section. The Director may then establish such prime grade beef ceiling prices for you as appear in his judgment to be generally fair and equitable, and to reflect customary gross margins on meat department sales.

(b) Your application must state that:

(1) The total gross meat department margin of your store in your fiscal year 1950 was at least 23 percent on all meat department sales, and also if you are not an "independent store", at least 23 percent on the combined meat department sales in all the stores in your organization for which you seek adjustment. In determining your total gross meat department margin, do not count a restaurant as part of a meat department. If your store was not in business for the entire year 1950, determine the total gross meat department margin of your store for that portion of 1950 during which you were in business. The period used must cover at least three months' operation. In any case, specify the period covered.

(2) Whether your store or stores have been exempted from using the markups in CPR 15 or CPR 16 by qualifying under the provisions of section 26 (a) of CPR 15 or section 24 (a) of CPR 16;

(3) Prior to January 1, 1951, more than one-half of the beef you purchased and sold was U. S. Prime grade;

(4) The majority of your sales in your meat department are made by employees

who assist customers in selecting, collecting and wrapping merchandise;

(5) Your store generally offers to all its customers the services of taking orders by telephone, carrying monthly charge accounts, and providing delivery service; and

(6) The general level of beef prices in your store was substantially higher than that of Group 1 stores in your community during the fiscal year 1950.

(c) Your application must set forth:

(1) Your ceiling prices determined under the General Ceiling Price Regulation for each retail cut of prime grade beef;

(2) Your highest purchase invoice cost during the GCPR base period (December 19, 1950 to January 25, 1951) for:

(a) Prime grade beef carcasses;

(b) Prime grade wholesale cuts (enumerate);

(3) What percentage of your total prime grade beef purchases during the GCPR base period were:

(a) Prime grade beef carcasses;

(b) Prime grade wholesale cuts (enumerate).

(d) You must file your application with the National Office of the Office of Price Stabilization. The Director of Price Stabilization may establish, by letter order, ceiling prices in accordance with paragraph (a) of this section for your retail sales of beef, if he finds that you meet the requirements of this section. This authority may be withdrawn if it is later determined by the Director that your store does not qualify for adjustment under this section, or if he finds that for any quarter subsequent to the date of approval of your application 80 percent of your total beef purchases are not prime grade beef. Applications for adjustment are governed by Price Procedural Regulation 1, Revision 2.

2. A new ceiling price list is added to section 40 (a), following section 40 (a) (6), to read as follows:

(7) *Zones 19 and 24.*

[The following ceiling prices per pound apply in all Groups 1 and 2 stores selling the grades of beef cuts listed below at retail in Zones 19 and 24]

	Prime	Choice	Good	Commercial	Utility
I. Steaks:					
1. Porterhouse	$1.39	$1.26	$1.18	$0.97	$0.91
2. T-Bone	1.39	1.26	1.18	.97	.91
3. Club	1.39	1.26	1.18	.97	.91
4. Rib, 10-inch cut	.91	.83	.77	.71	.66
5. Rib, 7-inch cut	1.03	.91	.88	.82	.77
6. Rib, 7-inch cut (boneless)	1.34	1.25	1.17	.94	.85
7. Sirloin (bone-in)	1.17	1.11	1.10	.95	.89
8. Pinbone (bone-in)	1.17	1.14	1.10	.95	.89
9. Top sirloin (boneless)	1.55	1.45	1.37	1.13	1.02
10. Bottom sirloin (boneless)	1.23	1.20	1.16	.97	.91
11. Tenderloin	1.84	1.84	1.84	1.84	1.84
12. Sirloin (boneless)	1.39	1.32	1.27	1.07	.96
13. Round (bone-in, full cut)	1.17	1.11	1.10	.95	.89
14. Round (boneless, top and bottom)	1.23	1.20	1.16	.97	.91
15. Round tip (boneless)	1.23	1.20	1.16	.97	.91
16. Sirloin tip (boneless)	1.23	1.20	1.16	.97	.91
17. Chuck blade (bone-in)	.79	.79	.77	.72	.68
18. Chuck arm (bone-in)	.83	.83	.80	.75	.71
19. Flank	.90	.90	.90	.90	.90
20. Cube	1.09	1.09	1.09	1.09	1.09
21. Skirt steak	.90	.90	.90	.90	.90
22. Eye of round (boneless)	1.23	1.20	1.16	.97	.91
23. Strip loin (boneless)					1.62
24. Regular roll					1.09
II. Roasts:					
1. Rib standing, 10-inch cut	.91	.83	.77	.71	.66
2. Rib standing, 7-inch cut	1.03	.91	.88	.82	.77
3. Round tip (boneless)	1.23	1.20	1.16	.97	.91
4. Rump standing (bone-in)	.86	.86	.83	.78	.74
5. Rump (boneless)	1.15	1.15	1.11	.95	.89
6. Chuck blade pot roast	.79	.79	.77	.72	.68
7. Chuck arm pot roast	.83	.83	.80	.75	.71
8. Chuck or shoulder (boneless)	.94	.94	.91	.85	.78
9. English cut	.83	.83	.80	.75	.71
10. Sirloin tip roast (boneless)	1.23	1.20	1.16	.97	.91
11. Rib, 10-inch cut (boneless, rolled, and tied)	1.21	1.11	1.05	.88	.82
12. Rib, 7-inch cut (boneless)	1.34	1.25	1.17	.94	.85
13. Bottom sirloin (boneless)	1.23	1.20	1.16	.97	.91
III. Stews and other cuts:					
1. Short ribs	.53	.53	.53	.53	.53
2. Plate (bone-in, fresh or cured)	.42	.42	.42	.42	.42
3. Plate (boneless, fresh or cured)	.52	.52	.52	.52	.52
4. Brisket (bone-in, fresh or cured)	.61	.61	.61	.52	.52
5. Brisket (boneless, fresh or cured, deckle on)	.80	.80	.80	.65	.65
6. Brisket (boneless, fresh or cured, deckle off)	.96	.96	.96	.74	.74
7. Flank meat	.69	.69	.69	.69	.69
8. Neck (bone-in)	.66	.66	.64	.61	.55
9. Neck (boneless)	.90	.90	.87	.81	.75
10. Heel of round (boneless)	.90	.90	.87	.81	.75
11. Shank (bone-in, hind and fore)	.52	.52	.52	.52	.52
12. Shank (boneless, hind and fore)	.76	.76	.76	.76	.76
13. Regular prediced stew beef	.69	.69	.69	.69	.69
14. Soup bone	.06	.06	.06	.06	.06
15. Suet	.10	.10	.10	.10	.10
IV. Ground beef:					
1. Regular ground beef	.69	.69	.69	.69	.69
2. Lean ground beef	.82	.82	.82	.82	.82
V. Wholesale cuts:					
1. Round beef, whole	.76	.76	.76	.72	.68
2. Sirloin beef, whole	1.00	.95	.87	.75	.74
3. Short loin beef, whole	1.19	1.05	.95	.77	.76
4. Trimmed loin beef, whole	1.10	1.00	.91	.76	.75
5. Flank beef, whole	.37	.37	.37	.37	.37
6. Rib beef, whole	.84	.76	.70	.64	.61
7. Regular chuck, whole	.69	.69	.69	.64	.61
8. Short plate, whole	.37	.37	.37	.37	.37
9. Brisket, whole	.53	.53	.53	.45	.44
10. Foreshank, whole	.42	.42	.42	.42	.42

[The following ceiling prices per pound apply in all Groups 1 and 2 stores selling the grades of beef cuts listed below at retail in Zones 19 and 24]

3. Section 40 is further amended by deleting item 14, "lean prediced stew meat", under the heading "III. Stews and other cuts" from paragraphs (a) (1); (a) (2); (a) (3); (a) (4); (a) (5); (a) (6); (b) (1); (b) (2); (b) (3); (b) (4); (b) (5); (b) (6); (c) (1); (c) (2); (c) (3); (c) (4); (c) (5), and (c) (6).

4. Section 40 (a) (2) is amended by changing the heading of the ceiling price list to read as follows:

(2) *Zones 2, 3, and 22.*

[*The following ceiling prices per pound apply in all Groups 1 and 2 stores selling the grades of beef cuts listed below at retail in Zones 2, 3, and 22.*]

5. Section 40 (b) (1) is amended by changing the heading of the ceiling price list to read as follows:

(1) *Zones 1, 17, 19, 20, 23, 24, and 25.*

[*The following ceiling prices per pound apply in all Groups 3 and 4 stores selling the grades of beef cuts listed below at retail in Zones 1, 17, 19, 20, 23, 24, and 25.*]

6. Section 40 (b) (2) is amended by changing the heading of the ceiling price list to read as follows:

(2) *Zones 2, 3, and 22.*

[*The following ceiling prices per pound apply in all Groups 3 and 4 stores selling the grades of beef cuts listed below at retail in Zones 2, 3, and 22.*]

7. Section 40 (c) (1) is amended by changing the heading of the ceiling price list to read as follows:

(1) *Zones 1, 17, 19, 20, 23, 24, and 25.*

[*The following ceiling prices per pound apply in all Groups 3B and 4B stores selling the grades of beef cuts listed below at retail in Zones 1, 17, 19, 20, 23, 24, and 25.*]

8. Section 40 (c) (2) is amended by changing the heading of the ceiling price list to read as follows:

(2) *Zones 2, 3, and 22.*

[*The following ceiling prices per pound apply in all Groups 3B and 4B stores selling the grades of beef cuts listed below at retail in Zones 2, 3, and 22.*]

9. Section 42 is amended by changing the heading of the ceiling price list in section 42 (a) to read as follows:

(a) *Zones 1, 17, 19, 20, 23, 24, and 25.*

[*The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below on specially authorized sales to eating places or other retailers in Zones 1, 17, 19, 20, 23, 24, and 25.*]

10. Section 42 is further amended by changing the heading of the ceiling price list in section 42 (b) to read as follows:

(b) *Zones 2, 3, and 22.*

[*The following ceiling prices per pound apply in all stores selling the grades of beef cuts listed below on specially authorized sales to eating places or other retailers in Zones 2, 3, and 22.*]

11. Section 42 is further amended by deleting item 14, "Lean prediced stew beef", in Heading "III. Stews and other cuts" in paragraphs (a); (b); (c); (d); (e); and (f).

12. Appendix 5 (b) (8) is amended to read as follows:

(8) *Heel of round (boneless).* The heel of round may be separated from the hind shank; however, it shall not include the front muscle of the shin bone and it must be entirely boneless. (See bone structure chart, Appendix 6.) This cut may be sold prediced.

13. Appendix 5 (j) (8) is amended to read as follows:

(8) *Neck (boneless).* The boneless neck is the meat remaining after all the bone, cartilage, fat, tendon, gristle, and throat trimmings have been removed from the neck. (See paragraph (j) (7).) This cut may be sold prediced.

14. Appendix 5 is further amended by deleting paragraph (m).

15. Appendix 8 (s) is amended to read as follows:

(s) *Tongues, short cut, cured and/or smoked,* means tongues as defined in Appendix 8 (n), which have been cured in accordance with good commercial practice and whose cured weights do not exceed the green weight by more than 15 percent. The weight of the smoked tongue may not exceed the green weight of the tongue. The hinge (hyoid) bones shall be cut off at the point where they protrude from the skin surface of the tongue.

16. Appendix 8 (t) is amended to read as follows:

(t) *Dried beef.* Dried beef means cured insides, outsides, or knuckles of the beef ham, which have been sliced and have had the moisture content reduced so that the resulting weight is not in excess of 65 percent of the green weight. Dried beef may be sold in bulk form or in one-quarter pound cellophane or similar packages.

17. The first paragraph of Appendix 9 is amended to read as follows:

Appendix 9—Specialty Product, Prefabricated, Quick Frozen and Packaged.

When used in this regulation, the term specialty product, prefabricated, quick frozen, and packaged means and is limited to any of the following products. The product must be thoroughly frozen at quick freezing temperatures and packaged in a sealed moisture proof container of distinctive appearance bearing the name of the product, i. e., both the trade name, if any, and the name of the product as designated in this regulation, the net weight of the meat, the name and the address of the processor, and a space wherein the selling price per pound and the selling price per package is clearly marked. This definition is limited to the following:

18. Appendix 9 (a), Wafer Steaks, is amended to read as follows:

(a) *Wafer steak* means a beef product made from any grade of boneless beef derived from the skeletal portion of the beef carcass, from which all sinews and excess fat have been removed so that it does not contain more than ten percent of trimmable fat; which has been placed in molds or in casings, without being ground at any stage of the manufacturing process; which has been thoroughly frozen at quick freezing temperatures; and which has been sliced to a degree of thinness so that no slice weighs more than one ounce and no individual steak contains less than two slices. Each wafer steak must be separately wrapped or separated by a parchment or waxed paper.

19. Appendix 9 is further amended by adding two new items, (f) and (g), to read as follows:

(f) *Dinner steak* means a product produced from rounds, loins, and/or ribs of any grade, from which all flank, sinews, cartilage, back strap, and excess fat have been removed so that the trimmable fat left on the steak does not exceed ten percent of the weight of the steak, and which has *not* been ground at any stage of the manufacturing process.

(g) *Flake steak* means a product prepared from unground boneless beef which has been thoroughly frozen at quick freezing temperatures, which has been flaked and molded into individual steaks; which does not have a fat content of more than 15 percent by chemical analysis; and which is packaged in the same manner as wafer steaks.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective December 22, 1952.

NOTE: The record-keeping and reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 16, 1952.

[F. R. Doc. 52-13363; Filed, Dec. 16, 1952; 4:00 p. m.]

[Ceiling Price Regulation 34, Amdt. 1 to Supplementary Regulation 20]

CPR 34—SERVICES

SR 20—POWER LAUNDRIES IN THE CITY OF ST. LOUIS, MISSOURI

DRY CLEANING SERVICES OF POWER LAUNDRIES IN THE CITY OF ST. LOUIS, MISSOURI

Pursuant to the Defense Production Act of 1950 as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2 this Amendment 1 to Supplementary Regulation 20 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to Supplementary Regulation 20 permits an increase in ceiling prices for dry cleaning services supplied by power laundries situated in the City of St. Louis, Missouri. Supplementary Regulation 20 effective June 23, 1952 permitted power laundries in the City of St. Louis to increase their ceiling charges for power laundry services by 7 percent. Excluded from the application of such increase were the diaper supply, linen supply and dry cleaning services of such power laundries. This Amendment 1 removes the limitation of the application of Supplementary Regulation 20 only as to dry cleaning services supplied by power laundries. The ceiling prices of diaper supply and linen supply services of such power laundries are not affected by this amendment. Such services shall continue to be priced under the pricing provisions of Ceiling Price Regulation 34.

When the power laundries in this area submitted their financial data which was the basis for the limited relief granted by Supplementary Regulation 20, such financial data covered their total operations. Their request for ceiling price increases covered both laundry and dry cleaning services. At the time of the issuance of Supplementary Regulation 20 it was determined that hardship resulting from dry cleaning price ceilings could be relieved by individual adjustment under section 20 (a) of Ceiling Price Regulation 34, as amended. Upon reexamination of this decision at the request of the power laundries it was decided that a uniform increase would relieve the hardship still existing and substantially reduce the administrative burden to OPS which is occasioned in the processing, and issuing of individual adjustment orders.

The same considerations that governed the action taken in Supplementary Regulation 20 exist in connection with the granting of relief by way of this amendment.

This amendment only affects the coverage of Supplementary Regulation 20 and does not make any changes in the amount of permitted increase or the methods by which the increase granted by this amendment is to be effected. The pricing technique of Supplementary Regulation 20 remains the same. However, a definition of "dry cleaning services" has been added.

The uniform increase granted by this amendment has been determined in accordance with the standards for individual adjustments under Section 20 of CPR 34 and is the minimum necessary to maintain the financial stability of these laundries and to assure a continued supply of dry cleaning services.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 20 to Ceiling Price Regulation 34 is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *Purpose.* This supplementary regulation permits power laundries whose plants are located in the City of St. Louis, Missouri, to increase their ceiling prices for power laundry services and dry cleaning services by 7 percent. This Supplementary Regulation does not apply to diaper supply and linen supply services of power laundries.

2. The first paragraph of section 3 is amended to read as follows:

SEC. 3. *Adjustment of ceiling prices.* If you are a power laundry, you may increase by 7 percent your ceiling prices for dry cleaning and power laundry services, except for diaper supply and linen supply services, rendered from plants located in the City of St. Louis, Missouri. You may put such increase into effect by either of the following methods:

3. The first sentence of paragraph (b) of section 3 is amended to read as follows:

(b) You may, in lieu of the method provided in paragraph (a) of this section, increase by 7 percent the ceiling prices of each power laundry service article and dry cleaning services article,

except a diaper supply and linen supply services article.

4. Paragraph (a) of section 4 is amended to read as follows:

(a) A seller subject to this supplementary regulation may not, after the effective date of this supplementary regulation, apply for an adjustment of any of his ceiling prices for power laundry services and dry cleaning services, except diaper supply and linen supply services under section 20 of Ceiling Price Regulation 34, as amended.

5. Paragraph (b) of section 4 is amended to read as follows:

(b) The adjustment of ceiling prices granted by section 3 of this supplementary regulation shall be the maximum adjustment permitted any such supplier of power laundry services and dry cleaning services, in lieu of, and irrespective of, any adjustment heretofore granted any such supplier under the provisions of Ceiling Price Regulation 34, as amended. Any order adjusting the ceiling prices of any such supplier's power laundry services and dry cleaning services, except diaper supply and linen supply services, under section 20 of Ceiling Price Regulation 34, as amended, is hereby revoked as of the effective date of this supplementary regulation.

6. A new paragraph (b) is added to section 5 to read as follows:

(b) "Dry Cleaning Services" as used in this Amendment 1 to Supplementary Regulation 20 to Ceiling Price Regulation 34, means services rendered in the cleaning of garments and other items primarily with fluids other than water, and shall include pressing the garment or item.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 20 to Ceiling Price Regulation 34 is effective December 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 15, 1952.

[F. R. Doc. 52-13336; Filed, Dec. 15, 1952; 4:50 p. m.]

[Ceiling Price Regulation 63, Amdt. 1]

CPR 63—LUBRICATING OILS, GREASES, WAXES AND CERTAIN OTHER PETROLEUM PRODUCTS

TERRITORIES AND POSSESSIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 63 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment excepts from the coverage of Ceiling Price Regulation 63 sales of lubricating oils, greases, waxes and certain other petroleum products which have been imported into the territories and possessions of the United States. This action places the sales of these petroleum products in the territories and possessions under the provisions of Ceiling Price Regulation 9.

Ceiling Price Regulation 9 was first effective March 7, 1951. It is tailored to the needs and problems of the stabilization program in the sale in the territories and possessions of commodities imported into them. It covered the petroleum products dealt with here until Ceiling Price Regulation 63 became effective on August 13, 1951. Experience with the operation of Ceiling Price Regulation 63 on sales in the territories and possessions since then has shown that the considerations stated as the basis for the issuance of Ceiling Price Regulation 9 are fully present with respect to the products covered by Ceiling Price Regulation 63, and that the fair and effective administration of price control over them in the territories and possessions will be aided by removing them from Ceiling Price Regulation 63 and restoring them to Ceiling Price Regulation 9.

The Director of Price Stabilization has consulted with trade association representatives and members of the industry affected by this amendment and consideration has been given to the information and suggestions received from them.

AMENDATORY PROVISIONS

Section 4 of Ceiling Price Regulation 63 is amended to read as follows:

SEC. 4. *Sales of products imported into the territories and possessions.* This regulation does not cover sales of products imported into the territories and possessions of the United States, whether made by resellers or by refiners, blenders and compounders performing the function of reseller.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective December 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 15, 1952.

[F. R. Doc. 52-13334; Filed, Dec. 15, 1952; 4:50 p. m.]

[Ceiling Price Regulation 66, Amdt. 1]

CPR 66—ASPHALT AND ASPHALT PRODUCTS

TERRITORIES AND POSSESSIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 66 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment excepts from the coverage of Ceiling Price Regulation 66 sales of asphalt and asphalt products which have been imported into the territories and possessions of the United States. This action places the sales of these petroleum products in the territories and possessions under the provisions of Ceiling Price Regulation 9.

Ceiling Price Regulation 9 was first effective March 7, 1951. It is tailored to the needs and problems of the stabilization program in the sale in the territories and possessions of commodities imported into them. It covered the petroleum products dealt with here until Ceiling Price Regulation 66 became effective on July 30, 1951. Experience with the operation of Ceiling Price Regulation 66 on sales in the territories and possessions since then has shown that the considerations stated as the basis for the issuance of Ceiling Price Regulation 9 are fully present with respect to the products covered by Ceiling Price Regulation 66, and that the fair and effective administration of price control over them in the territories and possessions will be aided by removing them from Ceiling Price Regulation 66 and restoring them to Ceiling Price Regulation 9.

The Director of Price Stabilization has consulted with trade association representatives and members of the industry affected by this amendment and consideration has been given to the information and suggestions received from them.

AMENDATORY PROVISIONS

Section 2 of Ceiling Price Regulation 66 is amended to read as follows:

SEC. 2. *Sales of products imported into the territories and possessions.* This regulation does not cover sales of products imported into the territories and possessions of the United States, whether made by resellers or by refiners, blenders and compounders performing the function of reseller.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective December 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 15, 1952.

[F. R. Doc. 52-13333; Filed, Dec. 15, 1952; 4:50 p. m.]

[Ceiling Price Regulation 73, Amdt. 3]

CPR 73—FOOD PRODUCTS SOLD IN THE VIRGIN ISLANDS

CEILING PRICES FOR FROZEN BEEF, PORK, AND MUTTON AT RETAIL

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 73 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 73 establishes specific dollar and cent ceiling prices for the sale at wholesale and at retail of locally produced, uninspected beef, beef by-products, veal, sheep mutton, goat mutton, and pork, in the Virgin Islands. Prices on certain cuts of frozen beef and all cuts of frozen pork were omitted from the regulation as originally issued because those particular cuts of beef and all cuts of pork derived from locally produced, uninspected meat were sold as "fresh" cuts. All frozen pork sold in the Virgin Islands originates in the continental United States. Retail meat dealers now desire to sell these cuts of meat frozen.

In amending CPR 73 to provide ceiling prices for specific cuts of frozen beef and frozen pork, it was necessary to make certain adjustments in the ceiling prices of frozen mutton which were established in section 3.2 of the regulation and to revise the posting requirements for retail sellers.

Dollar and cent ceiling prices are established for locally produced, uninspected, frozen beef roasts, clear or plain meat and fillet, and the ceiling prices for these cuts are added to the table in section 3.1 (b). Section 3.3 has been amended to include dollar and cent ceiling prices for frozen pork cuts which hitherto have been sold only as fresh meat.

When CPR 73 was written, the ceiling price on all cuts of frozen goat and sheep mutton sold at retail in the Municipality of St. Thomas and St. John was established at the same level—47 cents. As a result, inequities have existed between the price relationship of frozen and unfrozen cuts of mutton. This amendment revises section 3.2, Article 3 of the regulation, by establishing ceiling prices for each cut of frozen mutton. This permits specific differentials between the better and inferior cuts of meat and eliminates the discrepancies between the ceiling prices of fresh and frozen cuts. The change in pricing method results in an increase of three cents in the ceiling price of leg cuts and chops but a decrease of from two to four cents in the ceiling prices of inferior cuts.

Retail ceiling prices for sales in the Municipality of St. Croix continue to reflect the traditional practice of selling all cuts and classes of sheep mutton at one price which is higher than the single price established for all cuts and classes of goat mutton in accordance with the established practice of the Island.

The ceiling prices established for cuts of frozen beef, frozen pork, and frozen goat and sheep mutton reflect the actual cost of freezing, as determined by a study conducted by the Territorial Office. They do not permit any additional retail markups over and above those allowed in CPR 73 for unfrozen cuts. The cost of freezing includes (1) cost of freezing carcass, (2) cutting, (3) shrinkage, and (4) trimming. The allowance for cutting up the carcass does not represent a duplication of costs of cutting fresh carcasses since fresh carcasses are purchased and cut up without charge by the retail butchers.

Several changes in posting requirements have been made in accordance with the OPS policy of broadening consumer participation in the program of price stabilization and simplifying procedures incumbent upon the retailers. This amendment makes mandatory the use of official OPS Ceiling Price Posters upon which are listed the various retail cuts of meat together with the prevailing ceiling prices. To accomplish this, a new section has been incorporated into Article 3 of CPR 73; section 1.4 (b) no longer applies to meat cuts under Article 3. The prices on the posters are those established for retail sellers by section 3.1 (b), section 3.2 (b) (1) and (2), and section 3.3 (b) (1) and (2) of CPR 73, as amended.

In the opinion of the Director, these posters will (1) greatly simplify the responsibilities of the retailers in complying with the posting requirements of the regulation, and (2) permit fuller participation in the stabilization program by the consumers by providing a uniform method of displaying ceiling prices in retail stores.

Prices of retail cuts of beef and veal, pork and mutton which originate in the continental United States remain under Ceiling Price Regulation 9, Revision 1, and are in no way affected by this amendment.

In the formulation of the pricing provisions of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. Because of the nature of the changes made in the posting requirements, and the fact no new burdens are imposed on the sellers affected, formal consultation with the industry has been impracticable.

In the judgment of the Director, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 73 is amended in the following respects:

1. Section 3.1 (b) is amended to read as follows:

(b) *Ceiling prices.* Ceiling prices for the sale at retail and at wholesale of beef, veal, and beef by-products, not inspected by U. S. Government Inspectors, and produced in the Virgin Islands of the United States are established as follows:

Description		Sales in the municipality of St. Croix		Sales in the municipality of St. Thomas and St. John	
		Unfrozen	Frozen	Unfrozen	Frozen
Steaks:					
Tbone	pound	$0.50	$0.65	$0.50	$0.65
Sirloin	do	.45	.53	.45	.53
Round	do	.45	.55	.45	.55
Shoulder	do	.40	.50	.40	.50
Porterhouse	do		.53		.53
Roast (except standing ribs)	do	.42	.50	.45	.53
Roast rump	do		.48		.48
Standing ribs	do	.38	.45	.40	.48
Clear meat or plain meat	do	.48	.55	.48	.55
Ground meat	do	.45	.50	.45	.50
Brisket	do	.32	.45	.30	.45
Fillet	do	.75	.80	.75	.80
Soup bones	do	.12		.12	
By-products:					
Liver	do	.45	.50	.45	.50
Heart	do	.40		.40	
Tongue	do	.45	.45	.45	.45
Kidneys	do	.35	.45	.35	.45
Tails	do	.30		.30	
Brains	each	1.15		1.15	
Feet	do	.30		.30	
Tripe	heap	.05		.05	

[1] 2 sections.

2. Section 3.2 (b) (1) and (2) is amended to read as follows:

(1) Sales in the municipality of St. Croix:

Description	Ceiling price	
	Unfrozen	Frozen
Sheep mutton, all cuts and classes, pound	$0.45	$0.50
Goat mutton, all cuts and classes, pound	.38	.43

(2) Sales in the municipality of St. Thomas and St. John:

Description	Ceiling price	
	Unfrozen	Frozen
Sheep mutton and goat mutton:		
Leg cuts, pound	$0.45	$0.50
Loin (roast), do	.40	.45
Chops, do	.45	.50
Shoulder cuts, do	.40	.45
Brisket, do	.38	.43
Liver, heart and lungs, do	.35	

(3) Section 3.3 (b) (1) and (2) is amended to read as follows:

(1) Sales in the municipality of St. Croix:

Description	Ceiling price	
	Unfrozen	Frozen
Head and feet, pound	$0.20	$0.25
All other cuts and classes of pork, including edible by-products, pound	.45	.50

(2) Sales in the municipality of St. Thomas and St. John:

Description	Ceiling price	
	Unfrozen	Frozen
Cuts:		
Leg, pound	$0.45	$0.50
Chops, do	.45	.50
Loin, do	.45	.50
Shoulder, do	.40	.45
Brisket, do	.35	.40
Belly, do	.35	.40
Head and jowls, do	.30	.35
Feet, do	.30	.35

4. Article 3 is amended by adding the following new section 3.4:

SEC. 3.4 *Posting.* Every person offering to sell at retail the commodities

for which ceiling prices are established in sections 3.1, 3.2, and 3.3, shall plainly mark the selling price and name of the commodity on either the commodity itself, or on the tray or shelf on which it is displayed. In addition, you must, not later than seven days after you receive an official OPS poster, post such official poster in a prominent place in your establishment near the meat counter where it can easily be seen and read by your customers. In the event you do not receive an official poster, you must, not later than January 2, 1953, obtain an official poster from your OPS Territorial Office, and post your ceiling prices in accordance with this section. If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from the OPS Territorial Office. Erasures or changes in ceiling prices listed on your poster are prohibited unless authorized by the OPS. The provisions of section 1.4 (b) do not apply to sales of commodities covered by Article 3.

(Sec 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 3 to Ceiling Price Regulation 73 is effective December 22, 1952.

NOTE: The posting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 16, 1952.

[F. R. Doc. 52-13360; Filed, Dec. 16, 1952; 11:35 a. m.]

[Ceiling Price Regulation 119, Amdt. 3]

CPR 119 — MECHANICAL PRECISION SPRINGS, METAL STAMPINGS AND SCREW MACHINE PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 119 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 119 established manufacturers' ceiling prices for mechanical precision springs, metal stampings, and screw machine products when produced from materials owned by the manufacturer. This amendment adds to the coverage of the regulation those manufacturing services supplied in connection with the production of mechanical precision springs, metal stampings, and screw machine products from materials owned, in whole or in part, by the customer when such services are performed by a person who is a manufacturer as defined in section 17 (d) of this regulation. If, however, a person merely supplies manufacturing services but is not a manufacturer within the meaning of this regulation he will continue to price such services under the General Ceiling Price Regulation. This amendment also exempts from the coverage of CPR 119 any manufacturer whose gross sales of commodities and manufacturing services do not exceed $25,000 during certain specified periods. It also makes several changes which clarify, define and limit the coverage of this regulation.

Under the regulation, as now amended, manufacturers who produce commodities from either their own or both their own and their customers' materials may determine their ceiling prices under the same regulation. However, if a manufacturer elects to use the regulation he must elect to do so for both his manufactured commodities and manufacturing services. Previously, those who produced commodities from customers' materials have determined their ceiling prices for such manufacturing services under the General Ceiling Price Regulation. Frequently, it is not known at the time of making estimates on a job whether the manufacturer or the customer will furnish the materials, and it is particularly desirable that these manufacturers determine prices for both types of orders under the same regulation.

Since this amendment adds manufacturing services to the coverage of the regulation the amendment also provides that a manufacturer who elected to be covered by the regulation prior to the effective date of this amendment may reexamine his election in the light of this added coverage. Since this amendment provides that a manufacturer in making his election to be covered by the regulation must elect to do so for both his manufactured commodities and manufacturing services, it is manifestly just that a manufacturer may review his election with this added coverage in view.

This amendment also provides that the small order exemption does not apply to the sale of manufacturing services. This exemption was established on the basis of normal orders including materials cost, and no determination has been made of any appropriate small order exemption where materials cost is excluded from the value of the order.

This amendment also exempts small manufacturers of mechanical precision springs, metal stampings, and screw machine products from the coverage of CPR 119. Any manufacturer whose gross sales of commodities manufactured and manufacturing services supplied by him did not exceed $25,000 in his last complete fiscal year prior to July 1, 1952, for all manufacturing and manufacturing service units under his ownership and control is exempted. The exemption is also extended to any new manufacturer who has not completed a fiscal year but who expects his gross sales during his first complete fiscal year not to exceed $25,000 for all manufacturing and manufacturing service units under his ownership and control. In any event, the exemption ceases if sales reach $25,000 during the seller's first complete fiscal year ending after July 1, 1952. The reasons for this action are essentially the same as those contained in the statement of considerations to Amendment 33 to the General Ceiling Price Regulation. This amendment, of itself, would only exempt affected manufacturers from the coverage of CPR 119. However, Amendment 33 to the GCPR similarly exempts manufacturers covered by the GCPR. Therefore, this amendment in conjunction with Amendment 33 to the GCPR exempts these manufacturers from all price control at this time.

Further, in order to avoid possible misunderstanding as to the type of manufacturer covered by this regulation, the definition of "manufacturer" is amended. Section 1 of the regulation limits the coverage of this regulation to the sale of mechanical precision springs, metal stampings, and screw machine products which are made in accordance with the purchaser's specifications. The amended definition of manufacturer makes it clear that the regulation only covers sales by the actual producer of the specified commodities.

Furthermore, since some confusion has arisen from the definition of "screw machine product" this amendment also clarifies the definition of "screw machine product."

It has come to the attention of the Office of Price Stabilization that certain "end-use" consumer items have been construed to be covered by this regulation. In order to clarify the coverage in this respect, an appendix listing specific exclusions is added by this amendment.

In the judgment of the Director of Price Stabilization, the provisions of this ceiling price regulation are generally fair and equitable to buyers and sellers alike, and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant facts of general applicability. In the judgment of the Director, the provisions of this amendment comply with all the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable under existing conditions, and has given full consideration to their recommendations.

The provisions of this amendment and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this amendment may compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and to effectuate the policies of the act.

AMENDATORY PROVISIONS

CPR 119 is amended in the following respects:

1. Section 1 (a) is amended to read as follows:

SECTION 1. *Sales and sellers covered by this regulation.* (a) *Applicability.* This regulation applies to you if you are a manufacturer located in the United States, the District of Columbia, Alaska, Hawaii, or Puerto Rico. It applies to your sales of mechanical precision springs, metal stampings, and screw machine products which you manufacture from your own materials in accordance with a purchaser's specifications. It also applies to the manufacturing services which you supply in connection with the production of mechanical precision springs, metal stampings, and screw machine products from materials owned in whole, or in part, by others. This regulation does not apply to you if you merely supply manufacturing services and are not a manufacturer as defined in section 17 (d). Except as provided in paragraph (b) of this section, this regulation supersedes any ceiling price regulation previously issued by the Office of Price Stabilization, insofar as transactions covered by this regulation are concerned. The terms "manufacturer," "manufacturing service," "mechanical precision springs," "metal stampings," and "screw machine products" are defined in section 17 (definitions).

* * * * *

2. Paragraph (b) (3) of section 1 is amended to read as follows:

(3) Notwithstanding any prior election, you may at any time elect to determine your ceiling prices under the provisions of this regulation. You make this election by filing OPS Form 129. If you elect to use this regulation, you must use it for all your commodities and manufacturing services covered by this regulation. In the case of an election made subsequent to December 19, 1952, you must use this regulation for all your commodities and manufacturing services covered by it, at the time of election. However, where you elected prior to December 20, 1952, to come under this regulation for your commodities you must determine your ceiling prices for your manufacturing services under this regulation by February 1, 1953, unless you comply with subparagraph (4) of paragraph (b) of this section.

3. A new paragraph (b) (4) is added to section 1 to read as follows:

(4) If you elected to come under this regulation prior to December 20, 1952, you may revoke this election if you notify the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., by registered mail, return receipt requested, prior to February 1, 1953. Upon such revocation you will determine the ceiling prices of your commodities covered by this regulation pursuant to Ceiling Price Regulation 30, and the ceiling prices for your manufacturing services covered by this regulation pursuant to the General Ceiling Price Regulation.

4. Section 2 is amended to read as follows:

SEC. 2. *Exemptions.* This section provides for both a general and small order exemption. Paragraph (a) provides for the general exemption while paragraph (b) provides for the small order exemption.

(a) *General exemption.* (1) This regulation does not apply to sales or deliveries of commodities manufactured or produced and manufacturing services supplied by a seller whose gross sales of such commodities and services did not exceed $25,000 in his last complete fical year prior to July 1, 1952 for all manufacturing and manufacturing services units under his ownership and control.

(2) This regulation does not apply to sales or deliveries of commodities manufactured or produced and manufacturing services supplied by a seller who did not complete a fiscal year prior to July 1, 1952 whose gross sales of such commodities and services are not expected to exceed $25,000 in his first complete fiscal year for all manufacturing and manufacturing services units under his ownership and control.

(3) In the event that the gross sales for all manufacturing and manufacturing services units under the ownership and control of a seller exempt under the preceding subparagraphs (1) and (2) of this paragraph reach $25,000 during the seller's first fiscal year ending after July 1, 1952, the exemption under this paragraph ceases.

(4) If your sales or deliveries of commodities manufactured or produced and manufacturing services are exempt from the provisions of this regulation, you must nevertheless maintain and keep for inspection by the OPS for the period specified the records you were required by this regulation to have on December 19, 1952.

(b) *Small order exemption.* If you are not exempt under paragraph (a) of this section but your net sales price for any particular sale is less than the amount set forth below, that sale is not subject to the provisions of this regulation, or any other regulation previously issued by the Office of Price Stabilization, if you file the report required by subparagraph (3) of this paragraph. (This exemption does not apply to the sale of your manufacturing services. It applies only to the sale of products you manufacture from materials owned by you.)

Mechanical precision springs	$200.00
Metal stampings	500.00
Screw machine products	400.00

(1) *Limitations.* You may select any three consecutive months during the period February 1, 1950, through January 31, 1951, as a basis for determining the limit of your exemptions under this paragraph (b). If, after the effective date of this regulation, the total amount which you charge during any calendar quarter for exempted sales equals the highest total amount which you charged for such sales in the three consecutive months which you have selected, the exemptions set forth in this section shall not apply to any of your subsequent sales during the calendar quarter involved.

(2) If you are unable to select a three consecutive month period under this section because you were not in business for three months during the period February 1, 1950, through January 31, 1951, the total amount of exempted sales during any calendar quarter may not exceed the total amount of such sales during your first three months in business. At the expiration of your first year in business, you may, for the purposes of the exemptions permitted by this paragraph, choose any other three consecutive months during your first year of operations provided you notify the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., in writing, of your selected period, and your total dollar value of sales exempted by this paragraph for that period.

(3) *Reports.* The exemptions set forth in this paragraph (b) shall not be applicable to you until you file with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., a report by registered mail. This report may be filed on OPS Form 129, which may be obtained from your nearest OPS office. This report shall contain the following information:

(i) The three consecutive months in the period February 1, 1950, through January 31, 1951, in which you had the highest total dollar amount of sales exempted by this paragraph (b). If you were not in business for three consecutive months during that period, your first three months in business.

(ii) Your total dollar value of sales exempted by this paragraph (b) for the three consecutive months which you have selected.

5. Section 3 is amended in the following respects:

a. Paragraph (a) of section 3 is amended to read as follows:

SEC. 3. *Ceiling prices*—(a) *Commodities and manufacturing services for which you have previous production experience.* In the case of a commodity which you have manufactured, or a manufacturing service which you have supplied, one or more times during the period from July 1, 1951, to the effective date of this regulation, you determine your ceiling price in accordance with the provisions of this section on the basis of your previous production experience for that commodity or manufacturing service. The resulting ceiling price is applicable to all of your subsequent sales of the same commodity or manufacturing service to a purchaser of the same class. Your ceiling price for other classes of purchasers is determined by adjusting this ceiling price to reflect the differential which you had in effect in the period January 1, 1950, through June 24, 1950, between the different classes of purchasers as shown by your written records. If you had no differential between different classes of purchasers in effect in that period, as shown by your written records, you must determine your ceiling price under section 4. The terms "class of purchaser" and "purchaser of the same class" are defined in section 17 (Definitions).

b. Paragraph (b) of section 3 is amended to read as follows:

(b) *Commodities and manufacturing services for which you do not have pre-*

vious production experience; trial run.

e. Paragraph (d) (3) of section 3 is

the material or service had you pur-

manufacturing service under any other

and the price determining methods used

vious production experience—trial run. Where you have not previously manufactured a commodity or supplied a manufacturing service during the period from July 1, 1951, to the effective date of this regulation, you determine your ceiling price, in accordance with the provisions of this section, on the basis of your previous production experience for the most comparable commodity or manufacuring service. Upon the second sale of the commodity or manufacturing service being priced you recompute your ceiling price on the basis of your production experience for the first sale. The ceiling price for your second sale is applicable to all of your subsequent sales of the same commodity or manufacturing service to a purchaser of the same class. Your ceiling price for other classes of purchasers is determined by adjusting this ceiling price to reflect the differential which you had in effect in the period from January 1, 1950, through June 24, 1950, between the different classes of purchasers as shown by your written records. If you had no differential between different classes of purchasers in effect in this period, as shown by your written records, you must determine your ceiling price under section 4.

c. Paragraph (c) of section 3 is amended to read as follows:

(c) *Price determining method.* You determine your ceiling price by using the method of determining price by relation to costs which your written records show you had in effect in the period from January 1, 1950, through June 24, 1950, for determining the prices of commodities or manufacturing services of the same or similar type. This means that you must use the overhead rates, rates for general administrative and selling expenses, profit markup, discounts and allowances, and any other bases of computing price by relation to cost that were in use in your plant in the period from January 1, 1950, through June 24, 1950, with respect to the commodity or manufacturing service being priced. If you use machine hour rates to determine your prices, you may recompute your machine hour rates by using labor rates in effect in your plant on March 15, 1951. You must apply this price determining method in accordance with the provisions of paragraphs (d) through (j) of this section using March 15, 1951 costs.

d. Paragraph (d) (2) of section 3 is amended to read as follows:

(2) *Labor rates.* In determining allowable direct labor costs you use the rate in your plant for each classification of labor in effect on March 15, 1951. If you require the use of labor of a classification not employed by you in your plant on March 15, 1951, you use as the rate for that classification of labor the rate in effect on March 15, 1951, in the locality in which the manufacturing or manufacturing service is to be performed. If labor of that classification was not employed in that locality on March 15, 1951, you use the rate in effect on March 15, 1951, in the most comparable locality as accurately as you are able to determine that rate.

e. Paragraph (d) (3) of section 3 is amended to read as follows:

(3) *Overtime and shift premium.* (i) In calculating a ceiling price computed by formula, you use as elements of the formula only straight-time labor rates. After you have calculated a ceiling price in this way, you may add an amount for overtime or shift premium if such will be required to produce the commodity or supply the manufacturing service. If you cannot determine the amount of overtime or shift premium cost for each commodity or manufacturing service, you may allocate your overtime or shift premium over your production by using the same method which you used in the period from January 1, 1950, through June 24, 1950, as shown by your written records.

(ii) The amount to be added for overtime or shift premium is determined by multiplying the estimated number of overtime or shift premium hours which you expect will be required to produce the commodity or supply the manufacturing service by the overtime or shift premium rate in your plant, for each classification of labor that was in effect on March 15, 1951. If you require the use of labor of a classification not employed by you in your plant on March 15, 1951, you use the overtime or shift premium rate for that clasification of labor in effect on March 15, 1951, in the locality in which the manufacturing or manufacturing service is to be performed. If labor of that classification was not employed in that locality on March 15, 1951, you use the overtime and shift premium rate in effect on March 15, 1951, in the most comparable locality, as accurately as you are able to determine that rate.

f. Paragraph (e) of section 3 is amended to read as follows:

(e) *Materials costs.* You determine the allowable cost of any purchased raw materials, processed and fabricated materials, and parts or subassemblies as follows: Multiply your March 15, 1951, cost for each material, part or subassembly, not in excess of the applicable ceiling price, by the estimated quantity of that material, part or subassembly. You base your estimate of the quantity of the material, part or subassembly which is to be used in the production of the commodity or in the supplying of the manufacturing service upon your previous production experience.

g. Paragraph (h) (8) of section 3 is amended to read as follows:

(8) If none of the foregoing is available to you, you must apply to the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., for a determination of your March 15, 1951, costs for use in your calculations. Your report must be sent by registered mail and must refer specifically to this subparagraph. You must name the product line or category in which the commodity or manufacturing service being priced falls and the commodity or service whose cost you wish to determine; you must propose a cost you consider appropriate based on what you would have paid for the material or service had you purchased it on March 15, 1951; and you must set forth in detail your supporting reasons and why this subparagraph is applicable. Although you need not await a reply from the Director of Price Stabilization before using the cost you propose, he may at any time disapprove the cost you propose, stipulate the cost which he will approve, or request additional information.

h. Paragraph (j) of section 3 is amended to read as follows:

(j) *Purchaser's allowance for scrap or waste.* Where your January 1, 1950 through June 24, 1950 price determining method included an allowance to the purchaser for scrap or waste generated during the manufacturing process, or in connection with the performance of a manufacturing service, you will determine the allowance for scrap or waste generated during the manufacturing process in accordance with subparagraph (1) and the allowance for scrap or waste generated in the performance of the manufacturing service in accordance with subparagraph (2).

(1) Where you included an allowance to the purchaser for scrap or waste generated during the manufacturing process, you will determine this allowance as follows:

(i) If, during the period January 1, 1950 through June 24, 1950, you determined the amount of this allowance by the current market price, you multiply the estimated quantity of scrap or waste by its market price in effect on March 15, 1951.

(ii) If, during the period January 1, 1950, through June 24, 1950, you determined the amount of this allowance by a percentage of the current market price, you first multiply the market price in effect on March 15, 1951, for the scrap or waste by the percentage of the market price you were using in the period January 1, 1950, through June 24, 1950, and then multiply the result by the estimated quantity of scrap or waste.

(2) Where you included an allowance to the purchaser for scrap or waste generated in connection with the performance of a manufacturing service, you will determine this allowance as follows:

(i) If, during the period January 1, 1950 through June 24, 1950, you determined the amount of this allowance by the current market price you multiply the estimated quantity of scrap or waste by its current market price.

(ii) If, during the period January 1, 1950 through June 24, 1950, you determined the amount of this allowance by a percentage of the current market price, you first multiply the current market price for the scrap or waste by the percentage of the market price you were using in the period January 1, 1950, through June 24, 1950, and then multiply the result by the estimated quantity of scrap or waste.

6. Section 4 is amended to read as follows:

SEC. 4. *Ceiling prices—commodities and manufacturing services which cannot be priced under section 3.* If you are unable to determine your ceiling price under section 3, your ceiling price is a price approved by the Director of Price Stabilization in line with ceiling prices established by this regulation. You may seek such approval either for specific prices or for a method of determining prices by relation to cost. If you seek approval of specific prices, you must file the report required by paragraph (a) of this section. If you seek approval of a method of determining prices by relation to costs, you must file the report required by paragraph (b) of this section. You must file the required report by registered mail, return receipt requested, with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., before you sell, offer to sell, or deliver a commodity or manufacturing service covered by this section.

After receipt of this report, the Director of Price Stabilization may approve the proposed ceiling price or price determining method, disapprove the proposed ceiling price or price determining method, establish by order a different ceiling price or price determining method, or request further information. If, thirty days after receipt of the required report by the Office of Price Stabilization as shown by your return postal receipt, none of the actions just listed has been taken, you may treat your proposed ceiling price or proposed price determining method as approved.

The ceiling price or price determining method established in the manner just set forth is applicable to all subsequent sales and deliveries. However, if the Director of Price Stabilization determines that this price or price determining method is not in line with the level of ceiling prices established by this regulation, he may disapprove that price or price determining method at any time. This disapproval will not be retroactive as to any deliveries made before the date of such disapproval.

(a) *Report where you are proposing a specific ceiling price.* Where you are proposing a specific ceiling price, your report must contain the following information: (This information may be filed on OPS Public Form No. 90 which may be obtained from your nearest Office of Price Stabilization District Office. If OPS Public Form No. 90 is used, indicate that the filing is being made under section 4 (a) of this regulation.)

(1) The name and address of your company.

(2) A description of the commodity or manufacturing service for which you seek a ceiling price. This description must include the type of commodity or manufacturing service, model and serial number, if any, and any other specifications commonly shown on invitations to bid for similar commodities or services.

(3) The category or categories in which the commodity or manufacturing service falls.

(4) The most comparable category or categories dealt in by you during the period March 15, 1951, to the effective date of this regulation.

(5) A statement of the reasons why you cannot price the commodity or manufacturing service under any other provisions of this regulation.

(6) A statement of your unit costs for the commodity or manufacturing service stating separately direct labor costs, direct materials cost, factory overhead, selling expenses, administrative expenses, any other cost factors, and profit markup. You must use March 15, 1951, costs wherever possible.

(7) A statement of your proposed prices to all classes of purchasers, together with applicable discounts and allowances to all classes of purchasers.

(8) The names, addresses, and types of business of your most closely competitive sellers of the same class; a statement of their ceiling prices for the most comparable commodity or manufacturing service and their differentials to each of their classes of purchasers; and your reasons for selecting them as your most closely competitive sellers.

(9) If you are starting a new business, you must include a statement as to whether you, or the principal owner of your business, are now, or have been during the past twelve months, engaged in any capacity in the same or similar business at any other establishment. If so, you must state the trade name and address of each such establishment.

7. Paragraph (d) of section 4 is amended to read as follows:

(d) *GCPR ceiling prices.* If you have established a ceiling price for a commodity or manufacturing service covered by this section under the General Ceiling Price Regulation, and if the Office of Price Stabilization has received the report (as shown by your return postal receipt) required by paragraphs (a) or (b) of this section, you may continue to use your ceiling price established by the General Ceiling Price Regulation until a ceiling price is established in accordance with the provisions of this section.

8. Section 6 (b) is amended to read as follows:

(b) *Transportation costs.* You may not require any purchaser to pay a larger proportion of transportation costs incurred in the delivery or supply of any commodity, or in the supplying of a manufacturing service, than you last required a purchaser of the same class to pay during the period March 15, 1951 to the effective date of this regulation on deliveries or supplies of the same or similar types of commodities, or manufacturing services.

9. Section 11 is amended to read as follows:

SEC. 11. *Records*—(a) *Base upon which ceiling prices are determined.* Every person who sells any commodity or manufacturing service covered by this regulation shall prepare and preserve for inspection by the Director of Price Stabilization for so long as the Defense Production Act of 1950, as amended, shall remain in effect, and two years thereafter, accurate records of the following:

(1) The prices at which you contracted to sell each commodity or manufacturing service during the period March 15, 1951, to the effective date of this regulation and the price determining methods used during this period.

(2) Price determining methods, overhead rates, selling and administrative rates and profit markups which you had in effect in the period January 1, 1950, through June 24, 1950.

(3) Detailed cost estimate sheets and other data showing your calculation of ceiling prices under this regulation.

(b) *Current records.* Every person who sells any commodity or manufacturing service covered by this regulation shall make and keep for inspection by the Director of Price Stabilization for a period of two years accurate records of each sale or purchase made after the effective date of this regulation. The records must show the date of the sale or purchase, the name and address of the seller and purchaser, and the price charged or paid, itemized by quantity, grade, model or type if the sale includes more than one of these. The records must indicate whether each commodity shipped pursuant to a sale of a manufactured commodity or pursuant to a sale of a manufacturing service is shipped f. o. b. shipping or basing point basis or on a delivered basis, and in the former case the shipping or basing point and transportation charges unless delivery is by common carrier. Records must also show all premiums, discounts and allowances.

10. Section 12 is amended to read as follows:

SEC. 12. *Reports.* On or before April 1, 1952, or upon any subsequent election thereto in accordance with the provisions of section 1, you shall file by registered mail, return receipt requested, with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., within the time set out in section 1, all price determining methods which you had in effect in the period from January 1, 1950, through June 24, 1950, for determining the selling prices of commodities and manufacturing services covered by this regulation. This report shall include the following information for each price determining method: (This report may be filed on OPS Public Form 129, a copy of which may be obtained from your nearest Office of Price Stabilization District Office.)

(a) The types of commodities or manufacturing services to which it applies.

(b) The overhead rates, rates for general administrative and selling expenses, profit markup, discounts and allowances, and any other basis of computing price by relation to cost used in the price determining method.

11. Paragraph (b) (3) of section 15 is amended to read as follows:

(3) Requiring a purchaser to buy any commodity or service as the condition of the sale of a commodity or manufacturing service covered by this regulation.

12. Paragraph (d) of section 17 is amended to read as follows:

(d) *Manufacturer.* This term means any person who produces from materials owned by him and to the specifications

of the purchaser a commodity covered by this regulation.

13. Paragraph (l) of section 17 is amended to read as follows:

(l) *Screw machine product.* This term refers to any component part upon which the manufacturing process is initiated on a hand operated or automatic screw machine. The manufacturer may also perform finishing, or secondary operations such as drilling, grinding, chamfering, heat treating, plating, etc.

14. A new paragraph (p) is added to section 17 to read as follows:

(p) *Manufacturing service.* This term means the production of commodities covered by this regulation to the purchasers' specifications from materials owned, in whole or in part, by the purchaser.

15. An Appendix A is added to read as follows:

APPENDIX A

The following commodities are not covered by this regulation.
Badges and ornaments.
Buttons and eyelets.
Cooking utensils.
Name plates and instruction plates.
Pen and pencil clips other than those to be incorporated in a pen or pencil.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 20, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 16, 1952.

[F. R. Doc. 52-13364; Filed, Dec. 16, 1952; 4:00 p. m.]

[Ceiling Price Regulation 126, Amdt. 1]

CPR 126—CEILING PRICES FOR PACIFIC NORTHWEST DOUGLAS FIR AND PONDEROSA PINE POLES AND PILING

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 126 is hereby issued.

STATEMENT OF CONSIDERATIONS

As issued, Ceiling Price Regulation 126 established ceiling prices for all sales of untreated and treated Pacific Northwest Douglas Fir and Ponderosa Pine poles, piling and related items. This amendment removes from the coverage of CPR 126 sales by resellers who traditionally buy and resell the items covered without substantial alteration in their form; it also makes it clear that CPR 126 no longer covers sales of items treated by a pressure process.

Section 402 (k) of the Defense Production Act of 1950, as amended (the so-called Herlong Amendment), provides in essence that no regulation shall be issued by the Office of Price Stabilization, or allowed to remain in effect, which denies to sellers of materials at retail or wholesale their customary margins over costs of the materials during the period May 24, 1950 to June 24, 1950, or on such other nearest representative date as shown by their records.

At the time CPR 126 was issued, it was believed by OPS that none of the items covered by this regulation is resold without substantial alteration in its form. However, since the issuance of CPR 126, OPS has ascertained that a small percentage of the items covered are customarily resold by wholesalers. Accordingly, in conformance with the provisions of section 402 (k), this action is taken. Ceiling prices for the resellers affected will hereafter be determined under the General Ceiling Price Regulation, SR 29 to the GCPR, or SR 87 to the GCPR.

Since the issuance of CPR 126, Ceiling Price Regulation 170 which superseded CPR 126 with respect to sales of items treated by pressure process, was issued by the Office of Price Stabilization. For this reason, in the interest of clarification, provisions of CPR 126 dealing with items treated by pressure process are herein deleted.

The character of this amendment made it impracticable to consult formally with industry representatives, although, wherever feasible, various representatives of industry were informally consulted and consideration was given to their recommendations.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 126 is amended in the following respects:

1. Section 1 (a) is amended to read as follows:

(a) This regulation establishes dollars-and-cents ceiling prices for producer's sales of untreated Douglas Fir and Ponderosa Pine poles, piling, anchor logs, reinforcing stubs, and short round material produced in California, and in the portions of Oregon and Washington in and west of the Cascade Mountains. It also establishes ceiling prices for the sales of those items after they have been preservatively treated by a non-pressure process.

2. Section 11 (a) (1) is amended to read as follows:

(1) You shall determine your ceiling prices for preservatively non-pressure treated Douglas Fir and Ponderosa Pine poles, piling, anchor logs, reinforcing stubs, and short round material by taking your General Ceiling Price Regulation ceiling price for the treated item you are pricing and adjusting it to reflect the dollar and cent difference between the highest price at which you contracted to purchase the item in its untreated form during the period from January 25 through February 24, 1951, and the ceiling price established by this regulation for the identical untreated item.

3. Section 21 (a) (12) is amended to read as follows:

(12) *You.* The pronoun "you" indicates any person who produces, or treats by non-pressure preservative process, an item subject to this regulation. The terms "your" and "yours" shall be construed accordingly.

4. A new subparagraph, numbered (13), is added to section 21 (a) to read as follows:

(13) *Producer.* This term includes the original producer of an untreated item covered by this regulation as well as concentration and pole yards. A concentration or pole yard is an establishment which procures untreated poles, piling, anchor logs, reinforcing stubs, and short round material from original producers or other concentration yards, and prepares these items for commercial shipment by grading, sorting, peeling, trimming, cutting out defects, cutting to length, pointing, and scarfing.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 126 is effective December 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 15, 1952.

[F. R. Doc. 52-13335; Filed, Dec. 15, 1952; 4:50 p. m.]

[General Ceiling Price Regulation, Amdt. 8 to Supplementary Regulation 2, Revision 1]

GCPR, SR 2—RETAIL COAL DEALERS

ADJUSTED CEILING PRICES IN PORTLAND, MAINE, AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 8 to Supplementary Regulation 2, Revision 1, to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to SR 2, Revision 1, to the General Ceiling Price Regulation permits the retail solid fuels dealers in the Portland, Maine, area as defined in the amendment, to increase their ceiling prices on anthracite, anthracite briquets and coke by $1.25 per net ton.

Available information indicates that the Portland dealers held down their coal prices in the pre-Korean period and the period immediately preceding the issuance of the GCPR, and that they were frozen with low prices in the base period. A comparison of ceiling prices on these products sold in the Portland area shows them to be considerably lower than in other comparable New England cities. There is a small number of dealers in the area, and the outlying districts are dependent on the Portland dealers for their supplies.

These dealers sell other products in addition to anthracite, anthracite briquets and coke. The volume of these latter products constitutes an important segment of their entire business, but has not returned full operating costs, although sales have been made at ceiling prices.

This adjustment is made following a study of earnings and other data submitted by a sample of the dealers covering their entire business. It reveals that the dealers in the Portland area have been operating at a loss on that part of their business relating to sales of anthracite, anthracite briquets and coke, principally because of the low gross margin at which they were frozen, added to increased labor and material costs. This amendment gives these dealers a price increase on those products which should permit them to break even on this phase of their business. Where the retail dealer situated in the "Portland area" delivers anthracite, anthracite briquets, and coke to points outside the "Portland area" he may, of course, continue to add the delivery charges which he has customarily added for such deliveries.

In the judgment of the Director of the Office of Price Stabilization, the provisions of this amendment are generally fair and equitable, and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the National Defense effort to achieve the maximum production in the furtherance of the objectives of the Defense Production Act of 1950, as amended.

In formulating this amendment the Director has consulted with industry representatives, including trade association representatives, and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Section 3 of Supplementary Regulation 2, Revision 1 to the General Ceiling Price Regulation, as amended, is further amended by adding a new paragraph (i) as follows:

(i) Each retail coal dealer located in the "Portland Area" which consists of the cities and towns of Portland, South Portland, Cape Elizabeth Falmouth, Scarborough and Westbrook, all in the state of Maine, may add $1.25 per net ton to the ceiling prices previously established under this supplementary regulation for each size and grade of anthracite, anthracite briquets and coke sold by such dealer.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to SR 2, Revision 1, to the GCPR, shall become effective December 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 15, 1952.

[F. R. Doc. 52-13332; Filed, Dec. 15, 1952; 4:49 p. m.]

[Ceiling Price Regulation 158, Amdt. 1]

CPR 158—CALIFORNIA REDWOOD LUMBER

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 158 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 158 changes the citation of the California Redwood Association standard grading rules for lumber in section 45, in order to include the latest revisions made by the California Redwood Association. It also changes the wording of the note regarding the permitted addition for "Foundation" grade because of changes in the specifications of this grade which appears in the revised grading rules.

In order to conform to customary industry practice, this amendment requires transportation additions on delivered sales to be rounded to the nearest quarter dollar per 1,000 feet board measure or other measure, as applicable. This method of computation is standard in the industry, and the failure of the regulation to permit its continuance has caused inconvenience to lumber producers whose prices and pricing methods are so governed. Since the change hereby effected only requires the addition or deduction of odd cents to arrive at the nearest quarter dollar, this amendment makes no change in the level of ceiling prices already established by the regulation.

The amendment provides a differential for Moulded Sill which will enable producers to determine their ceiling prices for this item in all the various grades and sizes in which it is produced.

The amendment provides ceiling prices and established weights for dry Common Shims, together with required deductions for excess short lengths and lengths shorter than 10 feet. These differentials for dry items and for short lengths are the same as the differentials established elsewhere in the regulation for similar items.

To conform to standard industry practice, this amendment provides a flat set-up charge on orders for pattern items involving 3,000 feet board measure or less. The permitted addition is identical to that allowed in other regulations for the same service.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 158 is amended in the following respects:

1. Section 11 is amended by adding at the end of the first paragraph the following sentence: "The transportation addition must be rounded to the nearest quarter dollar per 1,000 feet board measure or other measure, whichever may be applicable", so that section 11 reads as follows:

SEC. 11. *Delivered sales, general.* This regulation permits you to sell your lumber on a delivered basis, as well as on an f. o. b. basis. On sales on a delivered basis, you may add to the f. o. b. ceiling price an appropriate transportation addition as explained in sections 12, 13, and 14. The transportation addition must be rounded to the nearest quarter dollar per 1,000 feet board measure or other measure, whichever may be applicable.

A sale "ceiling delivered" or "f. o. b. mill with freight paid, allowed, or included, to a given destination" will be considered, for the purpose of this regulation, a sale on a delivered basis.

2. Paragraph (a) of section 45 is amended by adding the words "revised, March 1952 and July 1952," following the words "effective August 1, 1951," so that paragraph (a) of section 45 reads as follows:

(a) *Nomenclature.* All grade terms, size terms, and pattern numbers appearing in this section refer to, and have the meanings given in, either "Standard Specifications for Grades of California Redwood Lumber" published by the California Redwood Association, effective August 1, 1951, revised, March 1952 and July 1952; or "Standard Patterns of Worked Redwood Lumber, Pattern Book 738", published by the California Redwood Association, issued May, 1938 and revised May, 1941; or "Standard Patterns of Worked Redwood Lumber, Pattern Book 948", published and adopted by the California Redwood Association on September 21, 1948.

3. The following language is added to note 4, entitled "Working (when not otherwise provided)", of the notes applicable to Tables 1, 2, and 3 of section 45:

(g) Moulded Sill, add $12.00 per M to rough prices, size and grade specified.

4. The word "Select" is deleted from the third line of note 6, entitled "Additional Grades Not on Tables", of the notes applicable to Tables 1, 2, and 3 of section 45, and the word "Construction" inserted therefor so that the line reads as follows:

Foundation, add $10.00 to Construction Heart.

5. Three lines are added to the Notes applicable to Table 11 of section 45, which read as follows:

For dry, add $15.00 per M.
For lengths shorter than 10', deduct $6.00 per M.
For excess short lengths, deduct $6.00 per M.

6. The table of established weights applicable to Table 11 of section 45 is amended to read as follows:

containers, made principally of tin

the cost of metals covered by that regu-

Effective date. This amendment is

[Established weights in pounds]

	½ inch	⅝ inch	¾ inch
Green Surfaced and Pattern	1,900	2,250	2,700
Green Rough	2,000	2,500	3,000
Dry Surfaced and Pattern	1,250	1,550	1,700
Dry Rough	1,300	1,750	1,900

7. A new note, 9, is added to the General Notes in Section 45, applicable to all basic ceiling prices, which reads as follows:

9. For an order of 3,000 feet board measure or less of a pattern item, you may add a flat set-up charge of $15.00 to the basic ceiling prices.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 158 shall become effective December 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 16, 1952.

[F. R. Doc. 52-13366; Filed, Dec. 16, 1952; 4:01 p. m.]

[Ceiling Price Regulation 128, Amdt. 2]

CPR 128—CEILING PRICES FOR PACIFIC NORTHWEST DOUGLAS FIR, TRUE FIR, AND WEST COAST HEMLOCK LUMBER

ROUNDING OUT DELIVERY CHARGES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 128 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to CPR 128 requires the rounding of transportation additions to the nearest quarter dollar per 1,000 feet board measure or other measure in computing delivered ceiling prices.

This method of computation is standard in the industry, and the failure of the regulation to permit its continuance was inadvertent. The amendment corrects this situation.

Since the change hereby effected only requires the addition or deduction of odd cents to arrive at the nearest quarter dollar, this amendment makes no change in the level of ceiling prices already established by the regulation.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act.

AMENDATORY PROVISIONS

1. Section 11 (a) is amended by the addition of a new sentence at end thereof, so that section 11 (a) reads as follows:

(a) This regulation permits you to sell your lumber on a delivered basis, as well as on an f. o. b. basis. For sales on a delivered basis, you may add to the f. o. b. ceiling (or lower) price an appropriate transportation addition as explained in sections 12, 13, and 14. The transportation addition must be rounded to the nearest quarter dollar per 1,000 feet board measure or other measure, whichever may be applicable.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Ceiling Price Regulation 128 shall become effective December 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 16, 1952.

[F. R. Doc. 52-13365; Filed, Dec. 16, 1952; 4:01 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 128]

GCPR, SR 128—ADJUSTED CEILING PRICES FOR MANUFACTURERS OF METAL CAPS AND HOME CANNING CLOSURES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 128 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes adjusted ceiling prices for manufacturers of metal caps and metal home canning closures. The method provided is to apply a uniform adjustment factor of 7¾ percent to the General Ceiling Price Regulation (GCPR) ceiling prices of the industry.

At an Industry Advisory Committee meeting held on September 4, 1952, the Committee indicated that the level of earnings for this industry had fallen below the minimum prescribed by the "industry earnings standard." This standard provides that the level of ceiling prices for an industry shall normally be considered "fair and equitable" under the Defense Production Act of 1950, as amended, if the industry's dollar profits (computed before Federal income and excess profits taxes), amount to 85 percent of the average return on net worth for the industry's best three years during the period 1946–49, inclusive.

A survey was undertaken by OPS and financial data were obtained from nine of the 29 companies in the industry. The combined sales of these nine companies represent approximately 70 percent of total sales for the industry. Based upon this survey, the Director of Price Stabilization has determined that in order for the dollar profits of the industry to meet the industry earnings standard, and for ceiling prices therefore to be generally fair and equitable, ceiling prices for this industry would have to be established at 7¾ percent above their present level. In conducting this survey, and computing the appropriate adjustment, such operations performed by the manufacturer as lithographing, coloring, painting, coating and packaging the closures were taken into consideration. These so-called "extras" are covered by this regulation.

Also, in determining the 7¾ percent adjustment factor recognition was given, among other costs, to the increased cost of steel and aluminum incurred by the industry since the issuance of SR 100 and SR 113 to the GCPR on August 19, 1952, and increased costs of outbound transportation. For this reason, use of this regulation precludes metal cap and metal home canning closure manufacturers from applying the provisions of General Overriding Regulation 35, which permits manufacturers to pass-through such metals costs increases, and SR 122 to the GCPR, which permits adjustments to reflect increases in cost of outbound transportation. However, manufacturers covered by this supplementary regulation are relieved of the necessity of reporting to their purchasers the amount of the metals cost increase passthrough, as is required by GOR 35. An amendment to GOR 35 will inform purchasers of metal caps and home canning closures of the exact amount which they, in turn, may pass-through.

In the formulation of this supplementary regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Coverage.
3. Adjusted ceiling prices.
4. Use of GOR's 20, 21, and 35, and SR 122 to the GCPR.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 805, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6104; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes adjusted ceiling prices for sales by manufacturers of metal caps and metal home canning closures, as defined in section 2. Such manufacturers are currently subject to the General Ceiling Price Regulation (GCPR). The method provided is to apply to the GCPR ceiling prices of the industry a uniform adjustment ratio.

SEC. 2. *Coverage*—(a) *Persons covered.* This supplementary regulation applies to you if you manufacture the commodities described in paragraph (b) of this section, and establishes your ceiling prices for sales of such commodities. Except to the extent that they are inconsistent with the provisions of this supplementary regulation, all provisions of the GCPR shall continue to be applicable to you.

(b) *Commodities covered.* This supplementary regulation covers metal caps and metal home canning closures as defined below.

(1) Metal caps are screw, lug, vacuum and friction closures for commercial glass containers, made principally of tin plate and aluminum.

(2) Home canning closures include one-piece metal screw caps and two-piece closures consisting of a metal screw-band and a cap with flowed-on rubber seal.

(3) For the purpose of this supplementary regulation, metal caps and metal home canning closures as defined in this section shall include all "extras" supplied by the manufacturer, such as, but not limited to, lithographing, printing, coloring, coating and packaging irrespective of whether the charges for such extras are separately stated or are included in a single charge together with the basic cap or closure.

(4) This supplementary regulation does not apply to crown closures, as defined in SR 123 to the GCPR, to milk bottle closures or to novelty closures.

SEC. 3. *Adjusted ceiling prices*—(a) *How to compute.* Your ceiling price for the sale of any commodity covered by this supplementary regulation is your ceiling price in effect under the GCPR increased by 7¾ percent (i. e., 107¾ percent of your GCPR ceiling price). Note that for the purposes of this section your "GCPR ceiling price" does not include any adjustment permitted by any other regulation or supplementary regulation under the GCPR. For the relation of this regulation to others, see section 4 of this supplementary regulation.

(b) *Rounding ceiling prices.* You may round your ceiling prices per unit determined under this section so that they will be expressed to the nearest cent. If you elect to do so, you must round the ceiling prices for all your commodities covered by this supplementary regulation to reflect decreases as well as increases. For example, if your ceiling price for one carton of closure A is $1.927 you may round that ceiling price to $1.93. However, if your ceiling price for one carton of closure B is $2.233 you must round its ceiling price to $2.23.

(c) *Terms and conditions of sale.* Your ceiling prices under this supplementary regulation must be consistent in all respects with your GCPR ceiling prices; that is, they must carry all customary discounts, allowances, premium and extras, deductions, guarantees and other terms and conditions of sale.

SEC. 4. *Use of GOR's 20, 21, and 35, and SR 122 to GCPR—(a) GOR 20, GOR 21.* Notwithstanding any provision of this supplementary regulation you may elect to apply the provisions of General Overriding Regulation 20 or 21 to establish your ceiling prices. If you do so elect, you may not use the provisions of this supplementary regulation.

(b) *GOR 35; SR 122 to GCPR.* You may not employ any of the provisions of General Overriding Regulation 35 (pass-through for steel, pig-iron, copper and aluminum cost increases) or SR 122 to GCPR (adjustments to reflect increased outbound transportation rates).

Accordingly, you will not have to make any of the reports to your purchasers required by GOR 35 as to the amount of your selling prices or ceiling prices reflecting the pass-through for increases in the cost of metals covered by that regulation.

Effective date. This supplementary regulation shall become effective December 16, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 16, 1952.

[F. R. Doc. 52-13359; Filed, Dec. 16, 1952; 11:35 a. m.]

[General Overriding Regulation 5, Revision 1, Amdt. 11]

GOR 5—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER DURABLE GOODS AND RELATED COMMODITIES

EXEMPTION OF CUSTOM BUILT ELECTRONIC ORGANS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 5, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 5, Revision 1, extends the coverage of Article II to exempt custom built electronic organs from price control.

Custom built pipe organs were exempted from price control by Amendment 3 to General Overriding Regulation 5 on October 24, 1951. The reasons for that exemption were set forth in the Statement of Considerations for that amendment. It has since come to the attention of the Office of Price Stabilization that these reasons equally apply to custom built electronic organs. This action is taken in line with that finding.

In the formulation of this amendment there has been consultation with industry representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISION

Section 6 of General Overriding Regulation 5, Revision 1, is hereby amended to read as follows:

SEC. 6. *Musical instruments.* The following musical instruments: Custom built pipe and electronic organs. A custom built organ is one designed, manufactured, assembled and installed specially upon the order and to meet the specifications of a particular purchaser. Such design, manufacture, assembly, and installation must be made with reference to the architecture and structure of the building in which installation is intended and will generally require structural and acoustical studies and general consideration of all architectural features so that the organs when installed will function satisfactorily in accordance with the purchaser's specifications and as an integral part of the building.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 15, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 15, 1952.

[F. R. Doc. 52-13329; Filed, Dec. 15, 1952; 4:49 p. m.]

[General Overriding Regulation 14, Amdt. 30]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

CENTRAL STATION ELECTRIC PROTECTION SYSTEM SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 14, is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 30 to General Overriding Regulation 14 exempts from ceiling price regulation the service charges made by central station electric protection systems. A central station electric protection system is one in which the operations of electrical protection circuits and devices are signalled automatically to, recorded in, maintained, and supervised from a central station having trained operators and guards in attendance at all times.

Section 3 (a) (67) of General Overriding Regulation 14 exempts "watchman and guard" services from price control and is limited in applicability to the services of guards and watchmen who are physically present on the premises at all times during their tour of duty, or who regularly visit the premises on a tour of neighborhood duty. It was not originally contemplated that the exemption include protection services rendered by means of electrical or mechanical warning devices installed by and leased by companies whose representatives appear on the premises in response to any alarm given by the warning device.

The present action now exempting these protective services is consistent with previous exemptions granted by the Office of Price Stabilization in General Overriding Regulation 14. These include the exemption of rates, fees and charges of detective agencies by section 3 (a) (16); watchman and guard services by section 3 (a) (67) and armored car transportation services rates and charges by section 3 (a) (103).

The types of protection services involved here are very similar to those of the ordinary watchman or guard. The essential difference is that central station systems depend mainly upon electrical signalling devices rather than physical presence on the protected premises. The most common type of system now in use provides for the maintenance of a central station staffed with uniformed guards and other personnel on a twenty-four hour basis for the purpose of investigating and responding to alarms and other danger signals.

Several different types of services are supplied by these sellers, including bur-

glar alarm, fire alarm, night watch, and sprinkler supervision, either by the use of automatic signalling devices or the supervision of regular guards employed by the buyer of the service. In addition, maintenance, installation, inspection, and related services are performed with respect to the electrical devices. As a practical matter, however, the purchaser of central station protection services pays for the potential personal service of guards and watchmen.

Because of the nature of these services, ceiling price regulation is difficult. The expense of establishing and maintaining a central station requires that those sellers negotiate long-term contracts, usually for five year periods. Thus, only about one-fifth of the outstanding contract prices may be adjusted in any given year. Since labor represents approximately 50 percent of total operating costs, fluctuations in this cost, which occur constantly, require that these sellers have some degree of flexibility in order to adjust their operating ratios. Further, rates charged for these services are affected by diverse factors in each case, depending upon the type of service supplied, the value of the property protected, and the degree of coverage. In view of these facts and the previous exemptions granted in the general field of protective services, it is felt that the administrative workload involved does not warrant continued price regulation of this limited segment of the protective services field.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respect:

Paragraph (a) of section 3 is amended by adding at the end thereof the following:

(117) Fees, rates and charges for supplying central station electric protection system services.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 30 to General Overriding Regulation 14 shall become effective December 15, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 15, 1952.

[F. R. Doc. 52-13331; Filed, Dec. 15, 1952; 4:49 p. m.]

[General Overriding Regulation 35, Amdt. 3]

GOR 35—PASS-THROUGH FOR INCREASED COST IN COPPER, STEEL AND ALUMINUM NOT COMPENSATED FOR

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to GOR 35 permits certain manufacturers using copper, steel, or aluminum in the manufacture of their products to adjust their prices to reflect increases in the cost of copper, steel, or aluminum for which they have not been compensated in any other regulation. It also corrects several clerical errors in Appendix A of this regulation.

GOR 35 was intended to permit manufacturers using copper, steel and aluminum products to pass on the increased cost of these metals. Manufacturers of certain commodities, however, were not permitted to pass through any increased cost under this regulation, since they had already received an adjustment reflecting the increased cost of one of these metals under either Supplementary Regulation 100, Revision 1 to the General Ceiling Price Regulation, Supplementary Regulation 113 to the General Ceiling Price Regulation, Amendment 1 to Ceiling Price Regulation 68, or Amendment 1 to Ceiling Price Regulation 110. Some of the products, however, covered by these regulations are composed of more than one metal. Thus, while the manufacturer has received an adjustment to reflect the cost increase in one metal, he has been prevented under this regulation from receiving an adjustment for the increased cost of other metals.

For example, certain copper cable, covered by CPR 110, is composed of copper with a steel covering. Amendment 1 to CPR 110 permitted manufacturers of this product to adjust the ceiling price to reflect the increased cost of copper. After the issuance of this amendment, SR 100, Revision 1, to the GCPR was issued increasing the cost of the steel used in the manufacture of this cable. In issuing GOR 35, it was not intended to permit such a manufacturer to receive a second increase for the copper contained in his product, and thus no adjustment was permitted for this product. The fact that steel was also used in this product was overlooked, and thus this manufacturer has not received an adjustment for the increased cost of steel. This amendment permits a manufacturer using copper, steel or aluminum, in the manufacture of a product to adjust the ceiling price of the product to reflect the increased cost of metal resulting from any of the above named regulations for which he has not been previously compensated.

With respect to manufacturers using copper clad steel products as manufacturing material, this amendment provides for the same adjustment as has been provided for the manufacturers of these products by Amendment to SR 100, Revision 1 to the GCPR.

This amendment also corrects several clerical errors in Appendix A.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Section 5 (b) (1) is amended to read as follows:

Products listed in Appendix A. (1) No adjustment may be taken under this regulation on sales by the manufacturer of any of the products listed in Appendix A except as follows: In the case of products listed in Appendix A which are composed of more than one metal, you may adjust your ceiling price to reflect any metal cost increase resulting from the regulations listed in section 1 for which you have not received an adjustment. However, if you are a manufacturer of any such products, and also use them in the manufacture of processed commodities, you should refer to section 14, which deals specifically with this problem.

2. The first sentence in the third paragraph of section 14 is amended to read as follows:

No adjustment may be taken under this regulation on sales of any of the products listed in Appendix A except as authorized under section 5 (b) (1).

3. Example 4 is added to section 14 to read as follows:

Example 4. You are a manufacturer of steel covered cable, a wire mill product which is listed in Book A of CPR 110. Your ceiling price for this product was increased under Amendment 1 to CPR 110 to reflect your increased cost of copper. Even though your product is listed in Appendix A, you may adjust its ceiling price for the increased cost of the steel covering, since the cost of steel was increased under Revision 1 of SR 100 to the GCPR and you have not received an adjustment reflecting this increased cost.

4. Under section A in Appendix A, delete the footnote reference opposite items 61 to 65 inclusive.

5. Add the following item (66) at the end of section A in Appendix A: (66) Copper clad steel products: 3.84 cents per pound on the net copper content of the product plus 4.7 percent on that part of the unadjusted ceiling price of the product which remains after deducting from it the value of its net copper content figured at a price of 24.5 cents per pound.

6. Under section I in Appendix A, items 2 and 3 are corrected to read as follows:

(2) Bare and magnet copper and copper alloy wire and cable	[1] $1.22
(3) Copper weatherproof wire and cable:	
(i) When sold by the foot	[1] 4.2[illegible]
(ii) When sold by the pound	[1] 3.2[illegible]

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 15, 1952.

[F. R. Doc. 52-13330; Filed, Dec. 15, 1952; 4:49 p. m.]

[General Overriding Regulation 35, Amdt. 4]

GOR 35—PASS THROUGH FOR STEEL, PIG IRON, COPPER AND ALUMINUM COST INCREASES

ADDITION OF METAL CAPS AND HOME CANNING CLOSURES TO APPENDIXES C AND D

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to General Overriding Regulation 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds metal caps and home canning closures to Appendixes C and D of GOR 35. The purpose and effect of listing certain commodities in these appendixes are explained in detail in the statement of considerations which accompanied Amendment 1 to GOR 35. The same considerations apply to the issuance of this amendment. This amendment is occasioned by the issuance of Supplementary Regulation 128 (SR 128), to the General Ceiling Price Regulation, which provides for an 8 percent increase in ceiling prices for sale by manufacturers of metal caps and home canning closures, an adjustment which includes the metals cost increases.

Due to the nature of this amendment, special circumstances have made general consultation with industry representatives, including trade association representatives, impracticable. However, consultations with representatives of the metal cap and home canning closure industry were held prior to the issuance of SR 128.

AMENDATORY PROVISIONS

General Overriding Regulation 35 is amended in the following respects:

1. Appendix C is amended by adding thereto in the appropriate columns the words listed below under the columns headed "Commodity" and "Regulation":

Commodity	Regulation
Metal caps and home canning closures.	SR 128 to the GCPR.

2. Appendix D is amended by adding thereto in the appropriate columns the words listed below under the columns headed "Commodity," "Amount of Increase," and "Permissible Adjustment Date:"

Commodity	Amount of increase	Permissible adjustment date
Metal caps and home canning closures.	.00775 (0.775 percent) of net invoice cost after permissible adjustment date.	Dec. 16, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to General Overriding Regulation 35 is effective December 16, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 16, 1952.

[F. R. Doc. 52-13361; Filed, Dec. 16, 1952; 11:35 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-88 as Amended Dec. 16, 1952]

M-88—ALUMINUM DISTRIBUTORS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

NPA Order M-88 as last amended July 23, 1952, is further amended by revising section 6 to provide a completely new basis for the amount of aluminum which a mill distributor may order.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Assignment and use of AM numbers.
4. Assignment and use of the symbol AS.
5. Distributors who operate more than one warehouse or in more than one capacity.
6. How a mill distributor obtains aluminum.
7. How a surplus distributor obtains aluminum.
8. Limitations on acceptance of mill distributors' orders by aluminum producers.
9. Acceptance of orders which are not authorized controlled material orders.
10. Rejection of orders by distributors.
11. Certification.
12. Imported aluminum.
13. Applicability of other regulations and orders.
14. Request for adjustment or exception.
15. Records and reports.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The purpose of this order is to provide the means whereby aluminum distributors who purchase aluminum from domestic aluminum producers may obtain replacements of their stock, and also to provide the means whereby aluminum distributors who deal with surplus stocks of aluminum may acquire material for resale. It specifies a tonnage limitation and item limitation for acceptance of authorized controlled material orders by distributors, and also permits distributors to accept and fill certain orders for aluminum controlled materials although they are not authorized controlled material orders. It authorizes mill distributors to place authorized controlled material orders with producers, and supplements CMP Regulation No. 4. It authorizes surplus distributors to place authorized controlled material orders with consumers of aluminum, an owner, a contractor, or a subcontractor (as defined in Revised CMP Regulation No. 6) to whom certain quantities may have become surplus, and it supplements section 17 (d) of GMP Regulation No. 1 and section 17 (f) of Revised CMP Regulation No. 6.

SEC. 2. *Definitions.* As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Aluminum" means only the following aluminum wrought forms and shapes:

Rolled bar, rod, wire (including drawn wire), structural shapes.
Aluminum cable steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, tubing (including drawn or welded tubing).
Sheet, strip, plate.
Pig or ingot, granular or shot.

(c) "Surplus aluminum" means aluminum in the possession of a consumer (as defined in CMP Regulation No. 1), an owner, a contractor, or a subcontractor (as defined in Revised CMP Regulation No. 6) who has properly received delivery of aluminum but cannot use it for a purpose permitted by section 17 (b) of CMP Regulation No. 1, or section 17 (d) of Revised CMP Regulation No. 6.

(d) "Distributor" means any person who is regularly engaged in the business of stocking any of the forms and shapes of aluminum listed in paragraph (b) of this section at a location regularly maintained by him for such purpose, for general sale or resale, in the form or shape in which received, or after performing such operations as cutting to length, slitting, shearing to size or shape, or sorting and grading. A person who, in connection with any sale from his stock, bends, punches, or performs any fabricating or processing operation designed to prepare aluminum for final use or assembly, is not a distributor with respect to such sale; and a person who, in connection with any purchase of aluminum for resale, does not take physical delivery of the material into his own stock, at a location regularly maintained by him for such purpose, shall not be deemed a distributor with respect to such resale.

(e) "Mill distributor" means a distributor who obtained aluminum from a domestic aluminum producer during the base period.

(f) "Surplus distributor" means a distributor who buys and sells surplus aluminum.

(g) "Producer" means any person producing aluminum in any one or more of the forms or shapes listed in paragraph (b) of this section.

(h) "Base period" means the calendar year 1950.

(i) "AM number" means the allotment symbol AM together with the number which is assigned by NPA to each person who produces, smelts, fabricates, distributes, or sells aluminum.

(j) "AS symbol" means the allotment symbol AS used by persons engaged in the distribution of surplus aluminum in making purchases of aluminum in accordance with this order.

(k) "NPA" means the National Production Authority.

SEC. 3. *Assignment and use of AM numbers.* AM numbers in the 9000 series are assigned to mill distributors by NPA upon application in writing. A mill distributor shall use the AM number assigned to him by NPA, in the manner set forth in section 6 of this order, whenever he purchases or receives delivery of aluminum. No person shall use an AM number unless it has been assigned to him in writing by NPA. Nothing contained in this order shall be deemed to prevent the assignment of an AM number to persons who are assigned the symbol AS in accordance with section 4 of this order.

SEC. 4. *Assignment and use of the symbol AS.* The allotment symbol AS is assigned by NPA to surplus distributors upon application in writing. A surplus distributor shall use the allotment symbol AS in the manner set forth in section 7 of this order, whenever he purchases or receives delivery of surplus aluminum. No person may use the allotment symbol AS unless it has been assigned to him in writing by NPA. Nothing contained in this order shall be deemed to prevent the assignment of the symbol AS to persons who have been assigned an AM number.

SEC. 5. *Distributors who operate more than one warehouse or in more than one capacity.* (a) Any distributor who operates more than one warehouse may, for the purpose of this order, elect to consider all warehouses operated by him as one warehouse, or may treat each such warehouse as a separate distributor. Once an election is made, it may not thereafter be changed without written authorization of NPA.

(b) Any distributor may operate both as a mill distributor and a surplus distributor. In any such case, his operations as a mill distributor shall be governed by the provisions of this order applicable to mill distributors, and his operations as a surplus distributor shall be governed by the provisions of this order applicable to surplus distributors.

SEC. 6. *How a mill distributor obtains aluminum.* (a) A mill distributor may place orders with a domestic producer for delivery in the first calendar quarter of 1953, and in each subsequent calendar quarter, of a quantity of aluminum equal to the greater of the following: (1) His average quarterly receipts of aluminum from that producer during the base period; or (2) his average quarterly deliveries during the last 6 months of 1952 of aluminum received from that producer to fill authorized controlled material orders, orders which he is permitted to accept under the provisions of section 9 of this order, and orders which he has been directed to fill by NPA. The quantity of any particular form or shape of aluminum ordered pursuant to this paragraph shall not exceed the average quantity of that form or shape included in the greater of (1) or (2) above.

(b) Whenever a producer informs a mill distributor that within the limits which NPA has authorized to be set aside for delivery to distributors, and without conflicting with any NPA regulation, order, direction, or directive, the producer will have available for delivery to the mill distributor a quantity of any form or shape of aluminum in excess of the quantity of that form or shape of aluminum which the mill distributor may order in accordance with paragraph (a) of this section, the mill distributor may order and accept delivery of such quantity of aluminum in addition to the quantities he may order pursuant to paragraph (a) of this section.

(c) In order to enable mill distributors to maintain inventories at a level consistent with the total supply of aluminum and the needs of consumers who normally purchase aluminum from mill distributors, NPA may from time to time authorize a mill distributor to acquire specific quantities of a given form or shape of aluminum in addition to the quantity he is permitted to order pursuant to paragraphs (a) and (b) of this section.

(d) All orders which a mill distributor tenders a producer must bear the distributor's AM number and the certification required by section 11 of this order. Such orders are hereby designated authorized controlled material orders for the purpose of all CMP regulations.

SEC. 7. *How a surplus distributor obtains aluminum.* (a) A surplus distributor may place orders for aluminum only with a consumer of such material, or an owner, a contractor, or a subcontractor who has properly received delivery thereof but who cannot use them for a purpose permitted by section 17 (b) of CMP Regulation No. 1 or section 17 (d) of Revised CMP Regulation No. 6, and who desires to dispose of them. Such orders must bear the allotment symbol AS and the certification required by section 11 of this order.

(b) A surplus distributor's order bearing the allotment symbol AS and his certification as required by section 11 of this order is hereby designated an authorized controlled material order for the purpose of section 17 (d) of CMP Regulation No. 1 and section 17 (f) of Revised CMP Regulation No. 6.

SEC. 8. *Limitations on acceptance of mill distributors' orders by aluminum producers.* (a) An aluminum producer need not accept an order bearing the mill distributor's AM number and the certification required by section 11 of this order if the mill distributor placing the order did not purchase aluminum from such producer during the base period.

(b) An aluminum producer need not accept an order bearing the mill distributor's AM number and the certification required by section 11 for any form or shape of aluminum which the mill distributor placing the order did not purchase from the producer during the base period.

(c) If any order of a mill distributor is rejected by a producer, the mill distributor should apply to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-88, specifying the aluminum producer that refused to accept the order. NPA will assist him in locating sources of supply.

(d) NPA may from time to time issue directives to aluminum producers with respect to the acceptance of and shipment to fill a mill distributor's order.

SEC. 9. *Acceptance of orders which are not authorized controlled material orders.* Subject to the limitations provided in section 10 of this order, a mill distributor who has been assigned an AM number, or a surplus distributor who is entitled to use the allotment symbol AS may accept orders from persons who are not required to have an authorized production schedule or allotment, and who are not entitled to place an authorized controlled material order under any other order or regulation of NPA (for example: persons ordering aluminum for personal or household use), for shipment each month of a quantity of aluminum not to exceed, in the aggregate shipped to all such persons, 5 percent of his total sales from stock during the previous month.

SEC. 10. *Rejection of orders by distributors.* (a) Unless specifically directed by NPA, no distributor shall be required to accept any order calling for delivery to any one person at any one destination for any one month, and regardless of gages, alloys, sizes, or shapes, of more than 1,000 pounds of aluminum sheet or plate, more than 300 pounds of aluminum wire, rod, or bar, or more than 300 pounds of aluminum tubing, extrusions, or structural shapes.

(b) A mill distributor may accept an order from another mill distributor, but is not required to do so unless specifically directed to by NPA. No person operating solely as a surplus distributor may place an order with, or accept delivery from, any other distributor.

(c) NPA from time to time may earmark particular aluminum products in the inventory of any aluminum distributor for special treatment by such distributor. Any such earmarking shall be accomplished by the issuance by NPA of published schedules under this order or by directives to specified distributors. Such schedules or directives may provide, among other things, that the aluminum products so earmarked shall be held by the aluminum distributor solely for sale to persons designated by an agency of the United States Government. Such schedules or directives may contain such other provisions particularly applicable to such earmarked stock as NPA may deem appropriate. All provisions of any schedule or directive shall be deemed to be incorporated into and made a part of this order as of the effective date of the schedule, or directive, or amendment thereto, as the case may be. In the event of any inconsistency between a schedule or directive and this order, the provisions of the schedule or directive shall govern. Schedules or directives may be issued or amended at any time and from time to time, and shall remain in full force and effect until individually amended, superseded, or revoked.

SEC. 11. *Certification.* Each order for aluminum bearing the allotment symbol AM placed by a distributor with an aluminum producer and each order for aluminum bearing the allotment symbol AS placed by a distributor with a consumer, an owner, a contractor, or a subcontractor pursuant to this order shall contain a certification in substantially the following form:

Certified under CMP Regulation No. 1 and NPA Order M-88

The certification shall be signed as set forth in NPA Reg. 2, and will constitute a representation to the person with whom the order is placed and to NPA that the purchaser is authorized to use the AM number or allotment symbol AS under the provisions of this order to obtain the material so ordered.

SEC. 12. *Imported aluminum.* Nothing contained in this order restricts or limits the acquisition of imported aluminum by persons who acquire title to such material before its entry into the United States, its territories or possessions, and who do not use the aluminum so acquired.

SEC. 13. *Applicability of other regulations and orders.* Nothing contained in this order shall be construed to relieve any person from the obligation of complying with such limitations as may be contained in any other applicable NPA regulation or order or of any order or regulation of any other competent authority.

SEC. 14. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 15. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Each distributor shall file a report on Form NPAF-122 with the Bureau of the Census not later than the tenth day of each month following the month covered by the report.

(d) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-88.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect December 16, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13349; Filed, Dec. 16, 1952; 10:36 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[4th Rev. Service Order 95]

PART 95—CAR SERVICE

APPOINTMENT OF REFRIGATOR CAR AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of December A. D. 1952.

It appearing, the matter of car service (section 1, paragraphs 10 to 17, inclusive) of the Interstate Commerce Act being under consideration, that car service will be promoted in the interest of the public and commerce of the people by the appointment of an agent with the authority and duties herein described.

It further appearing, that the above conclusion is supported by the Association of American Railroads, Car Service Division, and the American Short Line Railroad Association and they urge that such action be taken.

§ 95.95 *Appointment of refrigerator car agent.* (a) D. W. Benton, Assistant to Chairman, Car Service Division, Association of American Railroads, 59 East Van Buren Street, Chicago 5, Illinois, is hereby designated and appointed refrigerator car agent of the Interstate Commerce Commission. As agent he is required to provide the Commission with current information, through its Director of the Bureau of Service, with respect to the supply of and the need for refrigerator cars in all sections of the United States, and in this connection to utilize the services of an Advisory Committee consisting of the Chairman, Car Service Division, Association of American Railroads, and subject to the Commission's approval of at least one representative of the railroad industry, of railroad-controlled refrigerator car companies, of non-railroad controlled refrigerator car companies and of shipper-owned refrigerator car companies. As agent of the Commission, he is authorized and directed to supervise, coordinate, and direct the distribution of all refrigerator cars, without regard to ownership or assignment, according to the needs of the various loading areas and with due regard to economy in their use and mileage.

(b) *Application.* The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This section shall become effective at 12:01 a. m., December 13, 1952.

(d) *Expiration date.* This section shall expire at 11:59 p. m., April 30, 1953, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this order shall vacate and supersede Third Revised Service Order No. 95 as amended on the effective date hereof and that a copy of this order and direction shall be served upon each State railroad regulatory body, the Association of American Railroads, Car Service Division, and upon The American Short Line Railroad Association as agents of the railroad subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13254; Filed, Dec. 16, 1952; 8:53 a. m.]

Subchapter D—Freight Forwarders

PART 400—CONTRACTS, FORWARDERS—MOTOR COMMON CARRIERS

FILING OF CONTRACTS BETWEEN FREIGHT FORWARDERS AND MOTOR COMMON CARRIERS

Upon consideration of petition of counsel for certain freight forwarders requesting postponement of date evidence of agreements and amendments thereto, remaining in effect in the Commission's files in accordance with § 400.5 of the Commission's order of June 4, 1951, shall be superseded by new contracts complying with the rules and regulations prescribed in said order of June 4, 1951; and good cause appearing therefor:

It is ordered, that the compliance date of § 400.5 *Contracts continued*, in regulations promulgated by the order of June 4, 1951, which requires the filing by freight forwarders of new contracts not later than December 31, 1952, be, and it is hereby, postponed from December 31, 1952, to June 30, 1953.

Notice of this order shall be given to every freight forwarder subject to the act and to the general public by depositing a copy thereof in the office of the Acting Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(56 Stat. 285; 49 U. S. C. 1003)

Dated at Washington, D. C., this 9th day of December A. D. 1952.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13252; Filed, Dec. 16, 1952; 8:53 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–78]

[Docket No. 3666; Notice 9]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

DECEMBER 12, 1952.

The commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code, and Part II of the Interstate Commerce Act.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix hereof.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] GEORGE W. LAIRD.
Acting Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 *Commodity List* (15 F. R. 8265, 8266, 8271, 8272, Dec. 2, 1950) (16 F. R. 11775, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(Change)				
Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine.	Oxy. M	73.217	Yellow	100 pounds.
Cyanide of calcium or cyanide of calcium mixtures, solid.	Pois. B	73.370 (c) and (d)	Poison	200 pounds.
Cyclopropane	F. G	73.302, 73.308	Red Gas	300 pounds.
Lithium hypochlorite compounds, dry, containing more than 39 percent available chlorine.	Oxy. M	73.217	Yellow	100 pounds.
*Sodium sulfide	F. S	73.153, 73.207	Yellow	300 pounds.
(Add)				
*Polymerizable materials	Sec § 73.21 (b) Cor. I			
Sulfuryl chloride		73.241, 73.247	White	1 quart.

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Amend entire § 73.21 (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.21, 1950 Rev.) to read as follows:

§ 73.21 *Prohibited packing.* (a) The offering of packages of dangerous articles in outside packages containing in the same compartment interior packages the mixture of contents of which would be liable to cause a dangerous evolution of heat or gas or produce corrosive materials is prohibited for transportation by common carriers by rail freight, rail express, highway, or water, except as specified in §§ 73.152 (a), 73.242 (a), (b), and 73.301 (a).

(b) The offering for transportation of any package or container of any liquid, solid, or gaseous material which under conditions incident to transportation may polymerize (combine or react with itself) so as to cause dangerous evolution of heat or gas is prohibited. Such materials may be offered for transportation when properly stabilized or inhibited. Refrigeration may be used as a means of stabilization only when approved by the Bureau of Explosives.

2. Amend § 73.31 paragraph (c) (15 F. R. 8278, Dec. 2, 1950) (49 CFR 73.31, 1950 Rev.) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* • • •

(c) For repairs to forge-welded tanks of ICC–105A (§§ 78.271 to 78.274 of this chapter) series, or fusion-welded tanks of ICC–W (§§ 78.280 to 78.289 of this chapter) series, or equipment therefor, requiring welding, the owner of the tank, or party authorized by the owner, must secure approval of such repairs from the Association of American Railroads' committee on tank cars. Fusion welds for repairs must be performed, inspected, and tested in the manner described by currently effective specification for the class of tank concerned, or the specification under which the tank was originally constructed, except that local stress-relieving is permitted when approved by the Association of American Railroads' committee on tank cars. X-raying and stress-relieving are required and must be done in an approved manner. Caulking of welded joints is prohibited. Tanks must be retested, as prescribed in paragraph (g) of this section, before being returned to service. For repairs to forge-welded tanks of ICC–105A series, or fusion-welded tanks of ICC–W classes, involving hot or cold working of the shell to restore contours as near as practicable to original design and construction, the owner of the tank, or party authorized by the owner, must render a detailed report of such repairs to the Secretary, Mechanical Division, Association of American Railroads, 59 East Van Buren Street, Chicago 5, Illinois.

• • • • •

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

3. Amend § 73.56 paragraphs (c) and (d) (15 F. R. 8286, Dec. 2, 1950) (49 CFR 73.56, 1950 Rev.) to read as follows:

§ 73.56 *Ammunition, projectiles, grenades, bombs, mines and torpedoes.* • • •

(c) Explosive projectiles, explosive torpedoes, explosive mines, or explosive bombs, exceeding 90 pounds in weight, and explosive projectiles of not less than 4½ inches in diameter, may be shipped without being boxed only by, for or to the Departments of the Army, Navy, and Air Force of the United States Government when securely blocked and braced in accordance with methods approved by the Bureau of Explosives.

(d) Gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, gas bombs, smoke bombs, incendiary bombs, gas grenades, smoke grenades, and incendiary grenades, containing a bursting charge must be packed and properly secured in strong wooden boxes. Detonating fuzes, bouchons or ignition elements must not be assembled in these articles unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government or unless of a type approved by the Bureau of Explosives. (See §§ 73.100, 73.330, 73.350, and 73.383 for nonexplosive chemical or poisonous ammunition.)

• • • • •

4. Amend § 73.61 paragraph (e) (15 F. R. 8288, Dec. 2, 1950) (49 CFR 73.61, 1950 Rev.) to read as follows:

§ 73.61 *High explosives.* • • •

(e) Bags shall be made of strong paper or equally efficient material so treated or of such nature that it will not absorb the liquid ingredient of the explosive.

• • • • •

5. Amend § 73.62 paragraph (a) (15 F. R. 8288, Dec. 2, 1950) (49 CFR 73.62, 1950 Rev.) to read as follows:

§ 73.62 *High explosives, liquid.* (a) Liquid explosives as defined in § 73.53 (e) must be packed in specification containers as follows:

(1) Spec. 15L (§ 78.176 of this chapter). Wooden boxes which must be plainly marked on top and on one side or end "High Explosives—Dangerous" in letters not less than 7/16 inch in height. The tops of boxes must be marked "This Side Up".

(2) Spec. MC–200 (§ 78.315 of this chapter). Motor vehicle container.

• • • • •

6. Amend § 73.63 paragraphs (d) (2) and (f) (17 F. R. 1559, Feb. 20, 1952) (15 F. R. 8288, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 73.63) to read as follows:

§ 73.63 *High explosive with liquid explosive ingredient.* • • •

(d) • • •

(2) Spec. 14, 15A, or 16A (§§ 73.165, 78.166, or 78.185 of this chapter). Wooden boxes, or spec. 23F or 23H (§§ 78.214 or 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartridges not exceeding 12 inches in diameter or 50 pounds in weight with length not to exceed 36 inches, or bags not exceeding 12½ pounds each. Bags if not completely sealed against leakage by method of closure must be packed with filling holes up. Gross weight of fiberboard boxes not to exceed 65 pounds.

• • • • •

(f) Boxes containing high explosives must be plainly marked on top and on one side or end, except those made in compliance with spec. 23G which must be marked on the side or end, and kegs, drums, or barrels containing high explosives must be marked on both ends, "High Explosives—Dangerous" in letters not less than 7/16 inch in height. The tops of boxes except those made in compliance with spec. 23G, must be marked "This Side Up".

• • • • • •

7. Amend § 73.64 paragraph (b) (15 F. R. 8289, Dec. 2, 1950) (49 CFR 73.64, 1950 Rev.) to read as follows:

§ 73.64 *High explosives with no liquid explosive ingredient.* • • •

(b) Boxes containing high explosives must be plainly marked on top and on one side or end, except those made in compliance with spec. 23G which must be marked on the side or end, and kegs, drums, or barrels containing high explosives must be marked on both ends, "High Explosives—Dangerous" in letters not less than 7/16 inch in height.

• • • • • •

8. Amend § 73.65 paragraph (i) (15 F. R. 8290, Dec. 2, 1950) (49 CFR 73.65, 1950 Rev.) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* • • •

(i) Boxes containing high explosives must be plainly marked on top and on one side or end, except those made in compliance with spec. 23G which must be marked on the side or end, and kegs, drums, or barrels containing high explosives must be marked on both ends, "High Explosives—Dangerous" in letters not less than 7/16 inch in height. The tops of boxes, except those referred to in paragraph (a) (1) to (7) of this section, must be marked "This Side Up".

• • • • • •

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

9. Amend § 73.119, introductory text of paragraph (a), introductory text of paragraph (b) and (b) (1) (15 F. R. 8298, 8299, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for*—(a) *Flammable liquids with flash point 20° F. or below.* Flammable liquids with flash point 20° F. or below and having vapor pressure (Reid [1] test) not over 16 pounds per square inch, absolute, at 100° F., other than those for which special requirements are prescribed in this part, must be prepared for shipment in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows (see paragraphs (c) to (i) of this section for high pressure liquids, paragraphs (j) to (l) of this section for viscous liquids, and paragraph (m) of this section for flammable liquids which are also oxidizing materials or corrosive liquids):

• • • • • •

(b) *Flammable Liquids with flash point above 20° F. to 80° F.* Flammable liquids with flash point above 20° F. to 80° F. and having vapor pressure (Reid [1] test) not over 16 pounds per square inch, aboslute, at 100° F., other than those for which special requirements are prescribed in this part, must be prepared for shipment in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows (see paragraphs (c) to (i) of this section for high pressure liquids and paragraph (m) of this section for flammable liquids which are also oxidizing materials or corrosive liquids):

(1) Containers as specified in paragraph (a) of this section, except that openings greater than 2.3 inches in diameter in barrels and drums are authorized when permitted by the specification, and also the following.

• • • • • •

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

10. Amend § 73.154, introductory text of paragraph (a) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.154, 1950 Rev.) to read as follows:

§ 73.154 *Flammable solids and oxidizing materials not specifically provided for.* (a) Flammable solids and oxidizing materials, as defined in §§ 73.150 and 73.151, other than those for which special packing requirements are prescribed, must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows:

• • • • • •

11. Amend § 73.158 paragraph (a) (4) (17 F. R. 9837, Nov. 1, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.158) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) • • •

(4) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside fiber containers securely closed by taping or gluing, not over 1 pound capacity each. Each inside container must be surrounded by asbestos or fire-resistant cushioning material which will protect the contents with equal efficiency. Gross weight in spec. 12B65 boxes may be more than 65 but not more than 70 pounds provided net weight of contents does not exceed 50 pounds.

• • • • • •

12. Amend § 73.217 introductory text of paragraph (a) (16 F. R. 11778, Nov. 21, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.217) to read as follows:

§ 73.217 *Calcium hypochlorite compounds, dry, and lithium hypochlorite compounds, dry.* (a) Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine,

and lithium hypochlorite compounds, dry, containing more than 39 percent available chlorine must be packed in specification containers as follows:

• • • • •

13. Amend § 73.233 paragraphs (a) (1) and (2) (17 F. R. 9837, Nov. 1, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.233) to read as follows:

§ 73.233 *Nickel catalyst, finely divided, activated or spent.* (a) • • •

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes with airtight metal inside containers which must have closing device fastened by positive means (not friction); or airtight glass inside containers of not over 1 quart capacity each, securely cushioned in asbestos wool, vermiculite, or equally efficient incombustible cushioning material.

(2) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with airtight metal inside containers which must have closing device fastened by positive means (not friction); or airtight glass inside containers of not over 1 quart capacity each, securely cushioned in asbestos wool, vermiculite, or equally efficient incombustible cushioning material.

• • • • •

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

14. Amend § 73.245 introductory text of paragraph (a) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.245, 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) Acids or other corrosive liquids, as defined in § 73.240, other than those for which special requirements are prescribed, must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows:

• • • • •

15. Amend § 73.247 introductory text of paragraph (a), (a) (10) and add paragraph (a) (13) (15 F. R. 8313, 8314, Dec. 2, 1950) (49 CFR 73.247, 1950 Rev.) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride, must, except as indicated, be packed in specification containers as follows:

• • • • •

(10) Spec. 5K (§ 78.88 of this chapter). Nickel drums, authorized for acetyl chloride, benzyl chloride, benzoyl chloride, pyro sulfuryl chloride, sulfuryl chloride, and thionyl chloride only. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron.

• • • • •

(13) Spec. 103A or 103W (§ 78.266 or § 78.280 of this chapter). Tank cars, nickel clad at least 10 percent, authorized for acetyl chloride, benzyl chloride, benzoyl chloride, pyro sulfuryl chloride, sulfuryl chloride, and thionyl chloride only. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron.

16. Add paragraphs (a) (8) and (9) to § 73.249 and amend paragraph (b) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.249, 1950 Rev.) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids.* (a) • • •

(8) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside containers of glass, polyethylene, or other material resistant to lading, having capacity not over 16 ounces each.

(9) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside containers of polyethylene having capacity not over 1 gallon each.

(b) Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids when offered for transportation by rail express must be packed in specification containers as follows:

(1) In containers as prescribed in paragraph (a) (8) and (9) of this section.

(2) Spec. 5 or 5A (§§ 78.80 or 78.81 of this chapter). Metal barrels or drums, capacity not exceeding 10 gallons, with openings not exceeding 2.3 inches in diameter.

(3) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, 78.190 of this chapter). Wooden boxes with metal cans not over 2 gallons each.

• • • • •

17. Amend § 73.250 Introductory text of paragraph (a) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.250, 1950 Rev.) to read as follows:

§ 73.250 *Automobiles or other self-propelled vehicles.* (a) Automobiles or other self-propelled vehicles equipped with charged electric storage batteries, or with charged electric storage batteries removed from vehicles; and charged electric storage batteries when included in carload or truckload shipments of automobile parts or assembled material are exempt from specification packaging, marking, and labeling requirements as follows: See also § 73.257 (b).

• • • • •

18. Add paragraphs (a) (8), (b) and (b) (1) to § 73.257 (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.257, 1950 Rev.) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) • • •

(8) Spec. 1EX (§ 78.6 of this chapter). Carboys in plywood drums (single-trip).

(b) Shipments of electrolyte (acid) or corrosive battery fluid with self-propelled motor vehicles offered for transportation by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government are exempt from Parts 71–78 of this chapter when packed as follows:

(1) In one inside glass bottle of not over 1 gallon capacity, tightly and securely closed, packed in a strong outside container and cushioned therein on all sides with incombustible absorbent material in sufficient quantity to completely absorb liquid contents in event of breakage. Outside container must be so blocked, braced or stayed within the self-propelled vehicle that it cannot change position during transit.

19. Amend § 73.263 paragraph (a) (7) and add paragraph (a) (13) (16 F. R. 11778 Nov. 21, 1951) (15 F. R. 8317, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 73.263) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric acid mixtures, and sodium chlorite solution.* (a) • • •

(7) Spec. 1D, 1E, or 1EX (single-trip) (§§ 78.4, 78.7, or 78.6 of this chapter). Glass carboys in boxes or plywood drums, of not over 6.5 gallons nominal capacity. Means shall be provided so that accumulated total pressure in bottle shall not exceed 10 p. s. i. gauge at 130° F. or shall vent at a pressure not to exceed 10 p. s. i. gauge.

• • • • •

(13) Spec. 1G (§ 78.11 of this chapter). Polyethylene carboys in plywood or wooden boxes.

• • • • •

20. Amend § 73.264 paragraph (a) (16) (17 F. R. 7281, Aug. 9, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.264) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) • • •

(16) Spec. 1F or 1G (§§ 78.10 or 78.11 of this chapter). Polyethylene carboys in plywood boxes or drums, or wooden boxes. Authorized for acid not over 60 percent strength.

• • • • •

21. Amend § 73.271 paragraph (a) (9) (17 F. R. 7282, Aug. 9, 1952) (49 CFR 1950 Rev., 1952 Supp., 73.271) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) • • •

(9) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter). Tank cars. Spec. 103A tanks must be of steel at least 10 percent nickel clad and Spec. 103A–W tanks must be of steel at least 20 percent nickel clad.

• • • • •

22. Amend § 73.289 paragraph (a) (4) (16 F. R. 11779, Nov. 21, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.289) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(4) Spec. MC 310 (§ 78.330 of this chapter). Tank motor vehicles.

• • • • •

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

23. Amend § 73.312 paragraph (a) (1) (16 F. R. 9376, Sept. 15, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.312) to read as follows:

§ 73.312 *Liquefied petroleum gas.* (a) • • •

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA (§§ 78.36, 78.37, 78.38, 78.42, 78.48, 78.49, 78.50, 78.51 of this chapter), 4B240X[1] (see appendix A to subpart C of Part 78 of this chapter), 4B240FLW or 9 (§§ 78.54 or 78.63 of this chapter), 25,[1] 26,[1] or 38.[1] Cylinders authorized under § 73.34 (a) to (c) may be used.

• • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

24. Amend § 73.346 introductory text of paragraph (a) (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.346, 1950 Rev.) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) Poisonous liquids as defined in § 73.343, other than those for which special requirements are prescribed, must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows:

• • • • •

25. Amend § 73.364 introductory text of paragraph (a) (16 F. R. 11780, Nov. 21, 1951) (49 CFR 1950 Rev., 1952 Supp., 73.364) to read as follows:

§ 73.364 *Exemptions for poisonous solids, class B.* (a) Poisonous solids, class B, except cyanides, other than as specified in § 73.370 (b) and § 73.370 (d), and beryllium metal powder, in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight, rail express, or highway, but when for transportation by carrier by water they are exempt from specification packaging, marking other than name of contents, and labeling requirements.

• • • • •

26. Amend § 73.365 introductory text of paragraph (a) (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.365, 1950 Rev.) to read as follows:

§ 73.365 *Poisonous solids not specifically provided for.* (a) Poisonous solids, as defined in § 73.343, other than those for which special requirements are prescribed, must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein, as follows:

• • • • •

27. Amend § 73.370 introductory text of paragraph (a), (a) (1), introductory text of paragraph (b) and add paragraphs (c) and (d) (16 F. R. 9379, Sept. 15, 1951) (15 F. R. 8337, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 73.370) to read as follows:

§ 73.370 *Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.* (a) Cyanides, or cyanide mixtures (see paragraph (b) of this section for exemptions), except cyanide of calcium and mixtures thereof (see paragraph (c) of this section for packing requirements and paragraph (d) of this section for exemptions), if containing the cyanogen equivalent of 10 percent or more of potassium cyanide, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with metal inside containers, spec. 2F (§ 78.25 of this chapter), not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, spec. 2F, or in glass bottles not over 5 pounds capacity each.

• • • • •

(b) *Cyanides, except cyanide of calcium and mixtures thereof; exemptions.* Cyanides, except cyanide of calcium and mixtures thereof (see paragraph (d) of this section), when packed and described as follows are exempt from specification packaging and labeling requirements:

• • • • •

(c) *Cyanide of calcium and mixtures thereof.* Cyanide of calcium and mixtures thereof must be packed in specification containers as follows:

(1) As prescribed in paragraph (a) (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of this section.

(2) Spec. 15A, 15B, or 15C (§§ 78.168, 78.169, or 78.170 of this chapter). Wooden boxes with metal inside containers, spec. 2F, not over 25 pounds capacity each; or hermetically sealed (soldered) metal lining, spec. 2F (§ 78.25 of this chapter).

(d) *Cyanide of calcium and mixtures thereof; exemptions.* Cyanide of calcium and mixtures thereof when packed and described as follows are exempt from specification packaging and labeling requirements:

(1) Cyanide of calcium and mixtures thereof in tightly closed metal inside containers, not over 1 pound each, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanide of calcium or mixtures thereof in any outside container, not over 25 pounds.

(2) Cyanide of calcium or mixtures thereof in tightly closed metal inside containers, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanide of calcium or mixtures thereof in any outside container, not over 5 pounds.

PART 74—CARRIERS BY RAIL FREIGHT

1. Amend the headnote and introductory text of paragraph (a) and (a) (2) of § 74.506 (15 F. R. 8344, Dec. 2, 1950) to read as follows:

§ 74.506 *Improperly packed or damaged shipments in transportation.* (a) For the protection of the public against fire, explosion, or other, or further hazard with respect to shipments of explosives or other dangerous articles offered for transportation or in transit by any carrier by railroad, such carrier shall make immediate report to the Bureau of Explosives, 30 Vesey Street, New York, N. Y., for handling, any of the following emergency matters coming to their attention:

• • • • •

(2) Railroad wrecks or accidents involving damage to containers of explosives or other dangerous articles to such a degree as to necessitate repacking of the articles. (See § 74.588.)

• • • • •

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

2. Amend § 74.525 paragraph (b) (9) (15 F. R. 8346, Dec. 2, 1950) (49 CFR 74.525, 1950 Rev.) to read as follows:

§ 74.525 *Loading packages of explosives in cars, selection, preparation, inspection of car and certificate.* • • •

(b) • • •

(9) When packages of explosives are to be loaded over exposed draft bolts or king bolts, these bolts must have pieces of sound wood with beveled ends spiked to the floor over them (or empty wooden boxes of the same character as those used for the explosive may be used for this purpose) to prevent possibility of the bolts causing damage to the packages of explosives. Metal floor plates must be completely covered with wood, plywood, or fiber or composition sheets of adequate thickness and strength to prevent contact of the floor plates with the packages of explosives under conditions incident to transportation, except that the covering of metal floor plates is not necessary for carload shipments loaded by the Departments of the Army, Navy, or Air Force of the United States Government provided the explosives are of such nature that they are not liable to leakage of dust, powder, or vapor which might become the cause of an explosion.

• • • • •

PART 75—CARRIERS BY RAIL EXPRESS

Amend § 75.660 paragraph (a) (3) (15 F. R. 8360, Dec. 2, 1950) (49 CFR 75.660, 1950 Rev.) to read as follows:

§ 75.660 *Violations and accidents or fires must be reported.* (a) • • •

(3) Accidents or fires in connection with the transportation or storage on express or railway property of explosives or other dangerous articles. (See § 74.588 of this chapter.)

PART 76—RAIL CARRIERS IN BAGGAGE SERVICE

1. Amend § 76.701 paragraph (a) (15 F. R. 8360, Dec. 2, 1950) (49 CFR 76.701, 1950 Rev.) to read as follows:

§ 76.701 *Application.* (a) Parts 71–78 of this chapter apply to all shipments in rail baggage service of dangerous articles as prescribed in this part. Shipments of explosives, other than small arms ammunition, or any dangerous articles, except as provided in this part, must not be accepted for transportation in rail baggage service. The Commission will make provision as occasion and safety may require for dangerous articles other than those described in this part. Carriers engaged in interstate or foreign commerce must make the regulations in this part effective and must provide for the thorough instruction of their employees.

[1] Note 1 remains unchanged.

2. Amend § 76.707 paragraph (a) (15 F. R. 8361, Dec. 2, 1950) (49 CFR 76.707, 1950 Rev.) to read as follows:

§ 76.707 *Reporting violations and accidents or fires.* (a) Serious violations of the regulations in Parts 71–78 of this chapter, facts relating to leaking or broken containers, and accidents or fires in connection with the transportation or storage on railway property of explosives or other dangerous articles, must be reported promptly by the rail carrier in baggage service to the Bureau of Explosives, 30 Vesey Street, New York, N. Y. (See § 74.588 of this chapter.)

* * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIER BY PUBLIC HIGHWAY

Amend § 77.807 introductory text of paragraph (a) and (a) (2) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.807, 1950 Rev.) to read as follows:

§77.807 *Improperly packed or damaged shipments in transportation* (a) For the protection of the public against fire, explosion, or other, or further hazard, with respect to shipments of explosives or other dangerous articles offered for transportation or in transit by any common or contract carrier by motor vehicle, such carrier shall make immediate report to the Bureau of Explosives, 30 Vesey Street, New York, N. Y., for handling, any of the following emergency matters coming to their attention (see also §§ 77.853 to 77.870 for handling shipments in transit):

* * * * *

(2) Motor carrier accidents involving damage to container of explosives or other dangerous articles to such a degree as to necessitate repacking of the articles. (See § 74.588 of this chapter.)

* * * * *

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

1. Amend of § 78.6, § 78.6–9 and § 78.6–10 entire paragraph (d) (15 F. R. 8377, 8378, Dec. 2, 1950) (49 CFR 78.6, 78.6–9, 78.6–10, 1950 Rev.) to read as follows:

§ 78.6 *Specification 1EX; glass carboys in plywood drums.* Single trip container.

* * * * *

§ 78.6–9 *Marking of outside container for use.* (a) Each outside container must also be plainly marked "Single-Trip Container" just above or below the mark specified in § 78.6–8 (a) (1) of this section.

§ 78.6–10 *Tests.* * * *

(d) *When required.* By each manufacturing and each filling plant: during each 6 months of each year, one series each year to be witnessed by representative of Bureau of Explosives; separate tests required for:

(1) New packages (those with new outside containers).

(2) Packages differing in kind of cushioning.

* * * * *

2. Add §§ 78.11 to 78.11–7 (15 F. R. 8379, Dec. 2, 1950) (49 CFR 78.11, 1950 Rev.) to read as follows:

§ 78.11 *Specification 1G; polyethylene carboys in wooden or glued plywood boxes.*

§ 78.11–1 *Compliance.* (a) Required in all details.

§ 78.11–2 *Capacity and marking of carboy.* (a) Containers 5 to 16½ gallons capacity are classed as carboys. Actual capacity must be the marked capacity plus 5 percent minimum. Must be permanently marked to indicate capacity, maker, and month and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

§ 78.11–3 *Polyethylene carboys.* (a) Carboys shall be fabricated from polyethylene of virgin quality and having no plasticisers or additives. Carboys must have a minimum weight and wall thickness after forming in accordance with the following table:

Marked capacity (not over)	Minimum wall thickness	Minimum weight of polyethylene carboy
Gallons	*Inch*	*Pounds*
5	0.125	8
15	.125	11½

(b) Closing device shall be of material resistant to the lading and adequate to prevent leakage.

(c) Each polyethylene carboy as manufactured shall be subjected to at least 7 pounds per square inch air pressure during which time all seams must be examined for leakage by application of soap suds or heavy oil, or submerged under water. Containers which show leakage in this test must be repaired in a workmanshiplike manner, after which they must be retested and show no leakage.

§ 78.11–4 *Outside containers.* (a) Wooden boxes, or glued-plywood boxes of not less than three plies, completely enclosing body and neck of carboy or completely enclosing the body of the carboy, shall be constructed in such manner and so formed that inside container cannot permanently change position and be of sufficiently strong wood or plywood to withstand prescribed tests without serious rupture of box or damage to inside container.

(b) Lumber to be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

(c) Plywood sections used in construction of this container shall be firmly glued together with waterproof glue. A section of plywood from any part when immersed in water at room temperature for 48 hours shall show no delamination or separation of plies to qualify glue as waterproof.

§ 78.11–5 *Approval.* (a) Specifications for the outside container and inner carboy must be filed with and approved by the Bureau of Explosives.

§ 78.11–6 *Marking of outside container.* (a) Each outside container must be plainly marked with letters and figures at least ¾ inch high applied by hot branding iron or dark colored printing ink with pressure dies as follows:

(1) ICC–1G. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with the specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in subparagraph (1) of this paragraph.

§ 78.11–7 *Tests.* (a) One sample, taken at random and with inner container filled to marked capacity with water and closed as for use, shall be capable of withstanding prescribed tests without leakage. Tests shall be made of each size by each company starting production. The type tests are as follows:

(1) Complete package must be capable of withstanding 2 drops from a height of 4 feet onto solid concrete, the first drop to be made diagonally so top corner will strike the concrete; the second drop onto a 2-inch by 6-inch timber resting on the concrete with the 6-inch leg vertical, the drop being made with the box in a horizontal position and at right angles to the timber so that impact is near the center of the box side-wall.

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS, AND BOXES

3. Amend § 78.90–10 introductory text of paragraph (a) (15 F. R. 8440, Dec. 2, 1950) (49 CFR 78.90–10, 1950 Rev.) to read as follows:

§ 78.90 *Specification 5M; monel drums.*

* * * * *

§ 78.90–10 *Marking.* (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footings, or on metal plates securely attached to drum by welding not less than 20 percent of the perimeter, as follows:

* * * * *

4. Amend § 78.117–8 paragraph (a) (15 F. R. 8449, Dec. 2, 1950) (49 CFR 78.117–8, 1950 Rev.) to read as follows:

§ 78.117 *Specification 17F; steel drums.* * * *

§ 78.117–8 *Rolling hoops and convex heads.* (a) Rolling hoops to be expanded. Alternate use of I-bar hoops authorized.

* * * * *

5. Amend § 78.125–4 paragraph (a) table (15 F. R. 8451, Dec. 2, 1950) (49 CFR 78.125–4, 1950 Rev.) to read as follows:

§ 78.125 *Specification 37D; steel drums.* * * *

§ 78.125–4 *Weight of sheets.* (a) * * *

Gage, United States Standard (No.)	Standard weight per square foot	Authorized tolerances
	Pounds	*Percent*
12	4.375	5
13	3.750	5
14	3.125	5
15	2.8125	5
16	2.500	5
18	2.000	3½
19	1.750	3½
20	1.500	3½
22	1.250	3½
24	1.000	3½
26	.750	3½

6. Amend § 78.127–5 (17 F. R. 4297, May 10, 1952) (15 F. R. 8452, Dec. 2, 1950) (49 CFR 1950 Rev., 1952 Supp., 78.127–5) to read as follows:

§ 78.127 *Specification 37F; steel drums.* * * *

§ 78.127–5 *Parts and dimension.* (a) Parts and dimensions as follows:

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gage, United States Standard)	
				Body sheet	Head sheet
15	80	Straight side	No	26	26
	160	do	No	26	26
	425	do	No	24	24
	480	do	Yes	24	24
	880	do	Yes	22	22

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

7. Amend § 78.218–10 introductory text of paragraph (a) (15 F. R. 8480, Dec. 2, 1950) (49 CFR 78.218–10, 1950 Rev.) to read as follows:

§ 78.218 *Specification 23G; special cylindrical fiberboard box for high explosives.* * * *

§ 78.218–10 *Marking.* (a) On each container by symbol as follows:

ICC–23G * * *

* * * * *

SUBPART I—SPECIFICATIONS FOR TANK CARS

8. Amend § 78.271 item ICC–9 (17 F. R. 4298, May 10, 1952) (49 CFR 1950 Rev., 1952 Supp., 78.271) to read as follows:

§ 78.271 *Specification for tank cars having lagged forged lapwelded steel tanks class ICC–105A300.* * * *

ICC–9. *Gauging device, sampling valve and thermometer well.* (a) These fittings are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 300 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of an approved design. Interior pipe of thermometer well must be attached to eduction pipe in an approved manner to prevent breakage due to vibration. Thermometer well must be closed either by a screw plug or by an approved valve attached close to the dome cover plate and closed by a screw plug.

9. Amend § 78.277 item ICC–3 (c) (15 F. R. 8501, Dec. 2, 1950) (49 CFR 78.277, 1950 Rev.) to read as follows:

§ 78.277 *Specification for tank cars having seamless steel tanks Class ICC–107A.* * * *

ICC–3. *Thickness of wall.* * * *

ICC–3. (c) Measure at one end, in a plane perpendicular to the longitudinal axis of the tank and at least 18 inches from that end before necking down—

d = Maximum inside diameter (inches) for the location under consideration; to be determined by direct measurement to an accuracy of 0.05 inch.

t = Minimum thickness of wall for the location under consideration; to be determined by direct measurement to an accuracy of 0.001 inch.

Take $D = d + 2t$.

Calculate the value of $\frac{D^2 - d^2}{D^2 + d^2}$

Make similar measurements and calculation for a corresponding location at the other end of the tank.

Use the smaller result obtained, from the foregoing, in making calculation prescribed in paragraph ICC–3 (b).

[F. R. Doc. 52–13253; Filed, Dec. 16, 1952; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1558]

MISSISSIPPI VALLEY STOCKYARDS, INC.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued in this proceeding on December 27, 1951 (10 A. D. 1505), amending and extending prior orders and authorizing the respondent to assess the current rates and charges for stockyard services to and including March 15, 1953.

By a petition filed on December 2, 1952, and amended on December 8, 1952, the respondent requested authority to file an amendment to its current tariff establishing rates for yardage services as indicated under the heading "Proposed Rates" in the tabulation below. The respondent further requested that the proposed rates, if authorized, be made effective as soon as possible.

Per head	Current	Proposed rates
Yardage on all classes of original receipts and resales in commission division:		
Bulls (800 pounds and over)	$1.25	$1.50
Cattle	.75	.90
Calves (under 400 pounds)	.40	.50
Hogs	.25	.30
Sheep and goats	.10	.20
Horses and mules	1.00	1.00
Livestock consigned direct to packers:		
Bulls	.52	.62
Cattle	.40	.40
Calves (under 400 pounds)	.20	.24
Hogs	.15	.15
Sheep and goats	.08	.09
Livestock resold by commission firms:		
Bulls	1.25	1.50
Cattle	.75	.90
Calves (under 400 pounds)	.40	.50
Hogs	.25	.30
Sheep and goats	.12	.20
Livestock resold for local delivery other than resales in commission divisions:		
Bulls	.25	.25
Cattle	.20	.20
Calves (under 400 pounds)	.14	.14
Hogs	.08	.08
Sheep and goats	.06	.06
Livestock resold by dealer and shipped other than resales in commission divisions:		
Bulls	.12	.12
Cattle	.10	.10
Calves (under 400 pounds)	.07	.07
Hogs	.05	.05
Sheep and goats	.05	.05

The respondent also requested authority to amend section 2, Feeding Charges, of its current tariff to read as follows:

All hay shall be billed at cost plus 60 cents per hundredweight, and corn at cost plus 50 cents per bushel.

The authorization, if granted, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given.

All interested persons who wish to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 10th day of December 1952.

[SEAL] AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 52–13236; Filed, Dec. 16, 1952; 8:49 a. m.]

[7 CFR Part 906]

HANDLING OF MILK IN TULSA, OKLA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Tulsa, Oklahoma, marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Tulsa, Oklahoma, on July 29–31, 1952, pursuant to notice thereof which was issued on July 9, 1952 (17 F. R. 6275).

A decision of the Secretary of Agriculture issued August 22, 1952, disposed of certain issues of the hearing with respect to the amount of the differential to be added to basic formula prices in determining the level of prices for Class I milk for the months of September through December 1952, and the period to be used in determining bases for producers. The remaining material issues of record to be considered related to:

1. The level of the Class I differentials for continuing use in determining prices for Class I milk, and a "supply-demand" adjustment of Class I milk prices;
2. Enlargement of the marketing area;
3. Pool plant requirements;
4. Location adjustments to handlers and to producers;
5. Classifications of aerated products containing milk or cream; and
6. The allocation of other source milk in periods of short supply.

The notice of hearing contained proposals that milk be priced on the basis of 3.5 percent butterfat rather than 4.0 percent, and that the maximum rate of assessment for administrative purposes be reduced. No testimony was introduced at the hearing in support of such proposals.

Findings and conclusions. The following findings and conclusions are supplementary to the findings and conclusions of the aforesaid decision, and are based upon the evidence introduced at the hearing and the record thereof.

1. No change should be made at this time in the amounts of the differentials added to basic formula prices to determine the prices for Class I milk; provision should, however, be made for automatic adjustment of Class I prices on the basis of the relationship of the supply of producer milk to Class I sales.

Except for a temporary increase for the months of September through December of this year made effective on the basis of drought conditions shown on this record, the prices for Class I milk under the Tulsa order is determined by adding $1.45 to a basic formula price for the months of April through June and adding $1.85 to the basic formula price for all other months. These differentials, which average $1.75 on an annual basis, have been in effect since April 1951. From the effective date of the order in May 1950 through March 1951 the differentials were $1.25 and $1.65 with the $1.25 figure applying to July in addition to the months for which the $1.45 now applies.

Producers proposed that the present differentials be increased by 20 cents for all months. In support of this proposal they contend that the market has not been adequately supplied with milk on a year around basis and that costs of dairy production have increased. Handlers proposed that the present annual average level of $1.75 in the differential should be maintained but that this should be accomplished through a $1.45 differential for the four months of May through August, with a differential of $1.90 for the other eight months of the year.

Supplies of producer milk have not been sufficient for Class I needs of the market during the past two winter seasons. In the months of October 1950 through February 1951 approximately 800,000 pounds of other source milk were allocated to Class I use. From October 1951 through March 1952, the figure was slightly more than 900,000 pounds. This represents in each case slightly more than one percent of annual Class I sales.

Supplies of producer milk have increased in the Tulsa market since the order became effective. Class I sales have, however, also increased and at a somewhat greater rate. While producer receipts for May 1952 were approximately 7 percent more than for May 1950 (the first month that the order was effective) Class I sales were 13 percent greater. For the first six months of 1952 production was 5 percent greater than for the same period of 1951 but sales were about 12 percent greater. The drought conditions noted in the previous decision issued on the record of this hearing have affected the rate of increase in production for months beginning with July.

It is evident that the prices of the order have not been sufficient to increase the milk supply rapidly enough to supply the expanding demand for milk. Such prices have, however, resulted in a steadily increasing supply, which were it not for the rapid rate of increase in demand, might be expected to be adequate for the needs of the market within a reasonable period. In view of the conclusions of this decison with respect to the inclusion of a supply-demand adjustment of Class I prices it is concluded that the annual level of the fixed differentials of the order should not be changed at this time. The supply-demand adjustment recommended herein will provide an increase in prices at this time so as to compensate for the imbalance of supply that has resulted from the rapid increase in sales. While the record indicates that such increases in sales have been characteristic in the Tulsa market for a considerable time, it does not appear wise to predicate the level of the fixed differential of the order on the indefinite continuation of this situation until there is opportunity to observe what adjustments in supply to demand result from the automatic adjustment features herein decided.

The handler proposal for changing the pattern of months for which seasonal changes in the differential apply should not be adopted. To some extent the standard utilization percentages adopted for the supply-demand adjustment and the time log involved in their application may tend to change the relationship of prices in April, July and August to that of the annual average of prices. This tendency should not be accentuated further by a change in the fixed differentials for these months.

Provision should be made for automatic adjustments of the Class I price in response to changes in the relationship between market supply and demand. It is extremely difficult to predict accurately the level of prices necessary to assure that the market will be supplied adequately but not excessively. Automatic changes in the Class I prices as the level of supply changes in relation to sales should avoid the necessity for frequent amendment hearings.

Many factors affect market supply and demand, but total producer receipts and gross Class I sales reflect the net effect of all these factors. Extension of recent experience appears to be the most accurate means of estimating current and prospective supply and demand conditions. It is concluded that the ratio of total producer receipts to gross Class I sales in the immediately preceding two-month period should be used as the measure by which to estimate the relationship in the month to be priced. If supplies in this recent period are less than a desirable level for these months the Class I price should be increased; conversely, oversupplies of milk indicate the propriety of a price decrease. Experience indicates that conditions in a recent period are more likely to be reflected in the current pricing period than are conditions in an earlier period.

Use of the experience of this recent two-month period requires that a representative ratios of supply to sales for successive two-month periods be established to serve as a standard from which the deviation of the actual experience may determine what change if any should be made in the Class I price. Since the Tulsa market has not been adequately supplied on a year-round basis these representative ratios must be constructed. Producers proposed a series of representative ratios which in general appear to approximate those that would result if fall and winter supplies were increased to a level of 110 percent of sales without increasing supplies in the flush production months. Considerable reduction in the seasonal variation of production is required to achieve such a standard. The adoption of such a standard will, however, provide considerable incentive to achieve this desirable pattern by increasing the seasonal variation in prices until it is achieved.

An analysis of the ratio of total approved supplies (local production plus approved imports) to sales over the past two winters indicates that somewhat less than 110 percent of sales are needed in the months of short supply. The representative ratio adopted reflects a supply equal to 106 percent of Class I sales for the month of November, and certain refinements of the proposal of producers based on an analysis of the seasonal pattern of both production and sales, after adjustment for the constant trend of increase shown by both. It is concluded that the standard utilization percentages for each two month period during a year should be as follows:

Month for which price applies	Months used in computation	Standard utilization percentage
January	November–December	108
February	December–January	110
March	January–February	112
April	February–March	114
May	March–April	117
June	April–May	129
July	May–June	137
August	June–July	137
September	July–August	134
October	August–September	128
November	September–October	119
December	October–November	109

If the current Class I utilization percentage for the first and second months preceding the month for which prices are being computed varies from the standard percentage the Class I price should be adjusted upward if the standard utilization percentage exceeds the current Class I utilization percentage, and downward if the reverse is true. For each percentage point of variation in excess of 2, the Class I price should change as follows: 2 cents upward and 4 cents downward for the months of April, May and June; 3 cents in either direction for the months of July, August, January, February and March; and 4 cents upward and 2 cents downward for the months of September through December. Such adjustments recognize that shortages indicated for fall months and excess supplies indicated for spring months require greater adjustment of prices than do the reverse relationships. The deduction of 2 percentage points from the variation will dampen the effects of certain variations in the current utilization percentage that are not indicative of actual trends. A maximum adjustment of 50 cents should also be provided. Any conditions which would indicate a continuing adjustment beyond this limit should be considered at a hearing.

The use of the experience of the immediately preceding month in the supply-demand adjustment requires that announcement of the Class I price be deferred until handlers' reports have been received and tabulated. Provision is made for the price to be announced on the 12th of the month instead of the 5th.

2. The marketing area should not be enlarged at this time.

The marketing area of the Tulsa order now consists of Tulsa County, Oklahoma, the city of Sapulpa and Sapulpa Township in Creek County, and a small portion of Osage County adjacent to the city of Tulsa. It was proposed that the marketing area be expanded to include all or significant portions of twelve counties in Northeastern Oklahoma.

In support of this proposal Tulsa handlers contend that they sell a majority of the milk in the area proposed for addition to the marketing area. In addition to the milk sold by Tulsa handlers, milk is sold in this area by five handlers with plants located in the proposed area, by three handlers not now under regulation whose plants are located outside the area proposed, by three handlers regulated by the order for the Neosho Valley marketing area, by two handlers regulated by the order for the Muskogee marketing area and by one handler regulated by the order for the Oklahoma City marketing area. These handlers dispute the contention that Tulsa handlers have a majority of the milk sales in the area but do not present as definite data concerning their volumes of sales as do the Tulsa handlers.

The evidence indicates that Tulsa handlers have in recent years expanded their volume of sales outside the Tulsa marketing area. Approximately 20 percent of total Class I sales of the Tulsa market are outside the presently defined marketing area. Since the Tulsa order has been in effect Tulsa handlers have increased their out-of-market area sales at about the same rate as total Class I sales of the market have increased.

The proposed expansion of the marketing area would for all practical purposes make the northern and northeastern boundaries of the Tulsa marketing area the Oklahoma state line. In this area this is the boundary of the Neosho Valley marketing area. Much of this area is nearer to the plants of Neosho Valley handlers than it is to the plants of Tulsa handlers. The situation of two immediately adjacent markets subject to different regulations would require particularly close alignment of the regulation between the markets. The Neosho Valley marketing area is an extensive area in which handlers compete for either production, sales, or both with the Greater Kansas City, Topeka, Wichita and Springfield markets in addition to the Tulsa market. Maintenance of particularly close alignment with a single market would inevitably result in greater variation with respect to other markets.

To include an area of this extent in the Tulsa marketing area at this time would involve pooling milk of some handlers located considerable distances from Tulsa whose distribution in the proposed area is a minor portion of their sales of Class I milk or would require alternative provisions in lieu of pooling such milk. Adoption of the proposal would probably result in further proposals for expansion of the marketing area in order to include the principal sales areas of handlers so situated.

On the whole it appears that additional problems would be created by adoption of the proposal which would be more serious than those encountered under the marketing area as presently defined. The proposal should therefore not be adopted at this time.

3. The order should not be amended at this time to restrict milk to be pooled to that received at approved plants from which a minimum percentage of receipts are disposed of as Class I milk in the marketing area.

The order currently prices and includes in the computation of the uniform price to producers the qualified receipts of all plants approved by health authorities which operate routes in the marketing area or act as receiving stations for such plants. It was proposed that an approved plant be required to dispose of 20 percent of its qualified receipts as Class I milk in the marketing area in order for its receipts to be pooled.

There are currently no plants operating in the Tulsa market which would be affected by the proposal. The expressed purpose of the proponents was to prevent receipts of outside plants with considerable surplusses of milk from being pooled on the basis of token sales in the marketing area with a resulting reduction in the uniform price of the order. The record, however, shows little likelihood of such an occurrence in the near future. The need for the proposal shown on the record was to a considerable extent based on the situation that would have resulted from adoption of proposals to expand the marketing area. The base-excess plan of distributing returns to Tulsa producers would protect the returns of regular producers if plants with surplus production enter the market in April, May, or June.

4. Location adjustments to handlers and to producers should be modified with respect to the facilities at which they apply and to the method of determining the volume of milk for which adjustment credit to the handler shall be computed.

Under the present order location adjustments apply with respect to milk received from producers at receiving stations or receiving platforms located 35 or more miles from the city hall in Tulsa. There is no longer need for providing these adjustments at receiving platforms. The milk collected at such platforms is actually transported to Tulsa plants in the producer's cans and weighed and sampled there. There is, however, at least one case where milk collected at such platform has at times in the past been diverted directly to a manufacturing plant located in the immediate vicinity. In order to maintain returns to such producers relative to other producers on the basis presently provided for provision is included for location adjustments to producers on milk diverted to unapproved plants located 35 miles or more from Tulsa.

Location adjustments should apply to milk received at any approved plant, including a bottling plant, rather than be restricted to that received at receiv-

ing stations. At the present time, the only Tulsa plant now located more than 35 miles from the city hall in Tulsa is a receiving station. However, in the event a bottling plant so located should enter distribution in the Tulsa marketing area, the present provisions of the order would result in returns to producers delivering to such a plant differing from returns to producers delivering to a receiving station similarly located.

The present order provides that location adjustment credits to handlers be computed on the volume of milk moved from the receiving station at which the credit applies to an approved plant in the marketing area in the form of milk, skim milk or cream. If such adjustments are to apply at bottling plants located outside the marketing area some other basis must be considered for determining the volume for which credits should be computed for the handler.

The volume of milk classified as Class I milk provides an adequate basis for determining location adjustment credits due a handler with a bottling plant located in the area to which location adjustments apply. Accordingly provision is made that location adjustment credits to handlers apply on the volume of milk moved to and received at an approved plant located in the marketing area in the form of milk, skim milk or cream, and to that which is classified as Class I milk without such movement.

5. Aerated products containing milk or cream should be classified as Class II milk rather than as Class I milk.

Aerated products containing milk or cream are not now required by the health authorities of the Tulsa market to be made from inspected milk. Tulsa handlers secure these products in manufactured form from outside plants. It is concluded that such products should be classified as Class II milk with other manufactured dairy products for which local inspection is not required.

6. The order should not be amended to allocate increased amounts of other source milk to Class I in periods of short supply.

Current provisions of the Tulsa milk order allocate other source milk to Class I only after all receipts of producer milk (other than allowable plant loss) have been allocated to Class I. Handlers proposed that whenever producer receipts were less than Class I sales, other source milk in an amount equal to the difference between producer milk and 110 percent of Class I sales in a handler's plant should be allocated to Class I before producer milk was so allocated.

Much of the testimony offered in support of this proposal related to periods in which changes in supplies or sales within a month resulted in handlers importing supplies of approved other source milk during part of a month when producer receipts over the entire month were such that all Class I sales were allocated to producer milk. The proposal made would not, however, be effective under such circumstances.

Any proposal to allocate additional other source milk to Class I milk would reduce the uniform price of the order and therefore lessen the incentive to supply milk in the short season of the year. Such a provision should not be included in the Tulsa order under present supply conditions.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Producers Association, handlers subject to the order and other interested parties.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions in denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order as hereby proposed to be amended.

1. Delete § 906.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus $1.45 during the months of April, May and June and plus $1.85 during all other months: *Provided*, That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this order pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

Month for which price applies	Months used in computation	Standard utilization percentage
January	November-December	108
February	December-January	110
March	January-February	112
April	February-March	114
May	March-April	117
June	April-May	120
July	May-June	127
August	June-July	127
September	July-August	134
October	August-September	128
November	September-October	119
December	October-November	109

(3) For each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 3 cents in January, February, March, July and August; 2 cents in April, May and June; 4 cents in September, October, and November and December; and for each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 3 cents in January, February, March, July and August; 4 cents in April, May and June; and 2 cents in September, October, November and December: *Provided*, That in no event shall an adjustment made pursuant to this subparagraph exceed 50 cents per hundredweight.

2. Amend § 906.22 (j) (1) to read as follows:

(1) On or before the 12th day of each month the minimum price for Class I milk computed pursuant to § 906.51 (a) and the Class I butterfat differential computed pursuant to § 906.52 (a) both for the current month; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 906.51 (b) and the Class II butterfat differential computed pursuant to § 906.52 (b), both for the previous month; and

3. Delete § 906.41 (a) and substitute therefor the following:

(a) Class I milk shall be skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section;

4. Delete § 906.53 and substitute therefor the following:

§ 906.53 *Location adjustment credit to handlers.* For that portion of milk which is (a) received directly from producers at an approved plant located 35 or more miles from City Hall in Tulsa by shortest hard-surfaced highway distance, as determined by the market administrator, and (b) is either (1) moved to and received at an approved plant located in the marketing area in the form of milk, skim milk or cream, or (2) is classified as Class I milk without such movement, the prices specified in § 906.51 shall be subject to a location adjustment credit to the handler, computed as follows:

Distance from the City Hall in Tulsa:	*Cents per Hundredweight*
35 to 50 miles	15
50.1 to 65 miles	17
65.1 to 80 miles	19
80.1 to 95 miles	21
95.1 miles or over	23

5. Delete § 906.81 and substitute therefor the following:

§ 906.81 *Location adjustment to producers.* In making payments to producers pursuant to § 906.80, each handler may deduct per hundredweight of milk received from producers at an approved plant, or diverted to an unapproved plant, either of which is located 35 or more miles from the City Hall in Tulsa by shortest hard-surfaced highway distance, as determined by the market administrator, the applicable amounts set forth below:

Distance from the City Hall in Tulsa:	*Cents per hundredweight*
35 to 50 miles	15
50.1 to 65 miles	17
65.1 to 80 miles	19
80.1 to 95 miles	21
95.1 miles or over	23

Filed at Washington, D. C., this 15th day of December 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-13326; Filed, Dec. 16, 1952; 9:00 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 7; Docket No. 8]

M & B METAL PRODUCTS CO. ET AL.

ORDER OF MODIFICATION

This is a proceeding arising from an application by the respondents to revoke or modify Suspension Order No. 7, Docket No. 8. An oral argument was heard on this petition before me on December 3, 1952, there being present Mr. M. M. Magnus, a partner in the respondent firm, Mr. R. Ray Troutman, from the Consumers' Durable Goods Division of the National Production Authority, and Jonathan B. Rintels, Esquire, from the Office of General Counsel.

It appears that of the 548 tons ordered to be repaid to the national economy by the respondents there will remain 123 tons to be repaid after the end of the fourth quarter of 1952. The repayment to this point has proceeded in accordance with the terms of the suspension order, and it appears from a letter from Paul W. Jones, District Manager, to the National Production Authority, dated December 1, 1952, that the respondent has fully cooperated under the terms of the suspension order.

It was stated by Mr. Troutman, and agreed to by Mr. Magnus, that the respondents have received supplemental allotments during 1952 in accordance with a memorandum to that effect in the file, dated November 26, 1952. The total allotment for the year is as follows:

	Tons
First quarter	285
Second quarter	309
Third quarter	206
Fourth quarter	192
Total	992

Mr. Magnus pleads hardship on the ground that his plant has been closed for 24 weeks out of the current year, having last closed on November 13th. Without relief for the fourth quarter it must remain closed until the first of the year. He seeks total relief from the suspension order or such modification as might be possible. He pleads the loss of customers and difficulty in getting them back. He asserts that the mills have the wire and that he could get the wire if tickets were issued to him.

On the side of the Government it was asserted that there are no unused tickets and that any material released to the respondents by modifying the suspension order could not be made available. I see no reason to disbelieve this statement by Mr. Troutman and hence proceed on the assumption that no current relief is possible because the material is not available.

After the first of the year, however, the situation will be somewhat different. Respondents are in position to self-certify for 115 tons for the first quarter of 1953 and upon application should be able to receive a supplemental allotment of 137 tons. If the suspension order continued in its present terms, repayment would be completed by the middle of March.

The Government asserts, and I heard no contradiction, that steel is in short supply for everyone. In view of the fact that respondents have been closed for almost half of the year of 1952, I am of the opinion that some relief is in order. Since none is possible for the remainder of the current quarter, I think it would be equitable both to the respondents and to the national economy to extend the repayment period and reduce the amounts of repayment. This can be effected by spreading the final repayment of the remaining 123 tons over the next 2 quarters instead of over the next 1, and by requiring a repayment of 75 tons in each of the first 2 quarters of 1953 or until the amount of 123 tons has been repaid.

The suspension order is modified in accordance with the following:

Order. And now, this fourth day of December 1952, the respondents' allotment of iron and steel products is hereby reduced in the amount of 50,000 pounds, or 25 tons per month, or a total of 75 tons for the first quarter of 1953, and also for the second quarter of 1953, or until the total reduction of 123 tons remaining after the end of the fourth quarter of 1952 shall have been effected.

In all other respects Suspension Order No. 7 remains unmodified.

Dated December 4, 1952.

By CURTIS BOK,
Deputy Chief Hearing Commissioner.

[F. R. Doc. 52-13350; Filed, Dec. 16, 1952; 10:36 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043; and June 2, 1952; 17 F. R. 3818).

Alcorn Manufacturing Co., Corinth, Miss., effective 12-5-52 to 4-12-53; 10 additional learners for expansion purposes (supplemental certificate) (sport shirts).

Angelica Uniform Co., Brunswick, Mo., effective 12-12-52 to 12-11-53; five learners (washable service apparel).

Anvil Brand, Inc., 146 South Hamilton Street, High Point, N. C., effective 12-13-52 to 12-12-53; 10 percent of the productive factory force (dungarees, overalls, etc.).

Blue Bell, Inc., Columbia City, Ind., effective 12-7-52 to 12-6-53; 10 percent of the productive factory force (dungarees).

Blue Buckle Overall Co., Inc., Fourteenth and Kemper Streets, Lynchburg, Va., effective 12-4-52 to 12-3-53; 10 percent of the productive factory force (dungarees).

Blue Ridge Manufacturers, Inc., 12 North Paca Street, Baltimore, Md., effective 12-4-52 to 12-3-53; 10 percent of the productive factory force (dungarees).

Blue Ridge Manufacturers, Inc., Huntington, W. Va., effective 12-4-52 to 12-3-53; 10 percent of the productive factory force (dungarees).

Blue Ridge Manufacturers, Inc., Secretary, Md., effective 12-4-52 to 12-3-53; 10 percent of the productive factory force (dungarees).

Blue Ridge Manufacturers, Inc., Cambridge, Md., effective 12-4-52 to 12-3-53; 10 learners (dungarees).

Clark Manufacturing Co., Inc., 2315 Front Street, Meridian, Miss., effective 12-13-52 to 12-12-53; 10 percent of the productive factory force (shirts and pants).

Cluett, Peabody & Co., Inc., Lewistown, Pa., effective 12-13-52 to 12-12-53; 10 percent of the productive factory force (sport shirts).

Cluett Peabody, & Co., Inc., Corinth, N. Y., effective 12-13-52 to 12-12-53; 10 percent of the productive factory force (fancy shirts).

Cluett, Peabody & Co., Inc., Buchanan, Ga., effective 12-13-52 to 12-12-53; 10 percent of the productive factory force (white shirts).

Cluett, Peabody & Co., Inc., Fleetwood, Pa., effective 12-13-52 to 12-12-53; 10 percent of the productive factory force (sport shirts).

Cowden Manufacturing Co., 109 Mackville Hill, Springfield, Ky., effective 12-4-52 to 6-3-53; 30 learners for expansion purposes (denim dungarees).

Duryea Sportswear, Inc., 726 Main Street, Duryea, Pa., effective 12-8-52 to 12-7-53; five learners (ladies' dresses).

Fern Glen Manufacturing Co., Fern Glen, Pa., effective 12-2-52 to 12-1-53; five learners (brassieres).

J. Freezer & Son, Inc., Floyd, Va., effective 12-14-52 to 12-13-53; 10 percent of the productive factory force (sport shirts).

Albert Given Manufacturing Co., 1301 West Chicago Avenue, East Chicago, Ind., effective 12-4-52 to 12-3-53; 10 percent of the productive factory force (men's and boys' sport and dress trousers).

Hubrite Informal Frocks, Inc., 791 Temont Street, Boston 18, Mass., effective 12-2-52 to 12-1-53; 10 percent of the productive factory force (dresses).

Edward Hyman Co., Hazlehurst, Miss., effective 12-4-52 to 12-3-53; 10 percent of the productive factory force (washable service apparel).

Industrial Garment Manufacturing Co., Erwin, Tenn., effective 12-1-52 to 11-30-53; 10 percent of the productive factory force (men's cotton work clothing).

Jinright Manufacturing Co., Coleman, Tex., effective 12-3-52 to 12-2-53; 10 learners (cotton sportswear and work clothes).

Kinston Shirt Co., Kinston, N. C., effective 12-7-52 to 12-6-53; 10 percent of the productive factory force (shirts and pajamas).

Linda Lane, Inc., Excelsior Springs, Mo., effective 12-8-52 to 6-7-53; 25 learners for expansion purposes (slips and nurses' uniforms).

The Mack Shirt Corp., 412 East Sixth Street, Cincinnati, Ohio, effective 12-2-52 to 12-1-53; 10 percent of the productive factory force (dress shirts, sport shirts, ladies' blouses).

Maiden Form Brassiere Co., Inc., 2311 Adams Avenue, Huntington, W. Va., effective 12-1-52 to 11-30-53; 10 percent of the productive factory force (brassieres).

Mammoth Cave Garment Co., Cave City, Ky., effective 12-11-52 to 12-10-53; 10 learners (dungarees).

May-Belle Co., 617 North Eighth Street, St. Louis, Mo., effective 12-4-52 to 12-3-53; 10 learners (women's sportswear and dresses).

Mayfield Dress Co., 606 Poplar Street, Mayfield, Pa., effective 12-1-52 to 11-30-53; 5 learners (dresses).

Mayflower Manufacturing Co., 460-506 North Main Avenue, Scranton, Pa., effective 12-12-52 to 12-11-53; 10 percent of the productive factory force (trousers).

Miller & Co., 1549 Lawrence Street, Denver 2, Colo., effective 12-13-52 to 12-12-53; 10 percent of the productive factory force (men's, boys', and ladies' shirts).

Oshkosh B'Gosh, Inc., 31 Otter Street, Oshkosh, Wis., effective 12-4-52 to 12-3-53; 10 percent of the productive factory force (single pants, overalls, overall jackets, etc.).

Princess Peggy, Inc., Items Division, Belleville, Ill., effective 12-5-52 to 12-4-53; 10 percent of the productive factory force (dresses).

R & G Corp., Parksley, Va., effective 12-8-52 to 12-7-53; 10 percent of the productive factory force (sport shirts).

Reliance Manufacturing Co., "Dixie" Factory, 100 Ferguson Street, Hattiesburg, Miss., effective 12-5-52 to 6-4-53; 50 learners for expansion purposes (men's work shirts, work pants and flannel shirts).

Reliance Manufacturing Co., "Mountaineer" Factory, 622 Tenth Street, Huntington, W. Va., effective 12-7-52 to 12-6-53; 10 percent of the productive factory force. This certificate does not authorize the employment of learners at subminimum wage rates in the production of sport skirts and jumpers (women's dresses).

Salant & Salant, Inc., Henderson, Tenn., effective 12-13-52 to 12-12-53; 10 percent of the productive factory force (cotton work shirts).

Salem Garment Co., Salem, W. Va., effective 12-4-52 to 6-3-53; 60 learners for expansion purposes (boys' cotton and rayon shirts).

The Shirtmaster Co., Inc., Abbeville, S. C., effective 12-7-52 to 12-6-53; 10 percent of the productive factory force (sport shirts).

Smith Brothers Manufacturing Co., Carthage, Mo., effective 12-7-52 to 12-6-53; 10 percent of the productive factory force (overalls, jeans, jackets).

Smith Brothers Manufacturing Co., St. Joseph, Mo., effective 12-7-52 to 12-6-53; 10 percent of the productive factory force (bib overalls, pants, one piece suits, etc.).

Smith Brothers Manufacturing Co., Webb City, Mo., effective 12-7-52 to 12-6-53; 10 percent of the productive factory force (shirts, cossack coats).

Smith Brothers Manufacturing Co., Smith and High Streets, Neosho, Mo., effective 12-7-52 to 12-6-53; 10 percent of the productive factory force (ladies' jeans, pants).

Smith Bros. Manufacturing Co., Lamar, Mo., effective 12-7-52 to 12-6-53; 10 learners (blue jeans, cossack coats).

Southern Textiles, Inc., P. O. Box 334, Alamo, Tenn., effective 12-3-52 to 6-2-53; 10 learners for expansion purposes (foundation garments).

Thomson Co., Thomson, Ga., effective 12-8-52 to 12-7-53; 10 percent of the productive factory force (sport and dress trousers).

Thomson Co., Millen, Ga., effective 12-12-52 to 12-11-53; 10 percent of the productive factory force (trousers).

Trimble Manufacturing Corp., Trimble, Tenn., effective 12-6-52 to 12-5-53; 10 percent of the productive factory force (men's, ladies' and children's jackets).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N. J., effective 12-8-52 to 12-7-53; 10 percent of the productive factory force, or 10 learners if total number of factory workers is less than 100 (men's trousers).

Wythe Manufacturing Corp., Wytheville, Va., effective 12-8-52 to 6-7-53; 60 learners for expansion purposes (men's and boys' knitted shirts).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Lambert Manufacturing Co., Plant No. 3, 1006 Washington Street, Chillicothe, Mo., effective 12-5-52 to 12-4-53; 10 learners (leather and cotton work gloves).

Lambert Manufacturing Co., Plant No. 1, 501 Jackson Street, Chillicothe, Mo., effective 12-5-52 to 12-4-53; 10 learners (cotton and jersey work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Prestige, Inc., Burdwyn Division, Pottstown, Pa., effective 12-3-52 to 8-2-53; eight learners for expansion purposes.

Washington Hosiery Mill, 1313 Clinton Street, Nashville, Tenn., effective 12-3-52 to 12-2-53; 1 learner.

Wright-Knit Hosiery Co., Inc., Box 716, Spruce Pine, N. C., effective 12-5-52 to 6-4-53; 12 learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Alabama Telephone Co., Fayette, Ala., effective 12-5-52 to 12-4-53.

Alabama Telephone Co., Haleyville, Ala., effective 12-5-52 to 12-4-53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Taylor Manufacturing Co., Greensburg Road, Campbellsville, Ky., effective 12-5-52 to 4-21-53; 5 percent of the productive factory force (replacement certificate) (men's and boys' knit briefs and tee shirts).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

B. E. Cole Co., Beal and Lynn Streets, Norway, Maine, effective 12-5-52 to 12-4-53; 10 percent of the productive factory force.

Francine Shoe Co., Beal Street, Norway, Maine, effective 12-5-52 to 12-4-53; 10 percent of the productive factory force.

E. C. Livingston, Inc., New Oxford, Pa., effective 12-5-52 to 12-4-53; 10 percent of the productive factory force.

The following special learner certificates was issued to the school-operated industries listed below:

Plainview Academy, Redfield, S. Dak., effective 9-1-52 to 8-31-53; broom shop; broom makers and related skilled and semi-skilled occupations; six learners; 150 hours at 55 cents per hour, 125 hours at 60 cents per hour, 125 hours at 70 cents per hour.

Walla Walla College, College Place, Wash., effective 9-1-52 to 8-31-53; print shop; compositor, pressman, bindery worker and related skilled and semiskilled occupations; 10 learners; 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 cents per hour; bookbindery; bookbinder, bindery worker and related skilled and semi-skilled occupations; 25 learners; 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 9th day of December 1952.

ROBT. G. GRONEWALD,
Authorized Representative of the Administrator.

[F. R. Doc. 52-13226; Filed, Dec. 16, 1952; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

ROZA IRRIGATION DISTRICT, YAKIMA PROJECT, ZILLAH, WASH.

IRRIGABLE AREAS OF LANDS

NOVEMBER 17, 1952.

The current lists and descriptions of irrigable lands of the Roza Division of the Yakima Project are hereby amended with respect to the lands listed under separate public notices as follows:

BLOCK 1

Public Notice No. 6—Description	Amendment No. 5—Irrigable area in acres, privately owned land	
	From—	To—
T. 12 N., R. 20 E., W. M.:		
Sec. 29:		
SW¼NW¼	28.3	22.8
SE¼NW¼	1.5	13.1
T. 11 N., R. 19 E., W. M.:		
Sec. 32: NE¼SW¼	32.4	28.9

BLOCK 3

Public Notice No. 11—Description	Amendment No. 4	
	Farm unit	Irrigable area acres
Section 34, T. 11 N., R. 22 E., W. M.:		
Lot 4, W½SW¼	E	70.7
Lot 5, SE¼SW¼	F	62.8
Lot 6, SW¼SE¼	G	62.7
E½SE¼	H	77.9

BLOCK 4

Public Notice No. 12—Description	Amendment No. 4—Irrigable area in acres privately owned land	
	From—	To—
T. 11 N., R. 23 E., W. M.:		
Sec. 25: NW¼SE¼	12.0	7.0
T. 9 N., R. 23 E., W. M.:		
Sec. 12:		
SW¼SE¼	8.8	4.2
SE¼SE¼	29.5	28.5
T. 9 N., R. 24 E., W. M.:		
Sec. 7:		
NE¼SE¼	33.5	37.0
NW¼SE¼	33.5	40.2
SW¼SE¼	40.2	40.6
SE¼SE¼	39.3	40.4

For each designated Block, the provisions of the public notices previously issued, pertaining to that Block, are hereby made equally applicable to the amended irrigable areas of the same Block.

ALFRED R. GOLZÉ,
Acting Assistant Commissioner.

[F. R. Doc. 52-13220; Filed, Dec. 16, 1952; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1142, G-1508, G-2019, G-2074]

UNITED GAS PIPE LINE CO.

ORDER GRANTING MOTION FOR CONTINUANCE OF HEARING AND DENYING REQUEST FOR AMENDMENT OF ORDER ISSUED NOVEMBER 26, 1952, IN OTHER RESPECTS

DECEMBER 10, 1952.

On December 4, 1952, United Gas Pipe Line Company filed objections to paragraph (C) of the order issued November 26, 1952, requiring United to "go forward first with the presentation of its evidence" so far as the requirement relates to Docket No. G-1142.

On the same date United filed its motion for continuance of the hearing from December 15, 1952, to such date as may be just and proper under the circumstances referred to below.

It appears that prior to the issuance of the order in these proceedings the Louisiana Public Service Commission initiated a proceeding against United Gas Pipe Line Company respecting the rates of that company within the jurisdiction of the Louisiana Commission. The Louisiana Commission's proceeding is to be heard beginning December 15, 1952, which is the date fixed for the beginning of hearings in this Commission's proceedings.

By letter received December 5, 1952, the Louisiana Commission has requested that this Commission grant the postponement sought by United.

The Commission finds:

(1) Good cause has been shown for postponement of the hearing as hereinafter ordered.

(2) Orderly procedure requires that United shall go forward first with the presentation of its evidence in each of the dockets involved in these proceedings.

The Commission orders:

(A) The hearing now set for December 15, 1952, in the above-entitled matters be and the same is hereby postponed to February 2, 1953, said postponed hearing to be held in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C., beginning at 10:00 a. m., e. s. t.

(B) United Gas Pipe Line Company's request for amendment of paragraph (C) of the order issued November 26, 1952, be and the same is hereby denied.

Date of issuance: December 11, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13243; Filed, Dec. 16, 1952; 8:50 a. m.]

[Docket Nos. G-1985, G-2013]

OHIO FUEL GAS CO.

ORDER DENYING REQUESTS FOR SHORTENED PROCEDURE, CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

DECEMBER 9, 1952.

On June 30, 1952, the Ohio Fuel Gas Company (Applicant), an Ohio corporation having its principal place of business at Columbus, Ohio, filed an application in Docket No. G-1985, which was supplemented on September 29, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural-gas facilities required in connection with the expansion of Applicant's underground storage operations, all as more fully described in said application, as supplemented, subject to the jurisdiction of the Commission.

On July 28, 1952, Applicant filed an application in Docket No. G-2013, which was supplemented on September 25, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 34.5 miles of natural-gas transmission pipeline consisting of 20-inch pipe and extending from a point of connection with the facilities of Texas Eastern Transmission Corporation near Johnstown, Ohio, and partially looping Applicant's existing Lines "B" and B-100 all as more fully described in said application, as supplemented, subject to the jurisdiction of the Commission.

Due notice of the filing of said applications has been given, including publication in the FEDERAL REGISTER on July 17, 1952 (Docket No. G-1985) (17 F. R. 6572), and on August 20, 1952 (Docket No. G-2013) (17 F. R. 7610).

Applicant has requested that its applications be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

It appears that the above-entitled proceedings involve common questions of law and fact with respect to the operation and expansion of Applicant's proposed Holmes Storage Area.

The Commission finds:

(1) Good cause has not been shown for granting Applicant's request that its applications in Docket Nos. G-1985 and G-2013 be heard under the shortened

procedure as provided by the Commission's rules of practice and procedure, and said request should be denied as hereinafter ordered.

(2) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for consolidating the above proceedings for purpose of hearing.

The Commission orders:

(A) The Ohio Fuel Gas Company's request that its applications in Docket Nos. G–1985 and G–2013 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure [18 CFR 1.32 (b)] be and the same hereby is denied.

(B) The aforesaid proceedings in Docket Nos. 1985 and G–2013 be and the same hereby are consolidated for purpose of hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on January 6, 1953, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented in said applications, as supplemented.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: December 11, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–13221; Filed, Dec. 16, 1952; 8:45 a. m.]

[Docket No. G–2090]

CHICAGO DISTRICT PIPELINE CO.

NOTICE OF APPLICATION

DECEMBER 10, 1952.

Take notice that on November 18, 1952, Chicago District Pipeline Company (Applicant), an Illinois corporation having its principal place of business in Joliet, Illinois, filed an application pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas transmission pipeline facilities and for an order authorizing the abandonment of certain other such facilities, all as more fully hereinafter described.

The facilities which Applicant seeks authorization to construct and operate are as follows: (1) A section of 36-inch pipeline to be constructed from a point at the city limits of the City of Chicago and on Applicant's right-of-way, at which point said pipeline will connect with a 36-inch pipeline to be constructed by Peoples Gas from its Crawford Station, thence southwesterly from said point approximately 3.4 miles to a point on its right-of-way near the east bank of the Des Plaines River; (2) a 24-inch submerged pipeline to be constructed across the Des Plaines River, approximately .3 mile; (3) a section of 30-inch pipeline to be constructed from a point of connection with said 24-inch river crossing near the west bank of the Des Plaines River southwesterly to the junction of Applicant's Crawford and Calumet pipelines in Will County, Illinois, approximately 31.2 miles; (4) moving the Weber Road Regulating Station to Willow Springs (5) installing additional regulating and metering facilities at Crawford Station delivery point to Peoples Gas. The proposed new facilities will also include cross connections with the present dual Crawford pipeline at seven locations and the appropriate valves in connection therewith.

The facilities which Applicant seeks to abandon includes the following: Approximately 3.4 miles of 20-inch pipeline extending east from the Des Plaines River to the city limits of the City of Chicago, Illinois, and the existing 0.3 mile overhead 20-inch pipeline across the Des Plaines River.

Applicant's proposed new construction will enlarge the capacity of its existing transportation system and will enable the Applicant to meet increasing gas requirements of existing customers.

The estimated cost of Applicant's proposed facilities approximates $5,500,000 which will be financed through funds to be borrowed from its parent company, The Peoples Gas Light and Coke Company.

Applicant has requested that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of December 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–13222; Filed, Dec. 16, 1952; 8:46 a. m.]

[Project No. 2114]

PUBLIC UTILITY DISTRICT NO. 2 OF GRANT COUNTY, EPHRATA, WASH.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

DECEMBER 11, 1952.

Public notice is hereby given that Public Utility District No. 2 of Grant County, Ephrata, Washington, has made application for preliminary permit under the provisions of the Federal Power Act (16 U. S. C. 791–825r) for a proposed hydroelectric project, designated as Project No. 2114 and to be known as the Priest Rapids Project, to be located on the Columbia River, in Chelan, Douglas Kittitas, Grant, Yakima, and Benton Counties, Washington, and affecting lands of the United States. The project would comprise a dam across Columbia River at about mile 397, forming a reservoir extending upstream about 56 miles to the tailwater of Rock Island Project; a concrete spillway occupying the present channel, a stilling pool, and sluiceways through the dam; provisions for future installation of navigation locks; suitable fish ladders for passing migratory fish; a powerhouse to contain an initial installation of 23 turbine-generator units of 75,000 horsepower capacity each and ultimate installation of 30 turbine-generator units aggregating 2,250,000 horsepower (1,590,000 kw); and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before February 5, 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–13223; Filed, Dec. 16, 1952; 8:48 a. m.]

THE RENEGOTIATION BOARD

STATEMENT OF ORGANIZATION

LOS ANGELES REGIONAL BOARD

Paragraph (b) (4) of the Statement of Organization, as amended in the issue of December 3, 1952 (F. R. Doc. 52–12760; 17 F. R. 10916), is hereby corrected to read as follows:

(4) Los Angeles Regional Renegotiation Board, 5504 Hollywood Boulevard, Los Angeles 28, Calif.

Dated: December 11, 1952.

JOHN T. KOEHLER, *Chairman, The Renegotiation Board.*

[F. R. Doc. 52–13224; Filed, Dec. 16, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–2960]

GULF POWER CO.

ORDER GRANTING AUTHORITY TO ISSUE AND SELL SHORT TERM UNSECURED NOTES

DECEMBER 10, 1952.

Gulf Power Company ("Gulf Power"), a public utility subsidiary of the Southern Company, a registered holding company, having filed a declaration pursuant to sections 6 (a) and 7 of the act and Rules U-20, U-23 and U-24, promulgated thereunder, with respect to the following proposed transactions:

Gulf Power proposes to issue and sell from time to time prior to June 1, 1953, up to $4,000,000 principal amount of short term bank loan notes to fifteen banks, whose participations are designated in the filing. The notes will mature not later than nine months from the dates of issue and will bear interest at the current rate for nine-month bank loans at the time of their issuance, which rate is 3 percent at the present time. In the event that the interest rate is in excess of 3¼ percent per annum at the time any of said notes is to be issued, Gulf will file an amendment to this filing stating the rate of interest and other details of the note or notes at least 5 days prior to the execution and delivery thereof.

Declarant states that the proceeds to be derived from the sale of these notes will be used to finance improvements, extensions and additions to its utility plant or to reimburse its treasury, in part, for expenditures incurred for such purposes. Gulf proposes to retire the notes out of the proceeds from the sale of additional securities of a type and in an amount not yet determined.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transactions.

Declarant estimates that the expenses in connection with the proposed transactions will not exceed $500.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–13237; Filed, Dec. 16, 1952; 8:49 a. m.]

[File No. 812–813]

PORTSMOUTH STEEL CORP.

NOTICE OF APPLICATION

DECEMBER 11, 1952.

Notice is hereby given that Portsmouth Steel Corporation (Portsmouth) has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for exemption from the provisions of section 7 (a) of the act with respect to those acts or practices which, if done or performed by a registered investment company, would not violate or contravene any of the provisions of the Act, subject to the condition under section 6 (c) of the act that Portsmouth shall be subject to the provisions of sections 9 (except that subsections 9 (a) (2) and 9 (a) (3) shall apply only with respect to an injunction based upon acts committed after the entry of an order hereunder), 10 (f), 17 (a), (b) and (e) (to the extent only of transactions involving the cash or securities owned by Portsmouth or any securities issued by Portsmouth), 17 (f) through (i), 20 (a), 21, 25, 30 (d) (to the extent that reports shall be filed annually rather than semi-annually), 30 (f), 36, 37 and 47, and subject to the further condition that for the purpose of the exemption herein requested those acts and practices relating to the negotiation and/or consummation of a transaction which, if consummated, would remove Portsmouth from the definition of an investment company or would entitle it to an exemption from the Act, should not be deemed to violate or contravene sections 13 (a) (4), 23 (a) (2) or 23 (b) (if the transaction involves an issue of securities for property other than cash or securities within the meaning of section 23 (a) (2)).

The application states as a basis for the requested exemptions, as follows:

Portsmouth was incorporated under the laws of Ohio on May 23, 1946. It commenced business on July 1, 1946, by the purchase of the Portsmouth Works of the Wheeling Steel Corporation which it continued to operate until the sale of such facilities late in 1949 to Detroit Steel Corporation (Detroit). The sale to Detroit was finally completed on or about February 15, 1950, when the final adjustment was made in the purchase price on the basis of book values as reflected by a year end audit. Portsmouth received for such physical assets 289,289 shares of Detroit common stock, having a market value at December 31, 1949, of $6,653,647, and cash in the amount of $5,805,939.

The decision to sell Portsmouth's physical assets arose from a conclusion (supported by an independent engineering firm) that it would be highly desirable to procure additional steel finishing facilities. As part of the agreement of sale Detroit agreed to carry out the expansion program initiated by Portsmouth, has greatly expanded the Portsmouth Works and is presently engaged in a large additional program of expansion.

Portsmouth owns 24.4 percent of Detroit's common stock and three of the nine members of Detroit's board of directors were nominated by Portsmouth including William R. Daley, a director and vice president and treasurer of Portsmouth. No other stockholder of Detroit owns more than 11 percent of its stock. Portsmouth owns 10.4 percent of the outstanding common stock of the Cleveland-Cliffs Iron Company (Cleveland-Cliffs) and Cyrus S. Eaton, Chairman of the Board and President of Portsmouth, is one of the 14 members of the Board of Directors of Cleveland-Cliffs. Portsmouth purchased 2,500 shares of the Series B, 5 percent cumulative convertible preferred stock of Steep Rock Iron Mines, Ltd. (Steep Rock), a Canadian corporation, pursuant to a contract made in July 1949. Payments and deliveries were made for 1,250 shares in August 1949, 625 shares in March 1950, and 625 shares in March 1952. All of these companies are connected with the steel and iron business and Portsmouth's officers and directors spend probably a major portion of their time working on matters pertaining to them.

At the time of Portsmouth's organization its authorized common stock was 2,500,000 shares of which 1,327,500 shares were sold for cash at $10 a share to net Portsmouth approximately $12,150,000 or about $9.15 a share. At the end of 1949 the net worth of Portsmouth, as an operating steel company, had increased to $21,750,000. Based upon the market values of security investments, including the Detroit stock, Portsmouth's net worth was $23,031,168 at the end of 1949 and $25,801,499 at the end of 1951. The 1,246,010 common shares outstanding at the end of 1951 thus had a net worth of about $20.71 a share. Included in the net worth at the end of 1951 were Portsmouth's holdings, valued at market, of Detroit stock in the amount of $9,582,698, Cleveland-Cliffs in the amount of $5,627,672, and Steep Rock in the amount of $390,625 (1,875 shares). Dividends aggregating $4,244,918 were paid to the end of 1949 and an additional aggregate of $3,755,835 was paid to the end of 1951. Portsmouth has 6,900 stockholders and approximately 25 percent of its stock is held by officers, directors or interests with which they are associated.

It was the intention of the management of Portsmouth at time of organization to enter the steel business and it is now its intention to reenter the steel or some other related or unrelated business. It was never management's intention for Portsmouth to become an investment company, it has never held Portsmouth out as an investment company, and it has repeatedly disclaimed such intention. Pursuant to this policy, Portsmouth's management has from time to time considered and is continually alert and on the lookout for, other opportunities.

Aside from the Steep Rock acquisition pursuant to prior commitment as noted above, Portsmouth has, since the completion of the sale of its physical assets, done the following acts:

1. In January 1951, Portsmouth settled with the holders of approximately 12,540 shares of its common stock who had dissented to the sale of its physical assets to Detroit and had filed suit for recovery of the fair market value of their shares, pursuant to the laws of Ohio. This involved the purchase and retirement of these shares and was in settlement of a statutory right of the stockholders incident to and connected with the sale of Portsmouth's physical assets to Detroit.

2. Held annual meetings of its stockholders in April, 1950, 1951, and 1952 and in connection therewith mailed to its stockholders the necessary notices and proxy solicitations.

3. Voted its stock in Detroit and Cleveland-Cliffs at stockholders' meetings.

4. Received dividends from its stock in Detroit and Cleveland-Cliffs.

5. Declared and paid dividends to its own stockholders.

6. Considered and negotiated concerning several proposals for reentering the steel or some related or unrelated business. As indicated, none of such proposals has yet been consummated.

7. Rendered financial assistance to the employees of the Cincinnati Inquirer in the purchase of that newspaper from the trustee under the will of John R. McLean.

Portsmouth contends that it is not an investment company within the meaning

of section 3 (a) (3) of the act although admittedly Portsmouth's assets, exclusive of cash items and government securities, are more than 40 percent investment securities. Portsmouth submitted its application without prejudice to its right later, either before the Commission or other competent tribunal, to assert that it has not by any of the above-mentioned acts violated the provisions of section 7 (a) of the act.

Portsmouth is not aware of any circumstances which might furnish a possible occasion for injunctions of the type referred to in section 9 (a) (2) and (3) of the act other than (a) the injunction obtained in SEC v. Otis & Co., Civil Action No. 5433 (N. D. Ohio, E. D., 1936); (b) any injunction heretofore or hereafter obtained in SEC v. Otis & Co., Civil Action No. 28371 (N. D. Ohio, E. D. 1951); and (c) any possible injunction which might grow out of the controversy with respect to the 1948 Kaiser-Frazer underwriting.

Section 6 (c) of the act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Section 6 (e) of the act provides that in connection with any order exempting an investment company from any provisions of section 7, the Commission may specify that certain provisions of the act pertaining to registered investment companies shall be applicable in respect of such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company, if the Commission deems it necessary or appropriate in the public interest or for the protection of investors.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application in whole or in part and upon such conditions as the Commission may deem necessary or appropriate may be issued by the Commission on or at any time after December 31, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the general rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than December 29, 1952, at 5:30 p. m., e. s. t., his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13238; Filed, Dec. 16, 1952; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region IV, Redelegation of Authority No. 2, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 8, Revision 1 (17 F. R. 10748), this Revision 1 to Region IV Redelegation of Authority No. 2 (16 F. R. 12446) is hereby issued.

Redelegation of Authority No. 2 is revised to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to take appropriate action under sections 15 (c), 23, 26, 26a, 27, 27a, 27b, 27c, 28, 28b, and 28c of CPR 14, sections 21a, 26, 26a, 27 and 30 (b) of CPR 15 and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

This Revision 1 to Redelegation of Authority No. 2 shall take effect on December 22, 1952.

W. F. BAILEY, *Regional Director, Region IV.*

DECEMBER 12, 1952.

[F. R. Doc. 52-13259; Filed, Dec. 12, 1952; 4:40 p. m.]

[Region IV, Redelegation of Authority No. 48]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF CPR 61

By virtue of the authority vested in me as the Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 82 (17 F. R. 10525), this redelegation of authority is hereby issued.

1. *Authority to act under section 5 of CPR 61.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to receive and examine reports filed under the provisions of section 5 of Ceiling Price Regulation 61; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 61; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 5 of Ceiling Price Regulation 61.

This redelegation of authority shall take effect on December 22, 1952.

W. F. BAILEY, *Regional Director, Region IV.*

DECEMBER 12, 1952.

[F. R. Doc. 52-13260; Filed, Dec. 12, 1952; 4:40 p. m.]

[Region IV, Redelegation of Authority No. 49]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CHANGING AND ESTABLISHING SERVICE CHARGES FOR BANKS UNDER SUPPLEMENTARY REGULATION 22 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 83 (17 F. R. 10525), this redelegation of authority is hereby issued.

1. *Authority to act under Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to accept applications, establish, approve or disapprove ceiling prices or changes in banking practices or to require further information under the provisions of Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.

This redelegation of authority shall take effect on December 22, 1952.

W. F. BAILEY, *Regional Director, Region IV.*

DECEMBER 12, 1952.

[F. R. Doc. 52-13261; Filed, Dec. 12, 1952; 4:40 p. m.]

[Region IV, Redelegation of Authority No. 50]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF SR 110 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 84 (17 F. R. 10748), this redelegation of authority is hereby issued.

1. *Authority to act under section 5 of SR 110 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act on filings of reports required under section 5 of SR 110 to the GCPR.

This redelegation of authority shall take effect on December 22, 1952.

W. F. BAILEY, *Regional Director, Region IV.*

DECEMBER 12, 1952.

[F. R. Doc. 52-13262; Filed, Dec. 12, 1952; 4:40 p. m.]

[Region IV, Redelegation of Authority No 51]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 14 OF SR 87 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 85 (17 F. R. 10748), this redelegation of authority is hereby issued.

1. *Authority to act under section 14 of SR 87 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to process, in the respects indicated herein, applications for percentage markups filed under section 14 of SR 87 to the GCPR:

(a) To approve, disapprove, or revise downward proposed percentage markups.

(b) To request additional information with respect to proposed percentage markups.

This redelegation of authority shall take effect on December 22, 1952.

W. F. BAILEY, *Regional Director, Region IV.*

DECEMBER 12, 1952.

[F. R. Doc. 52-13263; Filed, Dec. 12, 1952; 4:40 p. m.]

[Region V, Redelegation of Authority No. 19, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 11, Revision 2 (17 F. R. 10911), this Revision 1 of Redelegation of Authority No. 19 is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization to take any action provided for by Distribution Regulation 1, Revision 1, with respect to Class 2 or Class 2A slaughterers.

2. This Redelegation of Authority No. 19, Revision 1, supersedes Redelegation of Authority No. 19, issued March 19, 1952, and all amendments thereto.

This redelegation of authority shall take effect as of December 3, 1952.

CHARLES B. CLEMENT, *Acting Director of Regional Office V.*

DECEMBER 12, 1952.

[F. R. Doc. 52-13264; Filed, Dec. 12, 1952; 4:40 p. m.]

[Region V, Redelegation of Authority No. 53]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF CPR 61

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 82 (17 F. R. 10525), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization to receive and examine reports filed under the provisions of section 5 of Ceiling Price Regulation 61; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 61; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 5 of Ceiling Price Regulation 61.

This redelegation of authority shall take effect as of December 1, 1952.

CHARLES B. CLEMENT, *Acting Director of Regional Office V.*

DECEMBER 12, 1952.

[F. R. Doc. 52-13265; Filed, Dec. 12, 1952; 4:40 p. m.]

[Region V, Redelegation of Authority No. 54]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CHANGING AND ESTABLISHING SERVICE CHARGES FOR BANKS UNDER SR 22 TO CPR 34

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 83 (17 F. R. 10525), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama and Nashville, Tennessee District Offices of Price Stabilization to accept applications, establish, approve or disapprove ceiling prices or changes in banking practices or to require further information under the provisions of Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.

This redelegation of authority shall take effect on December 1, 1952.

CHARLES B. CLEMENT, *Acting Director of Regional Office V.*

DECEMBER 12, 1952.

[F. R. Doc. 52-13266; Filed, Dec. 12, 1952; 4:41 p. m.]

[Region V, Redelegation of Authority No. 55]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 8, Revision 1 (17 F. R. 10748), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama, and Nashville, Tennessee District Offices of Price Stabilization to take appropriate action under sections 15 (c), 23, 26, 26a, 27, 27a, 27b, 27c, 28, 28b, and 28c of CPR 14, sections 21a, 26, 26a, 27, and 30 (b) of CPR 15, and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

2. This redelegation of authority supersedes Region V Redelegation of Authority No. 2, Redelegation of Authority No. 9, Redelegation of Authority No. 10, and Redelegation of Authority No. 11.

This redelegation of authority shall take effect as of December 2, 1952.

CHARLES B. CLEMENT, *Acting Director of Regional Office V.*

DECEMBER 12, 1952.

[F. R. Doc. 52-13267; Filed, Dec. 12, 1952; 4:41 p. m.]

[Region V, Redelegation of Authority No. 56]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF SR 110 TO THE GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 84 (17 F. R. 10748) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama, and Nashville, Tennessee, District Offices of Price Stabilization to act on filings of reports required under section 5 of SR 110 to the GCPR.

This redelegation of authority shall take effect as of December 2, 1952.

CHARLES B. CLEMENT, *Acting Director of Regional Office V.*

DECEMBER 12, 1952.

[F. R. Doc. 52-13268; Filed, Dec. 12, 1952; 4:41 p. m.]

[Region V, Redelegation of Authority No. 57]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 14 OF SR 87 TO THE GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 85 (17 F. R. 10748) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama, and Nashville, Tennessee, District Offices of Price Stabilization to process, in the respects indicated herein, applications for percentage markups filed under section 14 of SR 87 to the GCPR:

(a) To approve, disapprove, or revise downward proposed percentage markups.

(b) To request additional information with respect to proposed percentage markups.

This redelegation of authority shall take effect as of December 2, 1952.

CHARLES B. CLEMENT,
Acting Director of Regional Office V.

DECEMBER 12, 1952.

[F. R. Doc. 52-13269; Filed, Dec. 12, 1952; 4:41 p. m.]

[Region VI, Redelegation of Authority No. 1, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 8, Revision 1 (17 F. R. 10748), this Revision 1 to Redelegation of Authority No. 1 (16 F. R. 6639) is hereby issued.

Redelegation of Authority No. 1 is revised to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to take appropriate action under sections 15 (c), 23, 26, 26a, 27, 27a, 27b, 27c, 28, 28b, and 28c of CPR 14; sections 21a, 26, 26a, 27, and 30 (b) of CPR 15; and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

This redelegation of authority shall take effect as of December 9, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

DECEMBER 12, 1952.

[F. R. Doc. 52-13270; Filed, Dec. 12, 1952; 4:41 p. m.]

[Region VI, Redelegation of Authority No. 48]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF CPR 61

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 82 (17 F. R. 10525), this Redelegation of Authority No. 48 is hereby issued.

1. *Authority to act under section 5 of CPR 61.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to receive and examine reports filed under the provisions of section 5 of Ceiling Price Regulation 61; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 61; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 5 of Ceiling Price Regulation 61.

This redelegation of authority shall take effect as of December 9, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

DECEMBER 12, 1952.

[F. R. Doc. 52-13271; Filed, Dec. 12, 1952; 4:41 p. m.]

[Region VI, Redelegation of Authority No. 49]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CHANGING AND ESTABLISHING SERVICE CHARGES FOR BANKS UNDER SR 22 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 83 (17 F. R. 10525), this Redelegation of Authority No. 49 is hereby issued.

1. *Authority to act under Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky to accept applications, establish, approve or disapprove ceiling prices or changes in banking practices or to require further information under the provisions of Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.

This redelegation of authority shall take effect as of December 9, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

DECEMBER 12, 1952.

[F. R. Doc. 52-13272; Filed, Dec. 12, 1952; 4:41 p. m.]

[Region VI, Redelegation of Authority No. 50]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF SR 110 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 84 (17 F. R. 10748), this Redelegation of Authority No. 50 is hereby issued.

1. *Authority to act under section 5 of SR 110 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to act on filings of reports required under section 5 of SR 110 to the GCPR.

This redelegation of authority shall take effect as of December 9, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

DECEMBER 12, 1952.

[F. R. Doc. 52-13273; Filed, Dec. 12, 1952; 4:41 p. m.]

[Region VI, Redelegation of Authority No. 51]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 14 OF SR 87 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 85 (17 F. R. 10478), this Redelegation of Authority No. 51 is hereby issued.

1. *Authority to act under section 14 of SR 87 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to process, in the respects indicated herein, applications for percentage mark-ups filed under section 14 of SR 87 to the GCPR:

(a) To approve, disapprove, or revise downward proposed percentage mark-ups.

(b) To request additional information with respect to proposed percentage mark-ups.

This redelegation of authority shall take effect, as of December 9, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

DECEMBER 12, 1952.

[F. R. Doc. 52-13274; Filed, Dec. 12, 1952; 4:41 p. m.]

[Region VII, Redelegation of Authority No. 3, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 8, Revision 1 (17 F. R. 10748), this Revision 1 to Redelegation of Authority No. 3 is hereby issued.

Redelegation of Authority No. 3 is revised to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to take appropriate action under sections 15 (c), 23, 26, 26a, 27, 27a, 27b, 27c, 28, 28b and 28c of CPR 14, sections 21a, 26, 26a, 27, and 30 (b) of CPR 15, and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

This Redelegation of Authority No. 3, Revision 1, shall take effect on December 13, 1952.

B. EMMET HARTNETT,
Director of Regional Office No. VII.

DECEMBER 12, 1952.

[F. R. Doc. 52-13275; Filed, Dec. 12, 1952; 4:42 p. m.]

[Region VIII, Redelegation of Authority No. 4, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 8, Revision 1, dated November 25, 1952 (17 F. R. 10748), this revised redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to take appropriate action under sections 15 (c), 23, 26, 26a, 27, 27a, 27b, 27c, 28, 28b, and 28c of CPR 14, sections 21a, 26, 26a, 27, and 30 (b) of CPR 15, and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

This revised redelegation of authority shall take effect as of November 29, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

DECEMBER 12, 1952.

[F. R. Doc. 52-13276; Filed, Dec. 12, 1952; 4:42 p. m.]

[Region VIII, Redelegation of Authority No. 50]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF SR 110 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 84, dated November 25, 1952 (17 F. R. 10748), this redelegation of authority is hereby issued.

1. *Authority to act under section 5 of SR 110 to the GCPR.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act on filings of reports required under section 5 of SR 110 to the GCPR.

This redelegation of authority shall take effect as of November 29, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

DECEMBER 12, 1952.

[F. R. Doc. 52-13277; Filed, Dec. 12, 1952; 4:42 p. m.]

[Region VIII, Redelegation of Authority No. 51]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 14 OF SR 87 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 85, dated November 25, 1952 (17 F. R. 10748), this redelegation of authority is hereby issued.

1. *Authority to act under section 14 of SR 87 to the GCPR.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to process, in the respects indicated herein, applications for percentage markups filed under section 14 of SR 87 to the GCPR:

(a) To approve, disapprove, or revise downward proposed percentage markups.

(b) To request additional information with respect to proposed percentage markups.

This redelegation of authority shall take effect as of November 29, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

DECEMBER 12, 1952.

[F. R. Doc. 52-13278; Filed, Dec. 12, 1952; 4:42 p. m.]

[Region X, Redelegation of Authority No. 2, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority No. 8, Revision 1 (17 F. R. 10748), this revised redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to take appropriate action under sections 15 (c), 23, 26, 26a, 27, 27a, 27b, 27c, 28, 28b, and 28c of CPR 14, sections 21a, 26, 26a, 27, and 30 (b) of CPR 15, and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

This revised redelegation of authority shall take effect as of December 8, 1952.

B. FRANK WHITE,
Acting Director of Regional Office No. X.

DECEMBER 12, 1952.

[F. R. Doc. 52-13279; Filed, Dec. 12, 1952; 4:42 p. m.]

[Region X, Redelegation of Authority No. 51]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF SR 110 TO THE GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 84 (17 F. R. 10748), this Region X Redelegation of Authority No. 51 is hereby issued.

1. *Authority to act under section 5 of SR 110 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to act on filings of reports required under section 5 of SR 110 to the GCPR.

This redelegation of authority shall take effect as of December 8, 1952.

B. FRANK WHITE,
Acting Director of Regional Office No. X.

DECEMBER 12, 1952.

[F. R. Doc. 52-13280; Filed, Dec. 12, 1952; 4:42 p. m.]

[Region X, Redelegation of Authority No. 52]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 14 OF SR 87 TO THE GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 85 (17 F. R. 10748), this Region X Redelegation of Authority No. 52 is hereby issued.

1. *Authority to act under section 14 of SR 87 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to process, in the respects indicated herein, applications for percentage markups filed under section 14 of SR 87 to the GCPR:

(a) To approve, disapprove, or revise downward proposed percentage markups;

(b) To request additional information with respect to proposed percentage markups.

This redelegation of authority shall take effect as of December 8, 1952.

B. FRANK WHITE,
Acting Director of Regional Office No. X.

DECEMBER 12, 1952.

[F. R. Doc. 52-13281; Filed, Dec. 12, 1952; 4:42 p. m.]

[Region XI, Redelegation of Authority No. 56]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF CPR 61 (EXPORTS)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 82 (17 F. R. 10525) this Redelegation of Authority No. 56 is hereby issued.

1. *Authority to act under section 5 of CPR 61.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI;

(a) To receive and examine reports filed under the provisions of section 5 of Ceiling Price Regulation 61;

(b) To ascertain whether such reports conform to requirements of Ceiling Price Regulation 61.

(c) To take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 5 of Ceiling Price Regulation 61.

INTERSTATE COMMERCE

This Redelegation of Authority No. 56 shall take effect as of November 29, 1952.

DELBERT M. DRAPER,
Regional Director.

DECEMBER 12, 1952.

[F. R. Doc. 52-13282; Filed, Dec. 12, 1952; 4:42 p. m.]

[Region XI, Redelegation of Authority No. 57]

DIRECTORS OF DISTRICT OFFICERS, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 22 TO CPR 34, AS AMENDED (SERVICES)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 83 (17 F. R. 10525) this Redelegation of Authority No. 57 is hereby issued.

1. *Authority to act under Supplementary Regulation 22 to CPR 34, as amended.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI to accept applications, establish, approve or disapprove ceiling prices or changes in banking practices or to require further information under the provisions of Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.

This Redelegation of Authority No. 57 shall take effect as of November 25, 1952.

DELBERT M. DRAPER,
Regional Director.

DECEMBER 12, 1952.

[F. R. Doc. 52-13283; Filed, Dec. 12, 1952; 4:43 p. m.]

[Region XIII, Redelegation of Authority No. 24, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 60, Revision 1 (17 F. R. 8784), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively:

(a) To fix ceiling prices upon application under sections 2.4 and 3.3 of Ceiling Price Regulation 135.

(b) To adjust ceiling prices under sections 2.12 and 2.13 of Ceiling Price Regulation 135.

(c) To request, under section 4.3, further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135.

(d) To disapprove or reduce at any time, under section 4.3, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135.

This redelegation of authority shall become effective as of December 4, 1952.

HAROLD WALSH,
Regional Director, Region XIII.

DECEMBER 12, 1952.

[F. R. Doc. 52-13284; Filed, Dec. 12, 1952; 4:43 p. m.]

[Region XIII, Redelegation of Authority No. 39]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTIONS 6 AND 8 OF CPR 83, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 73 (17 F. R. 7757), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to approve, pursuant to sections 6 and 8 of CPR 83, Revision 1, a price determining method for sales by a seller under CPR 83, Revision 1, disapprove such a proposed price determining method, modify such a proposed price determining method, or request further information concerning such a price determining method.

This redelegation of authority shall become effective as of December 4, 1952.

HAROLD WALSH,
Regional Director, Region XIII.

DECEMBER 12, 1952.

[F. R. Doc. 52-13285; Filed, Dec. 12, 1952; 4:43 p. m.]

[Region XIII, Redelegation of Authority No. 40]

DIRECTORS OF THE DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $250,000 UNDER CPR 161

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 75 (17 F. R. 8131), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, and Spokane District Offices of Price Stabilization, respectively, to process in the respects indicated herein ceiling price applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $250,000;

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling cannot be calculated under sections 3, 4 and 5 of CPR 161;

(c) To issue letter orders disapproving or revising downward, ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

This redelegation of authority shall become effective as of December 4, 1952.

HAROLD WALSH,
Regional Director, Region XIII.

DECEMBER 12, 1952.

[F. R. Doc. 52-13286; Filed, Dec. 12, 1952; 4:43 p. m.]

CERTAIN REGIONS

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on December 10, 1952.

REGION V

Nashville Order 1-G1-1, Amendment 3 filed 9:02 a. m.; 1-GI-1, Amendment 5, filed 9:04 a. m.; 1-G2-1, Amendment 3, filed 9:02 a. m.; 1-G2-1, Amendment 5, filed 9:04 a. m; 1-G3-1, Amendment 3, filed 9:02 a. m; 1-G3-1, Amendment 5, filed 9:04 a. m; 1-G3A-1, Amendment 1, filed 9:03 a. m; 1-G3A-1, Amendment 3, filed 9:04 a. m; 1-G4-1, Amendment 3, filed 9:03 a. m; 1-G4-1, Amendment 5, filed 9:05 a. m, 1-G4A-1, Amendment 1, filed 9:03 a. m; 1-G4A-1, Amendment 3, filed 9:05 a. m.

REGION VI

Cleveland Order 1-G1-2, Amendment 4, filed 9:05 a. m.; 1-G2-2, Amendment 4, filed 9:06 a. m.; 1-G3-2, Amendment 4, filed 9:06 a. m.; 1-G4-2, Amendment 4, filed 9:06 a. m.; IV-G1-1, filed 9:07 a. m.; IV-G2-1, filed 9:07 a. m.; IV-G3-1, filed 9:07 a. m.; IV-G4-1, filed 9:08 a. m.

Detroit Order 1-G1-2, Amendment 3, filed 9:08 a. m.; 1-G2-2, Amendment 3, filed 9:08 a. m.; 1-G3-2, Amendment 2, filed 9:09 a. m.; 1-G4-2, Amendment 2, filed 9:09 a. m.; II-G1-1, Amendment 1, filed 9:09 a. m.; II-G2-1, Amendment 1, filed 9:09 a. m.; III-G1-1, filed 9:10 a. m.; III-G2-1, filed 9:10 a. m.; III-G3-1, filed 9:11 a. m.; III-G4-1, filed 9:11 a. m.

REGION VII

Chicago Order 1-G3A-1, Amendment 1, filed 9:13 a. m.; 1-G4A-1, Amendment 1, filed 9:13 a. m.; 1-G1-2, Amendment 2, filed 9:11 a. m.; 1-G2-2, Amendment 2, filed 9:12 a. m.; 1-G3-2, Amendment 2, filed 9 12 a. m.; 1-G4-2, Amendment 2, filed 9:13 a. m.

REGION VIII

Minneapolis Order 1-G4A-1, Amendment 2 filed 9:14 a. m.; 1-G1-2, Amendment 2, filed 9:14 a. m.; 1-G2-2, Amendment 2, filed 9:14 a. m.; 1-G3-2, Amendment 2, filed 9:14 a. m.; 1-G4-2, Amendment 2, filed 9:15 a. m.; II-G1-1, Amendment 1, filed 9:15 a. m.; II-G2-1, Amendment 1, filed 9:15 a. m.; II-G3-1, Amendment 1, filed 9:16 a. m.; II-G4-1, Amendment 1, filed 9:16 a. m.

Fargo Order IV-G1-2, filed 9:17 a. m.; IV-G2-2, filed 9:17 a. m.; IV-G3-2, filed 9:17 a. m.; IV-G4-2, filed 9:18 a. m.

Sioux Falls Order 1-G1-2, Amendment 2, filed 9:18 a. m.; 1-G2-2, Amendment 2, filed 9:18 a. m.; 1-G4-2, Amendment 2, filed 9:19 a. m.; 1-G4A-2, Amendment 1, filed 9:19 a. m.; II-G1-2, Amendment 1, filed 9:19 a. m.; II-G2-2, Amendment 1, filed 9:19 a. m.; II-G3-2, Amendment 1, filed 9:20 a. m.; II-G4-2, Amendment 1, filed 9:20 a. m.

REGION IX

St. Louis Order 1-G1-2, Amendment 1, filed 9:20 a. m.; 1-G2-2, Amendment 1, filed 9:20 a. m.; 1-G3-2, Amendment 1, filed 9:21 a. m.; 1-G4-2, Amendment 1, filed 9:21 a. m.

Wichita Order 1-G1-2, Amendment 3, filed 9:22 a. m.; 1-G2-2, Amendment 3, filed 9:22 a. m.; 1-G3-2, Amendment 4, filed 9:22 a. m.

REGION X

New Orleans Order 1-G4A-1, Amendment 3, filed 9:22 a. m.; 1-G1-2, Amendment 3, filed 9:23 a. m.; 1-G2-2, Amendment 3, filed 9:23 a. m.; 1-G3-2, Amendment 3, filed 9:23 a. m.; 1-G4-2, Amendment 3, filed 9:24 a. m.

REGION XI

Denver Order 1-G1-2, Amendment 1, filed 9:24 a. m.; 1-G2-2, Amendment 1, filed 9:24 a. m.; 1-G4-2, Amendment 1, filed 9:24 a. m.; II-G1-1, filed 9:25 a. m.; II-G2-1, filed 9:25 a. m.; III-G1-1, filed 9:26 a. m.; III-G2-1, filed 9:26 a. m.

Cheyenne Order 1-G1-2, Amendment 2, filed 9:26 a. m.; 1-G2-2, Amendment 2, 9:27 a. m.; 1-G4-2, Amendment 2, filed 9:27 a. m.; 1-G4A-2, Amendment 2, filed 9:27 a. m.; II-G1-1, Amendment 1, filed 9:27 a. m.; II-G2-1, Amendment 1, filed 9:27 a. m.; II-G4-1, Amendment 1, filed 9:27 a. m.; II-G4-1 Amendment 2, filed 9:28 a. m.; III-G1-1, filed 9:28 a. m.; III-G2,-1, filed 9:29 a. m.; III-G4-1, filed 9:29 a. m.

Salt Lake City Order II-G1-1, Amendment S1, filed 9:30 a. m.; II-G2-1, Amendment S1, filed 9:30 a. m.; II-G4-1, Amendment 1, filed 9:31 a. m.; II-G4-1, Amendment S1, filed 9:31 a. m.

REGION XII

San Francisco Order II-G1-15, Amendment 4 filed 9:32 a. m.; II-G2-15, Amendment 4, filed 9:32 a. m.; II-G4-15, Amendment 4, filed 9:32 a. m.; II-G4A-15, Amendment 4, filed 9:33 a. m.

REGION XIII

Seattle Order 1-G1-2, Amendment 3, filed 9:33 a. m.; 1-G1-2, Amendment 4, filed 9:33 a. m.; 1-G2-2, Amendment 3, filed 9:34 a. m.; 1-G2-2, Amendment 4, filed 9:34 a. m.; 1-G4-2, Amendment 3, filed 9:34 a. m.; 1-G4-2, Amendment 4, filed 9:35 a. m.; 1-G4A-2, Amendment 3, filed 9:35 a. m.; 1-G4A-2, Amendment 4, filed 9:35 a. m.; II-G4-1, Amendment 3, filed 9:36 a. m.; II-G4-1, Amendment 4, filed 9:36 a. m.

Portland Order 1-G4-2, Amendment 4, filed 9:41 a. m.; III-G1-1, filed 9:37 a. m.; III-G2-1, filed 9:37 a. m.; III-G4-1, filed 9:37 a. m.; III-G4A-1, filed 9:38 a. m.; IV-G4-1, filed 9:39 a. m.

Spokane Order 1-G1-1, Amendment 4, filed 9:39 a. m.; 1-G2-1, Amendment 4, filed 9:40 a. m.; 1-G4-2, Amendment 1, filed 9:40 a. m.; 1-G4A-1, Amendment 4, filed 9:41 a. m.; II-G1-1, Amendment 1, filed 9:41 a. m.; II-G2-1, Amendment 1, filed 9:41 a. m.; II-G4A-1, Amendment 1, filed 9:41 a. m.

Copies of any of these orders may be obtained in any OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-13242; Filed, Dec. 12, 1952; 11:28 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27617]

GRAIN FROM KANSAS AND MISSOURI TO PORT ARTHUR, TEX.

APPLICATION FOR RELIEF

DECEMBER 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri-Kansas-Texas Railroad Company, for itself and on behalf of The Kansas City Southern Railway Company and other carriers.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points on the M-K-T RR. in Kansas and Missouri.

To: Port Arthur, Tex., for export.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: M-K-T RR. tariff I. C. C. No. 1510, Supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13244; Filed, Dec. 16, 1952; 8:50 a. m.]

[4th Sec. Application 27618]

CARBON DIOXIDE (DRY ICE) FROM CHICAGO, AND PEORIA, ILL., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedules listed below.

Commodities involved: Carbon dioxide, solidified (dry ice), carloads.

From: Chicago and Peoria, Ill.

To: Southern territory.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 741, Supp. 31; R. G. Raasch, Agent, I. C. C. No. 699, Supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13245; Filed, Dec. 16, 1952; 8:50 a. m.]

[4th Sec. Application 27619]

SODA ASH FROM LOUISIANA AND TEXAS TO LAWRENCE AND TOPEKA, KANS.

APPLICATION FOR RELIEF

DECEMBER 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Soda ash, carloads.

From: Lake Charles and West Lake Charles, La., Corpus Christi and Houston, Tex.

To: Lawrence and Topeka, Kans.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 187; F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 157.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary

before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13246; Filed, Dec. 16, 1952; 8:50 a. m.]

[4th Sec. Application 27620]

LIQUID OR INVERT SUGAR FROM PORT OF PALM BEACH, FLA., TO POINTS IN FLORIDA

APPLICATION FOR RELIEF

DECEMBER 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and other carriers.

Commodities involved: Liquid or invert sugar, in tank-car loads.

From: Port of Palm Beach, Fla. (import traffic).

To: Points in Florida.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 380, Supp. 157.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13247; Filed, Dec. 16, 1952; 8:50 a. m.]

[4th Sec. Application 27621]

SUGAR FROM VIRGINIA TO KINSTON, NEW BERN, AND NEWPORT, N. C.

APPLICATION FOR RELIEF

DECEMBER 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic and East Carolina Railway Company and other carriers.

Commodities involved: Sugar, carloads.

From: Norfolk, Newport News, Pinners Point, Portsmouth, and Richmond, Va.

To: Kinston, New Bern, and Newport, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 380, Supp. 157.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13248; Filed, Dec. 16, 1952; 8:51 a. m.]

[4th Sec. Application 27622]

PETROLEUM PRODUCTS FROM NORFOLK, NEWPORT NEWS, AND PORTSMOUTH, VA., TO HILL TOP, VA.

APPLICATION FOR RELIEF

DECEMBER 12, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and other carriers.

Commodities involved: Gasoline and other petroleum products, in tank-car loads.

From: Norfolk, Newport News, and Portsmouth, Va.

To: Hill Top, Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 70.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13249; Filed, Dec. 16, 1952; 8:51 a. m.]

[No. 31163]

LOUISIANA INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 4th day of December A. D. 1952.

It appearing, that in the proceedings listed in Appendix A hereto the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States, and that increases under such authorizations have been made;

It further appearing, that a petition, dated October 16, 1952, has been filed on behalf of certain common carriers by railroad operating to, from and between points in the State of Louisiana, averring that the Louisiana Public Service Commission, by various orders in its cases Nos. 4763, 5068, and 5700, has refused to authorize or permit, in whole or in part, petitioners to apply to their rates on the commodities and services described in Appendix A hereto, increases corresponding to those increases approved for interstate applications in the proceedings listed; and alleging that such refusal causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate commerce in violation of sections 3, 13, and 15 (a) of the Interstate Commerce Act;

And it further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Louisiana; and that the Louisiana Public Service Commission, on November 10, 1952, filed an answer to said petition, and that the investigation hereinafter instituted responsive to the requirements of section 13 of the act is without prejudice to subsequent appropriate consideration on their merits of the arguments made in said answer:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether

the said rates and charges of the common carriers by railroad, or any of them, operating in the State of Louisiana, for intrastate transportation of property, made or imposed by authority of the State of Louisiana, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in the proceedings listed in Appendix A hereto, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Louisiana which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Louisiana be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Louisiana Public Service Commission at Baton Rouge, La.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing February 5, 1953, at 9:30 o'clock a. m., U. S. Standard Time, at the rooms of the Louisiana Public Service Commission, Baton Rouge, La., before Examiner George B. Vandiver.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

APPENDIX A

Ex Parte No. 168, Increased Freight Rates, 1948, 272 I. C. C. 695, and 276 I. C. C. 9.

Specific exceptions made by Louisiana Public Service Commission:

Pulpwood.[1]
Asphalt.*
Brick, common building or face, and hollow building tile.*
Cattle feed, consisting of not less than 65 percent of cottonseed meal and cottonseed hulls or soybean meal, carloads.
Cottonseed, cottonseed cake, meal, hulls and bran, carloads.*
Soybeans, soybean cake or meal, carloads.*
Sand, gravel, and related commodities (this includes shells, asphalt-coated rock, etc.).
Sugar, raw and refined, sugar cane and bagasse.*

[1]Petitioners specifically except from this petition the Ex Parte 168 (8 percent) increases on pulpwood and tarwood, or wastewood, save as to the extent of switching and accessorial charges on cars, containing these commodities.

*These commodities were the subject of a thirteenth section order in I. C. C. Docket No. 30783, Louisiana Intrastate Rates and Charges, dated February 15, 1952, following which exception was removed from the following but retained on all others previously excepted:

Bagasse.
Asphalt between New Orleans on the one hand and Baton Rouge, North Baton Rouge, Norco and Destrehan on the other.
Cottonseed and cottonseed cake, meal and hulls, west of the Mississippi River.
Soybeans, and soybean cake and meal, west of the Mississippi River.
Brick and tile and related commodities, west of the Mississippi River.

Ex Parte No. 175, Increased Freight Rates, 1951, 281 I. C. C. 557 and 284 I. C. C. 589.

Pulpwood.
Tarwood.
Asphalt.
Brick, common building or face, and hollow building tile.
Cattle feed, consisting of not less than 65% cottonseed meal and cottonseed hulls or soybean meal, carloads.
Cottonseed, cottonseed cake, meal, hulls and bran, carloads.
Soybeans, soybean cake or meal, carloads
Sand, gravel, and related commodities (this includes shells, asphalt-coated rock, etc.).
Sugar, raw and refined.
Sugar cane.
Bagasse.
Cement.
Petroleum products.
Clay and shale cinders.
Fertilizer and fertilizer materials.
Sulphur.
Sulphuric acid.
Molasses.

[F. R. Doc. 52-13251; Filed, Dec. 16, 1952; 8:52 a. m.]

[No. 31164]

MISSISSIPPI INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 5th day of December A. D. 1952.

It appearing, that a petition, dated October 16, 1952, as amended by petition dated November 21, 1952, has been filed on behalf of the Alabama Great Southern Railroad Company and other common carriers by railroad operating to, from and between points in the State of Mississippi, in interstate and intrastate commerce, averring that in Ex Parte No. 175, Increased Freight Rates, 1951, 280 I. C. C. 179, 281 I. C. C. 557, and 284 I. C. C. 589, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States; and that increases under such authorizations have been made;

It further appearing, that the petitioners allege that the Mississippi Public Service Commission, by various orders, has refused to authorize or permit them to apply to the transportation of the following commodities, moving intrastate by railroad in Mississippi, increases in carload line-haul freight rates and charges thereon corresponding to those approved for interstate application in the proceeding above cited:

Cottonseed and products thereof.
Soya beans and products thereof.
Cattle feed made 65 percent or more of cottonseed or soya bean products.
Fertilizer and fertilizer materials.
Lumber and articles listed as taking the lumber rates.
Pulpwood.
Sand and gravel.
Cement.
Brick and related articles in brick list.
Refined petroleum in tank cars.

It further appearing, that the petitioners allege that such refusal causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate commerce in violation of section 13 (4) of the Interstate Commerce Act;

And it further appearing, that there have been brought in issue by the said petition, as amended, rates and charges made or imposed by authority of the State of Mississippi:

It is ordered, That, in response to the the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Mississippi for intrastate transportation of property, made or imposed by authority of the State of Mississippi, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in said Ex Parte No. 175, Increased Freight Rates, 1951, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Mississippi which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Mississippi be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Mis-

sissippi Public Service Commission at Jackson, Mississippi;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and it is hereby, assigned for hearing February 2, 1953, 9:30 o'clock a. m., U. S. Standard Time, at the rooms of the Mississippi Public Service Commission, Woolfolk State Office Building, Jackson, Mississippi, before Examiner George B. Vandiver.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13250; Filed, Dec. 16, 1952; 8:52 a. m.]

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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS[1]

U. S. STANDARDS FOR GRADES OF CANNED MUSHROOMS

A notice of proposed rule making was published on October 17, 1952, in the FEDERAL REGISTER (17 F. R. 9204) regarding proposed United States Standards for Grades of Canned Mushrooms. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Canned Mushrooms are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.), and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 52.452 *Canned mushrooms.* "Canned mushrooms" means canned mushrooms as defined in the definitions and standards of identity for canned vegetables (21 CFR, Cum. Supp. 52.990, as amended, 17 F. R. 8176) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(a) *Color of canned mushrooms.* (1) White or cream.

(2) Brown.

(b) *Styles of canned mushrooms.* (1) "Whole" or "whole mushrooms" means canned mushrooms consisting of the caps with the veils closed and with stems attached.

(2) "Button" or "button mushrooms" means canned mushrooms consisting of the caps with veils closed and with stems removed immediately below the veil.

(3) "Sliced whole" or "sliced whole mushrooms" means canned mushrooms consisting of slices of whole mushrooms which have been sliced parallel to the longitudinal axis.

(4) "Sliced button" or "sliced buttons" means canned mushrooms consisting of slices of buttons which have been sliced at right angles to the diameter of the cap.

(5) "Stems and pieces" means cut or broken portions of caps and stems.

(6) "Unit" means an individual mushroom or portion of a mushroom in canned mushrooms.

(c) *Grades of canned mushrooms.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned mushrooms that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically free from defects; that possess a good character; that are uniform in size and shape; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 85 points: *Provided*, That the canned mushrooms may be fairly uniform in size and shape if the total score is not less than 85 points.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned mushrooms that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that are fairly uniform in size and shape; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of canned mushrooms that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(d) *Sizes of mushrooms in whole and button mushrooms.* (1) No. 0 (Midget) mushrooms will pass through a round opening ½ inch in diameter.

(2) No. 1 (Tiny) mushrooms will pass through a round opening ⅝ inch in diameter but will not pass through a round opening ½ inch in diameter.

(3) No. 2 (Small) mushrooms will pass through a round opening ⅞ inch in di-

(Continued on p. 11427)

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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ameter but will not pass through a round opening ⅞ inch in diameter.

(4) No. 3 (Medium) mushrooms will pass through a round opening 1⅛ inches in diameter but will not pass through a round opening ⅞ inch in diameter.

(5) No. 4 (Large) mushrooms will pass through a round opening 1⅜ inches in diameter but will not pass through a round opening 1⅛ inches in diameter.

(6) No. 5 (Extra Large) mushrooms are those too large to pass through a round opening 1⅜ inches in diameter.

(e) *Fill of container for canned mushrooms.* The standard for fill of container for canned mushrooms is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. The standard of fill of containers is not less than 56 percent of the water capacity of the container if such capacity is less than 11.0 ounces avoirdupois; not less than 59 percent of the water capacity of the container if such capacity is 11.0 ounces or more but less than 25 ounces avoirdupois; and not less than 62 percent of the water capacity of the container if such capacity is 25 ounces avoirdupois or more. Canned mushrooms which do not meet this requirement are "Below standard in fill."

(f) *Minimum drained weight.* The minimum drained weights in Table No. I of this paragraph are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned mushrooms is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and mushrooms less the weight of the dry sieve. A sieve 8 inches in diameter is used for No. 2½ size cans (401" x 411") and smaller and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE NO. 1—MINIMUM DRAINED WEIGHTS, IN OUNCES, OF CANNED MUSHROOMS

Container designation	Over-all dimensions: Diameter (inches)	Over-all dimensions: Height (inches)	Weight of drained mushrooms, ounces (avoirdupois)
2 Z mushroom (202 x 204)	2 1/8	2 1/4	2
6 Z (202 x 308)	2 1/8	3 1/2	3 1/4
4 Z mushroom (211 x 212)	2 11/16	2 1/4	4
8 Z tall (211 x 304)	2 11/16	3 3/4	4 1/4
Sauce glass			4 1/4
No. 1 picnic (211 x 400)	2 11/16	4	6
8 Z mushroom (300 x 400)	3	4	8
No. 300 (300 x 407)	3	4 7/16	9
No. 1 tall (300 x 411)	3 1/16	4 11/16	9 3/4
No. 303 (303 x 406)	3 1/16	4 1/8	10
No. 303 glass			10
No. 2 (307 x 409)	3 1/16	4 5/16	12
Jumbo (307 x 510)	3 1/16	5 1/8	16
No. 10 (603 x 700)	6 1/16	7	68

(g) *Ascertaining the grade.* (1) The grade of canned mushrooms is ascertained by considering in conjunction with the requirements of the respective grade the respective ratings for the factors of color, uniformity of size and symmetry, absence of defects, and tenderness.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	30
(ii) Uniformity of size and shape	20
(iii) Absence of defects	30
(iv) Character	20
Total score	100

(3) "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

(h) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned mushrooms that possess a good color may be given a score of 26 to 30 points. "Good color" means that the canned mushrooms possess a color that is practically uniform, bright, and typical of canned mushrooms produced from mushrooms of similar varietal characteristics and meet the following additional requirements for the respective color:

(*a*) *"White" or "cream."* The color of the surface of the cap of the individual mushroom or portion of mushroom of white or cream varieties is not lighter in color than Plate 10, F–2, and is not darker in color than Plate 11, I–5, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(*b*) *"Brown."* The color of the surface of the cap of the individual mushroom or portion of mushroom of brown varieties is not lighter in color than Plate 11, J–6, and is not darker than Plate 13, K–7, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(ii) Canned mushrooms that possess a fairly good color may be given a score of 22 to 25 points. Canned mushrooms that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned mushrooms possess a color that is typical of canned mushrooms produced from mushrooms of similar varietal characteristics and that the product may be dull but not to the extent that the appearance is seriously affected and meet the following additional requirements for the respective colors:

(*a*) *"White" or "cream."* The color of the surface of the cap of the individual mushroom or portion of mushroom of white or cream varieties may be lighter in color than Plate 10, F–2, but not excessively white, and may be slightly darker in color than Plate 11, I–5: *Provided*, That the gills of none of the units are darker than Plate 14, K–8, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(*b*) *"Brown."* The color of the surface of the cap of the individual mushroom or portion of mushroom of brown varieties may be lighter in color than Plate 11, J–6, but not excessively light, and may be darker in color than Plate 13, K–7: *Provided*, That the gills of none of the units are darker than Plate 14,

[2] First edition.

K–8, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(iii) Canned mushrooms that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size and shape.* (i) Canned mushrooms that are practically uniform in size and shape may be given a score of 17 to 20 points. "Practically uniform in size and shape" has the following meanings with respect to the various styles of canned mushrooms:

(*a*) *Whole mushrooms.* The stems are cut transversely and the diameter of the largest cap does not exceed the diameter of the smallest cap by more than 1/8 inch. The units shall be practically uniform in shape.

(*b*) *Button mushrooms.* The stems are cut transversely so that the distance from the top of the cap to the end of the stem does not exceed the diameter of the cap, and the diameter of the largest cap does not exceed the diameter of the smallest cap by more than 1/8 inch. The units shall be practically uniform in shape.

(*c*) *Sliced whole mushrooms.* The length of the longest center slice does not exceed the length of the shortest center slice by more than 3/8 inch and the presence of irregular shaped units does not materially affect the appearance of the product.

(*d*) *Sliced buttons.* The length of the longest center slice does not exceed the length of the shortest center slice by more than 3/8 inch and the presence of irregular shaped units does not materially affect the appearance of the product.

(*e*) *Stems and pieces.* Stems and pieces may be irregular in size and shape: *Provided,* That the presence of very small pieces does not materially affect the appearance of the product.

(ii) If the canned mushrooms are fairly uniform in size and shape a score of 13 to 16 points may be given. "Fairly uniform in size and shape" has the following meanings with respect to the various styles of canned mushrooms:

(*a*) *Whole mushrooms.* The stems are cut transversely and the diameter of the largest cap does not exceed the diameter of the smallest cap by more than 1/4 inch. The units shall be fairly uniform in shape.

(*b*) *Button mushrooms.* The stems are cut transversely so that not more than 10 percent, by count, of the mushrooms have stems of such length that the distance from the tip of the cap to the end of the stem exceeds the diameter of the cap, and the diameter of the largest cap does not exceed the diameter of the smallest cap by more than 1/4 inch. The units shall be fairly uniform in shape.

(*c*) *Sliced whole mushrooms.* The length of the longest center slice does not exceed the length of the shortest center slice by more than 5/8 inch and the presence of irregular shaped units does not seriously affect the appearance of the product.

(*d*) *Sliced buttons.* The length of the longest center slice does not exceed the length of the shortest center slice by more than 5/8 inch and the presence of irregular shaped units does not seriously affect the appearance of the product.

(*e*) *Stems and pieces.* Stems and pieces may be irregular in size and shape.

(iii) Canned mushrooms that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 12 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from units which are damaged or seriously damaged.

(*a*) "Damaged" means damaged by discoloration, pathological injury, insect injury, mechanical injury, or damaged by other means to such an extent that the appearance or eating quality of the unit is materially affected. (Knife marks resulting from the preparation of sliced whole or sliced button mushrooms are not considered mechanical injury.)

(*b*) "Seriously damaged" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(ii) Canned mushrooms that are practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that there may be present not more than 5 percent, by weight, of damaged or seriously damaged units: *Provided,* That not more than 1 percent, by weight, of all the units, or 1 unit, whichever is greater, may be seriously damaged units.

(iii) If the canned mushrooms are fairly free from defects, a score of 22 to 24 points may be given. Canned mushrooms that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present not more than 20 percent, by weight, of damaged or seriously damaged units: *Provided,* That not more than 2 percent, by weight, of all the units, or 2 units, whichever is greater, may be seriously damaged units.

(iv) Canned mushrooms that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* (i) The factor of character refers to the tenderness and texture of the canned mushrooms and the development of the cap.

(*a*) "Closed veil" means that the membrane which extends from the inner edge of the cap to the stem practically covers the gills.

(ii) Canned mushrooms that possess a good character may be given a score of 17 to 20 points. "Good character" means that the units are intact, practically all are tender and free from fibrous or rubbery units, and that with respect to whole and button mushrooms at least 95 percent, by weight, of all the units possess closed veils.

(iii) If the canned mushrooms have a fairly good character a score of 13 to 16 points may be given. Canned mushrooms that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the units are reasonably intact, may be fairly tender and reasonably free from fibrous or rubbery units, and that with respect to whole and button mushrooms at least 90 percent, by weight, of all the units possess closed veils.

(iv) Canned mushrooms that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 12 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(i) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned mushrooms, the grade for such lot will be determined by averaging the total scores of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(j) *Score sheet for canned mushrooms.*

Size and kind of container		
Container mark or identification		
Label		
Net weight (ounces)		
Vacuum (inches)		
Drained weight (ounces)		
Style		
Size		
Color		
Factors	Score points	
I. Color	30	(A) 26–30 (C) 22–25 (Sstd.) 0–21
II. Uniformity of size and symmetry	20	(A) 17–20 (C) 13–16 (Sstd.) 0–12
III. Absence of defects	30	(A) 25–30 (C) 22–24 (Sstd.) 0–21
IV. Character	20	(A) 17–20 (C) 13–16 (Sstd.) 0–12
Total score	100	
Grade		
Normal flavor and odor		

[1] Indicates limiting rule.

(k) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Mushrooms (which are the third issue) contained in this section will become effective thirty days after date of publication in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Canned Mushrooms which have been in effect since May 15, 1941.

(60 Stat. 1087; Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 12th day of December 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52–13344; Filed, Dec. 17, 1952; 8:59 a. m.]

[2] First edition.

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 900—GENERAL REGULATIONS

SUBPART—MISCELLANEOUS REGULATIONS

DISCLOSURES OF INFORMATION

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and by Executive Order No. 10199, December 22, 1950 (15 F. R. 9217), the miscellaneous regulations, as amended (7 CFR 900.200 et seq.), issued under section 10 (c) of the Agricultural Marketing Agreement Act of 1937, as amended, are hereby further amended as follows:

1. Delete the first paragraph of § 900.210 and substitute therefor the following:

§ 900.210 *Disclosures of information.* All information in the possession of any official which relates to the business or property of any person, and which was furnished by, or obtained from, such person pursuant to the provisions of any marketing agreement or marketing order, shall be kept confidential and shall not be disclosed, divulged, or made public, unless otherwise expressly provided in said marketing agreement or marketing order, or unless said person authorizes said official, in writing, to disclose such information, except that:

2. Delete § 900.210 (d) and substitute therefor the following:

(d) Such information may be disclosed upon lawful demand made by the President or by either House of Congress or any committee thereof, or, if the Secretary determines that such disclosure is not contrary to the public interest, such information may be disclosed in response to a subpena by any court of competent jurisdiction.

(Sec. 10, 48 Stat. 37, as amended; 7 U. S. C. 610)

Done at Washington, D. C., this 12th day of December 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–13341; Filed, Dec. 17, 1952; 8:58 a. m.]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952–53 FISCAL PERIOD

On November 15, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 10475) regarding the expenses and the fixing of the rate of assessment for the 1952–53 fiscal period under Marketing Agreement No. 84, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which were submitted by the Growers Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 933.206 *Expenses and rate of assessment for the 1952–1953 fiscal period.* (a) (1) The expenses necessary to be incurred by the Growers Administrative Committee established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning, during the fiscal period beginning August 1, 1952, and ending July 31, 1953, both dates inclusive, of the Growers Administrative Committee and the Shippers Advisory Committee, established under the aforesaid amended marketing agreement and order, will amount to $152,000, and the rate of assessment to be paid by each handler shall be four mills ($0.004) per standard packed box of fruit shipped by such handler during the said fiscal period; and such rate of assessment is hereby approved as each handler's pro rata share of the aforesaid expenses.

(2) Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

(b) As used in this section, the terms "standard packed box," "handler," "shipped," and "fruit" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of December 1952, to be effective 30 days after the date of publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–13339; Filed, Dec. 17, 1952; 8:58 a. m.]

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

EXPENSES OF PECAN ADMINISTRATIVE COMMITTEE AND RATE OF ASSESSMENT FOR FISCAL PERIOD BEGINNING OCTOBER 1, 1952

Notice of proposed rule making with respect to expenses of the Pecan Administrative Committee and rate of assessment for the fiscal period beginning October 1, 1952 was published in the FEDERAL REGISTER of November 11, 1952 (17 F. R. 10272), pursuant to provisions of Marketing Agreement No. 111 and Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR 1951 Supp., Part 994), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule. No such documents were received during the time specified in the notice.

It is hereby found and determined that it is unnecessary and contrary to the public interest to delay the effective date of the order contained herein for thirty (30) days after publication in the FEDERAL REGISTER for the reasons that (1) it is necessary that the Pecan Administrative Committee be authorized to collect assessments from handlers to defray expenses incurred in administering the marketing agreement and order during the current fiscal period and the establishment of a rate of assessment is necessary to such collection; (2) the handling of assessable inshell pecans of the 1952 crop has begun; and (3) the order herein will require no special preparation by handlers or the Pecan Administrative Committee.

Notwithstanding the approval of the aforesaid expenses none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

Therefore, after consideration of all relevant matters, it is hereby found and determined that the expenses of the Pecan Administrative Committee and rate of assessment shall be as follows:

§ 994.303 *Expenses for the fiscal period beginning October 1, 1952, and rate of assessment*—(a) *Expenses.* Expenses in the amount of $30,800 are reasonable and likely to be incurred by the Pecan Administrative Committee for its maintenance and functioning during the fiscal period beginning October 1, 1952; and

(b) *Rate of assessment.* The rate of assessment to be paid, in accordance with the applicable provisions of said marketing agreement and order, by each handler who first handles unshelled pecans shall be 22 cents per hundred pounds of assessable unshelled pecans handled by him as the first handler thereof during the fiscal period beginning October 1, 1952.

[2] First edition.

cent, by weight, of all the units possess closed veils.

are the third issue) contained in this section will become effective thirty days

8:58 a. m.]

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ning October 1, 1952.

(c) *Meaning of terms.* Terms used in this section shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of December 1952, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-13340; Filed, Dec. 17, 1952; 8:58 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Amdt. 3]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.26 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.26 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California, except Modoc and Siskiyou Counties;

Hartford County, in Connecticut;

St. Clair County, in Illinois;

Bristol and Middlesex Counties, in Massachusetts;

Burlington, Camden, Gloucester, Hudson, Morris, and Ocean Counties, in New Jersey;

Albany and New York Counties and Clarkstown Township, in Rockland County, in New York;

Middlebury Heights Township in Cuyahoga County in Ohio;

Council Grove, Mustang, Oklahoma and Greeley Townships, in Oklahoma County, in Oklahoma;

Bucks, Delaware, Lehigh and York Counties, in Pennsylvania;

The State of Rhode Island;

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition:

Bergen, Essex, and Union Counties, in New Jersey;

Montgomery County, in Pennsylvania.

Effective date. This amendment shall become effective upon issuance. This amendment includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established.

Middlesex County in Massachusetts;

Middlebury Heights Township in Cuyahoga County, in Ohio;

Lehigh County, in Pennsylvania.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10538) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established.

Columbia Township, in Monroe County; Peoria and Limestone Townships, in Peoria County, in Illinois;

City of Baltimore, in Maryland;

Franklin and St. Louis Counties, in Missouri;

That part of Parker County lying north of U. S. Highway 180 and east of State Highway No. 51, in Texas.

Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10533) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interpret or apply secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 12th day of December 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-13337; Filed, Dec. 17, 1952; 8:57 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

EXEMPTIONS RELATING TO FRACTIONAL UNDIVIDED INTERESTS IN OIL OR GAS RIGHTS

Under § 230.314 (Rule 314) as heretofore in effect, no exemption was available under Regulation B for any oil or gas interests unless it appeared that the operating lessee would own a 40 percent working interest in the tract at the conclusion of the sale of the issue to be offered. The reason for requiring the retention of such an interest was to make the exemption unavailable in cases where the operating lessee might sell out his interest in the tract and then abandon the project, leaving investors to shift for themselves.

The result of the rule has been to require registration of some very small issues in which no substantial public interest has been involved, merely because the operating lessee at the conclusion of the offering would not own a 40 percent working interest in the tract. Accordingly, the Commission has amended the requirement to make it inapplicable to issues not in excess of $20,000, provided the smallest interest separately offered is not offered for less than $300. In the case of issues exceeding that amount, the amended rule provides that the operating lessee need only retain a working interest equal to the total interest which is not subject to expenses or a 20 percent working interest, whichever is greater.

Statutory basis. The amendment is adopted pursuant to the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act.

Section 230.314 (Rule 314) as so amended reads as follows:

§ 230.314 *Exceptions to availability of exemption.* (a) Except as provided in paragraph (b) of this section, no exemption shall be available under this regulation unless it appears that the operating lessee or lessees will own, unencumbered in his name or their names, upon completion of the sale of the issue, a working interest in the tract or tracts involved equal to whichever of the following amounts is greater: (1) 20 percent of the total production from such tract or tracts of all oil, gas or other hydrocarbon substances, or (2) the total percentage of production from such tract or tracts which is not subject to any portion of the expenses of development, operation or maintenance.

(b) Paragraph (a) of this section shall not apply if (1) the aggregate amount at which the issue is offered to the public does not exceed $30,000 and (2) the smallest interest which is separately offered or sold to the public is not so offered or sold for less than $300.

(c) As used in this section, the term "operating lessee or lessees" shall include the lessee of record actually engaged in developing and operating the tract or tracts involved and all other owners of working interests who are regularly engaged in the business of exploring for or producing oil or gas and who have consented in writing to the development and operation of said tract or tracts by such lessee of record.

The Commission finds that the foregoing amendment will operate to the advantage of issuers offering oil or gas interest or rights, that it is consistent with the interest of investors, and that notice and procedure in accordance with section 4 of the Administrative Procedure Act with respect to such amendment is not necessary.

(Sec. 19, 48 Stat. 85 as amended; 15 U. S. C. 77s)

The foregoing amendment being one relieving a restriction, shall become effective December 12, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 11, 1952.

[F. R. Doc. 52-13291; Filed, Dec. 17, 1952; 8:45 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

SOLICITATION OF PROXIES

On January 31, 1952, the Commission announced that it had under consideration certain proposed amendments to its proxy rules under the Securities Exchange Act of 1934 and invited all interested persons to submit data, views and comments with respect to the proposed amendments. The Commission has considered all of the comments and suggestions received and has determined that the proposed amendments should be adopted, with certain modifications which have been incorporated in the amended Regulation X-14 (§§ 240.14a-1 to 240.14a-10), a copy of which is set forth below.

The Commission has determined not to adopt the proposed new Item 22 to Schedule 14A of Regulation X-14 which was announced on July 10, 1952. No action has yet been taken with respect to the proposed amendment to § 240.14a-3 (Rule X-14A-3) which was announced on October 10, 1952.

The general purpose of the amendments adopted is to clarify the rules in certain respects to accord with administrative interpretation, to revise the requirements in the light of changed conditions and to provide certain new requirements where the existing requirements have proved to be inadequate. The principal changes made are briefly described below.

The definition of the term "associate" has been amended so as to include, among other persons, any relative of a specified person, or of such person's spouse, who is a director or officer of the issuer or any of its parents or subsidiaries.

Under the amended rules, the form of proxy must include a specifically designated blank space for dating the proxy. The amended rules prohibit the solicitation of any undated or postdated proxy or any proxy which provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the security holder.

The previous rules permitted the management of a company to omit from its proxy material stockholder proposals which are submitted primarily for the purpose of enforcing a personal claim or redressing a personal grievance against the issuer or its management. The amended rules also permit the omission of stockholder proposals submitted primarily for the purpose of promoting general economic, political, racial, religious, social, or similar causes.

The requirements with respect to showing remuneration in the proxy statement have been revised generally. Under the revised requirements, salaries, fees and commissions may be combined with bonuses and shares in profits so as to show the aggregate remuneration for specified persons or groups. The requirements as to showing deferred remuneration have been made more explicit as to the information required. The Commission did not adopt the proposal which would have required the separate showing of expense allowances.

Where action is to be taken with respect to a bonus, profit sharing, pension, retirement or other remuneration plan or with respect to the granting or extension of options, information is required to be given which will show adequately what similar provisions have already been made for the benefit of directors, officers and employees.

The action herein described is taken pursuant to the Securities Exchange Act of 1934, particularly sections 14 (a) and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out its functions under the act.

In view of the fact that some persons may wish to comply with Regulation X-14 as herein amended, rather than with that regulation as heretofore in effect, the foregoing action shall be effective December 11, 1952. However, any solicitation commenced prior to February 1, 1953, may at the option of the persons on whose behalf it is made be governed by Regulation X-14 as in effect immediately prior to December 11, 1952.

(Sec. 23, 48 Stat. 901 as amended; 15 U. S. C. 78w. Interprets or applies sec. 14, 48 Stat. 895 as amended; 15 U. S. C. 78n)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 10, 1952.

SOLICITATION OF PROXIES

§ 240.14a-1 *Definitions.* Unless the context otherwise requires, all terms used in §§ 240.14a-1 to 240.14a-10 and in Schedule 14A have the same meanings as in the act or elsewhere in the general rules and regulations thereunder. In addition, the following definitions apply unless the context otherwise requires:

(a) *Associate.* The term "associate" used to indicate a relationship with any person, means (1) any corporation or organization (other than the issuer or a majority owned subsidiary of the issuer) of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the issuer or any of its parents or subsidiaries.

(b) *Issuer.* The term "issuer" means the issuer of the securities in respect of which a proxy is solicited.

(c) *Last fiscal year.* The term "last fiscal year" of the issuer means the last fiscal year of the issuer ending prior to the date of the meeting for which proxies are to be solicited.

(d) *Proxy.* The term "proxy" includes every proxy, consent or authorization within the meaning of section 14 (a) of the act. The consent or authorization may take the form of failure to object or to dissent.

(e) *Proxy statement.* The term "proxy statement" means the statement required by § 240.14a-3 (a), whether or not contained in a single document.

(f) *Solicitation.* The term "solicitation" includes (1) any request for a proxy whether or not accompanied by or included in a form of proxy, (2) any request to execute or not to execute, or to revoke, a proxy, or (3) the furnishing of a form of proxy to security holders under circumstances reasonably calculated to result in the procurement of a proxy. The term does not apply, however, to the furnishing of a form of proxy to a security holder upon the unsolicited request of such security holder, the performance by the issuer of acts required by § 240.14a-7, or the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

§ 240.14a-2 *Solicitations to which §§ 240.14a-1 to 240.14a-10 apply.* Sections 240.14a-1 to 240.14a-10 apply to every solicitation of a proxy with respect to securities listed and registered on a national securities exchange, except the following:

(a) Any solicitation made otherwise than on behalf of the management of the issuer where the total number of persons solicited is not more than ten.

(b) Any solicitation by a person in respect to securities carried in his name or in the name of his nominee (otherwise than as voting trustee) or held in his custody, if such person:

(1) Receives no commission or remuneration for such solicitation, directly or indirectly, other than reimbursement of reasonable expenses;

(2) Furnishes promptly to the person solicited a copy of all soliciting material

with respect to the same subject matter or meeting received from all persons who shall furnish copies thereof for such purpose and who shall, if requested, defray the reasonable expenses to be incurred in forwarding such material; and

(3) In addition, does no more than impartially instruct the person solicited to forward a proxy to the person, if any, to whom the person solicited desires to give a proxy, or impartially request from the person solicited instructions as to the authority to be conferred by the proxy and state that a proxy will be given if no instructions are received by a certain date.

(c) Any solicitation by a person in respect of securities of which he is the beneficial owner.

(d) Any solicitation involved in the offer or sale of a certificate of deposit or other security registered under the Securities Act of 1933.

(e) Any solicitation with respect to a plan of reorganization under Chapter X of the Bankruptcy Act, as amended, if made after the entry of an order approving such plan pursuant to section 174 of said act and after, or concurrently with, the transmittal of information concerning such plan as required by section 175 of said act.

(f) Any solicitation which is subject to Rule U-62 under the Public Utility Holding Company Act of 1935.

(g) Any solicitation through the medium of a newspaper advertisement which informs security holders of a source from which they may obtain copies of a proxy statement, form of proxy and any other soliciting material and does no more than (1) name the issuer, (2) state the reason for the advertisement, and (3) identify the proposal or proposals to be acted upon by security holders.

§ 240.14a–3 *Information to be furnished security holders.* (a) No solicitation subject to §§ 240.14a–1 to 240.14a–10 shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information specified in Schedule 14A.

(b) If the solicitation is made on behalf of the management of the issuer and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement furnished pursuant to paragraph (a) of this section shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last fiscal year as will, in the opinion of the management, adequately reflect the financial position and operations of the issuer. Such annual report, including financial statements, may be in any form deemed suitable by the management. This paragraph shall not apply, however, to solicitations made on behalf of the management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's proxy statement includes an undertaking in bold-face type to furnish such annual report to all persons being solicited, at least twenty days before the date of the meeting.

(c) Three copies of each annual report sent to security holders pursuant to this section shall be mailed to the Commission, solely for its information, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies of solicitation material are filed with the Commission pursuant to § 240.14a–6 (a), whichever date is later. The annual report is not deemed to be "soliciting material" or to be "filed" with the Commission or otherwise subject to this regulation or to the liabilities of section 18 of the act, except to the extent that the issuer specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

§ 240.14a–4 *Requirements as to proxy.* (a) The form of proxy (1) shall indicate in bold-face type whether or not the proxy is solicited on behalf of the management, (2) shall provide a specifically designated blank space for dating the proxy and (3) shall identify clearly and impartially each matter or group of related matters intended to be acted upon, whether proposed by the management or by security holders. No reference need be made, however, to proposals as to which discretionary authority is conferred pursuant to paragraph (c) of this section.

(b) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified provided the form of proxy states in bold face type how it is intended to vote the shares represented by the proxy in each such case.

(c) A proxy may confer discretionary authority with respect to other matters which may come before the meeting, provided the persons on whose behalf the solicitation is made are not aware a reasonable time prior to the time the solicitation is made that any such other matters are to be presented for action at the meeting and provided further that a specific statement to that effect is made in the proxy statement or in the form of proxy. A proxy may also confer discretionary authority with respect to any proposal omitted from the proxy statement and form of proxy pursuant to paragraph (c) of § 240.14a–8.

(d) No proxy shall confer authority (1) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (2) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders.

(e) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the shares represented by the proxy will be voted and that where the person solicited specifies by means of a ballot provided pursuant to paragraph (b) of this section a choice with respect to any matter to be acted upon, the shares will be voted in accordance with the specifications so made.

§ 240.14a–5 *Presentation of information in proxy statement.* (a) The information included in the proxy statement shall be clearly presented and the statements made shall be divided into groups according to subject matter and the various groups of statements shall be preceded by appropriate headings. The order of items and sub-items in the schedule need not be followed. Where practicable and appropriate, the information shall be presented in tabular form. All amounts shall be stated in figures. Information required by more than one applicable item need not be repeated. No statement need be made in response to any item or sub-item which is inapplicable.

(b) Any information required to be included in the proxy statement as to terms of securities or other subject matter which from a standpoint of practical necessity must be determined in the future may be stated in terms of present knowledge and intention. To the extent practicable, the authority to be conferred concerning each such matter shall be confined within limits reasonably related to the need for discretionary authority. Subject to the foregoing, information which is not known to the persons on whose behalf the solicitation is to be made and which it is not reasonably within the power of such persons to ascertain or procure may be omitted, if a brief statement of the circumstances rendering such information unavailable is made.

(c) There may be omitted from the proxy statement any information contained in any other proxy soliciting material which has been furnished to each person solicited in connection with the same meeting or subject matter if a clear reference is made to the particular document containing such information.

(d) All printed proxy statements shall be set in roman type at least as large as ten-point modern type except that to the extent necessary for convenient presentation financial statements and other statistical or tabular matter may be set in roman type at least as large as eight-point modern type. All type shall be leaded at least two points.

§ 240.14a–6 *Material required to be filed.* (a) Three preliminary copies of the proxy statement and form of proxy and any other soliciting material to be furnished to security holders concurrently therewith shall be filed with the Commission at least ten days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period prior to that date as the Commission may authorize upon a showing of good cause therefor.

(b) Three preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Commission at least two days (exclusive of Saturdays, Sundays or holi-

days) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as the Commission may authorize upon a showing of good cause therefor.

(c) Three definitive copies of the proxy statement, form of proxy and all other soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Commission not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to, each national securities exchange upon which any security in respect of which the solicitation is made is listed and registered.

(d) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions or other material which discusses or reviews, or comments upon the merits of, any matter to be acted upon and which is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation shall be filed with the Commission by the person on whose behalf the solicitation is made at least five days prior to the date copies of such material are first sent or given to such individuals, or such shorter period prior to that date as the Commission may authorize upon a showing of good cause therefor.

(e) All copies of material filed pursuant to paragraph (a) or (b) of this section shall be clearly marked "Preliminary Copies" and shall be for the information of the Commission only, except that such material may be disclosed to any department or agency of the United States Government and the Commission may make such inquiries or investigation in regard to the material as may be necessary for an adequate review thereof by the Commission. All material filed pursuant to paragraph (a), (b) or (c) of this section shall be accompanied by a statement of the date upon which copies thereof are intended to be, or have been, released to security holders. All material filed pursuant to paragraph (d) of this section shall be accompanied by a statement of the date upon which copies thereof are intended to be released to the individuals who will make the actual solicitation.

(f) Copies of replies to inquiries from security holders requesting further information and copies of communications which do no more than request that forms of proxy theretofore solicited be signed and returned need not be filed pursuant to this section.

NOTE. Where preliminary copies of material are filed with the Commission pursuant to this rule, the printing of definitive copies for distribution to security holders should be deferred until the comments of the Commission's staff have been received and considered.

§ 240.14a–7 *Mailing communications for security holders.* If the management of the issuer has made or intends to make any solicitation subject to §§ 240.14a–1 to 240.14a–10, the issuer shall perform such of the following acts as may be duly requested in writing with respect to the same subject matter or meeting by any security holder who is entitled to vote on such matter or to vote at such meeting and who shall defray the reasonable expenses to be incurred by the issuer in the performance of the act or acts requested.

(a) The issuer shall mail or otherwise furnish to such security holder the following information as promptly as practicable after the receipt of such request:

(1) A statement of the approximate number of holders of record of any class of securities, any of the holders of which have been or are to be solicited on behalf of the management, or any group of such holders which the security holder shall designate.

(2) If the management of the issuer has made or intends to make, through bankers, brokers or other persons any solicitation of the beneficial owners of securities of any class, a statement of the approximate number of such beneficial owners, or any group of such owners which the security holder shall designate.

(3) An estimate of the cost of mailing a specified proxy statement, form of proxy or other communication to such holders, including insofar as known or reasonably available, the estimated handling and mailing costs of the bankers, brokers or other persons specified in subparagraph (2) of this paragraph.

(b) Copies of any proxy statement, form of proxy or other communication furnished by the security holder shall be mailed by the issuer to such of the holders of record specified in paragraph (a) (1) of this section as the security holder shall designate. The issuer shall also mail to each banker, broker or other person specified in paragraph (a) (2) of this section a sufficient number of copies of such proxy statement, form of proxy or other communication as will enable the banker, broker or other person to furnish a copy thereof to each beneficial owner solicited or to be solicited through him. Such material shall be mailed by the issuer with reasonable promptness after receipt of a tender of the material to be mailed, of envelopes or other containers therefor and of postage or payment for postage, except that such material need not be mailed prior to the first day on which the solicitation is made on behalf of the management. Neither the management nor the issuer shall be responsible for such proxy statement, form of proxy or other communication.

(c) In lieu of performing the acts specified in paragraphs (a) and (b) of this section, the issuer may at its option, furnish promptly to such security holder a reasonably current list of the names and addresses of such of the holders of record specified in paragraph (a) (1) of this section as the security holder shall designate, and a list of the names and addresses of such of the bankers, brokers or other persons specified in paragraph (a) (2) of this section as the security holder shall designate together with a statement of the approximate number of beneficial owners solicited or to be solicited through each such banker, broker or other person and a schedule of the handling and mailing costs of each such banker, broker or other person if such schedule has been supplied to the management of the issuer. The foregoing information shall be furnished promptly upon the request of the security holder or at daily or other reasonable intervals as it becomes available to the management of the issuer.

§ 240.14a–8 *Proposals of security holders.* (a) If any security holder entitled to vote at a meeting of security holders of the issuer shall submit to the management of the issuer a reasonable time before the solicitation is made a proposal which is a proper subject for action by the security holders and which is accompanied by notice of his intention to present the proposal for action at the meeting, the management shall set forth the proposal in its proxy statement and shall identify the proposal in its form or proxy and provide means by which security holders can make the specification provided for by § 240.14a–4 (b). A proposal so submitted with respect to an annual meeting more than 30 days in advance of a day corresponding to the date on which proxy soliciting material was released to security holders in connection with the last annual meeting of security holders shall prima facie be deemed to have been submitted a reasonable time before the solicitation. This section does not apply, however, to elections to office.

(b) If the management opposes the proposal, it shall also, at the request of the security holder, include in its proxy statement the name and address of the security holder and a statement of the security holder in not more than one hundred words, in support of the proposal. Such statement and request shall be furnished to the management at the same time that the proposal is furnished to it. Neither the management nor the issuer shall be responsible for such statement.

(c) Notwithstanding the foregoing, the management may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under the following circumstances:

(1) If it clearly appears that the proposal is submitted by the security holder primarily for the purpose of enforcing a personal claim or redressing a personal grievance against the issuer or its management, or primarily for the purpose of promoting general economic, political, racial, religious, social or similar causes; or

(2) If the management has at the security holder's request included a proposal in its proxy statement and form of proxy relating to either of the last two annual meetings of security holders or any special meeting held subsequent to the earlier of such two annual meetings and such security holder has failed without good cause to present the proposal, in person or by proxy, for action at the meeting; or

(3) If substantially the same proposal was sumbitted to the security holders in the management's proxy statement and form of proxy, for action at the last annual meeting of security holders or at any special meeting held subsequent

thereto and received less than three percent of the total number of votes cast in regard to the proposal.

(d) Whenever the management asserts that a proposal and any statement in support thereof may properly be omitted from its proxy statement and form of proxy, it shall file with the Commission, not later than the date preliminary copies of the proxy statement and form of proxy are filed pursuant to § 240.14a–6 (a), a copy of the proposal and any statement in support thereof as received from the security holder, together with a statement of the reasons why the management deems such omission to be proper in the particular case. The management shall at the same time, if it has not already done so, notify the security holder submitting the proposal of its intention to omit the proposal from its proxy statement and form of proxy and shall advise the security holder as to the reasons for such omission. Compliance with this paragraph shall not be construed as relieving the management of its obligation to comply fully with the foregoing provisions of this section.

§ 240.14a–9 *False or misleading statements.* No solicitation subject to §§ 240.14a–1 to 240.14a–10 shall be made by means of any proxy statement, form of proxy, notice of meeting, or other communication written or oral containing any statement which at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or which omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter which has become false or misleading.

§ 240.14a–10 *Prohibition of certain solicitations.* No person making a solicitation which is subject to §§ 240.14a–1 to 240.14a–10 shall solicit:

(a) Any undated or postdated proxy; or

(b) Any proxy which provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the security holder.

SCHEDULE 14A—INFORMATION REQUIRED IN PROXY STATEMENT

NOTE: Where any item calls for information with respect to any matter to be acted upon and such matter involves other matters with respect to which information is called for by other items of this schedule, the information called for by all applicable items shall be given. For example, if action is to be taken with respect to any merger, consolidation or acquisition, specified in Item 14 which involves the election of directors, Item 6 and 7 shall also be answered.

Item 1. Revocability of proxy. State whether or not the person giving the proxy has the power to revoke it. If the right of revocation before the proxy is exercised is limited or is subject to compliance with any formal procedure, briefly describe such limitation or procedure.

Item 2. Dissenters' rights of appraisal. Outline briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by dissenting security holders in order to perfect such rights. Where such rights may be exercised only within a limited time after the date of the adoption of a proposal, the filing of a charter amendment or other similar act, state whether the person solicited will be notified of such date.

Item 3. Persons making the solicitation. (a) If the solicitation is made on behalf of the management of the issuer, so state. Give the name of any director of the issuer who has informed the management in writing that he intends to oppose any action intended to be taken by the management and indicate the action which he intends to oppose.

(b) If the solicitation is made otherwise than on behalf of the management of the issuer, so state and give the names of the persons on whose behalf it is made.

(c) State the names of the persons by whom the cost of the solicitation has been or will be borne, directly or indirectly.

(d) If the solicitation is made otherwise than by use of the mails, state the methods used. If the solicitation is made by specially engaged employees of the issuer or other paid solicitors, state (1) the material features of any contract or arrangement for such solicitation, (2) the cost or anticipated cost thereof, and (3) the approximate number of specially engaged employees of the issuer or employees of any other person (naming such other person) who will solicit proxies.

Item 4. Interest of certain persons in matters to be acted upon. Describe briefly any substantial interest, direct or indirect (by security holdings or otherwise), of each of the following persons in any matter to be acted upon, other than elections to office:

(a) If the solicitation is made on behalf of the management, each person who has been a director or officer of the issuer at any time since the beginning of the last fiscal year.

(b) If the solicitation is made otherwise than on behalf of the management, each person on whose behalf the solicitation is made.

(c) Each nominee for election as a director of the issuer.

(d) Each associate of the foregoing persons.

Instruction. This item does not apply to any interest arising from the ownership of securities of the issuer where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

Item 5. Voting securities and principal holders thereof. (a) State as to each class of voting securities of the issuer entitled to be voted at the meeting, the number of shares outstanding and the number of votes to which each class is entitled.

(b) Give the date as of which the record of security holders entitled to vote at the meeting will be determined. If the right to vote is not limited to security holders of record on that date, indicate the conditions under which other security holders may be entitled to vote.

(c) If action is to be taken with respect to the election of directors and if the persons solicited have cumulative voting rights, make a statement that they have such rights and state briefly the conditions precedent to the exercise thereof.

(d) If to the knowledge of the persons on whose behalf the solicitation is made, any person owns of record or beneficially more than 10 percent of the outstanding voting securities of the issuer, name such person, state the approximate amount of such securities owned of record but not owned beneficially and the approximate amount owned beneficially by such person and the percentage of outstanding voting securities represented by the amount of securities so owned in each such manner.

Item 6. Nominees for election as directors. (a) If action is to be taken with respect to the election of directors, name the persons nominated for election as directors and the term of office for which they are candidates.

(b) If any such nominee is proposed to be elected pursuant to any arrangement or understanding between the nominee and any other person or persons, except the directors and officers of the issuer acting solely in that capacity, name such other person or persons and describe briefly such arrangement or understanding.

(c) Furnish, in tabular form to the extent practicable, the following information with respect to each person nominated for election as a director:

(1) State the principal occupation or employment of such nominee and the name and principal business of any corporation or other organization in which such employment is carried on.

(2) If the nominee is or has previously been a director of the issuer, state the period or periods during which he has served as such.

(3) State, as of the most recent practicable date, the approximate amount of each class of securities of the issuer or any of its parents or subsidiaries, other than directors' qualifying shares, beneficially owned directly or indirectly by such nominee. If the nominee is not the beneficial owner of any such securities, make a statement to that effect.

(4) If more than 10 percent of any class of securities of the issuer or any of its parents or subsidiaries are beneficially owned by such nominee and his associates, state the approximate amount of each class of such securities beneficially owned by such associates naming each associate whose holdings are substantial.

(d) Describe briefly the business experience of such nominee during the last five years, unless such nominee is now a director and was elected to his present term of office by a vote of security holders at a meeting for which proxies were solicited under Regulation X–14.

Item 7. Remuneration and other transactions with management and others. Furnish the information called for by this item if action is to be taken with respect to (i) the election of directors, (ii) any bonus, profit sharing or other remuneration plan, contract or arrangement in which any director, nominee for election as a director, or officer of the issuer will participate, (iii) any pension or retirement plan in which any such person will participate or (iv) the granting or extension to any such person of any options, warrants or rights to purchase any securities, other than warrants or rights issued to security holders, as such, on a pro rata basis. However, if the solicitation is made on behalf of persons other than the management, the information required need be furnished only as to nominees for election as directors and as to their associates.

(a) Furnish the following information in substantially the tabular form indicated below as to all remuneration paid by the issuer and its subsidiaries during the issuer's last fiscal year to the following persons for services in all capacities:

(1) Each director, and each of the three highest paid officers, of the issuer whose aggregate remuneration exceeded $25,000, naming each such person.

(2) All directors and officers of the issuer as a group, without naming them.

(A) Name of individual or identity of group	(B) Capacities in which remuneration was received	(C) Aggregate remuneration

Instructions. 1. This item applies to any person who was a director or officer of the issuer at any time during the fiscal year. However, remuneration is not to be included for any portion of the year during which any such person was not a director or officer of the issuer.

2. The information is to be given on an accrual basis if practicable.

3. Do not include remuneration paid to a partnership in which any director or officer was a partner but refer to information with respect thereto disclosed in answer to paragraph (c).

(b) Furnish the following information in substantially the tabular form indicated below as to all deferred remuneration plans for the benefit of (i) each director or officer named in answer to paragraph (a) and (ii) as to all directors and officers of the issuer as a group:

(1) The total amount set aside or accrued for the issuer's last fiscal year by the issuer and its subsidiaries for the benefit of each such person and of such group.

(2) The total annual benefits proposed to be paid to each such person and to such group.

(3) The aggregate benefits proposed to be paid to each such person and to such group.

(A) Name of individual or identity of group	(B) Amount set aside or accrued	(C) Proposed annual benefits	(D) Proposed aggregate benefits

Instructions. 1. The term "plan" includes all plans, contracts, authorizations or arrangements, whether or not set forth in any formal document. The term "deferred remuneration plan" includes all pension, retirement or other plans under which deferred payments are made or proposed to be made, either before or after retirement or termination of services, to any person or persons.

2. Information need not be included as to payments made for, or benefits to be received from, group life or accident insurance, group hospitalization or similar payments or benefits provided the aggregate annual cost thereof does not exceed $1,000 for the particular person or $5,000 for the group.

3. Include in Column (B) any amounts contracted for during or with respect to the issuer's last fiscal year. Column (B) need not be answered, however, with respect to payments made on an actuarial basis pursuant to any group pension plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

4. In the case of pension or retirement plans, the information called for by Column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications. If any person named received benefits under any plan during the issuer's last fiscal year, the amount of such benefits shall be stated separately.

5. Column (D) need not be answered with respect to any pension plan of the type referred to in instruction 3. Where it is impracticable to determine the aggregate amount of deferred benefits to be paid pursuant to any other type of plan, there shall be stated the aggregate amount set aside, accrued or contracted for, unless it is impracticable to do so.

(c) Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any significant transactions since the beginning of the issuer's last fiscal year, or in any proposed transactions, to which the issuer or any of its subsidiaries was or is to be a party:

(1) Any director or officer of the issuer;

(2) Any nominee for election as a director;

(3) Any security holder named in answer to item 5 (d); and

(4) Any associate of any of the foregoing persons.

Instructions. 1. The term "transaction" as used herein includes, without limiting the generality of the term, the receipt of any remuneration or other thing of value directly or indirectly from the issuer or any of its subsidiaries. However, information need not be given under this paragraph as to the direct remuneration of directors and officers of the issuer for services to the issuer or any of its subsidiaries.

2. The instruction to item 4 shall apply to this paragraph.

3. Except as provided in instruction 5 below, include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described.

4. As to any such transaction involving the purchase or sale of assets by or to the issuer or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within two years prior to the transaction.

5. As to any such transaction involving the granting of options, warrants or rights, give (i) the title and amount of securities called for; (ii) the prices, expiration dates and other material provisions; (iii) the consideration received for the granting thereof; and (iv) the market value of the securities called for on the granting date. State separately the amount of options received or to be received by each director of officer named in answer to paragraph (a), naming each such person, and the amount received or to be received by all directors and officers as a group, without naming them.

(d) State as to each of the following persons who was indebted to the issuer or its subsidiaries at any time since the beginning of the last fiscal year of the issuer, (i) the largest aggregate amount of indebtedness outstanding at any time during such period, (ii) the nature of the indebtedness and of the transaction in which it was incurred, (iii) the amount thereof outstanding as of the latest practicable date, and (iv) the rate of interest paid or charged thereon:

(1) Each person who has been a director or officer of the issuer at any time during such period;

(2) Each nominee for election as a director; and,

(3) Each associate of any such director, officer or nominee.

Instructions. 1. Include the name of each person whose indebtedness is described and the nature of the relationship by reason of which the information is required to be given.

2. This paragraph does not apply to any indebtedness arising from transactions in the ordinary course of business, or to any person whose aggregate indebtedness did not exceed $1,000 at any time during the period specified.

Item 8. Selection of auditors. If action is to be taken with respect to the selection of auditors, or if it is proposed that particular auditors shall be recommended for selection by any committee to select auditors for whom votes are to be cast, name the auditors and describe briefly any material relationship of such auditors or any of their associates with the issuer or any of its affiliates.

Item 9. Bonus, profit sharing and other remuneration plans. If action is to be taken with respect to any bonus, profit sharing or other remuneration plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will participate therein, indicate the approximate number of persons in each such class and state the basis of such participation.

(b) State separately the amounts which would have been distributable under the plan during the last fiscal year of the issuer (1) to directors and officers and (2) to employees if the plan had been in effect.

(c) State the name and position with the issuer of each person specified in item 7 a), who will participate in the plan and the amount which each such person would have received under the plan for the last fiscal year of the issuer if the plan had been in effect.

(d) Furnish such information, in addition to that required by this item and item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing or other remuneration or incentive plans for (i) each director or officer named in answer to item 7 (a) who will participate in the plan to be acted upon; (ii) all directors and officers of the issuer as a group; and (iii) all employees.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders, to increase the cost thereof to the issuer or to alter the allocation of the benefits as between the groups specified in (b), state the nature of the amendments which can be so made.

Instructions. 1. The term "plan" as used in this item means any plan as defined in instruction 1 to item 7 (b).

2. If the plan is set forth in a formal plan, contract or arrangement, three copies thereof shall be filed with the Commission at the time preliminary copies of the proxy statement and form of proxy are filed pursuant to paragraph (a) of § 240.14a–6 (Rule X–14a–6).

Item 10. Pension and retirement plans. If action is to be taken with respect to any pension or retirement plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will be entitled to participate therein, indicate the approximate number of persons in each such class and state the basis of such participation.

(b) State (1) the approximate total amount necessary to fund the plan with respect to past services, the period over which such amount is to be paid and the estimated annual payments necessary to pay the total amount over such period, (2) the estimated annual payment to be made with respect to current services and (3) the amount of such annual payments to be made for the benefit of (i) directors and officers and (ii) employees.

(c) State (1) the name and position with the issuer of each person specified in Item 7 (a) who will be entitled to participate in the plan, (2) the amount which would have been paid or set aside by the issuer and its subsidiaries for the benefit of such person for the last fiscal year of the issuer if the plan had been in effect, and (3) the amount of the annual benefits estimated to be payable to such person in the event of retirement at normal retirement date.

(d) Furnish such information, in addition to that required by this item and item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing or other remuneration or incentive plans for (i) each director or officer named in answer to item 7 (a) who will participate in the plan to be acted upon; (ii) all directors and officers of the issuer as a group; and (iii) all employees.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the issuer or alter the allocation of the benefits as between the groups specified in (b) (3),

state the nature of the amendments which can be so made.

Instructions. 1. The term "plan" as used in this item means any plan as defined in instruction 1 to item 7 (b).

2. The information called for by paragraph (b) (3) or (c) (2) need not be given as to payments made on an actuarial basis pursuant to any group pension plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

3. If the plan is set forth in a formal plan, contract or other document, three copies thereof shall be filed with the preliminary copies of the proxy statement and form of proxy at the time copies thereof are filed with the Commission pursuant to paragraph (a) of § 240.14a-6 (Rule X-14A-6).

Item 11. Options, warrants, or rights. If action is to be taken with respect to the granting or extension of any options, warrants or rights to purchase securities of the issuer or any subsidiary, furnish the following information:

(a) State (i) the title and amount of securities called for or to be called for by such options, warrants or rights; (ii) the prices, expiration dates and other material conditions upon which the options, warrants or rights may be exercised; (iii) the consideration received or to be received by the issuer or subsidiary for the granting or extension of the options, warrants or rights; and (iv) the market value of the securities called for or to be called for by the options, warrants or rights, as of the latest practicable date.

(b) State separately the amount of options, warrants or rights received or to be received by the following persons, naming each such person: (i) each director or officer named in answer to item 7 (a); each nominee for election as a director of the issuer; (iii) each associate of such directors, officers or nominees; and (iv) each other person who received or is to receive 5 percent or more of such options, warrants or rights. State also the total amount of such options, warrants or rights received or to be received by all directors and officers of the issuer as a group, without naming them.

(c) Furnish such information, in addition to that required by this item and item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing or other remuneration or incentive plans for (i) each director or officer named in answer to item 7 (a) who will participate in the plan to be acted upon; (ii) all directors and officers of the issuer as a group; and (iii) all employees.

Instruction. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

Item 12. Authorization or issuance of securities otherwise than for exchange. If action is to be taken with respect to the authorization or issuance of any securities otherwise than for exchange for outstanding securities of the issuer, furnish the following information:

(a) State the title and amount of securities to be authorized or issued.

(b) Furnish a description of the securities such as would be required to be furnished in an application on the appropriate form for their registration on a national securities exchange. If the securities are additional shares of common stock of a class outstanding, the description may be omitted except for a statement of the pre-emptive rights, if any.

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the issuer, and (2) the approximate amount devoted to each purpose so far as determinable, for which the net proceeds have been or are to be used.

(d) If the securities are to be issued otherwise than in a general public offering for cash, state the reasons for the proposed authorization or issuance, the general effect thereof upon the rights of existing security holders, and the vote needed for approval.

Item 13. Modification or exchange of securities. If action is to be taken with respect to the modification of any class of securities of the issuer, or the issuance or authorization for issuance of securities of the issuer in exchange for outstanding securities of the issuer, furnish the following information:

(a) If outstanding securities are to be modified, state the title and amount thereof. If securities are to be issued in exchange for outstanding securities, state the title and amount of securities to be so issued, the title and amount of outstanding securities to be exchanged therefor and the basis of the exchange.

(b) Describe any material differences between the outstanding securities and the modified or new securities in respect of any of the matters concerning which information would be required in the description of the securities in an application on the appropriate form for their registration on a national securities exchange.

(c) State the reasons for the proposed modification or exchange, the general effect thereof upon the rights of existing security holders, and the vote needed for approval.

(d) Furnish a brief statement as to arrears in dividends or as to defaults in principal or interest in respect to the outstanding securities which are to be modified or exchanged and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(e) Outline briefly any other material features of the proposed modification or exchange. If the plan of proposed action is set forth in a written document, file copies thereof with the Commission in accordance with § 240.14a-6 (Rule X-14A-6).

Item 14. Mergers, consolidations, acquisitions and similar matters. Furnish the following information if action is to be taken with respect to any plan for (i) the merger or consolidation of the issuer into or with any other person or of any other person into or with the issuer, (ii) the acquisition by the issuer or any of its security holders of securities of another issuer, (iii) the acquisition by the issuer of any other going business or of the assets thereof, (iv) the sale or other transfer of all or any substantial part of the assets of the issuer, or (v) the liquidation or dissolution of the issuer:

(a) Outline briefly the material features of the plan. State the reasons therefor, the general effect thereof upon the rights of existing security holders, and the vote needed for its approval. If the plan is set forth in a written document, file three copies thereof with the Commission at the time preliminary copies of the proxy statement and form of proxy are filed pursuant to § 240.14a-6 (a) (Rule X-14A-6 (a)).

(b) Furnish the following information as to each person (other than totally-held subsidiaries of the issuer) which is to be merged into the issuer or into or with which the issuer is to be merged or consolidated or the business or assets of which are to be acquired or which is the issuer of securities to be acquired by the issuer in exchange for all or a substantial part of its assets or to be acquired by security holders of the issuer.

(1) Describe briefly the business of such person. Information is to be given regarding pertinent matters such as the nature of the products or services, methods of production, markets, methods of distribution and the sources and supply of raw materials.

(2) State the location and describe the general character of the plants and other important physical properties of such person. The description is to be given from an economic and business standpoint, as distinguished from a legal standpoint.

(3) Furnish a brief statement as to dividends in arrears or defaults in principal or interest in respect of any securities of the issuer or of such person, and as to the effect of the plan thereon and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(c) As to each class of securities of the issuer, or of any person specified in paragraph (b), which is admitted to dealing on a national securities exchange or with respect to which a market otherwise exists, and which will be materially affected by the plan, state the high and low sale prices (or, in the absence of trading in a particular period, the range of the bid and asked prices) for each quarterly period within two years. This information may be omitted if the plan involves merely the liquidation or dissolution of the issuer.

Item 15. Financial statements. (a) If action is to be taken with respect to any matter specified in Item 12, 13, or 14 above furnish certified financial statements of the issuer and its subsidiaries such as would currently be required in an original application for the registration of securities of the issuer under the act. All schedules other than the schedules of supplementary profit and loss information may be omitted.

Instruction. Such statements shall be prepared and certified in accordance with Part 210 of this chapter (Regulation S-X).

(b) If action is to be taken with respect to any matter specified in Item 14 (b), furnish financial statements such as would currently be required in an original application by any person specified therein for registration of securities under the Act. Such statements need not be certified and all schedules other than the schedules of supplementary profit and loss information may be omitted. However, such statements may be omitted for (i) a totally-held subsidiary of the issuer which is included in the consolidated statement of the issuer and its subsidiaries, or (ii) a person which is to succeed to the issuer or to the issuer and one or more of its totally-held subsidiaries under such circumstances that Form 8-B would be appropriate for registration of securities of such person issued in exchange for listed securities of the issuer.

(c) Notwithstanding paragraphs (a) and (b) above, any or all of such financial statements which are not material for the exercise of prudent judgment in regard to the matter to be acted upon may be omitted if the reasons for such omission are stated. Such financial statements are deemed material to the exercise of prudent judgment in the usual case involving the authorization or issuance of any material amount of senior securities, but are not deemed material in cases involving the authorization or issuance of common stock, otherwise than in exchange.

(d) The proxy statement may incorporate by reference any financial statements contained in an annual report sent to security holders pursuant to § 240.14a-3 (Rule X-14A-3) with respect to the same meeting as that to which the proxy statement relates, provided such financial statements substantially meet the requirements of this item.

Item 16. Acquisition or disposition of property. If action is to be taken with respect to the acquisition or disposition of any property, furnish the following information:

(a) Describe briefly the general character and location of the property.

(b) State the nature and amount of consideration to be paid or received by the issuer or any subsidiary. To the extent practicable, outline briefly the facts bearing upon the question of the fairness of the consideration.

(c) State the name and address of the transferor or transferee, as the case may be, and the nature of any material relationship of such person to the issuer or any affiliate of the issuer.

(d) Outline briefly any other material features of the contract or transaction.

Item 17. Restatement of accounts. If action is to be taken with respect to the restatement of any asset, capital, or surplus account of the issuer, furnish the following information:

(a) State the nature of the restatement and the date as of which it is to be effective.

(b) Outline briefly the reasons for the restatement and for the selection of the particular effective date.

(c) State the name and amount of each account (including any reserve accounts) affected by the restatement and the effect of the restatement thereon.

(d) To the extent practicable, state whether and the extent, if any, to which, the restatement will, as of the date thereof, alter the amount available for distribution to the holders of equity securities.

Item 18. Action with respect to reports. If action is to be taken with respect to any report of the issuer or of its directors, officers or committees or any minutes of meeting of its stockholders, furnish the following information:

(a) State whether or not such action is to constitute approval or disapproval of any of the matters referred to in such reports or minutes.

(b) Identify each of such matters which it is intended will be approved or disapproved, and furnish the information required by the appropriate item or items of this schedule with respect to each such matter.

Item 19. Matters not required to be submitted. If action is to be taken with respect to any matter which is not required to be submitted to a vote of security holders, state the nature of such matter, the reasons for submitting it to a vote of security holders and what action is intended to be taken by the management in the event of a negative vote on the matter by the security holders.

Item 20. Amendment of charter, by-laws or other documents. If action is to be taken with respect to any amendment of the issuer's charter, by-laws or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment and the vote needed for its approval.

Item 21. Other proposed action. If action is to be taken with respect to any matter not specifically referred to above, describe briefly the substance of each such matter in substantially the same degree of detail as is required by Items 5 to 20, inclusive, above.

[F. R. Doc. 52-13295; Filed, Dec. 17, 1952; 8:47 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

INSTRUCTIONS AS TO EXHIBITS IN FORM 10, FOR CORPORATIONS

The instructions as to exhibits in Form 10 (17 CFR 249.210) require that there be filed as exhibits to applications on that form copies of all options, warrants or rights described in answer to Item 21 of the form. Where such options are issued pursuant to a general plan which sets forth the principal terms and conditions upon which the options, warrants or rights may be issued, it is unnecessary to file copies of each individual option, warrant or right issued pursuant to the plan. Accordingly, instruction 9 of the Instructions as to Exhibits has been amended so as to require the filing in such cases of copies of the plan, together with specimen copies of the options, warrants or rights. Of course where they are not issued pursuant to such a plan and contain substantially different terms and conditions, it will still be necessary to file copies of each option, warrant or right.

Since the exhibit requirements of Forms 8-K and 10-K (17 CFR 249.308 and 249.310) are keyed to those of Form 10 (17 CFR 249.210), the amendment will operate to permit the filing in appropriate cases of copies of the plan as an exhibit to reports on those forms, in lieu of filing copies of each individual option, warrant or right.

Statutory basis. The amendment is adopted pursuant to the Securities Exchange Act of 1934, particularly sections 12 and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act.

The text of amended instruction 9 is as follows:

9. Copies of the plan setting forth the terms and conditions upon which the options, warrants or rights described in answer to item 21 were issued, together with specimen copies of such options, warrants or rights or, if they were not issued pursuant to such a plan, copies of each such option, warrant or right.

The Commission finds that the foregoing amendment will operate to the advantage of registrants under the act and that notice and procedure in accordance with section 4 of the Administrative Procedure Act with respect to such an amendment is not necessary.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w)

The foregoing amendment shall become effective December 12, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 11, 1952.

[F. R. Doc. 52-13292; Filed, Dec. 17, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Munitions Board

Subchapter B—Miscellaneous Regulations and Policies

PART 121—STATEMENT OF POLICY FOR TREATMENT OF DEPRECIATION ON EMERGENCY FACILITIES COVERED BY CERTIFICATES OF NECESSITY FOR CONTRACT PRICING PURPOSES

This part sets forth a Department of Defense directive to the Departments of the Army, Navy and Air Force.

Sec.
121.1 Purpose.
121.2 Applicability.
121.3 Basic principles.
121.4 Procedures.

AUTHORITY: §§ 121.1 to 121.4 issued under 64 Stat. 798–822, as amended; 50 U. S. C. App., Sup., 2061–2166.

§ 121.1 *Purpose.* The purpose of this part is to implement Defense Mobilization Order No. 11, Amendment 1 (Title 32A, Chapter I), issued by the Acting Director of Defense Mobilization, effective July 21, 1952, with respect to the extent to which accelerated amortization may be allowed as a cost in negotiated contract pricing (17 F. R. 6657, July 19, 1952).

§ 121.2 *Applicability.* (a) The principles and procedures set forth in this part shall be applicable in the consideration of costs for purposes of pricing or repricing of all negotiated contracts of the Departments of the Army, Navy, and Air Force, the performance of which requires the use of emergency facilities. The term "negotiated contracts", as used in this part, means all contracts, other than those awarded pursuant to formal advertising, in which costs are a factor in contract pricing; it includes cost-reimbursement-type contracts, contracts containing price redetermination clauses, incentive-type contracts, and fixed-price contracts where estimated costs are used in negotiating firm prices. The term "negotiated contracts", as used in this part, also covers subcontracts of the same types as prime contracts to the extent that the policies of the respective military departments make their representatives responsible for the approval or disapproval of prices or costs of such subcontracts. With respect to subcontracts under negotiated prime contracts the procurement agency concerned shall have no greater responsibility than heretofore.

(b) These principles and procedures shall be applicable to all negotiated contracts placed after the effective date of this part and to all existing negotiated contracts (including letters of intent) at that date where firm prices have not been finally determined or redetermined and to all existing cost-reimbursement-type contracts not completed at that date except as to predetermined overhead rates or fixed amounts of overhead which have finally been agreed upon for particular periods.

§ 121.3 *Basic principles.* (a) As indicated by DMO-11, Amendment 1, "for the purpose of cost computations in negotiated contract pricing, true depreciation which includes extraordinary obsolescence reasonably assignable to the emergency period, is allowable. Any accelerated amortization of emergency facilities which is in excess of true depreciation, regardless of whether such excess is included in tax amortization certificates, is not allowable as an element of cost in negotiated contract pricing."

(b) The meaning of the term "true depreciation" shall conform to the generally accepted concept of depreciation accounting which may be defined as

follows: A system of accounting which aims to distribute to the cost of operations, the cost of capital assets calculated to have expired for any accounting period due to such causes as wear and tear, action of the elements, and prospective inadequacy or obsolescence. Obsolescence of facilities may be brought about by reduced economic utility of facilities without loss of productive utility, such as by technological changes affecting the demand for the products of an industry, as well as by changes affecting the economic use of individual machines. Special requirements for relocation of facilities may also result in obsolescence.

(c) Obsolescence of emergency facilities due to prospective loss of economic utility after the emergency period is a special hazard in some industries. However, in some cases possible overcapacity in an industry is really represented in pre-existing facilities which are in fact obsolete; in such cases the new facilities may be expected to displace the old facilities after the emergency, and it may not be said necessarily that there is extraordinary obsolescence applicable to the new facilities during the emergency period. In cases where the introduction of emergency facilities may cause prospective obsolescence of existing facilities after the emergency period (when such existing facilities are not already obsolete, in fact), true depreciation for emergency facilities should not include allowances for prospective extraordinary obsolescence of the existing facilities; however, in such cases extraordinary obsolescence applicable to the existing facilities, when used in military production, should be considered separately to the extent appropriate in the circumstances.

(d) In the case of emergency facilities covered by Certificates of Necessity, for the purpose of depreciation computations in contract pricing, an arbitrary assignment of five years from date of completion of construction or acquisition of the respective facilities shall be made as representing the period of the emergency. The entire cost of such facilities first shall be fairly apportioned as between the emergency period and the post-emergency period; secondly, the portion of the cost of such facilities assigned to the emergency period shall be prorated over the fiscal periods thereof for purposes of determining overhead costs in any fiscal period to be allocated to the cost of performance of defense or other contracts.

(e) The allocation of the cost of facilities as between the emergency period and post-emergency period shall be made with consideration of the following:

(1) The estimated prospective post-emergency usefulness of the facilities in number of years of useful productive life. Consideration should be given to the post-emergency use (both civilian and military) which it is expected the facilities will have. In this connection, the character of the expected post-emergency use may be different than the emergency-period use.

(2) The additional costs of special-construction features of the facilities fairly assignable exclusively to defense requirements.

(3) Subject to the application of the principles outlined in this part, consideration shall be given to the portion of the cost of emergency facilities certified for amortization plus so-called normal depreciation for tax purposes during the emergency period on the uncertified portion of the cost of such facilities. (See particularly paragraphs (f) and (g) of this section.)

(4) The normal peacetime life of facilities having a normal peacetime utility. If Bulletin F of the Bureau of Internal Revenue is used in connection herewith, care must be exercised in its use, as its data may not be typical of any specific contractor or industry, especially in the emergency period.

It must be emphasized that this is a process of cost allocation which does not contemplate an appraisal of the resale value (other than residual salvage value) or replacement cost of emergency facilities at the end of the emergency period.

(f) Certificates of Necessity have been issued in some cases providing for the amortization of emergency facilities for tax purposes during the emergency period in amounts in excess of true depreciation. It is also possible that Certificates of Necessity may have been issued in isolated cases providing for the amortization of emergency facilities for tax purposes in amounts less than true depreciation. Such variances may be attributable to the granting of other incentives than true depreciation, or to the practice of following industry-wide patterns of certification without reference to true depreciation in specific cases. The excess of tax amortization over estimated true depreciation shall not be allowable as a cost for the purpose of pricing negotiated contracts, either directly or indirectly as a factor of "contingencies" or profit allowance.

(g) It is the intent of this part to give contractors a reasonable and properly allocable allowance to cover the estimated loss of economic usefulness of their emergency facilities in production under defense contracts. The procedures for determining such allowances must be such as will expedite determination; this requires avoidance of an impossible perfectionism. There is no intent to limit the cost allowance to depreciation that would be allowable for income tax purposes if there were no Certificates of Necessity, nor to necessarily require that the allowance be below tax amortization covered by certificates. Each case must be judged on its merits in the light of these principles. If the result obtained by the application of the principles outlined in this part indicates substantial justification of the total amount of amortization and depreciation allowable for tax purposes during the emergency period, as a reasonable measure of true depreciation, such amount shall be accepted, without adjustment, as true depreciation. In those isolated cases where substantial justification can be shown for a larger amount of true depreciation than the total amount of amortization and depreciation allowable for tax purposes during the emergency period, the larger amount shall be allowable as a cost for purposes of contract pricing.

(h) Contract pricing for the post-emergency period will be based upon allowing as a cost, depreciation on emergency facilities, computed by allocating the undepreciated cost of such facilities at the end of the emergency period (cost less true depreciation for that period) over the estimated remaining life of the facilities.

§ 121.4 *Procedures.* (a) With respect to emergency facilities which it is known will be used in the performance of negotiated contracts, as to which it is expected that Certificates of Necessity covering facilities of significant value will be issued on or after the effective date of this directive, the procurement agency concerned shall make a timely request to Defense Production Agency for an estimate of true depreciation of the facilities for the emergency period of five years, pursuant to paragraph 8 of DMO–11, as amended. It is required that the procurement agency concerned shall furnish DPA with such factual information as it has, or is readily available to it, which may be useful to DPA in making such estimates. This information shall be furnished at the same time as the procurement agency advises DPA or its agent of the need for the facilities for defense purposes. The type of information desired is the same as that desired by the procurement agency concerned under paragraph (f) of this section; however, the procurement agency is not required to make a preliminary estimate of true depreciation. Any procurement agency may make requests to DPA for an estimate of true depreciation subsequent to the issuance of a Certificate of Necessity when a timely request previous to issuance was impracticable because of such a circumstance as lack of timely information that the facilities in question were to be used in performance of negotiated defense contracts.

(b) While cost determination in negotiated contract pricing is a function of the procurement agency concerned, estimates of true depreciation of emergency facilities made by DPA in accordance with paragraph (a) of this section, will normally be used in such cost determination by the procurement agency concerned until such time in the future as changes in the relevant factors justify, in the opinion of the procurement agency concerned, a revision of the estimates.

(c) With respect to emergency facilities used in the performance of negotiated contracts for which Certificates of Necessity are or have been issued and for which DPA has not made an estimate of true depreciation, including all certificates heretofore issued, the procurement agency concerned shall be solely responsible for estimates of such depreciation for contract pricing purposes in the light of the principles set forth in this part. However, as provided in paragraph 9 of DMO–11, Amendment 1, in special or unusual cases where Certificates have been issued heretofore, DPA will, on request, furnish the procurement agency concerned with such information as it has or is readily available to it which would have been pertinent to such an estimate of true depreciation—such requests should be held to a minimum.

(d) In order to expedite administration of the determination of true depreciation for the emergency period for a specific contractor, it will be appropriate to make over-all determinations of true depreciation of emergency facilities covered by Certificates of Necessity on a plant-wide or product-wide basis of classification of such facilities by such groupings as may be appropriate in consideration of general similarity of the facilities from the standpoint of length of useful productive life.

(e) In the case of contracts to which this part is applicable which are in force at the effective date of this part, price redeterminations, cost-incentive adjustments, and cost reimbursements may continue to be made in accordance with the pricing formula established in the initial pricing negotiations, provided the contractors are agreeable, and provided there is no evidence that the contractor has been allowed more than true depreciation in pricing, either directly or indirectly. When costs of such contracts are redetermined in the light of the principles set forth herein, consideration shall be given to possible redetermination of the entire allowable costs and profit (or fees), as pricing factors, to the extent required to avoid excessive or duplicate allowances in costs or profits for such true depreciation. Allowances for contingencies and profits in initial price negotiations in some cases may have included indirect allowances for the excess of true depreciation or tax amortization over normal depreciation; in such cases no more should be allowed in total pricing for this factor than true depreciation.

(f) Contractors shall be required to set forth to the authorized representatives of the procurement agencies, all the pertinent facts having a bearing on estimates of true depreciation together with their evaluation thereof. Such authorized representatives of the procurement agencies will be expected to exercise reasonable judgment in their review and evaluation of the facts in arriving at estimates of true depreciation, in the light of the basic principles set forth in this part, recognizing the impossibility of having absolutely demonstrable proof of the conclusions reached.

(g) Where the emergency facilities of any contractor at one plant or at one general location are used in the performance of contracts for more than one of the military departments, one of these departments shall make determinations of true depreciation binding upon each other department. The responsible department shall be the one, if any, having plant cognizance procurement assignment; in the absence of such assignment the responsible department shall be the one, if any, having single-service audit responsibility; otherwise the responsible department shall be the one having the largest interest in effecting current procurement at the time of the determination. Similarly, each military department shall be responsible for delegating responsibility therein in a manner to avoid duplications in determinations of true depreciation within that department.

Implementation. This directive shall be published promptly in the FEDERAL REGISTER. Implementing regulations, directives, or instructions shall be issued within each military department, and copies shall be furnished to the Assistant Secretary of Defense (Comptroller) and the Chairman of the Munitions Board within forty-five (45) days from date hereof.

Effective date. This directive is effective on the day of issuance.

J. D. SMALL,
Chairman, Munitions Board.

DECEMBER 10, 1952.

[F. R. Doc. 52–13217; Filed, Dec. 17, 1952; 10:18 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 24[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE

MISCELLANEOUS AMENDMENTS

1. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES[1]

[Fourth quarter 1952, and first quarter 1953]

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Fourth quarter 1952	First quarter 1953
	Petroleum and products		
503300 through 504100	Lubricating oils and greases (for shipments to Burma, Ceylon, Taiwan, Indochina, Hong Kong, India, Macao, Federation of Malaya, Republic of Indonesia, Pakistan, Republic of the Philippines, Singapore, and Thailand. (See § 373.8 of this subchapter.)	On or before Aug. 15, 1952.	On or before Nov. 15, 1952.
	Other nonmetallic minerals (precious included)		
571500	Sulfur, crushed, ground, refined, sublimed and flowers.	Oct. 1–Oct. 31, 1952	Dec. 22, 1952–Jan. 15, 1953.
	Metals and manufactures[2]		
	Controlled materials:[3]		
	Commodities with processing code STEEL	May 15–May 30, 1952	Sept. 8–Oct. 6, 1952.
	Commodities with processing code NONF	May 16–May 30, 1952	Aug. 15–Aug. 30, 1952.
	Commodities with processing code TNPL:		
	Secondary tinplate products	Oct. 6–Oct. 27, 1952	Jan. 2–Jan. 23, 1953.
	Specification production plate	June 16–July 18, 1952	Oct. 6–Oct. 27, 1952.
	Commodities other than controlled materials:		
	Copper and manufactures:[4]		
618957	Copper-base alloy pipe fittings (including brass and bronze).	Sept. 1–Sept. 15, 1952	Dec. 1–Dec. 15, 1952.
618959	Copper pipe fittings		
619034	Brass and bronze welding electrodes and welding rods (including phosphor bronze).		
619034	Phosphor copper brazing rods and wire		
619959	Copper welding rods and wires		
641300–644000	Copper and copper-base alloy scrap (except No. 1 copper scrap and brass mill scrap).	Sept. 1–Sept. 15, 1952.	
644100	Copper-base alloy, ingot form		
	Aluminum and manufactures:		
636050	Aluminum scrap (new and old)		
636301	Aluminum sheets, corrugated		
	Nickel and manufactures:		
619039	Nickel welding rods and wires	Sept. 1–Sept. 15, 1952	Dec. 1–Dec. 15, 1952.
619159	Nickel-chrome-boron powder		
619950	Nickel catalysts and nickel slugs		
654501 through 654519	Nickel ores, concentrates, scrap and primary forms.		
619950	Other nickel manufactures, n. e. c.	Sept. 1–Sept. 15, 1952.	
	Tin and manufactures:		
619039	Tin welding rods and wires (include solder)	Sept. 1–Sept. 15, 1952	Dec. 1–Dec. 15, 1952.
619159	Tin metal powders		
619950	Tin shot; tin slugs; and tin collapsible tubes		
619950	Other tin manufactures, n. e. c.		
654501	Tin alloy scrap (new and old) (including babbitt metal dross and scrap).	Sept. 1–Sept. 15, 1952.	
654501	Tin ore		
654507	Tin metal in ingots, pipes, bars, blocks, anodes, cathodes, slabs, and other crude forms.	Sept. 1–Sept. 15, 1952	Dec. 1–Dec. 15, 1952.
654511	Tin pipe, plates, sheets, tubes, and other primary forms.		
654517	Babbitt metal (except scrap and dross)	Sept. 1–Sept. 15, 1952	Dec. 1–Dec. 15, 1952.
619159	Selenium powder	Nov. 3–Nov. 17, 1952	Jan. 2–Jan. 16, 1953.
664998	Selenium metal		
664529	Cobalt dental alloys (formerly 664529 and 915360)	Oct. 1–Oct. 31, 1952	Jan. 12–Jan. 26, 1953.

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 686, dated December 11, 1952, with the exception of time schedules announcement for selenium powder and metal and cobalt dental alloys.

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES [1]—Continued

[Fourth quarter 1952, and first quarter 1953]

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Fourth quarter 1952	First quarter 1953
	Industrial chemicals		
830960	Sulfuric acid, all grades	Oct. 1–Oct. 31, 1952.	

[Second and third quarters 1953]

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Second quarter 1953	Third quarter 1953
	Petroleum and products		
503300 through 504100	Lubricating oils and greases (for shipments to Burma, Ceylon, Taiwan, Indochina, Hong Kong, India, Macao, Federation of Malaya, Republic of Indonesia, Pakistan, Republic of the Philippines, Singapore, and Thailand. (See § 373.8 of this subchapter.)	On or before Feb. 15, 1953.	
	Other nonmetallic minerals (precious included)		
571500	Sulfur, crushed, ground, refined, sublimed and flowers.	Mar. 15–Apr. 15, 1953.	
	Metals and manufactures [2]		
	Controlled materials: [3]		
	Commodities with processing code STEEL [4]	Nov. 24–Dec. 20, 1952.	
	Commodities with processing code NONFE	Dec. 1–Dec. 31, 1952.	
	Commodities with processing code TNPL:		
	Specification production plate	Dec. 15, 1952–Jan. 9, 1953.	

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time. (See § 372.4 (a) of this subchapter.) Export applications for commodities requiring a validated license which moving in transit through the United States may be submitted at any time and are not subject to specified filing dates. (See § 372.4 of this subchapter.)

[2] The submission dates for these commodities are also applicable to prior Export applications (see §§ 371.2 (f) and 374.3 (d) of this subchapter), and to petroleum project licenses, as provided in § 399.5 (b) of this subchapter.

[3] Controlled materials are identified on the Positive List by the letter "C" in the column headed "Commodity List".

[4] See §§ 398.5 (b) (6) and 398.5 (b) (7) of this subchapter for exception to these dates under certain conditions.

This part of the amendment shall become effective as of December 11, 1952, with the exception of the announcement of time schedules for the First Quarter, 1953, for Selenium powder, Selenium metal and Cobalt dental alloys which shall become effective as of December 17, 1952.

2. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders*, is amended in the following particulars:

The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Lee, Henry T. S., 37 Wall St., New York 5, N. Y.	11-12-52	5-12-53	Validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 10476, 11-15-52.
Lee, Richard T. Y., 37 Wall St., New York 5, N. Y.	11-12-52	5-12-53	do	17 F. R. 10476, 11-15-52.
Li, Sueling, 37 Wall St., New York 5, N. Y.	11-12-52	5-12-53	do	17 F. R. 10476, 11-15-52.
United Global Corp., 37 Wall St., New York 5, N. Y.	11-12-52	5-12-53	do	17 F. R. 10476, 11-15-52.

The following entries are deleted:

Considine, Julia, Room 608, 90 Broad St., New York, N. Y.	9-19-52	11-13-52	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 8551, 9-25-52.
Jessum Export & Import Co., 180 Broadway, New York 38, N. Y.	10-20-52	11-18-52	do	17 F. R. 9568, 10-21-52.
Jessum Industrial Corp., 180 Broadway, New York 38, N. Y.	10-20-52	11-18-52	do	17 F. R. 9568, 10-21-52.
Kaplan, Simon, Room 608, 90 Broad St., New York, N. Y.	9-19-52	11-13-52	do	17 F. R. 8551, 9-25-52.
Pinto, Jesse E., 180 Broadway, New York 38, N. Y.	10-20-52	11-18-52	do	17 F. R. 9568, 10-21-52.

This part of the amendment shall become effective as of December 11, 1952.

3. Section 398.5 *CMP: Export allocations and procedures*, paragraph (b) *Procedures governing applications to export controlled materials* is amended by adding thereto a new subparagraph (7) to read as follows:

(7) *Applications for exportation of finished carbon conversion steel.* Exporters who make conversion arrangements for the production of finished carbon conversion steel (as defined in CMP Reg. No. 1, Dir. 19 (32 CFR Chapter VI)) representing production in excess of normal National Production Authority production directive tonnages, to be delivered in the fourth quarter of 1952 and the first quarter of 1953, may file applications for export licenses at any time regardless of filing schedules. The application must be accompanied by a letter in triplicate containing the following information.

(i) The name and address of the plant of the supplier of semifinished carbon conversion steel.

(ii) For each such plant, a description of the semifinished carbon conversion steel product (ingot, billet, bloom, slab, etc.).

(iii) For each such product, the tonnage by months of shipment.

(iv) For each such product, the name and address of each plant providing a finished facility in the conversion process.

(v) For each such plant (finishing facility), a description of the carbon steel product to be produced in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(vi) For each such carbon steel product, tonnage by months of shipment.

Such applications when approved will not be charged to the regular OIT quarterly quotas.

NOTE: Section 2 of Dir. 19 to CMP Reg. No. 1 defines "finished carbon conversion steel" as follows:

"Finished carbon conversion steel" means carbon steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, which has been obtained by a person in consequence of such person or some other person having furnished, directly or indirectly, to one or more steel producers or converters, semifinished carbon conversion steel (which is carbon steel in a less-finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot-rolled sheets in coils) for the express purpose of having such semifinished carbon conversion steel processed into another form indicated in Schedule I of CMP Reg. No. 1.

This part of the amendment shall become effective as of December 11, 1952.

4. Section 398.8 *Supply assistance for foreign petroleum operations* is amended in the following particulars:

a. Paragraph (i) *Amendments.* is amended by adding the following sentence at the end of the second unnumbered subparagraph: "(See paragraph (k) of this section regarding carbon conversion steel amendments.)"

b. In paragraph (j) *Assignment and use of allotment symbols and DO ratings*, footnote 1 to the table is amended to read as follows:

[1] Listed in § 398.53.

c. Paragraph (k) *Revocation or denial*, is redesignated paragraph (l) *Revocation or denial*, and a new paragraph (k) is added to read as follows:

(k) *Use of allotment symbols to obtain additional carbon conversion steel*—(1) *Up to 500 tons.* Direction 3 to National Production Authority Order M-46A, (32 CFR Chapter VI) issued September 5, 1952, permits foreign petroleum operators having approved construction schedules to use their allotment symbols granted for the fourth quarter of 1952 and the first quarter of 1953 to procure up to 500 tons of finished carbon conversion steel for delivery in each of these quarters for each foreign petroleum project. This amount is in addition to the quantities specifically approved by the Office of International Trade on their Forms PAD-26A and IT-824 for such quarters. These operators may place their orders and secure delivery of the additional quantity up to 500 tons without filing applications with either NPA or OIT. However, requests for amendments to existing Forms PAD-26A and IT-824 must be filed with OIT in accordance with paragraph (i) of this section to obtain permission for exportation of the additional quantities. These amendments may be filed at any time. In filing such amendment requests exporters must make the following certification on the face of the amendment form:

The steel covered by this amendment request was purchased under section 3 (a) of Direction 3 to NPA Order M-46A.

(2) *Over 500 tons.* (i) Operators desiring to obtain and to export finished carbon conversion steel in excess of 500 tons for any foreign petroleum project for a particular quarter (over and above the quantity specifically approved for such project during such quarter) shall file their amendment requests as specified in paragraph (i) of this section. These amendments may be filed at any time.

(ii) Each amendment request must be accompanied by a letter in triplicate setting forth the information specified in § 398.5 (b) (7).

(3) *Oil country tubular goods (Schedule B Nos. 606210, 606230, 606240, and 606260).* Direction 4 to NPA Order M-46A makes the provisions of Direction 3 inapplicable to the procurement of new oil country tubular goods made from semifinished conversion steel.

This part of the amendment shall become effective as of December 11, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-13347; Filed, Dec. 17, 1952; 8:45 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

FORM TO BE USED IN FILING REPORTS

In view of the fact that the Joint Committee on Labor-Management Relations no longer exists, the reference to that Committee in item 3 of § 2.4 (b) (1) is no longer necessary.

Accordingly, pursuant to the authority vested in me by Revised Statutes 161 (5 U. S. C. 22), item 3 of § 2.4 (b) (1) is hereby amended by changing the comma after "the House Committee on Education and Labor" to a period, and deleting the words "or the Joint Committee on Labor-Management Relations."

(R. S. 161; 5 U. S. C. 22)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 11th day of December 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-13290; Filed, Dec. 17, 1952; 8:45 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 54—GOLD REGULATIONS

THIRTY-FIVE-OUNCE EXEMPTION FOR PROCESSORS

The full text of § 54.21 of the Gold Regulations (31 CFR Part 54; 17 F. R. 7888) as hereby amended, is set forth below. This amendment incorporates into § 54.21 the following changes:

1. The privileges of operating pursuant to this section are made subject to an additional condition, namely, that the aggregate amount of gold acquired, held, transported, melted and treated, and imported, does not exceed, in any calendar month, 250 fine troy ounces of gold content.

2. A limited exception is made to the prohibition against the consignment of semi-processed gold, in order to permit the consignment of scrap gold to the holder of a Treasury Department gold license on Form TOL-13, for processing and return in the form of semi-processed gold.

3. There is added a prohibition against the furnishing of melted scrap gold to other persons operating pursuant to the provisions of § 54.21.

The amendments to § 54.21 are issued after due consideration of all relevant views and material submitted pursuant to a notice of proposed rule making published in the FEDERAL REGISTER on October 25, 1952 (17 F. R. 9670) setting forth the substance of the proposed rules and affording interested persons thirty days in which to submit their views in writing.

Accordingly, effective January 19, 1953, § 54.21 of the Gold Regulations (31 CFR Part 54) is amended to read as follows:

§ 54.21 *Thirty-five-ounce exemption for processors.* (a) Subject to the conditions in paragraph (b) of this section, any person regularly engaged in an industry, profession, or art, who requires gold for legitimate, customary, and ordinary use therein, may, without the necessity of obtaining a Treasury gold license:

(1) Import unmelted scrap gold or acquire gold in any form from any person authorized to hold and dispose of gold in such form and amount under the regulations in this part or a license issued pursuant hereto;

(2) Hold, transport, melt, and treat such gold;

(3) Furnish unmelted scrap gold to the United States, to persons operating pursuant to §§ 54.18 or 54.21, or to the holder of a license issued pursuant to paragraph (a) of § 54.25; and

(4) Furnish melted scrap gold to the United States or to the holder of a license pursuant to paragraph (a) of § 54.25 which authorizes the acquisition of such melted scrap gold.

(b) The privileges of paragraph (a) of this section are granted subject to the following conditions:

(1) That the aggregate amount of such gold acquired, held, transported, melted and treated, and imported, does not exceed, at any one time, 35 fine troy ounces of gold content (not including gold which may be acquired, held, etc., without a license under any other section of this part, except § 54.18);

(2) That the aggregate amount of such gold acquired, held, transported, melted and treated, and imported, does not exceed, in any calendar month, 250 fine troy ounces of gold content (not including gold which may be acquired, held, etc., without a license under any other section of this part, except § 54.18);

(3) That such gold is acquired and held only for processing into fabricated gold, as defined in § 54.4, by such person in the industry, profession, or art in which he is engaged; and

(4) That full and exact records are kept and furnished in compliance with § 54.26.

(c) Persons acquiring, holding, transporting, melting and treating, and importing gold under authority of this section are not authorized:

(1) To consign gold bullion, including semi-processed gold, to other persons for processing except that scrap gold may, for processing and return in semi-processed form, be consigned to the holder of a license issued pursuant to paragraph (a) of § 54.25, which authorizes the acquisition and melting and treating of such gold.

(2) To furnish melted scrap gold to persons operating pursuant to the provisions of this section or § 54.18;

(3) To dispose of gold held under authority of this section otherwise than in the form of fabricated gold or scrap gold.

(d) Persons holding licenses issued pursuant to paragraph (a) of § 54.25 or acquiring, holding, transporting, or importing, gold pursuant to § 54.18 may not acquire, hold, transport, melt or treat, or import, any gold under authority of this section.

(Secs. 3, 8, 9, 11, 48 Stat. 340, 341, 342; 31 U. S. C. 442, 733, 734, 822b)

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13345; Filed, Dec. 17, 1952; 8:59 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Interpretation 36]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

INT. 36—DISLOCATIONS IN THE SOURCE OF SUPPLY OF A MANUFACTURING MATERIAL (SECTIONS 18, 44)

In computing the net cost of a manufacturing material under section 18 of CPR 22, increases in cost resulting from dislocations in the source of supply of a manufacturing material arising from NPA allocations, or from any other cause constituting a departure from a manufacturer's normal buying practices, cannot be used as a basis for determining the materials cost adjustment under any provision of CPR 22, other than section 44 relating to the use of conversion steel.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 17, 1952.

[F. R. Doc. 52-13418; Filed, Dec. 17, 1952; 11:51 a. m.]

[Ceiling Price Regulation 25, Revision 1, Interpretation 6]

CPR 25—REVISED CEILING PRICES OF BEEF ITEMS SOLD AT RETAIL

INT. 6—CHARGES FOR SPECIAL SERVICES (SECTIONS 13 (b) (2), 13 (b) (10), 13 (c))

A retailer of beef has inquired whether he may charge for the special services he performs which have traditionally been reflected in a ten to fifteen cents a pound higher price of beef to his customers.

Section 13(b)(10), CPR 25, Revision 1, as amended, makes it clear that sellers of beef at retail are prohibited from making a charge for any service, including the extension of credit, performed in connection with the sale of beef, except as provided in section 13(c). Section 13(c), as amended, permits certain retailers to charge customers for customary services, the ceiling prices of which are determined under CPR 34. However, besides section 13(b)(2) of CPR 25, Revision 1, which prohibits adding any charge for delivery service, such a prohibition is also found in section 13 (c) itself, excluding from being added to the ceiling price the additions provided for in sections 41, 43, 44, 45 and 46 of CPR 24.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 17, 1952.

[F. R. Doc. 52-13419; Filed, Dec. 17, 1952; 11:51 a. m.]

[Ceiling Price Regulation 30, Interpretation 23]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

INT. 23—DISLOCATIONS IN THE SOURCE OF SUPPLY OF A MANUFACTURING MATERIAL (SECTIONS 22, 42)

In computing the net cost of a manufacturing material under section 22 of CPR 30, increases in cost resulting from dislocations in the source of supply of a manufacturing material arising from NPA allocations, or from any other cause constituting a departure from a manufacturer's normal buying practices, cannot be used as a basis for determining the materials cost adjustment under any provision of CPR 30, other than section 42 relating to the use of conversion steel.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 17, 1952.

[F. R. Doc. 52-13420; Filed, Dec. 17, 1952; 11:51 a. m.]

[Distribution Regulation 2, Revision 1, Interpretation 1]

DR 2—ALLOCATION RECORDS

INT. 1—GRADING AND GRADEMARKING OF MEAT BY SLAUGHTERERS (SECTION 5)

An inquiry has been made as to those cases in which a slaughterer is permitted to forego Federal grading of meat sold by him.

Section 5 (c) of Distribution Regulation 2, Revision 1, permits any slaughterer to grade beef "Cutter" or "Canner" and grademark the same accordingly, irrespective of the availability of official graders. Section 5 (d) permits self-grading of beef by or for Class 3 slaughterers subject to the limitations of section 5 (g) as to grade, irrespective of the availability of official graders. Finally, section 5 (c) permits self-grading of beef, subject to the limitations as to grade of section 5 (g), by a slaughterer who has received a letter from the Department of Agriculture pursuant to section 5 (c) informing him that official graders are not available. Section 5 (e) permits self-grading, if an official grader is not available, of skinned veal and calf carcasses which have been graded and marked with skin on by official graders. Sections 5 (b) and 5 (c) make it clear that in all cases other than those described above, beef must be graded by an official grader.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 17, 1952.

[F. R. Doc. 52-13421; Filed, Dec. 17, 1952; 11:51 a. m.]

[Distribution Regulation 2, Revision 1, Interpretation 2]

DR 2—ALLOCATION RECORDS

INT. 2—GRADING AND GRADEMARKING BY UNOFFICIAL GRADER (SECTION 5)

OPS has been asked whether a complete exemption may be obtained from Federal grading and grademarking for "Canner" and "Cutter" beef.

Section 5 (c) of Distribution Regulation 2, Revision 1, provides that slaughterers may grade a carcass or wholesale cut of beef "Canner" and "Cutter" themselves and grademark such beef accordingly. This was not intended as an option between grading and grademarking, on the one hand, or not doing so at all, on the other hand. Under Section 5 (a), grading and grademarking is mandatory and where a person desires to sell grade "Canner" and "Cutter" and grademark accordingly, the appropriate grademark must be applied.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 17, 1952.

[F. R. Doc. 52-13422; Filed, Dec. 17, 1952; 11:52 a. m.]

[General Ceiling Price Regulation, Interpretation 61]

GENERAL CEILING PRICE REGULATION

INT. 61—INCREASE IN CEILING PRICE OF DISTRIBUTOR OF MIXED FEED CONSEQUENT ON INCREASE IN PRICE BY MANUFACTURER UNDER GOR 21 (SECTION 11 (c))

Where a manufacturer of mixed feeds obtains an increase in his ceiling prices under GOR 21, a distributor of such feeds may not increase his price for the feeds under SR 7 to GCPR since the increase by the manufacturer is not pursuant to that supplementary regulation. Neither may the distributor obtain an increase under SR 29 to GCPR since food products (except dry cereals for infants) processed from one or more of the agricultural commodities listed in section 11 (a) of GCPR are excluded from the operation of that supplementary regulation, and animal feeds are deemed to be such food products. However, since increases under section 11 (c) of GCPR are not limited to pass-through of price increases effected by a manufacturer under section 11 (b), the distributor is entitled to a section 11 (c) increase to the extent that the feed is a section 11 (a) commodity or a product processed therefrom.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 17, 1952.

[F. R. Doc. 52-13424; Filed, Dec. 17, 1952; 11:52 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 7, Interpretation 3]

GCPR, SR 7—PROCESSORS OF MANUFACTURED FEEDS

INT. 3—INCREASE IN CEILING PRICE OF DISTRIBUTOR OF MIXED FEED CONSEQUENT ON INCREASE IN PRICE BY MANUFACTURER UNDER GOR 21 (SECTION 2)

Where a manufacturer of mixed feeds obtains an increase in his ceiling prices under GOR 21, a distributor of such feeds may not increase his price for the feeds under SR 7 to GCPR since the increase by the manufacturer is not pursuant to that supplementary regulation. Neither may the distributor obtain an increase under SR 29 to GCPR since food products (except dry cereals for infants) processed from one or more of the agricultural commodities listed in section 11 (a) of GCPR are excluded from the operation of that supplementary regulation, and animal feeds are deemed to be such food products. However, since increases under section 11 (c) of GCPR are not limited to pass-through of price increases effected by a manufacturer under section 11 (b), the distributor is entitled to a section 11 (c) increase to the extent that the feed is a section 11 (a) commodity or a product processed therefrom.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 17, 1952.

[F. R. Doc. 52-13425; Filed, Dec. 17, 1952; 11:52 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 29, Interpretation 4]

GCPR, SR 29—CEILING PRICES FOR CERTAIN SALES AT RETAIL AND WHOLESALE

INT. 4—INCREASE IN CEILING PRICE OF DISTRIBUTOR OF MIXED FEED CONSEQUENT ON INCREASE IN PRICE BY MANUFACTURER UNDER GOR 21 (SECTION 2)

Where a manufacturer of mixed feeds obtains an increase in his ceiling prices under GOR 21, a distributor of such feeds may not increase his price for the feeds under SR 7 to GCPR since the increase by the manufacturer is not pursuant to that supplementary regulation. Neither may the distributor obtain an increase under SR 29 to GCPR since food products (except dry cereals for infants) processed from one or more of the agricultural commodities listed in section 11 (a) of GCPR are excluded from the operation of that supplementary regulation, and animal feeds are deemed to be such food products. However, since increases under section 11 (c) of GCPR are not limited to pass-through of price increases effected by a manufacturer under section 11 (b), the distributor is entitled to a section 11 (c) increase to the extent that the feed is a section 11 (a) commodity or a product processed therefrom.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 17, 1952.

[F. R. Doc. 52-13426; Filed, Dec. 17, 1952; 11:53 a. m.]

[General Overriding Regulation 14, Amdt. 31]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

ADDITIONAL EXCEPTED SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 31 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

In continuance of the policy of the Office of Price Stabilization to concentrate its efforts within major areas affecting the cost of living, business costs, and the defense program, this amendment extends the coverage of General Overriding Regulation 14 to exempt various services which do not exert a significant effect upon the cost of living of the average American family or business costs and the continued control of which involves administrative difficulties which are disproportionate in relationship to the value of such control to the stabilization program.

Advertising agencies have already been decontrolled and the provisions of the Defense Production Act of 1950, as amended, preclude control over radio and television broadcasting. Agencies that sell radio and television time, while in a separate category, perform functions that are incident to those performed by both the advertising and broadcasting industries. It is therefore not advisable to continue control over this group of service suppliers while contiguous service suppliers at both ends of its operation are not under control. For similar reasons this amendment exempts from control the fees and charges of nursing homes and managers and agents of professional entertainers.

Charges for services and commodities incidental thereto, made by non-profit summer camps, whose total charges do not exceed $30 per week per camper, have previously been exempted from price control. Experience and administrative convenience dictate that the entire children's camp industry be exempt from controls. It is not to be expected that this action will affect the average American family, because summer camps for children which charge more than $30 per week per camper are "luxury" services which do not exert a significant effect upon the average American family's cost of living.

The following additional luxury service items which have little effect upon the cost of living of the average American family, are also exempted: travel agents and travel bureaus; cleaning and

upkeep of non-commercial residential pools.

Further, this amendment exempts from price control charges made for the rental of costumes, dress suits, uniforms, and ecclesiastical, academic and fraternal order vestments. Sales of costumes, dress suits, uniforms, and ecclesiastical, academic and fraternal order vestments have already been decontrolled. These garments are rented by only a few persons for special and limited uses, often they are made to order and specification, repeat orders are rare, and the demand for them is highly inelastic. It is clear that they do not have a significant effect upon the cost of living or business costs.

Changing economic conditions within the tallow and gluestock industries influenced the exemption of the fees charged by renderers for the removal of dead stock and animals. For example, tallow and gluestock prices have fallen greatly, and the cost of furnishing the removal service now exceeds the value of the carcass. This aggravates the administrative difficulties attendant upon establishing a realistic ceiling price for the removal services. The exemption of this service will have no effect upon the cost of living nor on business costs, and its effect upon the farmer will be negligible because of its infrequent use. The fluctuations in the value of the carcass impose administrative burdens that render control over the service inadvisable in view of the negligible effect upon the economy.

Services rendered by better business bureaus, mercantile agencies, collection agencies and personal credit reporting and investigatory agencies are being decontrolled because they have only a minor effect upon business costs, and many phases of their operations have already been removed from control. The intangible nature of the commercial forecasting and investigating activities of these service suppliers makes continued price control difficult, and impractical in view of the concentration of this agency's efforts within major areas affecting our economy. For similar reasons business consultants and traffic consultants are exempt from control.

The exemption for pharmacists, registered, is extended to include oral prescriptions that are promptly reduced to writing, and conforms with the Humphrey-Durham Bill, Public Law 215, 82d Congress, Chapter 578, 1st Session, H. R. 3298.

In the formulation of this amendment there was consultation with industry representatives, including trade association representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended is further amended in the following respects:

1. Subparagraph (47) of paragraph (a) of section 3 is amended to read as follows:

(47) Pharmacists—registered, for filling prescriptions which require the services of a registered pharmacist, and which contain a physician's, dentist's, veterinarian's, or any other licensed practitioner's written (oral, if promptly reduced to writing) directions as to use, and is signed by him; provided, however, that where a registered pharmacist sells a product without transposing the written directions from the prescription to the label, that is the sale of a commodity and is not exempt under this regulation.

2. Subparagraph 69 of paragraph (a) of section 3 is amended as follows:

(69) Advertising agencies and those agencies that sell radio and television time.

3. Subparagraph (98) of paragraph (a) of section 3 is amended to read as follows:

(98) Charges, for services and commodities incidental thereto, made by summer camps for children.

4. The following new subparagraphs are added at the end of paragraph (a) of section 3:

(118) Travel agents and travel bureaus.

(119) Rental of costumes, dress suits, uniforms, and ecclesiastical, academic and fraternal order vestments.

(120) Business consultants, traffic consultants.

(121) Managers and agents of professional entertainers.

(122) Better business bureaus.

(123) Collection agencies.

(124) Mercantile credit agencies and personal credit reporting and investigatory agencies including but not limited to credit bureaus.

(125) Cleaning and upkeep of non-commercial residential swimming pools.

(126) Removal of dead stock and animals by renderers.

(127) Nursing Homes.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 31 to General Overriding Regulation 14 shall become effective December 17, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 17, 1952.

[F. R. Doc. 52-13427; Filed, Dec. 17, 1952; 11:53 a. m.]

[General Overriding Regulation 21, Interpretation 1]

GOR 21—CEILING PRICE ADJUSTMENTS UNDER SECTION 402 (d) (4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

INT. 1—INCREASE IN CEILING PRICE OF DISTRIBUTOR OF MIXED FEED CONSEQUENT ON INCREASE IN PRICE BY MANUFACTURER UNDER GOR 21

Where a manufacturer of mixed feeds obtains an increase in his ceiling prices under GOR 21, a distributor of such feeds may not increase his price for the feeds under SR 7 to GCPR since the increase by the manufacturer is not pursuant to that supplementary regulation. Neither may the distributor obtain an increase under SR 29 to GCPR since food products (except dry cereals for infants) processed from one or more of the agricultural commodities listed in section 11 (a) of GCPR are excluded from the operation of that supplementary regulation, and animal feeds are deemed to be such food products. However, since increases under section 11 (c) of GCPR are not limited to pass-through of price increases effected by a manufacturer under section 11 (b), the distributor is entitled to a section 11 (c) increase to the extent that the feed is a section 11 (a) commodity or a product processed therefrom.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

DECEMBER 17, 1952.

[F. R. Doc. 52-13428; Filed, Dec. 17, 1952; 11:53 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

[General Wage Regulation 13, Revised Amdt. 2]

GWR 13—FRINGE BENEFITS

ADDITIONAL GROUNDS FOR APPROVAL OF FRINGE BENEFITS

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, and Pub. Law 429, 82d Cong.) Executive Order 10161 (15 F. R. 6105), Executive Order 10377 (17 F. R. 6891), and Executive Order 10390 (17 F. R. 7995), and General Order No. 16, Economic Stabilization Administrator (17 F. R. 6925), General Wage Regulation 13, Revised, is hereby amended.

STATEMENT OF CONSIDERATIONS

This amendment to General Wage Regulation 13, Revised, authorizes approval of petitions for certain types of fringe benefits on other bases than the prevailing industry or area practice. Before this amendment General Wage Regulation 13, Revised, provided that a petition for paid vacations, paid holidays, premium pay relative to days and hours of work, or shift differentials could be approved only if the proposed fringe benefit did not exceed both as to amount and type, the prevailing industry or area practice. The Regulation will now permit, in addition, that such fringes may be approved if they do not exceed, both as to amount and type, the prevailing practice of other establishments, or for other groups of employees in the same establishment, with which the employees covered by the petition may be compared from the viewpoint of preserving normal patterns of determining conditions of employment, or the practice in another establishment with which a tandem relationship can be shown.

The experience of the Board with the "prevailing industry or area practice" test for these types of fringe benefits indicated that it was, in some instances, too limiting, in that new or modified fringe benefits based on other comparisons than the prevailing industry or area practice would not be unstabilizing.

Before this amendment, the regulation also provided that petitions for call-in pay would be judged according to prevailing industry or area practice, i. e., the standard established in paragraph (a) of section 2. This amendment changes the standards of approvability for call-in pay by placing this fringe in the category of fringe benefits covered by paragraph (b) of section 2.

In the formulation of this amendment, due consideration has been given to the standards and procedures set forth in Titles IV and VII of the act, as amended, and the Board, with Industry members dissenting, has recommended to the Economic Stabilization Administrator that he promulgate this amendment. The Administrator has considered such recommendation, and does hereby promulgate this amendment as Amendment 2 to General Wage Regulation 13, Revised.

AMENDATORY PROVISIONS

Section 2 is amended to read as follows:

SEC. 2. *Petitions for approval of fringe benefits.* Parties desiring to put into effect a new or modified fringe benefit shall submit a petition for approval thereof.

(a) A petition for approval of paid vacations, paid holidays, premium pay relative to days and hours of work, or shift differentials, will be approved if the proposed fringe benefit does not exceed as to both amount and type:

(1) The prevailing industry practice; or

(2) The prevailing area practice; or

(3) The prevailing practice of that group of establishments, comparison with which is best adapted to preserve normal patterns of determining conditions of employment; or

(4) The prevailing practice of a group of employees within the same establishment, comparison with which group is necessary to preserve normal patterns of determining conditions of employment; or

(5) The practice in any establishment with which a tandem relationship as defined in GWR 10 can be shown.

(b) A petition for other types of fringe benefits will be approved if the proposed fringe benefit conforms with the standards hereinabove set forth; *Provided, however,* That the foregoing standards may be inappropriate and do not apply to petitions for approval of such items where:

(1) The proposed benefits are clearly of minor cost and will not be unstabilizing, or

(2) The problem to which the fringe benefit relates is not generally encountered in the industry or area, or

(3) The petition involves reasonable increases in amount and type of reimbursement to individuals for usual and recurring expenses arising out of and directly connected with the job, where industry and area practice is not important.

Petitions in the latter three categories may be approved without a showing of area, industry, or comparison group practice.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Dated: December 16, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-13390; Filed, Dec. 16, 1952; 4:36 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, Schedule 5 of December 17, 1952]

M-6A—STEEL DISTRIBUTORS

SCHEDULE 5—HIGH NICKEL ALLOYS

This schedule to NPA Order M-6A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this schedule, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This schedule is issued under NPA Order M-6A and is made a part of that order.

Sec.
1. What this schedule does.
2. Definitions.
3. Distributors' deliveries.
4. Canadian distributor deliveries.
5. Communications.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this schedule does.* This schedule requires that each person purchasing a high nickel alloy product from a steel distributor shall furnish a certification to such distributor.

SEC. 2. *Definitions.* (a) All definitions contained in NPA Order M-6A are applicable to this schedule.

(b) "High nickel alloy" means ferrous and nonferrous alloys, wrought or cast, containing more than 22 percent nickel.

SEC. 3. *Distributors' deliveries.* (a) No steel distributor (except steel distributors located in the Dominion of Canada) shall deliver any high nickel alloy product unless he first receives from the purchaser the following certification which shall be signed as provided in NPA Reg. 2:

Certified under NPA Order M-6A, Schedule 5.

This certification constitutes a representation by the purchaser to the steel distributor and to NPA that the high nickel alloy product ordered will not be used by the purchaser in violation of any provision of NPA Order M-80 or any schedule thereto.

SEC. 4. *Canadian distributor deliveries.* Deliveries of high nickel alloy products will be made by Canadian steel distributors pursuant to instructions issued by the Canadian Government through its Department of Defence Production.

SEC. 5. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: NPA Order M-6A, Schedule 5.

This schedule shall take effect December 17, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13407; Filed, Dec. 17, 1952; 11:34 a. m.]

[NPA Order M-80, Amdt. 4—Revocation]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

CERTIFICATION REQUIREMENT; REVOCATION

Amendment 4 (17 F. R. 9982) to NPA Order M-80 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under this amendment, nor deprive any person of any rights received or accrued under said amendment prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective December 17, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13408; Filed, Dec. 17, 1952; 11:34 a. m.]

[NPA Order M-80, Schedule A, Amdt. 1]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

SCHEDULE A—NICKEL-BEARING STAINLESS STEEL, HIGH NICKEL ALLOY, AND NICKEL SILVER

CERTIFICATION REQUIREMENT

This amendment to Schedule A to NPA Order M-80 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amendment affects Schedule A dated March 24, 1952, to NPA Order M-80, by redesignating sections 4 and 5 as sections 5 and 6 respectively, and by adding a new section designated as 4 to said schedule. Section 4 will now read as follows:

SEC. 4. *Certification required.* Commencing January 1, 1953, any person who orders, or who has ordered but not received delivery of, any nickel-bearing stainless steel or high nickel alloy from a melter or processor, or from a further converter as defined in section 2 (o) of NPA Order M-1, shall endorse on his purchase order, or deliver with such purchase order or otherwise furnish to his supplier, the following certification which shall be signed as provided in NPA Reg. 2:

Certified under NPA Order M-80

This certification constitutes a representation by the purchaser to the melter, processor, or further converter, and to NPA that the nickel-bearing stainless steel or high nickel alloy ordered will not be used by the purchaser in violation of any provision of NPA Order M-80 or of any schedule thereto.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect December 17, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13409; Filed, Dec. 17, 1952; 11:34 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 29 to Schedule B]

RR 1—HOUSING

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

OHIO

Effective December 18, 1952, Rent Regulation 1 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 15th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Item 77 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

77. *Provisions relating to Scioto County, Ohio, a portion of the Portsmouth-Chillicothe Defense-Rental Area (Item 236 (a) of Schedule A):* With respect to housing accommodations in Scioto County, Ohio, sec. 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* (a) The housing accommodation had a maximum rent in effect on November 5, 1952, and the present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section 141 (a) shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodations or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 162 decreasing rents which were in effect on June 30, 1947. Adjustments under this section 141 (a) shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director.

(b) The housing accommodations had a maximum rent in effect on June 30, 1947, and did not have a maximum rent in effect on November 5, 1952, and the present maximum rent does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, (2) plus any increase in rental value because of a major capital improvement or an increase in services, furniture, furnishings, or equipment which occurred after June 30, 1947, (3) minus any decrease in rental value because of any decrease in services, furniture, furnishings, or equipment required by the rent regulations on June 30, 1947, or because of a substantial deterioration. The adjustment under this section 141 (b) shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, (2) plus or minus appropriate increases or decreases in rental value, if any, heretofore specified.

All provisions of this regulation insofar as they are applicable to Scioto County, Ohio, are amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

[F. R. Doc. 52-13319; Filed, Dec. 17, 1952; 8:56 a. m.]

[Rent Regulation 1, Amdt. 30 to Schedule B]

RR 1—HOUSING

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

PENNSYLVANIA

Effective December 22, 1952, Rent Regulation 1 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 15th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Item 78 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

78. *Provisions relating to the Williamsport, Pennsylvania, Defense-Rental Area (Item 272 of Schedule A):* With respect to housing accommodations in the Williamsport Defense-Rental Area, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* (a) The housing accommodation had a maximum rent in effect on September 28, 1952, and the present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section 141 (a) shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodations or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 162 decreasing rents which were in effect on June 30, 1947. Adjustments under this section 141 (a) shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director.

(b) The housing accommodation had a maximum rent in effect on June 30, 1947, and did not have a maximum rent in effect on September 28, 1952, and the present maximum rent does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, (2) plus any increase in rental value because of a major capital improvement or an increase in services, furniture, furnishings, or equipment which occurred after June 30, 1947, (3) minus any decrease in rental value because of any decrease in services, furniture, furnishings, or equipment required by the rent regulations on June 30, 1947, or because of a substantial deterioration. The adjustment under this section 141 (b) shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, (2) plus or minus appropriate increases or decreases in rental value, if any, heretofore specified.

All provisions of this regulation insofar as they are applicable to the Williamsport, Pennsylvania, Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

[F. R. Doc. 52-13320; Filed, Dec. 17, 1952; 8:56 a. m.]

[Rent Regulation 2, Amdt. 29 to Schedule B]

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

OHIO

Effective December 18, 1952, Rent Regulation 2 is amended as set forth below:

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 15th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Item 83 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

83. *Provisions relating to Scioto County, Ohio, a portion of the Portsmouth-Chillicothe Defense-Rental Area (Item 236(a) of Schedule A):* With respect to housing accommodations in Scioto County, Ohio, section 138 is added to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The room had a maximum rent in effect on November 5, 1952, and the present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director.

All provisions of this regulation insofar as they are applicable to Scioto County, Ohio, are amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

[F. R. Doc. 52-13321; Filed, Dec. 17, 1952; 8:56 a. m.]

[Rent Regulation 2, Amdt. 30 to Schedule B]

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

PENNSYLVANIA

Effective December 22, 1952, Rent Regulation 2 is amended as set forth below:

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 15th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Item 84 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

84. *Provisions relating to the Williamsport, Pennsylvania, Defense-Rental Area (Item 272 of Schedule A):* With respect to housing accommodations in the Williamsport Defense-Rental Area, section 138 is added to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The room had a maximum rent in effect on September 28, 1952, and the present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947 for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the Williamsport Defense-Rental Area are amended to the extent necessary to carry into effect the provisions of this Item 84 of Schedule B.

[F. R. Doc. 52-13322; Filed, Dec. 17, 1952; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

U. S. STANDARDS FOR ORANGES (CALIFORNIA AND ARIZONA)

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Oranges (California and Arizona) under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952) to supersede United States Standards for Oranges (California and Arizona) (16 F. R. 4419) effective June 12, 1951.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth (30) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.301 *Standards for oranges (California and Arizona).*—(a) *Grades.*—(1) *U. S. Fancy.* U. S. Fancy consists of oranges of similar varietal characteristics which are mature, well colored, firm, well formed, of smooth texture for the variety, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), dryness or mushy condition, and free from injury caused by split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See tolerances in paragraph (c) of this section.)

(2) *U. S. No. 1.* U. S. No. 1 consists of oranges of similar varietal characteristics which are mature, firm, well formed, of fairly smooth texture for the variety, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), and free from damage caused by dryness or mushy condition, split, rough, excessively wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. Each fruit shall be well colored except Valencia oranges which shall be at least fairly well colored: *Provided,* That navel oranges in any lot which is destined for export and which is certified as meeting the Standards for Export need be only fairly well colored. (See tolerances in paragraph (c) of this section.)

(3) *U. S. No. 2.* U. S. No. 2 consists of oranges of similar varietal characteristics which are mature, fairly well colored, fairly firm, fairly well formed but not excessively rough, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, and free from serious damage caused by bruises, dryness or mushy condition, split or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See tolerances in paragraph (c) of this section.)

(4) *U. S. Combination grade.* Any lot of oranges may be designated "U. S. Combination" when not less than 40 percent, by count, of the oranges in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See tolerances in paragraph (c) of this section.)

(5) *U. S. No. 3.* U. S. No. 3 consists of oranges of similar varietal characteristics which are mature, which may be slightly spongy, misshapen, rough but not seriously lumpy, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, and free from serious damage caused by growth cracks, bruises, dryness or mushy condition, and from very serious damage caused by split navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See tolerances in paragraph (c) of this section.)

(b) *Unclassified.* Unclassified consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning

June 30, 1947, under this regulation for major capital improvements or increases or modation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, cothe Defense-Rental Area (Item [illegible] *Schedule A*): With respect to housing ac- 451; 82d Cong., approved July 5, 1952) oranges of similar varietal character- fied" is not a grade within the meaning

of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) *U. S. Fancy, U. S. No. 1, U. S. No. 2 and U. S. No. 3 grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the specified grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to color.

(2) *U. S. Combination grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. This 3 percent tolerance may be used to reduce the percentage of U. S. No. 1 grade required in the combination, provided the affected fruits meet the requirements of U. S. No. 1 grade in other respects. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements of the U. S. No. 2 grade for color.

(i) No part of any tolerance, other than that for decay, shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided,* That the entire lot averages within the percentage specified.

(d) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(2) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(3) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and, in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

(e) *Standard pack.* (1) Oranges shall be uniform in size and, when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(2) All packages shall be well filled, but the contents shall not show excessive or unnecessary bruising because of overfilled packages. The fruit shall be tightly packed.

(3) When oranges are packed in standard nailed boxes, each box shall show a minimum bulge of 1¼ inches.

(4) "Uniform in size" means that not more than 10 percent, by count, of the oranges in any container may be one standard size larger or smaller than the standard size orange for the count packed.

(5) Example of standard size orange: The standard size orange for a 200 count is that size orange which will pack tightly 200 oranges of uniform size when packed according to the approved and recognized method.

(6) In order to allow for variations incident to proper packing, when fruit is wrapped not more than 10 percent of the oranges in any container may fail to meet the requirements pertaining to wrapping, and, in addition, not more than 5 percent of the containers in any lot may fail to meet the requirements for standard pack.

(f) *Standards for export.* (1) Not more than a total of 10 percent, by count, of the oranges in any container may be soft, affected by decay, have broken skins which are not healed, growth cracks, or be damaged by creasing or skin breakdown, or seriously damaged by split or protruding navels, or by dryness or mushy condition, except that:

(i) Not more than one-half of 1 percent shall be allowed for oranges affected by decay;

(ii) Not more than 3 percent shall have broken skins which are not healed;

(iii) Not more than 3 percent shall have growth cracks;

(iv) Not more than 5 percent shall be soft;

(v) Not more than 5 percent shall be damaged by creasing;

(vi) Not more than 5 percent shall be seriously damaged by split or protruding navels;

(vii) Not more than 5 percent shall be seriously damaged by dryness or mushy condition; and,

(viii) Not more than 5 percent shall be damaged by skin breakdown.

(2) Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided,* That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the oranges in any container has any of the defects enumerated in the standards for export.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and type.

(2) "Well colored" means that the fruit is at least light orange in color, with not more than a trace of green at the stem end, and not more than 15 percent of the remainder of the surface of the fruit shows green color.

(3) "Firm" means that the fruit is not soft or noticeably wilted or flabby.

(4) "Well formed" means that the fruit shows the normal shape characteristic of the variety.

(5) "Smooth" means that the skin is of fairly fine grain, the "pebbling" is not pronounced, and any furrows radiating from the stem end are shallow.

(6) "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(i) Split, rough, wide or protruding navels, when a split is unhealed or is more than one-eighth inch in length; or when the navel protrudes beyond the general contour of the fruit; or when flush with the contour but with the opening so wide, considering the size of the fruit, or the navel growth so folded and ridged, that it detracts noticeably from the appearance of the fruit;

(ii) Slight creasing which is more than barely visible, or which extends over more than 20 percent of the fruit surface;

(iii) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(*a*) Scars which are very dark and which have an aggregate area exceeding that of a circle one-eighth inch in diameter;

(*b*) Scars which are dark or rough, or deep and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(*c*) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area exceeding that of a circle one-half inch in diameter; and,

(*d*) Scars which are light in color, fairly smooth, and with no depth and which have an aggregate area of more than 5 percent of the fruit surface;

(iv) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 2½ percent of the fruit surface, or which are green and more than 4 in number;

(v) Scale, when medium or large and more than 5 are present; and,

(vi) Sunburn which appreciably changes the normal color or shape of the fruit, or which affects more than 10 percent of the fruit surface.

(7) "Fairly smooth" means that the skin does not feel noticeably rough or coarse. The size of the fruit should be considered in judging texture, as large fruit is not usually as smooth as smaller fruit. It is common for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. The presence of furrows or grooves on the stem end portion of the fruit is a common condition in certain varieties, and the fruit shall not be considered as slightly rough unless the furrows or grooves are of sufficient depth, length, and number as to materially affect the appearance and smoothness of the orange.

(8) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Dryness or mushy condition, when affecting all segments more than one-fourth inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(ii) Split, rough, excessively wide or protruding navels, when more than 3 splits, or when any split is unhealed or is more than one-fourth inch in length; or navels which flare, bulge, or protrude materially beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth is so folded and ridged, that it detracts materially from the appearance of the fruit;

(iii) Creasing which materially weakens the skin, or which extends over more than one-third of the fruit surface;

(iv) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(*a*) Scars which are very dark and with slight depth and which have an aggregate area exceeding that of a circle one-fourth inch in diameter.

(*b*) Scars which are very dark, with no depth, and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(*c*) Scars which are dark and rough or deep and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(*d*) Scars which are dark and slightly rough, or with slight depth, and which have an aggregate area exceeding that of a circle three-fourths inch in diameter;

(*e*) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area of more than 5 percent of the fruit surface; and,

(*f*) Scars which are light in color, fairly smooth, with no depth and which have an aggregate area of more than 10 percent of the fruit surface;

(v) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 5 percent of the fruit surface, or which are green and more than 7 in number;

(vi) Scale, when medium or large and more than 3 scales are present in each of 3 circular areas 1 inch in diameter, selected as the worst infested areas, or when more than 7 scales are present in one of these areas: *Provided,* That scale within a circle five-eighths inch in diameter centered at the stem button or button socket shall not be considered in determining whether an orange is damaged; and,

(vii) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

(9) "Fairly well colored" means that the yellow or orange color predominates on the fruit.

(10) "Fairly firm" means that the fruit may be slightly soft but is not decidedly flabby.

(11) "Fairly well formed" means that the fruit is not of the shape characteristic of the variety but is not decidedly flattened, pointed, extremely elongated, or otherwise badly deformed.

(12) "Excessively rough" means that the skin is decidedly rough, badly folded, badly ridged, or decidedly lumpy. Heavily "pebbled" skin shall not be considered as excessively rough.

(13) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or the equivalent of this amount by volume, when occurring in other portions of the fruit;

(ii) Split or protruding navels, when any split is unhealed or is more than one-half inch in length, or when two or more splits aggregate more than 1 inch in length; or navels which protrude seriously beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth is so badly folded and ridged, that it detracts seriously from the appearance of the fruit;

(iii) Creasing which seriously weakens the skin, or which is distributed over practically the entire fruit surface;

(iv) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(*a*) Scars which are very dark or very rough, or very deep, and which have an aggregate area of more than 5 percent of the fruit surface;

(*b*) Scars which are dark or rough, or deep and which have an aggregate area of more than 10 percent of the fruit surface;

(*c*) Scars which are fairly light in color, slightly rough or of slight depth and which have an aggregate area of more than 15 percent of the fruit surface; and,

(*d*) Scars which are light in color, fairly smooth and with no depth and which have an aggregate area of more than 25 percent of the fruit surface;

(v) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 10 percent of the fruit surface;

(vi) Scale, when medium or large and more than 9 scales are present in each of 3 circular areas 1 inch in diameter, selected as the worst infested areas, or if more than 19 scales are present in one of these areas;

(vii) Sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or which affects more than one-third of the fruit surface; and,

(viii) Growth cracks which are leaking, gummy, or not well healed.

(14) "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

(15) "Misshapen" means that the fruit is decidedly flattened, pointed, extremely elongated or otherwise deformed.

(16) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Split navels which are leaking, gummy, or not well healed;

(ii) Creasing which is so deep or extensive that the skin is very seriously weakened;

(iii) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of both types of scars, the seriousness of which exceeds the maximum allowed for one type:

(*a*) Scars which are very dark, or very rough, or very deep and which have an aggregate area of more than 10 percent of the fruit surface; and,

(*b*) Scars which are dark, or rough, or deep and which have an aggregate area of more than 25 percent of the fruit surface;

(iv) Oil spots which are badly sunken, or soft;

(v) Scale which are so numerous or large that the appearance of the fruit is very seriously affected; and,

(vi) Sunburn which seriously affects more than one-third of the fruit surface, or causes dark discoloration aggregating more than 5 percent of the fruit surface.

Done at Washington, D. C., this 12th day of December 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-13342; Filed, Dec. 17, 1952; 8:58 a. m.]

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF FROZEN SUCCOTASH [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of United States Standards for Grades of Frozen Succotash, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.659 *Frozen succotash.* (a) Frozen succotash means the frozen product prepared from fresh, clean, sound, succulent kernels of sweet corn and the immature seed of varieties of lima beans which have been properly prepared, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

(b) *Kind, type, and style of ingredients.* (1) Corn, sweet; whole kernel:

(i) White.

(ii) Golden (yellow).

(2) Lima beans:

(i) Thin-seeded.

(ii) Thick-seeded.

(iii) Thick-seeded baby potato.

(c) *Proportions of ingredients.* It is recommended that frozen succotash consist of a mixture of not more than 75 percent nor less than 50 percent, by weight, of whole kernel corn, and not more than 50 percent nor less than 25 percent, by weight, of lima beans.

(d) *Grades of frozen succotash.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen succotash in which the vegetables possess similar varietal characteristics; possess a good flavor and odor; are tender; possess a good color; are practically free from defects; and score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen succotash in which the vegetables possess similar varietal characteristics; possess a fairly good flavor and odor; are reasonably tender; possess a reasonably good color; are reasonably free from defects; and score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen succotash that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(e) *Ascertaining the grade.* (1) The grade of frozen succotash is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and tenderness.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	30
(ii) Absence of defects	30
(iii) Tenderness	40
Total score	100

(3) The scores for the factors of color and absence of defects are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units, and a representative sample of the product is cooked to determine tenderness and flavor and odor.

(4) "Good flavor and odor" means that the product after cooking has a good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(f) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "26 to 30 points" means 26, 27, 28, 29, or 30 points).

(1) *Color.* (i) The factor of color refers to the overall appearance of the product and to the general brightness of the vegetables.

(ii) Frozen succotash which possesses a good color may be given a score of 26 to 30 points. "Good color" means that the vegetables are bright and possess a color typical of reasonably young and reasonably tender vegetables that have been properly prepared and properly processed. In addition, the lima beans shall meet color requirements for U. S. Grade A or U. S. Fancy lima beans as outlined in the U. S. Standards for Grades of Frozen Lima Beans, as amended (17 F. R. 6931).

(iii) If the frozen succotash possesses a reasonably good color, a score of 21 to 25 points may be given. Frozen succotash that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the vegetables are reasonably bright and possess a color typical of fairly young and fairly tender vegetables that have been properly prepared and properly processed. In addition, the lima beans shall meet color requirements for U. S. Grade B or U. S. Extra Standard lima beans as outlined in the U. S. Standards for Grades of Frozen Lima Beans, as amended (17 F. R. 6931).

(iv) If the frozen succotash fails to meet the requirements of subdivision (iii) of this subparagraph, a score of 0 to 20 points may be given. Frozen succotash that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, damaged units, seriously damaged units, and from any other defect which detracts from the appearance or edibility of the product.

(*a*) "Extraneous vegetable matter" means pieces of pods, leaves, stems, pieces of cob, husk, and other similar vegetable matter, other than silk, that is normally removed in proper preparation of the vegetables for processing.

(*b*) "Damaged" means damaged by discoloration, pathological injury, insect injury, or damaged by other means to the extent that the appearance or eating quality is materially affected.

(*c*) "Seriously damaged" means damaged by discoloration, pathological injury, insect injury, or damaged by other means to the extent that the appearance or eating quality is seriously affected and includes but is not limited to "shriveled" lima beans that are materially wrinkled and are not of normal plumpness and "sprouted" lima beans that show an external shoot protruding beyond the cotyledon or skin.

(*d*) "Other defects" means any defect not specifically mentioned that affects the appearance or eating quality of the product and includes, but is not limited to, the following:

(*1*) *Lima beans.* Mashed beans, broken beans, loose cotyledons, loose skins and any portion thereof, and

(*2*) *Corn.* Crushed kernels, ragged kernels, loose skins, and dark and objectionable silk more than ½ inch in length.

(ii) Frozen succotash that is practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that for each 14 ounces of frozen succotash there may be present not more than one piece of extraneous vegetable matter, such as pieces of pods and tough or woody stems having an area of not more than $\frac{3}{8}$ square inch ($\frac{1}{2}$ inch x $\frac{3}{4}$ inch) on one surface of the piece, or the equivalent of smaller pieces; not more than $\frac{3}{4}$ cubic centimeter of pieces of cob; not more than $\frac{1}{4}$ square inch ($\frac{1}{2}$ inch x 1 inch) of husk or other leafy material; and that the presence of damaged units, seriously damaged units, and other defects, individually or collectively, does not materially affect the appearance or eating quality of the product.

(iii) If the frozen succotash is reasonably free from defects, a score of 21 to 24 points may be given. Frozen succotash that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that for each 14 ounces of frozen succotash there may be present not more than one piece of extraneous vegetable matter, such as pieces of pods and tough or woody stems having an area of not more than $\frac{3}{8}$ square inch ($\frac{1}{2}$ inch x $\frac{3}{4}$ inch) on one surface of the piece, or the equivalent of smaller pieces; not more than $\frac{3}{4}$ cubic centimeter of pieces of cob; not more than $\frac{1}{4}$ square inch ($\frac{1}{2}$ inch x 1½ inch) of husk or other leafy material; and that the presence of damaged units, seriously damaged units, and other defects, individually or collectively, do not seriously affect the appearance or eating quality of the product.

(iv) Frozen succotash that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 20 points. Frozen succotash that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Tenderness.* (i) The factor of tenderness is determined after cooking and refers to the tenderness of the lima beans and the tenderness and maturity of corn in frozen succotash.

(ii) Frozen succotash in which the vegetables are tender may be given a score of 34 to 40 points. "Tender" means that the kernels of corn are in at least the cream stage of maturity and are the equivalent of corn that would score not less than 43 points for the factor of "tenderness and maturity" as outlined in the United States Standards for Grades of Frozen Whole Kernel Corn, and the lima beans have a tender texture.

(iii) If the vegetables in the frozen succotash are reasonably tender, a score of 28 to 33 points may be given. Frozen succotash that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means that the kernels of corn are at least fairly tender and are the equivalent of corn that would score not less than 38 points for the factor of "tenderness and maturity" as outlined in the United States Standards for Grades of Frozen Whole Kernel Corn, and the lima beans have a reasonably tender texture.

(iv) Frozen succotash in which the vegetables fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points. Frozen succotash that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Method for determining proportion of ingredients.* (1) The proportion of ingredients is determined on the thawed succotash in the following manner:

(i) Separate each of the vegetables from all of the containers in the sample.

(ii) Composite each of the vegetables thus separated and weigh.

(iii) Add the weights of the composited vegetables to obtain the total weight of vegetables in the sample.

(iv) Divide the total weight of vegetables by the weight of each of the composited vegetables in the sample and multiply by 100. The result shall be considered to be the percent of the total weight of vegetables in the sample or the proportion of the vegetable ingredient.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen succotash, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for frozen succotash.*

Size and kind of container	
Container mark or Identification { Packages	
Identification { Cases	
Label (list of ingredients, etc.)	
Net weight (ounces)	

Kind, type, and style of ingredients	Average weight each ingredient	Proportion of ingredients
Garnish,		
Lima beans	oz.	%
Corn—whole kernel (white or golden)	oz.	%
Total weight	oz.	100%

( ) Meets proportions; ( ) fails proportions.

Factors		Score points	
I. Color	30	{(A) 26-30 (B) 1 21-25 (SStd.) 1 0-20	
II. Absence of defects	30	{(A) 25-30 (B) 1 21-24 (SStd., 1 0-20	
III. Tenderness	40	{(A) 34-40 (B) 1 28-33 (SStd. 1 0-27	
Total score	100		

Flavor and odor after cooking:
( ) Good; ( ) fairly good; ( ) off.

Grade

[1] Indicates limiting rule.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Issued at Washington, D. C., this 12th day of December 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-13343; Filed, Dec. 17, 1952; 8:59 a. m.]

[7 CFR Part 953]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952-53 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended, as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $125,250.00 will be necessarily incurred during the fiscal year ending October 31, 1953, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles lemons shall pay in accordance with the aforesaid amended marketing agreement and order during the aforesaid fiscal year, the rate of assessment at $0.015 per packed box of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during said fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued this 12th day of December 1952.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch.

[F. R. Doc. 52-13338; Filed, Dec. 17, 1952; 8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

ANNUAL REPORTS TO OTHER FEDERAL AGENCIES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed new rule with respect to the filing with the Commission and with securities exchanges of copies of annual reports to other Federal agencies.

The proposed rule would provide that where copies of such reports are required or permitted to be filed as exhibits to applications or reports filed with the Commission, only one copy of such exhibit need be filed, instead of three, or in some cases four, as heretofore required. Similarly, only one copy of such exhibits would need to be filed with any securities exchange.

The text of the proposed rule is as follows:

§ 240.12b–33. *Annual reports to other Federal agencies.* Notwithstanding any rule or other requirement to the contrary, whenever copies of an annual report by a registrant to any other Federal agency is required or permitted to be filed as an exhibit to an application or report filed by such registrant with the Commission or with a securities exchange, only one copy of such annual report need be filed with the Commission and one copy thereof with each such exchange, provided appropriate reference to such copy is made in each copy of the application or report filed with the Commission or with such exchange.

All interested persons are invited to submit data, views and comments on the above-mentioned proposal in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before December 31, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 11, 1952.

[F. R. Doc. 52–13293; Filed, Dec. 17, 1952; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Billings 040014]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

In exchanges made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), 43 U. S. C. sec. 315 (g), the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

T. 4 S., R. 58 E., M. P. M.
Section 27: NE¼.

The area described aggregates 160 acres.

The land is primarily suitable for grazing purposes. The land is level to rolling and the vegetative cover consists chiefly of wheat and gramma grasses.

No applications for this land may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Billings Land Office in Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to Montana Land Office, 1245 North Twenty-ninth Street, Billings, Mont.

ALBIN D. MOLOHON,
Regional Administrator.

[F. R. Doc. 52–13200; Filed, Dec. 17, 1952; 8:48 a. m.]

[Buffalo 020175]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

In exchanges made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), 43 U. S. C. sec. 315 g), the following described lands have been reconveyed to the United States:

WYOMING PRINCIPAL MERIDIAN

T. 25 N., R. 112 W., 6th P. M., Wyoming.
Section 36: Lots 1, 2, 3, 6, 7, W½NE¼, NW¼SE¼.
T. 25 N., R. 113 W.,
Section 8: SE¼SE¼.
T. 31 N., R. 119 W.,
Section 7: Lot 4.
T. 20 N., R. 121 W.,
Section 36: Lots 1, 3, 4, E½E½.

The areas described aggregate 622.08 acres.

The lands are primarily suitable for grazing purposes.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Cheyenne Land and Survey Office in Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to Cheyenne Land and Survey Office, 405 Federal Building, Box 578, Cheyenne, Wyoming.

ALBIN D. MOLOHON,
Regional Administrator.

[F. R. Doc. 52–13301; Filed, Dec. 17, 1952; 8:50 a. m.]

[Order of December 2, 1952, Amended]

ARIZONA

STOCK DRIVEWAY WITHDRAWAL NO. 56, ARIZONA NO. 2, REDUCED

DECEMBER 10, 1952.

By virtue of the authority contained in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (43 U. S. C. 300), and pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

The above referred to order is hereby modified by excluding therefrom the lands described as SW¼NE¼, Sec. 34 T. 7 N., R. 2 E., Gila and Salt River Meridian. The area to be included in the order is thereby reduced from 320.00 acres to 280.00 acres.

GEORGE H. WOODHALL,
Acting Regional Administrator.

[F. R. Doc. 52–13302; Filed, Dec. 17, 1952; 8:51 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

DECEMBER 12, 1952.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Los Angeles land district, embracing approximately 640 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 352

For lease and sale for homesites only:

T. 9 N., R. 2 W., S. B. M.,
Sec. 14, All.

The lands are located approximately one mile southwest of the city limits of Barstow, San Bernardino County, California. The topography is rolling with a general northerly slope. Adjacent lands are under development for homesites, but utilities are not yet available to this area.

2. As to applications regularly filed prior to 11:20 a. m., December 10, 1952, and are for the type of site for which the lands are classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting

forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 2½ acres, each being approximately 330 by 330 feet in dimensions.

6. Preference right leases referred to in paragraph 2 will be issued only if they conform to or are amended to conform to the area and dimensions specified in paragraph 5.

7. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $125.00 per tract. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

8. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

9. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 52-13289; Filed, Dec. 17, 1952; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1786, G-1965]

OHIO FUEL GAS CO.

ORDER POSTPONING HEARING, CONSOLIDATING PROCEEDINGS FOR HEARING, AND FIXING DATE OF HEARING

On August 10, 1951, in the proceeding Docket No. G-1786, the Ohio Fuel Gas Company (Ohio Fuel) filed with the Commission a proposed tariff designated "FPC Gas Tariff, First Revised Volume No. 1, of the Ohio Fuel Gas Company," increasing the then effective rates and charges to Ohio Fuel's interstate wholesale customers. On September 6, 1951, pending a hearing and the Commission's decision upon the question of the lawfulness of the proposed rates, the Commission issued an order suspending such proposed tariff until February 10, 1952, and until such further time thereafter as the same might be made effective in the manner prescribed by the Natural Gas Act.

By order issued February 8, 1952, in Docket No. G-1786, upon the application of Ohio Fuel, the Commission permitted the substitution of a proposed First Revised Sheet No. 6 to said FPC Gas Tariff, First Revised Volume No. 1, superseding Original Sheet No. 6 contained in said FPC Gas Tariff, First Revised Volume No. 1, and suspended such revised sheet until February 10, 1952, and until such further time thereafter as the same might be made effective in the manner prescribed by the Natural Gas Act.

By order issued February 26, 1952, in Docket No. G-1786, the increased rate tariff became effective, under bond, subject to the refund of any portion of the increased rates and charges found by the Commission not to be justified.

On May 1, 1952, in the proceeding Docket No. G-1965, Ohio Fuel filed with the Commission First Revised Sheet No. 7 to its FPC Gas Tariff, First Revised Volume No. 1, increasing the then effective rates and charges to its interstate wholesale customers.

By order issued October 6, 1952, the Commission set the proceeding Docket No. G-1786 for hearing commencing on November 17, 1952; and thereafter, by order issued October 28, 1952, postponed the commencement of the hearing to January 5, 1953.

On November 24, 1952, Ohio Fuel filed a motion seeking a postponement of the hearing in Docket No. G-1786.

By order issued December 3, 1952, the increased rate tariff in Docket No. G-1965 became effective, under bond, subject to the refund of any portion of the increased rates and charges found by the Commission not to be justified.

Having due regard for the requirement of section 4 (e) of the Natural Gas Act that matters involving proposed rate increases be given preference and disposed of as speedily as possible, it appears to the Commission that Docket No. G-1965 should be set for hearing and consolidated for hearing with Docket No. G-1786, and that the hearing in the latter proceeding should be postponed to a date when the consolidated proceeding may be heard.

The Commission finds:

(1) Good cause exists for consolidating the proceedings Docket Nos. G-1786 and G-1965 for the purpose of hearing, and for postponing the hearing in Docket No. G-1786 as hereinafter provided.

(2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest that the procedure hereinafter prescribed shall be followed at the hearing in the consolidated proceedings.

The Commission orders:

(A) The proceedings Docket Nos. G-1786 and G-1965 be and the same hereby are consolidated for the purpose of hearing.

(B) The hearing in Docket No. G-1786, now set to commence on January 5, 1953, be and the same hereby is postponed to February 24, 1953; and a public hearing be held in the consolidated proceedings commencing on said date, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates, charges and classifications contained in the aforesaid FPC Gas Tariff, First Revised Volume No. 1 and First Revised Sheet No. 6 to said FPC Gas Tariff, First Revised Volume No. 1, and First Revised Sheet No. 7 to said FPC Gas Tariff, First Revised Volume No. 1, filed by the Ohio Fuel Gas Company.

(C) The order of procedure at the public hearing in the consolidated proceedings shall be:

(i) Pursuant to the provisions of section 4 (e) of the Natural Gas Act, Ohio Fuel shall go forward in Docket Nos. G-1786 and G-1965 with the burden of proof imposed upon it, presenting its justification with respect to the issues referred to in paragraph (B) hereof;

(ii) After Ohio Fuel has so presented its justification, other parties and participants, including Commission staff counsel, may conduct as much of their cross-examination with respect to Ohio Fuel's justification as they are then prepared to undertake. Thereupon, if request therefor is made, the Presiding Examiner shall recess the hearing to a date to be fixed by further order of the Commission, in order to permit such preparation for the remainder of such cross-examination as the facts and circumstances may warrant.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: December 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13304; Filed, Dec. 17, 1952; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL REPRESENTATIVE AND REGIONAL ADMINISTRATIVE OFFICER, REGION VII

DELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS IN CONNECTION WITH CERTAIN PREFABRICATED HOUSING LOANS

1. The Regional Representative and the Regional Administrative Officer, Region VII, Office of the Administrator, Housing and Home Finance Agency, San Francisco, California, and each of them together with their respective duly appointed successors in office, is hereby authorized to take the following actions on my behalf in connection with any loan assigned to said Regional Representative for disbursing, servicing, and collection and which has been authorized by me for the purpose of providing financial assistance for the production or distribution of prefabricated houses or housing components, for related purposes, or for modernized site construction, namely:

a. To authorize disbursement of funds pursuant to any such loan;

b. To release to Borrower insurance funds representing payments on insured losses, and to endorse without representation, recourse or warranty checks received in payment thereof;

c. To consent to or approve of any matter concerning which Borrower's Loan Agreement, or any other agreement of Borrower, requires the prior written consent of the Administrator with respect to (1) increases in compensation, salaries, commissions, bonuses and gratuities; (2) employment of personnel at salaries in excess of those specified; (3) withdrawal of funds, net profits or net earnings; (4) declaration or payment of dividends or distribution or issuance of capital stock or changes in capitalization; or (5) purchase or acquisition of fixed assets or capital improvements in excess of amount stipulated;

d. To make bookkeeping corrections of accounts with Borrower in connection with erroneous overpayments or underpayments and to make such remittances or demand such additional payments as may be necessary to effect the corrections, provided that such corrections do not involve any compromise or settlement;

e. To approve ultimate investors or permanent mortgagees making permanent conventional mortgage loans (not insured by Federal Housing Administration) and to accept and release collateral on the basis of satisfactory commitments from ultimate investors or permanent mortgagees so approved or approved by Federal Housing Administration;

f. To determine the qualifications of Borrower's Engineer and other parties whose certifications are to be submitted in connection with loan disbursements, and approve or reject certifications on the basis thereof;

g. To take whatever other action or give whatever other approval or consent may be authorized herein, expressly or by implication, in accordance with and as limited by instructions and all amendments thereto, heretofore or hereafter issued by the undersigned or any of his duly authorized agents or officers in connection with any such loan (hereinafter referred to as "Instructions" and designated in loan documents as "Disbursement and Servicing Terms and Conditions" or as "Disbursement Procedures" or with some other similar title), in order to effect or complete any such authorized action, approval or consent excluding, however, any acceleration of the loan, unauthorized release or substitution of collateral, extension of time for payment of principal or interest, forgiveness or waiver of any default or breach of covenant, or institution of or participation in any judicial proceedings, reorganization plans or assignments for the benefit of creditors;

h. To take all actions delegated in the Power of Attorney, a copy of which is annexed hereto as Appendix A, to the extent authorized herein and in accordance with and as limited by Instructions: *Provided*, That any party relying upon said Power of Attorney shall not be obligated to look to or determine the Regional Representative's or Regional Administrative Officer's compliance with this Delegation of Authority or the Instructions: *Provided*, That the foregoing delegations of authority shall be subject to:

i. A determination by the Regional Representative or Regional Administrative Officer that such consent, approval, or action will not materially affect adversely the interest of this Agency or increase the amount of the Loan Authorization, with respect to the exercise of the powers delegated in paragraphs b, c, d, e, g and h above;

ii. The condition that no such consent, approval or action shall require or have the effect of amending or modifying the Loan Authorization, any amendments thereto, the provisions of any note or collateral, or the Instructions, but shall come within the terms, conditions and limitations thereof.

2. The powers herein delegated to the aforesaid officers and their respective successors in office may not be delegated or redelegated by them, or any of them.

(Reorg. Plan No. 3 of 1947; 61 Stat. 954 (1947), 5 U. S. C., 1946 ed. Sup. V 133y-16; 62 Stat. 1268, 1283-85 (1948), as amended by 64 Stat. 60, 81 (1950), 12 U. S. C., Sup. V 1701c; 63 Stat. 413, 440, as amended, 12 U. S. C. Sup. V 1701d-1; Reorg. Plan No. 23 of 1950, 64 Stat. 1279 (1950), 12 U. S. C., Sup. V 1701g note; and 65 Stat. 293, 311 (1951), 12 U. S. C., 1946 ed. Sup. V 1701g-1701g-4)

Effective as of the 18th day of December 1952.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

APPENDIX A

POWER OF ATTORNEY

Know all men by these presents, that Raymond M. Foley, Housing and Home Finance Administrator, does hereby nominate, constitute and appoint M. Justin Herman, Regional Representative, and Kirke M. Decker, Regional Administrative Officer, both Region VII, Office of the Administrator, Housing and Home Finance Agency, San Francisco, California, and each of them and their respective duly appointed successors in office, his true and lawful attorney for him and in his name, place and stead, in connection with any loan for the production or distribution of prefabricated houses or housing components, for related purposes, or for modernized site construction, as authorized by Title V of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong.; 65 Stat. 293, 311; 12 U. S. C., 1946 ed. Sup. V 1701g-1701g-4).

1. To assign, reassign, reconvey, endorse, and transfer without representation, recourse, or warranty, and surrender, satisfy, discharge, release, subordinate and cancel, or accomplish any of them in whole or in part: notes; checks; drafts; bonds; real estate mortgages and deeds of trust; contracts for the sale of prefabricated houses, housing components, sections or panels; chattel mortgages; beneficial interest under trust instruments; leases; accounts receivable; inventory liens; warehouse receipts; policies of insurance or rights thereunder; policies guaranteeing or insuring real estate titles, mortgages and deeds of trust, or any of them, or rights thereunder; and indemnity or surety bonds or rights thereunder; all or any of which may be assigned or endorsed to or held by Housing and Home Finance Administrator, or by the aforesaid Regional Representative in behalf of said Administrator.

2. To assent to or request any such abovementioned assignment, reassignment, reconveyance, transfer, surrender, satisfaction, discharge, release, subordination, and cancellation, or any of them in whole or in part.

3. In connection with deeds of trust or other trust instruments or agreements under which the Administrator is a beneficiary or assignee of beneficiary, or where the Administrator, or Regional Representative, is a holder of any note, notes, bonds, instrument or instruments issued pursuant thereto or secured thereby: (a) To accept or join with others in the acceptance of resignations of trustee or trustees; (b) to remove or join with others in the removal of any trustee or trustees; (c) to select and designate persons or corporations as original substitute or successor trustee or trustees; and (d) to appoint, consent to or approve of the appointment, or join with others in the appointment, consent to or approval of appointment of substitute or successor trustee or trustees.

Further giving and granting unto his said attorneys, and each of them, full power and authority to do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of release deeds, satisfaction pieces, requests for full reconveyance, assignments, discharges, subordinations and such other documents as may be appropriate or necessary to effectuate the foregoing, hereby ratifying and confirming all that said attorneys, or either of them, shall lawfully do or cause to be done under this power.

All documents and instruments executed pursuant to this Power of Attorney shall be signed in the following form:

HOUSING AND HOME FINANCE ADMINISTRATOR,
By _____
Housing and Home Finance Agency, His Attorney-in-Fact.

with insertion therein of official title of attorney in the space provided under the signature.

The Power of Attorney shall continue in force until revoked by a revocation recorded in Santa Clara County, California, and in any other county where this Power may be recorded, provided always that any revocation shall not prejudice or affect anything lawfully done or cause to be done by either said attorney prior to the recording of any such revocation hereof.

The powers herein granted may not be delegated or redelegated.

In witness whereof, Raymond M. Foley, Housing and Home Finance Administrator, has caused this Power of Attorney to be executed on his behalf, and the seal of said Administrator to be affixed hereto, this 12th day of December 1952.

[SEAL] RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

ROSALIND S. JAMISON,
Attesting Officer,
Office of the Administrator,
Housing and Home Finance Agency.

Signed, sealed and delivered in the presence of:

ADAH N. SHELDON,
MARTHA OLSZEWSKI.

UNITED STATES OF AMERICA
DISTRICT OF COLUMBIA } *ss:*

I, Irene Gerson, a Notary Public in and for the District of Columbia, do hereby certify that on the 12th day of December A. D. 1952, personally appeared before me Raymond M. Foley, personally known to me to be the Housing and Home Finance Administrator, acting for and on behalf of the United States of America, named in the foregoing instrument, and acknowledged that he executed and delivered said instrument pursuant to the authority conferred upon him, and that said instrument was the act and deed of the United States of America for the uses and purposes therein expressed.

In testimony whereof, I have hereto set my hand and official seal, this 12th day of December A. D. 1952.

[NOTARY PUBLIC SEAL] IRENE GERSON,
Notary Public.

My commission expires: February 28, 1956.

[F. R. Doc. 52-13305; Filed, Dec. 17, 1952; 8:51 a. m.]

FPC Gas Tariff, First Revised Volume Original Sheet No. 3 contained in said Gas Tariff, First Revised Volume No. 1, spect to (1) increases in compensation,

increase the amount of the Loan Authorization, with respect to the exercise

secured thereby: (a) To accept or join with others in the acceptance of resignations of

[F. R. Doc. 52-13305; Filed, Dec. 17, 1952; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

WINIFRED ROSE GALBRAITH

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

DECEMBER 11, 1952.

In the matter of Winifred Rose Galbraith, the Barclay, 18th and Rittenhouse Square, Philadelphia 3, Pa.

This is a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether Winifred Rose Galbraith ("registrant"), who is registered as a broker and dealer, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, if so, whether it is in the public interest to revoke her registration.[1]

The proceeding was instituted by the issuance of a notice and order for hearing, a copy of which was sent by registered mail to the address furnished us by the registrant in her registration application. The registered notice was returned to us by the Post Office Department with a notation indicating that the registrant could not be found at the address given.[2] Registrant did not appear in person nor was she represented by counsel on the date set for hearing.

On November 28, 1942, we promulgated Rule-X17A-5 under section 17 (a) of the act, which provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year commencing with the year 1943. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the press, and by distribution to persons on our mailing list.

The registrant's registration, which became effective September 8, 1948, has not been withdrawn, cancelled, revoked or suspended, and as of the institution of the proceeding was in full force and effect. Our records show that the registrant failed to file the required reports for 1951 and a number of years preceding.

Upon review of the record in this proceeding, we have concluded that the registrant violated section 17 (a) of the act and Rule X-17A-5 thereunder as a result of failure to file such reports. We conclude also that such violation was willful within the meaning of section 15 (b).[3]

[1] Section 15 (b) provides in part:

The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * (D) has willfully violated any provision * * * of this title, or of any rule or regulation thereunder.

[2] Our order and notice instituting the proceeding provided that the same be published in the FEDERAL REGISTER not later than 15 days prior to October 15, 1952, the date set for hearing of the matter. Pursuant to this provision the order and notice was published in the FEDERAL REGISTER of September 19, 1952, 17 F. R. 8444-5.

[3] See Sidney Ascher, Securities Exchange Act Release No. 4474 (July 27, 1950).

On the basis of the foregoing, we are of the opinion that it is necessary in the public interest to revoke the registration as a broker and dealer of Winifred Rose Galbraith.

Accordingly, *It is ordered*, That the registration as a broker and dealer of Winifred Rose Galbraith be, and it hereby is revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13294; Filed, Dec. 17, 1952; 8:46 a. m.]

[File Nos. 7-1470, 7-1471]

NATIONAL THEATRES, INC., AND TWENTIETH CENTURY FOX FILM

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of December A. D. 1952.

In the matter of application by the Boston Stock Exchange, for Unlisted Trading Privileges in National Theatres, Inc., Common Stock, $1 Par Value, 7-1470; Twentieth Century Fox Film Corporation (Delaware), Common Stock, $1 Par Value, 7-1471.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of National Theatres, Inc.; and the Common Stock, $1 Par Value, of Twentieth Century Fox Film Corporation (Delaware), securities registered and listed on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to January 5, 1953, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13297; Filed, Dec. 17, 1952; 8:47 a. m.]

[File Nos. 7-1475, 7-1476, 7-1477]

FLORIDA POWER CORP. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of December A. D. 1952.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for Unlisted Trading Privileges in: Florida Power Corporation, Common Stock, $7.50 Par Value, 7-1475; Fedders-Quigan Corporation, Common Stock, $1.00 Par Value, 7-1476; Webb & Knapp, Inc., Common Stock, 10¢ Par Value, 7-1477.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $7.50 Par Value, of Florida Power Corporation, registered and listed on the New York Stock Exchange; the Common Stock, $1.00 Par Value, of Fedders-Quigan Corporation, registered and listed on the New York Stock Exchange; and the Common Stock, 10¢ Par Value, of Webb & Knapp, Inc., registered and listed on the New York Curb Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to January 7, 1953, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13298; Filed, Dec. 17, 1952; 8:47 a. m.]

[File Nos. 54-196, 59-97, 70-2681]

MISSION OIL CO. ET AL.

NOTICE OF FILING OF APPLICATION FOR EXTENSION OF TIME FOR DISPOSITION OF SUBSIDIARY COMMON STOCKS

DECEMBER 12, 1952.

In the matter of The Mission Oil Company, Southwestern Development Company and subsidiaries and Sinclair Oil Corporation, File Nos. 54-196, 59-97; Albert R. Jones, et al., File No. 70-2681.

Notice is hereby given that Sinclair Oil Corporation ("Sinclair"), a registered holding company which is exempt from the provisions of the Public Utility Holding Company Act of 1935 ("Act") other than sections 9 (a) (2) and 11 (b), (c) and (e) thereof, has filed with this Commission, pursuant to the act, an application requesting an extension of time within which to effect certain dispositions provided for in the plan approved by the Commission under section 11 (e) of the act on December 21, 1951.

All interested persons are referred to the application on file in the office of this Commission for a statement of the request for extension of time and the reasons given for such requests, which are summarized as follows:

The plan provided, inter alia, for the divestment by Sinclair, within one year from December 21, 1951, "or such longer time as the Commission may by further order grant", of the reclassified common stock of Southwestern Development Company ("Southwestern"), a registered holding company, and of Colorado Interstate Gas Company ("Colorado"), a non-utility subsidiary of Southwestern, and the common stock of Westpan Hydrocarbon Company ("Westpan"), a new non-utility subsidiary of Southwestern, received by Sinclair through the distributions by Southwestern and The Mission Oil Company ("Mission") under the plan.

In support of the application Sinclair states that it has disposed of the common stock of Colorado, but that it has been unable in the exercise of due diligence to effect the disposition of the common stock of Southwestern and Westpan. In this connection it is stated:

The Southwestern system has recently concluded a long-term contract for a large percentage of its future gas requirements. Further, extensions of franchises have been granted by nearly all towns being served. These developments place Southwestern in a position to effect permanent financing of its outstanding short-term debt, which applicant considers desirable prior to disposition of its holdings of Southwestern.

Several parties have expressed an interest in acquiring the common stock of Southwestern, two of whom have completed examination of financial data and the properties. Other parties are in the process of such examinations which will not be completed for several months.

A merger of certain of Southwestern's properties is under consideration awaiting the outcome of proceedings before the Federal Power Commission and this Commission in which West Texas Gas Company, one of the major utility subsidiaries, is seeking approval of a proposed sale to El Paso Natural Gas Company, a non-affiliate, of certain gas transmission facilities.

Applicant believes it to be in the public interest and in the interest of investors and consumers to have as many offers for the purchase of Southwestern stock as possible, and to consummate the permanent financing, and the contemplated mergers if practicable, before the common stock of Southwestern becomes widely held by the public.

Westpan is a new company which was created in the course of the plan proceedings and did not begin operations until January, 1952. Some recent inquiries have been received from prospective purchasers of the stock of the company, but little is known by the public about the company's operations and property, which makes the stock difficult to evaluate.

Changes in the management have been necessary to meet the requirements of the act, and further changes may be advisable in order to obtain officers who will devote their entire time to the company's operations and development.

New facilities and operating techniques have resulted in larger recoveries of natural gasoline and also in the recovery of excess butane from the natural gas being processed, with the consequent increase in revenues to Wespan, the full effect of which will not be reflected until 1953.

The company has acquired interests in oil and gas properties which are now in the process of being developed. One well has been completed opening a new oil pool, and a second well therein is expected to be completed in December 1952. A well has also been commenced on another block of acreage, and drilling operations on a third block of acreage are expected to be commenced during 1953. The contemplated developments are dependent upon availability of oil casing and tubing and it is doubtful if sufficient of such materials will be available for the development of these properties before the latter part of 1953. At best it will take several months to evaluate the earning capacity of these properties.

For the foregoing reasons the applicant has been hesitant about requesting bids for the stock of Westpan.

Applicant also states that it will exercise every effort, consistent with the public interest and the interest of investers and consumers, to comply with any extension order; and requests an extension of time, not to exceed one year from December 21, 1952, within which to effect the disposition of the stocks of Southwestern and Westpan.

Notice is hereby further given that any interested person may, not later than December 23, 1952, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such application, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said application, as filed or as amended, may be granted or the Commission may take such other action as is deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13299; Filed, Dec. 17, 1952; 8:48 a. m.]

[File No. 70-2389]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF MARYLAND

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME WITHIN WHICH TO CONSUMMATE SECURITY TRANSACTIONS BETWEEN PARENT AND SUBSIDIARY

DECEMBER 12, 1952.

Delaware Power & Light Company ("Delaware"), a registered holding company, and its subsidiary, the Eastern Shore Public Service Company of Maryland ("Eastern Shore"), having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 9 (a), 12 (d) and 12 (f) thereof and Rules U-43 and U-44 promulgated thereunder, with respect to the issue and sale by Eastern Shore from time to time, but not later than December 31, 1951, of up to $3,000,000 principal amount of its 4 percent promissory notes due October 1, 1973, and 30,000 shares of its common stock of the par value of $100 per share, and the acquisition thereof by Delaware; the Commission having granted and permitted the said joint application-declaration to become effective by Order dated June 29, 1950; and the Commission by order dated December 6, 1951, having granted an extension of time to December 31, 1952, within which to consummate the transactions; and

Applicants-declarants having filed an amendment to said joint application-declaration in which it is stated that Eastern Shore has issued and sold to Delaware only $2,000,000 principal amount of its 4 percent promissory notes, and 20,000 shares of its common stock heretofore authorized to be issued and sold prior to December 31, 1952, and that it appears that it will be unnecessary for Eastern Shore to issue and sell the remaining $1,000,000 principal amount of its said 4 percent promissory notes, and the remaining 10,000 shares of its common stock prior to December 31, 1952, but that it probably will be necessary for Eastern Shore to issue and sell said securities between January 1 and December 31, 1953; and the amendment further stating that an extension of time within which said securities may be issued and sold to December 31, 1953, has been authorized by order of the Public Service Commission of Maryland, dated November 17, 1952; and

The Commission having examined said amendment and having considered the record herein and deeming it appropriate in the public interest and in the interest of investors and consumers that the time within which said securities may be issued and sold be extended to December 31, 1953, and that the said joint application-declaration, as further amended, be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration, as further amended, be, and hereby is, granted and permitted to become ef-

fective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13296; Filed, Dec. 17, 1952; 8:47 a. m.]

[File No. 812-814]

AXE-HOUGHTON FUND B, INC., AND ATOMIC INDUSTRIES FUND, INC.

NOTICE OF APPLICATION

DECEMBER 16, 1952.

Notice is hereby given that Axe-Houghton Fund B, Inc. (Axe-Houghton), and Atomic Industries Fund, Inc. (Atomic), have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act certain proposed transactions. The application sets forth the following proposal:

Axe-Houghton will offer to purchase all of the assets of Atomic and to pay as consideration therefor a relatively small amount of cash plus newly issued shares of the capital stock of Axe-Houghton. After the sale of the assets of Atomic the cash and Axe-Houghton's stock is to be distributed to the stockholders of Atomic in proportion to their respective interests.

The application states that:

The foregoing transaction and offer is to be made by Axe-Houghton subject to the approval of the stockholders of Atomic and a special meeting of the latter's stockholders is to be called to present the matter for their approval.

The portfolio securities held by Atomic are all securities which Axe-Houghton is authorized to purchase under its current investment policy, and if Atomic should make any portfolio changes before the proposed transaction is accomplished, it proposes to purchase only securities which Axe-Houghton is authorized to purchase.

The number of shares of Axe-Houghton to be issued as consideration for the assets of Atomic will be determined by deducting the amount of cash to be paid from the market value of the assets of Atomic to be received and dividing the balance by the net asset value per share of the shares of Axe-Houghton. The exact amount of cash to be paid will be determined as close to the event as possible in the light of facts then existing and will approximate the cash needed to pay any liabilities of Atomic plus the maximum established amount of income taxes which would be payable by Atomic shareholders upon distribution of net income or capital gains dividends to them. Such amount is estimated at this time at $6,000. The market value of the assets of Atomic and the net asset value per share of the shares of Axe-Houghton will be determined as of the date of the purchase in the manner regularly employed for the determination of the market value of the assets of Axe-Houghton and the net asset value of its shares, in accordance with the currently effective prospectus for the shares of Axe-Houghton. No selling or other commission will be charged or paid in connection with such transactions.

In December 1951 the name of the company was changed from the former name to Atomic Industries Fund, Inc. One of the objects in connection with the aforesaid change of name was to make a public offering of Atomic's stock, but for various reasons Atomic has been unable to make a public offering.

The directors believe that the size of Atomic is too small to continue to operate it as a separate fund and that expenses could be saved for the benefit of the stockholders by combining its portfolio with a larger fund. The type of securities now held in the portfolio of Atomic is generally similar to the type of securities held in the portfolio of Axe-Houghton.

Emerson W. Axe is the president and a director of Axe-Houghton and Atomic, and of E. W. Axe & Co., Inc., and is also a director of Axe Securities Corporation. Ruth H. Axe is president and a director of Axe Securities Corporation, and is also a vice president and a director of Axe-Houghton, Atomic, and E. W. Axe & Co., Inc. Morris M. Townsend is a vice president of Axe-Houghton, Atomic, E. W. Axe & Co., Inc., and Axe Securities Corporation, and is a director of Atomic. Henry Logan and J. Keith Torbert are directors of Atomic and Axe-Houghton.

Applicants allege, among other things, that the proposed transactions will be beneficial both to Atomic and Axe-Houghton shareholders; that the proposed transaction would result in the elimination of a small investment company which is relatively expensive to manage, by combining its portfolio with a large open-end investment company on the basis of their relative net asset values, and distributing to the shareholders of the smaller company the shares of the larger company on a fair basis. It is also alleged that the transaction is in the public interest and consistent with the general purposes of the Investment Company Act of 1940.

All interested persons are referred to said application which is on file in the offices of the Commission for a detailed statement of the proposed transactions and the matters of fact and law asserted.

Notice is further given that an order granting the application in whole or in part and upon such conditions as the Commission may deem necessary or appropriate may be issued by the Commission on or at any time after December 30, 1952, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than December 29, 1952 at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13377; Filed, Dec. 17, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19086]

MRS. WILLIAM T. BEYER AND WILLIAM T. BEYER

In re: Interests in household furniture, furnishings, fixtures and miscellaneous yard equipment owned by Mrs. William T. Beyer and the personal representatives, heirs, next of kin, legatees, and distributees of William T. Beyer, deceased. F-28-31961-B-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Mrs. William T. Beyer, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of William T. Beyer, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows: An undivided one-fourth (¼) interest in all those certain household furniture, furnishings, fixtures and miscellaneous yard equipment owned by the persons referred to in subparagraphs 1 and 2 hereof, located on the real property situated at 1541 Asbury Avenue, Ocean City, County of Cape May, State of New Jersey, particularly described in Vesting Order 18990, as amended, dated August 21, 1952, including particularly but not limited to those items described in Exhibit A, attached hereto and by reference made a part hereof,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. William T. Beyer and the personal representatives, heirs, next of kin, legatees and distributees of William T. Beyer, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States, the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 12, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

4 rustic chairs.
1 wicker table.
1 davenport bed couch.
1 long davenport table.
2 oak rocking arm chairs.
1 small carved top stool.
1 mission arm chair.
1 small bedroom rocking chair.
1 china table lamp and shade.
1 wood piano floor lamp and shade.
1 hassock.
1 9 x 12-foot Crex rug.
1 30 x 50-inch Crex throw rug.
1 Coldspot electric refrigerator.
1 mahogany dining room table.
4 straight dining room chairs.
1 arm dining room chair.
1 mahogany buffet.
1 mahogany serving cabinet.
1 9 x 12-foot Congoleum rug.
1 tapestry rug.
1 drop-leaf kitchen table.
2 wooden stools.
China, glassware, etc.
Miscellaneous pots and pans.
1 gas range.
1 12-inch grass mower.
1 grass sweeper.
35-foot rubber garden hose.
1 mahogany 4-poster bed (double).
1 coil wire spring.
1 innerspring mattress.
1 mahogany bureau.
1 Wicker arm chair.
1 Crex throw rug, 30 x 50-inch.
1 panel metal bed (¾ size).
1 wire spring.
1 innerspring mattress.
1 set of drawers.
1 dressing table and chair.
1 bed room arm rocking chair.
1 Crex throw rug, 30 x 50-inch.
1 mahogany 4-poster bed (double).
1 wire spring.
1 innerspring mattress.
1 mahogany 4-poster bed (single).
1 wire spring.
1 innerspring mattress.
1 mahogany bureau.
1 Wicker arm chair.
1 Crex throw rug (30 x 50-inch).
1 Wicker couch.
1 Wicker arm chair.
1 mahogany dining room table.
4 dining room chairs.
1 mahogany buffet.
1 mahogany china closet.
1 brass floor lamp and shade.
1 small black utility table.
1 electric table lamp.
China dishes, glassware.
1 oval Crex rug.
1 apartment ice refrigerator.
1 kitchen table.
1 kitchen chair.
1 gas range.
1 mahogany bed (double).
1 wire spring.
1 innerspring mattress.
1 set of drawers.
1 bedroom chair.
1 Crex throw rug, 30 x 50-inch.
1 mahogany bed (double).
1 wire spring.
1 innerspring mattress.
1 set oak chiffonier drawers.
1 bedroom chair.
1 Crex throw rug, 30 x 50-inch.
1 mahogany bed (double).
1 wire spring.
1 innerspring mattress.
1 canvass covered cot.
1 chest of drawers.
1 Princess dresser.
1 Princess dresser (no mirror).
1 bedroom chair.
1 piece tapestry carpet (approximately 6 x 10-foot).

[F. R. Doc. 52-13309; Filed, Dec. 17, 1952; 8:53 a. m.]

[Vesting Order 19087]

AMANDA LAUCKS AND RUDOLPH LAUCKS

In re: Bank account owned by Amanda Laucks and Rudolph Laucks. F-28-32025-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Amanda Laucks and Rudolph Laucks, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Central Savings Bank in the City of New York, Broadway at 73rd Street, New York, New York, arising out of a Savings Account No. 941,277, in the name of Amanda Laucks and Rudolph Laucks, or either or survivor, maintained at the branch office of the aforesaid bank located at 4th Avenue and 14th Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Amanda Laucks and Rudolph Laucks, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 12, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-13310; Filed, Dec. 17, 1952; 8:53 a. m.]

[Vesting Order 19088]

ANNA HARMS PIENING

In re: Stock owned by Anna Harms Piening. F-28-23461-D-1; D-2.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anna Harms Piening, whose last known address is Uetersen, Holstein, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: All rights and interests in, to and under a certificate issued by Consolidated Wagon & Machine Company, Salt Lake City, Utah, now liquidated, said certificate issued for eighty (80) shares of capital stock of said company, numbered 1978, registered in the name of Anna Harms Piening, and presently in the custody of Zion's Savings Bank and Trust Company, Salt Lake City 11, Utah, including particularly but not limited to all declared and unpaid dividends on said stock and all declared and unpaid liquidating dividends thereon,

is property which is and prior to January 1, 1947, was within the United States

owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Harms Piening, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 12, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13311; Filed, Dec. 17, 1952; 8:53 a. m.]

[Vesting Order 19089]

W. VON SCHNITZLER

In re: Securities owned by W. von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That W. von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: Fifty-two (52) shares of $10.00 par value common stock of Jones & Laughlin Steel Corporation, Jones & Laughlin Building, Pittsburgh 30, Pennsylvania, evidenced by certificates numbered NYCO-5328 for 50 shares and NYCO-5330 for 2 shares, said certificates registered in the name of Cudd & Co., presently in the custody of The Chase National Bank of the City of New York in a blocked account in the name of "Wodan Handelmaatschappij, N. V., Rotterdam, Netherlands", together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by, W. von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 12, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13312; Filed, Dec. 17, 1952; 8:54 a. m.]

[Vesting Order 19090]

DOROTHEA AND ENNO BRACKLO

In re: Rights of Dorothea Bracklo and Enno Bracklo under insurance contracts. Files Nos. F-28-26720-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Dorothea Bracklo and Enno Bracklo, whose last known address is Muenchen 9 Geiselgasteig, Gabriel von Seidlstrasse 40, Germany, are citizens of Germany who, on or since December 11, 1941, and prior to January 1, 1947, have been acting or purporting to act directly or indirectly for the benefit or on behalf of Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 207515 and 207516 issued by the West Coast Life Insurance Company, San Francisco, California, to Dorothea Bracklo, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid West Coast Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dorothea Bracklo and Enno Bracklo, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That Dorothea Bracklo and Enno Bracklo are and prior to January 1, 1947, were controlled by or acting for or on behalf of a designated enemy country (Germany) and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

4. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 12, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13313; Filed, Dec. 17, 1952; 8:54 a. m.]

[Vesting Order 19091]

EIKE BRACKLO ET AL.

In re: Rights of Eike Bracklo and others under insurance contract. F-28-26718-H-1.

Under the authority of the Trading With the Enemy Act, as amended, (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Eike Bracklo, Enno Bracklo and Dorothea Bracklo, whose last known address is Muenchen 9 Geiselgasteig, Gabriel von Seidlstrasse 40, Germany, are citizens of Germany who, on or since

December 11, 1941, and prior to January 1, 1947, have been acting or purporting to act directly or indirectly for the benefit or on behalf of Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 207749 issued by the West Coast Life Insurance Company, San Francisco, California, to Eike Bracklo, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid West Coast Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eike Bracklo, Enno Bracklo and Dorothea Bracklo, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That Eike Bracklo, Enno Bracklo and Dorothea Bracklo are and prior to January 1, 1947, were controlled by or acting for or on behalf of a designated enemy country (Germany) and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

4. That the national interest of the United States requires that the persons referred to in subparagraph 1, hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 12, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13314; Filed, Dec. 17, 1952; 8:54 a. m.]

[Vesting Order 19092]

WIARD BRACKLO ET AL.

In re: Rights of Wiard Bracklo and others under insurance contract. File No. F-28-26777-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Wiard Bracklo, Enno Bracklo and Dorothea Bracklo, whose last known address is Muenchen 9 Geiselgasteig, Gabriel von Seidlstrasse 40, Germany, are citizens of Germany who, on or since December 11, 1941, and prior to January 1, 1947, have been acting or purporting to act directly or indirectly for the benefit or on behalf of Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 207750 issued by the West Coast Life Insurance Company, San Francisco, California, to Wiard Bracklo, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid West Coast Life Insurance Company, together with the right to demand, enforce, receive and collect the same is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wiard Bracklo, Enno Bracklo and Dorothea Bracklo, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That Wiard Bracklo, Enno Bracklo and Dorothea Bracklo are and prior to January 1, 1947, were controlled by or acting for or on behalf of a designated enemy country (Germany) and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

4. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 12, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13315; Filed, Dec. 17, 1952; 8:54 a. m.]

[Vesting Order 18990, Amdt.]

WILLIAM T. BEYER

In re: Interests in real property, property insurance policies, and a claim owned by the personal representatives, heirs, next of kin, legatees and distributees of William T. Beyer, deceased.

Vesting Order 18990, dated August 21, 1952, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Mrs. William T. Beyer, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of William T. Beyer, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. An undivided one-fourth (1/4) interest in real property situated in the City of Ocean City, County of Cape May, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons referred to in subparagraphs 1 and 2, hereof, in and to all insurance policies covering the premises described in subparagraph 3-a hereof and any and all extensions or renewals thereof, and

c. Those certain debts or other obligations of Charles Frederick Brown, Bishop Avenue, West Berlin, Camden County, New Jersey, arising out of the net income by reason of the collections of rent on the undivided one-fourth (1/4) interest in the real property described in sub-

Executed at Washington, D. C., on December 12, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13315; Filed, Dec. 17, 1952; 8:54 a. m.]

paragraph 3–a hereof, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. William T. Beyer and the personal representatives, heirs, next of kin, legatees and distributees of William T. Beyer, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3–b and 3–c hereof,

All such property so vested to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 12, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain lot or piece of ground situate, lying and being in the City of Ocean City, County of Cape May and State of New Jersey, numbered 567, Section "D", on the plan of lots of the Ocean City Association, more particularly described as follows:

Beginning in the Southeasterly line of Asbury Avenue at the distance of 310' Southwestwardly from the Southwesterly line of Fifteenth Street; Containing Southwesterly along said line of Asbury Avenue, thirty (30) feet in front or breadth; and of that width extending, Southeastwardly, in length or depth between lines parallel with Fifteenth Street, 100 feet to a fifteen feet wide street.

Under and subject, nevertheless to the reservations and restrictions of the Ocean City Association.

[F. R. Doc. 52-13317; Filed, Dec. 17, 1952; 8:55 a. m.]

[Vesting Order 12664, as Amended, Amdt.]

JOHN JUCHTER

In re: Real property, property insurance policies and claim owned by John Juchter. F-28-24480-B-1.

Vesting Order 12664, dated January 12, 1949, as amended, is hereby further amended as follows and not otherwise:

By deleting Exhibit A, attached to and by reference made a part of said Vesting Order 12664, as amended, and substituting therefor the new Exhibit A, attached hereto and by reference made a part hereof.

All other provisions of said Vesting Order 12664, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 12, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel 1. All that certain lot, tract or parcel of land, being a portion of lots 2 and 3, Elliott Ward, situate in the City of Savannah, Chatham County, State of Georgia, and being more fully described as follows:

Beginning at a point in the Southwesterly line of Gwinnett Street distant 110.78 feet Southeasterly from the Southeast corner of the intersection of Gwinnett Street and West Broad Street, thence Southwesterly, parallel with West Broad Street, 67.5 feet, thence Southeasterly, parallel with Gwinnett Street, 61.12 feet, thence Northeasterly to a point in the Southwesterly line of Gwinnett Street distant 60.8 feet Southeasterly from the point of beginning, thence Northwesterly along the Southwesterly line of Gwinnett Street to the point of beginning, being a portion of the same property conveyed by Frederick W. Henges to John Juchter by deed dated February 1, 1936, and recorded on February 5, 1936, in Record Book 31–B, Folio 230, in the Clerk's Office of the Superior Court of Chatham County, Georgia.

Parcel 2. All that certain lot, tract or parcel of land, being a portion of lots 3 and 4, Elliott Ward, situate in the City of Savannah, Chatham County, State of Georgia, and being more fully described as follows:

Beginning at a point in the Southwesterly line of Gwinnett Street distant 55.58 feet Southeasterly from the Southeast corner of the intersection of Gwinnett Street and West Broad Street, thence Southeasterly along said Southwesterly line of Gwinnett Street 55.2 feet, thence Southwesterly, parallel with West Broad Street, 67.5 feet, thence Northwesterly, parallel with Gwinnett Street, 55.2 feet, thence Northeasterly, parallel with West Broad Street, 67.5 feet to the point of beginning, being a portion of the same property conveyed by Frederick W. Henges to John Juchter by deed dated February 1, 1936, and recorded on February 5, 1936, in Record Book 31–B, Folio 230, in the Clerk's Office of the Superior Court of Chatham County, Georgia.

[F. R. Doc. 52-13316; Filed, Dec. 17, 1952; 8:55 a. m.]

ILSE KOEHLER SCHLOESSER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ilse Koehler Schloesser, Kaiser Wilhelm Strasse 25, Elberfeld Wuppertal, Germany, British Zone; Claim No. 42881; all right, title, interest and claim of any kind or character whatsoever of Ilse Schloesser in and to the estate of Bertha Koehler, deceased, and under clause "Third" of the will of said Bertha Koehler, and paragraph (g) thereof per codicil dated July 11, 1933, including the right to demand from the executors of said estate and from the trustees under said will, payment and delivery of the principal and income of a certain trust fund, for which provision is made in said clause "Third" of said will and said codicil thereto.

Executed at Washington D. C., on December 12, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13318; Filed, Dec. 17, 1952; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27623]

INGOT MOLDS FROM CLEVELAND AND MILES AVENUE, OHIO, TO WORCESTER, MASS.

APPLICATION FOR RELIEF

DECEMBER 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4350.

Commodities involved: Ingot molds, ingot mold sprue plates, and ingot mold stools, carloads.

From: Cleveland and Miles Avenue, Ohio.

To: Worcester, Mass.

Grounds for relief: Competition with rail, water, or rail-water carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13306; Filed, Dec. 17, 1952; 8:52 a. m.]

[4th Sec. Application 27624]

GYPSUM BACKING BOARD FROM PORT WENTWORTH, GA., TO FLORIDA

APPLICATION FOR RELIEF

DECEMBER 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and other carriers.

Commodities involved: Gypsum backing board, carloads.

From: Port Wentworth, Ga.

To: Points in Florida.

Grounds for relief: Rail and market competition, circuity, and to maintain rates on same basis as on plasterboard etc., in I. C. C. report, 241 I. C. C. 777.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1295, Supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13307; Filed, Dec. 17, 1952; 8:52 a. m.]

[4th Sec. Application 27625]

VARIOUS COMMODITIES BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

DECEMBER 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to schedule listed below.

Commodities involved: Castor beans, mineral wool, mineral wool batts, slabs (building, flooring or roofing), and cement (asbestos or mineral wool), carloads.

Between: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 807, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13308; Filed, Dec. 17, 1952; 8:52 a. m.]

FEDERAL REGISTER

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Washington, Friday, December 19, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10420

AMENDING THE SELECTIVE SERVICE REGULATIONS AND EXECUTIVE ORDER No. 10363 OF JUNE 17, 1952 [1]

By virtue of the authority vested in me by Title I of the Universal Military Training and Service Act (62 Stat. 604), as amended, it is ordered as follows:

1. I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 9988 [2] of August 20, 1948, No. 10001 [3] of September 17, 1948, No. 10008 [4] of October 18, 1948, No. 10167 [5] of October 11, 1950, No. 10202 [6] of January 12, 1951, No. 10258 [7] of June 26, 1951, No. 10292 [8] of September 25, 1951, and No. 10328 [9] of February 20, 1952, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

a. Paragraph (f) of § 1622.12 of Part 1622, *Classification Rules and Principles*, is amended to read as follows:

(f) Every registrant who, on or after June 24, 1948, has entered upon active duty in the armed forces, other than active duty for training only, and (1) who has been separated therefrom by honorable discharge or discharge under honorable conditions or by an equivalent type of release from service, except when such discharge or release was because of minority or erroneous enlistment or when the branch of the armed forces concerned certifies that such discharge or release was accomplished upon the application of the registrant and was based upon inadequate evidence of his status, or (2) who has been separated therefrom by honorable discharge or discharge under honorable conditions or by an equivalent type of release from service and transferred to a reserve component of the armed forces, or (3) who has been transferred to a reserve component of the armed forces. Each such registrant who has been transferrd to a reserve component of the armed forces shall be identified with the abbreviation "Res." in the manner provided in § 1622.65, and every other such registrant shall be identified with the abbreviation "Disc." in the manner provided in § 1622.64, and upon attaining an age beyond the maximum age of liability for military service under the provisions of the selective service law, all such registrants shall be reclassified in Class V–A.

b. Paragraph (a) of § 1622.14 of Part 1622 is amended to read as follows:

(a) In Class I–O shall be placed every registrant who would have been classified in Class I–A but for the fact that he has been found, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces.

c. Paragraph (b) of § 1622.16 of Part 1622 is amended to read as follows:

(b) In Class I–W shall be placed any registrant who subsequent to being ordered by the local board to perform civilian work contributing to the maintenance of the national health, safety, or interest has been released from such work by the local board after satisfactorily performing the work for a period of twenty-four consecutive months or has been sooner released from such work by the Director of Selective Service under the provisions of § 1660.21 of this chapter. Each such registrant shall be identified on all records by following his classification with the abbreviation "Rel." and, upon attaining an age beyond the maximum age of liability for military service under the provisions of the selective service law, all such registrants shall be reclassified in Class V–A.

d. Section 1623.12 of Part 1623, *Classification Procedure*, is revoked.

e. Paragraph (b) of § 1624.2 of Part 1624, *Appearance Before Local Board*, is amended to read as follows:

(Continued on p. 11467)

[1] 17 F. R. 5449.
[2] 13 F. R. 4851.
[3] 13 F. R. 5473.
[4] 13 F. R. 6099.
[5] 15 F. R. 6873.
[6] 16 F. R. 381.
[7] 16 F. R. 6229.
[8] 16 F. R. 9843.
[9] 17 F. R. 1645.

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board having jurisdiction over the registrant who has been transferred to a reserve component of the armed forces shall be identified with the abbreviation "Res." in the manner provided in § 1622.65, and every other such registrant shall be identified with the abbreviation "Disc." in the manner provided in § 1622.64, and upon attaining an age beyond the maximum age of liability for military service under the provisions of the selective service law, all such registrants shall be reclassified in Class V–A.

warded by the local board through the

FEDERAL REGISTER

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(b) At any such appearance, the registrant may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the local board in determining his proper classification. Such information shall be in writing, or, if oral, shall be summarized in writing by the registrant and, in either event, shall be placed in the registrant's file. The information furnished should be as concise as possible under the circumstances. The member or members of the local board before whom the registrant appears may impose such limitations upon the time which the registrant may have for his appearance as they deem necessary.

f. Section 1626.11 of Part 1626, *Appeal to Appeal Board*, is amended by redesignating paragraph (c) as paragraph (d) and by adding a new paragraph (c) to read as follows:

(c) Whenever an appeal to the appeal board involves a registrant whose current place of residence is located outside the appeal board area in which the local board having jurisdiction over the registrant is located and is located in the area of another appeal board and the written request referred to in paragraph (b) of this section has not been filed with the local board, the registrant, the Director of Selective Service, or the State Director of Selective Service may, at the time he files the notice of appeal, file with the local board a written request that the appeal be submitted to the appeal board having jurisdiction over the area in which is located the current place of residence of the registrant.

g. Section 1626.13 of Part 1626 is amended to read as follows:

§ 1626.13 *Local board to prepare appeal record and forward file.* (a) Immediately upon an appeal being taken to the appeal board by a person entitled to appeal, the local board shall prepare the Individual Appeal Record (SSS Form No. 120) in duplicate, attaching the original to the inside of the registrant's Cover Sheet (SSS Form No. 101) and placing the duplicate copy in the local board files. If either of the written requests referred to in paragraphs (b) and (c) of § 1626.11 has been filed, the local board shall enter on the Individual Appeal Record (SSS Form No. 120) a notation that such request has been filed together with the principal place of employment of the registrant or his current place of residence, whichever is applicable, and the address thereof. The local board shall carefully check the registrant's file to make certain that all steps required by the regulations in this chapter have been taken and that the record is complete. If any information considered by the local board does not appear in the written information in the file, other than information presented orally by the registrant or in his behalf at a personal appearance under the provisions of § 1624.2 of this chapter, the local board shall prepare and place in the file a written summary of such information.

(b) The file of a registrant who appeals or on whose behalf an appeal is taken shall be forwarded by the local board to the appeal board, or appropriate panel thereof, for the area in which the local board having jurisdiction over the registrant is located, unless either of the written requests referred to in paragraphs (b) and (c) of § 1626.11 has been filed with the local board. If the written request referred to in paragraph (b) of § 1626.11 has been filed, the file of the registrant shall be forwarded by the local board through the State Director of Selective Service to the appeal board having jurisdiction over the area in which is located the principal place of employment of the registrant, but if such principal place of employment is not located in the area of any appeal board the file of the registrant shall be forwarded to the appeal board, or appropriate panel thereof, for the area in which the local board having jurisdiction over the registrant is located. If the written request referred to in paragraph (c) of § 1626.11 has been filed and the written request referred to in paragraph (b) of that section has not been filed, the file of the registrant shall be forwarded by the local board through the State Director of Selective Service to the appeal board having jurisdiction over the area in which is located the current place of residence of the registrant, but if such current place of residence is not located in the area of any appeal board the file of the registrant shall be forwarded to the appeal board, or appropriate panel thereof, for the area in which the local board having jurisdiction over the registrant is located. The State Director of Selective Service may direct the channels through which the files of registrants shall be forwarded to the appeal boards in his State. When the appeal board to which a file is to be forwarded is located in another State he shall forward the file through the State Director of Selective Service for that State.

h. Section 1626.14 of Part 1626 is amended to read as follows:

§ 1626.14 *Time when record to be forwarded on appeal.* The registrant's file shall be forwarded to the appeal board, or appropriate panel thereof, immediately after the period provided in paragraph (c) of § 1626.2 for taking an appeal has elapsed and the local board has complied with the provisions of § 1626.13, but in no event shall the file be forwarded later than five days after the period for taking an appeal has elapsed. The local board shall enter in the Classification Record (SSS Form No. 102) the date it transmits the registrant's file to the appeal board or appropriate panel thereof.

i. Paragraph (b) of § 1628.3 of Part 1628, *Physical Examination*, is amended to read as follows:

(b) The medical advisor to the local board shall (1) give each registrant who presents himself for medical interview such examination as he deems necessary or (2) review each affidavit of a reputable physician or official statement of a representative of a Federal or State agency referred to him by the local board. From such examination or review, the medical advisor to the local board shall determine whether the registrant has one or more of the defects or conditions listed in Part 1629 of this chapter and shall record his findings in item 19 of section II of the Record of Induction (DD Form No. 47).

j. Subparagraph (1) of paragraph (a) of § 1632.5 of Part 1632, *Delivery and Induction*, is amended to read as follows:

(1) Prepare in quintuplicate a Delivery List (SSS Form No. 261) completing thereon the entries in columns (1) and (2) for each such registrant.

k. 1. Paragraph (c) of § 1650.11 of Part 1650, *Registration, Classification, Physical Examination, Selection, and Induction of Persons in Medical, Dental, and Allied Specialist Categories*, is amended to read as follows:

(c) Every special registrant shall be placed in Class I–A under the provisions of § 1622.10 of this chapter except that when grounds are established to place such registrant in one or more of the

classes listed in the following table, the special registrant shall be classified in the lowest class for which he is determined to be eligible, with Class I–A–O considered the highest class and Class I–C considered the lowest class according to the following table:

Class:		Class:	
	I–A–O		IV–B
	I–O		IV–C
	I–D		IV–D
	II–A		IV–F
	II–S		V–A
	III–A		I–W
	IV–A		I–C

2. Section 1650.11 of Part 1650 is further amended by redesignating paragraph (j) as paragraph (k), paragraph (k) as paragraph (l), paragraph (l) as paragraph (o), paragraph (m) as paragraph (p), and paragraph (n) as paragraph (q) and by adding three new paragraphs (j), (m), and (n) to read as follows:

(j) A special registrant shall be placed in Class II–S only if (1) he has been accepted for admission by a professional school of medicine, dentistry, or veterinary medicine to the class next commencing for a full-time course of instruction leading to a degree in a specialist category other than that in which he has previously received a degree and, if such class has commenced, has entered such school, or (2) he is a student in any such professional school and the school in which he is in attendance has certified that he is satisfactorily pursuing a full-time course of instruction leading to a degree in a specialist category other than that in which he has previously received a degree.

• • • • •

(m) A special registrant shall be placed in Class IV–B under the provisions of § 1622.41 of this chapter.

(n) A special registrant shall be placed in Class IV–C only if he is an alien and has departed from the United States. Such alien shall be placed in Class IV–C even though he is a delinquent but this classification shall in no way relieve him from liability for prosecution for violation of the selective service law. If any registrant so classified under this paragraph returns to the United States, his classification shall be reopened and he shall be classified anew.

3. Paragraphs (a) and (b) of § 1650.30 of Part 1650 are amended to read as follows:

(a) Except as otherwise provided in this section, the provisions of Part 1628 of this chapter shall be applicable with respect to the physical examination of special registrants except that special registrants shall not be given the medical interview as provided in that part.

(b) Whenever a special registrant who is in Class I–A, Class I–A–O, or Class I–O claims that he has one or more of the disqualifying obvious defects or manifest conditions listed in Part 1629 of this chapter, or whenever the local board is of the opinion that such a special registrant has one or more of such defects or conditions, the local board shall prepare an original and three copies of the Record of Induction (DD Form No. 47), by completing all of section I except item 2, and item 18 of section II thereof, and send the original together with all documents in the registrant's file relating to his physical or mental condition to the medical advisor to the local board. The medical advisor after reviewing the written evidence which he receives shall state in item 19 of section II of the Record of Induction (DD Form No. 47) whether or not he believes that the registrant actually has any disqualifying defect or condition. If the medical advisor states that he believes that the registrant has any such defect or condition, the local board shall send the original of the Record of Induction (DD Form No. 47) together with all written evidence relating to the registrant's condition to the State Director of Selective Service who shall obtain a determination from the commanding general of the appropriate army as to whether the registrant shall be forwarded for armed forces physical examination. If the medical advisor states that he does not believe that the registrant has any such defect or condition, the registrant shall be forwarded for armed forces physical examination.

m. Paragraph (d) of § 1660.21 of Part 1660, *Civilian Work in Lieu of Induction*, is amended to read as follows:

(d) The Director of Selective Service is authorized to release, or to provide for the release of, any registrant from civilian work in lieu of induction at any time before the registrant has performed such work for a period of twenty-four consecutive months whenever the Director of Selective Service deems such release to be advisable.

n. Paragraph (c) of § 1660.31 of Part 1660 is amended to read as follows:

(c) When the local board receives the cover sheet of the registrant from the Director of Selective Service or the State Director of Selective Service together with the letter stating that the registrant has satisfactorily completed his period of civilian work or a written notification that the registrant has been sooner released from such work by the Director of Selective Service under the provisions of § 1660.21, the local board shall mail the registrant a certificate evidencing his satisfactory completion of and release from civilian work and shall retain him in Class I–W and identify him on all records by following his classification with the abbreviation "Rel." until such time as he attains an age beyond the maximum age of liability for military service.

2. Paragraph 3 of Executive Order No. 10363 of June 17, 1952, prescribing amendments of the Selective Service Regulations is hereby amended, effective as of June 17, 1952, by substituting for the designation "paragraph (b) of § 1622.30" appearing therein the designation "paragraph (c) of § 1622.30".

HARRY S. TRUMAN

THE WHITE HOUSE,
December 17, 1952.

[F. R. Doc. 52-13463; Filed, Dec. 17, 1952; 4:36 p. m.]

RULES AND REGULATIONS

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 45]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

In § 608.55, the Port Angeles, Washington, area (D–407), published on May 20, 1952 in 17 F. R. 4558, and amended on July 4, 1952 in 17 F. R. 6024, is further amended by changing the "Description by Geographical Coordinates" column to read: "That portion of the following described area lying within the territorial limits of the United States: A sector of a circle of 12.5 statute mile radius centered on lat. 48°23'12" N., long. 123°28'37" W., and limited by the radii drawn from the center through the Race Rocks Lighthouse at lat. 48°17'53" N., long. 123°31'48" W., and drawn from the center through the Trial Island Lighthouse at lat. 48°23'42" N., long. 123°18'12" W."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 23, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-13346; Filed, Dec. 18, 1952; 8:45 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

IMMIGRATION AND NATIONALITY REGULATIONS

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of November 6, 1952 (17 F. R. 9989), and in which there were stated in full the details of the proposed issuance of rules implementing the Immigration and Nationality Act (66 Stat. 163). As a result of the representations which were received concerning the proposed rules, numerous amendments to those rules have been made. The amendatory rules, as set out below, are hereby adopted. The general basis and purpose of the adopted rules is the implementation of the Immigration and Nationality Act. The rules stated below shall become effective on December 24, 1952. Compliance with the delayed effective date provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and contrary to the public interest in this instance, since such compliance would unduly delay and impede the administration and enforcement of the Immigration and Nationality Act which becomes effective on December 24, 1952.

NOTE: The record-keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JAMES P. MCGRANERY,
Attorney General.

DECEMBER 17, 1952.

Recommended:

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Chapter I, Title 8 of the Code of Federal Regulations, is hereby amended to read as follows:

Subchapter A—General Provisions

Part
1. General.
2. Service records: fees.
3. Immigration bonds.
4. Lawful admission for permanent residence: special classes: when presumed.
5. Revocation of certificates, documents, or records issued or made by administrative officers.
6. Board of Immigration Appeals: appeals; reopening and reconsideration.
7. Assistant Commissioner, Inspections and Examinations Division: appeals.
8. Reopening and reconsideration.
9. Authority of Commissioner and Assistant Commissioners.
10. Applications and petitions.

Subchapter B—Immigration Regulations

Part
204. Petition for immigrant status as a minister or as a person whose services are needed urgently.
205. Petition for immigrant status as relative of United States citizen or lawful resident alien.
206. Revocation of approval of petitions.
211. Documentary requirements: immigrants; waivers.
212. Documentary requirements for nonimmigrant: admission of certain inadmissible aliens; parole.
212a. Admission of certain aliens to perform skilled or unskilled labor.
213. Admission of aliens on giving bond or cash deposit.
214. Admission of nonimmigrants: general.
214a. Admission of nonimmigrants: foreign government official.
214b. Admission of nonimmigrants: temporary visitor for business or pleasure.
214c. Admission of nonimmigrants: transit aliens.
214d. Admission of nonimmigrants: crewmen.
214e. Admission of nonimmigrants: treaty trader.
214f. Admission of nonimmigrants: students.
214g. Admission of nonimmigrants: foreign government representatives to international organizations.
214h. Admission of nonimmigrants: temporary services, labor or training.
214i. Admission of nonimmigrants: representatives of information media.
214j. Admission of nonimmigrants: exchange aliens.
221. Disposition of entry documents of aliens entering or departing other than as nonimmigrant crewmen.
223. Reentry permits.
231. Lists of aliens and citizen passengers arriving or departing.
232. Detention of aliens for observation and examination.
233. Temporary removal for examination upon arrival.
235. Inspection of aliens applying for admission.
236. Exclusion of aliens.
237. Deportation of excluded aliens.
238. Entry through or from foreign contiguous territory and adjacent islands.
239. Special provisions relating to aircrafts; designation of ports of entry for aliens arriving by civil aircraft.
242. Aliens: apprehension, custody and determination of deportability.
243. Deportation of aliens in the United States.
244. Suspension of deportation and voluntary departure.
245. Adjustment of status of nonimmigrant to that of a person admitted for permanent residence.
246. Rescission of adjustment of status.
247. Adjustment of status of certain resident aliens.
248. Change of nonimmigrant classification.
249. Creation of record of lawful admission for permanent residence.
250. Removal of aliens who have fallen into distress.
251. Crewmen: lists of; reports of illegal landings.
252. Landing of alien crewmen.
252a. Seamen or airmen: special classes.
253. Hospital treatment of afflicted crewmen.
254. Control of alien crewmen.
256. Payoff or discharge of alien crewmen.
262. Registration of aliens in the United States.
263. Registration of aliens in the United States: provisions governing special groups.
264. Registration of aliens in the United States: forms and procedure.
265. Registration of aliens in the United States: notices of address.
280. Imposition and collection of fines.
282. Printing of reentry permits: forms for sale to public.
287. Field officers; powers and duties.
292. Enrollment and disbarment of attorneys and representatives.
306. Special classes of persons who may be naturalized: Virgin Islanders.
310. Requisition of forms by clerks of court.

Subchapter C—Nationality Regulations

Part
312. Educational requirements for naturalization.
316. Good moral character.
316a. Residence, physical presence and absence.
317. Temporary absence of persons performing religious duties.
319. Special classes of persons who may be naturalized: spouses of United States citizens.
322. Special classes of persons who may be naturalized: children of citizen parent.
323. Special classes of persons who may be naturalized: children adopted by United States citizens.
324. Special classes of persons who may be naturalized: women who have lost United States citizenship by marriage.
325. Special classes of persons who may be naturalized: nationals but not citizens of the United States.
327. Special classes of persons who may be naturalized: persons who lost United States citizenship through service in armed forces of foreign country during World War II.
328. Special classes of persons who may be naturalized: persons with three years service in armed forces of the United States.
329. Special classes of persons who may be naturalized: veterans of the United States armed forces who served during World War I or World War II.
330. Special classes of persons who may be naturalized: seamen.
331. Special classes of persons who may be naturalized: alien enemies.
332. Preliminary interrogation of applicants for naturalization and witnesses.
332a. Official forms.
332b. Instruction and training in citizenship responsibilities: textbooks, schools, organizations.
332c. Photographic studios.
332d. Designation of employees to administer oaths and take depositions.
333. Photographs.
334. Petition for naturalization.
334a. Declaration of intention.
335. Preliminary examination on petitions for naturalization.
335a. Transfer, withdrawal or failure to prosecute petition for naturalization.
335b. Proof of qualifications for naturalization: witnesses: depositions.
335c. Investigations of petitioners for naturalization.
336. Proceedings before naturalization court.
337. Oath of allegiance.
338. Certificate of naturalization.
339. Functions and duties of clerks of naturalization courts.
340. Revocation of naturalization.
341. Certificate of citizenship under section 341 of the Immigration and Nationality Act.
341a. Certificate of citizenship—Hawaiian Islands.
343. Certificate of naturalization or repatriation; persons who resumed citizenship under section 323 of the Nationality Act of 1940, as amended, or section 4 of the Act of June 29, 1906.
343a. Naturalization and citizenship papers lost, mutilated, or destroyed; new certificate in changed name; certified copy of repatriation proceedings.
343b. Special certificate of naturalization for recognition by a foreign state.
343c. Certifications from records.
344. Fees collected by clerks of court.
344a. Copies of and information from records.

402. Special classes of persons who may be naturalized: persons who lost United States citizenship by voting in Italy.

Part
402a. Special classes of persons who may be naturalized: aliens enlisted in the United States armed forces under Act of June 30, 1950, as amended by section 402 (e) of the Immigration and Nationality Act.

Subchapter D—Immigration and Naturalization Forms

450. Forms.

Subchapter E—Miscellaneous Provisions

475. Admission of agricultural workers under special legislation.

Subchapter A—General Provisions

PART 1—GENERAL

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
1.1 Definitions.
1.2 Prior regulations.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 1.1 and 1.2 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 332, 66 Stat. 166, 252.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 1.1 *Definitions*—(a) *Terms used in this chapter.* (1) The terms defined in section 101 of the Immigration and Nationality Act have the same meanings ascribed to them in that section and as supplemented, explained, and further defined in this chapter.

(2) The term "Act" means the "Immigration and Nationality Act" (66 Stat. 163).

(3) The term "attorney" means a person licensed to practice law in the Federal, State, territorial, or insular courts.

(4) Unless the context otherwise requires, the term "case" means any proceeding arising under the immigration laws, Executive orders and Presidential proclamations, except that for the purposes of Part 292 of this chapter, a proceeding under Part 332 of this chapter shall not be regarded as a case.

(5) The term "Central Office" means the headquarters office of the Service at Washington, D. C.

(6) The term "day," when computing the period of time provided in this chapter for the taking of any action, means any day other than a Sunday or a legal holiday.

(7) The term "district" or "immigration district" when used in a geographical sense means that portion of the territory of the United States comprising each of the various major subdivisions of the Service defined and delineated in the section of Notices pertaining to the organizational structure of the Service.

(8) The term "district director" means the officer duly appointed to the titular position as the Service officer in charge of a district, whose appointment has not terminated, and includes the officer or employee of the Service who has been designated to act as district director in the absence of the district director.

(9) The term "immigration officer" means—

(i) Any officer or employee of the Service who, on December 24, 1952, was serving under appointment theretofore made to the position of immigrant inspector, patrol inspector, investigator, naturalization examiner, or any other officer of the Service of a higher grade, whose appointment has not terminated, or who hereafter is appointed to such position; and

(ii) Any person designated by the Commissioner to perform the duties and exercise the powers of an immigration officer as set forth in the Immigration and Nationality Act.

(10) The term "officer in charge" means the Service officer in charge of the Service office having administrative jurisdiction over a case. It does not include a district director.

(11) The term "practice" means the act of an attorney or representative in appearing in any case, either in person or through the filing of a brief or other document, paper, application or petition on behalf of a client before an officer of the Service or the Board.

(12) The term "representative" means a person representing a religious, charitable, social service or similar organization established in the United States and recognized as such by the Board, or a person described in § 292.1 (b) (2) and (3) of this chapter.

(b) *Terms used in Subchapter B of this chapter.* (1) The terms—

"arriving at ports of the United States" as used in sections 232, 234, and 235 of the Immigration and Nationality Act; and

"arrival at a port of the United States" as used in section 233 of the Immigration and Nationality Act; and

"arrival in a port of the United States" as used in section 253 of the Immigration and Nationality Act,

mean any coming to any port of the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States, except:

(i) That any person (including a crewman) coming to a port in the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, and the Virgin Islands of the United States, by vessel or aircraft, whose examination under sections 234 and 235 of the Immigration and Nationality Act is not completed at the first port of call in the United States of such vessel or aircraft shall be considered as coming from a foreign port or place, an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, and the Virgin Islands of the United States at each subsequent port of call in the United States of such vessel or aircraft until such examination is completed;

(ii) That any person (including a crewman) passing through the Canal Zone on board a vessel which does not enter and clear at any port in the Canal Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, shall not be regarded as coming from a foreign port or place solely by renson of such passage through the Canal Zone.

(2) The terms—

"arriving in the United States" as used in section 256 of the Immigration and Nationality Act; and

"bringing an alien to, or providing a means for an alien to come to, the United States" as used in section 271 of the Immigration and Nationality Act; and

"bring to the United States" as used in section 272 of the Immigration and Nationality Act,

mean any coming from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States to or into the United States or the territorial waters or overlying airspace thereof, except:

(i) That any person (including a crewman) coming to the United States from a foreign port or place, from an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, and the Virgin Islands of the United States, by vessel or aircraft, whose examination under sections 234 and 235 of the Immigration and Nationality Act is not completed at the first port of call in the United States of such vessel or aircraft shall be considered as coming from a foreign port or place, an outlying possession of the United States, or from Hawaii, Alaska, Guam, Puerto Rico, and the Virgin Islands of the United States at each subsequent port of call in the United States of such vessel or aircraft until such examination is completed;

(ii) That any person (including a crewman) passing through the Canal Zone on board a vessel which does not enter and clear at any port in the Canal Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, shall not be regarded as coming from a foreign port or place solely by reason of such passage through the Canal Zone.

(3) The terms—

"arrival of any person by water or by air at any port within the United States from any place outside the United States" as used in section 231 of the Immigration and Nationality Act; and

"bring to the United States from any place outside thereof" as used in section 273 (a) of the Immigration and Nationality Act,

mean any coming from a foreign port or place or from an outlying possession of the United States to any port of the United States, except:

(i) That any person (including a crewman) coming from a foreign port or place or from an outlying possession of the United States to a port in the United States, by vessel or aircraft, whose examination under sections 234 and 235 of the Immigration and Nationality Act is not completed at the first port of call in the United States of such vessel or aircraft shall be considered as coming from a foreign port or place or from an outlying possession of the United States at each subsequent port of call in the United States of such vessel or aircraft until such examination is completed;

(ii) That any person (including a crewman) passing through the Canal Zone on board a vessel which does not enter and clear at any port in the Canal Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, shall not be regarded as coming from a foreign port or place solely by reason of such passage through the Canal Zone;

(iii) Solely for the purposes of section 231 of the Immigration and Nationality Act, if it is established to the satisfaction of the district director or officer in charge having administrative jurisdiction over the place of arrival that the coming of any vessel or aircraft to a port of the United States was wholly involuntary, not intended, or not reasonably to be expected, no person on board such vessel or aircraft shall be regarded as arriving from any place outside the United States.

(4) The terms—

"arrival of any vessel or aircraft in the United States from any place outside the United States" as used in section 251 of the Immigration and Nationality Act; and

"arriving in the United States from any place outside thereof" as used in section 254 of the Immigration and Nationality Act; and

"arriving at the United States from any place outside thereof" as used in section 273 (d) of the Immigration and Nationality Act,

mean any coming from a foreign port or place or from an outlying possession of the United States to or into the United States or the territorial waters or overlying airspace thereof, except:

(i) That if the examination under sections 234 and 235 of the Immigration and Nationality Act of any person (including a crewman) on board such vessel or aircraft is not completed at the first port of call in the United States of such vessel or aircraft, the vessel or aircraft shall be regarded as coming from a foreign port or place, or an outlying possession of the United States, at each subsequent port of call in the United States of such vessel or aircraft until such examination is completed;

(ii) That a vessel not otherwise within this definition shall not be regarded as falling within the terms thereof solely by reason of passage through the Canal Zone: *Provided*, That if in connection with such passage any vessel enters and clears at any port in the Zone for a purpose other than to transit the Zone, to refuel, or to land passengers for medical treatment, it shall be regarded as arriving in the United States from a place outside thereof;

(iii) Solely for the purposes of section 251 (a) of the Immigration and Nationality Act, with respect to any coming which is established to the satisfaction of the district director or the officer in charge having administrative jurisdiction over the place of arrival to have been wholly involuntary, not reasonably to be expected, or not intended;

(iv) Solely for the purposes of section 251 (a) of the Immigration and Nationality Act, with respect to aircraft coming directly to the continental United States or Alaska on a trip which originated in Canada or the French Islands of St. Pierre or Miquelon.

(5) The term "beneficiary" means an alien in whose behalf a petition is filed under section 204, 205 or 214 (c) of the Immigration and Nationality Act.

(6) The term "Board" means the Board of Immigration Appeals.

(7) The term "continental United States" means the 48 States and the District of Columbia.

(8) Except as otherwise provided in §§ 214a.1 and 214g.1 of this chapter, the term "immediate family" means a close alien relative by blood or by marriage who is regularly residing in the household of the person in whose family membership is alleged.

(9) The term "passport"—

(i) When used with reference to the documentation of immigrant aliens, means a document defined in section 101 (a) (30) of the Immigration and Nationality Act which is unconditionally valid for the bearer's entry into a foreign country at least 60 days beyond the expiration date of his immigrant visa.

(ii) When used with reference to the documentation of a nonimmigrant alien, means a document defined in section 101 (a) (30) of the Immigration and Nationality Act, which document is valid for a minimum period of 6 months from the date of the expiration of the initial period of the bearer's admission or contemplated initial period of stay authorizing the bearer to return to the country from which he came or to proceed to and enter some other country during such period, except that in the case of a nonimmigrant who is applying for admission as a member of any of the classes described in section 102 of the Immigration and Nationality Act, the period of such validity shall not be required to extend beyond the date of the application of such nonimmigrant for admission to the United States if he is admitted in that status.

(10) The term "permit to enter" includes an Immigrant Visa, Nonimmigrant Visa, Border Crossing Identification Card and a Reentry Permit, but does not include a Passport.

(11) The term "special inquiry officer" means any immigration officer who has been designated and appointed a special inquiry officer in accordance with the provisions of § 9.1 (b) of this chapter and who has a certificate of designation and appointment issued under that section.

(12) The term "western hemisphere" means North, Central, and South America and the islands immediately adjacent thereto including the places named in section 101 (b) (5) of the Immigration and Nationality Act.

(c) *Terms used in section 101 (a) (30) of the Immigration and Nationality Act.* (1) The term "competent authority" means an official duly authorized by the national governments of his own or some other country to issue passports or to authenticate other documents which are cognizable as passports.

(d) *Terms used in Chapter 7 of Title II of the Immigration and Nationality Act and Parts 262 to 266 inclusive of this chapter.* (1) The term "alien" includes, but is not limited to, any person who, because of doubt as to the applicability of the registration requirement, applies for registration or is registered as a matter of precaution, and any person who is registered upon the application of another person acting in his behalf under the provisions of Chapter 7 of Title II of the Immigration and Nationality Act.

(2) The term "registration" or "register" or "registered" includes fingerprinting in the case of aliens 14 years of age or over.

(3) The term "alien registration receipt card" means any card, certificate or document issued to an alien pursuant to the registration requirements of chapter 7 of Title II of the Immigration and Nationality Act or Title III of the Alien Registration Act, 1940.

§ 1.2 *Prior regulations.* Regulations under Chapter I of this title, which were in effect on the effective date of the promulgation of these regulations, shall continue to be effective insofar as may be applicable and necessary under the provisions of section 405 of the Immigration and Nationality Act and, as to the control of the departure of persons, under the act of May 22, 1918, as amended and extended by section 1 (a) (30) of Public Law 450, 82d Congress.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 2—SERVICE RECORDS: FEES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
2.1 Authority of officers to release information and to certify records.
2.2 Certification of nonexistence of record.
2.3 Remittance of fees.
2.4 Copies of Service records and information; fees.
2.5 Fees for service, documents, papers, and records, not specified in the Immigration and Nationality Act.
2.6 Designation of Application Receiving Offices.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 2.1 to 2.6 issued under sec. 501, 65 Stat. 290, sec. 103, 66 Stat. 173; 5 U. S. C., Sup., 140. Interpret or apply secs. 281, 332, 343, 344, 405, 66 Stat. 230, 252, 263, 264, 280.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 2.1 *Authority of officers to release information and to certify records.* The Commissioner, the General Counsel of the Service, District Directors, or such other officers of the Service as may be designated by the Commissioner, upon application, may furnish to any person entitled thereto, copies of immigration and naturalization records, or information therefrom, and may certify that any official file, document, or record in the custody or control of the Service is a true file, document, or record, or that

a copy of such file, document or record is a true copy.

§ 2.2 *Certification of nonexistence of record.* The chief of the Records Administration Branch of the Central Office may certify the nonexistence in the records of the Service of an official file, document, or record pertaining to a specified person or subject.

§ 2.3 *Remittance of fees—(a) When submitted.* Fees required to be submitted with, or on account of, any of the various applications or petitions prescribed in this chapter shall be attached to and submitted with such application or petition and shall be in the amount prescribed by the Immigration and Nationality Act or other applicable statute or regulation. All remittances shall be accepted subject to collection, and no receipt issued by an officer of the Service for any such remittance shall be binding if the instrument of remittance is found uncollectible. Such fees shall not be accepted in the form of postage stamps.

(b) *Payee.* Remittances shall be made payable to the "Treasurer of the United States", except that in the case of applicants residing in the Virgin Islands of the United States, the remittances shall be made payable to the "Commissioner of Finance of the Virgin Islands," and except that in the case of applicants residing in Guam, the remittances shall be made payable to the "Treasurer, Guam". The address of the payee shall not be included in that part of the form of remittance intended solely for the designation of the payee. Whenever it shall be necessary to indicate on a form of remittance the place at which the remittance is collectible or payable, there shall be used the name of the city or town and the State in which is located the Service office to which the application is to be sent.

§ 2.4 *Copies of Service records and information; fees.* (a) Except as otherwise provided by law or regulations, there shall be paid in advance for furnishing any person or agency (other than an officer or agency of the United States or of any State or any subdivision thereof for official use in connection with the official duties of such officers or agencies) copies, certified or uncertified, of any part of, or information from, the records of the Service, a fee of 25 cents per folio of one hundred words or fraction thereof, with a minimum fee of 50 cents for any such service. Application for the desired service shall be made on Form N-585 and submitted to the Service in accordance with the instructions contained therein. The applicant shall be advised if any fee in addition to the minimum is required for the requested service.

(b) Whenever the information requested in an application is contained in several files relating to one person, group, or thing, the furnishing of such information to one party shall be regarded as one service, and the information may be furnished in one letter or statement at the said rate per folio; but whenever the information requested in cases of this character is to be furnished to two or more persons, the furnishing of each letter or statement shall be regarded as a separate and distinct service, and an additional fee, or fees, shall be charged for each such additional service.

(c) Whenever the information requested in an application is contained in one or more files relating, respectively, to two or more persons, groups, or things the furnishing of such information from the file or files relating, respectively, to each such person, group, or thing, shall, in each instance, be regarded as a separate and distinct service, and separate letters or statements, each embodying collectively the information requested as to each person, group, or thing, shall be prepared, and an additional fee or fees shall be charged for each such additional service.

(d) Whenever additional uncertified copies of documents or written information from the record are applied for in order to meet the needs of applicants, the fees for such additional copies or advices or statements shall be at the rate of 25 cents per folio of one hundred words or fraction thereof, with a minimum of 50 cents for each such additional copy.

(e) Whenever it is desired that a copy of a document or written information from the records be officially certified under seal, a fee of $1.00 shall be charged for each such certification, in addition to the fees hereinabove provided.

§ 2.5 *Fees for service, documents, papers, and records, not specified in the Immigration and Nationality Act.* In addition to the fees enumerated in sections 281 and 344 of the Immigration and Nationality Act, the following fees and charges are fixed and established:

(1) For filing application for United States citizen border crossing identification card	$5.00
(2) For filing application for verification of entry of an alien for use in connection with issuance of Immigration Visa to relatives	3.00
(3) For filing application for the benefits of secs. 316 (b) or 317 of the Immigration and Nationality Act	10.00
(4) For filing an appeal from a decision in an exclusion or deportation proceeding	25.00
(5) For filing an appeal from any decision under the Immigration and Nationality Act, except from a decision in an exclusion or deportation proceeding	10.00
(6) For filing a motion to reopen or a motion to reconsider in any case arising under the Immigration and Nationality Act	5.00
(7) For filing application for Alien Registration Receipt Card in lieu of one lost, mutilated, or destroyed, or in changed name	5.00
(8) For filing application for approval of school	25.00
(9) For filing application for permission to reapply in the case of excluded or deported aliens, aliens who have fallen into distress and have been removed, aliens who have been removed as alien enemies, or aliens who have been removed at Government expense in lieu of deportation	5.00
(10) For filing application for discretionary relief under sec. 212 (c) of the Immigration and Nationality Act	25.00
(11) For filing application for discretionary relief under sec. 212 (d) (3) of the Immigration and Nationality Act, except in emergency cases	$25.00
(12) For filing application for Alien Laborer's Identification Card in lieu of one lost, mutilated or destroyed	1.00
(13) For filing application for waiver of passport or visa of an individual alien at time he applies for temporary admission to the United States. (This fee shall not be applicable to an admissible alien who is officially engaged in activities in connection with any multipartite treaty organization of which the United States is signatory or who is a member of the armed forces of any foreign government.)	[1] 10.00
(14) For a special search of an arrival record where information is for personal benefit	3.00
(15) For filing application for Certificate of Citizenship—Hawaiian Islands	5.00
(16) For annual subscription for "Passenger Travel Reports via Sea and Air"	10.00
(17) For annual tables on "Passenger Travel Reports via Sea and Air"	[2] .20
(18) Annual reports—Immigration and Naturalization Service	3.00
(19) For special statistical tabulations	5.00
(20) For filing application for waiver of grounds for exclusion contained in sec. 212 (a) (14) of the Immigration and Nationality Act	10.00

[1] Plus communication costs.
[2] Per table or $1 per set of 6.

§ 2.6 *Designation of Application Receiving Offices.* Offices of the Service located in the following places are designated as Application Receiving Offices:

Fresno, Calif.	Omaha, Nebr.
Los Angeles, Calif.	Reno, Nev.
Sacramento, Calif.	Newark, N. J.
San Diego, Calif.	Albany, N. Y.
San Francisco, Calif.	Buffalo, N. Y.
Denver, Colo.	New York, N. Y.
Hartford, Conn.	Cincinnati, Ohio.
Washington, D. C.	Columbus, Ohio.
Miami, Fla.	Toledo, Ohio.
Boise, Idaho.	Portland, Oreg.
Chicago, Ill.	Philadelphia, Pa.
Hammond, Ind.	Pittsburgh, Pa.
Portland, Maine.	Providence, R. I.
Baltimore, Md.	El Paso, Tex.
Boston, Mass.	San Antonio, Tex.
Springfield, Mass.	Salt Lake City, Utah.
Detroit, Mich.	St. Albans, Vt.
Flint, Mich.	Seattle, Wash.
Duluth, Minn.	Spokane, Wash.
St. Paul, Minn.	Tacoma, Wash.
Kansas City, Mo.	Milwaukee, Wis.
St. Louis, Mo.	Honolulu, Hawaii.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 3—IMMIGRATION BONDS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
3.1 Immigration bonds.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 3.1 *Immigration bonds—(a) Acceptable sureties.* In cases other than those in which cash or postal money orders are deposited pursuant to this chapter, the following shall be the only acceptable sureties on a bond furnished in connection with the administration of the Immigration and Nationality Act:

(1) A company holding a certificate from the Secretary of the Treasury under Title 6, Sections 6-13, United States Code, as an acceptable surety on Federal bonds;

(2) A surety who deposits United States bonds or notes of the class described in section 15 of Title 6, United States Code, and Treasury Department regulations issued pursuant thereto, which bonds or notes are not redeemable within one year from the date on which they are offered for deposit; or

(3) Sureties shall be two in number, each of whom shall justify separately in real property not exempted from levy and sale upon execution, which real property is actually valued, over and above all encumbrances, at double the amount of the bond, and each of whom shall, in addition to making such justification, satisfactorily establish to the immigration officer authorized to approve the bond that his net worth, over and above all obligations and liabilities of any kind, secured or unsecured, is equal to double the amount of the bond.

(b) *Approval; extension agreements; consent of surety; collateral security.* Regardless of the section of law or regulations under which a bond is required, district directors and officers in charge are authorized, either directly or through officers or employees designated by them to approve bonds which are prepared on a form approved by the Commissioner, provided no substantial change is made in the conditions printed on such form. Such officers are also authorized to approve formal agreements by which a surety consents to an extension of his liability on any such bond and to approve any power of attorney executed on Form I-312 or Form I-313 which purports to authorize the delivery after its release of collateral deposited to secure the performance of any such bond to some person or concern other than the depositor thereof. Unless otherwise specifically provided in this chapter or by the Commissioner in any case or class of cases, bonds prepared on forms approved by the Commissioner, all agreements of extension of liability relating thereto, and all powers of attorney for delivery of collateral security deposited in connection therewith shall be retained at the office of the Service where approved. Bonds prepared on any form other than one approved by the Commissioner, or bonds prepared on any such forms in which the conditions have been materially altered, agreements of extension of liability relating thereto, and any powers of attorney to receive back collateral deposited in connection therewith, shall be submitted to the Commissioner for approval. Regardless of the form on which the bond is prepared, any power of attorney not executed on Form I-312 or Form I-313, purporting to authorize the delivery after its release of any deposit of collateral security to some person or concern other than the depositor thereof, shall be forwarded, together with the bond and all appurtenant documents, to the Commissioner for approval. In the same manner, all requests for delivery of collateral security to a person other than the depositor or his approved attorney in fact shall be forwarded to the Commissioner for approval. Instruments and other papers forwarded to the Commissioner under the provisions of this paragraph shall be handled by the General Counsel.

(c) *Violation of conditions; cancellation.* (1) Whenever it shall appear that a condition of a bond executed in connection with the administration of the immigration laws may have been violated, the bond, all appurtenant documents, and a full report of the circumstances, shall be forwarded to the district director having administrative jurisdiction over the office where the bond is retained for decision as to whether the conditions of the bond have been met so that it may be cancelled, or whether any condition of the bond has been violated so that liability thereunder should be enforced, or whether the circumstances are such that the bond should be continued in effect. If the obligors are adversely affected by the decision of the district director, they shall be notified by the district director in writing on Form I-323 of his decision and of their right to appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with Part 7 of this chapter, by filing a Notice of Appeal, Form I-290B, at the office of the district director within 10 days from the receipt of notification of such decision. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

(2) If all the conditions of a bond executed in connection with the administration of the immigration laws have been complied with and the obligation has thereby been discharged by its own terms, the district director shall so notify the obligors on Form I-391. Similar notice shall be given if all the conditions of the bond have been complied with and—

(i) The alien has departed from the United States;

(ii) The alien has died;

(iii) The alien has been naturalized as a citizen of the United States;

(iv) A new bond has been furnished to replace the existing bond; or

(v) In the case of a delivery bond, the warrant of arrest or deportation has been cancelled, or the alien's application for suspension of deportation has been approved, or the alien has been imprisoned, or inducted into the armed forces of the United States.

(Sec. 103, 66 Stat. 173)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 4—LAWFUL ADMISSION FOR PERMANENT RESIDENCE: SPECIAL CLASSES: WHEN PRESUMED

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
4.1 Chinese person: definition.
4.2 Presumption of lawful admission.
4.3 Applicability of travel restrictions imposed by section 212 (d) (7) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 4.1 to 4.3 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 212, 66 Stat. 166, 182.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 4.1 *Chinese person; definition.* For the purposes of this part an alien who is of as much as one-half Chinese blood and is not of as much as one-half blood of a race or races which were ineligible for naturalization under section 303 of the Nationality Act of 1940, as amended, shall be regarded as a Chinese person.

§ 4.2 *Presumption of lawful admission.* An alien of any of the following-described classes shall be presumed to have been lawfully admitted for permanent residence within the meaning of the Immigration and Nationality Act (even though no record of his admission can be found, except as otherwise provided in this part) unless the alien abandoned his status as a lawful permanent resident, or lost such status by operation of law, at any time subsequent to such admission:

(a) *Aliens who entered prior to June 30, 1906.* An alien who establishes that he entered the United States prior to June 30, 1906.

(b) *Aliens who entered across land borders of the United States.* An alien who establishes that, while a citizen of Canada or Newfoundland, he entered the United States across the Canadian border prior to October 1, 1906, and an alien who establishes that while a citizen of Mexico he entered the United States across the Mexican border prior to July 1, 1908.

(c) *Aliens preexamined in Canada prior to July 1, 1924.* An alien in whose case no record exists of his actual admission to the United States but who establishes that he gained admission to the United States prior to July 1, 1924 pursuant to preexamination at a United States immigration station in Canada and that a record of such preexamination exists.

(d) *Aliens who entered the Virgin Islands.* An alien who establishes that he entered the Virgin Islands of the United States prior to July 1, 1938, even though a record of his admission as a non-immigrant under the Immigration Act of 1924, prior to July 1, 1938, exists.

(e) *Aliens within the Asiatic barred zone.* An alien who establishes that he is of a race indigenous to, and a native of a country within, the Asiatic zone defined in section 3 of the act of February 5, 1917, as amended, that he was a member of a class of aliens exempted from exclusion by the provisions of the said section, and that he entered the United States prior to July 1, 1924, provided that a record of such entry exists.

(f) *Chinese persons.* (1) A Chinese person in whose case there exists a record of his admission to the United States prior to July 1, 1924, under the provisions of the laws, orders, rules or regulations applicable to Chinese and who establishes that at the time of his admission he was a member of one or more of the following-described classes:

Merchants.
Teachers.
Students.
Sons or daughters under 21 years of age and wives, accompanying or following to join such merchants, teachers, and students.
Travelers for curiosity or pleasure.

personal appearance was requested, the supervision and direction of the At- ings before it, and to determine the ad-

cases of this character is to be furnished | Act---------- 25.00 | of the Immigration and Nationality ...

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Accompanying sons or daughters under 21 years of age and accompanying wives of such travelers.

Wives of United States citizens.

Returning laborers.

Persons admitted as United States citizens under section 1993 of the Revised Statutes of the United States, as amended, but who were admitted in error for the reason that their fathers had not resided in the United States prior to their birth.

(2) A Chinese person in whose case there exists a record of his admission to the United States as a member of one of the following classes, and who establishes that he was, at the time of his admission, a member thereof:

Aliens readmitted between July 1, 1924, and December 16, 1943, inclusive, as returning Chinese laborers who acquired lawful permanent residence prior to July 1, 1924.

Persons admitted between July 1, 1924 and June 6, 1927, inclusive, as United States citizens under section 1993 of the Revised Statutes of the United States, but who were admitted in error for the reason that their fathers had not resided in the United States prior to their birth.

Aliens admitted at any time after June 30, 1924, under subsections (b) or (d) of section 4 of the Immigration Act of 1924.

Alien wives admitted between June 13, 1930, and December 16, 1943, inclusive, and after August 9, 1946, under subsection (a) of section 4 of the Immigration Act of 1924.

Aliens admitted on or after December 17, 1943, under subsection (f) of section 4 of the Immigration Act of 1924.

Aliens admitted on or after December 17, 1943, under section 317 (c) of the Nationality Act of 1940, as amended.

Aliens admitted on or after December 17, 1943, as preference or non-perference quota immigrants pursuant to section 2 of the act of that date.

Aliens admitted between July 1, 1924, and December 23, 1952, both dates inclusive, as the wives or minor sons or daughters of treaty merchants, admitted before July 1, 1924.

(g) *Citizens of the Philippine Islands*—(1) *Who entered United States before May 1, 1934.* An alien who establishes that he entered the United States prior to May 1, 1934, and that he was on the date of such entry a citizen of the Philippine Islands: *Provided*, That, for the purpose of petitioning for naturalization under Title III of the Immigration and Nationality Act, such alien shall not be regarded as having been lawfully admitted to the United States for permanent residence unless he was a citizen of the Commonwealth of the Philippines on July 2, 1946.

(2) *Who entered Hawaii between May 1, 1934 and July 3, 1946.* An alien who establishes that he entered Hawaii between May 1, 1934 and July 3, 1946, inclusive, under the provisions of the last sentence of section 8 (a) (1) of the act of March 24, 1934, as amended, that he was on the date of such entry a citizen of the Philippine Islands, and that a record of such entry exists.

(3) *Travel restrictions.* Notwithstanding the provision of this paragraph, an alien of the class described in subparagraph (2), and an alien of the class described in subparagraph (1) who entered the United States at Hawaii prior to May 1, 1934, shall be subject to the travel restriction imposed by the proviso to section 212 (d) (7) of the Immigration and Nationality Act.

(h) *Aliens temporarily admitted to the United States.* Aliens in any of the following-described classes, who on their admission expressed an intention to remain in the United States temporarily or to pass in transit through the United States, of whose admission a record exists, but who remained in the United States:

(1) Aliens admitted prior to June 3, 1921, except aliens admitted temporarily under the 9th proviso to section 3 of the Immigration Act of 1917, aliens admitted as accredited officials of foreign governments, their suites, families, or guests, and seamen admitted in pursuit of their calling.

(2) Aliens admitted under the act of May 19, 1921, as amended, who were admissible for permanent residence under that act notwithstanding the quota limitations thereof.

(3) An accompanying wife or unmarried son or daughter under 21 years of age of an alien admitted under the act of May 19, 1921, as amended, who was admissible for permanent residence under that act notwithstanding the quota limitations thereof.

(4) Aliens admitted under the act of May 19, 1921, as amended, who were charged under that act to the proper quota at time of their admission or subsequently and who remained so charged.

§ 4.3 *Applicability of travel restrictions imposed by section 212 (d) (7) of the Immigration and Nationality Act.* Nothing in this part shall be construed as exempting any person or class of persons enumerated herein from the application of section 212 (d) (7) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 5—REVOCATION OF CERTIFICATES, DOCUMENTS, OR RECORDS ISSUED OR MADE BY ADMINISTRATIVE OFFICERS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

5.1 Certificates, documents, and records subject to cancellation.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

5.11 Report and notice.
5.12 Failure to answer; admission of allegations.
5.13 Answer filed; personal appearance; notice.
5.14 Action by Assistant Commissioner, Inspections and Examinations Division, and district director.

AUTHORITY: §§ 5.1 to 5.14 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 341, 342, 54 Stat. 1161, 1162, as amended, secs. 332, 342, 343, 344, 66 Stat. 252, 263, 264; 8 U. S. C. 741, 742.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 5.1 *Certificates, documents, and records subject to cancellation.* The cancellation of certificates, documents, or records referred to in section 342 of the Immigration and Nationality Act shall apply to a certificate of naturalization, certificate of repatriation, certificate of citizenship, certificate of derivative citizenship, certificate of lawful entry or certificate of registry issued prior to December 24, 1952, special certificate of naturalization for recognition by a foreign state, copies of such certificates, documents, or records, exception from the classification of alien enemy, and certifications of the records of the Service made or issued under section 341 (e) or 342 (b) (8) of the Nationality Act of 1940, or section 343 (e) or 344 (b) (6) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 5.11 *Report and notice.* Except as otherwise provided in this chapter, whenever it shall appear that any certificate, document, or record referred to in § 5.1 was illegally or fraudulently obtained from, or was created through illegality or by fraud practiced upon, the issuing officer, a complete report shall be submitted to the district director having administrative jurisdiction over the subject's last known place of residence in the United States. If the district director is satisfied that a prima facie showing has been made that such certificate, document, or record was obtained or granted through illegality or fraud, he shall cause to be served a written notice on the person to whom the certificate or document was issued or in whose behalf the record was furnished at such person's last known address. The notice shall inform such person of intention to cancel the certificate, document, or record, and the grounds upon which it is intended to base such cancellation. The notice shall also inform the person to whom it is addressed that he may submit, within 60 days from the date of service of the notice, an answer in writing under oath, setting forth reasons why such certificate, document, or record should not be cancelled. The notice shall also advise the person to whom it is addressed that he may, within such period and upon his request have an opportunity to appear in person, in support or in lieu of his written answer, before such immigration officer as may be designated for that purpose. The person to whom the notice is addressed shall further be advised therein that he may have the assistance of counsel, without expense to the government of the United States, in the preparation of his answer or in connection with such personal appearance, and shall have opportunity to examine, at the appropriate office of the Service, the evidence upon which it is proposed to base such cancellation.

§ 5.12 *Failure to answer; admission of allegations.* If the person served with notice under § 5.11 fails to file a written answer within the time allowed therefor, or if the answer admits the allegations in the notice irrespective of whether a personal appearance is requested, the district director shall cancel the certificate, document, or record. No appeal shall lie from such cancellation.

§ 5.13 *Answer filed; personal appearance; notice.* Upon receipt of an answer asserting a defense to the allegations in a notice served pursuant to § 5.11, the district director shall designate an officer of the Service to consider and, if a request for a personal appearance was made, to interview the party affected. If

a personal appearance was requested, such officer shall notify the subject of the time, date and place, to appear for interview and of the subject's right to be represented by counsel or representative at no expense to the Government. At the conclusion of the interview, the subject or his attorney or representative shall be given a reasonable time not to exceed 10 days for the submission of briefs. The officer shall, after consideration of the case if no personal appearance was requested, or after completion of the interview and the consideration of any brief submitted, prepare a report summarizing the evidence and containing his findings and recommendation. The report shall be forwarded to the district director, with the record in the case. If the district director finds that the certificate, document, or record was not obtained through illegality or fraud, he shall order the matter terminated, and the subject shall be so notified. If the district director finds that the certificate, document, or record was obtained or created through illegality or fraud, he shall order that it be cancelled *ab initio*. Notice of such action and the reasons therefor shall be given to the subject or his attorney or representative, at the last-known address thereof, and the subject shall be informed in such notice that he may within 10 days from the date of receipt of notification appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter.

§ 5.14 *Action by Assistant Commissioner, Inspections and Examinations Division, and by district director.* The decision of the Assistant Commissioner in any case appealed to him under § 5.11 shall be transmitted to the district director, who shall advise the subject of the decision and take such action as is required by the decision. Upon the cancellation of any document under this part, the subject shall be requested by the district director, in writing, to surrender the document to the district director. No appeal shall lie from the decision of the Assistant Commissioner.

PART 6—BOARD OF IMMIGRATION APPEALS: APPEALS; REOPENING AND RECONSIDERATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

6.1 Board of Immigration Appeals.
6.2 Reopening or reconsideration.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

6.11 Notice of appeal.
6.12 Withdrawal of appeal.
6.13 Forwarding of record on appeal.
6.14 Stay of execution of decision.
6.15 Notice of certification.
6.16 Fees.
6.21 Motion to reopen or motion to reconsider.

AUTHORITY: §§ 6.1 to 6.21 issued under sec. 103, 66 Stat. 173.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 6.1 *Board of Immigration Appeals*—(a) *Organization.* There shall be in the office of the Attorney General a Board of Immigration Appeals. It shall be under the supervision and direction of the Attorney General and shall be responsible solely to him. The Board shall consist of a chairman and four other members and shall have attached to it an executive assistant-chief examiner who shall have authority to act as an alternate member. It shall also have attached to it such number of attorneys and other employees as the Attorney General upon recommendation of the Board, shall from time to time direct. In the absence of the chairman, a member designated by him shall act as chairman.

(b) *Appellate jurisdiction.* Appeals shall lie to the Board of Immigration Appeals from the following:

(1) Decisions of special inquiry officers in exclusion cases, as provided in §§ 236.15 and 236.16 of this chapter;

(2) Decisions of special inquiry officers in deportation cases, as provided in § 242.61 of this chapter;

(3) Decisions of district directors on applications for the advance exercise of the discretionary authority contained in section 212 (c) of the Immigration and Nationality Act, as provided in § 212.72 of this chapter;

(4) Decisions of district directors involving administrative fines and penalties, including mitigation thereof, as provided in § 280.13 of this chapter;

(5) Decisions of district directors on petitions filed in accordance with section 205 of the Immigration and Nationality Act or decisions revoking the approval of such petitions in accordance with section 206 of the Immigration and Nationality Act, as provided in §§ 205.12 and 206.21 respectively, of this chapter;

(6) Decisions of the Assistant Commissioner, Inspections and Examinations Division, on applications for the advance exercise of the discretionary authority contained in section 212 (d) (3) of the Immigration and Nationality Act, as provided in § 212.81 of this chapter.

(c) *Jurisdiction by certification.* The Assistant Commissioner, Inspections and Examinations Division, or the Board may in any case arising under subparagraphs (1) through (6) of paragraph (b) of this section require certification of such case to the Board.

(d) *Powers of the Board*—(1) *Generally.* Subject to any specific limitation prescribed by this chapter, in considering and determining cases before it as provided in this part the Board shall exercise such discretion and authority conferred upon the Attorney General bylaw as is appropriate and necessary for the disposition of the case, except that the Board shall have no authority to consider or determine the manner, at whose expense, or to which country an alien shall be deported.

(2) *Finality of decision.* The decision of the Board shall be final except in those cases reviewed by the Attorney General in accordance with paragraph (h) of this section. The Board may return a case to the Service for such further action as may be appropriate to the case, without entering a final decision on its merits.

(3) *Admission to practice.* The Board shall have authority, with the approval of the Attorney General, to promulgate rules of practice governing the proceedings before it, and to determine the admission, conduct, and disbarment, of attorneys, representatives, and other persons authorized to practice before the Board or the Service.

(e) *Oral argument.* Oral argument shall be heard by the Board upon request, in any case over which the Board acquires jurisdiction by appeal or certification as provided in this part. If an appeal has been taken, request for oral argument if desired shall be included in the Notice of Appeal. The Board shall have authority to fix any date or change any date upon which oral argument is to be heard. The Service may be represented in argument before the Board by any officer designated by the Assistant Commissioner, Inspections and Examinations Division. The Board shall convene for the purpose of hearing oral argument at its offices in Washington, D. C., at 2:00 p. m. or such other time as it may designate on every day except Saturdays, Sundays, and legal holidays.

(f) *Service of Board decisions.* The decision of the Board shall be in writing and copies shall be transmitted by the Board to the Service and a copy served upon the alien or party affected as provided in §§ 292.11 and 292.12 of this chapter.

(g) *Board's decisions as precedents.* Except as they may be modified or overruled by the Board or the Attorney General, decisions of the Board shall be binding on all officers and employees of the Service in the administration of the Immigration and Nationality Act, and selected decisions designated by the Board shall serve as precedents in all proceedings involving the same issue or issues.

(h) *Referral of cases to the Attorney General.* (1) The Board shall refer to the Attorney General for review of its decision all cases which:

(i) The Attorney General directs the Board to refer to him.

(ii) The chairman or a majority of the Board believes should be referred to the Attorney General for review.

(iii) The Assistant Commisioner, Inspections and Examinations Division requests be referred to the Attorney General for review.

(2) In any case in which the Attorney General shall review the decision of the Board, his decision shall be stated in writing and shall be transmitted to the Board for transmittal and service as provided in paragraph (f) of this section.

§ 6.2 *Reopening or reconsideration.* Reconsideration or reopening of any case in which a decision has been made by the Board, whether requested by the Assistant Commissioner, Inspections and Examinations Division, or by the party affected by the decision, shall be only upon written motion to the Board. A motion to reopen or a motion to reconsider shall not be made by or in behalf of a person who is the subject of deportation proceedings subsequent to his departure from the United States. Any departure of such person from the United States occurring after the making of a motion to reopen or a motion to reconsider shall constitute a withdrawal of such motion. For the purpose of this

section, any final decision made by the Commissioner prior to the effective date of the Immigration and Nationality Act and of this chapter with respect to any case within the classes of cases enumerated in paragraphs (1), (2), (3), (4), and (5) of § 6.1 (b) shall be regarded as a decision by the Board.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 6.11 *Notice of appeal*—(a) *Written decision.* Whenever an alien or other party affected by a written decision is entitled under this chapter to appeal to the Board, he shall be given written notice that he may appeal from such decision; that such appeal may be taken by filing with the district director or officer in charge having administrative jurisdiction over the case two copies of Notice of Appeal, Form I–290A; and that such appeal must be taken within the number of days provided for in the particular section of this chapter relating to such appeal. The Forms I–290A shall be enclosed with the notice. The party taking the appeal may file with the Notice of Appeal a brief in support of his appeal. The party affected may waive the submission of such brief. The district director, the officer in charge, or the Board, in their discretion, for good cause shown, may extend the time within which the brief may be submitted. One copy of the Notice of Appeal shall be retained in the office where the proceedings are pending and one copy placed in the file relating to the case. The certification of a case as provided in this part shall not relieve the party affected from compliance with the provisions of this section in the event such party is entitled, and desires, to appeal from an initial decision, nor shall it serve to extend the time specified in the applicable parts of this chapter for the taking of an appeal. The departure from the United States of a person who is the subject of deportation proceedings, prior to the taking of an appeal from a decision in his case, shall constitute a waiver by such person of the right to appeal.

(b) *Oral decision.* Whenever an alien or other party affected by an oral decision is entitled under this chapter to appeal to the Board, such appeal shall be taken as provided in the particular section of this chapter relating to such appeal.

§ 6.12 *Withdrawal of appeal.* In any case in which an appeal has been taken, the party taking the appeal may file a written withdrawal of such appeal with the officer with whom the notice of appeal was filed. If the record in the case has not been forwarded to the Board on appeal in accordance with § 6.13 the decision made in the case shall be final to the same extent as though no appeal had been taken. If the record has been forwarded on appeal, the withdrawal of the appeal shall be forwarded to the Board and, if no decision in the case has been made on the appeal, the record shall be returned to the officer in charge and the initial decision shall be final to the same extent as though no appeal had been taken. If a decision on the appeal was made by the Board in the case, further action shall be taken in accordance therewith. Departure from the United States of a person who is the subject of deportation proceedings subsequent to the taking of an appeal but prior to a decision thereon shall constitute a withdrawal of the appeal and the initial decision in the case shall be final to the same extent as though no appeal had been taken.

§ 6.13 *Forwarding of record on appeal.* If an appeal is taken from a decision, either written or oral, as provided in this chapter, the entire record of the proceeding shall be forwarded to the Board by the district director or the officer in charge having administrative jurisdiction over the case:

(a) Upon receipt of the Notice of Appeal and brief in support thereof if the decision appealed from was in writing; or

(b) Upon receipt of the brief in support of an appeal taken orally if the decision appealed from was oral; or

(c) Upon expiration of the time allowed for the submission of the brief; or

(d) Upon receipt of a written waiver of the right to submit a brief.

§ 6.14 *Stay of execution of decision.* The decision in any proceeding under this chapter from which an appeal to the Board may be taken shall not be executed during the time allowed for the filing of an appeal unless a waiver of the right to appeal is filed, nor shall such decision be executed while an appeal is pending or while a case is before the Board by way of certification.

§ 6.15 *Notice of certification.* Whenever in accordance with the provisions of § 6.1 (c) a case is required to be certified to the Board, the alien or other party affected shall be given notice of certification. A case shall not be certified until an initial decision has been made and no appeal has been taken. If it is known at the time of making the initial decision that the case will be certified, the notice of certification shall be included in such decision and no further notice of certification shall be required. If it is not known until after the initial decision was made that the case will be certified, the district director or the officer in charge having administrative jurisdiction over the case shall cause a Notice of Certification (Form I–290C) to be served upon the party affected. In either case the notice shall inform the party affected that the case is required to be certified to the Board and of the right to make representation before the Board, including oral argument and submission of brief, if desired. The brief shall be submitted to such district director or officer in charge for transmittal to the Board within 10 days from receipt of the notice of certification, unless for good cause shown the district director, officer in charge or the Board extends the time within which the brief may be submitted. The party affected may waive the submission of such brief. The case shall be certified and forwarded to the Board by the district director or officer in charge upon receipt of the brief, or the expiration of the time within which the brief may be submitted, or upon receipt of a written waiver of the right to submit a brief.

§ 6.16 *Fees.* A notice of appeal or a motion filed under this part by any person other than an officer of the Service shall be accompanied by the fee specified in Part 2 of this chapter which fee shall be remitted in accordance with the provisions of Part 2. The Board may, in its discretion, authorize the prosecution of any such appeal or motion, without prepayment of fees by an alien or other party affected who makes affidavit that he is unable to pay such fees. Such affidavit shall state the nature of the motion or appeal, and the affiant's belief that he is entitled to redress. An appeal may not be taken in forma pauperis, nor may a motion be filed in forma pauperis if the officer of the Service from whose decision the appeal is taken or with respect to whose decision the motion is addressed certifies in writing that the appeal or motion is not taken or made in good faith.

§ 6.21 *Motion to reopen or motion to reconsider*—(a) *Form.* Motions to reopen and motions to reconsider shall be submitted in triplicate. A request for oral argument if desired shall be incorporated in the motion. The Board in its discretion may grant or deny oral argument. Motions to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. Motions to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. The filing of a motion to reopen or a motion to reconsider shall not serve to stay the execution of any decision made in the case. Execution of such decision shall proceed unless a stay of execution is specifically granted by the Board, the district director or the officer in charge having administrative jurisdiction over the case.

(b) *Distribution of motion papers when alien is moving party.* In any case in which a motion to reopen or a motion to reconsider is made by the alien or other party affected, the three copies of the motion papers shall be submitted to the district director or the officer in charge having administrative jurisdiction over the place where the proceedings were conducted, who shall retain one copy, forward one copy to the officer of the Service who made the initial decision in the case, and submit the third copy with the case to the Board.

(c) *Distribution of motion papers when Assistant Commissioner, Inspections and Examinations Division, is the moving party.* (1) Whenever a motion to reopen or a motion to reconsider is made by the Assistant Commissioner, Inspections and Examinations Division, two copies of the motion shall be forwarded to the district director or officer in charge having administrative jurisdiction over the place where the proceedings were conducted. The district director shall cause one copy to be served on the alien or other party affected. Such alien or party shall have a period of 10 days from the date of the service upon him of the motion within which to submit in triplicate to the district director or officer in charge a brief in opposition to the motion. The submission of such brief may be waived. The district director, officer in charge, or the Board, in their discretion, for good cause shown may extend the time within which such brief may be submitted. Such district director or officer in charge shall transmit to the Assistant Commissioner, Inspections and Examinations Division, proof of service of the motion and two copies of any brief submitted in opposition to such motion and the record of the proceeding:

(i) Upon receipt of the brief in opposition to the motion; or

(ii) Upon expiration of the time allowed for the submission of such brief; or

(iii) Upon receipt of a written waiver of the right to submit such brief.

(2) Upon receipt of the foregoing, the Assistant Commissioner, Inspections and Examinations Division, shall transmit to, and file with, the Board the motion, proof of service of the motion, brief, and the record in the case.

(d) *Ruling on motion.* Rulings upon motions to reopen or motions to reconsider shall be by written order. If the order directs a reopening, the record shall be returned to the district director having administrative jurisdiction over the place where the reopened proceedings are to be conducted. If the motion to reconsider is granted, the decision upon such reconsideration shall affirm, modify, or reverse the original decision made in the case.

PART 7—ASSISTANT COMMISSIONER, INSPECTIONS AND EXAMINATIONS DIVISION: APPEALS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
7.1 Assistant Commissioner, Inspections and Examinations Division.
7.2 Reopening or reconsideration.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

7.11 Notice of appeal.
7.12 Withdrawal of appeal.
7.13 Forwarding of record on appeal.
7.14 Stay of execution of decision.
7.15 Notice of certification.
7.16 Fees.

AUTHORITY: §§ 7.1 to 7.16 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 332, 66 Stat. 252.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 7.1 *Assistant Commissioner, Inspections and Examinations Division*—(a) *Appellate jurisdiction.* Appeal shall lie to the Assistant Commissioner, Inspections and Examinations Division, from the following:

(1) Decisions of district directors determining that a condition of a bond has been violated, as provided in § 3.1 (c) of this chapter;

(2) Decisions of district directors on petitions filed in accordance with section 204 or 214 (c) of the Immigration and Nationality Act or from decisions revoking the approval of such petitions in accordance with section 206 of that Act, as provided in §§ 204.11, 214h.41 and 206.21 of this chapter;

(3) Decisions of district directors on applications for consent to reapply for admission to the United States under section 212 (a) of the Immigration and Nationality Act, as provided in § 212.61 of this chapter;

(4) Decisions of district directors on applications for permission for aliens to enter the United States notwithstanding section 212 (a) (14) of the Immigration and Nationality Act, as provided in § 212a.12 of this chapter;

(5) Decisions of district directors on applications for the approval of schools or from decisions of district directors revoking the approval of schools, in accordance with section 101 (a) (15) (F) of the Immigration and Nationality Act, as provided in §§ 214f.51 and 214f.71 of this chapter;

(6) Decisions of district directors on applications for reentry permits under section 223 of the Immigration and Nationality Act, as provided in § 223.11 of this chapter;

(7) Decisions of district directors on applications for adjustment of status under section 245 of the Immigration and Nationality Act, as provided in § 245.17 of this chapter;

(8) Decisions of district directors rescinding adjustment of status under section 246 of the Immigration and Nationality Act, as provided in § 246.13 of this chapter;

(9) Decisions of district directors adjusting status under section 247 of the Immigration and Nationality Act, as provided in § 247.13 of this chapter;

(10) Decisions of district directors on applications to change status under section 248 of the Immigration and Nationality Act, as provided in § 248.16 of this chapter;

(11) Decisions of district directors on applications for the creation of a record of admission under section 249 of the Immigration and Nationality Act, as provided in § 249.16 of this chapter;

(12) Decisions of district directors on applications filed under §§ 316a.21 and 317.21 of this chapter for residence or physical presence benefits for naturalization purposes;

(13) Decisions of district directors on applications for exception from the classification of alien enemy as provided in § 331.13 of this chapter;

(14) Decisions of district directors on applications for certificates of citizenship under section 341 of the Immigration and Nationality Act, as provided in § 341.16 of this chapter;

(15) Decisions of district directors revoking certificates, documents or records under section 342 of the Immigration and Nationality Act, as provided in § 5.13 of this chapter;

(16) Decisions of district directors on applications for certificates of naturalization or repatriation under § 343.13 of this chapter;

(17) Decisions of district directors on applications for replacement of certificates of naturalization or citizenship under § 343a.14 of this chapter;

(18) Decisions of district directors on applications for special certificates of naturalization under section 343 of the Immigration and Nationality Act, as provided in § 343b.13 of this chapter;

(19) Decisions of the district director, Honolulu, on applications for Certificate of Citizenship, Hawaiian Islands, under § 341a.14 of this chapter.

(b) *Jurisdiction by certification.* The Assistant Commissioner, Inspections and Examinations Division, may direct that any case or class of cases be certified to him. If the case is one of a class enumerated in § 6.1 (b) of this chapter, the Assistant Commissioner, Inspections and Examinations Division may certify the case to the Board in accordance with § 6.1 (c) of this chapter. In any other case, he may enter such decision as he deems appropriate, and further action shall be taken in accordance with such decision.

(c) *Powers of the Assistant Commissioner, Inspections and Examinations Division.* In considering and determining cases appealed or certified to him and in which he has jurisdiction to enter a decision, the Assistant Commissioner, Inspections and Examinations Division, shall exercise such discretion and authority conferred upon the Attorney General by the Immigration and Nationality Act as is appropriate and necessary for the disposition of the case.

(d) *Decision of Assistant Commissioner, Inspections and Examinations Division.* The decision of the Assistant Commissioner, Inspections and Examinations Division, shall be in writing. The alien or other party affected by the decision shall be informed of the decision made in the case.

§ 7.2 *Reopening or reconsideration.* Motions to reopen and motions to reconsider made in any proceeding over which the Assistant Commissioner, Inspections and Examinations Division, obtains jurisdiction shall be governed by the provisions of Part 8 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 7.11 *Notice of appeal.* Whenever an alien or other party affected by a written decision is entitled under this chapter to appeal to the Assistant Commissioner, Inspections and Examinations Division, he shall be given written notice that he may appeal from such decision; that such appeal may be taken by filing with the district director or with the officer in charge having administrative jurisdiction over the case, three copies of Notice of Appeal, Form I–290B; and that such appeal must be taken within the number of days provided for in the particular section of this chapter relating to such appeal. The forms I–290B shall be enclosed with the written notice to the alien. The party taking the appeal may file with the Notice of Appeal a brief in support of his appeal. The party affected may waive the submission of such brief. The district director, officer in charge or the Assistant Commissioner, Inspections and Examinations Division, in his discretion, if good cause shown, may extend the time within which the brief may be submitted. One copy of the Notice of Appeal shall be retained in the office where the proceedings are pending and two copies shall be placed in the file relating to the case. The certification of a case as provided in this part shall not relieve the party affected from

compliance with the provisions of this section in the event such party is entitled, and desires, to appeal from an initial decision, nor shall it serve to extend the time specified in the applicable parts of this chapter for the taking of an appeal.

§ 7.12 *Withdrawal of appeal.* In any case in which an appeal has been taken, the party taking the appeal may file a written withdrawal of such appeal with the officer with whom the Notice of Appeal was filed. If the record in the case has not been forwarded to the Assistant Commissioner, Inspections and Examinations Division, on appeal in accordance with § 7.13, the decision made in the case shall be final to the same extent as though no appeal had been taken. If the record in the case has been forwarded on appeal, the withdrawal of the appeal shall be forwarded to the Assistant Commissioner, Inspections and Examinations Division, and if no decision in the case has been made on the appeal, the record shall be returned to the office in which the proceedings are pending and the decision in the case shall be final to the same extent as though no appeal had been taken. If a decision on the appeal was made in the case, further action shall be taken in accordance therewith.

§ 7.13 *Forwarding of record on appeal.* If an appeal is taken from a decision, either written or oral, as provided in this chapter, the entire record of the proceedings shall be forwarded by the district director or the officer in charge having administrative jurisdiction over the case to the Assistant Commissioner, Inspections and Examinations Division:

(a) Upon receipt of the Notice of Appeal and brief in support thereof if the decision appealed from was in writing; or

(b) Upon receipt of the brief in support of an appeal taken orally if the decision appealed from was oral; or

(c) Upon expiration of the time allowed for the submission of the brief; or

(d) Upon receipt of a written waiver of the right to submit a brief.

§ 7.14 *Stay of execution of decision.* The decision of any proceeding under this chapter from which an appeal to the Assistant Commissioner, Inspections and Examinations Division, may be taken shall not be executed during the time allowed for the filing of an appeal unless a waiver of the right to appeal is filed, nor shall such decision be executed while an appeal is pending or while a case is before the Assistant Commissioner, Inspections and Examinations Division, by way of certification.

§ 7.15 *Notice of certification.* When the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of § 7.1 (b) directs that a case (other than one falling within the classes enumerated in § 6.1 (b) of this chapter) be certified to him for review, the alien or other party affected shall be given notice of such certification. Except as otherwise provided in this chapter, a case shall not be certified until an initial decision has been made and no appeal has been taken. If it is known at the time of making the initial decision that the case will be certified, the notice of certification shall be included in such decision and no further notice of certification shall be required. If it is not known until after the initial decision was made that the case will be certified, the district director or the officer in charge having administrative jurisdiction over the case shall cause a notice of certification (Form I–290D) to be served upon the party affected. In either case the notice shall inform the party affected that the case is required to be certified to the Assistant Commissioner, Inspections and Examinations Division, and of the right to submit a brief, if desired, for consideration by the Assistant Commissioner. The brief shall be submitted to such district director or officer in charge for transmittal to the Assistant Commissioner, Inspections and Examinations Division, within ten days from receipt of the notice of certification, unless, for good cause shown, the district director, officer in charge, or the Assistant Commissioner, Inspections and Examinations Division, extends the time within which the brief may be submitted. The party affected may waive the submission of such brief. The record of the case shall be certified and forwarded to the Assistant Commissioner, Inspections and Examinations Division, by the district director or the officer in charge upon receipt of the brief, or the expiration of the time within which the brief may be submitted, or upon receipt of a written waiver of the right to submit a brief.

§ 7.16 *Fees.* A notice of appeal filed under this part shall be accompanied by a fee of $10 as prescribed by, and remitted in accordance with, the provisions of Part 2 of this chapter. The Assistant Commissioner, Inspections and Examinations Division, in his discretion, may authorize the prosecution of any such appeal without prepayment of fees by an alien or other party affected who makes affidavit that he is unable to pay such fees. Such affidavit shall state the nature of the appeal and the affiant's belief that he is entitled to redress. An appeal may not be taken in forma pauperis if the officer from whose decision the appeal is taken certifies in writing that the appeal is not taken in good faith.

PART 8—REOPENING AND RECONSIDERATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
8.1 Reopening and reconsideration.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

8.11 Motion to reopen or reconsider.

AUTHORITY: §§ 8.1 and 8.11 issued under sec. 103, 66 Stat. 173.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 8.1 *Reopening and reconsideration.* Except as provided in § 6.2 of this chapter, a hearing or examination in any proceeding provided for in this chapter may be reopened or the decision made therein reconsidered for proper cause at the instance of, or upon motion made by the party affected and granted by:

(a) The Assistant Commissioner, Inspections and Examinations Division, if the decision in the case was made by him, or if the case is before him for review; or

(b) The district director, if the decision in the case was made by such officer, unless the record in the case previously was forwarded to the Board or to the Assistant Commissioner, Inspections and Examinations Division; or

(c) The special inquiry officer, if the decision in the case was made by him, unless the record in the case previously was forwarded to the Board or to the Assistant Commissioner, Inspections and Examinations Division.

A motion to reopen or a motion to reconsider shall not be made by or in behalf of a person who is the subject of deportation proceedings subsequent to his departure from the United States. Any departure of such person from the United States occurring after the making by him of a motion to reopen or a motion to reconsider shall constitute a withdrawal of such motion.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 8.11 *Motion to reopen or reconsider*—(a) *Filing.* A motion to reopen or a motion to reconsider shall be filed in triplicate with the district director or officer in charge having administrative jurisdiction over the place where the proceedings were conducted, for transmittal to the officer having jurisdiction to act on the motion as provided in § 8.1. Motions to reopen shall state the new facts to be proved at the reopened hearing and shall be supported by affidavits or other evidentiary material. Motions to reconsider shall state the reasons for reconsideration and shall be supported by such precedent decisions as are pertinent. Motions not complying fully with this section shall not be accepted and shall be returned to the moving party with a brief statement of the reason for its return. The filing of a motion to reopen or a motion to reconsider under this part shall not serve to stay the execution of any decision made in the case. Execution of such decision shall proceed unless a stay is specifically granted by the district director or the officer in charge having administrative jurisdiction over the case.

(b) *Ruling on motion.* Rulings upon motions to reopen or motions to reconsider shall be by written decision. If the decision directs a reopening, the record shall be returned to the district director having administrative jurisdiction over the place where the reopened proceedings are to be conducted. If the motion to reconsider is granted, the original decision shall be reconsidered at the time of, and by the officer, granting such motion. The decision upon such reconsideration shall affirm, modify, or reverse the original decision made in the case.

(c) *Notice of reopened hearing or examination.* In any case in which a hearing or examination is reopened as provided in Part 6 or this part, a notice of hearing or examination shall be served on the party affected in the same manner and form as the notice required for the original hearing or examination.

(d) *Reopened hearing or examination.* The reopened hearing or examination shall be conducted and further action taken in the proceedings as provided in this chapter for the conduct of the original hearing or examination.

(e) *Appeal.* The decision upon a motion to reopen or a motion to reconsider shall be final subject to the limitations imposed by paragraph (c) of § 242.61 of this chapter.

(f) *Fees.* A motion filed under this part shall be accompanied by a fee of $5 as prescribed by, and remitted in accordance with, the provisions of Part 2 of this chapter. The district director having administrative jurisdiction over the office in which the motion is filed may, in his discretion, authorize the prosecution of any such motion, without prepayment of fees by an alien or other party affected who makes affidavit that he is unable to pay such fees. Such affidavit shall state the nature of the motion and the affiant's belief that he is entitled to redress. A motion may not be filed in forma pauperis if the officer of the Service with respect to whose decision the motion is addressed certifies that the motion is not made in good faith.

PART 9—AUTHORITY OF COMMISSIONER AND ASSISTANT COMMISSIONERS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
9.1 Authority of Commissioner.
9.2 Authority of Assistant Commissioner, Inspections and Examinations Division.
9.3 Authority of Assistant Commissioner, Investigations Division.
9.4 Authority of Assistant Commissioner, Border Patrol, Detention and Deportation Division.
9.5 Reservation of authority.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 9.1 to 9.5 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 103, 332, 66 Stat. 173, 252.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 9.1 *Authority of Commissioner*—(a) *General.* Under the general direction of the Attorney General, the Commissioner shall supervise and direct the administration of the Service, and, subject to the limitations contained in section 103 of the Immigration and Nationality Act and Part 6 of this chapter, the Commissioner shall be charged with the administration and enforcement of the Immigration and Nationality Act and all other laws relating to immigration and naturalization, and shall have the authority to exercise and perform concurrently with the Attorney General any of the powers, privileges, or duties conferred upon the Attorney General. The powers, privileges, and duties conferred upon the Commissioner by this section shall be in addition to and not in substitution for any of the powers, privileges, and duties conferred upon any other officer or employee of the Service by any other provision of this chapter.

(b) *Designation and appointment of special inquiry officer.* The Commissioner may designate, select, and appoint as a special inquiry officer any immigration officer whom he deems specially qualified to exercise the powers and perform the duties of a special inquiry officer as set forth in the Immigration and Nationality Act and this chapter. The Commissioner shall issue to each officer so appointed a certificate under his signature bearing the seal of the Service. Such certificate shall state, and shall be accepted in any proceeding as evidence, that the officer to whom the certificate is issued has the authority to exercise the powers and perform the duties of a special inquiry officer as provided in the Immigration and Nationality Act and in this chapter.

§ 9.2 *Authority of Assistant Commissioner, Inspections and Examinations Division.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the Assistant Commissioner, Inspections and Examinations Division:

(a) Petitions for immigrant status pursuant to the provisions of sections 204 and 205 of the Immigration and Nationality Act and Parts 204, 205, and 206 of this chapter.

(b) Applications to import nonimmigrants pursuant to the provisions of section 214 of the Immigration and Nationality Act and Parts 214h and 206 of this chapter.

(c) Nonresident aliens' border crossing identification cards as defined or provided by section 101 (a) (6) of the Immigration and Nationality Act and Part 212 of this chapter.

(d) Applications for permission to reapply for admission after arrest and deportation, exclusion and deportation, removal of aliens who have fallen into distress, removal of alien enemies or removal of aliens at government expense in lieu of deportation, as provided by section 212 (a) (16) and (17) of the Immigration and Nationality Act and Part 212 of this chapter.

(e) Applications for waiver of ground of inadmissibility of certain resident or nonresident aliens as provided in section 212 (c) or (d) (3) of the Immigration and Nationality Act and Part 212 of this chapter.

(f) Parole of aliens into the United States, and the conditions thereof as provided in section 212 (d) (5) of the Immigration and Nationality Act and Part 212 of this chapter.

(g) Admission on bond of aliens excludable because they are likely to become public charges or because of certain physical defects, diseases, or disabilities as provided in section 213 of the Immigration and Nationality Act and Part 213 of this chapter.

(h) Determinations as to the time for, and conditions under, which nonimmigrants may be admitted to the United States, and as to applications for extension of their temporary stay, as provided in section 214 (a) of the Immigration and Nationality Act, Title V of the Agricultural Act of 1949, as amended, and section 201 of the United States Information and Educational Exchange Act of 1948, as amended, and Parts 214 to 214j, inclusive, and 475 of this chapter.

(i) Petitions for approval of schools and the withdrawal of such approval as provided in section 101 (a) (15) (F) of the Immigration and Nationality Act and Part 214f of this chapter.

(k) Applications for waiver of ground of inadmissibility for certain immigrant laborers as provided in section 212 (a) (14) of the Immigration and Nationality Act and Part 212a of this chapter.

(l) Applications for reentry permits, and the extension of such permits, as provided in section 223 of the Immigration and Nationality Act and Part 223 of this chapter.

(m) Exclusion of aliens on grounds relating to the safety and security of the United States and determinations in connection with such cases, as provided in section 235 (c) of the Immigration and Nationality Act and Part 235 of this chapter.

(n) Adjustment of status from nonimmigrant to immigrant, as provided in section 245 of the Immigration and Nationality Act and Part 245 of this chapter.

(o) Rescission of adjustment of status as provided in section 246 of the Immigration and Nationality Act and Part 246 of this chapter.

(p) Adjustment of the status of aliens lawfully admitted for permanent residence to that of certain nonimmigrant classes as provided in section 247 of the Immigration and Nationality Act and Part 247 of this chapter.

(q) Change of status of aliens from one nonimmigrant class to another nonimmigrant class as provided by section 248 of the Immigration and Nationality Act and Part 248 of this chapter.

(r) Creation of record of lawful admission for permanent residence as provided by section 249 of the Immigration and Nationality Act and Part 249 of this chapter.

(s) Determinations of applications for removal of aliens who have fallen into distress, as provided in section 250 of the Immigration and Nationality Act and Part 250 of this chapter.

(t) Designation of certain Great Lakes vessels as international ferries, as provided in section 251 (a) of the Immigration and Nationality Act and Part 251 of this chapter.

(u) Consent to discharge of, or paying off, alien crewmen in the United States, as provided in section 256 of the Immigration and Nationality Act and Part 256 of this chapter.

(v) Applications for residence and physical presence benefits for naturalization under section 316 of the Immigration and Nationality Act and Parts 316a and 317 of this chapter.

(w) Applications for exception from the classification of alien enemy under section 331 of the Immigration and Nationality Act and Part 331 of this chapter.

(x) Applications for waiver of the 90 days' notice in alien enemy cases under Part 331 of this chapter.

(y) Applications for transfer of petitions for naturalization under section

335 (i) of the Immigration and Nationality Act and Part 334 of this chapter.

(z) Consent to the withdrawal of petitions for naturalization or dismissal for want of prosecution under section 335 (e) of the Immigration and Nationality Act and Part 334 of this chapter.

(aa) Designation of employees of the Service to conduct preliminary examinations upon petitions for naturalization under section 335 (b) of the Immigration and Nationality Act and Part 335 of this chapter.

(bb) Assignment of examining officers at preliminary examinations upon petitions for naturalization under Part 335 of this chapter.

(cc) Waivers of personal investigation of petitioners for naturalization under section 335 (a) of the Immigration and Nationality Act and Part 335c of this chapter.

(dd) Applications for corrections of certificates of naturalization under Part 338 of this chapter.

(ee) Applications for certificates of citizenship under section 341 of the Immigration and Nationality Act and Parts 341 and 341a of this chapter.

(ff) Applications for certificates of naturalization and repatriation under section 343 (a) of the Immigration and Nationality Act and Part 343 of this chapter.

(gg) Applications for naturalization and citizenship papers replaced under section 343 (b) of the Immigration and Nationality Act and Part 343a of this chapter.

(hh) Applications for special certificates of naturalization under section 343 (c) of the Immigration and Nationality Act and Part 343b of this chapter.

(ii) Admission of immigrants pursuant to the provisions of sections 211 (c) and (d) of the Immigration and Nationality Act.

§ 9.3 *Authority of Assistant Commissioner, Investigations Division.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred upon the Assistant Commissioner, Investigations Division:

(a) Issuance of warrants of arrest, and cancellation of warrants of arrest prior to commencement of hearings thereunder as provided in section 242 of the Immigration and Nationality Act and Part 242 of this chapter.

(b) Voluntary departure of aliens prior to issuance of warrant of arrest, or after issuance of warrant of arrest and prior to hearing, as provided in sections 242 (b) and 244 (e) of the Immigration and Nationality Act and Parts 242 and 244 of this chapter.

§ 9.4 *Authority of Assistant Commissioner, Border Patrol, Detention and Deportation Division.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the Assistant Commissioner, Border Patrol, Detention and Deportation Division:

(a) Detention and designation of the place of detention of aliens as provided by sections 232 and 233 of the Immigration and Nationality Act and Parts 232 and 233 of this chapter.

(b) Determinations as to whether an attendant is required for the care and attention of aliens as provided in section 235 of the Immigration and Nationality Act and Part 235 of this chapter.

(c) Determinations as to whether an admitted alien may remain at an immigration station as provided in section 235 of the Immigration and Nationality Act and Part 235 of this chapter.

(d) Stay of deportation of excluded aliens as provided in section 237 of the Immigration and Nationality Act and Part 237 of this chapter.

(e) Continuation of detention of aliens or release of aliens from custody as provided in section 242 of the Immigration and Nationality Act and Part 242 of this chapter.

(f) Detention, conditions of release, and revocation of bond or parole, of aliens as provided in section 242 of the Immigration and Nationality Act and Part 242 of this chapter.

(g) Voluntary departure of aliens prior to issuance of warrant of arrest, or after issuance of warrant of arrest and prior to hearing, as provided in sections 242 (b) and 244 (e) of the Immigration and Nationality Act and Parts 242 and 244 of this chapter.

(h) Designation of the countries to which and at whose expense aliens shall be deported and determination as to whether an attendant is required as provided in section 243 of the Immigration and Nationality Act and Part 243 of this chapter.

(i) Stay of execution of warrants and orders of deportation as provided in section 243 of the Immigration and Nationality Act and Part 243 of this chapter.

(j) Removal from the United States of aliens who have fallen into distress as provided in section 250 of the Immigration and Nationality Act and Part 250 of this chapter.

(k) The fixing of boundary distances as provided in section 287 of the Immigration and Nationality Act and Part 287 of this chapter.

(l) Determinations as to whether escorts shall accompany aliens in transit through the United States as provided in section 214 of the Immigration and Nationality Act and Part 214c of this chapter.

§ 9.5 *Reservation of authority.* The powers, privileges, and duties conferred upon the Assistant Commissioner, Border Patrol, Detention and Deportation Division, the Assistant Commissioner, Inspections and Examinations Division, and the Assistant Commissioner, Investigations Division, by this part shall be in addition to, and not in substitution for, the powers, privileges, and duties conferred or imposed upon any other officer or employee by any other provision of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 10—APPLICATIONS AND PETITIONS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
10.1 Applications and petitions under Subchapter B of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 10.1 *Applications and petitions under Subchapter B of this chapter*—(a) *General requirements.* An application or petition provided for in Subchapter B shall be completed, and submitted to the Service with any required fee, photographs, and supporting evidence, in accordance with the instructions contained in the form prescribed for such application or petition.

(b) *Improper or incomplete execution.* Applications or petitions provided for by any section of Subchapter B shall not be accepted and shall be returned to the applicant together with any attached documents if improperly or incompletely executed or if required documents are not attached.

(c) *Separate application or petition.* Except as otherwise provided in this chapter, a separate application or petition shall be filed for each applicant or beneficiary, and shall be accompanied by a separate fee.

(d) *Applicant under 14 years of age.* A person or guardian may file an application or a petition on behalf of a son, daughter, or ward under 14 years of age.

(e) *Oaths.* Any oath required in the execution of an application or a petition may be administered in the United States by an immigration officer or by any other person authorized generally to administer oaths.

(f) *Modification of application or petition.* Any allegations made in addition to, or in substitution for, any of those contained in the original application or petition shall be made under oath and filed in the same manner as the original application or petition or noted on the original application or petition and acknowledged under oath thereon.

(g) *Photographs.* Every person required to furnish photographs of himself shall submit two identical photographs which shall be 2 x 2 inches in size, unmounted, printed on a thin paper, have a light background, clearly show a full front view of the features (with head bare, unless the person is wearing a headdress as required by a religious order of which he is a member), with the distance from the top of the head to point of chin approximately 1¼ inches, and which shall have been taken within 30 days of the date they are furnished. Except in the case of a person incapable of signing his name, the person shall sign each copy of the photograph with his full true name in such manner as not to obscure the features. The photographs shall be signed when submitted with an application or petition if the instructions accompanying the application or petition so require. If the instructions do not so require, the photographs shall be submitted without being signed and shall be signed during the consideration of the application or petition.

Snapshot, group or full-length portraits shall not be accepted.

(h) *Date of receipt.* Applications or petitions which are delivered in person or by mail to offices of the Service authorized to receive them, shall be stamped to show the time and date of their actual receipt. Unless returned as provided in paragraph (b) of this section, they shall be regarded as accepted as of the date of receipt.

(i) *Translations of supporting documentary evidence.* All documents in a foreign language which are submitted as supporting evidence shall be accompanied by certified English translations thereof.

(Sec. 103, 66 Stat. 173)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

Subchapter B—Immigration Regulations

NOTE: *Explanation of numbering system utilized in this subchapter.* Each part of this subchapter has been given the same number as the section of the Immigration and Nationality Act to which it relates. For example, Part 242 concerns only section 242 of the Immigration and Nationality Act. Each part of this subchapter is divided into two subparts: Subpart A—Substantive Provisions and Subpart B—Procedural and Other Nonsubstantive Provisions. Each section of Subpart A bears a number consisting of the part number followed by a decimal point and by a single digit beginning with "1" and continuing to "9", using as many as required. For example, § 242.1 is the first substantive section of Part 242 and § 242.9 is the ninth substantive section of Part 242, assuming there existed nine substantive sections in Part 242. When a substantive section is required to be implemented by one or more procedural sections, the relating procedural section or sections bear the same number as the substantive section to which it relates plus one additional digit to the right of the decimal point beginning with "1" for the first procedural section and continuing to "9", if that many are required. For example, § 242.11 is the first procedural section implementing the first substantive section of Part 242 and § 242.87 is the seventh procedural section implementing the eighth substantive section of Part 242. If a substantive section does not require procedural sections, no procedural section numbers will appear for that particular substantive section.

PART 204—PETITION FOR IMMIGRANT STATUS AS A MINISTER OR AS A PERSON WHOSE SERVICES ARE NEEDED URGENTLY

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
204.1 Definition.
204.2 Petition.
204.3 Petitions; date of filing.
204.4 Petitions; additional requirements.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

204.11 Disposition of petition.
204.12 Period of validity of approval of petitions for visas under section 203 (a) (1) (A) of the Immigration and Nationality Act; extension.

AUTHORITY: §§ 204.1 to 204.12 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 203, 204, 66 Stat. 166, 178, 179.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 204.1 *Definition.* As used in section 101 (a) (27) (F) of the Immigration and Nationality Act and this part, the term "minister of a religious denomination" means a person duly authorized by a recognized religious sect or denomination to conduct religious worship, and to perform other duties usually performed by a regularly ordained pastor or clergymen. Lay preachers not authorized to perform the duties usually performed by a regularly ordained pastor or clergymen, and cantors, or nuns, do not come within this definition.

§ 204.2 *Petition.* The petition required by section 204 (b) of the Immigration and Nationality Act shall be filed in duplicate by the person, institution, firm, organization, or governmental agency for whom the work, labor or services are to be performed (a) on Form I–129A for nonquota classification under section 101 (a) (27) (F) (i) of the Immigration and Nationality Act as a minister of a religious denomination and (b) on Form I–129 for quota classification under section 203 (a) (1) (A) of the Immigration and Nationality Act as an alien whose services are needed urgently in the United States.

§ 204.3 *Petitions; date of filing.* A petition which has been accepted as provided in § 10.1 (h) of this chapter shall be deemed to have been filed within the meaning of sections 203 and 204 of the Immigration and Nationality Act on the date and time of its receipt as shown thereon in accordance with § 10.1 (h) of this chapter.

§ 204.4 *Petitions; additional requirements*—(a) *For petitioners filing Form I–129.* A petitioner filing a petition on Form I–129 shall comply with the following additional requirements:

(1) The petitioner shall attach to the petition a clearance order bearing a statement from the United States Employment Service that qualified persons are not available within the United States to perform the work, labor, or services which are to be performed by the beneficiary. In connection with a petition for a beneficiary who is to perform work, labor, or services in Guam, a clearance order issued by the Employment Service of the Territory of Guam shall be accepted in lieu of that issued by the United States Employment Service.

(2) The petitioner shall attach to the petition, as a part thereof, a statement setting forth a full, complete, and detailed analysis establishing in what manner the services of the beneficiary will be substantially beneficial prospectively to the national economy, cultural interests or welfare of the United States.

(3) The petitioner shall attach to the petition, as a part thereof, a full, complete, and detailed description of the high education, technical training, specialized experience, or exceptional ability of the beneficiary on the basis of which the beneficiary's services are alleged to be urgently required in the United States. Allegations of high education or technical training shall be supported by original, certified, or photographic copies of diplomas, school certificates, or equivalent documents or affidavits attesting to such education or technical training executed by the person in charge of the records of the educational or other institution, firm, or establishment wherein such education or training was acquired, improved, or perfected. Allegations of specialized experience or exceptional ability shall be supported by affidavits attesting to and describing the degree and extent of special experience or ability, executed by the appropriate officer of the firms, organizations, establishments, or other institutions wherein the beneficiary acquired, improved, or perfected such experience or ability.

(b) *Additional statements in support of petitions filed on Form I–129.* A petitioner filing a petition on Form I–129 may submit in support thereof a written statement or statements from an organization, society, or institution active in the field of the work, labor, or services in which the beneficiary is to be employed or engaged, showing the need for the work, labor, or services, and the qualifications of the beneficiary. The petitioner also may submit a statement of the efforts made by him or on his behalf to secure persons in the United States to perform the work, labor, or services to be performed by the beneficiary.

(c) *For petitioners filing Form I–129A.* A petitioner filing a petition on Form I–129A shall attach to the petition, as a part thereof, a statement, preferably on official stationery, regarding ordination of the beneficiary or other authorization to act as minister, showing the name of each religious denomination or sect with which the beneficiary has been affiliated, the periods of service, and the addresses, for whom, when and where the service as a minister was performed by the beneficiary during the two years immediately preceding the date of the petition. The statement shall be signed by the appropriate official having knowledge of the prospective immigrant's religious service during such two year period, and shall state the source of the official's knowledge of such service.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 204.11 *Disposition of petition*—(a) *Action by district director or officer in charge.* The district director or the officer in charge having administrative jurisdiction over the office receiving a petition properly executed and adequately supported by documentary evidence shall cause such investigation to be conducted as he deems necessary to the proper disposition of the petition. If it appears to the district director or the officer in charge receiving the petition that the beneficiary would be inadmissible to the United States even if the petition were approved, the petitioner shall be advised of this possibility and given an opportunity to withdraw his petition should he so desire. If the petition is withdrawn, no further action thereon shall be taken and the fee shall be retained as though final action had been taken on the petition. If the petitioner does not withdraw the petition, further action thereon shall be taken in accordance with the provisions of this part. If the investigation is made by an office of the Service other than a district office, the petition and all accompanying papers shall, upon completion of such

investigation, be forwarded to the district director having administrative jurisdiction over the office that made the investigation with a report and transcript of the investigation and the recommendation of the officer in charge.

(b) *Action by district director.* The determination as to whether a petition filed under this part shall be approved shall be limited to a consideration as to whether the eligibility of the beneficiary to the classification requested has been established. If the district director, receiving a petition either directly from the petitioner or from the officer in charge, is satisfied after consultation with appropriate agencies of the government, if any, that the beneficiary is eligible for the classification requested, he shall approve the petition and note his decision thereon accordingly. If the district director is not satisfied that the petition should be approved, he shall disapprove the petition and note his decision thereon accordingly. The petitioner shall be notified of the decision and, if the petition is disapproved, of the reasons therefor, and of his right to appeal to the Assistant Commissioner, Inspections and Examinations Division, within ten days from the receipt of such notification.

§ 204.12 *Period of validity of approval of petitions for visas under section 203 (a) (1) (A) of the Immigration and Nationality Act; extension.* The approval of a petition for the issuance of a visa to an alien under section 203 (a) (1) (A) of the Immigration and Nationality Act shall be valid for the period designated in such approval, not to exceed one year from the date on which the petition was approved, and for such additional period for which it may be extended by a district director.

Part 205—Petition for Immigrant Status as Relative of United States Citizen or Lawful Resident Alien

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
205.1 Petition; form.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

205.11 Petition.
205.12 Disposition of petition.

AUTHORITY: §§ 205.1 to 205.12 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 205, 66 Stat. 180.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 205.1 *Petition; form.* A petition by a United States citizen under section 205 (b) of the Immigration and Nationality Act shall be filed on Form I–133. A petition by an alien under section 205 (b) of the Immigration and Nationality Act shall be filed on Form I–133A.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 205.11 *Petition—(a) Where filed.* If the petitioner is in the United States at the time of the filing of a petition under this part, the petition shall be filed with the district director or the officer in charge having administrative jurisdiction over the petitioner's place of residence in the United States. If the petitioner is not in the United States, the petition shall be executed before a consular officer in accordance with the provisions of this part and the applicable consular regulations, and the petitioner shall transmit the completed petition directly to the Commissioner. If such petitioner has a place of residence in the United States, the Commissioner shall transmit the completed petition and all accompanying documents to the district director having administrative jurisdiction over such place of residence. If such petitioner does not have a place of residence in the United States, the Commissioner shall transmit the completed petition with all accompanying documents to the district director having administrative jurisdiction over the place in the United States wherein the beneficiary intends to reside, as shown in the petition.

(b) *Documents in support of petition.* The petition shall be supported by documentary evidence establishing the qualifications and eligibility of the beneficiary for the classification requested and shall include the information required by the Form I–133, if the petitioner is a citizen of the United States, or the information required by the Form I–133A, if the petitioner is a lawful resident alien.

§ 205.12 *Disposition of petition—(a) Action by district director or officer in charge.* The district director or the officer in charge having administrative jurisdiction over the office receiving a petition properly executed and adequately supported by documentary evidence shall cause such investigation to be conducted as he deems necessary to the proper disposition of the petition. If it appears to the district director or the officer in charge receiving the petition that the beneficiary would be inadmissible to the United States even if the petition were approved, the petitioner shall be advised of this possibility and given an opportunity to withdraw his petition should he so desire. If the petition is withdrawn, no further action thereon shall be taken and the fee shall be retained and processed as though final action had been taken on the petition. If the petitioner does not withdraw the petition, further action thereon shall be taken in accordance with the provisions of this part. If the investigation is made by an office of the Service other than a district office, the petition and all accompanying papers shall upon completion of such investigation be forwarded to the district director having administrative jurisdiction over the office that made the investigation with a report and transcript of the investigation and the recommendation of the officer in charge.

(b) *Action by district director.* The determination as to whether a petition filed under this part shall be approved shall be limited to a consideration as to whether the eligiblity of the beneficiary to the classification requested has been established. If the district director receiving a petition either directly from the petitioner or from the Commissioner or an officer in charge, is satisfied that the beneficiary is eligible for the classification requested, he shall approve the petition and note his decision thereon accordingly. If the district director is not satisfied that the petition should be approved, he shall disapprove the petition and note his decision thereon accordingly. The petitioner shall be notified of the decision and if the petition is disapproved, of the reasons therefor, and of his right to appeal to the Board of Immigration Appeals, within 10 days from the receipt of notification.

Part 206—Revocation of Approval of Petitions

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
206.1 Automatic revocation.
206.2 Revocation on notice.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

206.11 Notice of revocation.
206.21 Revocation on notice; procedure.
206.22 Notice of revocation.

AUTHORITY: §§ 206.1 to 206.22 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 204, 205, 214, 66 Stat. 179, 180, 189.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 206.1 *Automatic revocation.* The approval of a petition made under section 204, 205 or 214 (c) of the Immigration and Nationality Act and in accordance with Part 204, 205, or 214h of this chapter is revoked as of the date of approval in any of the following circumstances:

(a) As to a petition approved ur section 204 or 214 (c) of the Immigration and Nationality Act:

(1) The beneficiary is an alien seeking classification as a nonquota immigrant under section 101 (a) (27) (F) (i) of the Immigration and Nationality Act or as a nonimmigrant under section 101 (a) (15) (H) of that act and is not issued a visa under the classification approved within one year of the date on which the petition was approved.

(2) The petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary arrives in the United States to apply for admission under the classification approved.

(b) As to a petition approved under section 205 of the Immigration and Nationality Act:

(1) The beneficiary does not within one year after the date of the approval of the petition file a formal application for an immigrant visa or arrange with the consular officer to have his name placed on a registration or waiting list for such visa.

(2) The petitioner loses his United States citizenship or his status as an alien lawfully admitted for permanent residence, whichever was applicable to the approval of the petition, or dies, before the beneficiary arrives in the United States to apply for admission under the classification aproved.

(3) As to a spouse beneficiary, the marriage of the petitioner to the beneficiary terminates by death, divorce or annulment before the beneficiary arrives in the United States to apply for admission under the classification approved.

(4) As to a child beneficiary:

(i) The beneficiary is married before he arrives in the United States to apply for admission under the classification approved.

(ii) The beneficiary reaches the 21st anniversary of his birth before he arrives in the United States to apply for admission under the classification approved.

§ 206.2 *Revocation on notice.* The approval of a petition made under section 204, 205, or 214 (c) of the Immigration and Nationality Act and in accordance with Part 204, 205, or 214h of this chapter may be revoked on any ground other than those specified in § 206.1 by any officer authorized to approve such petition when the propriety of such revocation is brought to the attention of the Service, including request for revocation or reconsideration made by consular officers.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 206.11 *Notice of revocation.* In any case in which it shall appear to a district director that the approval of a petition has been automatically revoked under and by virtue of § 206.1, such district director shall cause a notice of such revocation to be sent promptly to the Visa Office of the Bureau of Security and Consular Affairs, Department of State, and a copy of such notice to be mailed to the petitioner's last known address.

§ 206.21 *Revocation on notice; procedure.* Revocation of approval of a petition under § 206.2 shall be made only upon notice to the petitioner who shall be given an opportunity to offer evidence in support of the petition and in opposition to the grounds alleged for revocation of the approval. If upon reconsideration, the approval previously granted is revoked, the petitioner shall be informed of the decision with the reasons therefor and shall have ten days from the receipt of notification of the decision within which to appeal to the Board as provided in Part 6 of this chapter if the petition initially was approved for classification under section 205 of the Immigration and Nationality Act, or to the Assistant Commissioner, Inspections and Examinations Division, as provided in Part 7 of this chapter if the petition initially was approved for classification under section 204 or 214 (c) of the Immigration and Nationality Act.

§ 206.22 *Notice of revocation.* In any case in which approval of a petition is revoked under §§ 206.2 and 206.21, the district director having administrative jurisdiction over the office in which the proceeding is pending shall cause notice of such revocation to be sent promptly to the Visa Office of the Bureau of Security and Consular Affairs, Department of State.

Part 211—Documentary Requirements: Immigrants; Waivers

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
211.1 Documentary requirements for immigrants.
211.2 Immigrants not required to present visas or passports.
211.3 Immigrants not required to present visas.
211.4 Immigrants not required to present passports.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

211.11 Resident Alien's Border Crossing Identification Card.

AUTHORITY: §§ 211.1 to 211.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 211, 212, 222, 235, 66 Stat. 181, 183, 193, 198.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 211.1 *Documentary requirements for immigrants.* Except as otherwise provided in the Immigration and Nationality Act and this chapter, an immigrant (including an alien crewman) applying for admission to the United States must present a valid unexpired immigrant visa and a valid unexpired passport.

§ 211.2 *Immigrants not required to present visas or passports.* Immigrants of the following-described classes applying for admission to the United States need not present visas or passports:

(a) An alien immigrant child who is born subsequent to the issuance of an immigrant visa to an accompanying parent and who arrives in the United States to apply for admission during the period of validity of such visa.

(b) An alien immigrant child born during the temporary visit abroad of a mother who is a lawful permanent resident alien, or a national, of the United States: *Provided*, (1) That the child is accompanying a parent who is admissible into the United States and who is entering the United States for permanent residence upon the first return of the parent to the United States after the child's birth, and (2) that application for admission to the United States is made within a period of two years from the child's birth.

(c) Aliens (including alien crewmen) of the following-described classes who have been lawfully admitted for permanent residence, who are otherwise admissible, and who are returning after a temporary absence:

(1) An alien who is returning to the United States after a temporary absence of not more than six months in Canada or Mexico only, and who presents a valid unexpired resident alien's border crossing identification card.

(2) An alien who is returning from a temporary visit abroad and who presents a valid unexpired reentry permit.

(3) An alien who goes in transit through foreign contiguous territory from one part of the continental United States or Alaska to another part of the continental United States or Alaska by means of a transportation line which runs through the territory or waters of both the United States and Canada or Mexico.

(4) An alien who is proceeding from one port of the United States to another, without stopover, although touching a foreign port.

(5) An alien who reenters from a journey beginning in a port of the United States in the Western Hemisphere without transshipment from the original vessel or aircraft, provided that such vessel or aircraft has not proceeded outside of the Western Hemisphere.

(6) An alien who is returning to the United States from a visit not exceeding 30 days to Canada, Mexico, Cuba, Haiti, or the Dominican Republic, made under actual emergency conditions which prevented him from obtaining a reentry permit, or, with respect to such visit to Canada or Mexico only, a resident alien's border crossing identification card, prior to his departure from the United States.

(7) An alien resident of the Virgin Islands returning after a temporary visit to the British Virgin Islands or the French island of St. Bartholomew.

(8) An alien who resides in a remote section of Alaska returning after a temporary visit to Canada.

(9) An alien who has been shipwrecked or castaway and who has been rescued by, or transferred at sea to, a vessel or aircraft bound to a port in the United States.

(10) An alien who is returning within 48 hours from a visit to Mexico and who presents satisfactory evidence showing his previous lawful entry into the United States for permanent residence.

(11) Any alien in whose particular case a waiver of the passport and visa requirements is granted by (i) the Assistant Commissioner, Inspections and Examinations Division, either during or after the alien's application for admission to the United States, or (ii) the district director or officer in charge having administrative jurisdiction over the port at which the alien applied for admission at the time of the alien's application for admission and prior to the submission of the case to a special inquiry officer, or (iii) the special inquiry officer in determining a case referred to him for further inquiry as provided in section 235 of the Immigration and Nationality Act, upon a determination by the respective officers enumerated above that presentation of a passport and visa is impracticable because of emergent circumstances over which the alien has no control, and that undue hardship will result to the alien if such presentation is required: *Provided*, That during the time any case is pending before the Board a waiver under this subparagraph may be granted only by the Board.

§ 211.3 *Immigrants not required to present visas.* Aliens of the following-described classes (including alien crewmen) who are otherwise admissible, who have been lawfully admitted to the United States for permanent residence, and who are applying for admission to the United States after a temporary absence, are not required to present visas:

(a) An alien crewman whose name appears on the visaed crew list of the vessel or aircraft on which he arrived in the United States or who presents an Alien Registration Receipt and Border Crossing Card (Form I–151) duly issued to him, if the alien is returning on the same vessel or aircraft on which he departed and without transshipment, or, if the alien is returning on an aircraft of

the same transportation line within 30 days of his discharge in a foreign port.

(b) An alien who departed from the United States as a member of the crew of a vessel or aircraft which has been sold and delivered abroad, if the laws of the United States or the contract of employment provide for the return of the crew to the United States, whether returning as a passenger or as a crewman.

(c) An alien who departed from the United States as a member of the crew of a vessel or aircraft and who is returning to the United States as a passenger in accordance with the terms of the articles of the vessel or the aircraft on which he formerly served and who presents a Form I–151 duly issued to him.

(d) An alien crewman who departed from the United States as a member of the crew of a vessel or aircraft and who is a consular passenger, or is repatriated after, and in accordance with the terms of, his discharge in a foreign port before a consular officer, but who, for any reason, cannot be considered as serving as a crewman on the vessel or aircraft on which he arrives at a port in the United States.

(e) Any alien in whose particular case a waiver of the visa requirement is granted by (1) the Assistant Commissioner, Inspections and Examinations Division, either during or after the alien's application for admission to the United States, or (2) the district director or the officer in charge having administrative jurisdiction over the port at which the alien applied for admission, at the time of the alien's application for admission and prior to the submission of the case to a special inquiry officer, or (3) the special inquiry officer in determining the case referred to him for further inquiry as provided in section 235 of the Immigration and Nationality Act, upon a determination by the respective officers enumerated above that presentation of a visa is impracticable because of emergent circumstances over which the alien has no control and that undue hardship would result to such alien if such presentation is required: *Provided*, That during the time any case is pending before the Board a waiver under this subparagraph may be granted only by the Board.

§ 211.4 *Immigrants not required to present passports.* Aliens of the following-described classes (including alien crewmen) who apply for admission to the United States as immigrants, and who are otherwise admissible, are not required to present passports:

(a) An alien who has been lawfully admitted for permanent residence and who is returning after a temporary absence and who presents a valid unexpired nonquota immigrant visa issued pursuant to the provisions of section 101 (a) (27) (B) of the Immigration and Nationality Act.

(b) Any alien in whose particular case a waiver of the passport requirement is granted by (1) the Assistant Commissioner, Inspections and Examinations Division, either during or after the alien's application for admission to the United States, or (2) the district director or the officer in charge having administrative jurisdiction over the port at which the alien applied for admission, at the time of the alien's application for admission and prior to the submission of the case to a special inquiry officer, or (3) the special inquiry officer in determining the case referred to him for further inquiry as provided in section 235 of the Immigration and Nationality Act, upon a determination by the respective officers enumerated above that presentation of a passport is impracticable because of emergent circumstances over which the alien has no control and that undue hardship would result to such alien if such presentation is required; *Provided*, That during the time any case is pending before the Board a waiver under this subparagraph may be granted only by the Board.

SUBPART E—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 211.11 *Resident Alien's Border Crossing Identification Card*—(a) *Form.* For the purposes of sections 211 (b) and 212 (a) (20) of the Immigration and Nationality Act and this part, Form I–151 (Alien Registration Receipt Card) or any outstanding valid Form I–187 (Resident Alien's Border Crossing Identification Card) shall be accepted as a Resident Alien Border Crossing Identification Card when in possession of and presented by the rightful holder thereof during the period of its validity.

(b) *Use.* The presentation of such card shall not relieve the holder from establishing his admissibility to the United States under the applicable provisions of the immigration laws and regulations. A Resident Alien's Border Crossing Identification Card may be used by an alien who has been lawfully admitted to the United States for permanent residence for the purpose of (1) facilitating determination of his status as a returning legal resident when applying for admission at any land or water port of entry or international airport in the continental United States or Alaska after an absence from the United States of not more than 6 months, during which absence he visited no foreign country other than Canada, Mexico or both, and (2) satisfying the documentary requirements of sections 211 (b) and 212 (a) (20) of the Immigration and Nationality Act and this part.

(c) *Form I–151; who may apply.* Any alien lawfully admitted to the United States for permanent residence who is not in possession of a Form I–151 may apply for such form in accordance with the provisions of § 264.5 of this chapter.

(d) *Form I–187.* Outstanding Forms I–187 in the possession of aliens who do not have a Form I–151 may upon application in person by the proper holder be revalidated at any Service office in the continental United States or Alaska, either before or after their expiration for an additional period or periods not exceeding 6 months each. No such revalidation shall extend beyond June 30, 1954, at which date all outstanding Forms I–187 shall be retired. An expired or unexpired Form I–187 may also be revalidated if the rightful holder applies for admission to the United States at a port of entry or for preexamination at a United States immigration station in Canada, is found admissible, and satisfactorily establishes that he has not abandoned his residence in the United States and that he has not been absent from the United States for more than 60 days. Each additional period of validity shall commence on the date of revalidation. No Form I–187 issued before November 14, 1941, shall be revalidated notwithstanding any revalidation thereof which may have been granted previously, and any such form which comes to the attention of an officer of the Service shall be obtained from the holder and returned to the original issuing office for destruction. Any Form I–187, whether valid or expired, which was issued on or after November 14, 1941, and which is found in the possession of an alien who is making improper use thereof shall be obtained from the holder and returned to the original issuing office for destruction. Every alien having both a Form I–187 and a Form I–151 shall surrender the Form I–187 to an immigration officer, who shall forward it to the office of issuance for destruction.

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANT: ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
212.1 Documentary requirements for nonimmigrants.
212.2 Period of validity of passports for certain nonimmigrants.
212.3 Nonimmigrants not required to present passports, visas, or border crossing identification cards.
212.4 Additional classes of nonimmigrants not required to present passports, visas or border crossing identification cards.
212.5 Nonimmigrants required to present passports but not visas or border crossing identification cards
212.6 Aliens previously deported or removed, or who departed at Government expense; consent to reapply for admission.
212.7 Advance request by certain resident aliens for permission to reenter the United States.
212.8 Advance request by certain nonimmigrant aliens for permission to enter the United States temporarily.
212.9 Parole of aliens into the United States.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

212.11 Nonresident alien's border crossing identification card.
212.61 Application for consent to reapply.
212.71 Application for permission to reenter the United States.
212.72 Disposition of application.
212.81 Application for temporary admission of nonimmigrants.
212.91 Return of paroled alien.

AUTHORITY: §§ 212.1 to 212.91 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 212, 214, 236, 238, 66 Stat. 167, 182, 189, 200, 203.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 212.1 *Documentary requirements for nonimmigrants.* Except as otherwise provided in the Immigration and Nationality Act and this chapter, an alien (including an alien crewman) who applies for admission to the United States as a nonimmigrant shall present a valid unexpired nonimmigrant visa issued to him under the nonimmigrant classification in which he seeks admission, and an unexpired passport valid for at least the period set forth in section 212 (a) (26) of the Immigration and Nationality Act: *Provided*, That a valid nonresident alien's border crossing identification card shall be acceptable in lieu of a nonimmigrant visa when presented in accordance with provisions of § 212.11.

§ 212.2 *Period of validity of passports for certain nonimmigrants.* An alien not within the purview of § 212.3 who applies for admission to the United States as a nonimmigrant under clause (i) or (ii) of section 101 (a) (15) (A) of the Immigration and Nationality Act or under clause (i), (ii), (iii), or (iv) of section 101 (a) (15) (G) of that act and who presents a valid unexpired nonimmigrant visa issued to him under the nonimmigrant classification in which he seeks admission shall present a passport which is valid and unexpired on the date of the bearer's application for admission to the United States.

§ 212.3 *Nonimmigrants not required to present passports, visas, or border crossing identification cards.* The provisions of section 212 (a) (26) of the Immigration and Nationality Act and of this chapter relating to the requirement of passports, visas, and border crossing identification cards for nonimmigrants, have been waived by the Secretary of State and the Attorney General acting jointly in pursuance of the authority contained in section 212 (d) (4) of the Immigration and Nationality Act, in the cases of aliens (including alien crewmen) who are otherwise qualified for admission as nonimmigrants under the applicable provisions of the immigration laws and who fall within any of the following categories:

(a) A Canadian citizen who has his residence in Canada and is making application for admission to the United States from Canada, or from, and after a visit solely to, some place in foreign contiguous territory or adjacent islands.

(b) A British subject who has his residence in Canada and is making application for admission to the United States from Canada, or from, and after a visit solely to, some place in foreign contiguous territory or adjacent islands.

(c) A Mexican national who:

(1) Is a military or civilian official or employee of the Mexican national government, or of a Mexican state or municipal government, and the members of his family, making an application for admission to the continental United States from Mexico on personal or official business or for pleasure;

(2) Is passing in immediate and continuous transit through the continental United States from one place in Mexico to another by means of a transportation line which crosses the border between the United States and Mexico; or

(3) Is a member of a fire-fighting group entering the United States in connection with fire-fighting activities.

(d) International Boundary and Water Commission officers, employees, and other personnel, entering the United States in the performance of their official duties, and Mexican nationals employed directly or indirectly on the construction, operation, or maintenance of works in the United States undertaken in accordance with the treaty concluded on February 3, 1944, between the United States and Mexico, and entering the United States temporarily in connection with such employment.

(e) A French national who has his residence in French territory in the West Indies, who is in possession of a roundtrip transportation ticket, and who is making application for admission into Puerto Rico or the Virgin Islands of the United States for business or pleasure.

(f) A Netherlands subject who has his residence in Netherlands territory in the West Indies and who is making an application for admission to Puerto Rico or the Virgin Islands of the United States for not more than twenty-four (24) hours.

(g) An alien who is being transported by railroad in immediate and continuous transit through the United States directly from one part of Canada to another, or directly from one part of Mexico to another, without stopover, in accordance with the terms of a contract, including a bonding agreement, entered into by the transportation line and the Attorney General under the provisions of section 238 (d) of the Immigration and Nationality Act: *Provided*, That, at all times such alien is in transit through the United States he shall be in the custody of an officer of the United States or such other custody as may be approved by the Attorney General.

(h) An alien whose case is not within the provisions of paragraph (g) of this section, who is being transported in immediate and continuous transit through the United States without stopover from one foreign place to another in accordance with the terms of a contract including a bonding agreement entered into by a transportation line and the Attorney General under the provisions of section 238 (d) of the Immigration and Nationality Act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided*, That such alien is in possession of a travel document which is valid for his entry into a foreign country for a period of not less than 60 days after the date of immediate and continuous transit through the United States, and *Provided further*, That at all times such alien is not aboard an aircraft which is in flight through the United States he shall be in the custody of an officer of the United States.

§ 212.4 *Additional classes of nonimmigrants not required to present passports, visas or border crossing identification cards.* As provided in the Immigration and Nationality Act, the provisions of section 212 (a) (26) of the Immigration and Nationality Act and of this chapter relating to the requirement of passports, visas and border crossing identification cards for nonimmigrants do not apply in the cases of aliens who fall within any of the following categories:

(a) An alien member of the armed forces of the United States who:

(1) Is in the uniform of, or who bears documents identifying him as a member of, such armed forces;

(2) Has not been lawfully admitted for permanent residence; and

(3) Is making application for admission to the United States under official orders or permit of such armed forces.

(b) An American Indian born in Canada, having at least fifty percentum of blood of the American Indian race, and passing the border of the United States.

§ 212.5 *Nonimmigrants required to present passports but not visas or border crossing identification cards.* The provisions of section 212 (a) (26) of the Immigration and Nationality Act and of this chapter relating to the requirement of visas and border crossing identification cards for nonimmigrants have been waived by the Secretary of State and the Attorney General, acting jointly, for aliens who are otherwise qualified for admission as nonimmigrants under the applicable immigration laws and who fall within any of the following categories:

(a) A Canadian citizen having his residence in Canada who is returning thereto from any country or place other than foreign contiguous territory or adjacent islands, and is making an application for admission to the United States.

(b) A British subject having his residence in British Territory in the West Indies, who is making an application for admission to Puerto Rico, or the Virgin Islands of the United States.

(c) A Netherlands subject who has his residence in Netherlands territory in the West Indies and who is making an application for admission to Puerto Rico or the Virgin Islands of the United States for more than twenty-four (24) hours.

(d) Nationals of foreign contiguous territory or adjacent islands who are entering the United States as seasonal or temporary workers under specific legislation enacted by Congress and in accordance with international arrangements concluded upon the basis of such legislation.

§ 212.6 *Aliens previously deported or removed, or who departed at Government expense; consent to reapply for admission.* Except as provided in § 236.13 (b) of this chapter, an alien who is inadmissible to the United States under paragraph (16) or (17) of section 212 (a) of the Immigration and Nationality Act and who desires to apply for admission to the United States shall file an application for consent to reapply for admission to the United States with the district director having administrative jurisdiction over the office in which were held the proceedings which resulted in the alien's deportation, removal, or departure at Government expense.

§ 212.7 *Advance request by certain*

§ 212.7 *Advance request by certain resident aliens for permission to reenter the United States.* An alien who has been lawfully admitted for permanent residence and who is or believes himself to be inadmissible to the United States under any paragraph of section 212 (a) of the Immigration and Nationality Act other than paragraph (27), (28) or (29), may, prior to or after his temporary departure from the United States and prior to his application for readmission to the United States, apply for permission to reenter under the authority contained in section 212 (c of the Immigration and Nationality Act notwithstanding any such ground of inadmissibility.

§ 212.8 *Advance request by certain nonimmigrant aliens for permission to enter the United States temporarily.* An alien who desires to enter the United States temporarily as a nonimmigrant and who is or believes himself to be inadmissible under any paragraph of section 212 (a) of the Immigration and Nationality Act other than paragraph (27) and (29), may, prior to his application for admission at a port of the United States, apply for permission to enter the United States temporarily under the authority contained in section 212 (d) (3) of the Immigration and Nationality Act notwithstanding any such ground of inadmissibility.

§ 212.9 *Parole of aliens into the United States.* Subject to the provisions of section 212 (d) (5) of the Immigration and Nationality Act, the district director or the officer in charge having administrative jurisdiction over the port of entry may, in his discretion, parole into the United States at such port, under such terms and conditions, including the exaction of a bond on Form I–324, as such officer shall deem appropriate. The district director or officer in charge shall determine when, in his opinion, the purpose of the parole shall have been served so that such paroled alien shall return or be returned to the custody from which he was paroled in accordance with section 212 (d) (5) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 212.11 *Nonresident alien's border crossing identification card*—(a) *Form.* For the purposes of section 212 (a) (26) of the Immigration and Nationality Act and this part, Form I–186 (Nonresident Alien's Border Crossing Identification Card) shall be accepted as a nonresident alien's border crossing card when it is in the possession of and presented by the rightful holder thereof during the period of its validity.

(b) *Use.* The rightful holder of a valid nonresident alien's border crossing identification card may present such card in lieu of a nonimmigrant visa, if such visa is required, when arriving direct from Canada or Mexico and applying for admission to the United States at any land or water port of entry or an international airport in the continental United States or Alaska. The presentation of such card shall not otherwise relieve the holder from establishing his admissibility to the United States under the applicable provisions of the Immigration and Nationality Act.

(c) *Form I–186; who may apply.* A nonresident alien's border crossing identification card may be issued to any alien who, upon application therefor, (1) submits satisfactory evidence that he is a Canadian citizen or a British subject residing in Canada, or a native-born citizen of Mexico residing therein, (2) presents a valid unexpired passport required of nonimmigrants, unless a passport is not required to be presented under the provisions of this part, (3) desires temporary admission into the continental United States for a period or periods of not more than 72 hours each, and (4) is admissible to the United States: *Provided, however,* That no such card shall be issued unless the applicant is known or shown to be a person who has complied fully with all provisions applicable to him of laws, regulations, Executive orders, or other governmental requirements regulating the entry of aliens to the United States: *And provided further,* That such card may be issued to an applicant who desires temporary admission into the United States for more than 72 hours if such applicant desires such card to facilitate admission and is (1) a citizen of and has his residence in, Canada, and is entitled under § 212.3 (a) to enter the United States for less than six months without presenting a visa, border crossing identification card, or passport, or (2) a British subject having his residence in Canada, and entitled under § 212.3 (b) to enter the United States for less than 30 days without presenting a visa, border crossing identification card, or passport.

(d) *Application.* Application for a nonresident alien's border crossing identification card shall be made on Form I–190 at any office of the Service located at any land or water port of entry or international airport in the continental United States or Alaska or at any office of the Service located in Canada. The applicant shall appear in person, shall execute his application under oath before an immigration officer, and shall be fingerprinted. The applicant shall furnish a photograph prepared in accordance with the provisions of Part 10 of this chapter. If, because of unusual circumstances, it would be a hardship for the applicant to obtain a photograph, the officer considering the application may, in his discretion, waive the furnishing of such photograph.

(e) *Disposition of application.* If the applicant is found to have the qualifications specified in paragraph (c) of this section, the identification card shall be issued to him by the examining immigration officer. Entries on the card shall be made by typewriter, if practicable, or in ink. The applicant shall sign his full name on the card in ink, unless unable to sign his name. The applicant's photograph shall be fastened on the card unless the furnishing of the photograph is waived, in which case the print of his right index finger shall be placed on the card in lieu of his photograph. The card shall be valid for an initial period of two years, unless in the discretion of the issuing officer a shorter period of validity is desired because of special circumstances. The period of validity shall be noted on the card and on the application. The issuing officer may, in his discretion or upon direction of his superior officer, issue the card subject to such conditions as appear to be proper under the circumstances and such conditions shall be noted on the card and on the application. The identification card shall be delivered to the applicant on his personal appearance at the office where the application is filed, except that when justified by unusual circumstances, the card may be delivered to him by mail prior to his application for admission to the United States. If the examining immigration officer, in his discretion, determines that a nonresident alien border crossing card should not be issued, he shall deny the application. No appeal shall lie from a denial of the application but such denial shall be without prejudice to the alien's applying for admission to the United States under applicable provisions of the Immigration and Nationality Act.

(f) *Extension.* The rightful holder of a nonresident alien's border crossing identification card issued for a fixed period who meets the eligibility requirements of paragraph (c) of this section may, during the period of the validity of such card, apply for an extension of such period, or, if the period of validity has expired, may apply for a revalidation of such card. In no event shall such card be extended or revalidated beyond a date six years from the date of its original issuance.

(g) *Surrender.* Any nonresident alien's border crossing identification card issued prior to November 14, 1941, which comes to the attention of an officer of the Service shall be surrendered by the holder and returned to the original issuing office. Any nonresident alien's border crossing identification card issued by the Service which is presented by a person who does not have the qualifications set forth in paragraph (c) of this section, or any nonresident alien's border crossing identification card which is presented by a person who is making improper use of the card, or who is not the rightful holder thereof, shall be surrendered by the holder and returned to the original issuing office, with a report of the reasons therefor: *Provided, however,* That no card shall be required to be surrendered if found in the possession of an alien applying for admission to the United States unless and until the holder has been excluded by a special inquiry officer. If a nonresident's border crossing identification card issued by the Service has been lost, mutilated, or destroyed, the person to whom such card was issued may make an application for a new card in accordance with the provisions of this section, and in such case shall attach the mutilated card to his application for return to the office of issuance.

§ 212.61 *Application for consent to reapply*—(a) *Form.* An application for consent to reapply for admission to the United States shall be submitted on Form I–212. In stating the reasons for his desire to enter the United States, the applicant shall include a statement of facts establishing whether:

(1) Unusual hardship would result to persons lawfully in the United States if the application should be denied.

(2) There is need for the services of the applicant in the United States.

(3) The applicant is a bona fide crewman who has no means of earning his livelihood other than by pursuing such calling which necessitates his coming to the United States.

(4) It is necessary for the applicant to enter the United States frequently across the international land border to purchase the necessities of life, or in connection with the business in which he is engaged, or for some other urgent reason.

(b) *Disposition.* The district director receiving an application for consent to reapply for admission may, in his discretion, grant or deny such application. He shall note his decision on the application and, if the application is denied, the reason for its denial. The applicant shall be given written notice of the decision. The decision shall be final except that an appeal therefrom may be taken by the applicant to the Assistant Commissioner, Inspections and Examinations Division, within 10 days from receipt of notification of decision, in accordance with the provisions of Part 7 of this chapter.

§ 212.71 *Application for permission to reenter the United States*—(a) *Form and execution.* An application for the advance exercise of discretion under the provisions of section 212 (c) of the Immigration and Nationality Act shall be submitted on Form I–191, and shall be executed under oath by the applicant. If the applicant is mentally incompetent, the application shall be executed by his parent or guardian. If the applicant is not in the United States, the application shall be executed before a consular officer in accordance with applicable consular regulations.

(b) *Where filed.* The application shall be filed with the district director or the officer in charge having administrative jurisdiction over the applicant's place of residence in the United States.

§ 212.72 *Disposition of application*—(a) *Action by officer with whom application is filed.* The officer with whom the application referred to in § 212.17 is filed shall cause such investigation to be conducted as he deems necessary for the proper disposition of the application. If such investigation is made by an office of the Service other than a district office, the application and all pertinent papers shall upon completion of the investigation be forwarded to the district director having administrative jurisdiction over the office in which the application was filed, with the recommendation of the officer in charge.

(b) *Action by the district director.* The district director may, in his discretion, grant or deny the application. The applicant shall be given written notice of the decision, and if the application is denied of the reasons therefor and of his right to appeal to the Board in accordance with the provisions of Part 6 of this chapter within 10 days from the receipt of notification of such decision.

(c) *Conditions on which application is granted.* If the application is granted, it shall be under such terms and conditions, including exaction of bond, as may be deemed appropriate by the district director or the Board, whichever grants the application.

§ 212.81 *Application for temporary admission of nonimmigrants*—(a) *Form and execution.* An application for the advance exercise of discretion under the provisions of section 212 (d) (3) shall, except as hereinafter provided, be submitted on Form I–192, and shall be executed under oath before a consular officer in accordance with applicable consular regulations. When Form I–192 is not readily available and the case is one of unforseen emergency, the application shall be in writing and shall contain all the information required by such form. Whenever it is impracticable for an applicant to execute the application, it may be executed by his parent, guardian, attorney or representative, and in such cases, the application need not be under oath and need not be executed before a consular officer.

(b) *Filing of application.* If an applicant for the benefits of section 212 (d) (3) of the Immigration and Nationality Act is not in possession of a nonimmigrant visa and is not exempt from the presentation of such visa, the application shall be filed with the consular officer before whom the alien is required to apply for his nonimmigrant visa. In all other cases, the application shall be filed with the Assistant Commissioner, Inspections and Examinations Division.

(c) *Disposition of application.* If the Secretary of State or the consular officer recommends that an alien be admitted temporarily to the United States despite his inadmissibility, the application shall be forwarded with such recommendation to the Assistant Commissioner, Inspections and Examinations Division, who, in his discretion, may grant or deny the application. The Assistant Commissioner, Inspections and Examinations Division, may also, in his discretion, grant or deny any application which is authorized by this part to be filed directly with him. The applicant and the Secretary of State shall be given written notice of the decision. If the application is denied, the applicant shall also be informed of the reasons therefor and of the right of the alien to appeal to the Board in accordance with the provisions of Part 6 of this chapter, within ten days from the receipt of notification of such decision. If the application is granted initially or on appeal, it shall be under such terms and conditions, including exaction of bond on Form I–331, I–332 or I–337 as the Assistant Commissioner, Inspections and Examinations Division, or the Board, when granting the application, deems appropriate.

§ 212.91 *Return of paroled alien.* If the district director or officer in charge who has paroled an alien into the United States in accordance with § 212.9 determines that the purpose of the parole has been served, the paroled alien shall be taken into custody by an immigration officer under the order of such district director or officer in charge and returned forthwith to the custody from which such alien was paroled.

PART 212a—ADMISSION OF CERTAIN ALIENS TO PERFORM SKILLED OR UNSKILLED LABOR

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
212a.1 Aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor; application for permission to enter United States.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

212a.11 Application.
212a.12 Disposition of application.

AUTHORITY: §§ 212a.1 to 212a.12 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 203, 212, 66 Stat. 166, 178, 183.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 212a.1 *Aliens seeking to enter the United States for the purpose of performing skilled or unskilled labor; application for permission to enter United States.* An alien of any of the classes described in section 101 (a) (27) (C), (D), or (E), of the Immigration and Nationality Act, and any alien described in the non-preference category of section 203 (a) (4) of that Act, who is ineligible to receive an immigrant visa and is subject to exclusion from the United States under section 212 (a) (14) of that Act may apply, or the person, institution, firm, organization or governmental agency for whom the alien will perform skilled or unskilled labor may apply in his behalf, for permission for such alien to enter the United States under the authority contained in section 212 (a) (14) of the Immigration and Nationality Act notwithstanding such ground of inadmissibility.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 212a.11 *Application*—(a) *Form.* An application for permission to enter the United States pursuant to this part and section 212 (a) (14) of the Immigration and Nationality Act shall be submitted in duplicate on Form I–129C. The application, properly executed, shall be filed at the office of the Service nearest the applicant's residence or principal operating office in the United States if he is a person other than the prospective immigrant. If the person filing this application is the prospective immigrant, he shall transmit the completed application directly to the Commissioner who shall transmit the application to the district director having administrative jurisdiction over the place in the United States wherein the applicant intends to reside as shown in the application.

(b) *Documents in support of application.* Applicants shall comply with the following requirements:

(1) If a trade organization, guild, professional society, educational or research institution, is active in the field of the work, labor or services in which the prospective immigrant is to be employed or engaged, the applicant shall request

from such organization, by registered mail return receipt requested, a written statement indicating whether such organization can supply persons capable of performing the work, labor or services which are to be performed by the prospective immigrant. The request to such organization for such statement shall set forth a description of the position sought to be filled and the terms, conditions, and place of employment. A copy of the request and reply shall be attached to the application. In the event no reply is received to such request, a copy of the letter sent to such organization and the receipt returned by the Post Office Department showing that the letter was delivered, shall be attached to the application.

(2) The applicant shall attach to the application affidavits of persons having special knowledge or information in the field of work, labor or services which the prospective immigrant is to perform, indicating the approximate length of time required for a person to become skilled or proficient in the performance of such work, labor, or services.

(3) If the applicant is not the prospective immigrant, he shall attach to the application as a part thereof, a statement of efforts made by him or in his behalf to secure persons in the United States to perform the work, labor or services to be performed by the prospective immigrant, including clippings of any advertisements placed in newspapers, trade journals, professional and similar publications in the field of such work, labor or services and copies of all correspondence, reports, replies, and responses received or obtained as a result of such advertisement. If no such reply, response, or report was received, the applicant shall so indicate.

(4) The applicant shall attach to the application as a part thereof, a statement setting forth a full, complete, and detailed analysis establishing in what manner the services of the prospective immigrant will be substantially beneficial prospectively to the national economy, cultural interest or welfare of the United States.

(5) The applicant shall attach to the application as a part thereof, a full, complete, and detailed description of the services to be performed by the prospective immigrant in the United States.

(6) The applicant shall attach to the application as a part thereof a full, complete, and detailed description of the high education, technical training, specialized experience, or exceptional ability of the prospective immigrant on the basis of which the prospective immigrant's services are alleged to be urgently required in the United States. Statements with respect to high education or technical training of the prospective immigrant shall be supported by original, certified, or photographic copies of diplomas, school certificates, or equivalent documents or affidavits attesting to such education or technical training executed by the person in charge of the records of the educational or other institution, firm, or establishment wherein such education or training was acquired, improved, or perfected. Statements with respect to specialized experience or exceptional ability of the prospective immigrant shall be supported by affidavits attesting to and describing the degree and extent of the immigrant's special experience or ability, executed by the appropriate officer of the firms, organizations, establishments, or other institutions wherein such special experience or ability was acquired, improved, or perfected.

§ 212a.12 *Disposition of application*—(a) *Investigation.* The district director or officer in charge having administrative jurisdiction over the office receiving an application shall, if the application is properly executed and adequately supported by documentary evidence, cause such investigation to be conducted as he deems necessary to the proper disposition of the application. If the investigation is made in an office of the Service other than a district office, the application and all accompanying papers shall, upon completion of such investigation, be forwarded to the district director having administrative jurisdiction over the office that made the investigation with a report and transcript of the investigation and the recommendation of the officer in charge.

(b) *Action by district director.* If the district director receiving an application either directly from the person filing the application or from the officer in charge is satisfied that the application should be approved he shall approve the application and note his decision thereon. If the district director is not satisfied that the application should be approved he shall disapprove the application and note his decision thereon. The applicant shall be informed of the decision and, if the application is disapproved, of the reasons therefor, and of his right to appeal to the Assistant Commissioner, Inspections and Examinations Division within 10 days from receipt of notification of decision.

PART 213—ADMISSION OF ALIENS ON GIVING BOND OR CASH DEPOSIT

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
213.1 Authority to admit under bond or cash deposit.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

213.11 Form of public charge bond.

AUTHORITY: §§ 213.1 and 213.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 213, 235, 66 Stat. 188, 198.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 213.1 *Authority to admit under bond or cash deposit.* An alien who applies for admission to the United States for permanent residence whose case is referred to the district director or officer in charge having administrative jurisdiction over the place where the examination for admission is being conducted, as provided in § 235.12 of this chapter, may be admitted to the United States in the discretion of such officer upon the furnishing of a bond on Form I–354 in the sum of not less than $1,000, or, in lieu of such bond, upon depositing cash in the sum of not less than $1,000 for the same purposes and subject to the same conditions as those set forth in Form I–354. If such officer does not so admit the alien, the special inquiry officer to whom the case is referred, as provided in § 235.12 of this chapter may, in his discretion, admit the alien upon the furnishing of bond or the depositing of cash as aforesaid.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 213.11 *Form of public charge bond.* All bonds, and all agreements covering cash deposits, given as a condition of admission of an alien under section 213 of the Immigration and Nationality Act shall be executed on Form I–354. If cash is deposited, the depositor shall give his power of attorney and agreement on Form I–304, authorizing the officers designated thereon to collect, assign, or transfer such deposit, in whole or in part, in case any of the conditions of the bond are violated; and the officer accepting such deposit shall give his receipt therefor on Form I–305.

PART 214—ADMISSION OF NONIMMIGRANTS: GENERAL

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214.1 Time for which nonimmigrants may be admitted.
214.2 Conditions of nonimmigrant status.
214.3 Bonds.
214.4 Extension of period of temporary admission.
214.5 Change of status as affecting period of admission.
214.6 Limitation.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

214.31 Bonds; referral of case by examining officer.
214.41 Extension of period of admission.

AUTHORITY: §§ 214.1 to 214.41 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 3, 4, 43 Stat. 154, as amended, 155 as amended, secs. 501–508, 65 Stat. 119–121, secs. 101, 102, 212, 214, 235, 66 Stat. 166, 173, 182, 189, 198; 8 U. S. C. 203, 204, 7 U. S. C., Sup., 1461–1468.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214.1 *Time for which nonimmigrants may be admitted.* The maximum period for which a nonimmigrant may be admitted initially to the United States shall be whatever period the admitting officer deems appropriate to accomplish the intended purpose of the alien's temporary stay in the United States, except that

(a) In no event shall such period exceed any limit fixed by any of the other provisions of this chapter relating to particular nonimmigrant classes; and

(b) Except as provided in section 102 of the Immigration and Nationality Act, such period shall be subject to the provisions of section 212 (a) (26) of the Immigration and Nationality Act in the case of a nonimmigrant required to present a passport; and

(c) A nonimmigrant admitted to the United States upon a waiver of the passport requirement, shall not be admitted beyond a date six months prior to the end of the period during which he will be eligible for readmission to the country whence he came or for admission to some other country.

§ 214.2 *Conditions of nonimmigrant status.* An alien found admissible as a nonimmigrant under the Immigration and Nationality Act shall be admitted to the United States, and an alien after admission to the United States as a nonimmigrant or after acquisition of a nonimmigrant status under the Immigration and Nationality Act or any prior act shall be permitted to remain in the United States only upon the following conditions:

(a) That while in the United States he will maintain the particular nonimmigrant status under which he was admitted or such other status as he may acquire in accordance with the provisions of the Immigration and Nationality Act or which he may have acquired in accordance with the provisions of any prior law.

(b) That he will depart from the United States within the period of his admission or any authorized extension thereof.

(c) That while in the United States he will not engage in any employment or activity inconsistent with and not essential to the status under which he is in the United States unless such employment or activity has first been authorized by the district director or the officer in charge having administrative jurisdiction over the alien's place of temporary residence in the United States.

(d) That he will not remain in the United States beyond a date six months, or in the case of a nonimmigrant admitted prior to the effective date of the Immigration and Nationality Act, two months, prior to the end of the period during which he will be eligible for readmission to the country whence he came or for admission to some other country, as evidenced by a valid passport or other travel document.

(e) That he will fulfill such other conditions as the admitting immigration officer, in his discretion, may impose or may have imposed to insure that he will depart from the United States at the expiration of the time for which he was admitted, and that he will maintain the status under which he was admitted or which he may have lawfully acquired subsequent to his admission.

§ 214.3 *Bonds.* Except as may be otherwise specifically provided by the Immigration and Nationality Act and by any provisions of this chapter relating to particular classes of nonimmigrants, in the discretion of the district director or the officer in charge having administrative jurisdiction over the port of entry or the special inquiry officer, or, pursuant to an order entered on appeal from the decision of a special inquiry officer, an alien applying for admission to the United States as a nonimmigrant may be required to post a bond in the sum of not less than $500 as a condition precedent to his admission to the United States to insure that he will depart from the United States at the expiration of the time for which he is admitted and that he will maintain the status under which he is admitted or which he may subsequently acquire under the Immigration and Nationality Act: *Provided*, That no such bond shall be required as a condition to the admission of any alien within the classes described in section 102 of the Immigration and Nationality Act. Bond shall be furnished on such form as is prescribed for the particular nonimmigrant classification under which the alien seeks to enter the United States.

§ 214.4 *Extension of period of temporary admission.* An alien other than one admitted in transit under section 101 (a) (15) (C) of the Immigration and Nationality Act or section 3 (3) of the Immigration Act of 1924, who is maintaining the nonimmigrant status under which he is permitted to remain in the United States and whose period of admission has not expired, may apply for and may be granted an extension or extensions of the period of his temporary admission, subject to the following limitations and conditions:

(a) All extensions shall be subject to the time limitations specified in § 214.1.

(b) The alien shall establish that he has fulfilled, and agrees that he will continue to fulfill, all the conditions set forth in § 214.2 and such other conditions as may be imposed as conditions precedent to the granting of the extension, including, in the case of an alien admitted as a nonimmigrant or as a nonquota immigrant student prior to December 24, 1952, the condition that he shall present with his application for the extension a passport or other travel document valid for his readmission to the country whence he came or to some other country for six months after expiration of the period for which the extension is requested.

(c) If the initial admission was for 29 days or less, an extension may be granted only in emergent or other extraordinary cases.

(d) In any case in which the grant of the extension would authorize the alien to remain in the United States for a period not exceeding one year after arrival, the officer deciding the application may in his discretion, require as a condition precedent to the granting of the extension that the alien furnish bond or to continue to furnish bond or to furnish bond in different sum, on the form and for the purposes stated in § 214.3.

(e) No extension which will authorize the alien to remain in the United States for a period exceeding one year after arrival shall be granted unless there has been furnished, or is furnished, a bond on the form, for the purposes, and in the sum provided in § 214.3: *Provided*, That a district director may authorize the granting of such extension without bond or with bond in less sum.

(f) Such other conditions and limitations as are prescribed by provisions of this chapter relating to particular classes of nonimmigrants.

(g) A nonimmigrant alien crewman shall not be granted any extension which would permit him to remain in the United States for more than 29 days from the date of his initial temporary landing.

§ 214.5 *Change of status as affecting period of admission.* An alien admitted to the United States under the Immigration and Nationality Act or any prior act as a nonimmigrant, whose status is subsequently changed in accordance with the provisions of the Immigration and Nationality Act, shall be permitted to remain in the United States for such period of time as shall have been fixed in the decision changing his status or any authorized extension thereof, in no event to exceed the time he continues to maintain the status so acquired.

§ 214.6 *Limitation.* The provisions of this part shall not be applicable to a nonimmigrant agricultural worker applying for admission, or admitted, to the United States in accordance with the provisions of Title V of the Agricultural Act of 1949, as amended. The case of such alien shall be governed by the provisions of Part 475 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 214.31 *Bonds; referral of case by examining officer.* If the examining immigration officer is satisfied that an alien would be admissible to the United States as a nonimmigrant provided a bond was furnished in accordance with the provisions of § 214.3, he shall refer the case to the district director or the officer in charge having administrative jurisdiction over the port of entry. If the district director or officer in charge is satisfied that the alien would be admissible provided such bond were furnished, he may admit the alien upon the furnishing of such bond. If the district director or the officer in charge is not so satisfied or if the bond is not furnished when required, the case of the alien shall be disposed of as provided in section 235 of the Immigration and Nationality Act.

§ 214.41 *Extension of period of admission*—(a) *Form of application; place and time of filing; accompanying documents; fee.* Application by an alien for an extension of the period of temporary admission shall be made on Form I–539. The application shall be submitted as soon as the alien is aware that he will not be able to complete the purpose of his temporary stay within the period for which he has been authorized to remain in the United States, but not less than 15 nor more than 30 days prior to the end of such period, unless the district director or officer in charge authorizes the filing of an application at an earlier date. The application shall be accompanied by the applicant's passport, any Form 257a or Form I–94C issued to him at the time of his admission to the United States or at the time of any prior extension, any fee required by Part 2 of this chapter, and such other documents as may be required by provisions of this chapter relating to particular nonimmigrant classifications.

(b) *Disposition of application.* The district director or the officer in charge receiving an application for an extension of temporary admission shall cause such investigation to be made as he deems necessary to the proper disposition of the application. He may, in his discretion and subject to the provisions of § 214.4, grant or deny such application or may grant such application upon such terms

and conditions, including the furnishing of bond, as he may deem appropriate. No appeal shall lie from his decision. If the application is granted, the officer granting the application shall note on the application form and the Form 257a or Form I–94C submitted by the applicant or prepared for him as provided in § 221.3 (c) of this chapter the date to which the alien is permitted to remain in the United States and any additional conditions which may have been imposed as conditions precedent to the granting of the application. If the application is denied, the officer denying it shall note on the application form and such Form 257a or Form I–94C the fact of such denial. Notwithstanding any of the provisions of this paragraph, the Assistant Commissioner, Inspections and Examinations Division, may require any classes of cases or individual cases to be submitted to him for initial decision. No appeal shall lie from the decision of the Assistant Commissioner.

(c) *Notice of decision.* The Form 257a or Form I–94C shall after decision be sent to the applicant together with any passport submitted by him and shall constitute notice to the applicant of the decision in the case. If the application is denied, the applicant shall also be informed that his departure from the United States is required within the period determined by the officer making the decision.

PART 214a—ADMISSION OF NONIMMIGRANTS: FOREIGN GOVERNMENT OFFICIAL

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214a.1 Acceptance of classification.
214a.2 Limitation as to time for which alien may be admitted.
214a.3 Bond.
214a.4 Failure to maintain status.
214a.5 Additional documents required in support of application for an extension of temporary stay.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 214a.1 to 214a.5 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 3, 43 Stat. 154, as amended, secs. 101, 214, 235, 66 Stat. 166, 189, 198; 8 U. S. C. 203.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214a.1 *Acceptance of classification.* Whenever an alien who applies for admission to the United States as a nonimmigrant of one of the classes described in section 101 (a) (15) (A) of the Immigration and Nationality Act presents to the examining immigration officer at a port of entry in the United States a valid unexpired nonimmigrant visa duly issued to him by a consular officer under such classification, the immigration officer shall accept the consular officer's classification of the alien and admit the alien, if he is otherwise admissible to the United States, unless specifically directed to the contrary by the Assistant Commissioner, Inspections and Examinations Division, after consultation with the Department of State, in which event, the examining immigration officer shall take further action as provided in section 235 of the Immigration and Nationality Act. For the purposes of this part, the term "immediate family" as used in section 101 (a) (15) (A) of the Immigration and Nationality Act means aliens who are closely related to the principal alien by blood, marriage, or adoption, and who reside regularly in the household of the principal alien.

§ 214a.2 *Limitation as to time for which alien may be admitted.* The period of an alien's admission to the United States as a nonimmigrant of the class described in section 101 (a) (15) (A) (i) or (ii) of the Immigration and Nationality Act shall not exceed such time as the Secretary of State continues to recognize him as a member of such class. An alien of the class described in clause (iii) of section 101 (a) (15) (A) of the Immigration and Nationality Act shall not be admitted initially to the United States for more than one year.

§ 214a.3 *Bond.* Nonimmigrants of the class described in section 101 (a) (15) (A) (iii) of the Immigration and Nationality Act who are required to furnish bond under § 214.3 or § 214.4 of this chapter shall do so on Form I–325.

§ 214a.4 *Failure to maintain status.* At such time as any official or employee described in clause (i) or clause (ii) of section 101 (a) (15) (A) of the Immigration and Nationality Act, or any official of a foreign government as described in section 3 (1) of the Immigration Act of 1924, as amended, is ineligible under the Immigration and Nationality Act and this chapter to remain in the United States in the status of such official or employee, any alien member of the immediate family of such official or employee, any attendant, servant, or personal employee of any such official or employee, and any member of the immediate family of such attendant, servant, or personal employee who has nonimmigrant status pursuant to section 101 (a) (15) (A) of the Immigration and Nationality Act or section 3 (1) of the Immigration Act of 1924, as amended, shall be regarded as having failed to maintain such status. This section shall not be construed as setting forth the sole ground on which the persons herein described may be regarded as having failed to maintain such status.

§ 214a.5 *Additional documents required in support of application for an extension of temporary stay.* An alien having the status of a nonimmigrant of the class described in section 101 (a) (15) (A) (iii) of the Immigration and Nationality Act or having the status of an attendant, servant, or personal employee of any official of a foreign government pursuant to the provisions of section 3 (1) of the Immigration Act of 1924, as amended, who applies for an extension of his temporary stay in such status shall attach to his application a written statement from the employing foreign government official describing the current and intended employment of the alien.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 214b—ADMISSION OF NONIMMIGRANTS: TEMPORARY VISITOR FOR BUSINESS OR PLEASURE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214b.1 Limitation as to time for which temporary visitors may be admitted.
214b.2 Bonds.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 214b.1 and 214b.2 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 214, 66 Stat. 166, 189.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214b.1 *Limitation as to time for which temporary visitors may be admitted.* An alien admitted to the United States as a nonimmigrant of the class described in section 101 (a) (15) (B) of the Immigration and Nationality Act shall be admitted initially for a period not to exceed six months unless such alien intends to sojourn in the United States in more than one immigration district, in which event the period of initial admission shall not exceed three months.

§ 214b.2 *Bonds.* Nonimmigrants of the class described in section 101 (a) (15) (B) of the Immigration and Nationality Act who are required to furnish bond shall do so on Form I–337 or Form I–317, as the admitting officer shall determine.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 214c—ADMISSION OF NONIMMIGRANTS: TRANSIT ALIENS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214c.1 Special prerequisites for admission.
214c.2 Limitation as to time for which transit aliens may be admitted.
214c.3 Bonds.
214c.4 Special conditions of admission.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 214c.1 to 214c.4 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 214, 66 Stat. 166, 189.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214c.1 *Special prerequisites for admission.* An alien applying for admission to the United States as a nonimmigrant in immediate and continuous transit through the United States under section 101 (a) (15) (C) of the Immigration and Nationality Act shall not be eligible for admission to the United States in such nonimmigrant classification unless:

(a) He has arranged for transportation to the country of his destination and is also in possession of sufficient funds to enable him to carry out the purpose of his transit journey through the United States or has such funds available to him in the United States, and

(b) He is in possession of a valid visa or other form of valid authority assuring his entry into the country of his destination if he is destined to a country other than the one from which he came.

§ 214c.2 *Limitation as to time for which transit aliens may be admitted.* An alien admitted to the United States as a nonimmigrant of the classes described in section 101 (a) (15) (C) of the Immigration and Nationality Act shall be admitted for a period of time fixed by the admitting officer, not to exceed 29 days.

§ 214c.3 *Bonds.* Nonimmigrants of the classes described in section 101 (a) (15) (C) of the Immigration and Nationality Act who are required to furnish bond under § 214.3 or § 214.4 of this chapter shall do so on Form I–336 unless they are within the terms of a bond furnished in accordance with the provisions of § 238.3 of this chapter: *Provided,* That the district director or the officer in charge having administrative jurisdiction over the port of entry, may in his discretion, in lieu of bond on Form I–336, require that the alien be accompanied while in transit by such number of immigration officers, guards, or attendants as will insure the alien's passage through and out of the United States without unnecessary delay, and that the expenses of such accompanying persons, including the cost of their transportation from the port of arrival to the port of departure and return, be borne by or on behalf of the alien or by the transportation line which brought the alien to the United States, which expenses shall include the cost of transportation of the accompanying persons from the port of arrival to the port of departure and return.

§ 214c.4 *Special conditions of admission.* An alien of the class described in section 101 (a) (15) (C) of the Immigration and Nationality Act whose nonimmigrant visa by its own terms is limited to transit to and from the United Nations Headquarters District, if otherwise admissible under the immigration laws, shall be admitted on the following additional conditions:

(a) That such alien shall proceed directly to New York City and shall remain continuously in that city during his sojourn in the United States, departing therefrom only if required in connection with his departure from the United States.

(b) That such alien shall be in possession of a valid visa or other form of valid authority assuring his entry into the country whence he came or to some other foreign country following his sojourn in the United Nations Headquarters District.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 214d—ADMISSION OF NONIMMIGRANTS; CREWMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214d.1 Applicable provisions.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214d.1 *Applicable provisions.* The provisions of Parts 252 and 253 of this chapter shall control and govern the landing of crewmen as nonimmigrants of the class described in section 101 (a) (15) (D) of the Immigration and Nationality Act.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 101, 214, 66 Stat. 166, 189)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 214e—ADMISSION OF NONIMMIGRANTS: TREATY TRADER

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214e.1 Definitions.
214e.2 Limitations on time for which admitted.
214e.3 Bond.
214e.4 Failure to maintain status.
214e.5 Additional documents required in support of application for an extension of temporary admission.
214e.6 Trader and dependents admitted under Immigration Act of 1924.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

214e.61 Maintenance of status report.

AUTHORITY: §§ 214e.1 to 214e.61 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 3, 10, 43 Stat. 154, as amended, 158, as amended, secs. 101, 214, 223, 66 Stat. 166, 189, 194; 8 U. S. C. 203, 210.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214e.1 *Definitions.* As used in this part, the term:

(a) "Trader" means (1) an alien admitted to the United States under the provisions of section 101 (a) (15) (E) of the Immigration and Nationality Act; or (2) an alien admitted to the United States under the provisions of section 3 (6) of the Immigration Act of 1924; or (3) an alien who after admission lawfully acquires a status under clause (1) or (2) of this paragraph; or (4) an alien who is readmitted to the United States on the basis of a re-entry permit lawfully issued under the provisions of paragraphs (a) (2) and (b) of section 223 of the Immigration and Nationality Act; or (5) an alien who was readmitted to the United States on the basis of a re-entry permit lawfully issued under the provisions of section 10 (g) of the Immigration Act of 1924, as amended.

(b) "Dependent" means a trader's alien spouse or alien child admitted under clause (1), (2), (3), (4), or (5) of paragraph (a) of this section.

§ 214e.2 *Limitations on time for which admitted.* An alien admitted to the United States as a nonimmigrant of the class described in section 101 (a) (15) (E) of the Immigration and Nationality Act shall be admitted for a period of time fixed by the admitting officer.

§ 214e.3 *Bond.* Traders and dependents who are required to furnish bond under § 214.3 or § 214.4 of this chapter shall do so on Form I–338.

§ 214e.4 *Failure to maintain status.* A trader or dependent shall be deemed to have failed to maintain status upon the occurrence of any one of the following events, which are not exclusive as to what shall constitute failure to maintain status:

(a) In the case of a trader:

(1) The termination of the treaty on which the status of trader has been based; or

(2) A change by a trader from the activities specified in clause (i) of section 101 (a) (15) (E) of the Immigration and Nationality Act to the activities specified in clause (ii) of said section or vice versa unless, prior to making such change, he obtains consent to do so from the district director having administrative jurisdiction over the district in which the trader resides.

(b) In the case of a dependent:

(1) When the trader is no longer eligible to remain in the United States as a trader; or

(2) When the trader dies; or

(3) In the case of the dependent spouse, when the marriage to the trader terminates; or

(4) In the case of the dependent child, when such child marries or reaches the 21st anniversary of his birth;

unless at the time of the happening of any such event after the effective date of the Immigration and Nationality Act, the dependent in his own right would be entitled to the status of a nonimmigrant of the class described in section 101 (a) (15) (E) of the Immigration and Nationality Act were he applying for admission to the United States in such status in possession of appropriate documents; or unless at the time of the happening of any such event prior to December 24, 1952, the dependent in his own right at that time would have been entitled to the status of a nonimmigrant of the class described in section 3 (6) of the Immigration Act of 1924 were he applying for admission to United States in such status in possession of appropriate documents. Any such dependent who is entitled to a nonimmigrant status in his own right may be permitted to remain in the United States subject to the provisions of the Immigration and Nationality Act and this part. If a dependent spouse establishes such eligibility, the child of such spouse may also be permitted to remain in the United States subject to the applicable provisions of the Immigration and Nationality Act and this part. The fact that a dependent child establishes such eligibility shall not authorize the parent of such child to remain in the United States.

(c) Failure to submit a maintenance of status report in accordance with § 214e.6.

§ 214e.5 *Additional documents required in support of application for an extension of temporary admission.* A trader or dependent who applies for an extension of temporary admission shall attach to his application a maintenance of status report on Form I–126, properly executed and the supporting documents required by such form.

§ 214e.6 *Trader and dependents admitted under Immigration Act of 1924.* A trader or dependent admitted to the United States under the Immigration Act of 1924 without limitation of time shall make a report annually on the anniversary date of his original admission to the United States to the district direc-

school, institution or place of study is

tion or place of study in writing of his

to recognize him as a member of such

tor or officer in charge having administrative jurisdiction over the place where the alien resides in the United States indicating whether he:

(a) Continues to be eligible for readmission to the country whence he came or for admission to some other country; and

(b) Has fulfilled and will continue to fulfill all the conditions prescribed by § 214.2 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 214e.61 *Maintenance of status report*—(a) *Form.* The maintenance of status report required by § 214e.6 shall be submitted on Form I–126, fully executed, and shall be accompanied by the alien's passport and by any Form 257a or I–94C issued to him at the time of his admission to the United States. All available data specified in Form I–126 shall be furnished by the alien.

(b) *Disposition of report.* After examination of the report and accompanying documents and after making such investigation as may be necessary, the district director or the officer in charge receiving the report shall determine whether the alien is complying with the conditions set forth in § 214.2 of this chapter. The decision of such officer shall be final and no appeal shall lie therefrom. If the alien is found to be complying with such conditions, the district director or the officer in charge shall note on the Form I–126 and on Form 257a or Form I–94C submitted by the alien or prepared for him as provided in § 221.3 (c) of this chapter the words "Status maintained" and the date of such determination. If the alien is found not to be complying with such conditions, such officer shall note on such forms the words "Status not maintained" and the date of such determination.

(c) *Notice of decision.* The Form 257a or Form I–94C shall be sent to the alien together with any passport submitted by him and shall constitute notice of the decision in the case. If the alien is found not to have maintained status, he shall also be informed that his departure from the United States within the time set forth in such notice is required.

PART 214f—ADMISSION OF NONIMMIGRANTS; STUDENTS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
- 214f.1 Special prerequisites for admission.
- 214f.2 Limitation on time for which admitted.
- 214f.3 Bond.
- 214f.4 Employment.
- 214f.5 Petition for approval.
- 214f.6 Approval of certain elementary and high schools.
- 214f.7 Withdrawal of approval.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

- 214f.51 Disposition of petition.
- 214f.71 Withdrawal of approval; procedure.

AUTHORITY: §§ 214f.1 to 214f.71 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 4, 43 Stat. 155, as amended, secs. 101, 214, 66 Stat. 166, 189; 8 U. S. C. 204.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214f.1 *Special prerequisites for admission.* An alien, otherwise admissible to the United States as a nonimmigrant of the class described in section 101 (a) (15) (F) of the Immigration and Nationality Act, shall not be eligible for admission to the United States in such nonimmigrant classification unless he agrees that while in the United States he will not enroll in any institution or place of study other than the one he is authorized to attend without prior consent of the district director having administrative jurisdiction over the place in which is located the institution or place of study the alien is authorized to attend, and unless he establishes that:

(a) He has been accepted by and has definitely arranged to enter an established institution of learning or other recognized place of study in the United States as described in section 101 (a) (15) (F) of the Immigration and Nationality Act;

(b) He seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study in the institution or recognized place of study designated by him and approved pursuant to law;

(c) He will carry a course of studies consisting of a minimum of 12 semester hours or the equivalent thereof if he is an undergraduate student, or consisting of a full program of study of the scope and nature required by such institution or place of study if he is a graduate student or a student at an American institute of research recognized by the Attorney General;

(d) He has sufficient scholastic preparation and knowledge of the English language to enable him to undertake his intended course, as indicated by a written statement from the institution or place of study to which he is to be admitted; and

(e) He is or will be financially able, subject to the provisions of this part, to pursue such course of study.

§ 214f.2 *Limitation on time for which admitted.* An alien may be admitted initially to the United States as a nonimmigrant of the class described in section 101 (a) (15) (F) of the Immigration and Nationality Act for a period not to exceed one year.

§ 214f.3 *Bond.* A nonimmigrant of the class described in section 101 (a) (15) (F) of the Immigration and Nationality Act who is required to furnish a bond under § 214.3 or § 214.4 of this chapter shall do so on Form I–374.

§ 214f.4 *Employment.* (a) An alien admitted as a nonimmigrant of the class described in section 101 (a) (15) (F) of the Immigration and Nationality Act or as a nonquota immigrant of the class described in section 4 (e) of the Immigration Act of 1924 shall not be permitted to work during a school term either for wages or for board or lodging unless he does not have sufficient means to cover his necessary expenses. If such alien wishes to accept employment, he shall, before accepting such employment, apply on Form I–24 to the district director having administrative jurisdiction over the place in which is located the approved institution or place of study attended by the applicant for permission to accept such employment. If such district director is satisfied that the alien is meeting all the conditions and requirements of his status, that he does not have sufficient means to cover his expenses, and that the desired employment will not interfere with his carrying successfully a course of study of the required scope, he may grant permission to the alien to accept such employment.

(b) Whenever employment for practical training is required or recommended by the institution or place of study attended by the applicant, the district director having administrative jurisdiction over the place in which the institution is located may permit employment of the alien for a six-month period subject to extension for not over two additional six-month periods, but any such extension shall be granted only upon certification by the school and the training agency that the practical training cannot be completed in a shorter period of time.

§ 214f.5 *Petition for approval.* Any institution of learning or other recognized place of study desiring the approval required by section 101 (a) (15) (F) of the Immigration and Nationality Act may file with the district director having administrative jurisdiction over the place in which the institution or place of study is located a petition for such approval on Form I–17 executed by the principal officer of such institution or place of study authorized to execute contracts. The district director, after consultation with the Office of Education of the United States, may approve the petition if he is satisfied that the petitioning institution or place of study:

(a) Is a bona fide institution of learning or recognized place of study; and

(b) Possesses the necessary facilities and is otherwise qualified for the instruction of students in recognized courses; and

(c) If it is engaged in the field of secondary education, that it qualifies graduates for acceptance to accredited schools of higher education; or

(d) If it is engaged in the field of higher education, that it

(1) Confers upon its graduates recognized bachelor, master, doctor, professional, or divinity degrees; or

(2) Does not confer such degrees but its credits are recognized by and transferable to an institution or place of study which does confer such degrees; or

(3) Is an American institute of research recognized by the Attorney General.

§ 214f.6 *Approval of certain elementary and high schools.* Any school, institution of learning or place of study located within a district adjacent to the land borders of the United States, which is recognized or accredited for academic study by the United States Office of Education or by the appropriate urban, county or State educational agency, and which agrees to report in writing to the district director having administrative jurisdiction over the place where such school, institution or place of study is located the enrollment and termination of attendance of each nonimmigrant student, shall be regarded as having been approved in accordance with section 101 (a) (15) (F) of the Immigration and Nationality Act up to and including the senior year of high school or its equivalent, for the attendance of nonimmigrant students who have their residence in foreign contiguous territory and who return daily or weekly to such residence.

§ 214f.7 *Withdrawal of approval.* Approval granted under section 101 (a) (15) (F) of the Immigration and Nationality Act or section 4 (e) of the Immigration Act of 1924 to an institution of learning or place of study which fails, neglects, or refuses to comply with all the terms of its agreement or with the provisions of § 214f.5 or § 214f.6, whichever is applicable, and section 101 (a) (15) (F) of the Immigration and Nationality Act may be revoked by the district director having administrative jurisdiction over the place in which such institution or place of study is located.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 214f.51 *Disposition of petition.* A district director receiving a petition may, after consultation with the Office of Education of the United States, approve the petition if he is satisfied that the petition should be approved. If the district director is not so satisfied, he shall deny the petition. The petitioner shall be notified in writing of the decision and, if the petition has been denied, of the reasons therefor and that the petitioner has 10 days from receipt of notification of decision in which it may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter.

§ 214f.71 *Withdrawal of approval; procedure.* Whenever a district director having administrative jurisdiction over the place in which an approved institution of learning or place of study is located has reason to believe that such institution or place of study has failed, neglected, or refused to comply with all the terms of its agreement and with the provisions of § 214f.5 or § 214f.6, whichever is applicable, and section 101 (a) (15) (F) of the Immigration and Nationality Act, he shall cause a notice to be sent to such institution or place of study that it is proposed within 30 days of the delivery of the notice to enter a decision withdrawing the approval previously granted for reasons set forth in the notice. Within such 30-day period the institution or place of study may submit to the district director written representations, under oath and supported by documentary evidence, setting forth reasons why the approval should not be withdrawn. The period within which such representations may be submitted may be extended in the discretion of the district director upon timely request for such extension. After consideration of the facts presented, the district director shall notify the institution or place of study in writing of his decision and, if said decision is to withdraw the approval previously granted, the reasons therefor and that the institution or place of study has 10 days from receipt of notification of decision in which it may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter. If a decision withdrawing approval is made, the officer making such decision shall simultaneously make such provision as he deems appropriate with regard to the case of any alien attending such institution or place of study under section 101 (a) (15) (F) of the Immigration and Nationality Act or section 4 (e) of the Immigration Act of 1924.

PART 214g—ADMISSION OF NONIMMIGRANTS; FOREIGN GOVERNMENT REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
- 214g.1 Acceptance of classification.
- 214g.2 Limitation as to time for which alien may be admitted.
- 214g.3 Bond.
- 214g.4 Failure to maintain status.
- 214g.5 Additional documents required in support of application for an extension of temporary stay.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 214g.1 to 214g.5 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 3, 43 Stat. 154, as amended, secs. 101, 214, 235, 66 Stat. 168, 189, 198; 8 U. S. C. 203.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214g.1 *Acceptance of classification.* Whenever an alien who applies for admission to the United States as a nonimmigrant of one of the classes described in section 101 (a) (15) (G) of the Immigration and Nationality Act presents to the examining immigration officer at a port of entry to the United States a valid unexpired nonimmigrant visa duly issued to him by a consular officer under such classification, the immigration officer shall accept the consular officer's classification of the alien and admit the alien, if he is otherwise admissible to the United States, unless specifically directed to the contrary by the Assistant Commissioner, Inspections and Examinations Division, after consultation with the Department of State, in which event the examining officer shall take further action as provided in section 235 of the Immigration and Nationality Act. For the purposes of this part, the term "immediate family" as used in section 101 (a) (15) (G) of the Immigration and Nationality Act means aliens who are closely related to the principal alien by blood, marriage, or adoption and who reside regularly in the household of the principal alien.

§ 214g.2 *Limitation as to time for which alien may be admitted.* The period of alien's admission to the United States as a nonimmigrant of the class described in section 101 (a) (15) (G) (i), (ii), (iii), or (iv) of the Immigration and Nationality Act shall not exceed such time as the Secretary of State continues to recognize him as a member of such class. An alien of the class described in clause (v) of section 101 (a) (15) (G) of the Immigration and Nationality Act shall not be admitted initially to the United States for more than one year.

§ 214g.3 *Bond.* Nonimmigrants of the class described in section 101 (a) (15) (G) (v) of the Immigration and Nationality Act who are required to furnish bonds under § 214.3 or § 214.4 shall do so on Form I–325.

§ 214g.4 *Failure to maintain status.* At such time as any representative, officer, or employee described in clauses (i) to (iv) inclusive of section 101 (a) (15) (G) of the Immigration and Nationality Act, or any representative, officer, or employee of an international organization as described in section 3 (7) of the Immigration Act of 1924, as amended, is ineligible under the Immigration and Nationality Act and this chapter to remain in the United States in the status of such representative, officer or employee, any alien member of the immediate family of such representative, officer, or employee, any attendant, servant or personal employee of any such representative, officer or employee, and any member of the immediate family of such attendant, servant, or personal employee who has nonimmigrant status pursuant to section 101 (a) (15) (G) of the Immigration and Nationality Act or section 3 (7) of the Immigration Act of 1924, as amended, shall be regarded as having failed to maintain such status. This section shall not be construed as setting forth the sole ground on which the persons herein described may be regarded as having failed to maintain such status.

§ 214g.5 *Additional documents required in support of application for an extension of temporary stay.* An alien having the status of a nonimmigrant of the class described in section 101 (a) (15) (G) (v) of the Immigration and Nationality Act or having the status of an attendant, servant, or personal employee of any representative, officer, or employee of an international organization pursuant to the provisions of section 3 (7) of the Immigration Act of 1924, as amended, who applies for an extension of his temporary stay in such status shall attach to his application a written statement from the representative, officer, or employee of the international organization describing the current and intended employment of the alien.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 214h—ADMISSION OF NONIMMIGRANTS: TEMPORARY SERVICES, LABOR OR TRAINING

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
- 214h.1 Limitation as to time for which alien may be admitted.
- 214h.2 Bond.
- 214h.3 Special prerequisites for admission.
- 214h.4 Petition.
- 214h.5 Additional documents required in support of an application for an extension of temporary admission

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
214h.41 Petition to import.
214h.51 Application for extension of temporary admission; form and procedure.

AUTHORITY: §§ 214h.1 to 214h.51 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 214, 66 Stat. 168, 189.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214h.1 *Limitation as to time for which alien may be admitted.* An alien of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall be admitted to the United States for such period, not to exceed one year, as may be authorized by the district director or the Assistant Commissioner, Inspections and Examinations Division, in granting a petition to import such alien.

§ 214h.2 *Bond.* Nonimmigrants of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act who are required to furnish bonds under § 214.3 or § 214.4 shall do so on Form I–337, or I–320, whichever in the opinion of the district director or the Assistant Commissioner, Inspections and Examinations Division, is appropriate, and shall be in an amount specified by such officer.

§ 214h.3 *Special prerequisites for admission.* An alien of any of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall not be admitted to the United States unless he establishes to the satisfaction of the admitting officer that he is destined in good faith to a petitioner whose petition for such alien's importation has been filed and approved in accordance with the provisions of section 214 (c) of the Immigration and Nationality Act and this part, and that he is entering the United States in good faith to perform the services, labor, or training specified in the petition.

§ 214h.4 *Petition.* The petition required by section 214 (c) of the Immigration and Nationality Act shall be filed under oath in duplicate on Form I–129B.

§ 214h.5 *Additional documents required in support of an application for an extension of temporary admission.* The temporary stay of an alien in the United States as a nonimmigrant of any of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act may be extended on application filed by the employer or trainer of such alien.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 214h.41 *Petition to import—(a) Form and procedure.* A petition to import an alien as a nonimmigrant of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall be submitted by the employer or trainer with such documentary or other evidentiary matter establishing the alien's eligibility for the classification as a nonimmigrant of the classes described in section 101 (a) (15) (H) and, if the alien is to enter under clause (ii) of said section, there shall be attached to, and made a part of, the petition a clearance order bearing a statement from the United States Employment Service, that (i) qualified workers of the kind proposed to be imported are not available within the United States, and (ii) the Employment Service policies have been observed: *Provided*, That a clearance card issued by the Employment Service of the Territory of Guam shall, in the case of a petition to import laborers for employment in Guam, be accepted in lieu of that issued by the United States Employment Service.

(b) *Petition to import more than one alien.* An employer who desires to import more than one alien may file a single petition on Form I–129B and include thereon all of the prospective nonimmigrants provided the prospective nonimmigrants included in any petition are proceeding from the same place of origin and are destined to the United States for the purpose of performing the same type of services.

(c) *Disposition.* The provisions of § 204.11 of this chapter shall govern the disposition of petitions filed under the provisions of this part.

§ 214h.51 *Application for extension of temporary admission; form and procedure.* Application for extension of temporary stay of an alien having a nonimmigrant classification described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall be made in writing by the alien's employer or trainer under oath and shall include a statement describing the current and intended employment or training of the alien and, when originally required by § 214h.41, clearance from the United States Employment Service establishing that the facts which justified the importation of the alien under the Immigration and Nationality Act continue to exist. An employer or trainer who desires an extension of temporary stay for more than one alien may file a single application and include therein all of the nonimmigrants. If more than one nonimmigrant is included on a single application, it shall be regarded as a separate application for each such nonimmigrant for the purposes of Part 2 of this chapter, and a fee in an amount equal to $10 for each such nonimmigrant shall be submitted with the application.

PART 214i—ADMISSION OF NONIMMIGRANTS: REPRESENTATIVES OF INFORMATION MEDIA

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214i.1 Limitation as to time for which alien may be admitted.
214i.2 Bonds.
214i.3 Special conditions of admission.
214i.4 Failure to maintain status.
214i.5 Additional documents required in support of application for an extension of temporary admission.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 214i.1 to 214i.5 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 214, 66 Stat. 168, 189.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214i.1 *Limitation as to time for which alien may be admitted.* An alien admitted to the United States as a nonimmigrant of the class described in section 101 (a) (15) (I) of the Immigration and Nationality Act shall be admitted initially for a period fixed by the admitting officer not to exceed one year.

§ 214i.2 *Bonds.* Nonimmigrants of the class described in section 101 (a) (15) (I) who are required to furnish bond under § 214.3 or § 214.4 of this chapter shall do so on Form I–337.

§ 214i.3 *Special conditions of admission.* A nonimmigrant of the class described in section 101 (a) (15) (I) of the Immigration and Nationality Act shall be admitted to the United States on condition that (a) he will not change the information medium or his employer by which he is accredited unless and until he obtains consent to do so from the district director having administrative jurisdiction over the district in which the alien resides in the United States, and (b) he will depart from the United States at such time as the Secretary of State determines that the reciprocity required by section 101 (a) (15) (I) of the Immigration and Nationality Act has ceased to exist. For the purposes of section 101 (a) (15) (I) and this part, reciprocity shall be deemed to exist when the alien is accredited by a foreign information medium having its home office in a foreign country, the government of which grants similar privileges to representatives of such information medium with home offices in the United States, except that when the information medium is owned, operated, subsidized, or controlled by a foreign government, directly or indirectly, the reciprocity required shall be accorded by such foreign government.

§ 214i.4 *Failure to maintain status.* At such time as an alien of the class described in section 101 (a) (15) (I) of the Immigration and Nationality Act is ineligible under the Act and this chapter to remain in the United States in such status, the members of such alien's family having nonimmigrant status as such under section 101 (a) (15) (I) of the Immigration and Nationality Act shall be regarded as having failed to maintain such status. This section shall not be construed as setting forth the sole ground on which the persons herein described may be regarded as having failed to maintain status.

§ 214i.5 *Additional documents required in support of application for an extension of temporary admission.* An alien admitted to the United States as a nonimmigrant of the class described in section 101 (a) (15) (I) of the Immigration and Nationality Act who applies for an extension of his temporary admission shall attach to his application a statement in writing from his employer establishing that the alien is a representative of a foreign information medium in the United States and setting forth the alien's current and intended activities and the reasons for the extension.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 214j—ADMISSION OF NONIMMIGRANTS: EXCHANGE ALIENS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
214j.1 Definition.
214j.2 Limitation as to time for which alien may be admitted.
214j.3 Bonds.
214j.4 Special condition of admission.
214j.5 Employment.
214j.6 Extension of temporary admission; additional documents required in support of application.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 214j.1 to 214j.6 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 3, 43 Stat. 154, sec. 201, 62 Stat. 7, secs. 101, 214, 248, 402, 66 Stat. 167, 189, 218, 275; 8 U. S. C. 203, 22 U. S. C. 1446, 18 U. S. C. 1546.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 214j.1 *Definition.* As used in this part the term "exchange alien" means (a) an alien admitted to the United States prior to December 24, 1952, pursuant to section 201 of the United States Information and Educational Exchange Act of 1948 as a nonimmigrant under section 3 (2) of the Immigration Act of 1924 or, (b) an alien admitted or seeking admission to the United States pursuant to section 201 of the United States Information and Educational Exchange Act of 1948, as amended, as a nonimmigrant under section 101 (a) (15) of the Immigration and Nationality Act.

§ 214j.2 *Limitation as to time for which alien may be admitted.* An alien applying for admission to the United States as a nonimmigrant under section 201 of the United States Information and Educational Exchange Act of 1948, as amended, whose visa by its own terms indicates that it was issued under that Act, and who is otherwise admissible to the United States, may be admitted for the period specified in a written agreement, commitment, guarantee, or similar paper made or executed by such alien's approved sponsor or intended employer and presented by such alien at the port where he applies for admission to the United States, not to exceed one year.

§ 214j.3 *Bonds.* Exchange aliens shall not be required to furnish bond under § 214.3 or § 214.4 of this chapter.

§ 214j.4 *Special condition of admission.* A nonimmigrant of the class described in this part shall be admitted on the condition that he agrees not to apply for (a) a change of the nonimmigrant status under which he is admitted to any other class or classes of nonimmigrant pursuant to section 248 of the Immigration and Nationality Act, or (b) adjustment of status to that of a permanent resident pursuant to section 245 of said Act.

§ 214j.5 *Employment.* An exchange alien may accept remunerative employment in the United States only if it is consistent with the purpose of the United States Information and Educational Exchange Act of 1948, as amended.

§ 214j.6 *Extension of temporary admission; additional documents required in support of application.* An exchange alien who applies for an extension of his temporary admission shall, in addition to the documents required by § 214.41, submit with his application a statement in writing from his approved sponsor or employer specifying the period of extension desired, the terms of the alien's present and intended work or employment in behalf of his sponsor or employer, and the reasons for the extension.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 221—DISPOSITION OF ENTRY DOCUMENTS OF ALIENS ENTERING OR DEPARTING OTHER THAN AS NONIMMIGRANT CREWMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
221.1 Forms 256a and I–132; presentation of.
221.2 Nonimmigrant visa Forms 257a.
221.3 Form I–94.
221.4 Form I–419; disposition.
221.5 Immigrants; surrender of documents upon departure.
221.6 Form I–95A; surrender by alien departing other than as a crewman.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 221.1 to 221.6 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 214, 221, 231, 238, 252, 289, 66 Stat. 189, 191, 195, 203, 220, 234.

CROSS REFERENCE: For disposition of entry documents of alien crewmen see Parts 251 and 252 of this chapter.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 221.1 *Forms 256a and I–132; presentation of.* An alien applying for admission to the United States for permanent residence who is in possession of a Form 256a or Form I–132 shall present such form to the examining immigration officer.

§ 221.2 *Nonimmigrant visa Forms 257a—(a) Action at time of entry.* An alien applying for admission to the United States who is in possession of a set of Forms 257 shall surrender such forms to the examining immigration officer. If the alien is admitted, the Form 257a shall be noted to show the data as to the admission and returned to the alien by the admitting officer.

(b) *Action at time of departure.* Except as specifically provided in this paragraph, an alien admitted upon presentation of a set of Forms 257, shall, at the time of his departure from the United States, surrender the Form 257a in his possession to the representative of the transportation company as provided in §§ 231.31 (a) and 231.42 (a) of this chapter; or, if those sections do not apply and the alien is departing to Canada, to the Canadian Immigration Officer for delivery to the appropriate United States Immigration Officer; or in any other case to the United States Immigration Officer at the port of departure. The Form 257a need not be surrendered:

(1) Until the departure from the United States of the last of the persons named thereon, if more than one person is included on the same Form 257a and all persons named thereon do not depart from the United States at the same time or at the same port;

(2) By any alien (including a citizen or resident of Mexico) who, during his temporary visit in the United States proceeds to Mexico for a visit of not more than 30 days, after which visit he intends to reenter the United States for the remainder of the period of his original temporary admission;

(3) By an alien departing as a cruise passenger as defined in § 231.1 (c) of this chapter;

(4) In any other case in which the Commissioner has instructed immigration officers to waive or defer the surrender of such form.

(c) *Return of Form 257a to alien.* If the Form 257a surrendered by an alien at the time of his departure from the United States bears a passport visa valid for more than one entry to the United States and with enough of the period of validity remaining to enable the alien to use the visa for an additional entry or reentries to the United States, he may request the Commissioner in writing to return the Form 257a to him. If the Commissioner deems it appropriate and proper, he may grant the request and return the Form 257a to such alien.

§ 221.3 *Form I–94—(a) Action at time of entry; preparation and presentation.* An alien applying for admission to the United States who is in possession of a set of Forms I–94 shall surrender such forms to the examining immigration officer. A person applying for admission to the United States who is in possession of a Form I–94F shall surrender such form to the examining immigration officer. Except as provided in paragraph (b) of this section, immigration officers at all ports of entry shall, without regard to whether the applying alien is admitted or held for further inquiry before a special inquiry officer, prepare a set of Forms I–94 for each alien applying for admission to the United States as a nonimmigrant who does not present a full set of Forms 257 or a full set of Forms I–94. If the alien is admitted, the Form I–94C shall be noted to show the data as to the admission and shall be returned to the alien by the admitting officer.

(b) *When not prepared by immigration officer.* Immigration officers shall not prepare a set of Forms I–94 for the following-described classes of aliens:

(1) A Canadian citizen or a British subject who has his residence in Canada, is admitted to the United States from contiguous territory or adjacent islands under a waiver of the nonimmigrant visa requirement unless:

(i) He is admitted for more than six months; or

(ii) Bond is required; or

(iii) Verification of departure is desired; or

(iv) The facts of the particular case are such that a record on Form I–94 is deemed advisable.

(2) An alien applying for admission who presents a nonimmigrant alien's border crossing identification card, whether he is admitted or held for further inquiry before a special inquiry officer.

(3) An alien applies for admission at a seaport of entry, is held for further inquiry before a special inquiry officer, and is not admitted.

rendered. The Form I–94C need not be

the following information with respect

validity. In any case in which a reentry

the time of the departure from the

livery of the permit shall require the

(4) An alien for whom a Form I–94F was prepared in connection with preexamination and he is admitted upon presentation of that form.

(5) Members of the armed forces of the United States or of any country allied with the United States, traveling under orders, who are admitted to the United States under the auspices of, and under advance arrangements made with, the Department of Defense, provided a nominal roll or list of such aliens is furnished to, or obtained by, the examining immigration officer.

(6) An alien (including a citizen or resident of Mexico) who during his temporary visit in the United States, proceeds to Mexico for a visit of not more than 30 days, returns to the United States from Mexico within such period, and presents the Form 257a or the Form I–94C which he was permitted to retain at the time of his visit to Mexico.

(7) Aliens who are residents, but are not citizens of, Canada or Mexico are permitted to retain Form I–94C on departing from the United States, and continue to use that form for re-entry to the United States for the period of the validity of the nonimmigrant visa or such shorter period fixed in their case.

(8) An alien American Indian born in Canada who is within the scope of section 289 of the Immigration and Nationality Act, and who is admitted temporarily unless it appears that a record of his admission will be required at a later date.

(9) An alien who returns to the United States as a cruise passenger as defined in § 231.1 (c) of this chapter.

(c) *Issuance of Form I–94 upon application for extension of temporary admission or with report of maintenance of status.* A set of Forms I–94 shall be prepared for each alien who applies for an extension of the period of temporary admission or who submits a report of maintenance of status under § 214e.6 of this chapter, and who does not submit a Form 257a or I–94C with his application or report because he claims to have lost such form issued to him previously or because such form had not been issued to him. Such forms shall be prepared in the office of the Service receiving the application or report without regard to the action taken on the application or report. The Form I–94C appropriately noted shall be delivered to the alien as his notice of the decision on such application or report.

(d) *Action at time of departure.* Except as otherwise specifically provided in this paragraph, at the time of departure from the United States of an alien who is in possession of a Form I–94C, the alien shall surrender such form (i) to the representative of the transportation company as provided in §§ 231.31 (a) and 231.42 (a) of this chapter, or (ii) if those sections do not apply and the alien is departing to Canada to the Canadian Immigration Officer for delivery to the appropriate United States immigration officer; or (iii) in any other case to the United States immigration officer at the port of departure. If a departing alien is in possession of a Form 257a and a Form I–94C both forms shall be surrendered. The Form I–94C need not be surrendered:

(1) Until the departure from the United States of the last of the persons named thereon, if more than one person is included on the same Form I–94C and all persons named thereon do not depart from the United States at the same time or at the same port;

(2) By any alien (including a citizen or resident of Mexico) who, during his temporary visit to the United States proceeds to Mexico for a visit of not more than 30 days, after which visit he intends to reenter the United States for the remainder of the period of his original temporary admission;

(3) By an alien departing as a cruise passenger as defined in § 231.1 (c) of this chapter;

(4) In any other case in which the Commissioner has instructed immigration officers to waive or defer the surrender of such form.

(e) *Visa application number.* If an alien for whom a set of Forms I–94 is prepared as provided in this section presents a nonimmigrant visa, the visa application number (including any letters which are a part thereof) shall be noted on all copies of the Form I–94 in the box entitled "Travel Documents Presented".

§ 221.4 *Form I–419; disposition.* For each alien applying for the privilege of direct transit through the United States under section 238 (d) of the Immigration and Nationality Act, the master, commanding officer, or authorized agent of the vessel or aircraft on which the alien arrives shall surrender to the examining immigration officer at the port of arrival in the United States the set of Forms I–419 prepared for the alien by the transportation line. If the alien is found qualified to pass through the United States in transit, the examining immigration officer shall note on the Forms I–419 the date and place of the alien's arrival in the United States, and deliver the Forms I–419a and I–419b to the representative of the transportation line which brought the alien to the United States. Such forms shall be retained by the person in charge of the conveyance on which the alien is to be conveyed to the port of departure and shall be surrendered to the immigration officer at such port. The immigration officer shall note thereon the facts concerning the departure of the alien and shall return the Form I–419b to the person presenting it or to the transportation line he represents.

§ 221.5 *Immigrants; surrender of documents upon departure.* Whenever an alien who is in possession of Form I–151 or any other form of alien registration receipt card, or who is in possession of an immigrant identification card, resident alien's border crossing identification card (Form I–187), certificate of registry, or certificate of lawful entry, departs permanently from the United States, he shall surrender such cards and certificates to an immigration officer at the time of his departure.

§ 221.6 *Form I–95; surrender by alien departing other than as a crewman.* At the time of the departure from the United States of an alien who is in possession of a Form I–95A, the alien, if departing from the United States other than as a member of the crew, shall surrender such form to the representative of the transportation company as provided in §§ 231.31 (a) and 231.42 (a) of this chapter, or, if those sections do not apply and the alien is departing to Canada, to the Canadian immigration officer for delivery to the appropriate United States immigration officer at the port of departure. If such a departing alien is in possession of a Form 257a and the Form I–95A both forms shall be surrendered unless the Form 257a bears a valid nonimmigrant visa issued to him as a crewman pursuant to section 101 (a) (15) (D) of the Immigration and Nationality Act with enough of the period of validity remaining to enable the alien to use the visa for an additional voyage or voyages to the United States as a crewman.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 223—REENTRY PERMITS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
223.1 Issuance and extension of reentry permits.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

223.11 Application.
223.12 Reentry permit.
223.13 Disposition of reentry permit.

AUTHORITY: §§ 223.1 to 223.13 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 223, 66 Stat. 194.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 223.1 *Issuance and extension of reentry permits.* Subject to the provisions of this part, district directors shall issue reentry permits under section 223 of the Immigration and Nationality Act, and shall grant extensions of the period of validity of such permits.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 223.11 *Application—*(a) *Contents; form; submission.* An application for a reentry permit under the provisions of section 223 of the Immigration and Nationality Act shall be executed under oath and be submitted on Form I–131, in duplicate, with two photographs of the applicant. An application for a reentry permit shall not be accepted from an applicant who is not within the United States. An application for a reentry permit shall be submitted to the district director having administrative jurisdiction over the applicant's place of residence in the United States. In emergent cases, the application may be submitted to the office of the district director having administrative jurisdiction over the place where the applicant may be at the time of his application, and may be acted upon by such district director even though he may not have administrative jurisdiction over the applicant's place of residence. The application shall include, but shall not be limited to, the following information with respect to the applicant: (1) Name currently used; (2) address in the United States; (3) place and date of birth; (4) alien registration number; (5) occupation and description of business activities in the United States; (6) date, place and manner of lawful admission to the United States for permanent residence, or admission to the United States as a treaty merchant; (7) name used at time of arrival; (8) father's name and mother's maiden name; (9) name and address of person to whom he was destined at time of admission to the United States; (10) by whom accompanied at time of such admission; (11) country of which applicant is a citizen, subject, or national; (12) date, place, and manner of last arrival in the United States; (13) name used at the time of last arrival; (14) marital status on the date of filing application, and if married the name and address of spouse; (15) present personal description; (16) name of employer; (17) port and date of proposed departure, name of vessel or other means of transportation on which he is departing, length of proposed absence, and reasons for going abroad; and (18) temporary address abroad.

(b) *When filed.* An application for a reentry permit shall be filed at least 30 days before the proposed date of the applicant's departure.

(c) *Action on application.* If the district director is satisfied (1) that the applicant meets the eligibility requirements contained in section 223 of the Immigration and Nationality Act, (2) that the application is made in good faith, and (3) that the alien's proposed departure from the United States would not be contrary to the interests of the United States, he shall grant the application and issue the permit, which shall be valid for the time thereon specified, not to exceed one year. If the district director is not satisfied that the application should be granted he shall deny it. The applicant shall be notified in writing of the decision with the reasons therefor, unless the disclosure of the reasons would, in the opinion of the district director, be prejudicial to the public interest, safety or security, in which event the reasons shall not be stated. At that time, the applicant shall be advised that he has 10 days from the date of receipt of notification of the decision in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division. If on such appeal the application is granted, the Assistant Commissioner shall notify the district director and the permit shall be issued by that officer. Notice to an applicant to call for the delivery of the permit shall constitute notice to him of the favorable decision made in the case, either initially or on appeal. If the application is denied and no appeal is taken, or is denied on appeal, the fee shall be returned to the applicant.

§ 223.12 *Reentry permit—*(a) *Form.* Reentry permits shall be issued on Form I–132, shall indicate whether they are issued under paragraph (a) (1) or (a) (2) of section 223 of the Immigration and Nationality Act, and the period of validity. In any case in which a reentry permit is valid for readmission only to Hawaii, such limitation shall be noted conspicuously on the face of the Form I–132.

(b) *Period of validity; extensions.* A reentry permit shall be valid for such period as the district director granting the application shall authorize, not to exceed one year from the date of issuance. An application for extension of a reentry permit shall be addressed to and filed with the district director having administrative jurisdiction over the applicant's place of residence in the United States. Such application shall be in writing and shall state (1) the applicant's name and address in the United States; (2) when, where, and the manner in which he departed from the United States; (3) port of landing and date of his arrival abroad; (4) countries visited by him in the order visited; (5) his reasons for requesting an extension and the period for which the extension is desired; and (6) his address to which the permit is to be returned. The application shall be executed under oath and shall be accompanied by the reentry permit sought to be extended. If executed in the United States the application may be sworn to or before any officer generally authorized to administer oaths, or before an immigration officer, without fee. If executed abroad it shall be executed before a consular officer. If the district director is satisfied that the period of validity should be extended, he may grant an extension for such period as to him shall appear appropriate, in no event, however, to exceed one year from the original expiration date. The extended period shall be noted on the permit, which shall be delivered to the applicant in person or by mail, or, if the applicant is outside the United States, the permit shall be forwarded to a consular officer abroad for delivery to the applicant. If the district director concludes that the requested extension should not be granted, he shall forward the application for the extension and all related papers to the Assistant Commissioner, Inspections and Examinations Division for decision. If the extension is granted by the Assistant Commissioner, the application and related papers shall be returned to the office of origin. The district director shall thereupon appropriately note the permit and forward it to the applicant in the manner provided herein. If the extension is denied, the fee shall be refunded, and the permit shall be returned to the applicant in the manner provided herein if the remaining period of its validity permits its use for return to the United States. Any number of extensions may be granted provided the period of validity does not extend beyond one year from the original expiration date of the permit.

(c) *Delivery.* The reentry permit shall be forwarded to the office of the Service designated by the applicant in the application, and the applicant shall obtain it from that office in person prior to his departure from the United States, except as provided in paragraph (d) of this section. The officer effecting delivery of the permit shall require the person calling for it to identify himself as the applicant, and, in the event minor discrepancies have been noted by the issuing officer, the officer effecting delivery shall obtain satisfactory explanation from the applicant as to such discrepancies. The applicant shall sign his name on the permit in the presence of the delivering officer. The officer making delivery shall place his signature in such manner that it shall cover part of the photograph and part of the permit. If for any reason it is concluded that the permit should not be delivered, it shall be returned to the district office of origin with a report of the reasons for nondelivery. In the event it is then determined on the basis of such report or upon reconsideration of the application that the permit should not be issued, the application shall be denied in the same manner as though it had not been granted previously and the applicant shall have the same right to appeal.

(d) *Emergent cases.* If the applicant satisfactorily establishes that a bona fide emergency exists requiring his departure from the United States before a permit can be issued and delivered, the permit, if issued, may be forwarded to a consular officer abroad for delivery to the applicant in the manner prescribed in paragraph (c). The applicant shall be informed that the acceptance of his application does not assure the issuance of the permit.

(e) *Registrants under Selective Service Act.* No reentry permit or extension thereof shall be issued or granted to any alien who is legally subject to registration for service in the armed forces in the United States unless the applicant shall present a permit from his local Selective Service Board to depart from the United States. A reentry permit issued to such an alien may be made valid for a period which will coincide with the period of absence authorized by the local board, except that in no instance shall the period exceed one year. For reasons which may appear appropriate to the issuing district director, the period of validity of the reentry permit may be for a shorter period than the period of absence authorized by the local board.

§ 223.13 *Disposition of reentry permit—*(a) *Upon application for admission.* The holder of a reentry permit applying for readmission into the United States shall present the permit to the examining immigration officer at the port of arrival, who, if he finds that the alien is the rightful holder of the permit, that the permit has not expired, and that the alien is otherwise admissible, shall note thereon the disposition of the alien's application for readmission. If the alien is admitted and the period of validity of the permit has not expired, the permit shall be returned to the alien. If the alien is not admitted, the reentry permit shall be retained in the custody of the Service pending final disposition of the alien's application for admission. If the alien is ultimately excluded the permit shall be returned to the issuing office for appropriate disposition.

(b) *Upon expiration.* Upon the expiration of the period of validity of a re-

entry permit, the permit shall be surrendered by the holder to the issuing office. If any such expired permit has not been surrendered to the Service, no subsequent reentry permit shall be issued to the same alien unless he shall first surrender the expired permit, or satisfactorily account for his failure so to do.

PART 231—LISTS OF ALIENS AND CITIZEN PASSENGERS ARRIVING OR DEPARTING

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

231.1 Definitions.
231.2 Arrival manifests and lists for vessels.
231.3 Departure manifests and lists for vessels.
231.4 Arrival manifests for aircraft.
231.5 Departure manifests for aircraft.
231.6 Ports of entry for aliens arriving by vessel or by land transportation.
231.7 Ports of entry for aliens arriving by aircraft.
231.8 Immigration stations in Canada.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

231.21 Arrival manifests and lists for vessels; general directions for preparation.
231.22 Arrival manifests and lists for vessels; delivery.
231.23 Landing card.
231.31 Departure manifest and lists for vessels.
231.41 Arrival manifests for aircraft.
231.42 Departure manifests for aircraft.

AUTHORITY: §§ 231.1 to 231.42 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 212, 231, 238, 239, 66 Stat. 167, 195, 203.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 231.1 *Definitions.* As used in this part:

(a) The term "through passenger" means a passenger, whether an alien or a national of the United States, (1) who has engaged through passage from one foreign country to another or to the same foreign country on a vessel which calls en route at one or more ports of entry of the United States, (2) who may desire to visit ashore at one or more of such ports of call while the vessel is in port, (3) who will leave such port on the same vessel, (4) who presents whatever document or documents are required for such admission, and (5) who is admissible to the United States.

(b) The term "shore leave" means the permission that is granted by the examining immigration officer to an alien through passenger to go ashore only for the time the vessel on which such passenger arrives remains in port, conditioned upon such passenger departing from such port on the same vessel at the time of its departure.

(c) The term "cruise passenger" means a passenger, whether an alien or a national of the United States, who has engaged passage on a vessel which does not proceed outside the Western Hemisphere and whose journey originates and terminates at the same United States port on the same vessel and without stopover at any foreign port beyond the time the vessel is in such port.

§ 231.2 *Arrival manifests and lists for vessels—*(a) *Forms.* Forms I–415 and I–416 shall be used to manifest passengers arriving by vessel at a port of the United States. Except as hereinafter provided for members of a family, the Form I–415 shall be used to manifest alien passengers and Form I–416 shall be used to manifest passengers who are citizens or nationals of the United States. The headings of Forms I–415 and I–416 shall show the manifest or list number, number or other designation of class, port and date of embarkation, name of vessel, and port and date of arrival. Each form shall show the title or position of the person preparing it and the name and address of the local agent of the vessel.

(1) *Form I–415—Manifest of Inbound Passengers (Aliens).* The heading for column 1 shall be "Family Name—Given name"; column 2, "Travel Document No.; Nationality"; column 3, "Number and Description of Pieces of Baggage"; column 4, "This column for use of Master, Surgeon, and U. S. Officers".

(2) *Form I–416—List of Inbound Passengers (U. S. Citizens and Nationals).* The heading for column 1 shall be "Family Name—Given name"; column 2, "U. S. Passport No.—Place of Birth"; column 3, "Number and Description of Pieces of Baggage"; column 4, "This column for use of Master, Surgeon and U. S. Officers".

(b) *Waiver.* An arrival passenger manifest or list shall not be required for a vessel on a trip solely between Canada and the continental United States or Alaska.

(c) *Report of passengers on board vessels traveling between ports of the United States.* The master or agent of a vessel which arrives at a port in the continental United States or at a port in any other place under the jurisdiction of the United States without touching at a foreign port, on a voyage originating in Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States, shall submit in writing to the United States immigration officer at the port of arrival, the name, nationality, and residence of each passenger on board such vessel.

§ 231.3 *Departure manifests and lists for vessels—*(a) *Forms.* Except as provided in this part for through passengers, Forms I–434 and I–435 shall be used to manifest passengers departing on vessels from ports of the United States. Form I–434 shall be used to manifest alien passengers and I–435 shall be used to manifest passengers who are citizens or nationals of the United States. The headings of Forms I–434 and I–435 shall show the manifest or list number, port and date of sailing from the United States, name of steamship, and foreign port of destination.

(1) *Form I–434—Manifest of Outward-Bound Passengers (Aliens).* The heading for column 1 shall be "Family Name—Given Name"; column 2, "Travel Document No."; no heading for column 3 is prescribed.

On the back of the form there shall be the following affidavit:

I, ---------- (Name) ---------- (Title)
of the S. S. ---------- bound for ----------
do solemnly swear that, according to the best of my knowledge and belief, all passengers who departed on the said vessel, numbering ---------, are listed in the foregoing lists Nos. ------ to ------ and manifests Nos. ------ to ------, that concerning each the information recorded is correct, full, and complete in every respect; and that for each alien passenger listed there is, when required by regulations, attached to the said manifests and made a part thereof either a Foreign Service Form 257a or a Form I–94, I–424, or I–100a.

---------- (Name)
---------- (Title)

Sworn to before me this ------ day of ----------, 19----, at ----------.

(2) *Form I–435—List of Outward-Bound Passengers (U. S. Citizens and Nationals).* The heading for column 1 shall be "Family Name—Given Name"; column 2, "U. S. Passport No."; column 3, "Place of Birth; Date and Place of Naturalization"; column 4, "Length of Time Passenger Intends to Remain Abroad and Country of Destination".

On the back of Form I–435 there shall be the following affidavit:

I, ---------- (Name) ---------- (Title)
of the S.S. ---------- bound for ----------
do solemnly swear that, according to the best of my knowledge and belief, all passengers who departed on the said vessel, numbering ---------, are listed in the foregoing lists Nos. ------ to ------ and that concerning each the information recorded is correct, full, and complete in every respect.

(3) *Form I–424; report of departure of alien.* The Form I–424 shall contain the following information regarding the passenger: name, occupation, last address in the United States, date and place of birth, nationality, whether male or female, whether married, single, widowed or divorced, destination abroad, purpose and length of intended stay abroad, date and place of last entry into United States, whether such entry was as a permanent resident or for temporary stay, date and port of departure from United States and name of departing vessel or aircraft, the sheet and line number of the outgoing manifest on which his name appears, and any "V" or "T" number that may be shown in his passport or, if in possession of a reentry permit, the file number appearing in the upper right-hand corner thereof.

(b) *Waiver.* A departure passenger manifest or list shall not be required for a vessel on a trip solely between Canada and the continental United States or Alaska.

§ 231.4 *Arrival manifests for aircraft—*(a) *Forms.* Form I–466 shall be used to manifest passengers arriving by aircraft except that whenever the number of such passengers does not exceed the number that can be listed in the space provided for the manifesting of passengers on Customs Form 7507, such passengers may be manifested on such form in lieu of Form I–466 but in accordance with all other provisions of § 231.41.

(1) *Form I–466—Air passengers manifest.* The heading shall show the name

of the owner or operator, aircraft registration marks and nationality, flight number, date, port of embarkation, and port of disembarkation. Each such form shall show the title or position of the person preparing it. The heading for column 1 shall be, "Surname—Given name—Middle initial"; column 2, "For use of owner; operator only"; and column 3, "For official use only".

(b) *Waiver.* Arrival passenger manifests shall not be required for an aircraft arriving directly in the continental United States or Alaska on a trip which originated in Canada or the French islands of St. Pierre or Miquelon.

(c) *Report of passengers on board aircraft traveling between airports of the United States.* The commanding officer or agent of an aircraft which arrives at an airport in the continental United States or at an airport in any other place under the jurisdiction of the United States without touching at a foreign port, on a flight originating in Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States, shall submit in writing to the United States immigration officer at the airport of arrival, the surname, given name, and middle initial of each passenger on board such aircraft.

§ 231.5 *Departure manifests for aircraft—*(a) *Forms.* Form I–466 shall be used to mainfest passengers departing by aircraft.

(1) *Form I–466—Air passenger manifests.* The air passenger manifest shall be on the same form and shall contain the same information as prescribed in § 231.41.

(b) *Waiver.* Departure air passenger manifest shall not be required for an aircraft departing directly from the continental United States or Alaska for Canada or the French Islands of St. Pierre or Miquelon.

§ 231.6 *Ports of entry for aliens arriving by vessel or by land transportation.* Subject to the limitations prescribed in this section, the following places are hereby designated as ports of entry for aliens arriving by any means of travel other than aircraft. Such ports are listed according to location by districts. The designations of such ports are divided into three classes—Class A, Class B, and Class C. Class A means that the port is a designated port of entry for all aliens. Class B means that the port is a designated port of entry only for aliens who at the time of applying for admission are lawfully in possession of valid and unexpired resident aliens' border crossing identification cards or valid nonresident aliens' border crossing cards, or are admissible without documents under the waiver of documents contained in this chapter. Class C means that the port is a designated port of entry only for aliens who are arriving in the United States as crewmen as that term is defined in section 101 (a) (10) of the Immigration and Nationality Act with respect to vessels.

DISTRICT NO. 1—ST. ALBANS, VT.

CLASS A

Bridgewater, Maine.
Calais, Maine (includes Ferry Point, Union and Milltown Bridges).
Coburn Gore, Maine.
Eastport, Maine.
Fort Fairfield, Maine.
Fort Kent, Maine.
Houlton, Maine.
Jackman, Maine.
Limestone, Maine.
Lubec, Maine.
Madawaska, Maine.
Van Buren, Maine.
Vanceboro, Maine.
Connecticut Lakes, N. H.
Alexandria Bay, N. Y.
Cape Vincent, N. Y.
Champlain, N. Y.
Chateaugay, N. Y.
Clayton, N. Y.
Fort Covington, N. Y.
Malone, N. Y.
Mooers, N. Y.
Morristown, N. Y.
Ogdensburg, N. Y.
Rooseveltown, N. Y.
Rouses Point, N. Y.
Thousand Island Bridge, N. Y.
Trout River, N. Y.
Waddington, N. Y.
Alburg, Vt.
Alburg Springs, Vt.
Beebe Plain, Vt.
Beecher Falls, Vt.
Canaan, Vt.
Derby Line, Vt.
East Richford, Vt.
Highgate Springs, Vt.
Newport, Vt.
North Troy, Vt.
Norton, Vt.
Richford, Vt.
St. Albans, Vt.
West Berkshire, Vt.

CLASS B

Boundary Cottage, Maine.
Dnaquam, Maine.
Easton, Maine.
Estcourt, Maine.
Forest City, Maine.
Four Falls Road, Maine.
Hamlin, Maine.
Hodgdon, Maine.
Knexford Line Road (Mars Hill), Maine.
Lake Frontier, Maine.
Littleton Maine.
Monticello, Maine.
Munson Mills Road, Maine.
Orient, Maine.
Robbinston, Maine.
St. Francis, Maine.
St. Pamphile, Maine.
Cannons Corners, N. Y.
Churubusco, N. Y.
Hogansburg, N. Y.
Jamison's Line, N. Y.
Thousand Island Park, N. Y. (June, July, and August only).
Morses Line, Vt.

CLASS C

Bangor, Maine (the port of Bangor includes, among others, the port facilities at Bar Harbor, Belfast, Brewer, Bucksport, Jonesport, Northeast Harbor, Prospect Harbor, Sandypoint, Seal Harbor, Searsport, and South West Harbor, Maine.

DISTRICT NO. 2—BOSTON, MASS.

CLASS A

Portland, Maine.
Boston, Mass. (the port of Boston includes, among others, the port facilities at Braintree, Cambridge, Chelsea, Everett, Medford, Quincy, Somerville, and Weymouth, Mass.).
Gloucester, Mass.
New Bedford, Mass.
Providence, R. I.

CLASS C

Bridgeport, Conn.
New Haven, Conn.
New London, Conn. (includes the port facilities at Groton, Conn.).
Stamford, Conn.
Bath, Maine.
Boothbay Harbor, Maine.
Rockland, Maine.
Beverly, Mass.
Buzzards Bay, Mass.
Danvers, Mass.
Fairhaven, Mass.
Fall River, Mass.
Lynn, Mass.
Marblehead, Mass.
Nantucket, Mass.
Newburyport, Mass.
Oak Bluffs, Mass.
Plymouth, Mass.
Provincetown, Mass.
Salem, Mass.
Scituate, Mass.
Somerset, Mass.
Woods Hole, Mass.
Portsmouth, N. H.
Davisville, R. I.
Melville, R. I.
Newport, R. I.
Quonset Point, R. I.

DISTRICT NO. 3—NEW YORK, N. Y.

CLASS A

New York, N. Y. (the port of New York includes, among others, the port facilities at Bayonne, Carteret, Elizabeth, Elizabethport, Guttenberg, Hoboken, Jersey City, Linden, Newark, Perth Amboy, Port Newark, Sayreville, Sewaren, and Weehawken, N. J.; and at Poughkeepsie and Yonkers, N. Y.).

DISTRICT NO. 4—PHILADELPHIA, PA.

CLASS A

Philadelphia, Pa. (the port of Philadelphia includes, among others, the port facilities at Delaware City, Lewes, New Castle, and Wilmington, Del.; at Artificial Island, Billingsport, Camden, Deepwater Point, Gibbstown, Gloucester City, Paulsboro, and Trenton, N. J.; and at Chester, Essington, Fort Mifflin, and Marcus Hook, Pa.).

DISTRICT NO. 5—BALTIMORE, MD.

CLASS A

Baltimore, Md.
Morehead City, N. C.
Wilmington, N. C.
Newport News, Va.
Norfolk, Va.

CLASS C

Piney Point, Md.
Alexandria, Va.
Old Point Comfort, Va.
Richmond, Va.
U. S. Navy Mine Depot, Cheatham Annex, Va.

DISTRICT NO. 6—MIAMI, FLA.

CLASS A

Mobile, Ala.
Apalachicola, Fla.
Bocagrande, Fla.
Fernandina, Fla.
Fort Pierce, Fla.
Jacksonville, Fla.
Key West, Fla.
Miami, Fla.
Panama City, Fla.
Pensacola, Fla.
Port Everglades, Fla.
St. Augustine, Fla.
Tampa, Fla.
West Palm Beach, Fla.
Brunswick, Ga.

Savannah, Ga.
Lake Charles, La.
New Orleans, La. (the port of New Orleans includes, among others, the port facilities at Avondale, Bell Chasse, Braithwaite, Chalmette, Destrahan, Gretna, Harvey, Marrero, Norco, Port Sulphur, St. Rose, and Westwego, La.).
Gulfport, Miss.
Aguadilla, P. R.
Ensenada, P. R.
Fajardo, P. R.
Humacao, P. R.
Jobos, P. R.
Mayaguez, P. R.
Ponce, P. R.
San Juan, P. R.
Charleston, S. C.
Georgetown, S. C.
Christiansted, St. Croix, V. I.
Frederiksted, St. Croix, V. I.
Cruz Bay, St. John, V. I.
Charlotte Amalie, St. Thomas, V. I.

CLASS C

Carrabelle, Fla.
Port St. Joe, Fla.
St. Petersburg, Fla.
Baton Rouge, La.
Morgan City, La.

DISTRICT NO. 7—BUFFALO, N. Y.

CLASS A

Buffalo, N. Y.
Lewiston, N. Y.
Niagara Falls, N. Y.
Oswego, N. Y.
Rochester, N. Y.
Youngstown, N. Y.
Cleveland, Ohio.
Erie, Pa.

CLASS C

Dunkirk, N. Y.
Sodus Point, N. Y.
Ashtabula, Ohio.
Conneaut, Ohio.
Fairport, Ohio.
Lorain, Ohio.

DISTRICT NO. 8—DETROIT, MICH.

CLASS A

Algonac, Mich.
Detroit, Mich.
Marine City, Mich.
Marysville, Mich.
Port Huron, Mich.
Roberts Landing, Mich.
St. Clair, Mich.
Sault Ste. Marie, Mich.
Sandusky, Ohio.
Toledo, Ohio.

CLASS B

Detour, Mich.
Mackinac Island, Mich.

CLASS C

East Chicago, Ind.
Gary, Ind.
Michigan City, Ind.
Alpena, Mich.
Baraga, Mich.
Bay City, Mich.
Benton Harbor, Mich.
Charlevoix, Mich.
Copper Harbor, Mich.
Detour, Mich.
Eagle River, Mich.
Escanaba, Mich.
Frankfort, Mich.
Grand Haven, Mich.
Holland, Mich.
Houghton, Mich.
Kipling, Mich.
L'Anse, Mich.
Ludington, Mich.
Mackinac Island, Mich.
Mackinaw City, Mich.
Manistee, Mich.
Manistique, Mich.
Marquette, Mich.
Munising, Mich.
Muskegon, Mich.
Northport, Mich.
Ontonagon, Mich.
Port Island, Mich.
Petoskey, Mich.
Rogers City (Calcite), Mich.
Saginaw, Mich.
South Haven, Mich.
Traverse City, Mich.
Huron, Ohio.
Marblehead, Ohio.

DISTRICT NO. 9—CHICAGO, ILL.

CLASS A

Chicago, Ill.
Isle Royale, Mich.
Baudette, Minn.
Duluth, Minn. (the port of Duluth includes, among others, the port facilities at Superior, Wis.).
International Falls, Minn.
Lancaster, Minn.
Noyes, Minn.
Pigeon River, Minn.
Pine Creek, Minn.
Ranier, Minn.
Roseau, Minn.
Warroad, Minn.
Winton, Minn.
Ambrose, N. Dak.
Antler, N. Dak.
Carbury, N. Dak.
Dunseith, N. Dak.
Fortuna, N. Dak.
Hannah, N. Dak.
Hansboro, N. Dak.
Maida, N. Dak.
Neche, N. Dak.
Noonan, N. Dak.
Northgate, N. Dak.
Pembina, N. Dak.
Portal, N. Dak.
St. John, N. Dak.
Sarles, N. Dak.
Sherwood, N. Dak.
Walhalla, N. Dak.
Westhope, N. Dak.
Green Bay, Wis.
Milwaukee, Wis.

CLASS B

Crane Lake, Minn.
Gunflint Lake, Minn.
Indus, Minn.
Oak Island, Minn.
Lake Metegoshe, N. Dak.

CLASS C

Menominee, Mich.
Grand Marais, Minn.
Two Harbors, Minn.
Algoma, Wis.
Ashland, Wis.
Bayfield, Wis.
Kenosha, Wis.
Kewaunee, Wis.
Manitowoc, Wis.
Marinette, Wis.
Oconto, Wis.
Peshtigo, Wis.
Port Washington, Wis.
Racine, Wis.
Sheboygan, Wis.
Sturgeon Bay, Wis.
Washburn, Wis.

DISTRICT NO. 12—SEATTLE, WASH.

CLASS A

Boundary, Alaska.
Eagle, Alaska.
Haines, Alaska.
Juneau, Alaska.
Ketchikan, Alaska (the port of Ketchikan includes, among others, the port facilities at Sitka and Wrangell, Alaska; Ketchikan proper).
Skagway, Alaska.
Tok Junction, Alaska.
Eastport, Idaho.
Porthill, Idaho.
Babb, Mont.
Chief Mountain, Mont. (May–October).
Del Bonita, Mont.
Coathaunt Camp, Mont. (May–October).
Havre, Mont.
Loring, Mont.
Opheim, Mont.
Raymond, Mont.
Roosville, Mont.
Scobey, Mont.
Sweetgrass, Mont.
Turner, Mont.
Whitetail, Mont.
Astoria, Oreg.
Coos Bay, Oreg.
Portland, Oreg.
Aberdeen, Wash.
Anacortes, Wash.
Bellingham, Wash.
Blaine, Wash.
Danville, Wash.
Edmonds, Wash.
Everett, Wash.
Ferry, Wash.
Friday Harbor, Wash. (the port of Friday Harbor includes, among others, the port facilities at Roche Harbor, Wash.).
Laurier, Wash.
Longview, Wash.
Lynden, Wash.
Metaline Falls, Wash.
Neah Bay, Wash.
Northport, Wash.
Olympia, Wash.
Oroville, Wash.
Port Angeles, Wash.
Port Townsend, Wash.
Seattle, Wash.
South Bend, Wash.
Sumas, Wash.
Tacoma, Wash.

CLASS B

Trail Creek, Mont.
Whitlash, Mont.
Nighthawk, Wash.
Point Roberts, Wash.

CLASS C

Pelican, Alaska.
Bangor, Wash.
Blake Island, Wash.
Bremerton, Wash.
DuPont, Wash.
Houghton, Wash.
Kingston, Wash.
Mukilteo, Wash.
Orchard Point, Wash.
Point Wells, Wash.
Port Gamble, Wash.
Port Orchard, Wash.
Shuffleton, Wash.
Winslow, Wash.

DISTRICT NO. 13—SAN FRANCISCO, CALIF.

CLASS A

San Francisco, Calif.

CLASS C

Eureka, Calif.

DISTRICT NO. 14—SAN ANTONIO, TEX.

CLASS A

Beaumont, Tex.
Brownsville, Tex. (the port of Brownsville includes, among others, the port facilities at Port Isabel, Tex.).
Corpus Christi, Tex. (the port of Corpus Christi includes, among others, the port facilities at Harbor Island and Ingleside, Tex.).
Del Rio, Tex.
Eagle Pass, Tex.
Freeport, Tex.
Galveston, Tex. (the port of Galveston includes, among others, the port facilities at Port Bolivar and Texas City, Tex.).
Hidalgo, Tex.
Houston, Tex. (the port of Houston includes, among others, the port facilities at Baytown, Tex.).
Laredo, Tex.

Los Ebanos, Tex.
Port Arthur, Tex. (the port of Port Arthur includes, among others, the port facilities at Orange and Sabine, Tex.).
Rio Grande City, Tex.
Roma, Tex.
Thayer, Tex.
Zapata, Tex.

CLASS B

Dolores, Tex.
San Ygnacio, Tex.

DISTRICT NO. 15—EL PASO, TEX.

CLASS A

Douglas, Ariz.
Lukeville, Ariz.
Naco, Ariz.
Nogales, Ariz.
Sasabe, Ariz.
Columbus, N. Mex.
El Paso, Tex.
Fabens, Tex.
Presidio, Tex.
Ysleta, Tex.

CLASS B

Lochiel, Ariz.
Antelope Wells, N. Mex.
Monument No. 67, near Cloverdale, N. Mex.
Boquillas, Tex.
Candelaria, Tex.
Castolon, Tex.
Chinati, Tex.
Fort Hancock, Tex.
Hot Springs, Tex.
Iajitis, Tex.
Polvo, Tex.
Porvenir, Tex.
Ruidosa, Tex.

DISTRICT NO. 16—LOS ANGELES, CALIF.

CLASS A

San Luis, Ariz.
Andrade, Calif.
Calexico, Calif.
San Diego, Calif.
San Luis Obispo, Calif. (the port of San Luis Obispo includes, among others, the port facilities at Avila, Calif.).
San Pedro, Calif. (this is the port of Los Angeles and includes, among others, the port facilities at El Segundo, Long Beach Harbor Area, and Redondo Beach, Calif.).
San Ysidro, Calif.
Tecate, Calif.
Ventura, Calif. (the port of Ventura includes, among others, the port facilities at Port Hueneme and Elwood, Calif.).

CLASS B

Campo, Calif.

DISTRICT NO. 17—HONOLULU, T. H.

CLASS A

Agana, Guam, M. I. (including the port facilities at Apra Harbor, Guam).
Honolulu, T. H.

CLASS B

Hilo, T. H.

CLASS C

Kahului, T. H.
Port Allen, T. H.

§ 231.7 *Ports of entry for aliens arriving by aircraft.* (a) The following international airports are hereby designated as ports of entry for aliens arriving by aircraft:

Agana, Guam, Marianas Islands, Agana Field.
Akron, Ohio, Municipal Airport.
Albany, N. Y., Municipal Field.
Baudette, Minn., Baudette Municipal Airport.
Bellingham, Wash., Bellingham Airport.
Brownsville, Tex., Rio Grande Valley International Airport at Brownsville, Tex.
Buffalo, N. Y., Municipal Airport.
Burlington, Vt., Burlington Municipal Airport.
Calexico, Calif., Calexico Municipal Airport.
Caribou, Maine, Caribou Municipal Airport.
Cleveland, Ohio, Cleveland Hopkins Airport.
Cut Bank, Mont., Cut Bank Airport.
Detroit, Mich., Detroit Municipal Airport.
Detroit, Mich., Wayne County Airport.
Douglas, Arizona, Bisbee-Douglas Airport.
Duluth, Minn., Duluth Municipal Airport.
Eagle Pass, Tex., Eagle Pass Airport.
El Paso, Tex., International Airport.
Fort Yukon, Alaska, Fort Yukon Airfield.
Fort Lauderdale, Fla., Broward County Airport.
Grand Forks, N. Dak., Grand Forks Municipal Airport.
Great Falls, Mont., Gore Field.
Havre, Mont., Havre-Hill County Airport.
International Falls, Minn., International Falls Municipal Airport.
Juneau, Alaska, C. A. A. Field.
Juneau, Alaska, Juneau Airport.
Ketchikan, Alaska, Ketchikan Airport.
Key West, Fla., Meacham Field.
Laredo, Tex., Laredo Municipal Airport.
Malone, N. Y., Malone Dufort Airport.
Massena, N. Y., Massena Airport.
Miami, Fla., Chalks Flying Service Seaplane Base.
Miami, Fla., Miami International Airport.
Nogales, Arizona, Nogales International Airport.
Ogdensburg, N. Y., Ogdensburg Harbor.
Ogdensburg, N. Y., Ogdensburg Municipal Airport.
Oroville, Wash., Dorothy Scott Municipal Airport.
Oroville, Wash., Dorothy Scott Seaplane Base.
Pembina, N. Dak., Fort Pembina Airport.
Portal, N. Dak., Portal Airport.
Port Townsend, Wash., Port Townsend Airport.
Put in Bay, Ohio, Put in Bay Airport.
Rochester, N. Y., Rochester Municipal Airport.
Rouses Point, N. Y., Rouses Point Seaplane Base.
San Diego, Calif., San Diego Municipal Airport (Lindbergh Field).
Sandusky, Ohio, John G. Hinde Airport.
San Juan, P. R., Isla Grande Airport.
Sault Ste. Marie, Mich., Sault Ste. Marie Airport.
Seattle, Wash., Boeing Municipal Air Field.
Seattle, Wash., Lake Union.
Skagway, Alaska, Skagway Municipal Airport.
Spokane, Wash., Felts Field.
Swanton, Vt., Warren R. Austin Airport.
Tampa, Fla., Tampa International Airport.
Watertown, N. Y., Watertown Municipal Airport.
West Palm Beach, Fla., Palm Beach International Airport.
Wrangell, Alaska, Wrangell Seaplane Base.

(b) In addition to the places named in paragraph (a) of this section, other places where permission for certain aircraft to land officially has been given, and places where emergency or forced landings are made under the provisions of Part 239 of this chapter, shall be regarded as designated for the entry of aliens arriving by such aircraft.

§ 231.8 *Immigration stations in Canada.* The following-designated United States immigration stations are located in Canada and are within the organization of the districts indicated.

DISTRICT NO. 1—ST. ALBANS, VT.

Halifax, Nova Scotia.
St. John, New Brunswick.
Montreal, Quebec.
Quebec, Province of Quebec.

DISTRICT NO. 2—BOSTON, MASS.

Yarmouth, Nova Scotia (May–September).

DISTRICT NO. 7—BUFFALO, N. Y.

Toronto, Ontario.

DISTRICT NO. 9—CHICAGO, ILL.

Winnipeg, Manitoba.

DISTRICT NO. 12—SEATTLE, WASH.

Sidney, British Columbia.
Victoria, British Columbia.
Vancouver, British Columbia.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 231.21 *Arrival manifests and lists for vessels; general directions for preparation*—(a) *Alien manifests.* Separate Form or Forms I–415 shall be prepared prior to the vessel's arrival at a port in the United States. The surname of the passengers shall be entered on such forms so far as practicable in alphabetical order:

(1) For alien immigrant passengers who embarked at the same port abroad and who are destined to disembark at the same port in the United States;

(2) For alien nonimmigrant passengers who embarked at the same port abroad and who are destined to disembark at the same port in the United States;

(3) For alien through passengers without regard to their port of embarkation abroad or the foreign country to which they are destined. Manifests for through passengers shall be submitted in duplicate. The headings of Forms I–415 covering through passengers shall be properly filled in so as to indicate the facts of arrival of the vessel, with the added notation "and proceed foreign via ----------" (inserting the names of the other ports of call to be made in the United States on the voyage with the final port of call shown last). Such notation shall be entered under the words "Arriving at port of ----------," appearing directly above columns 3 and 4 of the Form I–415.

In manifesting passengers under (1), (2), and (3), if the number of passengers does not exceed the number that can be manifested on one Form I–415, such passengers shall be grouped according to class of travel and manifested on one Form I–415 according to class, with the designation of the class noted in the body of the form at the head of each class group. If the number of such passengers exceeds the maximum number that can be listed on one Form I–415, the passengers shall be grouped according to class of travel and a separate Form I–415 shall be used to manifest the passengers in each class, and the designation of the class shall be shown in the heading of each form used.

(b) *Citizen or national manifests.* The foregoing procedure for the manifest grouping of alien passengers shall apply, so far as it is applicable, to the manifest grouping of passengers who are citizens or nationals of the United States, and in respect of through passengers who are citizens or nationals of the United States, the same notation prescribed in paragraph (a) (3) of this section shall be added directly above columns 3 and 4 of the Form I–416.

(c) *Numbering of manifests.* Manifest Forms I–415 and I–416 shall be numbered consecutively in the space provided therefor in the upper right-hand corner of the form commencing with number

"1" for each voyage, all the Forms I–416, if any, shall be numbered before assigning number to any Forms I–415.

(d) *Family members.* Notwithstanding any other provisions of this section as to class groupings and use of separate manifests, all passengers who are members of one family, who embark at the same port abroad, and who are destined to disembark at the same port in the United States, shall be manifested on the same manifest sheet. If they are traveling in different classes, they shall be listed under the class of the head of the family; if some are aliens and others United States citizens or nationals, they shall all be listed on the alien manifest Form I–415 and the notation "USC" or "USN" shall be entered after the names of the citizen or national members.

(e) *Stowaways.* Any stowaway shall be manifested on the last numbered form, and the notation "stowaway" shall be entered in the last column of the form opposite the name of each stowaway.

(f) *Listing documents.* There shall be entered in column (2) of Form I–415 the serial number and letter of any Foreign Service Form 256 or 257, or Immigration Form I–100a which the passenger is required to present for admission to the United States. The notation "WOV–419" shall be made in column (2) if the alien is to pass through the United States under the provisions of section 238 (d) of the Immigration and Nationality Act. In the case of each alien passenger who does not have a Form 256, 257, I–100a, I–132, or I–419, the persons responsible for the delivery of the manifest shall prepare as a part thereof a set of immigration Forms I–94 and deliver them to such passenger for surrender by him to the United States immigration officer at the port which the passenger is to be examined for admission to the United States. The serial number of such Form I–94 shall be entered in column (2) of Form I–415 opposite the name of each passenger for whom such set of forms is prepared. Whenever a set of Forms I–94 is prepared for a passenger who has a nonimmigrant visa, the visa application number and letter shall be entered on all copies of the Form I–94 in the box entitled "Travel documents presented". In the case of each alien passenger who is in possession of a permit to reenter the United States (Form I–132) the persons responsible for the delivery of the manifest shall prepare as a part thereof a Form I–132C and deliver it to such passenger. The notation "I–132C" shall be entered in column (2) of Form I–415 opposite the name of each passenger for whom such form is prepared.

§ 231.22 *Arrival manifests and lists for vessels; delivery.* (a) Immediately upon the arrival at the first port in the United States of a vessel with respect to which a passenger manifest is required, one legible copy of manifest Forms I–415 and I–416 prepared in accordance with § 231.21 (a) (1) and (2) and two legible copies of manifest Forms I–415 and I–416 prepared in accordance with § 231.21 (a) (3), fully executed as provided in this part and assembled in numerical order, covering all of the passengers on board without regard to the port to which ultimately destined, shall be delivered to the immigration officer boarding the vessel at such port of first arrival. To facilitate inspection, an advance copy of manifest Forms I–415 and I–416 may be delivered to the officer in charge of the first port of arrival prior to the arrival of the vessel, but the furnishing of such advance copy shall not relieve the responsible parties from furnishing a complete manifest to the immigration officer at the first port of call which shall indicate any changes or corrections which differ from the advance copy. If an arriving vessel is to touch at more than one United States port, the inspection of all passengers shall, if practicable, be completed at the first port of arrival. If the inspection of all passengers at the first port of arrival is impracticable, the inspection of passengers destined to subsequent ports of arrival shall be deferred in the discretion of the examining immigration officer. In such event, the manifest of those passengers not inspected at the first port of arrival shall be returned to the master for presentation at the subsequent ports of arrival. The procedure followed at the first port of arrival, as prescribed by this paragraph, shall also be followed at any subsequent ports of arrival. Whenever any passenger desires to land at any port in the United States other than the one to which he is manifested, his name shall be stricken by the ship's officer from the manifest upon which it was originally recorded and transferred to the manifest intended for the port where the passenger wishes to land. Such change on the manifest shall be made only with the prior knowledge of the immigration officer and shall be attested by his signature and title placed opposite each entry. On the manifest to which the name is transferred, the immigration officer shall note: "Transferred from manifest of passengers for ---------- dated ----------, ---------- Immigration Officer."

(b) With respect to through passengers, both copies of the manifests shall be delivered to the immigration officer boarding the vessel at the first port of call in the United States. The passengers listed thereon shall be inspected as to their eligibility for shore leave as provided in this part.

(c) Both copies of such manifests shall indicate which through passengers are eligible for shore leave and which are not eligible. The original copy of such manifests shall be returned by the immigration officer to the master of the vessel who shall present them at each subsequent port of call to the immigration officer boarding the vessel who shall return them to the master after examination of such manifests. Prior to the departure of the vessel from its last port of call in the United States, the original copies of such manifests shall be delivered to an immigration officer with Forms 257a, I–94C, relating to such departing passengers. Such delivery shall be in lieu of the delivery of departure manifests relating to such passengers required by § 231.3, provided all of the procedural requirements for departure manifests prescribed by § 231.31 have been observed. Departure manifests at the intermediate ports of call shall not be required for through passengers.

§ 231.23 *Landing card.* To facilitate examination of passengers and for convenience in identifying them on arrival, there may be given to each passenger listed on Form I–415 or I–416 a ticket or "landing card" disclosing his name and the number of the manifest and line number thereof on which his name appears.

§ 231.31 *Departure manifest and lists for vessels—(a) General directions for preparation.* (1) Separate Form or Forms I–434 or I–435 shall be used:

(i) For each port in the United States covering persons embarking at such port.

(ii) For passengers destined to each port of foreign debarkation, unless (a) all of the alien passengers boarding at the same port of embarkation in the United States can be recorded on one Form I–434, in which event they shall be grouped according to the port of debarkation, the name of which shall be noted in the body of the Form I–434 at the head of each group, or (b) all citizen and national passengers boarding at the same port of embarkation in the United States can be recorded on one Form I–435, in which event they shall be grouped according to the port of debarkation, the name of which shall be noted in the body of the Form I–435 at the head of each group.

(2) Forms I–434 and I–435 shall be numbered consecutively in the indicated space in the upper right-hand corner of the heading, commencing with No. 1 for each voyage, all the Forms I–435, if any, to be numbered before assigning numbers to any Forms I–434. In column 2 of Form I–434 opposite the name of each passenger there shall be entered the serial number and letter of any Foreign Service Form 257a, immigration Form I–94C, immigration Form I–95A, or immigration Form I–100a in his possession which was last used by such passenger to enter the United States, as evidenced by the Service notation thereon. Unless it is not required to be surrendered by the departing alien, such form shall be surrendered by the passenger to the representative of the transportation company who shall note thereon by printing in ink, rubber stamp, or typewriter, the name of the port of embarkation, the date of departure therefrom, and the name of the vessel. The representative shall attach such form to, and make it a part of, the Form I–434 relating to the passenger whose form it is. If an alien has been permitted to pass through the United States under the provisions of section 238 (d) of the Immigration and Nationality Act, the notation "WOV–419" shall be entered in column 2 of Form I–434 opposite the name of the alien. Whenever a departing alien passenger does not surrender Form 257a, I–94C, I–95A, I–100a, or I–419a, the persons responsible for the delivery of the departure manifest shall cause to be executed as a part thereof an immigration Form I–424 for each such alien passenger; shall place the notation "I–424" in column 2 opposite the name of each

such passenger; and shall attach the Form I–424 to, and make it a part of, the department manifest.

(3) The term "Deportee" shall be noted in column 2 of Form I–434 opposite the name of each passenger who has been arrested within the United States and is being deported or who has been excluded from the United States and is being deported pursuant to such exclusion. Any Form 257a, I–94C, I–95A, or I–100a surrendered by or in behalf of such deportee, or in the absence of any such form, the Form I–424 prepared for such deportee, shall be conspicuously marked "Deportee".

(b) *Delivery.* Except as otherwise provided in this paragraph, Forms I–434 and I–435 and attached documents fully executed in accordance with this part and assembled in numerical order, shall be delivered to the immigration official at each port of embarkation in the United States prior to the departure of the vessel therefrom with respect to all passengers boarding the vessel at that port who are destined to a place outside the United States. If more than one Form I–434 or Form I–435 is used at a port of embarkation, the affidavit on the last numbered form only need be executed. Vessels making voyages to and from the United States at regular or periodic intervals according to a published schedule of which there is sufficient notice to all concerned may deliver the Form or Forms I–434 and I–435, together with the documents required to be attached, to the district director or officer in charge of the office having administrative jurisdiction over the respective ports of embarkation subsequent to the departure of the vessel therefrom but within such time as to be received by each such officer within 30 days following the departure of the vessel from its last port of embarkation in the United States on that voyage. Notwithstanding the foregoing exception, clearance shall not be granted to any vessel unless the Forms I–434 and I–435, and attached documents, are delivered prior to departure if the district director or officer in charge having administrative jurisdiction over the post of departure knows or has reason to believe that the vessel will not return to a port in the United States within 30 days of its departure from its last port of embarkation in the United States or that the Form or Forms I–434 and I–435 and attached documents will not be delivered so as to be received within the 30 day period herein provided.

(c) *Debarkation of passenger prior to departure for a foreign port.* In any case in which a passenger originally destined to a place outside the United States leaves the vessel either at the initial port of embarkation or at any other port of call in the United States and prior to the departure of the vessel from the United States, the persons responsible for the delivery of the departure manifest shall upon acquiring knowledge thereof notify the Service of such debarkation. If such knowledge is acquired prior to the departure of the vessel from the United States but subsequent to the delivery of the manifest covering such passenger, the notification shall be given by delivering to the immigration officials at the port where the vessel is then located prior to its departure, a supplemental Form I–434 if the debarking passenger is an alien, or a supplemental Form I–435, if the passenger is a citizen or national of the United States. The supplemental form shall contain the complete heading as on the original but only the information as to the passenger who debarked with a notation in the last column as to the date and port of such disembarkation. If knowledge of such disembarkation is acquired subsequent to the departure of the vessel from the United States and subsequent to the delivery of the manifest covering such passenger, the notification shall be given by wireless or radio to the district director or officer in charge having administrative jurisdiction over the port where such passenger initially embarked and, in addition, the supplemental form previously referred to herein shall be prepared and mailed promptly to such officer. If the departure manifest covering such passenger is not delivered prior to the departure of the vessel from the United States as provided in paragraph (c) of this section, the notification shall be made by striking out the name and information relating to such debarking passenger on the manifest on which it appears and by noting in the last column thereof the date and port of disembarkation in the United States. Any document surrendered by such passenger which is still in the possession of the transportation company shall be forwarded with the manifest.

(d) *Waiver in certain cases—(1) Through passengers.* As provided in § 231.22, the original copy of the arrival manifests covering through passengers shall be accepted in lieu of departure manifests required to be prepared by this section.

(2) *Cruise passengers.* The district director or officer in charge having administrative jurisdiction over the office in which is located the United States port of origin and termination of the voyage of cruise passengers may, on written request of the transportation company made in advance of the departure of the vessel waive the filing of Forms I–534 and I–435 and the other documents for cruise passengers on condition (i) that Forms I–415 and I–416 are delivered to the examining immigrant officer immediately upon the return of the vessel to the port in the United States from which the cruise started and prior to the debarkation of any passenger; and (ii) that a Form I–424 be executed and attached to the Form I–415 for each alien passenger who failed to return with the vessel to such port, indicating on such form the place where such alien left the vessel; and (iii) that a Form I–435 be executed and delivered, listing such citizen or national passengers who failed to return with the vessel to such port, indicating on such form the place where such passenger left the vessel.

§ 231.41 *Arrival manifests for aircraft—(a) General directions for preparation.* (1) Except as otherwise provided in this part, Form I–466 shall be used for manifesting passengers arriving in the United States by aircraft. If all of the passengers manifested on a single Form I–466 are destined to disembark at the same port in the United States, the name of such port of debarkation shall be shown in the heading of the form in the space provided, otherwise, the passengers shall be grouped according to their respective ports of debarkation in the United States, the name of the port of debarkation noted in the body of the form at the head of each group, and the heading for port of debarkation marked "Various". Members of a family embarking at the same port abroad and destined to disembark at the same port in the United States shall be listed consecutively within the group to which they belong. Any stowaway aboard shall be manifested on the last form prepared, and the notation "stowaway" shall be entered in the second column opposite the name of each stowaway.

(2) In the case of each alien passenger who does not have a Foreign Service Form 256 or 257 or an immigration Form I–100a, I–132, or I–419 the persons responsible for the delivery of the manifest shall prepare as a part thereof a set of immigration Forms I–94 and deliver them to such passenger for surrender by him to the United States immigration officer at the port where the passenger is to be examined for admission to the United States. Whenever a set of Forms I–94 is prepared for a passenger who has a nonimmigrant visa, the visa application number and letter shall be entered on all copies of the Form I–94 in the box entitled "Travel documents presented".

(3) In the case of each alien passenger who is in possession of a permit to reenter the United States (Form I–132) the persons responsible for the delivery of the manifest shall prepare as a part thereof a Form I–132C and deliver it to such passenger for surrender by him to the United States immigration officer at the port where the passenger is to be examined for admission to the United States.

(b) *Delivery.* (1) Immediately upon the arrival at the first port in the United States of an aircraft for which a passenger manifest is required to be delivered, three legible copies of such manifest fully executed as provided in this part covering all of the passengers on board, without regard to the port to which such passengers are ultimately destined, shall be delivered to the immigration officer who is to inspect the passengers at that port.

(2) If an arriving aircraft is to touch at more than one United States port, the inspection of all passengers shall, if practicable, be completed at the first port of arrival. If the inspection of all passengers at the first port of arrival is impracticable, the inspection of passengers destined to subsequent ports of arrival shall be deferred in the discretion of the examining immigration officer. In such event the manifest of those passengers not inspected at the first port of arrival shall be returned to the commander of the aircraft for presentation at the subsequent ports of arrival. The

procedure followed at the first port of arrival, as prescribed by this paragraph, shall also be followed at any subsequent ports of arrival.

§ 231.42 *Departure manifests for aircraft*—(a) *General directions for preparation.* (1) The name of the foreign port of debarkation shall be entered in the heading of the Form I–466 in the space provided therefor if all of the passengers who are manifested on a single Form I–466 are destined to disembark at the same foreign port, otherwise, the passengers shall be grouped according to their respective foreign ports of debarkation, the name of the port of debarkation noted in the body of the form at the head of each group, and the heading on the form for port of debarkation marked, "Various." Members of a family destined to the same port of debarkation shall be listed consecutively within the group to which they belong.

(2) Each alien passenger shall surrender to the representative of the transportation company any Foreign Service Form 257a, immigration Form I–94C, immigration Form I–95A, or immigration Form I–100a in his possession which was last used by such passenger to enter the United States as evidenced by the Service notation thereon, unless such form is not required to be surrendered. The representative of the transportation company shall note on each such surrendered form by printing in ink, rubber stamp or typewriter, the name of the port of embarkation in the United States, the date of departure therefrom, and the registration marks of the aircraft. The representative shall attach such form to, and make it a part of, the Form I–466 relating to such passenger. Whenever a departing alien passenger does not surrender Form 257a, I–94C, I–95A, I–100a, or I–419a, the persons responsible for the delivery of the departure manifest shall cause to be executed as a part thereof an immigration Form I–424 for each such alien passenger and shall attach the Form I–424 to the departure manifest.

(3) In the case of each alien passenger who has been arrested in the United States and is being deported from the United States or has been excluded from the United States and is being deported pursuant to such exclusion, any Form 257a, I–94C, I–95A, or I–100a surrendered by or in behalf of such deportee, or in the absence of any such form, the Form I–424 prepared for such deportee, shall be marked conspicuously "Deportee".

(b) *Delivery.* Except as otherwise specifically provided in this paragraph, Forms I–466 together with the documents required to be attached thereto, fully executed in accordance with the provisions of this part, shall be delivered prior to departure to the immigration officials at the port in the United States from which the aircraft will proceed to a place outside the United States. Manifest Form I–466 for aircraft making flights to and from the United States at regular or periodic intervals according to a published schedule of which there is sufficient notice to all concerned may be delivered together with the documents required to be attached thereto subsequent to the departure of the aircraft, but within such time as to be received by the immigration officer in charge of the port from which the aircraft proceeded to a foreign port within 4 days following the departure of such aircraft. Notwithstanding the foregoing exception, clearance shall not be granted any aircraft unless the Forms I–466 and attached documents are delivered prior to departure, if the district director or officer in charge having administrative jurisdiction over the port of departure knows or has reason to believe that the aircraft will not return to a port in the United States within 30 days of its departure or that the forms and documents attached will not be delivered so as to be received by him within the 4-day period herein provided.

(c) *Debarkation of passenger prior to departure for a foreign port.* In any case in which a passenger originally destined to a place outside the United States leaves the aircraft prior to its departure for a foreign port, the persons responsible for the delivery of the manifest shall upon acquiring knowledge thereof notify the Service of such debarkation. If such knowledge is acquired prior to the departure of the aircraft from the United States but subsequent to the delivery of the manifest, the notification shall be given by delivering, prior to the departure of the aircraft, a supplemental Form I–466 to the immigration official at the port from which the aircraft is to proceed to a foreign port. The supplemental form shall contain the complete heading as on the original but only the information as to the passenger who left the aircraft with a notation in column 2 as to the debarkation of the passenger prior to departure. If knowledge of such debarkation is acquired subsequent to the departure of the aircraft and subsequent to the delivery of the manifest, the notification shall be given by wireless or radio to the district director or officer in charge having administrative jurisdiction over the port from which the aircraft departed to a foreign port and the supplemental form previously referred to shall be prepared and mailed promptly to such officer via air mail. If the departure manifest is not delivered prior to the departure of the aircraft from the United States as provided in paragraph (b) of this section, the notification shall be made by striking out the name and information relating to such debarking passenger on the Form I–466 and by noting in the second column of that form the facts of such debarkation. Any document surrendered by such passenger which is in the possession of the transportation company shall be forwarded with the manifest.

PART 232—DETENTION OF ALIENS FOR OBSERVATION AND EXAMINATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
232.1 Definitions.
232.2 Authority to detain and designate place of detention of aliens for observation and examination.
232.3 Responsibility for safekeeping of aliens ordered removed from vessel or airport of arrival for observation and examination.
232.4 Place of detention.
232.5 Liability for detention expenses.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

232.11 Removal and detention of aliens.
232.51 Collection of detention expenses.
232.52 Reimbursement of transportation line for detention expenses in certain cases.

AUTHORITY: §§ 232.1 to 232.52 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 3, 63 Stat. 166, sec. 232, 66 Stat. 196, as amended; 8 U. S. C., Sup., 836.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 232.1 *Definitions.* For the purposes of this part the term "transportation line" means a vessel, aircraft, transportation line, transportation company, steamship company, or the master, commanding officer, authorized agent, owner, charterer, or consignee of a vessel or aircraft, and the term "alien" means any alien as defined by the Immigration and Nationality Act and any person applying for admission to the United States as a citizen or national of the United States.

§ 232.2 *Authority to detain and designate place of detention of aliens for observation and examination.* The authority to detain aliens and to designate the place of detention, if detention is required other than on board a vessel or at the airport of arrival, under the provisions of section 232 of the Immigration and Nationality Act may be exercised by the examining immigration officer, or by the district director or officer in charge having administrative jurisdiction over the port at which such aliens arrived.

§ 232.3 *Responsibility for safekeeping of aliens ordered removed from vessel or airport of arrival for observation and examination.* The responsibility for the safekeeping during the removal and subsequent detention of an alien (including an alien crewman), who has been ordered removed from a vessel or airport of arrival and detained pursuant to section 232 of the Immigration and Nationality Act and this part shall be upon the transportation line bringing the alien to the United States, except that such transportation line shall be relieved of that responsibility during such time as the alien is detained on premises owned or controlled by the United States.

§ 232.4 *Place of detention.* Any alien who is ordered removed or detained pursuant to section 232 of the Immigration and Nationality Act and this part shall, unless treatment in a hospital is necessary, be kept in custody in a facility operated by the Service if such a facility exists at the port of arrival or if at a nearby port there is such a facility which can be utilized. If no such facility is available such alien may, with the approval of the district director or officer in charge having administrative jurisdiction over the port of arrival, be detained at a place to be arranged for by the transportation line bringing him to the United States.

§ 232.5 *Liability for detention expenses.* In any case in which an alien (including alien crewman) is removed from a vessel or airport of arrival and detained for observation and examination under section 232 of the Immigration and Nationality Act and this part, the transportation line bringing such alien to the United States shall be responsible initially for the payment of detention expenses if the district director or officer in charge having administrative jurisdiction over the port of arrival has reason to believe from the facts presented that such detention expenses may properly be assessed against the transportation line. In any such case the transportation line, at the option of the district director or officer in charge, shall be required to obligate itself in a manner satisfactory to such officer for the payment of the expenses referred to herein, and may be required to make payment in advance, or deposit security, with respect to each alien so detained.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 232.11 *Removal and detention of aliens.* Whenever the district director, officer in charge or examining immigration officer, in his discretion, determines that an alien should be removed from a vessel or airport of arrival for detention elsewhere for the purpose of observation and examination, such officer shall serve or cause to be served on the transportation line bringing such alien to the United States a notice, on Form I–259, directing such removal. The notice shall specify the date and time the alien is to be removed, the place at which he is to be detained, and the reasons for the removal.

§ 232.51 *Collection of detention expenses.* In all cases in which the Government has initially paid the detention expenses and expenses incident thereto of an alien detained pursuant to section 232 of the Immigration and Nationality Act, bills pertaining to the detention expenses shall be presented monthly or oftener, at the option of the district director or officer in charge, to the responsible transportation line as soon as liability therefor is established to the satisfaction of the district director or officer in charge. Such expenses shall include, but shall not be limited to, expenses of maintenance, medical treatment in hospital or elsewhere, and burial in the event of death. At ports where the Service maintains hospitals, the hospital expenses shall be such as are fixed by the Service and at other hospitals they shall be such as are fixed by the authorities thereof.

§ 232.52 *Reimbursement of transportation line for detention expenses in certain cases.* A transportation line which has paid the detention expenses referred to in § 232.5 shall, upon presentation of itemized receipts, be reimbursed from the applicable appropriation of the Service if it is finally determined that the transportation line should not be assessed for the payment of such expenses. The reimbursement shall cover only reasonable amounts actually expended for such expenses, but the reimbursement for the cost of maintenance shall not, except in unusual circumstances and unless the expense was incurred with the prior approval of the district director or officer in charge having administrative jurisdiction over the port, exceed the maximum per diem allowance prescribed in section 836 of Title 5 of the United States Code in lieu of subsistence. No reimbursement shall be made for detention expenses incurred after the alien has been offered for deportation to the transportation line which brought him to the United States.

PART 233—TEMPORARY REMOVAL FOR EXAMINATION UPON ARRIVAL

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
233.1 Definitions.
233.2 Assumption of responsibility.
233.3 Expenses of removal; payment.
233.4 Burial expenses.
233.5 Liability for detention expenses.
233.6 Termination of Government liability for detention expenses.
233.7 Place of detention.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

233.31 Collection of removal expenses.
233.51 Collection of detention expenses.
233.52 Reimbursement of transportation line for detention expenses in certain cases.

AUTHORITY: §§ 233.1 to 233.52 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 1, 2, 46 Stat. 1467, as amended, 54 Stat. 858, sec. 3, 63 Stat. 166, as amended, secs. 233, 237, 66 Stat. 197, 201; 8 U. S. C. 109a–109c, 5 U. S. C., Sup., 836.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 233.1 *Definitions.* For the purposes of this part the term "transportation line" means a vessel, aircraft, transportation line, transportation company, steamship company, or the master, commanding officer, authorized agent, owner, charterer, or consignee of a vessel or aircraft, and the term "alien" means any alien as defined by the Immigration and Nationality Act and any person applying for admission to the United States as a citizen or national of the United States.

§ 233.2 *Assumption of responsibility.* Whenever a transportation line, in accordance with the provisions of section 233 (a) of the Immigration and Nationality Act and this part, desires to assume responsibility for the safekeeping of an alien during his removal to a designated place for examination and inspection, it shall submit a request therefor to the district director or officer in charge having administrative jurisdiction over the port of arrival. If the request is approved by the district director or officer in charge, the transportation line shall execute an agreement on Form I–259A, and the district director or officer in charge shall cause a notice to detain and remove, on Form I–259, to be served upon the transportation line. Such notice shall specify the date and time the alien is to be removed, the place to which such removal shall be made, and the reason therefor. If such agreement is executed, the removal of the alien shall not be made by an immigration officer.

§ 233.3 *Expenses of removal; payment.* Whenever an alien (including an alien crewman) is removed for examination and inspection by an immigration officer under section 233 (a) of the Immigration and Nationality Act and this part, the expenses of removal to be borne by the transportation line shall include payment for the salary of such officer for the time consumed in the removal, including travel time of the officer from and to the office at which he is stationed. The hourly rate of pay for such officer shall be based upon his gross annual salary. For the purposes of this section any fraction of an hour consumed in the removal of the alien shall be considered as a full hour. Any portion of such services which is performed after 5 p. m. or before 8 a. m., or on Sundays or holidays, shall be compensated for at the rate specified in the act of March 2, 1931, as amended by the act of August 22, 1940 (8 U. S. C. 109a–109c). The expenses to be borne by the transportation line shall also include, but shall not be limited to the costs of transportation of the officer and alien, meals, cost of matrons, nurses, attendants, guards, ambulances, and similar costs for any accompanying alien whose protection or guardianship is required if the alien being removed for inspection and examination is helpless by reason of sickness or mental or physical disability or infancy.

§ 233.4 *Burial expenses.* For the purposes of section 233 of the Immigration and Nationality Act the burial expenses referred to therein shall include the payment of an amount not exceeding $10.00 in any case for the services of a minister of any religious denomination.

§ 233.5 *Liability for detention expenses.* In any case in which an alien (including alien crewmen) is removed from a vessel or aircraft and detained for examination and inspection under section 233 or 237 of the Immigration and Nationality Act and this part, the transportation line bringing such alien to the United States shall be responsible initially for the payment of detention expenses if the district director or officer in charge having administrative jurisdiction over the port of arrival has reason to believe from the facts presented that such detention expenses may properly be assessed against the transportation line. In any such case the transportation line, at the option of the district director or officer in charge, shall be required to obligate itself in a manner satisfactory to such officer for the payment of the expenses referred to herein, and may be required to make payment in advance or deposit security, with respect to each alien so detained.

§ 233.6 *Termination of Government liability for detention expenses.* Any detention expenses and expenses incident thereto which are required to be borne by the Government under section 233 or 237 of the Immigration and Nationality Act shall continue to be borne by the Government until the alien is offered for deportation to the transportation line which brought him to the United States. Thereafter all detention expenses and expenses incident thereto shall be borne by such transportation line.

§ 233.7 *Place of detention.* Any alien who arrives in the United States by vessel or aircraft and who is ordered removed temporarily therefrom pending final decision as to his admissibility shall be detained at such appropriate place as shall be designated for that purpose by the district director or officer in charge having administrative jurisdiction over the port of arrival.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 233.31 *Collection of removal expenses.* Bills pertaining to removal expenses of an alien removed pursuant to section 233 of the Immigration and Nationality Act and this part shall be presented monthly or oftener, at the option of the district director or officer in charge, to the responsible transportation line.

§ 233.51 *Collection of detention expenses.* In all cases in which the Government has initially paid the detention expenses and expenses incident thereto and the deportation expenses of a detained alien, pursuant to section 233 or 237 of the Immigration and Nationality Act, bills pertaining to the detention and deportation expenses shall be presented monthly or oftener, at the option of the district director or officer in charge, to the responsible transportation line as soon as liability therefor is established to the satisfaction of the district director or officer in charge. Such expenses shall include, but shall not be limited to, expenses of maintenance, medical treatment in hospital or elsewhere, burial in the event of death and transfer to the vessel or aircraft in the event of deportation. At ports where the Service maintains hospitals, the hospital expenses shall be such as are fixed by the Service, and at other hospitals they shall be such as are fixed by the authorities thereof.

§ 233.52 *Reimbursement of transportation line for detention expenses in certain cases.* A transportation line which has paid the detention expenses referred to in § 233.5 shall, upon presentation of itemized receipts be reimbursed from the applicable appropriation of the Service if it is finally determined that the transportation line should not be assessed for the payment of such expenses. The reimbursement shall cover only reasonable amounts actually expended for such expenses, but the reimbursement for the cost of maintenance shall not, except in unusual circumstances and unless the expense was incurred with the prior approval of the district director or officer in charge having administrative jurisdiction over the port, exceed the maximum per diem allowance prescribed in section 836 of Title 5 of the United States Code in lieu of subsistence. No reimbursement shall be made for detention expenses incurred after the alien has been offered for deportation to the transportation line which brought him to the United States.

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
- 235.1 General qualifications and requirements for the admission of aliens.
- 235.2 Examination postponed.
- 235.3 Detention of aliens.
- 235.4 Admitted alien assisted.
- 235.5 Preexamination in certain parts of the United States; who may apply.
- 235.6 Pre-inspection in certain parts of the United States.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

- 235.11 Notice of referral to Special Inquiry Officer.
- 235.12 Referral of certain cases to district director or officer in charge.
- 235.13 Reading test.
- 235.14 Notation in passports.
- 235.15 Temporary exclusion.
- 235.51 Preexamination procedure.

AUTHORITY: §§ 235.1 to 235.51 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 212, 213, 221, 235, 236, 237, 242, 252, 66 Stat. 167, 184, 185, 186, 188, 191, 198, 200, 201, 208, 220.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 235.1 *General qualifications and requirements for the admission of aliens.* The following general qualifications and requirements shall be met by an alien seeking to enter the United States regardless of whether he seeks to enter for permanent, indefinite, or temporary stay, and regardless of the purpose for which he seeks to enter:

(a) The alien shall apply in person at a place designated as a port of entry for aliens.

(b) The alien shall apply for admission at a time when the immigration office at the port is open for the inspection of applicants for admission.

(c) The alien shall make his application in person to an immigration officer.

(d) The alien shall present whatever documents are required.

(e) The alien shall establish to the satisfaction of the immigration officer that he is not subject to exclusion under the immigration laws, Executive orders, or Presidential proclamations and that he is entitled under all of the applicable provisions of the immigration laws and this chapter to enter the United States.

§ 235.2 *Examination postponed—(a) Alien and members of family.* Whenever an alien upon arrival, or pending the determination of his right to admission to the United States, is found or believed to be suffering from a disability which in the opinion of the examining immigration officer or special inquiry officer renders it impracticable to proceed with the examination under the Immigration and Nationality Act, the facts shall be reported to the district director or officer in charge having administrative jurisdiction over the port of arrival who shall determine whether the examination should proceed or be postponed. If the examination is postponed and the testimony of such alien is required to determine the admissibility of members of his family, the determination of such cases may be postponed in the discretion of such district director or officer in charge until the examination of such alien becomes practicable. If such alien's testimony is not so required, and if the alien's admission is in no manner necessary to the financial support of the remaining family members and he appears to be eligible for admission provided he recovers from the disability or no disability is found to exist, the family members may be examined forthwith and, if found eligible for admission to the United States, admitted:

(1) upon the deposit of a sum of money (or transportation ticket and money) sufficient to defray the expenses of conveying the alien whose case is postponed to his final destination; and

(2) upon the deposit of a further sum of money (or transportation ticket and money) sufficient to cover the cost of the service and transportation of a proper attendant from the port of arrival to the point of destination or deportation and return, if it appears to the officer in charge that such attendant is or may be necessary for the proper care and attention of the alien.

(b) *Accompanying alien.* If it appears to the examining immigration officer that an alien not found to be admissible is likely to be certified by the examining medical officer as helpless from sickness or mental or physical disability or infancy, pursuant to section 237 (c) of the Immigration and Nationality Act, the examination of any accompanying alien, whose protection or guardianship will be required by the alien not found admissible, shall be postponed pending decision of the case of the alien likely to be excluded.

§ 235.3 *Detention of aliens.* All aliens (including alien crewmen) arriving at a port in the United States by vessel or aircraft shall be detained aboard the vessel or at the airport of arrival by the master, commanding officer, purser, person in charge, agent, owner, or consignee of such vessel or aircraft until admitted or otherwise permitted to land by an officer of the Service. Notice or order to so detain shall not be required.

§ 235.4 *Admitted alien assisted.* Notwithstanding admission, and for reasons satisfactory to the district director or officer in charge, when facilities are available, any alien may remain a few days at an immigration station upon payment of the actual cost of such maintenance. If in such a case the delay in leaving the immigration station is due to accident or other unavoidable circumstances and the alien is without sufficient means to defray the expenses incident thereto, the district director or the officer in charge, may in his discretion, authorize such expense, but in such event he shall report the case promptly to the Central Office with full reasons for his action and request that the authorization be ratified.

§ 235.5 *Preexamination in certain parts of the United States; who may apply.* When an office of the Service is located in Hawaii, Alaska, Guam, Puerto Rico, the Virgin Islands of the United States, or any outlying possession of the United States, a person (whether an alien or one claiming United States nationality) who is residing, and is entitled under the immigration laws to reside permanently, in any of the places enumerated herein, and who intends to apply for temporary or permanent admission to any other part of the United States or outlying possession of the United States, may appear before the district director or the officer in charge having administrative jurisdiction over such office for examination as to his admissibility to the United States.

§ 235.6 *Pre-inspection in certain parts of the United States.* In the case of any aircraft proceeding from Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States destined directly and without touching at a foreign port or place to any other of such places or to the continental United States, the examination required by the Immigration and Nationality Act of the passengers and crew may be made prior to the departure of the aircraft, and in such event, final determination of admissibility shall be made immediately prior to such departure. The examination shall be conducted in accordance with sections 235, 236, and 237 of the Immigration and Nationality Act and this part and Parts 236 and 237 of this chapter, except that if it appears to the examining immigration officer that any person in the United States being examined under this section is *prima facie* deportable from the United States, further action with respect to his examination shall be deferred and an application for a warrant of arrest shall be made and further proceedings conducted as provided in section 242 of the Immigration and Nationality Act and Part 242 of this chapter. When the inspection procedure described above is applied to any aircraft, persons examined and found admissible shall be placed aboard the aircraft, or kept at the airport separate and apart from the general public until they are permitted to board the aircraft. No other person shall be permitted to depart on such aircraft until and unless he is found to be admissible as provided in this section.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 235.11 *Notice of referral to Special Inquiry Officer.* If, in accordance with the provisions of section 235 (b) of the Immigration and Nationality Act, the examining immigration officer detains an alien for further inquiry before a special inquiry officer, he shall immediately sign and deliver to the alien a Notice To Alien Detained For Hearing By Special Inquiry Officer (Form I–122). If the alien is unable to read or understand the notice, it shall be read and explained to him by an employee of the Service, through an interpreter, if necessary, prior to such further inquiry.

§ 235.12 *Referral of certain cases to district director or officer in charge.* The immigration officer conducting the preliminary examination of an alien who is applying for admission to the United States for permanent residence and who is liable to be excluded because he is likely to become a public charge or because of a physical disability other than tuberculosis, leprosy, or a dangerous contagious disease, shall refer the question of the alien's admission to the district director or officer in charge having administrative jurisdiction over the place where the examination is being conducted. The district director or officer in charge may, in his discretion, admit the alien on primary inspection, if the alien is otherwise admissible, in accordance with Part 213 of this chapter. If the district director or officer in charge does not so admit the alien, the question of his admission shall be referred to a special inquiry officer, and the special inquiry officer may, in his discretion, admit the alien, if he is otherwise admissible, in accordance with the provisions of Part 213 of this chapter.

§ 235.13 *Reading test.* Aliens who are subject to the provisions of section 212 (a) (25) of the Immigration and Nationality Act shall demonstrate their ability to read and understand matter printed in plainly legible type and in a language or dialect designated by the alien at the time of examination. In applying the reading test immigration officers shall use the printed and numbered test slips supplied by the Service for that purpose, and a record shall be made upon the manifest or hearing record of the special inquiry officer showing both the class and serial number of the slip used in each case and the language or dialect designated by the applicant and actually used in the examination. No two aliens listed upon the same manifest sheet shall be examined at seaports by the use of the same slip. If the examining immigration officer is unable to speak and understand the language or dialect in which the alien is examined, the services of an interpreter shall be used for interpreting into spoken English the printed matter read by the alien. Whenever because of lack of the qualified interpreters necessary for the observance of the general method prescribed herein, or for any other reason, it is impracticable to adopt said general method, immigration officers may employ such other means as will clearly demonstrate the alien's ability, or lack of ability, to read and understand what he has read.

§ 235.14 *Notation in passports.* Whenever an alien admitted temporarily to the United States is issued a Form 257a or Form I–94C, the admitting officer shall, by means of a stamp, record on the passport presented by the alien the word "Admitted" and the date and place of admission. There shall be inscribed in the passport as a part of such notation the visa application number (including any letters that are part thereof) appearing on the form 257a, if such number does not appear in the passport visa, or the serial number (including any letters that are part thereof) of the Form I–94C. Whenever an alien is admitted permanently to the United States, the admitting immigration officer shall, by means of a stamp, record on any passport presented by the alien the word "Admitted," the date and place of admission, and the section of law under which the alien is admitted.

§ 235.15 *Temporary exclusion—(a) Report.* Any immigration officer who temporarily excludes an alien under the provisions of section 235 (c) of the Immigration and Nationality Act shall report such action promptly to the district director having administrative jurisdiction over the port at which such alien arrived. If the subject of the report is an alien who seeks to enter the United States other than under section 101 (a) (15) (D) of the Immigration and Nationality Act, the report shall be forwarded by the district director to the Commissioner and further action shall be taken thereon as provided in paragraph (c) of this section.

(b) *Action in cases of alien crewmen.* If the subject of the report is an alien crewman who seeks to land as a nonimmigrant pursuant to section 101 (a) (15) (D) of the Immigration and Nationality Act, the district director shall determine whether the crewman is inadmissible to the United States under paragraph (27), (28), or (29) of section 212 (a) of that Act. If the district director is satisfied that the crewman is excludable under any of such paragraphs on the basis of information of a confidential nature, the disclosure of which the district director, in the exercise of his discretion, concludes would be prejudicial to the public interest, safety, or security, he shall direct the examining immigration officer not to grant such crewman a conditional permit to land, and the reasons for taking such action shall not be disclosed to the crewman. Otherwise, the case shall be returned by the district director to an examining immigration officer to determine whether a conditional permit to land should be granted such crewman pursuant to section 252 of the Immigration and Nationality Act.

(c) *Action by Commissioner.* If the Commissioner is satisfied that the alien is inadmissible to the United States under paragraph (27), (28), or (29) of section 212 (a) of the Immigration and Nationality Act and if the Commissioner, in the exercise of his discretion, concludes that such inadmissibility is based on information of a confidential nature the disclosure of which would be prejudicial to the public interest, safety, or security, he may (1) deny any hearing or further hearing by a special inquiry officer and order such alien excluded and deported; or (2) enter such other order in the case as he deems appropriate. In any other case the Commissioner shall direct that the alien be given a hearing or further hearing before a special inquiry officer.

(d) *Finality of decision.* The decision of the district director or the Commissioner provided for in paragraphs (b) and (c) of this section respectively shall be final and no appeal may be taken therefrom. The decision of the Commissioner shall be in writing, signed by him and, unless it contains confidential matter, a copy shall be served on the alien. If the decision contains confidential matter, a separate order showing only the ultimate disposition of the case

shall be signed by the Commissioner and served on the alien.

(e) *Hearing by special inquiry officer.* In any case in which the Commissioner directs that an alien temporarily excluded be given a hearing or further hearing before a special inquiry officer, such hearing and all further proceedings in the case shall be conducted in accordance with the provisions of section 236 and other applicable sections of the Immigration and Nationality Act to the same extent as though the alien had been referred to a special inquiry officer by the examining immigration officer; except, that if confidential information, not previously considered in the case, is adduced supporting the exclusion of the alien under paragraph (27), (28), or (29) of section 212 (a) of the Immigration and Nationality Act, the disclosure of which, in the discretion of the special inquiry officer, may be prejudicial to the public interest, safety, or security, the special inquiry officer may again temporarily exclude the alien under the authority of section 235 (c) of the Immigration and Nationality Act and further action shall be taken as provided in this section.

§ 235.51 *Preexamination procedure—*(a) *Action by district director or officer in charge—*(1) *Applicant eligible for permanent residence.* The district director or officer in charge shall cause such investigation of the applicant to be conducted as he deems necessary. If such officer is satisfied (i) that the person is eligible to apply under § 235.5; (ii) that any claim to United States nationality has been established; and (iii) that the person is clearly and beyond a doubt admissible for permanent residence without a visa and passport to the place to which destined, he shall cause to be prepared and issued to such person a Form I–94F and shall note on the reverse side thereof the place and date of the preexamination and the words "Issued under 8 CFR 235.5" followed by the signature of the issuing officer in the space provided. The names and ages of children under 14 may be included in the Form I–94F prepared for an accompanying parent or guardian.

(2) *Applicant eligible for temporary admission only.* The district director or officer in charge shall cause such investigation of the applicant to be conducted as he deems necessary. If the applicant is within the purview of the proviso to section 212 (d) (7) of the Immigration and Nationality Act and is eligible under said Act for temporary admission only, without a visa and passport, the district director or officer in charge shall cause to be prepared and issued to the applicant a complete set of Forms I–94 if he is satisfied that the applicant is clearly and beyond a doubt admissible to the place to which destined. The Forms I–94 shall be noted as provided above for the Form I–94F. The names and ages of children under 14 may be included in the Forms I–94 prepared for an accompanying parent or guardian.

(b) *Action at port of arrival.* If the person to whom a Form I–94 has been issued in accordance with paragraph (a) of this section applies for admission within 30 days of the notation of the preexamining officer and there has been no subsequent change in the person's immigration status, he may be admitted upon identification. Upon admission, the form or forms presented shall be surrendered as provided in § 221.3 of this chapter. If, notwithstanding the determination made on preexamination, the examining immigration officer at the port of entry is not satisfied of the person's admissibility, further action shall be taken as provided in sections 235, 236, and 237 of the Immigration and Nationality Act, this part, and Parts 236 and 237 of this chapter, unless it appears to such examining immigration officer that such person would be *prima-facie* deportable under the Immigration and Nationality Act from that part of the United States or possession of the United States from which he came, in which event an application for a warrant of arrest shall be made, and further proceedings conducted, as provided in Part 242 of this chapter. In such case further action on the application for admission shall be deferred pending disposition of the proceedings under Part 242 of this chapter.

(c) *Aliens not eligible.* If the district director or officer in charge is not satisfied that the alien is eligible for temporary or permanent admission under this section he shall not issue a Form I–94. No appeal shall lie from the decision of the district director or officer in charge refusing issuance of a Form I–94 under this part but such refusal shall be without prejudice to a subsequent application for admission at the place of intended destination.

PART 236—EXCLUSION OF ALIENS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
236.1 Authority of special inquiry officers.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

236.11 Conduct of hearing.
236.12 Decision of special inquiry officer.
236.13 Advice to alien found excludable.
236.14 Finality of decision.
236.15 Appeal by alien.
236.16 Appeal by district director or officer in charge.
236.17 Fingerprinting of excluded aliens; photographs.

AUTHORITY: §§ 236.1 to 236.17 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 212, 221, 235, 236, 263, 66 Stat. 183, 191, 198, 200, 224.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 236.1 *Authority of special inquiry officers.* Subject to any specific limitation prescribed by this chapter and by the Immigration and Nationality Act, special inquiry officers shall, in determining cases referred to them for further inquiry as provided in section 235 of the Immigration and Nationality Act, exercise such discretion and authority conferred upon the Attorney General by said Act as is appropriate and necessary for the disposition of such cases.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 236.11 *Conduct of hearing—*(a) *General provisions; duties of special inquiry officers.* At the commencement of the hearing the special inquiry officer shall enter of record as an exhibit in the case a copy of the Form I–122 previously delivered to the alien by the examining immigration officer as provided in Part 235 of this chapter. The special inquiry officer shall rule upon objections, introduce material and relevant evidence in behalf of the Government and the alien, and otherwise regulate the course of the hearing, and exercise such other powers and authority as are conferred upon him by the Immigration and Nationality Act and this chapter. If the alien has a relative or a friend present at the hearing who is a witness in the case, the testimony of the relative or friend shall be completed before he is permitted to remain at the hearing, unless, in the discretion of the special inquiry officer, his presence before testifying will not be prejudicial to a proper determination of the case. During the course of the hearing the alien's attorney or representative shall be permitted to examine the alien and he, or the alien, shall be permitted to examine any witnesses offered in the alien's behalf, to cross-examine any witnesses called by the Government, to offer evidence material and relevant to any matter in issue, and to make objections which shall be stated succinctly and entered on the record. Argument in support of objections and any irrelevant material or unduly repetitious matter shall be excluded from the record. If the alien is not represented by an attorney or representative, the special inquiry officer shall advise the alien of his rights, as described in this section, and shall assist the alien in the presentation of his case to the end that all of the material and relevant facts may be adduced.

(b) *Development of facts relating to penalties incurred by transportation company.* In all cases in which there is reason to believe that any administrative fine prescribed may have been incurred, the special inquiry officer shall develop in the course of the hearing all facts and circumstances material to a determination of liability to such fine.

(c) *Medical examiner as witness.* Whenever the certificate of an examining surgeon does not adequately describe the nature, character, and extent of the physical defect, disease, or disability which may affect the ability of the alien to earn a living and the alien has not affirmatively established that he will not have to earn a living, the special inquiry officer shall call the examining surgeon as a witness and interrogate him fully as to the particular nature, character, and extent of the defect, disease, or disability. Such testimony shall be made a part of the record.

(d) *Record in illiteracy cases.* In all cases in which the reading test is applied and aliens are rejected as unable to read and understand, the record shall, in addition to the number of the reading card used, clearly set forth (1) that the alien designated the particular language used in the test, (2) the complete English text appearing on the card, (3) a definite finding by the special inquiry officer as to the degree to which the alien failed to read and understand, and (4) if the alien claims to be within any class exempted from the test, a definite finding by the special inquiry officer as to the validity of such claim.

§ 236.12 *Decision of special inquiry officer.* Whenever an alien is excluded by a special inquiry officer he shall be advised of the decision of such officer and the reasons therefor and, if the alien is entitled to appeal to the Board, he shall be so advised. If at the conclusion of the hearing the special inquiry officer admits the alien, he shall so state for the record and, if no appeal is taken from such decision, the special inquiry officer shall take further action as provided in Part 221 of this chapter with respect to notation and disposition of documents.

§ 236.13 *Advice to alien found excludable—*(a) *Return voyage.* An excluded alien shall be informed of the provisions of section 237 (a) of the Immigration and Nationality Act relating to the transportation expenses of his deportation from the United States, and to the class of travel in connection therewith. If the alien is entitled to refund of passage money he shall be so informed.

(b) *Permission to reapply.* The special inquiry officer excluding an alien shall advise him of the provisions of the Immigration and Nationality Act and of this chapter relating to the necessity of obtaining permission to reapply for admission to the United States should he desire to reapply within one year from his deportation under the excluding decision. The fact that such advice has been given to the alien of that notification shall be noted in the record together with the alien's foreign address. In cases in which the alien is excluded for causes which can readily be removed or overcome, he may be advised by the special inquiry officer that the application for permission to reapply for admission may then and there be made. If the alien does not appeal from the excluding decision and desires to make such application, the special inquiry officer may, in his discretion grant him permission to reapply for admission. Written notification of such permission shall be furnished to the alien for his use in subsequent proceedings. If the application for permission to reapply is denied by the special inquiry officer no appeal shall lie from such denial, but it shall be without prejudice to any further application made by the applicant pursuant to § 212.6 of this chapter. If an appeal is taken from a decision of the special inquiry officer as provided in section 236 (b) of the Immigration and Nationality Act, the decision on appeal, if adverse to the alien, may grant him permission to reapply for admission within one year.

(c) *Alien certified for mental condition; right of medical appeal.* An alien certified under paragraphs (1), (2), (3), (4), or (5) of section 212 (a) of the Immigration and Nationality Act shall be advised of his right to appeal to a board of medical officers of the United States Public Health Service, and of his right to produce before such board one expert medical witness at the alien's own cost and expense. In the event the alien desires to appeal to such medical board, the district director or officer in charge having administrative jurisdiction over the office in which the proceedings are pending shall, in conformity with regulations prescribed by the United States Public Health Service, make such arrangements with the office of the Surgeon General as may be necessary for the convening of such medical board.

(d) *Notice of possible appeal by officer in charge.* In any case falling within the purview of § 236.16 in which the decision of the special inquiry officer is to admit the alien, the special inquiry officer shall advise the alien at the conclusion of the hearing that the decision is not final and is subject to possible appeal by the district director or officer in charge having administrative jurisdiction over the office in which the hearing was conducted, and that such appeal may be taken within a period of 5 days after a transcript of the record is made available to such district director or officer in charge.

(e) *Contents of record.* The exact language employed in conveying information to an alien in accordance with this section, and the alien's replies or acknowledging statements, shall be made a part of the record in the case.

§ 236.14 *Finality of decision.* The decision of the special inquiry officer shall be final except when:

(a) The case has been certified to the Assistant Commissioner, Inspections and Examinations Division, as provided in § 7.1 (b) of this chapter, or certified to the Board as provided in § 6.1 (c) of this chapter; or

(b) The alien takes an appeal as provided in § 236.15; or

(c) The district director or officer in charge takes an appeal as provided in § 236.16.

§ 236.15 *Appeal by alien.* If an alien desires to take an appeal from a decision of a special inquiry officer he shall be required to state for the record immediately following the decision of the special inquiry officer (a) whether or not he takes an appeal from the decision and, (b) whether or not he desires to file a brief in support of his appeal. If the alien desires to appeal, he shall thereupon be required to submit a completed Form I–290A. If the alien desires to file a brief, he shall be allowed 5 days from the date of the decision within which to submit his brief to the district director or officer in charge having administrative jurisdiction over the office in which the proceeding was conducted. Upon good cause shown, such district director or officer in charge, or the special inquiry officer who presided at the hearing, or the Board may, in their discretion, extend the time within which the brief may be submitted. In any case in which the alien has stated that he desires to submit a brief, he may, within the period allowed for the submission of such brief, file with the district director or officer in charge a written waiver thereof.

§ 236.16 *Appeal by district director or officer in charge.* The district director or officer in charge having administrative jurisdiction over the office in which the hearing was conducted may require any case or classes of cases to be referred to him for review in which the decision of the special inquiry officer is to admit the alien. The district director or officer in charge shall, within 5 days after receipt of the transcript of the record in any such case, determine whether or not he desires to appeal to the Board. If an appeal is taken by the district director or officer in charge, written notice thereof shall be delivered to the alien and the alien shall be advised that he may make such representations to the Board as he may desire, including the filing of a brief. If the alien desires to file a brief, he shall be allowed 5 days from receipt of notification of appeal within which to file a brief with the district director or officer in charge for transmittal to the Board with the record in the case. The filing of such brief may be waived by the alien. For good cause shown, such district director, officer in charge, or the special inquiry officer who presided at the hearing, or the Board, may in their discretion, extend the time within which the brief may be submitted.

§ 236.17 *Fingerprinting of excluded aliens; photographs.* Every alien 14 years of age or older who is excluded from admission to the United States by a special inquiry officer shall be fingerprinted, unless during the preceding year he has been fingerprinted at an American consular office. Any alien so excluded, regardless of his age, shall be photographed if a photograph is required by the district director or officer in charge having administrative jurisdiction over the office in which the proceeding was conducted.

PART 237—DEPORTATION OF EXCLUDED ALIENS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
237.1 Stay of deportation of excluded alien.
237.2 Cost of maintenance not assessed.
237.3 Imposition of penalty.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

237.11 Request for stay of deportation; detention expenses.
237.12 Notice to transportation line of alien's exclusion.
237.13 Notice to district director of proposed departure.
237.14 Aliens rejected at ports outside the United States.
237.15 Excluded aliens requiring special care and attention.
237.21 Submission of proof by transportation line.

AUTHORITY: §§ 237.1 to 237.21 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 233, 237, 238, 243, 280, 66 Stat. 197, 201, 202, 214, 230.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 237.1 *Stay of deportation of excluded alien.* The immediate deportation of an excluded alien as provided in section 237 (a) of the Immigration and Nationality Act may be stayed in the discretion of district directors, upon a determination that immediate deportation is not practicable or proper, or that the alien's testimony is necessary in behalf of the United States as provided in section 237 (d) of that Act.

§ 237.2 *Cost of maintenance not assessed.* Whenever the owner or owners of a vessel or aircraft, in order to exempt the transportation line from liability for the cost of the alien's maintenance, seek to establish that the ground of exclusion could not have been ascertained by the exercise of due diligence prior to the alien's embarkation as provided in section 237 (a) (2) (B) of the Immigration and Nationality Act, such claim shall be established to the satisfaction of the district director having administrative jurisdiction over the port of arrival. No appeal shall lie from a decision adverse to such claim.

§ 237.3 *Imposition of penalty.* Penalties for violation of sections 233 and 237 of the Immigration and Nationality Act shall be imposed in accordance with the provisions of Part 280 of this chapter. A bond or undertaking submitted to obtain clearance as provided in section 237 (b) of that Act shall be on Form I–310.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 237.11 *Request for stay of deportation; detention expenses.* A stay of deportation may be authorized by the district director having administrative jurisdiction over the place where the alien is located on his own instance, or upon a written request of the alien filed with the district director setting forth under oath the reasons for requesting such stay. The district director may, in his discretion, grant or deny the alien's request. No appeal shall lie from a denial of a request for a stay. In case the alien is detained, whether at the expense of the Government or the transportation line, the request of the alien for a stay shall not be granted unless sufficient cash is deposited to defray the cost of his continued detention and expenses incident thereto for the period of time deportation is requested to be stayed, or, in lieu of cash, a bond acceptable to the district director is given guaranteeing the payment of all such expenses. In any case in which a stay is granted under section 237 (d) of the Immigration and Nationality Act and the alien is detained by the Service, the district director may, in his discretion, authorize the alien's release under bond on Form I–324 as provided in section 237 (d) of that Act and under such terms and conditions as the district director may, in his discretion, prescribe.

§ 237.12 *Notice to transportation line of alien's exclusion.* Whenever it is determined that an alien shall be excluded and deported the alien shall, immediately or as promptly as the circumstances permit, be offered for deportation to the master, commanding officer, purser, person in charge, agent, owner or consignee of the vessel or aircraft by which the alien is to be deported, as determined by the district director, with a notice specifying the cause of exclusion and the class of travel in which such alien arrived and in which the alien is to be deported.

§ 237.13 *Notice to district director of proposed departure.* At least 24 hours' notice of the time of sailing of every vessel which has brought aliens to the United States shall be given to the district director or officer in charge having administrative jurisdiction over the port at which such vessel arrived: *Provided*, That such district director or officer in charge may, in his discretion, accept notice that is given less than 24 hours in advance of sailing whenever it appears to such officer that it was impossible or impracticable for the transportation line to furnish such information earlier.

§ 237.14 *Aliens rejected at ports outside the United States.* Any alien destined to the United States, who has been brought to a port in foreign contiguous territory or adjacent islands by a transportation line signatory to a contract made pursuant to section 238 (a) of the Immigration and Nationality Act, and who is there excluded from admission to the United States, shall be returned to the country whence he came by the transportation line bringing him unless, upon examination by officials of such territory or island, such alien is admitted to such territory or island.

§ 237.15 *Excluded aliens requiring special care and attention.* The provisions of § 243.11 of this chapter shall apply to the deportation of aliens under this part.

§ 237.21 *Submission of proof by transportation line.* A transportation line claiming exemption from liability for the cost of the alien's maintenance in accordance with the provisions of § 237.2 shall be afforded a reasonable period of time, as determined by the district director, within which to submit to the district director affidavits and briefs in support of its claim.

PART 238—ENTRY THROUGH OR FROM FOREIGN CONTIGUOUS TERRITORY AND ADJACENT ISLANDS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
238.1 Inspection outside the United States.
238.2 Contracts with transportation lines.
238.3 Contracts and bonding agreement for certain transit aliens.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

238.11 Preexamination outside the United States.

AUTHORITY: §§ 238.1 to 238.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 221, 235, 236, 237, 238, 66 Stat. 192, 198, 200, 201, 202.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 238.1 *Inspection outside the United States.* All inspections and medical examinations which may be conducted in foreign contiguous territory or adjacent islands under the provisions of section 238 of the Immigration and Nationality Act, shall be in all respects similar to those conducted at ports of entry in the United States, and officials of the United States making the inspections and examinations required under the immigration laws of the United States shall be provided with all necessary facilities.

§ 238.2 *Contracts with transportation lines.* The contracts with transportation lines including bonding agreements, referred to in section 238 of the Immigration and Nationality Act, shall be made by the Commissioner in behalf of the government, and shall be in such form as the Commissioner shall prescribe.

§ 238.3 *Contracts and bonding agreement for certain transit aliens.* Transportation lines desiring to bring to the United States aliens in direct and continuous transit through the United States en route to foreign destinations in accordance with the provisions of section 238 (d) of the Immigration and Nationality Act shall apply to the Commissioner for the privilege of entering into a contract, including a bonding agreement. Such contract, if agreed to by the Commissioner shall be on Form I–426 or I–426A in duplicate, whichever the Commissioner deems appropriate, and shall require the transportation line to furnish a bond on Form I–318 or I–318A, as designated by the Commissioner, containing such terms and conditions as the Commissioner shall require and guaranteeing that any aliens permitted to pass through the United States pursuant to the agreement will proceed and depart in accordance with the terms and conditions of the agreement.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 238.11 *Preexamination outside the United States*—(a) *Who may apply.* Subject to the limitations hereinafter provided, whenever officers of the Service are stationed in foreign contiguous territory or adjacent islands, persons (whether citizens or nationals of the United States or aliens) who intend to apply for admission to the United States may appear before such officer to be preexamined as to their admissibility to the United States. Persons required by the Immigration and Nationality Act and this chapter to be in possession of a permit to enter or a passport shall not be preexamined unless such permit to enter or passport is presented.

(b) *Preparation of Form I–94.* A full set of Forms I–94 shall be prepared by an immigration officer for an alien presenting himself for preexamination if such set of forms would be required to be prepared under the provisions of § 221.3 of this chapter were the alien applying at a port of entry for admission to the United States. If a full set of Forms I–94 would not be so required and if the applicant is an alien not in possession of a permit to enter, or if the applicant is a citizen or a national of the United States, the immigration officer shall prepare a Form I–94F for the applicant. The names and ages of children under 14 years of age may be included in the Form I–94 prepared for an accompanying parent or guardian.

(c) *Procedure when applicant is found to be admissible.* If the examining officer determines that the applicant being preexamined is admissible to the United States he shall note that determination on the Form I–94E, I–94F, I–132, 256a or 257d prepared for or presented by the applicant, and return the form (attached to any other pertinent immigration documents) to the applicant for presentation and surrender at the actual

port of entry in the United States. If the applicant applies for admission to the United States at a port of entry in the United States within 30 days from the finding of admissibility by the notation of the preexamining officer and there has been no subsequent change in the applicant's immigration status, the applicant may be admitted upon identification, provided he presents valid, unexpired documents as required by the Immigration and Nationality Act and this chapter in the case of a person applying for admission without having been preexamined. The port of entry into the United States shall be the "record" port of entry for all purposes. If notwithstanding the determination on preexamination, the examining immigration officer at the port of entry is not satisfied that the applicant is admissible, further action shall be taken as provided in sections 235, 236, and 237 of the Immigration and Nationality Act and Parts 235, 236, and 237 of this chapter to the same extent as though the alien had not been preexamined.

(d) *Procedure when applicant is not found to be admissible.* If the examining immigration officer is not satisfied that the applicant being preexamined is admissible to the United States, further action shall be taken as provided in sections 235, 236, and 237 of the Immigration and Nationality Act and Parts 235, 236, and 237 of this chapter to the same extent as though the applicant were applying for admission at a port of entry, except that if the applicant is found to be admissible by a special inquiry officer or on appeal, the provisions of paragraph (c) of this section shall govern the further disposition of the case.

PART 239—SPECIAL PROVISIONS RELATING TO AIRCRAFT; DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARRIVING BY CIVIL AIRCRAFT

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
239.1 Definitions.
239.2 Landing requirements.
239.3 Aircraft; how considered.
239.4 International airports for entry of aliens.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 239.1 to 239.4 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 231, 239, 66 Stat. 195, 203.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 239.1 *Definitions.* As used in this part, the term "scheduled airline" means any individual, partnership, corporation, or association engaged in air transportation upon regular schedules to, over, or away from the United States, or from one place to another in the United States, and holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity issued pursuant to the Civil Aeronautics Act of 1938.

§ 239.2 *Landing requirements*—(a) *Place of landing.* Aircraft carrying passengers or crew required to be inspected Act shall land at the international airports enumerated in § 231.7 of this chapter unless permission to land elsewhere shall first be obtained from the Commissioner of Customs in the case of aircraft operated by scheduled airlines, and in all other cases from the Collector of Customs or other Customs officer having jurisdiction over the airport of entry nearest the intended place of landing. Whenever such permission is granted, the owner, operator, or person in charge of the aircraft shall pay any additional expenses incurred in inspecting passengers or crew on board such aircraft, except that when permission is granted to a scheduled airline to land an aircraft operating on a schedule no inspection charge shall be made for overtime service performed by immigration officers if the aircraft arrives substantially in accordance with schedules on file with the Service.

(b) *Advance notice of arrival.* Aircraft carrying passengers or crew required to be inspected under the Immigration and Nationality Act, except aircraft of a scheduled airline arriving in accordance with the regular schedule filed with the Service at the place of landing, shall not land unless notice of the intended flight has been furnished to the immigration officers at or nearest the intended place of landing. Such notice shall specify the type of aircraft, the registration marks thereon, the name of the aircraft commander, the place of last departure, the airport of entry, or other place at which landing has been authorized, number of alien passengers, number of citizen passengers, and the estimated time of arrival. The notice shall be sent in sufficient time to enable the officers designated to inspect the aircraft to reach the airport of entry or such other place of landing prior to the arrival of the aircraft.

(c) *Permission to discharge or depart.* Aircraft carrying passengers or crew required to be inspected under the Immigration and Nationality Act shall not discharge or permit to depart any passenger or crewman without permission from an immigration officer.

(d) *Emergency or forced landing.* Should any aircraft carrying passengers or crew required to be inspected under the Immigration and Nationality Act make a forced landing in the United States, the commanding officer or person in command shall not allow any passenger or crewman thereon to depart from the landing place without permission of an immigration officer, unless such departure is necessary for purposes of safety or the preservation of life or property. As soon as practicable, the commanding officer or person in command, or the owner of the aircraft, shall communicate with the nearest immigration officer and make a full report of the circumstances of the flight and of the emergency or forced landing.

§ 239.3 *Aircraft; how considered.* Except as otherwise specifically provided in the Immigration and Nationality Act and this chapter, aircraft arriving in or departing from the continental United States or Alaska directly from or to foreign contiguous territory or the French islands of St. Pierre or Miquelon shall be regarded for the purposes of the Immigration and Nationality Act and this chapter as other transportation lines or companies arriving or departing over the land borders of the United States.

§ 239.4 *International airports for entry of aliens.* International airports for the entry of aliens shall be those airports designated as such by the Commissioner. An application for designation of an airport as an international airport for the entry of aliens shall be made to the Commissioner and shall state whether the airport (a) has been approved by the Secretary of Commerce as a properly equipped airport, (b) has been designated by the Secretary of the Treasury as a port of entry for aircraft arriving in the United States from any place outside thereof and for the merchandise carried thereon, and (c) has been designated by the Federal Security Administrator as a place for quarantine inspection. An airport shall not be so designated by the Commissioner without such prior approval and designation, and unless it appears to the satisfaction of the Commissioner that conditions render such designation necessary or advisable, and unless adequate facilities have been or will be provided at such airport without cost to the Federal Government for the proper inspection and disposition of aliens, including office space and such temporary detention quarters as may be found necessary. The designation of an airport as an international airport for the entry of aliens may be withdrawn whenever, in the judgment of the Commissioner, there appears just cause for such action.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 242—ALIENS: APPREHENSION, CUSTODY AND DETERMINATION OF DEPORTABILITY

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
242.1 Warrant of arrest.
242.2 Detention or release of aliens from custody.
242.3 Release.
242.4 Voluntary departure prior to commencement of hearing; authority.
242.5 Hearing.
242.6 Authority of special inquiry officers.
242.7 Reinstatement of prior order of deportation; authority.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

242.11 Investigations.
242.12 Applications for warrants of arrest.
242.13 Issuance of warrants of arrest.
242.14 Execution of warrants of arrest.
242.21 Report to district director of continued detention.
242.31 Release prior to entry of order of deportation; conditions.
242.32 Release after order of deportation; conditions.
242.33 Warning of penal provision.
242.34 Institution cases.
242.35 Cost of maintenance pending deportation.
242.41 Voluntary departure prior to commencement of hearing; procedure.
242.42 Revocation of grant of voluntary departure.
242.51 Hearing; time for.
242.52 Notice of hearing.
242.53 Conduct of hearing.
242.54 Contents of record; evidence.

Sec.
242.61 Decision of special inquiry officer.
242.71 Apprehension of alien.
242.72 Release from custody.
242.73 Conduct of hearing; decision; finality of order.
242.74 Relief from deportation.
242.75 Scope of hearing.
242.76 Scope of decision.
242.77 Appeal.

AUTHORITY: §§ 242.1 to 242.77 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 242, 244, 287, 292, 66 Stat. 208, 214, 233, 235.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 242.1 *Warrant of arrest*—(a) *Issuance.* Subject to the limitations provided in this part, district directors, district enforcement officers, district officers and the assistant district officers who are in charge of investigations, and officers in charge of suboffices may issue warrants of arrest.

(b) *Cancellation; termination of proceedings.* In any case in which a warrant of arrest has been issued by any of the officers described in paragraph (a) of this section, the district director having administrative jurisdiction over the case may (1) cancel the warrant of arrest if it has not been served, or (2) prior to the actual commencement of the hearing under a served warrant of arrest, terminate proceedings thereunder, if in either case, he is satisfied clearly and beyond a doubt on the evidence then before him that the alleged alien is actually a national of the United States, or is not deportable under the immigration laws, or is deceased, or has departed from the United States subsequent to the issuance of the warrant of arrest.

§ 242.2 *Detention or release of aliens from custody.* District directors, district enforcement officers, or officers in charge may exercise the authority contained in section 242 of the Immigration and Nationality Act to continue in, detain in, or release aliens from, custody.

§ 242.3 *Release*—(a) *Prior to final order.* Except as provided in § 242.72, pending final determination of deportability, an alien taken into or continued in custody under a warrant of arrest in a deportation proceeding may be detained, released under bond on Form I–353, or released on conditional parole, in the discretion of the district director, the district enforcement officer, or the officer in charge having administrative jurisdiction over the place where the alien is detained. Such bond or parole may be revoked at any time in the discretion of any of such officers.

(b) *After final order of deportation; within six months' period*—(1) *Alien detained.* Except as provided in § 242.72, at any time during the period of six months immediately following the date of the making of the final order of deportation as determined under section 242 (c) of the Immigration and Nationality Act, the alien, if then in custody of the Service, may be released under bond on Form I–353, or on conditional parole, in the discretion of the district director, district enforcement officer, or officer in charge having administrative jurisdiction over the place where the alien is detained. Such bond or parole may be revoked at any time in the discretion of any of such officers.

(2) *Alien previously released under bond.* During the period of 6 months following the date of the making of a final order of deportation as determined under section 242 (c) of the Immigration and Nationality Act, in the discretion of the district director, district enforcement officer, or officer in charge having administrative jurisdiction over the office which authorized the alien's release, an alien previously released under bond pending final determination of deportability pursuant to paragraph (a) of this section may be (i) continued at liberty under such bond, (ii) continued at liberty under such bond but with such other or additional conditions as then are deemed appropriate, (iii) continued at liberty under conditional parole in lieu of bond, in which event the outstanding bond shall be revoked and canceled, or (iv) taken into physical custody and detained, in which event, unless a breach has occurred, the outstanding bond shall be revoked and canceled.

(3) *Alien previously released on conditional parole.* During the period of six months following the date of the making of a final order of deportation as determined under section 242 (c) of the Immigration and Nationality Act, in the discretion of the district director, district enforcement officer, or officer in charge having administrative jurisdiction over the office which authorized the alien's release, an alien previously released on conditional parole pending final determination of deportability pursuant to paragraph (a) of this section may be (i) continued at liberty under such parole, (ii) continued at liberty under such parole but with such other or additional terms as then are deemed appropriate, (iii) continued at liberty under bond in lieu of conditional parole, in which event the outstanding conditional parole order shall be revoked and canceled, or (iv) taken into physical custody and detained, in which event the outstanding conditional parole order shall be revoked and canceled.

(c) *Release; supervision after six month's period has expired; warning of penal provisions.* An alien against whom an order of deportation has been outstanding for more than six months shall, pending deportation, be placed under supervision by the district director, district enforcement officer, or officer in charge having administrative jurisdiction over the office in which the detention or release of such alien was authorized. An alien placed under supervision pursuant to this paragraph shall be advised of the penal provisions of section 242 (d) of the Immigration and Nationality Act. Aliens placed under such supervision shall, among other things, be required to:

(1) Appear from time to time at specified times or intervals before an officer of the Service for identification;

(2) Submit, if necessary, to medical and psychiatric examination at government expense;

(3) Give information under oath as to his nationality, circumstances, habits, associations and activities, and other information whether or not related to the foregoing as may be deemed fit and proper; and

(4) Conform to such reasonable written restrictions on his conduct or activities as may be prescribed.

§ 242.4 *Voluntary departure prior to commencement of hearing; authority.* Subject to the limitations contained in § 242.41, the authority contained in section 242 (b) of the Immigration and Nationality Act to permit aliens to depart voluntarily from the United States may be exercised by district directors and officers in charge.

§ 242.5 *Hearing.* The person against whom a warrant of arrest has been issued and upon whom it has been served shall be referred to as the respondent. The proceedings before a special inquiry officer under section 242 (b) of the Immigration and Nationality Act shall be termed a hearing.

§ 242.6 *Authority of special inquiry officers.* In determining cases submitted for hearing, special inquiry officers shall exercise the authority contained in section 242 (b) of the Immigration and Nationality Act to order deportation, and the authority contained in section 244 of the Immigration and Nationality Act to suspend deportation and to authorize voluntary departure, subject to the limitations contained in this part and in Parts 6 and 7 of this chapter.

§ 242.7 *Reinstatement of prior order of deportation; authority.* Subject to the limitations hereinafter provided, the authority contained in section 242 (f) of the Immigration and Nationality Act to find that an alien has unlawfully reentered the United States after having previously departed or been deported pursuant to an order of deportation shall be exercised by special inquiry officers.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 242.11 *Investigations*—(a) *Persons believed to be subject to deportation.* The case of every person believed to be subject to arrest and deportation shall be investigated by such officer as may be designated for that purpose.

(b) *Purpose of investigation.* The purpose of the investigation shall be to discover whether or not a prima facie case for deportation exists: that is, whether there is credible evidence reasonably establishing that the person investigated is an alien and that he is subject to deportation.

(c) *Recorded statements.* Whenever, in the course of an investigation, information is obtained which indicates that the person investigated is subject to arrest and deportation, and it is desired to use such information as evidence in support of an application for a warrant of arrest, such information shall be reduced to writing either in narrative or question-and-answer form and signed by the person furnishing the information. Whenever such recorded statement is to be obtained from any person, the investigating officer shall (1) identify himself to such person, (2) warn the person that any statement made by him may be used as evidence against him in any subsequent proceeding, and (3) place the person under oath or affirmation.

(d) *Refusal to make, or refusal or inability to sign a statement.* Whenever, in the course of an investigation, admissions or statements are obtained from the person under investigation or statements are made by any other person which indicate that the person investigated may be subject to arrest and deportation, but there is a refusal to make a statement under oath or affirmation, or a refusal or inability to sign the statement by name or by mark, the investigating officer shall make a report setting forth the facts admitted or stated. Such report, with any unsigned or unsworn statement which has been reduced to writing, may be used in support of an application for a warrant of arrest if the investigating officer certifies that no other evidence to establish the facts stated in the report can readily be obtained.

§ 242.12 *Applications for warrants of arrest.* If, after preliminary investigation, the investigating officer determines that a prima facie case for deportation of an alien exists, he shall apply for a warrant of arrest to an officer having authority to issue warrants of arrest.

§ 242.13 *Issuance of warrants of arrest.* Any officer mentioned in § 242.1 (a) who receives an application for a warrant of arrest may issue such warrant in any case in which he determines that a prima facie case for deportation has been established.

§ 242.14 *Execution of warrants of arrest*—(a) *Service.* Except as provided in § 242.34, an alien against whom a warrant of arrest has been issued shall be taken into custody under the authority of the warrant of arrest, or if previously taken into custody without a warrant of arrest under the authority contained in section 287 of the Immigration and Nationality Act, shall be continued in custody under the warrant of arrest subsequently issued unless his release is authorized. In either case a copy of the warrant of arrest shall be served upon the alien, and he shall then be fully advised of the cause of his arrest. If the alien is confined in a penal or mental institution but is competent to understand the nature of the proceedings, a copy of the warrant of arrest shall be served upon him and upon the person in charge of the institution. The alien shall then be fully advised of the charges against him but he shall not be taken into physical custody of the Service until released from confinement. If such alien is not competent to understand the nature of the proceedings, a copy of the warrant of arrest shall be served only upon the person in charge of the institution in which the alien is confined, and such service shall be deemed service upon the alien. In cases of mental incompetency, whether or not confined in an institution, and in cases of children under 16 years of age, an additional copy of the warrant of arrest shall be served upon such alien's guardian, near relative, or friend, whenever possible.

(b) *Notice of right to counsel and release from custody.* Upon service of the warrant of arrest, the alien shall be advised of his right to representation by counsel, at no expense to the Government, at the hearing to be held under the warrant of arrest. When taken into physical custody of the Service he shall be informed whether he is to be continued in custody or, if release from custody has been authorized, of the amount and conditions of bond or terms of conditional parole under which he may be released. Similar advice shall be given to the guardian, near relative, or friend in cases involving mentally incompetent aliens, whether or not confined in institutions, and in cases of aliens under 16 years of age.

(c) *Fingerprints; photographs.* Every alien 14 years of age or older who is arrested under a warrant of arrest in accordance with the provisions of paragraph (a) of this section, or without a warrant of arrest under the authority of section 287 of the Immigration and Nationality Act, shall be fingerprinted. Any alien so arrested, regardless of his age, shall be photographed if a photograph is required by the district director or the officer in charge having administrative jurisdiction over the case.

§ 242.21 *Report to district director of continued detention.* In any case in which a district enforcement officer or officer in charge has exercised the authority to continue or detain an alien in custody the facts and a report of the action taken shall be promptly transmitted to the district director having administrative jurisdiction over the office in which the proceedings were instituted. Further action shall be taken in the case, with respect to the alien's detention or release, as the district director shall direct.

§ 242.31 *Release prior to entry of order of deportation; conditions.* The conditions of any bond or terms of parole authorized by § 242.3 (a) shall include but shall not be limited to:

(a) A condition that the alien be produced, or will produce himself

(1) When required to do so for the purpose of defending himself against the charge or charges under which he was taken into custody and any other charges which subsequently may be lodged against him,

(2) For deportation, if an order of deportation is made,

(3) When the alien's detention is ordered as provided in § 242.3,

(4) For the purpose of furnishing additional information necessary to the final disposition of the case; and

(b) Such other conditions or terms as are otherwise directed, or which the officer granting the release deems appropriate in the case. If a bond is required and accepted, it shall be executed on Form I–353 and shall be in an amount not less than $500.

§ 242.32 *Release after order of deportation; conditions.* The conditions of any bond or terms of parole authorized by § 242.3 (b) shall include but shall not be limited to:

(a) A condition that the alien be produced, or will produce himself

(1) When required to do so for deportation,

(2) For the purpose of furnishing additional information necessary to the final disposition of his case,

(3) When the alien's detention is ordered as provided in § 242.3; and

(b) Such other conditions or terms as are otherwise directed, or which the officer granting the release deems appropriate in the case. If a bond is required and accepted, it shall be executed on Form I–353 and shall be in an amount not less than $500.

§ 242.33 *Warning of penal provision.* An alien against whom a final order of deportation is outstanding by reason of his being a member of any of the classes described in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the Immigration and Nationality Act shall be advised of the penal provisions of section 242 (e) of the said Act.

§ 242.34 *Institution cases.* In the absence of special instructions, an alien confined in an institution shall not be accepted into physical custody by the Service until an order of deportation has been made and the Service is ready to deport the alien.

§ 242.35 *Cost of maintenance pending deportation.* The cost of maintaining aliens in custody after arrest and pending deportation may be borne by the Government, except that when an alien is an inmate of a public or private institution at the time of the commencement of deportation proceedings, no expense shall be incurred by the Government until he is taken into physical custody by the Service.

§ 242.41 *Voluntary departure prior to commencement of hearing; procedure.* Any alien, other than an alien prima facie deportable under section 242 (f) of the Immigration and Nationality Act, who believes himself to be eligible for voluntary departure under section 242 (b) of the said act may apply therefor at an office of the Service at any time prior to the commencement of the hearing under a warrant of arrest in his case. The district director or officer in charge having administrative jurisdiction over the office receiving an application for voluntary departure may cause such investigation to be conducted as he deems necessary to determine whether the relief requested should be granted. If such officer is satisfied that:

(a) The alien is subject to deportation upon any ground other than those set forth in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the Immigration and Nationality Act,

(b) The alien is willing and able to depart promptly from the United States,

(c) The alien apparently will be admitted to the country of his destination, and

(d) The application should be granted, he shall grant the application and shall inform the alien of the time within which and under what conditions the

jurisdiction over the place where the associations and activities, and other any statement made by him may be

departure shall be effected. If such officer is not so satisfied that the application should be granted, he shall deny the application and shall take further action as is provided by the Immigration and Nationality Act and this chapter for the ultimate disposition of the case. No appeal shall lie from such denial, but the denial shall be without prejudice to the alien's right to apply for relief from deportation under any provision of the said Act.

§ 242.42 *Revocation of grant of voluntary departure.* If, subsequent to the granting of an application for voluntary departure under § 242.41 it is ascertained prior to the alien's actual departure from the United States that the alien should not be permitted to depart voluntarily under that section, the grant of voluntary departure may be revoked by any district director or officer in charge without notice. Thereupon, further proceedings shall be taken under this chapter and the Immigration and Nationality Act as are warranted by the facts in the case.

§ 242.51 *Hearing; time for.* The respondent shall have a reasonable period of time after the service of the warrant of arrest within which to arrange for the presentation of his case, including, if desired, representation by counsel. The district director or the officer in charge having administrative jurisdiction over the office in which the proceedings are pending shall assign the case to a special inquiry officer for hearing.

§ 242.52 *Notice of hearing.* The respondent shall be given notice, reasonable under all the circumstances, of the nature of the charges against him and of the time and place at which the proceedings will be held. Notice of hearings shall be prepared on Form I–226. A copy of such notice shall be served upon the respondent, and, in any case in which the respondent has been released on bond, upon the surety on the bond. The notice of hearing shall inform the respondent of the nature of the charges, the time and place at which the hearing will be held, and the respondent's privilege of being represented, at no expense to the Government by such counsel, authorized to practice in such proceedings, as he shall choose. Notice of hearing may be waived by the respondent and such waiver shall be made a part of the record of the case.

§ 242.53 *Conduct of hearing*—(a) *Special inquiry officer; general powers.* The special inquiry officer assigned to conduct the hearing under this part shall have authority to:

(1) Administer oaths and affirmations;

(2) Issue, during the course of a hearing, any subpenas authorized by law;

(3) Conduct the hearing, present and receive evidence, and rule upon all objections to the introduction of evidence or motions made during the course of the hearing;

(4) Take or cause depositions to be taken;

(5) Make decisions in accordance with § 242.61 or § 242.76; and

(6) Take any further action consistent with applicable provisions of law and regulation.

(b) *Special inquiry officers; general duties.* The special inquiry officer shall conduct a fair and impartial hearing. No decision of deportability shall be valid unless based upon reasonable, substantial and probative evidence. He shall exclude from the record any evidence that is irrelevant, immaterial, or unduly repetitious. In his discretion, he may exclude from the record any argument in support of objections, but in such event, the respondent may submit a brief in support of such objections. If the testimony is transcribed, the special inquiry officer shall certify that to the best of his knowledge and belief the transcript is a true and correct report of everything that was stated during the course of the hearing, including oaths administered and rulings on objections, but excluding statements made off the record.

(c) *Special inquiry officers; specific duties.* At the commencement of the hearing under this part, the special inquiry officer shall (1) place the respondent under oath or affirmation, (2) advise the respondent of his right to representation, at no expense to the Government, by counsel authorized to practice in such proceedings, as he shall choose, and require him to state then and there for the record whether he desires such representation, (3) enter of record a copy of the warrant of arrest and explain to the respondent in simple, understandable language the nature of the charges contained therein, (4) advise the respondent that he will have a reasonable opportunity to examine the evidence against him, to present evidence in his own behalf, and to cross-examine witnesses presented by the Government, and (5) present the evidence, including the interrogation, examination, and cross-examination of the respondent and witnesses to the extent necessary, as to (i) alienage, (ii) date, place and manner of entry of the respondent into the United States, (iii) grounds for deportation, (iv) factors bearing upon the respondent's eligibility for discretionary relief if application therefor has been made, and (v) such other matter as may be pertinent to the issues in the case. Except in the case of an alien prima facie deportable under section 242 (f) of the Immigration and Nationality Act, the special inquiry officer, in such cases and at such time during the hearing as he deems appropriate, may advise the respondent concerning application for the privilege of suspension of deportation or voluntary departure under the provisions of section 244 of the said Act, and shall further advise the respondent of his right to specify the country to which his deportation is to be directed in the event such deportation is required by law and request the respondent to specify such country for the record.

(d) *Special inquiry officers; additional charges.* If it appears during the hearing that the respondent may be deportable on grounds other than or in addition to those stated in the warrant of arrest, the special inquiry officer, except as provided in § 242.75, may lodge additional charges against the respondent and shall develop evidence upon such charges in like manner as on the charges specified in the warrant of arrest. When additional charges are lodged, the special inquiry officer shall explain these charges to the respondent in simple understandable language and shall advise him, if he is not represented by an attorney or other qualified representative, that he may be so represented if he desires, and require him to state then and there for the record whether he desires such representation. The special inquiry officer shall also inform the respondent that he may have a reasonable period of time within which to meet the additional charges, if he desires, and require him to state then and there whether he desires such additional time.

(e) *Withdrawal and substitution of special inquiry officer.* The special inquiry officer assigned to conduct the hearing may at any time withdraw if he deems himself disqualified. If a special inquiry officer becomes unavailable to complete his duties within a reasonable time, another special inquiry officer shall be assigned to complete the case. In such event, the new special inquiry officer shall familiarize himself with the record in the case and shall state for the record that he has done so.

(f) *Assignment of examining officer in addition to special inquiry officer; duties of examining officer.* Prior to the commencement of a hearing, or during the course of a hearing upon the request of the special inquiry officer presiding at such hearing, the district director or the officer in charge having administrative jurisdiction over the place where the proceedings are pending, in his discretion, may assign an immigration officer to act at the hearing as the examining officer. The examining officer shall in such case conduct any required interrogation of the respondent and of the witnesses in behalf of the Government, examine or cross-examine the respondent's witnesses and present evidence bearing upon the question whether the respondent is subject to deportation. Except as provided in §§ 242.74 and 242.75, he shall lodge such additional charges as he may find to be applicable and, if the respondent has applied for relief from deportation, inquire thoroughly into the respondent's eligibility for the relief requested, and develop such other information as may be pertinent to the proper disposition of the case. The assignment of an examining officer shall not impair the authority conferred by the Immigration and Nationality Act or this chapter upon the special inquiry officer presiding at such hearing.

(g) *Representation by counsel.* If the respondent is represented at the hearing by an attorney or other qualified representative, the attorney or representative shall be permitted to be present during the entire hearing, to introduce evidence in behalf of the respondent and to cross-examine witnesses. The attorney or representative shall be permitted to state his objections succinctly, and they shall be entered on the record. If representation is waived, the respondent shall be

permitted to introduce evidence in his own behalf, to cross-examine witnesses, and to make objections which shall be entered on the record.

(h) *Interpreters.* If the services of an interpreter are found necessary in the conduct of a hearing, the special inquiry officer, if qualified, may act as interpreter with the consent of the respondent, or he may request the district director or the officer in charge having administrative jurisdiction of the office in which the proceedings are pending to furnish an interpreter, who shall be sworn to interpret and translate accurately, unless the interpreter is an employee of the Service, in which event, no such oath shall be required.

(i) *Postponement and adjournment of hearings.* Prior to the commencement of a hearing, the district director or the officer in charge having administrative jurisdiction of the office wherein the case is pending, may grant a reasonable postponement for good cause shown, at his own instance upon notice to the respondent, or upon request of the respondent. After the commencement of the hearing, the special inquiry officer presiding at the hearing may grant a reasonable adjournment for good cause shown, at his own instance upon notice to the respondent or upon request of the respondent. A continuance of the hearing for the purpose of allowing the alien to obtain representation, shall not be granted more than once, unless sufficient cause for the granting of more time is shown. The file or the record of hearing shall reflect the action taken with respect to any postponement or adjournment of hearing. Exceptions to a ruling on a request for a postponement or an adjournment of hearing may be taken by the respondent and, if taken, shall be noted on the record.

(j) *Consolidation.* Whenever two or more cases pending in the same district involve common questions of law or fact, the district director or the officer in charge having administrative jurisdiction of the office wherein the cases are pending, may order a joint hearing of any or all matters and issues common to the cases, he may order all such hearings consolidated, and may make such further orders as may tend to avoid unnecessary cost and delay.

§ 242.54 *Contents of record; evidence*—(a) *Record.* The testimony, the exhibits, the decision of the special inquiry officer, and all written motions and other papers and requests filed in the proceeding, shall constitute the record in the case.

(b) *Use of prior statements.* The special inquiry officer may enter of record any statement, oral or written, which is material and relevant to any issue in the case, previously made by the respondent or any other person during any investigation, examination, or hearing. If objection thereto is made by the alien or his counsel or representative, the reasons for the objection, as well as the ruling thereon by the special inquiry officer, shall be made a part of the record.

(c) *Stipulation.* Whenever any facts or other matters at issue in the case have been stipulated in writing prior to the hearing, upon agreement between an officer of the Service and the respondent and his attorney or representative, and the stipulation has been signed by such persons, the special inquiry officer may enter the stipulation as an exhibit of record. Nothing in this paragraph shall preclude an oral or written confession or admission of any fact during a hearing under this part.

(d) *Application for discretionary relief.* Except in the case of an alien who is prima facie deportable under section 242 (f) of the Immigration and Nationality Act, at any time during the hearing the respondent may apply for suspension of deportation on Form I–256A or for voluntary departure, under section 244 of the said Act. The burden of establishing that he meets the statutory requirements for discretionary relief shall be upon the respondent. He may submit any evidence in support of his application which he believes should be considered by the special inquiry officer.

§ 242.61 *Decision of special inquiry officer*—(a) *Preparation of written decision.* Except as provided in paragraph (b) of this section and § 242.76, the special inquiry officer shall, as soon as practicable after the conclusion of the hearing, prepare a written decision signed by him which shall set forth a summary of the evidence adduced and his findings of fact and conclusions of law as to deportability, unless such findings and conclusions are waived by the respondent orally during the hearing or by written waiver filed with the special inquiry officer after the conclusion of the hearing. If the respondent has applied for discretionary relief in accordance with the provisions of § 242.54 (d), the decision shall also contain a discussion of the evidence relating to the alien's eligibility for such relief and the reasons for granting or denying such application. The decision shall be concluded with the order of the special inquiry officer as provided in paragraph (c) of this section.

(b) *Oral decision.* In any case in which he deems such action appropriate, the special inquiry officer may, after conclusion of the hearing, state for the record in the presence of the respondent or his counsel or representative his decision, which shall include the summary, findings, conclusions, discussion, and order referred to in paragraph (a) of this section. The respondent shall thereupon state for the record whether he desires to be served with a written decision as provided in paragraph (d) of this section. If he then and there waives service of a written decision, the respondent shall thereupon state for the record whether he appeals from the decision of the special inquiry officer to the Board. If such appeal is taken, the respondent shall, at the same time, submit a Notice of Appeal (Form I–290A) completed in accordance with paragraph (f) of this section and shall be required to state whether he desires to submit to the district director or officer in charge, having administrative jurisdiction over the office in which the hearing was held, a brief in support of such appeal for consideration by the Board. If he desires to submit a brief, the respondent shall be allowed ten days from the date of the oral decision within which to submit his brief to such district director or officer in charge. For good cause shown, such district director or officer in charge or the special inquiry officer presiding at the hearing, or the Board, in their discretion, may extend the time within which the brief may be submitted. In any case in which the respondent states for the record that he desires to submit a brief, he may, within the period allowed for the submission of such brief, file with the district director or the officer in charge a written waiver thereof.

(c) *Order of special inquiry officer.* The order of the special inquiry officer shall be (1) that the alien be deported, or (2) that the proceedings be terminated, or (3) that the alien's deportation be suspended, or (4) that the alien be granted voluntary departure at his own expense in lieu of deportation within such period of time or authorized extension thereof and under such conditions as the district director or officer in charge having administrative jurisdiction of the office in which the case is pending shall direct, with the further order that, if he fails to depart, he be deported, or (5) that such other action be taken in the proceedings as may be required for the appropriate disposition of the case. The special inquiry officer shall not have authority to designate at whose expense or to which country the alien shall be deported.

(d) *Notice of decision.* In any case in which the respondent has not waived service of a written decision, the district director or the officer in charge having administrative jurisdiction of the office in which the proceeding is pending shall cause a signed copy of the decision of the special inquiry officer to be served on the respondent, with the notice referred to in § 6.11 of this chapter.

(e) *Finality of order.* The order of the special inquiry officer shall be final except when:

(1) The case has been certified as provided in § 7.1 (b) or § 6.1 (c); or

(2) An appeal is taken to the Board of Immigration Appeals.

(f) *Appeals.* (1) The filing of a Notice of Appeal (Form I–290A) in accordance with paragraph (b) of this section shall constitute the taking of an appeal referred to in Part 6 of this chapter and this part.

(2) No appeal shall lie from an order of a special inquiry officer denying an application for voluntary departure as a matter of discretion, where:

(i) The special inquiry officer has found the alien statutorily eligible for voluntary departure, and

(ii) The alien has been in the United States for a period of less than five years at the time of the service of the warrant of arrest in deportation proceedings.

In all other cases (except those covered by paragraph (e) (1) of this section) an appeal shall lie from an order of the special inquiry officer under this part to the Board of Immigration Appeals. The reasons for the appeal shall be stated briefly in the Notice of Appeal

(Form I–290A). Where deportability is

the respondent is deportable under sec-

custody under the authority of such

immigration officer making delivery.

that it will be responsible for all deten-

without the disclosure thereof to the

(Form I–290A). Where deportability is contested, the alien or his representative shall be required to indicate in the Notice of Appeal (Form I–290A), the particular findings of fact or conclusions of law with which he disagrees; and failure to do so may constitute a ground for dismissal of the appeal by the Board.

(3) An appeal shall be taken within ten days after receipt of the written decision of the special inquiry officer, or, if a written decision is waived, at the time of such waiver. All appeals shall be filed on Form I–290A.

§ 242.71 *Apprehension of alien.* An alien within the purview of section 242 (f) of the Immigration and Nationality Act shall be taken into custody in accordance with §§ 242.1, and 242.11 to 242.14, inclusive. The warrant of arrest shall charge the alien with deportability only under section 242 (f) of the said Act. The prior order of deportation, properly identified, shall constitute prima facie cause for deportation under section 242 (f) of the said Act.

§ 242.72 *Release from custody.* The provisions of § 242.3 (a) and (b) shall not be applicable to the case of any alien apprehended under § 242.71 unless specific authority to release thereunder has been granted by the Commissioner or the Assistant Commissioner, Detention, Deportation, and Border Patrol Division.

§ 242.73 *Conduct of hearing; decision; finality of order.* Except as hereafter provided in §§ 242.74 to 242.76 inclusive, all of the provisions of §§ 242.5, 242.51 to 242.54, 242.6 and 242.61 shall apply to the case of an alien apprehended in accordance with § 242.71.

§ 242.74 *Relief from deportation.* An alien who is prima facie deportable under the provisions of section 242 (f) of the Immigration and Nationality Act shall not be permitted to apply for voluntary departure in lieu of deportation or for suspension of deportation and shall not be granted such relief.

§ 242.75 *Scope of hearing.* The hearing referred to in § 242.73 shall be limited solely to a consideration and determination of the following issues:

(a) Identity of respondent, i. e., whether respondent is in fact a person who was previously deported or departed pursuant to an order of deportation.

(b) Whether the respondent was previously deported as a member of any of the classes described in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the Immigration and Nationality Act.

(c) Whether the respondent unlawfully reentered the United States. If during the course of such hearing it is ascertained that the respondent is not deportable under section 242 (f) of the said Act, the special inquiry officer shall if appropriate, lodge additional charges against the respondent, and further proceedings shall continue as provided in this part.

§ 242.76 *Scope of decision.* If, on the basis of the evidence presented, the special inquiry officer has determined that the respondent is deportable under section 242 (f) of the Immigration and Nationality Act, he shall state for the record at the conclusion of the hearing and in the presence of the respondent his decision in the case, which shall consist of (a) a summary of the evidence adduced; (b), unless waived by the respondent, his findings of fact and conclusions of law as to the issues described in § 242.75; and (c) an order that the respondent be deported under the previous order of deportation in accordance with section 242 (f) of the Immigration and Nationality Act.

§ 242.77 *Appeal.* The order of the special inquiry officer that the respondent be deported under the previous order of deportation in accordance with section 242 (f) of the Immigration and Nationality Act may be appealed by the respondent to the Board in accordance with the provisions of § 242.61 (f).

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
243.1 Issuance of warrants of deportation; country to which alien shall be deported; cost of detention; care and attention of alien.
243.2 Finality of decision.
243.3 Execution of warrants of deportation.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

243.11 Special care and attention for aliens.
243.12 Deportation of lepers.
243.13 Alien addict discharged from United States Public Health Service Hospital.
243.14 Notice to transportation line.
243.15 Deportation to foreign contiguous territory.

AUTHORITY: §§ 243.1 to 243.15 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 242, 243, 66 Stat. 208, 212.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 243.1 *Issuance of warrants of deportation; country to which alien shall be deported; cost of detention; care and attention of alien*—(a) *Issuance.* In any case in which an order of deportation becomes final a warrant of deportation shall be issued. District directors shall issue warrants of deportation.

(b) *Determination of place and cost of deportation, and necessity for attendants.* District directors shall exercise the authority contained in section 243 of the Immigration and Nationality Act to designate the country to which, and at whose expense an alien in the United States shall be deported, and to determine when an alien's mental or physical condition requires the employment of a person to accompany the alien.

§ 243.2 *Finality of decision.* No appeal shall lie from the decision of the district director in the exercise of the authority described in § 243.1.

§ 243.3 *Execution of warrants of deportation*—(a) *Taking alien into custody.* Upon the issuance of a warrant of deportation or as soon thereafter as the circumstances of the case require, the alien, if not in the physical custody of the Service, shall be taken into such custody under the authority of such warrant of deportation and deported.

(b) *Stay of deportation.* Except as otherwise provided herein, the district director having administrative jurisdiction over the place where the alien is located may, in the exercise of his discretion, and for good cause shown, stay the execution of a warrant and order of deportation for such time and under such conditions as he may deem appropriate. He may grant such stay upon his own instance or upon request of the alien. A request for a stay by the alien shall be in writing, shall be filed with the district director, and shall be supported by an affidavit setting forth the reasons for the request and by such other evidentiary matter as may support the request. In any case in which the request for a stay of deportation is predicated upon a claim by the alien that he would be subject to physical persecution if deported to the country designated by the district director, the office receiving the request shall transmit it to the Commissioner for decision. Notice of disposition of the alien's request shall be served upon him but neither the making of the request nor the failure to receive a notice of decision thereon shall relieve or excuse the alien from presenting himself for deportation at the time and place designated for his deportation. No appeal shall lie from a denial of a request for a stay of deportation, but such denial shall not preclude the Board from granting a stay in connection with a motion to reopen or a motion to reconsider as provided in § 6.21 (a) of this chapter.

(c) *Voluntary departure under order of deportation.* Subject to the limitations and provisions of sections 242 (g) and 243 of the Immigration and Nationality Act, the district director having administrative jurisdiction over the place where the alien is located may, in his discretion, permit an alien who has been ordered deported to depart voluntarily from the United States under the order of deportation.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 243.11 *Special care and attention for aliens*—(a) *Duty of transportation line.* Whenever it is determined by the district director than an alien about to be deported requires special care and attention, the transportation line responsible for the expense of the alien's deportation shall provide for such care and attention as may be required by the alien's condition not only during the voyage from the United States to the foreign country to which the alien is to be deported but also during the foreign inland journey as hereinafter provided. Such alien shall be delivered to the master, commanding officer, or the officer in charge of the vessel or aircraft on which the alien is to be deported, who shall be given Form I–287 and duplicate carbon sheets A, B, and C thereof. Sheet A and the receipt attached thereto shall be filled out except as to signature by an immigration officer. The receipt attached to sheet A shall be signed by the officer of the vessel or aircraft to whom the alien has been delivered and returned forthwith to the

immigration officer making delivery. Sheets B and C shall be retained by the receiving officer and in due course filled out by the agents or persons therein designated and by them returned by mail as herein provided.

(b) *Procedure at foreign port of disembarkation.* The transportation line shall at its own expense forward the alien from the foreign port of disembarkation to his destination in charge of a proper attendant except only in cases where the foreign public officials decline to allow such attendant to proceed and themselves take charge of the alien, which fact shall be recorded by the transportation line by executing the form provided in the lower half of sheet C of Form I–287. If the foreign public officials do not take charge of the alien at the port of disembarkation, but at an interior frontier, both forms on sheet C shall be filled out, the former in relation to the inland journey as far as such frontier.

(c) *Failure of transportation line to provide special care.* Whenever a transportation line responsible for the expenses of the alien's deportation fails, refuses, or neglects to provide personal care and attention for such alien requiring such care and attention, or whenever such line fails, refuses, neglects to return sheets B and C of Form I–287, properly executed within 90 days after the departure of such alien, or otherwise fails, refuses, or neglects to comply with the provisions of this section, the district director shall thereafter and without notice employ suitable persons, at the expense of the transportation line, to accompany aliens requiring personal care and attentoin who are deported on any vessel or aircraft of such line.

§ 243.12 *Deportation of lepers.* Cases of aliens afflicted with leprosy shall be handled in accordance with the governing regulations and instructions issued by the Surgeon General, United States Public Health Service, Federal Security Agency.

§ 243.13 *Alien addict discharged from United States Public Health Service Hospital.* Any alien who has been sentenced to imprisonment and has been ordered deported and who has been transferred as an alien addict to a hospital of the United States Public Health Service provided for in the Public Health Service Act, as amended (58 Stat. 696; 42 U. S. C. 201 et seq.), shall be taken into custody upon his discharge from such narcotic farm and deported without requiring his return to the penal institution from which he came to such narcotic farm.

§ 243.14 *Notice to transportation line.* If an alien's deportation is to be effected by vessel or aircraft, notice of the proposed deportation shall be given to the transportation line concerned, together with a brief description of the alien and any other appropriate data, including the cause of deportation, the alien's physical and mental condition, and the place to which the alien is to be taken by such line. Any request from such line to defer the delivery of the alien for deportation shall be accompanied by a written agreement from the line that it will be responsible for all detention expenses resulting from such deferment.

§ 243.15 *Deportation to foreign contiguous territory.* Aliens ordered deported to foreign contiguous territory shall be returned across the border at the nearest port unless humanitarian or other reasons make it advisable to effect deportation through some other port. Deportation to a seaport in such foreign territory shall be authorized whenever that appears advisable or more economical than deportation across a land boundary.

PART 244—SUSPENSION OF DEPORTATION AND VOLUNTARY DEPARTURE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
244.1 Voluntary departure after issuance of warrant of arrest.
244.2 Suspension of deportation.
244.3 Use of confidential information.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

244.11 Voluntary departure after issuance of warrant of arrest and prior to commencement of hearing.
244.12 Application for voluntary departure subsequent to commencement of hearing; disposition.
244.13 Revocation of grant of voluntary departure.
244.14 Verification of departure; cancellation of delivery bond.

AUTHORITY: §§ 244.1 to 244.14 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 241, 242, 244, 66 Stat. 204, 208, 214.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 244.1 *Voluntary departure after issuance of warrant of arrest*—(a) *Prior to commencement of hearing.* Prior to the commencement of the hearing provided for in Part 242 of this chapter and subject to the provisions of this part, district directors and officers in charge may authorize voluntary departure in lieu of deportation in the case of an alien under deportation proceedings.

(b) *Subsequent to commencement of hearing.* Subject to the provisions of Part 242 of this chapter, a special inquiry officer may, subsequent to the commencement of the hearing provided for in that part, grant voluntary departure in lieu of deportation in the case of any alien who is the subject of deportation proceedings before such officer.

§ 244.2 *Suspension of deportation.* An application for suspension of deportation shall be submitted in accordance with, and subject to, the provisions of § 242.54 (d) of this chapter and shall be determined and disposed of in accordance with the provisions of this part and § 242.61 of this chapter.

§ 244.3 *Use of confidential information.* In the case of an alien qualified for voluntary departure or suspension of deportation under section 242 or 244 of the Immigration and Nationality Act the determination as to whether the application for voluntary departure or suspension of deportation shall be granted or denied (whether such determination is made initially or on appeal) may be predicated upon confidential information without the disclosure thereof to the applicant, if in the opinion of the officer or the Board making the determination the disclosure of such information would be prejudicial to the public interest, safety, or security.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 244.11 *Voluntary departure after issuance of warrant of arrest and prior to commencement of hearing*—(a) *Application.* The alien, if he believes that he is eligible for voluntary departure under section 244 (e) of the Immigration and Nationality Act, may, at any time subsequent to the issuance of a warrant of arrest and prior to the commencement of the hearing, apply therefor by filing an application with the district director or officer in charge having administrative jurisdiction over the office in which the deportation proceedings against such alien are pending.

(b) *Disposition of application.* The district director or officer in charge may cause such investigation to be conducted as he deems necessary to determine whether the relief requested should be granted. If such officer is satisfied that:

(1) The alien is subject to deportation upon any ground other than those set forth in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the Immigration and Nationality Act,

(2) The alien is willing and able to depart promptly from the United States,

(3) The alien will apparently be admitted to the country of his destination,

(4) The alien is and has been a person of good moral character for at least 5 years immediately preceding his application for voluntary departure, and

(5) That the application should be granted,

he shall grant the application and shall inform the alien of the time within which and under what conditions the departure shall be effected. If such officer is not so satisfied, or if it appears that applicant is or may be subject to deportation upon any ground set forth in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the Immigration and Nationality Act, the district director or officer in charge shall refer the application for voluntary departure with the case of the alien to a special inquiry officer for hearing and determination in accordance with § 242.61 and § 244.12 of this chapter.

§ 244.12 *Application for voluntary departure subsequent to commencement of hearing; disposition.* If the special inquiry officer is satisfied that:

(a) The alien is willing and able to depart promptly from the United States,

(b) The alien apparently will be admitted to the country of his destination,

(c) The alien, if deportable upon any ground set forth in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17) or (18) of section 241 (a) of the Immigration and Nationality Act, is within the classes of persons who are eligible for suspension of deportation under paragraphs (4) or (5) of section

244 (a) of the Immigration and Nationality Act,

(d) The alien is and has been a person of good moral character for at least 5 years immediately preceding his application for voluntary departure, and

(e) That the relief requested should be granted,

he shall enter an order as provided in § 242.61 (c).

§ 244.13 *Revocation of grant of voluntary departure.* If, subsequent to the granting of voluntary departure under this part by a district director or officer in charge and prior to the alien's actual departure from the United States it is ascertained that the alien should not be permitted to depart voluntarily, the grant of voluntary departure may be revoked by any district director or officer in charge without notice, and such further proceedings shall be taken under this chapter and the Immigration and Nationality Act as are warranted by the facts.

§ 244.14 *Verification of departure; cancellation of delivery bond.* An alien's voluntary departure from the United States in accordance with the provisions of this part, shall, if verified to the satisfaction of the district director or officer in charge having administrative jurisdiction over the office in which the application for voluntary departure was made, serve to terminate further proceedings in the case and to cancel any outstanding delivery bond.

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

245.1 Authority to adjust status.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

245.11 Who may apply.
245.12 Application.
245.13 Attorneys.
245.14 Procedure upon acceptance of application.
245.15 Evidence; burden of proof.
245.16 Examination and investigation.
245.17 Disposition of case.

AUTHORITY: §§ 245.1 to 245.17 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 4, 43 Stat. 155, as amended, secs. 101, 234, 245, 247, 66 Stat. 167, 168, 198, 217, 218; 8 U. S. C. 204.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 245.1 *Authority to adjust status.* Subject to the provisions of this part, district directors may, pursuant to section 245 of the Immigration and Nationality Act, adjust the status of a nonimmigrant to that of a person admitted for permanent residence.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 245.11 *Who may apply.* Any alien (including one admitted as a student under section 4 (c) of the Immigration Act of 1924) who entered the United States in good faith as a nonimmigrant, and who believes that he meets the eligibility requirements set forth in section 245 of the Immigration and Nationality Act, may apply for an adjustment of status: *Provided,* That no alien who (a) has a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a) of the Immigration and Nationality Act, or (b) has an occupational status which would, if he were seeking admission to the United States, entitle him to a nonimmigrant status under any of such paragraphs of section 101 (a) of the Immigration and Nationality Act, shall be eligible to apply for adjustment of status without first executing and submitting with his application the written waiver required by section 247 (b) of the Immigration and Nationality Act and Part 247 of this chapter.

§ 245.12 *Application.* Application for adjustment of status under this part shall be made on Form I–507, in duplicate. The application shall be completed in accordance with the instructions appearing thereon and shall be accompanied by (a) two photographs as described in Part 10 of this chapter, (b) the Form 257a, Form I-94C or other document issued to the applicant at the time of his entry as, or adjustment of status to, a nonimmigrant or as a student under section 4 (c) of the Immigration Act of 1924, and (c) documentary evidence establishing that the applicant meets the eligibility requirements set forth in section 245 of the Immigration and Nationality Act and § 245.11. Such documents shall include but shall not be limited to (1) any available official document showing the alien's police record, (2) any available official document showing the alien's prison record and military record in the United States or abroad, (3) record of the alien's birth, (4) a statement from the United States Department of State showing that a visa would be available to the alien on the date of his application for adjustment under this part, (5) if the alien is claiming nonquota status or preference quota status by reason of relationship to a United States citizen or alien lawfully admitted for permanent residence, official certifications establishing such relationship, including records of marriage, birth, and citizenship of the person with whom such relationship is claimed, (6) if claiming preference quota status under section 203 (a) (1) (A) of the Immigration and Nationality Act, a signed statement from the person, institution, firm, organization, or governmental agency for whom the alien is to perform the work, labor, or services, containing the information and accompanied by the documents required by Form I–129 and paragraph (a) of § 204.4 of this chapter, (7) a statement of the alien's net worth together with any employment records, bank records, copies of income tax returns or other evidence satisfactorily establishing that the alien is not likely to become a public charge, (8) statements from any institutions in which the alien may have been treated for a mental disease or disorder at any time, showing the nature and duration of such disorder and the result of the treatment, (9) documentary evidence, such as school records, employment records, business records, and the like, showing that the alien has continued to maintain his nonimmigrant status. The applicant may submit photographic or typewritten copies of such documents, if such copies are by law permitted to be made, but in such case the original documents, if available, must be presented at the examination provided for in § 245.16.

§ 245.13 *Attorneys.* Attorneys or other persons authorized to practice before the Service who represent applicants shall be permitted to be present during the examination of the alien and the witnesses, to submit briefs and to review the record, either before it is forwarded to the district director, or thereafter, and prior to final decision.

§ 245.14 *Procedure upon acceptance of application.* Upon acceptance of an application, the applicant shall be requested to submit to an examination by a medical officer of the United States Public Health Service, whose report setting forth the findings of the mental and physical condition of the applicant shall be incorporated into the record. If an examination before such officer is impracticable and compliance therewith would cause the applicant undue hardship, a certificate from a civil surgeon having not less than four years' professional experience, and preferably one designated by the United States Public Health Service or Veterans' Administration, may, in the discretion of the district director, be accepted. Any applicant certified as insane or mentally defective may appeal to the Board of Medical Officers of the United States Public Health Service as provided in section 234 of the Immigration and Nationality Act. The applicant shall be given timely notice of the date and place of the examination provided for in § 245.16, and the case shall be assigned to an immigration officer for the purpose of conducting such examination.

§ 245.15 *Evidence; burden of proof.* All evidence adduced during an examination under this part may be used at any other proceeding, and the alien shall be duly informed of this fact. The burden of proof shall be upon the applicant. In presenting his proof he shall be entitled to the benefit of any disclosable records concerning him which are in the custody of the Service.

§ 245.16 *Examination and investigation—(a) Examination of applicant and witnesses.* The immigration officer shall orally review the application with the applicant, or, in the case of a child under 14 years of age, with his parent or guardian. Any necessary changes in the application shall be consecutively numbered on the application form by such officer and acknowledged in writing by the applicant, or, in the case of a child, by his parent or guardian. The applicant shall at that time produce the available original documents, copies of which were submitted, or which he desires to be considered, in support of his application. Such copies or excerpts therefrom as are found to be pertinent shall be verified by the immigration officer from the originals, shall be appropriately marked and numbered for identification and made a part of the application. When no longer required

the original documents shall be returned to the applicant. The immigration officer shall then administer the oath or affirmation contained in Form I–507 and obtain the applicant's signature in the appropriate place on that Form. In cases in which the examining officer deems it necessary he shall conduct a further examination of the applicant or his parent or guardian by interrogation, under oath or affirmation. If the application, supporting documentary evidence, records of the Service, and the testimony adduced, established the applicant's eligibility for adjustment of status, no other witnesses shall be required, otherwise, such number of credible witnesses preferably citizens of the United States, as may be deemed necessary, shall be questioned under oath or affirmation by the officer concerning the applicant's eligibility for adjustment of status. If such witnesses cannot appear because of remoteness, physical disability, or any other cause which the officer deems satisfactory, their affidavits may be accepted in lieu of their personal appearance. The oral testimony given by the applicant, the parent or guardian, or the witnesses, shall not be reduced to writing in verbatim form or stenographically or mechanically recorded, but a résumé thereof shall be prepared and certified as true and correct by the immigration officer and made a part of the record. A verbatim record may be made of such testimony in any case in which the examining officer deems it advisable. If such verbatim record is made stenographically or mechanically recorded, it shall not be transcribed unless the district director denies the application.

(b) *Investigations.* Necessary investigations in other districts may, when feasible, be conducted by correspondence. If deemed necessary by the immigration officer, further investigations may be conducted by interview or by correspondence. The replies to such correspondence, and the reports of the investigation may be made a part of the record by the immigration officer.

§ 245.17 *Disposition of case—(a) Record, recommendation, and review.* The immigration officer shall, upon completion of the examination, prepare a report of his findings as to each of the essential facts prescribed by section 245 of the Immigration and Nationality Act and § 245.11 together with his recommendation. If the officer is satisfied that the application should be granted, he shall so recommend. If the immigration officer is not satisfied that the application should be granted he shall recommend denial of the application. In any case he shall make a brief summary of the evidence and shall include in his report a statement as to the grounds and reasons for the recommendation. The application, record, supporting documents, photographs, and the report of the immigration officer shall then be transmitted to the district director having administrative jurisdiction over the office in which the examination was conducted. The district director shall approve or disapprove the recommendation of the immigration officer. If the district director disapproves the recommendation, he shall state in writing his reasons for such disapproval.

(b) *Application denied.* If the district director denies the application, the applicant shall be notified in writing of such decision and of the reasons therefor and, at the same time, shall be advised of his right to appeal to the Assistant Commisisoner, Inspections and Examinations Division, by filing a notice of appeal on Form I–290B. The notice of appeal shall be filed at the office of such district director within 10 days from the receipt of notification of such decision as provided in Part 7 of this chapter. The applicant may waive his right to appeal within the 10-day period. If an appeal is taken, the record shall be forwarded to the Assistant Commissioner, Inspections and Examinations Division for review and decision in accordance with Part 7 of this chapter. If appeal is waived or no appeal is taken within the time permitted, the decision of the district director shall thereupon become final.

(c) *Decision by Assistant Commissioner, Inspections and Examinations Division.* On appeal, the Assistant Commissioner, Inspections and Examinations Division may grant or deny the application for adjustment. The case shall then be returned to the office of origin. If the application has been denied, the district director shall so inform the applicant in writing. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

(d) *Application granted; delivery of alien registration receipt card.* In any case in which the application for adjustment of status is granted, an alien registration receipt card, Form I–151, showing that the applicant has acquired the status of an alien lawfully admitted for permanent residence, shall be issued to the applicant. If the alien is in possession of any other documents evidencing compliance with the Alien Registration Act, 1940, or Chapter 7 of Title II of the Immigration and Nationality Act, he shall be required to surrender it.

(e) *Application denied; further action.* If no appeal is taken from the decision of the district director denying the application, or if the Assistant Commissioner on appeal denies the application, the district director shall take such action as is necessary under existing law and regulations to effect the alien's departure from the United States.

PART 246—RESCISSION OF ADJUSTMENT OF STATUS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

246.1 Rescission of adjustment of status.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

246.11 Investigation and report.
246.12 Notice.
246.13 Disposition of case.
246.14 Decision by Assistant Commissioner, Inspections and Examinations Division.
246.15 Surrender of Form I–151.

AUTHORITY: §§ 246.1 to 246.15 issued under section 103, 66 Stat. 173. Interpret or apply sec. 19, 39 Stat. 889, as amended, secs. 244, 246, 66 Stat. 214, 217; 8 U. S. C. 155.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 246.1 *Rescission of adjustment of status.* Subject to the limitations provided in this part, the authority contained in section 246 (a) of the Immigration and Nationality Act may be exercised by district directors.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 246.11 *Investigation and report.* If, at any time within five years after the status of a person has been adjusted under any provision of law to that of an alien lawfully admitted for permanent residence, evidence becomes available that such person was not eligible for such adjustment, a complete report shall be submitted to the district director having administrative jurisdiction over such person's last known place of residence in the United States.

§ 246.12 *Notice.* If on the basis of the evidence presented the district director receiving the report is satisfied that a prima-facie showing has been made that the person was not in fact eligible for the adjustment of status made in his case, he shall cause a notice to be served on such person informing him that it is intended to rescind the adjustment of status, and of the grounds upon which it is intended to base such rescission. The notice shall also inform the person to whom it is addressed that he may submit, within 30 days from the date of service of the notice, an answer in writing under oath, setting forth reasons why such rescission should not be made. The notice shall also advise the person to whom it is addressed that he may, within such period and upon his request have an opportunity to appear in person, in support or in lieu of his written answer, before such immigration officer as may be designated for that purpose. The person to whom the notice is addressed shall further be advised therein that he may have the assistance of counsel, without expense to the government of the United States, in the preparation of his answer or in connection with such personal appearance, and shall have opportunity to examine, at the appropriate office of the Service, the evidence upon which it is proposed to base such rescission.

§ 246.13 *Disposition of case—(a) Allegations admitted or no answer filed.* If the answer admits the allegations in the notice, or if no answer is filed within the 30-day period, and the status of permanent resident was acquired through suspension of deportation under section 19 (c) of the Immigration Act of February 5, 1917 or under section 244 of the Immigration and Nationality Act, the district director shall forward the file and all of the papers to the Assistant Commissioner, Inspections and Examinations Division, for further action in accordance with section 246 of the Immigration and Nationality Act. If the answer admits the allegations in the notice, or if no answer is filed within the 30-day period, and the status of permanent resident was acquired through

adjustment of status other than through suspension of deportation, the district director shall rescind the adjustment of status previously granted and no appeal shall lie from such decision.

(b) *Answer filed; personal appearance not requested.* Upon receipt of an answer asserting defense to the allegations in the notice, without request for an interview the case shall be assigned to an immigration officer for consideration. The immigration officer shall prepare a report of his findings and make a recommendation as to whether the adjustment of status should be rescinded. The record in the case, including the report and recommendation of the immigration officer, shall be forwarded to the district director who caused the notice to be served. The district director shall note on the report of the immigration officer whether he approves or disapproves the recommendation of the immigration officer. If the decision of the district director is that the matter be terminated, the party affected shall be informed of such decision. If the decision of the district director is that the adjustment of status should be rescinded, the following action shall be taken:

(1) If the status of permanent resident was acquired through suspension of deportation under section 19 (c) of the Immigration Act of 1917 or under section 244 of the Immigration and Nationality Act, the district director shall forward the party's file and all of the papers in the matter to the Assistant Commissioner, Inspections and Examinations Division, for further action in accordance with section 246 of the Immigration and Nationality Act.

(2) If the status of permanent resident was acquired through adjustment of status other than through suspension of deportation, the district director shall enter a decision rescinding the adjustment of status previously granted. The party affected shall be informed in writing of the decision of the district director and of the reasons for such decision. From the decision of the district director an appeal may be taken to the Assistant Commissioner, Inspections and Examinations Division, within 10 days from the receipt of notification of the decision, as provided in Part 7 of this chapter. The party affected may waive an appeal. If no appeal is taken, or if the appeal is waived, the decision of the district director shall be final.

(c) *Answer filed; personal appearance requested or directed.* If the party requests a personal appearance, or if at any time the district director or the Assistant Commissioner, Inspections and Examinations Division, so directs, the party shall be given an opportunity to be interviewed by an immigration officer. The party may be represented at the interview by counsel of his own choice at no expense to the government. All evidence pertinent to the case, including the testimony of any witnesses, shall be incorporated into the record of the interview. At the conclusion of the interview the immigration officer shall prepare a report setting forth a summary of the evidence and findings of fact and conclusions of law based on such evidence. The report shall conclude with a recommendation which shall be either (i) that the adjustment of status be rescinded, or (ii) that the matter be terminated. The complete record, including the report and recommendation of the immigration officer shall be forwarded to the district director. The district director shall note on the report of the immigration officer whether he approves or disapproves the recommendation of the immigration officer. If the decision of the district director is that the matter be terminated, the party affected shall be informed of such decision. If the decision of the district director is that the adjustment of status should be rescinded, the following action shall be taken:

(1) If the status of permanent resident was acquired through suspension of deportation under section 19 (c) of the Immigration Act of 1917 or under section 244 of the Immigration and Nationality Act, the district director shall forward the party's file and all of the papers in the matter to the Assistant Commissioner, Inspections and Examinations Division, for further action in accordance with section 246 of the Immigration and Nationality Act.

(2) If the status of permanent resident was acquired through adjustment of status other than through suspension of deportation, the district director shall enter a decision rescinding the adjustment of status previously granted. The party affected shall be informed in writing of the decision of the district director and of the reasons for such decision. From the decision of the district director an appeal may be taken to the Assistant Commissioner, Inspections and Examinations Division, within 10 days from the receipt of notification of the decision, as provided in Part 7 of this chapter. The party affected may waive an appeal. If no appeal is taken, or if the appeal is waived, the decision of the district director shall be final.

§ 246.14 *Decision by Assistant Commissioner, Inspections and Examinations Division.* If the decision of the Assistant Commissioner, Inspections and Examinations Division, is that the adjustment of status be rescinded and such status was acquired through suspension of deportation, he shall cause further action to be taken as provided in section 246 of the Immigration and Nationality Act to present the case to the Congress. In any other case, the file and all of the papers in the matter shall be returned to the district director who shall inform the party affected of the decision. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

§ 246.15 *Surrender of Form I–151.* An alien whose status as a permanent resident has been rescinded or withdrawn in accordance with section 246 of the Immigration and Nationality Act and this part, shall, upon demand, promptly surrender to the district director having administrative jurisdiction over the office in which the action under this part was taken the Form I–151 issued to him at the time of the grant of permanent resident status.

PART 247—ADJUSTMENT OF STATUS OF CERTAIN RESIDENT ALIENS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
247.1 Adjustment of status of resident aliens to nonimmigrant status; authority

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

247.11 Investigation and report.
247.12 Notice.
247.13 Disposition of case.
247.14 Decision by Assistant Commissioner, Inspections and Examinations Division.

AUTHORITY: §§ 247.1 to 247.14 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 247, 66 Stat. 167, 218.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 247.1 *Adjustment of status of resident aliens to nonimmigrant status; authority.* Subject to the limitations provided in this part, the authority contained in section 247 of the Immigration and Nationality Act to adjust the status of certain resident aliens to nonimmigrant status may be exercised by district directors.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 247.11 *Investigation and report.* If at any time evidence becomes available that an alien who was lawfully admitted for permanent residence has an occupational status which, if he were seeking admission to the United States, would entitle him to a nonimmigrant status under paragraph 15 (A), 15 (E), or 15 (G), of section 101 (a) of the Immigration and Nationality Act, a complete report shall be submitted to the district director having administrative jurisdiction over such alien's place of residence.

§ 247.12 *Notice.* If on the basis of the evidence presented, the district director receiving the report is satisfied that a prima-facie showing has been made that the alien has an occupational status described in § 247.11 he shall cause a notice to be served on such alien informing him that it is proposed to adjust his status, unless (a) the alien requests that he be permitted to retain his status as a resident alien and executes and files with such district director a Form I–508 in duplicate (Waiver of all Rights, Privileges, Exemptions and Immunities) within 10 days from receipt of the notice; or (b) the alien, within such 10 day period, files with the district director a written answer under oath setting forth reasons why his status should not be adjusted. The notice shall also advise the person to whom it is addressed that he may, within such period and upon his request have an opportunity to appear in person, in support or in lieu of his written answer, before such immigration officer as may be designated for that purpose. The person to whom the notice is addressed shall further be advised therein that he may have the assistance of counsel, without expense to the government of the United States, in the preparation of his answer or in connection with such personal appearance, and shall have opportunity to examine, at the appropriate

office of the Service, the evidence upon which it is proposed to base such adjustment.

§ 247.13 *Disposition of case.*—(a) *Allegations admitted or no answer filed.* If Form I–508 is not filed by the alien within the time prescribed, and (1) the answer admits the allegations in the notice, or (2) no answer is filed, the district director shall place a notation on the notice describing the alien's adjusted nonimmigrant status and shall cause a set of Forms I–94 to be prepared evidencing the nonimmigrant classification to which the alien has been adjusted. The Form I–94C shall be delivered to the alien and shall constitute notice to him of such adjustment. The alien's nonimmigrant status shall be for such time, under such conditions, and subject to such regulations as are applicable to the particular nonimmigrant status granted and shall be subject to such other terms and conditions, including the exaction of bond, as the district director may deem appropriate.

(b) *Answer filed; personal appearance not requested.* Upon receipt of an answer asserting a defense to the allegations made in the notice, without request for a personal appearance, the matter shall be assigned to an immigration officer for consideration. The immigration officer shall prepare a report of his findings and make a recommendation as to whether the status should be adjusted. The record and the report and recommendation of the immigration officer shall be forwarded to the district director who caused the notice to be served. The district director shall note on the report of the immigration officer whether he approves or disapproves the recommendation of the immigration officer. If the decision of the district director is that the matter be terminated, the party affected shall be informed of such decision. If the district director determines that the status of the alien should be adjusted to that of a nonimmigrant, his decision shall provide that unless the alien, within 10 days of receipt of notification of such decision, requests permission to retain his status as an immigrant and files with the district director Form I–508 in duplicate, the alien's immigrant status be adjusted to that of a nonimmigrant. The alien shall be informed of such decision, the reasons therefor, and that he has 10 days from the receipt of notification of such decision within which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with Part 7 of this chapter. The party affected may waive an appeal. If the appeal is waived or if no appeal is taken within the time allowed, the decision of the district director shall be final. If the alien does not request that he be permitted to retain status and file the Form I–508 within the period provided therefor, the district director shall, without further notice to the alien, cause a set of Forms I–94 to be prepared evidencing the nonimmigrant classification to which the alien has been adjusted. The Form I–94C shall be delivered to the alien. The alien's nonimmigrant status shall be for such time, under such conditions, and subject to such regulations as are applicable to the particular nonimmigrant status created and shall be subject to such other terms and conditions, including the exaction of bond, as the district director may deem appropriate.

(c) *Answer filed; personal appearance requested or directed.* If the party affected has filed an answer asserting a defense to the allegations in the notice and containing a request for a personal appearance, or if at any time the district director or the Assistant Commissioner, Inspections and Examinations Division, so directs, the party shall be given an opportunity to be interviewed by an immigration officer for the purpose of presenting evidence as to whether his status shall be adjusted to that of an immigrant. The party may be represented at the interview by counsel of his own choice at no expense to the Government. All evidence pertinent to the matter, including the testimony of any witnesses, shall be incorporated into the record. At the conclusion of the interview the immigration officer shall prepare a report setting forth a summary of the evidence and findings of fact and conclusion of law based on such evidence. The report shall conclude with a recommendation which shall be either (1) that the status be adjusted, or (2) that the matter be terminated. The complete record, including the report and recommendation of the immigration officer, shall be forwarded to the district director. The district director shall note on the report of the immigration officer whether he approves or disapproves the recommendation of the immigration officer. If the decision of the district director is that the matter be terminated, the party affected shall be informed of such decision. If the district director determines that the status of the alien should be adjusted to that of a nonimmigrant, his decision shall provide that unless the alien, within 10 days of receipt of notification of such decision, requests permission to retain his status as an immigrant and files with the district director Form I–508 in duplicate, the alien's immigrant status be adjusted to that of a nonimmigrant. The alien shall be informed of such decision, the reasons therefor, and that he has 10 days from the receipt of notification of such decision within which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with Part 7 of this chapter. The party affected may waive an appeal. If the appeal is waived or if no appeal is taken within the time allowed, the decision of the district director shall be final. If the alien does not request that he be permitted to retain status and file the Form I–508 within the period provided therefor, the district director shall, without further notice to the alien, cause a set of Forms I–94 to be prepared evidencing the nonimmigrant classification to which the alien has been adjusted. The Form I–94C shall be delivered to the alien. The alien's nonimmigrant status shall be for such time, under such conditions, and subject to such regulations as are applicable to the particular nonimmigrant status created and shall be subject to such other terms and conditions, including the exaction of bond, as the district director may deem appropriate.

§ 247.14 *Decision by Assistant Commissioner, Inspections and Examinations Division.* The Assistant Commissioner's decision shall be transmitted to the district director who shall advise the party affected of the decision. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division. If the Assistant Commissioner determines that the status of the alien should be adjusted to that of a nonimmigrant, his decision shall provide that unless the alien, within 10 days of receipt of notification of such decision, requests permission to retain his status as an immigrant and files with the district director Form I–508 in duplicate, the alien's immigrant status be adjusted to that of a nonimmigrant. If the alien does not request that he be permitted to retain status and file the Form I–508 within the period provided therefor, the district director, without further notice to the alien, shall cause a set of Forms I–94 to be prepared evidencing the nonimmigrant classification to which the alien has been adjusted. The Form I–94C shall be delivered to the alien. The alien's nonimmigrant status shall be for such time, under such conditions, and subject to such regulations as are applicable to the particular nonimmigrant status created and shall be subject to such other terms and conditions, including the exaction of bond, as the district director may deem appropriate.

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
248.1 Change of nonimmigrant classification.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

248.11 Application.
248.12 Attorneys.
248.13 Procedure upon acceptance of application.
248.14 Evidence; burden of proof.
248.15 Examination and investigation.
248.16 Disposition of case.

AUTHORITY: §§ 248.1 to 248.16 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 233, 247, 248, 66 Stat. 167, 168, 203, 218.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 248.1 *Change of nonimmigrant classification.*—(a) *Authority.* Subject to the limitations provided in this part, the authority contained in section 248 of the Immigration and Nationality Act to authorize a change in nonimmigrant classification may be exercised by district directors.

(b) *Eligibility for change of nonimmigrant classification.* Except as otherwise provided in this section, any alien lawfully admitted to the United States as a nonimmigrant (including an alien who acquired such status pursuant to section 247 of the Immigration and Nationality Act) who is continuing to maintain his nonimmigrant status, may apply to have

his nonimmigrant classification changed to any other nonimmigrant classification for which he may be qualified. This section shall not apply to an alien classified as a nonimmigrant under section 101 (a) (15) (D) of the Immigration and Nationality Act, or to an alien classified as a nonimmigrant under section 101 (a) (15) (C) who is within the purview of section 238 (d) of that act. Any eligible alien classified as a nonimmigrant under section 101 (a) (15) (C) may apply only for a change to a classification under paragraph (15) (A) or (15) (G) of section 101 (a) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 248.11 *Application*—(a) *General requirements.* Application for change of nonimmigrant classification shall be made on Form I–506 (Application for Change of Nonimmigrant Status). There shall be submitted with the application the Form 257, I–94 or other document issued to the applicant at the time of his admission as, or adjustment of status to, a nonimmigrant, and documentary evidence establishing that the applicant is maintaining his nonimmigrant classification and is eligible for the reclassification requested. If the applicant desires, he may submit photographic or typewritten copies of documents, if such copies are permitted to be made by law, but in such event the original documents must be presented at the examination provided for in § 248.15.

(b) *Change of nonimmigrant classification to that under section 101 (a) (15) (H) of the Immigration and Nationality Act; additional requirements.* Notwithstanding any other provisions of this part, an application for a change of an alien's nonimmigrant classification to that described in section 101 (a) (15) (H) of the Immigration and Nationality Act shall be accompanied by an application executed under oath in duplicate on Form I–129B made by the alien's prospective employer or trainer. There shall be attached thereto the supporting evidence required by the Form I–129B.

§ 248.12 *Attorneys.* Attorneys or other persons authorized to practice before the Service, who represent applicants, shall be permitted to be present during the examination of the alien and witnesses, to submit briefs and to review the record, either before it is forwarded to the district director, or thereafter, and prior to final decision.

§ 248.13 *Procedure upon acceptance of application.* Upon acceptance of an application, the applicant shall be given timely notice of the date and place of the examination provided for in § 248.15, and the case shall be assigned to an immigration officer for the purpose of conducting such examination.

§ 248.14 *Evidence; burden of proof.* All evidence adduced at an examination under this part may be used in any other proceeding, and the alien shall be duly informed of this fact. The burden of proof shall be upon the applicant. In presenting his proof he shall be entitled to the benefit of any disclosable records concerning him which are in the custody of the Service.

§ 248.15 *Examination and investigation*—(a) *Examination of applicant and witnesses.* The immigration officer shall orally review the application with the applicant, or, in the case of a child under 14 years of age, with the parent or guardian. Any necessary changes shall be consecutively numbered by such officer and acknowledged in writing by the applicant, or, in the case of a child, by the parent or guardian, on the application form. The applicant shall at that time produce the available original documents, copies of which were submitted, or which he desires to be considered, in support of his application. Such copies or excerpts therefrom as are found to be pertinent shall be verified by the immigration officer from the originals, shall be appropriately marked and numbered for identification, and made a part of the application. When no longer required, the original documents shall be returned to the applicant. The immigration officer shall then administer the oath or affirmation contained in Form I–506 and obtain the applicant's signature in the appropriate place on that form. In cases in which the examining officer deems it necessary he shall conduct a further examination of the applicant, or the parent or guardian, by interrogation under oath or affirmation. If the application, supporting documentary evidence, records of the Service, and the testimony adduced, establish the applicant's eligibility for a change of his nonimmigrant classification, no other witnesses shall be required. Otherwise, such number of credible witnesses preferably citizens of the United States, as may be deemed necessary, shall be questioned under oath or affirmation by the officer concerning the facts of the applicant's eligibility for reclassification. If such witnesses cannot appear because of remoteness, physical disability, or any other cause deems satisfactory, their affidavits may be accepted in lieu of their personal appearance. The oral testimony given by the applicant, the parent or guardian, or the witnesses, shall not be reduced to writing in verbatim form or stenographically or mechanically recorded, but a résumé thereof shall be prepared and certified as true and correct by the immigration officer and made a part of the record. A verbatim record may be made of such testimony in any case in which the examining officer deems it advisable. If such verbatim record is made stenographically or mechanically recorded, it shall not be transcribed unless the district director denies the application.

(b) *Investigations.* Necessary investigations in other districts may, when feasible, be conducted by correspondence. If deemed necessary by the immigration officer, further investigations may be conducted by interview or by correspondence. The replies to such correspondence, and the reports of the investigation, may be made a part of the record by the immigration officer.

§ 248.16 *Disposition of case*—(a) *Record, recommendation and review.* Upon completion of the examination the immigration officer shall prepare a report of his findings as to each of the essential facts prescribed by section 248 of the Immigration and Nationality Act and § 245.1 of this chapter, together with his recommendation. If the officer is satisfied that the application should be granted he shall so recommend. If the immigration officer is not satisfied that the application should be granted he shall recommend denial of the application. In any case he shall make a brief summary of the evidence and shall include a statement as to the grounds and reasons for the recommendation. The application, record, supporting documents, and the report of the immigration officer shall then be transmitted to the district director having administrative jurisdiction over the office in which the examination was conducted. The district director shall approve or disapprove the recommendation of the immigration officer. If he disapproves the recommendation, the district director shall state his reasons in writing. Notwithstanding any other provisions of this section, the Assistant Commissioner, Inspections and Examinations Division, may direct the district director to transmit to the Assistant Commissioner any case or class of cases arising under this part for initial decision. If the Assistant Commissioner's decision is that the application shall be denied, the district director shall inform the applicant in writing of such decision and of the reasons therefor. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

(b) *Application denied by district director.* If the district director denies the application, the applicant shall be notified in writing of such decision and of the reasons therefor, and, at the same time shall be advised of his right to appeal to the Assistant Commissioner, Inspections and Examinations Division, by filing a notice of appeal Form I–290B. The notice of appeal shall be filed at the office of such district director within 10 days from the receipt of notification of such decision, in accordance with Part 7 of this chapter. The applicant may waive an appeal. If an appeal is taken, the record shall be forwarded to the Assistant Commissioner, Inspections and Examinations Division, for review and decision in accordance with Part 7 of this chapter. If appeal is waived or no appeal is taken within the time permitted, the decision of the district director shall become final.

(c) *Decision on appeal by Assistant Commissioner, Inspections and Examinations Division.* On appeal, the Assistant Commissioner, Inspections and Examinations Division may grant or deny the application for reclassification. The case shall then be returned to the office of origin. If the application has been denied, the district director shall so inform the applicant in writing. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

(d) *Application granted.* In any case in which the application for change of nonimmigrant classification is granted, the alien's nonimmigrant status under such reclassification shall be subject to the terms and conditions applicable generally to such classification, and to such other additional terms and conditions, including the exaction of bond, which the district director deems appropriate to the case. The district director shall cause a new set of Forms I–94 to be prepared and the Form I–94C shall be delivered to the applicant.

PART 249—CREATION OF RECORD OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
249.1 Creation of record of lawful admission for permanent residence.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

249.11 Application.
249.12 Attorneys.
249.13 Procedure upon acceptance of application.
249.14 Evidence; burden of proof.
249.15 Examination and investigation.
249.16 Disposition of case.

AUTHORITY: §§ 249.1 to 249.16 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 249, 66 Stat. 219.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 249.1 *Creation of record of lawful admission for permanent residence*—(a) *Authority.* Subject to the provisions of this part, the authority contained in section 249 of the Immigration and Nationality Act to create a record of lawful admission for permanent residence may be exercised by district directors.

(b) *Eligibility to make application; scope of part.* Any alien who believes that he meets the eligibility requirements enumerated in section 249 (a) of the Immigration and Nationality Act may apply for the creation of a record of lawful admission for permanent residence. No such record shall be created in behalf of any alien who entered the United States prior to July 1, 1924 and as to whom a record of admission for permanent residence as an alien prior to that date does not exist, except in accordance with the provisions of section 249 of the Immigration and Nationality Act, this part, or other statutory authority.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 249.11 *Application.* An application under this part shall be made on Form N–105 (Application to Create Record of Admission for Permanent Residence). The application shall be accompanied by 2 photographs as described in Part 10 of this chapter. There shall also be submitted with the application such documentary evidence, or pertinent excerpts therefrom (if the documents are lengthy or bulky), as the applicant may have showing his continuous residence in the United States since prior to July 1, 1924, and his good moral character. If the applicant desires, he may submit photographic or typewritten copies of such documents, if such copies are permitted to be made by law, but in such case the original documents must be presented at the examination as provided for in § 249.15.

§ 249.12 *Attorneys.* Attorneys or other persons authorized to practice before the Service, who represent applicants, shall be permitted to be present during the examination of the alien and the witnesses, to submit briefs and to review the record, either before it is forwarded to the district director or thereafter, and prior to final decision.

§ 249.13 *Procedure upon acceptance of application.* Upon acceptance of an application the applicant shall be given timely notice of the date and place of the examination provided for in § 249.15, and the case shall be assigned to an immigration officer for the purpose of conducting such examination.

§ 249.14 *Evidence; burden of proof.* All evidence adduced during an examination under this part may be used at any other proceeding and the alien shall be duly informed of this fact. The burden of proof shall be upon the applicant. In presenting his proof he shall be entitled to the benefit of any disclosable records concerning him which are in the custody of the Service. The applicant shall submit the affidavits of such number of credible witnesses, preferably citizens of the United States, concerning the moral character, continuity of residence of the applicant, and any other matter bearing on the applicant's eligibility for the benefits of section 249 of the Immigration and Nationality Act. Where practicable such affidavits shall be made on Form N–120 (Affidavit of Witness in Proceeding to Create Record of Admission for Permanent Residence). Documentary evidence such as bank books, leases, deeds, licenses, receipts, letters, and birth, marriage, church, school, employment and police records, or similar evidence shall, so far as possible, be used in establishing the essential facts to which documentary evidence is relevant. Where by reason of conditions known or shown to exist it is reasonable to believe that such evidence is not obtainable, other relevant evidence may be considered.

§ 249.15 *Examination and investigation*—(a) *Examination of applicant and witnesses.* The immigration officer shall orally review the application with the applicant. Any necessary changes shall be consecutively numbered by such officer and acknowledged in writing by the applicant. The applicant shall at that time produce the original available documents, copies of which were submitted, or which he desires to be considered in support of his application. Such copies or excerpts therefrom as are found to be pertinent shall be certified by the immigration officer from the originals, shall be appropriately marked and numbered for identification, and made a part of the application. When no longer required the original documents shall be returned to the applicant. The immigration officer shall then administer the oath or affirmation contained in Form N–105 and obtain the applicant's signature in the appropriate place on that form. In cases in which the examining officer deems it necessary he shall conduct a further examination of the applicant under oath or affirmation. Witnesses shall be examined orally under oath or affirmation in accordance with the interrogatories of Form N–120. Should additional statements be deemed necessary, the witnesses shall be interrogated under oath or affirmation. Witnesses located within a reasonable distance of the place of examination shall be required to appear in person to execute Form N–120, and for oral examination. If witnesses cannot appear because of remoteness, physical disability, or any other cause the officer deems satisfactory, the affidavits may be accepted in lieu of their personal appearance. The oral testimony given by the applicant and the witnesses shall not be reduced to writing in verbatim form or stenographically or mechanically recorded, but a résumé thereof shall be prepared and certified as true and correct by the immigration officer and made a part of the record. A verbatim record may be made of such testimony in any case in which the examining officer deems it advisable. If such verbatim record is made stenographically or mechanically recorded, it shall not be transcribed unless the district director denies the application.

(b) *Investigations.* Necessary investigations in other districts may, when feasible, be conducted by correspondence. If deemed necessary by the immigration officer, further investigations may be conducted by interview or by correspondence. The replies to such correspondence, and the reports of the investigation may be made a part of the record by the immigration officer.

§ 249.16 *Disposition of case*—(a) *Record, recommendation and review.* Upon completion of the examination the immigration officer shall prepare a report of his findings as to each of the essential facts prescribed by section 249 of the Immigration and Nationality Act and § 249.11, together with his recommendation. If the officer is satisfied that the application should be granted he shall so recommend. If the immigration officer is not satisfied that the application should be granted he shall recommend denial of the application. In any case he shall make a brief summary of the evidence and shall include a statement as to the grounds and reasons for the recommendation. The application, record, supporting documents, photographs and the report of the immigration officer shall then be transmitted to the district director having administrative jurisdiction over the office in which the examination was conducted. The district director shall approve or disapprove the recommendation of the immigration officer and shall note Form N–130 in accordance with his decision. If he disapproves the recommendation, the district director shall state his reasons in writing.

(b) *Application denied.* If the district director denies the application, the applicant shall be notified in writing of such decision and of the reasons therefor and at the same time, shall be advised of his right to appeal to the Assistant Commissioner, Inspections and

dation. The application, record, supporting documents, and the report of the immigration officer shall then be transmitted to the district director having administrative jurisdiction over the office in which the examination was conducted. The district director shall approve or disapprove the recommendation of the immigration officer. If he disapproves the recommendation, the district director shall state his reasons in writing. Notwithstanding any other provisions of this section, the Assistant Commissioner, Inspections and Examinations Division, may direct the district director to transmit to the Assistant Commissioner any case or class of cases arising under this part for initial decision. If the Assistant Commissioner's decision is that the application shall be denied, the district director shall inform the applicant in writing of such decision and of the reasons therefor. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

(b) *Application denied by district director.* If the district director denies the application, the applicant shall be notified in writing of such decision and of the reasons therefor, and, at the same time shall be advised of his right to appeal to the Assistant Commissioner, Inspections and Examinations Division, by filing a notice of appeal Form I–290B. The notice of appeal shall be filed at the office of such district director within 10 days from the receipt of notification of such decision, in accordance with Part 7 of this chapter. The applicant may waive an appeal. If an appeal is taken, the record shall be forwarded to the Assistant Commissioner, Inspections and Examinations Division, for review and decision in accordance with Part 7 of this chapter. If appeal is waived or no appeal is taken within the time permitted, the decision of the district director shall become final.

(c) *Decision on appeal by Assistant Commissioner, Inspections and Examinations Division.* On appeal, the Assistant Commissioner, Inspections and Examinations Division may grant or deny the application for reclassification. The case shall then be returned to the office of origin. If the application has been denied, the district director shall so inform the applicant in writing. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

(d) *Application granted.* In any case in which the application for change of nonimmigrant classification is granted, the alien's nonimmigrant status under such reclassification shall be subject to the terms and conditions applicable generally to such classification, and to such other additional terms and conditions, including the exaction of bond, which the district director deems appropriate to the case. The district director shall cause a new set of Forms I–94 to be prepared and the Form I–94C shall be delivered to the applicant.

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Examinations Division, by filing a notice of appeal Form I–290B (Appeal to Central Office). The notice of appeal shall be filed at the office of such district director within 10 days from the receipt of notification of such decision in accordance with Part 7 of this chapter. The applicant may waive an appeal. If an appeal is taken the record shall be forwarded to the Assistant Commissioner, Inspections and Examinations Division, for review and decision in accordance with Part 7 of this chapter. If appeal is waived or no appeal is taken within the time permitted, the decision of the district director shall become final.

(c) *Decision by Assistant Commissioner, Inspections and Examinations Division.* On appeal, the Assistant Commissioner, Inspections and Examinations Division, may grant or deny the application. The case shall then be returned to the office of origin. If the application has been denied, the district director shall so inform the applicant in writing. No appeal shall lie from the decision of the Assistant Commissioner, Inspections and Examinations Division.

(d) *Application granted; delivery of alien registration receipt card.* In any case in which the application is granted, an alien registration receipt card Form I–151, showing that the applicant has acquired the status of an alien lawfully admitted for permanent residence, shall be issued to the applicant. If the alien is in possession of any other documents evidencing compliance with the Alien Registration Act, 1940, or Chapter 7 of Title II of the Immigration and Nationality Act, he shall be required to surrender it.

PART 250—REMOVAL OF ALIENS WHO HAVE FALLEN INTO DISTRESS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

250.1 Removal of aliens who have fallen into distress; authority.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

250.11 Why may apply.
250.12 Application.
250.13 Procedure upon acceptance of application.
250.14 Evidence; burden of proof.
250.15 Examination and investigation.
250.16 Disposition of case.
250.17 Action subsequent to granting of application.

AUTHORITY: §§ 250.1 to 250.17 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 250, 66 Stat. 219.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 250.1 *Removal of aliens who have fallen into distress; authority.* Subject to the limitations provided in this part, the authority contained in section 250 of the Immigration and Nationality Act to remove from the United States any alien who falls into distress or who needs public aid from causes arising subsequent to entry may be exercised by district directors.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 250.11 *Who may apply.* Any alien who meets the eligibility requirements contained in section 250 of the Immigration and Nationality Act and who desires to be removed from the United States may apply for the benefits of that section of the Act.

§ 250.12 *Application.* Application for removal shall be made in duplicate on Form I–243 (Application for Removal). The application of a child under 14 years of age may be included in the application of a parent. The application in the case of a child under the age of 14 years shall be signed by his parent or guardian. If the applicant has received aid from a public or charitable institution or association, the application shall be accompanied by a certificate by an accredited representative of such association or institution indicating the nature and extent of the aid furnished to the alien. In the case of an alien who has not received public aid, the application shall show the causes and conditions by reason of which the alien claims to need public aid. The application shall be accompanied also by any document which was issued to the alien at the time of his admission to the United States.

§ 250.13 *Procedure upon acceptance of application.* Upon acceptance of an application, the applicant shall be given timely notice of the date and place of the examination provided for in § 250.15, and the case shall be assigned to an immigration officer for the purpose of conducting such an examination.

§ 250.14 *Evidence; burden of proof.* All evidence adduced at an examination under this part may be used in any other proceeding, and the alien shall be duly informed of this fact. The burden of proof shall be upon the applicant. In presenting his proof he shall be entitled to the benefit of any disclosable records concerning him which are in the custody of the Service.

§ 250.15 *Examination and investigation*—(a) *Examination of applicant and witnesses.* The immigration officer shall orally review the application with the applicant, or, in the case of a child under 14 years of age, with the parent or guardian. Any necessary changes shall be consecutively numbered by such officer and acknowledged in writing by the applicant or, in the case of a child, by the parent or guardian, on the application form. The applicant shall at that time produce the original documents, copies of which were submitted or which he desires to be considered, in support of his application. Such copies or excerpts therefrom as are found to be pertinent shall be verified by the immigration officer from the originals, shall be appropriately marked and numbered for identification, and made a part of the application. When no longer required, the original documents shall be returned to the applicant. The immigration officer shall then administer the oath or affirmation contained in Form I–243 and obtain the applicant's signature in the appropriate place on that form. During the examination the applicant shall be informed that if he is removed from the United States he will be ineligible to apply for or receive a visa or other documentation for readmission, or to apply for admission to the United States except with the prior approval of the Attorney General. The application form shall be noted to show that such advice was given to the applicant by the examining officer and the applicant's response thereto. If the applicant has a mental or serious physical disability, a medical certificate shall be obtained showing whether the applicant is in condition to be removed from the United States without danger to life or health and whether alien will require special care and attention in case of removal. If accessible, near relatives of the applicant shall be interviewed to determine whether they are financially able and willing or legally obligated to support or assist the applicant. In cases in which the examining officer deems it necessary he shall conduct a further examination of the applicant, or the parent or guardian, by interrogation under oath or affirmation. If the application, supporting documentary evidence, records of the Service, and the testimony adduced, establish the applicant's eligibility for removal, no other witnesses shall be required. Otherwise, such number of credible witnesses preferably citizens of the United States, as may be deemed necessary, shall be questioned under oath or affirmation by the officer concerning the facts of the applicant's eligibility for removal. If such witnesses cannot appear because of remoteness, physical disability, or any other cause which the officer deems satisfactory, their affidavits may be accepted in lieu of their personal appearance. The oral testimony given by the applicant, the parent or guardian, or the witnesses, shall not be reduced to writing in verbatim form or stenographically or mechanically recorded, but a résumé thereof shall be prepared and certified as true and correct by the immigration officer and made a part of the record. A verbatim record may be made of such testimony in any case in which the examining officer deems it advisable. If such verbatim record is made stenographically or mechanically recorded, it shall not be transcribed unless the district director denies the application.

(b) *Investigations.* Necessary investigations in other districts may, when feasible, be conducted by correspondence. If deemed necessary by the immigration officer, further investigations may be conducted by interview or by correspondence. The replies to such correspondence, and the reports of the investigation may be made a part of the record by the immigration officer.

§ 250.16 *Disposition of case.* Upon completion of the examination the immigration officer shall prepare a report of his findings as to the essential facts prescribed by section 250 of the Immigration and Nationality Act and § 250.11, together with his recommendation. If the officer is satisfied that the application should be granted he shall so recommend. If the immigration officer is not satisfied that the application should be granted he shall recommend denial of the application. In any case he shall make a brief summary of the evidence and shall include a statement as to the grounds and reasons for the recommendation. The application, record, supporting documents, and the report of the immigration officer shall then be transmitted to the district director having administrative jurisdiction over the office in which the examination was conducted. The district director shall approve or disapprove the recommendation of the immigration officer. The applicant shall be notified in writing of the decision of the district director and, if the decision is that the application be denied, of the reasons therefor. No appeal shall lie from the decision of the district director.

§ 250.17 *Action subsequent to granting of application.* If the district director grants the application he shall issue authorization on Form I–202 for the alien's removal. Upon issuance of the authorization for removal, or as soon thereafter as practicable, the alien may be removed from the United States at government expense.

PART 251—CREWMEN: LISTS OF; REPORTS OF ILLEGAL LANDINGS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

251.1 Definitions.
251.2 Imposition of penalty.
251.3 Listing of crewmen who are nationals of the United States.
251.4 Report of crewmen on board certain vessels or aircraft.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

251.31 Arrival crew lists for vessels other than Great Lakes vessels.
251.32 Arrival crew lists for Great Lakes vessels.
251.33 Arrival crew lists for aircraft.
251.34 Arrival crew list for certain aircraft not required.
251.35 Illegal landing of alien crewman; notice.
251.36 Listing of change in crew of vessel or aircraft.

AUTHORITY: §§ 251.1 to 251.36 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 212, 231, 251, 252, 280, 66 Stat. 195, 219, 220, 230.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 251.1 *Definitions.* As used in chapter 6 of the Immigration and Nationality Act and this part, the term—

(a) "Great Lakes vessel" means a vessel, including a designated international ferry, of United States, Canadian, or British registry, enrollment, or license engaged solely in traffic between the United States and Canada and travelling solely over one or more of the following waterways: Great Lakes, waterways connecting the Great Lakes, St. Lawrence River, St. Croix River, Passamaquoddy Bay, Lake Memphremagog, Lake Champlain, Rainy Lake, Rainy River, Lake of the Woods, Bay of Fundy (from, but not including, Yarmouth, N. S.).

(b) "International ferry" means a Great Lakes vessel which has been designated as such by the district director of the St. Albans, Buffalo, Detroit or Chicago districts of the Service.

(c) "Master" means the captain or other person in charge of a vessel.

(d) "Full time immigration officer" means a regular employee of the Service duly appointed or designated as an immigration officer.

(e) "Immigration officer (excepted)" means a person other than a full time immigration officer who has been designated to perform the duties of an immigration officer in accordance with the provisions of this chapter.

§ 251.2 *Imposition of penalty.* The provisions of Part 280 of this chapter shall govern the imposition of penalties provided for in section 251 (d) of the Immigration and Nationality Act.

§ 251.3 *Listing of crewmen who are nationals of the United States.* In every case in which a crew list is required to be delivered upon arrival, crewmen of vessels or aircraft who are nationals of the United States shall be listed on the same form and the same information noted thereon as in the cases of alien crewmen.

§ 251.4 *Report of crewman on board certain vessels or aircraft.* The master, commanding officer or agent of a vessel or aircraft which arrives at a port in the continental United States or at a port in any other place under the jurisdiction of the United States without touching at a foreign port, on a voyage originating in Hawaii, Alaska, Guam, Puerto Rico, or the Virgin Islands of the United States, shall submit in writing to the United States immigration officer at the port of arrival the surname, given name, middle initial and nationality of each crewman on board such vessel or aircraft, and in addition, in the case of vessels, the residence of each such crewman.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 251.31 *Arrival crew lists for vessels other than Great Lakes vessels.* The lists required by section 251 (a) of the Immigration and Nationality Act and § 251.3 for vessels other than Great Lakes vessels shall be submitted on Form I–480 and shall be delivered to the United States immigration officer boarding the vessel at the first port of arrival in the United States, who, in the event the vessel has to call at any other port in the United States, shall give the master of the vessel a receipt therefor. Except as otherwise provided in this section for a vessel making voyages to and from the same port in the United States at regular or periodic intervals and returning resident alien crewman, the persons responsible for the delivery of the alien crew list and as a part thereof shall prepare a set of Forms I–95 for each arrival in the United States of an alien crewman on board a vessel and shall deliver them to such crewman for presentation by him, with any Foreign Service Forms 256, 257 or Immigration Forms I–132 or I–151 in his possession, to the United States immigration officer at the first port of arrival in the United States. If the crewman for whom a set of Forms I–95 is prepared has an immigrant or nonimmigrant visa the visa number shall be noted on all copies of the Form I–95 in the box entitled "Visa or Alien Registration number". If he is a returning resident alien crewman his alien registration receipt number shall be noted on all copies of Form I–95 in the box entitled "Visa or Alien Registration number". In the case of a vessel making voyages to and from the same port in the United States at regular or periodic intervals, Forms I–95 shall be prepared for each alien crewman upon his first arrival in the United States on board such vessel after December 23, 1952. Within one year of such arrival, another set of Forms I–95 shall not be prepared for the same crewman provided he is serving aboard the same vessel, is arriving at the same port in the United States, and is in possession of the Form I–95A issued to him at the time of his first landing. In the case of a returning resident alien crewman, a set of Forms I–95 shall be prepared upon his first arrival in the United States after December 23, 1952. Within one year of such arrival, another set of Forms I–95 shall not be prepared for the same crewman provided he is in possession of the Form I–95A issued to him at the time of such first arrival.

§ 251.32 *Arrival crew lists for Great Lakes vessels*—(a) *International ferries.* On the first arrival of an international ferry in the United States after the opening of the navigation season, or, if operating year-round, on the first arrival after January 1, each year, the list required by section 251 (a) of the Immigration and Nationality Act and § 251.3 shall be submitted on Form I–481 and shall be delivered to the immigration officer boarding the vessel at the first port of arrival in the United States. Thereafter during the same calendar year a crew list shall not be required unless there is a change in the crew of the vessel, either by increase, decrease or substitution. If any such change occurs, there shall be submitted on its first arrival after the change occurs a supplemental crew list on Form I–481 containing only information relative to crewmen who have left the crew or who were engaged since the crew list was furnished. The provisions of this section are in addition to and not in substitution for the requirements of § 251.36. Except as otherwise specifically provided in this part all other provisions of the Immigration and Nationality Act and of this chapter applicable to vessels and crewmen generally shall apply to Great Lakes vessels and crewmen serving thereon.

(b) *Great Lakes vessels other than international ferries.* On every arrival in the United States of a Great Lakes vessel other than an international ferry, a crew list on Form I–481 shall be delivered to the immigration officer boarding the vessel at its first port of arrival in the United States.

(c) *Preparation of Forms I–95.* On the first arrival of a Great Lakes vessel in the United States after December 23, 1952, the persons responsible for the delivery of the alien crew list, and as a part thereof, shall prepare a set of immigration Forms I–95 for each alien crewman on board the vessel and shall deliver them to such crewman for presentation by him, with any Foreign Service Forms 256 or 257 or immigration Forms I–132 or I–151 in his possession, to the United States immigration officer a

the first port of arrival in the United States. If the crewman for whom a set of Forms I–95 is prepared has an immigrant or nonimmigrant visa, the visa number shall be noted on all copies of the Forms I–95 in the box entitled "Visa or Alien Registration number". If he is a returning resident alien crewman, his alien registration receipt number shall be noted on all copies of the Forms I–95 in the box entitled "Visa or Alien Registration number". Within one year of such arrival, another set of Forms I–95 shall not be prepared for the same crewman so long as he continues to be a crewman of a Great Lakes vessel and is in possession of the Form I–95A issued to him at the time of his first landing.

(d) *Notification of arrivals.* The master of Great Lakes vessels shall immediately notify the officer in charge of the office having administrative jurisdiction over the port of arrival in the United States of every arrival of his vessel at such port except where such arrival is pursuant to a published schedule.

(e) *Designation of international ferries.* The district director of each of the districts of the Service having jurisdiction over ports of entry located on the bodies of water listed in § 251.1 (a) may in his discretion designate a Great Lakes vessel as an international ferry in his district. The district director may revoke the designation of international ferry with respect to vessels so designated by him. The district director shall notify the company or master by letter of such designation and of any revocation thereof. Request for designation as an international ferry shall be made by letter addressed to the district director having administrative jurisdiction over the port or ports at which the vessel is to arrive in the United States. Designation as an international ferry may be granted for such time and under such conditions as the district director deems appropriate.

§ 251.33 *Arrival crew lists for aircraft.* The lists required by section 251 (a) of the Immigration and Nationality Act and § 251.3 shall be submitted on Customs Form 7507 in the space provided for the listing of the crew, shall contain the information indicated on the form and shall be delivered to the immigration officer inspecting the aircraft at the international airport or other place of first landing in the United States. Except as otherwise provided in this section for aircraft making voyages to and from the United States at regular or periodic intervals and returning resident alien crewman, the persons responsible for the delivery of the alien crew list and as a part thereof shall prepare a set of Forms I–95 for each arrival in the United States of an alien crewman on board the aircraft and shall deliver them to such crewman for presentation by him, with any Foreign Service Forms 256, 257 or immigration Forms I–132 or I–151 in his possession, to the United States immigration officer at the first airport of arrival in the United States. If the crewman for whom a set of Forms I–95 is prepared has an immigrant or nonimmigrant visa the visa number shall be noted on all copies of the Form I–95 in the box entitled "Visa or Alien Registration number". If he is a returning resident alien crewman his alien registration receipt number shall be noted on all copies of Form I–95 in the box entitled "Visa or Alien Registration number". In the case of an aircraft making flights to and from the United States at regular or periodic intervals, Forms I–95 shall be prepared for each alien crewman upon his first arrival in the United States on board such aircraft after December 23, 1952. Within one year of such arrival, another set of Forms I–95 shall not be prepared for the same crewman provided he is serving as a crewman aboard the same aricraft or an aircraft of the same transportation line and is in possession of the Form I–95A issued to him at the time of his first landing. In the case of a returning resident alien crewman, a set of Forms I–95 shall be prepared upon his first arrival in the United States after December 23, 1952. Within one year of such arrival, another set of Forms I–95 shall not be prepared for the same crewman provided he is in possession of the Form I–95A issued to him at the time of such first arrival.

§ 251.34 *Arrival crew list for certain aircraft not required.* Aircraft coming directly to the continental United States or Alaska on a trip which originated in Canada or the French islands of St. Pierre or Miquelon shall not be regarded as arriving in the United States from any place outside the United States for the purposes of section 251 (a) of the Immigration and Nationality Act and § 251.3, and the provisions of those sections and of § 251.33 shall not apply to such aircraft. Nothing in this section shall be regarded as exempting any crewman from any of the applicable documentary requirements of the Immigration and Nationality Act or of this chapter. Upon the first arrival in the United States after December 23, 1952, of an aircraft within the scope of this section, the commanding officer or agent of such aircraft shall prepare a set of Forms I–95 for each alien crewman serving on board such aircraft. Within one year of such arrival, another set of Forms I–95 shall not be prepared for the same alien crewman provided he is in possession of the Form I–95A issued to him at the time of such first landing and he continues to be employed as an alien crewman by the same transportation line.

§ 251.35 *Illegal landing of alien crewman; notice.* The notice required by section 251 (b) of the Immigration and Nationality Act to be furnished regarding any alien crewman who may have landed illegally in the United States from a vessel or aircraft shall be in writing, shall contain the information required by that section of the Immigration and Nationality Act, and shall be delivered promptly by mail or in person to the officer in charge of the port where the illegal landing occurred. The notice shall also contain the alien's name, number of any document issued to him, nationality, description, and any photograph or other available documents which might aid in locating and apprehending such crewman.

§ 251.36 *Listing of change in crew of vessel or aircraft.* The list required by section 251 (c) of the Immigration and Nationality Act shall be submitted on Form I–489. Except with respect to international ferries, if no change in crew occurs that fact shall be noted on Form I–489. For the purposes of section 251 (c) of the Immigration and Nationality Act and this section, aircraft shall not be regarded as departing from a port in the United States if such aircraft departs from the continental United States or Alaska and is destined directly to Canada or the French islands of St. Pierre or Miquelon. The persons responsible for the delivery of Form I–489 shall attach to and make a part of the Form I–489 all Forms 257a and I–95A surrendered to the master or commanding officer by departing members of the crew, as provided in § 252.11 of this chapter, after recording thereon the name or identification marks of the vessel or aircraft, respectively, and the date and port of its departure from the United States.

PART 252—LANDING OF ALIEN CREWMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

252.1 Conditional permit to land.
252.2 Arrest and deportation of certain crewmen landed under section 252 (a) (1) of the Immigration and Nationality Act.
252.3 Arrest and deportation of crewmen not within the purview of § 252.2.
252.4 Request for change of period of landing.
252.5 Crewmen seeking admission other than in pursuit of calling.
252.6 Special provisions applicable to Great Lakes crewmen.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

252.11 Disposition of entry documents of aliens departing as crewmen.
252.21 Procedure for arrest and deportation of certain crewmen landed under section 252 (a) (1) of the Immigration and Nationality Act.
252.41 Change in period of landing; procedure by immigration officer.

AUTHORITY: §§ 252.1 to 252.41 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 221, 241, 242, 251, 252, 66 Stat. 166, 191, 204, 208, 219, 220.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 252.1 *Conditional permit to land—*(a) *Conditions.* An immigration officer in his discretion may grant an alien crewman a conditional permit to land temporarily in the United States whenever such officer determines in accordance with section 252 of the Immigration and Nationality Act and this part that the crewman is eligible for such a permit. Such a permit shall be granted subject to the following conditions:

(1) The crewman agrees that while in the United States he will not pursue any employment or engage in any activity inconsistent with his temporary landing as a crewman or not related to the purpose for which he was permitted to land; and

(2) The crewman agrees to leave the United States within the period for which he was permitted to land; and

(3) If admitted under section 252 (a) (1) of the Immigration and Nationality Act, the crewman agrees to leave the United States and each port of the United States at which permitted to land on board the vessel or aircraft which brought him to the United States.

(b) *Period of time allowed.* The period of time for which an immigration officer may permit the temporary landing of a crewman who is qualified therefor under the provisions of paragraph (a) of this section is the applicable period provided in section 252 (a) (1) or in section 252 (a) (2) of the Immigration and Nationality Act.

(c) *Landing under section 252 of the Immigration and Nationality Act.* The immigration officer authorizing an alien crewman's landing under section 252 of the Immigration and Nationality Act shall note the crewman's set of immigration Forms I–95 to show the date and port of landing, the name or identification marks of the vessel or aircraft on which the crewman arrived and whether landing was authorized under clause (a) (1) or clause (a) (2) of section 252 of that Act. The Form I–95A shall be placed in the crewman's passport and shall constitute his conditional permit to land. Any Foreign Service Form 257a presented by the alien crewman and which bears a valid nonimmigrant visa issued to the alien as a crewman pursuant to section 101 (a) (15) (D) of the Immigration and Nationality Act shall be appropriately noted and returned to the crewman for presentation on subsequent arrivals in the United States.

§ 252.2 *Arrest and deportation of certain crewmen landed under section 252 (a) (1) of the Immigration and Nationality Act—*(a) *Violation of landing privilege.* An alien permitted to land conditionally as a crewman under section 252 (a) (1) of the Immigration and Nationality Act shall, within the period for which he was permitted to land, be taken into custody by an immigration officer without a warrant of arrest and made the subject of further proceedings under the provisions of section 252 (b) of the Immigration and Nationality Act and § 252.21 if:

(1) It is determined that such alien crewman is not a bona fide crewman; or

(2) Such alien crewman does not intend to depart on the vessel or aircraft which brought him to the United States.

(b) *When not considered a bona fide crewman.* For the purposes of this section, an alien crewman shall be considered not to be a bona fide crewman if:

(1) He violates or fails to fulfill any of the conditions of his admission imposed at the time of his landing; or

(2) He evidences in any way an intention to violate or fail to fulfill any of the conditions of his admission imposed at the time of his landing; or

(3) He engages in any activity inconsistent with the status of a crewman; or

(4) He was not entitled under the Immigration and Nationality Act to land as a crewman at the time of such landing.

(c) *When deemed not to intend to depart.* For the purposes of this section an alien crewman shall be deemed not to intend to depart on the vessel or aircraft which brought him to the United States if:

(1) He evidences orally, by writing, or by conduct an intention not to depart on the vessel or aircraft on which he arrived; or

(2) He is found at such a distance from the port of landing that it is not possible for him to return to the vessel or aircraft prior to its departure from such port; or

(3) By reason of his own conduct it is or will be impossible for him to depart on the vessel or aircraft on which he arrived.

(d) *Other grounds for deportation.* Nothing in this section shall be construed as setting forth the sole grounds on which it may be determined that an alien crewman or that an alien crewman does not intend to depart on a vessel or aircraft which brought him to the United States or to depart on a vessel or aircraft within the period for which he was permitted to land temporarily, or as setting forth the sole grounds of deportation.

§ 252.3 *Arrest and deportation of crewmen not within the purview of § 252.2—*(a) *Violation of status; determination of deportability.* The question of the deportability of an alien crewman not within the purview of § 252.2 who is believed to be subject to deportation shall be determined in accordance with the procedure set forth in section 242 of the Immigration and Nationality Act and Part 242 of this chapter. Such an alien crewman shall, within the meaning of section 241 (a) (9) of the Immigration and Nationality Act, be deemed to have failed to maintain his nonimmigrant status under sections 101 (a) (15) (D) and 252 of the Immigration and Nationality Act and under this part if:

(1) It is determined that he is not a bona fide crewman; or

(2) He does not intend to depart on a vessel or aircraft within the period for which he was permitted to land.

(b) *When not considered bona fide.* For the purposes of this section, an alien crewman shall be considered not to be a bona fide crewman under any of the circumstances listed and described in § 252.2 (b).

(c) *When deemed not to intend to depart.* For the purposes of this section, an alien crewman shall be deemed not to intend to depart on a vessel or aircraft within the period for which he was permitted to land temporarily if:

(1) He evidences orally, by writing, or by conduct an intention not to depart on a vessel or aircraft within the period of time for which he was permitted to land temporarily; or

(2) By reason of his own conduct it is or will be impossible for him to depart on a vessel or aircraft within the period for which he was permitted to land; or

(3) He remains in the United States after the expiration of the time for which he was permitted to land.

(d) *Other grounds for deportation.* Nothing in this section shall be construed as setting forth the sole grounds on which it may be determined that an alien crewman is not a bona fide alien crewman, or that an alien crewman does not intend to depart on the vessel or aircraft which brought him to the United States or to depart on a vessel or aircraft within the period for which he was permitted to land temporarily, or as setting forth the sole grounds of deportation.

§ 252.4 *Request for change of period of landing.* An alien crewman permitted to land for the period set forth in section 252 (a) (1) of the Immigration and Nationality Act who is maintaining his status but who desires to depart as a member of the crew of a vessel or aircraft other than the one on which he arrived, may, within the period for which permitted to land, apply in person to an immigration officer to have his landing changed to that authorized under section 252 (a) (2) of the Immigration and Nationality Act.

§ 252.5 *Crewmen seeking admission other than in pursuit of calling.* An alien crewman applying for admission to the United States in a status other than that described in section 101 (a) (15) (D) of the Immigration and Nationality Act shall be required to comply with all of the provisions of the immigration laws to the same extent as though he were a passenger. Nothing in this section shall be deemed to exempt the transportation line on whose vessel or aircraft such alien crewman arrived in the United States from any of the responsibilities or liabilities imposed upon it by the immigration laws with respect to alien crewmen.

§ 252.6 *Special provisions applicable to crewman of Great Lakes vessels—*(a) *Definitions.* The definitions of the terms contained in § 251.1 of this chapter shall apply to this section.

(b) *Crew inspection: first trip of vessel of year or season—*(1) *By whom conducted.* A full time immigration officer shall conduct the immigration examination of the crew of every Great Lakes vessel on the occasion of its first arrival each year or season in the United States. In addition to the notation required by § 252.1 (c), the immigration officer authorizing the landing of a crewman of a Great Lakes vessel shall note the words "Great Lakes" on all copies of the Form I–95.

(2) *Extent of immigration examination.* A crewman aboard a Great Lakes vessel shall be examined in accordance with the provisions of the immigration laws applicable to crewmen generally upon the vessel's first arrival of year or season.

(3) *Medical examination.* At the time of the immigration examination of the crew of a Great Lakes vessel arriving for the first time during a year or season, the medical examination required by the Immigration and Nationality Act shall be given each member of the crew. The examining immigration officer shall not permit the crewman to land until and unless he has been medically examined and passed. The medical officer shall place on all copies of the Form I–95 an appropriate dated notation stating that

the alien has been medically examined and passed, if that is the case.

(c) *Crew inspection; subsequent arrival of vessel during year or season*—(1) *By whom conducted.* Whenever an international ferry operating year-round makes its second or later arrival after January 1 each year, or whenever any other Great Lakes vessel operating seasonally makes its second or later arrival after the season's opening, the examination of the crew shall be conducted by a full-time immigration officer if one can conveniently be assigned; otherwise the examination of the crew shall be conducted by an immigration officer (excepted). An immigration officer (excepted) shall have authority to permit a crewman of a Great Lakes vessel to land for the period set forth in section 252 of the Immigration and Nationality Act only if such crewman presents the Form I–95A previously issued to him at the time of his first arrival during the year or season provided he has no reason to believe that such crewman is inadmissible to the United States. A crewman making his first arrival of the year or season in the United States aboard a Great Lakes vessel which is making its second or later arrival shall not be permitted to land until he is examined by a full time immigration officer. The provisions of paragraph (b) shall be applicable to such a crewman.

(2) *Extent of subsequent immigration examination.* A crewman of a Great Lakes vessel shall be examined as provided in the Immigration and Nationality Act and this section each time he arrives from Canada, except that in the case of international ferries the crew examination after the initial trip of the year or season shall consist only of whatever inquiry is necessary to determine that there has been no unreported change in the crew and that all members of the crew have been properly documented for landing. A crewman of a Great Lakes vessel shall meet whatever documentary requirements apply to his case each time he applies for permission to land in the United States.

(3) *Medical examination.* A crewman of a Great Lakes vessel who has been given a medical examination during the navigation season, or during the calendar year if employed on an international ferry operating year-round, and whose Form I–95A bears the medical notation stating that the alien has been medically examined and passed, shall not be subject to medical reexamination during the same year or season unless the examining immigration officer believes that such reexamination might disclose grounds for exclusion or the denial of landing privilege. If any medical reexamination results in certification which renders the alien inadmissible, the medical officer shall invalidate any favorable medical endorsement previously noted on the Form I–95A.

(4) *Revocation of Form I–95A.* If a crewman of a Great Lakes vessel in possession of a Form I–95A previously issued to him is subsequently found to be inadmissible to the United States, an immigration officer shall take up such Form I–95A.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 252.11 *Disposition of entry documents of aliens departing as crewmen.* Except in those cases in which Forms 257a, I–94C, I–95A, or I–100a are not required to be surrendered by aliens departing from the United States as provided in §§ 221.2 (b), and 221.3 (d) of this chapter and this section, an alien departing from the United States as a crewman aboard a vessel or aircraft shall surrender to the master or commanding officer any Form 257a, I–94C, I–95A, or I–100a issued to him at the time of his arrival in the United States. For each alien crewman who departs with the vessel or aircraft, who is required, but fails, to surrender any of the forms enumerated in this paragraph, the master or commanding officer shall prepare a Form I–424. The master or commanding officer shall attach the Forms 257a, I–94C, I–95A, I–100a or I–424 to the Form I–489 or, if a Form I–489 is not required to be submitted, shall surrender such forms to the United States immigration officer at the port of departure from the United States. Form 257a need not be surrendered if it bears a valid nonimmigrant visa issued pursuant to section 101 (a) (15) (D) of the Immigration and Nationality Act with enough of the period of validity remaining to enable the alien to use the visa for an additional voyage or voyages to the United States as a crewman. Form I–95A need not be surrendered until one year from the date in which it was issued in any of the following cases and shall, provided the crewman is found otherwise admissible under the immigration laws and such form is noted by the examining immigration officer on each subsequent arrival, constitute the crewman's conditional permit to land upon subsequent arrivals during such year:

(1) A crewman of a vessel making voyages to and from the same port in the United States at regular or periodic intervals provided he departs as a crewman within the period for which he was permitted to land aboard the same vessel and on the same voyage on which he arrived.

(2) A resident alien crewman.

(3) A crewman of an aircraft making flights to and from the United States at regular or periodic intervals, for such time as he continues to be employed as a crewman by the same transportation line, provided he departs as a crewman, within the period for which he was permitted to land, on the aircraft on which he arrived or on another aircraft of the same transportation line.

(4) A crewman who departs as a member of the crew of a Great Lakes vessel.

(5) A crewman of an aircraft described in § 251.34 of this chapter, for such time as he continues to be employed as a crewman by the same transportation line, provided he departs as a crewman within the period for which he was permitted to land, on the aircraft on which he arrived or another aircraft of the same transportation line.

§ 252.21 *Procedure for arrest and deportation of certain crewmen landed under section 252 (a) (1) of the Immigration and Nationality Act.* If, after investigation, an immigration officer determines that under § 252.2 (a) an alien crewman should be arrested and deported, he shall, if the alien is not confined in a penal or mental institution, and without obtaining a warrant of arrest, take such alien into custody and shall then and there fully advise him of the cause of his apprehension. If the alien is confined in a penal or mental institution he shall not be taken into physical custody until released from confinement, whether on parole or otherwise, but in such case the institution shall be advised of the interest of the Service in the case so that the Service may be informed prior to any release of the alien. Immediately upon taking the alien into custody the immigration officer shall satisfy himself as to (a) the identity, (b) alienage, and (c) deportability of the alien as a member of any of the classes enumerated in § 252.2 (a). If the immigration officer determines that the person apprehended is an alien crewman within one of the classes enumerated in § 252.2 (a), he shall revoke the crewman's conditional permit to land by writing thereon the word "Revoked" and the date of revocation, and, if the conditional permit to land is a Form 257a or Form I–95A, such form shall be taken up by such officer. If prosecution under section 252 (c) of the Immigration and Nationality Act is not contemplated, the alien crewman shall be returned immediately to the vessel or aircraft on which he came to the United States and deported thereon. If prosecution is contemplated, or, if the crewman is confined in a penal or mental institution, the crewman shall not be so returned for deportation until after trial, imprisonment (if sentenced thereto), or until release from the penal or mental institution, respectively. If it is not practicable to deport a crewman on the vessel or aircraft on which he came to the United States, he shall be deported on another vessel or aircraft of the same transportation line. If that is not practicable, the crewman shall be deported in any other manner at the expense of the transportation line which brought him to the United States. A notice to detain and deport on Form I–259 shall be served on the master or commanding officer of the vessel or aircraft on which the alien crewman is to be deported. The procedure prescribed by section 242 of the Immigration and Nationality Act and Part 242 of this chapter shall not apply to an alien crewman who is within the purview of § 252.2. No appeal by an alien crewman shall lie from the revocation of his conditional permit to land and his deportation under this part.

§ 252.41 *Change in period of landing; procedure by immigration officer.* If the immigration officer to whom an alien crewman applies for change of his landing is satisfied that the alien will depart as a member of the crew of a vessel or aircraft other than the one on which he arrived, he may, in his discretion, grant the alien crewman's request and permit him to remain in the United States for such period as the immigration officer shall determine, not to exceed twenty-nine days from the date of the crewman's arrival in the United States. The immigration officer shall endorse the Form I–95A issued to the crewman as his conditional permit to land at the time of arrival to show the date to which the crewman has been granted permission to land, sign his name thereto, and return the form to the crewman as his conditional permit to land.

PART 252a—SEAMEN OR AIRMEN: SPECIAL CLASSES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
252a.1 Seamen or airmen returned by American consuls.
252a.2 Shipwrecked or castaway seamen or airmen.
252a.3 Aliens returned pursuant to terms of contract of voyage.
252a.4 Disabled crewmen; condition for passing in transit.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

252a.11 Seamen or airmen returned by American consuls.
252a.21 Shipwrecked or castaway seamen or airmen.
252a.31 Aliens returned pursuant to terms of contract of voyage.

AUTHORITY: §§ 252a.1 to 252a.31 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 212, 251, 252, 255, 66 Stat. 166, 182, 219, 220, 222.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 252a.1 *Seamen or airmen returned by American consuls.* Whenever a vessel or aircraft arrives in the United States from any place outside the United States having on board an alien seaman or airman returned by a United States consular official in accordance with the navigation laws and American consular regulations, the master, commanding officer, purser, or other responsible officer of the vessel or aircraft, or such alien, shall present to the examining immigration officer documentary or other satisfactory evidence indicating that such alien is being returned under such laws and regulations. Such alien shall be subject to the provisions of § 252a.11.

§ 252a.2 *Shipwrecked or castaway seamen or airmen.* A shipwrecked or castaway alien seaman or airman who is rescued by or transferred at sea to a vessel or aircraft destined directly for the United States, and who is brought to the United States on such vessel or aircraft shall be subject to the provisions of § 252a.21.

§ 252a.3 *Aliens returned pursuant to terms of contract of voyage.* An alien seaman or airman who was a member of the crew of an American vessel or aircraft which has been sold or delivered abroad, who returns to the United States in accordance with the terms of the contract of employment of the outbound voyage or under the laws of the United States, shall be subject to the provisions of § 252a.31.

§ 252a.4 *Disabled crewmen; condition for passing in transit.* A disabled alien crewman, who does not intend to relinquish his calling, but whom the master or commanding officer of the vessel or aircraft is obliged, under the laws of the country under which the vessel or aircraft is registered, licensed, documented, or enrolled, to return to the country where he embarked, may, under such terms and conditions as the district director or the officer in charge having administrative jurisdiction over the port of arrival deems necessary (including the depositing by the master or commanding officer of a satisfactory bond or other undertaking guaranteeing the departure of such crewman, if deemed appropriate by such district director or officer in charge) be paroled into the United States solely to pass through the United States in transit to the country where such alien crewman embarked by the most expeditious and direct route. Whenever such an alien is afflicted with any of the disabilities or diseases specified in section 255 of the Immigration and Nationality Act or in such physical or mental condition as to make him a person likely to become a public charge, such alien may not be paroled into the United States until the master or commanding officer has made arrangements for the alien's proper care while in transit and has furnished a sum of money sufficient to defray the expenses of such care.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 252a.11 *Seamen or airmen returned by American consuls*—(a) *Admission.* The case of an alien returned to the United States by a United States consular official who arrives as a member of a crew, shall be disposed of in the same manner as that of any other arriving alien crewman, except as provided in paragraphs (b) and (c) of this section. An alien so returned whose occupational status as a seaman or airman is found by the examining immigration officer to be bona fide, and who seeks to enter the United States solely in pursuit of his calling as a seaman or airman but who arrives other than a member of a crew, may be admitted, if found to be otherwise admissible, as a nonimmigrant visitor for business for a period not to exceed 29 days and under the conditions enumerated in § 252.1 (a) (1) and (2) of this chapter. An alien so returned who applies for admission other than in pursuit of his calling as a seaman or airman shall comply with all of the provisions of the Immigration and Nationality Act applicable to passengers generally.

(b) *Procedure when seaman or airman is afflicted.* Whenever any such returned alien, regardless of the manner of his arrival, is found to be afflicted with any of the disabilities or diseases specified in section 255 of the Immigration and Nationality Act, the master, commanding officer, or other responsible officer, shall deliver the alien to authorities of the United States Public Health Service for medical treatment in a United States Public Health Service hospital at the expense of the appropriation for the maintenance of such hospitals. The immigration examination of any such hospitalized alien shall be deferred until his discharge from the hospital at which time his admissibility to the United States shall be determined in accordance with the provisions of paragraph (a) of this section.

(c) *Carriers' exemption from liability; immigration appropriation not available for hospital treatment.* Vessels and aircraft transporting an alien returned to the United States by a United States consular official shall be exempt from the payment of hospital and maintenance expenses and liability for the penalties prescribed by the immigration laws with respect to such returned alien, if the transportation line furnishes satisfactory proof that the alien was accepted on board and transported at the request of a United States consular official. Under no circumstances shall hospital bills incurred on account of such a returned alien be paid from the appropriation for the enforcement of the immigration laws. Maintenance expenses incurred pending final determination of the status of such alien may be paid from said appropriation.

§ 252a.21 *Shipwrecked or castaway seamen or airmen*—(a) *Admission.* An alien whose occupational status as a seaman or airman is found by the examining immigration officer to be bona fide, who is brought to the United States under the circumstances described in § 252a.2, and who arrives as a member of the crew, shall be examined in the same manner as any other arriving crewman. An alien so brought to the United States whose occupational status as a seaman or airman is found by the examining immigration officer to be bona fide, who seeks to enter the United States solely in pursuit of his calling as a seaman or airman, but who arrives other than as a member of the crew, may be admitted, if found to be otherwise admissible, as a nonimmigrant visitor for business for a period not to exceed 29 days and under the conditions enumerated in § 252.1 (a) (1) and (2) of this chapter. An alien so brought who applies for admission other than in pursuit of his calling as a seaman or airman, shall be required to comply with all of the provisions of the Immigration and Nationality Act applicable to passengers generally.

(b) *Payment of expenses.* If expenses are incurred in connection with the detention and deportation of a seaman or airman described in § 252a.2, such expenses shall be collected from the appropriate foreign consul or from the owners, agents, or consignees, of the wrecked vessel or aircraft, if practicable, otherwise such expenses shall be paid from the appropriation for the enforcement of the immigration laws.

(c) *Procedure when seaman or airman is afflicted.* Whenever an alien seaman or airman brought to the United States under the circumstances described in § 252a.2, regardless of the manner of his arrival, is found to be afflicted with any of the disabilities or diseases specified in section 255 of the Immigration and Nationality Act, and is found to be entitled to treatment in a United States Public Health Service hospital at the expense of the appropriation for the maintenance of such hospitals, the mas-

ter, commanding officer, or other responsible officer shall deliver the alien to authorities of the United States Public Health Service for medical treatment in a United States Public Health Service hospital at the expense of the appropriation for the maintenance of such hospitals. Any such afflicted alien who is found not to be entitled to treatment at such expense may be given hospital treatment if the payment of the expenses thereof are guaranteed to the satisfaction of the district director or the officer in charge having administrative jurisdiction over the port of arrival. The immigration examination of any such hospitalized alien shall be deferred until his discharge from the hospital at which time his admissibility to the United States shall be determined in accordance with the provisions of paragraph (a) of this section.

§ 252a.31 *Aliens returned pursuant to terms of contract of voyage*—(a) *Admission.* An alien seaman or airman, who returns to the United States as a member of the crew of a vessel or aircraft under the circumstances described in § 252a.3, shall be treated in the same manner as any other arriving alien crewman. Such an alien seaman or airman who returns other than as a member of the crew of a vessel or aircraft whose occupational status as a seaman or airman is found to be bona fide by the examining immigration officer, and who seeks to enter the United States solely in pursuit of his calling as a seaman or airman, may be admitted, if found to be otherwise admissible, as a nonimmigrant visitor for business for a period not to exceed 29 days and under the conditions enumerated in § 252.1 (a) (1) and (2) of this chapter. Any such alien who applies for admission other than in pursuit of his calling as a seaman or airman shall comply with all of the provisions of the Immigration and Nationality Act applicable to passengers generally.

(b) *Procedure when seaman or airman is afflicted.* Whenever an alien seaman or airman returns to the United States under the circumstances described in § 252a.3, regardless of the manner of his arrival, and is found to be afflicted with any of the disabilities or diseases specified in section 255 of the Immigration and Nationality Act and such alien seaman or airman is found to be entitled to treatment in a United States Public Health Service hospital at the expense of the appropriation for the maintenance of such hospitals, the master, commanding officer, or other responsible officer shall deliver such alien to authorities of the United States Public Health Service for medical treatment in a United States Public Health Service hospital at the expense of the appropriation for the maintenance of such hospitals. Any such afflicted alien who is found not to be entitled to treatment at such expense may be given hospital treatment if the payment of the expenses thereof are guaranteed to the satisfaction of the district director or the officer in charge having administrative jurisdiction over the port of arrival. The immigration examination of any such hospitalized alien shall be deferred until his discharge from the hospital at which time his admissibility to the United States shall be determined in accordance with the provisions of paragraph (a) of this section.

PART 253—HOSPITAL TREATMENT OF AFFLICTED CREWMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
253.1 Afflicted crewmen.
253.2 Crewmen suspected of being afflicted.
253.3 Clearance withheld; procedure.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

253.11 Notice to remove.
253.12 Afflicted crewmen; procedure.
253.21 Crewmen suspected of being afflicted; procedure.

AUTHORITY: §§ 253.1 to 253.21 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 252, 253, 254, 255, 66 Stat. 220, 221, 222.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 253.1 *Afflicted crewmen.* An alien crewman afflicted with any of the disabilities or diseases enumerated in section 255 of the Immigration and Nationality Act and in whose case a cure reasonably can be expected within 30 days, shall be ordered by the examining immigration officer immediately removed for hospital treatment to a designated hospital at the expense of the persons enumerated in section 253 of the Immigration and Nationality Act: *Provided*, That in the event appropriate facilities for treatment are not available, removal from the vessel or, in the case of an aircraft, from the specified place of detention, shall not be ordered (except in emergent cases so certified by a Public Health Surgeon) and the district director or the officer in charge having administrative jurisdiction of the port of arrival shall notify the district director or the officer in charge having administrative jurisdiction of the first port of call possessing such facilities (if the vessel or aircraft is proceeding to other ports of call in the United States) of the presence on said vessel or aircraft of said alien. The latter officer shall proceed in the manner hereinbefore provided upon the arrival of the vessel or aircraft at such port of call to have the alien removed for observation. If the vessel or aircraft having such alien suspected of being afflicted on board arrives at a port at which there are no proper facilities for observation, if no arrangements elsewhere therefor are practicable and the vessel or aircraft is not proceeding to another port in the United States possessing such facilities or is proceeding directly to a foreign port, an order to deport shall be served as provided in Part 254 of this chapter.

§ 253.2 *Crewmen suspected of being afflicted.* An alien crewman suspected of being afflicted with any of the disabilities or diseases mentioned in section 255 of the Immigration and Nationality Act shall be ordered by the examining immigration officer immediately removed for observation to an immigration station or other appropriate place at the expense of the persons enumerated in section 253 of the Immigration and Nationality Act: *Provided*, That in the event appropriate facilities for observation are not available, removal from the vessel or, in the case of an aircraft, from the specified place of detention, shall not be ordered (except in emergent cases so certified by a Public Health Surgeon) and the district director or the officer in charge having administrative jurisdiction of the port of arrival shall notify the district director or the officer in charge having administrative jurisdiction of first port of call possessing such facilities (if the vessel or aircraft is proceeding to other ports of call in the United States) of the presence on said vessel or aircraft of said alien. The latter officer shall proceed in the manner hereinbefore provided upon the arrival of the vessel or aircraft at such port of call to have the alien removed for observation. If the vessel or aircraft having such alien suspected of being afflicted on board arrives at a port at which there are no proper facilities for observation, if no arrangements elsewhere therefor are practicable and the vessel or aircraft is not proceeding to another port in the United States possessing such facilities or is proceeding directly to a foreign port, an order to deport shall be served as provided in Part 254 of this chapter.

§ 253.3 *Clearance withheld; procedure.* The guaranty of payment of expenses provided for in section 253 of the Immigration and Nationality Act may be accepted by the district director or officer in charge having administrative jurisdiction of the port, if submitted by guarantors satisfactory to him, and shall be submitted on Form I-510. In the event the persons named in section 253 of the Immigration and Nationality Act fail to pay such expenses or fail to furnish such guaranty, such officer shall immediately request the collector of customs to withhold clearance of the vessel or aircraft. Such request, if made informally, shall be confirmed promptly in writing.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 253.11 *Notice to remove.* In any case in which an immigration officer in his discretion determines that an alien crewman shall be removed from the vessel or aircraft on which he arrived for hospital treatment or observation as provided in section 253 of the Immigration and Nationality Act and this part, such officer shall serve or cause to be served on any of the persons enumerated in section 253 of the Immigration and Nationality Act a notice to remove on Form I-259. Such notice shall specify the date when, and the place to which, the alien crewman shall be removed, and the reason for such removal.

§ 253.12 *Afflicted crewmen; procedure.* Prior to the expiration of 30 days from date of hospitalization (or at any time thereafter if the crewman's hospitalization is continued at the request of any of the persons enumerated in section 253 of the Immigration and Nationality Act), the appropriate surgeon of the Public Health Service shall submit to the district director or the officer in charge having administrative jurisdiction over the place where the hospital is located a certification indicating whether or not the alien is cured, or if not cured, whether or not his mental and physical condition is such that he may resume his calling without danger to himself and others. If the alien is cured or if he may resume his calling as aforesaid, the district director or the officer in charge shall cause the alien to be discharged from the hospital, following which his admissibility shall be determined and his case disposed of in the same manner as that of arriving alien crewmen generally, as provided in section 252 of the Immigration and Nationality Act and Part 252 of this chapter. If the certification indicates that the alien is not cured and that his mental and physical condition is such that he cannot resume his calling without danger to himself or others, the district director or officer in charge shall cause the alien to be discharged from the hospital, if the alien's condition permits, and shall return the alien crewman to the vessel or aircraft on which he arrived: *Provided*, That said vessel or aircraft is promptly going to a foreign port and a certificate is issued by the Public Health Surgeon that the alien can be placed on board and removed from the United States thereon without danger to his life. If for any reason it is impossible or impracticable to return the crewman to a foreign port on board such vessel or aircraft, then he shall be returned on board another vessel or aircraft of the same transportation line destined for a foreign port and which carries a ship's surgeon, or if that is impracticable, then such alien shall be returned as a passenger on any passenger vessel or aircraft carrying a ship's surgeon: *Provided*, That in every case in which such a crewman is returned, the transportation line on which he came shall furnish a guaranty satisfactory to such district director or officer in charge that the crewman will receive proper medical treatment and be segregated from members of the crew and passengers, and that every precaution will be employed to prevent the spread of contagion during the voyage and, if removal is effected by the vessel or aircraft which brought the alien, or by one of the same line, that the alien will not be returned to the United States by the vessel or aircraft on which he departs or on another one of the same line, unless and until he is cured: *Provided further*, That, if the vessel or aircraft on which an afflicted crewman arrived is not going to a foreign port at the time of the crewman's discharge from the hospital, said afflicted crewman may be permitted, upon written request of any of the persons named in section 253 of the Immigration and Nationality Act or other acceptable guarantor, and the promise of such persons to assume all expenses involved, to remain in the hospital until such vessel or aircraft departs for a foreign port.

§ 253.21 *Crewman suspected of being afflicted; procedure.* The case of an alien crewman removed for observation as provided in §§ 253.2 and 253.11 who, after such observation, is found to be afflicted with any of the disabilities or diseases enumerated in section 255 of the Immigration and Nationality Act, shall be disposed of in accordance with the provisions of §§ 253.1 and 253.12. The admissibility of an alien crewman removed for observation as provided in §§ 253.2 and 253.11 who, after such observation, is found not to be afflicted with any of the disabilities or diseases enumerated in section 255 of the Immigration and Nationality Act, shall be determined and his case disposed of in the same manner as that of arriving alien crewman generally, as provided in section 252 of the Immigration and Nationality Act and Part 252 of this chapter.

PART 254—CONTROL OF ALIEN CREWMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
254.1 Deportation of alien crewman.
254.2 Order to detain and deport alien crewman.
254.3 Detained crewman; when removal permitted.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

254.21 Order to detain and deport alien crewman; form.

AUTHORITY. §§ 254.1 to 254.21 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 101, 212, 253, 66 Stat. 166, 182, 221.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 254.1 *Deportation of alien crewman.* Subject to the limitations hereinafter provided in this part, the district director having administrative jurisdiction over the place where the case is pending shall exercise the authority contained in section 254 (a) of the Immigration and Nationality Act to select the port from which and the vessel or aircraft on which an alien crewman's deportation is to be effected.

§ 254.2 *Order to detain and deport alien crewman.* In any case in which an alien crewman permitted to land under section 212 (d) (5), 252, or 253 of the Immigration and Nationality Act is subsequently placed aboard a vessel or aircraft for detention and deportation in accordance with the provisions of that Act and this chapter, the immigration officer delivering the alien crewman to the vessel or aircraft shall order the owner, agent, consignee, charterer, master, or commanding officer of the vessel or aircraft to detain and deport such crewman in the manner provided by law.

§ 254.3 *Detained crewman; when removal permitted*—(a) *Vessels.* An alien crewman, employed on a vessel, who is required to be detained or who is ordered deported, shall not be removed to an immigration station or other place for safekeeping at the request of the transportation line except in case of emergency as determined by the district director or officer in charge having administrative jurisdiction over the place in the United States where the vessel is then located, and in such case, only when the owner, agent, consignee, charterer, master, or commanding officer, of the vessel involved shall give guarantee satisfactory to such district director or officer in charge that all costs of such removal, including maintenance charges, and damage done by such crewman to the place to which he is removed, including damage to equipment, shall be paid by such owner, agent, consignee, charterer, master, or commanding officer.

(b) *Aircraft.* An alien crewman, employed on an aircraft, who is required to be detained or who is ordered deported shall be detained at the expense of the airline at a place specified by the district director or the officer in charge having administrative jurisdiction over the place in the United States where the aircraft is then located.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 254.21 *Order to detain and deport alien crewman; form.* The order to detain and deport provided for by § 254.2 shall be on Form I-259. The order shall be addressed to any or all of the following persons named in section 254 (a) of the Immigration and Nationality Act: owner, agent, consignee, charterer, master, or commanding officer of the vessel or aircraft on which the crewman arrived. The order shall be served by mail or by personal service upon each of the persons to whom it is addressed or upon such other person as may be authorized to receive it. Every person upon whom the order is served shall be charged with the duty of detaining and deporting the alien or aliens named thereon. The names of more than one alien crewman may be included on the same order. An order shall not be issued in the case of an alien crewman who has been permitted by the Service to leave the vessel or aircraft until such alien crewman is returned to such vessel or aircraft or is offered for deportation by the Service to the person or persons to whom the order is addressed.

PART 256—PAY OFF OR DISCHARGE OF ALIEN CREWMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
256.1 Consent to pay off or discharge alien crewmen.
256.2 Consent to pay off or discharge alien crewmen admitted under section 252 (a) (1) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 256.1 and 256.2 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 252, 256; 66 Stat. 220, 228.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 256.1 *Consent to pay off or discharge alien crewmen.* Except in the case of an alien crewman granted a conditional permit to land under section 252 (a) (1) of the Immigration and Nationality Act, the notation by an immigration officer on an alien crewman's Form 257a

be entitled to treatment at such expense *afflicted.* An alien crewman suspected

dure. Prior to the expiration of

to remain in the hospital until gency as determined by the district officer on an alien crewman's Form 257a

or Form I–95A evidencing his admission as a nonimmigrant, shall constitute the consent to pay off or discharge such alien crewman required under section 256 of the Immigration and Nationality Act.

§ 256.2 *Consent to pay off or discharge alien crewman admitted under section 252 (a) (1) of the Immigration and Nationality Act.* An alien crewman landed temporarily under section 252 (a) (1) of the Immigration and Nationality Act shall not be paid off until consent to do so has first been obtained from the district director or officer in charge having administrative jurisdiction over the place where the vessel or aircraft is then located. Request for such consent shall be made by letter and the consent, if granted, shall be in writing addressed to the person making the request. An alien crewman landed under section 252 (a) (1) of the Immigration and Nationality Act shall not be discharged from the vessel or aircraft unless such alien's landing is subsequently changed under § 252.4 of this chapter to that authorized under section 252 (a) (2) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 262—REGISTRATION OF ALIENS IN THE UNITED STATES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
262.1 Scope.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 262.1 to 262.3 issued under sec. 103, 66 Stat. 173. Interpret or apply 54 Stat. 673 secs. 211, 221, 262, 263, 66 Stat. 181, 191, 224; 8 U. S. C. 451.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 262.1 *Scope.* Persons otherwise subject to the provisions of Chapter 7 of Title II of the Immigration and Nationality Act and Parts 262 to 265, inclusive, of this chapter shall not be exempt from any of those provisions solely for the reason that they were admitted to the United States as:

(a) Alien members of the armed forces of the United States as provided in section 284 of the Immigration and Nationality Act; or

(b) American Indians born in Canada as provided in section 289 of the Immigration and Nationality Act; or

(c) Aliens lawfully admitted for permanent residence who reside in foreign contiguous territory and who, while continuing such residence, enter the United States to engage in any existing employment or to seek employment in this country.

(Sec. 103, 66 Stat. 173. Interpret or apply secs. 261–265, 284, 289, 66 Stat. 223–225, 232, 234)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 263—REGISTRATION OF ALIENS IN THE UNITED STATES: PROVISIONS GOVERNING SPECIAL GROUPS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
263.1 Foreign government officials, representatives to international organizations and similar classes.
263.2 Canadian citizen visitors.
263.3 Aliens confined in institutions within the United States.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 263.1 to 263.3 issued under sec. 103, 66 Stat. 173. Interpret or apply 54 Stat. 673 secs. 211, 221, 262, 263, 66 Stat. 181, 191, 224; 8 U. S. C. 451.

SUBPART A—SUSTANTIVE PROVISIONS

§ 263.1 *Foreign government officials, representatives to international organizations and similar classes*—(a) *Registration not required.* Any alien in the United States on the effective date of the Immigration and Nationality Act shall not be required to register under section 262 of the Immigration and Nationality Act if (1) on that date he was exempt from the requirements of the Alien Registration Act, 1940 under the regulations promulgated under that act (12 F. R. 5130), and (2) he were now outside the United States applying for a visa in the status and classification he presently is maintaining in the United States, he would be exempt from the registration requirements of section 262 of the Immigration and Nationality Act under the regulations promulgated by the Department of State in accordance with the authority contained in section 221 (b) of the Immigration and Nationality Act.

(b) *Registration required.* Any person exempt from the registration requirements of section 262 of the Immigration and Nationality Act who remains in the United States for 30 days or longer after having ceased to be within the classification which entitled him to the exemption, shall apply for registration in accordance with the provisions of the Immigration and Nationality Act before the expiration of 30 days following the date when he ceased to be entitled to such classification.

§ 263.2 *Canadian citizen visitors.* The duty imposed on aliens in the United States by section 262 of the Immigration and Nationality Act to apply for registration shall not be applicable to Canadian citizens admitted to the United States under the provisions of § 212.3 (b) of this chapter who depart from the United States within 6 months of admission. If his stay in the United States is to exceed 6 months, an application for registration in accordance with the provisions of section 262 of the Immigration and Nationality Act shall be made prior to the expiration of the 6 months period.

§ 263.3 *Aliens under deportation proceedings or confined in institutions within the United States*—(a) *Under deportation proceedings.* No alien pending the conclusion of deportation proceedings need be registered under section 262 of the Immigration and Nationality Act otherwise than by means of the fingerprints taken and the record made in such deportation proceeding and need not be issued an alien registration receipt card, so long as he continues in custody or is deported or departs from the United States immediately upon release from such custody.

(b) *Aliens confined in penal or other institutions or who are incapacitated.* The district director in his discretion shall make such special arrangements as he deems necessary for the registration of aliens confined in institutions within his district.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 264—REGISTRATION OF ALIENS IN THE UNITED STATES: FORMS AND PROCEDURE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
264.1 Alien registration receipt card.
264.2 Registration officers.
264.3 Place of registration.
264.4 Registration records confidential.
264.5 Replacement of alien registration receipt cards; aliens lawfully admitted for permanent residence.
264.6 Reregistration; aliens other than those lawfully admitted for permanent residence whose alien registration receipt cards have been lost, mutilated or destroyed.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

264.11 Form of registration.
264.12 Manner of registration.
264.51 Replacement of alien registration receipt cards; procedure.

AUTHORITY: §§ 264.1 to 264.51 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 30, 54 Stat. 673, secs. 221, 261–265, 66 Stat. 191, 223–225.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 264.1 *Alien registration receipt card*—(a) *Receipt cards or other evidence of alien registration issued prior to the effective date of the Immigration and Nationality Act.* Every receipt card, certificate, or other document or paper which was issued to any registered alien prior to the effective date of the Immigration and Nationality Act and which, under any regulation in effect immediately prior to the effective date of the Immigration and Nationality Act was or constituted evidence of alien registration under any of the provisions of Title III of the Alien Registration Act, 1940, is hereby declared to be issued and is hereby issued as an alien registration receipt card pursuant to section 264 (d) of the Immigration and Nationality Act with the same force and effect as though issued on or after the effective date of the Immigration and Nationality Act. Such evidence of alien registration includes:

Form AR 103: "Alien Registration Receipt Card."
Form AR–3: "Alien Registration Receipt Card."
Form I–151: "Alien Registration Receipt Card."
Form AR–103 S: "Alien Registration Receipt Card" (Seamen Form).
Form I–151 (Rev. 1–3–50): (Certifying to Alien Registration.)
Foreign Service Form 257a: Showing Alien Registration.
Form I–200: (Noted to show alien registration.)
Form I–94C: (Noted to show alien registration.)
Form I–100a: Alien Laborer's Permit and Identification Card.

(b) *Aliens registered prior to effective date of the Immigration and Nationality Act who have not received evidence of registration.* Except as otherwise provided in this part, any alien in the United States who was registered under Title III of the Alien Registration Act, 1940, who for any reason has not been issued an alien registration receipt card or in whose case such card remains undelivered, shall be furnished with an alien registration receipt card on the appropriate form prescribed in this part as soon as practicable. If the identity of any such alien or the mailing address is unknown, such action shall be initiated upon the receipt of that information from any source.

(c) *Forms constituting alien registration receipt cards under the Immigration and Nationality Act.* In addition to any form specifically stated elsewhere in this chapter to be an alien registration receipt card issued pursuant to section 264 (d) of the Immigration and Nationality Act, the forms listed in this paragraph shall, under the conditions specified, also constitute alien registration receipt cards.

(1) *Form I–151.* When an alien with an unexpired immigrant visa is lawfully admitted to the United States as an immigrant for permanent residence he shall be issued Form I–151 as an alien registration receipt card and as evidence of such immigration status. Any alien who in any manner becomes a lawful permanent resident of the United States and who is registered in the United States also shall be furnished such Form I–151. An alien lawfully admitted for permanent residence who re-registers in the United States within 30 days after attaining his 14th birthday shall be entitled to and shall be issued a new Form I–151 bearing his photograph if the Form I–151 originally issued to him was without such photograph.

(2) *Form 257a.* In the case of an alien who, in connection with his visa application, has been registered under section 261 of the Immigration and Nationality Act or section 30 of the Alien Registration Act, 1940, any Form 257a returned to him and endorsed by the admitting officer, pursuant to § 221.2 of this chapter, to show the data as to admission shall constitute an alien registration receipt card.

(3) *Form I–94C.* Except as otherwise provided in this part, an alien registered on Forms I–94, I–94–AR and (when applicable) AR–4 as provided in § 264.11 shall be given Form I–94C endorsed to show such registration and that form shall then be the alien's registration receipt card.

(d) *Prohibition against issuance of more than one alien registration receipt card; requirement of surrender of receipt card.* An alien registration receipt card shall not be issued to any person who previously has obtained one unless he surrenders such previously issued card which is in his possession. No person shall use an alien registration receipt card relating to any other person except in behalf of his minor child or ward. If an alien is naturalized, dies, permanently departs, or is deported from the United States, or an alien registration receipt card is found by a person other than the one to whom it was issued, the person in possession of the card shall surrender it to an immigration officer or it shall be lifted by an immigration officer, and such officer shall forward the card to the office of the Service maintaining the file of the alien to whom the card was issued. If doubt arises as to the location of the alien's file, the alien registration receipt card shall be forwarded to the Central Office for appropriate disposition.

(e) *Carrying and possession of proof of alien registration.* The provisions of section 264 (e) of the Immigration and Nationality Act shall be applicable to every receipt card, certificate, or other document or paper referred to in § 264.1 as constituting evidence of alien registration.

(f) *Limited effect of issuance of alien registration receipt card.* The issuance of an alien registration receipt card or its equivalent shall not relieve the alien, or his parent or guardian, from full compliance with any and all laws and regulations of the United States now existing or hereafter made concerning aliens; nor shall it be construed to confer upon the alien or his parent or guardian immunity from any liability, penalty or punishment incurred by the alien or his parent or guardian for violation of any law of the United States occurring either before or after the issuance of such card.

§ 264.2 *Registration officers.* Immigration officers and any officer or employee of the United States selected by the Commissioner are designated registration officers and authorized to register aliens under Chapter 7 of Title II of the Immigration and Nationality Act. Any registration officer may prepare any registration form required to be executed by an alien upon the basis of information furnished by such alien.

§ 264.3 *Place of registration.* Any alien in the United States who is required to apply for registration under the provisions of section 262 of the Immigration and Nationality Act shall do so at any office in which any person designated in § 264.2 as a registration officer is serving as such, except as otherwise indicated in § 263.3 of this chapter, and except that the district director may make such special arrangements as he deems necessary for the registration of aliens in his district who are aged, infirm, or incapacitated.

§ 264.4 *Registration records confidential.* All registration and fingerprint records made under the provisions of Title III of the Alien Registration Act, 1940, or under Chapter 7 of Title II of the Immigration and Nationality Act shall be confidential. Information from such records shall be made available only to such persons or agencies as may be designated by the Commissioner. Persons or agencies designated to receive such information prior to the effective date of the Act whose designation was outstanding and unrevoked upon that date are hereby designated to continue to receive such information under the authority contained in section 264 (b) of the Immigration and Nationality Act.

§ 264.5 *Replacement of alien registration receipt cards; aliens lawfully admitted for permanent residence.* Any alien lawfully admitted to the United States for permanent residence whose alien registration receipt card has been lost, mutilated, or destroyed, shall immediately apply for a new alien registration receipt card, and upon approval of his application shall be issued a new alien registration receipt card. Any alien lawfully admitted to the United States for permanent residence whose name has been changed after registration by order of court or marriage, or who is in possession of an alien registration receipt card that does not constitute prima facie evidence of his lawful admission for permanent residence (such as Forms AR–3 and AR–103) may apply for a new alien registration receipt card. In either case, the application shall be made and disposed of as provided in § 264.51.

§ 264.6 *Reregistration; aliens other than those lawfully admitted for permanent residence whose alien registration receipt cards have been lost, mutilated or destroyed.* Any alien other than one within the provisions of § 264.5 whose alien registration receipt card has been lost, mutilated, or destroyed immediately shall apply to the nearest office of the Service for a new alien registration receipt card. If it is determined that the alien will remain in the United States more than 29 days after the loss, destruction, or mutilation of the card came to his attention, the alien shall be re-registered as if he were being initially registered under the provisions of this part and a new alien registration receipt card shall be issued to him as provided in § 264.1 (c) (3).

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 264.11 *Form of registration.* Any alien required to be registered in the United States shall except as otherwise provided in this chapter be registered on Forms I–94 and I–94–AR except that an alien who is a lawful permanent resident shall be registered on Form AR–2 and in an appropriate case on Form AR–2a (supplemental information to be made a part of Form AR–2). Except as provided in § 263.3 (a) of this chapter, in either instance, the alien shall be fingerprinted on Form AR–4 and when the alien is registered on Form AR–2, the registration officer shall take an imprint of the alien's right index finger in the space provided therefor on Form AR–2.

§ 264.12 *Manner of registration*—(a) *Duties of registration officers.* The registration officer shall complete the registration forms prescribed by this part in the English language from information furnished by the alien and all fingerprints shall be taken by such officer. When an alien is registered on Forms I–94 and I–94–AR, the registration officer shall endorse the Form I–94C to show that the alien has registered under the Immigration and Nationality Act.

(b) *Information required for registration.* The information which the alien or his parent or legal guardian must furnish under oath shall be such as is required by the forms prescribed in this part or as may be required hereafter under the authority of the Immigration and Nationality Act. Name or names

shall be given in the English alphabet and the date of birth shall be stated by giving the month, day and year in that sequence.

(c) *Persons who believe themselves not subject to registration.* If any person indicates to the registration officer that he does not believe himself subject to registration under the Immigration and Nationality Act but is registering for his own protection, the registration officer shall make the following notation on the margin of the registration form at the conclusion of the registration: "Applicant doubts need for registration."

(d) *Registration in behalf of insane or incompetent aliens.* Any alien who is insane or otherwise incompetent or of unsound mind may be registered by his legal guardian, trustee, or committee or by such other person as may be charged by law with his care and custody. Any person registering in behalf of an alien herein described, shall answer to the best of his knowledge and ability the questions required to be put to the registering alien and shall swear or affirm to the best of his knowledge and belief that such alien is incompetent. Such alien, if 14 years of age or older, shall be fingerprinted if possible.

(e) *Signing of registration forms.* Except as otherwise provided in this part the registration forms provided for herein must be signed and sworn to before a registration officer by the alien in person or by his parent or legal guardian. The alien being registered or his parent or guardian or the person furnishing the information in behalf of an incompetent alien, if unable to write, shall make his mark in the signature space on the registration forms and his mark shall be witnessed by a witness other than the registration officer. The witness shall sign his name and address on the registration forms near the mark made and the words "witnessed by" shall precede the witness' signature.

§ 264.51 *Replacement of alien registration receipt cards; procedure*—(a) *Form of application.* Application for a new alien registration receipt card shall be made on Form I–90 under oath or affirmation. If the alien is under 14 years of age, the application shall be made by his parent or legal guardian. If a parent or legal guardian is not available the matter should be reported to the district director of the district in which the alien resides who shall take such steps as he deems necessary with regard to the issuance of a new card.

(b) *Disposition of application.* An application for a new alien registration receipt card shall be submitted to the officer in charge of the office of the Service having administrative jurisdiction over the applicant's place of residence. The application shall be accompanied by two photographs of the alien as described in Part 10 of this chapter and by a fee of $5.00 and, if the application is for the issuance of a new receipt card in a changed name, by appropriate documentary evidence of such change including any court order effecting such change. If the applicant is in possession of an immigration identification card, a mutilated receipt card, a Form AR–3 or AR–103 receipt card, or any other alien registration receipt card, such card must be surrendered before a new receipt card may be issued to him. The officer in charge receiving an application shall cause such investigation and inquiry to be conducted as he deems necessary to determine whether the application should be granted. Such officer in charge shall submit the application and the accompanying documents to the district director together with a report in writing and his recommendation as to whether the application should be granted or denied. If after consideration of the application and the record the district director is satisfied that the applicant was lawfully admitted for permanent residence and that the original receipt card has been lost, mutilated, or destroyed he shall issue a new receipt card on Form I–151. If after such consideration he is satisfied that the applicant was so admitted and that (1) the applicant's name has been changed after registration by order of court or by marriage, or that (2) the applicant's original receipt card is not prima facie evidence of his lawful admission for permanent residence (such as Form AR–3 or AR–103), the district director may issue a new receipt card on Form I–151. The new card shall bear the alien's registration number, the alien's photograph and notation that it is a replacement of a prior receipt card. The new receipt card Form I–151 shall be mailed directly to the alien or if the alien is less than 14 years of age, to his parent or legal guardian. If the district director is not satisfied that the application should be granted, he shall deny the application and take whatever action he deems appropriate to the case. Upon the denial of any application, the fee accompanying the application shall be refunded to the applicant. No appeal may be taken from the decision of the district director.

PART 265—REGISTRATION OF ALIENS IN THE UNITED STATES: NOTICES OF ADDRESS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
265.1 Notices of address.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
265.11 Form of notification.
265.12 Notification in behalf of insane or incompetent aliens.

AUTHORITY: §§ 265.1 to 265.12 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 265, 66 Stat. 225.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 265.1 *Notices of address.* The notices of address, change of address, and new address required by the Immigration and Nationality Act shall be furnished to the Commissioner on, and in accordance with, the forms prescribed in this part, which shall be made available without cost at post offices and at offices of the Service in the United States.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 265.11 *Form of notification.* The notification of current address required by section 265 of the Immigration and Nationality Act shall be furnished on Form I–53 and shall include the alien's name, residence in the United States, alien registration number, name under which registered, immigration status in the United States, country and date of birth, sex, place and date of entry to the United States, and country of which a subject or citizen. The entry on the form shall be typewritten or printed in ink or with an indelible pencil except that the signature shall be in writing in ink or with an indelible pencil. The card shall not be bent, folded, creased, torn, or mutilated in any manner. The card shall be signed by the alien or his parent or guardian and upon completion, handed to a postal clerk at any United States post office who will forward it to the Commissioner. The notification of change of address and new address which is required to be made by section 265 of the Immigration and Nationality Act shall be made by filling out and mailing post card Form AR–11. Form AR–11 shall also be used by an alien residing in the United States pursuant to a lawful temporary admission when reporting his address at the expiration of each three-month period as required by section 265 of the Immigration and Nationality Act.

§ 265.12 *Notification in behalf of insane or incompetent aliens.* The notification of address of an alien who is insane or otherwise incompetent or of unsound mind may be furnished by his legal guardian, trustee, or committee, or by any person who is charged by law with his care and custody.

PART 280—IMPOSITION AND COLLECTION OF FINES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
280.1 Notice of intention to fine; administrative proceedings not exclusive.
280.2 Special provisions relating to aircraft.
280.3 Departure of vessel or aircraft prior to denial of clearance.
280.4 Data concerning cost of transportation.
280.5 Mitigation or remission of fines.
280.6 Bond to obtain clearance; form.
280.7 Approval of bonds or acceptance of cash deposit to obtain clearance.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

280.11 Notice of intention to fine; procedure.
280.12 Answer and request or order for interview.
280.13 Disposition of case.
280.14 Record.
280.15 Notice of final decision to collector of customs.
280.21 Seizure of aircraft.
280.51 Application for mitigation or remission.

AUTHORITY: §§ 280.1 to 280.51 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 231, 233, 237, 239, 243, 251, 253, 254, 255, 266, 272, 273, 280, 66 Stat. 195, 197, 201, 203, 212, 219, 221, 222, 223, 226, 227, 230.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 280.1 *Notice of intention to fine; administrative proceedings not exclusive.* Whenever a district director or officer in charge has reason to believe that any person has violated any of the provisions of the Immigration and Nationality Act and has thereby become liable to the imposition of an administrative fine under the Immigration and Nationality Act, he shall cause a Notice of Intention to Fine, Form I–79, to be served as provided in this part. Nothing in this subchapter shall affect, restrict, or prevent the institution of a civil suit, in the discretion of the Attorney General, under the authority contained in section 280 of the Immigration and Nationality Act.

§ 280.2 *Special provisions relating to aircraft.* In any case in which the imposition of a fine is predicated upon an alleged violation of a regulation promulgated under authority of section 239 of the Immigration and Nationality Act, the procedure prescribed in this part shall be followed, and the aircraft involved shall not be granted clearance pending determination of the question of liability to the payment of any fine, or while the fine remains unpaid; but clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine or of a bond with sufficient surety to secure the payment thereof, approved by the collector of customs. If the alleged violation was by the owner or person in command of the aircraft, the penalty provided for shall be a lien against the aircraft, which, except as provided in § 280.21, shall be seized by the district director or officer in charge, or by an immigration officer designated by the district director or officer in charge, and placed in the custody of the customs officer who is in charge of the port of entry or customs station nearest the place of seizure. If the owner or owners of the airport at which such aircraft is located are the owners of the seized aircraft, the aircraft shall be removed to another suitable place for storage if practicable. Bonds deposited to obtain the release of seized aircraft, as provided in section 239 of the Immigration and Nationality Act, shall be filed on Form I–315 and shall be subject to the approval of and acceptance by the collector of customs.

§ 280.3 *Departure of vessel or aircraft prior to denial of clearance.* If any vessel or aircraft which is subject to the imposition of a fine shall have departed from the United States prior to the denial of clearance by the collector of customs and such vessel or aircraft is subsequently found in the United States, a Notice of Intention to Fine, Form I–79, shall be served as provided in this part, if such form has not been previously served for the same violation. Clearance of such vessel or aircraft shall be withheld by the collector of customs, and the procedure prescribed in this part shall be followed to the same extent and in the same manner as though the vessel or aircraft had not departed from the United States. Aircraft subject to the provisions of § 280.2, which shall have departed from the United States prior to the time seizure could be effected, shall be subject to all of the provisions of this part, if susequently found in the United States, to the same extent as though it had not departed from the United States.

§ 280.4 *Data concerning cost of transportation.* Within 5 days after request therefor, transportation companies shall furnish to the district director or officer in charge the original transportation contract of all rejected aliens whose cases are within the purview of any of the provisions of the Immigration and Nationality Act relating to refund of passage monies, and shall indicate the exact amounts paid for transportation from the initial point of departure (which point shall be stated) to the foreign port of embarkation, from the latter to the port of arrival in the United States and from the port of arrival to the inland point of destination, respectively, and also the amount paid for headtax, if any.

§ 280.5 *Mitigation or remission of fines.* In any case in which mitigation or remission of a fine is authorized by the Immigration and Nationality Act, the party served with Notice of Intention to Fine may apply in writing to the district director for such mitigation or remission.

§ 280.6 *Bond to obtain clearance; form.* A bond to obtain clearance of a vessel or aircraft under sections 231, 233, 237, 243, 251, 253, 254, 255, 256, 272 or 273 of the Immigration and Nationality Act shall be filed on Form I–310.

§ 280.7 *Approval of bonds or acceptance of cash deposit to obtain clearance.* The collector of customs is authorized to approve the bond, or accept the sum of money which is being offered for deposit under any provision of the Immigration and Nationality Act or by this chapter for the purpose of obtaining clearance of a vessel or aircraft.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 280.11 *Notice of intention to fine; procedure.*—Notice of Intention to Fine, Form I–79, shall be prepared in triplicate, with one additional copy for each additional person on whom the service of such Notice is contemplated. The Notice shall be addressed to any or all of the available persons subject to fine. A copy of the Notice shall be served on each such person by (a) delivering it to him in person, or (b) leaving it at his office, or (c) mailing it to him at his office whenever the district director or officer in charge ascertains that the other two methods of service are inconvenient or impossible. If the Notice is served personally, the person upon whom it is served shall be requested to acknowledge such service by signing his name to the duplicate and triplicate copies. The officer effecting such service shall attest to the service by signing his name thereon and shall indicate thereon the date and place of service. If the person so served refuses to acknowledge service, or if service is made by leaving it at an office or mailing it, the person making such service shall indicate the method and date on the duplicate and triplicate copies of Form I–79, and shall sign his name upon such copies. The duplicate copy shall be retained by the district director or officer in charge and the triplicate copy shall be delivered directly to the collector of customs for the district in which the vessel or aircraft is located, and the collector shall withhold clearance until deposit is made or bond furnished as provided in the Immigration and Nationality Act. If the vessel or aircraft is located in a customs district which is outside the jurisdiction of the office of the Service having jurisdiction over the matter, the triplicate copy shall be forwarded to the office of the Service nearest such customs district for delivery to the collector of customs.

§ 280.12 *Answer and request or order for interview.* Within 30 days following the service of the Notice of Intention to Fine (which period the district director or officer in charge may extend for an additional period of 30 days upon good cause being shown), any person upon whom a notice under this part has been served may file with the district director or officer in charge a written defense, in duplicate, under oath setting forth the reasons why a fine should not be imposed, or if imposed, why it should be mitigated or remitted if permitted by the Immigration and Nationality Act, and stating whether a personal appearance is desired. Documentary evidence shall be submitted in support of such defense and a brief may be submitted in support of any argument made. If a personal interview is requested, the evidence in opposition to the imposition of the fine and in support of the request for mitigation or remission may be presented at such interview. An interview shall be conducted if requested by the party as provided hereinabove or, if directed at any time by the Board, the Commissioner, or the district director.

§ 280.13 *Disposition of case*—(a) *Allegations admitted or no answer filed.* If a request for personal appearance is not filed and (a) the answer admits the allegations in the Notice, or (b) no answer is filed, the district director shall enter such order in the case as he deems appropriate and no appeal from his decision may be taken.

(b) *Answer filed; personal appearance not requested.* Upon receipt of an answer asserting a defense to the allegations in the Notice without request for a personal appearance, the case shall be assigned to an immigration officer for consideration. The immigration officer shall prepare a report of his findings and make a recommendation as to whether a fine has been incurred and if so, what mitigation or remission, if any, should be granted if an application therefor has been made. The record in the case and the report and recommendation of the immigration officer shall be forwarded to the district director. The district director shall endorse the report indicating whether he approves or disapproves the recommendation of the immigration officer. The party affected shall be informed in writing of the decision of the district director and, if his decision is that a fine shall be imposed or that the requested mitigation or remission shall not be granted, of the reasons for such decision. From the decision of the district director an appeal may be taken to the Board within 10 days of the receipt of notification

of the decision, as provided in Part 6 of this chapter. If no appeal is taken the decision shall be final and the fine imposed shall be collected.

(c) *Interview requested or directed.* If the party affected requests a personal appearance, or if at any time the district director, the Commissioner, or the Board so directs, the party shall be given an opportunity to be interviewed by an immigration officer for the purpose of presenting evidence concerning the alleged violation and, where the particular section of law provides for mitigation or remission of the penalty, evidence of any mitigating circumstances. The party may be represented by counsel at the interview. All evidence pertinent to the case, including the testimony of any witnesses, shall be incorporated into the record. At the conclusion of the interview the immigration officer shall prepare a report setting forth a summary of the evidence adduced as to imposition of fine, mitigation or remission, and findings of fact and conclusions of law based on such evidence. The decision shall conclude with a recommendation which shall be either (1) that a fine in a specified amount be imposed, or (2) that the proceedings be terminated. If the recommendation is that a fine be imposed there shall be a further recommendation with respect to any application for remission or mitigation which shall be either (1) that the application be denied, or (2) that it be granted. If the recommendation is that the application be granted, the immigration officer shall also recommend the amount of the fine to be remitted or mitigated, and the amount of the remaining fine to be collected. The complete record, including the recommendation of the immigration officer shall be forwarded to the district director. The district director shall note his decision on the report of the immigration officer which shall be (1) that a fine in a specified amount be imposed, or (2) that the proceedings be dismissed, and, if an application for remission or mitigation has been made (1) that the application be denied or (2) that it be granted. If the decision is that the application be granted, the district director shall also include in his decision a statement as to the amount of the fine to be remitted or mitigated, and the amount of the remaining fine to be collected. The party affected shall be informed in writing of the decision of the district director and, if his decision is adverse to the party affected, of the reasons for such decision. From the decision of the district director an appeal may be taken to the Board within 10 days of receipt of notification of the decision as provided in Part 6 of this chapter. If an appeal is not taken, the decision shall be final and the fine imposed shall be collected.

§ 280.14 *Record.* The record made under § 280.13 shall include the request for the interview or a reference to the order directing the interview; the medical certificate, if any; a copy of any record of hearing before a Board of Special Inquiry, Hearing Examiner, Hearing Officer, or Special Inquiry Officer which is relevant to the fine proceedings; the duplicate copy of the Notice of Intention to Fine; the evidence upon which such Notice was based; the duplicate of any notices to detain, deport, deliver, or remove aliens; notice to pay expenses; evidence as to whether any deposit was made or bond furnished in accordance with the Immigration and Nationality Act; reports of investigations conducted; documentary evidence and testimony adduced at the interview; the original of any affidavit or brief filed in opposition to the imposition of fine; the application for mitigation or remission; and any other relevant matter.

§ 280.15 *Notice of final decision to collector of customs.* At such time as the decision under this part is final, the collector of customs who was furnished with a copy of the Notice of Intention to Fine shall be informed by the district director of the final decision made in the case. Such information need not be furnished in any case in which the district director has been previously furnished with a notice of collection of the amount of the penalty by the collector of customs.

§ 280.21 *Seizure of aircraft.* Seizure of an aircraft under the authority of section 239 of the Immigration and Nationality Act, and § 280.2 will not be made if such aircraft is damaged to an extent that its value is less than the amount of the fine which may be imposed. Immediately upon the seizure of an aircraft, or prior thereto, if circumstances permit, a full report of the facts in the case shall be submitted by the district director to the United States Attorney for the district in which the seizure was made. The report shall include the cost incurred in seizing and guarding the aircraft and an estimate of the further additional cost likely to be incurred.

§ 280.51 *Application for mitigation or remission*—(a) *When application may be made.* An application for mitigation or remission shall be filed (a) within 30 days after the service of the Notice of Intention to Fine and, if an answer is filed as provided in § 280.12, with such answer, for consideration in the event a fine is found to have been incurred, or (b) within 30 days after receipt of the final decision with respect to the fine.

(b) *Form and contents of application.* An application for mitigation or remission shall be filed in duplicate under oath and shall include information, supported by documentary evidence, as to the basis of the claim to mitigation or remission, and as to the action, if any, which may have been taken by the applicant, or as to the circumstances present in the case which, in the opinion of the applicant, justified the granting of his application.

(c) *Disposition of application.* The application, if filed with the answer, shall be disposed of as provided in § 280.13. In any other case, the application shall be considered and decided by the district director from whose decision an appeal may be taken to the Board within 10 days from receipt of notification of such decision, as provided in Part 6 of this chapter.

PART 282—PRINTING OF REENTRY PERMITS; FORMS FOR SALE TO PUBLIC

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
282.1 Reentry permits; quality of paper.
282.2 Forms printed by the Public Printer.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 282.1 to 282.2 issued under sec. 103 (a), 66 Stat. 173. Interpret or apply secs. 223, 282, 66 Stat. 194, 231.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 282.1 *Reentry permits; quality of paper.* Form I-132, Permit to Reenter the United States, shall be printed on distinctive safety paper. Such permits to enter the United States shall be prepared and issued in accordance with section 223 of the Immigration and Nationality Act and Part 223 of this chapter.

§ 282.2 *Forms printed by the Public Printer.* The Public Printer is authorized to print for sale to the public by the Superintendent of Documents the following forms prescribed by subchapter D of this chapter: I-94, I-95, I-129, I-129A, I-129B, I-131, I-131A, I-133, I-133A, I-134, I-415, I-416, I-419, I-424, I-434, I-435, I-466, I-480, I-489 and I-539.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 287—FIELD OFFICERS; POWERS AND DUTIES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
287.1 Definitions.
287.2 Criminal violations; investigation and action.
287.3 Disposition of cases of aliens arrested without warrant.
287.4 Subpena.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 287.1 to 287.4 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 235, 236, 242, 287, 66 Stat. 198, 200, 208, 233.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 287.1 *Definitions*—(a) *Reasonable distance from the United States.* The phrase "within a reasonable distance from any external boundary of the United States" as used in section 287 of the Immigration and Nationality Act means within a distance of not exceeding 100 air miles from any external boundary of the United States or any shorter distance which may be fixed by the district director, or, so far as the power to board and search aircraft is concerned, any distance fixed pursuant to paragraph (b) of this section.

(b) *Reasonable distance; fixing by district directors.* In fixing reasonable distances of less than 100 air miles pursuant to paragraph (a) of this section, district directors shall take into consideration topography, confluence of arteries of transportation leading from external boundaries, density of population, possible inconvenience to the traveling public, types of conveyances used, and reliable information as to movements of persons effecting illegal entry into the United States: *Provided,* That whenever in the opinion of a district director a distance in his district of more than 100 air miles from any external boundary of the United States would because of unusual circumstances be reasonable, such district director shall forward a complete report with respect to the matter to the Commissioner of Immigration and Naturalization, who may, if he determines that such action is justified, declare such distance to be reasonable.

(c) *Powers of immigration officers.* The term "officer or employee of the Service" as used in section 287 of the Immigration and Nationality Act means an immigration officer.

(d) *Patrolling the border.* The phrase "patrolling the border to prevent the illegal entry of aliens into the United States" as used in section 287 of the Immigration and Nationality Act means conducting the customary activities reasonable and necessary to prevent the illegal entry of aliens into the United States.

§ 287.2 *Criminal violations; investigation and action.* Whenever a district director or an officer in charge has reason to believe that there has been a violation punishable under any criminal provision of the laws administered or enforced by the Service, he shall cause an investigation to be made immediately of all the pertinent facts and circumstances and shall take or cause to be taken such further action as the results of such investigation warrant.

§ 287.3 *Disposition of cases of aliens arrested without warrant.* An alien arrested without a warrant of arrest under the authority contained in section 287 (a) (2) of the Immigration and Nationality Act shall be examined as therein provided by an officer other than the arresting officer, unless no other qualified officer is readily available and the taking of the alien before another officer would entail unnecessary delay, in which event the arresting officer, if the conduct of such examination is a part of the duties assigned to him, may examine the alien. If such examining officer is satisfied that there is prima facie evidence establishing that the arrested alien was entering or attempting to enter the United States in violation of the immigration laws, he shall refer the case to a special inquiry officer for further inquiry in accordance with Parts 235 and 236 of this chapter or take whatever other action may be appropriate or required under the laws or other regulations applicable to the particular case. If the examining officer is satisfied that there is prima facie evidence establishing that the arrested alien is in the United States in violation of the immigration laws, further action in the case shall be taken as provided in Part 242 of this chapter.

§ 287.4 *Subpena*—(a) *Who may issue.* Except as provided in § 335.11 of this chapter, subpenas requiring the attendance of witnesses or the production of documentary evidence, or both, may be issued upon his own volition by a district director, officer in charge, or special inquiry officer in any proceeding pending before him, or upon application of an officer of the Service, or upon written application of the alien or other party affected. If an alien or other party affected by a proceeding before the Service requests that a witness be subpenaed to testify or to produce books, papers or documents in such proceeding before the Service, he shall be required as a condition precedent to the issuance of the subpena to state in writing what he expects to prove by such witness or the books, papers, or documents and to show affirmatively that the proposed evidence is relevant and material and that he has made diligent efforts without success to produce the same. Upon determining that a witness whose evidence is desired either by the Service officer or the alien or other party affected will not appear and testify or produce documentary evidence unless commanded to do so and that the testimony and evidence of such witness is essential, the district director, officer in charge, or a special inquiry officer in any proceeding pending before him, shall issue a subpena. If the witness is at a distance of more than 100 miles from the place of hearing, the subpena shall provide for the witness' appearance at the field office nearest to him to respond to oral or written interrogatories, unless the Service indicates that there is no objection to bringing the witness the distance required to enable him to testify in person at the hearing.

(b) *Form.* Every subpena issued under the provisions of this section shall state the title of the proceeding and shall command the person to whom it is directed to attend and give testimony at a time and place therein specified. A subpena may also command the person to whom it is directed to produce the books, papers or documents designated therein. A subpena may also direct the making of a deposition before an officer of the Service. Subpenas shall be issued on Form I-138.

(c) *Service.* A subpena issued under this section may be served by any person over 18 years of age not a party to the case designated to make such service by the district director or officer in charge having administrative jurisdiction over the office in which the subpena is issued. Service of the subpena shall be made by delivering a copy thereof to the person named therein and by tendering to him the fee for one day's attendance and the mileage allowed by law by the United States District Court for the district in which the testimony is to be taken. When the subpena is issued on behalf of the Service, fee and mileage need not be tendered at the time of service. A record of such service shall be made and attached to the original copy of the subpena.

(d) *Invoking aid of court.* If a witness neglects or refuses to appear and testify as directed by the subpena served upon him in accordance with the provisions of this section, the district director issuing the subpena shall request the United States Attorney for the proper district to report such neglect or refusal to the appropriate United States District Court and to request such court to issue an order requiring the witness to appear and testify and to produce the books, papers or documents designated in the subpena. If the subpena was issued by an officer in charge or a special inquiry officer, the officer issuing the subpena shall request the district director having administrative jurisdiction over such officer to take the action referred to in the previous sentence in the event the witness neglects or refuses to appear and testify as directed by the subpena served upon him.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 292—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
292.1 Admission to practice required.
292.2 Qualifications for admission to practice.
292.3 Applications for admission to practice; decision.
292.4 Roster of attorneys.
292.5 Appearances; availability of records.
292.6 Suspension and disbarment.
292.7 Admission to practice prior to December 24, 1952.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

292.11 Service upon and action by attorney, representative, or alien.
292.12 Service of decision and other papers.
292.61 Procedure for suspension or disbarment; effect.

AUTHORITY: §§ 292.1 to 292.61 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 292, 66 Stat. 235.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 292.1 *Admission to practice required.* (a) No person shall be permitted to practice before the Service or the Board until he has been admitted to practice by the Board in accordance with § 292.3.

(b) Notwithstanding paragraph (a) of this section:

(1) A district director, an officer in charge, the Commissioner, any other officer of the Central Office authorized by the Commissioner to do so, or the Board may permit an attorney or representative to file an appearance in behalf of a party in any case prior to the approval of his application for admission if such attorney or representative files the application concurrently with filing his appearance in the case. If the application is subsequently denied, such attorney or representative shall not thereafter be permitted to practice, in that or any other case, unless and until his admission to practice has been authorized by the Board and subject to such conditions as the Board shall direct.

(2) In any case in which, under the Immigration and Nationality Act, a party is entitled to be represented by counsel, he may be represented by any reputable individual of good moral character, whether or not admitted to practice in accordance with § 292.3, if such individual is appearing without monetary or other material remuneration and files a written declaration to that effect, and if such representation is permitted by the Special Inquiry Officer having the case under consideration, the district director or the officer in charge

Officer, or Special Inquiry Officer which is relevant to the fine proceedings; the

tion of such decision, as provided in Part 6 of this chapter.

used, and reliable information as to movements of persons effecting illegal

an order requiring the witness to appear

district director or the officer in charge

having administrative jurisdiction over the office in which the case is pending, the Commissioner, or the Board.

(3) Any alien may be represented by an accredited official, in the United States, of the government to which the alien owes allegiance, if such official appears solely in his official capacity, and with the consent of the alien.

(4) An attorney, other than one described in § 1.1 (a) (3) of this chapter, residing outside the United States and licensed to practice law and in good standing in a court or courts of the country in which he resides and who is engaged in such practice may be permitted by any district director or officer in charge, the Commissioner, or any officer of the Central Office designated by him, or the Board, to file his appearance and be heard in any individual case. The district director shall have authority to withhold granting permission to such attorney to appear before an officer under his jurisdiction, and may refer the application for permission to appear to the Board for its decision.

(5) No person who is a party to a case shall be denied the privilege of presenting oral argument in his own behalf before the Board if it has his case under consideration.

(6) Any person desiring to be heard as amicus curiae shall apply therefor to the Board; and the Board may grant such application if it deems it to be in the public interest.

(c) No person previously in the employ of the Department of Justice may be permitted to practice in a case in which he participated during the period of such employment.

§ 292.2 *Qualifications for admission to practice.* (a) Admission to practice shall be limited to persons who are citizens of the United States, who are of good moral character, and who are attorneys in good standing in the court or courts in which they are licensed to practice, or who are representatives of organizations of the character described in § 1.1 (a) (12) of this chapter.

(b) No person within any category set forth in § 292.6 may be admitted to practice.

§ 292.3 *Applications for admission to practice; decision.* (a) Applications for admission to practice may be filed with a district director, the Commissioner, or the Chairman of the Board, at the option of the applicant. Such application shall be made in triplicate upon Form G–27. An application by an attorney shall be supported by a current certificate from a judge or clerk of the court in which the applicant is licensed to practice, or by a written statement of the district director or officer in charge of the local office of the Service certifying that upon inquiry he has ascertained and has personal knowledge that the applicant is so licensed. An application by the representative of an organization shall be supported by a statement of the appropriate officer or officers thereof, certifying that the applicant is its accredited representative and authorized to appear in its behalf in any case.

(b) The original application shall be transmitted to the Board by the district director or the Commissioner, if filed with them, and shall be permanently retained in the files of the Board. The duplicate shall be retained in the files of the Commissioner, and the triplicate in the files of the district director having jurisdiction over the applicant's place of residence.

(c) As soon as practicable after receipt of the application the Board shall give consideration thereto. If the application is approved, written notation to that effect shall be made on the application and a certificate of admission to practice shall be issued to the licensee. If the conclusion is that the application shall be denied, the Board shall prepare a proposed order of denial, in which shall be stated the reasons for denying the application. The Board shall serve the proposed order on the applicant, either personally or by registered mail and obtain a return receipt therefor. The applicant shall be allowed a reasonable time, not less than ten days, in which to file exceptions to the proposed order and to submit a brief if desired. After receipt of the exceptions, or if none are received within three days after expiration of the period specified for filing of exceptions, the Board shall make such order as it may then determine appropriate, including authorizing a hearing for presentation of evidence or oral argument. If no exceptions are filed, the order of the Board shall be final, subject to review by the Attorney General under any of the circumstances described in § 6.1 (h) of this chapter. If exceptions have been filed and the order of the Board is that the application shall be denied, the Board shall refer the record to the Attorney General for review of its order. The order of the Attorney General shall be the final determination of the application.

(d) Admission of a representative shall terminate upon discontinuance of his authority to represent the organization named in his application.

§ 292.4 *Roster of attorneys.* The Board shall maintain an alphabetical roster of attorneys and of representatives of organizations. A copy of the roster shall be supplied to the Commissioner, and he shall be advised from time to time of changes therein.

§ 292.5 *Appearances; availability of records.* (a) An appearance shall be filed in writing on Form G–28 by attorneys or representatives appearing in each individual case. When an appropriate appearance has been filed in a case, substitution of attorneys or representatives may be permitted upon the written withdrawal of the attorneys or representatives of record or upon notice by the party to the case of his designation of new attorneys or representatives. If any attorney or representative of record authorizes another attorney or representative to act for him as an associate in a case, the latter will be heard if satisfactory evidence of his authorization is presented and if he has been admitted to practice under this part.

(b) During the time a case is pending, the attorney or representative of record, or his associate, shall be permitted to review the record and, upon request, be lent a copy of the testimony adduced. The attorney or representative shall give his receipt for such copy and pledge that no copy thereof will be made, that he will retain it in his possession and under his control, and that it will be surrendered upon final disposition of the case, or upon demand by the Service or the Board.

§ 292.6 *Suspension and disbarment.* With the approval of the Attorney General, the Board may suspend or bar from further practice an attorney or representative, if it shall find that suspension or disbarment is in the public interest. The suspension or disbarment of an attorney or representative who is within one or more of the following categories shall be deemed to be in the public interest, for the purpose of this part, but the enumeration of such categories herein shall not be construed as establishing the exclusive grounds for suspension or disbarment in the public interest:

(a) Who charges or receives, either directly or indirectly, any fee or compensation for services which may be deemed to be grossly excessive in relation to the services performed by him in the case;

(b) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Service or Board, to commit an act or to refrain from performing an act in connection with any case;

(c) Who wilfully misleads, misinforms, or deceives an officer or employee of the Department of Justice concerning any material and relevant fact in connection with a case;

(d) Who wilfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(e) Who solicits practice in any unethical or unprofessional manner, including, but not limited to, the use of runners, or advertising his availability to handle immigration, naturalization, or nationality matters;

(f) Who represents, as an associate, an attorney who, known to him, solicits practice in any unethical or unprofessional manner, including, but not limited to, the use of runners, or advertising his availability to handle immigration, naturalization, or nationality matters;

(g) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

(h) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in a representative capacity before any executive department, board, commission, or other governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(i) Who, by use of his name, personal appearance, or any device, aids and abets an attorney to practice during the period of his suspension or disbarment, such suspension or disbarment being known to him;

(j) Who wilfully made false and material statements in his application for admission to practice or in his appearance in any case;

(k) Who engages in contumelious or otherwise unprofessional conduct with respect to a case in which such attorney acts in a representative capacity, which in the opinion of the Board, would constitute cause for suspension or disbarment were the case pending before a court, or which, in such a judicial proceeding, would constitute a contempt of court;

(l) Who, having been furnished with a copy or copies of any portion of the record in any case, wilfully fails to surrender such copy or copies upon final disposition of the case or upon demand, or wilfully and without authorization makes and retains a copy or copies of the material furnished;

(m) Who has been convicted of a felony, or, having been convicted of any crime is sentenced to imprisonment for a term of more than one year;

(n) Who no longer possesses the qualifications required by § 292.2 for admission to practice;

(o) Who is the representative of an organization which is no longer recognized by the Board as being of the character described in § 1.1 (a) (12) of this chapter.

§ 292.7 *Admission to practice prior to December 24, 1952.* Any person who immediately prior to the effective date of the regulations in this chapter and of the Immigration and Nationality Act was authorized to practice before the Service and the Board may continue to practice before the Service and the Board without making a new application for admission in accordance with the provisions of this part. Any such person shall be subject to the provisions of this part regulating the practice of attorneys and representatives.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 292.11 *Service upon and action by attorney, representative, or alien.* Except where specific provision is otherwise made in this chapter, whenever a person is required by any of the provisions of this chapter (a) to give or be given notice; (b) to serve or be served with any paper other than a warrant of arrest or a subpoena; (c) to make a motion; (d) to file or submit an application or other document; or (e) to perform or waive the performance of any act, such notice, service, motion, filing, submission, performance, or waiver shall be given by or to, served by or upon, made by, requested of (1) the attorney or representative who has filed an appearance in the case as provided in § 292.5, or (2) the person himself, if there is no attorney or representative in the case.

§ 292.12 *Service of decision and other papers.* Except where specific provision is otherwise made in this chapter, whenever a decision, notice or other paper is required to be given or served, it shall be done by personal service or registered mail upon the person designated in § 292.11.

§ 292.61 *Procedure for suspension or disbarment; effect.* (a) The Commissioner may cause to be investigated any complaint or circumstance which establishes a prima facie case for the suspension or disbarment of any enrolled attorney or representative. If such investigation establishes to the satisfaction of the Commissioner that suspension or disbarment proceedings should be instituted, he shall cause written charges to be preferred. A copy of such charges shall be served upon the respondent, either personally or by registered mail, with notice to show cause within a specified time, not less than 30 days, why he should not be suspended or disbarred from further practice. Such notice shall also advise the respondent that after answer has been made and the matter is at issue, if he so requests he will be given opportunity for a hearing before a representative of the Commissioner. If hearing is requested, the Commissioner will specify the time and place therefor and specially designate the officer who shall preside and the officer who shall present the evidence in support of the charges. The nonreceipt of answer within three days after expiration of the period prescribed to show cause shall be held a waiver of defense to the charges. If no hearing is requested in the answer, the Commissioner may conduct any further required investigation to complete the record, and without the necessity of any additional notice to the respondent, forward the completed record to the Board with his recommendation.

(b) The respondent, either with or without counsel, and the Commissioner, or any officer designated by him for the purpose, shall have the privilege of appearing before the Board for oral argument at a time specified by the Board.

(c) The Board shall consider the record as presented by the Commissioner as soon as practicable after its receipt and render its decision thereon. The order of the Board shall constitute the final disposition of the proceeding: *Provided, however,* That if the order would suspend or disbar the respondent, or if any one of the circumstances described in § 6.1 (h) of this chapter be present, the Board shall refer the record to the Attorney General for review of its decision and in such case the order of the Attorney General shall be the final determination of the proceeding.

(d) In case the final order against the respondent is for suspension or disbarment, the attorney or representative shall not thereafter be permitted to practice unless and until authorized so to do by the Board; and if disbarred, he shall surrender the certificate of his admission to the Board for cancellation.

Subchapter C—Nationality Regulations

NOTE: *Explanation of numbering system utilized in this subchapter.* Each part of this subchapter has been given the same number as the section of the Immigration and Nationality Act to which it relates. For example, Part 330 concerns only section 330 of the Immigration and Nationality Act. Each part of this subchapter is divided into two subparts: Subpart A—Substantive Provisions, and Subpart B—Procedural and Other Nonsubstantive Provisions. Each section of Subpart A bears a number consisting of the part number followed by a decimal point and by a single digit beginning with "1" and continuing to "9", using as many as required. For example, § 330.1 is the first substantive section of Part 330 and § 330.9 is the ninth substantive section of Part 330, assuming there existed nine substantive sections in Part 330. When a substantive section is required to be implemented by one or more procedural sections, the relating procedural section or sections bear the same number as the substantive section to which it relates plus one additional digit to the right of the decimal point beginning with "1" for the first procedural section and continuing to "9", if that many are required. For example, § 330.11 is the first procedural section implementing the first substantive section of Part 330 and § 330.87 is the seventh procedural section implementing the eighth substantive section of Part 330. If a substantive section does not require procedural sections, no procedural section numbers will appear for that particular substantive section.

PART 306—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VIRGIN ISLANDERS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
306.1 Persons eligible.
306.2 United States citizenship; when acquired.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

306.11 Preliminary application form; filing; examination.
306.12 Renunciation forms; disposition.

AUTHORITY: §§ 306.1 to 306.12 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 1, 44 Stat. 1234, as amended, secs. 306, 332, 66 Stat. 237, 252; 8 U. S. C. 601 note.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 306.1 *Persons eligible.* Any Danish citizen who resided in the Virgin Islands of the United States on January 17, 1917, and in those Islands, Puerto Rico, or the United States on February 25, 1927, and who had preserved his Danish citizenship by making the declaration prescribed by Article VI of the treaty entered into between the United States and Denmark on August 4, 1916, and proclaimed January 25, 1917, may renounce his Danish citizenship before any court of record in the United States irrespective of his place of residence, in accordance with the provisions of this part.

§ 306.2 *United States citizenship; when acquired.* Immediately upon making the declaration of renunciation as described in § 306.12 the declarant shall be deemed to be a citizen of the United States. No certificate of naturalization or of citizenship shall be issued by the clerk of court to any person obtaining, or who has obtained citizenship solely under section 306 (a) (1) of the Immigration and Nationality Act or under section 1 of the act of February 25, 1927.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 306.11 *Preliminary application form; filing; examination.* A person of the class described in § 306.1 shall submit to the Service on Form N–350 preliminary application to renounce Danish

(b) The original application shall be transmitted to the Board by the district director exercising administrative naturalization jurisdiction over the area in which the court is located. The district director shall review the record and, upon request, be of his associate, shall be permitted to to him;

citizenship, in accordance with the instructions contained therein. The applicant shall be notified in writing when and where to appear before a representative of the Service for examination as to his eligibility to renounce Danish citizenship and for assistance in filing the renunciation.

§ 306.12 *Renunciation forms; disposition.* The renunciation shall be made and executed by the applicant under oath, in duplicate, on Form N–351 and filed in the office of the clerk of court. The usual procedural requirements of the Immigration and Nationality Act shall not aply to proceedings under this part. The fee shall be fixed by the court or the clerk thereof in accordance with the law and rules of the court, and no accounting therefor shall be required to be made to the Service. The clerk shall retain the original of Form N–351 as the court record and forward the duplicate to the district director exercising administrative naturalization jurisdiction over the area in which the court is located.

PART 310—REQUISITION OF FORMS BY CLERKS OF COURT

§ 310.11 *Application for official forms.* See §§ 332a.11 and 332a.12 of this chapter.

PART 312—EDUCATIONAL REQUIREMENTS FOR NATURALIZATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
312.1 Educational examination of petitioners for naturalization.
312.2 Ability to read, write, and speak English; exemption.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 312.1 and 312.2 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 312, 332, 66 Stat. 239, 252.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 312.1 *Educational examination of petitioners for naturalization.* A person applying for naturalization upon his own petition shall, before being naturalized, demonstrate a knowledge and understanding of the fundamentals of the history, and of the principles and form of government, of the United States. To this end the petitioner shall be questioned as to (a) the principal historical facts concerning the development of the United States as a republic, (b) the organization and principal functions of the Government of the United States, and of the States and local units of government, (c) his understanding of and attachment to the fundamental principles of the Constitution of the United States, and (d) the relation of the individual to the government—national, state, and local—the rights and privileges arising from that relationship, and the duties and responsibilities which result from it. The examination shall be conducted in simple language and shall avoid technical and extremely difficult questions.

§ 312.2 *Ability to read, write, and speak English; exemption.* A person who on December 24, 1952 was over fifty years of age and had been living in the United States for periods totaling at least twenty years, is exempt from demonstrating an understanding of the English language, as provided in section 312 (1) of the Immigration and Nationality Act, even though the periods totaling twenty years did not follow lawful admissions for permanent residence.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 316—GOOD MORAL CHARACTER

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
316.1 Good moral character; exceptions.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 316.1 *Good moral character; exceptions.* The requirement of section 316 of the Immigration and Nationality Act that no person shall be naturalized unless he is and has been during the periods referred to in that section a person of good moral character shall not apply to:

(a) Persons who acquire United States citizenship through the naturalization of a parent or parents under section 320 or 321 of the Immigration and Nationality Act.

(b) Danish citizens who make application to renounce their citizenship under section 306 (a) (1) of the Immigration and Nationality Act.

(c) Former United States citizens who make application to regain citizenship under section 324 (c) of the Immigration and Nationality Act or under Public Law 114, Eighty-second Congress, first session, as amended by section 402 (j) of the Immigration and Nationality Act.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 316, 320, 321, 324, 332, 335, 402, 66 Stat. 242, 245, 247, 252, 255, 278)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
316a.1 Absence for which benefits of section 307 (b) or 308 of the Nationality Act of 1940 have been granted; effect on continuous residence requirement.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

316a.21 Application for benefits with respect to absences; appeal.

AUTHORITY: §§ 316a.1 and 316a.21 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 307, 308, 54 Stat. 1142, 1143, secs. 316, 317, 332, 405, 66 Stat. 242, 243, 252, 280.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 316a.1 *Absence for which benefits of section 307 (b) or 308 of the Nationality Act of 1940 have been granted; effect on continuous residence requirement.* No absence from the United States which commenced prior to the effective date of the Immigration and Nationality Act, whether or not it continued beyond that date, in connection with which an application for exemption from the usual residence requirements under the naturalization laws was made under section 307 (b) or 308 of the Nationality Act of 1940 and acted upon favorably by the Attorney General, shall be regarded as having broken the continuity of residence required by section 316 (a) of the Immigration and Nationality Act, provided that satisfactory proof that the absence was for a purpose described in section 307 (b) or 308 of the Nationality Act of 1940, is presented to the court, and provided that the provisions of section 316 (a) of the Immigration and Nationality Act are otherwise complied with.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 316a.21 *Application for benefits with respect to absences; appeal.* (a) An application for the residence benefits of section 316 (b) of the Immigration and Nationality Act to cover an absence from the United States for a continuous period of one year or more shall be submitted to the Service on Form N–470 in accordance with the instructions contained therein. The application shall be filed before the applicant has been absent from the United States for a continuous period of one year or more, and prior to the period of employment abroad for which the benefits are requested. There shall be submitted with the application a fee of $10.

(b) An application for the residence and physical presence benefits of section 317 of the Immigration and Nationality Act to cover any absences from the United States, whether before or after December 24, 1952, shall be submitted to the Service on Form N–470 in accordance with the instructions contained therein, either before or after the absence from the United States, or the performance of the functions or the services described in that section. There shall be submitted with the application a fee of $10.00. The application shall be filed at any time after the applicant has been physically present and residing in the United States for an uninterrupted period of at least one year.

(c) If the district director is satisfied that favorable action should be taken, he shall grant the application. If he is not satisfied that the application should be granted, he shall deny it. The applicant shall be notified in writing of the denial, with the reasons therefor, and at the same time shall be advised that he has ten days from the date of receipt of notification in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter. The Assistant Commissioner's decision shall be transmitted to the district director, who shall advise the applicant in writing of the decision.

PART 317—TEMPORARY ABSENCE OF PERSONS PERFORMING RELIGIOUS DUTIES

§ 317.1 *Absence for which benefits of section 308 of the Nationality Act of 1940 have been granted.* See § 316a.1 of this chapter.

§ 317.21 *Application for benefits of section 317 of the Immigration and Nationality Act.* See § 316a.21 of this chapter.

PART 319—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SPOUSES OF UNITED STATES CITIZENS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
319.1 Person living in marital union with United States citizen spouse.
319.2 Person whose United States citizen spouse is employed abroad.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

319.11 Procedural requirements.

AUTHORITY: §§ 319.1 to 319.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 319, 332, 66 Stat. 244, 252.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 319.1 *Person living in marital union with United States citizen spouse.* A person of the class described in section 319 (a) of the Immigration and Nationality Act shall establish his good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition to the good order and happiness of the United States for the period of three years immediately preceding the date of filing the petition and from that date to the time of admission to citizenship.

§ 319.2 *Person whose United States citizen spouse is employed abroad.* A person of the class described in section 319 (b) of the Immigration and Nationality Act shall establish an intention in good faith, upon naturalization, to reside abroad with the United States citizen spouse and to take up residence in the United States immediately upon the termination of the employment abroad of such spouse. It shall be established that at the time of filing of the petition for naturalization such person was in the United States pursuant to a lawful admission for permanent residence, and that he is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States. In any case in which the United States citizen spouse is employed by an American institution of research, the Assistant Commissioner, Inspections and Examinations Division, shall determine whether the employer shall be recognized as an American institution of research.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 319.11 *Procedural requirements.* A person described in §§ 319.1 and 319.2 shall submit to the Service an application to file a petition for naturalization on Form N–400 in accordance with the instructions contained therein. The petition for naturalization of such person shall be filed on Form N–406, in duplicate.

PART 322—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN OF CITIZEN PARENT

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
322.11 Procedural requirements.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 322.11 *Procedural requirements.* An application to file a petition for naturalization in behalf of a child under section 322 or 323 of the Immigration and Nationality Act shall be submitted to the Service on Form N–402, in accordance with the instructions contained therein, by the United States citizen parent or parents or adoptive parent or parents. Such application shall be submitted in time to permit the naturalization of the child prior to its eighteenth birthday anniversary. The petition for naturalization shall be filed on Form N–407 in duplicate, in a naturalization court within whose jurisdiction the petitioning parent or parents and the child reside. There shall be included in the petition the affidavits of two credible witnesses, citizens of the United States, stating (a) the length of time the witnesses have known the petitioning parent or parents and the child, (b) that to the best of the witnesses' knowledge and belief the child is, and during the applicable period has been, a person of good moral character, attached to the principles of the Constitution, and well disposed to the good order and happiness of the United States, (c) that the child is qualified in all respects to become a citizen of the United States, (d) that the child is permanently residing with the petitioning parent or parents in the United States and the period of such residence and (e) in the case of an adopted child, the period of time they have known the child to be in the legal custody of the petitioning parent or parents and to be physically present in the United States. At the hearing on the petition the qualifications described in sections 322 and 323 of the Immigration and Nationality Act shall be proven by the oral testimony of witnesses in the manner provided in Part 335b of this chapter. A child under this part is not required to establish any particular period of residence in a State.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 322, 323, 332, 335, 66 Stat. 246, 252, 255)

PART 323—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN ADOPTED BY UNITED STATES CITIZENS

§ 323.11 *Procedural requirements.* See Part 322 of this chapter.

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: WOMEN WHO HAVE LOST UNITED STATES CITIZENSHIP BY MARRIAGE

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
324.11 Former citizen at birth or by naturalization; procedural requirements.
324.12 A woman, citizen of the United States at birth, who lost or is believed to have lost citizenship by marriage and whose marriage has terminated; procedural requirements.
324.13 Women restored to United States citizenship by the act of June 25, 1936, as amended by the act of July 2, 1940.

AUTHORITY: §§ 324.11 to 324.13 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 324, 332, 337, 405, 66 Stat. 246, 252, 258, 280.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 324.11 *Former citizen at birth or by naturalization; procedural requirements.* A former citizen of the United States of the class described in section 324 (a) of the Immigration and Nationality Act shall submit to the Service an application to file a petition for naturalization, on Form N–400 and Supplemental Form N–400A, in accordance with instructions contained therein. The petition for naturalization of such person shall be filed on Form N–405, in duplicate, in any naturalization court, regardless of the petitioner's residence, and need not aver that it is the intention of the petitioner to reside permanently in the United States. The petition shall be verified by at least two United States citizen witnesses as provided in § 334.21 of this chapter. At the hearing on the petition the qualifications described in sections 324 (a) and (b) of the Immigration and Nationality Act shall be proven in the manner provided in Part 335b of this chapter. The petition may be heard immediately, provided a certificate of examination on Form N–440, in duplicate, is attached thereto, as provided in § 332.12 of this chapter. If the final hearing on the petition is held within sixty days preceding the holding of a general election within the territorial jurisdiction of the naturalization court, the petitioner shall not be permitted to take the oath prescribed in Part 337 of this chapter prior to the tenth day next following such general election. There shall be inserted after averment 10 of Form N–405 at the time of the filing thereof an averment of the petitioner's loss of citizenship, as follows:

I was formerly a citizen of the United States by ----------

(Indicate whether by birth or naturalization)
on ---------- and lost my citizen-
(Month day year)
ship by marriage on ----------
(Month day year)

to _____ a citizen of
(Name of husband)
subject of _____. I have
(Name of foreign country)
not acquired any other nationality by an affirmative act other than by marriage.

§ 324.12 *A woman, citizen of the United States at birth, who lost or is believed to have lost citizenship by marriage and whose marriage has terminated; procedural requirements.* A woman, formerly a citizen of the United States at birth, who applies in the United States to regain her citizenship under section 324 (c) of the Immigration and Nationality Act, shall submit to the Service a preliminary application to take the oath of allegiance, on Form N-401, in accordance with the instructions contained therein. The oath may be taken before the judge or clerk of any naturalization court, regardless of the applicant's place of residence. The applicant shall establish that it is her intention, in good faith, to assume and discharge the obligations of the oath of allegiance and that her attitude toward the Constitution and laws of the United States renders her capable of fulfilling the obligations of such oath. The applicant shall not be naturalized if, within the period of ten years immediately preceding the filing of the application to take the oath of allegiance or after such filing and before taking such oath she is, or has been found to be within any of the classes of persons described in section 313 of the Immigration and Nationality Act. The eligibility of the applicant to take the oath shall be investigated by a member of the Service who shall make an appropriate recommendation to the naturalization court. The application to the court shall be made on Form N-408, in triplicate. The original shall be retained as a part of the court record and numbered consecutively in a separate series, and the duplicate forwarded to the appropriate district director with duplicates of other naturalization papers. After the applicant has taken the oath of allegiance, the clerk of court shall furnish the applicant, upon demand, the triplicate copy of Form N-408, properly certified, for which a fee not exceeding $5.00 may be charged. No charge shall be made by the clerk of court for the filing of Form N-408. In case the applicant does not demand the triplicate Form N-408, it shall be transmitted to the appropriate district director with the duplicate of said form. The oath of allegiance may be taken before any diplomatic or consular officer of the United States abroad, in accordance with such regulations as may be prescribed by the Secretary of State.

§ 324.13 *Women restored to United States citizenship by the act of June 25, 1936, as amended by the act of July 2, 1940.* A woman who was restored to citizenship by the act of June 25, 1936, as amended by the act of July 2, 1940, but who failed to take the oath of allegiance prescribed by the naturalization laws prior to December 24, 1952, may take the oath of allegiance prescribed by Part 337 before any naturalization court on or after December 24, 1952. Such woman shall comply with the procedural requirements of § 324.12 except that a fee not exceeding $1.00 may be charged if the woman demands the triplicate copy of Form N-408, properly certified.

PART 325—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: NATIONALS BUT NOT CITIZENS OF THE UNITED STATES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
325.1 Residence and physical presence in the United States.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 325.1 *Residence and physical presence in the United States.* A national of the United States who is not a citizen thereof and who is otherwise qualified for naturalization may, if he becomes a resident of any State, be naturalized upon compliance with the applicable provisions of the Immigration and Nationality Act. In the case of such a person, residence and physical presence within the United States or residence and physical presence within any of the outlying possessions of the United States for the period during which continuous residence and physical presence are required to be established under Chapter 2 of Title III of the Immigration and Nationality Act shall be regarded as residence and physical presence within the United States pursuant to lawful admission for permanent residence, within the meaning of section 316 (a) of the Immigration and Nationality Act. Such person shall, unless otherwise exempted therefrom, established six months' residence within the State in which the petition for naturalization is filed, as required by section 316 (a) of the Immigration and Nationality Act.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 316, 325, 332, 66 Stat. 242, 248, 252)

SUBPART B—PROCEDURAL AND OTHER NONSUBTANTIVE PROVISIONS [RESERVED]

PART 327—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WHO LOST UNITED STATES CITIZENSHIP THROUGH SERVICE IN ARMED FORCES OF FOREIGN COUNTRY DURING WORLD WAR II

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
327.1 Period of service in armed forces.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

327.11 Procedural requirements.

AUTHORITY: §§ 327.1 and 327.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 327, 332, 338, 344 (h), 66 Stat. 248, 252, 259, 265.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 327.1 *Period of service in armed forces.* A former citizen of the United States of the class described in section 327 of the Immigration and Nationality Act, who during World War II served in the armed forces of any country at war with a country with which the United States was at war after December 7, 1941, and before September 2, 1945, may be naturalized under this part if such service was on or after September 1, 1939, and before September 2, 1945, even though the United States was not at war during the period of his service, provided that such country was not at war with the United States during any period of his service. Such person is not subject to the provisions of section 318 of the Immigration and Nationality Act barring from naturalization a person against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 327.11 *Procedural requirements.* A former citizen of the United States of the class described in section 327 of the Immigration and Nationality Act shall submit to the Service an application to file a petition for naturalization on Form N-400 and Supplemental Form N-400A, in accordance with the instructions contained therein. The petition for naturalization of such person shall be filed on Form N-405, in duplicate, with supplemental Form N-405A in triplicate, in any naturalization court. The original of Form N-405A shall be retained as part of the court record. After the oath of allegiance has been taken by the petitioner, the duplicate and triplicate copies of Form N-405A, bearing a copy of the oath duly attested and certified by the clerk, shall be forwarded by the clerk of court to the appropriate district director. The district director shall file the duplicate copy with the Service record and transmit the triplicate copy to the Department of State. The petitioner shall pay to the clerk of the court of the naturalization court at the time of filing the petition a fee of $10, unless exempted therefrom under section 344 (h) of the Immigration and Nationality Act.

PART 328—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WITH THREE YEARS SERVICE IN ARMED FORCES OF THE UNITED STATES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
328.1 Where service is continuous.
328.2 Whenever service is not continuous: petition filed while still in service or within six months after termination of service.
328.3 Whenever service terminates more than six months before petition is filed.
328.4 Proof of qualifications.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

328.11 Procedural requirements.

AUTHORITY: §§ 328.1 to 328.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 318, 328, 332, 334 and 335, 66 Stat. 244, 249, 252, 254, 255.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 328.1 *Whenever service is continuous—(a) Petition filed while still in service.* A person of the class described in section 328 (a) of the Immigration and Nationality Act, whose service in the armed forces of the United States aggregating three years has been continuous may, if his petition for naturalization is filed while still in the service, be naturalized, subject to the provisions of this part, upon compliance with the provisions of Chapter 2 of Title III of the Immigration and Nationality Act, except that no particular period of residence or physical presence in the United States or any State or within the jurisdiction of the naturalization court shall be required, and except that such person shall not be subject to the provisions of section 318 of the Immigration and Nationality Act barring from naturalization a person against whom there is outstanding a final finding of deportability pursuant to a warrant of arrest. Such person shall establish that he is in the United States pursuant to a lawful admission for permanent residence occurring prior to the filing of the petition for naturalization, whether or not it occurred before or after the service in the armed forces.

(b) *Petition filed within six months after termination of service.* A person of the class described in paragraph (a) of this section, who has been separated from the service described therein prior to filing his petition for naturalization but who files his petition within six months after the termination of such service may be naturalized under the conditions and with the exemptions set forth in paragraph (a) of this section, except that he shall establish his residence in the United States, good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States, for the period from the date of his separation from such service to the date of the filing of his petition for naturalization and from the latter date to the date of his admission to citizenship, by affidavits and testimony of at least two United States citizen witnesses, in the manner provided in § 334.21 and Part 335b of this chapter.

§ 328.2 *Whenever service is not continuous: petition filed while still in service or within six months after termination of service.* A person of the class described in § 328.1 whose service aggregating three years was not continuous and who files a petition for naturalization while still in such service or within six months after the termination of such service may be naturalized under the conditions and with the exemptions set forth in paragraph (a) of § 328.1, except that he shall establish his residence in the United States and State, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition to the good order and happiness of the United States, during the period or periods within five years immediately preceding the date of filing the petition and to the date of admission to citizenship, when not serving in the armed forces, by the affidavits and testimony of at least two United States citizen witnesses, for each such period, in the manner provided in § 334.21 and Part 335b of this chapter.

§ 328.3 *Whenever service terminates more than six months before petition is filed.* A person of the class described in §§ 328.1 or 328.2, whose service aggregating three years terminated more than six months preceding the date of filing his petition for naturalization shall comply with the applicable provisions of Chapter 2 of Title III of the Immigration and Nationality Act except that service during the five years immediately preceding the date of filing the petition shall be considered as residence and physical presence within the United States.

§ 328.4 *Proof of qualifications.* A petitioner under this part shall establish his residence and physical presence in the United States and in the State in which his petition is filed, his good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States during the periods of service referred to in §§ 328.1, 328.2, and 328.3 by the production of duly authenticated copies of the records of the executive departments having custody of the records of such service, which copies shall show the period or periods of such service, and that it was performed honorably or under honorable conditions. The petitioner shall also produce a certified statement from the appropriate executive department showing that he has never been discharged from the armed forces of the United States under other than honorable conditions. Such copies shall be accepted in lieu of the affidavits and testimony or depositions of witnesses for the period or periods of such service.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 328.11 *Procedural requirements.* A person of the class described in §§ 328.1, 328.2, or 328.3 shall submit to the Service an application to file a petition for naturalization on Form N-400, in accordance with the instructions contained therein. The duly authenticated copies of the records and the certified statements of the executive departments described in § 328.4 shall be requested by the applicant on Form N-426, in triplicate, and submitted to the Service with Form N-400. A person of the class described in §§ 328.1 or 328.2 may file his petition for naturalization in any naturalization court, regardless of his place of residence; a person described in § 328.3 shall file his petition in a court having jurisdiction over his place of residence. The petition for naturalization shall be filed on Form N-405 in duplicate. There shall be inserted after averment 10 of Form N-405, at the time of the filing thereof, a description of the petitioner's service, as follows:

I entered the _____
(Branch of service)
on _____ under Serial No. _____
(Month, day, year)
and am now serving honorably (was honorably discharged on _____).
(Month, day, year)

The petitioner may be naturalized immediately, if he is still in the armed services, and a certificate of such examination on Form N-440, in duplicate, is attached to his petition, in accordance with § 332.12 of this chapter. The petition shall be verified by at least two United States citizen witnesses, as provided in § 334.21 of this chapter.

PART 329—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES WHO SERVED DURING WORLD WAR I OR WORLD WAR II

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
329.1 World War I; definition.
329.2 Proof of character, attachment, and disposition.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

329.21 Procedural requirements.

AUTHORITY: §§ 329.1 to 329.21 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 329, 332, 334, 335, 402 (e), 66 Stat. 250, 252, 254, 255, 276.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 329.1 *World War I; definition.* For the purposes of section 329 of the Immigration and Nationality Act, World War I shall be deemed to have commenced on April 6, 1917, and to have ended on November 11, 1918.

§ 329.2 *Proof of character, attachment, and disposition.* A person of the class described in section 329 (a) or 402 (e) of the Immigration and Nationality Act, shall establish that he is a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, in the manner provided by § 334.21 and Part 335b of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 329.21 *Procedural requirements.* A person of the class described in section 329 or 402 (e) of the Immigration and Nationality Act shall submit to the Service an application to file a petition for naturalization on Form N-400 in accordance with the instructions contained therein. The certification required by section 329 (b) (4) of the Immigration and Nationality Act to prove service shall be requested by the applicant on Form N-426, in triplicate, and submitted to the Service with Form N-400. The petition for naturalization shall be filed on Form N-418, in duplicate, in any naturalization court, regardless of the residence of the petitioner. The petition shall be verified by at least two vided in § 334.21 of this chapter. The petitioner may be naturalized immediUnited States citizen witnesses as proately if a certificate of examination is filed with the petition in accordance with § 332.12 of this chapter.

PART 330—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SEAMEN

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
330.1 Service on vessels after lawful admission for permanent residence; when deemed residence and physical presence in the United States.
330.2 Service on vessels prior to September 23, 1950; when deemed residence and physical presence in the United States and State.
330.3 Proof of qualifications.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

330.11 Procedural requirements.

who on December 24, 1952 was over fifty

date of the Immigration and Nationality this chapter.

AUTHORITY: §§ 330.1 to 330.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 316, 330, 332, 334, 335, 66 Stat. 242, 251, 252, 254, 255.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 330.1 *Service on vessels after lawful admission for permanent residence; when deemed residence and physical presence in the United States.* Service at any time after lawful admission for permanent residence, whether before or after the effective date of the Immigration and Nationality Act, on board vessels of the classes described in section 330 (a) (1) of the Immigration and Nationality Act, shall under the conditions specified in that section be deemed residence and physical presence within the United States within the meaning of section 316 (a) of the Immigration and Nationality Act.

§ 330.2 *Service on vessels prior to September 23, 1950; when deemed residence and physical presence in the United States and State—(a) Service aggregating five years.* Service at any time prior to September 23, 1950, for periods aggregating five years, whether or not there has been a lawful admission for permanent residence, shall be deemed residence and physical presence within the United States and residence within the State during the five-year period next preceding the filing of the petition for naturalization, within the meaning of section 316 (a) of the Immigration and Nationality Act, if (1) such service was performed honorably or with good conduct, on board any vessel of the United States Government, other than in the United States Navy, Marine Corps or Coast Guard, or on board vessels of more than twenty-tons' burden, whether or not documented under the laws of the United States, and whether public or private, which are not foreign vessels and the home port of which is in the United States, and (2) a petition for naturalization is filed on or before December 24, 1953.

(b) *Service aggregating less than five years.* Service at any time prior to September 23, 1950, aggregating less than five years, shall be deemed residence and physical presence within the United States, equivalent to that of the period of service, during the earliest portion of the five-year period next preceding the filing of the petition for naturalization within the meaning of section 316 (a) of the Immigration and Nationality Act, if (1) such service was performed honorably or with good conduct, on board vessels of the classes described in paragraph (a) of this section, (2) the person was so serving on September 23, 1950, and is residing in the United States pursuant to a lawful admission for permanent residence occurring at any time prior to filing the petition for naturalization, and (3) the petition for naturalization is filed on or before September 23, 1955.

§ 330.3 *Proof of qualifications—(a) Residence and physical presence in the United States.* Except as otherwise provided in this part, a person having the service described in this part shall prove that he has complied with all the applicable provisions of Chapter 2, Title III of the Immigration and Nationality Act, except that proof of residence and physical presence within the United States for the periods of such service shall be made by duly authenticated copies of the records of the executive departments or agencies having custody of the records covering the person's service on vessels of the United States Government, or by certificates from the masters of the vessels if service was on other than vessels of the United States Government, which records or certificates shall describe the vessels and the periods of service, and shall attest that during those periods the person served honorably or with good conduct.

(b) *Character, attachment, and disposition; State residence.* (1) The records or certificates described in paragraph (a) of this section shall be accepted also as proof of good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States for that portion of the service performed within the period of five years immediately preceding the date of the petition, and, in the cases of persons of the classes described in § 330.2 (a), as proof of residence within the State in which the petition is filed.

(2) A person claiming the benefits of § 330.2 (b) shall establish his good moral character, attachment to the principles of the Constitution and favorable disposition toward the good order and happiness of the United States during the five-year period next preceding the date of filing the petition, and from that date to the date of admission to citizenship, when not serving on such vessels, by the testimony or depositions of witnesses, in the manner described in Part 335b of this chapter. Such person shall establish also six months' State residence, as required by section 316 (a) of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 330.11 *Procedural requirements.* A person claiming the benefits of § 330.1 or § 330.2 shall submit to the Service an application to file a petition for naturalization, together with Supplemental Form N–400–B, in accordance with the instructions contained therein. The petition for naturalization shall be filed on Form N–405 in duplicate in a naturalization court having jurisdiction over the petitioner's place of residence. There shall be attached to, and made a part of the original and duplicate of, the petition for naturalization at the time of filing an affidavit of the petitioner sworn to before the clerk of court or an officer of the Service, on Form N–421, in duplicate, fully describing the vessel or vessels on which the petitioner has served and the periods of service. The petition shall be verified by at least two United States citizen witnesses, as provided in § 334.21 of this chapter.

PART 331—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIEN ENEMIES

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
331.1 Alien enemy defined.
331.2 Termination of status of alien enemy.
331.3 Revocation of exception from classification of alien enemy.
331.4 Naturalization under special provisions of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

331.11 Petition for naturalization pending; notice of and objection to final hearing on petition.
331.12 Waiver of 90-day notice.
331.13 Exception from classification of alien enemy.

AUTHORITY: §§ 331.1 to 331.13 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 306, 324, 329, 331, 332, 342, 402, 66 Stat. 237, 247, 250, 252, 263, 278.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 331.1 *Alien enemy defined.* An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war shall be considered an alien enemy for the purposes of the naturalization laws. A native of such an enemy country, state, or sovereignty, who subsequent to birth has become stateless or who has become a citizen, subject or denizen of a nation with which the United States is not at war shall nevertheless be considered an alien enemy.

§ 331.2 *Termination of status of alien enemy.* An alien enemy as defined in § 331.1 shall cease to be an alien enemy within the meaning of this part upon the official determination in the manner prescribed by section 331 (d) of the Immigration and Nationality Act that hostilities between the United States and the enemy country, state, or sovereignty have ended.

§ 331.3 *Revocation of exception from classification of alien enemy.* If subsequent to the filing of a petition for naturalization, and prior to admission to citizenship, evidence becomes available to the Service that exception from the classification of alien enemy was illegally or fraudulently obtained from or was granted through illegality or by fraud practiced upon the district director or the Commissioner, or a Deputy Commissioner, or Assistant Commissioner, action to cancel the exception granted may be taken in accordance with the provisions of Part 5 of this chapter, in which case a motion shall be made to the court to defer final hearing until such proceedings have been concluded. If the exception is cancelled by the district director or the Commissioner, or a Deputy Commissioner, it shall be considered a nullity from the date of the granting thereof, and the petitioner shall be subject to all the provisions of this part to the same extent as though the exception had never been granted. Written notice of the cancellation shall be furnished by the district director to the clerk of the naturalization court for inclusion in the naturalization record.

§ 331.4 *Naturalization under special provisions of the Immigration and Nationality Act.* An alien enemy, as defined in § 331.1, who is applying for naturalization under the provisions of

section 306 (a) (1), 324 (c), 329, or 402 (j) of the Immigration and Nationality Act may be naturalized, if otherwise qualified, notwithstanding the provisions of this part.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 331.11 *Petition for naturalization pending; notice of and objection to final hearing on petition.* Subject to the conditions stated in this section, an alien enemy, as defined in § 331.1, whose petition for naturalization was pending at the beginning of the state of war, may, if otherwise eligible, be naturalized after his loyalty has been fully established upon investigation by the appropriate district director. The petition for naturalization shall not be called for a hearing or heard, except after ninety-days' notice by the clerk of court to the appropriate district director or officer in charge. Such notice shall be given on Form N–435, in duplicate, and the ninety-day period shall commence on the date of its receipt. The district director or officer in charge shall mail a receipted copy of Form N–435 to the clerk of court within two business days after receipt. The district director or officer in charge may, at any time prior to final hearing, object to such hearing. Such objection shall be made on Form N–434, in duplicate, and filed with the clerk of court. The filing of such objection shall cause the petition to be continued until such time as the objection is withdrawn. The clerk of court shall mail a receipted copy of Form N–434 to the district director or officer in charge within two business days after receipt.

§ 331.12 *Waiver of 90-day notice.* A petitioner for naturalization embraced within this part may request the district director or officer in charge, in writing, to waive the ninety-day notice referred to in § 331.11. Such waiver may be granted at any time after the petition has been filed and either before or after the clerk's notice has been given and the ninety-day period has commenced. The district director or officer in charge shall cause a full and complete investigation to be conducted and if such investigation satisfactorily establishes the petitioner's loyalty to the United States the district director or officer in charge may, in his discretion, grant the waiver. If the waiver is granted, notice thereof shall be given to the clerk of court by the district director or officer in charge on Form N–424, in duplicate, a copy of which shall be retained in the Service file.

§ 331.13 *Exception from classification of alien enemy.* An alien enemy, as defined in § 331.1, who did not have a petition for naturalization pending at the beginning of the state of war, shall not be eligible to file a petition for naturalization, unless and until the district director has excepted such alien from the classification of alien enemy. Application for such exception shall be made on Form N–436 and submitted to the Service with the application to file a petition for naturalization. The district director shall thereupon cause a full and complete investigation to be made of the loyalty of such applicant. If, after such investigation, the district director is satisfied as to the applicant's loyalty to the United States, he may, in his discretion, except the applicant from the classification of alien enemy by the execution of Form N–438, in duplicate, the original of which shall be filed with the clerk of the naturalization court at the time of or prior to the filing of the petition for naturalization, and the copy retained in the Service file. The exception so granted on Form N–438 shall not be effective for the purpose of filing a petition for naturalization unless and until such form is filed with the clerk of court. Form N–438 need not be filed with and made a part of the petition but shall be filed with the naturalization record by the clerk of court. If the district director is not satisfied as to the applicant's loyalty, he shall deny the application. The applicant shall be notified in writing of the denial of his application with the reasons therefor and, at the same time, shall be advised that he has ten days from the date of the notification in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7. If the Assistant Commissioner approves the application, the district director shall except the applicant from the classification of alien enemy, in the manner provided in this section. An applicant who has been excepted from the classification of alien enemy under this section shall be entitled to a hearing upon his petition for naturalization without regard to the provisions of § 331.11.

PART 332—PRELIMINARY INTERROGATION OF APPLICANTS FOR NATURALIZATION AND WITNESSES

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
332.11 Interrogation preliminary to filing petition for naturalization.
332.12 Certificate by examiner whenever petitioner is entitled to immediate hearing.
332.13 Use of record of preliminary interrogation.
332.14 Notice of proposed recommendation of denial; findings, conclusion, and recommendation.

AUTHORITY: §§ 332.11 to 332.14 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 335, 66 Stat. 252, 255.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 332.11 *Interrogation preliminary to filing petition for naturalization—(a) Scope of interrogation.* Whenever practicable, each applicant for naturalization and his witnesses shall appear in person before an officer of the Service authorized to administer oaths, prior to the filing of a petition for naturalization, and give testimony under oath concerning the applicant's mental and moral qualifications for citizenship, attachment to the principles of the Constitution, and disposition to the good order and happiness of the United States, the qualifications of the witnesses, and the other qualifications to become a naturalized citizen as required by law. The interrogation shall be uniform throughout the United States.

(b) *Conduct of interrogation.* The Service officer, prior to the beginning of the interrogation, shall make known to the applicant and the witnesses the official capacity in which he is conducting the interrogation. The applicant and each witness shall be questioned under oath separately and apart from one another and apart from the public. The applicant shall be interrogated as to each assertion made by him in his application to file a petition and in any supplemental form. Whenever necessary, the written answers in the forms shall be corrected by the officer to conform to the oral statements made under oath. The examining officer, in his discretion, may have a stenographic transcript made, or prepare affidavits covering testimony of the applicant or witnesses. The questions to the applicant and the witnesses shall be repeated in different form and elaborated if necessary, until the officer conducting the interrogation is satisfied that the person being interrogated fully understands them. At the conclusion of the interrogation all corrections made on the application form and supplements thereto shall be consecutively numbered and recorded in the space provided therefor in the applicant's affidavit contained in the form. The affidavit shall then be subscribed and sworn to by the applicant and signed by the examining officer. The witnesses shall be questioned to develop their own credibility and competency as well as the extent of their personal knowledge of the applicant's qualifications to become a naturalized citizen. If the applicant is exempted from the requirement of reading and writing, and speaking English, the interrogation, including the examination of the applicant's knowledge and understanding of the Constitution, history, and form of Government of the United States, may be conducted through an interpreter.

§ 332.12 *Certificate by examiner whenever petitioner is entitled to immediate hearing.* The officer or employee conducting the preliminary interrogation shall execute a certificate of examination on Form N–440 in duplicate, for attachment to the original and duplicate petitions for naturalization, in any case in which the petitioner, under the provisions of the Immigration and Nationality Act applicable to his case, is entitled to an immediate hearing following examination by a representative of the Service.

§ 332.13 *Use of record of preliminary interrogation.* The record of the preliminary interrogation, including the executed and corrected application form and supplements thereto, affidavits, transcripts of testimony, documents and other evidence, and the reports of any investigations conducted, shall, in those cases in which a preliminary examination is to be held under Part 335 of this chapter, be submitted to the examiner

designated to conduct such examination, for his use in examining the petitioner and witnesses. In those cases in which no preliminary examination is held the recommendation to the naturalization court shall be based upon the record of the preliminary interrogation and such other evidence as may be available.

§ 332.14 *Notice of proposed recommendation of denial; findings, conclusion, and recommendation.* In those cases in which the recommendation to the court is for denial of the petition, and no preliminary examination under Part 335 of this chapter is held, an officer of the Service shall, as soon as practicable after the preliminary interrogation and investigations have been concluded, prepare a memorandum in behalf of the Service in the manner described in § 335.12, and subject to review by the Commissioner, for presentation to the court at the final hearing. The petitioner shall be given written notice on Form N-429 advising him of the recommendation which will be made to the court and the specific reasons therefor. The notice and a copy of the memorandum shall be sent the petitioner by registered mail, return receipt requested, after review of the recommendation by the Commissioner, if made, and at least thirty days prior to final hearing. The hearing before the court may be held less than thirty days after such notification, if the petitioner agrees thereto.

PART 332a—OFFICIAL FORMS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

332a.1 Official forms essential to exercise of jurisdiction.
332a.2 Official forms prescribed for use of clerks of naturalization courts.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

332a.11 Initial application for official forms.
332a.12 Subsequent application for official forms.
332a.13 Alteration of forms of petitions or applications for naturalization.

AUTHORITY: §§ 332a.1 to 332a.13 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 310, 332, 66 Stat. 239, 252.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 332a.1 *Official forms essential to exercise of jurisdiction.* Before exercising jurisdiction in naturalization proceedings, the naturalization court shall direct the clerk of such court upon written application to obtain from the Service, in accordance with section 310 (c) of the Immigration and Nationality Act, proper forms, records, books, and supplies required in naturalization proceedings. Such jurisdiction may not be exercised until such official forms, records, and books have been supplied to such court. Only such forms as are supplied shall be used in naturalization proceedings. Where sessions of the court are held at different places, the judge of such court may require the clerk to obtain a separate supply of official forms, records and books for each such place.

§ 332a.2 *Official forms prescribed for use of clerks of naturalization courts.* The following described forms only shall be used by clerks of courts having naturalization jurisdiction, in the exercise of such jurisdiction:

Form No.	*Title and description*
N-3	Requisition for Forms and Binders.
N-4	Monthly Report—Naturalization Papers forwarded.
N-5	Continuation Sheet of Monthly Report—Naturalization Papers forwarded.
N-6	Jacket for Naturalization Papers.
N-7	Quarterly Abstract of Collections of Naturalization Fees.
N-11	Penalty Envelope (addressed to the Central Office of Service).
N-12	Penalty Envelope (to be addressed to any office of Service).
N-13	Penalty Envelope (large—to be addressed to any office of Service).
N-50	Receipt for Duplicate Petitions.
N-300	Application to File Declaration of Intention.
N-315	Declaration of Intention.
N-350	Application to Renounce Danish Citizenship.
N-351	Renunciation of Danish Citizenship.
N-400	Application to File Petition for Naturalization.
N-400A	Supplement to Application to File Petition for Naturalization (under section 324 (a) or 327, Immigration and Nationality Act).
N-400B	Supplement to Application to File Petition for Naturalization (by a seaman, under section 330 of the Immigration and Nationality Act).
N-400C	Supplement to Application to File Petition for Naturalization (for use with editions prior to December 24, 1952).
N-401	Preliminary Form to take Oath of Allegiance (by a woman formerly a citizen, under section 324 (c) of the Immigration and Nationality Act, or the act of June 25, 1936, as amended).
N-402	Application to File Petition for Naturalization in Behalf of a Child (under sections 322 or 323, Immigration and Nationality Act).
N-403	Request to have Petition for Naturalization marked "Void".
N-404	Request for Withdrawal of Petition for Naturalization.
N-405	Petition for Naturalization (under general provisions of the Immigration and Nationality Act).
N-405A	Affidavit in Support of Petition for Naturalization (by a former citizen, under section 327 of the Immigration and Nationality Act).
N-406	Petition for Naturalization (of a married person, under section 319 (a) or (b), Immigration and Nationality Act).
N-407	Petition for Naturalization (in behalf of a child, under section 322 or 323, Immigration and Nationality Act).
N-408	Application to take Oath of Allegiance and Form of such Oath (by a woman formerly a citizen, under section 324 (c), Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N-410	Motion for Amendment of Petition (application).
N-414	Acknowledgment of Filing Petition for Naturalization.
N-418	Petition for Naturalization (active duty in the armed forces, under section 329 of the Immigration and Nationality Act).
N-421	Affidavit in Support of Petition for Naturalization (by a seaman, under section 330, Immigration and Nationality Act).
N-435	Notice of Final Hearing by Clerk of Court (alien enemies).
N-435-1	Continuation Sheet—Form N-435.
N-442	Preliminary Form to take Oath of Allegiance (by former citizen, under Public Law 114, 82nd Congress, as amended).
N-443	Application to take the Oath of Allegiance and Form of Such Oath (by former citizen, under Public Law 114, 82nd Congress, as amended).
N-450	Notice of Intention to Substitute Witnesses.
N-451	Affidavits of Witnesses (to Petition for Naturalization).
N-455	Application for Transfer of Petition for Naturalization.
N-458	Application to Correct Certificate of Naturalization.
N-480	Naturalization Petitions Recommended to be Granted.
N-480A	Order of Court (granting petitions).
N-481	Naturalization Petitions Recommended to be Granted (continuation sheet).
N-483	Naturalization Petitions Recommended to be Continued (and Order of Court).
N-484	Naturalization Petitions Recommended to be Denied.
N-484A	Order of Court (denying petitions).
N-485	Naturalization Petitions Recommended to be Granted (on behalf of children).
N-486	Naturalization Petitions Recommended to be Denied (on behalf of children).
N-489	Certification by Clerk of Court of the taking of Oath of Allegiance.
N-490	Order of Court Granting Petitions for Naturalization.
N-491	Order of Court Denying Petitions for Naturalization.
N-492	Commissioner's Recommendation that Petition be Granted (and Order of Court).
N-493	Commissioner's Recommendation that Petitions be Denied (and Order of Court).
N-550	Certificate of Naturalization.
N-580	Application for a Certificate of Naturalization or Repatriation (under section 343 (a) of the Immigration and Nationality Act or 12th subdivision, section 4, of Act of June 29, 1906).

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 332a.11 *Initial application for official forms.* Whenever the initial application for forms, records, books, and supplies is made by a State court of record, it shall be accompanied by a certificate of the Attorney General of the State, certifying that the said court is a court of record, having a seal, a clerk, and jurisdiction in actions at law or in equity, or at law and in equity, in which the amount in controversy is unlimited.

§ 332a.12 *Subsequent application for official forms.* Included with the initial supply of official forms, records, and books furnished to the various courts by the Service shall be Form N-3 entitled "Requisition for Forms and Binders," and thereafter such forms shall be used by clerks of courts in making requisition for forms, records, books, and supplies for use in naturalization proceedings in their respective courts.

§ 332a.13 *Alteration of forms of petitions or applications for naturalization.* The official forms for petitions or applications for naturalization to the court shall be altered by the clerk of court as follows:

(a) *Deletion of inapplicable acts or sections of acts.* Whenever the petition form is designed for use under more than one act or more than one section of an act, by striking from the title of the form the reference to the inapplicable act or section.

(b) *Exemption from residence in United States and State.* Whenever residence in the United States and State residence for any specified period is not required, by striking out allegations 10 and 16 on Form N-406, allegations 12 and 13 on Form N-407, allegation 16 on Form N-405, and the statements in the affidavits of witnesses as to the period of United States and State residence on Forms N-405 and N-406.

(c) *Exemption from physical presence in the United States.* Whenever physical presence in the United States for any specified period is not required, by striking out allegation 14 on Form N-407, and allegation 16 on Form N-405.

(d) *Exemption from lawful admission for permanent residence.* Whenever lawful admission for permanent residence is not required, by striking out allegation 9 on Forms N-405 and N-418.

(e) *Exemption from intention to reside permanently in the United States.* Whenever intention to reside permanently in the United States is not required by striking out allegation 12 on Form N-405.

(f) *Supplemental affidavits filed with petition for naturalization.* Whenever a supplemental affidavit is filed with the petition by adding to allegation 18, on Form N-405 "and supplemental affidavit on Form No. _____."

(g) *Oath of allegiance.* Whenever a petitioner or applicant for naturalization is exempt from taking the oath of allegiance prescribed in Part 337 in its entirety, by striking from the oath of allegiance the inapplicable clauses.

PART 332b—INSTRUCTION AND TRAINING IN CITIZENSHIP RESPONSIBILITIES: TEXTBOOKS, SCHOOLS, ORGANIZATIONS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

332b.1 Public school instruction and training in citizenship responsibilities of applicants for naturalization.
332b.2 Sending names of candidates for naturalization to the public schools.
332b.3 Federal citizenship textbooks.
332b.4 Public school certificates as evidence of petitioner's educational progress.
332b.5 Cooperation with official National and State organizations.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 332b.1 to 332b.5 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 346, 66 Stat. 253, 266.

SUBPART A—SUESTANTIVE PROVISIONS

§ 332b.1 *Public school instruction and training in citizenship responsibilities of applicants for naturalization.* The Central Office and the field offices of the Service shall cooperate with appropriate authorities or organizations in the establishment and maintenance of classes within or under the supervision of the public schools for the preparation of naturalization applicants for their citizenship duties and responsibilities. Field officers shall visit such classes when practicable. Should applicants for naturalization who desire such preparation live in remote localities where the establishment of a class is impracticable, field officers shall communicate with the appropriate representative of the public schools for the purpose of making other suitable arrangements, if possible, for their instruction.

§ 332b.2 *Sending names of candidates for naturalization to the public schools.* Arrangements shall be made with the public schools by which the names and addresses of applicants for naturalization will be made available to such schools for the purpose of interesting applicants in attending public school classes in preparation for citizenship duties and responsibilities.

§ 332b.3 *Federal citizenship textbooks.* Citizenship textbooks, for the free use of applicants for naturalization receiving instruction in or under the supervision of the public schools in preparation for citizenship, shall be prepared and distributed by the Service to the appropriate representatives of the public schools upon their signed requisitions therefor.

§ 332b.4 *Public school certificates as evidence of petitioner's educational progress.* Public school certificates attesting the attendance and progress records of petitioners for naturalization in citizenship classes shall be given weight by naturalization officers in determining the petitioner's knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States, and his ability to read, write, and speak English, provided that approval of the courses of instruction, teaching, and examinations of the public schools issuing such certificates is given by the district director and the naturalization courts.

§ 332b.5 *Cooperation with official National and State organizations.* The Central Office and the field offices shall take steps to obtain the aid of and to cooperate with official National and State organizations in the Service's program of promoting instruction and training of applicants for naturalization for their citizenship duties and responsibilities. Similar action shall be taken in relation to duly accredited unofficial educational, social service, welfare, and other organizations having as one of their objects the preparation of applicants for naturalization for their citizenship duties and responsibilities.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 332c—PHOTOGRAPHIC STUDIOS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

332c.1 Establishment of welfare photographic studios.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 332c.1 *Establishment of welfare photographic studios.* District directors shall, after investigation, make reports and recommendations to the Commissioner concerning the desirability of the establishment and operation by welfare organizations, without profit, of photographic studios, solely for the benefit of persons seeking to comply with the requirements of the immigration and naturalization laws. Quarters for such purpose must be in a building occupied by the Service, and be conducted under the supervision of the Commissioner. Such welfare organizations shall submit an annual accounting to the Commissioner of the conduct of such studio.

(Sec. 103, 66 Stat. 173. Interprets or applies sec. 332, 66 Stat. 253)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 332d—DESIGNATION OF EMPLOYEES TO ADMINISTER OATHS AND TAKE DEPOSITIONS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

332d.1 Designation of employees to administer oaths and take depositions.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 332d.1 *Designation of employees to administer oaths and take depositions.* All immigration officers and other officers or employees of the Service of an equal or higher grade are hereby designated to administer oaths and take depositions in matters relating to the administration of the naturalization and citizenship laws.

(Sec. 103, 66 Stat. 173. Interprets or applies sec. 332, 66 Stat. 252)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 333—PHOTOGRAPHS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

333.1 Description of required photographs.
333.2 Attachment of photographs to documents.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 333.1 and 333.2 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 333, 334, 66 Stat. 252, 253, 254.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 333.1 *Description of required photographs.* Every applicant required to furnish photographs of himself under this subchapter shall submit three identical photographs which shall be 2 by 2 inches in size, unmounted, printed on a thin paper, have a light background, clearly show a full front view of the features of the applicant with head bare (unless the applicant is wearing a headdress as required by a religious order of which he is a member), with the distance from the top of the head to point of chin approximately 1¼ inches, and which shall have been taken within 30 days of the date they are furnished. The applicant, except in the case of a child or other person physically incapable of signing his name, shall sign each copy of the photograph with his full true name, in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to sign his name. If the applicant is a prospective petitioner for naturalization, the photographs shall be signed by him in the English language, unless the applicant is of the class exempted from signing a petition for naturalization in the English language, as provided by § 334.13 of this chapter, in which case the photographs may be signed in any language. In the case of a child unable to sign its name, the photographs shall be signed by the parent, parents, or guardian as may be appropriate, and the signature shall read "(insert name of parent, parents, or guardian) in behalf of (insert name of child)." The photographs shall be signed when submitted with an application if the instructions accompanying the application so require. If the instructions do not so require the photographs shall be submitted without being signed and shall be signed at such later time during the processing of the application as may be appropriate.

§ 333.2 *Attachment of photographs to documents.* There shall be securely and permanently attached to each original and duplicate certificate of naturalization and to each duplicate and triplicate declaration of intention issued by any clerk of court, and to each copy of a declaration of intention, certificate of naturalization or certificate of citizenship issued by the Service, a signed photograph of the applicant. In each case in which a seal is affixed, the imprint of a part of the seal shall be affixed so as to extend over the lower portion of the photograph in such manner as not to obscure the features of the applicant.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 334—PETITION FOR NATURALIZATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
334.1 Right to file petition or application for naturalization.
334.2 Oath or affirmation of petitioner and witnesses.
334.3 Petitions for naturalization; numbering, indexing, binding.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

334.11 Petition for naturalization and preliminary application.
334.12 Notification to appear for preliminary interrogation and to file petition for naturalization.
334.13 Filing of petition for naturalization.
334.14 Investigation and report if applicant is sick or disabled.
334.15 Void petitions for naturalization.
334.16 Amendment of petition or application for naturalization.
334.17 Transfer of petition for naturalization.
334.18 Withdrawal of petition and failure to prosecute.
334.21 Verification of petition for naturalization: administration of oath.

AUTHORITY: §§ 334.1 to 334.21 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 334, 335, 66 Stat. 252, 254, 256, 257, 259, 265.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 334.1 *Right to file petition or application for naturalization.* No person shall be denied the right to apply for naturalization in accordance with the procedure prescribed in this subchapter to any court authorized to exercise naturalization jurisdiction.

§ 334.2 *Oath or affirmation of petitioner and witnesses.* The petition for naturalization shall be executed under the following oath (or affirmation): "You do swear (affirm) that you know the contents of this petition for naturalization subscribed by you, and that the same are true to the best of your knowledge and belief."

The following oath (or affirmation) shall be administered to each of the witnesses who verify the petition: "You do swear (affirm) that the statements of fact you have made in the affidavits to this petition for naturalization subscribed by you are true to the best of your knowledge and belief."

§ 334.3 *Petitions for naturalization; numbering, indexing, binding.* Petitions for naturalization shall be numbered consecutively in the order in which they are filed, shall be filed chronologically in separate volumes, indexed, and made a part of the records of the naturalization court. Each such volume shall, upon completion, be permanently bound by an employee of the Service. Whenever a petitioner's name has been changed by order of court the original and the changed name shall be entered by the clerk of court in the index of petitions for naturalization.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 334.11 *Petition for naturalization and preliminary application.* Except as otherwise provided in this subchapter, a person who has attained the age of eighteen years and who desires to apply for naturalization, shall make and file, in accordance with the provisions of this part, a sworn petition for naturalization, in duplicate. Such person shall, before filing the petition for naturalization, execute and submit to the Service preliminary application to file a petition for naturalization, Form N–400, in accordance with the instructions contained therein.

§ 334.12 *Notification to appear for preliminary interrogation and to file petition for naturalization.* Following the submission of the preliminary application, the applicant shall be notified when and where to appear with his witnesses for preliminary interrogation, as described in Part 332 of this chapter, and to file the petition for naturalization.

§ 334.13 *Filing of petition for naturalization.* The petition for naturalization and the duplicate copy thereof shall be filed by the petitioner, in person, with the clerk of the court or his authorized deputy and only in the office of the clerk, except that an applicant for naturalization who satisfactorily establishes that he is prevented by sickness or other disability from appearing in the office of the clerk, may file the petition for naturalization at such other place as may be designated by the clerk of court or his authorized deputy. Except as otherwise provided in this subchapter, the petition shall be on Form N–405 and shall contain an averment that it is the intention of the petitioner to reside permanently in the United States. The petition shall be signed by the petitioner in the English language, if physically able to write, unless the petitioner on December 24, 1952 was over fifty years of age and had been living in the United States for at least twenty years, in which case the petitioner may sign his name in any language. When the petition has been so filed, the clerk shall furnish to the petitioner an acknowledgment of the filing of the petition on Form N–414. The petitioner shall pay the clerk of the naturalization court, at the time the petition is filed, a fee of $10, unless the petitioner is exempt therefrom by section 344 (h) of the Immigration and Nationality Act.

§ 334.14 *Investigation and report if applicant is sick or disabled.* Whenever it appears that an applicant for naturalization may be unable, because of sickness or other disability, to present himself in the office of the clerk of a naturalization court to file a petition for naturalization, the district director or officer in charge shall cause an investigation to be conducted to determine the circumstances, and shall report the condition of the applicant to the clerk of court for the purpose of aiding the court to determine whether the clerk of court shall designate another place to file a petition for naturalization. The report shall show whether the sickness or disability is of a nature which so incapacitates the applicant as to prevent him from appearing personally in the office of the clerk of court.

§ 334.15 *Void petitions for naturalization.* If a petition for naturalization filed with the clerk of court is materially defective on its face, it shall nevertheless remain a part of the records of the court and the duplicate thereof disposed of, and the fee accounted for, in accordance with the provisions of Part 340 of this chapter. The Service shall inform the petitioner of the defect and the desirability of having the petition marked "Void" in order that the fee may be refunded or credited to the filing of another petition. If the petitioner desires to have the defective petition submitted to the court for a judicial ruling in lieu of having it marked "Void", no refund of the fee shall be made. A request by the petitioner that his petition be marked "Void" shall be made on Form N–403, in duplicate, and submitted to the district director. If the request is approved by the district director the original shall be furnished the clerk of court for attachment to the petition and the clerk of court shall mark the petition "Void". The duplicate shall be retained in the field office file.

§ 334.16 *Amendment of petition or application for naturalization—(a) During pendency of petition or application.* An application to amend a petition or application for naturalization, while such application or petition is pending, shall be made by the petitioner or applicant on Form N–410, with copies thereof equal to the number of copies of the petition or application for naturalization, and presented to the court at the hearing on the petition or application for naturalization. When the court orders the petition or application amended, the original order shall be filed with the original petition or application and the copies attached to the respective copies of the petition or application.

(b) *After final action on petition or application.* Whenever an application is made to the court to amend a petition or application for naturalization after final action thereon has been taken by the court, a copy of the application shall be served upon the district director or officer in charge having administrative jurisdiction over the territory in which the court is located, in the manner and within the time provided by the rules of court in which application is made. A representative of the Service may appear at the hearing upon such application and be heard in favor of or in opposition thereto. When the court orders the petition amended, the clerk of court shall transmit a copy of the order to the district director or officer in charge for inclusion in the Service file.

§ 334.17 *Transfer of petition for naturalization—(a) Application for transfer.* A petitioner for naturalization who removes from the jurisdiction of the court in which his petition for naturalization is pending, may make application to the court on Form N–455, in quadruplicate, for transfer of the petition to a naturalization court having jurisdiction over his place of residence, or, if the petition was not required to be filed in a naturalization court having jurisdiction over his place of residence, to any other naturalization court exercising naturalization jurisdiction. The application shall be submitted, in accordance with the instructions contained therein, to the district director or officer in charge exercising administrative jurisdiction over the place where the court in which the petition is filed is located.

(b) *Action by district director or officer in charge.* If the district director or officer in charge consents to the transfer, he shall so indicate on each copy of Form N–455, which shall be filed with the clerk of court in which the petition is pending. If the district director or officer in charge does not consent to the transfer he shall so indicate on each copy of Form N–455 which shall be filed with the clerk of court, with a memorandum of the district director or officer in charge setting forth the reasons for the denial. The applicant shall be notified by the district director or officer in charge of the filing of Form N–455 with the clerk of court, and whether consent has been given by the district director or officer in charge.

(c) *Action by court in which petition is filed.* The court in which the petition is filed shall enter an order on Form N–455, in quadruplicate, approving or disapproving the application. If the application is approved, the original Form N–455 shall be filed with the naturalization record in the office of the clerk of court, the duplicate and triplicate copies, duly attested and certified, transmitted to the court to which the petition is to be transferred, and the quadruplicate copy transmitted to the district director or officer in charge. If the application is disapproved, the original Form N–455 shall be filed with the naturalization record in the office of the clerk of court and the remaining copies transmitted to the district director or officer in charge, who shall notify the applicant of the disapproval.

(d) *Action by court to which petition is transferred.* The court to which the petition is to be transferred shall enter an order on the duplicate and triplicate copies of Form N–455, approving or disapproving the transfer. The duplicate copy shall be filed with the clerk of the court to which the petition is to be transferred, and the triplicate copy, duly attested and certified, transmitted to the clerk of the court in which the petition is filed. If the application is disapproved, the clerk of court receiving the triplicate copy shall notify the district director or officer in charge, who shall notify the applicant of the disapproval.

(e) *Transfer of petition and record.* If the court to which the petition is to be transferred approves the transfer, the clerk of court in which the petition is filed shall file the triplicate copy of Form N–455 with the naturalization record and forward a certified copy of the petition, and the originals of all documents filed relating thereto, to the court to which the petition is being transferred, and notify the district director having administrative jurisdiction over the place in which the petition is filed, of the action taken. Upon receipt of the certified copy and record, the clerk of court to which the petition is transferred shall index it, number it consecutively in the order in which it is received, prefixed by the letters TR, and in a series separate from petitions originally filed in the court. The petition shall be made a part of the record of the naturalization court. No fee shall be charged by the clerk of the court to which the petition is transferred for the filing of the transferred petition or the issuance of a certificate of naturalization.

§ 334.18 *Withdrawal of petition and failure to prosecute.* (a) A petitioner who desires to withdraw his petition for naturalization after the filing thereof shall make request for withdrawal on Form N–404, in duplicate. The original shall be filed with the clerk of court and the duplicate with the office of the Service exercising administrative jurisdiction over the district in which the court is located. At the final hearing upon the petition, the officer in attendance shall inform the court whether the district director or officer in charge consents to the withdrawal of the petition. In cases in which such officer does not consent to the withdrawal, the court shall determine the petition on its merits.

(b) At the final hearing upon a petition for naturalization which the petitioner has failed to prosecute, the officer in attendance shall inform the court whether the district director or officer in charge consents to dismissal of the petition for lack of prosecution. In cases in which such officer does not move that the petition be dismissed for lack of prosecution, the court shall determine the petition on its merits.

§ 334.21 *Verification of petition for naturalization; administration of oath.* Every petition for naturalization shall, before it is filed, be verified by the petitioner, and by the affidavits of two credible witnesses, citizens of the United States, who shall appear in person either before a designated examiner or before the clerk of the court or his authorized deputy. Any such officer shall administer the required oaths to the petitioner and the witnesses. The witnesses shall sign the affidavits. The witnesses shall have and aver knowledge of the petitioner as to each place of his residence in the State where he is residing during the period of at least six months immediately prior to the filing of the petition unless the petitioner is exempted from the usual State residence requirement. If the petitioner has resided at two or more places in the State during the required six-month period and for this reason two witnesses cannot be procured to verify the petition as to all such residence, additional witnesses may be used and their affidavits shall be executed, in duplicate, on Form N–451, one copy of which shall be attached to the original petition and the other to the duplicate petition at the time of filing the petition. The witnesses shall state in their affidavits that they personally know that the petitioner is and has been a resident at such place for such period, the length of the petitioner's physical presence in the United States during such period, and that the petitioner is and has been during all such period of residence a person of good moral character, attached to the principles of the Constitution of the United States, well disposed to the good order and happiness of the United States, and in all respects qualified to become a citizen of the United States. If the petitioner is exempted from the usual State residence requirement, the witnesses shall state in their affidavits the period of time that they have personally known the petitioner to have been resident and physi-

cally present in the United States, and that such petitioner is, and, for the period required by the naturalization provisions applicable to the case, has been, a person of good moral character, attached to the principles of the Constitution of the United States, well disposed to the good order and happiness of the United States, and in all respects qualified to become a citizen of the United States.

PART 334a—DECLARATION OF INTENTION

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
334a.11 Preliminary form for declaration of intention.
334a.12 Notification to applicant.
334a.13 Filing of declaration of intention.
334a.14 Execution and fee.
334a.15 Disposition.
334a.16 Declaration of intention; numbering, indexing, binding.

AUTHORITY: §§ 334a.11 to 334a.16 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 334, 339, 344, 66 Stat. 252, 254, 259, 264.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 334a.11 *Preliminary form for declaration of intention.* Each prospective declarant shall, before making and filing a declaration of intention, submit to the Service an application therefor on Form N–300 in accordance with the instructions contained therein. The application may be submitted at any time after the applicant has been lawfully admitted for permanent residence and has attained the age of eighteen years.

§ 334a.12 *Notification to applicant.* Following approval of the application by the Service, the applicant shall be notified when and where to appear to make and file the declaration of intention.

§ 334a.13 *Filing of declaration of intention.* A clerk of court or his authorized deputy shall not accept a declaration of intention for filing, unless and until there shall have been received from the Service the applicant's approved Form N–300 authorizing the issuance of the declaration and showing that the applicant is residing in the United States pursuant to a lawful admission for permanent residence.

§ 334a.14 *Execution and fee.* The declaration of intention shall be executed by the alien under oath on Form N–315, in triplicate, before the clerk of any court exercising naturalization jurisdiction or his authorized deputy, regardless of the place of residence of the applicant, and only in the office of said clerk. The applicant may sign the declaration and the photographs affixed thereto in any language, or by mark if unable to write. The declarant shall pay the clerk of court, at the time the declaration of intention is filed, the statutory fee of $5.

§ 334a.15 *Disposition.* The original declaration of intention shall be retained and filed of record by the clerk of court, and the triplicate delivered forthwith to the alien. The duplicate, with Form N–300, shall be forwarded to the appropriate district director or officer in charge on the first day of the month following the month in which the declaration is filed, in accordance with § 339.2 of this chapter for inclusion in the declarant's file.

§ 334a.16 *Declaration of intention; numbering, indexing, binding.* Declarations of intention shall be numbered consecutively in the order in which they are filed in a series separate from petitions. They shall be filed chronologically in separate volumes, indexed, and made a part of the records of the naturalization court. Each declaration volume shall upon completion be permanently bound by an employee of the Service in accordance with § 339.4 of this chapter.

PART 335—PRELIMINARY EXAMINATION ON PETITIONS FOR NATURALIZATION

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
335.11 Preliminary examination pursuant to section 335 (b) of the Immigration and Nationality Act.
335.12 Recommendations of the designated examiner and the Commissioner; notice.
335.13 Notice of recommendation of designated examiner.

AUTHORITY: §§ 335.11 to 335.13 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 335, 66 Stat. 252, 255.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 335.11 *Preliminary examination pursuant to section 335 (b) of the Immigration and Nationality Act*—(a) *When held.* Preliminary examinations shall be open to the public, and shall, where practicable, be held immediately after the petition for naturalization is filed with the clerk of the court unless, in the opinion of the district director or officer in charge, the interests of good administration would be better served by holding such examinations prior to the filing of the petition in the office of the clerk of court, but in no event shall such examinations be held before the petition has been properly executed by the petitioner and his verifying witnesses.

(b) *Conduct of examination.* Preliminary examinations shall be held before an employee of the Service, designated by the district director to conduct such proceedings and to make findings and recommendations thereon to the naturalization court, who shall be known as the "designated examiner." The petitioner and his witnesses and the witnesses produced on behalf of the Government shall be present. The designated examiner shall, prior to the commencement of the examination, make known to the petitioner his official capacity and that of any other officer of the Service who may participate in the proceeding. The designated examiner shall have before him the entire record of the preliminary interrogation, including the petitioner's application to file a petition for naturalization (Form N–400) and any other evidence or data that may be revelant or material to the inquiry. All testimony taken at the examination shall be under oath or affirmation administered by the designated examiner. The designated examiner may interrogate the petitioner and witnesses produced in behalf of the petitioner or the Government, and present evidence touching upon the petitioner's admissibility to citizenship. He shall regulate the course of the examination, rule upon applications for the issuance of subpenas and issue such subpenas in proper cases, grant or deny continuances, and rule on all objections to the introduction of evidence, which rulings shall be entered on the record. Evidence held by the designated examiner to be inadmissible shall nevertheless be received into the record subject to the ruling of the court. The petitioner and the Government shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. If the petitioner is not represented by an attorney or representative, the designated examiner shall assist the petitioner in the introduction of all evidence available in his behalf. All documentary or written evidence shall be properly identified and introduced into the record as exhibits by number, unless read into the record.

(c) *Assignment of examining officer at preliminary examination.* The district director or officer in charge may in his discretion assign an employee of the Service to act as examining officer at the preliminary examination. Such employee shall examine and cross-examine witnesses produced in behalf of the Government or the petitioner and present evidence pertinent to the petitioner's admissibility to citizenship. The designated examiner may take such part in the interrogation of the petitioner and witnesses and the introduction of evidence as he may deem necessary.

(d) *Stenographic reporting of proceedings; mechanical recording equipment.* A stenographer shall be in attendance whenever, in the opinion of the designated examiner, such attendance is desirable, and in every case to which an examining officer is assigned. The stenographer shall record verbatim the entire proceedings, including the oaths administered and rulings on objections, but shall not record arguments in support of objections, or statements made off the record with the consent of the petitioner. The stenographer shall certify that the transcribed minutes constitute a complete and accurate record of the examination. Whenever, in the opinion of the designated examiner the use of mechanical recording equipment in lieu of a stenographer is deemed desirable, the proceedings may be recorded by such equipment.

(e) *Issuance of subpenas; attendance and mileage fees.* Subpenas requiring the attendance of witnesses or the production of documentary evidence, or both, may be issued by the designated examiner, upon his own volition or upon written application of the petitioner or his attorney or representative, the examining officer, or the Service. Such written application shall specify, as nearly as may be, the relevance, materiality, and scope of the testimony or documentary evidence sought and show affirmatively that the testimony or documentary evidence cannot otherwise be produced. Subpenas shall be issued on Form I-138 and due record shall be made of their service. The subpena may be served by any person over 18 years of age, not a party to the case, designated to make such service by the district director or officer in charge. Mileage and fees for witnesses subpenaed under this section shall be paid by the party at whose instance the subpena is issued at rates allowed and under conditions prescribed by the naturalization court in which the petition is pending. Before issuing a subpena the designated examiner may require a deposit of an amount adequate to cover the fees and mileage involved. If the witness subpenaed neglects or refuses to testify or produce documentary evidence as directed by the subpena, the district director or the officer in charge shall request the United States Attorney for the proper district to report such neglect or refusal to any court exercising naturalization jurisdiction and to file a motion in such court for an order directing the witness to appear and testify and to produce the documentary evidence described in the subpena.

(f) *Briefs.* At the conclusion of the preliminary examination the petitioner or his attorney or representative, and the examining officer if one was assigned, may submit briefs in support of arguments made or issues raised at the examination.

(g) *Representation by attorney or representative; absence of representative; advice to petitioner.* The petitioner may be represented by an attorney or a representative who has, where required, been admitted to practice before the Service in accordance with Part 292 of this chapter. If at any stage of the preliminary examination it appears to the designated examiner that he may recommend denial of the petition, or granting thereof with the facts to be presented to the court, he shall advise the petitioner of his right to be represented by an attorney or representative. A continuance of the examination shall be granted upon the petitioner's motion for the purpose of obtaining an attorney of representative. The petitioner's attorney or a representative shall be permitted to be present at all times during the preliminary examination or at any subsequent examinations and the petitioner shall not in any such examination or subsequent examinations be interrogated in the absence of his attorney or representative, unless the petitioner waives such appearance. The attorney or a representative shall be permitted to offer evidence to meet any evidence presented or adduced by the Government or the designated examiner. A petitioner who is not represented by an attorney or a representative shall be entitled to all the benefits and the privileges provided for in this section.

(h) *Designation of Service employees to conduct preliminary examinations.* All employees of the Service who have been designated to conduct preliminary examinations upon petitions for naturalization to any naturalization court and to make findings and recommendations thereon to such courts under the provisions of section 333 of the Nationality Act of 1940, as amended, and whose designations are still in force on December 24, 1952, are hereby designated under the provisions of section 335 of the Immigration and Nationality Act to conduct preliminary examinations upon petitions for naturalization to any naturalization court and to make findings and recommendations thereon to such courts. Designations under this paragraph and under paragraph (b) of this section shall remain in force until revoked.

§ 335.12 *Recommendations of the designated examiner and the Commissioner; notice.* The designated examiner shall, as soon as practicable after conclusion of the preliminary examination, prepare an appropriate recommendation thereon for the court. If the designated examiner is of the opinion (a) that the petition should be denied, or (b) that the petition should be granted but the facts should be presented to the court, he shall prepare a memorandum containing a summary of the evidence adduced at the examination, findings of fact and conclusions of law, and his recommendation as to the final disposition of the petition by the court, and shall before final hearing, in those cases designated by the Commissioner, submit the memorandum to him for his views and recommendation. No evidence dehors the record or evidence that would not be admissible in judicial proceedings under recognized rules of evidence shall be considered in the preparation of the memorandum. The Commissioner shall return the designated examiner's memorandum, the record, and any memorandum prepared by the Commissioner containing his own views and recommendation for presentation to the court.

§ 335.13 *Notice of recommendation of designated examiner*—(a) *Recommendation that petition be denied.* When the designated examiner proposes to recommend denial of the petition, the petitioner or his attorney or representative shall be notified thereof, on Form N–425, and furnished a copy of the designated examiner's memorandum. The notice shall be sent by registered mail, with return receipt requested, after any review made by the Commissioner and at least thirty days prior to final hearing. The petitioner shall inform the Service in writing within thirty days from the date of the notice whether he desires a hearing before the court.

(b) *Recommendation that petition be granted.* When the designated examiner proposes to recommend granting of the petition and to present the facts and issues to the court, the petitioner or his attorney or representative shall be notified of the recommendation and furnished a copy of the designated examiners' memorandum prior to the date of the hearing, and after any review made by the Commissioner.

(c) *Disagreement between recommendations of designated examiner and Commissioner.* In those cases reviewed by the Commissioner in which his views and recommendation do not agree with those of the designated examiner, the notice required by paragraphs (a) and (b) of this section shall also advise the petitioner of the recommendation of the Commissioner and that both recommendations will be presented to the court. There shall also be enclosed with such notice a copy of the Commissioner's memorandum.

PART 335a—TRANSFER, WITHDRAWAL OR FAILURE TO PROSECUTE PETITION FOR NATURALIZATION

§ 335a.11 *Transfer of petition; procedure.* See § 334.17 of this chapter.

§ 335a.12 *Withdrawal of or failure to prosecute petition; procedure.* See § 334.18 of this chapter.

PART 335b—PROOF OF QUALIFICATIONS FOR NATURALIZATION: WITNESSES: DEPOSITIONS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
335b.1 Proof of residence and other qualifications.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
335b.11 Substitution of witnesses; procedure.
335b.12 Depositions; procedure.

AUTHORITY: §§ 335b.1 to 335b.11 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 307, 54 Stat. 1142, secs. 287, 316, 332, 335, 336, 405, 66 Stat. 233, 242, 252, 255, 257, 258.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 335b.1 *Proof of residence and other qualifications.*—(a) *Whenever State residence is required.* At the preliminary examination upon the petition for naturalization before a designated examiner, or if no preliminary examination is held, at the final hearing before the court, residence in the State in which the petitioner resides at the time of filing the petition, for at least six months immediately preceding the date of filing the petition and the other qualifications required by section 316 (a) of the Immigration and Nationality Act during such residence, shall be proved only by the oral testimony of two credible witnesses, citizens of the United States. Residence and other qualifications required by section 316 (a) of the Immigration and Nationality Act for the period prior to such six-month period shall be proved either by depositions taken in accordance with § 335b.12 or by the oral testimony of at least two credible witnesses, citizens of the United States. If oral testimony is taken from witnesses who did not verify the petition, affidavits on Form N–451 shall be executed by such other witnesses, in duplicate, before the clerk of the court

or the designated examiner, one copy of which shall be attached to the original petition and the other to the duplicate petition.

(b) *Whenever State residence is not required.* In any case in which State residence is not required to be established, the petitioner shall, at the preliminary examination before the designated examiner, or if no preliminary examination is held, at the final hearing before the court, prove his residence within the United States and the other qualifications required by section 316 (a) of the Immigration and Nationality Act, for such period as they have known the petitioner, by the oral testimony of two credible witnesses, citizens of the United States. That portion of the time during which the petitioner is required to establish residence within the United States and the other qualifications required by section 316 (a) of the Immigration and Nationality Act, which is not covered by the oral testimony of such witnesses, shall be proved either by depositions taken in accordance with § 335b.12, or by the oral testimony of at least two credible witnesses, citizens of the United States. If oral testimony is taken from witnesses who did not verify the petition, affidavits on Form N-451 shall be executed by them and filed in the manner described in paragraph (a) of this section.

(c) *Whenever petitioner is absent from the United States.* A petitioner who has been granted the benefits of section 316 (b) of the Immigration and Nationality Act or section 307 (b) of the Nationality Act of 1940 to cover his absence from the United States for the purposes specified in that section shall not be required to establish his qualifications under section 316 (a) of the Immigration and Nationality Act for the period of his absences by the testimony of witnesses, as required by this part. The qualifications during such period may be established by any evidence satisfactory to the naturalization court.

(d) *Witnesses excused from final hearing.* If the testimony of the witnesses is heard at a preliminary examination under Part 335 of this chapter the witnesses may be excused by the designated examiner from appearance before the court at the final hearing, unless the petitioner otherwise demands or the court otherwise requires.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 335b.11 *Substitution of witnesses; procedure.* If the witnesses who verified the petition have not been excused from appearance at the final hearing and the petitioner is unable to produce such witnesses, other witnesses may be presented in their stead, upon notice given by the petitioner on Form N-450 to the district director or officer in charge, within a reasonable time in advance of the date set for final hearing. If any of the verifying witnesses appear to be incompetent and the petitioner has acted in good faith in producing such witnesses, other witnesses may be substituted upon notice on Form N-450 given in the manner described in this section. In no case shall a final hearing be held until after the substitute witnesses have been examined by the representative of the Service and an affidavit on Form N-451 has been executed in duplicate by the witnesses before such representative or the clerk of the court in the manner described in § 335b.1 (a).

§ 335b.12 *Depositions; procedure*—(a) *In the United States.* Depositions may be used to prove compliance with the requirements for naturalization during any period except the minimum period of State residence. A request to take depositions shall be made by the petitioner on Form N-460. Such depositions shall be taken only upon written interrogatories on Form N-462. Except as otherwise provided in this section they shall be made in the United States before an employee of the Service authorized to administer oaths and take depositions under Part 332d of this chapter, unless there is a likelihood of unusual delay or hardship, in which case the district director or officer in charge may authorize such depositions to be taken before a postmaster, without charge, or before a notary public or other person authorized to administer oaths for general purposes, and the authorization to take such depositions shall be filed in the naturalization court with the depositions. In cases in which the depositions are taken other than before an employee of the Service or a postmaster, the alien shall be informed of the name and title of the officer designated to take the depositions and the petitioner shall arrange with him independently of the Service to defray all costs and expenses incident thereto. When depositions are taken by the Service, the time and place shall be fixed so as to be as convenient as possible to all concerned, consistent with good administration. The petitioner or his attorney or representative may be present when the depositions are taken. Depositions taken under this section shall be sent to the officer in charge having administrative supervision over the territory in which the petition is pending and by him forwarded to the clerk of the naturalization court prior to the final hearing, for filing with the petition.

(b) *Outside the United States.* Petitioners for naturalization who, under sections of the Immigration and Nationality Act applicable to their cases, are exempt from the usual requirement of residence and physical presence in the United States, but who are required to establish good moral character, attachment to the principles of the Constitution, and favorable disposition to the good order and happiness of the United States for the period applicable to their cases, and who were absent from or were not residents of the United States during such period, may establish their qualifications during the periods of absence by depositions taken outside the United States in the manner described in paragraph (a) of this section. Such depositions shall be taken before any employee of the United States designated for that purpose by the Commissioner. The petitioner shall be informed that he will be required to defray all costs and expenses of the person taking the depositions, as may be authorized by law and that the petitioner shall arrange with the deponents for the payment of such costs and expenses independently of the Service.

PART 335c—INVESTIGATIONS OF PETITIONERS FOR NATURALIZATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
335c.1 Investigations; authority to waive.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

SUBPART A—SUBSTANTIVE PROVISIONS

§ 335c.1 *Investigations; authority to waive.* The authority to waive personal investigations of petitioners for naturalization under the provisions of section 335 (a) of the Immigration and Nationality Act may be exercised by district directors.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 316, 319, 322, 323, 328, 332, 335, 66 Stat. 242, 244, 246, 249, 252, 255)

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
336.11 Notice to Service; personal representation of Government at naturalization proceedings.
336.12 Written report in lieu of personal representation.
336.13 Preparation of lists and orders of court for presentation at final hearing.
336.14 Presentation of designated examiner's and Commissioner's recommendation at final hearing.
336.15 Final hearing; sickness or disability of petitioner; investigation.
336.16 Final hearing; waiver of 30 day period.
336.17 Substitution of witnesses; procedure.

AUTHORITY: §§ 336.11 to 336.17 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 335, 336, 337, 66 Stat. 252, 255, 257, 258.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 336.11 *Notice to Service; personal representation of Government at naturalization proceedings.* At least thirty days prior to the holding of any naturalization proceedings referred to in section 336 (d) of the Immigration and Nationality Act, the clerk of the naturalization court shall give written notice to the appropriate district director or officer in charge of the time, date, and place of such proceedings. Such notice may be waived by the district director or officer in charge. Final naturalization hearings or other naturalization proceedings shall, whenever practicable, be attended personally by naturalization examiners or other members of the Service, who shall present to the court the views and recommendations of the designated examiner and the Commissioner, as appropriate. In those cases in which the recommendation of the Commissioner does not agree with that of the designated examiner, a member of the Service other than the person who conducted the preliminary examination shall, whenever practicable, represent the Service before the court. Such representative may cross-examine the petitioner and his witnesses and may call other witnesses and produce evidence concerning any matter affecting the petitioner's eligibility for naturalization. In cases in which it appears to be necessary, the representative in attendance at the proceedings, shall have a stenographic report made of the testimony given in the proceedings.

§ 336.12 *Written report in lieu of personal representation.* In any case in which a preliminary interrogation or preliminary examination has been conducted pursuant to Part 332 or Part 335 of this chapter, and it is impracticable thereafter for a representative of the Service to be present at the final naturalization hearing, written notice of that fact shall be given by the Service to the court. The petitions set down for hearing shall be listed on the appropriate form prescribed by § 336.13. The grounds for objection, if any, shall be supported by the memoranda required by §§ 335.12 and 332.14 of this chapter. If continuance of the petition is desired, the basis therefor shall be set forth. The forms and memoranda shall be transmitted to the clerk of court, who shall submit the appropriate lists and orders to the court, in accordance with the procedure described in § 336.13.

§ 336.13 *Preparation of lists and orders of court for presentation at final hearing.* (a) At or prior to the final naturalization hearing the representative attending the hearing shall submit to the court lists and orders of court, in duplicate, on Forms N-480, N-480A, N-481, N-485, N-490, or N-492, as appropriate, for petitions recommended to be granted; on Form N-483 for petitions recommended to be continued; and on Forms N-484, N-484A, N-486, N-491, or N-493, as appropriate, for petitions recommended to be denied. The Commissioner's list on Form N-492 or Form N-493, as appropriate, shall be signed by the district director. After the final hearing, and after any required amendments therein have been made, the presiding judge shall sign the orders of court.

(b) In any case in which a petitioner is not permitted to take the oath of allegiance until a fixed date following a general election, the order of court granting the petition shall be amended by striking therefrom the words "and each having taken the oath of allegiance required by the naturalization laws and regulations" and inserting immediately following the word "America" the words "as of the date of and upon the taking of the oath of allegiance required by the naturalization laws and regulations at a date subsequent to ---- 19----." Following the taking of the oath of allegiance after a general election, pursuant to such amended order, the clerk of court shall prepare a list, in duplicate, on Form N-489, certifying that such oath was taken.

(c) When the court waives the taking of the oath of allegiance in the case of a child, the order of court granting the petition shall be amended by striking therefrom the words "each having taken" and inserting immediately following the word "regulations", a comma and the words "having been waived."

(d) The originals of all court orders and lists specified herein shall be filed permanently in the court, and the duplicates forwarded by the clerk of court to the appropriate field office of the Service for retention by such office. The same disposition shall be made of any list presented to, but not approved by, the court.

§ 336.14 *Presentation of designated examiner's and Commissioner's recommendation at final hearing.* At the final hearing or prior thereto, in addition to the lists prepared under § 336.13, there shall be presented to the court and made a part of the record in the case, the memoranda of the designated examiner and the Commissioner, prepared pursuant to provisions of Part 332 or Part 335 of this chapter.

§ 336.15 *Final hearing: sickness or disability of petitioner; investigation.* Whenever it appears that a petitioner for naturalization may be unable, because of sickness or other disability, to appear in open court for final hearing upon his petition for naturalization, the district director or officer in charge shall cause an investigation to be conducted to determine the circumstances and shall report the condition of the petitioner to the clerk of court for the purpose of aiding the court to determine whether another place for the final hearing shall be designated. The report shall show whether the sickness or other disability is of a nature which so incapacitates the person as to prevent him from appearing in open court.

§ 336.16 *Final hearing; waiver of 30-day period.* A petitioner for naturalization may request the district director or officer in charge, in writing, to waive the thirty-day period following the filing of the petition referred to in section 336 (c) of the Immigration and Nationality Act. Such request may be made at any time after an application to file a petition for naturalization has been filed with the service. The district director or officer in charge shall cause a full and complete investigation to be conducted and if such investigation satisfactorily establishes that such waiver will be in the public interest and will promote the security of the United States, he may, in his discretion, grant the waiver. Notice of granting of the waiver shall be given to the clerk of court in writing.

§ 336.17 *Substitution of witnesses; procedure.* See § 335b.11 of this chapter.

PART 337—OATH OF ALLEGIANCE

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
337.1 Oath of allegiance.
337.2 Persons naturalized by judicial action; effective date.
337.3 Renunciation of title or order of nobility.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
337.11 Oath of renunciation and allegiance; sickness or disability of petitioner.

AUTHORITY: §§ 337.1 to 337.11 issued under sec. 103, 66 Stat. 173. Interpret or applies secs. 322, 323, 332, 337, 66 Stat. 246, 252, 258.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 337.1 *Oath of allegiance*—(a) *Form of oath.* Except as otherwise provided in the Immigration and Nationality Act, a petitioner or applicant for naturalization shall, before being admitted to citizenship, take in open court the following oath of allegiance:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; or that I will perform noncombatant service in the armed forces of the United States when required by the law; or that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God. In acknowledgement whereof I have hereunto affixed by signature.

(b) *Alteration of form of oath.* In those cases in which a petitioner or applicant for naturalization is exempt from taking the oath prescribed in paragraph (a) of this section in its entirety, the inapplicable clauses shall be deleted and the oath shall be taken in such altered form.

(c) *Obligations of oath.* A petitioner or applicant for naturalization shall, before being naturalized, establish that it is his intention, in good faith, to assume and discharge the obligations of the oath of allegiance, and that his attitude toward the Constitution and laws of the United States renders him capable of fulfilling the obligations of such oath.

§ 337.2 *Persons naturalized by judicial action; effective date.* Any person who was or shall hereafter be admitted to citizenship by the written order of a naturalization court, shall be deemed to be a citizen of the United States as of the date of taking the prescribed oath of allegiance. Whenever a waiver of such oath is granted by the court in the case of a child naturalized under section 322 or 323 of the Immigration and Nationality Act, the child shall become a citizen of the United States as of the date of such waiver.

§ 337.3 *Renunciation of title or order of nobility.* A petitioner for naturalization who has borne any hereditary title or has been of any of the orders of nobility in any foreign state, shall, in addition to taking the oath of allegiance prescribed by § 337.1, make under oath in open court an express renunciation of

such title or order of nobility, in the following form:

I further renounce the title of_____ (give title or _____ which I have heretofore held; or titles)

I further renounce the order of nobility _____ to which I (Give the order of nobility) have heretofore belonged.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 337.11 *Oath of renunciation and allegiance; sickness or disability of petitioner.* Whenever it appears that a petitioner for naturalization may be unable because of sickness or other disability to take the oath of allegiance in open court, the district director or officer in charge shall cause an investigation to be conducted to determine the circumstances, and shall report the condition of the petitioner to the naturalization court for the purpose of aiding the court to determine whether the oath may be taken at another place. The report shall show whether the sickness or other disability is of a nature which so incapacitates the person as to prevent him from appearing in open court.

PART 338—CERTIFICATE OF NATURALIZATION

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
338.11 Execution and issuance.
338.12 Endorsement in case name is changed.
338.13 Spoiled certificates.
338.14 Delivery of certificates; surrender of alien registration receipt card.
338.15 Signing of certificate.
338.16 Correction of certificates.

AUTHORITY: §§ 338.11 to 338.16 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 322, 323, 332, 333, 336, 338, 339, 66 Stat. 246, 252, 253, 258, 259.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 338.11 *Execution and issuance.* When a petitioner for naturalization has duly taken and subscribed to the oath of allegiance and a final order admitting petitioner to citizenship has been duly signed by the court, a certificate of naturalization shall be issued by the clerk of the court on Form N–550, in duplicate. The certificates and the stub of the original thereof shall be signed by the petitioner. The certificate shall show under "former nationality" the name of the country of which the petitioner was last a citizen, as shown in the petition, even though petitioner may have been stateless at the time of admission to citizenship. The clerk or a deputy clerk shall sign the certificate in his own handwriting and enter on the stub thereof all the essential facts set forth in the certificate. Both copies of the certificate, including the stubs, shall be prepared in one operation on a typewriter with the use of carbon paper. Photographs shall be affixed to the original and duplicate certificates in the manner provided by Part 333 of this chapter. The stub of the original shall be removed and retained by the clerk of court and filed in an upright card file, or in a three by five inch card drawer by trimming the stub to that size. The original certificate shall be delivered to the petitioner. The duplicate copies of the certificates shall not be separated from their stubs and shall be forwarded to the appropriate office of the Immigration and Naturalization Service with all other duplicate papers in accordance with Part 339 of this chapter.

§ 338.12 *Endorsement in case name is changed.* Whenever the name of a petitioner has been changed by order of court as a part of a naturalization, the clerk of court shall make, date, and sign the following endorsement on the reverse side of the original and duplicate of the certificate of naturalization: "Name changed by decree of court from _____, as a part of the naturalization," inserting in full the original name of the petitioner. A similar notation shall be made on the stubs of the original and duplicate certificate. The certificate of naturalization shall be issued and the stub of the original thereof signed by the petitioner in the name as changed.

§ 338.13 *Spoiled certification.* Whenever a certificate of naturalization is damaged, mutilated, defaced or otherwise spoiled before delivery by the clerk, the original and duplicate, with stubs intact, shall be marked "Spoiled" and transmitted to the appropriate immigration and naturalization office, in the manner described in § 339.2 of this chapter, with the monthly report of the clerk on Form N–4.

§ 338.14 *Delivery of certificates; surrender of alien registration receipt card.* No certificate of naturalization shall be delivered by the clerk of court unless and until the naturalized person has surrendered his Alien Registration Receipt Card, unless the district director or officer in charge authorizes delivery without the card. The number of the card shall be endorsed by the clerk on the stubs of the original and duplicate certificate. The clerk shall forward the receipt card to the appropriate immigration and naturalization office with the duplicate certificate in accordance with § 339.2 of this chapter.

§ 338.15 *Signing of certificate.* If a child, who has been admitted to citizenship under section 322 or section 323 of the Immigration and Nationality Act is unable to sign his name, the certificate of naturalization shall be signed by the petitioning parent or parents, whether natural or adoptive, as may be appropriate, and the signature shall read "(insert name of petitioning parent or parents) in behalf of (insert name of naturalized child)." A naturalized person whose petition was signed by him in a foreign language may sign his certificate of naturalization in the same manner.

§ 338.16 *Correction of certificates.* Whenever a certificate of naturalization has been delivered which does not conform to the facts shown on the petition for naturalization, or a clerical error was made in preparing the certificate, an application on Form N–458 may be made by the naturalized person to the district director exercising jurisdiction over the place in which the court is located to authorize the correction of the certificate. If the district director finds that a correction is justified and can be made without mutilating the certificate, he shall authorize the clerk of the issuing court on Form N–459, in duplicate, to make the necessary correction and to place a dated endorsement on the reverse of the certificate, over his signature and the seal of the court, explaining the correction. The authorization shall be filed with naturalization record, the corrected certificate returned to the naturalized person and the duplicate Form N–459 shall be endorsed to show the date and nature of the correction and endorsement made, and returned to the district director. No fee shall be charged the naturalized person for the correction. The district director shall forward such duplicate to the Central Office. When a correction would or does result in mutilation of the certificate, the district director may authorize the clerk of court on Form N–459, in duplicate, with the consent of the naturalized person, to issue without fee a new certificate from his supply, upon surrender of the incorrect certificate and submission of photographs. The surrendered certificate shall be marked "Spoiled" and transmitted to the district director with the duplicate copy of the new certificate and the duplicate Form N–459 appropriately endorsed, with the monthly report of the clerk on Form N–4. The original of the new certificate shall be delivered to the naturalized person. Objection shall be made by the Service to any application to the court for the alteration of a certificate of naturalization which would cause it to vary from the record on which the naturalization was granted.

PART 339—FUNCTIONS AND DUTIES OF CLERKS OF NATURALIZATION COURTS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
339.1 Administration of oath to declarations of intention and petitions for naturalization.
339.2 Monthly reports.
339.3 Relinquishment of naturalization jurisdiction.
339.4 Binding of naturalization records.
339.5 Numbering and indexing and filing of petitions for naturalization and declarations of intention.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 339.1 to 339.5 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 339, 344, 66 Stat. 252, 259, 265.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 339.1 *Administration of oath to declarations of intention and petitions for naturalization.* It shall be the duty of every clerk of a naturalization court to administer the required oath to each applicant for a declaration of intention. The clerk shall receive and file petitions and administer the required oaths to each petitioner and the witnesses to each petition, unless such petitioner and witnesses have executed the petition before a designated examiner.

§ 339.2 *Monthly reports.* Clerks of court shall on the first day of each month submit to the district director, or officer in charge, having administrative jurisdiction over the place in which the court is located, a report on Form N–4, in duplicate, listing all declarations of intention and petitions for naturalization filed and all certificates of naturalization issued or spoiled during the preceding month, in accordance with the instructions contained in Form N–4. When at any time during the month the aggregate number of petitions and declarations filed reaches 100 the clerk shall on request of the district director or officer in charge forthwith forward such reports in accordance with the provisions of this section. The report shall be accompanied by all duplicate copies of declarations of intention and applications therefor on Forms N–300; by all duplicates of petitions for naturalization not theretofore delivered to a representative of the Service, and all duplicates of certificates of naturalization with stubs intact and surrendered alien registration receipt cards attached thereto. The clerk of court shall show opposite the number of each petition in which the petitioner is exempt from payment of a naturalization fee under section 344 (h) of the Immigration and Nationality Act the letter "M". Opposite the name of each such case and at the bottom of the petition, the notation "No fee" shall be inserted. Void petitions shall be listed separately on Form N–4 and on Form N–7 and so indicated on such forms.

§ 339.3 *Relinquishment of naturalization jurisdiction.* Whenever a court relinquishes naturalization jurisdiction, the clerk of court shall, within ten days following the date of relinquishment, furnish the district director or officer in charge having administrative jurisdiction over the place in which the court is located, a certified copy of the order of court relinquishing jurisdiction. A representative of the Service shall thereafter examine the naturalization records in the office of the clerk of court and shall bind and lock them. The clerk of court shall return all unused forms and blank certificates of naturalization to the district director or officer in charge with his monthly report on Form N–4.

§ 339.4 *Binding of naturalization records.* Whenever a volume of petitions for naturalization, applications to take the oath of allegiance, declarations of intention, orders of court, or other documents affecting or relating to the naturalization of persons is completed, it shall be bound and locked in the office of the clerk of court by a representative of the Service. It shall be the duty of the clerk of court to notify the district director or officer in charge as soon as a volume is ready for binding and locking and to request such officer to arrange to have the volume bound and locked.

§ 339.5 *Numbering and indexing and filing of petitions for naturalization and declarations of intention.* See §§ 334.3 and 334a.16 of this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 340—REVOCATION OF NATURALIZATION

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
340.11 Investigation and report.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 340.11 *Investigation and report.* Whenever it appears that any grant of naturalization may have been procured by concealment of a material fact or by wilful misrepresentation, the facts shall be reported to the district director having jurisdiction over the naturalized person's last known place of residence. If the district director is satisfied that a prima facie showing has been made that grounds for revocation exist, he shall cause an investigation to be made and report the facts in writing to the Commissioner with a recommendation as to whether revocation proceedings should be instituted. If it appears that naturalization was procured in violation of section 1425 of Title 18 of the United States Code, the facts in regard thereto may be presented by the district director to the appropriate United States Attorney for possible criminal prosecution.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 332, 340, 66 Stat. 252, 260)

PART 341—CERTIFICATE OF CITIZENSHIP UNDER SECTION 341 OF THE IMMIGRATION AND NATIONALITY ACT

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
341.1 Persons eligible.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

341.11 Application and fee.
341.12 Supporting documents and copies.
341.13 Notice and examination of applicant and witnesses.
341.14 Burden of proof; benefit of Service records.
341.15 Report and recommendation.
341.16 Final disposition.
341.17 Attorneys.

AUTHORITY: §§ 341.1 to 341.17 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 333, 337, 341, 344, 66 Stat. 252, 254, 258, 263, 264.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 341.1 *Persons eligible.* A person who claims to have derived United States citizenship through the naturalization of a parent or parents or through the naturalization or citizenship of a husband, or who claims to be a citizen at birth outside the United States under the provisions of any of the statutes or acts specified in section 341 of the Immigration and Nationality Act, may apply for a certificate of citizenship.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 341.11 *Application and fee.* Application for a certificate of citizenship under this part shall be submitted to the Service on Form N–600, in accordance with the instructions contained therein. The application shall be signed by the applicant, or in the case of a child under the age of eighteen years by his parent or guardian, but shall not be subscribed or sworn to or affirmed until the applicant appears before an officer of the Service for examination. The application shall be accompanied by the statutory fee of $5.

§ 341.12 *Supporting documents and copies.* The originals of such documentary evidence, or pertinent excerpts therefrom if the documents are lengthy or bulky, as the applicant may have or be able to obtain relating to the date and place of his birth, the date and place of the marriage of his parents, the date and place of marriage of the applicant if the applicant be a woman, the identity of any person involved, or any other documents tending to establish the claimed citizenship, shall be submitted with the application. The applicant shall not be required to furnish a translation of any such documents written in a foreign language. If the applicant desires any such documents returned to him after final action has been taken in his case, the application shall be accompanied also by photostatic, photographic, or typewritten copies of such documents, except that no copy may be made of any original or copy of a declaration of intention or certificate of naturalization or citizenship or any part thereof. If the applicant has made reasonable effort to obtain official copies of public or church records of such documentary evidence without success on cannot obtain such copies without undue hardship, other evidence may be submitted.

§ 341.13 *Notice and examination of applicant and witnesses.* The applicant shall be notified when and where to appear in person before an officer of the Service for examination upon the application and shall be requested to produce witnesses in support of his application. The examining officer shall orally review the application with the applicant, or in the case of a child under the age of eighteen years, with its parent or parents, or guardian, before administering the oath to the applicant. Any necessary changes in the application shall be consecutively numbered and acknowledged in writing by the applicant or the parent or guardian. The applicant and the person or persons through whom applicant claims to have derived or acquired citizenship shall then be carefully questioned under oath concerning the identity and relationship of the applicant to the person or persons through whom citizenship is claimed to ascertain whether the applicant or such person or persons ever lost such citizenship, the applicant's immigration status, if pertinent, and any other matter touching upon the applicant's eligibility for a certificate of citizenship. If the person or persons through whom the applicant

claims citizenship are deceased or otherwise not available, the testimony customarily required of such person or persons shall be furnished by qualified witnesses. If the sworn application form, supporting documentary evidence, records of the Service, the testimony of the person or persons through whom citizenship is claimed, and the testimony of the applicant, or the parent or guardian if the applicant is a child under the age of eighteen years, establish applicant's claim to citizenship, no other witnesses shall be required. Otherwise, such number of credible witnesses, preferably citizens of the United States, as may be deemed necessary, shall be questioned under oath by the examiner concerning the facts of the applicant's citizenship. The testimony heard shall not be reduced to writing in verbatim form except in cases in which neither primary nor secondary documentary evidence is available to establish an essential fact concerning applicant's citizenship, and except in cases in which it appears that criminal proceedings might be instituted as a result of false testimony.

§ 341.14 *Burden of proof; benefit of Service records.* The burden of proof to establish his citizenship and eligibility for the certificate shall at all times be upon the applicant. In presenting his proof, the applicant shall be entitled to the benefit of any pertinent records pertinent to the issue concerning him which are in the custody of the Service and which are not regarded by the Commissioner as confidential. Copies thereof, or information from such records, may be made available to the officer of the Service passing upon the application, without payment of fee by the applicant.

§ 341.15 *Report and recommendation.* Upon completion of the examination, the examining officer shall prepare a report of his findings on Form N-635 as to each of the essential facts to be established in the proceedings, together with his recommendation and any comment he deems necessary. If any issue of law or fact is raised by the evidence, or if denial of the application is recommended, the examining officer shall summarize the evidence, the issues involved, and the reasons for denial, in a separate report to accompany Form N-635. If a recommendation to grant the application is based principally on documentary evidence, that fact shall be stated; if not, a brief statement of the facts and circumstances in evidence considered sufficient to justify the action recommended shall be made. The recommendation of the examining officer and the record shall then be forwarded to the district director for decision.

§ 341.16 *Final disposition*—(a) *Issuance of certificate.* If the district director grants the application he shall issue the certificate on Form N-560, in duplicate. If the applicant has assumed, or is known by, a name other than his true name, but has not changed his name in accordance with the law of the jurisdiction where he assumed it the certificate of citizenship, shall be issued in the applicant's true name followed by the words "also known as" followed by the assumed name, but in such case the applicant shall be required to sign only his true name on the certificate and on the photographs submitted with his application. The certificate shall be signed by the applicant unless he is a child unable to sign his name, in which case the certificate shall be signed by the parent or guardian, and the signature shall read "(Insert name of parent or guardian) in behalf of (insert name of child)." The applicant shall, unless he is too young to understand the meaning thereof, take and subscribe to, before a member of the Service, the oath of renunciation and allegiance prescribed by Part 337 of this chapter. Thereafter personal delivery of the original of the certificate shall be made to the applicant, or to his parent or guardian, who shall sign a receipt therefor.

(b) *Applications denied.* If the district director denies the application, the applicant shall be notified in writing as promptly as possible of such denial with the reasons therefor and, at the same time, shall be advised that he has ten days from the date of receipt of notification in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter.

(c) *Review by Assistant Commissioner, Inspections and Examinations Division.* Upon review of a record received under this section, the Assistant Commissioner, Inspections and Examinations Division, shall enter an order granting or denying the application, which order shall be final. The Assistant Commissioner's decision shall be sent to the district office of origin with the return of the file relating to the applicant. If the application is granted by the Assistant Commissioner, the district director shall issue the certificate in the manner described in paragraph (a) of this section. The district director shall advise the applicant in writing of the Assistant Commissioner's decision.

§ 341.17 *Attorneys.* Attorneys and other persons qualified to practice before the Service who represent applicants for certificates of citizenship under section 341 of the Immigration and Nationality Act, shall be permitted, upon completion of the application and examination of the applicant and his witnesses, to submit briefs and to review the record, either before it is forwarded to the district director or thereafter and prior to final decision. When final decision is made in a case, the attorney or other person representing the applicant shall be notified.

PART 341a—CERTIFICATE OF CITIZENSHIP—HAWAIIAN ISLANDS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
341a.1 Persons eligible.
341a.2 Certificate of Citizenship—Hawaiian Islands; effect of.
341a.3 Certificate of Citizenship—Hawaiian Islands; improper use.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

341a.11 Application; fee.
341a.12 Notice; examination.
341a.13 Report and recommendation.
341a.14 Disposition of application.
341a.21 Certificate lost, mutilated or destroyed.

AUTHORITY: §§ 341a.1 to 341a.21 issued under sec. 103, 66 Stat. 173. Interpret or apply Title V, 65 Stat. 290, secs. 332, 333, 343, 66 Stat. 252, 253, 264; 8 U. S. C. 140.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 341a.1 *Persons eligible.* A citizen of the United States who is a bona fide resident of Hawaii, who intends to depart temporarily from that territory, and who desires to establish his United States citizenship for the purpose of facilitating his readmission to the United States, may apply for a "Certificate of Citizenship—Hawaiian Islands." The burden of proof to establish his eligibility for the certificate shall be upon the applicant.

§ 341a.2 *Certificate of Citizenship—Hawaiian Islands; effect of.* Certificates of Citizenship—Hawaiian Islands, issued pursuant to this part may be presented to an immigration officer at any port of entry, as evidence to prove United States citizenship. The certificate shall not be required to be surrendered to the immigration officer, but may be retained by the proper holder thereof.

§ 341a.3 *Certificate of Citizenship—Hawaiian Islands; improper use.* Whenever it is ascertained that a Certificate of Citizenship—Hawaiian Islands is in the possession of a person to whom it was not issued, the certificate shall be taken up and forwarded with a report of the circumstances to the district director at Honolulu by the district director having administrative jurisdiction over the place where the certificate was presented. No appeal shall lie from any action taken under this section.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 341a.11 *Application; fee.* Application for the issuance of a "Certificate of Citizenship—Hawaiian Islands" shall be submitted to the office of the Service at Honolulu, T. H., on Form N-108, in accordance with the instructions contained therein. The application shall not be signed or sworn to until the applicant appears before an officer of the Service for examination in accordance with the requirements of § 341a.12. The application shall be accompanied by a fee of $5.00, by three photographs of the applicant as prescribed in Part 333 of this chapter, and by documentary evidence or pertinent excerpts therefrom, as described in § 341.12 of this chapter, tending to establish the applicant's citizenship. Pertinent documents in the custody of the Service shall be made available to the applicant under the conditions described in § 341.14 of this chapter.

§ 341a.12 *Notice; examination.* The applicant shall be required to appear in person before an officer of the Service for examination upon the application. The examining officer shall orally review the application with the applicant, before administering the oath to the applicant. Any necessary changes shall be consecutively numbered and acknowledged in writing by the applicant. The applicant shall then be questioned under oath concerning his citizenship and eligibility for the certificate. If the application, supporting documentary evidence, records of the Service and the testimony of the applicant establish the applicant's eligibility for the certificate, no witnesses shall be required. Otherwise, such number of credible witnesses, preferably citizens of the United States, as may be deemed necessary, shall be questioned under oath concerning the applicant's eligibility for the certificate. If such witnesses are, for good cause shown, unable to appear in person, their affidavits may be accepted in the discretion of the examining officer in lieu of their oral testimony. The testimony of the applicant and witnesses shall not be reduced to writing in verbatim form except when documentary evidence is not available to establish an essential fact concerning the applicant's citizenship, and except in cases in which it appears that criminal proceedings might be instituted as a result of false testimony.

§ 341a.13 *Report and recommendation.* Upon completion of the examination, the examining officer shall prepare a report of his findings on Form N-110 as to each of the essential facts to be established, together with his recommendation and any comment he deems necessary. If any issue of law or fact is raised by the evidence, or if denial of the application is recommended, the examining officer shall summarize the evidence and prepare a report thereon to accompany Form N-110. If a recommendation to grant the application is based principally on evidence other than documentary evidence, a brief statement of the facts and circumstances in evidence considered sufficient to justify such recommendation shall be made. If such recommendation is based principally on documentary evidence that fact shall be stated. The record, supporting documents, and the Form N-110 shall then be forwarded to the district director, Honolulu, T. H., for decision.

§ 341a.14 *Disposition of application*—(a) *Issuance of certificates; delivery.* If the district director is satisfied that the applicant is entitled to receive a certificate of citizenship, he shall so indicate on the Form N-110 and issue the certificate on Form N-109, in duplicate. The original certificate shall be delivered personally to the applicant, and the duplicate filed in the office of the district director at Honolulu, T. H.

(b) *Application denied.* If the district director is not satisfied that the application shall be granted, he shall so indicate on the Form N-110 and deny the application. The applicant shall be notified in writing as promptly as possible of such denial with the reasons therefor and, at the same time shall be advised that he has ten days from the date of receipt of notification in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter.

(c) *Review by Assistant Commissioner, Inspections and Examinations Division.* Upon review of a record received under this section, the Assistant Commissioner, Inspections and Examinations Division, shall enter an order granting or denying the application, which order shall be final. The Assistant Commissioner's decision and the record shall be sent to the district director at Honolulu, T. H., who shall advise the applicant of the decision. If the application is granted by the Assistant Commissioner, the certificate shall be issued by the district director in the manner described in paragraph (a) of this section.

§ 341a.21 *Certificate lost, mutilated or destroyed.* A United States citizen whose Certificate of Citizenship—Hawaiian Islands, has been lost, mutilated or destroyed may apply for a new certificate in lieu thereof. The application shall be made on Form N-565 and submitted to the district director, Honolulu, T. H., in accordance with the instructions contained therein, accompanied by a fee of $5.00. The applicant shall be interrogated, and action upon his application taken in accordance with the provisions of §§ 343a.13 and 343a.14 of this chapter.

PART 343—CERTIFICATE OF NATURALIZATION OR REPATRIATION; PERSONS WHO RESUMED CITIZENSHIP UNDER SECTION 323 OF THE NATIONALITY ACT OF 1940, AS AMENDED, OR SECTION 4 OF THE ACT OF JUNE 29, 1906

SUBPART A—SUBSTANTIVE PROVISIONS
[RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
343.11 Application.
343.12 Issuance of certificate.
343.13 Denial of application.

AUTHORITY: §§ 343.11 to 343.13 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 323, 54 Stat. 1149, secs. 332, 343, 344, 405, 66 Stat. 252, 263, 264, 280; 8 U. S. C. 723.

SUBPART A—SUBSTANTIVE PROVISIONS
[RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 343.11 *Application.* A person who lost citizenship of the United States incidental to service in one of the Allied armies during World War I or II, or by voting in a political election in a country not at war with the United States during World War II, and who was naturalized under the provisions of section 323 of the Nationality Act of 1940, as amended, or a person who, before January 13, 1941, resumed United States citizenship under the twelfth subdivision of section 4 of the act of June 29, 1906, may obtain a certificate evidencing such citizenship by making application therefor on Form N-580, and submitting it to the Service in accordance with the instructions contained therein. The application shall be accompanied by two photographs of the applicant, and the statutory fee of $5.

§ 343.12 *Issuance of certificate.* The field office shall forward the properly executed application with any supporting documents to the district director having jurisdiction over the applicant's place of residence, for decision. The applicant shall be interrogated by an officer of the Service with respect to his eligibility for the certificate, at any time prior to delivery of the certificate. The examining officer shall prepare a report as to the applicant's eligibility to receive the certificate. Every applicant for a certificate of naturalization or repatriation under this part shall be required to satisfy the district director that he has not, since the naturalization or repatriation, become expatriated. If it shall appear to the satisfaction of the district director that the applicant is a citizen, and that he has been naturalized or repatriated as claimed, a certificate of naturalization on Form N-582, in duplicate, or a certificate of repatriation on Form N-581, in duplicate, as appropriate, shall be issued by the district director and forwarded to the field office for delivery of the original to the applicant in person, in the United States only, upon his signed receipt therefor.

§ 343.13 *Denial of application.* If the district director is not satisfied that an application under this part should be granted, he shall deny the application. The applicant shall be notified in writing of such denial with the reasons therefor and, at the same time, shall be advised that he has ten days from the date of receipt of notification in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter. The Assistant Commissioner's decision shall be transmitted to the district director, who shall advise the applicant in writing of the decision and take such action as is required by the decision. If the application is granted by the Assistant Commissioner, the district director shall issue the appropriate document.

PART 343a—NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME; CERTIFIED COPY OF REPATRIATION PROCEEDINGS

SUBPART A—SUBSTANTIVE PROVISIONS
[RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
343a.11 Applications for replacement of or for new naturalization or citizenship paper.
343a.12 Submission of application; fees and documents.
343a.13 Interrogation of applicant.
343a.14 Action upon application.

AUTHORITY: §§ 343a.11 to 343a.14 issued under sec. 103, 66 Stat. 173. Interpret or apply sec. 317, 54 Stat. 1146, secs. 324, 332, 343, 344, 405, 66 Stat. 247, 252, 264, 265, 280.

SUBPART A—SUBSTANTIVE PROVISIONS
[RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 343a.11 *Applications for replacement of or for new naturalization or citizenship paper*—(a) *Lost, mutilated, or destroyed naturalization papers.* A person whose declaration of intention, certificate of naturalization, citizenship, or repatriation, or whose certified copy of proceedings under the act of June 25, 1936, as amended, or under section

words "also known as" followed by the assumed name, but in such case the

341a.12 Notice; examination.
341a.13 Report and recommendation.

consecutively numbered and acknowledged in writing by the applicant. The

Upon review of a record received under plicant shall be interrogated by an officer 1936, as amended, or under section

317 (b) of the Nationality Act of 1940, or under section 324 (c) of the Immigration and Nationality Act, has been lost, mutilated, or destroyed, may apply on Form N–565 for a new paper in lieu thereof.

(b) *New certificate in changed name.* A naturalized citizen whose name has been changed after naturalization by order of court or by marriage, may apply on Form N–565 for a new certificate of naturalization, or of citizenship, in the changed name.

§ 343a.12 *Submission of application; fees and documents.* An application under § 343a.11 shall be submitted to the Service in accordance with the instructions contained therein. Applications under § 343a.11 (a) and (b) shall be accompanied by the statutory fee of $5 (unless the applicant is exempted from the payment of a fee by section 344 (b) (7) of the Immigration and Nationality Act), except that an application for a certified copy of proceedings under the act of June 25, 1936, as amended, shall be accompanied by the statutory fee of $1.50. The applications shall be accompanied by all mutilated naturalization, citizenship or repatriation papers. An application for a new certificate in a changed name shall be accompanied by documentary evidence of such change and the original certificate.

§ 343a.13 *Interrogation of applicant.* The field office shall forward the applications and all supporting documents to the district director having jurisdiction over the applicant's place of residence, for decision. The applicant shall be interrogated by an officer of the Service with respect to his eligibility to receive a new paper at any time prior to delivery of such paper. Every applicant under this part shall satisfy the district director that he has not become expatriated subsequent to the date he claims to have acquired United States citizenship.

§ 343a.14 *Action upon application—* (a) *New certificates issued.* If an application for a new certificate of naturalization, citizenship, or repatriation is approved, the new certificate shall be issued by the district director, in duplicate, and transmitted to the appropriate field office for personal delivery to the applicant, who shall sign a receipt therefor. The new certificate shall be numbered to correspond to the number of the paper which it replaces. Certificates issued to evidence naturalization which occurred prior to September 27, 1906, shall be consecutively numbered, the number in each instance being preceded by the letters "OL". New certificates issued under this part shall be on the following forms: Form N–570 to replace a certificate of naturalization or repatriation, and Form N–561 to replace a certificate of citizenship issued by the Service. When a new certificate of naturalization is issued in a changed name, the district director shall notify the clerk of the naturalization court, on Form N–240, of the action taken.

(b) *New declarations issued.* If an application for a new declaration of intention is approved, the new declaration of intention shall be issued by the district director on Form N–321 or Form N–325, in duplicate, as appropriate, the original delivered to the applicant upon his signed receipt therefor, and the duplicate retained in the declarant's Service file.

(c) *New certified copy of repatriation proceedings issued.* If an application for a new certified copy of the proceedings under the act of June 25, 1936, as amended, or under section 317 (b) of the Nationality Act of 1940, or under section 324 (c) of the Immigration and Nationality Act is approved, there shall be issued by the district director a certified, positive photocopy of the record of the proceedings filed in the Central Office, whether such record be a duplicate of the court proceedings or a copy of the proceedings conducted at an embassy, legation, or consulate. If subsequent to the naturalization or repatriation the applicant's name has been changed by marriage, and if appropriate documentary evidence of such change is submitted with the application, the certification of the positive photocopy shall show both the name in which the proceedings were had and the changed name. The new certified copy shall be transmitted to the appropriate field office for personal delivery to the applicant, who shall sign a receipt therefor.

(d) *Denial of application.* If the district director is not satisfied that an application under this part should be granted, he shall deny the application. The applicant shall be notified in writing of such denial with the reasons therefor and, at the same time, shall be advised that he has ten days from the date of receipt of notification of the decision in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter. The Assistant Commissioner's decision shall be transmitted to the district director, who shall advise the applicant in writing of the decision and take such action as is required by the decision. If the application is granted by the Assistant Commissioner, the district director shall issue the appropriate document.

PART 343b—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
343b.11 Application and fee.
343b.12 Investigation; certificate; disposition.
343b.13 Denial of application.

AUTHORITY: §§ 343b.11 to 343b.13 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 343, 344, 66 Stat. 252, 264.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 343b.11 *Application and fee.* A naturalized citizen who desires to obtain recognition as a citizen of the United States by a foreign state shall submit to the Service an application on Form N–577, in accordance with the instructions contained therein and with the statutory fee of $5.

§ 343b.12 *Investigation; certificate; disposition.* The field office shall forward a properly executed application to the district director for decision. If it shall appear to the satisfaction of the district director that the application should be granted, a special certificate of naturalization on Form N–578 shall be issued by the district director in duplicate, the original of which shall be forwarded to the Secretary of State for transmission to the proper authority of the foreign state. The duplicate shall be retained in the Service file of the naturalized person. The district director shall advise the applicant, on Form N–568, of the action taken. If the applicant is within the United States, an officer of the Service shall interrogate the applicant at any time before the certificate is forwarded to the Secretary of State and shall prepare a report as to the applicant's eligibility for the certificate. If the applicant is outside the United States, the certificate shall be transmitted to the Secretary of State, who shall designate an employee of the Department of State in the foreign country in which the applicant is residing to interrogate the applicant before delivery of the certificate to the proper authority in the foreign state. Every applicant under this part shall satisfy the district director that he has not, since naturalization, lost his United States citizenship.

§ 343b.13 *Denial of application.* If the district director is not satisfied that the application should be granted, he shall deny the application. The applicant shall be notified in writing of such denial with the reasons therefor, and, at the same time, shall be advised that he has ten days from the date of receipt of notification of the decision in which he may appeal to the Assistant Commissioner, Inspections and Examinations Division, in accordance with the provisions of Part 7 of this chapter. The Assistant Commissioner's decision shall be transmitted to the district director, who shall advise the applicant in writing of the decision and take such action as is required by the decision. If the application is granted by the Assistant Commissioner, the district director shall issue the special certificate, as provided in § 343b.12.

PART 343c—CERTIFICATIONS FROM RECORDS

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

Sec.
343c.11 Application for certification of naturalization record of court or certificate of naturalization or citizenship.

SUBPART A—SUBSTANTIVE PROVISIONS [RESERVED]

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 343c.11 *Application for certification of naturalization record of court or certificate of naturalization or citizenship.* Applications for certification of a naturalization record of any court, or of any part thereof, or of any certificate of naturalization, repatriation, or citizenship, under section 343 (e) of the Immigration and Nationality Act for use in complying with any statute, Federal or State, or in any judicial proceeding, shall be made on Form N–585 in accordance with the instructions contained therein and submitted to the Service with a fee as provided in Part 2 of this chapter. If the certification is desired for use in complying with a statute, the date and citation of the statute concerned shall be stated in the application. If it is desired for use in a judicial proceeding, the application shall set forth the title and character of the proceedings and the court in which it is pending. The application shall state the name, title and address of the public official to whom, or the court to which, the certification should be sent.

(Sec. 103, 66 Stat. 173. Interprets or applies secs. 332, 333, 343, 344, 66 Stat. 252, 254, 264)

PART 344—FEES COLLECTED BY CLERKS OF COURT

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
344.1 Division of the year for accounting for naturalization fees.
344.2 Fees in United States courts; remittance.
344.3 Fees in other than United States courts; United States District Courts in Alaska; remittance.
344.4 Fees in the District Courts at the Virgin Islands and Guam; remittance.
344.5 Time for report of and accounting for fees collected.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 344.1 to 344.5 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 344, 66 Stat. 252, 264, 265.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 344.1 *Division of the year for accounting for naturalization fees.* For the purpose of accounting for and reporting naturalization fees quarterly by clerks of courts, the fiscal year shall end on June 30 of any given calendar year and shall be divided as follows: the first quarter shall end September 30; the second quarter ends December 31; the third quarter ends March 31; and the fourth quarter ends June 30.

§ 344.2 *Fees in United States courts; remittance.* All fees collected for declarations of intention and petitions for naturalization by clerks of United States district courts (except in Alaska, and the District Courts of Guam and the Virgin Islands of the United States) shall be forwarded quarterly to the district director having administrative jurisdiction over the place in which the court is located, by a remittance payable to the order of the "Treasurer of the United States."

§ 344.3 *Fees in other than United States courts; United States District Courts in Alaska; remittance.* One-half of all fees collected for declarations of intention and petitions for naturalization by clerks of courts other than United States courts, and one-half of all such fees collected by the clerks of the United States district courts in Alaska, up to $6,000 in any one fiscal year shall be similarly remitted to the district director in the manner provided in § 344.2. Where the collections during the first quarter of any fiscal year equal or exceed $1,500, the clerk shall remit all in excess of $750; and whenever such collections for the first and second quarters equal or exceed $3,000, the clerk shall remit all in excess of $1,500; and whenever the collections for the first three quarters of the fiscal year equal or exceed $4,500, the clerk shall remit all in excess of $2,250; and whenever the total collections for any fiscal year equal or exceed $6,000, the clerk shall remit all fees or moneys so collected in excess of $3,000.

§ 344.4 *Fees in the District Courts at the Virgin Islands and Guam; remittance.* All fees collected for declarations of intention and petitions for naturalization by the clerk of the District Court of the Virgin Islands of the United States shall be paid into the Treasury of Virgin Islands. All such fees collected by the clerk of the District Court of Guam shall be paid into the Treasury of Guam. However, such clerks shall report the fees collected to the district director having administrative jurisdiction over the place in which the court is located, in accordance with § 344.5.

§ 344.5 *Time for report of and accounting for fees collected.* The accounting for naturalization fees collected and the payment of fees turned over to the district director as provided in §§ 344.2, 344.3 and 344.4 shall be made on Form N–7 within thirty days from the close of each quarter of each and every fiscal year.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

PART 344a—COPIES OF AND INFORMATION FROM RECORDS

§ 344a.1 *Copies of and information from records.* See Part 2 of this chapter.

PART 402—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS WHO LOST UNITED STATES CITIZENSHIP BY VOTING IN ITALY

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
402.1 Persons eligible.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

402.11 Procedural requirements.

AUTHORITY: §§ 402.1 and 402.11 issued under sec. 103, 66 Stat. 173. Interpret or apply secs. 332, 402, 66 Stat. 252, 278.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 402.1 *Persons eligible.* A former citizen of the United States of the class described in Public Law 114, 82d Congress, approved August 16, 1951, as amended by section 402 (j) of the Immigration and Nationality Act, shall, before being naturalized, establish that (a) he can truthfully take the oath required by said Public Law that he has done nothing to promote the cause of communism, (b) it is his intention, in good faith, to assume and discharge the obligations of the oath of allegiance, (c) his attitude toward the Constitution and laws of the United States renders him capable of fulfilling the obligations of the oath of allegiance, and (d) he is not, and within the period of ten years immediately preceding the filing of the application to take the oath of allegiance or after such filing and before taking such oath, has not been, within any of the classes of persons described in section 313 of the Immigration and Nationality Act.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 402.11 *Procedural requirements.* A person of the class described in § 402.1 who applies in the United States to take the oath of allegiance shall submit to the Service a preliminary application to take such oath on Form N–442, in accordance with the instructions contained therein. The oath shall be taken prior to August 16, 1953, and may be taken before any naturalization court regardless of the applicant's place of residence. The eligibility of the applicant to take the oath shall be investigated by a member of the Service, who shall make an appropriate recommendation to the naturalization court. The application to the court to take the oath of allegiance shall be on Form N–443, in triplicate, the original of which shall be retained as a part of the court record, and the duplicate and triplicate forwarded by the clerk of court to the district director or officer in charge. The district director or the officer in charge shall retain the duplicate and forward the triplicate to the Department of State. No certificate of naturalization or other evidence of citizenship shall be issued by the clerk of court to any person naturalized under this part. No fee shall be charged by the clerk of court for the filing of Form N–443. The oath of allegiance may be taken before any diplomatic or consular officer of the United States abroad, in accordance with such regulations as may be prescribed by the Secretary of State.

PART 402a—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIENS ENLISTED IN THE UNITED STATES ARMED FORCES UNDER ACT OF JUNE 30, 1950, AS AMENDED BY SECTION 402 (E) OF THE IMMIGRATION AND NATIONALITY ACT

§ 402a.1 *Proof of character, attachment and disposition.* See § 329.2 of this chapter.

§ 402a.11 *Procedural requirements.* See § 329.21 of this chapter.

Subchapter D—Immigration and Naturalization Forms

PART 450—FORMS

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.
450.1 Prescribed forms.
450.2 Forms available from the Superintendent of Documents.
450.3 Reproduction of forms by private parties.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

AUTHORITY: §§ 450.1 to 450.3 issued under sec. 103, 66 Stat. 173.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 450.1 *Prescribed forms.* The following forms are hereby prescribed by the Attorney General for use in compliance with the provisions of this chapter:

Form No.	Title and description
AR-2	Alien Registration Form.
AR-2a	Supplemental Sheet, Alien Registration Form.
AR-4	Fingerprint Card.
AR-11	Alien's Change of Address Card.
Customs 7507	General Declaration.
FS 256a	Immigration Visa and Alien Registration.
FS 257a	Temporary Entry Permit.
FS 257b	Application for Nonimmigrant Visa and Alien Registration.
FS 257c	Application for Nonimmigrant Visa and Alien Registration.
FS 257d	Manifest Record of Alien Admitted for Temporary Stay.
G-24	Certification.
G-27	Application for Admission to Practice Before the Board of Immigration Appeals and the Immigration and Naturalization Service.
G-28	Notice of Entry of Appearance as Attorney or Representative.
G-234	Receipt for Fee.
G-241	Receipt for Fee (general).
G-440	Credential Card.
I-17	Petition for Approval of School.
I-24	Application by Alien Student for Permission to Accept Employment.
I-28	Application to Return an Excluded Alien to Country Whence He Came Pending Decision on Appeal.
I-29	Application of Excluded Alien To Be Returned by Transportation Line to Country Whence Alien Came Pending Decision on Appeal.
I-53	Address Report Card.
I-73	Fingerprint Record Card.
I-79	Notice of Intention To Fine Under Immigration and Nationality Act.
I-90	Application for New Alien Registration Receipt Card in a Changed Name or in Lieu of One Lost, Mutilated, Destroyed or on Form AR-3 or AR-103.
I-94-AR	Alien Registration Supplement.
I-94C	Examination Record.
I-94D	Examination Record (C. O. Record).
I-94D-D	Examination Record (C. O. Statistics).
I-94E	Examination Record (Port Record).
I-94F	Examination Record.
I-95A	Crewman's Landing Permit.
I-95B	Crewman's Landing Permit (C. O. Record).
I-95C	Crewman's Landing Permit (Port Record).
I-100	Alien Laborer's Permit and Identification Card.
I-114	Hospital Designation or Request for Medical Service.
I-122	Notice to Alien Detained for Hearing by Special Inquiry Officer.
I-123	To All Alien Visitors to the United States.
I-124	To All Students Entering the United States.
I-126	Annual Report of Status by Treaty Trader.
I-129	Petition for Classification of Quota Immigrant for Alien Whose Services Are Needed Urgently in the United States.
I-129A	Petition for Classification as Nonquota Immigrant for Minister of a Religious Denomination.
I-129B	Application for Permission to Import Nonimmigrant Aliens.
I-129C	Application for Waiver of Excludability and Ineligibility To Secure Visa Under Section 212 (a) (14) of the Immigration and Nationality Act.
I-131	Application for Permit To Reenter the United States.
I-131A	Instructions for Executing Application for Permit to Reenter the United States.
I-132	Permit to Reenter the United States.
I-132B	Information Concerning Permits to Reenter.
I-132C	Report of Admission with Reentry Permit.
I-133	Petition by United States Citizen for Issuance of Immigrant Visa.
I-133A	Petition by Permanent Resident Alien for Issuance of Immigrant Visa.
I-134	Affidavit of Support (for use in connection with immigration visa).
I-137	To All Alien Treaty Traders or Dependents of Treaty Traders Entering the United States.
I-138	Subpena.
I-141	Medical Certificate.
I-142	Medical Certificate (concerning ability of alien to travel).
I-151	Alien Registration Receipt and Border Crossing Card.
I-186	Nonresident Alien's Border Crossing Identification Card.
I-187	Resident Alien's Border Crossing Identification Card.
I-190	Application for Nonresident Alien's Border Crossing Identification Card.
I-191	Application for Advance Permission to Return to Unrelinquished Domicile.
I-192	Application for Advance Permission to Enter as Nonimmigrant.
I-200	Warrant for Arrest of Alien.
I-200A	Warrant for Arrest of Alien.
I-202	Authorization for Removal.
I-205	Warrant—Deportation of Alien.
I 212	Application for Permission to Reapply for Admission Into the United States After Deportation or Removal.
I-220	Order of Parole.
I-220A	Order of Conditional Parole.
I-220B	Order of Supervision.
I-226	Notice to Alien to Appear for Warrant Hearing.
I-234	Certification as to Alien Becoming a Public Charge.
I-243	Application for Removal.
I-247	Notice of Detainer.
I-248	Letter Transmitting Order of Deportation.
I-256	Application for Voluntary Departure.
I-256A	Application for Suspension of Deportation.
I-259	Notice to Detain, Deport or Remove Aliens.
I-259A	Request by Transportation Line to Assume Responsibility for Removal of Aliens.
I-265	Application for Warrant of Arrest.
I-287A	Particulars Concerning Alien Requiring Special Care and Attention.
I-287B	Record of Land Trip and Delivery at Final Destination.
I-287C	Record of Ocean Voyage.
I-290A	Notice of Appeal (to Board of Immigration Appeals).
I-290B	Notice of Appeal (to Assistant Commissioner).
I-290C	Notice of Certification (to Board of gration Appeals).
I-290D	Notice of Certification (to Assistant Commissioner).
I-290E	Notice to Alien of Decision and Order (Appealable to Board of Immigration Appeals).
I-290F	Notice to Alien of Decision and Order (Appealable to Assistant Commissioner).
I-291	Designation of Special Inquiry Officer.
I-300	Receipt of Officer of the Immigration and Naturalization Service for U. S. Bonds or Notes Accepted as Security.
I-302	Power of Attorney.
I-303	Receipt of Obligor on Return of Bonds or Notes.
I-304	Power of Attorney for Immigration Bond Where Cash Deposited as Security.
I-305	Receipt of Officer of Immigration and Naturalization Service for Cash Accepted as Security on Immigration Bond.
I-306	Receipt of Obligor on Return of Cash Accepted as Security on Immigration Bond.
I-310	Bond for Payment of Sums and Fines Imposed Under Immigration and Nationality Act
I-312	Designation of Attorney in Fact.
I-313	Designation, Coupled With Interest, of Attorney in Fact.
I-315	Bond for Payment of Fines and Sums Imposed on Aircraft Under the Immigration Laws and Regulations (for term or single entry).
I-317	Blanket Bond for Departure of Aliens in Transit or Temporarily Admitted as Visitors for Business or Pleasure.
I-318	Blanket Bond for Departure of Aliens in Continuous Transit Through the United States.
I-318A	Blanket Bond for Departure of Aliens in Continuous Transit Through the United States.
I-320	Bond for Maintenance of Status and Departure of Aliens Admitted for Temporary Services, Labor, or Training.
I-323	Notice of Violation of Conditions of Bond.
I-324	Bond for the Release of an Alien Under Exclusion Proceedings.
I-325	Bond for Maintenance of Status and Departure of Attendants, Servants and Personal Employees of Officials.
I-331	Bond for Alien Admitted for Medical Treatment.
I-332	Bond for Hospital Treatment or Institutional Care of Aliens.
I-333	Notice That Alien Is To Be Charged to Blanket Bond.
I-334	Form letter stating alien is no longer charged against a bond.
I-336	Bond for Alien or Aliens in Transit.
I-337	Bond Conditioned for Departure of an Alien Temporarily Admitted as a Visitor for Business or Pleasure.
I-338	Bond That an Alien Admitted in Pursuance of a Treaty to Carry on Trade Shall Depart Upon Failure to Maintain Status.
I-353	Bond Conditioned for the Delivery of an Alien.
I-354	Bond That an Alien Shall Not Become a Public Charge.
I-374	Bond Conditioned for Departure of an Alien Temporarily Admitted Under the Immigration and Nationality Act as a Student.
I-391	Notice of Cancellation of Bond.
I-407	Land Border Departure Record.
I-415	Manifest of In-bound Passengers (arriving aliens).
I-416	List of In-bound Passengers (United States Citizens and Nationals).
I-419	Record of Alien's Arrival and Departure Under Special Direct
I-419a	Transit Procedure.
I-419b	

Form No.	Title and description
I-420	Agreement Between a Transportation Line and the United States of America (Land-Border).
I-420A	Supplemental Agreement.
I-421	Agreement (Overseas) Between a Transportation Line and the United States of America.
I-424	Report of Departure of Nonimmigrant Alien.
I-426	Agreement Between a Transportation Line and the Commissioner of Immigration and Naturalization (special direct transit procedure).
I-426A	Agreement Between a Transportation Line and the Commissioner of Immigration and Naturalization (aliens in transit through United States from and to Canada or Mexico).
I-434	Manifest of Outward Bound Passenger (Aliens).
I-435	List of Outward Bound Passengers (United States Citizens and Nationals).
I-436	Air Passenger Manifest.
I-480	List or Manifest of Persons Employed on the Vessel as Members of Crew.
I-481	Crew List for Great Lakes Vessels.
I-489	Report of Changes in Crew.
I-502	Notification by Sponsor to the Immigration and Naturalization Service Relating to Exchange Visitors.
I-505	Notice of Interview on application for adjustment of status from nonimmigrant to person lawfully admitted for permanent residence.
I-506	Application for Change of Nonimmigrant Status.
I-507	Application for Status as Permanent Resident (by nonimmigrant).
I-508	Waiver of Rights, Privileges, Exemptions, and Immunities.
I-509	Notice of Proposal to Change Status (from alien admitted for permanent residence, to nonimmigrant).
I-510	Guarantee of Payment (of Medical Expenses).
I-539	Application to Extend Time of Temporary Stay.
N-3	Requisition for Forms and Binders.
N-4	Monthly Report Naturalization Papers Forwarded.
N-5	Continuation Sheet of Monthly Report Naturalization Papers Forwarded.
N-7	Quarterly Abstract of Collections of Naturalization Fees.
N-14	Letter returning application form for correction.
N-17	U. S. A. Citizenship—Naturalization Requirements and Procedure—a brief summary.
N-18	Special Naturalization Benefits for Veterans and Women Married to U. S. Citizens.
N-30	Examination of Court Records.
N-50	Receipt for Duplicate Petitions.
N-105	Application to Create Record of Admission for Permanent Residence.
N-108	Application for Certificate of Citizenship—Hawaiian Islands.
N-109	Certificate of Citizenship (Hawaiian Islands).
N-120	Affidavit of Witness in Proceeding to Create Record of Admission for Permanent Residence.
N-240	Form letter concerning issuance of new certificate of naturalization.
N-300	Application to File Declaration of Intention.
N-305	Form letter notifying alien that Form N-300 has been forwarded to the clerk of the court.
N-315	Declaration of Intention.
N-321	Declaration of Intention (in lieu of old edition lost, mutilated or destroyed).
N-325	Declaration of Intention (in lieu of one lost, mutilated or destroyed).
N-350	Application to Renounce Danish Citizenship.
N-351	Renunciation of Danish Citizenship.
N-400	Application to File Petition for Naturalization.
N-400A	Supplement to Application to File Petition for Naturalization (under sec. 324 (a) or 327, Immigration and Nationality Act).
N-400B	Supplement to Application to File Petition for Naturalization (by a seaman, under sec. 330 of the Immigration and Nationality Act).
N-400C	Supplement to Application to File Petition for Naturalization (for use with editions prior to Dec. 24, 1952).
N-401	Preliminary Form to take Oath of Allegiance (by a woman formerly a citizen, under sec. 324 (c) of the Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N-402	Application to File Petition for Naturalization in Behalf of a Child (under sec. 322 or 323, Immigration and Nationality Act).
N-403	Request to have Petition for Naturalization marked "Void".
N-404	Request for Withdrawal of Petition for Naturalization.
N-405	Petition for Naturalization (under general provisions of the Immigration and Nationality Act).
N-405A	Affidavit in Support of Petition for Naturalization (by a former citizen, under sec. 327 of the Immigration and Nationality Act).
N-406	Petition for Naturalization (of a married person, under sec. 319 (a) or (b), Immigration and Nationality Act).
N-407	Petition for Naturalization (in behalf of a child, under sec. 322 or 323, Immigration and Nationality Act).
N-408	Application to take Oath of Allegiance and Form of Such Oath (by a woman formerly a citizen, under sec. 324 (c), Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N-410	Motion for Amendment of Petition (application).
N-414	Acknowledgment of Filing Petition for Naturalization.
N-418	Petition for Naturalization (active duty in the armed forces, under sec. 329 of the Immigration and Nationality Act).
N-421	Affidavit in Support of Petition for Naturalization (by a seaman, under sec. 330, Immigration and Nationality Act).
N-422	Form letter requesting information from Selective Service file.
N-424	Notice to Clerk of Court of Waiver of 90 Days' Notice.
N-425	Notice to Petitioner of Proposed Recommendation of Denial of Petition for Naturalization.
N-426	Certification of Military or Naval Service.
N-429	Notice to Petitioner of Proposed Recommendation of Denial of Petition.
N-433	Withdrawal of Objection to Final Hearing.
N-434	Notice of Objection to Final Hearing.
N-435	Notice of Final Hearing by Clerk of Court (alien enemies).
N-435-1	Continuation Sheet—Form N-435.
N-436	Application for Exception From Classification of Alien Enemy.
N-438	Exception From Classification of Alien Enemy.
N-440	Certificate of Examination.
N-442	Preliminary Form to Take Oath of Allegiance (by former citizen, under Public Law 114, 82d Congress, as amended).
N-443	Application to Take the Oath of Allegiance and Form of Such Oath (by former citizen, under Public Law 114, 82d Congress, as amended).
N-450	Notice of Intention to Substitute Witnesses.
N-451	Affidavits of Witnesses (to Petition for Naturalization).
N-452	Statement of Witness.
N-455	Application for Transfer of Petition for Naturalization.
N-458	Application to Correct Certificate of Naturalization.
N-459	Authorization to Clerk of Court to Correct Certificate of Naturalization.
N-460	Notice to Take Depositions.
N-462	Interrogatories in Depositions of Witnesses.
N-463	Letter Requesting Postmaster to Take Deposition in a Naturalization Proceeding.
N-470	Application to Preserve Residence for Naturalization Purposes (under section 316 (b) or 317, Immigration and Nationality Act).
N-475	Designation of Member of the Immigration and Naturalization Service under section 335 (b) of the Immigration and Nationality Act.
N 476	Examiner's Docket List.
N-480	Naturalization Petitions Recommended To Be Granted.
N-480A	Order of Court (granting petitions).
N-481	Naturalization Petitions Recommended To Be Granted (continuation sheet).
N-483	Naturalization Petitions Recommended To Be Continued (and Order of Court).
N-484	Naturalization Petitions Recommended To Be Denied.
N-484A	Order of Court (denying petitions).
N-485	Naturalization Petitions Recommended To Be Granted (on behalf of children).
N-486	Naturalization Petitions Recommended To Be Denied (on behalf of children).
N-489	Certification by Clerk of Court of the Taking of Oath of Allegiance.
N-490	Order of Court Granting Petitions for Naturalization.
N-491	Order of Court Denying Petitions for Naturalization.
N-492	Commissioner's Recommendation That Petitions Be Granted (and Order of Court).
N-493	Commissioner's Recommendation That Petitions Be Denied (and Order of Court).
N-510	Notice to State Department Notifying Surrender of Canadian Certificate.
N-550	Certificate of Naturalization.
N-560	Certificate of Citizenship.
N-561	Certificate of Citizenship.
N-565	Application for a New Naturalization or Citizenship Paper.
N-567	Request for Search of Military or Naval Files for Naturalization Certificate.
N-568	Notice of Approval to Alien for Special Certificate of Naturalization.
N-570	Certificate of Naturalization.
N-570 OL	Certificate of Naturalization.
N-576	Supplemental Affidavit To Be Submitted With Applications of Japanese Renunciants.
N-577	Application for a Special Certificate of Naturalization To Obtain Recognition as a Citizen of the United States by a Foreign State.

Form No.	Title and description
N–578	Special Certificate of Naturalization.
N–580	Application for a Certificate of Naturalization or Repatriation (under sec. 343 (a) of the Immigration and Nationality Act or 12th subdivision, sec. 4, of Act of June 29, 1906).
N–581	Certificate of Repatriation.
N–582	Certificate of Naturalization.
N–585	Application for Information From or Copies of Immigration and Naturalization Records.
N–600	Application for Certificate of Citizenship.
N–640	Oath of Allegiance.

§ 450.2 *Forms available from the Superintendent of Documents.* (a) The following forms required for compliance with the provisions of this chapter may be obtained, upon prepayment, from the Superintendent of Documents, Government Printing Office, Washington, D. C.: I–94, I–95, I–129, I–129A, I–129B, I–131, I–131A, I–132C, I–133, I–133A, I–134, I–415, I–416, I–419, I–424, I–434, I–435, I–466, I–480, I–489 and I–539.

(b) A small supply of the forms described in paragraph (a) of this section shall be set aside by immigration officers for free distribution and official use.

§ 450.3 *Reproduction of forms by private parties.* (a) The following forms required for compliance with the provisions of this chapter may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense: I–94, I–95, I–132C, I–415, I–416, I–419, I–424, I–434, I–435, I–466, I–480 and I–489.

(b) Forms printed or reproduced by private parties shall conform to the officially printed forms currently in use with respect to size, wording, arrangement, style and size of type, and paper specifications. Such forms and all entries required to be made thereon shall be printed, duplicated, dittoed, or otherwise duplicated in the English language with ink or dye that will not fade or "feather" within 20 years.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

Subchapter E—Miscellaneous Provisions

PART 475—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

SUBPART A—SUBSTANTIVE PROVISIONS

Sec.

475.1 Definitions.
475.2 Period for which admitted.
475.3 Conditions of admission.
475.4 Compliance by employer.
475.5 Extension of stay; conditions.
475.6 Readmission after temporary visits to Mexico.
475.7 Previous removal, deportation; permission to reapply.
475.8 Arrest and deportation of agricultural workers.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

475.21 Recruitment centers; preliminary inspection.
475.22 Immigration inspection at reception centers; authority to admit; hearings before special inquiry officer.
475.23 Recontracting in the United States.
475.24 Duplicate identification cards.
475.51 Extension of period of admission.

AUTHORITY: §§ 475.1 to 475.51 issued under sec. 103, 66 Stat. 173. Interpret or apply Title V, 65 Stat. 119, secs. 101, 212, 235, 241, 242, 264, 405, 66 Stat. 168, 184, 186, 199, 206, 209, 224, 281; 7 U. S. C. 1461–1468.

SUBPART A—SUBSTANTIVE PROVISIONS

§ 475.1 *Definitions.* As used in this part:

(a) The term "agricultural worker" means a native-born citizen of Mexico who is and has been a bona-fide resident of Mexico for at least one year immediately preceding the date of application for admission and who seeks to enter the United States temporarily under the provisions of Title V of the Agricultural Act of 1949, as amended (63 Stat. 1051, Pub. Law 78, 82nd Cong.), for the sole purpose of engaging in agricultural employment as defined herein, and who is legally admitted to the United States for temporary employment in agriculture in accordance with the terms of the Migrant Labor Agreement of 1951, as amended, entered into between the Governments of the United States and Mexico.

(b) The term "agricultural employment" means:

(1) Cultivation and tillage of the soil, planting, production, cultivation, growing, and harvesting of any agricultural or horticultural commodities and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage, or to market, or to a carrier for transportation to market; or

(2) The maintenance of a farm and its tools and equipment, or salvaging of timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm; or

(3) The maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit and used exclusively for supplying or storing water for farming purposes, and cotton ginning; or

(4) Handling, drying, packing, packaging, processing, freezing, grading or storing, in its unmanufactured state any agricultural or horticultural commodity for the operator of a farm; but only if such operator produced more than one-half of the commodity with respect to which the service is performed; or

(5) All of the activities described in subparagraph (4) of this paragraph for a group of operators of farms but only if such operators produced the commodities with respect to which such activities are performed: *Provided*, That the provisions of this subparagraph and subparagraph (4) of this paragraph shall not be applicable with respect to services performed in connection with commercial canning or commercial freezing, or in connection with any agricultural or horticultural commodities, after their delivery to a terminal market for distribution or consumption.

(c) The term "employer" means:

(1) The operator of agricultural property who is engaged in agricultural employment, as defined in this section;

(2) An association or other group of employees but only if those of its members for whom Mexican workers are being obtained are bound, in the event of its default, to carry out the obligations undertaken by it pursuant to the provisions of the Migrant Labor Agreement of 1951, as amended, unless the Secretary of Labor of the United States determines that such individual liability is not necessary to assure performance of such obligations; or

(3) A processor, shipper or marketer of agricultural products when the Mexican workers whom he obtains are employed by him in agriculture or crops purchased by him.

§ 475.2 *Period for which admitted.* An agricultural worker may be admitted to the United States as a nonimmigrant pursuant to section 101 (a) (15) (H) of the Immigration and Nationality Act: *Provided:*

(a) That the initial period of admission shall not extend beyond December 31, 1953, nor shall any extension be granted which would permit such worker to remain in the United States beyond December 31, 1953;

(b) That no maintenance-of-status or departure bond shall be required; and

(c) That the period of temporary admission shall be subject to immediate revocation, without notice, by the district director of the district having jurisdiction over the place of the alien's employment upon—

(1) Failure of the agricultural worker to maintain his status as such by accepting any employment or engaging in any activities not specifically authorized at the time of his recruitment and temporary admission;

(2) Withdrawal of the employer's certification because of violation of Title V of the Agricultural Act of 1949, as amended, or the Migrant Labor Agreement of 1951, as amended, or individual work contract made thereunder, as specified in § 475.4 (b); or

(3) Determination and notification by the Secretary of Labor that sufficient domestic workers who are able, willing, and qualified are available at the time and place needed to perform the work for which such workers are employed, or that the employment of such workers is adversely affecting the wages and working conditions of domestic agricultural workers similarly employed, or that reasonable efforts have not been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers; or

(4) Termination of the Migrant Labor Agreement of 1951, as amended, prior to December 31, 1953.

§ 475.3 *Conditions of admission.* Any alien who applies for admission into the United States under the provisions of Title V of the Agricultural Act of 1949, as amended, and the provisions of this part, must:

(a) Establish that he is an agricultural worker as defined in § 475.1 (a);

(b) Establish that he is in all respects admissible under the provisions of the immigration laws;

(c) Have been regularly recruited by the Secretary of Labor as an agricultural worker; and

(d) Establish to the satisfaction of the examining immigration officer that, if admitted, he will comply with all of the conditions of such admission.

§ 475.4 *Compliance by employer.* (a) No agricultural workers shall be made available to, nor shall any such workers made available be permitted to remain in the employ of, any employer who has in his employ any Mexican alien when such employer knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such Mexican alien is not lawfully within the United States. Whenever it shall appear that a Mexican alien not lawfully in the United States is so employed, an investigation shall be made and a report submitted to the district director having jurisdiction over the place of the alien's employment.

(b) Upon notification from the Secretary of Labor that an employer fails or refuses to comply with the provision of Title V of the Agricultural Act of 1949, as amended, or the Migrant Labor Agreement of 1951, as amended, or individual work contract made thereunder, the temporary admission of all agricultural workers employed by such employer may be revoked in the same manner as provided in § 475.2 (c).

(c) If a Mexican agricultural worker leaves his employment without proper authorization, the employer shall report such departure immediately or within five days thereof to the district director having jurisdiction over the reception center at which the worker was recruited. Such notification shall contain (1) the individual worker's name, as shown in the employer's copy of the contract; (2) the worker's Form I–100a number; (3) the location of the reception center at which the worker was originally contracted, and (4) the date the worker left the employer.

§ 475.5 *Extension of stay; conditions.* After an alien has been admitted to the United States as an agricultural worker under the provisions of this part or of prior regulations pertaining to Title V of the Agricultural Act of 1949, as amended, he may be granted an extension or extensions of the period of his temporary admission by the district director or the officer in charge having jurisdiction over the place of the alien's employment, subject to the same limitations as are placed on original admission by § 475.2.

§ 475.6 *Readmission after temporary visits to Mexico.* (a) An agricultural worker who has been admitted to the United States under the provisions of this part or of prior regulations pertaining to Title V of the Agricultural Act of 1949, as amended, may be readmitted after temporary visits to Mexico on presentation of Form I–100a, Alien Laborer's Permit and Identification Card, if he is still maintaining the status of an agricultural worker in the United States.

(b) An agricultural worker who is granted a furlough shall be furnished by the employer with a letter stating the time for which the furlough is granted and that all contractual obligations will be reassumed upon the alien's return to his employment after the furlough. The letter shall be appropriately endorsed to show approval of the furlough by a representative of the United States Employment Service and the appropriate Mexican Consul if the furlough:

(1) Is for more than 15 days, or

(2) Is to take place during the last 15 days of a six-week contract, or

(3) Is to take place during the last 30 days of a contract of more than six weeks.

§ 475.7 *Previous removal, deportation; permission to reapply.* An alien who established that he is in all respects entitled to admission as an agricultural worker under the provisions of this part, except that he has been previously removed at Government expense pursuant to section 242 (b) of the Immigration and Nationality Act, or excluded or arrested and deported, on not more than one occasion solely because of illegal entry or absence of required documents, is hereby granted permission to reapply for admission to the United States as an agricultural worker.

§ 475.8 *Arrest and deportation of agricultural workers.* (a) An alien admitted to the United States as an agricultural worker shall be deemed to have failed to maintain his nonimmigrant status within the meaning of section 241 (a) (9) of the Immigration and Nationality Act if:

(1) He remains in the United States after the expiration of the time for which he was temporarily admitted or after the expiration of any authorized extension of such period; or

(2) He violates or fails to fulfill any of the other conditions of his admission to or extended stay in the United States; or

(3) He evidences orally or in writing or by conduct an intention to violate or to fail to fulfill any of the conditions of his temporary admission to or extended stay in the United States; or

(4) He remains in the United States after the period of his temporary admission or extended stay is revoked pursuant to § 475.2 (c).

(b) Any alien to whom paragraph (a) of this section is applicable shall be subject to being taken into custody and made the subject of further proceedings under the applicable provisions of the Immigration and Nationality Act and the regulations in this chapter.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS

§ 475.21 *Recruitment centers; preliminary inspection.* To the extent possible under the circumstances, all immigration inspections and medical examinations of the agricultural workers at recruitment centers in Mexico shall be similar to those regularly conducted at ports of entry on the border. If the immigration officer at the recruitment center in Mexico determines that the alien is admissible as an agricultural worker he shall so note and initial the conditional permit which is issued to the alien by the Secretary of Labor when the alien is recruited. Such endorsement shall not be construed as a guarantee that the alien will be admitted to the United States nor shall the alien be entitled to accept employment in the United States unless and until he has been issued Form I–100a as prescribed in § 475.22. Aliens who have been issued conditional permits, which have been noted by immigration officers, will be conveyed directly from the recruitment center to a reception center at or near a port of entry under the supervision of representatives of the Secretary of Labor for completion of immigration inspection and registration pursuant to Chapter 7 of Title II of the Immigration and Nationality Act. The conveyance of an agricultural worker to a reception center shall not constitute an admission to the United States. Such alien shall be considered to have been admitted to the United States only after he has been inspected and issued Form I–100 as prescribed in § 475.22. If the immigration officer at the recruitment center in Mexico determines that the alien is inadmissible as an agricultural worker, he shall refuse to note the alien's conditional permit and such decision by the immigration officer shall not be subject to appeal to a special inquiry officer.

§ 475.22 *Immigration inspection at reception centers; authority to admit; hearings before special inquiry officer.* (a) Any alien who presents the conditional permit described in § 475.21, duly noted by an immigration officer at a recruitment center, who is found to be admissible under this part as an agricultural worker may be so admitted by the examining immigration officer, at which time he shall—

(1) Be fingerprinted as follows:

(i) By placing the rolled impression of the right index finger on the reverse side of the original Form I–100a, Alien Laborer's Permit and Identification Card, which shall be prepared in duplicate in each such case;

(ii) By placing complete fingerprints of both hands on one copy of Form AR–4; and

(iii) By executing the obverse of Form AR–4 and placing thereon the serial number of the Form I–100a and a stamped notation reading "Admitted as agricultural worker"; the executed form shall be mailed direct to the Federal Bureau of Investigation, Washington 25, D. C.

(2) Be given the Form I–100a bearing his photograph and stating his name, place of birth and citizenship, duly noted by an immigration officer to show the date, place, and period of his admission into the United States and signed by said immigration officer across the bottom of the photograph, partly on the photograph and partly on the card. Such noted card shall constitute an alien registration receipt card pursuant to section 264 (d) of the Immigration and Nationality Act and shall be the sole documentation required for admission to the United States under the provisions of this part. The Form I–100 shall be forwarded to and retained by the district director of the district having jurisdiction over the port of the alien's entry.

(3) The foregoing shall be deemed to be in compliance with the provisions of Chapter 7 of Title II of the Immigration and Nationality Act relating to the registration of aliens.

(b) Any alien seeking admission under this part in whose case the examining

475.24 Duplicate identification cards.
475.51 Extension of period of admission.

immigration officer at the reception center is not satisfied that such alien is admissible, shall be held for hearing before a special inquiry officer, and the procedure applicable to aliens seeking admission to the United States under the general provision of the immigration laws shall be followed: *Provided, however*, That the case of an alien believed to be inadmissible to the United States under the provisions of paragraphs (27), (28) or (29) of section 212 (a) of the Immigration and Nationality Act shall be handled in accordance with the provisions of section 235 (c) of the said act and § 235.15 of this chapter.

§ 475.23 *Recontracting in the United States.* During the period for which he is admitted, or any authorized extension thereof, an agricultural worker may, with the approval of the district director having jurisdiction over the place of the alien's employment, be recontracted by the same or another employer. When an agricultural worker is so recontracted, his Form I–100a shall be appropriately noted and the officer in charge having administrative jurisdiction over the port of the alien's entry notified.

§ 475.24 *Duplicate identification cards.* Duplicate Form I–100a may be issued in the discretion of the district director or the officer in charge having jurisdiction over the place of alien's employment where the original has been lost, mutilated, or destroyed. The officer in charge having administrative jurisdiction over the port of the alien's entry shall be notified of the issuance of such a duplicate Form I–100a.

§ 475.51 *Extension of period of admission.* Extension of the temporary admission of an alien admitted to the United States as an agricultural worker under Title V of the Agricultural Act of 1949, as amended, and regulations pursuant thereto or under this part may be granted by the district director or the officer in charge having jurisdiction over the place of the alien's employment only upon determination and certification by the Secretary of Labor that:

(a) Sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed;

(b) The employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and

(c) Reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

[F. R. Doc. 52-13437; Filed, Dec. 18, 1952; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Sections 6.112 (e) (4), 6.123 (h) (13), and 6.156 (b) which are due to expire December 31, 1952 are revoked, effective as of that date. The expiration dates of §§ 6.104 (a) (3), 6.107 (b) (1), 6.142 (c) (7), 6.144 (d), and 6.159 (b) are extended as set out below:

§ 6.104 *Department of Defense*—(a) *Office of the Secretary of Defense.* • • •

(3) Five Special Advisers to the Secretary of Defense and until December 31, 1953, twelve additional positions of Special Advisers to the Secretary of Defense.

• • • • • •

§ 6.107 *Department of the Air Force.* • • •

(b) *Office of the Inspector General.* (1) Until December 31, 1953, in order to provide civilian personnel complementary to military personnel, 5 Special Agent positions in the Office of Special Investigations, Office of the Inspector General, Headquarters, and 90 Special Agent positions in District offices of the Office of Special Investigations, United States Air Force, in grades GS–11 or higher.

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§ 6.142 *Housing and Home Finance Agency.* • • •

(c) *Federal Housing Administration.* • • •

(7) NC/PD Until June 30, 1953, eighty Field Directors (State, District and Territorial).

• • • • • •

§ 6.144 *Selective Service System.* • • •

(d) NC/PD Until January 1, 1954, the following positions in the National Advisory Committee on the Selection of Physicians, Dentists and Allied Specialists: One Executive Secretary; professional advisors in the fields of medicine, dentistry, veterinary medicine, and related fields.

• • • • • •

§ 6.159 *Defense Production Administration.* • • •

(b) Until June 30, 1953, not to exceed 5 positions of Labor Advisors, GS–12 through GS–15.

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(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-13375; Filed, Dec. 18, 1952; 8:50 a. m.]

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 22.9, paragraphs (c) and (e) (1) of § 22.11 are amended to read as set out below:

§ 22.9 *Hearings*—(a) *Right to appear personally or by representative.* Appellants shall have the right to a hearing and to appear personally or through or accompanied by a designated representative in connection with their appeals to the Office of the Chief Law Officer or the regional office as the case may be. Employing agencies shall also have the right to participate in such hearings. Both parties shall have the right to produce witnesses and to cross-examine witnesses in hearings. If an appellant has expressed a desire for a hearing, arrangements will be made at any stage of the proceedings agreed upon between the appellant and the Office of the Chief Law Officer or regional office concerned. This will be the only opportunity for a hearing and presentation of evidence and witnesses in connection with the appeal, except as provided in § 22.11 (e).

• • • • • •

§ 22.11 *Further appeals to the Commissioners.* • • •

(e) *Board of Appeals and Review Procedures.* The Board of Appeals and Review will review the entire record of such further appeals. In its discretion, the Board may afford the parties an opportunity to appear personally and present oral arguments and representations on the procedural aspects of the case and merits of the appeal, but no evidence will be considered by the Board which could have been submitted at the time of the original appeal to the Office of the Chief Law Officer or regional office. If alleged new evidence is offered which was not available at the time of original appeal, the Board will consider whether the evidence is actually new and of such material consequence that the case should be remanded to the office of original jurisdiction. If the case is remanded the appeal will begin anew in the office of original jurisdiction. In exceptional cases the Board may in its discretion receive and consider new evidence without remanding the case and may afford the parties an opportunity to produce witnesses and cross-examine witnesses.

• • • • • •

(e) *Reopened appeals.* (1) The Commissioners may in their discretion, when in their judgment such action appears warranted by the circumstances, reopen an appeal at the request of the appellant, or his designated representative, or the employing agency concerned and may grant both parties an opportunity for a personal appearance. In connection with such reopened appeals, both parties will be afforded an opportunity to submit briefs or written representations.

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(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-13376; Filed, Dec. 18, 1952; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53159]

PART 13—SUGARS, SIRUPS, AND MOLASSES; PETROLEUM PRODUCTS; WOOL AND HAIR

CLEAN CONTENT OF IMPORTED WOOL AND HAIR

The United States Court of Customs and Patent Appeals in its decision in United States v. Fred Whitaker Co., Inc. (1952) C. A. D. 492, 40 C. C. P. A. —, affirming Fred Whitaker Co., Inc. v. United States (1951) C. D. 1365, has ruled that the expression "clean content" contained in paragraph 1102 (b), Tariff Act of 1930 (19 U. S. C. 1001, par. 1102 (b)), was intended by Congress to mean the "commercial yield" of imported wool, that is, as the court stated, "• • • the wool from which all the weight of grease and foreign material has been removed, including the wool fibers which are unavoidably and irrevocably lost" as a result of commercially applied cleaning processes.

In order to reflect the decision announced by the Court of Customs and Patent Appeals in this case, the definition of "clean content" of imported wool and hair contained in § 13.11 (a) (1), Customs Regulations of 1943 (19 CFR 13.11 (a) (1)), is amended to prescribe that wool or hair fibers ordinarily lost during commercial cleaning operations shall not fall within the meaning of that expression. Section 13.14, Customs Regulations of 1943 (19 CFR 13.14), is amended to prescribe a method, based on the best available information, for ascertaining in connection with the examination of imported wool and hair the allowance to be made for the estimated ordinary loss of such fibers. This method is designed to produce uniform and reasonably accurate allowances which are applicable to each type and condition of imported wool and hair. Section 13.14 is also amended to prescribe procedures and conditions according to which importers may elect to submit proof of actual irrecoverable losses of wool or hair fibers resulting from commercial cleaning operations.

1. Section 13.11 *Definitions*, paragraph (a) (1), Customs Regulations of 1943 (19 CFR 13.11 (a) (1)), as amended, is hereby further amended by adding at the end thereof the following new sentence: "'Clean content', as herein defined, shall not include the quantity of any wool or hair fibers ordinarily lost during commercial cleaning operations."

2. Section 13.14, Customs Regulations of 1943 (19 CFR 13.14), as amended, is hereby further amended by deleting the asterisk at the end of paragraph (e) and by adding the following new paragraphs (f) and (g):

§ 13.14 *Weighing, sampling, and laboratory testing for clean content.* • • •

(f) Except as provided in paragraph (g) of this section, in the determination of the clean content of any general sample taken in accordance with this section, an allowance in weight shall be made for wool or hair fibers which it is estimated will be lost ordinarily during commercial cleaning operations. For each general sample the scoured yield of the imported wool or hair and the quantity of vegetable matter present in the general sample shall be ascertained. The weight of the vegetable matter shall be subtracted from the weight of the scoured yield, and the difference shall be considered the weight of the clean fibers present in the imported wool or hair. The allowance for the quantity of wool or hair fibers estimated to be lost ordinarily during commercial cleaning operations shall be computed by making a base allowance of five one-thousandths (0.005) of the ascertained weight of the clean fibers present in the imported wool or hair and an additional allowance of six-tenths (0.6) of a pound for each pound of ascertained vegetable matter: *Provided*, That the combined allowance for such estimated commercial cleaning loss of fibers shall not exceed 15 per centum of the ascertained weight of the clean wool or hair fibers.

(g) Notwithstanding any other provision of this section, an allowance equal to the actual irrecoverable loss in weight of wool or hair fibers resulting from commercial cleaning processes to which a particular sampling unit of wool or hair is subjected shall be made if the importer at the time of entry, or withdrawal from warehouse, for consumption notifies the collector of his intention to furnish evidence establishing such actual irrecoverable loss and produces such evidence within three years from the date of entry or withdrawal. In such cases (1) absolute segregation of such wool or hair shall be maintained until the importer has been notified by the collector that he has accepted evidence showing such actual irrecoverable loss; (2) such evidence shall not be based on samples or estimates, but shall include manufacturer's records showing in detail the actual irrecoverable losses, if any, in wool or hair fibers resulting from commercial cleaning processes to which the whole of the segregated wool or hair has been subjected; (3) such wool or hair and records relating thereto, which are pertinent in this connection, shall be kept available for such inspection as the collector may from time to time deem appropriate; (4) liquidation of the entry covering such wool or hair shall be suspended pending acceptance by the collector of evidence of actual irrecoverable loss, unless such evidence is not furnished within 3 years from the date of entry or withdrawal; and (5) if such evidence is not furnished within that time, it shall be presumed that no such loss has occurred and in those cases, no allowance for any loss of wool or hair fibers after importation shall be made in the determination of the clean content of the sampling unit, notwithstanding any other provision of this part: *Provided*, That as to wool or hair which has not been entered for warehouse an importer may abandon his intention to furnish evidence of actual irrecoverable losses by filing written notice of such abandonment with the collector within 60 days after entry. If such notice of abandonment is filed, the provisions of paragraph (f) of this section shall apply as if no notification under this paragraph had been filed.

(R. S. 251, sec. 1 (pars. 1101–1104), 46 Stat. 646, 647, as amended, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1001 (pars. 1101–1104), 1624)

Notice of the proposed issuance of the foregoing instructions was published in the FEDERAL REGISTER on September 9, 1952 (17 F. R. 8124), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1002). The basis of the instructions is section 1 (pars. 1101–1104) of the Tariff Act of 1930, as amended (19 U. S. C. 1001 (pars. 1101–1104)), as construed by the courts and their purpose is to amend the definition of "clean content" of imported wool and hair and to provide for the ascertainment of such "clean content" in connection with the assessment and collection of customs duties.

These instructions shall be effective on the date of publication in the FEDERAL REGISTER, the delayed effective date provisions of section 4 (c) of the Administrative Procedure Act being dispensed with because the instructions relate primarily to actions to be taken by customs officers and, although affecting rights of interested persons, do not require any action to be taken by such persons.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: December 16, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13391; Filed, Dec. 18, 1952; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter A—The Department

[Departmental Reg. 108.166]

PART 40—DIPLOMATIC VISAS UNDER THE IMMIGRATION AND NATIONALITY ACT

DECEMBER 15, 1952.

Part 40, Chapter I, Title 22 of the Code of Federal Regulations, is amended to read as follows:

Sec.
40.1 Definitions.
40.2 Officers authorized to issue diplomatic visas.
40.3 Types and validity of diplomatic visas.
40.4 Classes of aliens eligible to apply for diplomatic visas.
40.5 Classes of aliens ineligible to receive diplomatic visas.
40.6 Advisory opinions from the Department.
40.7 Application for diplomatic visa.
40.8 Passport requirement.
40.9 Evidence of diplomatic status.
40.10 Procedure in issuing diplomatic visas.
40.11 Diplomatic visas issued without charge.
40.12 Significance of diplomatic visa.
40.13 Revocation or cancellation of diplomatic visa.

AUTHORITY: §§ 40.1 to 40.13 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104.

§ 40.1 *Definitions.* The following definitions, in addition to the pertinent definitions contained in the Immigration

Sections 6.112 (e) (4), 6.123 (h) (13), and 6.156 (b) which are due to expire

paragraphs (c) and (e) (1) of § 22.11 are amended to read as set out below:

[F. R. Doc. 52-13376; Filed, Dec. 18, 1952; 8:50 a. m.]

tion, an allowance in weight shall be abandonment is filed, the provisions of definitions contained in the Immigration

and Nationality Act, shall be applicable to this part:

(a) "Act" means the Immigration and Nationality Act.

(b) "Department" means the Department of State of the United States of America.

(c) "Diplomatic visa" means a nonimmigrant visa bearing the title "Diplomatic Visa" and issued to a nonimmigrant in accordance with the regulations contained in Part 41 of this subchapter and in this part.

(Sec. 101, 66 Stat. 167; 8 U. S. C. 1101).

(d) "Diplomatic passport" means a national passport bearing the title "Diplomatic Passport" and issued by a competent authority of the foreign government to which the bearer owes allegiance.

(e) "Equivalent of a diplomatic passport", as referred to in section 221 (b) of the act, means a national passport issued by a competent authority of the foreign government to which the bearer owes allegiance, and indicating the diplomatic status of the bearer, but not described as a diplomatic passport, the issuing government being one which does not issue diplomatic passports to its diplomatic officers.

§ 40.2 *Officers authorized to issue diplomatic visas.* (a) A diplomatic or consular officer attached to a diplomatic mission of the United States may issue diplomatic visas if he is authorized to do so by the chief of the mission.

(b) A consular officer, except a consular agent, stationed at a consular office of the United States may issue a diplomatic visa if he is authorized to do so by the Department or by the chief of the diplomatic mission of the United States to the foreign country in which the consular office is located.

(c) The Director of the Visa Office of the Department, and such members of his staff as he may designate, are authorized, in their discretion, to issue diplomatic visas to qualified aliens in the United States, who are within one of the classes described in § 40.4, who, if within a nonimmigrant category defined in section 101 (a) (15) (A) or (G) of the act, have been duly notified to the Secretary of State, and who, after a temporary absence, desire to reenter the United States in the nonimmigrant status specified in the visa.

§ 40.3 *Types and validity of diplomatic visas*—(a) *Regular diplomatic visa.* A regular diplomatic visa shall be valid for the period indicated therein, as provided in § 40.10 (c), not exceeding 12 months from the date of issuance and may be used during the period of validity in making any number of applications for admission into the United States: *Provided*, That the alien's passport continues to be valid for such period, and the status of the bearer as a person entitled to a diplomatic visa is maintained.

(b) *Limited diplomatic visa.* A limited diplomatic visa shall be valid for the limited period specified therein, not to exceed 12 months, and may be used during the period of validity in making a single application for admission into the United States: *Provided*, That the alien's passport continues to be valid for such period, and the status of the bearer as a person entitled to a diplomatic visa is maintained.

§ 40.4 *Classes of aliens eligible to apply for diplomatic visas*—(a) *Regular diplomatic visas.* Aliens of the following classes seeking to enter the United States as nonimmigrants may apply for regular diplomatic visas:

(1) Heads of states and their alternates;

(2) Members of a reigning royal family;

(3) Governors - general, governors, high commissioners, and other similar high administrative or executive officers of a territorial unit, and their alternates;

(4) Cabinet ministers and their assistants holding executive or administrative positions not inferior to that of the head of a departmental division, and their alternates;

(5) Presiding officers of chambers of national legislative bodies;

(6) Justices of the highest national judicial tribunal of a foreign country;

(7) Officers of the diplomatic service and consular officers of career of a foreign government;

(8) Diplomatic couriers regularly and professionally employed as such by a foreign government;

(9) Military, naval, air and other attachés of career, and assistant attachés of career, assigned to a foreign diplomatic mission in the United States or elsewhere;

(10) Military officers holding a rank not inferior to that of a brigadier general in the United States Army or Air Force and naval officers holding a rank not inferior to that of a rear admiral in the United States Navy;

(11) Members of a diplomatic mission of a temporary character;

(12) Officers and representative-members of international bodies of an official nature, other than international organizations so designated by Executive order;

(13) Representatives of foreign governments, and the staff members of foreign-government delegations, to international organizations so designated by Executive order;

(14) Attendants, servants, and personal employees, as defined in § 41.30 of this subchapter, of a principal alien who is within one of the classes described in subparagraphs (1) to (13), inclusive, of this paragraph;

(15) Members of the immediate family of a principal alien who is within one of the classes described in subparagraphs (1) to (13), inclusive, of this paragraph;

(16) Members of the immediate family accompanying or following to join the principal alien who is within one of the classes described in subparagraph (14) of this paragraph; and

(17) Any other alien in whose individual case the Department may specifically authorize the diplomatic or consular officer to accept an application for a regular diplomatic visa.

(b) *Limited diplomatic visas.* Aliens of the following classes seeking to enter the United States as nonimmigrants, if not classifiable within one of the categories specified in paragraph (a) of this section, may apply for limited diplomatic visas:

(1) Subordinate members, including employees, of international bodies of an official nature, other than international organizations so designated by Executive order, who are traveling on official business of such international body;

(2) Subordinate staff members, including employees, of foreign-government delegations to international organizations so designated by Executive order;

(3 Members of delegations proceeding to or from a specific international conference of an official nature;

(4) Members of the immediate family, attendants, servants, and personal employees, accompanying or following to join the principal alien who is within one of the classes described in subparagraphs (1) to (3), inclusive of this paragraph;

(5) Any other alien in whose individual case the Department may specifically authorize the diplomatic or consular officer to accept an application for a limited diplomatic visa.

§ 40.5 *Classes of aliens ineligible to receive diplomatic visas.* Ineligibility to receive a diplomatic visa shall not preclude an alien from applying for a nondiplomatic visa appropriate to his case as an immigrant or as a nonimmigrant. The following classes of aliens shall be considered ineligible to receive diplomatic visas:

(a) Aliens declared by the Department to be individually persona non grata;

(b) Aliens not in possession of a diplomatic passport, or its equivalent if the government to which they owe allegiance does not issue diplomatic passports to any of its nationals;

(c) Aliens not within one of the classes described in § 40.4;

(d) Aliens not within one of the classes of nonimmigrants defined in section 101 (a) (15) or section 212 (d) (8) of the act;

(e) Aliens who are ineligible to receive nonimmigrant visas under the immigration laws and regulations, unless the Attorney General shall have authorized their temporary admission under the authority contained in section 212 (d) (3) of the act, if applicable.

§ 40.6 *Advisory opinions from the Department.* Subject to appropriate instructions from the Department, a diplomatic or consular officer may issue a diplomatic visa, or may refuse to issue a diplomatic visa in the case of an alien eligible for a nondiplomatic nonimmigrant visa, without reference to the Department for an advisory opinion. In the case of an applicant for a diplomatic visa who is found to be ineligible to receive a nonimmigrant visa of any kind, the diplomatic or consular officer shall be governed by the regulations contained in Part 41 of this subchapter, and by any special instructions received from the Department, regarding the requirement of advisory opinions.

§ 40.7 *Application for diplomatic visa.* (a) Application for a diplomatic visa shall be made at an American mission, or at a consular office authorized to issue diplomatic visas, regardless of the nationality or place of residence of the applicant.

(b) Application for a diplomatic visa shall be made in person, unless the personal appearance of the applicant for the purpose of executing such application is not required in the discretion of the diplomatic or consular officer concerned, in which event the information required to complete the application Form 257 shall be obtained and inserted by the diplomatic or consular officer. No oath or affirmation shall be required in connection with the execution of an application for a diplomatic visa.

(c) Application for a diplomatic visa shall be made on Form 257 by or for each person 14 years of age or over, regardless of the number of persons to be included in such visa. Each alien 10 years of age or over, to be included in a diplomatic visa, shall furnish 3 identical and signed photographs of himself, unless the alien is exempted in the discretion of the diplomatic or consular officer, from compliance with the photograph requirements on the ground that such requirements would result in unusual and exceptional hardship or inconvenience, in which event a signed notation shall be made by the diplomatic or consular officer in the space provided for a photograph in the application form. Forms 257a, 257b, and 257d, when completed, shall be appended to the alien's passport and presented by the alien with his passport to the immigration officer at a port of entry when applying for admission into the United States. Form 257c shall be retained in the files of the issuing office.

§ 40.8 *Passport requirement.* (a) Every alien applying for a diplomatic visa shall be required to present a valid diplomatic passport, or the equivalent thereof, issued by a competent authority of a foreign government recognized de jure by the United States.

(b) The issuance of a diplomatic visa to an alien within Class A–3 or G–5 as described in § 41.5 of this subchapter shall be subject to the condition that the initial period for which the alien may properly be admitted into the United States under the act is to be determined by the Immigration and Naturalization Service after the alien arrives at a port of entry, and the period of stay authorized by that Service may not extend beyond a date which is 6 months prior to the expiration of the alien's passport. An alien whose passport is not valid for the necessary period shall be required to obtain and present such a passport before the diplomatic visa is issued.

§ 40.9 *Evidence of diplomatic status.* A diplomatic or consular officer to whom an alien applies for a diplomatic visa may require any reasonable evidence he deems necessary to establish such alien's eligibility to receive a diplomatic visa. In the case of an alien classifiable within the provisions of section 101 (a) (15) (A) or (G) of the act, the officer to whom application is made shall have discretionary authority to require confirmation of the status of such alien from the foreign office or the international organization concerned.

§ 40.10 *Procedure in issuing diplomatic visas.* (a) The form of a diplomatic visa shall be the same as the nondiplomatic nonimmigrant visa, except that it may bear the title "Diplomatic Visa" or the word "Diplomatic" shall be stamped diagonally across the lower left hand margin of the visa stamp, in such manner as to be partially covered by the impression seal of the office. The word "Gratis" shall be inserted in the space provided for a fee stamp. The printed title of the signing officer in the visa stamp shall be appropriately amended to show the exact title of the officer who signs the visa.

(b) The diplomatic visa stamp shall be impressed upon the alien's passport. The "V" number of the application of each alien included in the diplomatic visa shall be inserted in the blank space provided therefor in the visa stamp. The visa shall be considered as covering all aliens whose application numbers are so listed and who are included in the passport. In the case of an alien who is a member of the immediate family, or an attendant, servant, or personal employee, of a foreign-government official or employee, or who otherwise derives status from a principal alien who is not accompanying him, the name and position of the principal alien from whom such status is derived, shall be written below the lower margin of the visa stamp in the diplomatic passport.

(c) A diplomatic visa shall show the classification of the bearer to be a nonimmigrant under section 101 (a) (15) of the act. The applicable classification symbol, as specified in § 41.5 of this subchapter, shall be inserted in the space provided in the visa stamp. The date of issuance and the date of expiration of the visa shall be inserted in the visa stamp, showing the date, month, and year in that order, the name of the month being spelled out, as "24 December, 1952".

(d) In issuing a diplomatic visa to an alien who (1) contemplates a stay in the United States of more than 29 days and (2) will be subject after such stay to registration and fingerprinting in the United States under the provisions of sections 262 and 263 of the act, and the regulations of the Attorney General issued pursuant thereto, the procedure prescribed in § 41.19 of this subchapter may be followed if the alien so desires.

(e) In issuing a diplomatic visa, the diplomatic or consular officer shall affix his signature, indicate his title, and impress the seal of his office in the spaces provided in the visa stamp. The delivery to the alien or his authorized agent of the visaed passport, with Forms 257a, 257b, and 257d attached, shall complete the issuance of the visa.

§ 40.11 *Diplomatic visas issued without charge.* In accordance with international comity and practice, and upon a basis of reciprocity, no fee shall be charged for the application for a diplomatic visa or for the issuance of such a visa.

§ 40.12 *Significance of diplomatic visa.* An alien to whom a diplomatic visa has been issued shall be entitled to apply at a port of entry for admission into the United States as a nonimmigrant, and the presentation of such a visa by such alien at a port of entry in the United States shall, in the case of an alien properly classified under the provisions of section 101 (a) (15) (A) or (G) of the act, or in the case of an alien who is an accredited official of a foreign government in immediate and continuous transit through the United States, as referred to in section 212 (d) (8) of the act, and who is classified under the provisions of section 101 (a) (15) (C) of the act, be considered conclusive evidence of the proper classification of the bearer.

§ 40.13 *Revocation or cancellation of diplomatic visa*—(a) *Revocation.* Diplomatic and consular officers are authorized to revoke ab initio a diplomatic visa in any case in which it is found that:

(1) The visa was procured by fraud or misrepresentation, or by other illegal means; or

(2) The alien was ineligible ab initio to receive the diplomatic visa under the immigration laws and regulations in effect at the time it was issued.

(b) *Notice of revocation.* Notice of the revocation of a diplomatic visa shall, if practicable, be given to the alien at his last known address prior to his departure for the United States, and to the master, commanding officer, agent, owner, charterer, or consignee, of the carrier or transportation line on which the alien is known or believed to intend to travel to the United States. Such notice shall also be communicated to the Department for transmission to the Attorney General, and to the diplomatic or consular office which issued the visa if the revocation was effected by any other diplomatic or consular office upon instruction from the issuing office or the Department. Upon receiving notice of revocation of his diplomatic visa, the alien shall be required to present his passport at the office indicated in the notice for appropriate notation on the visa stamped therein. The word "Revoked" shall be written plainly on the face of the visa stamp by the revoking officer who shall sign and date such notation, but the revocation shall be effective and shall invalidate the visa from the date of issuance even in the absence of such notation. If it is not practicable to give the alien notice of revocation prior to his departure for the United States, a full report of the facts in the case shall be submitted promptly to the Department.

(c) *Cancellation.* Diplomatic and consular officers are authorized to cancel in futuro a diplomatic visa in any case in which it is found that the alien to whom the visa was issued is no longer eligible for such visa. An alien shall be considered as no longer eligible for a diplomatic visa if he ceases, by reason of circumstances arising after the visa was issued, to have the qualifications necessary to obtain such a visa, or if another visa of any kind is issued to him. In

any such case the alien shall be required to present his passport to the diplomatic or consular officer for cancellation of the diplomatic visa stamped therein. Such cancellation shall be effected by writing the word "Canceled" plainly on the face of the visa stamp. The cancelling officer shall sign and date his notation of cancellation. A report regarding each cancellation of a diplomatic visa shall be forwarded promptly to the Department by the cancelling officer.

(d) *Record of revocation or cancellation.* Upon the revocation or cancellation of a diplomatic visa, appropriate notation of the action taken, including a statement of the reason therefor, shall be made on Form 257c or on an appended memorandum, or a report of the action taken shall be forwarded to the issuing office for its files. An alien whose diplomatic visa has been revoked or cancelled shall be required to surrender Forms 257a, 257b, and 257d, as requested by the diplomatic or consular officer, if such forms have not been surrendered to the Immigration and Naturalization Service.

The regulations contained in this order shall become effective at 12:01 a. m. on December 24, 1952. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign-affairs functions of the United States.

[SEAL] DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-13323; Filed, Dec. 18, 1952; 8:45 a. m.]

[Departmental Reg. 108.167]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

DECEMBER 15, 1952.

CROSS REFERENCE: For regulations of the Immigration and Naturalization Service, see revision of Chapter I of Title 8 of the Code of Federal Regulations, *supra*.

Part 43 and Part 44, Chapter I, Title 22 of the Code of Federal Regulations, are hereby revoked. Part 41, Chapter I, Title 22 of the Code of Federal Regulations, is prescribed as follows:

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AUTHORITY: §§ 41.1 to 41.150 issued under section 104, 66 Stat. 174; 8 U. S. C. 1104. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 41.1 *Definitions.* The following definitions, in addition to the pertinent definitions contained in the Immigration and Nationality Act, shall be applicable to this part:

(a) "Act" means the Immigration and Nationality Act.

(b) "Affirmation" means a verification in confirmation of truth, in lieu of a sworn statement, by a person who has conscientious scruples against taking an oath.

(c) "Consular officer", as defined in section 101 (a) (9) of the act, shall include the District Administrators of the Trust Territory of the Pacific Islands hereby designated as consular officers for the purpose of issuing nonimmigrant visas.

(d) "Department" means the Department of State of the United States of America.

(e) "Passport" as defined in section 101 (a) (30) of the act shall not be considered as limited to a national passport, but shall be considered as including any other document issued by a competent authority, which shows the bearer's origin, identity, and nationality if any, and which is valid for the entry of the bearer into a foreign country. The term "passport" shall not be considered as limited to a single document but may consist of two or more documents which, when considered together, fulfill the requirements of a passport as defined in section 101 (a) (30) of the act: *Provided*, That written permission to enter a foreign country shall be considered as fulfilling one of such requirements if it is clearly valid for such purpose and specifies no conditions to such validity for the alien's entry into a foreign country.

(f) "Port of entry" means a port or place designated by the Attorney General or the Commissioner of Immigration and Naturalization at which an alien may apply for admission into the United States.

DOCUMENTATION OF NATIONALS, CLAIMANT NATIONALS AND FORMER NATIONALS

§ 41.2 *National of the United States.* A national of the United States shall not be issued a visa or other documentation as an alien for entry into the United States.

§ 41.3 *Claimant to United States nationality.* A claimant to United States nationality under the provisions of section 360 (b) of the act (66 Stat. 273) may be issued a certificate of identity as provided in that section. (See Part 50 of this title.)

§ 41.4 *Former national of the United States.* A former national of the United States who seeks to enter the United States shall be required to comply with the documentary requirements applicable to aliens under the act.

CLASSIFICATION OF NONIMMIGRANTS FOR PURPOSES OF DOCUMENTATION

§ 41.5 *Classification symbols.* A visa issued to an alien within one of the nonimmigrant classes defined in section 101 (a) (15), or referred to in section 212 (d) (8), of the act shall bear a symbol to be inserted by the consular officer in the space provided in the visa stamp and in the nonimmigrant visa application Forms 257b and 257c to show the classification of the nonimmigrant under the provisions of section 101 (a) (15) of the act. The following symbols shall be used:

Class	Section of the act	Symbol to be inserted in visa
Ambassador, public minister, career diplomatic or consular officer, and members of immediate family	101 (a) (15) (A) (i)	A-1
Other foreign government official or employee, and members of immediate family	101 (a) (15) (A) (ii)	A-2
Attendant, servant, or personal employee of A-1 and A-2 classes, and members of immediate family	101 (a) (15) (A) (iii)	A-3
Temporary visitor for business	101 (a) (15) (B)	B-1
Temporary visitor for pleasure	101 (a) (15) (B)	B-2
Alien in transit	101 (a) (15) (C)	C-1
Alien in transit to United Nations headquarters district under § 11 (3), (4), or (5) of the headquarters agreement	101 (a) (15) (C)	C-2
Foreign-government official, members of immediate family, attendant, servant, or personal employee, in transit	212 (d) (8)	C-3
Crewman (seaman or airman)	101 (a) (15) (D)	D
Treaty merchant, spouse and children	101 (a) (15) (E) (i)	E-1
Treaty investor, spouse and children	101 (a) (15) (E) (ii)	E-2
Exchange visitor	101 (a) (15) and 302 (f)	FX
Student	101 (a) (15) (F)	F
Principal resident representative of recognized foreign member government to international organization, his staff, and members of immediate family	101 (a) (15) (G) (i)	G-1
Other representative of recognized foreign member government to international organization, and members of immediate family	101 (a) (15) (G) (ii)	G-2
Representative of nonrecognized or nonmember foreign government to international organization, and members of immediate family	101 (a) (15) (G) (iii)	G-3
International organization officer or employee, and members of immediate family	101 (a) (15) (G) (iv)	G-4
Attendant, servant, or personal employee of G-1, G-2, G-3, and G-4 classes, and members of immediate family	101 (a) (15) (G) (v)	G-5
Temporary worker of distinguished merit and ability	101 (a) (15) (H) (i)	H-1
Other temporary worker, skilled or unskilled	101 (a) (15) (H) (ii)	H-2
Industrial trainee	101 (a) (15) (H) (iii)	H-3
Representative of foreign information media, spouse and children	101 (a) (15) (I)	I

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

DOCUMENTATION NOT REQUIRED FOR CERTAIN NONIMMIGRANTS

§ 41.6 *Nonimmigrants not required to present passports, visas, or border-crossing identification cards.* The provisions of section 212 (a) (26) of the act relating to the requirement of passports, visas, and border-crossing identification cards for nonimmigrants, either do not apply as provided by law, or have been waived by the Secretary of State and the Attorney General acting jointly in pursuance of the authority contained in section 212 (d) (4) of the act, in the cases of aliens who are otherwise qualified for admission as nonimmigrants under the applicable provisions of the immigration laws and who fall within any of the following categories:

(a) A Canadian citizen who has a residence in Canada and

(1) Is making application for admission to the United States from Canada; or

(2) Is making application for admission to the United States after a visit solely to some place in foreign contiguous territory or adjacent islands.

(b) A British subject who has a residence in Canada and is making application for admission to the United States from Canada, or from, and after a visit solely to, some place in foreign contiguous territory or adjacent islands.

(c) A Mexican national who

(1) Is a military or civilian official or employee of the Mexican national government, or of a Mexican state or municipal government, and the members of his family, making an application for admission to the continental United States from Mexico on personal or official business or for pleasure; or

(2) Is passing in immediate and continuous transit through the continental United States from one place in Mexico to another by means of a transportation line which crosses the border between the United States and Mexico; or

(3) Is a member of a fire-fighting group entering the United States in connection with fire-fighting activities.

(d) International Boundary and Water Commission officers, employees, and other personnel, entering the United States in the performance of their official duties, and Mexican nationals employed directly or indirectly on the construction, operation, or maintenance of works in the United States undertaken in accordance with the treaty concluded on February 3, 1944, between the United States and Mexico, and entering the United States temporarily in connection with such employment.

(59 Stat. 1252)

(e) A French national who has a residence in French territory in the West Indies, who is in possession of a round-trip transportation ticket, and who is making application for admission into Puerto Rico or the Virgin Islands of the United States for business or pleasure.

(f) A Netherlands subject who has a residence in Netherlands territory in the West Indies and who is making an application for admission to Puerto Rico or the Virgin Islands of the United States for not more than twenty-four (24) hours.

(g) An alien who is being transported by railroad in immediate and continuous transit through the United States directly from one part of Canada to another, or directly from one part of Mexico to another, without stopover, in accordance with the terms of a contract, including a bonding agreement, entered into by the transportation line and the Attorney General under the provisions of section 238 (d) of the act: *Provided*, That at all times such alien is in transit through the United States he shall be in the custody of an officer of the United States or such other custody as may be approved by the Attorney General.

(h) An alien whose case is not within the provisions of paragraph (g) of this section, who is being transported in immediate and continuous transit through the United States without stopover from one foreign place to another in accordance with the terms of a contract, including a bonding agreement, entered into by a transportation line and the Attorney General, under the provisions of section 238 (d) of the act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided*, That such alien is in possession of a travel document which is valid for his entry into a foreign country for a period of not less than 60 days after the date of immediate and continuous transit through the United States: *And provided further*, That at all times such alien is not aboard an aircraft which is in flight through the United States he shall be in the custody of an officer of the United States.

(i) An alien member of the armed forces of the United States who (*a*) is in the uniform of, or who bears documents identifying him as a member of, such armed forces; (*b*) has not been lawfully admitted for permanent residence; and (*c*) is making application for admission to the United States under official orders or permit of such armed forces.

(Sec. 284, 66 Stat. 232; 8 U. S. C. 1354)

(j) An American Indian born in Canada, having at least fifty per centum of blood of the American Indian race, and passing the border of the United States.

(Sec. 289, 66 Stat. 234; 8 U. S. C. 1359)

§ 41.7 *Nonimmigrants required to present passports but not visas or border-crossing identification cards.* The provisions of section 212 (a) (26) of the act relating to the requirement of visas and border-crossing identification cards for nonimmigrants have been waived by the Secretary of State and the Attorney General, acting jointly, for aliens who are otherwise qualified for admission as nonimmigrants under the applicable provisions of the immigration laws and who fall within any of the following categories:

(a) A Canadian citizen having a residence in Canada who is returning thereto from any country or place, other than foreign contiguous territory or adjacent islands, and is making an application for admission to the United States.

(b) A British subject having a residence in British territory in the West Indies, who is making an application for admission to Puerto Rico, or the Virgin Islands of the United States.

(c) A Netherlands subject who has a residence in Netherlands territory in the West Indies and who is making an application for admission to Puerto Rico or the Virgin Islands of the United States for more than twenty-four (24) hours.

(d) Nationals of foreign contiguous territory or adjacent islands who are entering the United States as seasonal or temporary workers under specific legislation enacted by Congress and in accordance with international arrangements concluded upon the basis of such legislation.

(Sec. 212, 66 Stat. 187; 8 U. S. C. 1182)

NONIMMIGRANT VISA APPLICATIONS

§ 41.9 *Application for nonimmigrant visas*—(a) *Form of application.* Every alien applying at a diplomatic mission or consular office for a nonimmigrant visa shall make application on Form 257, which shall consist of an original and 3 copies, designated 257a, 257b, 257c, and 257d. The requirement that an alien shall state in such application his race and ethnic classification does not pertain to his religion.

(b) *Aliens required to make separate application.* Except as provided in § 41.11 relating to the issuance of visas to certain nonimmigrants in the United States, or as provided in § 41.65 relating to crew-list visas, every alien shall make a separate application for a nonimmigrant visa. In the case of an alien under 14 years of age, or one physically incapable of making an application, such application may be made by the alien's parent or guardian, and, if the alien has no parent or guardian, by any person having legal custody of, or a legitimate interest in, such alien.

(c) *Personal appearance.* Except as otherwise provided in this section, every alien applying at a diplomatic mission or consular office for a nonimmigrant visa shall be required to appear in person before a consular officer to execute Form 257. The requirement of personal appearance may, subject to operational instructions, be waived in the discretion of the consular officer, in the case of any alien who is within a class of nonimmigrants described in section 101 (a) (15) (A) or section 101 (a) (15) (G) of the act, or in the case of a child under 10 years of age. If a waiver of personal appearance is granted, the application form shall be completed by the consular officer from available information relating to the alien.

(d) *Photographs.* Except as hereinafter provided, every alien applying at a diplomatic mission or consular office for a nonimmigrant visa shall be required to furnish with his application 3 identical photographs of himself. A child under 10 years of age shall not be required to furnish photographs unless he is the bearer of a separate passport. The photographs shall reflect a reasonable likeness of the alien as of the time they are furnished. Each photograph shall be two by two inches in size, unmounted, without head covering, have a light background, and clearly show a full front view of the facial features of the alien. Each copy of the photograph shall be signed by the person making the application with the full name of the alien in such manner as not to obscure the alien's features. The requirements of this paragraph may be waived in the discretion of the consular officer in the case of any alien who is within a class of nonimmigrants described in section 101 (a) (15) (A) or (G) of the act, or in accordance with the Diplomatic Visa Regulations contained in Part 40 of this title. If the photograph requirement is waived, a signed notation shall be made by the consular officer in the space provided for a photograph in the application form.

(e) *Place of application.* With the exception of certain aliens who are in the United States and who may be issued nonimmigrant visas under the provisions of § 41.11, every alien applying for a nonimmigrant visa shall make application at a United States consular office in the consular district in which he has established his residence: *Provided*, That a consular officer shall have discretionary authority in hardship cases to accept an application for a nonimmigrant visa from an alien who has no residence in his consular district, but who is physically present therein.

(f) *Application fee.* A fee stamp or fee stamps in the prescribed amount shall be affixed to the application form and cancelled. If no application fee is prescribed, the word "Gratis" shall be inserted in the space provided for the fee stamp.

(g) *Signature and seal.* Form 257 shall be signed by or on behalf of the applicant in the appropriate spaces provided therefor and in the presence of the consular officer. The application shall be sworn to or affirmed by the applicant before the consular officer who shall then sign such application and impress the seal of his office in the spaces provided in the application.

(Sec. 222, 66 Stat. 193; 8 U. S. C. 1202)

§ 41.10 *Documents required in connection with application for nonimmigrant visa; medical examination; police certificates*—(a) *Authority to require documents.* Every alien applying for a nonimmigrant visa shall furnish in duplicate if the consular officer in his discretion so requires, with his application a certified copy of each document pertaining to him which may be considered by the consular officer to be necessary to a determination of the alien's eligibility to receive a nonimmigrant visa.

(Sec. 222, 66 Stat. 194; 8 U. S. C. 1202)

(b) *Unobtainable documents.* In the event an alien applying for a nonimmigrant visa establishes to the satisfaction of the consular officer that any document or record required under the authority of this section is unobtainable, the consular officer may permit the alien to submit, in lieu of such document or record, other satisfactory evidence of the fact to which such document or record would, if obtainable, pertain. A document or other record shall be considered "unobtainable" if it cannot be procured without causing the applicant or a member of his family actual hardship other than normal delay and inconvenience.

(c) *Medical examination of nonimmigrants.* An alien applying for a nonimmigrant visa shall be required to present in duplicate a medical certificate from a reputable and competent physician selected by the alien from a panel of such physicians approved by the consular officer, or to be examined by a doctor of the United States Public Health Service, if he is coming from an area or in a status which indicates that a medical examination is advisable, or if the consular officer otherwise has reason to believe that such certificate or examination would disclose that the alien is ineligible to receive the visa.

(Sec. 221, 66 Stat. 192; 8 U. S. C. 1201)

(d) *Police certificates of nonimmigrants.* An alien applying for a nonimmigrant visa shall be required to present a police certificate if the consular officer has reason to believe that the alien has a police or criminal record. In such case the alien shall be required to furnish in duplicate with his application a certification by the appropriate police or other authorities stating what their records show concerning the alien: *Provided*, That the provisions of this paragraph shall not be applicable in the case of an alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (A) (i) or (ii), or 101 (a) (15) (G) (i), (ii), (iii), or (iv), or as an alien entitled to the benefits of section 212 (d) (8), of the act.

(e) *Certificates as part of application.* If a medical examination or a police certificate is required of an alien under the provisions of this section, the medical certificate or notification showing the results of the examination, or the police certificate, or both, shall become a part of the alien's application for a nonimmigrant visa. The duplicate copy of each such document shall be attached to Form 257d.

(f) A consular officer shall have authority to require, in his discretion, that an applicant for a nonimmigrant visa answer any questions pertaining to arrests, police or criminal record, or other facts in his case which are deemed to be material to his application. Such additional statements shall be attached to Form 257d and made a part of the alien's visa application and shall be covered by the alien's oath to, or affirmation of, the application.

(g) *Disposition of supporting documents.* (1) When issuing a nonimmigrant visa to any alien, the consular officer shall return to the alien for presentation to the immigration authorities at the port of entry the original of all supporting documents furnished by the alien with his application, except police and medical certificates which shall be disposed of as provided in paragraph (e) of this section. The duplicate of each such document shall be retained at the consular office for at least two years and filed with Form 257c during such period.

(2) When refusing a nonimmigrant visa to any alien, the consular officer may return to such alien the original of all supporting documents furnished by the alien with his application. The duplicate of each such document shall be retained at the consular office for at least one year and filed with the memorandum of refusal during such period, except in the case of a duplicate of a document which discloses a permanent ground of ineligibility, which shall be retained indefinitely in the files of the consular office subject to special instructions from the Department regarding its disposition.

ISSUANCE OF NONIMMIGRANT VISAS

§ 41.11 *Authority to issue nonimmigrant visas in the Department.* The Director of the Visa Office of the Department and such members of his staff as he may designate are authorized, in their discretion, to issue nonimmigrant visas to qualified aliens who are classifiable within a nonimmigrant category defined in section 101 (a) (15) (A) or (G) of the act, who are in the United States, who, if in the United States in such nonimmigrant category, have been duly notified to the Secretary of State, and who, after a temporary absence, desire to reenter the United States in the nonimmigrant status specified in the visa.

(Sec. 101 66 Stat. 166; 8 U. S. C. 1101)

§ 41.12 *Procedure in issuing nonimmigrant visa*—(a) *Visa evidenced by stamp in passport.* Except as hereinafter provided, the issuance of a nonimmigrant visa shall be evidenced by a stamp placed in the alien's passport and properly executed by the consular officer. The symbol for the classification of the alien and the visa, as provided in § 41.5, shall be inserted in the visa stamp. In the case of an alien whose passport was issued by a government not recognized de jure by the United States, or in the case of an alien for whom the passport requirement has been waived, the visa stamp shall be impressed in the appropriate space on the reverse side of Form 257a. No seal, signature, stamp, or notation of any kind shall be placed in a passport issued by a foreign government not recognized de jure by the United States.

(b) *Form of nonimmigrant visa stamp.*

(TITLE OF OFFICE)
(LOCATION)
NONIMMIGRANT VISA
Nonimmigrant classification ------ pursuant 22 CFR 41.5; Imm. and Natlty. Act; Application No. V-------
Issued on ----------
Valid through ----------
for ---------- application(s) for admission at United States ports of entry.
[SEAL]
[FEE STAMP]

(Consul)

(c) *Numbering.* The V-number of the application of each alien included in the visa shall be inserted in the space provided in the visa stamp. If the visa was issued upon the basis of a petition filed with and approved by the Attorney General, as in the case of a nonimmigrant under the provisions of section 101 (a) (15) (H) of the act, the petition number shall be noted in the visa stamp, in addition to the V-number of the application, but not necessarily in the same space.

(d) *Period of validity.* If a nonimmigrant visa is issued for an unlimited number of applications for admission within the period of validity, the word "Unlimited" shall be inserted in the space provided in the visa stamp. Otherwise a specific number shall be inserted. The date of issuance and the date of expiration of the visa shall be inserted at the proper places in the visa stamp and shall show the day, month, and year in that order, the name of the month being spelled out, as "24 December 1952."

(e) *Visa fee.* A fee stamp or fee stamps in the prescribed amount shall be affixed to the nonimmigrant visa stamp in the space provided for a fee stamp, or on the same page of the passport or Form 257, and cancelled by the consular officer. If no visa fee is prescribed, the word "Gratis" shall be inserted in the space provided for the fee stamp.

(f) *Signature and seal.* The consular officer who issues a nonimmigrant visa shall affix his signature, indicate his title, and impress the seal of his office in the spaces provided in the visa stamp.

(g) *Disposition of Form 257.* In issuing a nonimmigrant visa the consular officer shall deliver completed Forms 257a, 257b, and 257d, to the alien with his visaed passport, except as provided in the cases of crewmen under § 41.63. Form 257c shall be retained in the consular files.

§ 41.13 *More than one person included in nonimmigrant visa.* A single nonimmigrant visa may be issued to include more than one qualified alien if each alien executes a separate application and the V-number of each application is inserted in the space provided in the visa stamp. In such a case the visa fee to be collected shall be equal to the total of the fees prescribed for each alien included in the visa. On a basis of reciprocity, a spouse or child who is accompanying the bearer of a foreign passport, and who is included in the same passport by the issuing government, shall not be required to pay any visa fee in addition to that paid by the bearer.

§ 41.14 *Fees for nonimmigrant visas.* (a) The fees for nonimmigrant visa applications made by the nationals and the stateless residents of each foreign country and for the issuance of nonimmigrant visas to such aliens shall be collected in the same amounts as prescribed in the Schedules of Nonimmigrant Visa Fees issued by the Secretary of State and shall thereby correspond, as nearly as practicable, to the total of all similar visa, entry, residence, or other fees, taxes, or charges assessed or levied against nationals of the United States, in connection with their entry or sojourn, by the foreign countries of which such aliens are nationals or stateless residents.

(Sec. 281, 66 Stat. 231; 8 U. S. C. 1351)

(b) *Aliens exempted from nonimmigrant visa fees.* Upon a basis of reciprocity, or as provided in section 13 (a) of the Headquarters Agreement with the United Nations (61 Stat. 716), no fee shall be collected for the application for, or the issuance of, a nonimmigrant visa to an alien of any of the following classes:

(1) Nonimmigrants described in section 101 (a) (15) (A) of the act;

(2) Nonimmigrants described in section 101 (a) (15) (G) of the act;

(3) Nonimmigrants who are issued diplomatic visas under the provisions of Part 40 of this subchapter;

(4) Persons entitled to pass in transit to the United Nations Headquarters District under the provisions of section 11 (3), 11 (4), or 11 (5) of the Headquarters Agreement and who are issued C–2 visas as nonimmigrants under the provisions of section 101 (a) (15) (C) of the act. An alien in this category, if issued a visa as a B–1 or B–2 nonimmigrant, for example, under the provisions of section 101 (a) (15) (B) of the act when he is qualified to receive such a visa, shall pay the fee, if any, prescribed for aliens of the same nationality or stateless resident status.

(c) A fee collected for an application for, or the issuance of, a nonimmigrant visa, shall not be refunded without specific authorization from the Department.

§ 41.15 *Validity of nonimmigrant visa.* (a) The period of validity of a nonimmigrant visa shall date from the time of issuance and shall relate only to the period during which the alien to whom the visa was issued may use it in making application for admission into the United States and shall have no relation to the period of time he may be authorized to stay or remain in the United States, if, upon his arrival at a port of entry, he is admitted into the United States by the immigration authorities. Except as provided in paragraphs (c) and (d) of this section, the

bearer of a nonimmigrant visa may, within the period of its validity, make any number of applications for admission into the United States: *Provided*, That the passport of the bearer continues to be valid for the necessary period, and his nonimmigrant status shall not have changed.

(b) Except as provided in paragraphs (c) and (d) of this section, every nonimmigrant visa shall be valid for a period of 12 months, or for a period of 24 months in the case of an alien who is a national of a foreign country whose government issues visas to United States nationals of a similar class valid for as much as 24 months, or whose government does not require visas of United States nationals of a similar class visiting such country.

(c) A nonimmigrant visa, including one issued to an alien in transit, may, in consideration of reciprocal treatment accorded nationals of the United States by the alien's government, or in consideration of the alien's purpose in travelling to, or through, the United States, or for other valid reasons, be issued for a period of validity which is less than the time specified in paragraph (b) of this section, or for a limited number of applications for admission within the period of validity of the visa.

(d) The validity of a nonimmigrant visa issued to an alien who qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District under the provisions of section 11 (3), 11 (4), or 11 (5) of the United Nations Headquarters Agreement (61 Stat. 758), and whose admission is authorized by the Attorney General under the provisions of section 212 (d) (3) of the act despite the alien's inadmissibility under the provisions of section 212 (a) (28) of the act, shall be limited to a single application for admission within such period as, in the opinion of the consular officer, is reasonable to permit the bearer to travel to the United States.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

§ 41.16 *Revalidation of nonimmigrant visa.* (a) A visa issued on or after December 24, 1952, to an alien as a nonimmigrant under the provisions of section 101 (a) (15) of the act may, upon a basis of reciprocity accorded nationals of the United States of a similar class, be revalidated by a consular officer: *Provided*, That

(1) Such visa has been used by the alien to gain admission into the United States, or if not used, the alien still has Forms 257a, b, and d, which were issued to him;

(2) The application for revalidation is made at the consular office which issued the original visa, or at another office with the consent of the original visa-issuing office;

(3) Such visa is about to expire or expired less than 3 months prior to the application for revalidation; and

(4) The consular officer is satisfied that the alien has maintained a bona fide nonimmigrant status and is otherwise eligible to receive a visa as a nonimmigrant.

(b) A formal application for the revalidation of a nonimmigrant visa need not be required, and the consular officer may, in his discretion, waive the personal appearance of the alien concerned if the consular officer is satisfied that the alien is physically present in the consular district. A nonimmigrant visa may be revalidated any number of times during the period of validity of the alien's passport, if such passport is valid for the period which would be required if an original visa were being issued.

(c) In revalidating a nonimmigrant visa, the consular officer shall follow the procedure prescribed in § 41.12, except that a new Form 257 need not be executed. A new visa stamp shall be impressed in the passport and the word "Revalidated" shall be inserted in the space provided for the V-number in the visa stamp. An appropriate notation of the revalidation, regardless of where it occurs, shall be made on Form 257c on file at the original visa-issuing office.

(d) The period of validity for which a visa may be revalidated shall be determined in accordance with the pertinent provisions of § 42.15 of this subchapter.

(e) The prescribed fee, if any, for the issuance of a nonimmigrant visa shall be collected for any revalidation of such visa.

REFUSAL AND REVOCATION

§ 41.17 *Refusal of nonimmigrant documentation.* (a) Every alien shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer that he is properly classifiable within a nonimmigrant category specifically referred to in § 41.5.

(b) Except as provided in paragraphs (c), (d), and (e) of this section, the provisions of section 212 (a) of the act specifying the grounds for refusal of visas to aliens, as implemented by § 42.42 of this subchapter, shall apply to all nonimmigrants.

(c) Aliens who are properly classified as nonimmigrants under the provisions of section 101 (a) (15) of the act, as implemented by § 41.5, shall not be refused nonimmigrant visas or other nonimmigrant documentation on the ground that they are:

(1) Illiterates, as referred to in section 212 (a) (25) of the act;

(2) Polygamists, or persons who practice, or advocate the practice of, polygamy, as referred to in section 212 (a) (11) of the act;

(3) Aliens ineligible to United States citizenship, and aliens who, at the time of their departure from the United States, were nonimmigrants, as provided in section 212 (a) (22) of the act;

(4) Physically defective persons, as referred to in section 212 (a) (7) of the act, if a bond or other undertaking has been furnished as provided in section 221 (g) of the act;

(5) Persons likely to become a public charge, as referred to in section 212 (a) (15) of the act, if a bond or other undertaking has been furnished as provided in section 221 (g) of the act.

(d) (1) None of the grounds for refusing visas to aliens as specified in section 212 (a) of the act shall apply to nonimmigrant aliens within class A–1, as referred to in § 41.5, unless the President so directs and specific instructions are issued by the Department.

(Sec. 102, 66 Stat. 173; 8 U. S. C. 1102)

(2) Aliens in the following classes of nonimmigrants shall be refused visas or other documentation only under those provisions of section 212 (a) of the act stated specifically with reference to each category in this subparagraph:

(i) Class A–2: Section 212 (a) (27) and (29);

(ii) Class C–2: Section 212 (a) (26) (A), (27), (28), and (29);

(iii) Class C–3: Section 212 (a) (26) (A), (27), and (29);

(iv) Class C–1: Section 212 (a) (27);

(v) Classes C–2, C–3, and C–4: Section 212 (a) (27), and (29).

(3) The grounds for refusing visas to aliens as specified in section 212 (a) (28) of the act shall not be applicable to aliens within Classes A–3 and G–3.

(Sec. 212, 66 Stat. 197; 8 U. S. C. 1182)

(e) The grounds for refusing visas to aliens as specified in section 212 (a) (14) of the act shall not apply to an alien who establishes that he is properly classifiable within a specific nonimmigrant category symbolized in § 41.5.

§ 41.18 *Revocation and invalidation of nonimmigrant visa and other nonimmigrant documentation.* (a) A consular officer is authorized to revoke a nonimmigrant visa or other nonimmigrant documentation under the following circumstances:

(1) The consular officer knows, or after investigation is satisfied, that the visa or other documentation was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means; or

(2) The consular officer obtains information establishing that the alien was otherwise ineligible to receive the visa or other documentation at the time of issuance.

(b) A consular officer is authorized to invalidate at any time a nonimmigrant visa or other nonimmigrant documentation in any case in which he finds that the alien has become ineligible for such visa or other documentation. The invalidation shall terminate the validity of the visa or other documentation on the date of such invalidation.

(c) The bearer of a nonimmigrant visa or other documentation which is being considered for revocation or invalidation shall, if practicable, be notified of the proposed revocation or invalidation and shall be given an opportunity to show cause why such action should not be taken. In connection therewith, the alien shall be required to submit for consideration Forms 257a, 257b, and 257d, and to present his travel document containing the visa stamp. If the visa or other documentation is revoked or invalidated, the visa stamp or other documentation shall be cancelled by writing the word "Revoked" or "Invalidated", whichever is applicable, plainly on the face thereof. The cancellation shall be dated and signed by the consular officer. Failure of an alien to submit Forms 257a, 257b, or 257d, or his travel document, as required, shall not affect the validity of the revocation or invalidation of his visa or other documentation.

(d) Notice of revocation or invalidation shall be given to the master, commanding officer, agent, owner, charterer, or consignee of the carrier or transportation line on which the alien is known or believed to intend to travel to the United States, unless the consular officer finds that Forms 257a, 257b, and 257d have been taken up and the visa stamp cancelled. Notice of revocation or invalidation with a full report of the facts in the case shall be submitted promptly to the Department for transmission to the Attorney General: *Provided*, That no such notice and report need be submitted to the Department in the case of an invalidation of a visa, if the copies of Form 257 have been taken up and the visa stamp cancelled prior to the alien's departure for the United States. The consular office which issued the visa or other documentation shall be notified of the revocation or invalidation of such visa or other documentation if such action was effected by any other consular office or by the Department.

(Sec. 221, 66 Stat. 192; 8 U. S. C. 1201)

REGISTRATION AND FINGERPRINTING

§ 41.19 *Registration and fingerprinting of nonimmigrants.* (a) Every alien applying for a nonimmigrant visa shall be fingerprinted, except:

(1) An alien classifiable as a nonimmigrant under the provisions of section 101 (a) (15) (A) (i) or (ii) or section 101 (a) (15) (G) (i), (ii), (iii), or (iv), of the act;

(2) An alien who is an applicant for a diplomatic visa and is exempted from fingerprinting under the provisions of Part 40 of this subchapter;

(3) A child under 14 years of age at the time of application for a nonimmigrant visa.

(b) The fingerprints of a visa applicant shall be taken on Form AR–4 in the case of every alien subject to fingerprinting at the time of his application for a nonimmigrant visa.

(c) In appropriate cases the fingerprints of an alien may be taken on Form AR–4 at the time he makes informal or preliminary application for a nonimmigrant visa, if such procedure is considered necessary for the purposes of identification or investigation. An alien's fingerprints shall, upon the issuance or refusal of a nonimmigrant visa, be transmitted promptly to the Department for appropriate disposition.

(d) Forms 257b and 257c, when duly executed, shall constitute the alien's registration record. The information required in the application shall be sworn to or affirmed by the alien.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

BORDER-CROSSING IDENTIFICATION CARDS

§ 41.20 *Nonresident aliens' border-crossing identification cards*—(a) *Aliens eligible to receive.* A nonresident alien's border-crossing identification card as defined in section 101 (a) (6) of the act, and as required by section 212 (a) (26) of the act, may be issued to an alien who, upon proper application therefor, establishes to the satisfaction of the consular officer that he:

(1) Is a citizen of Canada or other British subject, having a residence in Canada, or a citizen of Mexico having a residence in Mexico;

(2) Is seeking, and has frequent occasion, to enter the continental United States or Alaska from Canada or the continental United States from Mexico, as a nonimmigrant;

(3) Is a bona fide nonimmigrant and is otherwise eligible to receive such a card under the provisions of the act;

(4) Is in possession of a valid passport or other travel document in the nature thereof duly issued to the holder by the appropriate authorities of Canada, Great Britain, or Mexico, and valid for re-entry to Canada or Mexico, if such a passport or other travel document is required for entry into such country;

(5) Can not reasonably be expected, because of remote residence from the border or some other exceptional reason, to make application for such card at an office of the Immigration and Naturalization Service.

(b) *Application procedure.* An application for a nonresident alien's border-crossing identification card shall be made on Form I–190 at a United States consular office in Canada or Mexico. The applicant shall execute the application in triplicate under oath or by affirmation before the consular officer. Four identical photographs of the alien, as described in § 41.9 (d), shall be submitted with the application. One of such photographs shall be attached to each copy of the application form and to the identification card which is issued to the applicant. The photograph requirement may, in the discretion of the consular officer, be waived in the case of an alien under fourteen years of age at the time of issuance of the card. The original of application Form I–190, duly executed, shall be retained at the consular office and the duplicate and triplicate copies shall be attached to the identification card issued to the alien for delivery to the immigration officer at the time of application for admission into the United States.

(c) *Alien under fourteen years of age or incapable of executing application.* Applicants for nonresident aliens' border-crossing identification cards shall appear in person and make separate applications therefor. In the case of an alien under fourteen years of age, or one physically incapable of making an application, the application for a nonresident alien's border-crossing identification card may be made by the alien's parent or guardian, or, if the alien has no parent or guardian, by any person having lawful custody of, or a legitimate interest in, such alien. An alien under fourteen years of age, or one physically incapable of executing an application, shall be required to appear in person at the time application is made in his behalf.

(d) *Evidence of border-crosser status.* Whenever any alien makes application for a nonresident alien's border-crossing identification card, the burden of proof shall be upon such alien to establish that he is entitled to classification as a nonimmigrant border-crosser and that he is otherwise eligible to receive such card under the provisions of the act. The consular officer may require the alien to furnish any evidence deemed necessary to sustain such burden of proof, including evidence of the alien's intention and ability to depart from the United States at the expiration of his temporary stay. The applicant shall furnish evidence of residence in the border area within the consular district in which application is made, except that a nonresident alien's border-crossing identification card may be issued at a consular office in the interior of Canada or Mexico to an alien who resides in the consular district of such office and who has good and sufficient reason frequently and habitually to cross the land border between the United States and Canada, or the United States and Mexico.

(e) *Procedure in issuing nonresident alien's border-crossing identification card.* If an applicant is found to have the qualifications specified in this section, a nonresident alien's border-crossing identification card may be issued to such applicant on Form I–186. The identification card shall show the date of issuance, the signature of the issuing consular officer, and a brief description of the applicant, and shall be valid for such period as is specified on the card. In the event the photograph requirement has been waived, the right index fingerprint of the applicant shall be placed on the card in lieu of his photograph. The applicant shall sign the card with his full name, or by witnessed mark after proper identification. The seal of the issuing consular office shall be impressed on the card. The applicant shall appear at the consular office in person to receive his nonresident alien's border-crossing identification card, unless the consular officer is satisfied that such card may be safely mailed to the applicant in exceptional cases in which personal appearance would entail undue hardship. No fee shall be charged for the issuance of a nonresident alien's border-crossing identification card or for the application.

(f) *Supporting documents not presented in duplicate.* The contents of all pertinent documents not presented with a duplicate copy for the consular files in support of the alien's application for a nonresident alien's border-crossing identification card shall be noted on the copy of the application which is retained for the consular files or in a separate memorandum attached thereto. Original documents shall be returned to the applicant.

(g) *Invalidation of nonresident alien's border-crossing identification card.* Consular officers are authorized to terminate the validity of a nonresident alien's border-crossing identification card issued by a consular officer:

(1) If the consular officer knows, or after investigation is satisfied, that such card was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means; or

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grant.

nonimmigrant aliens within class A-1, as alien to submit Forms 257a, 2[illegible]

[illegible] the act, may be issued to an alien shall be upon such alien to establish that [illegible] or other unlawful means, or

(2) If such a card is found in the possession of an alien other than the rightful holder; or

(3) If improper use is being made of such card; or

(4) If the consular officer receives information establishing the alien's ineligibility to receive a nonresident alien's border-crossing identification card.

(h) *Surrender of invalidated card.* An alien whose border-crossing identification card has been invalidated shall be required to surrender such card upon request of the consular officer, and such officer shall submit a report of the reasons for the invalidation to the Secretary of State for transmission to the Attorney General.

(Sec. 101, 66 Stat. 166; 8 U. S. C. 1101)

OFFICIAL VISAS

§ 41.30 *Officials of foreign governments.* (a) An alien aplying for a nonimmigrant visa under the provisions of section 101 (a) (15) (A) (i) or (ii) of the act shall be required to establish to the satisfaction of the consular officer that he is an accredited official or employee of a foreign government recognized de jure by the Government of the United States, and that he is acceptable to the President or the Secretary of State, or that he is a member of the immediate family of such official or employee.

(b) Except as provided in § 41.92 (c), no alien shall be accorded nonimmigrant status under the provisions of section 101 (a) (15) (A) of the act if the facts in his case clearly bring him within any other specific nonimmigrant category defined in section 101 (a) (15) of the act.

(c) The term "accredited" as used in sections 101 (a) (15) (A) and 212 (d) (8) of the act refers to an alien holding an official position, other than an honorary official position, who is in possession of a travel document or other evidence showing that he seeks to enter, or pass in transit through, the United States for the purpose of transacting official business for his government, and that he is a national of the country whose government he serves: *Provided*, That an alien who is not a national of the country whose government he serves in an advisory, consultative, or other capacity not contemplated by section 101 (a) (15) (A) (iii) of the act shall, if otherwise qualified, be classified under section 101 (a) (15) (B) of the act, or, if in transit, under section 101 (a) (15) (C) of the act.

(d) The term "immediate family", as used in section 101 (a) (15 (A) of the act, means close relatives who are members of the immediate family by blood, marriage, or adoption, and who will reside regularly in the household of the principal alien from whom they derive their subsidiary status.

(e) The term "attendants", as used in section 101 (a) (15) (A) (iii) of the act, includes an alien who is paid from the public funds of the foreign government employing him and to which he owes allegiance, and who is accompanying, preceding, or following to join a foreign-government official or employee to whom he owes a duty or service, regardless of its nature. The term includes an attendant who is a member of the armed forces of the foreign government to which the foreign-government official or employee, as well as the attendant, owe allegiance.

(f) The terms "servants" and "personal employees", as used in section 101 (a) (15) (A) (iii) of the act, include an alien who is employed in a domestic or personal capacity by a foreign-government official or employee, who is paid from the private funds of such official or employee, and who seeks to enter the United States solely for the purpose of such employment.

(Sec. 101, 66 Stat. 167; 8 U. S. C. 1101)

§ 41.31 *Official or representative of foreign government not recognized by the United States.* (a) An official of a foreign government which is not recognized de jure by the United States, or a member of his immediate family, or the attendant, servant, or personal employee of such official, shall not be classified as a nonimmigrant under the provisions of section 101 (a) (15) (A) of the act.

(b) Any alien referred to in paragraph (a) of this section may, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101 (a) (15) (B) or (C), or, if he is a representative of such government to an international organization, under the provisions of section 101 (a) (15) (G) (iii) of the act.

§ 41.32 *Procedure in issuing visa to foreign-government official or employee—(a) Derivative status cases.* In the case of a person who is a member of the immediate family, or an attendant, servant, or personal employee of a foreign-government official or employee, or who otherwise derives status from a principal alien who is not accompanying him, the name and position of the principal alien from whom such person derives his status shall be written below the lower margin of the visa stamp in the foreign passport.

(b) *Official on personal business.* A foreign-government official or employee, or a member of the immediate family, attendant, servant, or employee of such official or employee, who seeks to enter the United States temporarily for personal business or pleasure, shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101 (a) (15) (B) of the act.

(See Sen. Rep. 1137, 82d Cong., 2d Sess., p. 19)

(c) *Courier and acting courier on official business—(1) Courier of career.* An alien who is regularly and professionally employed as a courier by the government to which he owes allegiance shall ordinarily apply for a diplomatic visa at a United States mission as a nonimmigrant under the provisions of section 101 (a) (15) (A) (i) of the act. When proceeding to the United States on official business for his government and not applying for a diplomatic visa, such an alien shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101 (a) (15) (A) (ii) of the act, and the symbol A-2 shall be inserted in the space provided for classification in the visa stamp and in Forms 257b and 257c.

(2) *Official acting in capacity of courier.* An alien who is not regularly and professionally employed as a courier by the government to which he owes allegiance, who, however, holds an official position with, and is proceeding to the United States in the capacity of a courier on official business for, his government, shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101 (a) (15) (A) (ii) of the act. In such a case the symbol A-2 shall be inserted in the space provided for classification in the visa stamp and in Forms 257b and 257c. The case of an alien who is not a national of the country for whose government he is acting as courier shall be considered under the provisions of subparagraph 3 of this paragraph.

(3) *Nonofficial acting in capacity of courier.* An alien who is not regularly and professionally employed as a courier, who holds no official position with the government for which he is acting in the capacity of courier, or is not a national of the country for whose government he is acting in the capacity of courier, shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101 (a) (15) (B) of the act. In such a case the symbol B-1 shall be inserted in the space provided for classification in the visa stamp and in Forms 257b and 257c.

§ 41.33 *Evidence of official status.* An alien applying for a nonimmigrant visa as a foreign-government official or employee, or as an attendant, servant, or personal employee of such an official or employee, or as a member of the immediate family of any such alien, may be required to present evidence of his status and of the means and destination of his travel to, or through, the United States, and any other evidence considered necessary to establish eligibility to receive a visa as a nonimmigrant under the provisions of section 101 (a) (15) (A) or (101) (a) (15) (C), and other applicable provisions, of the act.

§ 41.34 *Significance of nonimmigrant visa in official cases.* A visa properly issued to an accredited official of a foreign government as a nonimmigrant under the provisions of section 101 (a) (15) (A), or (C) of the act shall entitle such official to apply at a port of entry in the United States within the period of its validity for admission as a nonimmigrant, and such visa, when presented to the immigration authorities by such official shall be conclusive evidence of his proper classification.

TEMPORARY VISITORS

§ 41.40 *Temporary visitors.* (a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (B) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to visit the United States temporarily for business or temporarily for pleasure.

(b) The term "business," as used in section 101 (a) (15) (B) of the act, refers to legitimate activities of a commercial or professional character. It does not include purely local employment or labor for hire. An alien seeking to enter for

employment or labor pursuant to a contract or other pre-arrangement shall be required to qualify under the provisions of § 41.100. An alien of distinguished merit and ability seeking to enter the United States temporarily with the idea of performing temporary services of an exceptional nature, requiring such merit and ability, but having no contract or other pre-arranged employment, may be classified as a nonimmigrant temporary visitor for business.

(c) The term "pleasure," as used in section 101 (a) (15) (B) of the act, refers to the purpose of an alien who seeks to enter the United States temporarily as a tourist or for some other legitimate purpose, including amusement, education (other than some activity which would make him classifiable as a student or teacher), health, rest, or visits with relatives or friends. Under no circumstances shall an alien who seeks to enter the United States as a student or for prearranged employment of any kind be classified as a temporary visitor for business or pleasure, unless such classification shall have been authorized by the Secretary of State after consultation with the Attorney General.

(Sec. 101, 66 Stat. 167; 8 U. S. C. 1101)

§ 41.41 *Exchange visitors.* The term "exchange visitor" refers to an alien who falls within one of the categories specifically named in section 201 of the United States Information and Educational Exchange Act of 1948, as amended (62 Stat. 7; 66 Stat. 276; 22 U. S. C. 1446), who seeks to enter the United States temporarily and who has been selected to participate in an exchange visitor program designated by the Secretary of State, as provided in Part 68 of this subchapter. Exchange visitors shall be classified as nonimmigrants under the provisions of section 101 (a) (15) of the act. In issuing a visa to an exchange visitor the symbol "EX" shall be inserted in the space provided for classification on the visa stamp and on Forms 257b and 257c, and the number of the program shall be added to the symbol.

§ 41.42 *Burden of proof and evidence of temporary visitor status.* (a) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (B) of the act shall not only have the burden of establishing that he is entitled to classification as a temporary visitor within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under the provisions of section 212 of the act and § 41.17.

(b) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (B) of the act shall establish specifically that:

(1) He has a residence in a foreign country which he has no intention of abandoning;

(2) He is not classifiable under any of the nonimmigrant categories defined in section 101 (a) (15) (F), (H), or (I) of the act;

(3) He is proceeding to the United States temporarily for one of the purposes specified in section 101 (a) (15) (B) of the act;

(4) He intends in good faith, and will be able, to depart from the United States at the expiration of a temporary stay;

(5) He is in possession of a valid foreign visa or other form of permission to enter some foreign country upon the termination of his temporary stay; and that

(6) He has made adequate financial provision to enable him to carry out the purpose of his travel to, sojourn in, and departure from the United States.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

TRANSIT ALIENS

§ 41.50 *Transit aliens.* An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (C) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States temporarily as a nonimmigrant and solely for the purpose of proceeding in immediate and continuous transit through the United States to a foreign destination, or that he qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District under the provisions of section 11 (3), 11 (4), or 11 (5) of the Headquarters Agreement with the United Nations.

(Sec. 101, 66 Stat. 167; 8 U. S. C. 1101)

§ 41.51 *Burden of proof and evidence of transit status.* (a) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (C) of the act shall not only have the burden of establishing that he is entitled to classification as an alien in transit within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under the applicable provisions of section 212 of the act, or any other provision of law, and § 41.17.

(b) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (C) of the act shall establish specifically that:

(1) He is proceeding to the United States solely for the purpose of passing in immediate and continuous transit through the United States to a foreign destination or to the United Nations Headquarters District;

(2) He is in possession of a ticket for, or other assurance of, transportation to his destination;

(3) He is in possession of sufficient funds to enable him to carry out the purpose of his transit journey, or has sufficient funds otherwise available for that purpose;

(4) He is in possession of a valid foreign visa or other form of permission to enter some foreign country: *Provided*, That possession of such a visa or other form of permission shall not be required in the case of an alien proceeding through the United States for the purpose of applying for admission into Canada or some other country if under the laws or regulations of the country of destination the alien would not be required to present a visa, or other form of permission as a condition of entry; and that

(5) He intends in good faith, and will be able, to depart from the United States at the expiration of the period for which he may be admitted.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

§ 41.52 *Certain aliens in transit to United Nations.* An alien within the provisions of sections 11 (3), 11 (4) or 11 (5) of the Headquarters Agreement with the United Nations, to whom a visa is to be issued for the purpose of applying for admission solely in transit to the United Nations Headquarters District, shall be issued a nonimmigrant visa classified "C-2", and shall be informed by the consular officer that, if admitted, he may be subject to such restrictions in his travel within the United States as may be provided in regulations prescribed by the Attorney General.

CREWMEN

§ 41.60 *Crewmen.* (a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (D) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to proceed to, and land in, the United States temporarily and solely in pursuit of his calling as a nonimmigrant crewman serving in good faith as such in some capacity required for normal operation and service on board a vessel or aircraft proceeding to the United States. Aliens employed on board such vessel or aircraft in a capacity not ordinarily associated with, or required for, normal operation and service on board the vessel or aircraft, or persons employed or listed as regular members of the crew in excess of the number normally required, shall be considered as passengers and shall be documented as any other passenger not employed aboard the vessel or aircraft.

(b) An alien serving as a member of the crew on board a fishing vessel having its home port or an operating base in the United States is not comprehended within the provisions of paragraph (a) of this section. Such an alien is classifiable as an immigrant.

(c) Each nonimmigrant crewman seeking to proceed to and land in, the United States temporarily in pursuit of his calling shall, except as provided in § 41.64, apply for an individual visa as a nonimmigrant under the provisions of section 101 (a) (15) (D) of the act and in accordance with the provisions of § 41.9.

(Sec. 101, 66 Stat. 167; 8 U. S. C. 1101)

§ 41.61 *Burden of proof and evidence of crewman status.* (a) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (D) of the act shall not only have the burden of establishing that he is entitled to classification as a crewman within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under the provisions of section 212 of the act, or any other provision of law, and § 41.17.

(b) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (D) of the act shall establish specifically that:

(1) He intends to proceed to, and land only temporarily in, the United

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[illegible] indicating the name of each crew- [illegible] sular officer is authorized to separate a [illegible] of the crew list filed in the consular office

States solely in pursuit of his calling as a crewman;

(2) He intends in good faith, and will be able, to depart from the United States with the vessel or aircraft on which he will arrive, or on some other vessel or aircraft; and that

(3) He is in possession of a national passport, or other travel document, crewman's identity certificate, or other papers, which establish his origin, identity and nationality if any, and which further establish unconditionally that he will be permitted to enter some foreign country after a possible temporary landing in the United States.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

§ 41.62 *Foreign-government official crewmen.* (a) All alien crewmen serving as such on board any vessel or aircraft proceeding to the United States with a purpose of landing temporarily in the United States shall be subject to the provisions of § 41.60 (c) or § 41.64, except those serving on:

(1) Foreign warships or other vessels of war, or military, naval, or other aircraft of the armed forces of a foreign country, when making friendly calls at United States ports under advance arrangements made with the military, naval, or air force authorities of the United States; or

(2) Any other government vessel or aircraft.

(b) The term "government vessel or aircraft" means a vessel or aircraft owned and operated, or operated only, directly by the Government of the United States with government personnel in connection with public business of a non-commercial and non-profit character, or a foreign-flag vessel or aircraft owned and operated, or operated only, directly by a foreign government recognized de jure by the United States, with foreign government personnel in connection with public business of a non-commercial and non-profit character. The term "government vessel or aircraft" shall not include a vessel or aircraft which is merely controlled or subsidized by a government, or one which is engaged in what would ordinarily be regarded as commercial shipping or commercial transportation.

(c) Whenever any alien seeks to enter the United States in the circumstances described in subparagraph (1) or (2) of paragraph (a) of this section, advance arrangements shall be made with the Secretary of State and the Attorney General regarding the documentation and admission of such alien.

§ 41.63 *Procedure in issuing visas to crewmen.* (a) The provisions of §§ 41.5 and 41.12 shall be followed in issuing a visa to an alien as a nonimmigrant under section 101 (a) (15) (D) of the act, except in the case of an alien whose name is included in a crewlist visa as authorized in § 41.64, or except as provided in paragraph (b) of this section.

(b) In the case of a crewman who is issued an individual nonimmigrant visa and whose passport was issued by a government not recognized de jure by the United States, or a crewman in whose case the passport requirement has been waived, the visa shall be stamped at the reverse side of Form 257a, and the completed Forms 257a, 257b, and 257d shall be delivered to the alien. In all other cases of crewmen who are issued individual visas the alien's visaed passport shall be delivered to him, but Forms 257a, 257b, 257c, and 257d shall be retained in the consular files pending the receipt of special instructions from the Department concerning their disposition.

§ 41.64 *Crew-list visas.* Until December 31, 1953, or until such later date as it becomes administratively practicable to act on the applications of all crewmen for individual visas, a crewman who is unable to obtain, but has not been refused, an individual visa as a nonimmigrant under the provisions of section 101 (a) (15) (D) of the act and § 41.60 (c), and whose name appears on the crew list of a vessel or aircraft on which he is proceeding to the United States as a crewman, may be included in a crew-list visa. Such crew-list visa may be issued by a consular officer in accordance with the provisions of § 41.65.

(Sec. 221, 66 Stat. 192; 8 U. S. C. 1201)

§ 41.65 *Requirement of crew-list visas.* (a) Until December 31, 1953, or until such later date as it becomes administratively practicable to act on the applications of all crewmen for individual visas, there shall be submitted for visaing at the consular office nearest the foreign port or place from which a vessel or aircraft commences its voyage to the United States a crew list of all nonimmigrant alien crewmen who are not in possession of a valid individual visa.

(b) No crewman shall be considered as having complied with the documentary requirements of the act relating to applicants for admission as nonimmigrants unless his name appears on a visaed crew list, or he is in possession of an appropriate individual visa, or the nonimmigrant visa requirement is waived by the Secretary of State and the Attorney General acting jointly on the basis of an unforeseen emergency in an individual case under the authority contained in section 212 (d) (4) of the act.

(66 Stat. 187; 8 U. S. C. 1182)

(c) If there is no consular officer stationed at the port or place from which the vessel or aircraft commences its voyage to the United States, but if a consular officer is stationed at a nearby port or place to whom the crew list may be submitted for visaing by mail or otherwise without delaying the departure of the vessel or aircraft, the crew list shall be so submitted. If there is no consular officer stationed nearby, the crew list shall be submitted for visaing at the first port or place of call at which a consular officer is stationed.

(d) A vessel or aircraft arriving at a port in the continental United States, Hawaii, Puerto Rico, or the Virgin Islands, after entering and clearing from a port or place in the Canal Zone for purposes other than transit, refueling, or landing passengers for medical treatment, shall be subject to all the crew-list visa requirements applicable to vessels or aircraft arriving in the United States from any foreign port or place.

(e) Supplemental crew-list visas shall be obtained at the port of departure or at subsequent ports or places of call to cover any additional crewmen who have been signed on since the previous crew-list visa was obtained, unless such crewmen are in possession of valid individual visas.

§ 41.66 *Crew-list visas not required.* (a) The presentation of a crew list for visaing shall not be required in the following cases:

(1) A vessel or aircraft proceeding from a port or place at which no American consular officer is stationed and compliance with the requirements of § 41.65 (c) is not possible;

(2) A government vessel or government aircraft;

(3) A vessel or aircraft operating between a port of the United States and a port of Canada, if not touching at a port of any other country;

(4) A vessel or aircraft operating on regular service exclusively between a port in the State of Florida and Habana, Cuba: *Provided*, That a new crew-list visa must be obtained (i) to cover the first trip each month, and (ii) at any other time during the month whenever a new crewman having no individual visa is signed on;

(5) A vessel or aircraft which is proceeding from one foreign place to another, and is diverted from its course to a port in the United States under emergency conditions;

(6) A vessel or aircraft having alien crewmen who desire to land temporarily in the Virgin Islands of the United States while the vessel or aircraft on which they are serving is in a Virgin Islands port;

(7) A vessel or aircraft having members of the crew all of whom are in possession of individual visas or reentry permits, or who are otherwise permitted to land without crew-list visas under the regulations of the Attorney General.

(8) Notwithstanding the provisions of paragraph (a) of this section, a crewman proceeding to the United States under the conditions described therein may not be found to be eligible to land temporarily as a nonimmigrant unless the nonimmigrant visa requirement is waived by the Secretary of State and the Attorney General acting jointly on the basis of an unforeseen emergency in an individual case.

§ 41.67 *Refusal of crew-list visa.* (a) A consular officer who knows or has reason to believe that a crew list submitted for a visa contains the name of an alien who is not a bona fide crewman, or who is otherwise ineligible to receive an individual visa as a crewman, shall either withhold the crew-list visa until the name of such alien shall have been removed from the crew list by the master of the vessel or the commanding officer of the aircraft, or he shall issue the crew-list visa, excluding therefrom the name of any such alien listed as a member of the crew. In excluding an alien's name from a crew-list visa, the consular officer shall place a notation below the visa

stamp indicating the name of each crewman so excluded. In no event shall a consular officer strike an alien's name from a crew list.

(b) When a crew-list visa is refused in any case, a full report shall be forwarded by the consular officer to the Department in sufficient time to be received before the arrival of the vessel or aircraft at a port of entry. In such a case the original of the crew list shall be returned to the master or commanding officer, and the duplicate shall be filed in the consular office.

(Sec. 221, 66 Stat. 192; 8 U. S. C. 1201)

§ 41.68 *Crew-list form.* (a) Crew lists or manifests of aliens employed on vessels or aircraft as members of the crew shall be prepared in duplicate on Department of Justice Form I–480 in cases of vessels, or on Customs General Declaration Form 7507 in the cases of the crews of aircraft, or on such other form as the Department of Justice may prescribe. Masters or agents of vessels and commanding officers of aircraft shall be required to obtain a supply of crew-list forms which they may purchase in the United States from Collectors of Customs. Consular officers anticipating a demand for such forms shall keep a supply on hand from which they may furnish copies in an emergency. Consular officers shall requisition copies of such forms from the Department.

(b) No application for a crew-list visa shall be required other than the presentation of the alien crew list in duplicate and all necessary information with respect thereto.

§ 41.69 *Procedure in issuing crew-list visas.*—(a) *Preparation of crew list.* (1) Entries on the crew list of a vessel or aircraft shall be made in the English language. All entries on both copies shall be made in accordance with the regulations prescribed by the Attorney General for the preparation of such lists.

(2) The person preparing an alien crew list shall insert the word "first" before the name of each crewman who was not employed on the vessel or aircraft on its last preceding trip to the United States. In addition, the initials "PE" (meaning "Previous Experience") shall be inserted immediately after the word "first" in the case of each crewman proceeding to the United States on his first trip on a vessel or aircraft to which he has been transferred from another vessel or aircraft of the same transportation line.

(3) If a crew list is prepared on more than one page, the pages shall be securely fastened together with eyelets in the upper left corner, tied by ribbon or taste inserted through the eyelets, and the crew-list visa shall be placed on the last page. The ends of the ribbon or taste shall be brought through a slit cut in the last page and fastened to that page, opposite the visa stamp, by a wafer seal on which the impression seal of the consular office shall be placed. The consular impression seal shall be placed on all other pages in the lower right corner. The pages shall be numbered.

(4) In order to facilitate the handling of the crew list of a large vessel, a consular officer is authorized to separate a crew list containing 400 or more names into four separate sections. The separate sections shall correspond to the following departments of the crew of the vessel: "(I) Deck Department, (II) Engine Department, (III) Catering Department, and (IV) Armed Guard". The crew-list visa shall be placed on the last page of the last section of the crew list. Each section of the crew list shall be closed in such a manner as to prevent any additions to the list after the visa has been issued with the words "I. Deck Department (or II. Engine Department, III. Catering Department, or IV. Armed Guard). Containing _____ members of the crew". The final section of the crew list shall be closed with the additional words "Crew list in four parts: Total crewmen _____".

(5) The name of each additional crewman signed-on a vessel or aircraft after the issuance of a crew-list visa shall be included in a supplemental crew list. If such name is in substitution for the name of another alien listed as a member of the crew, the name of such alien shall be indicated by the person preparing the supplemental crew list submitted for a visa.

(6) If the additional members of the crew are signed on in an emergency, under circumstances which make it impossible to submit the names to the consular officer before sailing, the facts shall be reported to a consular officer at the first port of call at which a consular officer is stationed. Such consular officer may issue a supplemental crew-list visa covering the names of the additional crewmen if they are qualified for inclusion in a crew-list visa.

(b) *Form of crew-list visa.* The nonimmigrant-visa stamp shall be used in visaing a crew list. The crew-list visa shall be issued to be valid for a period of six months from the date of issuance and for one application at a port of entry for permission to land temporarily. The last day of such period shall be specified in the visa stamp as the last day of validity of the visa. The classification symbol D shall be inserted in space provided in the visa stamp for classification of the crewmen as nonimmigrants under section 101 (a) (15) (D) of the act and § 41.5. The issuing officer shall sign the visa, indicate his title, and affix the seal of his office in the usual manner.

(c) *Crew-list visa fees.* A fee of $2.00 shall be collected by a consular officer for visaing a crew list (Tariff of United States Foreign Service Fees). A fee stamp, or stamps, in the prescribed amount shall be placed on the visa and cancelled. No fee shall be charged for a crew-list visa issued in the case of a United States vessel or aircraft, or for a supplemental crew-list visa issued in the case of any vessel or aircraft.

(d) *Disposition of crew list.* After the crew-list visa shall have been issued or refused, the original copy of the crew list shall be returned to the master or commanding officer of the vessel or aircraft for delivery to the appropriate authorities at the first port of arrival in the United States. The duplicate copy of the crew list filed in the consular office shall bear appropriate notations to identify the service, its date, fee and fee number.

TREATY ALIENS

§ 41.70 *Treaty traders.* (a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (E) (i) of the act shall be required to establish to the satisfaction of the consular officer that (1) he is entitled to enter the United States solely to carry on substantial trade principally between the United States and the foreign state of which he is a national, under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and such foreign state, or that (2) he is the spouse or child of any such alien and is accompanying or following to join him.

(b) The term "national", as used in this section, means a citizen or subject of a foreign country with which there is existing, at the time of application for a visa, a treaty of commerce and navigation as provided in paragraph (a) of this section.

(c) The term "trade", as used in this section, means trade of a substantial nature which is international in scope, carried on by the alien in his own behalf or as an agent of a foreign person or organization engaged in trade, and is principally between the United States and the foreign state of which such alien is a citizen or subject. Consideration shall be given to any conditions in the country of which the alien is a national which may affect the alien's ability to carry on substantial trade principally between the United States and such country.

(d) The nationality of a spouse or child of a treaty trader shall not be material to the classification of such spouse or child under the provisions of section 101 (a) (15) (E) (i) of the act.

(e) Representatives of foreign information media shall first be considered for possible classification as nonimmigrants under the provisions of section 101 (a) (15) (I) of the act and § 41.110, before consideration is given to their possible classification as nonimmigrants under the provisions of section 101 (a) (15) (E) of the act and of this section.

(Sec. 101, 66 Stat. 168; 8 U. S. C. 1101)

§ 41.71 *Burden of proof and evidence of treaty-trader status.* (a) An alien applying for a nonimmigrant visa as a treaty trader under the provisions of section 101 (a) (15) (E) (i) of the act shall not only have the burden of establishing that he is entitled to classification as a treaty trader within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under provisions of section 212 of the act or any other provision of law, and § 41.17.

(b) An alien applying for a visa as a nonimmigrant treaty trader under the provisions of section 101 (a) (15) (E) (i) of the act shall be required to present any evidence deemed necessary by the consular officer to establish that he is entitled to nonimmigrant classification

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case the passport requirement has been list visa requirements applicable to ves- shall place a notation

under that section. Such alien shall establish specifically that:

(1) He is proceeding to the United States solely for the purpose of carrying on substantial trade principally between the United States and the foreign state of which he is a national, under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and such foreign state. In this connection, bank statements, invoices, and correspondence from persons or organizations with whom or with which he has, and will have, commercial relations, may be required;

(2) He intends in good faith, and will be able, to depart from the United States upon the termination of his status; and that

(3) If he is employed or to be employed, his employer shall be a foreign person or organization and he shall be engaged in duties of a supervisory or executive character, or if he is, or is to be, employed in a minor capacity, he has special qualifications which make his services essential to the efficient operations of the employer. An alien employed solely in a manual capacity shall not be entitled to classification as a treaty trader.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

§ 41.75 *Treaty investors.* (a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (E) (ii) of the act shall be required to establish to the satisfaction of the consular officer that (1) he is entitled to enter the United States solely to develop and direct the operations of an enterprise in which he has invested, or in which he is actively in the process of investing, a substantial amount of capital, under and in pursuance of the specific provisions relating to treaty investors, negotiated after June 27, 1952, in a treaty of commerce and navigation between the United States and the foreign state of which the alien is a national, or that (2) he is the spouse or child of such an alien, and is accompanying or following to join him.

(b) The term "national", as used in this section, means a citizen or subject of a foreign country with which there is existing at the time of application for a visa a treaty of commerce and navigation as provided in paragraph (a) of this section.

(c) The nationality of a spouse or child of a treaty investor shall not be material to the classification of such spouse or child under the provisions of section 101 (a) (15) (E) (ii) of the act.

§ 41.76 *Burden of proof and evidence of treaty-investor status.* (a) An alien applying for a nonimmigrant visa as a treaty investor under the provisions of section 101 (a) (15) (E) (ii) of the act shall not only have the burden of establishing that he is entitled to classification as a treaty investor within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under the provisions of section 212 of the act or any other provision of law, and § 41.17.

(b) An alien applying for a visa as a nonimmigrant treaty investor under the provisions of section 101 (a) (15) (E) (ii) of the act shall be required to present any evidence deemed necessary by the consular officer to establish that he is entitled to nonimmigrant classification under that section. Such alien shall establish specifically that:

(1) He seeks to enter the United States solely for the purpose of developing and directing an enterprise in the United States in which he has invested, or is actively in the process of investing, a substantial amount of capital;

(2) The enterprise is one which actually exists or is in active process of formation, and is not a fictitious paper operation;

(3) He is not applying for a nonimmigrant visa in an effort to evade the quota or other restrictions which are applicable to immigrants; and that

(4) He intends in good faith, and will be able, to depart from the United States upon the termination of his status.

(Sec. 291, 66 Stat. 2341; 8 U. S. C. 1361)

§ 41.77 *Advisory opinions in treaty-investor cases.* For the purpose of coordinating the administration and enforcement of the provisions of section 101 (a) (15) (E) (ii) of the act among consular officers in each country of the world, each consular officer to whom an alien applies for a nonimmigrant visa as a treaty investor shall forward a full report of all the pertinent facts in each case to the Secretary of State with a request for an advisory opinion.

STUDENTS

§ 41.80 *Students.* (a) An alien applying for a nonimmigrant visa as a student under the provisions of section 101 (a) (15) (F) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him and approved by the Attorney General. The Attorney General has approved until further notice, for the purposes of section 101 (a) (15) (F) of the act, all schools and places of study which, on December 23, 1952, are on the approved list of institutions of learning for the purposes of section 4 (e) of the Immigration Act of 1924, and consular officers shall be guided by such list in considering the cases of applicants for visas as nonimmigrant students under the provisions of section 101 (a) (15) (F) of the act.

(b) *Official students.* An alien who has been selected by his government to study at an institution of learning or other place of study in the United States shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101 (a) (15) (F) of the act, regardless of whether the alien's expenses for such study will be borne by his government, unless such alien is classifiable as an exchange visitor within class EX as provided in § 41.5, or unless such alien is accredited and accepted as a foreign government official, as defined in section 101 (a) (15) (A) (ii) of the act. In issuing a visa to an alien under the provisions of section 101 (a) (15) (F) of the act, the symbol F shall be inserted in the space provided for classification in the visa stamp and in Forms 257b and 257c.

(c) *Official trainees.* An alien who has been selected by his government for training in the United States with an agricultural, commercial, financial, governmental, or other industrial establishment, shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101 (a) (15) (H) (iii) of the act, regardless of whether the alien's expenses for such training will be borne by his government, unless such alien is classifiable as an exchange visitor within class EX as provided in § 41.5, or unless such alien is accredited and accepted as a foreign government official, as defined in section 101 (a) (15) (A) (ii) of the act. In issuing a visa to an alien under the provisions of section 101 (a) (15) (H) (iii) of the act, the symbol H–3 shall be inserted in the space provided for classification in the visa stamp and in Forms 257b and 257c.

§ 41.81 *Burden of proof and evidence of student status.* (a) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (F) of the act shall not only have the burden of establishing that he is entitled to classification as a student within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under the provisions of section 212 of the act or any other provision of law, and § 41.17. Such alien shall establish specifically that:

(1) He has a residence in a foreign country which he has no intention of abandoning;

(2) He is a bona fide student qualified to pursue, and seeking to enter the United States temporarily and solely for the purpose of pursuing, a full course of study as prescribed by the approved institution of learning or other recognized place of study which has accepted such student for study;

(3) He is in possession of sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses;

(4) He has sufficient scholastic preparation and knowledge of the English language to enable him to undertake a full course of study in the institution of learning or other place of study by which he has been accepted, or if his knowledge of the English language is inadequate to enable him to pursue a full program of study in such language, the approved school or other recognized place of study is equipped to offer, and has accepted him expressly for, a full program of study in a language with which he is sufficiently familiar; and that

(5) He intends in good faith, and will be able, to depart from the United States upon the termination of his status.

(b) An alien who intends to study the English language exclusively while in the United States may be classified as a nonimmigrant student under the provisions of section 101 (a) (15) (F) of the act, if otherwise qualified, and if the approved school is equipped to offer, and has accepted him expressly for, a full course of study in the English language, even though no credits are given by the institution for such study. In all cases in which special arrangements have been made with the approved school for the acceptance of a student who lacks an adequate knowledge of the English language, or who intends to enter the United States solely for the purpose of studying the English language, a copy of the letter from the school setting forth such special arrangements shall be appended to Form 257b.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

INTERNATIONAL ORGANIZATION ALIENS

§ 41.90 *Aliens coming to international organizations.* (a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (i) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) A designated principal resident representative of a foreign government recognized de jure by the United States, to an international organization of which his government is a member; or

(2) An accredited resident member of the staff of such representative; or

(3) A member of the immediate family of such a representative, or of an accredited resident member of his staff.

(b) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (ii) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) An accredited representative, other than a designated principal resident representative described in paragraph (a) of this section, of a foreign government recognized de jure by the United States, to an international organization of which his government is a member; or

(2) A member of the immediate family of such representative.

(c) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (iii) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) An accredited representative of a foreign government not recognized de jure by the United States, to an international organization of which his government is a member; or

(2) An accredited representative of a foreign government recognized de jure by the United States, to an international organization of which his government is not a member; or

(3) An accredited representative of a foreign government not recognized de jure by the United States, to an international organization of which his government is not a member; or

(4) A member of the immediate family of a representative as described in subparagraph (1), (2), or (3) of this paragraph.

(e) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (iv) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) An officer or employee of an international organization; or

(2) A member of the immediate family of such officer or employee.

(e) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (G) (v) of the act shall be required to establish to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) An attendant, servant, or personal employee of a representative, officer, or employee referred to in paragraphs (a), (b), (c), and (d) of this section; or as

(2) A member of the immediate family of such attendant, servant, or personal employee.

(f) Aliens referred to in paragraphs (a), (b), (c), (d), and (e) of this section may be accorded a nonimmigrant classification under the provisions of section 101 (a) (15) (G) of the act only if they seek to enter, or pass in transit through, the United States in pursuance of their official duties directly related to such status, as distinct from personal or other private business or pleasure in which case they shall be classified, if otherwise qualified as nonimmigrants, under some other appropriate category defined in section 101 (a) (15) of the act.

(g) No alien shall be accorded nonimmigrant status under section 101 (a) (15) (G) of the act if the facts in his case clearly bring him within any other specific nonimmigrant category defined in section 101 (a) (15) of the act.

(h) The term "international organization" means any public international organization which has been designated by the President by Executive order as being entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Immunities Act (59 Stat. 669).

(i) The term "principal alien" means one from whom an alien who is a member of his staff, a member of his immediate family, or his attendant, servant, or personal employee, derives such subsidiary or subordinate status, provided such status is comprehended within the specific provisions of section 101 (a) (15) (G) of the act.

(j) The term "immediate family," as used in section 101 (a) (15) (G) of the act, means close relatives who are members of the immediate family by blood, marriage, or adoption, and who will reside regularly in the household of the principal alien from whom they derive their subsidiary status.

(k) The term "attendants", as used in section 101 (a) (15) (G) (v) of the act, includes an alien who is paid from the public funds of the foreign government to which he owes allegiance, or from the funds of the international organization, and who is accompanying or following to join the principal alien to whom he owes a duty or service.

(l) The term "servants" and "personal employees", as used in section 101 (a) (15) (G) (v) of the act, include an alien who is employed in a domestic or personal capacity by a principal alien, who is paid from the private funds of such alien, and who seeks to enter the United States solely for the purpose of such employment.

(Sec. 101, 66 Stat. 168; 8 U. S. C. 1101)

§ 41.91 *Evidence of status as representative to, or officer or employee of, international organization.* (a) An alien applying for a visa as a nonimmigrant representative to, or as an officer or employee of, an international organization shall be required to present evidence of his status and of the means and destination of his travel to, or through, the United States. The consular officer to whom such alien applies for a visa may, if in doubt, require a confirmation of the status of such representative, officer, or employee from the appropriate foreign office or from the international organization concerned, and any other evidence considered necessary to establish the applicant's eligibility to receive a visa as a nonimmigrant under the provisions of section 101 (a) (15) (G), and other applicable provisions, of the act.

(b) An alien who applies for a visa as a resident member of the staff, a member of the immediate family, or an attendant, servant, or personal employee, of a principal alien may be required to present satisfactory evidence of such status.

§ 41.92 *Procedure in issuing visa to representative to, or officer or employee of, international organization.* (a) The provisions of §§ 41.5 and 41.12 shall be followed in issuing a visa to an alien as a nonimmigrant under the provisions of section 101 (a) (15) (G) of the act.

(b) In the case of an alien who is a resident member of the staff, a member of the immediate family, or an attendant, servant, or personal employee of a principal alien, the name and title of the principal alien from whom such status is derived shall be written below the lower margin of the visa stamp or on the same page of the passport or other document bearing the visa stamp.

(c) An alien who seeks to enter the United States as a foreign-government representative to an international organization and who, at the same time, is proceeding to the United States on official business as a foreign-government official within the meaning of section 101 (a) (15) (A) of the act, shall, if otherwise qualified, be issued a visa as a nonimmigrant under the provisions of section 101 (a) (15) (A) of the act.

TEMPORARY WORKERS

§ 41.100 *Temporary workers and trainees.* (a) An alien applying for a nonimmigrant visa as a temporary worker or trainee under the provisions of section 101 (a) (15) (H) of the act shall not be granted such status unless the consular officer is in receipt of an authorization from the Secretary of State to grant the alien such nonimmigrant status upon the basis of a petition of the alien's prospective employer in the United States, filed with and approved by the Attorney General. Such approved petition shall constitute prima facie evidence that the alien is entitled to apply for classification as a temporary worker or trainee within the meaning

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of section 101 (a) (15) (H) of the act: *Provided*, That the approval of such petition shall not, of itself, establish that the alien is a bona fide nonimmigrant or that he is otherwise qualified to receive a nonimmigrant visa.

(b) Aliens who are entitled to classification as nonimmigrants under the provisions of section 101 (a) (15) (A) or (G) of the act shall not be subject to the petition requirements of section 101 (a) (15) (H) and section 214 (c) of the act, unless they are coming to the United States under contract or other pre-arrangement to perform service or labor for hire, or for training, which is outside the scope of the official duties inherently involved in their status, in which case they shall be classified as nonimmigrants under the provisions of section 101 (a) (15) (H) of the act and approved petitions shall be required before the visas are issued.

(c) No consular officer shall refuse to grant nonimmigrant status to an alien under the provisions of section 101 (a) (15) (H) of the act on the ground that the alien is not qualified to perform the service or labor, or to undertake the training, specified in the employer's petition approved by the Attorney General: *Provided*, That a consular officer who knows or has reason to believe that such alien is not so qualified shall suspend action on the alien's application for a nonimmigrant visa under section 101 (a) (15) (H) of the act and submit a full report to the Secretary of State for possible reference to the Attorney General of the question whether the Attorney General desires to reconsider his approval of the employer's petition.

(d) If the consular officer knows or has reason to believe that an alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (H) of the act is ineligible to receive such visa under the provisions of section 212 of the act or any other provision of law, and § 41.17, he shall refuse to issue such visa and shall submit a full report to the Secretary of State for possible reference to the Attorney General to complete the file of the Immigration and Naturalization Service in the case.

(e) Aliens coming to the United States as temporary workers or trainees under the exchange visitor program provided for in the United States Information and Educational Exchange Act of 1948, as amended (62 Stat. 6, 66 Stat. 276; 22 U. S. C. 1446), shall be classified as nonimmigrants under the symbol "EX" and the provisions of section 101 (a) (15) of the act, and § 41.5. Such cases shall not be subject to the petition procedure provided for in section 214 (c) of the act. (See § 41.41.)

(f) An alien who is of distinguished merit and ability and who seeks to enter the United States temporarily with the general intention of performing temporary service of an exceptional nature requiring such merit and ability, but having no contract or prearranged employment, may be classified as a temporary visitor for business under the provisions of section 101 (a) (15) (B) of the act.

(g) The term "industrial trainee", as used in section 101 (a) (15) (H) (iii) of the act, shall include an alien coming to the United States for training in agriculture, commerce, communications, finance, government, or transportation, as well as for training in a purely industrial establishment. The term "industrial trainee" shall also include a student who seeks to enter the United States to pursue a course of study or training at a vocational training school.

(Sec. 101, 66 Stat. 168; 8 U. S. C. 1101)

§ 41.101 *Alien servant or personal employee of member of the Foreign Service of the United States, or of other citizen or resident of the United States.* An alien seeking to enter the United States temporarily for employment as a servant or personal employee of a member of the Foreign Service of the United States, or of any other citizen or resident of the United States, shall, if otherwise qualified, be classified as a nonimmigrant under the provisions of section 101 (a) (15) (H) (ii) of the act. Such alien servant or personal employee shall be subject to the petition procedure referred to in § 41.100 (a). In issuing a visa to such alien the symbol H–2 shall be inserted in the spaces provided for classification in the visa stamp and Forms 257b and 257c.

NEWS REPORTERS

§ 41.110 *Representatives of foreign press, radio, film, or other information media.* (a) An alien applying for a nonimmigrant visa under the provisions of section 101 (a) (15) (I) of the act shall not be accorded such status unless he establishes to the satisfaction of the consular officer that he seeks to enter the United States as:

(1) A representative of a foreign press, radio, film, or other foreign information medium, solely to engage in such vocation; or as

(2) The spouse or child of such representative, and is accompanying or following to join him.

(b) An alien who will be engaged in the United States in newsgathering activities between the United States and the country of which he is a national, and who is entitled to enter the United States under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and the foreign state of which he is a national, shall be classified as a nonimmigrant under the provisions of section 101 (a) (15) (I) of the act and not as a nonimmigrant under the provisions of section 101 (a) (15) (E) of the act.

(66 Stat. 168; 8 U. S. C. 1101)

§ 41.111 *Burden of proof and evidence of status as representative of foreign information media.* (a) An alien applying for a visa as a nonimmigrant under the provisions of section 101 (a) (15) (I) of the act shall not only have the burden of establishing that he is entitled to classification as a representative of a foreign information medium within the meaning of that section of the act, but also that he is not ineligible to receive a visa as a nonimmigrant under the provisions of section 212 of the act or other provision of law, and § 41.17. Such alien shall establish specifically that:

(1) He seeks to enter the United States solely to represent in good faith a foreign press, radio, film, or other foreign information medium; and that

(2) He intends in good faith, and will be able, to depart from the United States upon the termination of his status.

(b) In order to qualify as the representative of a foreign press, radio, film, or other information medium within the meaning of section 101 (a) (15) (I) of the act, an alien shall be accredited by such a foreign medium having its home office in a foreign country, the government of which grants upon a basis of reciprocity similar privileges to representatives of such a medium having home offices in the United States, except that when the information medium is owned, operated, subsidized, or controlled by a foreign government, directly or indirectly, the reciprocity required by the provisions of section 101 (a) (15) (I) of the act shall be accorded by such foreign government.

TEMPORARY ADMISSION OF EXCLUDABLE ALIENS

§ 41.150 *Procedure in recommending temporary admission of excludable aliens.* (a) In the case of an alien who is properly classifiable as a nonimmigrant under the provisions of section 101 (a) (15) of the act, but who is known or believed by the consular officer to be ineligible to receive a visa as a nonimmigrant under the provisions of section 212 (a) of the act, other than paragraph (27) or (29), the consular officer to whom application is made by the alien for a nonimmigrant visa may, upon his own initiative, or shall, upon the alien's request, or upon the request of the Secretary of State, submit a full report to the Secretary of State with a recommendation for possible transmission to the Attorney General for advance authorization of the temporary admission of the alien into the United States as a nonimmigrant. The consular officer's recommendation, whether favorable or unfavorable, shall be accompanied by a full explanation of the facts in the case, and by an application to the Attorney General for temporary admission on such form, if any, as may be required by the Attorney General. A statement of the reasons for the consular officer's favorable or unfavorable recommendation shall be included in the report.

(b) When the Attorney General authorizes the temporary admission of an excludable alien as a nonimmigrant and the consular officer is so informed by the Secretary of State, the consular officer may proceed with the issuance of a nonimmigrant visa to the alien, subject to the conditions imposed by the Attorney General upon the alien's temporary admission into the United States.

(c) In the case of an alien who is seeking to enter the United States for the purpose of proceeding in transit to the Headquarters District of the United Nations in the United States under the provisions of section 11 (3), (4), or (5) of the Headquarters Agreement with the United Nations, and who is known or believed to be ineligible to receive a visa under the provisions of section 212 (a) (28) of the act, but not mandatorily ineligible under the provisions of section 212 (a) (27) or (29) of the act, the consular officer shall submit promptly to the Secretary of State a full report with a request for an advisory opinion concerning the action to be taken in the case. The consular officer may include in such report a recommendation for possible transmission to the Attorney General concerning the alien's possible temporary admission into the United States under the provisions of section 212 (d) (3) of the act. Upon receipt of notification from the Secretary of State that the Attorney General has authorized the temporary admission of such an alien in transit, the consular officer may proceed with the issuance of a transit visa to the alien, subject to the conditions imposed by the Attorney General for the admission of the alien in transit to the United Nations Headquarters District.

(Sec. 212, 66 Stat. 187; 8 U. S. C. 1182)

The regulations contained in this order shall become effective on December 24, 1952 at 12:01 a. m., e. s. t. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

[SEAL] DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52–13324; Filed, Dec. 18, 1952; 8:45 a. m.]

[Departmental Reg. 108.168]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT

DECEMBER 15, 1952.

Part 42, Chapter I, Title 22, Code of Federal Regulations, is amended to read as follows:

Sec.
42.1 Definitions.

CLASSIFICATION OF IMMIGRANTS

42.2 Presumption of immigrant status.
42.3 Immigrant classification symbols.

CLASSES OF NONQUOTA IMMIGRANTS

42.4 Nonquota relatives.
42.5 Returning resident aliens
42.6 Natives of Western Hemisphere countries.
42.7 Former United States citizens.
42.8 Ministers of religion.
42.9 United States Government employees.

CLASSES OF QUOTA IMMIGRANTS

42.10 Quota immigrants.
42.11 Classes of quota immigrants.
42.12 Annual determination of quota numbers available under each quota.
42.13 Determination of quota to which an immigrant is chargeable.

ASIANS

42.14 Asia-Pacific triangle.
42.15 Quotas for Chinese persons and for China.
42.16 Quota preferences applicable to quotas of quota areas within Asia-Pacific triangle.
42.17 Nonquota status for natives of Asia-Pacific triangle: Exceptions.
42.18 Subquotas.

WAITING LISTS

42.20 Immigrant waiting lists.
42.21 Aliens included in single registration.
42.22 Aliens not to be registered on a waiting list.
42.23 Removal of names of registrants from quota waiting list.
42.24 Reinstatement of name on waiting list.

ORDER OF PRIORITY OF CONSIDERATION

42.25 Priority for considering quota immigrant cases.
42.26 Procedure in granting preference.
42.27 Petition for nonquota immigrant status.
42.28 Suspension or termination of action in petition cases.

EXEMPTIONS FROM IMMIGRANT VISA REQUIREMENTS

42.29 Immigrants not required to obtain immigrant visas.

APPLICATIONS

42.30 Application for immigrant visa.
42.31 Immigrant preceding his family.
42.35 Supporting documents in immigrant cases; burden of proof.

PASSPORTS

42.36 Passport requirements for immigrants.

EXAMINATION AND FINGERPRINTING

42.37 Physical and mental examination of immigrants.
42.38 Registration and fingerprinting of immigrants.

ISSUANCE OF IMMIGRANT VISAS

42.40 Authority to issue, refuse, and revoke, immigrant visas.
42.41 Procedure in issuing immigrant visa.

INELIGIBLE IMMIGRANTS

42.42 Classes of aliens ineligible to receive immigrant visas.

REFUSAL AND REVOCATION OF IMMIGRANT VISAS

42.43 Procedure in refusing immigrant visas.
42.44 Revocation of immigrant visas.
42.45 Disposition of supporting documents.
42.46 Refund of immigrant visa fee.

VALIDITY AND REVALIDATION

42.47 Validity of immigrant visa.
42.48 Issuance of new or replace immigrant visa.

TRANSFER OF JURISDICTION

42.49 Transfer of cases.

AUTHORITY: §§ 42.1 to 42.49 issued under sec. 104, 66 Stat. 174; 8 U. S. C. 1104. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 42.1 *Definitions.* The following definitions, in addition to the pertinent definitions contained in the Immigration and Nationality Act, shall be applicable to this part:

(a) "Act" means the Immigration and Nationality Act.

(b) "Affirmation" means a verification in confirmation of truth in lieu of a sworn statement by a person who has conscientious scruples against taking an oath.

(c) "Chinese person" means an alien who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to China.

(d) "Consular officer", as defined in section 101 (a) (9) of the act, shall include the District Administrators of the Trust Territory of the Pacific Islands hereby designated as consular officers for the purpose of issuing immigrant visas.

(e) "Department" means the Department of State of the United States of America.

(f) "Passport" as defined in section 101 (a) (30) of the act shall not be considered as limited to a national passport, but shall be considered as including any other document issued by a competent authority, which shows the bearer's origin, identity, and nationality if any, and which is valid for the entry of the bearer into a foreign country. The term "passport" shall not be considered as limited to a single document but may consist of two or more documents which, when considered together, fulfill the requirements of a passport as defined in section 101 (a) (30) of the act: *Provided*, That written permission to enter a foreign country shall be considered as fulfilling one of such requirements if it is clearly valid for such purpose and specifies no conditions to such validity for the alien's entry into a foreign country.

(g) "Port of entry" means a port or place designated by the Attorney General or the Commissioner of Immigration and Naturalization at which an alien may apply for admission into the United States.

CLASSIFICATION OF IMMIGRANTS

§ 42.2 *Presumption of immigrant status.* Every alien shall be presumed to be an immigrant until he furnishes information or presents evidence establishing nonimmigrant status under the provisions of Part 41 of this subchapter. An immigrant shall be classified as a quota immigrant until he establishes that he is classifiable as a nonquota immigrant. In order to be classified as a nonquota immigrant, an alien shall be required to qualify for such classification within one of the nonquota immigrant categories specified in section 101 (a) (27) of the act and hereinafter more specifically described in this part.

§ 42.3 *Immigrant classification symbols.* (a) A visa issued to an alien as an immigrant within one of the nonquota immigrant classes defined in section 101 (a) (27) of the act, or to an alien as an immigrant within one of the quota immigrant classes described in section 203 (a) of the act, shall bear a symbol to show the classification of the immigrant, in conformity with section 221 (a) of the act. Such symbol shall be inserted by the consular officer in the designated space on the visa side of the immigrant visa application Form 256.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

(b) The following symbols shall be used in the cases of nonquota immigrants:

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Class	Section of the act	Symbol to be inserted in visa
Spouse of United States citizen	101 (a) (27) (A)	M-1
Child of United States citizen	101 (a) (27) (A)	M-2
Returning resident	101 (a) (27) (B)	N
Native of certain Western Hemisphere countries	101 (a) (27) (C)	O-1
Spouse of alien classified O-1	101 (a) (27) (C)	O-2
Child of alien classified O-1	101 (a) (27) (C)	O-3
Person who lost United States citizenship by marriage	101 (a) (27) (D) and 324 (a)	P-1
Person who lost United States citizenship by serving in foreign armed forces	101 (a) (27) (D) and 327	P-2
Person who lost United States citizenship through parent's foreign naturalization	101 (a) (27) (D) and 349 (a) (1).	P-3
Minister of religion	101 (a) (27) (F)	Q-1
Spouse of alien classified Q-1	101 (a) (27) (F)	Q-2
Child of alien classified Q-1	101 (a) (27) (F)	Q-3
Certain employees or former employees of United States Government abroad	101 (a) (27) (G)	R-1
Spouse of alien classified R-1	101 (a) (27) (G)	R-2
Child of alien classified R-1	101 (a) (27) (G)	R-3

(c) The following symbols shall be used in the cases of quota immigrants:

Class	Section of the act	Symbol to be inserted in visa
First preference: Selected immigrant	202 (a) (1)	T-1
Spouse of alien classified T-1	203 (a) (1)	T-2
Child of alien classified T-1	203 (a) (1)	T-3
Second preference: Parent of United States citizen	203 (a) (2)	U
Third preference: Spouse of alien resident	203 (a) (3)	V-1
Third preference: Child of alien resident	203 (a) (3)	V-2
Fourth preference: Brother or sister of United States citizen	203 (a) (4)	W-1
Fourth preference: Son or daughter 21 years of age or over, or married, of United States citizen	203 (a) (4)	W-2
Nonpreference: Other quota immigrants	203 (a) (4)	X

CLASSES OF NONQUOTA IMMIGRANTS

§ 42.4 *Nonquota relatives.* (a) An alien shall, regardless of ancestry, be accorded a nonquota immigrant status under the provisions of section 101 (a) (27) (A) of the act, only if such alien establishes by the presentation of appropriate evidence to the consular officer that he is the spouse or child of a citizen of the United States, and is the beneficiary of an approved petition filed in his behalf with the Attorney General by such citizen, upon the basis of which the consular officer shall have been authorized by the Secretary of State to grant the nonquota immigrant status. An approved petition for first-preference quota status for the husband of a United States citizen shall, if still valid on December 24, 1952, be deemed to be valid for nonquota status under section 101 (a) (27) (A) of the act until December 24, 1953, except as otherwise provided in § 42.28.

(b) In issuing an immigrant visa to an alien child as a nonquota immigrant under the provisions of section 101 (a) (27) (A) of the act, the consular officer shall warn such alien, if he is approaching the age of twenty-one years, that he will not be admissible as such a nonquota immigrant if he fails to apply for admission at a port of entry in the United States before reaching the age of twenty-one years.

(Sec. 101, 66 Stat. 169; 8 U. S. C. 1101)

§ 42.5 *Returning resident alien*—(a) *Burden of proof.* An alien shall, regardless of ancestry, be accorded a nonquota immigrant status under the provisions of section 101 (a) (27) (B) of the act only if such alien sustains the burden of establishing through the presentation of appropriate evidence to the consular officer that the applicant has the status of an alien lawfully admitted for permanent residence and that he is returning to the United States from a temporary visit abroad.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

(b) *Evidence of returning resident status.* An alien applying for a nonquota immigrant visa under the provisions of section 101 (a) (27) (B) of the act shall be required to present any evidence deemed necessary by the consular officer to establish eligibility to receive such visa. In this connection, the applicant may be required to furnish for inspection his alien registration receipt card (Form I–151) if such a card has been issued to him, or an expired reentry permit if such a reentry permit was issued to him. Such alien shall be required to establish specifically that:

(1) He had the status of an alien lawfully admitted for permanent residence at the time of his departure from the United States;

(2) He departed from the United States with the intention of returning thereto;

(3) He is returning to the United States from a temporary visit abroad: *Provided,* That when his stay abroad was protracted, he shall be required to establish whether the reasons therefor were beyond his control and whether he was not responsible therefor, in order that it may be determined whether the sojourn abroad was temporary.

(c) *Authority to require supporting documents.* The provisions of section 222 (b) of the act requiring an immigrant to furnish with his application for a visa certain records and documents shall apply, in the case of an applicant for a nonquota immigrant visa under the provisions of section 101 (a) (27) (B) of the act, to the extent of requiring the applicant to furnish those records and documents which relate to the period of his residence in the United States, unless the consular officer has a valid reason for questioning the legality of the alien's previous admission into the United States for permanent residence, or his eligibility otherwise to receive a visa.

(d) *Bearers of reentry permits.* No alien who is in possession of an unexpired reentry permit issued to him shall be issued an immigrant visa of any kind without a specific authorization from the Secretary of State, and an authorization from the Attorney General to take up the alien's reentry permit.

(e) *Bearers of border-crossing cards.* No alien who is in possession of a valid and unexpired resident alien's border-crossing identification card issued to him shall be issued an immigrant visa of any kind without a specific authorization from the Secretary of State, and an authorization from the Attorney General to take up the alien's border-crossing identification card.

§ 42.6 *Natives of Western Hemisphere countries.* (a) An alien shall be accorded a nonquota immigrant status under the provisions of section 101 (a) (27) (C) of the act only if such alien sustains the burden of presenting evidence which establishes to the satisfaction of the consular officer that:

(1) Such alien was born in Canada, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, or that

(2) Such alien is the eligible spouse, or the child of an alien referred to in subparagraph (1) of this paragraph, and is accompanying or following to join him.

(b) The provisions of paragraph (a) of this section shall not apply to a Chinese person, or to any other person who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, unless such person is the child of, and is accompanying or following to join, an alien referred to in subparagraph (1) of paragraph (a) of this section.

(c) Nonquota immigrant status under the provisions of section 101 (a) (27) (C) of the act, once acquired as provided in paragraphs (a) and (b) of this section, shall not be lost by the operation of the provisions of section 202 (a) (1) or (2) of the act.

(d) An alien born in a quota area and claiming nonquota immigrant status under the provisions of section 101 (a) (27) (C) of the act because of relationship to a spouse or parent born in a nonquota country shall be required to present the evidence necessary to establish such status.

(e) An alien referred to in subparagraph (2) of paragraph (a) of this section, who is following to join an alien parent in the United States, shall establish by satisfactory evidence that the parent was born in a nonquota country, and has the status of an alien lawfully admitted for permanent residence.

(f) An alien applying for a nonquota immigrant visa as the spouse of an alien classifiable as a nonquota immigrant under the provisions of section 101 (a) (27) (C) of the act shall be required to establish that the applicant's spouse from whom nonquota status is derived by the applicant under that section of the act was born in a nonquota country and is eligible to receive a nonquota immigrant visa under that section of the act, or that such applicant's spouse was born in a nonquota country and has the status of an alien lawfully admitted for permanent residence. Such an applicant shall not be eligible for nonquota status under section 101 (a) (27) (C) of the act if he or she is a Chinese person, or any other person who is attributable by as much as one-half of his or her ancestry to a people or peoples indigenous to the Asia-Pacific triangle.

(Sec. 101, 66 Stat. 169; 8 U. S. C. 1101)

§ 42.7 *Former United States citizens*—(a) *Women expatriates.* An alien applying for reacquisition of citizenship under the provisions of section 324 (a) of the act shall, regardless of ancestry, be accorded nonquota immigrant status under the provisions of section 101 (a) (27) (D) of the act only if such alien sustains the burden of presenting evidence which establishes to the satisfaction of the consular officer that she was a citizen of the United States and that she lost her citizenship by reason of marriage to an alien, or by reason of the loss of United States citizenship by her husband, or by reason of her marriage to an alien who was ineligible to citizenship, and that she has not acquired any other nationality by any affirmative act other than marriage. The provisions of this paragraph shall apply to aliens regardless of their marital status at the time of the issuance of a visa.

(b) *Military expatriates.* A person, regardless of ancestry, who shall have been a citizen of the United States, and who shall have lost his citizenship under the provisions of section 349 (a) (3) of the act, or under the provisions of section 401 (c) of the Nationality Act of 1940 (54 Stat. 1169), by entering, or serving in, the armed forces of a foreign state, and who may apply for reacquisition of citizenship under the provisions of section 327 of the act, may be accorded the status of a nonquota immigrant under the provisions of section 101 (a) (27) (D) of the act.

(c) *Children expatriates.* An alien shall, regardless of ancestry, be accorded a nonquota immigrant status under the provisions of section 101 (a) (27) (E) of the act only if such alien:

(1) Sustains the burden of presenting evidence which establishes that he was a citizen of the United States and that he lost such citizenship prior to January 1, 1948 through the naturalization in a foreign state of a parent or parents as provided in section 349 (a) (1) of the act; and

(2) Makes application for a nonquota immigrant visa under the provisions of section 101 (a) (27) (E) of the act on or before December 23, 1953.

(Sec. 101, 66 Stat. 169–170; 8 U. S. C. 1101)

§ 42.8 *Ministers of religion.* (a) An alien shall, regardless of ancestry, be accorded a nonquota immigrant status under the provisions of section 101 (a) (27) (F) of the act only if such alien establishes that:

(1) He continuously for at least 2 years immediately preceding the time of his application for a visa has been, and seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of a recognized religious denomination having a bona fide organization in the United States and needing the services of such minister, as evidenced by an authorization from the Secretary of State to grant such status upon the basis of a petition filed by a competent authority of the denomination with, and approved by, the Attorney General; or

(2) Is the spouse or child of such minister and is accompanying or following to join him.

(b) The term "minister", as used in section 101 (a) (27) (F) of the act, means a person duly authorized by a recognized religious denomination having a bona fide organization in the United States to conduct religious worship, and to perform other duties usually performed by a regularly ordained pastor or clergyman of such denomination. The term shall not include a lay preacher not authorized to perform the duties usually performed by a regularly ordained pastor or clergyman of the denomination of which he is a member, and shall not include a nun, lay brother, or cantor.

(Sec. 101, 66 Stat. 170; 8 U. S. C. 1101)

§ 42.9 *United States Government employees.* An alien shall, regardless of ancestry, be accorded a nonquota immigrant status under the provisions of section 101 (a) (27) (G) of the act only if the consular officer is satisfied that such alien:

(a) Has served the Government of the United States faithfully as an employee for a total period of not less than 15 years;

(b) Performed such service abroad for one or more establishments of the United States Government, but not necessarily for the Foreign Service of the United States;

(c) If a former employee, was retired under honorable conditions; and

(d) Has been recommended for such nonquota status by the principal officer at the diplomatic or consular office where the alien is applying for a visa and such recommendation shall have been approved by the Secretary of State upon the basis of a finding that the granting of such status is in the national interest of the United States; or

(e) Is the spouse or child of an alien described in paragraphs (a) to (d), inclusive, of this section.

(Sec. 101, 66 Stat. 170; 8 U. S. C. 1101)

CLASSES OF QUOTA IMMIGRANTS

§ 42.10 *Quota immigrants*—(a) *Presumption of classification.* Every alien shall be presumed to be a nonpreference quota immigrant until such alien establishes that he is entitled to be classified as a preference quota immigrant, or as a nonquota immigrant, or as a nonimmigrant.

(b) *Burden of proof of classification.* Every alien who seeks to establish that he is classifiable as a preference quota immigrant shall have the burden of proving that he is entitled to be classified within one of the preference quota classes specified in the act and referred to more specifically in § 42.11.

(Sec. 291, 66 Stat. 234; 8 U. S. C. 1361)

(c) *Effect of approved petition.* The fact that a consular officer shall have been authorized by the Secretary of State to grant a preference quota status to an alien upon the basis of a petition filed with, and approved by, the Attorney General in such alien's case shall not be considered as shifting from the alien to the consular officer the burden of proving eligibility to receive a visa. Such authorization by the Secretary of State shall have the effect of establishing prima facie that the alien is entitled to the classification approved in the petition.

§ 42.11 *Classes of quota immigrants*—(a) *First preference class.* The first preference class of quota immigrants shall consist of the selected immigrants referred to in section 203 (a) (1) of the act, including the accompanying spouses and children of such immigrants, who shall be entitled to preferential consideration under the first half of the quota to which they are chargeable and within any other portion of such quota not required for the issuance of visas to immigrants primarily entitled thereto.

(b) *Second preference class.* The second preference class of quota immigrants shall consist of the alien parents of citizens of the United States, such citizens being twenty-one years of age or over, as referred to in section 203 (a) (2) of the act, who shall be entitled to preferential consideration under the next 30 per centum of the quota to which they are chargeable and to second preference within any other portion of such quota not required for the issuance of visas to immigrants primarily entitled thereto.

(c) *Third preference class.* The third preference class of quota immigrants shall consist of the alien spouses and children of aliens lawfully admitted for permanent residence, referred to in section 203 (a) (3) of the act, who shall be entitled to preferential consideration under the remaining 20 per centum of the quota to which they are chargeable and to third preference within any other portion of such quota not required for the issuance of visas to immigrants primarily entitled thereto.

(d) *Fourth preference class.* The fourth preference class of quota immigrants shall consist of the alien brothers and sisters of United States citizens, and of the alien sons and daughters who are twenty-one years of age or over, or married, of United States citizens, as referred to in section 203 (a) (4) of the act, who shall be entitled to a preference of not exceeding 25 per centum of that portion of every quota which is not required for the issuance of immigrant visas to qualified immigrants within the first, second, and third preference classes.

(e) *Nonpreference class.* The nonpreference class of quota immigrants shall consist of all quota immigrants not entitled to preferential consideration as

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preference-quota immigrants under section 203 (a) (1), (2), (3), or (4) of the act: *Provided*, That prior to July 1, 1954, not more than 50 per centum of the quota numbers available for the issuance of visas to qualified nonpreference quota immigrants shall be available for the issuance of visas to qualified immigrants under the second proviso to section 3 (c) of the Displaced Persons Act of 1948, as amended (62 Stat. 1009, 64 Stat. 219).

(f) *Priority of access to unused portions of a quota.* In determining whether an alien shall have access to an unused preference portion of a quota after the preference portion of the quota to which he is primarily entitled has been exhausted, priority shall be given to aliens within each of the preference classes in the order of their preference as specified in the act, until the unused portion or portions of the quota shall have been exhausted. No quota number shall be made available for the issuance of an immigrant visa to a nonpreference quota immigrant if there is a sufficient demand on the part of qualified preference-quota immigrants to exhaust the quota.

(Sec. 203, 66 Stat. 178, 8 U. S. C. 1153)

§ 42.12 *Annual determination of quota numbers available under each quota.* For the purposes of section 203 (a) of the act and § 42.11, the full quota for each quota area for each quota year shall be considered to be the quota as proclaimed by the President under section 201 (b) or 202 (e) of the act, less the quota numbers authorized to be taken from, or otherwise previously used under such quota by authority of law before the beginning of each quota year, as provided in section 201 (e) of the act, or in any other provision of law.

§ 42.13 *Determination of quota to which an immigrant is chargeable.* (a) An immigrant who was born in a quota area shall be chargeable to the quota of such area, unless he is classifiable as a nonquota immigrant as defined in section 101 (a) (27) of the act, or unless he falls within one of the exceptions to the general rule of quota chargeability, as specified in section 202 of the act, or unless he is a Chinese person who is chargeable to the quota for Chinese as provided in § 42.15.

(b) A quota immigrant child accompanied by his alien parent may be charged to the quota of the accompanying parent, as provided in section 202 (a) (1) of the act, regardless of the ancestry of such child or of his accompanying alien parent, and regardless of whether the child was born in the Asia-Pacific triangle or in a subquota area inside or outside of such triangle. This rule shall apply in such manner as to permit a child born in a subquota area to be charged, as provided in section 202 (a) (1) of the act, to a governing country's quota with his accompanying parent who is chargeable to such governing country's quota, even if the child was born in a subquota area under the same governing country's quota and the subquota is exhausted.

(c) An alien born in a quota area in which neither of his parents was born and in which his parents were, at the time of such alien's birth, merely visiting temporarily, or in which one or both of his parents were stationed after having been sent there temporarily under orders or instructions of an employer, principal, or superior authority foreign to such country in connection with the business or profession of such employer, principal, or superior authority, may, except as otherwise provided in section 202 (a) (5) of the act, be charged to the quota of either parent, as provided in section 202 (a) (4) of the act.

(Sec. 202, 66 Stat. 176; 8 U. S. C. 1152)

ASIANS

§ 42.14 *Asia-Pacific triangle*—(a) *Persons born in a quota area in the triangle.* A quota immigrant, regardless of his ancestry, who was born in a quota area lying wholly within the geographically delimited area specified in section 202 (b) of the act and referred to as the Asia-Pacific triangle, shall be chargeable to the quota of the quota area of his birth, unless he falls within one of the exceptions to the general rule of quota chargeability, as specified in section 202 of the act, or unless he is chargeable to the quota for Chinese persons as provided in § 42.15.

(b) *Persons indigenous to, but born outside of, the Asia-Pacific triangle.* A quota immigrant who was born outside of the Asia-Pacific triangle and who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle shall be chargeable to a quota as specified in section 202 (b) of the act, unless he is chargeable to the quota for Chinese persons as provided in § 42.15.

(c) *Asia-Pacific quota.* Quota immigrants in the following categories, other than Chinese persons, and except as provided in § 42.13 (b), shall be chargeable to the Asia-Pacific quota of one hundred annually:

(1) A quota immigrant attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, if born within a colony or other dependent area situate wholly within said triangle;

(2) A quota immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to one or more colonies or other dependent areas situate wholly within the Asia-Pacific triangle;

(3) A quota immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to peoples indigenous to two or more separate quota areas situate wholly within the Asia-Pacific triangle; and

(4) A quota immigrant born outside the Asia-Pacific triangle who is attributable by as much as one-half of his ancestry to peoples indigenous to a quota area or areas and one or more colonies and other dependent areas situate wholly within the Asia-Pacific triangle.

(d) No alien shall be chargeable to the Asia-Pacific quota, except one who falls within one of the categories enumerated under subparagraphs (1) to (4) inclusive, of paragraph (c) of this section, and who is attributable by as much as one-half of his ancestry to a people or people indigenous to the Asia-Pacific triangle.

(e) The quota proclaimed for "Pacific Islands (trust territory, United States administered)" to which an immigrant is chargeable in accordance with the provisions of section 202 of the act shall be distinguished from the Asia-Pacific quota which is referred to in paragraph (c) of this section.

(Sec. 202, 66 Stat. 177; 8 U. S. C. 1152)

§ 42.15 *Quotas for Chinese persons and for China*—(a) *Quota for Chinese persons.* A Chinese person who is classifiable as a quota immigrant shall be chargeable, regardless of the place of his birth, to the quota for Chinese persons of 105 annually authorized under section 201 (a) of the act, unless such person is a child chargeable to the quota of an accompanying parent as provided in section 202 (a) (1) of the act.

(b) *Quota for China.* An alien, other than a Chinese person, who was born in China and who is classifiable as a quota immigrant shall be chargeable to the quota for China regardless of his ancestry, unless such alien falls within paragraph (1), (2), (3), or (4) of section 202 (a) of the act: *Provided*, That if such alien is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle he may be excepted from chargeability to the quota for China only if he is a child chargeable to the quota of an accompanying parent as provided in section 202 (a) (1) of the act.

§ 42.16 *Quota preferences applicable to quotas of quota areas within Asia-Pacific triangle.* The provisions of section 203 (a) of the act concerning the classes of quota immigrants and the preferences within such classes, as described in § 42.11, shall apply to all quotas, including all quotas for quota areas within the Asia-Pacific triangle, which shall include the quota for Chinese persons.

§ 42.17 *Nonquota status for natives of Asia-Pacific triangle: Exceptions.* The provisions of section 101 (a) (27) of the act defining the nonquota classes, except the provisions of subparagraph (C) thereof relating to certain natives of Western Hemisphere countries, shall be applicable to qualified immigrants including Chinese persons and others who are attributable by as much as one-half of their ancestry to a people or peoples indigenous to the Asia-Pacific triangle: *Provided*, That the child of an immigrant parent who is entitled to nonquota status under the provisions of section 101 (a) (27) (C) of the act, if accompanying or following to join such a parent, shall also be entitled to nonquota status under that section of the act, notwithstanding the fact that such child may be a Chinese person or may be attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle.

(Sec. 202, 66 Stat. 177; 8 U. S. C. 1152)

§ 42.18 *Subquotas*—(a) *Definition.* The term "subquota" refers to that portion of the quota of a governing country which may be made available, subject to a limitation of 100 annually, to quota immigrants born in any colony or other component or dependent area overseas from such governing country.

(b) *Immigrants chargeable to subquotas.* Any quota immigrant born in a colony or other component or dependent area overseas from the governing country shall be chargeable to the subquota of such country, except as provided in paragraph (c) of this section, or § 42.13 (b).

(c) *Exceptions to subquota chargeability.* (1) Any quota immigrant born in a colony or other component or dependent area overseas from the governing country, who is a Chinese person or who is attributable by as much as one-half of his ancestry to a people or peoples indigenous to the Asia-Pacific triangle, shall not be chargeable to a subquota, but shall be chargeable to the Chinese quota if a Chinese person, or to another appropriate quota, as provided in section 202 (b) of the act, and §§ 42.14 and 42.15.

(2) A spouse who is an eligible quota immigrant, or a child regardless of ancestry, born in a subquota area accompanying an alien spouse or parent chargeable to the quota of the governing country of such area, may be charged to the quota of the governing country under the conditions specified in section 202 (a) (2) of the act, and not to the subquota if such subquota is exhausted: *Provided*, That this subparagraph shall not be applicable in the case of such an applicant who is within the provisions of subparagraph (1) of this paragraph.

(d) *Control of subquotas.* The numerical control of a subquota shall in the case of an oversubscribed quota of the governing country, be subject to the same limitations which apply to the quota of the governing country, including the ten percent monthly limitations upon the issuance of visas during the first ten months of each quota year and the ten percent monthly limitations shall be in relation to the whole quota and not merely based upon the subquota or subquotas.

(e) *Priority in issuing visas under subquotas.* The priority in the issuance of visas within each quota category to aliens chargeable to a subquota shall be determined by the registration priority of such aliens in relation to the whole quota of the governing country: *Provided*, That once a subquota has been exhausted for a particular quota year, no more quota visas may be issued during such quota year to aliens chargeable to such subquota, regardless of any preference status or priority of consideration to which they may otherwise be entitled, unless the provisions of § 42.13 (b) or paragraph (c) (2) of this section are applicable.

(f) *Priority of consideration under subquotas.* The order for consideration of the cases of registrants under each quota, which includes the subquota or subquotas of each quota, shall be determined in accordance with the provisions of section 203 (d) of the act.

(Sec. 202, 66 Stat. 177; 8 U. S. C. 1152)

WAITING LISTS

§ 42.20 *Immigrant waiting lists*—(a) *Quota or nonquota waiting lists.* Whenever it becomes administratively impracticable at any consular office to give consideration to, and take final action upon, the case of an applicant for a quota or a nonquota immigrant visa without a waiting period, each such applicant's priority shall be maintained by the registration of his name on an administrative waiting list at such office. Quota waiting lists shall be maintained for each quota and shall include aliens chargeable to each subquota in such manner as to show the priority date of registration within each of the preference or nonpreference classes, and to permit the transfer of the name of any applicant from one category to another without losing his original priority. Quota waiting lists shall not be required in cases of immigrants chargeable to undersubscribed quotas, but an administrative waiting list shall be established if the workload at the consular office requires a waiting period before final consideration may be given by the consular officer to the cases of immigrants chargeable to the undersubscribed quotas. Nonquota administrative waiting lists may, in the discretion of the consular officer, be maintained separately for each nonquota category or for all nonquota categories combined.

(b) *Registration prior to December 24, 1952.* (1) All persons whose names were registered on quota waiting lists on December 23, 1952, shall have their names transferred to the appropriate category of the waiting list for the quota, including the subquota, to which they are chargeable without losing the priority of their original registration, unless such registration is subject to cancellation under the provisions of § 42.23.

(2) In the case of an alien entitled to second preference status under the provisions of section 203 (a) (2) of the act and § 42.11 (b), who is the alien parent of a citizen of the United States and the beneficiary of a petition approved by the Attorney General prior to, and still valid on, December 24, 1952, the date of the approval of such petition shall be considered to be the date of such alien's registration priority, except in the case of an alien who is actually registered on the waiting list on a date preceding that of the approval of the petition, in which case the date of actual registration shall establish his priority. A valid petition as referred to in this subparagraph shall continue to be valid until December 24, 1953, except as otherwise provided in § 42.28.

(c) *Registrations on or after December 24, 1952.* Except as otherwise provided in paragraph (b) of this section, or in § 42.25 (b) the registration of a quota immigrant on a waiting list shall be effected on or after December 24, 1952, upon the basis of an application for registration properly executed by the immigrant and received at the consular office by mail from such immigrant. The date, as well as the hour and minute wherever practicable, of the receipt at the consular office of each registration application form shall be noted thereon and shall constitute the registration priority under which the applicant's name shall be registered in the proper category on the appropriate waiting list.

(Sec. 203, 66 Stat. 179; 8 U. S. C. 1153)

§ 42.21 *Aliens included in single registration*—(a) *Principal and derivative registrants.* The application of a quota immigrant for registration on a waiting list shall be considered as automatically including any parent, spouse, or any child such immigrant or his spouse may have, and whom he may desire to have accompany him, at the time his turn may be reached and he makes a formal application for an immigrant visa, regardless of whether such spouse or child was specifically mentioned in his application for registration. No other aliens shall be considered to be included in such application unless they are members of the immediate family by blood or marriage, and are residing regularly in the household, of the principal registrant, and are specifically named in his application for registration.

(b) *Period of derivative registration.* No alien who derives registration from the principal registrant under the provisions of paragraph (a) of this section shall be permitted to retain such registration beyond a period of one year from the date an immigrant visa was issued to the principal registrant who has preceded such alien to the United States.

§ 42.22 *Aliens not to be registered on a waiting list*—(a) *General rule.* Except as provided in paragraph (b) of this section, no alien may have his name entered or retained on a quota or subquota immigrant waiting list while he is in the United States.

(b) *Exceptions.* (1) An alien in the United States who is maintaining, or an alien seeking to enter in, the status of a nonimmigrant under the provisions of section 101 (a) (15) (A), (D), (E), (G), (H), or (I) of the act, or as a nonimmigrant visitor for business (B–1) under the provisions of section 101 (a) (15) (B) of the act if the inherent nature of his occupation, business or profession requires such alien to enter the United States.

(2) An alien who entered the United States before September 10, 1946, and whose name was registered on an immigrant waiting list before July 1, 1949: *Provided*, That such alien did not enter the United States in violation of the immigration laws.

(3) An alien who is proceeding to, or remaining in, the United States at the behest of the Joint Chiefs of Staff.

(c) *Registration of non-residents of consular district.* Except as provided in paragraph (b) of this section, every alien applying for registration on an immigrant waiting list shall make application at the consular office in the consular district in which he has his residence: *Provided*, That a consular officer shall have discretionary authority to accept an application for registration from an alien having no residence in his consular

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district, but who is physically present therein, if the reason given for registration in other than the consular district where the alien resides is satisfactory to the consular officer and he is satisfied that such registration may be accepted without prejudice to the security of the United States.

§ 42.23 *Removal of names of registrants from quota waiting list.* The registration of a quota immigrant shall be cancelled under any of the following circumstances:

(a) The registrant dies;

(b) The registrant was erroneously listed on the waiting list;

(c) The registrant enters the United States in violation of the immigration laws;

(d) The registrant abandons his intention to immigrate to the United States. An alien who for any reason fails to apply formally or informally for a visa within 60 days after being duly notified that his name has been reached on the waiting list shall be considered to have abandoned his intention to immigrate: *Provided*, That any such alien who can establish to the satisfaction of the consular officer that his failure to apply formally or informally for a visa was for reasons beyond his control and for which he was not responsible may make an application for a visa under his original priority on the waiting list when the circumstances which prevented him from applying formally or informally for a visa cease to exist, or within 60 days thereafter;

(e) The registrant has been denied an immigrant visa on some ground which cannot be overcome by the presentation of further evidence or by a probable change in the circumstances of his case;

(f) The registrant is issued an immigrant visa: *Provided*, That any alien receiving an immigrant visa who fails to use it for reasons beyond his control and for which he is not responsible, and who makes application for another visa in a subsequent quota year and within 60 days of the termination of the circumstances which prevented him from using the original visa, may be accorded his original priority on the waiting list for the purpose of making one additional application for a visa;

(g) The registrant is issued a nonimmigrant visa, unless the provisions of § 42.22 (b) are applicable to his case;

(h) The registrant is issued a nonresident alien's border-crossing identification card, unless the alien is within one of the nonimmigrant categories specified in § 42.22 (b) (1).

§ 42.24 *Reinstatement of name on waiting list.* (a) Upon the issuance of a nonimmigrant visa to an alien who is registered on a quota waiting list, and who is proceeding to the United States as a temporary visitor not within § 42.22 (b) (1), or as an alien in transit, the alien's name shall be removed from the waiting list, but it may be reinstated on such list at the same or another consular office under the original registration priority, if the alien establishes that he departed promptly from the United States after an urgent and brief visit to, or an immediate and continuous transit journey through, the United States.

(b) An alien who is found to have proceeded to the United States as a nonimmigrant in transit under the provisions of § 41.7 (a) of this subchapter shall have his name removed from the waiting list and such alien shall not have his name restored to its priority on the waiting list unless he can establish that he proceeded through the United States in immediate and continuous transit.

ORDER OF PRIORITY OF CONSIDERATION

§ 42.25 *Priority for considering quota immigrant cases—(a) Priority in order of registration.* No immigrant within a preference category under a quota shall have his case considered before consideration is given to immigrants in a higher preference quota category as provided in section 203 (d), of the act, and no immigrant within any category under a quota shall have his case considered until after consideration shall have been given to other immigrants in the same category who have an earlier priority of registration on the chronological quota waiting list for such category.

(Secs. 204 and 205, 66 Stat. 179–180; 8 U. S. C. 1154, 1155)

(b) *Registration of first-preference immigrants.* The registration priority of a first-preference quota immigrant shall be determined by the date on which a petition was filed with the Attorney General for the immigration of such immigrant. An authorization received from the Secretary of State to grant first-preference quota immigrant status to the beneficiary of an approved petition shall be recorded at each consular office in the order of the date on which the petition was filed with the Attorney General and shall constitute the chronological registration record of such case on the quota waiting list, or on the administrative list if the quota is under-subscribed and the workload at the consular office necessitates an administrative waiting period.

(Sec. 203, 66 Stat. 179; 8 U. S. C. 1153)

(c) *Registration of other preference quota immigrants.* The registration priority of quota immigrants in the second, third and fourth preference classes shall be determined in each class in the chronological order in which such immigrants are registered on quota waiting lists at each consular office in the order of the receipt of their registration applications, as provided in § 42.20 (c) or in the chronological order in which the required petitions for the immigrants in such classes were filed with the Attorney General, whichever date is earlier.

(Sec. 203, 66 Stat. 179; 8 U. S. C. 1153)

(d) *Registration of nonpreference quota immigrants.* The registration priority of nonpreference quota immigrants shall be determined in each class by the chronological order in which the immigrants' names are registered on the appropriate quota waiting lists at each consular office in the order of the receipt of their registration applications as provided in § 42.20 (c).

(e) *Retention of registration priority.* An alien who ceased to have first, second, third, or fourth preference-quota-immigrant status shall retain his chronological registration priority which shall be transferred to any other category in which he may qualify, except to the first-preference-quota-immigrant category.

§ 42.26 *Procedure in granting preference.* No alien shall be accorded consideration as a person entitled to the status of a first, second, third, or fourth preference-quota immigrant until the consular officer shall have been authorized by the Secretary of State to grant such status upon the basis of a petition filed with, and approved by, the Attorney General as provided in sections 204 and 205 of the act. Classification as a preference quota immigrant shall be granted to an immigrant upon the receipt at the consular office of the authorization from the Secretary of State to grant such status, but further consideration of the case of such immigrant shall be in the order of his priority among other immigrants in the same category.

(Secs. 204 and 205, 66 Stat. 179–180; 8 U. S. C. 1154, 1155)

§ 42.27 *Petitions for nonquota immigrant status.* No alien shall be granted the status of a nonquota immigrant spouse or child of a citizen of the United States under the provisions of section 101 (a) (27) (A) of the act, or as a nonquota minister of religion under the provisions of section 101 (a) (27) (F) (i) of the act, unless the consular officer shall have received from the Secretary of State an authorization to grant such status upon the basis of a petition filed with, and approved by, the Attorney General in accordance with the provisions of section 204 or 205 of the act. After an alien has been granted a nonquota status as specified in this section, his priority of consideration over other applicants in such nonquota status shall be determined according to the date on which the petition was filed with the Attorney General.

(Secs. 204 and 205, 66 Stat. 179–180; 8 U. S. C. 1154, 1155)

§ 42.28 *Suspension or termination of action in petition cases.* Consular officers shall suspend or terminate action on nonquota and preference quota petition cases under the following circumstances, and shall submit a full report of the facts in any such case to the Department for transmission to, and appropriate action by, the Attorney General:

(a) The Consular officer knows or has reason to believe that the petition for a nonquota or preference quota status was approved erroneously, or that such approval was obtained by fraud, misrepresentation, or other unlawful means;

(b) The beneficiary fails to obtain an immigrant visa at a consular office within one year following the date of approval of the petition;

(c) The petitioner loses his United States citizenship, or dies, or, if other than an individual, the petitioner ceases to exist, before the beneficiary obtains an immigrant visa under the status approved;

(d) The marriage of the petitioner to the beneficiary is terminated by divorce, or the marriage has been annulled, before the beneficiary obtains an immigrant visa under the status approved;

(e) The child beneficiary of a petition is married at the time he makes formal application for an immigrant visa under the status approved;

(f) The child beneficiary of a petition will attain the age of 21 years before he can possibly arrive in the United States to apply for admission under the status approved;

(g) The consular officer knows or has reason to believe that the beneficiary, for any reason, is not entitled to receive a visa under the status approved;

(h) Approval of a petition for nonquota or preference quota status has been specifically revoked by the Attorney General, and notice of revocation has been communicated through the Department to the appropriate consular officer. In the case of a petition, approval of which has terminated by the expiration of the period for which approval was given, the status of the alien beneficiary shall be considered as merely suspended until the consular officer shall have ascertained by inquiry of the Attorney General, through the Department, at such time as it appears possible to issue a visa to such alien within less than six months, whether the approval of such petition may be re-affirmed for an additional period.

EXEMPTIONS FROM IMMIGRANT VISA REQUIREMENTS

§ 42.29 *Immigrants not required to obtain immigrant visas.* The following classes of immigrants shall not be required to obtain immigrant visas:

(a) Immigrants in possession of valid reentry permits or resident alien's border-crossing identification cards.

(b) An alien immigrant child born subsequent to the issuance of an immigrant visa to an accompanying parent, who will arrive in the United States and apply for admission during the period of validity of such visa.

(c) An American Indian born in Canada and having at least fifty per centum of blood of the American Indian race.

(d) An alien member of the armed forces of the United States who is in the uniform of, or who bears documents identifying him as a member of, such armed forces, who has been previously lawfully admitted for permanent residence, and who is proceeding to the United States under official orders or permit of such armed forces.

(e) Any alien lawfully admitted for permanent residence who is not required under the regulations of the Attorney General to present a valid immigrant visa upon returning to the United States.

APPLICATIONS

§ 42.30 *Application for immigrant visa—(a) Form and content of application.* Every alien applying for an immigrant visa shall make application therefor on Form 256. In the application the immigrant shall furnish the information required under the provisions of section 222 (a) of the act, and such additional information as may be required in the application form. The requirement of the act that an immigrant shall state in his application his race and ethnic classification does not pertain to his religion.

(b) *Persons required to make separate application.* (1) Each alien shall be required to make a separate application for an immigrant visa;

(2) An alien under 14 years of age, or one physically incapable of executing an application, may have his application for an immigrant visa executed in his behalf by a parent or guardian. If the alien has no parent or guardian, the application may be executed by any person having lawful custody of, or a legitimate interest in, such alien.

(c) *Personal appearance.* Every applicant for an immigrant visa, including an alien whose application is executed by another person, shall be required to appear personally at the consular office in connection with his application.

(d) *Photographs.* Each applicant shall be required to furnish, with his application for an immigrant visa 3 identical copies of his photograph. The photographs shall reflect a reasonable likeness of the alien as of the time they are furnished, be 2 by 2 inches in size, unmounted, show a full front view without head covering, and shall be printed on a light background. Each copy of such photograph shall be signed by the person making an application in such a way as not to obscure the alien's features. One copy of such photograph shall be attached to Form 256a and another to Form 256b. The third copy shall be enclosed in a sealed envelope which shall be appended to Form 256a.

(e) *Place of application.* An alien shall apply for an immigrant visa in the consular district in which he has his residence: *Provided*, That a consular officer shall have discretionary authority to accept an application from an alien having no residence in the consular district if such alien is physically present and the consular officer is satisfied that such application may be accepted without prejudice to the security of the United States.

(f) *Completion of visa application.* The consular officer to whom formal application is made for an immigrant visa shall make certain that all pertinent questions on the application form are answered and all applicable blank spaces are filled out. The applicant shall be required to read the application when it is completed, or it shall be read to him in his language, or he shall otherwise be apprised of its full contents, and he shall be asked whether he is willing to subscribe thereto. If the alien is not willing to subscribe to the application unless changes are made in the information stated by him in such application a new application shall be prepared to conform to the alien's willingness to subscribe to the necessary information.

(g) *Signature and seal.* Form 256 shall be signed in the presence of the consular officer by the applicant in the appropriate spaces in accordance with the manner in which he affixes his signature. The application shall be sworn to, or affirmed, by the applicant before the consular officer, who shall be satisfied that the applicant understands, and is willing to subscribe to, its contents. The consular officer shall then sign such application, indicate his title, and affix the seal of his office in the designated places.

(h) *Application fee stamp.* A fee stamp or fee stamps in the amount of Five Dollars ($5.00), to be collected by the consular officer, shall be affixed to the application form and shall be canceled by the consular officer.

(Sec. 222, 66 Stat. 193, 8 U. S. C. 1202)

§ 42.31 *Immigrant preceding his family; informal examination of members of family.* (a) In the case of an applicant for an immigrant visa who proposes to precede his family to the United States, the consular officer may arrange for an informal examination of the other members of such applicant's family in order to determine whether there exists at that time any mental, physical, or other ground of ineligibility on their part to receive an immigrant visa;

(b) In the event any member of such family is found upon informal examination to be ineligible to receive an immigrant visa, the alien who intends to precede his family to the United States shall be so informed, and required by the consular officer to acknowledge in writing that he has been so informed;

(c) A determination in connection with an informal examination that an alien appears to be eligible for a visa shall carry no assurance that the alien concerned will be issued an immigrant visa in the future. The question of eligibility to receive such a visa is one which must finally be determined at the time of formal application.

§ 42.35 *Supporting documents in immigrant cases; burden of proof—(a) Burden of proof.* An alien who applies for an immigrant visa shall have the burden of establishing not only that he is entitled to the classification he seeks, but also that he is otherwise eligible to receive an immigrant visa under the immigration laws and the provisions of this part.

(b) *Supporting documents.* An alien applying for an immigrant visa shall be required to furnish with his application 2 copies of a police certificate; 2 certified copies of any existing prison record, military record, and record of his birth; and 2 certified copies of all other records or documents concerning him or his case, which the consular officer may deem to be necessary.

(1) The term "police certificate", as used in this section, means a certification by the appropriate police authorities stating what their records show concerning the alien, including any and all arrests, the reasons therefor, and the disposition of each case of which there is a record.

(2) The term "prison record", as used in this section, means an official document containing a report of the applicant's record of confinement in a penal or correctional institution, including his demeanor during such confinement.

(3) The term "military record", as used in this section, means an official document containing a record of the applicant's service and conduct while in military service, including any convictions of crime before military tribunals

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as distinguished from other criminal courts. A certificate of discharge from the military forces or an enrollment book belonging to the applicant shall not be acceptable in lieu of the official military record unless it shows the alien's complete record while in military service as hereinbefore indicated in this subparagraph. The applicant may, however, in any event be required to present for inspection such a discharge certificate or enrollment book if deemed necessary by the consular officer to establish the applicant's eligibility to receive an immigrant visa.

(4) The term "record of birth", as used in this section, means a birth certificate showing the date and place of birth and the parentage of an alien, issued by the official custodian of birth records in the country of the applicant's birth and based upon the original registration of birth. An alien who has only one copy of his birth certificate and cannot obtain another may present two certified or photostatic copies thereof, but the original shall be offered for inspection by the consular officer who may return it to the alien.

(5) The term "other records or documents", as used in this section, includes official records which are pertinent to a determination of the applicant's identity, classification, or any other matter relating to his eligibility to receive an immigrant visa.

(c) *Unobtainable documents.* (1) If an immigrant establishes to the satisfaction of the consular officer that any document or record required under this section is unobtainable, the consular officer may permit the immigrant to submit, in lieu of such document or record, other satisfactory evidence of the fact to which such document or record would, if obtainable, pertain. A document or other record shall be considered "unobtainable" if it cannot be procured without causing to the applicant or a member of his family actual hardship, other than normal delay and inconvenience.

(2) If the consular officer determines that a supporting document, as referred to in paragraph (b) of this section, actually is unobtainable, although the catalog of available documents prepared by the Department shows that it is available, he shall affix to each copy of the visa application a statement bearing his signature and the seal of his office and setting forth in detail his reasons for considering the record or document to be unobtainable, and for accepting the particular secondary evidence attached to the visa.

(d) *Authenticity of records and documents.* If a consular officer has reason to believe that a particular record or document required under the provisions of this section and submitted by an applicant is not authentic or has been altered or tampered with in any material manner, he shall require or take such action as may be necessary to determine its authenticity, or to ascertain the facts to which such document purports to relate in the alien's case.

(Sec. 222, 66 Stat. 193, 8 U. S. C. 1202)

PASSPORTS

§ 42.36 *Passport requirements for immigrants*—(a) *Requirements and exceptions.* Every alien applying for an immigrant visa shall present to the consular officer an unexpired passport which shall be valid for at least 60 days beyond the period of validity of the immigrant visa issued to him, except:

(1) An immigrant who is stateless, or is outside of the country of his nationality and establishes that he is unable to obtain a national passport, and who presents two or more documents which, when considered together, fulfill the requirements of a passport as defined in section 101 (a) (30) of the act: *Provided*, That written permission to enter a foreign country shall be considered as fulfilling one of such requirements if it is clearly valid for such purpose and specifies no conditions to such validity for the alien's entry during a period of at least 60 days beyond the period of validity of the visa issued to him.

(2) An immigrant, lawfully admitted for permanent residence, who is returning to the United States from a temporary visit abroad;

(3) An immigrant child under 2 years of age, who was born during his mother's temporary visit abroad, and who is accompanying a parent on the first return of the parent to the United States after such child's birth;

(4) An immigrant who is a member of the armed forces of the United States;

(5) An immigrant who establishes that he is unable to obtain a passport, who is not within one of the exceptions provided in this paragraph, and in whose case the requirement of a passport imposed by this section or by the regulations of the Attorney General shall have been waived by the Attorney General and the Secretary of State as evidenced by a specific instruction from the Department to the consular officer.

(b) *Immigrants included in single passport.* A passport may include any person or persons whose inclusion is authorized under the laws or regulations of the issuing governmental authority: *Provided*, That a photograph of each such person 14 years of age or over shall have been attached to the passport.

(Sec. 222, 66 Stat. 193; 8 U. S. C. 1202)

EXAMINATION AND FINGERPRINTING

§ 42.37 *Physical and mental examination of immigrants.* (a) Prior to the issuance of an immigrant visa to any alien, the consular officer shall require such alien to submit to a physical and mental examination in order to determine his eligibility to receive such a visa.

(Sec. 221, 66 Stat. 192; 8 U. S. C. 1201)

(b) At consular offices where medical officers of the United States Public Health Service are on duty, the alien's examination shall be conducted by such officers. If a medical officer of the United States Public Health Service is not available, the required examination shall be conducted by a reputable and competent physician selected by the alien from a panel of such physicians approved by the consular officer. The consular officer shall bring to the attention of the panel of physicians the regulations of the United States Public Health Service governing the medical examination of aliens, including laboratory tests, and shall advise visa applicants, when laboratory facilities for the required tests are not available, that such tests must be made at the United States port of entry and may be a basis for the alien's exclusion.

§ 42.38 *Registration and fingerprinting of immigrants*—(a) *Authority.* Every alien applying for an immigrant visa shall be fingerprinted on standard fingerprint Form AR–4, except a child under 14 years of age at the time of application for an immigrant visa.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

(b) *Advance fingerprints.* An alien may be required by the consular officer at the time such alien makes preliminary or informal application for an immigrant visa, to have a set of his fingerprints taken on Form AR–4 in the event such procedure is considered necessary for the purpose of identification, or investigation. Consular officers may, where necessary, use the fingerprint card of an applicant for an immigrant visa in order to ascertain from the appropriate local or any other authorities whether they have any pertinent information concerning the applicant's eligibility to receive a visa.

(c) *Alien registration.* Every alien executing an application for an immigrant visa on Form 256 is thereby automatically registered, as required by section 221 (b) of the act, if the visa is issued.

(d) *Disposition of fingerprints.* The alien's fingerprint card AR–4 shall, upon the issuance or refusal of an immigrant visa, be forwarded to the Department, with the pertinent information required to be inserted therein, and a statement of the ground on which the visa was refused, if it was refused.

ISSUANCE OF IMMIGRANT VISAS

§ 42.40 *Authority to issue, refuse, and revoke, immigrant visas*—(a) *Authority to issue.* Consular officers are authorized to issue immigrant visas in accordance with the authority contained in sections 221 (a) and 224 of the act, and in accordance with the precedure prescribed in § 42.41.

(66 Stat. 191, 195; 8 U. S. C. 1201, 1204)

(b) *Authority to refuse.* Consular officers are authorized to refuse immigrant visas in accordance with the authority contained in section 221 (g) of the act. The term "reason to believe", as used in section 221 (g) of the act, shall be considered to require a determination based upon facts or circumstances which would lead a reasonable person to conclude that the applicant is ineligible to receive an immigrant visa as provided in the act and as implemented by the regulations contained in this part.

(66 Stat. 192; 8 U. S. C. 1201)

(c) *Authority to revoke.* Consular officers are authorized to revoke immigrant visas in accordance with the authority contained in section 221 (i) of the act and on one or more of the specific grounds set forth, and in accordance with the procedure specified in § 42.44.

(66 Stat. 192; 8 U. S. C. 1201)

§ 42.41 *Procedure in issuing immigrant visa*—(a) *Insertion of pertinent data.* In issuing an immigrant visa the pertinent information shall be inserted in the designated blank spaces on the visa side of Form 256. The dates inserted at the proper places in the visa shall be in a form which shows the day, month, and year in that order, the name of the month being spelled out—such as: "24 December 1952". The symbols specified in § 42.3 shall be used to indicate the classification of the immigrant and the visa. If the visa was issued upon the basis of an approved petition filed with the Attorney General the number of such petition shall be inserted on the visa side of Form 256.

(b) *Numbering.* Nonquota immigrant visas may be numbered in consecutive order at each consular office, beginning a new series on December 24, 1952, and thereafter on July 1 of each year, if the consular officer in charge considers the numbering of nonquota visas to be desirable. A quota immigrant visa shall bear the quota number assigned to the consular officer for use in issuing the visa to the alien concerned.

(c) *Attaching supporting documents.* The supporting documents submitted in connection with the application, as required by section 222 (b) of the act and § 42.35 shall be attached to the application side of Form 256 with two eyelets. Medical documents pertaining to the applicant, including X-ray plates, shall be placed in a sealed envelope which shall be attached to Form 256a. Ribbon or taste shall be used in attaching the supporting documents to Form 256a, and the ends thereof shall be fastened under a wafer seal which shall be affixed to the visa side of Form 256a in the designated space. Consular officers shall prepare visas strictly in this manner not only to reduce the possibility of fraud but to prevent the visas from becoming separated from the proper photographs and related and supporting documents while in the hands of travel agents, pursers, government officials, the courts, and persons operating the files of the Immigration and Naturalization Service over what may be a period of many years until the alien becomes a naturalized citizen of the United States and thereafter.

(d) *Fee stamp.* A fee stamp or fee stamps in the amount of Twenty Dollars ($20.00) to be collected by the consular officer, shall be affixed to the visa side of Form 256a in the designated space and canceled by the consular officer.

(e) *Signature and seal.* The consular officer who issues an immigrant visa shall affix his signature, indicate his title, and impress the seal of his office on the visa side of Form 256a in a manner which partly covers the photograph, fee stamp, and wafer seal. Thereupon Form 256a shall become an immigrant visa and shall be issued by delivery to the immigrant or his authorized agent or representative.

(f) (1) *Notation in the immigrant's passport.* Upon the issuance of an immigrant visa to an alien who presents a passport issued by a government which is recognized de jure by the United States, the consular officer shall place a notation in the following form in such passport:

Nonquota_____ Immigrant Visa _____
Quota _____ No. _____
Dated _____
Issued to _____
(Name)
American Consul at _____

(2) *Passport of unrecognized government.* No seal, stamp, or notation of any kind shall be placed in a passport or other travel document issued by a government not recognized de jure by the United States.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

INELIGIBLE IMMIGRANTS

§ 42.42 *Classes of aliens ineligible to receive immigrant visas*—(a) *General authority to refuse immigrant visas.* An alien shall be ineligible to receive an immigrant visa if the consular officer knows or has reason to believe that:

(1) The alien is within one or more of the classes described in section 212 of the act, as hereinafter implemented in this section; or

(2) The alien's application fails to comply with the act or the regulations contained in this part, as provided in section 221 (g) of the act.

(b) *Requirement of medical certificate.* A finding of ineligibility to receive an immigrant visa under the provisions of sections 212 (a) (1) to (6) inclusive, of the act, shall be based upon the certificate of a competent medical examiner as prescribed in § 42.37.

(c) *Purely political offenses.* The term "purely political offense", as used in sections 212 (a) (9) and (10) of the act, shall include offenses which, the evidence presented to the consular officer clearly establishes, were involved in convictions obviously based on trumped-up charges or predicated upon repressive measures against racial, religious, or political minorities. The admission by an immigrant that he has committed acts which would not constitute a crime under the laws of the United States, but which would have been punishable under the laws or decrees of a foreign country which, the evidence presented to the consular officer clearly establishes, were predicated upon the repression of racial, religious, or political minorities shall be considered as the admission of the commission of a purely political offense within the meaning of section 212 (a) (9) of the act. The mere fact that an alien is or was a member of a racial, religious, or political minority shall not be considered as sufficient in itself to warrant a conclusion that the crime of which he was convicted was a purely political offense.

(d) *Polygamy.* Aliens who are members of religious organizations which tolerate polygamy are not ineligible to receive immigrant visas under the provisions of section 212 (a) (11) of the act, unless such aliens themselves are polygamists, or unless they practice or advocate the practice of polygamy.

(e) *Former prostitutes.* The fact that an immigrant may have ceased to engage in prostitution shall not remove the immigrant's ineligibility to receive a visa under the provisions of section 212 (a) (12) of the act.

(f) *Skilled or unskilled laborers*—(1) *Certification by Secretary of Labor required.* No immigrant shall be considered ineligible to receive a visa under the provisions of section 212 (a) (14) of the act, even if he is migrating to the United States under a contract or other pre-arrangement of employment of any kind in the United States, until the Secretary of Labor shall have made the certification to the Secretary of State and the Attorney General as provided in clauses (A) or (B) of section 212 (a) (14) of the act concerning the availability of such labor in the locality of the alien's destination, or the effect of the immigration of such foreign labor on conditions of workers in the United States. The existence or the cancellation of such a certification by the Secretary of Labor shall be recognized by the consular officer only upon the basis of an official notification from the Department.

(2) *Prearranged employment immaterial to ineligibility.* When the Secretary of Labor makes the certification referred to in subparagraph (1) of this paragraph, with respect to a particular occupation, the provisions of section 212 (a) (14) of the act shall apply to an immigrant who is seeking to enter the United States for the purpose of performing such skilled or unskilled labor, even if such immigrant has no offer, promise, contract of employment, or any other form of pre-arranged employment in such occupation, unless such alien falls within one of the exempt categories specified in subparagraph (3) of this paragraph.

(3) *Exemptions.* Notwithstanding the fact that a consular officer has been officially notified of a determination and certification by the Secretary of Labor, as referred to in subparagraph (1) of this paragraph, the provisions of section 212 (a) (14) of the act shall have no application to the following classes of immigrants:

(i) Parents, spouses, or sons and daughters regardless of age or marital status, of United States citizens;

(ii) Parents, spouses, or children of aliens lawfully admitted to the United States for permanent residence;

(iii) Brothers or sisters of United States citizens;

(iv) Immigrants whose services are determined by the Attorney General to be needed urgently in the United States because of the high education, technical training, specialized experience, or exceptional ability of such immigrants, and to be substantially beneficial prospectively to the national economy, cultural interests, or welfare of the United States;

(v) Aliens classifiable as nonquota immigrants under the provisions of sections 101 (a) (27) (B), (F), and (G) of the act.

(g) *Aliens likely to become public charges; Physically defective persons.*

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(1) Any conclusion that an immigrant is ineligible to receive a visa under the provisions of section 212 (a) (15) of the act shall be predicated upon the existence of facts or circumstances which indicate a reasonable probability that the immigrant will become a charge upon the public after entry into the United States;

(2) Persons likely to become a public charge as referred to in section 212 (a) (15) of the act, or physically defective persons as referred to in section 212 (a) (7) of the act, shall not be ineligible to receive an immigrant visa under the provisions of section 212 (a) (7) or 212 (a) (15) of the act, respectively, if the consular officer has been notified by the Department that a bond or other undertaking has been furnished as provided in section 213 of the act.

(3) In the case of an immigrant in whose behalf a relative petition has been approved the consular officer shall consider the approval of the petition as establishing prima facie for a period of one year thereafter that the petitioner is able and willing to support the immigrant, unless the consular officer has reason to believe that the petitioner has no knowledge of the alien's physical defects or other circumstances which would indicate the likelihood of the alien requiring hospitalization at public expense or otherwise becoming a public charge.

(h) *Aliens deported or removed from the United States.* (1) An alien who was excluded and deported from the United States within the meaning of section 212 (a) (16) of the act shall be required to obtain permission from the Attorney General to reapply for admission if he applies for a visa within one year from the date of his deportation;

(2) An alien who was arrested and deported from the United States, or who was removed from the United States, within the meaning of section 212 (a) (17) of the act shall be required to obtain permission from the Attorney General to reapply for admission into the United States, regardless of the period of time which may have elapsed since his deportation or removal;

(3) No alien who is required to obtain permission from the Attorney General to reapply for admission, as provided in sections 212 (a) (16) and (17) of the act, shall be considered eligible to receive an immigrant visa until such alien shall have obtained the necessary permission to reapply for admission, and shall have been found to be otherwise eligible to receive an immigrant visa under the act and the regulations contained in this part.

(i) *Fraud and misrepresentation.* (1) An alien shall be found to be ineligible to receive an immigrant visa under the provisions of section 212 (a) (19) of the act if the consular officer, after reviewing the evidence, knows or has reason to believe that such alien committed an act, regardless of the time of commission, which would constitute fraud or a willful misrepresentation of a material fact for the purpose of gaining admission into the United States: *Provided*, That the provisions of this subparagraph shall not be applicable in the case of a bona fide refugee, if such act was committed in connection with the alien's entry into, or sojourn in, a foreign country and consisted of (i) obtaining travel documents by fraud or by willfully misrepresenting a material fact, or (ii) a willful misrepresentation regarding his place of birth, and the alien was in fear of being repatriated to his former homeland if he had exposed the facts in his case: *Provided further*, That such act or misrepresentation was not committed for the purpose of evading quota restrictions of the United States immigration laws, or investigation of his record at the place of his former residence or elsewhere in connection with an application for a United States visa. The fact that an alien may be or may have been a bona fide refugee shall not be considered as sufficient in itself to remove the alien from any excludable class.

(2) Subject to the conditions stated in subparagraph (1) of this paragraph, an alien who, upon review of his case, is found by the consular officer to have made a willful misrepresentation within the meaning of section 10 of the Displaced Persons Act of 1948, as amended (62 Stat. 1013, 64 Stat. 225; 50 U. S. C. 1950) for the purpose of gaining admission into the United States as an eligible displaced person, shall be considered ineligible to receive an immigrant visa.

(j) *Subversives*—(1) *Prejudicial activity.* The provisions of section 212 (a) (27) of the act shall be considered to relate to the ineligibility of aliens to receive visas because of their purpose, plan, intention, or design, whether solely, principally, or incidentally, to engage in activities after arrival in the United States which would be prejudicial to the public interest, or which would endanger the welfare, safety, or security of the United States.

(2) *Subversive activity.* The provisions of section 212 (a) (29) of the act shall be considered to relate to the ineligibility of aliens to receive visas on the basis of their past activities which indicate that they probably would engage, after arrival in the United States, in one or more of the activities specified in section 212 (a) (29), regardless of their actual or ostensible purposes, plans, intentions, or designs in coming to the United States. An alien who was convicted of being a war criminal, or who was properly charged as such but who escaped trial or punishment by departing the jurisdiction, or an alien who was guilty of, or who advocated or acquiesced in, activities or conduct contrary to civilization and human decency on behalf of a power which was at war with the United States during World War II may be considered ineligible to receive a visa under the provisions of section 212 (a) (29) of the act.

(3) *Members or affiliates.* The provisions of section 212 (a) (28) of the act shall be considered to relate to the ineligibility of aliens to receive visas because of their present or former voluntary membership in, or affiliation with, the classes described therein, including voluntary membership in, or affiliation with, certain proscribed parties, oragnizations, and groups as specified therein, regardless of the purpose of such aliens in coming to the United States;

(i) The term "affiliate", as used in section 212 (a) (28) of the act with reference to an organization, means an organization substantially directed, dominated, or controlled by one of the parties within the statutory proscription, which is or was used or operated by such party to help maintain its control over the country, or to help disseminate its economic and governmental doctrines or ideology.

(ii) Service, whether voluntary or not, in the armed forces of any country shall not be regarded, of itself, as constituting or establishing an alien's membership in, or affiliation with, any proscribed party or organization, and shall not, of itself, constitute a ground of ineligibility to receive a visa.

(iii) Voluntary service in a political capacity, such as a political commissar with the armed forces of any country, shall constitute affiliation with the political party or organization in power at the time of such service.

(iv) Membership or affiliation, whether voluntary or not, which ended before an alien reached his sixteenth birthday shall not constitute a ground of ineligibility to receive a visa. If an alien continues or continued his membership or affiliation beyond his sixteenth birthday, the question whether his membership or affiliation after his sixteenth birthday is or was voluntary shall be determined as in the case of any other alien. In that connection, the facts relating to his activities only after his sixteenth birthday may be considered in determining whether the continuation of his membership or affiliation is or was voluntary.

(v) The term "operation of law", as used in section 212 (a) (28) (I) of the act, shall include any case wherein the alien without his acquiescence automatically becomes or became a member or affiliate of a proscribed party or organization by official act, proclamation, order, edict, or decree.

(4) *Totalitarianism.* In accordance with the definition of "totalitarian party" contained in section 101 (a) (37) of the act, former or present voluntary members of, or aliens who were, or are, voluntarily affiliated with a noncommunist party, organization, or group, or of any section, subsidiary, branch, affiliate or subdivision thereof, which during the time of its existence did not or does not advocate the establishment in the United States of a totalitarian dictatorship, shall not be considered ineligible under the provisions of section 212 (a) (28) of the act to receive visas, unless such aliens are known or believed by the consular officer to advocate, or to have advocated, personally, the establishment in the United States of a totalitarian dictatorship or totalitarianism, as defined in the act. Aliens who are, or have been, voluntary members of, or voluntarily affiliated with, the Communist party, or any of its sections, subsidiaries, branches, affiliates, or subdivisions, in any country, shall be considered, as specifically declared by the act, to be ineligible to receive visas, except as provided in subparagraph (5) of this paragraph. If any other party is found to be a "totalitarian party", as defined in section 101 (a) (37) of the act, former or present voluntary membership in or affiliation with such party, or any of its sections, subsidiaries, branches, affiliates, or subdivisions, shall render an alien ineligible to receive a visa, except as provided in subparagraph (5) of this paragraph.

(5) *Defectors.* The term "defector" includes an alien who was a voluntary member of, or was voluntarily affiliated with, a proscribed party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, which exists, as well as a proscribed party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, which no longer exists but which did exist within the period of the last 5 years prior to the date of the application for a visa. The five-year period of defection required by the provisions of section 212 (a) (28) (I) of the act, shall be considered as having begun to run from the established date of an alien's cessation of voluntary membership or affiliation or from the date such party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, ceased or ceases to exist. The words "actively opposed", as used in section 212 (a) (28) (I) of the act shall be considered as embracing speeches, writings, and other overt or covert activities, during a period of at least 5 years prior to the application for a visa, in opposition to the doctrine, program, principles, and ideology of the party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof, of which the alien was formerly a member or affiliate. An alien shall not be required, except in questionable circumstances, to show that he has actively opposed the doctrine, program, principles, and ideology of a proscribed party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof during the time it did not exist. However, such alien shall be required to show that during the period of non-existence of the party or organization, or the section, subsidiary, branch, or affiliate or subdivision thereof he did not personally advocate the doctrine, program, principles, and ideology of such party or organization, or of the section, subsidiary, branch, or affiliate or subdivision thereof, within the meaning of the act.

(6) *Public interest with regard to visas.* Consular officers shall maintain a coordinated and uniform interpretation and appraisal of what constitutes the public interest in issuing or refusing visas to defectors. Such coordination and uniformity shall be accomplished by a reference of the consular officer's opinion to the Secretary of State for possible consultation with the Attorney General.

(7) *War criminals.* No alien who was convicted of being a war criminal or was properly charged as such but escaped trial or punishment by departing the jurisdiction, or who was guilty of, or who advocated or acquiesced in, activities or conduct contrary to civilization and human decency on behalf of a power which was at war with the United States during World War II shall be considered as a defector under the provisions of section 212 (a) (28) (I) (ii) of the act or the regulations contained in this part.

(k) *Failure of application to comply with act.* An immigrant's visa application shall be considered as failing to comply with the provisions of the act if:

(1) The applicant fails to furnish the information to be included in such application as required by the act and the regulations contained in this part;

(2) Such application contains a false or incorrect statement;

(3) Such application is not supported by the necessary documents required under the provisions as of the act or the regulations contained in this part;

(4) The applicant refuses to be fingerprinted as required by the act;

(5) The necessary fee is not paid for such application or for the immigrant visa;

(6) The alien fails to swear to, or affirm, the application before the consular officer; or

(7) The visa application otherwise fails to meet the specific requirements of the act for reasons for which the alien is responsible.

(Sec. 212 and 221, 66 Stat. 182, 192; 8 U. S. C. 1182, 1201)

REFUSAL AND REVOCATION OF IMMIGRANT VISAS

§ 42.43 *Procedure in refusing immigrant visas.* (a) No immigrant visa, quota or nonquota, shall be issued to an alien if the consular officer is prohibited under the provisions of section 221 (g) of the act, from issuing a visa to such alien.

(b) When an immigrant visa is refused, a memorandum of refusal shall be prepared on Form 290 and retained in the appropriate consular file. The action of refusing an immigrant visa shall be reviewed by the consular officer in charge of visa work at the post, and if he concurs in the refusal he shall countersign the memorandum of refusal. If the consular officer in charge of visa work or the principal officer at the post does not concur in the refusal, he shall refer the case to the Department for an advisory opinion.

(c) If upon preliminary examination and after being informed of the consular officer's determination of his ineligibility to receive a visa an applicant decides not to execute a formal visa application, such a circumstance shall, for the purposes of this part, constitute an informal refusal of an immigrant visa. If an applicant has executed a formal application for an immigrant visa on Form 256 and has paid the application fee, a determination by the consular officer of the applicant's ineligibility to receive a visa shall, for the purposes of this part, constitute a formal refusal of an immigrant visa.

(d) In formally refusing an immigrant visa the consular officer shall write or stamp diagonally across the visa side of Form 256a and Form 256b in red ink the words "Visa refused under authority of ----------" (insert specific provision or provisions of law or regulation on which refusal is based). This notation shall be signed and dated by the consular officer refusing the visa. The application fee stamp shall be mutilated. Form 256a shall be delivered to the alien and Form 256b shall be retained in the consular file. The original of any supporting document submitted by the alien with his application may be returned to him if not required to be attached to Form 256.

§ 42.44 *Revocation of immigrant visas*—(a) *Grounds for revocation.* Consular officers are authorized to revoke an immigrant visa under the following circumstances:

(1) The consular officer knows, or after investigation is satisfied, that the visa was procured by fraud, a willfully false or misleading representation, the willful concealment of a material fact, or other unlawful means; or

(2) The consular officer obtains information establishing the alien was otherwise ineligible to receive the particular visa at the time it was issued.

(b) *Notice of revocation.* (1) Notice of revocation shall, if practicable, be given to the alien at his last known address prior to his departure for the United States. Whenever circumstances permit, an alien shall be given an opportunity to show why he believes revocation to be, or to have been, unwarranted.

(2) Notice of revocation shall be given to the master, commanding officer, agent, owner, charterer, or consignee of the carrier or transportation line on which the alien is known or believed to intend to travel to the United States.

(c) *Report of revocation.* A full report concerning the revocation of an immigrant visa shall be communicated to the Department for transmission to the Attorney General. A copy of such report shall be sent to the consular office which issued the visa if the revocation is effected by any other consular office upon its own initiative, upon instruction of the issuing office, or upon instructions from the Department. If it is not practicable to give the alien notice of revocation prior to his departure for the United States, the full report shall explain the circumstances and shall be submitted promptly to the Department for transmission to the Attorney General.

(d) *Surrender of revoked visa.* Upon receiving notice of revocation of his immigrant visa, the alien shall be requested to surrender Form 256a to the consular office indicated in the notice, for cancellation of the visa. The word "revoked" shall be written plainly on the visa by the consular officer, who shall sign and date such notation. Appropriate notation of the action taken, including a statement of the reason therefor, shall be made on Form 256b or on an appended memorandum. Any notation in the alien's passport concerning the issuance of the visa shall be cancelled.

(e) *Disposition of revoked visa quota number.* A quota number which has been used in issuing an immigrant visa may not be used again in issuing an immigrant visa to another alien, and such number need not be returned to the Department even if the immigrant visa is

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be applicable in the case of a bona fide

zations, and groups as specified therein,

cept as provided in subparagraph

human decency on behalf of a power

of ---------- (insert specific provision or provisions of law or regulation

Department even if the immigrant visa is

revoked, lost, stolen, destroyed, or expires without being used.

(Sec. 221, 66 Stat. 192; 8 U. S. C. 1201)

§ 42.45 *Disposition of supporting documents.* (a) Documents furnished in support of an application for an immigrant visa, other than those required to be permanently attached to Form 256, may, in the discretion of the consular officer, be returned to the person furnishing them. An alien shall not be given documents of a personal or confidential nature furnished to the consular officer directly by the alien's sponsor or other person, but such documents may be returned to the person furnishing them if they are irreplaceable. If such documents are returned, the consular officer shall prepare and attach to Form 256b a memorandum briefly summarizing the contents of the documents and the circumstances of their return.

(b) *Furnishing visa records for court proceedings.* Upon receipt by a consular officer of a request to furnish information from a visa file or record for use in court proceedings, as contemplated in section 222 (f) of the act, the consular officer shall submit such information with a full report to the Department.

(c) *Visa revoked, mutilated, or expired.* An immigrant visa which has expired, or which has been revoked or mutilated, shall, whenever practicable, be taken up, endorsed with an appropriate notation, and filed with the Form 256b at the consular office where the visa was originally issued. In the event such a visa is taken up at an office other than the issuing office, it shall be forwarded to such issuing office.

§ 42.46 *Refund of immigrant visa fee.* The fee of twenty dollars ($20.00) collected for the issuance of an immigrant visa shall not be refunded without specific authorization from the Department. In requesting such authorization the consular officer shall state in his communication the basis for the proposed refund, indicating clearly whether the visa was issued through some fault of the applicant or of the consular officer.

VALIDITY AND REVALIDATION

§ 42.47 *Validity of immigrant visa.* (a) The period of validity of an immigrant visa, quota or nonquota, shall not exceed four months, beginning with the date of issuance.

(b) If the visa was originally issued with a period of validity of less than four months, such period may be extended up to but not exceeding four months from the date of issuance of the visa. If an immigrant applies for an extension of the period of validity of his visa at a consular office other than the issuing office, the consular officer shall, unless he is satisfied beyond any doubt that the alien is eligible for the extension, communicate with the issuing office to ascertain if any objection is perceived to such extension. In extending the period of validity of an immigrant visa, the consular officer shall make appropriate notation of the new expiration date of the visa, affix his signature, indicate his title, and impress the seal of his office thereon.

(c) No fee shall be charged for extending the period of validity of an immigrant visa.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

§ 42.48 *Issuance of new or replace immigrant visa—*(a) *Nonquota immigrant visa.* (1) A nonquota immigrant who establishes that his visa has been lost or mutilated, or has expired, may be issued a new nonquota immigrant visa at the same or any other consular office upon payment of the statutory application and visa fees: *Provided*, That the immigrant is again found to be qualified to receive such a visa under the immigration laws and regulations.

(2) Prior to issuing to an alien a new nonquota immigrant visa at a consular office other than that which issued the original visa, the consular officer shall communicate with the original visa-issuing office to ascertain if any reason is known why a new visa should not be issued.

(3) In the event a new nonquota immigrant visa is issued as provided in subparagraph (1) of this paragraph, such visa shall be given a new number in the series of nonquota immigrant visas issued at the consular office if that office numbers nonquota visas.

(b) *Replace quota immigrant visa.* (1) A quota immigrant who establishes that his visa has been lost or mutilated, or that he was otherwise unable to use it during the period of its validity because of reasons beyond his control and for which he was not responsible, may be issued a replace quota immigrant visa under the original quota number during the same quota year in which the original visa was issued, upon payment anew of the statutory application and visa fees: *Provided*, That the immigrant is otherwise qualified to receive such a visa under the immigration laws and regulations and the consular officer is in possession of the duplicate signed consular-file copy of the original visa.

(Sec. 221, 66 Stat. 191; 8 U. S. C. 1201)

(2) Prior to issuing a replace quota immigrant visa to an alien whose original immigrant visa was issued at a consular office other than the original issuing office, the consular officer shall communicate with such other office to ascertain if any reason is known why a replace visa should not be issued.

(3) In issuing a replace quota immigrant visa, as provided in subparagraph (1) of this paragraph, the word "REPLACE" shall be inserted on Forms 256a and 256b before the word "IMMIGRANT" in the title of the visa.

(4) An immigration visa issued before December 24, 1952 may not be replaced on or after that date, but the immigrant may be issued an immigrant visa under the act and the regulations contained in this part, under the same quota number before June 30, 1953, upon payment of the new application and visa fees.

TRANSFER OF JURISDICTION

§ 42.49 *Transfer of cases.* The case of an applicant for an immigrant visa which is pending at one consular office may be transferred at the applicant's request and risk to another consular office in accordance with the following procedure:

(a) An alien who is outside of the United States shall submit a written request to the receiving office in whose jurisdiction he is physically present.

(b) If the receiving office approves such request, it shall accept jurisdiction and forward a request to the transferring office for the complete file in the case.

(c) If the receiving office declines to take jurisdiction of the case under the provisions of § 42.30 (e), the alien shall be informed of the reasons for such refusal.

(d) Upon receipt by the transferring office of the request of the receiving office the complete file in the case shall be transferred to the receiving office.

(e) The transferring office shall include in the transfer, or as soon as possible thereafter shall forward to the receiving office, a report of clearance or nonclearance concerning the alien in the district of his former residence.

(f) The transfer of a case shall include any authorization by the Department to grant nonquota or preference-quota status based upon an approved petition, the alien's registration priority, and all documents in the alien's file. The transfer of an authorization based upon an approved petition shall be reported to the Department.

(g) In no case shall a quota number be transferred from one office to another. A quota number allotted by the Quota Control office for use in issuing an immigrant visa to an alien whose case is being transferred to another office shall be returned to the Department.

(h) Whenever a receiving office accepts jurisdiction of a case in accordance with the provisions of § 42.30 (e), the jurisdiction of any other consular office shall be automatically terminated and no waiver of jurisdiction shall be required.

(i) In the case of a bona fide crewman who, due to his calling, and the uncertainty of his sailing as a crewman, is unable to file his formal visa application at the consular office at which he is registered, such consular office shall transfer the crewman's file at his risk and upon his written request to another consular office designated by such crewman after having obtained the consent to such transfer from the consular office designated by the crewman.

(j) An alien who is in the United States may not have his case transferred from one consular office to another, unless such alien is required to be in the United States by reason of the inherent nature of his business, profession, occupation, or employment, or is unable to return to the country in which the consular office having his file is located.

(k) Any alien requesting the transfer of his record from one consular office to another shall agree to assume, and

may be required to sign a statement to the effect that he assumes, full responsibility for any loss or other damage resulting to him from such transfer in view of the inability of the consular officer to guarantee or insure the transfer of the original or irreplaceable documents in the case against the hazards of available transportation facilities. If the alien is not required to agree to such a signed statement, an appropriate notation of his verbal agreement shall be made by the consular officer for the consular files.

The regulations contained in this order shall become effective on December 24, 1952, at 12:01 a. m., e. s. t. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

[SEAL] DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-13325; Filed, Dec. 18, 1952; 8:45 a. m.]

PART 43—VISAS: DOCUMENTATION OF ALIEN SEAMEN AND AIRMEN ENTERING THE UNITED STATES

PART 44—VISAS: WAIVER OR REDUCTION OF FEES FOR NONIMMIGRANTS

CROSS REFERENCE: For revocation of Parts 43 and 44, see Part 41 of this chapter, *supra*.

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

REPORTS TO THE SECRETARY OF LABOR

The regulations contained in the part are hereby amended by revoking § 5.7 (c) and substituting therefor the following:

(c) Upon request, the Agency Head shall transmit to the Secretary of Labor such information available to the Agency with respect to contractors and subcontractors, their contracts, and the nature of the contract work as the Secretary may find necessary to the performance of his duties with respect to the labor standards provisions referred to in this part.

(63 Stat. 203, 64 Stat. 967; 5 U. S. C. 133z, 20 U. S. C. 251. Reorg. Plan No. 14, of 1950, 15 F. R. 3176)

Signed at Washington, D. C., this 11th day of December 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-13367; Filed, Dec. 18, 1952; 8:47 a. m.]

No. 247——17

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

PART 1623—CLASSIFICATION PROCEDURE

PART 1624—APPEARANCE BEFORE LOCAL BOARD

PART 1626—APPEAL TO APPEAL BOARD

PART 1628—PHYSICAL EXAMINATION

PART 1632—DELIVERY AND INDUCTION

PART 1650—REGISTRATION, CLASSIFICATION, PHYSICAL EXAMINATION, SELECTION, AND INDUCTION OF PERSONS IN MEDICAL, DENTAL, AND ALLIED SPECIALIST CATEGORIES

PART 1660—CIVILIAN WORK IN LIEU OF INDUCTION

CROSS REFERENCE: For amendment of §§ 1622.12, 1622.14, 1622.16, 1624.2, 1626.11, 1626.13, 1626.14, 1628.3, 1632.5, 1650.11, 1650.30, 1660.21, 1660.31 and for revocation of § 1623.12, see Executive Order 10420, *supra*.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 40]

CPR 22—MANUFACTURERS GENERAL CEILING PRICE REGULATION

SR 40—ADJUSTED CEILING PRICES FOR MANUFACTURERS OF ROLLED FIGURED, HEAT ABSORBING AND WIRE GLASS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 40 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes adjusted ceiling prices for manufacturers of rolled figured, heat absorbing and wire glass. The method provided is to apply a uniform adjustment factor of two percent to the General Ceiling Price Regulation (GCPR) ceiling prices of the industry. The adjustment was derived from an earnings survey of the industry.

At an Industry Advisory Committee meeting held on September 16, 1952, it was indicated that the level of earnings of this industry had fallen below the minimum prescribed by the "industry earnings standard." This standard provides that the level of ceiling prices for an industry shall normally be considered "fair and equitable" under the Defense Production Act of 1950, as amended, if the industry's dollar profits (computed before Federal income and excess profits taxes) amount to 85 percent of the average return on net worth for the industry's best three years during the period 1946–1949, inclusive, adjusted for changes in net worth.

A survey was undertaken by OPS and financial data were obtained from the four companies in the industry. Based upon the survey, the Director of Price Stabilization has determined that the dollar profits of the industry will meet the requirements of the industry standard, and that ceiling prices will therefore be generally fair and equitable, if ceiling prices for this industry are established at two percent above the level of GCPR ceiling prices.

In determining the two percent adjustment factor recognition was given, among other costs, to increased costs in crating materials. Crating is, therefore, treated by this regulation as a part of the glass commodities concerned. Increased costs of outbound transportion were also taken into consideration. For this reason, this regulation precludes manufacturers covered hereby from applying SR 35 to CPR 22, which permits adjustments to reflect increases in the costs of outbound transportation.

However, the increased cost of steel incurred by the industry as a result of the issuance of SR 100 to the GCPR on August 19, 1952, was not taken into account. The industry uses small amounts of steel such as running bar in processing the glass, wire in wire glass and nails for crating. The effect of the steel cost increase on these producers is very slight, amounting to less than one-tenth of one percent of the sales dollar of the industry.

Nevertheless, manufacturers covered by this SR may pass through such steel cost increases they individually experience in accordance with the provisions of GOR 35.

Because the four companies surveyed appear to comprise the entire industry covered by this action, its scope should be clearly and unmistakably defined.

In the formulation of this supplementary regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Coverage.
3. Adjusted ceiling prices.
4. Relation to other regulations.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 805, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6104; 3 CPR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes adjusted ceiling prices for sales by manufacturers of rolled, figured, heat absorbing and wire glass. Such manufacturers are currently subject to Ceiling Price Regulation 22 (CPR 22). The method provided is to apply a uniform adjustment ratio to the GCPR ceiling prices of the industry.

SEC. 2. *Coverage*—(a) *Persons covered.* This supplementary regulation applies to you if you are a manufacturer of a commodity described in paragraph (b) of this section and establishes

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your ceiling prices for your sales of such commodities. Except to the extent that they are inconsistent with the provisions of this supplementary regulation, all provisions of CPR 22 shall continue to be applicable to you.

(b) *Commodities covered.* This supplementary regulation covers the following types of flat glass, including packaging or crating supplied by the manufacturer in the shipment of the glass:

Wire glass (of a polished or roughened surface containing a metallic mesh embedded in the glass).

Heat absorbing glass (especially made to reduce glare and transmission of heat beyond these characteristics of ordinary glass; this does not include laminated or "automobile" glass.

Rolled figured glass (which because of a pattern embossed on its surface has the appearance of a roughened surface.)

SEC. 3. *Adjusted ceiling prices*—(a) *How to compute.* Your ceiling price for the sale of any commodity covered by this supplementary regulation is your ceiling price in effect under the GCPR increased by two (2) percent (i. e., 102 percent of your GCPR ceiling price.)

(b) *Rounding ceiling prices.* You may round your ceiling prices determined under this section in accordance with the provisions of section 25 of CPR 22.

(c) *Terms and conditions of sale.* Your ceiling prices under this supplementary regulation must be consistent in all respects with your ceiling prices under CPR 22; that is, they must carry all customary discounts, allowances, premium and extras, deductions, guarantees and other terms and conditions of sale.

SEC. 4. *Relation to other regulations*—(a) *GOR 35.* Nothing in this supplementary regulation precludes you from applying the provisions of General Overriding Regulation 35 (pass-through for steel, copper, pig-iron and aluminum cost increases). Note, however, that your adjustment under GOR 35 must be made after you apply section 3 of this Supplementary Regulation. If you have already made an adjustment under GOR 35 you must recalculate your ceiling prices as follows:

(1) Adjust your GCPR ceiling prices as provided in section 3 of this SR;

(2) Add your adjustment under GOR 35.

(b) *SR 17, SR 18 to CPR 22.* You may elect to apply the provisions of Supplementary Regulation 17 or Supplementary Regulation 18 to CPR 22 to establish your ceiling prices. If you do so elect, you may not use the provisions of this supplementary regulation.

(c) *SR 35 to CPR 22.* You may not employ the provisions of Supplementary Regulation 35 to CPR 22 (adjustments to reflect increased outbound transportation rates).

Effective date. This Supplementary Regulation 40 to Ceiling Price Regulation 22 is effective December 23, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 18, 1952.

[F. R. Doc. 52-13485; Filed, Dec. 18, 1952; 4:00 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 41]

CPR 22—MANUFACTURERS GENERAL CEILING PRICE REGULATION

SR 41—SALES OF DOMESTICALLY PROCESSED IMPORTED NUTS AND OF MIXED NUTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 41 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling prices of shelled, roasted, and salted nuts at the processing level are at present determined under CPR 22 and CPR 31. Thus, processors' ceiling prices for imported nuts are determined under the provisions of CPR 31, whereas their ceiling prices for domestic nuts are determined under CPR 22. Ceiling prices for mixed nuts containing imported nuts present problems as to whether they are subject to CPR 22 or 31. Increases in the costs of imported nuts may be passed through under CPR 31. Likewise, increases in costs for domestic nuts may be passed through in accordance with the provisions of section 21 of CPR 22. This regulation is issued to clarify the matter of cost increases of mixed nuts containing imported nuts and to simplify the determination of such ceiling prices by making the computation subject to only one regulation, that is, CPR 22.

The most important variety of imported nuts used by these processors is the cashew. The cost of cashew nuts has risen sharply since March 1951, due to a greatly expanded world demand, and the cost of these nuts is a very substantial part of the total costs of mixed nuts. The agency has concluded that the same provisions which now apply to domestic nuts and domestic nut mixes should also be made applicable to all nut mixes which include imported nuts. To this end, this supplementary regulation allows domestic processors of mixed nuts, which contain domestically processed imported nuts, to reflect a current net cost in determining their ceiling prices for such mixtures. This is accomplished by allowing them to treat imported nuts as if they were domestically produced and listed in Appendix C of CPR 22. However, a processor who wishes to avail himself of the right to increase his ceiling price for nut mixtures containing imported nuts, in order to reflect increases in his net costs for the imported nuts, is permitted to pass through only such increase in his net cost of these imported nuts as is not offset by a corresponding reduction in the net costs of the other imported or domestic nuts contained in that mixture.

In order to facilitate administration and to ease the calculating requirements of nut processors, CPR 31 is amended, simultaneously with the issuance of this supplementary regulation, so as to remove domestic processors of imported nuts from coverage under that regulation. As a result of this action, these processors now will be covered by CPR 22 and, since they may now regard imported nuts as Appendix C commodities, will arrive at substantially the same result as they did under CPR 31.

In the formulation of this supplementary regulation, the Director of Price Stabilization has, to the extent practicable, consulted with industry representatives, including trade association representatives, and has given consideration to their recommendations. In the judgment of the Director, this supplementary regulation is generally fair and equitable, is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and complies with all the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for domestically processed imported nuts and for mixed nuts.
3. Relationship of this supplementary regulation to Ceiling Price Regulation 22.
4. Reporting.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation is optional. You may avail yourself of its provisions if you are a processor of imported nuts or of mixed nuts. It establishes a method which will enable you to determine ceiling prices for your sales of imported nuts and of mixed nuts, processed by you. The terms "process," "processor," "mixed nuts" and "nut mixture" are defined in section 5 of this supplementary regulation.

SEC. 2. *Ceiling prices for domestically processed imported nuts and for mixed nuts.* (a) If you are a processor of imported or mixed nuts, you shall determine the ceiling prices for your sales of imported nuts processed by you and for the sales of mixed nuts processed by you, under the provisions of Ceiling Price Regulation 22, as amended. In determining your ceiling prices under CPR 22, you may treat the imported nuts as if they were listed in Appendix C of that regulation. But, if you avail yourself of the provision of this supplementary regulation for sale of a nut mixture, and there has been any reduction in your net cost per unit of any of the nuts used in that mixture you may increase your ceiling price therefor only by the dollar-and-cent amount by which the increase in your net cost per unit of any of the imported nuts used in that mixture is not offset by a corresponding reduction in net cost per unit of the other nuts (whether imported or domestic), used therein.

Example 1. Your present ceiling price for a certain nut mixture is $1.00 per pound. That mixture is composed of: Peanuts, ¼ pound; almonds, ½ pound; and cashews, ¼ pound. Between March 15, 1951, and the current date your net cost for cashews increased 20 cents per pound, or 5 cents per unit (¼ pound) used in the above mixture. Between March 15, 1951, and the current date your net cost for peanuts remained unchanged, whereas your net cost for almonds decreased 8 cents per pound, or 4 cents per unit (½ pound). The 5-cent increase per unit in your net cost of cashews is partially offset, namely, by 4 cents per unit, by virtue of the decrease in your net cost for almonds. If you avail yourself of this supplementary regulation you may increase your ceiling price for the 1-pound mixture by 1 cent, or to $1.01 per pound.

Example 2. Your present ceiling price for a certain nut mixture is $1.00 per pound. That mixture is composed of: Peanuts, ½ pound; almonds, ¼ pound; and cashews, ¼ pound. Between March 15, 1951, and the current date your net cost for cashews increased 20 cents per pound, or 5 cents per unit (¼ pound) used in the above mixture. Between March 15, 1951, and the current date your net cost for almonds decreased 8 cents per pound, or 2 cents per unit (¼ pound), and your net cost for peanuts decreased 8 cents per pound, or 4 cents per unit (½ pound). The 5-cent increase per unit in your net cost of cashews is entirely offset, namely, by 6 cents per unit, by virtue of the total decrease (2 cents + 4 cents = 6 cents) in your net costs for the other nuts. Hence, you may not increase your ceiling price for the mixture. In this event you may elect not to avail yourself of this supplementary regulation and continue to determine your ceiling price for this nut mixture under CPR 22.

SEC. 3. *Relationship of this supplementary regulation to Ceiling Price Regulation 22.* If you avail yourself of this supplementary regulation, all provisions of Ceiling Price Regulation 22, as amended, shall continue to apply to you, except to the extent that they are modified by or are inconsistent with the provisions of this supplementary regulation.

SEC. 4. *Reporting.* In every case where you avail yourself of the provisions of this supplementary regulation and compute a new ceiling price, you shall comply with the reporting requirements of section 21 (h) of Ceiling Price Regulation 22, as amended.

SEC. 5. *Definitions.* (a) To "process" means to cook, roast, or salt nuts or cover them with an edible substance. You are a "processor" of nuts if you cook, roast, salt or cover them with an edible substance.

(b) "Mixed nuts" means mixed imported nuts which have been domestically processed, or domestically processed imported nuts when mixed with domestic tree-nuts, peanuts, or any combination thereof. "Nut mixture" means the same as mixed nuts.

Effective date. This supplementary regulation is effective December 18, 1952.

NOTE: The reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 18, 1952.

[F. R. Doc. 52-13481; Filed, Dec. 18, 1952; 11:23 a. m.]

[Ceiling Price Regulation 34, Amdt. 1 to Supplementary Regulation 25]

CPR 34—SERVICES

SR 25—POWER LAUNDRIES IN PHILADELPHIA, PENNSYLVANIA

ADDITIONAL POWER LAUNDRIES IN THE PHILADELPHIA, PENNSYLVANIA AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Ageny General Order No. 2, this Amendment 1 to Supplementary Regulation 25 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 25 to Ceiling Price Regulation 34, issued November 10, 1952 permitted an increase in ceiling prices for certain power laundry services and dry cleaning services supplied by power laundries located in the City of Philadelphia, Pennsylvania. An increase in ceiling prices was also given to independent routemen and stores, known in the laundry and dry cleaning industry as "bobtailers", in order that customary differentials between classes of power laundry service purchasers might be maintained. That supplementary regulation did not permit the increase to be applied to the diaper supply and linen supply services of such laundries. This amendment permits the same increase in ceiling prices for additional power laundries located in certain other areas close to Philadelphia namely, Camden, Gloucester, and Burlington Counties, New Jersey and the City of Hammonton in Atlantic County, New Jersey.

A study of the operating costs and profit margins of a representative number of the power laundries in Camden, Gloucester, and Burlington Counties, New Jersey and the City of Hammonton in Atlantic County, New Jersey which provide 90 percent of the total sales of services furnished by these laundries amounting to an estimated $2,350,000 in 1951, reveals that increased labor and material costs have impaired the pre-Korean earnings of such laundries. In addition, new wage contracts entered into with labor unions representing the employees of these laundries resulted in substantial wage increases. These wage increases are all within the formula of Wage Stabilization Board regulations or have received Wage Stabilization Board approval, with the result that earnings of these laundries will be further impaired. The price increase granted herein has been determined to be the minimum necessary to maintain the financial stability of these laundries in order to assure a continued supply of these essential services. The uniform increase has been determined in accordance with the standards for individual adjustments under Section 20 of Ceiling Price Regulation 34.

All other considerations which were set forth in the Statement of Considerations to Supplementary Regulation 25 to Ceiling Price Regulation 34 are equally applicable to the power laundries located in the areas included in this amendment.

In the formulation of this amendment, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this amendment are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 25 to Ceiling Price Regulation 34 is amended in the following respects:

1. The title of Supplementary Regulation 25 is amended to read as set forth above.

2. Add the phrase "Camden, Gloucester and Burlington Counties, New Jersey and the City of Hammonton in Atlantic County, New Jersey," after the words Philadelphia, Pennsylvania, wherever they appear in sections 1 and 3.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 18, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 18, 1952.

[F. R. Doc. 52-13486; Filed, Dec. 18, 1952; 4:00 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 31]

CPR 34—SERVICES

SR 31—LINEN SUPPLY SERVICES IN THE CITY OF PHILADELPHIA, PENNSYLVANIA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 31 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 31 to Ceiling Price Regulation 34 permits an increase in the ceiling prices of linen supply services furnished by linen suppliers in the City of Philadelphia, Pennsylvania.

Increased costs of operation resulting from wage increases, replacement of worn out, obsolete equipment, and higher costs of materials used in processing have decreased the earnings of these suppliers and caused a substantial financial hardship to them. Certain of these linen suppliers also employ the services of power laundries in processing their fabrics. The ceiling prices of power laundries in the City of Philadelphia, Pennsylvania, have been increased by 9 percent under Supplementary Regulation 25 to Ceiling Price Regulation 34, increasing the costs incurred by those linen suppliers utilizing the services of such power laundries.

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4:00 p. m.]

tion. As a result of this action, these unit (¼ pound) used in the above mixture.

Under the provisions of this supplementary regulation, ceiling prices of linen suppliers in the City of Philadelphia, Pennsylvania, may be increased by 7 percent, such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase", or, at the option of the individual linen supplier, the established flat price for each article may be increased 7 percent. The adjusted flat price must, within ten days after determination, be filed with the appropriate Office of Price Stabilization District Office as required by section 18 of Ceiling Price Regulation 34, as amended.

The uniform increase has been determined in accordance with the standards for individual adjustments under section 20 of Ceiling Price Regulation 34, as amended.

Linen suppliers subject to this supplementary regulation may not, after the effective date of this supplementary regulation, obtain an adjustment of their ceiling prices under section 20 of Ceiling Price Regulation 34, as amended. In addition, adjustments previously granted under that section are automatically revoked upon the effective date of this supplementary regulation.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5, issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Supp. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *Purpose.* This supplementary regulation permits linen suppliers located in the City of Philadelphia, Pennsylvania to increase the ceiling prices of their linen supply services by 7 percent. This supplementary regulation shall not apply to any other services supplied by such linen suppliers.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, except as affected by the provisions of this supplementary regulation, shall remain in effect.

SEC. 3. *Adjustment of ceiling prices.* You may, to the extent you furnish linen supply services from locations in the City of Philadelphia, Pennsylvania, increase your ceiling prices by 7 percent for linen supply services thus supplied by either of the following methods:

(a) You may apply such adjustment to the total amount of each invoice rendered to the customer, provided you shall clearly write or stamp beside the adjustment on each invoice the words "OPS permitted price increase". If you use this method of applying your price increase you need not make the supplementary filing required by Section 18 (c) of Ceiling Price Regulation 34, as amended.

(b) You may in lieu of the method provided in paragraph (a) of this section, increase by 7 percent the flat price of each linen supply service article. You may not establish prices under paragraph (a) of this section once you have elected to establish prices under this paragraph. Within ten days after your prices are established under this paragraph, you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required by section 18 of Ceiling Price Regulation 34. You may not establish prices under paragraph (a) of this section once you have elected to establish prices under this paragraph.

(c) If the increase calculated in paragraphs (a) and (b) of this section results in a fraction of a cent, the ceiling price must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* (a) No seller of linen supply services subject to this supplementary regulation, may, after the effective date of this regulation, apply for an adjustment of any of his ceiling prices for linen supply services under section 20 of Ceiling Price Regulation 34, as amended. All orders establishing ceiling prices of any seller of linen supply services subject to this supplementary regulation issued under either section 20 (a), (b) or (c) of Ceiling Price Regulation 34, as amended, are hereby revoked, upon the effective date of this regulation.

SEC. 5. *Definitions.* (a) As used in this supplementary regulation the term:

(1) "Linen supply services" means the supplying to others, on a rental basis, of clean laundered linen or garments by the owner of these items. The term "linen", as used in this definition, is not confined to articles made of linen textiles, but includes articles consisting of any fabric which are commonly laundered as distinguished from being dry cleaned.

Effective date. This supplementary regulation is effective December 18, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 18, 1952.

[F. R. Doc. 52-13482; Filed, Dec. 18, 1952; 11:24 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 32]

CPR 34—SERVICES

SR 32—DIAPER SUPPLY SERVICES IN PHILADELPHIA AND DELAWARE COUNTIES, PENNSYLVANIA, AND CAMDEN COUNTY, NEW JERSEY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 32 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 32 to Ceiling Price Regulation 34 permits an increase in the ceiling prices of the diaper supply services furnished by retail diaper suppliers in Philadelphia and Delaware Counties, Pennsylvania and Camden County, New Jersey.

Sharply increased costs of materials and supplies together with wage increases recently granted with Wage Stabilization Board approval have made repair and replacement of worn out and obsolete equipment virtually impossible. These factors have resulted in substantial financial hardship to these diaper service suppliers. Also, certain of these diaper service suppliers employ the services of power laundries in processing their fabrics. The ceiling prices of power laundries in Philadelphia, Pennsylvania have been increased by 9 percent, increasing the costs incurred by those diaper service suppliers using the services of power laundries.

Under the provisions of this supplementary regulation, ceiling prices of diaper service suppliers in Philadelphia and Delaware Counties, Pennsylvania and Camden County, New Jersey may be increased by 5 percent, such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase," or, at the option of the individual diaper service supplier, the established flat price for each article may be increased 5 percent. The adjusted flat price must, within ten days after determination, be filed with the appropriate Office of Price Stabilization District Office.

Provision is made to retain such services under Ceiling Price Regulation 34: *Provided however*, That diaper service suppliers subject to this supplementary regulation may not, after the effective date of this supplementary regulation, obtain an adjustment of their ceiling prices under section 20 of Ceiling Price Regulation 34, as amended. In addition, adjustments previously granted under that section are automatically revoked as of the effective date of this supplementary regulation.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5, issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Supp. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *Purpose.* This supplementary regulation permits diaper service suppliers in Philadelphia and Delaware Counties, Pennsylvania, and Camden County, New Jersey to increase the ceiling prices of their retail diaper supply services by 5 percent, in the manner provided in section 3. This supplementary regulation shall not apply to any other services supplied by such diaper service suppliers.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, except as affected by the provisions of this supplementary regulation, shall remain in effect.

SEC. 3. *Adjustment of ceiling prices.* You may, to the extent you furnish diaper supply services at retail from locations in Philadelphia and Delaware Counties, Pennsylvania and Camden County, New Jersey, increase your ceiling prices by 5 percent for diaper supply services thus supplied by either of the following methods:

(a) You may apply such an adjustment to the total amount of each invoice rendered to the customer, provided you shall clearly write or stamp beside the adjustment on each invoice the words "OPS permitted price increase". If you use this method of applying your price increase you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

(b) You may, in lieu of the method provided in paragraph (a) of this section, increase by 5 percent the flat price of each diaper supply service article. Within ten days after your prices are established under this paragraph, you must prepare and file with your district office of Office of Price Stabilization a supplemental statement as required by section 18 of Ceiling Price Regulation 34. You may not establish prices under paragraph (a) of this section once you have elected to establish prices under this paragraph.

(c) If the increase calculated in paragraphs (a) and (b) of this section results in a fraction of a cent, the ceiling price must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* (a) No seller of diaper supply services at retail subject to this supplementary regulation may, after the effective date of this regulation, obtain an increase in his ceiling prices for such diaper supply services under section 20 of Ceiling Price Regulation 34, as amended. All orders establishing ceiling prices of any seller of diaper supply services subject to this supplementary regulation issued under either section 20 (a), (b) or (c) of Ceiling Price Regulation 34 are hereby revoked, upon the effective date of this regulation.

SEC. 5. *Definitions.* (a) As used in this supplementary regulation the term:

(1) "Diaper supply services" means the supplying to retail customers on a rental basis, of clean laundered diapers by the owner of these items.

(2) The term "Retail" refers to the sale of diaper supply services directly to the ultimate consumer, except commercial, industrial, and governmental users.

Effective date. This Supplementary Regulation 32 to Ceiling Price Regulation 34 shall become effective December 18, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 18, 1952.

[F. R. Doc. 52-13483; Filed, Dec. 18, 1952; 11:24 a. m.]

[Ceiling Price Regulation 134, Amdt. 8]

CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

ADJUSTMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to Ceiling Price Regulation 134 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to CPR 134 sets up an adjustment procedure which will permit operators of eating and drinking establishments to apply to OPS for permission to increase their present ceiling prices of meals, food items and beverages. The amount of the increase in ceiling prices allowed will be based on the individual operator's dollar and cents increase in food costs and in wage rates. Only one adjustment based on increased food costs and wage rates will be permitted. The amendment also makes more specific the requirements governing ceiling price posters.

CPR 134 which became effective April 7, 1952, replaced CPR 11 as the tailored regulation for the restaurant industry and was issued in order to provide a more effective and enforceable method of controlling prices charged by eating and drinking establishments. The new regulation fixed individual dollars-and-cents ceiling prices on the basis of the highest prices charged by the operator during the week of February 3 through 9, 1952. At that time all of the available data indicated that the general level of prices of food had been fairly well stabilized. The Monthly Wholesale Food Price Index issued by the Bureau of Labor Statistics had not risen for several months prior to the issuance of the new regulation. In the judgment of the Director, therefore, the regulation was not likely to cause significant squeezes in the restaurant industry.

However, in anticipation of possible changes in economic conditions, particularly in regard to wholesale food and labor costs, provision was made in the regulation for issuance of adjustment factors from time to time. This, it was thought, would keep the regulation constantly attuned to changes in the principal factors affecting the operations of the restaurant industry.

Recently, wholesale food costs generally have risen above the level prevailing at the time restaurant prices were frozen and wage rates for public feeding establishments have risen in some parts of the country. The data now available are sufficient to establish the fact that increases in these two vital cost factors have occurred. They are not sufficient, however, to furnish a measure of the impact of those increases either on the industry as a whole or on any of its segments. As a result, there is no adequate factual basis at this time for a general adjustment which would at once deal equitably with the various types of sellers in the industry and properly protect the interest of consumers.

Because of these conditions, the Director has decided, in spite of the burden imposed on the Agency and the industry by such a technique, to make provision for an individual adjustment of ceiling prices on the basis of pass-throughs of higher food and labor costs. This adjustment is an interim measure only and studies already underway will be continued with a view to the development of a more desirable technique for the adjustment of ceiling prices in the light of changes in economic conditions.

Generally, in regard to food costs this amendment provides that the operator may increase his ceiling prices if his current ratio of food costs to dollar of sales for the three month period of July, August and September, 1952, is higher than his base period food cost per dollar of sales. This does not mean a return at this time to the use of the food cost ratio as a regulatory technique. The two ratios involved are used simply as instruments for measuring the particular operator's increase in food costs and of the amount of dollars which he should be allowed to pass-through by additions to his ceiling prices.

In addition, if an operator has had an increase in his wage rates since February 1952, he may apply for an adjustment based on the increase in wage rates of all categories of employees on his payroll during the week of February 3, 1952. That is the week, it will be recalled, which was used as the base period for the freeze of restaurant prices. It is anticipated that, while some operators will be entitled to adjust their prices on the basis of increases in both food costs and wage rates, many establishments of a

specialized nature such as taverns, fish, chicken and steak houses, will be able to adjust for higher labor costs alone because their food and beverage costs have not increased significantly.

If an operator's food costs per dollar of sales and his wage rates have both increased since February, 1952, the increases will be added together to provide a single adjustment factor. At the same time, if, as is possible for some establishments, one type of cost, e. g. food, has decreased, then an offset will be made against any increase in wage rates which may have occurred. The operator will be permitted to apply the allowable percentage increase equally across the board to all of his meals, food items and beverages or to apply a higher percentage to a limited number of items.

Although the operator will now be permitted to increase his present ceiling prices, the posting of his ceiling prices, as required by CPR 134, will be retained. He will be required to put up a new poster with the new ceiling prices as adjusted under this amendment before he may charge those new prices.

Ceiling price posters are essential to successful control of restaurant prices. Yet, effective use of the posters has not been fully achieved because some operators have not carried out the spirit of the posting requirements, and so, it has become necessary to make the requirements more specific in order to avoid any chance of misunderstanding. Thus, this amendment sets up more precise provisions pertaining to the way in which items must be shown on the poster. The lettering will have to be typed, printed, stamped or written so that both the names of the items and their ceiling prices will be legible to customers at four feet.

In the formulation of this amendment, there has been consultation to the extent practicable with industry representatives, including trade association representatives and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended, and comply with all of the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 134 is amended in the following respects:

1. Section 10 is amended to read as follows:

SEC. 10. *Adjustment in ceiling prices.* You may at any time before February 14, 1953, apply for permission to increase your ceiling prices by reason of actual increases in your direct costs. The following paragraphs set out the procedure for making your application and the rules which OPS will use in deciding whether you are entitled to adjust your ceiling prices and, if so, by what amount.

(a) *General basis for increase.* You will be permitted to increase your ceiling prices if your direct costs, that is, your food and labor costs, have increased. The increases allowed will be those required to pass through your higher costs. If, however, it should turn out that while either of your direct costs has increased, the other has decreased, then the decrease will be offset against the increase. If both have increased, your adjustment will, of course, be based on both factors.

(b) *Adjustment based on food costs.* You will be allowed an adjustment if your food cost per dollar of sales (including alcoholic beverages) for the three-month period of July, August, and September, 1952 (or, if that period is not one of your current periods as defined in section 27 (b) of CPR 134, your most recent current period ending before November 1, 1952), is higher than your base period food cost per dollar of sales (including alcoholic beverages). However, if you were not open for at least thirty days during your current period, use your most recent current period in which you were open for thirty days after January 31, 1952. Your base period for the purpose of this section is whichever of the following is applicable to you:

(1) The base period you established under CPR 11.

(2) The last three months of the first five consecutive months of operation if the establishment was not in operation prior to November 1, 1951, and you did not establish a base period under CPR 11.

(c) *Adjustment based on wage rates.* You will be allowed an adjustment if the wage rates of any of your categories of employees for the pay week immediately preceding the date of your application are higher than the wage rates in effect for those categories of employees during the week of February 3 through 9, 1952. You must follow the instructions appearing on OPS Public Form No. 156 to determine the categories of employees to be included and to make the computations necessary for an adjustment under this paragraph.

(d) *How to apply your increase.* You may apply the allowable percentage increase equally to all of your meals, food items and beverages or you may apply a higher percentage to a limited number of items. The amount of that higher percentage will depend on the proportion of your sales volume represented by the items you select and will be calculated to permit you to obtain the same amount of revenue as you would have been able to obtain by applying your increase across the board. If you decide to apply a higher percentage to a limited number of items you will not be allowed to increase the ceiling price of any item by more than 25 percent.

(e) *How and where to make your application.* In order to obtain an increase under this section, you must fill out OPS Public Form No. 156 in accordance with the instructions appearing on the form for each of your establishments separately and mail it to the OPS office for your area. If, however, you filed one base period report under CPR 11 for two or more establishments owned or operated by you, you may treat the establishments covered by the base period report as one establishment and mail a single application form to the OPS office with which you filed that report.

(f) *When you may charge your new ceiling prices.* You may not charge your new ceiling prices until twenty days after you have mailed your application to OPS. Thereafter, you may charge your new ceiling prices unless you are notified, either before or after the expiration of the twenty day waiting period, that your application has been disapproved. You may not, in any event, charge your adjusted ceiling prices until you have displayed a new poster showing your new ceiling prices for the items required to be listed on your poster. The poster must be displayed as provided in section 13.

2. Paragraph (b) of section 13 is amended by inserting between the first and second sentence of that paragraph a new sentence to read as follows: "The names of the items and the ceiling prices for each item which you list on the poster must be typed, printed, stamped or written so that they will be legible at four feet."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 8 to Ceiling Price Regulation 134 is effective December 23, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 18, 1952.

[F. R. Doc. 52-13487; Filed, Dec. 18, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 129]

GCPR, SR 129—SUSPENSION FROM CEILING PRICES OF MANUFACTURERS' SALES OF HARDWOOD PLYWOOD PRODUCED EAST OF THE 105TH MERIDIAN

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation No. 129 to the General Ceiling Price Regulation, is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation suspends from ceiling price control manufacturers' sales of hardwood plywood produced east of the 105th meridian. Heretofore, these commodities have been controlled by the General Ceiling Price Regulation.

There are about 280 hardwood plywood plants, all of which are located east of the 105th meridian. Approximately 200 of these are integrated with furniture factories and do not normally sell on the open market. The eighty plants producing for open market sales are scattered throughout the area, with the greatest concentration in the Southeast.

Reports of the Bureau of Labor Statistics show that on the average hardwood plywood products have been selling approximately 10% below the GCPR level since early in 1952. Thus, in October 1952 the index number for hardwood plywood compiled by the U. S. Bureau of Labor Statistics was 101.1 as compared with 112.9 in February 1951 and 95.5 in June 1950.

The latest reports of the U. S. Bureau of the Census show that production in this industry during the second quarter of 1952 was nearly 22 percent below the level for the corresponding quarter in 1951. This decline appears to have been caused for the most part by competition from imported plywood. Douglas Fir plywood faced with hardwood veneer (which is made principally west of the 105th meridian), and from hardboard. Glue and veneer, the basic raw materials, as well as manpower appear to be plentiful in all production areas. Hence, there appears to be little likelihood of any marked increase in prices as a result of this action.

The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interests of the stabilization program. Similarly, the Director may terminate this suspension in case of significant price increase of important raw materials. In any event, the suspension will be terminated when the index number compiled by the U. S. Bureau of Labor Statistics for the plywood subgroup, hardwood class, reaches 109.5 (1947–49 average=100).

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 129 to the GCPR are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production and the furtherance of the objectives of the Defense production Act of 1950, as amended.

In the formulation of this supplementary regulation special circumstances have rendered consultation with industry representatives impractical.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Suspension.
3. Records.
4. Definition.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* The purpose of this supplementary regulation is to suspend from the provisions of the General Ceiling Price Regulation, manufacturers' sales of hardwood plywood produced east of the 105th meridian.

SEC. 2. *Suspension.* On and after December 18, 1952, the provisions of the General Ceiling Price Regulation are suspended with respect to manufacturers' sales of hardwood plywood produced east of the 105th meridian. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it. The suspension effected by this supplementary regulation does not operate to place manufacturers' sales of hardwood plywood produced east of the 105th meridian under any other ceiling price regulation.

SEC. 3. *Records.* During the period of suspension, on sales covered by this supplementary regulation, you, and buyers from you, shall not be required to prepare and keep the records specified in section 16 (b) of the General Ceiling Price Regulation. However, you, and buyers from you, shall continue to preserve and make available for examination by the Office of Price Stabilization, in the manner and for the period set forth in section 16 (b) of the General Ceiling Price Regulation, all such records which you, and buyers from you, were required to have on December 17, 1952.

SEC. 4. *Definition.* As used in this supplementary regulation, the term "hardwood plywood" means any flat or curved assembly of two or more thicknesses of veneer, or of two or more thicknesses of veneer with a lumber core, which is laminated or glued together and in which at least one ply of veneer is a species of hardwood.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Supplementary Regulation 129 to the General Ceiling Price Regulation shall be effective December 18, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 18, 1952.

[F. R. Doc. 52-13484; Filed, Dec. 18, 1952; 11:24 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

WAGE STABILIZATION COMMITTEE
RESOLUTION NO. 1

In order to provide for continuity in wage stabilization, and in conformance with the provisions of ESA General Order 19, the Wage Stabilization Committee hereby ratifies, confirms, and adopts as its own all policies, regulations, resolutions, interpretations, rulings, orders, decisions, rules, directives, applications, and other actions heretofore taken in the name of the Wage Stabilization Board created under section 403 (b) of the Defense Production Act, as amended, and Executive Orders 10377 and 10390, or of any of its agents or agencies or the Economic Stabilization Administrator, except that, while any tripartite "Board agency" is rendered inoperative, it shall be composed of three members representative of the general public.

CHARLES C. KILLINGSWORTH,
Chairman,
Wage Stabilization Committee.

[F. R. Doc. 52-13490; Filed, Dec. 18, 1952; 11:54 a. m.]

WAGE STABILIZATION COMMITTEE
RESOLUTION NO. 2

In order to provide for continuity in wage stabilization, and in conformance with the provisions of ESA General Order 19, the Wage Stabilization Committee hereby resolves that all actions which may hereafter be taken in the name of the Wage Stabilization Board created under section 403 (b) of the Defense Production Act, as amended, and Executive Orders 10377 and 10390, or of any of its agents or agencies, shall have the full force and effect of actions of this Committee or of any of its agents or agencies.

CHARLES C. KILLINGSWORTH,
Chairman,
Wage Stabilization Committee.

[F. R. Doc. 52-13491; Filed, Dec. 18, 1952; 11:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Ch. IX]

[Docket No. AO-244]

HANDLING OF MILK IN MIDDLE AND SOUTHEAST MISSISSIPPI MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Assembly Room, Woolfolk State Office Building, Second Floor, Jackson, Mississippi, beginning at 10:00 a. m., c. s. t., on January 6, 1953.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Middle and Southeast Mississippi marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposed marketing agreement and order proposals set forth below have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals or any modifications thereof.

Marketing agreement and order proposed by the Central Sales Committee, Jackson, Mississippi:

DEFINITIONS

SECTION 1. *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement of 1937, as amended (7 U. S. C., 601 et seq.).

SEC. 2. *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

SEC. 3. *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal Agency authorized to perform the price reporting functions specified in this subpart.

SEC. 4. *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

SEC. 5. *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

SEC. 6. *Middle and Southeast Mississippi marketing area.* "Middle and Southeast Mississippi marketing area" hereinafter called "marketing area" means all the territory within the boundaries of the counties of Hinds, Madison, Rankin, Warren, Jones, Forrest, Marion, all within the State of Mississippi, and shall be divided into two districts:

(a) The territory within the boundaries of the counties of Hinds, Madison, Rankin and Warren shall be district number I; and

(b) The territory within the boundaries of the counties of Jones, Forrest and Marion shall be district number II.

SEC. 7. *Fluid milk plant.* "Fluid milk plant" means any milk plant, except that of a producer-handler, approved by the appropriate health authority in the marketing area, and used during the month for (a) the processing and packaging of producer milk, all or a portion of which is disposed of as Class I milk in the marketing area to wholesale or retail outlets, including plant stores; or (b) the receipt and cooling of producer milk for shipment to a plant described under paragraph (a) of this section, of more than 35 percent of its total receipts of producer milk during the months of September, October, November and December, and 20 percent for the months of January through August.

SEC. 8. *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or bottling plant other than a fluid milk plant.

SEC. 9. *Handler.* "Handler" means: (a) Any person in his capacity as the operator of a fluid milk plant(s); (b) a producer-handler; or (c) any cooperative association with respect to milk of producers diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such cooperative association.

SEC. 10. *Producer.* "Producer" means any person, except a producer-handler, who produces milk under a dairy farm inspection permit issued by the appropriate health authority in the marketing area and whose milk is permitted to be used for consumption as milk in the marketing area, which milk is: (a) Received at a fluid milk plant, or (b) customarily received at a fluid milk plant but diverted by a Cooperative Association or the operator of such fluid milk plant directly from the farm to a nonfluid milk plant: *Provided*, That any such milk so diverted shall be deemed to have been received by the handler for whose account it was diverted.

SEC. 11. *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer and received at a fluid milk plant.

SEC. 12. *Other source milk.* "Other source milk" means all skim milk and butterfat received at a fluid milk plant other than that skim milk and butterfat contained in producer milk.

SEC. 13. *Producer-handler.* "Producer-handler" means any person who produces milk under a dairy farm permit issued by the appropriate health authority in the marketing area and who processes milk from his own production, and distributes all or a portion of such milk within the marketing areas as Class I milk, but who receives no milk from producers.

MARKET ADMINISTRATOR

SEC. 20. *Designation.* The agency for the administration covered by this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

SEC. 21. *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend to the Secretary amendments to the terms and provisions contained in this subpart.

SEC. 22. *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering every employee who handles funds entrusted to the market administrator.

(d) Pay out of the funds provided by section 95 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses, except those incurred under section 94, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 3 days after the date upon which he is required to perform such acts, has not made reports pursuant to section 30 and section 31 or payments pursuant to section 90;

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and notify each handler in writing on or before the 6th day of each month, the minimum price for Class I milk computed pursuant to section 51 (a), (b), (c) (1) (2) (3) and (d) and the Class I butterfat differential computed pursuant to section 54 (a), both for the current month, and the minimum price for Class II milk computed pursuant to section 53 and the Class II butterfat differential computed pursuant to section 54 (b), both for the previous month;

(j) Notify each handler in writing on or before the 11th day of each month the amount of the net obligation of such handler for milk received from producers during the previous month. Such notification shall show the amount and the value of milk in each class; the amount and the value of overage; and the amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months;

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate and notify each handler in writing:

(l) On or before the 13th day after the end of each of the months of September through February, the uniform price for each handler computed pursuant to section 71 and the butterfat differential computed pursuant to section 92; and

(2) On or before the 13th day after the end of each of the months of March through August, the uniform prices for base milk and for excess milk for each handler computed pursuant to section 72 and the butterfat differential computed pursuant to section 92, and

(3) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

SEC. 30. *Reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of March through August the aggregate quantities of base and excess milk;

(b) The quantities of skim milk and butterfat contained in receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

SEC. 31. *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator in detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 8th day after the end of the month, the correct name and address of each producer, the total pounds of milk received from each producer, the number of days on which milk was received from each producer, the amount of any deductions authorized in writing by the producer to be made in making payments to such producer, and the average butterfat content of the milk received from each producer.

(2) Upon request of the market administrator, the information described in subparagraph (1) of this paragraph together with such other information as the market administrator may prescribe for prior calendar months included in the period beginning with ---------- to the effective date of this order.

(3) On or before the first day other source milk is received, such handler's intention to receive such milk and on or before the last day such milk is received, his intention to discontinue receipt of such milk.

SEC. 32. *Records and facilities.* Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers.

SEC. 33. *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

SEC. 40. *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to section 30 shall be classified by the market administrator pursuant to the provisions of section 41 through section 46.

SEC. 41. *Classes of utilization.* Subject to the conditions set forth in section 43 and section 44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream, cultured sour cream, any mixture of cream and milk or skim milk other than ice cream and ice cream mixes, (2) used to produce concentrated (including frozen) milk, (3) any other product required by the appropriate health authority in the marketing area to be made from Grade A milk, and all skim milk and butterfat not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section, (2) disposed of for livestock feed, (3) in shrinkage up to 2 percent of receipts from producers, and (4) in shrinkage of other source milk.

SEC. 42. *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for such handler; and

(b) Prorate the resulting amounts between such handler's receipts of skim milk and butterfat in milk from producers and in other source milk.

SEC. 43. *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified as Class II milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

SEC. 44. *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion from a fluid milk plant shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a fluid milk plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to section 46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *Provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream.

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to a nonfluid milk plant, except that of a producer-handler, unless the following conditions are met:

(1) The handler claims classification in Class II;

(2) The market administrator is permitted to audit the books and records showing the utilization of all skim milk and butterfat received at such nonfluid milk plant, for the purpose of verification; and

(3) An amount of skim milk and butterfat not less than that so transferred or diverted was used in Class II: *Provided*, That the skim milk and butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in such nonfluid milk plant, and any additional amounts of skim milk and butterfat so

transferred or diverted shall be assigned to Class I.

SEC. 45. *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

SEC. 46. *Allocation of skim milk and butterfat classified.* After making the computations pursuant to section 45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to section 41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers according to its classification as determined pursuant to section 44 (a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

SEC. 50. *Minimum prices.* Subject to the appropriate butterfat differential computed pursuant to section 54 each handler shall pay in the manner set forth in section 90 through section 94 for milk received at his plant from producers at not less than the prices per hundredweight set forth in section 51, section 52, and section 53.

SEC. 51. *Class I milk.* Class I price shall be an amount calculated as follows:

(a) Multiply the formula index computed pursuant to section 52 by $6.00 and divide by 100;

(b) Adjust the price calculated pursuant to paragraph (a) of this section so that it will not be less than 1.5 times nor more than 1.75 times the price calculated pursuant to paragraph (d) of this section: *Provided*, That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months April, May, and June, such price shall not be more than that for the preceding month.

(c) Add to or subtract from the foregoing price, as the case may be, as follows:

(1) Divide for each district the total receipts of producer milk in the two immediate preceding delivery periods of all handlers by the total pounds of Class I milk of all handlers (except interhandlers transfers and sales by producer-handlers) for such period, multiply the result by 100, and round to the nearest whole number. The result shall be known as Class I utilization percentage;

(2) Compute for each district a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

Month for which price applies	Months used in computation	Standard utilization percentage
January	November-December	110
February	December-January	118
March	January-February	126
April	February-March	130
May	March-April	130
June	April-May	137
July	May-June	135
August	June-July	135
September	July-August	130
October	August-September	120
November	September-October	114
December	October-November	110

(3 For each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 3 cents in January, February, March, July and August; 2 cents in April, May and June; 4 cents in September, October, November, and December; and for each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 3 cents in January, February, March, July and August; 4 cents in April, May, and June; and 2 cents in September, October, November, and December: *Provided*, That in no event shall an adjustment made pursuant to this subparagraph exceed 50 cents per hundredweight.

(d) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the preceding month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture, divided by 3.5 and multiplied by 4.0;

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Bordon Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

SEC. 52. *Formula index.* Based on the latest data available on the 28th day of each month, or the first business day thereafter if the 28th is not a business day the market administrator shall calculate a formula index for the following month as follows:

(a) Divide the monthly wholesale price index for all commodities as announced by the Bureau of Labor Statistics, U. S. Department of Labor, by the average of such index for the years 1947 through 1949 and multiply by 100.

(b) Take the average of the three latest indexes of business activities in the affected areas as computed by the Business Research Station of Mississippi State College, State College, Mississippi, using the years 1947 through 1949 as the base period.

(c) Compute a labor-feed index as follows:

(1) Divide by 0.0325 the daily farm wage rate without board or room for the State of Mississippi as reported by the U. S. Department of Agriculture and multiply by 0.3;

(2) Divide by 0.04239 the average price paid per hundredweight for all mixed dairy feed of under 29 percent protein in the State of Mississippi as reported by the U. S. Department of Agriculture and multiply by 0.7;

(3) Add together the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Add the amounts determined pursuant to paragraphs (a), (b), and (c) of this section, divide by 3 and round to the nearest one tenth.

SEC. 53. *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

Present Operator and Location

Kraft Cheese Co., Newton, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Brookhaven Creamery, Brookhaven Miss.
Pet Milk Co., Kosciusko, Miss.

SEC. 54. *Butterfat differential to handlers.* If the average butterfat content of producer milk allocated to any class pursuant to section 46 is more or less than 4.0 percent there shall be added to the respective class price computed pursuant to section 51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter at Chicago, as reported by the Department of Agriculture during the period listed below by the applicable factor so listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price reported for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price reported for the current month by 1.20.

APPLICATION OF PROVISIONS

SEC. 60. *Producer-handlers.* Section 40 through section 46, section 50 through section 52, section 70 through section 72, section 80 through section 83 and section 90 through section 96 shall not apply to a producer-handler.

DETERMINATION OF UNIFORM PRICE

SEC. 70. *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows: (a) Multiply the pounds of such milk in each class by the applicable class price, (b) add together the resulting amounts, (c) add the amounts computed by multiplying the pounds of overage deducted from each class by the applicable class price, and (d) add or subtract, as the case may be an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months.

SEC. 71. *Computation of the uniform price for each handler.* For each of the months of September through February the market administrator shall compute for each handler the uniform price for milk received from producers as follows:

(a) Add to the amount computed pursuant to section 70 the amount of location differential pursuant to section 91;

(b) Subtract, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers, and multiply the result by the total hundredweight of such milk;

(c) Add the amount represented by any deductions made pursuant to paragraph (d) of this section for fractions of a cent in computing the uniform price for the preceding month;

(d) Divide the resulting amount by the total hundredweight of milk received from producers by such handler. The result, less any fraction of a cent per hundredweight shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. the fluid milk plant.

SEC. 72. *Computation of the uniform price for base milk and for excess milk for each handler.* For each of the months of March through August, the market administrator shall compute for each handler the uniform price for base milk and for excess milk received from producers as follows:

(a) Add to the amount computed pursuant to section 70 the amount of location differential pursuant to section 91;

(b) Subtract, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential to producers, and multiply the result by the total hundredweight of such milk;

(c) Add the amount represented by any deductions made pursuant to section 71 (a) or paragraphs (f) and (g) of this section for fractions of a cent in computing such uniform prices for the preceding month;

(d) Subject to the conditions set forth in paragraph (e) of this section, compute the value of excess milk by multiplying the quantity of such milk by the Class II price;

(e) Compute the value of base milk received by such handler from producers by subtracting the value obtained pursuant to paragraph (d) of this section from the value obtained pursuant to paragraphs (a) through (c) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of base milk delivered by producers by the Class I price computed pursuant to section 51 such value in excess thereof shall be added to the value computed pursuant to paragraph (d) of this section to the extent that the excess price shall not exceed the base price as calculated in this section. Any additional value remaining shall be prorated on a volume basis between excess and base milk.

(f) Divide the result obtained in paragraph (e) of this section by the quantity of base milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price per hundredweight for such handler for "base milk" of 4.0 percent butterfat content f. o. b. the marketing area; and

(g) Divide the result obtained in paragraph (d) of this section by the quantity of excess milk received by such handler from producers. This result, less any fraction of a cent per hundredweight, shall be known as the uniform price per hundredweight for such handler for "excess milk" of 4.0 percent butterfat content.

SEC. 73. *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through August the amounts and value of his base and excess milk respectively, and the totals thereof; and

(c) The uniform price(s) computed pursuant to section 71 and section 72, and the butterfat differential computed pursuant to section 92.

BASE RATING

SEC. 80. *Base operating period.* The base operating period shall be the months of March through August.

SEC. 81. *Base forming period.* The base forming period for each year shall be the months of September through February, immediately preceding the base operating period.

SEC. 82. *Determination of daily base.* The daily base of each producer shall be calculated by the market administrator, as follows: Divide the total pounds of milk received by a handler(s) from such producer during the base forming period by the number of days in such period.

SEC. 83. *Computation of base.* The base of each producer to be applied during the base operating period shall be a quantity of milk calculated, by the handler who receives milk from such producer, in the following manner, subject to verification by the market administrator: Multiply the daily base of such producer with such handler by the number of days for which such producer's milk was delivered to such handler during the delivery period.

SEC. 84. *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing before the last day of any month for which such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer, the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated the entire base may be transferred to one of the joint holders.

(3) The entire daily base of a producer may be moved from one handler to another handler.

SEC. 85. *Announcement of established bases.* On or before April 1, of each year, the market administrator shall notify each producer and the handler receiving milk from such producers the daily base established by such producer.

PAYMENTS

SEC. 90. *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer by such handler as follows:

(a) On or before the last day of each delivery period for milk received during the first 15 days of the delivery period at not less than the price per hundredweight for Class II milk for the preceding delivery period.

(b) On or before the 15th day after the end of each of the delivery periods of September through February for milk received during such delivery period at not less than the uniform price per hundredweight computed for such handler

(a) Any person in his capacity as the

and conditioned upon the faithful per-

writing;

amounts of skim milk and butterfat so

months of September, October, Novem-

Carnation Co., Berlin, Wis.

range as one price) of Grade

pursuant to section 71, subject to the location and butterfat differentials computed pursuant to section 91 and section 92, less payment made pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each of the delivery periods of March through August, after deducting the amount of payment made pursuant to paragraph (a) of this section, for milk received during the delivery period as follows:

(1) At not less than the uniform price per hundredweight for base milk computed pursuant to section 72 for the quantity of base milk received from such producer, subject to the butterfat differential computed pursuant to section 92, and the location differential as provided in section 91.

(2) At not less than the uniform price per hundredweight for excess milk computed pursuant to section 72 for the quantity of excess milk received from such producer, subject to the butterfat differential computed pursuant to section 92.

(d) In making the payments to producers pursuant to paragraphs (b) and (c) of this section each handler shall furnish each producer with supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to such producer.

SEC. 91. *Location differentials.* Each handler, in making payments prescribed in section 90 may deduct 10 cents per hundredweight from the uniform price of base and excess milk during the delivery periods of March through August and for all milk during the delivery periods of September through February for each producer with respect to all such milk received from such producer at a plant as defined in section 7 (b), located more than 40 miles from a plant defined in section 7 (a).

SEC. 92. *Producer butterfat differential.* In making payments pursuant to section 90 there shall be added to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or there may be deducted from the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply by 1.2 the simple average computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month, divide the result by 10 and round to the nearest one-tenth of a cent.

SEC. 93. *Adjustment of accounts.* Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

SEC. 94. *Marketing service.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to section 90, shall deduct 10 cents per hundredweight or such amount not exceeding 10 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month and pay such deduction to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to section 90 (d).

SEC. 95. *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

SEC. 96. *Termination of obligations.* The provision of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the amount for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

SEC. 100. *Effective time.* The provisions of this subpart or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to section 101.

SEC. 101. *Suspension or termination.* The Secretary may suspend or terminate

this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

SEC. 102. *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

SEC. 103. *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

SEC. 110. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this subpart.

SEC. 111. *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Proposed by the Hattiesburg Creamery, Hattiesburg, Mississippi:

The "Middle and Southeast Mississippi, marketing area", shall be defined as follows:

"Middle and Southeast Mississippi, marketing area", hereinafter called "marketing area," means all the territory within the boundaries of the Counties of Washington, Humphreys, Sharkey, Issaquena, Yazoo, Warren, Hinds, Madison, Rankin, Scott, Newton, Clarke, Jasper, Smith, Simpson, Copiah, Claiborne, Lawrence, Jefferson Davis, Covington, Jones, Wayne, Greene, Perry, Forrest, Lamar, Marion, Walthall, Stone and George, all within the State of Mississippi.

Proposed by the Blue Ribbon Creamery, Jackson, Mississippi:

The "Middle and Southeast Mississippi, marketing area," shall be defined as follows:

"Marketing area" means all the territory within the boundaries of the Counties of Washington, Sharkey, Issaquena, Warren, Claiborne, Jefferson, Adams, Lincoln, Copiah, Hinds, Yazoo, Humphreys, Attala, Madison, Rankin, Simpson, Lawrence, Walthall, Jefferson Davis, Covington, Smith, Scott, Leake, Neshoba, Newton, Jasper, Clarke, Jones, Wayne, Marion, Lamar, Forrest, Perry, Greene, George and Stone.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: December 12, 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-13358; Filed, Dec. 18, 1952; 8:47 a. m.]

[7 CFR Part 908]

[Docket No. AO-243]

HANDLING OF MILK IN CENTRAL ARKANSAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Public Service Commission Hearing Room, State Capitol Building, Little Rock, Arkansas, beginning at 10:00 a. m., c. s. t., January 13, 1953.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Central Arkansas marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposed marketing agreement and order provisions set forth below have not received the approval of the Secretary of Agriculture. At the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modification thereof.

Marketing agreement and order proposed by the Central Arkansas Milk Producers' Association:

DEFINITIONS

§ 908.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 908.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 908.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 908.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 908.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 908.6 *Central Arkansas marketing area.* "Central Arkansas marketing area," hereinafter called the marketing area, means all territory within the limits of Pulaski County, Jefferson County, White County, Faulkner County, Clark County and Garland County, all within the State of Arkansas.

§ 908.7 *Approved plant.* "Approved plant" means any milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores).

§ 908.8 *Unapproved plant.* "Unapproved plants" means any milk processing or distributing plant other than an approved plant.

§ 908.9 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant; or (b) any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 908.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm inspection permit or inspection rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as fluid milk. "Producer" shall include any such person whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 908.61.

§ 908.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

ket administrator shall be retained by

fied if used or reused by such handler or

ing the midpoint of any price range as this section, terminate two years after

§ 908.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 908.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 908.14 *Base milk.* "Base milk" means milk received from a producer by a handler during any of the months of April through June which is not in excess of such producer's daily average base computed pursuant to § 908.90 multiplied by the number of days in such month for which the handler received milk from the producer.

§ 908.15 *Excess milk.* "Excess milk" means milk received from a producer by a handler during any of the months of April through June which is in excess of base milk received from such producer during such month, and shall include all milk received during such months from any producer for whom no daily average base has been established pursuant to § 908.90.

MARKET ADMINISTRATOR

§ 908.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 908.21 *Powers.* The market administrator shall have the following powers with respect to this subpart.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 908.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 908.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 908.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 908.30 through 908.32;

(2) Maintained adequate records and facilities pursuant to § 908.33; or

(3) Made payments pursuant to §§ 908.80 through 908.87;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this subpart, the milk received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 908.51 (a) and the Class I butterfat differential pursuant to § 908.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 908.51 (b) and the Class II butterfat differential pursuant to § 908.52 (b) both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 908.71 or § 908.72, as applicable, and the butterfat differential computed pursuant to § 908.81, both applicable to milk delivered during the preceding month; and

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 908.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on route(s) wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 908.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of April through June such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 908.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 908.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 908.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (a) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 908.40 *Basis of classification.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 908.30 shall be classified by the market administrator pursuant to the provisions of §§ 908.41 through 908.46.

§ 908.41 *Classes of utilization.* Subject to the conditions set forth in §§ 908.43 and 908.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cottage cheese, cream, yogurt, cultured sour cream and any mixtures of cream and milk or skim milk (except bulk ice cream mix), eggnog, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat respectively; (4) in shrinkage allocated to receipts of other source milk; and (5) in inventory variations of milk, skim milk, cream or any Class I product.

§ 908.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 908.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class (except that transferred to a producer-handler) shall be reclassified if used or reused by such handler or by another handler in another class.

§ 908.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 908.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 185 miles from an approved plant by the shortest highway distance as determined by the market administrator, and as Class II milk if so transferred without Grade A classification.

(e) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 185 miles from the approved plant, and from which fluid milk is disposed of on wholesale or retail routes unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred or diverted from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant.

(f) As Class II milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located not more than 185 miles from the approved plant and from which fluid milk is not disposed of on wholesale or retail routes.

§ 908.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 908.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 908.45, the market administrator shall determine the classification of milk received by each handler from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 908.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 908.41;

(3) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 908.44 (a);

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 908.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 908.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market

administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 908.51 *Class prices.* Subject to the provisions of § 908.52 the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.95 for the months of May, June and July, plus $2.15 for all other months of the year: *Provided,* That for each of the months of October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of May, June and July, such price shall not be more than that for the preceding month.

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this order pursuant to § 908.60) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

Month for which price applies	Months used in computation	Standard utilization percentage
January	November–December	110
February	December–January	112
March	January–February	114
April	February–March	120
May	March–April	128
June	April–May	130
July	May–June	132
August	June–July	127
September	July–August	120
October	August–September	110
November	September–October	105
December	October–November	108

(3) For each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 3 cents in January, February, March, April, and August; 2 cents in May, June and July; 4 cents in September, October, November and December; and for each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 3 cents in January, February, March, April and August; 4 cents in May, June and July; and 2 cents in September, October, November, and December: *Provided,* That in no event shall an adjustment made pursuant to this subparagraph exceed 50 cents per hundredweight.

(b) *Class II milk.* The price for Class II milk shall be the price computed pursuant to the provisions of § 908.50.

§ 908.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 908.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 908.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25;

(b) *Class II milk.* Multiply such price for the current month by 1.20.

APPLICATION OF PROVISIONS

§ 908.60 *Producer-handlers.* Sections 908.40 through 908.46, 908.50 through 908.52, 908.70 through 908.72, 908.80 through 908.87, 908.90 and 908.91, shall not apply to a producer-handler.

§ 908.61 *Milk priced under other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by a milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this order is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat computed pursuant to this subpart.

§ 908.62 *Handlers doing less than 20 percent of their business in the marketing area.* In the case of any handler (except a handler who would be covered under § 908.61) who the Secretary determines disposes of less than 20 percent of his milk, qualified for distribution as Grade A milk in the marketing area, as Class I milk in the marketing area, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator shall require and shall allow verification of such reports by the market administrator pursuant to § 908.33;

(b) Pay to the market administrator for deposit into the producer-settlement fund, with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area, an amount equal to the difference between the Class I and Class II value of such skim milk or butterfat as computed pursuant to this subpart;

(c) As his pro rata share of the expense of administration of this subpart, such handler shall pay to the market administrator on each hundredweight of milk disposed of as Class I in the marketing area the amount per hundredweight in the manner specified in § 908.87.

DETERMINATION OF UNIFORM PRICE

§ 908.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, adding together the resulting amounts and adding an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 908.46 by the applicable class prices.

§ 908.71 *Computation of uniform prices.* For each of the months of July through March the market administrator shall compute the uniform prices per hundredweight for milk of 4.0 per-

cent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 908.70 for all handlers who made the reports prescribed in § 908.30 and who made the payments pursuant to §§ 908.80 and 908.83 for the preceding month;

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 908.84;

(c) Subtract, if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 908.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

§ 908.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 908.70 for all handlers who made the reports prescribed in § 908.30 and who made the payments pursuant to §§ 908.80 and 908.83 for the preceding month;

(b) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 908.84;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 908.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained pursuant to paragraphs (a), (b) and (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 908.80 *Time and method of payment.* Each handler shall make payment to producers as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer except as provided in paragraph (c) of this section, (1) at not less than the uniform price computed pursuant to § 908.71 for all milk received from such producer if such preceding month was any of the months of July through March, (2) at not less than the uniform price for base milk computed pursuant to § 908.72 (h), with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 908.72 (e) with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 908.81 and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That if such handler has not received full payment for such month pursuant to § 908.84, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall after receipt of such payment from the market administrator complete the payments to those producers not later than the date for making payments pursuant to this paragraph next following after receipt of the balance from the market administrator.

(b) On or before the last day of each month, each handler shall make payment for milk received from producers during the first 15 days of the month to each producer, except as provided in paragraph (c) of this section, at not less than the Class II price for the preceding month.

(c) On or before the 13th and the third from the last day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively of this section, each handler shall make payment to a cooperative association which so requests, with respect to producers for which such cooperative association is authorized to collect payment, in an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 908.81 *Producer butterfat differential.* In making payments pursuant to § 908.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 908.82 *Producer-settlement funds.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 908.61 (b), 908.83 and 908.85, and out of which he shall make all payment to handlers pursuant to §§ 908.84 and 908.85.

§ 908.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator (a) the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 908.70 is greater than the amount required to be paid producers by such handlers pursuant to § 908.80, and (b) any amount required pursuant to § 908.61 (b).

§ 908.84 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 908.70 is less than the amount required to be paid producers by such handler pursuant to § 908.80: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 908.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market administrator; or (c) any producer or cooperative association from such handler, the market administrator shall promptly

but need not be limited to, the follow-

(b) Bases may be transferred by noti-

employees of the United States to

notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 908.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 908.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month and pay such deduction to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions, and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 908.31.

§ 908.87 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 908.88 *Termination of obligation.* The provisions of this section shall apply to any obligations under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of paragraphs (b) and (c) of this section, terminates two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 908.90 *Computation of daily average base for each producer.* For the months of May, June and July of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 908.91:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September 1st through February 28th (29th) immediately preceding by the number of days in such period or 120 whichever is more.

§ 908.91 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing on or before the last day of any applicable base paying month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy herd operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 908.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 908.101.

§ 908.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 908.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 908.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 908.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 908.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Modifications of the aforesaid proposed marketing agreement and order proposed by:

Coleman Dairy, Inc.:

1. Amend § 908.6 to include the county of Saline, Arkansas.

Terry Dairy Products Company, Inc.:

2. Under § 908.6 include the counties of Saline, and Hot Springs, Arkansas.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: December 12, 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-13357; Filed, Dec. 18, 1952; 8:46 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 1102 et al.]

EASTERN AIR LINES, INC., ET AL.; REOPENED SOUTHERN SERVICE TO THE WEST CASE

NOTICE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408, 412 and 1002 of the act, that a hearing in the above-entitled proceeding is assigned to be held on January 6, 1953, at 10:00 a. m., e. s. t., in Conference Room "B", Departmental Auditorium, between Twelfth and Fourteenth Streets on Constitution Avenue, Washington, D. C.

Without limiting the scope of the issues presented in this proceeding, particular attention will be directed to the following matters:

(1) The application (Docket No. 5050) of Eastern, Braniff and TWA for through service by interchange between Miami, Houston, and Amarillo, and points west thereof on route No. 2.

(2) The application (Docket No. 2148) of Eastern, insofar as it involves the issue of amendment of one or more of Eastern's certificates of public convenience and necessity, so as to authorize trans-Gulf operations between Miami and Tampa on the one hand, and Houston on the other, solely for the operation of through interchange flights in conjunction with Braniff and TWA.

(3) An investigation (Docket No. 5720) to determine:

(a) Whether the public convenience and necessity require the establishment of through service by equipment interchange between Houston, Texas, and Miami, Florida, by Eastern and National via New Orleans, La.;

(b) The terms and conditions under which such through service shall be operated; and

(c) Whether the Board shall order or direct, pursuant to section 1002 (i) of the act, the establishment of such through service.

(4) To what extent will the interchange services and the Eastern route extension provide improved service in air transportation?

(5) What adverse effect, if any, will they have on any other air carriers?

(6) Are the terms of the Eastern-Braniff-TWA agreement just and reasonable with respect to each air carrier party and the public interest?

(7) If approved, should the Board impose any terms and conditions to protect the public interest?

For further details of the services proposed, the route modifications requested, and the interchange operations to be investigated, interested parties are referred to the prehearing conference reports of the Examiner, the Board's orders, the applications and other pleadings which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties on record desiring to be heard in this proceeding must file with the Civil Aeronautics Board on or before January 6, 1953, a statement setting forth the issues of fact or law he desires to controvert.

Dated at Washington, D. C., this 16th day of December 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-13378; Filed, Dec. 18, 1952; 8:50 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

MCKINLEY BRIDGE, MISSISSIPPI RIVER, BETWEEN ST. LOUIS, MO., AND VENICE, ILL.

APPROVAL OF BRIDGE TOLLS

The Secretary of the Army, pursuant to the authority conferred upon him by section 4 of the General Bridge Act, approved March 23, 1906 (33 U. S. C. 494) is considering the following schedule of tolls to supersede all previous schedules, as the legal rates which shall be demanded and received for the transit of the following classes of traffic over the bridge, commonly called McKinley Bridge, across the Mississippi River between St. Louis, Missouri, and Venice, Illinois:

Motorcycle and driver	$0.10
Bicycle and rider, motor scooter and driver	.20
Passenger automobile and driver	.20
Passenger automobile and driver, with light commercial or house trailer attached	.35
Books containing 50 tickets, each good for single passage of passenger automobile and driver, light commercial trailer or house trailer	6.50
Passenger bus and driver	$0.50
Truck, freight or commercial, self-propelled and driver and 1 helper (see Note 1). (Each pickaback truck attached $0.15 additional)	.50
Truck-towing-pulling automobile or truck with all wheels suspended and driver and 1 helper	.50
Truck-towing-pulling automobile with 4 wheels on ground, and driver and 1 helper	.70
Truck-towing-pulling truck with 4 wheels on ground and driver and 1 helper	1.00
Books containing 20 tickets, each good for single passage of freight or commercial truck, and driver and 1 helper	7.00
Truck or other equipment, too large for clearance permitted only by advance arrangements, and driver and 1 helper (Any expense incurred to permit clearance will be charged in addition to rate shown above.)	1.50
Tractor, agricultural implement, bulldozer, ditcher, grader and like equipment moving on wheels, and driver (see Note 2). (Each trailer attached $0.50 additional)	.50
Personally propelled vehicles, carts, animal drawn vehicle (1 or 2 animals) and driver (extra vehicle or wagon attached $0.15 additional)	.20
Equestrian or single animal (sheep, hog, horse, or similar animal)	.20
Each extra passenger carried in any of the above vehicles in addition to driver, or driver and helper authorized above	.05

NOTE 1: License plate designation will determine, for toll assessment purposes, whether passenger automobile or freight or commercial truck classification governs.

NOTE 2: Equipment or vehicles moving on own wheels, equipped with lugs, will not be allowed passage.

Any interested party may participate in the proposed rule making by submitting in writing in duplicate such data, views, or arguments pertaining thereto as he may desire to the District Engineer, St. Louis District, Corps of Engineers, U. S. Army, 420 Locust Street, St. Louis 2, Missouri, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-13368; Filed, Dec. 18, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 39]

PENWELL ELLENBURGER FIELD, ECTOR COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Penwell-Ellenburger Field, Ector County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Penwell-Ellenburger Field, Ector County, Texas. During the base period there was a lack of available pipeline transportation for the segregation of this sweet crude and as a result it was commingled with sour crude and was sold at a lower price than that paid for crude petroleum of comparable quality produced in this same general area. With the extension of new pipelines to this field this condition has been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that the requested price of $2.65 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.23 per barrel for below 20° API gravity does not exceed the ceiling price of comparable crude petroleum produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *it is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Penwell-Ellenburger Field, Ector County, Texas shall be: $2.65 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.23 per barrel for below 20° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on December 16, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 15, 1952.

[F. R. Doc. 52-13327; Filed, Dec. 15, 1952; 4:48 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 40]

BLOCK 7, DEVONIAN POOL, MARTIN COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Block 7, Devonian Pool, Martin County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Block 7, Devonian Pool, Martin County, Texas. During the base period, due to a lack of competitive factors, this sweet crude was commingled with sour crude and was sold at a lower price than that paid for crude petroleum of comparable quality produced in the same general area. This condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the requested price of $2.58 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40° does not exceed the ceiling price of comparable crude petroleum produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Block 7, Devonian Pool, Martin County, Texas shall be: $2.58 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on December 17, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 16, 1952.

[F. R. Doc. 52-13362; Filed, Dec. 16, 1952; 11:35 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6455]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

DECEMBER 15, 1952.

Notice is hereby given that on December 9, 1952, the Federal Power Commission issued its order entered December 9, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13351; Filed, Dec. 18, 1952; 8:45 a. m.]

[Docket Nos. G-1573, G-1614]

TENNESSEE GAS TRANSMISSION CO. AND UNITED NATURAL GAS CO.

NOTICE OF ORDER DISMISSING MOTION TO AMEND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 15, 1953.

In the matters of Tennessee Gas Transmission Company, Docket No. G-1573; Tennessee Gas Transmission Company, and United Natural Gas Company, Docket No. G-1614.

Notice is hereby given that on December 11, 1952, the Federal Power Commission issued its order entered December 10, 1952, dismissing motion to amend order (17 F. R. 5919) issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13352; Filed, Dec. 18, 1952; 8:45 a. m.]

[Docket No. G-2039]

COLORADO INTERSTATE GAS CO.

NOTICE OF FINDINGS AND ORDER

DECEMBER 15, 1952.

Notice is hereby given that on December 11, 1952, the Federal Power Commission issued its order entered December 9, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13353; Filed, Dec. 18, 1952; 8:45 a. m.]

[Project No. 1248]

ARIZONA POWER CORP.

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (TRANSMISSION LINE)

DECEMBER 15, 1952.

Notice is hereby given that on December 11, 1952, the Federal Power Commission issued its order entered December 9, 1952, accepting surrender of license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13354; Filed, Dec. 18, 1952; 8:46 a. m.]

[Project No. 1651]

STAR VALLEY POWER AND LIGHT CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

DECEMBER 15, 1952.

Notice is hereby given that on October 29, 1952, the Federal Power Commission issued its order entered October 28, 1952, further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13355; Filed, Dec. 18, 1952; 8:46 a. m.]

[Project No. 1862 (Nisqually)]

CITY OF TACOMA, WASH.

NOTICE OF ORDER APPROVING DETERMINATION OF ACCRUED DEPRECIATION AND NET INVESTMENT

DECEMBER 15, 1952.

Notice is hereby given that on December 11, 1952, the Federal Power Commission issued its order entered December 9, 1952, approving determination of accrued depreciation and net investment in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13356; Filed, Dec. 18, 1952; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-250]

MILLINERY INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference under the auspices of the Federal Trade Commission will be held for the Millinery Industry in Room 332, Federal Trade Commission Building, Sixth and Pennsylvania Avenue NW., Washington, D. C., on January 15, 1953, commencing at 10 a. m., e. s. t.

All persons, firms, and corporations engaged in the importation, production, distribution, or marketing of millinery products are considered members of the industry and are cordially invited to attend and participate in this industry meeting.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

After the conference on January 15, and before any final rules are approved by the Commission, a draft of proposed rules in the form deemed appropriate will be made available to all interested and affected parties, including consumers, upon public notice affording them opportunity to present their views, including such criticisms or other suggestions they may desire to make respecting the proposed rules, and to be heard at a public hearing.

Issued: December 16, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-13465; Filed, Dec. 18, 1952; 8:59 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 88]

BAY CITY, MICH., AREA

DECERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

DECEMBER, 18, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that one or more of the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, no longer exist in the area designated as: Bay City, Michigan, area.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is no longer a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-13492; Filed, Dec. 18, 1952; 11:56 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

DECEMBER 17, 1952.

Effective as of December 24, 1952, the following statement of organization supersedes Part 1 and §§ 60.1, 60.2, 90.1, 90.17, 90.49 and 90.50 of Chapter I, Title 8 of the Code of Federal Regulations, the codification of which has been discontinued (13 F. R. 6760, November 19, 1948).

Sec.
1.1 Introduction.

ORGANIZATION

1.10 Organization of the Immigration and Naturalization Service.
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1.13 Central Office; the Assistant Commissioner, Inspections and Examinations Division.
1.14 Central Office; the Assistant Commissioner, Investigations Division.
1.15 Central Office; the Assistant Commissioner, Border Patrol, Detention and Deportation Division.
1.16 Central Office; the Assistant Commissioner, Administrative Division.
1.17 Central Office; the Assistant Commissioner, Citizenship Services and Instructions Division.
1.18 Central Office; the General Counsel.
1.19 Field Service; District Directors.
1.20 Field Service; Officers in Charge.

STATEMENT OF DELEGATIONS OF FINAL AUTHORITY

1.30 Final authority; delegation to Commissioner.
1.31 Final authority; delegation to Assistant Commissioner, Inspections and Examinations Division.
1.32 Final authority; delegation to Assistant Commissioner, Investigations Division.
1.33 Final authority; delegation to Assistant Commissioner, Border Patrol, Detention and Deportation Division.
1.34 Final authority; delegation to General Counsel.
1.35 Final authority; delegation to Chief, Records Administration Branch.
1.36 Final authority; delegation to district directors.
1.37 Final authority; delegation to officers in charge.
1.38 Final authority; delegation to district enforcement officers.
1.39 Final authority; delegation to special inquiry officers.
1.40 Final authority; delegation to immigration officers.
1.41 Final authority; delegation to district officers and assistant district officers in charge of investigations.

PLACES AND MANNER OF SECURING INFORMATION

1.50 Places where, and methods whereby, information may be secured or submittals or requests made.
1.51 Field districts.

PROCEDURES

1.60 General.
1.61 Rule making.

AVAILABILITY OF OPINIONS, ORDERS, AND RECORDS

1.70 Opinions, orders, and records of the Immigration and Naturalization Service regarded as confidential.
1.71 Administrative decisions under immigration and nationality laws.
1.72 Inspection of records by attorneys.
1.73 Copies of records.
1.74 Intra-Service manuals and instructions.

SECTION 1.1 *Introduction.* The following sections describe the organization of the Immigration and Naturalization Service, contain statements of delegations of final authority, indicate the established places at which, and methods whereby, the public may secure information, direct attention to the regulations relating to the general course and method by which its functions are channeled and determined and refer to the availability of its opinions, orders, and records.

ORGANIZATION

SEC. 1.10 *Organization of the Immigration and Naturalization Service.* The organization of the Immigration and Naturalization Service—exclusive of that part of its organization handling matters pertaining solely to its internal management—is shown in sections 1.10 to 1.20, inclusive, by stating the titles and general functions of its principal officers.

SEC. 1.11 *Central Office; the Commissioner.* Under the general direction of

the Attorney General, the Commissioner of Immigration and Naturalization supervises and directs the administration of the Immigration and Naturalization Service.

SEC. 1.12 *Central Office; the Deputy Commissioner; Director of Personnel; Operations Advisors*—(a) *The Deputy Commissioner.* The Deputy Commissioner assists the Commissioner generally. In the absence of the Commissioner, the Deputy Commissioner is the Acting Commissioner.

(b) *Director of Personnel.* Under the executive direction of the Deputy Commissioner, the Director of Personnel is responsible for administering the personnel programs, policies, and procedures of the Service.

(c) *Operations Advisors.* Under the executive direction of the Deputy Commissioner, Operations Advisors serve as liaison officers between Central Office and field offices; conduct regular surveys of field offices and, as directed, of the Central Office divisions, covering organization, methods, procedures, manpower need and utilization; and coordinates Service functions to assure integration of programs and compliance with laws, regulations, established procedures, and over-all Service policy.

SEC. 1.13 *Central Office; the Assistant Commissioner, Inspections and Examinations Division.* Under the executive direction of the Commissioner, the Assistant Commissioner, Inspections and Examinations Division, is responsible for the management of the inspections, examinations, and hearing programs of the Service.

SEC. 1.14 *Central Office; the Assistant Commissioner, Investigations Division.* Under the executive direction of the Commissioner, the Assistant Commissioner, Investigations Division, is responsible for the management of the investigation programs of the Service.

SEC. 1.15 *Central Office; the Assistant Commissioner, Border Patrol, Detention and Deportation Division.* Under the executive direction of the Commissioner, the Assistant Commissioner of the Border Patrol, Detention and Deportation Division, is responsible for the management of the border patrol, detention and deportation, and parole programs of the Service.

SEC. 1.16 *Central Office; the Assistant Commissioner, Administrative Division.* Under the executive direction of the Commissioner, the Assistant Commissioner, Administrative Division, is responsible for the management of the budget, fiscal control, services and supplies, records administration, and statistics programs of the Service.

SEC. 1.17 *Central Office; the Assistant Commissioner, Citizenship Services and Instructions Division.* Under the executive direction of the Commissioner, the Assistant Commissioner, Citizenship Services and Instructions Division, is responsible for the management of the citizenship services and instructions programs of the Service.

SEC. 1.18 *Central Office; the General Counsel.* Under the executive direction of the Commissioner, the General Counsel serves as chief law officer of the Service, and acts as advisor and counsel to the Commissioner, other officers of the Service, and, at their request, the Attorney General and other officers of the Department.

SEC. 1.19 *Field Service; District Directors.* Under the general direction of the Commissioner, a district director supervises and directs the work of the Service within his district. In the absence of a district director, the officer designated by the district director shall act in his stead.

SEC. 1.20 *Field Service: Officers in Charge.* Under the general direction of a district director, an officer in charge performs assigned duties within a designated part of a district.

STATEMENT OF DELEGATIONS OF FINAL AUTHORITY

SEC. 1.30 *Final authority; delegation to Commissioner.* The Commissioner has been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(a) Applications for copies of immigration and naturalization records, or for information therefrom; certifications that any official file, document, or record in the custody or control of the Service is a true file, document, or record, or that a copy of such a file, document, or record is a true copy, and the designation of other officers of the Service to decide such applications under 8 CFR 2.1;

(b) Designation and appointment of special inquiry officers under 8 CFR 9.1;

(c) Waiver or deferral of the surrender of Forms 257a and I-94C by departing aliens and requests for return of Forms 257a under 8 CFR 221.2 and 221.3;

(d) Exclusion of aliens on grounds relating to safety and security of the United States under 8 CFR 235.15;

(e) Contracts with transportation lines and contracts and bonding agreements for certain transit aliens under 8 CFR 238.2 and 238.3;

(f) Designation of and withdrawal of airports as international airports for entry of aliens under 8 CFR 239.4;

(g) Release from custody of aliens within the purview of section 242 (f) of the Immigration and Nationality Act under 8 CFR 242.72;

(h) Requests for stay of deportation if alien alleges he would be subject to physical persecution if deported to the country designated by the district director under 8 CFR 243.3;

(i) Designation of registration officers under 8 CFR 264.2;

(j) Designation of persons or agencies to receive information from registration and fingerprint records under 8 CFR 264.4;

(k) The fixing of boundary distances of more than 100 air miles from any external boundary of the United States under 8 CFR 287.1;

(l) Permission to practice by counsel if applications and appearances concurrently filed, by certain individuals appearing without monetary remuneration, and by licensed attorneys abroad under 8 CFR 292.1;

(m) Welfare photographic studios under 8 CFR 332c.1;

(n) Review of certain designated examiner recommendations as to final disposition of petitions for naturalization by courts under 8 CFR 335.12; and

(o) Designation of United States employees to take depositions outside the United States under 8 CFR 335b.12.

SEC. 1.31 *Final authority; delegation to Assistant Commissioner, Inspections and Examinations Division.* The Assistant Commissioner, Inspections and Examinations Division, has been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(a) Designation of officer to represent the Service before the Board of Immigration Appeals under 8 CFR 6.1;

(b) Permission to prosecute appeals without prepayment of fees under 8 CFR 7.16;

(c) Petitions for immigrant status pursuant to the provisions of sections 204 and 205 of the Immigration and Nationality Act and 8 CFR Parts 204, 205 and 206;

(d) Applications to import nonimmigrants pursuant to the provisions of section 214 of the Immigration and Nationality Act and 8 CFR Parts 214h and 206;

(e) Admission of immigrants pursuant to the provisions of section 211 (c) and (d) of the Immigration and Nationality Act;

(f) Nonresident aliens' border crossing identification cards as provided by section 101 (a) (6) of the Immigration and Nationality Act and 8 CFR Part 212;

(g) Applications for permission to reapply for admission after arrest and deportation, exclusion and deportation, removal because alien fell into distress, removal as alien enemy, or removal at government expense in lieu of deportation as provided by section 212 (a) (16) and (17) of the Immigration and Nationality Act and 8 CFR Part 212;

(h) Applications for waiver of ground of inadmissibility of certain resident or nonresident aliens as provided in section 212 (c) or (d) (3) of the Immigration and Nationality Act and 8 CFR Part 212;

(i) Parole of aliens into the United States, and the conditions thereof as provided in section 212 (d) (5) of the Immigration and Nationality Act and 8 CFR Part 212;

(j) Admission on bond of aliens excludable because likely to become public charges or because of certain physical defects as provided in section 213 of the Immigration and Nationality Act and 8 CFR Part 213;

(k) Determinations as to the time for which, and conditions under which, nonimmigrants may be admitted to the United States, and on applications for extension of their temporary stay, as provided in section 214 (a) of the Immigration and Nationality Act, Title V of the Agricultural Act of 1949, as amended, and section 201 of the United States Information and Educational Exchange Act of 1948, as amended, and 8 CFR Parts 214 to 214j, inclusive, and 475;

(l) Petitions for approval of schools and the withdrawal of such approval as provided in section 101 (a) (15) (F) of the Immigration and Nationality Act and 8 CFR Part 214f;

(m) Applications for waiver of ground of inadmissibility for certain immigrant laborers as provided in section 212 (a) (14) of the Immigration and Nationality Act and 8 CFR Part 212a;

(n) Applications for reentry permits, and the extension of such permits, as provided in section 223 of the Immigration and Nationality Act and 8 CFR Part 223;

(o) Exclusion of aliens on grounds relating to safety and security of the United States and determinations in connection with such cases as provided in section 235 (c) of the Imigration and Nationality Act and 8 CFR Part 235;

(p) Adjustment of status from nonimmigrant to immigrant, as provided in section 245 of the Immigration and Nationality Act and 8 CFR Part 245;

(q) Rescission of adjustment of status as provided in section 246 of the Immigration and Nationality Act and 8 CFR Part 246;

(r) Adjustment of status of lawful permanent resident aliens to that of certain nonimmigrant classes as provided in section 247 of the Immigration and Nationality Act and 8 CFR Part 247;

(s) Change of status of alien from one nonimmigrant class to another nonimmigrant class as provided by section 248 of the Immigration and Nationality Act and 8 CFR Part 248;

(t) Creation of record of lawful admission for permanent residence as provided by section 249 of the Immigration and Nationality Act and 8 CFR Part 249;

(u) Removal of aliens who have fallen into distress as provided in section 250 of the Immigration and Nationality Act and 8 CFR Part 250;

(v) Designation of certain Great Lakes vessels as international ferries as provided in section 251 (a) of the Immigration and Nationality Act and 8 CFR Part 251;

(w) Consent to discharge or paying off of alien crewmen in the United States as provided in section 256 of the Immigration and Nationality Act and 8 CFR Part 256;

(x) Applications for residence and physical presence benefits for naturalization under section 316 of the Immigration and Nationality Act and 8 CFR Parts 316a and 317;

(y) Recognition of American institutions of research under 8 CFR 319.2;

(z) Applications for exception from the classification of alien enemy under section 331 of the Immigration and Nationality Act and 8 CFR Part 331;

(aa) Applications for waiver of the 90 days' notice in alien enemy cases under 8 CFR Part 331;

(bb) Applications for transfer of petitions for naturalization under section 335 (i) of the Immigration and Nationality Act and 8 CFR Part 334;

(cc) Consent to the withdrawal of a petition for naturalization or dismissal for want of prosecution under section 335 (e) of the Immigration and Nationality Act and 8 CFR Part 334;

(dd) Designation of employees of the Service to conduct preliminary examinations upon petitions for naturalization under section 335 (b) of the Immigration and Nationality Act and 8 CFR Part 335;

(ee) Assignment of examining officers at preliminary examinations upon petitions for naturalization under 8 CFR Part 335;

(ff) Waivers of personal investigation of petitioners for naturalization under section 335 (a) of the Immigration and Nationality Act and 8 CFR Part 335c;

(gg) Applications for corrections of certificates of naturalization under 8 CFR Part 338;

(hh) Applications for certificates of citizenship under section 341 of the Immigration and Nationality Act and 8 CFR Parts 341 and 341a;

(ii) Applications for certificates of naturalization and repatriation under section 343 (a) of the Immigration and Nationality Act and 8 CFR Part 343;

(jj) Applications for naturalization and citizenship papers replaced under section 343 (b) of the Immigration and Nationality Act and 8 CFR 343a;

(kk) Applications for special certificates of naturalization under section 343 (c) of the Immigration and Nationality Act and 8 CFR Part 343b;

(ll) Appeals from decisions of district directors determining that a condition of a bond has been violated as provided in 8 CFR 3.1;

(mm) Appeals from decisions of district directors on petitions filed in accordance with section 204 or 214 (c) of the Immigration and Nationality Act or from decisions revoking the approval of such petitions in accordance with section 206 of that Act, as provided in 8 CFR 204.11, 214h.41 and 206.21;

(nn) Appeals from decisions of district directors on applications for consent to reapply for admission to the United States under section 212 (a) of the Immigration and Nationality Act, as provided in 8 CFR 212.61;

(oo) Appeals from decisions of district directors on applications for permission for aliens to enter the United States notwithstanding section 212 (a) (14) of the Immigration and Nationality Act, as provided in 8 CFR 212a.12;

(pp) Appeals from decisions of district directors on applications for the approval of schools or from decisions of district directors revoking the approval of schools, in accordance with section 101 (a) (15) (F) of the Immigration and Nationality Act, as provided in 8 CFR 214f.51 and 214f.71;

(qq) Appeals from decisions of district directors on applications for reentry permits under section 223 of the Immigration and Nationality Act, as provided in 8 CFR 223.11;

(rr) Appeals from decisions of district directors on applications for adjustment of status under section 245 of the Immigration and Nationality Act, as provided in 8 CFR 245.17;

(ss) Appeals from decisions of district directors rescinding adjustment of status under section 246 of the Immigration and Nationality Act, as provided in 8 CFR 246.13;

(tt) Appeals from decisions of district directors adjusting status under section 247 of the Immigration and Nationality Act, as provided in 8 CFR 247.13;

(uu) Appeals from decisions of district directors on applications to change status under section 248 of the Immigration and Nationality Act, as provided in 8 CFR 248.16;

(vv) Appeals from decisions of district directors on applications for the creation of a record of admission under section 249 of the Immigration and Nationality Act, as provided in 8 CFR 249.16;

(ww) Appeals from decisions of district directors on applications filed under 8 CFR 316a.21 and 317.21 for residence or physical presence benefits for naturalization purposes;

(xx) Appeals from decisions of district directors on applications for exception from the classification of alien enemy as provided in 8 CFR 331.13;

(yy) Appeals from decisions of district directors on applications for certificates of citizenship under section 341 of the Immigration and Nationality Act, as provided in 8 CFR 341.16;

(zz) Appeals from decisions of district directors revoking certificates, documents or records under section 342 of the Immigration and Nationality Act, as provided in 8 CFR 5.13;

(aaa) Appeals from decisions of district directors on applications for certificates of naturalization or repatriation under 8 CFR 343.13;

(bbb) Appeals from decisions of district directors on applications for replacement of certificates of naturalization or citizenship under 8 CFR 343a.14;

(ccc) Appeals from decisions of district directors on applications for special certificates of naturalization under section 343 of the Immigration and Nationality Act, as provided in 8 CFR 343b.13, and

(ddd) Appeals from decisions of the district director, Honolulu, on applications for Certificate of Citizenship—Hawaiian Islands, under 8 CFR 341a.14.

SEC. 1.32 *Final authority; delegation to the Assistant Commissioner, Investigations Division.* The Assistant Commissioner, Investigations Division, has been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(a) Issuance of warrants of arrest, and cancellation of warrants of arrest prior to commencement of hearings thereunder as provided in section 242 of the Immigration and Nationality Act and 8 CFR Part 242, and

(b) Voluntary departure of aliens prior to issuance of warrant of arrest, or after issuance of warrant of arrest and prior to hearing as provided in sections 242 (b) and 244 (e) of the Immigration and Nationality Act and 8 CFR Parts 242 and 244.

SEC. 1.33 *Final authority: delegation to the Assistant Commissioner, Border Patrol, Detention and Deportation Division.* The Assistant Commissioner,

Border Patrol, Detention and Deportation Division, has been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following:

(a) Determinations whether escorts shall accompany aliens in transit through the United States as provided in section 214 of the Immigration and Nationality Act and 8 CFR Part 214c;

(b) Authority to detain and designate the place of detention of aliens as provided by sections 232 and 233 of the Immigration and Nationality Act and 8 CFR Parts 232 and 233;

(c) Determinations whether an attendant is required for the care and attention of aliens as provided in section 235 of the Immigration and Nationality Act and 8 CFR Part 235;

(d) Determinations whether an admitted alien may remain at an immigration station as provided in section 235 of the Immigration and Nationality Act and 8 CFR Part 235;

(e) Authority to stay the deportation of excluded aliens as provided in section 237 of the Immigration and Nationality Act and 8 CFR Part 237;

(f) Authority to continue in, detain or release aliens from custody as provided in section 242 of the Immigration and Nationality Act and 8 CFR Part 242;

(g) Detention, conditions of release and revocation of bond or parole of aliens as provided in section 242 of the Immigration and Nationality Act and 8 CFR Part 242;

(h) Voluntary departure of aliens prior to issuance of warrant of arrest, or after issuance of warrant of arrest and prior to hearing as provided in sections 242 (b) and 244 (e) of the Immigration and Nationality Act and 8 CFR Parts 242 and 244;

(i) Designation of the countries to which and at whose expense aliens shall be deported and whether an attendant is required as provided in section 243 of the Immigration and Nationality Act and 8 CFR Part 243;

(j) Stay of execution of warrants and orders of deportation as provided in section 243 of the Immigration and Nationality Act and 8 CFR Part 243;

(k) Removal from the United States of aliens who have fallen into distress as provided in section 250 of the Immigration and Nationality Act and 8 CFR Part 250, and

(l) The fixing of boundary distances as provided in section 287 of the Immigration and Nationality Act and 8 CFR Part 287.

SEC. 1.34 *Final authority; delegation to General Counsel.* The General Counsel has been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(a) Applications for copies of immigration and naturalization records or for information therefrom; certifications that any official file, document, or record in the custody or control of the Service is a true file, document, or record, or that a copy of such a file, document, or record is a true copy under 8 CFR 2.1, and

(b) Bonds and appurtenant instruments forwarded to the Commissioner for approval under 8 CFR 3.1.

SEC. 1.35 *Final authority; delegation to Chief, Records Administration Branch.* The chief of the Records Administration Branch may certify as to the nonexistence in the records of the Service of an official file, document, or record pertaining to a specified person or subject under 8 CFR 2.2.

SEC. 1.36 *Final authority; delegation to district directors.* The district directors have been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(a) Applications for copies of immigration and naturalization records, or for information therefrom; certifications that any official file, document, or record in the custody or control of the Service is a true file, document, or record or that copy of such file, document, or record in a true copy as provided in 8 CFR 2.1;

(b) Approval of certain immigration bonds on forms approved by the Commissioner, extensions of liability, and powers of attorney authorizing the delivery of collateral security; cancellation of bonds; and determinations that conditions of bonds have been violated as provided in 8 CFR 3.1;

(c) Revocation of certificates, documents, or records under section 342 of the Immigration and Nationality Act as provided in 8 CFR 5.13;

(d) Permission to prosecute motions to reopen or reconsider without prepayment of fees as provided in 8 CFR 8.11.

(e) Petitions for immigrant status pursuant to the provisions of sections 204 and 205 of the Immigration and Nationality Act as provided in 8 CFR 204.11 and 205.12;

(f) Extensions of approvals of petitions for issuance of visas under section 203 (a) (1) (A) of the Immigration and Nationality Act as provided in 8 CFR 204.12;

(g) Revocation of approvals of petitions made under sections 204, 205, or 214 (c) of the Immigration and Nationality Act as provided in 8 CFR 206.2;

(h) Admission of immigrants pursuant to the provisions of section 211 (c) and (d) of the Immigration and Nationality Act as provided in 8 CFR 211.2, 211.3 and 211.4;

(i) Applications for consent to reapply for admission to the United States under section 212 (a) of the Immigration and Nationality Act as provided in 8 CFR 212.61;

(j) Parole of aliens into the United States and return of paroled aliens to custody as provided in 8 CFR 212.9 and 212.91;

(k) Advance requests by certain resident aliens for permission to reenter the United States under section 212 (c) of the Immigration and Nationality Act as provided in 8 CFR 212.72;

(l) Applications for permission for aliens to enter the United States notwithstanding section 212 (a) (14) of the Immigration and Nationality Act as provided in 8 CFR 212a.12;

(m) Admission on bond of aliens excludable because likely to become public charges or because of certain physical defects under section 213 of the Immigration and Nationality Act as provided in 8 CFR 213.1;

(n) Applications of nonimmigrants to engage in any employment or activity inconsistent with and not essential to nonimmigrant status as provided in 8 CFR 214.2;

(o) Admission of nonimmigrants under bond as provided in 8 CFR 214.3;

(p) Authorizing the granting of extensions of stay permitting aliens to remain in the United States for a period exceeding one year after arrival as provided in 8 CFR 214.4;

(q) Applications for extension of temporary stay as provided in 8 CFR 214.41;

(r) Determinations whether escorts shall accompany aliens in transit through the United States as provided in 8 CFR 214c.3;

(s) Determinations as to whether treaty traders or dependents are complying with the terms of their admissions, and applications by such traders to change from the activities specified in clause (i) to those specified in clause (ii) of section 101 (a) (15) (E) of the Immigration and Nationality Act or vice versa as provided in 8 CFR 214e.4 and 214e.61;

(t) Petitions for approval as established institutions of learning and revocations of such approvals as provided in 8 CFR 214f.5;

(u) Applications by aliens admitted under section 101 (a) (15) (F) of the Immigration and Nationality Act to enroll in institutions other than the ones to which destined at the time of entry and applications for permission to accept employment as provided in 8 CFR 214f.1 and 214f.4;

(v) Admission, including exaction of bonds, for nonimmigrants of the classes described in section 101 (a) (15) (H) of the Immigration and Nationality Act as provided in 8 CFR 214h.1 and 214h.2;

(w) Petitions for nonimmigrant status pursuant to the provisions of section 214 (c) of the Immigration and Nationality Act as provided in 8 CFR 214h.41;

(x) Applications to change information medium or employer pursuant to the provisions of section 101 (a) (15) (I) of the Immigration and Nationality Act as provided in 8 CFR 214i.3;

(y) Applications for and extensions of reentry permits as provided in 8 CFR 223.11 and 223.12;

(z) Applications for waiving the filing of Forms I–424 and I–435 for cruise passengers as provided in 8 CFR 231.31;

(aa) Detention of aliens for observation and examination as provided in 8 CFR 232.2;

(bb) Applications to assume responsibility for the safekeeping of aliens as provided in 8 CFR 233.2;

(cc) Exclusion of crewmen on grounds relating to safety and security of the United States as provided in 8 CFR 235.15;

(dd) Examinations of aliens believed to be suffering from disabilities as provided in 8 CFR 235.2;

(ee) Whether an admitted alien may remain at an immigration station as provided in 8 CFR 235.4;

(ff) Preexamination in certain parts of the United States as provided in 8 CFR 235.5;

(gg) Stays of deportation of excluded aliens as provided in 8 CFR 237.1;

(hh) Cost of alien's maintenance as provided in 8 CFR 237.2;

(ii) Issuance of and cancellation of warrants of arrest as provided in 8 CFR 242.1;

(jj) Continuation in, detention or release of aliens from custody as provided in 8 CFR 242.2;

(kk) Detention, conditions of release and revocations of bonds or parole of aliens as provided in 8 CFR 242.3;

(ll) Assignment of immigration officers to act as examining officers as provided in 8 CFR 242.53;

(mm) Consolidations of hearings as provided in 8 CFR 242.53;

(nn) Issuance of warrants of deportation, designations of the countries to which and at whose expense aliens shall be deported and whether attendants are required as provided in 8 CFR 243.1;

(oo) Stays of deportation, and permission to depart voluntarily under orders of deportation as provided in 8 CFR 243.3;

(pp) Voluntary departure of aliens prior to issuance of warrants of arrest, or after issuance of warrants of arrest and prior to hearings and revocations of voluntary departure as provided in 8 CFR 244.1 and 244.13;

(qq) Adjustment of status from nonimmigrant to immigrant as provided in 8 CFR 245.1;

(rr) Rescission of adjustment of status as provided in 8 CFR 246.1;

(ss) Adjustment of status of lawful permanent resident aliens to that of certain nonimmigrant classes as provided in 8 CFR 247.1;

(tt) Change of status of aliens from one nonimmigrant class to another nonimmigrant class as provided in 8 CFR 248.1;

(uu) Creation of records of lawful admission for permanent residence as provided in 8 CFR 249.1;

(vv) Removals of aliens who have fallen into distress as provided in 8 CFR 250.1;

(ww) Designation of and revocation of certain Great Lakes vessels as international ferries as provided in 8 CFR 251.32;

(xx) Consent to pay off or discharge alien crewmen admitted under section 252 (a) (1) of the Immigration and Nationality Act as provided in 8 CFR 262.2;

(yy) Registration of aliens confined in institutions or who are aged, infirm, or incapacitated as provided in 8 CFR 263.3 and 264.3;

(zz) Replacement of alien registration receipt cards as provided in 8 CFR 264.51;

(aaa) Notices of intention to administratively fine for violation of any of the provisions of the Immigration and Nationality Act as provided in 8 CFR 280.1;

(bbb) Mitigation or remission of administrative fines as provided in 8 CFR 280.51;

(ccc) Seizure of aircraft as provided in 8 CFR 280.2;

(ddd) The fixing of boundary distances as provided in section 287 of the Immigration and Nationality Act as provided in 8 CFR 287.1;

(eee) Issuance of subpenas as provided in 8 CFR 287.4;

(fff) Permission to practice by counsel where application and appearance filed concurrently, by certain individuals appearing without monetary remuneration, and by licensed attorneys abroad as provided in 8 CFR 292.1;

(ggg) Applications for residence and physical presence benefits for naturalization under section 316 of the Immigration and Nationality Act as provided in 8 CFR 316a.21 and 317.21;

(hhh) Applications for exception from classification of alien enemy under section 331 of the Immigration and Nationality Act as provided in 8 CFR 331.13;

(iii) Objections to final hearings on petitions for naturalization of alien enemies, and waivers of 90-day notice as provided in 8 CFR 331.11 and 331.12;

(jjj) Establishment of welfare photographic studies as provided in 8 CFR 332c.1;

(kkk) Spoiled petitions, transfer, withdrawal, and dismissal of petitions as provided in 8 CFR 334.15, 334.17 and 334.18;

(lll) Designation of Service employees to conduct preliminary examinations upon petitions for naturalization under section 335 (b) of the Immigration and Nationality Act as provided in 8 CFR 335.11;

(mmm) Assignment of examining officers at preliminary examinations upon petitions for naturalization as provided in 8 CFR 335.11;

(nnn) Taking of depositions in the United States as provided in 8 CFR 335b.12;

(ooo) Waivers of personal investigations of petitioners for naturalization under section 335 (a) of the Immigration and Nationality Act as provided in 8 CFR 335c.1;

(ppp) Waivers of the 30-day notice to Service by clerks of courts as provided in 8 CFR 336.11;

(qqq) Requests for waivers of 30-day periods by petitioners as provided in 8 CFR 336.16;

(rrr) Corrections of certificates of naturalization as provided in 8 CFR 338.16;

(sss) Certificates of citizenship under section 341 of the Immigration and Nationality Act as provided in 8 CFR 341.16;

(ttt) Original and lost, mutilated, or destroyed certificates of citizenship—Hawaiian Islands by district director, Honolulu, T. H., as provided in 8 CFR 341a.14 and 341a.21;

(uuu) Certificates of naturalization and repatriation under section 343 (a) of the Immigration and Nationality Act as provided in 8 CFR 343.12;

(vvv) Citizenship papers replaced under section 343 (b) of the Immigration and Nationality Act as provided in 8 CFR 343a.14;

(www) Special certificates of naturalization under section 343 (c) of the Immigration and Nationality Act as provided in 8 CFR 343b.12;

(xxx) Immediate revocation of temporary admission of agricultural workers as provided in 8 CFR 475.2;

(yyy) Extensions of agricultural worker's stay as provided in 8 CFR 475.5, and

(zzz) Recontracting of agricultural workers in the United States as provided in 8 CFR 475.23.

SEC. 1.37 *Final authority; delegation to officers in charge.* The officers in charge have been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(a) Approval of certain immigration bonds on forms approved by the Commissioner, extensions of liability, and powers of attorney authorizing the delivery of collateral security as provided in 8 CFR 3.1;

(b) Admission of immigrants pursuant to the provisions of section 211 (c) and (d) of the Immigration and Nationality Act as provided in 8 CFR 211.2, 211.3 and 211.4;

(c) Parole of aliens into the United States and return of paroled aliens to custody as provided in 8 CFR 212.9 and 212.91;

(d) Admission on bond of aliens excludable because likely to become public charges or because of certain physical defects under section 213 of the Immigration and Nationality Act as provided in 8 CFR 213.1;

(e) Applications of nonimmigrants to engage in any employment or activity inconsistent with and not essential to nonimmigrant status as provided in 8 CFR 214.2;

(f) Admission of nonimmigrants under bond as provided in 8 CFR 214.3;

(g) Applications for extensions of temporary stay as provided in 8 CFR 214.41;

(h) Determinations whether escorts shall accompany aliens in transit through the United States as provided in 8 CFR 214c.3;

(i) Determinations as to whether treaty traders or dependents are complying with the terms of their admission as provided in 8 CFR 214e.61;

(j) Applications for waiving the filing of Forms I–434 and I–435 for cruise passengers as provided in 8 CFR 231.31;

(k) Detention of aliens for observation and examination as provided in 8 CFR 232.4;

(l) Applications to assume responsibility for the safekeeping of aliens as provided in 8 CFR 233.2;

(m) Examinations of aliens believed to be suffering from disabilities as provided in 8 CFR 235.2;

(n) Whether admitted aliens may remain at immigration stations as provided in 8 CFR 235.4;

(o) Preexamination in certain parts of the United States as provided in 8 CFR 235.5;

(p) Issuance of warrants of arrest as provided in 8 CFR 242.1;

(q) Continuation in, detention, or release of aliens from custody as provided in 8 CFR 242.2;

is a true copy under 8 CFR 2.1, and

vided in 8 CFR 212a.12;

vided in 8 CFR 235.4;

(r) Detention, conditions of release, and revocations of bonds or parole of aliens as provided in 8 CFR 242.3;

(s) Assignment of immigration officers to act as examining officers as provided in 8 CFR 242.53;

(t) Consolidation of hearings as provided in 8 CFR 242.53;

(u) Voluntary departure of aliens prior to issuance of warrants of arrest, or after issuance of warrants of arrest and prior to hearings, and revocations of voluntary departure as provided in 8 CFR 244.1 and 244.13;

(v) Consent to pay off or discharge alien crewmen under section 252 (a) (1) of the Immigration and Nationality Act as provided in 8 CFR 256.2;

(w) Notices of intention to administratively fine for violations of any of the provisions of the Immigration and Nationality Act as provided in 8 CFR 280.1;

(x) Seizure of aircraft as provided in 8 CFR 280.2;

(y) Issuance of subpenas as provided in 8 CFR 287.4;

(z) Permission to practice by counsel where application and appearance filed concurrently, by certain individuals appearing without monetary remuneration, and by licensed attorneys abroad as provided in 8 CFR 292.1;

(aa) Objections to final hearings on petitions for naturalization of alien enemies and waivers of 90-day notice as provided in 8 CFR 331.11, and 331.12;

(bb) Transfer of petitions, withdrawal of petitions, and dismissal of petitions as provided in 8 CFR 334.15, 334.17 and 334.18;

(cc) Assignment of examining officers at preliminary examinations upon petitions for naturalization as provided in 8 CFR 335.11;

(dd) Taking of depositions in the United States, as provided in 8 CFR 335b.12;

(ee) Waivers of the 30-day notice to Service by clerks of courts as provided in 8 CFR 336.11;

(ff) Requests for waivers of 30-day periods by petitioners as provided in 8 CFR 336.16; and

(gg) Extensions of agricultural workers' stay as provided in 8 CFR 475.5.

SEC. 1.38 *Final authority; delegation to district enforcement officers.* The district enforcement officers have been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(a) Issuance of warrants of arrest as provided in 8 CFR 242.1;

(b) Continuation in, detention, or release of aliens from custody as provided in 8 CFR 242.2; and

(c) Detention, conditions of release and revocation of bonds or parole of aliens as provided in 8 CFR 242.3.

SEC. 1.39 *Final authority; delegation to special inquiry officers.* In addition to the powers granted to them under the provisions of the Immigration and Nationality Act, special inquiry officers have been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(a) Admission of immigrants pursuant to the provisions of section 211 (c) and (d) of the Immigration and Nationality Act as provided in 8 CFR 211.2, 211.3 and 211.4;

(b) Admission on bond of aliens excludable because likely to become public charges or because of certain physical defects under section 213 of the Immigration and Nationality Act as provided in 8 CFR 213.1;

(c) Admission of nonimmigrants under bond as provided in 8 CFR 214.3;

(d) The exercising of the authority of the Attorney General contained in sections 242 (b) and 244 of the Immigration and Nationality Act as provided in 8 CFR 242.6;

(e) The exercising of the authority of the Attorney General contained in section 242 (f) of the Immigration and Nationality Act as provided in 8 CFR 242.7;

(f) Voluntary departure of aliens subsequent to the commencement of hearings under warrants of arrest as provided in 8 CFR 244.1;

(g) Issuance of subpenas as provided in 8 CFR 287.4; and

(h) Permission to practice by certain individuals without monetary remuneration as provided in 8 CFR 292.1.

SEC. 1.40 *Final authority; delegation to immigration officers.* In addition to the powers granted to them under the provisions of the Immigration and Nationality Act, immigration officers have been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matters:

(a) Nonresident aliens' border crossing identification cards under section 101 (a) (6) of the Immigration and Nationality Act as provided in 8 CFR 212.11, and

(b) Determinations of time and conditions of admission of nonimmigrants as provided in 8 CFR 214.1 and 214.2.

SEC. 1.41 *Final authority; delegation to district officers and assistant district officers in charge of investigations.* The district officers and assistant district officers in charge of investigations have been delegated final authority to take any action required or authorized to be taken by Chapter I, Title 8 of the Code of Federal Regulations, with respect to the following matter:

(a) Issuance of warrants of arrest as provided in 8 CFR 242.1.

PLACES AND MANNER OF SECURING INFORMATION

SEC. 1.50 *Places where, and methods whereby, information may be secured or submittals or requests made.* (a) Any person desiring information relative to a matter handled by the Immigration and Naturalization Service or any person desiring to make a submittal or request in connection with such a matter should communicate either orally or in writing with whichever of the following offices is most convenient for him:

(1) A district headquarters office of the Service. There are sixteen such offices located in the cities shown in section 1.51.

(2) A Class A port of entry shown in § 231.6, Chapter I, Title 8 of the Code of Federal Regulations.

(3) A United States immigration station located in Canada. Such offices are located in several of the large cities in Canada. They are shown in § 231.8, Chapter I, Title 8 of the Code of Federal Regulations.

(4) In addition to the places indicated in subparagraphs (1) and (2) of this paragraph, an Immigration and Naturalization Service application receiving office (8 CFR 2.6), one of which is located in most of the large cities of the United States including Hawaii.

(5) With respect to naturalization matters only—the office of the clerk of any United States District Court or of any other court exercising jurisdiction over naturalization.

(b) If the office receiving the communication is unable to handle the matter—because, for example, it does not have jurisdiction or facility—the communication, if written, will be forwarded to the proper office of the Service or, if oral, the person will be advised how to proceed. If the submittal or request consists of a formal application for one of the numerous documents, privileges, or other benefits provided for in the Immigration and Nationality Act or the regulations implementing that Act, the instructions on the form as to preparation and place of submission should be followed. In such cases, the part or section of Title 8, Chapter I, Code of Federal Regulations, dealing with the particular type of application may be consulted for regulatory provisions.

SEC. 1.51 *Field districts.* The territory within which officials of the Immigration and Naturalization Service are located is divided into districts which are designated by numbers, have fixed headquarters, and are defined as follows:

1. *St. Albans, Vermont.* Includes the State of Vermont; that part of the State of Maine lying north and east of the counties of York, Cumberland, Androscoggin, Kennebec, Lincoln, and Knox; the counties of Grafton and Coos in the State of New Hampshire; and that part of the State of New York lying north of the counties of Oswego, Oneida, Herkimer, Fulton, Saratoga, and Washington; also jurisdiction over the United States immigration stations located in Canada at Halifax, Nova Scotia; St. John, New Brunswick; Montreal, Quebec; and Quebec, Province of Quebec.

2. *Boston, Massachusetts.* Includes that part of the State of Maine lying south and west of the counties of Oxford, Franklin, Somerset, and Waldo; that part of the State of New Hampshire lying south of the counties of Grafton and Coos; and the States of Massachusetts, Rhode Island, and Connecticut; also jurisdiction over the United States immigration station located in Canada at Yarmouth, Nova Scotia.

3. *New York, New York.* Includes that part of the State of New York lying south of the counties of Essex, Warren, Hamilton, and St. Lawrence, and east of the counties of Lewis, Oneida, Madison, Chenango, and Broome; and that part of the State of New Jersey lying north of the

counties of Ocean, Burlington, and Mercer.

4. *Philadelphia, Pennsylvania.* Includes that part of the State of New Jersey lying south of the counties of Monmouth, Middlesex, Somerset, and Hunterdon; the State of Delaware; the State of Pennsylvania, except the counties of McKean, Warren, Erie, Crawford and Mercer; that part of the State of Ohio lying south of the counties of Mahoning, Stark, and Wayne, and east of the counties of Ashland, Knox, Licking, Perry, and Athens; and that part of the State of West Virginia lying north of the counties of Jackson, Roane, Clay, Braxton, Webster, and Pocahontas, and west of the counties of Pendleton and Grant.

5. *Baltimore, Maryland.* Includes the States of Maryland, Virginia, North Carolina; the District of Columbia; and that part of the State of West Virginia lying east of the counties of Tucker and Randolph.

6. *Miami, Florida.* Includes the States of Georgia, Florida, South Carolina, Tennessee, Alabama, Mississippi, Louisiana, and Arkansas; also Puerto Rico and Virgin Islands of the United States.

7. *Buffalo, New York.* Includes that part of the State of New York lying west of the counties of Delaware, Otsego, and Herkimer, and south of the counties of Lewis and Jefferson; the counties of McKean, Warren, Erie, Crawford, and Mercer in the State of Pennsylvania; and that part of the State of Ohio lying north of the counties of Columbiana, Carroll, Tuscarawas, Holmes, Knox, and Morrow, and east of the counties of Crawford, Huron, and Erie; also jurisdiction over the United States immigration station located in Canada at Toronto, Ontario.

8. *Detroit, Michigan.* Includes the State of Michigan, except Isle Royale, and the States of Indiana and Kentucky; that part of the State of Ohio lying west of the counties of Lorain, Ashland, Richland, Holmes, Coshocton, Muskingum, Morgan, and Washington; and that part of the State of West Virginia lying south of the counties of Wood, Wirt, Calhoun, Gilmer, Lewis, Upshur, and Randolph. Menominee, Michigan, is excluded from District No. 8 solely with respect to the inspection of seamen.

9. *Chicago, Illinois.* Includes that part of the State of Illinois lying north of the counties of Edgar, Douglas, Platt, De Witt, Logan, Mason, Schuyler, McDonough, and Hancock; Isle Royale, Michigan; and the States of Wisconsin, Minnesota, North Dakota, and South Dakota; also jurisdiction over the United States immigration station located at Winnipeg, Manitoba, Canada. Menominee, Michigan, is included in District No. 9 solely with respect to the inspection of seamen.

11. *Kansas City, Missouri.* Includes the States of Missouri, Iowa, Oklahoma, Kansas, Nebraska, Colorado, and Wyoming; and that part of the State of Illinois lying south of the counties of Henderson, Warren, Fulton, Tazewell, McLean, Champaign, and Vermilion.

12. *Seattle, Washington.* Includes the States of Idaho, Montana, Oregon, and Washington; and the Territory of Alaska; also jurisdiction over the United States immigration stations located at Sydney, Vancouver, and Victoria, British Columbia, Canada.

13. *San Francisco, California.* Includes that part of the State of California lying north of the counties of San Luis Obispo, Kern, and Inyo; the State of Nevada except the county of Clark; and the State of Utah.

14. *San Antonio, Texas,* Includes that part of the State of Texas lying east and south of the counties of Terrell, Pecos, Upton, Midland, Howard, Mitchell, Nolan, Fisher, Stonewall, King, Cottle, and Childress.

15. *El Paso, Texas.* Includes that part of the State of Texas lying west and north of the counties of Val Verde, Crockett, Reagan, Glasscock, Sterling, Coke, Taylor, Jones, Haskell, Knox, Foard, and Hardeman; the State of New Mexico; and the State of Arizona except the counties of Yuma and Mojave.

16. *Los Angeles, California.* Includes that part of the State of California lying south and east of the counties of Monterey, Kings, Tulare, Fresno, and Mono; the county of Clark in the State of Nevada; and the counties of Mojave and Yuma in the State of Arizona.

17. *Honolulu, T. H.* Includes the Territory of Hawaii, and Agana, Guam, as well as the port facilities at Apra Harbor, Guam.

PROCEDURES

SEC. 1.60 *General.* The regulations of the Immigration and Naturalization Service, published as Chapter I, Title 8 of the Code of Federal Regulations, contain information which, under the provisions of section 3 (a) (2) and (3) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), is required to be published. Any person desiring information with respect to a particular procedure (other than rule making) under the Immigration and Nationality Act should examine the part or section in Chapter I, Title 8 of the Code of Federal Regulations, dealing with such procedures as well as the section of the act implemented by such part or section. The list of part numbers and designations appearing at the beginning of Chapter I, Title 8 of the Code of Federal Regulations, and the explanation of the numbering system appearing at the beginning of Subchapters B and C should be used as a guide to the regulation dealing with any particular type of proceeding.

SEC. 1.61 *Rule making.* Section 103 (a) of the Immigration and Nationality Act requires the Attorney General to establish such regulations as he deems necessary for carrying out his authority under the provisions of that act. The authority of the Attorney General to establish regulations has not been delegated. The provisions of the Federal Register Act (49 Stat. 500, 50 Stat. 304, 56 Stat. 1045; 44 U. S. C. 301–314) and of the regulations thereunder (1 CFR—Administrative Committee of the Federal Register) as well as the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002) governing the issuance of regulations are observed. After they are signed by the Attorney General, the regulations are filed with the Director, Federal Register Division, National Archives and Records Service, for publication in the FEDERAL REGISTER.

AVAILABILITY OF OPINIONS, ORDERS, AND RECORDS

SEC. 1.70 *Opinions, orders, and records of the Immigration and Naturalization Service regarded as confidential.* Under Order No. 3229 issued by the Attorney General on May 2, 1939 (11 F. R. 4920), all official files, documents, records, and information in the offices of the Immigration and Naturalization Service of the United States Department of Justice or in the custody or control of any officer or employee of the Immigration and Naturalization Service are to be regarded as confidential. No such officer or employee may permit the disclosure or use of the same for any purpose other than for the performance of his official duties, except in the discretion of the Attorney General, the Assistant to the Attorney General, an Assistant Attorney General acting for him, or the Commissioner of Immigration and Naturalization acting for the Attorney General pursuant to the provisions of § 9.1, Chapter I, Title 8 of the Code of Federal Regulations. Therefore, such official files, documents, records, and information shall not be published, opened to public inspection, or made available to the public in any other way, except if the Attorney General, The Assistant to the Attorney General, or the Commissioner, permits disclosure, either by the exercise of discretion in particular cases or, generally, through specific provisions of this section or of Chapter I, Title 8 of the Code of Federal Regulations.

SEC. 171 *Administrative Decisions under Immigration and Nationality Laws.* There may be purchased when available from the United States Government Printing Office, Washington 25, D. C., or inspected at a Service office indicated in § 1.50, a publication entitled "Administrative Decisions under Immigration and Nationality Laws". Periodic and cumulative supplements are published as required.

SEC. 1.72 *Inspection of records by attorneys.* Attorneys and representatives, and the persons whom they represent, may review and be lent copies of records, subject to the provisions of Part 292, Chapter I, Title 8 of the Code of Federal Regulations.

SEC. 1.73 *Copies of records.* In accordance with the provisions of this notice, Part 2, Chapter I, Title 8 of the Code of Federal Regulations, and all other applicable regulatory provisions and subject to all applicable statutory provisions relating to applications, fees, and other requirements, and where not prejudicial to the interests of the public or the Government, copies of and information from records of the Immigration and Naturalization Service may be furnished to persons who establish that they have a reasonable and legitimate need for them.

SEC. 1.74 *Intra-Service manuals and instructions.* Manuals and internal in-

structions are prepared solely for the guidance of the Immigration and Naturalization Service and the contents of such manuals and instructions are not published, opened to public inspection, or made available to the public in any way except in unusual cases in which the Commissioner specifically authorizes the furnishing of an excerpt from such manuals or instructions.

JAMES P. MCGRANERY,
Attorney General.

Recommended:

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 52-13488; Filed, Dec. 18, 1952; 8:46 a. m.]

Office of Alien Property

[Vesting Order 19093]

ALBERT HEIMANN

In re: Trust Agreement No. 4477 between Albert Heimann, Trustor and Pioneer Trust & Savings Bank, Trustee, dated December 22, 1939. File No. D-28-13128 G-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Lena Schuttler, Ferdinand Heimann, Clementz Heimann, Lena Bruehmann, Greta Johnes, Bertha Bruehmann, and Wilhelm Bruehmann, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Maria Huske, deceased, and of Theodore Heimann, deceased; and the children, names unknown, of Greta Johnes, of Bertha Bruehmann and of Wilhelm Bruehmann, who there is reasonable cause to believe are and, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to and arising out of or under that certain trust agreement No. 4477 dated December 22, 1939, by and between Albert Heimann, trustor, and Pioneer Trust & Savings Bank, trustee, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States, the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 15, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-13389; Filed, Dec. 18, 1952; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27626]

CRUDE SULPHUR FROM POINTS IN LOUISIANA AND TEXAS TO NASHVILLE, TENN.

APPLICATION FOR RELIEF

DECEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Crude sulphur, carloads.

From: Points in Louisiana and Texas.

To: Nashville, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3862, Supp. 164.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13369; Filed, Dec. 18, 1952; 8:48 a. m.]

[4th Sec. Application 27627]

ALCOHOLS FROM LONGVIEW, TEX., TO HOLSTON AND KINGSPORT, TENN.

APPLICATION FOR RELIEF

DECEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Butyl alcohol, ethyl alcohol, octyl alcohol, iso-octyl alcohol, butyraldehyde, and isobutyraldehyde, carloads.

From: Longview, Tex.

To: Holston and Kingsport, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3721, Supp. 243.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13370; Filed, Dec. 18, 1952; 8:48 a. m.]

[4th Sec. Application 27628]

SUGAR FROM POINTS IN WEST AND SOUTH TO TEXAS

APPLICATION FOR RELIEF

DECEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Sugar, beet or cane, carloads.

From: Points in Colorado, Idaho, Oregon, Utah, and Louisiana.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3662, Supp. 104; F. C. Kratzmeir, Agent, I. C. C. No. 3865, Supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13371; Filed, Dec. 18, 1952; 8:48 a. m.]

[4th Sec. Application 27629]

FURNITURE FROM THE SOUTHWEST AND MEMPHIS, TENN., TO COLORADO

APPLICATION FOR RELIEF

DECEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Furniture and furniture parts, carloads.

From: Points in Arkansas, Oklahoma, and Texas, and Memphis, Tenn.

To: Denver, Colorado Springs, Pueblo, Trinidad, and Greeley, Colo.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3886, Supp. 75; C. A. Spaninger, Agent, I. C. C. No. 1649, Supp. 140.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13372; Filed, Dec. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27630]

AUTOMOBILES FROM KANSAS CITY, MO.-KANS., TO FORT WORTH, TEX.

APPLICATION FOR RELIEF

DECEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Automobiles and parts, carloads.

From: Kansas City, Mo.-Kans.

To: Fort Worth, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3765, Supp. 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13373; Filed, Dec. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27631]

CORN FROM POINTS IN COLORADO, KANSAS, AND NEBRASKA TO COLORADO

APPLICATION FOR RELIEF

DECEMBER 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Corn and products taking same rates, carloads.

From: Points in Colorado, Kansas, and Nebraska.

To: Points in Colorado.

Grounds for relief: Rail and motor competition and circuitous routes.

Schedules filed containing proposed rates: D & RGW RR. tariff I. C. C. No. 918, Supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13374; Filed, Dec. 18, 1952; 8:49 a. m.]

NATIONAL ARCHIVES

is evidence of ownership or control by

found to be necessary before the expira-

cane, carloads.

FEDERAL REGISTER

VOLUME 17 NUMBER 248

Washington, Saturday, December 20, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENTS OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

DIETETIC INTERNS

Effective December 15, 1952, the maximum stipend for the positions of dietitian interns (student dietitians) which appears in § 27.2 is increased to $2,000, and the title of the position is changed to dietetic interns (student dietitians). As amended, § 27.2 will read in pertinent part as follows:

§ 27.2 *Maximum stipends prescribed.*

* * *

Dietetic interns (student dietitians):	
One year approved postgraduate training	$2,000

(61 Stat. 727; 5 U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-13464; Filed, Dec. 19, 1952; 8:59 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 427.1]

PART 327—TITLE CLEARANCE

SUBPART A—GENERAL PROVISIONS

SUBSTITUTE FOR TITLE INSURANCE

Paragraph (a) of § 327.1, Title 6, Code of Federal Regulations (13 F. R. 9409) is amended by adding a provision that title evidence and closing assistance satisfactory to the Office of the Solicitor may be substituted, if available, for title insurance if the farm is subject to a purchase money first mortgage or deed of trust held by the Farmers Home Administration which will be released of record in connection with the transaction, provided the land formerly was sold by or by direction of the Farmers Home Administration or any of its predecessor agencies. As amended, said paragraph reads as follows:

§ 327.1 *General.* * * *

(a) *Title insurance.* If title insurance and services are available under an approved proposal covering the locality in which the loan is to be made, title insurance and services as provided in the proposal will be obtained by sellers of farms and Farm Ownership borrowers. However, title insurance will not be required if the farm with respect to which title examination is needed consists entirely of land being sold by the Department of Agriculture, or land which is subject to a first mortgage or deed of trust held by the Farmers Home Administration which will not be released in connection with the transaction; and other title evidence and closing assistance satisfactory to the Office of the Solicitor may be substituted, if available, for title insurance if the farm is subject to a purchase money first mortgage or deed of trust held by the Farmers Home Administration which will be released of record in connection with the transaction, provided the land formerly was sold by or by direction of the Farmers Home Administration or any of its predecessor agencies. The State Director may, upon advice and instructions from the representative of the Office of the Solicitor, accept certificates of title deemed by that representative to be legally satisfactory for purposes of title clearance in lieu of title insurance.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 12 (a), 60 Stat. 1074, 1076; 7 U. S. C. 1003 (a), 1005b (a))

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

DECEMBER 8, 1952.

Approved: December 17, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13406; Filed, Dec. 19, 1952; 8:51 a. m.]

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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter F—Insecticides

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

REGISTRATION; SHIPMENTS FOR EXPERIMENTAL USE

On August 15, 1952, there was published in the FEDERAL REGISTER (17 F. R. 7436) a notice of proposed rule making concerning the amendment of §§ 162.10 and 162.17 of the regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 CFR 162.10, 162.17). After due consideration of relevant matters presented, and pursuant to sections 4 and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 1946 ed., Supp. IV, 135b, 135d), the Secretary of Agriculture hereby amends said §§ 162.10 and 162.17 as follows:

1. Section 162.10 is amended by adding thereto new paragraphs (h) and (i) reading, respectively:

§ 162.10 *Registration.* • • •

(h) *Duration of registration.* Unless canceled in accordance with the provisions of section 4. c. of the act or with the acquiesence of the registrant, or unless continued in effect in accordance with the provisions of paragraph (i) of this section, the registration of an economic poison shall be canceled at the end of a period of five years following the date of registration of such economic poison or following the date of any subsequent registered change in formula or labeling or following the date of any continuance of registration pursuant to paragraph (i) of this section: *Provided, however,* That prior to any such cancellation the Insecticide Division shall send to the registrant a notice of intent to cancel, and, in the event such notice is not sent to the registrant 30 days prior to the expiration of the five year period, the registration shall remain in effect until 30 days following the date such notice has been sent to the registrant at his latest address submitted to the Insecticide Division.

(i) *Continuance of registration.* If a registrant desires to continue the registration in effect, he shall notify the Insecticide Division in writing and it shall be continued in effect under the same terms as the original registration: *Provided, however,* That if, on the basis of information available at the time, it appears that the product or its labeling fails to comply with the act the registrant shall be so notified and an opportunity given to make the necessary corrections. If the corrections are not made, continued registration without protest may be refused but registration under protest as provided in section 4. c. of the act shall be issued if requested in writing by the registrant.

2. Subparagraph (2) of § 162.17 (b) is amended and new subparagraphs (3), (4), (5) and (6) are added to § 162.17 (b) to read, respectively:

§ 162.17 *Shipments for experimental use.* • • •

(b) *Articles for which permit is required.* • • •

(2) If an economic poison is to be tested for a use which is likely to result in a residue on or in food or feed, a permit for shipment or delivery will not be issued only when:

(i) The food or feed product will not be used for food or feed except for laboratory or experimental animals, or

(ii) Convincing evidence is submitted by the applicant that the proposed use will not result in an amount of residue which would be hazardous to man or other animals.

(3) A permit for shipment or delivery of any experimental economic poison for testing in any place likely to be frequented by people will be granted only if it is clearly shown in the application for such permit that the applicant's instructions for use reasonably assure the avoidance of injury to all persons concerned.

(4) All applications for permits covering shipments for experimental use shall be filed in duplicate and must be signed by the shipper or the person making the delivery and must contain the following:

(i) Name and address of the shipper and place or places from which the shipment will be made.

(ii) Proposed date of shipment or proposed shipping period not to exceed one year.

(iii) A statement of the composition of material to be covered by the permit which should apply to a single material or group of closely allied formulations of the material.

(iv) A statement of the approximate quantity to be shipped.

(v) Available data or information or reference to available data or information on the acute toxicity of the economic poison.

(vi) A statement of the nature of the proposed experimental program, including the type of pests or organisms to be experimented with, the crops or animals for which the economic poison is to be used, the areas where it is proposed to conduct the program, and including the results of previous tests where necessary to justify the quantity requested.

(vii) When food or feed is likely to be contaminated, either a full statement of action which will be taken to prevent the food or feed from being consumed, except by laboratory or experimental animals, or convincing evidence that the proposed experiment will not result in injury to man or useful animals.

(viii) The percentage of the total quantity specified under subdivision (iv) of this subparagraph which will be supplied without charge to the user.

(ix) A statement that the economic poison is intended for experimental use only.

(x) Proposed labeling which must bear (*a*) the prominent statement "For Experimental Use Only" on the container label and any accompanying circular or other labeling, (*b*) a warning or caution statement which may be necessary and if complied with adequate for the protection of those who may handle or be exposed to the experimental formulations, (*c*) the name and address of the applicant for the permit, (*d*) the name or designation of the formulation, and (*e*), if the economic poison is to be sold, a statement of the names and percentages of the principal active ingredients in the product.

(5) The Director may limit the quantity of economic poison covered by a permit to such less quantity than requested as he may determine if the available information on effectiveness, toxicity or other hazards is not sufficient to justify the scope of experimental use proposed in the application, or make such other limitations in the permit as he may determine to be necessary for the protection of the public.

(6) An economic poison intended for experimental use shall not be offered for general sale by a retailer or others, or advertised for general sale.

3. Section 162.17 (d) is amended to read:

(d) *Cancellation of permits.* Any permit for shipment for experimental use may be cancelled at any time for any violation of the terms thereof or if it shall appear to the Director that the permit should be cancelled for the protection of the public.

These amendments shall become effective 30 days after publication of this notice in the FEDERAL REGISTER.

(Sec. 6, 61 Stat. 168; 7 U. S. C. Sup. 135d)

Done at Washington, D. C., this 17th day of December 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13469; Filed, Dec. 19, 1952; 8:59 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061 (52)-1, Supp. 7]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM SUBPART—1952

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1952 National Agricultural Conservation Program, issued August 31, 1951 (16 F. R. 9006), as amended September 25, 1951 (16 F. R. 9859), December 3, 1951 (16 F. R. 12306), February 28, 1952 (17 F. R. 1931), March 7, 1952 (17 F. R. 2110), March 31, 1952 (17 F. R. 2885), and April 17, 1952 (17 F. R. 3530), is further amended as follows:

1. Section 701.312 (a) is amended by inserting the following as the third sentence:

§ 701.312 *Conservation practices and maximum rates of assistance.* (a) • • • Prior approval of the county committee is also required for all other practices contained in this subpart in all States, except Connecticut, Florida, Georgia, Iowa, Kentucky, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Virginia, and West Virginia. • • •

2. Section 701.393 is amended by adding the following at the end thereof:

§ 701.393 *Time and manner of filing application and information required.* • • • The final date for filing an application for payment is February 28, 1953, in New Hampshire; March 15, 1953, in New York; April 1, 1953, in Maine; April 30, 1953, in New Jersey and Rhode Island; May 1, 1953, in Nevada; May 15, 1953, in Florida; June 1, 1953, in Connecticut; June 30, 1953, in Arizona, Arkansas, Colorado, Delaware, Georgia, Louisiana, Mississippi, Montana, New Mexico, North Carolina, Pennsylvania, Vermont, Virginia, and Washington; July 1, 1953, in Maryland; August 31, 1953, in Minnesota; December 31, 1953, in Alabama, California, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming. In those States for which the final date for filing an application for payment is earlier than December 31, 1953, the State committee may extend the final date to a date not later than December 31, 1953, when failure to file the application was due to conditions over which the farmer had no control.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 17th day of December 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13466; Filed, Dec. 19, 1952; 8:59 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 867.5]

PART 867—SUGARCANE; PUERTO RICO

CALENDAR YEAR 1953

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in San Juan, Puerto Rico, on September 25 and 26, 1952, the following determination is hereby issued:

§ 867.5 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico during the calendar year 1953*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Puerto Rico for the calendar year 1953 if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer, but after the date of issuance of this section, not less than the following:

(i) *Day rates*—(*a*) *Basic rates.* The basic day rate for the first 8 hours of work performed in any 24-hour period (except that for ditch diggers, ditch cleaners, or field flooders in Class E, as shown in the table below, the applicable day rate shall be for the first 7 hours of work performed in any 24-hour period) shall be as follows:

Class of work	*Basic rates per day*
A. All kinds of work not classified below	$2.20
B. Operators of mechanical equipment, such as tractors, trucks, tractor plows	3.05
Classified nonharvest operations:	
C. Cartmen in cultivation work	2.30
D. Plow steersmen and operators of irrigation pumps, and all work connected with mixing and applying chemical weed killers	2.50
E. Ditch diggers, ditch cleaners, field flooders (per 7-hour day)[1]	2.50
Classified harvest operations:	
F. Cartmen in harvest work	2.70
G. Sugarcane cutters (for grinding or planting), seed cutters, crane operators, dumpers	2.50
H. Portable track handlers, railroad or portable track car loaders	2.70
I. Cane cart or truck loaders	2.60

[1] Field flooders shall be deemed to be workers who set up or remove banks in drainage ditches when used for flooding sugarcane fields.

(*b*) *Wage increases.* For each 10 cents or fraction thereof that the price of raw sugar (duty paid basis, delivered) averages more than $5.00 per one hundred pounds but not more than $7.00 per one hundred pounds for the two-week period immediately preceding the two-week period during which the work is performed, a wage increase of 6.0 cents per day above the rate prescribed under subdivision (*a*) of this subparagraph shall be paid for each day of work during such two-week period: *Provided,* That the average price of raw sugar prevailing during the period from December 18 through December 31, 1952, shall determine the amount of wage increase effective during the work period January 1 through January 14, 1953, and thereafter the amount of wage increases in successive two-week work periods shall be determined by the average price of raw sugar prevailing in the immediately preceding two-week period. The two-week average price of raw sugar (duty paid basis, delivered) shall be determined by taking the simple average of the daily spot quotations of 96° raw sugar of the New York Coffee and Sugar Exchange (domestic contract) expressed in terms of a one hundred pound unit and adjusted to a duty paid basis, delivered, by adding to each daily quotation the United States duty prevailing on Cuban raw sugar on that day, except that, if the Director of the Sugar Branch determines that for any two-week period such average price does not reflect the true market value of raw sugar, because of inadequate volume or other factors, the Director may designate the average price to be effective under this section.

(ii) *Hourly rates.* Where persons are employed on an hourly basis for a period not in excess of 8 hours (7 hours in Class E) in any 24-hour period, the hourly rate shall be determined by dividing the applicable day rate provided in subdivision (i) of this subparagraph by 8 (by 7 in Class E).

(iii) *Overtime.* Persons employed for more than 8 hours (or 7 hours in Class E) in any 24-hour period shall be paid for the overtime work at a rate double the applicable hourly rate provided in subdivision (ii) of this subparagraph.

(iv) *Piecework rates.* If work is performed on a piecework basis, the average earnings for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable daily or hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him such as a dwelling, garden plot, pasture lot, and medical services.

(b) *Subterfuge.* The producer shall not reduce wage rates to laborers below those determined in this section through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Caribbean Area Office, Production and Marketing Administration, San Juan, Puerto Rico, against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at that office. Upon receipt of a wage claim the Caribbean Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer and, after making such investigation as it deems necessary, shall notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C.

Such appeal shall be filed within 15 days after receipt of the recommended settlement from the Area Office; otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Puerto Rico during the calendar year 1953, as one of the conditions for payment under the act.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates it is required under the act that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in San Juan, Puerto Rico, September 25–26, 1952, at which interested persons presented testimony with respect to fair and reasonable wage rates for the calendar year 1953. In addition, investigations have been made of the conditions affecting wage rates in Puerto Rico. In this determination, consideration has been given to testimony presented at the hearing and to information resulting from investigations. The primary factors which have been considered are (1) cost of living; (2) prices of sugar and by-products; (3) income from sugarcane; (4) cost of production; and (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *1953 wage determination.* This determination differs from the 1952 determination in two respects. Basic wage rates are raised 5 cents per day and the amount of the wage increase in the wage-price escalator is raised from 5 cents per 8-hour day to 6 cents for each 10-cent, or fraction thereof, increase in the two-week average price of raw sugar above $5.00 per hundred pounds. The effect of this action is to increase wage rates about 6 percent at current sugar prices.

At the public hearing, representatives of producer organizations stated that because of large stocks of sugar on hand, uncertainty with respect to sugar prices and the probability of restricted marketings, it was their recommendation that no change be made in minimum wage rates for 1953. Two producer witnesses testified that the output of their workers had declined during the years when wage costs were mounting. The representative of one producer organization recommended that wages be related to the price of sugar sold not only in the domestic market but also in the world market should such sales be made; that the wage-price escalator be revised to provide for changes of ½ cent per 8-hour day for each 1-cent change in raw sugar prices; and that a lower wage scale be provided for "interior" farms. Representatives of worker organizations recommended substantial increases in wage rates on the grounds of the low standard of living of Puerto Rican sugarcane workers and the improvement in farm labor productivity of recent years. One representative recommended doubling wages at the base price level, elimination of the wage-price escalator and inclusion in the determination of additional wage classifications for artisans and other skilled workers occupying new jobs not presently well defined. Several labor unions recommended a minimum wage of 50 cents an hour, continuation of the wage-price escalator and certain fringe benefits to workers, such as vacation pay and unemployment benefits. Another labor union proposed a wage scale without a wage-price escalator provision but geared to a minimum wage of 65 cents an hour for unskilled workers.

In this determination consideration has been given to recommendations presented at the hearing, to all aspects of prospective crop and price conditions for 1953, to the anticipated costs, returns and profits of producers, to the living costs of workers and to other pertinent factors. Examination of data with respect to recent crop production costs indicates a moderate but sustained improvement in average labor productivity and that, under conditions expected to prevail during 1953, producers will have the ability to pay the wages provided in this determination. There remain broad opportunities for continued improvement in production methods which, if realized through cooperation between producers and workers, will lower labor costs per unit of production and make possible a better standard of living for workers. This wage action in conjunction with that made a year ago and the action of the wage-price escalator increases daily wages about in line with the increase in workers' living costs which have occurred since 1950.

The recommendation that a differential rate be established for "interior" farms has not been accepted for the reasons set forth in the 1952 determination. The proposal regarding a revision of job classifications will receive further study. Other recommendations of producers and workers not adopted in this determination have been considered either inconsistent with the economic capability of the industry, outside the scope of the administration of the wage provisions of the act, or unnecessarily complicated in view of their limited objectives.

In addition to the payment of cash wages, producers are required to furnish to workers without charge customary perquisites such as a habitable house, medical attention and similar items.

After full consideration of all information available, the wages rates provided in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 17th day of December 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13474; Filed, Dec. 19, 1952; 8:59 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tangerine Reg. 130]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.605 *Tangerine Regulation 130*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 22, 1952. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 22, 1952; the recommendation and supporting information for continued regulation subsequent to December 21 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 16; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period set forth in paragraph (b) of this section so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 22, 1952, and ending at 12:01 a. m., e. s. t., January 12, 1953, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2;

(ii) Any tangerines, grown in the State of Florida, which grade U. S. No. 2, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches); or

(iii) Any tangerines, grown in the State of Florida, which grade U. S. Fancy, U. S. No. 1, U. S. No. 1 Bronze, or U. S. No. 1 Russet, that are of a size smaller than 2 2/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines, smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida tangerines (§ 51.417 of this title; 17 F. R. 8377).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. Fancy," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2" and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§ 51.417 of this title; 17 F. R. 8377).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 17th day of December 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-13467; Filed, Dec. 19, 1952; 8:59 a. m.]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

DETERMINATION OF DISTRICT PERCENTAGES

Notice was published in the FEDERAL REGISTER issue (17 F. R. 8217) of September 12, 1952, that the Department was giving consideration to the proposed amendment to the rules and regulations (7 CFR 939.100 et seq.; Subpart—Control Committee rules and regulations) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Control Committee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that the amendment, as hereinafter set forth, to the said rules and regulations is in accordance with the provisions of the said amended marketing agreement and order and it is hereby approved.

Renumber § 939.110 *Application for exemption certificate* as § 939.110a and insert as a new § 939.110 the following:

§ 939.110 *Determination of district percentages.* (a) The Control Committee, at its meeting held on or before August 1 of each year for the purpose of making recommendations to the Secretary under the provisions of § 939.50, shall estimate the district percentages which the grades and sizes of each variety of pears permitted to be shipped from each district under the recommended regulation bears to the total quantity of each variety of pears which could be shipped from that district in the absence of regulation.

(b) Any notice issued or given pursuant to this estimate shall specifically state that each of the said percentages is merely an estimate subject to change, and is not to be relied upon until final action is taken as hereinafter provided. Each exemption committee, as hereinafter constituted in each district, shall meet and elect a district chairman and a secretary, either at or within ten days following said meeting of the Control Committee. Said district chairman shall immediately notify the secretary of the Control Committee of the names of the chairman and the secretary. The chairman of each exemption committee shall call a meeting of such committee within his district not later than a date to be determined each year by the Control Committee at the meeting specified in paragraph (a) of this section.

(c) At said district meeting, the district percentage estimates made by the Control Committee shall be reviewed by the exemption committee, and, if found to be not in accordance with conditions then existing within the district, said committee shall recommend proper adjustments to the Control Committee. Each exemption committee shall make only one recommendation for adjustment of district percentages in any one season, and said recommendation shall be made not later than the date specified by the Control Committee, except that should a major change occur in the crop or crops in any district after such date, the exemption committee may recommend a further change in such percentages. On the basis of the information submitted to it by the exemption committees and such other information and evidence as is available to it, the Control Committee shall establish all district percentages to be used in computing exemptions to growers. In the event no adjustment is recommended by the exemption committees by the date above specified, the Control Committee shall immediately, on the basis of information and evidence available to it, establish the district percentages to be used in computing exemptions to growers.

(d) The Control Committee shall give prompt notice to growers and handlers of the final percentages to be used in computing exemptions to growers.

(e) Any action taken by an exemption committee shall be approved by four affirmative votes, and each such committee shall keep accurate minutes and records of the proceedings of each of its meetings. A copy of such minutes and records shall be forwarded to the secretary of the Control Committee promptly after each meeting.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 17th day of December 1952, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13468; Filed, Dec. 19, 1952; 8:59 a. m.]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.573 *Lemon Regulation 466*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL

vide for changes of ½ cent per 8-hour

of the Sugar Act of 1948, as amended.

REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 17, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 21, 1952, and ending at 12:01 a. m., P. s. t., December 28, 1952, is hereby fixed as follows:

(i) District 1: 40 carloads;

(ii) District 2: 175 carloads;

(iii) District 3: 10 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 465 (17 F. R. 11304) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of December 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-13505; Filed, Dec. 19, 1952; 8:56 a. m.]

PART 986—HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

DETERMINATION OF AGGREGATE PRODUCTION OF 1952 CROP AND ESTABLISHMENT OF SALABLE PERCENTAGE

Pursuant to the provisions of § 986.74 (Determination of total production) of Marketing Agreement No. 107, as amended, and Order No. 86, as amended, regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (17 F. R. 6626), effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), a determination is required by the Secretary of Agriculture regarding the aggregate production of 1952 crop hops by all growers.

The aforesaid provisions require the Growers Allocation Committee (established pursuant to said marketing agreement and order) to determine, or cause to be determined under its supervision, the total quantity of hops (net dry weight) produced by growers during that year which meets the requirements of § 986.60 (minimum standards of quality and grading and inspection requirements). It is further provided that such determination shall include, for each grower, his harvested, unharvested and total production. The Growers Allocation Committee is also required to notify each grower of such determination for that grower and allow a 10-day period for protest, if any, regarding such determination, and to act on such protest. The Growers Allocation Committee has met these requirements and furnished the Secretary with its findings, determinations, computations, and data in regard to the hops produced by each and all growers.

It is also provided in § 986.75 of said amended agreement and order that if, prior to the determination by the Secretary of the aggregate production of hops by all growers in any year, the Growers Allocation Committee finds that the harvested quantity exceeds the salable quantity, but, nevertheless, the salable percentage (computed by dividing the salable quantity by the aggregate production) will not result in the availability in marketing channels of the salable quantity of hops fixed for that year's crop, such percentage may be established by the Secretary at an amount necessary to result in the availability in marketing channels of the salable quantity of hops fixed for that year's crop. The determination of the salable percentage on the usual basis of the relationship of the salable quantity to the aggregate production would result in the fixing of a salable percentage in this instance of 64.0 percent. However, the application of such percentage would not, due to a situation such as that referred to in the second preceding sentence, cause the entire salable quantity to become available in marketing channels. Therefore the Committee has recommended that the salable percentage for 1952 crop hops be established at 65.7 percent. This will make available for market approximately 39,200,000 pounds of 1952 crop hops which was fixed as the salable quantity (17 F. R. 7841).

After consideration of all relevant matters, it is hereby ordered as follows:

§ 986.206 *Determination of hop growers aggregate production of 1952 crop hops and establishment of salable percentage*—(a) *Aggregate production.* The aggregate production of the 1952 crop of hops by all growers is determined to be 61,240,363 pounds comprised of 41,191,077 pounds of harvested hops and 20,049,286 pounds of unharvested hops.

(b) *Salable percentage.* The salable percentage for 1952 crop hops is hereby established at 65.7 percent.

It is hereby found and determined that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER in that the determination of the aggregate production of 1952 crop hops and the establishment of the salable percentage are necessary prior to the computation of the salable allotments of individual growers; the harvesting of the 1952 crop of hops has been completed and growers would suffer inconvenience and would be placed at a disadvantage in regard to their marketing operations if this action is not now taken; and no special preparation on the part of handlers is required to comply with the provisions hereof. Therefore, good cause exists for not giving preliminary notice, engaging in rule making procedure, and postponing the effective date of this document later than the date of its publication in the FEDERAL REGISTER (see sec. 4c of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 16th day of December 1952, to be effective on the date of publication in the FEDERAL REGISTER.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch.

[F. R. Doc. 52-13405; Filed, Dec. 19, 1952; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Amdt. 3-9]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

CORRECTION OF REFERENCES

As a result of a recent survey of Part 3 of the Civil Air Regulations it was noted that certain references to other sections or parts of the regulations were erroneous. Most of these errors occurred when certain parts of the regulations were renumbered or amended.

The purpose of these amendments is to correct or clarify erroneous references found in Part 3.

Since these amendments are merely corrections of existing errors or clarifying and minor in nature and impose no additional burden on any person, notice and public procedure thereon are unnecessary, and the amendments may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 3 of the Civil Air Regulations (14 CFR Part 3, as amended) effective immediately:

1. By amending § 3.72 (b) by deleting the reference "§ 3.755–3.770" and substituting in lieu thereof the reference "§§ 3.766 and 3.777".

2. By amending § 3.242 by deleting the phrases "the ground load requirements of § 4b.241, and shock absorption requirements of § 4b.371 and its related sections, the wheel and tire requirements of §§ 4b.391 and 4b.392, and the fuel jettisoning system requirements of § 4b.536." and substituting in lieu thereof the following: "the ground load requirements of § 4b.230, the landing gear requirements of §§ 4b.331 through 4b.336, and the fuel jettisoning system requirements of § 4b.437."

3. By amending § 3.652 by deleting the last sentence thereof.

4. By amending § 3.700 (b) by deleting the last sentence and substituting in lieu thereof the following: "The individual lights shall be of an approved type."

5. By amending § 3.700 (c) by deleting the last sentence and substituting in lieu thereof the following: "The light shall be of an approved type."

6. By amending § 3.713 to read as follows:

§ 3.713 *Flare requirements.* When parachute flares are required, they shall be of an approved type.

7. By amending § 3.715 by deleting the first sentence and substituting in lieu thereof the following: "Safety belts shall be of an approved type."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

Effective: December 15, 1952.

Adopted: December 15, 1952.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-13379; Filed, Dec. 19, 1952; 8:45 a. m.]

[Amdt. 4a-1]

PART 4a—AIRPLANE AIRWORTHINESS

CORRECTION OF REFERENCES

As a result of a recent survey of Part 4a of the Civil Air Regulations it was noted that certain references to other sections or parts of the regulations were erroneous. Most of these errors occurred when certain parts of the regulations were renumbered or amended.

The purpose of these amendments is to correct or clarify erroneous references found in Part 4a.

Since these amendments are merely corrections of existing errors or clarifying and minor in nature and impose no additional burden on any person, notice and public procedure thereon are unnecessary, and the amendments may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 4a of the Civil Air Regulations (14 CFR Part 4a, as amended) effective immediately:

1. By adding a note at the beginning of Part 4a immediately preceding the center heading "General" to read as follows:

NOTE: Current applications for airworthiness and type certificates are not processed under this part, but are processed under other airworthiness parts. At present this part primarily governs modification of aircraft which were originally certificated under Part 4a. Unless otherwise provided, all references to other parts of this subchapter are those provisions in effect on September 29, 1947.

2. By amending § 4a.37 (e) by deleting the reference "§§ 4a.687–4a.692" and substituting in lieu thereof the reference "§ 4a.687".

3. By amending § 4a.701 by deleting the reference "§§ 4a.671 through 4a.692" and substituting in lieu thereof the reference "§§ 4a.671 through 4a.687".

4. By amending § 4a.724 by deleting the reference "(See §§ 4a.687–4a.692.)" and substituting in lieu thereof the reference "(See § 4a.687.)".

5. By amending § 4a.751–T by deleting the reference "§ 4a.753 (d)" and substituting in lieu thereof the reference "§ 4a.753–T (d)".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

Effective: December 15, 1952.

Adopted: December 15, 1952.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-13380; Filed, Dec. 19, 1952; 8:45 a. m.]

[Amdt. 4b-7]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

CORRECTION OF REFERENCES

As a result of a recent survey of Part 4b of the Civil Air Regulations it was noted that certain references to other sections or parts of the regulations were erroneous. Most of these errors occurred when certain parts of the regulations were renumbered or amended.

The purpose of these amendments is to correct or clarify erroneous references found in Part 4b.

Since these amendments are merely corrections of existing errors or clarifying and minor in nature and impose no additional burden on any person, notice and public procedure thereon are unnecessary, and the amendments may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended) effective immediately:

1. By amending § 4b.190 (b) by deleting the reference "(See also §§ 4b.308 and 4b.309.)" and substituting in lieu thereof the reference "(See also § 4b.308.)".

2. By amending § 4b.361 (a) by deleting the reference "(See also § 4b.362 (c) (2).)".

3. By amending § 4b.380 by deleting the reference "(See also §§ 4b.480 through 4b.489.)" and substituting in lieu thereof the reference "(See also §§ 4b.480 through 4b.490.)".

4. By amending § 4b.405 (b) by deleting the reference "§ 4b.181" and substituting in lieu thereof the reference "§ 4b.182 (a)".

5. By amending § 4b.480 (b) by deleting the reference "§§ 4b.481 through 4b.489" and substituting in lieu thereof the reference "§§ 4b.481 through 4b.490".

6. By amending § 4b.605 (c) by deleting the reference "§§ 4b.625 and 4b.626" and substituting in lieu thereof the reference "§ 4b.624".

7. By amending § 4b.632 (b) by deleting the last sentence and substituting in lieu thereof the following: "The individual lights shall be of an approved type."

8. By amending § 4b.632 (c) by deleting the last sentence and substituting in lieu thereof the following: "The individual lights shall be of an approved type."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

Effective: December 15, 1952.

Adopted: December 15, 1952.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-13381; Filed, Dec. 19, 1952; 8:45 a. m.]

[Amdt. 6-3]

PART 6—ROTORCRAFT AIRWORTHINESS

CORRECTION OF REFERENCES

As a result of a recent survey of Part 6 of the Civil Air Regulations it was noted that certain references to other sections or parts of the regulations were erroneous. Most of these errors occurred when certain parts of the regulations were renumbered or amended.

The purpose of these amendments is to correct or clarify erroneous references found in Part 6.

Since these amendments are merely corrections of existing errors or clarifying and minor in nature and impose no additional burden on any person, notice and public procedure thereon are unnecessary, and the amendments may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 6 of the Civil Air Regulations (14 CFR Part 6, as amended) effective immediately:

1. By amending § 6.110 by deleting the reference "§§ 6.111 through 6.114" and substituting in lieu thereof the reference "§§ 6.111 through 6.115".

2. By amending § 6.200 (a) by deleting from the third sentence the words "paragraph 5 (b) through (e)" and substituting in lieu thereof the words "paragraphs (b) through (e)".

3. By amending § 6.202 (c) by deleting the reference "§ 6.300" and substituting in lieu thereof the reference "§ 6.203".

4. By amending § 6.632 (b) by deleting the last sentence and substituting in lieu thereof the following: "The individual lights shall be of an approved type."

5. By amending § 6.632 (c) by deleting the last sentence and substituting in lieu thereof the following: "The light shall be of an approved type."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

Effective: December 15, 1952.

Adopted: December 15, 1952.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-13382; Filed, Dec. 19, 1952; 8:45 a. m.]

[Amdt. 21-12]

PART 21—AIRLINE TRANSPORT PILOT RATING

EDITORIAL CORRECTION

As a result of a recent survey of the Civil Air Regulations it was noted that certain references to sections or parts of the regulations were erroneous. Most of these errors occurred when certain parts of the regulations were renumbered or amended.

The purpose of this amendment is to correct an erroneous reference found in Part 21.

Since this amendment is merely a correction of an existing error or clarifying and minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 21 of the Civil Air Regulations (14 CFR Part 21, as amended) effective immediately:

By amending § 21.15 (a) by deleting "61, and 98" and substituting in lieu thereof "and 61".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

Effective: December 15, 1952.

Adopted: December 15, 1952.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-13383; Filed, Dec. 19, 1952; 8:46 a. m.]

[Amdt. 40-1]

PART 40—AIR CARRIER OPERATING CERTIFICATION

EDITORIAL CORRECTION

As a result of a recent survey of the Civil Air Regulations it was noted that certain references to sections or parts of the regulations were erroneous. Most of these errors occurred when certain parts of the regulations were renumbered or amended.

The purpose of this amendment is to correct an erroneous reference found in Part 40.

Since this amendment is merely a correction of an existing error or clarifying and minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective immediately:

By amending § 40.60 to read as follows:

§ 40.60 *Number of aircraft.* Applicant shall show certificated aircraft of a number sufficient to permit the maintenance of all schedules proposed, as provided for in § 40.13.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

Effective: December 15, 1952.

Adopted: December 15, 1952.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-13384; Filed, Dec. 19, 1952; 8:46 a. m.]

[Amdt. 41-6]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

CORRECTION OF REFERENCES

As a result of a recent survey of Part 41 of the Civil Air Regulations it was noted that certain references to other sections or parts of the regulations were erroneous. Most of these errors occurred when certain parts of the regulations were renumbered or amended.

The purpose of these amendments is to correct or clarify erroneous references found in Part 41.

Since these amendments are merely corrections of existing errors or clarifying and minor in nature and impose no additional burden on any person, notice and public procedure thereon are unnecessary, and the amendments may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective immediately:

1. By amending § 41.0 by deleting the phrase, "except the Philippine Islands".

2. By adding a note at the end of § 41.20 to read as follows:

NOTE: All references in this section to sections of Part 4b of this subchapter are those sections in effect on October 1, 1949.

3. By amending § 41.23a by deleting the second sentence and substituting in lieu thereof the following: "Safety belts shall be of an approved type."

4. By adding a note at the end of § 41.24b to read as follows:

NOTE: All references in this section to sections of Part 4b of this subchapter are those sections in effect on October 1, 1949.

5. By amending § 41.28 (d) by deleting the reference "§ 4b.98" and substituting in lieu thereof the reference "§ 4b.117".

6. By adding a note at the end of § 41.29 to read as follows:

NOTE: All references in this section to sections of Part 4b of this subchapter are those sections in effect on October 1, 1949.

7. By amending § 41.33 (a) by deleting the reference "§ 4b.111" and substituting in lieu thereof the reference "§ 4b.122".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 605, 52 Stat. 1007, 1009, 1010; 49 U. S. C. 551, 553, 554, 555)

Effective: December 15, 1952.

Adopted: December 15, 1952.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-13385; Filed, Dec. 19, 1952; 8:46 a. m.]

[Amdt. 42-15]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

CORRECTION OF REFERENCES

As a result of a recent survey of Part 42 of the Civil Air Regulations it was noted that certain references to other sections or part of the regulations were erroneous. Most of these errors occurred when certain parts of the regulations were renumbered or amended.

The purpose of these amendments is to correct or clarify erroneous references found in Part 42.

Since these amendments are merely corrections of existing errors or clarifying and minor in nature and impose no additional burden on any person, notice and public procedure thereon are unnecessary, and the amendments may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective immediately:

1. By amending § 42.0 (a) by deleting the reference "§ 41.000" and substituting in lieu thereof the reference "§ 41.1 (a)".

2. By amending § 42.15 (b) (2) by deleting the reference "§§ 4a.75–T through 4a.7533–T" and substituting in lieu thereof the reference "§§ 4a.737–T through 4a.750–T".

3. By amending § 42.21 (a) (11) by deleting the second sentence, by striking the word "a" in the first sentence and by inserting the words "an approved" before the word "safety" in the first sentence.

4. By adding a note at the end of § 42.28 to read as follows:

NOTE: All references in this section to sections of Part 4b of this subchapter are those sections in effect on October 1, 1949.

5. By amending § 42.53 by deleting the reference "§ 60.107" and substituting in lieu thereof the reference "§ 60.17".

6. By amending § 42.70 (c) by deleting the reference "§§ 4a.75322–T or 4b.1223" and substituting in lieu thereof the reference "§ 4a.749a–T or § 4b.117".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 605, 52 Stat. 1007, 1009, 1010; 49 U. S. C. 551, 553, 554, 555)

Effective: December 15, 1952.

Adopted: December 15, 1952.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-13386; Filed, Dec. 19, 1952; 8:46 a. m.]

[Amdt. 43-9]

PART 43—GENERAL OPERATION RULES

EDITORIAL CORRECTION

As a result of a recent survey of the Civil Air Regulations it was noted that certain references to sections or parts of the regulations were erroneous. Most of these errors occurred when certain parts of the regulations were renumbered or amended.

The purpose of this amendment is to correct an erroneous reference found in Part 43.

Since this amendment is merely a correction of an existing error or clarifying and minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) effective immediately:

By amending § 43.30 (a) (12) by deleting the second sentence and substituting in lieu thereof the following: "Safety belts shall be of an approved type."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

Effective: December 15, 1952.

Adopted: December 15, 1952.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-13387; Filed, Dec. 19, 1952; 8:46 a. m.]

[Amdt. 61-9]

PART 61—SCHEDULED AIR CARRIER RULES

CORRECTION OF REFERENCES

As a result of a recent survey of Part 61 of the Civil Air Regulations it was noted that certain references to other sections or parts of the regulations were erroneous. Most of these errors occurred when certain parts of the regulations were renumbered or amended.

The purpose of these amendments is to correct or clarify erroneous references found in Part 61.

Since these amendments are merely corrections of existing errors or clarifying and minor in nature and impose no additional burden on any person, notice and public procedure thereon are unnecessary, and the amendments may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 61 of the Civil Air Regulations (14 CFR Part 61, as amended) effective immediately:

1. By adding a note at the end of § 61.31 to read as follows:

NOTE: All references in this section to sections of Part 4b of this subchapter are those sections in effect on October 1, 1949.

2. By amending § 61.209 (g) by deleting the second sentence and substituting in lieu thereof the following: "Safety belts shall be of an approved type."

3. By amending § 61.209 (1) (1) by deleting "and (c)" therefrom.

4. By amending § 61.214 (d) by deleting the reference "§§ 4a.75322–T or 4b.1223" and substituting in lieu thereof the reference "§ 4a.749a–T or § 4b.117".

5. By adding a note at the end of § 61.215 to read as follows:

NOTE: All references in this section to sections of Part 4b of this subchapter are those sections in effect on October 1, 1949.

6. By amending § 61.216 by deleting the reference "§ 4b.111" and substituting in lieu thereof the reference "§ 4b.122".

7. By adding a note at the end of § 61.265 to read as follows:

NOTE: All references in this section to sections of Part 4b of this subchapter are those sections in effect on October 1, 1949.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

Effective: December 15, 1952.

Adopted: December 15, 1952.

By the Civil Aeronautics Board:

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-13388; Filed, Dec. 19, 1952; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess-Profits Taxes

[Regs. 111; T. D. 5963]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

COMPUTATION OF NET OPERATING LOSS; CORPORATIONS AND TAXPAYER OTHER THAN CORPORATION

On October 18, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 9249) to conform Regulations 111 (26 CFR Part 29) to section 215 of the Revenue Act of 1950, approved September 23, 1950, section 304 (e) of the Excess Profits Tax Act of 1950, approved January 3, 1951, and sections 330 and 344 of the Revenue Act of 1951, approved October 20, 1951. No objections to the rules proposed having been received within the thirty days following such publication, the amendments set forth below are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 29.122–1 the following:

SEC. 215. NET OPERATING LOSS DEDUCTIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950)

(a) *Allowance of five-year carry-over.* Section 122 (b) (relating to the amount of carry-backs and carry-overs) is hereby amended to read as follows:

(b) *Amount of carry-back and carry-over*—(1) *Net operating loss carry-back*—(A) *Loss for taxable year beginning before 1950.* If for any taxable year beginning after December 31, 1941, and before January 1, 1950, the taxpayer has a net operating loss, such net operating loss shall be a net operating loss carry-back for each of the two preceding taxable years except that the carry-back in the case of the first preceding taxable year shall be the excess, if any, of the amount of such net operating loss over the net income for the second preceding taxable year computed—

(i) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(ii) By determining the net operating loss deduction for such second preceding taxable year without regard to such net operating loss and without regard to any reduction specified in subsection (c).

(B) *Loss for taxable year beginning after 1949.* If for any taxable year beginning after December 31, 1949, the taxpayer has a net operating loss, such net operating loss shall be a net operating loss carry-back for the preceding taxable year.

(2) *Net operating loss carry-over*—(A) *Loss for taxable year beginning before 1950.* If for any taxable year beginning before January 1, 1950, the taxpayer has a net operating loss, such net operating loss shall be a net operating loss carry-over for each of the two succeeding taxable years, except that the carry-over in the case of the second succeeding taxable year shall be the excess, if any, of the amount of such net operating loss over the net income for the intervening taxable year computed—

(i) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(ii) By determining the net operating loss deduction for such intervening taxable year without regard to such net operating loss, without regard to any net operating loss carry-back, and without regard to any reduction specified in subsection (c).

For the purposes of the preceding sentence, the net operating loss for any taxable year beginning after December 31, 1941, shall be reduced by the sum of the net income for each of the two preceding taxable years computed—

(iii) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(iv) By determining the net operating loss deduction without regard to such net operating loss or to the net operating loss for the succeeding taxable year, and without regard to any reduction specified in subsection (c).

(B) *Loss for taxable year beginning after 1949.* If for any taxable year beginning after December 31, 1949, the taxpayer has a net operating loss, such net operating loss shall

be a net operating loss carry-over for each of the five succeeding taxable years, except that the carry-over in the case of each such succeeding taxable year (other than the first succeeding taxable year) shall be the excess, if any, of the amount of such net operating loss over the sum of the net income for each of the intervening years computed—

(i) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(ii) By determining the net operating loss deduction for each intervening taxable year, without regard to such net operating loss or to the net operating loss for any succeeding taxable year and without regard to any reduction specified in subsection (c).

For the purpose of the preceding sentence, the net operating loss for any taxable year beginning after December 31, 1949, shall be reduced by the amount, if any, of the net income for the preceding taxable year computed—

(i) With the exceptions, additions, and limitations provided in subsections (d) (1), (2), (4), and (6), and

(ii) By determining the net operating loss deduction for such preceding taxable year without regard to such net operating loss and without regard to any reduction specified in subsection (c).

(b) *Effective date of subsection (a).* The amendment made by subsection (a) shall be applicable in computing the net operating loss deduction for taxable years beginning after December 31, 1947.

SEC. 304. TECHNICAL AMENDMENTS (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

* * * * *

(e) Section 122 (d) (6) of such (Internal Revenue) code (relating to the computation of the net operating loss deduction) shall not apply with respect to any taxable year ending after June 30, 1950.

* * * * *

(g) The amendments made by this section shall be applicable with respect to taxable years ending after June 30, 1950.

SEC. 330. NET OPERATING LOSS CARRY-OVER (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Loss for taxable year beginning before 1948.* So much of subparagraph (A) of section 122 (b) (2) (relating to the amount of carry-overs) as precedes "the taxpayer" is hereby amended to read as follows:

(A) *Loss for taxable year beginning before 1948.* Except as provided in subparagraph (D), if for any taxable year beginning before January 1, 1948 * * *.

(b) *Allowance of three-year loss carry-over from taxable years 1948–1949.* Section 122 (b) (2) (relating to the amount of carry-over) is hereby amended by adding after subparagraph (B) the following new subparagraphs:

(C) *Loss for taxable year beginning after December 31, 1947, and before January 1, 1950.* If for any taxable year beginning after December 31, 1947, and before January 1, 1950, the taxpayer has a net operating loss, such net operating loss shall be a net operating loss carry-over for each of the three succeeding taxable years, except that the carry-over in the case of each such succeeding taxable year (other than the first succeeding taxable year) shall be the excess, if any, of the amount of such net operating loss over the sum of the net income for each of the intervening years computed—

(i) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(ii) By determining the net operating loss deduction for each intervening taxable year without regard to such net operating loss or to the net operating loss for any succeeding taxable year and without regard to any reduction specified in subsection (c).

For the purpose of the preceding sentence, the net operating loss for any taxable year beginning after December 31, 1947, and before January 1, 1950, shall be reduced by the sum of the net income for each of the two preceding taxable years computed—

(iii) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(iv) By determining the net operating loss deduction without regard to such net operating loss or to the net operating loss for the succeeding taxable year, and without regard to any reduction specified in subsection (c).

(D) *Loss for taxable year beginning after December 31, 1946, and before January 1, 1948, in the case of a corporation which commenced business after December 31, 1945.* If for any taxable year beginning after December 31, 1946, and before January 1, 1948, a corporation which commenced business after December 31, 1945, has a net operating loss, such net operating loss shall be a net operating loss carry-over for each of the three succeeding taxable years, except that the carry-over in the case of each such succeeding taxable year (other than the first succeeding taxable year) shall be the excess, if any, of the amount of such net operating loss over the sum of the net income for each of the intervening years computed—

(i) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(ii) By determining the net operating loss deduction for each intervening taxable year without regard to such net operating loss or to the net operating loss for any succeeding taxable year and without regard to any reduction specified in subsection (c).

For the purpose of the preceding sentence, the net operating loss for any taxable year beginning after December 31, 1946, shall be reduced by the sum of the net income for each of the two preceding taxable years computed—

(iii) With the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and

(iv) By determining the net operating loss deduction without regard to such net operating loss or to the net operating loss for the succeeding taxable year, and without regard to any reduction specified in subsection (c).

(c) *Effective date.* The amendments made by this section shall be applicable in computing the net operating loss deduction for taxable years beginning after December 31, 1948.

SEC. 344. NONBUSINESS CASUALTY LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Removal of limitation.* Section 122 (d) (5) (relating to net operating loss deduction) is hereby amended by inserting at the end thereof the following new sentence: "This paragraph shall not apply with respect to deductions allowable for losses sustained after December 31, 1950, in respect of property, if the losses arise from fire, storm, shipwreck, or other casualty, or from theft."

(b) *Effective date.* The amendment made by this section shall be applicable in computing the net operating loss deduction for taxable years ending after December 31, 1948.

PAR. 2. Section 29.122–1 (a) is amended as follows:

(A) By striking the second and third sentences of subparagraph (2), and inserting in lieu thereof the following new sentence: "See § 29.122–4 for the taxable years from which a net operating loss may be carried over or carried back to the current taxable year."

(B) By striking the last two sentences of subparagraph (2) thereof, which read as follows: "Therefore, the net operating loss carry-overs to a taxable year beginning on or after January 1, 1942, are the net operating loss for the first preceding taxable year and so much of the net operating loss for the second preceding taxable year as has not been absorbed by the net income (computed under section 122), if any, for the first preceding taxable year, and the net operating loss carry-backs to such a taxable year are the net operating loss for the second succeeding taxable year and so much of the net operating loss for the first succeeding taxable year as has not been absorbed by the net income (computed under section 122), if any, for the first preceding taxable year. If either of the taxable years preceding the taxable year for which the deduction is allowed began on or after January 1, 1942, the net operating loss for such preceding taxable year is first reduced to the extent it has been absorbed by the net income (computed under section 122), if any, for the taxable years to which such loss has been carried back."

(C) By striking subparagraph (3) and inserting in lieu thereof the following new subparagraph (3).

(3) A fractional part of a year which is a taxable year under section 48 (a) is a preceding or a succeeding taxable year for the purpose of determining under section 122 the first, second, etc., preceding or succeeding taxable year.

PAR. 3. Section 29.122–1 (b) is amended by striking the second sentence and inserting in lieu thereof the following new sentence: "The first step is the computation of the net operating loss, if any, for any preceding or succeeding taxable year from which a net operating loss may be carried forward or carried back to the current taxable year."

PAR. 4. Section 29.122–2 is amended by inserting at the end of paragraph (e) thereof, which paragraph begins "(e) For taxable years beginning after December 31, 1941", the following new sentence: "This deduction is not allowed for any taxable year ending after June 30, 1950; for example, the deduction is not allowed for any taxable year ending after June 30, 1950, in the case of a taxpayer which makes its return on the basis of cash receipts and disbursements and which pays such excess profits tax during such taxable year."

PAR. 5. Section 29.122–3 (a) is amended by adding at the end of subparagraph (7) thereof the following new sentence: "For the purpose of computing the net operating loss deduction for any taxable year ending after December 31, 1948, any deduction allowable for a loss sustained after December 31, 1950, in respect of property, if the loss arises from fire, storm, shipwreck, or other casualty, or from theft, shall not be considered to be an ordinary nonbusiness deduction but shall be treated as a deduction attributable to the operation of a trade or business regularly carried on by the taxpayer."

PAR. 6. Section 29.122–4 (a) is amended to read as follows:

(a) *In general.* (1) The aggregate of any net operating loss carry-overs and any net operating loss carry-backs to a taxable year shall be the basis of the net operating loss deduction. In order to compute such deduction the taxpayer must first determine the part of any net operating losses for any preceding or succeeding taxable years which are carry-overs or carry-backs to the current taxable year.

(2) The number of taxable years to which a net operating loss may be carried back and carried over are as follows (subject to the two exceptions set forth below):

Net operating loss for a taxable year beginning: After and before		May be carried back to the following preceding taxable years	May be carried over to the following succeeding taxable years
Dec. 31, 1938	Jan. 1, 1942	None	2
Dec. 31, 1941	Jan. 1, 1945	2	2
Dec. 31, 1947	Jan. 1, 1950	2	3
Dec. 31, 1949		1	5

The first exception referred to above is that a net operating loss may not be carried back to any taxable year beginning prior to January 1, 1941. The second exception referred to above is that in the case of a corporation which commenced business after December 31, 1945, the net operating loss for any taxable year beginning after December 31, 1946, and before January 1, 1948, may be carried over to the three succeeding taxable years in lieu of the two succeeding taxable years shown above. The date the corporation commenced business shall be determined for the purpose of this exception under the rules provided in the regulations promulgated under section 445, relating to the computation of the average base period net income in the case of new corporations. See § 40.445–1 of this subchapter (Regulations 130).

(3) The amount which is carried back or carried over to any taxable year is the net operating loss to the extent it was not absorbed in the computation of the net income for other taxable years, preceding such taxable year, to which it was carried back or carried over. For the purpose of determining the net income for a taxable year which so absorbs the net operating loss that is carried back or carried over, the various net operating loss carry-overs and carry-backs to such taxable year are considered to be applied in reduction of the net income for such taxable year in the order of the taxable years from which such losses are carried over or carried back, beginning with the loss for the earliest taxable year.

PAR. 7. Section 29.122–4 (b) is amended to read as follows:

(b) *Portion of net operating loss which is a carry-over or a carry-back to the current taxable year.* A net operating loss must first be carried to the earliest of the several taxable years to which such loss is allowable as a carry-back or a carry-over, and is then to be carried to the next earliest of such several taxable years, etc. See paragraph (a) of this section for the taxable years to which a net operating loss incurred in any particular taxable year may be carried back or carried over. The entire net operating loss may be carried to such earliest year. The portion of the loss which may be carried to any taxable year subsequent to such earliest year is the excess of such net operating loss over the aggregate of the net income, if any (computed as provided in paragraph (c) of this section), for those of such several taxable years which precede the taxable year to which such net operating loss is allowable as a carry-back or a carry-over.

Example. A taxpayer on the calendar year basis has net operating losses for 1940 and 1948. The entire net operating loss for 1940 may be carried over to 1941, and the amount of the carry-over to 1942 is the excess of that loss over the net income (computed as provided in paragraph (c) of this section) for 1941. Similarly, the entire net operating loss for 1948 may be carried back to 1946, the amount of the carry-back to 1947 is the excess of that loss over the net income (computed as provided in paragraph (c) of this section) for 1946, and the amount of the carry-over to 1949, 1950, and 1951, is the excess of that loss over the aggregate of the net income (computed as provided in paragraph (c) of this section) for 1946 and 1947, for 1946, 1947, and 1949, and for 1946, 1947, 1949, and 1950, respectively.

PAR. 8. Section 29.122–4 (c), as amended by Treasury Decision 5600, approved February 2, 1948, is further amended by striking subparagraph (1) and the example thereunder and inserting in lieu thereof the following:

(1) The net operating loss deduction for such taxable year is computed (i) by taking into account only such net operating losses otherwise allowable as carry-overs or carry-backs to such taxable year as were sustained in taxable years preceding the taxable year in which the taxpayer sustained the net operating loss from which the net income is to be deducted, and (ii) if the taxable year to which the net operating loss is to be carried begins after December 31, 1947, by disregarding the adjustment provided in section 122 (c) and § 29.122–5 (relating to the conversion of the aggregate of the net operating loss carry-overs and carry-backs to the taxable year into the net operating loss deduction).

Example. The taxpayer files its income tax returns on the basis of the calendar year. In computing the net operating loss deduction for 1945, the taxpayer has a carry-over from 1943 of $9,000, a carry-over from 1944 of $6,000, a carry-back from 1946 of $18,000, and a carry-back from 1947 of $14,000, or an aggregate of $47,000 in carry-overs and carry-backs which is the basis for the deduction. The adjustment under section 122 (c) for the purpose of computing the net operating loss deduction for 1945 is $2,500. In computing the net income for 1945 which is deducted from the net operating loss for 1946 or 1947, as the case may be, for the purpose of determining the amount of such loss which may be carried back or carried over, the net operating loss deduction for 1945 is computed as follows:

For the purpose of determining the carry-over or carry-back— From	To	The net income for 1945 is computed with the following net operating loss deduction—
1946	1947	$12,500, that is, the aggregate of the $9,000 carry-over from 1943 and the $6,000 carry-over from 1944, less the $2,500 adjustment required by sec. 122 (c).
1946	1948	$15,000, that is, the aggregate of the $9,000 carry-over from 1943 and the $6,000 carry-over from 1944. The adjustment required by sec. 122 (c) is disregarded since the taxable year, 1948, to which the net operating loss is to be carried begins after Dec. 31, 1947.
1947	1946	$30,500, that is, the $9,000 carry-over from 1943, the $6,000 carry-over from 1944, and the $18,000 carry-back from 1946, less the $2,500 adjustment required by sec. 122 (c).
1947	1948 or 1949	$33,000, that is, the aggregate of the $9,000 carry-over from 1943, the $6,000 carry-over from 1944, and the $18,000 carry-back from 1946. The adjustment required by sec. 122 (d) is disregarded.

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 16, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–13452; Filed, Dec. 19, 1952; 8:57 a. m.]

[Regs. 111; T. D. 5962]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

ABATEMENT OF TAX ON CERTAIN TRUSTS FOR MEMBERS OF ARMED FORCES DYING IN SERVICE

On October 25, 1952, notice of proposed rule making, regarding amendments to the income tax regulations made necessary by section 345 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 9669). No objection to the rules proposed having been received, the amendments to Regulations 111 (26 CFR Part 29) set forth below are hereby adopted:

PARAGRAPH 1. Section 29.162–1, as amended by Treasury Decision 5951, approved December 2, 1952, is further amended by adding after paragraph (b) (3) thereof the following new subparagraph (4):

(4) For the deduction allowed a trust which accumulated income for a beneficiary who died on or after December 7, 1941, and before January 1, 1948, while in active service as a member of the military or naval forces of the United States or of any of the other United Nations, see § 29.421–1.

PAR. 2. There is inserted immediately preceding § 29.421–1 the following:

SEC. 345. ABATEMENT OF TAX ON CERTAIN TRUSTS FOR MEMBERS OF ARMED FORCES DYING IN SERVICE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

In the case of a trust which accumulated income for a beneficiary who died on or

after December 7, 1941, and before January 1, 1948, while in active service as a member of the military or naval forces of the United States or of any of the other United Nations, there shall be allowed as a deduction in computing the net income of such trust (in addition to other deductions allowable under sections 23 and 162 of the Internal Revenue Code) income of the trust for any taxable year (before diminution for income tax) which was accumulated for such beneficiary if—

(1) The income accumulated was for a taxable year of the trust which ended with or within a taxable year (ending on or after December 7, 1941) of such beneficiary during any part of which he was a member of such military or naval forces, or, in the case of the taxable year of the trust during which such beneficiary died, the income accumulated was for the period in such taxable year prior to the death of such beneficiary; and

(2) The amount of such accumulated income was, without regard to this section, taxable to the trust, and

(3) The income for such taxable year accumulated for the beneficiary, if not distributed to him prior to his death, was payable by the trust at or after his death only to his estate, spouse, or lineal ancestors or descendants.

PAR. 3. Section 29.421–1, as amended by Treasury Decision 5645, approved July 20, 1948, is hereby amended by renumbering present paragraph (d) as paragraph (e) and inserting after the paragraph (c) thereof the following new paragraph (d):

(d) In the case of a trust which accumulated income for a beneficiary who died on or after December 7, 1941, and before January 1, 1948, while in active service as a member of the military or naval forces of the United States or of any of the other United Nations, there shall be allowed as a deduction in computing the net income of the trust for any taxable year the income of the trust for such taxable year, before diminution for income taxes with respect thereto, which was, or would have been but for such diminution, accumulated for such beneficiary. This deduction shall be allowed, however, only if (1) the income accumulated was for a taxable year of the trust which ended with or within a taxable year (ending on or after December 7, 1941) of such beneficiary during any part of which he was a member of such military or naval forces, or, in the case of the taxable year of the trust during which such beneficiary died, the income accumulated was for the period in such taxable year prior to the death of such beneficiary, and (2) the amount of such accumulated income was, without regard to this paragraph, taxable to the trust, and (3) the income for such taxable year accumulated for the beneficiary, if not distributed to him prior to his death, was payable by the trust at or after his death only to his estate, spouse, or lineal ancestors or descendants.

The amendments to §§ 29.162–1 and 29.421–1 (Regulations 111), covering taxable years beginning after December 31, 1941, set forth in this Treasury decision, are hereby made applicable to any taxable year affected which is covered by Part 19 of this chapter (Regulations 103).

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 16, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13451; Filed, Dec. 19, 1952; 8:57 a. m.]

[Regs. 130; T. D. 5958]

PART 40—EXCESS PROFITS TAXES; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

COMPUTATION OF EXCESS PROFITS NET INCOME FOR THE TAXABLE YEAR

On October 1, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 8691) to conform Regulations 130 (26 CFR Part 40) to section 122 (b) of the Internal Revenue Code, as amended by section 330 (b) of the Revenue Act of 1951, approved October 20, 1951. No objections to the rules proposed having been received within the thirty days following publication, § 40.433 (a)–2 (j) (3) of such regulations is amended by striking "1950 and 1951" from the third sentence from the end, and by inserting in lieu thereof "1950, 1951, and 1952", and by inserting "and any subsequent taxable year" immediately after "for 1950" in the second sentence from the end, so that such sentences as so amended will read as follows: "If the excess profits credit for 1950 is determined under section 435 or under section 436 (a) by the use of section 458, the $85,000 so computed may, at the election of the taxpayer made on its return for 1950, be treated as a net operating loss carry-over from 1949, and the $85,000 carry-over will, subject to the provisions of section 122 (b) (2), be a carry-over to the years 1950, 1951, and 1952. The net operating loss deduction for 1950 and any subsequent taxable year is determined without regard to any other carry-over from a taxable year ending before June 30, 1950, for example the loss for 1948, if such loss exceeded the net income for 1949, and the net operating loss deduction for any subsequent taxable year for which the excess profits credit is computed under neither section 435 nor section 458 is determined without regard to the $85,000 carry-over from the base period."

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 16, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13447; Filed, Dec. 19, 1952; 8:56 a. m.]

[Regs. 130; T. D. 5961]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

DETERMINING EXCESS PROFITS TAX OF CERTAIN CORPORATIONS NOT SUBJECT TO EXCESS PROFITS TAX

On September 13, 1952, notice of proposed rule making with respect to determining excess profits tax of certain corporations not subject to the excess profits tax for all taxable years ending after June 30, 1950, was published in the FEDERAL REGISTER (17 F. R. 8276). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to Regulations 130, set forth below are hereby adopted.

PARAGRAPH 1. Section 40.449–3 (26 CFR 40.449–3), which section relates to election as to taxability under subchapter D of chapter 1 in the case of a personal service corporation, is amended as follows:

(A) By correcting in the second sentence of such section the typographical error "be be" to read as follows: "to be"; and

(B) By adding at the end of such section the following new sentences: "For the purpose of determining the excess profits tax for any taxable year for which the corporation does not make an election under section 449, the first taxable year of the corporation ending after June 30, 1950, is considered its first taxable year under subchapter D of chapter 1, whether or not it made an election under section 449 for such taxable year. Similarly, the second and subsequent taxable years under subchapter D of chapter 1 are determined without regard to any election under section 449."

PAR. 2. Section 40.454–1, which section relates to exempt corporations, is amended as follows:

(A) By striking from paragraph (b) of such section the word "paragraph" and by inserting in lieu thereof the following: "subsection"; and

(B) By adding at the end of such section the following new paragraph:

(f) For the purpose of determining the excess profits tax for any taxable year for which the corporation is not exempt under section 454, the first taxable year of the corporation ending after June 30, 1950, is considered its first taxable year under subchapter D of chapter 1, whether or not it was exempt under section 454 for such taxable year. Similarly, the second and subsequent taxable years under subchapter D of chapter 1 are determined without regard to any exemption under section 454.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 16, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13450; Filed, Dec. 19, 1952; 8:57 a. m.]

Subchapter B—Estate and Gift Taxes

[Regs. 108; T. D. 5964]

PART 86—GIFT TAX UNDER CHAPTER 4 OF THE INTERNAL REVENUE CODE, AS AMENDED

DEDUCTIONS FOR RELIGIOUS, CHARITABLE, SCIENTIFIC, LITERARY, AND EDUCATIONAL ORGANIZATIONS

On October 9, 1952, notice of proposed rule making regarding certain gift tax provisions of the Revenue Act of 1950, approved September 23, 1950, was published in the FEDERAL REGISTER (17 F. R. 9017). No objections to such rules having been received, the amendments set forth below necessary to conform Regulations 108 to such provisions are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 86.12 the following:

SEC. 302. EXEMPTION OF CERTAIN ORGANIZATIONS FOR PAST YEARS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Trade or business not unrelated.* For any taxable year beginning prior to January 1, 1951, no organization shall be denied exemption under paragraph (1), (6), or (7) of section 101 of the Internal Revenue Code on the grounds that it is carrying on a trade or business for profit if the income from such trade or business would not be taxable as unrelated business income under the provisions of Supplement U of the Internal Revenue Code, as amended by this Act, or if such trade or business is the rental by such organization of its real property (including personal property leased with the real property).

(b) *Period of limitations.* In the case of an organization which would otherwise be exempt under section 101 of the Internal Revenue Code were it not carrying on a trade or business for profit, the filing of the information return required by section 54 (f) of the Internal Revenue Code (relating to returns by tax-exempt organizations) for any taxable year beginning prior to January 1, 1951, shall be deemed to be the filing of a return for the purposes of section 275 of the Internal Revenue Code (relating to period of limitation upon assessment and collection). In the case of such an organization which was, by the provisions of section 54 (f) of the Internal Revenue Code, specifically not required to file such information return, for the purposes of the preceding sentence a return shall be deemed to have been filed at the time when such return should have been filed had it been so required. The provisions of this subsection shall not apply to a taxable year of such an organization with respect to which, prior to September 20, 1950, (1) any amount of tax was assessed or paid, or (2) a notice of deficiency under section 272 of the Internal Revenue Code was sent to the taxpayer.

(c) *Denial of deductions.* A gift or bequest to an organization prior to January 1, 1951, for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) otherwise allowable as a deduction under section • • • 1004 (a) (2) (B), or 1004 (b) (2) or (3), of the Internal Revenue Code, may not be denied under such sections if a denial of exemption to such organization for the taxable year of the organization in which such gift or bequest was made is prevented by the provisions of subsections (a) or (b) of this section.

SEC. 162. NET INCOME (INTERNAL REVENUE CODE AS AMENDED BY SECTION 321, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The net income of the estate or trust shall be computed in the same manner and on the same basis as in the case of an individual, except that—

(a) Subject to the provisions of subsection (g), there shall be allowed as a deduction (in lieu of the deduction for charitable, etc., contributions authorized by section 23 (o)) any part of the gross income, without limitation, which pursuant to the terms of the will or deed creating the trust, is during the taxable year paid or permanently set aside for the purposes and in the manner specified in section 23 (o), or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit. Where any amount of the income so paid or set aside is attributable to gain from the sale or exchange of capital assets held for more than six months, proper adjustment of the deduction otherwise allowable under this subsection shall be made for any deduction allowable to the trust under section 23 (ee);

• • • • • •

(g) *Rules for application of subsection (a) in the case of trusts.*

• • • • • •

(2) *Operations of trusts*—(A) *Limitation on charitable, etc., deduction.* The amount otherwise allowable under subsection (a) as a deduction shall not exceed 15 per centum of the net income of the trust (computed without the benefit of subsection (a)) if the trust has engaged in a prohibited transaction, as defined in subparagraph (B) of this paragraph.

(B) *Prohibited transactions.* For the purposes of this paragraph the term "prohibited transaction" means any transaction after July 1, 1950, in which any trust while holding income or corpus which has been permanently set aside or is to be used exclusively for charitable or other purposes described in subsection (a)—

(i) Lends any part of such income or corpus, without receipt of adequate security and a reasonable rate of interest, to;

(ii) Pays any compensation from such income or corpus, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(iii) Makes any part of its services available on a preferential basis to;

(iv) Uses such income or corpus to make any substantial purchase of securities or any other property, for more than an adequate consideration in money or money's worth, from;

(v) Sells any substantial part of the securities or other property comprising such income or corpus, for less than an adequate consideration in money or money's worth, to; or

(vi) Engages in any other transaction which results in a substantial diversion of such income or corpus to;

the creator of such trust; any person who has made a substantial contribution to such trust; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of the trust or who has made a substantial contribution to the trust; or a corporation controlled by any such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(C) *Taxable years affected.* The amount otherwise allowable under subsection (a) as a deduction shall be limited as provided in subparagraph (A) only for taxable years subsequent to the taxable year during which the trust is notified by the Secretary that it has engaged in such transaction, unless such trust entered into such prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such corpus or income.

(D) *Future charitable, etc., deductions of trusts denied deduction under subparagraph (C).* If the deduction of any trust under subsection (a) has been limited as provided in this paragraph, such trust, with respect to any taxable year following the taxable year in which notice is received of limitation of deduction under subsection (a), may, under regulations prescribed by the Secretary, file claim for the allowance of the unlimited deduction under subsection (a), and if the Secretary, pursuant to such regulations, is satisfied that such trust will not knowingly again engage in a prohibited transaction, the limitation provided in subparagraph (A) shall not be applicable with respect to taxable years subsequent to the year in which such claim is filed.

(E) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section • • • 1004 (a) (2) (B), or 1004 (b) (2) or (3), shall be allowed as a deduction if made in trust and, in the taxable year of the trust in which the gift or bequest is made, the deduction allowed the trust under subsection (a) is limited by subparagraph (A). With respect to any taxable year of a trust in which such deduction has been so limited by reason of entering into a prohibited transaction with the purpose of diverting such corpus or income from the purposes described in subsection (a), and such transaction involved a substantial part of such income or corpus, and which taxable year is the same, or prior to the, taxable year of the trust in which such prohibited transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(F) *Definition.* For the purposes of this paragraph the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

(3) *Cross reference.* For disallowance of certain charitable, etc., deductions otherwise allowable under subsection (a), see section 3813.

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SEC. 322. EFFECTIVE DATE OF PART II (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (section 321, inserting subsection (g) in section 162 of the Internal Revenue Code) shall be applicable only with respect to taxable years beginning after December 31, 1950, except that subsection (g) (2) (E) of section 162 of the Internal Revenue Code, added by section 321 (a) of this Act, shall apply only with respect to gifts or bequests (as defined in section 162 (g) (2) (F) of the Internal Revenue Code) made on or after January 1, 1951.

• • • • • •

SEC. 331. EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Chapter 38 is hereby amended by inserting at the end thereof the following new sections:

SEC. 3813. REQUIREMENTS FOR EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND FOR DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS.

(a) *Organizations to which section applies.* This section shall apply to any organization described in section 101 (6) except—

curred or in a prior taxable year unless

PAR. 2. Section 143.13 (a), as amended proved July 10, 1943, as amended by

(1) A religious organization (other than a trust):

(2) An educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on;

(3) An organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 101 (6)) from the United States or any State or political subdivision thereof or from direct or indirect contributions from the general public;

(4) An organization which is operated, supervised, controlled, or principally supported by a religious organization (other than a trust) which is itself not subject to the provisions of this section; and

(5) An organization the principal purposes or functions of which are the providing of medical or hospital care or medical education or medical research.

(b) *Prohibited transactions.* For the purposes of this section, the term "prohibited transaction" means any transaction in which an organization subject to the provisions of this section—

(1) Lends any part of its income or corpus, without the receipt of adequate security and a reasonable rate of interest, to;

(2) Pays any compensation, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(3) Makes any part of its services available on a preferential basis to;

(4) Makes any substantial purchase of securities or any other property, for more than adequate consideration in money or money's worth, from;

(5) Sells any substantial part of its securities or other property, for less than an adequate consideration in money or money's worth, to; or

(6) Engages in any other transaction which results in a substantial diversion of its income or corpus to;

the creator of such organization (if a trust); a person who has made a substantial contribution to such organization; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of such trust or who has made a substantial contribution to such organization; or a corporation controlled by such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(c) *Denial of exemption to organizations engaged in prohibited transactions*—(1) *General rule.* No organization subject to the provisions of this section which has engaged in a prohibited transaction after July 1, 1950, shall be exempt from taxation under section 101 (6).

(2) *Taxable years affected.* An organization shall be denied exemption from taxation under section 101 (6) by reason of paragraph (1) only for taxable years subsequent to the taxable year during which it is notified by the Secretary that it has engaged in a prohibited transaction, unless such organization entered into such prohibited transaction with the purpose of diverting corpus or income of the organization from its exempt purposes, and such transaction involved a substantial part of the corpus or income of such organization.

(d) *Future status of organization denied exemption.* Any organization denied exemption under section 101 (6) by reason of the provisions of subsection (c), with respect to any taxable year following the taxable year in which notice of denial of exemption was received, may, under regulations prescribed by the Secretary, file claim for exemption, and if the Secretary, pursuant to such regulations, is satisfied that such organization will not knowingly again engage in a prohibited transaction, such organization shall be exempt with respect to taxable years subsequent to the year in which such claim is filed.

(e) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section • • • 1004 (a) (2) (B), or 1004 (b) (2) or (3), shall be allowed as a deduction if made to an organization which, in the taxable year of the organization in which the gift or bequest is made, is not exempt under section 101 (6) by reason of the provisions of this section. With respect to any taxable year of the organization for which the organization is not exempt pursuant to the provisions of subsection (c) by reason of having engaged in a prohibited transaction with the purpose of diverting the corpus or income of such organization from its exempt purposes and such transaction involved a substantial part of such corpus or income, and which taxable year is the same, or prior to the, taxable year of the organization in which such transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(f) *Definition.* For the purposes of this section, the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

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SEC. 332. TECHNICAL AMENDMENTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

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(g) *Amendment of section 1004 (a).* Section 1004 (a) (2) (B) is hereby amended by striking out "legislation;" and inserting in lieu thereof the following: "legislation. For disallowance of certain charitable, etc., deductions otherwise allowable under this subparagraph, see sections 3813 and 162 (g) (2);",

(h) *Amendment of section 1004 (b).* Section 1004 (b) is hereby amended by adding at the end thereof the following new paragraph:

For disallowance of certain charitable, etc., deductions otherwise allowable under paragraphs (2) and (3), see sections 3813 and 162 (g) (2).

SEC. 333. EFFECTIVE DATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Subsections (c) and (d) of section 3813 • • • of the Internal Revenue Code, added by section 331 of this Act, shall apply with respect to taxable years beginning after December 31, 1950, and subsection (e) of section 3813 of the Internal Revenue Code shall apply only with respect to gifts or bequests (as defined in section 3813 of the Internal Revenue Code) made on or after January 1, 1951.

PAR. 2. Section 86.13, as amended by Treasury Decision 5902, approved May 27, 1952, is further amended as follows:

(A) By adding a headnote to paragraph (a) thereof to read as follows: "(a) *In general.*";

(B) By inserting immediately following the period at the end of paragraph (a) the following: "For disallowance of certain charitable gifts otherwise allowable as deductions hereunder see paragraph (b) of this section."; and

(C) By amending paragraph (b) thereof to read as follows:

(b) *Disallowance of certain charitable, etc., deductions.* (1) No deduction with respect to a gift made on or after January 1, 1951, to any trust or organization described in subparagraph (2) of paragraph (a) of this section which would otherwise be allowable under such paragraph shall be allowed if (i) the gift is made in trust and, for income tax purposes for the taxable year of the trust in which the gift is made, the deduction otherwise allowable to such trust under section 162 (a) is limited by section 162 (g) (2) (A) by reason of the trust having engaged in a prohibited transaction described in section 162 (g) (2) (B); or (ii) the gift is made to any such organization subject to section 3813 which, for its taxable year in which the gift is made, is not exempt from income tax under section 101 (6) by reason of having engaged in a prohibited transaction described in section 3813 (b).

(2) For the purpose of section 162 (g) (2) (E) and section 3813 (e), the term "gift" includes any gift, contribution, or other disposition.

(3) Part 29 of this chapter, relating to the income tax, contain the rules for the determination of the taxable year of the trust for which the deduction under section 162 (a) is limited by section 162 (g) (2) and for the determination of the taxable year of the organization for which an exemption is denied under section 3813 (c). See §§ 29.162–3 (b) and 29.3813–1 of this chapter. Such taxable year must begin after December 31, 1950. Generally, such taxable year is a taxable year subsequent to the taxable year during which the trust or organization has been notified by the Commissioner that it has engaged in a prohibited transaction. However, if the trust or organization after December 31, 1950, and during or prior to the taxable year entered into the prohibited transaction for the purpose of diverting its corpus or income from the purposes described in section 162 (a) or from its exempt purposes, as the case may be, and such transaction involves a substantial part of such income or corpus, then the deduction of the trust under section 162 (a) for such taxable year is limited by section 162 (g) (2), or the exemption of the organization for such taxable year is denied under section 3813 (c), whether or not the organization has previously received notification by the Commissioner that it is engaged in a prohibited transaction. In certain cases, the limitation of section 162 (g) may be removed or the exemption may be reinstated for certain subsequent taxable years under the rules set forth in §§ 29.162–3 (b) and 29.3813–2, of this chapter.

(4) In cases in which prior notification by the Commissioner is not required in order to limit the deduction of the trust under section 162 (g) (2) or to deny exemption of the organization under section 3813, the deduction otherwise allowable under paragraph (a) of this section shall not be disallowed in respect to gifts made during the same taxable year of the trust or organization in which such prohibited transaction occurred or in a prior taxable year unless the donor or a member of his family was a party to the prohibited transaction. For the purpose of the preceding sentence, the members of the donor's family include only his brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants.

PAR. 3. Section 86.14 is amended by adding at the end thereof the following: "For further limitations in the case of gifts made on or after January 1, 1951, see § 86.13 (b), relating to gifts to certain trusts and organizations engaged in a prohibited transaction described in section 162 (g) (2) (B) or 3813 (b)."

(53 Stat. 157, 467; 26 U. S. C. 1029, 3791)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 16, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13453; Filed, Dec. 19, 1952; 8:58 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[Regs. 113; T. D. 5960]

PART 143—TAX WITH RESPECT TO THE TRANSPORTATION OF PROPERTY

MATERIAL EXCAVATED IN COURSE OF CONSTRUCTION WORK

On October 9, 1952, notice of proposed rule making to conform Regulations 113 (26 CFR Part 143), relating to the tax on the amount paid for the transportation of property, to section 495 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 9019). After consideration of all relevant matter presented by interested persons, the amendments to such regulations set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 143.10 the following:

SEC. 495. TRANSPORTATION OF MATERIAL EXCAVATED IN THE COURSE OF CONSTRUCTION WORK (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951)

(a) *Amendment of section 3475.* Section 3475 (relating to tax on transportation of property) is hereby amended by adding at the end thereof the following: "The tax imposed by this section shall not apply to the transportation of earth, rock, or other material excavated within the boundaries of, and in the course of, a construction project and transported to any place within, or adjacent to, the boundaries of such project." The determination as to the applicability of the tax imposed by section 3475 in the case of the transportation of any excavated material, other than transportation to which the amendment made by this subsection applies, shall be made as if this subsection had not been enacted and without inferences drawn from the fact that the amendment made by this subsection is not expressly applicable to the transportation of such other excavated material.

(b) *Effective date.* The amendment made by subsection (a) shall apply to amounts paid on or after the first day of the first month which begins more than ten days after the date of enactment of this Act for transportation on or after such first day.

PAR. 2. Section 143.13 (a), as amended by Treasury Decision 5826, approved January 12, 1951, is further amended by redesignating subdivision (iii) in the first sentence of subparagraph (7) as subdivision (iv) and by inserting after subdivision (ii) the following: "(iii) to an amount paid for the transportation of material excavated within the boundaries of, and in the course of, a construction project, where the transportation is to any place within, or adjacent to, the boundaries of such project (see § 143.16);".

PAR. 3. Immediately following § 143.15, there is inserted the following new section:

§ 143.16 *Excavated material.* (a) The tax does not apply to an amount paid on or after November 1, 1951, for the transportation, originating on or after that date, of earth, rock, or other material excavated within the boundaries of, and in the course of, a construction project and transported to any place within, or adjacent to, the boundaries of such project.

(b) To come within the exemption it is necessary that two conditions be met, namely, (1) that the property be earth, rock, or other material excavated within the boundaries of, and in the course of, a construction project, and (2) that the transportation of the excavated material be within the boundaries of the construction project or to a place adjacent thereto.

(c) In determining the boundaries of a construction project, consideration will be given to the type of construction operation which is involved and the area which is required to perform and carry out the necessary work. For example, in the case of a road-building operation, the boundaries of the project would embrace the area covered by the length and width of the roadway, plus any adjoining right-of-way. In the case of the construction of an airport, the boundaries would include the outermost limits of the airport.

(53 Stat. 423, as amended, 467; 26 U. S. C. 3472, 3791)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 16, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13449; Filed, Dec. 19, 1952; 8:57 a. m.]

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5959]

PART 472—REGULATIONS UNDER SECTION 3804 OF THE INTERNAL REVENUE CODE

TIME FOR PERFORMING CERTAIN ACTS POSTPONED IN CASE OF CHINA TRADE ACT CORPORATIONS

On October 29, 1952, there was published in the FEDERAL REGISTER (17 F. R. 9749) a notice of proposed rule making to conform Treasury Decision 5279, approved July 10, 1943, as amended by Treasury Decision 5610, approved March 15, 1948 (26 CFR Part 472), to section 614 of the Revenue Act of 1951, relating to postponement of time for performing certain acts in case of China Trade Act corporations, approved October 20, 1951. No objection to the proposed rules having been received, the amendments set forth below are hereby adopted.

PARAGRAPH 1. Immediately preceding the caption "Public Law 490 (Seventy-Seventh Congress), approved March 7, 1942", which precedes § 472.0, the following is inserted:

SEC. 614. TIME FOR PERFORMING CERTAIN ACTS POSTPONED IN CASE OF CHINA TRADE ACT CORPORATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 3805 (relating to postponement of income tax due dates in the case of China Trade Act corporations) is hereby amended to read as follows:

SEC. 3805. INCOME TAX DUE DATES POSTPONED IN CASE OF CHINA TRADE ACT CORPORATIONS.

In the case of any taxable year beginning after December 31, 1948, and ending before October 1, 1953, no Federal income tax return of, or payment of any Federal income tax by, any corporation organized under the China Trade Act of 1922 (42 Stat. 849, U. S. C., Title 15, chapter 4), as amended, shall become due until December 31, 1953, but only with respect to any such corporation and any such taxable year which the Secretary may determine reasonable under the circumstances in China pursuant to such regulations as he may prescribe. Such due date shall be subject to the power of the Secretary to extend the time for filing such return or paying such tax, as in other cases.

PAR. 2. Section 472.806, as amended by Treasury Decision 5610, is further amended by striking therefrom paragraph (a) and inserting in lieu thereof the following new paragraph:

(a) *Income tax*—(1) *In general.* (i) Section 3805, immediately prior to amendment by section 614 of the Revenue Act of 1951, approved October 20, 1951, provided that in the case of any taxable year beginning after December 31, 1940, no Federal income tax return of, or payment of any Federal income tax by, any corporation organized under the China Trade Act, 1922, should become due until December 31, 1947. Section 3805, as amended by section 614 of the Revenue Act of 1951, provides with respect to any taxable year beginning after December 31, 1948, and ending before October 1, 1953, that the Federal income tax return of, or the payment of Federal income tax by, a corporation organized under such China Trade Act shall not become due until December 31, 1953, if, in the case of any such taxable year of any such corporation, the application of such postponed due date is determined by the Secretary under regulations to be reasonable in view of the circumstances in China.

(ii) The due dates (December 31, 1947, or December 31, 1953, whichever is applicable) thus prescribed are expressly subject to the power of the Commissioner to extend, as in other cases, the time for filing the income tax return or paying the income tax. See sections 53 (a) (2) and 56 (c) (1); and, the regulations thereunder.

(2) *Specific rules applicable to taxable years beginning after December 31, 1948, and ending before October 1, 1953.* The postponement of the due date to December 31, 1953, permitted by section 3805 shall apply with respect to:

(i) Any taxable year beginning after December 31, 1948, and ending before October 1, 1953, of any corporation organized under the China Trade Act, 1922, as amended, if during such taxable year conditions in China have been generally so unsettled as to militate against the normal commercial operations and corporate activities of such corporation, except:

(*a*) In the case of any such taxable year of any such corporation in respect to which the situation is such that, despite such unsettled conditions, the books of account and business records are available so as to permit the filing of a proper return and the corporation has otherwise been in a position to carry on its commercial operations and corporate activities and to make a proper distribution of its earnings or profits, if any, so as to permit the certification required by section 262 (b); or

(*b*) In the case of any such taxable year of any such corporation during which all the commercial operations and corporate activities of such corporation have been carried on in Hong Kong, Macao, or Taiwan; and

(ii) Any such taxable year of any such corporation excepted under subdivision (i) (*a*) or (*b*) of this subparagraph in respect of which the corporation satisfies the Commissioner that special circumstances exist, related to the unsettled conditions in China, which warrant such postponement.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 16, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13448; Filed, Dec. 19, 1952; 8:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS

GENERAL ELIGIBILITY REQUIREMENTS FOR APPOINTMENT OF OFFICERS IN REGULAR ARMY

Section 573.10 is revised to read as follows:

§ 573.10 *General eligibility requirements.* The following general eligibility requirements will govern appointments in the Regular Army, all of which must be met by applicants:

(a) Be a citizen of the United States. An applicant who is not a citizen by birth must furnish a certificate by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original certificate of Citizenship Number -------- (or certified copy of court order establishing citizenship) stating that ------ ---------- was admitted to United
(Full name)
States Citizenship by the Court of --------, ----------, on ----------.
(County) (State) (Date)
The following person was named in the certificate as a minor child: ----------,
(Full name)
age ---------.

(b) Applicants must, except for appointment in corps as indicated in subparagraphs (1) through (8) of this paragraph, have reached their twenty-first birthday but not their twenty-seventh birthday on date of appointment. The latter date may be increased by the number of years, months, and days of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States and subsequent to December 31, 1947, but not to exceed a total of 3 years; the maximum, therefore, precludes attainment of the thirtieth birthday.

(1) *Medical Corps.* Applicant must have reached twenty-first birthday but not the thirty-second birthday on date of appointment as first lieutenant; the thirty-seventh birthday on date of appointment as captain; the forty-second birthday on date of appointment as major; or the forty-eighth birthday on date of appointment as lieutenant colonel.

(2) *Dental Corps.* Applicant must have reached twenty-first birthday but not the thirty-second birthday on date of appointment as first lieutenant; the thirty-seventh birthday on date of appointment as captain; the forty-second birthday on date of appointment as major; or the forty-eighth birthday on date of appointment as lieutenant colonel.

(3) *Veterinary Corps.* Applicant must have reached twenty-first birthday but not the thirty-second birthday on date of appointment. The latter date may be increased by the number of years, months, and days of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to December 31, 1947, but not to exceed a total of 5 years.

(4) *Medical Service Corps.* Applicant must have reached twenty-first birthday but not the thirtieth birthday on date of appointment. The latter date may be increased by the number of years, months, and days of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to December 31, 1947, but not to exceed a total of 5 years.

(5) *Army Nurse Corps.* Applicant must have reached twenty-first birthday but not the twenty-eighth birthday on date of appointment.

(6) *Women's Medical Specialist Corps.* Applicant must have reached twenty-first birthday but not the twenty-eighth birthday on date of appointment.

(7) *Judge Advocate General's Corps.* Applicant must have reached twenty-first birthday but not the thirty-second birthday on date of appointment. The latter date may be increased by the number of years, months, and days of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to December 31, 1947, but not to exceed a total of 5 years.

(8) *Chaplains.* Applicant must have reached twenty-first birthday but not the thirty-fourth birthday on date of appointment. The latter date may be increased by the number of years, months, and days of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to December 31, 1947, but not to exceed a total of 5 years.

(c) Except as indicated in subparagraph (3) of this paragraph, possess a baccalaureate degree gained through attendance at a college or university recognized through accreditation (as evidenced in part 3, current Educational Directory, Higher Education, United States Office of Education), and in the case of applicants covered in subparagraphs (1) and (2) of this paragraph, must possess additional requirements as indicated:

(1) Applicants under the technical specialist program must possess a master's or doctor's degree from a college or university recognized through above-prescribed accreditation.

(2) Applicants for appointment in the several corps listed in paragraph (b) (1) through (8) of this section are required to have had certain technical or professional training, details of which are specified in pertinent special regulations.

(3) A waiver of the baccalaureate degree may be considered for applicants under special regulations provided applicant:

(i) Achieves a qualifying score upon the Educational Requirements Test, and

(ii) Evidences outstanding ability as demonstrated by military record.

(d) Be found physically qualified for active military service by meeting the physical standards prescribed for the Regular Army by AR 40-105 (Standards of Physical Examination for Commission or warrant in Regular Army, National Guard of United States, Army of United States, and Organized Reserves), and paragraph 4, AR 40-100 (Miscellaneous Physical Examinations), for females, as determined by final type medical examination subscribed to within 120 days of the effective date of appointment.

(e) Be of good moral character.

(f) Have a record free of conviction by any type of military or civil court for other than a minor traffic violation. Request for waiver may be made in the case of other minor violations which are nonrecurrent and which are not deemed prejudicial to performance of duty as an officer. Waivers for crimes involving moral turpitude will not be granted.

(g) Not be a conscientious objector. If applicant has been a conscientious objector, he will be required to furnish an affidavit which will express his abandonment of such beliefs and principles so far as they pertain to his unwillingness to bear arms and to give full and unqualified military service to the United States, and where appropriate, he must have demonstrated that he has changed his views by subsequent suitable military service. (So much of this paragraph as pertains to bearing of arms is not applicable to officers of the Army Medical Service or Chaplains).

(h) Not have been separated from any of the Armed Forces of the United States with other than an honorable discharge.

(i) Not be nor have been a member of any foreign or domestic organization, association, movement, group, or combination of persons advocating subversive policy or seeking to alter the form of government of the United States by unconstitutional means.

[AR 605-25, Nov. 12, 1952] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 52-13402; Filed, Dec. 19, 1952; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 13, Amdt. 2]

CPR 13—RETAIL CEILINGS ON PETROLEUM PRODUCTS

ADJUSTMENT OF CEILING PRICES DUE TO CHANGES IN TAXES AND TRANSPORTATION RATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 13 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 13 makes three changes. One change deals with two of the provisions permitting the establishment of ceilings by a formula, another requires reduction in ceilings where taxes have been reduced, and the third deals with increases in transportation rates.

Sections 8 and 9 of Ceiling Price Regulation 13 permit retail sellers of automotive gasoline to establish ceiling prices for these products by adding to the cost of product at the time of calculation the gross margin the seller obtained during the base period. However, it was not intended to permit sellers to repeatedly redetermine their ceiling price by use of these sections. This amendment is designed to eliminate any confusion as to the proper use of sections 8 and 9. Increases in product cost may be passed through in accordance with section 10 of the regulation, which is specifically designed to maintain customary margins.

Most of the automotive gasoline purchased by service stations in this country is bought on a delivered basis, at what is termed the tank wagon price. The tank wagon ceiling price of automotive gasoline is regulated by the provisions of Ceiling Price Regulation 17 which permit an increase in the tank wagon ceiling prices, where there has been an increase in transportation rates. Where the tank wagon ceiling price is properly increased, the retailer may increase his ceiling price by the amount of increase in his supplier's ceiling. However, there are some retailers of automotive gasoline who do not purchase at the tank wagon level. These retail sellers of automotive gasoline purchasing at the tank car level or on an f. o. b. basis have been required to absorb increased costs resulting from increased transportation rates, although they were competing with tank wagon purchasers who can pass on the increases. This has had a tendency to disrupt price relationships in some retail marketing areas. The corrective change included in this amendment, permitting an increase in prices, will have comparatively little effect because of the very slight percentage of the total of automotive gasoline sold to service stations at other than tank wagon level.

The third part of this amendment requires that a retail seller who has a ceiling price which includes taxes incident to the sale, use or delivery of a petroleum product, reduce his ceiling price by the amount of any reduction in these taxes. Where a tax of this nature is reduced or repealed, this benefit should be passed on to the public upon whom the burden of the tax previously rested.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the changes set forth in these amendatory provisions are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 13 is amended in the following respects:

1. The text of section 8 (a) (2) is amended to read as follows:

(2) By adding to the tank wagon ceiling price for each grade of gasoline of your supplier the margin you had in the base period. This method of pricing can be used only if 50 percent of your sales during the base period reflected that margin. Having determined ceiling prices by using the base period margin method, you may not again use this method to redetermine your ceiling price. You must file these prices with the District Office of the Office of Price Stabilization for the District in which each retail establishment is located. Your filing should be as follows:

2. The text of section 9(b) is amended to read as follows:

(b) By adding to your current laid-down cost for each grade of gasoline the margin you had in the base period. This method of pricing can be used only if 50 percent of your sales during the base period reflected that margin. Having determined ceiling prices by using the base period margin method, you may not again use this method for redetermining your ceiling price. You must file these prices with the District Office of the Office of Price Stabilization for the District in which each retail establishment is located. Your filing should be as follows:

3. Section 10 is amended to read as follows:

SEC. 10. *Increases in ceiling prices.* (a) You may increase your ceiling price determined in accordance with any of the provisions of this regulation by the amount of increase in the ceiling prices of your supplier which has been authorized by the Office of Price Stabilization.

(b) If you are not a tank wagon purchaser of automotive gasoline and if you incur transportation costs in distributing such product at your service stations, you may increase your ceiling prices:

(1) By the amount of increase in unit cost of transportation you incur as a result of transportation rate increases effective after January 25, 1951, which have been permitted by Federal or State regulatory bodies or by the Office of Price Stabilization. Such increases may include excise taxes which are a part of, or are applicable to, such increases. The higher ceiling prices may be made effective as of the date of the increase in transportation rate.

(2) Where transportation of product in facilities which you own or control is in lieu of transportation by a regulated carrier, by the amount of unit increase that would be permitted you in paragraph (b) (1) of this section, had you used such regulated carrier.

(c) If you increase your ceiling prices in accordance with the provisions of this regulation you may round to the nearest fraction of a cent per gallon in accordance with your customary practices. If you elect to round on one product you must round all your ceiling prices increased under this section to reflect decreases as well as increases.

(d) The provisions of paragraph (b) (1) and (2) of this section may not be used to increase your ceiling prices where the increased transportation costs you have incurred are the result of changes in sources of supply.

4. Section 11 is amended by adding a new paragraph designated (c) to read as follows:

(c) If the taxes referred to in paragraphs (a) and (b) of this section are included in the ceiling prices you have established under the provisions of this regulation, and such tax is reduced or repealed after January 25, 1951, you must reduce your ceiling price by the amount of the tax reduction. You must also reduce your ceiling price by the amount of the reduction in the ceiling price of your supplier due to a repeal or reduction of such tax.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective December 24, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 19, 1952.

[F. R. Doc. 52-13532; Filed, Dec. 19, 1952; 11:47 a. m.]

[Ceiling Price Regulation 29, Revision 1, Correction]

CPR 29—Pure Nickel Scrap, Monel Metal Scrap, Stainless Steel Scrap, and Other Scrap Materials Containing Nickel and Chrome, etc.

Due to inadvertent errors the following corrections are made to Ceiling Price Regulation 29, Revision 1.

1. Ceiling Price Regulation 29, Revision 1, includes in its coverage the island of Guam. This was inserted inadvertently. The word "Guam" therefore, is deleted from section 1 (b) (1) of CPR 29, Revision 1.

2. In Table B the first two straight chrome grades read as follows:

Column 1	Column 2	Column 3
Containing 11–14 percent chrome	$62.50 per gross ton	52–50 percent per gross ton.
Containing 14–18 percent chrome	$72.50 per gross ton	62–50 percent per gross ton.

This is corrected to read:

Containing 11–14 percent chrome	$62.50 per gross ton	$52.50 per gross ton.
Containing 14–18 percent chrome	$72.50 per gross ton	$62.50 per gross ton.

Joseph H. Freehill,
Director of Price Stabilization.

December 19, 1952.

[F. R. Doc. 52–13533; Filed, Dec. 19, 1952; 11:47 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 33]

CPR 34—Services

SR 33—Power Laundries and Dry Cleaning Sellers in Greater Portland, Oregon Trading Area

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2 this Supplementary Regulation 33 to Ceiling Price Regulation 34 is hereby issued.

Statement of Considerations

This Supplementary Regulation 33 to Ceiling Price Regulation 34 permits an increase in retail ceiling prices for dry cleaning services to all sellers of such service located in the Greater Portland Oregon Trading Area. This "Area", as it is at times referred to in the regulation, consists of the county of Multnomah and certain cities in the counties of Clackamas in the State of Oregon and Clark in the State of Washington. In addition it permits all power laundries located in the "Area" to increase their retail ceiling prices for power laundry services. In order that customary pricing practices established in the trade may be maintained "bobtailers" (independent routemen) are also permitted an increase in their retail ceiling prices on the resale at retail of power laundry services that they purchase from power laundries located in the "Area". This supplementary regulation does not permit the increase to be applied to the diaper supply and linen supply services of power laundries and "bobtails". Historically it has been industry practice to bargain collectively with the various unions on proposed wage increases. As a result the impact and effect of any increase has been uniform throughout each industry. An analysis of the operating costs and profit margins of a representative number of the sellers in the area reveals that they are suffering an impairment of their pre-Korean earnings as a result of increased labor and material costs, which have been incurred. In may of 1952 new wage contracts were negotiated under which laundry and dry cleaning workers were granted a 5 cent per hour increase together with 6 paid holidays: in August 1952 the Wage Stabilization Board approved certain "fringe benefits" for workers represented by the Teamsters' Union. Failure to make an adjustment in the retail ceiling prices of these sellers would impair their continued operations and would threaten an interruption in the supply of these essential services. This uniform increase was determined in accordance with the standards for individual adjustments under section 20 of Ceiling Price Regulation 34.

Under the provisions of this supplementary regulation, retail ceiling prices of such power laundries, dry cleaning service sellers and bobtail sellers may be increased by 5 percent such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase." If this method is used to apply the amount of the increase, the seller need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34. At the option of the individual power laundry, dry cleaning service seller and bobtailer, however, the flat retail ceiling price for each article may be increased by 5 percent. Adjusted flat ceiling prices must, within ten days after their determination, be filed with the appropriate Office of Price Stabilization district office as required by section 18, as amended, of Ceiling Price Regulation 34. Express authority is granted to make necessary changes in OPS posters.

In the future, power laundries, dry cleaning service sellers and bobtailers subject to this supplementary regulation may not obtain an adjustment of their retail ceiling prices for those services covered by this supplementary regulation, under section 20 of Ceiling Price Regulation 34, as amended. Any adjustment of retail ceiling prices which are the subject of this supplementary regulation under section 20 of Ceiling Price Regulation 34, as amended, heretofore granted is automatically revoked as of the effective date of this supplementary regulation.

In the judgment of the Director of Price Stabilization the price increases permitted by this supplementary regulation are the minimum needed to permit the continued supply of this service.

In the formulation of this supplementary regulation, the Director has informally consulted insofar as practicable with representative suppliers of these services including representatives of trade association, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

Regulatory Provisions

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of Ceiling Prices.
4. Application of Section 20 of Ceiling Price Regulation 34.
5. Definitions.

Authority: Sections 1 to 5 issued under Sec. 704, 64 Stat. 816, as amended: 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended: 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

Section 1. *Purpose.* This Supplementary Regulation permits all sellers of dry cleaning services located in the Greater Portland Oregon Trading Area hereinafter at times referred to as the "Area") to increase their ceiling prices for the sale of such dry cleaning services at retail only by 5 percent. It permits power laundries located in the "Area" to increase by 5 percent their ceiling prices for the sale of power laundry services at retail and to bobtail sellers for resale at retail. It also permits bobtail sellers (see section 5 Definitions) who purchase power laundry services from power laundries located in the "Area", for resale at retail, to increase their ceiling prices for the resale of such services at retail by 5 percent. This supplementary regulation does not apply to the sale or resale of diaper supply and linen supply services by power laundries or bobtail sellers.

Sec. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, except as affected by the provisions of this supplementary regulation, shall remain in effect.

Sec. 3. *Adjustment of retail ceiling prices.* If you are subject to this supplementary regulation, you may to the extent that you either sell at retail or to a bobtail seller for resale at retail power laundry services supplied by power laundries located in the "Area", or are a seller, located in the "Area", selling dry cleaning services at retail, increase your ceiling prices by 5 percent for power laundry services and dry cleaning services, except diaper supply and linen supply services, by either of the following methods:

(a) You may apply such an adjustment to the total amount of each invoice rendered to the customer, provided you shall clearly write or stamp on each such invoice beside the adjustment the words "OPS permitted price increase". If you use this method of applying your price increase, you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

(b) You may, in lieu of the method provided in paragraph (a) of this section, increase by 5 percent the retail ceiling price of each power laundry and dry cleaning service article, except a diaper supply and linen supply service article. Within ten days after your prices are established under this paragraph you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required under section 18, as amended, of Ceiling Price Regulation 34 and must change your OPS poster prices or prepare and display a new poster to reflect the price increase permitted by this supplementary regulation. You may not establish prices under paragraph (a) of this section once you have elected to establish prices under this paragraph.

(c) If the price increase computed in paragraphs (a) or (b) of this section results in a fraction of a cent, the price increase must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

Sec. 4. *Application of section 20 of Ceiling Price Regulation 34.* No seller subject to this supplementary regulation may, after the effective date of this supplementary regulation, apply for an adjustment of any of his retail ceiling prices for power laundry services and dry cleaning services except diaper supply and linen supply services under section 20 of Ceiling Price Regulation 34, as amended. All orders establishing retail ceiling prices for any seller of power laundry services and dry cleaning services, except diaper supply services and linen supply services, subject to this supplementary regulation issued under either section 20 (a), (b) or (c) of Ceiling Price Regulation 34 are hereby revoked, upon the effective date of this regulation.

Sec. 5. *Definitions.* (a) (1) "Power Laundry" or "power laundries" as used in this regulation are laundries which in the laundry trade are customarily known and designed as such, and do not include hand laundries, launderettes or laundries using home-type laundry equipment to supply laundry services.

(a) "Bobtail sellers" as used in this regulation means a separate class of purchaser of power laundry services, consisting of independent routemen or establishments not employed or owned by a power laundry, which purchases such power laundry services from a power laundry at a discount and resells these services to its own customers at the same prices that the power laundry itself would have charged the same class of purchaser for the same services. Bobtail sellers do not ordinarily engage in processing operations.

(3) "Dry cleaning services" as used in this regulation means services rendered in the cleaning of garments and other items primarily with fluids other than water and shall include pressing.

(4) "Retail" refers to the sale of dry cleaning services or laundry services directly to the ultimate consumers, except commercial, industrial, institutional or governmental users.

(5) "The Greater Portland Oregon Trading Area" as used in this regulation means the area comprising all of Multnomah County and the cities of Oregon City, West Linn, Gladsyone, Oswego and Milwaukee in Clackamas County, in the State of Oregon; and the cities of Vancouver, McLoughlin, Camas, and Washougal in the County of Clark in the State of Washington.

(6) "Area" as used in this regulation means "The Greater Portland Oregon Trading Area".

Effective date. This supplementary regulation is effective December 24, 1952.

Note. The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Joseph H. Freehill,
Director of Price Stabilization.

December 19, 1952.

[F. R. Doc. 52–13534; Filed, Dec. 19, 1952; 11:47 a. m.]

[Ceiling Price Regulation 60, Supplementary Regulation 1]

CPR 60—Castings

SR 1—Adjustment in Ceiling Prices for Manufacturers of Malleable Iron Castings

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 1 to Ceiling Price Regulation 60 is hereby issued.

Statement of Considerations

This supplementary regulation authorizes an increase of 6.2 percent in the manufacturer's ceiling prices of malleable iron castings.

At the request of representatives of the malleable iron castings industry, the Office of Price Stabilization has completed a survey to determine whether the ceiling prices established for malleable iron castings by Ceiling Price Regulation (CPR) 60 are generally fair and equitable. In accordance with the requirements of the Industry Earnings Standard, as revised, earnings data were obtained from representative firms in the industry for the years 1946 through 1949 and for 1951. The price adjustment provided for by this amendment is based upon a comparison of aggregate earnings to consolidated net worth for the companies involved in the best three out of four years during the 1946 to 1949 period, with the aggregate earnings to consolidated net worth for a recent representative period. A comparison of the data referred to above indicates that the industry's earnings, until recently, were adequate under the Standard. Because of the impact of various cost increases, particularly the increased wage contracts which the industry has recently put into effect (but not including metal cost increases resulting from the higher iron and steel prices granted basic producers of carbon iron and steel products in August of this year), the industry's earnings have decreased materially. An increase of 6.2 percent in ceiling prices is now required to restore them to the Industry Earnings Standard level (85 percent of the industry's average base period earnings, before income and excess profits taxes, adjusted for changes in net worth) and to provide for generally fair and equitable ceiling prices for this industry. Accordingly, this amendment permits manufacturers of malleable iron castings to increase their ceiling prices by 6.2 percent. To the ceiling prices thus adjusted, sellers may add the metal cost increases permitted under General Overriding Regulation 35.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and full consideration has been given to their recommendations.

In the opinion of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable, comply with all applicable provisions of the Defense Production Act of 1950, as amended, and are necessary to effectuate the purposes of that act.

Regulatory Provisions

Sec.
1. What this supplementary regulation does.
2. Adjustment of ceiling prices.
3. Addition of metal cost increased under General Overriding Regulation 35.
4. Applicability of Ceiling Price Regulation 60.

Authority: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended: 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended: 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

Section 1. *What this supplementary regulation does.* This supplementary regulation permits producers of malleable iron castings to increase the ceiling prices which they have established under CPR 60 by 6.2 percent.

Sec. 2. *Adjustment of ceiling prices.* If you are a producer of malleable iron castings you may increase your ceiling prices, as established under CPR 60, for them and for equipment furnished by you in connection with your sales of such castings by 6.2 percent.

Sec 3. *Addition of metal cost increases under GOR 35.* After you have recalculated your ceiling prices pursuant to section 2 of this supplementary regulation, you may further adjust your ceiling prices as provided in General Overriding Regulation 35 to reflect metal cost increases.

nomic Stabilization Agency General Or-

5. Subparagraph (4) of paragraph (b)

[General Ceiling Price Regulation, Supple-

reveals that they are suffering an im-

retail ceiling prices for those services

or are a seller, located in the

repair laundry at a discount and resells

companies involved in the best three out

increases.

SEC. 4. *Applicability of CPR 60.* Except to the extent expressly modified or supplemented by this regulation, all provisions of CPR 60 shall be applicable to any producer subject to this regulation.

Effective date. This Supplementary Regulation 1 to Ceiling Price Regulation 60 is effective December 19, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

DECEMBER 19, 1952.

[F. R. Doc. 52-13535; Filed, Dec. 19, 1952; 11:47 a. m.]

[Ceiling Price Regulation 68, Amdt. 2]

CPR 68—PRODUCERS OF BRASS MILL PRODUCTS

INCREASE IN THE CEILING PRICE OF CERTAIN BRASS MILL PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 68 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 68 increases the ceiling prices of copper and copper base alloy seamless tubes having an outside diameter of 1 inch or less and a wall thickness of 0.114 inches or less, excluding copper water tubes, copper oil burner tubes, and brass and copper pipe and condenser tubes.

When imported copper was exempted from price control the directive issued by the Office of Defense Mobilization on May 21, 1952, provided that "* * * the United States Government is acting through the Office of Price Stabilization to permit brass mills and copper wire mills to add to their ceiling prices an amount representing 80 percent of any increase in cost of foreign copper above the 27½ cent level contained in the Chilean agreement which has just been terminated."

The tubes covered by this amendment are mainly produced by redraw mills who purchase semifinished products from brass mills and produce a finished product the ceiling price of which is established under this regulation. The remaining production of these products is accomplished by brass mills using copper scrap as one of the raw materials in the production process. Amendment 1 to Ceiling Price Regulation 68 increased the ceiling prices of brass mill products by 3.84 cents per pound in accordance with the directive of the Office of Defense Mobilization. In the production of these tubes, however, the scrap loss is 25 percent of the weight of the finished product. The brass mills reuse the generated scrap in the further production of their products. The redraw mills, however, must sell their scrap and thus lose 25 percent of the increased cost of 3.84 cents per pound or 0.96 cent per pound.

It is therefore apparent that to conform to the directive of the Office of Defense Mobilization, the producers of these products should receive an adjustment of approximately 1 cent per pound to compensate for this increased cost. It has also been determined that the most feasible method of making this adjustment would be to increase the percentages, except quantity extras, applicable to the published extras of these products by five percentage points. Since the average extra is about 20 cents per pound, this results in an increase of about 1 cent per pound, thus equalling the amount of the uncompensated increased cost of the metal contained in the products covered by this amendment.

For example, at present, the published extra for ⅜-inch O. D. x 0.022-inch seamless tube is 20 cents per pound. The percentage for a copper tube applicable to this extra is a plus 20 percent or 4 cents per pound thus making a total extra, exclusive of quantity extras, of 24 cents per pound. This amendment increases the percentage applicable to the published extras by five percentage points, increasing the percentage in this case from 20 to 25 percent. Thus, the extra will now be 20 cents per pound plus 25 percent of this amount or 5 cents per pound, making a total extra of 25 cents per pound.

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable, and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 68 is amended by adding a section 3 (f) to read as follows:

(f) *Adjustment in certain extras.* You may increase the percentages, except quantity extras, as determined under this section, applicable to the extras for all copper and copper base alloy seamless tubes, having an outside diameter of 1 inch or less and a wall thickness of 0.114 inch or less, except copper water tubes, copper oil burner tubes, and brass and copper pipe and condenser tubes, by adding five percentage points to these percentages.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 24, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 19, 1952.

[F. R. Doc. 52-13536; Filed, Dec. 19, 1952; 11:48 a. m.]

[Ceiling Price Regulation 97, Amdt. 10]

CPR 97—CEILING PRICE FOR PACIFIC NORTHWEST LOGS

EIGHT FOOT SAWLOGS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 10 to Ceiling Price Regulation 97 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to CPR 97 establishes a dollars and cents ceiling price for second growth Douglas Fir eight foot sawlogs sold by the standard cord. Although this item is in rather limited production, it is important to stud mills which produce their entire cut in eight foot lumber and have their sawmilling equipment designed especially for handling this length log.

It is customary to market these logs at a per cord price delivered to the buyer's sawmill. Failure of CPR 97 to establish a specific ceiling price for this type of log was an inadvertence.

The per cord price herein established is based directly on the lumber footage recoverable from a standard cord in relation to the ceiling prices already established by the regulation for like material on a one thousand foot basis Revised Scribner Decimal C Log scale. This amendment, therefore, effects no change in the level of ceiling prices established by the regulation.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 97 is amended by the addition of a new section 21, which reads as follows:

SEC. 21. *Eight foot sawlogs.* Notwithstanding any other provision of this regulation, the ceiling price for second growth Douglas Fir eight foot sawlogs, sold by the cord and delivered to the buyer's mill, shall be $17.50 per standard cord of 128 cubic feet. In the event that delivery is made to a place other than the buyer's mill, the ceiling price shall be reduced by an amount equal to the actual cost of transportation from the place of actual delivery to the buyer's mill.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 10 to Ceiling Price Regulation 97 shall become effective December 24, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 19, 1952.

[F. R. Doc. 52-13537; Filed, Dec. 19, 1952; 11:48 a. m.]

[Ceiling Price Regulation 97, Amendment 11]

CPR 97—CEILING PRICES FOR PACIFIC NORTHWEST LOGS

ADDITION OF ACCREDITED SCALERS AND GRADERS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 30 (16 F. R. 11752), this Amendment 11 to Ceiling Price Regulation 97 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation No. 97 carries out the intention expressed in section 19 by adding to Appendix A a log scaling and grading bureau, certain employees thereof, and employees of previously accredited log scaling and grading bureaus who have been found qualified by the Regional Director of Region 13 to scale and grade logs subject to the regulation.

The persons accredited by this amendment have submitted the information and statements required under section 19. The Regional Director of Region 13 has requested the appropriate log scaling and grading bureaus named in this section to examine into the qualifications of each applicant. The Regional Director has evaluated whatever findings were made by the appropriate bureau, has considered whatever other information has been brought to his attention, and is of the opinion that each applicant is qualified for listing as an accredited scaler and grader.

This amendment also deletes from subparagraph (3) of paragraph (b) two accredited employees and adds them to subparagraph (4) of paragraph (b); deletes from subparagraph (3) of paragraph (b) one accredited employee and adds him to subparagraph (11) of paragraph (b); deletes from subparagraph (3) of paragraph (b) three accredited employees and adds them to subparagraph (14) of paragraph (b); deletes from subparagraph (4) of paragraph (b) one accredited employee who is no longer scaling and grading logs; deletes from subparagraph (5) of paragraph (b) two accredited employees who are no longer scaling and grading logs.

In the formulation of this amendment, there has been consultation with industry representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 97 is hereby amended in the following respects:

1. Paragraph (a) of Appendix A is amended by inserting the name "Mendocino County Log Scaling and Grading Bureau" immediately after the name "Lamb Log Scaling and Grading Bureau."

2. Paragraph (b) of Appendix A is amended by adding a subparagraph which reads as follows:

14. Mendocino County Log Scaling and Grading Bureau employees: Miller, Fred; O'Rourke, Arthur E.; Ridgeway, H. W.

3. Subparagraph (3) of paragraph (b) of Appendix A is amended by inserting the name "Mays, Theodore" and the name "Morgan, Elry Leroy", in that order, immediately after the name "Marlin, Frank."

4. Subparagraph (3) of paragraph (b) of Appendix A is amended by deleting the names "Beerhle, Clarence Louis," "Hayes, R. M.", "Hayes, Roy A.", "Miller, Fred" and "Ridgeway, H. W."

5. Subparagraph (4) of paragraph (b) of Appendix A is amended by inserting the name "Gallagher, Stanley M." immediately after the name "Gallagher, M. A."; inserting the name "Hayes, R. M." and the name "Hayes, Roy A.", in that order, immediately after the name "Hayes, Robert J."; inserting the name "Weisse, Carl P." immediately after the name "Voligny, George."

6. Subparagraph (4) of paragraph (b) of Appendix A is amended by deleting the name "McCullough, John L."

7. Subparagraph (5) of paragraph (b) of Appendix A is amended by inserting the name "Cooper, George W." immediately after the name "Blomgren, George V."

8. Subparagraph (5) of paragraph (b) of Appendix A is amended by deleting the names "Crawford, Elmer B." and "Petty, Norman."

9. Subparagraph (6) of paragraph (b) of Appendix A is amended by inserting the name "Orr, Norman" immediately after the name "Gavette, Thomas G."

10. Subparagraph (7) of paragraph (b) of Appendix A is amended by adding the name "Buckner, Grant C."; inserting the name "Sneed, Eugene L." immediately after the name "Hartman, Richard F."

11. Subparagraph (11) of paragraph (b) of Appendix A is amended by adding the name "Beerhle, Clarence Louis"; inserting the name "Montgomery, Charles Merle" immediately after the name "Huston, Leo M."

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 10 to Ceiling Price Regulation 97 is effective December 19, 1952.

HAROLD WALSH,
Regional Director, Region 13, Office of Price Stabilization.

DECEMBER 19, 1952.

[F. R. Doc. 52-13538; Filed, Dec. 19, 1952; 11:48 a. m.]

[Ceiling Price Regulation 180, Correction]

CPR 180—FERROCHROME, CHROMIUM METAL AND OTHER CHROMIUM PRODUCTS

Due to a typographical error, the following correction of Appendix A, Table 3 of Ceiling Price Regulation 180—Ferrochrome, Chromium Metal and Other Chromium Products is required:

In Table 3—Premiums, insert "$.0050" in the ninth line of column (1) headed *Spot Sales* (opposite the words "Low carbon ferrochrome silicon—special grade No. 2" in the column headed *Product*) and delete "$.0050" from the eighth line of column (1) (opposite the words "Low carbon ferrochrome silicon—special grade No. 1" in the column headed *Product*).

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 19, 1952.

[F. R. Doc. 52-13539; Filed, Dec. 19, 1952; 11:48 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 100, Amdt. 4 to Revision 1]

GCPR, SR 100—ADJUSTMENTS FOR IRON AND STEEL PRODUCTS

DEFINITION OF ALLOY STEEL

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to Revision 1, Supplementary Regulation 100 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The purpose of this amendment to Revision 1, Supplementary Regulation (SR) 100 to the General Ceiling Price Regulation (GCPR) is to clarify the meaning of the term "alloy steel" as used in that regulation.

It has come to the attention of the Office of Price Stabilization that a number of producers of alloys containing small percentages of steel have assumed that they are entitled to the increases in the ceiling prices of alloy steel mill products provided by Revision 1 of SR 100 to the GCPR. At least since the publication of a definition of "alloy steel" in Order No. M-1 of the National Production Authority, issued February 1, 1952, if not before that date, the Office of Price Stabilization and the industry generally have regarded as alloy steel only that steel which meets that definition. Similarly, the directive of the Office of Defense Mobilization of July 24, 1952, which required OPS to grant an increase in the ceiling price of alloy steel had reference to alloy steel as defined in Order No. M-1. This amendment, which incorporates that definition in Revision 1 of SR 100 to the GCPR, merely formalizes administrative and industry understanding. Producers of alloys not meeting the standards contained in this definition are, of course, not entitled to the ceiling price increases for alloy steel mill products provided in Revision 1, SR 100 to the GCPR.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable and unnecessary.

AMENDATORY PROVISIONS

Section 8 *Definitions* of Revision 1 of Supplementary Regulation 100 to the General Ceiling Price Regulation is amended by adding thereto a new paragraph reading as follows:

(c) "Alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheet and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired al-

Defense Mobilization, the producers of these products should receive an adjustment in their ceiling prices. Such an adjustment is hereby issued.

ecutive Order 10161 (15 F. R. 6105

loying effect. Clad steels which have an alloy-steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless) are alloy steels.

(Sec. 704, 64 Stat. as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Revision 1, Supplementary Regulation 100 to the General Ceiling Price Regulation shall become effective December 24, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 19, 1952.

[F. R. Doc. 52-13540; Filed, Dec. 19, 1952; 11:49 a. m.]

[General Overriding Regulation 14, Amdt. 32]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 14 extends the list of exemptions contained in that regulation to include the rates, fees, and charges for services furnished by horseshoers and trade embalmers; to include royalties paid to landowners or their assignees in connection with the mining of iron ore; and to suspend from price control, until further notice, the rates, fees, and charges for bottling bulk wines and whiskeys.

Prices charged for horseshoeing services are exempted because they have only an insignificant effect upon the cost of living and the administrative burden attendant upon the control outweighs its benefit to the price stabilization program.

Prices for the services of trade embalmers are exempted because their control involves administrative difficulties for OPS, and for funeral directors, which, since prices for funeral services remain under control, and such an exemption will, therefore, not result in increased charges to the public, outweigh the advantages of control. Trade embalmers are independent contractors who supply embalming services to funeral directors, but payment for their services generally approximate wages paid to employee-embalmers. When trade embalmers and employee-embalmers belong to the same union, the union generally suggests an increase in the prices paid to trade embalmers commensurate with the increase in wages obtained by employee-embalmers. Any such increase, however, now requires OPS authorization. There are only about 200 trade embalmers in the United States; most are small service sellers; and their average income is about $5,000 per year.

A large proportion of all iron ore produced in the United States is mined from lands owned in fee simple by the companies that mine the ore from them, or by companies affiliated with the mining companies, or by the States in which the lands are located.

When the mining company itself owns the land on which it operates, no royalties, of course, are paid. When a company affiliated with the mining company owns the land on which the mining company operates, royalties paid are substantially similar to transfers between different divisions or units of the same corporation, and any increase in the amount of such royalty transfers would not affect the level of royalty prices, or the ceiling prices for iron ore, or for the iron and steel products made from iron ore. Such royalties should, therefore, be exempt from price stabilization.

In the Defense Production Act Amendment of 1952 extending the Defense Production Act of 1950, Congress specifically exempted from price control the rates, fees, and charges for materials or services supplied directly by the States or their agencies, and pursuant to this Amendment, General Overriding Regulation 11, Revision 2, exempts such materials and services. Royalties paid to any State or its agencies, in connection with iron ore produced from lands it owns, are not now, therefore, subject to price control.

Since so large a proportion of the iron ore mined is produced, without payment of royalties, from lands owned by the mining companies; or the royalties therefor are now exempt under General Overriding Regulation 11, Revision 2; or should be exempted as transactions between affiliated companies, the burden of administering price controls over the remainder of such royalties, in view of the diversity and complexity of the royalty arrangements, outweighs the advantages to be derived from such control. All royalties paid in connection with the mining of iron ore are, therefore, exempted by this amendment. This action will not affect the prices for iron ore sold by the producers or the prices for iron and steel products made from iron ore.

General Overriding Regulation 7, Revision 1, as amended, suspends until further notice, the application of all ceiling price regulations, heretofore or hereafter issued, to sellers of wines and whiskeys, both bulk and packaged, for off-premises consumption. The reason for this action is that the prices for these commodities are substantially below ceilings and are not expected to rise above ceilings in the forseeable future. One of the reasons for the reduced price to the consumer is the large amounts of bulk wines and whiskeys being sold by wineries and distilleries to distributors who have it bottled under their own brand names for distribution through their own outlets. Competition among small distillers and wineries for this kind of business is so keen that there is little or no likelihood a suspension of the application of ceiling price regulations to the services of bottling bulk wines and whiskeys will result in an increased price for such services. The same considerations do not extend to the bottling of other distilled spirits.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are proper in the administration of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respects:

1. Paragraph (a) of section 3 is amended by adding at the end thereof the following:

(128) Horseshoers.
(129) Trade Embalmers.

2. A new paragraph (b) is added to section 3 to read as follows:

(b) No ceiling price regulation now or hereafter issued by the Office of Price Stabilization shall apply to royalties paid to a landowner, or his assignee or subassignee, in connection with the mining of iron ore, or to the price paid for any assignment of such royalties, regardless of whether such royalties are considered as payment for iron ore as a commodity or as payment for the privilege of mining and removing iron ore.

3. Paragraph (b) of section 4 is amended by adding at the end thereof the following:

(5) Bottling of bulk wines and whiskeys.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 19, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 19, 1952.

[F. R. Doc. 52-13541; Filed, Dec. 19, 1952; 11:49 a. m.]

[General Overriding Regulation 27, Amdt. 3]

GOR 27—APPROVAL OF PRICES IN LONG TERM CONTRACTS FOR SALES OF CERTAIN COMMODITIES

EXTENSION OF COVERAGE TO CHEMICALS IN GENERAL AND OTHER MISCELLANEOUS CHANGES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to General Overriding Regulation 27 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 27 extends the coverage of the regulation to all chemicals. GOR 27 permits a seller under a long-term contract made prior to price control to apply for permission to put into effect the pricing provisions of the contract in lieu of his present ceiling prices. Prior to this amendment, the regulation specified the particular chemicals covered thereunder. This amendment also provides that the adjustment in ceiling prices must be based on changes in costs which are authorized under the terms of the contract and incurred by the seller in fulfillment of the contract and permits ceiling price adjustment on the basis of a successor long-term contract which contains terms as favorable to the purchaser as those contained in the long-term contract which was replaced.

General Overriding Regulation 27 as originally issued was limited to certain specified chemicals. At the time of its issuance, the problems applicable to these chemicals and to the long-term contracts affecting them were known to the Director of Price Stabilization and he was able to tailor the regulatory action to fit the particular situations of which he was then aware. It was not considered prudent, with the limited number of contracts and information originally available, to extend the coverage of the regulation generally to all chemicals.

Subsequent to the issuance of GOR 27 long-term contracts and information pertaining to their operation were presented involving rare earth fluoride and rare earth oxide which indicated that the same consideration which motivated the issuance of GOR 27 and its application to certain chemicals also applied to these other chemicals. Accordingly, GOR 27 was amended to extend its coverage to rare earth fluoride and rare earth oxide. Since then other situations involving long-term contracts pertaining to other chemicals have come to the attention of the Director which appear to merit the same consideration and treatment. It is now believed to be appropriate, on the basis of the experience gained since the original issuance of GOR 27, to extend the coverage of this regulation to all chemicals. This conclusion is motivated also by the safeguards contained in GOR 27. These safeguards greatly limit the impact on the price level of the commodities covered by the regulation. The regulation provides, for example, that the ceiling price as adjusted thereunder may not be higher than the general level of ceiling prices for the commodity and also that the ceiling price adjustment authorized under the regulation may not be made a basis for subsequent increases in the ceiling price for either that commodity or any other commodity. Furthermore, under GOR 27 the Director must be satisfied that any ceiling price adjustment authorized will not have an adverse effect on the stabilization program.

The extension of the coverage of the regulation to all chemicals will eliminate the administrative burdens and delay involved in amending the regulation each time long-term contracts for a particular chemical are brought to the attention of the Director which merit the same treatment as that accorded other chemicals specifically included in the regulation.

The long-term contracts which the Director has had occasion to consider and on the basis of which GOR 27 was issued and now extended to cover chemicals in general all contain provisions authorizing the seller to adjust his selling price to offset changes in his costs. Although it was not so specifically stated, it was contemplated that GOR 27 would be applicable only to such types of long-term contracts. In order to make this intention explicit, this amendment makes clear that an application for permission to put the pricing provisions of a long-term contract into effect must be based on changes in costs incurred by the seller in the production and distribution of the particular commodity involved measured either directly by the actual changes in costs incurred by the seller or indirectly on the basis of recognized and reliable cost indexes showing costs changes which can provide a reasonable basis for the assumption that they are being incurred by the seller in the execution of the contract.

Under GOR 27 prior to this amendment only long-term contracts entered into prior to January 26, 1951, and which are still in effect may be considered for approval of their pricing provisions. This amendment extends the provisions of GOR 27 to a successor contract of a long-term contract entered into prior to January 26, 1951, provided that the successor contract contains no less favorable terms to the purchaser than those contained in the replaced contract.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the judgment of the Director of Price Stabilization, the provisions of this amendment to General Overriding Regulation 27 are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 27, as amended, is further amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *What this regulation does.* This regulation permits a seller who entered into a written long term contract for the sale of a commodity listed in section 2 of this regulation to apply for permission to put into effect the pricing provisions of that contract in the place of his present ceiling prices, notwithstanding the provisions of any other regulation, to the extent that the pricing provisions of such contract permit increases or decreases in the price of the commodity on the basis of changes in costs incurred by the seller in performance of the contract. A long term contract is one obligating the seller to make deliveries of a commodity for a period of more than one year which was entered into prior to January 26, 1951, or is one which is a successor to such long term contract between the parties with terms no less favorable to the purchaser than the original contract.

2. Section 2 is amended in the following respects:

(a) Paragraphs (a) through (f) are revoked and a new paragraph (a) is substituted to read as follows:

(a) *Chemicals.* The term "chemicals" means a substance obtained by a chemical process or used for producing a chemical effect including, but not limited to, basic materials such as acids, alkalies, salts, and organic chemicals; products to be used in further manufacture such as plastics materials, adhesives, dry colors, dyes and pigments; and products to be used as materials or supplies in other industries such as fertilizers, pesticides, and explosives. The term also includes chemical specialties. Not included are paints, varnishes, lacquers, animal and vegetable oils, and finished products to be used for ultimate consumption such as drugs, cosmetics and soaps.

(b) Paragraph (g) is redesignated as paragraph (b).

3. Section 3 (a) is amended to read as follows:

(a) *Seller's application.* Your application as a seller of a commodity listed in section 2 for permission to put into effect the pricing provisions of your long term contract in place of your existing ceiling prices must be filed with the Office of Price Stabilization, Washington 25, D. C. The application must contain the following information:

(1) Your name and address.
(2) Your buyer's name and address.
(3) A statement that you are applying under this regulation.
(4) Name and description of the commodity involved.
(5) A statement that your contract was entered into prior to January 26, 1951, or is a successor long term contract to a long term contract entered into prior to such date. If your contract is a successor contract to one entered into prior to January 26, 1951, you must include an explanation that its pricing terms are no less favorable to the purchaser than those of the replaced contract.
(6) A statement of the period during which you are obligated under the contract or successor contract to make deliveries of the commodities.
(7) The prevailing ceiling prices for the commodity involved, and names and addresses of commodity manufacturers whose ceiling prices are cited.

(8) An explanation that the pricing provisions of your long term contract provide for adjustments in your prices to the purchaser which are based on changes in costs incurred by you in performance of the contract. Such pricing provisions may be based on cost changes evidenced by generally recognized price or wage indexes, where the Director finds that the cost changes reflected by such indexes may reasonably be deemed to reflect the cost changes incurred by you in performance of the contract.

In addition to the foregoing, your application must be accompanied by a copy of your contract entered into prior to January 26, 1951, as well as a copy of the successor contract, if any.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 24, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 19, 1952.

[F. R. Doc. 52-13542; Filed, Dec. 19, 1952; 11:49 a. m.]

[General Overriding Regulation 27, Amdt. 4]

GOR 27—APPROVAL OF PRICES IN LONG TERM CONTRACTS FOR SALES OF CERTAIN COMMODITIES

SELLERS OF GLASS MAKERS' SAND

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment 4 to General Overriding Regulation 27 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds glass makers' sand to the commodities covered by General Overriding Regulation 27 (GOR 27). GOR 27 permits a seller to sell the commodities specified therein in accordance with a long-term contract made prior to price control upon his filing of an application requesting permission to put into effect the pricing provisions of the contract in lieu of his present ceiling prices. The statement of considerations accompanying the issuance of GOR 27 pointed out that the regulation is limited solely to situations where sellers entered into long-term contracts covering the specific commodities described in the regulation in good faith prior to price control and then found themselves unable, because of price control, to put into effect certain pricing provisions of the contract.

The Director of Price Stabilization has found a similar situation affecting sales of glass makers' sand to glass manufacturers, in which the same considerations are present. Therefore the scope of GOR 27 is extended to include glass makers' sand sold to a manufacturer of glass and glass products.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

General Overriding Regulation 27, as amended, is further amended in the following respect:

1. Section 2 is amended by adding the following:

(c) Glass makers' sand sold to a manufacturer of glass and glass products.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 24, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 19, 1952.

[F. R. Doc. 52-13543; Filed, Dec. 19, 1952; 11:49 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 104 to Schedule A]

[Rent Regulation 2, Amdt. 102 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA AND KENTUCKY

Effective December 18, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

In Schedule A, Item 100 is changed to read and a new Item 124b is added, all as follows:

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Indiana				
(100) Evansville	B	Vanderburgh	Mar. 1, 1942	Sept. 1, 1942
	C	do	Aug. 1, 1952	Oct. 30, 1952
Kentucky				
(124b) Henderson-Union Counties	B	Henderson; Union	Mar. 1, 1942	Sept. 1, 1942
	C	do	Aug. 1, 1950	Nov. 7, 1951

[F. R. Doc. 52-13496; Filed, Dec. 18, 1952; 3:57 p. m.]

[Rent Regulation 1, Amdt. 31 to Schedule B]

[Rent Regulation 2, Amdt. 31 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

OHIO

Effective December 22, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 17th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. Item 79 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

79. *Provisions relating to Erie County, Ohio, a portion of the Erie County-Oak Harbor Defense-Rental Area (Item 238 of Schedule A):*

With respect to housing accommodations in Erie County, Ohio, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* (a) The housing accommodation had a maximum rent in effect on December 14, 1952, and the present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section 141 (a) shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodations or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 162 decreasing rents which were in effect on June 30, 1947. Adjustments under this section 141 (a) shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director.

(b) The housing accommodation had a maximum rent in effect on June 30, 1947, and did not have a maximum rent in effect on December 14, 1952, and the present maximum rent does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, (2) plus any increase in rental value because of a major capital improvement or an increase in services, furniture, furnishings, or equipment which occurred after June 30, 1947, (3) minus any decrease in rental value because of any decrease in services, furniture, furnishings, or equipment required by the rent regulations on June 30, 1947, or because of a substantial deterioration. The adjustment under this section 141 (b) shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, (2) plus or minus appropriate increases or decreases in rental value, if any, heretofore specified. All provisions of this regulation insofar as they are applicable to Erie County, Ohio, are amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

2. Item 85 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

85. *Provisions relating to Erie County, Ohio, a portion of the Erie County-Oak Harbor Defense-Rental Area (Item 238 of Schedule A):*

With respect to housing accommodations in Erie County, Ohio, section 138 is added to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The room had a maximum rent in effect on December 14, 1952, and the present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodations or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to Erie County, Ohio are amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

[F. R. Doc. 52-13457; Filed, Dec. 19, 1952; 8:58 a. m.]

[Rent Regulation 1, Amdt. 32 to Schedule B]

[Rent Regulation 2, Amdt. 32 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

KENTUCKY AND OHIO

Effective December 22, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 17th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. Item 80 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

80. Provisions relating to Kenton and Campbell Counties, Kentucky, portions of the Cincinnati, Ohio, Defense-Rental Area (Item 227 of Schedule A):

With respect to housing accommodations in Kenton and Campbell Counties, Kentucky, section 141 of this regulation is changed to read as follows:

SEC. 141. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the housing accommodation does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable housing accommodations on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947, under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947, for the housing accommodations or comparable housing accommodations, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under section 157 or 162 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

2. Item 86 is added to Schedule B of Rent Regulation 2—Rooms, reading as follows:

86. *Provisions relating to Kenton and Campbell Counties, Kentucky, portions of the Cincinnati, Ohio, Defense-Rental Area (Item 227 of Schedule A):*

With respect to housing accommodations in Kenton and Campbell Counties, Kentucky, section 138 is added to this regulation to read as follows:

SEC. 138. *Alternate adjustment for increases in costs and prices.* The present maximum rent for the room does not equal (1) 130 percent of the maximum rent in effect on June 30, 1947, or 130 percent of the maximum rent for comparable rooms on June 30, 1947, if no maximum rent was in effect on that date; (2) plus or minus any increases or decreases in maximum rent ordered after June 30, 1947 under this regulation for major capital improvements or increases or decreases in living space, services, furniture, furnishings or equipment or substantial deterioration. The adjustment under this section shall be in an amount sufficient to cause the maximum rent to equal (1) 130 percent of the maximum rent in effect on June 30, 1947 for the room or comparable rooms, whichever is applicable; (2) plus or minus appropriate increases or decreases in rental value, if any, as specified herein: *Provided, however,* That the Director shall give appropriate consideration to orders issued under sections 157 or 160 decreasing maximum rents which were in effect on June 30, 1947. Adjustments under this section shall be effective automatically upon the filing of the petition if a maximum rent was in effect on June 30, 1947. In all other cases, they shall not be effective until the order is issued by the Director. All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are amended to the extent necessary to carry into effect the provisions of this item of Schedule B.

[F. R. Doc. 52-13458; Filed, Dec. 19, 1952; 8:58 a. m.]

[Rent Regulation 3, Amdt. 106 to Schedule A]

[Rent Regulation 4, Amdt. 48 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA AND KENTUCKY

Effective December 18, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

In Schedule A, Item 100 is changed to read and a new Item 124b is added, all as follows:

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(100) Evansville	Indiana	Vanderburgh	Aug. 1, 1952	Oct. 30, 1952
(124b) Henderson-Union Counties	Kentucky	Henderson; Union	Aug. 1, 1950	Nov. 7, 1951

[F. R. Doc. 52-13495; Filed, Dec. 18, 1952; 3:57 p. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

LAKE MEAD NATIONAL RECREATIONAL AREA AND OREGON CAVES NATIONAL MONUMENT

1. Section 20.47a *Lake Mead Recreational Area,* is renumbered § 20.48 and is redesignated *Lake Mead National Recreation Area.*

2. Part 20 is amended by adding a new § 20.49 reading as follows:

§ 20.49 *Oregon Caves National Monument*—(a) *Admission to caves.* No person or persons shall be permitted to enter Oregon Caves unless accompanied by a guide. Children under the age of six will not be permitted to enter the caves. Competent guide service and a nursery for children too young to make the trip are provided by the Park Concessioner for which fees are charged in accordance with the schedule of rates approved by the Secretary of the Interior.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 15th day of December 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-13403; Filed, Dec. 19, 1952; 8:50 a. m.]

Chapter II—Office of Defense Mobilization

PART 201—DEFENSE MANPOWER POLICY NO. 1

SELECTIVE SERVICE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Reorganization Plan No. 3 of 1950, Defense Manpower Policy No. 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

Defense Manpower Policy No. 1 is issued to implement the Universal Military Training and Service Act, as amended, and Executive Order 10340 of April 5, 1952, which prescribes regulations governing the administration of the Selective Service System. Defense Manpower Policy No. 1 sets forth the policies to be followed by the Director of Selective Service in the administration of the Selective Service System.

Sec.
201.1 Purpose.
201.2 Policy.
201.3 Definitions.
201.4 Deferment of persons in industry.
201.5 Deferment of persons in agriculture.
201.6 Deferment of persons in activities in support of agriculture.
201.7 Deferment of persons in critical occupations.
201.8 Deferment of students.
201.9 Deferment of persons in the national health, safety, or interest.
201.10 Deferment of persons with dependents.
201.11 Deferment of conscientious objectors.
201.12 Deferment of aliens.
201.13 Deferment of persons in the Armed Forces.
201.14 Deferment of persons in the Merchant Marine.
201.15 Deferment of persons in the Public Health Service.
201.16 Deferment of persons in the Coast and Geodetic Survey.
201.17 Deferment of persons in the Reserve Corps.
201.18 Deferment of persons in the National Guard.
201.19 Deferment of persons in the Civilian Components.
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201.82 Deferment of persons in the Civilian Components.
201.83 Deferment of persons in the Reserve of the Armed Forces.
201.84 Deferment of persons in the Regular Armed Forces.
201.85 Deferment of persons in the Civilian Components.
201.86 Deferment of persons in the Reserve of the Armed Forces.
201.87 Deferment of persons in the Regular Armed Forces.
201.88 Deferment of persons in the Civilian Components.
201.89 Deferment of persons in the Reserve of the Armed Forces.
201.90 Deferment of persons in the Regular Armed Forces.
201.91 Deferment of persons in the Civilian Components.
201.92 Deferment of persons in the Reserve of the Armed Forces.
201.93 Deferment of persons in the Regular Armed Forces.
201.94 Deferment of persons in the Civilian Components.
201.95 Deferment of persons in the Reserve of the Armed Forces.
201.96 Deferment of persons in the Regular Armed Forces.
201.97 Deferment of persons in the Civilian Components.
201.98 Deferment of persons in the Reserve of the Armed Forces.
201.99 Deferment of persons in the Regular Armed Forces.
201.100 Deferment of persons in the Civilian Components.

AUTHORITY: §§ 201.1 to 201.100 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 6, 62 Stat. 605, as amended; 50 U. S. C. App. Sup. 456.

§ 201.1 Purpose.

This part sets forth the policies to be followed by the Director of Selective Service in the administration of the Selective Service System.

§ 201.2 Policy.

It is the policy of the Director of Selective Service to administer the Selective Service System in accordance with the provisions of the Universal Military Training and Service Act, as amended, and Executive Order 10340 of April 5, 1952, which prescribes regulations governing the administration of the Selective Service System.

§ 201.3 Definitions.

As used in this part, the following terms shall have the meanings ascribed to them in this section:

(a) "Director of Selective Service" means the Director of Selective Service appointed by the President pursuant to the Universal Military Training and Service Act, as amended.

(b) "Selective Service System" means the Selective Service System established by the Universal Military Training and Service Act, as amended.

(c) "Universal Military Training and Service Act, as amended" means the Universal Military Training and Service Act, as amended by the Act of June 19, 1951, 65 Stat. 75.

(d) "Executive Order 10340" means Executive Order 10340 of April 5, 1952, which prescribes regulations governing the administration of the Selective Service System.

(e) "Defense Production Act of 1950, as amended" means the Defense Production Act of 1950, as amended by the Act of September 8, 1951, 65 Stat. 131.

(f) "Executive Order 10161" means Executive Order 10161 of September 9, 1950, which prescribes regulations governing the administration of the Defense Production Act of 1950, as amended.

(g) "Reorganization Plan No. 3 of 1950" means Reorganization Plan No. 3 of 1950, which prescribes regulations governing the administration of the Selective Service System.

(h) "Defense Manpower Policy No. 1" means Defense Manpower Policy No. 1, which prescribes regulations governing the administration of the Selective Service System.

(i) "Defense Manpower Policy No. 2" means Defense Manpower Policy No. 2, which prescribes regulations governing the administration of the Selective Service System.

(j) "Defense Manpower Policy No. 3" means Defense Manpower Policy No. 3, which prescribes regulations governing the administration of the Selective Service System.

(k) "Defense Manpower Policy No. 4" means Defense Manpower Policy No. 4, which prescribes regulations governing the administration of the Selective Service System.

(l) "Defense Manpower Policy No. 5" means Defense Manpower Policy No. 5, which prescribes regulations governing the administration of the Selective Service System.

(m) "Defense Manpower Policy No. 6" means Defense Manpower Policy No. 6, which prescribes regulations governing the administration of the Selective Service System.

(n) "Defense Manpower Policy No. 7" means Defense Manpower Policy No. 7, which prescribes regulations governing the administration of the Selective Service System.

(o) "Defense Manpower Policy No. 8" means Defense Manpower Policy No. 8, which prescribes regulations governing the administration of the Selective Service System.

(p) "Defense Manpower Policy No. 9" means Defense Manpower Policy No. 9, which prescribes regulations governing the administration of the Selective Service System.

(q) "Defense Manpower Policy No. 10" means Defense Manpower Policy No. 10, which prescribes regulations governing the administration of the Selective Service System.

(r) "Defense Manpower Policy No. 11" means Defense Manpower Policy No. 11, which prescribes regulations governing the administration of the Selective Service System.

(s) "Defense Manpower Policy No. 12" means Defense Manpower Policy No. 12, which prescribes regulations governing the administration of the Selective Service System.

(t) "Defense Manpower Policy No. 13" means Defense Manpower Policy No. 13, which prescribes regulations governing the administration of the Selective Service System.

(u) "Defense Manpower Policy No. 14" means Defense Manpower Policy No. 14, which prescribes regulations governing the administration of the Selective Service System.

(v) "Defense Manpower Policy No. 15" means Defense Manpower Policy No. 15, which prescribes regulations governing the administration of the Selective Service System.

(w) "Defense Manpower Policy No. 16" means Defense Manpower Policy No. 16, which prescribes regulations governing the administration of the Selective Service System.

(x) "Defense Manpower Policy No. 17" means Defense Manpower Policy No. 17, which prescribes regulations governing the administration of the Selective Service System.

(y) "Defense Manpower Policy No. 18" means Defense Manpower Policy No. 18, which prescribes regulations governing the administration of the Selective Service System.

(z) "Defense Manpower Policy No. 19" means Defense Manpower Policy No. 19, which prescribes regulations governing the administration of the Selective Service System.

(aa) "Defense Manpower Policy No. 20" means Defense Manpower Policy No. 20, which prescribes regulations governing the administration of the Selective Service System.

(bb) "Defense Manpower Policy No. 21" means Defense Manpower Policy No. 21, which prescribes regulations governing the administration of the Selective Service System.

(cc) "Defense Manpower Policy No. 22" means Defense Manpower Policy No. 22, which prescribes regulations governing the administration of the Selective Service System.

(dd) "Defense Manpower Policy No. 23" means Defense Manpower Policy No. 23, which prescribes regulations governing the administration of the Selective Service System.

(ee) "Defense Manpower Policy No. 24" means Defense Manpower Policy No. 24, which prescribes regulations governing the administration of the Selective Service System.

(ff) "Defense Manpower Policy No. 25" means Defense Manpower Policy No. 25, which prescribes regulations governing the administration of the Selective Service System.

(gg) "Defense Manpower Policy No. 26" means Defense Manpower Policy No. 26, which prescribes regulations governing the administration of the Selective Service System.

(hh) "Defense Manpower Policy No. 27" means Defense Manpower Policy No. 27, which prescribes regulations governing the administration of the Selective Service System.

(ii) "Defense Manpower Policy No. 28" means Defense Manpower Policy No. 28, which prescribes regulations governing the administration of the Selective Service System.

(jj) "Defense Manpower Policy No. 29" means Defense Manpower Policy No. 29, which prescribes regulations governing the administration of the Selective Service System.

(kk) "Defense Manpower Policy No. 30" means Defense Manpower Policy No. 30, which prescribes regulations governing the administration of the Selective Service System.

(ll) "Defense Manpower Policy No. 31" means Defense Manpower Policy No. 31, which prescribes regulations governing the administration of the Selective Service System.

(mm) "Defense Manpower Policy No. 32" means Defense Manpower Policy No. 32, which prescribes regulations governing the administration of the Selective Service System.

(nn) "Defense Manpower Policy No. 33" means Defense Manpower Policy No. 33, which prescribes regulations governing the administration of the Selective Service System.

(oo) "Defense Manpower Policy No. 34" means Defense Manpower Policy No. 34, which prescribes regulations governing the administration of the Selective Service System.

(pp) "Defense Manpower Policy No. 35" means Defense Manpower Policy No. 35, which prescribes regulations governing the administration of the Selective Service System.

(qq) "Defense Manpower Policy No. 36" means Defense Manpower Policy No. 36, which prescribes regulations governing the administration of the Selective Service System.

(rr) "Defense Manpower Policy No. 37" means Defense Manpower Policy No. 37, which prescribes regulations governing the administration of the Selective Service System.

(ss) "Defense Manpower Policy No. 38" means Defense Manpower Policy No. 38, which prescribes regulations governing the administration of the Selective Service System.

(tt) "Defense Manpower Policy No. 39" means Defense Manpower Policy No. 39, which prescribes regulations governing the administration of the Selective Service System.

(uu) "Defense Manpower Policy No. 40" means Defense Manpower Policy No. 40, which prescribes regulations governing the administration of the Selective Service System.

(vv) "Defense Manpower Policy No. 41" means Defense Manpower Policy No. 41, which prescribes regulations governing the administration of the Selective Service System.

(ww) "Defense Manpower Policy No. 42" means Defense Manpower Policy No. 42, which prescribes regulations governing the administration of the Selective Service System.

(xx) "Defense Manpower Policy No. 43" means Defense Manpower Policy No. 43, which prescribes regulations governing the administration of the Selective Service System.

(yy) "Defense Manpower Policy No. 44" means Defense Manpower Policy No. 44, which prescribes regulations governing the administration of the Selective Service System.

(zz) "Defense Manpower Policy No. 45" means Defense Manpower Policy No. 45, which prescribes regulations governing the administration of the Selective Service System.

(aaa) "Defense Manpower Policy No. 46" means Defense Manpower Policy No. 46, which prescribes regulations governing the administration of the Selective Service System.

(bbb) "Defense Manpower Policy No. 47" means Defense Manpower Policy No. 47, which prescribes regulations governing the administration of the Selective Service System.

(ccc) "Defense Manpower Policy No. 48" means Defense Manpower Policy No. 48, which prescribes regulations governing the administration of the Selective Service System.

(ddd) "Defense Manpower Policy No. 49" means Defense Manpower Policy No. 49, which prescribes regulations governing the administration of the Selective Service System.

(eee) "Defense Manpower Policy No. 50" means Defense Manpower Policy No. 50, which prescribes regulations governing the administration of the Selective Service System.

(fff) "Defense Manpower Policy No. 51" means Defense Manpower Policy No. 51, which prescribes regulations governing the administration of the Selective Service System.

(ggg) "Defense Manpower Policy No. 52" means Defense Manpower Policy No. 52, which prescribes regulations governing the administration of the Selective Service System.

(hhh) "Defense Manpower Policy No. 53" means Defense Manpower Policy No. 53, which prescribes regulations governing the administration of the Selective Service System.

(iii) "Defense Manpower Policy No. 54" means Defense Manpower Policy No. 54, which prescribes regulations governing the administration of the Selective Service System.

(jjj) "Defense Manpower Policy No. 55" means Defense Manpower Policy No. 55, which prescribes regulations governing the administration of the Selective Service System.

(kkk) "Defense Manpower Policy No. 56" means Defense Manpower Policy No. 56, which prescribes regulations governing the administration of the Selective Service System.

(lll) "Defense Manpower Policy No. 57" means Defense Manpower Policy No. 57, which prescribes regulations governing the administration of the Selective Service System.

(mmm) "Defense Manpower Policy No. 58" means Defense Manpower Policy No. 58, which prescribes regulations governing the administration of the Selective Service System.

(nnn) "Defense Manpower Policy No. 59" means Defense Manpower Policy No. 59, which prescribes regulations governing the administration of the Selective Service System.

(ooo) "Defense Manpower Policy No. 60" means Defense Manpower Policy No. 60, which prescribes regulations governing the administration of the Selective Service System.

(ppp) "Defense Manpower Policy No. 61" means Defense Manpower Policy No. 61, which prescribes regulations governing the administration of the Selective Service System.

(qqq) "Defense Manpower Policy No. 62" means Defense Manpower Policy No. 62, which prescribes regulations governing the administration of the Selective Service System.

(rrr) "Defense Manpower Policy No. 63" means Defense Manpower Policy No. 63, which prescribes regulations governing the administration of the Selective Service System.

(sss) "Defense Manpower Policy No. 64" means Defense Manpower Policy No. 64, which prescribes regulations governing the administration of the Selective Service System.

(ttt) "Defense Manpower Policy No. 65" means Defense Manpower Policy No. 65, which prescribes regulations governing the administration of the Selective Service System.

(uuu) "Defense Manpower Policy No. 66" means Defense Manpower Policy No. 66, which prescribes regulations governing the administration of the Selective Service System.

(vvv) "Defense Manpower Policy No. 67" means Defense Manpower Policy No. 67, which prescribes regulations governing the administration of the Selective Service System.

(www) "Defense Manpower Policy No. 68" means Defense Manpower Policy No. 68, which prescribes regulations governing the administration of the Selective Service System.

(xxx) "Defense Manpower Policy No. 69" means Defense Manpower Policy No. 69, which prescribes regulations governing the administration of the Selective Service System.

(yyy) "Defense Manpower Policy No. 70" means Defense Manpower Policy No. 70, which prescribes regulations governing the administration of the Selective Service System.

(zzz) "Defense Manpower Policy No. 71" means Defense Manpower Policy No. 71, which prescribes regulations governing the administration of the Selective Service System.

(aaaa) "Defense Manpower Policy No. 72" means Defense Manpower Policy No. 72, which prescribes regulations governing the administration of the Selective Service System.

(bbbb) "Defense Manpower Policy No. 73" means Defense Manpower Policy No. 73, which prescribes regulations governing the administration of the Selective Service System.

(cccc) "Defense Manpower Policy No. 74" means Defense Manpower Policy No. 74, which prescribes regulations governing the administration of the Selective Service System.

(dddd) "Defense Manpower Policy No. 75" means Defense Manpower Policy No. 75, which prescribes regulations governing the administration of the Selective Service System.

(eeee) "Defense Manpower Policy No. 76" means Defense Manpower Policy No. 76, which prescribes regulations governing the administration of the Selective Service System.

(ffff) "Defense Manpower Policy No. 77" means Defense Manpower Policy No. 77, which prescribes regulations governing the administration of the Selective Service System.

(gggg) "Defense Manpower Policy No. 78" means Defense Manpower Policy No. 78, which prescribes regulations governing the administration of the Selective Service System.

(hhhh) "Defense Manpower Policy No. 79" means Defense Manpower Policy No. 79, which prescribes regulations governing the administration of the Selective Service System.

(iiii) "Defense Manpower Policy No. 80" means Defense Manpower Policy No. 80, which prescribes regulations governing the administration of the Selective Service System.

(jjjj) "Defense Manpower Policy No. 81" means Defense Manpower Policy No. 81, which prescribes regulations governing the administration of the Selective Service System.

(kkkk) "Defense Manpower Policy No. 82" means Defense Manpower Policy No. 82, which prescribes regulations governing the administration of the Selective Service System.

(llll) "Defense Manpower Policy No. 83" means Defense Manpower Policy No. 83, which prescribes regulations governing the administration of the Selective Service System.

(mmmm) "Defense Manpower Policy No. 84" means Defense Manpower Policy No. 84, which prescribes regulations governing the administration of the Selective Service System.

(nnnn) "Defense Manpower Policy No. 85" means Defense Manpower Policy No. 85, which prescribes regulations governing the administration of the Selective Service System.

(oooo) "Defense Manpower Policy No. 86" means Defense Manpower Policy No. 86, which prescribes regulations governing the administration of the Selective Service System.

(pppp) "Defense Manpower Policy No. 87" means Defense Manpower Policy No. 87, which prescribes regulations governing the administration of the Selective Service System.

(qqqq) "Defense Manpower Policy No. 88" means Defense Manpower Policy No. 88, which prescribes regulations governing the administration of the Selective Service System.

(rrrr) "Defense Manpower Policy No. 89" means Defense Manpower Policy No. 89, which prescribes regulations governing the administration of the Selective Service System.

(ssss) "Defense Manpower Policy No. 90" means Defense Manpower Policy No. 90, which prescribes regulations governing the administration of the Selective Service System.

(tttt) "Defense Manpower Policy No. 91" means Defense Manpower Policy No. 91, which prescribes regulations governing the administration of the Selective Service System.

(uuuu) "Defense Manpower Policy No. 92" means Defense Manpower Policy No. 92, which prescribes regulations governing the administration of the Selective Service System.

(vvvv) "Defense Manpower Policy No. 93" means Defense Manpower Policy No. 93, which prescribes regulations governing the administration of the Selective Service System.

(wwww) "Defense Manpower Policy No. 94" means Defense Manpower Policy No. 94, which prescribes regulations governing the administration of the Selective Service System.

(xxxx) "Defense Manpower Policy No. 95" means Defense Manpower Policy No. 95, which prescribes regulations governing the administration of the Selective Service System.

(yyyy) "Defense Manpower Policy No. 96" means Defense Manpower Policy No. 96, which prescribes regulations governing the administration of the Selective Service System.

(zzzz) "Defense Manpower Policy No. 97" means Defense Manpower Policy No. 97, which prescribes regulations governing the administration of the Selective Service System.

(aaaaa) "Defense Manpower Policy No. 98" means Defense Manpower Policy No. 98, which prescribes regulations governing the administration of the Selective Service System.

(bbbbb) "Defense Manpower Policy No. 99" means Defense Manpower Policy No. 99, which prescribes regulations governing the administration of the Selective Service System.

(ccccc) "Defense Manpower Policy No. 100" means Defense Manpower Policy No. 100, which prescribes regulations governing the administration of the Selective Service System.

§ 201.4 Deferment of persons in industry.

(a) The Director of Selective Service shall defer persons in industry who are engaged in the production of goods or services essential to the national health, safety, or interest.

(b) The Director of Selective Service shall defer persons in industry who are engaged in the production of goods or services essential to the national health, safety, or interest.

§ 201.5 Deferment of persons in agriculture.

(a) The Director of Selective Service shall defer persons in agri

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

1. The Commission has before it for consideration the assignment of VHF Channel 13 to Macon, Georgia, pursuant to the Table of Assignments contained in § 3.606 of its rules and regulations.

2. It has come to the Commission's attention that the assignment of Channel 13 in Macon, Georgia, does not meet the 190 mile minimum co-channel assignment spacing prescribed by § 3.610 of the rules for Zone II. Channel 13 in Macon is only 189.2 miles from the transmitter site of co-channel Station WAFM-TV operating in Birmingham, Alabama. Therefore, Channel 13 must be deleted from the assignments to Macon.

3. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. Channel 13 was assigned to Macon on the basis of an erroneous mileage computation. The facts concerning the mileage separation are uncontroverted. The Commission finds, therefore, that notice of rule making in this instance would be impracticable and unnecessary.

5. In light of the foregoing: *It is ordered*, That, effective 30 days after publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended to delete Channel 13 from the assignments to Macon, Georgia.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Adopted: December 10, 1952.

Released: December 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13392; Filed, Dec. 19, 1952; 8:47 a. m.]

[Docket No. 10331]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATION; TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of Assignments*, rules governing Television Broadcast Stations; Docket No. 10331.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of December 1952;

The Commission having under consideration its notice of proposed rule making issued October 24, 1952 (FCC 52-1361), and published in the FEDERAL REGISTER on November 1, 1952 (17 F. R. 9900), proposing to assign UHF Channel 52 to Princeton, Indiana, a community which is not listed in the Table of Assignments and is not within 15 miles of a community so listed;

It appearing, that in accordance with the provisions of paragraph 5 of the aforesaid notice of proposed rule making, the time for filing comments therein expired December 2, 1952; and

It further appearing, that no comments opposing the proposed amendment were filed;

It is ordered, That, effective 30 days from the publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended to assign UHF Channel 52+ to Princeton, Indiana; and the table of assignments is revised as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Released: December 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

(b) *Table of assignments.*

	Channel No.
Alabama:	
Andalusia	29
Anniston	37—
Auburn	*56
Bessemer	54
Birmingham	6—, *10—, 13—, 42+, 48
Brewton	23+
Clanton	14
Cullman	60+
Decatur	23—
Demopolis	18
Dothan	9+, 19—
Enterprise	40+
Eufaula	44
Florence	41
Fort Payne	19
Gadsden	15+, 21+
Greenville	49—
Guntersville	40—
Huntsville	31+
Jasper	17
Mobile	5+, 10+, *42, 48+
Montgomery	12, 20, *26+, 32
Opelika	22—
Selma	58+
Sheffield	47—
Sylacauga	24—
Talladega	64
Thomasville	27—
Troy	38—
Tuscaloosa	45, 51—
Tuskegee	16—
University	*7
Arizona:	
Ajo	14—
Bisbee	15
Casa Grande	18—
Clifton	25—
Coolidge	30+
Douglas	3—
Eloy	24
Flagstaff	9, 13
Globe	34+
Holbrook	14
Kingman	6—
Mesa	12—
Miami	28+
Morenci	31
Nogales	17—
Phoenix	3+, 5—, *8+, 10—
Prescott	15
Arizona—Continued	
Safford	21
Tucson	4—, *6+, 9—, 13—
Williams	25
Winslow	16—
Yuma	11—, 13+
Arkansas:	
Arkadelphia	34+
Batesville	30—
Benton	40
Blytheville	64—, 74
Camden	50
Conway	49+
El Dorado	10—, 26—
Fayetteville	*13—, 41—
Forrest City	22+
Fort Smith	5—, *16, 22
Harrison	24
Helena	54—
Hope	15—
Hot Springs	9—, 52+
Jonesboro	8, 39+
Little Rock	*2—, 4, 11+, 17—, 23+
Magnolia	28+
Malvern	46
Morrilton	43—
Newport	28
Paragould	44
Pine Bluff	7—, 36
Russellville	19
Searcy	33
Springdale	35—
Stuttgart	14+
California:	
Alturas	9
Bakersfield	10—, 29
Brawley	25+
Chico	12—
Corona	52
Delano	33+
El Centro	16
Eureka	3—, 13—
Fresno	12+, *18—, 24, 47, 53
Hanford	21
Los Angeles	2, 4, 5, 7, 9, 11, 13, 22, *28, 34
Madera	30+
Merced	34—
Modesto	14+
Monterey. (*See* Salinas.)	
Napa	62
Oakland. (*See* San Francisco.)	
Oxnard	32
Palm Springs	14
Petaluma	56
Port Chicago	15
Red Bluff	16
Redding	7
Riverside	40, 46
Sacramento	3, *6, 10, 40—, 46+
Salinas-Monterey	8+, 28—
San Bernardino	18, *24—, 30
San Buenaventura	38—
San Diego	8, 10, *15+, 21—, 27, 33, 39
San Francisco-Oakland	2+, 4—, 5+, 7—, *9+, 20—, 26—, 32+, 38, 44—
San Jose	11+, 48, *54, 60
San Luis Obispo	6+
Santa Barbara	3—, 20, 26
Santa Cruz	16
Santa Maria	44
Santa Paula	16+
Santa Rosa	50
Stockton	13+, 36, *42
Tulare	27+
Ukiah	18
Visalia	43, 49
Watsonville	22—
Yreka City	11
Yuba City	52—
Colorado:	
Alamosa	19+
Boulder	*12, 22+
Canon City	36
Colorado Springs	11, 13, *17+, 23+
Craig	19
Delta	24—
Denver	2, 4—, *6—, 7, 9—, 20, 26—
Durango	6+, 15
Fort Collins	44+
Fort Morgan	15+

	Channel No.
Colorado—Continued	
Grand Junction	5—, 21+
Greeley	50
La Junta	24
Lamar	18—
Leadville	14+
Longmont	32
Loveland	38
Montrose	10+, 18
Pueblo	3—, 5, *8, 28—, 34—
Salida	25
Sterling	25—
Trinidad	21—
Walsenburg	30—
Connecticut:	
Bridgeport	43—, 49—, *71
Hartford	3+, 18—, *24
Meriden	65—
New Britain	30+
New Haven	8+, 59+
New London	26+, 81
Norwalk. (*See* Stamford.)	
Norwich	57+, *63—
Stamford-Norwalk	27
Waterbury	53
Delaware:	
Dover	40
Wilmington	12, *59—, 83+
District of Columbia:	
Washington	4—, 5, 7+, 9—, 20+, *26—
Florida:	
Belle Glade	25—
Bradenton	28—
Clearwater	32+
Daytona Beach	2—
De Land	44+
Fort Lauderdale	17—, 23—
Fort Myers	11+
Fort Pierce	19
Gainesville	*5+, 20+
Jacksonville	4+, *7, 12—, 30+, 36—
Key West	14+, 20
Lake City	33+
Lakeland	16+, 22+
Lake Wales	14
Leesburg	26—
Marianna	17+
Miami	*2, 4, 7—, 10+, 27+, 33
Ocala	15+
Orlando	6—, 9, 18, *24—
Palatka	17
Panama City	7+, *30, 36+
Pensacola	3—, 15—, *21, 46
Quincy	54+
St. Augustine	25+
St. Petersburg. (*See* Tampa.)	
Sanford	35+
Sarasota	34+
Tallahassee	*11—, 24, 51
Tampa-St. Petersburg	*3, 8—, 13—, 38
West Palm Beach	5, 12, *15, 21+
Georgia:	
Albany	10, 25
Americus	31
Athens	*8, 60—
Atlanta	2, 5—, 11+, *30, 36
Augusta	6+, 12+
Bainbridge	35—
Brunswick	28+, 34—
Cairo	45+
Carrollton	33
Cartersville	63—
Cedartown	53—
Columbus	4, 28, *34
Cordele	43
Dalton	25+
Douglas	32—
Dublin	15
Elberton	24+
Fitzgerald	23
Fort Valley	18+
Gainesville	52
Griffin	39+
La Grange	50
Macon	*41+, 47+
Marietta	57+
Milledgeville	51+
Moultrie	48—
Newnan	61+
Rome	5, 59
Georgia—Continued	
Savannah	3—, *9—, 11
Statesboro	22
Swainsboro	20—
Thomasville	6, 27
Tifton	14—
Toccoa	35
Valdosta	37+
Vidalia	26
Waycross	16
Idaho:	
Blackfoot	33
Boise	*4+, 7, 9—
Burley	15—
Caldwell	2
Coeur d'Alene	12—
Emmett	26—, 10
Gooding	23
Idaho Falls	3, 8+
Jerome	17
Kellogg	33—
Lewiston	3—
Moscow	*15
Nampa	6, 12+
Payette	14+
Pocatello	6—, 10
Preston	41
Rexburg	27+
Rupert	21
Sandpoint	9+
Twin Falls	11, 13—
Wallace	27—
Weiser	20—
Illinois:	
Alton	48
Aurora	16
Belleville	54+
Bloomington	15—
Cairo	24—
Carbondale	34, *61—
Centralia	32+, 59+
Champaign-Urbana	3+, *12—, 21, 27, 33
Chicago	2—, 5, 7, 9+, *11, 20, 26, 32, 38, 44
Danville	24
Decatur	17, 23+
De Kalb	*67
Dixon	47+
Elgin	28+
Freeport	23
Galesburg	40—
Harrisburg	22
Jacksonville	29
Joliet	48+
Kankakee	14
Kewanee	60—
La Salle	35
Lincoln	53+
Macomb	61+
Marion	40
Mattoon	46—
Moline. (*See* Davenport, Iowa.)	
Mt. Vernon	38—
Olney	16—
Pekin	49+
Peoria	8, 19, *37—, 43+
Quincy	10—, 21+
Rockford	13+, 39+, *45+
Rock Island. (*See* Davenport, Iowa.)	
Springfield	2+, 20+, *26—
Streator	65—
Urbana. (*See* Champaign.)	
Vandalia	28—
Waukegan	22+
Indiana:	
Anderson	61
Angola	15+
Bedford	39
Bloomington	4, *30—, 36
Columbus	42—
Connersville	38+
Elkhart	52
Evansville	7, 50—, *56, 62
Fort Wayne	*27+, 33—, 69
Gary	50, *66
Hammond	56—
Indianapolis	6, 8—, 13—, *20—, 26+, 67—
Jasper	19+
Kokomo	31
Indiana—Continued	
Lafayette	47, 59
Lebanon	18
Logansport	51
Madison	25—
Marion	29+
Michigan City	62+
Muncie	49, 55+, *71
Princeton	52+
Richmond	32—
Shelbyville	58+
South Bend	34—, *40+, 46
Tell City	31—
Terre Haute	10, *57+, 63—
Vincennes	44+
Washington	60+
Iowa:	
Algona	37+
Ames	5, 25—
Atlantic	45—
Boone	19—
Burlington	32—, 38+
Carroll	39
Cedar Rapids	2, 9—, 20—, *26+
Centerville	31—
Charles City	18—
Cherokee	14
Clinton	64
Creston	43
Davenport-Rock Island-Moline, Ill.	4+, 6+, *30+, 36+, 42—
Decorah	44+
Des Moines	8—, *11+, 13—, 17+, 23—
Dubuque	56+, 62—
Estherville	24+
Fairfield	54
Fort Dodge	21
Fort Madison	50+
Grinnell	46+
Iowa City	*12+, 24—
Keokuk	44—
Knoxville	33—
Marshalltown	49
Mason City	3+, 35—
Muscatine	58
Newton	29—
Oelwein	28
Oskaloosa	52+
Ottumwa	15+
Red Oak	32+
Shenandoah	20+
Sioux City	4—, 9, *30, 36—
Spencer	42+
Storm Lake	34+
Waterloo	7+, 10—, *22—
Webster City	27
Kansas:	
Abilene	31+
Arkansas City	49
Atchison	60+
Chanute	50—
Coffeyville	33—
Colby	22—
Concordia	47—
Dodge City	6+, 23
El Dorado	55+
Emporia	39—
Fort Scott	27
Garden City	9, 11+
Goodland	31
Great Bend	2, 28
Hays	7—, 20—
Hutchinson	12, 18
Independence	20
Iola	44+
Junction City	29+
Larned	15—
Lawrence	*11, 17—
Leavenworth	54—
Liberal	14
McPherson	26—
Manhattan	*8, 23+
Newton	14+
Olathe	52—
Ottawa	21—
Parsons	46—
Pittsburg	7+, 38—
Pratt	36+
Salina	34
Topeka	13+, 42, *48+

Kansas—Continued	Channel No.
Wellington	24—
Wichita	3—, 10—, 16—, *22+
Winfield	43+
Kentucky:	
Ashland	59—
Bowling Green	13, 17+
Campbellsville	40+
Corbin	16
Danville	35+
Elizabethtown	23
Frankfort	43—
Glasgow	28+
Harlan	36—
Hazard	19—
Hopkinsville	20
Lexington	27—, 64
Louisville	3—, 11+, *15, 21—, 41—, 51—
Madisonville	26
Mayfield	49—
Maysville	24+
Middlesborough	57, 63+
Murray	33—
Owensboro	14—
Paducah	6+, 43
Pikeville	14—
Princeton	45—
Richmond	60
Somerset	29—
Winchester	37+
Louisiana:	
Abbeville	42—
Alexandria	5, 62+
Bastrop	53+
Baton Rouge	2, 28, *34, 40—
Bogalusa	39
Crowley	21+
De Ridder	14
Eunice	64—
Franklin	46+
Hammond	51+
Houma	30+
Jackson	18—
Jennings	48
Lafayette	10, 38—, 67—
Lake Charles	7—, *19, 25
Minden	30
Monroe	8+, 43+
Morgan City	36+
Natchitoches	17+
New Iberia	15+
New Orleans	4+, 6+, *8, 20—, 26, 32+, 61
Oakdale	54+
Opelousas	58
Ruston	20
Shreveport	3—, 12
Thibodaux	24
Winnfield	22—
Auburn	23+
Augusta	10—, 29+
Bangor	2—, 5—, *16—
Bar Harbor	22—
Bath	65
Belfast	41—
Biddeford	59
Calais	7, 20—
Dover-Foxcroft	18+
Fort Kent	17+
Houlton	24
Lewiston	8—, 17
Millinocket	14+
Orono	*12—
Portland	6+, 13+, *47—, 53+
Presque Isle	8, 19
Rockland	25—
Rumford	55—
Van Buren	15—
Waterville	35+
Maryland:	
Annapolis	14—
Baltimore	2+, 11—, 13+, 18, *24+, 60—
Cambridge	22+
Cumberland	17+
Frederick	62+
Hagerstown	52
Salisbury	16+
Massachusetts:	
Barnstable	52
Boston	*2+, 4—, 5, 7+, 44+, 50—, 56

Massachusetts—Continued	Channel No.
Brockton	62
Fall River	46—, 68
Greenfield	42+
Holyoke. (*See* Springfield.)	
Lawrence	38+
Lowell	32+
New Bedford	28—, 34+
North Adams	74+
Northampton	36+
Pittsfield	64+,
Springfield-Holyoke	55, 61
Worcester	14, 20
Michigan:	
Alma	41+
Alpena	9+, 30—
Ann Arbor	20+, *26—
Bad Axe	46—
Battle Creek	58—, 64—
Bay City	5—, 63—, *73+
Benton Harbor	42
Big Rapids	39
Cadillac	13—, 45
Calumet	13+
Cheboygan	4+, 36+
Coldwater	24—
Detroit	2+, 4, 7—, 50—, *56, 62
East Lansing	60+
East Tawas	25—
Escanaba	3+
Flint	12—, 16—, *22—, 28
Gladstone	40—
Grand Rapids	8+, *17+, 23—
Hancock	10—
Houghton	19
Iron Mountain	9, 27
Iron River	12—
Ironwood	31—
Jackson	48
Kalamazoo	3—, 36—
Lansing	6—, 54
Ludington	18+
Manistee	15—
Manistique	14+,
Marquette	5+, 17
Midland	19+
Mount Pleasant	47—
Muskegon	29—, 35+
Petoskey	31
Pontiac	44+
Port Huron	34+
Rogers City	24
Saginaw	51—, 57—
Sault Ste. Marie	8, 10+, 28—, *34
Traverse City	7+, 20—, *26+
West Branch	21
Minnesota:	
Albert Lea	57—
Alexandria	36
Austin	6—, 51+
Bemidji	24—
Brainerd	12
Cloquet	44
Crookston	21—
Detroit Lakes	18+
Duluth-Superior, Wis	3, 6+, *8—, 32, 38
Ely	16
Fairmont	40+,
Faribault	20
Fergus Falls	16—
Grand Rapids	20—
Hastings	29+
Hibbing	10+
International Falls	11
Little Falls	14+
Mankato	15—
Marshall	22+
Minneapolis-St. Paul	*2—, 4, 5—, 9+, 11—, 17, 23+
Montevideo	19
New Ulm	43—
Northfield	26
Owatonna	45
Red Wing	63
Rochester	10, 55—
St. Cloud	7, 33
St. Paul. (*See* Minneapolis.)	
Stillwater	39—
Thief River Falls	15
Virginia	26+
Wadena	27+,

Minnesota—Continued	Channel No.
Willmar	31+
Winona	61
Worthington	32
Mississippi:	
Biloxi	13, *44+, 50—
Brookhaven	37+
Canton	16
Clarksdale	6, 32
Columbia	35+
Columbus	28—
Corinth	29—
Greenville	21—, 27
Greenwood	24+
Grenada	15
Gulfport	56—
Hattiesburg	9—, 17—
Jackson	3+, 12+, *19+, 25—, 47
Kosciusko	52—
Laurel	33—
Louisville	46—
McComb	31—
Meridian	11, 30—, *36—
Natchez	29+
Pascagoula	22
Picayune	14—
Starkville	34—
State College	*2+,
Tupelo	38
University	*20+,
Vicksburg	41+,
West Point	8, 56+
Yazoo City	49
Missouri:	
Cape Girardeau	12, 18+
Carthage	56—
Caruthersville	27—
Chillicothe	14—
Clinton	49—
Columbia	8+, 16+, 22—
Farmington	52
Festus	14+
Fulton	24+
Hannibal	7—, 27+
Jefferson City	13, 33+
Joplin	12+, 30+
Kansas City	4, 5+, 9+, *19+, 25+, 65
Kennett	21
Kirksville	3—, 18
Lebanon	23
Marshall	40+
Maryville	26
Mexico	45
Moberly	35+
Monett	14
Nevada	18—
Poplar Bluff	15+
Rolla	31
St. Joseph	2—, 30—, *36
St. Louis	4—, 5+, *9, 11—, 30, 36—, 42+
Sedalia	6—, 28+
Sikeston	37,
Springfield	3+, 10, *26+, 32
West Plains	20—
Montana:	
Anaconda	2+
Billings	2, 8, *11
Bozeman	*9, 22—
Butte	4, 6+, *7—, 15+
Cut Bank	20+
Deer Lodge	25+
Dillon	20
Glasgow	16
Glendive	18—
Great Falls	3+, 5+, *23—
Hamilton	17+
Hardin	4+
Havre	9+, 11+
Helena	10+, 12
Kalispell	8—
Laurel	14+
Lewistown	13
Livingston	16—
Miles City	3—, *6, 10
Missoula	*11—, 13—, 21+
Polson	18
Red Lodge	18+
Shelby	14—
Sidney	14
Whitefish	16+
Wolf Point	20—

Nebraska:	Channel No.
Alliance	13—, 21
Beatrice	40
Broken Bow	14—
Columbus	49+
Fairbury	35
Falls City	38
Fremont	52
Grand Island	11—, 21+
Hastings	5—, 27—
Kearney	13, 19
Lexington	23—
Lincoln	10+, 12—, *18+, 24
McCook	8—, 17
Nebraska City	50
Norfolk	33+
North Platte	2—, 4+
Omaha	3, 6+, 7, *16, 22, 28—
Scottsbluff	10—, 16+
York	15
Nevada:	
Boulder City	4+
Carlin	14
Carson City	37
Elko	10—
Ely	3—, 6+
Fallon	29—
Goldfield	5—
Hawthorne	31
Henderson	2—
Las Vegas	8—, *10+, 13—
Lovelock	18+
McGill	8+
Reno	4, 8, *21+, 27—
Tonopah	9—
Winnemucca	7+
Yerington	33
New Hampshire:	
Berlin	26
Claremont	37
Concord	27+
Durham	*11
Hanover	*21+
Keene	45—
Laconia	43
Littleton	24—
Manchester	9—, 48+
Nashua	54
Portsmouth	19+
Rochester	51
New Jersey:	
Andover	*69
Asbury Park	58
Atlantic City	46, 52+
Bridgeton	64—
Camden	*80
Freehold	*74
Hammonton	*70
Montclair	*77
Newark	13—
New Brunswick	*19—, 47+
Paterson	37+
Trenton	41+
Wildwood	48—
New Mexico:	
Alamogordo	17
Albuquerque	4+, *5+, 7+, 13+
Artesia	21+
Atrisco-Five Points	18+
Belen	24+
Carlsbad	6—, 23
Clayton	27—
Clovis	12+, 35
Deming	14+
Farmington	17—
Gallup	3, *8—, 10
Hobbs	46
Hot Springs	19
Las Cruces	22—
Las Vegas	14—
Lordsburg	23+
Los Alamos	20—
Lovington	27
Portales	22+
Raton	46—, *52
Roswell	*3+, 8, 10—
Santa Fe	2+, *9+, 11—
Silver City	*10+, 12
Socorro	15+
Tucumcari	25+

New York:	Channel No.
Albany-Schenectady-Troy	6, *17+, 23—, 41
Amsterdam	52—
Auburn	37—
Batavia	33—
Binghamton	12—, 40—, *45+
Buffalo (*also see* Buffalo-Niagara Falls)	17, *23
Buffalo-Niagara Falls	2, 4—, 7+, 59
Cortland	56+
Dunkirk	46
Elmira	18+, 24—
Glens Falls	39+
Gloversville	29—
Hornell	50
Ithaca	*14+, 20—
Jamestown	58+
Kingston	66—
Malone	20+, *66
Massena	14—
Middletown	60
New York	2—, 4, 5+, 7, 9+, 11+, *25, 31—
Niagara Falls. (*See* Buffalo-Niagara Falls.)	
Ogdensburg	24+
Olean	54+
Oneonta	62—
Oswego	31
Plattsburg	28+
Poughkeepsie	21—, *83
Rochester	5—, 10+, 15—, *21, 27+
Rome. (*See* Utica.)	
Saranac Lake	18
Schenectady (*also see* Albany)	35
Syracuse	3—, 8, *43+
Troy. (*See* Albany.)	
Utica-Rome	13, 19, *25+
Watertown	48
North Carolina:	
Ahoskie	53
Albemarle	20
Asheville	13—, *56—, 62+
Burlington	63
Chapel Hill	*4
Charlotte	3, 9+, 36+, 42+
Durham	11+, *40—, 46+
Elizabeth City	31+
Fayetteville	18—
Gastonia	48
Goldsboro	34
Greensboro	2—, *51—, 57—
Greenville	9
Henderson	52—
Hendersonville	27
Hickory	30—
High Point	15+
Jacksonville	16
Kannapolis	59+
Kinston	45
Laurinburg	41—
Lumberton	21+
Mount Airy	55
New Bern	13—
Raleigh	5—, *22—, 28—
Roanoke Rapids	30+
Rocky Mount	50
Salisbury	53+
Sanford	38
Shelby	39
Southern Pines	49
Statesville	64—
Washington	7
Wilmington	6, 29—, *35+
Wilson	56
Winston-Salem	12, 26+, *32—
North Dakota:	
Bismarck	5, 12—, 18, *24
Bottineau	16+
Carrington	26—
Devils Lake	8+, 14—
Dickinson	2+, 4, *17
Fargo	6, 13—, *34—, 40
Grafton	17
Grand Forks	*2, 10
Harvey	22+
Jamestown	7—, 42
Lisbon	23
Minot	*6+, 10—, 13+
New Rockford	20+

North Dakota—Continued	Channel No.
Rugby	38—
Valley City	4—, 32—
Wahpeton	45+
Williston	8—, 11—, *34+,
Ohio:	
Akron	49+, *55—, 61+
Ashtabula	15
Athens	62—
Bellefontaine	63
Cambridge	26
Canton	29
Chillicothe	56+,
Cincinnati	5—, 9, 12, *48—, 54—, 74—
Cleveland	3, 5+, 8, 19, *25+, 65+,
Columbus	4—, 6+, 10+, *34, 40—
Coshocton	20
Dayton	2, 7+, *16+, 22+,
Defiance	43
Findlay	53
Fremont	59+,
Gallipolis	18+
Hamilton-Middletown	65
Lancaster	28—
Lima	35—, 73
Lorain	31—
Mansfield	36+,
Marion	17—
Massillon	23+,
Middletown. (*See* Hamilton.)	
Mount Vernon	58
Newark	60—
Oxford	*14+
Piqua	44—
Portsmouth	30
Sandusky	42+,
Springfield	46+, 52—
Steubenville. (*See* Wheeling, W. Va.)	
Tiffin	47+,
Toledo	11—, 13, *30+,
Warren	67+,
Youngstown	21—, 27, 73—
Zanesville	50+,
Oklahoma:	
Ada	50+
Altus	36
Alva	30
Anadarko	58—
Ardmore	55—
Bartlesville	62—
Blackwell	51—
Chickasha	64
Claremore	15
Clinton	32—
Duncan	39
Durant	27—
Elk City	12—, 15+
El Reno	56+,
Enid	5, 21, *27+,
Frederick	44
Guthrie	48
Guymon	20+,
Hobart	23+,
Holdenville	14—
Hugo	21+,
Lawton	7+, *28+, 34—
McAlester	47
Miami	58+,
Muskogee	8—, *45+, 66+,
Norman	31—, *37—
Oklahoma City	4—, 9—, *13, 19+, 25—
Okmulgee	26
Pauls Valley	61
Ponca City	40—
Pryor Creek	54
Sapulpa	42—
Seminole	59
Shawnee	53—
Stillwater	29—, *69
Tulsa	2+, 6, *11—, 17+, 23
Vinita	28—
Woodward	8+,
Oregon:	
Albany	55+,
Ashland	14—
Astoria	30—
Baker	37+,
Bend	15—
Burns	16
Corvallis	*7—, 49—

Oregon—Continued	Channel No.
Eugene	9, 13, 24+
Grants Pass	29—
Klamath Falls	21+, 50—
La Grande	29+
Medford	5, 10—
Ontario	8+, 14—
Pendleton	16+, 21—
Portland	2, 6, 8, 12, 27+, 49—
Roseburg	26—
Salem	3, 7+, 43—
Pennsylvania:	
Allentown	39—
Altoona	10+, 24—
Bethlehem	46—
Chambersburg	15+, 20—
Clearfield	6+, 26—
Easton	57—
Erie	12+, 35—
Greensburg	41—
Harrisburg	27+, 33—
Hazleton	22—
Indiana	69
Johnstown	8+, 56—
Lancaster	4+, 15—
Lebanon	67—
Lewistown	58
Meadville	12—
New Castle	45—
Oil City	13—
Philadelphia	3, 6, 10, 17, 29, 48—
Pittsburgh	4, 11, 16, 22, 53—
Pottsville	10—
Reading	33—
Scranton	16, 28—
Sharon	15—
State College	3—
Sunbury	63
Uniontown	19—
Warren	9—
Washington	18—
Wilkes-Barre	44—
Williamsport	36—
York	43—
Rhode Island:	
Newport	11—
Providence	10, 12—
South Carolina:	
Anderson	27—
Charleston	2+, 5—, 36—
Columbia	25+, 67—
Florence	32—
Greenville	4+, 16—
Greenwood	51—
Rock Hill	48—
Spartanburg	7+, 40—
Sumter	10—
South Dakota:	
Aberdeen	9+, 20—
Brookings	28—
Huron	5+, 13—
Lead	3—
Mitchell	19—
Pierre	7—
Rapid City	5+, 10—
Sioux Falls	11+, 13—
Watertown	17—
Yankton	21—
Tennessee:	
Athens	40—
Bristol	5—
Chattanooga	3+, 9+, 12—
Cleveland	35—
Columbia	6—
Dyersburg	16—
Elizabethton	11—
Greeneville	15—
Harriman	39—
Jackson	7+, 47—
Johnson City	5+, 31—
Kingsport	13—
Knoxville	8+, 26—
Lawrenceburg	29—
Memphis	3+, 5+, 10+, 13—
Nashville	2+, 4+, 8+, 30—
Oak Ridge	46—
Paris	42—
Tullahoma	18—

Texas—Continued	Channel No.
Abilene	9+, 12—
Alice	10—
Amarillo	4+, 10+, 19—
Austin	7+, 24—
Bay City	20—
Beaumont	6+, 12+, 31—
Big Spring	4—
Brownfield	61
Brownsville	4+, 23—
Brownwood	6—
Bryan	3—
Cameron	6—
Childress	7—
Cleburne	26—
Coleman	25—
College Station	5—
Colorado City	5—
Corpus Christi	6+, 10+, 16—
Corsicana	24—
Crockett	19—
Dallas	4+, 8+, 13+, 39—
Del Rio	4—
Denison	23—
Denton	29—
Eagle Pass	10—
Edinburg	5—
El Paso	4+, 7+, 9+, 13—
Fort Stockton	8—
Fort Worth	5+, 11+, 17—
Gainesville	12—
Galveston	11+, 34—
Gladewater	32—
Graham	9—
Greenville	8—
Harlingen	4—
Henderson	7—
Hereford	16—
Houston	2+, 8+, 11+, 26—
Huntsville	15—
Jacksonville	19—
Kerrville	23—
Kilgore	17—
Laredo	8—
Longview	32—
Lubbock	5+, 13—
Lufkin	9—
McAllen	5—
Marshall	18—
Mexia	34—
Midland	2—
Mineral Wells	24—
Nacogdoches	12—
Odessa	7—
Orange	27—
Palestine	28—
Pampa	10—
Paris	14—
Pecos	2—
Plainview	34—
Port Arthur	4+, 8+, 33—
Rusk	30—
San Angelo	8+, 10—
San Antonio	4+, 9+, 12+, 35—
Sherman	28—
Snyder	11—
Sweetwater	5—
Temple	6—
Texarkana	6+, 10—
Tyler	7+, 21—
Victoria	19—
Waco	10+, 25—
Wichita Falls	6+, 15—
Utah:	
Brigham City	28—
Cedar City	13—
Logan	5—
Moab	4—
Ogden	9—
Price	6—
Provo	11—
Richfield	10—
Salt Lake City	2+, 4+, 7+, 20—
Vermont:	
Barre	5—
Bennington	41—
Brattleboro	30—
Burlington	22+, 44—
Montpelier	8—
Rutland	3—
Virginia:	
Alexandria	26—
Bristol	5—
Charlottesville	29—
Danville	24—
Fredericksburg	9—
Harrisonburg	3—
Lynchburg	13—
Martinsville	21—
Newport News	3+, 10—
Norfolk	3+, 10+, 15—
Petersburg	8—
Portsmouth	27—
Richmond	6+, 12+, 23—
Roanoke	7+, 10—
Staunton	16—
Suffolk	17—
Virginia Beach	43—
Washington:	
Aberdeen	16—
Bellingham	12+, 30—
Bremerton	28—
Centralia	9—
Ellensburg	6—
Everett	11—
Hoquiam	8—
Kelso	25—
Kennewick	17—
Longview	19—
Moses Lake	45—
Olympia	13—
Pasco	4—
Port Angeles	31—
Pullman	35—
Richland	5—
Seattle	5+, 7, 9+, 11—
Spokane	2+, 4+, 6+, 28—
Tacoma	13+, 36—
Vancouver	21—
Walla Walla	15—
Wenatchee	2—
Yakima	23—
West Virginia:	
Bluefield	10—
Charleston	2+, 8+, 13—
Clarksburg	12—
Fairmont	35—
Huntington	3+, 13—
Morgantown	40—
Parkersburg	15—
Wheeling	7+, 11—
Wisconsin:	
Appleton	42—
Ashland	3—
Beaver Dam	17—
Eau Claire	13—
Fond du Lac	18—
Green Bay	2+, 5—
Janesville	14—
La Crosse	8+, 19—
Madison	3+, 15—
Manitowoc	24—
Marinette	11—
Milwaukee	4+, 10+, 12—
Oshkosh	6—
Racine	9—
Rhinelander	34—
Sheboygan	28—
Stevens Point	16—
Superior	21—
Wausau	7—
Wyoming:	
Casper	2—
Cheyenne	4—
Lander	10—
Rock Springs	8—
Sheridan	7—
Alaska:	
Anchorage	2—
Fairbanks	4—
Juneau	8—
Ketchikan	5—
Kodiak	9—
Hawaii:	
Hilo	4—
Honolulu	2—
Kahului	10—
Puerto Rico:	
Mayaguez	5—
Ponce	7—
San Juan	2—

Oregon—Continued	Channel No.
Eugene	*9+, 13, 20+, 26
Grants Pass	30
Klamath Falls	2—
La Grande	13+
Lebanon	43+
McMinnville	46—
Medford	4+, 5
North Bend	16+
Pendleton	28
Portland	6+, 8—, *10, 12, 21—, 27+
Roseburg	28+
Salem	3+, *18—, 24+
Springfield	37—
The Dalles	32
Pennsylvania:	
Allentown	39, 67
Altoona	10—, 19+, 25—
Bethlehem	51—
Bradford	48+
Butler	43—
Chambersburg	46—
Du Bois	31+
Easton	57—
Emporium	42—
Erie	12, 35+, *41—, 66+
Harrisburg	27—, 55+, 71+
Hazleton	63
Irwin	4+
Johnstown	6, 56—
Lancaster	8—, 21+
Lebanon	15+
Lewistown	38
Lock Haven	32—
Meadville	37
New Castle	45—
Oil City	64
Philadelphia	3, 6—, 10, 17—, 23+, 29, *35—
Pittsburgh	2—, 11, *13—, 16, 47—, 53+
Reading	33+, 61—
Scranton	16—, 22—, 73
Sharon	39+
State College	*44
Sunbury	65
Uniontown	14
Washington	63+
Wilkes-Barre	28, 34
Williamsport	36—
York	43, 49
Rhode Island:	
Providence	10+, 12+, 16, *22
South Carolina:	
Aiken	54—
Anderson	58—
Camden	14
Charleston	2+, 5, *13
Clemson	*68
Columbia	10—, *19+, 25—, 67+
Conway	23—
Florence	8—
Georgetown	27—
Greenville	4—, 23+, *29
Greenwood	21—
Lake City	55+
Lancaster	31—
Laurens	45—
Marion	43—
Newberry	70
Orangeburg	44—
Rock Hill	61—
Spartanburg	7+, 17—
Sumter	47
Union	65—
South Dakota:	
Aberdeen	9—, 17+
Belle Fourche	23+
Brookings	*8, 25
Hot Springs	17+
Huron	12+, 15+
Lead	5—, 26
Madison	46
Mitchell	5+, 20—
Mobridge	27—
Pierre	6—, 10+, *22+
Rapid City	7+, 15—
Sioux Falls	11, 13+, 38+, *44—
Sturgis	20
Vermillion	*2+, 41
Watertown	3—, 35+
Winner	18—
Yankton	17—

Tennessee:	Channel No.
Athens	14+
Bristol, Tenn.-Bristol, Va.	5+, 46—
Chattanooga	3+, 12—, 43+, 49+, *55—
Clarksville	53
Cleveland	38+
Columbia	39—
Cookeville	24
Covington	19—
Dyersburg	46+
Elizabethton	40
Fayetteville	27+
Gallatin	48+
Harriman	67
Humboldt	25
Jackson	9—, 16+
Johnson City	11—, 34+
Kingsport	28
Knoxville	6, 10+, *20+, 26—
Lawrenceburg	50+
Lebanon	58
McMinnville	46
Maryville	51
Memphis	3, 5+, *10+, 13+, 42—, 48—
Morristown	54+
Murfreesboro	18—
Nashville	*2—, 4+, 8+, 30+, 36+
Oak Ridge	32+
Old Hickory	5
Paris	51+
Pulaski	44—
Shelbyville	62—
Springfield	42
Tullahoma	65+
Union City	55
Texas:	
Abilene	9+, 33—
Alice	34+
Alpine	12—
Amarillo	*2—, 4, 7, 10
Athens	25+
Austin	7+, 18—, 24, *30—
Ballinger	25
Bay City	33
Beaumont-Port Arthur	4—, 6—, 31+, *37
Beeville	38—
Big Spring	4—
Bonham	48
Borger	33
Brady	15—
Breckenridge	14+
Brenham	52—
Brownfield	15
Brownsville (*also see* Brownsville-Harlingen-Weslaco)	36
Brownsville-Harlingen-Weslaco [1]	4+, 5—
Brownwood	19
Bryan	54—
Childress	40
Cleburne	57
Coleman	21—
College Station	*3+, 48—
Conroe	20+
Corpus Christi	6+, 10—, *16+, 22
Corsicana	47+
Crockett	56
Crystal City	28+
Cuero	25—
Dalhart	16
Dallas	4+, 8, *13+, 23, 29, 73
Del Rio	16—
Denison	52
Denton	*2, 17
Eagle Pass	26
Edinburg	26—
El Campo	27
El Paso	4, *7, 9, 13, 20+, 26+
Falfurrias	52
Floydada	45
Fort Stockton	22
Fort Worth	5+, 10+, 20—, *26+
Gainesville	49—
Galveston	11+, 35—, 41—, *47—
Gonzales	64+
Greenville	62

[1] These assignments may be utilized in any community lying within the area of the triangle formed by Brownsville, Harlingen and Weslaco.

Texas—Continued	Channel No.
Harlingen (*also see* Brownsville-Harlingen-Weslaco)	23
Hebbronville	58
Henderson	42+
Hereford	19—
Hillsboro	63
Houston	2—, *8—, 13—, 23+, 29—, 39—
Huntsville	15
Jacksonville	36—
Jasper	49+
Kermit	14
Kilgore	59—
Kingsville	40
Lamesa	28
Lampasas	40—
Laredo	8, 13, *15+
Levelland	38—
Littlefield	32
Longview	32, 38+
Lubbock	5—, 11, 13—, *20, 26—
Lufkin	9, 46—
McAllen	20—
McKinney	65—
Marfa	19+
Marshall	16—
Mercedes	32
Mexia	50—
Midland	2+, 18
Mineral Wells	38
Mission	14
Monahans	9—
Mount Pleasant	35
Nacogdoches	40+
New Braunfels	62—
Odessa	7—, 24—
Orange	42—
Pampa	17—
Paris	33+
Pearsall	31
Pecos	16+
Perryton	22
Plainview	29+
Port Arthur. (*See* Beaumont.)	
Quanah	42
Raymondville	42
Rosenberg	17—
San Angelo	3—, 8+, 17+, *23—
San Antonio	4, 5, *9—, 12+, 35+, 41+
San Benito	48
San Marcos	53+
Seguin	14—
Seymour	24+
Sherman	46—
Snyder	30+
Stephenville	32+
Sulphur Springs	41
Sweetwater	12
Taylor	58+
Temple	6, 16, 22+
Terrell	53
Texarkana	6+, *18, 24—
Tyler	7, 19—
Uvalde	20
Vernon	18+
Victoria	19+
Waco	11—, *28—, 34
Waxahachie	45—
Weatherford	51
Weslaco. (*See* Brownsville-Harlingen-Weslaco.)	
Wichita Falls	3, 6—, *16+, 22—
Utah:	
Brigham	36—
Cedar City	5
Logan	12—, 30, *46
Ogden	9+, *18—, 24
Price	6
Provo	11+, 22, *28
Richfield	13+
St. George	18—
Salt Lake City	2+, 4—5+, *7—, 20+, 26
Tooele	44
Vernal	3+
Vermont:	
Bennington	33
Brattleboro	58—
Burlington	*16+, 22—
Montpelier	3, 40
Newport	46

Vermont—Continued	Channel No.
Rutland	49+
St. Albans	34—
St. Johnsbury	30
Virginia:	
Blacksburg	*60+
Bristol. (*See* Bristol, Tenn.)	
Charlottesville	*45+, 64+
Covington	44+
Danville	24—
Emporia	25+
Farmville	19
Fredericksburg	47
Front Royal	39—
Harrisonburg	3—, 34—
Lexington	54
Lynchburg	13, 16—
Marion	50—
Martinsville	35—
Newport News. (*See* Norfolk-Portsmouth-Newport News.)	
Norfolk-Portsmouth (*also see* Norfolk-Portsmouth-Newport News)	27
Norfolk-Portsmouth-Newport News (*also see* Norfolk-Portsmouth)	3+, 10+, 15, *21—, 33
Norton	52+
Petersburg	8, 41
Portsmouth. (*See* Norfolk-Portsmouth and *also see* Norfolk, Portsmouth-Newport News.)	
Pulaski	37—
Richmond	6+, 12—, *23, 29+
Roanoke	7—, 10, 27+, *33—
South Boston	14+
Staunton	36
Waynesboro	42
Williamsburg	17
Winchester	28+
Washington:	
Aberdeen	58
Anacortes	34
Bellingham	12+, 18+, 24—
Bremerton	44, 50
Centralia	17
Ellensburg	49, *65
Ephrata	43
Everett	22—, 28—
Grand Coulee	37
Hoquiam	52
Kelso	39
Kennewick (*also see* Kennewick-Richland-Pasco)	25
Kennewick-Richland-Pasco	*41
Longview	33
Olympia	60
Omak-Okanogan	*35—
Okanogan. (*See* Omak.)	
Pasco (*also see* Kennewick-Richland-Pasco)	19—
Port Angeles	16—
Pullman	*10—, 24
Richland (*also see* Kennewick-Richland-Pasco)	31
Seattle	4, 5+, 7, *9, 20, 26+
Spokane	2—, 4—, 6—, *7+
Tacoma	11+, 13—, *56, 62
Walla Walla	5—, 8, *22
Wenatchee	*45, 55
Yakima	23+, 29+, *47
West Virginia:	
Beckley	6—, 21
Bluefield	41+
Charleston	8+, *43+, 49—
Clarksburg	12+, 22
Elkins	40+
Fairmont	35
Hinton	31
Huntington	3+, 13+, *53—
Logan	23—
Martinsburg	58—
Morgantown	*24
Parkersburg	15—
Welch	25
Weston	32

West Virginia—Continued	Channel No.
Wheeling (*also see* Wheeling-Steubenville, Ohio)	*57+
Wheeling-Steubenville, Ohio	7, 9+, 51+
Williamson	17
Wisconsin:	
Adams	*58+
Appleton	42+
Ashland	15+
Beaver Dam	37
Beloit	57
Chilton	*24+
Eau Claire	13, *19+, 25+
Fond du Lac	54+
Green Bay	2+, 6
Janesville	63+
Kenosha	61—
La Crosse	8+, *32+, 38—
Madison	3, *21—, 27—, 33+
Manitowoc	65
Marinette	11+, 32—, *38+
Milwaukee	4—, *10+, 12, 19—, 25, 31+
Oshkosh	48—
Park Falls	*18
Portage	17—
Prairie du Chien	34
Racine	49—, 55
Rhinelander	22
Rice Lake	21+
Richland Center	15, *66—
Sheboygan	59—
Shell Lake	*30—
Sparta	50—
Stevens Point	20+, 26—
Sturgeon Bay	44—
Superior. (*See* Duluth, Minn.)	
Wausau	7—, 16+, *46—
Wisconsin Rapids	14—
Wyoming:	
Buffalo	29
Casper	2+, 6+
Cheyenne	3, 5+
Cody	24—
Douglas	14
Evanston	14—
Gillette	31—
Green River	16
Greybull	40
Lander	17—
Laramie	*8+, 18+
Lovell	36+
Lusk	19—
Newcastle	28+
Powell	30+
Rawlins	11—
Riverton	10+
Rock Springs	13
Sheridan	9—, 12+
Thermopolis	15
Torrington	27
Wheatland	24+
Worland	34

U. S. TERRITORIES AND POSSESSIONS

Alaska:	
Anchorage	2—, *7—, 11—, 13—
Fairbanks	2+, 4+, 7+, *9+, 11+, 13+
Juneau	*3, 8, 10
Ketchikan	2, 4, *9
Seward	4—, 9—
Sitka	13
Hawaiian Islands:	
Hilo, Hawaii	2, *4, 7, 9, 11, 13
Honolulu, Oahu	2+, 4—, *7+, 9—, 11+, 13—
Lihue, Kauai	3+, *8—, 10+, 12—
Wailuku, Maui	3, 8, *10, 12
Puerto Rico:	
Arecibo	13+
Caguas	11—
Mayaguez	3+, 5—
Ponce	7+, 9—
San Juan	2+, 4—, *6+
Virgin Islands:	
Charlotte Amalie	10—, 12+
Christiansted	8+

[F. R. Doc. 52-13393; Filed, Dec. 19, 1952; 8:47 a. m.]

[Docket Nos. 10176, 10325]

PART 8—STATION ON SHIPBOARD IN THE MARITIME SERVICE

LIFEBOAT RADIO EQUIPMENT

Correction

In F. R. Doc. 52-13111, appearing at page 11235 of the issue for Friday, December 12, 1952, the following change should be made:

In the second column of the table under § 8.557 (b) (1), the frequency tolerance percentage ".2" should read ".02".

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 10—IMPORTATION OF WILD BIRD FEATHERS

Basis and purpose. The act of July 17, 1952, amended paragraph 1518 of the Tariff Act of 1930 (19 U. S. C., sec. 1001, par. 1518), so as to effect certain changes in the provisions thereof which prohibit the importation of the feathers of wild birds. Section 1 of the act amended paragraph 1518 by inserting "(a)" after "1518." and by striking out the two provisions at the end of the first subparagraph and all of the second subparagraph, and by inserting in lieu thereof new subparagraphs (b) to (f), inclusive.

Subparagraph (b) prohibits the importation of the feathers or skin of any bird except as provided in subparagraph (c) and (d). Subparagraph (c) provides that the prohibition against importation shall not apply in certain designated circumstances which are not material for the purposes of these regulations. Subparagraph (d) provides that there may be entered, or withdrawn from warehouse, for consumption in each calendar year the following quotas of skins bearing feathers:

(1) For use in the manufacture of artificial flies used for fishing: (A) Not more than 5,000 skins of grey jungle fowl (Gallus sonneratii), and (B) not more than 1,000 skins of mandarin duck (Dendronessa galericulata); and

(2) For use in the manufacture of artificial flies used for fishing, or for millinery purposes, not more than 45,000 skins, in the aggregate, of the following species of pheasant: Lady Amherst pheasant (Chrysolophus amherstiae), golden pheasant (Chrysolophus pictus), silver pheasant (Lophura nycthemera), Reeves pheasant (Syrmaticus reevesii), blue-eared pheasant (Crossoptilon auritum), and brown-eared pheasant (Crossoptilon mantchuricum).

Although the act of July 17, 1952, did not become effective until midnight, August 16, 1952, under the terms of section 4 of the act, the full amount of the import quotas set out above are available for allocation for the year 1952.

Subparagraph (e) provides that no article specified in subparagraph (d) shall be entered, or withdrawn from

warehouse, for consumption except under a permit issued by the Secretary of the Interior. The said subparagraph (e) further provides that the Secretary of the Interior shall prescribe such regulations as may be necessary to carry out the purposes and provisions of subparagraph (d), including regulations providing for equitable allocation among qualified applicants of the import quotas established by such subparagraph.

By Notice of Proposed Rule Making published in the FEDERAL REGISTER on August 14, 1952 (17 F. R. 7397), the public was invited to participate in the preparation of the regulations required by subparagraph (e) by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C., on or before September 2, 1952. Careful consideration has been given to the views, data, and arguments received, and it has been determined that the regulations appearing below should be promulgated to govern the issuance of permits for the entry, or withdrawal from warehouse for consumption, of the articles specified in subparagraph (d), and to provide for equitable allocation among qualified applicants of the import quotas established by such subparagraph.

Effective immediately upon publication in the FEDERAL REGISTER the following regulations, constituting a new part and consisting of §§ 10.1 to 10.5, are prescribed to establish quotas for the year 1952 only:

Sec.
10.1 Allocation of quotas.
10.2 Filing date.
10.3 Application.
10.4 Importation permits.
10.5 Compliance with other regulations.

AUTHORITY: §§ 10.1 to 10.5 issued under 46 Stat. 661, as amended; 19 U. S. C. 1001, par. 1518.

§ 10.1 *Allocation of quotas.* (a) Not to exceed eighty percent (80%) of the prescribed quotas shall be allocated among importers, dealers in raw feathers, manufacturers, processors, distributors, and others who submit applications for importation permits within the time allowed in § 10.2. In the event the applications received exceed the quotas to be made available under this paragraph, the quotas shall be distributed equitably among applicants on the basis of their prior business in feathers, to be determined from information to be furnished by each applicant showing the total quantity of feathers of all kinds (exclusive of feathers used in the manufacture of bedding) acquired or disposed of by such applicant during the calendar years 1949, 1950, and 1951.

(b) The remaining twenty percent (20%) of the prescribed quotas shall be allocated equally among all persons who submit applications for importation permits within the time allowed in § 10.2 without regard to their past dealings in feathers. Persons who submit such applications to participate in the quotas established under paragraph (a) of this section shall share equally with all other persons applying under this paragraph.

§ 10.2 *Filing date.* Applications for importation permits shall be postmarked on or before midnight, December 27, 1952. No application made subsequent to that date shall be considered. Each envelope containing an application as provided in § 10.3 shall bear on its face the inscription "Application for Importation Permit."

§ 10.3 *Application.* Application for an importation permit must be made in the form of a letter addressed to the Director, Fish and Wildlife Service, Washington 25, D. C., and shall contain the following information:

(a) Name and address of applicant and nature of feather business, such as an importer, dealer in raw feathers, manufacturer, processor, or distributor.

(b) Port at which entry has been or is to be made.

(c) Quantity of each species of wild bird skin for which an importation permit is desired.

(d) Applicants requesting permits for the skins of grey jungle fowl (Gallus sonneratii) and mandarin duck (Dendronessa galericulata) shall certify in their applications that such skins are to be used only in the manufacture of artificial flies used for fishing.

(e) Applicants desiring to participate in the quota established by § 10.1 (a) must show, separately for each year and the combined total thereof, the quantity and the purpose for which used or proposed to be used, of feathers of all kinds (exclusive of feathers used in the manufacture of bedding) acquired or disposed of by such applicant during the calendar years 1949, 1950, and 1951. For the purposes of this showing, quantities of feathers or bird skins may be listed by weight, individual pieces, or other method of measurement commonly employed in the trade.

§ 10.4 *Importation permits.* As soon as practicable after the closing date for the receipt of applications, the respective quotas of wild bird skins for the year 1952 shall be allocated among the several applicants pursuant to paragraphs (a) and (b) of § 10.1. The quantities of wild bird skins allocated to individual applicants shall be evidenced by importation permits in letter form directed to the respective Collectors of Customs at the Ports of Entry specified by the applicants in their applications. Such permits shall authorize the entry, or withdrawal from warehouse, for consumption of the quantities of wild bird skins allocated to each applicant. A copy of the importation permit shall be furnished each applicant as notice to him of the allocation made in response to his application. Each such importation permit shall be nontransferable, shall be valid for a period of 90 days from date of issue (subject to extension for good cause upon application filed prior to expiration of such 90-day period), and shall be subject to cancellation only if the Secretary of the Interior determines that it has been mistakenly issued, that the applicant therefor has made a material misrepresentation in connection therewith, or that the person in whose behalf it was issued will be unable to bring or import the allowed quota of wild bird skins into the United States during the period specified in the permit or any extension thereof.

§ 10.5 *Compliance with other regulations.* Any importation permitted by the regulations in this part is also subject to any applicable health, quarantine, customs, or other requirements imposed by law or by regulations of duly authorized Federal or State agencies and municipalities.

Issued at Washington, D. C., this 18th day of December 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-13510; Filed, Dec. 19, 1952; 9:33 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INCLUSION OF CERTAIN ITEMS IN PLANT OR PROPERTY ACCOUNT RATHER THAN BUSINESS EXPENSE ACCOUNT

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

In order to conform certain provisions of Regulations 111 (26 CFR Part 29), to acceptable accounting practices with respect to the inclusion of certain items, as a cost of acquisition or production, in either the plant or property account, rather than as a business expense, such regulations are amended as follows:

PARAGRAPH 1. Section 29.22 (a)-5 is amended by striking out the second sentence and inserting in lieu thereof the following: "In determining the gross income, subtractions should not be made for depletion allowances based on discovery value or percentage of income, selling expenses, or losses, or for other items not ordinarily used in computing cost of goods sold."

PAR. 2. Section 29.23 (a)-1 is amended by inserting after the seventh sentence, which names certain items included in business expenses, the following sentence: "No such item shall be included in business expenses, however, to the extent that it is used in computing the cost of property included by the taxpayer either in its inventory or in its plant or property account."

PAR. 3. Section 29.23 (a)-4 is amended by striking out the first sentence and inserting in lieu thereof the following:

§ 29.23 (a)-4 *Repairs.* The cost of incidental repairs which neither materially add to the value of the property nor appreciably prolong its life, but keep it in an ordinarily efficient operating condition, may be deducted as expense, provided the cost of acquisition or production for the year or the plant or property account, as the case may be, is not increased by the amount of such expenditures. • • •

PAR. 4. Section 29.23 (c)-2, as amended by Treasury Decision 5371, approved May 11, 1944, is further amended by striking out the second sentence and inserting in lieu thereof the following: "The fact that any such tax is not deductible as a tax under section 23 (c) for a taxable year beginning after December 31, 1943, does not prevent (a) a deduction therefor under section 23 (a) provided it represents an ordinary and necessary expense paid or incurred during the taxable year by a corporation or an individual in carrying on any trade or business, or, in the case of an individual, for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income, or (b) the inclusion of such tax paid or incurred during the taxable year by a corporation or an individual as a part of the cost of acquisition or production in the trade or business, or, in the case of an individual, as a part of the cost of property held for the production of income with respect to which such tax is paid or incurred."

[F. R. Doc. 52-13454; Filed, Dec. 19, 1952; 8:58 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62, 112 (f), 112 (n), and 3791 of the Internal Revenue Code (53 Stat. 32, 65 Stat. 494, 733, and 53 Stat. 467; 26 U. S. C. 62, 112 (f), 112 (n), and 3791).

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 318 (relating to gain from sale or exchange of taxpayer's residence) of the Revenue Act of 1951, approved October 20, 1951, to Public Law 251, 82d Congress (relating to involuntary conversions), approved October 31, 1951, and to Public Law 567, 82d Congress (relating to gain from sale or exchange of residence of member of armed forces), approved July 16, 1952, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.112 (f)-1 the following:

SEC. 318. GAIN FROM SALE OR EXCHANGE OF TAXPAYER'S RESIDENCE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • • •

(b) *Technical amendments.* (1) Section 112 (f) (relating to involuntary conversions) is hereby amended by adding at the end thereof the following: "This subsection shall not apply, in the case of property used by the taxpayer as his principal residence, if the destruction, theft, seizure, requisition, or condemnation of the residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1950."

• • • • • •

PUBLIC LAW 251, 82D CONGRESS APPROVED OCTOBER 31, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 112 (f) of the Internal Revenue Code (relating to involuntary conversions) is hereby amended to read as follows:

(f) *Involuntary conversion.* If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted—

(1) *Conversion into similar property.* Into property similar or related in service or use to the property so converted, no gain shall be recognized.

(2) *Conversion into money where disposition occurred prior to 1951.* Into money, and the disposition of the converted property occurred before January 1, 1951, no gain shall be recognized if such money is forthwith in good faith, under regulations prescribed by the Secretary, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund. If any part of the money is not so expended, the gain shall be recognized to the extent of the money which is not so expended (regardless of whether such money is received in one or more taxable years and regardless of whether or not the money which is not so expended constitutes gain). For the purposes of this paragraph and paragraph (3), the term "disposition of the converted property" means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation.

(3) *Conversion into money where disposition occurred after 1950.* Into money or into property not similar or related in service or use to the converted property, and the disposition of the converted property (as defined in paragraph (2)) occurred after December 31, 1950, the gain (if any) shall be recognized except to the extent hereinafter provided in this paragraph:

(A) *Nonrecognition of gain.* If the taxpayer during the period specified in subparagraph (B), for the purpose of replacing the property so converted, purchases other property similar or related in service or use to the property so converted, or purchases stock in the acquisition of control of a corporation owning such other property, at the election of the taxpayer the gain shall be recognized only to the extent that the amount realized upon such conversion (regardless of whether such amount is received in one or more taxable years) exceeds the cost of such other property or such stock. Such election shall be made at such time and in such manner as the Secretary may by regulations prescribe. For the purposes of this paragraph—

(i) No property or stock acquired before the disposition of the converted property shall be considered to have been acquired for the purpose of replacing such converted property unless held by the taxpayer on the date of such disposition; and

(ii) The taxpayer shall be considered to have purchased property or stock only if, but for the provisions of section 113 (a) (9), the unadjusted basis of such property or stock would be its cost within the meaning of section 113 (a).

(B) *Period within which property must be replaced.* The period referred to in subparagraph (A) shall be the period beginning with the date of the disposition of the converted property, or the earliest date of the threat or imminence of requisition or condemnation of the converted property, whichever is the earlier, and ending—

(i) One year after the close of the first taxable year in which any part of the gain upon the conversion is realized, or

(ii) Subject to such terms and conditions as may be specified by the Secretary, at the close of such later date as the Secretary may designate upon application by the taxpayer. Such application shall be made at such time and in such manner as the Secretary may by regulations prescribe.

(C) *Time for assessment of deficiency attributable to gain upon conversion.* If a taxpayer has made the election provided in subparagraph (A), then (i) the statutory period for the assessment of any deficiency, for any taxable year in which any part of the gain upon such conversion is realized, attributable to such gain shall not expire prior to the expiration of three years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of the replacement of the converted property or of an intention not to replace, and (ii) such deficiency may be assessed prior to the expiration of such three-year period notwithstanding the provisions of section 272 (f) or the provisions of any other law or rule of law which would otherwise prevent such assessment.

(D) *Time for assessment of other deficiencies attributable to election.* If the election provided in subparagraph (A) is made by

the taxpayer and such other property or such stock was purchased prior to the beginning of the last taxable year in which any part of the gain upon such conversion is realized, any deficiency, to the extent resulting from such election, for any taxable year ending before such last taxable year may be assessed (nothwithstanding the provisions of section 272 (f) or 275 or the provisions of any other law or rule of law which would otherwise prevent such assessment) at any time before the expiration of the period within which a deficiency for such last taxable year may be assessed.

This subsection shall not apply, in the case of property used by the taxpayer as his principal residence, if the destruction, theft, seizure, requisition, or condemnation of residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1950.

* * * * *

SEC. 3. The amendments made by the first two sections of this Act shall be applicable only with respect to taxable years ending after December 31, 1950, except that the provisions of section 112 (f) (3), and the provisions of section 113 (a) (9), of the Internal Revenue Code as amended by this Act shall also be applicable to any taxable year ending prior to January 1, 1951, in which (a) any gain was realized upon the conversion of property and the disposition of such converted property occurred (within the meaning of such section 112 (f) (3)) after December 31, 1950, or (b) the basis of property is affected by an election made under the provisions of section 112 (f) (3) of such code.

* * * * *

PAR. 2. Section 29.112 (f)–1 is hereby amended as follows:

(A) By changing the headnote thereof to read as follows: *"Involuntary conversion where disposition of the converted property occurred prior to January 1, 1951."*

(B) By inserting immediately preceding paragraph (a) thereof the following: "This section applies only with respect to involuntary conversions where the disposition of the converted property occurred prior to January 1, 1951. The term 'disposition of the converted property' means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation. See § 29.112 (f)–3 if the disposition of the converted property occurred after December 31, 1950."

PAR. 3. Section 29.112 (f)–2 is hereby amended as follows:

(A) By changing the headnote thereof to read as follows: *"Replacement funds where disposition of the converted property occurred prior to January 1, 1951."*

(B) By inserting immediately preceding the first paragraph thereof the following: "This section applies only with respect to involuntary conversions where the disposition of the converted property (as defined in § 29.112 (f)–1) occurred prior to January 1, 1951. See § 29.112 (f)–3 if the disposition of the converted property occurred after December 31, 1950."

PAR. 4. There is inserted immediately after § 29.112 (f)–2 the following new section:

§ 29.112 (f)–3 *Involuntary conversion where disposition of the converted property occurred after December 31, 1950*—(a) *In general.* This section applies only with respect to involuntary conversions where the disposition of the converted property (as defined in § 29.112 (f)–1) occurred after December 31, 1950. See § 29.112 (f)–1 and § 29.112 (f)–2 if the disposition of the converted property occurred prior to January 1, 1951. This section also applies only with respect to gains; losses from involuntary conversions are recognized or not recognized without regard to this section. This section shall not apply in the case of an involuntary conversion of property used by the taxpayer as his principal residence; see § 29.112 (n)–1. In the case of property used by the taxpayer partially as a principal residence and partially for other purposes, proper allocation shall be made and this section shall apply only with respect to the involuntary conversion of the portion used for other purposes.

(b) *Conversion into similar property.* If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted only into property similar or related in service or use to the property so converted, no gain shall be recognized. Such nonrecognition of gain is mandatory. If the conversion is, in whole or in part, into money or property not similar or related in service or use to the property so converted, see paragraph (c) of this section.

(c) *Conversion into money or into dissimilar property.* (1) If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted into money or into property not similar or related in service or use to the converted property, the gain, if any, shall be recognized, at the election of the taxpayer, only to the extent that the amount realized upon such conversion exceeds the cost of other property purchased by the taxpayer which is similar or related in service or use to the property so converted, or the cost of stock of a corporation owning such other property which is purchased by the taxpayer in the acquisition of control of such corporation, if the taxpayer purchased such other property, or such stock, for the purpose of replacing the property so converted and during the period specified below.

(2) All of the details in connection with an involuntary conversion of property at a gain (including those relating to the replacement of the converted property, or a decision not to replace, or the expiration of the period for replacement) shall be reported in the return for the taxable year or years in which any of such gain is realized. An election to have such gain recognized only to the extent provided in subparagraph (1) of this paragraph shall be made by including such gain in gross income for such year or years only to such extent. If, at the time of filing such a return, the period within which the converted property must be replaced has expired, or if such an election is not desired, the gain should be included in gross income for such year or years in the regular manner. A failure to so include such gain in gross income in the regular manner shall be deemed to be an election by the taxpayer to have such gain recognized only to the extent provided in subparagraph (1) of this paragraph even though the details in connection with the conversion are not reported in such return. If, after having made an election under section 112 (f) (3), the converted property is not replaced within the required period of time, or replacement is made at a cost lower than was anticipated at the time of the election, or a decision is made not to replace, the tax liability for the year or years for which the election was made shall be recomputed. Such recomputation should be in the form of an "amended return". If a decision is made to make an election under section 112 (f) (3) after the filing of the return and the payment of the tax for the year or years in which any of the gain on an involuntary conversion is realized and before the expiration of the period within which the converted property must be replaced, a claim for credit or refund for such year or years should be filed. If the replacement of the converted property occurs in a year or years in which none of the gain on the conversion is realized, all of the details in connection with such replacement shall be reported in the return for such year or years.

(3) The period referred to above is the period of time commencing with the date of the disposition of the converted property, or the date of the beginning of the threat or imminence of requisition or condemnation of the converted property, whichever is earlier, and ending one year after the close of the first taxable year in which any part of the gain upon the conversion is realized, or at the close of such later date as may be designated pursuant to an application of the taxpayer. Such application shall be made prior to the expiration of the one year after the close of the first taxable year in which any part of the gain upon the conversion is realized. Such application shall be made to the Commissioner, or to such person as he may designate, and shall contain all of the details in connection with the involuntary conversion. No extension of time shall be granted pursuant to such an application unless the taxpayer executes a bond, with such surety as the Commissioner may require, in an amount not in excess of twice the estimated additional income taxes (including interest, penalties, and additions to the tax) which would be payable if an election were not made under this section, and conditioned upon the replacement of the converted property within the extended period of time (including any subsequent extensions granted by the Commissioner or such person as he may designate), or the payment of the additional tax attributable to the gain on the conversion (including interest, penalties and additions to the tax). Only surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds will be approved as sureties. See § 29.112 (f)–2 with respect to the depositing of bonds or notes of the United States in lieu of sureties.

(4) Property or stock purchased before the disposition of the converted property shall be considered to have been purchased for the purpose of replacing the converted property only if such property or stock is held by the taxpayer on the date of the disposition of the converted property. Property or stock shall be considered to have been purchased only if, but for the provisions of section 113 (a) (9), the unadjusted basis of such property or stock would be its cost to the taxpayer within the meaning of section 113 (a). If the taxpayer's unadjusted basis of the replacement property would be determined, in the absence of section 113 (a) (9), under any of the other numbered paragraphs of section 113 (a), the unadjusted basis of the property would not be its cost within the meaning of section 113 (a). For example, if property similar or related in service or use to the converted property is acquired by gift and its basis is determined under section 113 (a) (2), such property will not qualify as a replacement for the converted property.

(5) If a taxpayer makes an election under section 112 (f) (3), any deficiency, for any taxable year in which any part of the gain upon the conversion is realized, which is attributable to such gain may be assessed at any time prior to the expiration of three years from the date the officer with whom the return for such year has been filed is notified by the taxpayer of the replacement of the converted property or of an intention not to replace, or of a failure to replace, within the required period, notwithstanding the provisions of section 272 (f) or the provisions of any other law or rule of law which would otherwise prevent such assessment. If replacement has been made, such notification shall contain all of the details in connection with such replacement. Such notification should be made in the return for the taxable year or years in which the replacement occurs, or the intention not to replace is formed, or the period for replacement expires, if this return is filed with such officer. If this return is not filed with such officer, then such notification shall be made to such officer at the time of filing this return. If the taxpayer so desires, he may, in either event, also notify such officer prior to the filing of such return.

(6) If a taxpayer makes an election under section 112 (f) (3) and the replacement property or stock was purchased prior to the beginning of the last taxable year in which any part of the gain upon the conversion is realized, any deficiency, for any taxable year ending before such last taxable year, which is attributable to such election may be assessed at any time prior to the expiration of the period within which a deficiency for such last taxable year may be assessed, notwithstanding the provisions of section 272 (f) or 275 or the provisions of any law or rule of law which would otherwise prevent such assessment.

(7) If the taxpayer makes an election under section 112 (f) (3), the gain upon the conversion shall be recognized to the extent that the amount realized upon such conversion exceeds the cost of the replacement property or stock, regardless of whether such amount is realized in one or more taxable years.

(8) See § 29.112 (f)–1 as to when property is similar or related in service or use to other property, and as to the treatment of proceeds of a use and occupancy insurance contract and of special assessments.

PAR. 5. There is inserted immediately after § 29.112 (m)–4, as added by Treasury Decision 5374, approved May 25, 1944, the following:

SEC. 318. GAIN FROM SALE OR EXCHANGE OF TAXPAYER'S RESIDENCE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951)

(a) *Nonrecognition of gain in certain cases.* Section 112 (relating to recognition of gain or loss) is hereby amended by adding at the end thereof the following new subsection:

(n) *Gain from sale or exchange of residence*—(1) *Nonrecognition of gain.* If property (hereinafter in this subsection called "old residence") used by the taxpayer as his principal residence is sold by him and, within a period beginning one year prior to the date of such sale and ending one year after such date, property (hereinafter in this subsection called "new residence") is purchased and used by the taxpayer as his principal residence, gain (if any) from such sale shall be recognized only to the extent that the taxpayer's selling price of the old residence exceeds the taxpayer's cost of purchasing the new residence.

(2) *Rules for application of subsection.* For the purposes of this subsection:

(A) An exchange by the taxpayer of his residence for other property shall be considered as a sale of such residence, and the acquisition of a residence upon the exchange of property shall be considered as a purchase of such residence.

(B) If the taxpayer's residence (as a result of its destruction in whole or in part, theft, or seizure) is compulsorily or involuntarily converted into property or into money, such destruction, theft, or seizure shall be considered as a sale of the residence; and if the residence is so converted into property which is used by the taxpayer as his residence, such conversion shall be considered as a purchase of such property by the taxpayer.

(C) In the case of an exchange or conversion described in subparagraph (A) or (B), in determining the extent to which the selling price of the old residence exceeds the taxpayer's cost of purchasing the new residence, the amount realized by the taxpayer upon such exchange or conversion shall be considered the selling price of the old residence.

(D) A residence any part of which was constructed or reconstructed by the taxpayer shall be considered as purchased by the taxpayer. In determining the taxpayer's cost of purchasing a residence, there shall be included only so much of his cost as is attributable to the acquisition, construction, reconstruction, and improvements made which are properly chargeable to capital account, during the period specified in paragraph (1).

(E) If a residence is purchased by the taxpayer prior to the date of his sale of the old residence, the purchased residence shall not be treated as his new residence if sold or otherwise disposed of by him prior to the date of the sale of the old residence.

(F) If the taxpayer, during the period described in paragraph (1), purchases more than one residence which is used by him as his principal residence at some time within one year after the date of the sale of the old residence, only the last of such residences so used by him after the date of such sale shall constitute the new residence. If within the one year referred to in the preceding sentence property used by the taxpayer as his principal residence is destroyed, stolen, seized, requisitioned, or condemned, or is sold or exchanged under threat or imminence thereof, then for the purposes of the preceding sentence such one year shall be considered as ending with the date of such destruction, theft, seizure, requisition, condemnation, sale, or exchange.

(G) In the case of a new residence the construction of which was commenced by the taxpayer prior to the expiration of one year after the date of the sale of the old residence, the period specified in paragraph (1), and the one year referred to in subparagraph (F) of this paragraph, shall be considered as including a period of 18 months beginning with the date of the sale of the old residence.

(3) *Limitation.* The provisions of paragraph (1) shall not be applicable with respect to the sale of the taxpayer's residence if within one year prior to the date of such sale the taxpayer sold at a gain other property used by him as his principal residence, and any part of such gain was not recognized by reason of the provisions of paragraph (1). For the purposes of this paragraph, the destruction, theft, seizure, requisition, or condemnation of property or the sale or exchange of property under threat or imminence thereof, shall not be considered as a sale of such property.

(4) *Basis of new residence.* Where the purchase of a new residence results, under paragraph (1), in the nonrecognition of gain upon the sale of an old residence, in determining the adjusted basis of the new residence as of any time following the sale of the old residence, the adjustments to basis shall include a reduction by an amount equal to the amount of the gain not so recognized upon the sale of the old residence. For this purpose, the amount of the gain not so recognized upon the sale of the old residence includes only so much of such gain as is not recognized by reason of the cost, up to such time, of purchasing the new residence.

(5) *Tenant-stockholder in a cooperative apartment corporation.* For the purposes of this subsection, section 113 (b) (1) (K), and section 117 (h) (7), references to property used by the taxpayer as his principal residence, and references to the residence of a taxpayer, shall include stock held by a tenant-stockholder (as defined in section 23 (z) (2)) in a cooperative apartment (as defined in such section) if—

(A) In the case of stock sold, the apartment which the taxpayer was entitled to occupy as such stockholder was used by him as his principal residence, and

(B) In the case of stock purchased, the taxpayer used as his principal residence the apartment which he was entitled to occupy as such stockholder.

(6) *Husband and wife.* If the taxpayer and his spouse, in accordance with regulations which shall be prescribed by the Secretary pursuant to this paragraph, consent to the application of subparagraph (B) of this paragraph, then—

(A) For the purposes of this subsection, the words "taxpayer's selling price of the old residence" shall mean the selling price (of the taxpayer, or of the taxpayer and his spouse) of the old residence, and the words "taxpayer's cost of purchasing the new residence" shall mean the cost (to the taxpayer, his spouse, or both) of purchasing the new residence (whether held by the taxpayer, his spouse, or the taxpayer and his spouse); and

(B) So much of the gain upon the sale of the old residence as is not recognized solely by reason of this paragraph, and so much of the adjustment under paragraph (4) to the basis of the new residence as results solely from this paragraph, shall be allocated between the taxpayer and his spouse as provided in such regulations.

This paragraph shall apply only if the old residence and the new residence are each

used by the taxpayer and his spouse as their

be made in order to have gain on the

after such date purchases property and

will be $2,500 and the adjusted basis of the

(2) *Sale of residence.* For the purpose

or condemnation within such year (or 18

used by the taxpayer and his spouse as their principal residence. In case the taxpayer and his spouse do not consent to the application of subparagraph (B) of this paragraph, then the recognition of gain upon the sale of the old residence shall be determined under this subsection without regard to the rules provided in this paragraph.

(7) *Statute of limitations.* If the taxpayer during a taxable year sells at a gain property used by him as his principal residence, then—

(A) The statutory period for the assessment of any deficiency attributable to any part of such gain shall not expire prior to the expiration of three years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of—

(i) The taxpayer's cost of purchasing the new residence which the taxpayer claims results in nonrecognition of any part of such gain,

(ii) The taxpayer's intention not to purchase a new residence within the period specified in paragraph (1), or

(iii) A failure to make such purchase within such period; and

(B) Such deficiency may be assessed prior to the expiration of such three-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment."

* * * * * *

(c) *Effective date.* The amendments made by this section shall be applicable to taxable years ending after December 31, 1950, but the provisions of section 112 (n) (1) and (6) of the Internal Revenue Code shall apply only with respect to residences sold (within the meaning of such section) after such date.

PUBLIC LAW 567, 82D CONGRESS APPROVED JULY 16, 1952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 112 (n) of the Internal Revenue Code (relating to nonrecognition of gain from sale or exchange of residence) is hereby amended by adding at the end thereof the following new paragraph:

(8) *Members of Armed Forces.* The running of any period of time specified in paragraph (1) or (2) (other than the one year referred to in paragraph (2) (F)) of this subsection shall be suspended during any time that the taxpayer (or his spouse if the old residence and the new residence are each used by the taxpayer and his spouse as their principal residence) serves on extended active duty with the Armed Forces of the United States after the date of the sale of the old residence and before January 1, 1954, except that any such period as so suspended shall not extend beyond the date four years after the date of the sale of the old residence. For the purpose of this paragraph, the term "extended active duty" means any period of active duty pursuant to a call or order to such duty for a period in excess of ninety days or for an indefinite period.

SEC. 2. The amendment made by the first section of this Act shall be applicable to taxable years ending after December 31, 1950, with respect to residences sold (within the meaning of section 112 (n) of the Internal Revenue Code) after such date.

* * * * * *

§ 29.112 (n)–1 *Gain from sale or exchange of residence*—(a) *In general.* Gain from a sale after December 31, 1950, of property used by the taxpayer as his principal residence (referred to in this section as the "old residence") will not be recognized if the taxpayer within a period beginning one year prior to the date of such sale and ending one year after such date purchases property and uses it as his principal residence (referred to in this section as the "new residence") except to the extent that the taxpayer's selling price of the old residence exceeds the taxpayer's cost of purchasing the new residence. In the case of a new residence the construction of which was commenced by the taxpayer at any time prior to the expiration of one year after the date of the sale of the old residence, the one year after the sale of the old residence referred to in the preceding sentence shall be considered as including a period of 18 months beginning with the date of the sale of the old residence. Such nonrecognition of gain is mandatory. This section applies only with respect to gains; losses from sales of property used by the taxpayer as his principal residence are recognized or not recognized without regard to this section.

(b) *Rules for application of section*—(1) *Property used by the taxpayer as his principal residence.* (i) Whether or not property is used by the taxpayer as his residence, and whether or not property is used by the taxpayer as his principal residence (in the case of a taxpayer using more than one property as a residence), depends upon all of the facts and circumstances in each individual case, including the bona fides of the taxpayer. The mere fact that property is, or has been, rented is not determinative that such property is not used by the taxpayer as his principal residence. For example, if the taxpayer purchases his new residence before he sells his old residence, the fact that he temporarily rents out the new residence during the period before he vacates the old residence may not, in the light of all the facts and circumstances in the case, prevent the new residence from being considered as property used by the taxpayer as his principal residence. Property used by the taxpayer as his principal residence may include a houseboat, a house trailer, or stock held by a tenant-stockholder in a cooperative apartment corporation (as those terms are defined in section 23 (z) (2)), if the apartment which the taxpayer is entitled to occupy as such stockholder is used by him as his principal residence. Property used by the taxpayer as his principal residence does not include personal property such as a piece of furniture, a radio, etc., which, in accordance with the applicable local law, is not a fixture.

(ii) Where part of a property is used by the taxpayer as his principal residence and part is used for other purposes, an allocation must be made to determine the application of this section. If the old residence is used only partially for residential purposes, only that part of the gain allocable to the residential portion may be not recognized under this section and only an amount allocable to the selling price of such portion need be reinvested in the new residence in order to have the gain allocable to such portion not recognized under this section. If the new residence is used only partially for residential purposes, only so much of its cost as is allocable to the residential portion may be counted as the cost of purchasing the new residence.

(2) *Sale of residence.* For the purpose of this section, an exchange by the taxpayer of his residence for other property shall be considered as a sale of such residence. Also, if the taxpayer's residence (as a result of its destruction in whole or in part, theft, seizure, requisition or condemnation) is compulsorily or involuntarily converted into money or property, the destruction, theft, seizure, requisition or condemnation shall be considered as a sale of such residence.

(3) *Purchase of residence.* For the purpose of this section, the acquisition of a residence upon the exchange of property shall be considered as a purchase of such residence. Also, the acquisition of a residence upon the compulsory or involuntary conversion of the taxpayer's residence as the result of its destruction in whole or in part, theft, seizure, requisition or condemnation shall be considered to be a purchase of the residence. A residence any part of which was constructed or reconstructed by the taxpayer shall be considered as purchased by the taxpayer, but the mere improvement of a residence, not amounting to reconstruction, does not constitute a purchase of a residence.

(4) *Selling price of old residence.* The taxpayer's selling price of the old residence includes the amount of any mortgage, trust deed, or other indebtedness to which such property is subject in the hands of the purchaser whether or not the purchaser assumed such indebtedness. Such selling price also includes the face amount of any liabilities of the purchaser which are part of the consideration for the sale. Commissions and other selling expenses paid or incurred by the taxpayer on the sale of the old residence are not to be deducted or taken into account in determining such selling price. In the case of an exchange or conversion which is considered as a sale under this section, the amount realized by the taxpayer upon such exchange or conversion shall be considered to be the taxpayer's selling price of the old residence. As to what constitutes the amount realized, see § 29.111–1.

(5) *Cost of purchasing new residence.* The taxpayer's cost of purchasing the new residence also includes such indebtedness to which the property purchased is subject at the time of purchase whether or not assumed by the taxpayer (including purchase-money mortgages, etc.) and the face amount of any liabilities of the taxpayer which are part of the consideration for the purchase. Commissions and other purchasing expenses paid or incurred by the taxpayer on the purchase of the new residence are to be included in determining such cost. In the case of an acquisition of a residence upon an exchange or conversion which is considered as a purchase under this section, the fair market value of the new residence shall be considered as the taxpayer's cost of purchasing the new residence. The taxpayer's cost of purchasing the new residence includes only so much of such cost as is attributable to acquisition, construction, reconstruction, or improvements made within the two-year or 30 months period of time, as the case may be, in which the purchase and use of the new residence must

be made in order to have gain on the sale of the old residence not recognized under this section. Such cost also includes only such amounts as are properly chargeable to capital account rather than to the current expense. As to what constitutes capital expenditures, see § 29.24–2. Where any part of the new residence is acquired by the taxpayer other than by purchase, the value of such part is not to be included in determining the taxpayer's cost of the new residence. For example, if the taxpayer acquires a residence by gift or inheritance, and spends $20,000 in reconstructing such residence, only such $20,000 may be treated as his cost of purchasing the new residence.

(6) *Selling price and cost of residence in the case of husband and wife.* (i) If the taxpayer and his spouse file the consent referred to in this subdivision, then the "taxpayer's selling price of the old residence" shall mean the taxpayer's or the taxpayer and his spouse's selling price of the old residence, and the "taxpayer's cost of purchasing the new residence" shall mean the cost to the taxpayer, or to his spouse, or to both of them, of purchasing the new residence, whether such new residence is held by the taxpayer, or his spouse, or both. Such consent may be filed only if the old residence and the new residence are each used by the taxpayer and his same spouse as their principal residence. If the taxpayer and his spouse do not file such a consent, the recognition of gain upon sale of the old residence shall be determined under this section without regard to the foregoing.

(ii) The consent referred to above is a consent by the taxpayer and his spouse to have the basis of the interest of either of them in the new residence reduced from what it would have been but for the filing of such consent by an amount by which the gain of either of them on the sale of his interest in the old residence is not recognized solely by reason of the filing of such consent. Such reduction in basis is applicable to the basis of the new residence, whether such basis is that of the husband, of the wife, or divided between them. If the basis is divided between the husband and wife, the reduction in basis shall be divided between them in the same proportion as the basis (determined without regard to such reduction) is divided between them. Such consent shall be filed with the officer with whom the return for the taxable year or years in which the gain from the sale of the old residence is realized has been filed. The following examples will illustrate the application of this rule:

Example (1). A taxpayer, in 1951, sells for $10,000 the principal residence of himself and his wife, which he owns individually and which has an adjusted basis to him of $5,000. Within a year after such sale he and his wife contribute $5,000 each from their separate funds for the purchase of their new principal residence which they hold as tenants in common, each owning an undivided one-half interest therein. If the taxpayer and his wife file the required consent, the gain of $5,000 upon the sale of the old residence will not be recognized to the taxpayer, and the adjusted basis of the taxpayer's interest in the new residence will be $2,500 and the adjusted basis of the taxpayer's wife's interest in such property will be $2,500.

Example (2). A taxpayer and his wife, in 1951, sell for $10,000 their principal residence, which they own as joint tenants and which has an adjusted basis of $2,500 to each of them ($5,000 together). Within a year after such sale, the wife spends $10,000 of her own funds in the purchase of a principal residence for herself and the taxpayer and takes title in her name only. If the taxpayer and his wife file the required consent, the adjusted basis to the wife of the new residence shall be $5,000, and the gain of the taxpayer of $2,500 upon the sale of the old residence will not be recognized. The wife, as a taxpayer herself, will have her gain of $2,500 on the sale of the old residence not recognized under the general rule.

(c) *Basis of new residence.* Where the purchase of a new residence results, under this section, in the nonrecognition of any part of the gain realized upon the sale of an old residence, then, in determining the adjusted basis of the new residence as of any time following the sale of old residence, the adjustments to basis shall include a reduction by an amount equal to the amount of the gain which was not recognized upon the sale of the old residence. Such a reduction is not to be made for the purpose of determining the adjusted basis of the new residence as of any time preceding the sale of the old residence. For the purpose of this determination, the amount of the gain not recognized under this section upon the sale of the old residence includes only so much of the gain is not recognized because of the taxpayer's cost, up to the date of the determination of the adjusted basis, of purchasing the new residence. The following example will illustrate this rule:

Example (3). On January 1, 1951, the taxpayer buys a new residence for $10,000. On March 1, 1951, he sells for $15,000 his old residence which has an adjusted basis to him of $5,000. During April a wing is constructed on the new house at a cost of $5,000 and in May he builds a garage at a cost of $2,000. The adjusted basis of the new residence is $10,000 during January and February, $5,000 during March and April, and $7,000 following the completion of the construction in May.

(d) *Limitations on application of section.* If a residence is purchased by the taxpayer prior to the date of the sale of the old residence, the purchased residence shall, in no event, be treated as a new residence if such purchased residence is sold or otherwise disposed of by him prior to the date of the sale of the old residence. And, if the taxpayer, during the period within which the purchase and use of the new residence must be made in order to have any gain on the sale of the old residence not recognized under this section, purchases more than one property which is used by him as his principal residence during the one year (or 18 months in the case of the construction of the new residence) succeeding the date of the sale of the old residence, only the last of such properties shall be considered a new residence. However, if the taxpayer's new residence is destroyed, stolen, seized, requisitioned, condemned, or sold or exchanged under the threat or imminence of requisition or condemnation within such year (or 18 months) succeeding the sale of the old residence, then, for the purpose of the preceding sentence, such year (or 18 months) is deemed to end on the date of the destruction, theft, seizure, requisition, condemnation, sale, or exchange. If within one year prior to the date of the sale of the old residence, the taxpayer sold other property used by him as his principal residence at a gain, and any part of such gain was not recognized under this section, this section shall not apply with respect to the sale of the old residence. For the purpose of the preceding sentence, however, the destruction, theft, seizure, requisition, condemnation, or sale or exchange under threat or imminence of requisition or condemnation shall not be considered as a sale. The following example will illustrate these rules:

Example (4). A taxpayer sells his old residence on January 15, 1951, and purchases a new residence on February 15, 1951. On March 15, 1951, he sells the new residence and purchases a second new residence on April 15, 1951. The gain on the sale of the old residence on January 15, 1951, will not be recognized except to the extent to which the taxpayer's selling price of the old residence exceeds the cost of purchasing the second new residence purchased on April 15, 1951. Gain on the sale of the first new residence on March 15, 1951, will be recognized. If, instead of selling the first new residence on March 15, 1951, such residence had been destroyed by fire on that date and insurance proceeds in cash had been received as a result thereof, the gain on the sale of the old residence on January 15, 1951, will not be recognized except to the extent to which the taxpayer's selling price of the old residence exceeds his cost of purchasing the new residence purchased on February 15, 1951. And, the gain on the involuntary conversion by fire of the first new residence on March 15, 1951, will not be recognized except to the extent to which the amount realized from such conversion exceeds the taxpayer's cost of purchasing the second new residence purchased on April 15, 1951.

(e) *Statute of limitations.* (1) Whenever a taxpayer sells property used as his principal residence at a gain, the statutory period prescribed in section 275 for the assessment of any deficiency attributable to any part of such gain will not expire prior to the expiration of three years from the date the officer, with whom the return for the taxable year or years in which the gain from the sale of the old residence is realized has been filed, is notified by the taxpayer (i) of the cost of purchasing the new residence which the taxpayer claims results in the nonrecognition of any part of such gain, or (ii) of the taxpayer's intention not to, or failure to, purchase a new residence within the period when such a purchase will result in the nonrecognition of any part of such gain. Such a deficiency may be assessed prior to the expiration of such three-year period notwithstanding the provisions of any other law or rule of law which might otherwise bar such assessment.

(2) Such notification shall be made in the return for the taxable year or years in which the purchase of the new residence occurs, or the intention not to make such a purchase is formed, or the period for the replacement expires if this

return is filed with such officer. If this

Example (2). A taxpayer realizes $22,000

PAR. 11. Section 29.117–4 is hereby

approval of the Secretary of the Treas-

beginning before January 1, 1951

return is filed with such officer. If this return is not filed with such officer, then such notification shall be made to such officer at the time of filing this return. If the taxpayer so desires, he may, in either event, also notify such officer prior to the filing of this return. Such notification shall contain all of the details in connection with the sale of the residence and, if applicable, the purchase of the new residence. If an intention not to replace is formed, or if the period for replacement expires, or if the cost of purchasing the new residence is less than the selling price of the old residence, the recognizable gain shall be included in the gross income for the taxable year or years in which such gain was realized; a recomputation in the form of an "amended return" should be made for this purpose if necessary.

(f) *Members of Armed Forces.* (1) The running of the one-year (or 18 months in the case of the construction of the new residence) period, specified in paragraph (a) of this section, after the sale of the old residence within which the purchase and use of a new residence may result in the nonrecognition of gain on such sale shall be suspended during any time that the taxpayer serves on extended active duty in the Armed Forces of the United States after the date of the sale of the old residence and before January 1, 1954. Any such period as so suspended, however, shall not extend beyond the date four years after the date of the sale of the old residence. For example, if the taxpayer is on extended active duty with the army from January 1, 1951, to December 31, 1953, and if he sold his old residence on January 1, 1951, the latest date on which the taxpayer may use a new residence constructed by him and have any part of the gain on the sale of the old residence not recognized under this section is January 1, 1955, the date four years after the date of the sale of the old residence.

(2) This suspension covers not only the Armed Forces service of the taxpayer but if the taxpayer and his same spouse used both the old and the new residences as their principal residence, then the extension applies in like manner to the time the taxpayer's spouse is on extended active duty with the Armed Forces of the United States.

(3) The time during which the running of the period is suspended is part of such period. Thus, construction costs during such time are includible in the cost of purchasing the new residence under paragraph (b) (5) of this section.

(4) The running of the one-year (or 18 month) periods referred to in paragraph (d) of this section is not suspended, nor is the running of the one-year period prior to the date of the sale of the old residence within which the new residence may be purchased in order to have gain on the sale of the old residence not recognized under this section.

(5) The term "extended active duty" means any period of active duty which is served pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period. If the call or order is for a period of more than 90 days, it is immaterial that the time served pursuant to such call or order is less than 90 days, if the reason for such shorter period of service occurs after the beginning of such duty. As to what constitutes active service as a member of the Armed Forces of the United States, see § 29.22 (b) (13)–2. As to who are members of the Armed Forces of the United States, see § 29.3797–11.

PAR. 6. There is inserted immediately preceding § 29.113 (a) (9)–1 the following:

SEC. 318. GAIN FROM SALE OR EXCHANGE OF TAXPAYER'S RESIDENCE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(b) *Technical amendments.*

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(2) Section 113 (a) (9) (relating to basis of property acquired as a result of involuntary conversions) is hereby amended by adding at the end thereof the following: "This paragraph shall not apply in respect of property acquired as a result of a compulsory or involuntary conversion of property used by the taxpayer as his principal residence if the destruction, theft, seizure, requisition, or condemnation of such residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1950."

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SEC. 2. Paragraph (9) of section 113 (a) of the Internal Revenue Code (relating to unadjusted basis of property acquired as the result of an involuntary conversion) is hereby amended by striking out "section 112 (f)" and inserting in lieu thereof "section 112 (f) (1) or (2)", and by adding at the end of such paragraph the following new sentence: "In the case of property purchased by the taxpayer which resulted, under the provisions of section 112 (f) (3), in the nonrecognition of any part of the gain realized as the result of a compulsory or involuntary conversion, the basis shall be the cost of such property decreased in the amount of the gain not so recognized; and if the property purchased consists of more than one piece of property, the basis determined under this sentence shall be allocated to the purchased properties in proportion to their respective costs."

SEC. 3. The amendments made by the first two sections of this Act shall be applicable only with respect to taxable years ending after December 31, 1950, except that the provisions of section 112 (f) (3), and the provisions of section 113 (a) (9), of the Internal Revenue Code as amended by this Act shall also be applicable to any taxable year ending prior to January 1, 1951, in which (a) any gain was realized upon the conversion of property and the disposition of such converted property occurred (within the meaning of such section 112 (f) (3)) after December 31, 1950, or (b) the basis of property is affected by an election made under the provisions of section 112 (f) (3) of such code.

* * * * * * *

PAR. 7. Section 29.113 (a) (9)–1 is hereby amended as follows:

(A) By inserting immediately after the words "The provisions of" therein the following "the first sentence of", and by inserting after the word "*Example*" therein the following "*(1)*".

(B) By adding at the end thereof the following:

The provisions of the last sentence of section 113 (a) (9) may be illustrated by the following example:

Example (2). A taxpayer realizes $22,000 from the involuntary conversion of his barn; the adjusted basis of the barn to him was $10,000, and he spent $20,000 for a new barn which resulted in the nonrecognition of $10,000 of the $12,000 gain on the conversion. The unadjusted basis of the new barn to the taxpayer would be $10,000—the cost of the new barn ($20,000) less the amount of the gain not recognized on the conversion ($10,000). The unadjusted basis of the new barn would not be a substituted basis in the hands of the taxpayer within the meaning of sections 113 (b) (2) (B) and § 29.113 (b) (2)–1. If the replacement of the converted barn had been made by the purchase of two smaller barns which, together, were similar or related in service or use to the converted barn and which cost $8,000 and $12,000, respectively, then the basis of the two barns would be $4,000 and $6,000, respectively, the cost of each barn ($8,000 and $12,000) less in each case the proportion of the gain not recognized on the conversion ($10,000) that the cost of each barn bears to the cost of both barns $\left(\frac{8,000}{20,000} \text{ and } \frac{12,000}{20,000}\right)$.

PAR. 8. There is inserted immediately preceding § 29.113 (b) (1)–1 the following:

SEC. 318. GAIN FROM SALE OR EXCHANGE OF TAXPAYER'S RESIDENCE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951)

* * * * * * *

(b) *Technical amendments.*—

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(3) Section 113 (b) (1) (relating to adjusted basis of property) is hereby amended by adding at the end thereof the following new subparagraph:

(K) in the case of a residence the acquisition of which resulted, under the provisions of section 112 (n), in the nonrecognition of any part of the gain realized upon the sale, exchange, or involuntary conversion of another residence, to the extent provided in section 112 (n) (4).

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PAR. 9. Section 29.113 (b) (1)–1, as amended by Treasury Decision 5873, approved December 7, 1951, is hereby amended by adding at the end thereof the following new paragraph (k):

(k) For the adjustments to basis of a residence because its acquisition resulted, under the provisions of section 112 (n), in the nonrecognition of any part of the gain realized upon the sale, exchange, or involuntary conversion of another residence, see § 29.112 (n)–1.

PAR. 10. There is inserted immediately preceding § 29.117–1 the following:

SEC. 318. GAIN FROM SALE OR EXCHANGE OF TAXPAYER'S RESIDENCE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(b) *Technical amendments.*

* * * * * * *

(4) Section 117 (h) (relating to determination of holding period) is hereby amended by adding at the end thereof the following new paragraph:

(7) In determining the period for which the taxpayer has held a residence, the acquisition of which resulted under section 112 (n) in the nonrecognition of any part of the gain realized on the sale, exchange, or involuntary conversion of another residence, there shall be included the period for which such other residence had been held as of the date of such sale, exchange, or involuntary conversion.

* * * * * * *

PAR. 11. Section 29.117–4 is hereby amended by adding at the end thereof the following new paragraph (d):

(d) The period for which the taxpayer has held a residence, the acquisition of which resulted, under the provisions of section 112 (n), in the nonrecognition of any part of the gain realized on the sale, exchange, or involuntary conversion of another residence, shall include the period for which such other residence had been held as of the date of such sale, exchange, or involuntary conversion. See § 29.112 (n)–1.

PAR. 12. There is inserted immediately preceding § 29.275–1 the following:

SEC. 318. GAIN FROM SALE OR EXCHANGE OF TAXPAYER'S RESIDENCE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(b) *Technical amendments.*

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(5) Section 276 (relating to period of limitation upon assessment and collection) is hereby amended by adding at the end thereof the following:

(e) *Gain upon sale or exchange of residence.* In the case of a deficiency described in section 112 (n) (7), such deficiency may be assessed at any time prior to the expiration of the time therein provided.

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(b) Section 276 of the Internal Revenue Code (relating to period of limitation upon assessment and collection) is hereby amended by adding at the end thereof the following:

(f) *Involuntary conversion.* In the case of a deficiency described in section 112 (f) (3) (C) or (D), such deficiency may be assessed at any time prior to the expiration of the time therein provided.

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PAR. 13. Section 29.275–1, as amended by Treasury Decision 5924, approved August 4, 1952, is hereby amended by inserting immediately preceding the penultimate paragraph thereof the following:

(s) In the case of a deficiency described in section 112 (n) (7), such deficiency may be assessed at any time prior to the expiration of the time therein provided. See § 29.112 (n)–1.

(t) In the case of a deficiency described in section 112 (f) (3) (C) or (D), such deficiency may be assessed at any time prior to the expiration of the time therein provided. See § 29.112 (f)–3.

[F. R. Doc. 52–13456; Filed, Dec. 19, 1952; 8:58 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TAXATION OF INCOME OF FAMILY PARTNERSHIPS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to section 340 of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 29.113 (a) (13)–1 and § 29.181–1 are each amended by adding at the end thereof the following: "For rules as to allocation of partnership income in the case of family partnerships, see section 191 and the regulations thereunder."

PAR. 2. There is inserted immediately after § 29.190–1, as amended by Treasury Decision 5851, approved August 10, 1951, the following:

SEC. 340. FAMILY PARTNERSHIPS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Definition of partner.* Section 3797 (a) (2) is hereby amended by adding at the end thereof the following: "A person shall be recognized as a partner for income tax purposes if he owns a capital interest in a partnership in which capital is a material income-producing factor, whether or not such interest was derived by purchase or gift from any other person."

(b) *Allocation of partnership income.* Supplement F of chapter 1 is hereby amended by adding at the end thereof the following new section:

SEC. 191. FAMILY PARTNERSHIPS.

In the case of any partnership interest created by gift, the distributive share of the donee under the partnership agreement shall be includible in his gross income, except to the extent that such share is determined without allowance of reasonable compensation for services rendered to the partnership by the donor, and except to the extent that the portion of such share attributable to donated capital is proportionately greater than the share of the donor attributable to the donor's capital. The distributive share of a partner in the earnings of the partnership shall not be diminished because of absence due to military service. For the purpose of this section, an interest purchased by one member of a family from another shall be considered to be created by gift from the seller, and the fair market value of the purchased interest shall be considered to be donated capital. The "family" of any individual shall include only his spouse, ancestors, and lineal descendants, and any trust for the primary benefit of such persons.

(c) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1950. The determination as to whether a person shall be recognized as a partner for income tax purposes for any taxable year beginning before January 1, 1951, shall be made as if this section had not been enacted and without inferences drawn from the fact that this section is not expressly made applicable with respect to taxable years beginning before January 1, 1951. In applying this subsection where the taxable year of any family partner is different from the taxable year of the partnership—

(1) If a taxable year of the partnership beginning in 1950 ends within or with, as to all of the family partners, taxable years which begin in 1951, then the amendments made by this section shall be applicable with respect to all distributive shares of income derived by the family partners from such taxable year of the partnership beginning in 1950; and

(2) If a taxable year of the partnership ending in 1951 ends within or with a taxable year of any family partner which began in 1950, then the amendments made by this section shall not be applicable with respect to any of the distributive shares of income derived by the family partners from such taxable year of the partnership.

§ 29.191–1 *Family partnerships*—(a) *In general*—(1) *Introduction.* The production of income by a partnership is attributable to the capital or services, or both, contributed by the partners. The provisions of Supplement F, which govern the taxation of the income of individuals carrying on business in partnership, are to be read in the light of their relationship to section 22 (a), which requires that income be taxed to the person who earns it through his own labor and skill and the utilization of his own capital.

(2) *Recognition of donee as partner.* With respect to partnerships in which capital is a material income-producing factor, section 340 (a) of the Revenue Act of 1951 amends section 3797 (a) (2) (dealing with definition of partnership and partner) to provide that a person shall be recognized as a partner for income tax purposes for taxable years beginning after December 31, 1950, if he owns a capital interest in such a partnership whether or not such interest is derived by purchase or gift from any other person. In the case of any partnership in which capital is a material income-producing factor, if any capital interest in such partnership is created by gift, section 191, as added by section 340 (b) of the Revenue Act of 1951, provides for allocation of the partnership income where the distributive share of a donee partner under the partnership agreement is determined without allowance of reasonable compensation for services rendered to the partnership by the donor or is proportionately greater than the share of the donor attributable to the donor's capital. For rules of allocation, see § 29.191–2.

(3) *Requirement of complete transfer to donee.* A donee or purchaser of a capital interest in a partnership is not recognized as a partner under the principles of section 3797 (a) (2) unless the capital interest is acquired in a bona fide transaction, not a mere sham for tax avoidance purposes or otherwise, and the donee or purchaser is the real owner of such interest. To be recognized, a transfer must vest dominion and control of the partnership interest in the transferee. The existence of such dominion and control in the donee is to be determined from all the pertinent facts and circumstances. A transfer is not recognized if the transferor retains such incidents of ownership that the transferee

will of the grantor, the provisions of the limited partnership law. The absence

has not acquired full and complete ownership of the partnership interest. Transactions between members of a family will be closely scrutinized, and in the case of such transactions the circumstances at the time of a purported transfer and during the periods preceding and following it will be taken into consideration in determining the bona fides or lack of bona fides of the purported gift or sale. A partnership may be recognized for income tax purposes as to some alleged partners but not as to others.

(4) *Capital as a material income-producing factor.* The determination as to whether capital is a material income-producing factor, for purposes of section 3797 (a) (2), must be made by reference to all the relevant facts of the individual case. Capital is a material income-producing factor if a substantial portion of the gross income of the business is attributable to the employment of capital in the business conducted by the partnership. In general, capital is not a material income-producing factor where the income of the business consists principally of fees, commissions or other compensation for personal services performed by members or employees of the partnership. On the other hand, capital is ordinarily a material income-producing factor if the operation of the business requires substantial inventories or a substantial investment in plant, machinery, or equipment.

(5) *Capital interest in a partnership.* For purposes of sections 191 and 3797 (a) (2), a capital interest in a partnership means a proprietary interest in assets used in the partnership business, which interest is distributable to the owner of the capital interest upon his withdrawal from the partnership or upon dissolution or liquidation of the partnership. The mere right to participate in the earnings of a partnership is not a capital interest in the partnership.

(6) *Taxable years affected.* Section 340 of the Revenue Act of 1951, which added section 191 and amended section 3797 (a) (2), is effective for taxable years beginning after December 31, 1950, and expressly provides that no inferences as to family partnerships with respect to taxable years beginning prior to January 1, 1951, are to be drawn from the enactment of such section. If the taxable year of any family partner is different from that of the partnership, the amendments made by section 340 will apply to all distributive shares of income derived by family partners from a fiscal year of the partnership beginning in 1950 if it ends with or within taxable years of all the family partners which began in 1951, but will not apply in the case of a fiscal year of the partnership ending in 1951 which ends with or within a taxable year of any family partner which began in 1950.

(b) *Basic tests as to ownership*—(1) *In general.* Whether an alleged partner in a gift capital case is the real owner of the capital interest attributed to him and whether the donee has dominion and control over his or her interest, must be ascertained from all the facts and circumstances of the particular case. Isolated facts should not be considered determinative; the reality of the donee's ownership is to be determined in the light of the transaction as a whole. The execution of legally sufficient and irrevocable deeds or other instruments of gift under State law is a factor to be taken into account but is not determinative of ownership in the donee. The reality of the transfer and of the donee's ownership of the property attributed to him are to be ascertained from the conduct of the parties with respect to the alleged gift and not by any mechanical or formulistic test. Some of the more important factors to be considered in determining whether the donee has acquired ownership of the capital interest in a partnership are indicated in subparagraphs (2) to (10) of this paragraph.

(2) *Retained controls.* The donor may have retained such controls of the interest which he has purported to transfer to the donee that the donor should be treated as remaining the substantial owner of the interest. Controls of particular significance include, for example, the following:

(i) Retention of control of the distribution of income or restrictions on the distribution of income other than amounts retained in the partnership annually with the consent of the partners (including the donee partner) for the reasonable needs of the business.

(ii) Limitation of the right of the donee to withdraw or sell his interest in the partnership at his discretion without financial detriment.

(iii) Retention of control of assets essential to the business (for example, through retention of assets leased to the alleged partnership).

(iv) Retention of management powers inconsistent with normal relationships among partners. Retention by the donor of control of business management or of voting control, such as is common in ordinary business relationships, is not by itself to be considered as inconsistent with normal relationships among partners provided the donee is free to withdraw his interest without financial detriment at his discretion. The donee shall not be considered free to withdraw his interest unless, considering all the facts, it is evident that the donee is independent of the donor and has such maturity and understanding of his rights as to be capable of deciding to exercise, and of exercising, his right to withdraw his capital interest from the partnership.

The existence of some of the indicated controls, though amounting to less than substantial ownership retained by the donor, may be considered along with other facts and circumstances as tending to show the lack of reality of the partnership interest of the donee.

(3) *Indirect controls.* Controls inconsistent with ownership by the donee may be exercised indirectly as well as directly, for example, through a separate business organization, estate, trust, individual, or other partnership. Where such indirect controls exist, the reality of the donee's interest will be determined as if such controls were exercisable directly. A general passive acquiescence of the donee in the will of the donor, as evidenced by the actual conduct of the parties, may be the equivalent of expressly retained controls.

(4) *Participation in management.* Substantial participation by the donee in the control and management of the business (including participation in the major policy decisions affecting the business) is strong evidence of a donee partner's exercise of the dominion and control over his interest. Such participation presupposes sufficient maturity and experience on the part of the donee to deal with the business problems of the partnership.

(5) *Income distributions.* The actual distribution to a donee partner of all or the major portion of his distributive share of the business income for the sole benefit and use of the donee is substantial evidence of the reality of the donee's interest provided the donor has not retained controls inconsistent with real ownership in the donee. Amounts distributed are not considered to be used for the donee's sole benefit if, for example, they are deposited, loaned, or invested in such ways that the donor controls or can control the use or enjoyment of such funds.

(6) *Conduct of partnership business.* In determining the reality of the donee's ownership of a capital interest in a partnership, consideration shall be given to whether the donee is actually treated as a partner in the operation of the business. It is of principal importance for this purpose whether the donee has been held out publicly as a partner in the conduct of the business, in relations with customers, and in securing financing for the partnership through banks or trade channels. Other factors of significance in this connection include:

(i) Compliance with local partnership, fictitious name, and business registration statutes.

(ii) Control of business bank accounts.

(iii) Recognition of the donee's interest in appropriate capital and drawing accounts.

(iv) Recognition of the donee's interest in insurance policies, leases, and other business contracts and in litigation affecting business.

However, despite formal compliance with the factors mentioned in this subparagraph, other circumstances may indicate that the donor has retained substantial ownership of the interest purportedly transferred to the donee.

(7) *Trustees as partners.* A trustee may be recognized as a partner for income tax purposes under the principles relative to family partnerships generally as applied to the particular facts of the trust-partnership arrangement. A trustee who is unrelated to and independent of the grantor, and who participates in management as a general partner and receives distribution of the income distributable to the trust, will ordinarily be recognized as the owner of the partnership interest which he holds for the trust unless the grantor has retained controls inconsistent with such ownership. However, if the grantor is the trustee, or if the trustee is amenable to the

will of the grantor, the provisions of the trust instrument (particularly with relation to whether the trustee is subject to the responsibilities of a fiduciary), the provisions of the partnership agreement, and the conduct of the parties must all be taken into account in determining whether the trustee in a fiduciary capacity has become the real owner of the partnership interest. In a case where the grantor (or person amenable to his will) is the trustee, the trust may be recognized as a partner only if the grantor (or such other person) in his participation in the affairs of the partnership actively represents and protects the interests of the beneficiaries in accordance with the obligations of a fiduciary, and does not subordinate such interests to, or merge such interests in, the interests of the grantor. Furthermore, if the grantor (or person amenable to his will) is the trustee, particular consideration should be given to the following factors:

(i) Whether the trust is recognized as a partner in business dealings with customers and creditors; and

(ii) Whether the trust's share of the income is distributed to the trust annually and paid to the beneficiaries or reinvested solely in the interests of the beneficiaries.

(8) *Interests of minor children.* Except where a minor child is shown to be competent to manage his own property and participate in the partnership activities in accordance with his interest in the property, a minor child generally will not be recognized as a member of a partnership unless control of the property and its enjoyment is exercised by another person as fiduciary for the sole benefit of the child and unless there is such judicial supervision of the conduct of the fiduciary as will assure that the property of the child cannot be used for the benefit of another. The use of the child's property or income for support for which a parent is legally responsible will be considered a use for the parent's benefit. "Judicial supervision of the conduct of a fiduciary" means actual and periodical supervision by a court of the activities of the fiduciary who participates in the affairs of the partnership on behalf of the minor and not merely the existence of rules of State law imposing the responsibility of a fiduciary on any person who controls or deals in the property of a minor child. A minor child will be considered as competent to manage his own property if he actually has sufficient maturity and experience to be treated by disinterested persons as competent to enter into business dealings and otherwise to conduct his affairs on a basis of equality with adult persons, notwithstanding legal disabilities of the minor under State law.

(9) *Donees as limited partners.* The recognition of a donee's interest in a limited partnership will depend, as in the case of other donated interests, on whether the transfer of property is real and the donee has acquired dominion and control over the interests purportedly transferred to him. To be recognized for Federal income tax purposes, a limited partnership must be organized and conducted in accordance with the requirements of the applicable State limited partnership law. The absence of services and participation in management by a donee in a limited partnership is immaterial if the limited partnership meets all the other requirements prescribed in this section. If the limited partner's right to withdraw his interest is subject to substantial restrictions (for example, where the interest of the limited partner is not assignable in a real sense or where it may be required to be left in the business for a long term of years), or if the general partner retains any other control which substantially limits any of the rights which would ordinarily be exercisable by unrelated limited partners in normal business relationships, such restrictions on the right to withdraw or retention of other control will be considered strong evidence of lack of reality of ownership by the donee.

(10) *Motive and business purpose.* If the reality of the transfer of interest and the good faith of the parties are satisfactorily established, the motives for the transaction are immaterial. However, the presence or absence of a tax avoidance motive is one of many factors to be considered in determining the reality of a gift capital transaction.

(c) *Purchased interest*—(1) *In general.* If a purported purchase of a capital interest in a partnership does not meet the requirements of subparagraph (2) of this paragraph, the ownership by the transferee of such capital interest will be recognized only if it qualifies under the requirements applicable to a transfer of a partnership interest by gift. In a case not qualifying under subparagraph (2), if payment of any part of the purchase price is made out of the partnership earnings, the transaction may be regarded in the same light as a purported gift subject to deferred enjoyment of the income. Such a transaction may be lacking in reality either as a gift or as a bona fide purchase.

(2) *Tests as to reality of purchased interests.* A purchase of a capital interest in a partnership either directly or by means of a loan or credit extended by a member of the family will be recognized if it is shown to be bona fide under either of the following tests:

(i) That the purchase has the usual characteristics of an arm's length transaction, considering all relevant factors including the terms of the purchase agreement (as to price, due date of payment, rate of interest, and security, if any) and the terms of any loan or credit arrangement collateral to the purchase agreement; the credit standing of the purchaser, apart from relationship to the seller; and the capacity of the purchaser to incur a legally binding obligation; or

(ii) Assuming the lack of one or more of the usual characteristics of arm's length dealing, that the transaction was genuinely intended to promote the success of the business through securing participation in the business of the purchaser or the addition of his or her credit to that of other participants.

However, if the alleged purchase price or loan has not been paid or the obligation otherwise discharged the factors indicated in subdivisions (i) and (ii) of this subparagraph, shall be taken into account only as an aid in determining whether a bona fide purchase or loan obligation existed.

§ 29.191-2 *Allocation of family partnership income for taxable years beginning after December 31, 1950*—(a) *In general.* (1) In the case of any partnership in which capital is a material income-producing factor, if any capital interest in such a partnership as created by gift before, on, or after December 31, 1950, the distributive share of the donee under the partnership agreement, for taxable years beginning after December 31, 1950, shall be includible in his gross income, except to the extent that such share is determined without allowance of reasonable compensation for services rendered to the partnership by the donor, and except to the extent that the portion of such share attributable to donated capital is proportionately greater than the share attributable to the donor's capital. For the purpose of this section, a capital interest in a partnership purchased by one member of a family from another shall be considered to be created by gift from the seller, and the fair market value of the purchased interest, shall be considered to be donated capital. For the purpose of the preceding sentence, the "family" of any individual shall include only his spouse, ancestors, and lineal descendants, and any trust for the primary benefit of such persons.

(2) To the extent that the partnership agreement does not so allocate the partnership income, the partnership income of the donor and donee shall be reallocated by making a reasonable allowance for the services of the donor and by attributing the balance of such income (other than a reasonable allowance for the services, if any, rendered by the donee) to the partnership capital of the donor and donee. The portion of income, if any, thus attributable to partnership capital for the taxable year shall be allocated between donor and donee in accordance with their respective interests in the partnership capital.

(3) In determining a reasonable allowance for services rendered by the partners, consideration shall be given to all the circumstances of the business, including the fact that some of the partners may have greater managerial responsibility than others. Among other factors, there shall be considered the amount that would ordinarily be paid in order to obtain comparable services from a person not having a capital interest in the partnership.

(4) In the case of a partner who rendered services to a partnership prior to entering service in the armed forces of the United States, his distributive share in the earnings of the partnership, determined under subparagraph (2) of this paragraph, shall not be diminished because of absence due to military service. Such distributive share shall be adjusted to reflect increases or decreases in the capital interest of the absent partner. However, the partners may by agreement allocate a smaller share to the absent partner due to his absence.

(b) *Special rules.* (1) The provisions of paragraph (a) of this section, relat-

ing to allocation, are applicable where

(1) If a taxable year of the partnership beginning in 1950 ends within or with, as to

mustard greens and turnip greens in the same container.

mixture of types shall be permitted

Grades of Frozen Squash (Summer

(3) The scores for the factors of color,

ing to allocation, are applicable where the gift interest in the partnership is created indirectly as well as directly. Where the partnership interest is created indirectly, the term "donor" may include persons other than the nominal transferor.

Example 1. A father gives property to his son who shortly thereafter conveys the property to a partnership consisting of the father and the son. The partnership interest of the son may be considered created by gift and the father may be considered the donor of the son's partnership interest.

Example 2. A father, the owner of a business conducted as a sole proprietorship, transfers the business to a partnership consisting of his wife and himself. The wife subsequently conveys such interest to their son. In such case, the father, as well as the mother, may be considered the donor of the son's partnership interest.

Example 3. A father makes a gift to his son of stock in the family corporation. The corporation is subsequently liquidated. The son later contributes the property received in the liquidation of the corporation to a partnership consisting of his father and himself. In such case, the son's partnership interest may be considered created by gift and the father may be considered the donor of his son's partnership interest.

(2) The allocation rules set forth in section 191 and paragraph (a) of this section apply in any case in which the transfer or creation of the partnership interest has any of the substantial characteristics of a gift. Thus, allocation may be required where transfer of a partnership interest is made between members of a family (including collaterals) under a purported purchase agreement, if the characteristics of a gift are ascertained from the terms of the purchase agreement, the terms of any loan or credit arrangements made to finance the purchase, or from other relevant data.

(3) In the case of limited partnership, for the purpose of the allocation provisions of paragraph (a) of this section, proper weight shall be given to the fact that a general partner, unlike the limited partner, risks his credit in the partnership business.

PAR. 3. There is inserted immediately preceding § 29.3797–1 the following:

SEC. 340. FAMILY PARTNERSHIPS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Definition of partner.* Section 3797 (a) (2) is hereby amended by adding at the end thereof the following: "A person shall be recognized as a partner for income tax purposes if he owns a capital interest in a partnership in which capital is a material income-producing factor, whether or not such interest was derived by purchase or gift from any other person."

* * * * *

(c) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years beginning after December 31, 1950. The determination as to whether a person shall be recognized as a partner for income tax purposes for any taxable year beginning before January 1, 1951, shall be made as if this section had not been enacted and without inferences drawn from the fact that this section is not expressly made applicable with respect to taxable years beginning before January 1, 1951. In applying this subsection where the taxable year of any family partner is different from the taxable year of the partnership—

(1) If a taxable year of the partnership beginning in 1950 ends within or with, as to all of the family partners, taxable years which begin in 1951, then the amendments made by this section shall be applicable with respect to all distributive shares of income derived by the family partners from such taxable year of the partnership beginning in 1950; and

(2) If a taxable year of the partnership ending in 1951 ends within or with a taxable year of any family partner which began in 1950, then the amendments made by this section shall not be applicable with respect to any of the distributive shares of income derived by the family partners from such taxable year of the partnership.

PAR. 4. Section 29.3797–4 is amended by inserting immediately following the fifth sentence of the introductory text thereof the following: "See section 191 and the regulations thereunder, for treatment as a partner, for taxable years beginning after December 31, 1950, of any person who owns a capital interest in a partnership in which capital is a material income-producing factor, whether or not such interest was derived by purchase or gift from any other person."

[F. R. Doc. 52–13455; Filed, Dec. 19, 1952; 8:58 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

U. S. STANDARDS FOR MUSTARD GREENS AND TURNIP GREENS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Mustard Greens and Turnip Greens under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952) to supersede United States Standards for Mustard Greens and United States Standards for Turnip Greens, each of which were effective December 18, 1928.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t. on the thirtieth (30) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.278 *Standards for mustard greens and turnip greens*—(a) *General.* (1) These standards are applicable to either mustard greens or turnip greens consisting of either plants (crown or root attached), or cut leaves but they shall not be applicable to mixtures of plants and cut leaves or mixtures of mustard greens and turnip greens in the same container.

(b) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of mustard greens or turnip greens of similar varietal characterstics which are fresh, fairly tender, fairly clean, and which are free from decay and free from damage caused by seedstems, discoloration, freezing, foreign material, disease, insects or mechanical or other means.

(i) *Specifications for roots.* In the case of turnip greens with roots attached, the roots shall be firm and free from damage by any cause and unless otherwise specified, the maximum diameter of the root shall be 1½ inches.

(ii) *Tolerance for defects.*—In order to allow for variations incident to proper grading and handling, other than for size of roots and mixtures of plants and leaves, not more than a total of 10 percent, by weight, of the units in any lot, may fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage by any cause and including therein not more than 2 percent for decay. (See basis for calculating percentages.)

(iii) *Tolerance for mixtures of whole plants and leaves.* Not more than 5 percent, by weight, of the mustard or turnip greens may consist of cut leaves in a lot consisting of plants, or of plants in a lot consisting of cut leaves. (See basis for calculating percentages.)

(iv) *Tolerance for size.* Turnip greens with roots attached shall have not more than 10 percent, by weight, of roots which are larger than the specified maximum size. (See basis for calculating percentages.)

(c) *Unclassified.* Unclassified consists of mustard greens or turnip greens which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Application of tolerances.* (1) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified.

(i) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified.

(ii) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified.

(e) *Basis for calculating percentages.* (1) Percentages shall be calculated on the basis of weight or an equivalent basis. When mustard greens or turnip greens are packed as plants, each plant shall be considered as a unit. When packed as cut leaves, the individual leaf shall be considered as a unit.

(f) *Definitions.* (1) "Similar varietal characteristics" means that the mustard or turnip greens shall be of one type (such as, crinkly leaf type or smooth leaf type in the case of mustard greens). No mixture of types shall be permitted which materially affects the appearance of the lot.

(2) "Fresh" means that the mustard or turnip leaves are not more than slightly wilted.

(3) "Fairly tender" means that the mustard or turnip greens are not old, tough, or excessively fibrous.

(4) "Fairly clean" means that the appearance of the mustard or turnip greens is not materially affected by the presence of mud, dirt, or other foreign material.

(5) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual plant (with or without roots), the individual cut leaf, or the lot as a whole. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Seedstems were more than one-fourth the length of the longest leaf;

(ii) Discoloration when the appearance of the individual unit is materially affected by discoloration; and,

(iii) Mechanical damage when the individual unit is badly crushed, torn, or broken.

(6) "Firm" means that the root is not soft, flabby, or shriveled.

(7) "Diameter" means the greatest dimension measured at right angles to a line from the center of the crown to the base of the root.

(8) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual plant (with or without roots), the individual cut leaf, or the lot as a whole. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Insects when the unit is noticeably infested or when seriously damaged by them;

(ii) Discoloration when the unit is badly discolored; and,

(iii) Decay.

Done at Washington, D. C., this 17th day of December 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52–13471; Filed, Dec. 19, 1952; 8:59 a. m.]

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF FROZEN SQUASH (SUMMER TYPE)[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as herein proposed, of United States Standards for Grades of Frozen Squash (Summer Type) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.715 *Frozen summer squash*—(a) *Frozen squash.* "Frozen squash" is the fresh, sound, immature product from the squash (summer type) plant hereinafter called squash which has been properly prepared and properly blanched, and is then frozen and maintained at temperatures necessary for the preservation of the product.

(b) *Styles of frozen squash.* (1) Sliced.

(2) Cut.

(c) *Grades of frozen summer squash.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen squash that possesses similar varietal characteristics; that possesses a good flavor and odor; that possesses a good color; that is practically free from defects; that possesses a good character; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen squash that possesses similar varietal characteristics; that possesses a reasonably good flavor and odor; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen squash that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(d) *Ascertaining the grade.* (1) The grade of frozen squash may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(2) The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
(i) Color	20
(ii) Absence of defects	40
(iii) Character	40
Total score	100

(3) The scores for the factors of color, absence of defects, and character are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units, and a representative sample of the product is cooked to ascertain tenderness of the frozen squash before final evaluation of the score for character. Flavor and odor are also ascertained on the cooked product.

(4) "Good flavor and odor" means that the product after cooking has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(e) *Ascertaining the ratings for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen squash that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color of the squash is bright and typical of young and tender squash of similar varietal characteristics which has been properly processed.

(ii) If the frozen squash possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen squash that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard; regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color of the squash is typical of reasonably young and tender squash of similar varietal characteristics, which has been properly processed.

(iii) Frozen squash that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, sand, grit, or silt, poorly cut units, and units damaged by discoloration, scars, insect injury, or damaged by any other means.

(a) "Unit" means a whole squash or a portion of a squash.

(b) "Damaged unit" means any unit damaged by discoloration, scars, insect injury, or by any other means to the extent that the appearance or eating quality of the product is materially affected.

(c) "Seriously damaged" means damaged to the extent that the appearance or eating quality of the unit is seriously affected.

(d) "Extraneous vegetable material" means leaves, stems, or other similar vegetable material.

(e) "Poorly cut" means units with attached stems in excess of ¼ inch in

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

length, very ragged units, or units that are less than ½ inch slice.

(f) "Sand, grit, or silt" means any particle of earthy material.

(ii) Frozen squash that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the product contains no grit, sand, or silt that affects the eating quality or appearance of the frozen squash and that the presence of damaged and seriously damaged units, extraneous vegetable matter, poorly cut units, or other defects do not materially affect the appearance or edibility of the product.

(iii) If the frozen squash is reasonably free from defects, a score of 28 to 33 points may be given. Frozen squash that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product may contain a trace of grit, sand, or silt that does not seriously affect the eating quality or appearance of the frozen squash and that the presence of damaged and seriously damaged units, extraneous vegetable matter, poorly cut units, or other defects do not seriously affect the appearance or edibility of the product.

(iv) Frozen squash that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* (i) The factor of character refers to the fleshy texture, the tenderness, and the degree of development of the seeds.

(ii) Frozen squash that possesses a good character may be given a score of 34 to 40 points. "Good character" means that the units are practically intact, are fleshy and tender, that the seeds are in the early stages of maturity, and that not more than 5 percent, by weight, of the units may be of reasonably good character.

(iii) If the frozen squash possesses a reasonably good character, a score of 28 to 33 points may be given. Frozen squash that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units may show slight disintegration, may have lost to a considerable extent their fleshy texture, may be reasonably tender, and that the seeds may have passed the early stages of maturity.

(iv) Frozen squash that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Tolerance for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen squash, the grade for such lot will be determined by averaging the total score of all containers, if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(g) *Score sheet for frozen squash (summer type).*

Number, size, and kind of container			
Container marks or identification			
Label			
Net weight (ounces)			
Style (sliced, cut)			
Factors		**Score points**	
I. Color	20	(A)	17–20
		(B)	[1] 14–16
		(SStd.)	[1] 0–13
II. Absence of defects	40	(A)	34–40
		(B)	[1] 28–33
		(SStd.)	[1] 0–27
III. Character	40	(A)	34–40
		(B)	[1] 28–33
		(SStd.)	[1] 0–27
Total score	100		
Flavor and odor			
Grade			

[1] Indicates limiting rule.

Done at Washington, D. C., this 17th day of December, 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-13472; Filed, Dec. 19, 1952; 8:59 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Part 202]

MINIMUM WAGE DETERMINATIONS

DETERMINATION OF PREVAILING MINIMUM WAGE FOR TEXTILE INDUSTRY

The proposed minimum wage determination for the textile industry published in the FEDERAL REGISTER on December 11, 1952 (17 F. R. 11197) is hereby corrected by substituting the figure 92 cents for the figure 93 cents in the proposed § 202.43 (c).

Signed at Washington, D. C., this 16th day of December 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-13439; Filed, Dec. 19, 1952; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 10357]

FCC FORM L (ANNUAL REPORT OF LICENSEES IN DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE)

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend FCC Form L (Annual Report of Licensees in Domestic Public Land Mobile Radio Service)[1] in place of that previously used, effective with respect to the reports for 1952. These reports must be filed not later than 90 days after the close of the calendar year.

3. Form L is prescribed by § 1.544 (a) (8), and is required to be filed under the provisions of § 43.21, of the Commission's rules and regulations. Authority for the issuance of the proposed amendment is contained in sections 4 (i) and 219 of the Communications Act of 1934, as amended.

4. The proposed amendment is intended to clarify certain portions of the report form and otherwise improve the usefulness of the report. In order that the Commission may consider the extent of utilization of the licenses granted, an additional requirement is proposed whereby those licensees who operate more than one system (base station plus associated mobile units) will be required to furnish separately, certain data applicable to each such system.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before January 16, 1953, a statement or brief setting forth his comments. At the same time, persons favoring the amendment as proposed may file statements in support thereof. Comments or briefs in reply to the original statements or briefs may be filed within ten days from the last day for filing the original statements. The Commission will consider all such comments before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed, plus one extra copy for each party to the proceeding in the case of comments in reply to the original statements or briefs, shall be furnished to the Commission.

Adopted: December 10, 1952.

Released: December 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13394; Filed, Dec. 19, 1952; 8:47 a. m.]

[1] Filed as part of the original document.

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[CGFR 52-59]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF AUTHORITY TO MAKE FINAL DETERMINATIONS OF GOOD FAITH IN CONNECTION WITH PAYMENTS BASED ON PURPORTED MARRIAGES

By virtue of the authority vested in me by section 503 of the act of October 12, 1949 (37 U. S. C. 303) and Reorganization Plan No. 26 of 1950 (15 F. R. 4935), the powers, duties, and functions vested in me by section 503 of the Career Compensation Act of 1949, to make determinations of good faith in connection with payments of allowances based on purported marriages are hereby transferred and conferred upon the Commandant, United States Coast Guard, and all such determinations made by the Commandant prior to the effective date of this order are hereby ratified.

Dated: December 12, 1952.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13446; Filed, Dec 19, 1952; 8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2710]

SALINE WATER CONVERSION PROGRAM

DECEMBER 15, 1952.

SECTION 1. *Authorizing legislation.* Public Law 448, 82d Congress, authorized a program, "To provide for research into and development of practical means for the economical production, from sea or other saline waters, of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses and for other purposes."

SEC. 2. *Departmental organization.* (a) A Secretary's Representative on the Saline Water Conversion Program, reporting directly to the Secretary, is established with full responsibility for organizing, coordinating, and carrying forward all phases of the program. This Representative, with his immediate staff assistants, will operate as a part of the Office of the Secretary and shall develop and execute the program with the cooperation of the Bureau of Mines, the Bureau of Reclamation, and the Geological Survey. To assure and assist in coordinating departmental participation, there is created a departmental Saline Water Conversion Committee composed of representatives of the Geological Survey, the Bureau of Mines, the Bureau of Reclamation, and the Division of Water and Power. This committee will assist in the development and review of the Saline Water Conversion Program and in the exchange of information and coordination of activities in connection with the program. In addition, representatives of industry, educational and research institutions, and the public will be invited to advise the Secretary on various aspects of the program.

(b) The designation on June 30, 1952, of Goodrich W. Lineweaver as the Secretary's Representative is hereby confirmed and his acts, consistent with the terms of this order, are accordingly ratified. He shall serve as chairman of the departmental Saline Water Conversion Committee and as liaison with the Secretary's advisers.

SEC. 3. *Program and reports.* The Secretary's Representative on the Saline Water Conversion Program shall recommend for the Secretary's approval a detailed program statement for carrying out the purposes of this legislation setting forth the objectives and the means and time schedule for meeting these objectives. Revisions in this program statement will be made as frequently as necessary to keep it current. At least thirty days before each regular session of Congress, the Secretary's Representative with the advice and assistance of the Saline Water Conversion Committee shall prepare a report outlining a departmental program, the actions taken or instituted by this Department under the provisions of this program, and recommendations for further legislation or administrative action that may be required. This report will be submitted to the Secretary for approval before the beginning of each regular session of Congress.

SEC. 4. *Delegation of authority.* The Secretary's Representative on the Saline Water Conversion Program may exercise any of the powers conferred upon the Secretary of the Interior by sections 2 and 4 of Public Law 448, 82d Congress and is directed to coordinate his activities with those of the Department of Defense as provided in section 3 thereof.

(Pub. Law 448, 82d Cong.; sec. 2, Reorg. Plan No. 3 of 1950, 15 F. R. 3174)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-13404; Filed, Dec. 19, 1952; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

OGALLALA LIVESTOCK COMMISSION CO.

DEPOSTING OF STOCKYARD

It has been ascertained that the Ogallala Livestock Commission Company, Ogallala, Nebraska, originally posted on March 25, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act. The owner of such stockyard has ceased operating a public market at the place at Ogallala, Nebraska, originally posted and is now operating a public market at a new location at Ogallala, Nebraska. Therefore, notice is given to the owner of the stockyard and to the public that the stockyard, originally posted on March 25, 1950, is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 17th day of December 1952.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 52-13473; Filed, Dec. 19, 1952; 8:59 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 22; Docket No. 33]

LIFETIME INDUSTRIES, INC., ET AL.

MODIFICATION AND TERMINATION

The above-entitled matter having come on for hearing on December 10, 1952, before the Chief Hearing Commissioner, Walter H. Foster, National Production Authority, on a petition for modification and termination of Suspension Order No. 22, heretofore issued in the above-entitled matter on August 5, 1952, the National Production Authority appearing by Joseph Saunders, Esquire, and Jonathan B. Rintels, Esquire, and the petitioners (respondents) appearing by Joseph T. King, Esquire, has been duly heard on the evidence and submitted.

Upon due consideration of said petition and evidence, the Chief Hearing Commissioner having found that full recoupment of the amount of aluminum used by the petitioners (respondents) in violation of orders and regulations of the National Production Authority will have been had by December 31, 1952, and that by reason thereof said Suspension Order No. 22 should be terminated on and as of December 31, 1952;

It is accordingly ordered, That Suspension Order No. 22 be and the same is hereby terminated, such termination to be effective on and as of December 31, 1952.

score of all containers, if:

8:54 a. m.]

[1] Filed as part of the original document.

It is further ordered, That the petitioners (respondents) shall be entitled to order and receive their first quarter 1953 allotment of aluminum in accordance with existing National Production Authority regulations, orders, and directives prior to the 31st day of December 1952, but they shall not process nor put the same into production until after December 31, 1952.

Issued at Washington, D. C., this 12th day of December 1952.

NATIONAL PRODUCTION AUTHORITY,
By WALTER H. FOSTER,
Chief Hearing Commissioner.

[F. R. Doc. 52–13529; Filed, Dec. 19, 1952; 11:29 a. m.]

[Suspension Order 30; Docket No. 29]

BROWN AND GRIST ET AL.

MODIFICATION

Under date of June 23, 1952, John G. Alexander, as General Counsel for the National Production Authority, transmitted to the Chief Hearing Commissioner, a statement of charges in support of an administrative adversary proceeding against Roy G. Brown, R. E. Cassidy, A. W. Grist, R. F. Flaxington, L. E. Wooldridge, and B. J. Utley, Sr., d/b/a Brown and Grist, of Newport News, Va.

The matter was assigned to Samuel H. Crosby, of Arlington, Va., Hearing Commissioner, National Production Authority, for disposition.

Hearing was had thereon July 30, 1952. The Government was represented by Joseph J. Saunders, Assistant General Counsel, National Production Authority, while the respondents appeared in their own behalf.

On September 12, 1952, the aforesaid commissioner handed down an order, accompanied by findings of fact and conclusions, that directed, commencing with October 1, 1952, all regular and unrestricted allotments of aluminum controlled materials made to the respondents by the National Production Authority be reduced by the withholding of 30,908 pounds per quarter for the fourth quarter of 1952 and the first and second calendar quarters of 1953, a total withholding of 92,724 pounds. A payback of 30,908 pounds has been made by said respondents, leaving a balance of 61,816 pounds for repayment by them, under the terms of said order, during the first and second calendar quarters of 1953.

The instant cause has to do with an application filed by the petitioners (respondents in the proceedings below) as of November 26, 1952, under the provisions of subdivision (c) of section 5 of NPA Rules of Practice, 17 F. R. 8156, by King, Noble and Sonosky, of Washington, D. C., counsel for the petitioners herein, the prayer of which is that the aforesaid order of September 12, 1952, be revoked to the extent that it requires repayment of the balance of 61,816 pounds.

Oral argument was heard December 11, 1952, on the above-identified application by Morris R. Bevington, Deputy Chief Hearing Commissioner, National Production Authority. Marion J. Sonosky, of the aforesaid law firm of King, Noble and Sonosky, appeared for the petitioners, while Joseph J. Saunders, Assistant General Counsel, appeared for the National Production Authority.

It appears from the record that the petitioners herein (the respondents in the proceedings below) initially applied for an allotment for use in the second quarter of 1952 under an erroneous assumption that part of their products were "A" products and not properly included in the application. It further appears that had the petitioners adduced evidence of the rated orders which it had on hand it could have obtained aluminum in addition to the amount allotted to it for the second quarter 1952 in an amount of approximately 38,000 pounds. No evidence respecting this credit was introduced in the initial proceeding. It is the opinion of the Commissioner that such amount should be considered as a credit against the amount of aluminum involved in the suspension order herein.

As disclosed by the record the figures used in the initial proceedings represented an arithmetical computation. Due allowance for this situation has been made by counsel for the Government who has recommended that any balance to be paid back by the petitioners be limited to twenty some thousand pounds. The Commissioner is in general accord with the foregoing recommendations and fixes such balance at an even 20,000 pounds.

Accordingly, the following terms of Suspension Order No. 30, Docket No. 29, issued September 12, 1952, to wit:

> In like manner 30,908 pounds shall be withheld from each of two succeeding quarterly allotments, to wit, during the first calendar quarter of 1953; and 30,908 pounds during the second calendar quarter of 1953. In any event, the effect of this order shall expire by limitation June 30, 1953.

are, under the provisions of the above cited subdivision (c) of NPA Rules of Practice, 17 F. R. 8156, hereby revoked, set aside and held for naught, and in lieu thereof it is provided that allotments of aluminum made or to be made to the petitioners (i. e., respondents in the matter of National Production Authority vs. Brown and Grist) for each of the quarters of 1953 be reduced by 5,000 pounds in each of said quarters.

This order of modification shall be effective immediately.

Dated: December 15, 1952.

By MORRIS R. BEVINGTON,
Deputy Chief Hearing Commissioner.

[F. R. Doc. 52–13530; Filed, Dec. 19, 1952; 11:29 a. m.]

[Suspension Order 51; Docket No. 60]

CLARIN MANUFACTURING CO. ET AL.

SUSPENSION ORDER

A hearing was held in the above-entitled matter on November 26, 1952, at Chicago, Ill., before Bernard D. Meltzer, a hearing commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority in accordance with the National Production Authority's General Administrative Order 16–06, as amended (16 F. R. 8628), which has been redesignated as Rules of Practice 1, Revised (17 F. R. 8156).

The respondents, Clarin Manufacturing Co., a corporation organized under the laws of Illinois, and P. H. Early, had been duly apprised of the specific violations charged, had been duly informed of the rules and procedures which govern these proceedings and of the administrative action which might be taken, and had filed their answers to the charges herein.

The National Production Authority was represented by Berthold J. Harris, Esquire, regional attorney; and the respondents were represented by Jacob H. Jaffe, Esquire, and David H. Mendelsohn, Esquire.

The Charges: At the hearing, on the motion of the attorney for the National Production Authority, and with the consent of the attorneys for the respondents, Charge 2 was stricken; Charge 3 was amended to charge that the corporate respondent, in the calendar quarter beginning April 1, 1952, had placed authorized controlled material orders for a total of 688½ tons of carbon steel, which was 148½ tons in excess of the related allotment received by the corporate respondent; Charge 8 was amended to charge that in the calendar quarter beginning July 1, 1951, the corporate respondent had placed authorized controlled material orders for a total of 300 pounds of aluminum powder, for which it had received no allotment. The substance of the remaining unamended charges is indicated below under Findings of fact—Conclusions.

By stipulation between the attorney for the National Production Authority and the attorneys for the respondents, it was agreed that:

(1) In the calendar quarter beginning July 1, 1951, the corporate respondent placed authorized controlled material orders for a total of 242½ tons of carbon steel, which was 110½ tons in excess of the related allotment received by the corporate respondent;

(2) In the calendar quarter beginning April 1, 1952, the corporate respondent placed authorized controlled material orders for a total of 688½ tons of carbon steel, which was 148½ tons in excess of the related allotment received by the corporate respondent;

(3) In the calendar quarter beginning January 1, 1952, the corporate respondent placed authorized controlled material orders totalling 700 pounds of nickel-bearing stainless steel, for which it had received no allotment.

On the basis of the evidence submitted during the aforementioned hearing, it is hereby determined that:

Findings of fact—Conclusions: 1. During the calendar quarter beginning July 1, 1951, and during the calendar quarter beginning April 1, 1952, the corporate respondent placed authorized controlled material orders in excess of the total allotments received by it for said periods, by placing orders for a total of 931 tons of carbon steel although it was entitled to order only a total of 682 tons of carbon steel during both of the above-described calendar periods, thereby ordering 249 tons in excess of the related allotments received by it. By this action the corporate respondent, as specifically set forth in Charge 1 and Charge 3, as amended, of the charges herein, violated section 19 (f) of the CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

2. During the calendar quarter beginning January 1, 1952, the corporate respondent placed authorized controlled material orders for 700 pounds of nickel-bearing stainless steel, for which it had not received any allotment. By this action, the corporate respondent, as set forth in Charge 4 herein, violated sections 3 (c) and 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

3. During the calendar quarter beginning January 1, 1952, the corporate respondent used the aforesaid nickel-bearing stainless steel in the manufacture of items of furniture. By this action the corporate respondent, as set forth in Charge 9 herein, violated section 2, and subheading A–I, of National Production Authority Order M–80, Schedule A, issued August 15, 1951 (16 F. R. 8171), reissued effective March 12, 1952 (17 F. R. 2178). The respondent's defense to this charge, viz, that this material was used for experimental work on furniture which was not resold, has no merit.

4. During the last two calendar quarters of 1951, the corporate respondent placed authorized controlled material orders for a total of 1,700 pounds of copper powder and 500 pounds of aluminum powder, for which it had not received any allotments. By this action the corporate respondent, as specifically set forth in Charges 5, 6, and 8, as amended, of the charges herein, violated sections 3 (c) and 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

5. During the calendar quarter beginning January 1, 1952, the corporate respondent placed authorized controlled material orders in excess of the allotment received by it for said period, by placing orders for 500 pounds of copper powder, which was 152 pounds in excess of the related allotment received by it. By this action the corporate respondent, as set out in Charge 7 herein, violated section 19 (f) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11860).

6. The corporate respondent failed to return unused allotments of carbon steel amounting to 33 3/10 tons within 10 days after the end of the first calendar quarter of 1952, or at any time prior thereto or thereafter; the corporate respondent failed to return unused allotments of 634 pounds of copper powder and 500 pounds of aluminum powder within 10 days after the end of the second calendar quarter of the year 1952, or at any time prior thereto or thereafter. By these omissions, the corporate respondent, as set out in Charges 10 and 11 herein, violated section 18 (b) of CMP Regulation No. 1, dated May 3, 1951 (16 F. R. 11860).

7. The evidence failed to establish actual knowledge by the corporate respondent that it was violating the regulations governing orders for, and the use of, controlled materials. The evidence did, however, show a plain failure by the corporate respondent to take reasonable steps to insure compliance with the pertinent regulations.

8. The evidence failed to establish that P. H. Early, the individual respondent herein, during the relevant period, dominated, managed, or controlled the corporate respondent; nor did the evidence establish that P. H. Early directed, supervised, or participated in the violations found above. Accordingly, Charge 12, herein, alleging such control and participation, is dismissed.

In order to correct the unauthorized ordering and use of controlled materials found herein, *It is hereby ordered that:*

Order 1. All allotments and allocations of carbon steel to the corporate respondent and its successors or assigns, including all privileges of self-authorization, self-certification, and automatic allotment, shall be, and hereby are, reduced by 125 tons during the first calendar quarter of 1953, and by 124 tons during the second calendar quarter of 1953.

2. The corporate respondent and its successors or assigns, shall be, and hereby are, prohibited from using any nickel-bearing stainless steel during the first and second calendar quarters of 1953.

3. All allotments and allocations of copper powder to the corporate respondent and its successors and assigns, including all privileges of self-authorization, self-certification, and automatic allotment, shall be, and hereby are, reduced by 926 pounds during the first calendar quarter of 1953, and by the same amount during the second calendar quarter of 1953.

4. All allotments and allocations of aluminum powder to the corporate respondent and its successors or assigns, including all privileges of self-authorization, self-certification, and automatic allotment, shall be, and hereby are, reduced by 250 pounds during the first calendar quarter of 1953, and by the same amount during the second calendar quarter of 1953.

Issued at Chicago, Ill., this 10th day of December 1952.

NATIONAL PRODUCTION AUTHORITY,
By BERNARD D. MELTZER,
Hearing Commissioner.

[F. R. Doc. 52–13531; Filed, Dec. 19, 1952; 11:29 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Buffalo Association for the Blind, 864 Delaware Avenue, Buffalo 9, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 30 cents per hour, whichever is higher. Certificate is effective December 1, 1952, and expires November 30, 1953.

Buffalo Association for the Blind, 180 Goodell Street, Buffalo 4, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 35 cents per hour for a training period of 320 hours and 50 cents thereafter, whichever is higher. Certificate is effective December 1, 1952, and expires November 30, 1953.

Elmira Association for the Blind, Inc., 717 Lake Street, Elmira, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 25 cents per hour for an evaluation period of 160 hours and 50 cents thereafter, whichever is higher. Certificate is effective December 1, 1952, and expires November 30, 1953.

The New York Association for the Blind, Occupational Department, 111 East 59th Street, New York 22, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour, whichever is higher. Certificate is effective December 1, 1952, and expires November 30, 1953.

Volunteers of America, 724 East Diamond Street, Pittsburgh, Pa.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 57 cents per hour, whichever is higher. Certificate is effective December 1, 1952, and expires November 30, 1953.

Columbus Association for the Blind, 221 East Mound Street, Columbus 15, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour, whichever is higher. Certificate is effective December 1, 1952, and expires November 30, 1953.

Goodwill Industries of Chicago and Cook County, Ill., 1500 West Monroe Street, Chicago, Ill.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than the applicable hourly rate during the periods hereinafter specified, whichever is higher: 40 cents per hour for an evaluation period of 160 hours and a training period of 160 hours for the entire shop and 50 cents thereafter, with the following rates and periods applicable for the various departments listed: Contract Division, 30 cents per hour for an evaluation period of 160 hours and a training period of 160 hours and 40 cents thereafter; Salvage Division, 35 cents per hour for an evaluation period of 160 hours and 45 cents thereafter. Certificate is effective December 1, 1952, and expires November 30, 1953.

Chicago Lighthouse for the Blind, 3323 West Cermak Road, Chicago 23, Ill.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than the applicable hourly rate during the periods hereinafter specified, whichever is higher: 40 cents per hour for an evaluation period of 160 hours and a training period of 160 hours and 45 cents thereafter, with the following rates and periods applicable to the Contract Shop: 30 cents per hour for an evaluation period of 160 hours and a training period of 160 hours and 40 cents thereafter. Certificate is effective December 1, 1952, and expires November 30, 1953.

Marion County Society for Crippled Children and Adults, Inc., 3001 North New Jersey Street, Indianapolis, Ind.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than the applicable hourly rate during the periods hereinafter specified, whichever is higher: Contract Division, 25 cents per hour for an evaluation period of 160 hours and a training period of 160 hours and 35 cents thereafter; Envelope Stuffing Division, 25 cents per hour with no specific evaluation or training period. Certificate is effective December 1, 1952, and expires on November 30, 1953.

The Sheltered Workshop of the Crippled Children's Society of Santa Clara County, Inc., 299 West San Fernando Street, San Jose, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour, whichever is higher. Certificate is effective November 21, 1952, and expires May 31, 1953.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be canceled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 11th day of December 1952.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 52-13440; Filed, Dec. 19, 1952; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

CHIEF, COMMON CARRIER BUREAU

DELEGATION OF AUTHORITY TO DESIGNATE APPLICATIONS FILED BY TELEPHONE COMPANIES FOR HEARING AND TO GIVE APPROPRIATE NOTICE THEREOF

In the matter of amendment of the Commission's Statement of Delegation of Authority to provide authorization for the Chief of the Common Carrier Bureau to designate applications filed by telephone companies under section 221 (a) of the Communications Act of 1934, as amended, for public hearing, and to give appropriate notice as provided by that section.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of December 1952:

The Commission, having under consideration the matter of processing applications filed with it by domestic telephone companies for authority under section 221 (a) of the Communications Act of 1934, as amended, to consolidate their properties or a part thereof into a single company, or for authority for one or more such companies to acquire the whole or part of the property of another telephone company or other telephone companies or the control thereof by the purchase of securities, or by lease or in any other like manner; and the requirements of that section that the Commission shall fix a time and place for public hearing on such applications, and shall thereupon give reasonable notice in writing to the Governor of each of the States in which the physical property affected, or any part thereof, is situated, and to the State commission having jurisdiction over telephone companies, and to such other persons as it may deem advisable;

It appearing, that it would facilitate the prompt and orderly handling of the Commission's business to delegate to the Chief of the Common Carrier Bureau authority to designate such applications for public hearing, and to give appropriate notice as required under the provisions of section 221 (a) of the Communications Act;

It further appearing, that notice of proposed rule making and public rule making procedure may be omitted in accordance with section 4 (a) of the Administrative Procedure Act as being unnecessary since the rule herein relates to internal Commission organization and procedure and is not substantive in nature;

It further appearing, that authority for the proposed rule is contained in sections 4 (i) and 5 (d) (1) of the Communications Act of 1934, as amended;

It is ordered, That, effective December 10, 1952, authority is hereby delegated to the Chief, Common Carrier Bureau to fix a time and place for public hearings on applications filed by telephone companies under section 221 (a) of the Communications Act of 1934, as amended, and to give reasonable notice in writing to the Governor of each of the States in which the physical property affected, or any part thereof, is situated, to the State commission having jurisdiction over telephone companies, and to such other persons as he may deem advisable.

Released: December 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13395; Filed, Dec. 19, 1952; 8:48 a. m.]

[Docket No. 8001, 8602, 8685, 8830, 9222, 9442, 9755, 9756, 9811-9813]

ARK-VALLEY BROADCASTING CO., INC., ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m. on Monday, January 12, 1952, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated:

ARGUMENT No. 1

Docket No.:				
9811	KGAR	Ark-Valley Brdcstg Co., Inc., Garden City, Kans.	C. P. to change frequency.	920 kc 500 w DA-N night; 1 kw day unlimited.
BP-7704	KLMR	The Southeast Colorado Brdcstg Co., Lamar, Colo.	C. P. to change frequency, increase power, etc.	920 kc 500 w DA night; 1 kw day unlimited.
9812				
BP-7788				
9813	KFNF	Capital Brdcstg Co., Lincoln, Nebr.	C. P. to change transmitter, etc.	920 kc 500 w night; 1 kw day unlimited.
BP-7805				

ARGUMENT No. 2

Docket No.:				
8602	New	Delta Broadcasters, Inc., Thibodaux, La.	C. P.	630 kc 500 w day, daytime.
BP-6734	KCIL	Charles Wilbur Lamar, Jr., Houma, La.	C. P. to change frequency increase power, etc.	630 kc 1 kw night; 1 kw day; DA-2 unlimited.
9442				
BP-7282				

ARGUMENT No. 3

Docket No.:				
8001	WTOD	Unity Corp., Inc., Toledo, Ohio	C. P. to change hours from day time to unlimited.	1470 kc 1 kw night; 1 kw day; DA-2 unlimited.
BP-5071				
8685	New	The Midwestern Broadcasting Co., Toledo, Ohio.	C. P.	1470 kc 1 kw night; 1 kw day; DA Unlimited.
BP-6421	New	The Toledo Blade Co., Toledo, Ohio.	C. P.	1470 kc 1 kw night; 1 kw Day; DA Unlimited.
8830	New	Radio Corp. of Toledo, Toledo, Ohio.	C. P.	1470 kc 1 kw night; 1 kw day; DA-2 Unlimited.
9222				
BP-7067				

ARGUMENT No. 4

Docket No.:				
9755	New	Byrne Ross, Lila G. Ross, Robert R. Harrison and Dorothy V. Harrison, d/b as Lawton-Fort Sill Broadcasting Co., Lawton, Okla.	C. P.	1250 kc 500 w night; 1 kw day, DA unlimited.
BP-7065				
9756	----------	J. D. Allen tr/as Caddo Broadcasting Co., Anadarko, Okla.	C. P.	1250 kc 500 w day daytime.
BP-7737				

Dated: December 12, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13401; Filed, Dec. 19, 1952; 8:50 a. m.]

[Docket No. 10336]

ALBUQUERQUE BROADCASTING CO. (KOB)

ORDER CONTINUING HEARING

In re application of Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 10336, File No. BSSA-275; for extension of special service authorization.

The Commission having under consideration the motion of the applicant, filed November 25, 1952, that the hearing upon its application, which is presently scheduled for December 10, 1952, be continued to January 21, 1953;

It appearing, that comprehensive engineering studies are required in order to meet the issues governing the proceeding and that approximately six weeks beyond December 10, 1952, are necessary to enable the moving party to complete such studies;

It appearing further, that counsel for the Commission's Broadcast Bureau and for Westinghouse Radio Stations, Inc. (WBZ) consent to the continuance herein sought, and that American Broadcasting Company (WJZ), while insisting that the special service authorization involved should be terminated forthwith, agrees that since the Commission, over its protest, has directed a hearing upon the instant application for such authorization and has extended same, the moving party should be allowed additional time within which to prepare its case;

It is ordered, This 3d day of December 1952, that the motion under consideration is granted, and that the hearing upon the above-entitled application is continued to January 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13396; Filed, Dec. 19, 1952; 8:49 a. m.]

[Docket No. 10069]

LYMAN BROWN ENTERPRISES

ORDER SCHEDULING ORAL ARGUMENT

In re application of Lyman C. Brown tr/as Lyman Brown Enterprises, Brownwood, Texas., Docket No. 10069, File No. BP-8149; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of December 1952;

The Commission having under consideration the Initial Decision in the above-entitled proceeding, released July 1, 1952; the exceptions and request for oral argument by Radio and News, Inc. (KXOX), Sweetwater, Texas, a party respondent, filed August 6, 1952; motions to strike the KXOX exceptions by Lyman C. Brown, the applicant herein, and by the Chief of the Commission's Broadcast Bureau, filed August 15 and 18, 1952, respectively; and the opposition to the motions to strike by Radio and News, Inc. (KXOX) filed August 21, 1952; and

It appearing, that upon review of this proceeding and the issues raised in the foregoing pleadings, the Commission can best dispose of said issues after hearing oral argument thereon by the participants; and that therefore the proceeding should be scheduled for oral argument and the participants afforded an opportunity to address themselves not only to the Initial Decision and the exceptions thereto, but also to the issues raised in the foregoing pleadings;

It is ordered, That oral argument in this proceeding is scheduled for February 16, 1953, commencing at 10:00 a. m.; and that the participants herein are afforded an opportunity to address themselves not only to the Initial Decision and the exceptions filed thereto, but also to the issues raised by the foregoing pleadings.

Released: December 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13397; Filed, Dec. 19, 1952; 8:49 a. m.]

[Docket No. 9362]

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT AND INTERNATIONAL MONETARY FUND, ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In the matter of International Bank for Reconstruction and Development and International Monetary Fund, complainants, v. All American Cables & Radio, Inc., The Commercial Cable Company, Mackay Radio & Telegraph Company, Inc., RCA Communications, Inc., The Western Union Telegraph Company, defendants; Docket No. 9362.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of December 1952;

The Commission having under consideration the exceptions to the Initial Decision herein, and other relevant pleadings, including requests for additional time to be allowed in connection with the oral argument of this proceeding;

It is ordered, That oral argument before the Commission en banc is scheduled for Tuesday, February 17, 1953, at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m.,

and that the participants listed below are allowed time for oral argument as follows:

	Minutes
International Bank for Reconstruction and Development and the International Monetary Fund	60
All America Cables & Radio, Inc., the Commercial Cable Co. and Mackay Radio & Telegraph Co., Inc.	30
RCA Communications, Inc.	30
The Western Union Telegraph Co.	30
Office of General Counsel of U. S. Treasury Department, for National Advisory Council on International Monetary and Financial Problems	20
The Department of State	20
Chief, Commission's Common Carrier Bureau	30

Released: December 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13398; Filed, Dec. 19, 1952; 8:49 a. m.]

[Docket Nos. 7179, 7180]

EASTON PUBLISHING CO. AND ALLENTOWN BROADCASTING CORP.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Easton Publishing Company, Easton, Pennsylvania, Docket No. 7179, File No. BP-4212; Allentown Broadcasting Corporation, Allentown, Pennsylvania, Docket No. 7180, File No. BP-4374; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of December 1952;

The Commission having under consideration the Initial Decision herein, the exceptions and replies thereto, and the requests for oral argument;

It is ordered, That oral argument herein before the Commission en banc is scheduled for Tuesday, February 24, 1953, commencing at 10:00 a. m.; and that the parties are each allowed 30 minutes for the presentation of oral argument.

Released: December 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13399; Filed, Dec. 19, 1952; 8:49 a. m.]

[Docket Nos. 8116, 9213, 9227, 9228, 9515, 9910, 9911, 9814, 9897, 9345]

BALBOA RADIO CORP. ET AL.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m. on Monday, December 22, 1952, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated:

ARGUMENT NO. 1

Docket No: 8116 BP-5622	KLIK	Balboa Radio Corp., Escondido, Calif.	C. P. to change frequency, change hours of operation, etc.	1450 kc 250 w night; 250 w day unlimited.
9213 BP-5772	New	Elmer Glaser, Ray A. Wilcox, David Rorich, Jr., Hyman Glaser and Max Glaser, a partnership d/b as Oceanside Broadcasting Co., Oceanside, Calif.	C. P.	1450 kc 250 w night; 250 w day unlimited.

ARGUMENT NO. 2

Docket No: 9227	WHDH	Matheson Radio Co., Inc., Boston, Mass.	Petition	For reconsideration of Commission action granting mod. of C. P., WXKW (BMP-3757).
9228	KOA	National Broadcasting Co., Inc., Denver, Colo.	Petition	For reconsideration of Commission action granting mod. of C. P., WXKW (BMP-3757).
9515 BMP-4580	WXKW	Champlain Valley Broadcasting Corp., Albany, N. Y.	Mod. of C. P.	850 kc 10 kw DA-1; night 10 kw DA-1 day unlimited.

ARGUMENT NO. 3

Docket No.: 9910 BP-7919	New	City Broadcasting Corp., Nashua, N. H.	C. P.	1340 kc 250 w night; 250 w day unlimited.
9911 BP-7980	WHOB	The Gardner Broadcasting Co., Gardner, Mass.	C. P. to change frequency, etc.	1340 kc 250 w night, 250 w day unlimited.

ARGUMENT NO. 4

Docket No.: 9814 BP-7803	New	Hirsch Communication Engineering Corp., Sparta, Ill.	C. P.	1230 kc 250 w night; 250 w day unlimited.
9897 BP-7934	New	Hawthorn Broadcasting Co., St. Louis, Mo.	C. P.	1230 kc 250 w night, 250 w day unlimited.

ARGUMENT NO. 5

Docket No.: 9345 BP-6473	KURV	James Cullen Looney, Edinburg, Tex.	C. P. to increase power, etc.	710 kc 1 kw DA night; 1 kw day unlimited.

Dated: December 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13400; Filed, Dec. 19, 1952; 8:50 a. m.]

[Docket Nos. 8836, 10069]

LYMAN BROWN ENTERPRISES AND HARBENITO BROADCASTING CO.

NOTICE OF ORAL ARGUMENT

Beginning at 10:00 o'clock a. m. on Monday, February 16, 1953, the Commission will hear oral argument in Room 6121, on the following matters in the order indicated:

ARGUMENT NO. 1

Docket No.: 10069 BP-8149	New	Lyman C. Brown tr/as Lyman Brown Enterprises, Brownwood, Tex.	C. P.	1240 kc 100 w night; 100 w day unlimited.

ARGUMENT NO. 2

Docket No.: 8836 BP-6350	KGBS	Harbenito Broadcasting Co., Harlingen, Tex.	C. P. to change frequency, increase power, etc.	850 kc 5 kw night; 5 kw day DA unlimited.

Dated: December 12, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13441; Filed, Dec. 19, 1952; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1947, G-1959]

TEXAS EASTERN TRANSMISSION CORP. AND WILCOX TREND GATHERING SYSTEM, INC.

NOTICE OF OPINION NO. 241 AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 16, 1952.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-1947; Wilcox Trend Gathering System, Inc., Docket No. G-1959.

Notice is hereby given that on December 15, 1952, the Federal Power Commission issued its opinion and order entered December 12, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13412; Filed, Dec. 19, 1952; 8:52 a. m.]

[Docket No. G-1974]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

On June 11, 1952, Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, filed an application and, on October 20 and November 17, 1952, supplements thereto, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 24, 1952 (17 F. R. 5681).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on January 7, 1953, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application as supplemented: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: December 16, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13416; Filed, Dec. 19, 1952; 8:52 a. m.]

[Docket No. G-2076]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF FINDINGS AND ORDER

DECEMBER 16, 1952.

Notice is hereby given that on December 15, 1952, the Federal Power Commission issued its order entered December 11, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13413; Filed, Dec. 19, 1952; 8:52 a. m.]

[Docket No. ID-1174]

ARLEEN W. HUGHES

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

DECEMBER 16, 1952.

Notice is hereby given that on December 15, 1952, the Federal Power Commission issued its order entered December 11, 1952, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13414; Filed, Dec. 19, 1952; 8:52 a. m.]

[Project No. 995]

CALIFORNIA OREGON POWER CO.

NOTICE OF ORDER GRANTING REQUEST FOR WITHDRAWAL OF APPLICATION FOR AMENDMENT OF LICENSE (TRANSMISSION LINE)

DECEMBER 16, 1952.

Notice is hereby given that on December 15, 1952, the Federal Power Commission issued its order entered December 11, 1952, granting request for withdrawal of application for amendment of license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13415; Filed, Dec. 19, 1952; 8:52 a. m.]

[Project No. 2110]

CONSOLIDATED WATER POWER CO.

NOTICE OF APPLICATION FOR LICENSE

DECEMBER 15, 1952.

Public notice is hereby given that Consolidated Water Power Company, of Wisconsin Rapids, Wisconsin, has made application for license under the provisions of the Federal Power Act (16 U. S. C. 791-825r) for constructed Project No. 2110, known as the Stevens Point project, on the Wisconsin River at Stevens Point, in Portage County, Wisconsin. The project consists of a dam across the river composed of a powerhouse section, a gated spillway section, and a nonoverflow section, flanked on the left bank by a concrete gravity wall about 1,022 feet long and an earthen embankment about 1,490 feet long, and on the right bank by an earthen embankment about 2,600 feet long; a concrete overflow weir across Rocky Run; a powerhouse containing six 1,140-horsepower turbines each connected to a 640-kilowatt generator; a transformer station; three 44-kv transmission lines extending to Wisconsin Rapids, Village of Whiting, and a substation in Stevens Point; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 12th day of January 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13410; Filed, Dec. 19, 1952; 8:51 a. m.]

[Project No. 2112]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

DECEMBER 15, 1952.

Public notice is hereby given that Pacific Power & Light Company, of Portland, Oregon, has made application for preliminary permit pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) for a proposed hydroelectric project, designated as Project No. 2112, on Lewis River, in Skomania County, Washington, affecting public lands and lands of the United States within the Gifford Pinchot National Forest. The proposed project, to be known as the Muddy Power Development, would consist of a spillway-equipped rockfill dam about 200 feet high creating a reservoir having usable storage of about 100,000 acre-feet; a power tunnel about 16,000 feet long; a surge tank and two penstocks; a powerhouse to house 2 vertical turbine-generator units each tentatively rated at 17,500 kw; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accord-

ance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 23d day of January 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13411; Filed, Dec. 19, 1952; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT THE FEDERAL GOVERNMENT BEFORE INTERSTATE COMMERCE COMMISSION IN CERTAIN RAILROAD ABANDONMENT CASES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of I. C. C. Finance Docket No. 17595, Denver and Intermountain Railroad Company—Abandonment, and I. C. C. Finance Docket No. 17804, Associated Railroads—Abandonment, before the Interstate Commerce Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of August 19, 1952.

Dated: December 16, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-13462; Filed, Dec. 19, 1952; 8:59 a. m.]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO ENFORCE COMPLIANCE WITH TERMS AND CONDITIONS OF CERTAIN TRANSFERS OF PROPERTY MADE FOR USE OF CIVILIAN COMPONENTS OF THE ARMED FORCES

1. Pursuant to the authority vested in me by section 205 (d) of the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong.), as amended, hereinafter called the act, and subject to the disapproval of the Administrator of General Services within thirty days after notice to him of any action to be taken hereunder, authority is hereby delegated to the Secretary of Defense to exercise the following authority in the case of property transferred pursuant to said act to States, political subdivisions, and tax-supported instrumentalities thereof for use in the training and maintenance of civilian components of the armed forces:

a. To determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

b. To reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

c. To (1) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (2) convey, quitclaim, or release to the transferee or other eligible user any right or interest reserved to the United States by, any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: *Provided*, That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he shall deem necessary to protect or advance the interests of the United States.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. This delegation of authority shall be effective as of July 1, 1949.

Dated: December 15, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-13417; Filed, Dec. 19, 1952; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2864]

COLUMBIA GAS SYSTEM, INC., AND KEYSTONE GAS COMPANY, INC.

ORDER AUTHORIZING ISSUANCE AND SALE OF INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

DECEMBER 16, 1952.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and the Keystone Gas Company, Inc. ("Keystone"), a subsidiary company of Columbia, having filed a joint application with the Commission pursuant to sections 6 (b), 9 and 10 of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Keystone proposes to issue and sell and Columbia proposes to acquire, at par, $100,000 principal amount of 3⅜ percent Installment Promissory Notes, the proceeds from which will be used by Keystone for the purpose of financing a part of its 1952 construction program estimated to cost $147,800.

In addition, it is proposed that Keystone's outstanding 2¾ percent open-account loans in the principal amount of $100,000, owing to Columbia be funded into long-term securities. Keystone proposes to issue and Columbia proposes to acquire, at par, $100,000 principal amount of 3⅜ percent Installment Promissory Notes as payment and liquidation of the aforementioned open-account loans.

Keystone represents that the said Notes would be registered and the principal amounts thereof would be payable in twenty-five equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount thereof, at the rate of 3⅜ percent per annum, would be payable semi-annually on February 15 and August 15.

The proposed transactions having been expressly authorized by the Public Service Commission of the State of New York by order dated November 17, 1952; and

Said application having been filed on May 5, 1952, an amendment thereto having been filed on December 10, 1952, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said joint application, as amended, within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-13445; Filed, Dec. 19, 1952; 8:55 a. m.]

[File No. 811-185]

FIRST YORK CORP.

NOTICE OF APPLICATION

DECEMBER 16, 1952.

Notice is hereby given that the Equity Corporation (Equity), a Delaware corporation and a closed-end management company registered under the Investment Company Act of 1940, has filed for and on behalf of the First York Corporation (First York), a former Delaware corporation, presently registered under the act as a closed-end management company, an application pursuant to section 8 (f) of the act for an order declaring that First York has ceased to be an investment company within the meaning of the act.

It appears that the merger of First York into Equity was authorized by the stockholders of each such corporation representing two-thirds of its outstanding capital stock at special meetings held on October 31, 1952, and that the merger of First York with and into Equity, Equity surviving the merger, became effective under the General Corporation Law of Delaware on November 3, 1952, the separate existence of First York ceasing upon that date.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that an order granting the application upon such conditions as the Commission may deem necessary for the protection of investors may be issued by the Commission at any time on or after December 30, 1952, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 29, 1952, at 5:30 p. m., submit in writing to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such a request, and the issue of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-13442; Filed, Dec. 19, 1952; 8:55 a. m.]

[File No. 70-2866]

COLUMBIA GAS SYSTEM, INC., AND BINGHAMTON GAS WORKS

ORDER AUTHORIZING AMENDMENT OF CERTIFICATE OF INCORPORATION OF SUBSIDIARY COMPANY AND ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY COMPANY AND ACQUISITION BY PARENT COMPANY

DECEMBER 16, 1952.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Binghamton Gas Works ("Binghamton"), a subsidiary company of Columbia, having filed a joint application-declaration and an amendment thereto with the Commission pursuant to sections 6 (b), 9, 10, 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-44 promulgated thereunder with respect to the following transactions:

Binghamton proposes to amend its Certificate of Incorporation so as to (a) eliminate its 3,479 shares of authorized but unissued preferred stock, (b) reclassify its 45,000 shares of common stock without par value (Old Common Stock) now authorized and outstanding into 27,000 shares of common stock, par value $25 per share (New Common Stock), and (c) increase its total authorized capital stock to 80,000 shares of New Common Stock, par value $25 per share.

Binghamton further proposes to issue and sell and Columbia proposes to acquire for cash 24,000 shares of New Common Stock. The proceeds to be derived from the sale of such New Common Stock by Binghamton ($600,000) will be used to finance, in part, its 1952 construction program which is estimated to cost $1,014,450.

The proposed transactions having been expressly authorized by the Public Service Commission of the State of New York by order dated November 17, 1952; and

Said application-declaration having been filed on May 6, 1952, an amendment thereto having been filed on December 10, 1952, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said joint application-declaration, as amended, within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective:

It is ordered, pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-13444; Filed, Dec. 19, 1952; 8:55 a. m.]

[File No. 811-379]

SELECTED SECURITIES CORP.

NOTICE OF APPLICATION

DECEMBER 16, 1952.

Notice is hereby given that Selected Securities Corporation ("Applicant") has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that it has ceased to be an investment company within the meaning of the act.

It appears from the application that applicant's outstanding securities are beneficially owned by only 96 shareholders, and it is not making and does not presently propose to make a public offering of its securities. Section 3 (c) (1) of the act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time after December 31, 1952, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested persons may, not later than December 29, 1952, at 5:30 p. m., e. s. t., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-13443; Filed, Dec. 19, 1952; 8:55 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19068]

UFA FILMS, INC., ET AL.

In re: Rights in motion pictures formerly distributed by Ufa Films, Inc., and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.); and pursuant to law, after invesigation, it is hereby found:

1. That the producers and owners of the motion pictures listed in Exhibits A and B attached hereto and made a part hereof, who, if individuals, there is rea-

sonable cause to believe were on or since December 11, 1941, and prior to January 1, 1947, residents of Germany, are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany), and who, if partnerships, associations, corporations or other business organizations, there is reasonable cause to believe were on or since December 11, 1941, and prior to January 1, 1947, organized under the laws of, and had their principal places of business in Germany, are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the property described as follows: (a) All right, title, interest and claim of whatsoever kind or nature not heretofore vested, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in said Exhibits A and B including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures.

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts.

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States.

(4) All prints of the motion pictures (including any and all versions thereof) listed in said Exhibit A in the possession or under the control of Samuel Cummins and/or Jewel Productions, Inc., both of 165 West 46th Street, New York, New York, or the assigns of either or both of them.

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in subparagraph 1 hereof and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations) who were on or since December 11, 1941, and prior to January 1, 1947, citizens and residents of, or which were on or since December 11, 1941, and prior to January 1, 1947, organized under the laws of or had their principal places of business in Germany and are, and prior to January 1, 1947, were nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibits A and B

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibits A and B

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a), 2 (b) (1) and 2 (b) (2) of this Vesting Order

(4) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b), of this Vesting Order, and

(c) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a) and 2 (b) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

EXHIBIT A—MOTION PICTURES FORMERLY DISTRIBUTED BY UFA FILMS, INCORPORATED

Title of motion picture and German title

Adieu Mascotte; Adieu Mascotte.
Apaches of Paris; Die Apachen.
Armored Vault; Das Panzergewoelbe.
Asphalt (alternate title: Temptation); Asphalt.
At the Edge of the World; Am Rande der Welt.
At the Grey House; Die Chronik von Grieshus.
Backstairs; Hintertreppe.
Bella Napoli.
Bird's Paradise (alternate title: Tropical Birds).
Blue Mouse.
Carmen of St. Pauli; Carmen von St. Pauli.
Chained; Michael.
Cheating Mothers (alternate title: Fair Exchange); Fische und Muscheln.
Cohen's Family Reunion; Familientag in Hause Prellstein.
Cupid's Express; Blitzzug der Liebe.
Czardas Duchess; Czardas Fuerstin.
Dance Fever; Der Taenzer meiner Frau.
Dance Student; Der Tanzstudent.
Dr. Mabuse (alternate title: Fatal Passion of Dr. Mabuse); Dr. Mabuse der Spieler.
Dr. Monnier and his Women (alternate title: Doctor's Women); Dr. Monnier und die Frauen.
False Shame (alternate title: Fools Passion); Falsche Scham.
Farmer of Texas (alternate titles: (1) Somebody's Son, (2) Cowboy Count); Der Farmer von Texas.
Feeding the Angels (alternate title: Marvels of the Deep).
Fishes in Love (alternate title: Underwater Households); Merkwuerdige Fischehen.
Fleeing from Love.
Fourfooted Columbus (alternate title: Life Cycle of a Frog).
Fredericus Rex; Fredericus Rex.
Good old Summertime (alternate title: When School is Over).
Gritty Pups.
Guilty; Schuldig.
Heavenly Bodies; Wunder der Schoepfung.
Her Dark Past.
His late Excellency; Die selige Excellenz.
His unknown Wife; Seine Frau, die Unbekannte.
Impetuous Youth; Der Geiger von Florenz.
Jealousy; Eifersucht.
Killing the Killer.
Kriemhild's Revenge; Kriemhild's Rache.
Lady with the Mask (alternate title: Masked Lady); Die Dame mit der Maske.
Lies of Nina Petrowna (alternate title: The Wonderful Lie of Nina Petrowna); Die Luege der Nina Petrowna (alternate title: Die wonderbar Luege der Nina Petrowna).
Life in the Twilight (alternate title: Motherly Oak).
Life's Steeplechase; Kampf um die Scholle.
Lost Expedition.
Lost Shadow; Der verlorne Schatten.
Love makes us blind; Liebe macht blind.
Lovers and Sinners (alternate title: Isle of Dreams); Insel der Traeume.
Love's Fires; Liebesfeuer.
Love's Witchcraft; Von Salamandern und Molchen.
Loves of Jeanne Ney (alternate title: Jeanne Ney); Die Liebe der Jeanne Ney.
Man against Man; Mann gegen Mann.
Manon Lescaut; Manon Lescaut
Marriage Tragedy; Ehetragoedie (alternate title: Tragoedie einer Ehe).
Modern Du Barry; Eine Du Barry von heute (alternate title: Moderne Dubarry).
Mothers and Mothers.
Mystic Mirror (alternate title: Magic Mirror); Der geheimnisvolle Spiegel.
Nature and Love (alternate titles: (1) Love, Life and Nature, (2) Love Life in Nature).

Nature's Tiny Tragedies (alternate title: Visit to Mother Nature).
No Trace of the Criminal; Von Taeter fehlt jede Spur.
Peculiar Households (alternate title: Partnerships under the Sea).
Peter the Pirate; Peter der Korsar.
Pets and Pests (alternate title: Pets of Mankind).
Poor Fish (alternate title: Countless Enemies).
Rose Bernd; Rose Bernd.
Roumania; Rumaenien.
Rustic Romance; Kikiriki.
Safenko the Soviet.
Saltwater Millinery (alternate title: Submarine Camouflage); Meeresspinne.
Scandal in Baden-Baden.
Scourge of Mankind; Geissel der Menschheit.
Secrets of the Soul; Geheimnisse der Seele.
Siegfried; Siegfried.
Silver Swimmer; Argyroneta [Wasserspinne].
Singer's Enemy.
Smuggler Bride from Mallorca.
Streets of Algiers; Frauengasse von Algiers.
Tally Ho; Lieblinge der Menschen.
Tartuffe (alternate title: Tartuffe the Hypocrite); Tartuffe.
Tatjana (alternate title: Blinding Passion); Tatjana.
Treacherous Waters.
Trial of Donald Westhof; Der Kampf des Donald Westhof.
Two Brothers (alternate title: Schellenberg Brothers); Die Bruder Schellenberg.
Vanina; Vanina.
Velvet Paddles.
Wandering Hills (alternate title: Drifting Dunes).
Ways to Strength and Beauty; Wege zur Kraft und Schoenheit.
We Parents (alternate title: Instinct of Parenthood).
When Duty Calls; Der Mann im Feuer.
Youthful Ecstasy (alternate title: Youth's Ecstasy); Jugendrausch.
Berlin after Dark.

EXHIBIT B—MOTION PICTURES FORMERLY DISTRIBUTED BY UFA FILMS, INCORPORATED AND/OR UNIVERSUM FILM A. G.

Title of motion picture

Aesculapschlange.
African Elephants.
Allerhand Fischjaeger.
Allerhand Waldgetier.
Alte Kleider.
Aus dem Rosenlande.
Aus der Kinderstube.
Baerenjagd in den Karpathen.
Chemische und physikalische Spielereien.
Erbluehende Pflanzen.
Familie Nimmersatt.
Geheimnisse des Orients (Secrets of the Orient).
Im Froeschkoenigs Reich.
Im Reiche der Bienen.
Im Schatten der Eiche.
Im Vogelparadies der Nordsee.
Kasimir und Hedig.
Katzenbilder.
Kleine Sommerwelt.
Koenigin der Wasserrosen.
Die letzten Wisenten.
Menschen sehen Dich an (If a Marabou could speak).
Mikrokosmos im Reiche Neptuns.
Mit dem Wanderschaefern.
Muttersorgen im Tierreich.
Das Paradies Europas.
Pensionaere aus aller Welt.
Raubritter des Meeres.
Ringelnatter.
Schlafkrankheit.
Seidenspinne.
Die Stadt im Meer.
Strandgeheimnisse.
Tanzendes Holz.
Tierjugend.
Der Tiger von Berlin (The Tiger Murder Case).
Toene die nie vergehen.
Urwelt im Urwald.
The Water Flea.
Das Wattenmeer und seine Bewohner.
Die Weinbergschnecke.
Wilderer.
Wuerttembergische Tier- und Landschaftsbilder.
Wuerzburg, die Hauptstadt des Frankentales.
Wueste am Meer.
Wunderwelt der Mikroben.

[F. R. Doc. 52-13459; Filed, Dec. 19, 1952; 8:59 a. m.]

MAATSCHAPPIJ TOT BEHEER EN EXPLOITATIE VAN OCTROOIEN, N. V.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., and Property

Maatschappij tot Beheer en Exploitatie van Octrooien, N. V., The Hague, Netherlands; Claim Nos. 41941 and 41942; $46,347.96 in the Treasury of the United States. Property described in Vesting Order Nos. 671 (8 F. R. 5004, April 17, 1943) and 1420 (8 F. R. 7050, May 27, 1943), relating to United States Letters Patent and patent contract interests identified in Schedule A attached hereto and made a part hereof.

Executed at Washington, D. C., on December 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

SCHEDULE A—PROPERTY CLAIMED BY MAATSCHAPPIJ TOT BEHEER EN EXPLOITATIE VAN OCTROOIEN N. V.

Patent No.	Date issued	Inventor	Title	Date assigned
1,833,248	11-24-31	Richard Genenger	Plate Glass Rolling Machine	6-17-30, Rec. 7-7-30, T-144, p. 565.
1,869,245	7-26-32	do	Device for Handling and Emptying Glass Melting Pots.	5-19-30, Rec. 6-5-30, K-144, p. 423.
1,951,993	3-20-34	Leander N. Pond	Take Off Roll for Glass Tubing and Cane	11-4-32, Rec. 11-10-32, P-154, p. 193.
1,967,761	7-24-34	Lambert von Reis	Lear	12-4-30, Rec. 12-18-30, S-146, p. 42.
1,975,737	10- 2-34	Leopoldo Sanchez-Vello.	Prevention of Air Bubbles in Glass	12-8-31, Rec. 1-2-32, F-151, p. 352.
2,009,326	7-23-35	do	Manufacture of Glass Tubing and Cane	12-8-31, Rec. 1-2-32, F-151, p. 352.
2,009,793	7-30-35	do	Process for the Manufacture of Glass Tubes and Automatic Apparatus Embodying the Same.	12-8-31, Rec. 1-2-32, F-151, p. 352.
2,088,284	7-27-37	Pierre Bertrand	Device for Conveying Articles in Continuous Furnaces.	10-6-36, Rec. 10-17-36, K-168, p. 138.

B. Contract interests.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Maatschappy tot Beheer en Exploitatie van Octrooien by virtue of a license dated December 10, 1931, granted by said Maatschappy tot Beheer en Exploitatie van Octrooien to Corning Glass Works and all amendments and supplements thereto, including, but not by way of limitation, an amendment dated July 26, 1932, and a supplement dated February 14, 1934, which license relates among other things to United States Letters Patent Nos. 1,975,737 and 2,009,793, to the extent owned by Maatschappij tot Beheer en Exploitatie van Octrooien immediately prior to the vesting thereof by Vesting Order No. 1420 dated May 6, 1943.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created by Maatschappy tot Beheer en Exploitatie van Octrooien by virtue of an agreement dated May 31, 1932 (including all modifications thereof and supplements thereto, if any) by and between said Maatschappy tot Beheer en Exploitatie van Octrooien and Corning Glass Works, which agreement relates among other things to United States Letters Patent Nos. 1,975,737 and 2,009,793, to the extent owned by Maatschappy tot Beheer en Exploitatie van Octrooien immediately prior to the vesting thereof by Vesting Order No. 1420.

[F. R. Doc. 52-13460; Filed, Dec. 19, 1952; 8:59 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27632]

PETROLEUM FUEL OIL FROM CRUPP, MISS., TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

DECEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Gulf, Mobile and Ohio Railroad Company, Illinois Central Railroad Company, and Louisville and Nashville Railroad Company.

Commodities involved: Petroleum distillate fuel oil and petroleum residual fuel oil, in tank-car loads.

From: Crupp, Miss.

To: Louisville, Ky.

Grounds for relief: Rail and motor competition and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 72.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13429; Filed, Dec. 19, 1952; 8:53 a. m.]

[4th Sec. Application 27633]

PAPER ARTICLES FROM PENSACOLA, NORTH PENSACOLA, AND CANTONMENT, FLA., TO NEW ORLEANS, LA., GROUP

APPLICATION FOR RELIEF

DECEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Alabama Great Southern Railroad Company and other carriers.

Commodities involved: Wrapping paper, paper bags, and pulpboard or fibreboard, carloads.

From: Pensacola, North Pensacola, and Cantonment, Fla.

To: New Orleans, La., and points grouped therewith.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1218, Supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13430; Filed, Dec. 19, 1952; 8:53 a. m.]

[4th Sec. Application 27634]

STONE, ROUGH, DRESSED OR CARVED FROM ROCKWOOD, ALA., TO POINTS IN NORTH CAROLINA AND VIRGINIA

APPLICATION FOR RELIEF

DECEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Stone, rough, dressed or carved, carloads.

From: Rockwood, Ala.

To: Points in North Carolina and Virginia.

Grounds for relief: Rail and market competition and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1210, Supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13431; Filed, Dec. 19, 1952; 8:53 a. m.]

[4th Sec. Application 27635]

RUBBER HOSE FROM BUCYRUS, OHIO, TO MEMPHIS, TENN., AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

DECEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent L. C. Schuldt's tariff I. C. C. No. 4367, pursuant to fourth-section order No. 16101.

Commodities involved: Rubber hose, carloads.

From: Bucyrus, Ohio.

To: Memphis, Tenn., and New Orleans, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13432; Filed, Dec. 19, 1952; 8:53 a. m.]

[4th Sec. Application 27636]

SAND FROM VINCENNES, IND., TO ENFIELD, ILL.

APPLICATION FOR RELIEF

DECEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Baltimore and Ohio Railroad Company.

Commodities involved: Sand, carloads.

From: Vincennes, Ind.

To: Enfield, Ill.

Grounds for relief: Wayside pit competition.

Schedules filed containing proposed rates: B&O RR. Tariff I. C. C. No. 24048, Supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13433; Filed, Dec. 19, 1952; 8:53 a. m.]

[4th Sec. Application 27637]

CRUSHED STONE FROM GEORGIA, IND., TO ENFIELD, ILL.

APPLICATION FOR RELIEF

DECEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Baltimore and Ohio Railroad Company.

Commodities involved: Crushed stone, carloads.

From: Georgia, Ind.

To: Enfield, Ill.

Grounds for relief: Wayside pit competition.

Schedules filed containing proposed rates: B&O RR. tariff I. C. C. No. 23949, Supp. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13434; Filed, Dec. 19, 1952; 8:54 a. m.]

[4th Sec. Application 27638]

ALCOHOLS FROM POINTS IN NEW JERSEY TO TENNESSEE AND NORTH CAROLINA

APPLICATION FOR RELIEF

DECEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-911, pursuant to fourth-section order No. 9800.

Commodities involved: Alcohol, ethyl, denatured, isopropanol or isopropyl, in tank-car loads.

From: Points in New Jersey.

To: Points in North Carolina and Tennessee.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13435; Filed, Dec. 19, 1952; 8:54 a. m.]

[4th Sec. Application 27639]

PHOSPHATE, DICALCIUM, FROM CARTERET, N. J., AND PHILADELPHIA, PA., TO LIMA, OHIO

APPLICATION FOR RELIEF

DECEMBER 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-941, pursuant to fourth-section order No. 9800.

Commodities involved: Dicalcium phosphate, carloads.

From: Carteret, N. J., and Philadelphia, Pa.

To: Lima, Ohio.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13436; Filed, Dec. 19, 1952; 8:54 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 249

Washington, Tuesday, December 23, 1952

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS [1]

FRUIT PRESERVES (OR JAMS)

Revision

On July 3, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 5999) regarding a proposed revision of the United States Standards for Grades of Fruit Preserves (or Jams) (7 CFR 52.333). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Fruit Preserves (or Jams) are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong.):

§ 52.333 *Fruit preserves (or jams).* "Fruit preserves (or jams)" means preserves or jams as defined in the definitions and standards of identity for preserves, jams (21 CFR, Cum. Supp., 29.3, as amended March 26, 1952 (17 F. R. 2596), issued pursuant to the Federal Food, Drug, and Cosmetic Act. The soluble solids for fruit preserves (or jams) in Group I are not less than 68 percent. The soluble solids for fruit preserves (or jams) in Group II are not less than 65 percent.

(a) *Types of fruit preserves (or jams).*—(1) *Type I.* Fruit preserves (or jams) that are prepared from a single fruit (except apple) listed in Group I or Group II are "Type I."

(2) *Type II.* Fruit preserves (or jams) that are prepared from more than a single fruit listed in Group I and Group II are "Type II." [2]

(b) *Kinds of fruit preserves (or jams) according to Group I or Group II designations.*

GROUP I

Any one singly or in combination with not more than four of the following: [2]

Blackberry (other than dewberry).
Black raspberry.
Blueberry.
Boysenberry.
Cherry.
Crabapple.
Dewberry (other than boysenberry, loganberry and youngberry).
Elderberry.
Grape.
Grapefruit.
Huckleberry.
Loganberry.
Orange.
Pineapple.
Raspberry, red raspberry.
Rhubarb.
Strawberry.
Tangerine.
Tomato.
Yellow tomato.
Youngberry.

GROUP II

Any one singly or in combination with not more than four of the following fruits and fruits in Group I: [2]

Apple (type II only).
Apricot.
Cranberry.
Damson, damson plum.
Fig.
Gooseberry.
Greengage, greengage plum.
Guava.
Nectarine.
Peach (clingstone and freestone).
Pear.
Plum (other than greengage plum and damson plum).
Quince.
Red currant, currant (other than black currant).

(c) *Grades of fruit preserves (or jams).* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of fruit preserves (or jams) that possess a good consistency; that possess a good color; that are practically free from defects; that possess a good flavor; and that score not less

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] In accordance with the limits specified in the definitions and standards of identity for preserves, jams. (21 CFR, Cum. Supp. 29.3, as amended.)

(Continued on p. 11685)

CONTENTS

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Army Department

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  - Richardson Bay, California 11689
  - Wappinger Creek, New York 11689
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than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of fruit preserves (or jams) that possess a reasonably good consistency; that possess a reasonably good color; that are reasonably free from defects; that possess a fairly good flavor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of fruit preserves (or jams) that fail to meet the requirements of U. S. Grade B or U. S. Choice.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled with fruit preserves (or jams) as full as practicable without impairment of quality and that the product occupy not less than 90 percent of the volume of the container.

(e) *Ascertaining the grade.* (1) The grade of fruit preserves (or jams) is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of consistency, color, absence of defects, and flavor.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(i) Consistency	20
(ii) Color	20
(iii) Absence of defects	20
(iv) Flavor	40
Total score	100

(f) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Consistency.* The factor of consistency refers to the extent of the dispersion and size of the fruit or fruit particles throughout, and the gel-like properties of the product.

(i) Fruit preserves (or jams) that possess a good consistency may be given a score of 17 to 20 points. "Good consistency" means that the fruit or fruit particles are dispersed uniformly throughout the product; that the product is a tender gel or may possess no more than a very slight tendency to flow, except that a slightly less viscous consistency may be present when the fruit is chiefly in the form of whole or almost whole units; and that in the following kinds the product does not have a macerated or pureed appearance but in appearance and eating quality consists of whole units or pieces of fruit particles as indicated for the respective kinds, either singly or in combination with any other kind:

Apricot: Halves or pieces or combinations thereof.

Cherry: Whole or almost whole pitted cherries or combinations thereof.

Gooseberry: Whole or almost whole berries or combinations thereof.

Peach (clingstone and freestone): Slices or pieces or combinations thereof.

Pineapple: Crushed pieces or small pieces or combinations thereof.

Strawberry: Whole or almost whole berries or combinations thereof.

(ii) If the fruit preserves (or jams) possess a reasonably good consistency, a score of 14 to 16 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good consistency" means that the fruit or fruit particles are dispersed reasonably uniformly throughout the product; and that the product may be firm but not rubbery or may be noticeably viscous but not excessively thin.

(iii) Fruit preserves (or jams) that fail to meet the requirements for subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Color.* (i) Fruit preserves (or jams) that possess a good color may be given a score of 17 to 20 points. "Good color" means that the color is bright, practically uniform throughout, and characteristic of the variety or varieties of the fruit ingredients; and that the product is free from dullness of color due to any cause (including, but not being limited to, oxidation or improper processing or improper cooling).

(ii) If the fruit preserves (or jams) possess a reasonably good color, a score of 14 to 16 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color is reasonably bright, reasonably uniform throughout, and characteristic of the variety or varieties of the fruit ingredients; however, the color may be slightly dull but may not be off color due to oxidation or improper processing or improper cooling or other causes.

(iii) Fruit preserves (or jams) that for any reason fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom, in the applicable kinds, from substances ordinarily removed in the preparation for the manufacture of fruit preserves (or jams) and includes, but is not limited to, caps, leaves, stems, seeds, pits, peel, or any portions thereof; from blemished units, underdeveloped units, or otherwise damaged units; and from any defects not specifically mentioned that affect the appearance or edibility of the product.

(i) A "cluster of cap stems" means three or more joined cap stems.

(ii) A "cap" means a loose or attached full cap or a portion of a cap to which at least one sepal-like bract or portion thereof is attached. A short stem that is attached to a cap is considered a part of that cap.

(iii) A "short stem" means a stem that is ⅛ inch or less in length and which may include the center portion of a cap to which no sepal-like bract or portion thereof is attached. A short stem that is attached to a cap is considered a part of that cap.

(iv) A "small stem" means a stem that is longer than ⅛ inch but not more than ¼ inch in length. A small stem that is attached to a cap is considered as a defect separate from that cap.

(v) A "medium stem" means a stem that is longer than ¼ inch but not more than ½ inch in length. A medium stem that is attached to a cap is considered as a defect separate from that cap.

(vi) A "long stem" means a stem that is longer than ½ inch in length. A long stem that is attached to a cap is considered as a defect separate from that cap.

(vii) A "woody base-stem" means any stem in grape preserves (or jams) with an enlarged woody base approximating 1/16 inch or more in diameter.

(viii) "Peel" means, with respect to these fruits, such as apples and peaches, that are commonly prepared for the manufacture of fruit preserves (or jams) by the removal of the skin or peel, any skin or peel whether or not it is attached.

(ix) "Seeds" means, with respect to these fruits, such as apples, grapes, and pears, that are prepared for the manufacture of fruit preserves (or jams) by the removal of the seeds, the seeds of such fruit. "Seeds" in fruit preserves (or jams) prepared from citrus fruits means any seed or any portion thereof, whether or not fully developed, that measures more than 3/16 inch in any dimension. Seeds are not considered as defects in

fruit preserves (or jams) prepared from such fruits as figs and tomatoes.

(x) "Pit" means, with respect to those fruits, such as apricots, cherries, plums, and peaches, that are prepared for the manufacture of fruit preserves (or jams) by the removal of the pits, a whole, intact pit. Portions of pits include:

(*a*) A "piece of pit" which means any portion of a pit that is more than ½ inch in any dimension;

(*b*) A "small piece of pit" which means any portion of a pit that is not less than ¼ inch nor more than ½ inch in any dimension;

(*c*) And a "pit fragment" which means any portion of a pit that is less than ¼ inch in any dimension.

(xi) "Blemished, underdeveloped, or otherwise damaged" means units of fruit in which the appearance or edible quality is damaged or blemished because of discolored skin, bruised spots, dark particles, insect or similar injury, hard areas, or units that are hard and shrivelled or damaged by mechanical, pathological, or other injury.

(xii) Fruit preserves (or jams) that are practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means with respect to:

(*a*) Type II and any kind or kinds with a macerated or pureed appearance (whether of Type I or II), that the defects do not materially affect the appearance or edibility of the product; and

(*b*) Type I, that the defects and defective units as applicable do not exceed the allowances for U. S. Grade A as specified in Tables I, II, III, or IV of this section and that any defects whether or not specifically mentioned in such tables do not materially affect the appearance or edibility of the product.

(xiii) If the fruit preserves (or jams) are reasonably free from defects, a score of 14 to 16 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means with respect to:

(*a*) Type II and any kind or kinds with a macerated or pureed appearance (whether of Type I or II), that the defects do not seriously affect the appearance or edibility of the product; and

(*b*) Type I, that the defects and defective units as applicable do not exceed the allowances for U. S. Grade B as specified in Tables I, II, III, or IV of this section and that any defects whether or not specifically mentioned in such tables do not seriously affect the appearance or edibility of the product.

(xiv) Fruit preserves (or jams) that fail to meet the requirements for subdivision (xiii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

(xv) Ascertaining compliance with, and explanation of, allowances in Tables I, II, III, and IV:

(*a*) The term "ounces" refers to "ounces of net weight" of any individual container, of the average net weight of all the containers, or of the aggregate net weight of all the containers comprising the sample as may be applicable. The allowances as stated may be interpolated into other equivalents for containers of other sizes or on an aggregate basis.

(*b*) When the unit of the allowance, such as "per 200 ounces", is greater than in individual containers, the net weight of all containers in the sample may be aggregated to arrive at the approximate quantity by which to determine compliance with the stated allowance. For example, in a lot consisting of approximate 8-oz. net weight containers and with defects permitted in "1 per 200 ounces", such defect would be permitted in a total of not less than twenty-five 8-oz. containers (approximately 200 ounces in the aggregate).

(*c*) An occasional defect may be permitted if all the containers in a sample in the aggregate constitute a net weight less than the unit of allowance, provided such defect, singly or in combination with other defects, no more than slightly affects the appearance or edibility of the product.

TABLE I—ALLOWANCES FOR DEFECTS

Kind of preserves (or jams) type I only	Grade and score range	Stems	Leaves	Caps or portions	Other extraneous material	Loose Sepal-like bracts	Seeds, pits, or portions thereof	Blemished underdeveloped, or otherwise damaged
		Maximum allowances						
Blackberry, Boysenberry, Dewberry, Loganberry, Youngberry	U. S. Grade A (17–20 points).	Total of 1 only per 96 ounces				1 per 8 ounces	10 per 8 ounces in "seedless."	2 per 8 ounces.
	U. S. Grade B (14–16 points).	Total of 1 only per 32 ounces				3 per 8 ounces	20 per 8 ounces in "seedless."	4 per 8 ounces.
Cherry	U. S. Grade A (17–20 points).	do					1 per 32 ounces	5 per 8 ounces.
	U. S. Grade B (14–16 points).	Total of 1 only per 16 ounces					do	8 per 8 ounces.
Blueberry	U. S. Grade A (17–20 points).	Total of 1 large stem or 1 leaf per 8 ounces; and 1 cluster of cap stems per 8 ounces.						3 per 8 ounces.
Elderberry, Huckleberry	U. S. Grade B (14–16 points).	Total of 3 large stems or 3 leaves per 16 ounces; and 3 clusters of cap stems per 16 ounces.						5 per 8 ounces.

TABLE II—ALLOWANCES FOR DEFECTS

Kind of preserves (or jams) type I only	Grade and score range	Stems				Leaves	Other extraneous material	Seeds, pits or portions			Peel	Blemished, underdeveloped or otherwise damaged
		Short (⅛" or less)	Small (over ⅛" to ¼" inclusive)	Medium (over ¼" to ½" inclusive)	Long (longer than ½")			Pit or pieces of pit	Small pieces of pit	Pit fragments		
		Maximum allowances										
Apricot	U. S. Grade A (17–20 points).	1 only per 16 ounces			None	1 only per 32 ounces.	1 only per 200 ounces.	1 only per 200 ounces.	1 only per 128 ounces.	1 only per 32 ounces.	No limit	1 unit per 8 ounces.
	U. S. Grade B (14–16 points).	1 only per 8 ounces			None	1 only per 16 ounces.	1 only per 128 ounces.	do	1 only per 64 ounces.	1 only per 16 ounces.	do	4 units per 8 ounces.
Peach, Nectarine	U. S. Grade A (17–20 points).					1 only per 32 ounces.	1 only per 32 ounces.	1 only per 96 ounces.	do	do	1 square inch per 16 ounces.	2 units per 8 ounces.
	U. S. Grade B (14–16 points).					1 only per 16 ounces.	3 per 32 ounces.	1 only per 48 ounces.	1 only per 32 ounces.	1 only per 8 ounces.	1 square inch per 8 ounces.	Do.
Damson plum, Green gage plum, Plum (others)	U. S. Grade A (17–20 points).	Total of 2 per 16 ounces					1 only per 128 ounces.	1 only per 32 ounces.			No limit	1 unit per 8 ounces.
	U. S. Grade B (14–16 points).	Total of 3 per 16 ounces					1 only per 32 ounces.	1 only per 16 ounces.			do	2 units per 8 ounces.

TABLE III—ALLOWANCES FOR DEFECTS

Kind of preserves (or jams) type I only	Grade and score range	Stems	Leaves	Other extraneous material	Loose sepal-like bracts	Seeds, pits, or portions thereof	Peel	Blemished, underdeveloped, or otherwise damaged
		Maximum allowances						
Cranberry, Currant (other than black), Currant, red, Fig, Gooseberry, Rhubarb, Tomato, Tomato, yellow	U. S. Grade A (17–20 points).	Total of 1 per 32 ounces.		1 only per 200 ounces.	3 per 16 ounces		1 square inch per 16 ounces if prepared by peeling.	2 units per 8 ounces.
	U. S. Grade B (14–16 points).	do		1 only per 128 ounces.	5 per 16 ounces		1 square inch per 8 ounces if prepared by peeling.	4 units per 8 ounces.
Grapefruit, Orange	U. S. Grade A (17–20 points).	do		1 only per 200 ounces.		1 per 16 ounces		3 units per 8 ounces.
Tangerine	U. S. Grade B (14–16 points).	do		1 only per 128 ounces.		1 per 8 ounces		5 units per 8 ounces.
Pineapple	U. S. Grade A (17–20 points).							2 units per 8 ounces.
	U. S. Grade B (14–16 points).							4 units per 8 ounces.

TABLE IV—ALLOWANCES FOR DEFECTS

Kind of preserves (or jams) type I only	Grade and score range	Stems				Leaves	Caps or portions	Other extraneous material	Loose Sepal-like bracts	Seeds	Blemished, underdeveloped or otherwise damaged
		Short (⅛" or less)	Small (over ⅛" to ¼" inclusive)	Medium (over ¼" to ½" inclusive)	Long (longer than ½")						
		Maximum allowances									
Grape	U. S. Grade A (17–20 points).	3 short or small thin stems, including only 1 woody base stem per 16 ounces.				1 only per 32 ounces.		1 only per 200 ounces.	3 per 16 ounces.	3 seeds per 8 ounces.	2 units per 8 ounces.
	U. S. Grade B (14–16 points).	3 short or small thin stems, including only 1 woody base stem per 8 ounces.				do		1 only per 128 ounces.	5 per 16 ounces.	6 seeds per 8 ounces.	4 units per 8 ounces.
Strawberry	U. S. Grade A (17–20 points).	4 per 8 ounces.	2 small or medium or long stems, including only 1 long stem—			½ square inch if measurable by area or—1 piece harmless extraneous material such as weeds or grass, per 32 ounces					Do.
	U. S. Grade B (14–16 points).	8 per 8 ounces.	4 small or medium or long stems, including only 1 long stem—			½ square inch if measurable by area or—1 piece harmless extraneous material such as weeds or grass, per 32 ounces					8 units per 8 ounces.
Raspberry, Raspberry, black, Raspberry, red	U. S. Grade A (17–20 points).	4 per 8 ounces.	2 small or medium or long stems, including only 1 long stem—			½ square inch if measurable by area or—1 piece harmless extraneous material such as weeds or grass, per 32 ounces					4 units per 8 ounces.
	U. S. Grade B (14–16 points).	8 per 8 ounces.	4 small or medium or long stems, including only 1 long stem—			½ square inch if measurable by area or—1 piece harmless extraneous material such as weeds or grass, per 32 ounces					8 units per 8 ounces.

(4) *Flavor.* (i) Fruit preserves (or jams) that possess a good flavor may be given a score of 34 to 40 points. "Good flavor" means:

(*a*) that the product possesses a good and distinct flavor; and

(*b*) that the flavor is characteristic of the applicable kind of fruit ingredient or applicable kinds of fruit ingredient or applicable kinds of fruit ingredients.

(ii) If the fruit preserves (or jams) possess a fairly good flavor, a score of 28 to 33 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B of U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means:

(*a*) that the product possesses a flavor reasonably characteristic of the applicable kind of fruit ingredient or applicable kinds of fruit ingredients; and

(*b*) may possess a slightly caramelized flavor but is free from any bitter flavor or other objectionable flavor or off flavor of any kind.

(iii) Fruit preserves (or jams) that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(*g*) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of fruit preserves (or jams), the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample fall more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(*h*) *Score sheet for fruit preserves (or jams).*

Size and kind of container ____
Container code or marking ____
Label ____
Net weight (in ounces) ____
Vacuum (in inches) ____
Type ____
Kind or kinds ____
Soluble solids (percent by refractometer) ____

Factors		Score points	
I. Consistency	20	(A)	17–20
		(B)	[1] 14–16
		(SStd.)	[1] 0–13
II. Color	20	(A)	17–20
		(B)	[1] 14–16
		(SStd.)	[1] 0–13
III. Absence of defects	20	(A)	17–20
		(B)	[1] 14–16
		(SStd.)	[1] 0–13
IV. Flavor	40	(A)	34–40
		(B)	[1] 28–33
		(SStd.)	[1] 0–27
Total score	100		
Grade			

[1] Indicates limiting rule.

(i) *Effective time and supersedure.* The revised United States Standards for Grades of Fruit Preserves (or Jams), which is the third issue, contained in this section will become effective thirty

days after the date of publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Fruit Preserves (or Jams) which have been in effect since March 14, 1949.

(Sec. 205, 60 Stat. 1087, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 17th day of December 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-13470; Filed, Dec. 22, 1952; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 227]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.603 *Orange Regulation 227*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 29, 1952. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 29, 1952; the recommendation and supporting information for continued regulation subsequent to December 28 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 16; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 29, 1952, and ending at 12:01 a. m., e. s. t., January 12, 1953, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2^{10}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges, smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Oranges (§ 51.302 of this title; 17 F. R. 7879): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{10}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{1}/_{16}$ inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.302 of this title; 17 F. R. 7879).

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 225 (7 CFR 933.596; 17 F. R. 10438).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of December 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-13507; Filed, Dec. 22, 1952; 8:49 a. m.]

[Grapefruit Reg. 172]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.604 *Grapefruit Regulation 172*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 29, 1952. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 29, 1952; the recommendation and supporting information for continued regulation subsequent to December 28 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 16; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 29, 1952, and ending at 12:01 a. m., e. s. t., January 12, 1953, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193 of this title; 17 F. R. 7408).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of December 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-13508; Filed, Dec. 22, 1952; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

WAPPINGER CREEK, NEW YORK

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.190 (f) is hereby amended to include the New York Central System bridge at New Hamburg, New York, as follows:

§ 203.190 *Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

• • • • • •

(5-a) Wappinger Creek; New York Central System bridge at New Hamburg. During the period May 15 to October 15, inclusive, a draw tender will be on duty from 5:00 a. m. to 9:00 p. m. At all other times at least 12 hours' advance notice required. Notice may be given to the Chief Dispatcher, New York Central System, Albany, N. Y., or New York, N. Y.

• • • • • •

[Regs., Dec. 1, 1952, 823.01-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 52-13475; Filed, Dec. 22, 1952; 8:45 a. m.]

PART 203—BRIDGE REGULATIONS

RICHARDSON BAY, CALIFORNIA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), paragraph (d-1) of § 203.712 is hereby prescribed to include the State of California Highway bridge across Richardson Bay, California, as follows:

§ 203.712 *Tributaries of San Francisco Bay and San Pablo, California.*

• • • • • •

(d-1) *Richardson Bay; State of California Highway bridge (Redwood Highway Bridge) near Sausalito.* At least 72 hours' advance notice required. Notice to be given to the Maintenance Engineer, District IV, Division of Highways, San Francisco, California, telephone UNderhill 3-0222.

• • • • • •

[Regs., Dec. 1, 1952, 823.01-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 52-13476; Filed, Dec. 22, 1952; 8:45 a. m.]

PART 204—DANGER ZONE REGULATIONS

ATLANTIC OCEAN OFF DELAWARE COAST

Pursuant to the provisions of Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.25 (b) is hereby amended to prescribe the periods of use of Army antiaircraft artillery firing areas in the Atlantic Ocean off the Delaware coast beginning with 1953, effective on and after publication of this amendment in the FEDERAL REGISTER due to the urgent necessity for commencing operations in 1953 at the earliest possible time, as follows:

§ 204.25 *Atlantic Ocean off Delaware coast; antiaircraft artillery firing areas, Second Army.* • • •

(b) *The regulations.* (1) All firing during the months November to April, inclusive, will be conducted between 8:00 a. m. and 6:30 p. m., e. s. t. All firing during the months May to October, inclusive, will be conducted between 12:00 m. and 6:00 p. m., e. s. t. Such firings as are conducted prior to 12:00 m. during this latter period will be occasional individual rounds fired at fixed points for testing purposes in accordance with established Department of the Army Safety Regulations, and will involve no restrictions on navigation. No firing will be conducted during hours of darkness.

(2) Firing in the various areas will take place on certain days other than Saturdays, Sundays, and national holidays, as listed in public notices to be issued about January 1 of each year by the District Engineer, Corps of Engineers, Philadelphia, Pennsylvania.

NOTE: Firing in the various areas is scheduled to take place on the following days in 1953 (all dates inclusive):

January 5 to 9, 12 to 16, 19 to 23, 26 to 30.
February 2 to 6, 9 to 13, 16 to 20, 24 to 27.
March 2 to 6, 9 to 13, 16 to 20, 23 to 27, 30 to 31.
April 1 to 3, 6 to 10, 13 to 17, 20 to 24, 27 to 30.
May 1, 4 to 8, 11 to 15, 18 to 22, 25 to 29.
July 1 to 3, 6 to 10, 13 to 17, 20 to 24, 27 to 31.
August 3 to 7, 10 to 14, 17 to 21, 24 to 28, 31.
October 1, 2, 5 to 9, 12 to 16, 19 to 23, 26 to 30.
November 2 to 6, 9, 10, 12, 13, 16 to 20, 23 to 25, 27, 30.
December 1 to 4, 7 to 11, and 14 to 18.

(3) When it is determined that no firing will take place on any of the days for which firing is scheduled, the public will be so advised by radio and other practicable means as far in advance as possible.

(4) Except as provided in subparagraph (6) of this paragraph, no vessel shall enter or remain in the danger zones during the time of firing unless specific permission is granted in each case by one of the representatives of the enforcing agency policing the area in patrol boats.

(5) Prior to the conducting of each firing practice, the danger zones will be adequately patrolled to insure that no watercraft are within the danger zones and to warn any watercraft in a danger zone that firing practice is to take place. Any such watercraft shall, upon being so warned, immediately leave the area designated and shall remain outside the area until the conclusion of the firing practice.

(6) The regulations in this section shall not deny traverse of portions of the danger zones by regular cargo-carrying vessels, or commercial fishing vessels based at Lewes, Delaware. In case of the presence of any such vessel in a danger zone, the officer in charge of firing operations will cause the cessation or postponement of fire until the vessel has cleared the area. The vessel shall proceed on its normal course and shall not delay its progress.

(7) This section shall be enforced by the Commanding General, Second Army,

Fort George G. Meade, Maryland, and such agencies as he may designate.

[Regs., Dec. 4, 1952, 800.2121–ENGWO] (40 Stat. 892; 33 U. S. C. 3)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–13477; Filed, Dec. 22, 1952; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. P. L. 20[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
	Metal manufactures, n.e.c., not specially fabricated for particular machines or equipment (see § 399.2 of this subchapter):
	Other metals, except precious (specify by name and type of metal):
619950	Anti-friction manufactures.[1]
619950	Antimony manufactures.[1]
619950	Babbitt metal manufactures.[1]
619950	Beryllium copper manufactures.[1]
619950	Other beryllium and beryllium alloy manufactures.[1]
619950	Bimetallic brake linings.[1]
619950	Bimetallic clutch facings.[1]
619950	Bimetallic friction material.[1]
619950	Brass or bronze bushings.[1]
619950	Copper manufactures.[1]
	Plain bearings, n. e. c. (specify by name):
769320	Brass and bronze bearings.
769320	Other nonferrous metal bearings.

[1] By this amendment, the last entry presently on the Positive List under Schedule B No. 619950 is revised to read as follows: "Manufactures of other metals, n. e. c., except: antifriction, antimony, babbitt metal, beryllium and beryllium alloy manufactures; bimetallic brake linings, clutch facings, and friction material; brass or bronze bushings; copper, selenium, and zinc manufactures (report iron and steel manufactures in 619210; precious metal manufactures in 692990–699710)."

This part of the amendment shall become effective as of 12:01 a. m., December 11, 1952.

2. The following revisions in commodity descriptions are made to conform with revisions in Schedule B Statistical Classification of Domestic and Foreign Commodities Exported from the United States, as announced in P. B. B–3, issued November 21, 1952, by the Bureau of the Census, and make no substantive change in export controls:

[1] This amendment was published in Current Export Bulletin No. 686, dated December 11, 1952.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
630650	Aluminum semifabricated forms, n. e. c. (specify by name).[1]	Lb.	NONF	100	RO
642900★	Copper semifabricated forms: rough forgings and castings.[1]	Lb.	NONF	100	RO
642900★	Other copper semifabricated forms, n. e. c. (specify by name).[1]	Lb.	NONF	100	RO
647950★	Brass and bronze in semifabricated forms, n. e. c. (specify by name).[1]	Lb.	NONF	100	RO
651519	Lead and lead-base alloy semifabricated forms, n. e. c. (specify by name).[1]	Lb.	NONF	100	RO
654519	Nickel and nickel alloy semifabricated forms, n. e. c. (specify by name and nickel content) (report cupronickel wire in 643710).[1]	Lb.	NONF	25	RO
656519	Tin pipe, plates, sheets, tubes, and other semifabricated forms (specify by name) (report collapsible tubes in 619950).[1]	Lb.	NONF	25	RO
658905	Zinc and zinc alloy semifabricated forms, n. e. c. (excluding zinc-coated iron and steel products) (specify by name).[1]	.....	NONF	100	RO
	Antimony:				
664503	Semifabricated forms, n. e. c. (specify by name) [1]	.....	MINL	25	RO
	Beryllium:				
664509★	Semifabricated forms, n. e. c. (specify by name) (report beryllium copper semifabricated forms in 644000–647950).[1]	Lb.	MINL	500	RO
	Chromium or chromite:				
664523	Semifabricated forms, n. e. c. (specify by name) [1]	Lb.	MINL	25	RO
	Cobalt:				
664526	Cobalt dental alloys [2]	Lb.	MINL	None	RO
664529	Semifabricated forms, n. e. c. (specify by name) [1]	Lb.	MINL	None	RO
	Columbium or niobium:				
664535	Semifabricated forms, n. e. c. (specify by name) [1]	Lb.	MINL	None	RO
	Manganese:				
664543	Semifabricated forms, n. e. c. (specify by name) [1]	Lb.	MINL	None	RO
	Magnesium:				
664549	Semifabricated forms, n. e. c. (specify by name) [1]	Lb.	MINL	25	RO
	Molybdenum:				
664554	Semifabricated forms, n. e. c. (specify by name) [1]	Lb.	MINL	None	RO
	Tantalum:				
664563★	Other semifabricated forms, n. e. c. (specify by name) [1]	Lb.	MINL	None	RO
	Titanium, ilmenite, and rutile:				
664573	Semifabricated forms, n. e. c. (specify by name) [1]	Lb.	MINL	None	RO
	Tungsten:				
664583★	Other tungsten metal and alloys in semifabricated forms, n. e. c. (specify by name and tungsten content).[1]	Lb.	MINL	None	RO
	Vanadium:				
664589	Semifabricated forms, n. e. c. (specify by name) [1]	Lb.	MINL	None	RO
	Zirconium:				
664597★	Semifabricated forms, n. e. c. (specify by name) [1]	Lb.	MINL	None	RO
664998	Nonferrous metals and alloys in semifabricated forms, n. e. c. (specify by name): Other metals and alloys in semifabricated forms, n. e. c.[1]	Lb.	MINL	None	RO

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License *GIT*. See § 371.9 (c) of this subchapter.

[1] The word "primary" has been changed to "semifabricated."

[2] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 915590.

This part of the amendment shall become effective as of December 11, 1952.

3. The following revisions are made in commodity descriptions. These revisions include changes in validated license control where indicated.

Dept of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
	Metal powders:					
619159	Dutch metal; and nickel flakes [1]	Lb.	NONF	100	RO	D
619159	Lead [1]	Lb.	NONF	100	RO	D
619159	Other zinc powder [2]	Lb.	NONF	25	RO	B
	Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment (see § 399.2 of this subchapter):					
	Other metals, except precious (specify by name and type of metal):					
619950	Other aluminum and aluminum base alloy manufactures, n. e. c.	Lb.[3]	CDGS	100	RO	
619950	Monel metal manufactures	Lb.[3]	CDGS	25	RO	
619950	Manufactures of other metals, n. e. c., except: antifriction, antimony, babbitt metal, beryllium and beryllium alloy manufactures; bimetallic brake linings, clutch facings, and friction material; brass or bronze bushings; copper, selenium, and zinc manufactures (report iron and steel manufactures in 619910; previous metal manufactures in 692990–699710).	Lb.[3]	CDGS	25	RO	B
	Electrical quantity measuring and testing instruments, parts:					
703620	Electrical quantity indicating instruments, non-recording, n. e. c., except battery testers, battery testing voltmeters, and cell testers (specify by name).[4]	No.	ELME 2	None	RO	A

See footnotes at end of table.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
770990	Parts, n. e. c., specially fabricated for pumps classified under Schedule B Nos. 770960 through 770980, and 770980, irrespective of delivery pressures, operating temperatures and materials used in their fabrication (specify by name and indicate type of pump for which intended)	.....	CONS	100	RO	A
915610	Accessories for operation at pressures over 200 pounds per square inch.[9]	.....	SATE	None	RO	A

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License *GIT*. See § 371.9 (c) of this subchapter.

[1] The above two entries are substituted for the single entry presently on the Positive List under Schedule B No. 619159. The effect of this revision is to list separately zinc powder other than zinc dust and to remove this commodity from the evidence of availability requirements (see § 373.16 of this subchapter). The effect of this revision is to list separately zinc powder other than zinc dust and to remove this commodity from the evidence of availability requirements (see § 373.16 of this subchapter). Zinc powder other than zinc dust was formerly included in the fifth entry presently on the Positive List under Schedule B No. 619159.

[2] The unit of quantity "pounds" is added.

[3] The above two entries are substituted for the two entries presently on the Positive List under Schedule B No. 619950. The effect of this revision is to extend the controls from R to RO for short wave diathermy units, under 500 megacycles, and specially fabricated parts, n. e. c. Schedule B No. 707613. The effects of this revision are to clarify the reporting requirements, to delete the unit of quantity for shipborne radio receivers, and to reduce the G.L.V. dollar-value limit from $100 to none and change the controls from R to RO for shipborne (maritime mobile) transmitters and transceivers (transmitter-receivers), and specially fabricated parts and accessories, n. e. c. The commodities included in the above entry are added to the commodities subject to the IC/DV procedure (see § 373.34 of this subchapter), effective Jan. 26, 1953, as indicated in the column headed "Commodity Lists."

[4] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 707560. The effects of this revision are to clarify the reporting requirements, to delete the unit of quantity "pounds" and to reduce the G.L.V. dollar-value limit from $200 to none for land-type radio receiver sets, effective Jan. 26, 1953, as indicated in the column headed "Commodity Lists."

[5] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 707612. The effect of this revision is to clarify the reporting requirements.

[6] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 707615. The effect of this revision is to clarify the reporting requirements.

[7] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 707810. The effect of this revision is to clarify the reporting requirements.

[8] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 708100. The effect of this revision is to clarify the reporting requirements.

[9] The above two revised entries are substituted for the first entry presently on the Positive List under Schedule B No. 770600. The effects of this revision are (a) to remove the dollar-limit (DL) restrictions from centrifugal pumps other than those fabricated of, or lined with, any corrosion-resistant materials, and (b) effective January 10, 1953, to add to the commodities excepted from the provisions of General In-Transit License (GIT) centrifugal pumps which are wholly fabricated of, or lined with, corrosion-resistant materials as defined in the "General Notes to Appendix A", with both of the following characteristics: (a) designed to operate continuously at temperatures of 220° F. and over (indicate that pumps are not corrosion resistant and specify delivery pressure or operating temperature); (b) delivering liquids separately or in combination with solids and/or gases), not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A", with either of the following characteristics: (a) designed for delivery pressures at pump discharge of 25 to 500 pounds per square inch; or (b) designed to operate continuously at temperatures under 220° F. (indicate that pumps are not corrosion resistant and specify delivery pressure or operating temperature).[9]

[10] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 770810. The effect of this revision is to clarify the reporting requirements.

[11] The above entry is substituted for the second entry presently on the Positive List under Schedule B No. 770960. The effect of this revision is to clarify the reporting requirements, to reduce the G.L.V. dollar-value limit from $100 to none, and to change the controls from R to RO.

[12] The above two revised entries are substituted for the first entry presently on the Positive List under Schedule B No. 770600. The effects of this revision are (a) to remove the dollar-limit (DL) restrictions from centrifugal pumps other than those fabricated of, or lined with, any corrosion-resistant materials, and (b) effective January 10, 1953, to add to the commodities excepted from the provisions of General In-Transit License (GIT) centrifugal pumps which are wholly fabricated of, or lined with, corrosion-resistant materials as defined in the "General Notes to Appendix A", with both of the following characteristics: (a) designed for delivery pressures at pump discharge of 25 to 500 pounds per square inch; or (b) designed to operate continuously at temperatures under 220° F. (indicate that pumps are not corrosion resistant and specify delivery pressure or operating temperature).[9] The above entries are subject to the IC/DV procedure (see § 373.34 of this subchapter).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists
706960	Searchlights and airport beacons (specify by name) [1]	No.	ELME 2	None	RO	A
707560	Short wave diathermy units, and specially fabricated parts, n. e. s.[2]	.....	SATE	None	RO	A
	Radio and television apparatus:					
	Radio communication equipment, n. e. c. (report radar equipment in 708410; broadcast equipment in 707967; automobile and home-type radio receivers in 708355–707719):					
707613	Shipborne (maritime mobile) transmitters, receivers, and transceivers (transmitter-receiver), and specially fabricated parts and accessories, n. e. c.	.....	RARA 50	None	RO	A
707617	Land-type radio communication transmitters, and transceivers (transmitter-receivers), and specially fabricated parts and accessories; n. e. c. for transmitters and transceivers.[3]	.....	RARA 50	None	RO	A
707812	Television camera tubes (orthicon ray) (specify by type number).[4]	No.	ELME	None	RO	A
707815	Television picture receiving tubes (cathode ray), having a screen diagonal of 10 inches or less, types T–1 and T–4 (specify by type number).[5] [6]	No.	RARA 51	None	R	A
707910	Resistors (specify type) [7]	No.	RARA 51	100	R	A
708100	Radio and television receiving set accessories, and specially fabricated parts, n. e. c. (specify by type).[8]	.....	RARA 51	200	R	A
708410	Other radio signaling and detection apparatus, and specially fabricated parts, n. e. c. (specify type) (see § 370.5 of this subchapter).[9]	.....	RARA	None	RO	A
709098	Electrolysis equipment, and specially fabricated parts, n. e. c., except metal finishing equipment (report metal finishing equipment in 744850)	.....	ELME 2	None	RO	A
	Pumps and parts, n. e. c. (specify type of pump by generic name according to following classifications):					
770900★	Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases), fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (indicate that materials are corrosion-resistant).[10]	No.	CONS	None	RO	A B
770960	Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases), not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A", with either of the following characteristics: (a) designed for delivery pressures at pump discharge of 300 pounds per square inch and over; or (b) designed to operate continuously at temperatures of 220° F. and over (indicate that pumps are not corrosion resistant and specify delivery pressure or operating temperature).[11]	No.	CONS	None	RO	A
770990	Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases), not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A", with both of the following characteristics: (a) designed for delivery pressures at pump discharge of 25 to 500 pounds per square inch; or (b) designed to operate continuously at temperatures under 220° F. (indicate that pumps are not corrosion resistant and specify delivery pressure or operating temperature).[12]	No.	CONS	None	R	A

See footnotes at end of table.

[17] The above revised entry is substituted for the second entry presenty on the Positive List under Schedule B, No. 770900. The effect of this revision is to require the exporter to indicate that such pumps are not corrosion resistant and to specify the delivery pressure and operating temperature.

[18] The above revised entry is substituted for the second entry presently on the Positive List under Schedule B No. 770990. The effects of this revision are (a) to remove from the commodities excepted from the provisions of General In-Transit License GIT (see § 371.9 (c) of this subchapter) parts for centrifugal pumps fabricated of, or lined with, stainless steel; and (b) to remove the dollar-limit (DL) restrictions from parts specially fabricated for pumps classified under Schedule B Nos. 770900 through 770950, and 770980. The commodities covered by the above entry are subject to the IC/DV procedure (see § 373.34 of this subchapter).

[19] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 915610. The effect of this revision is to remove from the Positive List autoclaves for operation at pressures 200 pounds and less per square inch and to reduce the GLV dollar-value limit from $100 to none.

This part of the amendment shall become effective as of 12:01 a. m., December 18, 1952.

4. The dollar value limit in the column headed "GLV dollar-value limits" set forth opposite the commodities listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
523110	Optical instrument glass and glass blanks, except synthetic crystals	25
708410	Hydrophones	None

This part of the amendment shall become effective as of 12:01 a. m., December 18, 1952.

5. The following are changed from R to RO commodities:

Dept. of Commerce Schedule B. No.	Commodity	Unit	Processing code and related commodity group	GLV Dollar value limits	Validated license required
709998	Electrical apparatus and parts, n.e.c.: Coefficient resistors, negative temperature		ELME 2	None	RO

This part of the amendment shall become effective as of 12:01 a. m., December 18, 1952.

6. The letter "B" set forth in the column headed "Commodity Lists" opposite the commodity entry listed below is hereby deleted to indicate that these commodities are no longer subject to the dollar limit (DL) restrictions (see § 374.2 of this subchapter).:

Dept. of Commerce Schedule B No.	Commodity
812350	Carbon black, furnace.

This part of the amendment shall become effective as of December 11, 1952.

7. The letter "D" set forth in the column headed "Commodity Lists" opposite the commodity entries listed below is hereby deleted to indicate that these commodities are no longer subject to the evidence of availability requirements (see § 373.16 of this subchapter):

Dept. of Commerce Schedule B No.	Commodity
619039	Welding rods and wires: Lead and lead base (specify by name and metal content).
	Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment (see § 399.2):
	Other metals, except precious (specify by name and type of metal):
619950	Burning bars (specify metal content).
619950	Lead collapsible tubes.
655501	Tin ore and concentrates.

This part of the amendment shall become effective as of December 11, 1952.

8. The letter "A" set forth in the column headed "Commodity Lists" opposite the commodity entry listed below is hereby deleted to indicate that these commodities are no longer subject to the IC/DV procedure (see § 373.34 of this subchapter):

Dept. of Commerce Schedule B No.	Commodity
850700	Explosives: Nitroglycerin explosives, except dynamite (report dynamite in 850100).

This part of the amendment shall become effective as of December 11, 1952. Shipments of any commodities removed from general license to Country Group 0 destinations or whose GLV dollar-value limits are reduced as a result of changes set forth in Parts 3, 4, and 5 of this amendment which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., December 18, 1952, may be exported under the previous general license provisions up to and including January 10, 1953. Any such shipment not laden aboard the exporting carrier on or before January 10, 1953, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-13348; Filed, Dec. 22, 1952; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5807]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HATO CO., INC., AND CHARLES W. THOMAS

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale or distribution of Celparux, or any product of substantially similar composition, or possessing substantially similar properties, whether sold under the same or any other name, disseminating, etc., by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, the purchase in commerce, etc., of said drug preparation Celparux, any advertisements which represent, directly or through inference, that Celparux does or will control diabetes or does or will relieve or have any therapeutic value in the treatment of any symptoms, complication or condition of diabetes, including retinitis, retinopathy and increased capillary fragility; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Hato Company, Inc., et al., New Orleans, La., Docket 5807, October 6, 1952]

In the Matter of Hato Company, Inc., a Corporation, and Charles W. Thomas, Individually and as an Officer of the Hato Company, Inc.

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on September 6, 1950, issued and subsequently served its complaint in this proceeding upon respondents Hato Company, Inc., a corporation, and Charles W. Thomas, individually and as an officer thereof, charging them with the use of unfair and deceptive acts and practices in commerce by disseminating false advertisements in violation of said act. After the issuance of said complaint and the filing on October 25, 1950, of respondents' answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, on April 9, 1951, the hearing examiner filed his initial decision, which was duly served upon the parties. Thereafter, counsel in support of the allegations of the complaint moved the Commission to order the proceeding reopened and remanded to the hearing examiner for the taking of additional evidence, which motion, though opposed by respondents, was granted by the Commission on August 23, 1951. Pursuant to such order, hearings were held for the receipt of additional evidence tendered by counsel in support of the complaint and for the receipt of evidence in opposition thereto tendered by respondents. Neither side having anything further to offer, the taking of evidence was closed by the hearing examiner on April 9, 1952. Thereafter, the proceeding regularly came on for final consideration by the hearing examiner upon the complaint, answer thereto, testimony and other evidence, before and since prior decision, and proposed findings of fact and conclusions presented by counsel for respondents; and said hearing examiner, on May 14, 1952, filed his initial decision therein.

Within the time permitted by its rules of practice, the Commission, having reason to believe that said initial decision did not constitute an adequate disposition of this proceeding, issued an order placing this case on its docket for review, and served on all parties its tentative order to cease and desist proposed in lieu of the order contained in the initial decision, together with an order granting respondents leave to file any objections they might have to the proposed changes in the initial decision as embodied in said tentative order. The Commission having denied respondents' objections to said tentative order, this proceeding regularly came on for final consideration by it upon the record herein; and the Commission, being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusions[1] drawn therefrom and order based thereon, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That respondents Hato Company, Inc., a corporation, its officers, representatives, agents, and employees, and Charles W. Thomas, individually and as an officer thereof, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of Celparux, or any product of substantially similar composition, or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly—

1. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement, which represents, directly or through inference, that Celparux does or will control diabetes or does or will relieve or have any therapeutic value in the treatment of any symptom, complication or condition of diabetes, including retinitis, retinopathy and increased capillary fragility.

2. Disseminating, or causing to be disseminated by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of Celparux, any advertisement which contains any of the representations prohibited in Paragraph 1 of this order.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 6, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[1] Filed as part of the original document.

[F. R. Doc. 52-13504; Filed, Dec. 22, 1952; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 144—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OF PARTLY OF INSULIN

FEES

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 506, 55 Stat. 851; 21 U. S. C. 356), the regulations for the certification of batches of drugs composed wholly or partly of insulin (21 CFR, 1951 Supp. Part 144; 17 F. R. 1822) are amended as set forth below:

Section 144.10 *Fees* is amended in the following respects:

1. Paragraph (a) is amended by numbering the first sentence as subparagraph (1), and by adding the following subparagraph:

(2) Whenever in the judgment of the Commissioner the ratio between fees collected (which are based upon experience and the best estimate of costs and the best estimate of earnings) and the costs of providing the service during an elapsed period of time, in the light of all circumstances and contingencies, warrants a refund from the fund collected during such period, he shall make ratable refunds to those persons to whom the services were rendered and charged, except for those services described under § 144.10 (b) (2) (ii), (b) (3) (ii), and (b) (5).

2. Paragraph (b) (7) is amended by changing "$8" to read "$10".

This order shall become effective thirty days following the date of its publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the fees set forth in this order are necessary in order to provide, equip, and maintain an adequate certification service as required by law, and the order authorizes the refund of any fees collected in excess of statutory requirements.

(Sec. 506, 55 Stat. 851; 21 U. S. C. 356)

Dated: December 17, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-13478; Filed, Dec. 22, 1952; 8:45 a. m.]

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 146; 17 F. R. 1178, 2600, 3230, 4559) are amended as indicated below:

1. In § 146.30 *Penicillin troches* subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by inserting the words "or 36 months" between the words "24 months" and the word "after".

2. In § 146.47 *Procaine penicillin for aqueous injection* subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by deleting the semicolon at the end thereof and by adding the clause, "unless it is packaged to contain a single dose, in which case the blank may be filled in with the date which is 18 months after the month during which the batch was certified, provided the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section;".

3. In § 146.74 *Diethylaminoethyl ester penicillin G hydriodide* • • • subparagraph (3) of paragraph (c) *Labeling* is amended by changing the figure "12" to read "18".

4. In § 146.75 *Diethylaminoethyl ester penicillin G hydriodide for aqueous injection* • • • subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the figure "12" to read "18".

This order, which provides for an expiration date of 36 months for penicillin troches prepared from crystalline, *l*-ephenamine penicillin G, or crystalline penicillin O if the person who requests certification has proved his drug to be stable for such period of time; for an expiration date of 18 months for aqueous suspensions of procaine penicillin if the person who requests certification has proved his drug stable for such period of time; and for an expiration date of 18 months for the drugs diethylaminoethyl ester penicillin G hydriodide and diethylaminoethyl ester penicillin G hydriodide for aqueous injection, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public in-

terest to delay providing for the changes set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: December 17, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-13479; Filed, Dec. 22, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 7, Amdt. 2]

INT. 7—STOCK OPTION AND STOCK PURCHASE PLANS

MISCELLANEOUS AMENDMENTS

The purpose of this amendment is to clarify the authority of employers of sales employees, who are compensated in whole or in part on a commission basis, to apply the fifteen (15) percent adjustment in 1950 commission earnings authorized by section 9 of General Salary Stabilization Regulation 5, as amended, as a chargeable increase in compensation for purposes of granting restricted stock options to such employees at less than 95 percent of the fair market value of the stock which is the subject of the option.

1. Paragraph 9 of Interpretation 7, as amended, is amended to read as follows:

9. Q. May sales employees, whose compensation is governed by General Salary Stabilization Regulation 5, as amended, be granted stock options under General Salary Stabilization Regulation 4, Revised, as amended?

A. Yes, to the extent indicated below.

If the stock option is being granted under section 3, at an option price of 95 percent or more of the fair market value of the stock at the time of the grant, a sales employee may be granted such option regardless of the method of his compensation to the same extent as other employees under the jurisdiction of the Salary Stabilization Board.

If a stock option is granted under section 4, a sales employee may be granted such option, provided he is entitled to receive a "chargeable increase in compensation" to cover the difference between the option price and 95 percent of the fair market value of the stock at the time of the granting of the option. If the sales employee is compensated in whole or in part on a salary basis, a "chargeable increase in compensation" with regard to his salary is an increase authorized under sections 22, 41 or 52 or 53 of General Salary Stabilization Regulation 1, Amended, as amended. If the sales employee is compensated in whole or in part on a commission basis, a "chargeable increase in compensation" with regard to his commission earnings is an increase authorized under section 9 of General Salary Stabilization Regulation 5, as amended.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization, December 18, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-13584; Filed, Dec. 22, 1952; 11:10 a. m.]

Subchapter B—Wage Stabilization Board

WAGE STABILIZATION COMMITTEE DELEGATION NO. 1

Pursuant to the authority vested in me by section 4 of General Order No. 19 of the Economic Stabilization Agency, I direct that all staff members of the Wage Stabilization Board created under section 403 (b) of the Defense Production Act, as amended, and Executive Orders 10377 and 10390, shall remain in their present positions, performing the same functions; and shall assume and make use of the property, funds, records, contracts, documents and facilities of such Board.

CHARLES C. KILLINGSWORTH,
Chairman,
Wage Stabilization Committee.

[F. R. Doc. 52-13587; Filed, Dec. 22, 1952; 12:05 p. m.]

Subchapter C—Railroad and Airline Wage Board

[Railroad and Airline Procedural Regulation 1, Amdt. 1]

RAILROAD AND AIRLINE PROCEDURAL REGULATION 1

ENFORCEMENT PROCEDURE

Pursuant to the Defense Production Act of 1950, as amended (P. L. 774, 81st Cong., P. L. 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Orders No. 7—Rev., 15 and 18, Economic Stabilization Administrator this amendment to Railroad and Airline Procedural Regulation 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

Economic Stabilization Agency General Order No. 15 (issued April 5, 1952, 17 F. R. 2994; amended November 6, 1952, 17 F. R. 9977) and General Order No. 18 (issued July 30, 1952, 17 F. R. 6925; amended November 6, 1952, 17 F. R. 9977) set forth the policy and procedure of the Economic Stabilization Agency with respect to disallowances for violations of Title IV of the Defense Production Act of 1950, as amended. These two General Orders provide for the establishment of a National Enforcement Commission within the Economic Stabilization Agency and assign to it functions which include the determination of whether any wage, salary, or other compensation has been paid or accrued, at any time, in violation or contravention of any provision of the Defense Production Act of 1950, as amended, or any regulation, order or directive promulgated under that act with respect to persons within the jurisdiction of the Railroad and Airline Wage Board; and, further, the transmittal of such determinations to appropriate governmental agencies for action in accordance therewith.

Such determinations are to be made by the National Enforcement Commission with respect to employees subject to the jurisdiction of the Railroad and Airline Wage Board only after the Railroad and Airline Wage Board has instituted an enforcement proceeding before the National Enforcement Commission or has submitted a settlement proposal to the National Enforcement Commission for its approval. The function of investigating alleged violations and the initial decision to institute enforcement proceedings with respect to employees subject to its jurisdiction resides in the Railroad and Airline Wage Board.

The purpose of this amendment to Railroad and Airline Procedural Regulation 1 is to add a section which sets forth the procedures to be followed by the Railroad and Airline Wage Board in instituting investigations and enforcement proceedings.

REGULATORY PROVISIONS

Railroad and Airline Procedural Regulation 1 is amended by the addition of section 7, which reads as follows:

SEC. 7. *Enforcement procedure.*—(a) *Investigations and subpoenas.* (1) The Chairman or such other person as may be designated by him may issue subpoenas and may make or cause to be made investigations, inspections or inquiries relating to the enforcement of the act and the regulations, orders or directives promulgated thereunder. No subpoena shall be issued or investigation, inspection or inquiry made until the scope and purpose thereof have been defined by the Chairman or other competent authority designted by him and until the Chairman or other competent authority designated by him has assured that no adequate and authoritative data are available from any Federal or other responsible agency.

(b) *Enforcement proceedings.* (1) Whenever the Chairman or other person designated by him has reason to believe that any wage, salary, or other compensation has been paid in contravention of the act or of any regulation, order or directive promulgated thereunder, and that enforcement proceedings are necessary in order to effectuate the purposes of the act, he shall institute proceedings to ascertain whether a contravention has occurred, and to determine the amount to be certified to and disregarded by the executive departments and other government agencies.

(2) Such enforcement proceedings may be instituted by the execution of a Consent Stipulation providing for the entry by the National Enforcement Commission of a Certificate of Disallowance, or by the issuance of a Complaint. Any Consent Stipulation for Certificate of Disallowance shall be in conformity with the disallowance policy set forth in section 5 of Economic Stabilization Agency General Order No. 15 and with the provisions of section 8.1 of National Enforcement Commission General Procedural Regulation 1, Revised (17 F. R. 7737). Any Complaint shall be issued in conformity with section 2.1 of National Enforcement Commission General Procedural Regulation 1, Revised.

(3) After the execution of a Consent Stipulation for Certificate of Disallowance or after the issuance of a Complaint, the applicable procedures set forth in National Enforcement Commission General Procedural Regulation 1, Revised, shall apply.

(4) No investigation or enforcement proceeding involving persons subject to the jurisdiction of the Railroad and Airline Wage Board shall be instituted by any person other than the Chairman or such other person as may be designated by him.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Signed: December 10, 1952.

NELSON M. BORTZ,
Chairman, Railroad and Airline Wage Board.

Approved: December 12, 1952.

ROGER L. PUTNAM,
Administrator,
Economic Stabilization Agency.

[F. R. Doc. 52-13586; Filed, Dec. 22, 1952; 12:05 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-16, Amdt. 1 of December 22, 1952]

M-16—DISTRIBUTION OF COPPER RAW MATERIALS

REPORTING REQUIREMENT CHANGE

This amendment to NPA Order M-16 as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this amendment, consultation with industry representatives has been impracticable because of the need for immediate action.

AMENDATORY PROVISIONS

Paragraph (f) of section 10 of NPA Order M-16 as amended November 20, 1952, is amended to eliminate the requirement that brokers file Form NPAF-125. Paragraph (f) of section 10 is hereby amended to read as follows:

(f) Any scrap dealer whose aggregate end-of-month inventory or aggregate monthly purchases or aggregate monthly sales of scrap averaged 60,000 pounds or more (metal weight) during the first 6 months of 1952, shall complete and return Form NPAF-125 not later than February 10, 1953, with regard to his operations during January 1953, and not later than the tenth day of each month thereafter with regard to his operations during each preceding month. All such forms shall be addressed to the Base Metals Branch, Bureau of Mines, Washington 25, D. C.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect December 22, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13583; Filed, Dec. 22, 1952; 11:08 a. m.]

Chapter XIV—General Services Administration

ASBESTOS REGULATION: PURCHASE PROGRAM FOR NONFERROUS CHRYSOTILE ASBESTOS PRODUCED IN ARIZONA

Sec.
1. Basis and purpose.
2. Specifications.
3. Deliveries.
4. Price.
5. Duration of the program.
6. Participation in the program.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2093; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1951 Supp., E. O. 10281, Aug. 28, 1951, 16 F. R. 8789, 3 CFR, 1951 Supp.

SECTION 1. *Basis and purpose.* The purpose of this regulation is to encourage expansion in the production of nonferrous chrysotile asbestos in the State of Arizona by providing a uniform price scale and the establishment of a Government purchase depot for such commodity. This regulation is issued pursuant to Delegation of Authority from the Defense Materials Procurement Administrator [1] of even date herewith. In accordance with the purchase program described herein, as authorized by the Defense Production Administrator, the Administrator of General Services will buy nonferrous chrysotile asbestos produced in the State of Arizona in accordance with the terms and conditions set forth herein.

SEC. 2. *Specifications.* (a) Purchases under this program shall be restricted to the following grades and specifications:

1. Crude No. 1: Nonferrous chrysotile asbestos, soft and semisoft, basically composed of staple ¾ inch or longer; 85 percent of the fibre by weight shall be ¾ inch or longer.

2. Crude No. 2: Nonferrous chrysotile asbestos, soft and semisoft, basically composed of staple ⅜ inch or longer; 85 percent of the fibre by weight shall be ⅜ inch or longer.

3. Crude No. 3: Nonferrous chrysotile asbestos, soft, and semisoft, basically composed of staple ¼ inch or longer; 85 percent of the fibre by weight shall be ¼ inch or longer.

(b) Hygroscopic water shall not exceed 2 percent by weight.

(c) Foreign matter such as grit, particles of serpentine and other extraneous matter shall not exceed 5 percent by weight. Pieces of wood shall be cause for rejection.

[1] See F. R. Doc. 52-13545, Defense Materials Procurement Agency, in the Notices section, *infra*.

(d) All fibre shall have sufficient tensile strength to permit its use singly or in combination with other fibre in the production of asbestos tape, cloth, corded fibre or other textiles.

(e) Only soft or semisoft, nonferrous chrysotile asbestos produced in the State of Arizona shall be purchased under this program.

SEC. 3. *Deliveries.* (a) All purchases under this program shall be delivered by the seller f. o. b. Government purchase depot at Globe, Arizona.

(b) Crude No. 1 and Crude No. 2 shall be purchased separately or together in any ratio. Crude No. 3 shall be purchased only when offered with Crude No. 1 or Crude No. 2 or both, at a ratio of not in excess of 3 to 1.

(c) Deliveries shall be offered to the Government under this program in lots containing not less than 100 pounds of Crude No. 1 or Crude No. 2.

(d) All shipments found not to meet the specifications provided herein shall be rejected and shall be removed at the expense of the seller.

(e) All shipments shall be packed in packages of the type and size customarily used in the trade, and each package shall have legible markings showing (1) the words "Arizona asbestos," (2) designated grade and (3) name of mine from which the shipment was produced.

(f) Inspection of each shipment shall be made by a representative of the Government at the Government purchase depot or at such place as may be mutually agreeable to the shipper and the Government: *Provided, however,* That such inspection shall not be made beyond a 150-mile radius of the Government purchase depot.

(g) At least thirty (30) days prior to shipment, the seller shall inform the Regional Director, General Services Administration, 49 Fourth Street, San Francisco 3, California, of a delivery to be made to the purchase depot. Shipment shall be made only upon and in accordance with instructions issued to the seller by the said Regional Director.

SEC. 4. *Price.* Payment for deliveries accepted under this program shall be made pursuant to the following schedule:

Grade:	*Per short ton*
Crude No. 1	$1,500
Crude No. 2	900
Crude No. 3	400

SEC. 5. *Duration of the program.* This program shall terminate and be of no further force and effect three (3) years from the effective date of this regulation, or when deliveries under this program total in the aggregate 1,500 short tons of Crude No. 1 and/or Crude No. 2, whichever event first occurs.

SEC. 6. *Participation in the program.* Any person or firm wishing to participate in this program shall give notice to the Regional Director, General Services Administration, 49 Fourth Street, San Francisco 3, California. Such notice shall be in the form of a letter, postcard or telegram, postmarked or dated by the telegraph office not later than June 30, 1953, and shall state that participation in this program is desired; that non-

ferrous chrysotile asbestos produced in the State of Arizona will be offered to the Government under the terms and conditions of this program. The notice must be signed and a return address given. Receipt of notice will be acknowledged by the issuance of a certificate authorizing delivery of non-ferrous chrysotile asbestos conforming to the requirements of this regulation.

This regulation shall be effective as of October 1, 1952.

Dated: December 17, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-13546; Filed, Dec. 22, 1952; 8:50 a. m.]

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 47 (AGE-4, Amdt. 3)]

AGE-4—COMPENSATION PAYABLE TO AGENTS, GENERAL AGENTS AND BERTH AGENTS

COMPENSATION

Effective as of March 20, 1951, at 00:01 a. m., NSA Order No. 47 (AGE-4) published in the FEDERAL REGISTER issue of September 29, 1951 (16 F. R. 9983) as amended, is amended further as follows:

1. By deleting section 7 and inserting therefor the following:

SEC. 7. *Compensation of General Agents for liquidating the activities and business of vessels.* (a) In addition to the compensation otherwise provided in this order, each General Agent shall be paid for all services required to be performed by him after redelivery or total loss of a vessel, including the liquidation of activities and business of such vessels, assigned to such General Agent under the standard form of Service Agreement, GAA 3-19-51, as follows:

(1) For services rendered after each period of assignment during which a vessel made one or more voyages, $25 per day for each day of assignment not to exceed 60 days, and thereafter $10 per day for each day of assignment not to exceed an additional 120 days: *Provided*, That the amount paid shall not exceed $2,700.

(2) For services, if any, rendered after any period of assignment during which a vessel did not make a voyage, such fair and reasonable amount as the Director, National Shipping Authority, shall determine in each individual case, if application for such a fee is made by a General Agent, and if the Director finds that the evidence submitted by the General Agent in support of his application justifies the payment of such fee.

(3) For the purpose of this paragraph (a), "each period of assignment" shall mean the period commencing with the date of delivery of the vessel to the General Agent under the Service Agreement and ending with the date of redelivery of the vessel to National Shipping Authority or the date of total loss.

(b) The compensation authorized in paragraph (a) of this section shall be paid upon satisfactory completion of the services required by National Shipping Authority: *Provided however*, That payments on account may be made in advance to the extent that they are deemed to be earned by the Director, National Shipping Authority.

(c) If a General Agent who has redelivered all vessels assigned under his Service Agreement is required by the National Shipping Authority to retain custody of vouchers and records during any period in excess of six (6) months after satisfactory completion of services required by the National Shipping Authority, he shall be paid for the fair and reasonable cost of space occupied by such vouchers and records, as determined by the Director, National Shipping Authority.

2. By amending section 8. *Increases and reduction of compensation under certain circumstances* by adding at the end of said section the following paragraph:

(f) The provisions of this section shall not apply to the services required to be performed after redelivery or total loss of a vessel in liquidating the activities and business of the vessels, and no increase will be allowed in the compensation provided in section 7 of this order whether as a revision of such rates or in addition to such rates.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Approved: December 12, 1952.

[SEAL] C. H. MCGUIRE,
Director,
National Shipping Authority.

[F. R. Doc. 52-13509; Filed, Dec. 22, 1952; 8:49 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 103 to Schedule A]

[Rent Regulation 2, Amdt. 101 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CHANGES OF DESIGNATION

Effective December 23, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

The names of the Defense-Rentals Areas in the items indicated below of Schedules A of Rent Regulation 1 and Rent Regulation 2 are changed as stated below.

FROM—		TO—	
Item	*Defense rental area*	*Item*	*Defense rental area*
(31)	Marysville-Chico	(31)	Marysville-Yuba City.
(85)	Dixon	(85)	Amboy.
(94a)	Woodstock	(94a)	Harvard-Lakemoor.
(157)	Saginaw-Bay City	(157)	Bay City-Midland.
(295)	Nashville	(295)	Murfreesboro-Smyrna.
(348a)	Whidbey Island	(348a)	Whidbey Island-Anacortes.

[F. R. Doc. 52-13498; Filed, Dec. 22, 1952; 8:47 a. m.]

[Rent Regulation 1, Amdt. 106 to Schedule A]

[Rent Regulation 2, Amdt. 104 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

MICHIGAN

Effective December 19, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item indicated below of Schedule A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 19th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Michigan				
(157) Saginaw-Bay City	B	In Midland County, the city of Midland	Mar. 1, 1942	July 1, 1942

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(128a)		[Revoked and decontrolled.]		
Pennsylvania				
(272) Williamsport	B	In Lycoming County, the city of Williamsport, the boroughs of Armstrong, Clinton, Loyalsock, and Old Lycoming, the boroughs of Duboistown, Montgomery, Montoursville, and South Williamsport. do	Mar. 1, 1942	Nov. 1, 1942
	C	In Lycoming County, the townships of Anthony, Bastress, Brady, Buffalo, Fairfield, Hepburn, Limestone, Lycoming, Manlius, Mill Creek, Muncy, Muncy Creek, Penn, Piatt, Shrewsbury, Upper Fairfield, Washington, Watson, Wolf, and Woodward, and the boroughs of Picture Rocks and Salladasburg.	Jan. 1, 1952 do	Sept. 29, 1952 Do.
	A	In Northumberland County, the city of Sunbury and the Borough of Northumberland; in Snyder County, the borough of Selinsgrove; in Union County, the borough of Lewisburg.	Mar. 1, 1942	Dec. 1, 1942
	B	In Clinton County, the borough of Renovo	do	Feb. 1, 1944
Wisconsin				
(304) Milwaukee	A	Milwaukee County, except the towns of Lake and Milwaukee, and the villages of River Hills, Shorewood, West Milwaukee, and Whitefish Bay.	Nov. 1, 1951	Oct. 27, 1952

These amendments decontrol the following based on resolutions submitted under section 204 (j) (3) of the act:

The City of Pratt in Pratt County, Kansas and the remainder of the Pratt Defense-Rental Area, consisting of the unincorporated localities in Pratt County, the said City of Pratt being the major portion of the Defense-Rental Area;

The Borough of Hughesville in Lycoming County, Pennsylvania, a portion of the Williamsport Defense-Rental Area;

The Towns of Lake and Milwaukee and the Villages of River Hills, Shorewood, West Milwaukee and Whitefish Bay in Milwaukee County, Wisconsin, portions of the Milwaukee Defense-Rental Area.

[F. R. Doc. 52-13550; Filed, Dec. 22, 1952; 8:56 a. m.]

[Rent Regulation 3, Amdt. 105 to Schedule A]

[Rent Regulation 4, Amdt. 47 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CHANGES OF DESIGNATION

Effective December 23, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

These amendments decontrol the Cities of Bay City and Essexville and the Townships of Bangor and Hampton in Bay County, Michigan, portions of the Saginaw-Bay City Defense-Rental Area, by reason of the joint determination and certification by the Secretary of Defense and the Director of Defense Mobilization under section 204 (j) of the Housing and Rent Act of 1947, as amended, that said decontrolled territory is no longer included within a Critical Defense Housing Area.

[F. R. Doc. 52-13551; Filed, Dec. 19, 1952; 4:24 p. m.]

[Rent Regulation 1, Amdt. 33 to Schedule B]

[Rent Regulation 2, Amdt. 33 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

KENTUCKY

Effective December 24, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 19th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

At the end of Item 25 of Schedule B of Rent Regulation 1 and at the end of Item 30 of Schedule B of Rent Regulation 2, the following paragraph is added:

On December 18, 1952, Union County, Kentucky, became a part of the Henderson-Union Counties Defense-Rental Area (see Item 124b of Schedule A).

[F. R. Doc. 52-13549; Filed, Dec. 22, 1952; 8:56 a. m.]

[Rent Regulation 1, Amdt. 105 to Schedule A]

[Rent Regulation 2, Amdt. 103 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA AND WISCONSIN

Effective December 24, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 19th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

The names of the Defense-Rental Areas in the items indicated below of Schedules A of Rent Regulation 3 and Rent Regulation 4 are changed as stated below.

Item	FROM—Defense rental area	Item	TO—Defense rental area
(31)	Marysville-Chico	(31)	Marysville-Yuba City.
(295)	Nashville	(295)	Murfreesboro-Smyrna.
(348a)	Whidbey Island	(348a)	Whidbey Island-Anacortes.

[F. R. Doc. 52-13497; Filed, Dec. 22, 1952; 8:46 a. m.]

[Rent Regulation 3, Amdt. 107 to Schedule A]

[Rent Regulation 4, Amdt. 49 to Schedule A]

RR 3—HOTELS
RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA AND WISCONSIN

Effective December 24, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 19th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(272) Williamsport	Pennsylvania	In Lycoming County, the city of Williamsport, the boroughs of Duboistown, Montgomery, Montoursville, Picture Rocks, Salladisburg and South Williamsport, and the townships of Anthony, Armstrong, Bastress, Brady, Clinton, Eldred, Fairfield, Hepburn, Limestone, Loyalsock, Lycoming, Mifflin, Mill Creek, Muncy, Nippenose, Old Lycoming, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf, and Woodward.	Jan. 1, 1952	Sept. 29, 1952
(364) Milwaukee	Wisconsin	Milwaukee County, except the towns of Lake and Milwaukee, and the villages of River Hills, Shorewood, West Milwaukee, and Whitefish Bay.	Nov. 1, 1951	Oct. 27, 1952

These amendments decontrol the following based on resolutions submitted under section 204 (j) (3) of the act:

The Borough of Hughesville in Lycoming County, Pennsylvania, a portion of the Williamsport Defense-Rental Area;

The Towns of Lake and Milwaukee and the Villages of River Hills, Shorewood, West Milwaukee and Whitefish Bay in Milwaukee County, Wisconsin, portions of the Milwaukee Defense-Rental Area.

[F. R. Doc. 52-13552; Filed, Dec. 22, 1952; 8:56 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

SERVICEMEN'S INDEMNITY

1. A new centerhead immediately following § 4.207 is added as follows: "Servicemen's Indemnity".

2. New §§ 4.300, 4.302, 4.304, 4.306, 4.308, 4.310, 4.312, 4.314, 4.316, 4.318, 4.320, and 4.322 are added as follows:

Sec.
4.300 Basic requirements of service and death.
4.302 Eligible beneficiaries.
4.304 Determination of eligible beneficiaries.
4.306 Evidence requirements.
4.308 Claim for indemnity.
4.310 Amount of indemnity payable.
4.312 Method of payment.
4.314 Commencing date of payments.
4.316 Forfeiture.
4.318 Assignments.
4.320 Attorneys' fees.
4.322 Taxation and exemption.

AUTHORITY: §§ 4.300 to 4.322 issued under sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Other statutory provisions interpreted or applied are cited to text in parenthesis.

§ 4.300 *Basic requirements of service and death.* (a) The servicemen's indemnity shall be payable based on active service rendered on or after June 27, 1950, where death occurred in active service or, where death occurred within 120 days after separation or release from active service, if the serviceman had been called to extended active duty, including a call to active duty for training purposes for a period exceeding 30 days. The character of separation or release from active service is not material. See, however, § 4.316. For the purposes of death in active service, the following service is included:

(1) Active service in the Army, Navy, Air Force, Marine Corps, and Coast Guard, or Active service, including active duty for training purposes, in the Reserve components thereof;

(2) National Guard when called to active duty or active training duty for 14 days or more;

(3) Cadets and midshipmen at the United States Military, Naval, and Coast Guard Academies;

(4) Commissioned officers of the Public Health Service, regular and reserve, while entitled to full military benefits, as provided in section 212 (a), Public Law 410, 78th Congress, as amended, i. e., (i) while detailed for duty with the Army, Air Force, Navy, Marine Corps, or Coast Guard, or (ii) while serving on active duty in time of war outside the continental limits of the United States, or in Alaska, or (iii) while serving on active duty in time of war and following the issuance of an Executive order declaring the entire Commissioned Corps of the Public Health Service a part of the military forces of the United States. (The Commissioned Corps of the Public Health Service, by virtue of Executive Order 9575, published June 29, 1945, was a part of the military forces of the United States on June 27, 1950, which status continued through July 3, 1952, by virtue of Executive Order 10349, dated April 26, 1952; Executive Order 10356, dated May 29, 1952; Executive Order 10362, dated June 14, 1952; and Executive Order 10367, dated June 30, 1952. Service on and after July 4, 1952, must meet the requirements of subdivision (i) of this subparagraph.)

(5) Commissioned officers of the Coast and Geodetic Survey, while assigned to duty during a period of war or an emergency as proclaimed by the President or the Congress on projects for the Army, Navy, or Air Force in areas outside the continental United States, or in Alaska, or in coastal areas of the United States determined by the Department of Defense to be of immediate military hazard.

(b) The servicemen's indemnity shall be payable where the serviceman is deemed to have been in active service at the time of his death, as follows:

(1) Persons who served on or after June 27, 1950, in the reserve components, including the National Guard, while engaged in aerial flights in Government-owned or leased aircraft for any period with or without pay as an incident to their military or naval training;

(2) Persons who have been or are provisionally accepted on or after June 27, 1950, and directed to report to a place for final acceptance or for entry upon active duty in the military or naval service, and who died or shall die as the result of disability incurred while en route to such place and within 120 days after the incurrence of such disability;

(3) Registrants under the Selective Service Act of 1948, as amended (designated as the "Universal Military Training and Service Act" by Public Law 51, 82d Congress), who on or after June 27, 1950, in response to an order to report for induction into the Armed Forces and who, after reporting to a local draft board, died or dies as the result of disability incurred while en route from such draft board to a designated induction station and within 120 days after the incurrence of such disability.

(Sec. 2, Part I, Pub. Law 23, 82d Cong.)

§ 4.302 *Eligible beneficiaries.* The indemnity shall be payable to the surviving spouse, child or children (including a stepchild, adopted child, or an illegitimate child, if the latter was designated as beneficiary by the serviceman), parent (including a stepparent, parent by adoption, or person who stood in loco parentis to the serviceman at any time prior to entry into the active service for a period of not less than 1 year), brother or sister of the serviceman (including those of the half blood and those through adoption). Unless designated otherwise by the serviceman, the term "parent" includes only the mother and father who last bore that relationship to the serviceman.

(Sec. 3, Part I, Pub. Law 23, 82d Cong.)

§ 4.304 *Determination of eligible beneficiaries.* The serviceman has the right to designate the beneficiary or beneficiaries of the indemnity within the classes designated in § 4.302; to designate the proportion of the principal amount to be paid to each; and to change the beneficiary or beneficiaries without the consent thereof but only within the classes designated. If the designated beneficiary or beneficiaries do not survive the serviceman, or if none has been designated, the indemnity will be paid to the first eligible class of beneficiaries according to the order set forth in § 4.302 and in equal shares if the class is composed of more than one person. Any installments of an indemnity not paid to a beneficiary during such beneficiary's lifetime shall be paid to the named contingent beneficiary, if any; otherwise, to the beneficiary or beneficiaries within the permitted class next entitled to priority. If no person within the permitted class survives to receive the indemnity or any part thereof, no payment of the unpaid installments shall be made. No payment shall be made to an heir, creditor, or legal representative as such of the deceased serviceman or of any deceased beneficiary.

(Sec. 3, Part I, Pub. Law 23, 82d Cong.)

§ 4.306 *Evidence requirements.* Proof of death of the serviceman shall be established by certification by the secretary of the department concerned, and relationship of the beneficiary shall be shown by evidence as outlined in §§ 3.46, 3.50, and 3.55 of this chapter. The relationship of a stepparent shall be established by proof of marriage of the natural parent and stepparent, in addition to proof of birth of the serviceman. The relationship of an adoptive parent shall be established by a certified copy of the court decree of adoption. The relationship of a brother or sister of the full blood or half blood shall be established by proof of birth as outlined in § 3.46 of this chapter, of both the serviceman and the claimant, showing that both the serviceman and the claimant had one or both parents in common; a brother or sister by adoption, by proof of birth of the natural child and a certified copy of the court decree of adoption of the other child by one or both of the natural child's parents; if both the serviceman and claimant are adopted by a common parent or parents, by certified copy of court decree of adoption of each by one or both of the serviceman's parents. Proof of marriage or remarriage of a beneficiary will not be required solely for the purpose of establishing a change of name.

§ 4.308 *Claim for indemnity.* A claim for indemnity should be filed on the form prescribed by the Administrator, but any writing disclosing an intention to file such a claim will be accepted. A claim for National Service life insurance or United States Government life insurance death benefits filed by a preferred beneficiary will be accepted as a claim for indemnity.

§ 4.310 *Amount of indemnity payable.* (a) If at the date of death the serviceman had no insurance in force, the indemnity will be paid in the principal amount of $10,000. If the serviceman had United States Government life insurance or National Service life insurance in force in an amount less than $10,000, the indemnity will be paid in the principal amount of $10,000 minus the face value of the insurance in force at the date of death. If insurance having a face value of $10,000 was in force at the date of death, the indemnity will not be payable.

(b) The amount of indemnity payable in cases in which either United States Government life insurance or National Service life insurance (1) is reduced because the insured understated his age, or (2) the original contract has been surrendered for paid-up insurance, will be the difference between the amount of insurance in force and $10,000.

(c) In cases in which the insurance is in force as extended insurance, the amount of indemnity payable will be the difference between the amount of extended insurance in force and $10,000.

(d) In cases in which there is indebtedness outstanding against the contract, the amount of indemnity payable will be the difference between the face value of the contract (the amount of insurance in force without deduction of indebtedness) and $10,000.

(Part I, Pub. Law 23, 82d Cong.)

§ 4.312 *Method of payment.* (a) The indemnity will be payable in 120 monthly installments at the rate of $9.29 per month per thousand.

(b) If there are two or more payees, and the equal or pro rata division of the monthly payment would normally require payments involving fractions of a cent, these fractions will be absorbed by reducing payment to one or more of the payees to the next lower cent and raising the payment to one or more of the payees to the next higher cent. If there is only one payee and payment of the monthly installment would otherwise involve a fraction of a cent, the amount will be increased to the next higher cent, if the fraction is one-half cent or more, and will be decreased to the next lower cent, if the fraction is less than one-half cent.

(Part I, Pub. Law 23, 82d Cong.)

§ 4.314 *Commencing date of payments.* Payment to the beneficiary or beneficiaries first receiving payment shall begin as of the date of the death of the serviceman. Payment to the beneficiary or beneficiaries receiving installments following the death of the first beneficiary or beneficiaries, or any subsequent beneficiary or beneficiaries, shall begin with the monthly payment date next following the death of the previous payee. To authorize any unpaid installments not paid to the previous payee, the following entry will be typed on the reverse side of the award card: "Award includes all or fractional share of unpaid installments due the previous payee,

_____"
(Name of previous payee)

(Part I, Pub. Law 23, 82d Cong.)

§ 4.316 *Forfeiture.* Any serviceman who is guilty of mutiny, treason, spying, or desertion, or who because of conscientious objections refuses to perform services in the land or naval forces of the United States, or refuses to wear the uniform of such force, forfeits all right to an indemnity under this act: *Provided,* That restoration to active duty after commission of any such offense restores all rights to the indemnity. No indemnity is payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States.

(Sec. 8, Part I, Pub. Law 23, 82d Cong.)

§ 4.318 *Assignments.* Assignments of all or any part of the beneficiary's interest may be made by a beneficiary to any other person or persons within the permitted class of beneficiaries as specified in § 4.302, if all other persons having contingent rights of equal or greater priority to those of the assignee join in the assignment. Such an assignment shall not affect any payments made prior to its receipt by the Veterans' Administration. Assignments may be made at any time subsequent to the death of the serviceman regardless of whether any installments have been paid. In the event of the death of the assignee prior to receiving all installments, the remaining installments will become payable to the person(s) surviving in the permitted class set forth in § 4.302 and in the order of preference named in that section. The privilege of assignment is available to persons whose title arises through devolution, as well as to persons who are designated beneficiaries.

(Sec. 9, Part I, Pub. Law 23, 82d Cong.)

§ 4.320 *Attorneys' fees.* The payment of an attorney's fee, as contemplated by section 201, Title II, Public No. 844, 74th Congress, shall not exceed $10 in any one claim, and in all cases fees shall be deducted from the indemnity allowed.

(Sec. 9, Part I, Pub. Law 23, 82d Cong.)

§ 4.322 *Taxation and exemption.* (a) Payments of the servicemen's indemnity as such are exempt from taxation, but such exemption does not extend to any property purchased in part or wholly out of such payments. Payments of indemnity to a beneficiary under the provisions of the Servicemen's Indemnity Act of 1951 are exempt from claims of creditors, and are not liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary.

(b) The exemption shall apply against the United States or any agency thereof: *Provided,* That the United States shall be entitled to collect by set-off or otherwise out of benefits payable to any beneficiary of the servicemen's indemnity, the amount of any indebtedness due the United States by such beneficiary because of overpayments or illegal payments made to such beneficiary under laws administered by the Veterans' Administration.

(Sec. 9, Part I, Pub. Law 23, 82d Cong.)

This regulation is effective December 23, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-13461; Filed, Dec. 22, 1952; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Subtitle A—Federal Security Agency, General Administration

PART 35—TORT CLAIMS AGAINST THE GOVERNMENT

MISCELLANEOUS AMENDMENTS

1. Section 35.4 *Evidence to be submitted by claimant* is amended by adding the following paragraph:

(e) *Time limit.* All evidence required to be submitted by this section shall be furnished by the claimant within a reasonable time. Failure of a claimant to furnish evidence necessary to a determination of his claim within six months after a request therefor has been mailed to his last known address shall be deemed an abandonment of the claim. The claim shall thereupon be disallowed.

2. Section 35.3 is amended by striking out the words "Associate General Counsel, Federal Security Agency" and inserting in lieu thereof the words "Federal Security Agency Claims Officer".

3. Sections 35.6 and 35.8 are amended by inserting the words "Agency Claims" before the word "Officer".

4. Section 35.7 is amended by striking out the words "Federal Security".

5. Section 35.8 is amended by striking out the period after the word "Agency" and adding the words "or within six months after a request therefor pursuant to § 35.4 (e)."

(Part 2, Reorg. Plan No. 1 of 1939, 4 F. R. 2728; 3 CFR, 1943 Cum. Supp.)

[SEAL] ROBERT C. AYERS,
Agency Claims Officer.

Approved: December 17, 1952.

JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-13480; Filed, Dec. 22, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

OGALLALA LIVESTOCK COMMISSION COMPANY

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Ogallala Livestock Commission Company, Ogallala, Nebraska, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181, et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 18th day of December 1952.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 52-13506; Filed, Dec. 22, 1952; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 61]

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING AND ORAL ARGUMENT

Draft Release No. 52-33 was circulated on December 2, 1952, and published as a supplemental notice of proposed rule making and oral argument in the FEDERAL REGISTER on December 6, 1952 (17 F. R. 11124) by the Civil Aeronautics Board giving notice that the Board desired to hear oral argument concerning, among other matters, the question whether it is necessary or desirable that the regulations specify a maximum period of time between air carrier checks of the competency of crew members and dispatchers. In the second paragraph of the discussion of the recurrent airman training requirements in proposed Part 40 of the Civil Air Regulations, the subject notice states that the Flight Engineers' International Association had recommended as follows: "The FEIA has recommended that this requirement specify that the 'interval' for checking crew members and dispatchers be not less than 6 months. The reason stated for this proposal is that unless a minimum period is specified the voluntary training program would not be carried out."

The attention of the Board has been directed to the fact that this statement of the recommendations of the FEIA is erroneous. In order that interested persons may have the advantage of a correct statement of the recommendations of FEIA on this issue, the second paragraph in the discussion of recurrent airman training in the subject notice of proposed rule making is changed to read as follows: "The FEIA has recommended that this requirement specify that the 'interval' for checking crew members and dispatchers be not more than six months. The reason stated for this proposal is that unless a maximum period is specified the voluntary training programs would not be carried out."

Dated: December 17, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-13499; Filed, Dec. 22, 1952; 8:47 a. m.]

[14 CFR Part 271]

[Economic Regs. Draft Release No. 58]

FINANCIAL RESPONSIBILITY REQUIREMENTS FOR AIR CARRIERS AND FOREIGN AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

DECEMBER 16, 1952.

Notice is hereby given that the Board has under consideration the promulgation of a new Part 271 of the Economic Regulations, as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted, in triplicate, to the Civil Aeronautics Board, Washington 25, D. C. All communications received by January 16, 1953, will be considered by the Board before taking further action on the proposed rule. Copies of such communications will be available on and after January 19, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building. In addition, the Board will hear oral argument with respect to the matters described herein on January 29, 1953, at 10:00 a. m. Standard Time in Room 5042, Department of Commerce Building, Washington, D. C. Those desiring to be heard are requested to inform F. W. Brown, Chief Examiner, Civil Aeronautics Board, at least five days in advance of the argument. Each speaker will be limited to twenty minutes unless special permission is granted pursuant to written request submitted to Mr. Brown prior to January 16, 1953, stating the amount of time desired and the persons officially represented.

The basis and purpose of the proposed rules are set forth below in the draft preamble to the regulation and in the explanatory statement attached to the original Draft Release No. 51 of the proposed regulation published in the FEDERAL REGISTER on May 7, 1952 (17 F. R. 4220).

The proposed amendments are set forth in the proposed rule below.

These amendments are proposed under authority of Title IV of the Civil Aeronautics Act of 1938, as amended. The proposed rules when finally adopted by the Board may be changed in view of the comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply sections 401, 402, 416, 52 Stat. 987, 991, 1004; 49 U. S. C. 481, 482, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Draft preamble. At the present time there is no requirement in the Board's regulations requiring proof of continued financial responsibility on the part of air carriers or foreign air carriers. It is the purpose of this regulation to establish minimum standards for such carriers of financial responsibility in respect of certain tort liabilities and to prescribe the methods whereby such financial responsibility may be established before the Board.

The several States of the United States have found it necessary in the interest of their own public to impose minimum standards of financial responsibility on the operators of automotive equipment coming within their respective jurisdictions, and at the present time most of the States have laws dealing with this subject matter. Similarly, the Federal Government has imposed in the Motor Carrier Act of 1935 certain obligations as to financial responsibility on interstate carriers by motor vehicle coming within that act.

In the Board's opinion the general public interest in the enactment of financial responsibility standards, heretofore found necessary in the automotive field, is even greater in the case of air carriers. The larger mass and far higher speed of present-day transport aircraft, as compared with automobiles, trucks, and buses, involves a property destructive potential much in excess of that of surface vehicles, with a correspondingly increased possibility of high judgments in the event of accident. Reparation of damage so caused should not be left to the personal fortunes of individual aircraft operators nor to corporations whose major assets may have been totally destroyed by crash.

The Civil Aeronautics Act, unlike the Motor Carrier Act, contains no express requirement that carriers coming within its terms must be financially responsible as a condition to the holding of a certificate or permit. However, under the provisions of section 401 (f) of the act, the Board is empowered to impose on the exercise of the privileges granted by a certificate of public convenience and necessity such reasonable terms, conditions, and limitations as the public interest may require. While the term "public interest" must be read in the light of section 2 of the act, that section does not restrict the meaning of the term to the items specified therein, and accordingly the Board may take cognizance of other items affecting the public interest in general. As hereinbefore set forth the Board is of the opinion that this public interest requires the imposition of a provision that all air carriers meet the minimum standards of financial responsibility hereinafter set forth.

In addition, the Board finds that the imposition of such standards will promote the public interest, as set forth in section 2 of the act, in that at least one person or organization of established responsibility will have a substantial financial interest in the safe conduct of every air carrier operation, thereby tending to assure the highest degree of safety in air transportation.

A third reason the Board considers requirements for financial responsibility to be in the public interest is the avoidance of the burdens on air transportation which differing and multiple state requirements of this nature would impose. The Board has already been advised by authorities in at least one state that if it takes no action on the financial responsibility of air carriers, the states would be forced to take independent action to protect their citizens.

Because of the foregoing considerations and on each of the above grounds separately, the Board finds that the imposition, at the present time, of the attached financial responsibility requirements is required by, and is necessary in, the public interest.

In the light of the foregoing findings, the Board considers that it has unquestionable authority to impose financial responsibility requirements as a term, condition or limitation of a certificate of public convenience and necessity under the provisions of section 401 (f) of the act, and similarly considers that it would have the power to amend all existing certificates of public convenience and necessity so as to include such requirements as a term, condition or limitation thereof under the authority of section 401 (h). Having such power over certificates of public convenience and necessity the Board would also have power to impose similar requirements as conditions for exemptions from the requirements of section 401 of the act. Similar authority exists with respect to foreign air carriers under section 402 (f). If the Board were to attempt to impose financial responsibility requirements by directly applying the provisions of sections 401 (f), 401 (h), 402 (f) or 402 (g), it would be necessary to hold hearings with respect to the individual operating authority of each air carrier and foreign air carrier concerned since each of those sections specifies that action can be taken thereunder only after notice and hearing. Similar action would be required for any change in the financial responsibility requirements, no matter how minor.

Under section 416 (a) of the act the Board is given power to establish "just and reasonable classifications or groups of air carriers * * *; and such just and reasonable rules, and regulations, pursuant to and consistent with the provisions of this title, to be observed by each such class or group as the Board finds necessary in the public interest." It has been contended that this provision gives the Board no power to impose requirements by regulation except as provided in the other sections of Title IV, and that where certain provisions of the title require notice and hearing, such procedures must be observed before the regulation can issue.

Such a construction would make that part of section 416 (a) which relates to regulations entirely redundant, for under section 205 (a) of the act the Board is given the general power "* * * to issue and amend such general or special rules, regulations, and procedure, pursuant to and consistent with the provisions of this act, as it shall deem necessary to carry out such provisions and to exercise and perform its powers and duties under this act." This provision alone obviously gives the Board full power to do everything which the proponents of the above-stated limited construction would permit the Board under section 416 (a). The Board believes that section 416 (a) has a wider significance than merely to reiterate the provisions of section 205 (a). It believes that where a proper classification of air carriers can be made, it may apply by general regulation to such class of air carriers the substantive requirements it could apply to individual carriers by a term, condition, or limitation in a certificate, provided that the regulation is reasonably related to the purposes of the classification. Such a construction is fully consistent with the basic protection afforded certificate holders under the act, since if there is any significant fact which makes the application of the rule unjust or inequitable as to any particular carrier, his remedy lies in challenging the propriety of the classification, or of his inclusion therein and as to such issues, he is entitled to a full adjudicatory hearing. The narrower construction of section 416 (a), referred to above, would tend to impede and thwart the public interest by requiring the application of full adjudi-

catory procedures, with attendant delays and expense to both carriers and government, where the only issue is one of policy which is uniform throughout the class of carriers concerned.

With the foregoing considerations in mind, the Board construes section 416 (a) of the act as giving it power to enact this regulation.

Substantively, the measure adopted hereby differs greatly from the one which was proposed in the original notice of proposed rule making. Modifications made have been to make the requirements more flexible and less burdensome on air carriers and foreign air carriers. Attention is particularly directed to the treatment of air carriers operating aircraft under 12,500 pounds. In the case of these operators, which numerically are far in excess of the operators of the larger equipment, the Board believes it would be unduly burdensome to require the filing with the Board of insurance certificates or other proof of financial responsibility, in the absence of concrete indication that such an operator is irresponsible. Because the weight of the aircraft they operate places them in a class comparable to operators of vehicles on the surface, the Board considers that regulations similar in nature to the financial responsibility laws in effect in certain states would be more appropriate to their case. Thus the Board is imposing no requirement of proof of financial responsibility on the part of any operator of aircraft under 12,500 pounds unless, after having become involved in an accident, such operator is not able to file an assurance with the Board that a final judgment against him will be met up to $25,000 per passenger and $100,000 for third party property and personal injury damage.

PART 271—FINANCIAL RESPONSIBILITY REQUIREMENTS FOR AIR CARRIERS AND FOREIGN AIR CARRIERS

§ 271.0 *Applicability of part.* This part shall apply to all air carriers and foreign air carriers which hold currently effective authority to provide services in air transportation, with the exception of air freight forwarders and international air freight forwarders as defined in Part 296 and Part 297 of this chapter, respectively.

§ 271.1 *Definitions.* As used in this part, terms shall be defined as follows:

(a) "Act" means the Civil Aeronautics Act of 1938, as amended.

(b) "Air transportation" means air transportation as defined in the act.

(c) "Insurer or Insurance Company" means any individual, copartnership, syndicate, corporation, association, or group, authorized to conduct an insurance business.

(d) "Maximum certificated take-off weight" means the maximum take-off weight authorized by the terms of the aircraft airworthiness certificate.

§ 271.2 *Requirements as to financial responsibility.* Air carriers shall not engage in air transportation and foreign air carriers shall not engage in air transportation within the United States unless, at all times while they are so engaged, the requirements of this part as to financial responsibility in respect of passenger liability, public liability for bodily injury and public liability for property damage, have been met in conformity with the requirements herein applicable.

§ 271.3 *Evidence of financial responsibility.* An air carrier shall not engage in air transportation with an aircraft of 12,500 pounds or more maximum certificated take-off weight unless there is on file with the Board either:

(a) A currently effective certificate or certificates of insurance in the form prescribed in § 271.4 approved by the Board covering all insurance required to be carried by this part and executed by a qualified insurance company.

Form CAB -------
To be sent to Secretary, Civil Aeronautics Board, Washington, D. C.
Received and approved:
Date ----------

Air Carrier Certificate of Insurance Required Under Part 271 of CAB Economic Regulations filed with—

CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

(Executed in triplicate)

File Number ------

To CIVIL AERONAUTICS BOARD,
Washington, D. C.

This is to certify, that the ----------
(Name of qualified insurance company)
(hereinafter called company) of ----------
(Home office address of company)
has issued to ----------
(Name of air carrier)
of ----------
(Address of air carrier's principal place of business)
the policy of Air Carrier ----------
(Insert appropriate descriptive term, i. e., Passenger Liability, Public Bodily Injury Liability or Public Property Damage Liability)

---------- Insurance herein described which, by attachment of endorsement, form number CAB -------- approved by the Civil Aeronautics Board, has been amended to provide the terms and amounts of coverage required with respect to the operation, maintenance or use of aircraft to provide services in air transportation. The liability of the Company under the policy, as amended by endorsement, extends to all losses, damages, injuries, or deaths, of the nature described in the policy and any and all endorsements thereof, whether occurring on the routes or in the territory authorized to be served by the insured or elsewhere, except as follows: (Here enumerate any exclusions desired which are permitted by § 271.5).

The endorsement made in the form prescribed by the Board (form CAB --------) may not be cancelled except after thirty (30) days' notice in writing to the Secretary of the Civil Aeronautics Board at its office in Washington, D. C., said thirty days' notice to commence to run from the date notice is actually received at the Board's Washington office.

Policy No. ---- Effective from ----------
(12:01 a. m., standard time at address of insured as provided in the policy)
to ----------
Countersigned at -------- this ----------
day of --------, 19-----

Authorized company representative (official)

(b) A currently effective surety bond approved by the Board, conditioned to pay within the amount of such surety bond, any final judgment recovered against the assured in the same manner as specified for insurance policies under § 271.9.

(c) Proof of continuing ability of the carrier to act as a self insurer in respect of the liabilities referred to in § 271.9 which the Board has accepted as satisfactory.

(d) A combination of any of the foregoing.

§ 271.4 *Form of insurance certificate.* Insurance certificates shall be prepared on white paper of good, durable quality, 8½ by 11 inches in size. The form of the certificate shall be as follows:

§ 271.5 *Exclusionary clauses.* The following exclusion clauses but no others may be inserted in the policy:

(a) Any loss against which the named insured has other valid and collectible insurance;

(b) Any loss arising from the ownership, maintenance or use of any type of aircraft not declared to the insurance company;

(c) Liability assumed by the insured under any contract or agreement;

(d) Bodily injury, sickness, disease, mental anguish or death of any employee of the insured while engaged in the duties of his employment or any obligation for which the insured or any company as his insurer may be held liable under the Workmen's Compensation or occupational disease law;

(e) Damage to or destruction of property owned, rented, occupied or used by, or in the care, custody or control of the insured or carried in or on any aircraft with respect to which aircraft insurance is afforded by the policy;

(f) In respect to any aircraft while being operated, except while not in flight, by other than a pilot who has qualified for at least a commercial pilot's certificate;

(g) To any insured (if insured is a corporation or partnership then by or at the direction of an executive officer or partner other than one who is acting as pilot of the aircraft) who permits the operation of the aircraft in closed course racing, crop dusting, spraying, seeding, hunting, bird or fowl hunting;

(h) In respect to personal injury, or damage to or destruction of property (other than property in the care, custody or control of the insured), or other loss, if arising out of a happening elsewhere than in the continental United States and if caused or contributed to by the following risks: Hostile or warlike action, including action in hindering, combating, or defending against an actual, impending or expected attack by any government or sovereign power, de jure or de facto, or by any authority maintaining or using military, naval, or air forces, or by military, naval, or air forces, or by an agent of such government, power, authority, or forces; the discharge, explosion, existence or use of any weapon of war employing atomic fission or atomic fusion or radioactive materials; insurrection, rebellion, revolution, civil war or usurped power, including any action in hindering, combating, or defending against such occurrence; or confiscation by order of any government or public authority;

(i) In the case of policies covering public bodily injury liability or public property damage liability, or both, name as geographical exceptions only areas outside of the "United States," as defined in the act ("the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying air space thereof") and those areas within the "United States" in which the operations of the Insured are covered by other insurance meeting the requirements of the rules and regulations of the Civil Aeronautics Board;

(j) In the case of policies covering passenger liability, name as geographical exceptions only those areas of the world in which air transportation operations of the Insured are covered by other insurance meeting the requirements of the rules and regulations of the Civil Aeronautics Board;

(k) In the case of policies covering a combination of passenger liability and one or both of the other forms of liability required by this part of CAB Economic Regulations to be covered, name geographical exceptions separately for passenger liability and the other form or forms of liability in line with the above instructions.

§ 271.6 *Filing of certificate of insurance.* All certificates of insurance shall be filed, in triplicate, with the Secretary of the Board at its Washington, D. C., office. Upon receipt and approval by the Board, one copy will be stamped "received and approved" and returned to the home office of the insuring Company.

§ 271.7 *Approvals of insurance certificate and revocation thereof.* The Board may, at any time, refuse approval, or revoke its approval, of an insurance certificate filed under this part if in its judgment the certificate is not in compliance with the provisions of this part or the insuring Company is not or has ceased to be a qualified insurance Company within the meaning of § 271.11.

§ 271.8 *Endorsement required to be part of each insurance policy.* An endorsement (on paper of such size, color and weight of paper as the insuring company may desire) containing the precise title, arrangement, form number and language as that prescribed in § 271.9, shall be attached to and made part of each insurance policy required under this part and shall be countersigned by an authorized representative of the insuring Company.

§ 271.9 *Form of endorsement.* The form of the endorsement shall be as follows:

Form CAB ------

ENDORSEMENT FOR AIR CARRIER POLICIES OF INSURANCE REQUIRED UNDER PART 271 OF CAB ECONOMIC REGULATIONS

The policy to which this endorsement is attached is an Air Carrier----------
---

(Insert appropriate descriptive term, i. e., Passenger Liability, Public Bodily Injury Liability or Public Property Damage Liability)

Policy and is hereby amended to assure compliance by the insured with the regulations of the Civil Aeronautics Board governing insurance by air carriers in effect as of the date of this endorsement.

In consideration of the premium stated in the policy to which this endorsement is attached, the ----------
---
(Name of qualified insurance company)
(hereinafter referred to as the Company) hereby agrees to pay, within the limits of liability hereinafter provided, any final judgment recovered against the insured for ----------
(See footnote 1)
---
resulting either from negligence in the operation, maintenance, or use of aircraft in air transportation or from such occurrences, acts or omissions in the course of operation, maintenance, or use of aircraft in air transportation as constitute a lawful basis for the judgment under applicable Federal, State, Territorial, or local statutes or laws. The Company further agrees that, in any instance in which a person has a cause of action against the insured which would, but for death of the insured and the effect of this upon the cause of action under applicable law, entitle him to recovery of a judgment against the insured of the kind above described, it will pay the provable damages up to the limits of liability hereinafter provided. It is further understood and agreed that, in the event that a final judgment has been recovered against the insured and such judgment has remained unpaid by or on behalf of the insured for a period of more than 30 days, the Company's obligations under this paragraph shall run directly to such judgment creditor or to a person in the situation outlined above and that, upon failure of the Company upon proper demand to discharge such obligation, such judgment creditor or such person may maintain an action in any court of competent jurisdiction against the Company to compel such payment.

The liability of the Company extends to the bodily injuries and deaths and losses and damages described above whether occurring on the route or in the territory which the insured is authorized by the Civil Aeronautics Board to serve or elsewhere, except as follows: (Here set forth, as desired, any one or more of the exclusionary clauses mentioned in § 271.5.)

Within the limits of liability hereinafter provided it is further understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, or any other endorsement thereon or violation thereof, or of this endorsement, by the insured, shall relieve the Company from liability hereunder or from the payment of any such final judgment, irrespective of the financial responsibility or lack thereof or insolvency or bankruptcy of the insured.

The limits of the Company's liability for the amounts provided in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the Company in connection with any other accident.

In all cases where liability of the insured is limited under provisions of applicable international treaties, conventions or agreements or under provisions of applicable Federal, State, Territorial, or local statutes or laws, the liability of the Company shall likewise be so limited. However, in all other cases, the provisions of this endorsement shall in no way affect liability of the Company for amounts in excess of those specified in the following schedule of minimum coverages:

SCHEDULE OF MINIMUM COVERAGES

	Type of aircraft	
	12,500 pounds or under [1]	Over 12,500 pounds [1]
Passenger liability:		
Per person	$25,000	$25,000
Per accident	[2] 25,000	[2] 25,000
Public bodily injury liability:		
Per person	25,000	25,000
Per accident	100,000	250,000
Property damage: Per accident	100,000	250,000

[1] Maximum certificated take-off weight.
[2] Multiplied by a full number not less than 75 percent of the total number of passenger seats in the aircraft.

This endorsement may not be cancelled except after thirty (30) days' notice in writing to the Secretary of the Board at its office in Washington, D. C., said thirty days' notice to commence to run from the date notice is actually received at the Board's Washington Office.

Attached to and forming part of policy No. ---- issued by ----------
(herein called Company) of ----------
---------- to ----------
of ----------
Dated at ---------- this ------- day of ----------, 19-----.
Countersigned by ----------
(Authorized company representative)

§ 271.10 *Qualified insurance company; standards to be met.* (a) To be a qualified insurance company for purposes of this part, an insurance company shall meet the following standards:

(1) It shall be legally authorized to issue a policy of the kind, and in the form and minimum amounts, required by this part effective in each jurisdiction in which the insured is authorized to provide services in air transportation: *Provided*, That where two or more insurance companies issue a policy or policies, individually or as a group, to provide the insurance required by this part, each shall be considered to meet the standard imposed by this subsection if each has the necessary authority to issue a policy

[2](a) In case of policies covering only passenger liability insert following language: "bodily injury to or death of a passenger."

(b) In case of policies covering only public bodily injury liability insert the following language: "bodily injury to or death of any person (excluding passengers transported by the insured)."

(c) In the case of policies covering only public property damage liability, insert the following language: "loss of or damage to property of others."

(d) In the case of policies covering all or some combination of the foregoing types of liability, insert the appropriate combination of the phrases set forth in (a), (b), and (c) above.

covering its share of the coverage and they are collectively authorized to provide the total coverage required by this part.

(2) It shall, upon due showing, have been found by the Board to have sound financial standing and clear ability and willingness to meet its obligations when due and to pay in currency of the United States any and all obligations to citizens of the United States likely to be incurred under policies it writes for the purposes of compliance with this part: *Provided*, That, in the absence of considerations to the contrary known to or coming to the attention of the Board, a company shall be deemed to meet the standard imposed by this subsection if it is currently rated at least "B+" in Best's Insurance Reports.

§ 271.11 *Forms and procedures for filing notices of cancellation, notices of rescinders of cancellation or notices of reinstatement of insurance policies.* (a) All notices filed under this section shall be prepared on white paper of good, durable quality, 8½ x 11 inches in size, and shall be executed and filed, in triplicate, with the Secretary of the Board at its Washington, D. C. office. Upon receipt by the Board, one copy will be stamped "received on ----------"

(Date actually received)

and returned to the home office of the insuring company.

(b) All notices of cancellation of an insurance policy required under this part must be filed with and received by the Board at least thirty (30) days before the effective date of cancellation and must be in the form set forth below.

Form CAB ------ To be sent to Secretary, Civil Aeronautics Board, Washington, D. C. Received: Date ----------	Notice of Cancellation, Air Carrier, Aircraft Insurance, Provided for Under Part 271, of CAB Economic Regulations filed with— CIVIL AERONAUTICS BOARD WASHINGTON, D. C. (Executed in triplicate)	File Number ------ ----------

TO CIVIL AERONAUTICS BOARD,
Washington, D. C.

This is to advise that, under the terms of Policy No. ---------- issued to ----------
(Name of air carrier)
of ----------
(Address of air carrier's principal place of business)
by ----------
(Name of issuing company)
of ----------
(Home office address of issuing company)

said policy, including any and all endorsements or certificates attached thereto or issued in connection therewith, is hereby cancelled, effective as of the -------- day of --------, 19----, 12:01 a. m., standard time, at the address of the Insured as stated in said policy or as of the same time on the thirty-first day following actual receipt of this notice by the Civil Aeronautics Board, whichever shall be later.

§ 271.12 *Establishment of financial responsibility otherwise than by insurance.* Any air carrier desirous of satisfying the requirements of this Part otherwise than by furnishing the insurance certificate provided for in § 271.4 shall file a petition in triplicate with the Board setting forth the evidence and other supporting data showing that the air carrier possesses the financial responsibility required by this part. The Board will by order approve any such petition unless it finds that the plan proposed is inadequate to meet such requirements. Any such approval may be subsequently rescinded upon a finding by the Board that the plan no longer meets such requirement.

§ 271.13 *Financial responsibility requirements for air carriers operating aircraft of less than 12,500 pounds.* An air carrier operating aircraft of less than 12,500 pounds maximum certificated take-off weight may with respect to such aircraft, but need not, comply with the provisions of this part relative to air carriers operating aircraft of 12,500 pounds or over. However, where an air carrier has not so complied and an aircraft operated by him becomes involved in an accident which may give rise to liability as covered by this part, such air carrier shall, within ten (10) days after such accident, either (1) post a bond with the Board or furnish the Board with other assurances satisfactory to it, that such liability will be met up to the limits specified in this part, or (2) file the insurance certificate provided for in § 271.4. Failure to comply with this requirement shall be grounds for immediate suspension by the Board of such carrier's operating authority.

§ 271.14 *Foreign air carriers.* Foreign air carriers may, but need not, comply with the provisions of this part applicable to air carriers operating aircraft of 12,500 pounds or over. In the event such compliance is not shown, the foreign air carrier shall submit to the Board for its approval a certificate from a financially responsible insurer showing that such foreign air carrier is covered by insurance in at least the amount specified in § 271.9 in respect of the risks required to be covered by § 271.2 within the United States. Such certificate shall also state that the exclusions in such insurance are no greater than those set forth in § 271.5 and that the insurer has designated an agent in the United States to accept service of process on behalf of such insurer in respect of risks covered by such insurance, together with the name and address of such agent. No insurer shall be deemed financially responsible hereunder who has failed, upon demand, to pay in United States currency a final judgment rendered in the United States against the insured, up to the limits specified in § 271.9, in favor of a person in respect of whom foreign air carriers are required to show financial responsibility under this part. Foreign air carriers desiring to show compliance with the requirements of this part otherwise than by the submission of an insurance certificate, or by a combination of insurance, self-insurance, surety bond, bank deposit, or government guarantee, may do so by complying with the procedures applicable to air carriers under § 271.12. The Board will approve any type of showing of financial responsibility by a foreign air carrier where it finds that there is no reasonable likelihood that liabilities of such foreign air carriers of the nature and in the amounts specified in this part, will not be met.

[F. R. Doc. 52-13500; Filed, Dec. 22, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53158]

BASKETS MANUFACTURED OF RATTAN

TARIFF CLASSIFICATION

Collectors of customs shall classify baskets manufactured of rattan under paragraph 411.

The United States Customs Court held in a decision published as Abstract 56881 that certain baskets manufactured of rattan, and measuring about 11 inches in length and 8 inches in width, with a hood effect at one end, were classifiable under the provision in paragraph 409 for "articles not specially provided for, wholly or partly manufactured of rattan," at the rate of 45 percent ad valorem. In so doing the court overruled the collector's classification of the merchandise as toys under paragraph 1513 at the rate of 70 percent ad valorem.

In T. D. 32171, the United States Court of Customs Appeals held baskets made of rattan to be classifiable under the provision in paragraph 214, Tariff Act of 1909, for baskets made of wood.

The baskets the subject of the decision in Abstract 56881 would therefore appear properly to be classifiable under the paragraph 411, Tariff Act of 1930, covering baskets wholly or in chief value of wood. Accordingly, the ruling in that decision shall be applied only to the merchandise which was the subject of that action, and merchandise of the kind in question covered by other importations shall be classified under paragraph 411.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: December 15, 1952.

JOHN S. GRAHAM,
Acting Secretary of Treasury.

[F. R. Doc. 52-13503; Filed, Dec. 22, 1952; 8:48 a. m.]

[Customs Delegation Order No. 1; T. D. 53161]

CERTAIN OFFICERS, HEADQUARTERS OFFICE, BUREAU OF CUSTOMS

DELEGATION OF AUTHORITY TO MAKE CERTAIN DECISIONS AND PERFORM CERTAIN FUNCTIONS, AND CONTINUING IN EFFECT CERTAIN DELEGATIONS OF AUTHORITY HERETOFORE MADE

DECEMBER 15, 1952.

Pursuant to Treasury Department Order No. 165, published as T. D. 53160, it is hereby ordered:

1. The following officers in the headquarters office of the Bureau of Customs in Washington are hereby designated to make the decisions or perform the functions respectively indicated, except that, if in the opinion of the designated officer concerned the decision or performance of a function in a particular case is of exceptional importance or involves some special factor requiring the attention of the Commissioner of Customs, the decision shall be made, or the function shall be performed, by the Commissioner of Customs:

(a) Chief, Division of Drawbacks, Penalties, and Quotas:

(1) Decisions as to the mitigation or remission of claims, fines, or penalties (including forfeitures) in amounts not exceeding $2,000 in the aggregate in any one case handled in his division.

(2) Decisions regarding the filing of general term bonds.

(3) Decisions on applications submitted pursuant to section 562, Tariff Act of 1930, as amended.

(4) Decisions as to the entry of articles under section 308, Tariff Act of 1930, as amended.

(5) Decisions relating to the establishment and operation of bonded warehouses.

(6) Decisions as to the approval of blanket smelting bonds, general term bonds for the entry of merchandise, and proprietors' warehouse (class 6) bonds.

(7) Decisions establishing, denying, or relating to drawback rates and decisions in collateral drawback matters.

(8) Decisions, other than those enumerated heretofore in this subdivision (a), in matters arising under provisions of law administered in the Division of Drawbacks, Penalties, and Quotas.

(b) Chief, Division of Classification, Entry, and Value:

(1) Decisions relating to the classification, entry, or valuation of merchandise.

(2) Decisions relating to powers of attorney.

(3) Decisions relating to shortages of merchandise in cases arising under section 499 or any other provision of the Tariff Act of 1930, as amended.

(4) Decisions relating to liens in cases arising under section 564, Tariff Act of 1930.

(5) Decisions regarding bills of lading, carriers' certificates, or rights in respect of merchandise, in cases arising under section 483 or 484 (c), (h), or (i), Tariff Act of 1930.

(6) Decisions regarding owners' declarations in cases arising under section 485 (d), Tariff Act of 1930.

(7) Decisions regarding authorizations for reliquidations under section 515 or 520 (c) (2), Tariff Act of 1930, as amended.

(8) Decisions relating to the assessment and collection of duties on equipment or repairs of vessels or aircraft under section 466, Tariff Act of 1930, and decisions regarding the remission or refund of such duties.

(9) Decisions, other than those enumerated heretofore in this subdivision (b), in matters arising under provisions of law administered in the Division of Classification, Entry, and Value.

(c) Chief, Division of Marine Administration:

(1) Decisions as to the mitigation or remission of fines and penalties (including forfeitures) in amounts not exceeding $2,000 in the aggregate in any one case handled in his division.

(2) Decisions with respect to the registry (including provisional registry), enrollment, and licensing of vessels, including matters relating to builders' certificates, awards of official numbers, approval of home ports, assignment of signal letters, the preparation of all reports and publications in connection therewith, and endorsement of names of masters.

(3) Decisions with respect to the recording of instruments of legal or equitable title and of notices of claim of lien relating to vessels.

(4) Decisions with respect to the registration of rockets, lights, or other similar code signals, house flags, and funnel marks.

(5) Decisions with respect to certificates of protection, certificates of record, yacht commissions, and cruising licenses.

(6) Decisions with respect to the admeasurement of vessels.

(7) Decisions with respect to tonnage taxes (regular, special, and discriminatory), and light money.

(8) Decisions with respect to the collection of tolls.

(9) Decisions with respect to the entry and clearance of vessels and permits for them to proceed coastwise.

(10) Decisions with respect to the regulation of vessels in the coasting and fishing trades.

(11) Decisions with respect to the limitation of the use of foreign vessels in waters under the jurisdiction of the United States.

(12) Decisions with respect to salvage operations by vessels within the territorial waters of the United States.

(13) Decisions with respect to the protection of steerage passengers.

(14) Decisions with respect to publication of "Navigation Laws of the United States."

(15) Decisions, other than those enumerated heretofore in this subdivision (c), in matters arising under provisions of law administered in the Division of Marine Administration.

2. T. D.'s 52209, 52330, 52331, and 52394 (14 F. R. 2244, 6533, 6534, 15 F. R. 589) are hereby superseded.

3. Except as specified in paragraph 2, above, all delegations of authority to customs officers and employees, whether in the headquarters office of the Bureau of Customs in Washington or in the field, heretofore made in the Customs Regulations of 1943 or any other regulation, order, or instruction, are continued in effect, and all functions which immediately prior to the effective date of Reorganization Plan No. 26 of 1950 (15 F. R. 4935) were vested by law in customs officers other than the Commissioner of Customs (which have been performed by such officers since that time under Treasury Order No. 120, dated July 31, 1950 (15 F. R. 6521)), shall continue to be performed by such officers unless and until otherwise prescribed.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-13501; Filed, Dec. 22, 1952; 8:47 a. m.]

Office of the Secretary

[Treasury Department Order No. 165; T. D. 53160]

COMMISSIONER OF CUSTOMS, BUREAU OF CUSTOMS

DELEGATION OF GENERAL AUTHORITY OVER FUNCTIONS OF ALL OFFICERS, EMPLOYEES, AND AGENCIES

DECEMBER 15, 1952.

By virtue of the authority vested in me by section 3 of the act of March 3, 1927 (5 U. S. C. 281b), and Reorganization Plan No. 26 of 1950 (15 F. R. 4935), it is hereby ordered:

1. There are hereby transferred to the Commissioner of Customs the functions of all officers, employees, and agencies of the Bureau of Customs and, subject to the exceptions hereinafter specified, all the rights, privileges, powers, and duties vested in the Secretary of the Treasury by the Tariff Act of 1930, as amended, by the navigation laws administered by the Bureau of Customs, or by any other law to the extent that it is administered by the Bureau of Customs.

(a) Regulations shall be prescribed by the Commissioner of Customs, with the approval of the Secretary of the Treasury, except that regulations and instructions, not inconsistent with the general rules and regulations of the Treasury Department, which are effective only against persons in their capacity as officers, agents, or employees of the Customs Service, and which do not prescribe procedures which the public should know or follow in dealing with the Customs Service, may be prescribed by the Commissioner of Customs with-

out the approval of the Secretary of the Treasury.

(b) Requirements of regulations which may be waived in accordance with law may be waived by the Commissioner of Customs.

(c) Findings of dumping under section 201 (a), Antidumping Act, 1921, and the ascertainment, determination, or estimation, and declaration of bounties or grants under section 303, Tariff Act of 1930, shall be made by the Commissioner of Customs with the approval of the Secretary of the Treasury, except that, when the Commissioner, with the approval of the Secretary, has determined and declared a rule for calculating or estimating the net amount of any such bounty or grant, any customs officer authorized by the Commissioner of Customs may ascertain and determine, or estimate, the net amount of the bounty or grant paid or bestowed in respect of each particular lot of imported merchandise.

(d) Findings under section 307, Tariff Act of 1930, whether any class of goods, wares, articles, or merchandise is mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions, and findings whether such goods, wares, articles, or merchandise so mined, produced, or manufactured are mined, produced, or manufactured in such quantities in the United States as to meet the consumptive demands of the United States, shall be made by the Commissioner of Customs with the approval of the Secretary of the Treasury.

(e) Any authority which may be vested in the Secretary of the Treasury by a proclamation of the President made pursuant to section 318, Tariff Act of 1930, shall be exercised by the Secretary of the Treasury.

(f) Any order under section 511, Tariff Act of 1930, prohibiting the importation of merchandise or instructing a collector to withhold delivery of merchandise shall be made by the Commissioner of Customs with the approval of the Secretary of the Treasury.

(g) No claim, fine or penalty (including forfeiture) in excess of $20,000 shall be compromised, mitigated, or remitted without the approval of the Secretary of the Treasury.

(h) An award of compensation to an informer under section 619, Tariff Act of 1930, shall be made by the Commissioner of Customs only with the approval of the Secretary of the Treasury when claimed in connection with any decision which has been acted upon or approved by the Secretary of the Treasury.

(i) The authority conferred by the President upon the Secretary of the Treasury by Executive Order 10289 (16 F. R. 9499) with respect to the organization of the Customs Service and to laws administered by the Bureau of Customs shall be exercised by the Secretary of the Treasury.

2. All functions, rights, privileges, powers, and duties transferred by this order may be delegated by the Commissioner of Customs to subordinates in the Bureau of Customs in such manner as he shall from time to time direct.

3. This order supersedes T. D. 52121 and all other orders and instructions heretofore issued to the extent that such orders or instructions are inconsistent herewith.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13502; Filed, Dec. 22, 1952; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[E-Group 282]

ARIZONA

NOTICE OF FILING OF PLAT OF SURVEY

DECEMBER 15, 1952.

Notice is given that the plat of survey of the following described lands, accepted October 13, 1952, will be officially filed in the Land and Survey Office, Phoenix, Arizona, effective at 10:30 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 2 S., R. 19 W.,
All Secs. 4 to 9 inclusive,
All Secs. 16 to 21 inclusive,
All Secs. 29, 30 and 31.

The area described aggregates 9,516.79 acres.

Director's memorandum of June 6, 1950, stated that all Sections 6, 7, 18 and 19, T. 2 S., R. 19 W., have been subjected to high explosive impact, and are, therefore, restricted to surface use only.

No application for any of the lands involved may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

Available data indicates that the land is desert and mountainous in character.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Phoenix, Arizona.

THOS. F. BRITT,
Manager.

[F. R. Doc. 52-13493; Filed, Dec. 22, 1952; 8:46 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation No. 20]

ADMINISTRATOR OF GENERAL SERVICES

DELEGATION OF AUTHORITY TO PURCHASE AND SELL NONFERROUS CHRYSOTILE ASBESTOS PRODUCED IN ARIZONA

1. Pursuant to the authority vested in me as Defense Materials Procurement Administrator by Executive Order No. 10281 of August 28, 1951 (16 F. R. 8789), and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., and Pub. Laws 69, 96 and 429, 82d Cong.), and other applicable law, I hereby delegate to the Administrator of General Services the authority to:

(a) Purchase, for Government use and resale, nonferrous chrysotile asbestos produced in the State of Arizona, under the terms, conditions and policies set forth in regulations of even date herewith prescribed by the Administrator of General Services for the administration of the purchasing functions hereby delegated, and

(b) Sell the nonferrous chrysotile asbestos purchased pursuant to (a) above.

2. The authority herein delegated shall be exercised in accordance with the provisions of section 303 of the Defense Production Act, as amended, and in accordance with such policies as may be established by the Defense Materials Procurement Administrator.

3. The authority hereby delegated may be redelegated to officers and employees of the General Services Administration, with or without authority for further redelegation.

4. This delegation is effective as of October 1, 1952.

Dated: December 17, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-13545; Filed, Dec. 22, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1847]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF ORDER RECEIVING SUBMITTALS IN RESPONSE TO ORDER ACCOMPANYING OPINION

DECEMBER 17, 1952.

Notice is hereby given that on December 17, 1952, the Federal Power Commission issued its order entered December 16, 1952, in the above-entitled matter, receiving in evidence submittals by Gibson County Utility District of Tennessee in response to order accompanying Opinion No. 232, and amending said order (17 F. R. 7064).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13488; Filed, Dec. 22, 1952; 8:46 a. m.]

[Docket Nos. G-2037, G-2045]

PANHANDLE EASTERN PIPE LINE CO. AND PERMIAN OIL AND GAS CO.

NOTICE OF FINDINGS AND ORDERS

DECEMBER 17, 1952.

In the matters of Panhandle Eastern Pipe Line Company, Docket No. G-2037; the Permian Oil and Gas Company, Docket No. G-2045.

Notice is hereby given that on December 16, 1952, the Federal Power Commission issued its orders entered December 16, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13489; Filed, Dec. 22, 1952; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT FEDERAL GOVERNMENT BEFORE PUBLIC UTILITIES COMMISSION OF CALIFORNIA REGARDING GAS RATES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the Executive Agencies of the Federal Government in the matter of Application of Southern Counties Gas Company of California for Approval of Increased Gas Rates, before the Public Utilities Commission of the State of California, Application No. 33699, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of November 19, 1952.

Dated: December 19, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-13585; Filed, Dec. 22, 1952; 11:34 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2957]

NORTH PENN GAS CO.

NOTICE OF FILING OF AMENDMENT REGARDING PROPOSED PRIVATE SALE OF PROMISSORY NOTES

DECEMBER 17, 1952.

On November 14, 1952, the Commission issued its notice of filing (Holding Company Act Release No. 11586) regarding a requested exception from the provisions of Rule U-50 and the proposed issuance and private sale of $2,300,000 face amount of 4¼ percent 20-year promissory notes by North Penn Gas Company ("North Penn"), a registered holding company, an operating gas utility company, and a direct subsidiary of Pennsylvania Gas & Electric Corporation ("Penn Corp"), also a registered holding company. Said notice of filing contained a summary of the terms of the promissory notes as then proposed, and the circumstances relating to their issuance and sale.

Notice is hereby given that North Penn has filed an amendment to its application-declaration in the above-mentioned matter, setting forth certain proposed changes with respect to the aforesaid financing. The application-declaration, as amended, provides that the proposed notes shall bear interest at 4⅜ percent instead of 4¼ percent and are to be sold to five insurance companies, namely, Connecticut Mutual Life Insurance Company, Connecticut General Life Insurance Company, Lincoln National Life Insurance Company, and Massachusetts Mutual Life Insurance Company, each of which will purchase $500,000 face amount of the notes, and Home Life Insurance Company which will purchase $300,000 face amount thereof. Negotiations for the sale of the notes were conducted through Eastman, Dillon & Co. as agent for North Penn.

The terms and provisions of the promissory notes are to be set forth in a Loan Agreement between North Penn and the purchasers and will provide, among other things, for a 5 percent annual sinking fund and for minimum annual provisions for depreciation amounting to 3 percent of the company's gross property, the funds represented by depreciation charges to be expended within two years for new construction and any portion not so used to be applied to the retirement of funded debt. The Loan Agreement will further provide that North Penn will undertake by December 31, 1953, to complete negotiations for the purchase of additional natural gas under firm 20-year contracts with long line suppliers in sufficient amounts to equal the combined domestic and commercial loads of North Penn and of Crystal City Gas Company, it being provided that if such contracts have not been concluded by the date specified, the purchasers will have the right to require an adjustment of the sinking fund payments.

The proceeds from the proposed sale together with treasury cash will be used to redeem North Penn's 5 percent debentures due 1971 presently outstanding in the aggregate principal amount of $2,619,000.

Fees and expenses, including a fee of $16,100 to Eastman, Dillon & Co. as finder and negotiator for North Penn, and $7,000 legal fees, of which $5,000 is for counsel to the purchasers, are estimated by North Penn at $27,167.

The filing states that the Pennsylvania Public Utility Commission has jurisdiction over the proposed transactions but that no other State or Federal Commission has jurisdiction in the matter.

The filing requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than January 2, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the

Bureau of Customs in such manner as he shall from time to time direct.

subdivision (2) of this paragraph. All applications filed under this paragraph

1. Pursuant to the authority vested ... me as Defense Materials Procurement

No. 249——4

Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date the application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 and U-100.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13494; Filed, Dec. 22, 1952; 8:46 a. m.]

[File No. 812-815]

E. I. DU PONT DE NEMOURS AND CO.

NOTICE OF APPLICATION

DECEMBER 19, 1952.

Notice is hereby given that E. I. du Pont de Nemours and Company ("Applicant") of Wilmington, Delaware (an affiliated person of and presumptively controlled by Christiana Securities Company, a registered closed-end non-diversified management investment company, which is an affiliated person of and presumptively controlled by Delaware Realty and Investment Company, a registered closed-end non-diversified management investment company) has filed an application pursuant to section 17 (b) of the act for an order exempting from the provisions of section 17 (a) of the act a proposed transaction whereby applicant will surrender 99,990 common shares of Industries Quimicas Argentinas "Duperial," S. A., an Argentine corporation, to Duperial for redemption and cancellation in return for 661,039 shares of "Ducilo" S. A. Productora De Rayon, an Argentine corporation, and 4,000,000 Argentine pesos.

It appears from the application that applicant and Imperial Chemical Industries, Limited ("ICI"), incorporated under the laws of the United Kingdom, each own approximately 50 percent of the outstanding common shares of Duperial, and that 661,039 of the outstanding shares (72.25 percent) of Ducilo are owned by Duperial. It further appears that the transaction described above has been proposed pursuant to the final judgment in an action entitled "United States of America v. Imperial Chemical Industries, Limited, et al." (Civil Action 24-13), in the United States District Court for the Southern District of New York. Pursuant to said judgment, the joint interests of ICI and applicant in, and joint control of, Duperial and certain other jointly owned companies must be terminated.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after December 29, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than December 26, 1952, at 5:30 p. m., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13565; Filed, Dec. 22, 1952; 9:29 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 250

Washington, Wednesday, December 24, 1952

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 729—PEANUTS

COUNTY ACREAGE ALLOTMENTS FOR THE 1953 CROP; FLORIDA

Basis and purpose. Section 358 (e) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1358 (e)), provides that the Secretary of Agriculture may, if the State Production and Marketing Administration Committee recommends such action and the Secretary determines that such action will facilitate the effective administration of the provisions of the act, provide for the apportionment of the State acreage allotment among the counties in the State on the basis of the past acreage of peanuts harvested for nuts (excluding acreage in excess of farm allotments) in the county during the five years immediately preceding the year in which such apportionment is made, with such adjustments as are deemed necessary for abnormal conditions affecting acreage, for trends in acreage, and for additional allotments for types of peanuts in short supply under the provisions of section 358 (e) of the act. The State Production and Marketing Administration Committee for the State of Florida has recommended that the 1953 State peanut acreage allotment heretofore established (17 F. R. 10537) be apportioned among the peanut-producing counties in the State pursuant to the provisions of section 358 (e) of the act. It is hereby determined that apportionment of the 1953 Florida peanut acreage allotment among the counties in the State will facilitate the effective administration of the provisions of the act, and the purpose of this document is to announce such apportionment.

The recommendation of the Florida State Production and Marketing Administration Committee to apportion the 1953 State peanut acreage allotment among the counties was made after due consideration of such data, views, and recommendations as were received pursuant to public notice (17 F. R. 9563) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003), and the determinations made herein were made on the basis of the latest available statistics of the Federal Government. Peanut farmers in Florida are now making plans for the production of peanuts in 1953. In order that the State and county Production and Marketing Administration committees may establish farm acreage allotments and issue notices thereof to farm operators at the earliest possible date, it is essential that the county acreage allotments contained herein be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest, and the county acreage allotments contained herein shall be effective upon filing of the document with the Director, Division of the Federal Register.

Section 729.404 of the proclamation of 1953 county peanut acreage allotments, issued December 10, 1952 (17 F. R. 11302) is amended by adding the following:

FLORIDA

County:	*1953 county acreage allotment*
Alachua	1,808.0
Baker	2.0
Bay	101.0
Calhoun	1,921.0
Citrus	[1] 0
Columbia	805.0
Dixie	17.0
Escambia	40.0
Gadsden	930.0
Gilchrist	250.0
Hamilton	190.0
Holmes	3,750.0
Jackson	29,235.0
Jefferson	1,270.0
Lafayette	210.0
Leon	540.0
Levy	2,075.0
Liberty	8.0
Madison	285.0
Marion	2,225.0
Okaloosa	820.0
Pasco	[1] 0
Putnam	99.0
Santa Rosa	6,000.0
Suwannee	1,450.0
Taylor	9.0
Union	2.0
Wakulla	585.0
Walton	1,410.0
Washington	1,070.0
Total, Florida	57,107.0

[1] No eligible farms.

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(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 358, 65 Stat. 29; 7 U. S. C. 1358)

Issued at Washington, D. C., this 19th day of December 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–13561; Filed, Dec. 23, 1952; 8:53 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 812]

PART 812—SUGAR REQUIREMENTS AND QUOTAS HAWAII AND PUERTO RICO

CALENDAR YEAR 1953

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318; 7 U. S. C., Sup. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001), these regulations are hereby made, prescribed, and published to be in force and effect for the calendar year 1953 or until amended or superseded by regulations hereafter made during the calendar year 1953.

Basis and purpose. The determinations and the sugar quotas set forth below have been made and established pursuant to section 203 of the Sugar Act of 1948, as amended, (hereinafter called the "act"). The act requires that the Secretary of Agriculture make such determinations and establish such quotas for the calendar year 1953 during December 1952. The determinations of the sugar requirements have been based, insofar as required by section 201 of the act, on official statistics of the Department of Agriculture and statistics published by other agencies of the Federal Government. The purpose of such determinations is to provide the amounts of sugar needed to meet the requirements of consumers in the Territory of Hawaii and in Puerto Rico for the calendar year 1953. The determinations provide the basis for the establishment of sugar quotas for such year for local consumption therein pursuant to section 203 of the act.

Prior to the issuance of these regulations, notice was given (17 F. R. 9564) that the Secretary of Agriculture was preparing, among other things, to determine the sugar requirements and quotas for the calendar year 1953 for local consumption in Hawaii and in Puerto Rico and that any interested person might present any data, views or arguments with respect thereto in writing not later than November 26, 1952. Due consideration has been given to the data, views and arguments submitted, in accordance with the Administrative Procedure Act (60 Stat. 237).

Since the act requires that the Secretary of Agriculture determine sugar requirements and establish quotas for local consumption in Hawaii and in Puerto Rico for the calendar year 1953 during December 1952, it is not possible to comply with the 30-day effective date requirement of the Administrative Procedure Act. Accordingly, these regulations shall be effective when published in the FEDERAL REGISTER.

§ 812.7 *Sugar requirements and quotas*—(a) *Sugar requirements.* It is hereby determined, pursuant to section 203 of the act, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1953 is 45,000 short tons of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1953 is 110,000 short tons, raw value.

(b) *Local consumption quotas.* There are hereby established, pursuant to section 203 of the act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1953 the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Hawaii	45,000
Puerto Rico	110,000

§ 812.8 *Restrictions on marketing.* For the calendar year 1953, all persons are hereby forbidden, pursuant to section 209 of the act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1953 has been filled.

Statement of bases and considerations. Pursuant to section 203 of the act, it has been determined that those provisions of section 201 of the act which shall apply to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the amounts of sugar distributed for local consumption in Hawaii and in Puerto Rico during the twelve-month period ending October 31, 1952, and (2) changes in consumption because of changes in population and demand conditions. The amounts of sugar distributed for consumption in Hawaii and Puerto Rico, including that which was lost in refining after charge to the local quota, during such twelve-month period were 36,000 short tons of sugar, raw value, and 107,000 short tons of sugar, raw value, respectively.

While no official estimates of population increases for either of these areas are available, it is believed that there will be increases in both areas comparable to those in previous years. In Hawaii, distribution of sugar for local consumption was reduced in the period cited above principally because of a drop in the pineapple pack. In the preceding twelve months the local distribution had totalled 42,000 short tons, raw value. In Puerto Rico, the 1952 local quota of 110,000 short tons, raw value, will result in more adequate "quota" stocks of refined sugar available for consumption in 1953, than were similarly available in 1952. The level of such stocks on December 31, 1952, still will be moderate.

Allowing for all changes in demand conditions, the quantities of 45,000 short tons for Hawaii and 110,000 short tons, raw value, for Puerto Rico should meet the requirements of larger populations.

(Sec. 403, 61 Stat. 932, 7 U. S. C. Sup., 1153. Interpret or apply secs. 201, 203, 209, 210, 61 Stat. 923, 925, 928; 7 U. S. C. Sup., 1111, 1113, 1119, 1120)

Done at Washington, D. C., this 19th day of December 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–13564; Filed, Dec. 23, 1952; 8:54 a. m.]

Subchapter H—Determination of Wage Rates

[Sugar Determination 866.5]

PART 866—SUGARCANE; HAWAII

WAGE RATES FOR CALENDAR YEAR 1953

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearings held in Honolulu, and in Hilo, Territory of Hawaii, on October 22 and 24-25, 1952, respectively, the following determination is hereby issued:

§ 866.5 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1953*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1953, if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm shall have been paid in full for production, cultivation, or harvesting work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and laborer.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined in this section through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the Director of the Hawaiian Area Office, Production and Marketing Administration, U. S. Department of Agriculture, Honolulu 13, T. H., against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed.

Detailed instructions and wage claim forms are available in the Area Office. Upon receipt of a wage claim, the Director of the Hawaiian Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer and, after making such investigation as he deems necessary, shall notify the producer and laborer in writing of his recommendation for settlement of the claim. If the recommendation of the Director of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. Such appeal shall be filed within 15 days after receipt of the recommended settlement from the Director of the Area Office; otherwise, such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the calendar year 1953, as one of the conditions for payment under the act.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, it is required under the act that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among the various sugar producing areas.

Public hearings were held in Honolulu and Hilo, Territory of Hawaii, on October 22 and 24–25, 1952, respectively, at which time interested persons presented testimony with respect to fair and reasonable wage rates for the calendar year 1953. In addition, investigations have been made of the conditions affecting such wage rates. In this determination, consideration has been given to testimony presented at the hearings and to information resulting from investigations. The primary factors which have been considered are: (1) Cost of living; (2) prices of sugar and by-products; (3) income from sugarcane; (4) cost of production; and (5) relationship of labor costs to total costs. Other economic influences also have been considered.

(c) *1953 wage determination.* The 1953 wage determination continues the provision of the 1952 wage determination which required the payment of wages at rates as agreed upon between the producer and the laborer.

At the public hearing, a representative of 27 sugarcane plantation companies recommended that the rates in the recent agreements between the plantation companies and the union be approved for 1953; that in the event individual plantation contracts are re-opened during 1953, the wage adjustment mutually agreed to between the company and the union be considered fair and reasonable; and that in the event, industry-wide reopening of collective agreements should result in a temporary absence of agreement between the parties, a minimum wage of 75 cents per hour be approved. A representative of the remaining plantation company, which does not have an agreement with a labor union, recommended that it be permitted to pay either a minimum rate of 93 cents per hour plus free perquisites to workers or the full cash wage rate in effect on the majority of plantations with no perquisites. A representative of the workers' union testified at the hearing but offered no specific recommendation with respect to this determination.

Consideration has been given to recommendations made by interested parties, to the collective agreements negotiated by plantation companies and the union, to data which reflect the returns, costs and profits of sugarcane producers, to the cost of living of workers and to other factors customarily considered in wage determinations. The level of wages indicated by the standards customarily considered does not exceed the level of wages in the collective bargaining agreements negotiated between representatives of producers and workers. Since the act requires that workers shall be paid "in full" for work performed, payment of "agreed upon" wage rates is required to meet this provision of the act.

The collective agreements establish a minimum wage of $1.02 per hour effective during most of 1953 on the majority of plantations, somewhat higher minimums at three plantations, and a somewhat lower wage scale for four plantations which includes, however, a wage-price escalator provision. The variation in minimum wage rates at the seven plantations was developed through collective bargaining and recognizes in a general way the economic status of those plantations. Wage rates provided in the collective agreements are sufficient to compensate for increases in the living costs of sugarcane workers which have occurred since mid-1950 and also provide for further improvement in the standard of living.

Collective agreements do not cover a small percentage of workers who are hired by independent growers or adherent planters for seasonal work on their small farming units or plots of land. However, agreements covering the majority of workers influence the general wage level and thereby provide wage protection to this minority of workers. It is recognized that the wage rates of the current collective bargaining agreements may be altered by agreement between the parties during the period for which this determination is effective. However, it is expected that any revision of wage rates will conform to significant economic changes. For this reason it also is deemed unnecessary to provide a specific minimum wage rate to be effective during any period when the wage provisions of the agreements would be suspended. The recommendation of one plantation which is not covered by a collective agreement is deemed to be met by the requirements of this determination which would permit the payment of wage rates as agreed upon either inclusive or exclusive of perquisites.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 929; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 19th day of December 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13563; Filed, Dec. 23, 1952; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 21]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

OXYGEN BREATHING EQUIPMENT; UNITS AND SYSTEMS

This supplement establishes policies of the Civil Aeronautics Administration regarding the installation and operation of oxygen units and systems used for either supplemental or protective breathing purposes submitted for approval after the effective date of this supplement.

The following policies are adopted:

§ 4b.651–3 *Supplemental breathing equipment (CAA policies which apply to § 4b.651)*—(a) *Oxygen systems.* (1) Either a continuous flow type system which uses a rebreather type mask or a diluter-demand type system with the lever of the diluter-demand regulator set in the "NORMAL" (Automix "ON") position will satisfactorily provide the supplemental oxygen required for protection against anoxia. The continuous flow system may be of the type which controls the oxygen flow by means of a hand adjustment type regulator, or an automatic type regulator.

(2) A diluter-demand type system with the lever of the diluter-demand regulator set in the "100% OXYGEN" (Automix "OFF") position or a straight demand type system which uses a non-diluter-demand regulator may be used for supplementary breathing purposes as protection against anoxia. However, such use is not recommended due to the lack of oxygen economy of these systems when used to supply supplementary oxygen. As mentioned in § 4b.651–2, either of these closed demand systems is satisfactory for protection against toxic gases.

(b) *Operating instructions.* Operating instructions appropriate to the type of system and masks installed should be provided for the flight crew and other crew members concerned. These instructions should include a graph or a table which will show the duration of the oxygen supply for the various bottle pressures and pressure altitudes.

§ 4b.651–4 *Design considerations for fixed systems (CAA policies which apply to § 4b.651)*—(a) *Location of outlets and equipment for crew members.* Protective breathing equipment should be immediately available for use. It is also desirable that supplementary breathing equipment be available for immediate use; however, the supplemental masks may be stowed in any location in the airplane provided operational procedures require that supplemental masks are at each crew member location when needed. The oxygen outlet should be within reach; the oxygen mask should be stored in such a way that there will be a minimum delay in removing it and putting it into use. Provisions for keeping the masks sanitary and clean are desirable, but cumbersome wrapping or packaging of the mask which involve unnecessary effort and time to open should be avoided. The location of the oxygen outlet for a crew member and the length of tubing connecting the mask of the crew member and his oxygen outlet should be such that the visibility and the movement required of the crew member in the performance of his duties are not impaired or restricted in any way. It should not be necessary for the crew member to loosen or unfasten his seat belt in order for him to obtain his oxygen equipment and to put the system into use.

(b) *Location of outlets for passengers.* The operating regulations require that oxygen be furnished for certain percentages of the passengers at cabin pressure altitudes below 15,000 feet. The number of oxygen outlets need only be sufficient to administer oxygen to the percentage of passengers indicated by the operating rules; however, it is desirable in fixed systems to provide an outlet for each seat to enable a crew member to readily administer oxygen to any passenger requiring it. If this is not accomplished, it is recommended that provision be made by means of portable equipment, extension tubing, or otherwise, to reduce the probability of having to move any passenger who may require the administration of oxygen. At cabin pressure altitudes above 15,000 feet the operating regulations require that oxygen be furnished to all of the passengers, in which case an outlet should be provided for each seat. (See also § 4b.651–5 concerning portable walk-around units.)

(c) *Line supports.* In a fixed installation, the oxygen lines should be supported to prevent excessive vibration and should be kept clear of the airplane structure or any other lines as a protection against chafing. Supports approximately every 24 inches along the length of the line should be adequate.

(d) *Shut-off valves.* System shut-off valves should be accessible in flight and should be installed as close as practicable to the cylinders in order to minimize the possibility of oxygen escape due to leakage or damage of lines between cylinders and valves.

(e) *Cylinder supports.* The supporting brackets for all cylinders should be capable of withstanding the inertia forces stipulated under the emergency landing conditions. (See § 4b.260.)

§ 4b.651–5 *Portable walk-around oxygen units (CAA policies which apply to § 4b.651).* (a) Portable walk-around oxygen units of the continuous flow, diluter-demand and straight demand types may be used to satisfy part or all of crew or passenger breathing requirements.

(b) Each portable oxygen unit should be considered as a complete oxygen system and any regulations or pertinent interpretative material relative to oxygen systems should also be applicable to each portable unit.

(c) The supporting brackets for portable oxygen units should be capable of withstanding the inertia forces stipulated under the emergency landing conditions. (See § 4b.260.)

§ 4b.651–6 *Oxygen pressure gage (CAA policies which apply to § 4b.651 (a)).* At least one pressure gage, which can be observed by a flight crew member during flight, should be installed to indicate the pressure in each source of oxygen supply.

§ 4b.651–7 *Supply required for continuous flow supplementary breathing systems (CAA policies which apply to § 4b.651 (b)).* (a) (1) In computing the supply of oxygen required for a continuous flow system, the formula presented in the following paragraph may be used.

$$S = S_1 + S_2 + \cdots S_n$$

Where:

S = Total supply of oxygen required in cubic feet. S_1, S_2, $\cdots S_n$ = the supply of O_2 needed for each of the various cabin pressure altitudes which will be maintained during the flight.

(2) Each of the above supplies, namely, S_1, S_2, $\cdots S_n$, may be computed as follows:

$$S = N \times F \times T \times 2.12.$$

S = supply of oxygen required in cubic feet.
N = number of oxygen users.
F = the actual flow in LPM (STPD) delivered to each oxygen mask at the cabin altitude under consideration. (See § 4b.651–7 (b).)
T = time in hours at the cabin altitude under consideration.
2.12 = multiplying factor for converting the oxygen mass flow from liters per minute to cubic feet per hours.

NOTE: In computing the supply of oxygen for a given installation, those operating rules of the Civil Air Regulations which specify the amount of oxygen to be carried for operating at various altitudes should be considered.

(b) (1) The intent of § 4b.651 (b) is to insure that for each oxygen user, a partial pressure of 149 mm H_g of oxygen is maintained in the inspired air at a breathing rate of 15 lpm BTPD, at altitudes up to 25,000 feet. The rates of flow specified in Figure 4b–21 satisfy the intent of § 4b.651 (b) and constitute the values for "*F*" in the supply equation when there is no loss of bottle oxygen from the system (including the mask) when a 15 lpm BTPD breathing rate is maintained.

(2) The oxygen mask, since it constitutes part of the system, will influence the value of "*F*". Continuous flow masks with rebreather bags which are currently standard types for aviation usage are satisfactory with the flow rates indicated by Figure 4b–21. Where a receptacle or mask design differs from these, the manufacturer should be requested to supply information concerning the flow rates necessary to maintain the 149 mm H_g partial pressure at a 15 lpm BTPD breathing rate. If the actual mass flow is greater than the minimum required, then the higher flow rate should be used as the value for "*F*".

(3) It is possible that certain automatic continuous flow regulators will furnish oxygen flows in excess of the minimum required; in this case, the actual flow rates should be used as the values for "*F*".

NOTE: (1) BTPD signifies gas at 37° C. (body temperature), ambient pressure, dry. (2) STPD signifies gas at 0° C., 760 mm H_g, dry.

§ 4b.651–8 *Supply required for diluter-demand system (CAA policies which apply to § 4b.651).* (1) Tests conducted by the Armed Forces on currently available diluter-demand regulators indicate that they deliver more oxygen than is required by Fig. 4b–21. Consequently, in computing the supply required for a diluter-demand system, the flow characteristics at various altitudes should be obtained from the manufacturer of the regulator. Where this information is not available, the values listed in the following table may be used for Air Force-Navy approved diluter-demand regulators:

Altitude (in feet):	Flow per person in LPM (STPD)[1]
8,000	1.90
10,000	1.90
15,000	2.10
20,000	2.50
25,000	4.10

[1] Based on 15 LPM, BTPD respiratory minute volume.

(2) The formula outlined in § 4b.651–7 (a) may be used in computing the supply of oxygen for supplementary breathing purposes.

§ 4b.651–9 *Requirements for approval of oxygen systems (CAA policies which apply to § 4b.651 (b)).* Prior to the approval of an oxygen system, the system should be examined to determine that the flow of oxygen through each outlet is at least equal to the minimum required by § 4b.651 (b) at all altitudes for which the aircraft is certificated. This can be accomplished by one of the following methods or by any other satisfactory procedure:

(a) (1) In a continuous flow system when the calibration (inlet pressure vs. flow) of the orifices used at the plug-in outlets is known, the pressure in the low pressure distribution line can be measured at the point which is subject to the greatest pressure drop. This should be done with oxygen flowing from all outlets. The pressure thus measured should indicate a flow equal to or greater than the minimum flow required.

(2) In lieu of the above procedure, the flow of oxygen through the outlet which is subject to the greatest pressure drop may be measured. This should be accomplished with all other outlets open.

Gas meters, rotometers, or other suitable means may be used to measure flows.

(3) The measurement of oxygen flows in a continuous flow system which uses a manually adjusted regulator can be accomplished at sea level. However, in a continuous flow system which uses an automatic type regulator, it may be necessary to check the flows at the maximum altitude which will be encountered during the normal operation of the aircraft. The manufacturer of the particular continuous flow regulator being used should be able to furnish data on the operating characteristics of the regulator from which it can be determined whether flight tests are necessary.

(b) (1) The checking of the amount of oxygen flow through the various outlets in a diluter-demand or straight demand system is not necessary since the flow characteristics of the particular regulator being used may be obtained from the manufacturer of the regulator. However, in such systems the availability of oxygen to each regulator should be checked as follows:

(i) Turn the lever of the diluter-demand regulator to the "100% OXYGEN" position and inhale through the tube via the mask to determine whether the regulator valve and the flow indicator are operating. Deficient units should be replaced.

§ 4b.651–10 *Means for determining oxygen flow to crew members (CAA policies which apply to § 4b.651 (e))*—(a) *Supplementary breathing systems.* (1) Where continuous flow or diluter-demand systems are used for supplementary breathing purposes, each crew member as defined in paragraph (c) of this section should have an individual flow indicator for determining oxygen flow or the operator may establish a suitable procedure for determining oxygen flow and should include such procedures in the Airplane Flight Manual.

(2) If flow indicators are used, the indicator for any particular crew member should be located so as to be easily observed by him while he is at his crew station. Acceptable flow indicators are listed in § 4b.651–12.

(3) If a suitable procedure is to be used for determining oxygen flow in non-pressurized cabin aircraft, the procedure should include initial and periodic checking of the oxygen flow by each crew member by any acceptable method. Some of the acceptable methods are described under § 4b.651–11 (a) and (b). In pressurized cabin aircraft when supplementary oxygen is required immediately following cabin pressurization failure, positive means for determining flow under emergency conditions should be established which would not involve delay or activities which would interfere with a flight crew member's performance of his primary duties. Since utilizing one of the methods for determining oxygen flow permitted for supplementary breathing equipment described under § 4b.651–11 (a) and (b) involves some time delay a flight crew member could don his protective breathing equipment following a pressurization failure because with such equipment oxygen flow is immediately apparent. As soon as some degree of control of the emergency has been established and sufficient time is available to determine oxygen flow by one of the methods mentioned above, he could change over to his supplementary breathing equipment.

(b) *Protective breathing systems.* No flow indicators are required in protective breathing systems since with these systems the lack of oxygen flow would be immediately evidenced by the oxygen user's inability to inhale while wearing mask.

(c) *Crew members involved.* The crew members affected by this section include flight crew members and any other individual assigned by an air carrier for the performance of duty on the aircraft during flight.

§ 4b.651–11 *Means for determining oxygen flow to passengers (CAA policies which apply to § 4b.651 (c)).* Each passenger may be supplied with an individual flow indicator of a type specified in § 4b.651–12 or the operator involved may establish a suitable procedure for checking the oxygen flow to each oxygen user. Procedures which utilize the following means for checking oxygen flow to such user will be satisfactory.

(a) In the case where a continuous flow system is used, the means may be the observing of the rebreather bag on each continuous flow mask by a trained crew member. If oxygen flow is occurring the rebreather bag will continue to expand when the oxygen user periodically refrains from exhaling when the bag is empty or partially empty, or in cases where high oxygen flows are occurring, the rebreather bag may not empty completely during normal inhalation. Any alternate method of checking oxygen flow may be used providing positive indication of flow is given. For example, prior to giving a mask to a passenger, the crew member may find it expedient to feel the flow of oxygen at the oxygen outlet in the mask or to constrict the tubing and listen to audible sounds characteristic of gas flow. If a listening test is employed to determine the flow of oxygen, it should be demonstrated in flight that the test is satisfactory.

(b) In the case where a diluter-demand system is used, the procedure may be checking of the oxygen flow by a trained crew member by momentarily moving the regulator lever to "AUTO-MIX OFF" (100% OXYGEN) while the mask is being worn. Lack of oxygen flow will be immediately evidenced by the user's inability to inhale while wearing his mask.

(c) The oxygen flow to each passenger should be checked when the passenger is first given oxygen and at subsequent intervals if the circumstances prevailing at the time indicate such a check is desirable.

(d) Any crew member assigned by an air carrier for the performance of duty on the aircraft during flight may check the oxygen flow to the passengers if trained to do so.

§ 4b.651–12 *Types of flow indicators (CAA policies which apply to § 4b.651 (e)).* A pith ball flow indicator, vane, or wheel anemometer, lateral pressure indicator which fluctuates with changes in flow or any other satisfactory flow indicator may be used in a continuous flow type system. An Air Force–Navy flow indicator or equivalent may be used in a diluter-demand type system. Each flow indicator should give positive indication when oxygen flow is occurring.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 603, 52 Stat. 1009, as amended; 49 U. S. C. 553)

These policies shall become effective January 31, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-13512; Filed, Dec. 23, 1952; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 23]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable.

Part 610 is amended as follows:

1. Section 610.102 *Amber civil airway No. 2* is amended by adding:

From—	To—	Minimum altitude
Crystal, Nev. (FM).....	Las Vegas, Nev. (LFR) (southwest-bound only).	7,000

2. Section 610.108 *Amber civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Santa Barbara, Calif. (LFR).	Int. SE crs. Salinas, Calif. (LFR), and NW crs. Santa Barbara, Calif. (LFR).	5,000
Int. SE crs. Salinas, Calif. (LFR), and NW crs. Santa Barbara, Calif. (LFR).	Salinas, Calif. (LFR).	5,000
Salinas, Calif. (LFR)..	Lightship (INT), Calif.	5,000

3. Section 610.607 *Blue civil airway No. 7* is amended to eliminate:

From—	To—	Minimum altitude
Paso Robles, Calif. (VAR).	Hollister (INT), Calif.	6,000

4. Section 610.639 *Blue civil airway No. 39* is amended to read in part:

From—	To—	Minimum altitude
Fayetteville, W. Va. (LFR/RBN).	Charleston, W. Va. (LFR).	5,000

5. Section 610.1003 *Direct routes; Southwest United States* is amended to eliminate:

From—	To—	Minimum altitude
Daggett, Calif. (LFR)..	Phoenix, Ariz. (LFR)	8,000
El Centro, Calif. (LFR	do	6,000
Needles, Calif. (LFR)..	Riverside, Calif. (LFR).[1]	14,000
Yuma, Ariz. (LFR)[2]...	Tucson, Ariz. (LFR)..	8,000
Prescott, Ariz. (LFR)..	Riverside, Calif. (LFR).[1]	14,000
Camarillo, Calif. (LFR	Oxnard (INT), Calif. (northwest-bound).	2,000
Oxnard (INT), Calif...	Ventura (INT), Calif. (northwest-bound).	2,000
Ventura (INT), Calif..	Santa Barbara, Calif. (VAR) (northwest-bound).	5,000
Santa Barbara, Calif. (VAR)	Ventura (INT), Calif. (southeast-bound).	2,000
Ventura (INT), Calif..	Oxnard (INT), Calif. (southeast-bound).	2,000
Oxnard (INT), Calif...	Camarillo, Calif. (LFR) (southeast-bound).	5,000
Newhall, Calif. (LFR).	Point Mugu (INT), Calif. (southwest-bound).	6,000
Point Mugu (INT), Calif.[4]	Newhall, Calif. (LFR) (northeast-bound).	9,000
Oakland, Calif. (LFR)	Modesto, Calif. (LFR).	5,000
Boulder City, Nev. (LFR).	Winslow, Ariz. (LFR)[5].	14,500
Needles, Calif. (LFR)..	Palm Springs (INT), Calif. (southwest-bound).	13,000
Palm Springs (INT), Calif.[6]	Prescott, Ariz. (LFR) (northeast-bound).	10,000
Prescott, Ariz. (LFR)..	Int. S crs. Needles, Calif. (LFR), with direct route between Palm Springs (INT), Calif., and Prescott, Ariz. (LFR), southwest-bound.	10,000
Int. S crs. Needles, Calif. (LFR), with direct route between Palm Springs (INT), Calif., and Prescott, Ariz. (LFR).	Palm Springs (INT), Calif. (southwest-bound).	13,000
Granite (INT), Calif...	Int. of a direct line between Granite (INT), Calif., and Phoenix, Ariz., and S crs. Needles, Calif. (LFR).	9,000
Int. of a direct line between Granite (INT), Calif., and Phoenix, Ariz., and S crs. Needles, Calif. (LFR).	Phoenix, Ariz. (LFR)..	7,000

[1] 14,000—Minimum crossing altitude at Riverside, (LFR), northeast-bound.
[2] 8,000—Minimum crossing altitude at Yuma (LFR), east-bound.
[3] 14,000—Minimum crossing altitude at Riverside (LFR), northeast-bound.
[4] 7,000—Minimum crossing altitude at Point Mugu (INT), northeast-bound.
[5] 14,500—Minimum crossing altitude at Winslow (LFR), northwest-bound.
[6] 13,000—Minimum crossing altitude at Palm Springs (INT), northeast-bound.

6. Section 610.6012 *VOR civil airway No. 12* is amended by adding:

From—	To—	Minimum altitude
Zuni, N. Mex. (VOR)..	Acomita, N. Mex. (VOR).	11,000
Acomita, N. Mex. (VOR).	Albuquerque, N. Mex. (VOR).	10,000

7. Section 610.6013 *VOR civil airway No. 13* is amended by adding:

From—	To—	Minimum altitude
Shreveport, La. (VOR).	Texarkana, Ark. (VOR).	1,700

8. Section 610.6017 *VOR civil airway No. 17* is amended by adding:

From—	To—	Minimum altitude
Laredo, Tex. (VOR)...	Cotulla, Tex. (VOR)..	1,600
Cotulla, Tex. (VOR)..	San Antonio, Tex. (VOR).	2,200
San Antonio, Tex. (VOR).	Austin, Tex. (VOR)...	2,600

9. Section 610.6018 *VOR civil airway No. 18* is amended by adding:

From—	To—	Minimum altitude
Dallas, Tex. (VOR)....	Quitman, Tex. (VOR).	2,000
Quitman, Tex. (VOR)..	Shreveport, La. (VOR).	1,800
Shreveport, La. (VOR).	Monroe, La. (VOR)...	1,800

10. Section 610.6020 *VOR civil airway No. 20* is added to read:

From—	To—	Minimum altitude
Laredo, Tex. (VOR)...	Corpus Christi, Tex. (VOR).	2,100
Corpus Christi, Tex. (VOR).	Palacios, Tex. (VOR).	1,200
Palacios, Tex. (VOR)..	Houston, Tex. (VOR).	1,300
Houston, Tex. (VOR)..	Beaumont, Tex. (VOR).	1,600
Beaumont, Tex. (VOR).	Lake Charles, La. (VOR).	1,400
Lake Charles, La. (VOR).	Lafayette, La. (VOR).	1,400
Lafayette, La. (VOR)..	New Orleans, La. (VOR).	1,400
New Orleans, La. (VOR).	Mobile, Ala. (VOR)...	2,500

11. Section 610.6021 *VOR civil airway No. 21* is amended by adding:

From—	To—	Minimum altitude
Crystal, Nev. (FM).....	Las Vegas, Nev. (VOR) (southwest-bound only).	7,000

12. Section 610.6021 *VOR civil airway No. 21* is amended to read in part:

From—	To—	Minimum altitude
Las Vegas, Nev. (VOR).	Mormon Mesa, Nev. (VOR).	8,000

13. Section 610.6068 *VOR civil airway No. 68* is amended by adding:

From—	To—	Minimum altitude
Corpus Christi, Tex. (VOR).	San Antonio, Tex. (VOR).	2,200

14. Section 610.6074 *VOR civil airway No. 74* is amended by adding:

From—	To—	Minimum altitude
Tulsa, Okla. (VOR)...	Fort Smith, Ark. (VOR).	2,600
Fort Smith, Ark. (VOR).	Little Rock, Ark. (VOR).	4,000

15. Section 610.6099 *VOR civil airway No. 99* is added to read:

From—	To—	Minimum altitude
Lafayette, La. (VOR)..	Baton Rouge, La. (VOR).	1,200

16. Section 610.6114 *VOR civil airway No. 114* is added to read:

From—	To—	Minimum altitude
New Orleans, La. (VOR).	Baton Rouge, La. (VOR).	1,500
Baton Rouge, La. (VOR).	Alexandria, La. (VOR).	1,300
Alexandria, La. (VOR).	Shreveport, La. (VOR).	4,800
Dalhart, Tex. (VOR)..	Amarillo, Tex. (VOR)	5,200
Amarillo, Tex. (VOR..	Childress, Tex. (VOR).	5,000
Childress, Tex. (VOR).	Wichita Falls, Tex. (VOR).	3,100
Wichita Falls, Tex. (VOR).	Dallas, Tex. (VOR)...	3,000
Dallas, Tex. (VOR)....	Gregg County, Tex. (VOR.	2,400
Gregg County, Tex. (VOR).	Shreveport, La. (VOR).	1,700

17. Section 610.6116 *VOR civil airway No. 116* is added to read:

From—	To—	Minimum altitude
Austin, Tex. (VOR)...	Houston, Tex. (VOR).	3,700

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective December 30, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-13513; Filed, Dec. 23, 1952; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5908]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

J. M. TROTTER ET AL.

Subpart—*Using, selling or supplying lottery devices:* § 3.2475 *Devices for lottery selling;* § 3.2480 *In merchandising.* I. Selling or distributing in commerce, push cards, punchboards, or other lottery devices which are to be used, or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and II, in connection with the offering for sale, sale or distribution in commerce, of jewelry, watches, novelties or any other merchandise, (1) supplying to or placing in the hands of others push cards, punchboards, or other lottery devices, either with other merchandise or separately, which said push cards, punchboards or other lottery devices are to be used, or which, due to their design, are suitable for use in the sale or distribution of said merchandise to the public; (2) selling or distributing merchandise packed or assembled in such a manner as to provide the means of selling or distributing said merchandise to the public through the use of a game of chance, gift enterprise or lottery scheme; or, (3) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, J. M. Trotter et al., d. b. a. T. & C. Sales Company, Jacksonville, Ill., Docket 5908, October 15, 1952]

In the Matter of J. M. Trotter and H. K. Cade, Copartners, Trading and Doing Business as T. & C. Sales Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on July 23, 1951, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereinabove charging them with the use of unfair acts and practices in commerce in violation of the provisions of that act. After the filing by respondents of their joint answer to the complaint, a hearing was held before a hearing examiner of the Commission, theretofore designated by it, at which a stipulation theretofore executed by counsel supporting the complaint and counsel for respondents was introduced into evidence, together with certain exhibits, and such stipulation and exhibits were duly recorded and filed in the office of the Commission. On April 14, 1952, the hearing examiner filed his initial decision.

The Commission, having reason to believe that the initial decision did not constitute an appropriate disposition of the proceeding, placed this case on the Commisison's own docket for review and, on July 24, 1952, it issued and thereafter served upon the parties its order affording the respondents an opportunity to show cause why the initial decision should not be altered in the manner and to the extent shown in the tentative decision attached to said order. Respondents not having appeared in response to the leave to show cause, this proceeding regularly came on for final consideration by the Commission upon the record herein on review; and the Commission, having duly considered the matter and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondents, J. M. Trotter and H. K. Cade, individually and as copartners trading as T. & C. Sales Company or trading under any other name, and their agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from: Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are to be used, or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That said respondents and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of jewelry, watches, novelties or any other merchandise, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push cards, punchboards, or other lottery devices, either with other merchandise or separately, which said push cards, punchboards, or other lottery devices are to be used, or which, due to their design, are suitable for use in the sale or distribution of said merchandise to the public.

2. Selling or distributing merchandise packed or assembled in such a manner as to provide the means of selling or distributing said merchandise to the public through the use of a game of chance, gift enterprise or lottery scheme.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 15, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-13544; Filed, Dec. 23, 1952; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects; Operation and Maintenance

PART 110—FORT PECK INDIAN IRRIGATION PROJECT, MONTANA

Sec.
110.1 Organization.
110.2 Irrigation season.
110.3 Domestic and stock use.
110.4 Farm units.
110.5 Delivery point.
110.6 Record of deliveries.
110.7 Duty of water.
110.8 Water users responsible for water after delivery.
110.9 Waste water.
110.10 Structures.
110.11 Head or service ditches.
110.12 Rights-of-way.
110.13 Obstructions; their removal.
110.14 Fencing.
110.15 Water users' ledgers.
110.16 Assessments.
110.17 Interference with project operation.
110.18 Crop and statistical report.
110.19 Cooperation between water users and project employees.
110.20 Complaints.
110.21 Disputes.

AUTHORITY: §§ 110.1 to 110.21 issued under sec. 11, 39 Stat. 142.

§ 110.1 *Organization.* The Fort Peck Indian Irrigation Project shall be in charge of the Superintendent of the Fort Peck Reservation acting through the Project Engineer who is authorized to administer, carry out and enforce the regulations in this part, either directly or through project employees designated by him, such as watermasters, ditchriders, foremen or other assistants. The Project Engineer or his representative is authorized to refuse or discontinue the delivery of water to any person who disregards the regulations in this part.

§ 110.2 *Irrigation season.* The irrigation season for the Fort Peck Irrigation Project covers the period from April 15th to September 30th. If unusual conditions in the spring cause delay in construction or maintenance work on canals or laterals, the Project Engineer is authorized to advance the beginning of the season's operations for a period not to exceed 25 days, and a corresponding change may be made in the date of closing the season: *Provided,* That it is in the best interests of the project or the farmers to do so. Water delivery schedules in the area served with pumped water shall be so regulated that the operation of the pumping plant will be limited to pumping periods during which actual delivery of water within the area so served aggregates forty per cent (40%) or more of the capacity of the pump or pumps being operated: *Provided,* That such limited operation will not, in the judgment of the Project Engineer, result in excessive damage to crops.

§ 110.3 *Domestic and stock use.* As the irrigation project is primarily built and maintained for the purpose of serving land with water for the irrigation of crops during the growing season, domestic and stock water shall not be supplied during the winter months or non-irrigation season.

§ 110.4 *Farm units.* For the purpose of the regulations in this part, a farm unit on the Fort Peck Irrigation Project shall consist of:

(a) 40 or more contiguous acres of land in single ownership, except that original Indian allotments containing less than 40 irrigable acres of the same subdivision of the public land survey, shall be considered as farm units.

(b) 40 or more contiguous acres of Indian owned land under a lease to the same party.

(c) A minimum of 40 contiguous acres in multiple ownership within the same 40 acre subdivision of the United States public land survey.

§ 110.5 *Delivery point.* The project will deliver water to one point on the upper boundary of each farm unit and the lateral system of the project shall be maintained on this basis. In cases where, from a cost or topographic standpoint, it is impracticable for the owner or lessee of the farm unit to irrigate the entire irrigable area of the unit from one delivery point, and the owner or lessee of the farm unit cannot at a reasonable expense to him provide for delivery of water to the farm unit by the construction of a suitable head ditch or ditches, the Project Engineer, or other official in charge is authorized to establish an additional delivery point or points.

§ 110.6 *Record of deliveries.* Water users who are entitled to the delivery of water shall file with the ditchrider, or other proper operational employee, 48 hours in advance of the time water delivery is desired, a signed water request card on the approved form, which shall show the time delivery of water is desired, the description and area of the subdivision to be irrigated and the turnouts to be used. Upon the completion of delivery the water user shall acknowledge the same by a proper notation upon the water request card. Ditchriders are specifically prohibited from making water delivery to any water user until they have received notice from the project office that all charges have been paid and proper water request cards have been filed by the water user. Water request cards for all completed and uncompleted deliveries, and statements of the estimated acreage irrigated under such requests, must be filed by the ditchriders in the project office at the end of each month during the irrigation season.

§ 110.7 *Duty of water.* Water shall be delivered on a demand basis so long as a sufficient quantity is available. In case of a shortage of water, in order to insure each water user his just proportionate share of the available water supply, the Project Engineer, or other official in charge of the project, is authorized to adopt a rotation system, either for the entire project or for individual units thereof.

§ 110.8 *Water users responsible for water after delivery.* Water shall be furnished for beneficial irrigation use only. It is the duty of the water user to assist in the prevention of waste, and to prevent damage to adjacent lands. Water users shall be held responsible for water after it is delivered to their land, and they shall be required to have their field ditches of such condition and capacity as to permit the use of economical heads.

§ 110.9 *Waste water.* Water users shall be required to construct and maintain in good order and repair upon their lands, such ditches as may be necessary to catch and conduct to some waste canal, ditch, or natural drainage channel, all waste water flowing upon or from their lands. No waste water shall be allowed to flow upon a road or highway right-of-way, and no waste water shall be allowed to collect within 20 feet of any canal or lateral belonging to the project. Waste water ditches shall not be constructed within 10 feet of any canal or lateral, except at points of intersection or crossing, and such crossings shall be located and constructed only under the direction of the proper project employee. Water delivery shall be refused any water user during such time as he fails or refuses to comply with the provisions of this section.

§ 110.10 *Structures.* (a) The necessary headgates, checks and measuring devices shall be installed by the project in canals, laterals and drainage ways operated and maintained by the project. Any person or corporation desiring to build a bridge or other structure over, under, in or across a project canal, lateral or drainage ditch operated and maintained by the project, shall first obtain from the Project Engineer, or other official in charge, a written permit to build such structure. The permit shall stipulate that it is granted, and accepted by the permittee, on the condition that the repair and maintenance of the structure shall be the duty of the permittee, or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more, the person responsible for its maintenance may be requested to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the Project Engineer, the cost of such removal to be paid by the party responsible for the maintenance of the structure. All persons and corporations are warned against the violation of this provision.

(b) Wherever the project is extended to an area without existing roads, and the construction of roads, bridges, or culverts becomes necessary, the Project Engineer shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any State or Federal agency providing funds for such purposes, and he is authorized to negotiate, subject to the approval of the Commissioner of Indian Affairs or his authorized representative, any necessary agreement with any such agency.

§ 110.11 *Head or service ditches.* The head or service ditches are those ditches to which delivery of water is made from canals or laterals operated and maintained by the project. Any such ditches as have been or may be placed upon the project right-of-way, as defined in § 110.12, shall be considered an encroachment. The water master and ditchriders or other authorized employees may refuse delivery of water to ditches that are not in proper condition to receive and convey it to the place of use with a minimum loss. Water must be used beneficially, notwithstanding the fact that it is measured at the point of delivery to ditches from canals and laterals operated and maintained by the project, and the loss would be to the detriment of the user.

§ 110.12 *Rights-of-way.* For use in connection with the necessary activities and emergencies incident to the operation and maintenance of the project, there is reserved a right-of-way along all canals and their embankments, laterals, sublaterals and drains, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, embankments, laterals, sublaterals and drains, to permit the operation of maintenance equipment, the making of repairs and improvements, and travel by the project ditchriders.

§ 110.13 *Obstructions; their removal.* No trees, buildings, hay or straw stacks, or other obstructions may be placed by any landowner upon the right-of-way reserved for the project. Any such obstruction may be ordered removed by the Project Engineer, and if not removed by the person or persons placing it thereon, may be removed under the supervision of the Project Engineer. The cost of such removal shall be added to the cost of operation and maintenance chargeable to the landowner responsible for the obstruction.

§ 110.14 *Fencing.* No fences shall be placed within the right-of-way except those crossing a canal, lateral, or drainage ditch and in such cases provision shall be made for a gate on each side of the canal or lateral of sufficient width to pass ditch cleaning equipment and to permit travel on the banks of the canal or lateral by the ditchrider. Such gates must be provided with some approved type of fastening which will permit the ditchrider to open and close them with a minimum loss of time. Any wire, timbers, or other materials used in fencing across a canal or lateral shall not be closer than 12 inches to the maximum high water surface.

§ 110.15 *Water users' ledgers.* Separate entries of individual water users' accounts shall be made in the water users' ledgers for each tract. Bills shall be issued to the record owner, and payments made thereon shall be credited to the proper ledger accounts.

§ 110.16 *Assessments.* The annual per acre charge for operation and maintenance of the project shall be levied against the entire irrigable area of each farm unit or allotment to which irrigation water can be delivered from present constructed works. Charges shall become due and payable in accordance with the annual public notice issued each

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

PART 29—RECOVERY OF EXCESSIVE PROFITS

PART 30—RENEGOTIATION OF CONTRACTS

Subchapter C—Miscellaneous Taxes

PART 315—MANUFACTURERS TAX ON AUTOMOBILES, TRUCKS, BUSES, CHASSIS, BODIES, AND PARTS

PART 316—MANUFACTURERS TAX ON TIRES AND TUBES

PART 317—MANUFACTURERS TAX ON TRUCK TRAILERS AND SEMITRAILERS

PART 318—MANUFACTURERS TAX ON RADIO SETS, PHONOGRAPHS, AND PHONOGRAPH RECORDS

PART 319—MANUFACTURERS TAX ON REFRIGERATORS, AIR-CONDITIONERS, AND STOKERS

PART 320—MANUFACTURERS TAX ON ELECTRIC, GAS, AND OIL APPLIANCES

PART 321—MANUFACTURERS TAX ON PHOTOGRAPHIC APPARATUS

PART 322—MANUFACTURERS TAX ON MECHANICAL TIME-ACTUATED DEVICES

PART 323—MANUFACTURERS TAX ON MECHANICAL PENCILS, PENS, AND LEADS

PART 324—MANUFACTURERS TAX ON LUBRICATING OILS

PART 325—MANUFACTURERS TAX ON FISHING RODS, TACKLE BOXES, AND ARTIFICIAL BAITS, FLIES, AND LURES

PART 326—MANUFACTURERS TAX ON GUNS, PISTOLS, REVOLVERS, AND SHELLS

PART 327—MANUFACTURERS TAX ON PLAYING CARDS

PART 328—MANUFACTURERS TAX ON SLOT MACHINES

PART 329—MANUFACTURERS TAX ON CHEWING GUM

PART 330—MANUFACTURERS TAX ON MATCHES

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PART 333—MANUFACTURERS TAX ON CHECKBOOK COVERS, PURSES, AND PARTS OF PURSES

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PART 335—MANUFACTURERS TAX ON TOILET PREPARATIONS

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PART 337—MANUFACTURERS TAX ON ELECTRIC, GAS, AND OIL APPLIANCES

PART 338—MANUFACTURERS TAX ON SPORTING GOODS

PART 339—MANUFACTURERS TAX ON PHONOGRAPH RECORDS

PART 340—MANUFACTURERS TAX ON CHEWING GUM

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misison's own docket for review and, on July 24, 1952, it issued and thereafter

[3] Filed as part of the original document.

to assist in the prevention of waste, and

canals or laterals operated and main-

come due and payable in accordance with the annual public notice issued each

year, and the provisions of the annual public notice regarding refusal of delivery of water in case of delinquency shall be enforced.

§ 110.17 *Interference with project operation.* No persons other than those specifically designated by the Project Engineer may regulate project structures or interfere in any way with canals operated by the project or any other works appurtenant thereto, or the water flowing therein.

§ 110.18 *Crop and statistical report.* The ditchrider or other authorized employee of the project shall be responsible for collecting the information necessary to enable the Project Engineer to make to the Commissioner of Indian Affairs an annual crop and statistical report for the project. He shall record this information on forms furnished to him by the Project Engineer. The report of the Project Engineer shall show the number of acres devoted to each crop and the total yield and value of the crops for the entire project, and for each unit of the project.

§ 110.19 *Cooperation between water users and project employees.* As close cooperation between the project water users and the project management is desired, and will work to the advantage of the entire project, suggestions looking to better or more economical service shall be welcomed by the project management. Information as to damage or danger to canals or structures shall be immediately reported to the nearest project employee.

§ 110.20 *Complaints.* All complaints concerning the operation of the project must be made to the Project Engineer in writing.

§ 110.21 *Disputes.* In case of any dispute between a water user and the Project Engineer, concerning the application of these regulations, an appeal may be taken through the Superintendent of the Reservation to the Area Director. If the Area Director cannot satisfactorily adjust the dispute, he shall refer the same to the Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Secretary of the Interior.

DECEMBER 18, 1952.

[F. R. Doc. 52-13514; Filed, Dec. 23, 1952; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

IMPORTATIONS

The Foreign Assets Control Regulations, 31 CFR 500.101 to 500.808, are hereby amended by the addition of §§ 500.204, 500.536, 500.537 and 500.538, and by the revision of § 500.808.

The principal effect of this amendment is to incorporate specifically into the Regulations lists of merchandise in connection with the importation of which Foreign Assets Control licenses have been required for some time. A few changes have also been made in the lists. Prior to this amendment the Regulations specified that licenses were required in connection with goods of Communist Chinese or North Korean origin but lists of specific merchandise affected by the licensing requirement were disseminated through Bureau of Customs Circular Letters which, in addition to their ordinary circulation, were sent by the Foreign Assets Control to importers, banks, trade associations and other interested persons and organizations.

The import restrictions are a part of the Foreign Assets Control program for prohibiting trade and financial transactions with Communist China and North Korea. One of the major aspects of the program is to prevent those countries from obtaining foreign exchange through the sale of their products to this country directly or indirectly. The Treasury Department's original action in listing specific types of merchandise in connection with which import licenses are required was taken after observing that typically Chinese goods were beginning to enter the United States in significant volume under false descriptions of country of origin.

Attention is directed to the fact that there has been incorporated into § 500.204 some of the material which was in § 500.808 prior to this amendment.

§ 500.204 *Importation of and dealings in certain merchandise.* (a) Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, or rulings, instructions, licenses, or otherwise, no person subject to the jurisdiction of the United States may purchase, transport, import, or otherwise deal in or engage in any transaction with respect to any merchandise outside the United States if such merchandise is:

(1) Merchandise the country of origin of which is China (except Formosa) or North Korea.

(i) Articles which are the growth, produce, or manufacture of China (except Formosa) or North Korea shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa) or North Korea notwithstanding that they may have been subjected to one or any combination of the following in another country:

(*a*) Grading; (*b*) testing; (*c*) checking; (*d*) shredding; (*e*) slicing; (*f*) peeling or splitting; (*g*) scraping; (*h*) cleaning; (*i*) washing; (*j*) soaking; (*k*) drying; (*l*) cooling, chilling, or refrigerating; (*m*) roasting; (*n*) steaming; (*o*) cooking; (*p*) curing; (*q*) combining of fur skins into plates; (*r*) blending; (*s*) flavoring; (*t*) preserving; (*u*) pickling; (*v*) smoking; (*w*) dressing; (*x*) salting; (*y*) dyeing; (*z*) bleaching; (*aa*) tanning; (*bb*) packing; (*cc*) canning; (*dd*) labeling; (*ee*) carding; (*ff*) combing; (*gg*) pressing; (*hh*) any process similar to any of the foregoing.

(ii) Any article wheresoever manufactured shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa) or North Korea, if there shall have been added to such article any embroidery, needle point, petit point, lace, or any other article of adornment which is the product of China (except Formosa) or North Korea notwithstanding that such addition to the merchandise may have occurred in a country other than China (except Formosa) or North Korea.

(2) Merchandise specified in this subparagraph unless such merchandise is imported directly from a country named as excepted for that type of merchandise:

Type of merchandise	*Exceptions*
(i) All merchandise, not elsewhere specified in this subsection, if prior to Dec. 17, 1950, imports thereof into the United States were chiefly of Chinese origin within the meaning of this chapter	None.
(ii) Antiques, Chinese type (other than Chinese porcelain which qualifies within the provisions of par. 1811 of the Tariff Act of 1930 and which is decorated with the armorial bearings, crests, monograms, cyphers, or badges of European or American families or societies or bearing motifs based thereon, or with European or American political, memorial, or Masonic scenes or devices or with European figures, ships, or other scenes, or with motifs or inscriptions in English, Latin, or any other European language)	None.
(iii) Bamboo, split	None.
(iv) Beverages, Chinese type	None.
(v) Braids, straw	Italy, Japan.
(vi) Bristles, hog, Asiatic (other than Indian)	None.
(vii) Bristles, hog, dyed	None.
(viii) Carpet wool, Tibetan type	None.
(ix) Cashmere	Iran.
(x) Cassia	Associated states of Cambodia, Laos and Vietnam (formerly known as Indo-China), Indonesia.
(xi) Cassia oil	None.
(xii) Drugs, Chinese type	None.
(xiii) Firecrackers	None.
(xiv) Floor coverings, grass and straw, including seagrass mats and squares	Japan.
(xv) Foodstuffs, Chinese type	None.

Type of merchandise	*Exceptions*
(xvi) Fur skins:	
Goat and kid	Argentina, Ethiopia, Iran, Iraq.
Weasel	Canada.
(xvii) Gall nuts, including tannic acid	None.
(xviii) Ginger root, candied or otherwise preserved	None.
(xix) Hair, human:	
Raw, Asiatic	None.
Nets and netting	None.
(xx) Hats, unfinished:	
Manila Hemp (Abaca)	None.
Palm leaf	Mexico, Philippines.
Straw	Brazil, Dominican Republic, Italy, Japan, Philippines.
(This subdivision does not include hats of the following types: Panama, Pandan, Raffia and Yeddo.)	
(xxi) Medicines, prepared, Chinese type	None.
(xxii) Musk	None.
(xxiii) Sophora Japonica, including Rutin	None.
(xxiv) Tea, Chinese type	Formosa.
(xxv) Tung oil	Argentina, Brazil, Paraguay.
(xxvi) Walnuts	France, Iran, Italy, Turkey.

(3) Merchandise specified in this subparagraph if such merchandise is imported from or through Hong Kong, Macao, or any country not in the authorized trade territory.

Type of Merchandise
(i) Antimony.
(ii) Bamboo:
Bags, baskets and other manufactures excluding furniture.
Poles and sticks.
(iii) Bismuth.
(iv) Camphor:
Natural.
Oil.
(v) Carpet wool.
(vi) Carpets.
(vii) Chinaware.
(viii) Citronella oil.
(ix) Cotton manufactures:
Embroideries and laces.
Embroidered and lace articles.
Handkerchiefs.
Wearing apparel.
(x) Cotton waste.
(xi) Earthenware.
(xii) Feathers and down, Asiatic.
(xiii) Furniture, hardwood.
(xiv) Hair, animal.
(xv) Hats, paper.
(xvi) Hides, buffalo, including India water buffalo.
(xvii) Ivory manufactures.
(xviii) Linen manufactures:
Handkerchiefs.
Embroideries and laces.
Embroidered and lace articles.
Other articles excluding wearing apparel.
(xix) Molybdenum.
(xx) Quicksilver.
(xxi) Ramie.
(xxii) Rugs.
(xxiii) Seagrass and straw manufactures excluding floor covering.
(xxiv) Sesame, oil and seed.
(xxv) Shoes, leather-soled with non-leather uppers.
(xxvi) Silk:
Raw and manufactures.
Waste.
(xxvii) Skins, deer and goat.
(xxviii) Stones, semi-precious and manufactures thereof excluding jewelry.
(xxix) Tin:
Alloys.
Bars, blocks and pigs.
Ore.
(xxx) Tungsten ores and concentrates.

§ 500.536 *Customs transactions with respect to merchandise affected by § 500.204.* (a) With respect to merchandise the importation of which is prohibited by § 500.204, all Customs transactions are authorized except the following:

(1) Entry for consumption (including any appraisement entry or entry of goods imported in the mails, regardless of value, but excluding other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone.

(b) This section is intended solely to allow certain restricted disposition of merchandise which is imported without proper authorization. This section does not authorize the purchase or importation of any merchandise.

§ 500.537 *Financing of merchandise affected by § 500.204.* (a) To the extent that the financing of merchandise is prohibited by § 500.204, such financing by any bank is authorized except as provided in paragraph (b) of this section.

(b) This section does not authorize the financing, including the opening, advising, or confirming of, or any transaction under, any letter of credit, in connection with:

(1) Any merchandise outside of the United States which is specified in § 500.204 (a) (1);

(2) The shipment of any merchandise to the United States; or

(3) The shipment of any merchandise from or through Hong Kong, Macao, or any country not in the authorized trade territory.

§ 500.538 *Transportation of merchandise affected by § 500.204.* (a) To the extent that the transportation of merchandise is prohibited by § 500.204, such transportation by carriers is authorized except as provided in paragraph (b) of this section.

(b) This section does not authorize the transportation to any place other than the United States of merchandise specified in § 500.204 (a) (1) nor the transportation to any place other than the United States of any merchandise specified in § 500.204 (a) (2) or (3) from or through Hong Kong, Macao, or any country not in the authorized trade territory.

§ 500.808 *Customs procedures; merchandise specified in § 500.204.* (a) With respect to merchandise specified in § 500.204, collectors of customs shall not accept or allow any:

(1) Entry for consumption (including any appraisement entry or entry of goods imported in the mails, regardless of value, but excluding other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone,

until either

(i) A specific license pursuant to this chapter is presented, or

(ii) Instructions from the Foreign Assets Control, either directly or through the Federal Reserve Bank of New York, authorizing the transaction are received.

(b) Whenever a specific license is presented to a collector of customs in accordance with this section, two additional legible copies of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the collector of customs at the port where the transaction is to take place. Each copy of any such entry, withdrawal or other appropriate document, including the two additional copies, shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the collector in respect of each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity, and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation should be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal or other transaction with regard to the merchandise the collector, or other authorized customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the two additional copies of the entry, withdrawal or other appropriate document shall be forwarded by the collector to the Federal Reserve Bank of New York.

(c) (1) The collector of customs at any port at which merchandise is to be entered or withdrawn pursuant to the terms of a specific license may waive the requirement of presentation of the original copy of such license: *Provided*, That:

(i) The person presenting the entry or withdrawal presents to the collector an affidavit stating:

(*a*) Facts indicating that it would be a hardship for him to present the original copy of the license, and

(*b*) That the entry or withdrawal is one of a large number which are to be made pursuant to the same license, and

(c) That all the entries or withdrawals are to be made at the same port; and

(ii) The collector receiving such an affidavit is satisfied that the circumstances in fact warrant the waiver; and

(iii) There is presented to the collector either a photostatic copy of the original license or a copy of the license signed by the officer who issued and signed the original.

(2) If such waiver is granted, the collector shall retain the copy of the license presented to him and shall note on it, or cause to be noted on it, the description, quantity, and value of all merchandise entered or withdrawn from time to time pursuant to the authority therein contained.

(3) When such waiver is granted and all the merchandise authorized to be entered or withdrawn under a specific license has been entered or withdrawn, the copy of the license on file with the collector shall be endorsed to indicate this fact and shall be forwarded to the Federal Reserve Bank of New York. When a license expires, unless it is renewed and the collector is advised of its renewal, any copy thereof which is on file with the collector shall be endorsed to show the expiration and shall be forwarded to the Federal Reserve Bank of New York.

(d) The requirement that two additional copies of each entry or withdrawal be filed in connection with every transaction under a specific license shall remain in effect notwithstanding any waiver of the requirement of presenting the original copy of the license.

(e) Whenever a person shall present an entry, withdrawal or other appropriate document affected by this section and shall assert that no Foreign Assets Control license is required in connection therewith, the collector of customs shall withhold action thereon and shall advise such person to communicate directly with the Federal Reserve Bank of New York to request that instructions be issued to the collector to authorize him to take action with regard thereto.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891, 3 CFR, 1948 Supp.)

Dated: December 23, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-13553; Filed, Dec. 23, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Defense Solid Fuels Administration, Department of the Interior

[DSFA Order SFO-1, Amdt. 2]

SFO-1—COAL MINES, COKE PLANTS, AND COAL AND COKE PREPARATION AND PROCESSING PLANTS

INFORMATION REQUIRED

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to Defense Production Act of 1950. In the formulation of this order, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment affects DSFA order SFO-1 as follows:

It amends section 3 of DSFA order SFO-1 to extend the final date for filing Form DSFA-1 with Defense Solid Fuels Administration from June 30, 1951, to June 30, 1953.

Section 3 of DSFA order SFO-1 is hereby amended to read as follows:

SEC. 3. *Information required.* On or before June 30, 1953, each producer shall file with DSFA on Form DSFA-1 the information asked for thereon with respect to each coal mine, coke plant, and coal or coke processing plant operated by him. Four copies of Form DSFA-1 shall be completely filled out and filed for each mine or plant: *Provided, however,* That coke producers who file monthly reports with the Bureau of Mines, either on Bureau of Mines Form 6-1365 or on Bureau of Mines Form 6-1366, need not complete Form DSFA-1, but need only indicate thereon the type of operation conducted. Additional copies of Form DSFA-1 may be obtained by writing to DSFA. The individual company information submitted on Form DSFA-1 is for use in connection with the defense mobilization program. Persons who have access to such individual company information are subject to penalties for unauthorized disclosure.

(Sec. 704, 64 Stat. 816; 50 U. S. C. App. Sup. 2154)

This order shall take effect on December 24, 1952.

DEFENSE SOLID FUELS ADMINISTRATION,
CHAS. W. CONNOR,
Defense Solid Fuels Administrator.

[F. R. Doc. 52-13597; Filed, Dec. 23, 1952; 8:55 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

LITTLE NARRAGANSETT BAY, RHODE ISLAND

Pursuant to the provisions of section 1 of the act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.47 designating an area in Watch Hill Cove, Watch Hill, Rhode Island, as a special anchorage area is hereby prescribed, as follows:

§ 202.47 *Little Narragansett Bay, Watch Hill, R. I.* All of the navigable waters of Watch Hill Cove southeasterly of a line beginning at the shore end of the United States project groin on the southerly shore of the cove and running 40° 30' true, to the northerly shore of the cove at a point about 200 feet west of the west side of the shore end of Meadow Lane, with the exception of a 100-foot wide channel running from the westerly end of the cove in a southeasterly direction to the Watch Hill Yacht Club pier, thence along in front of the piers on the easterly side of the cove northerly to the shore at the north end of the cove.

[Regs., Dec. 9, 1952, 800.212-ENGWO] (54 Stat. 150; 33 U. S. C. 180)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-13548; Filed, Dec. 23, 1952; 8:51 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 34—MEDICAL EXAMINATION OF ALIENS

Notice of proposed rule making, public rule-making proceedings and postponement of effective date have been found to be impracticable, unnecessary and contrary to the public interest in the adoption of the following amendment to this part. The regulations herein, which implement the provisions of the Immigration and Nationality Act (66 Stat. 163) regarding the medical examination of aliens, impose no duties on persons outside the Federal Security Agency and the persons otherwise affected are, with the exception of aliens who may apply for adjustment of status under the Immigration and Nationality Act, not yet admitted to the United States, and therefore unavailable for participation in rule making. The due and timely execution of the duties imposed by the Immigration and Nationality Act would, moreover, be impeded by delay in the issuance of this amendment.

Part 34 is amended to read as follows:

Sec.
34.1 Applicability.
34.2 Definitions.
34.3 Examinations: by whom made; female aliens.
34.4 Scope of examinations: general; applicants for visas; chest X-ray and blood test.
34.5 Aliens free of defect, disease or disability.
34.6 Aliens afflicted with defect, disease or disability.
34.7 Certificates and notifications: Class A.
34.8 Certificates and notifications: Class B.
34.9 Class A or Class B certificates; helpless aliens.
34.10 Certificates and notifications: Class C.
34.11 Detention and observation; adequacy of facilities.
34.12 Applicability of foreign quarantine regulations.
34.13 Medical and other care; death.
34.14 Reexamination; convening of boards; expert witnesses; reports.
34.15 Prior regulations.

AUTHORITY: §§ 34.1 to 34.15 issued under sec. 215, 58 Stat. 690, sec. 234, 66 Stat. 198; 42 U. S. C. 216. Interpret or apply secs. 322, 325, 58 Stat. 696, 697, secs. 212, 234, 237, 66 Stat. 182, 198, 202; 8 U. S. C. 249, 252.

§ 34.1 *Applicability.* The provisions of this part shall apply to (a) the medical examination, preexamination and reexamination of aliens presented or referred therefor to the Public Health Service upon application for a visa at a foreign consulate of the United States, or by the Immigration Service, and (b) the medical and other care, and burial, of aliens admitted to Public Health Service stations and hospitals at the request of the Immigration Service.

§ 34.2 *Definitions.* As used in this part, terms shall have the following meanings:

(a) *Immigration Service.* The Immigration and Naturalization Service of the Department of Justice.

(b) *Dangerous contagious disease.* Any of the following diseases:

1. Actinomycosis.
2. Amebiasis.
3. Blastomycosis.
4. Chancroid.
5. Favus.
6. Filariasis.
7. Gonorrhea.
8. Granuloma Inguinale.
9. Keratoconjunctivitis infections.
10. Leishmaniasis.
11. Lymphogranuloma venereum.
12. Mycetoma.
13. Paragonimiasis.
14. Ringworm of scalp.
15. Schistosomiasis.
16. Syphilis, infectious stage.
17. Trachoma.
18. Trypanosomiasis.
19. Yaws.

(c) *Medical certificate.* A document issued to the Immigration Service by a medical officer reporting the presence of any physical or mental defect, disease or disability, or the previous occurrence of one or more attacks of insanity, in an alien.

(d) *Medical notification.* A report made to a consular authority by a medical officer of the presence of any physical or mental defeat, disease, or disability, or the previous occurrence of one or more attacks of insanity, in an alien. Medical notification shall be made on the form prescribed for reporting the results of the medical examination of applicants for visas.

(e) *Medical officer.* A physician assigned or detailed by the Surgeon General of the Public Health Service to make mental and physical examinations of aliens.

(f) *Medical officer in charge.* A medical officer charged by the Surgeon General with responsibility for the conduct and supervision of all medical examinations made at a designated place or in a designated area.

§ 34.3 *Examinations; by whom made; female aliens.* Aliens presented to the Public Health Service for medical examination shall be examined by medical officers. Female aliens shall be examined only in the presence of a female nurse or other female employee of the Public Health Service, or by a female medical officer.

§ 34.4 *Scope of examinations; general, applicants for visas; chest X-ray and blood test.* (a) In performing examinations and reexaminations, medical officers shall give consideration to only those matters which relate to the physical or mental condition of the alien and shall issue certificates or notifications of a defect, disease or disability or previous occurrence of one or more attacks of insanity as hereinafter provided only if the presence of such defect, disease or disability or previous occurrence of one or more attacks of insanity has been clearly established.

(b) Except as provided in paragraph (d) of this section, examinations of applicants for immigrant visas, and of students and teachers applying for nonimmigrant visas and referred to medical officers by a consular authority, shall in all cases include a chest X-ray for tuberculosis and blood test for syphilis. Examinations of other applicants for nonimmigrant visas so referred shall include a chest X-ray for tuberculosis and blood test for syphilis when considered necessary by the medical officer. In the case of examinations conducted at American consulates where necessary X-ray and laboratory facilities for the making of such tests are not available to the examining medical officer, the applicant may be required to furnish a chest X-ray film, a reading thereof, and blood serology in order that the medical examination may be completed. However, if the alien has not presented proof of the required tests and the examination is made in a community where there are no facilities available for the making of such tests, the examining medical officer shall so state upon the medical examination form.

(c) The X-ray film and medical examination report, including X-ray reading and blood serology, shall be placed in a separate envelope, which shall be sealed and attached to the alien's immigrant visa or, in the case of a nonimmigrant, to the alien's nonimmigrant visa form in such a manner as to be readily detached for examination by medical officers at the United States ports of entry. If, at the time the determination of admissibility is to be made, no X-ray film, reading, blood serology, or medical examination report is presented by an immigrant, or by a nonimmigrant when required by paragraph (b) of this section, a medical hold shall be issued pending completion of the examination by such X-ray, blood test, or other procedures as may be required.

(d) The provisions of paragraph (b) of this section with respect to chest X-rays for tuberculosis shall not be applicable in the case of an applicant ten years of age or less unless the examining medical officer has reason to suspect that the applicant has tuberculosis, nor shall the provisions of such paragraph with respect to blood tests for syphilis be applicable in the case of an applicant fourteen years of age or less unless the examining medical officer has reason to suspect that the applicant has syphilis.

§ 34.5 *Aliens free of defect, disease or disability.* If an alien is found to have no physical or mental defect, disease or disability and no history of a previous attack of insanity, the medical officer shall so indicate to the presenting authority.

§ 34.6 *Aliens afflicted with defect, disease or disability.* If an alien is found to have any physical or mental defect, disease or disability or to have had one or more attacks of insanity, the medical officer shall report his findings to the Immigration Service by medical certificate or to the presenting consular authority by medical notification.

§ 34.7 *Certificates and notifications: Class A.* A Class A certificate or Class A notification shall be issued with respect to aliens who:

(a) Are feeble-minded;

(b) Are insane;

(c) Have had one or more attacks of insanity;

(d) Are afflicted with psychopathic personality, epilepsy, or a mental defect;

(e) Are narcotic drug addicts or chronic alcoholics;

(f) Are afflicted with tuberculosis in any form;

(g) Are afflicted with leprosy;

(h) Are afflicted with any dangerous contagious disease;

Provided, however, That a Class A certificate or Class A notification of a mental defect, disease or disability shall in no case be issued with respect to an alien having only mental shortcomings due to ignorance, or suffering only from a mental condition attributable to remediable physical causes, or from a psychosis of a temporary nature caused by a toxin, drug or disease.

§ 34.8 *Certificates and notifications: Class B.* A Class B certificate, or Class B notification, shall be issued with respect to an alien who has a physical defect, disease or disability serious in degree or permanent in nature amounting to a substantial departure from normal physical well-being. The certificate, or notification, shall state the nature and extent of the defect; the degree to which the alien is incapable of normal physical activity; and the extent to which the condition is remediable.

§ 34.9 *Class A or Class B certificates; helpless aliens.* If any alien with respect to whom a Class A or Class B certificate is issued is helpless from sickness or mental or physical disability or infancy, the medical officer shall so state in the certificate.

§ 34.10 *Certificates and notifications; Class C.* A Class C certificate, or Class C notification, shall be issued with respect to an alien who has a defect, disease, or disability other than those for which a Class A or Class B certificate (or notification) is required to be issued.

§ 34.11 *Detention and observation; adequacy of facilities.* (a) Whenever, upon an examination, it appears to the medical officer in charge that there is doubt about the physical or mental condition of an alien, the alien shall be held over for such observation and further examination as may be reasonably necessary to determine his physical or mental condition.

(b) When in the judgment of the medical officer in charge, a medical examination or reexamination cannot be satisfactorily completed at a station or place at which it is undertaken, such examination or reexamination shall be discontinued and such officer shall recommend to the presenting authority that the alien be removed to a place where the examination or reexamination may be satisfactorily completed.

and appropriate to promote the national defense and is issued pursuant to Decend of the cove in a southeasterly direc- by the Immigration Service, and (b) the presence of such defect, disease or migration Service by medical certificate the examination or reexamination may be satisfactorily completed.

§ 34.12 *Applicability of foreign quarantine regulations.* Aliens arriving at a port of the United States shall be subject to the applicable provisions of Part 71 of this chapter (Foreign Quarantine Regulations of the Public Health Service) with respect to examination and sanitary and quarantine measures.

§ 34.13 *Medical and other care; death.* (a) Upon request of the Immigration Service, an alien detained by it shall be admitted to a hospital or station of the Public Health Service and receive therein necessary medical, surgical, and dental care. An alien found, in the course of an examination or reexamination, to be in need of emergency care shall be given such care to the extent deemed practicable by the medical officer in charge, and if in need of further care, he shall be returned to the presenting authority with the medical officer's recommendations concerning such further care.

(b) In case of death of an alien the body shall be delivered to the presenting authority; but if such death occurs in the United States, or in a territory or possession thereof, public burial shall be provided upon request of the Immigration Service and subject to its agreement to pay the burial expenses. Autopsies shall not be performed unless approved by the Immigration Service.

§ 34.14 *Reexamination; convening of boards; expert witnesses; reports.* (a) The Surgeon General, or when authorized, the medical officer in charge, shall convene a board of medical officers to reexamine an alien

(1) Upon the request of the Immigration Service for a reexamination by such a board, or

(2) Upon an appeal by an alien who, having applied for admission to the United States or for adjustment of status under section 245 of the Immigration and Nationality Act (66 Stat. 163), has been referred by the Immigration Service for medical examination and has been certified for: feeble-mindedness; insanity; one or more previous attacks of insanity; psychopathic personality; epilepsy; mental defect; narcotic drug addiction; or chronic alcoholism.

(b) Such a board shall consist of three, when practicable, but in no case less than two, medical officers. If a board of two officers is unable to reach agreement, a new board shall be convened and shall reexamine the alien. In the event that a board consists of three medical officers, the decision of the majority thereof shall prevail.

(c) Reexamination shall include:

(1) A medical examination by the board. If the mental condition of the alien is in question and the board does not include at least one officer who has had special training in the diagnosis of mental defects, diseases and disabilities, the board shall designate a physician with such training who shall also examine the alien, and his report shall be included in the record.

(2) A review of all records submitted by the alien, other witnesses or the board.

(3) Use of any laboratory or diagnostic methods or tests deemed advisable.

(4) Consideration of statements regarding the alien's physical or mental condition made by a physician after his examination of the alien.

(d) An alien who is to be reexamined shall be notified of the time and place of his reexamination not less than five days prior thereto.

(e) The alien may introduce as witnesses before the board such physicians or medical experts as the board may in its discretion permit, at his own cost and expense: *Provided*, That the alien shall be permitted to introduce at least one expert medical witness. If any witnesses offered are not permitted by the board to testify, the record of the proceedings shall show the reason for the denial of permission.

(f) Witnesses before the board shall be given a reasonable opportunity to examine medical certificates and other records involved in the reexamination and to present all relevant and material evidence orally or in writing, until such time as the proceedings are declared by the board to be closed. During the course of the hearing the alien's attorney or representative shall be permitted to examine the alien and he, or the alien, shall be permitted to examine any witnesses offered in the alien's behalf and to cross-examine any witnesses called by the board. If the alien does not have an attorney or representative, the board shall assist the alien in the presentation of his case to the end that all of the material and relevant facts may be adduced.

(g) The findings and conclusions of the board shall be based on its medical examination of the alien and on the evidence presented and made a part of the record of its proceedings.

(h) The board shall report its findings and conclusions to the Immigration Service, and shall also give prompt notice thereof to the alien if the reexamination has been held upon his appeal. The board's report to the Immigration Service shall specifically affirm, modify, or reject the findings and conclusions of prior examining medical officers.

(i) If the board finds that an alien reexamined by it has a defect, disease, or disability, or has had one or more attacks of insanity, not previously certified, it shall issue its certificate in accordance with the applicable provisions of this part.

(j) After submission of its report, the board shall not be reconvened in the same case except upon the express authorization of the Surgeon General.

§ 34.15 *Prior regulations.* Regulations under this part, in effect on December 23, 1952, shall continue to be effective so far as may be applicable and necessary under section 405 of the Immigration and Nationality Act, 66 Stat. 163.

Effective date. This amendment shall be effective on December 24, 1952.

Dated: December 17, 1952.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: December 22, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-13581; Filed, Dec. 23, 1952; 8:55 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter C—Carriers by Water

PART 324—UNIFORM SYSTEM OF ACCOUNTS FOR CARRIERS BY INLAND AND COASTAL WATERWAYS

MATURED LONG-TERM OBLIGATIONS; FUNDED DEBT UNMATURED

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 11th day of December A. D. 1952.

The matter of modifying the "Uniform System of Accounts for Carriers by Inland and Coastal Waterways," being under consideration pursuant to the provisions of section 20 of part I and section 313 of part III of the Interstate Commerce Act, as amended (54 Stat. 917 and 944, 49 U. S. C. 20 (3) and 313 (c)); and,

It appearing, that a notice dated November 4, 1952, was served on all carriers by inland and coastal waterways subject to provisions of the act, to the effect that certain modifications had been approved, such notice also being published in the FEDERAL REGISTER on November 18, 1952 (17 F. R. 10517) pursuant to provisions of section 4 of the Administrative Procedure Act; and.

It further appearing, that the notice provided for written views or arguments to be filed by any interested person on or before December 1, 1952, and consideration having been given to all representations so received: *It is ordered*, That:

(1) *Effective date.* The modifications which are set forth below and made a part hereof, relating to the subject matter of said notice, shall become effective January 31, 1953.

(2) *Notice.* A copy of this order including the modifications set forth below shall be served on every carrier by inland and coastal waterways subject to the act and on every trustee, receiver, executor, administrator, or assignee of any such carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(54 Stat. 933; 49 U. S. C. 904)

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

1. In § 324.1–207 *Long-term debt due within one year*, cancel the title and text of this account and the note thereto, substituting the following for them:

§ 324.1–207 *Matured long-term obligations.* This account shall include the total par value of all funded obligations (except amounts due affiliated companies) which are past due and for which agreements have not been entered into for an extension as to time of payment.

NOTE. Matured funded obligations due affiliated companies shall be included in account 213, "Affiliated companies—Advances payable." The principal amount of unpresented funded debt obligations which have matured, and for which provision for payment has been made, shall be included in account 209, "Other current liabilities."

2. In § 324.1–211 *Funded debt*, change the title of this account to read *Funded debt unmatured*, and in paragraph (b)

(1) *Equipment obligations*, of the same section cancel the text and substitute the following for it:

(1) *Equipment obligations.* Equipment bonds or equipment notes, secured only by lien on specific equipment, including those maturing serially or payable in installments.

[F. R. Doc. 52-13528; Filed, Dec. 23, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 961]

[Docket No. AO-160-A-14-RO1]

HANDLING OF MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

NOTICE OF REOPENING OF HEARING AND TETATIVE FINDINGS AND CONCLUSIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the hearing held in Philadelphia, Pennsylvania, August 12 and 13, 1952, and the filing with the Hearing Clerk of the tentative findings and conclusions of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to amendments proposed at that hearing to the tentative markeing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

Additional proposals on these and other issues for consideration at the reopened hearing may be submitted, such proposals to be delivered in four copies to the Market Administrator, 1612 Market Street, Philadelphia 3, Pennsylvania, not later than January 12, 1953. The time and place for holding the reopened hearing, and such additional proposals as may be considered will be included in a further notice to be issued after that date.

The hearings, on the record of which the said findings and conclusions are based, were conducted at Philadelphia, Pennsylvania, on August 12–13, 1952, pursuant to notice thereof which was issued on July 18, 1952 (17 F. R. 6749), and on February 25–28, 1952, pursuant to notice issued February 14, 1952 (17 F. R. 1567). The record of the February hearing was used only in the case of findings and conclusions on issue No. 2.

The material issues of record related to:

1. Butterfat differentials to be used in calculating values of milk of differing butterfat content, as received from individual producers, and as disposed of in various uses by handlers.

2. Regulation of plants disposing of Class I milk in both the Philadelphia and New York marketing areas.

3. Prices applicable to producer milk sold outside the marketing area.

Tentative findings and conclusions. The following tentative findings and conclusions on the material issues are based upon evidence contained in the records of the hearings:

1. *Butterfat differentials.* The butterfat differential used to adjust the value of the individual producer's milk in accordance with the butterfat content, and the butterfat differential used in calculating the value of milk used by a handler in Class I should be 8 cents per one-tenth of a percent of butterfat for the current level of Class I price, and should be subject to automatic adjustments in relationship to the level of the Class I price. The basic test from which differential butterfat is reckoned should be changed from 4.0 percent to 3.7 percent.

Producers' organizations at the hearing requested that the butterfat differential used to adjust the value of individual producer's milk in accordance with butterfat content be increased. The amounts of the increases proposed would change the present 5-cent differential to a figure of from 7 to 15 cents per one-tenth of one percent of butterfat. Representatives of a large group of producers also recommended that the Class I butterfat differential should be increased to whatever level is made effective for the producer differential. In general, these higher butterfat differentials would be related to the level of the price paid for milk and would fluctuate accordingly.

Some of these proposals were based upon the findings and recommendations of a committee representing the colleges of agriculture in states supplying milk to the market. The report of this committee recommended increasing the present 5-cent producer and Class I butterfat differentials to 7 cents, with provisions for automatic increases depending on the level of the Class I price.

Since the production of milk by producers for this market is primarily to supply the fluid milk required by the market, the butterfat differential should be designed to encourage the production of milk with butterfat content about the same, or at least as high as the butterfat content of milk sold by handlers. Grade B milk is the larger portion of the volume of Class I sales by handlers, amounting to approximately 75 percent of total sales. The average test of Grade B milk sales is slightly less than 3.7 percent butterfat. The number of Grade B producers whose milk tested less than 3.7 percent increased from 41.6 percent of all Grade B producers in August 1943 to 51.5 percent in August 1951. Although the average test of all receipts of Grade B milk was 3.82 percent butterfat in 1950, and 3.75 percent in 1951, the test tends to be lower in the months of seasonally high production, and in some months of 1951 and 1952 was actually less than 3.7 percent. These average tests are for receipts including some Guernsey milk with a test of about 4.4 percent, which is sold as a special type of milk with high butterfat content. The record evidence indicates that low test producers are finding increasing difficulty in marketing their milk, and one handler has requested that in the near future each producer should deliver milk testing at least 3.5 percent butterfat.

The downward trend in the average butterfat content of the kind of milk most used in the market indicates the need for a producer butterfat differential somewhat higher than the current one. It is noted, furthermore, that the differential is considerably less in relationship to the level of the Class I price than is the case in most other Federal orders, and that the current 5-cent differential is a little more than half of the market value of butterfat for manufactured products. Also, since September 1945, when the 5-cent differential was made effective, the Class I price has increased about 54 percent.

The problem of establishing the producer butterfat differential is related to the problem of an appropriate charge for butterfat used in Class I. The producer butterfat differential represents a price for differential butterfat based upon supply and demand conditions in a fluid milk market, and accordingly, a cost to handlers for differential butterfat in Class I milk as high as the producer differential is consistent with market conditions. Also, since the Class I butterfat differential serves to establish the relationship between the value of butterfat and skim milk, a differential which may be used over the whole range of butterfat tests in Class I is desirable.

included in the record.

Much of the testimony in the record favored the use of a 7-cent butterfat differential for Grade B milk in the range of butterfat tests from 3 to 6 percent. For other Class I utilization the butterfat differential has been higher than for standard milk. It is concluded that for a butterfat differential applicable to all types of Class I disposition, 8 cents per tenth of one percent of butterfat would meet the requirements better than a lower figure. The ratio of this differential to the Class I price is within the range of the several ratios suggested in the study committee's report.

Handlers' objection to any change in the Class I butterfat differential appears based on the desire to avoid any increase in the cost of Class I milk. The change to an 8-cent butterfat differential can be made without increasing the average cost of Class I milk in the market if the price for the average test of Class I disposition is kept the same. The average butterfat test of all Class I disposition is about 3.7 percent. A price of $6.06 per hundredweight for milk testing 3.7 percent butterfat would give, as nearly as possible, the same average cost for all Class I milk as the current annual level price of $6.24 for 4.0 percent milk with the system of butterfat differentials now effective. Examination of the effect of such a price on the cost of milk for in-area sales during the 18 months ending with June 1952, using an 8-cent butterfat differential and with adjustment for seasonal changes in the Class I price and changes in the basic annual level of the price, shows that the average cost to handlers would not have been increased except by minor fractions of a cent in two months.

In the case of Grade A milk the order now provides a butterfat premium of 2 cents per tenth of a percent of butterfat over 3.7 percent. A butterfat premium in addition to the 8-cent differential would increase the cost of Grade A milk to an extent not consistent with market conditions. The record shows there is a relatively ample supply of Grade A milk compared to Grade A sales. An 8-cent butterfat differential will be one-cent higher than the new effective differential (including the premium) and will thus result in added incentive for the production of Grade A milk with a high butterfat content.

It was proposed that the Class I and producer butterfat differentials should change automatically with changes in the price received by producers. Some method of automatic adjustment in line with changing market conditions is desirable, and the relationship between the butterfat differential and the price received by producers for milk is important as to whether there is adequate incentive for producing milk of the required butterfat content. It is more practical to relate the butterfat differential to the Class I price than the uniform price, since the latter varies considerably among handlers. A butterfat differential which is a fixed percentage of the Class I price would maintain constant percentage relationships between the price for milk of standard test, on one hand, and skim milk products or special high test types of milk on the other hand. If the differential changed only in one-cent intervals, as proposed by producers, these relationships between the prices of various tests of milk would vary without relation to the actual values whenever a change in the Class I price was not sufficient to produce an accompanying one-cent change in the differential. It is concluded that a butterfat differential per one-tenth of one percent of butterfat which is a fixed percentage of the Class I price would be practical if the differential were calculated to the nearest tenth of a cent. Inasmuch as an 8-cent differential is reasonable for the price $6.06 per hundredweight for milk testing 3.7 percent butterfat, it is concluded that a suitable relationship could be maintain by calculating the butterfat differential as 1.32 percent of the Class I price. The resulting seasonal changes in the butterfat differential would maintain the same relationship between the butterfat and skim milk values in Class I milk.

For the purpose of uniformity, the Class II price should also be stated in terms of a price for milk testing 3.7 percent butterfat. This change may be accomplished by calculating the cream butterfat price component by dividing the average cream price by 33.48, multiplying by 3.7 and subtracting 24.5 cents. This calculation, along with the skim milk price component, results in a price for milk of 3.7 percent test equivalent to the current order price for milk of 4.0 percent test. Similar adjustment would be made in the case of the value of butterfat made into butter, and the calculation of the applicable butterfat differential would be adjusted to result in the same butterfat differential as under current order provisions. These changes would not result in any but minor changes in the value of Class II milk.

2. *Milk sold in the New York marketing area.* The price for milk sold as Class I in the New York metropolitan milk marketing area should be the New York order Class I–A price less such payment as may be required under the New York order on such milk.

During some months of 1950 and 1951, a few plants became producer milk plants by reason of having a small portion of their Class I utilization in the form of shipments to other producer milk plants, and at the same time sold the major portion of their milk in the New York metropolitan milk marketing area. Under the Philadelphia order the handler was required to pay producers the New York order Class I–A price for the milk sold in New York. No payment was made into the New York pool on this milk, for although the New York order provides for payments into the pool on milk from handlers under another Federal order, this is only at a rate equal to the difference in class prices, and there was no difference.

Producers under the New York order have complained that such operations exclude from the New York pool a value for a quantity of sales in the marketing area which should be paid to the regular producers for that market, and that the handlers in question had used the Philadelphia order as a device to avoid some of the pooling requirements under the New York order.

An amendment to the order effective April 17 through August 31, 1952, based on the record of a hearing held February 25 through 28, 1952 applied the Class II price to Class I milk sold by Philadelphia handlers in the New York market. This allowed the New York market administrator to collect on such milk for the producer settlement fund the difference between the New York order Class I–A price and the Philadelphia Class II price. The decision of the Acting Secretary in this matter issued May 27, 1952 stated that action in this matter for periods subsequent to August 1952 was reserved for a further decision on the record of the February hearing. The findings and conclusions on this issue contained herein are based upon the records of the hearings held February 25–28, 1952 and August 12 and 13, 1952.

The change in the Philadelphia order provisions recommended herein would establish a price for the milk in question at the New York order Class I–A price less the rate of payment required under the New York order to be made on such milk. Effectuation of this change in the pricing of such milk would require an amendment to the New York order setting forth a specific rate of payment to be made on such milk into the New York market-wide pool. The changes in the two orders would not change the cost of milk to the handler.

3. *Sales outside the area.* The price paid to producers for milk sold outside the marketing area, excepting other marketing areas where the handling of milk is regulated by a Federal order, should be the same as the Class I price for milk sold in the area.

Currently the order provides for adjustment of the Class I price in the case of milk sold outside the marketing area, on the basis of ascertainment by the market administrator of the price being paid to farmers in the market where such milk is disposed of.

Circumstances have led to a widening of the scope of application of this order provision. In this connection official notice is taken of the data on Class I sales published by the market administrator for July 1952 in Monthly News Letter No. 100 which show more than 19 percent of total Class I sales were outside the marketing area. This is a higher percentage than in any previous month.

Another recent factor in the special pricing of sales outside the marketing area has been the increased difference in prices for milk sold outside the area as compared with the regular Class I price. Handlers' testimony indicates that in operations outside the marketing area they encounter competition with milk which for Class I use costs as much as $1.00 less than the Philadelphia Class I price. Some of this milk from other sources is not subject to either Federal or State regulation of producer price.

The more general application of the special pricing provision for outside sales and the widening difference between these prices and the regular Class I price has resulted in some question as to whether this provision of the order is operating to the best interest of the market.

Relatively low producer prices for milk sold outside the marketing area, as in the case of some types of sales in recent months, would encourage handlers to carry additional supplies of milk to expand their operations in outside markets. In this way the order would become a device by which Philadelphia handlers could establish operations in outside markets at the expense of local dairy farmers supplying such markets. The general knowledge of the availability of large volumes of low-priced milk from Philadelphia plants would tend to have a depressing effect on prices in other markets. This situation would not be in the interest of orderly marketing.

The complexity of the market situations in some areas where the market administrator has been requested to ascertain prices, particularly in some cases where widely different prices are paid for milk in Class I use, and the larger volumes of milk involved, make it impractical to continue such ascertainments. It is apparent that under the current system of pricing that sales outside the marketing area have become a relatively large part of Class I disposition, and may expand further. Under these circumstances a two price system, or a multiple price system, for Class I disposition tends to pervert the price-making function of the order from the original purpose of securing an adequate supply for the marketing area.

The record evidence does not support the establishment by the order of a low producer price for sales outside the marketing area designed to meet the competition of unregulated prices. In this connection it is noted that some Philadelphia handlers operate nonproducer plants from which they sell milk in areas outside the marketing area.

Evidence in the record indicates that in some areas outside the marketing area Philadelphia handlers supply more than half of the milk for fluid sales. Inclusion of such areas in the marketing area is a possibility which might be considered by handlers if they wish to eliminate price differences in these areas.

It is concluded that the price applicable to Class I milk sold outside the marketing area should be the same as the price for Class I milk sold in the area, and the order should be so amended.

Some period of notice would be allowed for handlers to adjust their operations in connection with this change in pricing, inasmuch as they may wish to arrange to make sales outside the marketing area from nonproducer plants. A period of three months after issuance of the amending order would appear sufficient.

The following order amending the order, as amended, regulating the handling of milk in the Philadelphia marketing area, is tentatively recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out.

1. Delete the table in § 961.40 (a) (6) and substitute:

CLASS I PRICE SCHEDULE

CLASS I PRICE PER HUNDREDWEIGHT

Formula index	Jan., Feb., Mar., July, Aug., Sept.	Apr., May, June	Oct. Nov., Dec.
116.3–120.3	$3.26	$2.86	$3.66
124.1–128.1	3.46	3.06	3.86
131.9–135.9	3.66	3.26	4.06
139.6–143.6	3.86	3.46	4.26
147.4–151.4	4.06	3.66	4.46
155.2–159.2	4.26	3.86	4.66
163.0–167.0	4.46	4.06	4.86
170.8–174.8	4.66	4.26	5.06
178.5–182.5	4.86	4.46	5.26
186.3–190.3	5.06	4.66	5.46
194.1–198.1	5.26	4.86	5.66
201.9–205.9	5.46	5.06	5.86
209.7–213.7	5.66	5.26	6.06
217.5–221.5	5.86	5.46	6.26
225.2–229.2	6.06	5.66	6.46
233.0–237.0	6.26	5.86	6.66
240.8–244.8	6.46	6.06	6.86
248.6–252.6	6.66	6.26	7.06
256.4–260.4	6.86	6.46	7.26

2. Delete § 961.40 (b) (1) and substitute the following:

(1) *Butterfat.* Add all market quotations (using midpoint of any weekly range as one quotation) of prices for a 40-quart can of fresh sweet cream of bottling quality in the Philadelphia, Pennsylvania market reported for each week ending within the month by the United States Department of Agriculture (or such other agency as is authorized to perform this price reporting function), divide by the number of quotations, divide by 33.48, multiply by 3.7 and subtract 24.5 cents: *Provided,* That for butterfat established as used in butter, the price shall be 3.7 times 120 percent of the average of the daily wholesale selling prices for Grade A (92-score) butter at New York as reported by the United States Department of Agriculture for the month for which payment is to be made, less 17.6 cents, but in no event shall this butter value be greater than the butterfat value established otherwise by this subparagraph.

3. Delete § 961.41 and substitute the following:

§ 961.41 *Butterfat differential.* (a) The Class I price shall be subject to a butterfat differential, for each one-tenth of one percent variation above or below 3.7 percent, equal to the butterfat differential calculated pursuant to § 961.82.

(b) The Class II price shall be subject to a butterfat differential for each one-tenth of one percent variation above or below 3.7 percent, calculated as follows: divide the average of the cream quotations used in calculating the Class II price by 334.8, and subtract 0.67 cent; or in the case of butterfat in Class II to which the "butter-value" is applicable divide the butter value by 37.

4. Delete § 961.43 and substitute:

§ 961.43 *Class I milk disposed of in another Federal marketing area.* The price for Class I milk disposed of in an area where the handling of milk is regulated by another order of the Secretary shall be the price pursuant to such other order, except that for Class I milk disposed of in the New York metropolitan milk marketing area, the price shall be the Class I–A price pursuant to the New York order less such payment as is required on such milk pursuant to the New York order.

5. Delete § 961.70 and substitute:

§ 961.70 *Computation of value of milk for each handler.* For each month the market administrator shall compute, subject to the provisions of § 961.60, the value of milk of producers disposed of by each handler, exclusive of the value of premiums paid pursuant to § 961.85 to designated Grade A producers, by (a) multiplying the hundredweight of such milk in each class and price subdivision of each class, computed pursuant to §§ 961.30 through 961.35 by the prices applicable pursuant to § 961.40, plus or minus the applicable differentials in §§ 961.41 through 961.43, and adding 40 cents per hundredweight for milk sold as Grade A in excess of the milk received from designated Grade A producers, and (b) adding together the resulting values.

6. Delete § 961.82 and substitute the following:

§ 961.82 *Butterfat differential.* If a handler has received from a producer, during the month, milk having an average butterfat content other than 3.7 percent, such handler, in making payments pursuant to § 961.80, shall add to the uniform price for such producer for each one-tenth of one percent of average butterfat content in milk above 3.7 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of one percent of average butterfat content in milk below 3.7 percent, not more than a butterfat differential computed as follows: 1.32 percent of the Class I price.

7. Delete § 961.85 and substitute:

§ 961.85 *Premium for Grade A milk.* In addition to the uniform price and all other payments required pursuant to §§ 961.80 through 961.84, each handler shall pay for milk, which he has designated as qualified under the Commonwealth of Pennsylvania Department of Health or the New Jersey Department of Health requirements for sale as Grade A milk and which is delivered to a plant similarly qualified (so long as such requirements are in effect as a separate grade), the following amounts times the ratio of such milk sold under Grade A label to the total quantity of Grade A milk received from producers: 40 cents per hundredweight of Grade A milk received from producers of 10,000 bacteria or less per c. c. and 25 cents per hundredweight of Grade A milk received from producers of more than 10,000 but less than 25,000 bacteria.

Issued at Washington, D. C., this 18th of December 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52–13518; Filed, Dec. 23, 1952; 8:48 a. m.]

price for milk of standard test, on one hand, and skim milk products or special area which should be paid to the regular producers for that market, and that the and the widening difference between these prices and the regular Class I price

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

APPROVAL OF BUDGET OF EXPENSES OF RAISIN ADMINISTRATIVE COMMITTEE AND FIXING RATE OF ASSESSMENT FOR 1952–53 CROP YEAR

Notice is hereby given that the Secretary of Agriculture is considering a proposed rule to approve a budget of expenses for the Raisin Administrative Committee for the 1952–53 crop year and fix a rate of assessment for such year, as hereinafter set forth, which were recommended by said committee in accordance with the provisions of Marketing Agreement No. 109 and Order No. 89 (17 F. R. 1255, 1555) regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the eighth day after the date of publication of this notice in the FEDERAL REGISTER except that, if said eighth day after publication should fall on a legal holiday, Saturday, or Sunday, such submission will be received by the Director not later than the close of business on the next following business day.

It will, of course, be necessary that all salaries and wages paid by the Raisin Administrative Committee be in conformity with the provisions of the Defense Production Act of 1950, as amended, Executive Order No. 10161, and any supplementary order, directive, or regulation pursuant thereto.

The proposed rule is as follows:

§ 989.303 *Budget of expenses of the Raisin Administrative Committee and rate of assessment for the 1952–53 crop year*—(a) *Budget of expenses.* Expenses in the amount of $66,000 are reasonable and are likely to be incurred by the Raisin Administrative Committee for its maintenance and functioning and for the maintenance and functioning of the Raisin Advisory Board for the crop year beginning August 15, 1952.

(b) *Rate of assessment.* Each handler shall pay to the Raisin Administrative Committee, in accordance with the marketing agreement and order, an assessment rate of 40 cents for each ton of free tonnage raisins acquired by him, and for each ton of reserve tonnage raisins sold to him by the committee, during the crop year beginning August 15, 1952, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Issued at Washington, D. C., this 19th day of December 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52–13562; Filed, Dec. 23, 1952; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 10]

UNIFORM SYSTEM OF ACCOUNTS FOR STEAM ROADS

NOTICE OF PROPOSED RULE MAKING

DECEMBER 11, 1952.

Having under consideration the balance sheet classification of funds voluntarily placed in separate depositories or earmarked in treasury funds for special purposes, the Commission by Division 1 has approved modification of the texts of the following accounts to clarify the intent with respect to such funds, and to distinguish between them and cash available for current expenditures or on deposit for payment of specific current liabilities:

1. In § 10.704 *Capital and other reserve funds*, cancel the text of and notes to this account, and substitute the following for them:

§ 10.704 *Capital and other reserve funds.* (a) This account shall include cash and the ledger value of other assets held by trustees or by the accounting company's treasurer when segregated in distinct funds that have been (1) realized from the sale of equipment obligations or other long-term obligations and not yet applied toward the specific purposes for which the obligations were incurred, and (2) set aside in accordance with governmental, mortgage, or contractual requirements in connection with reorganizations or otherwise. This account shall also include funds deposited with trustees to be held until mortgaged property sold is replaced.

(b) An appropriate record shall be maintained for securities issued or assumed by the accounting company and held in the funds, identifying those that are nominally issued or nominally outstanding.

NOTE A: Funds specifically set aside for sinking fund purposes shall be included in account 703, "Sinking funds." If one purpose of a capital fund is to provide contributions to a sinking fund under specified conditions, the entire amount of the fund shall be included in this account until the contributions to the sinking fund are made, at which time the amounts thereof shall be transferred to account 703.

NOTE B: The ledger value of assets of the character indicated in paragraph (a) (2) of this section, shall be transferred to the appropriate current asset account when the assets are definitely assigned in advance of expenditure to the payment of interest or other current liabilities payable within one year.

NOTE C: Bank deposits subject to current withdrawal for specific purposes only, shall be included in account 711, "Special deposits." Deposits available for general company purposes shall be included in account 708, "Cash."

2. In § 10.711 *Special deposits*, cancel the text of this account and substitute the following text and note for it:

§ 10.711 *Special deposits.* This account shall include funds specifically deposited for the payment of dividends, interest, and other current liabilities; also other deposits subject to current withdrawal for specific purposes only.

NOTE: Deposits available for general company purposes shall be included in account 708, "Cash".

3. In § 10.721 *Insurance and other funds*, add the following note to the text of this account:

NOTE D: Bank deposits subject to current withdrawal for specific purposes only, shall be included in account 711, "Special deposits." Deposits available for general company purposes shall be included in account 708, "Cash".

Any interested person may on or before January 16, 1953, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consideration of representations so received, an order will be entered making the said modifications effective March 1, 1953.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–13527; Filed, Dec. 23, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2711]

DIRECTOR OF FISH AND WILDLIFE SERVICE

DELEGATION OF AUTHORITY WITH RESPECT TO EXAMINATION AND CONSIDERATION OF APPLICATIONS, AND ISSUANCE AND ADMINISTRATION OF PERMITS

The Director of the Fish and Wildlife Service may exercise all of the authority vested in the Secretary of the Interior by the act of July 17, 1952 (66 Stat. 755), with respect to the examination and consideration of applications therefor, and the issuance and administration of permits authorizing the entry, or withdrawal from warehouse, for consumption of skins bearing feathers of the species of wild birds designated by such act. In the exercise of the authority hereby delegated, the said Director shall be guided by the regulations in Part 10, Title 50, Code of Federal Regulations, prescribing standards for allocating quotas of such skins.

(46 Stat. 661 as amended; 19 U. S. C. 1001, par. 1518; Reorg. Plan No. 3 of 1950, 16 F. R. 3174)

Issued this 18th day of December 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52–13511; Filed, Dec. 23, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Nebraska, in alphabetical order, add the county "Pierce."

In Schedule B, under Nebraska, delete the county "Pierce."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 23d day of December 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–13618; Filed, Dec. 23, 1952; 11:10 a. m.]

Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY ALABAMA, FLORIDA, AND GEORGIA STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEES REGARDING MARKETING QUOTA REGULATIONS FOR 1953 CROP

Section 729.432 of the Marketing Quota Regulations for the 1953 Crop of Peanuts (17 F. R. 10611), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelgations of final authority which have been made by the Alabama, Florida and Georgia State Production and Marketing Administration Committees of authority vested in such committees by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the officer or the committee to whom the authority has been redelegated:

ALABAMA

Sections 729.418 (b) (5), 729.421, 729.422 (a), 729.424 (a), 729.424 (b) (4), 729.426 (b), 729.429, and 729.430—Chairman of the State PMA Committee.

Section 729.411 (h) (1)—County PMA Committee.

FLORIDA

Sections 729.411 (h) (ii), 729.418 (b) (5), 729.419, 729.421, 729.422 (a), 720.424 (a), 729.424 (b) (4), 729.429, and 729.430—Executive Officer or Acting Executive Officer of the State PMA Committee.

GEORGIA

Sections 729.411 (h) (1) and 729.426 (b)—Chairman or Acting Chairman of the State PMA Committee; Chief, Program Division, and Marketing Quota Specialist of the Office of the State PMA Committee.

Sections 729.418 (b) (5), 729.419, 729.422 (a), 729.424 (a), 729.424 (b) (4), and 729.429—Chairman or Acting Chairman of the State PMA Committee; Chief, Program Division, and Chief, Audit & Statistical Division of the Office of the State PMA Committee.

Sections 729.421 and 729.430—Chairman or Acting Chairman of the State PMA Committee; Farmer Fieldmen, Chief, Program Division, and Chief, Audit & Statistical Division of the Office of the State PMA Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 373, 374; 52 Stat. 38, 62, 65, as amended, 55 Stat. 88, as amended; 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1373, 1374)

Issued at Washington, D. C., this 19th day of December 1952.

[SEAL] HAROLD K. HILL,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 52–13560; Filed, Dec. 23, 1952; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1951]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

DECEMBER 11, 1952.

On November 20, 1952, the Presiding Examiner issued his decision in the above-entitled matter, wherein he concluded that the application herein should be denied. On December 8, 1952, exceptions to such decision and to certain of the findings and conclusions contained therein were filed by Applicant. With such exceptions, Applicant filed a motion pursuant to § 1.31 (d) (2) of the Commission's rules and regulations for oral argument concerning the matters and issues set forth in its exceptions to the Presiding Examiner's decision.

The Commission finds: Good cause exists and it is appropriate in carrying out the provisions of the Natural Gas Act that the request of Applicant for oral argument be granted.

The Commission orders:

(A) Oral argument before the Commission concerning the matters involved and the issues presented in the above-entitled proceeding be and the same is hereby set for January 28, 1953, at 10:00 a. m., e. s. t., in the Hearing Room, Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) Applicant and Commission Staff counsel shall notify the Secretary of the Commission of the amount of time desired for oral argument on or before January 10, 1953.

Date of issuance: December 18, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–13517; Filed, Dec. 23, 1952; 8:47 a. m.]

[Project No. 2111]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

DECEMBER 18, 1952.

Public notice is hereby given that Pacific Power & Light Company, of Portland, Oregon, has made application for preliminary permit pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r) for a proposed hydroelectric project, designated as Project No. 2111, on the Lewis River in Skamania and Clark Counties, Washington, affecting public lands and lands of the United States reserved as the Swift Creek Administrative Site for use by the Department of Agriculture. The proposed project, probably to be known as the Swift Power Development, would consist of a spillway-equipped rock-fill dam, about 225 feet high, creating a reservoir having usable storage of about 122,000 acre-feet; a power tunnel about 18,000 feet long; a surge tank and two penstocks; a powerhouse to house two vertical turbine-generator units, each tentatively rated at 25,000 kw; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 26th day of January 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–13547; Filed, Dec. 23, 1952; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 96]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

DECEMBER 22, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

APPLICATIONS, AND ISSUANCE AND ADMINISTRATION OF PERMITS

The Director of the Fish and Wildlife Service may exercise all of the authority of wild birds designated by such act. In the exercise of the authority hereby delegated, the said Director shall be guided by the regulations in Part 10, Title 50,

Secretary of the Interior.

[F. R. Doc. 52-13511; Filed, Dec. 23, 1952; 8:45 a. m.]

Executive Officer or Acting Executive Officer of the State PMA Committee.

[F. R. Doc. 52-13517; Filed, Dec. 23, 1952; 8:47 a. m.]

Marianna, Florida, Area. (The area consists of all of Jackson County, Florida.)

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-13603; Filed, Dec. 22, 1952; 5:10 p. m.]

[CDHA 97]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

DECEMBER 22, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Charleston, Maine, Area. (The area consists of the towns of Bradford, Charleston, Corinth, and Garland, in Penobscot County; and the towns of Atkinson and Dover-Foxcroft, including the unincorporated community of Dover-Foxcroft, in Piscataquis County; all in Maine.)

HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-13604; Filed, Dec. 22, 1952; 5:11 p. m.]

[RC 86]

RANTOUL, ILLINOIS, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

DECEMBER 23, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Rantoul, Illinois, Area. (The area consists of all of Champaign County, and the Township of Patton in Ford County, Illinois.)

This supersedes certification under date of September 4, 1952.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-13620; Filed, Dec. 23, 1952; 11:15 a. m.]

[RC 87]

KINSTON, NORTH CAROLINA, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

DECEMBER 23, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Kinston, North Carolina, Area. (The area consists of all of Lenoir County, and the Town of Grifton in Pitt County, North Carolina.)

This supersedes certification under Docket No. 43 dated December 27, 1951.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-13619; Filed, Dec. 23, 1952; 11:15 a. m.]

[RC 89]

YOUNGSTOWN, OHIO, AREA

DECERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

DECEMBER 23, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that one or more of the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, no longer exist in the area designated as: Youngstown, Ohio, Area.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is no longer a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
HENRY H. FOWLER,
Director of Defense Mobilization.

[F. R. Doc. 52-13621; Filed, Dec. 23, 1952; 11:15 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1400]

FOSTER AND KLEISER CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

DECEMBER 18, 1952.

Foster and Kleiser Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, $2.50 Par Value, from registration and listing on the Los Angeles Stock Exchange and on the San Francisco Stock Exchange.

The reason stated by the company in the application for withdrawing this security from registration and listing is that W. R. Grace & Co., a West Virginia corporation, has become the beneficial owner of more than 605,000 shares of the approximately 608,000 shares of the above security that are outstanding, with the result that there is not a sufficient number of shares now outstanding in the hands of the public with sufficient widespread distribution to warrant the continuance of a free auction market on an exchange for this security.

Upon receipt of a request, prior to January 21, 1953, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-13515; Filed, Dec. 23, 1952; 8:46 a. m.]

[File No. 16-1A41]

GILBERT PARKER AND NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

ORDER DISMISSING REVIEW PROCEEDINGS

DECEMBER 17, 1952.

In the matter of application of Gilbert Parker, for review of disciplinary action taken against him by the National Association of Securities Dealers, Inc.; File No. 16-1A41.

Gilbert Parker, a registered representative of Tyson & Company, Inc., a former member of the National

Association of Securities Dealers, Inc. ("NASD"), having applied to the Commission pursuant to section 15A (g) of the Securities Exchange Act of 1934 for review of action of the NASD revoking his registration;

Briefs having been filed, oral argument having been heard; and the Commission being duly advised and having this day issued its findings and opinion herein; on the basis of said findings and opinion,

It is ordered, That the proceedings for review herein be and they hereby are dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-13516; Filed, Dec. 23, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27640]

GRAIN FROM POINTS IN NEBRASKA, IOWA, KANSAS, AND MISSOURI, TO MOBILE, ALA.

APPLICATION FOR RELIEF

DECEMBER 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago, Rock Island and Pacific Railroad Company, for itself and on behalf of the Gulf, Mobile and Ohio Railroad Company and the Southern Railway Company.

Commodities involved: Grain, grain products, and related articles.

From: Omaha, Albright, and South Omaha, Nebr., Council Bluffs, Iowa, Atchison, Kans., Kansas City, Mo.-Kans., St. Joseph, Mo., and other points in Kansas and Nebraska.

To: Mobile, Ala., for export.

Grounds for relief: Competition with rail carriers, circuitous routes, and grouping.

Schedules filed containing proposed rates: CRI&P RR. tariff I. C. C. No. C-13446, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13520; Filed, Dec. 23, 1952; 8:48 a. m.]

[4th Sec. Application 27641]

FERTILIZER SOLUTIONS FROM SOUTH POINT, OHIO, TO POINTS IN KENTUCKY

APPLICATION FOR RELIEF

DECEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1221.

Commodities involved: Fertilizer solutions, in tank-car loads.

From: South Point, Ohio.

To: Corbin, Danville, Ford, Mt. Vernon, Paris, Richmond, Williamsburg, and Winchester, Ky., and points taking same rates.

Grounds for relief: Competition with rail carriers, circuitous routes, and application of rates over routes affording initial carrier longer hauls.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13521; Filed, Dec. 23, 1952; 8:48 a. m.]

[4th Sec. Application 27642]

CAST IRON PIPE FROM TEXAS TO NORTH CENTRAL STATES

APPLICATION FOR RELIEF

DECEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Cast iron pipe and related articles, carloads.

From: Fort Worth, Lone Star, Swan, and Tyler, Tex.

To: Minnesota, Wisconsin, Nebraska, North Dakota, and South Dakota.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4044.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13522; Filed, Dec. 23, 1952; 8:48 a. m.]

[4th Sec. Application 27643]

GRAIN BETWEEN MISSOURI AND ARKANSAS, ALSO MEMPHIS, TENN.

APPLICATION FOR RELIEF

DECEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Grain and grain products, carloads.

Between: Points in Missouri, on the the one hand, and points in Arkansas, and Memphis, Tenn., on the other.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3939, Supp. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13523; Filed, Dec. 23, 1952; 8:49 a. m.]

of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly

[F. R. Doc. 52-13621; Filed, Dec. 23, 1952; 11:15 a. m.]

sentative of Tyson & Company, Inc., a former member of the National

[F. R. Doc. 52-13520; Filed, Dec. 23, 1952; 8:48 a. m.]

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4044.

Acting Secretary.

[F. R. Doc. 52-13523; Filed, Dec. 23, 1952; 8:49 a. m.]

[4th Sec. Application 27644]

RAYON AND SYNTHETIC STAPLE FIBRE FROM DECATUR, ALA., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Rayon staple fibre and synthetic staple fibre, carloads.

From: Decatur, Ala.

To: Southern territory.

Grounds for relief: Rail and motor competition and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1263, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13524; Filed, Dec. 23, 1952; 8:49 a. m.]

[4th Sec. Application 27645]

PHOSPHATE ROCK FROM FLORIDA TO HOXIE, ARK., AND FORT WORTH, TEX.

APPLICATION FOR RELIEF

DECEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, carloads.

From: Florida.

To: Hoxie, Ark., and Fort Worth, Tex.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of distance formula.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B-3232, Supp. 69; SAL RR. tariff I. C. C. No. A-8153, Supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13525; Filed, Dec. 23, 1952; 8:49 a. m.]

[4th Sec. Application 27646]

PHOSPHATE ROCK FROM FLORIDA TO POINT PLEASANT, W. VA.

APPLICATION FOR RELIEF

DECEMBER 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, ground or not ground, slush and floats, and soft phosphate, carloads.

From: Florida.

To: Point Pleasant, W. Va.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B-3232, Supp. 69; SAL RR. tariff I. C. C. No. A-8153, Supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13526; Filed, Dec. 23, 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

KRISTIAN STEFFENSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kristian Steffensen, Bjerget pr. Frostrup, Denmark; Claim No. 4736; $23.44 in the Treasury of the United States.

Executed at Washington D. C., on December 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-13555; Filed, Dec. 23, 1952; 8:51 a. m.]

KRISTIAN STEFFENSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kristian Steffensen, Bjerget pr. Frostrup, Denmark; Claim No. 4735; $1,099.42 in the Treasury of the United States.

Executed at Washington, D. C., on December 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-13556; Filed, Dec. 23, 1952; 8:52 a.m.]

L. PETER POULSEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

L. Peter Poulsen, Nykøbing F., Denmark; Kresten Poulsen, Bedsted, Thy, Denmark; Martin Luther Poulsen, Copenhagen, Denmark; Filip Melangton Poulsen, Bredsten, Vejle, Denmark; Mrs. Anna Rasmussen, Copenhagen, Denmark; Carl Kristian Poulsen, Bedsted, Thy, Denmark; Otto Gert Poulsen, Helligkilde pr. Hvidbjerg, Denmark; Senius Poulsen, Kongens Lyngby, Denmark; Claim No. 4733; $1,122.83 in the Treasury of the United States in equal shares to the claimants.

Executed at Washington, D. C., on December 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-13557; Filed, Dec. 23, 1952; 8:52 a. m.]

ANGELA AUGUSTA GUASTI AND LUIGI QUAGLIA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Angela Augusta Guasti, Acqui, Italy; Luigi Quaglia, Mombaruzzo, Italy; Claim No. 40074; $384.15 in the Treasury of the United States to Angela Augusta Guasti.

$384.20 in the Treasury of the United States to Luigi Quaglia.

An undivided one-half interest in each of the following described properties to each of the claimants:

One (1) United States Two and one-half dollar gold piece, bearing date of 1914, attached to a watch chain, held in Account Nos. 38-15623/5 by the Office of Alien Property, New York, New York.

One (1) gold Elgin watch and gold chain, 19 jewels, watch No. 24465306, case No. 6343543, engraved with name of B. W. Raymond, held in Account Nos. 38-15623/5 by the Office of Alien Property, New York, New York.

One (1) share of capital stock of Blair Holdings Corporation, P. V. $1 per share, evidenced by certificate No. 649 registered in the name of Attorney General of the United States, Account Nos. 38-15623/5, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York.

Three (3) shares of capital stock of Transamerica Corporation, P. V. $2 per share, evidenced by certificate No. 73907 registered in the name of Attorney General of the United States, Account Nos. 38-15623/5, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York.

United States Savings Bonds, Series E. No. 3134849 in the amount of $1000, Nos. 23199760/62 in the amount of $100 each, and No. 12749414 in the amount of $25, registered in the name of Mr. Tom Guasti, 18260 Lassen Street, Northridge, California, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York.

Real property situated in the City of Burbank, County of Los Angeles, State of California, described as Lots 50 and 51, Tract 4615, as per map recorded in Book 91, Pages 13-14 of Maps, records of Los Angeles County, in the office of the County Recorder of said County.

Executed at Washington, D. C., on December 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-13554; Filed, Dec. 23, 1952; 8:51 a. m.]

HEDWIG STEINBORN VAUGHAN-HENRY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hedwig Steinborn Vaughan-Henry, London, England; Claim No. 32511; $200.77 in the Treasury of the United States.

Executed at Washington, D. C., on December 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-13558; Filed, Dec. 23, 1952; 8:52 a. m.]

KATARINA GORSE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Katarina Gorse nee Knezetic, Marija Kranjcec nee Knezetic, and Franjo Knezetic, Karlovac, Croatia, Yugoslavia; Claim No. 29464; $87.40 in the Treasury of the United States. Katarina Gorse nee Knezetic, Marija Kranjcec nee Knezetic and Franjo Knezetic are each entitled to one-third of the property.

Executed at Washington, D. C., on December 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-13559; Filed, Dec. 23, 1952; 8:52 a. m.]

A-8153, Supp. 67.

Any interested person desiring the Commission to hold a hearing upon such

[F. R. Doc. 52-13526; Filed, Dec. 23, 1952; 8:49 a. m.]

quate provision for taxes and conservatory expenses:

FEDERAL REGISTER

VOLUME 17 NUMBER 251

Washington, Thursday, December 25, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

Effective as to any reductions in force in which notices are issued on or after February 15, 1953, or within any agency at such prior date as may be determined by the head of the agency, Part 20 is revised and amended to read as follows:

Sec.
20.1 Extent of part.
20.2 Definitions.
20.3 Completion of employee records.
20.4 Order of selection.
20.5 Actions.
20.6 Notice to employees.
20.7 Reappointment priority.
20.8 Special regulations relating to consolidations and liquidations.
20.9 Appeals.

AUTHORITY: §§ 20.1 to 20.9 issued under secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868. Interpret or apply sec. 12, 58 Stat. 390; 5 U. S. C. 861. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 20.1 *Extent of part.* The regulations in this part establish degrees of retention preference and uniform rules for reductions in force. They apply to all civilian employees in the executive branch of the Federal Government, and in the municipal government of the District of Columbia, except those whose appointments are required to be approved by the Senate, and those who are appointed by the President of the United States.

(Sec. 20, 58 Stat. 391; 5 U. S. C. 869)

§ 20.2 *Definitions.* For the purposes of the regulations in this part definitions are given for words, terms and phrases as follows:

(a) "Reduction in force" means the involuntary separation of an employee from a duty and pay status for more than 30 days, by furlough or by separation from the rolls, in order to reduce personnel. The term does not apply to termination of temporary appointments, retirement of employees, or separations for cause and other actions proposed for reasons which promote the efficiency of the service.

(b) "Furlough" in a reduction in force means retention on the rolls on leave without pay pending recall to duty.

(c) "Competing employees" for any position in a reduction in force means the position incumbent, if any, and employees who are qualified for the position.

(d) "Qualified" for a position means having the basic education and experience, and such special skills and aptitudes as are necessary, to take over the position in a reduction in force and render satisfactory service without undue interruption to the work program.

(e) "Competitive area" means that part of an agency, usually within a local commuting area, in which employees are shifted, transferred, reassigned, promoted and demoted under single administrative authority, and within which competitive levels are established in reductions in force. (It does not establish a limitation for placement during reductions in force.)

(f) "Competitive level" means all similar positions within a competitive area in which employees could be readily interchanged, without undue interruption to the work program. (Generally such positions will be in the same grade or occupational level, but this is not necessary if the other tests are met.)

(g) "Retention standing" means precise rank among competing employees for a continuing position, by retention group and subgroup, and by retention credits within each subgroup.

(h) "Retention credits" are credits given for length of government service and performance ratings.

(i) "Government service" means the total of all periods of civilian service in the executive, legislative and judicial branches of the Federal Government and in the District of Columbia Government, and of all active military service.

(j) "Performance rating" means the current official performance rating under a performance rating plan which has been approved by the Civil Service Commission.

(k) "Continuing position" in a reduction in force is a position which is expected to continue for at least three months after the effective date of the separation, furlough, or reduction in grade or salary of an employee qualified for such position.

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career employees serving under

FEDERAL REGISTER

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(1) "Effective date" is the date an employee is separated, reduced in grade or pay, or furloughed, as the result of actions under the regulations in this part.

§ 20.3 *Completion of employee records.* (a) Each agency is responsible for maintaining current records of information necessary to determining relative retention preference of employees.

(b) If such records are incomplete, they may be supplemented by written statements from employees, each supported by a signed certificate that the information it contains is true, correct and complete according to the employee's knowledge and belief.

§ 20.4 *Order of selection*—(a) *Determination of competitive area.* (1) An agency may establish a general plan of competitive areas by obtaining prior approval from the Central Office of the Civil Service Commission. Subsequent clearance with the Commission will not be required concerning competitive areas conforming to the approved general plan unless there has been a material change in the agency's organizational structure or other facts on which the general plan was approved.

(2) In the absence of an approved general plan the normal competitive area shall be a bureau or equivalent part of an agency in the departmental service, or all of a field installation in a local commuting area, or any combination of these as may be determined by the agency.

(b) *Determination of competitive level.* Within the competitive area the agency will determine competitive levels of positions to be affected by a reduction in force.

(c) *Determination of tenure groups.* For the purpose of determining relative retention preference in reductions in force, competing employees with performance ratings of "Satisfactory" or better shall be classified according to tenure of employment and veteran preference in groups and subgroups as follows:

(1) *Group I—Career.* In the competitive service, this group consists of career employees who have completed probation and who are not "temporary" or "indefinite" as the result of promotion, transfer or reinstatement, except that career employees serving under conditional promotions shall be considered in this group with respect to positions at and below the grade in which they last served on a permanent basis. In positions excepted from the competitive service, this group includes all employees serving under appointments with no conditions or restrictions. Within this group, persons entitled to veteran preference are in subgroup "A" and others in subgroup "B".

(2) *Group II—Career-Conditional.* In the competitive service, this group includes career employees who are conditional because they are serving probationary periods, or are "temporary" or "indefinite" as the result of promotion, transfer or reinstatement, or are subject to some other limitation of a similar nature. In positions excepted from the competitive service, it includes employees who are conditional solely as the result of promotion or reinstatement. Within this group, persons entitled to veteran preference are in subgroup "A" and others in subgroup "B".

(3) *Group III—Indefinite.* This group includes persons serving under non-status non-temporary appointments in positions in the competitive service. It also includes employees in positions excepted from the competitive service serving under any condition or limitation other than a conditional promotion or reinstatement or a specific time limitation of one year or less. Within this group, persons entitled to veteran preference are in subgroup "A" and others in subgroup "B".

(d) *Retention register*—(1) *Compilation.* When two or more competing employees are in a competitive level which is to be affected by a reduction in force, the retention records of such employees shall be brought up to date on a current basis, and a retention register shall be compiled. All employees in positions in the particular competitive level, whether in duty, leave, or furlough status, excluding only those absent in the armed forces of the United States with reemployment rights, shall be entered on the register in the order of retention groups and subgroups, and according to retention credits in any subgroup when there are two or more. One retention credit shall be given for each full year of Federal Government service, and four retention credits shall be given for an "Outstanding" performance rating. If there are any temporary employees assigned to positions in the competitive level, their names and the expiration dates of their appointments shall be entered below the space provided for employees in retention groups on the register. Likewise, if there are any employees serving in positions in the competitive level under any kind of appointments, with current official performance ratings of "Unsatisfactory", their names shall be entered on the register below the names of temporary appointees.

(2) *Separation of registers.* Separate registers shall be compiled to show the distinctions between competitive levels representing positions in the competitive service; excepted from the competitive service; and those filled on a seasonal, when-actually-employed (WAE), or part-time basis.

(3) *Availability for inspection.* Employees notified of proposed adverse action in a reduction in force shall have an opportunity to examine retention registers and other records which have a bearing on the actions in their cases. All registers and records shall be open for inspection by representatives of the Civil Service Commission.

(e) *Sequence of selection.* With respect to each competitive level, action must be taken to remove all employees with official "Unsatisfactory" performance ratings, and all temporary employees, from positions affected by a reduction in force before any competing employee, in any retention group, is reached for action. Thereafter, selections for action must be made in order from the bottom to the top of the register. Half years of service will be used in breaking ties in retention standing, but any ties still remaining will be decided administratively.

§ 20.5 *Actions*—(a) *In general.* Employees who cannot be retained in their positions because of a reduction in force will be changed to continuing positions, separated, or furloughed.

(b) *Employees in positions in the competitive service.* (1) No employee may be separated, or furloughed for more than thirty days, or reduced in pay or grade in a reduction in force while a competing employee with lower retention standing is retained in the same competitive level.

(2) No employee in any subgroup of the career group or the career-conditional group who is willing to accept a reasonable change in position may be separated, furloughed for more than thirty days, or subjected to greater reduction in pay than necessary under such reasonable change in position, if he is qualified for a continuing position in another competitive level in his current commuting area in which an employee with lower subgroup standing is retained, or if he is qualified to go back to a continuing position from which he was promoted (or to an essentially identical position) in his present competitive area in which an employee with lower retention standing is retained.

(c) *Employees in positions excepted from the competitive service.* No employee in a position excepted from the competitive service may be separated, furloughed for more than thirty days, or reduced in grade or pay in a reduction in force if a competing employee with lower retention standing is retained in the same competitive level.

(d) *Reasonable change in position.* Any change in position under these regulations is reasonable if it is made without reduction in grade or pay. If a reduction in grade or pay cannot be avoided, any such change is reasonable if made with the least reduction required to conform with these regulations. Employees are not required to be given options as to alternative changes possible in any particular case. No agency shall be required to fill a vacant position, or to promote any employee, or to transfer any employee to a different duty station, and

no agency shall be prohibited from taking such administrative actions. No employee rendering satisfactory service in a position shall be required to be displaced by a competing employee who is not qualified for such position under the regulations in this part.

(e) *Furloughs.* Furloughs shall be given only when the reduction is temporary and contemplates the recall of employees to the positions from which furloughed. They may not extend more than one year from the date of notice, and shall provide that the employees report back for duty at the end of the furlough period if not recalled earlier.

(f) *Exceptions.* An exception to the regular order of selection or to the above provisions governing actions in a reduction in force may be made only when necessary to retain an employee engaged on necessary duties which cannot be taken over without undue interruption to the activity, by an employee with higher retention standing. In such cases, each employee affected adversely by the exception must be notified of the reasons and of his right to appeal to the Civil Service Commission for a review of such reasons.

§ 20.6 *Notice to employees*—(a) *Proposed action.* Each employee who is to be separated from the rolls, furloughed for more than thirty days, or reduced in grade or pay, in a reduction in force, under the regulations in this part, shall be given a notice in writing, stating specifically the action proposed in his case and the reasons therefor, at least thirty days, and not more than ninety days, except as provided in paragraph (e) of this section, in advance of the effective date of the action.

(b) *Status during notice period.* Wherever possible, the employee shall be retained on active duty during the notice period, but may be placed on annual leave with or without his consent, on leave without pay with his consent, or in an emergency when there is a lack of work or a lack of funds for all or part of the notice period, he may be placed in a non-pay leave status. The reasons for any time without pay during the notice period will be reviewed upon the request of the employee if he appeals to the Commission.

(c) *General and special notices.* When there is insufficient time to plan all changes in positions and other adjustments thirty days in advance of a reduction in force, general notices may be given at least thirty days in advance of the proposed actions, stating that action will probably be necessary, outlining the reasons for the probable actions, and informing the employees that they will receive specific notices in advance of the effective dates of the actions. In such cases the notice periods will begin on the dates the general notices were received by the employees, and the sufficiency of the contents will be determined on the basis of statements in both general and specific notices.

(d) *Contents of notice.* Notices to employees shall set forth the nature and effective date of the proposed actions, the place where they may inspect copies of the regulations in this part and the retention records which have a bearing on the action in their cases, specific reasons for any exceptions, appeal rights within the agency and to the Civil Service Commission, and all available information to aid the employee in securing other employment.

(e) *Employee with statutory retention rights.* Notices to employees in positions in which they have one-year statutory retention rights as the result of restoration after service with the armed forces, shall show effective dates on or after the expiration of such rights.

(f) *Invalidation of notices.* A general notice or other indefinite notice that is not followed by a definite notice, or renewed as an indefinite notice, within thirty days, is thereafter invalid as a notice of proposed action in a reduction in force. Any notice becomes invalid if it is not followed by action according to its terms, or as amended before action is due.

§ 20.7 *Reemployment priority*—(a) *Reemployment priority list.* Each agency shall establish and maintain a reemployment priority list for each competitive area from which career employees (and career-conditional employees, who have completed probation) have been separated in reductions in force, from competitive service positions on the basis of notices as provided in § 20.6. Each of these employees shall have his name entered on the reemployment priority list for all competitive service positions in the competitive area for which he is qualified and is available, and continued on such list for a period of one year from the date of such notice. His name may be deleted from such list upon his signed written request, upon his acceptance of a nontemporary position in any Federal agency, or if he declines reemployment to a position in the competitive service equivalent in grade and salary to the position from which separated by reduction in force.

(b) *Restriction in filling positions.* No position in the competitive service, for which there is a qualified person available on the reemployment priority list, may be filled by the transfer of an employee of a different agency, or by the new appointment of any person except a qualified 10-point preference eligible. Furthermore, no such position may be filled by the reemployment of a person who is not on the reemployment priority list, unless such person is a preference eligible. These restrictions shall not apply if all qualified persons on the reemployment priority list decline, or fail to respond to, offers of reemployment to the position. In selections for reemployment from such priority lists, qualified preference eligibles shall have preference. An exception to these provisions may be made only when necessary to obtain an employee for necessary duties which cannot be taken over without undue interruption to the activity, by any person on the reemployment priority list, or with greater preference on such list. In such cases, each person adversely affected by the exception must be notified of the reasons, and of his right to appeal to the Civil Service Commission for a review of such reasons.

(c) *Reemployments.* Any person listed, or entitled to be listed, on a reemployment priority list may be reemployed in the competitive service under this section within his period of reemployment priority, and when so reemployed shall have the same tenure as if he had been transferred from his last career appointment.

(d) *Appeals.* Any former employee who feels that there has been a violation of his reemployment priority benefits under the foregoing provisions may appeal to the Civil Service Commission by presenting factual information that he was improperly denied reemployment as the result of the employment of another person.

§ 20.8 *Special regulations relating to consolidation and liquidations.* (a) Before any reduction in force is made in connection with the transfer of any or all of the functions of an agency to another continuing agency, all competing employees in positions identified with such function or functions shall be transferred to such continuing agency, without change in tenure of appointment. Employees whose positions are transferred solely for the purpose of liquidation, and not identified with operating functions specifically authorized at the time of transfer to continue in operation more than sixty days, shall not be considered as competing employees for other positions in the receiving agency.

(b) Whenever it has been determined that all positions in the entire agency or an entire competitive area are to be abolished within a period of three months or less, actions may be taken with regard to individual employees in any retention sub-group at administrative discretion. Employees reached for separation under this paragraph shall be given individual notices in writing conforming generally to the notice requirements under § 20.6 but containing a statement of the authority which requires the liquidation, and the time period in which the liquidation is to be accomplished.

§ 20.9 *Appeals.* (a) Any employee notified of proposed action in a reduction in force who believes that the regulations in this part have not been correctly applied may appeal to the appropriate office of the Civil Service Commission, stating reasons for believing the proposed action to be improper, within ten days from the date he received notice of the proposed action (or supplementary notice specifying different adverse action), or within ten days after a decision by the agency on his answer to any notice giving him an opportunity to answer.

(b) Further appeals: An appeal may be made by the employee or the employing agency from the initial decision within the Commission, to the Commissioners, United States Civil Service Commission, Washington 25, D. C., within seven days of the date of receipt of notification of the initial decision.

(c) Finality of Commission recommendation: The agency is required to take corrective action without delay conforming to the Commission's recommendation, but action to comply with an initial decision may be stayed when a further appeal to the Commissioners is made in accordance with paragraph (b) of this section, until such time as the Commission's decision on the further appeal is made.

(62 Stat. 575; 5 U. S. C. Sup. II 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-13595; Filed, Dec. 24, 1952; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDUM FOR MARKETING YEAR BEGINNING OCTOBER 1, 1953

§ 725.407 *Basis and purpose.* Sections 725.407 and 725.408 are issued to announce the results of the Burley tobacco marketing quota referendum for the marketing year beginning October 1, 1953, and for the three-year period beginning October 1, 1953. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for Burley tobacco for the 1953-54 marketing year (17 F. R. 10134). The Secretary announced (17 F. R. 10148) that a referendum would be held on November 22, 1952, to determine whether Burley tobacco producers were in favor of or opposed to marketing quotas for the marketing year beginning October 1, 1953, and to determine whether Burley tobacco producers were in favor of or opposed to marketing quotas for the three-year period beginning October 1, 1953. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 725.408 *Proclamation of the results of the Burley tobacco marketing quota referendum for the marketing year beginning October 1, 1953 and for the three-year period beginning October 1, 1953.* In a referendum of farmers engaged in the production of the 1952 crop of Burley tobacco held on November 22, 1952, 179,493 farmers voted. Of those voting, 174,014 or 97.0 percent, favored quotas for a period of three years beginning October 1, 1953; 2,344 or 1.3 percent favored quotas for only the one year beginning October 1, 1953; and 3,135 or 1.7 percent were opposed to quotas. Therefore, the national marketing quota of 546,000,000 pounds proclaimed November 5, 1952 (17 F. R. 10134) for Burley tobacco for the 1953-54 marketing year will be in effect for such year and marketing quotas on Burley tobacco will be in effect for three marketing years beginning October 1, 1953.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312)

Done at Washington, D. C. this 22d day of December 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13606; Filed, Dec. 24, 1952; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 10, Amdt. 1]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

SAFETY BELT ATTACHMENT LOADS

The purpose of this amendment is to make minor editorial changes or corrections in references in the existing rules, interpretations and policies of the Civil Aeronautics Administration. Inasmuch as the changes do not impose any additional burden, notice and public procedure thereon are unnecessary and the following amendment is made effective without prior notice.

Delete § 3.391-1 as published on April 14, 1951 in 16 F. R. 3278.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-13566; Filed, Dec. 24, 1952; 8:45 a. m.]

[Supp. 18, Amdt. 1]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

WATER HANDLING CHARACTERISTICS WITH REVERSE THRUST

The purpose of this amendment is to make minor editorial changes or corrections in references in the existing rules, interpretations and policies of the Civil Aeronautics Administration. Inasmuch as the changes do not impose any additional burden, notice and public procedure thereon are unnecessary and the following amendments are made effective without prior notice.

1. Delete §§ 4b.180-1 and 4b.181-1 as published on May 16, 1951 in 16 F. R. 4522.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-13567; Filed, Dec. 24, 1952; 8:45 a. m.]

[Supp. 1, Amdt. 2]

PART 8—AIRCRAFT AIRWORTHINESS; RESTRICTED CATEGORY

REPAIRS AND ALTERATIONS

The purpose of this amendment is to make minor editorial changes and corrections in references in the existing rules, interpretations and policies of the Civil Aeronautics Administration. Inasmuch as the changes do not impose any additional burden, notice and public procedure thereon are unnecessary and the following amendments are made effective without prior notice.

Section 8.20-3 as published on December 23, 1950, in 15 F. R. 9227, is amended as follows:

1. Delete the last sentence of the first paragraph of the introduction to that section.

2. Paragraph (b) (2) (i) thereof is amended to read:

(i) *Technical data.* The repair agency should prepare Form ACA-337 as specified in subdivision (ii) of this subparagraph. It is responsible for determining that the repair or alteration is airworthy in accordance with good aeronautical practices.

3. The first sentence of the second undesignated paragraph of paragraph (b) (2) (ii) thereof is amended to read:

The repair agency should insert under item 7 a narrative description of the repair and/or alteration. The first statement under item 7 should indicate that the repair or alteration has been made under the provisions of this part.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-13568; Filed, Dec. 24, 1952; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 410—DELEGATION OPTION PROCEDURES FOR CERTIFICATION OF SMALL AIRPLANES

MAINTENANCE, REPAIR, AND ALTERATION OF AIRCRAFT

The purpose of this amendment is to make minor editorial changes and corrections in references in the existing rules, interpretations and policies of the Civil Aeronautics Administration. Inasmuch as the changes do not impose any additional burden, notice and public procedure thereon are unnecessary and the following amendment is made effective without prior notice.

Section 410.37 as published on October 4, 1951, in 16 F. R. 10117, is amended by

deleting the second sentence of paragraph (a) (2) thereof.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009, as amended; sec. 310, 64 Stat. 1080; 49 U. S. C. and Sup. 553, 460)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-13569; Filed, Dec. 24, 1952; 8:45 a. m.]

[Amdt. 24]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

The purpose of this amendment is to make minor corrections in references to existing minimum en route IFR altitudes adopted by the Administrator. Inasmuch as the changes do not impose any additional burden, notice and public procedure thereon are unnecessary and the following amendments are made effective without prior notice:

(1) Substitute "Section 610.605" for "Section 610.205", appearing in Amendment 18, Item 14, published on November 7, 1952, in 17 F. R. 10104.

(2) Substitute "Section 610.621" for "Section 610.221", appearing in Amendment 18, Item 17, published on November 7, 1952, in 17 F. R. 10104.

(3) Substitute "Clarksfield" for "Clarksville" wherever that word appears in Amendment 19, Item 1.a., published on November 7, 1952, in 17 F. R. 10102.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effectitive upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-13570; Filed, Dec. 24, 1952; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 146; 17 F. R. 150, 1178, 1419, 2471, 2600, 3230, 3632, 4559, 5812, 7043, 7885, 8036, 8533, 9662, 9663) are amended as indicated below:

1. Section 146.1 (s) is amended to read:

§ 146.1 *Definitions and interpretations.* • • •

(s) The term "manufacture" does not include the use of a drug as an ingredient in compounding any prescription issued by a practitioner licensed by law to administer such drug.

2. a. Section 146.4 (b) (2) (ii) is amended to read:

§ 146.4 *Conditions on the effectiveness of certificates.* • • •

(b) • • •

(2) • • •

(ii) If the drug is in a container packaged for dispensing and is used in compounding a prescription issued by a practitioner licensed by law to administer such drug, such certificate shall continue to be effective for a reasonable time to permit the delivery of the drug compounded on such prescription; or

b. Section 146.4 (b) (6) (i) is amended to read:

(i) By a practitioner licensed by law to administer such drug; or

3. a. In § 146.24 *Sodium penicillin* • • •, paragraph (c) *Labeling* is amended by renumbering subparagraphs (2) and (3) as (3) and (4), respectively, and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the immediate container, the statement "Sterile solution may be kept in refrigerator for ------ days without significant loss of potency," the blank being filled in with the figure "3" if it is crystalline penicillin or with the figure "7" if it is not crystalline penicillin, unless such information is contained in the labeling within the package from which it is dispensed.

b. In § 146.24 (c), renumbered subparagraphs (3) and (4) are amended to read:

(3) On the outside wrapper or container:

(i) If it is not crystalline penicillin, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

4. a. In § 146.25 *Penicillin in oil and wax* • • •, paragraph (c) *Labeling* is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

b. In § 146.25 (c), renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

5. Section 146.26 (c) (2) (ii) and (iii) are amended to read:

§ 146.26 *Penicillin ointment* • • •

(c) *Labeling.* • • •

(2) • • •

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

6. Section 146.27 (c) (2) and (4) are amended to read:

§ 146.27 *Penicillin tablets.* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the immediate container of the aluminum hydroxide gel, the conditions under which the mixture should be stored, including a reference to its instability when stored under other conditions, and the statement "The mixture may be kept in refrigerator for 1 week without significant loss of potency," unless such information is contained in the circular or other labeling within or attached to the package.

b. In § 146.29 (c), renumbered subparagraphs (4) and (5) are amended to read:

(4) On the outside wrapper or container and the immediate container of the aluminum hydroxide gel:

(i) A statement giving the method for dissolving the penicillin in the aluminum hydroxide gel.

(ii) The potency per milliliter after the penicillin has been dissolved therein.

(5) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is not crystalline penicillin, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

c. Section 146.29 (c) is further amended by adding the following new subparagraph (6):

(6) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

8. Section 146.30 (c) (2) (ii) and (iii) are amended to read:

§ 146.30 *Penicillin troches* • • •

(c) *Labeling.* • • •

(2) • • •

(ii) The statement "Caution: Federal law prohibits dispensing without prescription";

(iii) If it is packaged for dispensing, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

9. Section 146.31 (c) (2) and (4) are amended to read:

§ 146.31 *Penicillin dental cones* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

• • • • •

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

10. Section 146.32 (c) (3) and (4) are amended to read:

§ 146.32 *Penicillin with vasoconstrictor* • • •

(c) *Labeling.* • • •

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

11. a. In § 146.33 *Penicillin for surface application*, paragraph (c) *Labeling* is amended by renumbering subparagraphs (2) and (3) as subparagraphs (3) and (4), respectively, and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the immediate container, the conditions under which solutions of penicillin for surface application should be stored, including a reference to their instability when stored under other conditions, and the statement "The mixture may be kept in refrigerator for 1 week without significant loss of potency," unless such information is contained in the circular or other labeling within or attached to the package.

b. In § 146.33 (c), renumbered subparagraphs (3) and (4) are amended to read:

(3) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(ii) If two or more immediate containers or foil or film enclosures are in such packages, the number of such containers or foil or film enclosures therein and the number of units in each.

(iii) The statment "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(iv) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

12. Section 146.34 (c) (2) (ii) and (iii) and (3) are amended to read:

§ 146.34 *Tablets aluminum penicillin.* * * *

(c) *Labeling.* * * *

(2) * * *

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and is intended solely for veterinary use and is conspicuously so labeled.

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

13. Section 146.35 (c) is amended to read:

§ 146.35 *Penicillin sulfonamide powder* * * *

(c) *Labeling.* Each package of penicillin sulfonamide powder shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and immediate container:

(i) The batch mark.

(ii) The number of units in each immediate container.

(iii) The statement "Expiration date ---------," the blank being filled in, if crystalline penicillin is used, with the date which is 18 months, or if crystalline penicillin is not used, with the date which is 9 months after the month during which the batch was certified.

(iv) If crystalline penicillin is not used, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and the labeling, after the name penicillin sulfonamide powder, wherever it appears, the words "with ----------" in juxtaposition with such name, the blank being filled in with the name of the sulfonamide used.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

14. Section 146.36 (c) (2) (ii) and (iii) and (3) are amended to read:

§ 146.36 *Penicillin vaginal suppositories.* * * *

(c) *Labeling.* * * *

(2) * * *

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled:

(iii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

15. Section 146.37 (c) is amended to read:

§ 146.37 *Buffered crystalline penicillin.* * * *

(c) The immediate container, if it is packaged for dispensing, shall bear, in lieu of the statement prescribed for crystalline penicillin by § 146.24 (c) (2), the statement "Sterile solution may be kept in refrigerator for 1 week without significant loss of potency," unless such information is contained in the circular or other labeling within or attached to the package from which it is dispensed;

16. Section 146.38 (c) (2) and (3) are amended to read:

§ 146.38 *Capsules buffered penicillin with pectin hydrolysate* * * *

(c) *Labeling.* * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

17. Section 146.40 (c) (2) is amended to read:

§ 146.40 *Penicillin bougies* * * *

(c) *Labeling.* * * *

(2) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for the veterinary use of such drug by the laity.

18. a. In § 146.41 *Crystalline penicillin and epinephrine in oil*, paragraph (c) *Labeling* is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3).

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. In § 146.41 (c), renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

19. In § 146.42 *Aluminum penicillin* * * *, paragraph (c) *Labeling* is amended by deleting the word "and" at the end of subparagraph (4), by changing the period at the end of subparagraph (5) to a semicolon, and adding the following new subparagraph (6):

(6) The statement "Caution: Federal law prohibits dispensing without prescription."

20. a. In § 146.43 *Aluminum penicillin in oil*, paragraph (c) *Labeling* is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. In § 146.43 (c), renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

21. In § 146.44 *Procaine penicillin* * * *, paragraph (c) *Labeling* is amended by deleting the word "and" at the end of subparagraph (3), by changing the period at the end of subparagraph (4) to a semicolon, and by adding the following new subparagraph (5):

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

22. a. In § 146.45 *Procaine penicillin in oil*, paragraph (c) *Labeling* is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

b. In § 146.45 (c) renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

23. Section 146.46 (c) (2) is amended to read:

§ 146.46 *Crystalline penicillin for inhalation therapy.* * * *

(c) *Labeling.* * * *

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) If it is packaged for dispensing, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

24. a. In § 146.47 *Procaine penicillin for aqueous injection*, paragraph (c)

Labeling is amended by renumbering subparagraphs (2) and (3) as subparagraphs (3) and (4), respectively, and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the immediate container, if it is a dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in a refrigerator for 3 weeks, without significant loss of potency," unless this information is contained in a circular or other labeling within or attached to the package.

b. In § 146.47 (c) renumbered subparagraphs (3) and (4) are amended to read:

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(iii) If it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

25. In § 146.48 *Ephedrine penicillin* • • •, paragraph (c) *Labeling* is amended by deleting the word "and" at the end of subparagraph (3), by changing the period at the end of subparagraph (4) to a semicolon, and adding the following new subparagraph (5):

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

26. Section 146.49 (c) (2) and (3) are amended to read:

§ 146.49 *Ephedrine penicillin tablets.* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

27. In § 146.50 *Procaine penicillin and buffered crystalline penicillin for aqueous injection*, change "§ 146.47 (c) (3) (iii)" in paragraph (c) to read "§ 146.47 (c) (2)."

28. Section 146.51 (c) (2) and (4) are amended to read:

§ 146.51 *Buffered penicillin powder* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

• • • • • •

(4) On the circular or other labeling within or attached to the package if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

29. a. Section 146.58 (c) (1) is amended to read:

§ 146.58 *Penicillin and streptomycin* • • •

(c) *Labeling.* • • •

(1) On the outside wrapper or container and the immediate container:

b. Section 146.58 (c) is further amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

c. In § 146.58 (c), renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

30. Section 146.59 (c) (2) is amended to read:

§ 146.59 *Penicillin tooth powder* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) A reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

31. a. In § 146.63 *Crystalline penicillin and bacitracin*, paragraph (c) *Labeling* is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container the statement "Caution: Federal law prohibits dispensing without prescription."

b. In § 146.63, renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) Adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) The conditions under which such solution should be stored, including a reference to their instability when stored under other conditions, and the statement "Sterile solution may be kept in refrigerator for 3 days without significant loss of potency."

32. In § 146.64 *l-Ephenamine penicillin G* • • •, paragraph (c) *Labeling* is amended by deleting the word "and" at the end of subparagraph (3), by changing the period at the end of subparagraph (4) to a semicolon, and adding the following new subparagraph (5):

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

33. a. In § 146.65 *l-Ephenamine penicillin G in oil*, paragraph (c) *Labeling* is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. In § 146.65 (c), renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

34. Section 146.66 (c) (2) and (3) are amended to read:

§ 146.66 *l-Ephenamine penicillin G for aqueous injection* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(3 On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) If it is the dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."

35. Section 146.67 (c) (1), (2), and (3) are amended to read:

§ 146.67 *Procaine penicillin in streptomycin sulfate solution* • • •

(c) *Labeling.* • • •

(1) On the outside wrapper or container and the immediate container:

• • • • • •

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

36. Section 146.68 is amended by correcting the headnote to read as follows and by adding the following new subparagraph (5) to paragraph (c):

§ 146.68 *Dibenzylethylenediamine dipenicillin G (dibenzylethylenediamine dipenicillin G salt).* • • •

(c) *Labeling.* • • •

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

37. Section 146.69 (c) (2) and (4) are amended to read:

§ 146.69 *Dibenzylethylenediamine dipenicillin G oral suspension.* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

• • • • • •

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

38. Section 146.75 (c) (3) is amended to read:

§ 146.75 *Diethylaminoethyl ester penicillin G hydriodide for aqueous injection* • • •

(c) *Labeling.* • • •

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its

use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) The conditions under which suspensions of the drug may be stored, and the statement "Sterile suspension may be kept at room temperature for 7 days, or in refrigerator for 3 weeks, without significant loss of potency."

39. Section 146.76 (c) (1) and (2) are amended to read:

§ 146.76 *Penicillin-streptomycin implantation pellets* • • •

(c) *Labeling.* • • •

(1) On the outside wrapper or container and the immediate container:

• • • • •

(2) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

40. Section 146.77 (c) (3) is amended to read:

§ 146.77 *Dibenzylethylenediamine dipenicillin G for aqueous injection* • • •

(c) *Labeling.* • • •

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) If it is the dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."

41. Section 146.80 (c) (3) is amended to read:

§ 146.80 *Chloroprocaine penicillin O for aqueous injection.* • • •

(c) *Labeling.* • • •

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) The conditions under which such solutions should be stored, including the statement "Sterile solution may be stored at room temperature for 1 week without significant loss of potency."

43. Section 146.102 (c) (2) and (3) are amended to read:

§ 146.102 *Streptomycin ointment* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

44. Section 146.104 (c) (2) and (4) are amended to read:

§ 146.104 *Streptomycin tablets* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

• • • • •

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

45. Section 146.105 (c) (3) and (4) are amended to read:

§ 146.105 *Streptomycin for topical use* • • •

(c) *Labeling.* • • •

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

46. Section 146.106 (c) (2) and (3) are amended to read:

§ 146.106 *Streptomycin sulfate solution* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(ii) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

47. Section 146.107 (c) (2) and (3) are amended to read:

§ 146.107 *Streptomycin-polymyxin-bacitracin tablets.* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

48. Section 146.108 (c) (2) and (3) are amended to read:

§ 146.108 *Streptomycin syrup.* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

49. a. Section 146.110 (c) (2) is amended to read:

§ 146.110 *Streptomycin otic with antifungal agent* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however*, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

b. Section 146.110 (c) is further amended by adding the following new subparagraph (3):

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

50. a. In § 146.201 *Aureomycin hydrochloride* • • •, paragraph (c) *Labeling* is amended by renumbering subparagraph (2) as subpargaraph (3), and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. Section 146.201 (c), renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iii) The conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions, and a statement "Sterile solutions must be injected immediately after preparation."

51. Section 146.203 (c) (2) is amended to read:

§ 146.203 *Aureomycin troches* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) If it is packaged for dispensing, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

52. Section 146.204 (c) (2) and (3) are amended to read:

§ 146.204 *Aureomycin capsules* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement: "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On a circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

53. Section 146.205 (c) (2) and (3) are amended to read:

§ 146.205 *Aureomycin powder* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

54. Section 146.206 (c) (2) and (3) are amended to read:

§ 146.206 *Aureomycin ophthalmic* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

55. a. Section 146.208 (c) (3) (is) amended to read:

§ 146.208 *Aureomycin otic* • • •

(c) *Labeling.* • • •

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

b. Section 146.208 (c) is further amended by adding the following new subparagraph (4):

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

56. Section 146.211 (c) (2) and (3) are amended to read:

§ 146.211 *Aureomycin surgical powder* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

57. Section 146.212 (c) (2) and (3) are amended to read:

§ 146.212 *Aureomycin suppositories.* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

58. Section 146.213 (c) (3) and (4) are amended to read:

§ 146.213 *Aureomycin gauze packing* • • •

(c) *Labeling.* • • •

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

59. Section 146.214 (c) (3) and (4) are amended to read:

§ 146.214 *Aureomycin dressing* • • •

(c) *Labeling.* • • •

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity.

60. Section 146.215 (c) (4) and (5) are amended to read:

§ 146.215 *Aureomycin with vasoconstrictor* • • •

(c) *Labeling.* • • •

(4) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(5) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

61. Section 146.216 (c) (2) is amended to read:

§ 146.216 *Aureomycin therapeutic formula for animal feed* • • •

(c) *Labeling.* • • •

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

62. a. In § 146.301 *Chloramphenicol*, paragraph (c) *Labeling* is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. In § 146.301 renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

63. Section 146.302 (c) (2) and (3) are amended to read:

§ 146.302 *Chloramphenicol capsules.* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request:

§ 146.205 *Aureomycin powder* • • •
(c) *Labeling.* • • •

§ 146.208 *Aureomycin otic* • • •
(c) *Labeling.* • • •

mation for other veterinary
drug by a veterinarian licensed by law

intended solely for veterinary use and is

a veterinarian licensed by law to admin-

printed matter will be sent on request:

Provided, however, That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

64. Section 146.303 (c) (2) and (3) are amended to read:

§ 146.303 *Chloramphenicol ointment* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

65. Section 146.304 (c) (2) and (3) are amended to read:

§ 146.304 *Chloramphenicol ophthalmic.* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

66. Section 146.305 (c) is amended by adding the following new subparagraph (5):

§ 146.305 *Chloramphenicol palmitate.* • • •

(c) *Labeling.* • • •

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

67. Section 146.306 (c) (2) and (3) are amended to read:

§ 146.306 *Chloramphenicol palmitate oral suspension.* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

68. a. In § 146.307 *Chloramphenicol solution,* paragraph (c) *Labeling* is amended by renumbering subparagraph (2) as subparagraph (3) and by inserting the following new subparagraph (2) between subparagraph (1) and renumbered subparagraph (3):

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

b. In § 146.307, renumbered subparagraph (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

69. Section 146.401 (c) (3) is amended to read:

§ 146.401 *Bacitracin.* • • •

(c) *Labeling.* • • •

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions and warnings for its use by practitioners licensed by law to administer such drug; the conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions; and the statement "Sterile solution may be kept in refrigerator for 1 week without significant loss of potency."

70. Section 146.403 (c) (2) and (3) are amended to read:

§ 146.403 *Bacitracin tablets.* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

71. Section 146.405 (c) (3) and (4) are amended to read:

§ 146.405 *Bacitracin with vasoconstrictor* • • •

(c) *Labeling.* • • •

(3) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

72. Section 146.408 (c) (2) and (4) are amended to read:

§ 146.408 *Bacitracin ophthalmic.* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

This order, which provides for changes in the labeling requirements for antibiotic and antibiotic-containing drugs, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: December 19, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-13596; Filed, Dec. 24, 1952; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Amdt. 13 to Supplementary Regulation 3]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

ADDITIONAL METHOD FOR ADOPTING APPROVED MANUALS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 13 to Supplementary Regulation 3 (16 F. R. 8828) to Ceiling Price Regulation 34, is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 3 to Ceiling Price Regulation 34, as amended, provides for the approval of new editions and supplements to flat rate manuals and labor schedules used in the automotive and farm implement repair service field. These manuals and labor schedules establish standard time allowances for various operations or combinations of operations involved in automobile and farm implement mechanical repair services based upon continuing time studies conducted by the manufacturers or publishers of manuals.

Most automotive and farm implement repair establishments use one or more of these flat rate manuals or labor schedules to determine the time allowances for mechanical repair services rendered. However, in some instances dealers supplying automotive repair services have, for a long period of time used flat rate manuals or labor schedules in which the time allowances have been altered and which deviate in important respects from the standard flat rate manuals published by the manufacturer of the equipment generally serviced by such dealers. Under the provisions of section 12 (g) of Ceiling Price Regulation 34, dealers using such altered manuals are required to continue to use the same manual that was used during the base period, December 19, 1950 to January 25, 1951, inclusive, or a subsequent edition of that manual approved by the Director of Price Stabilization. Since no subsequent editions of the altered manuals have been submitted to, or approved by, the Director, such dealers are now unable to determine time allowances for new operations or combinations of operations which have been approved in new editions or supplements to flat rate manuals covered by Supplementary Regulation 3 to Ceiling Price Regulation 34, as amended, particularly with respect to new models manufactured since the base period.

This amendment provides a method whereby individual dealers who were "frozen" with an altered manual under the provisions of Ceiling Price Regulation 34 may apply to the OPS District Office for permission to adopt the appropriate approved flat rate manuals or labor schedules and/or supplements to determine the time allowances for automotive and farm implement repair services. Since the users of such altered flat rate manuals or labor schedules have also charged customers' hourly rate adjusted to such altered time allowances, it is necessary to reestablish hourly rates to conform to the standard time allowances.

The modifications approved under this amendment will in general result in substantially the same prices to customers at attained under the previously established time allowances and hourly rates.

In the judgment of the Director, the provisions of this amendment are necessary and proper to effectuate the purposes of the Defense Production Act of 1950, as amended. The limited application of this amendment made it impracticable to consult formally with representatives of the industry including trade association representatives; however, informal consultation has been held with representatives of the industry and consideration has been given to their proposals.

taining information (including contra- ian on request.

within or attached to the package.

AMENDATORY PROVISIONS

Suplementary Regulation 3, as amended, to Ceiling Price Regulation 34 is further amended as follows:

1. Paragraphs (c) and (d) of section 3 are redesignated paragraphs (d) and (e).

2. A new paragraph (c) is added to section 3 to read as follows:

(c) *Dealers who used an "altered" flat rate manual or labor schedule during the base period.* (1) If you are a dealer who used a flat rate manual or labor schedule during the base period in which the time allowances for mechanical repair services have been altered and are different from the time allowances contained in the flat rate manual or labor schedule issued by the manufacturer for whom you are a dealer, or the time allowances contained in a general flat rate manual or labor schedules approved by this supplementary regulation, you may file with your District Office of the Office of Price Stabilization in the District in which your place of business is located an application for permission to adopt and use the current approved edition of the flat rate manuals or labor schedules issued by the manufacturer for whom you are a dealer, and an approved general manual or labor schedule for use with respect to other makes of automobiles to determine time allowances for automotive repair services, and a modification of your established customers' hourly rate if such modification will in general result in substantially the same prices to customers as were attained under the previously allowed time allowance and hourly rate. Your application shall not include the charges for operations for which you have established a flat price under CPR 34. Your application shall contain the following information:

(i) Your name and address.

(ii) Name and description of altered manual and of the approved flat rate manual to be used.

(iii) A complete list of all repair orders or other records (excluding those for jobs for which a flat price is charged) for all mechanical labor performed during the last previous month of September and the last previous month of May, whether or not the job is specified in a flat rate manual, showing:

(*a*) The job ticket or repair order number.

(*b*) A description or identifying symbol of the job as used in the altered manual.

(*c*) The total hours specified for the job in your altered flat rate manual.

(*d*) The total hours for the same job in the approval flat rate manual.

For jobs for which actual times were used to determine the price (this includes mechanical repair operations not covered by the altered or approved manuals referred to above), the actual time charged at your established customers' hourly rate.

(iv) Your customers' hourly rate established under CPR 34 and used in connection with the altered manuals.

(2) Three or more dealers of the same manufacturer using the same altered manual and doing business within the same geographical area may apply as a group for permission to adopt the approved flat rate manual issued by that manufacturer and a modification of their customers' hourly rate. If the geographical area extends into two or more OPS Districts the application should be filed with the OPS District Office in the District in which the largest number of applicants are located.

(i) Such group application shall contain the following information:

(*a*) The name and address of each applicant.

(*b*) A statement from each applicant that he desires a group modification based upon data submitted by a representative number of the group.

(*c*) Each applicant's customers' hourly rate established under CPR 34 and used in connection with the altered manuals.

(*d*) Each applicant's repair service sales volume during his last complete annual accounting period.

(ii) Within ten days after the receipt of the application, OPS will designate, after discussion with representatives of the group, which firms on the list shall be acceptable as representative of the group.

(iii) The firms to be the representative number of the group shall, as a minimum, consist of two dealers and shall represent an annual sales volume for mechanical repair service of not less than 25 percent of the total mechanical repair service sales volume of the group.

(iv) The accepted firms shall then submit the data required in subparagraph (1) (ii) and (iii).

(3) If, for any reason, such as fire, remodeling operations, traffic diversion etc., either the last previous month of September or May is unrepresentative of your repair service business, you may, with the approval of the District Office substitute the next nearest month which will reflect the normal operation of your repair business. You may not, until your application is approved by OPS use the manuals for which you have requested permission to use, nor charge more than your established customers' hourly rate for automotive repair services.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 13 to Supplementary Regulation 3 to Ceiling Price Regulation 34 shall be effective on December 23, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 23, 1952.

[F. R. Doc. 52-13627; Filed, Dec. 23, 1952; 12:30 p. m.]

[Ceiling Price Regulation 7, Amdt. 24]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

NEW SELLERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment revises the provisions of Ceiling Price Regulation 7 which affect a seller opening a new unit; a seller adding a category for which he cannot determine ceiling prices under other sections of the regulation; a seller adding articles not in any category he carried under the GCPR; and a seller selling sets to which certain services have been added or a new seller who repairs or reconditions the articles he sells.

Under the present regulation a seller entering business for the first time is limited to category markups set forth in Appendix E. A seller with past experience opening a unit or adding a category is in general faced with a dual limitation: that the category markups must be in line with those of competitors and not above the applicant's past experience. Experience with the regulation has demonstrated that the number of applications being processed under these provisions is not extraordinarily great. The markups in Appendix E represent a point slightly below the national median. In the interest of expedition their use for completely new sellers was desirable but they could result in markups that were either too high where local competition generally was selling at markups lower than are represented in the appendix or on the contrary too low where local competition was generally selling at higher markups. It became increasingly apparent that it would be simpler to in-line applicants with competition in the first instance than to invoke the necessary procedures to adjust markups downward where they were too high or to create a method of relief where the initial markups were too low. Experience also revealed that the limitation in the regulation that a seller could not be authorized to use markups higher than his past experience was unnecessarily stringent.

The principal changes therefore being effected by this amendment are the abandonment of the condition that a seller could not be authorized to use markups higher than his past experience and the adoption in general of the single standard of inlining new sellers directly with sellers whose operations are most nearly like those of the applicant. The procedure being adopted here is not expected to affect the general level of prices since it is anticipated that new applicants will be in-lined with low markup competitors as often as with high markup competitors.

By a prior amendment chain sellers were authorized to extend their operations to new units semi-automatically.

In the course of preparing this revision it was recognized that this right should be limited in one respect. Retail sellers in resort areas often apply larger markups than do retail sellers in non-resort areas. This amendment prevents the extension of resort area markups to non-resort areas.

The provision governing new sellers of repaired and reconditioned merchandise has been liberalized. In the past markups were permitted to be applied to acquisition costs only. Provision is now made for the application of the markup to the sum of the costs of the article plus the cost of repair or reconditioning with the limitation that the repairs or reconditioning costs may not exceed the amount necessary to raise the article to factory standard. This liberalization permits the same pricing method to new sellers of repaired or reconditioned articles that is permitted to be used by list date sellers. This change was determined to be necessary since, where the markup was applied to the cost of the article only, the resultant margin of profit where repairs were a significant amount was so shrunken as to discourage repairing or reconditioning with a consequent uneconomic waste of materials.

In the preparation and formulation of the provisions of this amendment there has been frequent informal consultation with industry representatives and their views and recommendations have been given careful consideration in the promulgation of this amendment.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is amended in the following respects:

1. The following new section 39 is substituted for sections 39, 39a, 39b, 39c, 39d, 39e, 39f and 39g:

SEC. 39. *Ceiling prices for new sellers or for sellers who cannot price under other sections of the regulation.* (a) *Circumstances.* This paragraph explains under what circumstances you will use the various paragraphs of this section:

(1) If you are a new seller (not a transferee under section 42), that is, if you are now opening your first unit, you use paragraph (a).

(2) If you now have one or more units and you are opening a new unit for which you intend to determine prices centrally and uniformly with your existing units, you use paragraph (b).

(3) If you now have one or more units and you are opening a new unit (not a transferee under section 42) for which you wish to use the pricing chart, OPS order or authorization for an existing unit although you will not be determining prices centrally and uniformly for the two units, you use paragraph (c).

(4) If you are adding a category to a unit and are unable to determine ceiling prices for the added category under any other section of the regulation, you use paragraph (d).

(5) If you previously elected to remain under the General Ceiling Price Regulation pursuant to section 3 of this regulation and articles you are now taking on in a CPR 7 category do not fall into any category which you handled pursuant to the GCPR, you use paragraph (d).

(6) If prior to your list date you were in the business of assembling, packaging and selling sets to which you have added services the cost of which is more than 10 percent of the net cost of all the articles in the sets, you use paragraph (e) to establish a pricing method for your assembled sets.

(7) If you do not have a list date pricing chart and you are in or propose to enter the business of regularly buying (or taking in as trade-ins) used or imperfect articles for the purpose of reconditioning them and selling them as reconditioned, you use paragraph (f).

(8) You may elect to establish new ceiling prices under this section in place of those previously established pursuant to a report made by you or an order or authorization received from the OPS under section 39 prior to December 29, 1952. If you so elect, you use paragraph (g).

(*a*) *Opening a first unit.* If you are a new seller (not a transferee under section 42), that is, if you are now opening your first unit, you must file with your OPS office an application for markups in line with those of the three sellers whose operations are most nearly like that of your new unit. Your application must be signed by an owner, officer, or duly authorized agent.

(1) *Application.* The application must contain the following information:

(i) Your name and address and the name and address of the new unit;

(ii) The proposed date of opening of the new unit;

(iii) A list of the categories (identified by the appropriate Appendix B category numbers) to be handled in the new unit;

(iv) The type of operation which will be carried on in the new unit (for example, dry goods, furniture, men's furnishings, women's specialty shop, department store, etc.);

(v) The customer services which will be offered (i. e. installment selling, charge accounts, free delivery service, free alterations, etc.);

(vi) If the new unit is a leased department, the name and address of the prior lessee; if the department was operated by the lessor, this should be stated;

(vii) A statement of the type of supplier who will constitute the principal source of supply of merchandise for the new unit (for example, wholesalers, distributors, jobbers, manufacturers, etc.); and

(viii) The names and addresses of the three sellers whose operations are most nearly like that of the new unit.

(2) *Authorization.* You will receive a letter order from the OPS establishing a markup for each category to be used in the new unit in determining its ceiling prices. This markup will be in line with those of the three sellers whose operations are most nearly like that of your new unit.

(*b*) *Adding a new unit to a chain which determines prices centrally or uniformly or creating such a chain.* If you are a chain or group of stores which constitute a single seller under this regulation, and you are adding a new unit, or if you are a seller with a single unit opening another unit who wishes to determine prices centrally and uniformly for the two units and thus to create a centrally and uniformly pricing chain, you determine ceiling prices for sales from the new unit pursuant to the pricing chart, OPS order or authorization governing the determination of ceiling prices for the chain, group or existing unit after you file with your OPS office a notification containing the information and statements listed in subparagraph (1) and receive an acknowledgment from the OPS. This notification must be signed by an owner, officer or duly authorized agent.

(1) *Notification.* The notification must include the following information:

(i) The name of the chain or group, or the name of the single unit, and the address of the principal office;

(ii) The name and address of the new unit;

(iii) The date of opening of the new unit, and

(iv) A list of the categories to be carried indicating as to which categories the new unit is to maintain central and uniform pricing with your other existing units.

(v) A statement that the new unit will be the same type of operation; extend the same services; provide the same class of merchandise in the same general price ranges, and cater to the same class of purchaser as your other units, or unit;

(vi) If the new unit is located in an area which is not a resort area and all your other units (or unit) are located in the resort areas, list the names and addresses of the three sellers, the operations of which are most nearly like that of the new unit.

(2) *Authorization.* As soon as you receive from your OPS office acknowledgment of the receipt of your notification you may determine ceiling prices for the categories of the new unit described in your notification pursuant to the pricing chart, OPS order or authorization which governs the determination of ceiling prices for your other units. There is one exception to this, however. If the new unit is not in a resort area and your chain or your present unit is in a resort area, you may not determine ceiling prices for the new unit until you have received a letter order from your OPS office advising you what markups to use in the new unit. The OPS will authorize markups for the new unit in line with those of the three sellers the operations of which are most nearly like that of the new unit. To the extent that the pricing chart, OPS order or authorization which governs the determination of ceiling prices for your other units contains category markups in line with those of the three sellers the operations of which are most nearly like that of the new unit, use of that pricing chart, OPS order or authorization may be authorized in the letter order. You will be sent two copies of the acknowledgment of your notification or of the letter order fixing markups for your new unit. One copy is to be retained in the principal office of your chain; the other is to be kept in the new unit.

(c) *Adding a new unit to a chain which does not determine prices centrally or uniformly or creating such a chain.* If you are a chain or a group of stores which do not constitute a single seller under this regulation (that is, a chain which does not determine prices centrally and uniformly) and you are adding a new unit, or if you are a seller with a single unit opening another unit and you do not wish to determine ceiling prices for sales from the two units centrally and uniformly, you must apply to the OPS district office for the area in which the new unit is located for a letter order establishing markups for the new unit. If the new unit is to be the same type of operation as one of your other units you may apply for permission to use the latter unit's pricing chart, OPS order or authorization to determine ceiling prices for sales from the new unit. Markups authorized under this paragraph will be in line with those of the three sellers whose operations are most nearly like that of the new unit. Your application must be signed by an owner, officer or duly authorized agent.

(1) *Application.* The application must contain the following information:

(i) The name and address of your principal office of the chain or, where you previously had only one unit, the name and address of that unit;

(ii) The name and address of the new unit;

(iii) The date of opening of the new unit;

(iv) A list of the categories (identified by the appropriate Appendix B category numbers) to be handled in the new unit;

(v) A statement of the type of supplier who will constitute the principal source of supply of merchandise for the new unit (for example, wholesalers, distributors, jobbers, manufacturers, etc.);

(vi) The names and addresses of the three sellers whose operations are most nearly like that of the new unit;

(vii) If you wish to use for the new unit the pricing chart, OPS order or authorization of another of your units, the name and address of the latter unit, the address of the OPS office with which its pricing chart is on file, or from which the OPS order or authorization issued, and information that it and the new unit will be the same type of operation; extend the same services, provide the same class of merchandise in the same general price ranges, cater to the same class of purchasers, and be located in similar trading areas.

(2) *Authorization.* (i) The Office of Price Stabilization may authorize you by letter order to use the pricing chart, OPS order or authorization of an existing unit to establish prices for the new unit, if it appears that the new unit and the one whose chart or prior order or authorization you wish to use will be the same type of operation, extend the same services, provide the same class of merchandise in the same general price ranges, cater to the same class of purchaser and be located in similar trading areas.

(ii) If the applicant does not qualify under subdivision (i) of this subparagraph, the OPS, nevertheless, to the extent that such authorization results in category markups in line with or lower than those of the three sellers whose operations are most nearly like those of the new unit, may authorize the use of the pricing chart, OPS order or authorization sought to be used or of the pricing chart, OPS order or authorization of another unit in the chain.

(iii) If the new unit is to carry categories not on the pricing chart or OPS order or authorization sought to be used, or if any categories on the chart or OPS order or authorization sought to be used have category markups in excess of those of the three sellers the operations of which are most nearly like that of the new unit, then for such categories the OPS may authorize the use of the pricing chart, if any, for that particular category of some other unit in the chain which would result in markups in line with or lower than those of these three sellers. The OPS in such case will indicate the acceptable category average for each category and give you an opportunity to produce a chart for the particular categories having category markups no higher than those indicated. Thereafter, if no pricing chart for the particular category is produced, the OPS will authorize the use of a markup for the category in line with those of the three sellers whose operations are most nearly like that of the new unit.

(d) *Adding a category to an existing unit.* This paragraph applies in two situations. You will use this paragraph if you are adding a category to an existing unit or to a centrally and uniformly pricing chain and you are unable to determine your ceiling prices under any other section of this regulation. You will, also, use this paragraph if you previously elected to remain under the GCPR pursuant to section 3 of this regulation and you are now taking on articles which fall into a CPR 7 category but not into any category handler by you under the GCPR. In either case you must file with the OPS office having jurisdiction over the unit to which the category is to be added an application for an appropriate markup for the new category. The application must be signed by an owner, officer or duly authorized agent.

(1) *Application.* The application must include the following information:

(i) The name and address of the unit or an identification of the chain or group to which the category is being added;

(ii) A list of the categories (identified by the appropriate Appendix B category numbers) to be added;

(iii) A statement that the categories cannot be priced pursuant to any other section of the regulation; or, if you are a seller who had previously elected to remain under the GCPR, pursuant to section 3 (a) of this regulation a statement to that effect;

(iv) If you have another unit which handles the category and you wish to use that unit's chart, OPS order or authorization for the new category, the name and address of such unit;

(v) The names and addresses of the three sellers whose operations are most nearly like that of the chain or unit which is adding the new categories.

(2) *Authorization.* The OPS will, by letter order, grant category markups, or authorize the use of charts or prior orders or authorizations having category average markups, in line with those of the three sellers whose operations are most nearly like those of the unit, or units, adding the category.

(e) *Application by certain sellers who sell exclusively in sets (groups of articles) to which services have been added.* If prior to your list date, you have been engaged in the business of assembling, packaging, and selling sets (groups of articles) to which you have added services the cost of which is more than 10 percent of the net cost of all the constituent articles of the assembled sets, you may apply to your OPS office for a pricing method for the sale of your assembled sets. Your application must be signed by an owner, officer or duly authorized agent.

(1) *Application.* The application must contain the following information:

(i) Your name and address;

(ii) The date when you entered business;

(iii) A statement of the manner in which you conduct your business (indicating whether you are a department store, a leased department, a specialty store, or other; cash, installment or other terms; and class of merchandise you handle);

(iv) A list of all sets offered by you for sale on the list date, enumerating for each set the articles included, the cost of each article, the cost of services added by you on each set, and the selling price of each set on the list date; and

(v) Substantiating evidence such as advertisements, catalogs, or prospectuses that you sold or offered for sale the sets (listed under (iv)) on the list date.

(2) *Authorization.* Upon application made pursuant to subparagraph (1), the OPS may, by order, permit you to add to the net cost of all the constituent articles the cost of the services you provide (packaging, monogramming, etc.) and a markup in line with the level of prices established by this regulation.

(f) *Sellers who repair or recondition.* If you do not have a list date pricing chart and you are in, or propose to enter, the business of regularly buying (or taking in as trade-ins) used or imperfect articles for the purpose of reconditioning them and selling them as reconditioned or repaired, you may apply to your OPS office for a pricing method by which to establish ceiling prices for the sale of such reconditioned or repaired articles. The application must be signed by an owner, officer or duly authorized agent.

(1) *Application.* The application must contain the following information:

(i) Your name and address and the name and address of the unit;

(ii) The date of the opening of the unit;

(iii) A statement that you will regularly be buying used or imperfect articles (or taking them in as trade-ins) for the purpose of reconditioning them and selling them as reconditioned or repaired.

(2) *Authorization.* Upon application made pursuant to paragraph (1) the OPS may, by order, authorize you to determine a ceiling price for such articles by applying category markups to the sum of the net cost of the articles plus the actual net cost of reconditioning or repairing them. The category markups authorized will be in line with those of the three sellers whose operations are most nearly like yours. In no case will you be authorized to use as the actual net cost of reconditioning or repairing an article an amount greater than the cost required to restore the article to factory standard.

(g) *Sellers who filed reports or received orders under Section 39 prior to December 29, 1952.* If you are a seller who prior to December 29, 1952, filed a report or obtained an order under Section 39 which order or report authorizes you to use lower markups than you could receive by application filed under the present regulation, you may secure a revised order by following the provisions of this paragraph. You must file with your OPS office an application under the paragraph of this section 39 which would have been applicable had it been in the regulation when you filed your original report or application and you must plainly indicate at the beginning of the application that you are filing pursuant to the provisions of this section by labelling your application "Re-Application—Section 39 (g)" and note thereafter the date of your prior order and the name and address of the OPS office which issued it.

2. Section 59 is amended by inserting the following definition between the definition for "Records" and "Sale at retail":

"Resort area." A resort area is one in which, during the same limited period of each year (no less than two months nor more than five months) the bulk of the income of the area is usually realized; the population is increased two or more fold; the volume of sales is far greater and non-commercial rents are customarily much higher than in other periods of the year. The area must be one generally recognized as a vacation or resort area by the public.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 29, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 24, 1952.

[F. R. Doc. 52-13709; Filed, Dec. 24, 1952; 11:33 a. m.]

[Ceiling Price Regulation 7, Amdt. 25]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

TRANSFERS TO CERTAIN CHAINS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

Under section 42 of Ceiling Price Regulation 7 a person who purchases or otherwise acquires a substantial part of the business, assets or stock in trade of any business selling CPR 7 articles is required to use the ceiling prices of the transferor for articles for which ceiling prices are determined under CPR 7.

Chains which determine prices centrally and uniformly have encountered considerable administrative difficulty because of this requirement. This amendment relieves them of the requirement and permits them to use the same ceiling prices as they have already established for their existing units. Central and uniform pricing by chains provides in general a method of operation which if extended can further the objectives of stabilization as well as keep down the costs of distribution.

This amendment permits chains determining prices uniformly and centrally to treat a unit acquired by transfer as if it were a new unit being opened by the chain.

Although in some cases the markups of the chain may exceed those of the transferor, the general level of prices would not be affected by the amendment.

This amendment also permits a seller with a single CPR 7 unit who acquires by transfer a business to extend his pricing method to the transferred unit and thereby to create a central and uniform pricing chain.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is hereby amended in the following respects:

1. Section 42 is amended by inserting after the heading "Transfer of business" the following:

(a) *Transfers to a central and uniform pricing chain or to a seller with a single unit who wishes to create such a chain.* If you are a chain which is a single seller under this regulation or a seller with a single unit and you purchase or otherwise acquire another unit in which you wish to determine prices centrally and uniformly with the existing chain or unit, you must use section 39 (b), treating the transferred unit as a new unit.

2. Section 42 is further amended by substituting the following: "(b) *How other transferees fix their ceiling prices*" for the phrase *"How a transferee fixes his ceiling prices."*

3. Section 42 is further amended by substituting the paragraph designations "(c)" for "(b)" and "(d)" for "(c)" respectively and by substituting the reference "(d)" for "(c)" in the second sentence of subparagraph (a) (3).

Effective date. **This amendment is effective December 29, 1952.**

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 24, 1952.

[F. R. Doc. 52-13710; Filed, Dec. 24, 1952; 11:33 a. m.]

[Ceiling Price Regulation 161, Amdt. 3]

CPR 161—CONSUMER DURABLE GOODS REGULATION

REPORTS BY SMALL MANUFACTURERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 161 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to CPR 161 shifts the place of filing reports on new commodities from Washington to the nearest district office for all manufacturers whose gross sales in their last fiscal year did not exceed $1,000,000 and all new manufacturers who do not expect their gross sales to exceed $1,000,000 during their first year.

Before this amendment, only manufacturers whose gross sales in their last fiscal year did not exceed $250,000 filed their reports in the nearest district office. It has now become administratively feasible to enlarge the number of applications which may be processed in the district offices rather than in Washington. The district offices, located in or near virtually all manufacturing centers, can offer small manufacturers more direct help than can be offered by the national office. Difficulties can be more quickly straightened out by personal interviews and by telephone and will not require correspondence with Washington. Furthermore, the workload will be more evenly distributed within OPS, resulting in speedier action.

In view of the limited nature of this amendment special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Sections 3, 4, 5 and 6 of Ceiling Price Regulation 161 are hereby amended by substituting the figure "$1,000,000" for the figure "$250,000" wherever it appears.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 29, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 24, 1952.

[F. R. Doc. 52-13711; Filed, Dec. 24, 1952; 11:34 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 18 as Amended Dec. 24, 1952]

CMP Reg. 1—Basic Rules of the Controlled Materials Plan

DIR. 18—AUTOMATIC ALLOTMENT PROCEDURE FOR PRODUCERS OF CLASS B PRODUCTS

This direction as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

EXPLANATORY

This amendment affects Direction 18, as last amended October 29, 1952, to CMP Regulation No. 1 by amending section 3 (c) thereof.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definitions.
3. Persons affected by automatic allotment procedure.
4. Use of allotment symbol to obtain controlled materials.
5. Use of rating to obtain production materials other than controlled materials.
6. Certification.

Authority: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

Section 1. *What this direction does.* This direction relates only to producers of Class B products who received allotments pursuant to applications submitted on Form CMP–4B for the third calendar quarter of 1952. Such producers may calculate their own allotments and place purchase orders for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, only if their allotments for the third quarter of 1952 did not exceed certain maximum amounts. A producer of a Class B product who received an allotment for such product pursuant to Form CMP–4B for the third quarter of 1952 which did not exceed such maximum amounts, but who desires quantities of controlled materials commencing with the first quarter of 1953 which exceed the automatic allotment quantities as calculated under this direction, must submit an application on Form CMP–4B. The provisions of Direction 1 to CMP Regulation No. 1 may be used only through the fourth quarter of 1952.

Sec. 2. *Definitions.* As used in this direction:

(a) "Product class" means a Product Class Code as shown in the Official CMP Class B Product List.

(b) "Total third-quarter allotment" means the total net allotments of a particular kind of controlled material (carbon steel, alloy steel, nickel-bearing stainless steel, all copper or aluminum) received by a producer of a Class B product for a particular product class for the third calendar quarter of 1952 pursuant to an allotment on Form CMP–4B or Form CMP–10, plus any quantity of such kind of controlled material for which such producer was entitled to self-authorize pursuant to Direction 1 to CMP Regulation No. 1 for the third calendar quarter of 1952 in such product class. Total net allotments shall be computed as of the close of business on August 29, 1952. In making such computation, the producer shall deduct any allotment decrease which he has received on Form CMP–11 and any portion of his third-quarter allotments which he has returned on Form CMP–12.

Sec. 3. *Persons affected by automatic allotment procedure.* (a) Subject to the limitations of paragraphs (b) and (c) of this section, a producer of any Class B product which is listed in the Official CMP Class B Product List may, without submitting an application on Form CMP–4B, calculate his own allotments and place purchase orders calling for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, if his total third-quarter allotment of each kind of controlled material (including controlled material for Class A product components) for the production of that product and all other products in the same product class did not exceed the amounts specified below:

Carbon steel (including wrought iron).	500 tons.
Alloy steel (except nickel-bearing stainless steel).	90 tons.
Nickel-bearing stainless steel.	10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	40,000 pounds.
Aluminum	60,000 pounds.

Provided, however, That no such producer, unless specifically authorized by NPA, shall avail himself of the automatic allotment procedure provided by this direction if he has not received an allotment pursuant to application submitted on Form CMP–4B for the third calendar quarter of 1952, or if his total third-quarter allotment of any kind of controlled material exceeded the above amounts, for the manufacture of the same product and all other products in the same product class. Instead, a producer who has not received such third-quarter allotment, or whose total third-quarter allotment of any kind of controlled material exceeded the above amounts, shall obtain his controlled material requirements beginning with the first calendar quarter of 1953 either pursuant to Direction 17 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP–4B, whichever is appropriate.

(b) Subject to the limitations of paragraph (a) of this section, a producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, shall calculate as his allotment authority for the first calendar quarter of 1953 a quantity of each of the following kinds of controlled material equal to the specified percentage or percentages of his total third-quarter allotment of such material for the manufacture of the same product and all other products in the same product class:

Kinds of controlled material	Calculation of allotments on basis of total third quarter 1952 allotments
Carbon steel (including wrought iron).	100 percent of first 60 tons of total third quarter 1952 allotment, plus 60 percent of any excess between 60 tons and 500 tons.
Alloy steel (except nickel-bearing stainless steel).	100 percent of first 16 tons of total third quarter 1952 allotment, plus 80 percent of any excess between 16 tons and 90 tons.
Nickel-bearing stainless steel.	100 percent of first 500 pounds of total third quarter 1952 allotment, plus 80 percent of any excess between 500 pounds and 10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	100 percent of total third quarter 1952 allotment if it did not exceed 40,000 pounds.
Aluminum	100 percent of total third quarter 1952 allotment if it did not exceed 60,000 pounds.

(c) Subject to the limitations of paragraph (a) of this section, a producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, shall calculate as his allotment authority for the second calendar quarter of 1953 and for each succeeding calendar quarter a quantity of each of the following kinds of controlled material equal to the specified percentage of his total third-quarter allotment of such material for the manufacture of the same product and all other products in the same product class:

Kinds of controlled material	Calculation of allotments on basis of total third quarter 1952 allotments
Carbon steel (including wrought iron).	110 percent of total third quarter 1952 allotment if it did not exceed 500 tons.
Alloy steel (except nickel-bearing stainless steel).	110 percent of total third quarter 1952 allotment if it did not exceed 90 tons.
Nickel-bearing stainless steel.	100 percent of total third quarter 1952 allotment if it did not exceed 10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	100 percent of total third quarter 1952 allotment if it did not exceed 40,000 pounds.
Aluminum	100 percent of total third quarter 1952 allotment if it did not exceed 60,000 pounds.

(d) Notwithstanding the provisions of paragraphs (b) or (c) of this section, a producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section need not during any calendar quarter reduce his allotment authority below the specified quantity of each of the following kinds of controlled material for the manufacture of the same product and all other products in the same product class:

Carbon steel (including wrought iron).	25 tons.
Alloy steel (except nickel-bearing stainless steel).	1 ton.
Nickel-bearing stainless steel.	500 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	10,000 pounds.
Aluminum	20,000 pounds.

(e) A producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, but who has already received allotments for the first or a succeeding calendar quarter of 1953 pursuant to application or applications previously submitted on Form CMP–4B for such Class B product and others in the same product class, and has placed orders for controlled materials pursuant to such allotments, must deduct the quantity of orders so placed from the quantity of his calculated allotment under this section for such quarter.

(f) A producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section but who has already received allotments for the first or a succeeding calendar quarter of 1953 pursuant to application or applications previously submitted on Form CMP–4B for such Class B product and others in the same product class, which exceed his automatic allotment authority as calculated under this section with respect to any kind of controlled material, need not return such excess allotments, but his allotment authority shall be limited to the amounts calculated under this section for such quarter.

(g) A producer of any Class B product who need not submit an application on Form CMP–4B pursuant to this direction shall be subject to all applicable regulations and orders of NPA. For example, he shall make allotments of controlled material to a person producing Class A product components for him in the manner prescribed by CMP Regulation No. 1.

(h) Class A products which a producer has been authorized by NPA to treat as Class B products in accordance with section 24 (b) of CMP Regulation No. 1, and Class A products which are sold to a distributor or for use as maintenance, repair, or operating supplies in accordance with paragraph (b) or (c) of section 15 of CMP Regulation No. 1, shall be deemed Class B products for purposes of this direction. A producer may calculate his own allotments and place purchase orders without filing a Form CMP–4B for any calendar quarter, beginning with the first calendar quarter of 1953, in which his total requirements for delivery from suppliers of each kind of controlled material (including controlled material for Class A product components) for the production of all Class A products which are deemed Class B products for purposes of this direction do not exceed the quantities indicated in this section.

(i) Except as otherwise provided by NPA, a producer of a Class B product must obtain his requirements of all kinds of controlled materials in a particular calendar quarter for a particular product class pursuant to this direction or pursuant to Direction 17 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP–4B, and may not use the automatic allotment procedure of this direction or the self-authorization procedure of Direction 17 for one or more kinds of controlled materials and submit a Form CMP–4B for one or more other kinds of controlled materials.

Sec. 4. *Use of allotment symbol to obtain controlled materials.* Any producer of Class B products who, pursuant to this direction, may calculate his own allotments and place purchase orders without filing a Form CMP–4B, is authorized to use the allotment symbol which identifies the allotment he has received for the same products pursuant to application submitted on Form CMP–4B for the third calendar quarter of 1952 (and not the allotment symbol SU), or such other allotment symbol as NPA may expressly authorize, on delivery orders for controlled materials within the limits set forth in section 3 of this direction. He may also append the suffix program identification B–5 to such allotment symbol in accordance with the provisions of section 11 (d) of CMP Regulation No. 1. An order so designated, when certified as provided in section 6 of this direction, shall constitute an authorized controlled material order. The quantity of such Class B products which may be produced with controlled materials obtained with the use of such allotment symbol, or with such other allotment symbol as NPA may expressly authorize, plus controlled materials properly contained in inventory, shall constitute an authorized production schedule for the purpose of all CMP regulations.

Sec. 5. *Use of rating to obtain production materials other than controlled materials.* Any producer of Class B products who, pursuant to this direction, may calculate his own allotments and place purchase orders without filing a Form CMP–4B, is authorized to use the DO rating which accompanies the allotment he has received for the same products pursuant to application submitted on Form CMP–4B for the third calendar quarter of 1952 (and not the rating DO–SU), or such other rating as NPA may expressly authorize, on delivery orders for production materials as defined in CMP Regulation No. 3 in accordance with the provisions of that regulation. He may also append the suffix program identification B–5 to such rating in accordance with the provisions of section 6 (f) of CMP Regulation No. 3.

Sec. 6. *Certification.* Every delivery order placed under the provisions hereof shall contain, in the case of an order for controlled materials, the certification required by section 19 of CMP Regulation No. 1, or, in the case of an order for production materials other than controlled materials, the certification required by section 6 of CMP Regulation No. 3.

This amended direction shall take effect December 24, 1952.

National Production Authority,
By George W. Auxier,
Executive Secretary.

[F. R. Doc. 52–13704; Filed, Dec. 24, 1952; 11:27 a. m.]

[CMP Regulation No. 1, Amdt. 1 of December 24, 1952]

CMP Reg. 1—Basic Rules of the Controlled Materials Plan

AMENDMENT OF SCHEDULE I

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation with representatives of all industries affected has been rendered impracticable because the amendment affects many different industries.

AMENDATORY PROVISIONS

This amendment affects CMP Regulation No. 1, as last amended November 18, 1952, as follows:

A new footnote reference numbered "17" shall be inserted after the subheading "(b) Sheet, strip (uncoated and coated)" which appears under the heading "CARBON STEEL (INCLUDING WROUGHT IRON)" in Schedule I to CMP Regulation No. 1, and a new footnote numbered "17" shall be added to such schedule to read as follows:

"17 Secondary tin mill products are not controlled materials, nor are they Class A or Class B products. For the purposes of this schedule, the term "secondary tin mill products" includes any one or more of the following listed products, but no others: Mill accumulation plate, unassorted temper tin plate, unmended menders, waste-waste, and other coated secondaries, each as defined in NPA Order M–24 as amended September 12, 1952; and black plate rejects, black plate wasters, and black plate waste-waste, each as defined in NPA Order M–25 as amended October 2, 1952.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect December 24, 1952.

National Production Authority,
By George W. Auxier,
Executive Secretary.

[F. R. Doc. 52–13703; Filed, Dec. 24, 1952; 11:27 a. m.]

[Revised CMP Regulation No. 6, Amdt. 2 of December 24, 1952]

CMP Reg. 6—Construction

AMENDMENT OF TABLE III

This amendment to Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national de-

fense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

This amendment affects Revised CMP Regulation No. 6, as last amended by Amendment 1 of November 28, 1952, as follows:

A new footnote reference numbered "17" shall be inserted after the subheading "(b) Sheet, strip (uncoated and coated)" which appears under the heading "CARBON STEEL (INCLUDING WROUGHT IRON)" in Table III to Revised CMP Regulation No. 6, and a new footnote numbered "17" shall be added to such table to read as follows:

[17] Secondary tin mill products are not controlled materials, nor are they Class A or Class B products. For the purposes of this schedule, the term "secondary tin mill products" includes any one or more of the following listed products, but no others: Mill accumulation plate, unassorted temper tin plate, unmended menders, waste-waste, and other coated secondaries, each as defined in NPA Order M-24 as amended September 12, 1952; and black plate rejects, black plate wasters, and black plate waste-waste, each as defined in NPA Order M-25 as amended October 2, 1952.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect December 24, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13705; Filed, Dec. 24, 1952; 11:27 a. m.]

[NPA Order M-1, Amdt. 3 of December 24, 1952]

M-1—IRON AND STEEL

SECONDARY TIN MILL PRODUCTS—DELETION OF ARMOR CASTINGS REPORT REQUIREMENT

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation with representatives of all industries affected has been rendered impracticable because the amendment affects many different industries.

AMENDATORY PROVISIONS

This amendment affects NPA Order M-1 as last amended by Amendment 2 of October 23, 1952, as follows:

1. Paragraphs (j) through (s) of section 2 are redesignated as paragraphs (k) through (t), respectively.

2. A new paragraph designated (j), reading as follows, is added to section 2:

(j) "Secondary tin mill products" includes any one or more of the following listed products, but no others: Mill accumulation plate, unassorted temper tin plate, unmended menders, waste-waste, and other coated secondaries, each as defined in NPA Order M-24 as amended September 12, 1952; and black plate rejects, black plate wasters, and black plate waste-waste, each as defined in NPA Order M-25 as amended October 2, 1952.

3. Paragraph (b) of section 7 is deleted and the reference "(a)" appearing in the first paragraph of section 7 is also deleted, so that section 7 as hereby amended now reads as follows:

SEC. 7. *Steel castings.* Not later than the tenth day of each calendar month, each producer of steel castings is hereby required to file with NPA a report on Form NPAF-118 in the manner prescribed in that form.

4. A new footnote reference number "19," is inserted in Table I of the order and made applicable to the heading "Carbon" under column B of said table, and a new footnote numbered "19" is added to such table to read as follows:

[19] Does not include secondary tin mill products.

5. A new item is added in Part A–II of Table I under the heading "Other Steel Mill Products," reading as follows:

Secondary tin mill products.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect December 24, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-13706; Filed, Dec. 24, 1952; 11:27 a. m.]

[NPA Reg. 1, as Amended December 24, 1952]

NPA REG. 1—INVENTORY CONTROL

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended regulation, consultation with industry representatives has been rendered impracticable because this regulation applies to all trades and industries.

EXPLANATORY

This regulation, as amended, affects NPA Reg. 1, as amended September 9, 1952, and as further amended by Amendment 1 of November 7, 1952, as follows: Certain items have been deleted and changed in Table IA under the headings "Chemicals," "Forest Products," "Iron and Steel," "Metals and Minerals," "Textile Materials," "Miscellaneous," and "Containers and Packaging Materials." Certain items are deleted and changed in Table IB.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Definitions.
3. Materials affected.
4. Persons affected.
5. Restrictions on receipts.
6. Restriction on deliveries.
7. Restrictions on ordering.
8. Adjustment of orders.
9. Receipts permitted after adjustment of orders.
10. Imported materials.
11. Minimum production or sales quantities.
12. Excess inventory.
13. Separate operating units.
14. Relation to other NPA regulations and orders.
15. Defense against claims for damages.
16. Request for adjustment or exception.
17. Records and reports.
18. Communications.
19. Violations.

AUTHORITY: Sections 1 to 19 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789, 3 CFR, 1951 Supp.

SECTION 1. *What this regulation does.* The purpose of this regulation is to prevent the accumulation of excessive inventories of materials in short supply. It does this by limiting the quantities of such materials that can be ordered, received, or delivered.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Practicable minimum working inventory" means the smallest quantity of material from which a person can reasonably meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation. In the absence of unusual circumstances, a person's inventory will be considered more than a practicable minimum working inventory if the ratio of his inventory to his currently scheduled operations is substantially greater than the ratio which he normally maintained between his inventory and his operations during any reasonably representative period in the 6 months ending June 30, 1950.

SEC. 3. *Materials affected.* This regulation applies only (a) to those materials listed in Table IA or Table IB (as amended from time to time) appearing at the end of this regulation, in the shapes and forms therein specified, or if no particular shape or form of any such material is specified, then in all shapes and forms of such material, and (b) to such other materials as may be made subject to it by any other NPA regulation or order.

SEC. 4. *Persons affected.* This regulation applies to all persons buying for use or resale, including resale in export trade, except an ultimate consumer with respect to the buying of materials for his personal or household use.

SEC. 5. *Restrictions on receipts.* (a) Except as provided in paragraph (b) of this section, no person may receive or accept delivery of any material listed in Table IA of this regulation, if his inventory of such material is, or by reason of such receipt would become, more than a practicable minimum working inventory.

(b) No person buying for use in production or construction or for use as maintenance, repair, or operating supplies, may receive or accept delivery of any material listed in Table IB of this regulation, if his inventory of such material is, or by reason of such receipt would become, more than a practicable minimum working inventory, or more than the smallest quantity thereof reasonably required to meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation during the next succeeding number of calendar days listed for that material in column 2 of Table IB, whichever is less.

(c) In figuring his inventory a person must include all such material referred to in paragraphs (a) and (b) of this section, in his possession or held for his account by others, but not that held by him for the account of others. For the purpose of the restrictions in paragraphs (a) and (b) of this section, a material which is to be further processed is considered to be in inventory until actually put into process or actually installed or assembled. For the purpose of this regulation, processing does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming, or other operation, unless such initial operation is a part of a continuous fabricating or assembling operation; nor does it include operations such as inspection, testing, and aging, or segregation or earmarking for a specific job.

(d) Any person engaged in a seasonal business or industry who normally stocks inventory in advance of the season may, notwithstanding the restrictions in paragraphs (a) and (b) of this section, accept such advance delivery of his seasonal requirements provided that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated seasonal requirements.

SEC. 6. *Restriction on deliveries.* No person may deliver any material if he knows, or has reason to believe, that the person requesting delivery is forbidden to receive it by this regulation.

SEC. 7. *Restrictions on ordering.* (a) No person may place any order calling for delivery of any material earlier, or in larger amounts, than he would be permitted to receive under this regulation.

(b) No person may place separate orders with the same supplier, or with different suppliers, calling for delivery in the aggregate of any material in excess of the amount he is permitted to receive under this regulation even though he intends to cancel one or more of the orders before delivery.

SEC. 8. *Adjustment of orders.* (a) A person who, prior to the effective date of any amendment to this regulation, has placed any order for a material calling for delivery earlier, or in greater quantities, than he is permitted to receive under this regulation must promptly cancel, reduce, or defer delivery under, every such order to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory of such material. Nothing in this section shall affect any obligation of, or liability incurred by, a person under this regulation prior to the effective date of any amendment of this regulation.

(b) A person whose requirements change because of an alteration in his operations, slowing or stoppage of his production, or delayed delivery by suppliers, or for any other reason, must promptly cancel, reduce, or defer delivery under, his outstanding orders to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory.

SEC. 9. *Receipts permitted after adjustment of orders.* Where a person has promptly adjusted his outstanding orders as required by section 8 of this regulation, delivery of the material involved may be made and accepted, and the restrictions on receipts of materials provided in this regulation may be exceeded, in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier had in stock, or in production, or for the production of which he had acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others.

(c) If the material had already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the producer's books.

SEC. 10. *Imported materials.* A person may import any material acquired prior to landing without regard to the inventory restrictions of this regulation. However, if his inventory of a material thereby becomes in excess of the amount permitted, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him is permitted to receive.

SEC. 11. *Minimum production or sales quantities.* In the case of materials that are mass produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such a material, or from any other supplier a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his inventory of such material is thereby increased beyond a practicable minimum working inventory. He may not thereafter receive additional quantities of such material until his inventory thereof is reduced below a practicable minimum working inventory.

SEC. 12. *Excess inventory.* This regulation does not provide for disposal of excess inventory which may be on hand. Excess inventory may, however, be subject to requisition under certain circumstances, as provided in section 201 (a) of Title II of the Defense Producton Act of 1950, as amended.

SEC. 13. *Separate operating units.* A person who has or may hereafter have more than one operating unit in his business may elect on or after July 23, 1952, to maintain separate inventory records for any of such units. After such an election has been made it may not at any time thereafter be changed without the prior written approval of NPA. The provisions of this regulation shall apply independently to any unit for which separate inventory records are maintained pursuant to this section.

SEC. 14. *Relation to other NPA regulations and orders.* Other or additional inventory restrictions are included in certain NPA orders and other regulations presently in effect, and may be included in NPA orders and other regulations issued in the future. The inventory restrictions of any such order or other regulation shall govern to the extent that they modify this regulation. Table II at the end of this regulation includes a list of materials with respect to which quantitative inventory restrictions are provided in the orders and other regulations listed in that table, in effect on the date specified in that table. Even if an NPA order or other regulation containing inventory restrictions is not listed in Table II, a person must nevertheless comply with such restrictions. Upon revocation in any manner of the inventory restrictions of an order or regulation listed in Table II, covering a material listed in Table IA or Table IB of this regulation, all provisions of this regulation shall apply to such material.

SEC. 15. *Defense against claims for damages.* Persons complying with this regulation are entitled to the protection afforded by section 707 of the Defense Production Act of 1950, as amended, which provides in part that "No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from his compliance with a rule, regulation, or order issued pursuant to this act, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid."

SEC. 16 *Request for adjustment or exception.* Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him

not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 17. *Records and reports.* (a) Each person participating in any transaction covered by this regulation shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this regulation shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 18. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 1.

SEC. 19. *Violations.* Any person who wilfully violates any provision of this regulation, or any other regulation or order of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Reg. 1, as amended, shall take effect December 24, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

TABLE IA OF NPA REG. 1

(As amended December 24, 1952)

MATERIALS SUBJECT TO PRACTICABLE MINIMUM WORKING INVENTORY LIMITATION

(See section 5 (a))

CHEMICALS

Acetylene.
Alkyl and aromatic substituted phenolic resins.
Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
Argon.
Butadiene.
Calcium carbide.
Cobalt salts and driers.
Cyclohexanol.
Freon 22.
Lithium chemicals.
Lithium metal.
Nickel chemicals.
Oxygen.
Paraphenylphenol.
Paratertiary butyl phenol.
Pyrethrum.
Pyridine.
Selenium compounds (as defined in NPA Order M-91).
Toluene.

FOREST PRODUCTS

Lumber as specified below (excluding inventories of producers or distributors, but including inventories of users).
Cedar: Port Orford.
Cypress.
Douglas fir, thick clears.
Eucalyptus: Ironbark.
Lignum vitae.
Teak.
Plywood, softwood AA grade, all thicknesses, exterior and interior; ½ inch, all grades, exterior (excluding inventories of producers or distributors but including inventories of users).

IRON AND STEEL

Pig iron.
Steel:
Forgings (rough as forged).
Iron and steel scrap.
Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel).

METALS AND MINERALS

Aluminum scrap.
Asbestos, amosite.
Asbestos, chrysotile, spinning fibers.
Asbestos, Bolivian crocidolite.
Beryllium: Metal, oxides, master alloys, and compounds.
Chromium:
Chrome metal.
Ferro-chrome.
Cobalt: Cobalt metal, oxides, and hydrides.
Columbium: Pure metal and chemicals, ferro-columbium, ferro-columbium-tantalum (ferro-tantalum-columbium).
Copper:
Refined copper (fire-refined and electrolytic).
All copper and copper-base alloy scrap containing commercially recoverable copper.
All other copper raw materials—blister copper, copper-base alloy ingot, copper and copper-base alloy shot and waffle, brass mill castings, copper precipitates, and intermediate shapes as defined in NPA Order M-16.
Cryolite.
Diamonds, industrial.
Fluorspar, acid grade.
Magnesium:
Magnesium, primary and secondary ingots.
Semifabricated shapes.
All magnesium-base alloy scrap containing commercially recoverable magnesium.
Manganese: Manganese metal and ferro-manganese.
Mica, muscovite block and film, good stained and better.
Molybdenum:
Pure metal, powder, wire, rod, sheet.
Ferro-molybdenum, molybdenum oxide and molybdenum compounds.
Nickel:
Nickel, alloyed or unalloyed.
Imported nickel matte.
Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
Nickel and nickel alloy, secondary.
Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.
All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.
Platinum.
Scrap, ferrous and nonferrous (except antimony, bismuth, cadmium, lead, and zinc scrap).
Selenium and selenium alloys.
Tantalum:
Pure metal and chemicals.
Ferrotantalum-columbium.
Tin:
Pig tin, primary or secondary.
All other materials and alloys containing 1.5 percent or more tin.
Titanium:
Sponge.
Semifabricated shapes.
Sheets, tubes, extrusions.
Titanium-bearing alloys.
Titanium-base alloy scrap.
Tungsten: Pure metal, powder, wire, rod, sheet, chemical compounds, ferrotungsten.
Vanadium: Ferrovanadium, vanadium oxide, ammonium meta-vanadate, and other vanadium-bearing products.
Zirconium: Zirconium metal, ferro-aluminum-zirconiumsilicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

Natural rubber, dry.

TEXTILE MATERIALS

Silk, noils and waste.

MISCELLANEOUS

Bristles, pigs' and hogs'.

CONTAINERS AND PACKAGING MATERIALS

Collapsible tubes.
Metal cans.
Packaging closures made in whole or in part of controlled materials.[1]

TABLE IB OF NPA REG. 1

(As amended December 24, 1952)

MATERIALS SUBJECT TO SPECIFIC CALENDAR DAY INVENTORY LIMITATION OR TO PRACTICABLE MINIMUM WORKING INVENTORY LIMITATION, WHICHEVER IS LESS

(See section 5 (b))

Materials	*Inventory limitation (calendar days)*
Aluminum castings (before machining)	60

[1] Packers may purchase packaging closures in carload or truckload lots provided deliveries of any size or type of packaging closures are not received or accepted until inventory of the particular size or type is less than a practicable minimum working inventory.

Materials	*Inventory limitation (calendar days)*
Aluminum forgings, pressings, and impact extrusions (before machining)	60
Aluminum foil (plain coiled)	60
Aluminum powder (atomized or flake, including paste)	60
Components and parts for electric light bulbs and tubes	60
Iron:	
Pig iron	60
Steel:	
Forgings (rough as forged)	60
Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel)	45
Reels and spools, shipping and package, wholly or in part of metal	[1] 60

[1] The practicable minimum working inventory limitation provision does not apply.

TABLE II OF NPA REG. 1

(As amended December 24, 1952)

MATERIALS SUBJECT TO SPECIAL INVENTORY RESTRICTIONS IN NPA ORDERS OR OTHER NPA REGULATIONS IN EFFECT ON DECEMBER 24, 1952

(See section 14)

Materials	*NPA order or regulation*
Pig tin	M-8
Lead-base alloys (1.5 percent or more tin)	M-8
All other materials and alloys containing 1.5 percent or more tin	M-8
Copper, refined and or scrap	M-16
Iron and steel scrap	M-20
Aluminum scrap	M-22
Cans	M-25
Steel, copper, and aluminum for electric utilities	M-50
Platinum and platinum scrap	M-54
Marine MRO	M-70
MRO for rail transportation systems	M-73
Communications	M-77
MRO for mining industry	M-78
Alloying materials:	
Boron	M-80
Calcium	M-80
Chromium	M-80
Cobalt	M-80
Columbium and tantalum	M-80
Manganese	M-80
Molybdenum, excluding pure molybdenum	M-80
Nickel	M-80
Silicon	M-80
Titanium	M-80
Tungsten, excluding pure tungsten	M-80
Vanadium	M-80
Zirconium	M-80
Pure tungsten	M-81
Pure molybdenum	M-81
Brass mill products	M-82
Copper wire mill products	M-86
MRO for solid fuels industry	M-87
Certain controlled materials in the inventory of a retailer	M-89
Selenium	M-91
Cryolite	M-99
Diamond grinding wheels	M-103
MRO for iron and steel producers	M-105
Steel (controlled material shapes and forms)	CMP Reg. 2
Copper (controlled material shapes and forms)	CMP Reg. 2
Aluminum (controlled material shapes and forms)	CMP Reg. 2
MRO—general	CMP Reg. 5
MRO repairmen	CMP Reg. 7

NOTE: Interpretations 1, 2, and 3, as amended October 22, 1951, to NPA Reg. 1, remain in full force and effect.

[F. R. Doc. 52-13707; Filed, Dec. 24, 1952; 11:27 a. m.]

[NPA Designation of Scarce Materials 1, as Amended December 24, 1952]

DSM-1—DESIGNATION OF SCARCE MATERIALS AND WITHDRAWAL OF PREVIOUS DESIGNATION

This amended designation is issued pursuant to section 102 of the Defense Production Act of 1950, as amended; Executive Orders 10161, 10200, and 10281; and Defense Production Administration Delegation 1, as amended (16 F. R. 738, 4594).

Designation of Scarce Materials 1, as last amended September 9, 1952, is amended by deleting certain items from the designation of scarce materials contained in List A; by listing in List B of this amended designation such deleted items withdrawn from their previous designation as scarce materials; and by revising section 8 to reflect such withdrawal.

Sec.
1. Purpose of this designation.
2. Definition of person.
3. Designation of scarce materials.
4. Receipts of imported materials.
5. Receipts of minimum production or sales quantities.
6. Receipts of materials after adjustment of orders.
7. Applicability of other provisions of law, regulation, and orders.
8. Withdrawal of designation of scarce materials.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 102, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2072; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Purpose of this designation.* Section 102 of the Defense Production Act of 1950, as amended, provides in part that, in order to prevent hoarding, no person shall accumulate (a) in excess of the reasonable demands of business, personal, or home consumption, or (b) for the purpose of resale at prices in excess of prevailing market prices, materials which have been designated as scarce materials or materials the supply of which would be threatened by such accumulation. This designation lists certain materials as scarce materials. It also prescribes in sections 4, 5, and 6, certain conditions under which a person may accumulate such materials in excess of the reasonable demands of business, personal, or home consumption. In addition it lists other materials which are withdrawn from their previous designation as scarce.

SEC. 2. *Definition of person.* As used in this designation, the word "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 3. *Designation of scarce materials.* Each material included in List A of this designation, in the shapes and forms therein described, or in all shapes and forms if no particular shape or form is therein described, is hereby designated, pursuant to section 102 of the Defense Production Act of 1950, as amended, a scarce material. Whenever "material" or "materials" is hereinafter used, it means any such designated material or materials.

SEC. 4. *Receipts of imported materials.* (a) Notwithstanding any provision of this designation, a person may import by land, sea, or air any material acquired by him prior to landing without regard to the reasonable demands of his business, personal, or home consumption. However, if his total quantity of a material accumulated thereby becomes in excess of the reasonable demands of his business, personal, or home consumption, he may not receive any additional amount of such material from any domestic source until his total quantity thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

(b) Within the meaning of paragraph (a) of this section, importation by a person is not limited to the person who takes title to the material prior to landing or who pays the customs entry thereon, but includes a person who, prior to landing, purchases or contracts to purchase the material from or through an importing broker, wholesaler, or other importer, even though such broker, wholesaler, or other importer makes the customs entry in his own name, places the material on board the inland carrier for shipment to his customer, and retains title until such shipment is made. Within the meaning of paragraph (a) of this section, a material is not imported by a person who acquires such material from an importing broker, wholesaler, or other importer who took such material into his own stock or inventory.

SEC. 5. *Receipts of minimum production or sales quantities.* Notwithstanding any provision of this designation, in the case of materials that are mass-produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such material, or from any other supplier, a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his accumulation of such material thereby becomes in excess of the reasonable demands of his business, personal, or home consumption. After such receipt, however, he may not receive any additional amount of such material until his accumulation thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

SEC. 6. *Receipts of materials after adjustment of orders.* Notwithstanding any provision of this designation, a person who has promptly instructed the supplier to reduce or defer delivery of a material under an order for such material previously placed by him with the

accordance with the Federal Reports Act of 1942.

Diamonds, industrial.
Fluorspar, acid grade.

of the particular size or type is less than practicable minimum working inventory.

supplier, to the extent necessary so that his accumulation of such material will not be in excess of the reasonable demands of his business, personal, or home consumption, may accept delivery of the material involved in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier has in stock or in production, or for the production of which he has acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and cannot readily dispose of to others.

(c) If the material has already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the books of the producer.

SEC. 7. *Applicability of other provisions of law, regulations, and orders.* Nothing in sections 4, 5, and 6 of this designation shall be deemed to modify in any respect, or relieve any person from complying with, any applicable regulation, order, or other provision of law.

SEC. 8. *Withdrawal of designation of scarce materials.* The materials included in List B of this designation, as amended, all of which were designated as scarce materials in List A of NPA Designation of Scarce Materials 1 as amended September 9, 1952, are hereby withdrawn from such designation.

Designation of Scarce Materials 1, as amended, shall take effect December 24, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

LIST A—DESIGNATION OF SCARCE MATERIALS

CHEMICALS

Acetylene.
Alkyl and aromatic substituted phenolic resins.
Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
Argon.
Butadiene.
Calcium carbide.
Cobalt salts and driers.
Cyclohexanol.
Freon 22.
Lithium chemicals.
Lithium metal.
Nickel chemicals.
Oxygen.
Paraphenylphenol.
Paratertiary butyl phenol.
Pyrethrum.
Pyridine.
Selenium compounds.
Toluene.

FOREST PRODUCTS

Lumber:
Cedar: Port Orford.
Cypress.
Douglas fir, thick clears.
Eucalyptus: Ironbark.
Lignum vitae.
Teak.
Plywood, softwood AA grade, all thicknesses, exterior and interior; ½ inch, all grades, exterior.

IRON AND STEEL

Iron:
Pig iron.
Steel (carbon, including low alloy, high strength alloy, and stainless): Ingots and semifinished steel, including skelp; steel castings, rough and semifinished; structural shapes and piling; plates; rails and track accessories; wheels and axles; bars, hot-rolled, including light shapes and reinforcing; cold-finished bars; pipe; tubing; wire, wire rods, and drawn wire products; tin plate, terneplate, and tin mill black plate; hot-rolled sheet and strip; cold-rolled sheet and strip; other mill shapes and forms.
Forgings, rough as forged.
Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel).
Iron and steel scrap.

METALS AND MINERALS

Aluminum:
Primary and secondary in crude form.
Semifabricated shapes, castings (including die); forgings, plate, sheet and strip; rolled structural shapes, rod, bar, and wire; extruded shapes, tube blooms, and tubing.
All aluminum and aluminum-base scrap containing commercially recoverable aluminum.
Aluminum castings (before machining).
Aluminum forgings, pressings, and impact extrusions (before machining).
Asbestos, amosite.
Asbestos, chrysotile, spinning fibers.
Asbestos, Bolivian crocidolite.
Beryllium: Metal oxides, master alloys, and compounds.
Chromium:
Chrome metal.
Ferro-chrome.
Cobalt: Cobalt metal, oxides, and hydrides.
Columbium: Pure metal and chemicals, ferro-columbium, ferro-columbium-tantalum (ferro-tantalum-columbium).
Copper:
Refined copper (fire-refined and electrolytic) including refinery shapes such as wire bars, slabs, cakes, billets, and ingots.
All other copper raw materials—blister copper, copper-base alloy ingot, copper and copper-base alloy shot and waffle, brass mill castings, copper precipitates, and intermediate shapes.
Copper and copper-base alloys: alloy plate, sheet, and strip; alloy rod, bar, and wire (including extruded shapes); alloy tube and pipe; unalloyed rod, bar, and wire (including extruded shapes); unalloyed plate, sheet, and strip; unalloyed tube and pipe; copper and copper-base alloy castings; copper powder mill products.
All copper and copper-base alloy scrap containing commercially recoverable copper.
Cryolite.
Diamond grinding wheels.
Diamonds, industrial.
Fluorspar, acid grade.
Magnesium:
Magnesium, primary and secondary ingots.
Semifabricated shapes.
All magnesium-base alloy scrap containing commercially recoverable magnesium.
Manganese: Manganese metal and ferro-manganese.
Mica, muscovite block and film, good stained and better.
Molybdenum:
Pure metal, powder, wire, rod, sheet.
Ferro-molybdenum, molybdenum oxide and molybdenum compounds.
Nickel:
Nickel, alloyed or unalloyed.
Imported nickel matte.
Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
Nickel—Continued
Nickel and nickel alloy, secondary.
Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.
All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.
Platinum.
Scrap, ferrous and nonferrous (except antimony, bismuth, cadmium, lead and zinc scrap).
Selenium and selenium alloys.
Tantalum:
Pure metal and chemicals.
Ferrotantalum-columbium.
Tin:
Pig tin, primary or secondary.
All other materials and alloys containing 1.5 percent or more tin.
Titanium:
Sponge.
Semifabricated shapes.
Sheets, tubes, extrusions.
Titanium-bearing alloys.
Titanium-base alloy scrap.
Tungsten: Pure metal, powder, wire, rod, sheet, chemical compounds, ferrotungsten.
Vanadium: Ferrovanadium, vanadium oxide, ammonium meta-vanadate and other vanadium-bearing products.
Zirconium: Zirconium metal, ferro-aluminum-zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

Natural rubber, dry.

TEXTILE MATERIALS

Silk, noils and waste.

MISCELLANEOUS

Bristles, pigs' and hogs'.
Metal cans.
Collapsible tubes.
Packaging closures made in whole or in part of controlled materials.
Reels and spools, shipping and package (wholly or in part of metal).

LIST B—MATERIALS WITHDRAWN FROM THEIR PREVIOUS DESIGNATION AS SCARCE IN LIST A OF NPA DESIGNATION OF SCARCE MATERIALS 1, AS AMENDED SEPTEMBER 9, 1952

CHEMICALS

Bis-phenol.
Charcoal, granular.
Copper chemicals.
Methylene chloride.
Sulfur.

FOREST PRODUCTS

Pine: Southern, long leaf, upper grades.

IRON AND STEEL

Gray iron castings (excluding soil and pressure pipes and fittings), rough and semifinished.
Malleable iron castings, rough and semifinished.

METALS AND MINERALS

Aluminum foil.
Aluminum powder, flake and paste.
Asbestos, all crocidolite except Bolivian crocidolite.
Cerium:
Cerium metal, cerium alloys, such as ferro-cerium and cerium compounds in which cerium is a recognizable component.
All scrap and waste material containing commercially recoverable cerium of the above listed types.
Electrodes, carbon.
Fluorspar (ceramic grades only).
Graphite, artificial, electrodes and anodes.
Graphite, natural.
Crucible flake.
Ceylon lump, 97 percent and higher carbon.
Iridium.

TEXTILE MATERIALS

Nylon staple and nylon filament yarn.
Rayon yarn, high tenacity.
Twine, binder and baler.

MISCELLANEOUS

Components and parts for electric light bulbs and tubes.
Cylinders, gas.
New drums, steel, shipping.
Strapping metal.

[F. R. Doc. 52-13708; Filed, Dec. 24, 1952; 11:27 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1836]

PART 194—POTASSIUM PERMITS AND LEASES

LIMITATION ON HOLDINGS

Section 194.26 is hereby amended to read as follows:

§ 194.26 *Limitation on holdings.* (a) No person, association, or corporation will be granted, either directly, or indirectly, or by approval of assignments, in any one State, permits for an area which when added to the area already held under permits issued under the 1927 act exceeds in the aggregate 51,200 acres, and, except as hereinafter provided, leases for an area which when added to the area already held under leases issued under the 1927 act exceeds in the aggregate 15,360 acres.

(b) Any person, association, or corporation holding acreage approximating 15,360 acres of Federal land in a single mining unit and refining development, upon a showing that the leased deposits extend into adjoining Federal lands may, upon application to and approval of the Secretary, be granted a lease for an additional acreage of not to exceed 2,560 acres if the Secretary shall determine that such increase will result in conservation of natural resources and will provide for the most economical and efficient recovery as a single unit of a mineable deposit without waste.

(c) The Secretary may, upon a finding that the granting of such leases would be in the public interest, grant to any such lessee, leases for additional acreage not to exceed 10,240 acres in all as a separate mining unit, and may include in such additional leases a provision requiring the construction of additional refining facilities.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

OSCAR L. CHAPMAN,
Secretary of the Interior.

DECEMBER 19, 1952.

[F. R. Doc. 52-13571; Filed, Dec. 24, 1952; 8:54 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 18th day of December A. D. 1952.

The matter of parts and accessories necessary for safe operation under the motor carrier safety regulations prescribed by order dated April 14, 1952, and effective July 1, 1952, being under consideration; and

It appearing, that further investigation has established facts which necessitate a postponement of the effective date of certain paragraphs of § 193.65 involving fuel tanks and containers; and good cause appearing therefor:

It is ordered, That § 193.65 (b), (e) (2) and (e) (3) be amended as follows:

1. In § 193.65 (b) substitute "June 30, 1953" where "December 31, 1952" now appears.

2. In § 193.65 (e) (2) substitute "June 30, 1953" in both instances where "December 31, 1952" now appears.

3. In § 193.65 (e) (3) substitute "June 30, 1953" in both instances where "December 31, 1952" now appears.

It is further ordered, That this order shall be effective on the date hereof and shall continue in effect until the further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13594; Filed, Dec. 24, 1952; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 661, 662, 701, 704, 708]

PUERTO RICO: SPECIAL INDUSTRY COMMITTEE NO. 13

APPOINTMENT OF COMMITTEE TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES FOR CERTAIN INDUSTRIES

1. Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C., and Sup., 201 et seq.), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a special industry committee for Puerto Rico composed of the following representatives:

For the Public: Pedro Munoz-Amato, Rio Piedras, Puerto Rico; Willard Wirtz, San German, Puerto Rico. (Additional public member to be appointed.)

For the Employers: Ellsworth Green, Kansas City, Kansas; Enrique Campos del Toro, San Juan, Puerto Rico; Horatio Subira, San Juan, Puerto Rico.

For the Employees: Frank Fernback, Washington, D. C.; Armando Rivero, San Juan, Puerto Rico; Carlos J. Cintron, Ponce, Puerto Rico.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and regulations promulgated thereunder (Title 29, Chapter V, Code of Federal Regulations, Part 511), shall meet beginning on January 27, 1953, at 10:00 a. m. in Room 412, New York Department Store Building, Stop 16½ Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, and shall proceed to investigate conditions in the industries in Puerto Rico hereinafter enumerated and recommend to the Administrator minimum wage rates for all employees in said industries in Puerto Rico, who within the meaning of said act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14. Minimum wage rates recommended by the committee shall be the highest rates (not in excess of 75 cents per hour) which it determines will not substantially curtail employment in such industries and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico.

Said special industry committee shall investigate conditions respecting, and recommend minimum wage rates for, the employees in the leather, leather goods, and related products industry, the banking, insurance, and finance industries, the cement industry, the straw, hair, and related products division of the rubber, straw, hair, and related products industry, the heavy products and industrial equipment division of the metal, plastics, machinery, instrument, transportation equipment, and allied industries.

3. For the purpose of this order these industries are defined as follows:

Leather, leather goods, and related products industry. The curing, tanning, or other processing of hides, skins,

Teak.
Plywood, softwood AA grade, all thicknesses, exterior and interior; ½ inch, all grades, exterior.

Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).

Crucible flake.
Ceylon lump, 97 percent and higher carbon.
Iridium.

leather or furs and the manufacture of products therefrom; the manufacture from artificial leather, fabric, or similar materials of suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, and like articles; and the manufacture of baseballs and softballs covered with leather, artificial leather, fabric or similar materials: *Provided, however,* That this definition shall not include any product or activity included in the shoe manufacturing and allied industries, the button, buckle, and jewelry industry, the needlework and fabricated textile products industry, or the men's and boys' clothing and related products industry, as defined in the wage orders for those industries in Puerto Rico (29 CFR Parts 655, 686, 697, and 703).

Banking, insurance, and finance industries. The business, whether or not for profit, carried on by any banking, insurance, or other financial institution or enterprise.

Cement industry. The manufacture of hydraulic cement, including the extraction of raw materials therefor.

Straw, hair, and related products division of the rubber, straw, hair, and related products industry. The manufacture of all products (except hand-made or hand-woven) made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers and similar materials.[1]

Heavy products and industrial equipment division of the metal, plastics, machinery, instrument, transportation equipment, and allied industries. The mining or other extraction of metal ore and the further processing of such ore into metal; the production of pigs, ingots, plates, sheets, bars, rods, tubing, wire and other primary metal products; the galvanizing, coating, electroplating and plating of metal products; the fabrication of structural metal products; and the manufacture (including repair) of foundry and machine-shop products, industrial, agricultural and commercial (except office) machinery and equipment, transportation equipment (except children's vehicles), and ordnance.[2]

Signed at Washington, D. C., this 22d day of December 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-13605; Filed, Dec. 24, 1952; 8:52 a. m.]

[1] The straw, hair and related products division is part of the rubber, straw, hair, and related products industry in Puerto Rico, which is defined as follows (29 CFR Part 708):

The manufacture of all products made wholly or chiefly of rubber, and the manufacture of all products (except hand-made or hand-woven) made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers and similar materials: *Provided, however,* That this definition shall not include any product or activity included in the definition of the handicraft products industry, the needlework and fabricated textile products industry, the men's and boys' clothing and related products industry, the textile and textile products industry, the button, buckle, and jewelry industry, the decorations and party favors industry, the artificial flower industry, or the shoe manufacturing and allied industries, as defined in the wage orders for those industries in Puerto Rico (29 CFR Parts 655, 686, 688, 697, 699, 702, 703, 705).

[2] The heavy products and industrial equipment division is part of the metal, plastics, machinery, instrument, transportation equipment, and allied industries in Puerto Rico, which is defined as follows (29 CFR Part 701):

The mining or other extraction of metal ore and the further processing of such ore into metal; the manufacture (including repair) of any product or part made wholly or chiefly of metal or plastics; and the manufacture (including repair) from any material of machinery, instruments, ophthalmic goods, tools, electrical goods, transportation equipment, and ordnance: *Provided, however,* That the definition shall not include (1) the production of any basic material other than metal, (2) the further processing of any basic material other than metal or plastics except when done by an establishment producing from such materials a product of this industry or subassembly of such product, (3) the manufacture from plastic materials of fibers, yarns, and fabrics and the fabrication of products therefrom, (4) any sewing or similar fabricating operations performed upon pliable plastics in sheet or film form or any other operations incidental thereto, (5) the manufacture from pliable plastics in sheet or film form of articles also commonly produced from paper, such as bags, containers, cards, drinking straws, and similar articles, or (6) any activity included within the button, buckle, and jewelry industry, the shoe manufacturing and allied industries, or the decorations and party favors industry, as defined in the wage orders for those industries in Puerto Rico (29 CFR Parts 686, 697, and 705).

DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Part 202]

MINIMUM WAGE DETERMINATIONS

DETERMINATION OF PREVAILING MINIMUM WAGE FOR TEXTILE INDUSTRY; EXTENSION OF TIME FOR FILING EXCEPTIONS

On December 11, 1952, notice of a proposed amendment to the textile industry wage determination was published in the FEDERAL REGISTER (17 F. R. 11197) as corrected (17 F. R. 11668) which gave interested parties 15 days for filing exceptions to the proposed determination.

Petitions have been filed requesting additional time for submitting exceptions. It appears that an extension is reasonable and warranted under the circumstances presented by the petitioners.

Notice is hereby given that the time for submitting such exceptions is extended from the date of December 26, 1952, to January 10, 1953.

Signed at Washington, D. C., this 23d day of December 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-13663; Filed, Dec. 23, 1952; 4:22 p. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 496 AND SMALL TRACT CLASSIFICATION NO. 68

DECEMBER 17, 1952.

1. By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to Delegation of Authority contained in sections 2.21 and 2.22 (a) (3) of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), it is ordered as follows:

(a) Subject to valid existing rights, the 80-rod shorespace reserve which is now or may hereafter be created under the act of May 14, 1898 (30 Stat. 409; 48 U. S. C. 371), as amended, is hereby revoked as to the public lands hereinafter described, which are situated in the Anchorage Alaska Land District and which are hereby classified as chiefly valuable for leasing and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

KETCHIKAN AREA

PENNOCK ISLAND UNIT NO. 1A

For Lease and Sale

For cabin sites:
U. S. Survey 2991: Lots 26, 27, 28, 29, and 30.
U. S. Survey 2992: Lot 38.

The above described areas comprise 6 tracts aggregating approximately 2.54 acres.

(b) The following described public lands, which are situated in the Anchorage Alaska Land District, are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

KETCHIKAN AREA

PENNOCK ISLAND UNIT NO. 1B

For Lease and Sale

For cabin sites:
U. S. Survey 2989: Lots 1, 2, and 3.
U. S. Survey 2992: Lots 32-35 inclusive, and Lots 36A, 36B, 36C, and Lot 37.

The above described areas comprise 11 tracts aggregating approximately 5.71 acres.

2. The lands are situated on Pennock Island, approximately five-eighths of a mile southwest of the main business district of Ketchikan. Pennock Island is accessible from Ketchikan only by boat, and the interior of the island is accessible only by foot. The vegetative cover of the lands in issue consists mainly of Sitka Spruce and Western Hemlock, with a predominant ground cover of Labrador tea and blueberry. Topographically the lands are composed mainly of sand, gravel and rocky beaches which grade into rocky uplands overlain by a thin mantle of soil. The climate of the area is a distinctive marine type, characterized by mild winters and cool summers, with heavy precipitation experienced throughout most of the year. Part of the lands are presently served by public utilities furnished via a marine cable from Ketchikan. Adequate water for domestic uses may be obtained from water systems supplied by shallow wells or by cisterns, and sewage disposal may be made through the use of cesspools and septic tanks. Commercial, school and church facilities are available at Ketchikan.

3. This classification order shall not become effective to change the status of any lands described herein or to permit the leasing of any such lands under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on January 7, 1953. At that time, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on January 7, 1953, to close of business on April 7, 1953, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Secs. 279, 282), as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) applications under any applicable public land laws, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on December 17, 1952, or thereafter, up to and including 10:00 a. m. on January 7, 1953, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on April 8, 1953, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on March 18, 1953, or thereafter, up to and including 10:00 a. m. on April 8, 1953, shall be treated as simultaneously filed.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial and appropriate for the use for which the lease is issued. Leases will be for a period of not more than three years, at an annual rental of $5.00, payable in advance for the entire lease period. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts varying in size from approximately 0.09 acre to approximately 1.18 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska.

8. Lessees must locate any well, water supply system, or sewage disposal facility according to the laws and regulations of the Territory of Alaska.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 33 feet in width, along tract boundaries, or as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 52-13572; Filed, Dec. 24, 1952; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

COMPANIA NAVIERA INDEPENDENCIA, S. A. (INDEPENDENCE LINE) ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7854 between Compania Naviera Independencia, S. A. (Independence Line) and Flota Mercante Grancolombiana, S. A., covers the transportation of cargo under through bills of lading from the Pacific Coast of Central America to New Orleans, Houston, Galveston, and New York, with transhipment at Cristobal, Canal Zone.

(2) Agreement No. 7884 between Panama Canal Company (Panama Line), and Compania Naviera Independencia, S. A. (Independence Line) covers transportation of cargo on through bills of lading from Pacific Coast of Central America to New York, with transhipment at Cristobal, Canal Zone.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 22, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-13607; Filed, Dec. 24, 1952; 8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 41]

NORTH TEPETATE FIELD, ACADIA PARISH, LOUISIANA

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the North Tepetate Field, Acadia Parish, Louisiana.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the North Tepetate Field, Acadia Parish, Louisiana. During the base period there was a lack of competitive factors and curtailed production of condensate caused by a lack of outlets for natural gas and as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that this requested ceiling price of $2.85 per barrel flat does not exceed the ceiling price of compa-

rable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the North Tepetate Field, Acadia Parish, Louisiana shall be: $2.85 per barrel flat.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on December 23, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 22, 1952.

[F. R. Doc. 52-13588; Filed, Dec. 22, 1952; 12:21 p. m.]

[Delegation of Authority No. 87]

DIRECTORS OF REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTION 3 (C) OF SUPPLEMENTARY REGULATION 3, AS AMENDED, TO CEILING PRICE REGULATION 34, AS AMENDED

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. *Authority to act under section 3 (c) of Supplementary Regulation 3, as amended, to CPR 34, as amended.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to process the applications filed under section 3 (c) of Supplementary Regulation 3, as amended, to Ceiling Price Regulation 34, as amended, by sellers of automotive repair service; to issue letter orders permitting such sellers to substitute approved editions, of or supplements to flat rate manuals or labor time schedules in place of altered flat rate manuals or labor time schedules; and to modify the established customers' hourly rates of such sellers.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This Delegation of Authority shall take effect on December 23, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 23, 1952.

[F. R. Doc. 52-13628; Filed, Dec. 23, 1952; 12:30 p. m.]

[Delegation of Authority 75, Amdt. 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES OF NEW COMMODITIES BY MANUFACTURERS HAVING ANNUAL SALES OF LESS THAN $1,000,000 UNDER CPR 161

By virtue of the authority vested in the Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Amendment 1 to Delegation of Authority 75 is hereby issued.

Delegation of Authority 75 is amended to read as follows:

1. *Authority to act under sections 3, 4, 5, 6, 9 and 15 of CPR 161.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to process in the respects indicated herein ceiling price reports or applications for new commodities filed under CPR 161, by manufacturers whose gross sales for their last complete fiscal year of commodities manufactured by them were less than $1,000,000, or by new manufacturers who do not expect their gross sales to exceed $1,000,000 during their first complete fiscal year.

(a) To approve, or disapprove proposed ceiling prices for new commodities under sections 3, 4 and 5 of CPR 161;

(b) To issue letter orders as provided in section 6 of CPR 161, establishing ceiling prices of new commodities for which a ceiling price cannot be calculated under sections 3, 4 and 5 of CPR 161;

(c) To issue letter orders disapproving or reducing ceiling prices reported or proposed as provided in section 9 of CPR 161;

(d) To request additional information, as provided in section 15 of CPR 161, where applicants submit proposed ceiling prices for new commodities under sections 3, 4, 5 and 6 of CPR 161.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This Amendment 1 to Delegation of Authority 75 shall be effective on December 26, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 24, 1952.

[F. R. Doc. 52-13713; Filed, Dec. 24, 1952; 11:34 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6355]

IDAHO POWER CO.

NOTICE OF ORDER AUTHORIZING FURTHER EXTENSION OF TIME

DECEMBER 19, 1952.

Notice is hereby given that on December 18, 1952, the Federal Power Commission issued its order entered December 16, 1952, authorizing further extension of time to and including June 30, 1953, for consummating transaction in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13573; Filed, Dec. 24, 1952; 8:46 a. m.]

[Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1152, G-1415, G-1379, G-1457, G-1509, G-1616, G-1625, G-1659]

PANHANDLE EASTERN PIPE LINE CO. ET. AL.

NOTICE OF CONTINUANCE OF HEARING

DECEMBER 18, 1952.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344 and G-1417; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, complainant, v. Panhandle Eastern Pipe Line Company, Docket No. G-1379; Northern Indiana Fuel and Light Company, Docket No. G-1457; Missouri Central Natural Gas Company, Docket No. G-1509; The Central West Utility Company, Docket No. G-1616; Michigan Gas Utilities Company, Docket No. G-1625; City of Auburn, Illinois, Docket No. G-1659.

Notice is hereby given that the hearing in the above-designated matters, now scheduled to resume on January 13, 1953, will be further recessed by the Presiding Examiner until 10:00 a. m., January 26, 1953, at the Commission's hearing room, 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13574; Filed, Dec. 24, 1952; 8:46 a. m.]

[Docket No. G-2094]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

DECEMBER 19, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on November 28, 1952, an application in the alternative for (1) a disclaimer of jurisdiction or (2) a certificate of public convenience and necessity authorizing service of natural gas on an interruptible basis to the soybean processing plant of Allied Mills, Inc., located near Taylorville, Illinois.

In connection with the service Applicant proposes to construct and operate a measuring and regulating station which Applicant states will be used exclusively for distribution purposes. The volume of gas Applicant proposes to sell to Allied Mills, Inc., is up to 2,000 Mcf per day. This gas is proposed to be used for the generation of steam which will be used in the processing of soybean oil and soybean oil meal.

The estimated cost of the facilities Applicant proposes to construct and operate is $9,100. Financing will be out of current funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of January 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13575; Filed, Dec. 24, 1952; 8:46 a. m.]

[Docket No. G-2095]

TEXAS EASTERN TRANSMISSION CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

DECEMBER 19, 1952.

Take notice that on November 28, 1952, Texas Eastern Transmission Corporation (Texas Eastern) and Transcontinental Gas Pipe Line Corporation (Transcontinental), each a Delaware corporation with its principal place of business at Shreveport, Louisiana, and Houston, Texas, respectively, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing Transcontinental to transport and deliver certain quantities of gas to Public Service Electric and Gas Company (Public Service) for the account of Texas Eastern and authorizing Texas Eastern to make similar quantities of gas available to Transcontinental by means of exchange deliveries to the Philadelphia Gas Works Company and Philadelphia Electric Company for the account of Transcontinental.

On October 6, 1952, Public Service was issued a certificate of public convenience and necessity in Docket No. G-2021, authorizing it to construct and operate facilities to enable it to receive gas from Texas Eastern in quantities commencing at a maximum daily quantity of 28,800 Mcf. Applicants allege that Public Service needs such quantities of gas in advance of the date of completion of construction of facilities authorized in Docket No. G-2021. Under an agreement between Texas Eastern, Transcontinental, Public Service, the Philadelphia Gas Works, and Philadelphia Electric Company, Transcontinental would deliver to Public Service quantities of gas up to 30,000 Mcf per day through its existing facilities serving Public Service, and in return therefor, Texas Eastern would make gas available to the Philadelphia Gas Works, Inc., and Philadelphia Electric Company, through existing facilities, for the account of Transcontinental. No new facilities would be constructed. Texas Eastern and Transcontinental request that a temporary certificate authorizing such operations be issued.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules and regulations, on or before the 8th day of January 1953. The application is on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-13576; Filed, Dec. 24, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-168]

ELECTRIC BOND AND SHARE CO.

ORDER CONTAINING RECITALS IN ACCORDANCE WITH SUPPLEMENT R OF THE INTERNAL REVENUE CODE

DECEMBER 18, 1952.

Electric Bond and Share Company ("Bond and Share") a registered holding company, being under commitment to dispose of all of its holdings of the common stock of the Washington Water Power Company, and having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations promulgated under the Public Utility Holding Company Act of 1935, of its intention to sell to the Washington Water Power Company 11,500 shares of the common stock of that Company at the price of $26 per share, the closing price of that stock on the New York Stock Exchange on December 16, 1952, such sale to be without payment of any fees or commissions; and

Bond and Share having requested that the Commission issue an order containing findings and recitals in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof; and

The Commission having notified Bond and Share, pursuant to said Rule U-44 (c), that no declaration need be filed with respect to the proposed transaction:

It is ordered and recited, That the sale and transfer by Electric Bond and Share Company of 11,500 shares of common stock of the Washington Water Power Company to the Washington Water Power Company is necessary or appropriate to the integration of or simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-13580; Filed, Dec. 24, 1952; 8:48 a. m.]

[File No. 70-2962]

AMERICAN GAS AND ELECTRIC CO.

ORDER REGARDING RECLASSIFICATION OF COMMON STOCK AND ISSUANCE OF SHARES AND STOCK DIVIDENDS

DECEMBER 19, 1952.

American Gas and Electric Company ("American Gas"), a registered holding company, having filed a declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 and 7 thereof, and Rule U-62 of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

American Gas presently has outstanding 10,041,081 shares of $10 par value common stock. The declaration proposes (1) the reclassification of said shares into 20,082,162 shares of $5 par value common stock, and the issuance of two shares of the $5 par value common stock for each one share of the $10 par value common stock presently held; and (2) the issuance of a stock dividend which is summarized as follows:

On October 29, 1952, the board of directors of American Gas declared a stock dividend at the rate of one share of $10 par value common stock for each forty shares of such stock outstanding in the hands of the public, payable March 10, 1953, to holders of record on February 2, 1953. In the event that the stock reclassification heretofore described shall have become effective on or prior to March 10, 1953, the stock dividend will be at the rate of two shares of $5 par value common stock for each share of the $10 par value common stock which would have been distributable had such reclassification not become effective.

The proposed stock dividend will result in the issuance of 146,913 shares of $10 par value common stock. American Gas proposes to reflect this transaction by debiting earned surplus in the amount of $8,080,215 (an assigned value of $55 per share) and crediting the common stock account with $1,469,130 and premium on capital stock in the amount of $6,611,085. As of September 30, 1952, the earned surplus of American Gas was $71,551,606.

In connection with the stock dividend, the declaration, as amended, states that no fractional shares of the common stock of American Gas will be issued. In lieu thereof, American Gas will mail a letter on March 10, 1953, to each stockholder of record on February 2, 1953, who would otherwise be entitled to a fractional share, advising such holder that for a period of not less than twenty days the Guaranty Trust Company of New York, as depositary, will take the following course of action upon direction of the stockholder with respect to the fractional interests: (1) Consolidate such fractional interest into one full share of common stock upon payment by such holder to the depositary of the cost of the additional fractional interest required to make up one full share, or (2) sell such fractional interest on behalf of such holder. Stockholders will be advised in the letter of transmittal that if the depositary shall not have received instructions from the holder prior to the expiration of the period as to the course of action to be taken with respect to the fractional interest, then the depositary will sell such fractional interest for the account of such holder. The services of the depositary in effecting consolidation of fractional interests or disposing of fractional interests will be rendered without charge to the stockholders.

The declaration, as amended, further states that in the event the requests for consolidation of fractional interests require an aggregate number of shares of common stock of American Gas greater than that represented by all the fractional interests, the depositary will acquire such additional shares as may be necessary by purchase on the New York Stock Exchange, or otherwise. In the event that at the expiration of the period there shall remain any of the aggregate number of shares represented by fractional interests, then the depositary will sell the balance of such shares upon the New York Stock Exchange, or otherwise, and will remit the cash proceeds derived therefrom to the holders of shares of common stock of American Gas entitled thereto.

Said declaration having been filed on November 20, 1952, an amendment thereto having been filed on December 16, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, that no adverse findings are necessary thereunder, and that it is unnecessary to impose terms and conditions in connection therewith, other than that set forth below regarding submission of the material to be sent to stockholders in connection with stock dividend; the Commission also finding that the fees to be paid in connection with the proposed transactions, including the fee of Simpson Thacher & Bartlett, counsel to the Company, in the amount of $2,500, are not unreasonable, and the Commission deeming it appropriate to permit said declaration, as amended, to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the condition that the material to be sent to stockholders in connection with the stock dividend shall be submitted to the Commission prior to the mailing thereof, and the Commission shall have taken no adverse action in connection therewith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13577; Filed, Dec. 24, 1952; 8:47 a. m.]

[File No. 70-2969]

UNITED GAS CORP. AND UNION PRODUCING CO.

ORDER AUTHORIZING LOAN TO SUBSIDIARY

DECEMBER 19, 1952.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly owned subsidiary, Union Producing Company ("Union"), having filed an application-declaration pursuant to sections 6 (a), 7, 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935, with respect to the following transactions:

United proposes to lend to Union and the latter proposes to borrow from United not to exceed an aggregate amount of $4,000,000 during the period following the date of the entry of the Commission's order herein to the end of 1953, in such installments and at such times as funds may be required and requested by Union. The proceeds of the loan will be used by Union to increase its working capital and to finance in part its leasing, development and drilling program.

The proposed loan will be evidenced by unsecured promissory notes issued by Union to United or order, from time to time, payable on or before six years from the date of issuance and bearing interest at the rate of 5 percent per annum.

The application-declaration states that the promissory notes of Union acquired by United will be pledged under United's Mortgage and Deed of Trust securing its outstanding first mortgage and collateral trust bonds.

The applicants-declarants request that the Commission issue its order herein as promptly as may be practicable and that such order become effective forthwith upon the issuance thereof.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested nor ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application-declaration be, and hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13578; Filed, Dec. 24, 1952; 8:47 a. m.]

[File No. 70-2972]

EBASCO SERVICES, INC.

ORDER CONCERNING ACQUISITION OF SUBSIDIARY OF SERVICE COMPANY TO PERFORM CERTAIN CONTRACTS IN WESTERN HEMISPHERE

DECEMBER 19, 1952.

Ebasco Services, Incorporated ("Ebasco"), a wholly owned service company subsidiary of Electric Bond and Share Company, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 and 10 thereof, with respect to the following proposed transactions:

Ebasco has entered into a contract with Cerro de Pasco Copper Corporation of New York ("Cerro"), whereby Ebasco has undertaken to perform certain engineering and construction supervision services in connection with the erection by Cerro of a new hydroelectric development in the Republic of Peru, together with related transmission and other facilities, which construction, it is estimated, will cost over $21,000,000.

The application states that much of the engineering work on this project has already been completed by Ebasco and that construction work is now in progress. The application further states that inasmuch as most of the supervision work to be performed by Ebasco will be done in Peru, that it will be desirable that such work be carried out by a wholly owned subsidiary of Ebasco which may qualify as a Western Hemisphere Trade Corporation within the meaning of section 109 of the United States Internal Revenue Code. Ebasco therefore proposes to utilize a wholly owned Delaware corporation for this purpose.

This corporation, Meridian Engineering Company ("Meridian"), was organized in 1944 by Reid & Priest, counsel for Ebasco, primarily for the purpose of preserving in Delaware the name "Meridian Engineering Company". That company has remained inactive. Ebasco now proposes to pay Reid & Priest out-of-pocket costs incurred in connection with the formation of Meridian; to have the incorporators of Meridian elect as its directors certain persons who are presently officers of Ebasco; to change the name of Meridian to Ebasco Engineering Corporation ("Ebasco Engineering"); and to change the authorized capital stock from 100 shares of $10 par value common stock to 1,000 shares of $50 par value common stock, all of which shares are to be subscribed for by Ebasco for a total cash consideration of $50,000, which funds will provide Ebasco Engineering with working capital required for its operations. The contract with Cerro will be in part assigned to Ebasco Engineering.

The application states further that Ebasco Engineering may from time to time do other engineering work in the Western Hemisphere outside of the United States or, under appropriate circumstances not presently contemplated, either within the United States or elsewhere in the world. It is stated that Ebasco Engineering will not perform any services for any associated company except upon the same basis that would be applicable to such services if they were being performed directly by Ebasco, and Ebasco stipulates that the same conditions will apply to Ebasco Engineering as would apply to Ebasco under any present or future order of this Commission.

Said application having been filed on December 1, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, that no adverse findings are necessary thereunder and that the proposed transaction do not have any of the adverse tendencies set forth in section 10, and the Commission deeming it appropriate to grant said application without the imposition of terms or conditions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions contained in rule U-24, that said application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13579; Filed, Dec. 24, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27647]

SEWER PIPE FROM POINTS IN ILLINOIS AND ST. LOUIS, MO., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent R. G. Raasch's tariff I. C. C. No. 766, pursuant to fourth-section order No. 16101.

Commodities involved: Sewer pipe and related articles, carloads.

From: Points in Illinois and St. Louis, Mo.

To: Southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13589; Filed, Dec. 24, 1952; 8:48 a. m.]

[4th Sec. Application 27648]

COAL FROM ILLINOIS, INDIANA AND KENTUCKY TO SHERBURN AND FAIRMONT, MINN.

APPLICATION FOR RELIEF

DECEMBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedules listed on attached sheet.

Commodities involved: Bituminous fine coal, carloads.

From: Illinois, Indiana, and western Kentucky.

To: Interstate Power Company Spur (Sherburn) and Fairmont, Minn.

Grounds for relief: Rail competition, circuity, grouping, and competition with natural gas.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
AT&SF Ry	14708	4
B&O RR	C&C 3040	10
C&EI RR	147	2
GM&O RR	202	5
IC RR	E-1899	17
Wabash RR	7649	30

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13590; Filed, Dec. 24, 1952; 8:48 a. m.]

[4th Sec. Application 27649]

FOREIGN WOODS FROM GULF AND SOUTH ATLANTIC PORTS TO MOOREFIELD, W. VA.

APPLICATION FOR RELIEF

DECEMBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber, logs or flitches of mahogany and Philippine woods and built-up woods and veneer of such woods, carloads.

From: Gulf and south Atlantic ports.

To: Moorefield, W. Va.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional destinations.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1214, Supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13591; Filed, Dec. 24, 1952; 8:48 a. m.]

[4th Sec. Application 27650]

COMMODITY RATES BETWEEN CHILES, KY., AND POINTS IN THE UNITED STATES AND CANADA

APPLICATION FOR RELIEF

DECEMBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Illinois Central Railroad Company, Paducah and Illinois Railroad Company and carriers parties to Uniform Classification No. 1, A. H. Carson's I. C. C. A-1.

Commodities involved: All commodities taking commodity rates.

Territory: Between Chiles, Ky., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Rail competition, circuity, grouping, new station, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to inves-

Reference Room NATIONAL ARCHIVES

tigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13592; Filed, Dec. 24, 1952; 8:49 a. m.]

[4th Sec. Application 27651]

ACETONE FROM HOLSTON AND KINGSPORT, TENN., TO HOUSTON, TEX.

APPLICATION FOR RELIEF

DECEMBER 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Acetone, in iron or steel barrels, in carloads, also in tank-car loads.

From: Holston and Kingsport, Tenn.

To: Houston, Tex.

Grounds for relief: Rail and motor competition and circuity.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3899, Supp. 117.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13593, Filed, Dec. 24, 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 19096]

HENRY R. GENTSCH

In re: Trust u/w of Henry R. Gentsch, deceased. File No. D-28-9721; E. T. sec. 13627.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Oskar Martin, Richard Martin, Klara Martin, Hans Dietzsch, Karl Dietzsch, Dora Fritsche and Lotte Urban, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Henry R. Gentsch, deceased, presently being administered by Frances Hartman, as trustee, acting under the judicial supervision of the Probate Court, Cook County, Illinois, is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States, the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-13600; Filed, Dec. 24, 1952; 8:51 a. m.]

[Vesting Order 19095]

PAULA OTTZENN

In re: Debts owing to Paula Ottzenn. F-28-30370-A-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Paula Ottzenn, whose last known address is Batzenhofen bei Augsburg, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of The National City Bank of New York, 55 Wall Street, New York, New York, arising out of a provisional deposit account, entitled Banque Nationale Suisse Sub Account Ottzenn, Zurich, Switzerland, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. Those certain debts or other obligations due or to become due to Paula Ottzenn, arising out of her interest in the usufruct covering property defined in the will of Clara Forrer, dated August 10, 1930, including particularly but not limited to income on seventy-five (75) shares of common stock of Radio Corporation of America, deposited with The National City Bank of New York, 55 Wall Street, New York, New York, in the name of Banque Nationale Suisse, Zurich, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paula Ottzenn, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-13599; Filed, Dec. 24, 1952; 8:51 a. m.]

Reference Room

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 17 1934 NUMBER 252

Washington, Tuesday, December 30, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Departmental Reg. 108.169]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Section 325.11, *Designation of differential posts*, is amended as follows, effective on the date indicated:

Effective as of the beginning of the first pay period following November 8, 1952, paragraph (d) is amended by the addition of the following posts:

Captieux, France.
Chateauroux, France.
Chaumont, France.
Fontenet, France.
Foret de Braconne, France.
Foret de Chinon, France.
Foret de Haye, France.
Landes de Bussac, France.
Laon-Couvron, France
La Rochelle, France.
Orleans, France.
Perigueux, France.
Robert Espagne, France.
Rochefort sur Mer, France.
Sampigny, France.
Toul, France.
Toul/Roslere, France.
Verdun, France.

(Sec. 102, Part I, E. O. 10,000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR 1948 Supp.)

For the Secretary of State.

CARLISLE H. HUMELSINE, *Deputy Under Secretary.*

DECEMBER 8, 1952.

[F. R. Doc. 52-13613; Filed, Dec. 29, 1952; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders) Department of Agriculture

[Lemon Reg. 467]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.574 *Lemon Regulation 467*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 23, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of

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the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 28, 1952, and ending at 12:01 a. m., P. s. t., January 4, 1953, is hereby fixed as follows:

(i) District 1: 45 carloads;

(ii) District 2: 168 carloads, and

(iii) District 3: 12 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 24th day of December 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

[Storage date: Dec. 21, 1952]

[12:01 a. m. Dec. 28, 1952, to 12:01 a. m. Jan. 11, 1953]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	31.561
Lemon Cove Association	32.108
Tulare County Lemon & Grapefruit Association	31.122
California Citrus Groves, Inc., Ltd.	.000
Harding & Leggett	3.279
Zaninovich Brothers, Inc	1.930

DISTRICT NO. 2

Total	100.000
American Fruit Growers, Inc., Corona	.168
American Fruit Growers, Inc., Fullerton	.500
American Fruit Growers, Inc., Upland	.164
Badington Fruit Co	.451
Hazeltine Packing Co	.758
Ventura Coastal Lemon Co	5.488
Ventura Pacific Co	3.613
Glendora Lemon Growers Association	1.725
La Verne Lemon Association	.498
La Habra Citrus Association	.687
Yorba Linda Citrus Association	.407
Escondido Lemon Association	1.811
Cucamonga Mesa Growers	.848
Etiwanda Citrus Fruit Association	.246
San Dimas Lemon Association	.926
Upland Lemon Growers Association	4.413
Central Lemon Association	.220
Irvine Citrus Association	.362
Placentia Mutual Orange Association	.614
Corona Citrus Association	.133
Corona Foothill Lemon Co	1.223
Jameson Co	.862
Arlington Heights Citrus Co	.350
College Heights Orange & Lemon Association	2.857
Chula Vista Citrus Association, The	.469
Escondido Cooperative Citrus Association	.175
Fallbrook Citrus Association	1.406
Lemon Grove Citrus Association	.298
Carpinteria Lemon Association	3.715
Carpinteria Mutual Citrus Association	4.128
Goleta Lemon Association	5.202
Johnston Fruit Co	7.231
North Whittier Heights Citrus Association	.219
San Fernando Heights Lemon Association	1.744
Sierra Madre-Lamanda Citrus Association	.471
Briggs Lemon Association	1.644
Culbertson Lemon Association	1.356
Fillmore Lemon Association	.627

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Oxnard Citrus Association	5.224
Rancho Sespe	.361
Santa Clara Lemon Association	5.598
Santa Paula Citrus Fruit Association	1.995
Saticoy Lemon Association	5.485
Seaboard Lemon Association	6.332
Somis Lemon Association	4.617
Ventura Citrus Association	1.202
Ventura County Citrus Association	.949
Limoneira Co	2.008
Teague-McKevett Association	.462
East Whittier Citrus Association	.242
Leffingwell Rancho Lemon Association	.309
Murphy Ranch Co	.686
Chula Vista Mutual Lemon Association	.617
Index Mutual Association	.288
La Verne Cooperative Citrus Association	1.556
Ventura County Orange & Lemon Association	3.324
Dunning Ranch	.071
Huarte, Joseph D	.000
Latimer, Harold	.077
Orange Belt Fruit Distributors	.412
Paramount Citrus Association, Inc.	.141
Santa Rosa Lemon Co	.035

DISTRICT NO. 3

Total	100.000
Consolidated Citrus Growers	7.796
Phoenix Citrus Packing Co	1.224
Arizona Citrus Growers	50.024
Desert Citrus Growers Co	11.977
Tempeco Groves	9.162
Arlington Heights Citrus Co	4.267
Pioneer Fruit Co	5.000
Allen & Allen Citrus Packing Co	.000
Maricopa Citrus Co	2.174
Mesa Harvest Produce Co	2.160
Mutual Citrus Products Co., Inc.	.000
Sunny Valley Citrus Packing Co	1.508
Valley Citrus Packing Co	.891
Morris Bros. Fruit Co	3.817

[F. R. Doc. 52-13730; Filed, Dec. 29, 1952; 8:49 a. m.]

PART 986—HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

ORDER TERMINATING PROVISIONS OF MARKETING AGREEMENT NO. 107, AS AMENDED, AND MARKETING ORDER NO. 86, AS AMENDED

It is provided in § 986.107 (b) (2) of Marketing Agreement No. 107, as amended, and of Marketing Order No. 86, as amended, regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (17 F. R. 6626) that "the Secretary shall terminate the provisions of this subpart whenever he finds that such termination is favored by the majority of the growers of hops who, during such representative period as may be determined by the Secretary, have been engaged in the production of hops within said States for market: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the total volume of hops produced for market in said area during such period. Such termination shall become and be effective on and after the first day of July subsequent to the announcement thereof by the Secretary."

A substantial number of growers petitioned the Secretary of Agriculture to hold a referendum to determine whether or not the majority of hop growers favored termination of said agreement, as amended, and order, as amended. Pursuant thereto an order was issued by the Secretary and published in the FEDERAL REGISTER of November 13, 1952 (17 F. R. 10387), directing that such a referendum be conducted among producers who during the period January 1, 1952 through November 26, 1952 (which was determined to be a representative period) were engaged in the States of Oregon, California, Washington, and Idaho, in the production of hops for market. The referendum was conducted during the period November 17-26, 1952, in accordance with the provisions of said referendum order.

Seventy-seven percent of the total eligible voters who produced 94 percent of the total quantity of hops produced in the representative period cast ballots tabulated in the referendum. The results of the referendum are considered to be representative of grower opinion. Termination was favored by 335 growers or 52 percent of those voting who produced about 33.5 million pounds or 58 percent of the quantity voted.

After consideration of all relevant information, including the results of the aforesaid referendum, it is hereby found and determined that termination of Marketing Agreement No. 107, as amended, and of Marketing Order No. 86, as amended, is favored by the majority of the growers of hops who, during the aforesaid representative period, were engaged in the production of hops within said States for market, and that such majority have during such period produced for market more than 50 percent of the total volume of hops produced for market during such period.

It is therefore ordered, That the provisions of Marketing Agreement No. 107, as amended, and of Marketing Order No. 86, as amended (17 F. R. 6626) regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, and all regulations issued pursuant thereto be, and they hereby are, terminated effective at 12:01 a. m., P. s. t., July 1, 1953. The proceedings after termination shall be in accordance with the provisions of § 986.107 (c) of said agreement, as amended, and of said order, as amended, and in accordance with such supplementary instructions as may be issued by the Secretary prior to the effective time of termination.

(48 Stat. 31, as amended; 7 U. S. C. and Sup. 608c)

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

DECEMBER 23, 1952.

[F. R. Doc. 52-13617; Filed, Dec. 29, 1952; 8:47 a. m.]

PART 997—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

RECODIFICATION

In accordance with the revised Federal Register Regulations (1 CFR Part 1), the format of the order (Order No. 97; 7 CFR, 1951 Supp., Part 997) of the Secretary of Agriculture, regulating the handling of filberts grown in Oregon and Washington (including the requisite findings and determinations set forth therein) is recodified as hereinafter set forth. To facilitate cross reference between the aforesaid order and the marketing agreement and to obviate possible difficulties in future amendatory proceedings, the regulatory sections of Marketing Agreement No. 115 shall be renumbered and the section headings redesignated to conform to the recodified order. The supplementary provisions of the said marketing agreement shall be renumbered as follows: §§ 997.103 *Counterparts;* 997.104 *Additional parties;* 997.105 *Request for order;* 997.106 *Record of unshelled filberts handled;* 997.107 *Authorization to correct typographical errors.*

This recasting of the format and recodification is not intended, nor shall it be deemed, to make any substantive change in the provisions of the aforesaid order of the Secretary, and the aforesaid marketing agreement.

Issued at Washington, D. C., December 23, 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

SUBPART—ORDER REGULATING HANDLING

FINDINGS AND DETERMINATIONS

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AUTHORITY: §§ 997.0 to 997.102 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 997.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 63 Stat. 282), and in accordance with the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.), a public hearing was held at Portland, Oregon, August 15 through 18, 1949, upon a proposed marketing agreement and a proposed marketing order regulating the handling of filberts grown in Oregon and Washington. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) This subpart, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This subpart is applicable only to persons in the respective classes of industrial and commercial activities specified in the proposals upon which the hearing was held;

(3) There are no differences in the production and marketing of the said commodity in the production area covered by this subpart which make necessary different terms applicable to different parts of such area;

(4) The production area, as set forth in this subpart, is the smallest regional production area which is practicable consistently with carrying out the declared policy of the act;

(5) The handling of all unshelled filberts grown in Oregon and Washington is either in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce; and

(6) It is hereby found and proclaimed that the purchasing power of filberts during the August 1909–July 1914 base period specified in section 2 (1) of the act cannot be determined satisfactorily from available statistics of the United States Department of Agriculture; but that the purchasing power of filberts can be determined for the period August 1927 through July 1929, such being the only portion of the August 1919–July 1929 base period specified in section 2 of the act for which such determination can be made satisfactorily from available statistics of the United States Department of Agriculture, and the period last referred to (i. e., August 1927 through July 1929) is the base period to be used in connection with the determination of the purchasing power of filberts under this subpart.

(b) *Additional findings.* For the reasons which were set forth in the decision (14 F. R. 5654) issued by the Secretary of Agriculture on September 12, 1949, in connection with this program, and particularly in the discussion of issues (2) (14 F. R. 5654) and (4) (14 F. R. 5666) thereunder, showing the urgent necessity of making this program effective not later than October 1, 1949, it is hereby found and determined, in view of the facts and circumstances set forth in said decision, that it would be contrary to the public interest to delay the effective date of this subpart for 30 days after its publication in the FEDERAL REGISTER, or to any time later than October 1, 1949 (see section 4 (c) of the Administrative Procedure Act, 5 U. S. C. 1101 et seq.).

(3) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of filberts grown in Oregon and Washington, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping filberts covered by this subpart) who handled not less than 50 percent of the volume of such filberts covered by this subpart; and

(2) The issuance of this subpart is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1948, through July 31, 1949), produced filberts in these States for market, such producers having also produced at least

two-thirds of the volume of filberts represented in such referendum.

Order relative to handling. It is, therefore, hereby ordered that the handling of filberts grown in Oregon and Washington shall, from the effective time of this subpart, be in conformity to, and in compliance with, the terms and provisions of this subpart:

DEFINITIONS

§ 997.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 997.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.; 63 Stat. 282).

§ 997.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 997.4 *Filberts.* "Filberts" means filberts or hazelnuts produced in the States of Oregon and Washington from trees of the genus Corylus.

§ 997.5 *Unshelled filberts.* "Unshelled filberts" means filberts the kernels of which are contained in the shell.

§ 997.6 *Merchantable filberts.* "Merchantable filberts" means all unshelled filberts meeting the pack specifications and minimum standards of quality prescribed pursuant to § 997.50.

§ 997.7 *Area of production.* "Area of production" means the States of Oregon and Washington.

§ 997.8 *Grower.* "Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity, in the commercial production of filberts.

§ 997.9 *Handler.* "Handler" means any packer or distributor of unshelled filberts handling not less than 250 pounds of filberts during any fiscal year.

§ 997.10 *Packer.* "Packer" means any person who packs and handles unshelled filberts.

§ 997.11 *Distributor.* "Distributor" means any person other than a packer who handles unshelled filberts which have not been subjected, in the hands of a previous holder, to compliance with the surplus-control provisions hereinafter contained.

§ 997.12 *Cooperative handler.* "Cooperative handler" means any handler which is a cooperative marketing association regardless of where or under what laws it may be organized.

§ 997.13 *Sheller.* "Sheller" means any person engaged in the business of shelling filberts for any commercial purpose.

§ 997.14 *Pack.* "Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition, of merchantable filberts, packed in accordance with the pack specifications prescribed pursuant to § 997.50.

§ 997.15 *To pack.* "To pack" means to bleach, clean, grade, or otherwise prepare filberts for market as unshelled filberts in any manner whatsoever.

§ 997.16 *To handle.* "To handle" means to sell, consign, transport or ship (except as a common carrier of filberts owned by another person), or in any other way to put into the channels of trade, either within the area of production or from such area to points outside thereof: *Provided*, That such sales or deliveries by growers to a packer for packing or a sheller for shelling or to a distributor within the production area, shall not be considered as handling.

§ 997.17 *Federal-State Inspection Service.* "Federal-State Inspection Service" means that inspection service on filberts which is performed within the States of Oregon and Washington by the United States Department of Agriculture or by said Department under a cooperative arrangement with either of such States pursuant to authority contained in any act of Congress.

§ 997.18 *Fiscal year.* "Fiscal year" means the 12 months from August 1 to the following July 31, both inclusive, except that the fiscal year ending July 31, 1950, shall begin on the effective date of this subpart (Oct. 1, 1949).

§ 997.19 *Handler carryover.* "Handler carryover" as of any given date means all merchantable filberts (except merchantable filberts held as surplus) wherever located, then held by handlers or for their accounts (whether or not sold) including the estimated quantity of merchantable filberts in ungraded lots then held by handlers and intended for packing as merchantable filberts.

§ 997.20 *Trade carryover.* "Trade carryover" means all merchantable filberts theretofore delivered by handlers and then remaining in the possession or control of the wholesale or chain store or supermarket trade, exclusive of filberts in retail outlets, as of any given date.

§ 997.21 *Trade demand.* "Trade demand" means the quantity of merchantable filberts which the wholesale, chain store and supermarket trade will acquire from all handlers during a fiscal year for distribution in the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone; except that there may also be considered in the making of such computation such acquirements for distribution in Canada or Cuba, whenever the board is of the opinion that such distribution may be made to the particular country at prices to handlers approximating such prices on distribution in the Continental United States.

§ 997.22 *Control board.* "Control board" or "board" means the Filbert Control Board established pursuant to §§ 997.30 through 997.40.

FILBERT CONTROL BOARD

§ 997.30 *Establishment and membership.* A control board consisting of seven members, with an alternate member for each such member, is hereby established.

§ 997.31 *Selection and term of office.*—(a) *Original members.* The original members and their respective alternates, to hold office for a term ending with the first Monday in April 1950, and until their successors shall be selected and shall qualify, shall be selected by the Secretary: (1) From each of the six groups specified in paragraph (b) of this section, and (2) the seventh member and his alternate from persons who are not members of any of the groups described in paragraph (b) of this section. The nominating procedure prescribed in § 997.32 shall not be followed for the selection of the initial board.

(b) *Successor members.* The successors of the original members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning with the first Tuesday after the first Monday in April, and shall serve until their respective successors shall be selected and shall qualify. One member and one alternate member shall be selected from nominees submitted by each of the following groups, or from among other qualified persons belonging to such groups:

(1) The cooperative handlers;

(2) All handlers, other than the cooperative handlers;

(3) The group of cooperative handlers or the group of other than cooperative handlers, whichever during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all handlers;

(4) Those growers of filberts who market their filberts through cooperative handlers;

(5) All other growers of filberts;

(6) Those growers whose filberts were marketed during the preceding fiscal year through the handler group specified in subparagraph (3) of this paragraph.

The seventh member and his alternate shall be selected after the selection of the first six members as provided for in this paragraph and after opportunity for such six members to nominate a seventh member and his alternate, who shall not be members of any of the six groups described in this paragraph.

§ 997.32 *Nominations for successor members and alternates.* Each of the six groups specified in § 997.31 (b) may nominate one person as member and one person as alternate; and the six members first selected by the Secretary may nominate, by majority vote, one person as member and one person as alternate for that member. Nominations for each handler group shall be submitted on the basis of ballots to be mailed by the control board to all handlers in such group whose pack for the preceding fiscal year is on record with the control board. Nominations on behalf of growers who market their filberts through cooperative handlers shall be submitted on the basis of ballot cast by each such cooperative handler for its grower patrons. Nominations on behalf of growers who market their filberts through other than cooperative handlers shall be submitted after ballot by such growers pursuant to announcements by press releases through the United States Department of Agriculture to the principal newspapers in the filbert-producing areas in Oregon and Washington. Such releases shall provide pertinent information, including the names of incumbents and the location where ballots may be obtained. The ballots shall be accompanied by full instructions as to their marking and mailing. All votes cast by cooperative handlers, handlers other than cooperative handlers, or for cooperative growers, shall be weighted according to the tonnage of merchantable filberts (computed to the nearest whole ton in case of fractions) recorded by the control board as certified for handling by the handler or for the cooperative grower group during the preceding fiscal year, and if less than one ton is recorded for any such handler or grower group, its vote shall be weighted as one vote. All votes cast by individual growers shall be given equal weight. Nominations received in the foregoing manner by the control board shall be reported to the Secretary on or before March 20 of each fiscal year, together with a certificate of all necessary data and other information deemed by the board to be pertinent or requested by the Secretary. If such nominations of any group are not submitted as hereinbefore provided to the Secretary on or before that date, the Secretary may select the representatives of that group without nomination. If nominations for the seventh member or his alternate are not submitted on or before April 15 of any year, the Secretary may select such member or alternate without nomination.

§ 997.33 *Qualification.* Any person selected as a member or alternate of the control board shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate, who at the time of his selection, was a member of or employed by a member of the group which nominated him and who thereafter ceases to be such a member or employee shall thereupon become disqualified to serve further and his position on the control board shall be deemed vacant.

§ 997.34 *Alternates.* An alternate for a member of the control board shall act in the place and stead of such member (a) in his absence, or (b) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 997.35 *Temporary substitutes.* In the event any member of the control board and his alternate are both unable to attend a meeting of the control board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place and stead of the absent member and his alternate, or in the event such other alternate cannot attend, or there is no such other alternate, such member or, in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place and stead of such member. For the purposes of this section a cooperative handler group and a cooperative grower group shall be considered the same group.

§ 997.36 *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate of the control board, a successor for his unexpired term shall be selected in the manner provided in § 997.32, so far as applicable, within 30 days after such vacancy occurs.

§ 997.37 *Expenses.* The members of the control board shall serve without compensation, but shall be allowed their necessary expenses.

§ 997.38 *Powers.* The control board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(d) To recommend to the Secretary amendments to this subpart.

§ 997.39 *Duties.* The duties of the control board shall be among other things as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees;

(e) To cause the books of the control board to be audited by one or more competent public accountants at least once for each fiscal year and at such other times as the control board deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made;

(f) To investigate the growing, shipping, and marketing conditions with respect to filberts and to assemble data in connection therewith.

§ 997.40 *Procedure.*—(a) *Organization and rules.* The members of the control board shall select a chairman from their membership and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the control board as is given to members of the board.

(b) *Quorum.* All decisions of the control board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of five members shall be required to constitute a quorum.

(c) *Permissive method of voting.* The control board may vote by mail or telegram upon due notice to all members: *Provided*, That voting by mail or telegram shall not be permitted at any assembled meeting of the board. When any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption by that method.

(d) *Right of the Secretary.* The members of the control board (including successors, alternates, or other persons selected by the Secretary), and any agent or employee appointed or employed by the control board, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every order, regulation, decision, determination, or other act of the control board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

CONTROL OF DISTRIBUTION

§ 997.50 *Pack specifications and minimum standards.* In order to effectuate the declared policy of the act, and except as otherwise provided in § 997.53, no handler shall handle any unshelled filberts except those which have been certified by the control board as merchantable filberts. Unless and until modified by the Secretary, after consideration of the control board's recommendations, and other available pertinent data, unshelled filberts shall be deemed to be merchantable if they meet the following requirements: (a) As to pack specifications, such filberts shall be "U. S. No. 1, Jumbo," "U. S. No. 1, Large," "U. S. No. 1, Medium," as now defined in United States Standards for filberts in the shell (13 F. R. 4623), except that the portion of the tolerance provision in the U. S. No. 1 grade, for grade requirements, other than for type and size, reading "not more than five percent shall be allowed for blanks" shall not be applicable; and (b) as to minimum standards of quality, shall be U. S. No. 1 grade as defined in the aforementioned standards, with the aforesaid modified tolerance as to blanks, and the lower limit of medium size as defined in such United States Standards for filberts in the shell. The aforementioned pack specifications, including the minimum standards of quality for unshelled filberts may be amended, or modified, at any time that it appears that such action would tend to effectuate the declared policy of the act, in which event unshelled filberts desired to be certified must meet such amended or modified minimum standards in order to be considered as merchantable. The provisions of this subpart relating to minimum standards of quality and the grading and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the

administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price for filberts is in excess of the parity level specified in section 2 (1) of the act.

§ 997.51 *Certification of merchantable filberts.* Every handler, at his own expense, shall obtain a certificate for each lot of merchantable filberts handled or to be handled by him and for each lot of surplus merchantable filberts. Said certificates shall be obtained from the Federal-State Inspection Service. All such certificates shall show, in addition to such other requirements as the control board may specify, the identity of the handler, if for export, the country of destination, the quantity and pack of merchantable filberts in such lot, markings, if any, on the containers including brands or labels, and that the filberts covered by such certificate conform to the pack specifications and minimum standards of quality prescribed pursuant to § 997.50. All lots so inspected and certified shall be identified by appropriate seals, stamps or tags to be affixed to the containers by the handler under the direction and supervision of the control board or of the Federal-State Inspection Service.

§ 997.52 *Copies of certificates.* The inspector shall furnish to the control board as many copies of each such certificates as it may request.

§ 997.53 *Filberts for packing and shelling.* Nothing contained herein shall be construed to prevent any person from selling or delivering, within the area of production, unshelled filberts, other than merchantable filberts, to any packer for packing or sheller for shelling.

SURPLUS CONTROL

§ 997.60 *Salable and surplus percentages.* The salable and surplus percentages of merchantable filberts for each fiscal year shall be fixed by the Secretary at such amounts as in his judgment will most effectively tend to accomplish the purposes of the act: *Provided*, That the initial salable percentage for the first fiscal year ending July 31, 1950, shall be 75 percent and the surplus percentage shall by 25 percent. In fixing subsequent salable and surplus percentages, the Secretary shall give consideration to the ratio of the estimated trade demand to the sum of the estimated production of merchantable filberts and the handler carryover (with appropriate adjustment for such handler carryover as may have theretofore contributed to surplus), the recommendations submitted to him by the control board, and such other pertinent data as he deems appropriate. The total of the salable and surplus percentages fixed each fiscal year shall equal 100 percent.

§ 997.61 *Increase of salable percentage.* At any time prior to February 15 of any fiscal year, the Secretary may, on request of the control board (or if the control board shall fail so to request, on request of two or more packers who have handled during the immediately preceding fiscal year at least ten percent of the total tonnage handled by all packers during such fiscal year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable filberts available for handling will not be sufficient to supply the trade demand, increase the salable percentage to conform to such new relation as may be found to exist between trade demand and available supply.

§ 997.62 *Estimated carryover, trade demand, and production.* To aid the Secretary in fixing the salable and surplus percentages, the board shall furnish to the Secretary, not later than August 15 of each fiscal year, the following estimates and recommendation, each of which shall be adopted by at least a majority vote of the entire control board:

(a) Its estimate of the quantity of merchantable filberts to be produced and packed during such year;

(b) Its estimate of handler carryover as of August 1;

(c) Its estimate of trade carryover as of August 1;

(d) Its estimate of the total trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand consideration shall be given to the estimated trade carryover at the beginning and end of the fiscal year;

(e) Its recommendations as to the salable and surplus percentages to be fixed. The board shall also furnish to the Secretary a complete report of the proceedings of the board meeting at which the recommended salable and surplus percentages to be fixed by the Secretary were adopted.

§ 997.63 *Withholding percentage.* The withholding percentage shall be the ratio (measured as a percentage) of the surplus percentage to the salable percentage. Such percentage shall be announced by the Secretary and, in its computation, may be adjusted by the Secretary to the nearest whole number. The initial withholding percentage for the first fiscal year ending July 31, 1950, shall be 33 percent.

§ 997.64 *Withholding of surplus merchantable filberts.* No handler shall handle unshelled filberts unless prior to or upon the shipment thereof (except as otherwise provided in § 997.65) he shall have withheld from handling a quantity of merchantable filberts equal to the withholding percentage, by weight, of such quantity handled or certified for handling by him: *Provided*, That this provision shall not apply to any lot of filberts for which the surplus obligation has been met by a previous holder. The quantity of filberts hereby required to be withheld shall constitute, and may be referred to as, the "surplus" or "surplus obligation" of a handler. The merchantable filberts handled by any handler in accordance with the provisions of this subpart shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a (5) of the act.

§ 997.65 *Postponement of withholding surplus upon filing bond*—(a) *Privilege.* Compliance by any packer with the requirements of § 997.64 as to the time when surplus filberts shall be withheld shall be deferred to any date desired by the packer, but not later than December 31 of the fiscal year, upon the voluntary execution and delivery by such packer to the control board, before he handles any merchantable filberts of such fiscal year, of a written undertaking that on or prior to such date he will have fully satisfied his surplus obligation required by § 997.64.

(b) *Bonding requirement.* Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the control board, and with a surety or sureties acceptable to the control board, in the amount or amounts stated below conditioned upon full compliance with such undertaking. Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the packer's deferred surplus obligation. The bonding value shall be the deferred surplus obligation poundage bearing the lowest bonding rate or rates, which could have been selected from the packs handled or certified for handling, multiplied by the applicable bonding rate. The cost of such bond or bonds shall be borne by the packer filing same.

(c) *Bonding rate.* Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such packet net to packer f. o. b. shipping point which shall be computed at 95 percent of the opening price for such pack announced by the packer or packers who during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all packers. Such packer or packers shall be selected in order of volume handled in the preceding fiscal year, using the minimum number of packers to represent a volume of more than 50 percent of the total volume handled. If such opening prices involve different prices announced by two or more packers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding fiscal year by each such packer.

§ 997.66 *Disposition of sums collected through default on bonds*—(a) *Filbert purchases.* Any sums collected through default of a packer on his bond shall be used by the control board to purchase, from packers, as provided in this paragraph, a quantity of merchantable filberts not to exceed the total quantity represented by the sums collected. Purchases shall be made from the salable percentages with respect to which the surplus obligation has been met and at the bonding rate for each pack. The control board shall at all times purchase the lowest priced packs offered and the purchases shall be made from the various packers as nearly as practicable in proportion to the quantity of their respective offerings of the pack or packs to be purchased.

(b) *Unexpended sums.* Any unexpended sums, which have been collected by the control board through default of a packer on his bond, remaining in possession of the control board at the end of a fiscal year shall be used to reimburse the board for its expenses including administrative and other costs incurred in the collection of such sums and in the purchase of merchantable filberts as provided in paragraph (a) of this section. Any balance remaining after reimbursement of such expenses shall be distributed among all handlers in proportion to the quantity of merchantable filberts handled or certified for handling by them during the fiscal year in which the default occurred.

(c) *Transfer of filbert purchases.* Filberts purchased as provided in this paragraph shall be turned over to those packers, who have defaulted on their bonds, for disposal by them as surplus. The quantity delivered to each packer shall be that quantity represented by the sums collected through default, and the different grades, if any, shall be apportioned among the various packers on the basis of the quantity of filberts to be delivered to each packer to the total quantity purchased by the control board with bonding funds.

§ 997.67 *Collection upon bonds.* Collection upon any bond or bonds filed pursuant to the provisions of § 997.65 shall be deemed a satisfaction of the surplus obligation represented by such collection: *Provided*, That the filberts purchased by the control board with funds collected under bonds and subsequently turned over to such packers are used only for the purposes provided in §§ 997.74 and 997.75.

§ 997.68 *Interhandler transfers for surplus.* For the purpose of meeting his surplus obligation, any handler may, upon notice to and under the supervision and direction of the control board, acquire from another handler merchantable filberts with respect to which the surplus has not been withheld and any surplus obligation with respect to any filberts so transferred shall be waived. If any such sales are made from filberts on which the surplus obligation has been met, the seller's surplus obligation shall be reduced accordingly upon proof satisfactory to the control board that the purchaser is withholding such filberts as surplus.

§ 997.69 *Assistance of control board in accounting for surplus.* The control board, on written request, may assist handlers in accounting for their surplus obligations and may aid any handler in acquiring merchantable filberts to meet any deficiency in a handler's surplus, or in accounting for and disposing of surplus filberts.

§ 997.70 *Application of salable, surplus and withholding percentages, and bonding rates, after end of fiscal year.* (a) The salable, surplus, and withholding percentages established for any fiscal year shall continue in effect with respect to all filberts, for which the surplus obligation has not been previously met, which are handled or certified for handling by any handler after the end of such fiscal year and before salable, surplus, and withholding percentages are established for the succeeding fiscal year. After such percentages are established for the new fiscal year, the withholding requirements for all such filberts theretofore handled or certified for handling during that fiscal year shall be adjusted to the newly established percentages.

(b) The bonding rates established for any fiscal year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to § 997.65 before the bonding rates for the new fiscal year are established. After such bonding rates are established for the new fiscal year, the new rates shall be applicable and any bond or bonds theretofore given for that fiscal year shall be adjusted to the new rates.

§ 997.71 *Exchange of surplus filberts.* Any handler who has withheld surplus filberts pursuant to the requirements of § 997.64 and has had same certified as surplus filberts may exchange therefor an equal quantity, by weight, of other merchantable filberts. Any such exchange shall be made under the supervision and direction of the control board with appropriate inspection and certification of the filberts involved.

§ 997.72 *Adjustment upon increase of salable percentage.* Upon any increase in the salable percentage and corresponding decrease in the surplus and withholding percentages, the surplus obligation of each handler with respect to the filberts handled by him for the entire fiscal year shall be recomputed in accordance with such revised salable, surplus, and withholding percentages. From the surplus filberts still held by a handler and from such surplus filberts that may have been delivered by him to the control board pursuant to § 997.74, and still held by the control board, the handler shall be permitted to select, under the supervision and direction of the control board, the particular surplus filberts to be restored to his salable percentage.

§ 997.73 *Prohibition against handling of surplus.* Except as provided in §§ 997.74 and 997.75, or for any use other than for distribution as unshelled filberts in established trade channels, surplus filberts withheld pursuant to the requirements of § 997.64 shall not be handled by any person as unshelled filberts.

§ 997.74 *Disposition of surplus by export.* Sales of surplus filberts for shipment or export to destinations outside the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only by the control board. Any handler desiring to export any part or all of his surplus filberts shall deliver to the control board his surplus to be exported, but the control board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any filberts so delivered for export which the control board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the control board only on execution of an agreement to prevent reimportation into the United States; and in case of export to Canada or Mexico, such filberts shall be sold only on the basis of a delivered price, duty paid. A handler may be permitted to act as agent of the control board, upon such terms and conditions as the control board may specify, in negotiating export sales; and when so acting shall be entitled to receive a selling commission of five percent of the export sales price, f. o. b. area of production. The proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose surplus filberts are so sold by the board.

§ 997.75 *Disposal of surplus for shelling.* Any handler may shell his surplus filberts or deliver them for shelling to an authorized sheller. Any person who desires to become an authorized sheller in any fiscal year may submit an application to the control board. Such application shall be granted only upon condition that the applicant agrees:

(a) To use such surplus filberts as he may receive for no purpose other than shelling;

(b) To dispose of or deliver such surplus filberts, as unshelled filberts, to no one other than another authorized sheller;

(c) To comply fully with all laws and regulations applicable to the shelling of filberts;

(d) To report to the control board, immediately upon receipt of any lot of surplus filberts, the quantity and pack of the filberts so received and the identity of the person from whom received, and within 15 days after the disposition of such filberts, to report their disposition to the control board. All such reports shall be certified to the control board and to the Secretary as to their correctness and accuracy.

The board, if it finds that such an application is made in good faith and if the applicant may be reasonably relied upon to fulfill and observe the conditions to which it has agreed, shall issue a letter of authority to such applicant to serve as an authorized sheller. Such letter of authority shall expire with the end of the fiscal year during which it is issued by the Board.

REPORTS

§ 997.80 *Reports of handler carryover.* Each handler, on or before August 5 and January 15 of each fiscal year, shall file with the control board a written report, under oath, of all merchantable filberts (except filberts held as surplus) including the estimated quantity of merchantable filberts in ungraded lots intended for packing as merchantable filberts, by him held on the first day of August and the first day of January, respectively, showing the pack (if merchantable), and location thereof and the quantities:

(a) Which theretofore have been certified for handling, and on which the surplus obligation has previously been met;

(b) Which have been packed as merchantable filberts, but have not been certified; and

(c) Which are estimated as merchantable but have not been packed as merchantable filberts and are intended for packing as merchantable filberts.

§ 997.81 *Reports of disposition of surplus.* (a) Each handler, before he disposes of any quantity of surplus filberts held by him, shall file with the control board a report of his intention to dispose

the total tonnage handled by all packers

Privilege. Compliance by any packer

a packer on his bond, remaining in

such percentages are established

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may be permitted to act as agent of the

board a report of his intention to dispose

of such quantity of surplus filberts. This report shall be filed not less than five days prior to the date on which the surplus filberts are disposed of unless the five-day period is expressly waived by the control board.

(b) Each handler, within 15 days after the disposition of any quantity of surplus filberts, shall file with the control board a report of the actual disposition of such quantity of surplus filberts. Such reports shall be certified to the control board and to the Secretary as to their correctness and accuracy.

(c) Each handler, from time to time, on demand of the control board, shall file with the board a report of his holdings of surplus filberts as of any date specified by the board. Such report, at the request of the control board, may be in the form of a confirmation of the records of the control board of such handler's holdings. Such report shall be certified to the control board and to the Secretary as to its correctness and accuracy.

(d) All reports required by this section shall show the quantity, pack, and location of the filberts covered by such reports and in the case of reports required by paragraphs (a) and (b) of this section, the applicable handler's storage lot and inspection certificate numbers, and the disposition of the surplus which is intended or which has been accomplished.

§ 997.82 *Other reports.* Upon request of the control board, made with the approval of the Secretary, every handler shall furnish to the board, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in this part), such other information as will enable the control board to perform its duties and to exercise its powers hereunder.

§ 997.83 *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the control board through its duly authorized agents, shall have access to the handler's premises wherever filberts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any filberts so held by such handler and any and all records of the handler with respect to the holding or disposition of all filberts which may be held or which may have been disposed of by such handler. Every handler shall furnish all labor necessary to facilitate such inspections as the control board may make of such handler's holdings of any filberts. Every handler shall store surplus filberts in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to control board certificates of respective lots of all such filberts held or theretofore disposed of.

§ 997.84 *Confidential information.* All reports and records furnished or submitted by handlers to the board which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be received by, and at all times kept in the custody and under the control of one or more employees of the board, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this section, information may be disclosed to the board when reasonably necessary to enable the board to carry out its functions hereunder.

EXPENSES AND ASSESSMENTS

§ 997.90 *Expenses.* The control board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal year, for the maintenance and functioning of the control board and for such purposes as the Secretary may, pursuant to the provisions of this subpart determine to be appropriate. The recommendation of the control board as to the expenses for each such fiscal year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before August 15 of the fiscal year in connection with which such recommendation is made: *Provided*, That such submission for the first fiscal year shall be made within 15 days after the effective date hereof. The funds to cover such expenses shall be acquired by levying assessments as provided in § 997.91.

§ 997.91 *Assessments.* (a) Each handler shall pay to the control board on demand by the control board, from time to time, the sum of two-tenths of a cent for each pound of merchantable filberts certified for him, including those certified for handling and also those certified for surplus. At any time during or after a fiscal year, the Secretary may increase the rate of assessment to apply to all filberts certified for handling or surplus, during such fiscal year including those certified in said fiscal year prior to the date of such increase, to secure sufficient funds to cover the expenses authorized by § 997.90 or by any later finding by the Secretary relative to the expenses of the control board, and such additional assessments shall be paid by the handler on demand. At the end of any fiscal year for which the assessment rate may be increased by the Secretary, the rate shall revert to two-tenths of a cent a pound.

(b) Any money collected as assessments during any fiscal year and not expended in connection with the respective fiscal year's operations hereunder may be used and shall be refunded by the control board in accordance with the provisions hereof. Such excess funds may be used by the control board during the period of four months subsequent to such fiscal year in paying the expenses of the control board incurred in connection with the new fiscal year. The control Board shall, however, from funds on hand, including assessments collected during the new fiscal year, distribute or make available, within five months after the beginning of the new fiscal year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said fiscal year.

(c) Any money collected from assessments hereunder and remaining unexpended in the possession of the control board upon the termination of this subpart shall be distributed in such manner as the Secretary may direct.

MISCELLANEOUS PROVISIONS

§ 997.95 *Personal liability.* No member or alternate member of the control board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent, or employee, except for acts of dishonesty.

§ 997.96 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 997.97 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 997.98 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

§ 997.99 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 997.100 *Effective time, termination or suspension*—(a) *Effective time.* The provisions of this subpart, as well as any amendments hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in this section.

(b) *Suspension or termination.* (1) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of the producers of filberts who during the proceding fiscal year have been engaged in the production for market of filberts in the States of Oregon and Washington: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such filberts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current fiscal year.

(4) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this subpart, the members of the control board then functioning shall continue as joint trustees for the purpose of liquidating the affairs of the control board, of all funds and property then in the possession or under the control of the board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the control board and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the control board or the joint trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the control board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said board and upon said joint trustees.

§ 997.101 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued hereunder, or (b) release or extinguish any violation of this subpart or of any regulation issued hereunder, or (c) affect or impair any right or remedies of the Secretary or of any other person, with respect to any such violation.

§ 997.102 *Amendments.* Amendments to this subpart may be proposed, from time to time, by any person or by the control board.

[F. R. Doc. 52-13676; Filed, Dec. 29, 1952; 8:55 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 501—GENERAL RULES OF PROCEDURE

MISCELLANEOUS AMENDMENTS

In the interest of clarity, the publication of certain sections in Part 501 is discontinued, and other sections are integrated. Since no additional requirements are imposed on the public, it is hereby found that notice, hearing, and suspension of applicability are unnecessary. The discontinuance of any reporting requirement does not relieve any person from furnishing such information upon request.

1. Section 501.1 (b) states that the official seal of the Office of Alien Property is in the custody of the Secretary of the Office and that both the Secretary and the Assistant Secretary for Records are authorized to affix the seal. The offices of Secretary and Assistant Secretary for Records have been terminated, and their functions in this regard are now vested in the Records Officer, the Assistant to the Records Officer, and the Manager, Philippine Office. Accordingly, § 501.1 (b) is amended to read as follows:

§ 501.1 *Seal of the Office of Alien Property, Department of Justice.* * * *

(b) The seal is in duplicate original; one in the custody of the Assistant to the Records Officer and one in the custody of the Manager, Philippine Office. The Records Officer and the Assistant to the Records Officer are severally authorized to authenticate, certify, and attest copies of books, records, papers, and documents in the official custody of the Office of Alien Property; to subscribe the name of the Director, the Deputy Director, or the Acting Director to such certificates, and to affix the seal of the Office of Alien Property. The Manager, Philippine Office, is authorized to authenticate, certify, and attest copies of books, records, papers, and documents in the official custody of the Office of Alien Property, as successor to the Philippine Alien Property Administration; to subscribe the name of the Director, the Deputy Director, or the Acting Director to such certificates, and to affix the seal of the Office of Alien Property.

2. Section 501.2 restates the time limitations for filing of claims set forth in and pursuant to sections 32 and 34 of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 32, 34), and various Bar orders issued by the Office of Alien Property pursuant to said section 34 and published in the FEDERAL REGISTER. Since the statutes and Bar orders fully set forth the information, continued publication of § 501.2 *Time for filing claims* is unnecesary and is hereby discontinued.

3. Section 501.3 *Filing of debt claims by depositors of Yokohama Specie Bank, Ltd., Honolulu Branch* is redesignated § 502.32.

4. Section 501.4 *Filing of claim as condition precedent to suit* is redesignated § 502.33.

5. Section 501.5 *Effect of disallowance of claim in determining period of limitations for filing suit* is redesignated § 502.34.

6. Sections 501.15 and 501.20 required service on the Office of Alien Property of process in court or administrative actions or proceedings where service of process was required on any person within Germany, Italy, Japan, Bulgaria, Hungary, or Rumania, or territory controlled by one or more of those countries. Sections 501.16 and 501.21 subsequently suspended these requirements with respect to persons within Bulgaria, Hungary, Italy, or Rumania, other than citizens or subjects of Germany or Japan. The continued requirement with respect to persons within Germany or Japan and citizens or subjects of Germany or Japan within Bulgaria, Hungary, Italy, or Rumania has been set forth in § 501.17. Paragraph (d) of § 501.17 authorizes service of process on nationals of Germany or Japan, as defined in § 501.17, by service on the Office of Alien Property with the consent of the Attorney General. Since the states of war with Germany and Japan have been terminated, such substituted service is unnecessary and consent will no longer be granted, and paragraph (d) of § 501.17 is no longer required. Attention is, however, invited to the continuing requirement of paragraphs (a), (b), and (c) of § 501.17 for furnishing copies of process to be served on nationals of Germany and Japan in certain cases. Therefore it is ordered as follows:

a. Section 501.15 *Service of process on persons within enemy territory* is discontinued.

b. Section 501.16 *Nonapplicability of § 501.15 to service of process or notice on persons within Bulgaria, Italy, Hungary, or Rumania*, is discontinued.

c. Paragraph (d) of § 501.17 *Copy of process required to be sent to the Office of Alien Property in certain cases* is discontinued.

d. Section 501.20 *Extension of application of § 501.15 to Territory of Hawaii* is discontinued.

e. Section 501.21 *Nonapplicability of § 501.20 to service of process on persons within Bulgaria, Hungary, Italy, or Rumania* is discontinued.

7. Section 501.25 *Regulations governing sales of property by the Office of Alien Property* prescribed regulations governing the sales of vested property by the Office of Alien Property and made certain delegations with respect thereto. Reorganization of the Office has made certain of the delegations unnecesary. Certain procedural changes are also made. In addition, certain of the findings on which the previous regulations were based are no longer appropriate. Accordingly, § 501.25 is amended to read as follows:

§ 501.25 *Uniform procedure for sales of vested property*—(a) *General sales.* Except as provided in paragraph (b) of this section, all sales of property vested in or transferred to the Attorney General under the Trading With the Enemy Act, as amended, shall be conducted according to the procedures set forth in this section, unless the Director, Office of

Alien Property, shall determine in any sale that the public interest will best be served if all or part of these regulations are not applied to that sale. No such property will be sold except pursuant to the order of the Attorney General or the Director. This section does not supersede the provisions of § 505.10 of this chapter concerning sale of certain vested stock.

(1) *Authorization to offer for sale.* No offering for sale shall be undertaken under this section except pursuant to an authorization executed by the Director. The authorization shall be available for inspection by persons properly and directly concerned, as specified in § 503.17 of this chapter.

(2) *Eligibility.* Unless the Director, Office of Alien Property, shall otherwise direct, no person or business organization shall be qualified to bid for or purchase property if he is not an American citizen or is not a business enterprise controlled by American citizens and organized under the laws of the United States or any state or territory thereof.

(3) *Advertising.* At least 15 days before opening of bids, each sale shall be advertised in a newspaper of general circulation in the locality where the property or the major portion thereof is located and it may also be advertised in such other publications as the Chief, Management and Liquidation Branch, Office of Alien Property, may deem appropriate.

(4) *Information and inspection.* A representative of the Office of Alien Property will be designated to be available at the time and place specified in the advertisement to furnish available information with respect to the property advertised, except that confidential information, matter which might benefit competitors and any information with respect to formulae, processes or trade secrets will be furnished only upon the approval of the Director, Office of Alien Property. Opportunity for inspection of the property advertised will be afforded.

(5) *Bids.* Bids shall be submitted as designated in the advertisement, in writing and sealed in plain envelopes marked to identify the sale for which they are submitted. Until the award is made or all bids are rejected, the bids shall constitute irrevocable offers to purchase, except that bids may be withdrawn by notice of withdrawal in writing delivered to the Director prior to the time at which the first bid is opened. Bids will be opened in public at the time and place advertised in the presence of such bidders as may desire to attend. Absence of any or all bidders will not prevent the making of an award.

(6) *Order of sale or rejection.* Within 30 days after the opening of bids or as may otherwise be specified in the terms and conditions of sale, the Director of the Office of Alien Property will make the award by executing an Order of Sale to the highest qualified bidder or will reject all bids by an Order of Rejection, stating the reasons therefor. When an award is made, the successful bidder will be notified in writing. The Order of Sale or Rejection shall be made a matter of record as provided in § 503.17 of this chapter.

(7) *Payment.* The sale price shall be paid by certified cashier's or banker's check made payable to the order of the Attorney General of the United States delivered to the duly authorized representative of the Director of the Office of Alien Property.

(8) *Execution of sale documents.* All papers and documents to consummate sales will be executed and delivered by the Director of the Office of Alien Property or his duly authorized representative.

(9) *Return of earnest money.* Where earnest money checks have been received, those received from unsuccessful bidders will be returned to them with notice of rejection of their bids.

(10) *Warranties.* No representatives of the Director, Office of Alien Property, is authorized to make any warranty or guaranty, express or implied, respecting or in any way concerning any property or enterprise being sold.

(11) *Withdrawal from sale.* The Director, Office of Alien Property, reserves the right to withdraw any property or enterprise from sale at any time or to reject any or all bids.

(b) *Special sales.* The following exceptions to paragraph (a) of this section are established for the sale of certain types of property:

(1) *Property valued at less than $10,000.* Property located in the United States in items, lots, or quantities which do not exceed $10,000 in value for each such item, lot, or quantity, may be sold at public or private sale, with or without advertisement, as the authorization to offer for sale shall specify.

(2) *Securities.* Any shares of stock, bonds, notes, or other securities which do not constitute either control or substantial ownership of the issuer, may be sold pursuant to an authorization by the Director upon any government regulated public exchange or in an over the counter market, without prior advertisement, to any individual, corporation, partnership, or association.

(3) *Philippine property under 2,000 pesos value.* The Manager, Philippine Office, is authorized to sell property located in the Philippines in items, lots, or quantities which do not exceed 2,000 pesos value as determined by the Manager, Philippine Office, for each such item, lot, or quantity, at public or private sale, with or without advertisement, to any individual, corporation, partnership, or association, other than nationals of Germany or Japan. The Manager, Philippine Office, may execute all documents necessary to effectuate the sale.

8. Section 501.26 delegated powers with respect to sales to certain officials of the Office of Alien Property. Section 501.25 now states the scope of sales authority. Therefore, § 501.26 *Delegation to designated officers of functions and powers under § 501.25* is discontinued.

9. Section 501.50 states that licensing activities are performed by the Operations Branch and the New York Office, at 120 Broadway, New York 5, New York, and that applications for licenses are to be filed on Treasury Department Form TFE–1. The Operations Branch has been superseded by the Intercustodial and Property Branch, the New York Office has been moved to 346 Broadway, New York 13, New York, and the application form is now Form OAP–200. In addition, paragraph (d) is amended to refer to notices of claim under section 9 (a) of the Trading with the Enemy Act. Accordingly, paragraphs (b) and (d) of § 501.50 are amended to read as follows:

§ 501.50 *Licensing.* • • •

(b) Transactions with respect to property over which jurisdiction has been transferred by Executive Order 9989 (3 CFR, 1948 Supp.), not authorized by general licenses or other public documents, may be effected only under specific licenses. Applications for specific licenses shall be filed in duplicate on Form OAP–200 with the Office of Alien Property, 346 Broadway, New York 13, New York, or Washington 25, D. C.

• • • • •

(d) In cases where the allowance of claim under Sections 9 (a), 32 or 34 of the Trading With the Enemy Act requires the granting of a license the notice of claim shall be deemed to include an application for such license and no separate application for such license need be filed.

10. The opening clause of § 501.80 states that forms for use by the public may be obtained from the Secretary, Office of Alien Property, which office has been terminated. Accordingly, the opening clause is amended to read as follows:

§ 501.80 *Forms.* The following forms have been authorized for use by the public and may be obtained upon request to the Office of Alien Property, Department of Justice, Washington 25, D. C.

• • • • •

11. Section 501.80 lists various forms now or formerly in use by the Office of Alien Property. The publication of the following forms, now obsolete, is discontinued:

Form APC–1B *Notice of Claim by Inventor under Section 32.*
Form APC–6 *Notice of Claim Arising from Supervisory Order.*
Form APC–13P *Report of Enemy (or Former Enemy) Interest in New Patent Application.*
Form APC–13T *Report of Enemy (or Former Enemy) Interest in New Trade-Mark Application.*
Form APC–14P *Report of Recording of Transfer of Interest in Patent.*
Form APC–14T *Report of Recording of Transfer of Interest in Trade-Mark.*
Form APC–15 *Attachment to Instrument Transferring Interest in Patent.*
Form APC–18 *Report of Foreign Interest in Copyright.*
Form APC–21 *Report of Recording of Transfer of Interest in Copyright.*
Form APC–22 *Attachment to Instrument Transferring Interest in Copyright.*
Form APC–23 *Report of Foreign Interest in Copyright Application.*
Form APC–31 *Report of Foreign Interest in Trade-Mark.*
Form APC–48 *Report of Property of Repatriates.*
Form APC–55 *Motion Picture Film License.*
Form APC–57 *Report of Assets of Patent Licenses.*

12. Form TFE–1 was prescribed for use in applying for a license to engage in any transaction concerning property blocked under Executive Order 8389, 3 CFR, 1943 Cum. Supp., as amended, not licensed by Part 511 of this chapter. The present form for this purpose is OAP–200 and § 501.80 is hereby amended as follows to include reference thereto:

Form OAP–200. *Application for license authorizing transactions involving blocked property.*

Purpose: For use by applicants desiring licenses for any transaction or transactions with respect to property blocked under Executive Order 8389, as amended (3 CFR, 1943 Cum Supp.), not authorized by Part 511 of this chapter.

Contents: Name, address, citizenship, and nationality of applicant; name, addresses, and nationalities of all parties to transactions; and detailed statement of nature and purpose of transactions.

(Sec. 301, 55 Stat. 839; 50 U. S. C. App. 616. E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR 1943 Cum. Supp., E. O. 9725, May 16, 1946, 11 F. R. 5381; 3 CFR 1946 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981, 12123; 3 CFR 1946 Supp.)

Executed at Washington, D. C., on December 19, 1952.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52–13664; Filed, Dec. 24, 1952; 8:53 a. m.]

PART 503—AVAILABILITY OF RECORDS

MISCELLANEOUS AMENDMENTS

The amendment of other parts of this chapter and reorganizations of the Office of Alien Property have made it necessary to amend Part 503 to reflect the changes made. Since no additional requirements are imposed on the public, it is hereby found that notice, hearing and suspension of applicability are unnecessary.

1. Section 503.1 (a) and (b) state that applications for copies or inspection of certain records of the Office of Alien Property are to be made to the Secretary. The office of Secretary has been terminated and applications are now to be made to the Records Officer. In addition, subparagraph (3) of § 503.1 (a) and subparagraph (2) of § 503.1 (b) refer to available determinations, opinions, and orders of the Hearing Examiners Branch and records made in that Branch. There is no longer a Hearing Examiners Branch but those documents are available as before. In addition, change of the regulations for sale of vested property necessitates the change of subparagraph (3) of § 503.1 (b) to conform. Accordingly the introductory text of § 503.1 (a), (a) (3), b, (b) (2) and (3) are amended to read as follows:

§ 503.1 *Official records available to public—(a) Records available for inspection and distribution.* The following documents are available for inspection and, insofar as supply permits, for distribution on application to Records Officer, Office of Alien Property, Washington 25, D. C.:

• • • • •

(3) Final determinations, opinions, and orders in cases heard or reviewed by the Vested Property Claims Committee, the Hearing Examiners, or the Director, Office of Alien Property.

• • • • •

(b) *Records available for inspection.* The following documents are available for inspection by persons properly and directly concerned on application to Records Officer, Office of Alien Property, Washington 25, D. C.:

• • • • •

(2) Records in cases heard or reviewed by the Vested Property Claims Committee, the Hearing Examiners, or the Director, Office of Alien Property.

(3) Authorizations to offer for sale, records of bids in public sales, orders of sale or rejection, and notifications of acceptance.

2. Section 503.17 declares the confidential status of records of the Office of Alien Property and provides that, among others, the Assistant to the Attorney General has discretionary authority to disclose such records. The title of that official has been changed to Deputy Attorney General. In addition, certain officials of the Office of Alien Property are granted authority to disclose in the conduct of affairs of their branches and offices. The group of officials now differs from those previously stated. Accordingly, § 503.17 is amended to read as follows:

§ 503.17 *General rule as to non-availability of records of the Office of Alien Property.* All official files, documents, records and information in the Office of Alien Property, or in the custody or control of any officer, employee, agent or delegate of the Office of Alien Property, are to be regarded as confidential. No officer, employee, agent or delegate may permit the disclosure or use of the same for any purpose other than for the performance of his official duties, except in the discretion of the Attorney General, the Deputy Attorney General, the Director, or the Deputy Director, of the Office of Alien Property: *Provided, however,* That each branch chief, the Chief, Legal and Legislative Section, the Manager, New York Office, the Manager, Hawaii Office, and the Manager, Philippine Office, are authorized to make available or disclose such official files, documents, records and information in the Office of Alien Property, other than classified security information, in the conduct of affairs of his branch, section, or office, unless otherwise instructed by the Director. Whenever a subpoena duces tecum is served to produce any such files, documents, records or information, the officer, or employee, or agent, or delegate on whom such subpoena is served, unless otherwise expressly directed by the Attorney General, will appear in court in answer thereto and respectfully decline to produce the records specified therein, on the ground that the disclosure of such records is prohibited by this section.

(Sec. 301, 55 Stat. 839; 50 U. S. C. App. 616. E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR 1943 Cum. Supp.)

Executed at Washington, D. C., on December 19, 1952.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

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PART 505—SPECIFIC PROHIBITIONS

ACTIVITIES OF EMPLOYEES AND FORMER EMPLOYEES OF PHILIPPINE ALIEN PROPERTY ADMINISTRATION

The designation of the Office of Alien Property as successor to the former Philippine Alien Property Administration requires the amendment of certain sections of this part to conform existing prohibitions on activities of employees and former employees respecting the functions and property of the former Philippine Alien Property Administration.

1. Section 505.50 (a) prohibits officers and employees of the Office of Alien Property from dealing with property vested in or transferred to the Alien Property Custodian or the Attorney General. Property vested in the Philippine Alien Property Administrator has been transferred to the Attorney General and § 505.50 (a) is therefore amended to make express reference to such property, as follows:

§ 505.50 *Prohibition of transactions by personnel of the Office of Alien Property.* (a) No person connected directly or indirectly with the Office of Alien Property shall effect or cause to be effected for personal benefit or profit any sale or purchase of, or other transaction in, or otherwise deal or participate in any property or interest therein concerning which the Alien Property Custodian, the Philippine Alien Property Administrator, or the Attorney General has acted, or may hereafter act under the provisions of the Trading With the Enemy Act of Otcober 6, 1917, as amended, or pursuant to the powers delegated to the Attorney General by the President under Executive Order 9788 of October 14, 1946, 3 CFR, 1946 Supp., Executive Order 9989 of August 20, 1948, 13 F. R. 4891, 3 CFR, 1948 Supp., and Executive Order 10254 of June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.

2. Section 505.60 (a) and (b) presently prohibit former officers and employees of the Office of Alien Property, or of certain other agencies which dealt with alien property or foreign funds control matters, from representing claimants in connection with matters concerning which they gained personal knowledge while so employed or associating with others who gained such knowledge. The agencies mentioned should include the former Philippine Alien Property Administration, of which the Office of Alien Property is the successor. Section 505.60 as hereby amended is to include pub-

chapter.

been superseded by the Intercustodial

blocked under Executive Order

lished reference to the Philippine Alien Property Administration, to omit reference to 41 U. S. C. 119 which was repealed by 62 Stat. 862, and to require affidavits from all former officers or employees of such agencies so as to ascertain that compliance with the prohibition is obtained. In addition, the regulation is clarified by making specific the requirement that the applicant state that he took no action concerning the matter in question. Therefore, § 505.60 is amended to read as follows:

§ 505.60 *Limitation on representative activities by former employees.* No former officer, clerk, or employee of the Office of Alien Property, or the Office of Alien Property Custodian, or the Philippine Alien Property Administration, nor any former officer, clerk, or employee of the Treasury Department or of any Federal Reserve Bank who performed duties in connection with Foreign Funds Control nor any former officer, clerk, or employee of the Department of Justice who performed duties in connection with Alien Property Custodian functions, may appear before the Office of Alien Property in a representative capacity unless he obtains the prior approval of the Director of the Office of Alien Property in each matter. To obtain such approval he must file with the Director an affidavit in duplicate stating:

(1) The department or agency in which employed and the dates of such employment;

(2) That while he was so employed the particular matter was not pending in such department or agency, or if it was so pending that he

(i) Took no personal action with respect to it;

(ii) Gave no personal consideration to it;

(iii) Gained no personal knowledge of its facts, and

(iv) Is not, and will not be, associated in the particular matter with any person who took personal action with respect to it, or personally considered it or gained personal knowledge of its facts while so employed.

NOTE: Attention is called to the provisions of R. S. 190 (5 U. S. C. 99) and 18 U. S. C. 281, 283, and 284.

3. Section 505.61 *Interpretation of § 505.60* is merely an informational reference to the presently applicable R. S. 190, 5 U. S. C. 99, and 41 U. S. C. 119, since repealed by 62 Stat. 862. Publication of this section is discontinued.

(Sec. 7, 40 Stat. 416, 50 U. S. C. App. 7; Sec. 301, 55 Stat. 839, 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.)

Executed at Washington, D. C., on December 19, 1952.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

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PART 506—PROPERTY IN PROCESS OF JUDICIALLY SUPERVISED ADMINISTRATION OR IN COURT OR ADMINISTRATIVE PROCEEDINGS

PAYMENT, TRANSFER, OR DISTRIBUTION OF PROPERTY OF CERTAIN COUNTRIES AND NATIONALS

This part, consisting of the two sections, states the scope of restrictions on transfers of judicially supervised property of nationals of certain foreign countries. By amending so as to restate the substance of the two sections (§ 506.1, § 506.2) in one, greater clarity will result. Since no additional requirements are imposed on the public, it is hereby found that notice, hearing, and suspension of applicability are unnecessary. Accordingly, § 506.2 is discontinued and § 506.1 is amended to read as follows:

§ 506.1 *Payment, transfer, or distribution of property of certain countries and nationals in the process of administration by any person acting under judicial supervision, or in court or administrative actions or proceedings.* (a) No designated person shall pay, transfer, or distribute, or cause to be paid, transferred, or distributed, any property of any nature whatsoever, as defined in paragraph (b) of this section unless:

(1) The Attorney General, or any agency, instrumentality, agent, delegate, or other personnel, appointed or designated by him, has

(i) Issued to the designated person a written consent to the payment, transfer, or distribution, or

(ii) Filed a written statement in the court or administrative action or proceeding in connection with which the payment, transfer, or distribution is proposed, that he has determined not to represent the designated national, or

(iii) Represented the designated national in such action or proceeding by the appearance therein of a representative on behalf of the designated national, and such representative has been served by the designated person with written notice of the proposed payment, transfer, or distribution, and ninety days have expired without the exercise of any other power or authority with respect to such property, and

(2) The payment, transfer, or distribution is licensed or otherwise authorized pursuant to the provisions of Part 511 of this chapter.

(b) For the purpose of this section, the terms:

(1) "Property" means:

(i) Property which on December 31, 1946, was located in the United States, or any territory or possession thereof, and income from such property accruing on and after December 31, 1946, in which on that date the Governments of Germany or Japan or any agent, instrumentality or representative of either government, or any person within Germany or Japan, or a citizen or subject of Germany or Japan within Italy, Bulgaria, Hungary, or Rumania had any interest, or

(ii) Property which on December 7, 1945, was located in the United States, or any territory or possession thereof, and income from such property accruing on and after December 7, 1945, in which on that date the Government of Italy, Bulgaria, Hungary, or Rumania, or any agent, instrumentality or representative of any such government, or any person (other than a citizen or subject of Germany or Japan) within Italy, Bulgaria, Hungary, or Rumania had any interest;

(2) "Designated person" shall mean a person or officer acting under judicial supervision, or in any court or administrative action or proceeding, or in partition, libel, condemnation or other similar proceedings, including, but not by way of limitation, (i) executor, (ii) administrator, (iii) guardian, (iv) committee, (v) curator, (vi) trustee under will, deed or settlement, (vii) receiver, (viii) trustee in bankruptcy, (ix) assignee for the benefit of creditors, (x) United States marshal, (xi) sheriff, (xii) commissioner, (xiii) person acting under trust agreement, and (xiv) all other persons or officers acting in a similar capacity.

(3) "Person" shall mean any individual, partnership, association, or corporation.

(4) "Income" shall include, without limitation, any interest, dividend, increment, proceeds, exchange, conversion, or other derivative, direct or indirect.

Section 506.2 *Consent to transfer of property acquired after specified dates* is discontinued.

(Sec. 301, 55 Stat. 839; 50 U. S. C. App. Sup., 616. E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR 1953 Cum. Supp., E. O. 9788, Oct. 14, 1946, 12 F. R. 11931, 12123, 3 CFR 1946 Supp.)

Executed at Washington, D. C., on December 19, 1952.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13667; Filed, Dec. 29, 1952; 8:54 a. m.]

PART 507—PATENTS, TRADE-MARKS AND COPYRIGHTS

SCOPE OF RESTRICTION COVERING PATENT AND TRADE-MARK PROPERTY OF FORMER ENEMY COUNTRIES AND NATIONALS

In order to restate in current but more concise form the scope of restriction covering patent and trade-mark property of former enemy countries and nationals thereof, and to effect a further release of restrictions with respect to some classes of such property, amendments as set forth below are prescribed. Since no additional requirements are imposed on the public, it is hereby found that notice, hearing, and suspension of applicability are unnecessary.

1. Section 507.1 generally authorized transactions with respect to patent and trade-mark property of foreign countries and nationals other than Germany, Japan, Bulgaria, Hungary and Rumania and nationals of those countries. Section 507.26 subsequently authorized transactions by the five named countries and nationals thereof with respect to

patent property coming into being after dates specified therein. Section 507.41 subsequently authorized transactions by the five named countries and nationals thereof with respect to trade-mark property coming into being after dates specified therein. For purposes of clarity, the scope of present prohibitions is stated in §§ 507.42, 507.46, and 507.50, hereby added, and, incident thereto, §§ 507.1, 507.26, and 507.41 are repealed. These amendments effect a termination of all prohibitions hitherto applicable to patent and trade-mark property of Japan and nationals thereof and a termination of all prohibitions hitherto applicable to trade-mark property of the Federal Republic of Germany and persons within that Republic. Existing prohibitions are continued with respect to trade-mark property of other areas of Germany and persons within those areas and of Bulgaria, Hungary and Rumania and nationals thereof. In addition, the existing prohibitions are continued with respect to patent property of Germany, Bulgaria, Hungary, Rumania and nationals thereof. These sections have no applicability to patent or trade-mark property which is owned or held by or registered in the name of the Attorney General, or which is owned or held by or registered in the name of any business enterprise controlled by the Attorney General. Prohibitions with respect to such property are set forth in § 505.1 of this chapter. Accordingly, the following sections are discontinued: § 507.1 *Licensing certain transactions respecting foreign-owned patents and trade-marks;* § 507.26 *Authorizing the filing and prosecution of patent applications and transactions relating thereto;* § 507.41 *Authorizing the filing, prosecution, and transactions respecting trade-mark applications;* and

The following new sections are added:

§ 507.42 *Patent property of foreign countries and nationals thereof.* (a) Any transaction, transfer or the exercise of any right, power or privilege by or on behalf of or pursuant to the direction of any foreign country specified in paragraph (b) of this section, or any nationals of any such country with respect to Letters Patent or Applications for Letters Patent of the United States based upon any invention made in the territory of any of the countries specified in paragraph (b) of this section or rights or interests therein or related thereto, is hereby prohibited unless authorized by or on behalf of the Attorney General of the United States.

(b) The following countries are specified:

(1) Germany.
(2) Rumania.
(3) Hungary.
(4) Bulgaria.

(c) Notwithstanding the provisions of paragraph (a) of this section and § 511.211a of this chapter there are hereby authorized:

(1) The filing in the United States Patent Office of the following applications:

(i) Applications for Letters Patent filed pursuant to the provisions of 61 Stat. 794 by, or on behalf of, or pursuant to the direction of, Germany, or any national of Germany which are based on inventions made after January 1, 1946; or

(ii) Applications for Letters Patent by or on behalf of, or pursuant to the direction of, Bulgaria, Rumania, or Hungary, or any national of any such country, which were received in the United States after May 15, 1946, or which are based on any blueprints, drawings, sketches, or other information received in the United States after May 15, 1946; and

(2) The prosecution in the United States Patent Office of applications specified in subparagraph (1) of this paragraph of this section, and the receipt of Letters Patent thereon; and

(3) The execution or recording of any instrument, agreement, or understanding affecting title to, or interest in, any application specified in subparagraph (1) of this paragraph, or any Letters Patent issued under subparagraph (2) of this paragraph: *Provided, however,* That any application filed pursuant to subdivision (i) of subparagraph (1) of this paragraph and any Letters Patent issued thereon pursuant to subparagraph (2) of this paragraph shall be subject to any conditions and limitations with respect to duration, revocation, utilization, assignment, or licensing which may be imposed by Congress, or by the President in accordance with the provisions of any treaty hereafter entered into with Germany and: *Provided further,* That nothing in this section is intended as a limitation upon the right of the Attorney General of the United States to exercise vesting powers under the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40), with respect to patent property.

(d) The term "national" shall have the meaning prescribed in section 5 of Executive Order No. 8389, 3 CFR, 1943 Cum. Supp., as amended, except that the following, for the purposes noted, shall be deemed not to be nationals of a foreign country specified in paragraph (b) of this section:

(1) For the purpose of any transaction prohibited by this section, any individual who is and has been a resident of the United States on and since December 7, 1941, and who is a national of such foreign country solely by reason of the fact that such individual has been domiciled in, or a subject, citizen, or resident, of such country at any time on or since the effective date of Executive Order No. 8389, as amended, and any partnership, association, corporation, or other organization which is a national of such foreign country specified in paragraph (b) of this section solely by reason of the interest therein of such person or persons; and

(2) For the purpose of receiving an assignment of a United States patent or patent application, or an undivided interest therein, any partnership, association, corporation, or other organization which is organized under the laws of the United States, or of any of them, or any resident of the United States.

(e) Notwithstanding the provisions of § 511.211a of this chapter all transactions with respect to the United States Letters Patent, applications therefor, and rights and interests therein or related thereto of foreign countries and nationals thereof not prohibited by this section are authorized under the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40).

§ 507.46 *Trade-mark property of Germany and nationals thereof.* (a) Any transaction, transfer or the exercise of any right, power or privilege by or on behalf of or pursuant to the direction of Germany, or nationals of Germany with respect to any trade-mark or trade-name, or rights or interests therein or related thereto, which was in or registered in the United States on December 31, 1946, is prohibited, unless authorized by or on behalf of the Attorney General or the Director, Office of Alien Property.

(b) Notwithstanding the provisions of paragraph (a) of this section and § 511.211a of this chapter there are hereby authorized all transactions relating to trade-marks used on goods produced solely by German manufacturers in the Federal Republic of Germany or in the United States, United Kingdom, or French Sectors of Berlin, including the payment or receipt of funds or credits with respect to such transactions by, or on behalf of, the Federal Republic of Germany, or any national of Germany who, at the time of performance of any transaction authorized by this section is domiciled in the Federal Republic of Germany or the United States, United Kingdom, or French Sectors of Berlin.

(c) The term "national" shall have the meanings prescribed in Section 5 of Executive Order No. 8389, 3 CFR, 1943 Cum. Supp., as amended, except that any individual who is and has been a resident of the United States on and since December 7, 1941, and who is a national of Germany solely by reason of the fact that such individual has been domiciled in, or a subject, citizen, or resident of, such country at any time on or since the effective date of Executive Order No. 8389, 3 CFR, 1943 Cum. Supp., as amended, and any partnership, association, corporation, or other organization which is a national of Germany solely by reason of the interest therein of such person or persons shall not be deemed nationals within the meanings so prescribed.

(d) Nothing contained in this section shall apply to trade-marks or trade-names or rights related thereto which are owned or held by, or registered in the name of, the Attorney General of the United States or are owned or held by, or registered in the name of any business enterprise which is supervised or controlled by the Attorney General. Prohibitions with respect thereto are set forth in § 505.1 of this chapter.

§ 507.50 *Trade-mark property of Rumania, Hungary, Bulgaria or nationals thereof.* (a) Any transaction, transfer or the exercise of any right, power or privilege by or on behalf of or pursuant to the direction of any foreign country

specified in paragraph (b) of this section, or any nationals of any such country with respect to any trade-mark or trade-name or rights or interests therein or related thereto, which was in or registered in the United States on May 15, 1946, is prohibited, unless authorized by or on behalf of the Attorney General of the United States.

(b) The following countries are specified:

(1) Rumania.
(2) Hungary.
(3) Bulgaria.

(c) Notwithstanding the provisions of paragraph (a) of this section, the following transactions are authorized by or on behalf of, or pursuant to the direction of any foreign country specified in paragraph (b) of this section, or any nationals of any such country:

(1) The filing in the United States Patent Office of applications for registration of trade-marks not adopted or used in any country prior to May 15, 1946; and

(2) The prosecution in the United States Patent Office of applications specified under subparagraph (1) of this paragraph, and the receipt of trade-mark registration certificates thereon; and

(3) The execution or recording of any instrument, agreement, or understanding affecting title to, or interest in, any trade-mark registered pursuant to paragraph (b) of this section.

(d) The term "national" shall have the meanings prescribed in section 5 of Executive Order No. 8389, 3 CFR, 1943 Cum. Supp., as amended, except any individual who is and has been a resident of the United States on and since December 7, 1941, and who is a national of such foreign country solely by reason of the fact that such individual has been domiciled in, or a subject, citizen, or resident of, such country at any time on or since the effective date of Executive Order No. 8389, 3 CFR, 1943 Cum. Supp., as amended, and any partnership, association, corporation, or other organization which is a national of such foreign country specified in paragraph (b) of this section solely by reason of the interest therein of such person or persons shall not be deemed nationals within the meanings so prescribed.

(e) Nothing contained in this section shall apply to trade-marks or trade-names or rights related thereto which are owned or held by, or registered in the name of, the Attorney General of the United States or are owned or held by, or registered in the name of any business enterprise which is supervised or controlled by the Attorney General. Prohibitions with respect thereto are set forth in § 505.1 of this chapter.

§ 507.52 *License and authorization with respect to trade-mark property.* Notwithstanding § 511.211a of this chapter all transactions with respect to trade-marks in the United States, registrations thereof and rights and interests therein or related thereto of foreign countries or nationals thereof not prohibited by §§ 507.46 or 507.50 are authorized under the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40): *Provided*, That nothing in this part is intended as a limitation upon the right of the Attorney General to exercise vesting power under the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40) with respect to trade-mark property.

(Sec. 301, 55 Stat. 839; 50 U. S. C. App. 616. E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR 1943 Cum. Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.)

Executed at Washington, D. C. on December 19, 1952.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13668; Filed, Dec. 29, 1952; 8:54 a. m.]

PART 509—FOREIGN EXCHANGE

REVOCATION OF PART

Part 509 consisting of § 509.1 *Value of rates of exchange of monetary units of enemy countries*, which specified rates of exchange to be applied in certain instances of enemy currency obligations owed the Office of Alien Property, is revoked. Since no additional requirements are imposed upon the public, it is hereby found that notice, hearing, and suspension of applicability are unnecessary. Revocation of this part does not relieve or excuse any person from any obligation heretofore accrued pursuant to the terms of this part.

(Sec. 301, 55 Stat. 839, 50 U. S. C. App. 616. E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.)

Executed at Washington, D. C., on December 19, 1952.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13669; Filed, Dec. 29, 1952; 8:54 a. m.]

PART 510—REPORTS

MISCELLANEOUS AMENDMENTS

This part specifies certain requirements for reports with respect to foreign property and interests in the United States. Certain sections of this part previously specified general report requirements which by other sections were modified or suspended. The purpose of these amendments is to integrate certain sections and to discontinue publication of certain others which no longer require publication. Since no additional requirements are imposed upon the public, it is hereby found that notice, hearing, and suspension of applicability are unnecessary.

1. Sections 510.1 and 510.3 required reports with respect to property or interests of the six former enemy countries or nationals thereof in court or administrative proceedings in the United States and in its territories and possessions. Sections 510.2 and 510.9 subsequently suspended those requirements with respect to four of the former enemy countries and nationals thereof other than German or Japanese citizens within the four countries. Section 510.1 is amended to restate the presently limited scope of reporting requirements under these sections, and §§ 510.2, 510.8 and 510.9 are revoked.

§ 510.1 *Reports with respect to property or interests of Germany, Japan, nationals thereof and citizens or subjects of either country within Italy, Bulgaria, Hungary, or Rumania.* (a) All designated persons shall file a report of any property or interest which there is reasonable cause to believe is in any of the following categories:

(1) Property which on December 31, 1946, was located in the United States, or any territory or possession thereof, and in which on that date any of the following had any interest:

(i) The Government of Germany or Japan, or any agent, instrumentality, or representative of either government;

(ii) A person within Germany or Japan, or a citizen or subject of either country within Italy, Bulgaria, Hungary, or Rumania;

(2) Income from the property described in subparagraph (1) of this paragraph accruing on or after December 31, 1946.

(b) For the purpose of this section:

(1) "Designated persons" means persons or officers acting under judicial supervision, or in any court or administrative action or proceeding, or in partition, libel, condemnation or other similar proceedings, including, but not by way of limitation, (i) executors, (ii) administrators, (iii) guardians, (iv) committees, (v) curators, (vi) trustees under wills, deeds or settlements, (vii) receivers, (viii) trustees in bankruptcy, (ix) assignees for the benefit of creditors, (x) United States marshals, (xi) sheriffs, (xii) commissioners, (xiii) persons acting under trust agreements, and (xiv) all other persons or officers acting in a similar capacity;

(2) "Report" means a report on Form APC–3, prescribed in § 501.80 of this chapter;

(3) "File a report" means filing a report on Form APC–3 with the Office of Alien Property, Department of Justice, Washington 25, D. C.;

(4) "Person" means any individual, partnership, association, or corporation;

(5) "Income" shall include, without limitation, any interest, dividend, increment, proceeds, exchange, conversion, or other derivative, direct or indirect.

2. Section 510.10 *Reports concerning patents and patent applications in which there is an enemy or foreign national interest*, which required the filing of reports by August 15, 1942 on Form APC–2 by those claiming interests in or licenses or other rights respecting patents or patent applications in which foreign nationals had any interest after January 1, 1939, has expired by its own terms. Publication is discontinued but expiration does not relieve or excuse any person from previous failure to report as required.

3. Section 510.12 *Report of unfiled patent applications and disclosures of enemy nationals*, which required the reporting by December 31, 1942 (1) of patent and trade-mark application data received from certain foreign nationals, and (2) on Forms APC–13P and APC–13T of patent and trade-mark licenses or assignments to which certain foreign nationals were parties, has expired by its own terms. Publication is discontinued but expiration does not relieve or excuse any person from previous failure to report as required.

4. Section 510.13 *Exemption from the requirements of § 510.12:* Publication is discontinued.

5. Section 510.14 *Exemption from the requirements of § 510.12 and § 510.40:* Publication is discontinued.

6. Section 510.40 *Report regarding interests of foreign nationals in trade-marks and commercial prints and labels*, which required reports by February 1, 1944, on Form APC–31 of rights or interests acquired from certain foreign nationals with respect to trade-marks in which such nationals had interests after January 1, 1939, has expired by its own terms. Publication is discontinued but expiration does not relieve or excuse any person from previous failure to report as required.

7. Section 510.60 *Report of interest of designated foreign nationals in copyrights*, which required reports by January 15, 1943, on Form APC–18 with respect to rights or interests in works subject to copyright acquired from certain foreign nationals, has expired by its own terms. Publication is discontinued but expiration does not relieve or excuse any person from previous failure to report as required.

8. Paragraph (b) of § 510.70 refers to certain definitions heretofore set forth in § 510.60 which has been discontinued. Section 510.70 (b) is amended to read as follows:

§ 510.70 *Report of royalties due and payable under vested interests in works subject to copyright.* • • •

(b) For the purposes of this section:

(1) "Person" shall mean any individual, partnership, association or corporation.

(2) "Interest" in a work subject to copyright shall mean: Ownership, part ownership, or claim of ownership, in whole or in part, of any subsisting copyright or claim of copyright, and any right, license, privilege, or property in or to or with respect to such work; and any right, title or interest in, to or under any contract or other instrument, and any royalty, share of profits, license fees, or other emolument or compensation reserved with respect thereto. Such interest shall also include, but not by way of limitation, any interest as described in this subparagraph which is held or claimed as trustee, agent, representative or nominal proprietor.

(3) "Work subject to copyright" shall mean: All the writings of an author within the meaning of the Copyright Act, including, but not by way of limitation, literary, artistic, dramatic, musical and dramatico-musical compositions, and any and all versions, adaptations, arrangements, transcriptions, translations, and recordings thereof, whether or not copyright has been obtained thereon in the United States: *Provided, however*, That such term shall not include commercial prints and labels.

(4) "Royalties" shall be deemed to include, but not by way of limitation, fees, serial or other payments, shares of profits, and any and all other emoluments or compensation.

9. Section 510.85 *Reports of property owned by persons to be repatriated:* This section, which required reports on Form APC–48 by intended repatriates to enemy countries of their property within the United States, is hereby revoked.

10. Section 510.90 calls for reports on Form APC–56 with respect to property of Germany or Japan or nationals thereof. A proviso excepts from the scope of reportable property those categories previously reportable pursuant to §§ 510.1, 510.10, 510.12, 510.40 and 510.60. In view of the discontinuance of publication of all those sections other than § 510.1, continued reference thereto would be inapposite and paragraph (a) is amended to omit reference to them.

§ 510.90 *Reports of property of Germany and Japan and any national thereof.* (a) Every person in the United States who, on or after December 31, 1945, has any interest in or legal title to or custody or control or possession of any property or interest of any nature whatsoever within the United States, and believes or has cause to believe that such property or interest is or may be directly or indirectly owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or claimed by, or is evidence of ownership or control of property or interest by, Germany or Japan or any national thereof, shall file with the Office of Alien Property on or before March 31, 1946, a report on Alien Property Custodian Form APC–56, containing the information called for and in conformity with instructions, whether or not a report with respect to any such property or interest shall have been filed previously with any Government agency: *Provided*, That if such belief or cause to believe is acquired after March 31, 1946, such reports shall be filed within 60 days after such belief or cause to believe; *And provided further*, That no report on Form APC–56 need be filed with respect to the following: (1) Interests in or relating to patents, reportable pursuant to § 510.30; (2) interests in or relating to copyrights, reportable pursuant to § 510.70; (3) interests in or relating to trade-marks, commercial prints, and labels, reportable pursuant to § 510.46; and (4) any property being administered under judicial supervision, or which is in partition, libel, condemnation or other such proceedings, reportable pursuant to § 510.1. For the purpose of this paragraph, safe deposit boxes shall be deemed to be in the "custody" not only of all lessees thereof and all persons having access thereto, but also of the lessors of such boxes, whether or not such lessors have access thereto.

11. Section 510.91 *Extension of time for filing reports required by § 510.90:* This section extended the general reporting date of § 510.90 from February 28, 1946, to March 31, 1946. This extension has been embodied in the amendment herein of paragraph (a) of § 510.90 and § 510.91 is, therefore, revoked.

(Sec. 301, 55 Stat. 839, 50 U. S. C. App. 616. E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, 1943 Cum. Supp.)

Executed at Washington, D. C., on December 19, 1952.

[SEAL] ROWLAND K. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13670; Filed, Dec. 29, 1952; 8:54 a. m.]

PART 511—BLOCKED ASSETS

SUBPART D—PUBLIC CIRCULARS

Public Circular No. 37 (§ 511.337) required reports on or before July 15, 1948, concerning blocked property in the United States on June 1, 1948. This reporting requirement was superseded by Public Circular No. 39 (formerly § 512.339, since discontinued as a published regulation). Since the requirement of Public Circular No. 37 has expired by its own terms, continued publication is unnecessary. It is hereby found that amending this part by discontinuing publication of § 511.337 imposes no additional requirement on the public and that notice, hearing, and suspension of applicability are unnecessary.

Section 511.337 *Public Circular No. 37*, which required reports, on Form TFR–600, of property blocked under Executive Order 8389, 3 CFR, 1943 Cum. Supp., as amended, on or before July 15, 1948, is discontinued.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5. E. O. 8389, Apr. 10, 1940, 5 F. R. 1400, as amended by E. O. 8785, June 14, 1941, 6 F. R. 2897, E. O. 8832, July 26, 1941, 6 F. R. 3715, E. O. 8963, Dec. 9, 1941, 6 F. R. 6348, E. O. 8998, Dec. 26, 1941, 6 F. R. 6785, E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR 1943 Cum. Supp.; E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.)

Executed at Washington, D. C., on December 19, 1952.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13671; Filed, Dec. 29, 1952; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

[B. A. I. Order 380, Amdt. 4]

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

PREVENTION OF SPREAD OF SPLENETIC OR TICK FEVER IN CATTLE

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and

125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), the regulations for the prevention of the spread of splenetic or tick fever in cattle (9 CFR and 1951 Supp., Part 72) are hereby amended as follows:

1. Section 72.2 is amended to read as follows:

§ 72.2 *Splenetic or tick fever in cattle in described area in Texas, Puerto Rico, and the Virgin Islands of the United States; restrictions on movement of cattle.* Notice is hereby given that the contagious, infectious, and communicable disease known as splenetic or tick fever exists in cattle in portions of the State of Texas and in the Territories of Puerto Rico and the Virgin Islands of the United States. Therefore, those portions of the State of Texas and the Territories of Puerto Rico and the Virgin Islands of the United States described in §§ 72.3, 72.4, and 72.5 are hereby quarantined, and the movement of cattle therefrom into any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and Part 71 of this chapter.

2. A new section is added, designated as § 72.3 and reading as follows:

§ 72.3 *Area quarantined in the Virgin Islands of the United States.* The entire Territory of the Virgin Islands of the Unted States is quarantined.

The purpose of these amendments is to quarantine the Virgin Islands of the United States because of the existence therein of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease of livestock, and of cattle fever ticks in considerable numbers, and to restrict the movement of cattle therefrom. Protection of the livestock industry of the United States requires that these amendments be made effective as soon as possible in order to prevent the spread of such disease and fever ticks. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendments are impracticable and contrary to the public interest and good cause is found for making the amendments effective less than 30 days after publication hereof in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

The foregoing amendments shall become effective upon issuance hereof.

(Sec. 2, 32 Stat. 792, ch. 30, 45 Stat. 59; 21 U. S. C. 111. Interpret or apply sec. 3, 33 Stat. 1265; 21 U. S. C. 125)

Done at Washington, D. C., this 23d day of December 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13675; Filed, Dec. 29, 1952; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 16]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

DESIGN CRITERIA

Section 3.171 (c) provides that simplified structural design criteria shall be acceptable if the Administrator finds that they result in design loads not less than those prescribed in §§ 3.181 through 3.265. This supplement refers to design criteria found by the Administrator to meet the prescribed design loads.

The following policies are hereby adopted:

§ 3.171-1 *Design criteria (CAA policies which apply to § 3.171 (c)).* The Administrator finds that the simplified structural design criteria contained in Appendix A [1] to Civil Aeronautics Manual 3, result in design loads not less than those prescribed in §§ 3.181 through 3.265.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009; 49 U. S. C. 553)

These policies shall become effective January 31, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-13608; Filed, Dec. 29, 1952; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. P. L. 21]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

COMMODITY PROCESSING CODES

Section 399.3 *Appendix C—Commodity Processing Codes* is amended to read as set forth below so as to reflect and include all changes in processing codes to date:

§ 399.3 *Appendix C—Commodity Processing Codes.* The following commodity processing code symbols shall be used by applicants in preparing applications for export licenses:

Schedule B No.	Commodity group	Processing Code
	Animals, edible	
001000-001600		MEAT
001910-001960		DAPF
	Meat and meat products	
002000-003800		MEAT
003901		DAPF
003905-003909		MEAT
004010-004050		DAPF
004500-004998		MEAT
	Animal oil and fats, edible	
005000-005600		FATS
	Diary products	
006000-006998		DAPF
	Fish and fish products	
007000-008900		DAPF
	Other edible animal products	
009200-009390		DAPF
009400-009600		MEAT
	Hides and skins raw, except furs	
020102-025098		LEAT
	Leather	
030050-035900		LEAT
	Leather manufactures	
060000-060000		LEAT
	Furs and manufactures	
071300-075000		TEXT
	Animal and fish oils and greases, inedible	
080300-085898		FATS
	Other inedible animals and animal products	
090000-090900		MEAT
092300-093500		TEXT
094205-094298		CDGS
096905		NATS
096920-096950		DAPF
096998		MEAT
	Grains and preparations	
101100 (Barley for seed)		SEED
101100 (Barley, except for seed)		CERL
101300-101300		CERL
102100 (Buckwheat for seed)		SEED
102100 (buckwheat, except for seed)		CERL
103150		CERL
103170		SEED
103210-103900		CERL
104100 (oats for seed)		SEED
104100 (oats, except for seed)		CERL
104300-104400		CERL
105500 (paddy or rough rice for seed)		SEED
105500 (paddy or rough rice, except for seed)		CERL
105710-105750		CERL
106100 (rye for seed)		SEED
106100 (rye, except for seed)		CERL
107100 (wheat for seed)		SEED
107100 (wheat, except for seed)		CERL
107300-109600		CERL
	Fodders and feeds, n. e. c.	
110100-119900		CERL
	Vegetables and preparations, edible	
120120-120140		VEGT
120150		SEED
120213 (cowpeas for seed)		SEED
120213 (Cowpeas, except for seed)		VEGT
120215 (chickpeas for seed)		SEED
120215 (chickpeas, except for seed)		VEGT
120220-120230		VEGT
120250		SEED
120710-121000		VEGT
121100 (potatoes, white, for seed)		SEED
121100 (potatoes, white, except for seed)		VEGT
121300-122400		VEGT
122470 (sweetpotatoes, for seed)		SEED
122470 (sweetpotatoes, except for seed)		VEGT
122490-125600		VEGT
125911-125915		CERL
125920-125998		VEGT
	Fruits and preparations	
130100-135098		VEGT
	Nuts and preparations	
137100		SUBT
137510 (peanuts, shelled, for seed)		SEED
137510 (peanuts, shelled, except for seed)		SUBT
137550 (peanuts, not shelled, for seed)		VEGT
137550 (peanuts, not shelled, except for seed)		SUBT
137610-137995		SUBT
	Vegetable oils, fats and waxes, refined	
142910-145000		FATS
	Cocoa, coffee, tea, and substitutes	
150100-151380		SUBT
	Spices	
154601-154998		SUBT
	Sugar and related products	
161005-163700		SUBT

[1] Not filed for publication in the FEDERAL REGISTER.

Schedule B No.	Commodity group	Processing Code
	Beverages	
170100-178400		SUBT
	Rubber (natural, allied gums, and synthetics) and manufactures	
200100-209800		RUBR
	Naval stores, gums, and resins	
211000-212850		AGCH
213000		SUBT
218600-218998		AGCH
	Drugs, herbs, leaves, and roots, crude	
220100-220804		DRUG
220900		AGCH
120688		DRUG
	Oilseeds	
221000-222998		FATS
	Vegetable oils, fats, and waxes, crude	
223000-223998		FATS
224000-227998		DRUG
229000		FATS
	Vegetable dyeing and tanning extracts	
230100-233998		LEAT
	Seeds, except oilseeds	
240100-247900		SEED
	Nursery and floral stock	
250003-255998		SEED
	Tobacco and manufactures	
260110-262050		TOBC
	Miscellaneous vegetable products, inedible	
263100		TEXT
263200		SUBT
269998		VEGT
	Cotton, unmanufactured	
300005-300496		TEXT
	Cotton seminanufactures	
300600-301320		TEXT
	Cotton manufactures	
301510-310600		TEXT
	Vegetable fibers and manufactures	
330005-349998		TEXT
	Wool, unmanufactured	
360003-360911		TEXT
	Wool, seminanufactures	
362200-363300		TEXT
	Wool manufactures	
364200-368998		TEXT
	Hair and manufactures, n. e. c.	
369070-369998		TEXT
	Silk and manufactures	
370200-375998		TEXT
	Man-made (synthetic) fibers and manufactures	
384020-384985		TEXT
384985 (bread woven plastic fabrics based on vinyl or vinylidene chloride resins and copolymers thereof)		RESN
384985 (other broad woven synthetic fabrics)		TEXT
384990-387998		TEXT
	Miscellaneous textile products	
390100-390998		TEXT
396998		CDGS
397000-399998		TEXT
	Wood, unmanufactured	
400100-403998		LUMB
	Sawmill products	
405111-415020		LUMB
	Wood manufactures	
416000-418998		LUMB
419004-420998		CONT
421601-422898		CDGS
423000-424070		BLDG
424200-429998		CDGS
	Cork and manufactures	
430000-430998		CORK
	Paper base stocks	
460000-462998		PULP
466250		TEXT
466805-466898		PULP
	Paper, related products and manufactures	
480100-486400		PULP
487110-487500		CONT
487800-489000		PULP
	Coal and related fuels	
500100-500400		COAL
	Petroleum and products	
501100-504720		PETR
504800		COAL
505000		PETR
	Stone, hydraulic cement and lime	
510100-517000		BLDG
517100		AGCH
	Glass and products	
521210-522010		BLDG
522998		CDGS
523110-523130		SATE
523150		BLDG
523210-523900		CONT
523710-529100		CDGS
529200		ELME
529300-529900		CDGS
	Clay and products	
530300-530912		MINL
530910-532050		CDGS
532210-533400		BLDG
533510-533610		ELME
533700-533800		CDGS
536100-537600		BLDG
537800		CDGS
	Other nonmetallic minerals (precious included)	
540000-540005		TOOL
540010		CDGS
540020-540040		MINL
540050		CDGS
540800-541140		MINL
541150		CDGS
541210-541220		TOOL
541400-542000		CDGS
542010		STEE
545110-545130		MINL
545400-545550		BLDG
545600-545910		TRAN
545960-546000		BLDG
547000		MINL
547100		BLDG
547210-547300		MINL
547400		ELME
547800		FILM
548050		MINL
548098 (graphite greases and lubricants)		PETR
548098 (other carbon and graphite products)		MINL
548350-549010		BLDG
551000-551300		MINL
571410-571500		SALT
572250		MINL
572400		SUBT
573000-573700		MINL
588000		CDGS
592050-592060		RARA
592012-592020		MINL
592025		COAL
592031-592095		MINL
592098 (iron pyrites; cuprous pyrites; crude sulfur of less than 85 percent sulfur content, and sulfur ore)		SALT
592098 (other nonmetallic mineral products)		MINL
595005-595998		CDGS
	Iron ore and concentrates	
600100		STEE
	Pig iron	
600700		STEE
	Iron and steel scrap	
601010-601150		STEE
601160		TNPL
601170		STEE
	Iron bars, shelp and pipe	
601201-601211		STEE
601213		BLDG
	Steel mill products, semifinished	
601602-601950		STEE
	Steel mill products, rolled finished	
602010-603910		STEE
604010-604170		TNPL
604180-609195		STEE
	Castings and forgings	
610000-610495		STEE
	Railway car and locomotive wheels, tires, and axles (rolled and forged)	
610516-610538		STEE
	Metal manufactures	
611200-612370		CDGS
612380		TNPL
612910-613710		CDGS
613810-613850		STEE
614310-615298		BLDG
615310-615350		CDGS
615450-615520		TOOL
615698-617898		CDGS
617901-617903		TOOL
617905 (molybdenum tool bit blanks)		TOOL
617905 (other tool bit blanks)		STEE
617910-618150		BLDG
618210		STEE
618230-618250		BLDG
618261		STEE
618263-618265		BLDG
618267		STEE
618269		BLDG
618721		STEE
618273-618855		BLDG
618857-618859		CDGS
618910		STEE
618953		BLDG
618930-618951		STEE
618957		NONF
618959 (aluminum, copper, lead, and zinc)		NONF
618959 (other metal)		CDGS
618961-618973		STEE
618974		BLDG
618975-618976		STEE
618977		BLDG
618979		STEE
618981-618983		BLDG
618984-618985		NONF
618986		BLDG
618987		NONF
618988-618991		CDGS
618992-618993		NONF
618994		GIEQ
618995-618996		CDGS
619011		STEE
619012 (milk cans)		CONT
619012 (other filled shipping containers)		STEE
619021		STEE
619022 (milk cans)		CONT
619022 (steel shipping containers, unfilled, except milk)		STEE
619022 (other shipping containers, unfilled)		NONF
619031-619033		STEE
619034		NONF
619039 (cobalt; molybdenum; tungsten, including carbide)		MINL
619039 (other metals)		NONF
619047		STEE
619051		BLDG
619052-619053		NONF
619054-619055		BLDG
619056		GIEQ
619057		CDGS
619058		STEE
619059		CDGS
619061		STEE
619063		CDGS
619065		STEE
619066		CDGS
619067-619120		STEE
619130-619140		NONF
619151-619157		MINL
619159 (selenium)		MINL
619159 (other metal)		NONF
619230-619250		NONF
619850		PRIN
619861		BLDG
619863-619865		CDGS
619910 (punchings, iron and steel, except electrical steel; steel shot; flexible tubing, except electrical; stainless steel packing; and tubular steel scaffolding equipment)		STEE
619940 (other iron and steel manufactures)		CDGS
619950 (brass or bronze bushings)		GIEQ
619950 (aluminum molding, collapsible tubes, slugs, and shot; burning bars; lead collapsible tubes; nickel ostalysts and slugs; tenaplate; and tin shot, slugs and collapsible tubes)		NONF
619950 (other metal manufactures, except precious metals)		CDGS
	Ferroalloys	
621303-622098		MINL
	Aluminum ores, concentrates, scrap, and primary forms	
630010-630050		NONF
	Copper ores, concentrates, scrap and primary forms	
640100-642900		NONF
	Copper-base alloys (including brass and bronze), scrap and primary forms	
644000-647950		NONF
	Lead ores, concentrates, scrap and primary forms	
650406-651519		NONF
	Nickel ores, concentrates, scrap and primary forms	
654501-654519		NONF

Schedule B No.	Commodity group	Processing Code
	Tin ores, concentrates, scrap and primary forms	
656501–656519		NONF
	Zinc ores, concentrates, scrap and primary forms	
657010–658905		NONF
	Other nonferrous ores, concentrates, scrap and primary forms (except precious)	
664501–664512		MINL
664514		NONF
664517–664540		MINL
664541 (manganese copper)		NONF
664541 (other manganese metal and alloys)		MINL
664543–664581		MINL
664583 (tungsten carbide die inserts)		TOOL
664583 (other tungsten metal and alloys in primary forms, n. e. c.)		MINL
664584–664998		MINL
	Precious metals, and plated ware, n. e. c.	
681900–681980 (licensed by Treasury Department).		
682000–682990		MINL
695610–699710		CDGS
	Electrical machinery and apparatus	
700000–701200		ELME
701300		TRAN
701400		ELME
701600–701800		CDGS
701910–702300		ELME
702310		CDGS
702320–704300		ELME
704330		TRAN
704810–705500		ELME
705560 (electric mining and industrial locomotives, underground type)		MINE
705560 (electric mining and industrial locomotives, surface type)		TRAN
705715–706555		CDGS
706590		MINL
706600		ELME
706812–707380		CDGS
707395–707492		ELME
707505–707509		SATE
707550 (tungsten X-ray targets)		MINL
707550 (other X-ray apparatus)		SATE
707590		SATE
707607–707810		RARA
707812		ELME
707815–708410		RARA
708460–708900		ELME
709020 (licensed by State Department).		
709030		TRAN
709210 (licensed by State Department).		
709220		T"AN
709419–709490		BLDG
709495 (aluminum and copper bus bars)		NONF
709495 (rail bonds, wire)		STEE
709495 (other pole line, transmission and distribution hardware)		ELME
709500–709605		BLDG
709610		CDGS
709620		BLDG
709630		CDGS
709640		ELME
709690		CDGS
709810–709860		NONF
709865 (automotive insulated wire, 100 feet or less)		TRAN
709865 (other rubber and/or synthetic rubber-insulated wire and cable		NONF
709870–709885		NONF
709903		ELME
709907 (diathermy tubes)		SATE
709907 (other electronic tubes n. e. c.)		ELME
709909 (getters)		RARA
709909 (tantalum rings)		MINL
709909 (other parts, n. e. c. for radio transmitter tubes)		RARA
709909 (parts, n. e. c., for other electronic and cathoderay tubes n. e. c.)		ELME
709920		STEE
709998		ELME
	Engines, turbines and parts, n. e. c.	
711110–711310		GIEQ
711410		ELME
711510		GIEQ
711900 (parts for steam turbines)		GIEQ
711990 (parts for turbines and water wheels)		ELME
713200–713930		GIEQ
714220–715900		TRAN
716000		GIEQ
	Construction, excavating, mining and related machinery	
720112–720142		CONS
720147		MINE
720160 (power excavators, used and rebuilt)		CONS
720160 (dredging machines, used and rebuilt)		MINE
720210 (parts, accessories and attachments for power excavators)		CONS
720210 (parts, accessories and attachments for dredg-machines)		MINE
720240		CONS
730310–720490		MINE

Schedule B No.	Commodity group	Processing Code
	Construction, excavating, mining and related machinery—Continued	
721510–722027		CONS
722030 (attachments for wheel-type tractors)		AGMT
722030 (attachments for tracks and track-laying tractors)		CONS
722035 (parts and accessories for wheel-type tractor attachments)		AGMT
722035 (parts and accessories for truck and track-laying tractor attachments)		CONS
722040		GIEQ
722045–723080		CONS
723090		TOOL
723125–724065		MINE
725003–725020		CONS
725035		GIEQ
725050		CONS
730500–733950		MINE
	Machine tools and parts	
740005–746010		TOOL
	Textiles, sewing, and shoe machinery	
750050–754900		GIEQ
755105–755107		CDGS
755205–757500		GIEQ
	Other industrial machines and parts	
760010–763990		GIEQ
764905		CDGS
764915–766990		GIEQ
766993		TOOL
766995		MINE
767100–769315		GIEQ
769320 (water-lubricated bearings, rubber)		RUBR
769320 (other bearings and parts)		GIEQ
770400–770775		CONS
770790–770870		GIEQ
770900–770970		CONS
770975		TRAN
770980		CONS
770990 (parts for mechanical vacuum pumps and diffusion vacuum pumps)		GIEQ
770990 (parts for measuring and dispensing pumps)		TRAN
770990 (parts for other pumps and compressors)		CONS
771100–774200		GIEQ
774300–774370		CDGS
774450–775040		GIEQ
775043–775049		MINE
775052–775060		GIEQ
775075		CONS
775080		MINE
775090		GIEQ
775100–775140		MINE
775150 (pressure top equipment for blast furnaces)		TOOL
775150 (other parts and accessories for non-electric industrial furnaces, kilns, lehrs and ovens)		MINE
775210–775998		GIEQ
	Office machines and parts	
776010–777990		CDGS
	Printing and bookbinding machinery	
779000–779510		PRIN
	Agricultural machines, implements and parts	
780130–787190		AGMT
	Tractors, parts and accessories	
787310–787597		CONS
787610–787980		AGMT
788501		CONS
788905		AGMT
	Automobiles, trucks, busses and trailers, parts, accessories, and service equipment	
790013–792730		TRAN
793185 (jacks for garage use)		CONS
793185 (reboring machines)		TOOL
793185 (other automobile, truck, bus, and truck-tractor service appliances and parts)		TRAN
	Aircraft parts and accessories	
793210–794950 (licensed by State Department).		
794960 (landing mats, aircraft)		STEE
794960 (test kits for aircraft instruments; and test sets for ignition harnesses)		ELME
794960 (other aircraft training ground handling and maintenance equipment)		TRAN
	Watercraft	
795100–795150 (export authorization required by Maritime Commission).		
795155		TRAN
795160 (licensed by State Department).		
795165 (turrets, armor plate; mine layer parts and accessories; mine sweeper parts and accessories; licensed by State Department)		TRAN
795165 (other parts and accessories for naval craft)		TRAN
795170		TRAN

Schedule B No.	Commodity group	Processing Code
	Railway transportation equipment	
796102–796112		TRAN
796114		MINE
796117 (used and rebuilt locomotives, underground type)		MINE
796117 (used and rebuilt locomotives, surface type)		TRAN
796118–796168		TRAN
796172 (parts and accessories for underground mine locomotives)		MINE
796172 (parts and accessories for surface type locomotives)		TRAN
796182–796198		TRAN
	Other vehicles and parts	
797100–797105		CDGS
797110–797130		TRAN
799100–799990		CDGS
	Coal-tar products	
800500–800600		COTA
800700		COAL
801000–809998		COTA
	Medicinal and pharmaceutical preparations	
811100		DRUG
811300		PETR
811910–818000		DRUG
	Chemical specialties	
820010–820990		AGCH
821000		COTA
823000		AGCH
823000		CERL
823300		SALT
823850 (sulfonated castor oil)		FATS
823850 (other textile specialty compounds)		SALT
824000 (sulfonated castor oil)		FATS
824000 (other tanning compounds)		SALT
824090–825090		SALT
825100–827210		RESN
827300–829000		PLAT
829100		CDGS
829200		LEAT
829300–829400		PLAT
829510–829530		ORGN
829540		NATS
829555–829600		SUBT
829700		SALT
829810–829850		COTA
829910–829920		PETR
829930		ORGN
829940		DRUG
829950		NATS
829970 (sodium bismuthate)		DRUG
829970 (other reagent chemicals)		ORGN
829980		COTA
829984		SALT
829990 (platinum liquids, for decorating china and glass; platinum plating solutions)		SALT
829990 (other chemical specialty compounds, n. e. c.)		ORGN
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.)	
830010–830300		ORGN
830709		ACID
830910		SALT
830930–830980		ACID
831000–832500		ORGN
832700–832890		RESN
832910–832970		ORGN
832980		SALT
832990		ORGN
837900–837950		SALT
837960 (sodium nitrate)		FERT
837990 (other sodium compounds, n. e. c.)		SALT
838100		SALT
838400		FERT
838500 (ammonium phosphate; ammonium sulfate; and urea)		FERT
838500 (other ammonium compounds, except fertilizers, n. e. c.)		SALT
839000–839750		SALT
839900 (calcium molybdate)		MINL
839900 (copper sulfate)		AGMI
839900 (other industrial chemicals)		SALT
	Pigments, paints and varnishes	
840100–840500		PLAT
841100–841400		SALT
841900–842350		PLAT
842400–842500		SALT
843000–844500		PLAT
	Fertilizers and fertilizer materials	
850500–855100		FERT
	Explosives, fuses, and blasting caps	
860100–862800		ORGN
	Soap and toilet preparations	
871100–872000		FATS
873400–877000		DRUG
	Photographic and projection goods	
900050–914000		FILM

Schedule B No.	Commodity group	Processing Code
	Scientific and professional instruments, apparatus and supplies, n. e. c.	
914000–914998		SATE
915000		CDGS
915000–915550		SATE
915590		MINL
915610–916050		SATE
916010 (meteorological sounding balloons)		RUBR
916010 (other meteorological instruments, and parts)		SATE
916060–916080		SATE
	Musical instruments, parts and accessories	
921100–929700		CDGS
	Miscellaneous office supplies	
930010–936000		CDGS
	Toys, athletic and sporting goods	
940000–941990		CDGS
	Ordnance and pyrotechnics	
947000–947290 (licensed by State Department).		
947300		CDGS
947400 (licensed by State Department).		
947450 (gun part fabrications, brass and bronze)		NONF
947450 (other parts and accessories for small arms; licensed by State Department).		
947500 (licensed by State Department).		
947550 (gun part fabrications, brass and bronze)		NONF
947550 (other parts and accessories for artillery and naval guns, mortars, rocket and missile launchers; licensed by State Department).		
947950–947970 (licensed by State Department).		
948102		CDGS
948104 (licensed by State Department).		
948169 (brass and bronze manufactures for munitions components)		NONF
948169 (other components and parts for small arms ammunition; licensed by State Department).		
948200 (licensed by State Department).		
948250 (navels for shell fabrications, brass and bronze; brass and bronze manufactures for munitions components, n. e. c.; gas checks, copper; copper rotating bands for shells; and other copper munitions components)		NONF
948250 (other components and parts, n. e. c. for artillery, naval gun, and mortar ammunition; licensed by State Department).		
948310–949010 (licensed by State Department).		
949700		CDGS
	Books, maps, pictures and other printed matter, n. e. c.	
950000–959990		PRIN
	Miscellaneous commodities, n. e. c.	
962000–962500		CDGS
963010		CONT
963501–963503		CDGS
963900–964000		BLDG
971100–981000		CDGS
981010–981080		SATE
981310		CDGS
981350		COTA
982110–982501		CDGS
982905		TEXT
982910–982990		CDGS
983000		PRIN
983100–987300		CDGS
988110–988630		GFTS
988810		DRUG
988820		SATE
988830		TRAN
988840		NATS
988910		CDGS
989930		TEXT
989940–999990		CDGS

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

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TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old Age and Survivors Insurance, Social Security Administration, Federal Security Agency

[Reg. 1, further amended]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

DISCLOSURE OF INFORMATION FOR ADMINISTRATION OF STATE PROGRAMS FOR AID TO PERMANENTLY AND TOTALLY DISABLED

Section 401.3 (g) of Regulation No. 1 as amended (20 CFR 401.3 (g)) is further amended to read:

§ 401.3 *Information which may be disclosed and to whom.* Disclosure of any such file, record, report, or other paper, or information, is hereby authorized in the following cases and for the following purposes:

* * * * *

(g) To any officer or employee of an agency of a State Government lawfully charged with the administration of a program receiving aid under the Vocational Rehabilitation Act or Title I, IV, V, X, or XIV of the Social Security Act, information regarding benefits paid or entitlement to benefits under title II of the Social Security Act and, if it has been determined, the date of birth of a recipient or applicant, where such information is necessary to enable the agency to determine the eligibility of or the amount of benefits or services due such recipient or applicant.

(Sec. 1102, 49 Stat. 647, as amended; 42 U. S. C. 1302)

[SEAL] W. L. MITCHELL,
Acting Commissioner for Social Security.

Approved: December 22, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52–13642; Filed, Dec. 29, 1952; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.172]

PART 50—NATIONALITY PROCEDURES UNDER THE IMMIGRATION AND NATIONALITY ACT

Part 50, Title 22 of the Code of Federal Regulations, entitled "Nationality Under the Act of 1940", is hereby amended in its entirety to read as follows:

FORMAL RENUNCIATION OF NATIONALITY

Sec.
50.4 Renunciation procedure.
50.5 Execution and disposition of oath of renunciation.

OATH OF ALLEGIANCE TAKEN BY DUAL NATIONAL TO AVOID DIVESTITURE OF UNITED STATES NATIONALITY

Sec.
50.6 Dual nationals voluntarily seeking or claiming benefits of foreign nationality.
50.7 Procedure for taking oath.
50.8 Effect of taking oath.

ASSERTION BY MINOR OF CLAIM TO UNITED STATES NATIONALITY

50.9 Procedure for asserting claim.
50.10 Execution and disposition of form.

CRITERIA FOR DETERMINING WHETHER NATURALIZED NATIONAL COMES WITHIN SCOPE OF SECTION 354 (2)

50.11 Carrying on a commercial enterprise.
50.12 Carrying on scientific research.
50.13 Work or activities under unique or unusual circumstances.

CERTIFICATION OF LOSS OF UNITED STATES NATIONALITY

50.14 Certification by diplomatic or consular officer.
50.15 Cases in which a certificate should be prepared.
50.16 Affidavit of expatriated person.
50.17 Reference in certificate to other documents.
50.18 Amplification of certificate.
50.19 Execution and distribution of certificate.

ISSUANCE OF CERTIFICATE OF NATIONALITY

50.20 Application for certificate.
50.21 Evidence of nationality required.
50.22 Issuance of certificate.
50.23 Transmission of certificate to foreign state.

AUTHORITY: §§ 50.4–50.21 issued under sec. 104, 66 Stat. 174. Statutory provisions interpreted or applied are cited to text.

FORMAL RENUNCIATION OF NATIONALITY

§ 50.4 *Renunciation procedure.* Persons desiring to renounce their United States nationality under section 349 (a) (6) of the Immigration and Nationality Act (66 Stat. 268) may do so by appearing before a diplomatic or consular officer of the United States and taking an oath of renunciation of nationality of the United States in the form proscribed by the Secretary of State.

§ 50.5 *Execution and disposition of oath of renunciation.* The form shall be executed in quadruplicate. The original and one copy shall be sent to the Department, and two copies retained in the files of the office in which it was executed. After the Department of State has approved the form, it will so advise the appropriate officer of the Foreign Service, who will thereafter make a notation on the two copies retained by him that the form has been approved by the Department and showing the day of approval. A copy of such form may be furnished to the person to whom it relates upon request therefor. When submitting the form of renunciation of American nationality, it must be accompanied by the certificate of loss of American nationality. The approval of the certificate of loss of nationality will

be by rubber stamp thereon which may also be taken to cover approval of the form of renunciation of nationality.

OATH OF ALLEGIANCE TAKEN BY DUAL NATIONAL TO AVOID DIVESTITURE OF UNITED STATES NATIONALITY

§ 50.6 *Dual nationals voluntarily seeking or claiming benefits of foreign nationality.* A person who acquired at birth the nationality of the United States and of a foreign state and who has voluntarily sought or claimed benefits of the nationality of any foreign states, as, for example, by applying for a foreign passport or identity card, or by applying for registration as a national of a foreign country, or by any other similar act, regardless of whether he is a national of such state, shall be deemed to be within the scope of section 350 (1) of the Immigration and Nationality Act (66 Stat. 269). The section is not considered applicable to a person who has sought or claimed benefits of the nationality of any foreign state in a manner which has caused loss of American nationality.

§ 50.7 *Procedure for taking oath.* A person who desires to take an oath of allegiance to the United States before a United States diplomatic or consular officer for the purpose of avoiding the loss of American nationality under section 350 (1) of the Immigration and Nationality Act (66 Stat. 269) shall execute an application for a passport or registration as an American citizen, which application shall contain an oath of allegiance in the form prescribed by the Secretary of State.

§ 50.8 *Effect of taking oath.* The oath of allegiance, when taken before a United States diplomatic or consular officer, shall be deemed sufficient to fulfill the requirement of section 350 (1) of the Immigration and Nationality Act (66 Stat. 269), provided that the person has passed the age of 22 years and has not thereafter resided continuously for three years in the foreign state of which he is a national by birth, and provided also that the oath shall not be required of such a person if his foreign residence begins after he has attained the age of 60 years and he shall have had his residence in the United States for 25 years after having attained the age of 18 years.

ASSERTION BY MINOR OF CLAIM TO UNITED STATES NATIONALITY

§ 50.9 *Procedure for asserting claim.* A national of the United States, who, while under eighteen years of age, has expatriated himself under the provisions of section 349 (a) (2), (4), (5), or (6) of the Immigration and Nationality Act (66 Stat. 267–268) may assert his claim to United States nationality under section 351 (b) of the Immigration and Nationality Act (66 Stat. 269) within six months after attaining the age of 18 years on the form prescribed for this purpose by the Secretary of State.

§ 50.10 *Execution and disposition of form.* The form for asserting the claim to the nationality of the United States shall be executed in triplicate. The original shall be forwarded to the Department of State, a copy shall be retained in the office in which it was executed, and a copy shall be furnished to the person asserting the claim.

CRITERIA FOR DETERMINING WHETHER NATURALIZED NATIONAL COMES WITHIN SCOPE OF SECTION 354 (2)

§ 50.11 *Carrying on a commercial enterprise.* Under section 354 (2) (A) of the Immigration and Nationality Act (66 Stat. 271), a naturalized American national residing abroad temporarily for the purpose of engaging in a commercial enterprise which substantially and directly benefits American trade or commerce shall not lose his nationality by having a continuous residence for five years in any foreign state or states covered by section 352 (a) (2) of the Immigration and Nationality Act (66 Stat. 269). It must appear that the national has no substantial or controlling reason for residing abroad other than to engage in the commercial enterprise and that his foreign residence is temporary. Further, the character of the commercial enterprise must be such that its effect is to increase directly and substantially production, sales, inventory, or profits, or to facilitate the acquisition of raw materials, distribution of products or the extension of services of or for an American financial, commercial, or business organization having its principal place of business in the United States.

§ 50.12 *Carrying on scientific research.* (a) Under section 354 (2) (B) of the Immigration and Nationality Act (66 Stat. 271), a naturalized American national, who is temporarily residing abroad for the purpose of carrying on scientific research on behalf of a bona fide educational, research, experimental, or other institution, which institution shall be specifically accredited by the Secretary of State, and the purpose of which research is to discover, develop, or test scientific knowledge, principles, theory, apparatus, etc., for practical uses or applications which would directly and substantially benefit the interests of the United States, shall not be deemed to have lost his American nationality by having a continuous residence for five years in any foreign state or states covered by section 352 (a) (2) of the Immigration and Nationality Act (66 Stat. 269).

(b) The term "an institution accredited by the Secretary of State" means an institution which has established by evidence satisfactory to the Secretary of State that it is engaged in research which is directly and substantially beneficial to the United States. The evidence to show that the institution in which the naturalized American citizen is employed is such an organization, may be submitted when the naturalized citizen first applies for further passport facilities or for registration as an American citizen. Initially, there shall be submitted an affidavit by two principal officers of the institution setting forth complete information concerning the institution and its activities. In the affidavit, the name of the institution, the location of its principal office and place, or places, of business and the type of organization, i. e., whether it is a sole proprietorship, partnership, or corporation, should be stated; the owners and officers should be fully identified and their nationalities stated; the names, locations, and activities of organizations and firms of which the institution is a branch, subsidiary, or affiliate, or in which there is a community of ownership, should be stated. The Secretary of State may require such additional evidence as may be deemed necessary for a determination as to whether the institution shall be accredited.

(c) After an institution has been once accredited by the Secretary of State, it will be necessary only to submit evidence to show that its character and operations have not changed in the interim from the date of such accrediting and the time at which a person may subsequently seek to claim the benefits of section 354 (2) (B) of the Immigration and Nationality Act (66 Stat. 271).

(d) Where more than one person is engaged simultaneously in essentially similar scientific research for the same institution, it will be necessary to submit the required evidence concerning the character and operations of the institution only in the case of one person. However, evidence must be submitted in each individual case to show that the person concerned is doing scientific research of the type specified in this paragraph for the accredited institution.

(e) Each case and each organization must be considered on its merits, and, on the basis thereof as submitted, officers of the Foreign Service will be advised from time to time by the Department of State of the names of the scientific research institutions which have been accredited.

§ 50.13 *Work or activities under unique or unusual circumstances.* (a) Under section 354 (2) (C) of the Immigration and Nationality Act (66 Stat. 271), a naturalized American citizen residing abroad temporarily, who under unique or unusual circumstances engages in work or activities which directly and substantially benefit the interests of the United States, shall not be deemed to have lost his nationality under section 352 (a) (2) of the Immigration and Nationality Act (66 Stat. 269).

(b) Section 354 (2) (C) would apply to a person who, with or without compensation, motivated by devotion to the United States and with intention to benefit the United States engages in work or activities of a continuing nature which enhance in a direct and substantial way the material or cultural wealth, prestige or security of the United States.

(c) It may apply to a person who apparently is abroad for a reason or purpose which ordinarily would not be of direct or substantial benefit to the United States, but who by reason of his employment, position, standing, prestige, influence or associations, is able to contribute in a direct and substantial way to the wealth, prestige or security of the United States.

(d) Each case of this character must be submitted to the Department of State and will be considered on its own merits.

CERTIFICATION OF LOSS OF UNITED STATES NATIONALITY

§ 50.14 *Certification by diplomatic or consular officer.* Whenever a diplomatic or consular officer of the United States has reason to believe that a person, while in a foreign country, has lost his American nationality under any provision of Chapter 3 of Title III of the Immigration and Nationality Act (66 Stat. 267), or under any provision of Chapter IV of the Nationality Act of 1940 (54 Stat. 1168), as amended, he shall certify the facts upon which such belief is based to the Department of State in writing.

§ 50.15 *Cases in which a certificate should be prepared.* The certificate should be prepared in the case of any person coming within the scope of any of the provisions of Chapter IV of the Nationality Act of 1940. The certificate should also be prepared in the case of any person coming within the scope of the provisions of Chapter 3, Title III of the Immigration and Nationality Act, except that, in the case of a national who has performed any of the acts specified in paragraphs (2), (4), (5), and (6) of section 349 (a), Chapter 3, Title III of the Immigration and Nationality Act, such certificate shall not be prepared and submitted until after he shall have attained the age of 18 years and 6 months and shall have failed to assert his claim to United States nationality within 6 months after attaining the age of 18 years in the manner prescribed by the Secretary of State.

§ 50.16 *Affidavit of expatriated person.* When obtainable, an affidavit executed in quadruplicate by the expatriated person shall be attached to each copy of the certificate of the officer. This affidavit shall contain in substance:

(a) That the affiant has voluntarily expatriated himself by the performance of one of the acts or the fulfillment of the conditions specified in Chapter 3, Title III of the Immigration and Nationality Act (66 Stat. 267), or Chapter IV of the Nationality Act of 1940 (54 Stat. 1168);

(b) That his permanent residence in the United States, if he ever had one, has been voluntarily abandoned and that the expatriated person neither intends nor desires to resume residence in the United States in the immediate or near future;

(c) If naturalized in the United States, that the naturalization certificate is or has been surrendered voluntarily because of his expatriation; and

(d) That the affiant neither intends nor desires to preserve his allegiance to the United States but intends and desires to preserve his new allegiance, if one has been acquired.

§ 50.17 *Reference in certificate to other documents.* (a) When documents, communications, or excerpts therefrom, from competent offices or officials of foreign governments, and statements or affidavits by the persons concerned are referred to in that portion of the certificate having reference to the nature of the evidence adduced which is believed to have caused expatriation, verified copies of the documents, communications, statements, affidavits, or excerpts therefrom, shall be attached to and made a part of the certificate.

(b) When reference is made to passports or applications for passports, registration, repatriation, and similar documents, or to affidavits forming a part of an application, or to departmental communications, copies thereof shall not be attached to and made a part of the certificate unless specifically authorized by the Department of State, but the pertinent statement or statements shall be quoted in the certificate. The quotation shall be limited to the admission of the act of expatriation and no extraneous or explanatory matter should be included.

§ 50.18 *Amplification of certificate.* When preparing a certificate of expatriation, the certificate shall be amplified in appropriate cases by adding a paragraph thereto setting forth the names, places and dates of birth, and present addresses of the spouse and children, if any, of the individual concerned and whether any such person is considered to have acquired foreign nationality. The certificate, however, is not to be regarded as a certificate of expatriation of the spouse or children of any person in whose case a certificate is prepared.

§ 50.19 *Execution and distribution of certificate.* The certificate shall be executed in quadruplicate. The original and two copies shall be sent to the Department and one copy retained in the files of the office in which it was executed. After the Department of State has approved the certificate, one copy shall then be returned to the appropriate diplomatic or consular officer, who shall thereafter make a notation on the copy retained by him to the effect that the certificate has been approved by the Department under the date which appears on the approved copy returned to him by the Department. He shall thereafter forward a copy of such certificate to the person to whom it relates.

ISSUANCE OF CERTIFICATE OF NATIONALITY

§ 50.20 *Application for certificate.* (a) Any person who acquired the nationality of the United States at birth and who is involved in any manner in judicial or administrative proceedings in a foreign state in connection with which the establishment of his nationality in the United States is pertinent, may apply for a certificate of American nationality in the form prescribed by the Secretary of State. (Sec. 359, 66 Stat. 273.)

(b) In the United States, including Alaska and Hawaii, the application must be executed before a clerk of a Federal or State court authorized by section 310 (a) of the Immigration and Nationality Act (66 Stat. 239) to naturalize aliens within the jurisdiction in which the applicant resides, or before an agent of the Department of State. In an insular possession of the United States the application must be executed before a person in the office of the Chief Executive who has authority to administer oaths. In a foreign country the application must be executed before a diplomatic or consular officer of the United States. When an application is executed before a diplomatic or consular officer it shall be in duplicate.

(c) There shall be submitted with the application documentary evidence establishing that the applicant is involved in judicial or administrative proceedings pending in a foreign country in connection with which the establishment of his nationality of the United States is pertinent. There shall be affixed to each application, including the duplicate application when required, a photograph of the applicant not more than 3 by 3 inches and not less than 2½ by 2½ inches in size, unmounted, printed on thin paper showing the full front view of the features of the applicant, and taken within six months of the date when submitted. A separate photograph, which must be identical to that affixed to the application, shall be submitted, in order that it may be affixed to the certificate of nationality if and when issued. The original copy of the application shall in all cases be submitted to the Department of State.

§ 50.21 *Evidence of nationality required.* Each application for a certificate of nationality must be accompanied by evidence of nationality of the character which is required by the Rules Governing the Granting and Issuing of Passports in the United States issued by the President on March 31, 1938, or any rules which may subsequently be issued by him (see 22 CFR §§ 51.51 to 51.73). If the applicant has previously submitted satisfactory evidence of American citizenship in connection with an application for a passport or registration, it will not be necessary for him to duplicate such evidence. It will, however, be necessary for the applicant to satisfy the Secretary of State that he has not expatriated himself under the Immigration and Nationality Act or any prior act.

§ 50.22 *Issuance of certificate.* Upon the approval of the application a certificate of nationality for use in a judicial or administrative proceeding in a foreign state shall be issued.

§ 50.23 *Transmission of certificate to foreign state.* When a certificate of nationality is issued, it shall be transmitted through official channels to the judicial or administrative officer of the foreign state in which it is to be used.

This amendment shall become effective at 12:01 a. m., eastern standard time, December 24, 1952.

Issued: December 19, 1952.

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary.

[F. R. Doc. 52-13616; Filed, Dec. 24, 1952; 1:54 p. m.]

[Departmental Reg. 108.173]

PART 50—NATIONALITY PROCEDURES UNDER THE IMMIGRATION AND NATIONALITY ACT

CERTIFICATES OF IDENTITY FOR TRAVEL TO THE UNITED STATES TO APPLY FOR ADMISSION

Part 50, Title 22 of the Code of Federal Regulations, is hereby amended by the addition of the following sections:

Sec.
50.24 Contents of application.
50.25 Affidavit of supporting witness.
50.26 Supporting evidence.
50.27 Form and execution of application.
50.28 Independent investigation.
50.29 New or additional evidence.
50.30 Meaning of good faith.
50.31 Meaning of substantial basis.
50.32 Denial of a right or privilege as a national of the United States.
50.33 In case of doubt as to issuance of certificate of identity.
50.34 Sixty days' notice prior to issuance of certificate of identity.
50.35 Form and execution of certificate of identity.
56.36 Period of validity of certificate of identity.
50.37 Denial of certificate of identity.
50.38 Appeal by applicant.
50.39 Direct appeal to the Secretary of State by attorney in United States.
50.40 Certificate of identity obtained by fraud or other illegality.

AUTHORITY: §§ 50.24 to 50.40 issued under authority of sec. 104, 66 Stat. 174. Interpret or apply sec. 360, 66 Stat. 273.

CERTIFICATE OF IDENTITY FOR TRAVEL TO THE UNITED STATES TO APPLY FOR ADMISSION

§ 50.24 *Contents of application.* The application for a certificate of identity shall show:

(a) The full and true name of the applicant;

(b) The period(s) and place(s) of his residence outside the United States;

(c) That he has been physically present in the United States or that he is under sixteen years of age and was born abroad of a citizen parent;

(d) That he claims to be a national of the United States, and the basis of such claim and evidence submitted in support thereof;

(e) That such claim is made in good faith and upon a substantial basis;

(f) That he claims a right or privilege as a national of the United States, and specifically the nature of such claim;

(g) That such right or privilege has been denied him by a specified department or agency or official of the United States on the ground that the applicant is not a national of the United States, and the date and place of such denial;

(h) That he desires to proceed to a port of entry in the United States and there to apply for admission;

(i) That he understands that he may apply for admission into the United States at any port of entry and that he shall be subject to all the provisions of the Immigration and Nationality Act relating to the conduct of proceedings involving aliens seeking admission into the United States;

(j) Such other facts and proofs, with respect to the foregoing, as may be required by the application form or by the diplomatic or consular officer before whom the application for a certificate of identity is executed.

§ 50.25 *Affidavit of supporting witness.* The application for a certificate of identity shall be supported by the affidavit of a credible witness, but this requirement may be waived in the discretion of the diplomatic or consular officer before whom the application is executed.

§ 50.26 *Supporting evidence.* (a) The application for a certificate of identity shall be supported by evidence of the official decision of the specified department, independent agency, or official thereof denying the applicant a right or privilege upon the ground that he is not a national of the United States and evidence that he has exhausted his administrative remedies with such department, agency, or official.

(b) The applicant shall submit with his application for a certificate of identity a statement setting forth in detail the reasons why he considers the final decision of the department, independent agency, or official thereof to be erroneous.

(c) The applicant shall submit a statement that he fully and truthfully disclosed all pertinent facts to the department, independent agency, or official thereof and that he had no additional evidence to submit at that time. The diplomatic or consular officer may require such other evidence of identity and citizenship as may appear to him to be available.

§ 50.27 *Form and execution of application.* (a) The application for a certificate of identity shall be made in quadruplicate on Form FS–343 (revised) and shall be signed and sworn to (or affirmed) by the applicant in person before a diplomatic or consular officer of the United States.

(b) The affidavit of the witness, if not waived, shall also be made before a diplomatic or consular officer of the United States.

(c) The application shall be accompanied by nine identical photographs of the applicant taken within thirty days of the date on which the application is filed. The photographs shall be two by two inches in size, unmounted, printed on thin paper, have a light background, and clearly show a full front view of the features of the applicant) with head bare, unless the applicant is a member of a religious order wearing a headdress), with the distance from the top of head to point of chin approximately one and one fourth inches. Snapshot, group, or full-length pictures will not be accepted.

(d) The applicant, except in the case of a person physically or otherwise incapable of signing his name, shall sign each copy of the photograph with his full, true name in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to write.

(e) One photograph shall be glued to the original application and one to each copy thereof and impressed with the legend machine so as not to cover the features.

(f) The remaining five photographs shall be affixed in like manner to the certificate of identity and copies thereof in the event that document is issued to the applicant.

(g) Officers not having a legend machine will use the impression seal. The consular impression seal should invariably be used in completing the application.

(h) Fingerprints of the applicant shall be required and attached to the application and each copy thereof, as in the case of a visa.

§ 50.28 *Independent investigation.* When an application for a certificate of identity is executed before a diplomatic or consular officer, an independent investigation of the facts in the case should be made, as far as practicable, by such officer, even though the application and proof submitted therewith may, on their face, appear to justify the issuance of a certificate of identity. Such investigation should include an investigation of all the facts and circumstances which would result in loss of American nationality.

§ 50.29 *New or additional evidence.* At any time during the processing of an application for a certificate of identity, when new or additional evidence which casts doubt on the validity of the original decision that the applicant was not a citizen of the United States comes to the attention of a diplomatic or consular officer, he shall forward the evidence, together with his comments regarding its credibility, to the Department of State. Pending the receipt of that Department's decision in the matter, the diplomatic or consular officer shall take no further action on the application for the certificate of identity.

§ 50.30 *Meaning of good faith.* Good faith means an honest belief of the applicant that he is a national of the United States, and is to be determined by the diplomatic or consular officer of the United States in the light of the facts and circumstances of each case. For example, where it appears that United States nationality has been lost by naturalization of the person upon his own application in a foreign state, good faith would appear to be lacking in the absence of a satisfactory showing to the contrary. Good faith may be considered as lacking when false statements have been made or false documentary evidence has been submitted to the Department, independent agency, or official thereof. Also, special care should be taken in the examination of the case of an applicant who, while in a foreign state, has exercised any rights or performed any duties for which only nationals of such state are eligible, or where the facts of the case indicate that he may have expatriated himself in some manner. Good faith will not be considered as established unless the applicant is able to present evidence to show that he is in fact the individual he claims to be.

§ 50.31 *Meaning of substantial basis.* A substantial basis of a claim of United States nationality means one which satisfies the diplomatic or consular officer of the United States that the claim of the applicant that he is a national of the United States is, notwithstanding any previous ruling of a department, agency, or executive official of the United States, sufficiently meritorious to justify a determination of the question by the Attorney General in connection with an application for admission into the United States. A substantial basis may not be deemed to exist where a court of the United States has held that the person concerned is not an American national.

§ 50.32 *Denial of a right or privilege as a national of the United States.* Denial by a department or agency or official of the United States of a right or privilege as a national of the United States may occur in the administration of various laws. It should appear that the right or privilege denied was one to which the person would otherwise have been entitled but for the fact that he was deemed not to have been a national of the United States. For example, such denial may occur where a person has applied as a national of the United States for a passport or for registration at an American consulate or for nonquota status of an alien wife or minor child, and the application is denied on the ground that the applicant is not a national of the United States. The denial of a right or privilege on the ground that the person has not established his identity is not a denial of any right or privilege as a national of the United States within the meaning of section 360 (b) of the Immigration and Nationality Act (66 Stat. 273).

§ 50.33 *In case of doubt as to issuance of certificate of identity.* Where it appears that the presence of the applicant in the United States would endanger the public safety or where the diplomatic or consular officer believes that the applicant is a national of the United States and entitled to a passport as such or where the diplomatic or consular officer has any doubt with respect to the action he should take upon the application for a certificate of identity, the officer should suspend action and consult the Department of State.

§ 50.34 *Sixty days' notice prior to issuance of certificate of identity.* If the diplomatic or consular officer decides that the issue of a certificate of identity is warranted, he shall give the Department of State by cable sixty days' notice of his intention to issue a certificate of identity and of the travel plans and port of arrival of the applicant. At the same time, he shall forward to the Department by mail three copies of the application for a certificate of identity, a report in triplicate of the result of the independent investigation conducted by him, and the original documentary evidence which was submitted in support of the application. Upon the receipt of the copies of the application and evidence, the Department of State will forward to the District Director of the Immigration and Naturalization Service for the port of arrival full details concerning the case.

§ 50.35 *Form and execution of certificate of identity.* The certificate of identity shall be prepared in quintuplicate on Form FS–343a. It shall be signed and sealed by the diplomatic or consular officer, who shall state on the original and each copy thereof the date and place of issuance. The original shall be delivered to the applicant. The four copies shall be marked "copy". One copy shall be retained in the files of the issuing office, one copy shall be sent to the District Director of the Immigration and Naturalization Service for the port of arrival, and two copies shall be sent to the Department of State.

§ 50.36 *Period of validity of certificate of identity.* A certificate of identity shall be issued only after the applicant has completed his travel plans. The certificate shall expire two months from the date of its issuance and shall be extended only upon the recommendation of the Immigration and Naturalization Service.

§ 50.37 *Denial of certificate of identity.* In case the certificate of identity is denied by a diplomatic or consular officer, a notation to that effect shall be made by him in the space provided therefor at the end of the original application and on each copy thereof. The notation shall set forth definitely the factual and/or legal grounds for the denial. The original application shall be retained in the files of the office to which the application was submitted, one copy shall be returned to the applicant, and two copies shall be sent to the Department of State together with all original documentary evidence submitted by the applicant.

§ 50.38 *Appeal by applicant.* (a) When an applicant is denied a certificate of identity, he may appeal by a written statement to the Secretary of State, setting forth fully the pertinent facts and the grounds upon which United States nationality is claimed and his reasons for considering that the denial of his application by the diplomatic or consular officer is not justified.

(b) The statement shall be executed in quadruplicate and submitted to the diplomatic or consular office in which the denial was made. If the statement contains facts not set forth in the application, it shall be sworn to (or affirmed) by the applicant before a diplomatic or consular officer of the United States and an investigation shall be made by the diplomatic or consular officer of the new or additional facts alleged. A report of this investigation shall accompany the applicant's statement to the Department of State. The original statement and one copy shall be forwarded by the diplomatic or consular officer to the Department of State. One copy of the statement shall be retained in the files of the diplomatic or consular office in which the denial was made and a copy returned to the applicant.

(c) If it is not practicable for the statement to be sworn to or affirmed by the applicant in the diplomatic or consular office in which the denial was made, it may be sworn to or affirmed in any other diplomatic or consular office of the United States. In such case, the original and two copies of the statement shall be forwarded by that office to the diplomatic or consular office in which the application was denied, but, if that is not practicable, they shall be sent directly to the Department of State. One copy shall be returned to the applicant by the taking office. The office in which the application was denied shall retain one copy and forward the original and the other copy to the Department of State.

§ 50.39 *Direct appeal to the Secretary of State by attorney in the United States.* When a certificate of identity has been refused by a diplomatic or consular officer abroad, the applicant may appeal directly to the Secretary of State through his attorney in the United States. The appeal shall be directed to the Passport Office of the Department of State. No special form is prescribed for such appeal. The evidence to be furnished in the appeal through the attorney, in the United States shall be as prescribed in § 50.38 of this part. The Passport Office will process the appeal in due course in accordance with the facts in each individual case.

§ 50.40 *Certificate of identity obtained by fraud or other illegality.* Whenever a certificate of identity is found by a diplomatic or consular officer of the United States to have been obtained by fraud or other illegality, or to be in the possession of a person other than the rightful holder, such officer shall, if practicable, obtain possession of the certificate and send it, together with a report on the matter, directly to the Department of State.

This amendment shall become effective at 12:01 a. m., eastern standard time, December 24, 1952.

Issued: December 22, 1952.

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary for Administration.

[F. R. Doc. 52–13640; Filed, Dec. 24, 1952; 1:54 p. m.]

[Departmental Reg. 108.174]

PART 50—NATIONALITY PROCEDURES UNDER THE IMMIGRATION AND NATIONALITY ACT

NATURALIZATION OF CERTAIN FORMER UNITED STATES CITIZENS UNDER ACT OF AUGUST 16, 1951, AS AMENDED BY SECTION 402 (J) OF THE IMMIGRATION AND NATIONALITY ACT

Part 50, Title 22 of the Code of Federal Regulations, is hereby amended by the addition of the following sections:

Sec.
50.41 Persons affected by the act of August 16, 1951, as amended.
50.42 Period during which act is in effect.
50.43 Procedure for complying with the provisions of the act.
50.44 Illegal or fraudulent naturalization.

AUTHORITY: §§ 50.41 to 50.44 issued under sec. 104, 66 Stat. 174. Interpret or apply sec. 1, 65 Stat. 191, as amended by sec. 402, 66 Stat. 278.

NATURALIZATION OF CERTAIN FORMER UNITED STATES CITIZENS UNDER ACT OF AUGUST 16, 1951, AS AMENDED BY SECTION 402 (J) OF THE IMMIGRATION AND NATIONALITY ACT

§ 50.41 *Persons affected by the act of August 16, 1951, as amended.* The act of August 16, 1951, as amended by section 402 (j) of the Immigration and Nationality Act, applies to any person who, while a citizen of the United States, lost such citizenship under section 401 (e)

of the Nationality Act of 1940 solely by voting in a political election or plebiscite held in Italy between January 1, 1946, and April 18, 1948, inclusive, and who has not, subsequent to such voting, committed any act which, had he remained a citizen, would have expatriated him. The amended provisions of the act have no application to a person who, while a national but not a citizen of the United States, has lost such nationality by voting as indicated.

§ 50.42 *Period during which act is in effect.* The provisions of the act of August 16, 1951, as amended, become effective on the effective date of the Immigration and Nationality Act, that is, at 12:01 a. m., eastern standard time, December 24, 1952. These provisions terminate two years from the enactment of the act of August 16, 1951. Accordingly, a person whose case comes within the scope of the amended provisions of the act of August 16, 1951, may be naturalized by taking the prescribed oath on or after December 24, 1952, and prior to August 16, 1953.

§ 50.43 *Procedure for complying with the provisions of the act*—(a) *Form of oath.* The oath shall be taken on Form FS–346, amended as directed by the Secretary of State. This form is available at American Foreign Service offices.

(b) *Execution and disposition of form.* The form shall be executed in quadruplicate. The original copy of the form shall be retained in the office in which it was executed. The duplicate and triplicate copies shall be forwarded to the Department of State. Upon his request, the applicant may be furnished the quadruplicate copy certified under the seal of the office. The applicant's photograph shall be affixed to each copy under the impression seal of the office in which the application was executed.

(c) *Fees for taking oath.* No fee shall be charged for administering the oath or for issuing a copy of the form to the applicant.

(d) *Evidence required.* Before administering the oath prescribed by section 337 of the Immigration and Nationality Act (66 Stat. 258), the officer of the Foreign Service should satisfy himself regarding the identity of the applicant and require the submission of evidence that he was a citizen of the United States at the time of voting in the political election in Italy. Such evidence should be in the nature of that required in an application for registration as a citizen of the United States. If there is doubt whether the applicant was a citizen of the United States at the time he voted, the officer of the Foreign Service should, before administering the oath, present the facts and the pertinent evidence to the Department for a determination of eligibility to take the oath.

§ 50.44 *Illegal or fraudulent naturalization.* Naturalization procured by illegal or fraudulent means under the amended act of August 16, 1951, shall be subject to cancellation in the same manner as provided in section 340 of the Immigration and Nationality Act (66 Stat. 260).

This amendment shall become effective at 12:01 a. m., eastern standard time, December 24, 1952.

Issued: December 22, 1952.

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary for Administration.

[F. R. Doc. 52–13641; Filed, Dec. 24, 1952; 1:54 p. m.]

PART 68—EXCHANGE—VISITOR PROGRAM

Part 68, Chapter I, Title 22 of the Code of Federal Regulations is amended to read as follows:

Sec.
68.1 Definitions.
68.2 Application.
68.3 Action on application.
68.4 Notification to exchange visitor.

AUTHORITY: §§ 68.1 to 68.4 issued under sec. 4, 63 Stat. 111; 5 U. S. C. Supp. 151c. Interpret or apply secs. 201, 1005, 1009, 62 Stat. 7, 14; 22 U. S. C. Sup., 1446, 1437, 1440).

CROSS REFERENCES: For consular procedure see 22 CFR Part 41, particularly § 41.41.

For immigration procedure with respect to entry, see 8 CFR Part 214j, particularly §§ 214j 1 to 214j 6.

§ 68.1 *Definitions.* (a) As used in this part the term "act" refers to the United States Information and Educational Exchange Act of 1948, as amended.

(b) As used in this part the term "sponsor" means any existing reputable United States agency or institution, which makes application as hereinafter prescribed, to the Secretary of State for designation of a program under its sponsorship as an "Exchange-Visitor Program."

(c) As used in this part, the term "Exchange-Visitor Program" means a program of a sponsor designed to promote the objectives of the act which has been designated as such by the Secretary of State, and which is concerned with one or more of the categories of exchange visitors defined in paragraph (e) of this section.

(d) As used in this part, the term "Secretary of State" means either the Secretary of State or an officer duly designated by him.

(e) As used in this part, the term "exchange visitor" means any alien who has been selected by a sponsor to participate in an Exchange-Visitor Program and who is seeking to enter the United States temporarily in one of the following categories:

(1) A "student", for the purpose of study or to perform research, or both, at or in connection with an established institution of learning, or

(2) A "trainee", for the purpose of obtaining practical training in public administration, industry, medicine, agriculture, or some other specialized field of knowledge or skill, or

(3) A "teacher", for the purpose of teaching in established primary or secondary schools, or established schools offering specialized instruction at the primary or secondary level, or

(4) A "guest instructor", for the purpose of imparting knowledge through lectures or special instruction, or

(5) A "leader in a field of specialized knowledge or skill", for the purpose of observation, advanced research, consultation, or the sharing of such specialized knowledge or skill.

§ 68.2 *Application.* (a) Any sponsor may apply to the Secretary of State for designation of a program under its sponsorship as an "Exchange-Visitor Program". Such application shall be made on Form DSP–37, "Exchange-Visitor Program application". The application shall be completed by the sponsor in all details and shall be submitted to the Secretary of State. The sponsor shall assume, inter alia, in the application the obligation that:

(1) If any exchange visitor ceases to pursue the activity for which he was admitted to the United States, the sponsor shall immediately notify the officer in charge of the Immigration and Naturalization Service having administrative jurisdiction over the exchange visitor's place of temporary residence in the United States, giving the name and present address of the alien, nationality, date of admission, and facts as to present activities of the alien.

(2) When any exchange visitor has completed the purpose of his visit, the sponsor shall notify the officer in charge of the Immigration and Naturalization Service having administrative jurisdiction over the exchange visitor's place of temporary residence in the United States, giving the name and present address of the alien, nationality, date of admission, and facts as to the scheduled departure of the alien.

(3) If any exchange visitor fails to maintain in any respect the nonimmigrant status under which he was admitted, the sponsor shall promptly notify the Department, giving the name and present address of the alien, nationality, date of admission, and other pertinent information in order that the Department may determine whether the facts warrant referral of the case to the Immigration and Naturalization Service for appropriate action.

(4) When any exchange visitor requires a temporary extension of his stay, the sponsor shall instruct the alien to apply to the Immigration and Naturalization Service at least 30 days before the expiration of the alien's stay in the United States and shall provide the alien with written evidence showing the period and terms of the extension desired.

§ 68.3 *Action on application*—(a) *Evidence.* Whenever an application on Form DSP–37 is submitted to the Secretary of State, it shall be examined to ascertain the adequacy of the information furnished. If sufficient information has not been furnished, the sponsor shall be requested to supply information in which the application is deficient. In addition to the information furnished on Form DSP–37, the Secretary of State may require a sponsor to present any evidence of a documentary nature, e. g., program reports, institutional catalogs, which he may consider necessary in making his determination of the program's eligibility to be designated an Exchange-Visitor Program.

(b) *Decision by the Secretary of State.* Upon receipt and consideration of the application on Form DSP–37, including any required additional evidence, the Secretary of State may in his discretion designate the sponsor's program as an Exchange-Visitor Program. The Secretary of State will notify the sponsor in writing of his decision. If such designation is made a serial number will be assigned to the Program and the sponsor will thereafter refer to such serial number in any correspondence with the Secretary of State, consular officer, or the Immigration and Naturalization Service concerning the Exchange-Visitor Program or any individual included in such program. The Secretary of State may in his discretion revoke the designation for any sufficient cause.

(c) *Notification to consuls and the Immigration and Naturalization Service.* When a program has been designated as an Exchange-Visitor Program, the American consular officers concerned and the Commissioner of Immigration and Naturalization shall be notified by the Department of State of the title, serial number, sponsor, and nature and purpose of such Program.

§ 68.4 *Notification to exchange visitor.* A sponsor whose program has been designated as an Exchange-Visitor Program shall notify each exchange visitor in writing of his selection to participate in the particular Exchange-Visitor Program. Such notification shall include the serial number of the Program, instructions concerning the procedure to be followed in applying for a passport visa, including the presentation to the Consul of the sponsor's notification to the selected exchange visitor. The notification shall also include information that the exchange visitor will be subject to all pertinent provisions of the immigration laws and regulations and that he will be required in connection with the issuance of a visa to sign a statement acknowledging and affirming his understanding of the limitations placed on the entry and stay of exchange visitors in the United States. Additionally, the notification shall inform the selected participant that if he is granted a visa the sponsor's notification and a copy of the signed statement shall be presented by the participant to the immigration inspector and other appropriate authorities at the port of entry into the United States.

This regulation shall become effective immediately upon its publication in the FEDERAL REGISTER.

Issued: December 18, 1952.

RUSSELL L. RILEY,
Director, Educational Exchange Service.

[F. R. Doc. 52–13614; Filed, Dec. 29, 1952; 8:46 a. m.]

[Departmental Reg. 108.171]

PART 103—FINANCE AND ACCOUNTING

FEE STAMPS

Pursuant to the authority vested in me by section 302 of the Foreign Service Act of 1946 (60 Stat. 1001; 22 U. S. C. 842) and in accordance with section 1135 of the Foreign Service Act of 1946 (60 Stat. 1040), the first sentence of § 103.5 (a) is hereby amended by the substitution of the words "Every Chief of the Consular Section of an office, or other official legally designated to act in that capacity" for "Every officer in charge of an office."

(R. S. 161; 5 U. S. C. 22)

This amendment shall be effective on the date of its publication in the FEDERAL REGISTER.

Issued: December 14, 1952.

For the Secretary of State.

CARLISLE H. HUMELSINE,
Deputy Under Secretary for Administration.

[F. R. Doc. 52–13615; Filed, Dec. 29, 1952; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Regs. 111; T. D. 5965]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

STANDARD DEDUCTION

On October 29, 1952, notice of proposed rule making, regarding amendments to the income tax regulations made necessary by section 308 of the Revenue Act of 1951, approved October 20, 1951, was published in the FEDERAL REGISTER (17 F. R. 9744). No objection to the rules proposed having been received, the amendments to Regulations 111 (26 CFR, Part 29) set forth below are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 29.23 (aa)–1 the following:

SEC. 308. STANDARD DEDUCTION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Method of election.* Subparagraphs (A) and (B) of section 23 (aa) (3) (relating to optional standard deduction for individuals) are hereby amended by striking out the word "only"; and subparagraph (C) of section 23 (aa) (3) is hereby amended to read as follows:

(C) If the taxpayer upon making his return fails to signify, in the manner provided by subparagraph (A) or (B), his election to take the standard deduction, such failure shall be considered his election not to take the standard deduction.

(b) *Change of election.* Section 23 (aa) is hereby amended by adding at the end thereof the following new paragraph:

(7) *Change of election.* Under regulations prescribed by the Secretary, a change of an election to take, or not to take, the standard deduction for any taxable year may be made after the filing of the return for such year. If the spouse of the taxpayer filed a separate return for any taxable year corresponding, for the purposes of paragraph (4), to the taxable year of the taxpayer, the change shall not be allowed unless, in accordance with such regulations—

(A) The spouse makes a change of election with respect to the standard deduction for the taxable year covered in such separate return, consistent with the change of election sought by the taxpayer, and

(B) The taxpayer and his spouse consent in writing to the assessment, within such period as may be agreed upon with the Secretary, of any deficiency, to the extent attributable to such change of election, even though at the time of the filing of such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

This paragraph shall not apply if the tax liability of the taxpayer's spouse, for the taxable year corresponding (for the purposes of paragraph (4)) to the taxable year of the taxpayer, has been compromised under the provisions of section 3761.

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1949.

PAR. 2. Section 29.23 (aa)–1, as amended by Treasury Decision 5687, approved February 16, 1949, is hereby amended as follows:

(A) By striking out the word "only" in the first sentence of paragraph (b) (1) thereof.

(B) By striking out the fourth sentence of paragraph (b) (1) thereof.

(C) By striking out the word "irrevocable" in paragraph (b) (1) (i) thereof.

(D) By striking out the word "irrevocably" in paragraph (b) (1) (ii) thereof.

(E) By striking out the word "only" in the first sentence of paragraph (b) (2) thereof.

(F) By adding at the end thereof the following paragraph (d):

(d) *Change of election to take, or not to take, the standard deduction.* (1) With respect to taxable years beginning before January 1, 1950, the election to take, or not to take, the standard deduction for any taxable year shall be irrevocable after the time prescribed for filing the return for the taxable year. With respect to taxable years beginning after December 31, 1949, a change of the election to take, or not to take, the standard deduction for any taxable year may be made before or after the time prescribed for filing the return for the taxable year. However, the period of time prescribed in section 322 within which claim for credit or refund of tax must be made is not extended by the right to effect a change of election. (See § 29.322–7.)

(2) If the spouse of the taxpayer filed a separate return for any taxable year that corresponds, for the purpose of section 23 (aa) (4) (see paragraph (c) of this section), to the taxable year of the taxpayer, a change of election may not be made by the taxpayer unless (i) the spouse makes a change of election in such separate return with respect to the standard deduction consistent with the change of election sought by the taxpayer, and (ii) the taxpayer and his

spouse file a consent in writing to the assessment, within such period of time as may be agreed upon, of any deficiency of either to the extent attributable to such change of election even though at the time of the filing of such consent the assessment of such deficiency would otherwise be prevented by the operation of any law or rule of law.

(3) A change of election for any taxable year shall not be permitted if the tax liability of the taxpayer for the taxable year, or of the taxpayer's spouse for the taxable year corresponding, for the purpose of section 23 (aa) (4) (see paragraph (c) of this section), to the taxable year of the taxpayer, has been compromised under the provisions of section 3761.

PAR. 3. Section 29.402–1, as amended by Treasury Decision 5687, approved February 16, 1949, is hereby amended by changing the second paragraph (b) thereof to read as follows:

With respect to taxable years beginning before January 1, 1950, an election under Supplement T once made for the taxable year may not be revoked by an amended return or otherwise, but a new election is allowed for each subsequent taxable year; and, if for any taxable year the taxpayer makes a return without regard to Supplement T, he may not thereafter elect to have his tax computed under such supplement for that taxable year. With respect to taxable years beginning after December 31, 1949, an election under Supplement T, or the making of a return without regard to Supplement T, for any taxable year may be changed under the same circumstances that an election to take, or not to take, the standard deduction may be changed (see § 29.23 (aa)–1 (d)).

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 22, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13644; Filed, Dec. 29, 1952; 8:52 a. m.]

[Regs. 130; T. D. 5966]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

BASE PERIOD CATASTROPHE

On November 6, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 9988) to conform Regulations 130 (26 CFR, Part 40) to section 517 of the Revenue Act of 1951, approved October 20, 1951. No objections to the rules proposed having been received within the thirty days following such publication, such regulations are amended by inserting immediately after § 40.458–8 the following:

SEC. 517. BASE PERIOD CATASTROPHE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 459, as added by section 516 of this Act, is hereby amended by adding after subsection (a) thereof the following new subsection:

(b) *Base period catastrophe*—(1) *Eligibility requirements.* A taxpayer shall be entitled to the benefits of this subsection only if it was engaged throughout its base period primarily in manufacturing and if—

(A) The taxpayer suffered during the last thirty-six months of its base period a catastrophe by fire, storm, explosion, or other casualty which destroyed or rendered inoperative a production facility constituting a complete plant or plants having in the hands of the taxpayer immediately prior to the catastrophe an adjusted basis equal to 15 per centum or more of the adjusted basis of all the taxpayer's production facilities at such time;

(B) As a result of such catastrophe the taxpayer's normal production or operation was substantially interrupted for a period of more than twelve consecutive months; and

(C) The taxpayer, prior to the end of its base period, replaced such production facility with a production facility which at the end of its base period had in its hands an adjusted basis not less than the adjusted basis immediately prior to the catastrophe of the production facility destroyed or rendered inoperative.

(2) *Computation.* The taxpayer's base period net income determined under this subsection shall be the amount computed under subparagraph (A) or the amount computed under subparagraph (B), whichever results in the lesser tax under this subchapter for the taxable year for which the tax is being computed:

(A) The amount computed under section 435 (d) by substituting for the excess profits net income for each month in the taxable year in which the catastrophe described in paragraph (1) occurred an amount equal to the aggregate, divided by the number of months in the base period preceding such taxable year, of the excess profits net income for each month (computed under section 435 (d) (1)) in the base period preceding such taxable year. The average base period net income computed under this subparagraph shall, for the purpose of section 435 (a) (1) (B), be considered an average base period net income determined under section 435 (d).

(B) The amount computed under section 435 (e) (2) (G) (i) and (ii).

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title (including sec. 517) shall be applicable only with respect to taxable years ending after June 30, 1950.

§ 40.459 (b)–1 *Base period catastrophe*—(a) *In general.* A corporation which was engaged throughout its base period primarily in manufacturing, which suffered a catastrophe by fire, storm, explosion, or other casualty during the last 36 months of its base period, and which satisfies all the requirements provided in subparagraphs (A), (B), and (C) of section 459 (b) (1) may compute its average base period net income, for the purpose of computing its excess profits tax for any taxable year ending after June 30, 1950, under the provisions of section 459 (b) (2) and of paragraph (b) of this section instead of under any other applicable provisions of the Code and regulations.

(b) *Computation of average base period net income under section 459 (b).* If a taxpayer may compute its average base period net income under section 459 (b), its average base period net income as computed under section 459 (b) (2) shall be whichever of the following two amounts results in the lesser excess profits tax for the taxable year for which such tax is being computed:

(1) The amount computed under section 435 (d) and § 40.435–1 (d) determined by substituting for the excess profits net income for each month in the taxable year in which the catastrophe described in section 459 (b) (1) occurred an amount equal to the aggregate of the excess profits net income for each month (computed under section 435 (d) (1) and § 40.435–1 (d) (1)) in the base period preceding such taxable year divided by the number of months in the base period preceding such taxable year.

(2) The amount computed under section 435 (e) (2) (G) (i) and (ii) and under § 40.435–5 (a) (7) (i) and (ii) and (b).

An average base period net income computed under section 459 (b) (2) (A) and under subparagraph (1) of this paragraph shall be considered, for the purpose of section 435 (a) (1) (B), to be an average base period net income determined under section 435 (d). If the average base period net income is computed under section 459 (b) (2) (A) and under subparagraph (1) of this paragraph for the purpose of determining the excess profits tax for any taxable year, the base period capital addition, provided in section 435 (f), will be allowed in computing the excess profits tax for such taxable year. If, in determining the excess profits tax for any taxable year, the average base period net income is computed under section 459 (b) (2) (B) and under subparagraph (2) of this paragraph, however, the base period capital addition will not be allowed in computing the excess profits tax for such taxable year since such average base period net income is not considered to be an average base period net income computed under either section 435 (d) or under section 442. The amount computed under section 459 (b) (2) (A) and subparagraph (1) of this paragraph or the amount computed under section 459 (b) (2) (B) and subparagraph (2) of this paragraph, depending on which results in the lesser excess profits tax for the taxable year, is to be the average base period net income computed under section 459 (b).

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 22, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13645; Filed Dec. 29, 1952; 8:52 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[Regs. 31]

PART 199—REMOVALS OF ALCOHOLIC LIQUORS, TOBACCO PRODUCTS AND OTHER ARTICLES OF DOMESTIC MANUFACTURE TO FOREIGN-TRADE ZONES

1. On June 10, 1952, a notice of proposed rule-making was published in the FEDERAL REGISTER (17 F. R. 5226) under

Part 199, "Removals of Alcoholic Liquors, Tobacco Products and Other Articles of Domestic Manufacture to Foreign-Trade Zones," to give effect to Public Law 566, 81st Congress which amended section 3 of the act of June 18, 1934 (48 Stat. 999; 19 U. S. C. 81c), relating to foreign-trade zones, to provide that articles which have been taken into a foreign-trade zone from customs (domestic) territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be considered to be exported for the purpose of (a) the draw-back, warehousing and bonding, or any other provisions of the Tariff Act of 1930, as amended, and the regulations thereunder; and (b) the statutes and bonds exacted for the payment of drawback, refund, or exemption from liability for internal revenue taxes and for the purposes of the internal revenue laws generally and the regulations thereunder. After consideration of all such relevant material as was presented by interested persons regarding the proposal, the following regulations are hereby adopted:

SUBPART A—SCOPE OF REGULATIONS

Sec.
199.1 Removal of alcoholic liquors and other articles to foreign-trade zones.
199.2 Export status.

SUBPART B—DEFINITIONS

199.5 Meaning of terms.
199.6 Alcohol.
199.7 Articles.
199.8 Assistant District Commissioner.
199.9 Collector of Customs.
199.10 Commissioner.
199.11 Director.
199.12 Distilled spirits or spirits.
199.13 District Commissioner.
199.14 Fermented liquor or beer.
199.15 Foreign-trade zone or zone.
199.16 Gallon.
199.17 Including.
199.18 Inclusive language.
199.19 I. R. C.
199.20 Liquor.
199.21 Person, proprietor, or warehouseman.
199.22 Proof.
199.23 Proof gallon.
199.24 Regulations.
199.25 Specially denatured alcohol.
199.26 Specially denatured rum.
199.27 U. S. C.
199.28 Wine.
199.29 Zone Operator.

SUBPART C—WITHDRAWAL OF ALCOHOL, SPECIALLY DENATURED ALCOHOL AND SPECIALLY DENATURED RUM FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

UNDENATURED ETHYL ALCOHOL

199.35 General.
199.36 Application and entry.
199.37 Transportation bonds.
199.38 Gauging of alcohol.
199.39 Approval of application and issuance of permit.
199.40 Export stamps.
199.41 Marking and stamping containers.
199.42 Release of alcohol.
199.43 Delivery to zone.
199.44 Disposition of forms.
199.45 Deposit in foreign-trade zone.
199.46 Loss of alcohol in transit.
199.47 Notice to exporter.
199.48 Filing of claims.
199.49 Action by Assistant District Commissioner.
199.50 Action by Commissioner.
199.51 Release of detained alcohol.

SPECIALLY DENATURED ALCOHOL

199.52 General.
199.53 Application and entry.
199.54 Consent of surety.
199.55 Approval of application and issuance of permit.
199.56 Marking of containers.
199.57 Shipment from a denaturing plant.
199.58 Shipment from a bonded dealer's premises.
199.59 Delivery to zone.
199.60 Disposition of forms.
199.61 Deposit in foreign-trade zone.
199.62 Loss of specially denatured alcohol in transit.

SPECIALLY DENATURED RUM

199.63 General.
199.64 Application and entry.
199.65 Consent of surety.
199.66 Approval of application and issuance of permit.
199.67 Marking of containers.
199.68 Release of specially denatured rum.
199.69 Delivery to zone.
199.70 Disposition of forms.
199.71 Deposit in foreign-trade zone.
199.72 Loss of specially denatured rum in transit.

SUBPART D—WITHDRAWAL OF DISTILLED SPIRITS FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

199.100 General.
199.101 Application and entry.
199.102 Transportation bonds.
199.103 Tank cars and tank trucks of distilled spirits.
199.104 Distiller's original packages and packages filled from distiller's original packages.
199.105 Wooden packages containing metallic cans.
199.106 Bottled spirits.
199.107 Approval of application and issuance of permit.
199.108 Export stamps.
199.109 Marking and stamping containers.
199.110 Release of spirits.
199.111 Delivery to zone.
199.112 Disposition of forms.
199.113 Deposit in foreign-trade zone.

LOSSES OF DISTILLED SPIRITS IN TRANSIT

199.114 Taxable losses.
199.115 Insurance coverage.
199.116 Notice to exporter.
199.117 Filing of claims.
199.118 Action by Assistant District Commissioner.
199.119 Action by Commissioner.
199.120 Release of detained spirits.

SUBPART E—WITHDRAWAL OF WINES FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

199.150 General.
199.151 Application and entry.
199.152 Transportation bonds.
199.153 Approval of application and issuance of permit.
199.154 Marking containers.
199.155 Delivery to zone.
199.156 Deposit in foreign-trade zone.
199.157 Action by Assistant District Commissioner.
199.158 Release of detained wines.

SUBPART F—REMOVAL OF FERMENTED LIQUOR FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

199.175 General.
199.176 Application and entry.
199.177 Transportation bonds.
199.178 Approval of application and issuance of permit.
199.179 Marking of containers.
199.180 Delivery to zone.
199.181 Deposit in foreign-trade zone.
199.182 Losses in transit.
199.183 Release of detained fermented liquor.

SUBPART G—WITHDRAWAL OF LIQUORS AND ARTICLES WITH BENEFIT OF DRAWBACK FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

ARTICLES MANUFACTURED IN PART FROM TAXPAID DOMESTIC ALCOHOL

199.200 General.
199.201 Regulations made applicable.

BOTTLED OR PACKAGED DISTILLED SPIRITS AND WINES

199.202 General.
199.203 Claim and entry.
199.204 Marking of containers.
199.205 Approval of application and release of liquors.
199.206 Deposit in zone.
199.207 Action on claim.

DISTILLERS' ORIGINAL PACKAGES

199.208 General.
199.209 Application and entry.
199.210 Deposit in zone.
199.211 Action on claim.

SUBPART H—VOLUNTARY DESTRUCTION OF DISTILLED SPIRITS, WINES, OR FERMENTED MALT LIQUORS AFTER RECEIPT IN A FOREIGN-TRADE ZONE

199.225 General.
199.226 Application.
199.227 Procurement of samples.
199.228 Analysis of samples.
199.229 Action by Assistant District Commissioner.
199.230 Action by Commissioner.
199.231 Action by Collector of Customs.

SUBPART I—REMOVAL OF STILLS OR DISTILLING APPARATUS FOR DEPOSIT IN A FOREIGN-TRADE ZONE FOR EXPORTATION, DESTRUCTION, OR STORAGE PENDING EXPORTATION

REMOVALS FREE OF TAX

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AUTHORITY: §§ 199.1 to 199.436 issued under sec. 3, 48 Stat. 999, as amended, 53 Stat. 375, 467; 19 U. S. C. 81c, 26 U. S. C. 3176, 3791. Statutes interpreted or applied are cited to text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 199.1 *Removal of alcoholic liquors and other articles to foreign-trade zones.* Pursuant to the provisions of an act to amend section 3 of the act of June 18, 1934, relating to the establishment of foreign-trade zones (Public Law 566—81st Congress), liquors and other articles of domestic manufacture, as defined in this part, may be removed to foreign-trade zones for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented liquors), or storage pending exportation. This part, "Regulations 31, Removals of Alcoholic Liquors, Tobacco Products, and Other Articles of Domestic Manufacture to Foreign-Trade Zones", contains the procedural and substantive requirements governing the removal to and deposit in foreign-trade zones of articles for such purposes. In addition to the permit required by this part for the transportation of an article to a zone, Customs Regulations (19 CFR Part 30) require the exporter to obtain from the proper Collector of Customs authorization on Zone Form D for the entry of articles so transferred into a zone. When any person desires to remove to a foreign-trade zone, for exportation, destruction or storage pending exportation, any article of domestic manufacture not defined in this part, which is subject to an excise tax administered by the Bureau of Internal Revenue, the applicable procedural and substantive requirements of the regulations governing the exportation of such article shall govern its removal to a foreign-trade zone.

§ 199.2 *Export status.* Liquors and other articles of domestic manufacture deposited in a foreign-trade zone under this part shall be considered to be exported for the purpose of the statutes and bonds exacted for the payment of drawback, refund, or exemption from liability for internal revenue taxes and for the purposes of the internal revenue laws generally and the regulations thereunder. Export status is not acquired until application on Zone Form D for admission of the liquors or other articles into the zone has been approved by the Collector of Customs and he has certified on Form 550–F, 1582, 1582–A, 1610, 1629, 1690 or 1701, as the case may be, to the deposit of the articles in the zone.

SUBPART B—DEFINITIONS

§ 199.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 199.6 *Alcohol.* "Alcohol" shall mean spirits produced at industrial alcohol plants established and operated under sections 3100 to 3124 of the Internal Revenue Code (26 U. S. C. 3100–3124).

§ 199.7 *Articles.* "Articles" shall include liquors as defined in this subpart; flavoring extracts, medicinal or toilet preparations made with taxpaid alcohol; stills, worms and condensers; tobacco and tobacco products; and playing cards.

§ 199.8 *Assistant District Commissioner.* "Assistant District Commissioner" shall mean the Assistant District Commissioner, Alcohol and Tobacco Tax.[1]

§ 199.9 *Collector of Customs.* "Collector of Customs" shall mean the Collector of Customs of the district in which the foreign-trade zone is located.

§ 199.10 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 199.11 *Director.* "Director" shall mean the Director of Internal Revenue.[2]

§ 199.12 *Distilled spirits or spirits.* "Distilled spirits" or "spirits" shall mean that substance produced by the distillation of fermented grain, molasses, fruit, or other materials, commonly known as spirits, whisky, brandy, rum, gin, etc., but shall not include alcohol.

[1] Pursuant to Reorganization Plan No. 1 of 1952 (17 F. R. 2243) the office of District Supervisor has been abolished and the office of Assistant District Commissioner, Alcohol and Tobacco Tax, created in place thereof.

[2] Pursuant to Reorganization Plan No. 1 of 1952 (17 F. R. 2243) the office of Collector of Internal Revenue has been abolished and the office of Director of Internal Revenue created in place thereof.

§ 199.13 *District Commissioner.* "District Commissioner" shall mean the District Commissioner of Internal Revenue.

§ 199.14 *Fermented liquor or beer.* "Fermented liquor" or "beer" shall mean all kinds and types of liquors produced by the fermentation of malt, wholly or in part, or from any substitute therefor.

§ 199.15 *Foreign-trade zone or zone.* "Foreign-trade zone" or "zone" shall mean a foreign-trade zone established and operated pursuant to the act of June 18, 1934, as amended by Public Law 566, 81st Congress.

(48 Stat. 998–1003, as amended; 19 U. S. C. 81a–81u)

§ 199.16 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 199.17 *Including.* The word "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 199.18 *Inclusive language.* Words in the plural shall include the singular, and vice versa, and words in the masculine gender shall include females, associations, copartnerships, and corporations.

§ 199.19 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 199.20 *Liquor.* "Liquor" shall mean alcohol, specially denatured alcohol or specially denatured rum, distilled spirits, fermented liquor, and wine: *Provided*, That for the purposes of bonds, Forms 1702 and 1703, "Liquor" shall mean alcohol, distilled spirits, fermented liquors and wines.

§ 199.21 *Person, proprietor, or warehouseman.* "Person," "proprietor," or "warehouseman" shall include natural persons, associations, copartnerships, and corporations.

§ 199.22 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 199.23 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

§ 199.24 *Regulations.* "Regulations" shall mean the regulations issued by U. S. Treasury Department, Bureau of Internal Revenue, except as otherwise specified in this part.

§ 199.25 *Specially denatured alcohol.* "Specially denatured alcohol" shall mean alcohol denatured in accordance with the formulas prescribed in the Appendix to Regulations 3 (Part 182 of this chapter).

§ 199.26 *Specially denatured rum.* "Specially denatured rum" shall mean rum denatured in accordance with the provisions of Regulations 16 (Part 187 of this chapter).

§ 199.27 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 199.28 *Wine.* "Wine" when used without qualification, includes all still wines, champagne and other sparkling wines, artifically carbonated wine, retsina wine, and vermouth or other aperitif wines produced on bonded winery premises.

§ 199.29 *Zone Operator.* "Zone Operator" shall mean the person to which the privilege of establishing, operating and maintaining a foreign-trade zone has been granted by the Foreign-Trade Zones Board created by the Act of June 18, 1934, as amended by Public Law 566, 81st Congress.

(48 Stat. 998–1003, as amended; 19 U. S. C. 81a–81u)

SUBPART C—WITHDRAWAL OF ALCOHOL, SPECIALLY DENATURED ALCOHOL AND SPECIALLY DENATURED RUM FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

UNDENATURED ETHYL ALCOHOL

§ 199.35 *General.* Alcohol may be withdrawn, without payment of tax, from an industrial alcohol plant or bonded warehouse established and operated under the provisions of Regulations 3 (Part 182 of this chapter), for transportation to and deposit in a foreign-trade zone for exportation or for storage therein pending exportation, in accordance with the fourth proviso to section 3 of the act of June 18, 1934, as amended.[1] Such withdrawals may be made from industrial alcohol plants or bonded warehouses in drums or barrels of any desired capacity; in tin, glass, or similar containers, completely encased in wood, fiber board, or other approved material; in metal containers of not less than 24 gauge, or of similar strength, having a capacity of not more than 10 gallons; in railroad tank cars; and in tank trucks. Alcohol may also be withdrawn from bonded warehouses in bottles or cases of any desired size. The withdrawal, transportation to and deposit in the foreign-trade zone and the accounting for any losses in transit shall be in accordance with this subpart and Subpart J. Except as otherwise provided in this subpart, the packaging, bottling, casing, marking, stamping, and reporting of alcohol prior to withdrawal shall be in accordance with the applicable provisions of Regulations 3, governing the exportation of alcohol.

(53 Stat. 336, 358; 26 U. S. C. 2885, 3105)

§ 199.36 *Application and entry.* Whenever an exporter desires to remove alcohol from an industrial alcohol plant or bonded warehouse for transportation to and deposit in a foreign-trade zone for exportation, he shall make application on Form 1701, in quintuplicate, to the Assistant District Commissioner of the district in which such plant or warehouse is located. Where the exporter is a person other than the proprietor of the premises from which the withdrawal is to be made, Form 1701 shall be delivered to the proprietor, for transmittal to such Assistant District Commissioner. Each application on Form 1701 will be given a serial number by the applicant, beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. All of the information called for by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part, shall be furnished. The method of conveyance and the name of the carrier or carriers shall be shown whenever possible. If the alcohol is shipped on a through bill of lading and all the carriers handling the alcohol while in transit are not known, the name of the carrier to whom the alcohol is to be delivered at the shippling plant or warehouse must be shown. Where Form 1701 is signed by an agent, proper power of attorney on Form 1534, authorizing the agent to execute the form for the exporter, must be filed in triplicate with the Assistant District Commissioner.

(53 Stat. 336, 358; 26 U. S. C. 2885, 3105)

§ 199.37 *Transportation bonds.* The exporter shall file a bond with the Assistant District Commissioner of the district in which the industrial alcohol plant or bonded warehouse is located, to cover the transportation of the alcohol from the industrial alcohol plant or bonded warehouse to the foreign-trade zone. If a bond is given only for a specific lot of alcohol to be withdrawn, the bond shall be executed on Form 1702, in triplicate. The penal sum of such bond shall be not less than the tax at the distilled spirits rate on the quantity of alcohol to be withdrawn: *Provided*, That the maximum penal sum of such bond shall not exceed $200,000. If alcohol is to be withdrawn from time to time for transfer to a foreign-trade zone, a continuing bond on Form 1703 may be executed, in triplicate: *Provided*, That if the exporter has on file a bond on Form 1495 or Form 1496, as the case may be, he may file a consent of surety on Form 1533 extending the terms of such bond to cover the tax on all alcohol withdrawn for transportation to and deposit in a zone. The penal sum of the bond on Form 1703 or on the bond Form 1495 or 1496, as the case may be, on which the consent has been filed, shall be sufficient to cover the tax at the distilled spirits rate on the maximum quantity of alcohol to be withdrawn and that may remain unaccounted for at any time: *Provided*, That the penal sum of such bonds shall not exceed $200,000, but in no case shall be less than $1,000. Bonds and consents of surety shall be executed and approved in accordance with Subpart J and the instructions printed on the form.

(53 Stat. 336, 358, 359; 26 U. S. C. 2885, 3105, 3108)

§ 199.38 *Gauging of alcohol.* The proprietor, after determining the exact quantity in each container to be transferred and deposited in the foreign-trade zone, shall prepare Form 1440, in quintuplicate. One copy of Form 1440 will be attached to each copy of Form 1701.

(53 Stat. 307, 358; 26 U. S. C. 2808, 3105)

§ 199.39 *Approval of application and issuance of permit.* The proprietor of the industrial alcohol plant or bonded warehouse shall forward to the Assistant District Commissioner all copies of Form 1701, with Form 1440 attached. If the bond, Form 1702 or Form 1703, has been approved and is in a sufficient penal sum, or if a consent of surety, Form 1533, extending the terms of a bond on Form 1495 or Form 1496, in sufficient penal sum, has been approved, and if the exporter has complied with the law and the regulations in this part in all respects, the Assistant District Commissioner will issue permit on all copies of Form 1701 for removal and transportation of the alcohol to the zone and will return Form 1701, with Form 1440 attached, to the proprietor: *Provided*, That if the exporter is not the proprietor, the Assistant District Commissioner will issue the permit only where he finds that the exporter is entitled to a permit under section 3114, I. R. C., and the provisions of Regulations 3 (Part 182 of this chapter).

(53 Stat. 336, 358, 359, 373, as amended; 26 U. S. C. 2885, 3105, 3108, 3170)

§ 199.40 *Export stamps.* Every package of alcohol, including tank cars, tank trucks, and cases of bottled alcohol, intended for transfer to a foreign-trade zone must have an export stamp affixed thereto at the time of its removal from the industrial alcohol plant or bonded warehouse. Upon receipt of the Assistant District Commissioner's permit for removal and transportation executed on Form 1701 with attached Form 1440, the proprietor will forward all copies together with remittance for the necessary number of export stamps to the Director of Internal Revenue. The Director will issue the export stamps, enter the kind and serial numbers of the stamps on all copies of Form 1440, retain one copy of each form and return the remaining four copies of each form with the export stamps to the proprietor. The proprietor will deliver the export stamps and Forms 1701, with the attached Forms 1440, to the storekeeper-gauger, who will verify the data on the stamps and affix his signature, or facsimile thereof, enter

[1] * * * *Provided further*, That under the rules and regulations of the controlling Federal agencies, articles which have been taken into a zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be considered to be exported for the purpose of—

(a) The draw-back, warehousing, and bonding, or any other provisions of the Tariff Act of 1930, as amended, and the regulations thereunder; and

(b) The statutes and bonds exacted for the payment of draw-back, refund, or exemption from liability for internal revenue taxes and for the purposes of the internal revenue laws generally and the regulations thereunder.

Such a transfer may also be considered an exportation for the purposes of other Federal laws insofar as Federal agencies charged with the enforcement of those laws deem it advisable. Such articles may not be returned to customs territory for domestic consumption except where the Foreign-Trade Zones Board deems such return to be in the public interest, in which event the articles shall be subject to the provisions of paragraph 1615 (f) of the Tariff Act of 1930, as amended: * * *. (Sec. 1, Pub. Law No. 566, 81st Cong.)

the serial numbers of the stamps on Forms 1701, and return the stamps to the proprietor.

(53 Stat. 336, 358; 26 U. S. C. 2885, 3105)

§ 199.41 *Marking and stamping containers.* The containers will be marked and stamped in accordance with the provisions of Regulations 3 (Part 182 of this chapter) for containers of alcohol withdrawn for exportation, except that the words, "For Export" will be followed by "via F. T. Z. No. ------," in lieu of the names of the ports and the export permit number.

(53 Stat. 336, 358; 26 U. S. C. 2885, 3105)

§ 199.42 *Release of alcohol.* After the containers have been properly marked and stamped and, in the case of tank cars or tank trucks, sealed with Government cap seals, the storekeeper-gauger will, after the proprietor has noted the serial numbers of the cap seals, if any, on Form 1440, approve the proprietor's application on such form to withdraw the containers and will release the alcohol for shipment to the foreign-trade zone named in the application, Form 1701. Upon removal of the alcohol the storekeeper-gauger will execute the report of removal on Form 1701.

§ 199.43 *Delivery to zone.* Alcohol may be delivered directly to a zone by the exporter in vehicles owned or controlled by him, or to a carrier holding permit under Regulations 3 (Part 182 of this chapter) to transport tax-free alcohol, for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, the proprietor shall procure a copy of the bill of lading, if any, covering such transportation and deliver it to the storekeeper-gauger.

(53 Stat. 336, 358, 360; 26 U. S. C. 2885, 3105, 3114)

§ 199.44 *Disposition of forms.* When the alcohol has been withdrawn, the storekeeper-gauger will forward immediately one copy of the Form 1701, with Form 1440 attached, and a copy of the bill of lading, if any, to the Assistant District Commissioner of the district in which the plant or warehouse is located. He will mail two copies of the forms to the customs officer in charge at the foreign-trade zone, except that in the case of transfers in tank trucks, he will mail one copy of each form to such customs officer and enclose the other copies in a sealed envelope addressed to such customs officer and give the same to the driver of the tank truck for delivery to him. The storekeeper-gauger will deliver the remaining copies of the forms to the proprietor for filing.

(53 Stat. 336, 358; 26 U. S. C. 2885, 3105)

§ 199.45 *Deposit in foreign-trade zone.* Upon receipt at the foreign-trade zone, the containers of alcohol shall be inspected by a customs officer for evidence of loss or tampering. Packages of alcohol, including metal cans enclosed in wooden packages, must be gauged and a report of the gauge made on Form 696, in duplicate. If seals on tank cars or tank trucks are intact and bear the serial numbers shown on Form 1440 to have been affixed at the time of removal, and if there is no evidence of loss or tampering, no gauge of the tank car or tank truck need be made. However, if the seals are not intact or if the original seals (listed on Form 1440) have been replaced, the officer will open the car or truck, gauge the alcohol, and make a report of his gauge on Form 696, in duplicate. Containers bearing evidence of loss may be deposited in the zone, unless the circumstances indicate fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, in which event the Collector of Customs will detain the alcohol and report the facts immediately to the Assistant District Commissioner of the district in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where alcohol is so detained, it shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Forms 1701 and Zone Form D until the detained alcohol will have been released in accordance with § 199.51. Where the inspection or gauge discloses no loss, or where a loss is disclosed by such inspection or gauge and there is no evidence to indicate fraud, the officer shall execute his certificate of inspection on Form 1701, reporting thereon any discrepancy found, giving the serial numbers of the packages or cases, or the railroad tank car number, or the tank truck number and the State license number of the tank truck (if the tank truck is of the trailer type, the license number of the trailer will be shown), the original contents in proof gallons, and the nature and extent of any losses or discrepancies. The officer shall cut out that portion of each of the export stamps extending from the top to the bottom and embracing the entire width between the borders thereof and attach them, together with a copy of Form 696, if any, to one copy of the Form 1701. The officer shall attach the remaining copy of Form 696, if any, to the remaining copy of Form 1701 and shall then forward both copies of Form 1701 with attachments to the Collector of Customs. The Collector of Customs will execute his certificate of deposit on Form 1701 and forward one copy of the form with Forms 1440 and 696, if any, and the cut-out portions of the stamps to the Assistant District Commissioner who approved the permit. The remaining copy of the Form 1701, with attachments, if any, will be retained by the Collector of Customs.

(53 Stat. 336, 358; 26 U. S. C. 2885, 3105)

§ 199.46 *Loss of alcohol in transit.* The tax on alcohol lost by leakage, casualty, or unavoidable cause during shipment or transfer from an industrial alcohol plant or bonded warehouse to a foreign-trade zone may be remitted if satisfactory evidence establishes that such alcohol has not been diverted to any illegal use by the exporter or carrier or other person having legal custody or control thereof or with connivance, collusion, fraud, or negligence on the part of the exporter or carrier or such other person or the employees of any of them: *Provided*, That such allowance shall not be granted if the person claiming same is indemnified against such loss by a valid claim of insurance.

(53 Stat. 336, 358, 360; 26 U. S. C. 2885, 3105, 3113)

§ 199.47 *Notice to exporter.* If, upon examination of Form 1701, and Form 696, if any, received from the Collector of Customs, the Assistant District Commissioner is of the opinion that alcohol reported lost had been diverted to any illegal use, he will advise the exporter by letter (a) of the identity of the containers; (b) of the amount of the loss; (c) of the circumstances indicating diversion; and (d) that filing of proof of loss and claim for remission of tax is required.

(53 Stat. 336, 358, 360; 26 U. S. C. 2885, 3105, 3113)

§ 199.48 *Filing of claims.* When the exporter has received a notice of loss from the Assistant District Commissioner and that the filing of a claim is required, he shall, within 30 days from the date of the notification, submit a claim for remission of the tax on the alcohol lost. Such claim shall be made on letter-size paper, in duplicate, showing the name, address, and capacity of the claimant and setting forth, under oath, the following information:

(a) The serial numbers of the packages or cases, or the railroad tank car number, or the tank truck number and the State license number of the tank truck (if the tank truck is of the trailer type, the license number of the trailer will be shown);

(b) The quantity of alcohol lost from each container and the total quantity of alcohol covered by the claim;

(c) The total amount of tax for which the claim is filed;

(d) The date, penal sum, and form number of the bond under which withdrawal and shipment were made;

(e) The name, registry number and location of the industrial alcohol plant or warehouse from which the alcohol was withdrawn;

(f) The date of the loss, if known, and the cause and nature thereof, together with all of the known facts related thereto;

(g) Whether the alleged loss occurred without any fraud or negligence on the part of the exporter, owner, carrier, or their agents or employees, and whether claim has been made or is contemplated against such persons on account of such loss; and

(h) Whether the alcohol lost is covered by valid claim of insurance in excess of the market value thereof, exclusive of the tax.

If the alcohol is insured, the statement will show the market value of the alcohol per proof gallon, the amount and date of each and every policy of insurance, the name and location of the company by which each and every policy was issued, the name and address of the bona fide owner of the alcohol and, to the best of the affiant's knowledge, whether any other person or party is indemnified against the payment of the tax sought to be remitted. The Assistant District Commissioner or the Commissioner may require such further evidence as is deemed necessary.

(53 Stat. 336, 358, 360; 26 U. S. C. 2885, 3105, 3113)

§ 199.49 *Action by Assistant District Commissioner.* Where large losses in transit are reported, the Assistant District Commissioner will cause immediate investigation to be made. When a claim for remission of tax is received, the Assistant District Commissioner will carefully examine it to see that the required information has been furnished and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of the claim investigation, the Assistant District Commissioner will forward one copy of the claim and related papers to the Commissioner with his recommendation as to the merits of the claim. In the event the exporter does not file proof of loss and claim for remission of tax, as provided in this subpart, the Assistant District Commissioner will report the tax for assessment in accordance with the prescribed procedure. Assistant District Commissioners will keep an account with each bond in accordance with Subpart J.

(53 Stat. 336, 358, 360, 360; 26 U. S. C. 2885, 3105, 3112, 3113)

§ 199.50 *Action by Commissioner.* If the Commissioner finds that there has been a diversion of alcohol to any illegal use by the exporter or carrier or other person having legal custody or control thereof, or with connivance, collusion, fraud, or negligence on the part of the exporter or carrier or such other person or the employees of any of them, the tax on the alcohol diverted will be assessed or liability asserted against the bond covering the shipment, as the case may be, and the remainder, if any, of the alcohol will be subject to seizure and forfeiture.

(53 Stat. 336, 358, 360, 360; 26 U. S. C. 2885, 3105, 3112, 3113)

§ 199.51 *Release of detained alcohol.* When alcohol has been detained at a foreign-trade zone pending investigation and determination of fraud in accordance with § 199.45, the Collector of Customs shall not release such alcohol for deposit until he is advised so to do by the Assistant District Commissioner.

(53 Stat. 336, 358; 26 U. S. C. 2885, 3105)

SPECIALLY DENATURED ALCOHOL

§ 199.52 *General.* Specially denatured alcohol may be withdrawn, free of tax, from denaturing plants and premises of bonded dealers established and operated under the provisions of Regulations 3 (Part 182 of this chapter) for transportation to and deposit in a foreign-trade zone for exporation or for storage therein pending exportation, in accordance with the fourth proviso to section 3 of the act of June 18, 1934, as amended.[1] Such withdrawals may be made in the containers specified in § 199.35. The withdrawal, transportation to and deposit in the foreign-trade zone, and the accounting for any losses, shall be in accordance with this subpart and Subpart J. Except as otherwise provided in this subpart, the packaging, marking and reporting of specially denatured alcohol prior to withdrawal, shall be in accordance with the applicable provisions of Regulations 3 governing the exportation of specially denatured alcohol.

(53 Stat. 359; 26 U. S. C. 3109)

§ 199.53 *Application and entry.* Whenever a denaturer or bonded dealer desires to withdraw specially denatured alcohol for transportation to and deposit in a foreign-trade zone for exportation, he shall make application on Form 1701 to the Assistant District Commissioner of the district in which the denaturing plant or bonded dealer is located, in accordance with the applicable provisions of § 199.36 covering the withdrawal of alcohol, except that an original and three copies will be prepared instead of an original and four copies.

(53 Stat. 359; 26 U. S. C. 3109)

§ 199.54 *Consent of surety.* The denaturer or bonded dealer must file a consent of surety, Form 1533, in triplicate, extending the terms of his bond, Form 1432–A or Form 1475, as the case may be, which consent shall contain the undertaking that—

The obligors hereby agree to extend the terms of said bond to cover all liability that may be incurred by the principal on all specially denatured alcohol withdrawn by him for transportation to and deposit in a foreign-trade zone for which satisfactory evidence of deposit therein is not submitted to the Assistant District Commissioner.

Consents of surety shall be executed and approved in accordance with Subpart J and the instructions printed on the form.

(53 Stat. 359; 26 U. S. C. 3109)

§ 199.55 *Approval of application and issuance of permit.* The denaturer or bonded dealer shall forward all copies of Form 1701 to the Assistant District Commissioner. If the consent of surety, Form 1533, extending the terms of the bond, Form 1432–A or Form 1475, has been approved and the bond is in a sufficient penal sum, the Assistant District Commissioner, shall issue permit on Form 1701 for removal and transportation of the specially denatured alcohol to the zone, and shall return all copies of Form 1701 to the applicant.

(53 Stat. 359; 26 U. S. C. 3109)

§ 199.56 *Marking of containers.* The containers will be marked in accordance with the provisions of Regulations 3 (Part 182 of this chapter) for containers of specially denatured alcohol withdrawn for exportation, except that the words "For Export" will be followed by "via F. T. Z. No. ------" in lieu of the names of the ports and the export permit number.

(53 Stat. 307, 359; 26 U. S. C. 2808, 3109)

§ 199.57 *Shipment from a denaturing plant.* After the containers have been properly marked and, in the case of tank cars or tank trucks, sealed with Government cap seals, the storekeeper-gauger will, after the proprietor has noted the serial numbers of the cap seals, if any, on Form 1701, release the specially denatured alcohol for shipment to the foreign-trade zone named in the application. Upon removal of the specially denatured alcohol, the storekeeper-gauger will execute the report of removal on Form 1701.

(53 Stat. 307, 359; 26 U. S. C. 2808, 3109)

§ 199.58 *Shipment from a bonded dealer's premises.* Upon removal of specially denatured alcohol, the dealer, after marking the containers thereof and sealing openings in the case of tank cars or tank trucks, shall execute the report of removal on all copies of Form 1701. Railroad or other appropriate seals, dissimilar in marking from cap seals used by the Bureau of Internal Revenue, for securing openings in tank cars or tank trucks, shall be furnished and affixed by the carrier or the dealer. The serial numbers of seals so used shall be noted on Form 1701.

(53 Stat. 307, 359; 26 U. S. C. 2808, 3109)

§ 199.59 *Delivery to zone.* Specially denatured alcohol may be delivered directly to a zone by the denaturer or bonded dealer in vehicles owned or controlled by him, or to a carrier, holding permit under Regulations 3 (Part 182 of this chapter) to transport specially denatured alcohol, for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, a copy of the bill of lading, if any, covering such transportation shall be procured by the shipper for attachment to the copy of Form 1701 to be transmitted to the Assistant District Commissioner.

(53 Stat. 359, 360; 26 U. S. C. 3109, 3114)

§ 199.60 *Disposition of forms.* When the specially denatured alcohol has been withdrawn and a copy of the bill of lading, if any, has been furnished the storekeeper-gauger at the denaturing plant, or procured by the bonded dealer, as the case may be, the storekeeper-gauger or the bonded dealer will forward immediately one copy of the Form 1701, and the bill of lading, if any, to the Assistant District Commissioner of the district in which the denaturing plant or bonded dealer is located. He will mail two copies of Form 1701 to the customs officer in charge at the foreign-trade zone, except that in the case of transfers in tank trucks, he will mail one copy to such customs officer and enclose the other copy in a sealed envelope addressed to such customs officer and give the same to the driver of the tank truck for delivery to him. The denaturer or bonded dealer, as the case may be, will retain the remaining copy of Form 1701.

(53 Stat. 359; 26 U. S. C. 3109)

§ 199.61 *Deposit in foreign-trade zone.* Upon receipt at the zone, the specially denatured alcohol shall be inspected by a customs officer, who will determine if it agrees in all respects with the description thereof on Form 1701. The officer will carefully examine the contents of any containers which are broken or tampered with and will report on both copies of Form 1701 any shortage and the apparent cause thereof. If

[1] See footnote on p. 11799.

the inspection discloses evidence of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, the Collector of Customs will detain the specially denatured alcohol and report the facts immediately to the Assistant District Commissioner of the district in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where specially denatured alcohol is so detained, it shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Form 1701 and Zone Form D pertaining to such specially denatured alcohol, until the detained specially denatured alcohol will have been released in accordance with the provisions of § 199.62. Where the inspection discloses no shortage, or where a shortage is disclosed but there is no evidence to indicate fraud, the customs officer will execute his certificate of inspection on Form 1701 and forward both copies thereof to the Collector of Customs, who will execute his certificate of deposit on Form 1701, retain one copy, and forward one copy to the Assistant District Commissioner who approved the permit.

(53 Stat. 359; 26 U. S. C. 3109)

§ 199.62 *Loss of specially denatured alcohol in transit.* Losses of specially denatured alcohol by leakage, casualty, or unavoidable cause during shipment or transfer from a denaturing plant or premises of a bonded dealer to a foreign-trade zone may be allowed, if satisfactory evidence establishes that such specially denatured alcohol has not been diverted to any illegal use by the exporter or carrier or other person having legal custody or control thereof or with connivance, collusion, fraud, or negligence on the part of the exporter or carrier or such other person or the employees of any of them. The investigation of losses, notice to exporter, procedure for filing claims, action by the Assistant District Commissioner, action by the Commissioner, and release of detained specially denatured alcohol shall be in accordance with the procedure prescribed in §§ 199.47 to 199.51, insofar as applicable, governing losses of alcohol.

(53 Stat. 358, 359, 360; 26 U. S. C. 3109, 3111, 3113)

SPECIALLY DENATURED RUM

§ 199.63 *General.* Specially denatured rum may be withdrawn, without payment of tax, from distillery denaturing bonded warehouses established and operated under the provisions of Regulations 16 (Part 187 of this chapter) for deposit in foreign-trade zones for exportation or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the act of June 18, 1934, as amended.[1] Such withdrawals may be made in packages of any desired size, including tank cars. The withdrawal, transportation to and deposit in a foreign-trade zone, and the accounting for any losses, shall be in accordance with this subpart and Subpart J. Except as otherwise provided in this subpart, the packaging, marking, and reporting of specially denatured rum prior to withdrawal, shall be in accordance with the applicable provisions of Regulations 16 governing the exportation of specially denatured rum.

(53 Stat. 355; 26 U. S. C. 3070)

§ 199.64 *Application and entry.* Where the proprietor of a denaturing bonded warehouse desires to withdraw specially denatured rum for transportation to and deposit in a foreign-trade zone for exportation, he shall make application on Form 1701 to the Assistant District Commissioner of the district in which the denaturing bonded warehouse is located, in accordance with the applicable provisions of § 199.36 covering the withdrawal of alcohol, except that an original and three copies will be prepared instead of an original and four copies.

(53 Stat. 355; 26 U. S. C. 3070)

§ 199.65 *Consent of surety.* The proprietor of the denaturing bonded warehouse must file a consent of surety, Form 1533, in triplicate, extending the terms of his bond, Form 572, which consent shall contain the undertaking that—

> The obligors hereby agree to extend the terms of said bond to cover all liability that may be incurred by the principal on all specially denatured rum withdrawn by him for transportation to and deposit in a foreign-trade zone for which satisfactory evidence of deposit therein is not submitted to the Assistant District Commissioner.

Consents of surety shall be executed and approved in accordance with Subpart J and the instructions printed on the form.

(53 Stat. 355; 26 U. S. C. 3070)

§ 199.66 *Approval of application and issuance of permit.* The proprietor shall forward all copies of Form 1701 to the Assistant District Commissioner. If the consent of surety, Form 1533, extending the terms of the bond, Form 572, has been approved and the bond is in a sufficient penal sum, the Assistant District Commissioner shall issue permit on Form 1701 for removal and transportation of the specially denatured rum to the zone, and shall return all copies of Form 1701 to the applicant.

(53 Stat. 355; 26 U. S. C. 3070)

§ 199.67 *Marking of containers.* The containers will be marked in accordance with the provisions of Regulation 16 (Part 187 of this chapter) for containers of specially denatured rum withdrawn for exportation, except that the words "For Export" will be followed by "via F. T. Z. No. _____."

(53 Stat. 307, 355; 26 U. S. C. 2808, 3070)

§ 199.68 *Release of specially denatured rum.* The openings of tank cars used for the transportation of specially denatured rum shall be sealed by the storekeeper-gauger with Government cap seals as soon as such cars are filled. The storekeeper-gauger also shall note the serial numbers of the seals so used on Form 1701. After the containers have been properly marked, and sealed in the case of tank cars, the storekeeper-gauger will release the specially denatured rum for shipment to the foreign-trade zone named in the application. Upon removal of the specially denatured rum, the storekeeper-gauger will execute the report of removal on Form 1701.

(53 Stat. 307, 355; 26 U. S. C. 2808, 3070)

§ 199.69 *Delivery to zone.* Specially denatured rum may be delivered directly to a zone by the proprietor in vehicles owned or controlled by him, or to a carrier holding permit under Regulations 3 (Part 182 of this chapter) to transport specially denatured or tax-free alcohol, for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, he shall procure a copy of the bill of lading, if any, covering such transportation.

(53 Stat. 355; 26 U. S. C. 3070)

§ 199.70 *Disposition of forms.* When the specially denatured rum has been withdrawn and a copy of the bill of lading, if any, has been furnished to the storekeeper-gauger at the denaturing bonded warehouse, the storekeeper-gauger will forward immediately one copy of the Form 1701 and bill of lading, if any, to the Assistant District Commissioner of the district in which the premises are located, and two copies of Form 1701 to the customs officer in charge at the foreign-trade zone. The proprietor will retain the remaining copy of Form 1701 for filing.

(53 Stat. 355; 26 U. S. C. 3070)

§ 199.71 *Deposit in foreign-trade zone.* Upon receipt at the zone, the specially denatured rum shall be inspected by a customs officer who will determine whether it agrees in all respects with the description thereof on Form 1701. The officer will carefully examine the contents of any containers which are broken or tampered with and will report on both copies of Form 1701 any shortage and the apparent cause thereof. If the inspection discloses evidence of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, the Collector of Customs will detain the specially denatured rum and report the facts immediately to the Assistant District Commissioner of the district in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where specially denatured rum is so detained, it shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Form 1701 and Zone Form D pertaining to such specially denatured rum, until the detained specially denatured rum will have been released in accordance with the provisions of § 199.72. Where the inspection discloses no shortage, or where a shortage is disclosed but there is no evidence to indicate fraud, the customs officer will execute his certificate of inspection on Form 1701 and forward both copies thereof to the Collector of Customs who will execute his certificate of deposit on Form 1701, retain one copy, and forward one copy to the Assistant District Commissioner who approved the permit.

(53 Stat. 355; 26 U. S. C. 3070)

[1] See footnote on p. 11799.

§ 199.72 *Loss of specially denatured rum in transit.* Losses of specially denatured rum by leakage, casualty, or unavoidable cause during shipment or transfer from a denaturing bonded warehouse to a foreign-trade zone may be allowed, if satisfactory evidence establishes that such specially denatured rum has not been diverted to any illegal use by the exporter or carrier or other person having legal custody or control thereof or with connivance, collusion, fraud, or negligence on the part of the exporter or carrier or such other person or the employees of any of them. The investigation of losses, notice to exporter, procedure for filing claims, action by Assistant District Commissioner, action by Commissioner, and release of detained specially denatured rum shall be in accordance with the procedure prescribed in §§ 199.47 to 199.51, insofar as applicable, governing losses of alcohol.

(53 Stat. 355, 359, 360; 26 U. S. C. 3070, 3111, 3113)

SUBPART D—WITHDRAWAL OF DISTILLED SPIRITS FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

§ 199.100 *General.* Distilled spirits may be withdrawn, without payment of tax, from a registered distillery, fruit distillery, or an internal revenue bonded warehouse established and operated under the provisions of Regulations 4 (Part 183 of this chapter), Regulations 5 (Part 184 of this chapter), or Regulations 10 (Part 185 of this chapter), respectively, for transportation to and deposit in a foreign-trade zone for exportation or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the act of June 18, 1934, as amended.[1] Distilled spirits may be removed in:

(a) Distiller's original packages including those the contents of which have been reduced in proof to not less than 90°;

(b) New packages filled from distiller's original packages;

(c) Cases containing spirits bottled in bond for export;

(d) Wooden packages each containing two or more metallic cans of a capacity of not less than five gallons each;

(e) Tank cars in the case of spirits of not less than 180° of proof;

(f) Tank cars and tank trucks in the case of distilled spirits of 160° or more of proof, during the effective period (November 7, 1951 to July 10, 1956) of Treasury Decision 5864 (16 F. R. 11295); and

(g) Packages containing brandies blended under the provisions of Regulations 10.

The withdrawal, transportation to and deposit in the foreign-trade zone, and the accounting for any losses in transit shall be in accordance with this subpart and Subpart J. Except as otherwise provided in this subpart, the gauging, packaging, bottling, casing, marking, stamping, and reporting of distilled spirits prior to withdrawal shall be in accordance with the applicable provisions of Regulations 4, 5, and 10 governing the exportation of distilled spirits.

(53 Stat. 333, 336, 339, 344; 26 U. S. C. 2878, 2885, 2888, 2905)

§ 199.101 *Application and entry.* Whenever an exporter desires to remove distilled spirits from a registered distillery, fruit distillery, or an internal revenue bonded warehouse, for transportation to and deposit in a foreign-trade zone for exportation, he shall make application on Form 1701 to the Assistant District Commissioner of the district in which such distillery or warehouse is located, in accordance with the requirements of § 199.36 covering withdrawal of alcohol, except that an original and five copies will be prepared instead of an original and four copies.

(52 Stat. 333, 336, 339, 344; 26 U. S. C. 2878, 2885, 2888, 2905)

§ 199.102 *Transportation bonds.* The exporter shall file a bond with the Assistant District Commissioner of the district in which the registered distillery, fruit distillery, or internal revenue bonded warehouse is located, to cover the transportation of the distilled spirits from such distillery or warehouse to the foreign-trade zone. If a bond is given only for a specific lot of distilled spirits to be withdrawn, the bond shall be executed on Form 1702, in triplicate. The penal sum of such bond shall be not less than the tax at the distilled spirits rate on the quantity of spirits to be withdrawn, and in no case shall be less than $1,000. If distilled spirits are to be withdrawn from time to time for transfer to a foreign-trade zone, a continuing bond on Form 1703 shall be executed, in triplicate: *Provided*, That if the exporter has on file a bond on Form 657 or Form 658, he may file a consent of surety on Form 1533 extending the terms of such bond to cover the tax on all distilled spirits withdrawn for transportation to and deposit in a zone. The penal sum of the bond on Form 1703, or of the bond on Form 657 or Form 658 on which the consent has been filed, shall be sufficient to cover the tax at the distilled spirits rate on the maximum quantity of spirits to be withdrawn and that may remain unaccounted for at any one time, and in no case shall be less than $1,000. Bonds and consents of surety shall be executed and approved in accordance with Subpart J and the instructions printed on the form.

(53 Stat. 336, 339, 344; 26 U. S. C. 2885, 2888, 2905)

§ 199.103 *Tank cars and tank trucks of distilled spirits.* Except as otherwise provided in this subpart, where it is desired to withdraw distilled spirits of not less than 180 degrees of proof in tank cars, or to withdraw distilled spirits of 160 degrees or more of proof in tank cars or tank trucks during the effective period of Treasury Decision 5864 (16 F. R. 11295), for deposit in a foreign-trade zone, the filling, sealing, marking, and stamping of such tank cars and tank trucks shall be in accordance with the provisions of Regulations 4 (Part 183 of this chapter), 5 (Part 184 of this chapter), or 10 (Part 185 of this chapter) governing the removal of spirits in tank cars for exportation. The storekeeper-gauger shall prepare an original and five copies of the Form 1520 covering the gauge and removal of the spirits. After the tank cars or tank trucks have been filled, the storekeeper-gauger shall execute his report of gauge on all copies of the Form 1701, attach a copy of the Form 1520 to each copy of the Form 1701, deliver the original and four copies to the proprietor, and retain the remaining copy of each form.

(53 Stat. 339; 26 U. S. C. 2888)

§ 199.104 *Distiller's original packages and packages filled from distiller's original packages.* Except as otherwise provided in this subpart, where it is desired to withdraw distilled spirits in distiller's original packages and packages filled from distiller's original packages, the gauging, reduction in proof, recasking, and the marking of packages shall be in accordance with the provisions of Regulations 10 (Part 185 of this chapter) governing the exportation of distilled spirits. The proprietor shall prepare an original and five copies of Form 1520, in the manner provided in Regulations 10, covering the packages listed in the application, execute his request for gauge on Form 1701, and deliver all copies of the Forms 1520 and 1701 to the storekeeper-gauger at the warehouse. If the spirits are to be reduced to not less than 90 degrees of proof, or if the spirits are to be transferred from distiller's original packages to new packages, the proprietor shall make request so to do at the time he executes his request for gauge. If spirits in original packages are reduced in proof or are transferred to new packages, the storekeeper-gauger will prepare an original and five copies of Form 1520, covering the gauge after reduction or the gauge of the new packages, as the case may be. The storekeeper-gauger shall then execute his report of gauge on Form 1701 and attach to each copy of the form a copy of the Form 1520 covering the first gauge (if any) of the spirits, and a copy of the Form 1520 covering the reduction in proof or the transfer to new packages. Where distilled spirits are reduced in proof or are transferred to new packages, the loss to be reported on Form 1701 at the time of withdrawal will represent the difference between the quantity reported withdrawn and the quantity (original gauge) shown in the application. The storekeeper-gauger will retain one copy of Form 1701 with Form 1520 attached, and deliver the remaining five copies of each form to the proprietor of the warehouse.

(53 Stat. 336; 26 U. S. C. 2885)

§ 199.105 *Wooden packages containing metallic cans.* Except as otherwise provided in this subpart, where it is desired to withdraw distilled spirits in wooden packages containing metallic cans, the marking, stamping, and removal of such wooden packages shall be in accordance with the provisions of Regulations 10 (Part 185 of this chapter) governing the exportation of wooden packages containing metallic cans. The procedure prescribed in this subpart for the withdrawal of distiller's original

[1] See footnote on p. 11799.

packages shall be followed, insofar as applicable, except that the request for gauge shall not be executed.

(53 Stat. 333; 26 U. S. C. 2878)

§ 199.106 *Bottled spirits.* Except as otherwise provided in this subpart, where it is desired to withdraw distilled spirits bottled in bond for export for transportation to and deposit in a foreign-trade zone, the bottling, casing, marking, and removal of such distilled spirits shall be in accordance with the provisions of Regulations 10 (Part 185 of this chapter) governing the exportation of distilled spirits bottled in bond.

(53 Stat. 344; 26 U. S. C. 2905)

§ 199.107 *Approval of application and issuance of permit.* The proprietor of the distillery or bonded warehouse shall forward to the Assistant District Commissioner all copies of the Form 1701, with Forms 1520, if any, attached. If the bond, Form 1702 or Form 1703, has been approved and is in a sufficient penal sum, or if a consent of surety, Form 1533, extending the terms of a bond on Form 657 or Form 658, has been approved and such bond is in a sufficient penal sum, the Assistant District Commissioner, shall issue permit on Form 1701 for transportation and deposit of spirits in the zone, and shall return all copies of the Form 1701, with Forms 1520, if any, attached, to the proprietor.

(53 Stat. 336, 339, 344; 26 U. S. C. 2885, 2888, 2905)

§ 199.108 *Export stamps.* Every container of distilled spirits, except cases of bottled spirits, intended for transfer to a foreign-trade zone must have an export stamp affixed thereto at the time of its removal from the distillery or warehouse. Upon receipt of the Assistant District Commissioner's permit for removal and transportation executed on Form 1701 with attached Form 1520, the proprietor will forward all copies together with the remittance for the necessary number of export stamps to the Director of Internal Revenue. The Director will issue the export stamps, enter the kind and serial numbers of the stamps on all copies of Form 1520, retain one copy of each form, and return the remaining four copies of each form, with the export stamps, to the proprietor. The proprietor will deliver the export stamps and Form 1701 with the attached Forms 1520 to the storekeeper-gauger, who will verify the data on the stamps and affix his signature, or facsimile thereof, enter the serial numbers of the stamps on Form 1701 and his retained copy of Form 1520, and return the stamps to the proprietor.

(53 Stat. 333, 336, 339; 26 U. S. C. 2878, 2885, 2888)

§ 199.109 *Marking and stamping containers.* The containers, except cases of bottled spirits, will be marked and stamped in accordance with the provisions of Regulations 10 (Part 185 of this chapter) for containers of distilled spirits withdrawn for exportation, except that the words "For Export via F. T. Z. No. _____" will be shown in lieu of the names of ports. Cases of bottled spirits will be marked in accordance with the provisions of Regulations 10 for cases of bottled spirits withdrawn for exportation, except that the words "For Export" will be followed by "via F. T. Z. No. ____." in lieu of the words "From U. S. A." and the names of the ports.

(53 Stat. 333, 336, 339, 344; 26 U. S. C. 2878, 2885, 2888, 2905)

§ 199.110 *Release of spirits.* After the containers have been properly marked, and except in the case of bottled spirits, stamped, the storekeeper-gauger will release the spirits for shipment to the foreign-trade zone named in the application, Form 1701. Upon removal of the spirits from the premises, the storekeeper-gauger will execute the report of removal on Form 1701.

(53 Stat. 333, 336, 339, 344; 26 U. S. C. 2878, 2885, 2888, 2905)

§ 199.111 *Delivery to zone.* Distilled spirits may be delivered directly to a zone by the exporter or to a carrier for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, the proprietor shall procure a copy of the bill of lading, if any, covering such transportation and deliver it to the storekeeper-gauger.

(53 Stat. 336, 339, 344; 26 U. S. C. 2885, 2888, 2905)

§ 199.112 *Disposition of forms.* When the distilled spirits have been withdrawn, the storekeeper-gauger will forward immediately one copy of the Form 1701, with Form 1520, if any, attached, and a copy of the bill of lading, if any, to the Assistant District Commissioner of the district in which the distillery or warehouse is located. He will mail two copies of the forms to the customs officer in charge at the foreign-trade zone, except that in the case of transfers in tank trucks, he will mail one copy of each form to such customs officer and enclose the other copies in a sealed envelope addressed to such customs officer and give the same to the driver of the tank truck for delivery to him. The storekeeper-gauger will deliver one copy of the forms to the proprietor, and retain the remaining copy of the forms.

(53 Stat. 336, 339, 344; 26 U. S. C. 2885, 2888, 2905)

§ 199.113 *Deposit in foreign-trade zone.* Upon receipt at the zone, the containers of distilled spirits shall be inspected by a customs officer for evidence of loss or tampering. Packages of distilled spirits, including metal cans enclosed in wooden packages, must be gauged and a report of the gauge made on Form 696, in duplicate. If seals on tank cars or tank trucks are intact and bear the serial numbers shown on Form 1520 to have been affixed at the time of removal, and if there is no evidence of loss or tampering, no gauge of the tank cars or tank trucks need be made. However, if the seals are not intact or if the original seals (listed on Form 1520) have been replaced, the officer will open the car or truck, gauge the spirits, and make a report of his gauge on Form 696, in duplicate. Containers bearing evidence of loss may be deposited in the zone, unless the circumstances indicate fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, in which event the Collector of Customs will detain the distilled spirits and report the facts immediately to the Assistant District Commissioner of the district in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where distilled spirits are so detained, they shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Forms 1701 and Zone Form D until the detained distilled spirits will have been released in accordance with § 199.120. Where the inspection or gauge discloses no loss, or where a loss is disclosed by such inspection or gauge and there is no evidence to indicate fraud, the officer shall execute his certificate of inspection on Form 1701, reporting thereon any discrepancy found, giving the serial numbers of the packages or cases, or the railroad tank car number, or the tank truck number and the State license number of the tank truck (if the tank truck is of the trailer type, the license number of the trailer will be shown), the original contents in proof gallons, and the nature and extent of any losses or discrepancies. The officer shall cut out that portion of each of the export stamps, if any, extending from the top to the bottom and embracing the entire width between the borders thereof, and attach them, together with a copy of Form 696, if any, to one copy of the Form 1701. The officer shall attach the remaining copy of Form 696, if any, to the remaining copy of Form 1701 and shall then forward both copies of Form 1701 with attachments to the Collector of Customs. The Collector of Customs will execute his certificate on Form 1701 and forward one copy of the form with Forms 1520 and 696, if any, and the cut-out portions of the stamps, if any, to the Assistant District Commissioner who approved the permit. The remaining copy of the Form 1701, with attachments, if any, will be retained by the Collector of Customs.

(53 Stat. 336, 339, 344; 26 U. S. C. 2885, 2888, 2905)

LOSSES OF DISTILLED SPIRITS IN TRANSIT

§ 199.114 *Taxable losses.* No tax shall be collected in respect of distilled spirits lost or destroyed while in bond, except that such tax shall be collected:

(a) *Theft.* In the case of loss by theft unless the Commissioner shall find that the theft occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them; and

(b) *Voluntary destruction.* In the case of voluntary destruction unless the distilled spirits were unfit for use for beverage purposes and the warehouseman, or other person responsible for the tax, obtained the written permission of the Assistant District Commissioner for such destruction in each case.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 199.115 *Insurance coverage.* The remission of the tax on distilled spirits lost by theft while in bond may be allowed only to the extent that the claimant is not indemnified against or recompensed for such tax.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 199.116 *Notice to exporter.* If, upon examination of Form 1701, and Form 696, if any, received from the Collector of Customs, the Assistant District Commissioner is of the opinion that a reported loss resulted from theft, or unauthorized voluntary destruction, he will advise the principal on the bond by letter (a) of the identity of the containers; (b) of the amount of the loss; (c) of the circumstances indicating loss by theft or unauthorized voluntary destruction; and (d) that filing of proof of loss and claim for remission of tax is required.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 199.117 *Filing of claims.* When the exporter has received a notice of loss and a request from the Assistant District Commissioner for the filing of a claim, he shall, within 30 days from the date of the notification, submit a claim for remission of the tax on the spirits lost. Such claims shall be made on letter-size paper, in duplicate, showing the name, address, and capacity of the claimant and setting forth, under oath, the following information:

(a) The name of the distiller who produced the spirits, and the registry number and location of the distillery;

(b) The serial numbers of the packages or cases, or the railroad tank car number, or the tank truck number and the State license number of the tank truck (if the tank truck is of the trailer type, the license number of the trailer will be shown);

(c) The quantity of spirits lost from each package or other container, and the total quantity of spirits covered by the claim;

(d) The total amount of tax for which the claim is filed;

(e) The date of the loss, or, if such date is not known, the date on which the loss was discovered and the cause and nature thereof, together with all the facts surrounding the loss;

(f) The name of the carrier, if any;

(g) If lost by theft, the facts establishing whether the loss occurred as the result of any negligence, connivance, collusion, or fraud on the part of the distiller, owner, warehouseman, consignor, consignee, bailee, or carrier, or the employees of any of them;

(h) If lost by theft, whether the claimant is indemnified or recompensed for the loss, and, if so, the amount and nature of such indemnity or recompense. The actual value of the spirits, less the tax, must be stated explicitly and, where required, certified copies of all policies of insurance or other documents of indemnity covering the spirits must be furnished.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 199.118 *Action by Assistant District Commissioner.* Where large losses in transit are reported, the Assistant District Commissioner will cause immediate investigation to be made. When a claim for remission of tax is received, the Assistant District Commissioner will carefully examine it to see that the required information has been furnished and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of the claim investigation, the Assistant District Commissioner will forward one copy of the claim and related papers to the Commissioner with his recommendation as to the merits of the claim. In the event the exporter does not file proof of loss and claim for remission of tax as provided in this subpart, the Assistant District Commissioner will report the tax for assessment in accordance with the prescribed procedure. The Assistant District Commissioner will keep an account with each bond in accordance with Subpart J.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 199.119 *Action by Commissioner.* If the Commissioner finds that a loss of distilled spirits from a container resulted (a) from unauthorized voluntary destruction, or (b) from theft and the proprietor or other person responsible for the tax fails to establish that the theft did not occur as a result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them, the tax will be assessed.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 199.120 *Release of detained spirits.* When spirits have been detained at a foreign-trade zone pending the Assistant District Commissioner's investigation and determination of fraud in accordance with § 199.113, the Collector of Customs shall not release the spirits for deposit until he is advised so to do by the Assistant District Commissioner.

SUBPART E—WITHDRAWAL OF WINES FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

§ 199.150 *General.* Wines may be withdrawn, free of tax, from bonded wineries and bonded storerooms established and operated under the provisions of Regulations 7 (Part 178 of this chapter), for transportation to and deposit in foreign-trade zones for exportation or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the act of June 18, 1934, as amended.[1] Such withdrawals may be made in casks, barrels, kegs, tanks, tank cars, tank trucks and in bottles encased in wood, fiberboard or other suitable material. The withdrawal, transportation to and deposit in the foreign-trade zone and the accounting for any losses shall be in accordance with this subpart and Subpart J. Except as otherwise provided in this subpart, the packaging, bottling, casing, marking, and reporting of wines prior to withdrawal shall be in accordance with the applicable provisions of Regulations 7 governing the exportation of wine.

(53 Stat. 353; 26 U. S. C. 3037)

§ 199.151 *Application and entry.* Whenever an exporter desires to remove wines from a bonded winery or storeroom for transportation to and deposit in a foreign-trade zone, he shall make application on Form 1701 to the Assistant District Commissioner of the district in which such winery or storeroom is located, in accordance with the requirements of § 199.36 covering withdrawal of alcohol, except that an original and three copies will be prepared instead of an original and four copies.

(53 Stat. 353; 26 U. S. C. 3037)

§ 199.152 *Transportation bonds.* The exporter shall file a bond with the Assistant District Commissioner of the district in which the bonded winery or bonded storeroom is located, to cover the transportation of the wine from such bonded winery or storeroom to the foreign-trade zone. If a bond is given only for a specific lot of wine to be withdrawn, the bond shall be executed on Form 1702, in triplicate. The penal sum of such bond shall be not less than the tax on the quantity to be withdrawn, and in no case shall be less than $500. If wines are to be withdrawn from time to time for transfer to a foreign-trade zone, a continuing bond on Form 1703 shall be executed in triplicate: *Provided*, That if the exporter has on file a bond on Form 186, he may file a consent of surety on Form 1533 extending the terms of such bond to cover the tax on all wines withdrawn for transportation to and deposit in a zone. The penal sum of the bond on Form 1703, or of the bond on Form 186 on which the consent has been filed, shall be sufficient to cover the tax on the maximum quantity of any wines to be withdrawn and that may remain unaccounted for at any one time, and in no case shall be less than $500. Bonds and consents of surety shall be executed and approved in accordance with Subpart J and the instructions printed on the form.

(53 Stat. 353; 26 U. S. C. 3037)

§ 199.153 *Approval of application and issuance of permit.* The proprietor of the bonded winery or storeroom shall forward to the Assistant District Commissioner all copies of the Form 1701. If the bond, Form 1702 or Form 1703, has been approved and is in a sufficient penal sum, or if a consent of surety, Form 1533, extending the terms of a bond on Form 186, has been approved and such bond is in a sufficient penal sum, the Assistant District Commissioner will issue permit on Form 1701 for removal and transportation of the wines to the zone, and shall return all copies of the Form 1701 to the proprietor.

(53 Stat. 353; 26 U. S. C. 3037)

§ 199.154 *Marking containers.* The containers will be marked in accordance with the provisions of Regulations 7 (Part 178 of this chapter) for containers of wine withdrawn for exportation, except that the words "For Export" will be followed by "via F. T. Z. No. _____."

(53 Stat. 353, 354; 26 U. S. C. 3037, 3040)

§ 199.155 *Delivery to zone.* Wine may be delivered directly to a zone by the exporter or to a carrier for transportation to a zone. Where delivery is made to a carrier for transportation to a zone,

[1] See footnote on p. 11799.

the proprietor shall procure a copy of the bill of lading, if any, covering such transportation. When the wine is withdrawn from the bonded winery or storeroom, the proprietor shall execute his report of removal on Form 1701 and forward immediately one copy, to which shall be attached the copy of the bill of lading, if any, to the Assistant District Commissioner of the district in which the bonded winery or storeroom is located. He will mail two copies to the customs officer in charge at the foreign-trade zone except that in the case of transfers in tank trucks, he will mail one copy of such forms to such customs officer and enclose the other copy in a sealed envelope addressed to such customs officer and give the same to the driver of the tank truck for delivery to him. The proprietor will retain the remaining copy.

(53 Stat. 353; 26 U. S. C. 3037)

§ 199.156 *Deposit in foreign-trade zone.* Upon receipt at the zone, the wine shall be inspected by a customs officer, who will determine whether it agrees in all respects with the description thereof on Form 1701. The officer will carefully examine the contents of any containers which are found broken or tampered with and will report on both copies of Form 1701 any shortage and the apparent cause thereof, as provided therein. If the inspection discloses evidence of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, the Collector of Customs will detain the wines and report the facts immediately to the Assistant District Commissioner of the district in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where wines are so detained, they shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Forms 1701 and Zone Form D pertaining to such wines, until the detained wines will have been released in accordance with the provisions of § 199.158. Where the inspection discloses no shortage, or where a shortage is disclosed but there is no evidence to indicate fraud, the customs officer will execute his certificate of inspection on Form 1701, reporting thereon any discrepancy found, giving the serial numbers of the packages, cases, tanks, railroad tank car or tank truck, and, in addition, in the case of railroad tank cars, the railroad car number and, in the case of tank trucks, the State license number of the tank truck (if the tank truck is of the trailer type, the license number of the trailer), the original contents in gallons, and the nature and extent of any losses or discrepancies. The officer shall then forward both copies of Form 1701 to the Collector of Customs, who will execute his certificate of deposit on Form 1701, retain one copy, and forward one copy to the Assistant District Commissioner who approved the permit.

(53 Stat. 353; 26 U. S. C. 3037)

§ 199.157 *Action by Assistant District Commissioner.* No provision is made in the law for remission of tax on wines lost in transit to foreign-trade zones. Where large losses in transit are reported, the Assistant District Commissioner will cause immediate investigation to be made. If the investigation does not disclose evidence of fraud, the Assistant District Commissioner will notify the exporter in writing of his liability under his bond for the tax upon such losses of wine and request that the tax thereon be tendered in the proper form immediately. In the case of fraud the tax on the wine diverted will be assessed, and the remainder will be subject to seizure and forfeiture.

(53 Stat. 347 as amended, 353; 26 U. S. C. 3030, 3037)

§ 199.158 *Release of detained wines.* When wine has been detained at a foreign-trade zone pending the Assistant District Commissioner's investigation and determination of fraud in accordance with § 199.156, the Collector of Customs shall not release the wine for deposit until he is advised so to do by the Assistant District Commissioner.

(53 Stat. 347 as amended, 353; 26 U. S. C. 3030, 3037)

SUBPART F—REMOVAL OF FERMENTED LIQUOR FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

§ 199.175 *General.* Fermented liquor may be removed, without payment of tax, from the place of manufacture or storage established and operated under the provisions of Regulations 18 (Part 192 of this chapter), for transportation to and deposit in foreign-trade zones for exportation or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the act of June 18, 1934, as amended.[2] Such removals may be made in kegs, barrels, bottles or cans. The removal, transportation to and deposit in the foreign-trade zone and the accounting for any losses in transit shall be in accordance with this subpart and Subpart J. Except as otherwise provided in this subpart, the packaging, bottling, casing, marking, and reporting of fermented liquor prior to removal shall be in accordance with the applicable provisions of Regulations 18.

(53 Stat. 367 as amended; 26 U. S. C. 3153)

§ 199.176 *Application and entry.* Whenever an exporter desires to remove fermented liquor for transportation to and deposit in a foreign-trade zone, he shall make application on Form 1701 to the Assistant District Commissioner of the district in which the place of manufacture or storage is located, in accordance with the requirements of § 199.36 covering the withdrawal of alcohol, except that an original and three copies will be prepared instead of an original and four.

(53 Stat. 367 as amended; 26 U. S. C. 3153)

§ 199.177 *Transportation bonds.* The exporter shall file a bond with the Assistant District Commissioner of the district in which the place of manufacture or storage is located, to cover the transportation of the fermented liquor from such place of manufacture or storage to the foreign-trade zone. If the bond is given only for a specific lot of fermented liquor to be removed, the bond shall be executed on Form 1702, in triplicate. The penal sum of such bond shall be not less than the tax on the quantity to be removed, but shall not exceed $25,000 nor be less than $1,000. If fermented liquor is to be removed from time to time for transfer to a foreign-trade zone, a continuing bond on Form 1703 shall be executed in triplicate: *Provided*, That if the brewer has on file a bond on Form 263, he may file a consent of surety on Form 1533 extending the terms of such bond to cover the tax on all fermented liquor removed for transportation to and deposit in a zone. The penal sum of the bond on Form 1703, or of the bond on Form 263 on which the consent has been filed, shall be sufficient to cover the tax on the maximum quantity of any fermented liquor to be withdrawn and that may remain unaccounted for at any time: *Provided*, That the penal sum of any such bond shall not exceed $25,000 nor be less than $1,000. Bonds and consents of surety shall be executed and approved in accordance with Subpart J and the instruction printed on the form.

(53 Stat. 367 as amended; 26 U. S. C. 3153)

§ 199.178 *Approval of application and issuance of permit.* The brewer shall forward to the Assistant District Commissioner all copies of Form 1701. If the bond, Form 1702 or 1703, has been approved and is in a sufficient penal sum, or if the consent of surety, Form 1533, extending the terms of a bond on Form 263 has been approved and such bond is in a sufficient penal sum, the Assistant District Commissioner shall issue a permit on Form 1701 for removal and transportation of the fermented liquor to the zone, and shall return all copies of Form 1701 to the brewer.

(53 Stat. 367 as amended; 26 U. S. C. 3153)

§ 199.179 *Marking containers.* The containers will be marked in accordance with the provisions of Regulations 18 (26 CFR Part 192) for containers removed for exportation, except that the words "Fermented Liquor for Export via F. T. Z. No. ------ Lot No. ------" will be shown in lieu of "Fermented Liquor for Export—Lot No. ------." The lot number shall correspond with the serial number of the Form 1701.

(53 Stat. 367 as amended; 26 U. S. C. 3153)

§ 199.180 *Delivery to zone.* Fermented liquor may be delivered directly to a zone by the brewer or to a carrier for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, the brewer shall procure a copy of the bill of lading, if any, covering such transportation. When the fermented liquor is removed, the brewer shall execute his report of removal on Form 1701, and forward immediately one copy, to which shall be attached one copy of the bill of lading, if any, to the Assistant District Commissioner of the district in which the place of manufacture or storage is located. He will send two copies to the customs officer in charge of the foreign-trade zone and retain the remaining copy.

(53 Stat. 367 as amended; 26 U. S. C. 3153)

§ 199.181 *Deposit in foreign-trade zone.* Upon receipt at the zone, the fermented liquor shall be inspected by a customs officer who will determine whether the fermented liquor agrees in all respects with the description thereof on Form 1701. The officer will carefully examine the contents of any containers which are broken or tampered with and will report on both copies of Form 1701 any shortage and the apparent cause thereof. If the inspection discloses the shipment not to be as described on Form 1701 and there is evidence indicative of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, the Collector of Customs will detain the fermented liquor and report the facts to the Assistant District Commissioner of the district in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where fermented liquor is so detained, it shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Forms 1701 and Zone Form D pertaining to such fermented liquor until the detained liquor will have been released in accordance with the provisions of § 199.183. Where the inspection discloses no shortage, or where a shortage is disclosed but there is no evidence to indicate fraud, the customs officer shall execute his certificate of inspection on Form 1701, reporting thereon any discrepancy found and the nature and extent of any losses or discrepancies. The officer shall then forward both copies of Form 1701 to the Collector of Customs, who will execute his certificate of deposit on Form 1701, retain one copy, and forward one copy to the Assistant District Commissioner who approved the permit.

(53 Stat. 367 as amended; 26 U. S. C. 3153)

§ 199.182 *Losses in transit.* Where large losses in transit are reported, the Assistant District Commissioner will cause immediate investigation to be made. If it is found that losses in transit have occurred by casualty, leakage, or spillage, the losses will be allowed as provided in § 199.319. Unless immediate detention or seizure of the fermented liquor is deemed necessary in the event the investigation discloses evidence indicating that the losses resulted from fraud, the Assistant District Commissioner will afford the exporter opportunity to submit written explanation with respect to the causes of such losses before the matter is reported to the Commissioner.

(53 Stat. 365 as amended, 367 as amended; 26 U. S. C. 3150, 3153)

§ 199.183 *Release of detained fermented liquor.* When fermented liquor has been detained at a foreign-trade zone pending the Assistant District Commissioner's investigation and determination of fraud in accordance with § 199.181, the Collector of Customs shall not release the liquor for deposit until he is advised so to do by the Assistant District Commissioner.

(53 Stat. 367 as amended; 26 U. S. C. 3153)

SUBPART G—WITHDRAWAL OF LIQUORS AND ARTICLES WITH BENEFIT OF DRAWBACK FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

ARTICLES MANUFACTURED IN PART FROM TAXPAID DOMESTIC ALCOHOL

§ 199.200 *General.* The deposit for exportation or storage pending exportation in a foreign-trade zone of flavoring extracts and medicinal or toilet preparations (including perfumery), manufactured or produced in the United States in part from domestic taxpaid alcohol, shall be considered an exportation of such articles for the purpose of drawback of the internal revenue tax on the alcohol contained in such articles.

(46 Stat. 691, as amended; 19 U. S. C. 1311)

§ 199.201 *Regulations made applicable.* The provisions of Regulations 28 (Part 176 of this chapter) relating to drawback on the alcohol contained in such articles, when exported, shall apply to the same extent to such articles when deposited in foreign-trade zones for exportation or storage therein pending exportation. In lieu of stating the port of destination and the date of clearance of such articles on customs Form 4539, as specified in Regulations 28, the Collector of Customs shall, prior to transmittal of the form to the Commissioner of Internal Revenue, state on such form the number and location of the foreign-trade zone.

BOTTLED OR PACKAGED DISTILLED SPIRITS AND WINES

§ 199.202 *General.* Taxpaid distilled spirits and wines, bottled or packaged especially for export with benefit of drawback, may be removed from export storage rooms established under the provisions of Regulations 10, 11, or 15 (Parts 185, 189, 190 of this chapter), and deposited with benefit of drawback of the internal revenue tax paid thereon, in foreign-trade zones for exportation or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the act of June 18, 1934, as amended.[2] Such removals may be made in packages (casks, barrels, drums, or other approved containers) containing 5 gallons or more, or in bottles containing less than 5 gallons. The removal and the deposit in the foreign-trade zone shall be in accordance with this subpart. Except as otherwise provided in this subpart, the provisions of Regulations 28 (Part 176 of this chapter), relating to the drawback on distilled spirits and wines bottled or packaged especially for export, shall apply, to the extent applicable, to the rectification, if any, bottling and packaging, casing of bottles, marking of cases and packages, the transfer and storage pending transfer of such liquors to a zone, and transfer to a zone: *Provided*, That no bond will be required respecting such removals.

(46 Stat. 690 as amended, 53 Stat. 377, as amended; 19 U. S. C. 1309, 26 U. S. C. 3179)

§ 199.203 *Claim and entry.* Whenever an exporter desires to remove distilled spirits or wine, bottled or packaged especially for export with benefit of drawback, for transportation to and deposit in a foreign-trade zone for exportation, he shall make application, in quadruplicate, on Form 1582 for distilled spirits, or on Form 1582–A for wines, to the Assistant District Commissioner of the district in which the export storage room (in which the distilled spirits or wines are stored) is located, to remove such spirits or wines and to obtain drawback thereon. All of the information called for by the headings of the various columns and lines on the forms and the instructions printed thereon, or issued in respect thereto, and as required by this subpart shall be furnished: *Provided*, That the exporter shall modify the claim and entry on Form 1582 or Form 1582–A to the extent necessary to indicate that the distilled spirits or wines are to be deposited in a foreign-trade zone for exportation or storage therein pending exportation. The number and location of the foreign-trade zone shall be stated in lieu of the foreign port. Form 1582 and Form 1582–A must be verified under oath by the exporter or his authorized agent: *Provided*, That if the forms officially prescribe for such use contain therein a provision for vertification by a written declaration that such claims are made under penalties of perjury, such claims shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Where Form 1582 or Form 1582–A is signed by an agent, proper power of attorney on Form 1534 authorizing the agent to execute the form for the exporter must be filed in triplicate with the Assistant District Commissioner of the district in which the export storage room is located.

(46 Stat. 690 as amended, 53 Stat. 377 as amended, 63 Stat. 667; 19 U. S. C. 1309, 26 U. S. C. 3179, 3809)

§ 199.204 *Marking of containers.* Each case or package shall be marked in accordance with the provisions of Regulations 28 (Part 176 of this chapter) for containers withdrawn for export, except that the words "via F. T. Z. No. ------" will be shown in addition to and immediately following the words "For Export from U. S. A."

(46 Stat. 690 as amended, 53 Stat. 377 as amended, 19 U. S. C. 1309, 26 U. S. C. 3179)

§ 199.205 *Approval of application and release of liquors.* The exporter shall forward all copies of Form 1582 or Form 1582–A to the Assistant District Commissioner. If the Assistant District Commissioner finds that the claim and entry are properly executed and that the spirits or wines described in the entry have, according to the records of his office, been bottled or packaged especially for export with benefit of drawback, he shall execute his order on Form 1582 or Form 1582–A, as the case may be, to the storekeeper-gauger to release the liquors for shipment and return all copies of the form to such storekeeper-gauger. After the containers have been marked by the exporter, the storekeeper-gauger will in-

[2] See footnote on p. 11799.

[2] See footnote on p. 11799.

in transit to foreign-trade zones. Where

See footnote on p. 11799.

copies to the customs officer in

exporter, the storekeeper-gauger will in-

spect the containers and release the spirits for delivery to the zone. After the spirits have been released, the storekeeper-gauger shall execute his report on Form 1582 or Form 1582–A, as the case may be, and will forward one copy of the form to the Assistant District Commissioner and deliver the original and two copies to the exporter, who will transmit such copies to the customs officer in charge at the foreign-trade zone.

(46 Stat. 690 as amended, 53 Stat. 377 as amended; 19 U. S. C. 1309, 26 U. S. C. 3179)

§ 199.206 *Deposit in zone.* Upon receipt at the zone, the customs officer shall follow the procedure prescribed in Regulations 28 (Part 176 of this chapter) governing the inspection and gauge, and the detention in the case of evidence of fraud, of the spirits and wines. Where the distilled spirits or wines are detained, they shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Forms 1582 or 1582–A and Zone Form D pertaining to such liquors, until the Assistant District Commissioner has advised the Collector of Customs that the liquors may be released and deposited in the zone. The customs officer shall modify his certificate on Form 1582 or Form 1582–A to indicate that it is a certificate of inspection and receipt and to show that the liquors were received under his supervision in the zone named by the exporter. Upon execution of his certificate, the customs officer will forward all copies of Form 1582 or Form 1582–A with attachments, if any, to the Collector of Customs. The Collector of Customs will execute his certificate on Form 1582 or Form 1582–A, which shall be properly modified to show deposit of the liquors in the zone specified in the entry, forward the original and one copy, together with attachments, if any, to the Assistant District Commissioner who authorized the shipment, and retain the remaining copy.

(46 Stat. 690 as amended, 53 Stat. 377 as amended; 19 U. S. C. 1309, 26 U. S. C. 3179)

§ 199.207 *Action on claim.* The Assistant District Commissioner and the Commissioner of Internal Revenue will complete and dispose of the claim in the manner prescribed by Regulations 28 (Part 176 of this chapter). If the claim is disallowed, the Commissioner will so notify the claimant and state the reasons therefor.

(46 Stat. 690 as amended, 53 Stat. 377 as amended; 19 U. S. C. 1309, 26 U. S. C. 3179)

DISTILLERS' ORIGINAL PACKAGES

§ 199.208 *General.* Taxpaid distilled spirits in distillers' original packages to which taxpaid stamps are affixed, containing not less than 20 wine gallons each, may be deposited, with the privilege of drawback of the internal revenue tax, in a foreign-trade zone for exportation or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the act of June 18, 1934, as amended.[3] Except as otherwise provided in this subpart, the provisions of Regulations 28 (Part 176 of this chapter) relating to drawback on distilled spirits contained in distillers' original packages, upon exportation thereof, shall apply, to the extent applicable, to such distilled spirits when deposited in a foreign-trade zone for exportation or storage therein pending exportation: *Provided*, That bond, Form 1628, will not be required respecting such deposits.

(53 Stat. 338 as amended; 26 U. S. C. 2887)

§ 199.209 *Application and entry.* Whenever an exporter desires to deposit distilled spirits in distillers' original packages in a foreign-trade zone for exportation or for storage therein pending exportation, with privilege of drawback, he shall execute his application on Form 1629, in triplicate, and deliver it to the Collector of Customs of the district in which the foreign-trade zone is located. All of the information called for by the headings of the various columns and lines on the form and the instructions printed thereon, or issued in respect thereto, and as required by this subpart, shall be furnished: *Provided*, That the application shall be modified to the extent necessary to indicate that the spirits are to be deposited in a foreign-trade zone for exportation or storage therein pending exportation. The number and location of the foreign-trade zone shall be shown in lieu of the foreign port. Upon certification by the customs officer that the spirits have been received in the zone, as provided in § 199.210, the Collector of Customs shall return Form 1629 to the exporter for execution of his entry for internal revenue drawback on spirits in distillers' original packages, which entry shall be modified to the extent necessary to show that the spirits have been deposited in the foreign-trade zone named in the application. The exporter shall return all copies of Form 1629 to the Collector of Customs. The entry on Form 1629 must be verified under oath by the exporter or his authorized agent: *Provided*, That if the forms officially prescribed for such use contain therein a provision for verification by a written declaration that such entry is made under penalties of perjury, such entry shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Where Form 1629 is signed by an agent, proper power of attorney on Form 1534 authorizing the agent to execute the form for the exporter must be filed in triplicate with the Commissioner of Internal Revenue.

(53 Stat. 338 as amended, 63 Stat. 667; 26 U. S. C. 2887, 3809)

§ 199.210 *Deposit in zone.* Upon receipt at the zone, the spirits will be inspected, gauged, and marked by a customs officer in accordance with the provisions of Regulations 28 (Part 176 of this chapter), except that the words "via F. T. Z. No. ------" will be shown in addition to and immediately following the words "For Export from U. S. A." on the packages of such spirits. The officer performing the inspection and gauge shall modify his certificate on Form 1629 to the extent necessary to show that the spirits have been received in the foreign-trade zone named in the application. Upon execution of his certificate, the customs officer shall deliver all copies of Form 1629 to the Collector of Customs. The order and certificate of inspection and shipment on Form 1629 need not be executed by customs officers. After the exporter's execution of the entry for internal revenue drawback on spirits in distillers' original packages, as provided in § 199.209, the Collector of Customs shall execute his certificate on all copies of Form 1629, which shall be modified to the extent necessary to show that the spirits have been deposited in the foreign-trade zone specified in the application. Form 1629 shall be disposed of in accordance with the provisions of Regulations 28 and the instructions printed on the form.

(53 Stat. 338 as amended; 26 U. S. C 2887)

§ 199.211 *Action on claim.* The Commissioner of Internal Revenue will, upon receipt of the claim and entry, Form 1629, complete and dispose of the claim in accordance with the provisions of Regulations 28 (26 CFR Part 176). If the claim is disallowed, the Commissioner will so notify the claimant and state the reasons therefor.

(53 Stat. 338 as amended; 26 U. S. C. 2887)

SUBPART H—VOLUNTARY DESTRUCTION OF UNTAXPAID DISTILLED SPIRITS, WINES OR FERMENTED MALT LIQUORS AFTER RECEIPT IN A FOREIGN-TRADE ZONE

§ 199.225 *General.* Domestic distilled spirits (including alcohol), wines, and fermented malt liquors may not be taken into a foreign-trade zone for destruction. However, untaxpaid liquors, which have become spoiled or unfit for beverage purposes subsequent to withdrawal for transportation to and deposit in a foreign-trade zone for exportation or for storage pending exportation, may be destroyed under the supervision of the Collector of Customs, where it is shown to the satisfaction of the Commissioner that the liquors became spoiled or unfit due to natural causes and in the absence of any intent, act, fault, or negligence upon the part of the exporter, carrier, zone operator, or any of their agents or employees.

§ 199.226 *Application.* Application, addressed to the Commissioner and filed as hereinafter provided, for authority to destroy domestic distilled spirits (including alcohol), wines, or fermented malt liquors on storage in a foreign-trade zone shall be made by the exporter on letter-size paper, in triplicate, showing the name, address and capacity of the claimant and setting forth, under oath the following information:

(a) The kind and quantity of the liquor, the serial numbers, if any, of the containers thereof, and identification of the trade zone in which the liquor is stored;

(b) The name and address of the producer of the liquor, and the name, registry number, if any, and location of the plant, warehouse or other establishment from which such liquors were withdrawn for transportation to and deposit in the foreign-trade zone;

[3] See footnote on p. 11799.

(c) The date of spoilage or unfitness of the liquor, if known, and the cause and nature thereof, together with all of the known facts relating thereto;

(d) Whether the alleged spoilage or unfitness of the liquor occurred without intent, act, fault, or negligence on the part of the exporter, carrier, zone operator or their agents or employees and whether claim has been made or is contemplated against such persons on account of such spoilage or unfitness; and

(e) Whether the spoiled or unfit liquor is covered by valid insurance in excess of the market value thereof, exclusive of tax. If the liquor is insured, the application will show its market value, the amount and date of each and every policy of insurance, the name and location of the company by which each and every policy was issued, the name and address of the bona fide owner of the liquor and, to the best of the affiant's knowledge, whether any other person or party is indemnified against the loss of the liquor by reason of its spoilage or destruction.

The Assistant District Commissioner or the Commissioner may require any further evidence as is deemed necessary. The operator of the foreign-trade zone shall countersign the application or otherwise indicate thereon his knowledge of and concurrence in the application to destroy the liquor. The exporter shall file the application with the Collector of Customs in whose district the foreign-trade zone is located; at the same time the exporter shall likewise file Zone Form E in accordance with Customs Regulations (19 CFR Part 30).

§ 199.227 *Procurement of samples.* Upon receipt of the application, the Collector of Customs will determine the correctness thereof and procure a representative sample, or samples, of the liquor for analysis to determine whether it is spoiled or unfit for beverage purposes. Each sample will consist of not less than one pint, or of not less than one quart in the case of barrels and tanks. The samples will be labeled in such a manner as will readily identify the liquor and will be forwarded at the applicant's expense to the Assistant District Commissioner of the district in which the foreign-trade zone is located. The Collector of Customs will endorse upon the application, or append thereto, a statement that he has procured and forwarded representative samples of the liquor described in the application to the Assistant District Commissioner, and shall report any facts relating to the condition of the liquor, or the cause thereof, of which he may have knowledge. The original and one copy of the application will be forwarded to the Assistant District Commissioner of the district in which the foreign-trade zone is located and the Collector shall retain the remaining copy for his files. The Collector will retain all copies of Zone Form E pending notification by the Commissioner as to his decision with respect to the alleged spoiled or unfit liquor.

§ 199.228 *Analysis of samples.* The district chemist will analyze the samples of the liquor and furnish a report of such analysis to the Assistant District Commissioner. The analysis will be for the purpose of determining whether the product is spoiled or otherwise unfit for beverage purposes, and the cause therefor if spoilage or unfitness is determined.

§ 199.229 *Action by Assistant District Commissioner.* The Assistant District Commissioner will carefully examine the application to see that all of the required information has been furnished and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon the completion of his examination and investigation, if any, the Assistant District Commissioner will forward the original copy of the application and accompanying papers, together with any pertinent reports and documentary evidence, to the Commissioner with his recommendation in respect to the merits of the application. The Assistant District Commissioner will retain a copy of the application for his files.

§ 199.230 *Action by Commissioner.* If the Commissioner finds that the domestic distilled spirits (including alcohol), wines, or fermented malt liquors were withdrawn for transportation to and deposit in a foreign-trade zone in good faith for the purpose of exportation or storage pending exportation, and that such liquors subsequently spoiled or became unfit for beverage use through no act, intent, fault, or negligence on the part of the exporter, carrier, or zone operator, or the agents or employees of any of them, he may approve the application and authorize the destruction of the liquor described therein under the supervision of the Collector of Customs. Upon his approval or disapproval of the application, the Commissioner will advise the Collector of Customs of his action. The Commissioner will furnish a copy of his letter to the Assistant District Commissioner for the completion of his files.

§ 199.231 *Action by Collector of Customs.* Upon receipt of the Commissioner's authorization for destruction of the liquor, or his disapproval of the application for destruction, the Collector of Customs will act upon the exporter's application on Zone Form E and dispose of it in accordance with the applicable provisions of Customs Regulations (19 CFR Part 30). Where the Commissioner has authorized the destruction of the liquor, such destruction shall be accomplished under the immediate supervision of an officer assigned for the purpose at the Collector's convenience.

SUBPART I—REMOVAL OF STILLS OR DISTILLING APPARATUS FOR DEPOSIT IN A FOREIGN-TRADE ZONE FOR EXPORTATION, DESTRUCTION, OR STORAGE PENDING EXPORTATION

REMOVALS FREE OF TAX

§ 199.250 *General.* Stills and worms or condensers, to be used for purposes other than distilling as defined by § 199.251, may be withdrawn from the premises of the manufacturer or vendor, free of tax, for deposit in a foreign-trade zone for exportation, destruction, or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the act of June 18, 1934, as amended.[3]

§ 199.251 *"Distilling" defined.* The term "distilling" used in section 199.250 shall mean the distillation of spirits or alcohol as defined by sections 2809 [4] and 3124 [5], I. R. C. Such distillation shall include: (a) The original manufacture of distilled spirits from mash, wort, or wash, or any material suitable for the production of spirits; (b) the redistillation of spirits in the course of original manufacture; (c) the redistillation of spirits, or products containing spirits within the provisions of section 3254 (g) [6], I. R. C.; (d) the distillation, redistillation, or recovery of ethyl alcohol or of completely or specially denatured alcohol, or of articles containing ethyl alcohol or completely or specially denatured alcohol; and (e) the redistillation or recovery of taxfree alcohol.

§ 199.252 *Application and entry.* When it is desired to remove stills, worms or condensers, free of tax, for deposit in a foreign-trade zone, for exportation, destruction, or storage therein pending exportation, the exporter will file with the Director of Internal Revenue an application and entry on Form 1690, in quadruplicate, properly modified to show deposit in a foreign-trade zone. Each application, Form 1690, must be numbered serially commencing with number "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. A statement by the person who intends to use the distilling apparatus must be filed by the exporter in support of the application when the still is to be exported or stored pending exportation. The statement must show the purchaser's name and address, the purpose for which the distilling apparatus will be used, the manufacturer's name and address and

[3] See footnote on p. 11799.

[4] * * *. Distilled spirits, spirits, alcohol, and alcoholic spirits, within the true intent and meaning of this chapter, is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance. * * *. (53 Stat. 307; 26 U. S. C. 2809)

[5] * * *. The term "alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, from whatever source or whatever processes produced. * * *. (53 Stat. 364; 26 U. S. C. 3124)

[6] * * *. Every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, or wash, through continuous closed vessels and pipes, until the manufacture thereof is complete, and every wholesale or retail liquor dealer who has in his possession any still or leach tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, and every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any material, manufacture any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the busines of rectifying: * * *. (53 Stat. 391; 26 U. S. C. 3254 (g))

serial number of the apparatus. The serial number and the manufacturer's name and address may be entered on the statement by the exporter. If all required information has been furnished by the exporter and the Director finds the purpose for which the distilling apparatus will be used is other than distilling spirits or alcohol, as defined in § 199.251, or if the still is to be deposited in the zone for destruction, the Director will approve each copy of the application and entry, retain the original and return the remaining three copies to the exporter. The purchaser's statement will be retained by the Director. Upon receipt of the approved copies of the application and entry, the exporter may remove the distilling apparatus described therein for deposit in the zone. If evidence of deposit of the distilling apparatus in a zone is not received by the Director in due course, an appropriate inquiry will be made.

§ 199.253 *Marking of stills, worms or condensers.* Stills, worms or condensers intended for deposit in a foreign-trade zone pending exportation shall have branded or stamped thereon, in a conspicuous place, the words "For Export," followed by the serial number of the article and the manufacturer's name. Where such articles are manufactured from metal plates, the words "For Export," with the serial number of the article and the manufacturer's name directly thereunder, will be stamped (in letters and figures which must, in no case, be less than one-half inch in height) thereon with a suitable die, or otherwise permanently affixed to each article. Where the article is constructed of wood, the words "For Export," the serial number of the article and the manufacturer's name will be branded thereon. If the article is to be exported in a shipping container, the foregoing marks must also be shown on such container in a manner which will enable ready identification by customs officers.

§ 199.254 *Delivery to and deposit in zone.* The exporter, upon receipt of the approved copies of the application and entry, will execute his request for customs inspection on such form. The exporter will then deliver the still, worm or condenser directly to the zone, or to a carrier for delivery to the zone, for customs inspection. Two copies of the Form 1690 will be transmitted to the customs officer in charge at the foreign-trade zone. Upon receipt at the zone, the distilling apparatus will be inspected by a customs officer, and he will, if he finds it to be otherwise than described, make a special report on the Form 1690. In the event the distilling apparatus is to be destroyed after its deposit in the zone, the exporter must file application for such destruction on Zone Form E with the Collector of Customs in accordance with the provisions of Customs Regulations (19 CFR Part 30). After the distilling apparatus has been inspected, and destroyed if deposited in the zone for that purpose, the customs officer will modify and sign his certificate on Form 1690 indicating receipt, and, where applicable, the destruction under his supervision, of the apparatus.

§ 199.255 *Disposition of Form 1690.* After executing his certificate, the customs officer will forward the forms to the Collector of Customs who will modify and sign his certificate, showing deposit, and where applicable the destruction, of the distilling apparatus in the foreign-trade zone, on each copy of the entry, Form 1690. The Collector of Customs will retain one copy for his entry record and transmit the remaining copy of the Form 1690 to the Director who approved the form.

REMOVALS WITH BENEFIT OF DRAWBACK

§ 199.256 *General.* Stills manufactured especially for export, upon which the excise (commodity) tax has been paid, may be removed with benefit of drawback from the premises of the manufacturer for deposit in a foreign-trade zone for exportation, destruction, or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the Act of June 18, 1934, as amended.[3] Under the law, the allowance of drawback is restricted to the tax paid on stills manufactured for export. No drawback can be allowed on worms or condensers.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

§ 199.257 *Regulations made applicable.* The provisions of Regulations 23 (Part 181 of this chapter) relating to exportation of stills with benefit of drawback shall apply, to the extent applicable, to the removal of such stills for deposit, with benefit of drawback, in foreign-trade zones for exportation, destruction, or storage therein pending exportation. Form 1610 prescribed by Regulations 23 shall be modified to the extent necessary to indicate that the stills are to be removed for deposit in a foreign-trade zone and that they have been so deposited. In the event the distilling apparatus is to be destroyed after its deposit in the zone, the exporter must file application for such destruction on Zone Form E with the Collector of Customs in accordance with the provisions of Customs Regulations (19 CFR Part 30). After the distilling apparatus has been inspected, and destroyed if deposited in the zone for that purpose, the customs officer will modify and sign his certificate on Form 1610 indicating receipt, and where applicable the destruction under his supervision, of the apparatus. In lieu of showing the port of exportation and the date of clearance there shall be shown the number and location of the foreign-trade zone and the date of deposit, and where applicable the destruction, of the still.

SUBPART J—BONDS AND CONSENTS OF SURETY

§ 199.300 *General.* Every person required by Subparts C through I of this part to file a bond or consent of surety shall prepare and execute it on the prescribed form, in triplicate. Bonds shall be given with surety or collateral security. Surety may be individual or corporate. A surety may not have any interest, either direct or indirect, in the business of the principal on the bond. Assistant District Commissioners are authorized to approve or disapprove all bonds and consents of surety required by Subparts C through I of this part.

§ 199.301 *Corporate surety.* Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356, Commissioner of Accounts, Section of Surety Bonds, which is issued semiannually, and subject to such amendatory circulars as may be issued from time to time. A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

§ 199.302 *Powers of attorney.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts and Deposits, Section of Surety Bonds, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, Assistant District Commissioners. Powers of attorney or other evidence of appointment of agents and officers to execute bonds on behalf of the principal, must be filed on Form 1534, in triplicate, with the Assistant District Commissioner with whom the bond is filed.

§ 199.303 *Individual sureties.* Bonds may be given with individual sureties of which there must be not less than two, each of whom must qualify by executing Form 33 (ATU), in triplicate. Individual sureties must be citizens of the United States and reside in the State in which the business of the principal is to be conducted. No person will be accepted as an individual surety in a State in which he is not authorized to become a surety.

§ 199.304 *Ownership of real property.* Each individual surety must own unencumbered real property, in fee simple, the appraised value of which, over and above any exemptions from execution allowed by the laws of the State, is equal to the penal sum of the bond. Such real property must be located within the State where the business of the principal is to be conducted. The real property must be described in the surety's affidavit, Form 33 (ATU), with all of the formalities required in conveyances of real estate by the laws of the State in which it is situated.

§ 199.305 *Execution of Form 33 (ATU).* The surety's affidavit on Form 33 (ATU) shall contain all of the information required by this subpart and the instructions printed on the form. The form shall be subscribed and sworn to before an officer duly authorized to administer oaths, and one copy thereof shall be attached to each copy of the bond to which it relates.

§ 199.306 *Certificate of title.* There must be submitted with the surety's affidavit, Form 33 (ATU), a certificate of title, in triplicate, showing that the surety has a fee simple title free of encumbrances to the realty described in the form: *Provided*, That where recognized by the laws of the State in which the realty is located, there may be submitted, in lieu of a certificate of title, a document of comparable validity, such as a certified copy of a title insurance policy or a certificate of search and finding executed by an authorized attorney.

§ 199.307 *Appraisal.* There will also be submitted with Form 33 (ATU) an appraisal, in triplicate, by two or more competent persons, designated by the Assistant District Commissioner for the purpose, showing separately the value of the land and buildings, and a full and clear statement of the method employed by them in determining their valuation. The appraisal shall be at the expense of the principal on the bond, unless it is made by Government officers.

§ 199.308 *Investigation.* The Assistant District Commissioner must cause an investigation to be made of all the facts stated in the surety's affidavit on Form 33 (ATU) and supporting documents, and shall forward one copy of the report of such investigation to the Commissioner with the bond and accompanying Form 33 (ATU).

§ 199.309 *Requalification.* The Commissioner or Assistant District Commissioner may at any time, in his discretion require the requalification of individual sureties on Form 33 (ATU).

§ 199.310 *Deposit of collateral.* Except as provided in this section, bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of individual or corporate sureties. Assistant District Commissioners on receiving such bonds or notes, or other obligations, pledged and deposited by principals as collateral security in lieu of surety, shall deposit such securities as required by Department Circular No. 154, revised (31 CFR Part 225). United States Savings, Defense Savings, and War Savings Bonds issued under the authority of section 22 of the Second Liberty Bond Act, as amended, and other bonds and notes of the United States, which are nontransferable or the hypothecation of which will not be recognized by the Treasury Department, may not be pledged and deposited as security in lieu of corporate or individual sureties.

(Sec. 1126, 44 Stat. 122, as amended, sec. 7, 49 Stat. 22; 6 U. S. C. 15)

§ 199.311 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. If the surety is a corporation, the consent may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate Assistant District Commissioner, or the consent may be executed by the home office officials of such corporate surety; except that, in cases where the saving of time is an element, the consent may be executed by an agent or attorney in fact where the home office officials, by specific direction, order its execution. A copy of such specific direction should be attached to each copy of such consent.

§ 199.312 *Approval required.* No person intending to withdraw liquors or other articles under the provisions of Subparts C through I of this part for transportation to and deposit in a foreign-trade zone shall make any such withdrawal until all bonds required by law and Subparts C through I of this part have been approved by the Assistant District Commissioner.

§ 199.313 *Additional or strengthening bonds.* In all cases where the penal sum of a bond on file and in effect is not sufficient, computed as prescribed by law and Subparts C through I of this part, the principal may give an additional or strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such additional or strengthening bonds, being filed to increase the bond liability of the principal and the surety, shall not be construed in any sense to be substitute bonds, and the Assistant District Commissioner will refuse to approve any additional or strengthening bond where any notation is made thereon which may be construed as a release of any former bond or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond," or "Strengthening Bond."

§ 199.314 *New or superseding bonds.* The principal on any bond filed pursuant to Subparts C through I of this part may, at any time, substitute a new bond therefor. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of the Commissioner or the Assistant District Commissioner, the interests of the Government demand it or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. A new bond shall be required immediately in case of death, removal from the State, or insolvency of an individual surety, or the insolvency of a corporate surety. Where a bond is found to be not acceptable or for any reason becomes invalid or of no effect, the principal shall be required to file immediately a new and satisfactory bond, or discontinue operations thereunder forthwith. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by the obligors at the time of execution, "Superseding Bond." Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, the superseded bond shall be released as to transactions occurring wholly subsequent to the effective date of the superseding bond and notice of termination of the superseded bond may be issued as provided in § 199.324.

ASSISTANT DISTRICT COMMISSIONER'S ACCOUNTS WITH BONDS

§ 199.315 *Alcohol and specially denatured rum.* The Assistant District Commissioner will keep an account with each bond, Form 1702 and Form 1703. Where a consent of surety, Form 1533, is filed, specifically extending the terms of the exporter's continuing direct export bond (Form 1495), or continuing transportation for export bond (Form 1496), or the distiller's denaturing warehouse bond (Form 572), to cover withdrawals for deposit in a foreign-trade zone, the account shall be kept with such bond. Only one account covering all transactions under each bond need be kept. The principal will be charged with the internal revenue tax, or an amount equal thereto, on each lot of alcohol or specially denatured rum withdrawn under a bond for transfer to a foreign-trade zone. Alcohol or specially denatured rum so withdrawn shall remain unaccounted for until the certificate of the Collector of Customs showing the deposit of the alcohol or specially denatured rum in the foreign-trade zone has been received by the Assistant District Commissioner, or, where a loss is reported (a) until satisfactory evidence establishes that the alcohol or specially denatured rum has not been diverted to any illegal use by the exporter or carrier or other person having legal custody or control thereof, and that such loss occurred without connivance, collusion, fraud, or negligence on the part of the exporter or carrier or other such person, or the employees of any of them, or (b) until the tax on the loss has been paid or remitted.

(53 Stat. 336, 355, 358; 26 U. S. C. 2885, 3105, 3070)

§ 199.316 *Specially denatured alcohol.* The Assistant District Commissioner will keep an account with each bond covering transportation to foreign-trade zones of specially denatured alcohol in accordance with the procedure prescribed in § 199.315 for keeping accounts with bonds covering transportation of alcohol and specially denatured rum: *Provided*, That the principal will be

[3] See footnote on p. 11799.

plicable, the destruction under his supervision, of the apparatus.

[2] See footnote on p. 11799.

charged with an amount equal to the internal revenue tax at double the distilled spirits rate of tax on each wine gallon of specially denatured alcohol withdrawn under an outstanding bond for transportation to a zone.

(53 Stat. 358, 359, 359, 360, 364; 26 U. S. C. 3105, 3109, 3111, 3112, 3124)

§ 199.317 *Distilled spirits.* The Assistant District Commissioner will keep an account with each bond, Form 1702 and Form 1703. Where a consent of surety, Form 1533, is filed, specifically extending the terms of the exporter's continuing direct export bond (Form 657), or continuing transportation for export bond (Form 658), to cover withdrawals for deposit in a foreign-trade zone, the account shall be kept with such bond. Only one account covering all transactions under each bond need be kept. The principal will be charged with the internal revenue tax on each lot of distilled spirits withdrawn under a bond for transfer to a foreign-trade zone. Spirits so withdrawn shall remain unaccounted for until the certificate of the Collector of Customs showing the deposit of the spirits in the foreign-trade zone has been received by the Assistant District Commissioner, or, where a loss is reported (a) until satisfactory evidence establishes that the loss did not result from unauthorized voluntary destruction or, if from theft, that the theft occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them, or (b) until the tax on the loss has been paid or remitted.

(53 Stat. 336, 339, 344; 26 U. S. C. 2885, 2888, 2905)

§ 199.318 *Wines.* The Assistant District Commissioner will keep an account with each bond covering transportation of wines to foreign-trade zones. Where an approved consent of surety, Form 1533, which specifically extends the terms of the exporter's continuing export bond (Form 186) to cover withdrawals for deposit in a foreign-trade zone is on file, only one account covering all transactions under such bond need be kept. The principal will be charged with the internal revenue tax on each lot of wine removed under an outstanding bond for deposit in a foreign-trade zone and will be given credit for the tax on each lot concerning which satisfactory proof of deposit in the zone is received. In case a shortage is reported from any shipment, credit will be entered for the actual quantity deposited in the zone. Credit will not be entered for the loss until the tax has been paid thereon. Wine withdrawn for deposit in a zone will be carried as unaccounted for until the certificate of the Collector of Customs showing the deposit of the wine in the foreign-trade zone has been received by the Assistant District Commissioner, and until the tax has been paid on any wine lost in transit to the zone.

(53 Stat. 347 as amended, 353; 26 U. S. C. 3030, 3037)

§ 199.319 *Fermented liquors.* The Assistant District Commissioner will keep an account with each bond governing transportation of fermented liquors to foreign-trade zones. Where an approved consent of surety, Form 1533, which specifically extends the terms of the brewer's continuing export bond (Form 263) to cover withdrawals for deposit in a foreign-trade zone is on file, only one account covering all transactions under such bond need be kept. The principal will be charged with the internal revenue tax at the rate imposed on fermented malt liquors on each lot of fermented liquors removed under an outstanding bond for transportation to a zone. Credit will be given on fermented liquors for which proof of deposit in a foreign-trade zone is filed with the Assistant District Commissioner and for losses of fermented liquors in transit where there is no evidence that such losses resulted from theft or pilferage or from fraud by the exporter.

(53 Stat. 365 as amended, 367; 26 U. S. C. 3150, 3153)

TERMINATION OF TRANSPORTATION BONDS

§ 199.320 *General.* Bonds on Form 1702, covering a specific lot of liquors withdrawn for deposit in a zone, will be terminated by the Assistant District Commissioner immediately upon receipt from the Collector of Customs of a certification that the liquors had been deposited in the zone to which consigned: *Provided,* That where there is a deficiency reported by the Collector of Customs, the bond will not be terminated by the Assistant District Commissioner until liability for the deficiency has been cleared. Upon termination, the Assistant District Commissioner will mark the bond "Canceled" followed by the date of cancellation, and will issue a notice of release, Form 1491, as provided in § 199.324. Continuing bonds on Form 1703 will be terminated by the Assistant District Commissioner as to liability for liquors consigned to a foreign-trade zone after a specified future date (a) pursuant to a notice by the surety, as provided in § 199.321, (b) following approval of a superseding bond, as provided in § 199.314, or (c) following notification by the principal of the discontinuance of the business covered by the bond. Upon termination, the Assistant District Commissioner will mark the bond "Canceled" followed by the date of cancellation, and will issue a notice of termination, Form 1490, or a notice of release, Form 1491, as provided in § 199.324.

§ 199.321 *Application of surety for release from bond.* A surety on any bond required by Subparts C through I of this part may at any time, in writing, notify the Assistant District Commissioner in whose office the bond is on file, and the principal, that he desires to be relieved of liability under the bond at a date not less than 60 days after the date of the notification. One copy of the notice must be delivered to the principal and two copies shall be delivered to the Assistant District Commissioner. If the notice is given by an agent of the surety it must be accompanied by a power of attorney authorizing the agent to give such notice, or by a verified statement that such power of attorney is on file with the Treasury Department. The surety must also file with the Assistant District Commissioner an acknowledgment or other proof of service of such notice on the principal.

§ 199.322 *Extent of release of surety from liability under bond.* If the notice required by § 199.321 is not withdrawn thereafter in writing, the rights of the principal as supported by the said bond shall be terminated on the date named in the notice, and the surety will be relieved from liability for liquors withdrawn wholly subsequent to the date named. Liability under a bond on Form 1703 for liquors removed prior to the date named in the surety's notice will continue until such liquors are properly accounted for according to law and this part. Where the principal files a valid superseding bond, the surety on the bond superseded will be relieved from liability for liquors withdrawn wholly subsequent to the effective date of the superseding bond.

§ 199.323 *Action by Assistant District Commissioner.* When an application by the surety for release as to future liability from a transportation bond required by Subparts C through I of this part is filed with the Assistant District Commissioner, or when a superseding bond has been approved, or when the principal has discontinued business, the Assistant District Commissioner will make a complete examination of records to determine whether there is any liability then due and payable outstanding against the bond. He shall also ascertain from the Director of Internal Revenue whether there are any outstanding unpaid assessments against the principal on liquors removed under the bond. If it is found that violations of law and regulations occurred during the period covered by the bond or that liabilities chargeable against the bond have not been paid or otherwise settled, no further action will be taken until all such liabilities have been settled. If the Assistant District Commissioner finds that the bond may be properly terminated, he will issue notice of termination in accordance with the provisions of § 199.324.

§ 199.324 *Notice of termination.* Upon determining that a transportation bond filed pursuant to Subparts C through I of this part may be terminated, the Assistant District Commissioner will execute a notice of termination, Form 1490, where a superseding bond has been approved, or a notice of release, Form 1491, where the principal has discontinued the business covered by the bond, or where the surety has made application for release from bond as provided in § 199.321. The notice of termination or the notice of release shall be prepared in quadruplicate where there is but one surety, and in quintuplicate where there are two sureties. The Assistant District Commissioner will forward the original of the notice to the Commissioner, together with a copy of the surety's application, if any, furnish one copy to each obligor, and retain one copy of the notice and the surety's application, if any, on file with the bond to which it relates.

§ 199.325 *Release of collateral.* The release of collateral pledged and deposited to support bonds required by Subparts C through I of this part will be in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225), subject to the conditions governing issuance of notices on Forms 1490 and 1491 of the termination of such bonds. When the Assistant District Commissioner determines that there is no outstanding liability against the bond, and has satisfied himself that the interests of the Government will not be jeopardized, the security may be released and returned to the principal.

(44 Stat. 122 as amended; 6 U. S. C. 15)

SUBPART K—INSTRUMENTS AND PAPERS

§ 199.350 *Part of regulations.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or this part are hereby made a part of these regulations as fully and to the same extent as if incorporated herein.

SUBPART L—TOBACCO PRODUCTS

§ 199.375 *General.* The following regulations in this subpart shall govern the withdrawal of tobacco products, including chewing and smoking tobacco, snuff, cigars, and cigarettes, without payment of tax, from bonded domestic internal revenue factories and from bonded internal revenue tobacco export and sea stores warehouses for delivery to foreign-trade zones.

§ 199.376 *Withdrawals of tobacco products to be covered by bond.* No additional or special bonds will be required to cover withdrawals of nontaxpaid tobacco products from domestic internal revenue factories where produced, or withdrawals of such articles from internal revenue tobacco export and sea stores warehouses, for delivery to foreign-trade zones under these regulations. Liability to tax on such withdrawals shall be charged against the bonds under which the factories and tobacco export or sea stores warehouses are operated. However, a tobacco products manufacturer, or proprietor of a bonded internal revenue tobacco export or sea stores warehouse, who desires to make withdrawals of nontaxpaid tobacco products from his factory or warehouse for delivery to foreign-trade zones must furnish to the Assistant District Commissioner, of the district in which his factory or warehouse is located, consent of the surety on his factory or warehouse bond to cover such withdrawals.

§ 199.377 *Requirements as to packing, marking or branding.* Tobacco, snuff, cigars and cigarettes may be put up in packages of any desired size or description for delivery to a foreign-trade zone. Any label, seal or closure appearing on a package of tobacco products which is shipped to a foreign-trade zone must be readily distinguishable from an internal revenue stamp.

§ 199.378 *Shipping containers.* Each shipping case, crate, or other package, containing nontaxpaid tobacco products, to be delivered to a foreign-trade zone under these regulations must be numbered.

§ 199.379 *Application for withdrawal.* For each intended withdrawal of nontaxpaid tobacco products from his factory, or withdrawal of nontaxpaid tobacco products from his bonded internal revenue tobacco export warehouse under these regulations, the manufacturer or warehouse proprietor shall file with the Assistant District Commissioner of the district in which the factory or warehouse is located an application for withdrawal, Form 550–F, in triplicate, while for each intended withdrawal of such articles from a bonded internal revenue sea stores warehouse under the regulations in this part the proprietor shall file with his Assistant District Commissioner an application, Form 550–F, in quadruplicate. The front or face of each copy of the application, Form 550–F, shall be completely and legibly filled in and be given a serial number by the manufacturer or warehouse proprietor. All of the copies of the application shall show the same information, including the serial number. Upon receipt of the properly executed application, the Assistant District Commissioner will sign each copy indicating his approval of the withdrawal of the shipment described on the application. If the shipment is to be withdrawn from a domestic factory, or from a bonded internal revenue tobacco export warehouse, inspection by an internal revenue officer prior to withdrawal will not be necessary or required. However, if the shipment is to be withdrawn from a bonded internal revenue sea stores warehouse, inspection by the officer in charge of the warehouse prior to withdrawal is required.

§ 199.380 *Disposition of copies of Form 550–F.* After the Assistant District Commissioner has signed each copy of the application, Form 550–F, indicating his approval of the withdrawal of the shipment described on the form, he shall retain one copy for immediate transmittal to the Commissioner. If the shipment is to be withdrawn from a domestic factory or bonded internal revenue tobacco export warehouse, the Assistant District Commissioner must return the other two approved copies of the Form 550–F to the manufacturer or warehouse proprietor concerned. If the shipment is to be withdrawn from a bonded internal revenue tobacco sea stores warehouse, the Assistant District Commissioner must forward the other three approved copies of the Form 550–F to the officer in charge of the warehouse who shall permit withdrawal of the shipment described on the form. When the shipment has been removed from the factory or tobacco export warehouse, the manufacturer or warehouse proprietor shall execute the appropriate certificate on the back of both copies of the Form 550–F and forward these two copies to the customs officer in charge of the foreign-trade zone to which the shipment described on the form will be delivered. When the shipment from the tobacco sea stores warehouse has been withdrawn under the supervision of the officer in charge, that officer should execute the proper certificate on the back of each of the copies of the Form 550–F, retain one copy to be submitted with his report at the close of the month on Form 550–D to the Assistant District Commissioner of the district in which the sea stores warehouse is located, and forward the other two copies of the Form 550–F to the customs officer in charge of the foreign-trade zone involved.

§ 199.381 *Receipt of shipment into foreign-trade zone.* When a shipment of nontaxpaid tobacco products is received at the foreign-trade zone, the customs officers at the zone shall inspect the shipment to satisfy themselves that it agrees with that described on the copies of the related Form 550–F received from the manufacturer, proprietor of the tobacco export warehouse, or officer in charge of the tobacco sea stores warehouse from which the shipment originated. The customs officers at the foreign-trade zone should not permit receipt into the zone of tobacco products other than those described on the related Form 550–F. After permitting receipt of the shipment into the zone, the officer in charge shall properly execute the certificate of receipt on the back of each of the two copies of the related Form 550–F, retain one copy for the records of his office, and transmit the other completed copy of the form to the Commissioner of Internal Revenue.

§ 199.382 *Delay in removal; cancellation of shipment.* In case the shipment of tobacco products is not removed from the factory, or internal revenue tobacco export or sea stores warehouse, within ten days after the date of approval of the related Form 550–F by the Assistant District Commissioner, the manufacturer or warehouse proprietor must advise the Assistant District Commissioner as to the probable date of removal. If the order for the shipment has been canceled, the manufacturer or warehouse proprietor should so state and request permission to cancel his application and retain the merchandise in stock in his factory or warehouse.

§ 199.383 *Return of shipment to factory or warehouse.* If, after removal from his factory, or internal revenue warehouse, and prior to delivery to and receipt in a foreign-trade zone, the manufacturer, or the proprietor of the internal revenue tobacco export or sea stores warehouse, desires to return a shipment of tobacco products to the premises of his factory, or into his warehouse, he must make application to the Commissioner of Internal Revenue for permission so to do. The manufacturer or warehouse proprietor must identify the shipment set forth in such application, where it has been since it left his factory or warehouse, where it is held and in whose custody it is at the time of making application, and the reason for its return. Permission and appropriate instructions must be received by the manufacturer or warehouse proprietor from the Commissioner before the merchandise is returned to the premises of the factory or warehouse.

§ 199.384 *Tax liability.* Responsibility for the proper delivery of nontaxpaid

tobacco products withdrawn from the factory, or tobacco export or sea stores warehouse, under these regulations shall rest upon the manufacturer or warehouse proprietor making the withdrawal and he will be liable for the internal revenue tax on such articles shipped or delivered otherwise than in accordance with these regulations, or for such articles shipped for this purpose where satisfactory evidence of delivery is not received by the Commissioner.

§ 199.385 *Credit for shipment.* Upon receipt by the Commissioner of Internal Revenue of a copy of the application, Form 550–F, on which the officer in charge of the foreign-trade zone has executed the certificate of receipt, or other satisfactory evidence, credit will be allowed the shipper for the merchandise actually received into the foreign-trade zone as indicated by the officer in charge of the zone. In case a shortage is reported, the shipper will be required to pay the amount of tax due on the shortage.

§ 199.386 *Penalties.* Sections 2160 and 2173 of the Internal Revenue Code impose severe penalties for the illegal possession, use or dealing in, within the United States (including the Territories of Alaska and Hawaii), of manufactured tobacco, snuff, cigars and cigarettes upon which the tax has not been paid. These provisions of law apply to tobacco products removed without payment of tax under these regulations from a factory or internal revenue tobacco export or sea stores warehouse and, accordingly, any person possessing, using or dealing in such products otherwise than as authorized by these regulations may be subject to the penalties prescribed in such provisions of law.

SUBPART M—PLAYING CARDS

§ 199.425 *General.* The regulations in this subpart shall govern the withdrawal of playing cards, without payment of tax, from factories, for delivery to foreign-trade zones.

§ 199.426 *Bond for withdrawals of playing cards.* A manufacturer intending to withdraw playing cards, without the payment of tax, for transportation to and deposit in a foreign-trade zone shall, either before, or at the time of, filing his first application for withdrawal for delivery to foreign-trade zone on Form 550–F, furnish to the Director of Internal Revenue of the district in which the place of manufacture is located, an export bond, in duplicate, on Form 549, with surety satisfactory to the Director. If an export bond on Form 549 has already been furnished by the manufacturer, it will not be necessary that a new bond be filed, since liability to tax on such a withdrawal will be charged against the existing export bond, Form 549; however, in such case, if a playing card manufacturer makes a withdrawal of tax-free playing cards from his factory for delivery to a foreign-trade zone, he must furnish to the Director of the district in which the factory is located, consent of the surety on the export bond to cover such withdrawal.

§ 199.427 *Requirements as to packing, marking or branding.* Playing cards must be put up in packs the same as for domestic use. Any label used to seal a package of playing cards which is shipped to a foreign-trade zone must be readily distinguishable from an internal revenue stamp.

§ 199.428 *Shipping containers.* Each shipping case, crate, or other package, containing nontaxpaid playing cards, to be delivered to a foreign-trade zone under these regulations must be numbered.

§ 199.429 *Application for withdrawal.* For each intended withdrawal of nontaxpaid playing cards from his factory under the regulations in this part, the manufacturer shall file with the Director of Internal Revenue of the district in which the factory is located an application for withdrawal, Form 550–F, in triplicate. The front or face of each copy of the application, Form 550–F, shall be completely and legibly filled in and be given a serial number by the manufacturer. All of the copies of the application shall show the same information, including the serial number. Upon receipt of the properly executed application, the Director will sign his permit on each copy indicating his approval of the withdrawal of the shipment described on the application. Inspection of the shipment by an internal revenue officer prior to withdrawal from the factory will not be necessary or required.

§ 199.430 *Disposition of copies of Form 550–F.* After the Director has signed his permit on each copy of the application, Form 550–F, indicating his approval of the withdrawal of the shipment described on the form, he should retain one copy for transmittal to the Commissioner in accordance with the provisions of A & C Mimeograph Coll. No. 6280, dated June 29, 1948. The Director should return the other two approved copies of the Form 550–F to the manufacturer concerned. When the shipment has been removed from the factory the manufacturer shall execute the appropriate certificate on the back of each copy of the Form 550–F and forward both copies to the customs officer in charge of the foreign-trade zone to which the shipment described on the form will be delivered.

§ 199.431 *Receipt of shipment into foreign-trade zone.* When a shipment of playing cards is received at the foreign-trade zone, the customs officers at the zone shall inspect the shipment to satisfy themselves that it agrees with that described on the copies of the related Form 550–F received from the manufacturer. The customs officers at the foreign-trade zone should not permit receipt into the zone of playing cards other than those described on the related Form 550–F. After permitting receipt of the shipment into the zone, the officer in charge shall properly execute the certificate of receipt on the back of each of the two copies of the related Form 550–F, retain one copy for the records of his office, and transmit the other completed copy of the form to the Commissioner of Internal Revenue.

§ 199.432 *Delay in removal; cancellation of shipment.* In case a shipment is not removed from the factory within ten days after the date of approval of the related Form 550–F by the Director of Internal Revenue, the manufacturer must advise the Director as to the probable date of removal. If the order for the shipment has been canceled, the manufacturer must so state and request permission to cancel his application and retain the merchandise in stock in his factory.

§ 199.433 *Return of shipment to factory.* If, after removal from his factory, and prior to delivery to and receipt in a foreign-trade zone, the manufacturer desires to return a shipment of playing cards to the premises of his factory, he must make application to the Commissioner of Internal Revenue for permission so to do. The manufacturer must identify the shipment set forth in such application, where it has been since it left his factory, where it is held and in whose custody it is at the time of making application, and the reason for its return. Permission and appropriate instructions must be received by the manufacturer from the Commissioner before the merchandise is returned to the premises of the factory.

§ 199.434 *Tax liability.* Responsibility for the proper delivery of nontaxpaid playing cards withdrawn from his factory under these regulations shall rest upon the manufacturer making the withdrawal and he will be liable for the internal revenue tax on such articles shipped or delivered otherwise than in accordance with the regulations in this part, or for such articles shipped for this purpose where satisfactory evidence of delivery is not received by the Commissioner.

§ 199.435 *Credit for shipment.* Upon receipt by the Commissioner of a copy of the application, Form 550–F, on which the officer in charge of the foreign-trade zone has executed the certificate of receipt, or other satisfactory evidence, credit will be allowed the shipper for the playing cards actually received into the foreign-trade zone as indicated by the officer in charge of the zone. In case a shortage is reported, the shipper will be required to pay the amount of tax due on the shortage.

§ 199.436 *Penalties.* Sections 1820 (b) and 3320 (a) of the Internal Revenue Code impose severe penalties for dealing in, within the United States, playing cards upon which the tax properly due has not been paid, or for possessing playing cards with design to avoid payment of the tax thereon. These sections apply to playing cards removed without payment of tax under the regulations in this part, and accordingly, any person possessing, using, or dealing in, such playing cards otherwise than as authorized by these regulations may be subject to penalties prescribed therein.

2. These regulations will be effective on the 31st day after the date of their publication in the FEDERAL REGISTER.

[SEAL] T. C. ATKESON,
Acting Commissioner of Internal Revenue.

D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: December 22, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-13643; Filed, Dec. 29, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 98, Amdt. 8]

CPR 98—RESELLERS OF IRON AND STEEL PRODUCTS

WAREHOUSE MARKUPS FOR TOOL STEEL

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to Ceiling Price Regulation 98 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment increases the dollars and cents warehouse extra for resellers of tool steel to reflect increases in costs due to freight rate increases.

Warehouse resellers of industrial steel products, in keeping with their customary business practice, are generally permitted under CPR 98 to pass on to their customers any increase in their incoming freight costs. Warehouse resellers of tool steel, however, in lieu of computing their resale price by the use of a transportation factor plus a markup, have added only a geographically uniform dollars and cents warehouse extra which included the transportation costs. This customary business practice was recognized in Amendment 1 to CPR 98 which deleted the "transportation factor" clause for tool steel. Thus warehouse resellers of tool steel, were required to absorb increases in freight rates which put them at a disadvantage as compared to warehouse resellers of other products. This amendment remedies that situation by increasing the tool steel markup to amounts which take into account the recent freight increases.

In addition, a correction has been made in the language of the tool steel markup provision to remove an ambiguity in the regulation. Tool steel has historically been sold on a delivered basis and it is the area in which the customer is located which has determined the amount of the applicable markup rather than the area in which the warehouse is situated. The language of the tool steel markup provision has been clarified accordingly.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended, and conform in all respects to the applicable provisions of that act.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this amendment there has been consultation with industry representatives, including trade associations to the extent practicable, and consideration has been given to their recommendations.

AMENDMENT PROVISIONS

Section 13 (f) is amended to read as follows:

(f) *Tool steel bars and drill rods.* You determine your ceiling warehouse price for tool steel bars and drill rods, delivered, by adding the following markups to the current mill net price charged to consumers, f. o. b. point of production:

1. $4.00 per 100 pounds for shipments to points situated on, or east of the Mississippi River.

2. $6.00 per 100 pounds for shipments to points situated west of the Mississippi River.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective January 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 29, 1952.

[F. R. Doc. 52-13768; Filed, Dec. 29, 1952; 4:00 p. m.]

[Ceiling Price Regulation 162, Amdt. 2]

CPR 162—BEET PULP PRODUCTS

WET BEET PULP; LONG TERM CONTRACTS PROVIDING SPECIAL SERVICES OR FACILITIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 162 is hereby issued.

STATEMENT OF CONSIDERATIONS

The application of the ceiling price provisions for wet beet pulp under CPR 162 has had the effect of cutting across certain long term contracts between beet pulp processors and livestock feeders. In some instances, this will result in seriously disrupting the soundly planned livestock programs underlying such contracts and in windfall benefits or in substantially increased costs for feeders. The essential features of the contracts affected are related to the desirability of long term feeding programs. Generally speaking, the contracts run for at least two years, provide for payments to the processors which are based upon the market price for livestock and provide other benefits, services and savings to the feeder. In some instances, for example, the processor, in addition to furnishing the wet beet pulp, also provides feed lot facilities adjacent to the processing plant at low or nominal rentals. As a consequence of such feed lot arrangements, the substantial cost normally incidental to the transportation of the pulp from the plant are eliminated, and this together with low or nominal rentals for the feed lot result in substantial savings for the feeder. Where these contracts have been entered into before the effective date of this regulation, it is consistent with the objectives of sound price control if processors and feeders are permitted to perform them without being subject to the dollar-and-cent ceiling price restrictions of CPR 162.

Accordingly, it is now provided that wet beet pulp processors, upon application and after approval by the Director of Price Stabilization, may receive payments for the performance of such contracts without reference to certain ceiling price restrictions of CPR 162.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISION

Ceiling Price Regulation 162 is amended by adding a new section, section 20, to read as follows:

SEC. 20. *Long term contracts.* (a) If you are a processor and you sell wet beet pulp to a feeder under a contract entered into prior to the issuance of this regulation which provides for sales of such beet pulp to such feeder over a period of at least two years, and such contract provides for furnishing facilities or services to the feeder in addition to those normally incidental to the sale of wet beet pulp, and if the price for wet beet pulp provided for in the contract is governed by a market price for livestock or a livestock product, you may apply to the Director of OPS for permission to continue to fulfill the terms of such contract notwithstanding the fact that the total payments the feeder makes under the contract exceed the ceiling price per ton of wet beet pulp established under this regulation.

(b) Such application should be addressed to the Director of Price Stabilization, Office of Price Stabilization, attention Grains and Related Products Branch, Food and Restaurant Division, Washington 25, D. C., and should be accompanied by a certified copy of each such contract, together with a detailed description of the types of facilities and services you furnish to the feeder.

(c) You may not apply any provisions of the contract providing for payments

by a feeder in excess of the ceiling price per ton of beet pulp provided for in this regulation unless the Director of Price Stabilization notifies you in writing that you are permitted to do so.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective January 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 29, 1952.

[F. R. Doc. 52-13767; Filed, Dec. 29, 1952; 12:03 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 2 to Area Milk Price Regulation 16]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 16—KENOSHA MILK MARKETING AREA, STATE OF WISCONSIN

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679), this Amendment 2 to Area Milk Price Regulation 16 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 955) is hereby issued:

STATEMENT OF CONSIDERATIONS

The milk processors supplying the Kenosha, Wisconsin, milk marketing area filed, on October 28, 1952, an application under Section 4 of SR 63 to the GCPR for an increase in the ceiling prices determined by AMPR 16.

On November 1, 1952, the milk processors in the Kenosha area put into effect a new labor contract approved by the Wage Stabilization Board. This contract increased labor costs by providing, among other things, for a reduction in the workweek without a corresponding reduction in wages. This necessitates the employment of additional personnel. In their application, the processors estimated the additional cost to them by recomputing their August 1952 labor cost on the basis of the new contract. This projection has been compared with the actual November experience and found to be accurate. On the basis of the information submitted and otherwise available to this office, it appears that an increase of 1¢ per sales point is warranted by the criteria of the regulation.

In the judgment of the Regional Director, the provisions of this Amendment 2 to Area Milk Price Regulation 16 in Region VII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950 as amended by the Defense Production Act amendments of 1951.

The Regional Director has given due consideration to the national effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to all relevant factors of general applicability. The Director has consulted the industry involved to the fullest extent practicable and has given due consideration to its recommendation.

AMENDATORY PROVISIONS

Area Milk Price Regulation 16, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, is amended in the following respects:

1. Section 4 (a) is amended by changing Table A to read as follows:

TABLE A

Container size (in glass or paper) of listed milk product for fluid consumption	Ceiling price per item delivered at wholesale	Ceiling price per item home delivered or retail store carry-outs
Regular milk (3.5 to 3.7 percent butterfat):		
Quarts	$0.185	$0.210
Pints	.100	.115
½ pints	.055	.065
Golden Guernsey (4.4 percent butterfat):		
Quarts	.205	.230
Pints	.100	.115
½ pints	.055	.065
Homogenized Vi) (3.5 to 3.7 percent butterfat):		
Quarts	.195	.220
Pints	.100	.115
½ pints	.055	.065
½ gallons	.380	.420
Bulk milk: Gallons	.73	XXX
Coffee cream, sour cream (20 percent butterfat):		
Quarts	.780	.860
Pints	.395	.455
½ pints	.200	.230
Certified milk: Quarts	XXX	1.250
Buttermilk:		
Quarts	.155	.180
Pints	.100	.115
½ pints	.055	.065
Creamed cottage cheese:		
12-ounce package	.190	1.210
5-pound carton	.940	1 1.04
Cottage cheese, dry:		
16-ounce package	.19	1.21
5-pound carton	.84	1.04
Chocolate drink:		
Quarts	.195	.220
Pints	.100	.115
½ pints	.055	.065
XX Cream (35 percent butterfat):		
Quarts	1.260	1.360
Pints	.635	.695
½ pints	.32	.35
Acidophilus: Quarts	XXX	1.38
Cream (half and half):		
Quarts	.610	.650
Pints	.315	.345
Skimmed milk:		
Quarts	.09	.115
1 to 5 gallons, inclusive (gallon)	.255	XXX
6 or more gallons (gallon)	.205	XXX

1 Home-delivered only.

Effective date. This Amendment 2 to Area Milk Price Regulation 16, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, shall become effective December 24, 1952.

B. EMMET HARTNETT,
Regional Director.

DECEMBER 24, 1952.

[F. R. Doc. 52-13712; Filed, Dec. 24, 1952; 11:34 a. m.]

[General Overriding Regulation 8, Amdt. 7]

GOR 8—PAPER, PAPERBOARD, CONVERTED PAPER AND PAPERBOARD PRODUCTS, ALLIED PRODUCTS AND SERVICES

CLARIFYING THE EXEMPTION OF SMALL PRINTERS AND SALES OF MIXED NEW UNDERWEAR CUTTINGS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 7 to General Overriding Regulation 8 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes subparagraph (3) of section 1 (a) of General Overriding Regulation 8 to make it conform to the original intent as expressed in the Statement of Considerations to Amendment 1 to GOR 8. The stated intent was to exempt all small printing firms whose total gross sales of printed papers, paper products and printing services in the calendar year 1950 did not exceed $50,000. However, the amendatory language of Amendment 1 did not effectuate this objective because any small printer who is selling the pure service of printing, typesetting, plate making, or allied services in a manner which is not related to the sale by him of any paper or paper product not absolutely exempted under subparagraph (2) of GOR 8 was not exempted by subparagraph (3) with respect to such sales of services. This amendment definitely extends the exemption to any printer whose total gross sales do not exceed $50,000 per annum irrespective of whether all or part of such sales consist merely of services rendered on paper or paper products which are owned by other persons. Therefore, this amendment makes it clear that Ceiling Price Regulation 121, Printing, Printed Products, Allied Products and Certain Paper Products, does not apply to these small printing establishments with respect to the sales of such services.

This amendment also clarifies the scope of exemptions created by section 1 (a) 1 of GOR 8 by re-defining the terms "consumer" and "new cotton, linen and underwear cuttings". The question has been presented as to whether a manufacturer who acquires new cuttings for the purpose of further processing them into other commodities is a "consumer" as defined in the regulation. This amendment makes it clear that any person who acquires these commodities for this purpose is a consumer within the meaning of the regulation. GOR 8 was intended to exempt from price controls sales of unsorted or mixed new cuttings of both synthetic and non-synthetic fibers to persons other than a consumer. Issued simultaneously therewith, CPR 28 was designed to cover sales of new cuttings of certain non-synthetic fiber not exempted by GOR 8. Due to this relationship between the two regulations, plus the fact that CPR 28 coverage was limited to new cuttings of non-synthetic fiber, there has been some uncertainty as to whether or not GOR 8 was applicable to sales of unsorted and mixed new cuttings of synthetic fiber. As re-defined, the term specifically includes new cuttings of both synthetic and non-synthetic fibers. In order to eliminate future uncertainty or confusion, it should be noted that the sales of new cuttings of synthetic fiber not exempted by GOR 8 are subject to the appropriate provisions of the General Ceiling Price Regulation, and usual cuttings not exempt are subject to Ceiling Price Regulation 141.

In the formulation of this amendment, there has been consultation with members of the Industry Advisory Committee, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 8 is amended in the following respects:

1. Subparagraph (3) of section 1 (a) of General Overriding Regulation 8 is amended to read as follows:

(3) Sales of all printed papers, printed paper products and printing services when sold by persons engaged primarily in the business of publishing, printing, typesetting, plate making, binding, or rendering related services, whose total gross sales in the calendar year 1950 of printed papers, printed paper products or printing services, or any combination thereof, did not exceed $50,000. This exemption applies in any subsequent year when such total gross sales in the preceding calendar year did not exceed $50,000: *Provided*, That records of such total gross sales for 1950 and any subsequent year of printed paper products and printing services be maintained and preserved for inspection by the Office of Price Stabilization for the life of the Defense Production Act of 1950 and for two years thereafter.

2. The headnote in section 2 (a) is amended to read as follows:

SEC. 2. *Definitions.* (a) The terms in this General Overriding Regulation shall be construed in the following manner unless otherwise clearly required by the context.

3. Subparagraph (1) of paragraph (a) of section 2 is amended to read as follows:

(1) "Consumer" as used in section 1 (a) (1), means a person who acquires new cotton, linen, or underwear cuttings for the purpose of further processing them into some other commodity.

4. Subparagraph (2) of paragraph (a) of section 2 is amended to read as follows:

(2) "New cotton, linen and underwear cuttings" as used in section 1 (a) (1) means all kinds and grades of new cotton cuttings, linen cuttings, underwear cuttings of both synthetic and non-synthetic fiber, including but not limited to cuttings of wool, silk, nylon and rayon, and new linen thread waste, regardless of the use for which they are sold, excepting however, pound goods and similar materials when sold for re-use as new textiles and excepting also cotton hooked rug materials and mill rags.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup 2154)

Effective date. This Amendment 7 to General Overriding Regulation 8 shall become effective January 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 29, 1952.

[F. R. Doc. 52-13769; Filed, Dec. 29, 1952; 4:00 p. m.]

[General Overriding Regulation 32, Special Order 4, Amdt. 1]

GOR 32—ADJUSTMENT OF CEILING PRICES FOR MATERIALS TO THE MINIMUM PRICES FIXED BY STATE LAWS

SO 4—RETAIL AND WHOLESALE GROCERS IN MONTANA

ADDITIONAL COMMODITIES AND GROUP 3 CHAIN STORES

Statement of considerations. This amendment adds certain food commodities to Special Order 4 to General Overriding Regulation 32. Special Order 4 was issued in response to a petition by the Montana Trade Commission and raised the ceiling prices of Montana retail and wholesale grocers where necessary to conform with the minimum prices established by the Montana Unfair Trade Practices Act. It appears, however, that through an oversight some of the commodities for which an adjustment was requested by the Montana Trade Commission were not included in the Special Order. Moreover, the Order failed to provide a special markup for retailers who are classified as Group 3 retailers under CPR 15 and who perform what is called under Montana law a "wholesale function".

Since these adjustments were included in the original petition of the Montana Trade Commission and since the Commission has shown that such adjustments are required under GOR 32, it is ordered that Special Order 4 to General Overriding Regulation 32 be amended as follows:

1. Section 2, paragraph C is revised to read as follows:

C. Ceiling prices for retailers who are classified as Group 3 retailers under CPR 15 may be computed by multiplying the lower of their most recent invoice cost or their replacement cost by 1.10 for sales for which they do not perform the "wholesale function" or by 1.155 for sales for which they perform the "wholesale function" in addition to the retail function, for the following food commodities: canned milk and shortening (hydrogenated).

2. Section 2, paragraph D is revised by adding to the list of food commodities coffee concentrates and flour.

A copy of this amendment has been filed with the Recording Secretary of the Office of Price Stabilization at Washington, D. C., where it may be examined by the public.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective December 30, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 29, 1952.

[F. R. Doc. 52-13770; Filed, Dec. 29, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 3, Direction 4 as Amended Dec. 24, 1952]

CMP REG. 3—PREFERENCE STATUS OF DELIVERY ORDERS UNDER THE CONTROLLED MATERIALS PLAN

DIR. 4—SPECIAL PREFERENCE STATUS OF CERTAIN DO RATED ORDERS

This amended direction under CMP Regulation No. 3 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

EXPLANATORY

Direction 4, as last amended August 20, 1952, to CMP Regulation No. 3, is further amended by changing the date which appears in sections 1 and 2 from December 31, 1952, to June 30, 1953.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Status of certain DO rated orders.
3. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to channel into defense programs, so far as practicable, Class A and B products containing steel. This will be accomplished by according special preference status to DO rated orders for such products, calling for delivery on or before June 30, 1953, placed in support of military, atomic energy, and machine tool programs.

SEC. 2. *Status of certain DO rated orders.* Any DO rated order for a Class A product containing steel or a Class B product containing steel, bearing a program identification A, B, C, or E, and a digit (including the suffix B-5), or Z-2, calling for delivery on or before June 30, 1953, must be accepted and filled in preference to all other DO rated orders for Class A products containing steel or Class B products containing steel, previously or subsequently received, but which do not bear a program identification A, B, C, or E, and a digit (including the suffix B-5), or Z-2: *Provided, however,*

That such a DO rated order need not be accepted if filling it would stop or interrupt the supplier's operations during the next 15 days in a way which would cause a substantial loss of total production or a substantial delay in operations. All DO rated orders (including those previously placed) for Class A products containing steel or Class B products containing steel, which bear a program identification A, B, C, or E, and a digit (including the suffix B–5), or Z–2, shall have equal preferential status.

SEC. 3. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 3, NPA Reg. 2, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect. This direction shall not be construed, however, to apply to any product subject to NPA Order M–41, M–43, M–44, or M–95, or to electron tubes subject to NPA Order M–17.

This direction, as amended, shall take effect December 24, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–13733; Filed, Dec. 24, 1952; 3:02 p. m.]

[NPA Order M–50, Direction 3]

M–50—ELECTRIC UTILITIES

DIR. 3—AUTOMATIC REVALIDATION OF ALLOTMENTS FOR MAJOR PLANT ADDITIONS

This direction to NPA Order M–50 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Automatic revalidation of certain allotments and orders for major plant additions.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789, 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction provides for the automatic revalidation of allotments for major plant additions by permitting placement of authorized controlled material orders calling for deliveries of controlled materials in the calendar quarter next succeeding the quarter for which the allotment is made.

SEC. 2. *Automatic revalidation of certain allotments and orders for major plant additions.* (a) Any electric utility which has received an authorized construction schedule and related allotment for a major plant addition pursuant to section 32 of NPA Order M–50, may itself revalidate such allotment, placing authorized controlled material orders calling for delivery in the quarter next succeeding the quarter for which the allotment was made without making application to DEPA for authority to take such action.

(b) (1) To revalidate an allotment pursuant hereto, an electric utility need only indicate on its purchase order that it desires delivery in the calendar quarter next succeeding the quarter provided for in the allotment. (For example, if it has received an allotment valid for the fourth calendar quarter of 1952, and if it desires, for any reason, to receive delivery in the first quarter of 1953 instead of in the fourth quarter of 1952, in placing its purchase order, the utility shall identify such order by the allotment number and the designation of the appropriate calendar quarter in which it desires delivery, i. e., in the instance of this example 1Q53.)

(2) If a purchase order has already been placed pursuant to an allotment valid in any particular calendar quarter and if the utility desires, for any reason, to receive delivery in the calendar quarter next succeeding the quarter for which the allotment is valid, it may revalidate such allotment and purchase order, and request delivery in the next succeeding quarter, either by furnishing a revised copy of the purchase order to the supplier, or by furnishing the supplier written information clearly identifying the original purchase order and specifying the quarter in which delivery is requested.

(3) All purchase orders placed pursuant to this direction shall be certified and signed in the manner provided in section 23 of NPA Order M–50.

This direction shall take effect December 24, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52–13734; Filed, Dec. 24, 1952; 3:02 p. m.]

[NPA Order M–47B, as Amended December 29, 1952]

M–47B—USE OF CONTROLLED MATERIALS IN CERTAIN CONSUMER DURABLE GOODS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the order affects many different trades and industries.

EXPLANATORY

This order, as amended, affects NPA Order M–47B, as last amended November 6, 1952, as follows: Schedule I is deleted and a new Schedule I is substituted in its place.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Definitions.
3. Application of this order.
4. Authority to use allotments of controlled material to produce other products, repair and replacement parts, and authority to provide flexibility in the production of repair and replacement parts.
5. Prohibited use of copper and aluminum (Deleted August 4, 1952).
6. Request for adjustment or exception.
7. Records and reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Purpose.* The purpose of this order is to provide for a degree of flexibility in the production of certain consumer durable goods, by permitting a CMP allotment received for the production of one product to be used, subject to certain limitations, in the production of a different product.

SEC. 2. *Definitions.* The following terms shall have the same meanings as given for such terms in section 2 of CMP Regulation No. 1.

(1) Person.
(2) Controlled material.
(3) Industry division.
(4) Prime consumer.
(5) Allotment.
(6) Class A product.
(7) Class B product.

SEC. 3. *Application of this order.* This order applies to any producer of any Class B product in Schedule I of this order, including any prime consumer who obtains any controlled material as provided by Directions 1, 17, or 18 to CMP Regulation No. 1 or by allotment from an industry division. This order does not apply to the production of controlled materials.

SEC. 4. *Authority to use allotments of controlled material to produce other products, repair and replacement parts, and authority to provide flexibility in the production of repair and replacement parts.* (a) Notwithstanding the provisions of any CMP regulation, any prime consumer, who has received from an industry division an allotment of any iron and steel, copper, or aluminum in the controlled material forms and shapes listed in Schedule I to CMP Regulation No. 1 for the production, during any calendar quarter, of any Class B product in Schedule I of this order, may, during such quarter, use all or part of such allotment, and the rating authorized for use in connection therewith, for the production of any other Class B product or

products included in Schedule I if each of the other Class B products which the allotment is used to produce is either (1) one for which he also received an allotment for such quarter from an industry division, or (2) one which he has produced, for purpose of sale, on or after July 1, 1949. In all other respects, the provisions of CMP regulations shall apply to such production.

(b) Nothing in this section shall be deemed to increase or to serve as a basis for increasing the amount of any controlled material allotted to any person for production of all products in Schedule I of this order, or for all production.

(c) Any prime consumer, who obtains in the manner set forth in section 3 of this order any iron and steel, copper, or aluminum in the controlled material forms and shapes listed in Schedule I to CMP Regulation No. 1 for the production during any calendar quarter of any Class B product included in Schedule I of this order may, subject, however, to the same restrictions as are contained in paragraph (a) of this section, use all or a part of such CMP allotment in the production of repair or replacement parts of any product listed in Schedule I of this order.

(d) Any prime consumer, who obtains in the manner set forth in section 3 of this order any iron and steel, copper, or aluminum in the controlled material forms and shapes listed in Schedule I to CMP Regulation No. 1 for the production during any calendar quarter, of repair or replacement parts of any Class B product listed in Schedule I of this order may, subject, however, to the same restrictions as are contained in paragraph (a) of this section, use all or a part of such CMP allotment in the production of repair or replacement parts of a different product listed in Schedule I of this order.

(e) Nothing in paragraphs (c) and (d) of this section permits the use for production of any Class B product listed in Schedule I of this order, of any CMP allotment received for the production of repair or replacement parts of any such product, or authorizes any action contrary to Direction 1 to this order, as amended.

(f) Controlled material obtained by any prime consumer under the authorizations provided by Directions 1, 17, or 18 of CMP Regulation No. 1 for the production of any new product designated in Schedule I of this order, or for repair or replacement parts for any such new product shall be subject to the provisions of Direction 1 to this order, as amended. For the purpose of this paragraph, the term "new product" shall have the meaning defined in section 2 (a) of Direction 1 to this order, as amended.

SEC. 5. *Prohibited use of copper and aluminum* (Deleted August 4, 1952).

SEC. 6. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 7. *Records and reports.* (a) Each person participating in any transaction covered by this order, or who relies on section 4 of this order, shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 8. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–47B.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Order M–47B, as so amended, shall take effect December 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

SCHEDULE I OF NPA ORDER M–47B

(Note: Listings are in accordance with the official CMP Class B Product List of May 1, 1952)

Product class code	*Product*
2342091	Corset and allied garment accessories.
2392	Housefurnishings, fabric (containing controlled materials).
23940	Canvas products.
24930	Frames for mirrors and pictures.
2511	Wood household furniture, except upholstered.
2512092	Wood household furniture, upholstered, n. e. c.
25130	Reed and rattan furniture (including bassinets).
2514	Metal household furniture, except rollaway beds.
2531092	Public building furniture, n. e. c.
25412	Cases, cabinets, counters, and other fixtures.
25620	Window shades and accessories.
2563	Venetian blind parts and accessories.
25910	Restaurant furniture.
2599092	Furniture and fixtures, n. e. c.
3421191	Cutlery, scissors, shears, and trimmers.
34292	Furniture hardware.
3429391	Vacuum bottles and jugs, 1-quart and over.
3429691	Specialized hardware, fireplace equipment only.
3429694	Harness and saddlery hardware.
34396	Domestic cooking stoves, ranges, and cooking appliances, except electric.
34611	Vitreous-enameled cooking and kitchen utensils, except hospital utensils.
3463794	Ice cube trays and lunch boxes, metal; aluminum ice cube trays only.
3463795	Stamped or pressed metal end products, n. e. c.
34639	Stamped and spun cooking and kitchen utensils, except commercial cooking, kitchen, and hospital utensils, and commercial baking pans.
34712	Incandescent portable lamps.
3471591	Fluorescent portable lamps.
3489695	Wire products, n. e. c.
3499292	Fabricated metal products, n. e. c.
3499294	Bed rails, metal.
35227	Lawn mowers and lawn sweepers.
35811	Household mechanical washing machines.
3581291	Household ironers.
3581292	Household laundry equipment, n. e. c.
3583091	Sewing machines, household.
35841	Vacuum cleaners, household.
35851	Household refrigerators.
35852	Home and farm freezers.
3585395	Dehumidifiers with complete refrigeration cycle.
3589292	Household machines, n. e. c.
36211	Electric fans, except industrial-type.
3621393	Electric razors and dry shavers.
3621394	Small household electric appliances, except fans.
36214	Household ranges, electric.
3699392	Electrical products, n. e. c., Christmas tree lighting outfits only.
37511	Motorcycles, bicycles, and motorcycle and bicycle parts, except repair parts.
39120	Jewelers' findings and materials.
3914091	Flatware, commercial and domestic.
3914092	Silverware, hollow ware and plated ware.
39310	Pianos.
39320	Organs.
39410	Games and toys, except dolls and children's vehicles.
39420	Dolls and stuffed toy animals.

SCHEDULE I OF NPA ORDER M-47B—Continued

Product class code	Product
3943092	Children's vehicles and parts.
3949091	Sporting and athletic goods.
3949092	Commercial fishing equipment (except water craft).
39510	Pens, mechanical pencils, and pen points.
39520	Lead pencils.
39540	Artists' materials and equipment.
39610	Costume jewelry and novelties, except precious metal.
3964094	Household needles, pins, similar notions, n. e. c., civilian-type.
39860	Jewelry cases and instrument cases.
39950	Umbrellas, parasols, and canes.
39960	Tobacco pipes and cigarette holders.
39970	Soda fountain and beer-dispensing equipment.
3999494	Miscellaneous fabricated products, n. e. c.
5012	Specialty products, n. e. c.
6921	Religious goods, n. e. c.

[F. R. Doc. 52-13762; Filed, Dec. 29, 1952; 11:05 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 109 to Schedule A]

[Rent Regulation 2, Amdt. 107 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

OHIO AND PENNSYLVANIA

Effective December 24, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 24th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Ohio				
(241) Youngstown...	B	In Mahoning County, the cities of Campbell, Struthers, and that portion of the city of Youngstown located therein, and all unincorporated localities; in Trumbull County, the city of Girard, that portion of the city of Youngstown located therein, the villages of Hubbard, McDonald, and Orangeville, and all unincorporated localities.	Apr. 1, 1941	June 1, 1942
Pennsylvania				
(270) Farrell.....	B	In Mercer County, the city of Farrell and the boroughs of Clarksville, West Middlesex, and Wheatland.	....do.....	Do.

These amendments decontrol all of the Youngstown-Warren Defense-Rental Area (changed by this amendment to the Youngstown Defense-Rental Area) and all of the Sharon-Farrell Defense-Rental Area (changed by this amendment to the Farrell Defense-Rental Area) except those portions specifically described above, by reason of the joint determination and certification by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, that the said Defense-Rental Areas are no longer included within a critical defense housing area. Rent control remains in effect in the territory specifically described above as a result of resolutions passed in accordance with section 204 (f) (1) of the act.

[F. R. Doc. 52-13714; Filed, Dec. 24, 1952; 12:01 p. m.]

[Rent Regulation 1, Amdt. 34 to Schedule B]

[Rent Regulation 2, Amdt. 34 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

PENNSYLVANIA

Effective December 24, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 24th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

At the end of Item 74 of Schedule B of Rent Regulation 1 and at the end of Item 79 of Schedule B of Rent Regulation 2, the following paragraph is added:

On December 24, 1952, the name of the Sharon-Farrell Defense-Rental Area was changed to the Farrell Defense-Rental Area (See Item 270 of Schedule A).

[F. R. Doc. 52-13715; Filed, Dec. 24, 1952; 12:01 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, the introduction and paragraph (a) of § 6.78 are amended to read as follows:

§ 6.78 *Provision for reinstatement.* Subject to the provisions of the World War Veterans' Act, 1924, as amended, and Veterans' Administration Regulations issued thereunder, United States Government life insurance which has lapsed, or may hereafter lapse, may be reinstated upon evidence of the insurability of the applicant satisfactory to the Administrator of Veterans Affairs and under the conditions stated in §§ 6.79, 6.80, 6.81, 6.90, and 6.92.

(a) The policy, if it has not been surrendered for a cash value, may be reinstated at any time after lapse upon evidence of the insurability of the insured satisfactory to the Administrator of Veterans Affairs, payment of all premiums in arrears, and, except as hereinafter provided in this paragraph, with interest from their several due dates at the rate of 5 per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 per centum per annum, compounded annually: *Provided,* That the payment or reinstatement of any indebtedness which existed at the time of such default must be made, with interest and if such indebtedness with interest would exceed the reserve of the policy at the time of application for reinstatement of said policy, then the amount of such excess shall, except as provided in § 6.81, be paid by the insured as a condition of the reinstatement of the indebtedness and of the policy: *Provided further,* That no interest on premiums in arrears will be required if reinstatement is effected within 3 months from the due date of the premium in default. The provisions of the "reinstatement" clause in United States Government life insurance policies are hereby amended accordingly.

* * * * *

2. Section 6.81 is revised to read as follows:

§ 6.81 *Indebtedness at time of reinstatement.* The United States Government life insurance shall not be deemed to be reinstated until satisfactory evidence of good health has been furnished and approved as required, and, except as provided in § 6.176, until all premiums in arrears have been paid with the required interest, and any indebtedness existing at the time of default has been paid or reinstated as set forth in the policy: *Provided,* That any indebtedness on account of unpaid service premiums and premiums waived under authority of section 306 of the World War Veterans' Act, 1924, as amended, may be reinstated, even though the amount of such indebtedness exceeds the reserve of the policy; and such indebtedness unless otherwise paid shall be deducted from the proceeds of insurance in any settlement thereof, or from the cash value when such value is taken in cash or used for the purpose of purchasing paid-up or extended insurance or making a loan: *Provided further,* That the amount of such unpaid premiums with interest shall not be considered an indebtedness as is set forth in paragraph 5 (D) of the contract of Government life insurance to cause the policy to cease and become void if the amount (premiums with interest) is greater than the cash surrender value of an insurance without indebtedness, so long as current premiums are being paid by the insured when due or the payment on the due date thereof is being waived as provided by Veterans' Administration Regulations.

3. Section 6.83 *Reinstatement while applicant is in the active military or naval service* is revoked.

4. In § 6.85, paragraph (a) is amended to read as follows:

§ 6.85 *Reinstatement of policies in force under extended insurance.* (a) A lapsed United States Government life insurance policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of premiums with the required interest are made not less than 5 years prior to the date such extended insurance would expire: *Provided,* That in any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period, such policy may be reinstated upon application and payment of the premiums with the required interest, and health statement or other medical evidence will not be required.

* * * * *

5. In § 6.164, the 10th paragraph of the Total Disability Provision beginning "This provision may be canceled by the insured * * *" is amended to read as follows:

§ 6.164 *Total disability provision for United States Government life insurance authorized by section 311 of the World War Veterans' Act, 1924, as amended July 3, 1930.* * * *

This provision may be canceled by the insured at any time upon written request to the Veterans' Administration accompanied by the policy and this provision for endorsement. This provision shall terminate and be of no further force and effect if any premium on the policy or on this provision be not paid when due or within the grace period of 31 days thereafter. If a premium be not paid as stipulated, then this provision shall cease and terminate but may be reinstated upon evidence of good health satisfactory to the Administrator of Veterans Affairs, and upon the payment of the required premiums. The premium requirement to reinstate this provision, if attached to a permanent plan policy of insurance, is the payment of all premiums in arrears with interest at the rate of 5 percent per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 percent per annum, compounded annually: *Provided,* That no interest on premiums in arrears will be required if reinstatement is effected within 3 months from the due date of the premium in default. The premium requirement to reinstate this provision, if attached to a 5-year level premium term policy, is the payment of 2 monthly premiums, one for the month of lapse, the other for the month of reinstatement. If the application and the required premiums are submitted within 3 months after the due date of the premium in default, reinstatement may be effected upon evidence satisfactory to the Administrator showing the applicant to be in as good health as he was on the due date of the premium in default.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

6. In § 8.22, paragraph (a) is amended to read as follows:

§ 8.22 *Reinstatement of National Service life insurance*—(a) *Reinstatement of National Service life insurance except insurance reinstated pursuant to section 5 of the Servicemen's Indemnity Act of 1951.* Subject to the provisions of the National Service Life Insurance Act, as amended, and Veterans' Administration Regulations issued thereunder, any insurance which has lapsed or may hereafter lapse and which has not been surrendered for a cash value or for paid-up insurance, may be reinstated upon written application signed by the applicant, and, except as hereinafter provided in this paragraph, upon payment of all premiums in arrears, with interest from their several due dates, provided such applicant at the time of application and tender of premiums is in the required state of health as shown in § 8.23 (a) or (b), whichever is applicable, and submits evidence thereof at the time of application and tender of premiums as may be satisfactory to the Administrator of Veterans' Affairs: *Provided,* That interest on premiums in arrears shall be at the rate of 5 per centum per annum, compounded annually, to the first monthly premium due date after July 31, 1946, and thereafter at the rate of 4 per centum per annum, compounded annually: *Provided further,* That no interest on premiums in arrears will be required if reinstatement is effected within 3 months from the due date of the premium in default: *Provided further,* That the payment or reinstatement of any indebtedness against any policy must be made, and if such indebtedness with interest exceeds the reserve of the policy at the time of application for reinstatement thereof, then the amount of such excess shall be paid by the applicant as a condition of the reinstatement of the indebtedness and of the policy: *Provided further,* That a lapsed National Service life insurance policy which is in force under extended term insurance may be reinstated without health statement or other medical evidence, if application and tender of premiums with the required interest are made not less than 5 years prior to the date such extended insurance would expire: *Provided further,* That in any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period such policy may be reinstated upon application and payment of the premiums with the required interest and health statement or other medical evidence will not be required: *And provided further,* That National Service life insurance on the level premium term plan may be reinstated by written application of the insured accompanied by evidence of insurability and tender of 2 monthly premiums, one for the month of lapse, the other for the premium month in which reinstatement is effected; but such insurance when reinstated without payment of all premiums in arrears with interest shall have no reserve value. Except as provided in § 8.84, application for reinstatement of level premium term insurance accompanied by evidence of insurability and tender of premiums must be submitted prior to the expiration of the 5-year term period. The provisions of the "reinstatement" clause in National Service life insurance policies are hereby amended accordingly.

* * * * *

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 808. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective December 16, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-13673; Filed, Dec. 29, 1952; 8:55 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PART 50—CITY DELIVERY

PART 52—RURAL DELIVERY

MISCELLANEOUS AMENDMENTS

1. In Part 35 insert between § 35.21 and § 35.22 new § 35.21a, to read as follows:

§ 35.21a *Bare root nursery stock.* (a) The roots of bare root nursery stock consisting of, but not limited to, the following: Trees, shrubs, vines, and ground covers, berry plants, perennials, roses, evergreens, must be packed in a wettable, moisture-retaining material. Sphagnum moss is probably the most satisfactory material, but shingle tow (fine shavings from shingles cut across the grain), peat moss, and other like material may be used as a mixture or alone. This packing material must be wet enough and of sufficient bulk at shipping point to maintain a moist condition about the roots throughout the period the shipment is in transit.

(b) The wettable packing material and the roots or butts of the plants must be wrapped or boxed in a waterproof material heavy enough to withstand safe transmission in the mails without leakage or loss of packing material. The term "waterproof material" means a tar-centered paper or kraft paper waxed on one side or a kraft paper with a waxed or tarred paper liner or plastic wrap. If a box is used, it must have a waxed or similar lining to prevent leakage or loss of contents and to insure retaining a moisture content for the roots of the plants without weakening the box.

(c) The tops of all bundles must be wrapped with a covering of paper, straw or similar material to protect the plant from injury and drying out and if the plant has thorns or other pointed projections, the wrapper shall be puncture-proof to avoid injury to postal employees handling such bundles.

(d) All bundles, boxes or similar containers must be either tied, stapled, sealed with tape or a glue or tar in such a manner as to prevent loss or exposure of contents in transit.

(e) Mailings must be confined to offices which the stock may reasonably be expected to reach in good condition and with the roots in a moist condition. These mailings should be made at such times as will avoid week-end delay in delivery at destination. This matter is not classed as perishable under the defi-

nition of perishable matter given in § 35.19 and must not be labeled perishable.

NOTE: For regulations relating to plant quarantine see §§ 35.27, 35.28.

2. In § 35.27 *Plant quarantine* amend paragraph (b) by adding the following note thereto:

NOTE: For packing requirements of certain bare root nursery stock see § 35.21a.

(R. S. 161, 396; sec. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250)

3. In § 50.23 *Private mail receptacles* amend paragraph (b) by striking out the words "Appendix C of the Manual of Instructions for Postal Personnel" and insert in lieu thereof the words "articles 39 to 51, inclusive, Ch. IX, of the Post Office Manual."

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

3. In § 52.80 *Manufacture and sale of boxes* amend paragraph (c) by deleting the following name from the list shown therein:

Rex Tool & Die Co., 430 Island Avenue, McKees Rocks, Pa.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-13632; Filed, Dec. 29, 1952; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 16—LAND TRANSPORTATION RADIO SERVICES

RELAY STATIONS

In the matter of amendment of § 16.355 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in § 16.355 of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

It is ordered, This 22d day of December 1952, that, effective immediately, § 16.355 of the Commission's rules and regulations is revised as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 5, 303, 48 Stat. 1068, 1082, as amended; 47 U. S. C. 155, 303)

Released: December 22, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Section 16.355 is revised to read as follows:

§ 16.355 *Relay stations*—(a) *General.* Relay stations are used to extend the range of communication between another radio station and the point with which it is desired to communicate. For the purposes of the rules in this part, there are two types of relay stations: Mobile relay stations and fixed relay stations. For definitions, see § 16.6.

(b) *Mobile relay stations.* The policies governing authorization and operation of this type of relay station are as follows:

(1) Each application for a new mobile relay station authorization shall be accompanied by a satisfactory showing that the applicant has a substantial requirement for prompt mobile-to-mobile communication over ranges greater than can be realized consistently by direct communication on the frequency presently assigned, or in the case of a proposed new radio system, on any available frequency. (Except for radio systems in railroad yard or terminal areas, range measurements obtained by use of low-power transmitters of the hand-carried or pack-carried type will not be accepted in satisfaction of the requirements of this subparagraph.)

(2) A mobile relay station may be authorized to operate on any mobile service frequency available for assignment to base stations.

(3) Each mobile relay station shall be so designed and installed that it normally will be activated only by means of a coded signal or signals or such other means as will effectively prevent its activation by undesired signals: *Provided, however*, That this requirement may be waived when both of the following conditions are met:

(i) The radio system is shown to be so designed that the mobile relay station normally is capable of activation only by signals received on frequencies above 50 Mc; and

(ii) The applicant for a mobile relay station authorization either verifies that no person having equal rights to the frequency in question is operating on the mobile relay station frequency within a radius of seventy-five miles of the proposed mobile relay station location or, alternatively, obtains and submits with the application the written consent of each such person to installation of the proposed mobile relay station and its operation on a regular basis for a trial period of one year from the date a station license is granted by the Commission.

In any event a waiver granted under the provisions of this subparagraph may be cancelled after ninety days notice by the Commission if it develops that the mobile relay station is, in fact, consistently activated by undesired signals and thereby causes harmful interference to other licensees.

(4) Each mobile relay station shall be so designed and installed that it will be deactivated automatically when its associated receiver or receivers are not receiving a signal on the frequency or frequencies which normally activate it.

(5) Each mobile relay station required by the terms of subparagraph (3) of this paragraph to be activated by a coded signal shall be so designed and installed that it will be deactivated upon receipt or cessation of a coded signal or signals, and, in addition, shall be provided with an automatic time-delay or clock device which will deactivate the station not more than three minutes after its activation.

(6) A mobile station associated with one or more mobile relay stations may be authorized to operate on any available mobile service frequency.

(7) An operational fixed (control) station associated with one or more mobile relay stations may be assigned any frequency available for assignment to operational fixed stations or, at the option of the applicant, the mobile service frequency assigned to the associated mobile station. Use of the mobile service frequency by such operational fixed (control) stations is subject to the condition that harmful interference shall not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(8) In any radio system which employs more than one mobile relay station, where there is a requirement that stations in the vicinity of one mobile relay station be able to communicate automatically with stations in the vicinity of other mobile relay stations, any necessary circuits for interconnection of the mobile relay stations shall be provided by means of wire lines or radio stations operating on fixed service frequencies.

(9) A base station which is used intermittently as an operational fixed (control) station for one or more associated mobile relay stations of the same licensee will be authorized to operate only on the mobile service frequencies assigned to the associated mobile relay station and/or mobile station. Special authority for such dual station classification and use must be shown in the instrument of station authorization.

(c) *Fixed relay stations.* Fixed relay stations will be authorized to operate only on frequencies available for use by operational fixed stations.

[F. R. Doc. 52-13639; Filed, Dec. 29, 1952; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING OF ANIMALS, BIRDS, AND GAME FISHES

Basis and purpose. As a result of fur management investigations it has been determined that an increased number of beaver can be taken within the boundaries of the Koyukuk Fur Management Area in Alaska without endangering the future supply of such animals.

Since the following amendatory regulation is a relaxation of existing regulations applicable to the Koyukuk Fur Management Area, notice and public procedure thereon are unnecessary (60 Stat. 237, 238; 5 U. S. C. 1003).

Effective immediately upon publication in the FEDERAL REGISTER the last sentence in each of the two paragraphs under § 46.131 of the regulations under the Alaska Game Law (57 Stat. 301, 48 U. S. C. 192-211) pertaining to the taking of beaver in Fur Districts 6 and 7 is amended to read as follows: "Limit, 10 a season, except that on the Koyukuk Fur Management Area described in § 164.1 the limit shall be 15 a season."

(Sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 88a)

OSCAR L. CHAPMAN,
Secretary of the Interior.

DECEMBER 20, 1952.

[F. R. Doc. 52-13610; Filed, Dec. 29, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 155]

NORTHWEST ATLANTIC COMMERCIAL FISHERIES

HADDOCK PROVISIONS

At its meeting held in St. Andrews, New Brunswick, Canada, June 30–July 9, 1952, the International Commission for the Northwest Atlantic Fisheries, a body created pursuant to Article II of the International Convention for the Northwest Atlantic Fisheries signed at Washington under date of February 8, 1949, adopted a proposal recommending that the Contracting Governments, in the interest of permitting an adequate escapement of immature haddock, take appropriate action to prohibit the taking of haddock in Sub-area 5 of the Convention waters with a trawl net having a mesh size of less than four and one-half inches. The proposal recommended further the adoption of a specific method of measuring mesh size and the exemption of vessels taking haddock for purposes of scientific investigation from the proposed mesh restrictions. In its letter of July 15, 1952, which submitted the proposal to the Contracting Governments pursuant to Article VIII of the Convention, the Commission drew attention to the experimental nature of the proposed mesh size regulation and outlined a suggested research program to determine the effectiveness of the regulation following its adoption.

In accordance with section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), notice is hereby given that in order to give effect to the Commission's proposal, the Secretary of the Interior intends to adopt on or about March 15, 1953, the regulations set out below affecting the taking of haddock in the Northwest Atlantic Ocean. These regulations are to be adopted under the authority contained in section 7 (a) of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067, 16 U. S. C., 1946 ed., Supp. V, 981) and it is proposed that such regulations shall be effective during the calendar year 1953 only. In accordance with section 4 (a) of the Northwest Atlantic Fisheries Act of 1950 the proposed regulations were submitted to the Advisory Committee to the United States Commissioners of the International Commission for the Northwest Atlantic Fisheries on December 2, 1952, at which time the proposed regulations received the unanimous approval of the members of the Advisory Committee in attendance.

The proposed regulations, to constitute new Subchapter I—Northwest Atlantic Commercial Fisheries, Part 155—Haddock Provisions, are as follows:

DEFINITIONS

Sec.
155.1 Meaning of terms.
155.2 Vessel.
155.3 Haddock.
155.4 Haddock fishing.
155.5 Trawl net.
155.7 Period of application.
155.9 Restriction on fishing gear.
155.10 Measurement of mesh size.
155.11 Employment of devices to reduce mesh size prohibited.
155.15 Illegal possession of haddock.
155.16 Certain vessels exempted.

DEFINITIONS

§ 155.1 *Meaning of terms.* When used in the regulations in this part, unless the content otherwise requires, terms shall have the meanings ascribed hereinafter in this part.

§ 155.2 *Vessel.* The word "vessel" denotes every kind, type, or description of watercraft, aircraft, or other contrivance, subject to the jurisdiction of the United States, used, or capable of being used, as a means of transportation on water.

§ 155.3 *Haddock.* The word "haddock" denotes any fish of the species Melanogrammus aeglefinus.

§ 155.4 *Haddock fishing.* The words "haddock fishing" mean the catching, taking, or fishing for, or the attempted catching, taking, or fishing for any fish of the species Melanogrammus aeglefinus.

§ 155.5 *Trawl net.* The words "trawl net" mean any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

§ 155.7 *Period of application.* The regulations in this part shall cease to have effect at midnight, December 31, 1953.

§ 155.9 *Restriction on fishing gear.* The use, for the purpose of taking haddock in the northwest Atlantic Ocean north of 39°00' north latitude and west of 42°00' west longitude, of a trawl net or nets, parts of nets or netting having in any part thereof a mesh size less than four and one-half inches is prohibited.

§ 155.10 *Measurement of mesh size.* For the purpose of § 155.9 mesh size shall be deemed to be the average of any ten consecutive meshes of the trawl net selected at the discretion of the enforcement officer and measured individually stretched diagonally while wet, with a flat wedge-shaped gauge having a taper of two inches in nine inches and a thickness of three thirty-seconds of an inch, inserted into the mesh under a pressure of twelve pounds.

§ 155.11 *Employment of devices to reduce mesh size prohibited.* The use from any vessel engaged in haddock fishing in the area described in § 155.9 of any device or method which will obstruct the meshes of the trawl net or which will otherwise, in effect, diminish the size of said meshes is prohibited: *Provided*, That a protective covering may be attached to the underside only of the cod end alone of the net to reduce and prevent damage thereto.

§ 155.15 *Illegal possession of haddock.* The possession or transportation on any vessel at any one time of both a trawl net or nets, parts of nets or netting, the use of which is prohibited by § 155.9, and haddock in amounts in excess of five thousand pounds or ten percent of all the fish on board such vessel, whichever is larger, is prohibited.

§ 155.16 *Certain vessels exempted.* Nothing contained in the regulations in this part shall apply to:

(a) Any vessel having in possession haddock in amount less than five thousand pounds or ten percent of all the fish on board such vessel, whichever is larger, taken incidentally to fishing for other species of fish.

(b) Any vessel duly authorized by the Director of the Fish and Wildlife Service to engage in haddock fishing for scientific purposes.

(c) Any vessel documented as a common carrier by the Government of the United States for the carriage of freight.

All persons who desire to submit written data, views or arguments in connec-

tion with the proposed regulations may do so by filing them with Albert M. Day, Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., not later than 60 days from the publication of this notice in the FEDERAL REGISTER.

Dated: December 20, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-13611; Filed, Dec. 29, 1952; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket 10356]

RADIO BROADCAST SERVICES

ALLOCATION OF TELEVISION CHANNELS TO U. S. METROPOLITAN DISTRICTS

In the matter of amendment of § 3.606, *Table of assignments*, rules governing television broadcast stations; Docket No. 10356.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has this day adopted an order amending § 3.606, *Table of assignments*, rules governing television broadcast stations, to delete the assignment of Channel 13 from Macon, Georgia. The reasons for this action have been set out in detail in a Report and Order (FCC 52-1581).

3. Southeastern Broadcasting Company, Macon, Georgia, on December 8, 1952, filed a petition requesting the assignment of Channel 13 to Warner Robins, Georgia. This community is not listed in the table of assignments and is not within 15 miles of a listed city; therefore, an assignment may be made to this community under an express exception to the one-year waiting period prescribed by § 3.609 of the rules.

4. The Commission is of the view that in light of the deletion of Channel 13 from Macon, it would be in the public interest to assign this channel to Warner Robins, Georgia. Warner Robins is a community of approximately 8,000 (1950 United States Census of Population). The assignment of Channel 13 to Warner Robins would be fully consistent with the standards and policies set forth in the Sixth Report and Order issued in the recent television proceedings and with the Commission's rules and regulations.

5. In light of the above, the Commission proposes to amend the table of assignments contained in § 3.606 of the Commission's rules to read as follows:

City	*Channel No.*
GEORGIA	
Warner Robins	13+

6. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before January 5, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. However, it should be kept in mind that only those comments that may be considered by the Commission under the provisions of § 3.609 (one-year rule) will be accepted in this proceeding. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 10, 1952.

Released: December 11, 1952.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,[1]
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13638; Filed, Dec. 29, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 119; Delegation of Authority 64]

DIRECTORS AND ACTING DIRECTORS OF TECHNICAL COOPERATION

DELEGATION OF AUTHORITY TO EXECUTE CONTRACTS AND OTHER DOCUMENTS UNDER PROGRAMS ADMINISTERED BY THE TECHNICAL COOPERATION ADMINISTRATION

By virtue of the authority vested in me by Public Notice 113, United States Department of State, dated July 29, 1952 (17 F. R. 7188), I hereby delegate to the Director of Technical Cooperation in each country, and to the Acting Director of Technical Cooperation in each country during the absence or incapacity of the Director of Technical Cooperation, the authority to enter into contracts on behalf of the Government of the United States of America to implement approved programs of the Technical Cooperation Administration for the country to which such official is assigned. The authority so delegated shall include the authority to issue Requests for the Issuance of Letters of Credit, Purchase Authorities, Procurement Authorizations, and other documents authorizing the procurement of supplies, equipment, and services authorized for such programs.

The authority delegated in the foregoing paragraph is subject to all applicable provisions of law, and shall be exercised in conformity with all restrictions, regulations, and directives which are now in effect or which may be issued hereafter governing the operations of such programs.

I hereby find and determine that the accomplishment of the objectives of Technical Cooperation Administration programs and the effective and efficient conduct of its business requires that authority be delegated to the officials named above to enter into contracts without advertising, and to provide for advance payments, under circumstances other than those specified in the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong.), as amended. In each case in which such authority is exercised, the official exercising such authority shall prepare a written finding of fact showing the reasons that such deviation from the provisions of the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Cong), as amended, is required, the original of which shall promptly be submitted to the Technical Cooperation Administration in Washington, together with the original or a signed duplicate of the contract.

This delegation of authority shall be effective when published in the FEDERAL REGISTER.

STANLEY ANDREWS,
Administrator,
Technical Cooperation Administration.

DECEMBER 12, 1952.

[F. R. Doc. 52-13612; Filed, Dec. 29, 1952; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF FIRECRACKERS FROM HONG KONG AND MACAO

Notice is hereby given that the Treasury Department on the basis of information in its possession as to the availability for importation into the United States of firecrackers which are not of Communist Chinese or North Korean origin is now prepared to consider applications for licenses under the Foreign Assets Control Regulations (31 CFR 500.101-500.808) for the importation during the first six months of 1953 of a limited quantity of firecrackers from Hong Kong and Macao.

[1] Commissioners Hennock and Merrill dissenting.

Any person interested in importing such firecrackers may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D. C.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

DECEMBER 24, 1952.

[F. R. Doc. 52-13737; Filed, Dec. 29, 1952; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MATTHAEUS MACEK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

The Notice of Intention to Return Vested Property, dated April 3, 1952, and published in the FEDERAL REGISTER on April 9, 1952 (17 F. R. 3136), relative to Claim No. 42383 of Matthaeus Macek and seven other claims is hereby amended as follows and not otherwise:

By deleting under the heading "Claimant" the words "Agnes Lacher, St. Stefan bei Leoben, Austria, Claim No. 45002" and under the heading "Property and Location" the words "$2,284.38 to Agnes Lacher."

All other provisions of said notice and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on December 19, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13672; Filed, Dec. 29, 1952; 8:55 a. m.]

[Vesting Order 19094]

ELIZABETH FRIEDRICH

In re: Debt owing Elizabeth Friedrich, also known as Elizabeth Arnold. F-28-32031-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Friedrich, also known as Elizabeth Arnold, whose last known address is Bingerstrasse 7 (22B) Gensingen/Bingen a Rh., Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the National City Bank of New York, 55 Wall Street, New York, New York, arising out of a Compound Interest Dept. Account, account number BG 22748, entitled, Frances P. Proetz in trust for Elizabeth Arnold, maintained at the branch office of the aforesaid bank located at Mrytle Avenue at Bleeker Street, Brooklyn, New York, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elizabeth Friedrich, also known as Elizabeth Arnold, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13598; Filed, Dec. 24, 1952; 8:50 a. m.]

[Vesting Order 19097]

WILLIAM H. LOEBEL

In re: Estate of William H. Loebel, deceased. File No. D-28-13053.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Willy Fritz Loebel, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of William H. Loebel, deceased, presently being administered by Edward M. Colbach, as administrator d. b. n., acting under the judicial supervision of the Probate Court of Cook County, Illinois, is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by, Willy Fritz Loebel, a national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13601; Filed, Dec. 24, 1952; 8:51 a. m.]

[Vesting Order 19098]

MARGARET SPENGLER

In re: Trust under the Will of Margaret Spengler, deceased. File No. D-28-13135.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Maria Spielberger, Magdalena Spies, Theresa Kampmann, Marie Spengler Kuntz and Emil Spengler, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created under the Will of Margaret Spengler, deceased, is property which is and prior to January 1, 1947,

was payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Ottilie Seyfried as Administratrix of the Estate of Christian Seyfried, deceased Successor-Trustee, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 19, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-13602; Filed, Dec. 24, 1952; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

CENTRAL VALLEY AND SOLANO PROJECTS, CALIFORNIA

NOTICE OF DISPOSITION OF OBJECTIONS TO WITHDRAWALS OF PUBLIC LANDS

DECEMBER 22, 1952.

Notices for filing objections to the first form reclamation withdrawals listed below were published on March 4, 1952, in Vol. 17, No. 44 of the FEDERAL REGISTER, at pages 1902 to 1906, inclusive, and on March 6, 1952, in Vol. 17, No. 46 of the FEDERAL REGISTER at pages 1975 to 1978, inclusive:

American River Division, Central Valley Project, California.
Kern River Division, Central Valley Project, California.
Kings River Division, Central Valley Project, California.
Mill-Deer Division, Central Valley Project, California.
Upper San Joaquin River Division, Central Valley Project, California.
Feather River Division, Central Valley Project, California.
Trinity River Division, Central Valley Project, California.
Solano Project, California.

Pursuant to the provisions of said notices for filing objections, certain objections were filed by interested groups, persons, and corporations. Individual answers to these objections have been made by the Under Secretary of the Interior.

Notice is hereby given that the Under Secretary of the Interior, after reviewing all objections filed, has determined that a public hearing is not warranted in any instance and that the said orders of withdrawal, subject to minor modifications, shall stand for the present.

VERNON D. NORTHROP,
Under Secretary.

[F. R. Doc. 52-13629; Filed, Dec. 29, 1952; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

READING CO. ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

(1) Agreement No. 7848-2, between Reading Company and Waterman Steamship Corporation, modifies the basic agreement (7848) which provides for the granting to Waterman the preferential right to use Piers "A" and "C" at Port Richmond Terminal, Philadelphia, Pa. The modification provides for the widening of the north bulkhead shed of Pier "C" by Reading and for the increasing of the monthly minimum dockage charge to be paid by Waterman.

(2) Agreement No. 7820-1, between the member lines of the Great Lakes-London and Bordeaux-Hamburg Range Eastbound Conference, modifies the basic agreement of that conference (No. 7820) to remove the port of London from the geographical scope thereof and to clarify the brokerage provision. As presently in effect agreement 7820 covers the trade from ports of the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, New Brunswick and Newfoundland to Continental ports of Europe within the Bordeaux-Hamburg Range and the port of London.

(3) Agreement No. 7830-1, between the member lines of the Great Lakes-London and Bordeaux-Hamburg Range Westbound Conference, modifies the basic agreement of that conference (No. 7830) to remove the port of London from the geographical scope thereof. As presently in effect agreement 7830 covers the trade from Continental ports of Europe within the Bordeaux-Hamburg range and the port of London to ports of the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, Newfoundland and New Brunswick.

(4) Agreement No. 8130, between Maatschappij "Zeetransport" N. V. (Oranje Line) and the carriers comprising the Fjell Line Joint Service, provides for the creation of a conference to be known as the Great Lakes-United Kingdom Eastbound Conference for the establishment and maintenance of agreed rates, charges and practices for or in connection with the transportation of cargo in the trade from ports of the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, New Brunswick and Newfoundland to United Kingdom ports.

(5) Agreement No. 8140, between Maatschappij "Zeetransport" N. V. (Oranje Line) and the carriers comprising the Fjell Line Joint Service, provides for the creation of a conference to be known as the Great Lakes-United Kingdom Westbound Conference for the establishment and maintenance of agreed rates, charges and practices for or in connection with the transportation of cargo in the trade from ports in the United Kingdom to ports of the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, New Brunswick and Newfoundland.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 22, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-13678; Filed, Dec. 29, 1952; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043; and June 2, 1952; 17 F. R. 3818).

Blue Jeans Corp., Box 588, Whiteville, N. C., effective 12-15-52 to 6-14-53; 30 learners for expansion purposes (work clothing).

Cluett, Peabody & Co., Inc., Gilbert, Minn., effective 12-17-52 to 12-16-53; 10 percent of the productive factory force (white shirts).

Feldt Manufacturing Co., 117-119 South Main Street, Temple, Tex., effective 12-22-52 to 12-21-53; 10 percent of the productive factory force (western shirts).

Forest City Manufacturing Co., Zeigler, Ill., effective 12-11-52 to 6-10-53; 10 learners for expansion purposes (dresses).

Gateway Manufacturing Co., Church Street, Masontown, Pa., effective 12-20-52 to 12-19-53; 10 learners (sport shirts).

Greer Shirt Corp., P. O. Box 390, Greer, S. C., effective 12-10-52 to 6-9-53; 10 learners for expansion purposes (sport shirts).

Greer Shirt Corp., P. O. Box 390, Greer, S. C., effective 12-10-52 to 12-9-53; 10 percent of the productive factory force (sport shirts).

Hartsville Manufacturing Co., Hartsville, S. C., effective 12-11-52 to 3-4-53; 90 learners for expansion purposes (ladies' cotton dresses).

Hickerson & Co., Brainerd, Minn., effective 12-10-52 to 12-9-53; 10 percent of the productive factory force (sport clothing).

Kleeson Co., Moundsville, W. Va., effective 12-18-52 to 12-17-53; 10 learners (work pants).

Lackawanna Sewing Co., Inc., 112 South Main Street, Old Forge, Pa., effective 12-15-52 to 12-14-53; five learners (ladies' cotton and moderately priced dresses).

Lee Mar Shirt Co., Pulaski, Tenn., effective 12-10-52 to 6-9-53; 15 learners for expansion purposes (sport shirts).

Lu Rae Fashions, 124 South Third Street, Lehighton, Pa., effective 12-11-52 to 12-10-53; five learners (dresses).

Manhattan Shirt Co., Paterson, N. J., effective 1-7-53 to 12-15-53; 10 percent of the productive factory force (shirts).

Manhattan Shirt Co., Salisbury, Md., effective 12-13-52 to 12-15-53; 10 percent of the productive factory force (shirts).

Manhattan Shirt Co., Lexington, N. C., effective 12-18-52 to 12-15-53; 10 percent of the productive factory force (shirts).

Manhattan Shirt Co., Scranton, Pa., effective 12-18-52 to 12-15-53; 10 percent of the productive factory force (sportswear).

Manhattan Shirt Co., North Charleston, S. C., effective 12-18-52 to 12-15-53; 10 percent of the productive factory force (shirts).

Manhattan Shirt Co., Kingston, N. Y., effective 12-14-52 to 12-15-53; 10 percent of the productive factory force (pajamas).

Manhattan Shirt Co., Americus, Ga., effective 12-28-52 to 12-15-53; 10 percent of the productive factory force (shirts).

The Monarch-Comer Co., Comer, Ga., effective 12-10-52 to 12-9-53; 10 learners (longies, shirts, jackets and shorts).

Monarch-Fitzgerald Co., Fitzgerald, Ga., effective 12-10-52 to 12-9-53; 10 learners (jackets, longies, boys' shorts, etc.).

Schwob Manufacturing Co., Chipley, Ga., effective 12-10-52 to 12-9-53; 10 learners (men's suit pants, odd pants and men's coats).

Sel-Mor Garment Co., Inc., Edwardsville, Ill., effective 12-10-52 to 6-9-53; 60 learners for expansion purposes (ladies' lingerie).

Stahl-Urban Co., Brookhaven, Miss., effective 12-19-52 to 12-18-53; 10 percent of the productive factory force (work trousers and cotton outerwear).

W. E. Stephens Manufacturing Co., Inc., Watertown, Tenn., effective 12-19-52 to 12-18-53; 10 percent of the productive factory force (work shirts).

Terre Hill Manufacturing Co., Inc., 123 Main Street, Terre Hill, Pa., effective 12-9-52 to 12-8-53; 10 percent of the productive factory force engaged in the manufacture of apparel products only (ladies' and children's underwear).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N. J., effective 12-15-52 to 6-14-53; 10 learners for expansion purposes (men's pants).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Graysville Hosiery Mill, Inc., 125 East Main Street, Dayton, Tenn., effective 12-9-52 to 8-8-53; 25 learners for expansion purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Conte Knitwear, South Street, Hingham, Mass., effective 12-16-52 to 12-15-53; two learners (infants' and children's knitwear).

Ellwood Knitting Mills, Inc., 911 Lawrence Avenue, Ellwood City, Pa., effective 12-11-52 to 12-10-53; 5 percent of the productive factory force (knit outerwear).

Ellwood Knitting Mills, Inc., 911 Lawrence Avenue, Ellwood City, Pa., effective 12-11-52 to 6-10-53; 20 learners for expansion purposes (knit outerwear).

Taylor Manufacturing Co., Greensburg Road, Campbellsville, Ky., effective 12-10-52 to 6-9-53; 200 additional learners for expansion purposes (men's and boys' knit briefs and tee shirts).

Terre Hill Manufacturing Co., Inc., 123 Main Street, Terre Hill, Pa., effective 12-9-52 to 12-8-53; five learners for work on knitted wear products only (ladies' knit slips).

Van Raalte Co., Inc., Bristol, Vt., effective 12-15-52 to 6-14-53; 25 learners for expansion purposes (women's nylon underwear garments).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Haspel, Inc., Tylertown, Miss., effective 12-18-52 to 12-17-53; 7 percent of the productive factory force; machine operators (except cutters), pressers, handsewers; each 480 hours; 65 cents per hour for the first 240 hours and not less than 70 cents per hour for the remaining 240 hours (summer clothing).

The Pfaltzgraff Pottery Co., York, Pa., effective 12-10-52 to 6-9-53; 10 percent of the productive factory force; finishers, glaze workers; each 320 hours; 65 cents per hour for the first 160 hours and not less than 70 cents per hour for the remaining 160 hours (pottery).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Sterling Instrument Corp., Villa Caparra, P. R., effective 12-8-52 to 6-7-53; eight learners; grinding, polishing, buffering, adjusting; each 200 hours at 34 cents per hour (surgical instruments).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 15th day of December 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-13630; Filed, Dec. 29, 1952; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5658]

U. S. AIRLINES, INC.: ENFORCEMENT PROCEEDING

NOTICE OF REASSIGNMENT OF HEARING

In the matter of the U. S. Airlines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, heretofore indefinitely postponed, is reassigned and will be held on January 7, 1953, at 10:00 a. m., in Room 5859, Commerce Building, Fourteenth and E Streets NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., December 23, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-13677; Filed, Dec. 29, 1952; 8:55 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

FIELD ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field organization and final delegations of authority*, is amended as follows:

Subparagraph (1) is added to paragraph b 13 as follows:

(1) To execute contracts to purchase, transport, and install relocatable dwelling units.

Date approved: December 18, 1952.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 52-13631; Filed, Dec. 29, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-168, 59-12]

AMERICAN POWER & LIGHT CO. AND ELECTRIC BOND AND SHARE CO.

SUPPLEMENTAL ORDER APPROVING ADDITIONAL FEES AND EXPENSES

DECEMBER 22, 1952.

American Power & Light Company ("American"), a registered holding company and a former subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, having heretofore

persons, and corporations. Individual

or in connection with the transportation

2, 1952; 17 F. R. 3818).

Avenue, Wildwood, N. J., effective

provisions of Part 522.

holding company, having heretofore

filed jointly with Bond and Share a plan and amendments thereto for compliance with section 11 (b) of the Public Utility Holding Company Act of 1935, pursuant to section 11 (e) of the act, and the Commission having entered its findings and opinion and order approving said plan, as amended, (Holding Company Act Releases Nos. 9359–A and 9389, dated September 22, 1949 and October 4, 1949, respectively), and said plan, as amended, having provided that American would pay such fees and expenses incurred in connection with said plan or proceedings with respect to said plan as the Commission should approve, and said plan having since been consummated and carried out in accordance with its terms; and

The Commission having, by said order of October 4, 1949, reserved jurisdiction to determine the reasonableness and appropriate allocation of all fees, expenses and other remuneration incurred in connection with said plan, as amended; and

The Commission having, by findings, opinion and order entered October 1, 1952 (Holding Company Act Release No. 11517), approved the payment by American of fees and expenses of various applicants in said proceedings, in the amounts set forth in said findings, opinion and order, including certain fees and expenses of Root, Ballantine, Harlan, Bushby & Palmer covering the period up to June 1, 1950; and

Root, Ballantine, Harlan, Bushby & Palmer having filed a Supplemental Application seeking approval of fees and expenses of that firm for the period subsequent to June 1, 1950, in connection with these proceedings, which application requests compensation for services in the amount of $19,775, together with disbursements of $1,665.35; and

The Commission having considered the Supplemental Application of American, together with an affidavit filed in support thereof, in the light of the record in this proceeding, and finding that the supplemental fees proposed to be paid to Root, Ballantine, Harlan, Bushby & Palmer, together with the disbursements requested, are not unreasonable, and that a supplemental order should be entered approving such fees and disbursements:

It is ordered, That American be, and hereby is, authorized to pay to Root, Ballantine, Harlan, Bushby & Palmer, as compensation for services rendered subsequent to June 1, 1950, the sum of $19,775 for fees, together with $1,665.35 in reimbursement of disbursements.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–13636; Filed, Dec. 29, 1952; 8:49 a. m.]

[File No. 54–203]

AMERICAN POWER & LIGHT CO.

ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

DECEMBER 22, 1952.

The Commission having by order entered June 6, 1952, approved a plan filed by American Power & Light Company ("American"), a registered holding company, under section 11 (e) of the Public Utility Holding Company Act of 1935, providing, among other things, for the distribution of the common stock of The Washington Water Power Company by American to its stockholders, which order reserved jurisdiction to determine the reasonableness and appropriate allocation of all fees and expenses and other renumeration incurred in connection with such plan, and the transactions incident thereto; and

Said plan having subsequently been approved by the United States District Court for the District of Maine, and having been consummated on August 21, 1952; and

Root, Ballantine, Harlan, Bushby & Palmer, counsel for American, having filed an application requesting a release of the jurisdiction reserved in said order so as to permit American to pay to that firm a fee of $8,750, of which $5,000 has already been advanced by American subject to approval of the Commission, together with $516.98 for expenses; and

Counsel for American having filed an affidavit describing the services performed, and stating that American proposes to pay no other fees or expenses in connection with the plan other than routine expenses such as printing, advertising, mailing and traveling expenses of officers and employees of American; and

The Commission having considered the application, the affidavit in support thereof, and the entire record of this proceeding, and finding that the fees and expenses proposed to be paid to Root, Ballantine, Harlan, Bushby & Palmer, and the other expenses of American, are not unreasonable, and finding it appropriate to release the jurisdiction heretofore reserved over all fees and expenses incurred by American in carrying out the provisions of said plan:

It is ordered, That the jurisdiction reserved in the Commission's order dated June 6, 1952, over the payment by American of fees and expenses, incurred in connection with its plan filed in these proceedings be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–13635; Filed, Dec. 29, 1952; 8:49 a. m.]

[File No. 70–2971]

HEVI DUTY ELECTRIC CO.

ORDER PERMITTING EXTENSION OF BANK LOAN NOTE

DECEMBER 22, 1952.

Hevi Duty Electric Company, a nonutility company which is a subsidiary of the North American Company, a registered holding company, having filed an application pursuant to sections 6 (b) and 7 of the act with respect to the following proposed transaction:

By order dated June 16, 1952, (Holding Company Act Release No. 11358) this Commission entered its order permitting Hevi Duty to borrow from the Chemical Bank & Trust Company of New York the sum of $300,000 at an interest rate of 3 percent per annum, such borrowing to be evidenced by an unsecured promissory note to extend for a period of six months with the privilege on the part of the company to renew such loan for an additional six-month period. The present application states that said bank loan becomes due January 2, 1953, and because the company's need for working funds has further increased since the original loan was made, it is now proposed that such bank loan be renewed in the same principal amount at the same interest rate for a further period of six months. No fees, commissions or other remuneration are to be paid to any third person in connection with the proposed transaction.

The company states that no regulatory commission other than this Commission has jurisdiction over the proposed transaction.

The applicant has requested that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and the interest of investors and consumers that said application be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–13634; Filed, Dec. 29, 1952; 8:49 a. m.]

[File No. 70–2974]

CENTRAL PUBLIC UTILITY CORP. AND PORTO RICO GAS & COKE CO.

NOTICE OF FILING REGARDING REPURCHASE BY A SUBSIDIARY COMPANY OF SHARES OF PREFERRED STOCK OF SUBSIDIARY COMPANY

DECEMBER 22, 1952.

Notice is hereby given that a joint declaration has been filed with this Commission by Central Public Utility Corporation ("Central Public"), a registered holding company, and its public utility subsidiary, Porto Rico Gas & Coke Company ("Porto Rico"). The declarants have designated sections 12 (c) (d) and (f) and Rules U-42, U-43 and U-44 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Porto Rico proposes to repurchase, and Central Public proposes to sell, 1,000 shares of the 6 percent Cumulative Preferred Stock, $100 par value, of Porto Rico at a price of $100 per share, or an aggregate cash consideration of $100,000. Porto Rico represents that it will cancel and extinguish these shares of preferred stock upon acquisition. The declaration states that Central Public will use the proceeds of the sale for general corporate purposes.

The outstanding securities of Porto Rico consist of $709,000 principal amount of 4½ percent First Mortgage Bonds due 1965, 2,445 shares of $100 par value 6 percent Cumulative Preferred Stock, and 10,000 shares of $25 par value Common Stock. All the outstanding securities of Porto Rico, except its mortgage bonds, are owned by Central Public.

It is represented that no State Commission or any other Federal Commission has jurisdiction over the proposed transactions.

Central Public estimates that the expenses to be incurred in connection with the proposed transactions will not exceed $100 and it requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than January 2, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after such date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–13637; Filed, Dec. 29, 1952; 8:49 a. m.]

[File No. 70–2976]

WEST PENN ELECTRIC CO. AND MONONGAHELA POWER CO.

NOTICE OF FILING WITH RESPECT TO ISSUANCE AND SALE BY PARENT OF SHARES OF ADDITIONAL COMMON STOCK BY RIGHTS OFFERING AND WITH RESPECT TO SALE BY SUBSIDIARY AND ACQUISITION BY PARENT OF ADDITIONAL COMMON STOCK OF SUBSIDIARY

DECEMBER 22, 1952.

Notice is hereby given that a joint application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 (the "act") by the West Penn Electric Company ("West Penn Electric"), a registered holding company, and its subsidiary, Monongahela Power Company ("Monongahela"), an exempt holding company and a public utility company. The filing has designated sections 6, 7, 9, 10, and 12 (c) of the act and Rules U-42, U-43, and U-50 promulgated thereunder as being applicable to the transactions therein proposed.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions which are summarized as follows:

West Penn Electric proposes to issue 264,000 additional shares of its common stock, without par value. The shares of common stock are to be offered to the holders of the presently outstanding common stock of the company for subscription in the ratio of 1 share of additional common stock for each 15 shares of common stock now held. The rights to subscribe are to be evidenced by transferable subscription warrants to be issued on the basis of one right for each share of common stock owned. No fractional shares are to be issued in exchange for warrants. The warrants provide that persons subscribing for stock may direct the subscription agent to purchase additional warrants required to complete a full share subscription or to sell warrants in excess of full share subscriptions. In each case, the purchase or sale may not exceed 14 warrants for any single stockholder.

The above described offering is to be underwritten and West Penn Electric proposes to select the purchasers of any unsubscribed stock at competitive bidding pursuant to Rule U-50. At least 42 hours prior to the time for the submission and opening of bids, West Penn Electric will advise the prospective bidders of the subscription price per share for the shares of new common stock, which will also be the price per share at which unsubscribed shares will be sold to the successful bidder. Prospective bidders are to be required to specify an aggregate amount of compensation to be paid by the company for their commitments. Under the terms of the bidding the prospective purchasers must agree that, in the event any shares purchased by them from the company shall be sold by them prior to 30 days following the expiration period for a price in excess of the subscription price plus $1.50 per share, the purchasers shall pay to West Penn Electric 50 percent of such excess.

West Penn Electric also proposes, if considered necessary or desirable, to stabilize the price of the common stock of the company for the purpose of facilitating the offering and distribution of the new common stock. In connection therewith, the company may, prior to the acceptance of a bid, purchase shares of its common stock, but not in excess of 26,400 shares, on the New York Stock Exchange or otherwise. Such purchases are to be made through brokers with the payment of regular stock exchange commissions. The prospective bidders will be asked to bid not only for the purchase of the unsubscribed stock but also for the purchase of any shares within the above limitation acquired by the company through such stabilizing transactions.

Monongahela proposes to sell and West Penn Electric proposes to buy 769,300 additional shares of common stock of Monongahela, par value $6.50 per share, for a cash consideration of $5,000,450. Such funds will be used in carrying out the construction program of Monongahela.

According to the filing it is the present intention of West Penn Electric to use a portion of the net proceeds from the sale of the new common stock to make the aforesaid purchase of common stock of Monongahela. The remainder of the net proceeds is to be added to the general funds of West Penn Electric and will be available for general corporate purposes, including investments in its subsidiaries and in the common stock of Ohio Valley Electric Corporation, a new corporation formed by various public utility and holding companies to provide the Atomic Energy Commission with its electric energy requirements for its proposed plant near Portsmouth, Ohio.

The filing indicates that the issuance and sale of common stock by West Penn Electric and its acquisition of the common stock of Monongahela are subject to authorization by the Public Service Commission of Maryland.

It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than January 5, 1953, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–13633; Filed, Dec. 29, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region II, Redelegation of Authority No. 2, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS PERTAINING TO CERTAIN FOOD AND RESTAURANT COMMODITIES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 8, Revision 1 (17 F. R. 10748), this Revision 1 to Redelegation of Authority No. 2 is hereby issued.

Redelegation of Authority No. 2 is revised to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to take

The Commission having by order entered June 6, 1952, approved a plan filed this Commission entered its order permitting Hevi Duty to borrow from the Puerto Rico Development Bank and cel and extinguish these shares of pre-

appropriate action under sections 15 (c), 23, 26, 26a, 27, 27a, 27b, 27c, 28, 28b, and 28c of CPR 14, sections 21a, 26, 26a, 27, and 30 (b) of CPR 15, and sections 22 (b), 24, 24a, and 26 (b) of CPR 16.

This Revision 1 to Redelegation of Authority No. 2 shall take effect on December 24, 1952.

JAMES G. LYONS,
Regional Director, Region II.

DECEMBER 23, 1952.

[F. R. Doc. 52-13646; Filed, Dec. 23, 1952; 4:17 p. m.]

[Region II, Redelegation of Authority No. 51]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF SR 110, TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 84 (17 F. R. 10748), this Redelegation of Authority No. 51 is hereby issued.

1. *Authority to act under section 5 of SR 110 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to act on filings of reports required under section 5 of SR 110 to the GCPR.

This Redelegation of Authority No. 51 shall take effect on December 24, 1952.

JAMES G. LYONS,
Regional Director, Region II.

DECEMBER 23, 1952.

[F. R. Doc. 52-13647; Filed, Dec. 23, 1952; 4:17 p. m.]

[Region II, Redelegation of Authority No. 52]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 14 OF SR 87 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 85 (17 F. R. 10748), this Redelegation of Authority No. 52 is hereby issued.

1. *Authority to act under section 14 of SR 87 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to process, in the respects indicated herein, applications for percentage markups filed under section 14 of SR 87 to the GCPR:

(a) To approve, disapprove or revise downward proposed percentage markups.

(b) To request additional information with respect to proposed percentage markups.

This Redelegation of Authority No. 52 shall take effect on December 24, 1952.

JAMES G. LYONS,
Regional Director, Region II.

DECEMBER 23, 1952.

[F. R. Doc. 52-13648; Filed, Dec. 23, 1952; 4:17 p. m.]

[Region II, Redelegation of Authority No. 53]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 4 OF SR 26 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 86 (17 F. R. 10911), this Redelegation of Authority No. 53 is hereby issued.

1. *Authority to act under section 4 of SR 26 to CPR 34.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to process applications for adjustment filed under section 4 of Supplementary Regulation 26 to Ceiling Price Regulation 34; to issue letter orders establishing adjusted ceiling prices for automotive and farm equipment repair services covered thereby; to issue letter orders denying such applications for adjustment; and to request additional information as provided in section 4 of Supplementary Regulation 26 to Ceiling Price Regulation 34.

This Redelegation of Authority No. 53 shall take effect on December 24, 1952.

JAMES G. LYONS,
Regional Director, Region II.

DECEMBER 23, 1952.

[F. R. Doc. 52-13649; Filed, Dec. 23, 1952; 4:17 p. m.]

[Region III, Redelegation of Authority No. 49]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CHANGING AND ESTABLISHING SERVICE CHARGES FOR BANKS UNDER SR 22 TO CPR 34, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 83 (17 F. R. 10525), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to accept applications, establish, approve or disapprove ceiling prices or changes in banking practices or to require further information under the provisions of Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.

This redelegation of authority shall take effect as of December 1, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

DECEMBER 23, 1952.

[F. R. Doc. 52-13650; Filed, Dec. 23, 1952; 4:17 p. m.]

[Region III, Redelegation of Authority No. 50]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF CPR 61

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 82 (17 F. R. 10525), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to receive and examine reports filed under the provisions of section 5 of Ceiling Price Regulation 61; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 61; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 5 of Ceiling Price Regulation 61.

This redelegation of authority shall take effect as of December 1, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

DECEMBER 23, 1952.

[F. R. Doc. 52-13651; Filed, Dec. 23, 1952; 4:18 p. m.]

[Region IV, Redelegation of Authority No. 28, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 11, Revision 2 (17 F. R. 10911), this Revision 1 to Region IV Redelegation of Authority No. 28 (17 F. R. 2731) is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to take any action provided for by Distribution Regulation 1, Revision 1, with respect to Class 2 or Class 2A slaughterers.

This Redelegation of Authority No. 28, Revision 1, supersedes Redelegation of Authority 28 (17 F. R. 2731), issued April 1, 1952, and all amendments thereto.

This Revision 1 to Redelegation of Authority No. 28 shall take effect on December 29, 1952.

W. F. BAILEY,
Regional Director, Region IV.

DECEMBER 23, 1952.

[F. R. Doc. 52-13652; Filed, Dec. 23, 1952; 4:18 p. m.]

[Region IV, Redelegation of Authority No. 52]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENTS OF CEILING PRICES OF CERTAIN SELLERS OF AUTOMOTIVE AND FARM EQUIPMENT REPAIR SERVICES UNDER SR 26 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 86 (17 F. R. 10911), this redelegation of authority is hereby issued.

1. *Authority to act under section 4 of SR 26 to CPR 34.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to process applications for adjustment filed under section 4 of Supplementary Regulation 26 to Ceiling Price Regulation 34; to issue letter orders establishing adjusted ceiling prices for automotive and farm equipment repair services covered thereby; to issue letter orders denying such applications for adjustment; and to request additional information as provided in section 4 of Supplementary Regulation 26 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect on December 29, 1952.

W. F. BAILEY,
Regional Director, Region IV.

DECEMBER 23, 1952.

[F. R. Doc. 52-13653; Filed, Dec. 23, 1952; 4:18 p. m.]

[Region V, Redelegation of Authority No. 58]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENTS OF CEILING PRICES OF CERTAIN SELLERS OF AUTOMOTIVE AND FARM EQUIPMENT REPAIR SERVICES UNDER SR 26 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 86 (17 F. R. 10911), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Columbia, South Carolina; Jackson, Mississippi; Jacksonville, Florida; Montgomery, Alabama, and Nashville, Tennessee, District Offices of Price Stabilization to process applications for adjustment filed under section 4 of Supplementary Regulation 26 to Ceiling Price Regulation 34; to issue letter orders establishing adjusted ceiling prices for automotive and farm equipment repair services covered thereby; to issue letter orders denying such applications for adjustment; and to request additional information as provided in section 4 of Supplementary Regulation 26 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect as of December 5, 1952.

CHARLES B. CLEMENT,
Acting Director of Regional Office V.

DECEMBER 23, 1952.

[F. R. Doc. 52-13654; Filed, Dec. 23, 1952; 4:18 p. m.]

[Region VII, Redelegation of Authority No. 30, Revision 2]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 11, Revision 2 (17 F. R. 10911), this Redelegation of Authority No. 30, Revision 2, is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to take any action provided for by Distribution Regulation 1, Revision 1, with respect to Class 2 or Class 2A slaughterers.

2. This Redelegation of Authority No. 30, Revision 2, supersedes Redelegation of Authority 30, Revision 1 (17 F. R. 2946), effective April 2, 1952, and all amendments thereto.

This Redelegation of Authority No. 30, Revision 2, shall take effect on December 24, 1952.

B. EMMET HARTNETT,
Director of Regional Office No. VII.

DECEMBER 23, 1952.

[F. R. Doc. 52-13655; Filed, Dec. 23, 1952; 4:18 p. m.]

[Region VII, Redelegation of Authority No. 47]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF CPR 61

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 82 (17 F. R. 10525), this Redelegation of Authority No. 47 is hereby issued.

1. *Authority to act under section 5 of CPR 61.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to receive and examine reports filed under the provisions of section 5 of Ceiling Price Regulation 61; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 61; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 5 of Ceiling Price Regulation 61.

This Redelegation of Authority No. 47 shall take effect on December 24, 1952.

B. EMMET HARTNETT,
Director of Regional Office No. VII.

DECEMBER 23, 1952

[F. R. Doc. 52-13656; Filed, Dec. 23, 1952; 4:19 p. m.]

[Region VII, Redelegation of Authority No. 48]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CHANGING AND ESTABLISHING SERVICE CHARGES FOR BANKS UNDER SR 22 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 83 (17 F. R. 10525), this Redelegation of Authority No. 48 is hereby issued.

1. *Authority to act under Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to accept applications, establish, approve or disapprove ceiling prices or changes in banking practices or to require further information under the provisions of Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended.

This redelegation of authority shall take effect on December 24, 1952.

B. EMMET HARTNETT,
Director of Regional Office No. VII.

DECEMBER 23, 1952.

[F. R. Doc. 52-13657; Filed, Dec. 23, 1952; 4:19 p. m.]

[Region VII, Redelegation of Authority No. 49]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 5 OF SR 110 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 84 (17 F. R. 10748), this Redelegation of Authority No. 49 is hereby issued.

1. *Authority to act under section 5 of SR 110 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to act on filings of reports required under section 5 of SR 110 to the GCPR.

This Redelegation of Authority No. 49 shall take effect on December 24, 1952.

B. EMMET HARTNETT,
Director of Regional Office No. VII.

DECEMBER 23, 1952.

[F. R. Doc. 52-13658; Filed, Dec. 23, 1952; 4:19 p. m.]

[Region VIII, Redelegation of Authority No. 28, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 11, Revision 2, dated November 26, 1952 (17 F. R. 10911), this revised redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to take any action provided for by Distribution Regulation 1, Revision 1, with respect to Class 2 or Class 2A slaughterers.

Reference Room

Commodities included: Merchandise in mission Rule 73, persons other than

2. This Redelegation of Authority No. 28, Revision 1, supersedes Redelegation of Authority No. 28, issued March 17, 1952, and all amendments thereto.

This revised redelegation of authority shall take effect as of December 3, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

DECEMBER 23, 1952.

[F. R. Doc. 52-13660; Filed, Dec. 23, 1952; 4:19 p. m.]

[Region VIII, Redelegation of Authority No. 52]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR ADJUSTMENTS OF CEILING PRICES OF CERTAIN SELLERS OF AUTOMOTIVE AND FARM EQUIPMENT REPAIR SERVICES UNDER SUPPLEMENTARY REGULATION 26 TO CPR 34

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 86, dated December 2, 1952 (17 F. R. 10911), this redelegation of authority is hereby issued.

1. *Authority to act under section 4 of SR 26 to CPR 34.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to process applications for adjustment filed under section 4 of Supplementary Regulation 26 to Ceiling Price Regulation 34; to issue letter orders establishing adjusted ceiling prices for automotive and farm equipment repair services covered thereby; to issue letter orders denying such applications for adjustment; and to request additional information as provided in section 4 of Supplementary Regulation 26 to Ceiling Price Regulation 34.

This redelegation of authority shall take effect as of December 3, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

DECEMBER 23, 1952.

[F. R. Doc. 52-13661; Filed, Dec. 23, 1952; 4:20 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27652]

MIXED CARLOADS MERCHANDISE FROM VICKSBURG AND JACKSON, MISS., TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

DECEMBER 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Vicksburg and Jackson, Miss.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1305, supl. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13622; Filed, Dec. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27653]

PHOSPHATIC FEED SUPPLEMENTS FROM POINTS IN THE SOUTH AND SOUTHEAST TO SOUTHERN OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Phosphate and superphosphate, defluorinated, and phosphate dicalcium, carloads.

From: Specified points in Florida, Alabama, Tennessee and Mississippi

To: Points in southern official and Illinois territories.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1347.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13623; Filed, Dec. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27655]

WOODEN SKIDS, RETURNED FROM OFFICIAL AND ILLINOIS TERRITORIES TO ARKANSAS, LOUISIANA, AND TEXAS

APPLICATION FOR RELIEF

DECEMBER 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Skids or platforms, empty, wooden, returned, carloads.

From: Points in official and Illinois territories.

To: Arkansas, Louisiana and Texas.

Grounds for relief: Competition with rail carriers circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3959, supl. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13625; Filed, Dec. 29, 1952; 8:47 a. m.]

Reference Room

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

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Washington, Wednesday, December 31, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 3000

GRANTING PARDON TO CERTAIN PERSONS WHO HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES SINCE JUNE 25, 1950

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Constitution of the United States provides that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment"; and

WHEREAS there have entered, enrolled in, or been inducted into the armed forces of the United States persons who had prior to their entry, enrollment, or induction been convicted of offenses against the laws of the United States, other than the laws for the government of the armed forces of the United States; and

WHEREAS it appears that such convicted persons who have been or shall hereafter be honorably discharged or separated from the armed forces, or separated with honor from active service therein, after serving in active status for not less than one year subsequent to June 25, 1950 ought to be pardoned:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby grant a full pardon to all persons convicted of violation of any law of the United States, except the laws for the government of the armed forces of the United States, who prior to the date hereof entered, enrolled in, or were inducted into the armed forces of the United States and who after serving in active status for not less than one year subsequent to June 25, 1950 have been or shall hereafter be honorably discharged or separated therefrom, or separated under honorable conditions from active service therein: *Provided, however*, that such pardon shall not be construed to include the pardon of such persons for any offenses for which conviction has been obtained after the date of such entry, enrollment, or induction.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of December, in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-13780; Filed, Dec. 29, 1952; 4:50 p. m.]

PROCLAMATION 3001

GRANTING AMNESTY AND PARDON TO CERTAIN PERSONS CONVICTED BY COURT-MARTIAL OF DESERTION FROM THE ARMED FORCES OF THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 2 of Article II of the Constitution of the United States of America provides that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment"; and

WHEREAS section 306 of the Nationality Act of 1940 (54 Stat. 1141) provides in part that a person who at any time during which the United States is at war deserts the military or naval forces of the United States shall upon conviction thereof by a court-martial be ineligible to become a citizen of the United States, and that such deserters shall be forever incapable of holding any office of trust or of profit under the United States, or of exercising any rights as citizens thereof; and

WHEREAS section 401 (a) (g) of the said Act, as amended by section 1 of the act of January 20, 1944, 58 Stat. 4, provides in part that any person who is a national of the United States, whether by birth or naturalization, shall lose his nationality by deserting the military or naval forces of the United States in time

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PRESIDENTIAL DOCUMENTS

Proclamation

Granting Pardon and Amnesty to Persons Who Have Deserted the Armed Forces of the United States

WHEREAS there are persons who have deserted the armed forces of the United States on or after August 14, 1945, and prior to June 25, 1950, and who have not returned to the control of the armed forces; and

WHEREAS there are persons who have deserted the armed forces of the United States during the period June 25, 1950, to the date of this proclamation, and who have not returned to the control of the armed forces; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who are now serving sentences of confinement therefor; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement but who have not received full pardon and amnesty therefor; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement and have received full pardon and amnesty therefor; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have not been confined therefor; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have not been confined therefor and who have received full pardon and amnesty therefor; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement and who have received a conditional pardon therefor; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement and who have received a conditional pardon therefor and who have failed to comply with the conditions of such pardon; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement and who have received a conditional pardon therefor and who have complied with the conditions of such pardon; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement and who have received a conditional pardon therefor and who have complied with the conditions of such pardon and who have received full pardon and amnesty therefor; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement and who have received a conditional pardon therefor and who have complied with the conditions of such pardon and who have received full pardon and amnesty therefor and who have failed to comply with the conditions of such full pardon and amnesty; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement and who have received a conditional pardon therefor and who have complied with the conditions of such pardon and who have received full pardon and amnesty therefor and who have complied with the conditions of such full pardon and amnesty; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement and who have received a conditional pardon therefor and who have complied with the conditions of such pardon and who have received full pardon and amnesty therefor and who have complied with the conditions of such full pardon and amnesty and who have failed to comply with the conditions of such full pardon and amnesty; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement and who have received a conditional pardon therefor and who have complied with the conditions of such pardon and who have received full pardon and amnesty therefor and who have complied with the conditions of such full pardon and amnesty and who have complied with the conditions of such full pardon and amnesty; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement and who have received a conditional pardon therefor and who have complied with the conditions of such pardon and who have received full pardon and amnesty therefor and who have complied with the conditions of such full pardon and amnesty and who have complied with the conditions of such full pardon and amnesty and who have failed to comply with the conditions of such full pardon and amnesty; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement and who have received a conditional pardon therefor and who have complied with the conditions of such pardon and who have received full pardon and amnesty therefor and who have complied with the conditions of such full pardon and amnesty and who have complied with the conditions of such full pardon and amnesty and who have complied with the conditions of such full pardon and amnesty; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement and who have received a conditional pardon therefor and who have complied with the conditions of such pardon and who have received full pardon and amnesty therefor and who have complied with the conditions of such full pardon and amnesty and who have complied with the conditions of such full pardon and amnesty and who have complied with the conditions of such full pardon and amnesty and who have failed to comply with the conditions of such full pardon and amnesty; and

WHEREAS there are persons who have been convicted of desertion or of other offenses in connection with desertion by courts-martial and who have been released from confinement and who have received a conditional pardon therefor and who have complied with the conditions of such pardon and who have received full pardon and amnesty therefor and who have complied with the conditions of such full pardon and amnesty

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington on this 24th day of December in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-13779; Filed, Dec. 29, 1952; 4:50 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 8—PROMOTION, DEMOTION, REASSIGNMENT, AND TRANSFER OF PERMANENT EMPLOYEES

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, subparagraphs (1) and (3) of § 8.108 (a) and subparagraph (1) of § 8.204 (a) are amended to read as set out below. As amended, §§ 8.108 and 8.204 will read as follows:

§ 8.108 *Agency authority for promotion, demotion, reassignment, or transfer without reemployment rights.* (a) The Commission hereby delegates authority to agencies:

(1) To promote, demote, or reassign (i) any permanent employee having a competitive status and serving in a competitive position (or in an excepted position to which he was appointed in accordance with the Commission's regulations for the competitive service), and (ii) any employee serving under an excepted appointment which he received (without a break in service of a full work day) after service in a position with a competitive status, provided he had completed at least six months of the probationary period before receiving the excepted appointment.

(2) To promote, demote, or reassign on an indefinite basis any status quo employee.

(3) To transfer without reemployment rights (i) any permanent employee having a competitive status and serving in a competitive position (or in an excepted position to which he was appointed in accordance with the Commission's regulations for the competitive service), and (ii) any employee serving under an excepted appointment which he received (without a break in service of a full work day) after service in a position with a competitive status, provided he had completed at least six months of the probationary period before receiving the excepted appointment: *Provided*, That this authority shall not be used in the case of any transfer from a nondefense to a defense activity which can be effected with reemployment rights under § 8.204. Such actions shall be taken in accordance with the standards of the Commission.

(b) The indefinite appointment without reemployment rights of any permanent employee having a competitive status and serving in a competitive position (or in an excepted position to which he was appointed in accordance with the Commission's regulations for the competitive service) which was made on or after November 1, 1951, under former § 7.105 (a) (2) of this chapter, without a break in service of one work day, is hereby converted to a transfer without reemployment rights under this section.

(c) The Commission may disapprove any promotion, demotion, reassignment, or transfer, or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this subpart have not been followed.

* * * * * *

§ 8.204 *Agency authority and general requirements for transfer or appointment with reemployment rights*—(a) *Filling competitive positions.* The Commission hereby delegates authority to agencies, whenever the conditions of § 8.203 are met, to employ with reemployment rights permanent employees of another agency as follows:

(1) By transfer, (i) any permanent employee having a competitive status and serving in a competitive position (or in an excepted position to which he was appointed in accordance with the Commission's regulations for the competitive service), and (ii) any employee serving under an excepted appointment which he received (without a break in service of a full work day) after service in a position with a competitive status, provided he had completed at least six months of the probationary period before receiving the excepted appointment. The indefinite appointment with reemployment rights of any permanent employee having a competitive status and serving in a competitive position (or in an excepted position to which he was appointed in accordance with the Commission's regulations for the competitive service) which was made on or after November 1, 1951, under former § 8.115 (a) without a break in service of one work day, is hereby converted to a transfer with reemployment rights under this section.

(2) By indefinite appointment, any permanent employee without competitive status serving in an excepted position, and any status quo employee.

(b) *Filling excepted positions.* In the discretion of the agency, any position excepted from the competitive service may be filled by appropriate excepted appointment, or by transfer or appointment in accordance with the Commission's regulations for the competitive service. Any permanent employee who is so transferred or appointed in an excepted position without a break in service of one work day shall be entitled to reemployment rights in his original agency when such appointment or transfer meets the conditions of § 8.203 for granting reemployment rights.

(c) *Standards and promotion restrictions.* All transfers and appointments under this section to competitive positions shall be made in accordance with the standards of the Commission and shall be subject to the restrictions of § 8.109.

(d) *Post-audit.* The Commission may disapprove any such transfer or appointment to a competitive position or suspend or withdraw this authority whenever, after post-audit, it finds that the regulations in this subpart have not been followed.

(e) *Probationary or trial period.* Persons transferred or appointed under this section to competitive positions shall not be required to serve a new probationary or trial period. However, the transfer of any employee during his probationary period shall be subject to completion of such period.

(f) *Within-grade salary steps.* Persons serving under such transfers or indefinite appointments are eligible for within-grade salary-step increases in the same manner as provided in § 2.115 (c) of this chapter.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-13732; Filed, Dec. 30, 1952; 8:55 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 502—RULES OF PROCEDURE FOR CLAIMS

Part 502 specifies the rules of procedure for claims before the Office under sections 9 (a), 32, and 34 of the Trading With the Enemy Act, as amended. It is being amended to delegate to the Hearing Examiners authority to hear claims under section 9 (a); to clarify the pre-hearing conference procedure; to specify what evidence may be admissible to authorize the Hearing Examiners to correct clerical and ministerial errors in their decisions; to permit summary dismissal of claims where there is no objection by the claimant. In other cases the language has been revised to remove ambiguities and duplication. Since these rules relate solely to procedure, notice and hearing on the amendments are unnecessary.

Part 502 is hereby amended to read as follows:

SUBPART A—GENERAL RULES

Sec.
502.1 Scope of part.
502.2 Definitions.
502.3 Indispensable party.
502.4 Appearance.
502.5 Intervention.
502.6 Forms.

Sec.
502.7 Amendment and withdrawal of claim.
502.8 Order for hearing.
502.9 Designation of Hearing Examiner.
502.10 Removal of a claim proceeding and hearing by the Director.
502.11 Pre-hearing conferences.
502.12 Consolidation of claims.
502.13 Hearings.
502.14 Witnesses.
502.15 Subpoenas.
502.16 Depositions.
502.17 Documents in a foreign language.
502.18 Motions.
502.19 Withdrawal of papers.
502.20 Oral argument.
502.21 Proposed findings and conclusions.
502.22 Hearing Examiner's decision.
502.23 Review of the Hearing Examiner's decision.
502.24 Waiver by the Director.
502.25 Motion to dismiss.
502.26 Service.
502.27 Computation of time.
502.28 Continuances and extensions.
502.29 Fees.
502.30 Filing of debt claims by depositors of Yokohama Specie Bank, Ltd., Honolulu Branch.
502.31 Filing of claim as condition precedent to suit.
502.32 Effect of disallowance of claim in determining period of limitations for filing suit.

SUBPART B—TITLE CLAIMS

502.100 Definitions.
502.101 Order of processing.
502.102 Procedure for allowance without hearing.
502.103 Requirement for hearing.
502.104 Hearing calendar.
502.105 National interest.
502.106 Publication of notice of intention to return vested property.
502.107 Revocation of notice of intention to return vested property.
502.108 Return order.
502.109 Final audit.
502.110 Return of vested property.

SUBPART C—DEBT CLAIMS

502.200 Definitions.
502.201 Procedure for allowance and payment without hearing of claims against debtors' solvent estates.
502.202 Claims against debtors' insolvent estates.
502.203 Requirement for hearing.
502.204 Payment of allowed claims.
502.205 Future payments.

SUBPART D—GENERAL CLAIMS

502.300 General claims.

AUTHORITY: §§ 502.1 to 502.300 issued under 40 Stat. 411, 50 U. S. C. App. 1 et seq.; sec. 301, 55 Stat. 839, 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5581, 3 CFR, 1946 Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.

SUBPART A—GENERAL RULES

§ 502.1 *Scope of part.* (a) Sections 502.1 to 502.32 shall be applicable solely to title and to debt claims.

(b) Sections 502.100 to 502.110 shall be applicable solely to title claims.

(c) Sections 502.200 to 502.205 shall be applicable solely to debt claims.

(d) Section 502.300 shall be applicable to all claims other than title and debt claims as defined in § 502.2 (e) and (f).

§ 502.2 *Definitions.* As used in this part, unless the context otherwise requires:

(a) The term "act" means the Trading With the Enemy Act, as amended. The term "section" refers to a section of the act.

(b) The term "Office" means the Office of Alien Property.

(c) The term "rules" means the rules of the Office set forth in this part.

(d) The term "Director" means the Director, Office of Alien Property, or other person duly authorized to perform his functions.

(e) The term "title claim" means a claim under sections 9 (a) or 32.

(f) The term "debt claim" means a claim under section 34.

(g) The term "claim" refers to a title claim or a debt claim and shall include the Notice of Claim form, any amendment thereto, and such other material as may have been filed by the claimant with respect to the claim.

(h) The term "claimant" means the person in whose behalf a claim is filed.

(i) The term "claim proceeding" means the administrative processing of a claim and includes the claim.

(j) The term "parties" includes the claimant and the Chief of the Claims Branch.

(k) The term "vested property" means any property or interest vested in or transferred to the Attorney General of the United States pursuant to the act (other than any property or interest so acquired by the United States prior to December 18, 1941), or the net proceeds thereof.

(l) The term "filing" means receipt by the Office or appropriate officer or employee thereof.

(m) The term "Chief Hearing Examiner" refers to the hearing examiner designated as such by the Director.

(n) The term "docketed claim" means a claim which has been referred by the Director or the Chief of the Claims Branch to the Chief Hearing Examiner for hearing and has been given a docket number.

(o) The term "hearing" means the proceedings upon a docketed claim.

§ 502.3 *Indispensable party.* The Chief of the Claims Branch shall be a necessary party in all claim proceedings.

§ 502.4 *Appearance.*[1] (a) A claimant may appear in a claim proceeding in person or may be represented by an agent, attorney in fact or at law. A member of a partnership may represent the partnership; an officer of a corporation, trust or association may represent the corporation, trust or association, and an officer or employee of a federal, state or territorial agency, office or department may represent the agency, office or department.

(b) Any person appearing in a claim proceeding in a representative capacity may be required to file a power of attorney showing his authority to act in such capacity.

§ 502.5 *Intervention.* Any person who claims to have a substantial interest in a docketed claim proceeding may file a specification of such interest in writing with the Hearing Examiner after serving a copy thereof upon the parties. Upon a finding by the Hearing Examiner that the petitioner has a substantial interest which may be adversely affected by the proceeding he may authorize the petitioner to participate in the proceeding upon such conditions as may be imposed.

§ 502.6 *Forms.* (a) Claims shall be filed on forms authorized or prescribed by the rules of this Office.

(b) Subject to the provisions of sections 33 and 34 (b) of the act, the Director or the Chief of the Claims Branch may expressly waive the requirement of paragraph (a) of this section.

NOTE: Section 501.80 of this chapter prescribes forms for use in filing claims. Section 501.50 (d) of this chapter provides that when allowance of a claim under the act is dependent on issuance of a license under Executive Order 8389, 3 CFR, 1943 Cum. Supp., as amended, the filing of a claim is deemed to include an application for a requisite license.

§ 502.7 *Amendment and withdrawal of claim.* (a) Subject to the provisions of sections 33 and 34 (b) of the act, the claimant may amend his claim prior to hearing, or after the opening of a hearing in a claim proceeding, by consent of the Chief of the Claims Branch or as allowed by the Hearing Examiner or the Director.

(b) The claimant may at any time withdraw his claim by notice in writing to that effect.

§ 502.8 *Order for hearing.* The Director, or the Hearing Examiner in any docketed claim proceeding, may issue an order for hearing. In fixing the time for hearing, due regard shall be given to the status of the claim proceeding and the convenience of the parties. The order shall specify the time, place, and nature of the hearing. The order shall be served on all parties a reasonable time, but not less than ten (10) days, in advance of the hearing, unless the parties shall agree to a shorter time.

§ 502.9 *Designation of Hearing Examiner.* Prior to hearing, a Hearing Examiner shall be designated by the Chief Hearing Examiner.

§ 502.10 *Removal of a claim proceeding and hearing by the Director.* The Director may personally conduct a hearing and may exercise the other functions appropriate to the Hearing Examiner. The Director, at any stage of a claim proceeding before a Hearing Examiner, may remove the claim proceeding from the Hearing Examiner. Decisions of the Director under this section shall first be issued in tentative form.

§ 502.11 *Pre-hearing conferences.* (a) At any time after a claim has been docketed with the Chief Hearing Examiner and prior to hearing, the Hearing Examiner may arrange for the parties to appear before him at a designated time and place for the purpose of determining the issues between the parties and obtaining admissions or stipulations with respect to any matters, records, or documents which will be relied upon by any party at the hearing.

[1] CROSS REFERENCE: For limitations on representative activities, see § 505.60 of this chapter. For powers of attorney, see § 505.1 (d) of this chapter.

(b) At the conclusion of the conference, the Hearing Examiner shall prepare an order setting forth the issue or issues to be determined at the hearing and describing the matters, records, or documents which the parties have admitted or stipulated. Such order shall be presented to each of the parties for their approval and when approved by them shall be made a part of the record in the claim proceeding and shall be conclusive as to the action embodied therein.

§ 502.12 *Consolidation of claims.* The Director, the Chief Hearing Examiner, or the designated Hearing Examiner, may, where such action will expedite the disposition of claims and further the ends of justice, consolidate docketed claims.

§ 502.13 *Hearings.* (a) All hearings, except hearings before the Director, shall be conducted by a Hearing Examiner. At any time prior to hearing, a Hearing Examiner may be designated to take the place of the Hearing Examiner previously designated to conduct the hearing. In the case of the death, illness, disqualification or unavailability of the Hearing Examiner presiding in any claim proceeding, another Hearing Examiner may be designated to take his place. Hearing Examiners shall, so far as practicable, be assigned to cases in rotation.

(b) The Hearing Examiner may withdraw from a case when he deems himself disqualified or he may be withdrawn by the Director after affidavits alleging personal bias or other disqualifications have been filed with the Director and the matter has been considered by the Director or by a Hearing Examiner upon referral by the Director.

(c) Hearings shall be open to the public unless otherwise ordered by the Director or the Hearing Examiner.

(d) Except as provided by the rules of this Office, including this part, Hearing Examiners presiding at hearings shall have the hearing powers set forth in section 7 (b) of the Administrative Procedure Act.

(e) Hearing Examiners shall act independently in the performance of their duties as examiners and perform no duties inconsistent with their duties and responsibilities as examiners. Save to the extent required for the disposition of ex parte matters, no Hearing Examiner shall consult any person or party as to any fact in issue unless upon notice and opportunity for all parties to participate.

(f) The claimant shall be the moving party and shall have the burden of proof on all the issues involved in the claim proceeding. The claimant shall proceed first at the hearing.

(g) A presumption of the accuracy and the validity of the findings in a vesting order as to ownership of the property immediately prior to vesting shall be operative in all claims. Such findings shall be deemed accurate and valid unless contested or put in issue by a party, in which event such party shall have the burden of proving his allegations as to ownership of the property involved immediately prior to vesting.

(h) Any party and the Hearing Examiner shall have the right and power to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence.

(i) In a claim proceeding, the rules of evidence prevailing in courts of law and equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial or unduly repetitious evidence.

(j) Any record, document or other writing, or any portion thereof, from the files of any foreign industrial, business or commercial enterprise, or from the official files of a foreign government, or any subdivision or agency thereof, shall, if otherwise relevant, be admissible in evidence in a claim proceeding as competent evidence of the matters therein contained, when authenticated by a certificate of an investigator of this Office or any other agency of the United States, or by a duly designated representative of the allied military or civilian authority of occupation, stating that such record, document or other writing came from the files of such enterprise, or from the official files of such foreign government. All circumstances in the making of such record, document or writing, as well as the lack of opportunity for cross-examination, shall be considered by the Director or the Hearing Examiner in determining its weight, but shall not affect its admissibility. A copy of such record, document or writing shall be equally admissible as the original when accompanied by a certificate of any of the persons hereinabove designated, stating that it conforms to the original. The methods of authentication provided for in this rule shall be in addition to, and not exclusive of, other methods of authentication.

(k) All investigative reports, affidavits, or other written statements of persons that reside at a distance of more than 100 miles from the place of a hearing or are otherwise unavailable as witnesses, when signed by an investigator of this Office or any other agency of the United States, or by the person making such affidavit or statement, shall be accepted as evidence and made a part of the record in a claim proceeding. All circumstances in the making of such investigative report, affidavit, or other written statement, as well as the lack of opportunity for cross-examination, shall be considered by the Director or the Hearing Examiner in determining its weight, but shall not affect its admissibility. A copy of any investigative report shall be equally admissible as the original when accompanied by a statement of an official of this Office or other agency of the United States that it is a copy of such report.

(l) In the discretion of the Hearing Examiner, the hearing may be adjourned from day to day or adjourned to a later date or to a different place by announcement thereof at the hearing by the Hearing Examiner or by appropriate notice.

(m) In the discretion of the Hearing Examiner, any witness may be excluded until he is called upon to testify. Contemptuous conduct at any hearing before a Hearing Examiner shall be ground for exclusion from the hearing. Failure or refusal of a witness to appear at any such hearing or to answer any question which has been ruled to be proper may be ground for the striking out of all testimony which may have been previously given by such witness on related matters.

(n) Hearings shall be stenographically reported by a reporter designated by the Director or Chief Hearing Examiner and a transcript of such report shall be a part of the record and the sole official transcript of the proceeding. Such transcript shall include a verbatim report of the hearings. Nothing shall be omitted therefrom except as directed on the record by the Director or the Hearing Examiner. Corrections in the official transcript may be made with the consent of the Hearing Examiner to make it conform to the evidence presented at the hearing. Parties desiring copies of the transcript may obtain such copies from the official reporter upon payment of the fees fixed therefor.

(o) Hearings may be waived by the parties and the claim submitted to the Hearing Examiner, or to the Director, with his consent, on a stipulated record or an agreed statement of facts.

§ 502.14 *Witnesses.* (a) Witnesses shall be examined orally under oath or affirmation, except that for good cause testimony may be taken by deposition.

(b) Witnesses summoned before the Director or the Hearing Examiner shall be paid the same fees and mileage which are paid witnesses in the Courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

§ 502.15 *Subpoenas.* (a) The Director, or in the case of any docketed claim the Chief Hearing Examiner or the Hearing Examiner, shall upon application by any party, and upon a showing of general relevance and reasonable scope of the evidence sought, issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence under oath, including books, records, correspondence or documents. Application for the issuance of subpoenas duces tecum shall specify the books, records, correspondence or other documents sought.

(b) The Director, Chief Hearing Examiner or the Hearing Examiner, before issuing any subpoena, may require a deposit of an amount adequate to cover the fees and mileage involved.

§ 502.16 *Depositions.* (a) Any party desiring to take a deposition shall make application therefor in writing, setting forth the reasons why such deposition should be taken, the name and residence of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition. Thereupon, the Director, or in the case of a docketed claim the Chief Hearing Examiner or the Hearing Examiner, may, in his discretion, issue an order which will name the witness whose deposition is to be taken, state the scope of the testimony to be taken and specify the

time when, the place where, and the officer before whom the witness is to testify. Such order shall be served upon all parties by the Director, the Chief Hearing Examiner, or the Hearing Examiner, as the case may be, a reasonable time in advance of the time fixed for taking testimony.

(b) The testimony shall be taken under oath or affirmation and shall be reduced to writing by the officer or under his direction, after which the deposition shall be subscribed by the witness and certified by the officer.

(c) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

(d) Where the deposition is taken in a foreign country and the officer designated in the authorization is unavailable, it may be taken before a secretary of an embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or before such person as may be agreed upon by the parties stipulating in writing.

(e) A witness whose deposition is taken pursuant to the rules in this part and the officer taking the deposition, unless he be employed by the Office, shall be entitled to the same fee and mileage paid for like service in the Courts of the United States, which fee shall be paid by the party at whose instance the deposition is taken, who may be required to deposit in advance an amount adequate to cover the fees and mileage involved.

§ 502.17 *Documents in a foreign language.* Every document, exhibit or paper written in a language other than English, which is filed in any claim proceeding, shall be accompanied by complete English translation thereof duly verified to be a true and accurate translation. Each copy of every such document, exhibit or paper filed shall be accompanied by a separate copy of the translation. For good cause verification may be waived. If a document, exhibit or paper in a foreign language is offered in evidence at a hearing any dispute as to the accuracy of the translation thereof shall be determined as is any other issue of fact.

§ 502.18 *Motions.* (a) All motions and requests for rulings addressed to the Director, Chief Hearing Examiner or the Hearing Examiner shall state the purpose of and the relief sought, together with the reasons in support thereof.

(b) All motions and requests for rulings made during a hearing in a claim proceeding may be stated orally and shall be made a part of the transcript.

(c) Motions and requests which relate to the introduction or striking of evidence, or which relate to procedure during the course of a hearing, or to any other matters within the authority of the Hearing Examiner, may be stated orally and shall be ruled on by the Hearing Examiner. No exception need be taken to any ruling in order to entitle a party thereafter in the claim proceeding to assign the ruling as error.

§ 502.19 *Withdrawal of papers.* (a) No paper, document or claim officially filed shall be returned unless the Director shall allow such return. The granting of a request to dismiss a claim or withdraw a paper, document or claim does not authorize the removal of the paper, document or claim from the records of the Office.

(b) Where the original of a record, document or other paper is offered in evidence at a hearing a photostatic or conformed copy thereof may be substituted during the course of the hearing with the approval of the Hearing Examiner.

§ 502.20 *Oral argument.* The Director or the Hearing Examiner, as the case may be, may grant to any party at the close of a hearing a reasonable period for oral argument and such argument may, with the consent of the hearing officer, be included in the stenographic report of the hearing.

§ 502.21 *Proposed findings and conclusions.* (a) At the close of the reception of evidence before the Hearing Examiner or within a reasonable time thereafter, to be fixed by the Hearing Examiner, any party may, and if directed by the Hearing Examiner shall, submit to the Hearing Examiner proposed findings and conclusions together with a brief in support thereof. Such proposals shall be in writing and shall contain appropriate references to the record. Copies thereof shall be served on all parties. Reply briefs may be filed with the permission of the Hearing Examiner within a reasonable time, to be fixed by him. As far as practicable, the procedure shall be followed of having claimant's brief filed first, followed by the brief of the Chief of the Claims Branch, with any reply briefs filed in the same order.

(b) The decision shall be made by the Hearing Examiner who presided at the hearing except in the case of the death, illness, disqualification, or unavailability of the Hearing Examiner who presided at the hearing. In such case the decision shall be made by the Director or by another Hearing Examiner designated by the Director. When the decision is made by the Director, it shall first be issued in tentative form.

§ 502.22 *Hearing Examiner's decision.* (a) The Hearing Examiner, as soon as practicable after receipt of the complete transcript, all exhibits and briefs, shall make a decision which shall become a part of the record and include a statement of: (1) Findings and conclusions as well as the reasons or basis therefor upon all the material issues of fact, law, or discretion presented on the record; (2) an appropriate order.

(b) At any time prior to the filing of his decision, the Hearing Examiner may, for good cause, re-open the case for the reception of further evidence.

(c) A copy of the Hearing Examiner's decision shall be served upon each party.

(d) Unless review has been undertaken in accordance with § 502.23 or unless an objection has been filed pursuant to § 502.202 (d), the decision of the Hearing Examiner shall be final and shall be the decision of this Office. For purposes of judicial review under the act, no order of a Hearing Examiner shall be considered a final decision of the Office unless the claimant has undertaken review thereof pursuant to § 502.23.

(e) At any time prior to the filing of a petition for review or appeal from an order of a Hearing Examiner and if the time for filing such petition or appeal has not expired pursuant to § 502.23, the Hearing Examiner shall have authority to amend, modify, or vacate orders issued by him, to the extent that such amendment, modification, or vacation may be desirable to correct typographical or procedural errors or to make purely ministerial changes therein, but not otherwise.

§ 502.23 *Review of the Hearing Examiner's decision*—(a) *In title claims proceedings.* Within thirty (30) days after service of a copy of the Hearing Examiner's decision, any party seeking review thereof shall petition the Director to review such decision. Such petition shall state the objections to the decision of the Hearing Examiner and the reasons in support of such objections. Within thirty (30) days after the filing of such petition, any party opposing the petition for review may file a memorandum to such effect. If the petition for review is granted, briefs may be filed within a time fixed by the Director, and the Director, within his discretion, may permit oral argument.

(b) *In debt claims proceedings and in proceedings concerning fees under section 20.* Within thirty (30) days after service of a copy of the Hearing Examiner's decision, any party seeking appeal thereof shall file such appeal with the Director. The Director shall fix a time for the filing of briefs and may within his discretion permit oral argument.

The provisions of this section shall apply to decisions of the Hearing Examiner upon motions to dismiss under § 502.25.

§ 502.24 *Waiver by the Director.* The Director may, with the consent of the parties, waive any of the requirements of this part when, in his opinion, the ends of justice would thereby be served.

§ 502.25 *Motion to dismiss.* (a) Motion to dismiss any claim may be made by the Chief of the Claims Branch, which motion shall be in writing and shall state the reasons in support thereof and may be accompanied by supporting documents. The Chief of the Claims Branch shall obtain from the Chief Hearing Examiner a date and place of hearing. Thereupon the Chief of the Claims Branch shall serve a copy of the motion, together with a notice of the date and place of hearing, upon all

parties, and shall docket the motion and statement of service with the Chief Hearing Examiner.

(b) Hearing on the motion shall be held at the time and place specified in the notice, or at such other time and place as may be fixed by the Hearing Examiner.

(c) The claimant shall file any affidavits, papers or documents in opposition to the motion with the Hearing Examiner, after service upon the Chief of the Claims Branch, not later than five (5) days prior to the date of hearing.

(d) Briefs may be submitted within the time fixed by the Hearing Examiner.

(e) Hearing before a Hearing Examiner may be waived by the parties and, with the consent of the Director, the matter submitted to him for decision.

(f) Motion to dismiss a claim shall be granted when it appears that there is no genuine issue as to any material fact and the claim cannot be allowed as a matter of law or when the claim has been abandoned.

(g) A claim shall be deemed abandoned when after request to do so the claimant has not furnished relevant information in support of his claim, or where by virtue of his failure to respond to inquiries regarding the claim it appears that he does not wish to pursue it further. The Hearing Examiner may on his own motion dismiss a docketed claim as abandoned when the claimant fails to produce any information or document ordered so produced by the Hearing Examiner.

(h) Unless review has been undertaken in accordance with § 502.23, the decision of the Hearing Examiner upon the motion shall be final and shall be the decision of this Office.

(i) Notwithstanding the provisions of this section, the Chief of the Claims Branch may serve a notice upon the claimant that he will apply to the Director for an order dismissing the claim unless objection is filed within the time specified in the notice, which time shall not be less than thirty (30) days. If no such objection is filed, the Director may enter an order dismissing the claim.

§ 502.26 *Service—(a) By the Chief Hearing Examiner.* Decisions, notices of hearing, and final orders shall be served by the Chief Hearing Examiner by registering and mailing a copy thereof to the parties, addressed to the claimant, his agent or attorney. Notices of all other actions may be served by ordinary mail, except where other methods are specifically required by the rules of this part. When service is not made by registered mail, it may be made by anyone duly authorized by the Chief Hearing Examiner by delivering a copy thereof at the principal place of business of the party to be served within reasonable office hours. The return of the person making service shall be proof of such service.

(b) *By the Chief of the Claims Branch.* Service by the Chief of the Claims Branch of a notice of the date and place of hearing of a motion or of a notice pursuant to § 502.25 (i) shall be by registered mail.

(c) *By the Director.* Any action taken by the Director in a claim proceeding shall be served by the Director in the manner provided in paragraph (a) of this section.

(d) *By parties.* Motions, briefs, proposed findings and conclusions, notices and all other papers filed in a claim proceeding, when filed with the Director or Hearing Examiner, shall show service thereof upon the parties to the claim proceeding. Such service shall be made by delivering in person or by mailing except as otherwise provided by the rules of this part.

(e) *Service upon attorneys or agents.* When any party has appeared by attorney or agent, service upon the attorney or agent shall be deemed service upon the party.

(f) *Date of service.* The date of service shall be the day when the matter is deposited in the United States mail or delivered in person, as the case may be.

§ 502.27 *Computation of time.* In computing any period of time prescribed or allowed by this part, the last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the last day which is neither a Saturday, Sunday nor legal holiday.

§ 502.28 *Continuances and extensions.* Continuance with respect to any claim proceeding or hearing and extension of time for filing, or performing any act required or allowed to be done within a specified time, may be granted by the Director, Chief Hearing Examiner or the Hearing Examiner upon motion, for good cause shown, except where time for performance or filing is limited by the act.

§ 502.29 *Fees.* The fee determination required by section 20 of the act shall be made by the Director upon recommendation of the Chief of the Claims Branch except that the Chief of the Claims Branch may docket any issue as to a fee determination for hearing by a Hearing Examiner. If the Director shall disagree with the recommendation of the Chief of the Claims Branch, the matter shall be remanded to the Chief of the Claims Branch for hearing or such other action as may be appropriate. At any such hearing the parties and their counsel shall have the right to offer evidence and oral and written argument. The review provisions of § 502.23 (b) shall be applicable to the decision of the Hearing Examiner with respect to fees.

§ 502.30 *Filing of debt claims by depositors of Yokohama Specie Bank, Ltd., Honolulu Branch.* Notices of Claim for Return of Property heretofore filed by depositors of the Yokohama Specie Bank, Ltd., Honolulu Branch, in respect of principal and interest accruing to the date of the closing of said bank on December 7, 1941, shall be considered as including Notices of Claim for Payment of Debt under section 34 of the act covering interest accruing subsequent to the closing of said bank. Releases and receipts executed by such claimants on account of return orders issued in connection with their Notices of Claim for Return of Property shall not be a bar to the allowance of their debt claims for post-closing interest in the event the Director subsequently determines that such post-closing interest is payable. The foregoing shall not be construed as a present determination by the Director as to the validity of such debt claims. (E. O. 9567, June 8, 1945, 10 F. R. 6917; 3 CFR, 1945 Supp.).

§ 502.31 *Filing of claim as condition precedent to suit.* The filing, heretofore or hereafter, of a claim under section 32 of the act shall constitute the filing of notice required by section 9 of the act as a condition precedent to the filing of a suit in equity for the return of property vested in or transferred to the Attorney General of the United States pursuant to the act.

§ 502.32 *Effect of disallowance of claim in determining period of limitations for filing suit.* The final disallowance under the rules of this part of any claim for the return of property filed under the act shall constitute a disallowance for the purpose of determining the period of limitations, prescribed in section 33 of the act, within which a suit pursuant to section 9 of the act may be instituted.

SUBPART B—TITLE CLAIMS

§ 502.100 *Definitions.* As used in §§ 502.100 to 502.110, applicable solely to title claims, unless the context otherwise requires:

(a) The term "taxes" refers to taxes as defined under section 36 (d) of the act.

(b) The term "national interest" means the interest of the United States under section 32 (a) (5) of the act.

(c) The term "conservatory expenses" means expenses expended or incurred in the conservation, preservation or maintenance of vested property.

§ 502.101 *Order of processing.* Except in cases where hardship or other special circumstances exist, claims shall be processed, as nearly as practicable, in the order of their filing.

§ 502.102 *Procedure for allowance without hearing.* (a) The Chief of the Claims Branch may initiate a proceeding for allowance of a claim, or a separable part thereof, which he deems entitled to allowance without the necessity of a hearing thereon, by submitting to the Director a recommendation for allowance.

(b) The record in a claim proceeding under this procedure shall include the Notice of Claim, the evidence with respect thereto, and the recommendation for allowance.

(c) The Director shall consider the record and may allow the claim.

(d) If the Director shall disagree with the recommendation of the Chief of the Claims Branch, the claim shall be remanded to the Chief of the Claims Branch for hearing or such other action as may be appropriate.

(e) A claim under this procedure may be allowed notwithstanding the fact that the Chief of the Claims Branch makes no recommendation with respect to taxes or conservatory expenses. However, no return will be made prior to a determination of such matters and adequate provision made therefor.

§ 502.103 *Requirement for hearing.* No claim shall be allowed or disallowed except after hearing, unless the claim has been determined pursuant to § 502.25 (i), §502.102 or §502.105.

§ 502.104 *Hearing calendar.* The Chief Hearing Examiner shall maintain a hearing calendar and docket of all docketed claim proceedings.

§ 502.105 *National interest.* (a) Whenever it appears to the satisfaction of the Director that a return of vested property is not in the national interest pursuant to section 32 (a) (5) of the act, he may (1) by order disallow the claim by citation of this section or (2) by order suspend, for a fixed or indefinite time, further action by the Office in the claim proceeding by citation of this section.

(b) The Director may direct with respect to any question of fact relating to national interest, that a hearing be held before himself, a Hearing Examiner or such other person or persons as he may designate. In such a hearing the hearing officer or officers shall prepare recommended findings of fact only, which shall be submitted to the Director with a transcript of the hearing.

§ 502.106 *Publication of notice of intention to return vested property.* In compliance with section 32 (f) of the act, prior to the return of vested property, the Director will issue and file for publication with the FEDERAL REGISTER a notice of intention to return vested property, except that no such notice need be published where the return is to be made to a resident of the United States or a corporation organized under the laws of the United States, or any State, Territory, or possession thereof, or the District of Columbia.

§ 502.107 *Revocation of notice of intention to return vested property.* (a) The notice of intention to return vested property may be revoked by the Director at any time prior to return.

(b) Notice of such revocation shall be served on the parties and filed for publication with the FEDERAL REGISTER.

§ 502.108 *Return order.* Where no notice of intention to return vested property has been issued, an order directing return will issue at the time the claim is allowed or as soon thereafter as practicable. Where notice of intention to return vested property has been issued, an order directing return will issue as soon as practicable after the expiration of thirty (30) days following the publication of the notice, except where the notice has been revoked in accordance with § 502.107.

§ 502.109 *Final audit.* Prior to making full and final return of property pursuant to a return order, a final audit with respect to the property involved will be made. Any transactions occurring in the administration of such property shall be given effect in determining the actual amount of cash and other property to be returned pursuant to the return order.

§ 502.110 *Return of vested property.* After issuance of the return order, completion of the final audit and final administrative determination with respect to taxes, fees and conservatory expenses, appropriate instruments and papers will issue returning the property claimed. The claimant receiving such property shall execute papers in such form as the Director shall determine, acknowledging receipt of the property returned.

SUBPART C—DEBT CLAIMS

§ 502.200 *Definitions.* As used in §§ 502.200 to 502.205 applicable solely to debt claims, unless the context otherwise requires:

(a) The term "vested property of a debtor" means property of a debtor which he owned immediately prior to its becoming vested property.

(b) The term "money available for payment of claims" means such money included in, or received as net proceeds from the sale, use, or other disposition of vested property of a debtor as shall remain after deduction of expenses and taxes.

(c) The term "expenses" means the amount of the expenses of the Office of Alien Property, the former Office of Alien Property Custodian, and the former Philippine Alien Property Administration, including both expenses in connection with vested property of the debtor involved and such portion as the Director shall fix of the other expenses of these agencies, and such amount, if any, as the Director may establish as a cash reserve for the future payment of such expenses.

(d) The term "taxes" means taxes as defined in section 36 (d) of the act, and includes taxes paid by the Director in respect of vested property of the debtor involved and such amount, if any, as the Director may establish as a cash reserve for the future payment of such taxes.

(e) The term "debtor's solvent estate" means money available for payment of claims which money at the time of computation exceeds the aggregate of claims filed against a particular debtor.

(f) The term "debtor's insolvent estate" means money available for payment of claims which money at the time of computation is less than the aggregate of claims filed against a particular debtor.

(g) The term "proposed payment" refers to payment proposed to be made to claimants whose claims against a debtor's insolvent estate have been allowed in whole or in part.

§ 502.201 *Procedure for allowance and payment without hearing of claims against debtors' solvent estates.* (a) With respect to claims against debtors' solvent estates, the Chief of the Claims Branch may initiate a proceeding for allowance of a claim, or a separable part thereof, which he deems entitled to allowance, without the necessity of a hearing thereon, by submitting to the Director a recommendation for allowance.

(b) The record in a claim proceeding under this procedure shall include the Notice of Claim, the evidence with respect thereto and the recommendation for allowance.

(c) The Director shall consider the record and may allow the claim.

(d) If the Director shall disagree with the recommendation of the Chief of the Claims Branch, the claim shall be remanded to the Chief of the Claims Branch for hearing or such other action as may be appropriate.

§ 502.202 *Claims against debtors' insolvent estates.* (a) Notices of claims filed with this Office against a particular debtor's insolvent estate shall be available for inspection by all claimants in respect of such estate in accordance with the provisions of § 503.1 (b) of this chapter.

(b) With respect to claims against a particular debtor's insolvent estate, the Chief of the Claims Branch may submit to the Director a recommendation for allowance of any claim, or a separable part thereof, which he deems entitled to allowance. The record shall include the Notice of Claim, the evidence with respect thereto and the recommendation for allowance. The Director shall consider the record and may allow the claim. If the Director shall disagree with the recommendation of the Chief of the Claims Branch, the claim shall be remanded to the Chief of the Claims Branch for hearing or such other action as may be appropriate.

(c) Where the Chief of the Claims Branch concludes for any reason that he cannot recommend allowance of a claim against a particular debtor's insolvent estate, the claim may be docketed for hearing. At such hearing, any other claimant against the particular debtor's insolvent estate may file an application to be heard in accordance with the provisions of § 502.5. The decision of a Hearing Examiner with respect to the claim is subject to appeal in accordance with the provisions of § 502.23.

(d) The Director shall consider the recommendations for allowance submitted by the Chief of the Claims Branch and any appeals from decisions of a Hearing Examiner in respect of a claim against a particular debtor's insolvent estate and may issue a tentative schedule showing all debt claims proposed to be allowed by him with the priorities assigned thereto and the payment to be made to each claimant. Notice of the issuance of the tentative schedule shall in the manner provided by § 502.26 be served on all claimants in respect of the particular debtor's estate, whose claims are then pending, together with notice that objections to such tentative schedule may be filed within the period prescribed in the notice, which period shall not be less than thirty (30) days. The tentative schedule shall be made available for inspection at the Office of Alien Property, Washington, D. C. With the consent of all claimants, the tentative schedule may be omitted.

(e) The Director shall consider any objection to the tentative schedule that may have been timely filed, and may (1) modify or affirm the tentative schedule, (2) remand any claims listed therein to the Chief Hearing Examiner for rehearing, or (3) take such other action as may be appropriate. As soon thereafter as appropriate, the Director shall as re-

by the Director in a claim proceeding to the allowance of their debt claims vision made therefor.

quired by section 34 (f) of the act prepare and serve by registered mail on all claimants in respect of a particular debtor's insolvent estate, a final schedule of the debt claims allowed, with the priorities assigned thereto, and the proposed payment to each claimant.

(f) The Director may issue a tentative schedule and a final schedule limited to claims, payment of which, in accordance with the priorities assigned thereto by the Director pursuant to the provisions of section 34 (g) of the act, would not adversely affect the payment of any other claim in respect of the particular debtor's insolvent estate.

§ 502.203 *Requirement for hearing.* No claim shall be allowed or disallowed except after hearing, unless the claim has been determined pursuant to § 502.25 (i), § 502.201 or § 502.202.

§ 502.204 *Payment of allowed claims.* As soon as practicable after the allowance of a claim, in whole or in part, the claim will be paid to the extent allowed: *Provided, however, That* with respect to claims against a debtor's insolvent estate, pending determination of any complaint for review filed under section 34 (f) of the act, payment may be made only to an extent, if any, consistent with the contentions of all claimants for review.

§ 502.205 *Future payments.* If additional monies become available for the payment of claims after the first payment on allowed claims in respect of a debtor's insolvent estate, the Director shall order further payments in accordance with the final schedule theretofore issued by him, or as modified on review under section 34 (f) of the act.

SUBPART D—GENERAL CLAIMS

§ 502.300 *General claims.* All claims against the Attorney General of the United States relating to the Office of Alien Property or against his predecessors, the Alien Property Custodian and the Philippine Alien Property Administrator, other than title and debt claims as defined in § 502.2 (e) and (f) and claims arising out of the seizure by or transfer to the Alien Property Custodian of property prior to December 18, 1941, shall be known as "general claims" under this part. Unless forms have been prescribed or authorized for the filing or assertion thereof, general claims may be filed or asserted by letter addressed to the Director of the Office of Alien Property containing a statement of the details of the claim.

Executed at Washington, D. C., on December 24, 1952.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-13728; Filed, Dec. 30, 1952; 8:54 a. m.]

PART 507—PATENTS, TRADE-MARKS AND COPYRIGHTS

MISCELLANEOUS AMENDMENTS

In order to restate in more current form the scope of restrictions covering copyright property of former enemy countries and nationals thereof, and to effect a further release of present restrictions with respect to some classes of such property, there are prescribed certain amendments as set forth below. Since no additional requirements are imposed on the public, it is hereby found that notice, hearing and suspension of applicability are unnecessary.

1. Sections 507.51, 507.56 and 507.60 of this chapter contain various prohibitions and conditions with respect to copyright property of Germany, Japan, and nationals thereof. These sections are now to be revoked and in lieu thereof new sections, designated §§ 507.70 and 507.71, are prescribed, which continue prohibitions and conditions only with respect to copyright property of Germany or nationals thereof. Copyright property of the Federal Republic of Germany and residents of Western Germany produced on or after January 1, 1947, and copyright property of all other foreign countries and nationals thereof, including Japan and nationals of Japan, is no longer subject to any prohibitions or conditions, regardless when produced. These sections have no applicability to copyright property title to which is in the Attorney General. Prohibitions with respect to such property are set forth in § 505.1 (a) of this chapter. Accordingly, §§ 507.51, 507.56 and 507.60 are revoked, §§ 507.70 and 507.71 are added to read as follows:

§ 507.70 *Works subject to copyright of Germany and nationals thereof.* (a) The execution of, or the recording of, any assignment, grant, encumbrance, license, or other agreement affecting any interest with respect to any work, or rights or interests therein or related thereto, owned by Germany or any national thereof is prohibited, unless authorized by or on behalf of the Attorney General or the Director, Office of Alien Property.

(b) Notwithstanding the provisions of paragraph (a) of this section there are hereby authorized:

(1) The execution of, or the recording of, any application for copyright or renewal thereof under the copyright laws of the United States by Germany or any national thereof with respect to any such work; and

(2) All transactions, including the payment or receipt of funds or credits with respect to such transactions, relating to works first published after December 31, 1946, and owned by the Federal Republic of Germany or by any national of Germany who at the time of any transaction authorized by this section is domiciled in the Federal Republic of Germany or in the United States, United Kingdom, or French Sectors of Berlin.

(c) For the purpose of this section:

(1) The term "national" shall have the meanings prescribed in section 5 of Executive Order No. 8389, 3 CFR, 1943 Cum. Supp., as amended, except that any individual who is and has been a resident of the United States on and since December 7, 1941, and who is a national of Germany solely by reason of the fact that such individual has been domiciled in, or a subject, citizen, or resident of, such country at any time on or since the effective date of Executive Order No. 8389, 3 CFR, 1943 Cum. Supp., as amended, and any partnership, association, corporation, or other organization which is a national of Germany solely by reason of the interest therein of such person or persons shall not be deemed nationals within the meanings so prescribed.

(2) The term "work" shall include literary and artistic creations copyrighted or copyrightable under the statutory law of the United States or in which there are literary or artistic property rights under the common law of the several states of the United States, and all rights arising under the statutory and common law of the United States and the several states thereof in any such literary or artistic creations, such as, for example, but not by way of limitation, rights to translate, to make any version, to dramatize, to convert into a novel or other non-dramatic version, to arrange or adapt, to deliver or authorize delivery in public, to perform or authorize performance in public, to transmit or exhibit by radio, television, motion picture, or other means, to make any transcription or record in any manner or by any method, to print, reprint, publish, copy or vend, and to obtain statutory copyrights or renewals in all forms and versions of the literary and artistic creation.

(3) The term "interest" in a work shall mean ownership, part ownership, or claim of ownership, in whole or in part, of the work, and any right, license, privilege, or property in or to or with respect to such work; and any right, title, or interest in, to or under any contract or other instrument pertaining to a work; and any royalty, share of profits, license fees, or other emolument or compensation reserved with respect thereto. "Interest" shall also include, but not by way of limitation, any interest as hereinbefore described which is held or claimed as trustee, agent, representative or nominal proprietor.

(4) A work shall be deemed to be "published" (i) if copies or records thereof of any kind have made for sale, distribution or presentation to the public, or (ii) if its contents have been made known by any method or means to the public anywhere, or (iii) in the case of a motion picture, when the original negative is made. Where only a part of the work subject to the prohibitions or licenses of this part was published prior to January 1, 1947, that part and the remaining part shall be considered as separate works.

§ 507.71 *Authorizing certain transactions respecting foreign-owned interests in works subject to copyright.* (a) Notwithstanding § 511.211a of this chapter all transactions which relate to interests in works owned by foreign countries or nationals thereof not prohibited by § 507.70 are authorized under the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40): *Provided,* That nothing in this section or in § 507.70 is intended as a limitation upon the right of the Attorney General to exercise any power under the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40), including the power to vest: *And provided further,* That neither this section nor § 507.70 licenses the payment or receipt of any funds or credits with respect to works to, by or on behalf of any designated foreign country or nationals thereof, other than Japan and nationals thereof, except to the extent licensed by Part 511 of this chapter.

(b) The terms "work," "interest" in a work, "national" of Germany, and "published" shall have the meanings prescribed in § 507.70. The term "designated foreign country" shall mean a country designated in Executive Order 8389, 3 CFR, 1943 Cum. Supp., as amended, and the term "national" shall have the meanings prescribed in section 5 of Executive Order 8389, 3 CFR, 1943 Cum. Supp., as amended.

2. Paragraph (c) of § 507.99 of this chapter refers to certain special accounts heretofore established with respect to copyright property of foreign nationals. Those special accounts have been liquidated and paragraph (c) of § 507.99 is revoked.

(Sec. 7, 40 Stat. 416, 50 U. S. C. App. 7; sec. 301, 55 Stat. 839, 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.)

Executed at Washington, D. C., on December 23, 1952.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

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TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Amdt. 4]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.26 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.26 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California, except Modoc and Siskiyou Counties;

Bristol and Middlesex Counties, in Massachusetts;

Cooper Township, in Kalamazoo County, in Michigan.

Burlington, Camden, Gloucester, Hudson, Morris, and Ocean Counties, in New Jersey;

Albany and New York Counties and Clarkstown Township, in Rockland County, in New York;

Council Grove, Mustang, Oklahoma and Greeley Townships, in Oklahoma County, in Oklahoma;

Bucks, Delaware, Lehigh and York Counties, in Pennsylvania; the State of Rhode Island;

Shelby County, and that part of Fayette County lying west of State Highways 59 and 76, in Tennessee.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition:

Bergen, Essex, and Union Counties, in New Jersey;

Montgomery County, in Pennsylvania.

Effective date. This amendment shall become effective upon issuance. This amendment includes within the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Cooper Township, in Kalamazoo County, in Michigan;

Shelby County, and that part of Fayette County lying west of State Highways 59 and 76, in Tennessee.

Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10538, as amended) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

This amendment excludes from the areas in which vesicular exanthema has been found to exist, and in which a quarantine has been established:

Hartford County, in Connecticut;

St. Clair County, in Illinois;

Middlebury Heights Township, in Cuyahoga County, in Ohio.

Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 10538, as amended) apply with respect to shipments of swine and carcasses, parts and offal of swine from these areas.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 4, 5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 120, 111, 123, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended; 21 U. S. C. 117)

Done at Washington, D. C., this 23d day of December 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13702; Filed, Dec. 30, 1952; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-390]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

SPECIAL CIVIL AIR REGULATION; POSITION LIGHT SYSTEM

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1952.

The provisions of Special Civil Air Regulation SR-361, authorizing for a temporary period, subject to the approval of the Administrator, variations from the conventional position light systems and the use, in particular, of flash rates with frequencies of 80, plus or minus 10, cycles per minute in the present systems, terminate January 1, 1953. The Civil Aeronautics Board now has under consideration a proposed new Special Civil Air Regulation which would permit experimentation projects on a limited number of airplanes for the purpose of improving position light and anti-collision light systems. However, action on this proposed new Special Civil Air Regulation may be delayed beyond the termination date of SR-361. Therefore, in order to allow a continuance of experimentation, it is necessary that the authorization currently provided in SR-361 be extended until July 1, 1953, or such earlier date as the proposed new Special Civil Air Regulation may become effective.

Since the purpose of this regulation is to permit operation in accordance with current provisions in the regulations during the interim period from January 1, 1953, until the adoption of new provisions can be considered and since it will not impose additional burdens on any person, the Board finds that notice and public procedure hereon are impracticable and contrary to the public interest and that good cause exists for making the regulation effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board makes and promulgates the following Special Civil Air Regulation effective January 1, 1953:

Contrary provisions of the Civil Air Regulations notwithstanding, any air carrier may, subject to the approval of the Administrator, (1) utilize, while operating the present position light system as established in Part 4b of the Civil Air Regulations, a flashing sequence which provides flashing rates of 80, plus or minus 10, cycles per minute for each for-

ward position and fuselage light and flashing rates of 40, plus or minus 5, cycles per minute for each rear position light; and (2) engage, while operating aircraft in scheduled or other service, in similar projects which are designed to improve the present position light system and which are not likely to cause confusion in air navigation. The Administrator shall prescribe such conditions and limitations as may be necessary to assure safety and avoid confusion in air navigation and shall require each carrier to disclose publicly its deviations from the requirements of Part 4b at times and in a manner which he deems consistent with the best interests of safety.

This regulation supersedes Special Civil Air Regulation SR–361, and shall terminate July 1, 1953, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52–13688; Filed, Dec. 30, 1952; 8:47 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 2]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.237 *Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.)* is amended by changing the first portion to read: "From the Tyler, Tex., radio range station to the intersection of the north course of the Tyler, Tex., radio range and the west course of the Shreveport, La., radio range."

2. Section 600.284 is amended by changing caption to read: *"Red civil airway No. 84 (Meridian, Miss., to Atlanta, Ga.)"* and by revoking that portion which reads: "From the Lafayette, La., non-directional radio beacon via the intersection of a bearing of 113° True from the Lafayette, La., non-directional radio beacon with a bearing of 277° True from a point 20 miles south of the New Orleans, La., radio range station on the south course of the New Orleans, La., radio range to a point 20 miles south of the New Orleans, La., radio range station on the south course of the New Orleans, La., radio range."

3. Section 600.670 is amended to read:

§ 600.670 *Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).* From the intersection of the northwest course of the Waco, Tex., radio range and the south course of the Fort Worth, Tex., radio range via the intersection of the northwest course of the Waco, Tex., radio range and the west course of the Dallas, Tex., radio range; Mineral Wells, Tex., non-directional radio beacon; Ardmore, Okla., non-directional radio beacon to the Tulsa, Okla., radio range station.

4. Section 600.6017 *VOR civil airway No. 17 (Laredo, Tex., to Goodland, Kans.)* is amended between Waco, Tex., omnirange station and Ardmore, Okla., omnirange station to read: "Waco, Tex., omnirange station, including an east alternate; Fort Worth, Tex., omnirange station, including a west alternate via the intersection of the Waco omnirange 330° True and the Fort Worth omnirange 187° True radials; Ardmore, Okla., omnirange station:".

5. Section 600.6061 is amended to read:

§ 600.6061 *VOR civil airway No. 61 (Fort Worth, Tex., to Lawton, Okla.).* From the Fort Worth, Tex., omnirange station via the Wichita Falls, Tex., omnirange station, including a west alternate, to the Lawton, Okla., omnirange station.

6. Section 600.6117 is added to read:

§ 600.6117 *VOR civil airway No. 117 (Waco, Tex., to Ardmore, Okla.).* From the Waco, Tex., omnirange station via the Mineral Wells, Tex., omnirange station to the Ardmore, Okla., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., January 8, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–13679; Filed, Dec. 30, 1952; 8:45 a. m.]

[Amdt. 2]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.284 is amended to read:

§ 601.284 *Red civil airway No. 84 control areas (Meridian, Miss., to Atlanta, Ga.).* All of Red civil airway No. 84.

2. Section 601.670 is amended to read:

§ 601.670 *Blue civil airway No. 70 control areas (Waco, Tex., to Tulsa, Okla.).* All of Blue civil airway No. 70.

3. Section 601.1005 is amended to read:

§ 601.1005 *Control area extension (Jacksonville, Fla.).* Within 5 miles either side of the Jacksonville ILS localizer course extending from the localizer to a point 10½ miles southwest of the outer marker excluding that portion which lies south of Latitude 30°16'45", and within 5 miles either side of the 64° True radial of the Jacksonville omnirange extending from the omnirange station to a point 20 miles northeast.

4. Section 601.1108 is amended to read:

§ 601.1108 *Control area extension (Salina, Kans.).* That airspace north of Salina, Kansas, within a 30-mile radius of a point at Latitude 38°52'39", Longitude 97°38'54", bounded on the south by VOR civil airway No. 4, and the airspace southeast of the Salina omnirange station bounded on the north by VOR civil airway No. 4 and on the west by VOR civil airway No. 73 within a 25-mile radius of the omnirange station.

5. Section 601.1011 is amended to read:

§ 601.1011 *Control area extension (Daytona Beach, Fla.).* Within 5 miles either side of the west course of the Daytona Beach radio range extending from the radio range station to a point 20 miles west, and within 5 miles either side of the 244° True radial of the Daytona Beach omnirange extending from the omnirange station to a point 20 miles southwest.

6. Section 601.1020 *Control area extension (Smithville, Tenn.)* is revoked.

7. Section 601.1020 is added to read:

§ 601.1020 *Control area extension (Macon, Ga.).* Within 5 miles either side of the 47° True and 227° True courses of the Macon ILS localizer extending from the localizer to a point 25 miles northeast and to a point 30 miles southwest.

8. Section 601.1028 is amended to read:

§ 601.1028 *Control area extension (Monroe, La.).* Within 5 miles either side of the northeast and southwest courses of the Monroe radio range extending from the radio range station to a point 25 miles northeast and to a point 20 miles southwest, and within 5 miles either side of the 41° True and 221° True radials of the Monroe omnirange extending from the omnirange station to points 20 miles northeast and southwest.

9. Section 601.1199 is amended to read:

§ 601.1199 *Control area extension (Greensboro, N. C.).* Within 5 miles either side of the southeast course of the Greensboro radio range extending from the radio range station to a point 25 miles southeast including the area between the Greensboro control area extension and the Winston-Salem control area extension and within 5 miles either side of the 204° True radial of the Greensboro omnirange extending from the omnirange station to a point 20 miles southwest.

10. Section 601.1206 *Control area extension (Midland, Tex.)* is amended by adding the following portion to present control area extension: "and the area within 5 miles either side of the Midland ILS localizer southwest course extending from the localizer to Lat. 31°30'00"."

11. Section 601.1222 *Control area extension (Pine Bluff, Ark.)* is amended by adding the following portion to present control area extension: "and within 5 miles either side of the 7° True and 187° True radials of the Pine Bluff omnirange extending from the omnirange station to points 20 miles north and south."

12. Section 601.1239 is amended to read:

§ 601.1239 *Control area extension (Lubbock, Tex.).* All that airspace within a 25-mile radius of the Lubbock radio range station in the southwest, northwest, and northeast quadrants of the radio range and within a 40-mile radius of the radio range station in the southeast quadrant of the radio range.

13. Section 601.1320 is added to read:

§ 601.1320 *Control area extension (Cross City, Fla.).* Within 5 miles either side of the 118° True radial of the Cross City omnirange extending from the omnirange station to a point 20 miles southeast.

14. Section 601.1321 is added to read:

§ 601.1321 *Control area extension (Brunswick, Ga.).* Within 5 miles either side of the 293° True radial of the Brunswick omnirange extending from the omnirange station to a point 20 miles northwest.

15. Section 601.2034 is amended to read:

§ 601.2034 *Monroe, La., control zone.* Within a 5-mile radius of Selman Field, within 2 miles either side of the southwest course of the Monroe radio range extending from the radio range station to a point 4 miles southwest, and within 2 miles either side of the 41° True and 221° True radials of the Monroe omnirange extending from the control zone to a point 10 miles southwest of the omnirange station.

16. Section 601.2139 is amended to read:

§ 601.2139 *Cross City, Fla., control zone.* Within a 5-mile radius of the Cross City Airport, within 2 miles either side of the southeast course of the Cross City radio range extending from the radio range station to a point 10 miles southeast, and within 2 miles either side of the 118° True radial of the Cross City omnirange extending from the omnirange station to a point 10 miles southeast.

17. Section 601.2140 is amended to read:

§ 601.2140 *Daytona Beach, Fla., control zone.* Within a 5-mile radius of the Daytona Beach Airport, within 2 miles either side of the west course of the Daytona Beach radio range extending from the radio range station to a point 10 miles west, and within 2 miles either side of the 64° True and 244° True radials of the Daytona Beach omnirange extending from the 5-mile radius control zone to a point 10 miles southwest of the omnirange station.

18. Section 601.2144 is amended to read:

§ 601.2144 *Greensboro, N. C., control zone.* Within a 5-mile radius of the Greensboro High Point Airport, within 2 miles either side of the northeast course of the Greensboro radio range extending from the radio range station to a point 10 miles northeast, and within 2 miles either side of the 204° True radial of the Greensboro omnirange extending from the omnirange station to a point 10 miles southwest excluding the portion which overlaps the Smith-Reynolds Airport, Winston-Salem, N. C., control zone.

19. Section 601.2149 is amended to read:

§ 601.2149 *Jacksonville, Fla., control zone.* Within a 5-mile radius of Imeson Airport, within 2 miles either side of the east course of the Jacksonville radio range extending from the radio range station to the Fort George Island fan marker, and within 2 miles either side of the 64° True radial of the Jacksonville omnirange extending from the omnirange station to a point 10 miles northeast.

20. Section 601.2213 *Salina, Kans., control zone* is amended by adding the following portion to present control zone: "including that airspace lying between the 10° True and 322° True radials of the Salina omnirange within a 10 mile radius of the Salina omnirange station."

21. Section 601.2230 is amended to read:

§ 601.2230 *Brunswick, Ga., control zone.* Within a 5-mile radius of McKinnon Airport, within 2 miles either side of the north course of the Jacksonville, Fla., radio range extending from McKinnon Airport to a point 10 miles north, and within 2 miles either side of the 293° True radial of the Brunswick, Ga., omnirange extending from the omnirange station to a point 10 miles northwest.

22. Section 601.2309 is amended to read:

§ 601.2309 *Valdosta, Ga., control zone.* All that area within a 5-mile radius of the Valdosta Municipal Airport, excluding that portion which overlaps the Moody AFB control zone, and within 2 miles either side of the 4° True and 184° True radials of the Valdosta omnirange extending from the 5-mile radius control zone to a point 10 miles southwest of the omnirange station.

23. Section 601.4209 is amended to read:

§ 601.4209 *Red civil airway No. 9 (San Diego, Calif., to Winslow, Ariz.).* El Centro, Calif., radio range station; Yuma, Ariz., radio range station; Gila Bend, Ariz., radio range station.

24. Section 601.4266 is amended to read:

§ 601.4266 *Red civil airway No. 66 (Santa Barbara, Calif., to Los Angeles, Calif.).* The intersection of the east course of the Santa Barbara, Calif., radio range and the northeast course of the Camarillo, Calif., radio range.

25. Section 601.4284 is amended to read:

§ 601.4284 *Red civil airway No. 84 (Meridian, Miss., to Atlanta, Ga.).* Craig AFB radio range station, Selma, Ala.

26. Section 601.4644 is amended to read:

§ 601.4644 *Blue civil airway No. 44 (Advance, Mo., to United States-Canadian Border).* The intersection of the northeast course of the Fort Wayne, Ind., radio range and the east course of the Goshen, Ind., radio range.

27. Section 601.4670 is amended to read:

§ 601.4670 *Blue civil airway No. 70 (Waco, Tex., to Tulsa, Okla.).* Ardmore, Okla., non-directional radio beacon.

28. Section 601.5001 *Other reporting points*, is amended by adding the following reporting point:

Anchorage-Sandspit route. The Middleton Island, Alaska, non-directional radio beacon.

29. Section 601.6061 is amended to read:

§ 601.6061 *VOR civil airway No. 61 control areas (Fort Worth, Tex., to Lawton, Okla.).* All of VOR civil airway No. 61 including a west alternate.

30. Section 601.6117 is added to read:

§ 601.6117 *VOR civil airway No. 117 control areas (Waco, Tex., to Ardmore, Okla.).* All of VOR civil airway No. 117.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., January 8, 1953.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–13680; Filed, Dec. 30, 1952; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess-Profits Taxes

[T. D. 5967; Regulations 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

ADJUSTMENT OF BASIS OF PROPERTY FOR DEPRECIATION, OBSOLESCENCE, AMORTIZATION, AND DEPLETION

On November 26, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 10740) conforming Regulations 111 (26 CFR Part 29) to Public Law 539 (82d Congress), approved July 14, 1952, which amends section 113 (b) (1) (B) of the Internal Revenue Code, relating to the adjustment of the basis of property for depreciation, obsolescence, amortization, and depletion. After consideration of all such relevant matter as was presented by interested persons relating to the rules proposed, the amendments to Regulations 111, set forth below, are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.113 (b) (1)–1 the following:

PUBLIC LAW 539 (82D CONGRESS) [APPROVED JULY 14, 1952]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of section 113 (b) (1) (B) of the Internal Revenue Code (relating to adjustments to basis of property for depreciation, etc.) as precedes the word "Where" is hereby amended to read as follows:

(B) In respect to any period since February 28, 1913, for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent of the amount—

(i) Allowed as deductions in computing net income under this chapter or prior income tax laws, and

(ii) Resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under this chapter (other than subchapter E), subchapter E of chapter 2, or prior income, war-profits, or excess-profits tax laws,

but not less than the amount allowable under this chapter or prior income tax laws. Clause (ii) of this subparagraph shall not apply in respect of any period since February 28, 1913, and before January 1, 1952, unless an election has been made under subsection (d).

* * * * *

SEC. 3. The amendments made by this Act shall apply in respect of taxable years beginning after December 31, 1938. Provisions having the effect of such amendments shall be deemed to have been included in the revenue laws respectively applicable to taxable years ending after December 31, 1931, and beginning before January 1, 1939.

PAR. 2. Section 29.113 (b) (1)–1 as amended by Treasury Decision 5873, approved December 7, 1951, is amended as follows:

(A) By inserting immediately preceding the paragraph (a) thereof the following headnote: "(a) *Items properly chargeable to capital account*," and by redesignating paragraphs (b) and (c) as subparagraphs (1) and (2).

(B) By striking paragraph (d) of such section, which paragraph begins with the words "The cost or other basis * * *", and paragraph (e) thereof, which paragraph begins with the words "The depreciation allowed * * *", and inserting in lieu thereof the following:

(b) *Exhaustion, wear and tear, obsolescence, amortization, and depletion for periods since February 28, 1913*—(1) *In general.* (i) The cost or other basis must also be decreased, to the extent provided in subparagraphs (2), (3), and (4) of this paragraph, by the amount of the deductions for exhaustion, wear and tear, obsolescence, amortization, and depletion. The adjustment required for any taxable year or period is the amount allowed (or the portion thereof referred to in subparagraph (2) (i) or subparagraph (4) (i) of this paragraph, as the case may be) or the amount allowable for such year or period under the law applicable thereto, whichever is the greater amount. A taxpayer is not permitted to take advantage in a later year of his prior failure to take any depreciation allowance or of his action in taking an allowance plainly inadequate under the known facts in prior years. The determination of the amount properly allowable shall, however, be made on the basis of facts reasonably known to exist at the end of such year or period. The aggregate sum of the greater of such annual amounts is the amount by which the cost or other basis of the property shall be adjusted.

(ii) The deductions by which the cost or other basis is to be decreased shall include deductions allowed under section 114 (b) (2), (3), and (4) of the Revenue Act of 1932, the Revenue Act of 1934, the Revenue Act of 1936, the Revenue Act of 1938, and the Internal Revenue Code, for the taxable year 1932 and subsequent taxable years, but the amount of the diminution in respect of depletion for taxable years prior to 1932 shall not exceed a depletion deduction computed without reference to discovery value in the case of mines, or without reference to discovery value or a percentage of income in the case of oil and gas wells.

(2) *Adjustment for periods beginning on or after January 1, 1952.* The decrease required by subparagraph (1) of this paragraph for deductions in respect of any period beginning on or after January 1, 1952, shall be whichever is the greater of the following amounts:

(i) The amount allowed as deductions in computing net income under chapter 1 and resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under chapter 1 (other than subchapter E, relating to the tax on self-employment income);

(ii) The amount properly allowable as deductions in computing net income under Chapter 1 (whether or not the amount properly allowable would have caused a reduction for any taxable year of the taxpayer's taxes).

(3) *Adjustment for periods since February 28, 1913, and before January 1, 1952, where no election made.* Except where an election has been properly made under section 113 (d) (see subparagraph (4) of this paragraph, the decrease required by paragraph (1) for deductions in respect of any period since February 28, 1913, and before January 1, 1952, shall be whichever of the following amounts is the greater:

(i) The amount allowed as deductions in computing net income under chapter 1 or prior income tax laws;

(ii) The amount properly allowable in computing net income under chapter 1 or prior income tax laws.

For the purpose of determining the decrease required by this paragraph it is immaterial whether or not the amount under subdivision (i) of this subparagraph or the amount under subdivision (ii) of this subparagraph would have resulted in a reduction for any taxable year of the taxpayer's taxes.

(4) *Adjustment for period since February 28, 1913, and before January 1, 1952, where election made under section 113 (d).* If an election has been properly made under section 113 (d) (see § 29.113 (d)–1), the decrease required by subparagraph (1) of this paragraph for deductions in respect of any period since February 28, 1913, and before January 1, 1952, shall be whichever is the greater of the following amounts:

(i) The amount allowed as deductions in computing net income under chapter 1 or prior income tax laws and resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under chapter 1 (other than subchapter E, relating to the tax on self-employment income), subchapter E of chapter 2, or prior income, war-profits, or excess-profits tax laws;

(ii) The amount properly allowable as deductions in computing net income under chapter 1 or prior income tax laws (whether or not the amount properly allowable would have caused a reduction for any taxable year of the taxpayer's taxes).

(5) *Determination of amount allowed which reduced taxpayer's taxes.* (i) For the purpose of determining whether the amount allowed which resulted in a reduction for any taxable year of the taxpayer's taxes under chapter 1 of the Internal Revenue Code (other than subchapter E), subchapter E of chapter 2, or prior income, war-profits, or excess-profits tax laws, which amount is hereinafter referred to as the "tax-benefit amount allowed", exceeded the amount allowable, a determination must be made of that portion of the excess of the amount allowed over the amount allowable which, if disallowed, would not have resulted in an increase in any such tax previously determined. If the entire excess of the amount allowed over the amount allowable could be disallowed without any such increase in tax, the tax-benefit amount allowed shall be considered to exceed the amount allowable to the extent of the remainder of such excess.

(ii) For this purpose, the tax previously determined shall be determined under the principles of section 3801 (d), and the only adjustments to be made in determining whether there would be an increase in tax shall be those resulting from the disallowance of the amount allowed. The taxable years for which the determination is made shall be the taxable year for which the deduction was allowed and any other taxable year which would be affected by the disallowance of such deduction. Examples of such other taxable years are taxable years to which there was a carry-over or carry-back of a net operating loss or an unused excess-profits credit from the taxable year for which the deduction for depreciation, etc., was allowed, and taxable years for which a computation under section 22 (b) (12) or section 127 was made by reference to the taxable year for which the deduction was allowed. In determining whether the disallowance of any part of the deduction for depreciation, etc., would not have resulted in an increase in any tax previously determined, proper adjustment must be made for previous determinations under sections 452, 734, or 3801, and for any previous application of section 113 (b) (1) (B) (ii).

(iii) If a determination under section 113 (b) (1) (B) (ii) must be made with respect to several properties for each of which the amount allowed for the taxable year exceeded the amount allowable, the tax-benefit amount allowed with respect to each of such properties shall be an allocated portion of the tax-benefit amount allowed determined by reference to the sum of the amounts allowed and the sum of the amounts allowable with respect to such several properties.

(iv) In the case of property held by a partnership or trust, the computation of the tax-benefit amount allowed shall take into account the tax benefit of the partners or beneficiaries, as the case may be, from the deduction by the partnership or trust of the amount allowed to the partnership or the trust. For this purpose, the determination of the amount allowed which resulted in a tax benefit to the partners or beneficiaries shall be made in the same manner as that provided above with respect to the taxes of the person holding the property.

(v) A taxpayer seeking to limit the adjustment to basis to the tax-benefit amount allowed for any period, in lieu of the amount allowed, must establish the tax-benefit amount allowed. A failure of adequate proof as to the tax-benefit amount allowed with respect to one period does not preclude the taxpayer from limiting the adjustment to basis to the tax-benefit amount allowed with respect to another period for which adequate proof is available. For example, a corporate tranferee may have available adequate records with respect to the tax effect of the deduction for the taxable years 1946 and 1947 of erroneous depreciation, but may not have available adequate records with respect to the deduction of excessive depreciation for a prior period during which the property was held by its transferor. In such case, assuming a proper election is made under section 113 (d), the corporate transferee shall not be denied the right to apply this section with respect to the erroneous depreciation for the period for which adequate proof is available.

(6) *Determination of amount allowable in prior taxable years.* Under section 113 (b) (1) (B), one of the factors involved in determining the adjustment to basis as of any date is the amount allowable for periods prior to such date. The amount allowable for such prior periods is determined under the law applicable to such prior periods; all adjustments required by the law applicable to such periods are made in determining the adjusted basis of the property for the purpose of determining the amount allowable. Since provisions corresponding to the amendment to section 113 (b) (1) (B) made by Public Law 539 (82d Congress) are deemed included in all revenue laws applicable to taxable years ending after December 31, 1931, the amount allowable for any such taxable year must be computed with the application of such provisions. For example, if the adjusted basis of property is determined as of January 1, 1952, if an election was properly made under section 113 (d), and if the property was held since January 1, 1930, then the amount allowable which is taken into account in computing the adjusted basis as of January 1, 1952, shall be determined for all taxable years ending after December 31, 1931, with the application to each such taxable year of the provisions of section 113 (b) (1) (B) as amended by Public Law 539. Public Law 539 made no change in the law applicable in determining the amount allowable for taxable years ending before January 1, 1932. In any case in which, prior to the enactment of Public Law 539 (July 14, 1952) there was a final decision of a court determining the amount allowable for a particular taxable year, such determination (but only for the purpose of determining the adjustment under section 113 (b) (1) (B) by reference to such allowable amount) must be adjusted to the extent necessary to reflect the amendment made by Public Law 539 to the law applicable to the taxable year for which the amount was allowable.

Although Public Law 539 amends the law applicable to all taxable years ending after December 31, 1931, the amendment does not open for refund, credit, or assessment of a deficiency any taxable year for which such refund, credit, or assessment is barred by any law or rule of law.

(7) *Property with transferred basis.* The following rules apply in the determination of the adjustments to basis of property in the hands of a transferee, donee, or grantee which are required by section 113 (b) (2) with respect to the period the property was held by the transferor, donor or grantor:

(i) An election under section 113 (d) by a transferor, donor, or grantor made after the date of the transfer, gift, or grant of the property shall not affect the basis of such property in the hands of the transferee, donee, or grantee. Such an election made before the date of the transfer must be taken into account in determining under section 113 (b) (2) the adjustments to basis as of the date of the transfer, gift, or grant, whether or not an election under section 113 (d) was made by the transferee, donee, or grantee.

(ii) An election by the transferee, donee, or grantee shall be applicable in determining the adjustments to basis for the period during which the property was held by the transferor, donor, or grantor, whether or not the transferor, donor, or grantor had made an election: *Provided*, That the property was held by the transferee, donee, or grantee at any time on or before the date on which his election was made.

Example (1). The case of Corporation A discloses the following facts:

(1) Year	(2) Amount allowed	(3) Amount allowed which reduced taxpayer's taxes	(4) Amount allowable	(5) Amount allowable but not less than amount allowed	(6) Amount allowable but not less than amount allowed which reduced taxpayer's taxes
1949	$6,000	$5,500	$5,000	$6,000	$5,500
1950	7,000	7,000	6,500	7,000	7,000
1951	5,000	4,000	6,500	6,500	6,500
Total, 1949–51				19,500	19,000
1952	6,500	6,500	6,000		6,500
1953	5,000	4,000	4,000		4,000
1954	4,500	4,500	6,000		6,000
Total, 1952–54					16,500

The cost or other basis is to be adjusted by $16,500 with respect to the years 1952–1954, that is, by the amount allowable but not less than the amount allowed which reduced the taxpayer's taxes. An adjustment must also be made with respect to the years 1949–1951, the amount of such adjustment depending upon whether an election was properly made under section 113 (d). If no such election was made, the amount of the adjustment with respect to the years 1949–1951 is $19,500, that is, the amount allowed but not less than the amount allowable. If an election was properly made, the amount of the adjustment with respect to the years 1949–1951 is $19,000, that is, the amount allowable but not less than the amount allowed which reduced the taxpayer's taxes.

Example (2). Corporation A purchased a building on January 1, 1950, at a cost of $100,000. On the basis of the facts reasonably known to exist at the end of 1950, a period of 50 years should have been used as the correct useful life of the building; nevertheless, depreciation was computed by Corporation A on the basis of a useful life of 25 years, and was allowed for 1950 through 1953 as a deduction in an annual amount of $4,000. The building was sold on January 1, 1954. Corporation A did not make an election under section 113 (d). No part of the amount allowed Corporation A for any of the

years 1950 through 1953 resulted in a reduction of Corporation A's taxes. The adjusted basis of the building as of January 1, 1954, is $88,166, computed as follows:

Year	Adjustments to basis as of beginning of taxable year	Adjusted basis	Remaining life	Depreciation allowable	Depreciation allowed
1950		$100,000	50	$2,000	$4,000
1951	$4,000	96,000	49	1,959	4,000
1952	8,000	92,000	48	1,917	4,000
1953	9,917	90,083	47	1,917	4,000
1954	11,834	88,166			

Example (3). The facts are the same as in Example (2), except that Corporation A made a proper election under section 113 (d). In such case, the adjusted basis of the building as of January 1, 1954, is $92,000, computed as follows:

Year	Adjustments to basis as of beginning of taxable year	Adjusted basis	Remaining life	Depreciation allowable	Depreciation allowed
1950		$100,000	50	$2,000	$4,000
1951	$2,000	98,000	49	2,000	4,000
1952	4,000	96,000	48	2,000	4,000
1953	6,000	94,000	47	2,000	4,000
1954	8,000	92,000			

Example (4). If it is assumed that in Example (2), or in Example (3), all of the deduction allowed Corporation A for 1953 had resulted in a reduction of A's taxes, the adjustment to the basis of the building for depreciation for 1953 would reflect the entire $4,000 deduction. In such case, the adjusted basis of the building as of January 1, 1954, would be $86,083 in Example (2), and $90,000 in Example (3).

Example (5). The facts are the same as in Example (2) except that for the year 1950 all of the $4,000 amount allowed Corporation A as a deduction for depreciation for that year resulted in a reduction of A's taxes. In such case, the adjustments to the basis of the building remain the same as those set forth in Example (2).

Example (6). The facts are the same as in Example (3) except that for the year 1950 all of the $4,000 amount allowed Corporation A as a deduction for depreciation resulted in a reduction of A's taxes. In such case, the adjusted basis of the building as of January 1, 1954, is $90,123, computed as follows:

Year	Adjustments to basis as of beginning of taxable year	Adjusted basis	Remaining life	Depreciation allowable	Depreciation allowed
1950		$100,000	50	$2,000	$4,000
1951	$4,000	98,000	49	1,959	4,000
1952	5,959	94,041	48	1,959	4,000
1953	7,918	92,082	47	1,959	4,000
1954	9,877	90,123			

(C) By redesignating present paragraph (f) thereof beginning with the words "The cost or other basis shall also be decreased * * *" as paragraph (c) and by adding the following headnote: "(c) *Exhaustion, wear and tear, obsolescence, amortization, and depletion—periods prior to March 1, 1913.*"

(D) By redesignating present paragraph (g) thereof, which paragraph begins with the words "In the case of stock, * * *" as paragraph (d) and by adding the following headnote: "(d) *Certain stock distributions.*"

(E) By redesignating present paragraph (h) thereof, which paragraph begins with the words "In the case of stock of United States shareholders * * *", as paragraph (e) and by adding the following headnote: "(e) *Stock of United States shareholders of a foreign personal holding company.*"

(F) By redesignating present paragraph (i) thereof, which paragraph begins with the words "Adjustments must always be made * * *", as paragraph (f) and by adding the following headnote: "(f) *Other applicable rules.*".

(G) By removing the designation (j) from paragraph (j) so that the paragraph stands undesignated.

PAR. 3. There is inserted immediately after § 29.113 (c)–1 the following:

PUBLIC LAW 539 (82D CONGRESS)
[APPROVED JULY 14, 1952]

* * * * *

SEC. 2. Section 113 of the Internal Revenue Code (relating to basis of property) is hereby amended by adding at the end thereof the following new subsection:

(d) *Election in respect of depreciation, etc., allowed before 1952.* Any person may elect to have clause (ii) of subsection (b) (1) (B) apply in respect of periods since February 28, 1913, and before January 1, 1952. Such an election shall be made in such manner as the Secretary may by regulations prescribe, shall be irrevocable, and shall apply in respect of all property held by the person making the election at any time on or before the date on which the election was made and in respect of all periods since February 28, 1913, and before January 1, 1952, during which such person held such property or for which adjustments must be made under subsection (b) (2). An election by a transferor, donor, or grantor made after the date of the transfer, gift, or grant of property shall not affect the basis of such property in the hands of the transferee, donee, or grantee. No such election may be made after December 31, 1952.

SEC. 3. The amendments made by this Act shall apply in respect of taxable years beginning after December 31, 1938. Provisions having the effect of such amendments shall be deemed to have been included in the revenue laws respectively applicable to taxable years ending after December 31, 1931, and beginning before January 1, 1939.

§ 29.113 (d)–1 *Election as to amounts allowed in respect of depreciation, etc., before 1952*—(a) *In general.* (1) Any person may elect to have the adjustments to the cost or other basis of property under section 113 (b) (1) (B) determined in accordance with clause (ii) of such section, by filing with the director or collector of internal revenue, on or before December 31, 1952, the written statement of election provided in paragraph (b) of this section. The statement must be filed with the collector or director with whom the return must be filed (determined under section 53 (b) as of December 31, 1952). Such election shall be irrevocable after December 31, 1952, and shall apply with respect to all periods since February 28, 1913, and before January 1, 1952. The election shall apply to all properties held by the person making the election at any time on or before the date of such election.

(2) A taxpayer may include in an election filed before December 31, 1952, a statement that the election shall take effect when filed, and in such case the election shall be irrevocable on the date filed, and shall not apply to any property acquired by the taxpayer after such date. If an election is made before December 31, 1952, and does not contain such statement, the election may be revoked by filing on or before December 31, 1952, in the same office in which the election was filed, a statement of revocation executed in the same manner as the election. Such an election made before December 31, 1952, and not revoked on or before that date, shall be deemed made on December 31, 1952, and shall apply to all property held by the taxpayer at any time on or before such date.

(3) A copy of the written statement of election must be filed with the first income tax return, amended return, or claim for refund filed on or after the date on which the election is made.

(4) An election by a partner is not an election by the partnership of which he is a member, but a separate election must be made by the partnership. Similarly, an election by the partnership applies only with respect to the partnership, and is not applicable to the separate property of the partners. A similar rule applies with respect to elections by trusts and beneficiaries of such trusts.

(5) An election which conforms in substance to the provisions of this section shall not be deemed invalid solely because it was filed prior to the date on which the regulations in this section were promulgated.

(b) *Rules applicable to making of election.* The following rules are applicable to the making of an election under section 113 (d):

(1) *Form of election.* The election shall be in the form of a statement in writing addressed to the collector or director of internal revenue with whom filed, shall state the name and address of the taxpayer making the election, and shall contain a statement that such taxpayer elects to have the provisions of section 113 (b) (1) (B) (ii) apply in respect of all periods since February 28, 1913, and before January 1, 1952.

(2) *Signature.* The statement shall be signed by the taxpayer making the election, if an individual, or, if the taxpayer making the election is not an individual, the statement shall be executed in the same manner as is required in the case of the income tax return of such taxpayer.

(3) *Filing.* The written statement must be filed in the office of the collector or director of internal revenue on or before December 31, 1952. An election shall be considered as timely filed if it is placed in the mail on or before midnight of December 31, 1952, as shown by the postmark on the envelope containing the written statement of election or as shown by other available evidence of the mailing date.

The amendments to § 29.113 (b) (1)–1 of Regulations 111, covering taxable years beginning after December 31, 1941, set forth in this Treasury decision, are hereby made applicable to taxable years begining after December 31, 1931, and before January 1, 1942 (such years being covered by Regulations 77, 86, 94, 101, and 103).

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: December 30, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–13793; Filed, Dec. 30, 1952; 11:32 a. m.]

[T. D. 5968; Regulations 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

WAR LOSSES

On November 22, 1952, notice of proposed rule making with respect to amendments to conform Regulations 111 to section 341 of the Revenue Act of 1951 (Pub. Law 183, 82d Cong., 1st Sess.), approved October 20, 1951, relating to war losses, was published in the FEDERAL REGISTER (17 F. R. 10649). After consideration of such relevant suggestions as were presented by interested persons regarding the proposals, the amendments to Regulations 111 (26 CFR, Part 29) set forth below are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 29.127 (c)–1 the following:

SEC. 341. WAR LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Tax upon war loss recovery.* Section 127 (c) (relating to recoveries included in gross income) is hereby amended to read as follows:

(c) *Recoveries*—(1) *General rule.* Upon the recovery in the taxable year of any money or property in respect of property considered under subsection (a) as destroyed or seized in any prior taxable year, the amount of such recovery shall be included in gross income to the extent provided in paragraph (2), unless the provisions of paragraph (3) are applicable to the taxable year pursuant to an election made by the taxpayer under the provisions of paragraph (5).

(2) *Inclusion in gross income*—(A) *Amount of recovery.* The amount of the recovery of any money or property in respect of property considered under subsection (a) as destroyed or seized in any prior taxable year shall be an amount equal to the aggregate of such money and the fair market value of such property, determined as of the date of the recovery.

(B) *Amount of gain includible.* To the extent that the amount of the recovery plus the aggregate of the amounts of previous such recoveries do not exceed that part of the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of property described in subsection (a) which did not result in a reduction of any tax of the taxpayer under this chapter or chapter 2, such amount shall not be includible in gross income and shall not be deemed gain upon the involuntary conversion of property as a result of its destruction or seizure. To the extent that such amount plus the aggregate of the amounts of previous such recoveries exceed that part of the aggregate of such deductions, which did not result in a reduction of any tax of the taxpayer under this chapter or chapter 2 and do not exceed that part of the aggregate of such deductions which did result in a reduction of any tax of the taxpayer under this chapter or chapter 2, such amount shall be included in gross income but shall not be deemed a gain upon the involuntary conversion of property as a result of its destruction or seizure. To the extent that such amount plus the aggregate of the amounts of previous such recoveries exceed the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of property described in subsection (a), such amount shall be considered a gain upon the involuntary conversion of property as a result of its destruction or seizure and shall be recognized or not recognized as provided in section 112 (f). If for any previous taxable year the taxpayer chooses under subsection (b) to treat any obligations and liabilities as discharged or satisfied out of the property or interest described in subsection (a), and if such obligations and liabilities were not so discharged or satisfied, the amount of such obligations and liabilities treated as discharged or satisfied under subsection (b) shall be considered for the purposes of this section as a deduction by reason of this section which did not result in a reduction of any tax of the taxpayer under this chapter or chapter 2. For the purposes of this paragraph an allowable deduction for any taxable year on account of the destruction or seizure of property described in subsection (a) shall, to the extent not allowed in computing the tax of the taxpayer for such taxable year, be considered an allowable deduction which did not result in a reduction of any tax for the taxpayer under this chapter or chapter 2.

(3) Tax adjustment measured by prior benefits. If the provisions of this paragraph are applicable to the taxable year pursuant to an election made by the taxpayer under the provisions of paragraph (5)—

(A) *Amount of recovery.* The amount of the recovery in the taxable year of any money or property in respect of property considered under subsection (a) as destroyed or seized in any prior taxable year shall be an amount equal to the aggregate of such money and the fair market value of such property, determined as of the date of the recovery. For the purpose of this paragraph, in the case of the recovery of the same property or interest considered under subsection (a) as destroyed or seized, the fair market value of such property or interest shall, at the option of the taxpayer, be considered an amount equal to the adjusted basis (for determining loss) of such property or interest in the hands of the taxpayer on the date such property or interest was considered under subsection (a) as destroyed or seized. The amount of the recovery determined under this subparagraph shall be reduced for the purposes of subparagraphs (B) and (C) by the amount of the obligations or liabilities with respect to the property considered under subsection (a) as destroyed or seized in respect of which the recovery was received, if the taxpayer for any previous taxable year chose under subsection (b) (2) to treat such obligations or liabilities as discharged or satisfied out of such property, and such obligations or liabilities were not so discharged or satisfied prior to the date of the recovery.

(B) Adjustment for Prior Tax Benefits.—That part of the amount of the recovery, in respect of any property considered under subsection (a) as destroyed or seized, which is not in excess of the allowable deductions in prior taxable years on account of such destruction or seizure of the property (the amount of such allowable deductions being first reduced by the aggregate amount of any prior recoveries in respect of the same property) shall be excluded from gross income for the taxable year of the recovery for the purpose of computing the tax under this chapter and chapter 2; but there shall be added to, and assessed and collected as a part of, the tax under this chapter for the taxable year of the recovery the total increase in the tax under this chapter and chapter 2 for all taxable years which would result by decreasing, in an amount equal to such part of the recovery so excluded, such deductions allowable in the prior taxable years with respect to the destruction or seizure of the property. Such increase in the tax for each such year so resulting shall be computed in accordance with regulations prescribed by the Secretary. Such regulations shall give effect to previous recoveries of any kind (including recoveries described in section 22 (b) (12)) with respect to any prior year, and shall provide for the case where there was no tax for the prior year, but shall otherwise treat the tax previously determined for any year in accordance with the principles set forth in section 3801 (d). All credits allowable against the tax for any year and all carry-overs and carry-backs affected by so decreasing the allowable deductions shall be taken into account in computing the increase in the tax, except that the computation of the excess profits credit under chapter 2E for any taxable year shall not be affected.

(C) *Gain upon recovery.* The amount of any recovery or part thereof, in respect of property considered under subsection (a) as destroyed or seized, which is not excluded from gross income under the provisions of subparagraph (B) shall be considered for the taxable year of the recovery as gain on the involuntary conversion of property as a result of its destruction or seizure and shall be recognized or not recognized as provided in section 112 (f).

(D) *Recoveries treated as gross income for certain purposes.* For the purposes of sections 51, 52, and 3801 (b) the recovery in the taxable year of any money or property in respect of property considered under subsection (a) as destroyed or seized in any prior taxable year shall be deemed to be an item includible in gross income for the taxable year in which the recovery is made.

(4) *Restoration of value of investments referable to destroyed or seized property.* For the purpose of this subsection the restoration in whole or in part of the value of any interest described in subsection (a) (3) by reason of any recovery of money or property in respect of property to which such interest related and which was considered under subsection (a) (1) or (2) as destroyed or seized shall be deemed a recovery of property in respect of property considered under subsection (a) as destroyed or seized. In applying paragraph (3) of this subsection such restoration shall be treated as the recovery of the same interest considered under subsection (a) as destroyed or seized.

(5) *Election by taxpayer for application of paragraph* (3). If the taxpayer elects to have the provisions of paragraph (3) applicable to any taxable year in which he recovered any money or property in respect of property considered under subsection (a) as destroyed or seized, the provisions of paragraph (3) shall be applicable to all taxable years of the taxpayer beginning after December 31, 1941, and such election, once made, shall be irrevocable. The election shall be made in such manner and at such time as the Secretary may by regulations prescribe, except that no election under this paragraph may be made after December 31, 1952, unless the taxpayer recovers money or property (in respect of property considered under subsection (a) as destroyed or seized) during a taxable year ending after the date of the enactment of the Revenue Act of 1951. If pursuant to such election the provisions of paragraph (3) are applicable to any taxable year—

(A) the period of limitations provided in sections 275 and 276 on the making of assessments and the beginning of distraint or a proceeding in court for collection shall not, with respect to—

(1) The amount to be added to the tax for such taxable year under the provisions of paragraph (3), and

(II) Any deficiency for such taxable year or for any other taxable year, to the extent attributable to the basis of the recovered property being determined under the provisions of subsection (d) (2),

expire prior to the expiration of two years following the date of the making of such election, and such amount and such deficiency may be assessed at any time prior to the expiration of such period notwithstanding any law or rule of law which would otherwise prevent such assessment and collection, and

(B) In case refund or credit of any overpayment resulting from the application of the provisions of paragraph (3) to such taxable year is prevented on the date of the making of such election, or within one year from such date, by the operation of any law or rule of law (other than section 3761, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within one year from such date.

In the case of any taxable year ending before the date of the making by the taxpayer of an election under this paragraph, no interest shall be paid on any overpayment resulting from the application of the provisions of paragraph (3) to such taxable year, and no interest shall be assessed or collected with respect to any amount or any deficiency specified in clause (A), for any period prior to the expiration of six months following the date of the making of such election by the taxpayer.

* * * * *

(d) *Effective dates.* The amendments made by this section shall be applicable to taxable years beginning after December 31, 1941.

PAR. 2. Section 29.127 (c)–1, as amended by Treasury Decision 5454, approved May 10, 1945, is further amended to read as follows:

§ 29.127 (c)–1 *Recoveries in respect of war losses*—(a) *General.* (1) Upon the recovery by the taxpayer in the taxable year of any money or property in respect of property considered under section 127 (a) as destroyed or seized in any prior taxable year, the amount of such recovery must be included in gross income to the extent provided in section 127 (c) (2), unless pursuant to the taxpayer's election the provisions of section 127 (c) (3) are applicable to such recovery. For the treatment of war loss recoveries under such provisions, and the manner of making such election, see paragraphs (c) and (d) hereof.

(2) Except as provided in section 127 (c) (3) (A) and in this paragraph, the amount of the recovery in respect of a war loss in a previous taxable year is determined in the same manner for the purpose of section 127 (c) (2) or (3). The amount of the recovery of any money or property in respect of any war loss is the aggregate of the amount of such money and of the fair market value of such property, both determined as of the date of the recovery. If pursuant to the taxpayer's election under section 127 (c) (5) the provisions of section 127 (c) (3) are applicable to any taxable year in which he recovers the same property or interest considered under section 127 (a) as destroyed or seized in a previous taxable year, the fair market value of such property or interest shall, at the option of the taxpayer, be considered an amount equal to the adjusted basis (for determining loss) of such property or interest in the hands of the taxpayer on the date such property or interest was considered as destroyed or seized. This option is exercisable by the taxpayer with respect to each separate property or interest considered under section 127 (a) as destroyed or seized in a previous taxable year. Also, if the provisions of section 127 (c) (3) are applicable pursuant to the taxpayer's election, the amount of the recovery of any money or property in respect of property considered under section 127 (a) as destroyed or seized in any prior taxable year shall be reduced for the purpose of section 127 (c) (3) (B) and (C) by the amount of the obligations or liabilities with respect to such property, if the taxpayer for any previous taxable year chose under section 127 (b) (2) to treat such obligations or liabilities as discharged or satisfied out of such property, and such obligations or liabilities were not so discharged or satisfied prior to the date of the recovery. See § 29.127 (b)–1. The recoveries in respect of any war loss include the recovery of the property or interest treated as destroyed or seized under section 127 and the recovery of any money or property in lieu of such property or interest or on account of the destruction or seizure of such property or interest. For example, there is a recovery upon the return to the taxpayer after the termination of the war of his property which was treated as resulting in a war loss because it was located in a country at war with the United States. An award by a government on account of the seizure of the taxpayer's property by an enemy country is a recovery under section 127 (c). The amount obtained upon the sale or other transfer by the taxpayer of his right to any property treated as resulting in a war loss is also a recovery for the purpose of section 127 (c). Similarly, if a taxpayer who sustained a war loss under section 127 (c) upon the liquidation of a corporation has received the rights to any property of the corporation which was treated as destroyed or seized under section 127 (a) (1) or (2), any recovery by the taxpayer with respect to such rights is a recovery by him for the purposes of section 127 (c). Furthermore, if any interest of the taxpayer in or with respect to property was determined to be worthless and was treated as a war loss under section 127 (a) (3) (see § 29.127 (a)–4), or if the taxpayer retained an interest in a corporation with respect to which he sustained a war loss under section 127 (e), and if the interest in the hands of the taxpayer is restored in value, in whole or in part, by reason of a recovery with respect to the underlying assets treated as destroyed or seized under section 127, then such restoration in value is a recovery by the taxpayer for the purposes of section 127 (c). In the application of section 127 (c) (3) such restoration shall be treated as a recovery of the same interest considered as destroyed or seized. Property considered as destroyed or seized under section 127 (a) is considered as not being in existence from the date of the loss to the date of its recovery.

(3) For the purpose of section 127 (c), the recoveries considered are only those with respect to war losses sustained in prior taxable years. Similarly, the only deductions considered are those allowable for prior taxable years, and any allowable deductions for the year of the recovery are ignored for the purposes of applying such section to the recovery. If property is treated as destroyed or seized under section 127, and if in the same taxable year there is also a recovery with respect to such property, such recovery is not within the provisions of section 127 (c) but is taken into account under section 127 (b) in determining the amount of the loss, if any, on the destruction or seizure. See section 127 (b)–1. An allowable deduction with respect to a war loss is any deduction to which the taxpayer is entitled on account of any property or interest being treated as destroyed or seized under section 127, regardless of whether or not such deduction was claimed by the taxpayer or otherwise allowed in computing his tax. If a deduction was claimed by a taxpayer in computing his tax for any taxable year, and if such deduction was disallowed, such deduction will not be considered an allowable deduction for such taxable year since the previous determination will not be reconsidered.

(b) *General rule; inclusion of recovery in gross income.* (1) A taxpayer who has sustained a war loss described in section 127 and who has not elected to have the provisions of section 127 (c) (3) apply to any taxable year in which he recovered any money or property in respect of a war loss in any previous taxable year must include in his gross income for each taxable year, to the extent provided in section 127 (c) (2), the amount of his recoveries of money and property for such taxable year in respect of any war loss in a previous taxable year. Section 127 (c) (2) provides that such recoveries for any taxable year are not includible in income until the taxpayer has recovered an amount equal to his allowable deductions in prior taxable years on account of such war losses which did not result in a reduction of any tax under chapter 1 of the Internal Revenue Code, that is, of any income tax of the taxpayer, or chapter 2, including the excess profits tax imposed by subchapter E thereof. War loss recoveries are considered as made first on account of war losses allowable but not actually allowed as a deduction, and second on account of war losses allowed as a deduction but which did not result in a reduction of tax under chapter 1 or chapter 2. If there were deductions allowed on account of war losses for two or more taxable years which did not result in a reduction of any tax under chapter 1 or chapter 2, a recovery on account of such losses is considered as made on account of such losses in the order of the taxable years for which they were allowed, beginning with the latest. See § 29.127 (f)–1 for the determination of the amount of such deductions. Recoveries in excess

of such amount are treated as ordinary income until such excess equals the amount of the taxpayer's allowable deductions in prior taxable years on account of war losses which did result in a reduction of any such tax under chapter 1 or chapter 2. Any further recoveries in excess of all the taxpayer's allowable deductions in prior taxable years for war losses are treated as gain on an involuntary conversion of property as a result of its destruction or seizure, and such gain is recognized or not recognized under the provisions of section 112 (f). See § 29.112 (f)–1. Such gain, if recognized, is included in gross income as ordinary income unless section 117 (j) applies to cause such gain to be treated as gain from the sale or exchange of a capital asset held for more than six months. See § 29.117–7.

(2) The determination as to whether and to what extent any recoveries are to be included in gross income is made upon the basis of the amount of all the recoveries for each day upon which there are any such recoveries, as follows:

(i) The amount of the recoveries for any day is not included in gross income, and is not considered gain on an involuntary conversion, to the extent, if any, that the aggregate of the allowable deductions in prior taxable years on account of war losses which did not result in a reduction of any tax of the taxpayer under chapter 1 or chapter 2 of the Internal Revenue Code, as determined under § 29.127 (f)–1, exceeds the amount of all previous recoveries in the same and prior taxable years.

(ii) The amount of the recoveries for any day which is not excluded from gross income under (i) is included in gross income as ordinary income, and is not considered gain on an involuntary conversion, to the extent, if any, that the aggregate of all the allowable deductions in prior taxable years on account of war losses (both those which resulted in a reduction of a tax of the taxpayer and those which did not) exceeds the sum of the amount of all previous recoveries in the same and prior taxable years and of that portion, if any, of the amount of the recoveries for such day which is not included in gross income under (i).

(iii) The amount of the recoveries for any day which is not excluded from gross income under subdivision (i) of this subparagraph and is not included in gross income as ordinary income under subdivision (ii) of this subparagraph is considered gain on an involuntary conversion of property as a result of its destruction or seizure. The following provisions then apply to this gain:

(a) Such gain is recognized or not recognized under the provisions of section 112 (f), relating to gain upon such conversion of property. For the purpose of applying section 112 (f), such gain for any day is deemed to be expended in the manner provided in section 112 (f) to the extent the recovery for such day is so expended.

(b) If such gain is recognized it is included in gross income as ordinary income or, if the provisions of section 117 (j) apply and require such treatment, as gain on the sale or exchange of a capital asset held for more than six months. For the purpose of applying section 117 (j), such recognized gain for any day is deemed to be derived from property described in that section to the extent of the recovery for such day with respect to such property, except such portion of such recovery as is attributable to the nonrecognized gain for such day.

(c) Section 127 (d) provides that in determining the unadjusted basis of recovered property, the total gain and the recognized gain with respect to such property must be determined. For such purpose, the recognized gain deemed to be derived from properties described in section 117 (j) may be allocated among such properties in the proportion of the recoveries with respect to such properties, reduced for each property by the portion of the recovery attributable to the nonrecognized gain for such day, and the recoveries with respect to properties not described in section 117 (j) may be similarly allocated. The total gain derived from any recovered property is the sum of the nonrecognized gain attributable to the recovery of such property and of the recognized gain allocable to such property.

(3) The foregoing provisions may be illustrated by the following examples:

Example (1). The taxpayer sustained war losses of $3,000 on account of properties A, B, C, and D. Of this amount, $1,000 did not result in a reduction of any income tax of the taxpayer, as determined under the provisions of § 29.127 (f)–1. In a subsequent taxable year, he received an award of $800 from the Government on account of property A. This is not included in income since it is less than the amount by which his allowable deductions for prior taxable years on account of war losses which did not result in any tax benefit, $1,000, exceed $0, the sum of all his previous recoveries. On a later date the taxpayer recovers property B, which is worth $1,500 on the date of recovery. This recovery is not included in gross income to the extent of $200, the amount by which the allowable deductions for prior taxable years on account of war losses which did not result in any tax benefit, of $1,000, exceed the sum of all previous recoveries, or $800. All of the remaining $1,300 of the recovery is included in gross income as ordinary income, and is not considered gain on the involuntary conversion of property, since it is less than the amount by which the aggregate of all the allowable deductions in prior taxable years on account of war losses, or $3,000, exceeds $1,000, the sum of the $800 of previous recoveries and of the $200 portion of the recovery with respect to B which is not included in gross income. On a still later date the taxpayer sells for $2,500 his rights to recover C. Since the allowable deductions for prior taxable years on account of war losses which did not result in any tax benefit ($1,000) do not exceed the previous recoveries by the taxpayer ($800 and $1,500, or $2,300), none of the recovery on account of C is excluded from gross income. This recovery is included in gross income as ordinary income, and is not considered gain on the involuntary conversion of property, to the extent of $700, the amount by which the aggregate of all the allowable deductions for prior taxable years on account of war losses ($3,000) exceeds $2,300, the sum of the $2,300 of previous recoveries and of the $0 portion of the recovery on account of C which is not included in gross income. The remaining $1,800 of the recovery is considered gain on an involuntary conversion of property on account of its destruction or seizure, and is not recognized if forthwith expended in the manner provided in section 112 (f). Thus, it is not recognized if it is forthwith expended for the acquisition of property relating in service or use to C. On a later date the taxpayer recovers D, which has a fair market value of $400 at the time of the recovery. Since the aggregate of all the allowable deductions for prior taxable years on account of war losses ($3,000) does not exceed the previous recoveries by the taxpayer ($800 + $1,500 + $2,500, or $4,800), all of the recovery with respect to D is considered gain on an involuntary conversion of property as a result of its destruction or seizure. Under the provisions of section 112 (f), this gain is not recognized if D is used for the same purposes for which it was used before it was deemed destroyed or seized under section 127.

Example (2). The taxpayer on one day recovers $3,000 for property A and $7,000 for property B, both of which were treated under section 127 as destroyed or seized in a prior taxable year, and $8,000 of such $10,000 recoveries is considered gain on the involuntary conversion of property as a result of its destruction or seizure. The taxpayer forthwith expends $5,000 in the acquisition of property similar in use to B. Therefore, $5,000 of the $8,000 gain is not recognized under section 112 (f), leaving $3,000 of recognized gain. Property B is within the provisions of section 117 (j), relating to gains and losses on the involuntary conversion of certain described property, but property A is not. Therefore, the provisions of section 117 (j) apply to $2,000 of the $3,000 gain, that is, the amount of the recovery with respect to B which is not attributable to the nonrecognized gain for such day ($7,000 minus $5,000). If the taxpayer forthwith expended $8,000 or more for the acquisition of property similar in use to B, none of the gain would be recognized. If the taxpayer forthwith expended the $5,000 to acquire property related in use to A, the $3,000 recognized gain would be considered derived from B to the extent of the recovery with respect to B ($7,000), not reduced by any nonrecognized gain since none of such recovery is attributable to such nonrecognized gain, and therefore all of the $3,000 recognized gain would be subject to the provisions of section 117 (j).

(c) *Elective method; tax adjustment measured by prior benefits.* (1) If the taxpayer elects pursuant to section 127 (c) (5) and in accordance with the provisions of these regulations to have the provisions of section 127 (c) (3) apply to any taxable year in which he recovers any money or property in respect of property considered under section 127 (a) as destroyed or seized in any previous taxable year, the amount of the recovery in respect of such property for any taxable year shall not be included in income until the taxpayer has recovered an amount equal to his allowable deductions in prior taxable years on account of the destruction or seizure of such property, whether or not such allowable deductions resulted in a reduction of any tax under chapter 1 or chapter 2 of the Internal Revenue Code. However, for the purposes of section 51, relating to the requirement of individual returns, section 52, relating to the requirement of corporation returns, and section 3801 (b), relating to the mitigation of the effect of the statute of limitations, the entire amount of the recovery shall be deemed to be an item includible in gross income for the taxable year in which the recovery is made. In lieu of including such amount in gross income, there shall be added to, and assessed and collected as a part of, the

able year, the fair market value of such

seized. Property considered as destroyed

such deductions.

asset held for more than six months. struction or seizure, and is not recognized if

assessed and collected as a part of, the

tax imposed under chapter 1 for the taxable year of the recovery and adjustment on account of any tax benefits in all prior taxable years resulting directly or indirectly from the fact that the loss from the destruction or seizure of such property was an allowable deduction. The amount of such adjustment shall be the total increase in the tax under chapter 1 of the Code, that is, any income tax of the taxpayer, and under chapter 2 including the excess profits tax imposed by subchapter E thereof, for all taxable years which would result by decreasing such allowable deductions with respect to the destruction or seizure of such property by an amount equal to that portion of the amount of the recovery which is not included in gross income for the taxable year of the recovery. The portion of the amount of the recovery which is in excess of such allowable deductions is included in gross income for the taxable year of the recovery as gain on the involuntary conversion of property as a result of its destruction or seizure and is recognized or not recognized as provided in section 112 (f). See § 29.112 (f)-1. Such gain, if recognized, is included in gross income as ordinary income unless section 117 (j) applies to cause such gain to be treated as gain on the sale or exchange of capital assets held for more than six months. See § 29.117-7.

(2) The determination as to whether and to what extent the amount of the recovery is to be excluded from gross income is to be made upon the basis of the total amount of the recoveries in each taxable year in respect of the same property considered under section 127 (a) as destroyed or seized in any previous taxable year, as follows:

(i) The amount of the recovery in any taxable year is excluded from the gross income of such year and is not considered gain on an involuntary conversion to the extent that such amount does not exceed the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of such property (whether or not such deductions resulted in a reduction of a tax of the taxpayer) reduced by the aggregate amount of any recoveries in intervening taxable years in respect of the same property.

(ii) The amount of the recovery in any taxable year which is not excluded from gross income under (i) is included in gross income and is considered gain on an involuntary conversion of property as a result of its destruction or seizure. The following provisions apply to this gain:

(*a*) Such gain is recognized or not recognized under the provisions of section 112 (f) relating to gain upon such conversion of property. For the purpose of applying section 112 (f), such gain for any taxable year is deemed to be expended in the manner provided in section 112 (f) to the extent the recovery in such taxable year is so expended.

(*b*) If such gain is recognized it is included in gross income as ordinary income or, if the provisions of section 117 (j) apply and require such treatment, as gain on the sale or exchange of a capital asset held for more than six months. In the case of the recovery of the same property or interest considered under section 127 (a) as destroyed or seized, any gain will not be deemed to be recognized under the provisions of section 112 (f) if such property is used for the same purpose for which it was used before it was deemed destroyed or seized under section 127 (a).

(3) The determination of the total increase in the tax under chapters 1 and 2 of the Code for all taxable years which would result by decreasing the deductions allowable in any prior taxable years with respect to the destruction or seizure of the property in respect of which the taxpayer has made a recovery by an amount equal to the part of such recovery not included in gross income for the taxable year of such recovery shall be made as provided in this subparagraph. Such total increase shall include the increases described in subdivisions (i), (ii), (iii), and (iv) of this subparagraph, and shall be added to, and assessed and collected as a part of, the tax under chapter 1 for the taxable year of the recovery. Proper adjustment of such increases shall be made on account of the application of the provisions of this subparagraph to intervening taxable years. Proper adjustment shall also be made in the determination of such increases in the case of a taxpayer who has made a valid election under section 113 (d), relating to the adjustment of basis of property for depreciation, obsolescence, amortization and depletion. The term "tax previously determined" as used in this subparagraph shall have the same meaning as used in section 3801 (d) of the Code and shall include any tax under chapter 1 or chapter 2 of the Code. In computing the amount of the increase in the tax previously determined under chapter 1 or chapter 2 for any taxable year, the principles of section 3801 (d) shall be applicable. See § 29.3801 (d)-1. However, the computation of the excess profits credit under chapter 2E for any taxable year shall not be affected by the adjustment provided in this subparagraph. All credits allowable against the tax for any year shall be taken into account in computing the increase in the tax previously determined. The increases referred to in this subparagraph include the following:

(i) The increase, if any, in the tax previously determined for each prior taxable year in which a deduction was allowable on account of the destruction or seizure of the property in respect of which there is a recovery in the taxable year. After the tax previously determined has been ascertained, such tax shall be recomputed by disregarding such allowable deduction (to the extent that it does not exceed the sum of the amount of such recovery not included in gross income for the taxable year of such recovery, plus the aggregate amount of any recoveries in intervening taxable years in respect of the same property) and any other deductions allowable on account of other war losses or any other losses, expenditures or accruals in such prior taxable year in respect of which, and to the extent that, recoveries in intervening taxable years have been excluded from gross income under section 127 (c) (3), section 22 (b) (12), or otherwise. The difference between the tax previously determined and the tax as recomputed will be the increase in the tax previously determined for the taxable year.

(ii) The increase, if any, in the tax previously determined for any taxable year (including the taxable year of the recovery) in which a net operating loss deduction was allowable, if all or a part of such deduction was attributable to the carry-over or carry-back to such taxable year of a net operating loss from another taxable year in which a deduction was allowable on account of the destruction or seizure of the property in respect of which there is a recovery in the taxable year to which such increase is to be added. After the tax previously determined has been ascertained, such tax shall be recomputed by redetermining such net operating loss deduction. In the determination of such net operating loss deduction the net operation loss shall be recomputed by disregarding the deduction allowable on account of the war loss in respect of which there is a recovery in the taxable year to which such increase is to be added (to the extent that such deduction does not exceed the sum of the amount of such recovery not included in gross income for the taxable year of such recovery, plus the aggregate amount of any recoveries in intervening taxable years in respect of the same property) and by disregarding any other deductions allowable on account of other war losses or any other losses, expenditures, or accruals in the taxable year in respect of which, and to the extent that, recoveries in intervening taxable years have been excluded from gross income under section 127 (c) (3), section 22 (b) (12), or otherwise. The difference between the tax previously determined and the tax as recomputed will be the increase in the tax previously determined for the taxable year.

(iii) The increase, if any, in the tax previously determined for any taxable year (including the taxable year of recovery) in which an unused excess profits credit was availed of in computing the unused excess profits credit adjustment for such taxable year, if all or a part of such adjustment was attributable to the carry-over or carry-back to such taxable year of an unused excess profits credit from another taxable year in which a deduction was allowable on account of the destruction or seizure of the property in respect of which there is a recovery in the taxable year to which such increase is to be added. After the tax previously determined has been ascertained, such tax shall be recomputed by redetermining such unused excess profits credit carry-over or carry-back. In the recomputation such carry-over or carry-back shall be redetermined by disregarding such allowable war loss deduction (to the extent such deduction does not exceed the sum of the amount of the recovery not included in gross income for the taxable year of such recovery, plus the aggregate amount of any recoveries in intervening taxable years in respect of the same property) and by disregarding any other deductions allowable on account of other war losses or any other losses, expenditures, or accruals in the taxable year in respect of which, and to the extent that, recoveries in intervening taxable years have been excluded from gross income under section 127 (c) (3), section 22 (b) (12), or otherwise. The difference between the tax previously determined and the tax as recomputed shall be the amount of the increase which shall be added to the tax for the taxable year of the recovery. In case there is an increase in the excess profits tax under chapter 2E for the taxable year in which an unused excess profits credit was availed of in computing the unused excess profits credit adjustment, and a decrease in the income tax under chapter 1 for such taxable year, the increase in the tax previously determined shall be considered to be an amount equal to the excess of the increase in the excess profits tax over the decrease in the income tax.

(iv) The increase, if any, in the tax previously determined for any taxable year (including the taxable year of the recovery) in which an unused excess profits credit was availed of in computing the unused excess profits credit adjustment for such taxable year, if all or a part of such adjustment was attributable to the carry-over or carry-back to such taxable year of an unused excess profits credit from another taxable year in which there was allowable a net operating loss deduction attributable to the carry-over or carry-back to such other taxable year of a net operating loss, and such net operating loss resulted in whole or in part from the deduction allowable on account of the destruction or seizure of the property in respect of which there is a recovery in the taxable year to which such increase is to be added. After the tax previously determined has been ascertained, such tax shall be recomputed by redetermining such net operating loss deduction and such unused excess profits credit carry-over or carry-back. In the redetermination of such net operating loss deduction the net operating loss carry-over or carry-back shall be recomputed by disregarding such allowable war loss deduction (to the extent that such deduction does not exceed the sum of the amount of such recovery not included in gross income for the taxable year of such recovery, plus the aggregate amount of any recoveries in intervening taxable years in respect of the same property) and by disregarding any other deductions allowable on account of other war losses or any other losses, expenditures, or accruals in the taxable year in respect of which, and to the extent that, recoveries in intervening taxable years have been excluded from gross income under section 127 (c) (3), section 22 (b) (12), or otherwise. The difference between the tax previously determined and the tax as recomputed shall be the amount of the increase which shall be added to the tax for the taxable year of the recovery. In case there is an increase in the excess profits tax under chapter 2E for the taxable year in which an unused excess profits credit was availed of in computing the unused excess profits credit adjustment, and a decrease in the income tax under chapter 1 for such taxable year, the increase in the tax previously determined shall be considered to be an amount equal to the excess of the increase in the excess profits tax over the decrease in the income tax.

(d) *Elective method; time and manner of making election and effect thereof.* (1) If the taxpayer elects to have the provisions of section 127 (c) (3) applicable to any taxable year in which any money or property is recovered in respect of property considered under section 127 (a) as destroyed or seized, section 127 (c) (3) will be applicable by virtue of that election to all taxable years of the taxpayer beginning after December 31, 1941. Thus, the taxpayer need not make an election with respect to each separate taxable year in which he had a recovery. An election for any taxable year in which the taxpayer had a recovery in respect of a prior war loss is sufficient to make the provisions of section 127 (c) (3) applicable not only to war loss recoveries received by the taxpayer in any past taxable year beginning after December 31, 1941, but to any recoveries which may be received by the taxpayer in any future taxable year. Such election once made shall be irrevocable.

(2) The election of the taxpayer to have the provisions of section 127 (c) (3) applicable to any taxable year in which any money or property is recovered in respect of property considered under section 127 (a) as destroyed or seized must be made not later than December 31, 1952, unless the taxpayer recovers money or property (in respect of a prior war loss) during a taxable year ending after the date of the enactment of the Revenue Act of 1951 (October 20, 1951). If the taxpayer has a recovery during any taxable year ending after the date of the enactment of the Revenue Act of 1951, unless such taxable year is a taxable year ending on or before March 31, 1953, such election must be made by the taxpayer not later than the expiration of six months from the last day prescribed by law for the filing of his income tax return for such taxable year. However, if the taxpayer recovers any money or property (in respect of a prior war loss) during a taxable year ending after the date of the enactment of the Revenue Act of 1951 and on or before March 31, 1953, such election must be made not later than December 31, 1953. In all cases the election shall be made by a written statement that the taxpayer elects to have the provisions of section 127 (c) (3) apply to any taxable year in which any money or property is recovered in respect of property considered under section 127 (a) as destroyed or seized, which statement shall be made in (or attached to)—

(i) The return or amended return filed for such taxable year;

(ii) A claim for refund or credit filed for such taxable year for an overpayment resulting from the application of such provisions;

(iii) A timely petition or amended petition to The Tax Court of the United States for a redetermination of any deficiency for such taxable year;

(iv) A letter addressed to the director of internal revenue for the district in which the return for such taxable year was required to be filed;

If the written statement of election is made in a letter, it shall be signed by the taxpayer making the election if an individual or, if the taxpayer is not an individual, the letter must be executed in the same manner as required in the case of the income tax return of such taxpayer. The date of the making of the election shall be the date the return, amended return, claim for refund or credit, petition or amended petition, the letter or other form of notice approved by the Commissioner is filed in the office of the director of internal revenue. In case the election is made in a return filed before the last day prescribed by law for the filing thereof (including any extension of time for such filing), such election shall not be considered made until such last day. In case the election is made in a letter addressed to the director of internal revenue, such election will be considered as timely filed if it is placed in the mail on or before midnight of the last day prescribed by this paragraph for the making of the election, as shown by the postmark on the envelope containing the letter or as shown by other available evidence of the mailing date.

(3) If the provisions of section 127 (c) (3) are applicable to any taxable year pursuant to an election made by the taxpayer in accordance with the provisions of subparagraph (1) of this paragraph, the period of limitations provided in sections 275 and 276 of the Code on the making of assessments and the beginning of distraint or a proceeding in court for collection with respect to (i) the amount to be added to the tax for such taxable year under the provisions of section 127 (c) (3) and (ii) any deficiency for such taxable year or for any other taxable year to the extent attributable to the basis of the recovered property being determined under the provisions of section 127 (d) (2), shall not expire prior to the expiration of two years following the date of the making of such election. Such amount or such deficiency may be assessed at any time prior to the expiration of such period, notwithstanding any law or rule of law which would otherwise prevent such assessment and collection. No interest shall be assessed or collected with respect to any such amount or any such deficiency for any period prior to the expiration of six months following the

gain on the sale or exchange of a capital taxable years have been excluded from disregarding any other deductions allow-

date of the making of the election by the taxpayer.

(4) If the provisions of section 127 (c) (3) are applicable to any taxable year pursuant to an election made by the taxpayer in accordance with the provisions of subparagraph (1) of this paragraph and refund or credit of any overpayment resulting from the application of such provisions to such taxable year is prevented on the date of the making of such election, or within one year from such date, by the operation of any law or rule of law (other than section 3761 relating to compromises), refund or credit of such overpayment may nevertheless be made or allowed, provided claim therefor is filed within one year from such date. Thus, the amount of such overpayment which may be refunded or credited is not subject to the limitations contained in section 322 (b) or (d). No interest shall be paid on any overpayment resulting from the application of the provisions of section 127 (c) (3) to any taxable year ending before the date of the making of the election by the taxpayer.

PAR. 3. There is inserted immediately preceding § 29.127 (d)–1 the following:

SEC. 341. WAR LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * *

(b) *Basis of recovered property.* Section 127 (d) (relating to basis of recovered property) is hereby amended to read as follows:

(d) *Basis of recovered property*—(1) *In general.* The unadjusted basis of property recovered in respect of property considered as destroyed or seized under subsection (a) shall be determined under this subsection. Such basis shall be an amount equal to the fair market value of such property, determined as of the date of the recovery, reduced by an amount equal to the excess of the aggregate of such fair market value and the amounts of previous recoveries of money or property in respect of property considered under subsection (a) as destroyed or seized over the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of property described in subsection (a), and increased by that portion of the amount of the recovery which under subsection (c) is treated as a recognized gain from the involuntary conversion of property. Upon application of the taxpayer, the aggregate of the bases (determined under the preceding sentence) of any properties recovered in respect of properties considered under subsection (a) as destroyed or seized may be allocated among the properties so recovered in such manner as the Secretary may determine under regulations prescribed by him, and the amounts so allocated to any such property so recovered shall be the unadjusted basis of such property in lieu of the unadjusted basis of such property determined under the preceding sentence.

(2) *Property recovered in taxable year to which subsection (c) (3) is applicable.* In the case of a taxpayer who has made an election under the provisions of subsection (c) (5), the basis of property recovered shall be an amount equal to the value at which such property is included in the amount of the recovery under subsection (c) (3) (A) (determined without regard to the last sentence thereof), reduced by such part of the gain under subsection (c) (3) (C) which is not recognized as provided in section 112 (f).

* * * * * * *

(d) *Effective dates.* The amendments made by this section shall be applicable to taxable years beginning after December 31, 1941.

PAR. 4. Section 29.127 (d)–1 is amended as follows:

(A) By inserting immediately preceding the first sentence thereof the following: "(a) *General rule.*"

(B) By striking "section 127 (d)" in each place where such term appears therein and inserting in lieu thereof in each place the following: "section 127 (d) (1)".

(C) By striking "§ 29.127 (c)–1" in each place where such term appears therein and inserting in lieu thereof the following: "§ 29.127 (c)–1 (b)".

(D) By redesignating paragraphs (b), (c), (d), (e) and (f) as subparagraphs (3), (4), (5), (6) and (7) of paragraph (a) and by adding at the end thereof the following new paragraph (b):

(b) *Property recovered in taxable year to which section 127 (c) (3) is applicable.* If, pursuant to an election made by the taxpayer under section 127 (c) (5) and § 29.127 (c)–1 (d) of these regulations, the provisions of section 127 (c) (3) are applicable to any taxable year in which the taxpayer recovered property in respect of a war loss under section 127, the unadjusted basis of such property shall be the fair market value of such property determined as of the date of the recovery, reduced by the amount of nonrecognized gain attributable to such recovery under the provisions of § 29.127 (c)–1 (c). However, if the property recovered is the same property or interest considered under section 127 (a) as destroyed or seized, and if the taxpayer under section 127 (c) (3) (A) includes such property or interest in the amount of the recovery at its adjusted basis (for determining loss) in his hands on the date such property or interest was considered under section 127 (a) as destroyed or seized, the unadjusted basis of such property shall be such adjusted basis, reduced by the amount of nonrecognized gain attributable to such recovery under the provisions of § 29.127 (c)–1 (c). The fair market value of any property recovered, or the adjusted basis (for determining loss) of such property or interest if the same property or interest treated as a war loss under section 127 is recovered, shall not be reduced in determining the unadjusted basis of such property or interest by the amount of the obligations or liabilities with respect to the property treated as a war loss under section 127 in respect of which the recovery was received, if the taxpayer for any previous taxable year chose under section 127 (b) (2) to treat such obligations or liabilities as discharged or satisfied out of such property but such obligations or liabilities were not so discharged or satisfied prior to the date of the recovery.

PAR. 5. Section 29.127 (f)–1, as amended by Treasury Decision 5454, approved May 10, 1945, is further amended as follows:

(A) By inserting immediately after the term "chapter 1" in each place where such term appears therein the following: "or chapter 2".

(B) By inserting immediately after the words "or of any tax imposed in lieu of such taxes" in the first sentence of paragraph (a) thereof the following: "or of any tax imposed by chapter 2 of the Internal Revenue Code."

PAR. 6. There is inserted immediately preceding § 29.131–1 the following:

SEC. 341. WAR LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * *

(c) *Credit for foreign taxes.* Section 131 (a) (relating to allowance of credit for taxes of foreign countries and possessions of the United States) is hereby amended by inserting after "section 102" the following: "and except the additional tax imposed for the taxable year under the provisions of section 127 (c) (3).

(d) *Effective dates.* The amendments made by this section shall be applicable to taxable years beginning after December 31, 1941.

PAR. 7. Section 29.131–1, as amended by Treasury Decision 5893, approved April 4, 1952, is further amended by striking paragraph (e) thereof and inserting in lieu thereof the following:

(e) For taxable years beginning before January 1, 1943, no credit for taxes shall be allowed against the tax imposed under section 102, relating to surtax on corporations improperly accumulating surplus, and for taxable years beginning after December 31, 1942, no credit for taxes shall be allowed against the tax imposed under section 102, relating to surtax on corporations improperly accumulating surplus, against the additional tax imposed under the provisions of section 127 (c) (3), relating to war loss recoveries, or against the victory tax imposed under section 450. No credit for taxes shall be allowed against the tax on self-employment income imposed by section 480.

PAR. 8. Section 29.275–1, as amended by Treasury Decision 5942, approved October 24, 1952, is further amended by adding at the end thereof the following undesignated paragraph:

For the period of limitation for assessing amounts determined under section 127 (c) (3) (relating to war loss recoveries) or any deficiency attributable to the basis of recovered property being determined under section 127 (d) (2), see section 127 (c) (5) and the regulations thereunder.

PAR. 9. Section 29.322–7, as amended by Treasury Decision 5942, approved October 24, 1952, is further amended as follows:

(A) By adding at the end of paragraph (a) thereof the following undesignated subparagraph:

For special provisions in the case of an overpayment resulting from the application of section 127 (c) (3) (relating to war loss recoveries), see section 127 (c) (5) and the regulations thereunder.

(B) By adding at the end of paragraph (d) thereof the following undesignated subparagraph:

For special provisions in the case of an overpayment resulting from the application of section 127 (c) (3) (relating to war loss recoveries), see section 127 (c) (5) and the regulations thereunder.

(53 Stat. 32, 467, 65 Stat. 511; 26 U. S. C. 62, 3761, 127)

[SEAL] JOHN S. GRAHAM,
Acting Commissioner of Internal Revenue.

Approved: Dec. 30, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–13794; Filed, Dec. 30, 1952; 11:32 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 183]

CPR 183—NORTHEASTERN HARDWOOD LUMBER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 183 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes specific dollars-and-cents ceiling prices at the manufacturing level for green and air-dried hardwood lumber produced in the Northeastern Hardwood Lumber Region, consisting of the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and all of the State of Maryland except the counties of Garrett, Allegany, Washington, and Frederick. The hardwood lumber covered by this regulation is produced from deciduous trees, the most important of which are the Red and White Oaks, Hard Maple, Birch, Beech, Cherry, and Basswood.

The Northeastern hardwood lumber industry consists of some 5,400 mills, most of which are small operations producing less than one million board feet per year. A substantial part of the total production is from a relatively few integrated companies which turn out rough and surfaced lumber and various lumber products. The total output of the hardwood industry in this area, according to the Census of Manufacturers in 1947, was 871 million board feet, which was about 11.7 percent of the total hardwood lumber production in the United States. The Northeastern Hardwood Lumber Region normally produces less hardwood lumber than is consumed by its wood-using industries and by construction users within the region.

Ceiling prices are set at the mill level on an f. o. b. mill basis. The regulation also provides for sales on a delivered basis, in which case established air-dried and green weights set forth in this regulation must be applied in computing transportation additions. A table of percentages is given for use in computing the weights of kiln-dried, surfaced, and resawn lumber.

The regulation requires that lumber covered be graded in accordance with the 1952 "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers and Thin Lumber," published by the National Hardwood Lumber Association.

Pending the issuance of an applicable service regulation, lumber sold surfaced, resawn, or kiln-dried may include a charge not to exceed the highest amount added for such services in a sale to a purchaser of the same class made during the period of January 25, 1951, through February 24, 1951.

Lumber sold on specifications for special widths or lengths may include a charge not to exceed the highest amount added for such special sizes in a sale to a purchaser of the same class made during the period of January 25, 1951, through February 24, 1951.

The ceiling price of items covered by the regulation for which dollars-and-cents ceiling prices are not shown is the highest price charged to a purchaser of the same class during the period of January 25, 1951, through February 24, 1951.

In recognition of their historic function in this industry, provision is made for allowing commission men, through whom a sale may be made, an addition to the mill ceiling price.

Provision is made for additions to ceiling prices for retail-type sales, mixed carload or mixed truck-load shipments, bundling, stenciling, and antistain treatment. These additions are included in this tailored regulation in order to insure continuation under price stabilization of standard industry practices.

By establishing dollars-and-cents ceilings for the various species, grades, and sizes of green and air-dried hardwood lumber at the prevailing level of the GCPR ceilings, this regulation eliminates the distorted pattern frozen under the GCPR. The ceilings set by this regulation are approximately at the level of prices prevailing during the period January 25, 1951, through February 24, 1951.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24 to June 24, 1950, inclusive; to prices prevailing from January 25 to February 24, 1951, inclusive; to prices prevailing just before the issuance of this regulation; and to relevant factors of general applicability.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included two meetings with the Northeastern Hardwood Lumber Industry Advisory Committee, and one meeting with a subcommittee thereof.

Every effort has been made to conform this regulation to business practices existing in the Northeastern Hardwood Lumber Region with respect to the production, sale, and distribution of hardwood lumber produced in that area. Insofar as any provisions of this regulation may operate to compel changes in these business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

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AUTHORITY: Sections 1.1 through 6.9 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—COVERAGE

SECTION 1.1 *What this regulation does.* This regulation establishes manufacturers' dollars-and-cents ceiling prices for most standard grades and items of air-dried and green rough hardwood lumber produced in the Northeastern Hardwood Lumber Region (as defined in section 1.3 (c). The regulation also provides ceiling prices for special items.

SEC. 1.2 *Which regulation is superseded.* Except as otherwise provided in section 6.4 (a), the General Ceiling Price Regulation is superseded in respect to all transactions covered by this regulation.

SEC. 1.3 *Items, species, and area of production covered.* (a) This regulation covers all hardwood lumber produced in the Northeastern Hardwood Lumber Region. It does not cover items fabricated from lumber such as flooring, hand rails, mouldings, step treads and thresholds, and sawn timbers such as cross ties, mine ties, switch ties, mine material, navy oak ship stock, and small dimension stock.

(b) The term "hardwood lumber" refers to all lumber produced from broad-leaved deciduous trees, and specifically includes all species in the following genera: Ash (Fraxinus), Basswood (Tilia), Beech (Fagus), Cherry (Prunus), Soft Elm (Ulmus), Hickory (Carya), Soft Maple (Acer), and Oak (Quercus); and the following species: Butternut (Juglans cinerea), Chestnut (Castanea dentata), Hard Maple (Acer saccharum), Poplar (Liriodendron tulipifera), and Birch (Betula lutea).

(c) The term "Northeastern Hardwood Lumber Region" refers to an area which includes the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and all of the state of Maryland except the counties of Garrett, Allegany, Washington, and Frederick.

SEC. 1.4 *Sellers and transactions covered.* (a) This regulation applies to every sale by manufacturers of the lumber covered by this regulation, whether effected directly, or through lumber commission salesmen, and whether the sale is made to a wholesaler, retailer, industrial user, or to any other consumer or reseller. Section 3.1 of this regulation provides an addition to cover the services of a lumber commission salesman. Supplementary Regulation 87 to the General Ceiling Price Regulation establishes a formula for determining wholesalers' and other resellers' markups which may be added to manufacturers' selling prices. The ceiling prices for export sales are covered by Ceiling Price Regulation 61, except as otherwise set forth in section 4.1 (a) (3) of this regulation.

(b) The term "manufacturer" includes sawmills, planing mills, and concentration yards. Sawmills are establishments producing rough lumber from logs by sawing. Planing mills are establishments surfacing lumber by planing. Concentration yards are establishments which receive rough lumber chiefly in green condition from several manufacturers; prepare it for commercial shipment by grading, resorting, drying, planing, resawing, or other processing; and sell their lumber chiefly to large industrial users, resellers, or building contractors.

The term "lumber commission salesman" is defined in section 3.1.

SEC. 1.5 *Geographical applicability.* Every manufacturer's sale for delivery (f. o. b. mill or on a delivered basis) in the forty-eight states of the United States and the District of Columbia, is subject to this regulation, whether or not the sale of the lumber is made in the United States.

SEC. 1.6 *How to determine your ceiling prices.* (a) This section furnishes a general guide as to how to determine your ceiling prices under this regulation. It also shows how ceiling price provisions of this regulation are related to each other.

(b) The basic ceiling prices established in Article II of this regulation are f. o. b. mill ceiling prices. Additions to these ceiling prices may be made under the circumstances shown in the table below:

Additions	*Where shown in regulation*
Shipments in straight or mixed cars of the better grades	Section 2.1
Special widths and lengths	Section 2.2
Sales through lumber commission salesmen	Section 3.1
Retail-type sales	Section 3.2
Special services required	Article IV
Sales on a delivered basis	Section 5.2
Mixed car shipments	Section 5.3

(c) The ceiling prices for various standard grades and items of lumber subject to this regulation are shown in section 2.1; for Bending Oak and other listed grades, in section 2.3; for Tie Siding, in section 2.4; for residue lumber, in section 2.5; for ungraded hardwood lumber, in section 2.6; and for lumber that is kiln-dried, resawn, and surfaced, in section 2.7. Note that under certain circumstances described in section 5.5, you must allow a discount for cash.

ARTICLE II—CEILING PRICES

SEC. 2.1 *Graded rough hardwood lumber.* The ceiling prices, f. o. b. mill, and the established air-dried and green weights for standard grades of rough hardwood lumber in random widths and lengths produced in the Northeastern Hardwood Lumber Region are as follows: (All prices shown are per thousand feet.)

(1) FIRM TO TOUGH ASH

(Air-dried or green)

Thickness (inch)	Established air-dried or green weight (pounds per 1,000 feet)	FAS	FAS 1 Face	No. 1 Common	No. 2 Common	No. 3 Common
4/4	3,000	$165	$155	$110	$66	$33
5/4	3,500	175	165	123	78	39
6/4	4,000	180	170	125	69	39
8/4	4,100	195	185	145	83	39
10/4	4,100	205	195	155	83	
12/4	4,200	210	200	160	83	
16/4	4,200	240	230	180	100	

When an order includes no grades lower than FAS 1 Face in a specified thickness of Firm to Tough Ash, you may add not more than $15.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Firm to Tough Ash. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(2) BASSWOOD

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2A Common		No. 2B Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	3,700	$125	$114	$114	$104	$93	$84	$77	$69	$67	$59	$37	$39
3/4	3,100	4,400	136	124	124	114	104	94	89	83	74	71	37	39
4/4	4,100	5,700	157	144	146	134	116	105	104	94	88	79	37	39
5/4	4,200	5,800	162	149	152	139	125	114	104	94	93	84	37	39
6/4	4,300	6,000	166	153	157	144	130	119	104	94	93	84		
8/4	4,400	6,200	177	163	166	153	136	124	109	99	104	94		

When an order includes no grades lower than FAS 1 Face in a specified thickness of Basswood, you may add not more than $20.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Basswood. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

For FAS 1 Face and Better Basswood Venetian Blind or Key Stock, compute your ceiling prices by adding $25.00 per thousand feet to the applicable ceiling prices listed above for Basswood of grades FAS 1 Face, FAS, or both, respectively.

For No. 1 Common Basswood Venetian Blind or Key Stock, compute your ceiling prices by adding $15.00 per thousand feet to the applicable ceiling prices listed above for Basswood of No. 1 Common grade.

(3) BEECH

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	3,700	$200	$213	$219	$203	$136	$124	$61	$54	$32	$45
3/4	3,100	3,800	282	262	271	252	168	154	69	59	41	54
4/4	4,200	5,800	287	267	277	257	166	153	104	94	70	62
5/4	4,300	6,000	293	272	282	262	177	163	109	99	77	69
6/4	4,400	6,100	298	277	287	267	188	173	114	104		
8/4	4,500	6,300	314	292	303	282	198	183	120	109		
10/4	4,600	6,300	330	307	319	297	209	193	125	114		
12/4	4,600	6,300	356	332	340	322	225	208	141	129		
16/4	4,600	6,300										

When an order includes no grades lower than FAS 1 Face in a specified thickness of Beech, you may add not more than $20.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Beech. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(4) BIRCH

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	5,400	$165	$152	$115	$105	$135	$124	$54	$50	$32	$45
5/4	3,000	5,400	170	157	120	109	140	128	58	54	41	51
6/4	3,000	5,000	170	157	120	109	140	128	58	54	41	51
8/4	3,400	6,000	175	161	125	114	150	138	58	54	41	51

When an order includes no grades lower than FAS 1 Face in a specified thickness of Birch, you may add not more than $25.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Birch. This addition applies even though other thicknesses or other species, in any grade, are also specified in the order.

For Birch No. 1 Common and Better Straight Grain, compute your ceiling prices by adding $25.00 per thousand feet to the applicable ceiling prices listed above for Birch of grades No. 1 Common, FAS 1 Face, or FAS.

For Birch all Sap 1 Face, No. 1 Common and Better, compute your ceiling prices by adding $20.00 per thousand feet to the applicable ceiling prices listed above for Birch of grades No. 1 Common, FAS 1 Face, or FAS.

For Birch all Red 1 Face, No. 1 Common and Better, compute your ceiling prices by adding $20.00 per thousand feet to the applicable ceiling prices listed above for Birch of grades No. 1 Common, FAS 1 Face, or FAS.

(5) BUTTERNUT

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	2,800	4,100	$175	$161	$165	$152	$120	$109	$65	$58	$45	$39
5/4	3,000	4,400	186	172	176	164	130	118	65	58	45	39
6/4	3,100	4,400	186	172	176	164	130	118	65	58	45	39
8/4	3,300	4,700	195	180	185	171	140	125	70	63	45	39

When an order includes no grades lower than FAS 1 Face in a specified thickness of Butternut, you may add not more than $30.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Butternut. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(6) CHERRY

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3B Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	3,300	$225	$208	$214	$198	$124	$105	$88	$79	$56	$49
3/4	3,100	3,900	235	213	225	208	135	114	93	84	61	54
4/4	4,100	5,200	251	232	241	223	152	129	99	89	61	54
5/4	4,200	5,400	262	243	251	233	172	146	99	89	79	64
6/4	4,300	5,500	277	257	267	248	183	158	104	94	84	64
8/4	4,300	5,500	287	267	277	258	214	198	109	99		
10/4	4,300	5,500	298	277	287	268	230	213	120	109		
12/4	4,400	5,600	319	297	308	287	241	223	136	124		
16/4	4,400	5,600	351	327	340	317						

When an order includes no grades lower than FAS 1 Face in a specified thickness of Cherry, you may add not more than $25.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Cherry. This addition applies even though other thicknesses or other species, in one or more grades, are also specified in the same order.

For Cherry in all grades in which Sapwood and Gum are considered defects, compute your ceiling prices by adding $20.00 per thousand feet to the applicable ceiling prices listed above for Cherry of the same grades.

(7) CHESTNUT

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)		FAS		No. 1 Common		FAS WIND		FAS 1 Face WIND	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	5,400	$165	$152	$115	$105	$135	$124	$125	$114
5/4	3,000	5,400	170	157	120	109	140	128	130	119
6/4	3,000	5,000	170	157	120	109	140	128	130	119
8/4	3,400	6,000	175	161	125	114	150	138	140	128

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)		No. 1 Common WIND		Sound Wormy		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	5,400	$125	$113	$85	$78	$62	$54	$40	$33
5/4	3,000	5,400	130	118	90	80	64	56	40	33
6/4	3,500	5,900	130	118	90	80	65	57	40	33
8/4	3,400	6,000	140	126	95	85	65	57	40	33

For No. 2 White Hard Maple, compute your ceiling prices by adding $15.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple in all grades.

For No. 1 Common and Better Straight Grain Hard Maple, Grain Slope not over 1" in 12", compute your ceiling prices by adding $20.00 to the applicable ceiling prices listed above for Hard Maple of grades No. 1 Common, FAS 1 Face, and FAS.

For Curly and Birdseye Hard Maple No. 1 Common and Better, compute your ceiling prices by adding $50.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple of grades No. 1 Common, FAS 1 Face, and FAS.

For No. 1 Common and Better Hard Maple Heel Stock of 6/4" through 10/4" thicknesses, compute your ceiling prices by adding $15.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple of grades No. 1 Common, FAS 1 Face, and FAS in 6/4", 8/4", 9/4", and 10/4" thicknesses.

(11) Soft Maple

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,900	5,400	$172	$158	$162	$149	$125	$114	$77	$69	$56	$40
5/4	4,400	5,600	177	163	166	153	130	119	83	74	56	40
6/4	4,100	5,700	182	168	172	158	135	124	85	76	56	40
8/4	4,300	6,100	195	178	182	168	146	134	88	79	56	40
10/4	4,400	6,100	198	183	188	173	152	139	93	84	56	
12/4	4,400	6,100	204	188	193	178	157	144	104	94		
16/4	4,500	6,300	209	193	198	183	162	149	109	99		
20/4	4,700	6,500	225	208	213	198	172	158	114	104		

When an order includes no grades lower than FAS 1 Face in a specified thickness of Soft Maple, you may add not more than $25.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Soft Maple. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

For No. 1 White Soft Maple, compute your ceiling prices by adding $25 per thousand feet to the applicable ceiling prices listed above for Soft Maple in all grades.

For No. 1 and No. 2 White Soft Maple, when shipped together but loaded separately, compute your ceiling prices by adding $20 per thousand feet to the applicable ceiling prices listed above for Soft Maple in all grades.

For No. 2 White Soft Maple, compute your ceiling prices by adding $15.00 per thousand feet to the applicable ceiling prices listed above for Soft Maple in all grades.

For No. 1 Common and Better Soft Maple Heel Stock of 6/4" through 10/4" thicknesses, compute your ceiling prices by adding $15.00 per thousand feet to the applicable ceiling prices listed above for Soft Maple in grades No. 1 Common, FAS 1 Face, and FAS in 6/4", 8/4", 9/4" and 10/4" thicknesses.

(12) Red Oak—Plain

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3A Common		No. 3B Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	3,600	$162	$149	$152	$139	$99	$89	$67	$59	$55	$49	$47	$40
3/4	3,200	4,400	172	158	162	149	109	99	77	69	67	59	47	40
4/4	4,200	5,800	219	203	206	193	139	129	98	89	74	69	56	49
5/4	4,300	5,900	235	218	225	208	157	144	99	89	84	74	56	49
6/4	4,400	6,000	241	223	230	213	162	149	109	99	99	89	56	49
8/4	4,600	6,300	246	228	235	218	172	158	109	99	99	89	56	49
10/4	4,700	6,400	267	248	257	238	182	168	109	99	104	94		
12/4	4,900	6,700	287	267	277	257	193	178	109	99	104	94		
16/4	5,100	7,000	307	287	297	277	203	188	114	104				
20/4	5,300	7,300	327	307	317	297	213	198	114	104				

When an order includes no grades lower than FAS 1 Face in a specified thickness of Plain Red Oak, you may add not more than $25.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Plain Red Oak. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(8) Soft Elm

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	5,100	$135	$119	$120	$109	$109	$99	$72	$64	$48	$41
5/4	3,800	5,300	139	124	125	114	114	104	77	69	48	41
6/4	3,600	5,400	136	124	125	114	114	104	77	69	48	41
8/4	3,900	5,700	141	129	130	119	120	109	77	69		
10/4	3,900	6,000	146	134	136	124	125	114	77	69		
12/4	4,000	6,000	152	139	141	129	130	119	83	74		

When an order includes no grades lower than FAS 1 Face in a specified thickness of Soft Elm, you may add not more than $15.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Soft Elm. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(9) Hickory

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,700	6,200	$135	$124	$125	$115	$79	$71	$51	$47	$45	$39
5/4	4,800	6,400	145	133	135	125	85	76	60	53	45	39
6/4	4,900	6,500	155	142	145	135	90	81	64	57	45	39
8/4	5,100	6,800	175	161	165	155	98	89	65	58		

When an order includes no grades lower than FAS 1 Face in a specified thickness of Hickory, you may add not more than $25.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Hickory. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

(10) Hard Maple

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3A Common		No. 3B Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,700	3,700	$141	$129	$130	$119	$104	$94	$66	$59	$61	$54	$47	$40
3/4	3,000	4,000	153	138	142	129	114	104	77	69	69	61	51	44
4/4	4,300	5,900	219	203	206	193	139	129	98	89	79	72	51	44
5/4	4,500	6,200	225	208	214	198	152	139	114	103	79	72	51	44
6/4	4,700	6,400	230	213	219	203	157	144	114	103	84	77	51	44
8/4	4,800	6,600	235	218	225	208	163	149	114	103	84	77	51	44
9/4	4,900	6,600	246	228	235	218	177	163	119	109	89	82	51	44
10/4	4,900	6,600	246	228	235	218	182	168	119	109	89	82	51	44
12/4	4,900	6,700	257	238	246	228	193	178	125	114	94	87	51	44
16/4	5,100	7,000	267	247	257	238	203	188	125	114	104	94		
20/4	5,300	7,300	278	257	267	247	213	198	125	114	104	94		

When an order includes no grades lower than FAS 1 Face in a specified thickness of Hard Maple, you may add not more than $25.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Hard Maple. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

For No. 1 White Hard Maple, compute your ceiling prices by adding $25.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple in all grades.

For No. 1 and No. 2 White Hard Maple, when shipped together but loaded separately, compute your ceiling prices by adding $20.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple in all grades.

For No. 2 White Hard Maple, compute your ceiling prices by adding $15.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple in all grades.

For No. 1 Common and Better Straight Grain Hard Maple, Grain Slope not over 1" in 12", compute your ceiling prices by adding $20.00 to the applicable ceiling prices listed above for Hard Maple of grades No. 1 Common, FAS 1 Face, and FAS.

For Curly and Birdseye Hard Maple No. 1 Common and Better, compute your ceiling prices by adding $50.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple of grades No. 1 Common, FAS 1 Face, and FAS.

For No. 1 Common and Better Hard Maple Heel Stock of 6/4" through 10/4" thicknesses, compute your ceiling prices by adding $15.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple of grades No. 1 Common, FAS 1 Face, and FAS in 6/4", 8/4", 9/4", and 10/4" thicknesses.

When an order includes no grades lower than FAS 1 Face in a specified thickness of Soft Maple, you may add not more than $25.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Soft Maple. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

For No. 1 White Soft Maple, compute your ceiling prices by adding $25 per thousand feet to the applicable ceiling prices listed above for Soft Maple in all grades.

For No. 1 and No. 2 White Soft Maple, when shipped together but loaded separately, compute your ceiling prices by adding $20 per thousand feet to the applicable ceiling prices listed above for Soft Maple in all grades.

For No. 2 White Soft Maple, compute your ceiling prices by adding $15.00 per thousand feet to the applicable ceiling prices listed above for Soft Maple in all grades.

For No. 1 Common and Better Soft Maple Heel Stock of 6/4" through 10/4" thicknesses, compute your ceiling prices by adding $15.00 per thousand feet to the applicable ceiling prices listed above for Soft Maple in grades No. 1 Common, FAS 1 Face, and FAS in 6/4", 8/4", 9/4" and 10/4" thicknesses.

When an order includes no grades lower than FAS 1 Face in a specified thickness of Plain Red Oak, you may add not more than $25.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Plain Red Oak. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

For quarter sawn Red Oak in all grades and thicknesses, compute your ceiling prices by adding $30 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of the same grades.

For rift sawn Red Oak in all grades and thicknesses 4" and wider, compute your ceiling prices by adding $40 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak in all grades.

For FAS Plain Red Oak Step Plank, compute your ceiling prices by adding $45 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of FAS grade.

For No. 1 Common Plain Red Oak Step Plank, compute your ceiling prices by adding $35.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of No. 1 Common grade.

For FAS Plain Red Oak Sill Stock, compute your ceiling prices by adding $35.00 per thousand feet to the applicable ceiling prices listed above for FAS Plain Red Oak of FAS grade.

For No. 1 Common Plain Red Oak Sill Stock, compute your ceiling prices by adding $25.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of No. 1 Common grade.

When mixed Plain Red Oak and Plain White Oak are shipped, you must use the Plain Red Oak ceiling prices unless the species are loaded separately in the shipment.

(13) White Oak—Plain

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3A Common		No. 3B Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	3,600	$162	$149	$152	$140	$100	$91	$68	$60	$50	$43	$40	$34
3/4	3,200	4,400	172	158	162	149	105	95	70	72	50	43	40	34
4/4	4,200	5,800	219	203	206	193	141	129	99	89	77	74	56	49
5/4	4,300	5,900	235	218	225	208	157	144	99	89	88	74	56	49
6/4	4,400	6,000	241	223	230	213	162	149	109	99	99	89	56	49
8/4	4,600	6,300	246	228	235	218	172	158	109	99	99	89	56	49
10/4	4,700	6,400	267	248	257	238	182	168	109	99	104	94		
12/4	4,800	6,600	287	267	277	257	193	178	109	99	104	94		

When an order includes no grades lower than FAS 1 Face in a specified thickness of Plain White Oak, you may add not more than $35.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Plain White Oak. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

For FAS Plain White Oak Step Plank, compute your ceiling prices by adding $55 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of FAS grade.

For No. 1 Common Plain White Oak Step Plank, compute your ceiling prices by adding $45 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of No. 1 Common grade.

For FAS Plain White Oak Sill Stock, compute your ceiling prices by adding $35.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of FAS grade.

For No. 1 Common Plain White Oak Sill Stock, compute your ceiling prices by adding $25.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of No. 1 Common grade.

For quarter sawn White Oak in all grades and thicknesses, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of the same grades.

For rift sawn White Oak in all grades and thicknesses 4" and wider, you may add not more than $40.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak in all grades.

(14) Poplar

Thickness (inch)	Established weight (pounds per 1,000 feet)		FAS		FAS 1 Face		Saps		No. 1 Common		No. 2A Common		No. 2B Common		No. 3 Common	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,900	2,900	$157	$144	$146	$134	$136	$121	$120	$109	$77	$69	$56	$49	$41	$35
3/4	2,900	3,600	177	163	166	153	157	144	130	119	88	79	61	54	41	35
4/4	3,300	4,600	219	203	209	193	198	183	152	139	99	89	77	69	56	49
5/4	3,400	4,700	230	213	219	203	209	193	157	144	102	92	77	69	56	49
6/4	3,400	4,900	235	218	225	208	214	198	162	149	104	94	77	69	56	49
8/4	3,600	5,100	241	223	230	213	219	203	166	153	109	99	87	78	56	49
10/4	3,700	5,300	246	228	235	218	225	208	172	158	114	104				
12/4	3,800	5,400	262	243	251	233	241	223	177	163	120	109				

When an order includes no grades lower than FAS 1 Face in a specified thickness of Poplar, you may not add more than $25.00 per thousand feet to the applicable ceilings listed above for the specified thickness of Poplar. This addition applies even though other thicknesses or other species, in any grade, are also specified in the same order.

SEC. 2.2 *Special widths and lengths.* Your ceiling price f. o. b. mill when not specifically stated elsewhere in this regulation, for lumber covered by this regulation of special width and/or length, is determined as follows:

(a) Take the f. o. b. mill ceiling price of the standard item of the same species, grade, and thickness for which a dollars-and-cents ceiling price is set forth in this regulation, and add thereto the highest amount or amounts which you added for such special width and/or length to the price of the same standard item in your f. o. b. sales or contracts to sell to a purchaser of the same class during the period January 25, 1951, through February 24, 1951.

(b) If you did not sell or contract to sell lumber of the same species, grade, and thickness with the special width and/or length during the period January 25, 1951, through February 24, 1951, take the f. o. b. mill ceiling price of the standard item of the same species, grade, and thickness for which a dollars-and-cents ceiling price is set forth in this regulation, and add thereto the highest amount or amounts which you added for such special width and/or length to the price of the most nearly comparable standard item in your f. o. b. sales or contracts to sell to a purchaser of the same class during the period January 25, 1951, through February 24, 1951.

SEC. 2.3 *Bending Oak and other listed grades.* Your ceiling price f. o. b. mill for any item of lumber covered by this regulation within any of the grades or combinations of grades listed below, when not specifically stated elsewhere in this regulation, is the highest f. o. b. mill price at which you sold or contracted to sell such item to a purchaser of the same class during the period January 25, 1951, through February 24, 1951:

Bending Oak.
Bridge Plank and Crossing Plank.
Common Dimension.
Freight Car Stock.
Milpak.
Mine Car Lumber.
Select Car Stock.
Select Dimension.
Sound Square Edge.
Timbers.

SEC. 2.4 *Rough tie siding.* Ceiling prices f. o. b. mill for rough tie siding sold on grade are $5.00 per thousand feet lower than the ceiling prices for the same grade and species of standard lumber in regular widths and lengths as shown in the price tables in section 2.1.

SEC. 2.5 *Residue sales.* The ceiling price for residue ungraded lumber is $30.00 per thousand feet f. o. b. mill. The term "residue ungraded lumber" is the below-grade lumber commonly called "culls" or "scoots."

SEC. 2.6 *Ungraded hardwood lumber.* When lumber covered by this regulation is not separately graded or is sold ungraded as Log Run, Mill Run, No. 1 Common and Better, or any other combination of grades, the ceiling price for the entire shipment shall be the ceiling price for the lowest price species and grade included in the shipment. If any of the lumber so sold is shipped green, the ceiling price of all lumber in the shipment shall be the ceiling price for green lumber of the lowest priced species and grade included in the shipment.

SEC. 2.7 *Kiln-dried, resawn, and surfaced lumber.* If you sell lumber subject to this regulation which is kiln-

dried, resawn, and/or surfaced in accordance with the purchaser's specification, compute your f. o. b. mill ceiling prices for such lumber by taking the applicable f. o. b. mill ceiling prices for air-dried rough lumber set forth in this regulation, and adding thereto the highest amount or amounts which you added for such kiln-drying, resawing, and/or surfacing in your f. o. b. mill sales or contracts to sell to a purchaser of the same class during the period January 25, 1951, through February 24, 1951. The provisions of this paragraph are to apply until such time as specific additions for kiln drying, resawing, and/or surfacing are made uniformly applicable to manufacturers covered by this regulation.

SEC. 2.8 *How to calculate weights for shipping kiln-dried, surfaced, and resawn lumber.* This section provides a procedure for determining the weights of kiln-dried, surfaced, and resawn lumber. These weights are authorized for use in determining transportation charges in the calculation of ceiling delivered prices as provided in section 5.2.

(a) *Kiln-dried.* The established shipping weight for kiln-dried lumber is 10 percent less than the applicable air-dried weight shown in the tables of section 2.1, rounded to the nearest 50 pounds. For example, the kiln-dried shipping weight for rough 4/4" Plain Red Oak is 3,800 pounds. (4,200 less 10 percent (420) = 3,780, which is rounded to 3,800.)

(b) *Surfaced lumber.* To determine shipping weight for surfaced lumber, consult the table in this paragraph. Find the percentage shown for the nominal thickness under the appropriate heading describing the surfacing done, and apply this percentage to the rough weight of the item as shown in section 2.1, or as determined under this section.

Example 1. To calculate the weight for random width 4/4" Plain Red Oak lumber surfaced two sides to 13/16": In price table (12), the air-dried weight of the rough lumber is shown as 4,200 pounds. In the table given below, column (1) shows the 4/4" nominal thickness; column (2), the 13/16" finished thickness; and from column (3), applicable to "surfaced two sides", the percentage figure of 78 is obtained. The surfaced weight is therefore 78 percent of 4,200, or 3,276, which is then rounded to 3,300 pounds.

Example 2. To calculate the weight of 4/4" Plain Red Oak lumber 8" stock width surfaced four sides to 13/16" x 7½": The procedure is the same as in Example 1, except that instead of using the 78 percent shown in column (3), you use the 73 percent figure shown in column (7) for 8" lumber surfaced four sides to 7½" wide. (Columns (4) through (9) are applicable to both finished thicknesses and finished widths.) The surfaced weight is 73 percent of 4,200 or 3,066 pounds, which is rounded to 3,050 pounds.

PERCENTAGES FOR DETERMINING SHIPPING WEIGHTS OF SURFACED LUMBER

Surfaced 1 or 2 sides (thickness)			Surfaced 4 sides (widths)					
			Percentage of rough weight for lumber surfaced 4 sides to specified widths shown and to thicknesses shown in column 2					
Nominal rough (inch)	Finished thickness (inch)	Percent of rough lumber weight	2" to 1⅝"	4" to 3⅝"	6" to 5⅝"	8" to 7½"	10" to 9½"	12" to 11½"
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
3/8	3/16	44	36	40	42	42	42	43
1/2	7/16	57	46	52	54	54	54	55
5/8	7/16	65	53	59	61	61	62	62
3/4	9/16	71	57	64	66	66	67	63
4/4	13/16	90	73	81	84	84	85	86
	7/8	84	68	76	78	78	79	80
	13/16	78	63	70	73	73	74	74
	25/32	75	61	68	70	70	71	72
	3/4	72	58	65	67	67	68	69
5/4	1 1/16	92	74	83	86	86	87	88
	1 1/4	87	70	79	81	81	82	83
	1 1/4	82	67	74	77	77	78	79
6/4	1 5/16	93	76	84	87	87	88	89
	1 1/8	89	72	80	83	83	84	85
	1 1/16	85	69	77	80	80	80	81
8/4	1 7/8	92	74	83	86	86	87	88
	1 3/4	86	69	77	80	80	81	82
	1 5/8	79	65	72	74	74	75	76
10/4	2 1/4	88	72	80	83	83	84	85
	2 1/8	83	68	76	78	78	79	80
12/4	2 3/4	90	73	82	85	85	86	87
	2 5/8	86	70	78	81	81	82	83
16/4	3 3/4	93	75	84	87	87	88	90
	3 5/8	90	73	81	84	84	85	86

(c) *Resawn lumber.* The weight for rough lumber resawn is the weight of the rough lumber as shown in the tables of section 2.1 less 5 percent for each saw kerf. The weight for lumber surfaced and then resawn is the weight of the surfaced lumber (as calculated in accordance with paragraph (b) of this section) less 5 percent of the rough lumber weight for each saw kerf.

SEC. 2.9 *Ceiling prices for special specifications.* (a) *Application.* If you cannot ascertain your ceiling price for lumber covered by this regulation under any other provision of this regulation, as for example, should you wish to sell lumber of a hardwood species, for which ceiling prices are not set forth, or lumber with special workings, grades, sizes, services or other extras not specifically mentioned in this regulation, you must apply by registered mail, return receipt requested, to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for the establishment of a ceiling price. You may file on OPS Public Form No. 132, which is obtainable from any Regional or District Office of the Office of Price Stabilization. Your application must set forth the following:

(1) As complete a description as possible of the item which is the subject of your application.

(2) A statement explaining why you are unable to determine your ceiling price under other provisions of this regulation.

(3) Your proposed ceiling price, which you must determine upon the first of the following bases that you are able to use:

(i) The ceiling price for the most closely comparable item for which a dollars-and-cents ceiling price is established by this regulation, adjusted by the addition or subtraction of the differential between the highest price at which the item that is the subject of your application was sold to a purchaser of the same class on the date nearest to the effective date of this regulation and the highest price at which the most closely comparable item was sold to a purchaser of the same class on the date nearest thereto.

(ii) The price at which you sold to a purchaser of the same class the item that is the subject of your application in your last sale before the effective date of this regulation.

(iii) The ceiling price of your most closely competitive seller to a purchaser of the same class for the item that is the subject of your application. ("Your most closely competitive seller" is the seller of lumber subject to this regulation, selling the item which is the subject of your application, with whom you are in most direct competition on sales of most items.)

(iv) A price which you believe is in line with the level of ceiling prices established by this regulation. You must state why you believe your proposed ceiling price is in line with the level of ceiling prices established by this regulation.

In determining your proposed ceiling prices, you must first use the basis indicated in subdivision (i); if you cannot use subdivision (i), then use subdivision (ii); if you cannot use subdivision (ii), then use subdivision (iii); or if you cannot use subdivision (iii), then use subdivision (iv).

If you use subdivisions (ii), (iii), or (iv), you must state in your application why you could not use the basis provided in each of the preceding subdivisions. You must also state how your proposed ceiling price conforms to the basis employed and furnish supporting details.

(b) *Quotation of proposed ceiling prices.* You may quote a proposed ceiling price determined under the provisions of paragraph (a), and you may sell at that proposed ceiling price, provided that you file an application for approval of that ceiling price within five days after selling at that proposed ceiling price, and provided further that you agree to refund, and later refund, to the buyer, the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 30 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to nonretroactive disapproval or modification at a later date.

(3) No application will be approved under this section unless it is found that the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

(d) *Effect on other transactions.* A special ceiling price approved pursuant to application made under this section shall be your ceiling price for all future sales of the same item unless a specific ceiling price for the item shall subsequently be established by changes in this regulation, or unless the approval is subsequently revoked or modified by the Director of Price Stabilization.

ARTICLE III—COMMISSION-TYPE SALES AND RETAIL-TYPE DIRECT-MAIL SALES

SEC. 3.1 *Commission-type sales*—(a) *Addition allowed.* When a sale of your lumber is brought about by the efforts of a lumber commission salesman, your ceiling price is the otherwise applicable ceiling price on the lumber sold plus 4 percent of the f. o. b. mill ceiling price. However, the amount which you may charge to the buyer, pursuant to this section, over and above the otherwise applicable ceiling price, may not exceed the actual commission which you pay to the lumber commission salesman.

(b) *Lumber commission salesman.* The term "lumber commission salesman" means a person who customarily sells lumber in carload quantities for two or more manufacturers, who does not take title to the lumber, assumes no credit risk, receives his compensation from the manufacturer in the form of commissions based on the amount of lumber sold, and operates independently of both buyers and sellers.

SEC. 3.2 *Retail-type sales*—(a) *Increased f. o. b. mill ceiling prices.* Except as indicated in paragraphs (b) and (c) of this section, your f. o. b. mill ceiling prices in retail-type sales for all lumber covered by this regulation are 15 percent higher than the f. o. b. mill ceiling prices established by this regulation. The increase applies whether the lumber is green, air-dried, or kiln-dried; whether rough or surfaced; and whether or not it is resawn or otherwise worked.

(b) *Exceptions to the application of the increase.* You may not apply the increase authorized by paragraph (a):

(1) To your ceiling prices determined under the provisions of sections 2.3 and 2.9; or

(2) To your ceiling additions for special width and/or lengths or to your ceiling additions for kiln-drying, surfacing, and/or resawing allowable under the provisions of sections 2.2 and 2.7, respectively, when the additions involved are derived from a retail-type sale.

(c) *Charges which you must exclude.* A ceiling price determined under paragraph (a) may not be increased by any charges for commissions paid to a lumber commission salesman as authorized in section 3.1, or by any charges for special services as authorized in section 4.1.

(d) *Delivery charges.* You may add an appropriate delivery charge, computed in the manner authorized in section 5.2, provided that you deliver the lumber by truck.

(e) *Definition.* As used in this section, a retail-type sale is a direct-mill sale of not more than 10,000 feet to a purchaser who takes delivery at the mill, or who accepts delivery made by truck at a point not more than 100 miles from the mill. It must be a sale of lumber to a contractor or to a consumer for use in construction, remodeling, repair, or maintenance; it is not a sale for use in manufacturing or for resale in substantially the same form.

ARTICLE IV—CEILING PRICE ADDITIONS

SEC. 4.1 *Ceiling price additions.* (a) You may add not more than the amounts indicated below to the ceiling prices as set forth in this regulation for the following special services:

(1) Anti-stain treatment: $1.00 per thousand feet.

(2) Stenciling or grade-marking on the face of each piece in a manner which will permit identification and segregation: $1.00 per thousand feet. (This addition cannot be made for stenciling a trademark.)

(3) Bundling for export: $3.00 per thousand feet.

(4) Packaging in sling loads or otherwise whereby the load is divided into individual parcels to facilitate mechanical unloading and reloading: $3.00 per thousand feet (covering all materials and labor).

NOTE: If lumber is both bundled for export and packaged in sling loads or otherwise, only one charge of $3.00 per thousand feet may be made.

(5) Marking on each piece the surface measure and/or the width and length sizes: $1.00 per thousand feet.

(6) Inspection and issuance of an inspection certificate by the National Hardwood Lumber Association: an amount which does not exceed the inspection fees and expenses charged to the seller by the Association.

(7) Staking, wiring, and separating lumber in open top cars: $25.00 per car (covering all materials and labor).

(8) Erecting on open top cars bulkheads made in conformity with the specifications of the Mechanical Division of the Association of American Railroads: $10.00 per bulkhead (covering all materials and labor).

(b) Except for anti-stain treatment, the additions provided in paragraph (a) of this section may be made only when the special services are specifically requested by the buyer.

ARTICLE V—OTHER CEILING PRICE PROVISIONS

SEC. 5.1 *Grade terms and grading.* (a) *Terms.* All grade terms used in this regulation have the meanings set forth in the "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers, and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association.

(b) *Grading.* Lumber bought and sold under this regulation must be graded in accordance with the "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers, and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association.

SEC. 5.2 *Delivered ceiling prices.* You are permitted to sell lumber covered by this regulation on a delivered price basis. The delivered ceiling prices are the ceiling prices f. o. b. mill plus an addition for delivery to the purchaser computed as follows (the transportation addition may be rounded to the nearest half-dollar: *Provided*, That you round the transportation addition on all deliveries):

(a) *Common or contract carrier.* When shipment is made by common or contract carrier, the transportation addition is computed by multiplying the appropriate established weight by the applicable freight rate in effect at the time of shipment.

The term "appropriate established weight" means: the applicable weight as shown in the schedules in section 2.1; or, where no applicable weight is shown in the schedules, the applicable weight as set forth in the "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers, and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association; or, where an applicable weight is not shown in the tables in section 2.1 or is not set forth in such "Rules", the applicable weight as authorized by the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., pursuant to application by letter. Your letter must set forth a description (including thickness and species) of the item which is the subject of your application.

(b) *Private trucking.* When shipment is by truck owned or controlled by the seller, you may add $2.00 per thousand feet; or an addition computed in the manner set forth in paragraph (a) of this section, using applicable carload rates; or an amount equal to the applicable common carrier motor freight charges.

(c) *Trucking to railhead.* You may not charge any additional amount for a truck haul preceding rail shipment.

(d) *Truck delivery after rail haul.* For truck delivery following a rail haul, you may add as much as the actual costs per thousand feet incurred.

SEC. 5.3 *Mixed carload or mixed truckload shipments.* In a sale of a mixed carload or mixed truckload shipment to one or more purchasers in which each item is loaded separately in the quantity specified in the order or orders, the following additions per thousand feet applicable to the specified quantity may be made to the f. o. b. mill ceiling prices of each item in the shipment:

Quantity of each item ordered:	*Additions per M feet for that quantity*
4,000 to 5,000 feet	$2.00
3,000 to 3,999 feet	3.00
2,000 to 2,999 feet	4.00
1,000 to 1,999 feet	5.00
999 feet and less	6.00

As used in this section, the term "mixed carload or mixed truckload shipment" refers to a carload or truckload shipment containing two or more items.

SEC. 5.4 *Green lumber.* (a) Ceiling prices for green lumber are established separately in the tables. In every case, except for Ash, in which lumber is sold which weighs more than 15 percent above the applicable air-dried weights shown in this regulation, it must be sold at not more than the ceiling prices applicable to green lumber.

(b) (1) You may obtain authorization from the Director of Price Stabilization, at his discretion, to apply not more than the ceiling prices for dry lumber to a particular sale of green lumber when the purchaser certifies that the nature of his operations requires the lumber involved in the particular sale to be in green condition. The certification must set forth the reason why the purchaser requires the lumber to be green. Application for such authorization must be by letter sent to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., and should contain a statement as to the kind of lumber required, and also a copy of the purchaser's certification covering the lumber involved in the sale.

(2) Approval must be obtained from the Director of Price Stabilization before you may sell, under the provisions of this paragraph, green lumber at prices higher than the ceiling prices otherwise provided in this regulation.

SEC. 5.5 *Discount for cash.* If the buyer pays cash, your ceiling prices determined under other provisions of this regulation are reduced by the amount of the discount which, during the period from January 25, 1951, through February 24, 1951, you allowed a purchaser of the same class for the payment of cash within the same period of time. If you were not in business between January 25, 1951 and February 24, 1951, your ceiling prices determined under other provisions of this regulation are reduced by 2 percent for cash payment within 10 days from date of invoice or date of bill of lading, whichever is later.

ARTICLE VI—MISCELLANEOUS PROVISIONS

SEC. 6.1 *Modification of proposed ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices determined under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 6.2 *Petition for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 6.3 *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 6.4 *Records.*—(a) *Existing records.* On and after the effective date of this regulation, for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, you shall preserve all your existing records relating to the prices which you received or charged for the items, and for the basic, comparison, or standard items and differentials, referred to in sections 2.2, 2.3, 2.7, and 2.9, which you sold or contracted to sell during the period January 25, 1951 through February 24, 1951; and you shall continue to preserve, for the applicable periods specified in section 16 of the General Ceiling Price Regulation, all other existing records that you were required to keep under the provisions of section 16 of the General Ceiling Price Regulation.

(b) *Current records.* Every person who sells and every person who in the regular course of trade or business buys lumber covered by this regulation totaling $500 or more in any one month, shall make and keep for inspection by the Director of Price Stabilization for a period of two years, accurate records of each sale or purchase made in such month. The records must show the following:

(1) Date of purchase or sale;

(2) Name and address of buyer and seller;

(3) The price or prices of the covered items, including discounts paid or received, and all other direct or indirect considerations given or received, and rebates made or taken;

(4) A description of each item of lumber sold, showing the species, grade, sizes, condition (green, air-dried or kiln-dried), workings, specifications or other extras, which affect the ceiling price, together with the quantity thereof;

(5) Origin of shipment; and when sold on a delivered basis, destination of shipment;

(6) Means of transportation used.

The retention by a purchaser of an invoice furnished by a seller, or the retention by a seller of a settlement sheet furnished by a buyer, which includes the factual information required to be made a matter of record by this section, shall be considered as compliance with the provisions of this section by the purchaser or seller retaining such invoice or settlement sheet.

(c) *Other records.* If you apply for approval of a proposed ceiling price for special specifications under section 2.9 of this regulation, you shall preserve or make and you shall keep for inspection by the Director of Price Stabilization for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, accurate records from which you obtained the data you submit in connection with your application for such ceiling price.

SEC. 6.5 *Invoices.* (a) On all sales of lumber covered by this regulation, except those for which you receive a settlement sheet from the buyer, you must submit an invoice to the buyer which includes a description (species, grades, and sizes) and the quantity of each item of lumber involved. Any working, condition (green, air-dried, or kiln-dried), specification, extra, or service for which a charge is made, or which otherwise has a bearing upon the ceiling price, must be separately set forth in the invoice, but the invoice need not show separately the charges for such items.

(b) For sales made on an f. o. b. basis, in addition to the information required by paragraph (a), your invoice must show the f. o. b. price.

(c) For sales made on a delivered basis, in addition to the information required by paragraph (a), your invoice must show:

(1) The delivered price;

(2) The destination of the shipment; and

(3) The applicable rail, truck, or water freight rate; or the transportation charged.

SEC. 6.6 *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office. Any action taken by you in reliance upon, and in conformity with, a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revision 2.

SEC. 6.7 *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation. Prices lower than the ceiling prices may be charged, paid, or offered.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement actions, and actions for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 6.8 *Evasions.* Any means or devices which result in obtaining directly or indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information in records which this regulation requires to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 6.9 *Definitions.* (a) As used in this regulation, the terms below have the following meanings:

(1) *Appropriate established weight.* This term is defined in section 5.2 (a).

(2) *Director of Price Stabilization.* This term extends to any official (including officials of regional or district offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority referred to in this regulation.

(3) *Feet.* This terms means board feet for all lumber 4/4'' and thicker, and means surface feet for all lumber thinner than 4/4''.

(4) *F. o. b. mill.* This term means loaded on cars at mill railhead or siding; loaded on scow or barge alongside a mill dock; or, where the only means of conveyance used is a truck, other motor vehicle, or wagon, loaded on such vehicles at the mill site.

(5) *Kiln-dried lumber.* This term refers to green or air-dried lumber that is dried in a kiln to a specified moisture content.

(6) *Lumber commission salesman.* This term is defined in section 3.1.

(7) *Manufacturer, sawmill, planing mill, and concentration yard.* These terms are defined in Section 1.4 (b). Note particularly that the term "mill" as used throughout the regulation includes sawmills, planing mills, and concentration yards.

(8) *Most closely competitive seller.* This term is defined in section 2.9 (a) (3) (iii).

(9) *Northeastern hardwood lumber.* This term is defined in section 1.3 (b).

(10) *Northeastern Hardwood Region.* This term is defined in section 1.3 (c).

(11) *Person.* This term includes any individual, partnership, corporation, association, or any other organized group of persons; their legal successors or representatives; and the United States or any other government or their political subdivisions or agencies.

(12) *Purchaser of the same class.* The meaning of this term is determined by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may, but need not, be based on the characteristics or distributive level of the buyer; for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, or public institution. It may, but need not, be based on the location of the purchaser or the quantity or kinds of lumber purchased by him. It may, but need not, be based on differing terms or conditions of sale or delivery. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

(13) *Records.* This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, settlement sheets, and other papers and documents.

(14) *Residue and ungraded lumber.* These terms are defined in sections 2.5 and 2.6, respectively.

(15) *Retail-type sale.* This term is defined in section 3.2.

(16) *Sell.* This term includes sell, supply, dispose, barter, trade, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

(17) *Special grading terms.* The special grading terms used in this regulation are enumerated and defined in section 5.1.

(18) *Surfaced lumber.* "Surfaced lumber", also known as "worked" or "dressed" lumber, is lumber planed to a smooth finish, generally surfaced to a specified thickness. The process of producing surfaced lumber is known as "surfacing", "dressing", or "planing".

(19) *You.* The pronoun "you" indicates any manufacturer who sells lumber subject to this regulation. The term "your" should be construed accordingly.

Effective date. This regulation is effective December 30, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 30, 1952.

[F. R. Doc. 52-13790; Filed, Dec. 30, 1952; 11:03 a. m.]

[General Overriding Regulation 35, Amdt. 5]

GOR 35—PASS-THROUGH FOR CERTAIN PRODUCTS CONTAINING PRIMARY COPPER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 35 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 35 permits manufacturers who use products which contain primary copper and the ceiling prices of which are covered by the General Ceiling Price Regulation, to pass through the increased cost of these products resulting from Supplementary Regulation 125 to the General Ceiling Price Regulation.

On May 21, 1952, the Acting Director of Defense Mobilization directed the Office of Price Stabilization to increase the ceiling prices of brass mill products and wire mill products in order to meet the situation which had arisen when the Chilean Government terminated its agreement to sell copper to the United States at 27½ cents per pound. He also directed that comparable treatment be given to other users of primary copper.

Amendment 1 to CPR 68 and Amendment 1 to CPR 110 permitted an increase in the ceiling prices of the products covered by those regulations because of the increased cost of foreign copper. General Overriding Regulation 35, as originally issued, permitted manufacturers who use these products, to pass through this increased cost. Supplementary Regulation 125 to the General Ceiling Price Regulation, issued November 18, 1952, permitted an adjustment in the ceiling prices of certain products covered by the General Ceiling Price Regulation which contain primary copper. The adjustment permitted was determined on the same basis as those permitted in CPR 68 and CPR 110. This amendment to General Overriding Regulation 35 permits manufacturers who have had the cost of materials they buy, increased as a result of SR 125 to the GCPR, to pass on this increased cost.

In the formulation of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

1. The second paragraph of Section 1 is amended to read as follows:

Primary processors calculate their adjustments on the basis of the increases authorized for steel mill products by Revision 1 of SR 100 to the GCPR, and by parallel action for steel producers under the voluntary agreement; for aluminum-mill products by SR 113 to the GCPR; for pig iron by SR 116 to the GCPR; for products covered by the GCPR which contain primary copper by SR 125 to the GCPR; for brass mill products by Amendment 1 to CPR 68; and for copper wire-mill products by Amendment 1 to CPR 110. These ceiling price increases are listed in Appendix A.

2. Appendix A of General Overriding Regulation 35 is amended by adding the following section:

K. Products covered by the GCPR which contain primary copper	*3.84

3. Appendix A is amended by adding the following footnote:

*Cents per pound of primary copper contained.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective January 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 30, 1952.

[F. R. Doc. 52-13792; Filed, Dec. 30, 1952; 4:00 p. m.]

[General Overriding Regulation 41, Correction]

GOR 41—Adjustments Under the Industry Earnings Standard for Consumer Goods

CORRECTION

Due to a clerical error, GOR 41, issued December 5, 1952, contains a misprint in the fourth paragraph of the Statement of Considerations. The word "above" was erroneously inserted where the word "of" was intended. As a result of this misprint it would appear that ceiling prices were intended to be established at 107 percent and 108.5 percent above the industries' highest selling prices since July 1, 1952. Actually, the intention was to state that ceiling prices were being established at 107 percent and 108.5 percent of the industries' highest selling prices since July 1, 1952.

Therefore, the following correction is made:

In the fourth paragraph of the Statement of Considerations, the fifth sentence is corrected to read as follows:

Based upon this data, the Director of Price Stabilization has determined that in order for the dollar profits of each industry to meet the industry earnings standard, ceiling prices for the sheet and cast aluminum household cooking utensil industries will have to be established at 107 percent and 108.5 percent, respectively, of the industries' highest selling prices since July 1, 1952.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 30, 1952.

[F. R. Doc. 52-13791; Filed, Dec. 30, 1952; 11:03 a. m.]

[Ceiling Price Regulation 31, Amdt. 16]

CPR 31—Imports

SUSPENSIONS AND EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 16 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation (CPR) 31 adds a new section to the regulation to clarify the applicability of a General Overriding Regulation (GOR) to imported commodities. Consistent with prior interpretations this section provides that: Unless language appears in a General Overriding Regulation which limits the applicability of that regulation to domestic sales only, the General Overriding Regulation cuts across CPR 31. Thus, if sales of a commodity are suspended or exempted from price control generally by a General Overriding Regulation, such suspension or exemption includes sales of imported commodities.

FINDINGS OF THE DIRECTOR

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives impracticable. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 31 is amended by adding the following new section:

SEC. 22. *Suspensions and Exemptions.* When a General Overriding Regulation is issued by the Office of Price Stabilization exempting or suspending controls on certain commodities, unless language appears in the General Overriding Regulation which limits the applicability of that regulation to domestic sales only, the General Overriding Regulation is applicable to all sales of such commodities otherwise under this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective January 5, 1953.

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 30, 1952.

[F. R. Doc. 52-13788; Filed, Dec. 30, 1952; 11:02 a. m.]

[Ceiling Price Regulation 177, Corr.]

CPR 177—Alfalfa Products

CORRECTION

Through inadvertence, two clerical errors appear in Table I of Ceiling Price Regulation 177 in the listed ceiling prices for processors of dehydrated alfalfa meal. Accordingly, the following corrections are made in Table I of section 2:

1. The ceiling price for the month of February for 13 percent but less than 15 percent protein meal in Area I is corrected to read $63.50.

2. The ceiling price for the month of February for 13 percent but less than 15 percent protein meal in Area II is corrected to read $57.50.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Director of Price Stabilization.

DECEMBER 30, 1952.

[F. R. Doc. 52-13789; Filed, Dec. 30, 1952; 11:02 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 19]

INT. 19—Effect of Corporate Consolidations or Mergers and of the Acquisition of Corporate Stock by a Corporation on the Compensation of Employees

This interpretation deals with the wages, salaries and other compensation (including adjustments therein) paid to employees of corporations involved in a consolidation or merger or which have acquired or acquire a status as parent or subsidiary corporation. The interpretation deals with the consequences of such changes of identity of corporate business enterprises in the field of employee compensation in two parts: (1) The effect of such changes on the salary structure of the corporations affected, and (2) the effect on arrangements for the payment of compensation in other forms than salary.

I. Effect of Changes in Corporate Identity on the Salary Structure of the Affected Corporations

A. CONSOLIDATION AND MERGER

1. Q. Subsequent to January 25, 1951, the stockholders of X corporation and Y corporation vote to consolidate their respective corporations and form Z corporation. On this date, both X corporation and Y corporation were engaged in the manufacture of paper products, and each had an established salary plan, schedule of rates or compensation arrangement in effect. Under the consolidation, Z corporation will continue to manufacture paper products and the plant facilities of X and Y corporations will be used. What effect will the consolidation have upon the salaries of the former employees of X and Y corporations who are continued in the employ of Z corporation?

A. (a) The salary of an employee of the former X or Y corporations who continues to perform the same duties and to discharge the same responsibilities for Z corporation as he performed and discharged prior to the consolidation will not be affected by the consolidation.

(b) Salaries for new or changed positions of officers and other employees in the new Z corporation having company-wide duties and responsibilities may be established in accordance with the provisions of section 63 of General Salary Stabilization Regulation 1, Amended, by using the previously established salary structures of either the former X or Y corporation.

(c) Salaries for new or changed positions in the new Z corporation not involving company-wide duties or responsibilities may be established in accordance with the provisions of section 63 of General Salary Stabilization Regulation 1, Amended; but only the previously established salary structure of the plant in which the position is created or changed (X or Y corporation, as the case may be) may be used in establishing the salary for each new or changed position.

2. Q. Assume that as a result of the consolidation the new Z corporation decides to discontinue use of the facilities of Y corporation, and that some of the employees of the former Y corporation are given employment in comparable positions at the plant of the former X corporation, where the salaries paid for such positions are lower than the salaries previously paid to these employees by the former Y corporation. How are their salaries as employees of Z corporation determined?

A. Such employees may be transferred to comparable positions at the salaries which they received from the former Y corporation, even though salaries for these positions at the plant of the former X corporation, where they are employed by the new Z corporation, are lower. In other words, a reduction of salary for such employees is not required, but any inequities thus created may not be used as a basis for subsequent applications for adjustments in the salary or other compensation of employees of the former X corporation.

3. Q. In the circumstances described, is it material that the plant facilities of X and Y corporations are located in the same or in a different local labor market area?

A. No.

4. Q. Would it be material under the circumstances outlined if, prior to consolidation, X corporation and Y corporation were engaged in the manufacture of different products requiring the use of different manufacturing methods and techniques?

A. No.

5. Q. Would the answers in paragraphs 1 to 4 be changed if Y corporation is merged into X corporation (which retains its legal identity) rather than consolidated with Y corporation into a new corporation?

A. No, except in the following situation: In determining the salaries of employees with company-wide responsibilities under section 63 of General Salary Stabilization Regulation 1, Amended, only the salary structure of X corporation can be used as the basis of determination. Since the salary structure of the merged Y corporation ceased to exist as of the date of the merger, it cannot be used after the merger for such purposes.

6. Q. As a result of the merger of Y corporation into X corporation all of the manufacturing operations carried on by the former Y corporation are transferred to the plant of the former X corporation and the former Y corporation plant is converted to the manufacture of an entirely different product, such as small arms ammunition. How would the salaries of the employees at the converted plant of the former Y corporation be determined?

A. Under Article VIII of General Salary Stabilization Regulation 1, Amended. The converted plant on January 25, 1951, had not commenced the production of the materials or services to which it is converted and is a "new plant" within the meaning of section 81 of General Salary Stabilization Regulation 1, Amended. In consequence, the salaries of its employees must be determined in accordance with the criteria for establishing salary rate schedules in new plants as required by section 82 of General Salary Stabilization Regulation 1, Amended.

7. Q. On July 1, 1951, X corporation, engaged in the manufacture of paper products, purchased the entire capital stock of Y corporation which is engaged in the same business. As a result of the stock acquisition, Y corporation becomes a wholly owned subsidiary of X corporation, though it retains its legal identity as a corporation. X corporation and Y corporation are located in different local labor market areas and X corporation's salary levels are somewhat higher than those of Y corporation. May the salaries of the employees of Y corporation be increased to the same levels as those of X corporation?

A. Only if Y corporation has monies available for salary increases under sections 22, 41, 52, or 53 of General Salary Stabilization Regulation 1, Amended, or with the prior approval of the Office of Salary Stabilization.

Although Y corporation became a wholly owned subsidiary of X corporation upon the latter's acquisition of its stock and the acquisition resulted in a change in the legal relationship between the two corporations, the manufacturing operations of the two corporations, upon which their salary structures are based, were not affected by such changes. Therefore, if Y corporation does not have monies available for salary increases, the salaries of the employees of Y corporation cannot be adjusted on a self-administering basis to bring them into line with the salary levels of X corporation.

8. Q. If the plant of Y corporation were located in the same labor market area as the plant of X corporation, would the answer to question 7 be different?

A. No.

9. Q. Could X corporation use any monies which it has available for increases in salaries or other compensation to grant such increases to employees of Y corporation?

A. No. Y corporation notwithstanding its acquisition by X corporation remains a separate employer. Since the corporations did not have unified practices on January 25, 1951, with respect to the payment of salaries, X corporation must receive the approval of the Office of Salary Stabilization before it may treat itself and Y corporation as a single employer.

10. Q. On July 1, 1951, X corporation, in the course of its expansion, decides to construct an additional plant at a new location in a new labor market area and, for business reasons, creates Y corporation, a wholly owned subsidiary, to be the legal owner of the plant. The plant of Y corporation will manufacture the same product as is manufactured in the plant of X corporation.

A. Inasmuch as Y corporation had not commenced operations on or prior to January 25, 1951, it would be a "new plant" within the meaning of section 81 of General Salary Stabilization Regulation 1, Amended, and its initial salary schedules would be determined in accordance with the provisions of section 82 (b) of General Salary Stabilization Regulation 1, Amended.

11. Q. If the additional plant were located in the same local labor market area as the plant of X corporation, how would the initial salary schedules of the employees of Y corporation be determined?

A. In accordance with the provisions of section 82 (a) of General Salary Stabilization Regulation 1, Amended.

12. Q. If the additional plant were located in the same local labor market area as the plant of X corporation, but manufactured a different product, requiring different manufacturing techniques, how would the initial salary schedules of the employees of Y corporation be determined?

A. In accordance with the provisions of section 82 (b) of General Salary Stabilization Regulation 1, Amended.

13. Q. Prior to January 25, 1951, X corporation marketed its product to retailers through its Distribution Division. On July 1, 1951, Y corporation, a wholly owned subsidiary corporation, is formed to take over the functions of the Distribution Division. How are the salaries of the officers and other employees of Y corporation with company-wide responsibilities initially determined?

A. The salaries for the positions occupied by the corporate officers will be initially determined in accordance with the provisions of section 63 of General Salary Stabilization Regulation 1, Amended, and may be based either upon the salaries paid to the highest ranking supervisors in the Distribution Division or upon the salary or salaries paid to the officers of X corporation who had the principal or exclusive responsibility for administering the dissolved Distribution Division. To the extent that any other new or changed positions, including positions with company-wide responsibilities, are established, the initial salaries for these positions will be determined in accordance with the provisions of section 63 of General Salary Stabilization Regulation 1, Amended, but only the salary levels of the Distribution Division may be used as the basis for making the determination.

II. Effect on Arrangements for Payment of Other Compensation

A. BONUSES AUTHORIZED UNDER GENERAL SALARY STABILIZATION REGULATION 2, AS AMENDED

14. Q. On July 1, 1952, the stockholders of X corporation and the stockholders of Y corporation, both engaged in the manufacture of paper products, vote to merge Y corporation into X corporation thereby terminating the legal existence of Y corporation. The operations carried on in the plant of Y corporation are to continue as in the past. Prior to the merger, both X corporation and Y corporation had paid bonuses of the type authorized under General Salary Stabilization Regulation 2, as amended. May the pre-merger base period bonus funds of X corporation and of Y corporation be combined and treated as a single base period bonus fund of X corporation subsequent to the merger?

A. No.

If both corporations had bonus plans within the meaning of section 4 of General Salary Stabilization Regulation 2, as amended, each plan would continue in effect and cover employees in the same plant as in the past, and the separate pre-merger base period bonus funds of either corporation would not be affected by the merger.

If X corporation had a bonus plan within the meaning of section 4 of General Salary Stabilization Regulation 2, as amended, and Y corporation in the past had paid discretionary bonuses of the

type specified in section 5, the pre-merger base period bonus funds for the employees at each of the plants constitute separate bonus funds which likewise would not be affected by the merger.

If both corporations in the past had paid discretionary bonuses within the meaning of section 5 of General Salary Stabilization Regulation 2, as amended, the pre-merger base period bonus funds of both corporations would be retained as separate funds.

15. Q. Assuming the same facts as in paragraph 14, how would the bonuses authorized under General Salary Stabilization Regulation 2, as amended, be distributed?

A. On a plant-wide basis (and not on a post-merger corporation-wide basis), in accordance with limitations applicable to bonus distributions either under section 4 (b) and (c) or under section 5 of General Salary Stabilization Regulation 2, as amended. Adjustments for changes in the appropriate bonus group may be made in either case under section 6 of that regulation.

16. Q. On July 1, 1951, Y corporation was merged into X corporation and the plant of Y corporation was disposed of as a result of the merger. Both corporations had paid discretionary bonuses to their employees in the past and had established base period bonus funds under General Salary Stabilization Regulation 2, as amended. After the disposal of the plant of the former Y corporation, all employees eligible to receive bonuses from the former Y corporation were given employment at the plant of X corporation. May the base period bonus funds be consolidated into a single fund for purposes of determining the authorized amount of bonus payments which may be distributed by X corporation under section 5 of General Salary Stabilization Regulation 2, as amended?

A. Yes. However, if less than the total number of employees of the former Y corporation eligible to receive bonuses are transferred to X corporation, adjustments in base period bonus funds and allocations to bonus groups are required and may only be made with the prior approval of the Office of Salary Stabilization.

17. Q. Assuming the same facts in paragraph 16 except that Y corporation did not have a base period bonus fund, to what extent may employees of the former Y corporation be paid bonuses by Y corporation and to what extent may the bonus fund of X corporation be increased because of the addition of such employees?

A. If, by the transfer of the employees of the former Y corporation, new employees are added to existing bonus groups of X corporation, they may participate in bonus distributions as members of their respective bonus groups, and the bonus fund of X corporation may be increased to the extent authorized in section 6 of General Salary Stabilization Regulation 2, as amended. If all employees of X corporation under the jurisdiction of the Salary Stabilization Board form a single bonus group, all employees transferred from the former Y corporation will be eligible to receive bonuses.

B. OTHER FORMS OF SUPPLEMENTAL COMPENSATION (EXCLUDING BONUSES)

18. Q. On July 1, 1952 the stockholders of X corporation and Y corporation, both engaged in the manufacture of paper products, vote to merger Y corporation into X corporation. The operations carried on in the plant of the former Y corporation are to continue as in the past. Y corporation, prior to its merger with X corporation, legally had in effect certain arrangements for the payment of other forms of supplemental compensation (pension plan, health and welfare plan, system of shift differentials, etc.) which were not in effect at the plant of X corporation. Both corporations have exhausted the monies available for increases in compensation under sections 22 and 41 of General Salary Stabilization Regulation 1, Amended. May these arrangements with respect to employees at the plant of the former Y corporation be continued subsequent to the merger without the approval of the Office of Salary Stabilization?

A. Yes. Inasmuch as these practices were legally in effect at the time of the merger it would not affect the continuance of such practices for the employees at the plant of the former Y corporation.

An employer who has several plants in operation may have different arrangements in effect at the several plants for the payment of other forms of supplemental compensation, provided such arrangements were in effect on or before January 25, 1951, or subsequently authorized by General Salary Stabilization Regulations or Orders, or approved by the Office of Salary Stabilization or (prior to May 10, 1951) by the Wage Stabilization Board. Regardless of the technical method of accomplishing the change in ownership (e. g. consolidation, merger, or the creation of a parent-subsidiary relationship), a change in ownership, which does not affect the operations of plant facilities, does not present any peculiar problems with regard to continuing arrangements for the payment of other forms of supplemental compensation in effect at the plant of the former owner.

Changes which X corporation may desire to make as a result of the merger may only be put into effect in accordance with applicable self-administering provisions of salary stabilization regulations or orders, or upon prior approval of the Office of Salary Stabilization.

19. Q. Assume the same basic facts as in paragraph 18, except that prior to the merger X corporation had in effect arrangements for the payment of other forms of supplemental compensation which were not in effect at the plant of the former Y corporation. Could X corporation, subsequent to the merger, put such supplemental compensation arrangements into effect at the plant of the former Y corporation without the approval of the Office of Salary Stabilization?

A. Only to the extent specifically authorized by general salary stabilization regulations or orders.

For example, section 1 (d) of General Salary Stabilization Regulation 8, Revised, authorizes the extension of an existing health and welfare plan governing a group of employees in one geographical unit of a multi-plant employer to a similar group of employees in another geographical unit of the same employer. For purposes of this regulatory provision, the plant of the former Y corporation would be considered another geographical unit of X corporation.

On the other hand, the system of shift differentials in effect at the original plant of X corporation could not be put into effect at the plant of the former Y corporation without prior approval by the Office of Salary Stabilization.

20. Q. Assume the same basic facts as in paragraphs 18 and 19 except that the change in ownership of Y corporation was effected through the consolidation of X corporation and Y corporation into Z corporation or through Y corporation becoming a wholly owned subsidiary of X corporation. Would there be any change in the answers in paragraphs 18 and 19?

A. No.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization, December 22, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-13787; Filed, Dec. 30, 1952; 10:21 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 3, Amdt. 7]

DFO-3—AGRICULTURAL IMPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by section 704 of the Defense Production Act of 1950, as amended (64 Stat. 798; 65 Stat. 131; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2061 et seq.), and having determined that the following amendment of Defense Food Order 3, as amended (17 F. R. 6088, 8546), is necessary or appropriate to carry out the provisions of said act and the revised determination made by the Secretary of Agriculture under section 104 of the act, said Defense Food Order 3, as amended, is further amended as hereinafter set forth. Defense Food Order No. 3, as hereby amended, imposes over the commodities covered by such determinations the import controls contemplated by the act and, to effectuate such determinations, must be made effective as soon as possible. The amendment relieves certain restrictions currently imposed by the order and must be made effective promptly if it is to be of maximum benefit to the persons affected. The order affects numerous segments of the economy but consultation has been held, to the extent practicable within the time available, with all such segments, including industry representatives.

SUMMARY OF AMENDMENT

Section 6 of Defense Food Order 3, as amended, provides that the Administrator will from time to time add commodities to or remove commodities from the list in Appendix A thereof in accordance with determinations by the Secretary of Agriculture under section 104 of the act. In order to implement the Secretary's revised determination, this amendment deletes "casein or lactarene, and mixtures in chief value thereof, n. s. p. f. (B)" from Appendix A and adds the following thereto: "dried whole milk," "dried buttermilk," and "dried cream." Also deleted from the Appendix are varieties of cheese containing, or processed in whole or in part from, Edam or Gouda cheese.

REGULATORY PROVISIONS

Appendix A of Defense Food Order 3, as amended (17 F. R. 6088, 8546), is hereby amended in the following respects:

1. Delete the listing "casein or lactarene, and mixtures in chief value thereof, n. s. p. f. (B)," the applicable Commerce Import Class No., and the governing date thereof and insert, in lieu thereof, the following in the manner indicated:

Commodity	Commerce Import Class No.	Governing date
Dried whole milk (B)	0041.060	Dec. 30, 1952
Dried buttermilk (B)	0041.260	Do.
Dried cream (B)	0041.300	Do.

2. Delete from the column entitled "Commodity" the listing "Varieties of cheese (this term includes substitutes for cheese) containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, or Gouda (B)" and insert, in lieu thereof, the following:

Varieties of cheese (this term includes substitutes for cheese) containing, or processed in whole or in part from, Cheddar or Blue Mold.

This amendment shall become effective at 12:01 a. m., e. s. t., December 30, 1952. With respect to violations, rights accrued, liabilities incurred, or appeals taken concerning Defense Food Order 3, as amended, prior to the effective date hereof, all the provisions of said Defense Food Order 3, as amended, in effect at the time when such violations occurred, rights accrued, liabilities were incurred, or appeals were taken shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NOTE: All reporting requirements of DFO-3 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 29th day of December 1952.

[SEAL] G. F. GEISSLER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 52-13784; Filed, Dec. 30, 1952; 11:12 a. m.]

[Defense Food Order 3, Sub-Order 3, Amdt. 3]

DFO-3—AGRICULTURAL IMPORTS

SO 3—STATEMENT OF POLICIES AND PROCEDURES RE IMPORT AUTHORIZATIONS FOR CERTAIN COMMODITIES

Sub-Order 3, as amended (17 F. R. 6269, 8548, 10449), containing a statement of the policies and procedures relating to import authorizations for certain commodities under Defense Food Order 3, as amended (17 F. R. 6088, 8546), was issued pursuant to the authority vested by said amended Defense Food Order 3, under sections 101, 104, and 704 of the Defense Production Act of 1950, as amended (64 Stat. 798; 65 Stat. 131; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2061 et seq.). This amendment to Sub-Order 3, as amended, should be issued promptly in order to make the benefits therefrom with respect to in-transit shipments of dried whole milk, dried buttermilk, and dried cream available immediately, and to inform affected persons concerning the policies and procedures relating to authorizations with respect to other importations of dried whole milk, dried buttermilk, and dried cream. This amendment affects several segments of the economy but consultation has been held, to the extent practicable within the time available, with all such segments, including industry representatives.

SUMMARY OF AMENDMENT

The policies and procedures stated in Sub-Order 3 to Defense Food Order 3, as amended, with respect to the issuance of authorizations for the importation of controlled commodities are augmented to include the policies and procedures regarding the importation of dried whole milk, dried buttermilk, and dried cream, whether or not in transit to the United States prior to the effective date hereof. Since varieties of cheese containing, or processed in whole or in part from, Edam or Gouda cheese are no longer subject to control, all references thereto are deleted from Sub-Order 3, as amended. Further, since casein or lactarene, and mixtures in chief value thereof, are no longer subject to control, all references thereto are also deleted from Sub-Order 3, as amended.

REGULATORY PROVISIONS

Defense Food Order 3, Sub-Order 3, as amended (17 F. R. 6269, 8548, 10449), is hereby amended in the following respects:

1. Delete section 1 (b) *Casein or lactarene, and mixtures in chief value thereof, n. s. p. f.* and insert, in lieu thereof, the following:

(b) *Dried whole milk, dried buttermilk, and dried cream.* Import authorizations will be issued for dried whole milk, dried buttermilk, and dried cream as follows:

(1) Any importer who is desirous of securing import authorization for any such product, and who imported such product during the base period July 1, 1951, through December 31, 1952, must submit documentary evidence satisfactory to the Director showing imports of the product through the United States Bureau of Customs, made in his own name as the importer of record during the specified base period. The total quota for such product, except as otherwise provided in subparagraph (2) of this paragraph, will be apportioned among individual importers on the basis of the proportion of total imports of such product which was imported in the base period by each importer and such other factors as must be considered to avoid inequities. Authorizations issued to any applicant in accordance with this subparagraph will specify the quantities of such product which may be imported from each particular country of origin; and such quantities will be based upon the proportionate quantities imported by the applicant from such country during the said base period.

(2) Any quantity of such product which was in transit to the United States prior to the effective date of this amendment to Sub-Order 3, as amended (17 F. R. 6269, 8548, 10449), may be imported into the United States on or after such effective date, but prior to April 1, 1953, when approved by the Director. An application for any such importation shall be submitted to the Director with documentary evidence establishing the in-transit status of the product. The amount of any such importation by an importer shall not be charged against the quantity of such product authorized for importation pursuant to subparagraph (1) of this paragraph by such importer.

(3) Authorizations totaling not in excess of 50,000 pounds for dried whole milk, dried buttermilk, and dried cream in the aggregate will be granted for the importation of these products prior to April 1, 1953, to small independent enterprises which are in the business of importing dairy products other than cheese and which have not received any import authorization under subparagraph (1) of this paragraph. The amount authorized for any applicant under this subparagraph will not exceed 1,000 pounds. Applications for authorization under this subparagraph must state the product to be imported, the country from which the applicant intends to import the product, and the size and nature of the applicant's business enterprise.

2. Delete the classification in section 1 (c) (3) "Varieties (this term includes substitutes for cheese) containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, or Gouda," and insert in lieu thereof, the following: "Varieties of cheese (this term includes substitutes for cheese) containing, or processed in whole or in part from, Cheddar or Blue Mold."

3. Delete from the first sentence of section 2 (b) (1) the words: "for casein or lactarene, and mixtures in chief value thereof," and insert, in lieu thereof, the following: "for dried whole milk, dried buttermilk, and dried cream."

4. Delete from section 2 (b) the following words: "for casein or lactarene and mixtures in chief value thereof, n. s. p. f."

This amendment shall become effective December 30, 1952.

(Sec. 704, 64 Stat. 816; 65 Stat. 139; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 29th day of December 1952.

[SEAL] R. H. ROBERTS,
Acting Director, Office of Requirements and Allocations.

[F. R. Doc. 52-13785; Filed, Dec. 30, 1952; 11:12 a. m.]

[Import Determination re DFO-3, Revision 3]

DETERMINATION RELATING TO IMPORTS UNDER DEFENSE PRODUCTION ACT

On September 23, 1952 (17 F. R. 8547), the Secretary of Agriculture made a determination, pursuant to the authority vested in him by section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 132; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2074), relating to certain imports (other than by the Government of the United States), during the period from July 1, 1952, through June 30, 1953, into the commerce of the United States. Such determination was made upon the basis of facts then available and, as stated therein, is subject to revision whenever it is determined that such action is necessary or appropriate in effectuating the purposes of the act. Upon the basis of facts available at present, it is hereby determined that the revision, as hereinafter set forth, of the determination of September 23, 1952, is necessary or appropriate in effectuating the purposes of the act.

The Import Determination re DFO-3, Revision 2 (17 F. R. 8547), is hereby revised to read as follows:

Pursuant to the authority vested in me by section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 132; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2074), it is hereby found and determined that imports (other than by the Government of the United States), during the period from July 1, 1952, through June 30, 1953, into the commerce of the United States of the commodities and products hereinafter listed, except as herein specified, would with respect to each such commodity or product or type or variety thereof listed (a) impair or reduce the domestic production of a commodity or product specified in said section 104 below present production levels, (b) interfere with the orderly domestic storing and marketing of a commodity or product specified in said section 104, or (c) result in an unnecessary burden or expenditure under a Government price support program.

SECTION 1. This determination applies to all types and varieties of the following listed commodities and products except as otherwise specified:

Butter.[1]
Butter oil.[2]
The following types and varieties of cheese:
Italian type cheese of the following varieties:[3]
Romano in original loaves made from cow's milk.
Reggiano in original loaves.
Parmesano in original loaves.
Provoloni in original loaves.
Provolette in original loaves.
Sbrinz in original loaves.
Cheddar.[4]
Blue Mold,[5] except Stilton.
Edam and Gouda.[6]
Varieties (this term includes substitutes for cheese) containing, or processed in whole or in part from, Cheddar or Blue Mold.[7]
Flaxseed (linseed).[8]
Linseed oil, and combinations and mixtures, in chief value of such oil.[9]
Malted milk and compounds, or mixtures of or substitutes for milk or cream.[10]
Dried whole milk.[11]
Dried buttermilk.[12]
Dried cream.[13]
Dried skimmed milk (nonfat, dry milk solids).[14]
Peanuts (blanched, roasted, prepared, or preserved).[15]
Peanuts (shelled, not shelled).[16]
Peanut oil (ground nut oil).[17]
Paddy rice.[18]
Uncleaned or brown rice.[19]
Cleaned or milled rice.[20]
Cleaned Patna rice for use in canned soups.[21]
Broken rice.[22]

SEC. 2. Importations of the following commodities and products, subject to Government regulation under the following conditions, will not have any of the effects specified in section 104 of the Defense Production Act of 1950, as amended:

(a) During the period from July 1, 1952, through June 30, 1953, Cheddar cheese in an aggregate quantity not in excess of 8,500,000 pounds;

(b) During the period from July 1, 1952, through June 30, 1953, the following varieties of Italian type cheese in an aggregate quantity not in excess of 8,000,000 pounds:

Romano in original loaves made from cow's milk.
Reggiano in original loaves.
Parmesano in original loaves.
Provoloni in original loaves.
Provolette in original loaves.
Sbrinz in original loaves.

[1] Commerce Import Class No. 0044.000.
[2] Commerce Import Class No. 1423.200.
[3] Commerce Import Class Nos. 0046.010, 0046.110, 0046.120, 0046.230, 0046.250, and 0046.940.
[4] Commerce Import Class No. 0046.490.
[5] Commerce Import Class No. 0046.600.
[6] Commerce Import Class Nos. 0046.750 and 0046.790.
[7] Commerce Import Class No. 0046.990.
[8] Commerce Import Class No. 2233.000.
[9] Commerce Import Class No. 2254.000.
[10] Commerce Import Class No. 0041.900.
[11] Commerce Import Class No. 0041.000.
[12] Commerce Import Class No. 0041.200.
[13] Commerce Import Class No. 0041.300.
[14] Commerce Import Class No. 0041.100.
[15] Commerce Import Class No. 1380.080.
[16] Commerce Import Class Nos. 1367.000, 1368.000.
[17] Commerce Import Class No. 1427.000.
[18] Commerce Import Class No. 1051.000.
[19] Commerce Import Class No. 1051.100.
[20] Commerce Import Class No. 1053.000.
[21] Commerce Import Class No. 1054.000.
[22] Commerce Import Class No. 1059.200.

(c) During the period from July 1, 1952, through June 30, 1953, Blue Mold cheese, except Stilton, in an aggregate quantity not in excess of 3,500,000 pounds;

(d) During the period from July 1, 1952, through June 30, 1953, Edam and Gouda cheese in an aggregate quantity not in excess of 4,000,000 pounds;

(e) During the period from July 1, 1952, through June 30, 1953, varieties (this term includes substitutes for cheese) containing, or processed in whole or in part from, Cheddar or Blue Mold, in an aggregate quantity not in excess of the quantity imported during the calendar year of 1950;

(f) During the period from July 1, 1952, through June 30, 1953, malted milk and compounds, or mixtures of or substitutes for milk or cream, which are determined by the official responsible for administration of Defense Food Order 3, as amended, to have none of the customary uses of butter;

(g) During the period from July 1, 1952, through June 30, 1953, registered or certified flaxseed and rice for planting purposes only and in accordance with applicable laws and regulations;

(h) During the period from July 1, 1952, through June 30, 1953, Brewer's rice;

(i) During the period beginning on the effective date of this revised determination through March 31, 1953, dried whole milk in an aggregate quantity not in excess of 6,500,000 pounds, exclusive of the quantity of such product which was in transit to the United States prior to the foregoing period;

(j) During the period beginning on the effective date of this revised determination through March 31, 1953, dried buttermilk in an aggregate quantity not in excess of 2,150,000 pounds, exclusive of the quantity of such product which was in transit to the United States prior to the foregoing period;

(k) During the period beginning on the effective date of this revised determination through March 31, 1953, dried cream in an aggregate quantity not in excess of 35,000 pounds, exclusive of the quantity of such product which was in transit to the United States prior to the foregoing period;

(l) During the period beginning on the effective date of this revised determination through March 31, 1953, any dried whole milk, dried buttermilk, or dried cream which was in transit to the United States prior to the foregoing period;

(m) During the period from July 1, 1952, through June 30, 1953, the listed commodities and products as samples or gifts or for personal use where the value of each consignment or shipment is less than $25.00; and

(n) During the period from July 1, 1952, through June 30, 1953, such amounts of the listed commodities and products as may be required to avoid unnecessary or unreasonable hardship and as may be required to assure equitable treatment for small or new business.

SEC. 3. This determination is made upon the basis of facts available and is subject to revision whenever it is determined that such action is necessary or appropriate in effectuating the purposes of the act.

SEC. 4. It is hereby deemed necessary, taking into consideration the broad effects upon international relationships and trade, that, with respect to each of the commodities and products listed in paragraphs (a), (b), (c), (d), and (e) of section 2 hereof, additional imports of 15 percent of the respective aggregate quantity fixed for each such commodity or product be authorized.

SEC. 5. Notwithstanding that any product listed in paragraph (i), (j), (k), or (l) of section 2 hereof was in transit to the United States prior to the effective date of this revised determination, such product may not be imported unless previous authorization for the importation is given pursuant to Defense Food Order 3, as amended.

SEC. 6. The provisions hereof shall become effective at 12:01 a. m., e. s. t., December 30, 1952, and shall supersede the determination of September 23, 1952 (17 F. R. 8547), under section 104 of the Defense Production Act of 1950, as amended, but said determination of September 23, 1952, shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding concerning any violation, right accrued, liability incurred, or appeal taken under or with respect to said determination or Defense Food Order 3, issued August 9, 1951, as amended (16 F. R. 7934, 8272; 17 F. R. 4490, 5829, 6088, 8546), prior to the effective date hereof.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Issued at Washington, D. C., this 29th day of December 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-13786; Filed, Dec. 30, 1952; 11:13 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 107 to Schedule A]

[Rent Regulation 2, Amdt. 105 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CERTAIN STATES

Effective December 31, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 24th day of December 1952.

JAMES MCI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(100)		[Revoked and decontrolled.]		
Kentucky				
(123c) Ashland-Catlettsburg-Raceland.	B	In Boyd County, the city of Catlettsburg; in Greenup County, the city of Raceland.	Mar. 1, 1942	Nov. 1, 1942
New Jersey				
(190) Northeastern New Jersey.	B	In Essex County, the cities of East Orange, Newark and Orange, the townships of Caldwell, Cedar Grove, Livingston and Millburn, the towns of Belleville, Bloomfield, Irvington, Montclair, Nutley, West Orange, the boroughs of Caldwell and Verona, and the village of South Orange; in Hudson County, the cities of Bayonne, Hoboken, Jersey City and Union City, the townships of North Bergen and Weehawken, the towns of Harrison, Guttenburg, Kearney, Secaucus, West New York and the borough of East Newark; in Middlesex County, the cities of New Brunswick, Perth Amboy and South Amboy, the townships of Cranbury, East Brunswick, Madison, Monroe, North Brunswick, Piscataway, Raritan, South Brunswick and Woodbridge, the boroughs of Carteret, Dunellen, Highland Park, Jamesburg, Metuchen, Middlesex, Sayreville, South Plainfield and South River; Monmouth County, except the boroughs of Allentown, Redbank and Seabright, and the townships of Millstone and Upper Freehold; in Somerset County, the townships of Bridgewater, and Franklin, and the boroughs of Bound Brook, Manville, Raritan, Somerville and South Bound Brook; in Union County, the cities of Elizabeth, Linden and Rahway, the townships of Cranford, Hillside, and Union, the town of Westfield, the boroughs of Garwood, Roselle, and Roselle Park and all unincorporated localities in Essex, Hudson, Middlesex, Monmouth, Somerset, and Union Counties.	do	July 1, 1942
	C	Monmouth County, except the boroughs of Allentown, Redbank, Roosevelt and Seabright, and the townships of Millstone and Upper Freehold.	Aug. 1, 1952	Nov. 6, 1952
(191) Trenton	B	In Warren County, the town of Phillipsburg, the borough of Alpha and all unincorporated localities in Warren County, except the townships of Blairstown, Franklin, Frelinhausen, Greenwich, Hardwick, Hope, Independence, Lopatcong, Mansfield, Oxford, Pahaquarry, Pohatcong, Washington and White, the towns of Belvidere and Hackettstown, and the borough of Washington.	Mar. 1, 1942	Sept. 1, 1942
	B	In Hunterdon County, the city of Lambertville, the townships of Alexandria and Kingwood, the town of Clinton, and the boroughs of Califon, Frenchtown, and Milford, and all unincorporated localities; in Mercer County, the city of Trenton, the townships of East Windsor, Ewing, Hamilton, and Lawrence, the boroughs of Hopewell, Pennington, Princeton, and all unincorporated localities.	do	Nov. 1, 1942
	C	In Warren County, the town of Phillipsburg and the borough of Alpha.	Aug. 1, 1952	Nov. 7, 1952
	A	In Warren County, the townships of Greenwich, Lopatcong, and Pohatcong.	do	Do.
Ohio				
(237) Brady Lake-Windham.	B	In Portage County, the villages of Brady Lake and Windham.	Apr. 1, 1941	June 1, 1942
Wisconsin				
(361) Milwaukee	A	Milwaukee County, except the cities of South Milwaukee and Wauwatosa, the towns of Granville, Lake and Milwaukee, and the villages of River Hills, Shorewood, West Milwaukee, and Whitefish Bay.	Nov. 1, 1951	Oct. 27, 1952

These amendments decontrol the following based entirely on resolutions submitted under section 204 (j) (3) of the act:

The City of Ashland in Boyd County, Kentucky, a portion of the Ashland-Catlettsburg-Raceland Defense-Rental Area;

The Borough of Seabright in Monmouth County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area;

The Township of Bethlehem in Hunterdon County, New Jersey, a portion of the Trenton Defense-Rental Aera;

The Cities of South Milwaukee and Wauwatosa and the Town of Granville in Milwaukee County, Wisconsin, portions of the Milwaukee Defense-Rental Area.

These amendments also decontrol:

(1) The City of Evansville in Vanderburgh County, Indiana, a portion of the Evansville Defense-Rental Area, and all unincorporated localities in the Defense-Rental Area (the said City of Evansville being the major portion of the Defense-Rental Area), based on a resolution submitted by the City of Evansville under section 204 (j) (3) of the act, and (2) any remaining incorporated localities in the Defense-Rental Area on the initiative of the Director of Rent Stabilization under section 204 (c) of the act;

That portion of the Village of Mogadore located in Portage County, Ohio, a portion of the Brady-Lake Windham Defense-Rental Area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the act.

[F. R. Doc. 52-13716; Filed, Dec. 30, 1952; 8:51 a. m.]

[Rent Regulation 1, Amdt. 108 to Schedule A]

[Rent Regulation 2, Amdt. 106 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA

Effective December 31, 1952, Item 267 in Schedule A of Rent Regulation 1 and Rent Regulation 2 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 24th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

In Item 267 (Pittsburgh Defense-Rental Area) that part of the description of the county or counties in the defense-rental area under regulation which pertains to Allegheny County and begins with the words "and all unincorporated localities in Allegheny County, except ____" is amended to read as follows: "and all unincorporated localities in Allegheny County, except those in the Townships of Crescent, Franklin, Moon, Mount Lebanon, North Fayette, Ohio, Penn and Shaler, and the Boroughs of Bethel, Churchill, Elizabeth, Ingram, Rosslyn Farms and Wilkinsburg;".

These amendments decontrol the following based on a resolution submitted under section 204 (j) (3) of the act:

The Township of North Fayette in Allegheny County, Pennsylvania, a portion of the Pittsburgh Defense-Rental Area.

[F. R. Doc. 52-13717; Filed, Dec. 30, 1952; 8:51 a. m.]

[Rent Regulation 3, Amdt. 108 to Schedule A]

[Rent Regulation 4, Amdt. 50 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

WISCONSIN AND NEW JERSEY

Effective December 31, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 24th day of December 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

1. Item 100 and Item 364 of Schedule A of Rent Regulations 3 and 4 are amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(100)		[Revoked and decontrolled.]		
(364) Milwaukee	Wisconsin	Milwaukee County, except the cities of South Milwaukee and Wauwatosa, the towns of Granville, Lake, and Milwaukee, and the villages of River Hills, Shorewood, West Milwaukee, and Whitefish Bay.	Nov. 1, 1951	Oct. 27, 1952

2. Item 190 of Schedule A of Rent Regulation 4 is amended to read as follows:

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(190) Northeastern New Jersey.	New Jersey	Monmouth County, except the Boroughs of Allentown, Redbank, Roosevelt, and Seabright, and the townships of Millstone and Upper Freehold.	Aug. 1, 1952	Nov. 6, 1952

These amendments decontrol the following based entirely on resolutions submitted under section 204 (j) (3) of the act:

The Borough of Seabright in Monmouth County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area;

The Cities of South Milwaukee and Wauwatosa and the Town of Granville in Milwaukee County, Wisconsin, portions of the Milwaukee Defense-Rental Area.

These amendments also decontrol:

(1) The City of Evansville in Vanderburgh County, Indiana, a portion of the Evansville Defense-Rental Area, and all unincorported localities in the Defense-Rental Area (the said City of Evansville being the major portion of the Defense-Rental Area), based on a resolution submitted by the City of Evansville under section 204 (j) (3) of the act, and (2) any remaining incorporated localities in the Defense-Rental Area on the initiative of the Director of Rent Stabilization under section 204 (c) of the act.

[F. R. Doc. 52-13718; Filed, Dec. 30, 1952; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

EXAMINATIONS AND REEXAMINATIONS FOR DISABILITY COMPENSATION, PENSION, AND RATING PURPOSES

1. Section 3.76 is revised to read as follows:

§ 3.76 *Original examinations for disability compensation or pension.* In original claims for disability compensation or pension, either for peacetime or wartime service, service-connected or otherwise, an examination will not be authorized unless and until evidence is of record, either from the service departments, or in the form of certified statements, indicating the reasonable probability of a valid claim. If, after the development of the case, it is indicated that probability of a valid claim exists, an examination may be requested. Where the claimant appears in person and preliminary inquiry establishes the reasonable probability of a valid claim, an immediate physical examination may be requested (Veterans Regulation No. 1 series, 38 U. S. C. ch. 12). Where a claim is filed within 6 months from date of separation and the veteran was separated for disability, it may be rated initially on the records of the service department unless it would appear that error might result from such rating. Otherwise, no rating will be made without first obtaining an official Veterans' Administration examination. (See § 3.185.) Physical examination reports, clinical records, and transcripts of records received from State, county, municipal, and recognized private institutions and contract hospitals, referred to in § 3.216 (c), are acceptable for initial ratings upon the same basis as official Veterans' Administration examination reports, subject to the requirements of §§ 3.30 (a) and 3.216 (c) as to certification.

2. In § 3.185 (b), subparagraph (1) (i) is amended to read as follows:

§ 3.185 *Reexaminations for disability rating purposes.* • • •

(b) (1) *Scheduling examinations.* Except when initial ratings are made upon physical examination reports, clinical records and transcripts of records received from State, county, municipal, and recognized private institutions and contract hospitals referred to in § 3.216 (c), it is required that at least one examination be made by the Veterans' Administration in every case. When a case is initially rated on the records of the service department (§ 3.76), initial Veterans' Administration examination will be scheduled, in convalescent rating cases, in 6 months; otherwise, in 1 year.

(i) Following initial Veterans' Administration examination, or an examination acceptable in lieu thereof (see § 3.76), reexamination, if in order, will be scheduled based on the combined nonstatic disabilities as follows except as otherwise provided in the Rating Schedule or Extensions:

Rating 80—100 percent in 2 years.
Rating 40—70 percent in 3 years.
Rating 10—30 percent in 5 years.

• • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective December 31, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-13674; Filed, Dec. 30, 1952; 8:45 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter D—Miscellaneous Regulations

PART 150—COVENANT AGAINST CONTINGENT FEES AND RELATED PROCEDURE

Subchapter D has been added to provide for regulations of the General Services Administration which because of scope or subject matter may not appropriately be included under Subchapters A, B or C. Part 150 is added; it deals with the subject matter contained in General Services Administration General Regulation No. 12, dated December 29, 1952, except for provisions thereof which do not have direct application to the public.

Sec.
150.1 Purpose.
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150.13 Standard Form 119, December 1952 edition.

AUTHORITY: §§ 150.1 to 150.13 issued under sec. 205, 63 Stat. 389, as amended; 40 U. S. C. Sup. 486. Interpret or apply secs. 201, 206, 63 Stat. 383, 390, as amended; 40 U. S. C. Sup. 481, 487.

§ 150.1 *Purpose.* For the purpose of promoting uniformity among executive agencies with respect to the required use of the "covenant against contingent fees" and with respect to the procedure for obtaining information concerning contingent or other fees paid by contractors for soliciting and securing Government contracts, the Department of Defense and the General Services Administration have developed cooperatively and agreed upon the required use of the "covenant against contingent fees" and the form, procedure, principles and standards described in this part.

§ 150.2 *Definitions.* As used in this part:

(a) The term "executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation;

(b) The term "contract" means any contract for (1) the purchase by the Government of real property, personal property, or services; (2) construction or repair of public buildings or works; (3) lease of real or personal property for Government use; or (4) sale or lease of Government-owned real or personal property; and

(c) The term "improper influence" means influence, direct or indirect, which induces or tends to induce consideration or action by any employee or officer of the United States with respect to any Government contract on any basis other than the merits of the matter.

§ 150.3 *Objectives and methods.* The requirements of this part have as their objective the prevention of improper influence in connection with the obtaining of Government contracts, the elimination of arrangements which encourage the payment of inequitable and exorbitant fees bearing no reasonable relationship to the services actually performed and the prevention of unwarranted expenditure of public funds which inevitably results therefrom. The methods used to achieve these objectives are the requirement for disclosure of the details of arrangements under which agents represent concerns in obtaining Government contracts, and the prohibiting, by use of the covenant against contingent fees, of certain types of contractor-agent arrangements. The Criminal Code will apply in any case involving actual criminal conduct.

§ 150.4 *Required use of the covenant.* Executive agencies shall include in every negotiated or advertised contract a "covenant against contingent fees" substantially as follows:

(a) *In contracts for the purchase by the Government of real property, personal property or services, and contracts for the construction or repair of public buildings or works.* The following clause is set forth as Article 20 of General Provisions, Standard Form 32, November 1949 edition:

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

(b) *In contracts for the sale of Government-owned real or personal property.* The following clause is in the form substantially as set forth in Article 13 of Sale of Government Property—Invitation, Bid, and Acceptance, Standard Form 114, August 1950 edition:

Purchaser warrants that no person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial agencies maintained by the Purchaser for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or in its discretion to require the Purchaser to pay, in addition to the contract price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

(c) *Adaptation for leases.* The covenant as set forth in paragraph (a) of this section may be appropriately adapted for use in leases of real or personal property for Government use. The covenant as set forth in paragraph (b) of this section may be appropriately adapted for use in leases of Government-owned real or personal property.

§ 150.5 *General principles and standards applicable to the covenant*—(a) *Use of principles and standards.* The principles and standards set forth in this part are intended to be used as a guide in the negotiation, awarding, administration or enforcement of Government contracts.

(b) *Contingent character of the fee.* Any fee whether called commission, percentage, brokerage, or contingent fee, or otherwise denominated, is within the purview of the covenant if, in fact, any portion thereof is dependent upon success in obtaining or securing the Government contract or contracts involved. The fact, however, that a fee of a contingent nature is involved does not preclude a relationship which qualifies under the exceptions to the prohibition of the covenant.

(c) *Exceptions to the prohibition.* There are excepted from the prohibition of the covenant "bona fide employees" and "bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business."

(d) *Bona fide employee.* (1) The term "bona fide employee," for the purpose of the exception to the prohibition of the covenant, means an individual (including a corporate officer) employed by a concern in good faith to devote his full time to such concern and no other concern and over whom the concern has the right to exercise supervision and control as to time, place, and manner of performance of work. It is recognized that a concern, especially a small-business concern, may employ an individual who represents other concerns. The factors set forth in paragraph (e) (2) of this section, except subdivision (iv) thereof, shall be applied to determine whether such an individual comes within the exception to the prohibition of the covenant.

(2) The hiring must contemplate some continuity and it may not be related only to the obtaining of one or more specific Government contracts.

(3) An employee is not "bona fide" who seeks to obtain any Government contract or contracts for his employer through the use of improper influence or who holds himself out as being able to obtain any Government contract or contracts through improper influence.

(4) A person may be a bona fide employee whether his compensation is on a fixed salary basis or, when customary in the trade, on a percentage, commission or other contingent basis or a combination of the foregoing.

(e) *Bona fide established commercial or selling agency maintained by the contractor for the purpose of securing business.* (1) An agency or agent is not "bona fide" which seeks to obtain any Government contract or contracts for its principals through the use of improper influence or which holds itself out as being able to obtain any Government contract or contracts through improper influence.

(2) In determining whether an agency is a "bona fide established commercial or selling agency maintained by the contractor for the purpose of securing business," the factors set forth in this subparagraph shall be considered. They are necessarily incapable of exact measurement or precise definition and it is neither possible nor desirable to prescribe the relative weight to be given any single factor as against any other factor or as against all other factors. The conclusions to be reached in a given case will necessarily depend upon a careful evaluation of the agreement and other attendant facts and circumstances.

(i) The fees charged should not be inequitable and exorbitant in relation to the services actually rendered. That is, the compensation should be commensurate with the nature and extent of the services and should not be excessive as compared with the fees customarily allowed in the trade concerned for similar services related to commercial (non-Government) business. In evaluating reasonableness of the fee, there should be considered services of the agent other than actual solicitation, as for example, technical, consultant or managerial services, and assistance in the procurement of essential personnel, facilities, equipment, materials or subcontractors for performance of the contract.

(ii) The selling agency should have adequate knowledge of the products and the business of the concern represented, as well as other qualifications necessary to sell the products or services on their merits.

(iii) There should ordinarily be a continuity of relationship between the contractor and the agency. The fact that the agency has represented the contractor over a considerable period of time is a factor for favorable consideration. It is not intended, however, to disqualify newly established contractor-agent relationships where a continuing relationship is contemplated by the parties.

(iv) It should appear that the agency is an established concern. The agency may be either one which has been in business for a considerable period of time or a new agency which is a presently going concern and which is likely to continue in business as a commercial or selling agency in the future. The business of the agency should be conducted in the agency name and characterized by the customary indicia of the conduct of a regular business.

(v) The fact that a selling agency confines its selling activities to the field of Government contracts does not, in and of itself, disqualify it under the covenant. The fact, however, that the selling agency is employed to secure business generally, that is, to represent the concern in connection with sales to the Government as well as regular commercial sales to non-Government activities is a factor entitled to favorable consideration in evaluating the case as one coming within the authorized exception. Arrangements confined, however, to obtaining Government contracts, particularly those involving a selling agency organized immediately prior to or during periods of expanded procurement resulting from conditions of national emergency, must be closely scrutinized.

(f) *Fees for "information."* Contingent fees paid for "information" leading to obtaining a Government contract or contracts are included in the prohibition and, accordingly, are in breach of the covenant unless the agent qualifies under the exception as a bona fide employee or a bona fide established commercial or selling agency maintained by the contractor for the purpose of securing business.

§ 150.6 *Representation and agreement required from prospective contractors.* Except as provided in § 150.10, each executive agency shall inquire of and secure a written representation from prospective contractors as to whether they have employed or retained any company or person (other than a full-time employee working solely for the prospective contractor) to solicit or secure the contract, and shall secure a written agreement to furnish information relating thereto as required by the contracting officer. Where an invitation for bids is issued, this inquiry shall be made (and written representation and agreement secured) by requiring the bidder (or contractor) to check the appropriate box in the following statement to be included in the invitation or bid form:

The bidder [(or) contractor] represents: (a) That he ☐ has, ☐ has not, employed or retained any company or person (other than a full-time bona fide employee working solely for the bidder [(or) contractor]) to solicit or secure this contract; and (b) that he ☐ has, ☐ has not, paid or agreed to pay to any company or person (other than a full-time bona fide employee working solely for the bidder [(or) contractor]) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract, and agrees to furnish information relating thereto as requested by the contracting officer.

NOTE: For interpretation of the representation, including the term "bona fide employee," see General Services Administration Regulations, Title 44, §§ 150.7 and 150.5 (d), FEDERAL REGISTER, December 31, 1952, Volume 17, No. 253.

(The representation and agreement appearing on the face of Standard Form 33—Invitation, Bid, and Award—November 1949 edition; Standard Form 30—Invitation and Bid—November 1949 edition; and Standard Form 114—Sale of Government Property, Invitation, Bid and Acceptance—August 1950 edition, pending revision of such forms, shall be deleted and the above representation (and agreement) substituted therefor.)

§ 150.7 *Interpretation of the representation.* (a) For the purpose of the representation and agreement required from the prospective contractor, as described in § 150.6, the definition of "bona fide employee" is as specified in § 150.5 (d).

(b) The fact that the prospective contractor retains a person who does not devote his full time solely to the prospective contractor does not necessarily mean that the relationship involved is in violation of the covenant against contingent fees or that there is any stigma attached to the contractor-agent relationship. It does mean, however, that the prospective contractor must fill out the representation in the affirmative and, as required, furnish information with respect to such employment or retention.

(c) If the representation would otherwise be answered in the affirmative the fact that the person employed or retained by the bidder or contractor is an attorney, or a public relations consultant, or has any other special or professional title, does not permit answering in the negative.

§ 150.8 *Promulgation of form.* In furtherance of the purpose and objectives stated in §§ 150.1 and 150.3, Standard Form 119 (December 1952 edition), Contractor's Statement of Contingent or Other Fees for Soliciting or Securing or Resulting from Award of Contract, set forth in § 150.13, is hereby prescribed and shall be used in accordance with the provisions of this part.

§ 150.9 *Use of Standard Form 119.*—(a) *Required use.* Except as provided in § 150.10, Standard Form 119 (December 1952 edition) shall be used, without deviation, by executive agencies whenever either part of the inquiry provided for by § 150.6 is answered in the affirmative. The form shall be used also, without deviation, in any other case where an executive agency desires to obtain such information. When, after use of the form, further information is required, it may be obtained in any appropriate manner. Submission of the form shall be required, normally, only of successful bidders and contractors.

(b) *Statement in lieu of form.* Any bidder or proposed contractor who has previously furnished a Standard Form 119 (December 1952 edition) to the office issuing the invitation or negotiating the contract may be permitted to accompany his bid, or submit in connection with the proposed contract, a signed statement (1) indicating when such completed form was previously furnished, (2) identifying by number the previous invitation or contract in connection with which such form was submitted, and (3) representing that the statements in such previously furnished form are applicable to such subsequent bid or contract. In such case, submission of an additional completed Standard Form 119 need not be required.

§ 150.10 *Exceptions.* The inquiry and agreement specified in § 150.6 need not be made and submission of Standard Form 119 (December 1952 edition) need not be requested in connection with the following:

(a) Any advertised contract in which the aggregate amount involved does not exceed $25,000;

(b) Any negotiated contract in which the aggregate amount involved does not exceed, in the case of the Department of Defense, $5,000; in all other cases, $1,000;

(c) Any negotiated contract for perishable subsistence supplies in which the aggregate amount involved does not exceed $25,000;

(d) Any contract for services which are required to be performed by an individual contractor in person under Government supervision and paid for on a time basis and any contract for public utility services furnished by a public utility company where the utility company's rates for the services furnished are subject to regulation by Federal, State, or other regulatory body and the public utility company is the sole source of supply;

(e) Contracts to be made in foreign countries;

(f) Any other contracts, individually or by class, of the Department of Defense, designated by the Secretary, Under Secretary, or Assistant Secretary of a Military Department. (Reports of any such exceptions shall be filed promptly with the Administrator of General Services.)

§ 150.11 *Enforcement*—(a) *Failure or refusal to furnish representation and agreement.* Each executive agency shall take the necessary steps to assure

that the indicated successful bidder or proposed contractor has furnished a representation (negative or affirmative) and agreement as described in § 150.6.

(1) If the indicated successful bidder or proposed contractor makes such representation in the negative, such representation may be accepted and award made or offer accepted in accordance with established procedure.

(2) If the indicated successful bidder or proposed contractor makes such representation in the affirmative, a completed Standard Form 119 (December 1952 edition), shall be requested from the bidder or proposed contractor. In the case of formal advertising, the making of an award in accordance with established procedure need not be delayed pending receipt of the form. In the case of negotiation, if the proposed contractor makes such representation in the affirmative, he shall be required to file a completed Standard Form 119 (December 1952 edition), prior to acceptance of the offer or execution of the contract unless the head of the executive agency (including, for this purpose, any Military Department) concerned, or his authorized representative, considers that the interest of the Government will be prejudiced by the suspension of negotiations pending receipt and consideration of an executed Standard Form 119 (December 1952 edition).

(3) If the indicated successful bidder or proposed contractor fails to furnish the representation and agreement as set forth in § 150.6, such failure shall be considered a minor informality and, prior to award, such bidder or proposed contractor shall be afforded a further opportunity to furnish such representation and agreement. A refusal or failure to furnish such representation and agreement, after such opportunity has been afforded, shall require rejection of the bid or offer.

(b) *Failure or refusal to furnish Standard Form 119.* If the successful bidder or contractor, upon request, refuses or fails to furnish a completed Standard Form 119 (December 1952 edition), or a statement in lieu thereof as provided in § 150.9 (b), the executive agency concerned shall take one or more of the following actions, or other action, as may be appropriate:

(1) If an award has not been made or offer accepted, determine whether the bid or offer should be rejected.

(2) If the contract has been awarded or offer accepted, determine what action shall be taken, such as making an independent investigation or considering the eligibility of the contractor as a future contractor in accordance with established procedure.

(c) *Misrepresentations or violations of the covenant against contingent fees.* In case of misrepresentation, or violation or breach of the covenant against contingent fees, or some other relevant impropriety, the executive agency concerned shall take one or more of the following actions, or other action, as may be appropriate:

(1) If an award has not been made, or offer has not been accepted, determine whether the bid or offer should be rejected.

(2) If an award has been made or offer has been accepted, take action to enforce the covenant in accordance with its terms; that is, as the best interests of the Government may appear, annul the contract without liability or recover the amount of the fee involved.

(3) Consider the future eligibility as a contractor of the bidder or contractor in accordance with established procedure.

(4) Determine whether the case should be referred to the Department of Justice in accordance with established procedure with respect to determining matters of fraud or criminal conduct.

§ 150.12 *Effective date.* This part shall become effective on March 2, 1953, with respect to all contracts (negotiated or advertised) initiated, and all invitations for bids (whether pursuant to advertising or negotiation) prepared, on and after that date.

§ 150.13 *Standard Form 119 (December 1952 edition).* Standard Form 119 (December 1952 edition), for use as prescribed in § 150.9, is set forth:

Standard Form 119—December 1952
Prescribed by General Services Administration
General Regulation No. 12

CONTRACTOR'S STATEMENT OF CONTINGENT OR OTHER FEES[1]

FOR SOLICITING OR SECURING, OR RESULTING FROM AWARD OF, CONTRACT

Invitation No. _____
Contract No. _____
Name of Government purchasing office _____

The following information is furnished by the undersigned contractor[2] concerning any company or person employed or retained to solicit or secure the above identified contract, or concerning any company or person to whom the contractor has paid or agreed to pay any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of that contract.

1. State full name and business address of such company or person (if more than one, identify all) and indicate whether corporation, partnership, individual, etc.

2a. Describe relationship to contractor of the company or person listed under item 1, that is, whether such company or person is a sales agent or representative, broker, employee, corporate officer or principal, or other relationship.

b. If there is a written contract or agreement covering such relationship, attach a copy. If not in writing, state in detail the terms of such arrangement. Include the amount and method of computation of compensation and expenses.

3. If such person is an employee:

a. Specify the duration (period) of employment.

b. Is such person on the contractor's payroll for purposes of Social Security and Federal Income tax withholding? Yes _____ No _____.

c. Is such person employed by or does he represent any other concerns? Yes _____ No _____.

If answer is "Yes," state names and addresses of such concerns and in what capacity.

4. Does the company or person listed under Item 1 represent the contractor:

a. With respect to both commercial and Government business? Yes _____ No _____.

b. With respect to Government business only? Yes _____ No _____.

c. Solely with respect to this contract? Yes _____ No _____.

d. With respect to contracts of particular Government procurement offices? Yes _____ No _____.

If answer is "Yes," specify the offices.

5a. With respect to this contract, are the duties of the company or person listed under Item 1 confined to soliciting, obtaining, or assisting in obtaining the contract? Yes _____ No _____.

b. If the duties include other services, specify such services.

6. Is it the contractor's regular practice to have an arrangement of the type specified herein? Yes _____ No _____.

7. With respect to the company or person specified under Item 1, state:

a. How long such company or person has been engaged in this type of work (i. e., sales representative, etc.).

b. How long such company or person has performed this type of work for the contractor.

U. S. Code, Title 18 (Crimes and Criminal Procedure) Section 1001 makes it a criminal offense to make a willfully false statement or representation herein.

Contractor _____
By (To be signed only by authorized principal, such as corporate officer, of contractor, i. e., may not be signed by sales agent, etc.)
_____
Title _____ Date _____
Address of contractor _____
[If additional space is required, attach separate sheet, which must also be signed]

General Services Administration General Circular No. 2, Revised, dated March 13, 1951,[3] and Standard Form 119[1] (April 1950 edition) are superseded as of the effective date of this part except as to any action initiated thereunder prior to the effective date of this part.

Dated: December 29, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-13582; Filed, Dec. 30, 1952; 11:00 a. m.]

[1] This form is prescribed by General Services Administration for use as part of the procedure concerning the "Covenant against Contingent Fees." See General Services Administration Regulations, Title 44, Part 150 (Fed. Reg. Dec. 31, 1952).

[2] As used throughout this form, the term "contractor" includes "bidder."

[3] Not filed with the Federal Register Division.

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 52-62]

VESSEL INSPECTION

MISCELLANEOUS CORRECTIONS AND AMENDMENTS

The purpose of the amendments in this document is to make necessary editorial corrections and revisions in the vessel inspection regulations, which were revised extensively during 1952, in order to have uniformity in the requirements. The changes made are editorial in nature to correct errors, to clarify requirements or procedures, and to add miscellaneous provisions which were inadvertently omitted from previous documents con-

ment required from prospective contractors. Except as provided in § 150.10, Resulting from Award of Contract, set forth in § 150.13, is hereby prescribed *agreement.* Each executive agency shall take the necessary steps to assure

rejected.

"contractor" includes "bidder."

[1] Not filed with the Federal Register Division.

taining vessel inspection regulations which were published in the FEDERAL REGISTER dated July 17, August 21, October 18, and November 13, 1952.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with R. S. 4405, as amended, and 4462, as amended (46 U. S. C. 375, 416) and the statutes cited with the regulations below, the following amendments are prescribed:

Subchapter A—Procedures Applicable to the Public

PART 2—VESSEL INSPECTIONS

SUBPART 2.01—INSPECTING AND CERTIFICATING OF VESSELS

1. In the revision of Part 2, published October 18, 1952 (17 F. R. 9282), § 2.01–80 was omitted and this § 2.01–80 is hereby reinstated and reads as follows:

§ 2.01–80 *Vessel inspections in Alaska.* (a) The waters of southeastern Alaska, inside of the general trend of the shore from Cape Spencer, southeasterly to Cape Muzon, and thence easterly to Sitklan Island, shall be considered as bays, sounds, and lakes other than the Great Lakes, for the purpose of administering the vessel inspection laws and applicable regulations in this chapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBPART 2.20—REPORTS AND FORMS

2. Section 2.20–1, published October 18, 1952 (17 F. R. 9284), is corrected by cancelling paragraph (i), redesignating paragraph (j) to paragraph (i), and revising paragraph (h) to read as follows:

§ 2.20–1 *Forms.* * * *

(h) *CG 809.* Station Bills, Drills and Reports of Masters, required by §§ 35.10–5, 78.17–50 (f), or 97.15–35 (d) of this chapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBPART 2.50—NAVIGATION AND VESSEL INSPECTION LAWS

3. To clarify the procedures and the authority of the Coast Guard District Commander in connection with civil penalties, paragraph (a) of § 2.50–20 *Reports and assessments of penalties for violation of laws or regulations,* published October 18, 1952 (17 F. R. 9285), is corrected by inserting as the second sentence the following: "The Coast Guard District Commander is hereby authorized to determine whether or not to prosecute or to mitigate or to remit any civil penalties incurred for violations of navigation and vessel inspection laws, rules or regulations."

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter C—Uninspected Vessels

PART 24—GENERAL PROVISIONS

SUBPART 24.05—APPLICATION

1. Table 24.05–1 (a) in § 24.05–1, published October 18, 1952 (17 F. R. 9289), is corrected by adding footnote reference "6" after the fifth item in Column 3.

2. The second sentence of § 24.05–5, published October 18, 1952 (17 F. R. 9289), is corrected by changing the phrase "or services or vessels" to "or services of vessels."

PART 25—REQUIREMENTS

SUBPART 25.30—FIRE EXTINGUISHING EQUIPMENT

1. Table 25.30–20 (a) (1) in § 25.30–20, published October 18, 1952 (17 F. R. 9292), is corrected by changing the upper right column heading from "Minimum number of B–I or B–II hand portable fire extinguishers required" to "Minimum number of B–I hand portable fire extinguishers required [1]" and adding a footnote 1 reading as follows:

[1] One B–II hand portable fire extinguisher may be substituted for two B–I hand portable fire extinguishers.

Subchapter D—Tank Vessels

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

SUBPART 32.35—MAIN AND AUXILIARY MACHINERY

1. The instructions that "Sections 32.25–1 to 32.35–25, inclusive, are cancelled" published Oct. 18, 1952 (17 F. R. 9295) are corrected and changed to: "Sections 32.35–1 to 32.35–25, inclusive, are cancelled."

PART 33—LIFESAVING APPLIANCES

SUBPART 33.15—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, OR BUOYANT APPARATUS

1. Section 33.15–1 (f) published Oct. 18, 1952 (17 F. R. 9299) is corrected by adding the following at the end thereof: "In lieu of the required floating orange smoke distress signals, either 12 approved hand orange smoke distress signals or 12 approved combination flare and smoke distress signals constructed in accordance with Subpart 160.023 or 160.037 of Subchapter Q (Specifications) of this chapter, may be substituted, provided such signals were installed prior to November 19, 1952. The service use of this equipment shall be limited to 3 years from date of manufacture, whereupon it shall be replaced with the required floating orange smoke signals."

2. Section 33.15–1 (h) is corrected to read as follows:

(h) *Drinking cup.* One enameled drinking cup, with ⅛-inch diameter cotton lanyard, 3 feet in length.

3. Section 33.15–1 (i) is corrected in the first sentence by changing the phrase "3 spare batteries" to "3 spare cells (or one 3-cell battery)".

4. Section 33.15–1 (p) is corrected by adding the following at the end thereof: "On tank ships the construction or conversion of which was started prior to November 19, 1952, masts, sails, and accompanying gear for lifeboats may be retained so long as they are in good condition. Any replacements shall meet the applicable provisions of this paragraph."

5. Table 33.15–1 (r) in § 33.15–1 is corrected to read as follows:

TABLE 33.15–1 (r)

Length of lifeboat, feet		Number of oars		Length of oars, feet	
Over	Not over	Rowing	Steering	Rowing	Steering
-------	15	4	1	8	9
15	19	6	1	10	11
19	21	6	1	11	12
21	23	6	1	12	13
23	25	8	1	13	14
25	27	8	1	14	15
27	-------	8	1	15	16

6. Section 33.15–1 (t) is corrected by changing the period at the end of the first sentence to a semicolon and adding the following: "or 12 approved hand-held rocket-propelled parachute red flare distress signals contained in a portable watertight container."

7. Section 33.15–1 (z) is corrected by adding at the end the following: "Sea anchors installed prior to January 1, 1944, meeting the requirements of regulations effective at the time of installation may be continued in use so long as they are in good and serviceable condition."

8. Section 33.15–1 (hh) is corrected to read as follows:

(hh) *Ladders, lifeboat gunwale.* All lifeboats approved to carry 60 or more persons shall be fitted with a suitable gunwale ladder consisting of 3 flat wood steps cut out for hand holds. The steps shall be spaced 12 inches apart and fastened with ⅝ inch diameter manila rope. Each rope end shall be tied inside the lifeboat at about amidships with the ladder stowed on top of the side benches and ready for immediate use. Other suitable devices may be specifically approved.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interprets or applies sec. 5, 55 Stat. 244, 245; 50 U. S. C. App. 1275)

SUBPART 33.20—STOWAGE OF LIFEBOATS, LIFE RAFTS, AND BUOYANT APPARATUS

9. Section 33.20–1 *Davits and launching devices—TB/ALL,* paragraph (c), subparagraph (5), published October 18, 1952 (17 F. R. 9301) is corrected by adding at the end thereof the following: "For vessels contracted for prior to November 19, 1952, skates need only be fitted if in the opinion of the Officer in Charge, Marine Inspection, the arrangement or construction of the vessel is such that overhanging decks, openings, or other similar obstructions make their use necessary."

(R. S. 4405, as amended, 4417a, as amended 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

PART 34—FIRE-FIGHTING EQUIPMENT

SUBPART 34.05—INSPECTIONS

1. Section 34.05–5 published October 18, 1952 (17 F. R. 9302) is corrected by changing the references "§§ 34.15–25 and 34.25–15" to "§§ 34.15–20 (e), 34.20–10 (h), 34.20–15 (d), and 34.25–15."

SUBPART 34.20—BOILER ROOM AND MACHINERY SPACES ON TANK SHIPS

2. Section 34.20–10 published October 18, 1952 (17 F. R. 9305) is corrected by adding a new paragraph (h) reading as follows:

§ 34.20–10 *Fixed carbon dioxide fire extinguishing systems installed on tank ships on or after November 19, 1952—TB/ALL.* * * *

(h) At annual inspections, all carbon dioxide cylinders shall be examined externally and replaced if any corrosion is found. They shall also be checked by weighing to determine their contents, and if found to be more than 10 percent under the required content of carbon dioxide, they shall be recharged.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended, 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275)

3. Section 34.20–15 (d) published October 18, 1952 (17 F. R. 9305) is corrected by changing the reference "§ 34.20–10 (f) and (g)" to "§ 34.20–10 (f) through (h)."

4. Section 34.20–25 (d) published October 18, 1952 (17 F. R. 9306) is corrected by changing the phrase "there shall be in addition to each space" to "there shall be in addition in each space."

Subchapter E—Load Lines

PART 43—FOREIGN OR COASTWISE VOYAGE

SUBPART 43.01—ADMINISTRATION

1. Section 43.01–97 (d) published October 18, 1952 (17 F. R. 9312) is corrected by changing the word "marketing" to "marking" in the first sentence.

SUBPART 43.15—LOAD LINES FOR STEAMERS

2. Section 43.15–43 (a) (3) published October 18, 1952 (17 F. R. 9318) is corrected by changing the references "Table 43.05–20 (a1) or 43.05–20 (a2)" to "Table 43.10–20 (a1) or 43.10–20 (a2)."

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

SUBPART 46.01—AUTHORITY AND PURPOSE

1. Section 46.01–15 published October 18, 1952 (17 F. R. 9343) is corrected by adding a new paragraph (c) reading as follows:

§ 46.01–15 *Application of regulations.* * * *

(c) Subdivision load lines are required on passenger vessels engaged in foreign voyages, as well as on passenger vessels of 150 gross tons and over engaged in coastwise or Great Lakes voyages.

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

SUBPART 46.10—ADMINISTRATION

2. Section 46.10–15 (b) published October 18, 1952 (17 F. R. 9344) is corrected by changing the reference "§ 46.40–15 (b) (1) through (3)" to "subparagraphs (1) through (3) of this paragraph."

Subchapter F—Marine Engineering

PART 50—GENERAL PROVISIONS

Immediately preceding § 50.10–1, published October 18, 1952 (17 F. R. 9346), insert the center heading "Subpart 50.10—Definition of Terms Used in This Subchapter."

PART 51—MATERIALS

SUBPART 51.61—MALLEABLE IRON AND GRAY IRON CASTINGS

1. Section 51.61–5, published August 21, 1952 (17 F. R. 7632), is corrected by changing the reference "§ 55.07–30" to "§ 61.30–5."

SUBPART 51.76—COPPER-ALLOY CASTINGS

2. Section 51.76–1, published August 21, 1952 (17 F. R. 7632), is corrected by changing the reference "§ 55.07–30" to "§ 61.30–5."

PART 52—CONSTRUCTION

SUBPART 52.05—CYLINDRICAL SHELLS

1. The instruction numbered 3 and published August 21, 1952 (17 F. R. 7633), is corrected by changing "§ 52.05–12 is added" to "§§ 52.05–12 and 52.05–13 are added."

2. Table 52.05–10 (a) in § 52.05–10 published August 21, 1952 (17 F. R. 7634, 7635), is corrected as follows:

a. For specification subpart 51.25 (Pipes and tubes; seamless carbon steel), A. S. T. M. designation A83, the stress values are changed in Column "700" from "11,500" to "11,450" and in Column "750" from "10,700" to "10,550."

b. For specification subpart 51.25 (Pipes and tubes; seamless carbon steel), A. S. T. M. designation A192, the stress values are changed in column "700" from "11,500" to "11,450" and in column "750" from "10,700" to "10,550."

c. For specification subpart 51.25 (Pipes and tubes; seamless carbon steel), A. S. T. M. designation A179, the stress values are changed in column "700" from "11,500" to "11,450" and in column "750" from "10,700" to "10,550."

d. For specification subpart 51.25 (Pipes and tubes; electric-resistance-welded carbon steel), A. S. T. M. designation A178, the notes in the sixth column are changed from "(4, 5)" to "(4, 8)."

e. For specification subpart 51.49 (Bolting; alloy steel), grade B8c, the stress values are changed in column "—20 to 650" from "14,850" to "11,850", in column "700" from "14,800" to "11,800", in column "750" from "14,700" to "11,750", in column "800" from "14,550" to "11,650", in column "850" from "14,300" to "11,450", in column "900" from "14,100" to "11,300", in column "950" from "13,850" to "11,100", in column "1,000" from "13,500" to "10,800", and in column "1,050" from "13,100" to "10,500."

f. For specification subpart 51.49 (Bolting; alloy steel), grade B8t, the stress values are changed in column "—20 to 650" from "14,850" to "11,850", in column "700" from "14,800" to "11,800", in column "750" from "14,700" to "11,750", in column "800" from "14,550" to "11,650", in column "850" from "14,300" to "11,450", in column "900" from "14,100" to "11,300", in column "950" from "13,850" to "11,100", in column "1,000" from "13,500" to "10,800", and in column "1,050" from "13,100" to "10,500."

g. For specification subpart 51.49 (Bolting; alloy steel), grade B8F, the stress values are changed in column "—20 to 650" from "14,850" to "11,850", in column "700" from "14,800" to "11,800", and in column "750" from "14,700" to "11,750."

3. Section 52.05–13 (f), published August 21, 1952 (17 F. R. 7636), is corrected by changing the reference "§ 51.58–5" to "Subpart 51.58".

SUBPART 52.10—SHELL JOINTS

4. Section 52.10–25 (i), published August 21, 1952 (17 F. R. 7637), is corrected by changing the reference "figure 52.20–10 (E)" to "figure 52.22–10 (E)."

SUBPART 52.20—DISHED HEADS

5. Section 52.20–10 (a), published August 21, 1952 (17 F. R. 7638), is corrected in the definition of terms for "E" in formulas by changing the reference "table 52.05–10 (b)" to "table 56.01–30 (a)."

6. Section 52.20–15 (a), published August 21, 1952 (17 F. R. 7639), is corrected in the last sentence by changing the phrase "shall not exceed the values given" to "shall not exceed 80 percent of the values given."

SUBPART 52.25—NOZZLE OPENINGS AND REINFORCEMENTS

7. Section 52.25–20 (k), published August 21, 1952 (17 F. R. 7643), is corrected by changing the reference "§ 52.20–15 (b)" to "§ 52.20–20 (a)."

PART 53—LOW PRESSURE HEATING BOILERS

SUBPART 53.05—CAST-IRON HEATING BOILERS

Section 53.05–10 is corrected by changing the reference "Subpart 51.64" to "Subpart 51.61."

PART 54—UNFIRED PRESSURE VESSELS

SUBPART 54.03—DESIGN AND CONSTRUCTION

1. Table 54.03–10 (c) in § 54.03–10, published August 21, 1952 (17 F. R. 7653), is corrected for specification Subpart 51.79 (Aluminum-alloy plates), grade GR20A, by changing the minimum tensile strength (p. s. i.) from "23,000" to "25,000", and by changing the stresses in column "subzero to 150" from "5,700" to "6,250", in column "250" from "5,250" to "6,000", in column "300" from "4,800" to "5,400", in column "350" from "4,200" to "4,650", and in column "400" from "3,500" to "3,900."

2. Table 54.03–15 (f) in § 54.03–15, published August 21, 1952 (17 F. R. 7654), is corrected by changing the pitch of tube (in inches) for outside diameter of tube "1¼" from "1$\frac{3}{16}$" to "1$\frac{9}{16}$."

3. Section 54.03–25 (b) is corrected by changing in subparagraph (2), first sentence, the phrase "high strength of alloy steel bolting" to "high strength or alloy steel bolting" and by changing the last sentence of subparagraph (1) to read: "Bolting and nuts shall meet the minimum requirements of American Standard Coarse Thread Series. Nuts shall meet the requirements of American Standard Heavy Dimensions as given in Table 54.03–25 (b)."

4. Table 54.03–25 (c1) in § 54.03–25 (c), published August 21, 1952 (17 F. R. 7656), is corrected to read as follows:

1. Table 24.05–1 (a) in § 24.05–1, published October 18, 1952 (17 F. R. 9289), corrected to read as follows:

5. Table 33.15–1 (17 FR § 33.15–1 [illegible]

2. Section 34.25 [illegible] published October 18, 1952 (17 F. R. 9305) is corrected by

stress values are changed in column 7656), is corrected to read as follows:

TABLE 54.03-25 (c1)—GASKET MATERIALS AND MINIMUM DESIGN STRESS (y)

GASKET MATERIAL	GASKET FACTOR (m)	MIN. DESIGN SEATING STRESS y	SKETCHES	FACING LIMITATIONS	USE COL.
Rubber without fabric or a high percentage of asbestos fiber: Below 75 Shore Durometer	0.50	0		Use 1, 4, 6 only	II
75 or higher Shore Durometer	1.00	200			
Asbestos with a suitable binder for the operating conditions	1/8 thick	1600			
	1/16 thick	3700			
	1/32 thick	6500			
Rubber with cotton fabric insertion	1.25	400		None	
Rubber with asbestos fabric insertion, with or without wire reinforcement	3-ply	2200			
	2-ply	2900			
	1-ply	3700			
Vegetable fiber	1.75	1100		1, 4, 6	
Spiral-wound metal, asbestos filled	Carbon	2900			
	Stainless	4500			
Serrated steel	Asbestos filled	3700		Use	
Corrugated metal, Asbestos Inserted or Corrugated metal, Jacketed asbestos filled	Soft aluminum	2900			
	Soft copper or brass	3700			
	Iron or soft steel	4500			
	Monel or 4-6% chrome	5500			
	Stainless steels	6500			
Corrugated metal	Soft aluminum	3700			
	Soft copper or brass	4500			
	Iron or soft steel	5500			
	Monel or 4-6% chrome	6500			
	Stainless steels	7600			
Flat metal jacketed asbestos filled	Soft aluminum	5500		Use 1, 2, 3 only	
	Soft copper or brass	6500			
	Iron or soft steel	7600			
	Monel	8000			
	4-6% chrome	9000			
	Stainless steels	9000			
Grooved iron or soft steel with or without metal jacketed	Soft aluminum	5500			
	Soft copper or brass	6500			
	Iron or soft steel	7600			
	Monel or 4-6% chrome	8000			
	Stainless steels	10100			
Solid flat metal	Soft aluminum	8800		None	I
	Soft copper or brass	13000			
	Iron or soft steel	18000			
	Monel or 4-6% chrome	21800			
	Stainless steels	28000			
Ring joint	Iron or soft steel	18000		Use 8 only	
	Monel or 4-6% chrome	21800			
	Stainless steel	26000			

PART 55—PIPING SYSTEMS, PUMPS, REFRIGERATION MACHINERY, AND FUEL TANKS

SUBPART 55.07—DETAIL REQUIREMENTS

1. Table 55.07–1 (b) in § 55.07–1, published August 21, 1952 (17 F. R. 7658), is corrected for material specification subpart 51.34 (Steel pipe; seamless-alloy) by changing the A. S. T. M. specification from "A335 (A286)" to "A335 (A280)."

2. Table 55.07–5 (a) in § 55.07–5, published August 21, 1952 (17 F. R. 7659), is corrected by deleting the notes in the sixth column for specification subpart 51.34 (Ferrous materials; seamless alloy-steel) for grades P2, P3a, P3b, P11, P12, P21, P22, P8b, and P8d.

SUBPART 55.10—PUMPING ARRANGEMENTS AND PIPING SYSTEMS

3. Section 55.10–10 (b) (3), published August 21, 1952 (17 F. R. 7665), is corrected in the last sentence by changing the phrase "welds are required" to "welds as required."

PART 56—ARC WELDING, GAS WELDING, AND BRAZING

SUBPART 56.05—TESTS AND INSPECTION

Section 56.05–6 (c), published August 21, 1952 (17 F. R. 7671), is corrected by changing the reference in the second sentence from "§ 56.05–5 (k)" to "§ 56.05–5 (o)."

Subchapter H—Passenger Vessels

PART 70—GENERAL PROVISIONS

SUBPART 70.10—DEFINITIONS OF TERMS USED IN THIS SUBCHAPTER

1. Section 70.10–13, published October 18, 1952 (17 F. R. 9386), is corrected by changing the phrase "under the designation" to "under this designation."

2. Section 70.10–15, published October 18, 1952 (17 F. R. 9386), is corrected by changing the phrase "for deck passengers and vehicles" to "for deck passengers and/or vehicles."

PART 71—INSPECTION AND CERTIFICATION

SUBPART 71.25—ANNUAL INSPECTION

1. Section 71.25–35, published October 18, 1952 (17 F. R. 9389), is corrected by changing in the headnote the word "moving" to "marine."

2. Table 71.35–5 (a) in § 71.35–5, published October 18, 1952 (17 F. R. 9389), is corrected by changing for third special survey No. 2 the date due in the second column from "33" to "32."

PART 72—CONSTRUCTION AND ARRANGEMENT

SUBPART 72.05—STRUCTURAL FIRE PROTECTION

1. Section 72.05–10 (c) (2), published October 18, 1952 (17 F. R. 9394), is corrected by changing in the next to the last line the phrase "Class 5–15" to "Class B–15."

2. Table 72.05–10 (e) in § 72.05–10, published October 18, 1952 (17 F. R. 9395), is corrected by changing in line 3 and column 6 the value "B–15" to B–0."

SUBPART 72.25—PASSENGER ACCOMMODATIONS

3. Section 72.25–5 (a), published October 18, 1952 (17 F. R. 9401), is corrected by changing the period at the end of the first sentence to a comma and by adding the following: "for any vessel engaged in a voyage from any port or place in the United States to any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) or conversely."

SUBPART 72.40—RAILS AND GUARDS

4. Section 74.40–5, published October 18, 1952 (17 F. R. 9402), is corrected to read as follows:

§ 72.40–5 *Where rails required.* (a) Rails or equivalent protection shall be installed near the periphery of all weather decks accessible to passengers or crew. The height and construction of such rails shall be as required by this section.

(b) Such rails on decks accessible to passengers shall be in at least three courses approximately evenly spaced, and shall be at least 42 inches high, except:

(1) On vessels of 65 feet in length or less, other than ferry boats, excursion vessels, and vessels of a similar type where large numbers of passengers are carried, such rails shall be at least 36 inches high.

(2) Where the height of the rails interferes with the business of the vessel, as in the case of a sport fishing vessel, other arrangements may be specifically approved by the Commandant: *Provided*, That in any case the effective rail or bulwark height above the deck on which the passengers stand shall be at least 30 inches.

(c) On the passenger decks of ferry boats, excursion vessels, and vessels of a similar type, the space below the top of the rail shall be fitted with suitable wire mesh or the equivalent. Depending upon the type of construction, the lower rail courses may not be required.

(d) All other such rails shall be at least 36 inches high and shall be in at least two courses.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416)

PART 73—WATERTIGHT SUBDIVISION

SUBPART 73.10—RULES FOR SUBDIVISION—VESSELS ON INTERNATIONAL VOYAGES AND VESSELS OF 150 GROSS TONS AND OVER IN OCEAN OR COASTWISE SERVICE

1. Section 73.10–5 (d) (1), published October 18, 1952 (17 F. R. 9403), is corrected by changing in the first sentence the phrase "of verage permeability" to "of average permeability."

2. Formula (2) in § 73.10–20 (b), published October 18, 1952 (17 F. R. 9403), is corrected by changing the number "20904" to "10904."

SUBPART 73.15—RULES FOR SUBDIVISION—VESSELS IN SERVICE OTHER THAN OCEAN OR COASTWISE AND VESSELS UNDER 150 GROSS TONS IN OCEAN OR COASTWISE SERVICE AND NOT ON AN INTERNATIONAL VOYAGE

3. Section 73.15–15 (a), published October 18, 1952 (17 F. R. 9405), is corrected by changing in the first sentence the phrase "collision bulkheads" to "collision bulkhead."

SUBPART 73.20—PEAK AND MACHINERY SPACE BULKHEADS, SHAFT TUNNELS

4. Section 73.20–1 (a), published October 18, 1952 (17 F. R. 9405), is corrected by changing in the fourth sentence the phrase "ferry vessels and vessels" to "ferry and other vessels."

SUBPART 73.40—OPENINGS IN VESSEL'S SIDE BELOW THE BULKHEAD DECK

5. Section 73.40–5 (b) (5) (ii), published October 18, 1952 (17 F. R. 9407), is corrected by changing the second sentence to read as follows: "Port lights capable of being opened shall have fitted to one or more of the bolts a special round slotted or recessed nut requiring a special wrench."

6. Section 73.40–5 (c) (2), published October 18, 1952 (17 F. R. 9407), is corrected by changing in the last sentence the phrase "will be necessary" to "will not be necessary."

PART 75—LIFESAVING EQUIPMENT

SUBPART 75.01—APPLICATION

1. Section 75.01–1, published October 18, 1952 (17 F. R. 9410), is corrected to read as follows:

§ 75.01–1 *Details of application.* Except as specifically noted, the provisions of this part shall apply to all vessels other than motorboats, and to all motorboats on an international voyage. Motorboats not on an international voyage shall meet the requirements of Subparts 75.01, 75.05, and 75.40.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

2. Section 75.01–5, published October 18, 1952 (17 F. R. 9410), is renumbered to "75.05–5" and transferred to follow § 75.05–1 in Subpart 75.05.

SUBPART 75.10—LIFEBOATS, LIFE RAFTS, LIFE FLOATS, AND BUOYANT APPARATUS

3. Table 75.10–20 (a) in § 75.10–20, published October 18, 1952 (17 F. R. 9411), is corrected in the second line, sixth and seventh columns, by changing the percent "35" to "25." (Footnote reference is not changed.)

SUBPART 75.15—STOWAGE AND MARKING OF LIFEBOATS, LIFE RAFTS, LIFE FLOATS, AND BUOYANT APPARATUS

4. Section 75.15–5 (a), published October 18, 1952 (17 F. R. 9412), is corrected by adding the following sentence at the end thereof: "The emergency lifeboats required by § 75.10–10 (a) (3) shall have their sea painters passed along forward on the vessel when at sea."

5. Section 75.15–10 *Stowage*, paragraph (b), published October 18, 1952 (17

F. R. 9412), is corrected by adding a new subparagraph (7) reading as follows:

(7) On vessels in ocean and coastwise service, where applicable, means shall be provided outside the machinery space to prevent the discharge of water into the lifeboats while they are being lowered. This shall consist of baffles to deflect the water down the vessel's side, or reach rods, or other means to close the discharge openings.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBPART 75.20—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, LIFE FLOATS, AND BUOYANT APPARATUS

6. Table 75.20–10 (a) in § 75.20–10, published October 18, 1952 (17 F. R. 9413), is corrected as follows:

a. On line "t", second column, the item "matches" is changed to "matches (boxes)".

b. On line "hh", third column, the quantity "1 unit" is changed to "2".

c. In footnote 6, the phrase "item (ii)" is changed to "item (jj)."

7. Table 74.20–15 (b) in § 75.20–15 (b), published October 18, 1952 (17 F. R. 9413), is renumbered "Table 75.20–15 (b)."

8. Section 75.20–15 (j), published October 18, 1952 (17 F. R. 9413), is corrected in the second sentence by changing the phrase "three spare batteries" to "three spare cells (or one 3-cell battery)".

9. Section 75.20–15 (gg), published October 18, 1952 (17 F. R. 9414), is corrected in the second sentence by inserting after the word "intermittently" this phrase "(10 minutes of continuous operation per hour)."

10. Section 75.20–15 (jj) published October 18, 1952 (17 F. R. 9415), is corrected in the second sentence by changing the reference "Subparts 160.024 or 160.036" to "Subparts 160.024 and 160.028 or 160.036".

11. Table 75.20–20 (a) in § 75.20–20 published October 18, 1952 (17 F. R. 9415), is corrected in line "e" by changing the item "matches" to "matches (boxes)."

SUBPART 75.25—DAVITS

12. Section 75.25–10 (b) published October 18, 1952 (17 F. R. 9416), is corrected by changing the first sentence to read as follows:

(b) All davit installations shall have 2 lifelines fitted to a davit span: *Provided*, That the span fitted to the davits which are used to handle the emergency lifeboats required by § 75.10–10 (a) (3) shall have 4 such lifelines. • • •

13. Section 75.25–90 (a) (1) published October 18, 1952 (17 F. R. 9416), is corrected in the second sentence by changing the reference "§ 75.23–5" to "§ 75.25–5."

SUBPART 75.30—LIFEBOAT WINCHES

14. Section 75.30–90 (a) (4) published October 18, 1952 (17 F. R. 9417), is corrected by changing the word "insulation" to "installation."

SUBPART 75.40—LIFE PRESERVERS, AND WOOD FLOATS

15. Section 75.40–10 (a) published October 18, 1952 (17 F. R. 9418), is corrected by inserting after the phrase "in addition" this exception set off by commas: "except for the specific vessels noted below."

16. Section 75.40–10 (a) (2) published October 18, 1952 (17 F. R. 9418), is corrected in the first sentence by changing the phrase "all river ferryboats shall be" to "all river ferryboats propelled by steam shall be."

PART 76—FIRE PROTECTION EQUIPMENT

SUBPART 76.27—ELECTRIC FIRE DETECTING SYSTEM, DETAILS

1. Section 76.27–15 published October 18, 1952 (17 F. R. 9428), is corrected by changing in the first sentence the phrase "will be registered visibly" to "will be automatically registered visibly"; and in the second sentence the word "automatically" is deleted.

SUBPART 76.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS, ARRANGEMENTS, AND DETAILS

2. Table 76.50–10 (a) in § 76.50–10 published October 18, 1952 (17 F. R. 9421), is corrected by renumbering footnote "6" to "7" and footnote "7" to "6".

SUBPART 76.60—FIRE AXES

3. Section 76.60–1 published October 18, 1952 (17 F. R. 9431), is corrected by deleting the period at the end of the first sentence and by adding this phrase: "other than motorboats."

PART 78—OPERATIONS

SUBPART 78.05—NOTICE TO MARINERS AND AIDS TO NAVIGATION

1. Section 78.05–1 (a) published October 18, 1952 (17 F. R. 9435), is corrected in the third sentence by inserting after the word "vessels" this phrase "other than motorboats."

2. Section 78.05–5 (a) published October 18, 1952 (17 F. R. 9435), is corrected by inserting after the word "vessels" this phrase "other than motorboats."

SUBPART 78.07—NOTICE OF CASUALTY AND VOYAGE RECORDS

3. Section 78.07–20 (a) published October 18, 1952 (17 F. R. 9435), is corrected by changing the reference "§ 78.07–1 (a) through (e)" to "§ 78.07–1 (a)."

SUBPART 78.10—PERSONS ALLOWED IN PILOTHOUSE AND ON NAVIGATION BRIDGE

4. Section 78.10–5 (a) published October 18, 1952 (17 F. R. 9436), is corrected by changing the phrase "every vessel shall" to "every vessel other than a motorboat shall"; and by adding at the end of the paragraph this sentence: "On motorboats, only one copy need be posted."

SUBPART 78.17—TESTS, DRILLS, AND INSPECTIONS

5. Section 78.17–1 published October 18, 1952 (17 F. R. 9436), is renumbered "78.17–3" and a new § 78.17–1 is added to Part 78 reading as follows:

§ 78.17–1 *Application.* (a) Except as specifically noted, the provisions of this subpart shall apply to all vessels other than motorboats, and to all motorboats on an international voyage. Motorboats not on an international voyage shall meet the general intent of this subpart insofar as is reasonable and practicable with the exception that the logging of information is not required.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

6. Section 78.17–50 (f) published October 18, 1952 (17 F. R. 9438), is corrected by changing the phrase "three copies of this part, Form CG 809a," to "three copies of certain sections from this part, Form CG 809."

SUBPART 78.30—LOOKOUTS, PILOTHOUSE WATCH, PATROLMEN, AND WATCHMEN

7. Section 78.30–10 (d) (2) published October 18, 1952 (17 F. R. 9438), is corrected to read as follows:

§ 78.30–10 *Supervised patrol.* • • •

(d) • • •

(2) Public spaces constructed in general agreement with §§ 72.05–5 through 72.05–60, of this subchapter, shall have either an approved fire detecting system installed in such spaces or the supervised patrol shall cover these spaces at least once in every 20 minutes.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBPART 78.37—LOG BOOK ENTRIES

8. Section 78.37–1 published October 18, 1952 (17 F. R. 9439), is renumbered "78.37–3" and a new § 78.37–1 is added to Part 78 reading as follows:

§ 78.37–1 *Application.* (a) Except as specifically noted, the provisions of this subpart shall apply to all vessels other than motorboats, and to all motorboats on an international voyage.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter I—Cargo and Miscellaneous Vessels

PART 91—INSPECTION AND CERTIFICATION

Section 91.25–10 (a) published October 18, 1952 (17 F. R. 9446), is corrected in the last sentence by changing the phrase "fire detecting system in lifeboats" to "fire detecting system."

PART 94—LIFESAVING EQUIPMENT

SUBPART 94.01—APPLICATION

1. Section 94.01–1 published October 18, 1952 (17 F. R. 9452), is corrected to read as follows:

§ 94.01–1 *Details of application.* (a) Except as specifically noted, the provisions of this part shall apply to all vessels other than motorboats, and to all motorboats on an international voyage. Motor boats not on an international voyage shall meet the requirements of Subparts 94.01, 94.05, and 94.40.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

2. Section 94.01–5 published October 18, 1952 (17 F. R. 9452), is renumbered "94.05–5" and transferred to Subpart 94.05 to follow after § 94.05–1.

SUBPART 94.15—STOWAGE AND MARKING OF LIFEBOATS AND LIFE RAFTS

3. Section 94.15–10 *Stowage*, paragraph (b), published October 18, 1952 (17 F. R. 9454), is corrected by adding a new subparagraph (6) at the end thereof reading as follows:

(6) On vessels in ocean and coastwise service, where applicable, means shall be provided outside the machinery space to prevent the discharge of water into the lifeboats while they are being lowered. This shall consist of baffles to deflect the water down the vessel's side, or reach rods, or other means to close the discharge openings.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

4. Section 94.15–90 (a) (1) published October 18, 1952 (17 F. R. 9454), is corrected by changing the reference "§ 94.15–5 (b) (5)" to "§ 94.15–10 (b) (5)."

SUBPART 94.20—EQUIPMENT FOR LIFEBOATS AND LIFE RAFTS

5. Table 94.20–10 (a) in § 94.20–10 published October 18, 1952 (17 F. R. 9455), is corrected in line "t" by changing the item in the second column from "matches" to "matches (boxes)."

6. Section 94.20–15 (j) published October 18, 1952 (17 F. R. 9455), is corrected by changing in the second sentence the phrase "three spare batteries" to "three spare cells (or one 3-cell battery)."

7. Section 94.20–15 (hh) published October 18, 1952 (17 F. R. 9456), is corrected in the second sentence by changing the reference "Subparts 160.024 or 160.036" to "Subparts 160.024 and 160.028 or 160.036."

8. Table 94.20–20 (a) in § 94.20–20 published October 18, 1952 (17 F. R. 9457), is corrected in line "(e)" by changing the item identification in the second column from "matches" to "matches (boxes)."

9. Section 94.20–90 (a) (4) published October 18, 1952 (17 F. R. 9457), is corrected by changing the phrase "3½-inch-diameter manila grab lines" to "three ½-inch-diameter manila grab lines."

SUBPART 94.90—SHIP'S DISTRESS SIGNALS

10. Section 94.90–5 published October 18, 1952 (17 F. R. 9461), is corrected by adding a new paragraph (b) reading as follows:

§ 94.90–5 *Vessels in ocean or coastwise service.* • • •

(b) All vessels of 500 gross tons and over on an international voyage, other than yachts and fishing vessels, shall be provided with a daylight signalling lamp as described in Subchapter J (Electrical Engineering) of this chapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 95—FIRE PROTECTION EQUIPMENT

SUBPART 95.60—FIRE AXES

Section 95.60–1 (a) published October 18, 1952 (17 F. R. 9468), is corrected by deleting the period at the end of the first sentence and by adding the phrase "other than motorboats."

PART 97—OPERATIONS

SUBPART 97.05—NOTICE TO MARINERS AND AIDS TO NAVIGATION

1. Section 97.05–1 (a) published October 18, 1952 (17 F. R. 9471), is corrected in the third sentence by changing the phrase "vessels shall" to "vessels other than motorboats shall."

2. Section 97.05–5 (a) published October 18, 1952 (17 F. R. 9471), is corrected by changing the phrase "all vessels shall" to "all vessels other than motorboats shall."

SUBPART 97.10—PERSONS ALLOWED IN PILOTHOUSE AND ON NAVIGATION BRIDGE

3. Section 97.10–10 (a) published October 18, 1952 (17 F. R. 9471), is corrected by changing the phrase "every vessel shall" to "every vessel other than a motorboat shall"; and by adding the following sentence at the end thereof: "On motorboats, only one copy need be posted."

SUBPART 97.15—TESTS, DRILLS, AND INSPECTIONS

4. Section 97.15–1 published October 18, 1952 (17 F. R. 9472) is renumbered "97.15–3" and a new § 97.15–1 is added to Part 97 reading as follows:

§ 97.15–1 *Application.* (a) Except as specifically noted, the provisions of this subpart shall apply to all vessels other than motorboats, and to all motorboats on an international voyage. Motorboats not on an international voyage shall meet the general intent of this subpart insofar as is reasonable and practicable with the exception that the logging of information is not required.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

5. Section 97.15–30 (d) published October 18, 1952 (17 F. R. 9473), is corrected by changing the reference "Form CG 809B" to "Form CG 809."

SUBPART 97.35—LOG BOOK ENTRIES

6. Section 97.35–1 published October 18, 1952 (17 F. R. 9474), is renumbered "97.35–3" and a new § 97.35–1 is added to Part 97 reading as follows:

§ 97.35–1 *Application.* (a) Except as specifically noted, the provisions of this subpart shall apply to all vessels other than motorboats and to all motorboats on an international voyage.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter J—Electrical Engineering

PART 110—GENERAL PROVISIONS

SUBPART 110.05—APPLICATION

1. Section 110.05–1 (a) published October 18, 1952 (17 F. R. 9476), is corrected by changing the reference "Table 110.05–1" to "Table 110.05–1 (a)."

2. Table 110.05–1 in § 110.05–1 published October 18, 1952 (17 F. R. 9477), is renumbered "Table 110.05–1 (a)" and in column 2, third item, the footnote "6" is changed to "4".

SUBPART 110.10—REFERENCE, SPECIFICATIONS, STANDARDS, AND CODES

3. Section 110.10–1 (e) (8) published October 18, 1952 (17 F. R. 9477), is corrected by deleting the phrase "and portable lamps."

4. Section 110.10–1 *General*, paragraph (e), published October 18, 1952 (17 F. R. 9477), is corrected by adding the following new subparagraphs:

(13) Standard for Portable Electric Lamps.

(14) Standard for Wire Connectors and Soldering Lugs.

(15) Standard for Outlet Boxes and Fittings.

(16) Standard for Enclosed Switches.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBPART 110.15—DEFINITION OF TERMS USED IN THIS SUBCHAPTER

5. Section 110.15–145 published October 18, 1952 (17 F. R. 9480), is corrected by changing the reference "Table 110.05–1" to "Table 110.05–1 (a)."

6. Section 110.15–185 (b) (3) published October 18, 1952 (17 F. R. 9481), is corrected by adding at the end thereof this reference: "(ASA C42 20.15.115)".

7. Section 110.15–190 published October 18, 1952 (17 F. R. 9482), is corrected by changing the reference "Table 110.05–1" to "Table 110.05–1 (a)."

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

SUBPART 111.05—GENERAL REQUIREMENTS

8. Section 111.05–5 (b) (1) published October 18, 1952 (17 F. R. 9483), is corrected by changing in the first sentence the phrase "relative location of shipyards, design offices, and Coast Guard officers" to "relative locations of shipyards, design offices, and Coast Guard offices."

9. Section 111.05–5 (d) (8) (i) published October 18, 1952 (17 F. R. 9483), is corrected by changing the word "generator" to "generators."

10. Section 111.05–10 (c) (3) published October 18, 1952 (17 F. R. 9484), is corrected by changing in the second sentence the phrase "and that no damage has been incurred to the cables" to "and that the cables have not been damaged."

11. Section 111.05–10 (c) (11), published October 18, 1952 (17 F. R. 9485), is corrected by changing the headnote to "Grounding" and by changing in the first sentence the phrase "or ground leads" to "or by ground leads."

SUBPART 111.10—GENERATORS AND MOTORS

12. Section 111.10–1 (a) published October 18, 1952 (17 F. R. 9485), is corrected by changing the reference "Table 111.10–1" to "Table 111.10–1 (a)."

13. Table 111.10–1 in § 111.10–1 published October 18, 1952 (17 F. R. 9486), is renumbered "Table 111.10–1 (a)" and in column 2, third item, the footnote "6" is changed to "4".

SUBPART 111.15—SWITCHBOARDS

14. Section 111.15–1 (a) published October 18, 1952 (17 F. R. 9487), is corrected by changing the reference "Table 111.15–1" to "Table 111.15–1 (a)."

15. Table 111.15–1 in § 111.15–1 published October 18, 1952 (17 F. R. 9487), is renumbered "Table 111.15–1 (a)" and in column 2, third item, the footnote "6" is changed to "4".

SUBPART 111.20—MOTOR CONTROLLERS

16. Section 111.20–1 (a) published October 18, 1952 (17 F. R. 9488), is corrected by changing the reference "Table 111.20–1" to "Table 111.20–1 (a)."

17. Table 111.20–1 in § 111.20–1 published October 18, 1952 (17 F. R. 9488), is renumbered "Table 111.20–1 (a)" and in column 2, third item, the footnote "6" is changed to "4".

SUBPART 111.25—WIRING

18. Section 111.25–1 (a) published October 18, 1952 (17 F. R. 9489), is corrected by changing the reference "Table 111.25–1" to "Table 111.25–1 (a)."

19. Table 111.25–1 in § 111.25–1 published October 18, 1952 (17 F. R. 9489), is renumbered "Table 111.25–1 (a)" and in column 2, third item, the footnote "6" is changed to "4".

SUBPART 111.30—LIGHTING FIXTURES AND LAMPS

20. Section 111.30–1 (a) published October 18, 1952 (17 F. R. 9490), is corrected by changing the reference "Table 111.30–1" to "Table 111.30–1 (a)."

21. Table 111.30–1 in § 111.30–1 published October 18, 1952 (17 F. R. 9490), is renumbered "Table 111.30–1 (a)" and in column 2, third item, the footnote "6" is changed to "4".

SUBPART 111.35—ELECTRIC HEATING APPLIANCES

22. Section 111.35–1 (a) published October 18, 1952 (17 F. R. 9491), is corrected by changing the reference "Table 111.35–1" to "Table 111.35–1 (a)."

23. Table 111.35–1 in § 111.35–1 published October 18, 1952 (17 F. R. 9491), is renumbered "Table 111.35–1 (a)" and in column 2, third item, the footnote "6" is changed to "4".

SUBPART 111.40—RADIO INSTALLATIONS

24. Section 111.40–1 (a) published October 18, 1952 (17 F. R. 9492), is corrected by changing the reference "Table 111.40–1" to "Table 111.40–1 (a)."

25. Table 111.40–1 in § 111.40–1 published October 18, 1952 (17 F. R. 9492), is renumbered "Table 111.40–1 (a)" and in column 2, third item, the footnote "6" is changed to "4".

SUBPART 111.45—EMERGENCY LIGHTING AND POWER SYSTEMS

26. Section 111.45–1 (a) published October 18, 1952 (17 F. R. 9493), is corrected by changing the reference "Table 111.45–1" to "Table 111.45–1 (a)."

27. Table 111.45–1 in § 111.45–1 published October 18, 1952 (17 F. R. 9493), is renumbered "Table 111.45–1 (a)" and in column 2, third item, the footnote "6" is changed to "4".

SUBPART 111.50—SPECIAL SYSTEMS

28. Section 111.50–1 (a) published October 18, 1952 (17 F. R. 9494), is corrected by changing the reference "Table 111.50–1" to "Table 111.50–1 (a)."

29. Table 111.50–1 in § 111.50–1 published October 18, 1952 (17 F. R. 9494), is renumbered "Table 111.50–1 (a)" and in column 2, third item, the footnote "6" is changed to "4".

SUBPART 111.55—MISCELLANEOUS

30. Section 111.55–1 (a) published October 18, 1952 (17 F. R. 9495), is corrected by changing the reference "Table 111.55–1" to "Table 111.55–1 (a)."

31. Table 111.55–1 in § 111.55–1 published October 18, 1952 (17 F. R. 9495), is renumbered "Table 111.55–1 (a)" and in column 2, third item, the footnote "6" is changed to "4".

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Dated: December 29, 1952.

[SEAL] JOSEPH H. DANIEL,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 52–13722; Filed, Dec. 30, 1952; 8:48 a. m.]

12. Section 111.05–20 (a), published October 18, 1952 (17 F. R. 9486), is corrected by changing in the first sentence the phrase "for these spaces" to "for these latter spaces."

SUBPART 111.10—GENERATORS

13. Table 111.10–20 (a) (1), published in § 111.10–20 (17 F. R. 9487), is corrected by adding the title after the number reading as follows: "Generator Voltage Regulation."

14. Section 111.10–20, published October 18, 1952 (17 F. R. 9487), is corrected by redesignating the paragraph (b) as subparagraph (a) (3) and by deleting headnote; and by redesignating paragraph (c) as subparagraph (a) (4) and by deleting the headnote.

SUBPART 111.15—STORAGE BATTERIES

15. Section 111.15–15, published October 18, 1952 (17 F. R. 9488), is corrected by changing in the second sentence the word "thick" to "thickness".

SUBPART 111.35—SWITCHBOARDS AND PROPULSION CONTROLS

16. Section 111.35–15 (d) (1), published October 18, 1952 (17 F. R. 9491), is corrected by changing the phrase "a generator disconnect switch or disconnect links which" to "an unfused generator switch or links which".

SUBPART 111.40 — DISTRIBUTION PANEL BOARDS (SWITCHBOARD AND PANEL BOARD TYPES)

17. Section 111.40–1 (d), published October 18, 1952 (17 F. R. 9493), is corrected by deleting the word "general".

18. Section 111.40–1 (f), published October 18, 1952 (17 F. R. 9493), is corrected in the third sentence by changing the word "overload" to "overcurrent".

SUBPART 111.45—MOTOR CIRCUITS AND CONTROLLERS

19. Section 111.45–1 (e) (1), published October 18, 1952 (17 F. R. 9493), is corrected by changing the phrase "open position" to "open circuit position".

20. Table 111.45–5 (j) in § 111.45–5, published October 18, 1952 (17 F. R. 9495), is corrected by adding the following title: "Minimum Number and Location of Motor-Running Protective Devices".

21. Section 111.45–10 (e) (3), published in the FEDERAL REGISTER October 18, 1952 (17 F. R. 9495), is corrected by changing the phrase "where employed" to "when employed".

22. Section 111.45–20 (b), published October 18, 1952 (17 F. R. 9495), is corrected in the first sentence by changing the phrase "to the motor" to "of the motor."

23. Table 111.45–20 (b2) in § 111.45–20, published October 18, 1952 (17 F. R. 9496), is corrected by adding a footnote "2" to heading "Percent of full-load current" and by changing footnote "2" to "3" with heading "Type of motor".

24. Section 111.45–30 (n), published October 18, 1952 (17 F. R. 9498), is corrected in the first sentence by changing the phrase "open position" to "open circuit position."

SUBPART 111.50—DISTRIBUTION AND CIRCUIT LOADS

25. Section 111.50–10 (a), published October 18, 1952 (17 F. R. 9500), is corrected in the last sentence by changing the comma to a period after "practicable" and by deleting the phrase "one of which may be an emergency feeder."

26. Section 111.50–10 (b), published October 18, 1952 (17 F. R. 9500), is corrected at the end thereof by changing the period to a comma and by adding the phrase "one of which may be an emergency feeder."

27. Section 111.50–20 (c) (2), published October 18, 1952 (17 F. R. 9501), is corrected in the first sentence by changing the second word "connecting" to "connected."

SUBPART 111.55—OVERCURRENT PROTECTION

28. Section 111.55–1 (h) (3), published October 18, 1952 (17 F. R. 9502), is corrected in the last sentence by changing the phrase "when they are supplied" to "when supplied."

SUBPART 111.60—WIRING METHODS AND MATERIALS

29. Section 111.60–1 (d) (5), published October 18, 1952 (17 F. R. 9503), is corrected by changing the phrase "may be either" to "shall be either."

30. Section 111.60–1 (d) (6), published October 18, 1952 (17 F. R. 9503), is corrected by changing the phrase "of passengers" to "of passengers or crew."

31. Section 111.60–1 (d) (7), published October 18, 1952 (17 F. R. 9503), is corrected by changing the phrase "of passengers" to "of passengers or crew."

32. Section 111.60–15 (a), published October 18, 1952 (17 F. R. 9505), is corrected by changing the phrase "throughout its length" to "throughout their length" and by changing the phrase "in suitable" to "in a suitable."

33. Section 111.60–15 (c) (3), published October 18, 1952 (17 F. R. 9505), is corrected by deleting the first two words "When used".

34. Table 111.60–15 (e) (4) in § 111.60–15, published October 18, 1952 (17 F. R. 9506), is corrected by adding a title reading as follows: "Terminal Block Spacings".

35. Table 111.60–20 (b) in § 111.60–20, published October 18, 1952 (17 F. R. 9506), is corrected by adding a title reading as follows: "Outlet Box Size".

36. Section 111.60–25 (a) (5), published October 18, 1952 (17 F. R. 9507), is corrected by changing the phrase "Standard for Electric Lighting Fixtures and Portable Lamps" to "Standards for Electric Lighting Fixture and for Portable Lamps."

37. Section 111.60–25 (c) (2), published October 18, 1952 (17 F. R. 9507), is corrected by adding the following at the end thereof: "For the purpose of this section, an ambient temperature of 25 degrees C. will be assumed for passenger and crew quarters, public spaces, cargo spaces, and open deck areas, an ambient temperature of 40 degrees C. will be assumed for auxiliary machinery and work spaces, and an ambient temperature of 50 degrees C. will be assumed for the engine and boiler rooms."

38. Section 111.60–40 (a) (8) (ii), published October 18, 1952 (17 F. R. 9508), is corrected by inserting the phrase "and in" immediately before "carpenter shop."

39. Section 111.60–40 (b) (7), published October 18, 1952 (17 F. R. 9509), is corrected by changing the first sentence to read: "A flexible cord may be used only for connections between a portable lamp or a portable appliance and the fixed portion of its supply circuit and where used shall be of a type approved for extra hard usage; shall contain, in addition to the conductors of the circuit, a grounding conductor; shall be connected to terminals or to supply conductors in an approved manner; shall be supported by clamps or by other suitable means in such a manner that there will be no tension on the terminal connections; and shall be provided with suitable seals where the flexible cord enters boxes, fittings, or enclosures of explosion-proof type."

40. Section 111.60–40 (c) (1) (i), published October 18, 1952 (17 F. R. 9509), is corrected by changing the phrase "and have no openings" to "and shall have no openings."

41. Section 111.60–40 (d) (1), published October 18, 1952 (17 F. R. 9509), is corrected by changing the phrase "and have no openings" to "and shall have no openings."

42. Section 111.60–40 (d) (8) (i), published October 18, 1952 (17 F. R. 9510), is corrected by changing the phrase "and have no openings" to "and shall have no openings."

SUBPART 111.65—SPECIAL REQUIREMENTS FOR CERTAIN LOCATIONS AND SYSTEMS

43. Section 111.65–20 (a), published October 18, 1952 (17 F. R. 9510), is corrected by inserting a period after "dumbwaiters" and by deleting the phrase "and are in addition to the general requirements contained in this subchapter."

44. Section 111.65–35 (d) (4), published October 18, 1952 (17 F. R. 9511), is corrected by changing in the last sentence the phrase "release these several doors simultaneously" to "release simultaneously these several doors."

45. Section 111.65–35 (d) (5), published October 18, 1952 (17 F. R. 9512), is corrected by changing the phrase "from a final" to "from a normal."

46. Section 111.65–45 (c) (1), published October 18, 1952 (17 F. R. 9515), is corrected by deleting at the end of the first sentence the words "having jurisdiction."

SUBPART 111.90—ELECTRICAL EQUIPMENT AND INSTALLATIONS ON VESSELS CONTRACTED FOR PRIOR TO NOVEMBER 19, 1952

47. Section 111.90–1, published October 18, 1952 (17 F. R. 9516), is corrected by deleting at the end thereof the words "having jurisdiction."

48. Section 111.90–5, published October 18, 1952 (17 F. R. 9516), is corrected in the first sentence by changing the phrase "original installation, in" to "original installation, as described in."

PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

SUBPART 112.05—GENERAL REQUIREMENTS

1. Table 112.05–1 (a) in section 112.05–1 published October 18, 1952 (17 F. R. 9517), is corrected as follows:

a. In column 1 under "passenger vessels" the phrase "Other than Ocean and Coastwise, over 15 g. t. but less than 1,600 g. t." is changed to "Other than Ocean and Coastwise, over 15 g. t."

b. In column 2 the first and second sentences shall be combined into one sentence and the period after "temporary source" changed to a comma and the word "and" inserted.

2. Section 112.05–5 (b) published October 18, 1952 (17 F. R. 9517), is corrected by changing the phrase "source supply" to "source of supply."

SUBPART 112.15—EMERGENCY LOADS

3. Section 112.15–1 (e) published October 18, 1952 (17 F. R. 9517), is corrected by changing the phrase "except machinery spaces, stores and" to "except machinery spaces, and except stores and", and by changing the phrase "zone bulkheads and" to "zone bulkheads closed and".

4. Section 112.15–5 (a) published October 18, 1952 (17 F. R. 9517), is corrected in the first sentence by inserting a period after the word "source" and by deleting the words "for the following".

SUBPART 112.50—EMERGENCY DIESEL-ENGINE-DRIVEN GENERATOR SETS

5. Section 112.50–1 (a) published October 18, 1952 (17 F. R. 9518), is corrected by changing in the fourth sentence the phrase "½-minute of cranking" to "½-minute of cranking at a speed of not less than that specified by the engine manufacturer" and by changing the last two words in the same sentence from "normal voltage" to "nominal voltage".

SUBPART 112.55—STORAGE BATTERY INSTALLATION

6. Section 112.55–1 (a) published October 18, 1952 (17 F. R. 9519), is corrected by deleting from the end of the second sentence the phrase "and a specific gravity of the electrolyte when fully charged of 1.270 to 1.285, both inclusive, at 25 degrees C. may be used for engine cranking batteries," and the following sentence is added: "The fully charged specific gravity of the electrolyte of engine cranking batteries shall not exceed 1.260 at 25 degrees C. for high watering space type batteries, or 1.285 at 25 degrees C. for normal watering space type batteries."

7. Section 112.55–15 (a) published October 18, 1952 (17 F. R. 9519), is corrected by changing the reference "Table 112.05" to "Table 112.05–1 (a)", by changing the last word of the first sentence from "normal" to "nominal", by changing the phrase "normal potential" to "nominal potential" twice in the second sentence.

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

SUBPART 113.30—SOUND POWERED TELEPHONY AND VOICE TUBE SYSTEMS

1. Section 113.30–5 (e) published October 18, 1952 (17 F. R. 9523), is corrected by changing the first sentence to read as follows: "Communication to radio and radio direction-finder shall comply with the requirements of this paragraph. The term 'radio installation' shall be construed to mean either the radiotelegraph installation or, where only a radiotelephone is installed, the radiotelephone installation."

2. Section 113.30–5 (e) (2) published October 18, 1952 (17 F. R. 9523), is corrected by changing the phrase "navigating bridge" to "wheelhouse."

3. Section 113.30–5 (e) (2) (i) published October 18, 1952 (17 F. R. 9523), is corrected by changing the phrase "navigating bridge structure" to "wheelhouse" and by changing the phrase "on the bridge" to "in the wheelhouse."

4. Section 113.30–90 (b) published October 18, 1952 (17 F. R. 9524), is corrected by inserting at the beginning thereof the phrase "Except as otherwise required by paragraph (d) of this section."

5. Section 113.30–90 published October 18, 1952 (17 F. R. 9524), is corrected further by adding a new paragraph (d) reading as follows:

§ 113.30–90 *Sound powered telephone and voice tube systems for existing vessels.* * * *

(d) The communication between the radio room and the wheelhouse on vessels contracted for prior to November 19, 1952, shall meet the requirements of § 113.30–5 (e) on or before November 18, 1954.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

SUBPART 113.35—ENGINE ORDER TELEGRAPH SYSTEMS

6. Section 113.35–45 (e) published October 18, 1952 (17 F. R. 9525), is corrected by redesignating subdivision (2) (i) to subparagraph (3).

Subchapter M—Bulk Grain Cargoes

PART 144—LOADING AND STOWAGE OF GRAIN CARGOES

SUBPART 144.10—GENERAL REQUIREMENTS

1. Section 144.10–40 (e) published October 18, 1952 (17 F. R. 9530), is corrected in the first sentence by changing the reference "§ 170.10–30 (b)" to "§ 144.10–30 (b)" and in the second sentence by changing the reference "§ 170.10–60" to "§ 144.10–60."

2. Figure 144.10–4 (f) (1) in § 144.10–40 (f) published October 18, 1952 (17 F. R. 9530), is redesignated "Figure 144.10–40 (f) (1)."

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

SUBPART—DETAILED REGULATIONS GOVERNING EXPLOSIVES

1. Section 146.20–7 (e) published July 17, 1952 (17 F. R. 6465), is corrected in the first sentence by changing the word "blasing" to "blasting".

2. The table entitled "Stowage and Storage Chart of Explosives and Other Dangerous Articles" in § 146.20–90 is corrected in the heading for column 4, both horizontally and vertically, by changing the word "fuze" to "fuse", and the heading for column 15, both horizontally and vertically, is changed to read: "Cordeau detonant fuse, safety squibs, fuse lighters, fuse igniters, delay electric igniters, electric squibs, instantaneous fuse or igniter cord."

3. Table A—Classification: Class A; dangerous explosives in § 146.20–100 published July 17, 1952 (17 F. R. 6479), is corrected in column 1 by changing the item "Detonating fuses" to "Detonating fuzes."

4. Table B—Classification: Class B; less dangerous explosives in § 146.20–200 published July 17, 1952 (17 F. R. 6484), is corrected in column 1 by changing the item "Fireworks, specia (specia fireworks)" to "Fireworks, special (special fireworks)."

SUBPART—DETAILED REGULATIONS GOVERNING COMPRESSED GASES

5. The headnote for § 146.24–55 published July 17, 1952 (17 F. R. 6494), is changed to read: "Stowage of compressed gases and other dangerous articles."

6. Section 146.24–80 (a) published July 17, 1952 (17 F. R. 6495), is corrected to agree with previous amendment published January 11, 1950, and shall read as follows:

§ 146.24–80 *Liquid chlorine in bulk.* (a) Liquid chlorine may be transported in bulk on barges when loaded in Class I arc-welded steel tanks (pressure vessel type), which are independent of the structure of the vessel.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended, 46 U. S. C. 375, 416, 170)

7. Table G—Classification: Compressed gases in § 146.24–100 published July 17, 1952 (17 F. R. 6505), is corrected in the fifth column opposite "Liquefied petroleum gas (pressure not exceeding 75 lb. per sq. in. at 105° F.)" by changing the phrase under stowage "(With washed heads)" to "(With dished heads)."

SUBPART—DETAILED REGULATIONS GOVERNING POISONOUS ARTICLES

8. Section 146.25–45 (f) published July 17, 1952 (17 F. R. 6511), is corrected in the second sentence by changing the

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phrase "hard gamma rays or radium of filtered" to "hard gamma rays of radium filtered".

9. Table H—Classification: Class B; less dangerous poisons in § 146.25–200 published July 17, 1952 (17 F. R. 6517, 6529, 6539), is corrected in the fifth column, after stowage, opposite "Ammonium arsenate, solid" by changing one of the phrases "On deck under cover" to "On deck in open"; in the seventh column after outside containers, opposite "Drugs, chemicals, medicines or cosmetics, N. O. S. (solid)" by changing the phrase "Steel drums or drums" to "Steel barrels or drums"; and in the seventh column opposite "Phenyldichlorasine, liquid" by changing the word "permitted" to "Not permitted."

Additional authority. The President by Executive Order 10402 published in the FEDERAL REGISTER dated November 4, 1952 (17 F. R. 9917), assigned to the Department of the Treasury (Coast Guard) certain responsibilities relating to the enforcement of the Convention for Safety of Life at Sea, 1948, and directed, in relation to the fulfillment of the obligations undertaken by the Government of the United States of America under this Convention, the performance of those functions and duties prescribed in this Convention which appertain to the functions and duties which are now directed or authorized by law to be performed by the Department of the Treasury (Coast Guard). Therefore, under the authority for the regulations in 46 CFR Parts 1, 2, 3, 30 to 39, inclusive, 50 to 61, inclusive, 66 to 78, inclusive, 90 to 97, inclusive, 110 to 113, inclusive, 144, 146, 147, 157, 160 to 164, inclusive, 167, and 168, there shall be added as "Interpreted or applied E. O. 10402, 17 F. R. 9917."

(R. S. 4405, 4462, as amended; 46 U. S. C. 375, 416)

Dated: December 24, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 52-13736; Filed, Dec. 30, 1952; 8:56 a. m.]

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 52-58]

PART 12—CERTIFICATION OF SEAMEN

ENDORSEMENTS PLACED ON SEAMEN'S DOCUMENTS UNDER WARTIME REGULATIONS

The President by Proclamation 2974, dated April 28, 1952, and published in the FEDERAL REGISTER April 30, 1952, declared that the existence of an Unlimited National Emergency proclaimed May 27, 1941, by Proclamation 2487 was terminated since the declaration by Congress of the existence of a state of war between the United States of America and Japan, which was the last of the states of war declared by Congress between the United States of America and Japan, Germany, Italy, Hungary, Rumania, and Bulgaria, was terminated by the coming into force on April 28, 1952, of the Treaty of Peace with Japan signed at San Francisco September 8, 1951. During World War II certain certificates or documents issued to seamen as "Able Seaman" or "Qualified Member of the Engine Department" were endorsed "Unless sooner invalidated this certificate shall expire six months after the termination of the war." In order to obtain a certificate with this restrictive endorsement, it was necessary for the applicant to meet all the present requirements for the rating of "Able Seaman" or "Qualified Member of the Engine Department" with exception of sea service, which had been reduced. In most instances these seamen now have the required service to obtain a document without this restrictive endorsement. It is urged that seamen holding documents bearing this restrictive endorsement apply for documents without this restrictive endorsement as soon as possible.

In order that the operation of vessels engaged in activities essential to our national defense will not be delayed, as well as to afford an opportunity for seamen presently holding certificates or documents bearing this restrictive endorsement to exchange them for documents without such restrictive endorsement, amendments to 46 CFR 12.05–13 and 12.15–13 extend the period of validity of such documents or certificates until July 1, 1953. The purpose for the amendments to 46 CFR 12.05–13 and 12.15–13 is to provide qualified seamen for the manning of merchant vessels which are necessary in our national defense. It is hereby found that compliance with a notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and an Order of the Acting Secretary of the Treasury dated January 23, 1951, identified as CGFR 52–1 (16 F. R. 731), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed and shall be effective from October 28, 1952:

SUBPART 12.05—ABLE SEAMEN

Section 12.05–13 is amended to read as follows:

§ 12.05–13 *Certification of able seamen under wartime regulations.* (a) Any person who has been certified as able seaman under wartime regulations and whose certificate or document is endorsed "Unless sooner invalidated this certificate shall expire six months after the termination of the war" shall be permitted to be employed in the capacities indicated on his certificate or document until such certificate or document is revoked or suspended or until July 1, 1953. A seaman who can produce documentary evidence of sufficient service to comply with the peacetime sea service requirements may be issued a merchant mariner's document on which the restrictive endorsement is omitted: *Provided*, That he surrenders for cancellation the original certificate or merchant mariner's document bearing the restrictive endorsement and that he is qualified in all other respects.

(b) Any able seaman holding a certificate or document endorsed "Unless sooner invalidated this certificate shall expire six months after the termination of the war" may not be engaged in the capacities indicated on his certificate or document on or after July 1, 1953, except that he may be continued in employment necessary for completion of the voyage which commenced prior to that date.

SUBPART 12.15—QUALIFIED MEMBER OF THE ENGINE DEPARTMENT

Section 12.15–13 is amended to read as follows:

§ 12.15–13 *Certification of qualified members of the engine department under wartime regulations.* (a) Any person who has been certified as a qualified member of the engine department under wartime regulations and whose certificate or document is endorsed "Unless sooner invalidated this certificate shall expire six months after the termination of the war" shall be permitted to be employed in the capacities indicated on his certificate or document until such certificate or document is revoked or suspended or until July 1, 1953. A seaman who can produce documentary evidence of sufficient sea service to comply with the peacetime sea service requirements may be issued a merchant mariner's document on which the restrictive endorsement is omitted: *Provided*, That he surrenders for cancellation the original certificate or merchant mariner's document bearing the restrictive endorsement and that he is qualified in all other respects.

(b) Any qualified member of the engine department holding a certificate or document endorsed "Unless sooner invalidated this certificate shall expire six months after the termination of the war" may not be engaged in the capacities indicated on his certificate or document on or after July 1, 1953, except that he may be continued in employment necessary for completion of the voyage which commenced prior to that date.

(Sec. 13, 38 Stat. 1169, as amended, sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 672, 689. Interpret or apply secs. 1, 2, 64 Stat. 1120; 46 U. S. C., note preceding sec. 1)

Dated: December 23, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard.
Commandant.

[F. R. Doc. 52-13735; Filed, Dec. 30, 1952; 8:56 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

OWNERSHIP REPORTS, BROADCAST LICENSEES AND PERMITTEES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of December 1952;

The Commission having before it for consideration its rules and regulations relating to FCC Forms 303, 314, 315, 323 and 323A; and

It appearing, that FCC Form 323 (Annual Ownership Report) has not been revised since January 1946 and that FCC Form 323A (Interim Ownership Report) has not been revised since 1945 and that a revision and consolidation of these forms is desirable at this time; and

It further appearing, that the issuance of a revised Form 323 as contemplated herein necessitates certain minor editorial changes in the Commission's rules and regulations and certain minor editorial changes in FCC Forms 303,[1] 314[1] and 315[1] to reflect the use of the revised Form 323;[1] and

It further appearing, that the proposed changes relate to practice and procedure; and that the provisions of section 4 of the Administrative Procedure Act with respect to notice of proposed rule making are inapplicable; and

It further appearing, that the amendments adopted herein are issued pursuant to the authority contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective February 1, 1953, FCC Form 323 "Ownership Report of Broadcast Stations" is revised and readopted in the form attached hereto;[1] and

It is further ordered, That, effective February 1, 1953, FCC Form 323A is deleted; and

It is further ordered, That the above revised form may be used immediately upon its availability at Commission offices; and

It is further ordered, That effective February 1, 1953, Part 1 of the Commission's rules and regulations are amended as set forth below.

Released: December 17, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Part 1 of the rules is amended as follows:

1. Delete the following from the table showing forms currently in effect:

323A ..... 1.343 (b)

and insert in lieu thereof the following:

323 ..... 1.343 (b)

2. Section 1.343 is amended in part to read as follows:

§ 1.343 *Ownership reports, broadcast licensees and permittees.* (a) The licensee or permittee of each broadcast station (Standard, FM, television and international) shall file on or before April 1 of each year an Ownership Report (FCC Form 323) giving the following information as of December 31 of the preceding calendar year:

* * * * *

(4) In the case of all licensees or permittees (i) a list of all contracts still in effect required to be filed with the Commission by § 1.342 showing the date of execution and expiration of each contract; (ii) any interest which the licensee or permittee may have in any other broadcast station.

(b) A supplemental Ownership Report (FCC Form 323) shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the Ownership Report (the application or construction permit in the case of a permittee who has not filed an ownership report) from that previously reported. Such report shall include without limitation:

* * * * *

(2) Any change in officers and directors.

* * * * *

(4) Any change in the officers, directors, or stockholders of a corporation other than the licensee or permittee such as X, Y, or Z corporation described in the example above: *Provided, however*, That in the case of a change in the officers, directors, or stockholders of a corporation other than the licensee or permittee (such as X, Y, or Z corporation described in the example above), such change need not be reported in the supplemental report unless that corporation directly or indirectly owns 25 percent or more of the voting stock in the licensee or permittee.[2]

* * * * *

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 52-13740; Filed, Dec. 30, 1952; 8:59 a. m.]

[Docket No. 10331]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Correction

In F. R. Doc. 52–13393, appearing at page 11650 of the issue for Saturday, December 20, 1952, the following changes should be made in § 3.606 (b) *Table of assignments:*

1. Under "Arkansas", "Russellville" should read "Russellville".

2. The heading "Maine" should be inserted immediately below "Winnfield", under "Louisiana", so that it heads the names of cities beginning with "Auburn" and ending with "Waterville".

3. Under "North Carolina", the figures "3, 9+, 36+, 42+" opposite "Charlotte", should read "3, 9+, 36+, *42+".

[Docket No. 10068]

PART 16—LAND TRANSPORTATION RADIO SERVICES

NOTICE OF ERRATA

The notice of errata in the above-entitled proceeding, released October 7, 1952; published in the FEDERAL REGISTER October 15, 1952 at page 9143 should be corrected as follows:

In item 4 delete reference to § 16.56 (g) (1) and insert in lieu thereof reference to § 16.56 (g) (2).

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13739; Filed, Dec. 30, 1952; 8:57 a. m.]

[1] Filed as part of the original document.

[2] No change from present text.

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 61]

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATIONS RULES

FLIGHT TIME AND DUTY TIME LIMITATIONS

Notice is hereby given that the Civil Aeronautics Board will hear oral argument on February 26, 1953, at 10:00 a.m. standard time, in Room 5042, Department of Commerce Building, Washington, D. C.

By notice dated July 25, 1952, and published in the FEDERAL REGISTER on July 30, 1952 (17 F. R. 6971), the Board gave notice that it has under consideration the adoption of a revision of Part 40 of the Civil Air Regulations. On August 26, 1952, the Board circulated Draft Release No. 52–25 and published as a notice a proposed rule making in the FEDERAL REGISTER on August 30, 1952 (17 F. R. 7949) a proposal for the establishment of daily flight time limitations for domestic long-distance nonstop operations. Reference is made to the notice dated July 25, 1952, and Draft Release No. 52–25 for a full explanation of the purpose and background of the proposed rules. Copies of said notice and draft release may be obtained from the Director, Bureau of Safety Regulation, Civil Aeronautics Board, Washington 25, D. C.

Comment received in response to the notice dated July 25, 1952, and Draft Release No. 52–25 indicated substantial disagreement with certain of the flight time limitations proposed therein and, in addition, requested the establishment of weekly flight time and daily duty time limitations. Due to the controversial nature of some of these proposals, the Board considers it advisable that the problems associated therewith be treated separately from the general proposed revision of Part 40. The Board having received requests for opportunity to present oral argument concerning certain of the flight time limitation problems

and it appearing desirable that such argument be heard, the Board desires to hear oral argument with respect to the matters described herein for the purpose of permitting interested persons to participate in the formulation of rules concerning whether, and under what circumstances and conditions, it is reasonable and will promote safety of flight in air commerce to promulgate rules concerning the following:

Monthly flight time limitations. It has been requested that the Board amend the monthly flight time limitations for pilots engaged in scheduled interstate air transportation by amending § 61.117 (d) of Part 61 (section 40.140 of the proposed revision of Part 40) to provide a maximum of 85 hours of flying in lieu of the present maximum of 100 hours per month. The reason presented for this requested change is to bring the present flight time limitations into conformity with the maximum flying hours contained in National Labor Board decision number 83 which is incorporated by reference in section 401 (1) of the Civil Aeronautics Act of 1938, as amended. The primary issues to be considered with regard to this proposed change are as follows:

(1) Do the maximum hour provisions incorporated by section 401 (1) of the Civil Aeronautics Act constitute a limitation which must be conformed to by the Board in prescribing reasonable rules and regulations governing the maximum hours or periods of service of airmen of air carriers under section 601 (a) (5) of

given at least 8 hours free of all duty, if adequate rest facilities are provided at the airport; or 10 hours free of all duty, if adequate rest facilities are not provided at the airport.

In view of the fact that duty time limitations are provided in the regulations for dispatchers and for irregular air carrier pilots, it is considered that the same safety factors are also applicable to scheduled air carrier flight crew members.

Interested persons have also indicated that such a duty time limitation should provide a maximum of 12 hours of actual duty time instead of 16 hours of scheduled duty time. It also appears that it may be desirable to consider deadhead time as duty time unless adequate rest facilities are provided aboard the aircraft.

The issues to be considered are as follows:

(1) Are daily duty time limitations desirable for flight crew members in scheduled air carrier operations?

(2) If so, what maximum hours of on-duty time should be permitted during a 24-hour period, and should such duty time limitations be provided on the basis of hours scheduled or hours actually on duty?

(3) Should deadhead time be considered duty time?

(4) If deadhead time is considered duty time, should account be taken of adequate rest facilities provided aboard aircraft?

Daily flight time limitations for long-distance nonstop operations. Presently

The primary issues to be considered are as follows:

(1) Should the daily flight time limitations for all flight crew members on domestic long-distance nonstop operations be increased from 8 hours and, if so, to what extent?

(2) If the daily flight time limitations are increased to a time greater than 8 hours for long-distance nonstop operations, should flight deck duty time limitations be established?

(3) If so, what should be the magnitude of such flight deck duty time limitations?

(4) Should flight deck duty time limitations be equally applicable to pilots and other flight crew members?

Interested persons desiring to present views and arguments pertaining to the proposed rules are requested to inform the Director, Bureau of Safety Regulation, Civil Aeronautics Board, Washington 25, D. C., on or before January 26, 1953. In order that all interested persons may have the opportunity to ascertain the arguments to be presented to the Board and thereby present views which differ from those proposed to be presented by other interested persons, it is requested that communications in response to this notice specify those matters described herein concerning which the respondent desires to present oral argument and the nature of the argument to be presented. If comment received in response to this notice indicates that substantial agreement exists with regard to any one of the matters presented herein, it is contemplated that

30, 1952 (17 F. R. 6971), the Board gave notice that it has under consideration the adoption of a revision of Part 40 of the Civil Air Regulations. Reference is made to said notice for a full explanation of the purpose and background of the proposed rules. In the subject notice, the Board indicated that while it would not preclude comment on matters which were contained in the earlier published drafts on the proposed revision of Part 40, it did not seek nor desire to receive written comment which was simply repetitious of matters already fully considered. In addition, the Board indicated that if any interested person desired to present oral argument to the Board on any point raised in written comment, the particular point or points on which oral argument was desired should be specified.

As a result of comment received in response to the July 25, 1952 notice, the Board issued a supplemental notice of proposed rule making and oral argument which was published in the FEDERAL REGISTER on December 6, 1952 (17 F. R. 11124) and circulated as Draft Release No. 52–33. This notice set down certain, but not all, of the requested issues for oral argument on January 8, 1953. Subsequent to the publication of such notice the Board has received requests for permission to submit additional written comment on those issues concerning which oral argument was requested but which were not set down to be heard by the Board.

In view of the foregoing, written comment on such issues submitted prior to January 8, 1953, will be considered by the Board before taking final action on the proposed revision of Part 40. Comment should be submitted in duplicate addressed to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated: December 22, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-13682; Filed, Dec. 30, 1952; 8:46 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 120]

ORGANIZATION

MISCELLANEOUS AMENDMENTS

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedures Act (5 U. S. C. 1002; 60 Stat. 238), and pursuant to authority vested in the Secretary of State by sections 3 and 4 of the act of May 26, 1949 (63 Stat. 111; 5 U. S. C. 151c, 22 U. S. C. 811a), I hereby amend Public Notice 34 as

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region VII, Redelegation of Authority No. 50]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 14 OF SR 87 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Authority 7, Revised (16 F. R. 10752, 17 F. R. 7062), and Delegation of Authority 76, Revised (17 F. R. 8997, 17 F. R. 11252), this revised redelegation of authority is hereby issued.

1. *Authority to act under sections 6 and 7 of the GCPR.* Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization in Alaska, Hawaii, Puerto Rico, and the Virgin Islands:

(a) To act under sections 6 and 7 of the GCPR, in respect to all matters referred to therein pertaining to appli-

the Civil Aeronautics Act of 1938, as amended?

(2) If it is determined that section 401 (1) of the Civil Aeronautics Act is a limitation upon the power of the Board under section 601 (a) (5) of the act, does section 401 (1) provide a maximum of 85 hours of flying in interstate air transportation or does it provide a maximum of 85 hours of all types of flying (i. e., include ferry flights, training flights, test flights, etc.) by pilots and copilots who are engaged in interstate air transportation?

Weekly flight time limitations. The Board has been requested to amend § 61.117 (c) of Part 61 (§ 40.140 of the proposed revision of Part 40) to provide that a pilot in scheduled air transportation shall not fly in excess of 32 hours during any 7 consecutive days. At present § 61.117 (c) specifies a maximum of 30 hours during any 7 consecutive days. The reason for the proposed change from 30 to 32 hours is the difficulty in complying with the 30-hour provision in certain transcontinental operations. The primary issues to be considered concerning this proposal are the necessity for such a limitation in scheduled air carrier operation and the desirability of the proposed increase in maximum hours from 30 to 32 hours.

Daily duty time limitations. It has been proposed that the Board add a new provision to the scheduled air carrier flight time limitations which will limit the scheduled duty time of flight crew members to 16 hours in any 24-hour period. Also, if over 16 hours of actual on-duty time transpires during any such period, the flight crew member shall be effective daily flight time limitations prevent the scheduling of flight crew members on domestic scheduled air carrier operations which will exceed 8 hours' duration. These flight time limitations at present preclude the inauguration of nonstop transcontinental operations because such flight would be of greater than 8 hours' duration. Since it appears that nonstop transcontinental service may be in the public interest, it was proposed in Draft Release No. 52–25, dated August 26, 1952, that the present daily flight time limitations be increased from 8 to 12 hours for long-distance scheduled nonstop operations. In recognition of the safety factors upon which the present flight time limitations are predicated, it also was proposed that flight deck duty time limitations be considered for the purpose of limiting the length of time which flight crew members could be assigned to flight deck duty in such operations. Comments received as a result of publication of Draft Release No. 52–25 were not responsive to the question of whether the existence of flight deck duty time limitations applicable to flight crew members would render acceptable the increase of daily flight time limitations. The proposed change would permit long-distance nonstop operations by increasing the allowable time which flight crew members may be assigned aloft, but also limit the time which such flight crew members could be assigned to flight deck duty. In this matter, long-distance nonstop operations would be permissible through the use of additional crew members when the flight would normally exceed 8 hours.

such matter will not be scheduled for oral argument. Copies of communications received in response to this notice will be available after February 2, 1953, for examination by interested persons at the Docket Section of the Board Room 5412, Department of Commerce Building, Washington, D. C. As soon as practicable, notice will be given to interested persons with regard to those matters concerning which oral argument will be heard and the allocation of time for presentation of argument.

Interested persons may also participate in the proposed rule making through the submission of written data, views, and arguments pertaining thereto. Such presentation may be in lieu of, or in addition to, matter presented orally.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated: December 23, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-13689; Filed, Dec. 30, 1952; 8:48 a. m.]

[14 CFR Parts 40, 61]

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

By notice dated July 25, 1952 and published in the FEDERAL REGISTER on July

amended by paragraph (d) of Public Notice 108 (15 F. R. 1461; 17 F. R. 6284), as follows:

(a) The Office of Security and Consular Affairs and its component divisions are hereby abolished and in lieu thereof there is hereby established under jurisdiction of the Deputy Under Secretary of State for Administration a Bureau of Security and Consular Affairs, to be headed by a Director, and the following component offices thereof, each of which is to be headed by a director:

(1) Passport Office;
(2) Visa Office;
(3) Office of Protective Services;
(4) Office of Security;
(5) Office of Munitions Control.

(b) All functions and responsibilities formerly vested in, and all personnel and property formerly allocated to, the Office of Security and Consular Affairs, the Passport Division, the Visa Division, the Division of Protective Services, the Division of Protective Services, the Division of Security, and the Munitions Division, are hereby transferred to the Bureau of Security and Consular Affairs, the Passport Office, the Visa Office, the Office of Protective Services, the Office of Security, and the Office of Munitions Control, respectively.

Issued: December 22, 1952.

For the Secretary of State.

CARLISLE H. HUMELSINE, *Deputy Under Secretary of State for Administration.*

[F. R. Doc. 52-13731; Filed, Dec. 30, 1952; 8:55 a. m.]

Price Stabilization, No. VII, pursuant to Delegation of Authority No. 85 (17 F. R. 10748), this Redelegation of Authority No. 50 is hereby issued.

1. *Authority to act under section 14 of SR 87 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Indianapolis, Indiana, and Milwaukee, Wisconsin, to process, in the respects indicated herein, applications for percentage markups filed under section 14 of SR 87 to the GCPR.

(a) To approve, disapprove, or revise downward proposed percentage markups.

(b) To request additional information with respect to proposed percentage markups.

This Redelegation of Authority No. 50 shall take effect on December 24, 1952.

B. EMMET HARTNETT, *Director of Regional Office No. VII.*

DECEMBER 23, 1952.

[F. R. Doc. 52-13659; Filed, Dec. 23, 1952; 4:19 p. m.]

[Region XIV, Redelegation of Authority 20, Revision 1]

TERRITORIAL DIRECTORS

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6 AND 7 OF THE GCPR

By virtue of the authority vested in me as Director of Region XIV, Office of Price Stabilization, pursuant to Delegation of

cations and reports submitted by manufacturers, wholesalers, retailers, and suppliers of services except as follows:

(1) Firms which expect to sell a substantial amount of the commodities covered by their report or application to persons located outside the territory or possession of the United States in which their principal place of business is located, or

(2) Manufacturers whose total gross sales of manufactured commodities amounted to $1,000,000 or more for their last complete fiscal year, or a new manufacturer whose total gross sales of manufactured commodities are expected to reach $1,000,000 or more for their first complete fiscal year;

(3) Firms who make a report or application for a group of retail sellers which have uniform ceiling prices in accordance with the provisions of section 12 of the GCPR.

(b) To act on any application or report under sections 6 and 7 of the GCPR, as amended, specifically referred for action by the Regional Office.

2. *Authority to act under section 8 of the GCPR.* Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization in Alaska, Hawaii, Puerto Rico, and the Virgin Islands:

(a) To act under section 8 of the GCPR, to disapprove or revise ceiling prices reported or proposed under the GCPR so as to bring them into line with the level of ceiling prices otherwise established by the GCPR.

This Revision 1 of Redelegation of Authority 20 shall take effect on December 24, 1952.

EDWARD J. FRIEDLANDER, *Regional Director.*

DECEMBER 23, 1952.

[F. R. Doc. 52-13662; Filed, Dec. 23, 1952; 4:20 p. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Commissioner's Order No. 19]

REGIONAL DIRECTORS, DISTRICT MANAGERS, AND PROJECT HEADS

REDELEGATIONS OF AUTHORITY WITH RESPECT TO EXECUTION OF CONTRACTS FOR MINOR CONSTRUCTION AND IMPROVEMENT WORK

DECEMBER 2, 1952.

Regional Directors, District Managers, and project heads of the Bureau of Reclamation may:

(a) Execute contracts with water users or water user organizations for the performance of minor construction and improvement work within the boundaries of Federal Reclamation and Water Conservation and Utilization projects, provided:

(1) That the amount of the estimated cost of the work to be covered by the contract shall not exceed $2,000.

(2) That the contracts shall be substantially in the form prescribed by the Commissioner. Minor deviations in the form may be approved by the Regional Directors.

(3) That the charges provided for in such contracts shall be fixed by the officer executing the contract in behalf of the Government on the basis of returning to the Government the actual cost of performing the work.

(4) That funds in the amount of the estimated cost of the work shall be advanced in full and any work costing in excess of such estimate shall also be paid for in advance.

(Order No. 2017, 10 F. R. 258; Order No. 2018, 10 F. R. 259)

MICHAEL W. STRAUS, *Commissioner of Reclamation.*

Approved: December 12, 1952.

VERNON D. NORTHROP, *Under Secretary of the Interior.*

[F. R. Doc. 52-13685; Filed, Dec. 30, 1952; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 595, 596, 7179, 7180, 9893, 9902, 9903, 9918, 9919, 10056, 10202]

EASTON PUBLISHING CO. ET AL.

NOTICE OF ORAL ARGUMENT; CORRECTED

Beginning at 10:00 o'clock a. m. on Tuesday, February 24, 1953, the Commission will hear oral argument in room 6121, on the following matters in the order indicated:

ARGUMENT No. 1

Docket No.: 7179 B2-P-4212	New	Easton Publishing Co., Easton, Pa.	C. P.	1230 kc 250 w night, 250 w day unlimited.
7180 B2-P-4374	New	Allentown Broadcasting Corp., Allentown, Pa.	C. P.	1230 kc 250 w night, 250 w day unlimited.

ARGUMENT No. 2

Docket No.: 9918 BR-2932	KTXC	Big State Broadcasting Co., Big Spring, Tex.	Renewal of license.	
9919	KFST	Revocation of construction permit of Station KFST, Fort Stockton, Tex.		

ARGUMENT No. 3

Docket No.: 9893 BP-7709	KWBR	S. W. Warner and E. N. Warner, doing business as Warner Brothers, Oakland, Calif.	C. P. to increase the daytime power and install a new transmitter.	1310 kc 1 kw night, 5 kw day unlimited.

ARGUMENT No. 4

Docket No.: 10056 C4-M1–51 595 and 596		Mackay Radio & Telegraph Co., Inc., and all American Cables & Radio, Inc.	Mod. of licenses to delete certain conditional provisions relating to communication between New York, N. Y., and San Juan, P. R.	

ARGUMENT No. 5

Docket No.: 10202 BR-2524	WELS	Farmers Broadcasting Service, Inc., Kinston, N. C.	Renewal of license.	1010 kc 1 kw day, daytime.

ARGUMENT No. 6

Docket No.: 9902 BP-7742	New	Greater New Castle Broadcasting Corp., New Castle, Pa.	C. P.	1460 kc 1 kw day, daytime.
9903 BP-7942	New	Sanford A. Schaftz, Farrell, Pa.	C. P.	1470 kc 500 w day, daytime.

Dated: December 15, 1952.

FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[SEAL]

[F. R. Doc. 52-13744; Filed, Dec. 30, 1952; 8:58 a. m.]

[Docket Nos. 8001, 8602, 8685, 8830, 9130, 9222, 9442, 9755, 9756, 9811, 9812, 9813]

ARK-VALLEY BROADCASTING CO., INC., ET AL.

NOTICE OF ORAL ARGUMENT; CORRECTED

Beginning at 10:00 o'clock a. m. on Monday, January 12, 1953, the Commission will hear oral argument in room 6121, on the following matters in the order indicated:

ARGUMENT No. 1

Docket No.: 9811 BP-7704	KGAR	Ark-Valley Broadcasting Co., Inc., Garden City, Kans.	C. P. to change frequency.	920 kc 500 w DA-N night, 1 kw day unlimited.
9812 BP-7783	KLMR	The Southeast Colorado Broadcasting Co., Lamar, Colo.	C. P. to change frequency, increase power, etc.	920 kc 500 w DA night, 1 kw day unlimited.
9813 BP-7805	KFNF	Capital Broadcasting Co., Lincoln, Nebr.	C. P. to change transmitter, etc.	920 kc 500 w night, 1 kw day unlimited.

ARGUMENT No. 2

Docket No.: 8602 BP-6734	New	Delta Broadcasters, Inc., Thibodaux, La.	C. P.	630 kc 500 w day, daytime.
9442 BP-7282	KCIL	Charles Wilbur Lamar, Jr., Houma, La.	C. P. to change frequency, increase power, etc.	630 kc 1 kw night, 1 kw day DA-2 unlimited.

[Docket Nos. 9349, 9814, 9937, 9949, 9951]

CITY BROADCASTING CO. ET AL.

NOTICE OF ORAL ARGUMENT; REVISED

Beginning at 10:00 o'clock a. m. on Monday, December 22, 1952, the Commission will hear oral argument in room 6121, on the following matters in the order indicated:

ARGUMENT No. 1

Docket No.: 9910 BP-7919	New	City Broadcasting Corp., Waukegan, Ill.	C. P.	1340 kc 250 w night, 250 w day unlimited.
9911 BP-7990	WHOB	The Gardner Broadcasting Co., Gardner, Mass.	C. P. to change frequency.	1340 kc 250 w night, 250 w day unlimited.

ARGUMENT No. 2

Docket No.: 9931 BP-7887	New	Hirsch Communication Engineering Corp., Sparta, Ill.	C. P.	1230 kc 250 w night, 250 w day unlimited.
9934 BP-7931	New	Hawthorn Broadcasting Co., St. Louis, Mo.	C. P.	1230 kc 250 w night, 250 w day unlimited.

ARGUMENT No. 3

Docket No.: 9945 BP-6473	KURV	James Cullen Looney, Edinburg, Tex.	C. P. to increase power, etc.	710 kc 1 kw DA night, 1 kw day unlimited.

Dated: December 18, 1952.

FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[SEAL]

[F. R. Doc. 52-13741; Filed, Dec. 30, 1952; 8:57 a. m.]

[Change List No. 153]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

NOVEMBER 26, 1952.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power kw	Schedule	Class	Probable date to commence operation
		610 kilocycles			
XEBX	Salinas, Coahuila	0.5N/5D (change in power)	U	III-B	Nov. 26, 1952
		1470 kc 1 kw night, 1 kw day DA 2 unlimited.			
XEWT	Cuidad Juarez, Chih.	C. P. to change hours from daytime to unlimited.	U	III-B	Nov. 26, 1952
		1470 kc 1 kw night, 1 kw day DA 2 unlimited.			
XEOY	Mexicali, Baja California	C. P.	U	III-B	Nov. 26, 1952
		1470 kc 1 kw night, 1 kw day DA unlimited.			
XEJC	Culiacan, Sinaloa	C. P.	U	III-B	Nov. 26, 1952
		1470 kc 1 kw night, 1 kw day DA unlimited.			
XEMO	Monterrey, N. L.	C. P.	U	III-B	Nov. 26, 1952
		1470 kc 1 kw night, 1 kw day DA-2 unlimited.			
XEOR	Oaxaca, Oax.	C. P.	U	III-B	Nov. 26, 1952
		1470 kc 1 kw night, 1 kw day DA-2 unlimited.			

ARGUMENT No. 3

Docket No.: 8801 B4-P-5071	WTOD	Unity Corp., Inc., Toledo, Ohio.	C. P. to change hours from daytime to unlimited.	1470 kc 1 kw night, 1 kw day DA 2 unlimited.
8885 BP-6121	New	The Midwestern Broadcasting Co., Toledo, Ohio.	C. P.	1470 kc 1 kw night, 1 kw day DA unlimited.
8890 BP-6534	New	The Toledo Blade Co., Toledo, Ohio.	C. P.	1470 kc 1 kw night, 1 kw day DA unlimited.
9222 BP-7057	New	Radio Corp. of Toledo, Toledo	C. P.	1470 kc 1 kw night, 1 kw day DA-2 unlimited.
9130 BP-6758	New	The Rural Broadcasting Co. of Ohio, Oak Harbor, Ohio.	C. P.	1470 kc 1 kw night, 1 kw day DA-2 unlimited.

ARGUMENT No. 4

Docket No.: 9735 BP-7063	New	Byrne Ross, Lila G. Ross, Robert E. Harrison and Dorothy V. Harrison, d/b as Lawton-Ft. Sill Broadcasting Co., Lawton, Okla.	C. P.	1250 kc 500 w night, 1 kw day DA unlimited.
9756 BP-7737		J. D. Allen trus Caddo Broadcasting Co., Anadarko, Okla.	C. P.	1250 kc 500 w day, daytime.

Dated: December 12, 1952.

FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[SEAL]

[F. R. Doc. 52-13742; Filed, Dec. 30, 1952; 8:57 a. m.]

[Docket Nos. 8836, 10069]

LYMAN BROWN ENTERPRISES AND HARBENITO BROADCASTING CO.

NOTICE OF ORAL ARGUMENT; CORRECTED

Beginning at 10:00 o'clock a. m. on Monday, February 16, 1953, the Commission will hear oral argument in room 6121, on the following matters in the order indicated:

ARGUMENT No. 1

Docket No.: 10069 BP-6149	New	Lyman C. Brown trus Lyman Brown Enterprises, Brownwood, Tex.	C. P.	1,240 kc 100 w night, 100 w day unlimited.

ARGUMENT No. 2

Docket No.: 8836 BP-6350	KGUB	Harbenito Broadcasting Co., Harlingen, Tex.	C. P. to change frequency, increase power, etc.	570 kc 5 kw night, 5 kw day DA unlimited.

Dated: December 12, 1952.

FEDERAL COMMUNICATIONS COMMISSION, T. J. SLOWIE, *Secretary.*

[SEAL]

[F. R. Doc. 52-13743; Filed, Dec. 30, 1952; 8:58 a. m.]

MEXICO—Continued

Call letters	Location	Power kw	Schedule	Class	Probable date to commence operation
		780 kilocycles			
XETJ	Torreon, Coahuila (new)	1	D	II	June 1, 1953
		770 kilocycles			
XELM	Lagos de Moreno, Jalisco (new)	0.15	D	IV	Do.
		790 kilocycles			
XEPM	Gomez Palacio, Durango	0.25N/1D (change in power)	U	III-B	Dec. 31, 1952
		920 kilocycles			
XEHM	Chihuahua, Chihuahua (new)	0.25	D	IV	June 1, 1953
		970 kilocycles			
XEJ	Ciudad Juarez, Chihuahua	5 N/10D (change in daytime power).	U	III-A	Dec. 31, 195
		1240 kilocycles			
XES	Tampico, Tamaulipas (change in call letters from XECA).	0.25N/1D	U	IV	Nov. 26, 1952
		1260 kilocycles			
XEHO	Ciudad Obregon, Sonora (New)	0.25N/1D	U	IV	June 1, 1953
		1270 kilocycles			
XEKX	Leon, Guanajuato (New)	0.15N/0.7D	U	IV	Do.
		1430 kilocycles			
XEOX	Ciudad Obregon, Sonora	0.5N/5D (increase in power)	U	III-B	Dec. 31, 1952
		1440 kilocycles			
XEFI	Chihuahua, Chihuahua	1N/5D (increase in daytime power).	U	III-A	Do.
		1450 kilocycles			
XECA	Tampico, Tamaulipas (New)	0.25N/1D	U	IV	June 1, 1953
		1490 kilocycles			
XEGU	Huauchinango, Puebla	0.25	D	IV[1]	Nov. 26, 1952

[1] Change in classification.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-13745; Filed, Dec. 30, 1952; 8:58 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

NOTICE OF ESTABLISHMENT OF CONTRACT/NON-CONTRACT RATES

Notice is hereby given that on December 24, 1952, the Japan-Atlantic and Gulf Freight Conference filed with the Federal Maritime Board pursuant to § 236.3 of General Order 76 (17 F. R. 10560) a statement containing a proposal to establish contract/non-contract rates 30 days after the date of such filing on all cargoes transported by the conference lines in the trade from Japan, Korea, and Okinawa to U. S. Atlantic and Gulf ports and information that the spread or differential of 9½ percent between such contract/non-contract rates is reasonable and in accord with custom, practice and law.

Interested parties may inspect the information contained in such statement, and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the information filed and any objections or other comment thereon, together with request for hearing should such hearing be desired.

Dated: December 24, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-13738; Filed, Dec. 30, 1952; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-266]

ACCIDENT OCCURRING AT RICHMOND, INDIANA

NOTICE OF HEARING

In the matter of investigation of collision accident involving aircraft of United States Registry N 21716 and N 3131B, at Richmond, Indiana, December 15, 1952.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, January 7, 1953, at 9:00 a. m., c. s. t., in the Leland Hotel, Richmond, Indiana.

Dated at Washington, D. C., December 23, 1952.

[SEAL] VAN R. O'BRIEN,
Presiding Officer.

[F. R. Doc. 52-13683; Filed, Dec. 30, 1952; 8:46 a. m.]

[Docket No. 5864]

LAURENTIAN AIR SERVICE LIMITED; IRREGULAR SERVICE BETWEEN CANADA AND UNITED STATES

NOTICE OF HEARING

In the matter of the application of Laurentian Air Service Limited under section 402 of the Civil Aeronautics Act of 1938, as amended, for authorization to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 5, 1953, at 10:00 a. m., e. s. t., in Room 5040, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 24, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-13690; Filed, Dec. 30, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2085]

NORTHERN NATURAL GAS CO.

ORDER GRANTING MOTION FOR OMISSION OF INTERMEDIATE DECISION PROCEDURE AND FIXING DATES FOR BRIEFS AND ORAL ARGUMENT

DECEMBER 22, 1952.

On November 24, 1952, at the conclusion of the hearing in the above-entitled proceeding, counsel for Northern Natural Gas Company (Northern) orally moved upon the record pursuant to § 1.30 (c) of the Commission's rules of practice and procedure (18 CFR 1.30 (c)) for the omission of the intermediate decision procedure and for oral argument before the Commission. This request for omission of the intermediate decision procedure was objected to by counsel for Iowa Power and Light Company, Minneapolis Gas Company, Minnesota Valley Natural Gas Company, and Northern States Power Company, interveners in the proceeding.

On December 17, 1952, telegrams were filed herein by the aforementioned interveners, Minnesota Valley advising that it withdrew its objection to the omission of the intermediate decision procedure, and the other three advising that, should opportunity for oral argument before the Commission be afforded, they concurred in the omission of the intermediate decision procedure. On December 18, 19, and 22, 1952, the other parties hereto advised that they were agreeable to the intermediate decision procedure being omitted.

The Presiding Examiner fixed the following dates for the filing of briefs in this proceeding: December 10, 1952, for the filing by Northern of its main brief, which has been done; December 23, 1952, for the filing of briefs by the other parties, interveners and Commission staff counsel; and January 5, 1953, for the filing by Northern of its reply brief. In connection with the requests for oral argument before the Commission, several of the parties to the proceeding have suggested that the oral argument be held on or about January 5, 1953, the date set for the filing of Northern's reply brief.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act, to grant the request made by Northern in its aforesaid motion on November 24, 1952, for omission of the intermediate decision procedure herein, to modify the time for filing of briefs, and to provide for oral argument, all as hereinafter ordered.

The Commission orders:

(A) The intermediate decision procedure be and the same is hereby omitted in this proceeding in accordance with the provisions of § 1.30 (c) and (d) (5) of the Commission's rules of practice and procedure (18 CFR 1.30 (c) and (d) (5)) as requested by Northern in its aforesaid motion of November 24, 1952.

(B) The Presiding Examiner herein shall forthwith certify and file with the Secretary of the Commision a copy of the record of the hearing herein.

(C) Oral argument be had before the Commission in this proceeding on January 7, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(D) Briefs, other than Northern's main brief (which was filed on December 10, 1952), be filed as follows: on or before December 29, 1952, for reply briefs to Northern's main brief; and, on or before January 5, 1953, for reply brief by Northern.

(E) Each party desiring to participate in the oral argument herein provided for shall notify the Secretary of the Commission, on or before January 5, 1953, of the amount of time desired for presentation of argument.

Date of issuance: December 23, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-13719; Filed, Dec. 30, 1952; 8:52 a. m.]

[Docket No. G-2105]

ROANOKE PIPE LINE CO.

ORDER SUSPENDING PROPOSED RATE SCHEDULES

DECEMBER 22, 1952.

On December 4, 1952, Roanoke Pipe Line Company (Roanoke Pipe), a Virginia corporation having its principal place of business at Roanoke, Virginia, filed Fourth Revised Sheet No. 4, First Revised Sheet No. 5, and Original Sheet No. 5A to its FPC Gas Tariff, Original Volume No. 1, which, unless suspended, will become effective January 4, 1953.

Roanoke Pipe owns and operates a natural-gas transmission system whereby it transports natural gas purchased from Virginia Gas Transmission Corporation for resale to the Roanoke Gas Company, its sole customer, which distributes such natural gas in Roanoke, Virginia. Roanoke Pipe and its customer have common offices and identical boards of directors and officers.

By said Fourth Revised Sheet No. 4, First Revised Sheet No. 5, and Original Sheet No. 5A, Roanoke Pipe proposes to increase the rates and charges paid by Roanoke Gas Company $97,407 annually.

It does not appear from an office review of the data submitted by Roanoke Pipe that the proposed increase in rates and charges has been supported as required by section 4 (e) of the Natural Gas Act, and such increase in rates and charges may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful, and may place an undue burden upon ultimate consumers of natural gas. Among other things, it appears that Roanoke Pipe has improperly allocated joint administrative general expenses between Roanoke Pipe and Roanoke Gas Company.

The Commission finds: It is necessary or appropriate to carry out the provisions of the Natural Gas Act and to aid in the enforcement thereof in the public interest, that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such Act concerning the lawfulness of Roanoke Pipe's FPC Gas Tariff, Original Volume No. 1, as amended by Fourth Revised Sheet No. 4, First Revised Sheet No. 5 and Original Sheet No. 5A and that said Fourth Revised Sheet No. 4, First Revised Sheet No. 5, and Original Sheet No. 5A to its FPC Gas Tariff, Original Volume No. 1, be suspended and the use thereof deferred as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held at a time and place and at a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classifications or services subject to the jurisdiction of the Commission, as set forth in Roanoke Pipe's FPC Gas Tariff, Original Volume No. 1 as amended by Fourth Revised Sheet No. 4, First Revised Sheet No. 5 and Original Sheet No. 5A.

(B) Pending such hearing and decision thereon, Roanoke Pipe's Fourth Revised Sheet No. 4, First Revised Sheet No. 5 and Original Sheet No. 5A to its FPC Tariff, Original Volume No. 1, be and the same is hereby suspended and its use deferred until June 4, 1953, and until such further time as such tariff and revised sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: December 23, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-13720; Filed, Dec. 30, 1952; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1158]

CARPEL CORP.

NOTICE OF APPLICATION TO WITHDRAW FROM REGISTRATION AND LISTING, AND OF OPPORTUNITY FOR HEARING

DECEMBER 23, 1952.

The Carpel Corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Capital Stock, No Par Value, from registration and listing on the Washington Stock Exchange.

Among the reasons stated by the company in its application to withdraw this security from registration and listing are the following:

(1) There are only about 150 shareholders of the approximately 21,000 shares of the above security that are now outstanding.

(2) During the entire year 1950, there were three transactions in this security on the Washington Stock Exchange, involving approximately 300 shares altogether.

(3) During the entire year 1951, there were six transactions in this security on the Washington Stock Exchange, involving approximately 200 shares altogether.

(4) During the entire year 1952, there have been up until the present date five transactions in this security on the Washington Stock Exchange, involving approximately 400 shares altogether.

(5) It is the belief of the management of the company that due to the negligible amount of trading in this security, the price quotations are not truly reflective of the value of the security.

Upon receipt of a request, prior to January 16, 1953, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-13727; Filed, Dec. 30, 1952; 8:54 a. m.]

[File No. 54-177, 59-91]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER APPROVING PLAN AND RESERVING JURISDICTION

DECEMBER 15, 1952.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Crystal City Gas Company, Penn-Western Service Corporation, applicants, file No. 54-177; Pennsylvania Gas & Electric Corporation and its subsidiary companies, respondents, file No. 59-91.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, having filed a plan pursuant to section 11 (e) of the act, providing for its liquidation and dissolution and certain related transactions including the distribution to its stockholders of its direct and indirect holdings of the common stocks of North Penn Gas Company ("North Penn") and Crystal City Gas Company ("Crystal City"); North Penn and Crystal City having proposed various transactions for the purpose of making possible the consummation of the aforesaid plan; Penn-Western Service Corporation ("Penn-Western"), an approved mutual service company in the Penn Corp holding company system, having proposed to continue its operations for a limited period of time as a subsidiary service company of North Penn;

Public hearings having been held after appropriate notice at which hearings all interested persons were afforded an opportunity to be heard;

Penn Corp having requested the Commission to enter an order finding that the plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

Applicants herein having requested that the Commission's order approving the plan contain recitals in accordance with the requirements of the Internal Revenue Code, as amended, including Supplement R and section 1808 (f) thereof;

Penn Corp having further requested the Commission, pursuant to section 11 (e) of the act, to apply to an appropriate court, in accordance with the provisions of section 18 (f) of the act to enforce and carry out the terms and provisions of the plan;

The Commission having considered the entire record in this matter, having heretofore filed its findings and opinion herein on June 5, 1952, and having this day issued its supplemental findings and opinion herein, on the basis of said findings and opinion dated June 5, 1952, and said supplemental findings and opinion issued this day, and pursuant to the applicable provisions of the act and the rules and regulations thereunder:

It is ordered, Pursuant to section 11 (e) and the other applicable sections of the act, that the plan be, and it hereby is, approved subject to the terms and conditions contained in Rule U-24 of the general rules and regulations promulgated under the act and to the following additional terms and conditions:

(1) The order entered herein shall not be operative to authorize the consummation of the transactions proposed in the plan until a court of competent jurisdiction shall, upon application thereto, enter an order enforcing said plan.

(2) That Penn Corp or North Penn shall pay only such fees and expenses in connection with proceedings pursuant to section 11 of the act involving Penn Corp and companies now or formerly in its holding company system as the Commission may approve, allocate or award on appropriate application made to it, and jurisdiction hereby is specifically reserved to determine the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the plan, the transactions incident thereto, and the proceedings thereon and related thereto.

(3) All interlocking relationships between the managements of North Penn and Crystal City shall be terminated.

(4) Jurisdiction be, and it hereby is, specifically reserved with respect to the following matters:

(a) The selection and composition of the board of directors of Crystal City;

(b) The supervision of efforts to locate holders of securities to be exchanged under the provisions of the plan;

(c) The appropriateness of the accounting entries to be made by Penn Corp and its subsidiaries in recording the transactions incident to the consummation of the plan;

(d) The selection of the exchange agent provided for in the plan, Penn Corp not to appoint an exchange agent until it has notified the Commission of the agent proposed to be employed and the manner by which such proposed agent was selected and the Commission has entered a further order herein releasing jurisdiction with respect to the agent proposed to be employed;

(e) The nature of all notices to security holders of Penn Corp issued in connection with carrying out the provisions of the plan and the methods to be employed by Penn Corp in effecting the exchanges of securities and the purchasing or selling of scrip certificates for stock of Crystal City as proposed in the plan;

(f) The entertaining of such further proceedings, entering of such further orders and the taking of such other action as may be necessary or appropriate in connection with the plan, the transactions incident thereto, and the consummation thereof.

It is further ordered, That Penn-Western be, and hereby is, permitted to continue as a subsidiary service company of North Penn for a period of six months: *Provided*, That such period may be extended by the Commission upon a proper showing of due diligence.

It is further ordered and recited, That the following transactions are necessary or appropriate to the simplification of the holding company system of which Penn Corp, North Penn, Crystal City and Penn-Western are members and necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U. S. C., Title 15, sec. 79k (b)) within the meaning of Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, and are hereby authorized, permitted and approved:

1. The transfer by Penn Corp to its Exchange Agent of 450,000 shares of the $5 par value capital stock of North Penn.

2. The transfer by Penn Corp to its Exchange Agent of cash equivalent to $7.00 per annum from December 31, 1950, to the date of consummation of the plan for each share of Penn Corp's outstanding preferred stocks.

3. The issuance by Crystal City to North Penn of 43,047 shares of its $10 par value Common Stock in exchange for 2,639 shares of $100 par value Common Stock of Crystal City, which constitutes all of the issued and outstanding Common Stock of Crystal City, the surrender by North Penn to Crystal City of said 2,639 shares of $100 par value Common Stock of Crystal City, and the cancellation by Crystal City of said 2,639 shares of $100 par value Common Stock of Crystal City.

4. The transfer by North Penn to Penn Corp of 43,047 shares of $10 par value Common Stock of Crystal City.

5. The transfer by Penn Corp to its Exchange Agent of 43,047 shares of the $10 par value Common Stock of Crystal City.

6. The transfer, exchange and delivery by Penn Corp's Exchange Agent to holders of its $7 Cumulative Preferred Stock without par value or its 7 percent $100 par value Cumulative Preferred Stock of (a) 15 shares of the $5 par value capital stock of North Penn for each share of said preferred stock, (b) 1 share of the $10 par value Common Stock of Crystal City for every 2 shares of said Preferred Stock and (c) a cash distribution in liquidation equivalent to $7 per annum from December 31, 1950, to the date of consummation of the plan for each share of said preferred stock.

7. The transfer, exchange and delivery by Penn Corp's Exchange Agent to holders of Penn Corp's Class A Common Stock without par value of 1 share of the $10 par value Common Stock of Crystal City for every 5 shares of said Class A Common Stock.

8. The transfer, exchange and delivery by Penn Corp's Exchange Agent to holders of Penn Corp's Class B Common Stock without par value of 1 share of the $10 par value Common Stock of Crystal City for every 40 shares of said Class B Common Stock.

9. The issuance by Penn Corp, its Exchange Agent, or Crystal City, and the exchange and delivery by Penn Corp's Exchange Agent of scrip certificates representing interests in less than one full share of the $10 par value Common Stock of Crystal City to holders of Penn Corp's stocks not entitled to a full share of the said $10 par value Common Stock of Crystal City, on the basis of 20/40 for each share of preferred stock, 8/40 for each share of Class A Common Stock and 1/40 for each share of Class B Common Stock.

10. The surrender by holders of Penn Corp's stocks of certificates to Penn Corp or its Exchange Agent for shares of Penn Corp's preferred stock, Class A Common Stock, or Class B Common Stock, and the cancellation by Penn Corp or its Exchange Agent of such stock certificates.

11. The surrender of scrip certificates evidencing the right to receive a full share or more of the $10 par value Common Stock of Crystal City, the receipt by the Exchange Agent of such scrip certificates, and the issuance or transfer in lieu thereof of full shares of the $10 par value Common Stock of Crystal City and a scrip certificate representing the remaining fractional share of the $10 par value Common Stock of Crystal City.

12. The cancellation by Penn Corp of 379 shares of its Class B Common Stock without par value held in its treasury.

13. The donation by Penn Corp to Penn-Western of 120 shares of Common Stock of Penn-Western having a par value of $4.08 per share.

14. The distribution in liquidation by Penn-Western to North Penn of all assets, subject to all liabilities, of Penn-Western.

15. The sale by the Exchange Agent of the shares of North Penn and Crystal City stock remaining in its hands and unclaimed by Penn Corp stockholders at the expiration of five years from the date of consummation of the plan.

16. The transfer and delivery by the Exchange Agent to North Penn of the proceeds from the sale of stocks distributable to holders of Penn Corp preferred stock, any dividends paid thereon, and all cash held by the Exchange Agent pursuant to paragraph 1 (a) of the plan, such transfer and delivery constituting a capital contribution to North Penn except that holders of Penn Corp preferred stock for five years after said transfer and delivery may secure from North Penn their share of the cash proceeds described in paragraph 8 of the plan.

17. The transfer and delivery by the Exchange Agent to Crystal City of the proceeds from the sale of stocks distributable to holders of Penn Corp Class A and Class B Common Stock and any dividends paid thereon, such transfer and delivery constituting a capital contribution to Crystal City, except that holders of Penn Corp Class A and Class B Common Stock for five years after said transfer and delivery may secure from Crystal City their share of the cash proceeds described in paragraph 8 of the plan.

18. The transfer by Penn Corp to North Penn of all its remaining assets and the assumption by North Penn of such liabilities of Penn Corp as it may assume.

It is hereby further ordered and recited, That this Commission reserves jurisdiction to amend, supplement, or modify, upon the petition or application of Penn Corp or North Penn, the recitals, itemizations, and specifications required by Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, contained in this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13686; Filed, Dec. 30, 1952; 8:47 a. m.]

[File No. 54-188]

EASTERN UTILITIES ASSOCIATES

ORDER APPROVING PLAN

DECEMBER 18, 1952.

Eastern Utilities Associates ("EUA"), a registered holding company, having filed an application, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), for approval of Amended Reorganization Plan No. 4 and amendments thereto ("plan") for it and its direct public-utility subsidiary companies, Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River"), and its indirect public-utility subsidiary company, Montaup Electric Company ("Montaup");

Said plan providing for the issuance by EUA of 989,407.0628 new common shares of $10 par value per share, of which 685,700¾ shares or 69.3 percent will be allocated to the holders of its presently outstanding common shares and 303,706.3128 shares or 30.7 percent to the holders of its presently outstanding convertible shares, resulting in a per-share allocation ratio as between each common and each convertible share of 2.6 to 1, respectively; and for the issuance and sale to the public of $7,000,000 principal amount of 25-year collateral trust bonds;

Public hearings having been duly held after appropriate notice with respect to said plan at which hearings all interested persons were afforded an opportunity to be heard;

EUA having requested that the Commission's order approving said plan contain recitals in accordance with the requirements of the Internal Revenue Code, as amended, including supplement R and section 1808 (f) thereof;

EUA having further requested the Commission, pursuant to section 11 (e) of the act, to apply to a United States District Court to enforce and carry out the terms and provisions of said plan; and

The Commission having considered the entire record in this matter and having this day filed its findings and opinion herein finding that said plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby:

It is ordered, On the basis of the entire record herein and said findings and opinion, pursuant to section 11 (e) and other applicable provisions of the act, that said plan be, and the same hereby is, approved, subject to the terms and conditions contained in Rule U-24 promulgated under the act and to the following additional terms and conditions:

1. That this order shall not be operative to authorize the consummation of the transactions proposed in said plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said plan;

2. That only such fees and expenses in connection with said plan and the proceedings incident thereto shall be paid as the Commission may approve on appropriate application made to it, but no more, and jurisdiction hereby is specifically reserved to determine the reasonableness, appropriate allocation, and payment by EUA and its subsidiaries, of all fees and expenses and all other remuneration incurred or to be incurred in connection with said plan, the transactions incident thereto, and the proceedings thereon and related thereto, including, but without limiting the generality of the foregoing, fees and expenses charged to EUA and its subsidiary companies pursuant to any servicing arrangements with Stone & Webster Service Corporation which are allocable to this proceeding;

3. That, prior to the effective date of the plan, EUA and its subsidiaries shall file an undertaking with the Commission, in a form satisfactory to the Commission, to the effect that on such effective date neither EUA nor any of its subsidiary companies shall have as a trustee, director, officer or regular employee any person who is also a director, officer or employee of any service company outside the EUA holding company system which renders service to any company in such system or of any company affiliated with such service company and that no such interlocking relationship shall thereafter exist so long as such servicing arrangements shall continue with such service company;

4. That neither EUA nor its subsidiaries shall enter into a service contract with any service company outside its holding company system unless it or they shall have obtained a written commitment from such service company that such service company will file with the Commission quarterly reports showing the extent and nature of the services which such service company has rendered to EUA or its subsidiaries; the amount of charges made for fixed fee services and for specific work order services, together with copies of all contracts for services entered into during the quarterly period and of sample work orders; and such other information as the Commission may from time to time request;

5. That jurisdiction be, and it hereby is, specifically reserved with respect to the following:

a. All aspects of the procedure with respect to the selection of the initial board of trustees of EUA and the composition thereof;

b. The entry by the Commission of such further order or orders as it may deem necessary or appropriate in accordance with the provisions of the act and the rules and regulations promulgated thereunder regarding service contracts of EUA and its subsidiaries, including orders requiring their termination or modification;

c. The method to be employed in locating shareholders who have not exercised their rights to distribution under the plan, including the selection of any agent employed for such purpose;

d. The selection of the distribution or exchange agent or agents provided for in

the plan, EUA not to appoint a distribution or exchange agent until it has notified the Commission of the agent or agents proposed to be employed and the manner by which such proposed agent or agents were selected and the Commission has entered a further order herein releasing jurisdiction with respect to the agent or agents proposed to be employed;

e. The terms, conditions and procedures under which the exchange agent or agents may buy or sell any shares for the purpose of carrying out the terms and provisions of the plan;

f. The appropriateness of the accounting entries to be made in recording the transactions under the plan and incident to the consummation thereof;

g. The terms and conditions of the issuance of the $7,000,000 principal amount of 25-year collateral trust bonds proposed to be issued and sold to the public by EUA, which bonds will be the subject of a supplemental application herein;

h. The entertaining of such further proceedings, entering of such further orders and the taking of such further action as may be deemed to be necessary or appropriate in connection with the plan, the transactions incident thereto, and the consummation thereof and as may be deemed to be necessary or appropriate to effectuate the requirements of section 11 (b) of the act.

It is further ordered and recited, That the transactions, as specified and itemized below, proposed in said plan, are necessary or appropriate to the simplification of the holding-company system of which EUA and its subsidiary companies are members, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

1. The issuance by EUA, in order to effect the exchanges provided in paragraphs 2 and 3 below, of 989,407.0628 new common shares of the par value of ten dollars ($10) per share.

2. The exchange share for share by holders of the present 685,700.75, no par value common shares of EUA of their existing share certificates for new share certificates representing 685,700.75 common shares of ten dollars ($10) par value per share, including all the transfers to or by transfer or distributing agents or others, incidental thereto.

3. The exchange by the holders of convertible shares of EUA of their existing share certificates (representing in the aggregate 789,668 no par value shares) for certificates (representing in the aggregate 303,706.3128 shares) for common shares of ten dollars ($10) par value per share, such exchange to be in the ratio of 0.3846 of a new common share for each convertible share; together with any payment in lieu of dividends and scrip for any fraction of any common share to which the holder may be entitled on such exchange, including all the transfers to or by transfer or distributing agents or others, incidental thereto.

4. The issuance and sale by EUA of $7,000,000 face amount of its Collateral Trust Bonds, -- percent Series due 1978.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13687; Filed, Dec. 30, 1952; 8:47 a. m.]

[File No. 70-2929]

ELECTRIC BOND AND SHARE CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO LEGAL FEE

DECEMBER 23, 1952.

The Commission having heretofore granted the application and permitted the declaration to become effective of Electric Bond and Share Company concerning the sale through a rights offering to its stockholders of 525,036 shares of common stock of its gas utility subsidiary, United Gas Corporation; the Commission having reserved jurisdiction over fees and expenses incurred in connection with said transactions; the record having been completed with respect to the fee of $5,000 proposed to be paid to the law firm of Reid & Priest and with respect to certain expenses in the amount of $3,100.09 paid by Reid & Priest on behalf of Bond and Share, and the Commission finding that said fee and expenses are not unreasonable:

It is ordered, That jurisdiction heretofore reserved with respect to the fees and expenses incurred in connection with these transactions be, and the same hereby is, released insofar as it relates to the fee and expenses of Reid & Priest.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13725; Filed, Dec. 30, 1952; 8:53 a. m.]

[File No. 70-2968, 70-2966, 70-2965, 70-2964]

MONTAUP ELECTRIC CO. ET AL.

ORDER AUTHORIZING ISSUANCE, SALE AND ACQUISITION OF DEBENTURE BONDS; ISSUANCE AND SALE OF UNSECURED NOTES TO BANKS

DECEMBER 23, 1952.

In the matter of Montaup Electric Company, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company, File No. 70-2968; Blackstone Valley Gas and Electric Company, File No. 70-2966; Brockton Edison Company, File No. 70-2965; Fall River Electric Light Company, File No. 70-2964.

Montaup Electric Company ("Montaup"), Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River"), all public-utility subsidiary companies of Eastern Utilities Associates, a registered holding company, having filed with this Commission applications-declarations, pursuant to sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, U-45 and U-50 promulgated thereunder, with respect to the following proposed transactions:

Montaup presently has outstanding with a bank $11,000,000 principal amount of 3 percent promissory notes, due December 30, 1952. Such notes were issued principally to provide Montaup with funds necessary for an additional 60,000 kw generator in its steam plant, which was placed in service on October 1, 1951. Montaup proposes to issue and sell $11,000,000 principal amount of 30-year, 3⅜ percent Debenture Bonds to Blackstone ($4,573,000), Brockton ($2,689,000), and Fall River ($3,738,000) and to use the proceeds therefrom to pay off its presently outstanding promissory notes. Said Debenture Bonds are to be redeemable, in whole at any time or pro rata in part from time to time, at the principal amount and accrued interest to the date of redemption.

Blackstone, Brockton and Fall River expect to have outstanding during December, 1952, under a prior loan agreement, unsecured short-term 3 percent promissory notes in the aggregate face amount of $600,000, $1,100,000 and $900,000, respectively. Blackstone, Brockton and Fall River propose to issue to the First National Bank of Boston and certain participating banks on or before December 29, 1953, unsecured promissory notes in the aggregate principal amounts of $6,000,000, $4,450,000 and $5,200,000, respectively. Said notes will be issued by said companies in order to pay off such note indebtedness as may be outstanding during December, 1952, under said prior loan agreement, to purchase their proportionate shares of the Debenture Bonds proposed to be issued by Montaup and to provide sufficient funds for their 1953 construction programs. With respect to each company said notes will mature not later than one year less one day after the date of issue of the first of the notes and in no event later than December 29, 1953, and will be prepayable at any time without premium. Each note will bear interest at the prime rate of interest for short-term unsecured loans existing at the time of issuance thereof except that the interest rate on each note outstanding on June 30, 1953, will be adjusted to the prime interest rate existing on that date and each such note will bear such adjusted prime interest rate from that date to maturity or prior payment thereof. It is stated that the prime interest rate for such notes at the present time is 3 percent per annum. It is further stated that in the event that the interest rate of any proposed note would be in excess of 3¼ percent per annum, prior to the issuance thereof, the applicable borrowing company or companies will file an amendment to this proceeding setting forth the then existing proposed interest rate. It is requested that any such amendment become effective five days after the filing thereof unless the Commission notifies the company or companies filing such amendment to the contrary.

The filings indicate that the promissory notes proposed to be issued by Blackstone, Brockton, and Fall River will be refinanced through the issuance of bonds by said companies.

The Department of Public Utilities of Massachusetts has approved the issuance of said Debenture Bonds by Montaup and the acquisition of their proportionate share thereof by Brockton and Fall River. The filings state that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The filings further state that the fees and expenses to be incurred in connection with the sale and acquisition of the Debenture Bonds will not exceed $14,700, including $2,500 of legal fees and $12,100 for Federal documentary tax, and that the fees and expenses to be incurred in connection with the notes to be issued and sold by Blackstone, Brockton, and Fall River will not exceed $1,000, including $900 of legal fees, for each company. It is requested that the Commission's order herein become effective upon issuance.

Notice of the filing of the applications-declarations having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said applications-declarations be granted and permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said applications-declarations be, and hereby are, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13721; Filed, Dec. 30, 1952; 8:53 a. m.]

[File No. 70-2977]

ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING REGARDING APPLICATION TO ACQUIRE SHARES OF COMMON STOCK OF PORTLAND GAS & COKE COMPANY

DECEMBER 23, 1952.

Notice is hereby given that an application has been filed with this Commission by Electric Bond and Share Company ("Bond and Share"), a registered holding company. The application states that it seeks approval of the Commission under such sections of the act as the Commission may deem applicable to the proposed transaction, and apparently requests such approval under sections 9 (a) and 10 of the act. The proposed transactions are summarized as follows:

Bond and Share is the owner of 183,050 shares, or approximately 7.8 percent, of the capital stock of American Power & Light Company ("American"), also a registered holding company. American owns 54,763 shares of the common stock of Portland Gas & Coke Company ("Portland"), being 10 percent of the outstanding stock of Portland. American recently filed a plan with the Commission, dated September 29, 1952, under section 11 (e) of the act, relating to its dissolution, and proposing in connection therewith the distribution to its own stockholders of their respective pro-rata shares of American's holdings of Portland stock; proceedings with respect to that plan are presently pending before the Commission (File No. 54-207).

The application requests approval of the Commission for Bond and Share to acquire, pursuant to such plan of American, 4,255 shares of the common stock of Portland. Bond and Share proposes to dispose of such shares of common stock of Portland, in such manner as the Commission may permit, as soon as practicable, but in no event later than one year following the receipt thereof by Bond and Share (unless such time shall be extended by the Commission), in conformity with the intent of Bond and Share's Final Comprehensive Plan, as amended June 12, 1952 (File Nos. 54-127 and 59-12).

The application requests that the Commission issue its order as promptly as possible pursuant to the Commission's Rule U-23, and that the thirty-day waiting period be waived so that the Commission's order may be effective at the earliest practicable date.

Notice is further given that any interested person may, not later than January 8, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after January 8, 1953, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13724; Filed, Dec. 30, 1952; 8:53 a. m.]

[File No. 812-808]

INVESTORS DIVERSIFIED SERVICES, INC.

NOTICE OF APPLICATION

DECEMBER 23, 1952.

Notice is hereby given that Investors Diversified Services, Inc., a registered face amount certificate company, has filed an application pursuant to Rule N-17D-1 of the general rules and regulations under the Investment Company Act of 1940 for an order of the Commission permitting it to effect an incentive pay plan for the benefit of its district managers, sales representatives and divisional office secretaries who are engaged directly and indirectly in selling face amount certificates and other securities for which the applicant is the underwriter, under which proposed payments are to be made on or about October 1, 1953, based on business done during the year 1952. The plan is of similar purport, terms and conditions as a like plan for the year 1951.

The applicant is registered with this Commission as a broker under the provisions of the Securities Exchange Act of 1934. It is the underwriter and distributor of securities issued by Investors Syndicate of America, Inc., a registered face amount certificate company and a wholly-owned subsidiary company and of securities issued by Investors Mutual, Inc., Investors Stock Fund, Inc., and Investors Selective Fund, Inc., registered management investment companies which were organized and promoted by the applicant and which are affiliated with said applicant.

All interested persons are referred to said application which is on file at the Washington, D. C., office of the Commission for a more detailed statement of the matters of fact and the law therein asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after the 16th day of January 1952, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than the 14th day of January 1952, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13726; Filed, Dec. 30, 1952; 8:54 a. m.]

[File No. 812-810]

VALUE LINE FUND, INC., ET AL.

NOTICE OF APPLICATION

DECEMBER 22, 1952.

In the matter of the Value Line Fund, Inc., the Value Line Income Fund, Inc., and Value Line Fund Distributors, Inc.; File No. 812-810.

Notice is hereby given that the Value Line Fund, Inc. (herein called "Value Line") and the Value Line Income Fund, Inc. (herein called "Value Line-Income"), open-end diversified management investment companies registered under the Investment Company Act of 1940 and Value Line Fund Distributors, Inc. (herein called "Distributors"), the principal underwriter for Value Line and Value Line-Income, have filed an application pursuant to section 6 (c) of the act for an order exempting from the provisions of section 22 (d) of the act the offering of the shares of the companies at reduced public offering prices based on quantity purchases of shares of the companies under the circumstances hereinafter described.

It appears from the application that both of the above-named investment companies are Delaware corporations with virtually the same charter and by-laws; that the officers and directors, the principal underwriter, the manager and investment adviser and the custodian for each company are the same; that both companies have a single class of stock which is redeemable and that their sales charges are the same. However, the investment objectives of the two companies differ. Value Line's primary objective is capital appreciation whereas the primary objective of Value Line-Income is income yield.

The offering price of the shares of each of the above named investment companies is equal to the net asset value per share plus a percentage selling commission. Quantity discounts, resulting in decreased selling commissions, are presently available with respect to individual purchases of $25,000 or more of the shares of each of the companies. In each case, the selling commission is reduced to 7 percent on purchases of $25,000 or more, 4 percent on purchases of $50,000 or more and 2.25 percent on purchases of $100,000 or more.

It is now proposed to extend these quantity discounts to purchases of shares of both companies so that a quantity discount will be available for purchases of shares of both companies by (1) a single purchaser, (2) the same person acting as trustee or other fiduciary for one or more accounts, (3) one or more members of an immediate family (such immediate family to include, in the case of any person, only the spouse and the children of such person) and (4) to the total purchases over a period of twelve months by a person or persons in any of the three foregoing categories pursuant to a written statement of intention to purchase an aggregate amount in either or both companies which if purchased at one time would qualify for the particular quantity discount provided that the shares purchased during such period are still owned at the end of the period.

The application states that the proposed extension of quantity discounts would permit investors who wish to purchase shares in both companies on account of the difference in investment objectives to do so without sacrificing the discount for which they might have qualified if they had made their entire investment in shares of only one of the companies.

The proposed transactions would involve an offering of redeemable securities otherwise than "at a current public offering price described in the prospectus" within the meaning of section 22 (d) of the act, and such offering not being within any of the exceptions set forth in said section 22 (d) would be thereby prohibited unless an exemption therefrom is granted pursuant to section 6 (c) of the act.

All interested persons are referred to said application which is on file in the Washington, D. C., office of the Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after January 13, 1953, unless a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than January 9, 1953 at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13723; Filed, Dec. 30, 1952; 8:53 a. m.]

[File No. 812-811]

VALUE LINE FUND, INC., ET AL.

NOTICE OF APPLICATION

DECEMBER 22, 1952.

In the matter of the Value Line Fund, Inc., the Value Line Income Fund, Inc., and Value Line Fund Distributors, Inc.; File No. 812-811.

Notice is hereby given that the Value Line Fund, Inc. (herein called "Value Line") and the Value Line Income Fund, Inc. (herein called "Value Line-Income"), open-end diversified management investment companies registered under the Investment Company Act of 1940 and Value Line Fund Distributors, Inc. (herein called "Distributors"), the principal underwriter for Value Line and Value Line-Income, have filed an application pursuant to section 6 (c) of the act for an order exempting from the provisions of section 11 (a) certain proposed transactions by which the holders of shares of $1 par value stock of Value Line and Value Line-Income shall be offered the right to convert all or part of such shares into shares of $1 par value stock of the other of such investment companies at such price below the public offering price but in excess of the net asset value of the shares of such other investment company. The proposed transactions involve the making by Value Line and Value Line-Income and the Distributors, their principal underwriters of offers to the holders of capital stock of each of such investment companies to exchange their shares of stock for shares of stock of the other investment company on a basis other than the relative net asset values of the respective securities to be exchanged and would be prohibited by section 11 (a) of the act, unless the terms of the offers have been approved by the Commission or are in accordance with such rules or regulations as the Commission may have prescribed in respect of such offers, or unless an exemption therefrom is granted pursuant to section 6 (c) of the act. The proposed transactions would also involve an offering of redeemable securities by Value Line and Value Line-Income otherwise than "at a current public offering price described in the prospectus" within the meaning of section 22 (d) of the act, and such offering not being within any of the exceptions set forth in said section 22 (d) would be thereby prohibited unless an exemption therefrom is granted pursuant to section 6 (c) of the act.

It appears from the application that both the above-named investment companies are Delaware corporations with virtually the same charters and by-laws; that the officers and directors, the principal underwriter, the manager and investment adviser and the custodian for each company are the same; that both companies have a single class of stock which is redeemable and that their sales charges are the same. However, the investment objectives of the two companies differ. Value Line's primary objective is capital appreciation whereas the primary objective of Value Line-Income is high income yield.

It further appears that as of October 31, 1952, Value Line, the shares of which were first offered to the public in March, 1950, had net assets of $5.89 per share, while Value Line-Income, the shares of which were first offered to the public in September, 1952, had net assets of $5.01 per share. The sales load in the case of both of the above-named companies is approximately 9.3 percent of net asset value except on single purchases in excess of $25,000. It is the present intention of the applicants that upon shares issued in such conversions a sales load of approximately 3.4 percent of net asset value will be charged and that the dealers discount on shares issued on such conversions would be in each case equal to the full sales load less one-quarter of 1 percent of the offering price which would be received by Distributors. Changes may be made from time to time in the sales load or in the dealer's discount or in both, but the reduced offering price would at all times exceed the net asset value of the shares issued on conversion.

The application states that the Distributors do not plan to engage in active solicitation of transfers of investments from either of the above-named investment companies or to advise such transfers and that it plans to do nothing more than to call to the attention of dealers the reduced schedule of selling commission applicable in the case of such transfers, leaving it to the dealers upon request by any shareholder, to give such shareholder the advice which he should have, based upon such shareholder's investment requirements in relation to the respective investment objectives of Value Line and Value Line-Income.

All interested persons are referred to said application which is on file in the Washington, D. C., office of the Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after January 13, 1953, unless a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than January 9, 1953, at 5:30 p. m., e. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-13722; Filed, Dec. 30, 1952; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27654]

FERTILIZER COMPOUNDS BETWEEN POINTS IN THE SOUTHWEST AND MIDDLE WEST

APPLICATION FOR RELIEF

DECEMBER 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer compounds, carloads.

From: Specified points in Arkansas, Louisiana, Missouri, and Texas.

To: Points in Illinois, Iowa, Missouri, and Wisconsin, etc. (Illinois territory).

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3746, supl. 100.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13624; Filed, Dec. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27656]

WASHING AND CLEANING COMPOUNDS, ETC., FROM ST. LOUIS, MO., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

DECEMBER 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cleaning, scouring or washing compounds, and sodium hypochlorite solution, carloads.

From: St. Louis, Mo.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1062, supl. 74.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13626; Filed, Dec. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27657]

PAPER AND PAPER ARTICLES FROM CANADA TO HIGHLAND PARK, IOWA

APPLICATION FOR RELIEF

DECEMBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to schedules listed below.

Commodities involved: Paper and paper articles, carloads.

From: Pine Falls, Manitoba, Port Arthur, Fort William and West Fort William, Ontario, Canada.

To: Highland Park, Iowa.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers, market competition.

Schedules filed containing proposed rates: Canadian Pacific Railway Co., ICC No. W-992, supl. 56; C. J. Hennings, Alternate Agent, ICC No. A-3432, supl. 167.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 52-13691; Filed, Dec. 30, 1952; 8:48 a. m.]

[4th Sec. Application 27658]

BITUMINOUS FINE COAL FROM ILLINOIS, INDIANA, AND KENTUCKY TO BLUE EARTH, MINN.

APPLICATION FOR RELIEF

DECEMBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to AT & SF and others listed in exhibit 1 of the application.

Commodities involved: Soft coal or bituminous fine coal, carloads.

From: Illinois, Indiana and western Kentucky.

To: Blue Earth, Minn.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, competition with gas.

Schedules filed containing proposed rates: Listed in exhibit 1 of the application.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13692; Filed, Dec. 30, 1952; 8:48 a. m.]

[4th Sec. Application 27659]

IRON AND STEEL ARTICLES FROM MINNEQUA, COLO., TO ALMEDA, TEX.

APPLICATION FOR RELIEF

DECEMBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below:

Commodities involved: Iron and steel articles, carloads.

From: Minnequa, Colo.

To: Almeda, Tex.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3443, supl. 173.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13693; Filed, Dec. 30, 1952; 8:48 a. m.]

[4th Sec. Application 27664]

NEWSPRINT AND WALL PAPER FROM CANADA TO IOWA, ILLINOIS, AND WISCONSIN

APPLICATION FOR RELIEF

DECEMBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. J. Hennings, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Newsprint paper and wall paper, blank, unfinished, carloads.

From: Pine Falls, Man., Port Arthur, Kenora, Fort William and West Fort William, Ont., Canada.

To: Dubuque, Iowa, Galena and Savannah, Ill., and Prairie du Chien, Wis.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, to maintain grouping.

Schedules filed containing proposed rates: Canadian Pacific Railway Co., ICC No. W-992, supl. 56; C. J. Hennings, Alt. Agent, ICC No. A-3432, supl. 167.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13694; Filed, Dec. 30, 1952; 8:49 a. m.]

[4th Sec. Application 27667]

PAPER FROM OFFICIAL, ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES TO SOUTHWESTERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. [illegible].

Commodities involved: Paper and paper articles, carloads.

From: Official, Illinois and western trunk-line territories.

To: Points in southwestern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52-13701; Filed, Dec. 30, 1952; 8:50 a. m.]